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United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 103d CONGRESS, SECOND SESSION

SENATE—*Monday, September 19, 1994*

(Legislative day of Monday, September 12, 1994)

The Senate met at 2 p.m., on the expiration of the recess, and was called to order by the Acting President pro tempore [Mr. DORGAN].

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

God is our refuge and strength, a very present help in trouble.—Psalm 46:1.

Almighty God, sovereign Lord of history and the nations, our hearts are filled with gratitude for the outcome in Haiti. Thank You for the successful and tedious efforts of President Carter, Senator NUNN, and General Powell. Thank You that the military force, poised for invasion, was able to withdraw. Thank You for those military personnel who now bear responsibility for the future of Haiti. Grant them wisdom and safety from on high as they pursue a complicated and dangerous task. Guide President Clinton in his great responsibility at a time like this.

Gracious God, we thank You for the press and media who have worked faithfully, often at great risk, in Haiti. Thank You for their willingness to put themselves at risk in order to keep us informed. May Thy blessing and peace rest upon those who take seriously their heavy responsibility. Grant, eternal God, that the people of Haiti may find security and peace through the difficult negotiations that are to follow.

We pray in the name of the King of Kings and the Lord of Lords. Amen.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 3 p.m., with Senators permitted to speak therein for not to exceed 10 minutes each.

The Senator from North Dakota [Mr. DORGAN] is recognized to speak up to 15 minutes.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Chair recognizes the majority leader, Senator MITCHELL.

SCHEDULE

Mr. MITCHELL. Mr. President, I say to Members of the Senate, as the Chair has just noted, there will be a period for morning business between now and 3 p.m. today. At 3 p.m., the Senate will return to executive session to resume consideration of the nomination of Henry J. Mauz, Jr., to be an admiral of the U.S. Navy, with amendments pending thereto.

This morning, I and other members of the bipartisan leadership, met at the White House with President Clinton, President Carter, General Powell, Senator NUNN, and others, to discuss the situation in Haiti. At this moment, Senators are being briefed on the situation in Haiti by Secretary of State Christopher, Secretary of Defense Perry, General Shalikashvili, General Powell, and Mr. Gray, the President's special representative on the situation in Haiti, and I expect that briefing to continue for some time. In the interest of Senators who wish to participate, the briefing is occurring in S-407 of the Capitol.

Mr. President, I hope to be meeting shortly with several interested Senators, including the distinguished Republican leader, before making a decision on how best to proceed with respect to the pending matter and the amendments thereto relating to Haiti, and we will have an announcement on that shortly.

Today and every day for the remainder of this session, the possibility of votes exist at any time, and Senators should be on notice to be present to come to the Senate floor within 20 minutes at any time. I will not make a decision on the schedule for the remainder of the day until I have the opportunity to consult with the other Senators, as I said, including the distinguished Republican leader, as is my practice before making any final scheduling decisions.

So Senators should be on notice in that regard, and for the remainder of this session. There are a number of very important bills on which we must complete action and time is short. So Senators should be on notice to be present at any time.

Mr. President, I will have an announcement in the very near future.

IN TRIBUTE TO MRS. JEAN GANNETT HAWLEY

Mr. COHEN. Mr. President, I would like to take a moment today to remember Jean Gannett Hawley, publisher and chairman of Guy Gannett Communications, who died Sunday, September 4. She was 70. Her company publishes several newspapers in my home State of Maine, including the State's largest daily and Sunday paper, and is also involved in radio and television in Maine.

When Mrs. Hawley took over the company from her father in 1954, she was the youngest women in the Nation to head a newspaper company, but she plunged headlong into this ancient bastion of male domination without an ounce of trepidation. A friend recently recalled that she never allowed anyone to refer to her as a chairwoman or a chairperson. The word was "chairman" and she stuck with it. Besides, she was much too busy pushing her newspapers to higher and higher standards of quality to worry much about semantics.

Her unique position as a woman in a sea of men might have made her either timid or a tiger. But true to her nature, she always found a balance: she was aware of her position of power but never abused it. And neither did she let

● This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

herself be rolled over or taken lightly as a woman leader in an industry where there were—and still are—very few.

Her primary mission in life was to make her newspapers the best they could be and then push them beyond that plateau. Nothing gave her more satisfaction. She demanded high quality writing, aggressive reporting, a newspaper that reflected the community it served. But above all she demanded fairness, impartiality and honesty—and her newspapers have always demonstrated that vision.

Over my 35 years of serving the people of Maine, I came to know and respect Mrs. Hawley. I saw embodied in her many of the qualities that I think make Maine the wonderful and unique State it is. She was a fiercely independent woman, a public figure who treasured her privacy. She was an overwhelmingly giving person, a community leader proud of her involvement in civic organizations and charities. She was also extraordinarily loyal—to her employees, to her readers, to the people of Maine, and to her family. Opportunities came and went to sell the company to larger entities, perhaps at a large profit, but she never forgot that hers was a family business and she kept it that way even as it grew. She was a woman of great wit and great humility, self-confident, and modest, a woman who set an example for generations of Mainers.

I join with the people of Maine in mourning the death of Jean Gannett Hawley and send my heartfelt best wishes to her family. She was a person for whom our State's motto might have been written: The way life should be.

* * *

SENATE QUARTERLY MAIL COSTS

Mr. FORD. Mr. President, in accordance with section 318 of Public Law 101-520, I am submitting the summary tabulations of Senate mass mail costs for the third quarter of fiscal year 1994, that is the period of April 1, 1994, through June 30, 1994, to be printed in the RECORD, along with the quarterly statement from the U.S. Postal Service setting forth the Senate's total postage costs for the quarter.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATE QUARTERLY MASS MAIL VOLUMES AND COSTS

[For the Quarter Ending June 30, 1994]

Senators	Original total pieces	Pieces per capita	Original total cost	Cost per capita
Akaka	0	0	0	0
Baucus	100,906	0.12246	$17,669.53	0.02144
Bennett	148,400	0.08185	22,609.42	0.01247
Biden	0	0	0	0
Bingaman	0	0	0	0
Bond	0	0	0	0
Boren	0	0	0	0
Boxer	100,610	0.00326	19,240.93	0.00062
Bradley	0	0	0	0
Breaux	3,087	0.00072	367.73	0.00009
Brown	0	0	0	0
Bryan	0	0	0	0
Bumpers	0	0	0	0
Burns	0	0	0	0
Byrd	0	0	0	0
Campbell	0	0	0	0
Chafee	0	0	0	0
Coats	0	0	0	0
Cochran	0	0	0	0
Cohen	90,450	0.07324	16,817.14	0.01362
Conrad	0	0	0	0
Coverdell	0	0	0	0
Craig	46,390	0.04348	8,560.93	0.00802
D'Amato	335,000	0.01849	56,584.29	0.00312
Danforth	0	0	0	0
Daschle	4,100	0.00577	619.86	0.00087
DeConcini	0	0	0	0
Dodd	2,340	0.00071	1,823.59	0.00056
Dole	0	0	0	0
Domenici	0	0	0	0
Dorgan	0	0	0	0
Durenberger	1,391	0.00031	443.07	0.00010
Exon	0	0	0	0
Faircloth	0	0	0	0
Feingold	0	0	0	0
Feinstein	0	0	0	0
Ford	0	0	0	0
Glenn	0	0	0	0
Gorton	334,380	0.06511	63,685.07	0.01240
Graham	0	0	0	0
Gramm	856,744	0.04852	147,020.45	0.00833
Grassley	0	0	0	0
Gregg	113,150	0.10185	17,239.57	0.01552
Harkin	302,850	0.10770	42,408.08	0.01508
Hatch	0	0	0	0
Hatfield	725	0.00024	163.99	0.00006
Helfin	0	0	0	0
Helms	0	0	0	0
Hollings	0	0	0	0
Hutchison	0	0	0	0
Inouye	0	0	0	0
Jeffords	0	0	0	0
Johnston	3,087	0.00072	356.78	0.00008
Kassebaum	0	0	0	0
Kempthorne	0	0	0	0
Kennedy	0	0	0	0
Kerrey	0	0	0	0
Kerry	0	0	0	0
Kohl	0	0	0	0
Lautenberg	3,200	0.00041	721.48	0.00009
Leahy	13,795	0.02420	2,982.10	0.00523
Levin	10,625	0.00113	2,265.15	0.00024
Lieberman	435,658	0.13278	88,132.46	0.02686
Lott	0	0	0	0
Lugar	0	0	0	0
Mack	0	0	0	0
Mathews	0	0	0	0
McCain	19,693	0.00514	15,053.46	0.00393
McConnell	368,275	0.09808	73,583.63	0.01960
Metzenbaum	0	0	0	0
Mikulski	0	0	0	0
Mitchell	0	0	0	0
Moseley-Braun	0	0	0	0
Moynihan	3,194,000	0.17628	604,132.64	0.03334
Murkowski	26,200	0.04463	3,962.33	0.00675
Murray	3,465	0.00067	699.81	0.00014
Nickles	38,600	0.01202	6,645.39	0.00207
Nunn	0	0	0	0
Packwood	81,950	0.02753	14,841.21	0.00499
Pell	0	0	0	0
Pressler	38,300	0.05387	5,832.65	0.00820
Pryor	0	0	0	0
Reid	0	0	0	0
Riegle	9,100	0.00096	1,825.75	0.00019
Robb	0	0	0	0
Rockefeller	34,200	0.01887	4,970.03	0.00274
Roth	203,000	0.29463	29,508.36	0.04283
Sarbanes	4,051	0.00083	2,110.06	0.00043
Sasser	924,300	0.18398	140,909.19	0.02805
Shelby	0	0	0	0
Simon	689,075	0.05924	105,179.29	0.00904
Simpson	27,250	0.05848	3,810.25	0.00818
Smith	19,850	0.01787	5,044.76	0.00454
Specter	0	0	0	0
Stevens	0	0	0	0
Thurmond	0	0	0	0
Wallop	900	0.00193	197.33	0.00042
Warner	0	0	0	0
Wellstone	65,700	0.01467	11,291.77	0.00252
Wofford	0	0	0	0

Other offices	Total pieces	Total cost
The Vice President	0	0
The President pro-tempore	0	0
The Majority Leader	0	0
The Minority Leader	0	0
The Assistant Majority Leader	0	0
The Assistant Minority Leader	0	0
Secretary of Majority Conference	0	0
Secretary of Minority Conference	0	0
Agriculture Committee	0	0
Appropriations Committee	0	0
Armed Services Committee	0	0
Banking Committee	0	0
Budget Committee	0	0
Commerce Committee	0	0
Energy Committee	0	0
Environment Committee	0	0
Finance Committee	0	0
Foreign Relations Committee	0	0
Government Affairs Committee	0	0
Judiciary Committee	0	0
Labor Committee	0	0
Rules Committee	0	0
Small Business Committee	0	0
Veterans Affairs Committee	0	0
Ethics Committee	0	0
Indian Affairs Committee	0	0
Intelligence Committee	0	0
Aging Committee	0	0
Joint Economic Committee	0	0
Joint Committee on Printing	0	0
JCMTE Congress Inaug.	0	0
Democratic Policy Committee	0	0
Democratic Conference	0	0
Republican Policy Committee	0	0
Republican Conference	0	0
Legislative Counsel	0	0
Legal Counsel	0	0
Secretary of the Senate	0	0
Sergeant at Arms	0	0
Narcotics caucus	0	0
Select Committee on POW/MIA	0	0

U.S. POSTAL SERVICE;
CORPORATE ACCOUNTING,
Washington, DC, August 25, 1994.

Hon. WENDELL H. FORD,
Chairman, Committee on Rules and Administration, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Detailed data on franked mail usage by the U.S. Senate for the third quarter, Fiscal Year 1994, is enclosed. Total postage and fees for the quarter is $2,769,342.

A summary of Senate franked mail usage, based upon the first three quarters of actual data for Fiscal Year 1994, is as follows:

Volume	24,152,264
Revenue per piece	$0.2514
Revenue	$6,072,899.00
Payments received	$3,303,557.00
Amounts due USPS	$2,769,342.00

A bill is enclosed for these charges.

If you or your staff have any questions on the above, please call Tom Galgano of my Official Mail Accounting staff on (202) 268-3255.

Sincerely,

AFRED CARREON, Jr.,
Manager,
Post Office Accounting.

Enclosures.

FRANKED MAIL

[Postal Quarter III, Fiscal Year 1994, Senate]

Subcategories	Pieces	Rate	Amount
Letters: First Class	1,790,205	$0.2900	$519,159
Total	1,790,205	.2900	519,159
Flats: First Class	140,287	1.1064	155,214
Total	140,287	1.1064	155,214
Parcels:			
Priority—Up to 11 oz			
Priority—Over 11 oz	18,725	4.3469	81,936
4th class—regular	27,740	3.9547	109,703
Total	46,465	4.1128	191,099
Orange bag pouches:			
First Class	8,080	.3609	2,916
Priority—Up to 11 oz	110	2.9000	319
Priority—Over 11 oz	451	5.1020	2,301
Total	8,641	.6407	5,536
Agriculture bulletins:			
First Class			
Priority—Up to 11 oz			
Priority—Over 11 oz			

FRANKED MAIL—Continued

[Postal Quarter III, Fiscal Year 1994, Senate]

Subcategories	Pieces	Rate	Amount
3d class			
4th class special (Bk)			
4th class regular	14	9.5000	133
Total	14	9.5000	133
Yearbooks: 4th class special (Bk)	874	1.4806	1,294
Total	874	1.4806	1,294
Other (odd size parcels):			
Priority—Up to 11 oz			
Priority—Over 11 oz	352	36.2074	12,745
4th class special (Bk)			
4th class regular	1,550	11.0652	17,151
Total	1,902	15.7182	29,896
Total outside DC	248,364	.5024	124,783
Permit imprint mailings:			
1st class single piece rate	551,893	.2703	149,183
3d class bulk rate	9,543,131	.1259	1,201,251
Parcel post—PI	326	7.2178	2,353
First class single piece—PI			
Address corrections (3547's)	55	.3455	19
Address corrections (3d class)			
Mailing list corrections (10 names or less)			
Mailing list corrections (more than 10 names)			
Mailgrams			
IPA—International priority airmail			
Mailing fees (registry, certified, etc.)			
Postage due/short paid mail			42
Permit fees			75
Miscellaneous charges			
Express mail service			389,305
Subtotal	12,332,247	.2246	2,769,342
Adjustments			
Grand total	12,332,247	.2246	2,769,342

STATEMENT ON THE NOMINATION OF HENRY J. CAUTHEN

Mr. HOLLINGS. Mr. President, I am pleased that the Senate has approved the renomination of Henry Cauthen to be a member of the Board of Directors of the Corporation for Public Broadcasting [CPB].

I have had the good fortune of knowing Henry for quite some time. He has been a leader of educational television in South Carolina since 1958. That was the same year that Henry started working for the South Carolina Educational Television Commission [S.C. ETV] and the year that I was elected Governor of South Carolina. Henry later became president of S.C. ETV in 1965. S.C. ETV has been a bellwether under Henry's leadership. It is on the leading edge of technology, thanks to him, and provides great opportunities to viewers across South Carolina. Henry has also served on numerous boards and advisory committees and has been involved in other important public-sector activities. These activities include: board memberships with the National Association of Educational Broadcasters, the National Council for Children and Television, the National Council on the Arts, the Carnegie Commission on the Future of Public Broadcasting, the Public Broadcasting Service, and the Association of Public Television Stations.

Henry was first nominated to the CPB in 1990 and his nomination was reported by the Senate Commerce Committee without any objection. In 1990 and on September 14 of this year, he was confirmed by the Senate by unanimous consent. He has done such a fine job on the CPB that the President has seen fit to appoint him to a second term.

We in the Senate expect Mr. Cauthen to maintain the CPB's commitment to quality educational programming on public broadcasting and to ensure that television fulfills its potential as a source of learning and enjoyment for Americans everywhere in this country.

I thank my colleagues for their support for Henry Cauthen's nomination. I look forward to working with my good friend, Henry Cauthen, for many years to come.

SECOND PROTOCOL TO THE TAX CONVENTION WITH ISRAEL

Mr. SARBANES. Mr. President, on November 18, 1993, the Foreign Relations Committee ordered favorably reported the second protocol amending the 1975 United States-Israel income tax convention. At that time, the committee was informed by the Treasury Department that one technical issue remained to be resolved with respect to the protocol. Therefore, at the Treasury Department's request the committee recommended that the matter of giving final advice and consent to the ratification of the proposed protocol not be taken up by the Senate as a whole until such time as the outstanding issue was satisfactorily resolved.

I am pleased to announce that on September 13, 1994, I received from the Treasury Department a letter indicating that they had received from Israel the written assurances they were seeking, and that they were therefore ready to recommend prompt action by the full Senate. Without objection, I would ask that the text of that letter be reprinted in the RECORD:

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE TREASURY,
Washington, September 12, 1994.

Hon. PAUL S. SARBANES,
U.S. Senate, Washington, DC.

DEAR SENATOR SARBANES: The Foreign Relations Committee held hearings on October 27, 1993 on a number of income tax treaties, including a Protocol to the pending treaty with Israel. As you will recall, shortly after those hearings I advised you, in a letter of November 18, 1993, that we were awaiting Israeli confirmation as to the adequacy of certain aspects of their information exchange practices under tax treaties. We suggested that Senate approval of the Protocol be delayed until we had received the assurances that we were seeking from the Israeli tax authorities. Your Committee did, in fact, recommend approval of the Protocol, but asked the Senate to hold up its consideration, as we had requested. I am pleased to report to you now that we have received the written assurances that information, including bank information, would be made available by the Israeli tax authorities to the Internal Revenue Service in appropriate circumstances.

We would like to see Senate action taken on the Protocol as soon as possible so that instruments of ratification both for the Protocol considered by your Committee last year, as well as for the treaty and first Protocol which have not yet gone into force, can be exchanged prior to the end of November. The entry into force provisions of the treaty, as they will be amended by the pending Protocol, specify that the treaty will have effect, for other than withholding taxes, as of January 1 of the year following entry into force if the treaty enters into force after June 30 of a year. Entry into force will take place 30 days after the exchange of instruments of ratification. If, therefore, Senate advice and consent is given in sufficient time to permit exchange instruments before the end of November, the treaty, as amended by the Protocols, will enter into force this year, and can take effect as of January 1, 1995.

Thank you for your cooperation on this matter. I hope that the Senate will be able to act quickly on this Protocol.

Sincerely,

LESLIE B. SAMUELS,
Assistant Secretary (Tax Policy).

Mr. SARBANES. Mr. President, I would like to note that the United States-Israel income tax treaty, which was signed in 1975 and subsequently amended by a 1980 protocol, has not yet gone into force. Although the Senate gave its advice and consent to ratification of the treaty, as amended by the first protocol, on November 18, 1981, that consent was made subject to an understanding providing for congressional access to information exchanged under the treaty. The proposed second protocol would modify the treaty to satisfy that understanding. Thus once the Senate gives its advice and consent to ratification of the pending second protocol, the instruments of ratification of treaty can be exchanged and implementation can begin. I believe this is an important and valuable treaty, and I would urge that the Senate move quickly to approve this protocol so that the entire agreement can finally be put into effect.

NATIONAL POW/MIA RECOGNITION DAY—A DAY FOR REMEMBRANCE

Mr. LIEBERMAN. Mr. President, last Friday, September 16, 1994 was Prisoner of War/Missing in Action [POW/MIA] Recognition Day. I regret that the Senate was not in session on this day so that we could have paused to remember those Americans who have been or are prisoners of war or missing in action. We should acknowledge the great debt we owe to the men and women throughout our history who have answered the call of their country and served with honor and valor in or with our Armed Forces during peacetime and time of conflict. Some who have served became prisoners of war where they suffered cruel deprivation and, all too often, torture and brutality at the hands of their captors. Others became missing in action, with families left not knowing for far too long what has become of their loved ones. Today, there are still too many families suffering from a lack of finality; they have been condemned to live in a world of uncertainty and doubt without their loved ones. There are nearly 90,000 Americans who remain unaccounted for today from World War II, Korea, and Southeast Asia. To forget the sacrifice of these Americans and the never-ending efforts of their families would be to dishonor all of them and ourselves. We must not forget.

We owe it to those who are still missing, their families and friends, and their comrades in arms, as well as to those who in future service to our country might risk similar fates, to do all that we can to achieve the fullest possible accounting for the POW's and MIA from all our wars.

I ask my colleagues in the Senate and all Americans to consider the blessings we have as Americans. But more importantly, we must never forget the price which has been paid by a special group of our citizens to attain and protect these blessings.

HONORING COVENANT MEDICAL CENTER'S REHABILITATION PROGRAM ON ITS 20TH ANNIVERSARY

Mr. GRASSLEY. Mr. President, on the occasion of the 20th anniversary of the physical rehabilitation program at Covenant Medical Center in Waterloo, IA, I would like to congratulate this organization for their work in assisting persons who are disabled regain independent living skills. Their commitment has helped Iowans who have been disabled by illness or accident to achieve their highest possible physical and social functioning level.

Established in 1974, Covenant's rehabilitation program has developed such that it is now fully accredited by the Joint Commission on Accreditation of Healthcare Organizations and by the Commission on Accreditation of Rehabilitation Facilities for comprehensive inpatient rehabilitation, spinal cord injury rehabilitation, and head injury rehabilitation. Covenant provides a complete continuum of rehabilitation services including prevention programs, acute and sub-acute inpatient rehabilitation, outpatient treatment, day programs, outpatient evaluation clinics, and home-based treatment.

With our emphasis on health care reform, and especially this week, National Rehabilitation Week, I would like to emphasize that Americans need rehabilitation now more than ever before. Each year more than 3 million people become candidates for physical rehabilitation services due to automobile and industrial accidents; sports and recreational injuries; cardiac, stroke, or cancer episodes; or acts of violence and crime.

In addition to improving the quality of life, rehabilitation is an investment in human capital with a significant return. According to the Health Insurance Association of America, more than $11 are saved for each dollar spent on rehabilitation. Rehabilitation also returns 350,000 people to work yearly, saving $1 to $2 billion from Medicaid and disability insurance, and producing about $700 million in Federal and State tax revenues.

As Covenant Medical Center's rehabilitation program celebrates its 20th anniversary this year, we salute them for their professionalism and dedication to helping people turn their disabilities into capabilities.

STAN HUBBARD AND THE AMERICAN DREAM

Mr. DURENBERGER. Mr. President, America is about choices. That is what freedom is all about—the opportunity for individual citizens to make decisions, whether in politics or in other areas of life.

We judge the quality of life in terms of the breadth and meaningfulness of our choices. When someone can say, "There's not a dime's worth of difference between the Republicans and the Democrats," we take this as criticism of the quality of our politics. It means voters do not have enough choice.

When Bruce Springsteen sings that there are 57 channels and nothing on, it is a criticism of the quality of our mass entertainment. There may be many things to choose from, but the quality is so low that choice is meaningless.

Our politics—our mass entertainment—and indeed, our anything—will not be adequate unless we make them adequate. And that is why individuals like Stan Hubbard are so important.

Social progress begins when an individual has a dream. And social progress becomes a reality when a community starts sharing that dream.

Stanley S. Hubbard has a dream. He believes that the people of this country are willing to pay extra for more choices in the information and entertainment they watch on TV. That is why—earlier this month—he unveiled the Digital Satellite System.

Over the last decade, he has invested herculean effort—and over $100 million—in the development of this wireless-communication technology.

In the near future, this undertaking will employ hundreds of Minnesotans and put millions of dollars into our State's economy.

But this project is not about the near future. It is about the next century. And I think that with his focus on consumer choice—and bringing a new world to the TV viewers of this country—Stan Hubbard is exemplifying values as old as this Nation.

Indeed, the Hubbard tradition itself is about some fundamental American values. In 1923, when Hubbard Broadcasting was founded, it was America's first broadcasting company relying on advertising sales for its income. This combination of smart business sense and public service has been a central feature of U.S. broadcasting ever since.

In 1925, Hubbard Broadcasting created the first full-time radio news department in the United States. In 1950, it inaugurated the first regularly scheduled, 7-day-a-week television news show.

In 1981 came the creation of the Hubbard subsidiary known as United States Satellite Broadcasting, Inc. [USSB]. USSB is the longest-standing Direct Broadcast Satellite licensee in the United States—a true pioneer in satellite broadcasting.

In 1983, Hubbard Broadcasting founded Conus Communications, which rapidly became a leader in satellite newsgathering.

And in 1993, when America's first high-power DBS satellite was launched, USSB owned 5 of the 16 available transponders.

If tradition—combined with a continuous record of accomplishment—is anything to go by, Minnesota's own Hubbard Broadcasting is poised to be a major force in American communications well into the 21st century.

Mr. President, I ask unanimous consent that an editorial about Stan Hubbard—and his vision for U.S. broadcasting—from the Minneapolis Star Tribune of September 13 be included in the RECORD at the conclusion of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Minneapolis Star Tribune, Sept. 13, 1994]

HUBBARD TV

ONE MAN'S VISION BRINGS PLEASURE TO MANY

Like many inventions, the Digital Satellite System technology launched Friday in the Twin Cities began as a necessity for one man, in this case Stanley S. Hubbard. Believing that television viewers wanted and would pay for more choices than those offered by cable and commercial broadcasting, Hubbard invested more than $100 million to develop a wireless communications system. Anyone so determined that a dream be brought to reality deserves a tip of the hat.

DSS didn't just appear on store shelves last weekend. Hubbard has been working on the concept for more than a decade. An example of his vision is a decision to incorporate hardware that will allow DSS to be compatible with technology that isn't yet available. That means the $700 system consumers buy today won't soon become obsolete.

Those most likely to embrace Hubbard's vision right off are the truly avid television viewers, the ones who understand too well Bruce Springsteen's frustration as he sings about shooting a TV because there were "57 channels and nothing on." Whether they are sports enthusiasts who yearn to watch all televised pro football games or fishermen who'd like to bring a satellite connection into ice houses this winter, they're likely to love Hubbard's hot-dishes.

Many Minnesotans also stand to benefit in other ways from Hubbard's vision. USSB's potential economic impact in Minnesota is substantial:

A payroll, including benefits, that may reach the $10 million to $12 million range by the year 2000.

An annual tax contribution of up to $100 million within 10 years.

A Minnesota work force of up to 300 by the year 2000.

Hubbard Broadcasting's jointly owned All News Channel will be poised to achieve national growth and possibly bring prominence to St. Paul in much the way Cable News Network has brought it to Atlanta.

Anyone inclined to dismiss Hubbard's satellite system should reflect on the earlier case of CNN and Ted Turner, Confounding early skepticism and scorn, Turner and his network have had a major impact on the world.

Who says that vision no longer matters? Turner's CNN and Hubbard's new DSS offer proof that it matters a lot.

IS CONGRESS IRRESPONSIBLE? YOU BE THE JUDGE OF THAT

Mr. HELMS. Mr. President, as of the close of business on Friday, September 16, the Federal debt stood at $4,681,046,608,542.73, meaning that on a per capita basis, every man, woman, and child in America owes $17,954.93 as his or her share of that debt.

REGARDING THE DEATHS OF FIVE DRUG ENFORCEMENT ADMINISTRATION SPECIAL AGENTS DURING OPERATION SNOWCAP

Mr. THURMOND. Mr. President, there is a war raging in the streets of America and I rise today to pay tribute to five special agents of the Drug Enforcement Administration who lost their lives in it.

From the smallest town to the largest city, law abiding citizens are faced with an onslaught of crime that is undermining the very fabric of our Nation. Cars are stolen, people are robbed and murdered, even children fall victim to the most physical and brutal of crimes. It is a sad commentary that a Nation based on the concept of the majesty of law has become so lawless.

In an effort to fight this tide, tens of thousands of valiant men and women throughout the United States don uniforms, badges, and guns and willingly lay their lives on the line in an effort to make our towns, cities, and counties safer places. We know these people well; they are a part of our communities. Sadly, these law enforcement officers are sometimes killed in the course of their duties, and it is always a tragedy when one of these men or women is lost in this war.

What many of us fail to realize is that crime is no longer just a local problem. Crimes often have motivations and ramifications far beyond where an illegal act actually occurs. Cars are stolen so that they may be resold in another State or nation; credit card scams are often international in scope; and street-level American drug dealers are just the tail end of a intricate and complicated array of criminals who do everything from harvest and process cocoa plants to transporting cocaine into the United States and distributing it to dealers. In an effort to combat this problem, more and more law enforcement agencies are working together to attack crime on an international front.

In the United States, American law enforcement agencies are taking on many new and multinational roles, and one agency that is in the forefront of global crime fighting is the Drug Enforcement Administration. Special agents from the DEA are stationed throughout the world, literally taking the fight against drugs to the source—the growers and cartel leaders. Last month, five dedicated agents—Frank Fernandez, Jay Seale, Meredith Thompson, Frank Wallace, and Juan Vars—lost their lives in that fight when their plane crashed into a Peruvian jungle.

These individuals were among the best personnel in the Drug Enforcement Administration, and each was handpicked to participate in one of the DEA's most effective foreign counterdrug undertakings, Operation Snowcap, an operation conceived to take the war on drugs to the enemy. While their deaths were untimely, tragic, and a loss to the agency and the Nation, those who mourn their passing take solace in the fact that these four men and one woman died while making a difference in the war on drugs.

Since the inception of Snowcap 7 years ago, special agents of the DEA have worked closely with law enforcement officials in the nations of Peru and Bolivia to attack cocaine trafficking organizations and to combat the flow of cocaine out of those nations and into the United States. These coordinated efforts have not only helped to reduce the amount of cocaine originating from this area of South America, but have been successful in leading to the arrests of some of the leading figures in the seamy world of cocaine production and distribution.

Snowcap is a showcase operation, not only because it demonstrates how well international law enforcement agencies can cooperate, but also, because it is an effective way to wage the war on drugs at their source. By attacking the cartels and growers where they are strongest, in their native lands, we are striking strong blows against these predators who are literally undermining the security of the United States and the nations of Central and South America. Agents Fernandez, Seale, Thompson, Wallace, and Vars knew that, and they willingly accepted the risks involved in working in such a hostile and dangerous atmosphere so that they could make the streets of America safer and our lives more secure.

Certainly, we all wish that these brave individuals were still with us today, but I believe neither their service, nor their deaths, were in vain. I think these agents would agree with me that the best way we can honor their memory is to continue with the important work being accomplished through Operation Snowcap.

May they rest in peace.

TRIBUTE TO DR. JOHN R. MANSFIELD, PROFESSIONAL STAFF MEMBER, SENATE ARMED SERVICES COMMITTEE, UPON HIS DEPARTURE

Mr. THURMOND. Mr. President, I rise to recognize the contributions of Dr. John R. Mansfield, a member of my staff on the Armed Services Committee. Dr. Mansfield, better known to many in the Congress and the administration as Jack, will be departing the committee to assume a position as Associate Administrator with the National Aeronautics and Space Administration.

Dr. Mansfield joined the Armed Services Committee in June 1989. Since then, Jack has lived up to his reputation as an accomplished theoretical physicist with exceptionally wide experience, both within and outside government. During his 5-plus years on the Armed Services Committee staff, he has been the chief proponent of our Nation's strategic weapons and the Department of Energy's nuclear weapons production capability. In the recent years, his advocacy for a strong nuclear complex was made much more challenging by an administration that has relegated this capability to a position that will virtually deny the Nation such a force multiplier in the coming century.

Mr. President, to parrot a famous commercial: "When Jack talks, people listen." This position of trust is based on his extensive experience in the National Defense arena. He joined the Armed Services Committee from the Defense Advanced Research Agency [DARPA] where he was chief scientist. In that position he served as DARPA's primary point of contact for the scientific and academic communities, and was responsible for monitoring relevant technology advances for incorporation in new DARPA programs. Jack also served as a professional staff member on the House Armed Services Committee, where he was responsible for preparing technical and budgetary advice to three subcommittees. Other significant positions that Dr. Mansfield held included a tour as the assistant for theoretical research at the Defense Nuclear Agency and as the chief of Nuclear Energy and Applied Sciences Division, Defense Intelligence Agency. In his long and distinguished professional career, Dr. Mansfield also held similar positions in the private sector.

Without a doubt, Dr. Mansfield is among the most professional and most qualified staff members with which I have been associated in my almost 40 years in the Senate. He willingly shared his extensive knowledge with both members and his colleagues on the Armed Services Committee. I especially appreciated his close association with me and the people at the Savannah River site. Jack never hesitated to call the situation as he saw it and never shrank from a challenge when he knew he was right and it was in the best interest of our Nation.

Mr. President, necessity demands that we fill Jack's position; however, it will be difficult to find an individual who possesses Jack's technical expertise, individual warmth, and concern for the national security of our Nation. I know I am joined by many in this Chamber in expressing our thanks to Jack Mansfield and in wishing him and his lovely wife, Karen, the best in his new endeavors.

THE 30TH ANNIVERSARY OF THE EUGENE O'NEILL THEATER CENTER

Mr. DODD. Mr. President, please allow me to extend my warmest congratulations to the Eugene O'Neill Theater Center of Waterford, CT, in celebration of its 30th anniversary season. I appreciate this opportunity to remark on the history and mission of the center, as well as on its considerable contributions to the arts.

In the words of drama critic Brooks Atkinson, "American drama as a serious art began with him [Eugene O'Neill]. O'Neill gave the drama size, passion, power and an enlightened point of view." In an effort to capture the lasting contributions of Mr. O'Neill, our Nation's first great playwright and former New London, CT resident, my good friend George C. White conceived of a center that would serve as an artistic haven and network for up-and-coming professional writers and performers. His ideas quickly turned into a tangible reality, and the center was founded in 1964.

Fondly referred to as "Camp Eugene," the center pioneered the practice of developing, refining, and showcasing the new works of talented playwrights, composers, and lyricists, college students, critics, and cabaret artists. In 1965, the first summer season of the center, students from all over the country, including the Manhattan coffeehouses and off-off Broadway, gathered for an intense and exhilarating 4-week workshop, the National Playwrights Conference [NPC].

During these sessions, writers review, critique, and rehearse each other's works in an often painstakingly and lengthy process. Later, participants are rewarded when the conference actors perform the final product in front of enthusiastic local audiences. Throughout the past 30 years, this innovative program has demonstrated an outstanding record of success, nurturing at least 310 playwrights and 431 plays.

In addition to the NPC, the center continues to host such programs as the National Music Theater Conference, the National Theater Institute, the National Critics Institute, the National Puppetry Conference, Creative Arts in Education, and the Cabaret Symposium. A variety of international and cultural exchanges with China, Australia, France, and the Caribbean have also been initiated at the O'Neill, and numerous theater collections and memorabilia are housed in Waterford, as well.

Since its inception, the center has achieved worldwide recognition for its unique contribution to the arts. It has been the recipient of the industry's most distinguished awards and honors, including the National Opera Institute Award, the Jujamcyn Award for Theater Excellence, the Arts and Business Council Encore Award, and a special Antoinette (Tony) Perry Award.

In addition to these credits, president George White received the American Theater Association's Award for Lifetime Achievement. Included among the well-known actors who have participated in the O'Neill's wealth of programs are Helen Hayes, Michael Douglas, Meryl Streep, Henry Winkler, Charles Dutton, Al Pacino, and Kevin Kline. Alumni playwrights—many who later won Oscars, Emmys, Tonys, Obies, Pulitzers, and even a Nobel Prize for Literature—include such popular writers as Sam Shepard, John Guare, Wendy Wasserstein, Charles Fuller, and John Patrick Shanley.

Referred to as the "theater crossroads of the world" by international theater critic Martin Esslin, the O'Neill has earned a distinguished reputation as an organization dedicated to the development of artists, their new works, and the arts as a whole. I take great pride in wishing the Eugene O'Neill Theater Center another 30 years of overwhelming success and accomplishment.

COMMENDING THE UNITED STATES DELEGATION TO HAITI

Mr. MOYNIHAN. Mr. President, I rise to express high praise for President Carter, former chairman of the Joint Chiefs of Staff Colin Powell, and our esteemed colleague, the chairman of the Armed Services Committee, Senator NUNN, for their diplomatic skill. Their efforts have averted a United States invasion of Haiti, which comes as a great relief to those who watched the events of the last week with no small amount of anxiety. We did not merely avert an invasion of Haiti yesterday, we avoided a misapplication of the U.N. Charter.

The situation in Haiti, as in many countries, is indeed dreadful, and has been so for years. However the charter does not provide the legal authority to invade in such situations. Chapter VII of the charter was designed to address "Threats to the Peace, Breaches of the Peace and Acts of Aggression."

Yesterday Sam Donaldson posed the question:

> What if the present mission, as we speak—headed by former President Carter succeeds, the triumvirate of generals step aside voluntarily and the United States forces go in to reinstall the last freely democratically elected president—Mr. Aristide. Then is there a problem in international law?
>
> I responded, "You could have a situation in which a sufficiently legitimate indigenous authority asked us in. That could happen."

That has happened. With the success of President Carter's mission, the situation has changed our action from an invasion not provided in the charter, to the implementation of a dispute settlement—something which the charter is equipped to address.

Again I commend President Carter and his delegation. Their efforts were heroic. I also praise the excellent manner in which our troops have responded to this difficult task. In particular I wish to bring to the attention of my colleagues the dedication of the members of the 10th Mountain Division, based at Fort Drum, NY. Their mission is a difficult one, but one I am sure they will carry out with expert precision. They deserve our strong support.

The ACTING PRESIDENT pro tempore. The Senator from South Dakota is recognized.

OPPOSITION TO UNITED STATES FORCES BEING IN HAITI

Mr. PRESSLER. Mr. President, I am very pleased that our forces did not have to fight their way into Haiti, but I am still opposed to their being there. I do not mean to sound negative and I do not mean to be speaking in any way against U.S. troops, because I admire very much the way they are handling themselves. I disagree with the basic policy of having our soldiers in Haiti. Let me explain why.

As an army lieutenant in Vietnam many years ago, I became convinced that these types of military operations in small countries can work against the United States and work against our interests. I doubt very seriously that we are going to succeed in installing democracy as we know it in Haiti.

Also, I am very concerned about the taxpayers of the United States. There are so many commitments being made to build infrastructure in Haiti. I worry about our Indian reservations, our senior citizens, and others who are poor in this country. Indeed, in this city we have 22 aggravated assaults or rapes per day and about 2 murders per day, which is a higher level of violence than in Haiti.

I have not heard any plan of how we are going to get our troops out; how or when. I sincerely hope the administration has a plan to withdraw our troops.

Unfortunately, as in Somalia, these operations drag on and on and they eventually turn sour. The first 2 months are going to be glorious. We are going to see our troops working side by side with Haitian troops and the Haitian people and those images are going to give us all a feel-good feeling. Then the reality will set in and we will realize, as we did in Somalia, that we are not accomplishing very much and we are placing our troops in increasingly dangerous situations.

In other countries where we have conducted military operations, in Panama or elsewhere, we have found ourselves subject to lawsuits for many years thereafter. Every time one of our military vehicles goes over a road or a bridge, you can be sure that we are going to be sued in 4 or 5 years to rebuild that bridge or rebuild that road. The taxpayers of America will be quietly asked to pay for it.

I believe what appears to be a very glorious adventure on day one will turn sour. I do not begrudge in any way my friend, President Carter, who did such a good job. I have traveled with him as an election observer. He did a good job of avoiding violence under the circumstances. With the President of the United States determined to invade, President Carter did an excellent job; so did our colleague, Senator NUNN; and Colin Powell also did an excellent job, in my judgment, under the circumstances.

But that still does not change my basic opposition to having our troops in Haiti. I hope we get them out soon.

I would also ask the administration to give us a cost estimate as to how much this is going to cost the American taxpayers, including the infrastructure we intend to build and the various other things being promised. The administration says they are going to need a supplemental appropriation to finance this adventure. Let us get some cost estimates so the American people know what these adventures cost.

I speak not as one who is in any way critical of our military. I think they are doing an excellent job. I am critical of the basic decision. I am glad that it did not result in an invasion. I congratulate the President and the former President and their teams. I do hope and pray we have an exit strategy. I also hope we have a cost estimate in the next few days so the American people can see the price tag.

I thank the Chair and I yield the floor.

The ACTING PRESIDENT pro tempore. The Chair recognizes Senator MITCHELL, the majority leader.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the period for morning business be extended for 15 minutes, that Senator DORGAN be recognized to address the Senate for up to 15 minutes.

The PRESIDING OFFICER (Ms. MOSELEY-BRAUN). Without objection, it is so ordered.

Mr. DORGAN. Madam President, I appreciate the majority leader's courtesy. I reserved 15 minutes in morning business and was presiding during the hour, so I very much appreciate the opportunity to take the time now.

I would be happy to yield to the Senator from Maine.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Madam President, I ask unanimous consent that my remarks appear in the RECORD so as not to interrupt the remarks of the Senator from North Dakota.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Madam President, I ask unanimous consent that upon the completion of the remarks of the Senator from North Dakota, the distinguished Senator from Pennsylvania be recognized to address the Senate for up to 10 minutes and that his remarks be in morning business, and that upon the completion of the remarks of the Senator from Pennsylvania, the Senate stand in recess subject to the call of the Chair.

The PRESIDING OFFICER. Without objection, it is so ordered.

HAITI

Mr. DORGAN. Madam President, let me begin by speaking about the subject I did not intend to speak about, which is Haiti. I wrote to the President about a month ago, and I said I did not think an armed invasion of Haiti was the right approach. Well, most of us last evening heard television and radio reports that an invasion will not be necessary.

But notwithstanding my record on this issue, I think all Americans join me in my sense of relief that American soldiers did not confront armed resistance on the beaches of Haiti today. I was enormously relieved when I discovered that negotiations had apparently been successful, and that our negotiating team and the Haitian regime had reached an agreement providing that the leaders of the Government of Haiti, those who took leadership by force, would give way to those who had been democratically elected.

That was done without bloodshed. I give great credit to President Clinton and to the negotiating team of President Carter, General Powell, and Senator NUNN. I do hope in the next several weeks that this agreement will work as it has been described. I think there is every indication that it will.

But when there is great hand wringing in this country about everything going wrong, it appears that one right thing has happened. A negotiated settlement, without bloodshed, without American troops having to confront an armed force on the shores of Haiti, has occurred. That is very good news for Americans and I think good news for Haitians as well.

THE ENGINE OF DISAFFECTION IN AMERICA

Mr. DORGAN. Madam President, I wanted to take the floor today to speak just for a few moments about something everyone in this Chamber understands very well. I have served in the Congress, now, for 14 years. I do not think I have ever seen the public mood in the country quite as sour as it is right now. There are plenty of people rushing to the microphone, the megaphone, and the stage to say, "Things are awful. Things are not working. Things are terrible in our country." And this negativism resonates with a volume that almost drowns out everything else.

We have plenty of problems as a nation. And we do face plenty of challenges. It is also true that there are plenty of problems in our Congress and in our Government. Each of us confronts those problems when we are at home.

But those who say that everybody who serves in government is a crook are wrong. Everyone I know, who serves in this Chamber, is someone who believes deeply in making a difference in this country's future through public service. Those I serve with in this Chamber are honest, strong, smart, articulate, and energetic in fighting for what is important to their States and their constituents. That is the reality. That is the truth.

Yet we have developed a self-assessment in this country, about ourselves as a country, about our Government—which after all is only us, working together—that our Government does not work, that it is full of people who are interested only in enriching themselves, who advance their own interests, and who do not serve the public interest.

Nothing could be more wrong.

John F. Kennedy used to say that every mother kind of hoped that her child could grow up to be President—as long as that child did not have to get involved in politics. But, of course, the political system is the system in which we make public decisions.

The reason I speak about this disaffection today, the engine of disaffection in America, is that I think representative government is a very fragile system. This is true because what we believe and accept in our own minds and hearts is much more important than the Constitution of the United States. That is the framework. But that framework works because we believe it. Many countries have constitutions with words just as eloquent, describing freedoms just as broad. But our Constitution works, as the fabric for our Government and for our decisionmaking, because we believe it and we respect it and we have faith in it.

With the stretching and tearing in this country, I worry about what is happening to faith and trust. Is it hard to have faith and trust in government? Yes, it is. I understand that. And I understand why. Because the problems we face are not simple problems and not to be solved by simple solutions or to be answered with simple answers. They are deep, wrenching, gripping problems that require new, innovative, creative, and often very controversial solutions.

A colleague of mine said the other day, "I have watched for years the public mood swing, and it will swing in a month or 6 weeks. I know which way the mood is going now, but it will change."

I said, you do not understand the engine of disaffection in our country today and how relentless that engine of disaffection is. The engine of disaffection, given volume in the dozens of different ways by which we entertain ourselves, on television or on radio or in the print press, can hold up the flaw, any flaw in any public institutions—not just government, but any institution in our country—can hold it up to the light and ask, "Isn't this ugly? Take a look at this. Come and look. This is awful. This is grotesque."

There is an industry, a cottage disaffection industry, developed to do that in this country. It is magazine shows, it is radio. It would suggest that these imperfections are the rule. And they are not. They are the exception.

We have a country today in which we entertain ourselves with the negatives. I have mentioned it before on this floor. Everybody will recognize the word "Bobbitt," or "Buttafuoco," or "Harding-Kerrigan," or a whole range of things that signify some enormously controversial thing that we immediately gravitate to and entertain ourselves with.

We want not just to be entertained; we want instantly to be gratified. It is the way we are. This is a country of instant pudding, instant Jello, Jiffy-Lube, fast food. We want things done and we want them now. We want the same from public policy. Is there a problem? Fix it right now, and fix it in a way that is simple, and fix it in a way that does not inconvenience me. That is the way the mood is in our country. And of course it simply cannot work that way.

This country has increasingly decided to measure our progress and our future, and gauge who we are and where we are going, by what we consume rather than what we produce. If we continue to measure by that, we are certainly destined to injure our ability to create the jobs and opportunities that our people need. It is what we produce that is the measure of economic success and long-term economic strength, not what we consume. We are a people who will buy shoes made in Indonesia, shirts made in China, television sets made in Japan, and then we will wonder why we do not have any jobs for people in our neighborhoods. The answer would seem to me to be pretty clear.

We do not have enough jobs because we are making other choices about where jobs should be located. We are saying it is fine to make trade agreements with people who are willing to produce shoes in another country for 14 cents an hour; where a pair of shoes selling for 80 cents will be sent to the shelves in America to be bought by an American consumer for $80, and there is 1¼ hours labor in the shoe that amounts to 20 cents labor in an $80 pair of shoes. The job used to be here, but now it is there. We wonder, where is the opportunity for those of us who live here.

We prefer to borrow rather than save. That is certainly true of the Congress. But it is also true of the American family. It is true of the American corporation. Look at the rates of borrowing: Personal debt, corporate debt and, yes, especially public debt, Federal debt.

We are too willing to allow a disconnection between effort and reward.

What is one of the growth industries in America today? Gambling. Gaming, gambling, $300 billion and rising like a meteor. Gambling is a growth industry in America. I am not saying gambling is always wrong or gambling is wrong, period. I am not saying that. I am saying, however, when gambling becomes a growth industry and the disconnection between effort and reward exists, it is not just in the casinos that are spreading across our country, but gambling in the 1980's with junk bonds in the corporate suites, a disconnection between effort and reward; the disconnection between effort and reward on the city streets in America selling drugs which, interestingly enough, are called, at least on the streets, junk. And in the suites they were selling junk bonds, and on the streets they are selling junk called drugs—disconnecting effort and reward, get rich quick. That is the problem.

People understand the sheer terror of what is happening in this country: 23,000 murders; 110,000 rapes in a year; 1 million aggravated assaults; kids having children; kids shooting kids in our public schools inside the building during the school day.

If the engine of disaffection were to analyze these things, it would say it is so mind-boggling to try to confront problems of this magnitude: A million and a half people having babies this year without two parents present; 800,000 to 1 million of those babies will never in their lifetime know who their father is. I think people start looking at that and say, "I don't know how to begin to confront these issues. I know what is wrong. Government is off: limit terms." Do other simple things and somehow all of these challenges, all of these problems will be dealt with.

But, of course, that will not be the case. These problems will remain. We could change all of our government overnight, and it would not change any of what I just described. We need, finally, to decide to talk to each other about public policy.

I read on the floor one day some months ago a missive that was sent around by one of my colleague's PAC organizations. I will not mention his name, although I should. But I will not.

He said: "Call your opponent these names because it will help you in the election. Use the term sleaze, use the term traitor, use the terms pathetic and sick to describe your opponent." That is politics by some. That is not thoughtful discussion of public policy to try to figure out answers to these nagging, gripping problems.

The reason I wanted to discuss this a bit today is everyone in this Chamber understands what is happening out there. People are very, very upset about this Government. Some of it is for very real reasons because we have not done as well as we should do.

Other reasons are beyond our control. I started by saying that government, self-government, democracy, exists in people's minds and hearts. They must be willing to concede that we all cannot vote on every issue, so we create a system by which we place some trust and faith in others. That is why all of us need to understand that this disaffection, this relentless engine of disaffection is more than just troubling. We need to find a way to restore the faith of the people in their government.

There was a professor once who had a student in medical school, and the student was always chiding the professor about the professor being religious. He said to the professor once: "You know, I did my first autopsy on a cadaver. We dissected a cadaver today in med school, and you know something; we dissected every section of that cadaver and we didn't find a soul. No soul." chiding the professor about religion.

The wise professor said: "Well, did you dissect the eye?"

And the student said: "Yes."

The professor asked: "Well, did you find vision?" The professor asked: "Did you dissect the brain?"

The student said: "Yes."

The professor asked: "Did you find an idea?"

"Did you dissect the heart," he asked? "Did you find love?"

The point of it was, all of the things that are really critically important are things you cannot even very easily describe, let alone see, feel, or touch. And the notion of democracy, the notion of what it is we have in this country that has made it so successful, is something that we should care for. Instead, we are stretching and tearing the notion that holds us altogether.

The plain fact is, if all of us as citizens and as people involved in government begin to think about this in a thoughtful and serious way, as we should, we will understand that there are certain timeless truths that can only be dealt with at home, in our neighborhood, in our community. The solutions really start with self-responsibility. Some things we must do together as a Government. We should not educate our own kids in our home. We cannot do that. We cannot each build our own road to the supermarket. We do some things together as government, and when we do those things, we should do them well and do them well to support the public interest in this country.

But what we must do now, it seems to me, is all of us recognize this disaffection that exists, understand why it exists, and begin to see if we can, in one way or another, begin to repair this tearing fabric. Everyone in this country has a responsibility, from citizens to government, and that responsibility, it seems to me, is to begin pulling together in the same direction for the common good of this country.

There are certain timeless truths. All of us know what those timeless truths are. You have to pay your bills, you have to save for the future, you have to be responsible for your own actions, you have to try to promote initiative and reward initiative, and you have to connect effort to reward. All of those kinds of things are things we understand and we need to find a way to embrace in public policy.

I end as I started. I have been to Haiti. I have been to Haiti on hunger missions. What was interesting about going to Haiti is that everyone I talked to in the countryside of Haiti—do you know what their dream was? Their dream was to come to America. Haiti has lived under the yoke of repression for so long, and now they are in the grip of such poverty and such hopelessness and helplessness. What they see is a country over here that is a beacon of hope and opportunity, and they would love to come to America.

We sit here day after day being so hypercritical of everything that is wrong and not understanding there is an enormous reservoir of good and wonderful things and an enormous store of opportunity in this country in our future. But that's true only if we decide to harness our initiative and our interest together and start pulling the oars together and getting the boat going in one direction.

I hope in the next 4, 5 weeks, as we head toward an election, we could start, all of us, thinking not about how to silence criticism, because criticism is good for us, but how to tell all of those who buy into this spectator sport that they should not gravitate toward the complainers and the critics. We must tell people to turn from the cynics who say everything is wrong and who magnify the ugliness of imperfection. We must tell people that there is another side. Yes, let us confront our faults, but let us also try to find a way to advance our interests, to strengthen and improve what this country is and what this country can be.

Madam President, I yield back my time.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

HAITI'S UNANSWERED QUESTIONS

Mr. SPECTER. Madam President, I congratulate former President Carter, Senator NUNN, and General Powell on the excellent work which they did in avoiding the necessity for a forceful invasion of Haiti. I think President Clinton had a good idea to try that route as opposed to a forceful invasion. But now there are many questions which are posed as to what will happen next.

I understand that a resolution will be submitted to the Senate in support of the President's action, and I think we need to know the specifics on quite a number of subjects. For example, what is going to happen to General Cedras and what will his availability be, for example, to run for the Presidency of Haiti? As I understand the arrangements based upon attendance for a short time at a briefing today, General Cedras and the others will have amnesty, but they will not be compelled to leave Haiti.

Will they then try to assert their leadership position in a political context to run, say, for the Presidency of Haiti when Aristide's term expires? According to the information provided, that will be a matter for Haiti.

That certainly does raise some very serious potential problems. We know that General Cedras made a commitment to leave power, which he and others breached, which created the turmoil, which created the crisis, and which created the decision by President Clinton to have a forceful invasion of Haiti.

So I think it is very important to understand exactly what is going to happen to General Cedras and to the others who were in the junta which caused the problem. It certainly suggests very substantial potential for instability if General Cedras and his coconspirators are in a position to make trouble in the future.

The issue of amnesty with the Parliament is another matter. When can the Parliament be reconvened? Inquiries are now being made as to the size of the Parliament and the location of the parliamentarians, some of whom have left Haiti. Their ability to be reconvened for a quorum to act on behalf of Haiti is certainly an open question.

Madam President, I join my colleague, Senator PRESSLER, who earlier today spoke on the Senate floor raising a question about deployment of U.S. military personnel in a police action. Make no mistake; when the term "police action" is used by analogy to the so-called Korean police action, that is one way to describe what is really a war by the apologists who try to justify military action without a declaration of war which the Congress under our Constitution has the sole authority to do. But our troops are not trained for a police action. We do have some military police who are police in the sense of peacekeepers, making arrests and doing regular police actions. But our troops are trained as fighters. They are trained for military purposes and not to be policemen and policewomen.

The situation over there is very tense. There are a lot of weapons in Haiti. The television visuals from yesterday showed a lot of mob action. The commentary was made simultaneously that it may have been inspired by the Cedras forces as a show of vocal opposition to the representatives of the U.S. Government there.

There is the potential for violence and the potential for injury. I am very interested to know the specifics on when the U.N. force will be coming there. It was represented to be a multilateral U.N. effort with some 20 nations participating. But the total number of participants from the other nations was very limited, estimated somewhere in the range of 1,500 to 2,000, and very carefully not designated to be part of the invasion force, to bear the brunt and risk of being an invasion force to be met by some armed resistance—and not great from what we understood about Haiti's military force but certainly posing a risk to the invaders, all of which risk was to be borne by United States military personnel.

Now that it is a police action, how soon will the U.N. contributions come there to undertake that police action.

It is certainly a sigh of relief for all America that a forceful invasion was not necessary, and we are very grateful to President Carter's suggestion and his intervention and the support which was lent by Senator NUNN and the support which was lent by General Powell, and the President certainly had a good idea in making that one final effort before force was used.

However, there are still many unanswered questions which I think we have to address and have to analyze before, at least speaking for myself, I am in a position to give support to the deployment of U.S. military personnel on any indefinite basis.

We ought to know the risk factor. We ought to know what other nations will be supplying. We ought to know how long they are going to be there. We ought to know what the situation is on the ground with respect to what General Cedras and the Haitian military or the Haitian police are going to do. And as Senator PRESSLER pointed out, we ought to know what the costs are, considering the very extensive deficit and the very extensive national debt which our Nation has.

Madam President, my colleague, Senator KASSEBAUM, is in the Chamber, so I would inquire as to how much of the 10 minutes I have remaining?

The PRESIDING OFFICER. The Senator has 3½ minutes remaining.

Mr. SPECTER. Madam President, I yield to my colleague the remainder of my time, and if that is insufficient, she can ask the Presiding Officer for more.

The PRESIDING OFFICER. The Senator from Kansas [Mrs. KASSEBAUM], is recognized.

Mrs. KASSEBAUM. Madam President, I thank my colleague from Pennsylvania [Mr. SPECTER].

(The remarks of Mrs. KASSEBAUM, pertaining to the submission of S. Res. 257, are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

RECESS SUBJECT TO THE CALL OF THE CHAIR

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess subject to the call of the Chair.

Thereupon, at 3:29 p.m., the Senate recessed, subject to the call of the Chair.

The Senate reassembled, at 6:16 p.m., when called to order by the Presiding Officer [Mr. MATHEWS].

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now go into executive session and resume consideration of the pending nomination of Adm. Henry H. Mauz, Jr., which the clerk will report.

NOMINATION OF ADM. HENRY H. MAUZ, JR., TO BE PLACED ON THE RETIRED LIST IN THE GRADE OF ADMIRAL

The assistant legislative clerk read the nomination of Adm. Henry H. Mauz, Jr., to be placed on the retired list in the grade of admiral.

The Senate resumed consideration of the nomination.

Pending:

Murray motion to recommit the nomination to the Committee on Armed Forces with instructions, with the following amendments proposed thereto:

McCain/Dole amendment No. 2582 (to the motion to recommit) to express the sense of the Senate that the lives of United States Armed Forces personnel should not be risked in combat for the purpose of restoring Jean-Bertrand Aristide to the office of President of Haiti.

Mitchell/Nunn amendment No. 2583 (to amendment No. 2582), to express the sense of the Senate with respect to Haiti.

The PRESIDING OFFICER. The majority leader.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the pending McCain Amendment No. 2582 and the Mitchell amendment No. 2583 be withdrawn; that the Senate resume consideration of the nomination of Admiral Mauz at 10:30 a.m. on Tuesday September 20; that there be 40 minutes for debate on the motion to recommit the nomination offered by Senator MURRAY to be divided between Senator NUNN and Senator MURRAY; that following the expiration of that time, Senator MURRAY be recognized, without any intervening action, to withdraw the motion to recommit; that the Senate then vote without any intervening action on the nomination; however, if a rollcall vote is requested, it occur at 2:15 p.m.; that upon confirmation, the motion to reconsider be tabled and the President be notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

The PRESIDING OFFICER. If there is no objection, the Senate will now return to legislative session.

The majority leader is recognized.

RESOLUTION ON HAITI

Mr. MITCHELL. Mr. President, and Members of the Senate, there will be no rollcall votes this evening.

As a result of the unanimous-consent agreement just reached, the two amendments to the nomination which was pending before the Senate have been withdrawn.

I have proposed to the distinguished Republican leader and our colleagues that the Senate proceed to a resolution dealing with the situation in Haiti.

During the day today, the House leaders, Democratic and Republican, have been meeting on the subject of a resolution, and following the meeting earlier this morning I have been discussing that matter with a number of my colleagues, as well, including, but not limited to, the distinguished Republican leader.

The agreement reached in Haiti yesterday and signed by former President Carter on behalf of President Clinton states, in paragraph numbered 7:

> It is understood that the agreement is conditioned on the approval of the civilian Governments of the United States and Haiti.

President Clinton, as the Chief Executive and Commander in Chief, has expressed his support for this agreement, which I have noted was negotiated and entered into in his behalf. But I and many other Senators, a large number of whom have expressed their views to me today, believe that under the circumstances and in view of that language, it is appropriate that the Senate express its view with respect to the agreement as well.

Therefore, Mr. President, I have drafted and provided to the distinguished Republican leader such a resolution. Senator DOLE has appropriately advised me that he wants the opportunity to consult with his colleagues before expressing his view on this resolution and, therefore, I expect that I will hear back from him tomorrow.

Since a number of Senators have had the opportunity to review this resolution—I might add, as have the House leaders—and, as a result, it has become public, I believe it appropriate to ask that the resolution be printed in the RECORD so that all Senators have the opportunity to review that which, until now, several Senators have reviewed.

Mr. President, so that this is and can be a public matter, I present the resolution and ask unanimous consent that it be read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will read the resolution in its entirety.

The legislative clerk read as follows:

> A resolution commending the President of the United States and others for their efforts to peacefully restore democracy in Haiti and supporting the United States Armed Forces now engaged in the mission in Haiti.
>
> Whereas on September 18, 1994, an agreement was reached in Port-au-Prince, Haiti, the purpose of which is to foster peace in Haiti, to avoid violence and bloodshed, to promote freedom and democracy, and to forge a sustained and mutually beneficial relationship between the governments, people, and institutions of Haiti and the United States;
>
> Whereas certain military officers of the Haitian armed forces are willing to consent to an early and honorable retirement in accordance with U.N. Resolutions 917 and 940

when a general amnesty is voted into law by the Haitian Parliament, or October 15, 1994, whichever is earlier;

Whereas the agreement will permit the Democratically elected government of Haiti to resume governing: Now therefore be it

Resolved, That it is the sense of the Senate that

(1) The President of the United States is commended for his leadership and determination in his effort to restore democracy and stability to the Haitian people.

(2) Former President Carter, Senator Nunn and General Colin Powell are commended for their efforts in negotiating the agreement.

(3) The American people and the Congress support the United States Armed Forces now engaged in the mission in Haiti.

Mr. MITCHELL. Mr. President, the resolution, as read, is brief, simple, and direct. It is to the point in referring specifically to the agreement which has been reached and, in fact, tracks the language of the agreement in several paragraphs and then simply commends the President of the United States, the former President, and those who participated in the negotiation over the past weekend; and expresses the support of the Congress and the American people for the men and women of our armed services now engaged in this mission.

I hope that we will be able to debate and vote on this matter tomorrow and, as I indicated, I am awaiting a response from our colleagues in that regard.

PROGRAM

Mr. MITCHELL. In the meantime, pursuant to the prior agreement, the Senate will return to the Mauz nomination at 10:30 tomorrow and there will be a vote on that matter, if by voice vote, in the morning; if by rollcall vote, at 2:15 p.m. By that time, I hope a decision will have been reached on this matter and we can bring this to a conclusion.

Following that, the Senate has many important measures to take up, including several appropriations bills on which action must be completed by the end of this fiscal year. Senators should be prepared for lengthy sessions, with votes possible at any time from now through the day on which the Congress finally adjourns for the year.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 103-31; TREATY DOCUMENT NO. 103-32; TREATY DOCUMENT NO. 103-33; AND TREATY DOCUMENT NO. 103-34

Mr. MITCHELL. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following four treaties transmitted to the Senate on September 15, 1994, by the President of the United States:

Additional Protocol that Modifies the Convention Between the Government of the United States of America and the Government of the United Mexican States for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income, Treaty Document No. 103–31;

Convention Between the Government of the United States of America and the Government of the French Republic for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and Capital, Treaty Document No. 103–32;

Convention Between the Government of the United States of America and the Government of the Republic of Kazakhstan for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and Capital, together with the Protocol and the two related exchanges of notes, Treaty Document 103–33; and

Convention Between the Government of the United States of America and the Government of the Portuguese Republic for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income, together with a related Protocol, Treaty Document No. 103–34.

I further ask that the treaties be considered as having been read the first time; that they be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's messages be printed in the RECORD.

The PRESIDING OFFICER. Is there objection? Without objection it is so ordered.

The messages of the President are as follows:

To the Senate of the United States:

I transmit herewith for Senate advice and consent to ratification and Additional Protocol that Modifies the Convention Between the Government of the United States of America and the Government of the United Mexican States for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income, signed at Washington on September 18, 1992. The Additional Protocol was signed at Mexico City on September 8, 1994. Also transmitted for the information of the Senate is the report of the Department of State with respect to the Additional Protocol.

The Additional Protocol will amend the tax treaty provisions to broaden the scope of tax information exchange with Mexico. The Protocol will authorize the exchange of tax information under any tax information exchange agreement between the two countries and will provide for information exchange under the treaty for taxes at all levels of government.

The current Agreement Between the United States of America and the United Mexican States for the Exchange of Information with Respect to Taxes, which now applies only to Federal taxes, is also being amended by a protocol to provide for the exchange of information to administer and enforce tax laws at all levels of government. This protocol, which was also signed at Mexico City on September 8, 1994, will enter into force only after the Protocol to the Convention has been ratified.

I recommend that the Senate give early and favorable consideration to the Additional Protocol and give its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 15, 1994.*

To the Senate of the United States:

I transmit herewith for Senate advice the consent to ratification the Convention Between the Government of the United States of America and the Government of the French Republic for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and Capital, signed at Paris on August 31, 1994, together with two related exchanges on notes. Also transmitted for the information of the Senate is the report of the Department of State with respect to the Convention.

The Convention replaces the 1967 income tax convention between the United States of America and the French Republic and the related protocols and exchanges of notes. The new Convention more accurately reflects current income tax treaty policies of the two countries.

I recommend that the Senate give early and favorable consideration to the Convention and related exchanges of notes and give its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 15, 1994.*

To the Senate of the United States:

I transmit herewith for Senate advice and consent to ratification the Convention Between the Government of the United States of America and the Government of the Republic of Kazakhstan for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and Capital, together with the Protocol and the two related exchanges of notes, signed at Almaty on October 24, 1993. Also transmitted for the information of the Senate is the report of the Department of State with respect to the Convention.

The Convention replaces, with respect to Kazakhstan, the 1973 income tax convention between the United States of America and the Union of Soviet Socialist Republics. It will modernize tax relations between the two countries and will facilitate greater private sector U.S. investment in Kazakhstan.

I recommend that the Senate give early and favorable consideration to the Convention, Protocol, and the two related exchanges of notes and give its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 15, 1994.*

To the Senate of the United States:

I transmit herewith for Senate advice and consent to ratification the Convention Between the United States of America and the Portuguese Republic for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income, together with a related Protocol, signed at Washington on September 6, 1994. Also transmitted for the information of the Senate is the report of the Department of State with respect to the Convention.

The Convention is the first income tax convention between the United States of America and the Portuguese Republic. The Convention reflects current income tax treaty policies of the two countries.

I recommend that the Senate give early and favorable consideration to the Convention and related Protocol and give its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 15, 1994.*

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will return to legislative session.

MORNING BUSINESS

MESSAGES FROM THE PRESIDENT RECEIVED DURING RECESS

Under the authority of the order of the Senate of January 5, 1993, the Secretary of the Senate on September 15, 1994, received a message from the President of the United States submitting sundry nominations and a treaty, which were referred to the appropriate committees.

Under the authority of the order of the Senate of January 5, 1993, the Secretary of the Senate on September 16, 1994, received a message from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

The nominations received on September 15 and 16, 1994, are shown in today's RECORD at the end of the Senate proceedings.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a treaty which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE RECEIVED DURING RECESS

Under the authority of the order of January 5, 1993, the Senate on September 16, 1994, during the recess of the Senate received a message from the House of Representatives announcing the Speaker has signed the following enrolled bill:

H.R. 3841. An act to amend the Bank Holding Company Act of 1956, the Revised Statutes of the United States, and the Federal Deposit Insurance Act to provide for interstate banking and branching.

ENROLLED BILL SIGNED

The enrolled bill was subsequently signed by the President pro tempore [Mr. BYRD].

MESSAGES FROM THE HOUSE

At 2:22 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4308. An act to authorize appropriations to assist in carrying out the North American Free Wetlands Conservation Act for fiscal years 1995 through 1998, and for other purposes.

The message also announced that the House has agreed to the amendment of the Senate to the bill (H.R. 995), to amend title 38, United States Code, to improve reemployment rights and benefits of veterans and other benefits of employment of certain members of the uniformed services, and for other purposes, with an amendment, in which it requests the concurrence of the Senate.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3316. A communication from the President of the United States, transmitting, pursuant to law, an Executive order relative to the ordering of the Selected Reserve of the Armed Forces to active duty; to the Committee on Armed Services.

EC-3317. A communication from the President of the United States (received on September 18, 1994), transmitting, a report on the planned deployment of U.S. Armed Forces into Haiti; to the Committee on Foreign Relations.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. MOYNIHAN, from the Committee on Finance:

Stuart L. Brown, of Maryland, to be an Assistant General Counsel in the Department of the Treasury (Chief Counsel for the Internal Revenue Service), vice Abraham N.M. Shashy, Jr., resigned.

Edward S. Knight, of Texas, to be General Counsel for the Department of the Treasury, vice Jean E. Hanson, resigned.

Frank N. Newman, of California, to be Deputy Secretary of the Treasury, vice Roger Altman, resigned.

(The above nominations were approved subject to the nominees' commitment to appear and testify before any duly constituted committee of the Senate.)

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BAUCUS, from the Committee on Environment and Public Works, without amendment:

S. 1555. A bill to clarify the treatment of the Centennial Bridge, Rock Island, Illinois, under title 23, United States Code, and for other purposes (Rept. No. 103-369).

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, without recommendation without amendment:

H.R. 3626. A bill to supersede the Modification of Final Judgment entered August 24, 1982, in the antitrust action styled U.S. v. Western Electric, Civil Action No. 82-0192, United States District Court for the District of Columbia; to amend the Communications Act of 1934 to regulate the manufacturing of Bell operating companies, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SARBANES:

S. 2438. A bill to extend the authorities of the Overseas Private Investment Corporation through fiscal year 1995, and for other purposes; to the Committee on Foreign Relations.

By Mr. BRYAN (for himself and Mr. GORTON):

S. 2439. A bill to save lives, prevent injuries, and protect property through improved State and local fire safety and prevention education, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. PRYOR:

S. 2440. A bill entitled the "Prospective Payment System for Nursing Facilities"; to the Committee on Finance.

By Mr. HEFLIN:

S. 2441. A bill to provide for an independent review of the implementation of the National Implementation Plan for modernization of the National Weather Service at specific sites, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. JOHNSTON (for himself and Mr. WALLOP):

S. Res. 256. A resolution to authorize the use of funds available to the Committee on Energy and Natural Resources for consultants; to the Committee on Rules and Administration.

By Mrs. KASSEBAUM:

S. Res. 257. A resolution to express the sense of the Senate regarding the appropriate portrayal of men and women of the Armed Forces in the upcoming National Air and Space Museum's exhibit on the Enola Gay; to the Committee on Rules and Administration.

By Mr. HEFLIN:

S. Res. 258. A resolution to refer S. 974 entitled "A bill for the relief of Richard Kanehl of Mobile, Alabama," to the chief judge of the United States Court of Federal Claims for a report thereon; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BRYAN (for himself and Mr. GORTON):

S. 2439. A bill to save lives, prevent injuries, and protect property through improved State and local fire safety and prevention education, and for other purposes; to the Committee on Commerce, Science, and Transportation.

FIRE SAFETY AND PREVENTION EDUCATION ACT

• Mr. BRYAN. Mr. President, the terrible fires raging in my State and across the West are a grim reminder that we must do all we can to educate Americans—persuade them—to do all they can to prevent fire. Fire kills 5,000 and injures 29,000 Americans annually leading to economic loss estimated at $10 billion a year, with more than $1 billion a year in health care costs.

With this important challenge and responsibility in mind, I am honored today to join my distinguished colleague from the State of Washington, Mr. GORTON, to introduce the Fire Prevention Education Act of 1994.

Education is, without question, our most cost-effective weapon in the fight against accidental fires. This legislation will provide modest but important incentives for State and local fire officials to educate those Americans most vulnerable to fire—the very old, the very poor and the very young.

The program would be administered by the U.S. Fire Administration and would provide grants to States over 3 years for the purpose of encouraging State and local programs generating fire data and public education. Because the accurate collection and analysis of fire data is crucial to determining the focus of education programs, the first year of the program would provide modest grants to States implementing the recently revised National Fire Incident Reporting System [NFIRS].

I am also pleased to say that Representative STENY HOYER, chairman of the Congressional Fire Service Caucus, is introducing this same measure today in the House.

With the prompt passage of this legislation, we will see a much-needed reduction in the number of deaths, severe and costly injuries, and property loss caused each year by fire.•

By Mr. PRYOR:

S. 2440. A bill entitled "Prospective Payment System for Nursing Facilities"; to the Committee on Finance.

THE PROSPECTIVE PAYMENT SYSTEM FOR NURSING FACILITIES ACT OF 1994

• Mr. PRYOR. Mr. President, today I am introducing a bill which would establish a prospective payment system for skilled nursing facilities under Medicare. This proposal has been developed by representatives of the provider community and represents a serious attempt to launch discussions on this issue. I believe many aspects of the proposal outlined in this legislation warrant a thorough discussion.

In 1983 Congress passed legislation that revolutionized the hospital payment system under Medicare. The legislation created the prospective payment system [PPS]. The prospective payment system was first developed as a cost-containment effort for Medicare hospital costs. It did this by changing Medicare payments for inpatient care in hospitals from a retrospective cost system to a prospective payment system. This prospective system bases payment on a predetermined rate for each type of patient that is treated by using diagnostic related groupings [DRG's].

Since the implementation of the prospective payment system in many hospitals, the Health Care Financing Administration [HCFA] has been charged with ascertaining whether this payment method can be applied to other systems, such as rehabilitation hospitals and skilled nursing facilities.

At the present time, the Health Care Financing Administration [HCFA] is in the midst of a demonstration project to study a prospective payment system for skilled nursing facilities. I am introducing this bill to further the discussion on the appropriateness of, and most advisable method for prospectively reimbursing skilled nursing care, and on the consequences of establishing this type of reimbursement system for nursing homes. I look forward to hearing comments from my colleagues, interest groups, and other interested parties.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2440

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 100. SHORT TITLE.

This Chapter may be cited as the Prospective Payment System for Nursing Facilities and shall apply to the payment for services of nursing facilities under federally-funded long term care programs.

SEC. 101. DEFINITIONS.

(a) For purposes of this Chapter:

(1) "Acuity payment" refers to a fixed amount that will be added to the facility-specific prices for certain resident classes designated by the Secretary as requiring heavy care.

(2) "Administrative Procedure Act" refers to 5 U.S.C. §551 *et seq.*

(3) "Aggregated resident invoice" refers to a compilation of the per resident invoices of a nursing facility which contain the number of resident days for each resident and the resident class of each resident at the nursing facility during a particular month.

(4) "Allowable costs" refer to costs which HCFA has determined to be necessary for a nursing facility to incur according to the Provider Reimbursement Manual (hereinafeter "HCFA-Pub. 15").

(5) "Base year" refers to the most recent cost reporting period (consisting of a period which is 12 months in length, except for facilities with new owners, in which case the period is not less than four (4) months nor more than thirteen (13) months) for which cost date of nursing facilities is available to be used for the determination of a prospective rate.

(6) "Case mix weight" is the total case mix score of a facility calculated by multiplying the resident days in each resident class by the relative weight assigned to each resident class, and summing the resulting products across all resident classes.

(7) "Complex medical equipment" refers to items such as ventilators, intermittent positive pressure breathing (IPPB) machines, nebulizers, suction pumps, continuous positive airway pressure (CPAP) devices, and bead beds such as air fluidized beds.

(8) "Distinct part nursing facility" refers to an institution which has a distinct part that is certified under Title XVIII of the Social Security Act and meets the requirements of §201.1 of the Skilled Nursing Facility Manual published by HCFA (hereinafter "HCFA-Pub. 12").

(9) "Efficiency incentive" refers to a payment made to a nursing facility in recognition of incurring costs below a pre-specified level.

(10) "Fixed equipment" refers to equipment which meets the definition of building equipment in §104.3 of HCFA-Pub. 15. Fixed equipment includes, but is not limited to, attachments to buildings such as wiring, electrical fixtures, plumbing, elevators, heating systems, and air conditioning systems.

(11) "Geographic ceiling" refers to a limitation on payments in any given cost center for nursing facilities in one of no fewer than eight (8) geographic regions, further subdivided into rural and urban areas, as designated by the Secretary.

(12) "Heavy care" refers to an exceptionally high level of care which the Secretary has determined is required for residents in certain resident classes.

(13) "HCFA" refers to the Health Care Financing Administration of the Department of Health and Human Services.

(14) "Index[ed] forward" refers to an adjustment made to a per diem rate to account for cost increases due to inflation or other factors during an intervening period following the base year and projecting such cost increases for a future period in which the

rate applies. Indexing forward under this Chapter shall be determined from the mid-point of the base year to the mid-point of the rate year.

(15) "Marshall Swift segmented cost method" refers to an appraisal method published by the Marshall Swift Valuation Service.

(16) "Minimum Data Set (hereinafter "MDS")" refers to a resident assessment instrument, currently recognized by HCFA, in addition to any extensions to MDS, such as MDS+, as well as any extensions to accommodate subacute care which contain an appropriate core of assessment items with definitions and coding categories needed to comprehensively assess a nursing facility resident.

(17) "Major movable equipment" refers to equipment which meets the definition of major movable equipment in §104.4 of HCFA-Pub. 15. Major movable equipment includes, but is not limited to, accounting machines, beds, wheelchairs, desks, vehicles, and X-ray machines.

(18) "Nursing facility" refers to an institution which meets the requirements of a "skilled nursing facility" under Section 1819(a) of Title XVIII of the Social Security Act and a "nursing facility" under Section 1919(a) of Title XIX of the Social Security Act.

(19) "Per bed limit" refers to a per bed ceiling on the fair asset value of a nursing facility for one of the geographic regions designated by the Secretary.

(20) "Per diem rate" refers to a rate of payment for the costs of covered services for a resident day.

(21) "Relative weight" is the index of the value of the resources required for a given resident class relative to the value of resources of either a base resident class or the average of all the resident classes.

(22) "R.S. Means Index" refers to the index of the R.S. Means Company, Inc., specific to commercial/industrial institutionalized nursing facilities, which is based upon a survey of prices of common building materials and wage rates for nursing facility construction.

(23) "Rebase" refers to the process of updating nursing facility cost data for a subsequent rate year using a more recent base year.

(24) "Rental rate" refers to a percentage that will be multiplied by the fair asset value of property to determine the total annual rental payment in lieu of property costs.

(25) "Resident classification system" refers to a system which categorizes residents into different resident classes according to similarity of their assessed condition and required services.

(26) "Resident day" refers to the period of services for one resident, regardless of payment source, for one continuous 24 hours of services. The day of admission of the resident constitutes a resident day but the day of discharge does not constitute a resident day. Bed hold days are not to be considered resident days, and bed hold day revenues are not to be offset.

(27) "Resources Utilization Groups, Version III (hereinafter "RUG–III")" refers to a category-based resident classification system used to classify nursing facility residents into mutually exclusive RUG–III groups. Residents in each RUG–III group utilize similar quantities and patterns of resources.

(28) "Secretary" refers to the Secretary of the Department of Health and Human Services.

SEC. 102. PAYMENT OBJECTIVES.

(a) Payment rates under the Prospective Payment System For Nursing Facilities shall reflect the following objectives:

(1) To maintain an equitable and fair balance between cost containment and quality of care in nursing facilities.

(2) To encourage nursing facilities to admit residents without regard to their source of payment.

(3) To provide an incentive to nursing facilities to admit and provide care to persons in need of comparatively greater care.

(4) To maintain administrative simplicity, for both nursing facilities and the Secretary.

(5) To encourage investment in buildings and improvements to nursing facilities (capital formation) as necessary to maintain quality and access.

SEC. 103. POWERS AND DUTIES OF THE SECRETARY.

(a) The Secretary shall establish by regulation, in accordance with the Administrative Procedure Act, all rules and regulations necessary for the implementation of this Chapter. The rates determined under this Chapter shall reflect the objectives in Section 102 of this Chapter.

(b) The Secretary may require that each nursing facility file such data, statistics, schedules, or information as required to enable the Secretary to implement this Chapter.

SEC. 104. RELATIONSHIP TO TITLE XVIII OF THE SOCIAL SECURITY ACT.

(a) No provision in this Chapter shall replace, or otherwise affect, the skilled nursing facility benefit under Title XVIII of the Social Security Act.

(b) The provisions of HCFA-Pub. 15 shall apply to the determination of allowable costs under this Chapter except to the extent that they conflict with any other provision in this Chapter.

SEC. 105. ESTABLISHMENT OF RESIDENT CLASSIFICATION SYSTEM.

(a)(1) The Secretary shall establish a resident classification system which shall group residents into classes according to similarity of their assessed condition and required services.

(2) The resident classification system shall be modelled after the RUG–III system and all updated versions of that system.

(3) The resident classification system shall be reflective of the necessary professional and paraprofessional nursing staff time and costs required to address the care needs of nursing facility residents.

(b)(1) The Secretary shall assign a relative weight for each resident class based on the relative value of the resources required for each resident class. The assignment of relative weights for resident classes shall be performed for each geographic region as determined in accordance with subsection (c) of this section.

(2) In assigning the relative weights of the resident classes in a geographic region, the Secretary shall utilize information derived from the most recent MDSs of all of the nursing facilities in a geographic region.

(3) The relative weights of the resident classes in each geographic region shall be recalibrated every three (3) years based on any changes in the cost or amount of resources required for the care of a resident in the resident class.

(c)(1) The Secretary shall designate no fewer than eight (8) geographic regions for the total United States. Within each geographic region, the Secretary shall take appropriate account of variations in cost between urban and rural areas.

(2) There shall be no peer grouping of nursing facilities (e.g., based on whether the nursing facilities are hospital-based or not) other than peer-grouping by geographic region.

SEC. 106. COST CENTERS FOR NURSING FACILITY PAYMENT.

(a) Consistent with the objectives established in Section 102 of this Chapter, the Secretary shall determine payment rates for nursing facilities using the following cost/service groupings:

(1) NURSING SERVICE COSTS.—The nursing service cost center shall include salaries and wages for the Director of Nursing, Quality Assurance Nurses, registered nurses, licensed practical nurses, nurse aides (including wages related to initial and on-going nurse aide training and other on-going or periodic training costs incurred by nursing personnel), contract nursing, fringe benefits and payroll taxes associated therewith, medical records, and nursing supplies.

(2) ADMINISTRATIVE AND GENERAL COSTS.—The administrative and general cost center shall include all expenses (including salaries, benefits, and other costs) related to administration, plant operation, maintenance and repair, housekeeping, dietary (excluding raw food), central services and supply (excluding medical supplies), laundry, and social services.

(3) FEE-FOR-SERVICE ANCILLARY SERVICES.—Ancillary services to be paid on a fee-for-service basis shall include physical therapy, occupational therapy, speech therapy, respiratory therapy, hyperalimentation, and complex medical equipment (CME). These fee-for-service ancillary service payments under Part A of Title XVIII of the Social Security Act shall not affect the reimbursement of ancillary services under Part B of Title XVIII of the Social Security Act.

(4) SELECTED ANCILLARY SERVICES AND OTHER COSTS.—The cost center for selected ancillary services and other costs shall include drugs, raw food, medical supplies, IV therapy, X-ray services, laboratory services, property tax, property insurance, minor equipment, and all other costs not included in the other four cost/service groupings.

(5) PROPERTY COSTS.—The property cost center shall include depreciation on the building(s) and fixed equipment, major movable equipment, motor vehicle(s), land improvements, amortization of leasehold improvements, lease acquisition costs, and capital leases; interest on capital indebtedness; mortgage interest; lease costs; and, equipment rental expense.

(b) Nursing facilities shall be paid a prospective, facility-specific, per diem rate based on the sum of the per diem rates established for the nursing service, administrative and general, and property cost centers as determined in accordance with Sections 108, 109, and 112 of this Chapter.

(c) Nursing facilities shall be paid a facility-specific prospective rate for each unit of the fee-for-service ancillary services as determined in accordance with Section 110 of this Chapter.

(d) Nursing facilities shall be reimbursed for selected ancillary services and other costs on a retrospective basis in accordance with Section 111 of this Chapter.

SEC. 107. RESIDENT ASSESSMENT.

(a) The nursing facility shall perform a resident assessment in accordance with Section 1819(b)(3) of Title XVIII of the Social Security Act within fourteen (14) days of admission of the resident and at such other times as required by that section.

(b) The resident assessment shall be used to determine the resident class of each resident in the nursing facility for purposes of determining the per diem rate for the nursing service cost center in accordance with Section 108.

SEC. 108. THE PER DIEM RATE FOR NURSING SERVICE COSTS.

(a)(1) The nursing service cost center rate shall be calculated using a prospective, facility-specific per diem rate based on the nursing facility's case-mix weight and nursing service costs during the base year.

(2) The case-mix weight of a nursing facility shall be obtained by multiplying the number of resident days in each resident class at a nursing facility during the base year by the relative weight assigned to each resident class in the appropriate geographic region. Once this calculation is performed for each resident class in the nursing facility, the sum of these products shall constitute the case-mix weight for the nursing facility.

(3) A facility nursing unit value for the nursing facility for the base year shall be obtained by dividing the nursing service costs for the base year, which shall be indexed forward from the midpoint of the base period to the midpoint of the rate period using the DRI McGraw-Hill HCFA Nursing Home Without Capital Market Basket, by the case-mix weight of the nursing facility for the base year.

(4) A facility-specific nursing services price for each resident class shall be obtained by multiplying the lower of the indexed facility unit value of the nursing facility during the base year or the geographic ceiling, as determined in accordance with subsection (b) of this section, by the relative weight of the resident class.

(5) The Secretary shall designate certain resident classes as requiring heavy care. An acuity payment of three (3) percent of the facility-specific nursing services price shall be added on to the facility-specific price for each resident class which the Secretary has designated as requiring heavy care. The acuity payment is intended to provide an incentive to nursing facilities to admit residents requiring heavy care.

(6) The per diem rate for the nursing service cost center for each resident in a resident class shall constitute the facility-specific price, plus the acuity payment where appropriate.

(7) The per diem rate for the nursing service cost center, including the facility-specific price and the acuity payment, shall be rebased annually.

(8) To determine the payment amount to a nursing facility for the nursing service cost center, the Secretary shall multiply the per diem rate (including the acuity payment) for a resident class by the number of resident days for each resident class based on aggregated resident invoices which each nursing facility shall submit on a monthly basis.

(b)(1) The facility unit value identified in subsection (a)(3) of this section shall be subjected to geographic ceilings established for the geographic regions designated by the Secretary in Section 105(c).

(2) The geographic ceiling shall be determined by first creating an array of indexed facility unit values in a geographic region from lowest to highest. Based on this array, the Secretary shall identify a fixed proportion between the indexed facility unit value of the nursing facility which contained the medianth resident day in the array (except as provided in subsection (b)(4) of this section) and the indexed facility unit value of the nursing facility which contained the 95th percentile resident day in that array during the first year of operation of the Prospective Payment System For Nursing Facilities. The fixed proportion (e.g., 1.1 times the median or 110% of the median) shall remain the same in subsequent years.

(3) To obtain the geographic ceiling on the indexed facility unit value for nursing facilities in a geographic region in each subsequent year, the fixed proportion identified pursuant to subsection (b)(2) of this section shall be multiplied by the indexed facility unit value of the nursing facility which contained the medianth resident day in the array of facility unit values for the geographic region during the base year.

(4) The secretary shall exclude low volume and new nursing facilities, as defined in subsections (a) and (b) of Section 113, respectively, for purposes of determining the geographic ceiling for the nursing service cost center.

(c) The Secretary shall establish by regulation, in accordance with the Administrative Procedure Act, procedures for allowing exceptions to the geographic ceiling imposed on the nursing service cost center. The procedure shall permit exceptions based on the following factors:

(1) Local supply and/or labor shortages which substantially increase costs to specific nursing facilities.

(2) Higher per resident day usage of contract nursing personnel, if utilization of contract nursing personnel is warranted by local circumstances, and the provider has taken all reasonable measures to minimize contract personnel expenses.

(3) Extraordinarily low proportion of distinct part nursing facilities in a geographic region resulting in a geographic ceiling which unfairly restricts the reimbursement of distinct part facilities.

(4) Regulatory changes that increase costs to only a subset of the nursing facility industry.

(5) The offering of a new institutional health service or treatment program by a nursing facility (in order to account for initial start-up costs).

(6) Disproportionate usage of part-time employees, where adequate numbers of full-time employees cannot reasonably be obtained.

(7) Other cost producing factors, to be specified by the Secretary in regulations promulgated pursuant to the Administrative Procedure Act, that are specific to a subset of facilities in a geographic region (except case-mix variation).

SEC. 109. THE PER DIEM RATE FOR ADMINISTRATIVE AND GENERAL COSTS.

(a)(1) Payment relative to the administrative and general cost center shall be a facility-specific, prospective, per diem rate.

(2) The Secretary shall assign a per diem rate to a nursing facility by applying two standards which shall be calculated as follows:

(A) Standard A shall be derived for each geographic region by first creating an array of indexed nursing facility administrative and general per diem costs from lowest to highest. The Secretary shall then identify a fixed proportion by dividing the indexed administrative and general per diem costs of the nursing facility which contained the medianth resident day of the array (except as provided in subsection (a)(4) of this section) into the indexed administrative and general per diem costs of the nursing facility which contained the 75th percentile resident day in that array. Standard A for each base year shall constitute the product of this fixed proportion (*e.g.*, 1.1 times the median or 110% of the median) and the administrative and general indexed per diem costs of the nursing facility which contained the medianth resident day in the array of such costs during the base year.

(B) Standard B shall be derived using the same calculation as in subsection (A) except that the fixed proportion shall use the indexed administrative and general costs of the nursing facility containing the 85th percentile, rather than the 75th percentile, resident day in the array of such costs.

(3) The Secretary shall use the geographic regions identified in Section 105(c) for purposes of determining Standard A and Standard B.

(4) The Secretary shall exclude low volume and new nursing facilities, as defined in subsections (a) and (b) of Section 113, respectively, for purposes of determining Standard A and Standard B.

(5) To determine a nursing facility's per diem rate for the administrative and general cost center, Standard A and Standard B shall be applied to a nursing facility's administrative and general per diem costs, indexed forward using the DRI McGraw-Hill HCFA Nursing Home Without Capital Market Basket, as follows:

(A) The nursing facilities having indexed costs which fall below the median shall be assigned a rate equal to their individual indexed costs plus an "efficiency incentive" equal to one half of the difference between the median and Standard A.

(B) The nursing facilities having indexed costs which fall below Standard A but at or above the median shall be assigned a per diem rate equal to their individual indexed costs plus an "efficiency incentive" equal to one-half of the difference between the nursing facility's indexed costs and Standard A.

(C) The nursing facilities having indexed costs which fall between Standard A and Standard B shall be assigned a rate equal to Standard A plus one-half of the difference between the nursing facility's indexed costs and Standard A.

(D) The nursing facilities having indexed costs which exceed Standard B shall be assigned a rate as if their costs equaled Standard B. These nursing facilities shall be assigned a per diem rate equal to Standard A plus one half of the difference between Standard A and Standard B.

(E) For purposes of subsections (A)—(D) of section (a)(5) of this section, the median represents the indexed administrative and general per diem costs of the nursing facility which contained the medianth resident day in the array of such costs during the base year in the geographic region.

(b) Rebasing of the payment rates for administrative and general costs shall occur no less frequently than once a year.

SEC. 110. PAYMENT FOR FEE-FOR-SERVICE ANCILLARY SERVICES.

(a) Payment for each ancillary service enumerated in Section 106(a)(3), such as physical therapy, shall be calculated and paid on a prospective fee-for-service basis.

(b) The Secretary shall identify the fee for each of the fee-for-service ancillary services for a particular nursing facility by dividing the nursing facility's actual costs, including overhead allocated through the cost finding process, of providing each particular service, indexed forward using the DRI McGraw-Hill HCFA Nursing Home Without Capital Market Basket, by the units of the particular service provided by the nursing facility during the cost year.

(c) The fee for each of the fee-for-service ancillary services shall be calculated at least once a year for each facility and ancillary service.

SEC. 111. REIMBURSEMENT OF SELECTED ANCILLARY SERVICES AND OTHER COSTS.

(a) Reimbursement of selected ancillary services and other costs identified in Section 106(a)(4), such as drugs and medical supplies, shall be reimbursed on a retrospective basis as pass-through costs, including overhead allocated through the cost-finding process.

(b) The Secretary shall set charge-based interim rates for selected ancillary services and other costs for each nursing facility providing such services. Any overpayments or underpayments resulting from the differences between the interim and final settlement rates shall either refunded by the nursing facility or paid to the nursing facility following submission of a timely-filed Medicare cost report.

SEC. 112. THE PER DIEM RATE FOR PROPERTY COSTS.

(a)(1) The basis for payment within the property cost center for nursing facilities shall be calculated and paid on a prospective (except as provided for newly constructed facilities in subsection (d)(2) of this section), facility-specific, per resident day rate based on the fair asset value of the property.

(2)(A) The fair asset value of the property shall constitute the sum of the market value of the land (including site preparation costs), a reconstruction cost appraised value for the building(s) and fixed equipment, and the product of the number of beds in the nursing facility and a per bed allowance for major movable equipment.

(B) The land, building(s) and fixed equipment which are included in determining the fair asset value must be used in connection with the care of residents.

(C) Appraisals for the building(s) and fixed equipment shall be performed using the Marshall-Swift segmented cost method. A nursing facility shall be appraised every four years.

(D) The Secretary shall utilize an annual allowance of $3,500 per bed for major movable equipment for a nursing facility. The Secretary shall review the annual allowance for major movable equipment every five (5) years to determine its accuracy.

(E) If a nursing facility has commenced a renovation to a building and fixed equipment between appraisals the cost of which constitutes at least five (5) percent of the total value of the existing building and the fixed equipment, it may submit documentation as to the cost of the renovation during the previous year. The Secretary shall add the reasonable costs of the major renovation for the previous year to the fair asset value of the facility. This new asset value is to be the base for the indexing until the next full appraisal.

(F) The value of the assets is determined through appraisals, indexing, and the application of allowances, and is, therefore, unaffected by sales transactions, refinancing, or other changes in financing. Accordingly, the concept of recapture of depreciation is inapplicable to facilities whose payment is established under this chapter.

(3) The value of the land, building(s), and fixed equipment shall be indexed annually between reappraisals as follows:

(A) The land shall be indexed using Consumer Price Index Urban.

(B) The building(s) and fixed equipment shall be indexed annually using the R.S. Means Index.

(4) The annual allowance for major movable equipment shall be indexed annually using the hospital equipment index of the Marshall Swift Valuation Service.

(5) The Secretary shall adjust the indexes used for the land, building(s) and fixed equipment, and major movable equipment for the different geographic regions.

(b)(1) The Secretary shall establish a per bed limit on the fair asset value of a nursing facility for each geographic region, as designated in Section 105(c). The per bed limit shall be equal to the average indexed costs incurred by all recently constructed nursing facilities in the geographic region which have been designed and constructed in an efficient manner.

(2) The per bed limit on the fair asset value shall be indexed annually using the R. S. Means Index.

(3) The per bed limit shall be recalculated every five (5) years.

(c) The total annual rental shall constitute the product of the lower of the indexed fair asset value or the indexed per bed limit and a rental rate which shall be based on the average yield for twenty (20) year United States Treasury Bonds during the prior year plus a risk premium of three (3) percentage points.

(d)(1) The per resident day rental shall be obtained by dividing the total annual rental by ninety (90) percent of the annual licensed bed days. The per resident day rental shall constitute the per diem rate attributable to the property cost center.

(2) The per resident day rental rate for newly-constructed facilities during their first year of operation shall be based on the total annual rental divided by the greater of fifty (50) percent of available resident days or actual annualized resident days up to ninety (90) percent of annual licensed bed days during their first year of operation.

(e) Facilities in operation prior to the effective date of this Chapter shall receive the per resident day rental or actual costs, as determined in accordance with HCFA–Pub. 15, whichever is greater, except that a nursing facility shall be reimbursed the per resident day rental:

(1) Commencing with the date upon which the nursing facility changes ownership; or

(2) After the nursing facility has accepted the per resident day rental; or

(3) After renegotiation of the lease for the land and/or building(s) not including the exercise of optional extensions specifically included in the original lease agreement or valid extensions thereof.

SEC. 112. MID-YEAR RATE ADJUSTMENTS.

(a)(1) The Secretary shall establish by regulation, in accordance with the Administrative Procedure Act, a procedure for granting mid-year rate adjustments for the nursing service, administrative and general, and fee-for-service ancillary services cost centers.

(2) The mid-year rate adjustment procedure shall require the Secretary to grant adjustments on an industry-wide basis, without the need for nursing facilities to apply for such adjustments, based on the following circumstances:

(A) Statutory or regulatory changes affecting nursing facilities (*e.g.*, new staffing standards or expanded services); or

(B) Changes to the federal minimum wage; or

(C) General labor shortages with high regional wage impacts; or

(3) The mid-year rate adjustment procedure shall permit specific facilities or groups of facilities to apply for an adjustment based on the following factors:

(A) Local labor shortages; or

(B) Regulatory changes that apply to only a subset of the nursing facility industry; or

(C) Economic conditions created by natural disasters or other events outside of the control of the provider.

(D) Other cost producing factors, except case-mix variation, to be specified by the Secretary in regulations promulgated pursuant to the Administrative Procedure Act.

(4)(A) A nursing facility which applies for a mid-year rate adjustment pursuant to subsection (a)(3) of this section shall be required to show that the adjustment will result in a greater than two (2) percent deviation in the per diem rate for any individual cost service center or a deviation of greater than $5,000 in the total projected and indexed costs for the rate year, whichever is less.

(B) A nursing facility application for a mid-year rate adjustment must be accompanied by recent cost experience data and/or budget projections.

SEC. 113. EXCEPTION TO PAYMENT METHODS FOR NEW AND LOW VOLUME NURSING FACILITIES.

(a) A low volume nursing facility shall constitute a nursing facility having fewer than 2,500 Medicare Part A resident days per year.

(b) A new nursing facility shall constitute a newly constructed, licensed, and certified nursing facility and/or a nursing facility that is in its first three years of operation as a Medicare Part A provider. A nursing facility that has operated for more than three years but has a change of ownership shall not constitute a new facility.

(c) Low volume nursing facilities shall have the option of submitting a cost report to receive retrospective payment for all of the cost centers, other than the property cost center, or accepting a per diem rate which shall be based on the sum of:

(1) The median indexed resident day facility unit value for the appropriate geographic region for the nursing service cost center during the base year as identified in Section 108(b)(2); and

(2) The median indexed resident day administrative and general per diem costs of all nursing facilities in the appropriate geographic region as identified in Section 109(a)(5)(E); and

(3) The median indexed resident day costs per unit of service for fee-for-service ancillary services which shall be obtained using the cost information from the nursing facilities in the appropriate geographic region during the base year, excluding low volume and new nursing facilities, and which shall be based on an array of such costs from lowest to highest; and

(4) the median indexed resident day per diem costs for selected ancillary services and other costs which shall be obtained using information from the nursing facilities in the appropriate geographic region during the base year, excluding low volume and new nursing facilities, and which shall be based on an array of such costs from lowest to highest.

(d) New nursing facilities shall have the option of being paid on a retrospective cost pass-through basis for all cost centers, or in accordance with Section 113(c) (1) through (4)—Low Volume Providers.

SEC. 114. APPEAL PROCEDURES.

(a)(1) Any person or legal entity aggrieved by a decision of the Secretary under this Chapter, and which results in an amount in controversy of $10,000 or more, shall have the right to appeal such decision directly to the Provider Reimbursement Review Board (hereinafter "the Board") authorized under Section 1878 of Title XVIII of the Social Security Act.

(2) The $10,000 amount in controversy shall be computed in accordance with 42 C.F.R. §405.1839.

(b) Hearings before the Board under this Chapter, and any appeals thereto, shall follow the procedures under Section 1878 of

Title XVIII of the Social Security Act and the regulations contained in 42 C.F.R. §§405.1841–1889, except to the extent that they conflict with, or are inapplicable on account of, any other provision of this Chapter.●

By Mr. HEFLIN:

S. 2441. A bill to provide for an independent review of the implementation of the national implementation plan for modernization of the National Weather Service at specific sites, and for other purposes; to the Committee on Commerce, Science, and Transportation.

WEATHER SERVICE MODERNIZATION REVIEW ACT

● Mr. HEFLIN. Mr. President, today I am introducing the Weather Service Modernization Review Act of 1994, a bill that is critical to the safety of my constituents in north Alabama and to other Americans living in areas prone to sudden, severe weather. The urgency of adopting this measure is best highlighted by the Palm Sunday tornadoes which, just this last March, claimed dozens of lives in northeast Alabama, a tragedy that is all too common in the Tennessee Valley area of Alabama.

As I am sure my colleagues are aware, the National Weather Service [NWS] is currently implementing a comprehensive modernization of its capabilities, facilities and services across the country. The centerpiece of the National Service's modernization plan is the next generation weather radar, otherwise known as NEXRAD. The Weather Service contends this NEXRAD technology is superior to existing radar systems. Therefore, they have planned for the closing of many Weather Service offices and limiting the number of NEXRAD systems. While efficiency and streamlining are important for a new system, it is a matter of grave concern that a reduction in the number of radars could potentially create gaps in the current severe weather warning network.

For example, the current plan calls for the National Weather Service to decommission the existing Huntsville Doppler radar and to close the weather service office, with responsibility for weather forecasting in north Alabama being transferred to a site more than 100 miles away. Despite assurances from the Weather Service that their plan will adequately cover north Alabama, serious concerns remain that the severe weather warning needs of north Alabama cannot possibly be satisfied by a radar that is located so far away. In addition, a study released earlier this year by Florida State University professor Peter Ray based on National Weather Service tornado data, population, and location of proposed NEXRAD units, identified eight areas of weak coverage in the NEXRAD network including north Alabama. Therefore, I feel it is absolutely essential that Congress provide a mechanism for independent review of the implementation of the National Weather Service's modernization plans in specific geographic areas.

The Weather Service Modernization Review Act will effectively create a mechanism for communities and geographic areas adversely affected by the National Weather Service Modernization Plan to ask that an independent, scientific evaluation be conducted over a sufficient period of time to determine whether or not the current NWS plan is adequate for that specific area. Specifically, the Secretary of Commerce and the Modernization Transition Team—a committee comprised of experts on atmospheric science—will determine which geographic locations will be reviewed by the National Academy of Sciences. The academy's conclusions will then be transmitted to the Congress by the Secretary of Commerce along with his recommendations for addressing the findings of the National Academy of Sciences. I believe this proposal is a fair way for every community to be heard and for the interests of all parties to be evaluated in a fair and independent manner.

My colleague from north Alabama, Congressman BUD CRAMER, has introduced similar legislation in the House which has already been marked up by the Subcommittee on Space of the Committee on Science, Space, and Technology. It is my hope that these bills can be voted on before the end of this legislative session. The safety of citizens throughout the Nation who live in areas prone to sudden, severe weather depends on this. I urge my colleagues to join with me in passing the Weather Service Modernization Act.●

ADDITIONAL COSPONSORS

S. 825

At the request of Mr. SPECTER, the name of the Senator from Wisconsin [Mr. KOHL] was added as a cosponsor of S. 825, a bill to amend title 28 of the United States Code to permit a foreign state to be subject to the jurisdiction of Federal or State courts in any case involving an act of international terrorism.

S. 1887

At the request of Mr. BAUCUS, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 1887, a bill to amend title 23, United States Code, to provide for the designation of the National Highway System, and for other purposes.

S. 1889

At the request of Mr. CHAFEE, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 1889, a bill to amend title XIX of the Social Security Act to make certain technical corrections relating to physicians' services.

S. 1908

At the request of Mr. ROCKEFELLER, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of S. 1908, a bill to provide for a study of the processes and procedures of the Department of Veterans Affairs for the disposition of claims for veterans' benefits.

S. 1933

At the request of Mr. McCAIN, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 1933, a bill to repeal the Medicare and Medicaid Coverage Data Bank, and for other purposes.

S. 2031

At the request of Mr. SMITH, his name was added as a cosponsor of S. 2031, a bill to amend the Merchant Marine Act, 1936, to prohibit the imposition of additional charges or fees for attendance at the United States Merchant Marine Academy, and to express the sense of the Senate that no additional charges or fees shall be imposed for attendance at the United States Military Academy, the United States Naval Academy, the United States Air Force Academy, and the United States Coast Guard Academy, and for other purposes.

S. 2119

At the request of Mr. SMITH, his name was added as a cosponsor of S. 2119, a bill to prohibit the imposition of additional fees for attendance by United States citizens at the United States Merchant Marine Academy.

S. 2140

At the request of Mr. DASCHLE, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 2140, a bill to permit an individual to be treated by a health care practitioner with any method of medical treatment such individual requests, and for other purposes.

S. 2215

At the request of Mr. LIEBERMAN, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 2215, a bill to establish rules governing product liability actions against raw materials and bulk component suppliers to medical device manufacturers, and for other purposes.

S. 2247

At the request of Mr. GORTON, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of S. 2247, a bill to amend the Fair Housing Act to modify the exemption from certain familial status discrimination prohibitions granted to housing for older persons, and for other purposes.

S. 2288

At the request of Mr. GREGG, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 2288, a bill to amend the Internal Revenue Code of 1986 to provide that a foster care provider and a qualified foster individual may share the same home.

S. 2330

At the request of Mr. ROCKEFELLER, the names of the Senator from Minnesota [Mr. WELLSTONE], and the Senator from Virginia [Mr. ROBB] were added as cosponsors of S. 2330, a bill to amend title 38, United States Code, to provide that undiagnosed illnesses constitute diseases for purposes of entitlement of veterans to disability compensation for service-connected diseases, and for other purposes.

S. 2392

At the request of Mr. BREAUX, the name of the Senator from Oregon [Mr. HATFIELD] was added as a cosponsor of S. 2392, a bill to amend section 18 of the United States Housing Act of 1937, and for other purposes.

S. 2411

At the request of Mr. DOLE, the names of the Senator from North Dakota [Mr. CONRAD], the Senator from Vermont [Mr. LEAHY], the Senator from Wisconsin [Mr. KOHL], the Senator from Vermont [Mr. JEFFORDS], and the Senator from New Hampshire [Mr. SMITH] were added as cosponsors of S. 2411, a bill to amend title 10, United States Code, to establish procedures for determining the status of certain missing members of the Armed Forces and certain civilians, and for other purposes.

SENATE JOINT RESOLUTION 186

At the request of Mr. PACKWOOD, the name of the Senator from New Mexico [Mr. DOMENICI] was added as a cosponsor of Senate Joint Resolution 186, a joint resolution to designate February 2, 1995, and February 1, 1996, as "National Women and Girls in Sports Day."

SENATE JOINT RESOLUTION 198

At the request of Mr. PRYOR, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of Senate Joint Resolution 198, a joint resolution designating 1995 as the "Year of the Grandparent."

SENATE JOINT RESOLUTION 210

At the request of Mr. INOUYE, the name of the Senator from Louisiana [Mr. BREAUX] was added as a cosponsor of Senate Joint Resolution 210, a joint resolution to designate the month of November 1994 as "National Native American Heritage Month."

SENATE JOINT RESOLUTION 211

At the request of Mr. GRAHAM, the name of the Senator from Texas [Mr. GRAMM] was added as a cosponsor of Senate Joint Resolution 211, a joint resolution to designate the second Sunday in October of 1994 as "National Children's Day."

SENATE RESOLUTION 256—AUTHORIZING THE USE OF FUNDS AVAILABLE TO THE COMMITTEE ON ENERGY AND NATURAL RESOURCES FOR CONSULTANTS

Mr. JOHNSTON (for himself and Mr. WALLOP) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 256

Resolved, That section 9(c) of the Omnibus Committee Funding Resolution for 1993 and 1994 (S. Res. 71; 103d Congress, 1st Session) is amended by adding before the period the following: "of which amount not to exceed $100,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended)".

SENATE RESOLUTION 257—RELATING TO THE "ENOLA GAY" EXHIBIT

Mrs. KASSEBAUM submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 257

Whereas the role of the Enola Gay during World War II was momentous in helping to bring World War II to a merciful end, which resulted in saving the lives of Americans and Japanese;

Whereas the current script for the National Air and Space Museum's exhibit on the Enola Gay is revisionist and offensive to many World War II veterans;

Whereas the Federal law states that "the Smithsonian Institute shall commemorate and display the contributions made by the military forces of the Nation toward creating, developing, and maintaining a free, peaceful, and independent society and culture in the United States";

Whereas the Federal law also states that "the valor and sacrificial service of the men and women of the Armed Forces shall be portrayed as an inspiration to the present and future generations of America"; and

Whereas, in memorializing the role of the United States in armed conflict, the National Air and Space Museum has an obligation under the Federal law to portray history in the proper context of the times: Now, therefore, be it

Resolved, That it is the sense of the Senate that any exhibit displayed by the National Air and Space Museum with respect to the Enola Gay should reflect appropriate sensitivity toward the men and women who faithfully and selflessly served the United States during World War II and should avoid impugning the memory of those who gave their lives for freedom.

Mrs. KASSEBAUM. Mr. President, I rise today to submit a sense-of-the Senate resolution related to the National Air and Space Museum's upcoming exhibit involving the *Enola Gay*.

As everyone in this Chamber knows, the *Enola Gay* is the plane that carried the atomic bomb to Hiroshima in August 1945. For the past 44 years, it has been in the possession of the Smithsonian Institute. Until 1960, the plane was simply left outside, exposed to elements and allowed to deteriorate. However, over the past several years, the plane has been restored, and next year it will be displayed at the National Air and Space Museum as part of an exhibit on the end of World War II.

Mr. President, the *Enola Gay* represents a significant piece of our Nation's history, and its exhibition is long overdue. Unfortunately, the current script for this important exhibit is seriously flawed and should be rewritten.

The United States Code states that "the Smithsonian Institution shall commemorate and display the contributions made by the military forces of the Nation toward creating, developing, and maintaining a free, peaceful and independent society and culture in the United States." It also states that "the valor and sacrificial service of the men and women of the Armed Forces shall be portrayed as an inspiration to the present and future generations of America."

As it is currently written, the National Air and Space Museum's script for the exhibit, "The Last Act: The Atomic Bomb and the End of World War II," does not meet the standards set forth in the United States Code. Instead, it is revisionist and unbalanced. It must be changed.

Early this spring, I was stunned to learn that the National Air and Space Museum's script for the exhibit included statements such as: "For most Americans this war was fundamentally different than the one waged against Germany and Italy—it was a war of vengeance. For most Japanese, it was a war to defend their unique culture against Western imperialism." At that time, I wrote to the director of the Smithsonian Institution and informed him that if the National Air and Space Museum could not display the *Enola Gay* in a manner that veterans would not find offensive, it should be moved to a museum that could.

While I am pleased that the museum has worked with veterans groups to improve the script since my letter of March 30, serious problems remain. The script continues to lack balance and historical context. For example, there are still more than twice as many photos of Japanese suffering than Americans. I think this is wrong. The role of the *Enola Gay* was momentous in helping bring World War II to a merciful close, saving both American and Japanese lives. Any exhibit involving the historic plane should respect the men and women who served this country so faithfully and selflessly during World War II and should avoid impugning the memory of those who gave their lives for freedom.

The sense-of-the-Senate resolution that I am introducing today reminds the National Air and Space Museum of its obligation to portray history in the proper context of the times. I hope that my colleagues will join with me enacting this important resolution.

SENATE RESOLUTION 258—RELIEF OF RICHARD KANEHL

Mr. HEFLIN submitted the following resolution; which was referred to the Committee on the Judiciary.

S. RES. 258

Resolved, That, as a supplement to S. Res. 108 of the 103d Congress, the bill S. 974 entitled "A bill for the relief of Richard Kanehl of Mobile, Alabama." now pending in the Senate, together with all the accompanying papers, is referred to the chief judge of the United States Court of Federal Claims. The chief judge shall proceed with the same in accordance with the provisions of sections 1492 and 2509 of title 28, United States code, notwithstanding the bar of any statute of limitations, laches, res judicata, collateral estoppel, or bar of sovereign immunity, and report thereon to the Senate, at the earliest practicable date, giving such findings of fact and conclusions thereon as shall be sufficient to inform the Congress of the nature and character of the demand as a claim, legal or equitable, against the United States or a gratuity and the amount, if any, legally or equitable due to the claimants from the United States. In complying with this resolution, the Court of Federal Claims is requested to consider the records of any previous trial of the issues in this case, including the records of *Merchants National Bank* v. *United States* (7 Cl. Ct. 1; 1984).

NOTICE OF HEARING

COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will be holding an oversight hearing on Tuesday, September 20, 1994, beginning at 9:30 a.m., in 485 Russell Senate Office Building on tribal self-governance.

Those wishing additional information should contact the Committee on Indian Affairs at 224–2251.

ADDITIONAL STATEMENTS

WE ALL LOSE ON THIS ROLL OF THE DICE

• Mr. SIMON. Mr. President, I saw an item on the editorial page of the Los Angeles Times written by State Senator Tom Hayden urging some caution on gambling in California.

The problem we face is a national epidemic of local, State, and tribal governments, desperate for funds, who reach out for this source of funding.

We have not taken a good look at what we are doing to the communities and to the Nation long term in reaching for this new source of funds.

I have serious concerns about this new easy source of funding that we are now leaning upon.

I ask to insert Senator Hayden's article into the CONGRESSIONAL RECORD at this point:

[From the Los Angeles Times, Sept. 12, 1994]

WE ALL LOSE ON THIS ROLL OF THE DICE

(By Tom Hayden)

Gambling suddenly is a hot issue. Amid furious debate in Sacramento, a measure to create a gambling regulatory commission was defeated on the final night of the legislative session. So was a last-minute amendment permitting Hollywood Park race track to branch into card clubs of its own.

In Los Angeles, serious schemes are being laid for a casino hotel near the new Downtown Convention Center, promoted yet again as an effort to rebuild L.A. Its advocates lobbied successfully in Sacramento last month for an amendment to prevent any interference with Downtown casino development. That amendment died with the bill.

One explanation for the gambling control measure's defeat was partisan politics. Gov. Wilson and Democratic leaders could not agree on who would appoint the proposed commission.

But that only skims the truth. Gambling is integral to the vision of a new entertainment economy shared by many powerful decision-makers, and regulation might interfere with their interests.

With the demise of defense contracts and shrinking investments in the inner city, these advocates ask, what better economic strategy is there for America's fantasy capital than a gambling casino for the whole family?

The entertainment economy is now the growth engine of Southern California, and according to Business Week, "gambling is humming the fastest." We are becoming a "Gambling Nation," headlines the New York Times.

Card clubs in Southern California alone took in $7.5 billion in wagers last year. More than $15 billion was wagered on Indian reservations last year, much of it in California. Nationally, legal gambling revenues were $30 billion in 1993, more than the combined revenue of movies, books, records and arcades.

Feeling their new respectability and clout, the new defenders of gambling ask, "What's wrong with gambling anyway?" It's outmoded Puritanism, they say, to oppose bingo, lotto and blackjack, not to mention those slot machines on Indian reservations. And for clinchers they say gambling means jobs, jobs, jobs.

I'm not a prohibitionist. But you don't have to be Puritan to question whether kids should be exposed to gambling as family entertainment. Gambling is an addiction for many, a fantasy for many. It creates no new wealth and yet, for the first time in our economic history, this non-productive sector is being proposed as an anchor of growth.

With anarchy, hunger, racism and joblessness rising over the globe, what does it say about our character that we devote so much of our high-tech potential to inventing better gambling machines? Gambling, not religion, is the opiate of the people, and those sponsoring it are new Neros.

Above all, there is the cancer of political corruption spread by gambling. Local regulation of card clubs has been lax in cities like Bell Gardens and Commerce which depend on gambling revenues. For example, federal prosecutors proved the Bicycle Club in Bell Gardens was built from laundered drug money. It is now under federal receivership. A long-time operator at the club is on trial for loan sharking and extortion.

Even clean, publicly traded gambling corporations can corrupt and dominate the democratic process with their massive lobbying efforts, usually conducted against penniless opposition.

Since 1990, gambling interests have spent $5.3 million on campaign contributions and lobbying in Sacramento. Hollywood Park gave $441,370 to politicians, spent $364,917 on lobbying and threw in another $490,000 to the Inglewood voter referendum that approved their casino by 52%.

The explosive growth of gambling makes statewide campaign finance reform more needed than ever. In addition, a tough, independent state gambling commission should be created; those who hold or seek gambling licenses should be prohibited from making campaign contributions to the attorney general or to local referendums on casinos; and any advertising that promotes gambling as "family entertainment" or healthy for kids should be regarded as deceptive and be prohibited.

As for a Downtown L.A. casino, state law requires local voter approval. The gambling lobby is betting that, in hard times, voters can be lured to vote for Lady Luck. That's all the more reason for getting a serious gambling commission in place by 1995.•

EXPLANATION OF ABSENCE AND POSITION ON VOTE

• Mr. WELLSTONE. Mr. President, on Wednesday, September 14, I was necessarily absent due to the Jewish holiday, Yom Kippur. I missed rollcall vote No. 299. If I had been present, I would have voted "yea" on the motion to instruct.•

"WE'VE MET THE ECONOMIC ENEMY, AND HE IS US"

• Mr. SIMON. Mr. President, one of the more thoughtful writers on the American economic scene in the Nation today is Hobart Rowen of the Washington Post.

Recently, he had an article entitled, "We've Met the Economic Enemy, and He Is Us" with a subtitle "30 Years of Mismanagement and Betrayal in Washington Have Eroded America's Global Edge."

Unfortunately, the headings convey the truth. We have been unwilling to face up to our fiscal realities, and we are headed in the direction, eventually, of monetizing our debt, unless something dramatic forces us to change our path.

And there I differ with Hobart Rowen in believing that the only thing that is going to change us from the present path is a constitutional amendment. It is simply too easy, politically, to continue to be irresponsible.

He makes another point that we need to look at, and that is the need for investment through the public sector.

We are talking a great deal these days about welfare reform and crime. If we were to have a WPA-type of jobs program that guaranteed every American the opportunity for a job, it would cost some money, but it would do much more to reduce crime than anything we had in the crime bill; and it would gradually move us away from our present welfare dependency, particularly, if we required those who get the public sector jobs to be screened for literacy and job skills and provide them, if they do not have those qualifications.

In any event, the Hobart Rowen comments are worth reflecting upon by those of us who hold public office, and

I ask that it be entered into the RECORD at this point.

The article follows:

[From the Washington Post, Sept. 11, 1994.]

WE'VE MET THE ECONOMIC ENEMY, AND HE IS US

30 YEARS OF MISMANAGEMENT AND BETRAYAL IN WASHINGTON HAVE ERODED AMERICA'S GLOBAL EDGE

(By Hobart Rowen)

When I began in journalism more than 50 years ago, the United States was struggling to survive the hardships of the Great Depression and soon would face the privations of World War II. Ironically, both experiences would leave the nation more prosperous than ever before. The United States emerged in the late 1940s with the most powerful economy in the world, and for several decades it was able to maintain its unrivaled position.

Today, the United States is the world's largest debtor nation, and many critics insist that we have become a second-class power. Our decline in self-esteem puzzles both our allies and rivals. Many of us search for a scapegoat to blame for our manifold ills. But the bitter truth is that we have no one to blame for our condition but ourselves.

For the wounds to our economic health and to our national pride have been largely self-inflicted. Our recent economic history is a story of blunder, mismanagement, stupidity, and irresponsibility by officials whose obligation to govern the nation was betrayed by their embrace of policies misconceived and ineptly applied.

It is a story that begins during the mid-1960s, with President Lyndon B. Johnson's inheritance of a level of prosperity—with good jobs and without significant inflation—that had never been achieved in the nation's history.

But Johnson's embrace of a forlorn and unwinnable war in Vietnam—and his insistence that the country could have, in the phrase of the time, both "guns and butter"—put this country on a course from which it has yet to recover. The buildup in Vietnam, which occurred without regard to its cost, destroyed the delicate social fabric that had been woven during the Eisenhower and Kennedy years and by Johnson's own Great Society. Johnson faced two unpalatable choices: Either to cut other government spending to match the new costs of his escalating war, or to raise additional taxes to pay for it.

Unhappily, Johnson did neither. In his hubris, he thought he could have it all, and so let the inflation genie out of the bottle, touching off a devastating spiral that, ultimately, the Federal Reserve Board was forced to battle by imposing higher interest rates. Johnson's decision, indulged by a spineless Congress, helped to generate a flight from the dollar. His gamble was that an economy already overheated by a business boom could somehow absorb the costs of an increasingly bloody war—and still escape inflationary price increases.

The United States was thereby set on a course that slowly debilitated its fundamental economic health. Six presidents—two Democrats and four Republicans—would fail, at critical times, to make the right decisions that would have ensured the nation's prosperity as it struggled to survive a period of extraordinary technological change and fierce competition from allies formerly prostrate but now straining and eager, quite literally, to give us a run for our money.

We have been the victims over the past 30 years of an almost sublime mismanagement in Washington. We have stumbled through an era of greed and malfeasance, from LBJ's failure to finance the Vietnam War through the multiple failures of Reaganomics. In between, we have suffered the duplicity of Richard Nixon, the ineptitude of the well-meaning but bumbling Gerald Ford, the notorious malaise of Jimmy Carter. And throughout, we have seen a futile chase for dollar stability after the Bretton Woods system collapsed in the 1970s and trade imbalances mounted. And at no time was any American president willing or able to combat the menace of the oil cartel, the swindlers on Wall Street or the industrial assault on the environment.

The self-inflicted wounds that are the most recent—and therefore perhaps the most vivid—are those that resulted from Ronald Reagan's counterrevolution.

The sad legacy of the Reagan years was that they widened the gap between the nation's rich and poor. Henry Reuss, a liberal congressman from Wisconsin and one of the few to see Reaganism for what it was, pointed out that the combination of huge tax cuts at the top of the income scale, coupled with higher Social Security taxes and reductions in social programs, would further skew income distribution from the bottom 60 percent of taxpayers to the top 10 percent. In addition, the major increase in military budgets would attract investment in the booming, capital-intensive arms industries in the Sun Belt, while hard-hit blue-collar areas in the Midwest likely would suffer further.

Reaganomics put the New Deal and the Great Society in reverse gear. With George Bush's help, it stayed that way for 12 years, until Bill Clinton's budget and tax package forced a mild redistribution, with higher taxes on upper-income families and a larger "earned income credit" for wage earners under $27,000 a year.

Yet, on balance, the Clinton package was not, as Time magazine argued, a total reversal of Reaganomics: Upper-bracket earners had enjoyed huge accumulations of wealth over the 12-year reigns of Reagan and Bush. The Clinton budget of 1993, with a modestly more progressive tax system, was only a small step in redressing the balance.

At the end of his two terms. Reagan left a weakened United States to George Bush, who, choosing to ignore a deteriorating economy at home, had to pass the tin cup to the nation's allies to support the war in the Persian Gulf in 1991 against Saddam Hussein.

His own presidency having done little to resolve the nation's multiple economic problems, Bush bequeathed to Clinton the complex assignment of restoring some sense of fiscal balance by reducing the federal budget deficit. This required Clinton to opt for substantial increases in taxes across the board while attempting to reform the health insurance system.

Our international economic policy has been wounded, too. During the late 1980s, Bush administration officials James Baker and Richard Darman had carefully crafted a system of international cooperation,but it fell on hard times. Europe and the United States indulged their special interests by allowing a trade war over agricultural products to delay creation of broader new rules and coverage under the General Agreement on Tariffs and Trade. The United States and Japan continued to scrap over trade imbalances that persisted despite a series of agreements aimed at managing currency fluctuations; and Third World nations continued to stagger under the burden of their international debt until the deflation during the Bush regime forced interest rates sharply lower.

In "the good old days," the Federal Reserve Board could turn on the low-interest-rate switch and jump-start the economy again. Now, it's not so simple: Not only are consumers and businesspeople not anxious to take on new debt, they are worried by the country's and their own long-term future. Thus, from June 1989 through October 1993, the Federal Reserve Board took 24 easing steps that helped corporations and individuals reduce the interest rate burden. But in terms of stimulating the economy, the old magic seemed to have lost some of its potency.

As 1994 got underway, a modest business recovery was taking place, sufficient to trigger a reversal of the Fed's easy-money policy. Clearly, the economy was creating more jobs—notably in the services sector—more quickly than the most optimistic Clinton aides had hoped, with a minimum impact on consumer price inflation. Responding to a higher yen that raised Japanese car prices—and to the improved quality of American cars—American buyers turned increasingly to Detroit's offerings. Thus, for at least a short horizon, the American economy under Bill Clinton was enjoying a comfort level that politicians in Europe and Japan could only envy.

Yet, the harsh reality—and no one knows it better than Clinton—is that the United States faces severe, longer-term problems. The president and Congress, even though committed to a steady reduction of the fiscal deficit, must improve the skills of the labor force. That will require greater expenditures by business as well as government.

Will the economy, despite improvement in 1994, be able to generate the kind of high-quality jobs needed in the new technological age? That remains an unanswered question.

A notable phenomenon of the late 1980s and early 1990s was the "down-sizing" of the large corporation. Day by day, in monotonous and ominous echoes, companies such as International Business Machines Corp., General Motors Corp., Sears, Roebuck and Co. and others announced they would close plants, eliminate thousands of jobs—and more or less carry on production at the same pace.

From the business standpoint, it made sense; from the worker standpoint, it represented a sea change from the good old days, when even a high school graduate could expect employment of sufficient duration to help him or her fulfill the American dream of raising a family, owning a car, and, over the years of a long-term mortgage, owning a home.

Restoration of such an American dream is extremely unlikely in the short run, and perhaps impossible for many years to come. The deficit remains a constant. Of all the self-inflicted wounds of the past three decades, none has been more harmful than the public debt saddled on the American people by the eight years of Reaganomics, accompanied by an actual decline in real wages.

There had been an actual decline in real weekly U.S. earnings from $315 in 1972 (in 1992 dollars) to a mere $255 in October 1992—a drop of almost 20 percent. As a result, many American families had to turn to more than one breadwinner. Yet, as Clinton's Council of Economic Advisers Chairman Laura D'Andrea Tyson pointed out, from 1978 through 1991 real median family income showed no change, despite the increase in hours worked.

The right policy prescription is to focus on investment—not just on controlling the federal budget deficit, as important as that may be. We need a fiscal thrust—the expenditure of more money in the public sector. That would include rehabilitation of the urban educational system, and a revision of teachers' pay commensurate with the responsibilities they have; revival of revenue sharing to take some of the burdens off state and local governments; and the transfer of large amounts of budget money now committed to defense programs to civilian programs, notably for "infrastructure"—roads, bridges, highways and the like.

For the next decade or two, the American people will be forced to live through a regimen of constrained national budgets. But the next decade or two is not forever. The United States remains the strongest economic power, but is more dependent on global well-being than it ever was before. This country cannot operate, as Reagan in his first term supposed it could, with "benign neglect" of the impact of U.S. policies on the prosperity of other nations. Our goal should be to share global power with a stronger Japan and Germany, instead of concluding that we must collide.●

THE EMBARGO MUST GO

● Mr. SIMON. Mr. President, the Chairs of the Senate Foreign Relations Committee and the House Foreign Affairs Committee had an item on the Washington Post editorial page suggesting that our policy toward Cuba does not really make any sense.

I could not agree more.

CLAIBORNE PELL and LEE HAMILTON almost always provide commonsense direction for our country in the area of foreign relations, and we ought to be listening to them on this occasion.

I ask to insert their statement into the RECORD at this point.

The article follows:

[From the Washington Post]

THE EMBARGO MUST GO

(By Claiborne Pell and Lee H. Hamilton)

The United States and Cuba have taken the positive step of opening talks to address the refugee exodus. But we need to look beyond this crisis. A comprehensive review of U.S. policy toward Cuba is long overdue. Rather than focusing all of our attention on Fidel Castro, we need to start thinking about what's good for the Cuban people, and how to promote lasting, peaceful change.

Current U.S. policy dates from when Cuba was a Soviet surrogate, aggressively challenging U.S. interests from Africa to Central America. That time is past. Cuba poses no threat to the security of the United States. Yet Washington's hard-line stance continues—more a product of shortsighted domestic politics than of prudent foreign policy considerations.

We share the president's goal of fostering democratic change on the island: We want Cuba to join the community of democratic nations by instituting political and economic reform and respecting human rights. Unfortunately, current policy seems based on the longstanding hope that isolating Cuba will bring about change. We believe the critical challenge is to construct a policy that doesn't put the pace of change in Castro's hands but that proactively promotes a peaceful transition to democracy in Cuba.

For the last 33 years, the cornerstone of U.S. policy has been an embargo that restricts trade, travel and the flow of information. Defenders of the approach argue that by isolating the regime and aggravating Cuba's economic crisis, the United States can force the Cuban government to capitulate, or induce a desperate Cuban people to overthrow the regime. Toward that end, the embargo was tightened two years ago. President Clinton's recent decision to block Cuban Americans from sending cash to relatives in Cuba and to drastically restrict travel to and from the island further tightens the noose.

Unfortunately, after three decades the embargo has failed to bring about democracy in Cuba. Though Cuba has suffered the loss of Soviet subsidies and its worst sugar harvest and most devastating tropical storm in recent history, Castro remains in power. No matter how hard the United States squeezes the Cuban economy, we doubt it will force the Cuban government to embrace democracy. Castro has made a career of defying U.S. pressure and is unlikely to yield: U.S. policy provides a convenient scapegoat for Cuba's economic woes and a rallying point for Cuban nationalism.

Moreover, U.S. policy has done little to advance the cause of human rights in Cuba. Instead, it creates an atmosphere of hostility, reinforcing a siege mentality and providing a justification for repressive policies. The U.N. special rapporteur on Cuba stated in his 1994 report to the U.N. commissioner on human rights that the embargo is "totally counterproductive" to improving human rights. Reformers see the embargo as an obstacle to change, providing ammunition for Cuban hard-liners to accuse anyone advocating reform of playing into the hands of "imperialists" to the north.

Escalating economic pressure may actually reduce prospects for a peaceful transition. If economic sanctions create sufficient hardship to cause social unrest, the most likely consequence would be widespread political violence. This would be a tragedy for the Cuban people and a disaster for the United States. Civil strife would generate a tidal wave of refugees far beyond current flows from Cuba. And it would provoke intense domestic political pressure for U.S. military intervention—far greater than we have witnessed with Haiti.

We have learned that the best way to move a communist country toward freedom is to intensify and broaden our engagement with its people. The Cuban people need an invasion of people, ideas and information, not a tightened embargo or a blockade. The United States seeks to change regimes in China and Vietnam through trade and broader engagement. If we use this approach to pry open societies halfway around the world, why should Cuba, 90 miles away, be different?

The United States should open the door for a positive, rather than punitive, influence on Cuba's future by expanding contact with the Cuban people. As initial steps, the United States should: (1) Lift the travel ban that prevents most U.S. citizens from traveling to Cuba; (2) lift the ban on remittances to family members; (3) remove restrictions limiting telecommunications and the exchange of press between the United States and Cuba; (4) expand exchange programs between United States and Cuban citizens; (5) lift the ban on the commercial sale of food and medicine; and (6) remove the extraterritorial provisions of the embargo that have angered our allies and hindered a multilateral approach to Cuba. Beyond these measures the United States can, over time, take additional step-by-step measures to modify the embargo in response to positive Cuban actions.

In contrast to Haiti, where the United States is collaborating with other countries to promote democracy, we are alone in our Cuban policy. Many of our closest allies in Europe and Latin America are establishing closer political and economic ties with Cuba, diminishing the economic impact of the U.S. embargo. At the last U.N. General Assembly, only Israel, Albania and Paraguay joined us in opposing an end to the embargo.

We don't think lifting the embargo immediately is politically possible. We may need to move gradually—but we need to move. Lifting the embargo in stages can give the United States leverage over the Cuban government, which fears openness more than isolation. We will better erode totalitarianism by reaching out to the Cuban people.●

ORDERS FOR TOMORROW

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10:30 a.m., Tuesday, September 20; that following the prayer, the Journal of proceedings be deemed approved to date and the time for the two leaders reserved for their use later in the day; that on Tuesday, the Senate stand in recess from 12:30 p.m. to 2:15 p.m., in order to accommodate the respective party conferences.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I note the presence of my colleague, the distinguished chairman of the Senate Foreign Relations Committee. I understand he wishes to address the Senate.

I therefore ask unanimous consent that Senator PELL be recognized to address the Senate, and that, upon completion of his remarks, the Senate stand in recess as previously ordered.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Rhode Island [Mr. PELL] is recognized.

Mr. PELL. Mr. President, I congratulate President Clinton for working out an agreement to restore the democratically elected Haitian Government to power while minimizing the risks to United States forces. By making one last effort to resolve the crisis diplomatically, President Clinton opened the way for yesterday's dramatic events, which accomplished—peacefully—our primary goal in Haiti, and deftly avoided sending our troops into a combat situation.

I would also like to praise President Carter, General Powell, and Senator NUNN for their successful mission. Theirs was a difficult and delicate task which they carried out skillfully and tirelessly.

I wish the President and our Armed Forces success in the current operation. Today, the Nation is breathing a collective sigh of relief that instead of invading, United States troops are entering into a peaceful environment with the apparent cooperation of the Haitian Armed Forces. We must be fully aware, however, that many uncertainties remain which could have an impact on the safety and security of U.S. forces. While the streets are quiet today in Port-au-Prince, the potential for violence over the coming weeks remains.

The United States and our allies in the multinational forces still face the daunting challenge of securing a stable environment, facilitating the transition of power, and aiding in the professionalization of the military and the establishment of a new civilian police force. While I suspect it may take several months to accomplish these goals, I am heartened that goalposts have been set for extricating U.S. troops. It is imperative now to define precisely what needs to be done to meet those goals, so that they can be completed with a minimum of long-term commitment on our part.

In addition to the difficult tasks facing our United States troops, many details have yet to be worked out regarding the transfer of power and actions to be taken by the Haitian Parliament. It is imperative that all parties abide by the commitments made over the weekend and act in good faith as these issues are addressed. Despite opposition at home, President Clinton has clearly demonstrated his commitment to the restoration of the democratically elected Government in Haiti and the coup leaders would be wise not to underestimate his resolve to enforce this agreement.

Mr. President, I fully support the pending resolution and believe President Clinton deserves great credit for the leadership, wisdom, and prudence he has demonstrated in Haiti.

RECESS UNTIL TOMORROW AT 10:30 A.M.

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until 10:30 a.m., on Tuesday, September 20, 1994.

Thereupon, at 6:33 p.m., the Senate recessed until Tuesday, September 20, 1994, at 10:30 a.m.

NOMINATIONS

Executive nominations received by the Secretary of the Senate September 15, 1994, under authority of the order of the Senate of January 5, 1993:

THE JUDICIARY

MAURICE B. FOLEY, OF CALIFORNIA, TO BE A JUDGE OF THE U.S. TAX COURT FOR A TERM EXPIRING 15 YEARS AFTER HE TAKES OFFICE, VICE CHARLES E. CLAPP II, RETIRED.

JUAN F. VASQUEZ, OF TEXAS, TO BE A JUDGE OF THE U.S. TAX COURT FOR A TERM EXPIRING 15 YEARS AFTER HE TAKES OFFICE, VICE PERRY SHIELDS, RETIRED.

Executive nomination received by the Secretary of the Senate September 16, 1994, under authority of the order of the Senate of January 5, 1993:

EXECUTIVE OFFICE OF THE PRESIDENT

ALICE M. RIVLIN, OF THE DISTRICT OF COLUMBIA, TO BE DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET, VICE LEON E. PANETTA.

Executive nominations received by the Senate September 19, 1994:

THE JUDICIARY

SANDRA L. LYNCH, OF MASSACHUSETTS, TO BE U.S. CIRCUIT JUDGE FOR THE FIRST CIRCUIT, VICE STEPHEN G. BREYER, ELEVATED.

DEPARTMENT OF JUSTICE

CHARLES R. WILSON, OF FLORIDA, TO BE U.S. ATTORNEY FOR THE MIDDLE DISTRICT OF FLORIDA FOR THE TERM OF 4 YEARS, VICE LARRY HERBERT COLLETON, RESIGNED.

NATIONAL MUSEUM SERVICES BOARD

ROBERT G. BREUNIG, OF ARIZONA, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 1994. (REAPPOINTMENT.)

KINSHASHA HOLMAN CONWILL, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 1997, VICE WILLARD L. BOYD, TERM EXPIRED.

AYSE MANYAS KENMORE, OF FLORIDA, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 1995, VICE DAPHNE WOOD MURRAY, RESIGNED.

NANCY MARSIGLIA, OF LOUISIANA, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 1998, VICE GEORGE S. ROSBOROUGH, JR., TERM EXPIRED.

ARTHUR ROSENBLATT, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 1997, VICE RICHARD J. SCHWARTZ, TERM EXPIRED.

TOWNSEND WOLFE, OF ARKANSAS, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 1995, VICE ROSEMARY G. MCMILLAN, TERM EXPIRED.

NATIONAL INSTITUTE OF BUILDING SCIENCES

H. TERRY RASCO, OF ARKANSAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL INSTITUTE FOR BUILDING SCIENCES FOR A TERM EXPIRING SEPTEMBER 7, 1997, VICE ARNOLD L. STEINBERG, TERM EXPIRED.

CHRISTINE M. WARNKE, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL INSTITUTE FOR BUILDING SCIENCES FOR A TERM EXPIRING SEPTEMBER 7, 1995, VICE LOUIS L. GUY, JR., RESIGNED.

NATIONAL COUNCIL ON DISABILITY

AUDREY L. MCCRIMON, OF ILLINOIS, TO BE MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 1997, VICE ROBERT S. MUELLER, TERM EXPIRED.

CIVIL LIBERTIES PUBLIC EDUCATION FUND

SUSAN HAYASE, OF CALIFORNIA, TO BE MEMBER OF THE BOARD OF DIRECTORS OF THE CIVIL LIBERTIES PUBLIC EDUCATION FUND FOR A TERM OF 3 YEARS. (NEW POSITION.)

SECURITIES INVESTOR PROTECTION CORPORATION

JAMES CLIFFORD HUDSON, OF OKLAHOMA, TO BE A DIRECTOR OF THE SECURITIES INVESTOR PROTECTION CORPORATION FOR A TERM EXPIRING DECEMBER 31, 1994, VICE JAMES G. STERNS, TERM EXPIRED.

JAMES CLIFFORD HUDSON, OF OKLAHOMA, TO BE A DIRECTOR OF THE SECURITIES INVESTOR PROTECTION CORPORATION FOR A TERM EXPIRING DECEMBER 31, 1997. (REAPPOINTMENT.)

IN THE NAVY

THE FOLLOWING-NAMED LIEUTENANTS IN THE LINE OF THE NAVY FOR PROMOTION TO THE PERMANENT GRADE OF LIEUTENANT COMMANDER, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFORE AS PROVIDED BY LAW:

UNRESTRICTED LINE OFFICERS

To be lieutenant commander

AAKRE, THOR D., 468-54-2193
ABBOTT, CHRISTOPHER E., 076-58-2075
ABELL, DAVID D., 512-72-7258
ABRESCH, RICHARD J., 219-78-8534
ADAMS, STEVEN E., 511-52-3313
ADAMS, THOMAS L., III, 577-02-5575
AHLGRIM, MICHAEL W., 338-54-4482
ALABATA, AL A.O., 261-25-1680
ALBERT, DAVID J., 245-27-7076
ALBERTO, DONALD P., 519-64-4109
ALBRIGHT, MATT NMN., 544-60-7523
ALFORD, ANDREW NMN., 439-98-3825
ALKOV, STEVEN L., 416-02-9470
ALLEN, KENNETH R., 475-68-9998
ALLEN, MARK W., 167-48-1175
ALLEN, ROBERT D., 346-54-4161
ALLEN-KENDRICK, JOYCE A., 257-29-7691
ALLMAN, JAMES M., 313-80-0263
ANDERSEN, GENE R., 534-64-4192
ANDERSEN, KEVIN R., 541-86-0254
ANDERSON, DANIEL S., 552-82-4511
ANDREAS, MARK J., 549-27-1481
ANDREWS, MARGARET A., 431-35-9169
ANDREWS, STEPHEN J., 531-80-2541
ANDRUS, EDWARD Y., 218-92-9948
ANGELINO, HENRY D., JR., 223-66-6927
APOLLO, ROLANDO A., 107-56-3618
APPLEGATE, CAROLYN L., 116-54-3884
AREND, JAMES D., 570-02-3256
ARMBRUSTER, ROBERT R., 408-43-3344
ARMISTEAD, EDWIN L., 228-15-8477
ARMSTRONG, JAMES S., 254-06-8905
ARMSTRONG, MARK A., 563-37-7465
ARMSTRONG, ROBERT B., 216-70-1589
ARNOLD, DOUGLAS E., 215-78-0791
ARNOLD, JOHN F., JR., 420-86-6114
ASHE, JOHN D., 493-68-0232
ASJES, DAVID C., 494-80-7489
ASSEL, ALLAN J., JR., 439-31-0382
AUSTIN-STANLEY, TRACY J., 095-48-5076
AVILA, MATTHEW R., 570-51-2039
BADZIK, DAVID V., 229-98-3562
BAKER, MARK A., 054-42-9120
BALAN, GAVIN W., 550-61-0229
BARFIELD, LISA C., 551-47-3966
BARR, HAROLD E., 316-56-6030
BARRETT, KENNETH J., JR., 024-42-2324
BARRETT, WILLIAM P.M., 362-70-0221
BARRICKMAN, DARRYL L., 248-35-9199
BARROW, RICHARD D., II, 239-96-4047
BARTHOLOMEW, TIMOTHY F., 379-64-2081
BARWIS, ROBERT C., 170-40-2935
BATCHELDER, BRET C., 523-94-1297
BATES, JOHN S., 414-06-5963
BAUKNECHT, JOSEPH A., 267-65-0079
BAY, JEFFREY L., 545-37-6262
BEATTY, JAMES C., 215-62-9601
BEAVER, MATTHEW S., 213-88-8495
BECKLER, ERIC M., 266-93-2561
BEEL, JOSEPH J., 496-76-0861
BELANGER, JON C., 569-31-5274
BELCZYK, KARL S., 191-42-2062
BELL, HAROLD A., 071-62-7280
BELLAMY, LATOYA NMN., 266-45-6965
BELLANTONI, PAUL N., 082-52-3573
BELT, WARREN, C., 262-83-8656
BERG, TIMOTHY L., 475-80-6843
BERNARDI, JEFFREY T., 270-70-6442
BERTRAND, ROBERT W., 218-90-1294
BETHGE, THOMAS M., 121-62-8971
BIANCHI, KEVIN A., 153-66-9131
BIERBRAUER, ANDREAS P., 247-33-5880
BILES, JAMES B., 580-06-6667
BIRON, ERICA T., 163-46-3478
BITZER, TIMOTHY B., 313-78-5476
BLACKKETTER, ALAN W., 413-27-0225
BLAISDELL, STEVEN H., 260-02-3845
BLAKE, CHERYL D., 281-56-9080
BLAKELEY, JOHN W., 225-88-7490
BLAZER, WILLIAM E., 233-04-9460
BLOUNT, JAMES R., 281-58-1686
BOAL, DAVID D., 503-72-6789
BOEHM, LAURA A., 585-21-9600
BOEX, ANTHONY R., 557-33-5543
BOLIVAR, BABETTE R., 545-41-0472
BONNER, MICHAEL L., 569-33-2975
BONOMO, JAMES A., 270-48-4023
BORROSH, MICHAEL A., 070-62-0377
BOSTON, BRENT L., 365-50-5875
BOTTELSON, JAY D., 469-56-9760
BOURBEAU, THOMAS F., 552-27-6839
BOVERI, JOSEPH A., 337-58-1291
BOVINGTON, SAMUEL R., 517-68-1633
BOWERS, EARL C., 539-82-9071
BOWHERS, VINCENT C., JR., 098-42-4410
BOWIE, JOHN B., 182-56-2425
BOXALL, RONALD A., 103-60-5125
BOYKIN, TIMOTHY R., 245-08-6398
BRADFIELD, PAUL J., 459-33-0670
BRADFORD, WILLIAM J., 473-86-3893
BRADLEY, BRUNHILDE K., 526-71-0262
BRAND, GREGORY R., 531-68-3811
BRANDENBURG, GLENN R., 226-02-1611
BRAULT, LAURELL A., 095-50-1134
BRAUNSCHWEIG, JOHN J., 241-25-3658
BRAWFORD, JOHN L., 390-72-8526
BRENTON, KEVIN R., 047-60-8128
BRESE, ROBERT F., 415-27-7088
BRIGHTWELL, JEFFREY J., 496-52-3949
BRISTOW, STEVEN G., 543-88-2118
BRODEUR, DAVID L., 003-54-1339
BROOKS, DENNIS M., 566-55-8418
BROOKS, DIANE C., 264-96-8898
BROWN, PAUL C., 555-51-5202
BROWN, RICHARD A., 012-56-3890
BROWN, ROBERT C., 561-19-2814
BROWNELL, MARK J., 168-58-5923
BROWNSWEIGER, JEFFREY S., 210-54-2226
BROWNWAHLER, YVETTE C., 555-45-6635
BRUBAKER, STEVEN H., 172-50-6265
BRUNO, ANTHONY I., 228-96-7206
BRYANT, EDWARD G., 163-54-6612
BRYANT, JOHN L., JR., 139-58-9380
BUCKLEY, JAMES F., II, 374-86-5876
BUCKLEY, PATRICK E., 288-66-9302
BUDUO, ANDREW I., 020-38-2576
BUGELLI, FRANK NMN., 573-47-2658
BURDA, ROBERT E., JR., 096-58-9677
BURKE, BRIAN T., 573-33-9062
BURKE, ROBERT P., 377-70-5633
BURKE, THOM W., 385-82-8200
BURNS, DANIEL P., 109-56-5422
BURNS, JOSEPH P., 357-58-3020
BURTON, DOUGLAS R., 300-60-7894
BUSWELL, BRADLEY I., 522-23-3619
BUTLER, OTIS E., III, 230-08-0830

BUTLER, PATRICK W., 254-23-3230
BUTTERFIELD, ANDREW A., 034-50-2531
BUTTRAM, DAVID L., 202-48-6208
BUXTON, WINSLOW H., III, 543-76-1996
BYNUM, JAMES S., 465-23-9068
BYRD, VALERIE R., 264-71-6555
BYRNE, ERIC B., 218-80-7061
BYRON, ROBERT M., 477-64-0793
CADE, STEVEN C., 280-46-6645
CADY, MICHAEL P., 439-08-5087
CALABRESE, THOMAS M., 096-52-8978
CALDERALA, DAN G., 349-54-7745
CALDWELL, DAVID M., 049-62-8036
CALI, SHAWN M., 079-56-1595
CALLAHAN, SHAWN M., 030-52-5336
CAMARA, JOHN A., 563-94-9583
CAMPBELL, DAVID L., 505-74-8499
CAMPBELL, EDWARD J., 110-48-2080
CAMPBELL, ERIC M., 266-81-7938
CAMPBELL, KOLIN K., 225-82-7045
CAMPBELL, SCOTT R., 196-56-9974
CAMPBELL, TAMMY P., 407-08-5179
CANADY, KERRY B., 412-17-6471
CAPRIA, FREDERICK J., 229-70-4367
CARAVEO, BRYAN T., 551-27-3479
CARES, JEFFREY R., 003-56-6716
CAREY, ROBERT H., JR., 384-46-1612
CARLSON, JOSEPH T., 387-64-4644
CARLSON, STEPHEN F., 353-66-5725
CARPENTER, BRADLEY A., 507-82-5838
CARPENTER, DENNIS E., 262-73-3753
CARROLL, JOHN B., 025-50-6673
CARROLL, STEVEN R., 154-54-8634
CARTER, KEFF M., 263-17-9062
CARTER, MATTHEW J., 228-15-2061
CASEY, KEVIN C., 571-98-8338
CASIMES, ALEXANDER T., 508-92-2611
CASSIDY, DOUGLAS P., 017-36-3740
CASTANEDA, WILLIAM G., 457-31-1495
CASTILLO, HENRY A., JR., 551-55-8107
CASTLETON, JAMES R., 457-02-2779
CEDRUN, MARK E., 568-72-9777
CERAOLO, SALVATORE J., 119-58-1359
CHACHULA, SANDRA K., 390-74-7658
CHACHULA, STEPHEN D., 261-81-4916
CHAFFEE, COLIN B., 122-44-7636
CHAKER, ALBERT E., 035-40-0673
CHAMBERS, CHRISTOPHER S., 069-56-5983
CHAMBERS, KENNETH M., 202-52-2078
CHAMBERS, WALLACE L., JR., 528-74-1611
CHANG, DAVID C., 267-79-3698
CHASE, BRUCE E., 552-02-2519
CHASE, DEAN M., 072-60-5395
CHAVES, MARK A., 223-64-0227
CHENEY, DAVID P., 003-54-6056
CHIPKEVICH, MARY B.A., 166-54-2309
CHUBB, WILLIAM M., 162-48-2723
CHUN, CHRISTOPHER C., 572-23-4150
CHURBUCK, JAMES F., JR., 219-90-7444
CIARDELLO, MICHAEL J., 587-31-1822
CLAGETT, JOHN R., 549-98-5900
CLARK, GARD J., 076-40-6957
CLARK, ROBERT E., II 371-78-0708
CLARK, RODNEY A., 459-41-0524
CLARKE, MICHAEL J., 467-27-0606
CLARKE, PETER J., 223-19-4127
CLARKSON, JEFFFREY D., 228-96-5278
CLAWSON, DAVID A., II 291-54-9366
CLEARY, PATRICK R., III 579-82-5728
CLINCH, KEVIN D., 516-78-8121
CLINE, ANNE E., 100-56-3345
CLINE, DONALD L., II 561-37-0731
COCEANO, BARRY W., 145-66-9367
COCKER, BRUCE J., 152-60-0670
COLBY, MARK D., 381-84-2623
COLEMAN, WARRDEN A., III 409-15-7508
COLLINS, DONALD E., 263-21-3615
COLLOM, KURT S., 528-21-0898
CONDON, WILLIAM M., 506-64-2174
CONERLY, SOPHIA G., 529-06-4311
CONKEY, DOUGLAS P., 022-50-3608
CONLIN, ALAN J., 319-62-3409
CONN, ROSEMARIE J., 125-54-5832
CONWAY, ROBERT E., 217-64-7027
COOK, ALLAN A., 115-50-6908
COOK, SHAWN E., 523-04-9821
COONCE, THOMAS R., 558-51-9356
COONEY, JAMES M., 367-82-3059
COOPER, CHRISTOPHER R., 238-04-7081
CORDEIRO, MARK S., 014-54-4444
CORDLE, JOHN P., 568-04-9452
CORRIGAN, MICHAEL J., 577-96-6610
COUCH, MARK A., 306-76-2890
COURY, MICHAEL J., 179-38-9127
COX, JAMES T., 568-31-4831
COX, RICHARD B., 521-68-8962
COYLE, FRANCIS G., 202-46-4986
COZAD, KYLE J., 530-84-5693
CRABTREE, GREGORY W., 448-62-1041
CREEVY, LAWRENCE E., 048-60-0189
CREIGHTON, CRAIG C., 486-76-1010
CRISWELL, PHILIP W., JR., 433-21-3628
CRITES, RANDY B., 280-46-1936
CROW, LOWELL D., 363-84-6171
CUDNOHUFSKY, AARON L., 366-74-0445
CULLEN, GLEN T., 023-44-6576
CUMMINS, CORY S., 516-60-9783
CUNHA, JAMES J., 036-40-5347
CUNY, BRYAN L., 440-74-5721
CURTIS, ADAM J., 220-86-9573
CUTHBERT, DOUGLAS L., 284-70-8995
CUTHBERT, STEFANI G., 516-88-8171
DAHLIN, MICHAEL W., 359-66-5955
DALLMAN, PETER K., 078-50-7548
DALY, WILLIAM J., 527-59-9963
DANHAKL, JAMES R., 546-43-2872
DANIEL, ALBERT C., JR., 220-78-4879
DASELER, TIMOTHY N., 306-82-2413
DAVENPORT, TYLER F., 267-57-4642
DAVID, GERRAL K., 463-31-3322
DAVIDSON, MICHAEL C., 431-21-6161
DAVIS, ALVIN NMN, 408-04-0726
DAVIS, BARBARA J., 540-64-6442
DAVIS, JEFFREY A., 233-06-1386
DAVIS, MAXIE Y., 417-92-6563
DAVIS, SUSAN C.B., 015-56-6617
DAVIS, TAMMY L., 159-54-7060
DEAKIN, KENNETH A., 391-50-2455
DEFTY, EDWARD R., 573-27-3550
DEGHETTO, TODD H., 153-68-6322
DEGOZZALDI, SALLY NMN, 018-54-3247
DEITZ, THOMAS D., 154-62-1791
DENISON, DANIEL E., 083-52-2492
DENMAN, CHARLES C., II, 576-54-7868
DENNENY, DOUGLAS J., 547-84-6646
DENNIS, MARK V., 330-48-4662
DENNO, MARC W., 446-62-3432
DEPMAN, DAVID M., 149-66-6232
DERBES, HENRY D., II, 436-35-2028
DERYCK, CHRISTOPHER L., 300-68-2294
DESMET, PAUL F., 481-82-7731
DEVINE, FLOYD L., 466-45-5273
DISHMAN, ROBERT B., 215-50-7335
DISNEY, KATHLEEN D., 473-90-9430
DDITRI, THOMAS A., 532-72-7998
DODSON, JEFFREY A., 212-86-2894
DOMINGO, STEVEN J., 103-52-1910
DONOVAN, DANIEL M., 156-62-2887
DOORIS, WILLIAM J., 531-74-4513
DORNAN, DONALD D., JR., 560-37-3853
DORRELL, RUSSELL E., III, 502-76-1728
DOSTER, DANIEL G., 118-48-3249
DOUGHERTY, JULIE A., 160-60-1671
DOWNING, THOMAS M., 141-64-2990
DOYLE, GLENN C., 040-60-2452
DUA, TITO P., 223-04-3959
DUBOIS, BRUCE A., 248-35-7759
DUEKER, SCOTT D., 257-31-4948
DUNCAN, ROBERT S., 455-47-4441
DUNCAN-WHITE, DELORES A., 437-04-1247
DUNN, PATRICK NMN, 143-52-8706
DVORAK, MARK J., 571-49-1029
EAGLE, CHRISTOPHER J., 425-13-1295
EARL, ROBERT C., 524-04-2880
EASON, RICHARD J., 485-92-0145
EASTWOOD, DAVID F., 550-25-8837
EBBERT, MARY A., 180-52-7909
EBBS, WILLIAM A., 256-02-8976
EDINGTON, DEBORA NMN, 263-35-2877
EDWARDS, GENE H., III, 219-64-5975
EDWARDS, KAREN J., 410-04-3672
EGBERT, LARRY M., 277-56-1962
EGGERS, CURTIS S., 464-13-4658
EGGLESTON, JOHN C., 224-88-2443
EHR, PHILLIP C., 224-90-7115
EHRBAR, JEFFREY G., 286-50-4745
EICHMAN, BRUCE W., 261-29-4270
EIDSMOE, ROBERT D., 534-68-1753
EIDSON, BRIAN E., 431-37-3061
EILERTSEN, BRADLEY J., 532-78-1494
EINHORN, JOHN K., 367-68-9426
ELMER, KIMBERLY F., 495-72-1923
ELMORE, KEVIN R., 217-86-2175
EMBLIDGE, JOHN M., 116-48-4725
EMERO, BRUCE D., 028-52-8515
EMMERT, CHARLES G., 339-52-3326
ENGLISH, GARY E., 223-19-1182
ENKEMA, PHILIP B., JR., 408-21-0185
ERB, NANCY A., 525-27-2563
ESPE, BENITO L., JR., 568-37-0350
ESTORNELL, VINCENT R., 199-50-8548
EVANS, JOHN A., 587-46-3558
EVANS, LUIS M., 261-37-4437
EVANS, TODD W., 550-29-8253
EVEN, SONDRA A., 291-60-8060
EVES, MATTHEW M., 109-54-1908
EWING, SCOTT A., 045-62-9457
FADOK, GEORGE T., JR., 526-19-6309
FANNING, JOSEPH J., 228-74-9829
FARRELL, RICHARD E., 513-74-0202
FASANELLO, THOMAS J., JR., 070-60-9422
FATIGATE, JOHN P., 110-54-3609
FAZZONE, BRIAN A., 058-56-0333
FELLOWES, JOHN H., JR., 228-94-1320
FERGUSON, CHRISTOPHER J., 185-58-1684
FERGUSON, LESLIE C., 226-86-7964
FERRARIS, NAPOLEON S., 586-09-4037
FETEN, DAVID J., 573-21-2951
FIDRYCH, ANTHONY M., 039-36-6406
FIERRO, JESUS J., JR., 462-06-4309
FIGURRES, JOHN M., 553-41-5649
FISHER, DAVID T., 293-62-0586
FITZGERALD, DAVID S., 567-53-3820
FITZGERALD, WILLIAM A., 201-52-6136
FITZPATRICK, MICHAEL J., 201-56-4982
FITZPATRICK, NORMAN G., 195-44-7145
FLAGGS, MOREATHA Y., 302-62-0699
FLINT, LARRY N., 304-72-0739
FLOOD, CHRISTOPHER H., 135-60-7538
FLORES, EDWARD A., 580-04-1804
FOLDY, MARK S., JR., 060-60-0057
FOLEY, STEPHEN R., 023-54-0311
FONTES, KEVIN A., 549-76-5712
FRAENKEL, RICHARD J., 469-90-7986
FRAKE, WILLIAM J., IV, 186-52-6448
FRANKLIN, JEFFREY A., 108-38-4099
FREDERICK, JEFFREY D., 087-58-3688
FREDRICKSON, KENT A., 541-54-7415
FREEMAN, NICHOLAS E., 152-68-0286
FRIE, DAVID J., JR., 224-19-0875
FRIEDMAN, PETER D., 217-68-8783
FRISTACHI, JOHN C. P., 118-58-9119
FRITTS, DONALD C., JR., 237-13-3173
FRY, RONALD N., JR., 211-54-7874
FUHRMANN, DAVID J., 546-15-8968
FULTON, WILLIAM J., 526-84-1554
FUNK, JOHN W., 180-58-8379
FUQUA, STEVEN J., 414-17-4642
FURRH, JERRY L., 448-56-0885
GAGE, LARRY S., 265-27-6557
GAIANI, ANTHONY E., 088-58-0224
GALLAGHER, DENNIS M., 522-11-0125
GALLAGHER, LAWRENCE C., 313-72-0818
GALLETTA, ANTHONY M., 567-80-6614
GALLREIN, EDWARD G., III., 407-74-0884
GALSGAARD, ALLAN G., 550-92-1031
GANNON, MICHAEL W., 069-54-3556
GARBELOTTI, CARL J., 008-48-6303
GARBESI, VINTON G., 546-57-8280
GARDNER, ERIC W., 234-04-0421
GARDNER, PATRICK, D., 565-37-3788
GARMAN, MATTHEW S., 190-52-0882
GASSIE, EDWARD W., JR., 436-11-8440
GAUTHIER, JOHN S., 124-58-9508
GEBERT, STEPHEN E., 468-88-2212
GEBERTH, ROY J., 093-40-4402
GEISEN, JOHN P., 475-80-6234
GELINNE, JOHN P., 124-50-5001
GELLENE, DAVID J., 147-68-7983
GENOBLE, BRETT J., 137-58-7631
GIBB, LAURIE J., 143-60-1103
GIBSON, CHARLES M., III, 225-64-6126
GIGLIOTTI, WILLIAM C., 215-56-9474
GIL, LEOPOLDO D., JR., 563-37-6121
GILBERT, JEFFREY L., 219-82-8687
GILDAY, MICHAEL M., 026-50-5806
GILDERSLEEVE, JOSEPH S., 178-56-5163
GILLEON, GARY R., 263-15-4150
GILLIGAN, WILLIAM T., 072-62-7002
GINDER, SCOTT R., 064-40-0542
GINTER, MICHAEL J., 197-40-7556
GLACKIN, BRIAN J., 178-52-8352
GLAESER, KARL E., 212-78-5842
GLASER, TAMMY L., 322-64-1279
GOMPF, CHARLES P., 279-66-8069
GONDA, PHILIP A., 225-15-9279
GOODLY, BAXTER A., 439-13-0017
GOODROW, BRIAN D., 168-60-1899
GORDON, SCOTT S., 042-56-1075
GORMAN, DAVID, P., 224-76-8800
GORRELL, KENNETH E., 003-52-0530
GOSSETT, DEAN H., 522-64-5964
GOTTFRIED, RUSSELL NMN, 114-58-0180
GOUGH, MARK, J., 530-62-3366
GRADEL, ROBERT S., 225-11-3555
GRADY, CHRISTOPHER W., 036-48-8461
GRAF, HOLLY A., 045-56-4923
GRAHAM, CARL R., 561-25-9955
GRAHAM, JEFFREY R., 453-96-8514
GRAHAM, MICHAEL R., 153-62-5285
GRAY, JOHN W., 146-68-6232
GRAZIANO, THOMAS A., 115-48-9858
GREEN, REUBEN K., 556-04-6557
GREEN, RICHARD A., 552-47-5014
GREEN, ROBERT E., 431-17-4552
GREEN TIMOTHY J., 257-21-6475
GRGAS, PAUL C., 121-54-7180
GRIFFITHS, PETER A., 106-62-5599
GRIMSON, JAMES M., 334-64-1331
GROELINGER, TIMOTHY C., 053-56-7327
GROODY, MICHAEL E., 167-56-9748
GUERRA, LOUIS P., 188-54-1522
GUNNING, EDWARD G., JR., 162-60-3257
GUNSALLUS, FRANK L., III, 245-98-4132
GUTIERREZ, ANN R., 229-02-4194
HAAS, PAUL A., 303-76-0567
HAAS, RUSSELL E., 041-56-0803
HADLEY, HERBERT M., 436-19-1576
HADLEY, ROBERT C., JR., 464-92-4355
HAEG, TODD T., 518-94-4823
HAFFEY, HARRIOT E., 576-48-4143
HAHN, DAVID J., 398-58-3136
HAHNE, DOUGLAS D., 262-35-5754
HAIDVOGEL, ROBERT F., JR., 062-46-2390
HAJOSY, MICHAEL F., 134-50-5540
HALE, RICHARD J., 194-54-4889
HALLBERG, ERIC N., 182-52-0438
HAMMAN, JEFFERY P., 511-66-5407
HAMRE, DARREN W., 477-80-6656
HANDY, PATRICIA A., 425-04-3222
HANKINS, LINDSAY R., 102-44-2526
HANLON, PETER H., 095-60-1348
HANNAN, MARKUS K., 046-50-3113
HANNES, KEVIN L., 460-39-9472
HANSEN, ROBERT C., 221-54-8372
HARR, GENE F., 216-94-4127
HARRINGTON, EDWARD J., 022-36-6848
HARRINGTON, KEITH T., 112-60-5148
HARRINGTON, WILLIAM B., JR., 064-60-0149
HARRIS, WILLIAM C., 244-17-9298
HART, TROY L., 267-77-7161
HASELL, EDWARD L., 079-44-4377
HASTINGS, BRIAN R., 446-64-6910
HAUGEN, CHRISTIAN N., 473-82-2338
HAUMER, MIKE A., 340-64-9110
HAWKINS, JAMES P., 262-89-8911

HAYES, CHRISTOPHER M., 017-58-8498
HAYES, STEVEN D., 544-68-9066
HAYS, KEVIN A. S., 508-84-7665
HEARNE, JOHN H., JR., 238-25-5365
HECKMAN, NANCY L., 567-53-9201
HEFTI, JOHN A., 223-06-7921
HEIN, AUGUST H., 09[illegible]-50-2250
HEINEMAN, JUDIE A., 050-48-3532
HEINZELMAN, DWIGHT O., 098-52-5752
HEISS, JOHN C., 212-80-8035
HELMER, BRIAN W., 516-94-8590
HELWIG, MICHAEL S., 331-58-3734
HENDERSON, MARK D., 540-94-8722
HENDERSON, ROBERT L., JR., 554-25-8408
HENNING, MARK A., 173-56-6750
HENRY, EDWARD L., III, 183-54-9426
HENRY, JAMES J., IV, 201-58-6327
HENRY, KELLY A., 060-40-9674
HENZE, ROGER H., 477-88-2055
HERBERT, GRETCHEN S., 094-58-7285
HERBERT, ROGER F., JR., 228-02-4196
HEREFORD, WANDA F., 411-15-2481
HERMAN, DAVID J., 563-88-8161
HERNANDEZ, ERNEST D., 083-60-5739
HERNANDEZ, JOHN J., 514-66-6357
HERNANDEZ, SUZAN P., 283-68-9539
HERUTH, GREGORY A., 523-04-3308
HEUSER, STEPHEN J., 263-77-0824
HICKS, DIXON K., 247-92-6484
HIGGINS, GREGORY S., 149-66-7775
HILL, MICHAEL S., 270-68-5120
HINSON, DANIEL K., 445-56-0755
HIRST, JAMES J., III, 163-54-6639
HITCHCOCK, MARCUS A., 528-72-7268
HOBBIB, THOMAS P., 143-38-7837
HOFFER, ROBERT H., JR., 231-06-1460
HOIOOS, THOMAS R., 224-90-5221
HOLDENER, BRENDA M., 352-44-1041
HOLMES, JOHN F., 132-54-8884
HOLMES, STEVEN W., 223-19-7493
HOOD, JEFFREY D., 585-86-7058
HOOVER, CLOYES R., JR., 376-70-0675
HORAN, DALE E., 217-74-5403
HORNBECK, DONALD G., 306-52-0048
HOWARD, ALBERT O., III, 251-92-1685
HOWARD, SAMUEL C. H., 153-56-0816
HOWLETT, ERIC F., 013-52-5849
HOYLE, JEFFERY W., 239-25-5022
HUBBARD, MARK A., 493-76-6335
HUDSON, WALTER B., 229-76-2695
HUDSPETH, RANDY J., 427-06-7686
HUFF, THOMAS W., 215-78-4045
HUGENROTH, RANDOLPH J., 261-63-9737
HULLINGER, PAUL D., 393-82-4994
HULLINGER, PHILLIP G., 352-58-0112
HUME, STEPHAN J., 037-44-2075
HUNT, JAMES R., 448-72-8083
IAQUINTO, KRISTIN C., 134-52-1923
IATROU, STEVEN J., 376-72-0090
INZER, MICHAEL W., 257-29-1017
IRELAN, ROBERT P., 298-60-7849
IRELAND, JOHN K.F., 216-90-3638
ISAMINGER, ERIC F., 126-50-3069
IVIE, MELANIE A., 265-83-2618
JABALEY, MICHAEL E., JR., 455-98-1792
JACKSON, HENRY M., 229-13-1153
JACOBS, GEORGE W., 552-25-3370
JACOBSON, JERRY L., 387-62-7440
JACOBUS, PETER W., 376-72-8973
JAENICHEN, EDWARD L., 405-94-2782
JAKUBEK, DAVID A., 211-50-9124
JAKUS, CRAIG E., 530-56-4823
JANSEN, ADRIAN J., 558-17-0913
JENSEN, WILLIAM J., 051-60-6415
JOBB, DAVID S., 568-27-1055
JOHNSON, CAROLYN D., 257-94-2126
JOHNSON, JAMES G., 564-98-5036
JOHNSON, RICHARD E., 074-60-7050
JOHNSON, WILLIAM C., 556-61-4531
JONES, BRIAN K., 523-04-4446
JONES, DORIAN F., 463-15-3978
JONES, KENNETH L., 568-41-9159
JONES, VORESA E., 410-23-7422
JONES, WILLIAM E., JR., 411-23-0680
JORGENSEN, JOHN M., 324-40-4084
JOY, CRAIG M., 451-82-4629
JUDICE, PAUL A., 227-96-1766
KAEHLER, THEODORE J., 471-84-8377
KAHN, DAVID J., 155-36-3671
KAISER, CHRISTOPHER J., 523-08-3282
KANE, TIMOTHY C., 139-46-1899
KARKAINEN, ANTHONY C., 534-66-6493
KAUBER, CRAIG A., 225-02-3077
KEARLY, TYLER D., 385-66-9378
KEARNEY, THOMAS J., 150-60-5350
KEARNS, WILLIAM A., III, 227-13-9693
KELLEY, ROY J., 281-52-7512
KELLEY, STEPHEN H., 350-60-8110
KELLY, STEVEN M., 557-49-9570
KENNEDY, JON T., 501-80-3492
KENNEDY, STEVEN L., 453-39-7381
KENNEY, KEVIN M., 570-55-1172
KENYON, EDWARD F., 112-60-2044
KERSH, JOHN M., JR., 223-19-2523
KIBBY, GEOFFREY A., 048-50-1005
KIDWELL, DAVID A., 510-56-9128
KIEFER, CLAUDIA J., 369-64-3991
KIEFFER, JOHN F., 064-42-6037
KIEHL, DAVID L., 226-11-0169
KILBURN, CHARLES D., II, 448-68-2586
KILRAIN, COLIN J., 016-52-3609
KIND, PETER J., 391-48-4475
KING, JEFFREY D., 249-82-5317
KINNEBREW, ROBERT J., 266-47-0917
KINTZEL, STEPHEN J., 138-64-3424
KIRBY, JEFFREY L., 369-48-9099
KIRKBRIDE, CHRISTOPHER T., 282-74-9075
KITCHENER, ROY I., 045-68-6963
KIYAK, GEORGE C., 156-62-2704
KIZIAH, TODD E., 239-13-5461
KNAPP, DAVID C., 456-35-6845
KNEHANS, WILLIAM F., 249-37-7076
KNOTT, STEVEN W., 229-06-8262
KOCH, MATTHEW H., 511-58-5768
KOCH, PAUL A., 122-46-1669
KOCHER, BRIAN M., 538-70-8291
KOCHER, BRUCE D., 127-58-9582
KOMLOSY, JOHN A., 248-43-7616
KOPRUCU, FEZA S., 031-54-6687
KORTZ, JEFFREY D., 469-84-0714
KOWALEWSKI, JOSEPH A., 220-54-3128
KRAMER, THEODORE R.I., 244-76-9519
KRIETE, DAVID M., 056-62-8992
KROTOW, STEPHEN C., 196-56-2719
KRUEGER, ANTHONY L., 570-55-9857
KRUKOWSKI, TIMOTHY M., 385-74-2674
KUSTERS, JOHN G., JR., 550-25-3284
LACAZE, JEFFERY L., 264-15-3981
LAFAVE, GREGORY J., 386-76-3958
LALOR, THOMAS P., 243-25-0442
LAMADE, JOHN D., II, 012-56-4744
LAMONT, ROBERT J., 194-52-5431
LANCASTER, GEORGE M., 584-59-9414
LAND, THOMAS R., 527-53-0947
LANDESS, DAVID J., 483-62-2648
LANGFORD, GLEN C., 040-40-1026
LAPRISE, WILLIAM M., 344-64-3788
LARSON, KEITH A., 476-86-8620
LASELL, HORACE J., 009-54-5713
LASTRA, GUIDO J., 464-39-2608
LAURY, JAMES M., 168-54-1742
LAVOIE, STEVEN F., 349-66-4535
LAW, MARK A., 217-88-0415
LAWLER, WILLIAM L., JR., 037-48-1314
LAWRENCE, RICHARD T., 262-63-6265
LEAVITT, MARK L., 048-52-4747
LEGASPI, JOEY E., 570-11-9025
LEINGANG, DONALD M., 532-70-9868
LENGYEL, PETER N., 405-06-5785
LERCH, THOMAS J., 274-68-8536
LESSARD, STEPHEN C., 217-92-0044
LEVESQUE, ROLAND W., JR., 048-54-6648
LEVITT, ADAM S., 093-38-0259
LEWIS, ANDREW L., 223-74-6076
LEWIS, LYNN NMN, 564-96-0812
LICHOLAI, MATTHEW S., 142-60-1662
LILES, JON P., JR., 254-31-9602
LINDER, NATALIE A., 067-58-8480
LINK, JEFFREY P., 480-70-8389
LIPP, JOSEPH J., III, 045-54-6569
LISENBY, JOSEPH W., JR., 424-98-6730
LISKE, HANS P., 460-86-0153
LITTLE, BRIAN S., 033-50-3719
LLUY, PAUL A., 228-74-6693
LOCKWOOD, JOHN L., 214-82-9625
LOEBLEIN, JAMES T., 237-27-7013
LOGAN, CHARLES J., 503-84-1250
LOHR, ALAN R., 281-56-2743
LOHR, WILLIAM J., 156-60-4708
LONG, DARRYL J., 551-47-6177
LOONEY, ANNEMARIE D., 020-54-5222
LOONEY, GREGORY L., 530-60-2931
LORING, STEVEN S., 251-35-1501
LOTT, STEVEN A., 262-19-5014
LOUGHLIN, MATTHEW E., 123-58-9382
LUCAS, THEODORE J., 049-62-3996
LUCAS, THOMAS M., 076-48-9159
LUCERO, LISA M., 124-52-1057
LUCKETT, DEBORAH E., 426-02-6656
LUSIS, ARNIE M., 226-11-1341
LUSSIER, JOHN P., 265-92-4360
LUTHER, BRIAN E., 043-68-0311
LYCAN, PAUL D., 542-86-5883
LYNCH, CHARLES B., 136-46-7139
LYNCH, KAREN A., 026-50-9192
LYON, ROBERT J., 250-33-6706
LYSAGHT, MARK C., 384-80-0057
LYTER, CURTIS E., 171-60-0645
MAC KINNON, DOUGLAS J., 570-45-3588
MAGRINO, CHRISTOPHER NMN, 276-54-1002
MAHON, GEORGE A., III, 524-25-7839
MAI, BRADLEY C., 498-78-8525
MAIN, STEVEN M., 265-83-5787
MAKEPEACE, LESTER B., III, 219-88-5631
MAKRIDIS, BASIL K., 129-48-2260
MALONE, VICTOR S., 071-62-0198
MANSFIELD, MICHAEL G., 080-54-4052
MARCONI, PAUL A., 123-50-0741
MARKERT, DAVID P., 314-50-9377
MARLOW, JAMES P., 198-58-3752
MAROTTA, THOMAS W., 139-70-3459
MARSHALL, LAWRENCE E., 289-56-3377
MARTEL, RICHARD R., 251-35-6657
MARTIN, DOUGLAS R., 551-33-0725
MARTIN, FRANCIS X., 046-56-0830
MARTIN, LARRY A., 246-15-8581
MARTIN, MARK G., 503-88-2984
MARTINEZ, VERNON M., 142-68-7882
MARTINS, DELANO P., II, 154-44-6462
MARTIRANO, JOSEPH P., JR., 213-76-0527
MASER, THOMAS J., 172-46-7300
MASKELL, DAWN M., 220-50-1800
MASLA, MICHAEL M., 276-66-1457
MASTERSON, DANIEL T., 296-68-3605
MATAIS, GEORGE M., 565-27-8628
MATTHEWS, PETER W., 224-11-7051
MAY, KEITH W., 457-19-5470
MAZANEC, WARREN A., 008-60-2772
MC CALL, BRENDAN J., 216-64-3305
MC CARDEN, YOLANDA E., 258-29-0566
MC CARTHY, JOSEPH R., 526-25-7420
MC CLELLAN, NANCY J., 484-78-1697
MC CLELLAND, GARY F., 181-46-5137
MC CLUSKY, JACQUELINE R.D., 405-02-7159
MC CRACKEN, MICHAEL E., 285-70-8794
MC DEVITT, PETER H., 573-96-2027
MC DONALD, PATRICK J., 127-62-0098
MC DONNELL, DAVID C., 002-42-2587
MC DONOUGH, THOMAS J., JR., 016-54-8147
MC DOWELL, JAMES M., 262-37-3844
MC DOWELL, JOHN K., 154-68-6135
MC DUFFIE, DAVID M., 239-31-3998
MC ELROY, KENNETH L., JR., 222-40-8259
MC ELROY, PAUL L., III, 250-33-9273
MC GOWEN, DOUGLAS A., 206-46-4262
MC HALE, PAUL F., 153-40-9096
MC ILRAITH, DOUGLAS J., 539-80-7326
MC INERNEY, STEPHEN P., 554-41-0704
MC KINNEY, GORDON C., 317-76-0617
MC KINNEY, LUCINDA A., 038-48-7264
MC LAUGHLIN, DAVID J., 475-90-1129
MC MAHON, MICHAEL P., 194-56-3778
MC MASTERS, WILLIAM C., 374-60-8757
MC NAMARA, DANIEL T., 545-96-7070
MEADOWS, THOMAS A., 429-37-5609
MEDEIROS, DARREN M., 026-54-4167
MEEKS, ANDREW P., 047-38-0602
MELCHER, CHARLES P., 025-52-1940
MELONIDES, JOHN S., 324-48-5001
MENCHES, ROBERT C., 240-98-3602
MENENDEZ, ARSENIO K., 126-48-9857
MENKE, KURT W., 478-64-8319
MERWIN, MICHAEL L., 556-35-1255
MEYER, ERIC C., 187-52-2077
MEYER, MARK F., 568-33-2422
MEYER, VICTOR A., JR., 231-06-9083
MEYERS, BRIAN J., 164-54-1099
MIGLIORE, ANTHONY M., 570-15-9684
MIKESKA, DENNIS C., 460-21-7927
MILEY, JOHN NMN, 554-49-5939
MILLER, BRIAN D., 521-17-4651
MILLER, KIRBY D., 539-82-3192
MILLER, TERRY W., 514-58-3847
MILLS, JANE F., 460-13-3224
MILLS, THOMAS A., 256-06-4061
MILOWICKI, GENE V., 203-48-7471
MITCHELL, JOHN R., 260-88-3805
MITCHELL, JOHN S., III, 545-35-7701
MITCHELL, SUSAN A., 267-41-9223
MOHR, MARK C., 563-88-0898
MONTGOMERY, MARK C., 218-60-3302
MOONEY, PATRICK H., 231-66-5173
MOORADIAN, STEPHEN E., 093-60-1719
MOORE, JOHN W., 049-38-0539
MOORE, MICHAEL L., 244-02-5568
MOORE, PATRICIA B., 052-58-4640
MORAN, MICHAEL T., 107-60-1607
MORGAN, DAVID J., 078-42-9610
MOSHER, TERRY D., 474-78-4325
MOSK, WILLIAM F., 547-35-4532
MULDOON, RICHARD C., 044-60-4829
MULL, TIMOTHY B., 519-92-4085
MULLEN, EDWARD J., 058-62-7985
MULLENS, CRAIG M., 547-37-7097
MULLINS, MARK B., 252-15-2576
MUNN, JOHN E., 571-84-7539
MUNSCH, STUART B., 502-90-7275
MURDOCK, HAL C., 528-68-8838
MURPHY, MICHAEL S., 521-66-8669
MURRAY, CHRISTOPHER J., 223-80-1729
MURRAY, MARY K., 265-83-7434
MURRAY, STEWART L., 240-19-3144
MUSGRAVE, LAWRENCE A., 537-60-6775
MUXLOW, ROBERT A., 514-60-7144
MUYRES, WILLIAM J., 475-84-2112
MYERS, ROSS A., 515-60-3373
NAGY, VINCENT F., 193-58-6357
NAJMY, EDWARD J., 069-50-2806
NAUS, MICHAEL L., 293-44-8869
NAVARRETE, JUAN A., 433-33-9648
NEAL, THOMAS C., 273-66-5688
NEIGHBORS, THOMAS E., 225-88-1958
NELSON, MICHAEL A., 266-35-8084
NELSON, ROBERT T., 545-55-9404
NELSON, STEVEN G., 528-98-8602
NEWSTROM, ERIC P., 046-66-0758
NEWTON, LAMONT L., 214-68-2920
NGUYEN, PHONG NMN, 586-34-7381
NICKERSON, NATHAN C., JR., 007-72-5173
NIEUSMA, WILLIAM J., JR., 375-84-5917
NIEZGODA, MARK G., 170-52-6233
NILES, FREDERICK M., 295-64-3523
NISSEN, RICHARD J., JR., 380-80-8656
NOEL, JACK S., II, 564-08-0359
NOLAN, TIMOTHY J., 046-62-4037
NOLAN, WILLIAM J., 028-42-7448
NOLEN, THOMAS D., JR., 249-31-4650
NORRIS, WARREN O., JR., 252-04-6431
NOSENZO, THOMAS E., 451-31-3315
NOTTINGHAM, GREGORY A., 225-96-5218
NOWAK, RICHARD T., 009-52-1402
NUNEZ, GERALD A., 565-08-5896
NUNNALLY, STEPHENS W., JR., 265-51-0157
NYBERG, GERALD L., 379-64-1876
NYERGES, PAUL L., 067-48-8204
OBLACK, STEPHEN, 488-74-0108

OBRIEN, SEAMUS M., 089-52-6913
OCONNELL, FREDERICK W., 036-36-3508
OCONNELL, WILLIAM M., 213-88-4677
OGARA, MICHAEL V., 364-74-5710
OHLHAVER, MICHAEL J., 348-40-1642
OLARTE, GLENN J., 465-25-1765
OLDS, BRADLEY L., 223-06-1497
OLINGER, CAROLINE M., 336-60-7320
OLLIGES, JOHN L., 400-74-1972
OLMSTED, JAMES N., 001-58-5848
OLSON, ERIC W., 518-78-5219
OLSON, TIMOTHY, K., 504-88-7490
ONEILL, JOHN S., 280-52-8263
ORREN, SCOTT C., 455-33-7816
ORTIZ-MARTY, HAMLIN A., 583-23-1069
ORTON, WILLIAM D., 226-15-2413
OSULLIVAN, JOHN P., 089-62-8802
OSWALD, PETER G., 539-66-1970
OTTINGER, MICHAEL J., 420-98-4727
OTTO, JAMES K., 585-60-6145
OWEN, JOHN B., 421-84-3560
OWENS, JOHN M., JR., 266-61-8481
OYLER, DEAN O., 162-42-6839
PADGET, STEVEN A., 570-80-1511
PAGLIARULO, MICHAEL J., 210-52-1419
PAINTER, GERALD L., 439-86-3901
PANGONAS, TIM P., 202-42-6261
PANICO, STEPHEN L., 123-54-4643
PAPA, PETER A., 370-66-9573
PAPPAS, TROY C., 298-44-7143
PARENT, STEVEN A., 394-74-2933
PARK, BILL T., 529-98-6679
PARKER, JOHN T., III, 235-84-1904
PARKHURST, DAVID C., II, 506-82-2595
PARRIOTT, GARY R., 356-54-1705
PAS, MICHAEL E., 362-72-9963
PASADILLA, MAGNO O., JR., 547-21-3922
PATTEN, ERIC A., 538-80-9489
PATTERSON, MARK A., 218-82-0244
PATTON, SEAN F., 227-94-3990
PAUL, ANDREW T., 549-74-6320
PAUL, BARBARA N., 517-76-4828
PEASE, MICHAEL R., 087-60-4918
PECKENPAUGH, KENT T., 516-74-0942
PEDERSEN, TIMOTHY C., 049-52-8648
PELLEGRINO, PETER A., 179-52-8140
PELLISSIER, JOSEPH B., 026-54-6883
PENDOLA, JOHN J., 342-62-7874
PENNINGTON, WILLIAM J., JR., 185-38-5859
PERRAULT, PRISCA J., 094-56-8512
PERRY, JOHN S., JR., 559-11-3970
PERRY, ROBERT C., 224-15-5911
PETERS, GORDON D., 400-08-3388
PETRITSCH, JULIA L., 189-50-1588
PETTIT, STEVEN L., 150-57-2686
PHILLIPS, MICHAEL D., 551-55-2315
PICKERILL, THEODORE O., II, 162-54-8280
PIERCE, JAMES A, 003-46-3167
PIERCEY, PATRICK A., 441-74-8978
PIETRUSZEWSKI, ALAN P., 095-48-5073
PINTO, WILLIAM M., 267-55-1345
PITNEY, MICHAEL P., 507-84-0245
PLATT, SAMUEL M., 227-11-6847
POLICH, DANIEL L., 476-82-6434
POLSIN, TIMOTHY J., 517-88-2323
PONTURIERO, AUGUSTINE J., 153-66-8705
POPE, CURTIS D., 312-80-5604
POPPE, STEPHEN J., 499-78-6972
PORTER, ERFORD E., III, 342-54-7284
PORTNOY, RALPH I., 040-42-6074
POSEY, PAUL S., 431-27-7160
POULIOT, MICHAEL G., 001-60-3658
POWELL, ROGER B., 575-84-3434
PREDDY, JOSEPH P., 494-60-0791
PRESCOTT, STEPHEN M., 411-23-8227
PRICE, DAVID R., 550-41-4917
PROSPERI, MICHAEL, V., 500-80-5611
PROSSER, SHELDON T., 006-62-4637
PURCELL, MICHAEL E., 523-02-8498
PURNELL, JOHN S., 560-47-8511
PUYAU, STEPHEN F., 433-92-9995
PYLE, ROGER A., 345-52-4952
QUINN, MARK C., 049-58-6650
QUINN, THOMAS J., 169-52-5620
QUINTANILLA, HUMBERTO L., 461-25-3467
QUINTONG, ARTEMIO P. J., 571-43-4547
RABUSE, ROBERT B., 057-54-7734
RACOOSIN, ROBERT W., 585-08-6119
RAD, JEFFREY M., 358-60-0781
RADWICK, JEFFREY L., 569-31-2556
RAINER, RICHARD A., JR., 121-58-9813
RAMSHAW, WILLIAM S., 535-62-1967
RANCE, JAMES M., 481-68-4286
RANDOLPH, MICHAEL C., 220-80-8285
RANSOM, THOMAS S., 575-66-8411
RASBURY, STANLEY O., 091-62-6912
RASNICK, LANNES B., JR. 561-41-4864
RATTE, DAVID S., 469-66-2996
RAUCH, CHARLES S., 263-75-0785
RAUCH, STEVEN L., 559-35-3952
RAY, KIMBERLY J., 272-56-1069
RAY, PATRICK A., 585-88-1862
REDFIELD, DAVID M., 249-11-6139
REDGATE, DANIEL J., 036-46-5241
REEVES, BRIAN D., 585-96-2367
REIMANN, RONALD H., JR., 230-92-8732
REITER, JOHN R., 544-62-1661
RENIER, CRAIG S., 478-86-1392
REUTER, WILLIAM H., IV, 263-35-4894
REVELLE, DAVID M., 289-46-5156
REYNOLDS, GUY B., 100-60-5099
REYNOLDS, KEVIN D., 578-76-6905
REYNOLDS, VALERIE L., 259-25-5089
RICE, ERIC R., 557-37-2669
RICH, PAUL M., 007-68-8435
RICHARDSON, DANIEL J., 229-15-5391
RICKE, CHARLES, J., III, 450-08-9114
RIDINGS, WILLIAM V., 226-68-5012
RIECKENS, THOMAS C., 479-68-7898
RIMMINGTON, MICHAEL J., 229-82-7485
RINALDI, BRIAN L., 530-52-0288
RISSKY, GEORGE J., 319-50-8231
RIST, JOSEPH P., 531-76-5422
RIVARD, DAVID S., 362-74-8808
RIVERA, JOSE R., 583-88-5365
RIZZO, JOSEPH R., JR., 069-44-9766
ROCHA, JEFFREY G., 556-06-5749
ROMAN, SHIRLEY E., 262-75-6817
ROMERO, JOHN A., 583-11-4422
ROSA, ALLISON G., 194-46-2991
ROSE, JOHN E., 174-58-9398
ROSE, MARK D., 567-11-8264
ROSEN, GLENN S., 414-13-7078
ROSS, ALEXANDER J., 476-72-3965
ROSS, ALTON E., JR., 434-72-5789
RUCE, KEVIN W., 474-84-5552
RUEDI, DAVID H., 327-64-4583
RUMLEY, RICHARD E., II, 346-60-6897
RUSSELL, BRADLEY S., 544-76-9051
RUTTENBERG, JOHN J., 545-84-0363
RYAN, MICHAEL B., 222-32-9906
RYAN, THOMAS D., JR., 370-68-6157
SACHA, DENNIS J., 062-50-6784
SAGOVAC, CHRISTOPHER P., 324-42-8114
SANDERS, WILLIAM D., 585-19-3559
SAPSAI, ANDREI J., 140-68-5193
SAUNDERS, CLAYTON D., 332-64-9338
SCANLAN, JAMES P., 053-62-1538
SCHAEFFLER, MARK A., 224-15-1933
SCHALL, RONALD T., JR., 209-42-7049
SCHAPLER, TODD S., 538-64-5413
SCHELLBERG, STEVEN A., 480-88-2481
SCHMEISER, STEPHEN A., 070-54-9174
SCHMIDT, WADE H., 022-48-3282
SCHMIELEY, DONALD A., JR., 291-60-9795
SCHNEIDER, BRUCE W., 528-04-3436
SCHNELL, DAVID A., 527-35-4924
SCHNORR D.P., 173-56-7889
SCHOENECK, JOHN D., 078-48-1882
SCHOONOVER, GILBERT D.J., 233-74-8361
SCHRAM, GARY R., 570-25-2652
SCHULTZ, ROBERT G., 413-23-0539
SCHWARZ, THOMAS F., 218-92-1657
SCHWEIZER, DAVID D., 288-54-5972
SCHWING, TERESA A., 363-82-2925
SCOTT, PAUL H., 283-60-5644
SCUKAS, JOHN M., 221-60-7892
SEARS, GREGG G., 265-63-6926
SEARS, JOHN A., III, 202-56-5457
SEDLACEK, MARK T., 547-27-5580
SEITZ, MICHAEL E., 319-60-6873
SELIGA, KENNETH E., 198-56-2619
SEMPLE, BERNADETTE M., 084-54-1928
SETTLEMYER, SIDNEY R., 264-57-2721
SEVERS, PAUL J., 302-54-3091
SHAFFER, KENAN J., 219-68-3618
SHANAHAN, BRAIN J., 078-52-5603
SHARP, ALEXANDER V., 517-88-7195
SHAW, JOSEPH M., 151-56-4235
SHAW, ROBERT S., 013-38-0406
SHEA, JAMES A., 004-62-2216
SHELDEN, CRAIG B., 537-48-6573
SHEPHERD, DWIGHT D., 286-50-6413
SHIREY, RONALD E., 204-52-5123
SHIVERS, CAROL E., 265-19-1393
SHOAF, JAMES R., 245-06-2007
SIMMONS, CAROL A., 585-11-8980
SINGLETON, DAMON I., 437-15-2078
SKELLY, MICHAEL P., 264-47-5495
SKUFCA, JOSEPH D., 345-52-0087
SLADE, LAWRENCE R., 225-96-7143
SLAIS, THOMAS A., JR., 370-66-2360
SMILOWITZ, GARY J., 149-56-6751
SMITH, BRADLEY J., 362-74 6722
SMITH, BRIAN T., 241-13-0832
SMITH, JEFFERY C., 420-66-6380
SMITH, LEON W., JR., 228-68-2869
SMITH, MARIBETH NMN, 181-52-3992
SMITH, NED A., 203-56-2898
SMITH, ROGER J., 519-92-3032
SMITH, TEDDIANN S., 037-46-7403
SMITH, THOMAS W., 215-84-1181
SMITH, WILLIAM D., III, 166-60-0942
SNYDER, STEVEN B., 216-82-4861
SOLMS, DAVID A., 524-06-3706
SOMERS, CHARLES E., III, 228-08-9782
SONDERMAN, CHRISTOPHER J., 478-64-9576
SORBER, TIMOTHY J., 165-54-0689
SOS, YAREMA I., 213-88-9855
SOTHERLAND, JACK L., III, 570-17-0227
SPAULDING, DALE R., 263-37-1907
SPERANZO, JOSEPH L., 185-56-5447
SPOHNHOLTZ, JAMES R., JR., 263-53-0111
STAMMER, ROBERT M., 220-68-3530
STAMMER, WALTER H., III, 220-68-3525
STAMOS, JOHN P., 366-84-0501
STEER, THOMAS J., 089-44-7699
STEIGERS, CURT W., 539-70-0006
STEINDL, DAVID F., 446-54-6722
STEINNECKER, ELIZABETH A., 262-43-9660
STENSTROM, KEVIN G., 012-58-1952
STEPANIAK, MICHAEL G., 385-48-3591
STERNBERG, CHARLES A. 224-11-7783
STERRETT, ARTHUR M., JR., 545-31-3251
STEWART, JOHN A., 118-58-3713
STEWART, TERRYL, K., 470-88-1664
STOLL, PETER J., 010-42-6034
STONE, WILLIAM D., 368-82-6343
STONER, TROY A., 313-80-1524
STORM, MARINUS NMN 058-62-4619
STRANO, MICHAEL A., 151-64-1261
STUBBLEFIELD, ROBERT A., 453-43-3171
SULLIVAN, JAMES A., 096-54-2185
SULLIVAN, PATRICK T., 561-15-4327
SUMMERS, TIMOTHY W., 545-43-5516
SURGEONER, ROBERT F., 164-60-1061
SWAIN, ANTHONY W., 240-11-0124
SWAIN, DAVID R., 396-52-1578
SWAIN, GARY T., 263-71-8264
SWALLOW, ROBERT C., 037-30-4015
SWATHWOOD, DAVID R., 559-45-3852
SYMMERS, BENJAMIN K., JR., 231-62-7300
SYMPSON, WILLIAM G., 124-42-2777
SYRING, RONDA J., 569-39-5387
SYVERTSEN, JAMES M., 121-46-6974
SZYMANSKI, TIMOTHY G., 222-60-1733
TAMAS, ROBERT J., JR., 294-58-8374
TAMMEN, JOHN W., JR., 137-66-5426
TANAKA, CLEMENT NMN, 572-47-9809
TANAKA, PAUL M., 504-52-4825
TARRELL, ALVIN E., 506-94-8148
TATOMER, WILLIAM J., JR., 530-62-1956
TAYLOR, BARRY R., 228-08-2771
TAYLOR, DAVID M., 371-64-5764
TAYLOR, MICHAEL G., 264-81-0745
TAYLOR, MICHAEL P., 530-72-5411
TEMBE, TUSHAR R., 090-50-7814
TENORIO, MATTHEW P., 573-35-2021
THALER, TIMOTHY J., 571-27-4671
THEBAUD, CYNTHIA M., 043-40-1148
THOMAS, CHRISTOPHER B., 292-66-7293
THOMAS, GREG A., 445-62-0570
THOMAS, GREG A., 508-72-4142
THOMPSON, JEFFERY G., 264-13-5175
THOMPSON, LEE E., 345-52-3208
THOMPSON, MARK A., 521-92-3863
THORNHILL, ANDREW H., 433-19-2288
THORNTON, DAVID R., 215-54-3856
THURMAN, MICHAEL NMN, 558-74-9520
TILBURY, JEFFREY, P., 223-76-9281
TILGHMAN, RICHARD W., 576-82-0704
TILLMAN, WILLARD J., 142-68-7711
TINDAL, RALPH L., III, 227-13-7856
TOKARICK, KEVIN J., 188-52-3289
TOOKER, WILLIAM M., 110-46-9835
TOOLE, JOEL K., 256-88-8033
TRANORIS, JAMES E., 152-54-5001
TURLEY, LESLIE S., 513-60-9555
ULBRICHT, JONATHAN G., 039-34-3516
VAHSEN, STEVEN S., 047-42-5125
VALENZUELA, JOSEPH J., 498-80-5126
VANBRABANT, JOHN D., 363-50-4825
VANCE, ROBERT M., 265-73-7006
VANCLEAVE, JOHN A., 576-84-9387
VANDENBERG, GERARD M., 228-11-4827
VANDEUSEN, KARL J., 267-87-8195
VANDEVER, KELLY A., 213-92-7805
VANDIVER, JAMES L., 521-15-6375
VANDYKE, STEVEN M., 577-96-9186
VANHOOK, TINA H., 039-36-1232
VANMETRE, CHRISTOPHER R., 248-02-7098
VANSTEE, PETER M., 352-38-8403
VARALLO, THOMAS A., JR., 213-90-8008
VAUGHAN, ROBERT G., 217-70-5470
VAUTIER, REBECCA L., 201-44-1900
VECE, THOMAS W., 351-60-0748
VENABLE, JAIME R., 158-52-3050
VERFURTH, JOHN M., 299-44-9999
VIELOCK, JEFFREY C., 227-15-6804
VIGNERON, KAREN J., 371-76-7863
VILAND, MICHAEL S., 140-38-3180
VINCENT, PATRICK J., 114-56-5661
VISSER, STEVEN N., 570-53-1196
VISSERS, STEPHEN J., 461-37-4600
VIZCARRA, MICHAEL A., 526-35-0672
VOORS, PATRICK M., 303-80-1471
WADDINGHAM, PHILIP L., 564-49-7351
WAGNER, EDWARD S., JR., 066-50-2947
WAGONER, KEITH L., 536-46-0091
WALKER, TIMOTHY J., 054-62-3779
WALLACE, DAVID E., 565-92-3245
WALLER, MARK C., 228-90-1005
WALLS, KENNETH C., 219-82-4336
WALSH, DANIEL J., 358-62-1076
WALZER, ROBERT J., II, 557-96-0856
WARREN, THOMAS W., JR., 566-13-2787
WASHABAUGH, JASON NMN, 530-84-5790
WASHINGTON, GLEN L., 248-35-8830
WATERS, DOUGLAS E., 185-36-9604
WATSON, GARY H., JR., 155-54-0959
WATTS, GEOFFREY W., 260-23-6975
WAUER, BRIAN D., 431-25-1968
WEAVER, MICHAEL J., 238-08-2645
WEBER, MARK E., 254-17-0173
WEIDENHAMMER, WILLIAM H., 161-48-4308
WEINZETTLE, JOHN M., 173-48-2399
WELLBORN, RAYMOND B., JR., 506-82-3069
WELLER, SCOTT N., 567-74-2787
WELLINGTON, MICHAEL J., 459-02-9999
WELLS, SUSAN K., 541-90-5801
WENDEL, MICHAEL W., 074-62-7604
WERNER, MARK H., 506-84-0862
WESTERBEKE, JOHN B., 018-58-4501
WETHERALD, HUGH D., 169-40-0160
WEZDENKO, RICHARD J., 526-06-0988
WHALEN, EDWARD A., 093-60-0383

WHALEN, KENT D., 368-82-4221
WHITAKER, STEPHEN C., 049-48-1888
WHITE, JAMES B., II, 044-68-7142
WHITESELL, KENNETH R., 229-04-4855
WHITTLE, MARK A., 250-13-5767
WICKLINE, JAMES O., 548-37-0207
WIEGERT, ROBERT N., 352-54-4868
WILKERSON, JAMES N.J., 587-90-3728
WILLARD, RICHARD J., 022-38-9977
WILLIAMS, CHARLES F., 229-08-7066
WILLIAMS, GARY H., 525-21-1749
WILLIAMS, GORDON C., 563-33-6135
WILLIAMS, JOHN B., III, 456-39-6608
WILLIAMS, RANDALL G., 082-44-7685
WILLIAMS, RICHARD L., JR., 073-56-9224
WILLIAMS, STEVEN C., 565-43-5935
WILLIAMS, TERRANCE NMN, 454-19-8461
WILLIAMS, WILLIAM L., 490-76-3499
WILLIAMSON, BRAD NMN, 211-48-3948
WILLIAMSON, DONALD E., 564-23-4888
WILLIAMSON, MARK R., 084-44-6885
WILLIAMSON, RICKY L., 263-77-7765
WILLIAMSON, THOMAS J., 263-77-0377
WILSON, CHET B., 236-11-7093
WILSON, KALIN P., 529-23-8195
WILSON, MICHAEL M., 459-37-8398
WILSON, STEVEN R., 505-74-5542
WILSON, TONY W., 353-62-6946
WILTON, DAVID S., 212-68-0369
WING, THOMAS M., 569-13-1105
WINTER, MATHIAS W., 194-50-8144
WISE, DANIEL E., 371-72-6791
WISEMAN, KARL R., 040-50-5822
WITTICK, BRIAN D., 160-52-7621
WOLTERSDORF, KURT D., 559-02-0828
WOODS, ALPHONSO L., 229-08-8215
WRIGHT, DOUGLAS E., 349-54-2436
WRIGHT, MATTHEW P., 354-60-2085
WYNDHAM, VANESSA NMN, 106-50-3380
YANKOVICH, MICHAEL C., 231-15-6280
YBARRA, RAMON J., 272-64-2605
YI, CHONG M., 215-84-2119
YOUNG, EUGENIA A., 250-17-0002
YOUNG, VERNON E., 575-02-0238
YOUNG, WILLIAM J., JR., 225-94-2597
ZACCARDI, VINCENT J., 068-62-1299
ZAUN, JEFFREY N., 141-66-9060
ZEIDERS, GLENN W. III, 031-46-0665
ZGRAGGEN, CRAIG J., 199-54-4433
ZICK, HERBERT L., 558-39-5234
ZIEBARTH, KURT W., 058-38-2478
ZORN, ERIC W., 067-54-5140

ENGINEERING DUTY OFFICERS

To be lieutenant commander

ALFARO, RAYMOND, M., 575-92-5703
ALHAMBRA, EDGAR M., 562-39-2747
BILLINGSLEY, ARTHUR B.J., 422-90-2174
CHISUM, JAMES E., JR., 542-86-0551
COLEMAN, WILLIAM F., 438-35-1711
DAVIS, CHARLES A., 245-76-1996
DEOSS, DISTER L., JR., 002-36-1905
DEVOGEL, GREGORY F., 531-80-8451
EVERT, RICHARD W. II, 549-31-4944
FORD, TERESA O., 241-15-6617
FOX, DAVID M., 311-74-7646
HAMLETT, NEIL A., 524-94-5079
HAMMOND, GREGORY A., 585-19-3864
HARTMAN, RICHARD M., 215-68-2412
HOOKER, DONALD T., II, 293-62-1530
IACOVETTA, JOSEPH M., 527-33-5789
INGLES, EDWARD N., 375-76-6528
KONICKI, JOSEPH S., 465-15-3718
KOWALICK, DAVID J., 168-52-8051
KRESTOS, DEAN M., 107-54-2441
LOCHNER, JANE T., 219-88-8354
LONGENECKER, FREDRIC W., 162-54-5478
MADDOX, DOUGLAS NMN, 252-15-4524
MALDIA, LEOPOLDO C., 551-37-4081
MARKLE, STEPHEN P., 091-46-1568
MATHERS, BRUCE H., 522-66-3427
MAY, GARY L., 527-55-1158
MCCARTHY, TIMOTHY G., 061-60-7488
MCCOY, TIMOTHY J., 258-58-1618
MITCHELL, STEPHEN W., 438-06-8514
MURPHY, BRIAN P., 553-47-4674
MYRE, DAVID D., 404-72-9658
NARDI, PETER A., 264-71-5683
PARKER, ROBERT E., JR., 239-27-9022
PEFFERS, STEPHEN B., 571-23-2885
PRICE, DENISE S., 135-60-5257
SCHUPP, PETER E., 560-37-2271
SKOGERBOE, PAUL E., 225-96-0767
SPOONER, SCOTT G., 248-88-8217
STETTLER, JEFFREY W., 136-60-3269
THIEL, RICHARD A., 576-88-5834
THOMAS, MARK W., 442-72-5373
TURNER, JEFFREY L., 461-37-1333
VICTORY, CHARLES W., 123-60-6141
VOLLWEILER, FRED O., JR., 191-42-3612
WALKER, JOHN A., III, 225-04-8931
WESTER, RODERICK C., 413-08-8849
WHITCOMB, CLIFFORD A., 026-46-1143

AEROSPACE ENGINEERING DUTY OFFICERS (ENGINEERING)

To be lieutenant commander

BRENNAN, SEAN P., 476-72-2420
BUCK, NICHOLAS V., 578-62-3551
COLLAZO, RAMON A., JR., 214-80-7503
DEPPE, MARTIN W., 222-54-5533
HATCHER, CHARLES S., JR., 249-25-1923
KNUDSON, WADE E., 524-15-7537
NOWAK, LISA M., 215-92-3586
PUGH, LARRY A., 570-02-9016
YOUNG, MAUDE E., 585-96-0806

AEROSPACE ENGINEERING DUTY OFFICERS (MAINTENANCE)

To be lieutenant commander

COYNE, ELLEN NMN, 129-52-9437
CROWDER, GERALD L., 236-86-9858
ETHERIDGE-BROWN, TRACY A., 225-13-9573
FARNUM, PHILLIP H., 566-84-7792
FLYNN, THOMAS F., 181-42-3220
FURR, MITCHELL L., 223-82-1880
HANSHEW, RAYMOND L., 543-74-1006
HAWK, JOEL S., JR., 452-02-5784
HEINTSCHEL, ANN L., 391-62-4545
HUDSON, JAMES N., 527-73-3489
KELLY, MICHAEL A., 228-70-5092
KILLEY, DOUGLAS S., 524-88-1723
MCDONALD, PRENTIS M., 587-36-0906
MEUER, CASEY C., 394-60-3603
MITCHELL, MARQUITA A., 262-29-1113
MORRIS, BRIAN W., 263-17-8003
ORTIZ, MIGUEL A., 583-19-6423
PAULK, DAVID A., 011-38-1475
PETERS, CYNTHIA L., 566-80-7054
RETTIE, SCOTT L., 090-54-7162
SCOTT, RAYMOND G., 463-96-9191
SUMMERS, TOMMY L., 100-50-5623
TRIMBATH, BRETT W., 180-52-8369
VIERA, DARREN T., 568-31-7591
WEILAND, LINDA V., 367-66-2520
WILLIAMS, LEONARD NMN, 264-82-2473
ZUMBRO, JERRY L., 299-42-0517

AVIATION DUTY OFFICERS

To be lieutenant commander

PIVERAL, MARK W., 495-64-3875

SPECIAL DUTY OFFICERS (CRYPTOLOGY)

To be lieutenant commander

ALLBRITTON, MARK J., 508-02-5710
ATWELL, THERESA M., 223-96-7519
BARKSDALE, CARL A., 039-34-0884
BISHOP, STEVEN B., 266-49-6053
BROWN, JEFFREY F., 139-48-1414
CAIRNS-MCFEETERS, EUGENIA L., 428-21-1720
CULL, SCOTT D., 349-54-8962
FULLER, WAYNE A., 517-90-3400
GRADT, TIMOTHY R., 544-78-5909
GRONEWOLD, DIANE K., 310-62-3247
HARDING, MARK J., 242-04-2441
HAWS, GREGORY J., 477-90-9509
HOWLIN, TIMOTHY M., 228-06-3669
KING, MICHAEL K., 309-56-3134
LAJEUNESSE, MICHAEL R., 585-70-5888
LIPSCOMB, MICHAEL P., 535-70-0966
LOGSDON, PATRICK B., 368-62-7123
LUNDE, KERN D., 392-48-4092
MACKIN, JOHN M., 562-51-4821
MALCOMSON, GARY R., 018-40-6487
MARLOW, ERIN K., 569-98-8088
MCGINN, ELIZABETH M., 216-94-5805
MCINTYRE, EDDIE L., 587-19-8347
MCKINSTRY, JOHN W., 251-37-3971
METTS, WILLIE L., 254-11-4530
MILLER, CHRIS A., 282-62-6550
NEWHOUSE, ERIC J., 470-66-8491
PARODE, STEVEN L., 547-59-3103
PETTY, ROY S., 454-23-3384
PHILLIPS, BARRY W., 415-02-8671
POST, JOHN C., 451-25-2539
RAWLS, DWIGHT G., 456-94-4034
RICH, LYFORD D., 435-96-9366
ROBINSON, GEORGE E., 436-86-2816
SPATHAROS, FRANK A., 271-52-4345
STROZZO, PHILLIP G., 254-13-6585
TEXLEY, THOMAS E., 503-72-8819
THARRINGTON, CHRISTOPHER B., 577-92-0970
VANDENBERG, DENNIS J., 386-80-1469
VANMETER, GUY E., 129-56-0957
VULCAN, LELAND C., 468-72-1004
WHITLOW, GREGORY NMN, 423-86-5664

SPECIAL DUTY OFFICERS (INTELLIGENCE)

To be lieutenant commander

ABBATIELLO, LEONARD M., 336-54-8031
ANDERSON, PATRICIA R., 342-66-2607
ASHCRAFT, PAUL D., 417-98-2605
AZZARITA, NICHOLAS J., 545-92-7188
BARKER, MICHELE C., 264-37-1562
BERNALES, BARTON J., 263-45-2942
BEVERLY, JOSEPH, F., 260-96-6855
BLASCO, GEORGE L., 343-46-7967
BURKART, GREGORY G., 105-56-0905
CARR, WILLIAM J., 261-27-3976
CARTER, STUART A., 263-35-3746
COLANERI, BERTRAND A., 147-46-6615
CORDERO, LUIS G., 080-60-7066
CROSS, RAY A., 162-52-9798
CUNNINGHAM, WILLIAM S., 349-66-8403
CURTIS, STEPHEN G., 001-50-4099
CUTTS, ANDREW W., 048-56-0611
DODD, CARL S., 490-64-0227
DRISCOLL, DAINEL M., 402-98-2146
DWIGGINS, DAVID W., 238-02-0824
FANELL, JAMES E., 570-15-0903
FERNANDEZ, PELAYO F., 585-25-2724
GLAZIER, WENDY L., 569-61-2750
GREEN, DANIEL M., 218-70-8476
GREENWOOD, MICHAEL D., 049-60-9284
GRIFFIN, BRENT J., 112-58-3570
HESS, PAUL A., 568-15-9706
HILL, DEBORAH J., 183-46-2882
HOLCOMB, ROSS D., 579-90-5368
HUGHES, JAMES C., 098-58-0814
IMHOFF, DEENAN M., 261-89-8316
INMAN, CARL R., 573-94-0810
JENNINGS, CHARLES A., 422-94-5905
KENNETT, ROBERT P., 331-66-4353
KESSLER, STEPHANIE S., 267-65-1857
KRISTIN, ERIC V., 256-27-9464
KROTOW, GERALDINE S., 132-62-3174
KURIYAMA, WILLIAM A., 215-80-6880
LAIN, KATHERINE L., 091-58-1726
LEE, JEFFREY D., 484-70-2587
LEECH, THOMAS M., JR., 212-84-4286
LINDSAY, ROBERT R., 554-45-8688
LOVELESS, BRUCE F., 291-54-9975
MCAULIFFE, KATHLEEN NMN, 261-21-1784
MCCOLLUM, SCOTT F., 043-62-4645
MCILMAIL, JAMES F., 035-44-1254
MUNACO, PHILIP A., 128-62-1677
OAKELEY, KELLY M., 231-86-5088
ORTWEIN, MICHAEL T., 308-78-7653
PAGACH, KENNETH I., 144-70-8281
PAGETT, STEVEN L., 356-64-6350
RIEF, PETER R., 026-56-8058
ROBERTS, BECKY A., 503-78-3695
ROSE, ROBERT E., 183-56-3499
ROSSER, JAMES A., III, 453-51-3209
RUPP, ROBERT NMN, 072-46-5393
SCOTT, EDWARD M., 085-44-9238
SCRIBNER, JEFFREY L., JR., 111-48-7003
SEARS, TODD R., 042-62-8981
SHUEY, DONALD W., 426-06-6461
SIBICK, KEITH M., 097-52-4766
SMITH, CLAUDE D., 250-80-5907
SPER, MARY K., 286-74-9623
STUBBS, JOHN B., 443-72-7584
SULZBACH, EDWARD F., III, 231-15-1184
TRAIL, THOMAS R., JR, 231-86-1784
ULATOWSKI, VALERIE A., 215-72-2283
ULISNIK, KAREN D., 049-40-7857
VANREESEMA, BRYAN P.S., 383-66-2668
VIEIRA, MICHAEL L., 567-17-5105
WALEY, KENNETH A., 283-52-6053
WALL, ALAN R., 274-70-2990
WARFORD, EDWARD B., 357-50-5136
WERTZ, MATTHEW A., 164-44-0119
WHEATLEY, WILLIAM NMN, 073-56-8564
WHITEFIELD, PAUL M., 267-08-8351
WILBER, JOHN J., 521-02-4185
WILLIAMS, JAMES E., 004-56-5167
ZIMMERMANN, LEONARD A.I., 276-64-1988

SPECIAL DUTY OFFICERS (PUBLIC AFFAIRS)

To be lieutenant commander

ALDERSON, WILLIAM J., 231-02-1180
AUSTIN, EDWARD L., 523-94-9224
BRENTON, REBECCA E., 226-11-0100
BROOKS, JAMES E., 383-66-8683
BROWN, MATTHEW S., 551-49-1747
GRAYBEAL, JAMES W., 160-48-4876
HAEG, SUSAN M., 503-92-6770
HILL, RODNEY A., 140-56-6254
JEFFRIES, KAREN D., 211-46-1659
JONES, ELIZABETH A., 362-86-3978
MC CAFFREY, MARK R., 517-74-7681
MC WHORTER, CHARLES D., 521-15-1047
NEWELL, ROBERT D., 228-90-2724
PITTMAN, HAROLD E., 215-82-0089
ROSS, ROBERT T., 524-02-4027
SPANN, WILLIAM S., 197-52-1529
TALLMAN, KATRINA A., 291-44-1626
WELLS, DAVID E., 476-80-4203

SPECIAL DUTY OFFICERS (OCEANOGRAPHY)

To be lieutenant commander

ANGOVE, MICHAEL D., 531-84-6027
BALDAUF, BRIAN K., 218-50-5610
BERDEGUEZ, JAMES NMN, 092-48-5950
COLUCCI, JAY W., 044-44-3661
COOPER, GRANT A., IV, 227-11-0468
DAGOSTINO, ANOTHONY F., 155-48-2789
HARRISON, DANIEL E., 038-48-7253
KRAFT, ANTON J., 223-17-3482
LANE, TIMOHTY G., 134-48-4688
MALSICK, MARK D., 043-40-5766
OCARROLL, ROSEMARIE NMN, 337-62-2034
OTIS, DAVID E., 371-68-5912
PETRUNCIO, EMIL T., 152-68-4113
PETTIGREW, JAMES C., 568-31-8640
RUPPE, KAREN M., 226-90-5138
RUTHERFORD, STEVEN J., 080-48-0886
SCHULZ, WILLIAM J., JR., 147-60-3980
SPINELLI, JULIA M., 525-06-4390
SPRINGER, CORY A., 202-46-5414
STANTON, ROBERT J., 502-86-7461
STEADLEY, ROBERT S., 441-54-2891
STEEVES, MARY A., 508-96-3904
STONE, REBECCA E., 455-39-9282
TRAMM, EUGENE P., 546-72-5012
VANN, JAMES R., 262-02-9924
WALSH, DAVID J., 559-17-9387

WEBB, BENNY H., 401-96-0807
WHALEN, JOHN D., 034-38-0190
WHITNEY, CLAUDIA S., 555-35-8662

LIMITED DUTY OFFICERS (LINE)

To be lieutenant commander

ALLEN, JAMES H., 442-54-7022
ALLEN, RONALD R., 464-76-7109
ATKINSON, PURVIS J., 566-15-7072
BALLENGER, JAMES E., 585-52-3322
BARTSCH, BRYAN W., 031-40-8412
BENEDETTO, JANE A., 358-36-1678
BIRTCHET, LESTER N., 247-96-4056
BLACK, SAMUEL K., 287-46-6449
BOONE, DAVID B., 462-06-7947
BORGERDING, ROBERT E., 276-58-6032
BRACKMAN, RAYMOND C., 415-98-1855
BRADDOCK, RANDALL L., 345-44-2624
BRIGHTBILL, GARY R., 167-42-1816
BRINK, JAMES M., 552-92-6159
BROKAW, JAMES E., 300-52-5965
BRUMFIEL, GARY A., 533-54-9837
BURNETT, JOHN T., 542-46-3309
BUTTERWORTH, GARY W., 294-58-1526
CABREIRA, JOSEPH NMN, 575-72-3191
CALE, WILLIAM A., 198-48-9888
CENTER, RONALD E., 348-50-0550
CENTERS, CASH J., 404-68-6679
CHAYER, MARK C., 009-42-5663
CHURCH, MICHAEL J., 414-94-8717
CLAYTON, BROOKS F., 234-80-0871
COLE, RICHARD E., 480-62-6198
COLE, STEVEN R., 573-68-7025
COLLINS, EDMUND B., 328-48-3174
CONNOLLY, TIMOTHY M., 276-46-4584
CREASON, CARL A., 521-92-7101
CRUZ, FRANCISCO Q., 586-03-6044
CUMBERBATCH, VALENTINE G., 071-48-5960
CYWINSKI, DAVID D., 169-42-5081
DAMMANN, DENNIS A., 479-76-5104
DANIELS, KEVIN W., 523-86-8378
DAVIS, JERRY P., 232-74-2916
DAVIS, MARK K., 523-68-6384
DENBY, JOE C., 449-76-2893
DESANTIS, ROBERT W., 061-42-1814
DESROSIER, THOMAS G., 044-52-1249
DEWIRE, JONATHAN C., 164-46-0674
DIETZ, RICHARD K., 369-64-3455
DRAKE, DOUGLAS D., 408-96-4143
DYSON, DAVID L., 520-60-2118
EATON, DAVID A., 491-60-4398
EATON, NORMAN D., 004-50-4497
ERICKSON, WILLIAM D., 502-62-3138
EVERETTE, TERRY L., 267-88-3385
FINDLEY, ROBERT K., 561-78-6225
FINLEY, ROBERT S., 573-04-3533
FOSTER, THOMAS D., 570-98-1148
FREEMAN, JEFFERY A., 116-52-9693
FRETWELL, RONNIE L., 421-78-4013
FRIDLEY, TIMOTHY L., 232-98-3255
GANN, DAVID E., 489-54-0398
GARRIGAN, PETER D., 446-66-2026
GATES, RONALD E., 504-64-1877
GILLIS, EUGENE B., 262-02-4431
GILMORE, MICHAEL E., 010-44-9121
GLYNN, DANIEL E., 064-40-2941
GRINSTEAD, BARRY M., 226-68-8807
GUIDRY, DIANE T., 502-64-8941
HAMILL, JEROME J., 230-76-3702
HAMMOND, GERALD J., JR., 249-92-9069
HAMMOND, MARK D., 161-40-5790
HANSON, JULIE K., 391-60-7023
HARKER, JAMES A., 136-40-3918
HARPER, DAVID D., 429-06-8787
HARRIS, WILLIAM K., 247-08-7355
HARVEY, TIMOTHY B., 234-84-1468
HAYNES, BILLY D., 446-58-2185
HEART, RAYMOND D., 123-40-3062
HENNESSY, WILLIAM J., 110-40-5555
HERNDON, GEORGE L., 230-86-9300
HOLLEY, WILLIAM D., 417-72-0084
HOLMES, DONALD C., 297-54-1523
HOPPER, JAMES M., 571-74-1673
HOTCHKISS, MICHAEL J., 543-58-1412
HOWARD, JAMES S., 556-96-1342
HUMMEL, JAMES C., 490-62-3135
ISRAEL, THOMAS J., 259-68-0787
IVES, JAMES L., 161-40-5991
JACKS, PATRICK NMN, 239-84-8367
JACKSON, CRAIG J., 433-66-2101
JESSEN, DAVID A., 300-46-6031
JOHNSON, CHARLES W., 578-72-4692
JOHNSON, GREGORY L., 553-04-0905
JOHNSON, STEPHEN E., 165-40-9698
JUDY, MARK R., 277-56-1464
KAUSEK, ALBERT J., 265-29-5112
KEIDEL, WILLIAM L., JR., 220-66-7497
KENNEDY, ALBERT E., 262-94-6243
KINSEY, MICHAEL S., 561-94-0938
KIRSTINE, CHARLES E., 507-74-9201
KNIGHTON, RONNIE L., 587-66-2330
KOHLER, KENNETH A., 398-64-9541
KRIEBEL, EDWARD T., 166-44-7316
KUESTER, ROBERT W., 446-58-3307
LAMB, KEVIN N., 362-64-8742
LANGLAIS, STEPHEN A., 109-40-9986
LASHUA, ERNEST E., JR., 535-70-0752
LAURSEN, BRIAN K., 475-66-3877
LAWTON, WILLIAM B., 261-11-5846
LEASURE, GEORGE M., 159-44-4639
LETTS, BRADLEY J., 554-92-3779
LEWIS, JERRY G., JR., 523-88-2981
LITTLE, GLEN M., JR., 535-52-6406
LOKEN, ROBERT E., 541-66-3236
MAC ARTHUR, JEFFREY S., 559-94-8731
MAC DONALD, JAMES B., 010-48-3561
MANUMA, LENE S., JR., 575-54-1462
MARSHALL, ALAN R., 147-40-0347
MAUPIN, RONALD C., 544-70-3323
MAVES, KENNETH A., 325-38-8367
MC COOL, DAVID E., 564-90-5460
MC GLAUFLIN, KELLY G., 538-68-8626
MC HATTIE, DONALD G., 524-80-3101
MC MANUS, DONOVAN S., 371-54-9028
MC SHANE, MICHAEL J., 544-52-4496
MILLER, DALE L., 550-76-1732
MILLER, ERIC C., 293-52-7530
MILLS, EDWARD E., 462-04-5627
MILLS, GREGORY L., 382-72-5865
MITCHELL, DERRICK A., 262-25-0707
MOLLOY, EDWARD F., 019-46-8842
MOORE, GERALD W., 267-02-9418
MORIN, NORBERT D., 267-08-6370
MUELLER, TIMOTHY G., 490-60-3177
MUGRAGE, DAVID J., 554-88-0954
MULLINS, BOBBY R., 457-98-3397
MURPHY, WILLIAM A., 261-04-6809
NAGEL, DAVID A., 272-54-2076
NAHITCHEVANSKY, ANTONY H., 264-15-2639
NELSON, DONALD F., 192-44-4467
NOLAN, DONALD J., 251-88-8117
OAKES, JAMES R., 545-04-5449
ODONNELL, RAYMOND C., 363-62-1486
OLDLAND, BRENT D., 265-06-4099
OSTRANDER, DAVID P., 088-42-8673
OZKOSAR, OZKAN NMN, 235-90-4655
PAGONA, JOHN L., JR, 226-76-7316
PANTER, DANIEL R., 450-08-1775
PARRON, WANDA S., 047-50-3795
PATTERSON, JASON L., 330-54-8886
PAULETTE, WILLIAM R., 212-66-1515
PAXTON, DEBRA A., 265-19-5950
PAYNE, FRANCIS L., 229-82-3495
PECK, JOSEPH S., 280-46-4562
PEREZ, LAURENT M., 529-90-6366
PIERCE, TIMOTHY L., 264-02-9371
PON, ARNOLD L., 050-48-9535
PREMO, DAVID M., 089-44-5431
PRESCOTT, PAUL B., 417-76-0767
QUINN, MICHAEL, 147-42-6307
RADER, ARTHUR P., 468-70-2264
REED, BUDDY V.W., 409-96-4414
RENFRO, CURTIS A., 466-62-6679
RESNICK, MAX M.Z., 108-50-0434
RHOADES, VICTOR S., 558-25-5868
RIGHTER, MARK H., 547-15-7793
ROBBINS, CHUCK D., 429-08-8272
ROBERSON, PAUL M., 522-76-3919
RODRIGUEZ, JESUS M., 583-72-0515
ROOF, DONALD J., 514-48-2736
ROSS, STEVEN W., 551-23-3191
ROTH, LARRY J., 504-82-6019
RUNNE, ROBIN G., 144-44-3655
RUTLEDGE, VIRGINIA B., 001-42-9387
SAARI, NORMAN E., 389-54-9682
SANDERS, MICHAEL L., 451-90-7210
SASSONE, JEFFREY P., 128-48-5968
SCHMITT, MARK R., 299-52-6942
SCRUGGS, KENNETH L., 173-38-6440
SEIVERS, ANTHONY E., 544-62-3631
SHEDD, JERRY E., 381-56-7973
SHIRLEY, JAMES J., 573-15-3520
SHORT, MARTHA L., 566-88-5914
SIMMONS, BILLY G., 238-92-3793
SLEVIN, GERALD A., 507-86-6552
SMITH, MARK P., 265-80-0165
SPELL, MARTIN B., 587-78-0559
SPENCER, ROBERT NMN, 439-86-7285
SPROULL, MICHAEL L., 446-56-0678
STELLA, LAVERNE L., 035-36-3575
STEPHENS, ALLEN C., 203-46-4645
STRAUSBAUGH, JON E., 302-54-8154
STUBBS, GARY W., 140-42-6355
SUPALLA, BRUCE P., 539-60-3422
SWINSON, JIMMY G., 257-74-8675
THERIAULT, JOHN J., 006-58-5575
TOBIN, ROBERT B., 051-54-4350
TRAXLER, EARL K., 197-40-5705
TULLOS, REX F., 428-02-1167
VANZANDT, JACK H., 453-98-8861
VERBEKE, RICHARD E., 154-50-3507
WALSH, RONALD L., 112-44-0316
WARREN, STUART C., 091-38-4219
WEIDNER, JOHN M., 576-68-6571
WESNER, DENNIS C., 169-44-1906
WHITSON, JAMES L., 409-90-4566
WIGGINS, DONALD NMN, 243-78-2103
WILLIAMS, DARRYL, 369-54-2002
WILSON, DENNIS L., 363-50-9949
WOOD, WILLIAM A., 255-64-7753
WREN, WILLIAM J., 129-50-9893
YOUNG, GARY L., 508-78-8426
ZELIFF, ALAN N., 575-62-8738
ZWEIFEL, ALLAN K., 518-62-5857

HOUSE OF REPRESENTATIVES—*Monday, September 19, 1994*

The House met at 12 noon and was called to order by the Speaker pro tempore [Mr. MONTGOMERY].

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 19, 1994.

I hereby designate the Honorable G.V. (SONNY) MONTGOMERY to act as Speaker pro tempore on this day.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We are grateful, O God, whenever understanding replaces disagreement, or wherever patience replaces anxiety. Whether in our personal lives or in our relationships one with another, we pray that we will honor and respect the gifts of life and exult in the unity and solidarity of Your whole created world. We especially pray for every person who labors for peace and for all those who dedicate their abilities to secure stability and security for every family. May the benefits of peace be upon us and every person and may Your good spirit encourage us each day. This is our earnest prayer. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Missouri [Mr. SKELTON] come forward and lead the House in the Pledge of Allegiance.

Mr. SKELTON led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

PEACEFUL TRANSITION TO DEMOCRACY NOW EXPECTED IN HAITI

(Mr. GEPHARDT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEPHARDT. Mr. Speaker, in the past 24 hours, we have witnessed a remarkable triumph of diplomacy and democracy in America's backyard.

Thanks to the unwavering leadership of President Clinton—thanks to the tough negotiating tactics of President Carter, General Powell, and Senator NUNN—America stood up for its own interests, and we stood up for the rights of the Haitian people, without sending our soldiers into combat.

The people of Haiti, and the people of America, owe a tremendous debt of gratitude to President Clinton. He was willing to push for a peaceful solution—to rid Haiti of its military dictators through reason, not force. And in so doing, he saved American and Haitian lives.

But President Clinton also understood that when a government is built on fear, and not on the faith of its people, when a government practices torture and oppression, and smothers the voices and the votes of its fledgling democracy; when a government exports its people, and its problems, throughout our hemisphere; then the United States must use every ounce of its resolve to restore the promise of democracy and peace.

With yesterday's agreement, we have done that. We now expect a peaceful transition to democracy in Haiti.

Today, every American has reason to be proud—whether or not they supported the use of force in Haiti. For today, America has stood up for the basic rights and liberties we fought so hard to achieve for ourselves, more than 200 years ago.

And we told the world that when it comes to those rights and liberties, there can be no compromise—and America will not back down.

SCHOOL JUST STARTED AND THE PRESIDENT'S ALREADY FAILING

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, around the country school has just started. New pencils, new books, new lunchboxes, and for a while new excitement, because grades will not start coming for another few weeks.

However, for one pupil grades are already in. While the rest of the Nation is still settling into school, the Democrat's former star pupil is flunking out.

According to the lates CNN/USA/Gallup Poll, President Clinton's marks are terrible.

His overall grade from the American people was just a 39-percent passing mark on his overall performance, while 54 percent failed him.

In his work on the economy, America gave him just 43 percent, while 52 percent failed him. In health care, supposedly his best subject, only 36 percent passed his performance, while 60 percent failed him.

In crime class, where he had just handed in his big crime bill, only 41 percent graded his performance good, while 54 percent failed him.

And finally, on foreign affairs just 34 percent gave him a passing mark, while 57 percent failed him. With this kind of report card no wonder Democrats are so reluctant to get voters to sign it in November.

DIPLOMATIC SUCCESS IN HAITI MADE POSSIBLE BY STRONG, READY, AND COMPETENT MILITARY

(Mr. SKELTON asked and was given permission to address the House for 1 minute.)

Mr. SKELTON. Mr. Speaker, I commend the President, former President Carter, General Powell and Senator NUNN for the apparent diplomatic victory in Haiti. This came about only after our Armed Forces were on their way to that country.

It is my hope that the American military will complete its job of restoring democracy quickly. I hope that our service men and women who will be in Haiti for this mission can return home to their families as soon as possible.

We should not forget that a strong, ready, and competent military made this diplomatic success possible. This success was won with people of high morale, even though their training has been cut, their modernization has been slowed, and their numbers greatly reduced. This administration, this Congress and the American people should renew their commitment to maintaining a strong and ready military force.

LET THE HAITIANS RESOLVE THEIR OWN PROBLEMS

(Mr. ROTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTH. Mr. Speaker, my reaction to the bizarre developments of the last

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☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

24 hours is a mixture of relief and concern, relief that the President has pulled back from an ill-advised invasion of Haiti, a country in which the United States has no vital interest, concern over whether we are headed toward adopting this violent and troubled nation as the new American colony. This fuzzy agreement seems to pose more questions than it answers. How long will we be there? How will we get out? How much will it cost the American taxpayers? Who will decide these questions; the United Nations or the United States?

Mr. Speaker, we should have learned in Somalia that the best intentions can still lead to tragic consequences. Haiti has never had a democracy. To say that we are going to restore democracy is just utter nonsense. The minute we leave, Mr. Speaker, things will be just as they are today.

This is a domestic dispute. Let the Haitians resolve their own problems, Mr. Speaker. President Clinton is taking responsibility for Haiti's future. This is not a wise policy for Mr. Clinton or for the United States.

SERIOUS CONFRONTATION HAS BEEN AVERTED

(Mr. SKAGGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SKAGGS. Mr. Speaker, this is a day in which we are all having feelings of relief and gratitude, gratitude especially to President Carter, Senator NUNN, General Powell, for their most effective leadership on behalf of this country in reaching an agreement with the de facto leadership in Haiti, relief in particular that what might otherwise have been a very serious constitutional confrontation has been averted.

□ 1210

As one of the Members of this body that was leading the effort to ensure that we fulfilled our constitutional responsibility, I am pleased that we will not have to have a direct confrontation with the Executive.

But our responsibilities do continue in this matter. I look forward to the report being filed by the administration under the War Powers Resolution. We should all be mindful in these closing weeks of this session that this Congress still has a very profound responsibility to oversee and fulfill its role under the War Powers Resolution and under the Constitution.

VOTE TO STOP AUTOMATIC CONGRESSIONAL PAY RAISE

(Mr. LIGHTFOOT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LIGHTFOOT. Mr. Speaker, my colleagues had better listen up. Because I am about to talk about their pay raise.

Congress is about to allow itself an automatic pay raise that is bigger than the raise being provided to most Federal employees. More important, Mr. Speaker, Congress can kill this automatic pay raise.

Let me repeat. We can stop the congressional pay raise. For the first time, the House-passed fiscal year 1995 Treasury-Postal appropriations bill had this language prohibiting Congress from getting a pay raise being provided for Federal employees. But the Senate deleted this language. Thus, the matter is conferenceable. But the House-Senate Treasury-Postal conference has been delayed again and again.

In the last-minute legislative crush, and while attention is focused elsewhere, we should not allow a congressional pay hike to sneak through when it is in our power to stop it. So today I am notifying the House of my intent to offer a motion to instruct conferees on the Treasury-Postal appropriations bill. And tomorrow, if the conference report has not been filed, Members will have an up-or-down vote on raising their own pay.

We can do the right thing. We can stop an automatic congressional pay hike. We can vote tomorrow for the Lightfoot motion to instruct. And America will be watching.

AMERICANS OWE DEBT OF GRATITUDE TO PRESIDENT CARTER, GENERAL POWELL, AND SENATOR NUNN

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, I think all Americans today owe a debt of gratitude to President Carter, to General Powell, and to Senator NUNN. Their tremendous actions prevented our having to go into Haiti under conditions that I found very, very regrettable.

There is an awful lot of things that Haiti needs. Haiti needs many, many things, but the last thing Haiti needed was a war or more violence. So seeing our troops land today without one gunshot being fired, I think is a real tribute to their action and to the long-standing job they have done in bringing peace.

I think also by having our troops on the ground there during this phase of transition, we will end up with a much better solution, because our troops and the U.N. troops will be able to determine who the bad guys are and who all needs to be removed.

We know that it is not just Cedras. We know there are many others who have a very bad record, too, and this month transition period will give us a much better grounding to be able to make sure the results are what we want.

Congratulations to all of them.

WHY ARE WE IN HAITI IN THE FIRST PLACE?

(Mr. ROHRABACHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROHRABACHER. Mr. Speaker, congratulations to this administration for developing a strategy that will minimize the initial casualties for a military mission, the need for which was caused by this administration in the first place.

What are we doing in Haiti in the first place is what people should be asking themselves. We should not be wiping the sweat off of our brow saying boy, we are really happy now that the casualties with the initial landing will be low. We should still be asking ourselves, why are we there? Why are we in Haiti?

We are there supposedly because we had boat people coming in our direction. Those people were coming in our direction because this administration isolated Haiti with an embargo that forced these people to leave their homeland in the first place. All of this is being done, and all of this military might of the United States is being put forward, in order to place an anti-American Marxist President back in charge of Haiti.

This is absolutely ridiculous. We should not be sending our troops to foreign countries to determine who is and who is not their President. I would hope that we can get our troops and the Republicans here as well as the Democrats here joined together in this one hope that we can get these troops out of Haiti as soon as possible with a minimum number of casualties, both civilian and military.

ANNOUNCEMENT OF INTENT TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 4539

(Without objection, Mr. LIGHTFOOT asked and was given permission to address the House for 1 minute and to revise and extend his remarks, and include extraneous matter.)

Mr. LIGHTFOOT. Mr. Speaker, pursuant to clause 1(c), rule 28, I announce to the House that tomorrow I intend to make the following motion to instruct conferees on the bill H.R. 4539, the fiscal year 1995 Treasury, Postal Service, and general government appropriations bill.

The form of the motion is as follows:

Mr. LIGHTFOOT of Iowa moves that the managers on the part of the House, at the conference of the disagreeing votes on the bill, H.R. 4539, be instructed to insist on the provisions contained in paragraphs 2 and 3 in section 630(a) of the House bill.

Mr. Speaker, let me just briefly describe the content of this motion. The provision I am seeking to have retained in conference involves the pay of Members of Congress. The House-passed bill froze Members' pay for 1995. Had it not, Members of Congress would have received a 2.6-percent pay raise, while the rest of the Federal work force received only A 2-percent cost-of-living adjustment. However, the Senate deleted this provision.

If we do not retain paragraph 2, section 630(a) of the House bill, the impact is clear. We will be providing Members a pay raise when we have the opportunity to stop it. I do not intend to let this happen on my watch. I urge your support for my motion.

The text of the motion is as follows:

Mr. LIGHFOOT of Iowa moves that the managers on the part of the House, at the conference of the disagreeing votes on the bill, H.R. 4539, be instructed to insist on the provisions contained in paragraphs 2 and 3 in section 630(a) of the House bill, with respect to the pay of Members of Congress and the Executive Schedule.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MONTGOMERY). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which the vote is objected to under clause 4 of rule XV. Such rollcall votes, if postponed, will be taken later today.

WILLIAM J. RANDALL POST OFFICE

Miss COLLINS of Michigan. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4551), to designate the post office building located at 301 West Lexington in Independence, MO, as the "William J. Randall Post Office," as amended.

The Clerk read as follows:

H.R. 4551

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The United States Post Office building located at 301 West Lexington Street in Independence, Missouri, shall be known and designated as the "William J. Randall Post Office".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in section 1 shall be deemed to be a reference to the William J. Randall Post Office.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Michigan [Miss COLLINS] will be recognized for 20 minutes, and the gentleman from New York [Mr. GILMAN] will be recognized for 20 minutes.

The Chair recognizes the gentlewoman from Michigan [Miss COLLINS].

Miss COLLINS of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4551 will designate the U.S. post office building located at 301 West Lexington Street in Independence, MO, as the "William J. Randall Post Office."

Mr. Randall, a former Member of the U.S. Congress served the residents of the Fourth Congressional District of Missouri for 17 years. His commitment to the community is exemplified by his works as chairman of the Select Committee on Aging, and the Government Operations Subcommittee on Government Activities and Transportation. Through his works on the Government Operations Committee, he was instrumental in the construction of the Independence Post Office Building.

I am pleased to join Congressman WHEAT and the citizens of Independence, MO in their desire to name the postal facility located at 301 West Lexington Street, Independence, MO, as the "William J. Randall Post Office." I support the passage of H.R. 4551, and urge my colleagues to support the measure.

Mr. Speaker, I reserve the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4551, legislation designating the post office building at 301 West Lexington Street, Independence, MO, as the "William J. Randall Post Office."

A former Member of the U.S. Congress, Mr. Randall served the residents of the Fourth Congressional District of Missouri for 17 years. During his tenure in the Congress he served as the distinguished chairman of the Select Committee on Aging and the Government Operations Subcommittee on Government Activities and Transportation.

I am pleased to join Congressman WHEAT and the citizens of Independence, MO, in their desire to name a postal facility honoring William J. Randall. I accordingly urge your support for this measure.

Mr. WHEAT. Mr. Speaker, I rise today to support H.R. 4551, a bill I introduced to name the post office building in Independence, MO, after former Congressman William J. Randall.

Congressman Randall devoted much of his adult life to public service. Born in Independence, MO, he began his years of service to Independence as a city attorney and a municipal judge. Elected to Congress after winning a special election, Bill Randall served Missouri's Fourth District for 17 years, from 1959 to 1976. Though formerly part of the fourth district, which my colleague Congressman IKE SKELTON represents, Independence is now a major part of the Fifth District, which I currently serve. It is for this reason that we are proud to jointly offer this legislation to rename the Independence Post Office after Congressman Randall.

The Fourth District during Congressman Randall's tenure was largely composed of rural communities, and he helped lead efforts in Congress to address the needs of rural and small-town America. For example, Mr. Randall worked tirelessly for the passage of a 1962 bill for construction of housing for older Americans living in rural areas. With the advent of new antipoverty legislation aimed at urban areas in 1964, Congressman Randall succeeded in persuading Congress to extend the program to rural communities.

Bill Randall also championed educational opportunities for America's children and assistance to our country's veterans. And he worked diligently from the very beginning of his career to improve the quality of life for America's seniors and secure necessary funding for senior centers nationwide. In 1971, Congressman Randall, a member of the Government Operations Committee, was named chairman of the panel's Special Studies Subcommittee which made recommendations for meeting the needs of our Nation's growing elderly population. On February 6, 1975, Bill Randall was recognized for his deep commitment to America's elderly with his assignment as the first chairman of the Select Committee on Aging. Missourians are proud of Congressman Randall's endeavors on this critical issue.

Much of Bill Randall's work with Government Operations dealt with oversight of the Postal Service. In his final speech to Congress, he eloquently described his firm belief in the integrity of the Postal Service, noting its vital mission in "binding the country together." In Missouri, Congressman Randall was instrumental in the construction of the post office in Independence which was completed in 1965, and kept an office there which I later occupied. Since 1982, I have continued to keep the same office open to serve the people of Independence in the great tradition of Bill Randall.

Mr. Chairman and members of the committee, naming the Independence post office building after Congressman Randall is a fitting tribute to a man who devoted his career to the good citizens of Independence and the Fourth District of Missouri. I urge you to support this legislation.

□ 1220

Miss COLLINS of Michigan. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentlewoman from Michigan [Miss COLLINS] that the House suspend the rules and pass the bill, H.R. 4551, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to designate the United States Post Office building located at 301 West Lexington Street in Independence, Missouri, as the 'William J. Randall Post Office'.".

A motion to reconsider was laid on the table.

FANNIE LOU HAMER POST OFFICE

Miss COLLINS of Michigan. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4452) to designate the post office building at 115 North Chester in Ruleville, MS, as the "Fannie Lou Hamer United States Post Office," as amended.

The Clerk read as follows:

H.R. 4452

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The United States Post Office building located at 115 North Chester in Ruleville, Mississippi, shall be known and designated as the "Fannie Lou Hamer Post Office".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in section 1 shall be deemed to be a reference to the Fannie Lou Hamer Post Office.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Michigan [Miss COLLINS] will be recognized for 20 minutes, and the gentleman from New York [Mr. GILMAN] will be recognized for 20 minutes.

The Chair recognizes the gentlewoman from Michigan [Miss COLLINS].

Miss COLLINS of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4452 will designate the U.S. post office building located at 115 North Chester in Ruleville, MS, as the "Fannie Lou Hamer United States Post Office."

Fannie Lou Hamer was an agricultural worker in the Mississippi Delta. She was a human rights activist who dedicated her life to the struggle for equal rights for all Americans. Fannie Lou Hamer was one of the organizers of the Mississippi Freedom Democratic Party, which was established in 1964 to organize disenfranchised citizens. The party's primary goal was to challenge the exclusion of African-Americans from the Mississippi Democratic Party.

I am pleased to join Congressman THOMPSON and the citizens of Ruleville, MS in their desire to name the postal facility located at 115 North Chester in Ruleville, MS, as the "Fannie Lou Hamer United States Post Office." I support the passage of H.R. 4452, and urge my colleagues to support the measure.

Mr. Speaker, I reserve the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4452, legislation designating the Post Office building at 115 North Chester in Ruleville, MS, as the "Fannie Lou Hamer United States Post Office."

As an agricultural worker in the Mississippi Delta, Ms. Hamer was a human rights activist who dedicated her life to the struggle for equal rights for all Americans. Ms. Hamer was one of the organizers of the Democratic Party whose primary goal was to challenge the exclusion of African-Americans from the Mississippi Democratic Party, established in 1964 to organize disenfranchised citizens.

I am pleased to join Congressman THOMPSON and the citizens of Ruleville, MS to name a postal facility in honor of Fannie Lou Hamer. Accordingly, I urge my colleagues to support this legislation.

Miss COLLINS of Michigan. Mr. Speaker, I yield such time as he may consume to the gentleman from Mississippi [Mr. THOMPSON].

Mr. THOMPSON of Mississippi. Mr. Speaker, I introduced H.R. 4452 to name the post office in Ruleville, MS after the late civil rights leader, Fannie Lou Hamer, because she inspired many Americans by her strong commitment to civil and human rights for all Americans.

Mrs. Hamer, a native of Ruleville, MS, was an agricultural worker in the Mississippi Delta before beginning her career as a human rights activist. She was one of the organizers of the Mississippi Freedom Democratic Party, which was established in 1964 to organize disenfranchised citizens. The party's primary goal was to challenge the exclusion of African-Americans from the Mississippi Democratic Party. Mrs. Hamer was a powerful orator and courageous leader who led by example. She encouraged people to register and vote and ran for Congress on the Mississippi Freedom Democratic Party ticket.

Because of the discriminatory practices of the State Democratic Party, Mrs. Hamer led the fight to challenge the seating of the delegates of the Mississippi Democratic Party at the 1964 Democratic National Convention in Atlantic City, NJ. Even though she was unsuccessful in this effort, the State Democratic Party eventually became a diverse party.

The most visible result of her struggle is the fact that an African-American is now serving as chairman of the Mississippi Democratic Party. In addition, Mississippi currently has more African-American elected officials than any other State in the Nation.

She was the recipient of honorary doctorate degrees from numerous colleges and universities across the country. Her biography, "This Little Light of Mine," which was written by Ms. Kaye Mills, was published last year. Naming the post office in Ruleville, MS after Mrs. Fannie Lou Hamer is an excellent way to honor her for her many contributions to our Nation. I encourage my colleagues to support this important legislation.

Miss COLLINS of Michigan. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. EDWARDS].

Mr. EDWARDS of California. Mr. Speaker, I also rise in favor of the bill to designate the Ruleville, MS Post Office, to be known as the Fannie Lou Hamer Post Office. I guess it was in 1964, during the long, hot summer that was so crucial to the civil rights movement, that I visited Ruleville.

My son, Leonard Edwards, now a superior court judge in Santa Clara County, was staying with Fannie Lou Hamer and assisting the students in registering voters. It was a dangerous time. Mickey Schwerner and his two colleagues had disappeared. Their bodies had not been found. They would have been found later.

Mrs. Hamer showed me around the town, around the town of Ruleville, in Sunflower County. Two of the churches had been bombed. My son and I drove around that area to Liberty and to Macomb, MS, where we spent the night with young students who were peacefully registering voters. Five minutes after we left the home of these young people, the next morning it was bombed, and some of them were quite badly hurt.

Fannie Lou Hamer was one of the great heroines of the civil rights movement, an inspiration to all of us. She was a candidate for Congress representing the Mississippi Freedom Party, which party claimed to have won the election in 1964, and probably had some pretty good credentials, because they came here and sat right over there, Mr. Speaker.

A couple of us, Bill Ryan and I, sat with them, because it was very scary for two Mississippi African-American women to come into Congress, and under the rules of the House, they were entitled to sit here, even though the House later turned them out.

However, Mr. Speaker, we should remember those days, and the people who were heavily involved, especially the African-Americans of Mississippi and Georgia. They taught us all a lesson about equality and about progress in this country.

They had very much to do with the enactment of the civil rights bill of 1964 and the Voting Rights Act of 1965, which by a stroke of the pen outlawed apartheid in the United States, the two greatest civil rights laws ever enacted by any nation.

Mr. Speaker, therefore I think it is absolutely suitable, and I am honored to be able to speak about Fannie Lou Hamer, and to join my colleagues in ensuring that this post office bears her name.

Miss COLLINS of Michigan. I yield such time as he may consume to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, I did not know when I came on the floor that I would be doing this. I cannot think of a more appropriate thing for us to do.

I had the great privilege of meeting Fannie Lou Hamer when I went to Mississippi as a young person in 1964 for the Mississippi Freedom Summer. She was such an extraordinary individual that this is wholly appropriate.

We also want to mark that in 1964 Fannie Lou Hamer considered herself to some extent an adversary of the Federal Government, and she was right to do so. She was someone who was fighting constantly for the most basic rights that we now take for granted.

Mr. Speaker, the progress that has been made, and there is obviously still a lot to be done, owes a great deal to her force and her determination and her courage. It is both a reminder of how far we yet have to go, but also a symbol of the progress we have made, to note that Fannie Lou Hamer went from, in 1964, being someone who was being beaten by officials for trying to exercise her rights and being frozen out, to someone whom today we honor in this way.

Mr. Speaker, I thank the gentlewoman from Michigan for taking the lead on this extraordinary occasion.

Ms. NORTON. Mr. Speaker, I rise in support of H.R. 4452, the Fannie Lou Hamer U.S. Post Office naming bill. Fannie Lou Hamer's role as a national civil rights leader and personal mentor make me especially pleased and proud that Congress, with this act, now recognizes her importance to our country. Ms. Hamer was not only a great leader of her people; she was a unifying figure in the best tradition of the civil rights movement, proudly composed of blacks and whites. Her work to bring the means to produce meat and grow vegetables for the poor of Sunflower County was only one of her notable actions that helped to unify blacks and whites under the same banner. Fannie Lou Hamer lived to see "Fannie Lou Hammer Day" declared in their home county. This post office naming bill symbolizes the memory of one of America's great women, an American of such importance that her memory will live across the country even where no monument stands to commemorate her life.

Mr. GILMAN. Mr. Speaker, I yield back the balance of my time.

Miss COLLINS of Michigan. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Michigan [Miss COLLINS] that the House suspend the rules and pass the bill, H.R. 4452, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to designate the United States Post Office building located at 115 North Chester in Ruleville, Mississippi, as the 'Fannie Lou Hamer Post Office'.".

A motion to reconsider was laid on the table.

WILBERT ARMSTRONG U.S. POST OFFICE

Miss COLLINS of Michigan. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4571) to designate the U.S. post office located at 103–104 Estate Richmond in Saint Croix, VI, as the "Wilbert Armstrong United States Post Office," as amended.

The Clerk read as follows:

H.R. 4571

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The United States Post Office building located at 103–104 Estate Richmond in Saint Croix, Virgin Islands, shall be known and designated as the "Wilbert Armstrong Post Office".

SEC. 2. REFERENCES

Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in section 1 shall be deemed to be a reference to the Wilbert Armstrong Post Office.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Michigan [Miss COLLINS] will be recognized for 20 minutes, and the gentleman from New York [Mr. GILMAN] will be recognized for 20 minutes.

The Chair recognizes the gentlewoman from Michigan [Miss COLLINS].

Miss COLLINS of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4571 will designate the U.S. post office building located at 103–104 Estate Richmond in Saint Croix, VI, as the "Wilbert Armstrong United States Post Office."

Mr. Armstrong is a former postmaster in Saint Croix, VI. His commitment to the community of Saint Croix is further exemplified by his current membership with the Frederiksted Lions Club, and past membership with the Chamber of Commerce, the Jury Commission, and the Police Commission.

I am pleased to join Congressman DE LUGO and the citizens of Saint Croix, VI, in their desire to name the postal facility located at 103–104 Estate Richmond in Saint Croix, VI, as the "Wilbert Armstrong United States Post Office." I support the passage of H.R. 4571, and urge my colleagues to support the measure.

Mr. Speaker, I reserve the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4571, legislation designating the post office building at 103–104 Estate Richmond in Saint Croix, VI, as the "Wilbert Armstrong United States Post Office."

As a former postmaster of the Christiansted Post Office, Mr. Armstrong's commitment and dedication to his community of Saint Croix is further demonstrated by his involvement with the Lions Club, the Chamber of Commerce, the Jury Commission, and the Police Commission.

I am pleased to join Congressman DE LUGO and the citizens of Saint Croix, VI in their desire to name a postal facility to honor Wilbert Armstrong. I urge my colleagues to join in supporting the passage of this measure.

Miss COLLINS of Michigan. Mr. Speaker, I yield such time as he may consume to the gentleman from the Virgin Island [Mr. DE LUGO].

Mr. DE LUGO. Mr. Speaker, I rise in strong support of H.R. 4571, a bill to designate the U.S. Post Office in Estate Richmond, St. Croix, the "Wilbert Armstrong United States Post Office."

In 40 years of service with the Federal Government, Wilbert R. Armstrong rose through the ranks from postal clerk to the position of Postmaster of the Christiansted Post Office.

Born on November 11, 1908, Wilbert Armstrong's family moved to Frederiksted when he was 3 years old.

He secured his first position in the postal service in 1924 at Christiansted while he continued to work part time at other jobs.

In 1937, 3 years before the Christiansted Post Office was included in Civil Service rules and regulations, he sat and passed the Postal Civil Service exam.

As a result, in 1940 he was able to assume the position of regular clerk when Civil Service rules were extended to Christiansted.

Eight years later, in February 1948, President Harry S. Truman appointed Wilbert Armstrong Acting Postmaster of the Christiansted Post Office. The U.S. Senate confirmed the appointment the following August.

Wilbert Armstrong served the next 16 years as Christiansted's Postmaster until his retirement in October, 1964.

Afterward, he continued his involvement in his community with work in the private sector, in community service, and by service on local boards and commissions.

Mr. Speaker, I urge passage of this legislation, H.R. 4571, honoring Wilbert Armstrong for his years of service to the Postal Service and his community.

Mr. GILMAN. Mr. Speaker, I yield back the balance of my time.

Miss COLLINS of Michigan. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Michigan [Miss COLLINS] that the House suspend the rules and pass the bill, H.R. 4571, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to designate the

United States Post Office building located at 103–104 Estate Richmond in Saint Croix, Virgin Islands, as the 'Wilbert Armstrong Post Office'.".

A motion to reconsider was laid on the table.

□ 1230

UBALDINA SIMMONS U.S. POST OFFICE

Miss COLLINS of Michigan. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4193) to designate the U.S. post office located at 100 Vester Gade, in Cruz Bay, Saint John, VI, as the "Ubaldina Simmons United States Post Office," as amended.

The Clerk read as follows:

H.R. 4193

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The building located at 100 Vester Gade, in Cruz Bay, Saint Thomas, Virgin Islands, shall, for the period of time during which it houses operations of the United States Postal Service, be known and designated as the "Ubaldina Simmons Post Office".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in section 1 shall, with respect to the period referred to in section 1, be deemed to be a reference to the Ubaldina Simmons Post Office.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Michigan [Miss COLLINS] will be recognized for 20 minutes, and the gentleman from New York [Mr. GILMAN] will be recognized for 20 minutes.

The Chair recognizes the gentlewoman from Michigan [Miss COLLINS].

Miss COLLINS of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support the passage of H.R. 4193, which will designate the U.S. post office building located at 100 Vester Gade, in Cruz Bay, Saint Thomas, VI, as the "Ubaldina Simmons U.S. Post Office."

Ms. Simmons is a former Saint John postmistress who devoted 25 years to the Postal Service. During her tenure, she was instrumental in overseeing the construction of the postal facility persently located at 100 Vester Gade, in Cruz Bay.

I am pleased to join Congressman DE LUGO and the citizens of Cruz Bay, Saint John, VI, in their desire to name the postal facility located at 100 Vester Gade, in Cruz Bay, Saint John, Virgin Island, as the "Ubaldina Simmons U.S. Post Office."

I support the passage of H.R. 4193, and urge my colleagues to support the measure.

Mr. Speaker, I reserve the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to take this opportunity to join my colleagues on the Post Office and Civil Service Committee in giving our support to the consideration of this measure which would designate the postal facility located at 100 Vester Gade in Cruz Bay, Saint John, VI as the "Ubaldina Simmons Post Office" and I commend the gentleman from the Virgin Islands, [Mr. DE LUGO] for introducing this measure.

Mrs. Simmons was hired in 1949 as the first postmaster for the island of Saint John and during her 25 years of dedicated service saw that facility grow from a small fourth class postal facility, where the postmaster had to do much of the work, to a much larger, newer second class facility with a greater number of employees to supervise. I can think of no more fitting tribute than to now designate this facility in her honor and I would ask that my colleagues join us in doing so by passing H.R. 4193 today.

□ 1240

Mr. Speaker, I yield back the balance of my time.

Miss COLLINS of Michigan. Mr. Speaker, I yield as much time as he may consume to my colleague, the gentleman from the Virgin Islands [Mr. DE LUGO].

Mr. DE LUGO. Mr. Speaker. I thank the gentlewoman from Michigan for her support of this legislation, and also my friend, the gentleman from New York, who is representing the Republican Members on the floor this day.

Mr. Speaker, I rise in strong support for H.R. 4193, a bill to designate the U.S. Post Office in Cruz Bay, St. John, the "Ubaldina Simmons United States Post Office."

Ubaldina Simmons holds the distinction of having served as the first postmistress for the island of St. John.

St. Thomas was part of the Danish West Indies when she was born on March 31, 1910. She attended school and grew up there.

On October 19. 1949, Ubaldina Simmons was appointed St. John postmistress and was given full responsibility for all postal services on the island.

In those days 35 years ago, the island's population totaled 800 people. As St. John's only postal employee, her duties were many: she not only oversaw all operations, she performed them, acting as clerk and mail handler.

Ubaldina Simmons was known to work regular 12-hour days as well as on weekends to insure that the U.S. mail was delivered.

As postmistress, her leadership enabled the St. John Post Office to be upgraded from a fourth class facility to a second class facility.

In 1971, Ubaldina Simmons was honored for her years of dedication and hard work at ceremonies dedicating the new Cruz Bay Post Office.

Ubaldina Simmons retired on December 31, 1974, after 25 years of service to the Postal Service and to the people of St. John.

Mr. Speaker, it is entirely fitting that the Cruz Bay, St. John Post Office be named in honor of this hard-working and dedicated public servant, and I urge the House pass the bill, H.R. 4193.

Miss COLLINS of Michigan. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentlewoman from Michigan [Miss COLLINS] that the House suspend the rules and pass the bill, H.R. 4193, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to designate the building located at 100 Vester Gade, in Cruz Bay, Saint Thomas, Virgin Islands, for the period of time during which it houses operations of the United States Postal Service, as the 'Ubaldina Simmons Post Office'."

A motion to reconsider was laid on the table.

ARTURO R. WATLINGTON, SR., U.S POST OFFICE

Miss COLLINS of Michigan. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4192) to designate the U.S. post office located at 100 Veterans Drive in Saint Thomas, VI, as the "Arturo R. Watlington, Sr. United States Post Office," as amended.

The Clerk read as follows:

H.R. 4192

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The United States Post Office building located at 3000 Veterans Drive in Saint Thomas, Virgin Islands, shall be known and designated as the "Arturo R. Watlington, Sr. Post Office".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in section 1 shall be deemed to be a reference to the Arturo R. Watlington, Sr. Post Office.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Michigan [Miss COLLINS] will be recognized for 20 minutes, and the gentleman from New York [Mr. GILMAN] will be recognized for 20 minutes.

The Chair recognizes the gentlewoman from Michigan [Miss COLLINS].

Miss COLLINS of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4192, will designate the U.S. Post Office building located at 3000 Veterans Drive in Saint Thomas, VI, as the "Arturo R. Watlington, Sr. United States Post Office."

Mr. Watlington, a former postmaster is also a recipient of the Postal Service's Superior Accomplishment Award.

His dedication to the postal community is demonstrated through his works as an assistant postmaster, superintendent of mail, and a mail handler.

I am pleased to join Congressman DE LUGO and the citizens of Saint Thomas, VI, in their desire to name the postal facility located at 3000 Veterans Drive, in Saint Thomas, VI, as the "Arturo R. Watlington, Sr. United States Post Office."

I support the passage of H.R. 4192, and urge my colleagues to support the measure.

Mr. Speaker, I reserve the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to join my colleagues on the Post Office and Civil Service Committee in giving my support to the consideration of this measure which would designate the postal facility located at 100 Veterans Drive in Saint Thomas, VI, as the "Arturo R. Watlington, Sr. Post Office." And I commend the gentleman from the Virgin Islands [Mr. DE LUGO] for introducing this measure.

Mr. Watlington spent an exceptional 45 years in the service of the U.S. Post Office Department and the U.S. Postal Service before retiring in 1983 as postmaster for the Charlotte Amalie territory. During those 45 years he was able to work himself up through the ranks holding basically every postal position available to him in the area.

Mr. Speaker, I urge my colleagues to join us in commending this fine public servant, whose career has served as an example to many, by supporting the designation of this facility in his honor.

Mr. Speaker, I yield back the balance of my time.

Miss COLLINS of Michigan. Mr. Speaker, I yield as much time as he may consume to my colleague, the gentleman from the Virgin Islands [Mr. DE LUGO].

Mr. DE LUGO. Mr. Speaker, I thank the gentlewoman again for her courtesies. Again, I thank my friend, the gentleman from New York.

Mr. Speaker, I rise in strong support for H.R. 4192, a bill to designate the U.S. post office at 100 Veterans Drive on St. Thomas, VI the "Arturo R. Watlington, Sr. United States Post Office."

Arturo Romano Watlington, Sr. served the postal service in a variety of capacities during his 45-year career. By the time he chose to retire in 1983, he had risen to the position of Charlotte Amalie postmaster.

An electrician and a teacher by trade, Arturo Watlington began working with the post office in 1938 as a mail handler. In years to come, he would hold nearly every position at the facility.

In 1957, he was appointed superintendent of Mails, a post that placed him in charge of the post office on St. Thomas in the absence of the postmaster.

Arturo Watlington served under two successive postmasters, and in 1960, he was given the Superior Accomplishment Award in recognition of his excellent performance.

Arturo Watlington later advanced to the position of assistant postmaster for Charlotte Amalie and he became acting postmaster during the illness of Postmaster Aubrey Ottley.

Arturo Watlington was appointed Charlotte Amalie postmaster in 1981, a position he held until his retirement from the Postal Service in 1983.

Mr. Speaker, Arturo Watlington served his community and our Postal Service with ability and pride for 45 years. Today, we pay recognition to his accomplishments by naming the Veterans Drive, St. Thomas post office in his honor. I urge the House pass the bill, H.R. 4192.

Miss COLLINS of Michigan. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Michigan [Miss COLLINS] that the House suspend the rules and pass the bill, H.R. 4192, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to designate the United States post office building located at 3000 Veterans Drive in Saint Thomas, Virgin Islands, as the 'Arturo R. Watlington, Sr. Post Office'."

A motion to reconsider was laid on the table.

□ 1250

EARLE B. OTTLEY U.S. POST OFFICE

Miss COLLINS of Michigan. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4194) to designate the United States post office located in the Tutu Park Mall in St. Thomas, VI, as the "Earle B. Ottley United States Post Office," as amended.

The Clerk read as follows:

H.R. 4194

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The part of the facility located at 4605 Estata Tutu in Saint Thomas, Virgin Islands, which houses operations of the United States Postal Service shall, for the period of time during which it houses such operations, be known and designated as the "Earle B. Ottley Post Office".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the part of the facility referred to in section 1 shall, with respect to the period referred to in section 1, be deemed to be a reference to the Earle B. Ottley Post Office.

The SPEAKER pro tempore (Mr. MONTGOMERY). Pursuant to the rule, the gentlewoman from Michigan [Miss COLLINS] will be recognized for 20 minutes, and the gentleman from New York [Mr. GILMAN] will be recognized for 20 minutes.

The Chair recognizes the gentlewoman from Michigan [Miss COLLINS].

Miss COLLINS of Michigan. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, H.R. 4194, will designate the U.S. post office building located at 4605 Estata Tutu, suite 179 in St. Thomas, VI, as the "Earle B. Ottley United States Post Office."

Mr. Ottley, has been active in political and union progressive activities throughout his career. He began his career in politics by winning a seat in the 11th Legislative Assembly of the Municipal Council of St. Thomas-St. John where he rose to chairman of the 18th assembly.

His commitment to serving his community is further exemplified by his works within the Virgin Islands Legislatures.

I am pleased to join Congressman DE LUGO and the citizens of St. Thomas, VI, in their desire to name the postal facility located at 4605 Estata Tutu, suite 179, Saint Thomas, VI, as the "Earle B. Ottley United States Post Office." I support the passage of H.R. 4194, and urge my colleagues to support the measure.

Mr. Speaker, I reserve the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Earle B. Ottley served his native Virgin Islands as a legislator, labor leader, journalist, and publisher. Mr. Ottley began his political career in 1947 and served in the first 13 Legislatures of the Virgin Islands rising to chair their committees on rules and finance. He published a number of local newspapers and magazines including the St. Croix Mirror, the Virgin Islands Post, Pride magazine, and founded with his brother the Photo News.

A fascinating individual, Mr. Ottley in 1949 was instrumental in settling a dock strike at the West Indian Co. and won a 10-cent increase per hour for its workers who were then making 40-cents per hour. Mr. Speaker I can think of no better way for us to honor this gentleman, so important to the citizens of the Virgin Islands, than to vote today to adopt H.R. 4194 and designate a postal facility in St. Thomas as the "Earle B. Ottley United States Post Office" and I invite my colleagues to join us in paying tribute to Earle Ottley in this fashion and I commend the gentleman from the Virgin Islands, [Mr. DE LUGO] for introducing this measure.

Mr. Speaker, I reserve the balance of my time.

Miss COLLINS of Michigan. Mr. Speaker, I yield such time as he may consumer to my colleague, the gentleman from the Virgin Islands [Mr. DE LUGO].

Mr. DE LUGO. Mr. Speaker, I imagine my colleagues are wondering if we are running out of post offices by this time in the Virgin Islands. Let me assure them that we have not quite run out of them, and that is a tribute to this House. In the 20 years I have been in this House I assure Members that a lot of friends on both sides of the aisle, and particularly the leadership on the Committee on Post Office and Civil Service, both under the leadership of Chairman FORD and under the present leadership of Chairman CLAY and the subcommittee under the leadership of the gentlewoman from Michigan, Miss COLLINS, have helped us to vastly improve the service that we have for these American citizens in the territory. During that period we built a lot of post offices and the service has improved.

Today this House is honoring an outstanding individual. The person I am going to speak about right now is one of the finest men I have ever met in my time, and for me to say this, because he and I were at one point bitter political rivals, not rivals, enemies. He was dedicated fully to my destruction and I was equally dedicated to his. Today I count him as one of my closest, best friends, one of the men that I admire most and indeed love.

He is Senator Earle B. Ottley, and I rise in the strongest support of this bill, H.R. 4194, to designate the U.S. post office located in the Tutu Park Mall in St. Thomas, VI as the Earle B. Ottley U.S. Post Office. In so doing I am in trouble with my friend, Earle Ottley, because if there is one person that has fought against any honors or anything being dedicated to him, it is Earle Ottley. He is a legend in that department, and I am going to be in big trouble here. But I feel that this man should receive this honor. He is one of the Virgin Islands' most respected and influential public leaders.

Born in St. Thomas on March 22, 1921, Earle B. Ottley began his political career in 1947 by winning a seat in Virgin Islands municipal council. He was elected to every assembly afterward.

Senator Ottley led the fight to rescue Virgin Islands workers from poverty and neglect, and he helped in large part to raise the circumstances of the people of the islands and enable them to enter the middle class.

Senator Ottley's St. Thomas Labor Union gave workers a mechanism to assert and then to protect their rights. At a time when wages, working conditions, and benefits were atrocious, Earle B. Ottley stepped forward on workers' behalf. He risked his career and even life and limb so that workers would have a voice in who they were and who they would be.

In his capacity as a Virgin Islands senator, Earle B. Ottley was able to see that local labor laws were enacted so that a fair day's work would be compensated with a fair day's pay and its requisite benefits.

As a labor leader, Senator Ottley made workers rights an issue that could not be ignored by employers who would have continued to take advantage of those they hired for a pittance. He made sure that workers had the solidarity that enabled them to make gains on their own behalf. His leadership kept workers together and, us a result, workers at long last could work for an employer and also could work for themselves.

I think Virgin Islands history would have been written very differently were it not for Senator Ottley. Before coming to Washington, I served for 10 years as a senator with Senator Ottley in the Virgin Islands Legislature. History shows that in the early years, he and I were bitter rivals. We each held our own visions of how our islands should be and how we would achieve it.

In later years, as our visions were carried out from dreams into reality, we found that our similarities became more than our differences. Today, I count Senator Ottley as a personal friend and a Virgin Islander whom I admire greatly.

It is eminently fitting that the postal facility that serves the community of Anna's Retreat and Tutu be named in honor of this great labor leader and politician, Senator Earle B. Ottley, whose genius made possible the working conditions that brought the means to build a community that the postal station serves.

Mr. Speaker, I urge the House to pass H.R. 4194 to recognize the accomplishments of Earle B. Ottley by naming the Tutu post office in his honor.

Again I thank the gentlewoman from Michigan [Miss COLLINS] and my good friend, the gentleman from New York [Mr. GILMAN], for their support of this legislation.

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Miss COLLINS of Michigan. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). The question is on the motion offered by the gentlewoman from Michigan [Miss COLLINS] that the House suspend the rules and pass the bill, H.R. 4194, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to designate the part of the facility located at 4605 Estata Tutu in St. Thomas, VI, which houses operations of the United States Postal Service as (for the period of time during which it houses such operations) the 'Earle B. Ottley Post Office'.".

A motion to reconsider was laid on the table.

GENERAL LEAVE

Miss COLLINS of Michigan. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bills H.R. 4551, H.R. 4452, H.R. 4571, H.R. 4192, H.R. 4193, and H.R. 4194, just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Michigan?

There was no objection.

STATE DEPARTMENT AUTHORIZATION TECHNICAL CORRECTIONS

Mr. HAMILTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5034) to make certain technical amendments relating to the State Department Basic Authorities Act of 1956, the United States Information and Educational Exchange Act of 1948, and other provisions of law.

The Clerk read as follows:

H.R. 5034

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TECHNICAL AND CONFORMING AMENDMENTS.

(a) Section 121 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236) is amended in subsection (d)(1)—

(1) by striking "and the Director of the United States Information Agency" and inserting ", the Director of the United States Information Agency, or the Administrator of the Agency for International Development"; and

(2) by striking "or the United States Information Agency" and inserting ", the United States Information Agency, or the Agency for International Development".

(b) The Act entitled "An Act to regulate the issue and validity of passports, and for other purposes", approved July 3, 1926 (44 Stat. 887, 22 U.S.C. 211a) as amended by section 127(a) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 is amended—

(1) by striking "other employees" and inserting "such other employees"; and

(2) by striking "United States," and inserting "United States".

(c) Section 139 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236) is amended in paragraph (20) by striking "2349aa" and inserting "4858(b)".

(d) Section 140 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236) is amended in subsection (c)(2) by striking "serious loss of life or property" and inserting "serious injury, loss of life, or significant destruction of property".

(e) Section 142(a) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236) is amended—

(1) in paragraph (2) by striking "not," and inserting "not"; and

(2) in paragraph (3) by striking "because" and inserting "because,".

(f)(1) Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2662) as amended by section 161(a) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236) is amended in subsection (a)(2) by inserting "and the Deputy Secretary of State" after "Secretary".

(2) Section 161 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236) is amended in subsection (b) by striking "133" and inserting "162".

(3) Section 161 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236) is amended in subsection (f)(2)—

(A) by striking "the principal duty of negotiations for";

(B) in subparagraph (A) by striking "Increased"; and inserting "The principal duty of negotiating increased"; and

(C) in subparagraph (B) by striking "Recoupment" and inserting "In consultation with the Department of Defense, assist in negotiations with the host governments for the recoupment".

(4)(A) The Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4801 et seq.) as amended by section 162(g) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 102-236)) is amended—

(i) in section 103(a)(2)(B)(i) by striking "operations" and inserting "operation"; and

(ii) in the table of contents—

(I) by striking the item relating to section 104;

(II) by striking the item relating to section 105;

(III) by striking the item relating to title II and inserting the following:

"TITLE II—PERSONNEL";

(IV) by striking the item relating to section 201 and inserting the following:

"Sec. 201. Diplomatic Security Service.";

and

(V) by striking the item relating to section 203 and inserting the following:

"Sec. 203. Special agents.".

(B) Section 162 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236) is amended in subsection (q) by striking "2655" and inserting "2655a".

(g) Section 179 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236) is amended in subsection (b) by striking "individual holding a career or career candidate appointment" and inserting "individuals holding career or career candidate appointments".

(h) The Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.) as amended by section 180(a) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236) is amended—

(1) in section 311—

(A) by striking the section heading and inserting in lieu thereof:

"SEC. 311. UNITED STATES CITIZENS HIRED ABROAD.—"; and

(B) in subsection (d) by inserting "by reason of such employment" after "eligible";

(2) in section 610(a)(2) by inserting "(other than a United States citizen employed under section 311 who is not a family member)" after "A member of the Service"; and

(3) in the table of contents by striking the item relating to section 311 and inserting the following:

"Sec. 311. United States citizens hired abroad.".

(i) Section 181(c) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236) is amended—

(1) by striking "system)," and inserting "system,"; and

(2) by striking "that agency" and inserting "that agency)".

(j) Section 182 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236) is amended in subsection (a) by striking "has" and inserting "have".

(k) Part I of title 18, United States Code (as amended by section 506 of Public Law 103-236) is amended in paragraph (1) of section 2340 by striking "with" and inserting "within his".

(l) Section 564 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236) is amended in subsection (a) by striking "primary or secondary" and inserting "secondary or tertiary".

(m) Section 217 of the Immigration and Nationality Act (8 U.S.C. 1187) is amended in subsection (f) by striking "1994" and inserting "1995".

(n) The Secretary of State is authorized to obligate and expend from the Department of State's "Diplomatic and Consular Programs" appropriation not more than $2,500,000 of the amount appropriated in title XI, chapter 2 of Public Law 102-368 for the purchase of real property for use by the Department of State for its Miami Regional Center.

(o) Section 102(g) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236) is amended—

(1) by inserting "the United Nations and its affiliated agencies in" after "appropriated for";

(2) by striking "each of the fiscal years 1994 and" and inserting "fiscal year";

(3) by striking "unless" and inserting "until";

(4) by striking "States" and inserting "Nations"; and

(5) by striking "promotes, condones," and inserting "promotes and condones".

(p) Section 303 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236) is amended by adding at the end the following new subsection:

"(c) VOICE OF AMERICA BROADCASTS.—The long-range interests of the United States are served by communicating directly with the peoples of the world by radio. To be effective, the Voice of America must win the attention and respect of listeners. These principles will therefore govern Voice of America (VOA) broadcasts:

"(1) VOA will serve as a consistently reliable and authoritative source of news. VOA news will be accurate, objective, and comprehensive.

"(2) VOA will represent America, not any single segment of American society, and will therefore present a balanced and comprehensive projection of significant American thought and institutions.

"(3) VOA will present the policies of the United States clearly and effectively, and will also present responsible discussions and opinion on these policies.".

(q) Section 701(f)(4) of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1476(f)(4)) is amended by striking "1993" and inserting "1995".

(r) Section 132 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236) is amended by inserting "or issuance of a passport" after "nationality".

(s)(1) Section 305(a)(14) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236) is amended by striking "to" and inserting "of".

(2) Section 309(d)(1)(B) of such Act is amended by inserting "of all members" after "confirmation".

(t) Section 101(b)(2) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236) is amended in subparagraph (D) by striking "$400,000 is authorized to be appropriated for each of the" and inserting "$800,000 is authorized to be appropriated for".

(u) Section 191(a)(4) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236) is amended by inserting before the semicolon ", the Agency for International Development, and the United States Information Agency".

(v) Section 8 of the Eisenhower Exchange Fellowship Act of 1990 (Public Law 101-454) is amended by adding at the end the following: "Notwithstanding section 555 of Public Law 100-461 and title III of S. 2757 as reported by the Senate Committee on Foreign Relations on September 7, 1988, (pursuant to the enactment under section 555 of Public Law 100-461), the Director of the United States Information Agency is authorized to administer such au pair programs through fiscal year 1995 in a manner consistent with the requirements of the Mutual Educational and Cultural Exchange Act of 1961 and shall promulgate regulations regarding such au pair programs.".

(w) The table of contents of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236) is amended by striking the item relating to section 534 and inserting the following:

"Sec. 534. Study of democracy effectiveness.".

(x) Section 101(b) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236) is amended in paragraph (2)(D) by striking "title 5" and inserting "part D of title V".

(y) Section 701 of the Foreign Service Act of 1980 (22 U.S.C. 4021) is amended by striking the section caption and inserting "INSTITUTION FOR TRAINING".

(z) Section 134 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236) is amended by inserting ", 1926" after "Act".

(aa) Section 139 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236) is amended in paragraph (21), by striking "1990 and 1991 (22 U.S.C. 287(e)" and inserting "1992 and 1993 (22 U.S.C. 287e note).

(bb) Section 140 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236) is amended in subsection (a)(2), by striking "subsection (a)" and inserting "paragraph (1)".

(cc) Section 162 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236) is amended in subsection (o)(3)(B), by striking "paragraph (d)" and inserting "subsection (d)".

(dd) Section 529 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236) is amended by striking "Nuclear Nonproliferation Treaty" each of the three places it appears and inserting "Treaty on the Nonproliferation of Nuclear Weapons".

(ee) The table of contents of the Immigration and Nationality Act is amended by striking the item relating to section 104 and inserting:

"Sec. 104. Powers and duties of the Secretary of State.".

(ff) Section 164(b) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236) is amended by inserting "of 1962" after "Migration and Refugee Assistance Act".

(gg) Section 173(c) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236) is amended by inserting "United States" before "Arms Control and Disarmament Agency" both places it appears.

(hh) Section 309(b) of the Foreign Service Act of 1980 (22 U.S.C. 3901(b)) is amended by striking "; and (5) as a foreign national employee." and inserting "; and

"(5) as a foreign national employee.".

(ii) Section 611 of the Foreign Service Act of 1980 (as amended by section 181(a)(2) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236)) is amended by striking "SEC. 611" and all that follows through "(a)" and inserting the following:

"SEC. 611. REDUCTIONS IN FORCE.—(a)".

(jj) Section 181 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236) is amended—

(1) in subsection (a)(5) by inserting "of 1980" after "Foreign Service Act"; and

(2) in subsection (b), by striking "Section 1005" and inserting "Section 1005(a)".

(kk) The PLO Commitments Compliance Act of 1989 (title VIII of Public Law 101–246) as amended by section 524 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236) is amended—

(1) in section 804(b) by striking "section (3)(b)(1) of the Middle East Peace Facilitation Act of 1994" and inserting "section 583(b)(1) of the Middle East Peace Facilitation Act of 1994"; and

(2) in section 804(b)(1), by striking "section (4)(a) of the Middle East Peace Facilitation Act of 1994" and inserting "section 584(a) of the Middle East Peace Facilitation Act of 1994".

(ll) Section 315 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236) is amended by adding after subsection (c) the following new subsection:

"(d) RELOCATION COSTS.—Notwithstanding any other provision of law, funds derived from the sale of real property assets of RFE/RL in Munich, Germany, may be retained, obligated, and expended to meet one-time costs associated with the consolidation of United States Government broadcasting activities in accordance with this title, including the costs of relocating RFE/RL offices and operations.".

(mm)(1) The Act entitled "An Act to provide for the reorganization of the consular service of the United States" approved April 5, 1906 (34 Stat. 100, 22 U.S.C. 4215) as amended by section 127 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236) is amended by striking the last sentence of section 7.

(2) The Act of August 18, 1856 (11 Stat. 61, 22 U.S.C. 4221) is amended in section 24 by adding at the end the following new sentence: "Pursuant to such regulations as the Secretary of State may prescribe, the Secretary may designate any other employee of the Department of State who is a citizen of the United States to perform any notarial function authorized to be performed by a consular officer of the United States under this Act.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana [Mr. HAMILTON] will be recognized for 20 minutes, and the gentleman from New York [Mr. GILMAN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Indiana [Mr. HAMILTON].

Mr. HAMILTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to recommend the sponsors of this bill, Mr. BERMAN and Ms. SNOWE, the chairman and ranking minority member of the Subcommittee on International Operations for their work in moving this bill forward.

The bill before the House today contains a majority of the provisions requested by the executive branch on July 15. The Committee on Foreign Affairs has been working since that time to reach an agreement with the Senate on what the contents of the bill should be. H.R. 5034 reflects that agreement.

H.R. 5034 makes a variety of technical corrections to the Foreign Relations Authorization Act, fiscal years 1994 and 1995, which was enacted in April. The vast majority of these changes are to correct inadvertent errors in grammar or reference in the enacted bill.

However, some of these errors have substantive consequences. For example, a provision on the withholding of funds to international organizations forced the United States to withhold funds for NATO and the OAS.

H.R. 5034 also contains certain substantive provisions. First, the bill contains a temporary extension of the pilot visa waiver program authorized under section 217 of the Immigration and Nationality Act. The authority for that program expires at the end of this fiscal year. Currently 22 countries—primarily in Western Europe—participate in the visa waiver program, which allows citizens of those countries with overstay rates of less than 2 percent who are visiting the United States for a short time to enter the country without visas.

The visa waiver program has so far been a success. The ability to travel to the United States without a visa facilitates travel and tourism to the United States by our friends around the world. In addition, if this program were to expire, the Department of State would be faced with a huge increase in financial and personnel commitments in those countries to meet the vastly increased requirements for visa issuance.

Second, the bill contains a provision which allows the Department of State to purchase a building in Miami for use by the Miami Regional Center using funds appropriated to the Department as part of the Hurricane Andrew supplemental. The Department has been renting this space from the Department of Defense. If this provision is not enacted now, the Department could lose the current space. The Department of State estimates that the purchase of the building will save the taxpayers money in the long term by ensuring that the Department has adequate and useful space now, rather than having to rent or purchase another space that may need to be refurbished.

Third, the bill waives section 555 of Public Law 100–461 and other provisions of law to allow the Director of the U.S. Information Agency to administer au pair programs through fiscal year 1995. The bill requires these programs to be administered in a manner consistent with Mutual Educational Exchange Act and requires USIA to promulgate regulations for the conduct of au pair programs.

There are serious questions to be raised about how, whether, and by which Federal agency this program should be conducted. The 1-year authority contained in this legislation is designed to ensure that USIA issue appropriate regulations for the screening of organizations and individual participating in the program. The committee intends to examine carefully this program, and the permanent authority under which it should operate, during consideration of the regular fiscal year 1996 authorization for USIA.

Finally, the bill allows Radio Free Europe/Radio Liberty to retain funds derived from the sale of certain real property in Munich. This limited authority has been included to ensure that the Board for International Broadcasting has adequate funds at this time to undertake the consolidation of U.S. Government broadcasting functions mandated by the Foreign Relations Authorization Act, fiscal years 1994 and 1995. With the end of the cold war, the executive branch and the Congress have recognized that a refocusing of our broadcasting efforts is required. The International Broadcasting Act, which is title III of the Foreign Relations Authorization Act, reflects this consensus. The consolidation should, over the long-term, save the United States money. However, those savings will not be realized if adequate funding for consolidation is not available now.

The following is a detailed summary of the provisions of H.R. 5034. I urge my colleagues to support this bill.

SUMMARY OF PROVISIONS—H.R. 5034—MAKING TECHNICAL CORRECTIONS TO THE FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1994 AND 1995

Subsection (a).—Section 121 of the FRAA established limits on the number of Foreign Service Officers employed at State, USIA, ACDA, and AID. Section 121 also contained waiver authority for the heads of State, USIA, and ACDA. Section 121 inadvertently omitted AID from the waiver authority. The bill corrects this omission.

Subsection (b).—Section 127 of the FRAA allowed the Secretary of State to designate Department employees who are not diplomatic or consular officers to issue passports. The bill makes a grammatical correction in that section.

Subsection (c).—Section 139 of the FRAA contained an erroneous section reference. The bill corrects that reference.

Subsection (d).—Section 140 of the FRAA required the Secretary of State to convene an accountability review board in cases where U.S. visas were issued to persons who committed terrorist acts in the U.S. Section 140 contained a clerical error which limited this requirement to instances of serious loss of life or property rather than serious injury, loss of life, or significant destruction of property. The bill corrects the reference.

Subsection (e).—Section 142 of the FRAA contained a grammatical error. The bill corrects that error.

Subsection (f).—Section 161 of the FRAA made a variety of changes to existing law to remove various statutory organizational requirements. Section 161 inadvertently removed a statutory reference to the position of Deputy Secretary of State. The bill corrects this error, and makes other various technical corrections.

Subsection (g).—Section 179 of the FRAA contained a grammatical error. The bill corrects that error.

Subsection (h).—Section 180 of the FRAA allowed the Secretary of State greater flexibility in hiring U.S. citizens abroad. A restriction on participation of U.S. citizens in certain retirement plans was drafted in such a way that citizens who are eligible due to other service with the U.S. Government may no longer be eligible for retirement benefits. The bill corrects this error.

Subsection (i).—Section 181 of the FRAA contained a clerical error. The bill corrects that error.

Subsection (j).—Section 182 of the FRAA contained a grammatical error. The bill corrects that error.

Subsection (k).—Section 506 of the FRAA contained a grammatical error. The bill corrects that error.

Subsection (l).—Section 564 of the FRAA contained an erroneous reference to the "primary and secondary" Arab boycott rather than the "secondary and tertiary" boycott. The bill corrects this reference.

Subsection (m).—The pilot visa waiver program authorized under section 217 of the Immigration and Nationality Act expires at the end of fiscal year 1994. The bill extends the authority for this program for an additional year.

Subsection (n).—The bill authorizes the Secretary of State to use $2.5 million appropriated to meet expenses related to Hurricane Andrew to purchase real property for use by the Miami Regional Center.

Subsection (o).—Section 102(g) of the FRAA was intended to address a problem with a specific agency affiliated with the United Nations. The drafting of the provision has inadvertently resulted in the U.S. withholding substantial contributions to agencies such as the OAS and NATO. The bill makes certain technical corrections to section 102 to allow the U.S. to provide those contributions.

Subsection (p).—The bill reinstates a separate broadcasting charter for the Voice of America.

Subsection (q).—The committee of conference on the FRAA agreed to include a provision expanding certain USIA transfer authorities. This provision was inadvertently not included in the conference report. The bill corrects this error.

Subsection (r).—Section 132 of the FRAA was intended by the committee of conference to allow persons born in Taiwan to have their place of birth recorded as such on U.S. documents, including passports. Due to the drafting of the provision, the executive branch is not interpreting this provision to cover passports. The bill makes explicit the intention of the committee of conference.

Subsection (s).—Section 309 of the FRAA requires a report to Congress on the number of staff to be located within 90 days of the confirmation of the Broadcasting Board of Governors. Section 309 should have specified that the report was due after confirmation of all members of the Board. The bill corrects this error.

Subsection (t).—Section 101 of the FRAA authorized $400,000 in each of the fiscal years 1994 and 1995 for the operations of an Office of Cambodian Genocide. Because the conference report was enacted so late in fiscal year 1994, the Department will be unable to spend the initial $400,000 in this fiscal year. The bill makes the entire $800,000 available over the two-year period of the FRAA.

Subsection (u).—Section 191 of the FRAA required that significant consideration be given to foreign language competence in the evaluation, assignment, and promotion of Foreign Service Officers of the Department of State. Section 191 was intended to cover also FSOs of USIA and AID. The bill corrects this omission.

Subsection (v).—The bill waives certain provisions of law to allow USIA to issue new regulations and guidelines for the operation of its Au Pair program.

Subsection (w)-(kk).—In addition to the above, the bill makes a variety of technical, conforming, and referential corrections to the FRAA.

Subsection (ll).—At the request of the Administration, the bill contains a provision which allows Radio Free Europe to retain the proceeds of the sale of real property in Germany. Such proceeds may be used only to meet one-time costs associated with the BIB consolidation.

Subsection (mm).—Section 127(b) of the FRAA contained an erroneous statutory reference. The bill corrects this error.

Mr. Speaker, I reserve the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in April this body adopted the conference report on the State Department authorization which was immediately signed into law. Since enactment, various technical errors have been identified, and this bill makes the necessary changes. This measure was developed with bipartisan participation and in conjunction with the administration. Along with our distinguished chairman, Mr. HAMILTON, I recommend adoption of H.R. 5034, under suspension of the rules.

While this is primarily a cleanup bill, it does include measures that are not technical in nature, but nonetheless are noncontroversial such as the extension for 1 year of the visa waiver program, allowing USIA to draft regulations for the Au Pair Program, and permitting the Board for International Broadcasting to retain the proceeds from the sale of its property in Munich to offset costs of its relocation to Prague. Retention of such proceeds is necessary since the one-time moving and consolidation costs are placing unusually heavy demands on a reduced fiscal year 1995 budget. On behalf of the minority on the Foreign Affairs Committee, I recommend adoption of this bill, H.R. 5034.

Mr. Speaker, I yield back the balance of my time.

Mr. HAMILTON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana [Mr. HAMILTON] that the House suspend the rules and pass the bill, H.R. 5034.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

INTERNATIONAL NARCOTICS CONTROL CORRECTIONS ACT OF 1994

Mr. HAMILTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5030) to amend the Foreign Assistance Act of 1961 to make certain corrections relating to international narcotics control activities, and for other purposes.

The Clerk read as follows:

H.R. 5030

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "International Narcotics Control Corrections Act of 1994".

SEC. 2. AMENDMENTS TO THE FOREIGN ASSISTANCE ACT OF 1961.

(a) USE OF HERBICIDES FOR AERIAL ERADICATION.—Section 481(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(d)) is amended—

(1) by striking paragraph (2); and

(2) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(b) DEFINITIONS.—Section 481(e) of that Act (22 U.S.C. 2291(e)) is amended—

(1) in the matter preceding paragraph (1), by striking "Except as provided in sections 490(h) and (i) with respect to the definition of major illicit drug producing country and major drug-transit country, for" and inserting "For";

(2) by amending paragraph (2) to read as follows:

"(2) the term 'major illicit drug producing country' means a country in which —

"(A) 1,000 hectares or more of illicit opium poppy is cultivated or harvested during a year;

"(B) 1,000 hectares or more of illicit coca is cultivated or harvested during a year; or

"(C) 5,000 hectares or more of illicit cannabis is cultivated or harvested during a year, unless the President determines that such illicit cannabis production does not significantly affect the United States;";

(3) by striking "; and" at the end of paragraph (5);

(4) by redesignating paragraph (6) as paragraph (8); and

(5) by inserting after paragraph (5) the following new paragraphs:

"(6) the term 'precursor chemical' has the same meaning as the term 'listed chemical' has under paragraph (33) of section 102 of the Controlled Substances Act (21 U.S.C. 802(33));

"(7) the term 'major money laundering country' means a country whose financial institutions engage in currency transactions involving significant amounts of proceeds from international narcotics trafficking; and".

(c) ADVANCE NOTIFICATION OF TRANSFER OF SEIZED ASSETS.—Section 482 of that Act (22 U.S.C. 2291a) is amended by adding at the end the following new subsection:

"(e) ADVANCE NOTIFICATION OF TRANSFER OF SEIZED ASSETS.—The President shall notify the appropriate congressional committees at least 10 days prior to any transfer by the United States Government to a foreign country for narcotics control purposes of any property or funds seized by or otherwise forfeited to the United States Government in connection with narcotics-related activity.".

(d) REALLOCATION OF FUNDS WITHHELD FROM COUNTRIES WHICH FAIL TO TAKE ADEQUATE STEPS TO HALT ILLICIT DRUG PRODUCTION OR TRAFFICKING.—Section 486 of that Act (22 U.S.C. 2291e) is amended—

(1) by striking "(a) ADDITIONAL ASSISTANCE FOR COUNTRIES TAKING SIGNIFICANT STEPS.—";

(2) by striking "security assistance" in the matter preceding paragraph (1) of subsection (a) and inserting "assistance under this Act";

(3) in paragraph (2) of subsection (a)—

(A) in the heading, by striking "SECURITY" and inserting "OTHER"; and

(B) by striking "security"; and

(4) by striking subsection (b).

(e) PROHIBITION ON ASSISTANCE TO DRUG TRAFFICKERS.—Section 487(a)(1) of that Act (22 U.S.C. 2291f(a)(1)) is amended by inserting "to" after "relating".

(f) REPORTING REQUIREMENTS.—

(1) IN GENERAL.—Section 489 of that Act (22 U.S.C. 2291h) is amended—

(A) in the section heading, by striking "**FOR FISCAL YEARS 1993 AND 1994**" and inserting "**FOR FISCAL YEAR 1995**";

(B) in subsection (a)—

(i) in the matter preceding paragraph (1), by striking "April 1" and inserting "March 1"; and

(ii) in paragraph (3)—

(I) by striking subparagraph (B); and

(II) by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively;

(C) by striking subsection (c);

(D) by redesignating subsection "(d)" as subsection "(c)"; and

(E) by amending subsection (c) (as redesignated) to read as follows:

"(c) EFFECTIVE DATE OF SECTIONS.—This section applies only during fiscal year 1995. Section 489A does not apply during that fiscal year.".

(2) CONFORMING AMENDMENT.—Section 489A of that Act (22 U.S.C. 2291i) is amended in the section heading by striking "1994" and inserting "1995".

(g) ANNUAL CERTIFICATION PROCEDURES.—

(1) IN GENERAL.—Section 490 of that Act (22 U.S.C. 2291j) is amended—

(A) in the section heading, by striking "**FOR FISCAL YEARS 1993 AND 1994**" and inserting "**FOR FISCAL YEAR 1995**";

(B) in subsection (a)(1), by striking "(as determined under subsection (h))";

(C) in subsection (a)(2), by striking "April 1" and inserting "March 1";

(D) in subsection (c), by striking "that such country has taken adequate steps" and all that follows and inserting "that such country maintains licit production and stockpiles at levels no higher than those consistent with licit market demand, and has taken adequate steps to prevent significant diversion of its licit cultivation and production into the illicit markets and to prevent illicit cultivation and production.";

(E) in subsection (d), by striking "45" and inserting "30";

(F) in subsection (g)—

(i) by striking "CONGRESSIONAL" and all that follows through "(1) SENATE.—" and inserting "SENATE PROCEDURES.—"; and

(ii) by striking paragraph (2);

(G) in subsection (h)—

(i) in the heading, by striking "FOR FISCAL YEARS 1993 AND 1994"; and

(ii) by striking "January 1" and inserting "November 1"; and

(H) by amending subsection (i) to read as follows:

"(i) EFFECTIVE DATE OF SECTIONS.—This section applies only during fiscal year 1995. Section 490A does not apply during that fiscal year.".

(2) CONFORMING AMENDMENT.—Section 490A of that Act (22 U.S.C. 2291k) is amended—

(A) in the section heading, by striking "**1994**" and inserting "**1995**"; and

(B) in the heading of subsection (g), by striking "1994" and inserting "1995".

SEC. 3. CONFORMING AMENDMENTS TO OTHER LAWS.

(a) EXPORT-IMPORT BANK ACT.—Section 2(b)(6)(C)(ii)) of the Export-Import Bank Act of 1945 (22 U.S.C. 635(b)(6)(C)(ii)) is amended by striking "determined under section 490(h) or 481(e), as appropriate," and inserting "defined in section 481(e)".

(b) TITLE 18, U.S.C.—Section 981(i)(1)(C) of title 18, United States Code, is amended by striking "paragraph (1)(A) of section 481(h)" and inserting "section 490(a)(1)".

(c) TARIFF ACT OF 1930.—Section 616(c)(2)(C) of the Tariff Act of 1930 (19 U.S.C. 1616a(c)(2)(C)) is amended by striking "481(h)" and inserting "490(b)".

(d) CONTROLLED SUBSTANCES ACT.—Section 511(e)(1)(E) of the Controlled Substances Act (21 U.S.C. 881(e)(1)(E)) is amended by striking "481(h)" and inserting "490(b)".

SEC. 4. REPEAL OF OBSOLETE PROVISIONS.

(a) 1992 INTERNATIONAL NARCOTICS CONTROL ACT.—The International Narcotics Control Act of 1992 (Public Law 102–583) is repealed.

(b) 1988 INTERNATIONAL NARCOTICS CONTROL ACT.—The International Narcotics Control Act of 1988 (which is title IV of the Anti-Drug Abuse Act of 1988; Public Law 100–690) is repealed.

(c) 1986 INTERNATIONAL NARCOTICS CONTROL ACT.—The International Narcotics Control Act of 1986 (which is title II of the Anti-Drug Abuse Act of 1986; Public Law 99–570) is repealed except for the title heading and section 2018.

SEC. 5. EXEMPTION OF NARCOTICS-RELATED MILITARY ASSISTANCE FOR FISCAL YEAR 1995 FROM PROHIBITION ON ASSISTANCE FOR LAW ENFORCEMENT AGENCIES.

(a) EXEMPTION.—For fiscal year 1995, section 660 of the Foreign Assistance Act of 1961 (22 U.S.C. 2420) shall not apply with respect to—

(1) transfers of excess defense articles under section 517 of that Act (22 U.S.C. 2321k);

(2) funds made available for the "Foreign Military Financing Program" under section 23 of the Arms Export Control Act (22 U.S.C. 2763) that are used for assistance provided for narcotics-related purposes; or

(3) international military education and training under chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 and following) that is provided for narcotics-related purposes.

(b) NOTIFICATION TO CONGRESS.—At least 15 days before any transfer under subsection (a)(1) or any obligation of funds under subsection (a)(2) or (a)(3), the President shall notify the appropriate congressional committees (as defined in section 481(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(e)) in accordance with the procedures applicable to reprogramming notifications under section 634A of that Act (22 U.S.C. 2394).

(c) COORDINATION WITH INTERNATIONAL NARCOTICS CONTROL ASSISTANCE PROGRAM.—Assistance provided pursuant to this section shall be coordinated with international narcotics control assistance under chapter 8 of part 1 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291 et seq.).

SEC. 6. WAIVER OF RESTRICTIONS FOR NARCOTICS-RELATED ECONOMIC ASSISTANCE.

For fiscal year 1995, narcotics-related assistance under part I of the Foreign Assistance Act of 1961 may be provided notwithstanding any other provision of law that restricts assistance to foreign countries (other than section 490(e) of that Act (22 U.S.C. 2291j(e)) if, at least 15 days before obligating funds for such assistance, the President notifies the appropriate congressional committees (as defined in section 481(e) of that Act (22 U.S.C. 2291(e)) in accordance with the procedures applicable to reprogramming notifications under section 634A of that Act (22 U.S.C. 2394).

SEC. 7. AUTHORITY FOR ANTICRIME ASSISTANCE.

(a) POLICY.—International criminal activities, including international narcotics trafficking, money laundering, smuggling, and corruption, endanger political and economic stability and democratic development, and assistance for the prevention and suppression of international criminal activities should be a priority for the United States.

(b) AUTHORITY.—

(1) IN GENERAL.—For fiscal year 1995, the President is authorized to furnish assistance to any country or international organization, on such terms and conditions as he may determine, for the prevention and suppression of international criminal activities.

(2) WAIVER OF PROHIBITION OF POLICE TRAINING.—Section 660 of the Foreign Assistance Act of 1961 (22 U.S.C. 2420) shall not apply with respect to assistance furnished under paragraph (1).

SEC. 8. ASSISTANCE TO DRUG TRAFFICKERS.

The President shall take all reasonable steps provided by law to ensure that the immediate relatives of any individual described in section 487(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291f(a)), and the business partners of any such individual or of any entity described in such section, are not permitted entry into the United States, consistent with the provisions of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana [Mr. HAMILTON] will be recognized for 20 minutes, and the gentleman from New York [Mr. GILMAN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Indiana [Mr. HAMILTON].

Mr. HAMILTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me begin by commending the ranking Republican member of the Committee on Foreign Affairs, the gentleman from New York [Mr. GILMAN], for his work on this bill and his initiative on narcotics control in general. He has been a key player in bringing this bill to the floor, and I am very grateful for the work that he has done.

I also want to commend the chairman of the Subcommittee on International Security, International Organizations, and Human Rights Subcommittee for his outstanding work on the narcotics issue during the past 2 years.

Mr. Speaker, H.R. 5030 makes a number of technical changes in the Foreign Assistance Act relating to the narcotics control provisions of chapter 8 of part I.

The primary reason that the Congress needs to act on this bill before the end of the session is that the current reporting and certification procedures expire at the end of this fiscal year.

In 1992, Congress instituted the current procedures for a 2-year trial period. The major differences between the current procedures and the old procedures are:

Current procedures link certification and the annual International Narcotics Control Strategy report to progress in meeting the goals and objectives of the 1988 U.N. Convention, a more comprehensive range of activities than the old procedures.

The current reporting provision requires more comprehensive reporting on major money laundering countries and major precursor chemical producers, and expands the number of countries on which the executive branch must report.

The current certification process gives the executive branch additional flexibility to recertify countries if there has been a fundamental change in government or a fundamental change in the circumstances that led to the country being decertified.

I believe that the current procedures result in a more effective certification process and in an annual report that is more useful to the committee in conducting its oversight of narcotics control issues.

However, the bill only extends the reporting and certification requirements through fiscal year 1995.

We have limited the extension to only 1 year because the permanent extension will be considered in the context of the foreign aid reform bill the committee is working on.

In the same vein, the bill also includes 1-year extensions of certain other provisions of law which will allow the executive branch to continue ongoing overseas counternarcotics programs. These include:

The exemption of the prohibition against providing security assistance to police; and

The exemption from the Brooke-Alexander prohibition.

The bill also includes a 1-year authority for the President to provide anti-crime assistance.

This authority will allow the new Bureau of Narcotics and Crime at the Department of State to conduct limited anticrime programs to address such problems as money laundering and smuggling that are not directly related to narcotics.

Once again, this authority is limited to 1-year because of foreign aid reform.

We need to enact this technical correction to ensure both the continuation of important overseas narcotics control programs and the provision of adequate information to the committee to oversee the effectiveness of those programs.

I urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to support the International Narcotics Control Corrections Act of 1994. In particular, the annual major producing or transit countries drug certification program with its limits on our foreign assistance, that this bill reauthorizes, is worthy of support. It has, in my opinion, been one of the most successful and effective counter-narcotics tools available to our Nation.

I am also pleased that my amendment eliminating visas and other forms of entry to immediate relatives or any business partners of drug traffickers, has been incorporated in the bill before us.

For far too long, these immediate relatives and once removed business associates of the drug traffickers have been able to enter the United States. Once here, they freely spend the dirty money from the drug trade in our department stores, elite schools, and elsewhere. Not any more. This message will be clear to all those associated with the traffickers: no one benefits from the drug trade. We will be following very carefully the administration's enforcement and implementation of the terms of my amendment ending this method of back door money laundering. It will require careful and candid interagency information sharing, which we haven't always witnessed to date, but we hope to see implemented here.

On the overall drug battlefront, it is no secret that I have been a vocal critic of this administration's efforts in fighting drugs. However, with regard to certification at least, I must compliment the administration. It has tried, through an honest and sincere effort, to make the annual country-by-country drug certification truly meaningful.

The straightforward reporting that we in the Congress want in these annual country certifications, as to the true level of cooperation from the major producing or transit nations, requires some additional action by the administration next year, on at least one other nation.

In particular, I am referencing the nation of Vietnam, which wants greater acceptance into the community of nations through normalization of relations with the United States. Today, Vietnam is becoming a major transit zone for massive quantities of heroin flowing from the region, including Burma. Quantities of this heroin have recently resulted in hospital related heroin admissions rising here at home by an alarming 44 percent. Heroin plagues our major cities like New York, with an ever deadly purity, and is being given out freely to hook our school kids.

Dr. Lee Brown, our drug czar, met with me this past summer following his visit to Southeast Asia. He pointed out this growing drug transit role by Vietnam. Other's also knowledgeable agree with that assessment.

I am pleased that the administration has committed to aggressively make all its best efforts to gather the necessary data to submit an official drug certification determination on Vietnam next year. We can then adequately evaluate that nation's role in the heroin trade, and determine how it affects the direction the United States ultimately takes in our relations with Vietnam.

Mr. Chairman, I urge adoption of the bill before us today and I yield back the balance of my time.

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Mr. HAMILTON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). The question is on the motion offered by the gentleman from Indiana [Mr. HAMILTON] that the House suspend the rules and pass the bill, H.R. 5030.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HAMILTON. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on the bills just considered and passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

CHILD ABUSE ACCOUNTABILITY ACT

Ms. NORTON. Mr. Speaker, I move to suspend the rules and pass the bill

(H.R. 3694) to amend title 5, United States Code, to permit the garnishment of an annuity under the Civil Service Retirement System or the Federal Employees' Retirement System, if necessary to satisfy a judgment against an annuitant for physically abusing a child as amended.

The Clerk read as follows:

H.R. 3694

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Child Abuse Accountability Act".

SEC. 2. GARNISHMENT AUTHORITY.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—(1) Section 8345(j)(1) of title 5, United States Code, is amended to read as follows:

"(j)(1) Payments under this subchapter which would otherwise be made to an employee, Member, or annuitant based on service of that individual shall be paid (in whole or in part) by the Office to another person if and to the extent expressly provided for in the terms of—

"(A) any court decree of divorce, annulment, or legal separation, or the terms of any court order or court-approved property settlement agreement incident to any court decree of divorce, annulment, or legal separation; or

"(B) any court order or other similar process in the nature of garnishment for the enforcement of a judgment rendered against such employee, Member, or annuitant, for physically, sexually, or emotionally abusing a child.

In the event that the Office is served with more than 1 decree, order, or other legal process with respect to the same moneys due or payable to any individual, such moneys shall be available to satisfy such processes on a first-come, first-served basis, with any such process being satisfied out of such moneys as remain after the satisfaction of all such processes which have been previously served.".

(2) Section 8345(j)(2) of title 5, United States Code, is amended by inserting "other legal process," after "order,".

(3) Section 8345(j)(3) of title 5, United States Code, is amended to read as follows:

"(3) For the purpose of this subsection—

"(A) the term 'court' means any court of any State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Northern Mariana Islands, or the Virgin Islands, and any Indian court;

"(B) the term 'judgment rendered for physically, sexually, or emotionally abusing a child' means any legal claim perfected through a final enforceable judgment, which claim is based in whole or in part upon the physical, sexual, or emotional abuse of a child, whether or not that abuse is accompanied by other actionable wrongdoing, such as sexual exploitation or gross negligence; and

"(C) the term 'child' means an individual under 18 years of age.".

(b) FEDERAL EMPLOYEE'S RETIREMENT SYSTEM.—(1) Section 8467(a) of title 5, United States Code, is amended to read as follows:

"(a) Payments under this chapter which would otherwise be made to an employee, Member, or annuitant (including an employee, Member, or annuitant as defined in section 8331) based on service of that individual shall be paid (in whole or in part) by the Office or the Executive Director, as the case may be, to another person if and to the extent expressly provided for in the terms of—

"(1) any court decree of divorce, annulment, or legal separation, or the terms of any court order or court-approved property settlement agreement incident to any court decree of divorce, annulment, or legal separation; or

"(2) any court order or other similar process in the nature of garnishment for the enforcement of a judgment rendered against such employee, Member, or annuitant, for physically, sexually, or emotionally abusing a child.

In the event that the Office or the Executive Direct, as the case may be, is served with more than 1 decree, order, or other legal process with respect to the same moneys due or payable to any individual, such moneys shall be available to satisfy such processes on a first-come, first-served basis, with any such process being satisfied out of such moneys as remain after the satisfaction of all such process which have been previously served.".

(2) Section 8467(b) of title 5, United States Code, is amended by inserting "other legal process," after "order,".

(3) Section 8467 of title 5, United States Code, is amended by adding at the end the following:

"(c) For the purpose of this section—

"(1) the term 'judgment rendered for physically, sexually, or emotionally abusing a child' means any legal claim perfected through a final enforceable judgment, which claim is based in whole or in part upon the physical, sexual, or emotional abuse of a child, whether or not that abuse is accompanied by other actionable wrongdoing, such as sexual exploitation or gross negligence; and

"(2) the term 'child' means an individual under 18 years of age.".

(4) Section 8437(e)(3) of title 5, United States Code, is amended by striking the period at the end of the first sentence and inserting the following: "or relating to the enforcement of a judgment for physically, sexually, or emotionally abusing a child a provided under section 8467(a).".

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall take effect on the date of enactment of this Act, and shall apply with respect to any degree, order, or other legal process, or notice of agreement received by the Office of Personnel Management or the Executive Director of the Federal Retirement Thrift Investment Board on or after such date of enactment.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the District of Columbia [Ms. NORTON] will be recognized for 20 minutes, and the gentleman from New York [Mr. GILMAN] will be recognized for 20 minutes.

The Chair recognizes the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3694, the Child Abuse Accountability Act, was inspired by the case of two sisters, Sharon Simone and Sue Hammond, who prevailed in a civil lawsuit for sexual child abuse against their father, a former FBI agent. Although vindicated in a court of law, the sisters continue to be victimized by a father who liquidated all of his assets and fled the country, successfully avoiding any payment of the $2.2 million in court-ordered damages. Because he is retired, the father has no wages to garnish, and his civil service retirement annuity is protected from garnishment for purposes other than child support or alimony.

H.R. 3694, as amended, authorizes the garnishment of Federal annuity benefits for the enforcement of a judgment rendered against employees, Members of Congress, or annuitants for physically, sexually, or emotionally abusing a child. The committee amendment modifies the language of the introduced bill which allowed garnishment of Federal annuity benefits to enforce a judgment for the physical abuse of a child. The amendment broadens the terms of the legislation to expressly include sexual and emotional child abuse. Garnishment of an annuity is allowable only when there is a legal claim perfected through a final enforceable judgment, and the claim is based in whole or in part upon the physical, sexual, or emotional abuse of a child, whether or not that abuse is accompanied by other actionable wrongdoing, such as sexual exploitation or gross negligence.

H.R. 3694, as amended, also waives the general anti-alienation protection provisions applicable to monies deposited in the Thrift Savings Fund to permit garnishments for the enforcement of judgments for the physical, sexual, or emotional abuse of a child. This waiver is consistent with the waiver currently recognized to satisfy judgments for child support and alimony payments. (5 U.S.C. 8437(e)(3)).

The committee believes that it is vitally important that child abuse victims successful in such actions be provided with all reasonable means of redress such as the right to garnish the Federal retirement annuity of their abuser. Such garnishment rights already exist in the private sector, and H.R. 3694, as amended, will place the Federal Government in the same position.

Mr. Speaker, I reserve the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3694, the "Child Abuse Accountability Act." This legislation allows a claimant to seek a court-ordered garnishment of a Federal retiree's annuity to satisfy a legal judgment against an annuitant for physically, sexually, or emotionally abusing a child. I want to congratulate the author of this legislation, the gentlewoman from Colorado [Mrs. SCHROEDER], for her efforts on behalf of abused children and their attempts at bringing their abusers to justice.

We all agree child abuse is a heinous crime and money damages cannot correct this fundamental wrong. However, the Federal Government should not be in the position of shielding judgment debtors when a court of law has determined an individual guilty of committing this crime against a child. The legislation before us today merely allows a claimant the ability to garnish an annuitant's pension to satisfy a legal determined debt based upon a cause of action grounded on charges of abusing a child. Due process protections are assured for the annuitant in the case where false abuse charges have been brought. I wish to stress that only court-awarded damages may be subject of the garnishment procedure. Enactment of this legislation is consistent with our current policy to allow garnishment of Federal annuities for child support and alimony.

Mr. Speaker, this is fair legislation aimed at holding child abusers accountable for their actions. Accordingly, I urge all my colleagues to join me in support and passage of this measure.

Mr. Speaker, I yield back the balance of my time.

Ms. NORTON. Mr. Speaker, I yield 5 minutes to the gentlewoman from the State of Colorado [Mrs. SCHROEDER], the author of the Child Abuse Accountability Act.

Mrs. SCHROEDER. Mr. Speaker, the time has come for us to act on the urgent issue of child abuse. The statistics are horrifying: every 13 seconds in this country, a child is beaten, kicked, burned, molested, or otherwise abused.

There are over 2.9 million reports of suspected child abuse and neglect per year. Moreover, 1,200 children are killed every year in this country. That's three dead children every day.

Some survivors of these crimes turn to our court system to hold their abusers civilly accountable for their crimes. Yet even after a court finds the abuser guilty and awards the survivor compensation, the Federal Government nullifies this victory by refusing to pay the money that the court has awarded.

Let us put an end to the further victimization of the most vulnerable segment of our population by passing H.R. 3694, the Child Abuse Accountability Act. This bill will end this injustice by making Federal Pensions garnishable for court ordered child abuse payments. Under current law, pensions are already garnishable for child support and for spousal payments. This bill adds child abuse compensation as an obligation the Federal Government cannot shield an offender from satisfying.

I urge you to vote yes on this critical piece of legislation. By standing in the way of child abuse redress, we are compounding the victimization these survivors have already suffered. We are also sending the message to abusers that the Federal Government will protect them from their offenses. Protecting our children from child abuse in the first case is of vital importance, but we must be equally attentive to those children that we failed to protect. A nation that does not protect its children is a nation without a future. And a Federal Government that protects abusers is abetting that tragedy.

□ 1320

We have seen Marlo Thomas take the two sisters' stories and turn it into a very moving TV docudrama, and many people in America watched that and said, "This is nonsense. We do not want a Federal Government that protects Federal employees' pensions from these types of suits by their children who the court acknowledged that they did abuse."

So, Mr. Speaker, I really thank everyone for moving this so rapidly. We hope that other body will move it as rapidly, and we hope we get on to doing justice in these kinds of cases and say that we will not tolerate people abusing children in this country any longer if there is any way we can stop it.

Ms. NORTON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). The question is on the motion offered by the gentlewoman from the District of Columbia [Ms. NORTON] that the House suspend the rules and pass the bill, H.R. 3694, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to amend title 5, United States Code, to permit the garnishment of an annuity under the Civil Service Retirement System or the Federal Employees' Retirement System, if necessary to satisfy a judgment against an annuitant for physically, sexually, or emotionally abusing a child.".

A motion to reconsider was laid on the table.

FEDERAL EMPLOYEES FAMILY FRIENDLY LEAVE ACT

Ms. NORTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4361) to amend title 5, United States Code, to provide that an employee of the Federal Government may use sick leave to attend to the medical needs of a family member; to modify the voluntary leave transfer program with respect to employees who are members of the same family; and for other purposes, as amended.

The Clerk read as follows:

H.R. 4361

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Employees Family Friendly Leave Act".

SEC. 2. USE OF SICK LEAVE FOR PURPOSES RELATING TO A FAMILY MEMBER.

Section 6307 of title 5, United States Code, is amended by adding at the end the following:

"(d)(1) For the purpose of this subsection, the term 'family member' shall have such meaning as the Office of Personnel Management shall by regulation prescribe, except that such term shall include any individual who meets the definition given that term, for purposes of the leave transfer program under subchapter III, under regulations prescribed by the Office (as in effect in January 1, 1994).

"(2) In addition to any other allowable purpose, sick leave may be used by an employee—

"(A) to give care or otherwise attend to a family member having an illness, injury, or other condition which, if an employee had such condition, would justify the use of sick leave by such an employee; or

"(B) for purposes relating to the death of a family member, including to make arrangements for or attend the funeral of such family member.

"(3)(A) This subsection shall be effective during the 3-year period that begins upon the expiration of the 2-month period that begins on the date of the enactment of this subsection.

"(B) Not later than 6 months before the date as of which this subsection is scheduled to cease to be effective, the Office shall submit a report to Congress in which it shall evaluate the operation of this subsection and make recommendations as to whether or not this subsection should be continued beyond such date.".

SEC. 3. TRANSFERS OF ANNUAL LEAVE BETWEEN FAMILY MEMBERS.

(a) AUTHORITY.—

(1) IN GENERAL.—Subchapter III of chapter 63 of title 5, United States Code, is amended by inserting after section 6337 the following:

"§ 6337a. Authority relating to transfers between family members

"(a) The Office of Personnel Management shall modify the program established by it under the other provisions of this subchapter such that, in addition to any circumstance in which a transfer of annual leave would be permitted under those other provisions, such a transfer could also be made in the absence of any medical emergency, but only if the transfer is from an employee to a family member of the employee.

"(b) The terms and conditions applicable with respect to any transfer of leave under such other provisions of this subchapter shall also apply with respect to any transfer of leave under this section, except to the extent otherwise provided in this section.

"(c)(1) An application to receive any transfer of leave under this section shall, in addition to providing the information specified in section 6333(a)(1)(B)(i), identify the employee (complete with such evidence of relationship as may be required) from whom the applicant wishes to receive leave.

"(2) Subsections (a)(1)(B)(ii)–(iii), (a)(2), and (c) of section 6333, and the exhaustion requirement under subsection (b) of such section, shall not apply for purposes of this section.

"(3) An employee shall not be eligible to receive a transfer of leave under this section if or to the extent that the leave transfer would cause the total amount of annual leave available to such employee to exceed 240 hours.

"(d) In connection with applying section 6334 for purposes of this section, the Office may by regulation require the inclusion of such information, on any application to which such section relates, as may be necessary to facilitate the administration of this section.

"(e)(1) Sections 6335, 6336, and 6337 shall not apply for purposes of this section, except to the extent required under subsection (g)(2).

"(2)(A) For purposes of carrying out the provisions of law cited in section 6335(b)(2) with respect to any employee to whom a transfer of leave is made under this section in the year in which the separation or other event (constituting the basis for the lump-sum payment involved) occurs, the total amount of leave based on which such payment is computed shall be equal to the total amount which would otherwise apply, reduced by the net amount of leave received by such employee in such year under this section, but not below zero.

"(B) For the purpose of subparagraph (A), the net amount of leave received under this section by an employee in a year shall be equal to the amount by which—

"(i) the total amount of leave received under this section by such employee in such year, exceeds

"(ii) the total amount of leave received under this section from such employee by any other employee in such year,

if at all.

"(f) A determination under this section as to whether or not an employee is a family member of another employee shall be made using the definition under section 6307(d).

"(g) Nothing in this section shall be considered to permit an employee to make a transfer of leave under this section to any other employee if—

"(1) an application by or on behalf of such other employee under section 6333 has been approved with respect to a medical emergency; and

"(2) such medical emergency has not yet terminated (as determined in accordance with section 6335).

"(h)(1) Transfers of leave under this section may be made during the 3-year period which begins at the start of the first year beginning at least 60 days after the date of the enactment of this section. The beginning and ending dates of such 3-year period shall be fixed by the Office, in a manner consistent with section 6304, by regulation.

"(2) This section shall cease to be effective at the end of the 3-year period described in paragraph (1).

"(3) Not later than 6 months before the date as of which this section is scheduled to cease to be effective, the Office shall submit a report to Congress in which it shall evaluate the operation of this section and make recommendations as to whether or not this section should be continued beyond such date.".

(2) TABLE OF SECTIONS.—The table of sections for chapter 63 of title 5, United States Code, is amended by inserting after the item relating to section 6337 the following:

"6337a. Authority relating to transfers between family members.".

"(b) EXCEPTED AGENCIES.—Section 6339(c)(1) of title 5, United States Code, is amended by striking "emergency." and inserting "emergency, or to the extent such a transfer would be allowable under section 6337a.".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the District of Columbia [Ms. NORTON] will be recognized for 20 minutes, and the gentleman from New York [Mr. GILMAN] will be recognized for 20 minutes.

The Chair recognizes the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Federal Employees Family Friendly Leave Act provides flexible leave policies that enable Federal employees to balance family needs and work responsibilities. The first part of my bill provides that Federal employees may use their sick leave to care for a sick family member, or for purposes relating to the death of a family member. The bill does not impose a limit on the number of days the employee may use to care for the family member. In addition, the definition of "family member" in the bill is the same definition already employed in the regulations implementing the leave-sharing program.

The second part of my bill provides that Federal employees may donate and receive annual leave for any reason from family members who also work for the Federal Government. However, in order to be eligible to receive a transfer of annual leave, the leave transfer could not cause the total amount of annual leave available to such employee to exceed 240 hours. In addition, employees would not be able to cash-out transferred leave upon leaving Government service.

Both parts of the bill would be authorized for a 3-year period and, not later than 6 months before the legislation sunsets, the Office of Personnel Management [OPM] would submit a report to Congress evaluating the use of this authority and making recommendations as to whether or not it should be continued.

Analysis of existing Federal Government leave policies establishes the need for this legislation. The report of the National Performance Review [NPR] states that "family-friendly policies serve the needs of a diverse work force struggling to manage child care, elder care, family emergencies, and other personal responsibilities while at the same time remaining committed to professional development and advancement." The NPR went on to recommend that employees be permitted to use sick leave to care for dependents in order to advance these goals. The NPR report further states that the Bureau of Labor Statistics found that in the private sector, 36 percent of employees can use sick leave to care for a sick child. In addition, OPM found that 46 State governments, whose sick leave accrual policies are generally comparable to those of the Federal Government, allow use of sick leave for family illnesses.

The General Accounting Office [GAO] conducted a study that found that several private sector employers allowed employees to use all or a portion of their paid sick leave to care for immediate family members who are ill. In fact, in some organizations, GAO found that no distinction was made between time off for an employee's illness and leave for family illnesses. Another GAO report that examined how Federal employees feel about the Government as a place to work found that approximately 30 percent of employees have either donated or received annual leave under the Government's existing leave-sharing program. In addition, this report found that approximately 27 percent of Federal employees have an immediate family member—spouse, parent, sibling, or child—who also works for the Federal Government. When these employees were asked whether, if they were permitted to, they would donate some part of their annual leave to a member of their family, more than 50 percent stated that they were either somewhat likely or very likely to do so.

On July 11, 1994, President Clinton issued a memorandum to the heads of executive departments and agencies implementing the NPR recommendations and directing Federal agencies "to establish a program to encourage and support the expansion of flexible family-friendly work arrangements." The memorandum provides that family-friendly arrangements are necessary to better enable the Federal Government to "recruit and retain a Federal work force that will provide the highest quality of service to the American people."

On May 11, 1994, OPM published proposed regulations to permit Federal employees to use up to 5 days of their accrued sick leave to care for a sick child, spouse, or parent and/or to arrange for or attend the funeral of a child, spouse, or parent. OPM's proposed regulations are not as far-reaching as my bill with respect to the use of sick leave to care for sick family members. The proposed regulation limits the number of days an employee may use to care for a sick family member, and defines family member more narrowly than my bill.

At the subcommittee's hearing on H.R. 4361 on May 18, 1994, the subcommittee heard from OPM, GAO, organizations representing Federal employees, and Federally Employed Women. The Federal employee organizations, Federally Employed Women, and GAO all expressed their strong support for the legislation.

Mr. Speaker, I urge adoption of this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4361, the Federal Employees Family Friendly Leave Act. This is humane legislation which supplements our Federal Government personnel policy by allowing Federal employees the ability to care and attend family members having an illness, injury or other condition through the utilization of the employee's own available leave. The legislation also provides for the ability of Federal employees to transfer and receive annual transfers from family members who also are in Federal service.

Enactment of this measure furthers our efforts to create a workplace sympathetic to the needs of working families and recognizes the importance of helping working families meet the demands associated with the care and sustenance of the family. I congratulate the author of the bill, the gentlelady from the District of Columbia [Ms. NORTON], the distinguished chairperson of the Subcommittee on Compensation and Employee Benefits of the Committee on Post Office and Civil Service for her work on this issue, and for proceeding promptly with enactment of this legislation. I note that CBO has estimated that enactment of H.R. 4361 will not increase total Federal outlays. Accordingly, Mr. Speaker, I urge Expeditious adoption of this measure by the full House.

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Mr. Speaker, I yield back the balance of my time.

Ms. NORTON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). The question is on the motion offered by the gentlewoman from the District of Columbia [Ms. NORTON], that the House suspend the rules and pass the bill, H.R. 4361, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

NOTIFICATION OF INTENTION TO OFFER SPECIAL ORDER IN COMMEMORATION OF THE HONORABLE JAMIE L. WHITTEN

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute.)

Mr. MONTGOMERY. Mr. Speaker, I wish to notify the House and the Members on the House floor that after this next bill, which will be the last bill under suspension, I will have a special order on the dean of the Mississippi delegation and also the dean of the House of Representatives. That special order will come right after this next bill, and it will be in honor of Mr. WHITTEN.

GENERAL LEAVE

Ms. NORTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include extraneous matter, on H.R. 3694, as amended, and H.R. 4361, as amended, the bills just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the District of Columbia?

There was no objection.

JERRY L. LITTON UNITED STATES POST OFFICE BUILDING

Ms. NORTON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1779) to designate the facility of the U.S. Postal Service located at 401 South Washington Street in Chillicothe, MO, as the "Jerry L. Litton United States Post Office Building," with Senate amendments thereto, and concur in the Senate amendments with amendments.

The Clerk read the title of the bill.

The text of the Senate amendments is as follows:

Senate amendments: Page 2, after line 5, insert:

SEC. 3. TRAVEL AND TRANSPORTATION EXPENSES OF CERTAIN FEDERAL CAREER APPOINTEES.

(a) IN GENERAL.—Section 5724(a)(3) of title 5, United States Code, is amended by striking out "November 27, 1988" and inserting in lieu thereof "November 17, 1988".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the Technical and Miscellaneous Civil Service Amendments Act of 1992 (Public Law 102–378; 106 Stat. 1346; 5 U.S.C. 1101 note).

SEC. 4. TRAVEL AND TRANSPORTATION EXPENSES FOR FAMILY MEMBERS OF CAREER APPOINTEES.

Paragraph (3) of section 5724(a) of title 5, United States Code, is amended to read as follows:

"(3) upon the separation (or death in service) of a career appointee, as defined in section 3132(a)(4) of this title, the travel expenses of that individual (if applicable), the transportation expenses of the immediate family of such individual, and the expenses of moving (including transporting, packing, crating, temporarily storing, draying, and unpacking) the household goods of such individual and personal effects not in excess of eighteen thousand pounds net weight, to the place where the individual will reside (or, in the case of a career appointee who dies in service or who dies after separating but before the travel, transportation, and moving is completed, to the place where the family will reside) within the United States, its territories or possessions, the Commonwealth of Puerto Rico, or the areas and installations in the Republic of Panama made available to the United States pursuant to the Panama Canal Treaty of 1977 and related agreements, as described in section 3(a) of the Panama Canal Act of 1979, if such individual—

"(A) during or after the five years proceeding eligibility to receive an annuity under subchapter III of chapter 83, or of chapter 84 of this title, has been transferred in the interest of the Government from one official station to another for permanent duty as a career appointee in the Senior Executive Service or as a director under section 4103(a)(8) of title 38 (as in effect on November 17, 1988); and

"(B) is eligible to receive an annuity upon such separation (or, in the case of death in service, met the requirements for being considered eligible to receive an annuity, as of date of death) under the provisions of subchapter III of chapter 83 or chapter 84 of this title.".

SEC. 5. EFFECTIVE DATE.

(a) IN GENERAL.—This Act and the amendment made by this Act shall take effect on October 1, 1994, or, if later, the date of the enactment of this Act.

(b) SPECIAL RULE.—

(1) IN GENERAL.—Under regulations prescribed by the President or his designee, an agency shall, as appropriate, pay or make reimbursement for any moving expenses which would be payable under the provisions of section 5724(a)(3) of title 5, United States Code, as amended by section 1 (but which would not have been payable under such provisions, as last in effect before so amended).

(2) APPLICABILITY.—The moving expenses to which this subsection applies are those incurred by the family of an individual who died—

(i) before separating from Government service; and

(ii) during the period beginning on January 1, 1994, and ending on the effective date of this Act.

(3) CONDITION.—Payment or reimbursement under this subsection may not be made except upon appropriate written application submitted within 12 months after date on which the regulations referred to in paragraph (1) take effect.

The SPEAKER pro tempore. The Clerk will report the amendments.

The Clerk read the proposed amendments to the Senate amendments, as follows:

Page 3, lines 3 and 4, strike "proceeding" and insert "preceding" in lieu thereof.

Page 4, line 3, strike "section 1" and insert "section 4" in lieu thereof.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the District of Columbia?

Mr. GILMAN. Mr. Speaker, reserving the right to object, I wish to state that the minority has no objections to approval of H.R. 1779 as amended by the Senate. H.R. 1779 honors our former colleague from Missouri, the late Jerry Litton, by renaming a post office in his home town of Chillicothe, MO, after him. The Senate amended his measure by attaching provisions of House-passed H.R. 4549 which provided for reimbursement to members of the Senior Executive Service expenses incurred as a result of their last move home following separation from Federal employment. H.R. 4549 fell under the jurisdiction of the Committee on Government Operations and I understand that the committee has no objection.

Mr. Speaker, continuing my reservation, I yield to the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Speaker, H.R. 1779, a bill to designate the U.S. Post Office located at 401 South Washington Street, Chillicothe, MO, as the Jerry L. Litton United States Post Office Building, passed the House on May 24, 1993 under suspension of the rules. On July 12, 1994, H.R. 4549, a bill to provide for travel and transportation expenses for the family of a career appointee in the Senior Executive Service [SES] who dies after transferring in the interest of the Government to an official duty station and who was eligible for an annuity at the time of death, and for other purposes, passed the House under suspension of the rules.

On August 2, 1994, the Senate amended H.R. 1779 by adding the text of H.R. 4549. The bill as amended passed the Senate on August 19, 1994 by voice vote. The Post Office and Civil Service Committee has no objection to this amendment. I have two amendments at the desk which make purely technical changes to the Senate amendment. In the drafting of the Senate amendment, the word "preceding" was inadvertently changed to "proceeding" on line 3 of page 3. The first amendment would correct this. Likewise, in the drafting of the Senate amendment, reference to "section 4" was inadvertently changed to "section 1" on line 3 of page 4. The second amendment corrects this.

Mr. GILNAN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentlewoman from the District of Columbia?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Ms. NORTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the legislation just considered and adopted.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the District of Columbia?

There was no objection.

ALVARO DE LUGO POST OFFICE

Ms. NORTON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4190) to designate the building located at 41–42 Norre Gade in Saint Thomas, VI, for the period of time during which it houses operations of the United States Postal Service, as the "Alvaro de Lugo Post Office," with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Senate amendments: Page 2, after line 2, insert:

SEC. 3. EXTENSION OF EXCLUSIONARY AUTHORITY.

Section 1005(d) of title 39, United States Code, is amended—

(1) by striking "(d)" and inserting "(d)(1)"; and

(2) by adding at the end the following:

"(2) The provisions of subsection (g) of section 5532, subsections (i) and (l)(2) of section 8344, and subsections (f) and (i)(2) of section 8468 of title 5 shall apply with respect to the Postal Service. For purposes of so applying such provisions—

"(A) any reference in such provisions to the head of an Executive agency shall be considered a reference to the Postmaster General; and

"(B) any reference in such provisions to an employee shall be considered a reference to an officer or employee of the Postal Service.".

SEC. 4. ASSIGNMENT AUTHORITY.

Section 8706(e) of title 5, United States Code, is amended—

(1) by striking "Federal judge" and inserting "employee or former employee";

(2) by striking "judge's" and inserting "employee's or former employee's"; and

(3) by striking "purchase" and inserting "purchased".

Ms. NORTON. Mr. Speaker, I ask unanimous consent that the Senate amendments be reconsidered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the District of Columbia?

There was no objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentlewoman from the District of Columbia?

Mr. GILMAN. Mr. Speaker, reserving the right to object, I wish to state that the minority has no objections to approval of H.R. 4190 as amended by the Senate. H.R. 4190 names a post office in the Virgin Islands after Alvaro de Lugo. The Senate amended this measure by adding provisions similar to House-approved H.R. 3246. H.R. 3246 was approved by the House on July 19, 1994 and provided for the waiver of the dual compensation provisions with respect to the temporary hiring by the Postal Service of retired rural letter carriers. Mr. Speaker, this is good legislation. I supported its passage in the House and urge my colleagues to continue their support for this measure.

Mr. Speaker, under my reservation I yield to the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Speaker, H.R. 4190, a bill to designate the U.S. post office located at 41–42 Norre Gade in Saint Thomas, VI, as the "Alvaro de Lugo United States Post Office," passed the House on May 23, 1994 under suspension of the rules. On July 19, 1994, H.R. 3246, to extend to the U.S. Postal Service the authority under the provisions of title 5, U.S. Code, to seek from the Office of Personnel Management [OPM] waivers of the annuity offset provisions contained in sections 8344 and 8468 of title 5, passed the House under suspension of the rules.

Section 1 of H.R. 3246, as amended, would authorize the U.S. Postal Service to either request that OPM waive the annuity offset provisions of title 5 on a case-by-case basis, or request that OPM delegate authority to the Postmaster General to waive the provisions in emergency or unusual circumstances.

Under current law, when Federal retirees are reemployed by the Federal Government, their salaries are offset by the amount of their annuity payments. Reemployed annuitants continue to receive their monthly annuity payments. The employing agency then pays the retiree the amount of salary in excess of the amount of the annuity, and reimburses the Federal Retirement Trust Fund with the amount of the annuity. If an agency, however, wishes to have an exemption from these rules, it may request a waiver from the Office of Personnel Management [OPM]. Currently, the Postal Service does not have the option to request such a waiver from OPM.

The Senate amended H.R. 4190 by adding the provisions of H.R. 3246. In addition the Senate amended H.R. 3246 to permit the Postal Service to hire military retirees and waive the reemployed annuitant restrictions in those instances as well. The Post Office and Civil Service Committee has no objection to this amendment.

Mr. GILMAN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentlewoman from the District of Columbia?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Ms. NORTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include extraneous matter, on the bill, H.R. 4190, and the Senate amendments thereto.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the District of Columbia?

There was no objection.

JOBS THROUGH TRADE EXPANSION ACT OF 1994

Mr. GEJDENSON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4950) to extend the authorities of the Overseas Private Investment Corporation, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4950

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Jobs Through Trade Expansion Act of 1994".

TITLE I—OVERSEAS PRIVATE INVESTMENT CORPORATION

SEC. 101. SHORT TITLE.

This title may be cited as the "Overseas Private Investment Corporation Amendments Act of 1994".

SEC. 102. REAUTHORIZATION OF CORPORATION.

Title IV of chapter 2 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2191 et seq.) is amended to read as follows:

"TITLE IV—OVERSEAS PRIVATE INVESTMENT CORPORATION

"SEC. 231. PURPOSE AND POLICY.

"(a) PURPOSE.—The Overseas Private Investment Corporation shall be an independent agency of the United States under the foreign policy guidance of the Secretary of State. The purpose of the Corporation is to promote sustainable environmentally sound economic development in developing countries and areas, and countries in transition from nonmarket to market economies, by mobilizing and facilitating the participation of the United States private sector.

"(b) ELIGIBILITY CRITERIA FOR PARTICIPATING COUNTRIES AND AREAS.—

"(1) IN GENERAL.—Except as provided in paragraph (3), the Corporation may operate its programs in a country (or an area within a country) only if—

"(A) the United States maintains diplomatic relations with the country;

"(B) either—

"(i) the country or area is a developing country or area; or

"(ii) the country is in transition from a nonmarket to market economy; and

"(C) programs in that country are not prohibited under section 234(e)(2) (relating to human rights violators).

"(2) PREFERENCE FOR CERTAIN COUNTRIES.—In conducting its activities, the Corporation shall—

"(A) give preference to projects in countries with per capita incomes of $1,230 or less in 1992 United States dollars; and

"(B) restrict its activities in countries with per capita incomes of $5,335 or more in 1992 United States dollars (other than countries designated as beneficiary countries under section 212 of the Caribbean Basin Economic Recovery Act, *the Republic of Ireland, and Northern Ireland*).

"(3) PROGRAMS IN INELIGIBLE COUNTRIES.—(A) Except as provided in subparagraph (B), if a country in which the Corporation is operating its programs ceases to meet the criteria set forth in paragraph (1), or if (pursuant to this or any other Act) the government of that country becomes ineligible for assistance, the Corporation shall cease to operate its programs in such country, except that the Corporation shall not be required to terminate any contract or commitment entered into prior to the date on which such country is determined to be ineligible for such assistance.

"(B) The Corporation may continue to operate its programs in a country which ceases to meet the criteria set forth in paragraph (1) if the President of the United States determines that the operation of such programs would be in the national interest of the United States.

"(c) GUIDELINES FOR ACTIVITIES OF OPIC.—In carrying out its purpose, the Corporation shall undertake—

"(1) to conduct insurance, reinsurance, and financing operations on a self-sustaining basis, taking into account in its financing operations the economic and financial soundness of projects;

"(2) to broaden private participation by selling its direct investments to private investors whenever it can appropriately do so on satisfactory terms;

"(3) to conduct its insurance operations with due regard to principles of risk management, including efforts to share its insurance risks and reinsurance risks;

"(4) to consider in the conduct of its operations the extent to which the governments of eligible countries are receptive to private enterprise, domestic and foreign, and their willingness and ability to maintain conditions which enable private enterprise to make its full contribution to the development process;

"(5) to foster private initiative and competition and discourage monopolistic practices;

"(6) to further to the greatest degree possible, in a manner consistent with its goals, the balance-of-payments and employment objectives of the United States;

"(7) to consider in the conduct of its operations the extent to which the governments of eligible countries respect human rights, labor rights, and the need to support sound environmental practices and policies;

"(8) to conduct its activities in consonance with the international trade, investment, and financial policies of the United States Government, and to seek to support those developmental projects having positive trade benefits for the United States; and

"(9) to advise and assist, within its field of competence, interested agencies of the United States and other organizations, both public and private, national and international, with respect to projects and programs relating to the development of private enterprise in eligible countries and areas.

"SEC. 232. STOCK OF THE CORPORATION; ORGANIZATION AND MANAGEMENT.

"(a) STOCK.—The Secretary of the Treasury shall hold the capital stock of the Corporation.

"(b) STRUCTURE OF THE CORPORATION.—The Corporation shall have a Board of Directors, a President, an Executive Vice President, and such other officers and staff as the President of the Corporation may determine.

"(c) BOARD OF DIRECTORS.—

"(1) IN GENERAL.—All powers of the Corporation shall vest in and be exercised by or under the authority of the Board, which shall consist of 15 Directors (including the Chair, the Executive Vice Chair, and the Vice Chair). Eight Directors shall constitute a quorum for the transaction of business.

"(2) COMPOSITION OF THE BOARD.—

"(A) CHAIR.—The Chair of the Board shall be the President of the Corporation, ex officio.

"(B) EXECUTIVE VICE CHAIR.—The Executive Vice Chair of the Board shall be the Administrator of the Agency for International Development, ex officio.

"(C) VICE CHAIR.—The Vice Chair of the Board shall be the United States Trade Representative, ex officio, or, if so designated by the United States Trade Representative, a Deputy United States Trade Representative.

"(D) PUBLIC SECTOR DIRECTORS.—(i) In addition to the directors provided for in subparagraphs (A), (B), and (C), four Directors who are officers or employees of the Government of the United States, including an officer or employee of the Department of Labor, shall be designated by and shall serve at the pleasure of the President of the United States.

"(ii) The Directors designated under this subparagraph shall receive no additional compensation by virtue of their service as such a Director.

"(E) PRIVATE SECTOR DIRECTORS.—(i) Eight Directors who are not otherwise officers or employees of the Government of the United States shall be appointed by the President of the United States, by and with the advice and consent of the Senate. Of these, at least—

"(I) two shall be experienced in small business;

"(II) one shall be experienced in organized labor; and

"(III) one shall be experienced in social and economic development issues.

"(ii) Each Director appointed under this subparagraph shall be appointed for a term of not more than 3 years. The terms of not more than 3 such Directors shall expire in any 1 year. Such Directors shall serve until their successors are appointed and qualified. Directors may be reappointed to subsequent terms.

"(iii) Each Director appointed under this subparagraph shall be compensated at the daily equivalent of the annual rate of pay in effect for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such Director is actually engaged in the business of the Corporation, and may be paid travel or transportation expenses to the extent authorized for employees serving intermittently in the Government service under section 5703 of title 5, United States Code. Any such Director may waive any such compensation.

"(d) APPOINTMENT OF THE PRESIDENT.—The President of the Corporation shall be appointed by the President of the United States, by and with the advice and consent of the Senate, and shall serve at the pleasure of the President. In making such appointment, the President shall take into account the private business experience of the appointee. The President of the Corporation shall be its Chief Executive Officer and shall be responsible for the operations and management of the Corporation, subject to bylaws and policies established by the Board.

"(e) OFFICERS AND STAFF.—

"(1) EXECUTIVE VICE PRESIDENT.—The Executive Vice President of the Corporation shall be appointed by the President of the United States, by and with the advice and consent of the Senate, and shall serve at the pleasure of the President.

"(2) OTHER OFFICERS AND STAFF.—(A) The Corporation may appoint such other officers and such employees (including attorneys) and agents as the Corporation considers appropriate.

"(B) The officers, employees, and agents appointed under this subsection shall have such functions as the Corporation may determine.

"(C) Of the officers, employees, and agents appointed under this paragraph, 20 may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, may be compensated without regard to the provisions of chapter 51 or subchapter III of chapter 53 of such title, and shall serve at the pleasure of the Corporation.

"(D) Under such regulations as the President of the United States may prescribe, any individual appointed under subparagraph (C) may be entitled, upon removal (except for cause) from the position to which the appointment was made, to reinstatement to the position occupied by that individual at the time of appointment or to a position of comparable grade and pay.

"SEC. 233. INVESTMENT INSURANCE, FINANCING, AND OTHER PROGRAMS.

"(a) INVESTMENT INSURANCE.—

"(1) RISKS FOR WHICH INSURANCE ISSUED.—The Corporation is authorized to issue insurance, upon such terms and conditions as the Corporation may determine, to eligible investors assuring protection in whole or in part against any or all of the following risks with respect to projects which the Corporation has approved:

"(A) Inability to convert into United States dollars other currencies, or credits in such currencies, received as earnings or profits from the approved project, as repayment or return of the investment in the project, in whole or in part, or as compensation for the sale or disposition of all or any part of the investment.

"(B) Loss of investment, in whole or in part, in the approved project due to expropriation or confiscation by action of a foreign government.

"(C) Loss due to war, revolution, insurrection, or civil strife.

"(D) Loss due to business interruption caused by any of the risks set forth in subparagraphs (A), (B), and (C).

"(2) RISK SHARING ARRANGEMENTS WITH FOREIGN GOVERNMENTS AND MULTILATERAL ORGANIZATIONS.—Recognizing that major private investments in eligible countries or areas are often made by enterprises in which there is multinational participation, including significant United States private participation, the Corporation may make arrangements with foreign governments (including agencies, instrumentalities, and political subdivisions thereof) and with multilateral organizations and institutions for sharing liabilities assumed under investment insurance for such investments and may, in connection with such arrangements, issue insurance to investors not otherwise eligible for insurance under this title, except that—

"(A) liabilities assumed by the Corporation under the authority of this paragraph shall be consistent with the purposes of this title; and

"(B) the maximum share of liabilities so assumed shall not exceed the proportionate participation by eligible investors in the project.

"(3) MAXIMUM CONTINGENT LIABILITY WITH RESPECT TO SINGLE INVESTOR.—Not more than 10 percent of the maximum contingent liability of investment insurance which the Corporation is permitted to have outstanding under section 235(a)(1) shall be issued to a single investor.

"(b) INVESTMENT FINANCING.—

"(1) DIRECT LENDING.—(A) The Corporation is authorized to make loans in United States dollars, repayable in dollars, and to make loans in foreign currencies, to firms privately owned or of mixed private and public ownership, upon such terms and conditions as the Corporation may determine.

"(B) The Corporation may designate up to 25 percent of any loan under this paragraph for use in the development or adaptation in the United States of new technologies or new products or services that are to be used in the project for which the loan is made and are likely to contribute to the economic or social development of less developed countries.

"(2) EQUITY INVESTMENT.—(A) The Corporation is authorized to purchase, invest in, or otherwise acquire equity securities or securities with equity characteristics of any firm or entity, upon such terms and conditions as the Corporation may determine, to be funded in the same manner as direct loans under the Federal Credit Reform Act of 1990 for the purpose of providing capital for any project which is consistent with the provisions of this title, subject to the limitations in subparagraph (B).

"(B)(i) The aggregate amount of the Corporation's equity investment under this paragraph with respect to any project shall not exceed 30 percent of the aggregate amount of all equity investment made with respect to such project at the time that the Corporation's equity investment is made (excluding any securities acquired through the enforcement of any lien, pledge, or contractual arrangement as a result of a default by any party under any agreement relating to the terms of the Corporation's investment).

"(ii) The Corporation's equity investment under this paragraph with respect to any project, when added to any other investments made or guaranteed by the Corporation under this subsection with respect to such project, shall not cause the aggregate amount of all such investment to exceed, at the time any such investment is made or guaranteed by the Corporation, 75 percent of the total investment committed to such project, as determined by the Corporation. The determination of the Corporation under this clause shall be conclusive for purposes of the Corporation's authority to make or guarantee any such investment.

"(C) In making investment decisions under this paragraph, the Corporation shall give consideration to the extent to which the Corporation's equity investment will assist in obtaining the financing required for such projects.

"(D) Taking into consideration, among other things, the Corporation's financial interests and the desirability of fostering the development of local capital markets in emerging democracies, economies in transformation, and less developed countries, the Corporation shall endeavor to dispose of any equity interest it may acquire under this paragraph within a period of 10 years from the date of acquisition of such interest.

"(3) INVESTMENT GUARANTEES.—(A) The Corporation is authorized to issue to eligible investors guarantees of loans and other investments made by such investors assuring against loss due to such risks and upon such terms and conditions as the Corporation may determine, subject to subparagraphs (B) and (C).

"(B) A guarantee issued under subparagraph (A) on other than a loan investment may not exceed 75 percent of such investment.

"(C) Except for loan investments for credit unions made by eligible credit unions or credit union associations, the aggregate amount of investment (exclusive of interest and earnings) for which guarantees are issued under subparagraph (A) with respect to any project shall not exceed, at the time of issuance of any such guarantee, 75 percent of the total investment committed to any such project as determined by the Corporation. Such determination by the Corporation shall be conclusive for purposes of the Corporation's authority to issue any such guarantee.

"(c) INVESTMENT ENCOURAGEMENT.—The Corporation is authorized to initiate and support through financial participation, incentive grant, or otherwise, and on such terms and conditions as the Corporation may determine, the identification, assessment, surveying, and promotion of private investment opportunities, using wherever feasible and effective the facilities of private investors. The Corporation shall not finance any survey to ascertain the existence, location, extent, or quality of oil or gas resources.

"(d) SPECIAL ACTIVITIES.—The Corporation is authorized to administer and manage special projects and programs, including programs of financial and advisory support, which provide private technical, professional, or managerial assistance in the development of human resources, skills, technology, capital savings, intermediate financial and investment institutions, and cooperatives. The funds for these projects and programs may, with the Corporation's concurrence, be transferred to it for such purposes under the authority of section 632(a) or from other sources, public or private.

"(e) OTHER INSURANCE FUNCTIONS.—

"(1) IN GENERAL.—The Corporation is authorized—

"(A) to make and carry out contracts of insurance or reinsurance, or agreements to associate or share risks, with insurance companies, financial institutions, any other persons, or groups thereof; and

"(B) to employ such insurance companies, financial institutions, other persons, or groups, where appropriate, as its agent, or to act as their agent, in the issuance and servicing of insurance, the adjustment of claims, the exercise of subrogation rights, the ceding and accepting of reinsurance, and in any other matter incident to an insurance business.

Such agreements and contracts shall be consistent with the purposes of the Corporation set forth in section 231 and shall be on equitable terms.

"(2) RISK-SHARING AGREEMENTS.—The Corporation is authorized to enter into pooling or other risk-sharing agreements with multinational insurance or financing agencies or groups of such agencies.

"(3) OWNERSHIP INTEREST IN RISK-SHARING ENTITIES.—The Corporation is authorized to hold an ownership interest in any association or other entity established for the purposes of sharing risks under investment insurance.

"(4) REINSURANCE OF CERTAIN LIABILITIES.—The Corporation is authorized to issue, upon such terms and conditions as it may determine, reinsurance of liabilities assumed by other insurers or groups thereof with respect to risks referred to in subsection (a)(1).

"(5) LIMITATION ON REINSURANCE.—The amount of reinsurance of liabilities under this title which the Corporation may issue shall not in the aggregate exceed at any one time an amount equal to the amount authorized for the maximum contingent liability outstanding at any one time under section 235(a)(1). All reinsurance issued by the Corporation under this subsection shall require that the reinsured party retain for his or her own account specified portions of liability, whether first loss or otherwise.

"(6) ENHANCING PRIVATE POLITICAL RISK INSURANCE INDUSTRY.—In order to encourage greater availability of political risk insurance for eligible investors by enhancing the private political risk insurance industry in the United States, and to the extent consistent with this title, the Corporation shall undertake programs of cooperation with such industry, and in connection with such programs may engage in the following activities:

"(A) Utilizing its statutory authorities, encourage the development of associations, pools, or consortia of United States private political risk insurers.

"(B) Share insurance risks (through coinsurance, contingent insurance, or other means) in a manner that is conducive to the growth and development of the private political risk insurance industry in the United States.

"(C) Notwithstanding section 237(e), upon the expiration of insurance provided by the Corporation for an investment, enter into risk-sharing agreements with United States private political risk insurers to insure any such investment. In cooperating in the offering of insurance under this clause, the Corporation shall not assume responsibility for more than 50 percent of the insurance being offered in each separate transaction.

"SEC. 234. GUIDELINES AND CRITERIA FOR OPIC SUPPORT.

"(a) DEVELOPMENT GUIDELINES.—

"(1) CRITERIA.—The Corporation, in determining whether to provide insurance, reinsurance, or financing for a project shall be guided by the economic, environmental, and social development impact and benefits of such a project and the ways in which such a project complements, or is compatible with, other development assistance programs or projects of the United States or other donors.

"(2) DEVELOPMENT IMPACT PROFILE.—In order to carry out the policy set forth in paragraph (1), the Corporation shall prepare and maintain, for each investment project it insures, reinsures, or finances, a development impact profile consisting of data appropriate to measure the projected and actual effects of such project on development.

"(b) SMALL BUSINESS DEVELOPMENT.—

"(1) BROADENED PARTICIPATION BY SMALL BUSINESSES.—The Corporation shall undertake, in cooperation with appropriate agencies of the United States Government as well as private entities and others, to broaden the participation of United States small business, cooperatives, and other small United States investors in the development of small private enterprise in eligible countries or areas.

"(2) PREFERENTIAL CONSIDERATION.—Notwithstanding the requirements of section 231(c)(1), and on such terms and conditions as the Corporation may determine through loans, grants, or other programs authorized by section 233, the Corporation shall undertake, to the maximum degree possible consistent with its purposes—

"(A) to give preferential consideration in its investment insurance, reinsurance, and guarantee activities to investment projects sponsored by or involving United States small business; and

"(B) to maintain the proportion of projects sponsored by or significantly involving United States small business at not less than 30 percent of all projects insured, reinsured, or financed by the Corporation.

"(c) ENVIRONMENTAL CONSIDERATIONS.—

"(1) ENVIRONMENTAL, HEALTH, OR SAFETY HAZARD.—The Corporation shall refuse to insure, reinsure, or finance any investment in connection with a project which the Corporation determines will pose an unreasonable or major environmental, health, or safety hazard, or will result in the significant degradation of national parks or similar protected areas.

"(2) RESOURCE SUSTAINABLE DEVELOPMENT.—The Corporation, in determining whether to provide insurance, reinsurance, or financing for a project, shall ensure that the project is consistent with the provisions of section 117 (as so redesignated by the Special Foreign Assistance Act of 1986), section 118, and section 119 of this Act relating to the environment and natural resources of, and tropical forests and endangered species in, developing countries, and consistent with the intent of regulations issued pursuant to sections 118 and 119 of this Act.

"(3) IMPACT ON ENVIRONMENT AND NATURAL RESOURCES.—The requirements of section 117(c) of this Act relating to environmental impact statements and environmental assessments shall apply to any investment which the Corporation insures, reinsures, or finances under this title.

"(4) NOTIFICATION OF FOREIGN GOVERNMENTS.—Before finally providing insurance, reinsurance, or financing under this title for any environmentally sensitive investment in connection with a project in a country, the Corporation shall notify appropriate government officials of that country of—

"(A) all guidelines and other standards adopted by the International Bank for Reconstruction and Development and any other international organization that relate to the public health or safety or the environment and are applicable to the project; and

"(B) to the maximum extent practicable, any restriction, under any law of the United States, that relates to public health or safety or the environment and would apply to the project if the project were undertaken in the United States.

The notification under the preceding sentence shall include a summary of the guidelines, standards, and restrictions referred to in subparagraphs (A) and (B), and may include any environmental impact statement, assessment, review, or study prepared with respect to the investment pursuant to paragraph (3).

"(5) CONSIDERATION OF COMMENTS RECEIVED.—Before finally providing insurance, reinsurance, or financing for any investment subject to paragraph (4), the Corporation shall take into account any comments it receives on the project involved.

"(d) WORKER RIGHTS.—

"(1) LIMITATION ON OPIC ACTIVITIES.—The Corporation may insure, reinsure, or finance a project only if the country in which the project is to be undertaken is taking steps to adopt and implement laws that extend internationally recognized worker rights, as defined in section 502(a)(4) of the Trade Act of 1974 (19 U.S.C. 2462(a)(4)), to workers in that country (including any designated zone in that country). The Corporation shall also include the following language, in substantially the following form, in all contracts which the Corporation enters into with eligible investors to provide financial support under this title:

" 'The investor agrees not to take actions to prevent employees of the foreign enterprise from lawfully exercising their right of association and their right to organize and bargain collectively. The investor further agrees to observe applicable laws relating to a minimum age for employment of children, acceptable conditions of work with respect to minimum wages, hours of work, and occupational health and safety, and not to use forced labor. The investor is not responsible under this paragraph for the actions of a foreign government.'.

"(2) USE OF ANNUAL REPORTS ON WORKERS RIGHTS.—The Corporation shall, in making its determinations under paragraph (1), use the reports submitted to the Congress pursuant to section 505(c) of the Trade Act of 1974 (19 U.S.C. 2465(c)).

"(3) WAIVER.—(A) Paragraph (1) shall not prohibit the Corporation from providing any insurance, reinsurance, or financing with respect to a country if the President *of the United States* determines that such activities by the Corporation would be in the national economic interests of the United States. Any such determination shall be reported in writing to the appropriate congressional committees, together with the reasons for the determination.

"(B) As used in subparagraph (A), the term 'appropriate congressional committees' means the Committee on Foreign Affairs and the Committee on Appropriations of the House of the Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

"(e) HUMAN RIGHTS.—

"(1) IN GENERAL.—The Corporation shall take into account in the conduct of its programs in a country, in consultation with the Secretary of State, all available information about observance of and respect for human rights and fundamental freedoms in such country and the effect the operation of such programs will have on human rights and fundamental freedoms in such country.

"(2) HUMAN RIGHTS VIOLATORS.—The provisions of section 116 shall apply to any insurance, reinsurance, or financing provided by the Corporation for projects in a country, except that in addition to the exception set forth in subsection (a) of such section, the Corporation may support a project if the national security interest so requires.

"(f) HARM TO EMPLOYMENT IN THE UNITED STATES.—

"(1) REPLACEMENT OF UNITED STATES PRODUCTION.—(A) The Corporation shall refuse to insure, reinsure, or finance an investment if the Corporation determines that—

"(i) such investment is likely to cause the investor significantly to reduce the number of the investor's employees in the United States because the investor is replacing his or her United States production with production from such investment; and

"(ii) the production from such investment involves substantially the same product for substantially the same market as the investor's United States production.

"(B) If the Corporation determines that an investment is not likely to have the effects described in subparagraph (A), the Corporation shall monitor conformance with the representations made by the investor on which the Corporation relied in making that determination.

"(2) EXPORT PROCESSING ZONES.—The Corporation shall refuse to insure, reinsure, or finance an investment for the purpose of establishing or developing in a foreign country any export processing zone or designated area in which the tax, tariff, labor, environment, and safety laws of that country do not apply, in part or in whole, to activities carried out within that zone or area, unless such assistance is not likely to cause a loss of jobs within the United States as determined in consideration of the restrictions contained in paragraph (1).

"(g) PERFORMANCE REQUIREMENTS.—The Corporation shall refuse to insure, reinsure, or finance an investment which is subject to performance requirements which would reduce substantially the positive trade benefits likely to accrue to the United States from the investment.

"(h) PROHIBITED TRADE PRACTICES.—

"(1) PAYMENTS TO VIOLATORS BARRED.—No payment may be made under any insurance or reinsurance which is issued under this title on or after April 24, 1978, for any loss occurring with respect to a project, if the preponderant cause of such loss was an act by the investor seeking such payment, by a person possessing majority ownership and control of the investor at the time of the act, or by any agent of such investor or controlling person, and a court of the United States has entered a final judgment that such act constituted a violation of section 30A of the Securities Exchange Act of 1934 or section 104 of the Foreign Corrupt Practices Act of 1977.

"(2) REGULATIONS.—The Corporation shall have in effect regulations setting forth appropriate conditions under which any person who has been finally determined by a court of the United States to have violated section 30A of the Securities Exchange Act of 1934 or section 104 of the Foreign Corrupt Practices Act of 1977 shall be suspended, for a period of not more than 5 years, from eligibility to receive any insurance, reinsurance, financing, or other financial support authorized by this title, if that violation related to a project insured, reinsured, financed, or otherwise supported by the Corporation under this title.

"(i) Fraud or Misrepresentation.—No payment may be made under any guarantee, insurance, or reinsurance issued under this title for any loss arising out of fraud or misrepresentation for which the party seeking payment is responsible.

"(j) Penalties for Fraud.—Whoever knowingly makes any false statement or report, or willfully overvalues any land, property, or security, for the purpose of influencing in any way the action of the Corporation with respect to any insurance, reinsurance, guarantee, loan, equity investment, or other activity of the Corporation under section 233 or any change or extension of any such insurance, reinsurance, guarantee, loan, equity investment, or activity, by renewal, deferment of action or otherwise, or the acceptance, release, or substitution of security therefor, shall be fined not more than $1,000,000 or imprisoned not more than 30 years, or both.

"(k) Public Hearings.—The Board shall hold at least 1 public hearing each year in order to afford an opportunity for any person to present views as to whether the Corporation is carrying out its activities in accordance with section 231 and this section or whether any investment in a particular country should have been or should be extended insurance, reinsurance, or financing under this title.

"SEC. 235. ISSUING AUTHORITY, DIRECT INVESTMENT AUTHORITY, EQUITY FUND, AND RESERVES.

"(a) Issuing Authority.—

"(1) Insurance.—The maximum contingent liability outstanding at any one time pursuant to insurance issued under section 233(a) shall not exceed in the aggregate $15,000,000,000.

"(2) Financing.—(A) The maximum contingent liability outstanding at any one time pursuant to financing issued under section 233(b) shall not exceed in the aggregate $14,500,000,000.

"(B) Subject to spending authority provided in appropriations Acts pursuant to section 504(b) of the Federal Credit Reform Act of 1990, the Corporation is authorized to transfer such sums as are necessary from its noncredit activities to pay for the subsidy cost of a program level for the direct loan and guarantee programs under sections 233(b)(1) and (b)(3)—

"(i) $3,000,000,000 for fiscal year 1995;

"(ii) $4,000,000,000 for fiscal year 1996; and

"(iii) $5,000,000,000 for fiscal year 1997.

"(3) Termination of Authority.—The authority of sections 233(a) and (b)(3) shall continue until September 30, 1997.

"(b) Creation of Fund for Acquisition of Equity.—The Corporation is authorized to maintain a revolving fund to be available solely for the purposes specified in section 233(b)(2) and to make transfers to the fund of a total of $45,000,000 (less amounts transferred to the fund before the effective date of this title) from its noncredit activities. The Corporation shall apply to the fund all amounts received by the Corporation as income on securities acquired under section 233(b)(2) using funds made available under this section, and from the proceeds on the disposition of such securities. Purchases of, investments in, and other acquisitions of equity from the fund are authorized for any fiscal year only to the extent or in such amounts as are provided in advance in appropriations Acts or are transferred to the Corporation pursuant to section 632(a).

"(c) Insurance Reserves.—

"(1) Maintenance and Purposes.—The Corporation shall maintain insurance reserves. Such reserves shall be available for the discharge of liabilities, as provided in subsection (d), until such time as all such liabilities have been discharged or have expired or until all such reserves have been expended in accordance with the provisions of this section.

"(2) Funding.—The insurance reserves shall consist of—

"(A) any funds in the insurance reserves of the Corporation on September 30, 1994;

"(B) amounts transferred to the reserves pursuant to this Act; and

"(C) such sums as are appropriated pursuant to subsection (e) of this section for such purposes.

"(d) Order of Payments To Discharge Liabilities.—Any payment made to discharge liabilities under investment insurance or reinsurance issued under section 233, or to discharge liabilities under predecessor guarantee authority, shall be paid first out of the insurance reserves, as long as such reserves remain available, and thereafter out of funds made available pursuant to subsection (e) of this section. Any payments made to discharge liabilities under guarantees issued under section 233(b)(3) shall be paid in accordance with the Federal Credit Reform Act of 1990.

"(e) Authorization of Appropriations.—

"(1) Authorization.—Subject to paragraph (2), there are authorized to be appropriated to the Corporation such amounts as may be necessary from time to time to replenish or increase the insurance reserves, to discharge the liabilities under insurance or reinsurance issued by the Corporation, to discharge liabilities under predecessor guarantee authority, or to discharge obligations of the Corporation purchased by the Secretary of the Treasury pursuant to subsection (f).

"(2) Limitation on Appropriations.—No appropriation shall be made under paragraph (1) to augment the insurance reserves until the amount of funds in the insurance reserves is less than $25,000,000. Any appropriations to augment the insurance reserves shall then only be made either pursuant to specific authorization enacted after the date of enactment of the Overseas Private Investment Corporation Amendments Act of 1974, or to satisfy the full faith and credit provision of section 237(c).

"(f) Issuance of Obligations.—In order to discharge liabilities under investment insurance or reinsurance, the Corporation is authorized to issue from time to time for purchase by the Secretary of the Treasury its notes, debentures, bonds, or other obligations. The aggregate amount of such obligations outstanding at any one time may not exceed $100,000,000. Any such obligation shall be repaid to the Treasury within 1 year after the date of issue of such obligation. Any such obligation shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of any obligation authorized by this subsection. The Secretary of the Treasury shall purchase any obligation of the Corporation issued under this subsection, and for such purchase the Secretary may use as a public debt transaction the proceeds of the sale of any securities issued under chapter 31 of title 31, United States Code. The purpose for which securities may be issued under chapter 31 of title 31, United States Code, shall include any such purchase.

"SEC. 236. INCOME AND REVENUES.

"In order to carry out the purposes of the Corporation, all revenues earned by the Corporation from its noncredit activities and amounts transferred to the Corporation shall be held by the Corporation and shall be available to carry out its purposes, including without limitation—

"(1) payment of all credit and noncredit expenses of the Corporation;

"(2) transfers and additions to the insurance reserves maintained under section 235(c), and such other funds or reserves as the Corporation may establish, at such time and in such amounts as the Board may determine; and

"(3) payment of dividends, on capital stock, which shall consist of and be paid from net earnings of the Corporation after payments, transfers, and additions under paragraphs (1) and (2).

"SEC. 237. GENERAL PROVISIONS RELATING TO INSURANCE AND FINANCING PROGRAM.

"(a) Agreements With Countries.—Insurance, guarantees, and reinsurance issued under this title shall cover investment made in connection with projects in any eligible country or area with the government of which the President of the United States has agreed to institute a program for such insurance, guarantees, or reinsurance.

"(b) Protection of Interests of the Corporation.—The Corporation shall determine that suitable arrangements exist for protecting the interest of the Corporation in connection with any insurance, reinsurance, or guarantee issued under this title, including arrangements concerning ownership, use, and disposition of the currency, credits, assets, or investments on account of which payment under such insurance, guarantee, or reinsurance is to be made, and any right, title, claim, or cause of action existing in connection therewith.

"(c) Full Faith and Credit Pledged.—All guarantees issued under predecessor guarantee authority, and all insurance, reinsurance, and guarantees issued under this title shall constitute obligations, in accordance with the terms of such insurance, reinsurance, or guarantees, of the United States of America, and the full faith and credit of the United States of America is hereby pledged for the full payment and performance of such obligations.

"(d) Fees.—Fees may be charged for providing insurance, reinsurance, financing, and other services under this title in amounts to be determined by the Corporation. Fees paid for project-specific transaction costs and other transaction costs, including project-related travel and expenses for legal representation, associated with services provided to specific investors or potential investors pursuant to section 233, including financing, insurance, reinsurance, missions, seminars, conferences, and other pre-investment services, shall be available for obligation for the purposes for which they were collected notwithstanding any other provision of law. Transaction costs relating to investment financing commitments entered into pursuant to section 233(b) shall be considered cash flows from the Government resulting from financing commitments and shall be paid out of the appropriate financing account established pursuant to section 505(b) of the Federal Credit Reform Act of 1990.

"(e) Insurance, Financing, and Reinsurance Limited to 20 Years.—No insurance, reinsurance, or guarantee of any equity investment under this title shall extend beyond 20 years from the date on which such insurance, reinsurance, or guarantee is issued.

"(f) Amount of Compensation Paid on Claims.—Compensation for any insurance, reinsurance, or guarantee issued under this title shall not exceed the dollar value, as of the date of the investment, of the investment made in the project with the approval of the Corporation plus interest, earnings, or profits actually accrued on such investment to the extent provided by such insurance, reinsurance, or guarantee, except that the Corporation may provide that—

"(1) appropriate adjustments in the insured dollar value be made to reflect the replacement cost of project assets;

"(2) compensation for a claim of loss under insurance of an equity investment may be computed on the basis of the net book value attributable to such equity investment on the date of loss; and

"(3) compensation for loss due to business interruption may be computed on a basis to be determined by the Corporation which reflects amounts lost.

Notwithstanding the preceding sentence, the Corporation shall limit the amount of direct insurance and reinsurance issued under section 233 so that risk of loss as to at least 10 percent of the total investment of the insured and its affiliates in the project is borne by the insured and such affiliates. This limitation shall not apply to direct insurance or reinsurance of loans by banks or other financial institutions to unrelated parties.

"(g) Limitation With Respect to Foreign Credit Institutions.—Insurance, guarantees, or reinsurance of a loan or equity investment of an eligible investor in a foreign bank, finance company, or other credit institution shall extend only to such loan or equity investment and not to any individual loan or equity investment made by such foreign bank, finance company, or other credit institution.

"(h) Settlement and Arbitration of Claims.—Claims arising as a result of insurance, reinsurance, or guarantee operations under this title may be settled, and disputes arising as a result thereof may be arbitrated with the consent of the parties, on such terms and conditions as the Corporation may determine. Payment made pursuant to any such settlement, or as a result of an arbitration award, shall be final and conclusive notwithstanding any other provision of law.

"(i) Contracts Presumed To Comply With Act.—Each guarantee contract executed by such officer or officers as may be designated by the Board shall be conclusively presumed to be issued in compliance with the requirements of this Act.

"(j) Use of Local Currencies.—Direct loans or investments made in order to preserve the value of funds received in inconvertible foreign currency by the Corporation as a result of activities conducted pursuant to section 233(a) shall not be considered in determining whether the Corporation has made or has outstanding loans, guarantees, or investments to the extent of any limitation on obligations and equity investment imposed by or pursuant to this title. The provisions of section 504(b) of the Federal Credit Reform Act of 1990 shall not apply to direct loan obligations made with funds described in this subsection.

"(k) Prohibition on Noncompetitive Awarding of Insurance Contracts on OPIC Supported Exports.—

"(1) Requirement for certification.—(A) Except as provided in subparagraph (C), the investor on whose behalf insurance, reinsurance, guaranties, or other financing is provided under this title with respect to a project shall be required to certify to the Corporation that any contract for the export of goods as part of that project will include a clause requiring that United States insurance companies have a fair and open competitive opportunity to provide insurance against risk of loss of such support.

"(B) The investor shall be required, in every practicable case, to so certify before the insurance, reinsurance, guarantee, or other financing is provided. In any case in which such a certification is not made in advance, the investor shall include in the certification the reasons for the failure to make a certification in advance.

"(C) Subparagraph (A) does not apply with respect to an investor who does not, because of the nature of the investment, have a controlling interest in fact in the project in question.

"(2) Reports by the United States Trade Representative.—The United States Trade Representative shall review the actions of the Corporation under paragraph (1) and, after consultation with representatives of United States insurance companies, shall report to the Congress, with respect to such actions, in the report required by section 181(b) of the Trade Act of 1974.

"(3) Definitions.—For purposes of this subsection—

"(A) the term 'United States insurance company' includes—

"(i) an individual, partnership, corporation, holding company, or other legal entity which is authorized, or in the case of a holding company, subsidiaries of which are authorized, by a State to engage in the business of issuing insurance contracts or reinsuring the risk underwritten by insurance companies; and

"(ii) foreign operations, branches, agencies, subsidiaries, affiliates, or joint ventures of any entity described in clause (i);

"(B) United States insurance companies shall be considered to have had a 'fair and open competitive opportunity to provide insurance' if they—

"(i) have received notice of the opportunity to provide insurance; and

"(ii) have been evaluated on a nondiscriminatory basis; and

"(C) the term 'State' includes the District of Columbia and any commonwealth, territory, or possession of the United States.

"SEC. 238. GENERAL PROVISIONS AND POWERS.

"(a) Principal Office.—The Corporation shall have its principal office in the District of Columbia and shall be deemed, for purposes of venue in civil actions, to be a resident of the District of Columbia.

"(b) Audits.—

"(1) In general.—The Corporation shall be subject to the applicable provisions of chapter 91 of title 31, United States Code, except as otherwise provided in this title.

"(2) Independent audit.—An independent certified public accountant shall perform a financial and compliance audit of the financial statements of the Corporation each year, in accordance with generally accepted Government auditing standards for a financial and compliance audit, taking into consideration any standards recommended by the Comptroller General. The independent certified public accountant shall report the results of such audit to the Board. The financial statements of the Corporation shall be presented in accordance with generally accepted accounting principles. These financial statements and the report of the accountant shall be included in a report which contains, to the extent applicable, the information identified in section 9106 of title 31, United States Code. The Corporation shall submit such report to the Congress not later than 6½ months after the end of the last fiscal year covered by the audit. The Comptroller General may review the audit conducted by the accountant and the report to the Congress in the manner and at such times as the Comptroller General considers necessary.

"(3) Audit by comptroller general.—In lieu of the financial and compliance audit required by paragraph (2), the Comptroller General shall, if the Comptroller General considers it necessary or upon the request of the Congress, audit the financial statements of the Corporation in the manner provided in paragraph (2).

"(4) Availability of information.—All books, accounts, financial records, reports, files, workpapers, and property belonging to or in use by the Corporation and the accountant who conducts the audit under paragraph (2), which are necessary for purposes of this subsection, shall be made available to the representatives of the General Accounting Office designated by the Comptroller General.

"(c) Powers.—To carry out the purposes of this title, the Corporation is authorized—

"(1) to adopt and use a corporate seal, which shall be judicially noticed;

"(2) to sue and be sued in its corporate name;

"(3) to adopt, amend, and repeal bylaws governing the conduct of its business and the performance of the powers and duties granted to or imposed upon it by law;

"(4) to acquire, hold, or dispose of, upon such terms and conditions as the Corporation may determine, any property, real, personal, or mixed, tangible or intangible, or any interest therein;

"(5) to invest funds derived from fees and other revenues in obligations of the United States and to use the proceeds therefrom, including earnings and profits, as it considers appropriate;

"(6) to indemnify directors, officers, employees, and agents of the Corporation for liabilities and expenses incurred in connection with their Corporation activities;

"(7) to require bonds of officers, employees, and agents and to pay the premiums for such bonds;

"(8) notwithstanding any other provision of law, to represent itself or to contract for representation in all legal and arbitral proceedings;

"(9) to enter into limited-terms contracts with nationals of the United States for personal services to carry out activities in the United States and abroad under section 233;

"(10) to purchase, discount, rediscount, sell, and negotiate, with or without its endorsement or guarantee, and guarantee notes, participation certificates, and other evidence of indebtedness (except that the Corporation shall not issue its own securities, except participation certificates for the purpose of carrying out section 231(c)(3), participation certificates in connection with transactions authorized by section 233(b), or participation certificates as evidence of indebtedness held by the Corporation in connection with settlement of claims under section 237(h));

"(11) to make and carry out such contracts and agreements as are necessary and advisable in the conduct of its business;

"(12) to exercise any priority of the Government of the United States in collecting debts from the estates of bankrupt, insolvent, or decedent parties;

"(13) to determine the character of and the necessity for its obligations and expenditures, and the manner in which they shall be incurred, allowed, and paid, subject to provisions of law specifically applicable to Government corporations;

"(14) to collect or compromise any obligations assigned to or held by the Corporation, including any legal or equitable rights accruing to the Corporation; and

"(15) to take such actions as may be necessary or appropriate to carry out the powers of the Corporation.

"(d) EXEMPTION FROM STATE AND LOCAL TAXATION.—The Corporation (including its franchise, capital, reserves, surplus, advances, intangible property, and income) shall be exempt from all taxation at any time imposed by any State, the District of Columbia, or any county, municipality, or local taxing authority.

"SEC. 239. ANNUAL REPORT; MAINTENANCE OF INFORMATION.

"(a) ANNUAL REPORT.—

"(1) REQUIREMENT.—After the end of each fiscal year, the Corporation shall submit to the Congress a complete and detailed report of its operations during such fiscal year. Such report shall include—

"(A) an assessment, based upon the development impact profiles required by section 234(a), of the economic and social development impact and benefits of the projects with respect to which such profiles are prepared, and of the extent to which the operations of the Corporation complement or are compatible with the development assistance programs of the United States and other donors; and

"(B) a description of any project for which the Corporation—

"(i) refused pursuant to section 234(e) to provide insurance, reinsurance, financing, or other financial support on account of violations of human rights; or

"(ii) notwithstanding such violations, provided insurance, reinsurance, financing, or financial support on the basis of a determination that the exception under section 116(a) applies, or the national security so requires.

"(2) PROJECTIONS OF EFFECTS ON EMPLOYMENT.—

"(A) IN GENERAL.—Each annual report required by paragraph (1) shall contain projections of the effects on employment in the United States of all projects for which, during the fiscal year covered by the report, the Corporation initially issued any insurance or reinsurance or provided financing. Each such report shall include projections of—

"(i) the amount of United States exports to be generated by those projects, both during the start-up phase and over a period of years;

"(ii) the final destination of the products to be produced as a result of those projects; and

"(iii) the impact such production will have on the production of similar products in the United States with regard to both domestic sales and exports.

"(B) BASIS FOR PROJECTIONS.—The projections required by this paragraph shall be based on an analysis of each of the projects described in subparagraph (A).

"(C) MANNER OF REPORTING EFFECTS ON EMPLOYMENT.—In reporting the projections on employment required by this paragraph, the Corporation shall specify, with respect to each project—

"(i) any loss of jobs in the United States caused by the project, whether or not the project itself creates other jobs;

"(ii) any jobs created by the project; and

"(iii) the country in which the project is located, and the economic sector involved in the project.

No proprietary information may be disclosed under this subparagraph.

"(3) PROTECTION OF CERTAIN INFORMATION.—Paragraph (2) does not require the inclusion of any information which would not be required to be made available to the public pursuant to section 552 of title 5, United States Code (relating to freedom of information).

"(b) MAINTENANCE OF INFORMATION.—The Corporation shall maintain as part of its records—

"(1) all information collected in preparing the report required by section 240A(c) of the Foreign Assistance Act of 1961 (as in effect before the enactment of the Overseas Private Investment Corporation Amendments Act of 1988), whether the information was collected by the Corporation itself or by a contractor; and

"(2) a copy of the analysis of each project analyzed in preparing the projections required by subsection (a)(2) or the report required by section 240A(c) of the Foreign Assistance Act of 1961 (as in effect before the enactment of the Overseas Private Investment Corporation Amendments Act of 1988).

"SEC. 240. DEFINITIONS.

"As used in this title, the following terms have the following meanings:

"(1) BOARD.—The term 'Board' means the Board of Directors of the Corporation.

"(2) CORPORATION.—The term 'Corporation' means the Overseas Private Investment Corporation.

"(3) ELIGIBLE INVESTOR.—(A) The term 'eligible investor' means—

"(i) a United States citizen;

"(ii) a corporation, partnership, or other association, including a nonprofit association, which is created under the laws of the United States, any State, the District of Columbia, or any commonwealth, territory, or possession of the United States, and which is substantially beneficially owned by United States citizens; and

"(iii) a foreign corporation, partnership, or other association which is wholly owned by one or more United States citizens or corporations, partnerships, or other associations described in clause (ii), except that the eligibility of any such foreign corporation shall be determined without regard to any shares held by other than United States citizens or corporations, partnerships, or other associations described in clause (ii) if, in the aggregate, such shares equal less than 5 percent of the total issued and subscribed share capital of such foreign corporation.

"(B) For purposes of this title—

"(i) in the case of insurance or a guarantee for any loan investment, a final determination of whether a person is an eligible investor may be made at the time the insurance or guarantee is issued; and

"(ii) in the case of insurance or a guarantee for any other investment, an investor must be an eligible investor at the time a claim arises as well as the time the insurance or guarantee is issued.

"(4) EXPROPRIATION.—The term 'expropriation' includes any abrogation, repudiation, or impairment by a foreign government of its own contract with an investor with respect to a project, where such abrogation, repudiation, or impairment is not caused by the investor's own fault or misconduct, and materially adversely affects the continued operation of the project.

"(5) INVESTMENT.—The term 'investment' includes any contribution or commitment of funds, commodities, services, patents, processes, or techniques, in the form of—

"(A) a loan or loans to an approved project;

"(B) the purchase of a share of ownership in any such project;

"(C) participation in royalties, earnings, or profits of any such project; or

"(D) the furnishing of commodities or services pursuant to a lease or other contract.

"(6) NONCREDIT ACTIVITIES.—The term 'noncredit activities' means all activities of the Corporation other than its direct loan program under section 233(b)(1) and its guarantee program under section 233(b)(3).

"(7) PREDECESSOR GUARANTEE AUTHORITY.—The term 'predecessor guarantee authority' means prior guarantee authorities (other than housing guarantee authorities) repealed by the Foreign Assistance Act of 1969, sections 202(b) and 413(b) of the Mutual Security Act of 1954, and section 111(b)(3) of the Economic Cooperation Act of 1948, (exclusive of authority relating to informational media guarantees).".

TITLE II—TRADE AND DEVELOPMENT AGENCY

SEC. 201. TRADE AND DEVELOPMENT AGENCY.

(a) PURPOSE.—Section 661(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2421(a)) is amended—

(1) in the first sentence, by inserting "independent" before "agency"; and

(2) in the second sentence, by striking "development projects" and all that follows and inserting "developing and middle-income countries in ways consistent with environmentally sound and broad-based sustainable economic development.".

(b) AUTHORITY TO PROVIDE ASSISTANCE.—Section 661(b) of such Act (22 U.S.C. 2421(b)) is amended—

(1) in paragraph (1)—

(A) by striking ", including those in which" and all that follows through "under part I,"; and

(B) by inserting "environmental assessments," after "engineering design,";

(2) in the first sentence of the matter preceding subparagraph (A) of paragraph (2), by inserting "environmental assessments" after "to provide support for"; and

(3) in paragraph (3)(B)—

(A) by striking "Other agencies of the United States Government" and inserting "Other members of the Trade Promotion Coordinating Committee"; and

(B) by inserting "*the* Director of" before "the Trade and Development Agency".

(c) DIRECTOR AND PERSONNEL.—Section 661(c)(1) of such Act (22 U.S.C. 2421(c)(1)) is amended—

(1) by striking "There shall be" and inserting "(A) There shall be"; and

(2) by adding at the end the following new subparagraph:

"(B) The Director shall report directly to the President.".

(d) ANNUAL REPORT.—Section 661(d) of such Act (22 U.S.C. 2421(d)) is amended by striking "President" and inserting "Director of the Trade and Development Agency".

(e) FUNDING.—Section 661(f)(1) of such Act (22 U.S.C. 2421(f)(1)) is amended—

(1) by striking "There are authorized" and inserting "(A) There are authorized";

(2) by inserting "to the Trade and Development Agency" after "to be appropriated";

(3) by striking "$55,000,000" and all that follows and inserting "such sums as are necessary for fiscal years 1995 and 1996."; and

(4) by adding at the end the following new subparagraph:

"(B) Amounts appropriated pursuant to the authorization of appropriations under subparagraph (A) are authorized to remain available until expended.".

TITLE III—EXPORT PROMOTION PROGRAMS WITHIN THE INTERNATIONAL TRADE ADMINISTRATION

SEC. 301. EXPORT PROMOTION AUTHORIZATION.

Section 202 of the Export Administration Amendments Act of 1985 (15 U.S.C. 4052) is amended to read as follows:

"SEC. 202. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to the Department of Commerce to carry out export promotion programs such sums as are necessary for fiscal years 1995 and 1996."

TITLE IV—PROMOTION OF UNITED STATES ENVIRONMENTAL EXPORTS

SEC. 401. SHORT TITLE.

This title may be cited as the "Environmental Export Promotion Act of 1994".

SEC. 402. PROMOTION OF ENVIRONMENTAL EXPORTS.

(a) Environmental Technologies Trade Advisory Committee.—Section 2313 of the Export Enhancement Act of 1988 (15 U.S.C. 4728) is amended—

(1) by striking subsection (d);

(2) by redesignating subsection (c) as subsection (e); and

(3) by inserting after subsection (b) the following:

"(c) Environmental Technologies Trade Advisory Committee.—

"(1) Establishment and purpose.—The Secretary, in carrying out the duties of the chairperson of the TPCC, shall establish the Environmental Technologies Trade Advisory Committee (hereafter in this section referred to as the 'Committee'). The purpose of the Committee shall be to provide advice and guidance to the Working Group in the development and administration of programs to expand United States exports of environmental technologies, goods, and services.

"(2) Membership.—The members of the Committee shall be drawn from representatives of—

"(A) environmental businesses, including small businesses;

"(B) trade associations in the environmental sector;

"(C) private sector organizations involved in the promotion of environmental exports;

"(D) States (as defined in section 2301(i)(5)) and associations representing the States; and

"(E) other appropriate interested members of the public.

The Secretary shall appoint as members of the Committee at least 1 individual under each of subparagraphs (A) through (E).

"(d) Export Plans for Priority Countries.—

"(1) Priority country identification.—The Working Group, in consultation with the Committee, shall annually assess which foreign countries have markets with the greatest potential for the export of United States environmental technologies, goods, and services. Of these countries the Working Group shall select as priority countries 5 with the greatest potential for the application of United States Government export promotion resources related to environmental exports.

"(2) Export plans.—The Working Group, in consultation with the Committee, shall annually create a plan for each priority country selected under paragraph (1), setting forth in detail ways to increase United States environmental exports to such country. Each such plan shall—

"(A) identify the primary public and private sector opportunities for United States exporters of environmental technologies, goods, and services in the priority country;

"(B) analyze the financing and other requirements for major projects in the priority country which will use environmental technologies, goods, and services, and analyze whether such projects are dependent upon financial assistance from foreign countries or multilateral institutions; and

"(C) list specific actions to be taken by the member agencies of the Working Group to increase United States exports to the priority country.".

(b) Additional Mechanisms To Promote Environmental Exports.—Section 2313 of the Export Enhancement Act of 1988 is further amended by adding at the end the following:

"(f) Environmental Technologies Specialists in the United States and Foreign Commercial Service.—

"(1) Assignment of environmental technologies specialists.—The Secretary shall assign a specialist in environmental technologies to the office of the United States and Foreign Commercial Service in each of the 5 priority countries selected under subsection (d)(1), and the Secretary is authorized to assign such a specialist to the office of the United States and Foreign Commercial Service in any country that is a promising market for United States exports of environmental technologies, goods, and services. Such specialist may be an employee of the Department, an employee of any relevant United States Government department or agency assigned on a temporary or limited term basis to the Commerce Department, or a representative of the private sector assigned to the Department of Commerce.

"(2) Duties of environmental technologies specialists.—Each specialist assigned under paragraph (1) shall provide export promotion assistance to United States environmental businesses, including, but not limited to—

"(A) identifying factors in the country to which the specialist is assigned that affect the United States share of the domestic market for environmental technologies, goods, and services, including market barriers, standards-setting activities, and financing issues;

"(B) providing assessments of assistance by foreign governments that is provided to producers of environmental technologies, goods, and services in such countries in order to enhance exports to the country to which the specialist is assigned, the effectiveness of such assistance on the competitiveness of United States products, and whether comparable United States assistance exists;

"(C) training Foreign Commercial Service Officers in the country to which the specialist is assigned, other countries in the region, and United States and Foreign Commercial Service offices in the United States, in environmental technologies and the international environmental market;

"(D) providing assistance in identifying potential customers and market opportunities in the country to which the specialist is assigned;

"(E) providing assistance in obtaining necessary business services in the country to which the specialist is assigned;

"(F) providing information on environmental standards and regulations in the country to which the specialist is assigned; and

"(G) providing information on all United States Government programs that could assist the promotion, financing, and sale of United States environmental technologies, goods, and services in the country to which the specialist is assigned.

"(g) Environmental Training in One-Stop Shops.—In addition to the training provided under subsection (f)(2)(C), the Secretary shall establish a mechanism to train—

"(1) Commercial Service Officers assigned to the one-stop shops provided for in section 2301(b)(8), and

"(2) Commercial Service Officers assigned to district offices in districts having large numbers of environmental businesses,

in environmental technologies and in the international environmental marketplace, and ensure that such officers receive appropriate training under such mechanism. Such training may be provided by officers or employees of the Department of Commerce, and other United States Government departments and agencies, with appropriate expertise in environmental technologies and the international environmental workplace, and by appropriate representatives of the private sector.

"(h) International Regional Environmental Initiatives.—

"(1) Establishment of initiatives.—The TPCC shall establish one or more international regional environmental initiatives the purpose of which shall be to coordinate the activities of Federal departments and agencies in order to build environmental partnerships between the United States and the geographic region outside the United States for which such initiative is established. Such partnerships shall enhance environmental protection and promote sustainable development by using in the region technical expertise and financial resources of United States departments and agencies that provide foreign assistance and by expanding United States exports of environmental technologies, goods, and services to that region.

"(2) Activities.—In carrying out each international regional environmental initiative, the TPCC shall—

"(A) support, through the provision of foreign assistance, the development of sound environmental policies and practices in countries in the geographic region for which the initiative is established, including the development of environmentally sound regulatory regimes and enforcement mechanisms;

"(B) identify and disseminate to United States environmental businesses information regarding specific environmental business opportunities in that geographic region;

"(C) coordinate existing Federal efforts to promote environmental exports to that geographic region, and ensure that such efforts are fully coordinated with environmental export promotion efforts undertaken by the States and the private sector;

"(D) increase assistance provided by the Federal Government to promote exports from the United States of environmental technologies, goods, and services to that geographic region, such as trade missions, reverse trade missions, trade fairs, and programs in the United States to train foreign nationals in United States environmental technologies; and

"(E) increase high-level advocacy by United States Government officials (including the United States ambassadors to the countries in that geographic region) for United States environmental businesses seeking market opportunities in that geographic region.

"(i) Environmental Technologies Project Advocacy Calendar and Information Dissemination Program.—The Working Group shall maintain a calendar, updated at the end of each calendar quarter, of significant opportunities for United States environmental businesses in foreign markets and trade promotion events, which shall be made available to the public. Such calendar shall—

"(1) identify the 50 to 100 environmental infrastructure and procurement projects in foreign markets that have the greatest potential in the calendar quarter for United States exports of environmental technologies, goods, and services; and

"(2) include trade promotion events, such as trade missions and trade fairs, in the environmental sector.

The Working Group shall also provide, through the National Trade Data Bank and other information dissemination channels, information on opportunities for environmental businesses in foreign markets and information on Federal export promotion programs.

"(j) REGIONAL CENTERS.—The Secretary, through the Assistant Secretary of Commerce and Director General of the United States and Foreign Commercial Service, is authorized to provide matching funds for the establishment in the United States of regional environmental business and technology cooperation centers that will draw upon the expertise of the private sector and institutions of higher education and existing Federal programs to provide export promotion assistance related to environmental technologies, goods, and services.

"(k) DEFINITION.—For purposes of this section, the term 'environmental business' means a business that produces environmental technologies, goods, or services.".

TITLE V—INTERNATIONAL PROTECTION OF INTELLECTUAL PROPERTY

SEC. 501. ESTABLISHMENT OF PROGRAM.

(a) IN GENERAL.—In carrying out part I of the Foreign Assistance Act of 1961 and other relevant foreign assistance laws, the President, acting through the Administrator of the United States Agency for International Development, shall establish a program of training and other technical assistance to assist foreign countries in—

(1) developing and strengthening laws and regulations to protect intellectual property; and

(2) developing the infrastructure necessary to implement and enforce such laws and regulations.

(b) PARTICIPATION OF OTHER AGENCIES.—The Administrator of the United States Agency for International Development—

(1) shall utilize the expertise of the Patent and Trademark Office and other agencies of the United States Government in designing and implementing the program of assistance provided for in this section;

(2) shall coordinate assistance under this section with efforts of other agencies of the United States Government to increase international protection of intellectual property, including implementation of international agreements containing high levels of protection of intellectual property; and

(3) shall consult with the heads of such other agencies in determining which foreign countries will receive assistance under this section.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Connecticut [Mr. GEJDENSON] will be recognized for 20 minutes, and the gentleman from Wisconsin [Mr. ROTH] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Connecticut [Mr. GEJDENSON].

Mr. GEJDENSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Jobs Through Trade Expansion Act of 1994 will improve the effectiveness of U.S. export promotion programs and create jobs here at home. This is a bipartisan bill, with wide support in the business community. Both the National Association of Manufacturers and the Coalition of Employment Through Exports endorse the bill.

H.R. 4950 will significantly enhance the ability of the U.S. Government to provide grants, loans, loan guarantees and risk insurance for U.S. export projects and investment overseas as well, and provide specific programs for the expansion of U.S. environmental exports, an area where the United States is extremely competitive. It protects U.S. intellectual property overseas and ensures the extension of the OPIC programs to Northern Ireland and the Republic of Ireland, a particularly important act in light of the actions that were taken in Northern Ireland toward the end of achieving peace there.

In addition, the bill will create at least 100,000 jobs here at home.

Allow me to briefly explain the provisions of the bill. Title I is a rewrite of the authorities of the Overseas Private Investment Corporation. The language is similar to the legislation which passed the House in last year's foreign aid bill. OPIC offers U.S. investors assistance in finding overseas investment opportunities, insurance to protect these investments and loans and loan guarantees to help finance the projects. OPIC cannot insure or finance projects that would displace American workers. In fact, OPIC helped create over 24,000 jobs in the United States alone last year.

In title II we extend the authority for the Trade and Development Agency for another 2 years. This agency simultaneously promotes economic development in the export of U.S. goods and services. TDA has estimated that for every $1 it spends, it generates $25 in U.S. goods and services sold overseas.

Title III authorizes the funding of the export promotional programs within the International Trade Administration.

Title IV promotes the exportation of U.S. environmental technologies. It is the text of H.R. 3813, which has already passed the House of Representatives.

The last title involves intellectual property, and that has already been introduced as H.R. 4239.

Title V requires AID in conjunction with the Commerce, Patent, and Trademark Office to establish a program of training and technical assistance. The program is aimed at countries which have expressed a willingness to improve their record on intellectual property protection but lack the expertise to do so. The loss of profit for this country and the loss of jobs as a result of intellectual property theft may be as high as 400,000 jobs, $20 billion worth of American projects knocked off and sold around the globe. These do not just endanger large international corporations but small companies in my district and around this country. Companies like Gerber Scientific and others have been victimized by foreign governments and companies infringing on their patents. This affects everything from manufacturing to pharmaceuticals and entertainment. It is an important part of the bill, and we want to thank our Republican colleagues, particularly Mr. ROTH, for his support and assistance in this particular area.

Before my friend, the gentleman from Wisconsin [Mr. ROTH], speaks on behalf of the bill, I would like to extend sincere thanks to my fellow Democratic and Republican members of the committee for their support of this measure. In particular, I want to extend a special note of thanks to Chairman HAMILTON, to Congressman ROTH, to Congressman GILMAN, and to Congressman BEREUTER, who is continuously one of the hardest working members of the committee.

Once again our committee had demonstrated a true bipartisan spirit in an area that is crucial to America's economy. Exports enrich our country, produce jobs here at home, and strengthen our position globally.

Mr. Speaker, at this time, I would like to introduce into the CONGRESSIONAL RECORD an exchange of letters between Chairman HAMILTON and Chairman DINGELL regarding H.R. 3813. Given that the text of title IV of H.R. 4950 is identical to H.R. 3813, as passed by the House, the assurances given in these letters are valid for title IV of H.R. 4950 as well.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, April 15, 1994.

Hon. LEE H. HAMILTON,
Chairman, Committee on Foreign Affairs, U.S. House of Representatives, Washington, DC.

DEAR LEE: Thank for your letter concerning H.R. 3813, the "Environmental Export Promotion Act of 1994," which was ordered reported by the Committee on Foreign Affairs on March 16, 1994.

As you indicated, the Committee on Energy and Commerce requested sequential referral of the bill because it included matters within the jurisdiction of this Committee. I understand that you plan to offer an amended version when the bill is considered on the suspension calendar. Those changes, which have been worked out with this Committee, are welcome. Accordingly, we will not insist on sequential referral. If, as you note, the Senate does not accept the House bill as amended and requests a conference, we understand that we would be represented in that conference. I appreciate the opportunity to work out these matters with you.

With every good wish.

Sincerely,

JOHN D. DINGELL,
Chairman.

U.S. CONGRESS,
HOUSE COMMITTEE ON FOREIGN AFFAIRS
Washington, DC, April 15, 1994.
Hon. JOHN D. DINGELL,
Chairman, Committee on Energy and Commerce, Washington, DC.

DEAR JOHN: The Committee on Energy and Commerce has raised various jurisdictional concerns regarding H.R. 3813, as ordered reported by the Committee on Foreign Affairs on March 16, 1994.

Pursuant to discussions between the staff of our committees, the text of H.R. 3813 to be considered by the House contains several changes, reflected in the attached text, from the amendment in the nature of a substitute that the Committee on Foreign Affairs ordered reported. If the Senate approves legislation with provisions in the areas in which the Committees on Energy and Commerce has raised concerns, the Committee on Foreign Affairs would not object to the placement of conferees from the Energy and Commerce Committee on those provisions of the Senate bill.

Thank you for your assistance in this matter.

Sincerely,

LEE H. HAMILTON,
Chairman.

□ 1340

Mr. ROTH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the chairman of our committee for his kind remarks, and join him in thanking the other members of our subcommittee and of our full committee also in helping with this legislation.

Mr. Speaker, the title of our bill says it all: the Jobs Through Trade Expansion Act.

With this legislation, we will create 100,000 new jobs for American workers, by expanding exports.

That is why I have joined with our chairman, the gentleman from Connecticut [Mr. GEJDENSON], in sponsoring this bill and bringing it to the House.

Our bill expands the financing and insurance available to American companies from the Overseas Private Investment Corporation.

Last year alone, OPIC generated more than $1.6 billion in American exports.

In our bill, we provide a 50-percent increase in OPIC's insurance activities and a 300-percent increase in its trade finance authorization. These increases will expand the ability of American companies to better exploit international markets.

Mr. Speaker, let me emphasize to my colleagues that OPIC does not cost the taxpayer $1. The income from OPIC's risk insurance business more than covers the cost of its trade financing operations. In fact, OPIC has long since reimbursed the Government for its initial capitalization. What is more, OPIC maintains nearly $2 billion in reserves, which would more than cover any anticipated insurance losses.

In short, OPIC is a model of how to assist American companies while protecting the taxpayer.

Let me also point out that we have included language which prohibits OPIC from activities which would cost American jobs. Our bill also expands the U.S. Trade and Development Agency. TDA plays a crucial role in helping American companies win contracts for large construction projects overseas. It does that by funding the initial engineering and feasibility studies for selected projects. This gives American companies a leg up in winning the final construction awards.

The bottom line is that TDA generates $25 in U.S. exports for every dollar we invest in this agency. That is good bargain. Moreover the reality is that our competitors in Japan and Europe have even more aggressive programs than ours. Therefore, our bill is a step forward in meeting the competition.

Our bill also augments the U.S. and Foreign Commercial Service. This is our front-line agency for helping American companies search out export opportunities and beat the competition to win sales overseas.

Our bill also includes a provision to re-direct existing foreign aid funds toward helping U.S. exporters with intellectual property protection in overseas markets.

In testimony to our subcommittee, this area was identified as a growing problem, not only publishing and entertainment industries, but also for engineering, computer and manufacturing sectors.

Finally, Mr. Speaker, we have included the text of H.R. 3813, which will improve our export of environmental technology products.

The House passed this bill in the spring, but it is blocked in the other body. By re-passing this bill, we expect to win final enactment as part of this legislation.

Mr. Speaker, this is a Jobs bill. It helps American companies compete in world markets. It protects the taxpayer. This is a bill that every Member can support. Therefore, I urge my colleagues to join me in supporting the Jobs Through Trade Expansion Act.

Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. GILMAN], the ranking member.

Mr. GILMAN. Mr. Speaker, I rise in support of H.R. 4950, the Jobs Through Trade Expansion Act of 1994, a bill reauthorizing the Overseas Private Investment Corporation [OPIC] and the Trade and Development Agency [TDA].

I commend the gentleman from Connecticut [Mr. GEJDENSON] the distinguished Chairman of our Subcommittee on Economic Policy, Trade and Environment the gentleman from Wisconsin [Mr. ROTH], the ranking minority member of that subcommittee.

The charters of both of these trade promotion agencies expire on September 30, 1994, so Congress must take action over the next 2 weeks to continue their programs that have created more than 200,000 American jobs and generated over $30 billion in U.S. exports.

This bill also authorizes the export promotion activities of the International Trade Administration of the Department of Commerce, directs the Agency for International Development to use existing funds to assist countries in improving their protection of Intellectual Property Rights, and increases promotion of U.S. environmental technologies and services.

Established by Congress in the Foreign Assistance Act of 1969, OPIC helps to promote overseas private investment opportunities for U.S. investors as a means of fostering development in recipient countries.

In light of OPIC's proven track record in promoting investment and economic growth in many areas of the world, I believe that the agency is in a unique position to foster the peace process in Northern Ireland.

For the first time in 25 years we have a real opportunity for peace in Northern Ireland.

The United States has an obligation to assist that peace process. In fact, Vice President GORE, on his recent visit to Ireland, said the United States gave the highest foreign policy priority to the current peace effort in Northern Ireland. The Vice President further indicated that this administration stands ready, along with the American people, to support the current efforts for peace.

Shared economic growth in the North of Ireland can help foster a mutual feeling of security by both the diverse traditions in the region, and can help foster peace. Economic growth can and must be achieved before we can realistically see any permanent peace take long-term hold in the North of Ireland.

The Overseas Private Investment Corporation [OPIC] can play that important role in this process by creating an Irish investment fund that could bring new foreign investment into all of Ireland.

Based on the successful models of OPIC-supported funds in Africa, Israel, and Poland, a modest government guaranteed equity fund of up to $60 million, starting sometime in fiscal year 1995, could leverage up to several hundred million dollars of new foreign investment and provide a tangible symbol of United States support for the cease fire and embryonic peace process in Northern Ireland.

Unlike the International Fund for Ireland, this fund would require no annual appropriation. At no cost to the American taxpayer, it could make an important contribution to peace by promoting a prosperous and stable economy throughout Ireland at this critical moment in Irish history.

Report language accompanying this bill strongly urges OPIC to undertake a feasibility study of an equity fund of up to $60 million for Ireland, which would include the Republic of Ireland and Northern Ireland.

I would urge this administration to back up its statements in support of the Downing Street Declaration peace process in Ireland with a tangible pledge of United States support. An announcement that we are ready to explore an OPIC fund for Ireland could give added momentum to these important peace efforts now.

Mr. ROTH. Mr. Speaker, I yield such time as he may consume to my friend, the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Speaker, I rise in strong support of H.R. 4950, the Jobs Through Trade Expansion Act of 1994.

I want to commend my colleague, the gentleman from Connecticut [Mr. GEJDENSON], the subcommittee chairman, and the distinguished gentleman from Wisconsin [Mr. ROTH], the ranking member, for their outstanding work, not only on this legislation, but throughout this very productive 103d Congress, productive in terms of legislative action by this subcommittee.

Mr. Speaker, this legislation reauthorizes the legislative charter of the Overseas Private Investment Corporation [OPIC], the Trade and Development Agency [TDA], and the International Trade Administration [ITA] of the Department of Commerce. Additionally, it promotes the export of environmental technologies and services and directs the Agency for International Development [AID] to assist developing countries in improving their protection of intellectual property rights.

Mr. Speaker, the Members of the House should know that these export promotion agencies and these initiatives are absolutely critical to ensure the export competitiveness of U.S. manufacturing and service industries. For example, the Trade and Development Agency helps U.S. exporters compete against foreign competitors for lucrative infrastructure projects in developing countries by providing grants which hire U.S. consultants and engineers for the planning and design of large multilateral development bank [MDB] projects. Because U.S. consultants and engineers are more likely to design, for example, a multimillion-dollar power generation plant in China with U.S. goods and services in mind, these grants ultimately ensure that U.S. goods and services are more likely to receive the detailed design, construction, equipment, and maintenance and resupply business for such MDB-financed projects over the long term.

Currently, Mr. Speaker, our European competitors and Japan greatly outspend the United States in this trust fund game to the clear detriment of U.S. exporters. The General Accounting Office recently reported that Japan, for example, currently outspends the United States by approximately $5 for every $1 we devote to this important purpose, and the United Kingdom just announced a $78 million tied-aid commitment just for Vietnam.

Mr. Speaker, in the power generation market alone, investors and energy market analysts predict a whopping $1.8 trillion investment demand by the year 2010. Agencies such as the Overseas Private Insurance Company and the Trade and Development Agency help to ensure that small- and medium-sized U.S. businesses can compete for the billions of dollars in service and manufactured goods which will design, construct, and operate massive infrastructure projects in the developing world.

Mr. Speaker, I am pleased to note that the State of Nebraska led all but one State in dramatically increasing its exports by 429 percent in the last 6 years. However, Nebraska's economy depends on small- and medium-sized businesses to maintain its rapid growth and high standard of living. Agencies like the Overseas Private Investment Corporation and the Trade and Development Agency mostly benefit these small- and medium-sized investors and exporters who would not be able to compete against foreign-subsidized competition without U.S. assistance.

Mr. Speaker, in closing, this Member urges his colleagues to support the Jobs Through Trade Expansion Act of 1994. This legislation is necessary to ensure the competitiveness of U.S. goods and services through the promotion of exports and the protection of intellectual property rights worldwide.

☐ 1350

Mr. GEJDENSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, before yielding back the balance of my time, again I thank my colleagues, the gentleman from Wisconsin [Mr. ROTH], the gentleman from Nebraska [Mr. BEREUTER], and others for helping develop this legislation, and I wish to say that by working with the administration on these kinds of programs, not only can we do good by helping places like Northern Ireland where, for the first time, there is a real hope for peace, but we can also enrich this country and create jobs here at home.

Mr. Speaker, I yield back the balance of my time.

Mr. ROTH. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). The question is on the motion offered by the gentleman from Connecticut [Mr. GEJDENSON] that the House suspend the rules and pass the bill, H.R. 4950, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GEJDENSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). Under the Speaker's announced policy of February 11, 1994 and June 10, 1994, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

GENERAL LEAVE

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the subject of my special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

TRIBUTE TO THE HONORABLE JAMIE L. WHITTEN

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, June 10, 1994, the gentleman from Mississippi [Mr. MONTGOMERY] is recognized for 60 minutes as the designee of the majority leader.

Mr. MONTGOMERY. Mr. Speaker, this is a very important time for us from Mississippi as well as all Members of the House. I am taking this time today, along with the rest of our Mississippi delegation, Congressmen MIKE PARKER, GENE TAYLOR, and BENNIE THOMPSON, to honor the gentleman from Mississippi, Congressman JAMIE WHITTEN, on his unequaled record of service to our State and to our country.

Mr. Speaker, Mr. WHITTEN was elected in a special election and sworn into the House of Representatives on November 4, 1941. He did announce, on April 5 of this year, that he will retire at the end of the 103d Congress, ending a 53-year career in the House of Representatives.

He has served longer in the House of Representatives than any other Member in the history of the country. It is a record that will never be broken. In fact, he broke the record on January 6, 1992, and the record was held by Mr. Vincent of Georgia.

To put his career in perspective for some of our younger Members, I would point out that he was sitting in the House Chamber when President Franklin Roosevelt delivered the day of infamy speech in 1941, following the Japanese bombing of Pearl Harbor.

He has served as the chairman of the Committee on Agriculture, subcommittee, for 43 years, and he chaired the full Committee on Appropriations for 13 years.

He was such an important force in helping shape our agricultural policies that he was known for many years as the permanent Secretary of Agriculture.

Mr. WHITTEN has spoken so many times about the need to develop the natural resources of this country, and he used his position on the Committee on Appropriations to pursue that goal.

I notice the gentleman from Wisconsin is here. I will be glad to yield to the gentleman from Wisconsin [Mr. ROTH].

Mr. ROTH. Mr. Speaker, I thank the gentleman from Mississippi [Mr. MONTGOMERY] for yielding to me.

I want to join with him today in honoring Mr. JAMIE WHITTEN.

As the gentleman has pointed out so well, he has served longer than any Member has in American history.

I would say that few Americans have seen as much history as Mr. WHITTEN, and few Members have done as much for their country as has done Mr. WHITTEN for his country.

I remember coming here as a freshman Congressman and being very much interested in agriculture. I have gotten some excellent advice from Mr. WHITTEN, and many of our dairy farmers in northeast Wisconsin, I can tell the gentleman from Mississippi [Mr. MONTGOMERY], have benefited from the Mr. WHITTEN's advice to me.

I thank JAMIE WHITTEN for his advice to me. He is not only a walking history book, but he is also a very decent human being and a person who has always treated, I think, those of us on this side of the aisle with a great deal of fairness and civility. We appreciate that very much.

I am indeed fortunate that I can look back, when I am sitting in a rocking chair, and look back in reading American history and say, I knew a man that actually witnessed and voted on all this legislation and the greatness of our country, and he was part of it.

I am today moved and honored to be able to say a few words here for Mr. WHITTEN, a man who has done so much for his country.

□ 1400

I thank the gentleman for yielding.

Mr. MONTGOMERY. I appreciate my colleague making those remarks. I yield to the gentleman from Missouri.

Mr. SKELTON. I thank my colleague and friend from Mississippi for this special order for this very outstanding gentleman, a wonderful American, the Member of Congress from Mississippi, JAMIE WHITTEN.

As the gentleman pointed out a few moments ago, he came here in November, 1941. This Member was all of 8 years of age at that time. Mr. WHITTEN has seen a great part of America unfold, and he is witness to the attempt to reach that rendezvous of destiny that Franklin Roosevelt spoke of many years ago.

He is a gentleman's gentleman, a true Southern gentleman. I enjoy working with him. I recall on numerous occasions, representing a rural constituency in agriculture I think at its finest, and going to Mr. WHITTEN, asking for and receiving help legislatively, advice from time to time.

We will truly miss him. He is a wonderful friend, and we will all be glad that we served with him as the days go by. I wish him well; and I thank the gentleman for bringing this special order to us.

Mr. MONTGOMERY. I thank the gentleman from Missouri for his remarks.

The effects of Mr. WHITTEN have spilled over, as I have said earlier, around the world.

Chairman WHITTEN has sponsored many successful programs in our rural areas, and he brought to the rural Americans the modern comforts that were had by our urban colleagues, and they enjoyed them, which we did not have in the rural areas of the United States until Mr. WHITTEN became involved.

I am talking about programs such as the Farmers Home Administration, which he probably was the father of that; the Appalachian Regional Commission; and the Rural Electrification Administration.

Mr. Speaker, these programs brought electricity, and I can remember in the rural areas many, many years ago, in the rural areas of Mississippi there was no electricity. They used kerosene lamps, and the fires that they built in the fireplaces. Telephones have come to our rural areas on account of JAMIE WHITTEN, and wonderful programs of water and sewage service are now in the rural areas. This has brought good housing opportunities to our people who never before had these services.

Mr. WHITTEN was always there to make sure the funding levels were adequate to keep these services on track. If he did not look after them, these programs would have died away.

Let me mention again, such things as electricity, believe it or not, most of our people in the rural areas 50 years ago did not have lights. Telephones, I would say maybe 30 years ago there were people who did not have telephones. Only recently did we have the rural water and sewer services out in our areas.

Mr. Speaker, JAMIE WHITTEN has always looked out for the First District of Mississippi, and everywhere we look across north Mississippi we can see the results of Mr. WHITTEN's influence. He really, Mr. Speaker, had a big hand in projects such as the Tennessee-Tombigbee Waterway on the east, and moving over to the west, toward the Mississippi River, Mr. WHITTEN had a lot to do with the agricultural research facilities in the Mississippi Delta. For the many communities in between, he has always made sure they got a fair share of funding from the agencies of the Federal Government.

Mr. Speaker, Mr. WHITTEN was a leader in the effort to complete the Natchez Trace Parkway. Work has now been finished in Tennessee, Alabama, and north Mississippi on the Natchez Trace Parkway, a wonderful area added to the beauty of our country. The only areas now that have not been completed are around Jackson, MS, and Natchez. We hope that will be completed in the near future, and that the Natchez Trace runs through Tennessee, Alabama, into north Mississippi. This will give us a complete route of the Natchez Trace from Natchez all the way up to Nashville, TN.

Before coming to Congress, Mr. WHITTEN was the State representative in our State, and then he was a county prosecutor. He was one of probably the youngest county prosecutors we had in Mississippi. He says he learned how to make tough decisions and cast the tough votes way back then. He says his experience in the State legislature prepared him well for his service in Washington.

Mr. Speaker, I see my colleague, the gentleman from Mississippi, GENE TAYLOR, and I yield to him.

Mr. TAYLOR of Mississippi. Mr. Speaker, it is with great honor that I get to come to the floor and speak of my friend and colleague, Chairman JAMIE WHITTEN. It was 4 years and 11 months ago today that Mr. WHITTEN stood next to me as the chairman of the Mississippi delegation, the dean of the delegation, when I was sworn into Congress, and it was by all means one of the greatest moments of my life, to be standing next to someone who has been part of American history for over 50 years.

On Saturday a guy was in front of the Wal-Mart back home passing out petitions for United We Stand calling for term limits, and several of my friends called me to tell me that when they told the gentleman that they would not sign it, they mentioned their reason for not signing it as being JAMIE WHITTEN, by name. They said JAMIE WHITTEN is living proof that you can serve in Congress for many years and never forget who sent you to Congress and why you are here.

He has done a wonderful job for Mississippi, the Tenn-Tom Waterway, just recently the deepening and widening of the Gulfport ship channel that doubled the amount of commerce there, but above all, he never lost his humility.

I can remember in my first months as a Congressman, an ammunition plant in my district was about to be closed, and it would have taken $90 million to keep the plant open. I went and saw Mr. WHITTEN, and after making the case for it, I said, "Mr. WHITTEN, can you help us?" He started by saying, "You know, GENE, I don't have much influence around here." This is the chairman of the Committee on Appropriations, a $1.2 billion budget had to pass through his hands, yet he began his conversation by saying he did not have much influence, but if I would go see JACK MURTHA, TOM BEVILL, and a couple of other members of his committee, he felt like he could help me.

Mr. Speaker, Chairman WHITTEN, it is a distinct privilege to be part of a delegation that has had JAMIE WHITTEN as its dean for so many years. He is a great American.

I cannot think of a greater tribute to our State as being the State that had had the longest-serving Member of Congress. I cannot see where anyone will ever break this record. Above all, I do not think anyone can ever break the record of unparalleled public service.

To my knowledge, no one has ever questioned Mr. WHITTEN's integrity in his 53 years of public service. I do not think he has ever had a serious challenger, because the people back home continued to send him here because they knew he was the best man for the job.

I want to thank you for the opportunity to recognize his good works. My words fail to express the true greatness of this man. He is going to be a great loss for the people of Mississippi when he retires at the end of this year, but it has truly been my privilege and my honor to be a Congressman and to serve with JAMIE WHITTEN.

Mr. MONTGOMERY. Thank you. Your words were well said, and I thank my colleague from Mississippi.

I yield to the gentleman from Virginia [Mr. WOLF].

Mr. WOLF. Mr. Speaker, it is a pleasure for me today to join so many of my colleagues in saluting Congressman JAMIE WHITTEN and thanking him for his 53 years of service to the people of Mississippi and our Nation.

For over 50 years, JAMIE WHITTEN has been not just another Member of this House—he has been an institution, and his great contributions to this body and our Nation will always be remembered. I have had the honor of serving with JAMIE as a member of the House Appropriations Committee, and know first hand how hard JAMIE has worked over the years on behalf of the people he serves.

Elected in 1941, just before the Japanese bombing of Pearl Harbor, to the House, we all celebrated with JAMIE in January 1992, when he broke the record for longest service in the House: 50 years, 2 months, and 2 days. His record as a legislator has always been impressive, and his service to our Nation as the chairman of the House Appropriations Committee and the Agriculture Appropriations Subcommittee has earned him the respect and admiration of many, including myself and all his other colleagues here in the House.

As the chairman of the Agriculture Appropriations Subcommittee since 1949, JAMIE has perhaps had the greatest influence on the development of agriculture programs of any public official or individual. Over the decades he has helped gain emergency funding for farmers in dire need of financial assistance, as well as helped develop electric and water systems, telephone service, and highway and road networks in some of our Nation's most rural areas. His contributions as chairman of the Appropriations Committee are too numerous to name in the course of my time, much less the special order we are having for JAMIE today. Needless to say, JAMIE's influence and legacy has been felt in every district across the United States.

The people of Mississippi should be proud that they sent a man of integrity and decency such as JAMIE WHITTEN to Washington for the last 53 years. The Nation has grown, developed, and prospered over the course of JAMIE's 26 terms in the House, and JAMIE's work here in Congress is responsible for much of that growth and prosperity. It is an honor for me to join today in saluting my friend and colleague, JAMIE WHITTEN, and I want to wish JAMIE and his family all the best as JAMIE begins his retirement.

I thank the gentleman for taking this time.

Mr. MONTGOMERY. I would like to thank the gentleman from Virginia [Mr. WOLF] for coming over and participating.

I yield to the gentleman from Kansas [Mr. ROBERTS].

□ 1410

Mr. ROBERTS. Mr. Speaker, I thank the gentleman for yielding, and I thank the gentleman for taking this time.

Mr. Speaker, I want to join the gentleman from Mississippi [Mr. MONTGOMERY] in paying tribute to my good friend and honored colleague, the gentleman from Mississippi [Mr. WHITTEN], who is retiring this year.

As has been said, for more than a half century he has given very devoted service to the people not only of his State, his home State of Mississippi, but he has guided and helped his colleagues from his post on the Committee on Appropriations. He has been known quite frankly through the tenure of many Members and many Secretaries of Agriculture as the real Secretary of Agriculture. He has without question really protected the interests of America's farmers all throughout his long service.

The end of this Congress will be a particularly sad time for those of us who have a special interest in agriculture, for those of us who are truly privileged to represent our rural and our small town areas. For as long as we can remember, whenever our farmers were hit with a weather catastrophe or any kind of an economic crisis, they could always count on the real Secretary of Agriculture, Chairman WHITTEN, to stand up for them and to act to really have some answers in regard to their distress. Since 1940 as chairman of the Agriculture Appropriations Subcommittee, and I tell my friend from Mississippi, in 1949, that even predates the last Republican chairman of the House Committee on Agriculture. My goodness, that is a long time ago. But since 1949, he has been the champion of the American farmer. Clifford Hope Sr., who was the last Republican chairman of the House Ag Committee, certainly counted the gentleman from Mississippi [Mr. WHITTEN] as a good friend and every chairman of the Ag Committee, every ranking member, every Secretary of Agriculture, has been proud to have his counsel and leadership. He always could be a sympathetic ear and a powerful voice to speak for them and for us.

For Members like me who have come along in some later years, the gentleman from Mississippi [Mr. WHITTEN] has always been available to offer advice to the rookies, if I can describe ourselves in that fashion, and if sometimes we embarked on a course that might not serve our interests well or agriculture well, he could always be depended on to guide us rather firmly back on the proper path. He taught the whole House and the Nation the importance of agriculture as the base upon which our entire economy is founded.

I can remember in 1981, I think, and there was a cut that was being proposed by the chairman and it was in regard to agriculture spending, and I had a little concern about it because I was afraid some of the funds might be cut from the Commodity Credit Corporation, the CCC, which is the revolving fund in regard to agriculture, our bank, so to speak, so safeguarded by the chairman. So I rose, as a matter of fact, I rose right from that microphone, from that chair, and the chairman was, of course, ensconced in his position over there, and I said, "Would the distinguished chairman of the Committee on Appropriations please answer my question. Will this cut affect the CCC funds?" And the gentleman from Mississippi [Mr. WHITTEN] responded and in about 2 minutes' worth he indicated to me that they would not be cut. The fact that I did not understand a word that he said because of the Mississippi brogue I think was probably irrelevant, so I sat down in my chair and I said to one of my senior Members, "What did he say?" and he said, "No, they weren't cut." So I went over to the chairman afterward and in

10 seconds he informed me that that was the case.

I guess the point I am trying to make is that in a very nice way, the chairman was letting me know in his own special Mississippi way, and I do not know whether you want to call it a brogue or a dialect, "No, Mr. Rookie, we're not really cutting those funds but I'm going to be nice to you," and then in 10 seconds he let me know what the score was. So I learned my lesson, and I think it was a lesson that was well taken.

JAMIE WHITTEN has been a role model to generations of his colleagues demonstrating the proper way to really represent a district and seriously approach our committee responsibilities. So for those of my colleagues who have recently arrived and do not know the chairman, let me just say this and this is in behalf of all of his friends and all of his colleagues. Mark this man well. We will not see his like again. I thank the gentleman from Mississippi. I feel it a privilege to rise and extol the obvious virtues of a man we all love and we all respect.

Mr. MONTGOMERY. I want to thank the gentleman from Kansas. The gentleman from Mississippi [Mr. WHITTEN] was pretty good at mumbling through certain areas that he would not want to be challenged on, and the gentleman points that out. We appreciate him taking this time.

Mr. Speaker, I yield to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding. I want to thank the gentleman from Mississippi [Mr. MONTGOMERY] for arranging this special order today.

Mr. Speaker, paying tribute to our distinguished colleague from the State of Mississippi [Mr. WHITTEN] is certainly a bittersweet experience. While I join with our colleagues in expressing deep regret that he is leaving us, depriving us of his invaluable insight and experience, I also recognize that no one in this Chamber has earned a retirement and well-deserved rest more than he.

On January 6, 1992, JAMIE L. WHITTEN set a new record for longevity in the U.S. House of Representatives. As of the day, he had served longer than any Member of Congress in history. As our senior Member, we looked to him for guidance and advice. He is our living link with the past—the last Member remaining who was in this Chamber to vote for war the day after Pearl Harbor was attacked; the last Member to recall service under Presidents Roosevelt and Truman.

JAMIE WHITTEN's major concern was the agricultural interests of our Nation. He was never afraid to remind us, in his words, "agriculture affects 84 percent of the geography of this country." JAMIE was proud to have his name associated with rural electrification programs, irrigation projects, service road infrastructure, and bringing telephones to our farmers—to make their lives and their families tolerable.

Representative WHITTEN served for so long as chairman of the Appropriations Committee Subcommittee on Agriculture that he is known in some circles as the permanent Secretary of Agriculture. But I know all of his colleagues throughout the years will testify to JAMIE's honesty and fairness in that position.

JAMIE WHITTEN was first elected to Congress in a special election to fill a vacancy in November 1941. Today, over a half a century later, he is prepared to retire at the age of 84.

Our Nation and the world have changed immeasurably since JAMIE WHITTEN first came to Congress. One thing that has not changed, however, is his reverence for the grand traditions of our Nation, and his impeccable integrity. From 1941 through 1994, JAMIE WHITTEN's has been an example to all of us.

Mr. Speaker, I join our colleagues in wishing a long, healthy, happy, and productive retirement to JAMIE WHITTEN, to his wife Rebecca, and to their family. They will be missed here at the Capitol.

Mr. MONTGOMERY. Mr. Speaker, if the gentleman will yield, I certainly appreciate the gentleman from New York State taking the time today to be a part of this honor for the gentleman from Mississippi [Mr. WHITTEN]. I thank the gentleman.

Mr. Speaker, I yield to the gentleman from Florida [Mr. HUTTO].

Mr. HUTTO. Mr. Speaker, I appreciate very much the gentleman from Mississippi taking this special order.

Mr. Speaker, It is a great pleasure for me to join the many friends of our dear colleague, JAMIE WHITTEN, in paying tribute to one of the outstanding statesman to serve in the Congress of the United States. JAMIE's retirement at the end of this Congress marks the end of an era in longevity in Congress. I doubt very seriously if anyone will ever come close to serving the length of time, more than half a century, that Mr. WHITTEN has served. I, too, am retiring at the end of the year, but after only 16 years. Frankly, that is a pretty long time to serve in the volatility of today's political world. So, it is unthinkable to me that anyone could serve in this body for more than 50 years, but JAMIE did it, and did it well. It would take a long time to enumerate JAMIE's accomplishments, so I will just say that he has served his district, State, and Nation with great distinction, and I want to congratulate our good friend, JAMIE WHITTEN, and extend for Nancy and me our very best wishes to JAMIE, his lovely wife Rebecca, and their family. May God richly bless you in your retirement.

□ 1420

Mr. MONTGOMERY. I thank the gentleman for coming over and wish him the best as he retires, and thank him for honoring JAMIE WHITTEN.

Mr. Speaker, I yield to the gentleman from Wisconsin [Mr. OBEY], chairman of the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, I thank the gentleman from Mississippi for yielding. I vividly remember the first time I sat in an Appropriations Committee meeting—as a very green freshman—and I was in awe of some of the representations on the top of that committee then. People like George Mahon and JAMIE WHITTEN and others who had already then served this House with such great distinction.

I agree with the gentleman from Florida who just spoke. I believe JAMIE WHITTEN's career here is truly unparalleled. I do not believe it will ever be equaled. I cannot imagine anyone being able to endure the pressures and tensions of this job as long as the distinguished gentleman from Mississippi has.

I would say that it takes a remarkable human being to go with the flow as the country changes, the institution changes, the Government itself changes and to still be able to be on top of those changes and deal with them in ways which respond to the needs of the country and the body. I think JAMIE has done that with grace and with diligence, this despite what people are sometimes led to believe about political institutions in this country. It has been my experience, regardless of philosophy and regardless of party, most people who come here come here to try to do good things for their country. They take the positions they take because they have deep beliefs about the direction in which the country ought to go. They use their energy and their convictions to try to push the country in that direction. I think JAMIE is a great example of that.

It is also remarkable that he has seen the changes in the country that he has seen through the years. He has been one of the greatest voices in this Congress for demanding that we preserve the resource base of the country, the fundamental agricultural resource base upon which all societies are founded. And he has also seen his region change. Our history is very clear about the changes that have occurred with respect to the issue of race, and I must say I think that the South has probably handled that better than any other sector of the country because they have a lot longer experience dealing with the issue, and I think JAMIE has demonstrated his ability to do that as well through the years that he has served in this place.

Lastly, I would simply say that in the years that he ran the committee which I now chair he ran that committee with grace, he ran it with good and gentle humor, and he almost always had a kind word to say for those of us who were just getting started on the committee.

SID YATES has often remarked that the question has often been asked of JAMIE: "Do you think you've changed?" His response has been, "No, but I have had to adjust to the change." I think that is something which all of us have to do if we want to perform our years in public service in a way which does credit to the country and recognizes reality, and I think the gentleman has done that with great grace and skill, and I very much treasure the experience I have had serving under him and with him.

Mr. MONTGOMERY. I very much thank the chairman of the Committee on Appropriations for taking the time. As he knows, since he has been there, it is a very responsible job, and Mr. WHITTEN handled it well over the years.

Mr. Speaker, I yield to my colleague, the gentleman from Mississippi, Mr. BENNY THOMPSON.

Mr. THOMPSON of Mississippi. Mr. Speaker, I thank the gentleman for yielding. I would like to associate myself with the comments that have been made by speakers before me about Mr. WHITTEN. But I would also like to compliment the gentleman from Mississippi [Mr. MONTGOMERY] on pulling this special order together highlighting Mr. WHITTEN and his tenure here in Congress. Many times our flowers are not given while we are here, and I think this is a fitting tribute for Mr. WHITTEN who is present here today to hear what his colleagues think of him. Many times, as Members know, most of what our colleagues say probably cannot be repeated in these halls. But I am happy to be party to the fine comments that I have heard today.

Also, as the newest Member of the Mississippi delegation, I can say my short tenure here has been one where Mr. WHITTEN's staff has been very supportive of me upon replacing Mike Espy, who as Members know is now the Secretary of Agriculture. Mr. WHITTEN's staff was more than helpful to me when I arrived here on April 22 of last year. And I can say that during my tenure here every time we have needed some information, his staff has been more than helpful.

Also before I came to Congress I was a county supervisor in the largest county in Mississippi, and many times we had an opportunity to come to Washington. I might add that there was never an opportunity to come to Washington that we did not come by Mr. WHITTEN's office, and every time, I might add also, we were very successful in getting the projects funded. Most of the projects had specific emphasis on agriculture and rural development, and given his love for his State and this country as a whole it has been a pleasure associating myself with him in Congress as well as before that.

So I would as a parting comment want to wish him well on whatever career he chooses to take after the end of this year. May it be 50 plus more years of success that he has had like here in Congress. Again I would like to pay special tribute to the gentleman from Mississippi [Mr. MONTGOMERY] for putting this special order together, and would just like to say thank you.

Mr. MONTGOMERY. Mr. Speaker, I thank the gentleman for his comments. Our State has been good to us. They have sent us back and given us an opportunity to get seniority. Being a small State, this is certainly helpful. That is what the people did in the First District of Mississippi. They sent JAMIE WHITTEN back time and time again, and he came through for them, and I thank the gentleman for participating.

Mr. Speaker, I yield to the gentleman from Texas [Mr. GONZALEZ], who is also a chairman of the Committee on Banking, Finance and Urban Affairs. I appreciate his participating.

Mr. GONZALEZ. Mr. Speaker, I very much thank Chairman MONTGOMERY, may I say. First I want to thank him for giving us this opportunity by setting aside this time as a means through special orders to recognize and render tribute to what will go down as one of the most venerable and longtime Members and effective Members of the U.S. House of Representatives, Chairman JAMIE WHITTEN. Since I came to Congress 33 years ago next month I found that the system then which later became under such severe attack had one thing that unfortunately, and this is a personal opinion, has eroded in the House.

□ 1430

That is institutional integrity. JAMIE WHITTEN was powerful then. He was not chairman of the full committee, but he certainly was chairman of a powerful subcommittee.

As a freshman, maybe I would not be recognized to spout off or venture forth with particular amendments or what have you, but I was recognized as a peer that represented, like the gentleman from Mississippi [Mr. WHITTEN] and his colleagues of that day, in command posts, did themselves, and, therefore, there was that feeling that though we may not have that access to the decisionmaking and powermaking actions, we were respected as peers duly elected in our respective districts just like everybody else.

I learned that, given a problem arising in my district which would necessitate visiting with the chairman of the Appropriations Subcommittee, that Chairman WHITTEN was accessible. He was reactive to the needs, and I think it is a tremendous privilege that I should have this opportunity to say so in his presence.

I am one of those that supported him to the very end and would today.

The precious ingredient that I call institutional integrity was something that I first recognized in a similar body, the Texas State Senate, where Mississippians and their descendants contributed very much to the development, and it was considered a very hidebound, authoritarian type of institution.

I proceeded forth under similar circumstances as being somebody out from left wing or somewhere, but the Texas State Senate had institutional integrity, and those colleagues, just like the colleagues here when I came to the U.S. House, had that same solidarity of respect for a Member they considered a peer, no matter how much they disagreed, no matter how much they may have felt antipathy, and this is what I see personified in Chairman WHITTEN, a great tradition that through the decades since the founding of this, the first session of this institution in 1789, really made it the most vigorous parliamentary body in the world.

It was with regret that when we had the great transition periods, 1974, and we had the Legislative Reform Act and the Budgetary Reform Act, and I studied them, the intended purpose was to streamline committees and also to break the authoritarian, dogmatic, if you want to call it that, dictatorial power of the old chairmen. The chairman of the Committee on Appropriations at that time was my fellow Texan, George Mahon. The gentleman from Mississippi [Mr. WHITTEN] was right in line.

I saw in those reform movements what I thought were dangers; to make a long story short and not to personalize this, I consulted first with Mr. Mahon, Chairman Mahon. He did not seem to be very much interested in my preoccupations. I felt that the language of the Budget Reform Act was such that it was going to shake up the traditional two-track method of doing business, authorization and appropriation.

However, I discussed it with the gentleman from Mississippi [Mr. WHITTEN]. He seemed to sense what I was getting at, but the language was so obscure that it was not until 1981 and the Reagan tax bill that the word "reconciliation" finally showed up.

Let me say this: I was 1 of 10 who did not vote for either one of those reform acts, but I will never forget the fact that the chairman, the gentleman from Mississippi [Mr. WHITTEN], that so many young, new, and effervescent Members would dismiss as an old nestor and perhaps ancient, as I am considered now myself, but I could always see that too much youth is like too much sunshine, it creates deserts, and that with experience, which is the only source of, comes wisdom.

Of what avail is it to have all the knowledge in the world and all of the rules known and be very smart in modern-day techniques, that the young perhaps might epitomize and symbolize, that there is no wisdom and no prudence? And from time immemorial, that has been the long objective goal, to seek knowledge and wisdom.

Therefore, I round this out by rendering tribute to the chairman, the gentleman from Mississippi [Mr. WHITTEN], who had wisdom and has had wisdom and tempered many a crisis by his standing right here at this podium and handling some of the most difficult appropriation bills.

So, Godspeed, Chairman WHITTEN. Your departure is our loss, but I think many of us go with you in spirit and enjoinder in wishing you the best.

Mr. MONTGOMERY. I thank the gentleman.

I would like to point out that the gentleman is a chairman, and that when the gentleman from Mississippi [Mr. WHITTEN], the years that he was chairman, that his committee under both Democrats and Republicans, came up with less dollars than the President's budgets were, and we get criticism for overspending, but under the gentleman from Mississippi [Mr. WHITTEN], whatever the President requested, our budgets were always below that.

Mr. GONZALEZ. If the gentleman will yield further, there is another thing we have lost sight of. Very few Members who have come aboard since 1974 fail to realize that there were days in which we did not have continuing resolutions, much less dire supplemental, dire emergency supplemental resolutions. That was abhorrent to men like the gentleman from Mississippi [Mr. WHITTEN].

All of that came after the 1974 so-called Reform Act, which I want the record to show I did not vote for.

Mr. MONTGOMERY. I thank the gentleman.

I would like to yield to the gentleman from Kentucky [Mr. BARLOW].

Mr. BARLOW. I thank the gentleman very much.

I, too, want to pay tribute to the chairman, the gentleman from Mississippi [Mr. WHITTEN], and to the State of Mississippi. The State of Mississippi has certainly served our Union well through the years, and the decades, sending such men as the chairman, the gentleman from Mississippi [Mr. WHITTEN], and yourself, Chairman MONTGOMERY, to Congress to help us as a Nation with some of the most important work we have to keep America strong, and that is supporting the labors of our farmers and supporting our veterans as you do, sir.

But I want to particularly talk about the work that the gentleman from Mississippi [Mr. WHITTEN] has done through the decades, the long decades in supporting the work of farmers on the land. He came when we had been through a harrowing period in our Nation's history of depression, when people were losing their farms to the gavel of auctioneers, sales, being driven off their land when crop prices were in free fall, when it was not at all certain whether we were going to have peace in the rural areas, indeed, whether we were going to be able to feed and clothe our Nation with the sustained production from the land.

The chairman, the gentleman from Mississippi [Mr. WHITTEN], through the years, the other members of the Agriculture Committee and the Appropriations Committees have labored mightily to make certain that our farmers have the structure and the framework in which we today benefit with abundant food supplies. You do not pull into a fast-food restaurant today and ever run into a shortage. You do not go into a supermarket today and ever see a shelf that is not overflowing with all variety of production from the United States.

□ 1440

It is the chairman, Chairman WHITTEN, who nurtured this. I want to pay my deepest respects to him.

Mr. Speaker, in my lifetime—54 years old—we in our Nation have never known shortages the way many other nations have known shortages. This is due to the work and the leadership of the gentleman from Mississippi [Mr. WHITTEN]. And it is at a time when technology has put tremendous stresses on our farm land and on the structure of farming. This has required wisdom to guide our policy so that we can keep the land and water resources in condition, in good quality for future generations. Also so that the abundance of the new technology does not drive prices to the point that existing farms slide into economic ruin.

This has taken careful crafting, guidance, working with farm groups, working with urban consumer groups. Chairman WHITTEN has fashioned that in a very creative way. We are coming into a period in the Congress, in the House, where we will not have the wisdom of people such as Mr. WHITTEN, who have served for many years, whose collective wisdom will be missed. We will be having a House with many younger Members in it. And I pray that the experience that has been put together through the years by JAMIE WHITTEN will be passed onto us in some divine fashion. And I know it will.

I thank the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. I thank the gentleman from Kentucky [Mr. BARLOW].

I say to the gentleman that our great friends, Mr. JAMIE WHITTEN, and the gentleman from Kentucky, Bill Natcher—and I am scared to guess at the number of years, but I think it was over 40 years they served together in the Committee on Appropriations.

I know Bill Natcher is looking down from heaven today trying to honor JAMIE WHITTEN.

Mr. BARLOW. I know the gentleman would want me to be here today.

Mr. MONTGOMERY. Mr. Speaker, I yield to the gentleman from Missouri [Mr. VOLKMER].

Mr. VOLKMER. I thank the gentleman for yielding to me and commend the gentleman from Mississippi [Mr. MONTGOMERY] for taking this special order.

Mr. Speaker, I want to take the time here to commend the illustrious gentleman, the former chairman of the Committee on Appropriations, the gentleman from Mississippi [Mr. WHITTEN], for all the work that he has done, not only for this House of Representatives but through the years for the people of the United States.

Again, I also wish to commend the gentleman in the well, the gentleman from Mississippi, for taking this special order, in order to enable us to take a few minutes to recognize a person who has really been a star in the heavens of the House of Representatives.

Mr. Speaker, you know, as I travel around my rural district—and I know the gentleman we are honoring today has a rural district also—but I have seen signs of what the gentleman from Mississippi [Mr. WHITTEN] has been able to do and to bring about not only through Farmers' Home but also through rural development.

You know, back when JAMIE first came to this Congress, electrification was really just getting going in this Nation and our rural areas were starting to get electricity. A lot of those people did not have running water. They had cisterns, they had wells, they did have to haul water. They did not have sewers or anything like that.

Mr. Speaker, through the work of JAMIE WHITTEN and the members of the Committee on Appropriations and our members on the Committee on Agriculture, as I travel around my district now, almost everybody has been hooked up to water. Now, we still have some who are not, and we still have some small towns with whom we are working with to get those sewers in. But just a couple of weeks ago in one of my rural communities, they were very grateful that they had just received a grant from Farmers' Home Administration for their sewer system. And they were gong to get some bonds and provide local funds, CDBG money, the State, and they are going to have sewers in that town.

You know, a lot of our cities probably do not think it, they have had sewers all their lives, they never grew up without anything like that. They never grew up without turning on the tap and getting water. They did not have to worry about sending a truck to town, getting it filled up and then come back and fill up the wells or tanks or things like that. But JAMIE has brought rural America more development than any other Member has been responsible for to date, any other Member of this body.

For that, I wish, on behalf of my people, to thank him sincerely for that.

You know, JAMIE, I guess you well remember one of my predecessors, a guy named Clarence Cannon. Clarence Cannon served in this body, not quite as long as JAMIE, but he served here for some 42 years. He also was chairman of the Committee on Appropriations for a good number of years. As I remember, JAMIE served on that committee under Clarence Cannon.

I would say, having known both of them, one back when I was a practicing lawyer back home and then as a State representative, as I got to know Clarence Cannon, then as I came here and got to know JAMIE WHITTEN, they are really two people out of the same cloth. I want to say that it has been an honor and a privilege for me to have served in this body with the honoree today.

You know, when you come here and you start as a freshman and then move up, there are certain people whom you learn to know, that you know that they know how to do things and get things done. There are others that you respect a little bit more than others.

Well, folks, I want you to know that the person we are honoring today has always had my deepest respect and one who I always go to talk to on agriculture issues and things affecting rural America. And I think that it is a great thing to be able to be here today with JAMIE and also to be able to recognize him for all the years that he has spent in this body, longer than anybody else. I am sure with term limits and everything else coming down the pike, there is just never going to be anybody to ever equal the years that JAMIE has served. There probably will neither be another who will be able to equal all the accomplishments that he has been able to do throughout his service here.

So I wish to join with everybody else in honoring our honoree today, JAMIE WHITTEN.

Mr. MONTGOMERY. If the gentleman would yield, you know, they break sports records every day in the different sports around the country. I doubt very seriously, as the gentleman said, this record will ever be broken.

Mr. VOLKMER. It will never be broken. It is one that we will always recognize, just like that of his predecessor, the person who followed him, who has now passed away. I do not think Bill Natcher's record of consecutive number of votes without missing a single vote will ever be changed either.

The years and the days and the months that JAMIE has been here and served in this body, there is no question in my mind that that record will never be broken.

Mr. MONTGOMERY. It is really a part of history that we are doing here today.

Mr. VOLKMER. Yes, it is. You know, there have only been so many Members in this body, this historic body, this greatest institutions in the world as far as democracy is concerned, as far as that is concerned—we do have the other body, but I consider it a little inferior to this one. So that makes this one the greatest deliberative body of any democratic institution. It has lasted longer than any other body. We are honoring a person here today who is probably one of the top Members of those who have been here, the top one of all of those Members. So it is quite a historic occasion.

Mr. MONTGOMERY. And further, when the gentleman from Missouri [Mr. VOLKMER] and I are gone, maybe Mr. GONZALEZ and Mr. PARKER and Mr. TAYLOR, after we are long gone, they will still remember JAMIE WHITTEN.

Mr. VOLKMER. Oh yes, we have not made the history books; but JAMIE did. He made the history books.

Mr. MONTGOMERY. I thank the gentleman for his comments.

Mr. Speaker, I yield to my friend, the gentleman from Mississippi [Mr. PARKER].

Mr. PARKER. Mr. Speaker, I want to express my appreciation to the gentleman from Mississippi [Mr. MONTGOMERY] for calling this special order. It is indeed a special day.

Mr. Speaker, when I first got here, one of the first things I noticed was that the dean of the House of Representatives was the one who swore in the new Speaker each time. After watching Mr. WHITTEN swear in the Speaker of the House, I thought to myself that is just the way it should be, somebody from Mississippi should swear in the Speaker.

Mr. WHITTEN has indeed been here longer than anybody else. His tenure is unparalleled. When I first came on this floor—and I have told this story before—Mr. WHITTEN put his arm around me and he said, "MIKE, do you remember Roosevelt's Day of Infamy speech?"

□ 1450

And I said, "Mr. WHITTEN, I've heard about it," and he said, "Well, when he gave that speech, I was sitting right over there," and I thought to myself that was 8 years before I was born. Now I am a very young man, but I was born in 1949, and to know that Mr. WHITTEN served in this body, representing the people of Mississippi since November 11, 1941, is a phenomenal record.

People in the First District of Mississippi, they call Mr. WHITTEN, JAMIE, the vast majority of them. I never got comfortable calling him JAMIE. He told me to call him JAMIE, and I said, "Mr. WHITTEN, I don't feel comfortable calling you that," and I always referred to him as Mr. WHITTEN, but his constituents, the vast majority, feel very close to him, and they have called him JAMIE lo these many years.

Now the amazing thing about it, Mr. Speaker, a constituent of mine tells a story about the people of his district, and in World War II, whenever people had trouble and they needed help, they would always say, "Well, we need to just call JAMIE," and when Korea came along, and people needed help, they said, "Don't worry about it; just call JAMIE."

Then Vietnam, they called JAMIE, and it is an amazing thing to see, all the way from World War II to the Persian Gulf war they are saying, "Well, just call JAMIE. He'll be able to take care of it for you."

Mr. Speaker, I would love to be able to take credit for all the great projects that we have gotten in my district since I have been in Congress. I would like to say it is because of my skill as a legislator, because of how much influence that I have around this place, that we have been able to do some things for the people of my district that will be forever remembered.

It is not I who have gotten those projects, but it is JAMIE WHITTEN. Every time that I have needed something for my people, every time that we needed something that needed to be built or something funded, something done, something that my people felt strongly about, Mr. Speaker, I would go to Mr. WHITTEN, and Mr. WHITTEN would say, "Well, son, we'll see what we can do," and he would take care of it.

He has been very important in my life in the Congress, and he has also been important for all the different politicians, so many young men and women that have entered political life, not only in Mississippi, but throughout this Nation, because he has truly had to have a national vision, especially being chairman of the Committee on Appropriations for so many years.

When the gentleman from Mississippi [Mr. WHITTEN] came to Congress in the early 1940's, Mr. Speaker, the United States was still primarily a very rural society. Everybody did not have automobiles. Most people in the rural areas had mules and plow horses. A lot of people did not have electricity. The ones that had running water maybe had just running water inside, but they had plumbing outside. It is an amazing thing, the changes that the gentleman from Mississippi [Mr. WHITTEN] has seen occur and the changes that he has personally effected by what he has done for rural America.

Rural electrification has changed the face of what we see in 88 percent of this country. The Extension Service, because of Mr. WHITTEN's leadership, has changed the way we view rural America.

And then there is the Postal Service, and this Member will go unnamed, but

I was talking to a young Member who happened to be a young Member at the time, but he was on the Committee on Appropriations at the time, and one of the first things he did when he got on the Committee on Appropriations was he wanted to get rid of Saturday delivery in rural America for the Postal Service, and after Mr. WHITTEN mumbled his way through and explained the facts of life to this young man, he decided that he would withdraw his whole concept of changing Postal Service Saturday delivery for rural America.

I think it is safe to say that the gentleman from Mississippi [Mr. WHITTEN] has had as much influence on what has happened in rural America as any Member who has ever been in Congress, and he has done it not only from the standpoint of what is best for his constituents in the first district, but he has done it from the standpoint of what is best for this Nation as a whole and for the world as a whole. He has had to truly have a global view of our society and our Government.

just want to personally wish Mr. WHITTEN the best and Miss Rebecca the best. She has had to put up with him lo these many years, and I hope that the time that they have after they leave the Congress, they will enjoy it, and they will not forget us, and come back and see us every once in a while, but I thank the gentleman very much for reserving this time for this very special man.

Mr. MONTGOMERY. Mr. Speaker, let me just follow up on what the gentleman from Mississippi [Mr. PARKER] said. The family of the gentleman from Mississippi [Mr. WHITTEN] is Rebecca, his wife, and he has a son and daughter, Jamie and Beverly. I say to the gentleman, "they have been totally supportive of you, Mr. WHITTEN, since you have been serving in the Congress. Rebecca Whitten has maintained two homes, one in Washington, DC, and one in Charleston, MS, and I'm told that the people of your hometown in Mississippi want you and Rebecca to come home."

Mr. BEVILL. Mr. Speaker, I rise today to pay tribute to my good friend and colleague JAMIE WHITTEN, the dean of the U.S. House of Representatives. He is retiring with one of the most outstanding records of public service in our Nation's history.

JAMIE WHITTEN was first elected to Congress in November 1941, about a month before the Japanese bombed Pearl Harbor. Over the years, he has diligently served his Mississippi constituents and the people of this Nation. Anyone who aspires to public office would do well to study the career of JAMIE WHITTEN. He exemplifies the dedication and integrity of an excellent public servant.

During his years in the House, JAMIE has served with 11 Presidents. All of them have solicited his wise counsel and advice. Those of us who have served with him for many years recognize JAMIE WHITTEN as one of the most respected, most effective and most experienced representatives we have ever known. We will all miss his leadership and his many fine contributions.

JAMIE has been a strong supporter of the Tennessee Valley Authority and the Appalachian Regional Commission. Both of these agencies have had a tremendous impact on our Nation and much of the credit goes to JAMIE WHITTEN. He helped improve their economic development programs and he helped keep them alive.

JAMIE has fought long and hard in support of the hundreds of flood control projects, navigation, hydroelectric and recreation projects administered by the U.S. Army Corps of Engineers. He worked hard for his district, his State and his Nation, recognizing that public works are the lifeblood of our economy. He has always known the importance of investing in our Nation's infrastructure, from waterways to highways.

His support was essential in the successful completion of the Tennessee-Tombigbee Waterway.

Most Members I know have stood in awe of JAMIE WHITTEN. Some used to describe him as a 2,000-pound gorilla no one dared tangle with. He is known for his determination and he is known to stand his ground on important issues. But, I have never known a Member who asked for JAMIE's help and didn't receive it. He has always been known as one of the most dependable Members in Congress. You could count on him, and in turn, he would count on you.

As chairman of the House Committee on Appropriations, JAMIE had the respect and support of the entire House of Representatives, the Senate, and the administration. His leadership and effectiveness were deeply admired.

His devotion to agriculture was always apparent during his chairmanship of Agriculture Appropriations and he was considered an expert when it came to farming prcgrams. He was a true champion for rural Americans everywhere.

JAMIE has always supported the work of my Subcommittee on Energy and Water Development and I appreciated his interest.

I heard him say many times that energy and water needs are two of the most critical issues facing our Nation. His backing has been very important to me and I have relied on him to help me get my bill passed.

We will all miss JAMIE WHITTEN. We will miss his support, his advice, and his friendship. But, we will never forget him. His 53 years of service to our Nation will stand as an enduring legend.

JAMIE, I wish you and your lovely wife Rebecca all the best in your well-earned retirement.

Mr. YATES. Mr. Speaker, I am very pleased to have this opportunity to salute my very dear friend and colleague, JAMIE WHITTEN. We have been good friends since 1949, when I began my first term. JAMIE, of course, was already an established and experienced Member of the House in that year and he was eminently kind and very helpful to me.

JAMIE WHITTEN is, without question, one of the most able and dedicated members who ever served here. When he became my chairman in 1979, I knew the committee would be in the hands of a thoroughly fair and very capable chairman. He guided the committee with consummate skill during trying and difficult budgetary years. As chairman and as subcommittee member, JAMIE WHITTEN has served the Nation and the Congress with rare distinction and we are all in his debt. I am honored to call JAMIE WHITTEN my friend. I will miss the good gentleman from Mississippi and I wish him well.

Mr. MCDADE. Mr. Speaker, I rise to thank Chairman MONTGOMERY for taking out this special order, and to rise to take my hat off to one of the greatest of all times, JAMIE WHITTEN, the longest serving House Member in history, the long-time chairman of the Appropriations Committee, and known as the permanent Secretary of the Department of Agriculture.

There is no one around here who knows what it is like to serve in a session of Congress without JAMIE WHITTEN. He is our institutional memory, our wise man, who has seen it all and done it all, and whom we will all miss greatly.

JAMIE never made a secret about whom he came here to help.

He was and is here to protect and defend the people, the land, the natural resources, and the wealth of the Nation. That has been his formula for economic success—support the people and the land and you will create wealth.

And his people knew it. They knew he was here for them. So they have always been there for him.

He has served as a role model for generations of Members of Congress. He has been a great public servant, going far beyond the bounds of the expected and into the realm of the historic. Every day that JAMIE serves, history is made.

And history will undoubtedly reward JAMIE for his efforts—he will be there in the annals of history, enshrined as a special Member, who set the standard that probably no one will ever be able to top in terms of his service to the Nation.

On behalf of the Republican members of the Appropriations Committee, on behalf of myself, and of all the Members, I rise to congratulate JAMIE WHITTEN for his extraordinary record of public service, and to stand in tribute to him for all that he has accomplished through the more than half-century of service in the House of Representatives.

Mr. FAZIO. Mr. Speaker, I rise today to pay tribute to JAMIE LLOYD WHITTEN, who represents Mississippi's First Congressional District. As we all know, JAMIE is retiring at the end of this Congress after a long and distinguished career. JAMIE is the current dean of the House and has served in the U.S. Congress since 1941, the longest tenure of any Member in the history of the House of Representatives.

His service is replete with achievement. JAMIE cochaired the Joint Study Committee on Budget Control, which led to the enactment of the Congressional Budget and Impoundment Control Act of 1974. That act was arguably the most significant change in the Federal budget process since the establishment of the modern budget procedure in the Budget and Accounting Act of 1921. JAMIE served as chairman of the Subcommittee on Agriculture and Rural

Development from 1948 through 1992, interrupted only by the Republican control of the House from 1953 to 1955.

He chaired the full Committee on Appropriations from 1979 through 1992. In that very important position, he presided over a great number of funding decisions that affected the Federal Government and the entire U.S. economy.

JAMIE's service in the Congress spanned the period running from the beginning of World War II through the tearing down of the Berlin Wall. During his career, JAMIE has witnessed many historical events, including the Marshall plan, the start of the Peace Corps and other Great Society programs, and the 1990 Andrews Air Force Base budget agreement. JAMIE was an active participant in several of these landmark programs.

JAMIE WHITTEN has served the First District of Mississippi and the House with honor and dignity for 53 years—and his record is one to be proud of.

We wish JAMIE and his wife, Rebecca, the very best in their retirement years.

Mr. MOAKLEY. Mr. Speaker, I rise today to pay tribute to my dear friend and colleague, Congressman JAMIE WHITTEN. JAMIE was elected to Congress in November 1941, and eventually became the dean of the Congress, saying "It is not how long you serve, but how well."

His unassuming manner, keen mind, and unquestionable personal integrity, have won him the support of all political parties. Even more importantly, he has served as a role model to me and many others in Congress. JAMIE WHITTEN is held in the highest esteem by all of his colleagues. Whether it was as chairman of the Appropriations Committee, where all spending bills are initiated, or representing, for over 50 years, the First District of Mississippi, he has protected all programs that are important to real people. Some say that as long as JAMIE WHITTEN is around, so too will the spirit of the New Deal, which will symbolize fairness and a better standard of living for generations to come.

JAMIE recognizes that when you handle money, you're in the strongest position in Congress. However, "The Chairman" does not measure wealth in terms of money, but in terms of physical assets. Rarely in the spotlight, he labors hardest for the people from the Mississippi River east to the Alabama line, but has never forgotten the rest of the Nation. His record of accomplishment is unsurpassed. The standards he sets to ensure that our national assets are well taken care of, serve also as the yardstick by which we should all measure ourselves.

Elected to the Mississippi house at the age of 21, he was chosen district attorney by the age of 23. Eight years later he would come to Washington to serve the people. JAMIE WHITTEN is quoted as saying, "I came to the Congress by accident; my ambition was to practice law." Mr. Speaker, if he had practiced law it would have been to perfection, but if his coming to Congress was an accident, then we need more accidents.

Mr. DINGELL. Mr. Speaker, as the years progress, I'm finding it disquieting that there are fewer and fewer of my colleagues ahead of me on the seniority list. There is my esteemed colleague, SID YATES, and my old friend JACK BROOKS. Then, there's my dear friend JAMIE WHITTEN—who we honor today for his retirement.

JAMIE WHITTEN is about as much of a personal institution as you're going to get around here. He grew up with politics and public service—much as I did. But JAMIE has a little bit more experience.

At the young age of 20, he was already a school principal. He cast his first vote—for himself, I might add—when he was elected to the Mississippi State Legislature at the age of 21.

JAMIE began his professional career in law and at the age of 23 was elected as the district attorney in Mississippi's 17th District. From this post he sought and was elected to the U.S. House of Representatives on November 4, 1941, just a little more than a month before Japan attacked Pearl Harbor. In later years, JAMIE swore to me there was no connection between his election and the attack.

When I came to Congress in the mid-1950's, JAMIE was already becoming a force to be reckoned with. My dad gave me good advice about JAMIE. He told me that JAMIE WHITTEN was a master at serving the needs of his constituency, particularly in ensuring the appropriate level of economic development. In 1960, JAMIE WHITTEN taught President Eisenhower the meaning of the separation of powers doctrine by challenging his veto of public works appropriations. JAMIE won, and reestablished the right of Congress to initiate public works projects.

And on that front, JAMIE wasn't shy about the projects he supported and funded: flood control, highway and navigation projects, the San Francisco Earthquake redevelopment, the Mt. St. Helens Volcano disaster cleanup, and before that the St. Lawrence Seaway, the Bonneville Power Authority, the Natchez Trace Parkway, the Tennessee-Tombigbee Waterway, and irrigation projects in the West.

JAMIE's commitment to the people of Appalachia and to the development of this Nation was unsurpassed. On the Appropriations Committee, where he served as its chairman for 13 years, JAMIE was always successfully defending funds for highways, public works, TVA, irrigation for the Southwest, the St. Lawrence Seaway, and other important public works projects.

In his active service in the House, JAMIE certainly knew the value of bipartisanship—and was effective in dealing with the 11 Presidents with whom he served, from Franklin D. Roosevelt to Bill Clinton. He handled over 180 appropriations bills during his long and distinguished career.

I would like to point out that unlike any other chairman in this institution, the chairman of the House Appropriation Committee enjoys a very special advantage, which the National Journal once said of Chairman WHITTEN:

> An appropriations chairman is necessarily a figure to be reckoned with. His bills, unlike those of other chairmen eventually must pass * * * without fail.

Those of us who have known JAMIE for a number of years recognize that when it comes to the policies and politics of agriculture, no one can top Chairman WHITTEN. If it grows, moos, or grunts in any proximity to a farmhouse, you can bet JAMIE has had a hand in funding the program. One of our esteemed colleagues, former Budget Committee Chairman William Gray from Pennsylvania once said:

> JAMIE remains and will always be the chief spokesman for agriculture and rural America. That is him; that is his being. That's what flows in his veins. He's got a district that loves him and he produces for them.

Above all, we will miss JAMIE: a man of integrity, a team player, a dependable friend, and a very private person whose wry sense of humor and quiet self-confidence made him an unmovable anchor in this institution.

This body and its Members—particularly this Member—will never forget JAMIE WHITTEN: an institution within our institution. His spirit will remain forever.

Mr. CARR. Mr. Speaker, I join my colleagues in this special order to commemorate the career of JAMIE WHITTEN. And what a career it has been. I will leave it to my colleagues to catalog most of the accomplishments and superlatives that JAMIE WHITTEN has amassed during his long and extraordinary service in the House of Representatives. Chairman WHITTEN has served the people of northern Mississippi for nearly one-quarter of our Nation's existence. He has undoubtedly served with more Members of Congress than anyone ever has—or ever will.

But I think the important thing to remember is not the length of JAMIE's service, but the quality of it. For JAMIE was always a true representative of his district and the people who sent him to Washington on 26 separate occasions. Obviously, people and a district will change in the course of a half century. And JAMIE's district was no different in that regard. It is testimony to his intelligence and diligence that he was able to change with his district and with the country and remain a powerful legislator 50 years after casting his first vote in this body.

I have served with Chairman WHITTEN on the Appropriations Committee for 12 years, and for most of that time he was the chairman of the Subcommittee on Agriculture. The parts of Michigan I have had the honor to represent are largely rural and agricultural. As such, I have dealt on many occasions with the chairman. JAMIE understood agricultural issues, whether they were in Michigan or Mississippi or Montana, and he invariably was of tremendous assistance to me and my district.

Mr. chairman, we all wish you the best of health and happiness in your well-earned retirement.

Mrs. LLOYD. Mr. Speaker, I rise today to pay tribute to our very distinguished colleague, Mr. JAMIE WHITTEN, who will be retiring at the end of this legislative term.

I have known JAMIE WHITTEN for a number of years and have observed his admirable service in Washington, both as the dean of the Mississippi delegation and as the honorable chairman of the House Appropriations Committee.

He has given his district, as well as our country, more than a half-century of service. JAMIE is a caring, loyal, and an effective leader. The House of Representatives and the State of Mississippi have been very fortunate to have the service of a man with such integrity and determination.

JAMIE, I wish you many more years of happiness, which you well deserve. We will miss you, and I hope that you will continue to contribute your outstanding qualities to public service, or whatever endeavors you may pursue.

Mr. WELDON. Mr. Speaker, I rise today to pay tribute to the House's most distinguished colleague and mentor, JAMIE WHITTEN of Mississippi's First District.

An instrumental force in congressional history since 1949, Congressman WHITTEN is the dean of the House and one of his kind.

The list of attributes are many, however, Congressman JAMIE WHITTEN will be remembered for shaping modern history and fighting to keep the spirit of the New Deal alive. He has also always called the shots from his longstanding position on the Agriculture Subcommittee.

A member of the Agriculture Subcommittee since 1949, Congressman WHITTEN helped transform his congressional district from a rural frontier to a growing economic town that is welcoming industrial business.

JAMIE WHITTEN has said he is most proud to have his name on rural electricity, water systems, telephones, and highway service roads in 84 percent of the country. It flatters us all that his name has also been associated as part of this institution.

Today I stand before the House proud to have been able to work with Congressman WHITTEN during my brief 7 years in congressional office. He is a man not only with the longest service in congressional history but a man who has provided leadership to this great Nation for over half a century.

Mr. CLEMENT. Mr. Speaker, I join my colleagues in paying tribute to our colleague, JAMIE L. WHITTEN of Mississippi, who is retiring at the end of this Congress.

Few individuals who have served here in the Congress leave a legacy as distinguished and rich as Chairman WHITTEN. He devoted his life to his constituents, this institution and this Nation. Indeed, during his more than 52 years here in the House, he shaped policies great and small.

As the longtime chairman of the Agriculture Appropriations Subcommittee, he ensured investment in the family farm and in agricultural research so our Nation could reap the bounty of its land. To his testament, no nation on Earth has the wealth and diversity of food products as does the United States.

Similarly, as chairman of the full Appropriations Committee, Chairman WHITTEN guided and shaped many of the programs that helped build our country. Through the power of the purse, he worked to ensure that our Nation was strong by making the necessary and appropriate investment in both its people and infrastructure.

For me personally, Chairman WHITTEN has been a valued friend. Since the day I came to Congress in 1988, he has unselfishlessly offered his advice and counsel on the ways of this institution. But even before my election, Chairman WHITTEN was a friend to the Clement family. Both when my father was Governor of Tennessee and when I was a member of the Tennessee Valley Authority, Chairman WHITTEN always responded to our concerns and our ideas. He gave us the benefit of his experience and often a helping hand.

I will miss Chairman WHITTEN and I know my colleagues will as well. I am sure that in his retirement he will reflect proudly on his many accomplishments and on the contributions he made to building the vast wealth of this Nation.

Mrs. MORELLA. Mr. Speaker, he called himself a country lawyer. But for decades, Members of this body—and for that matter, his constituents and farmers around the country—have referred to Mississippi's JAMIE WHITTEN as a congressional giant and one of the most effective chairman this Capital has seen.

An unassuming master of the legislative process, JAMIE WHITTEN now has served longer in the House than anyone else in American history. After a meteoric career in local politics that included his election to district attorney at the age of 23, JAMIE was elected to Congress in November 1941—a month before Pearl Harbor.

Since that time, he has worked with 10 Presidents, earning a well-deserved reputation as a team player with unquestioned honesty and an abiding interest in helping the forgotten farmers of this Nation. He has often been dubbed the permanent Secretary of Agriculture.

All of us who serve in Washington—and all of those who value this body as a great American institution—will miss this gentle man, this towering legislative figure—both for his personal amiability, but also for his great legislative skills. I wish him continued success in his retirement.

Mr. HEFNER. Mr. Speaker, it is an honor to rise today in tribute to the distinguished gentleman from Mississippi, a man who has given unparalleled service to this institution, a skillful leader, a devoted public servant, and a dear friend, the Honorable JAMIE WHITTEN of Mississippi.

In his 53 years here no one has been able to doubt these things about JAMIE WHITTEN: First, his tremendous love for and commitment to the people who sent him here. As he is famous for saying, "My district is a part of the nation, if you handle a national program and leave out your district, you would not want to go home." He cared about the people of the First District of Mississippi and worked so tirelessly on their behalf that they saw fit to return him to this body 27 times, more than any individual who ever served here.

Second, no one could doubt that behind his great parliamentary skills and his studied leadership lay a simple, humble ambition: to serve his nation the best he possibly could. He piloted the Appropriations Committee with skill and grace, and with the guiding principle—repeated at the opening of every hearing—that we were there to do the people's work.

And finally, no one could ever doubt that JAMIE WHITTEN is a man whose word is his bond, and whose friendship is real and true. JAMIE WHITTEN is the embodiment of a gentleman, and I count the counsel and friendship I have enjoyed from him among the genuine blessings of life.

Mr. CRANE. Mr. Speaker, it is with regret, and yet with pleasant memories, that we prepare to bid farewell to our dean, JAMIE WHITTEN of Mississippi. No man has served this House of Representatives as long, and few as well.

He was first elected to the House on November 4, 1941—the day after my 11th birthday.

He is the only Member of this 103d Congress who was serving when the Japanese struck Pearl Harbor and this country was thrust into World War II.

Twenty-seven times he ran for a seat in this House, and 27 times the citizens of Mississippi elected him. Their voting acumen has paid dividends. He has served his constituents, his State, and his country with honor, dignity, and devotion.

JAMIE WHITTEN began his move up the ladder of success at an early age, becoming a school principal at the age of 20. He was elected to the Mississippi State Legislature 1 year later. He recalls with a smile that the first vote he cast was for himself. And he contends he has spent his career attempting to prove that first vote was the right vote.

Congressman WHITTEN directed his primary energies in the House to matters dealing with his State's and his Nation's agriculture. More than once, he has been called the permanent Secretary of Agriculture because of his efforts in the interests of the Nation's farmers, and the programs which he felt support rural America, its people, and its economy.

To the Nation, he is a man who served such a distinguished career as chairman of the House Appropriations Committee, a high-profile position of great power which he never abused.

When his term ends in January of next year, JAMIE WHITTEN will have served his nation for over 53 years. He will long be remembered for his outstanding service to his country and to the State of Mississippi. We wish you well, Mr. Chairman.

Mr. MANTON. Mr. Speaker, I rise today to pay tribute to my colleague, JAMIE WHITTEN upon his retirement from the House of Representatives. As a leader in politics for many years, he will be dearly missed by the Members of this body.

Chairman WHITTEN has demonstrated strong leadership qualities since his early days in the Mississippi House of Representatives. His role as a leader continues to be evident today as new and seasoned members alike look to him for guidance. For over 50 years, Chairman WHITTEN has served this Nation as an effective Member of Congress and committee chairman, all the while never forgetting the needs of the people of his district and State.

Since 1949, except for 1953–55 when Republicans had the majority, Chairman WHITTEN has chaired the Rural Development and Agriculture Subcommittee of Appropriations. He served as the chairman of the House Committee on Appropriations from 1979 to 1992. Currently, he is the senior member of the committee. Because Congressman WHITTEN holds the record for the longest service of any House subcommittee chairman in history, he has often been referred to as "the permanent secretary of agriculture."

As the dean of the House, Chairman WHITTEN has played an unprecedented role in making history during the last half century. Furthermore, from his vantage as chairman of Appropriations he has personally shaped the modernization and improvement of our Nation's infrastructure. He has fought hard for legislation to appropriate funds for San Francisco Earthquake redevelopment, flood control, highway and navigation projects, Natchez Trace Parkway and irrigation projects, Mount St. Helens Volcano disaster cleanup, and other various plans designed to protect and develop our country.

Recently, Chairman WHITTEN secured the building of the Tennessee-Tombigbee Waterway, bringing new opportunities for industries, recreation, and tourism to this scenic region encompassing parts of Mississippi, Alabama, and Tennessee. As former Congressional Budget Committee Chairman William Gray from Pennsylvania, now head of the United Negro College Fund, said: "Jamie remains and will always be the chief spokesman for agriculture and rural America."

Chairman WHITTEN has served Mississippi and his country for over a half a century. I have the highest respect for Congressman WHITTEN and his many accomplishments. I am honored to join my colleagues in paying tribute to this most distinguished and devoted public servant. He is truly an example for all of us.

Ms. PELOSI. Mr. Speaker, I rise today to pay special tribute to the dean of both the Mississippi delegation and of the House of Representatives, JAMIE L. WHITTEN, and thank chairman MONTGOMERY for calling this special order. Chairman WHITTEN was first elected in November 1941—a month before Pearl Harbor. During the ensuing 53 years, he has played an active role in the dramatic changes both here in the House of Representatives and in our country.

I consider it a personal privilege to honor JAMIE because he served with my father, Thomas D'Alesandro. They were colleagues in Congress and on the Appropriations Committee.

I am personally saddened that JAMIE is leaving Congress because he is the only remaining member who served with my father and I consider him a link between my father's service and mine. Similarly, he is a link for all of us to the New Deal era.

As a member, and later chairman, of the House Appropriations Committee, JAMIE WHITTEN has been a genuine believer in the ability of the Federal Government to solve local problems. Long after his service in the Congress is over and well into the next century, Chairman WHITTEN's contributions to America will be appreciated and respected.

Mr. Speaker, I would like to thank publicly Chairman WHITTEN on behalf of all San Franciscans and citizens of the bay area. We have seen firsthand the skill, dedication, and commitment which have characterized Chairman WHITTEN's congressional career. In the days and weeks following the Loma Prieta earthquake, Chairman WHITTEN worked tirelessly with the members of the bay area delegation to secure the funding necessary to begin to repair the multibillion dollar damage. His assistance did not end with the immediate post-quake package. Recovering from a natural disaster is a long-term endeavor and Chairman WHITTEN has continued to assist the bay area in its rebuilding operation. We will always be grateful to him.

My district is not alone in its respect for Chairman WHITTEN. His wise counsel and able assistance has affected every congressional district in the country. It has been my great fortune to have served with him both in the House and on the Appropriations Committee. He has been a leader, teacher, and friend and we will truly miss him.

Mr. MURTHA. Mr. Speaker, when the new Congress convenes next January, JAMIE WHITTEN will not be sworn in for the first time in over half a century. The magnitude of what has occurred domestically and internationally during Mr. WHITTEN's service in the Congress is breathtaking.

When he arrived in Congress World War II had not begun, He was prepared to go in the service, but the Secretary of the Navy felt that JAMIE could better serve the country by remaining in Congress where he served on the Naval Committee.

The Berlin Wall went up about 8 years after JAMIE WHITTEN came to Washington. It was torn down 5 years before he leaves the Congress.

The U.S. economy was in a depression when he was sworn in for his first term.

As he leaves the Congress, America is a global economic powerhouse and the envy of the world.

Others will address the dramatic changes that occurred in America's agriculture during JAMIE's tenure as chairman of the Agriculture Appropriations Subcommittee. Many referred to Mr. WHITTEN as the "permanent Secretary of Agriculture." Suffice it to say that our agricultural community is the most productive in the world and a key component of the prosperity we enjoy today. JAMIE has had much to with that success.

Mr. Speaker, controlling Federal spending has been in vogue in recent years but this was a concern of Mr. WHITTEN long before it was popular. He has consistently stressed the need to restrain Government expenditures.

Now, I must admit, on a few rare occasions when it was in the national interest, JAMIE had inserted a project or two above budget for his district in various appropriations bills.

But seriously, the record speaks for itself.

Listen to this statistic. From 1945 until the end of JAMIE WHITTEN's tenure as chairman of the Appropriations Committee, the Congress appropriated $229,880,300,000 less than the administrations' requested in those years.

Mr. Speaker, the skill of Mr. WHITTEN as a consumate legislator is also shown by his success in passing legislation during his service as chairman of the full Appropriations Committee. Of the 218 appropriation bills passed during that time, 203 were signed into law. Of the 15 vetoed, I was overridden. In other words, 94 percent of the appropriations bills passed under his tenure became the law of the land without change. This is a remarkable record.

There are many anecdotes I can tell about Mr. WHITTEN, but one that comes to mind was at my retirement from the Marine Corps Reserve in 1989. I had served a total of 38 years in the Marine Corps—two tours of active duty and the rest of the time in the Marine Corps Reserve. The retirement ceremony was an emotional day for me and Congressman WHITTEN was present. He put things in perspective for me when he said, "Jack, when President Bush announced a few weeks ago that we have to cut back on Defense, I bet you didn't know you would be the first to go."

JAMIE, it's been an honor to serve with you over the years.

The attributes you brought to your daily work in this House—integrity, hard work, consistency, perspective—are deeply appreciated by all.

In your retirement years, your presence will be deeply missed by me, the Appropriations Committee and the Congress and give our best to your lovely wife Rebecca.

Mr. EDWARDS of California. Mr. Speaker, I have been most fortunate to have known my good friend, the Honorable JAMIE L. WHITTEN, throughout my entire 32-year career in the U.S. House of Representatives.

As dean of the California delegation, I have found it necessary on occasion to seek advice and assistance from Chairman WHITTEN. California, the most populous and diverse State of the Union, faces enormous challenges unique in the United States. Our problems include coping with substantial immigration, providing adequate water, maintaining the high technology competitive edge as well as a host of other issues. When necessary to consult with Chairman WHITTEN, he has always been cooperative and sensitive to our needs. For his guidance and help, all 54 members of the California delegation consider ourselves in his debt.

For some 15 years, for nearly an entire generation, my office has been across the hall from Mr. WHITTEN's. Mr. Speaker, you can imagine the number of times we have walked together to the Capitol to cast our votes on the House floor. His staff and mine—each made up of outstanding individuals—have developed such a close relationship that we consider them part of our office. We will miss them dearly.

At the end of this year, I will be joining JAMIE in retirement. To JAMIE, his friends, family and staff, I wish much joy and contentment. I look forward to a long and continued friendship despite the miles that will separate us. My life has been enriched by knowing JAMIE L. WHITTEN.

Mr. COSTELLO. Mr. Speaker, I rise with my colleagues today to pay tribute to the retiring Dean of the House, the Honorable JAMIE WHITTEN of Mississippi.

Since I came to Congress, I have watched and learned from JAMIE WHITTEN, particularly during his chairmanship of the House Appropriations Committee. Under his leadership, the House Appropriations Committee consistently approved less funding for our Government's spending than was requested by the President.

And, as chairman of the House Agriculture Subcommittee, JAMIE WHITTEN served his district and the Nation very well. As he prepares to retire after more than a half-century of service in this Congress and to the Nation, I would like to join my colleagues in wishing him a long and fulfilling retirement, and in thanking him for his service to our Nation.

Mr. MAZZOLI. Mr. Speaker, it is with great pleasure that I pay tribute to my esteemed colleague, and dear friend, Representative JAMIE WHITTEN of Mississippi.

While JAMIE has set records for length of service in the House and for other legislative accomplishments, and I have few such distinctions to my name, we share one very important status: We are both retiring from Congress at the end of this term.

For his almost 53 years of service to the great people of Mississippi's First Congressional District, JAMIE WHITTEN has placed principle before politics, people before power, and integrity before self-gratification. In his 13 years as chairman of the Committee on Appropriations, 171 out of 183 appropriations bills were signed by the President. JAMIE also established himself as an expert on agricultural issues.

Believing that the real wealth of our Nation is our people and our physical resources, JAMIE WHITTEN not only helped to better the environment in which the residents of Mississippi's First District live, but, through his service, he also improved the lives of all Americans. His support of the Mount St. Helens volcano disaster cleanup efforts, the San Francisco earthquake development, the Bonneville Power Project, the construction of the St. Lawrence Seaway, and the Natchez Trace Parkway all will serve as lasting reminders of JAMIE WHITTEN's work far beyond the borders of Mississippi's First District.

An unassuming man, JAMIE WHITTEN has never been one to seek the spotlight. From the time he was 23 years old and a district attorney, although State law required that district attorneys be 25 years of age, his work has been carried on behind the scenes, where he knows he can be most effective.

I believe that JAMIE WHITTEN's political philosophy can best be stated in his own words: "We can leave our children all the money in the world, let our health go down, let our education slide, let our highways and bridges deteriorate, let our rivers and harbors silt in, and all the paper money we can print would not give us a strong country. It's what we do for our land and our people that make our real wealth."

I deem it an honor to have served with JAMIE for the past 24 years. And, I wish him and all of my fellow 103d Congress "retirees", the very best of health and happiness in the years ahead.

Mr. APPLEGATE. Mr. Speaker, at the end of the 103d Congress, this institution will be losing the premier Member of the House of Representatives, the one person who really stands out as the leader of this Chamber, the dean of the House and the dean of the Mississippi delegation, our very good friend and colleague, Representative JAMIE L. WHITTEN.

There are some in this world, and I guess you can label them as cynics, who would point to JAMIE WHITTEN and use him as an example for their arguments in support of limiting the terms of elected officials all across America. Mr. Speaker, I feel that JAMIE WHITTEN clearly demonstrates the case for not limiting the rights of the electorate to freely choose who they wish to have represent them here in our Nation's Capital.

JAMIE WHITTEN did what he had to do for the people of Mississippi, and more than many people who have come and gone through Congress, he has achieved much for the impoverished rural areas of the lower Appalachian and the delta regions, those citizens of America who stand at the very bottom of the economic ladder and who, through JAMIE WHITTEN's efforts, live better lives and more rewarding and enriching lives.

I've thoroughly enjoyed the opportunity to work with Chairman WHITTEN over all of these years, and it's almost inconceivable to think that there's someone around here who has put in three times the number of years that I have in the U.S. House of Representatives. But it's out of this distinguished and lengthy career that each of us has learned more about America and more about the American people. JAMIE WHITTEN taught us about the truly important things, and he reminded us that we should never forget about all of those back home in the district who we represent here in Washington. He reminded us about the farmers and the farmworkers, and he reminded us of those in rural America with their special needs, needs that have been recognized and answered for over the past 50 years, due largely to JAMIE WHITTEN.

In joining with so many of my colleagues, I wish to convey my very best wishes to JAMIE and his lovely wife, Becky, for many years of happiness and good health all throughout the future. We will miss his guidance and leadership.

Mr. ROWLAND. Mr. Speaker, when the Honorable JAMIE L. WHITTEN of Mississippi was sworn in for this term of Congress, for the 27th time, he had broken the record for continuous service in Congress set by that great Georgian, the late Carl Vinson. Longevity in public service is just one of a number of reasons why the two should be compared. Like Congressman Vinson, JAMIE WHITTEN is a southerner, a Democrat, and a fiscal conservative. And like the Georgian he knew and worked with for many years, the contributions he made for his country have rarely been equaled.

While Carl Vinson's most notable contributions were in the area of defense, Congressman WHITTEN has long been a force in strengthening the country's economy through sound budgetary policies, including the rural economy. The bills reported out by the House Appropriations Committee he chairs have totaled many billions of dollars less than the budgetary requests made by successive administrations. For more than a half century, he has championed the kind of budgetary policies he believes best serve the country's economic well-being.

As the gentleman from Mississippi approaches the end of his remarkable span of service, I join with his many friends in congratulating him and all he has accomplished and in wishing him all the best for the future.

Mr. SMITH of Iowa. Mr. Speaker, whenever we speak of the history of this body and touch upon the most distinguished men and women who have served here, we must surely include our friend and colleague, JAMIE WHITTEN, among those deserving the highest honor and praise. Not only does he hold the unique position of having served longer in this body than any person in the history of the Congress, he has witnessed during the course of his service some of the best of times and the worst of times through which our country has journeyed. Throughout, his wisdom, experience, and insight have helped enormously in guiding us during storm and calm alike.

When I first came to Congress, I was lucky at the drawing for office space and received the first choice among the freshmen. I chose an office next to his office. Both JAMIE and his staff were very helpful and went out of their way to help me and my office. Since we both have and had a strong interest in agriculture, we have cooperated all these years. Also, my wife Bea and Mrs. Whitten have been close friends for many years.

Serving with him these many years on the Appropriations Committee has been a distinct honor and privilege for me, as I know it has been for a number of my colleagues. His thoughtful counsel and wise advice have been of inestimable value to me in my own service here. I am most appreciative to him for this.

I join my colleagues in giving the highest praise to our good friend and very distinguished colleague from Mississippi, JAMIE WHITTEN. He is one whose record of service will always stand.

His State will certainly miss his service, and our country will miss his wise guidance.

I also join my colleagues in giving him every good wish for the years to come.

Mr. REGULA. Mr. Speaker, I rise to pay tribute to one of the most distinguished gentleman to serve in this body the former Chair of the Appropriations Committee, JAMIE WHITTEN.

There are many things one can look back on in their career in this body, but having had the privilege of serving on the Appropriations Committee under JAMIE's able leadership will be one of the important highlights of my career in Congress. JAMIE led our committee with the grace, charm, and shrewdness of the true southern gentleman which he exemplified.

Through his storied and distinguished career JAMIE led the committee through many battles. It is due in large part to JAMIE's able leadership that the Appropriations Committee developed its reputation for bipartisanship—a reputation which it still retains.

Not only was the chairman an excellent leader for the committee which he chaired for 14 years, but he was also an outstanding representative for the people of Mississippi for 54 years.

His institutional knowledge, his style grace, the lore that embodied JAMIE WHITTEN will be sorely missed in this institution. To say they are not making them like JAMIE anymore is an understatement.

Walter Lippmann said: "The final test of a leader is that he leaves behind him in other men the conviction and the will to carry on." Living up to the example of leadership he provided will be no easy task, but he has truly inspired all of us who have had the job and privilege to know and work with him.

TRIBUTE TO JAMIE L. WHITTEN

The SPEAKER pro tempore (Mr. HILLIARD). Under a previous order of the House, the gentleman from Mississippi [Mr. PARKER]. is recognized for 60 minutes.

Mr. PARKER. Mr. Speaker, I yield to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Speaker, there is no doubt running for office has become more challenging. In some cases down right negative and there are those that say this body has gotten more negative.

We have among us a Member who has served his district and his Nation exceedingly well, longer than any other

Member in history, and never would you associate the word negative with this Member. He has served in the style of a true gentleman—our friend from Mississippi, the honorable JAMIE WHITTEN.

I first got to know Chairman WHITTEN shortly after I came to Washington. I was a new Member, still trying to grow accustomed to Congress. He was, of course, the chairman of the House Appropriations Committee. There was little reason why he should get to know a freshman from Connecticut, who was not even on his committee, but he did, and he made me feel genuinely welcome.

Chairman WHITTEN taught me a great deal about Congress. He showed all of us how to serve your Nation, while always tending to your constituents at home. And he taught us that no matter how heated the debate, how large the disagreements, it was always possible—always preferable—to behave as a gentleman or gentlewoman.

We owe out thanks to the men and women of Mississippi's First Congressional District, for sending Chairman WHITTEN to Washington for so many years. And we owe our extreme gratitude to a man who served his country, and in doing so, served us all.

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Mr. PARKER. Mr. Speaker, I thank the gentlewoman from Connecticut [Mrs. KENNELLY].

Mr. Speaker, I yield to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, I thank my friend, the gentleman from Mississippi [Mr. PARKER], for yielding, and I thank the gentleman from Mississippi [Mr. MONTGOMERY], the dean of the Mississippi delegation after Mr. WHITTEN, for taking out these two special orders to honor an extraordinary American, who at first blush appears to be a very ordinary American. And that perhaps is his genius, and indeed it is the genius of the American system that we take men and women from around the country and have them come before their neighbors and friends and ask to represent them in the People's House, which we call the House of Representatives.

The genius of our system is that the people select so often people of rare quality, intellect and honesty.

I have had the privilege of serving under Mr. WHITTEN since being elected to the Appropriations Committee back in December 1982, serving since January 1983, some 11 years. When I first went to the State Senate of Maryland, I was 27 years of age, and there was an individual there on the Finance Committee, to which I was appointed, whose name was William Hodges. We called him "Biff" Hodges. He had been a professional boxer. I believe he had also worked on the docks in Baltimore, and he was much different than STENY HOYER, who was fresh out of Georgetown Law School. It was then that I first came to realize the genius of our system, because, like Chairman WHITTEN, he knew his district as well as any of us. Not only did he know his district but he represented his district as well as any, and better than most.

Chairman WHITTEN, as was alluded to by my friend, the gentleman from Mississippi, sometimes speaks in a manner that does not render itself immediately to being deciphered easily, but the meanings of his statements are always clear and to the point.

The gentleman from Mississippi [Mr. PARKER], mentioned a number of programs that have impacted on rural America. He indicated correctly that Mr. WHITTEN was instrumental in the adoption and application of those programs to the improvement of the lives of those who live in rural America.

Chairman WHITTEN has been called the real Secretary of Agriculture. Let me say this to the gentleman: Mr. Chairman, I wish that I had at my fingertips the numbers of Secretaries of Agriculture who have served under you. I do not know that number, but it is, I am sure, almost 20-plus, if not more. And all of them came to know very quickly what all of us here know, that no one in this land or in this Congress knows the Department of Agriculture and the laws that deal with agriculture better than Chairman WHITTEN. I was always impressed, Mr. Chairman, when you would speak in our appropriations markups, particularly in the early 1980's, when we were doing so much by reconciliation bills and omnibus appropriation bills. We were unable to pass individual appropriation bills, and you talked about what was good for America. You talked about what was good for the people of America, and you then talked about the real value in America, and you pointed out that that was in the land and in its people.

Frankly, Mr. Chairman, I did not understand as well in the early years as I came to understand later the depth of your understanding and the wisdom that you related to those of us on the Appropriations Committee, this Congress, and the American public.

Mr. Speaker, let me say this to the gentleman: Mr. Chairman, no one has surpassed you in the years of service to this House. You are an historic individual in that context. All of us who have served with you are honored to have done so. All of us who have served with you will talk to our grandchildren about the gentleman from Mississippi, chairman of the Appropriations Committee, a man who reflected the best of his community and a deep devotion to his state and to his country.

Mr. Chairman, I thank you for your leadership and your devotion and the wisdom you have imparted to those of us who have served with you. I join my friend, the gentleman from Mississippi [Mr. PARKER], and your friends in Mississippi in wishing you and Mrs. Whitten many, many years of happiness as we will hopefully continue to rely on the wisdom that you have given to us over the years we have served together.

God bless you, Mr. Chairman.

Mr. Speaker, I thank the gentleman from Mississippi [Mr. PARKER] for yielding.

Mr. PARKER. Mr. Speaker, if the gentleman will defer for just a moment, let me tell a little story.

When I first came to Congress, I went to see Mr. WHITTEN in his office there off the House floor. We were just talking, and I asked Mr. WHITTEN, "When you were a younger man, did you ever think about running for President?"

In that room there was a picture of a former chairman of the Appropriations Committee. He said, "That is a picture of Garfield." He said, "He was the last chairman of the Appropriations Committee who ran for President, and he was shot, so I decided I wasn't going to do that."

Mr. HOYER. Mr. Speaker, I guess that reflects on the chairman's wisdom.

Mr. PARKER. Mr. Speaker, I yield to the gentleman from Tennessee [Mr. FORD].

Mr. FORD of Tennessee. Mr. Speaker, I thank the gentleman for yielding. I did not request any time earlier, but I do thank the gentleman from Mississippi [Mr. PARKER] for allowing me to speak.

I join with my colleagues, and especially those from Mississippi, in offering commendations to this great warrior. Over the years we have served in adjacent districts. Although I am from Tennessee and Mr. WHITTEN is from Mississippi, our two districts abut each other, and my hometown, I guess, represents the media market for his congressional district.

But in 1975, in January, when I was first elected to come to this body to represent the then Eighth Congressional District of Tennessee, it was JAMIE WHITTEN who not only offered the leadership and the counsel to any new Member, but offered it to one who, coming from Mississippi, but thought enough of the Memphis community to see that a new Representative coming into the halls of Congress was welcome, and so he was interested in working very closely with a freshman who was known as a Watergate baby, one who probably did not have a safe district, but one who would work closely with him so he could explain not only the legislative process, but use his influence as chairman of the Appropriations Committee to make sure that my area was well-represented in these Halls of Congress.

□ 1510

We often know that being a freshman Member of this body, there is not too much you can get accomplished around this place in the first term. But it was because of his leadership, it was because of him, a man who loves this body, one who loves the people that he represents, but not only that one who has shown the type of respect for his other colleagues and has worked with him over the years.

I just want to join with all of you today and join with the people of his congressional district to say we thank the dean of the whole House of Representatives here in this body. We thank JAMIE WHITTEN for being such a great warrior over the years and meaning so much to this nation and all of the people throughout America and throughout this world. His voice, his commitment, and his dedication, has been one that we all can say we have admired over the years, and we thank you very much, Chairman WHITTEN.

Mr. PARKER. I would like to yield to the gentleman from Texas, the chairman of the Committee on Agriculture, Mr. DE LA GARZA.

Mr. DE LA GARZA. I thank my colleague. I would like to join with all of the Members that have had the praise and kind words for Chairman WHITTEN. I assure you that I wholeheartedly agree with all of them. He is not only a great American, but he has been a great Member of this House as dean of the House.

When I first came to Congress, the gentleman from Texas, George Mahon, had just become chairman of the Committee on Agriculture, but already JAMES WHITTEN was chairman of the Agriculture Subcommittee. We both progressed until Mr. Mahon left and Chairman WHITTEN assumed the responsibilities as chairman.

Eventually I assumed the responsibilities as chairman of the Committee on Agriculture, and all of us know the responsibilities. Sometimes there is a little thin line where I felt probably the authorizing committee had not been properly deferred to from the appropriations part. But in the end, everything always worked right, because the chairman would listen to, work with, and cooperate with us in our mutual endeavors.

So, very briefly, let me just say if you mention agriculture, you cannot separate the name of JAMIE WHITTEN. We wish him well in his retirement. Hopefully somehow, somewhere, some day, the full recognition that he deserves will come to the forefront.

Mr. Chairman, we congratulate and commend the gentleman. But most of all, on behalf of the American people and all of agriculture, we thank you for your contribution.

Mr. PARKER. I thank the gentleman from Texas.

Mr. Speaker, at this time it would be my pleasure to yield to the distinguished dean of the House of Representatives [Mr. WHITTEN].

Mr. WHITTEN. I just want to say thank you to my colleagues, to SONNY MONTGOMERY, to my other colleagues from Mississippi, and to the membership altogether. I also wanted to say thank you to my immediate family, who have put up with me spending so much of my time in public affairs—my wife, Rebecca, and my children, Jamie, Jr., and Beverly.

I just hope that we can do as well in the future as we have in the past, because I am proud of the past. And I believe we have a good foundation on which to build.

May I say again, from a grateful heart, I appreciate everything that has been said and everything that has been done through the years on my behalf. I hope I have lived up to my trust. I certainly intended to and have tried to.

Again MIKE, I want to say thank you to you and to SONNY for arranging this special order. I appreciate so very much everything that has happened to me in my experience in Congress, before that as district attorney, and before that in the State legislature.

I have tried to live up to my obligation through the years.

I want to end up by saying thank you all. God bless you.

Mr. PARKER. Thank you, Mr. WHITTEN. In a very personal way, Mr. WHITTEN, as dean of the House, I just want you to know our Nation owes you a tremendous amount of gratitude for all you have given us, and we will always be in your debt.

TRIBUTE TO THE HONORABLE JAMIE L. WHITTEN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. MICA] is recognized for 5 minutes.

Mr. MICA. Mr. Speaker, and my colleagues, first I just want to take a minute before I get into the business that I planned here before the House, talking about the situation in Haiti, and join my other colleagues in also commending the gentleman from Mississippi [Mr. WHITTEN] for his tremendous service in this House.

As a new Member, I have not had the opportunity to know him like others have. But when you come here and you see sometimes the way the place is run, you are concerned a bit about it. But I will never forget, February 2, when I took on the House leadership on the question of a rule. A lot of folks do not know how the House operates. But as you can tell now, there are not too many Members in the Chamber, and most of the time, most of the Members are not here for the debate. But at least during my short time in the House, Mr. WHITTEN has been here on a regular basis and hears the debate.

He was here that day that I made a plea to defeat that rule. And even though he has been a chairman and a member of the opposition, I will never forget the day that, again, February 2, that he heard my debate, he heard my plea for some needed change in the issue of regulatory reform and he voted to defeat that rule, he voted with me. And ever since I have had a great admiration for him.

I remember the same day that many of his colleagues from the other side of the aisle came to him and tried to get him to change his vote, and he stuck with me, a new freshman Republican Member. So I will always remember that and admire him for his tenacity and for his tremendous service to this body and that big difference he made to me on my particular issue.

SITUATION IN HAITI

Ladies and gentlemen of the House and Mr. Speaker, I also wanted to address the House for a few minutes on an issue that I feel is of extreme importance, and it is an issue that is ongoing right now with our troops landing in Haiti. It is an issue that I have been very personally concerned about.

Before I came to this body I was involved in international trade, and had some business experience and was in Haiti before the fall of the Aristide regime. So I have a little bit of insight into the situation here, and I have closely followed the issues relating to Haiti.

I come from the State of Florida, and no State in the Nation has probably been impacted more by the Federal policy relating to this Nation than the State of Florida.

My colleagues and Mr. Speaker, it really concerns me that this administration and this President may be determined to repeat the same mistakes. Let me say that I felt that it was a mistake in the beginning to propose a reversal of the Bush policy relating to immigration of Haitians into the United States.

We changed that policy, or at least proposed to change the policy, when the President was President-elect, and we saw the effects of that proposal on the State of Florida and on this Nation.

I think President Clinton did not learn then, and we are paying now, for that first mistake that was made way back when he was President-elect. It was a mistake to transport HIV-infected Haitians to the United States, contrary to Federal law. Remember, this House passed and reconfirmed the law that did not discriminate against anyone on the basis of race, religion, creed, other preferences, but said that no one would be permitted into this country who was HIV infected. We had trouble paying for the HIV infected and AIDS patients in our own country, and did not have the funds to pay for others. We did not learn then, President Clinton did not learn then, and we are paying now for that mistake.

In my State we have Haitian aliens and their children, Haitian immigrants, who are dying now of AIDS from that influx, and we do not have the money even to bury them or to provide for them.

☐ 1520

It was a great mistake to ignore international accords and law and cut and run, as the United States did last year from Port-au-Prince Harbor. President Clinton did not learn then, and we are paying now and my State is paying and the United States is paying.

It was a mistake in my opinion to impose economic sanctions on a country, and I spoke right on this floor, that it was going to be a mistake to impose sanctions on a country where the average per capita income is 53 cents per day. I knew from my experience and we know now, you could forecast that that policy was not going to work. Those economic sanctions were not going to work.

President Clinton did not learn then, and we are paying now.

It was a mistake to destroy with those economic sanctions 60,000 manufacturing jobs in Haiti and grind that country into the deepest poverty it has ever seen. It was a mistake to destroy those manufacturing jobs because they provided income for nearly a third of the population and sustenance to nearly a third of the people in that island nation, the ripple effect of those 60,000 jobs which we have destroyed.

President Clinton did not learn then, and we are paying now.

What concerns me, as we are here today, is that we have not learned the mistake of 20 months ago. I have only been in this body for that period of time, but 20 months ago, it was a mistake to turn a humanitarian mission into a nation-building fiasco that cost U.S. taxpayers $2 billion and also cost us 36 precious American lives.

President Clinton did not learn then, and we are paying now.

This really concerns me, my colleagues, this particular policy. Because that was a well-intended humanitarian mission and many of us supported it. That was not the point. The point was we got into nation building and attempting to restore democracy. That is where we have spent not just the half a billion dollars that was spent on humanitarian aid but $2 billion on military aid. We paid then, and we are paying now.

I hope we can learn from the lessons of history. I hope that the American taxpayer does not pay again.

INTERNATIONAL TROOPS ALSO MAKE SACRIFICES

The SPEAKER pro tempore (Mr. DE LA GARZA). Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 5 minutes.

Mr. GONZALEZ. Mr. Speaker, at a time when the last United States military personnel are being withdrawn from Somalia, it is important to remember that thousands of servicemen from other countries are still there.

This past Saturday, the final 55 United States marines and 3 sailors left Somalia, bringing to a close our involvement in a mission that started 2 years ago. But almost 19,000 troops from other countries acting as U.N. peacekeepers remain in Somalis.

From the United States military intervention in Somalia in December 1992 through the subsequent United Nations operation called UNOSOM, a total of 36 United States servicemen were killed in Somalia. Now at the end of our involvement in this mission, when we remember and honor the service of our soldiers, especially those who made the ultimate sacrifice in the line of duty, we should also remember and take heed of the fact that over 60 peacekeepers from other countries have lost their lives in Somalia as well.

Of the U.N. peacekeeping force still in Somalia, 5,000 are from the Army of India. On August 22, seven Indian soldiers were killed in defending a logistics convoy of the United States company Brown & Root when it was ambushed by a band of armed Somalis. As we honor the dedication and sacrifice of our own soldiers, I believe we must do the same for those, such as these Indian soldiers, who have served and sacrificed along side our own forces.

This is especially important to keep in mind, for on this day—just 2 days after the lost of our troops have left Somalia—15,000 United States troops are being deployed in Haiti in yet another mission. Again, as in Somalia, the initial massive United States military intervention will be followed by a much longer presence of international forces under the United Nations.

In terms of the deployment of U.S. military forces abroad, I am deeply disturbed that successive Presidents have gone to the United Nations for authority to use military force internationally rather than to the U.S. Congress, as the President is required to do under the Constitution. President Bush did this in Iraq and Somalia. Then President Clinton rubberstamped the actions in Somalia and now has pursued the same course in Haiti. And looked favorably upon both the invasions by President Reagan of Grenada and then the, what I consider to be an infamous invasion on our part of Panama with the results that the avowed purposes we had for invading Panama has resulted in us having to keep right now two-thirds of the number of our troops that we had at the height of the invasion of Panama. If we do not, there will not be an American life safe in Panama.

We went in ostensibly to capture what we said was the chief drug peddler and try to put a stop to the extensive dope and drug peddling. As a matter of fact, since our invasion, the amount of narcotics, illegal, through Panama and by Panama and from Panama is three times more than it was at the time of our invasion. So these are things that ought to sober us at this point. This shakes our constitutional system of government to its core.

But this also has a concrete impact on the lives of soldiers from around the world. This new world order seems to be one in which the United States leads the charge to intervene militarily and then international forces are left to carry out the longer peacekeeping functions. As we pay our respects to the service and sacrifices of those in our Armed Forces, I believe we must recognize this same dedication of the soldiers from other countries who play a vital part in these operations and policies as well.

Mr. Speaker, I would like to submit here for the RECORD the letter I recently received from the Ambassador of India, the Honorable Siddhartha Shankar Ray, on the involvement of Indian Army troops in Somalia and the recent death of seven of their soldiers. I have also included a recent article that further details the involvement and service of Indian troops in Somalia.

AMBASSADOR OF INDIA,
Washington, DC, August 26, 1994.

Hon. HENRY B. GONZALEZ,
U.S. House of Representatives,
Washington, DC.

DEAR CONGRESSMAN GONZALEZ: An important feature of the growing cooperation between our two countries is the joint participation of our armed forces in U.N. peacekeeping operations. Our forces have served together in Somalia. 5,000 troops of the Indian Army continue to operate in Somalia as part of the U.N. peace-keeping operation.

India Abroad, a weekly newspaper, in its New York edition of August 5, 1994, after a detailed on the spot study of the situation, has done a comprehensive write-up on the participation of Indian troops in a wide range of humanitarian and other activities in Somalia that are having a direct beneficial effect on the lives of the people there. I take the liberty of sending a copy of the write-up. I do hope you would find some time to glance through it.

As you may be aware, on August 22, 1994, 7 Indian soldiers in Somalia were killed in an ambush. They were escorting a road repair team belonging to a U.S. logistics company, Brown & Root. At 10:00 am, near Bur-Lego, 35 Kms from Bale Dogle along road Bale Dogle-BurHakaba they were ambushed and came under heavy machine gun fire.

The Brown & Root road repair team comprised one U.S. Citizen, Mr. Jimmy Mustin, six Somali workers, one dump truck and two water tankers. As they were fired upon, two Indian vehicles moved alongside to protect them. The lead Indian vehicle turned around and sought to break the ambush. A dismounted attack was launched against two 'technicals' one of which was mounted with a heavy machine gun, and the other with a ZU-23, 23MM antiaircraft gun.

In the ensuing action both 'technicals' were destroyed, three bandits killed and three captured. Sadly, this was not without great attrition for the Indian Contingent—one Junior Commissioned Officer, three Non Commissioned Officers and three other Ranks lost their lives, while nine more were wounded. However, not the slightest injury came to Mr. Jimmy Mustin or the six Somali workers, nor was their equipment damaged. The Indian soldiers sacrificed their lives to ensure no harm came to those it was their duty to protect. I enclose a copy of a letter received from Brown and Root Services Corporation expressing appreciation for the brave performance of our soldiers.

The roll of honor of the fallen soldiers given below shows their diverse origins which were united in supreme sacrifice:

Subedar Ganga Ram, from Rajasthan.

Havildar Ashok Kumar Singh from Bihar.

Lance Naik Bir Pal Singh from Itah, Uttar Pradesh.

Lance Naik Saudagar Singh from Gurdaspur, Punjab.

Sepoy Ram Lal Patel from Rewa, Madhya Pradesh.

Sepoy Ram Pal Gupta from Rewa, Madhya Pradesh.

Sepoy Devinder Chand from Pithoragarh, Uttar Pradesh.

It is difficult to comprehend why peacekeepers should be killed. All factions of the Somali leadership in the very extensive area where our brigade is deployed have repeatedly acknowledged that the Indian brigade acted impartially and in the best traditions of the United Nations. We can only surmise, therefore, that this terrible attack was the work of a small group of individuals, and cannot possibly represent the policy of any of the clans or political factions.

On this assumption, we will continue our commitment to UNOSOM. If, in the relative order UNOSOM has afforded them, the Somali leadership can come to a political understanding which restores peace to that country, we, and the families of the soldiers who have given their lives, would be satisfied that their sacrifice has not been in vain.

Very best wishes,

Yours sincerely,

SIDDHARTHA SHANKAR RAY.

[From India Abroad, Aug. 5, 1994]

SOMALIA: BEYOND JUST PEACEKEEPING

The Indian Army, which has nearly 5,000 troops stationed in Somalia as part of the United Nations operation for peacekeeping in Somalia, is winning the hearts of the local population, Sidharth Bhatia reports. Ordinary Somalis, who have suffered from the prolonged civil war in their country, are full of praise for the Indian Army's humanitarian work, which includes running orphanages, giving training courses and providing medical camps that have come as a boon.

The Indians are also helping to instill a sense of security and reviving civil society, apart from trying to mediate peace between warring clans. Not surprisingly, clan leaders like Ali Mahdi and Gen. Siad Morgan want the Indian government to keep its troops in Somalia even after the U.N. decides to pull out. Somalis also have a great love for things Indian, including Hindi films, which they adore.

A unique feature in Somalia was the unprecedented joint operation conducted by the Indian and Pakistani troops also stationed there under the U.N. flag.

Somalia is the latest in a long line of successful peacekeeping operations by the Indian Army since it sent a contingent to Korea in the 1950s, Tarun Basu writes. The Army top brass is of the opinion that the Indian government should readily accept any U.N. proposal to keep its troops in Somalia.

The operation also represented a watershed for the Indian Navy, which took part in a multinational naval relief effort, Uday Bhaskar writes.

SOMALIS GET A TASTE OF COMPASSION

(By Sidharth Bhatia)

BAIDOA, SOMALIA.—If the people of Somalia had their way, the Indian army contingent currently engaged in peacekeeping operations here would never be allowed to leave.

In the nine months or so that the nearly 5,000 Indian soldiers have been based in the war-ravaged land, they have captured the hearts and minds of every one, from clan leaders to the ordinary people on the dusty streets.

At the same time, the Indian army has once again demonstrated its high degree of professionalism and even shown its formidable skills in conducting peacekeeping operations with minimum bloodshed and maximum sensitivity.

As part of United Nations operations in Somalia (UNOSOM), A 19000-strong multi-national force, including Pakistanis, Bangladeshis and Egyptians, whose mandate is to quell the violence in Somalia and bring peace among the warring clans and factions, the Indian army has shown remarkable results.

"I appeal to the Indian government to let the Indian army be here even after UNOSOM is wound up," said General Mohammed Siad Hersi Morgan, a strong leader in the far south, in an interview with India Abroad.

His opinion was echoed by a village elder, Malak Mukhtar, in Baidoa in central Somalia. "The Indian soldiers are like my sons and sons-in-law. They are free to live here, even marry our daughters," he said emotionally.

Among the ordinary Somalis, who have suffered the most in the prolonged civil war and the attendant famines, the Indians have acquired the status of a saviour because of the relief and rehabilitation projects carried out by the soldiers. These include hospitals, veterinarian training centers, orphanages and even craft centers.

In the over 170,000 square kilometer area of responsibility (AOR) assigned to the Indians, by far the largest area under any foreign force's command, the Indian army units have managed to not only stabilize the situation, persuading rival clans to sit across the table and talk peace, but also initiated ambitious humanitarian tasks to provide succor to the beleaguered Somali population.

They have faithfully executed, in letter and spirit, the mission given to them: "To maintain a secure and stable environment for the continued advancement of political reconciliation, help in economic development, conducting of humanitarian relief operations and assistance in the political rehabilitation process in the AOR." In fact they seem to have gone far beyond that mandate, adding their own personal human touch to the stated objective.

Baidoa, where the Indian brigade is headquartered, provides a good example of the army's efforts. Known till last year as "the city of death" for its alarming fatality rate, which went up to 400 a day, the small town had been at the epicenter of much of the civil war. Several skirmishes between rival clans and battles, fought between townspeople as well as retreating forces, have laid to waste what was once a thriving agricultural community. In addition, famine, disease and malnutrition had played havoc with human lives.

The town was first under the command of Australian forces, who started many projects. It was then taken over by the French who were seen to be too remote and colonial. Somalian villagers did not appreciate the common Western practice followed by the French doctors of wearing gloves while examining patients. "We find the Indians are much more human in this regard," said a village elder.

When the Indians moved in, they were seen as one more foreign army under the auspices of the U.N. In a short while, however, the Indians impressed local Somalis with their professionalism, which also had a human face. Somalis, who have centuries-old trade ties with India and are great fans of Indian films, have taken to their brothers from "Hindi" very well.

"Hindi good" (India is good) is a refrain often heard in the markets of this war-torn land where till recently UNOSOM was a much hated enemy.

"Everyone thought that once the U.S. and other forces left, Somalia would collapse. In fact, I think the situation has actually improved under Asian and African forces," said General Aboo, the Malaysian force commander in charge of the UNOSOM operations. "I think it is a question of a cultural synergy and similarity," said Colonel Deepak Merchant, the Chief of Staff of the Indian contingent.

"When a Somali village elder comes to my room, I stand up because that is how my culture teaches me to show respect to elders. I do not think he is wasting my time," he told India Abroad.

In contrast, said many Somalis, Western forces were apt to be more brusque and at a loss to grasp the nuances of their culture. This point was also reiterated by a senior army officer from another Asian country who felt that the Indians and others were closer to a traditional, conservative society like Somalia.

The Indians also repeatedly point out that the clan system, which is at the root of the civil war, is no different from the caste structure in India. "If we in India can get along with so many castes and religions, why cannot the Somalis, who are almost totally Sunni Muslim, do so, we say. And they always listen," said Col. Merchant.

Cultural sensitivity is at the heart of the Indian army's stupendous success in the peacekeeping mission which has drawn praise even from their foreign counterparts. "Our army has made it clear that we will send another contingent to Somalia only if we are guaranteed the escort cover of the Indians," said an Irish officer. A small Irish army logistical unit is stationed in Baidoa, mainly to transport food and other rations from distant Mogadishu every week and, on its long and risky journey, it is guarded by the Indian troops.

On one occasion in March, the Indians successfully foiled an ambush by around 50 Somali bandits, killing nine and taking several prisoner. The action received widespread coverage in Ireland and a laudatory mention in that country's parliament, which praised "the highest professional standards" of the Indian soldiers.

But though there is no let up in vigilance and all key vulnerable areas and points are guarded at all times. It is the humanitarian aspect which has endeared the Indians to the Somalis. A typical example of this effort is the Indian hospital in Baidoa. Known officially as 320 Field Ambulance, the hospital, a little more than a ramshackle, shelled building till the Indians moved in, was set up in

November to look after UNOSOM forces and expatriate civilians from the U.N. and NGOs.

Soon enough the hospital became popular with civilian Somalis who did not get much attention at the main civilian hospital in the town. Between November and the end of June, the hospital dealt with over 60,000 Somali civilians in the out-patient department in Baidoa alone. Many of the patients are women who were hesitant to approach male doctors and were pleased that the Indian contingent had a team of women medics.

"The war and the famine have played havoc with the health of women," said Lt. Col. Nagalaxmi Bhattacharya, a gynaecologist who has treated hundreds of Somali women." Firstly there is a shortage of men, so there is high rate of infertility. Then, due to lack of proper nutrition and sanitation, skin infections are rampant," she said.

An elderly Somali lady, Shahiya, whose nine-year problem was finally cured by Col. Bhattacharya's treatment, told this correspond firmly. "I will never let her leave this place."

Such sentiments are commonplace among grateful Somalis in many districts where the Indians operate. In the tiny pastoral enclave of Bur Hakaba, Indiana army soldiers conduct training for would-be veterinanians and tend to ailing camels. In Wajid, an Indian army managed well supplies unlimited clean drinking water to the villagers and in Kismayo on the coast, a fortnightly camp brings much-needed medical attention to pregnant women.

One of the highlights of the humanitarian work is the Bonkay Orphanage, adopted by the brigade in Baidoa. The army was approached by the orphanage's managing committee when the non-government organization sponsors decided to move out. "We tried to bring in some order by making it like a school, with house competitions, regular time tables and physical training for the over 600 children," said Capt. Charanjit Singh, an officer of the Education Corps in the army who has taken on the orphanage as a personal mission.

"It gives all of us extreme personal satisfaction to do this kind of work which we would never get an opportunity to do otherwise," he said. Hundreds of Somali children have lost their parents in the war. To them, an orphanage, which provides food and shelter and also some education which they are missing is welcome." If only I could also get some clothes," said Muhammed Ibrahim, a 13-year-old whose parents were killed two years ago.

But missionary work, however noble, has never been the main objective of an army which has more to do with weapons than running charitable institutions.

Col. Merchant denied that the army's could get diluted by such close involvement in non-traditional activities. "Our efficiency levels have always been kept high and we still do a lot of regular military work like patrolling providing cover and protection to convoys and even, when the occasion demands, fighting. But this experience has given us tremendous experience in relationship with civilians, which will help us even in India," he said.

In fact, the contingent has helped set up several civilian structures in its attempt to restore normalcy which will help Somalia get back to its feet. The Indian brigade is the only army in UNOSOM to carry its own legal officer, whose brief is to help reestablish courts and the police force in Baidoa, where civilian administration all but disappeared during the war.

The Indians also helped set up peace talks and elders councils, which are slowly asserting their authority in their territories across clan lines, not a very easy task in a country where clan loyalities are defended with guns.

However, though many parts of Somlia, especially those under the Indians, appear to be calm and bereft of largescale violence, it remains to be seen if this will continue once the UNOSOM forces, including the Indians, return to their own homelands.

Most observers agree that the key lies in Mogadishu, where the two important groups, led by General Mohammed Aideed and Ali Mahdi, are said to be engaged in a last-ditch battle even as efforts continue to bring everyone to the table.

Some feel that the normalcy, even in the Indian areas, is fragile and will collapse once the army leaves. There are already reports that a phased withdrawal of U.N. forces will begin after September and Indian troops could also begin to return home in batches. The Indians are trying hard to ensure that the structures being set up by them, administrative, economic and social, continue even after the army packs its bags. But eventually their success will be left to the Somalis. "Our task was clear and we tried to fulfill it to the best of our ability," said an Indian army officer.

And, there seems to be little doubt that they succeeded beyond all expectations.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 5 p.m. today.

Accordingly (at 3 o'clock and 28 minutes p.m.) the House stood in recess until 5 p.m.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. BARLOW] at 5 o'clock and 3 minutes p.m.

AFRICAN CONFLICT RESOLUTION ACT

Mr. JOHNSTON of Florida. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4541) to authorize assistance to promote the peaceful resolution of conflicts in Africa, as amended.

The Clerk read as follows:

H.R. 4541

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "African Conflict Resolution Act".

SEC. 2. FINDINGS AND STATEMENT OF POLICY.

(a) FINDINGS.—The Congress makes the following findings:

(1) It is in the national interest of the United States to help build African capability in conflict resolution. A relatively small investment of assistance in promoting African conflict resolution—

(A) would reduce the enormous human suffering which is caused by wars in Africa;

(B) would help the United States avoid huge future expenditures necessitated by Somalia-like humanitarian disasters; and

(C) would reduce the need for United Nations intervention as African institutions develop the ability to resolve African conflicts.

(2) Africa, to a greater extent than any other continent, is afflicted by war. Africa has been marred by more than 20 major civil wars since 1960. Rwanda, Somalia, Angola, Sudan, Liberia, and Burundi are among those countries that have recently suffered serious armed conflict.

(3) In the last decade alone, between 2,000,000 and 4,000,000 Africans have died because of war. There were 5,200,000 refugees and 13,100,000 displaced people in Africa in 1993. In Angola, relief organizations estimated that 1,000 people were dying each day at the end of 1993. In Rwanda, more than 200,000 people died in less than 5 weeks of fighting during 1994, while 300,000 people fled to other countries to escape war.

(4) Millions more Africans are currently at risk of war-related death. Looming or ongoing conflicts in Zaire, Angola, Sudan, Rwanda, and other countries threaten Africa's future.

(5) War has caused untold economic and social damage to the countries of Africa. Food production is impossible in conflict areas, and famine often results. Widespread conflict has condemned many of Africa's children to lives of misery and, in certain cases, has threatened the existence of traditional African cultures.

(6) Conflict and instability in Africa, particularly in large, potentially rich countries such as Angola, Sudan, and Zaire, deprive the global economy of resources and opportunities for trade and investment. Peace in these countries could make a significant contribution to global economic growth, while creating new opportunities for United States businesses.

(7) Many African armies are far too large, threatening political and economic stability while diverting scarce resources from development needs. Military expenditures in Africa average over twice the level in Latin America. Demobilization and other measures to reduce military expenditures are thus a critical need for many African countries.

(8) Conflict prevention, mediation, and demobilization are prerequisites to the success of development assistance programs. Nutrition and education programs, for example, cannot succeed in a nation at war. Billions of dollars of development assistance have been virtually wasted in war-ravaged countries such as Liberia, Somalia, and Sudan.

(9) Africans have a long tradition of informal mediation. This tradition should be built upon to create effective institutions through which Africans can resolve African conflicts.

(10) The Organization of African Unity, under the leadership of Secretary General Salim Salim, has established a conflict resolution mechanism and has been active in mediation and conflict resolution in several African countries. Various subregional organizations have also become active in conflict resolution efforts. These are encouraging developments.

(b) UNITED STATES POLICY.—The Congress declares, therefore, that a key goal for United States foreign policy should be to help institutionalize conflict resolution capability in Africa.

SEC. 3. IMPROVING THE CONFLICT RESOLUTION CAPABILITIES OF THE ORGANIZATION OF AFRICAN UNITY.

(a) AUTHORIZATION OF ASSISTANCE.—The President is authorized to provide assistance to strengthen the conflict resolution capability of the Organization of African Unity, as follows:

(1) Funds may be provided to the Organization of African Unity for use in supporting its conflict resolution capability.

(2) Funds may be used for expenses of sending individuals with expertise in conflict resolution to work with the Organization of African Unity.

(b) FUNDING.—Of the foreign assistance funds that are allocated for sub-Saharan Africa, not less than $1,500,000 for each of the fiscal years 1995 through 1998 should be used to carry out subsection (a).

SEC. 4. IMPROVING CONFLICT RESOLUTION CAPABILITIES OF MULTILATERAL SUBREGIONAL ORGANIZATIONS IN AFRICA.

(a) AUTHORIZATION OF ASSISTANCE.—The President is authorized to provide assistance to strengthen the conflict resolution capabilities of subregional organizations established by countries in sub-Saharan Africa, as follows:

(1) Funds may be provided to such an organization for use in supporting its conflict resolution capability.

(2) Funds may be used for the expenses of sending individuals with expertise in conflict resolution to work with such an organization.

(b) FUNDING.—Of the foreign assistance funds that are allocated for sub-Saharan Africa, such sums as may be necessary for each of the fiscal years 1995 through 1998 may be used to carry out subsection (a).

SEC. 5. AFRICAN DEMOBILIZATION AND RETRAINING PROGRAM.

(a) AUTHORIZATION OF ASSISTANCE.—In order to facilitate reductions in the size of the armed forces of countries of sub-Saharan Africa, the President is authorized to provide assistance for—

(1) the encampment and related activities for the purpose of demobilization of such forces; and

(2) the reintegration of demobilized military personnel into civilian society through activities such as retraining for civilian occupations, creation of income-generating opportunities, the reintegration into agricultural activities, and the transportation to the home areas of such personnel.

(b) FUNDING.—Of the foreign assistance funds that are allocated for sub-Saharan Africa, $25,000,000 for each of the fiscal years 1995 and 1996 should be used for the assistance described in subsection (a), if conditions permit.

SEC. 6. TRAINING FOR AFRICANS IN CONFLICT RESOLUTION AND PEACEKEEPING.

Chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.) is amended by adding at the end the following new section:

"SEC. 546. CONFLICT RESOLUTION AND PEACEKEEPING PROGRAM FOR SUB-SAHARAN AFRICA.

"In addition to the other education and training activities carried out under this chapter, the President is authorized to establish a program to provide education and training in conflict resolution and peacekeeping for civilian and military personnel of countries in sub-Saharan Africa.".

SEC. 7. BUILDING MEDIATION CAPABILITY IN AFRICA.

(a) AUTHORIZATION OF ASSISTANCE.—The President is authorized to provide assistance to nongovernmental organizations that are engaged in mediation and reconciliation efforts in Africa.

(b) FUNDING.—Of the foreign assistance funds that are allocated for sub-Saharan Africa, such sums as may be necessary for each of the fiscal years 1995 and 1996 should be used to carry out subsection (a).

SEC. 8. PLAN FOR UNITED STATES SUPPORT FOR CONFLICT RESOLUTION AND DEMOBILIZATION IN SUB-SAHARAN AFRICA.

(a) IN GENERAL.—In furtherance of and building upon the provisions of sections 3 through 7, the President shall develop an integrated long-term plan to provide support for the enhancement of conflict resolution capabilities and demobilization activities in sub-Saharan Africa.

(b) CONTENTS OF PLAN.—Such plan shall identify, among other things, the following:

(1) The type, purpose, amount, and duration of assistance that is planned to be provided to conflict resolution units in sub-Saharan Africa.

(2) The type and amount of assistance that is planned to be provided for the demobilization of military personnel of countries of sub-Saharan Africa, including—

(A) a list of which countries will receive such assistance and an explanation of why such countries were chosen for such assistance; and

(B) a list of other countries and international organizations that are providing assistance for such demobilization.

(3) The type and amount of assistance that is planned to be provided to nongovernmental organizations that are engaged in mediation and reconciliation efforts in sub-Saharan Africa.

(4) A description of proposed training programs for Africans in conflict resolution and peacekeeping, including a list of prospective participants and plans to expand such programs.

(5) The mechanisms to be used to coordinate interagency efforts to administer the plan.

(6) Efforts to seek the participation of other countries and international organizations to achieve the objectives of the plan.

(c) REPORT.—Not later than 120 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report containing a description of the plan developed under this section.

SEC. 9. REPORTING REQUIREMENT.

Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the President shall submit to the appropriate congressional committees a report describing the efforts and progress made in carrying out the provisions of this Act.

SEC. 10. CONSULTATION REQUIREMENT.

The President shall consult with the appropriate congressional committees prior to providing assistance under section 3 or section 5.

SEC. 11. APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.

For purposes of this Act, the term "appropriate congressional committees" means the Committee on Foreign Affairs, the Committee on Appropriations, and the Committee on Armed Services of the House of Representatives and the Committee on Foreign Relations, the Committee on Appropriations, and the Committee on Armed Services of the Senate.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. JOHNSTON] will be recognized for 20 minutes, and the gentleman from Indiana [Mr. BURTON] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. JOHNSTON].

Mr. JOHNSTON of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4541.

The African Conflict Resolution Act, H.R. 4541, is a comprehensive program through which the United States can help address the tragedy of war in Africa. This bill has strong bipartisan support and has been endorsed by the administration.

A relatively small United States investment in African conflict resolution capability could help save lives and help the United States avoid huge future expenditures caused by war-related humanitarian disasters. The need for expensive and controversial U.N. intervention would also diminish if African institutions develop the ability to resolve African conflicts.

In the last decade, between 2 million and 4 million Africans died because of war. There were 5.2 million refugees and 13.1 million displaced people in Africa in 1993 alone. Many Americans now associate the country of Rwanda with the word genocide. In southern Sudan, entire tribes and cultures are at risk. And the problem is certainly not going away; looming or ongoing conflicts threaten millions more Africans.

War has also caused untold damage to economies and development programs. Much of African famine is war-related. Literally billions of dollars of economic assistance has produced minimal results in war-ravaged countries such as Liberia, Somalia, and Sudan. Finally, demobilization of African armies must be a top priority. Oversized African armed forces threaten political and economic stability while diverting scarce resources from development needs. I believe that we should view demobilization as a central element in, or even a prerequisite to, our development assistance programs.

This legislation would help build African capability in conflict resolution by authorizing assistance in 5 areas:

First, assistance to the Organization of African Unity. The bill authorizes assistance of $1.5 million per year over a 4-year period to the OAU's new conflict resolution unit. Consistent with the Foreign Affairs Committee's initiative of last year, the Administration has already made $1.5 million of fiscal year 1994 funds available. This 5-year program will provide critical training and infrastructure to the OAU.

Second, assistance to subregional organizations. The bill authorizes assistance to help build the conflict resolution capabilities of subregional organizations in Africa. ECOWAS, SADC, and IGADD have shown promise, and we believe the U.S. should consider helping institutionalize mediation capabilities within these organizations.

Third, African demobilization and retraining program. The bill authorizes a 2-year program of $25 million per year, if conditions in Africa permit this level of expenditure. I again emphasize that demobilization is a critical element of the development challenge facing Africa.

Fourth, the fourth plank of this legislation pertains to training for Africans in conflict resolution and peacekeeping. The bill authorizes the President to establish a program to provide education and training in conflict resolution and peacekeeping for Africans.

Fifth, finally, the bill authorizes assistance to facilitate the work of nongovernmental organizations that are engaged in mediation efforts in Africa.

This legislation draws only on funds that are already allocated to Africa—no new funding is requested.

This legislation is very much in the U.S. national interest. It could help save a great many lives. It could help alleviate a weighty humanitarian and peacekeeping burden on the international community. I strongly urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. BURTON of Indiana. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have been on the Subcommittee on Africa of the Committee on Foreign Affairs now for I think about 8 years. During that period of time, we have seen conflicts that have resulted in the death and misery and suffering of millions of people in Africa. We have seen conflicts in Angola, in Mozambique, in Zaire, in Namibia, Rwanda, Ethiopia, Somalia, the Sudan, and in Liberia. We all know about South Africa. All of these conflicts have resulted in a great deal of human misery.

□ 1710

If this legislation will lead to heading off some of these types of conflicts in the future, then I think it is money well spent. So I commend the gentleman from Florida for his efforts and other members of the subcommittee who have worked very hard on this, the gentleman from New Jersey [Mr. PAYNE], the gentleman from Florida [Mr. HASTINGS], and others. I also commend Hank Cohen, former Assistant Secretary of State for Africa who has worked tirelessly on this project, for his role in the origin of this initiative, and although I had initial misgivings about this approach, mainly because of the sorry track record of the OAU, I have decided to support it because there is so much misery in Africa for so many countries that we must find ways to encourage Africans to find ways of resolving conflicts on that continent themselves before they erupt. This legislation opens the possibility of doing just that. There is no guarantee of success, but it is certainly worth a try.

This is an approach that should be monitored, however, very closely and very carefully and be evaluated in the future on a routine basis before we continue to support it. With Africa so beset by conflict and misery, it makes sense to try a small investment in an initiative that will bring about hopefully better results on that continent.

Mr. Speaker, I am happy to yield such time as he may consume to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, Americans have always responded with great generosity in responding to the all-too-frequent humanitarian crises in Africa. When we see human suffering, it is in our nature to respond with a helping hand—often in the form of relief dollars, and—in the case of Somalia and Rwanda—with the deployment of United States Armed Forces in a humanitarian mission.

But far better than reacting to crises, the international community should take every opportunity to help to prevent them in the first place.

This simple logic—which is borne out vividly by staggering loss of life in the Rwanda crisis—is the basis for H.R. 4541, the African Conflict Resolution Act. I commend Africa Subcommittee Chairman JOHNSTON and the ranking member, Mr. BURTON, for his initiative.

When we consider that the United States alone has allocated or spent $200 million in a few short months to respond to the man-made crisis in Rwanda, this legislation represents a fairly modest investment aimed not just at saving money but, vastly more important, saving lives.

Africa's key leaders have demonstrated their political will to take charge of their own affairs, and well-targeted seed money and training will help them do so more effectively.

This bill seeks, in part, to bolster the mediation role of the Organization of African Unity [OAU], which is under dynamic new leadership and has begun seeking negotiated solutions to regional conflicts with some promising results. This legislation says that the President should provide financial support for conflict resolution under the OAU and other subregional organizations, which are in the best position to find African solutions to African problems.

This bill also authorizes that existing U.S. aid funds can be used for demobilizing armed forces. This assistance addresses the cruel lesson that development dollars are sometimes virtually wasted in transitional environments if the issue of resettling and retraining demobilized armed groups is not addressed.

H.R. 4541 does not earmark U.S. funds or appropriate additional moneys for these worthy activities. Rather, it authorizes the President to make a relatively small investment of existing aid dollars in conflict prevention. In doing so, we seek to reduce the enormous human and material costs of unchecked violence and strife in Africa.

Mr. JOHNSTON of Florida. Mr. Speaker, before yielding further let me personally thank the gentleman from Indiana, [Mr. BURTON] for all of his help on this bill. He is one of the unique Members of Congress who has a decade of perception of this continent and what has happened to it. I also want to thank the gentleman from New York [Mr. GILMAN].

Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Florida [Mr. HASTINGS].

Mr. HASTINGS. Mr. Speaker, I thank the gentleman for yielding me this time, and I thank the gentleman from Indiana [Mr. BURTON] for making this matter a bipartisan one and for bringing it to the House of Representatives and to this Nation and to the world such that we might be about the business of mediation as opposed to conflict.

I rise today to express my support for H.R. 4541. It is known as the Africa Conflict Resolution Act. This legislation of which I, along with all of the Members of the Africa Subcommittee are proud to be cosponsors of, is a comprehensive program to help build an indigenous capacity to resolve regional conflicts in Africa.

This legislation is in our own national interests, for if we can help these nations solve their own conflicts before they spin out of control, we will save American lives no doubt, and certainly save American dollars. We will save lives because we will no longer have to send American troops or participate in United Nations exercises designed to stabilize the region; and we will save dollars because we will not have to provide band aid-like food and medical services after wars or famine have massacred fertile countries and the young people who would help run them.

We can throw money at nations around the world in the hopes of helping them develop without ever seeing progress. Real change will only come when these countries have been taught how to solve their own problems. I believe this legislation is a giant step in that direction.

It has been said that it is harder to wage peace than to wage war. But just this day and over the developing events of the last 48 hours we have had an opportunity to see what conflict resolution can produce in the way of positive results. If in every instance we had a President Carter or a Colin Powell or Senator SAM NUNN to be able to travel to the countries as enunciated by Chairman JOHNSON and the gentleman from Indiana [Mr. BUTON] in their conflicts as they have developed over the years in Africa, then no doubt we might achieve the same kind of results that these distinguished Americans were able, along with President Clinton, to achieve in Haiti. It is my great hope that this step in the right direction will assist in ameliorating the problems on the Continent of Africa. It will not eliminate them, it will not even come close to causing them not to occur, but under the aegis of the Organization of African Unity, doubtless we will find a way to assist in conflict resolution and I am sure we will find a way to cause these conflicts to be reduced on the Continent of Africa.

The times that I have traveled there, Mr. Speaker, as well as the gentleman from New Jersey [Mr. PAYNE] the gentleman from Indiana [Mr. BURTON] and countless other Members of this body in an effort to assist in the extraordinary work that has been done on behalf of Africa in trying to resolve conflicts on the African continent have to be forever commended, and I commend you for your leadership in allowing H.R. 4541, the Africa Conflict Resolution Act, to come to the floor so that we may in a bipartisan way show our concern in this regard.

Mr. BURTON of Indiana. Mr. Speaker, I am happy to yield 3 minutes to my great friend and colleague, the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, this Member rises as a strong supporter and a cosponsor of H.R. 4541.

This Member would congratulate the chairman of the Subcommittee on Africa, the distinguished gentleman from Florida [Mr. JOHNSTON] and the distinguished ranking member, the gentleman from Indiana [Mr. BURTON] for their excellent effort in producing a genuinely bipartisan piece of legislation. Under the leadership of these distinguished gentlemen, the subcommittee has not shied away from the difficult and intractable issues that beset Africa. This Member would observe that our Nation's foreign policy toward Africa is improved because of this legislative effort.

H.R. 4541 seeks to address the particularly difficult problem of conflict resolution. With more than a score of smoldering conflicts, there are few regions in Africa that have not been touched by civil war and unrest. Even in nations that are trying to put years of warfare behind them, a deep legacy of animosity and distrust remain.

In the 102d Congress, this Member introduced the Horn of Africa Recovery Act, legislation that begins to articulate a policy for addressing the humanitarian needs in war-torn Africa. H.R. 4541 is consistent with this earlier effort, and it seeks to employ existing mechanisms such as the Organization of African Union [OAU] to address these problems. H.R. 4541 is an attempt to be proactive rather than reactive. In seeking to put an end to the cycle of death and misery, it uses existing funds from the Development Fund for Africa in a creative and positive manner.

Mr. Speaker, it is, however, necessary to offer a cautionary note. In attempting to address the issue of demobilization of the millions of combatants now present in sub-Saharan Africa, this legislative initiative ventures into largely uncharted territory. The fact of the matter is that we don't really know how to effectively demobilize warring parties. Previous international efforts to disarm ex-combatants in Cambodia, Nicaragua, Angola, and El Salvador have met with mixed success. We can take the time to train excombatants and these individuals still oftentimes will return to brigandage. The international community can do everything right, and things can still turn out wrong. This is not to say that support for demobilization efforts are not important, for its is important. However, demobilization is a very difficult and tricky undertaking. Nevertheless, despite the difficulties, this is a very worthy and valid effort.

Mr. Speaker, H.R. 4541 makes a meaningful contribution to the peace process in war-ravaged Africa. There is no claim that this legislation is a panacea, but it is an important useful first step. This Member urges adoption of H.R. 4541.

□ 1720

Mr. JOHNSTON of Florida. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from New Jersey [Mr. PAYNE], who in the 1970's, 1980's, and 1990's has been intimately involved in peacekeeping in Africa, long before he came to Congress.

Mr. PAYNE of New Jersey. Mr. Speaker, let me begin by complimenting the chairman, the gentleman from Florida, for the outstanding work that he has done in his stewardship and diligence with the Subcommittee on Africa, and the gentleman from Indiana [Mr. BURTON] for his support of 4541. Let me also compliment the full chair, the gentleman from Indiana [Mr. HAMILTON], and the gentleman from New York [Mr. GILMAN], for their support for this important resolution.

Mr. Speaker, with the genocide that went on in Rwanda and that continues in several conflicts in Nigeria, Rwanda, and Angola and the Sudan, nothing is more relevant to consider than how we can enable African people to take charge of resolving their own conflicts.

As we depart from the cold-war days when bilateral influence was exerted to counter the moves of the former Soviet Union, we should now look forward to a genuine multilateral approach that enables Africans to be the architects of their own destiny. I cannot stress too strongly the importance of providing significant resources to the Organization of African Unity in order to carry out this responsibility.

When we consider the damage done to Africa by pursuing the cold war, surely appropriate reparations are called for. It is not practical to sit back and expect African countries that can hardly meet their own payrolls for their own civil servants to be able to foot the entire bill to make the Organization of African Unity a strong and important organization. More funds are needed to assist the demobilization of large armies that were created by the United States of America in order to fight the cold war, armies that were built by United States funds in Angola to fight against communism, in Mozambique so-called to fight against the cold war, in Ethiopia and in Zaire, so let us not forget the reason why these large armies stand today.

I have been saddened by the large numbers of troops in many of the countries sitting and waiting for an opportunity to return home to their families, to their homes, to their farms, for employment.

Let us say that the African Conflict Resolution Act to authorize assistance to promote peaceful resolution of conflicts in Africa will go a long way towards righting many of the wrongs I have cited. The bill is well thought out and researched.

Several authorities have been consulted. The additional $28.5 million in funding this bill will come from other less-important projects.

And so, Mr. Speaker, in this post-cold-war era and with colonialism's recent ebb, the world will finally look to Africa with a view for what it can do for itself. I can firmly say that the United States, as the world's only superpower, has an obligation to play a useful role in bolstering this new move in Africa to support its indigenous institutions.

Mr. BURTON of Indiana. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just like to say that over the past 12 years that I have been in Congress we have seen an end of the cold war, and one of the reasons that we saw an end to the cold war was that the Soviet Union, which once had a very great expansionist policy into areas like Africa, simply reached a point where their economy could no longer support their adventurism in places like Ethiopia and Angola and Mozambique and elsewhere. One of the things that led to our victory over the Soviet Union in the cold war was this country's willingness to support those countries in their fight against Communist tyranny and expansionism.

We are looking back, and see a problem created because left behind is a residue of military equipment that was used during that cold war. So I do agree with my colleague, the gentleman from New Jersey [Mr. PAYNE], that that is a problem that must be resolved.

But let us not forget that the reason we did it was to stop the advance of communism into many areas of Africa.

I would just like to say one other thing, and that is the reason I reluctantly support this resolution and now wholeheartedly support this resolution is because it has cost us literally billions and billions of dollars to send American troops around the world to help countries in their fight for survival and freedom and human rights and democracy. We saw in Somalia the United States lose a great many American lives and spend billions of dollars of hard-earned Americans' tax dollars to try to solve the problem in Somalia, and yet we have withdrawn and the problems still exist. It has not been solved.

Now we see our troops today going into Haiti. It is going to cost us at least a half-billion dollars for the initial invasion or landing of our troops and to keep them there and to house them and to supply them, and probably over the long haul it will cost American taxpayers billions of dollars. So if we can take steps to resolve conflicts like we are talking about today without American taxpayers' dollars being spent to the tune of billions and billions, if we can resolve these conflicts without sending American troops over there at risk to their lives and to possible long-term injuries that will result from their being there in these countries, then I think it is money well spent.

So I support this legislation, and not just because we think the responsibility should rest with organizations like the Organization of African Unity, but because the United States cannot be the world's policeman. We cannot in a never-ending way use our resources, our manpower, our American blood to solve these countries' problems. Where it is in our national interest to do so, we should. When it is not in our national interest to do so, then it is my feeling we should try to help those countries and those organizations resolve the problems themselves without sending Americans' blood, America's young men, and America's tax dollars over there to do the job that they should be doing themselves.

☐ 1730

So, Mr. Speaker, I do support this legislation and urge the house to adopt it unanimously.

Mr. ENGEL. Mr. Speaker, I rise to offer my strong support to the African Conflict Resolution Act (H.R. 4541) which promotes the development of an indigenous African capacity to resolve domestic and international conflicts. As a member of the House Foreign Affairs Subcommittee on Africa, I would like to pay tribute to Subcommittee Chairman HARRY JOHNSTON for the fine work he has done on this legislation.

Throughout the 1980's and the 1990's, the world has witnessed an endless stream of wars and humanitarian crises in Africa. Because little capability has existed within African institutions to mediate between parties to conflicts, no preemptive intervention occurred.

Civil war and humanitarian disasters have caused immeasurable damage throughout African countries. Only by bolstering indigenous African conflict resolution mechanisms will there be a real possibility to halt a dispute before it develops into a major crisis.

To accomplish this goal, the African Conflict Resolution Act authorizes U.S. assistance for various purposes. It builds the Organization of African Unity's subregional organizations, promotes the process of military demobilization in Africa, and provides training for Africans in conflict resolution.

I believe that this legislation represents a significant step forward and will play a positive role in preventing new African crises. I urge my colleagues to support this bill.

Mr. BURTON of Indiana.

Mr. Speaker, I yield back the balance of my time.

Mr. JOHNSTON of Florida. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BARLOW). The question is on the motion offered by the gentleman from Florida [Mr. JOHNSTON] that the House suspend the rules and pass the bill, H.R. 4541, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. JOHNSTON of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

PROVIDING FOR DEBATE TIME ON HOUSE CONCURRENT RESOLUTION 290 UNDER SUSPENSION OF THE RULES

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that during the consideration today of House Concurrent Resolution 290 under suspension of the rules debate shall be limited to 1 hour, equally divided and controlled by the majority and minority leaders or their designees.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

COMMENDING THE PRESIDENT AND THE SPECIAL DELEGATION TO HAITI, AND SUPPORTING THE UNITED STATES ARMED FORCES IN HAITI

Mr. GEPHARDT. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 290) commending the President and the special delegation to Haiti, and supporting the United States Armed Forces in Haiti.

The Clerk read the concurrent resolution as follows

H. CON. RES. 290

Whereas the special delegation sent to Haiti on September 17, 1994, has succeeded in convincing the de facto authorities in Haiti to agree to leave power;

Whereas on September 18, 1994, after an agreement was reached in Port-au-Prince that day, the President ordered the present deployment of men and women of the United States Armed Forces in and around Haiti;

Whereas the Congress and the people of the United States have great pride in the men and women of the United States Armed Forces and fully support them in all their efforts overseas, including those in Haiti: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) commends the efforts of the President in sending former President Jimmy Carter, retired General Colin Powell, and Senator Sam Nunn to Haiti in an effort to avoid the loss of American lives;

(2) fully supports the men and women of the United States Armed Forces who are carrying out their mission in Haiti with professional excellence and dedicated patriotism;

(3) supports the efforts of the President, through the special delegation, to provide for the departure from power of the de facto authorities and the return of democracy and the rule of law in Haiti;

(4) affirms the commitment to national reconciliation and adherence to the rule of law in Haiti; and

(5) supports an orderly withdrawal of all United States Armed Forces as soon as possible.

The SPEAKER pro tempore. Pursuant to the unanimous-consent request entered into earlier today, the gentleman from Missouri [Mr. GEPHARDT] will be recognized for 30 minutes, and the gentleman from Illinois [Mr. MICHEL] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Missouri [Mr. GEPHARDT].

Mr. GEPHARDT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of this resolution, and I rise in strong support of the courage and commitment that will finally make real the promise of democracy in Haiti.

In the past 24 hours we have witnessed a remarkable triumph of diplomacy in America's back yard. At a time when many thought that the United States had exhausted every avenue for peace and democracy in Haiti, at a time when many thought the brutal state-sanctioned terrorism of Haiti's military junta could only be stopped by fighting fire with fire, at a time when many believed that a painful military conflict was simply unstoppable and unavoidable, the President of the United States has proven them wrong. And of course President Clinton knew that when America's vital interests are at stake, when the very principles of liberty and democracy are on the line right here in our own hemisphere, then the United States can never abdicate its leadership, even when that leadership requires force.

☐ 1740

But President Clinton also knew that there is a kind of leadership that is tougher than force, a kind of commitment that is mightier than the mortar shell, and that is the commitment not just to peaceful ends, but to peaceful means to achieve them. It is easy to force a conflict. It is a lot harder to forge a real peace.

That is why the people of Haiti and the people of America owe a tremendous debt of gratitude to President Clinton. He was willing to push for a peaceful solution up to the 11th hour, to rid Haiti of its military dictators through reason, not aggression, and in so doing, he saved untold American and Haitian lives.

All Americans are grateful to the President, to General Powell, and to Senator NUNN, whose calm, deliberate toughness served us so well at the negotiating table. We are also thankful to President Jimmy Carter.

All three of these individuals brought to the peace negotiation tremendous skill, tremendous desire, and commitment, and I would say that we would not have this outcome today were it not for the dedication and the force, and really the combination of these three individuals. President Carter brought tremendous experience, tremendous commitment, to the process of peace. Senator NUNN has been one of the outstanding voices for defense and for defense efforts in our Congress and in our country. And Colin Powell served admirably in the last administration, and I believe was seen not only by citizens of the United States, but perhaps, most important in this case, by the military leaders in Haiti as someone who should be looked up to for his integrity, his character, and the vision that he has given to the military in the United States.

So thanks to their work around the clock over 3 days and thanks to yesterday's agreement, we can now expect a smooth and steady path to democracy in Haiti.

Today every American has reason to be proud, whether or not they supported the use of force in Haiti, for today America has stood up for the basic rights and liberties we fought so hard to achieve for ourselves more than 200 years ago.

By supporting this resolution, by supporting the achievement of these past days and weeks and the progress that is yet to be made in Haiti, by supporting the brave young troops that have been deployed to maintain order and stability in this time of transition, we send a powerful message to the nations of the world. And this message could not have been sent and this agreement could not have been achieved unless we had the best, the best trained, the best motivated, the most talented, and the most committed troops in the world. And unless this country and our taxpayers had not made the commitment that they have made, to keeping our armed services to be the best in the world, we could not have had this agreement. It was the readiness and capability of our Armed Forces that brought this agreement about.

So by supporting this resolution and by supporting this achievement, we send a powerful message to the nations of the world. When a government is built on fear and not on the faith of its people, when a government practices torture and oppression and smothers the voices and the votes of its fledgling democracy, when a government exports its people and its problems throughout our hemisphere, then there can be no compromise. The United States of America will not back down.

I urge Members on both sides of the aisle to support this resolution, to support our troops, to support the leaders who made the agreement possible, and to support the commitment of this Nation to democracy and to the rule of law.

Mr. Speaker, I reserve the balance of my time.

Mr. MICHEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to join with the majority leader in sponsoring this resolution. It commends the President, former President Jimmy Carter, retired Gen. Colin Powell, and Senator SAM NUNN, and it expresses our full support for the men and women of the United States Armed Forces who are carrying out their mission in Haiti with professional excellence and dedicated patriotism. It further supports an orderly withdrawal of all U.S. Armed Forces as soon as possible.

Mr. Speaker, we are in the early hours of this mission, and, thus far, things have gone well. We want our troops to know they have and will continue to have our support and the support of the American people. But, at the same time, we in the Congress must reaffirm our constitutional rights in national security and foreign policy matters.

Let us face it: The President's Haitian policy has been controversial, to say the least. We have never had any kind of a vote, much less a debate in this House, worthy of the term on this important policy question.

As I said, we are relieved that our troops did not have to deal with resistance in the initial landings. That is indeed a blessing. But this new American intervention in Haiti has just begun. There are many, many questions that remain to be answered about the agreement that was reached between the special delegation and the military rulers of Haiti, and about the ongoing mission and the duration of our military presence there.

So I just want our Members to know that I will do all I can to see to it that through our usual procedures and processes, the House plays its proper role in oversight and in factfinding, and I think it also imperative that the American people get the answers to the many questions they have raised to us. Of course, we want to continue during the course of that process to support our troops who are there to do their official duties.

Like it or not, American Armed Forces are in Haiti. We are glad that thus far the mission has proceeded without major incident. But we do have a long way to go. It is the job of the House to make certain that we carry out our constitutional duties in this area, with the dedication and the sense of mission that characterizes the men and women of our Armed Forces.

Mr. Speaker, I ask unanimous consent that the balance of the time allocated to the minority side by managed by my distinguished friend, the gentleman from New York [Mr. GILMAN], our ranking member on the Committee on Foreign Affairs.

The SPEAKER pro tempore (Mr. BARLOW). Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. HAMILTON. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Speaker, like many Americans, I was deeply concerned Thursday night to hear from our President that he believed an invasion of Haiti would be necessary and greatly relieved on Sunday night to hear that our diplomatic efforts had succeeded.

Former President Carter, Senator NUNN, and General Powell deserve our deepest gratitude: They negotiated tirelessly and courageously to reach a reasonable compromise with Haiti's leaders. President Clinton exercised leadership, pursuing every avenue toward peace even as he prepared for war.

Now we know that no invasion will occur. No Americans will parachute in the dark into Haiti, or wade ashore to face armed opposition.

But make no mistake about it: The immediate crisis may be over, but great challenges still lie ahead. Haiti's leaders have given their word to many understandings. Now these promises must be carried out. All parties involved on all sides must make every effort to see these understandings kept. Every effort should continue to support and protect our Armed Forces.

We now must rely on cooperation and help from other nations to keep the situation peaceful. This must be a matter of involvement, not only of military forces but reorganization of peace keepers.

Our troops are well-trained and know their charge. Our diplomats are ready for action. The spirit of the last 48 hours must continue.

The days, weeks, and months ahead are a time of history, with American lives still hanging in the balance. It will be some time before we can say whether this compromise resolved the crisis—or only prolonged it. Our every move, therefore, must be made with the kind of care, foresight, and deliberation shown by Senator NUNN, General Powell, and President Carter.

This resolution will be instrumental in helping us achieve that end.

□ 1750

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, all Americans are grateful to former President Carter, former Joint Chiefs of Staff Chairman Colin Powell, and Senator SAM NUNN for securing an agreement in which the ruling military regime in Haiti has promised to relinquish power. Let me say that while many in Congress have grave reservations about the President's policy in Haiti, we all give our United States troops in Haiti our full support as they respond to the call of duty.

Regrettably, the agreement leaves unanswered some important questions, including whether the senior military leaders will leave Haiti after they step aside. Nor is it clear that President Aristide will accept the provision for a general amnesty that is in the agreement.

Major questions regarding the extent of a continuing American military presence in Haiti also must be answered.

Even as the President has committed the United States to a long-term mission in Haiti, he has yet to explain to the Congress or the American people the nature and terms of that commitment or the role that United States forces will play as part of the proposed follow-on United Nations peacekeeping operation. Today's vote should not be misunderstood as congressional authorization for an initiative undertaken unilaterally by the President.

In 1915, President Wilson said he was sending the Marines into Haiti on a limited mission to restore democracy. Nineteen years later, the Marines departed without restoring democracy after an occupation in which thousands of Haitians lost their lives.

By undertaking this initiative, the President has embarked our Nation on a long-term engagement in the affairs of another sovereign State. It is more urgent now than ever that he come before the Congress to explain the terms and conditions of that engagement, as well as the estimated costs that the American people will have to bear for our military involvement and for our aid to Haiti.

Unless the President persuades the Congress and the American people that United States interests in Haiti justify the costs he wants us to pay and the risks he wants our Armed Forces to run, the Congress may have no alternative but to set a time limit on United States involvement in peacekeeping operations in Haiti.

Accordingly, while I emphasize the necessity of closely examining the extensiveness of our commitment in Haiti, accordingly, I urge my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. HAMILTON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Speaker, I want to thank our distinguished leader for bringing the resolution before the House and I urge its adoption.

We all join in congratulating President Clinton for what is a very significant political and diplomatic success, expressing our gratitude to President Carter, General Powell, and Senator NUNN for their extraordinary service in reaching the agreement that they did with the Haitian leadership, our deep respect for the discipline and dedication which our military men and women have brought to the task that has enabled all of this to come about.

We have averted not just an armed invasion of Haiti but we have also averted a potentially very serious constitutional disagreement between the Executive and the Congress.

Just as we are endorsing reconciliation in Haiti, we need to proceed now cooperatively and with mutual respect to develop together between Congress and the President a sustainable policy in Haiti, one that involves this Congress in a substantive way. I may not be as sanguine as my leader is with regard to the way all of this evolves in the coming days in Haiti, but I do hope we will have a full debate soon and fulfill Congress' responsibilities under the law, especially with the War Powers Resolution.

That can wait a little while at least. Today we can all breathe a collective sigh of relief and again state our profound thanks to President Carter for his continued and brilliant service to the country.

Mr. GILMAN. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman for yielding time to me.

I would like to add my thanks to President Carter, General Powell, and Senator NUNN for their tireless efforts in bringing this crisis to a peaceful conclusion. However, if anybody was watching the news conference today at the White House, and they heard General Powell and they heard President Carter speaking, they got a much different picture than they got from President Clinton's speech to the Nation last week. And it really is kind of disconcerting.

Because Colin Powell indicated that General Cedras was a patriotic man. I believe he used the words "a man of honor" during his comments. And last week President Clinton depicted him as a bloodthirsty tyrant who was running all over the people of Haiti and was a horrible person.

And we were also told that Emile Jonassaint was not really acting as the leader of that country but the military junta was running the country and yet when it came time to sign the agreement they said they had to get into cars and go to the presidential palace and that while the general still had some misgivings, the President said, we are going to sign this agreement to make sure that there is not a lot of bloodshed. So he was in charge.

I do not know whether President Clinton was misinformed or just misleading the country. But the facts, the facts are that he did not have his facts straight. And I think that is very, very sad.

We have been very concerned for months now about the President's lack of knowledge and ability in the area of foreign policy. And here is another glaring example of where he did not know what he was doing. And we had 20,000 American young men's lives at risk. And he had miscalculated and did not have the answers. Obviously, because Carter and Powell said he did not today.

In addition to that, it is not going to cost just millions of dollars, it is going to cost Americans billions of dollars before this is over. So in the future, before the President starts making these decisions, he should come to the Congress, not just the United Nations, he went to the United Nations to get their approval. He got their approval. But he did not get the approval of the people of America who are represented by the Congress of the United States.

We all understand what is at stake here. So in the future, I would urge the White House to think about the representatives of the people so the people of the United States could be heard before we put American young men and women's lives at risk.

Mr. HAMILTON. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Florida [Mr. HASTINGS].

Mr. HASTINGS. Mr. Speaker, I thank the gentleman for yielding time to me.

I thank the majority leader for bringing the resolution that I rise now to support. In brief response to my colleague from Indiana, lest he be reminded that it is already costing us a considerable amount of money to stabilize Haitians elsewhere than in Haiti.

I come from the State of Florida where we have suffered megashocks as a result of the influx of not only Haitian refugees but refugees from all over the world. Those megashocks have cost us immeasurably in our social services, our economic undertakings, our schools, our jails and our hospitals.

President Clinton and President Carter, Senator NUNN, and Colin Powell are to be deserving of all of our praise. But no more so than the men and women of the armed services who allowed for this to take place. We also should be reminded that Resolution 940 calls for a multilateral undertaking and it is not just American soldiers that are involved in stabilizing Haiti.

Let me say, finally, stabilizing Haiti for Haitians is better than stabilizing Haitians in safe havens. Hemispheric democracy is worth the sacrifice.

□ 1800

Mr. GILMAN. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Louisiana [Mr. LIVINGSTON], ranking member of the Subcommittee on Foreign Operations, Export Financing, and Related Programs of the Committee on Appropriations.

Mr. LIVINGSTON. I thank the gentleman for yielding time to me.

Mr. Speaker, indeed I do commend the efforts of former President Jimmy Carter, retired Gen. Colin Powell, and Senator SAM NUNN, for their efforts to avoid the loss of American lives. I support the men and women of the United States Armed Forces who are going to be carrying out this mission in Haiti. I support the efforts of the delegation to remove the generals and hopefully restore democracy. I affirm a commitment to national reconciliation and adherence to the rule of law in Haiti, and I want our troops out of there as quickly as possible.

That being said, Mr. Speaker, I have some strong reservations about the wording of this resolution. I have some very serious questions about it. Does it, in fact, endorse this intervention? I do not. I did not endorse the sanctions when they were first put on. I did not endorse the sanctions when they were made tougher, when they punished and pulverized the economy of the poorest nation in the Western Hemisphere. I have not supported those sanctions, and I do not support the concept of invasion. I did not think it was in the national interest for American troops to go into Haiti and invade and, if necessary, engage in war against the Haitian people.

In fact, Mr. Speaker, I do not support the concept of intervention. Most particularly, I do not support the idea of leaving those troops in Haiti without deadline or without any concept of when they are going to come out, because I do not know what they are going to be facing in the weeks and months to come.

Mr. Speaker, there is no national interest in putting our troops into Haiti. There is likewise no cause for leaving them in Haiti without a firm and concrete time and plan for departure.

I am very, very concerned about this resolution. Is it a Gulf of Tonkin resolution that gives the administration carte blanche opportunity to leave our troops in Haiti, for whatever purpose? Is "nation-building," the concept that failed so badly in Somalia, going to be employed in Haiti now?

I think we have a lot of questions to answer. Certainly we support our troops in every effort they made down there, but we also want our boys home. And do not want them brought back in body bags.

Mr. HAMILTON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Missouri [Mr. SKELTON] a member of the Committee on Armed Services.

Mr. SKELTON. Mr. Speaker, though I was opposed to an invasion, I take this opportunity to agree with this concurrent resolution commending our majority leader, the gentleman from Missouri [Mr. GEPHARDT], and the minority leader, the gentleman from Illinois [Mr. MICHEL].

As it turned out, this turned out well. We should give credit where credit is due. I think the dogged determination of the President of the United States speaks well for the results.

Former President Jimmy Carter, retired Gen. Colin Powell, and our colleague across the way, Senator SAM NUNN, did tireless duty in expressing the need for peace in Haiti.

However, Mr. Speaker, the bottom line is this could not have been done, this near miracle could not have come to pass, were it not for the fact that we had a strong military, capable of fulfilling the threat that was posed to the Haitian leaders. I hope every American, I hope every member of this body, as well as those in the administration, who has any question about the need for a strong military will look at this example.

These young men and these young women who were about to go in harm's way have high morale, had high morale, despite the fact that they have been cut back drastically in numbers, despite the fact that their modernization has been slowed down, and despite the fact that so much of their training dollars have been cut.

My admiration goes out to those young folks in uniform, because they made it possible. They were competent, they were ready, and they were anxious to fulfill their duty. I hope that in the days and years ahead, this body, backed by the American people, with the full understanding of the administration, will understand the need for national security, will understand the importance of a strong national defense that we have cut to the bone already.

Now is the time for us to regroup, express our appreciation for their efforts, they made it possible, and do our best to keep them from falling out of the bottom of the barrel financially. We must keep our military strong. This is a poignant lesson to all of us in this country.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. I thank the gentleman for yielding time to me.

Mr. Speaker, all of us are here tonight in support of the troops there, and with praise for the people who went and negotiated the agreement that kept us from having to invade.

Mr. Speaker, I am concerned about some of the wording in this language, some of the language in this particular resolution. I wonder if I might ask a question of the author of the resolution. It might allay some concerns that I have.

Mr. Speaker, I would ask the gentleman from Missouri [Mr. GEPHARDT], is the resolution, as a matter of policy, meant to support the intervention?

Mr. GEPHARDT. Will the gentleman yield?

Mr. WALKER. I am happy to yield to the gentleman from Missouri.

Mr. GEPHARDT. Mr. Speaker, I guess I would hesitate to try to embellish on the language that I think is fairly clear. The resolution says what the resolution says.

It commends the efforts of the President in sending Mr. Carter, Mr. Powell, and Senator NUNN. It supports the men and women, as I know the gentleman does, who are carrying out their mission in Haiti with excellence and patriotism. It supports the efforts of the President, through the delegation, to provide for the departure from power.

Mr. WALKER. If the gentleman will yield me to reclaim my time, it is right there that I think there is some concern. It says it supports the efforts of the President, through the special delegation. Then it goes on about the return of democracy and the rule of law in Haiti.

That could turn out to be a very long-term mission for the intervention if in fact we mean that, but as I understand it, it is only as it relates to the mattes that were in the agreement signed by President Carter and the provisionary president of Haiti, is that correct?

Mr. GEPHARDT. That is my understanding.

Mr. WALKER. Also, where we say we support an orderly withdrawal of all U.S. Armed Forces as soon as possible, do I gather that the House, in acting here, is suggesting by that language that we mean to get the troops out of there at an early date?

Mr. GEPHARDT. I think that is everyone's goal, is my understanding. I know it is impossible today to be able to be specific about that, but I am sure we all hope, and I am sure the President and the administration hopes they can be out as soon as possible.

Mr. WALKER. I thank the gentleman. I just want to put on the record that a number of us were concerned about the invasion. Many of us are also concerned about the intervention. I think we ought to have a full policy discussion of the intervention itself at some later date. I thank the gentleman for answering my inquiry.

Mr. HAMILTON. Mr. Speaker, I yield 2 minutes to the gentleman from Kansas [Mr. GLICKMAN], the distinguished chairman of the Permanent Select Committee on Intelligence.

Mr. GLICKMAN. I thank the gentleman for yielding time to me.

Mr. Speaker, I too had serious questions and concerns about the intervention, but as Shakespeare said, "All's well that ends well," and through either the incredible tenacity and spontaneity of the negotiating crew, perhaps a miracle from the heavens, whatever, this thing looks like it is going to be resolved in a much more constructive way than we worried about last year.

Certainly the dogged perseverance of our President played a major role in this, as well as former President Carter, General Powell, and Senator NUNN's role. I agree with my colleague from Missouri, a strong military played a great role in this, as well as nontraditional conflict resolution, which former President Carter was so vividly involved with, and something this country needs to pursue much more aggressively.

I would say, however, that I do not believe this resolution authorizes any action. It is a commendatory resolution, and I do think that this Congress needs to authorize the continued role of the United States before that role might get away from us.

I know that Presidents, from the current one to previous ones, do not think it is convenient to involve the Congress too directly in its authorizing process, but given of the length and purpose of the mission and how it will change and evolve, it is perfectly appropriate that the people of this great country of ours, through their elected Representatives, the Congress of the United States, have a role in fashioning and paying for this kind of a mission.

While I commend our troops, I commend our President, and I think we are doing the right thing, I do believe that this resolution should not be taken as an authorizing resolution, which is something this Congress should do before we go home for our break.

□ 1810

Mr. GILMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. GOSS].

Mr. GOSS. Mr. Speaker, I thank the distinguished gentleman from New York for yielding me the time.

Mr. Speaker, I share the tremendous sense of relief that I know all Americans feel today, as we watch the fruits, not of armed conflict but of negotiation in Haiti. The agreement reached in Haiti by former President Carter, former Chairman Powell and Senator NUNN demonstrates the power of informed negotiation—even in a situation where we have seen dangerous polarization of the extremes. I am gratified that this agreement—at long last—spells the end of the cruel and punishing international embargo that has systematically destroyed Haiti's infrastructure and devastated Haiti's poor. Lifting this embargo should help to raise the morale of a people that have suffered the burdens of economic isolation and have been torn apart by deadly internal division. As a result, the seeds of democracy should find more fertile ground to take root and flourish. But, Mr. Speaker, as I watch our troops set out on this mission of democracy-building, I remain terribly concerned that we are becoming embroiled in a long-term commitment that makes resolution of Haiti's internal problems a problem for America to solve. This will result in very high costs, not only in terms of risk to American lives, but also in terms of American resources. I urge the administration to follow through on the President's commitment to bring our troops home as soon as possible, keeping in mind that our soldiers cannot, for all of our best intentions, impose democracy in Haiti. Finally, Mr. Speaker, I am troubled that it took until now for this House to have a formal after-the-fact debate on this subject. We watched in frustration all summer as a resolution regarding the potential U.S. invasion of Haiti languished in this House without action, even as the American people were strongly opposed to a hostile invasion of Haiti. But at this moment our troops need and deserve the full support of the American people as demonstrated through the support of this resolution.

Mr. HAMILTON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Indiana [Mr. MCCLOSKEY].

Mr. MCCLOSKEY. Mr. Speaker, I thank the distinguished chairman for yielding me the time.

Mr. Speaker, I rise in strong support of this resolution. I think it is a perfectly worded and crafted resolution. An entire prayerful Nation is grateful and relieved that we are not in any sort of offensive warfare operation in Haiti. Troops are going in peacefully. Cedras and his associates are pledged to leave office and I think also very importantly, sanctions have been lifted and some sort of economic improvement and stabilization can occur very soon.

I am amazed that anyone but I could see it already on the talk shows very early last night that anyone as such should begrudge this success. No doubt there will be difficult times ahead and many perils but I think momentum is going our way and the way of the people of Haiti. I think Mr. Carter deserves a Nobel prize but I also think in its very complicated context we must remember, and I regret to say this because I am overjoyed for our President's success, there was minimal consultation with the Congress. Constitutionally and politically there should have been an authorizing vote with the President building support in plenty enough time to get it. I might say also that this once again showed that the credible threat of force of the internal scene works. Helicopters were coming in and Cedras capitulated.

I might say as another major challenge, we have lost the momentum in Bosnia. Look at the New York Times today to see how the innocent people there of all ethnic backgrounds continue to be shackled and slaughtered. We need serious leadership there by our President to lift the arms embargo and set Bosnia free. We have an interest in Haiti. There is even more at stake in Bosnia. Again congratulations to the President, Mr. Carter, General Powell, and Senator NUNN.

Mr. GILMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. WELDON].

Mr. WELDON. Mr. Speaker, I doubt that any one of our colleagues today will oppose this resolution which in fact recognizes our troops and the tireless efforts on the part of General Powell, former President Carter and SAM NUNN. I rise to support that as well. But make no mistake about it, Mr. Speaker. This resolution and our vote today is not in fact endorsing the failed policies of President Clinton in relation to Haiti. As a matter of fact, Mr. Speaker, there are those that wonder how could we come to the brink of war. Well, perhaps it was Dante Caputo who is the U.N. special counsel to Haiti who summed it up best in a memo dated May 23, 1994 that he sent to the Secretary-General. I will quote from that memo today. It says the conclusion that Dante Caputo draws is the U.S. administration considers that an invasion of Haiti is its best option.

It goes on to say that the President of the United States' main advisers are of the opinion that not only is this the best option but it is politically desirable. The Americans see in this type of action a chance to show after strong media criticism of the President, the President's decisionmaking capability and the firmness of leadership in international political matters.

In fact, he even gives a date. Back in May of this year, Dante Caputo says we have to solve this problem by the November elections.

Mr. Speaker, this is all in black and white. He even goes on to say in his memo which I have put in the RECORD twice already that in fact the United States hampered a diplomatic solution and actually applied a brake.

Mr. Speaker, the President really had these 3 people come to his rescue to bail him out at a time when the American people were totally opposed to a military intervention. The President misled the American people last week when he said that the immigration was a major problem. After all, it was candidate Clinton on November 12, 1992 who said that he was going to reverse the policy of President Bush and allow the immigrants to come into our borders. Last Thursday he said in fact that that was the reason for going in there militarily. He said it is a multinational force. We all know it is not. It is the American troops again.

Mr. Speaker, I will rise in support of this resolution but make no mistake about it. This is certainly not a vote of confidence on behalf of this President and his failed foreign policy.

Mr. HAMILTON. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. FOGLIETTA].

Mr. FOGLIETTA. Mr. Speaker, I rise to applaud the extraordinary work of President Bill Clinton in his handling of the crisis in Haiti. This triumph which will pave the way for a peaceful transition to democracy on this troubled island can be added to the President's growing list of foreign policy victories in regions such as the Middle East and the former Soviet Union. I would like to commend the hard and great work of former President Carter, Gen. Colin Powell and Senator SAM NUNN in this mission.

I have traveled to Haiti several times over this past year. I have seen the scars from the violence, desperate poverty, and fear that plague the people of Haiti.

The work ahead will be the hard work. Haiti has a long history of political instability. It will be the work of the multinational forces to turn Haiti away from that legacy.

Let us not allow history to repeat itself.

The police and military forces in Haiti must be retrained and professionalized so they can become partners in the process of reconciliation—instead of instruments of repression. Furthermore, we must bring economic opportunity to the people of Haiti. Stable democracies can only prosper in a climate of economic progress.

Our soldiers, along with the multinational forces which will join them, have embarked on a noble cause. I offer my prayers for their success and safe return.

Mr. GILMAN. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. ROHRABACHER], a member of the Committee on Foreign Affairs.

Mr. ROHRABACHER. Congratulations, Mr. and Mrs. America. You are now the proud parents of another little country filled with new dependents who are looking to you to pay for their food, shelter, clothing, and other essentials. This fiasco will cost us billions by the time it is over. It will have further stretched out exhausted and diminished military forces so we may well be unable to meet real challenges to our national security and vital interests, should such challenges arise.

The case that expending these billions is necessitated by our national interests has not been made. As a Member of Congress, I feel the insult of seeing our President seek the approval from the United Nations but not from the Congress of the United States for an American military operation. Yes, we are breathing a sigh of relief today that we have found in the initial phases to reduce the risk to our military personnel.

☐ 1820

But this operation was not justified to begin with. This administration blockaded Haiti, starving its people, and when hungry Haitians took to their boats it was used as an excuse to use our military forces to install President Aristide in power, an unstable, anti-American Marxist.

This military action is justified on a crisis that this administration created itself. Let us pray that a minimum number of lives are lost by the time this misadventure is over.

Yes, congratulations to Jimmy Carter, SAM NUNN and Colin Powell. As far as this administration, this episode again underscores the incompetence of our Commander in Chief in the arena of foreign affairs. Next time he needs to come to Congress and talk to us about it rather than to the United Nations. Here the people rule.

Mr. HAMILTON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New Jersey [Mr. TORRICELLI], chairman of the Subcommittee on Western Hemisphere Affairs of the Committee on Foreign Affairs.

Mr. TORRICELLI. Mr. Speaker, I thank the gentleman for yielding me this time. I join my colleagues in commending President Carter, General Powell and Senator NUNN on their considerable achievement, but also the President, who had the vision and the skill to send them, Bill Clinton.

There is a palpable sense of relief in this Congress today that war has been averted. The fighting that so many feared for today has not occurred. But the best testament to the negotiators is not any words that we can offer but the simple fact that many young Americans and perhaps Haitians by the score who would have lost their lives today remain alive.

We leave for another day the debate about whether an investment in American lives and treasure is properly expended in Haiti. It is left for another day because in truth we all recognize that there are difficult days ahead. Fighting may have been averted, but it is probably not avoided. Expenditures may have been reduced, but they almost certainly are going to be made. And unresolved as well is a long awaited and much needed national debate about in this post-cold-war period when our vital interests arise, how we will define them, and when they will be met.

It is no secret that many of us in this institution do not believe that the crisis in Haiti involves those vital interests. Yet today, with American forces in the field, with the President having stated that our credibility is now at issue, we stand with our forces, but still waiting for that debate to take place.

Unresolved as well is the question about whether the American people will be heard and this Congress will be consulted when this President or any other President decides that those vital interests are at issue.

This country came perilously close to American fighting men and women being in combat against the better judgment of the American people and largely without the support of the American Congress. In a democratic nation, no man holding any office can hold the power to commit lives, the credibility of this country, the good name of our Nation, and untold billions without the support of our people or this Congress, no matter the cause. That is the law. It is not the advice of the statutes, it is the War Powers Act. It is our Constitution. We serve nothing if we go to Haiti to support their constitution but compromise our own in the process.

I commend the President of the United States and most particularly those who negotiated on his behalf, and of course those who represent us in the field.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Nebraska [Mr. BEREUTER], a member of the Committee on Foreign Affairs.

Mr. BEREUTER. Mr. Speaker, I rise in support of the concurrent resolution as a means of expressing my full support for the men and women of the United States Armed Forces who are, in the words of the resolution, "carrying out their mission in Haiti with professional excellence and dedicated patriotisms." Also it is entirely appropriate to offer commendations to the special delegation sent to Haiti on September 17, 1994, which included former President Jimmy Carter, former Chairman of the Joint Chiefs of Staff Colin Powell, and the distinguished senior Senator from the State of Georgia, Senator SAM NUNN.

It certainly is appropriate to express support for the orderly withdrawal of all United States Armed Forces as soon as possible, but the fact of the matter is that they should not be in Haiti at all. Our armed intervention in Haiti is not demanded by the vital national interest of the United States; nor is there any legitimate justification which has been offered to support this ill-advised intervention in Haitian affairs. Our Nation is proud of its mission and responsibilities to support democracy, but not one drop of American blood should be spilled to reinstate President Aristide to his Presidency in Haiti. It is true that he was democratically elected, but he certainly is no democrat. It is vehemently argued by some that he did not practice retribution on his political adversaries and did not encourage violence by his supporters, but the facts to the contrary are unassailable. Many Haitians are understandably fearful about retribution from him and his followers upon his resumption of the Presidency. That circumstance, along with the fact that the outrageous American embargo of Haiti has resulted in the malnourishment of hundreds of thousands of Haitians, including pregnant women and children, and all without noticeable positive effect, those two factors plus many other factors certainly can lead one to expect that we will both have a difficult time of defending President Aristide's safety in Haiti and that our troops will increasingly become a target for violence.

Mr. Speaker, in short, this Member can be totally supportive of the members of our Armed Forces, as is the case, without supporting our intervention in Haiti. The intervention was unjustified before the invasion was launched on Sunday, and it remains unjustified. Given the opposition to military intervention in Haiti by the majority of Members of both parties in this Congress, and the overwhelming opposition to this intervention by the American people, President Clinton should have sought the approval of the Congress before launching this military action in Haiti. Instead the invasion was launched before the resolutions filed in the Congress could be voted upon this week.

Mr. Speaker, this House and this Congress should urge the quiet withdrawal of American forces from this ill-advised mission. The President's judgment on launching this intervention in Haiti was wrong and the Congress should do whatever is necessary to extract our personnel from Haiti before the casualties begin on this misguided mission.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, there is a sense on the floor that we may be diverted and save many American lives in this conflict, and to former President Carter and his team I give my heartfelt thanks and hope that they continue in negotiations.

I would also like to say that I was opposed and still am to the invasion of Haiti. It is not clear why we are there or what we are going to do in Haiti. Aristide has been characterized as a madman, but yet we are going to replace him.

I learned from a briefing today with that team, did Members know that General Cedras is staying in Haiti and can possibly run against Aristide in the December elections? He is not going anywhere, and that bothers me.

It also bothers me that a few months ago during Desert Storm that the majority leader in a partisanship vote here fought to keep sanctions during Desert Storm instead of invading.

I am concerned even more with the President's lack of process in not consulting with this Congress. If the President felt it was in his realm to go ahead and proceed, and in a speech he said there was a right to this, and he stripped down two aircraft carriers, loaded the troops in helicopters, months of preparation, but even if he felt there was a right in doing this, why did he fail to come to the Congress of the United States to bless it if it was right? That bothers me in that process.

I look at the gentleman from Pennsylvania [Mr. FOGLIETTA], who said he supports the President's foreign policy. I will tell the gentleman the father of that ranger that was killed in Somalia along with the 22 troops and the 77 wounded that chastised the President when he gave him the Medal of Honor for his son did not agree with that.

Mr. HAMILTON. Mr. Speaker, I yield 1 minute to the distinguished gentleman from New York [Mr. ENGEL].

Mr. ENGEL. Mr. Speaker, I thank the chairman of the Foreign Affairs Committee for yielding me this time and I rise in strong support of this resolution. I want to commend President Clinton for his good policy. I think that what came out of this is something that shows that those people who would detract from the President and use partisanship at this point in time are really off base. I think everyone in this House ought to be supporting this resolution. I think everyone is relieved that we did not have to invade Haiti, and I think that foreign policy ought to be conducted in a bipartisan manner. Just the way I supported President Bush when he decided to send troops to the Persian Gulf, I think in this peacekeeping mission Members on both sides of the aisle ought to support our President.

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I will say though that I think that if there is a need, and we find there is a need, for protracted American troops in Haiti, that the President ought to come to the Congress for continued authorization. But right now I think we need to give credit where credit is due, and I think the President, by forcefully stating the case and by acting the way he did, enabled peaceful resolution of this situation.

And, finally, the democratically elected government in Haiti can now get back into power.

We ought to commend the President, and we ought to unanimously support this resolution.

Mr. GILMAN. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey [Mr. SMITH], another distinguished member of our Committee on Foreign Affairs.

Mr. SMITH of New Jersey. Mr. Speaker, I rise in support of this resolution which strongly supports the men and women of the United States Armed Forces in and around Haiti. I also rise, Mr. Speaker, to say that I continue to have very deep reservations concerning the judgment of President Clinton in ordering United States troops into the extremely volatile and risky terrain of Haiti.

Mr. Speaker, simply put, my overriding concern is the safety and well-being of each and every American soldier. While I am both relieved and grateful no casualties have been reported, I remain concerned the occupation of Haiti poses significant and unnecessary risks to the lives of Americans.

Mr. Speaker, the timing of the invasion is not beyond question. At some time in the near future, it is my heartfelt belief Congress would have gone on record either for or against, but I think the odds were both Democrats and Republicans would have said no to invasion. I think it is a fair question to ask whether or not the timetable was accelerated so the Congress would be precluded from its moral obligation to act and weigh in on this important policy.

Also, Mr. Speaker, memos by U.N. Special Envoy Dante Caputo also raise very serious questions concerning the timing of an invasion and the November elections. Mr. Caputo wrote May 23, 1994, to Secretary General Boutros-Ghali, the President of the United States' main advisers are of the opinion that not only does this option, the invasion option, constitute the lesser evil, but that it is politically desirable. Dante Caputo also said on May 19 Haiti represents, and I quote, "a test case for which the United States has to have found a solution before November."

Mr. Speaker, the lives of American troops should have absolutely nothing to do with politics or November elections. They are not to be used as pawns.

Finally, let us all hope and pray no harm comes to our troops, that democracy does ultimately come to Haiti, to that troubled country, but the difference is in the means. The time is long past for the indepth debate that we have all been clamoring for.

Mr. HAMILTON. Mr. Speaker, I yield such time as he may consume to the gentleman from Missouri [Mr. VOLKMER].

Mr. VOLKMER. Mr. Speaker, I rise in strong support of the resolution commending former President Carter, Colin Powell, and Senator NUNN and our Armed Forces.

Mr. HAMILTON. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Speaker, several years ago I disagreed with President Bush's policy in the Persian Gulf, and I voted accordingly. Shortly after the invasion began, a resolution very similar to this one came to the floor. I voted for it enthusiastically, because what we were attempting to say then, as we are attempting to say now, is despite our political differences we want the men and women in uniform to known that this Congress stands behind them.

As I have listened to this debate this evening, I cannot believe my ears, Republican after Republican coming here to take a swing at President Clinton, to question the policy in Haiti. Ladies and gentlemen, there is plenty of time for debate on the policy in Haiti.

I thought the purpose of this resolution was to send a clear, unequivocal message of solidarity to the men and women in uniform, to let them know that we stand behind them, and yet I am not sure that message will come through as clearly as it should.

I will vote for this resolution. I have my misgivings and second thoughts, but I am going to hold that debate for another time and another place.

Mr. GILMAN. Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. MICA].

Mr. MICA. Mr. Speaker and my colleagues, I rise today to support this resolution, and I certainly support our troops.

But this really is no occasion to celebrate, because, ladies and gentlemen, this is really what should have been done a year ago. This is no opportunity for the taxpayer to celebrate, because this is the result of a cut-and-run policy from a year ago, and today we are using American troops at a cost of nearly half a billion dollars, I am told, for this exercise, and then to add insult to injury, we are paying the United Nations for the peacekeeping operation that they should have had a year ago, and we should have supported.

What is even worse is 1 year ago when we told President Clinton that this policy of economic sanctions imposed on the country, the poorest of the poor, 53 cents a day average income, would not work, killing a thousand Haitian babies a month would not work, and now the taxpayers are going to pay another half a billion dollars to economically restore that, so that is not a day for the American taxpayer to celebrate.

Mr. HAMILTON. Mr. Speaker, I yield such time as he may consume to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Speaker, I rise in support of the President.

I rise to commend President Clinton for his use of negotiations backed by might—military might.

I find this debate to be both interesting and ironic. Many Members have stated only begrudged support for our President.

These same Members, most of them, gave unconditional support for former Presidents Reagan and Bush when they ordered the invasions of Lebanon, Panama, and the Middle East, and yes, even Grenada—even that ludicrous and unnecessary intervention received their full support. But now they are reserved in their consideration of President Clinton's actions.

Perhaps these Members are not being partisan. It may be that for them a Democratic President must always be opposed.

Or perhaps their opposition has to do with matters of perception and policy.

It may well be that some Members of this Congress oppose tyranny only when it comes under a Communist regime.

It may be that some Members of Congress oppose tyrannical violence when it is directed at the wealthy and powerful, but never when the target is the poor and the hungry and the uneducated.

These Members were not incensed I noticed when Hussein gassed and murdered the Kurds—that minority group of oppressed citizens. It was when Hussein attacked the wealthy and powerful Kuwaitis that these Members of Congress demanded that America intervene with all our military capability.

In Haiti, it is the poor who are being oppressed—poor blacks. Such violence and aggression seems not to matter to some Members of Congress.

Mr. HAMILTON. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Oklahoma [Mr. MCCURDY].

Mr. MCCURDY. Mr. Speaker, I rise in support of this resolution. But like many members, I think we must make it clear just what we are resolving today.

With this resolution, we are not endorsing President Clinton's Haiti policy. We are not saying we would have approved of an invasion. We are not authorizing a long-term occupation of Haiti.

What we are doing is supporting the safety of our men and women in uniform.

We cannot have another Somalia. We cannot allow thugs and tin-pot dictators to believe they can intimidate the United States by killing a few of our soldiers. Because once they believe that, no American military person—in Haiti or elsewhere—will be safe.

I opposed an invasion of Haiti, and I am just as concerned about the dangers of a long-term occupation. I believe that U.S. troops must be withdrawn in a timely manner. Every day our troops remain in Haiti drains more precious readiness and morale from their ranks.

But now that our troops are on the firing line, we would endanger their safety and bring shame on ourselves if we fell into partisan bickering. The lives of our troops are more important than scoring partisan points in an election year. Let's stand by them now, and make sure we bring them out as quickly as possible.

Mr. GILMAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. CANADY].

Mr. CANADY. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I do rise to speak in favor of the resolution.

I am relieved and grateful that American troops have not entered Haiti in the midst of hostilities. And I join with people throughout America in praying for the safety of our troops as they occupy Haiti.

President Carter, General Powell, and Senator NUNN deserve a great deal of credit for helping to forestall the Clinton administration's planned invasion of Haiti and the loss of American life that would have most likely resulted.

However, I remain very concerned about the future role of American troops in Haiti. It is essential that we not allow our involvement in Haiti to turn into a quagmire. Our troops should be brought home expeditiously. And the purse of the American taxpayer should not remain open indefinitely.

I am also concerned about the precedent set by this expedition. We must remember that we cannot be the world's policeman. We cannot solve all the world's problems. And we cannot establish democracy in any land if the underlying conditions for democratic institutions are not present there.

Moreover, Congress must act to ensure that in the future, undertakings such as this do not occur without the direct involvement of the representatives of the American people in the Congress.

Mr. GILMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin [Mr. ROTH], another distinguished member of the Committee on Foreign Affairs.

Mr. ROTH. Mr. Speaker, I thank the gentleman for yielding me this time.

This Haitian policy that President Clinton has embarked on is most unwise, and President Clinton and his advisers and our entire country are going to live to regret it.

Do you know why? Because when you march off in a foreign venture like this, there are four ingredients, four questions, you have to ask yourself. No. 1, do you have a clear goal? The answer is no in this case. No. 2, do you have strategy for success? The answer is no. No. 3, do you have the American people endorsing this policy? The answer is no. No. 4, do you have a exit strategy? The answer is no. Four noes to four questions.

This policy is doomed to failure.

Now, President Clinton has made himself responsible for Haiti and Haiti's future. This is not a wise course of action, and our Army, look at what you are doing to our Army. You are talking here about defending and speaking up for our Army. What position are you putting our Armed Forces in?

There is tremendous turmoil in Haiti. You have got a civil war. You have got Cedras' forces, Aristide's forces, 6 to 7 million people, and you are going to put 15,000 Americans in there to restore peace. This is an impossible goal for these people, and you are putting them there.

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You know, when you embark on an adventure like this, there is always a great deal of enthusiasm. I find very tepid endorsement of this policy here, very weak soup here today.

What is going to happen when the going gets tough?

Do you remember when we had our troops in Somalia and after that disastrous weekend, everyone was howling? The Senate, the House, over to see the Secretary of State, Secretary of Defense. What is going to happen when a disastrous weekend happens here? And it is going to happen. You cannot have 15,000 American troops in a country like that and not expect some disaster to happen. What are you going to do then?

You are going to scream then, you are going to come up with a tough resolution then. Well, why do you not come with a tough resolution now? You know what is going to happen. It is as clear as a bell what is going to happen with this policy.

Now is the time to speak up, not after the people have lost their lives, not after the American people—the American people know what is going to happen here. That is why they are not endorsing this policy. You go home to your districts and you tell them, talk to them about Haiti, and you will see what kind of endorsement you are going to get. I know it is 7 weeks to election. Like all of you, Democrats and Republicans, hey, you got to watch this resolution. This resolution basically says nothing.

I have basically in my entire congressional career never seen a weaker resolution. Have you? No one has.

This policy is doomed to failure because again you have to have a clear goal, have to have a strategy for success, you have to have the endorsement of the American people, and you have got to have a clear goal. None of these four criteria have been met, not one.

This policy is wishful thinking. When you deal in foreign affairs, you have got to be hard-headed; you cannot be going with a policy of wishful thinking.

Remember what happened in Somalia. Remember what happened in Lebanon.

You know what is going to happen here. Now is the time to speak up, not after disasters happen.

Mr. HAMILTON. Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, I rise in strong support of the resolution.

Mr. Speaker, I rise today to join my colleagues in extending our congratulations to the President and the heartfelt thanks of a grateful Nation to three great national leaders: President Jimmy Carter, Gen. Colin Powell, and Senator SAM NUNN of Georgia. I support this resolution. America stands behind our men and women in uniform who today take up another mission to protect the peace and defend democratic principles so critically important in this hemisphere especially. Former President Carter and General Powell and Senator NUNN's delegation have hopefully avoided the need for the bloodshed, that these valiant troops have all so willingly offered to shed if required for their country.

President Clinton deserves commendation by this Congress for his willingness to pursue peace while being ready to exercise force if so required. The agreement signed in Haiti accomplishes the important goal of restoring democratic rule in this troubled nation.

But let us make no mistake about it. No delegation, no matter how highly skilled, could have achieved this peaceful victory without the effective threat posed by our men and women in uniform. Without firing a shot, it was their capability and skill which led to an agreement that has as its objective the restoration of democracy in Haiti.

Mr. Speaker, again, I join with my colleagues in thanking our citizens in uniform and the distinguished delegation led by President Carter, whose efforts clearly avoided bloodshead this day in Haiti. I support this resolution and urge my colleagues to do the same.

Mr. HAMILTON. Mr. Speaker, I yield 30 seconds to the distinguished gentlewoman from Florida [Mrs. MEEK].

Mrs. MEEK of Florida. Mr. Speaker, I support the resolution. I support the strong leadership demonstrated by President Clinton as a strong Commander-in-Chief in the fullest sense. He has moved forward with strength and conviction; masterfully using the Presidential tools of military force and diplomacy to achieve U.S. objectives in the most effective and least costly manner.

What has Congress done for Haiti? Look in your hands and see what you see: Nothing.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished ranking member of the Committee on Armed Services, the gentleman from South Carolina, [Mr. SPENCE].

Mr. SPENCE. I thank the gentleman for yielding this time to me.

Mr. Speaker, as we meet this afternoon, thousands of United States troops are on the ground in Haiti on a mission of uncertain objectives and even less certain duration. No troops from any other nation is involved.

I support the resolution before the House as an expression of support for the efforts of the Carter-Powell-Nunn delegation in averting needless bloodshed and for our many fine young men and women now carrying out their job in Haiti with the usual professionalism and effectiveness.

However, I want to also take this opportunity to register my strong concern over the policy that placed our forces to Haiti in the first place.

Mr. Speaker, the United States has no significant national interest at stake in Haiti that justifies the commitment of military forces to that nation. Whether they go in by force or not, does not alter this fact.

Beyond that principal point, many, many questions remain as to how this administration intends to conduct this operation.

What is the precise role of the United States forces in establishing and maintaining a stable security environment in Haiti?

What will determine when this mission is accomplished thus allowing the bulk of American forces to return home?

How many United States troops will be asked to remain in Haiti to participate in the United Nations peacekeeping operation?

What will be the precise command and control arrangements for U.S. forces serving in the U.N. operation?

How much will all of this cost the defense budget and how will it be financed?

These are just a few of the many questions surrounding this operation that deserve immediate answers.

Mr. Speaker, today the administration committed this Nation to an intervention in Haiti that neither Congress nor the American people support. We have embarked upon a course full of risk and danger to American lives and prestige for objectives that I continue to question.

But, having taken this step, it is my hope that the administration will take every opportunity to wrap this operation up as quickly as possible and bring all of our troops home before they become embroiled in the morass of Haitian politics.

Mr. HAMILTON. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Ohio [Ms. KAPTUR].

Ms. KAPTUR. Mr. Speaker, I rise this evening solely in support of our Armed Forces in the field in Haiti. I rise not at all for the process conducted by the executive branch of this Government that has involved the United States yet again in another quagmire—a process that involved the United Nations, a process that involved the Organization of American States, a process that involved the Haitian military, a process that involved the former leader of Haiti, the current leaders of Haiti, and the future leader of Haiti, but did not involve the people of the United States through their elected representatives in this Congress.

Congress was never asked to approve the Governor's Island Agreement. We were never asked to vote on the proposed military engagement. Having served in this Congress for over 10 years, I know well the habit of the executive branch, regardless of party, to overstep its authority in committing U.S. troops on foreign soil.

Thus, I rise in support of bringing our troops home as soon as possible and while they are in the field giving them the backing they need.

Mr. GILMAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan [Mr. SMITH].

Mr. SMITH of Michigan. I thank the gentleman for yielding time.

I applaud the negotiating team for reaching an agreement to allow our troops to enter Haiti peacefully. The greater problems, as they always have been, will be how long we must keep our troops there, and to what degree will we take on the responsibility of ensuring a stable political system and economy.

There will be close to 15,000 United States troops in Haiti within 2 weeks. Answering a specific question, Secretary of Defense Perry said that our troops wouldn't be leaving until sometime after the December election. A multinational police force will take over when U.S. troops leave.

General Raoul Cedras and his comrades, including the acting President Emile Jonassaint, are not required to leave the country under the provisions of the agreement and are not prohibited from running for office in future elections. It is planned that Aristide will reassume the Presidency on or about October 15, when Cedras and Jonassaint relinquish power.

We have now reached an agreement to replace an elected tyrant with an unelected one. Taking on the responsibility and risking lives to reorganize the Haitian Government and economy is a mistake.

I support the resolution most for commending President Jimmy Carter, General Colin Powell and Senator SAM NUNN and for the fifth resolving clause that states we support an orderly withdrawal of all U.S. Armed Forces as soon as possible. If our troops are not out by the convening of the 104th Congress I will actively support a resolution for immediate withdrawal.

Mr. GILMAN. Mr. Speaker, I yield back the balance of my time.

Mr. HAMILTON. Mr. Speaker, I yield myself the remaining time.

The SPEAKER. The gentleman from Indiana is recognized for 4 minutes.

Mr. HAMILTON. Mr. Speaker, let me just make a few observations here. First of all, with respect to the delegation that President Clinton sent to Haiti, I have been very pleased to hear from the Members of this Chamber their very strong support for that threesome.

I think it is important to recognize that together that team had great credibility. Each person brought his own strength to the team.

President Carter was highly praised by his conegotiators for his toughness and his sensitivity and his doggedness.

General Powell brought great credibility with the military leaders of Haiti and conveyed a sense of United States power and appealed to the sense of duty of the Haitian leaders.

Senator NUNN brought the perspective of a legislator and emphasized the importance of parliamentary elections in Haiti.

Mr. Speaker, I also want to point out with respect to the U.S. Forces, they too have been highly praised here, but I am not sure this Chamber sufficiently understands what we asked them to do.

We asked the U.S. Armed Forces, in effect, to prepare for two missions: One was a mission of forcible entry, and the other was a mission of entry by agreement. They did not know which one of those tasks they would be called upon to achieve until the very last few minutes.

So their performance has really been extraordinary, as they prepared for both tasks but only carried out, fortunately, one. It was a great day to see this landing achieved in peace and to see the spirit of cooperation that existed between the United States military leaders on the ground in Haiti today and the Haitian military leaders.

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I wanted to say a word, too, about the agreement itself. It is an important one, and, in reaching it, we should observe that no money was offered to anyone, none was requested, and the question of escape was not even discussed during these negotiations.

It is terribly important for us to keep our eye on the central purpose of the agreement. It achieves our U.S. policy goals there. It removes the coup leaders from power, it assists in the return of the legitimate authorities to power in Haiti, it stems the tide of the refugees, and it creates an environment in which political reforms and economic reforms can take place in that impoverished nation.

Let me also observe there has been a number of people here comment about their concern about an extended role for the United States. It is important to recognize here that the U.S. Armed Forces have a very limited role. They are not to become involved in nation building. They are to withdraw as soon as possible, after they have created a secure environment in which democracy and economic reforms can take place.

Finally, Mr. Speaker, let me simply observe that even with this significant breakthrough today, all of us are going to have to be patient, and we are going to have to be determined in the coming days. The agreement that was struck this weekend is an imperfect agreement, as one of the negotiators described it. It is not a legal one. It is, by necessity, a broad agreement, and it lacks a lot of details. The implementation of this agreement will be a daunting and challenging task.

Mr. Speaker, I urge my colleagues to approve this resolution.

Mr. MFUME. Mr. Speaker, I rise today in strong support of the resolution before us, in strong support of our American troops, and in strong support of our President's recent actions to resolve this situation.

The current military regime in Haiti poses a threat not only to the United States but, I would submit, to the entire Western Hemisphere. The potential for the destabilizing nature of the military regime to spread to other Caribbean and Latin American countries, is, unfortunately, very real. While some of these nations may have strong democratic intentions or traditions, the relatively poor conditions in these countries—socially and economically—may make them more susceptible to a military takeover.

The result of such a spread of military or authoritarian regimes would be not only chaos in terms of the number of immigrants trying to enter this Nation illegally, but also in terms of economic growth and stability for the region as a whole. At a time when the world is in a position to move forward politically, socially, and economically toward a common goal of global economic security and a universal respect for human rights, it would be a disgrace if we could not take actions to promote these ideals in our own backyard.

I believe that President Clinton put it best in his address to the Nation last Thursday when he stated that the end of the cold war should not signal a return by the United States to isolationist policies.

It is our moral duty, as the world's remaining superpower, to defend the basic human rights of all people whenever possible.

It is this defense of basic human rights that our troops, under the guidance of the President, are currently protecting. Let me say they are doing a superb job, and that those of us still here in the United States, as well as all other citizens of the world, owe them a debt of gratitude.

Their military powers, as well as their willingness to enter into a conflict when called upon, make them the true defenders of democracy. It is clear that the global reputation of the American military was a significant factor in the so far peaceful resolution of this conflict.

Another element that deserves credit is the resolve of the President not to allow the Haitian military to undermine the reputation of the United States or democracy in the international arena. While I have, at times, been critical of this President's policy toward the Haitian dictators, and while I was not comfortable with a military invasion, I would like to credit the President for his persistence in the face of domestic and international criticism.

It was the resolve of the President that brought us to the point at which we currently find ourselves; with the Haitian military despots on their way out and democracy on the road to return.

I applaud the President, and his resolve, and the fact that as a result of his actions future would-be military dictators may think twice before attempting to overthrow a democracy, no matter how fledgling that government may be.

Mr. Speaker, like all Americans, I thank the President, his emissaries President Carter, Senator NUNN, and General Powell, and our troops and wish them godspeed on their journey. I hope that they all return quickly and in good health. In the meantime, I thank them for their efforts on behalf of the American public, the Haitian people, and all people whose rights may have been threatened.

Ms. PELOSI. Mr. Speaker, just a few days ago all signs pointed to an American invasion of Haiti. At that time, it was my belief and the belief of many Americans that not all diplomatic means had been exhausted.

I commend the President for sending the delegation led by former President Carter. I am relieved and thankful that the delegation was successful. President Carter should be singled out for his tenacity on behalf of a peaceful resolution. However, we must still face the question of how, now that we are committed to the peaceful introduction of American troops into Haiti, we define our role to ensure that we advance our legitimate interest in the human rights and democratic aspirations of the Haitian people. American troops must have a clear mission, with sharply defined yet realistic rules of engagement. We must support our troops as they undertake this mission.

There continue to be many unanswered questions about the Haiti agreement that the American people have a right to know. Perhaps the most important of the unanswered questions is the fate of the three members of the junta. If we are to unfreeze their assets so that they have access to their wealth; if we are to allow them to be granted amnesty under Haitian law for their crimes; we are, in essence, rewarding them for standing up to our Government and the international community during their 3 years of tyranny.

The international community has been justly outraged over the brutality of the junta. The Haitian people who have been the victims of the junta's regime deserve justice. The United States, the strongest democracy in the world, has an interest in sending a strong message to those who flout human rights and democratic elections. How can we explain to the international community, the Haitian people, and the people of the United States that the junta, despite its long list of atrocities, will remain prosperous and free?

However pleased we all are to avoid the invasion, the resolution of this conflict should not serve as a model for future dealings with brutal dictators. President Clinton in his address Thursday characterized the Haiti regime as the "most violent in our hemisphere," and cited their atrocities, including the execution of children, as justification for the invasion of Haiti.

We must make it clear to those who brutalize their people that they will answer for their actions in an international court of law. The barbarous junta succeeded in being treated with respect and having their assets unfrozen while their atrocities go unpunished.

Ms. LAMBERT. Mr. Speaker, I rise in order to congratulate former President Carter, General Powell, Senator NUNN, and President Clinton in their efforts to find a peaceful end to the Haitian crisis. I also rise to support the efforts of our troops already on the ground in Haiti.

Let me be clear, I am very concerned about our military presence in Haiti. I do not want our troops involved in any offensive military activities in Haiti. Trying to restore order to a country that has had very little order throughout its history is not a wise idea for our troops.

I do not want to see our troops getting bogged down in a political problem that does not have a U.S. interest. Our troops should only defend U.S. interests which have been clearly defined. Unfortunately, I am not convinced of an overwhelming United States concern that requires United States military action in Haiti.

It is my hope that the United States will continue to seek peaceful resolutions to conflicts such as those in Haiti. Furthermore, as a world leader, I believe we should seek responsible resolutions to international conflicts whenever possible through our membership in the United Nations.

Should additional decisions be made, against my better judgment, requiring U.S. military offensive action, I will align myself with President Clinton and support our troops in Haiti. But, I will feel free to strongly voice my opposition to any offensive, invasion-like orders from the Commander in Chief.

Mr. DOOLITTLE. Mr. Speaker, I fully support the men and women in our United States Armed Forces, including those in and around Haiti. I do not, however, support military intervention in Haiti, since we have no substantial national interest at stake and since the history of our involvement in Haiti, in which United States Marines were stationed there for 19 years, offers little encouragement for any positive outcome.

Furthermore, I oppose any additional financial burden imposed upon American taxpayers to engage in nation building. These nation building efforts expose our troops to great physical danger and subject the taxpayers of this country to enormous potential liability. For these reasons, I must oppose the resolution.

Mr. EWING. Mr. Speaker, I strongly support the American service men and women who are moving into Haiti. Their bravery and commitment to peace and freedom deserves the utmost support from the American people and from Congress.

While I will vote for this resolution, I am concerned about President Clinton's underlying decision to send United States troops to Haiti. Haiti does not pose a national security threat to the United States which would justify the loss of American lives, either through an invasion or during a protracted occupation.

Haiti remains a very dangerous place, and even if Aristide is returned to power there is a great likelihood that violence will again erupt. We have no idea what kind of situation our troops will be facing in the weeks ahead.

The President does not have a clear plan or timetable for getting our troops out of Haiti, and I am concerned that our troops will be there for many months or years.

The President has not clearly spelled our what the mission of our troops is in Haiti. It now appears that the military has agreed to allow Aristide to return to power, but our troops have gone into Haiti anyway. Why? Apparently now the troops will be used for nation building. This is not the purpose of the military.

We have no idea how much the occupation will cost the American taxpayers, but we can expect it to be billions of dollars.

I strongly commend the American troops serving in Haiti and support them wholeheartedly. Because I am concerned about their safety, I strongly urge the President to bring them home very soon.

Mr. LIGHTFOOT. Mr. Speaker, I rise in support of the resolution. Like others here this evening, I support our troops in Haiti and know they will do a superb job. However I want to make it clear, support for this resolution is not an endorsement of the President's decision to involve us in nation building in Haiti.

Naturally, I am relieved that our forces are not landing in an overtly hostile situation. And for that we owe President Carter, General Powell and Senator NUNN a debt of thanks. However, I don't think we should congratulate Bill Clinton for temporarily extricating himself from a foreign policy disaster of his own making. There is still no demonstrated national security interest in a United States military presence in Haiti. And I am interested to learn the people who President Clinton branded human rights barbarians on Thursday night will be given honorable retirements.

As we breath a sigh of relief that there will be no immediate loss of American life, we should be vitally concerned about the long term implications of today's actions. Today for example, the Foreign Operations Appropriations Subcommittee, of which I am a member, received the first of what I am sure will be many notifications from the administration for the reprogramming of almost $100 million for use in Haiti.

The Haitian problem is not one of short term military occupation. President Clinton will install to power in Haiti a man who has not demonstrated any commitment to democracy and who has consistently blamed America for Haiti's problems.

What President Clinton proposes for Haiti is identical to his nation building disaster in Somalia. Nation building in Somalia cost some Iowans their lives and, ironically, the same day President Clinton was asking the Nation to support him in Haiti, the United States was closing its embassy in Somalia and considering a United Nations request for military support to withdraw its peacekeeping force from Somalia. Why? Because 40 American lives and a billion dollars later, Somalia clans are still fighting and there is not even a rudimentary government in place.

I certainly hope President Clinton has enough courage of his convictions to lay this long term commitment to nation building in Haiti before the House and Senate so we can fulfill our role as the people's representatives.

Ms. VELAZQUEZ. Mr. Speaker, today I rise in strong support of House Concurrent Resolution 290 and in praise of President Clinton and his administration for their eleventh hour effort to reach an agreement with Lt. Raúl Cedras and the military junta that rules in Haiti. Through careful planning and persistence, the administration managed to avert a military invasion of this impoverished Caribbean island-nation.

I also want to commend former President Carter, Gen. Colin Powell, and Senator NUNN from Georgia for going the extra mile to persuade the Haitian leaders to step down and avoid the loss of life. Yesterday's agreement will finally bring about the long awaited return of democratically elected President Jean-Bertrand Aristide to his homeland. Despite the difficulties that will surely lie ahead, this agreement is a step in the right direction to open a definite path to democracy for Haiti. The agreement aims to foster peace, avoid violence and bloodshed, promote freedom and democracy, while forging a sustained and mutually beneficial relationship between the governments, people, and institutions of Haiti and the United States.

Mr. Speaker, the challenge before us today is to formulate a strategy that will guarantee the return of democracy to the Haitian nation; a democracy that will stand up to any challenge. We can not forget that the men, women and children of Haiti deserve a chance for peace and democracy.

As for the United States military forces in Haiti, we must make certain that we are not facing a potential Somalia, that our soldiers will be in Haiti for a limited period of time and that the force will be genuinely international. The time has passed when a few pistol-waiving thugs can turn back a U.S. ship and thwart the will of the international community. Once more, I want to thank President Clinton for his unwavering personal commitment to the restoration of democracy in Haiti and the return of President Aristide.

Mr. SMITH of Iowa. Mr. Speaker, in view of what occurred in Haiti yesterday it is high time for Members of the House and Senate to reflect upon their responses to and conduct during times when the Government of the United States is trying to influence heads of governments to meet the conditions laid down in an ultimatum.

President Bush went into Somalia for humane reasons and into Kuwait for economic reasons and invaded Panama to stop the flow of drugs. Some who supported President Bush for those reasons in each case were anxious to undermine President Clinton's ultimatum to a dictator just off our shore where all three reasons would apply. After an ultimatum was delivered by the United States and other nations, numerous Members escalated the rhetoric and encouraged the dictator to hold out and thus increased the likelihood that American troops would need to be used.

In this case, in addition to humane considerations, economic considerations to prevent a flood of refugees, and curbing drug movements, not compelling Haitian leaders to comply with the ultimatum could have had a salutary effect on the remnants of the Russian military, which would be encouraged, by lack of our resolve, to go back into Estonia or other Eastern States. This one may have a greater impact on Europe than the Caribbean.

I am one of those who spent 4 years in a condition of servitude because so many in Congress in the 1930's and early 1940's undermined and failed to support President Roosevelt and were so naive as to believe dictators would not continue their exploits upon a showing of division in the United States, and a show of weakness and resolve. Their actions in the 1920's and early 1940's instead sowed the seeds of conquest that drew us into a bigger war.

I think the War Powers Act is unconstitutional as a restriction on the President's rights to direct armed forces to the extent that he finds he has the funds appropriated by Congress to do so, but, in fact the War Powers Act is worse than nothing because it by statute gives to the President a right in advance to embark on any venture for 60 days. It is bad policy and it is time now for supporters to eat crow and promote repeal.

The undermining of President Clinton by some partisanship may have been exacerbated by the election being so close. There is every evidence of this when those who supported the Somalia and Persian Gulf excursions in Africa vocally take the exact opposite approach in this hemisphere. It is totally inconsistent for anyone to support the Somalia adventure in Africa and then so vocally undermine the President while an ultimatum is pending in this hemisphere.

It is also time for once and for all to quit believing embargoes and sanctions will influence dictators to step aside or to influence political decisions. These criticisms undermine and help make more sure the talks would fail and thus make more sure our soldiers will be engaged and at risk and that the dictator will not surrender power. It is time for Members to become more responsible and less partisan as soon as an ultimatum is delivered and while sensitive negotiations are underway.

It is high time for Members to become bipartisan and quit rushing out to undermine the President during sensitive negotiations. It is time for all Members to recognize that ruthless dictators will not respond favorably to spineless pleas for them to respond as normal people would.

I support this resolution.

Mr. SENSENBRENNER. Mr. Speaker, I oppose this resolution because I am disgusted by the process which has brought us to a situation where thousands of American soldiers have assumed the role of Haiti's police force for an uncertain period of time. The President has painstakingly and methodically painted himself into a corner, and now risks the lives of U.S. troops, without congressional consent, in order to save face. A long-term engagement by the United States in Haiti is now inevitable and lives may be lost in a futile effort to establish democracy and peace where they have never existed. American troops will perform their duties admirably. The dedication and excellence of our troops are the only certainties in this operation. Sadly, I fear our troops are involved in a mistaken policy, a policy which is the product of miscalculation and bad advice. Several years from now, the United States will likely be the bad guy in Haiti, as we are in Somalia. After sacrificing American lives in another folly, anarchy and misery still prevail there.

President Aristide does not represent democracy in Haiti, nor does he represent the rule of law. His record speaks for itself. I am opposed to risking American lives and spending untold billions in a policy of intervention and state-building in a country with no strategic national interest to the United States. Unfortunately, this resolution represents my only opportunity to vote on President Clinton's misguided Haiti policy. I pray not a single American soldier loses life or limb in Haiti.

Mr. BUNNING. Mr. Speaker, I support our troops. But I have some very serious problems supporting a resolution which commends, in any way, shape or form, this administration's policy in Haiti.

I didn't support sanctions against Haiti.

I didn't support toughening sanctions against Haiti.

I didn't support the President's threat to invade Haiti.

We do not have a national interest in being there. None at all.

Like everyone else, I am glad we did not end up invading Haiti with a forced landing. But that does not erase the fact that we did invade. Our troops are ashore there now. And there is absolutely no reason for them to be there.

It is very difficult for me to commend bad policy just because we moved it a step forward without bloodshed. It is still a bad policy.

I commend our troops. I commend the delegation for negotiating an alternative to a forced invasion. But I cannot commend the policy that has U.S. troops in a country where they do not belong.

Ms. ESHOO. Thank you, Mr. Speaker. I rise to express my support for the men and women of America's military now in Haiti, to commend former President Jimmy Carter, Senator SAM NUNN, and retired Gen. Colin Powell for their diplomatic efforts to decrease the threat to American lives in Haiti, and to commend President Clinton for working to avoid bloodshed in Haiti in recent days.

I am much relieved that the immediate crisis in Haiti has been averted and that an invasion, which I opposed, has been avoided.

Because of the 11-hour agreement, I think we will all sleep better tonight.

I am concerned about the potential for a protracted occupation by the United States military in Haiti. The President should clearly define the objectives of our military in Haiti to both the Congress and the American people and bring our troops home as quickly as possible.

The reality, Mr. Speaker, is that the situation in Haiti remains volatile and risk, in my view, remains high for American troops.

A hostile invasion has turned into a peaceful deployment yet it remains to be seen if United States armed intervention means restoration of Haitian democracy. At this juncture, I have grave doubts that such intervention is in our national interest.

Mr. HUFFINGTON. Mr. Speaker, I commend the U.S. envoys, former President Jimmy Carter, General Colin Powell, and Senator SAM NUNN, for their service to our country, and I strongly support our Armed Forces currently serving in Haiti. I was unfortunately detained for medical reasons during the vote on House Concurrent Resolution 290 on September 19, 1994; however, had I been present I would have voted "aye."

Despite the tremendous reduction in funds for equipment and personnel in recent years, our troops are carrying out their mission. I believe they should be lauded for working under this Congress' draconian cuts. I certainly hope and I pray for the safe and swift return of all our men and women in uniform.

I implore President Clinton to keep in mind that our troops are soldiers, not nation-builders. They fight wars in order to protect our Nation and our national interest. Our job as the people's representatives is to make certain our troops do not get bogged down in a political quagmire. Therefore, I urge that President Clinton keep to a firm timetable and bring the members of our Armed Forces home safely.

Mr. FRANKS of Connecticut. Mr. Speaker, I rise today to express my discontent with President Clinton's policy on Haiti. I want to first state that I commend Gen. Colin Powell, former President Jimmy Carter, and Senator SAM NUNN for the compromise agreement they were able to secure with General Cedras of Haiti. This agreement avoided a hostile invasion of the Caribbean island, which would have certainly cost American lives.

Several reasons stand out in my mind why we should not be in Haiti. First of all, who is going to assume the cost of this mission? I know the United Nations approved this occupation, but I don't see our allies opening up their checkbooks for support. I'll tell you who is going to pay for this debacle, the American taxpayer is. The Department of Defense has already stated it does not have enough money to cover the $250 million initial cost of the operation. Estimates of the cost of the occupation are now being made as high as $3 billion. So once again the taxpayer is going to get stuck with the bill for an occupation that the majority of Americans oppose.

My second concern with the United States occupation of Haiti is that President Clinton blatantly ignored the will of the American people and the Congress. Instead he turned to the United Nations for validation, rather than the elected officials of his own country. In my opinion it is reprehensible that Clinton places the approval of the United Nations ahead of the American people.

You may recall that this is not the first time American troops have been in Haiti. From 1915 to 1934 U.S. forces occupied this Caribbean nation without achieving any durable political reform. In its history, Haiti has never had a sustainable democracy.

Finally, I am concerned about the lack of any plan to get United States troops out of Haiti. What is the plan? What is our mission? When can we expect our troops home? These are legitimate questions that the American people have a right to know. Is it going to take another disaster to bring our soldiers home? I agree with former Secretary of Defense Caspar Weinberger that there are four principles that should be adhered to before committing U.S. troops on foreign soil: the operation should have the support of the American people and the Congress; the mission should be specifically defined; the operation should be in the strategic interest of the United States; and finally, there should be a clear exit plan for our troops. Unfortunately, the Haiti occupation does not satisfy any of these four criteria.

A majority of the Congressional Black Caucus wanted the United States to invade Haiti and President Clinton caved in. So what's next? Cuba? This is the fundamental problem of allowing caucuses and special interests to have a disproportionate influence on U.S. foreign policy. The administration's foreign policy has been a series of failures, I hope we can avoid another one in Haiti.

Mr. BONILLA. Mr. Speaker, this Congress overwhelmingly approved legislation commending President Carter, General Powell, and Senator NUNN for achieving an agreement averting a United States invasion of Haiti. I join all Americans in my appreciation for their effort. However, I voted against this legislation because of my sincere concerns that it initiated an occupation of a violent nation. Contradictory statements by the various parties to this accord have only increased my concerns. I could not in good conscience support this legislation which endorses an agreement that results in Americans being placed in harm's way.

The risk facing American forces in Haiti remains real and to date no compelling reason has been given for American intervention. Clearly we have no national security interest in Haiti and introduction of U.N. forces will violate a fundamental tenet of American security, the Monroe Doctrine. For these reasons, we will work vigilantly to achieve a quick withdrawal of all our forces from Haiti. American lives must never be placed at risk unless our national security is at stake.

We must never forget that politics stop at our borders and we must always be united in support for our soldiers, sailors, airmen, and marines serving in Haiti. They are taking great risk and deserve our full and unqualified support. Let us remember them in our prayers and honor them in our actions. God bless our defenders and God bless America.

The SPEAKER. The question is on the motion offered by the gentleman from Missouri [Mr. GEPHARDT] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 290.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. HAMILTON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 353, nays 45, answered "present" 2, not voting 35, as follows:

[Roll No. 424]

YEAS—353

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Blackwell
Bliley
Blute
Boehlert
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Burton
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Cunningham
Danner
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Dreier
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Ehlers
Emerson
Engel
English
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Foglietta
Foley
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grandy
Green
Greenwood
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Hilliard
Hinchey
Hoagland
Hobson
Holden
Horn
Houghton
Hoyer
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inslee
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Knollenberg
Kolbe
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (GA)
Lightfoot
Linder
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McNulty
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Myers
Nadler
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Quinn
Rahall
Ravenel
Reed
Regula
Richardson
Ridge
Roemer
Rogers
Rostenkowski
Rowland
Roybal-Allard
Royce
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skelton
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (TX)
Snowe
Solomon
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Talent
Tanner
Tauzin
Taylor (MS)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Walsh
Watt
Waxman
Weldon
Wheat
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Young (AK)
Young (FL)
Zimmer

NAYS—45

Allard
Archer
Armey
Baker (LA)
Ballenger
Boehner
Bonilla
Bunning
Coble
Crane
Crapo
Doolittle
Dornan
Duncan
Fields (TX)
Grams
Gunderson
Herger

Hoekstra
Inglis
Istook
Johnson, Sam
Klug
Lewis (KY)
Livingston
Lucas
McCandless
McMillan
Packard
Petri
Quillen
Ramstad
Roberts
Rohrabacher
Roth
Roukema
Sensenbrenner
Skeen
Smith (OR)
Spence
Stump
Taylor (NC)
Vucanovich
Walker
Zeliff

ANSWERED "PRESENT"—2

Buyer
Hoke

NOT VOTING—35

Applegate
Bishop
Clyburn
Darden
DeLay
Flake
Ford (MI)
Gallo
Gutierrez
Hochbrueckner
Huffington
Inhofe
Kyl
Laughlin
Lewis (FL)
Machtley
Meehan
Murphy
Murtha
Oxley
Pryce (OH)
Rangel
Reynolds
Ros-Lehtinen
Rose
Rush
Sharp
Slattery
Sundquist
Synar
Tucker
Washington
Waters
Whitten
Yates

□ 1914

Mr. ZELIFF changed his vote from "yea" to "nay."

Mr. COX and Mr. ROYCE changed their vote from "nay" to "yea."

Mr. HOKE changed his vote from "yea" to "present."

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. HOCHBRUECKNER. Mr. Speaker, due to my being unavoidably detained on Monday, September 19, I was unable to record my vote on one bill. Therefore, I would like to take this opportunity to submit for the RECORD how I would have voted had I been present:

Roll Call No. 424—aye.

PERSONAL EXPLANATION

Mr. GUTIERREZ. Mr. Speaker, at the end of the afternoon of Monday, September 19, 1994, I was unavoidably absent from this Chamber and therefore missed rollcall vote No. 424, a vote to commend President Clinton and the special delegation to Haiti, and to support the United States Armed Forces in Haiti. I want the RECORD to show that if I had had the opportunity to be in this Chamber when this important vote was cast, I would have certainly voted "aye."

GENERAL LEAVE

Mr. HASTINGS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the legislation just considered and passed.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

ANNOUNCEMENT OF INTENT TO OFFER MOTIONS TO INSTRUCT CONFEREES ON H.R. 4539, TREASURY, POSTAL SERVICE AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1995

(Mr. ISTOOK asked and was given permission to revise and extend his remarks and include extraneous matter.)

Mr. ISTOOK. Mr. Speaker, pursuant to clause 1, rule XXVIII, I am announcing to the House that tomorrow I intend to offer a motion to instruct conferees on the bill H.R. 4539, the Treasury, Postal Service and General Government Appropriations bill.

My motion would instruct House conferees to support the decision this House made on June 15 when it adopted my amendments to eliminate two unnecessary and redundant Government commissions: the Administrative Conference of the United States and the Advisory Commission on Intergovernmental Relations. The motion states:

> Mr. ISTOOK moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendments to the bill H.R. 4539 be instructed to insist on disagreement to the Senate amendments numbered 46 and 47 (relating to the Administrative Conference of the United States and the Advisory Commission on Intergovernmental Relations).

Second, Mr. Speaker, pursuant to clause 1, rule XXVIII, I am announcing to the House that tomorrow I intend to offer a motion to instruct conferees on the bill H.R. 4539, the Treasury, Postal Service and General Government Appropriations bill.

My motion will instruct conferees to insist on the House funding level for the GSA's new construction Federal Building Fund. The text of the motion states:

> Mr. ISTOOK moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendments to the bill H.R. 4539 be instructed to insist upon the provisions contained in the House bill relating to the aggregate amount of funds provided for construction under "General Services Administration—Federal Buildings Fund," as provided on line 11, page 49, (including funds for sites and expenses and associated design and construction services).

Mr. Speaker, I will provide these in writing.

WITHDRAWAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2638 AND H.R. 2866

Ms. MOLINARI. Mr. Speaker, I ask unanimous consent that my name be withdrawn as a prime sponsor of H.R. 2638 and H.R. 2866.

The SPEAKER. Is there objection to the request of the gentlewoman from New York?

There was no objection.

□ 1920

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. KREIDLER). Under the Speaker's announced policy of February 11, 1994, June 10, 1994, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE DISREGARD OF THE CONSTITUTION IN THE INVASION OF HAITI

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. HORN] is recognized for 5 minutes.

Mr. HORN. Mr. Speaker, this morning American forces landed without resistance in Haiti.

This country owes a collective thank you to former President Jimmy Carter, Gen. Colin Powell, and our colleague from the other body, Senator SAM NUNN. Their diplomatic work has helped to avert what would have been a very misguided invasion of Haiti. President Clinton deserves credit for selecting such a distinguished group of Americans. I am sure that we all join with the President in his appreciation to the men and women of our armed forces who were poised to invade and have now intervened into Haiti. As the President stated, "A significant measure of credit goes to the United States military forces for their preparation and their readiness."

This situation should remind each of us of the importance of maintaining the strength of our Nation's armed forces. Had President Clinton's planned invasion not been averted, our forces would be in the process of invading Haiti at this time. This invasion would have come without the authority or support of Congress and the American people.

In Resolution 940, the United Nations may have authorized its member states to take whatever means necessary to remove the military rulers from power in Haiti, but such a resolution does not make the President of the United States automatically the yes-man chief of the praetorian guard for United Nations Secretary-General Boutros Boutros-Ghali. Despite the seemingly successful agreement reached with the military leadership of Haiti, President Clinton must remember that he is not the commander in chief of a United Nations army. He is the constitutional Commander in Chief of the United States Army. The United Nations Charter does not give an American President the power or authority to wage war above and beyond the authority granted in the fundamental charter of our Nation, the Constitution of the United States of America. In that sacred document, that authority to wage war rests with Congress.

In failing to seek the support of Congress, President Clinton should not now forget that events in Haiti will be watched with even closer scrutiny. Having intervened in a domestic conflict in Haiti, the United States must now hold the soon-to-be-restored government of President Aristide to the high standard of compliance with international norms of human rights and popular democratic principles which was found wanting by the present military government. A superpower such as the United States of America should not be on the ground in Haiti. The United Nations resolution should be implemented by the smaller Caribbean and Latin American nations as well as by those Haitians in exile. As soon as possible the latter forces should replace the American forces now on the ground in Haiti.

Three objectives must be met: Maintain order and prevent armed opposition; ensure the safe return of parliamentary power and a democratically elected President; but basically draw down the size of the American presence in favor of the Haitian, Caribbean, and Latin American forces.

Since American forces were at the lead of invasion plans, it is only right that American commanders would have control over our own soldiers. However, now that the mission in Haiti has changed to what amounts to be police functions, it is not necessary to maintain an extensive American presence in Haiti. Haiti has never represented a vital security interest to the United States. With an overwhelming American force assuring a secure situation, we can soon allow policing activities to be taken over by our Caribbean and Latin American allies and/or by the Haitians themselves who have a much higher stake in stability than do the Americans.

Now that Lieutenant General Cedras and his cohorts appear to be on the way out without a fight, we hope, we must turn our attention to returning the thousands of Haitians that have fled for the United States. I would hope that they would return to their homes and families and help rebuild the economy of their native land and to help make democracy work.

Mr. Speaker, I include for the RECORD the relevant sections of the United Nations Charter and the Charter of the Organization of American States as they pertain to nonintervention in the domestic affairs of other nations, as follows:

Article 2(7) of the U.N. Charter states:

(7) Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII.

Article 18 of the OAS Charter states:

Art. 18. No State or group of States has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other State. The foregoing principle prohibits not only armed force but also any other form of interference or attempted threat against the personality of the State or against its political, economic, and cultural elements.

NIGHTMARE OF THE HAITIAN PEOPLE ALMOST OVER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. OWENS] is recognized for 5 minutes.

Mr. OWENS. Mr. Speaker, the long nightmare of the Haitian people is almost over. We have taken some very definitive steps. The military criminals who hijacked a nation of 7 million people and held them hostage for 3 years will now have to step down. There is no question about an enforcement of an agreement when American Forces are there to enforce the agreement.

But this is very much a repeat of what happened this time almost a year ago. Almost a year ago we were in the process of implementing the Governors Island Agreement which contained many of the same features as the agreement reached by President Carter and his negotiating team. We must understand that agreement with General Cedras as a signatory and the United Nations as a signatory and the United States as a signatory, that agreement was violated, rejected by General Cedras, the same General Cedras that we are negotiating with now.

The President must be congratulated for establishing a different set of circumstances this time. The President must be congratulated for his courage and his perseverance. The position that he has taken is not a popular one. I congratulate the President and I thank the President. I think that the President was in much the same position as Abraham Lincoln when he decided to sign the Emancipation Proclamation. Public opinion at that time certainly was against the freeing of the slaves. Public opinion and the Congress and the members of Lincoln's Cabinet all voted against the signing of the Emancipation Proclamation. But Abraham Lincoln went ahead and he signed the Emancipation Proclamation to free the slaves.

□ 1930

Had he not done that, America would have gone on with the burden of slavery around its neck for a long, long time.

What President Clinton has done is comparable as we go into the New World order. As we go into the New World order it is very important that we establish certain principles of democracy and the willingness of the nations of the world to maintain those democracies.

Haiti is in our interest because we have always declared it so. Since the Monroe Doctrine, we have declared that everything that happens in this hemisphere is very much in the interest of America. But Haiti is a special case. The Haitian generals were trained in this country, the Haitian Army was equipped by this country, the Haitian generals, some of them were on the payroll of the CIA until a little more than a year ago. So we have been very much involved in the affairs of Haiti for a long, long time. It is time now for us to insinuate the positive. What has happened now is very positive.

Let us go on, let us return the Haitian people to a state of normalcy by moving swiftly to return President Aristide to office. Aristide already has a Cabinet. He appointed that Cabinet at the time of the Governors Island Agreement. They are there. Aristide already has a government in place. Let us move on so that government can begin to operate.

There is no need for American Forces to remain in Haiti for a long time. Haiti is no Somalia. Haiti has a government. Two-thirds of the people voted for the President of Haiti, two-thirds of the people elected Jean-Bertrand Aristide. If two-thirds elected him, then they are going to welcome him back and fall in line and very much support the reestablishment of a Government of Haiti.

Let us go forward, and let us understand the generals who are negotiating now are negotiating because they were confronted with overwhelming force. They are not the angels that some people are describing them as. They do not have a sense of honor that has been described by others. The generals are responding to the inevitable. They understood that the President meant business, that there would be an enforcement of the Governors Island Agreement.

We must move on and understand that this is the setting, the tone for the New World order. Nations who are great superpowers shall be measured by how they deal with the least nations among us, not by how we pursue our obvious national interests.

It is easy to go to war in the Persian Gulf to keep the prices of oil low. It is more difficult to explain the importance of going to war or threatening war in this hemisphere in order to guarantee democracy and in order to eliminate the refugee problem. Nobody talks about the refugees. There are 14,000 still at Guantanamo. The refugee problem, more importantly, was costing us $2 million a day at Guantanamo, and the situation was going to go on indefinitely. The cost of this invasion or the cost of any additional aid to Haiti will be very small compared to the indefinite situation of expenditures to take care of refugees who no longer will have to leave their nation because they will have established a democratic government that will not persecute their own people.

I think it is very important that we support, as we have in the resolution that was just passed, we support the efforts of our troops, we support the effort of the President, and we most of all establish a whole new pattern of conduct for the New World order.

WHY I VOTED "NO" ON COMMENDING CLINTON FOR HAITI POLICY

The SPEAKER pro tempore (Mr. KREIDLER). Under a previous order of the House, the gentleman from California [Mr. DORNAN] is recognized for 5 minutes.

Mr. DORNAN. Mr. Speaker, I wanted to take a brief 5 minutes to explain my "no" vote, along with about four dozen other Republicans on this rather bland resolution that we just passed on Haiti.

The concurrent resolution starts out in its prolog, "commending the President and the special delegation to Haiti, and supporting the United States Armed Forces in Haiti." Most of my colleagues in the Republican Party and a lot of good conservative Democrats focused on only the line that states "supporting the United States Armed Forces in Haiti," and I commend them for that.

But I have recently, since the terrible firefight from hell in Somalia, the worst fighting since Vietnam in the streets of Mogadishu, visited Fort Benning twice, then to Fort Campbell, Fort Bragg, with the Air Force at about four different bases, flew into Mogadishu, met with umpteen generals, had dinner a couple of weeks ago after shooting at a firing range at Benning with the young super-trained Rangers down there. I met with all of their commanding officers, had dinner with them, and my relations, Mr. Speaker, are so good with these men and women who wear uniforms in this country, including all police and sheriffs' agencies, that I do not have to worry about them thinking that BOB DORNAN is not supporting them.

I went up on the roof of this Capitol on Thanksgiving and flew with two of my grandsons 194 flags for the 164 wounded and the 30 that were killed in the line of duty in Mogadishu. And then I realized that in the case of the married people those flags would go to the young widows. And Herb and Lois Shugart on the phone together with me, the parents up in Carlisle, PA, the father who refused to shake Clinton's hand in the White House on May 23 at the posthumous ceremony awarding his son, Randy Shugart, with the Medal of Honor, along with Gary Gordon who won that medal the hard way with their lives, giving up their very lives to try to save Michael Durant and his three crewmen. They saved Michael Durant, chief warrant officer, helicopter pilot, but the other three members of that crew and Randy and Gary were the guys we saw being dragged through the streets of Mogadishu and their bodies defiled.

So I went up on July 4, on the Nation's birthday, and I flew another 30 flags for the parents, and when the parents were divorced I flew a separate flag for each, for all of the parents of some of those 30 men killed in action so that they would have a flag that flew over their Capitol. And then I took time to handwrite on each one of the those certificates at proclamations with the flags, breaking apart the word "Thanksgiving" and saying giving thanks for giving everything for their country, and to the wounded thanks for giving their pain. So I am okay with the military.

But here is what I am not okay with: some boot-licking female reporter who said about Clinton, "Well, isn't this sort of his Bay of Pigs?" Let me go back to 1962, and let us take John F. Kennedy, Navy lieutenant, back pain all of his life for his PT boat being hit by a Japanese destroyer. If he wanted to negotiate with Castro to stop great loss of life in Cuba, would he have put a delegation like this together? Maybe. Who would he have picked? Back to the most prior Democrat President, Harry Truman, and then a soldier's soldier like Colin Powell. That would have been Omar Bradley, and the mentor of SAM NUNN was then sitting in the Senate as chairman of the Armed Services Committee, Richard Russell. He was there for 18 years as chairman, and I think he had 2 years, 1951, 1952, took over in 1955, so he would have been there in like eighth or ninth year.

Imagine Kennedy with Harry Truman in Havana, Cuba, sitting in front of Castro, eyeball to eyeball negotiations, at one side Omar Bradley, a five-star former Chairman of the Joint Chiefs, on the other side sitting chairman of the Armed Services Committee in the Senate, and he begins an invasion. Unbelievable. Is anyone in this country analyzing the idiocy of the last few days? Imagine what Castro would have done.

First of all he would have stood up, like General Raoul Cedras and said, "Are you tricking me, are you keeping me from my forces in the field to defend my country from an invasion by a superpower?" That is exactly what Cedras said. And Jimmy Carter told us today that he told him, "General, absolutely not, I swear to you," and he was believed.

Castro would not have believed that, because he is a real first degree killer. he killed a student body opponent in his college years, murdered him in cold blood in a movie theater. There is a real killer. He would have arrested the former U.S. President and the five-star general and the senior Senator and made them hostages. Then what would that have done to Kennedy's invasion of Cuba, which he never would have started with three senior Americans sitting under the guns of the forces you have negotiating with over the crisis.

I cannot commend the President for this charade, Mr. Speaker. The planes took off at 6:50, only a few of them, and I heard the general say on television today that the targets or specific military objectives were not given to them. This must be a phony show. What else do you expect from a triple draft dodger? I am surprised he did not turn up at Oxford over the weekend. This is not a good foreign policy. This is bad politics. Let's just hope our brave troops return home soon safe and sound.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. TUCKER (at the request of Mr. GEPHARDT) for September 19.

Ms. WATERS (at the request of Mr. GEPHARDT) for September 19, on account of personal business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. ROTH) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 5 minutes each day, on September 21, 22, and 23.

Mr. HORN, for 5 minutes, today.

Mr. MICA, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. GONZALEZ, for 5 minutes, today.

(The following Members (at the request of Mr. EHLERS) to revise and extend their remarks and include extraneous material:)

Mr. DORNAN, for 5 minutes, today.

Mr. BACHUS of Alabama, for 5 minutes, on September 20 and 21.

Mr. EHLERS, for 5 minutes, on September 20, 21, 22, and 23.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. ROTH) and to include extraneous material.)

Mr. YOUNG of Alaska.

Mr. COX in two instances.

(The following Members (at the request of Mr. EHLERS) and to include extraneous material.)

Mr. MICHEL.

Mr. SPENCE.

Mr. PORTMAN.

Mr. Bunning.
Mr. Lightfoot.

(The following Members (at the request of Mr. Hastings) and to include extraneous material.)

Mr. Mann.
Mr. Fazio.
Mr. Levin.
Mr. Coleman.
Mr. Lipinski.
Mr. Lantos.
Mr. Frank of Massachusetts.
Mr. Reed.
Ms. Eddie Bernice Johnson of Texas.
Mr. Hoyer.
Mr. Underwood in two instances.
Mr. Clement.
Mr. Murtha.
Mr. Hinchey.
Mr. Pickle.
Mr. Stenholm.
Mr. Stark.
Mr. Parker.
Ms. Cantwell.
Mr. Fingerhut.
Ms. Lambert.
Mr. Pomeroy.

ADJOURNMENT

Mr. DORNAN. Mr. Speaker. I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 40 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, September 20, 1994, at 10:30 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3849. A communication from the President of the United States, transmitting a request to make available appropriations in budget authority for the Forest Service of the Department of Agriculture, pursuant to Public Law 99-177, section 251(b)(2)(D)(i) (H. Doc. No. 103-310); to the Committee on Appropriations and ordered to be printed.

3850. A letter from the Director, Test and Evaluation, Department of Defense, transmitting summaries outlining test projects recommended for fiscal year 1995 funding as part of the Foreign Comparative Testing Program, pursuant to 10 U.S.C. 2350a(g); to the Committee on Armed Services.

3851. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of the Secretary's determination and justification to exercise the authority granted him under section 451 of the Foreign Assistance Act of 1961, as amended, authorizing the use in fiscal year 1993 and 1994 funds for assistance to support an interim police and emergency economic reconstruction assistance for Haiti, pursuant to 22 U.S.C. 2261(a)(2); to the Committee on Foreign Affairs.

3852. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of the Secretary's determination and justification to exercise the authority granted him under section 451 of the Foreign Assistance Act of 1961, as amended, authorizing the use of fiscal year 1994 funds for assistance to support police monitors and international criminal investigative training assistance program for Haiti, pursuant to 22 U.S.C. 2261(a)(2); to the Committee on Foreign Affairs.

3853. A communication from the President of the United States, transmitting a report on the objectives and character of the planned deployment of U.S. Armed Forces into Haiti, pursuant to Public Law 103-139, section 8147(c) (H. Doc. No. 103-309); jointly, to the Committees on Foreign Affairs and Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CLAY: Committee on Post Office and Civil Service. H.R. 3694. A bill to amend title 5, United States Code, to permit the garnishment of an annuity under the Civil Service Retirement System or the Federal Employees' Retirement System, if necessary to satisfy a judgment against an annuitant for physically abusing a child; with amendments (Rept. 103-721). Referred to the Committee of the Whole House on the State of the Union.

Mr. CLAY: Committee on Post Office and Civil Service. H.R. 4361. A bill to amend title 5, United States Code, to provide that an employee of the Federal Government may use sick leave to attend to the medical needs of a family member; to modify the voluntary leave transfer program with respect to employees who are members of the same family; and for other purposes; with amendments (Rept. 103-722). Referred to the Committee of the Whole House on the State of the Union.

Mr. HAMILTON: Committee on Foreign Affairs. H.R. 4541. A bill to authorize assistance to promote the peaceful resolution of conflicts in Africa; with an amendment (Rept. 103-723). Referred to the Committee of the Whole House on the State of the Union.

Mr. HAMILTON: Committee of Foreign Affairs. H.R. 5030. A bill to amend the Foreign Assistance Act of 1961 to make certain corrections relating to international narcotics control activities, and for other purposes. (Rept. 103-724). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Natural Resources. H.R. 4476. A bill to provide for the development of a plan and a management review of the National Park System and to reform the process by which areas are considered for addition to the National Park System, and for other purposes (Rept. 103-725). Referred to the Committee of the Whole House on the State of the Union.

Mr. HAMILTON: Committee on Foreign Affairs. H.R. 4950. A bill to extend the authorities of the Overseas Private Investment Corporation, and for other purposes; with amendments (Rept. 103-726). Referred to the Committee of the Whole House on the State of the Union.

Mr. GONZALEZ: Committee on Banking, Finance and Urban Affairs. H.R. 4926. A bill to require the Secretary of the Treasury to identify foreign countries which may be denying national treatment to U.S. banking organizations and to assess whether any such denial may be having a significant adverse effect on such organizations, and to require Federal banking agencies to take such assessments into account in considering applications by foreign banks under the International Banking Act of 1978 and the Bank Holding Company Act of 1956; with amendments (Rept. 103-727). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. UNDERWOOD:

H.R. 5047. A bill to provide for the establishment of a commission to recommend a standardized honor code for the three military service academies, the Senior Reserve Officers' Training Corps, and officer candidate schools; to the Committee on Armed Services.

By Mr. HOYER (for himself, Mr. Weldon, and Mr. Boehlert):

H.R. 5048. A bill to save lives, prevent injuries, and protect property through improved State and local fire safety education; to the Committee on Science, Space, and Technology.

By Mr. BATEMAN (for himself, Mr. Baker of California, Mrs. Bentley, Mr. Bliley, Mr. Collins of Georgia, Mr. DeLay, Mr. Emerson, Mr. Fields of Texas, Mr. Fish, Mr. Gallegly, Mr. Gekas, Mr. Gilman, Mr. Goodlatte, Mr. Hunter, Mr. Hutchinson, Mrs. Johnson of Connecticut, Mr. Lewis of Florida, Mr. Lightfoot, Mr. Livingston, Mr. McDade, Mr. McKeon, Mr. Moorhead, Mr. Packard, Mr. Porter, Mr. Ravenel, Mr. Roberts, Mr. Saxton, Mr. Schaefer, Ms. Snowe, Mr. Spence, Mr. Stearns, Mr. Stump, Mr. Thomas of California, Mrs. Vucanovich, Mr. Wolf, Mr. Bacchus of Florida, Mr. Berman, Mr. Bilbray, Mr. Boucher, Mrs. Byrne, Mr. de Lugo, Mr. Frost, Mr. Hastings, Mr. Hughes, Mr. Johnson of South Dakota, Mr. Lipinski, Mr. Matsui, Mr. Meehan, Mrs. Meek of Florida, Mr. Mineta, Mr. Montgomery, Mr. Moran, Mr. Murphy, Mr. Neal of Massachusetts, Mr. Payne of Virginia, Mr. Pickett, Mr. Scott, Mr. Serrano, Mr. Sisisky, Mr. Spratt, Mr. Tauzin, Mr. Towns, Mr. Watt, Mr. Wilson, Mr. Borski, Mr. Jefferson, and Mr. LaFalce):

H.R. 5049. A bill to require the Secretary of the Treasury to mint coins in commemoration of George Washington's boyhood home; to the Committee on Banking, Finance and Urban Affairs.

By Mr. FAZIO (for himself, Mr. Miller of California, and Mr. Richardson):

H.R. 5050. A bill to restore Federal recognition to the Paskenta Band of Nomlaki Indians of California; to the Committee on Natural Resources.

By Mr. KLEIN:

H.R. 5051. A bill to amend the Federal Deposit Insurance Act to prohibit insured depository institutions from imposing any fees with respect to certain deposits of rolled coins by individuals who are not more than 16 years of age; to the Committee on Banking, Finance and Urban Affairs.

By Ms. LAMBERT:

H.R. 5052. A bill to extend the deadline under the Federal Power Act applicable to the construction of three hydroelectric projects in the State of Arkansas; to the Committee on Energy and Commerce.

By Mr. POMEROY:

H.R. 5053. A bill to expand eligibility for the Wetlands Reserve Program to lands covered by expiring agreements under the Water Bank Act; to the Committee on Agriculture.

By Mr. SANTORUM:

H.R. 5054. A bill to amend title 5, United States Code, to conform the retirement coverage of Members and congressional employees to that of employees of the executive branch; jointly, to the Committees on House Administration and Post Office and Civil Service.

By Mr. STENHOLM (for himself, Mr. WAXMAN, Mr. BROWN of California, and Mr. FARR):

H.R. 5055. A bill to amend the Federal Meat Inspection Act, the Poultry Products Inspection Act, and animal quarantine laws to provide for improved public health and food safety through the reduction of pathogens, and for other purposes; to the Committee on Agriculture.

By Mr. STENHOLM (for himself, Mr. WAXMAN, and Mr. DINGELL):

H.R. 5056. A bill to amend the Federal Food, Drug, and Cosmetic Act to allow licensed veterinarians to order the extra-label use of drugs in animals, and for other purposes; to the Committee on Energy and Commerce.

By Mr. UPTON:

H.R. 5057. A bill to amend the Nuclear Waste Policy Act of 1982 to clarify the obligation of the Federal Government to take title to and possession of high-level radioactive waste and spent nuclear fuel and establish an interim spent nuclear fuel storage facility, and for other purposes; jointly, to the Committees on Natural Resources and Energy and Commerce.

By Mr. GEPHARDT (for himself and Mr. MICHEL):

H. Con. Res. 290 Concurrent resolution commending the President and the special delegation to Haiti, and supporting the U.S. Armed Forces in Haiti; Rules suspended, considered and agreed to.

By Mr. ROBERTS:

H. Res. 531. Resolution to express the sense of the House regarding the appropriate portrayal of men and women of the Armed Forces in the upcoming National Air and Space Museum's exhibit on the *Enola Gay;* to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Ms. CANTWELL:

H.R. 5058. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in coastwise trade in Alaska for a limited period for the vessel *Atlantis III;* to the Committee on Merchant Marine and Fisheries.

By Mr. GOSS:

H.R. 5059. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Finesse;* to the Committee on Merchant Marine and Fisheries.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 65: Mr. BARTLETT of Maryland, Mr. REGULA, and Mr. ANDREWS of Maine.

H.R. 127: Mr. HAMILTON, Ms. MOLINARI, Mr. DORNAN, and Mr. MYERS of Indiana.

H.R. 163: Mr. TALENT.

H.R. 303: Mr. ANDREWS of Maine.

H.R. 507: Mr. INGLIS of South Carolina.

H.R. 702: Mr. LANCASTER.

H.R. 799: Mr. SAWYER.

H.R. 1155: Mr. KOPETSKI.

H.R. 1276: Mr. CANADY and Mr. HALL of Texas.

H.R. 1671: Mr. NEAL of Massachusetts, Mr. BROWDER, and Mr. ZIMMER.

H.R. 1928: Mr. SENSENBRENNER.

H.R. 2227: Mr. COLEMAN.

H.R. 2375: Mr. DELLUMS.

H.R. 2717: Mr. KING.

H.R. 3023: Mr. MAZZOLI, Mr. GENE GREEN of Texas, Mr. UPTON, Mr. LAUGHLIN, MR. COX, Ms. LONG, Ms. ENGLISH of Arizona, Mr. BRYANT, Mr. BROOKS, Mr. HOAGLAND, and Mr. LEACH.

H.R. 3125: Mr. DORNAN.

H.R. 3324: Mr. LaFALCE.

H.R. 3526: Mr. FARR, MR. LEWIS of Georgia, Mr. RAVENEL, and Mrs. ROUKEMA.

H.R. 3694: Mr. NADLER and Mr. SCHIFF.

H.R. 3706: Mr. BACCHUS of Florida and Mr. YATES.

H.R. 3750: Ms. McKINNEY.

H.R. 3943: Mr. LEWIS of Florida.

H.R. 3949: Mr. COBLE.

H.R. 3951: Mr. COLLINS of Georgia.

H.R. 3978: Mr. COMBEST.

H.R. 3990: Mr. JACOBS.

H.R. 4000: Mr. POSHARD.

H.R. 4086: Mr. MINETA, Mr. MILLER of California, Mr. COYNE, Ms. NORTON, Mr. SYNAR, Mr. McDERMOTT, Mr. DELLUMS, Mr. LEWIS of Georgia, Mr. BARLOW, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. YATES, Mr. MENENDEZ, Mr. VENTO, Mr. ROGERS, Mr. SANDERS, Mr. PORTER, Mr. SABO, Mr. HINCHEY, Mr. RICHARDSON, Mr. ABERCROMBIE, and Mr. FARR.

H.R. 4281: Mr. MILLER of Florida.

H.R. 4361: Mr. MORAN and Mr. MFUME.

H.R. 4474: Mr. BAKER of California, Mr. ORTON, Mr. LaROCCO, and Mr. MATSUI.

H.R. 4507: Mr. SANGMEISTER and Mr. McCLOSKEY.

H.R. 4557: Mr. GINGRICH, Mr. THOMAS of California, and Mr. MICHEL.

H.R. 4610: Mr. DELLUMS, Mr. SKEEN, Mr. RAHALL, Mr. WISE, Mr. SLATTERY, Mr. HILLIARD, Mr. BRYANT, Mr. STUDDS, Mr. SANDERS, Mr. TORRICELLI, Mr. GUTIERREZ, Mr. TAYLOR of North Carolina, and Mr. MAZZOLI.

H.R. 4699: Mr. WAXMAN and Mr. McCLOSKEY.

H.R. 4767: Mr. MORAN.

H.R. 4789: Mr. LANTOS.

H.R. 4803: Mr. KLEIN and Mr. STUDDS.

H.R. 4828: Ms. DeLAURO, Mr. KLEIN, and Mrs. MORELLA.

H.R. 4912: Mr. WHEAT, Mrs. MALONEY, Mr. STEARNS, Mr. DUNCAN, Mr. SCOTT, Mr. MARKEY, Mr. OWENS, Mr. CLAY, Mr. HOYER, Mr. LEWIS of Georgia, Mr. TUCKER, Mr. BISHOP, Mr. CONYERS, Mrs. BENTLEY, Mr. RICHARDSON, Mr. YATES, Mr. MFUME, Ms. NORTON, Ms. COLLINS of Michigan, Mr. REGULA, Mr. COLEMAN, Mr. MATSUI, Mr. EVANS, and Mr. GUTIERREZ.

H.R. 4944: Mr. DE LUGO.

H.R. 4956: Ms. FURSE.

H.R. 4980: Mr. WHITTEN, Mr. MONTGOMERY, Mr. McDADE, Mr. CONYERS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. STOKES, Mr. BEVILL, Mr. JACOBS, Mrs. MORELLA, Mr. WOLF, Mr. FILNER, Mr. HALL of Texas, and Mr. SANGMEISTER.

H.R. 5017: Mr. BARCIA of Michigan, Mr. BONIOR, and Mr. UPTON.

H.R. 5037: Mr. McCANDLESS.

H.R. 5042: Mr. BARTLETT of Maryland, Mr. COBLE, Mr. GOSS, and Mr. SOLOMON.

H.J. Res. 44: Mr. BURTON of Indiana.

H.J. Res. 129: Mr. BLUTE.

H.J. Res. 332: Mr. BACCHUS of Florida, Mr. JEFFERSON, Mr. RAVENEL, Ms. MOLINARI, Mr. FALEOMAVAEGA, Mr. McHUGH, Mr. KREIDLER, Mr. BAKER of Louisiana, Mr. JOHNSTON of Florida, Mr. MOAKLEY, Mr. DOOLITTLE, Mr. SCHIFF, Mr. COSTELLO, Mrs. KENNELLY, Mr. WASHINGTON, Mr. HOCHBRUECKNER, and Mr. McCLOSKEY.

H.J. Res. 356: Mr. MANTON.

H.J. Res. 387: Mr. VENTO and Mr. MARTINEZ.

H.J. Res. 389: Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. BARLOW, Mr. BERMAN, Mr. BEVILL, Mr. BISHOP, Mr. BLUTE, Mr. BORSKI, Mr. CALLAHAN, Mr. CLYBURN, Mr. CLEMENT, Ms. COLLINS of Michigan, Mr. COLLINS of Georgia, Mr. COPPERSMITH, Mr. DE LA GARZA, Ms. DeLAURO, Mr. DELLUMS, Mr. DORNAN, Mr. EDWARDS of Texas, Ms. ESHOO, Mr. FALEOMAVAEGA, Mr. GEKAS, Mr. HALL of Ohio, Mr. HAMILTON, Mr. HASTINGS, Mr. KASICH, Mrs. MALONEY, Mr. MARTINEZ, Ms. MARGOLIES-MEZVINSKY, Ms. McKINNEY, Mr. MEEHAN, Mr. OLVER, Mr. OBERSTAR, Mr. PAYNE of New Jersey, Ms. PELOSI, Mr. RAHALL, Mr. SANGMEISTER, Mr. SARPALIUS, Mr. SCHUMER, Mr. SHARP, Mr. SLATTERY, Mr. SWETT, Mr. TAYLOR of Mississippi, Mr. TUCKER, Mr. TRAFICANT, Mr. VALENTINE, Mr. VOLKMER, Mr. WATT, Mr. WAXMAN, Mr. WILSON, Ms. WOOLSEY, Mr. YATES, Mr. YOUNG of Alaska, and Mr. YOUNG of Florida.

H.J. Res. 398: Mr. HUTTO, Mr. PETE GEREN of Texas, Mr. EDWARDS of Texas, Mr. SARPALIUS, Mr. DARDEN, Mr. McCLOSKEY, Mr. KLEIN, Mr. LIPINSKI, Mr. SCHAEFER, Mr. RAMSTAD, Mr. DELAY, Mr. MONTGOMERY, Mr. BEVILL, Mr. FROST, Mr. LEACH, Mr. GINGRICH, Mr. SUNDQUIST, Mr. BILIRAKIS, Mr. McCOLLUM, Mr. HOYER, Mr. YOUNG of Alaska, Mr. HAMILTON, Mr. EMERSON, Ms. PRYCE of Ohio, Mr. BUNNING, Mr. SANGMEISTER, Mr. SPENCE, Mr. QUINN, and Mr. KINGSTON.

H.J. Res. 401: Mr. BERMAN, Mr. CONYERS, Mr. COSTELLO, Mr. ENGEL, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. FROST, Mr. HAMILTON, Mr. HINCHEY, Mr. INHOFE, Mr. LANCASTER, Mr. LEWIS of California, Mr. McNULTY, Mr. MONTGOMERY, Mr. MOORHEAD, Mrs. MORELLA, Mr. MURTHA, Mr. QUILLEN, Mr. RANGEL, Mr. RICHARDSON, Mr. SKELTON, Mr. SWETT, Mr. TORKILDSEN, Mr. TORRICELLI, and Mr. VENTO.

H. Con. Res. 35: Mr. DELLUMS, Mr. HASTINGS, Mr. SANGMEISTER, Mr. FIELDS of Louisiana, Mr. TAUZIN, Mr. HOYER, Mr. CLAY, Mr. SKELTON, Mr. RICHARDSON, Mr. HEFNER, Mr. PRICE of North Carolina, Mr. VALENTINE, Mr. HALL of Ohio, Mr. STOKES, Mr. BLACKWELL, Mr. HOLDEN, Ms. MARGOLIES-MEZVINSKY, Mr. PICKLE, Mr. PAYNE of Virginia, Mr. SWIFT, Mr. SANDERS, and Mr. STENHOLM.

H. Con. Res. 59: Mr. NADLER.

H. Con. Res. 148: Mr. HANSEN and Mrs. MEYERS of Kansas.

H. Con. Res. 166: Mr. LEWIS of Florida and Mr. LEHMAN.

H. Con. Res. 188: Mr. LEHMAN, Mrs. KENNELLY, Mr. ROEMER, Mr. HOAGLAND, Mr. PASTOR, Mr. GLICKMAN, Mr. ACKERMAN, and Mr. ZIMMER.

H. Con. Res. 227: Mr. COX.

H. Con. Res. 247: Mr. OLVER, Mr. SAXTON, Mr. GREENWOOD, Mr. SWETT, and Mr. KNOLLENBERG.

H. Con. Res. 256: Mr. TRAFICANT.

H. Con. Res. 269: Mr. RIDGE, Mr. DUNCAN, Mr. MOORHEAD, Mr. McKEON, Mr. INHOFE, Mr.

BILIRAKIS, Mr. DREIER, Mr. EHLERS, Mr. ALLARD, Mr. SANTORUM, Mr. BARTLETT of Maryland, Mr. FIELDS of Texas, Mr. KING, Mr. MCCRERY, Mr. TORKILDSEN, Mr. BLUTE, Mr. HALL of Texas, Mr. SPENCE, Mr. KASICH, Mr. CRAPO, and Mr. CUNNINGHAM.

H. Con. Res. 276: Mr. CARR, Mr. POMEROY, Mr. CUNNINGHAM, Mr. SCHIFF, Mr. COMBEST, and Mr. ANDREWS of Maine.

H. Res. 148: Ms. CANTWELL.

H. Res. 432: Mr. KOPETSKI, Ms. COLLINS of Michigan, Mr. BARCA of Wisconsin, Mr. CONYERS, Mr. JACOBS, and Mr. WILSON.

H. Res. 519: Mr. GILCHREST, Mr. HAYES, Mr. RAMSTAD, Mr. MOORHEAD, Mr. RAHALL, Mr. CALLAHAN, Mr. EMERSON, and Mr. HOEKSTRA.

H. Res. 530: Mr. ARMEY, Mr. BAKER of California, Mr. BALLENGER, Mr. BUNNING, Mr. CALVERT, Mr. COLLINS of Georgia, Mr. COX, Mr. CUNNINGHAM, Mr. DELAY, Mr. DOOLITTLE, Mr. DORNAN, Mr. FAWELL, Mr. GILLMOR, Mr. GOSS, Mr. HANCOCK, Mr. HEFLEY, Mr. HOEKSTRA, Mr. HUTCHINSON, Mr. ISTOOK, Mrs. JOHNSON of Connecticut, Mr. KASICH, Mr. KNOLLENBERG, Mr. LEVY, Mr. LEWIS of Florida, Mr. LINDER, Mr. MCCOLLUM, Mrs. MEYERS of Kansas, Mr. ROGERS, Mr. SHAW, Mr. SHAYS, Mr. TORKILDSEN, Mr. UPTON, and Mrs. VUCANOVICH.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2638: Ms. MOLINARI.

EXTENSIONS OF REMARKS

TRADE FOR THE CARIBBEAN

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 19, 1994

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in support of the Caribbean Interim Trade Program [ITP], which has been proposed by President Bill Clinton as a part of the GATT implementing legislation.

Throughout the past few years, our economic relationship with the countries of the Caribbean basin has been a successful one. Largely due to the Caribbean Basin Initiative, which was approved by Congress in 1983, the trade relationship between the United States and the Caribbean has more than doubled in the past 10 years and now equals close to $22 billion every year. Trade with the Caribbean basin has generated about 16,000 new export-related jobs during each year. What was once a U.S. trade deficit is now a trade surplus for this Nation of about $2.0 billion.

A good portion of this gain has come in the textile and apparel industries. To maintain a globally competitive product and to offset the advantages of low-wage Asian competitors, many U.S. firms have formed strategic alliances with garment firms throughout the Caribbean. Utilizing a combination of U.S. and Caribbean skills and materials, American and Caribbean firms have developed a joint-production process that guarantees the viability of our domestic industry while ensuring the production of quality, cost-competitive garments.

Unfortunately, this network of alliances faces erosion from several fronts. Under the North American Free-Trade Agreement, Mexican apparel producers are able to compete in the United States market at an advantage over their Caribbean counterparts. In addition, GATT's phase out of the worldwide system of textile quotas over the next 10 years will eliminate the principal barriers to cheap garment imports from the Far East. If the Caribbean exports to the United States are unable to compete because of these developments, the U.S.-Caribbean trade relationship, including the thousands of U.S. jobs that depend on it, could be permanently damaged.

In order to protect this beneficial relationship, President Clinton has included the Caribbean interim trade program in the GATT implementing bill. The ITP will ensure that Caribbean nations are not forced to compete at a disadavantage with Mexico. In exchange, Caribbean countries must take steps to provide U.S. exporters with greater access to their own markets and to provide basic guarantees for U.S. investors and intellectual property rights holders. This combination of trade liberalization and investment guarantees should further expand U.S.-Caribbean trade while giving the Caribbean nations the access they need to prepare for greater competition from the Far East.

Clearly, the United States has a strong interest in ensuring the security and stability of our allies in the Caribbean. As we are constantly reminded, regional instability not only undermines the democratic processes that this nation tries to foster, but it also has a profound impact upon immigration and economic development. The ITP, through the creation of economic linkage with the United States, can help secure Caribbean stability.

The ITP must be enacted this year, as a part of the GATT implementing legislation. Our failure to do so would not only signal our lack of commitment to the region, but would also undercut other efforts to promote strong U.S. export performance abroad.

For these reasons, I urge my colleagues to vote to retain the ITP in the GATT legislation.

RELIGIOUS PERSECUTION BY THE CHINESE GOVERNMENT

HON. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 19, 1994

Mr. COX. Mr. Speaker, many of us have had serious doubts about the Clinton administration's abandonment of any human rights agenda in China. The recent visit of Secretary of Commerce Ron Brown to China was a particularly vivid illustration of the new Clinton policy: Secretary Brown ostentatiously avoided any public, and virtually any private, reference to human rights; and the Chinese Government did its share in keeping the issue off the agenda—arresting dozens of dissidents just prior to his visit.

You will recall that one of the principal justifications for President Clinton's backflip on human rights was that his new policy would actually be more effective than his old one in promoting respect for human rights in China. The emerging evidence is not encouraging. News Network International, a worldwide news service specializing in religious freedom issues, has recently published a series of reports on the Chinese Government's escalating campaign of religious persecution—a campaign that has increased in ferocity in the months after President Clinton tore up his China-MFN Executive order. I ask that this disturbing evidence be reflected in the RECORD.

FANGCHENG HOUSE CHURCH LEADERS FLEE CITY

IMMINENT ARRESTS FEARED

(By Andrew Wark, NNI Correspondent)

HONG KONG.—Seven key house church leaders from the central Chinese city of Fangcheng in Henan Province fled their homes in early July, saying they will be arrested by local police if they return.

According to Hong Kong church sources who spoke to one of the fugitive church leaders in early August, police have identified the seven as Fangcheng's key "underground" church leaders and blame them for the large number of itinerant evangelists that the local house church movement has sent throughout China.

Although authorities have not issued warrants for their arrest, the church leaders say that Public Security Bureau (PSB) officials in Fangcheng have made it clear that they will be detained if they return.

The leaders told sources that the July 1 arrests of two Fangcheng itinerant evangelists in Guilin, Guangxi Province, has raised the prospect of their arrests. Authorities in Guilin, who launched a crackdown on "illegal religious activities" in early July, are said to be linking the presence of the two itinerant evangelists with the Fangcheng house church movement at large.

The fugitive church leaders are now concerned that the Guilin arrests will provide precedent for the Fangcheng authorities to issue national warrants for their arrests.

Under the Chinese government's "three designates" religious policy, only designated registered church personnel may preach at a designated registered religious venue at a designated time. As such, itinerant evangelists who are associated with the unregistered house church movement are usually viewed with opposition by the government and are often referred to as "hostile elements who use religion to conduct criminal activity."

In early February, police in Fangcheng arrested five foreign Christians after accusing them of violating the nation's newly-promulgated religious regulations. All five were detained in police custody for five days.

Seven Chinese house church Christians were apprehended at the same time, but were released within three weeks of their arrest.

According to Hong Kong sources, international media coverage of the foreigners' arrests served as a catalyst to many Fangcheng house church Christians, who subsequently embarked on a series of evangelistic crusades throughout the region. The campaigns are said to have resulted in several thousand people in the Fangcheng area converting to Christianity during February and March.

Henan has long been regarded as the epicenter of the unregistered house church

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

movement, and according to sources within the PSB, Fangcheng is now regarded by China's central government as the hub of Henan's "illegal" house church movement.

CHRISTIAN ARRESTED FOR ASSOCIATION WITH UNION MOVEMENT

PROTESTANT GROUP ISSUES INTERNATIONAL PLEA ON BEHALF OF ALL CHRISTIAN DISSIDENTS

(By Andrew Wark, NNI Correspondent)

HONG KONG.—Police arrested a prominent member of a state-sanctioned church in Beijing on July 10, for allegedly associating with independent trade union dissidents.

Details regarding the arrest of Liu Huanwen (in his early 30s) are sketchy, as there has been no contact with him since he was taken into police custody. It is also not known if formal charges have been filed against him.

Liu, a former seminarian with the Three-Self Patriotic Movement, the officially recognized Protestant church in China, previously spent more than two years in a labor camp for carrying a six-foot (two meter) wooden cross through Tiananmen Square during the 1989 pro-democracy student protests.

Meanwhile, the unregistered Protestant Christian group known as the Sacred Love Fellowship, has appealed to Christians worldwide and "everyone in the world who loves democracy and freedom" to support Chinese church members who have recently been arrested in Beijing for associating with dissidents.

Despite the inherent risks in contacting the foreign press, the group issued a written appeal to reporters based on Beijing on August 1, and acknowledges that some members of their group joined the 1989 student demonstrations and took part in founding an independent trade union movement.

The plea asserts that several prominent dissident labor union activists, including detained union leader Wei Jingsheng, have attended the group's prayer meetings and Bible studies in the past.

The appeal makes reference to Liu's July 10 arrest; highlights the case of Xiao Biguang, a detained Beijing Christian academic who was arrested April 12 for co-founding an independent labor union movement; and refers to the imprisonment of Gao Feng, a Beijing Christian who was incarcerated between May 28 and July 6 for allegedly criticizing China's poor human rights record.

The group's petition also focuses on the cases of four other local Christians—Wu Rengang, Liu Fenggang, Hua Huiqi and Xu Yonghai—who were arrested and briefly detained in recent months for "illegal" preaching activities. No further details are currently available regarding these cases.

In the past, most Chinese Christians have been reluctant to comment on political issues and have abstained from participating in political protests. China church analysts say the recent cases involving some Beijing Christians in independent trade union movements are isolated, and that the vast majority of Chinese Christians are "apolitical."

China's communist leaders are sensitive to Christian participation in free trade union movements, following the key role the Catholic church played in helping union movements topple Poland's socialist government in 1989.

POLICE HARASS WIFE OF MURDERED HOUSE CHURCH CHRISTIAN

(By Andrew Wark, NNI Correspondent)

HONG KONG.—The widow of a Chinese house church Christian who was beaten to death in a Hunan Province police cell in January has been repeatedly harassed by security officials and kept under tight police surveillance, according to Chinese house church sources.

Sources say Public Security Bureau officials have interrogated Yin Dongxiu numerous times since May, after she filed a legal suit against local police and the PSB, whom she blames for her husband's death.

Yin's husband, Zheng Musheng, was arrested in Dongkou County, southwestern Hunan, on January 5 after being accused by police of fraud and spreading religious fallacies.

In her lawsuit, Yin alleges that Zheng was repeatedly tortured by security officials after his arrest in an effort to make him confess his crimes. He died the following day of injuries incurred while in detention. Relatives who later viewed his body said there were rope burns around Zheng's neck and ankles, and multiple stab wounds on his torso.

Authorities in Dongkou later acknowledged Zheng was murdered while in police custody, but claim he died at the hands of 13 inmates.

House church sources say security officials were angered by the international media coverage of Zheng's murder and have accused Yin of releasing the information. They say Yin's house has been ransacked by local police, and she has been threatened with arrest.

Yin's legal case against local police and the Public Security Bureau is believed to have made little progress since she filed the preliminary lawsuit earlier this year.

THREE GUILIN CHURCH WORKERS ARRESTED

RELIGIOUS TENSIONS ESCALATE

(By Andrew Wark, NNI Correspondent)

HONG KONG.—Two itinerant evangelists and a church leader were arrested July 1 by Public Security Bureau officials in the southwestern city of Guilin, in an apparent crackdown on unregistered Protestant activities. Several "illegal" house churches have also been closed, according to Hong Kong sources who recently returned from the region.

According to reports, security officials arrested the itinerant evangelists—a man and a woman, both from Henan Province and in their mid-20s—after raiding a house church where they were living. The leader of the unregistered church was also arrested during the raid. The names of the three church workers have not yet been released.

The three workers were reportedly interrogated at the Guilin headquarters of Public Security and remain in police detention, although it is still not known if official charges have yet been filed.

Following the raid, security officers placed the house under surveillance, later arresting two other unregistered Christians as they entered the premises. The two Christians were briefly detained in a Public Security lockup and interrogated about their association with the house church.

Sources in Guilin say security officials raided at least four other house churches throughout the city in July, ordering them closed and placing them under police surveillance. Several key house church leaders have since fled the city, fearing arrest.

According to one Hong Kong church source who travels regularly to China, the heightened tensions between Guilin's Public Security Bureau and house churches is unusual, given the popularity of the city as an international tourist destination.

Some Guilin house church members allege that the recent escalation in police activities follows actions by leaders of Guilin's state-sanctioned Protestant Three-Self Patriotic Movement (TSPM) to highlight the illegality of the house churches.

Sources say several of the city's older TSPM leaders took action against the "underground" churches after younger TSPM clerics expressed sympathy and solidarity toward the local house churches. There are an estimated 20 unregistered house churches in Guilin.

GUAM'S COAST GUARD RESERVE: RECOGNITION FOR A JOB WELL DONE

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Monday, September 19, 1994

Mr. UNDERWOOD. Mr. Speaker, I rise today to commend a group of citizens on Guam who give their time and energy to public service and rarely get the thanks they deserve. Today, we thank the Guam Coast Guard Reserve unit for its service, and congratulate our friends for receiving the 1994 National Defense Transportation Association Award.

The Coast Guard Reserve unit helps both the military and the civilians on Guam. It provides support for defense munitions loading. It helps with the Christmas holiday loadout operations. And the Reserves help keep our commercial port operating by providing security for vessels with dangerous cargo onboard.

Of course, Guam is often subjected to devastating natural disasters and we rely on our reservists to pull us through. In August 1993, when Guam was rocked by an earthquake measuring 8.2 on the Richter scale, members of the Coast Guard Reserve were among the first on the scene to make sure the harbor and other facilities were safe for use. The unit also responded to over 100 chemical spills, making sure shipping lanes were safe and the environment was protected.

The Guam Coast Guard Reserve unit will receive its award in St. Louis, MO, on October 2, 1994. Kongradulasim to our friends in the Reserves. Bunitu che'cho'-miyu.

TRIBUTE TO MANNY MEDEIROS

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, September 19, 1994

Mr. REED. Mr. Speaker, I rise today to salute a distinguished young man from Rhode Island who has attained the rank of Eagle Scout in the Boy Scouts of America. He is Manny Medeiros of Troop First in Providence, RI, and he is honored this week for his noteworthy achievement.

Not every young American who joins the Boy Scouts earns the prestigious Eagle Scout Award. In fact, only 2.5 percent of all Boy Scouts do. To earn the award, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. He must earn 21 merit badges, 11 of which are required from areas such as citizenship in the community, citizenship in the Nation, citizenship in the world, safety, environmental science, and first aid.

As he progresses through the Boy Scout ranks, a Scout must demonstrate participation in increasingly more responsible service projects. He must also demonstrate leadership skills by holding one or more specific youth leadership postions in his patrol and/or troop. This young man has distinguished himself in accordance with these criteria.

For his Eagle Scout project, Manny cleaned up the grounds and removed graffiti from the walls of the Washington Park United Methodist Church.

Mr. Speaker, I ask you and my colleagues to join me in saluting Eagle Scout Manny Medeiros. In turn, we must duly recognize the Boy Scouts of America for establishing the Eagle Scout Award and the strenuous criteria its aspirants must meet. This program has through its 84 years, honed and enhanced the leadership skills and commitment to public service of many outstanding Americans, two dozen of whom now serve in the House.

It is my sincere belief that Manny Medeiros will continue his public service and in so doing will further distinguish himself and consequently better his community. I join friends, colleagues, and family who this week salute him.

ON PASSAGE OF THE CONFERENCE REPORT OF THE VA-HUD APPROPRIATIONS BILL

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 19, 1994

Mr. SMITH of Michigan. Mr. Speaker, on Monday, September 12, this House voted to spend 300 million tax dollars in unauthorized spending for 259 special grant projects that never was approved by the authorizing Committee of Jurisdiction.

Many of these projects were rejected by the authorizing committee after careful consideration. Some were not considered at all. All of them were passed Monday night, on this floor, after being tacked on at the last minute by a conference committee.

This is wrong, and precisely why the people of this country are so frustrated and so angry with the way Congress works.

The House passed the original bill with zero dollars for pork-barrel projects. The Senate came into conference committee with $135 million worth of these types of projects. The compromise between zero on the House side and $135 million from the Senate was $290 million.

And Monday night, as this was all going on, it became very clear to me how and why this is all happening. I heard the lobbying, and it went this way: You have to vote for this, because there is something in it for you.

And so it goes, vote for this pork barrel bill of unauthorized spending, and even though it may be wrong, and even though it violates the very rules of this institution, there's something in it for you. So keep quiet. Go along and get along.

Well, in fact, Mr. Speaker, there was spending in last night's bill that would have helped my district and my State. I support the projects that were in the bill for my district and believe that they make sense. And because I believe that they are strong projects, I believe that they would pass a fair and open test of review and scrutiny by the appropriate committee of jurisdiction or competition for community block grant funds.

In short, I believe that these projects could stand on their own two feet and walk through the front door in full public view, instead of being slipped through the back door of a pork barrel process that violates common sense and fairness.

And so, I voted against last night's bill even though there was money in it for my district and State. My vote, Mr. Speaker and Members of the House, will not be bought by the promise of some pork-barrel spending in my district so that hundreds of millions of dollars of pork barrel spending can be wasted around the country.

I will not keep quite. I won't go along to get along. When it comes to this kind of practice.

Passing this bill was wrong. It is why the American people are calling for change in Washington. And I believe that the people of this country are going to keep calling for change until this kind of politics as usual comes to a halt.

Mr. Speaker, and Members of this body, the people of the this country deserve better. Its about time that they got it.

RESTORATION OF FEDERAL RECOGNITION TO THE PASKENTA BAND OF NOMLAKI INDIANS OF CALIFORNIA

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 19, 1994

Mr. FAZIO. Mr. Speaker, I rise in support of restoration of Federal recognition of the Paskenta Band of Nomlaki Indians of California and to introduce legislation to achieve this end. I would also like to take this opportunity to thank my colleagues—Chairman GEORGE MILLER of the House Committee on Natural Resources and Chairman BILL RICHARDSON of the Subcommittee on Native American Affairs—as well as Tadd Johnson, staff director of the subcommittee, for their efforts and support on behalf of this legislation.

The Paskenta Band is a small, independent tribal group within the larger Wintun Nation. Its homeland is in my district, in the mountainous area of southwestern Tehama County, CA, near the town of Paskenta. One of the tribe's main ties to the Paskenta area is that it is the home and burial place of its ancestors. These burial places are still maintained by members of the Paskenta Band.

The Federal Government originally identified 53 members of the Paskenta Band as a distinct tribal group in a census taken around 1915. Lands were first acquired for the benefit of the tribe in the early 1900's under legislation authorizing the acquisition of land for homeless California Indians. Today, there are approximately 150 members who are descendants of the Nomlaki Indians who comprised the original Paskenta Band identified in 1915.

In the 1950's, Federal-tribal relationships were terminated. In California alone, 41 federally-recognized Indian groups, including the Paskenta Band, were discontinued under the California Rancheria Act of 1958. Up until this time, federally recognized tribes received little more in services than unrecognized tribes did. As a result, there was little incentive at the time of termination for Indians to step forward and assert otherwise, especially if they or their parents had already moved off of the land because of poor conditions and lack of Bureau of Indian Affairs [BIA] services.

When the Federal Indian programs were initiated in the 1970's, however, this changed. For purposes of program eligibility, clear distinctions began to be drawn between members of federally recognized tribes and those California Indians who were members of tribes that either had never been recognized or—like the Paskenta—had been terminated. These distinctions between recognized, unrecognized and terminated Indians increased during the 1980's when the BIA accelerated its effort to service only Indians who were members of federally recognized tribes.

The Paskenta Band is one of the few remaining terminated California tribes. However, it still maintains tribal relations and functions as a self-governing Indian tribal community, despite the lack of a tribal land base. But, official Federal recognition is essential if the Paskenta are to be eligible for Federal programs and services provided to Indians.

Appearing before the House Subcommittee on Native American Affairs earlier this year, Chairman Everett Freeman of the Paskenta Band testified that the struggle to reverse the termination of his tribe has provided a renewed sense of pride and hope within the Paskenta, especially among its elders, who never really understood or actively participated in the termination process.

> We are making this effort primarily for our children, who know the old stories of the Paskenta people, but just now are discovering the richness of that heritage and a pride in their identity as Indian people.

Both the board of supervisors of Tehama County and the BIA have indicated their support for restoring Federal recognition to the Paskenta. I am proud to join them by offering this long overdue legislation, which will return federally recognized status to the Paskenta.

HAITI

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 19, 1994

Mr. COLEMAN. Mr. Speaker, I rise today to elaborate my feelings on the Haiti question. In the coming days and weeks, all of us will have an intimate knowledge about this country and will again deal with matter of the legitimacy of a democratically elected government.

While I have not decided whether to support an invasion, I look forward to hearing President Clinton's arguments on why we should invade. I also look forward to hearing from the citizens of the 16th District of Texas on their feelings on this matter. Let me outline some factors as we go on to frame a debate on the Haitian question.

First of all, I share the view of the majority of my colleagues that the President must seek the Congress' authorization to invade Haiti. Article I of the Constitution states very clearly that Congress has the preeminent power to declare war. I have written to the President with my feelings in this regard and have signed on to a resolution to achieve this end.

Members of Congress must be accountable for this type of action. The American people have a right to know how their elected representatives voted on such an invasion measure. This is extremely necessary if the invasion results in a prolonged stay of our troops on the island.

The President, by stating that he has "consulted" with the Congress, cannot use this as grounds for an invasion. Constitutional scholars have long doubted the validity of these arguments. The President, like Ronald Reagan and George Bush before him, must bring the legislature in on this decision. It is to his best interest and to the country's best interest.

Second, I want to be clear on one of the primary guiding principles in the framing of this debate. That is, the respect of a democratically elected government. The post-cold-war era is teaching us how democratically elected governments tend to be secure, well-balanced, and stable. We can see this in the nations of the former Soviet Union, painful as their transition seems.

I, for example, have an intimate knowledge of the government and politics of Mexico. As you know, this country recently had a national election in which a great many observers, including myself, judged to be the fairest in its history. The results of this election bode well for Mexico and the United States. International investment is now flooding into Mexico. We benefit by the jobs created and the increased commercial traffic flowing across our borders. But the Mexican people benefit the most with economic stability and the assurance that democracy works.

The same can be true for Haiti.

We no longer have to support rulers such as Ferdinand Marcos for fear of losing a country to communism. The cold war curtain has come down. Our overarching principles should be democracy, respect for the law, and economic self-sufficiency. These should be the principles that the United States has a national interest in promoting.

Third, we must deal with the fact that Haiti is a close neighbor. This closeness implores us to resolve this situation in our backyard first. Taken, for example, Bosnia. One of the reasons why I feel the United States should not take the first military steps in this is because it is on the European continent. Bosnia is the primary responsibility of countries like England, France, and Germany. Haiti is in our hemisphere. Let us take care of our own backyard first.

As you know, Mr. Speaker, the United States belongs to the Organization of American States [OAS]. Some time ago the OAS adopted a resolution in which all of the democracies of the Western Hemisphere had jointly committed themselves to the protection of the concept of democracy among the member states. The questions are: Do we honor this commitment? Do we risk other dictators-in-waiting making advances on countries in our hemisphere?

Fourth, there is a tremendous rise in human rights abuses in Haiti. A recent report by the State Department states: over 3,000 Haitian civilians, many supporters of President Aristide, have been killed during the despots region of terror; over 300,000 persons have been driven into hiding; military and paramilitary forces have used politically motivated rape, aimed at terrorizing opponents of the regime as well as of the general population.

This infliction of pain upon the people of Haiti causes a mass exodus. As we know too well, most choose this country to come to, again, because of our stability and our respect for democracy and the law.

Is it any wonder that in the Western Hemisphere the two countries that are having the greatest number of human flight are countries ruled by dictatorial regimes. Do we put a stop to this or let it continue?

Finally, we have to deal with the matter of Haiti becoming a major transshipment point for drugs. Like Panama, there appears to be some evidence that the military dictators running the country are allowing their country to be used as a refueling point and storage center for drug runners from South America. I consider this question a very serious one. Representing a border district with a substantial amount of drug trafficking, I know this problem very well.

I am very concerned on the lack of debate on this matter and I know full the outcry of citizens, not only from my district, but throughout the country on why we should not invade. I will take all of these matters into consideration when I make my decision on the Haitian question.

Mr. Speaker, our credibility is once again at stake. If an invasion takes place, we must ensure that democratic institutions remain and the lawful processes which we hold so dear are adopted. If an invasion results, we cannot be a permanent solution to the Haitian people, however. Our stay must be temporary, but our influence long-standing.

A GREAT COACH STILL DENIED FAME

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 19, 1994

Mr. LIPINSKI. Mr. Speaker, I rise today to support Steve Neal, political editor of the Chicago Sun-Times, in his effort to obtain National Football League Hall of Fame induction for Lawrence T. (Buck) Shaw. Mr. Neal makes an excellent presentation for Buck Shaw's induction into the NFL Hall of Fame in his column of September 12, 1994. Following is that column.

A GREAT COACH STILL DENIED "FAME"

As the Chicago Bears tackle the Philadelphia Eagles on Monday Night Football, the NFL is celebrating its 75th anniversary.

All the players are wearing a 75th anniversary patch on their jerseys and a diamond anniversary medal will be used for the coin toss. A documentary about the NFL, "75 Seasons," is premiering this week on TNT. It's a season for reflecting on the history of America's favorite game.

The Pro Football Hall of Fame in Canton, Ohio, began enshrining football's more celebrated players and coaches in 1963. There are now 175 members. But the politics of glory is a tricky business. Who gets in and who doesn't?

Why isn't Buck Shaw in the Pro Football Hall of Fame?

His exclusion is an embarrassment.

Shaw, who died in 1977, is the coach who established the winning tradition of the San Francisco 49ers and who led the Philadelphia Eagles from last place to the NFL title.

He engineered the trade for quarterback Norm Van Brocklin and made center Chuck Bednarik the last of the 60-minute men in transforming the Eagles into champions. Shaw was the only coach who defeated Green Bay's legendary Vince Lombardi in a playoff game. The Super Bowl trophy is named for Lombardi. Shaw isn't even in the Hall of Fame.

When Shaw died in 1977, the New York Times described him as a football legend. But his brilliant career isn't recognized in the Hall of Fame.

"He was among the architects of the game. He ought to be in," said Edward McCaskey, chairman of the Chicago Bears and the son-in-law of NFL founding father George Halas.

"Buck was a great coach. He was one of the greatest innovators of his era. He should be in the Hall of Fame," added Hall of Famer Sid Luckman, who quarterbacked the Bears to four NFL titles in the 1940s.

Soft-spoken, calm and thoughtful, Shaw was among football's great innovators. As the University of Santa Clara's coach in the 1930s, he pioneered the multiple defense and won back-to-back Sugar Bowl championships.

As the first coach of the 49ers, he was noted for his exciting and versatile offensive attack. His teams inducted six future Hall of Famers and his 1948 team set a record for rushing yardage (3,663 yards) that has never been broken.

Hall of Fame quarterback Y.A. Tittle, who played for Shaw with the 49ers, said:

"He had the knack of getting his ballplayers to rise to the occasion. Shaw's teams didn't always have the best personnel in the league. But he achieved maximum results with the material he did have."

In 12 years as a pro coach, Shaw had 10 winning seasons. His .596 winning percentage is 24 points higher than former Pittsburgh Steelers Coach Chuck Noll, who was inducted into the Hall of Fame last year.

Shaw's winning percentage is 89 points above Weeb Eubank, 55 points above Sid Gillman, 30 points above Jim Conzelman, 23 points above Hank Stram, and 15 points above Steve Owen, who are Hall of Fame coaches.

As coach of the 49ers for nine years, Shaw's winning percentage was .614, compared with 1993 Hall of Fame inductee Bill Walsh's .617 in 10 years as 49ers coach.

Shaw, who is among football's genuine legends, should be first on the list for induction into the Pro Football Hall of Fame.

CONCERN OVER THE TREATMENT OF ORANGUTANS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 19, 1994

Mr. LANTOS. Mr. Speaker, I rise today to bring your attention to House Committee Report 103–551 to the Interior appropriations bill. I am pleased to learn of concern expressed in the bill regarding captive orangutans and the Department of the Interior's lack of enforcement of its forfeiture powers of those animals taken or possessed in violation of the provisions outlined in the international Endangered Species Act. In passing this bill, the Congress clearly intended to protect endangered species, such as the orangutans, which are taken or kept in violation of any provisions of the ESA, as evidenced by 16 U.S.C. 1540(e)(4)(A).

The forfeiture powers of the Department of the Interior should be exercised with regard to those orangutans which are currently in the possession of Bobby Berosini, a Las Vegas entertainer, who in 1989, was videotaped beating the animals on numerous occasions. Aside from this obvious form of harassment of these animals, which in itself is illegal under ESA provisions and would alone be grounds for seizing the animals, this individual no longer has any right to continue to maintain these animals. He was originally permitted to take these animals for the purpose of conducting a breeding program which he failed to do in 13 years, and for which the Department of the Interior revoked his Captive Bred Wildlife permit.

I call on the Department of the Interior to address these concerns.

A WELL-DESERVED TRIBUTE

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 19, 1994

Mr. FRANK of Massachusetts. Mr. Speaker, this Labor Day, the National Association of Letter Carriers San Antonio branch honored our colleague, the distinguished congressman from San Antonio who chairs the House Banking Committee. On that occasion, Tim Tracy, president of branch 427 of the Letter Carriers delivered remarks about HENRY GONZALEZ which are worthy of reprinting here. In this time when many people are talking about term limits, and treat long service in the public sector as a mark of some character weakness, it is refreshing to see the people of Congressman GONZALEZ' district so appreciative of the extraordinary qualities of dedication, commitment, and integrity which he brings to his work. Since I have been in the House, HENRY GONZALEZ has been the chairman of the Housing Subcommittee, and for the last few years he has chaired the full Banking Committee as well. It has been my very distinct privilege to serve on the Housing Subcommittee on the full Banking Committee under his chairmanship, and I congratulate the members of Letter Carriers Branch 427 for recognizing the extraordinary qualities of statesmanship, compassion and decency which have motivated HENRY GONZALEZ.

Excessive cynicism is one of the problems that now confronts this Nation, and I therefore insert into the RECORD the excellent remarks of President Tim Tracy of the Letter Carriers Branch 427 about HENRY GONZALEZ as an antidote to those who argue that great public servants are a thing of the past.

HENRY B. GONZALEZ

Congressman and Mrs. Gonzalez, postmaster Montana, distinguished guests, fellow labor advocates, and brother and sister letter carriers. We are here tonight to thank Congressman Gonzalez for his 34 years in Congress and his over 40 years of service to his community as a true and honorable advocate of the working people of his district, his State, and indeed, his country. He has steadfastly supported the people, that is the real people of America, the working men and women of our country. He has always understood the need for and the advantages of having good and strong labor organizations to further the causes of making a better life for all Americans. In short, he has always been there for us. Tonight we are here for him.

From his early days in politics on the city council in San Antonio to the prestigious positions he occupies today as the chairman of the House Committee on Banking, Finance, and Urban Affairs and chairman of the House Subcommittee on Housing and Community Development, Congressman Gonzalez has always maintained contact and focus with the people he represents. He was the first to do things that sometimes did not go with the accepted flow but he was consistently proven right. He was also the first to break through the prejudicies of a community and a nation and demonstrated categorically that all men are indeed created equal.

Almost all the words of praise that I know cannot adequately describe Congressman Gonzalez' contributions to this land—so I say to you as I say it to him what's in my heart—thank you sir for being there for us. Thank you for your support for the letter carriers when giving that support has sometimes been unpopular. Thank you too for your support of the all working men and women and of organized labor. America is a better place today because of you and the grand work that you have done for her people.

God bless you Henry and may He hold you always in the palm of His hand. Ladies and gentleman, please join me in thanking this wonderful man, Congressman Henry B. Gonzalez, U.S. Representative for the 20th District of Texas for being our friend.

A SAFER AMERICA

HON. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 19, 1994

Mr. COX. Mr. Speaker, in the time it took me to put on my tie this morning, another California home was burglarized. Incredibly, according to the Department of Justice, a California home is burglarized every 13 seconds. Over 400,000 California residents and almost 3 million citizens nationwide will be the victims of a residential burglary this year.

The average victim of a burglary will lose more than $1,200 in property. But statistics cannot address the feelings of vulnerability and lost sense of security that stay with victims long after the material loss has been forgotten. More frightening, still, is the increasing frequency with which burglaries are escalating into violent crimes.

In 1992, over 80,000 people in California were arrested for committing burglary. In spite of all the efforts of a great number of highly qualified and dedicated law enforcement people, residential burglary continues to plague our communities, both metropolitan and rural.

While some people simply throw up their hands in frustration at a problem this large, others are taking positive steps. One California company, Kwikset Corp., a manufacturer of residential locksets, has set out to solve this problem. Kwikset has funded a program called A Safer America, a grassroots public awareness and education program aimed at reducing residential burglaries. It provides the public with information on the dangers of residential burglary and hints on how they can better protect their homes and families.

Developed under the guidance of a board of advisors consisting of crime experts and law enforcement representatives, A Safer America draws upon the experience and knowledge of the people who have written the state-of-the-art books on residential crime prevention.

The cornerstone of the Safer America Program is community education. A Safer America works in conjunction with Neighborhood Watch and Habitat for Humanity groups to provide every homeowner with simple, low-cost deterrents, which can dramatically reduce the chances of becoming a victim of this very personal crime. In over 40 percent of reported burglaries, for instance, the burglar entered the home thorough an unlocked door or window. There are many other simple precautions homeowners can take to deter would-be burglars and to protect themselves and their families.

But educational materials by themselves are not enough to solve a problem of this magnitude. Herein lies the most important feature of A Safer America: people power. A Safer America utilizes volunteers from the local community to help distribute the materials and show neighbors that together as a community, they can make a difference.

This combination of knowledge from the experts, educational materials, and the enthusiasm and spirit of the volunteers and citizens of a community make for a winning combination and will help to make America a safer place. A Safer America is a program that deserves our recognition and our thanks. At a time of frustration in America, when many have come to believe that society's problems are intractable, A Safer America is a poignant reminder that dedicated individuals working toward a common goal can always make a difference.

ONE HONOR STANDARD, ONE HONOR CODE

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Monday, September 19, 1994

Mr. UNDERWOOD. Mr. Speaker, I am concerned, as are many Americans, about the recent negative publicity surrounding the cheating scandal at the U.S. Naval Academy at Annapolis involving the electrical engineering examination, and the handling of the investigation. I believe that the vast majority of midshipmen are honorable men and women, who have the highest sense of personal integrity and honor demanded of them by our Nation.

I am also concerned about recent media reports of an honor incident that occurred last spring at a restaurant in Annapolis, dubbed the "dine and dash incident," where three midshipmen deliberately attempted to leave the restaurant without paying for their meals. The Naval Academy should not be singled out because of the recent scandals; we know that in past years the Military Academy at West Point and the Air Force Academy in Colorado Springs have had their share of honor code problems.

Let me emphasize again that an isolated incident is not necessarily indicative of a deeper problem, but the news reports serve to highlight an issue that I have addressed through legislation that I introduced today, H.R. 5047, the Military Service Academy Honor Code Act.

Few people realize that while we have an expectation of a high sense of honor and ethics of our military officer candidates, the honor codes in use at each service academy differ slightly in wording. If the honor codes are different, are the standards different? Is the honor standard for West Point cadets different from the standard expected of Air Force cadets or Navy midshipmen? Is the honor standard expected of military officers different for each service?

Most Americans would agree that the honor and ethics standards for our officer candidates should be uniform, even if the codes themselves are not identical. But without identical codes, does enforcement differ?

The recent honor violations at the Naval Academy point out how the wording of the honor codes might contribute to different standards of enforcement. While the honor code in use at the Air Force Academy and at West Point have explicit clauses prohibiting the cadets' toleration of honor violations, the toleration clause in the Naval Academy's honor concept is an implied clause.

The three honor codes in use at the military service academies are:

U.S. Military Academy: A cadet will not lie, cheat or steal, nor tolerate those who do.

U.S. Naval Academy: Midshipmen do not lie, cheat or steal.

U.S. Air Force Academy: We will not lie, steal, or cheat, nor tolerate among us anyone who does. Furthermore, I resolve to do my duty and live honorably, so help me God.

A recent "60 Minutes" report on the cheating scandal at Annapolis included reports of midshipmen refusing to identify other midshipmen who may have used the compromised electrical engineering test as a study guide. One has to wonder if this is a situation where midshipmen are engaging in toleration violations by the standards of the Air Force and West Point honor codes.

A more troubling example is the situation in the "dine and dash" incident reported in the Washington Post. Three midshipmen discussed a plan to leave without paying for their meals. One of the three left the restaurant early to wait in the car—the other two then took off but were caught by an off duty policeman. Only two of the midshipmen were expelled. The third person, who waited in the car, was exonerated because he assumed the other two were only kidding. While his actions leave much to be desired, again one has to wonder if all three midshipmen would have been expelled under the explicit toleration clauses of the Air Force or West Point honor codes.

I will give the midshipmen of the Naval Academy and the administration of the Naval Academy the benefit of the doubt in their application of their honor concept and their understanding of their standards. My point is not to second guess past decisions by their honor boards or their administration. My point is to raise a question that deserves to be investigated by an outside commission.

Over the past 2 years, the Naval Academy, and to some extent the Air Force Academy and the Military Academy, has conducted an intensive review of its administration of its honor concept. Internal reviews were supplanted by investigations by the Naval Academy's Board of Visitors. While some changes have been made, the question of what honor standard is demanded of Naval Academy midshipmen has not been addressed in a broader perspective.

My legislation would require the Secretary of Defense to appoint a commission comprised of active duty officers, graduates of the military service academies no longer in the active or reserve duty in the Armed Forces, and educators from institutions of higher education to recommend whether there should be a standardized honor code for all three military service academies. It may be that such a standardized code would be useful, or it may be that the individual approaches used by each service academy should be continued.

Additionally, my bill would have this commission recommend whether such a standardized honor code should also be applied to officer candidates enrolled in the Reserve Officer Training Corps [ROTC] programs and on the Officer Candidate School [OCS] programs. If honor is expected of our cadets and midshipmen, why not expect the same of all officer candidates? I recognize that the enforcement administration mechanisms for the ROTC and OCS programs would differ significantly from the mechanisms in use at the military service academies, but the bottom line would be the teaching of a common standard of honor.

If in fact the commission recommends against a standardized honor code, the military service academies would be able to continue their individual approaches to an honor curriculum confident in the vindication from an impartial outside commission not beholden to a particular academy or service.

Or, on the other hand, if the commission recommends that there is merit in a standardized honor code, it would still be left to the discretion of the Secretary of Defense to implement this finding in a way that would ensure a positive change at the service academies.

I am aware of criticisms that the honor codes are the property of the cadets and midshipmen, not something that is imposed on them. But the cadets and midshipmen do not own the academies—the American people own the academies, and the American people in the end must be satisfied that the standards for our future officers are the same, that no one academy has set the bar too high or too low.

I have also considered that much can be gained by a standard honor code—a joint honor and ethics curriculum is a natural by-product. It would be easier to share the lessons of a problem that one academy may experience with the other academies. It would be more difficult for cadets or midshipmen to dismiss the lessons of an honor scandal by saying, "That could not happen here because our code is different" or for the administrations to say, "That could not happen here because we administer our code differently".

While there is a good case that can be made for the individual approaches to the honor standard that the service academies have adopted, it is worth noting that the Uniform Code of Military Justice, which is the conduct standard for all officers after they are commissioned, is the same for all branches of the military. It is also significant that the Code of Conduct, which sets the standard for American prisoners of war, is also a standardized code.

Our Nation has been well served by the graduates of the military service academies, and these institutions have performed their missions admirably over the years in producing the highest caliber of officers for our Armed Forces. The academies have evolved over the years, and have adapted to changing circumstances. Any change contemplated should strengthen the academies and improve the quality of the officers that graduate. I believe that the honor standard can be strengthened by a standardized code for all service academies, that is also applied to all officer commissioning programs. I therefore urge my colleagues to cosponsor H.R. 5047, the Military Service Academy Honor Code Act, so that a commission can review these issues and make recommendation on these matters to the Secretary of Defense and the Congress.

FRANCES GOFF—A TEXAS LEADER AND LEGEND

HON. J.J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 19, 1994

Mr. PICKLE. Mr. Speaker, I rise today to call to the attention of the Nation, the loss of a great lady, Frances E. Goff, who dedicated her life to the betterment of others. Ms. Goff died September 15, 1994, at her home in Houston. She was 78. A private burial was held Sunday at the State Cemetery of Texas in Austin.

Ms. Goff, a native of Kenedy, TX, began her career in government after receiving an associate's degree in business from San Antonio Business College.

From 1937 to 1951, Ms. Goff worked in several government capacities including serving as a sergeant major with the Army Air Force between 1944 and 1946. During that time, she was administrative specialist and top aide to the commanding officers of Love Field Air Base in Dallas.

In 1951, Ms. Goff joined Dr. R. Lee Clark, who was instrumental in pioneering the M.D. Anderson Cancer Center. As director of special projects she helped coordinate continuing education conferences and served as a patient advocate. At M.D. Anderson, Ms. Goff guided virtually every aspect of the building and renovation programs from 1951 until 1978, when the facility grew into one of the largest comprehensive cancer centers in the world.

Since 1952, Ms. Goff had been director of the American Legion Auxiliary Bluebonnet Girls State, a summer program for high school girls that promotes model citizenship. As Girls State grew, she coordinated the year long planning and promotion of the model citizenship program attended by almost 25,000 Texas teenage girls.

In recognition of her outstanding volunteerism, she was inducted into the Texas Women's Hall of Fame in 1986. She also received the American Legion National Commendation Award and the Valley Forge Freedom Foundation Honor Award. A scholarship was established in her name at the University of Texas' LBJ School of Public Affairs in Austin.

Ms. Goff was appointed by Gov. Ann Richards to serve as State chairwoman of the Women in Military Service for American Memorial Foundation Inc., which is responsible for establishing a memorial in Washington, DC honoring women who fought and died during the Vietnam War.

We salute Frances Goff for her service to others, her dedication to the principles of democracy embodied by her 42 year long involvement with the American Legion Auxiliary Bluebonnet Girls State, and her guiding hand in the development of one of the world's greatest cancer research facilities, the M.D. Anderson Cancer Center. Her life touched and influenced many people and her passing has not gone unnoticed.

Mr. Speaker, I have had innumerable contacts with Frances Goff over the years. she was a true professional, but more than that, she was a great human being.

FIRE SAFETY EDUCATION ACT

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, September 19, 1994

Mr. HOYER. Mr. Speaker, as the chairman of the Congressional Fire Services Caucus, I am proud to introduce the Fire Safety Education Act.

Just over 20 years ago, in 1973, the National Commission on fire Prevention and Control issued a report entitled "America Burning." This was a watershed report resulting in the establishment of the U.S. Fire Administration, and focusing attention on our country's fire problem which had been overlooked for too long. Incredibly, at the time this report was published, our country led all industrialized countries in per capita fire deaths and property losses.

While progress has been made in the last two decades—we've nearly halved the per capita death rate—our fire statistics still demonstrate that progress can be made. Annually, fire kills almost 6,000 civilians, injures 29,000 innocent lives, and results in several billion dollars' worth of property damage.

Clearly, we must continue to focus resources on our country's fire problem. One of "America Burning's" first recommendations back in 1973 was that greater attention must be paid to fire prevention efforts. Like almost any other public policy question today, prevention plays an integral role by stopping problems before they occur. Fire prevention has the potential to save more lives, more property, and more public resources than any advance in technology, fire fighting tactics or fire training.

However, despite the importance of fire prevention programs, large constraints on State and local budgets have resulted in decreased fire prevention programs. Now is not the time for localities to ratchet down their fire prevention programs, particularly in light of the progress we have made to date.

Consequently, I am proud to introduce the Fire Safety Education Act. This legislation will create a grant program through the U.S. Fire Administration for State and local fire prevention efforts. Half of the grant money in this bill is designated for established fire prevention programs which have demonstrated success. This bill will encourage communities to continue their fire prevention programs by offering Federal assistance if they do.

In addition to encouraging fire prevention grants, the Fire Safety Education Act seeks to improve our country's collection and analysis of fire data, and sets reporting requirements so that we may be confident our Federal and local resources are being used effectively.

I encourage my colleagues to support this important effort which will ultimately help protect the lives and property of American citizens, and help prevent the unnecessary injury of our country's fire and emergency response personnel.

TRIBUTE TO JUDGE EMERSON MEGGS

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, September 19, 1994

Mr. CLEMENT. Mr. Speaker, I would like to pay tribute to Emerson Meggs, who is completing with distinction his service as Robertson County executive.

As a businessman, judge, and civic leader, Judge Meggs has devoted his life to building Robertson County into a prosperous place. Beginning with his service as recorder and commissioner for the city of Adams, Judge Meggs has been an active member of the PTA, the Chambers of Commerce of Springfield and White House, the County Library Board and Historical Society, the County Highway Commission, the Adams Methodist Church, the Rotary Club and United Way.

He has also served as the chair of the Greater Nashville Regional Council, where he helped coordinate and prepare other government leaders for the forces of growth affecting middle Tennessee as well as Robertson County.

Judge Meggs' service culminated in 12 years as county executive. During that tenure, Robertson County grew considerably in population and wealth. It developed from a primarily agricultural county into a county with a diverse economy. It grew from a county dominated by farms to one mixed with suburbs. Under the judge's leadership, the county was prepared for these changes. He helped lead the county and its communities into making appropriate investments in infrastructure and the range of services necessary to meet the needs of both new and longstanding residents.

It has been a privilege to have worked closely with Judge Meggs and I wish to join the other citizens in thanking him and his wife, Margaret. As Judge Meggs completes his tenure as county executive, he can look with pride at the many accomplishments and contributions he made to building the wealth of Robertson County and to improving the quality of life of its residents.

A BIRTHDAY SALUTE TO MORTON WEINBERGER

HON. DAVID MANN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 19, 1994

Mr. MANN. Mr. Speaker, on September 22 of this year, a truly outstanding professional, a civic leader, and a remarkable gentleman will celebrate his 65th birthday. Born into a humble south Philadelphia family 65 years ago, Morton Weinberger through determination, intelligence, creativity, and stubbornness, rose to excellence in each area of dedication in his life, whether it be academics, the military, or his chosen profession of accountancy.

Yet notwithstanding all that occurred in Mr. Weinberger's six and a half decades of life, his true accomplishments and impact to this Nation lie not in his military service in the U.S. Army as a first lieutenant, nor with his civic leadership in Miami, FL, but rather with his accomplishments through the Florida Institute of Certified Public Accountants, the American Institute of Certified Public Accountants, and the Florida Board of Accountancy, through which organizations Mr. Weinberger has impacted both directly and indirectly the profession of certified public accountancy, nationally as well as specifically in the State of Florida.

Through his presidency of the Florida Institute of Certified Public Accountants Educational Foundation from 1979 to 1980 and as the FICPA's president from 1980 through 1981, Mr. Weinberger accomplished significant objectives for a profession so important to the private sector of our country. During his term as FICPA President, the Florida Institute of Certified Public Accountants relocated its office to Tallahassee, FL, signaling the importance and the interrelationship of that institution with the State government in Florida. At that time, the FICPA instituted, as well, an educational requirement of a fifth year of schooling prior to becoming a certified public accountant in Florida. This additional year of education sought to elevate the profession of accountancy. Mr. Weinberger has been and continues to be a true professional in his field and sought to institutionalize the lofty ideals of a professional to those of public accountancy. Many States have since instituted similar educational requirements following the lead of the State of Florida.

Likewise, during his term as president, the FICPA reassessed it statewide effectiveness, creating a toll-free WATS line for its members, increasing it membership throughout southern Florida, revising its bylaws in order to address membership reclassifications and restructure its board of governors, and instituted an executive leadership conference for incoming executive committee members of the FICPA.

Mr. Weinberger has served as a guest lecturer and instructor in courses taught at the University of Miami, Florida International University, and for various State societies of certified public accountants throughout the United States.

As a former partner of KPMG Peat Marwick, as well as BDO Seidman, Mr. Weinberger has served as an expert on management advisory services, small business practices, and presently continues to serve as a consultant on litigation support and mediation, and is an expert witness in the area of accountancy.

Notwithstanding all that Mr. Weinberger has accomplished professionally, all that he has done academically in obtaining a bachelor of arts from Central High School in Philadelphia, a bachelor of arts degree from Temple University, and a bachelor of business administration from the University of Miami, Mr. Weinberger is the 42-year husband of Gwen Schaller Weinberger, the father of Marc Weinberger, Barrett Weinberger, and Cynthia Weinberger Schulman, and the grandfather of eight grandchildren. Mr. Weinberger is, indeed, a true professional, a patriot, a civic leader, and above all, a fine gentleman. We wish him a very happy and healthy 65th birthday.

TRIBUTE TO THE AMERICAN-POLISH CENTURY CLUB, INC., OF STERLING HEIGHTS

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 19, 1994

Mr. LEVIN. Mr. Speaker, I rise today to pay tribute to an important organization in my community, the American-Polish Century Club of Sterling Heights, MI. The American-Polish Century Club was incorporated in 1961, to preserve Polish culture by participating in and sponsoring many events, including the Polish festivals at Freedom Hill, dance teams, and choirs. The American-Polish Century Club regularly participates in Sterling Heights' parades and the Hamtramck Labor Day parade. The club supports other organizations as well, including the Lion's Club and Leader Dogs for the Blind.

The American-Polish Century Club was originally formed in Warren and used to meet at the Metropolitan Club. In May 1963 a committee was appointed to study the possibility of purchasing land and building a hall. They purchased the property still occupied by the club on Maple Lane in Sterling Heights, on August 1, 1963. The first improvement to the original structure took place in October 1965. The second major improvement took place in 1983, and enabled the hall to hold functions and Friday night fish frys, which are popularly attended.

On Saturday, September 17, 1994, the American-Polish Century Club will celebrate further addition to their club's premises. I was privileged to attend the ground breaking ceremony for this wonderful addition in the fall of 1993. The new addition, completed in June, 1994, will allow the hall to accommodate over 600 people. This represents a tremendous increase in capacity for the American-Polish Century Club hall which previously could hold 100 people. The renovations include new offices, a new kitchen, and storage space. I will be further privileged to attend the dedication of this newly expanded hall on September 17.

It is clear that the American-Polish Century Club will need this extra space. The club currently has over 200 members, 40 percent of who are veterans of World War II. Many of these veterans split their time between the American-Polish Century Club and the Polish Legion of American Veterans Post 169. Second generation Polish Americans are continuing the Century Club's traditions and expanding its ranks. The Century Club also has a ladies auxiliary.

Mr. Speaker, I am honored to pay tribute to the American-Polish Century Club, Inc. of Sterling Heights, as they increase the size of their home and continue the fine traditions they have established during their 33 years history. The club is a vital center of cultural life for its members and the entire community.

SPORTSMEN: KEEP YOUR POWDER DRY

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 19, 1994

Mr. YOUNG of Alaska. Mr. Speaker, as cochairman of the Congressional Sportsmen's Caucus, I have tried to keep a close watch on attempts by animal protection groups to stop hunting and trapping in the United States. The enclosed article by Mr. Alston Chase, which was printed in the September 16, 1994, issue of the Washington Times, discusses one of the many efforts being made to deny sportsmen their hunting rights.

Mr. Chase's article describes a problem that was brought to my attention by a number of hunters. In sum, as the result of an out-of-court settlement of a lawsuit and the shifting of budget priorities, certain elements in the Clinton administration found a way to try and stop hunting in national wildlife refuges. This issue was addressed by the House Merchant Marine and Fisheries Committee in a hearing on refuge management that was held in August. At that time, a number of Members of the House made clear their opposition to those animal protection shenanigans.

I also joined with my colleague, JOHN DINGELL, in writing to the Fish and Wildlife Service and asking them to explain their actions. Ms. Mollie Beattie, the Director of the Service, responded by reaffirming her commitment to protecting sportsmen's rights. To quote from her letter: "There is no way we are going to turn our back on this vital constituency."

While I am encouraged by Ms. Beattie's recognition of the important role that hunters, trappers, and fishermen play in conserving wildlife, I know full well that the animal protection community will not give up their fight. I urge all of my colleagues to be aware of these efforts and work with the Congressional Sportsmen's Caucus in preserving sportsmen, as well as wildlife.

Mr. Speaker, I ask consent that Mr. Chase's article to be reprinted in the RECORD.

[From the Washington Times, Sept. 16, 1994]

TARGETS FOR EXCLUSION FROM WILDLIFE REFUGES

(By Alston Chase)

While sportsmen oil their weapons in preparation for hunting in wildlife refuges this fall, they should be forewarned: This season could be their last. Very quietly, the Clinton administration is seeking to ban recreational and economic activities—including hunting, fishing, swimming, canoeing, camping, picnicking, haying, forestry and farming—from the nation's 510 wildlife refuges. And while Congress has succeeded in forcing the postponement of this elitist policy, preservation in ideologues within the White House continue to prepare the way for its eventual implementation.

The gambit began October 1992, when several activist groups, including the Wilderness Society, sued the U.S. Fish and Wildlife Service, which runs the refuges, insisting outdoor sports were "incompatible" with preservation, which they said was the highest purpose of the refuges.

This claim was patently false. Such activities are clearly permissible by law and are allowed under appropriate circumstances. Every since the first sanctuary was established in 1903, managers were given considerable freedom to decide how to run their reserves. This flexible approach was sound ecological policy, recognizing that since each area is unique and subject to changing environmental conditions, a single national policy would do more harm than good. The same commitment to multiple use was evinced by the National Wildlife Refuge System Administration Act of 1966. Organizing refuges into a system, it authorized the Interior secretary to "permit the use of any area within the system for any purpose, including but not limited to hunting, fishing, public recreation and accommodations."

The lawsuit therefore should have been easy for the service to win. But last October, the administration settled the suit out of court, giving away the store to environmentalists—a decision that coincidentally occurred after Wilderness Society President George Frampton was appointed assistant secretary of Interior, thus being transformed from plaintiff to defendant. In that agreement, the service promised to produce a plan by this Oct. 20 showing how it will terminate outdoor recreation in each refuge "expeditiously" unless stringent conditions were met.

Suggesting the settlement gave it no choice, the administration launched a "compatibility" study transparently designed to end outdoor recreation. But its bigger aim was philosophical: to replace the service's stewardship conservation ethic with a preservationist, hands-off approach. Rather than allowing such acts as maintaining dikes that protect wetlands or cultivating vegetation to improve bird habitat, it would implement the same regime of benign neglect that is decimating biological diversity in the national parks.

Fashioning new priorities, it proposed diverting funds from recreation to "biological diversity," endangered species and land acquisition (whose budget would increase 188 percent). Simultaneously, it announced there might not be sufficient funds for recreation. So although refuges already covered 92 million acres (an area larger than the state of Nevada), it planned to purchase more, even as, pleading poverty, it would close these places to most public use.

Naturally, duck shooters and others cried foul, and Congress reacted. In June, Sen. Don Nickles, Oklahoma Republican, inserted language into the service's appropriations package directing that "current activities be continued." Given little option, Service Director Molly Beatty issued a press release promising "no hunting programs on national wildlife refuges will be halted this fall."

Ms. Beatty's emphasis was clearly on "this fall". And indeed, Mr. Nickles' measure will only delay the anti-recreation juggernaut, not stop it.

The service still intends to reprogram money toward its purist objectives. Meanwhile, with the help of environmental groups, it is composing a policy statement called "Refuges 2003" to institutionalize these priorities. Ostensibly intended to prevent "political meddling," his effort's real purpose is to render wildlife policy immune from public accountability by making it more difficult for Congress or future administrations to change. By creating a paper trail that gives preservation highest priority, it provides a record activists can use to prevail in future lawsuits aimed at ending activities they oppose.

Pandering to a small clique of elitists, the Clinton administration has narrowed the service's political constituency until it could sit on the head of a pin. That's the name of the game in preservation politics these days. As environmentalism becomes more extreme and less representative, its adherents pursue their agendas in ways that avoid public debate. And as Congress evinces growing hostility toward a preservation purism that abuses property rights and favors insects and rodents over people, these perfectionists depend less on legislation than they once did. Rather than seeking new laws, they bend old ones, relying on favorable decisions from magistrates, who, coming from the same privileged class, share their arrogance.

After all, the last thing they want is to let the people decide.

MSGR. JOHN YURCISIN CELEBRATES THE GOLDEN JUBILEE OF HIS ORDINATION TO THE PRIESTHOOD

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 19, 1994

Mr. MURTHA. Mr. Speaker, it is always special when we celebrate a golden anniversary. It's an even more extraordinary occasion when we can celebrate two 50th anniversaries at the same time—for the same person. On Sunday, September 25, the Very Reverend Monsignor John Yurcisin will be honored for his golden anniversary of ordination to the priesthood as well as for the golden wedding anniversary of he and his wife, Pani Anna.

Father John has devoted the past 50 years to his work in the church. His efforts to help his community, the individuals, and the families who have turned to him for help and guidance have been exceptional, and generations have benefited from his hard work, patience, and gentle words.

The Divine Liturgy and Golden Jubilee Testimonial Banquet at Christ the Savior Cathedral in Johnstown will be an outpouring of respect and love for Father John and Pani Anna. I'd like to add my congratulations to the thousands who will be there in person and in spirit to celebrate the devotion of Father John to his work and to his family. On behalf of everyone whose life you have touched, Father, thank you for your faith and your kindness, and may you and Pani Anna continue to bring happiness to everyone you come into contact with.

PATHOGEN REDUCTION ACT OF 1994

HON. CHARLES W. STENHOLM

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 19, 1994

Mr. STENHOLM. Mr. Speaker, today I am introducing the administration's Pathogen Reduction Act of 1994, as one element of our ongoing effort to improve our ability to detect and control microbiological contaminants in the Nation's meat and poultry supplies.

In 1993, the U.S. Department of Agriculture pledged to Congress and the American people that it would redouble its efforts to modernize the system for inspecting meat and poultry products. There was, and continues to be, virtually universal agreement that we must have a program in place that is public health-oriented, based on risk, and built on sound science.

The reduction of pathogens, before they reach the consumer's table, was targeted as the focus of reform, to be achieved in two stages: Improvements in the existing programs as soon as possible, to be followed later by a complete overhaul of the system in order to better serve consumers and producers over the longer term. Even though there is much they can already do under the existing statutes, Department officials last year told us that they would be asking for additional legislative authority to fully realize their short-term objectives toward pathogen reduction.

Although I have been discouraged since then by the delay in receiving a legislative proposal and by the seemingly slow pace and direction of change in general within USDA, I am encouraged at the renewed determination on the part of this administration to begin taking the steps necessary to rebuild public confidence in the safety of the meat and poultry supply and to restore the credibility of USDA's Food Safety and Inspection Service as a protector of public health.

I am introducing this legislation, not because I necessarily support its content, but because I view it as the first step toward serious congressional consideration of needed changes in the inspection programs. The substance of the bill, as with any legislation, will be debated and ultimately modified as it moves through the legislative process. I want to emphasize that this bill is only the first part of what will be a series of efforts to improve our inspection system. For example, I strongly believe in the need to involve the National Academy of Science to facilitate the development of a longer-term legislative and regulatory framework for improving the inspection program. This effort, which would bring to the table all stakeholders to reach a consensus on a program that could effectively serve consumers and producers well into the next century, is the thrust of legislation, H.R. 4562, I introduced on June 9 and Senator HEFLIN introduced into the Senate on August 25. I view the NAS legislation as an important complement to the administration bill being introduced today, and intend to give both bills equal and expeditious consideration.

As I have noted in the past, today's agriculture community is extremely sensitive to environmental and consumer concerns about the food they produce. Farmers and ranchers know they will be successful only to the extent that the consumer is satisfied that their food is safe, wholesome, and reasonably priced. Anyone who doubts the industry's commitment to safe food should examine the recent report we commissioned from the General Accounting Office. In it, the GAO documented that major meat and poultry packers and processors themselves are already far ahead of USDA in monitoring for, and correcting, pathogen problems before products leave plants.

That is why I am confident that the meat and poultry industry, along with consumers, the inspector's union, public health professionals, scientists, and all other affected parties can work constructively with Congress in moving this process forward.

TRIBUTE TO RABBI PHILIP HOROWITZ

HON. ERIC FINGERHUT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 19, 1994

Mr. FINGERHUT. Mr. Speaker, as we celebrate the Jewish new year, I invite the Members of the House of Representatives and all people across our country to join with me and the people of the 19th District of Ohio to honor a dedicated educator and supporter of the Jewish community, Rabbi Philip Horowitz. Rabbi Horowitz recently annnounced his retirement as the senior rabbi at Congregation Am Shalom in Mentor, OH, where he served for 7 years.

Rabbi Horowitz was ordained 40 years ago. However, he was serving as a Jewish educator long before then. His first job was as a teacher at the Young Men's Hebrew Association in Queens, NY. He then moved to Yonkers, NY, where he continued teaching.

We first welcomed Rabbi Horowitz to the Cleveland area when he accepted the position of associate rabbi at Fairmount Temple. He then served at Brith Emeth before becoming senior rabbi at Congregation Am Shalom.

During his rabbinical career, Rabbi Horowitz never stopped sharing his knowledge, insights, and questions of the Jewish faith. He taught at John Carroll University for 10 years, as well as serving as a scholar in Krakow, Poland.

Rabbi Horowitz's impact on Jewish education is illustrated through his achievement of the honor of rabbi emeritus, and by the fact that 19 of his students went on to become rabbis.

Mr. Speaker, while we reflect upon the history of the Jewish people during the beginning of this new year, let us also be mindful of the contributions of one man, Rabbi Philip Horowitz, a scholar and teacher, dedicated to his faith.

RECOGNIZING MARTIN ANTHONY FRANCIS FOR HIS MANY YEARS OF DEDICATION TO THE FLAG AND HISTORY OF THE UNITED STATES

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 19, 1994

Mr. STARK. Mr. Speaker, I would like to take a moment to honor and recognize my constituent, Martin A. Francis of San Leandro, CA, for his untiring devotion to understanding how our government works and for teaching himself and others about our Nation and its history. Mr. Francis is someone who exemplifies the importance of an informed citizenry in any democracy because he devotes a great deal of his own spare time to spreading knowledge and awareness to others about our flag, Constitution, Bill of Rights, and Declaration of Independence.

Martin Francis was born on November 11, 1926 in Boston, MA, and lived there until he moved to California in 1946. His love for his country, its history, and flags began at an early age, when he became intrigued with the Constitution display at Faneuil Hall in Boston, which he visited often while he was growing up. In 1968, Mr. Francis began to collect information about flags and U.S. history. Working out of a special addition to his home he built for this purpose, he has since created an extensive compilation of displays to be shared with his fellow citizens at various schools, organizations, libraries, churches, and community events in the San Leandro area.

In 1974, Mr. Francis became formally involved in educating the youth of San Leandro about our Nation's history when his son, Tommy, brought home a flag poster related to a school project. Mr. Francis went to Tommy's classroom to show the students memorabilia related to our flag. From that day forward, he has regularly visited many area classrooms and has helped thousands of students learn about their flag and their country through his displays commemorating various episodes in our Nation's history.

On Flag Day in 1974, Martin Francis sponsored a ceremony to honor our flag at the San Leandro library that has since become an annual event. This past June 14 marked the 18th anniversary of the San Leandro Flag Day ceremony, with Martin A. Francis as program chair once again. He is also the distinguished president of the Alameda County Chapter of the Valley Forge Freedom Foundation, and recently had a flag custom made to commemorate the foundation's 45th anniversary.

In honor of our Nation's Bicentennial in 1976, Mr. Francis assisted the Alameda County Bicentennial Committee by providing many flags and historical memorabilia to be put on display for the enjoyment and education of the entire community.

At present, Martin is the sponsor of a Constitution and Bill of Rights commemorative exhibit display in Bancroft Middle School in San Leandro to honor the 207th anniversary of the signing of the Constitution on September 17, 1994. For the month of October, this exhibit will be displayed at Bay Elementary School in San Lorenzo.

Mr. Speaker, Martin Francis is a patriot and community resource who has made his home a living museum of American history and flag history and lore. I am proud to share with my colleagues some of his noteworthy achievements and his dedication to preserving and sharing our history.

AMERICAN HERITAGE AREAS PARTNERSHIP ACT

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 19, 1994

Mr. HINCHEY. Mr. Speaker, on September 11, the Poughkeepsie Journal printed an editorial discussing the American Heritage Areas Partnership Act. It is an excellent description of what has been done in existing heritage areas and of what the bill hopes to achieve. I wanted to take this opportunity to share the article with you and with our colleagues.

SAVE THIS NATION'S HERITAGE

Oh, beautiful for spacious skies. . ." The song known by every school child reflects the beauty and abundance this country has always cherished.

But its ideal images are being sundered by a monotonous landscape of fast-food restaurants, shopping malls and suburban developments that give no clue to the character of the place where they're located. Is it in New England? Southern California? The Hudson Valley?

We need to save our special places; they are as definitive to America's individualism as regional accents. They are the texture of our character, the birthplace of our traditions.

And they will only stay special if they are not roped off but remain places people can live and work. This country can no longer depend on the National Park Service or state governments to keep our treasures behind fences. That doesn't really protect them anyway. Look at some of the schlock outside of the Grand Canyon in Arizona or the lineup of strip malls near Samuel Morse's home along Route 9 in Poughkeepsie. Like a match set to paper, the visual pollution outside will ultimately burn its way in.

New legislation, co-sponsored by U.S. Rep. Maurice Hinchey of Saugerties, could keep vibrant America's unique culture, its hillsides, riversides and roadsides.

The bill, with the long-winded name, the American Heritage Areas Partnership Act, would create a framework for establishing national heritage areas. Designated areas would have to be living tableaus of history and custom, places where visitors can learn and play. And the Hudson River Valley Greenway should be one of the first sites to be annointed.

These areas would form compacts to work with the National Park Service to plan growth that would complement precious sites, to set up exhibits and devise other attractions for visitors. The areas would be eligible for some of the $10 million already available in federal money for projects.

The Hudson Valley greenway should be one of the 10 sites included in the charter legislation. Its history runs from the revolution for democracy to the revolution in technology. It has spawned artists, farmers and inventors for nearly four centuries. And many of its river towns and mountain hamlets still charm the traveler.

The valley already has a greenway council working with communities to plan for tourism and preserve their character. And it has a committed stream of state money.

David Sampson, executive director of the greenway's community council, said of the federal bill, "I think it's clear that it supplies the last and missing link that allows the Hudson Valley to adopt an indentity that will become known to the world."

There are national heritage areas now—places that got special designation from Congress through individual bills: one in New England, two in Pennsylvania and one in Illinois. But there are no federal standards for them, no review process, no oversight—except by their own boards.

And guess what? There are 110 other sites waiting to sign up. There should be one governing act, one set of standards—a designation that should be earned, not handed out as a political favor.

The proposed partnership would encourage all levels of government—local, state and federal—to work together and be joined by private businesses or nonprofit environmental or historical groups. And it will encourage regional planning that will benefit everyone.

This should set off firecrackers for tourism and other economic development.

Robert Billington knows.

"We were always the black hole, a poorhouse in a poor state," he said of the Rhode Island towns that bank the Blackstone River—a strand for pollution from the textile mills and jewelry manufacturers that filled it with chemicals.

Not anymore. Following efforts to clean up the river in the 1970s, 20 historic mill towns along the Blackstone valley from Wooster, Mass., to Woonsocket, R.I. were named a National Heritage Corridor by Congress in 1986. But its preservation and development plan was approved just four years ago.

Billington, a former industrialist who is now president of the nonprofit Blackstone Valley Tourism Council, hands out these statistics:

Spending by tourists has gone up 11 percent a year.

In 1983 tourism brought in $76 million to Blackstone towns. In 1992, it brought in $198 million.

In 1983 the tourism industry employed 510 people earning $16 million. In 1992 it employed 847 earning $40 million.

Blackstone tourism earned Rhode Island $3 million in sales tax revenues in 1983; in 1992, that increased to $8.2 million.

The national status "causes people to appreciate the area and to inspire them," Billington said. His group leveraged federal funds to buy a 49-passenger tour boat which has carried 22,000 people in seven months of operation. The money it makes will eventually be used to buy more boats and finance other projects.

And this is on a river that hadn't been navigated in 165 years. The great blue heron has returned. The bass and the pickerel, too. And other business attracted by an area coming alive again.

For the valley along the Hudson and America's other treasures, the new act before Congress will save places where our heritage was forged. It will ensure that our children have something special to see in their mind when they sing "from sea to shining sea."

Keep Standards Strict for Heritage Act

In a country that prizes land ownership over land stewardship, it can be tough to sell legislation that encourages regional planning.

But the American Heritage Areas act, expected to be introduced to Congress next week, is much stronger than earlier proposals.

Congress should support these elements of the bill:

Regular review of areas designated so they will lose their status if they do not conform to the plans agreed upon with the National Park Service overseeing the program.

Limits on how much federal money can be spent in one place and a requirement that no federal money can be used to buy land.

Public hearings on plans from areas seeking American Heritage designation, plus an annual report to Congress by the Secretary of the Interior on the status of the heritage program.

Requirements that federal agencies planning any projects in heritage areas first notify heritage councils so that the new development doesn't harm the region.

Automatically considering American Heritage areas as candidates to become world heritage sites. These are nominated by the Interior secretary and designated by UNESCO, the United Nations Educational, Scientific and Cultural Organization.

World Heritage Sites, properly touted, draw business. The prospering medieval town of Cesky Krumlov in the Czech Republic plasters its World Heritage status over its business development brochure. Similar status for the Hudson Valley could help draw foreign visitors and investors.

This bill clearly protects individual property rights while giving communities a chance to attract business and save the places they value.

INTRODUCTION OF A JONES ACT WAIVER FOR THE VESSEL "ATLANTIS III"

HON. MARIA CANTWELL

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, September 19, 1994

Ms. CANTWELL. Mr. Speaker, I rise today to introduce legislation which may lead to the development of a new submarine market in the United States.

My legislation would grant a Jones Act Waiver for the vessel *Atlantis III,* which was built in Canada, but which otherwise meets all Jones Act qualifications. This vessel will be operated under the U.S. flag, with U.S. citizen crew and U.S. Coast Guard inspection in a test market in Alaska for two summers. If the market proves feasible, the Atlantis Corp., the owner of the vessel, will construct new submarines at American Boiler Works, Inc. in Everett, WA and establish a submarine business in Ketchikan, AK. The result will be more American jobs in the U.S. maritime industry.

American Boiler Works, Inc. is a steel fabrication company in my State. The company was founded in 1907 and currently employs approximately 120 people. This company has already built four recreational submarines for Atlantis submarine projects, having completed the fourth earlier this summer. The establishment of a new submarine operation in Alaska may open opportunities for more submarine construction projects in Everett.

I look forward to working with the chairman of the Merchant Marine Subcommittee, Mr. LIPINSKI, and Chairman STUDDS to see this bill enacted.

A GRANDFATHER SWIMS ACROSS THE MISSISSIPPI

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 19, 1994

Mr. MICHEL. Mr. Speaker, every now and then we come across a newspaper story that tells us something about the great spirit of our senior citizens.

In August, the Associated Press carried a great story about Max Rowe, who, at age 72, swam 1¼ miles across the Mississippi River near his hometown in Illinois. The city of Springfield honored his feat by having Mayor Ossie Langfelder issue a proclamation praising Mr. Rowe and officially proclaiming August 2, 1994, as "Max Rowe Day." I think such a story tells us a lot about the grit and the gumption of our senior citizens, and I want to share the text of the story and the proclamation with our colleagues.

At this point in the RECORD, I want to insert "Grandfather Wins $1 Bet By Swimming Mississippi," from the Champaign-Urbana News Gazette, Wednesday, August 3, 1994, and a proclamation of "Max Rowe Day," issued by Mayor Ossie Langfelder of Springfield, IL.

[From the Champaign-Urbana News-Gazette, Aug. 3, 1994]

Grandfather Wins $1 Bet by Swimming Mississippi

DALLAS CITY—Max Rowe proved to everyone, including his 14-year-old grandson, that 72 years of age does not make a worn-out old man.

The retired Springfield attorney, a native of Dallas City, swam the 1¼ mile-wide Mississippi River near his hometown Monday, battling the current, debris and barges, just like he did in 1965. He made it in just under an hour.

"My grandson came from New York and said 'You can't do it again' and I said 'You want to make a bet?'" Rowe said.

They did and Rowe, who will be 73 in two weeks, is $1 richer.

Rowe—who earned bachelor of arts and doctor of law degrees from the University of Illinois—grew up swimming in the Mississippi. When he was a boy, he and his cousins would sneak out of the house at night to play in the water. He promised himself then that one day he would swim across the mighty river.

Rowe did just that at age 44.

This time, he accepted the challenge on a dare from his grandson, Chris Zea. Chris learned of his grandfather's original river crossing at a family gathering.

"I want to show that senior citizens are not really over the hill when it comes to doing things," Rowe said. "When you have determination and work hard, you can do anything."

With television cameras recording the event, Rowe began the journey in the strongest current on the Iowa side. He wore the same swimming suit he used 29 years ago.

As a precaution, Rowe's childhood neighbor and lifelong comrade Glen Roberts followed by boat.

Before June 15, Rowe had not swum in 15 years.

He began his training by swimming 240 feet and progressed rapidly to more than two miles—the distance he estimated he'd have to make dodging barge traffic.

"If you can swim in three feet of water, you can swim in 100 feet," he said before the race. "It's going to be fun. If I hadn't trained to where I could swim 2½ miles I wouldn't be as confident."

Proclamation

CITY OF SPRINGFIELD, ILLINOIS

Whereas, a Springfield swimmer has conquered the mighty Mississippi River just one year after the river conquered farm land and towns when it spread from its banks and forced the evacuation of thousands of people from their homes during the Great Flood of 1993; and

Whereas, Max Rowe, who celebrates his seventy-third birthday on August 14, swam across the river on Monday, August 1, 1994, making the journey for the second time; and

Whereas, Rowe first swam across the river 29-years ago near his former home of Dallas City, Illinois and decided to repeat the accomplishments after encouragement from his grandson Chris Zea of Astoria, New York; and

Whereas, fighting currents of eight miles per hour, which were faster than expected, Rowe still managed to make the swim across the one and one-quarter mile channel in just one-hour and fifteen-minutes—only a few minutes more than his 1965 swim; and

Whereas, Rowe was welcomed back to his hometown as he stepped ashore at Dallas City following the swim from the Iowa side of the Mississippi River.

Now therefore, I, Ossie Langfelder, Mayor of the City of Springfield, Illinois, do hereby proclaim August 2, 1994 as Max Rowe Day in the City of Springfield and request citizens of this city to acknowledge this accomplishment of Max Rowe.

In witness whereof, I have hereunto set my hand and caused the Official Seal of the City of Springfield to be affixed this 2nd day of August 1994.

OSSIE LANGFELDER,
Mayor.

SOUTH CAROLINIANS MAKE SIGNIFICANT CONTRIBUTIONS

HON. FLOYD SPENCE

OF SOUTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Monday, September 19, 1994

Mr. SPENCE. Mr. Speaker, this past weekend, Kimberly Aiken, Miss America 1994, relinquished her crown. Soon, Lu Parker, Miss U.S.A. 1994, will end her reign. Both of these young ladies are from the Second Congressional District of South Carolina, which I have the honor to represent. Kimberly Aiken is the second Miss South Carolina to become Miss America and Lu Parker is the third South Carolinian to become Miss U.S.A. I am proud of the achievements of these two young citizens of our State and wish them much continued success.

A number of South Carolinians have brought acclaim to our State. There have been three Nobel Prize winners: Dr. Charles Townes, for physics; Dr. Joseph Goldstein, for medicine; and Dr. Kary Mullis, for chemistry. Our State has also contributed three astronauts: Charlie Duke, Charles Bolden, and Ronald McNair. I consider it a distinct privilege to have known these exceptional individuals.

South Carolina has produced persons with minds and talents whose achievements have been recognized internationally. These outstanding persons serve as models for our young people to strive to emulate, and their accomplishments speak well for our small State.

WETLANDS RESERVE PROGRAM AMENDMENT OF 1994

HON. EARL POMEROY

OF NORTH DAKOTA
IN THE HOUSE OF REPRESENTATIVES
Monday, September 19, 1994

Mr. POMEROY. Mr. Speaker, I rise to introduce a bill on behalf of myself and Representatives TIM JOHNSON, DAVID MINGE and COLLIN PETERSON, that will expand the Wetlands Reserve Program to include land due to expire under the Water Bank Act. The Water Bank Program was designed to preserve wetlands and to protect and improve wildlife habitat, especially for migratory waterfowl.

The program allowed landowners to enter into 10-year agreements and receive payment for maintaining and protecting wetland areas and adjacent land and to make the area a suitable habitat for migratory waterfowl.

North Dakota has more acres enrolled in the Water Bank Program than any other State, nearly 215,000 acres. This acreage makes up a large part of the flyway known as the Prairie Pothole Region and supports waterfowl and marsh birds that are second only to the coastal marshes in wildlife production.

Unfortunately, it appears that Congress is on the verge of discontinuing the Water Bank Program in the 1995 Agriculture appropriations bill. And land will come out of the program when the respective 10-year contracts expire, beginning in 1995.

The bill I'm introducing today will allow the acreage that comes out of the Water Bank Program the opportunity of becoming eligible for inclusion in the Wetlands Reserve Program.

The Wetlands Reserve Program is one component of the Environmental Conservation Acreage Reserve Program [ECARP]. The primary objectives of the Wetlands Reserve Program are to preserve, protect, and restore wetlands, improve wildlife habitat, and protect migratory bird habitat. The Secretary of Agriculture, through designated ASCS county offices, uses program funds to enter into contracts with landowners who operate farmed or converted wetlands, farmed wetland or prior converted wetlands and adjoining land or riparian corridors.

In summary, the Wetlands Reserve Program provides payments to landowners who restore croplands and other acreage to productive wetlands for future generations.

Currently, landowners whose contracts expire under the Water Bank Program are not specifically eligible for the Wetlands Reserve Program.

However, there are a number of advantages to opening up the Wetlands Reserve program to Water Bank Program acres. A major advantage is the amount of water bank acres that are currently being used as nesting and feeding grounds of migratory waterfowl.

Eleven States have over 750,000 acres set aside by landowners and enrolled in the Water Bank Program. Many of these acres have become prime nesting and feeding lands for migratory waterfowl. Almost 400,000 of these acres are lands adjacent to wetlands, which is where the actual nesting and feeding of migratory waterfowl take place. Without the opportunity of continued conservation through the Wetlands Reserve Program, many of these wetland acres, adjacent lands, and migratory waterfowl are in grave danger of being eliminated.

A second major advantage of allowing Water Bank Acres eligibility under the Wetlands Reserve program is to protect landowners who would be adversely affected by concurrent Swampbuster Regulations. A landowner who takes part in the Farm Program is subject to Swampbuster Regulations. Swampbuster does not allow a landowner to drain land for the purposes of agriculture production. Nor does the landowner receive compensation for keeping the land in its wetland status. Ultimately, adjacent lands currently enrolled in Water Bank may be farmed and natural habitats of migratory waterfowl may be destroyed. Landowners will look to develop natural wetlands and Water Bank acres for purposes of production lands rather than looking to continue their preservation as wetlands.

Finally, for any number of landowners who are not enrolled in the Farm Program, the incentive to protect wetlands or adjacent lands as an upland game or migratory waterfowl habitat will be diminished. Landowners may be able to find a better income source for wetlands and adjacent lands currently enrolled in the Water Bank Program. These landowners are not subject to Swampbuster regulations and may not be compelled to maintain unproductive property as wetlands.

Water Bank Program contracts are scheduled to begin expiring in 1995. Without allowing these acres eligibility under the Wetlands Reserve Program, the effect will be to unfairly penalize landowners who have enrolled in the Water Bank Program. Additionally, upland game and migratory waterfowl are in danger of losing hundreds of thousands of acres of precious nesting and feeding grounds. Therefore, I urge members to support this bill.

TRIBUTE TO INEZ LACY

HON. MIKE PARKER

OF MISSISSIPPI
IN THE HOUSE OF REPRESENTATIVES
Monday, September 19, 1994

Mr. PARKER. Mr. Speaker, it is with sorrow that I stand before you today to honor Mrs. Inez Lacy, an aide to my colleague Representative SONNY MONTGOMERY of Mississippi's Third District. Inez died on August 30 from injuries sustained in a car accident 2 days earlier. I would like to say a few words in Inez's memory.

Inez was an aide to Congressman MONTGOMERY for 15 years beginning in his Washington, DC, office. A native of Quitman, MS, Inez came to Washington to work for the late Mississippi Senator James O. Eastland. When Senator Eastland retired in 1978, Inez went to work for Congressman MONTGOMERY. In 1983, she moved back home to Mississippi to work in Laurel, which because of redistricting is now part of the district I represent. She worked in Laurel for 10 years, until 1993, and I know that many people in Laurel join in mourning our loss of Inez.

Inez will be remembered for her wonderful personality and her eagerness to help others as though they were part of her own family. She had a very giving spirit and an overall kindness to those she served. As Members of Congress, we have a special trust in our staff members, who want to serve the citizens of our districts by serving with us. It is a joy to work with people like Inez. She will be greatly missed by Congressman MONTGOMERY and her fellow staff members, her friends at the First Baptist Church in Quitman and in the community, the people of the old and new Third Districts, as well as by my staff and me. She was a fine person, a dedicated servant to the people of Mississippi, and a loyal, dear friend.

I would like to ask you to remember her family—her husband, Dave; her son, Douglas Samuel Morse; her daughter, Deborah Nordstrom; her brother, George Clifton Sellers; and her five grandchildren—in your prayers. Now as we say goodbye to a friend, I ask that my colleagues join me in honoring the memory of Inez Lacy for her willing dedication to serve—and for just being Inez.

ST. PETERSBURG COMMISSION: BOLD BUSINESS LEADERSHIP

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 19, 1994

Mr. PORTMAN. Mr. Speaker, I rise today to recognize the outstanding contributions of the International Action Commission for St. Petersburg [the Commission] a project of the Center for Strategic and International Studies [CSIS], which has launched a bold and innovative business initiative in St. Petersburg, Russia.

This project is an excellent example of business working as a partner with government and, quite often, a step ahead of government, to assist with crucial reform taking place in St. Petersburg. Business leaders are producing remarkable results in the evolution to a democratic government and a market economy in this strategic region of Russia by creating new jobs for Americans as well as aiding St. Petersburg in building its labor force and economy.

This project came to my attention because of the interest and support of Procter & Gamble's president, John Pepper, a leader in the Cincinnati community and a resident of Ohio's Second District, which I represent. After heading a highly successful business exchange program this summer, Procter & Gamble established a working relationship with local universities in St. Petersburg, which led to the creation of a 26-member International University Consortium. Mr. Pepper also assisted in the development of an arbitration court for the city, a "one stop shop" for investment and development for businesses in the region and a public relations plan on the positive changes occurring in St. Petersburg. The contributions of John Pepper and Procter & Gamble are exemplary of the Commission's initiatives that are providing a solid foundation of Russian business knowledge and innovation at the local level.

The Commission's accomplishments illustrate the meaningful global partnership of United States business and government that the Commission has begun.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, September 20, 1994, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 21

9:00 a.m.
Labor and Human Resources
Labor Subcommittee
To hold hearings on certain child labor issues.
SD-430

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings on the nominations of Thomas R. Carper, of Delaware, and Celeste Pinto McLain, of California, each to be a Member of the Amtrak Board of Directors.
SR-253

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

10:00 a.m.
Banking, Housing, and Urban Affairs
To hold hearings on U.S. competitiveness and trade policy.
SD-538

Foreign Relations
To hold hearings on the nominations of Marc Grossman, of Virginia, to be Ambassador to the Republic of Turkey, Alfred H. Moses, of Virginia, to be Ambassador to Romania, Charles E. Redman, of Florida, to be Ambassador to the Federal Republic of Germany, and Kenneth Spencer Yalowitz, of Virginia, to be Ambassador to the Republic of Belarus.
SD-226

Foreign Relations
International Economic Policy, Trade, Oceans and Environment Subcommittee
To hold hearings on Iraq claim legislation, focusing on provisions of S. 1401 and H.R. 3221, bills to provide for the adjudication of certain claims against Iraq.
SD-419

Judiciary
To hold hearings on pending nominations.
SD-226

1:00 p.m.
Conferees
On H.R. 6, to extend for six years the authorizations of appropriations for the programs under the Elementary and Secondary Education Act of 1965.
2261 Rayburn Building

2:00 p.m.
Armed Services
Closed business meeting, to consider certain pending military nominations.
SR-222

Foreign Relations
European Affairs Subcommittee
To hold hearings to examine new nationalisms in Europe.
SD-419

Commission on Security and Cooperation in Europe
To hold hearings to examine United States foreign policy and foreign assistance programs which promote rights for people with disabilities.
2200 Rayburn Building

SEPTEMBER 22

9:00 a.m.
Labor and Human Resources
Business meeting, to mark up proposed legislation to reform the Pension Benefits Guaranty Corporation (PBGC).
SD-430

9:30 a.m.
Armed Services
To hold a briefing on results of the Nuclear Posture Review.
SR-222

Energy and Natural Resources
Mineral Resources Development and Production Subcommittee
To hold hearings to examine immigration in the Commonwealth of the Northern Mariana Islands.
SD-366

Judiciary
Business meeting, to consider pending legislation and nominations.
SD-226

Labor and Human Resources
Education, Arts and Humanities Subcommittee
To hold hearings to review a report by the Commission on Time and Learning entitled "Prisoners of Time", focusing on the Commission's findings and recommendations.
SD-430

10:00 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine the condition of the banking and thrift industries.
SD-538

Foreign Relations
Business meeting, to consider the Convention on Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (Treaty Doc. 103-21), the ILO Convention (No. 150) Concerning Labor Administration (Treaty Doc. 103-26), the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas (Treaty Doc. 103-24), the Convention on the Conservation and Management of Pollock Resources in the Central Bering Sea (Treaty Doc. 103-27), S. Con. Res. 74, concerning the ban on the use of U.S. passports in Lebanon, and pending nominations.
SD-419

Conferees
Closed, on H.R. 4299, to authorize appropriations for fiscal year 1995 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System.
SH-219

2:00 p.m.
Judiciary
Courts and Administrative Practice Subcommittee
Business meeting, to mark up pending legislation.
SD-226

SEPTEMBER 23

11:00 a.m.
Veterans' Affairs
Business meeting, to consider the nomination of Kenneth W. Kizer, of California, to be Under Secretary of Veterans Affairs for Health, and other pending calendar business.
SR-418

SEPTEMBER 28

9:00 a.m.
Office of Technology Assessment
Board Meeting, to consider pending business.
EF-100, Capitol

10:00 a.m.
Labor and Human Resources
To hold hearings on Federal job training programs.
SD-430

10:30 a.m.
Foreign Relations
To hold hearings on the Convention on the Conservation and Management of Pollock Resources in the Central Bering Sea (Treaty Doc. 103-27).
SD-419

SEPTEMBER 29

9:30 a.m.
Energy and Natural Resources
To hold hearings to examine the Agreement for Cooperation on Peaceful Uses of Atomic Energy Between the United States and the European Atomic Energy Community (Euratom).
SD-366

OCTOBER 13

9:30 a.m.
Governmental Affairs
Oversight of Government Management Subcommittee
To hold oversight hearings on the Navy's mismanagement of the sealift tanker contract.
SD-342

SENATE—*Tuesday, September 20, 1994*

(Legislative day of Monday, September 12, 1994)

The Senate met at 10:30 a.m., on the expiration of the recess, and was called to order by the Honorable RUSSELL D. FEINGOLD, a Senator from the State of Wisconsin.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

*Thou wilt keep him in perfect peace, whose mind is stayed on thee * * *.*—Isaiah 26:3.

Thank You, dear God, for this thoughtful word of the prophet, Isaiah. Thank You for the offer of peace—the "peace that passeth understanding"—which can be ours when we trust in Thee. Thank You for the peace in Haiti. Deliver us, Lord, from the prison of materialism, secularism, and the hopeless bondage of seeing the temporal as the ultimate of thinking and believing.

Gracious God of truth and love and mercy, help us to realize how limited we are when we rule out the transcendental—the vertical—the upward look—and confine ourselves to the horizontal limitations of the temporal.

Lord of Life, awaken us to the limitless possibilities of peace and hope when we look to Thee and trust Thee. Give us eyes to see, ears to hear, minds to understand, hearts to receive the glorious reality so filled with hope which Isaiah promises.

In the name of the Lord of Life. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 20, 1994.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RUSSELL D. FEINGOLD, a Senator from the State of Wisconsin, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. FEINGOLD thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

EXECUTIVE SESSION

The ACTING PRESIDENT pro tempore. The Senate will now go into executive session to resume consideration of the nomination of Adm. Henry H. Mauz, which the clerk will report.

NOMINATION OF ADM. HENRY H. MAUZ, JR., TO BE PLACED ON THE RETIRED LIST IN THE GRADE OF ADMIRAL

The assistant legislative clerk read the nomination of Adm. Henry H. Mauz, Jr., to be placed on the retired list in the grade of admiral.

The Senate resumed consideration of the nomination.

Pending:

Murray motion to recommit the nomination to the Committee on Armed Forces with instructions.

The ACTING PRESIDENT pro tempore. The pending question is on the motion to recommit, on which there shall be 40 minutes debate to be equally divided and controlled by the Senator from Georgia [Mr. NUNN] and the Senator from Washington [Mrs. MURRAY].

Who yields time?

Mr. NUNN. Mr. President, I suggest the absence of a quorum, to be equally divided.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, before we begin to discuss the motion now pending regarding the nomination of Admiral Mauz, let me take this opportunity to express my sincere admiration and gratitude to the distinguished chairman of our Armed Services Committee, Senator SAM NUNN, for the important work he and the Carter delegation did over the weekend in attempting to resolve the crisis in Haiti through diplomatic means. Certainly this Nation owes a debt of gratitude to former President Carter, Gen. Colin Powell, and Senator NUNN for their work in bringing together the agreement on Haiti which has paved the way for peaceful entry of our troops.

Like most Americans, I am relieved that our troops are not entering Haiti in an atmosphere of hostility and resistance. The chairman of the Armed Services Committee continues to provide invaluable service to our Nation, and I am proud to have this opportunity to thank him personally.

Mr. President, since last week, when consideration of this nomination was interrupted, the Armed Services Committee has worked with the Senators involved to address the longer-term issues surrounding these types of nominations. I greatly appreciate the dialog that has occurred because, as I said in my earlier remarks, the manner in which nominations are brought to the Senate by the committee and the executive branch needs to be reviewed so that Senators concerned with one aspect or another do not have to, in the words of the Senator from Maryland [Ms. MIKULSKI] stand sentry over these nominations.

It is difficult to bring these matters before the full Senate for consideration, but on the other hand, it is impossible to look the other way when individual service members appear to have legitimate and unanswered questions.

I think all of my colleagues will agree that today is, indeed, a day when standing up for the individual service member seems more important than ever.

Before I go on, let me take this opportunity to offer my prayers and support for our service men and women who are in the process of being deployed in Haiti. It is for the individual rank-and-file soldier that I have taken this issue on, and for that I apologize to no one. They are on the frontlines on behalf of our great Nation, and I as a Senator will not shy away from ensuring that their voices are heard.

So with regard to the nomination before us and the larger problems that are associated with it, it is critical that we put into place reforms for handling these nominations. But before I address that specific point, let me address several points that were made last week during this debate.

Several Senators addressed the question of my motion to recommit, and I was not provided the opportunity at that time to respond, and I would like to do so now.

To begin, on the question of allegations surrounding Admiral Mauz, I

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

must stop here and make an important clarification for the record. One Senator said in the Chamber last week that I am, and I quote, "alleging that Admiral Mauz used his position to protect those guilty of sexual harassment and to cover up alleged improper handling."

Let me be clear. As I said last week several times, and I shall say so again today, in no way do I seek to pass judgment on any of the allegations that have been made regarding the nomination of Admiral Mauz. I do not have the necessary information to come to a conclusion one way or the other on this nomination.

I made the motion to recommit this nomination back to the committee for a hearing because in my review of the allegations surrounding this nomination, more questions were raised than were answered. And I believe the allegations raised against Admiral Mauz are sufficiently troubling to merit a public hearing.

My bottom line is that I strongly believe the American people deserve to know that when the U.S. Senate votes to confer high honor on our Nation's military leadership, we do so with clear justification and solid grounding in the facts of an individual's career. It is my firmly held belief that those whom we honor in the Senate should serve to a higher standard. So long as I am asked to continue to vote on these types of nominations, this shall remain my standard.

With regard to the Admiral Mauz nomination we have been considering, I remain deeply troubled by the difficulty I experienced when trying to get straight information and straight facts from the Navy. Again, I must repeat for the clarification of those who question my motives here in the Chamber, the main reason I felt obliged to bring this issue before the Senate was because the Navy provided me with conflicting information. I did not do so because I wanted to pass judgment on Admiral Mauz, and I did not do so because I wanted to be, in the words of one Senator, "politically correct." That is just plain wrong.

As I noted in my previous remarks, I have had significant dialog with the Navy on the issues surrounding the current nomination, and again I say for the record that if all of the exchanges I have had with the Navy had been direct and clear, I would not be here today.

Unfortunately, the information I received from the Navy has at times been extremely confusing and downright inaccurate. Other times, the Navy's information has been full and adequate, but it has not been consistent and reliable overall.

My own process of talking and working with the Navy to clear up these issues has left me very uneasy. If I as a Senator have had a tough time getting adequate responses from the Navy—and I have direct access to the highest level of leadership there—I can only imagine the difficulty that faced Lt. Darlene Simmons or Senior Chief George Taylor when questions persisted for them regarding their own cases.

Let us be clear. The Darlene Simmons case landed at the feet of Admiral Mauz because she had repeatedly worked within her chain of command only to see that system fail her. When she finally worked her way up to the level of Admiral Mauz, it was because others in her chain of command had failed to stop the retaliation she was repeatedly subjected to after she reported a serious case of sexual harassment.

This is not a point in dispute by the Navy or anyone else. So, again, for the record, it was perfectly appropriate—in fact, unfortunately, quite necessary—that the Lieutenant Simmons case was brought to the attention of Admiral Mauz.

And, finally, during the course of last week's debate, just raising questions on the issue of sexual harassment and whistle blowing brought on some rather personal attacks against me. It was implied that simply because I raised questions I somehow did not understand the military or the chain of command. I will not be intimidated by those kinds of remarks. I intend to debate the merits of this issue as we do with all other issues and not get involved in questioning the motivations of Senators who have raised them.

Obviously, these are difficult and troubling issues, and, as our very able chairman has said, it is clear that we are going through a difficult transition with the military, and significant improvements to the system will have to be made. Before we proceed with the resolution of the process issue before us, I will now yield to the chairman for his comments.

Mr. NUNN addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Georgia.

Mr. NUNN. Mr. President, I thank my friend and colleague from Washington for her thoughtful remarks and for her kind comments about me and the overall remarks.

Mr. President, what is the time?

The ACTING PRESIDENT pro tempore. The Senator from Georgia has 14 minutes 44 seconds.

Mr. NUNN. I thank the Chair.

Mr. President, it is my understanding that the Senate will address this issue today and complete action on it. I addressed this nomination in detail on Monday, September 12, and again on Wednesday, September 14. Today, I will simply summarize the proceedings of the Armed Services Committee on this nomination, the nomination which received the unanimous support of all 22 members of the committee.

Admiral Mauz has served our Nation in uniform with skill, with professionalism, and with dedication. His career has included direct combat experience and patrolling the rivers of Vietnam, commander of the forces which concluded successful strikes against terrorist-related targets in Libya, establishment of the maritime embargo against Iraq after Iraq had invaded Kuwait, and development of the plans for naval involvement in the Persian Gulf war.

He is presently serving as U.S. commander in chief of the U.S. Atlantic Command, one of the most senior, responsible positions in the Armed Forces of the United States.

The Committee on Armed Services has thoroughly reviewed this nomination, which we received on May 10, 1994. We considered information from the Department of Defense concerning the informal counseling that Admiral Mauz received related to travel to the Naval Air Station in Bermuda. We twice deferred action on the nomination to consider materials submitted by the Government Accountability Project, a nonprofit, private organization which alleged: First, that Admiral Mauz retaliated against Senior Chief Master-at-Arms George R. Taylor, one of the individuals who had spoken to the news media about travel of senior officers to Naval Air Station Bermuda; and second, that Admiral Mauz was aware of sexual harassment against Lt. Darlene Simmons, a female officer in a subordinate command within the Atlantic Fleet, that he suppressed findings of his own command's inquiry into the matter, and that he failed to order any corrective action on behalf of Lieutenant Simmons.

Each of these allegations was investigated by the Department of Defense and found to be unsubstantiated. The Department of the Navy, on behalf of the Department of Defense, has responded to each inquiry made by the committee with detailed, factual information, which I placed in the RECORD when the committee reported the nomination on August 12, 1994. Subsequently, the committee received additional questions, and we obtained detailed, factual responses from the Navy, demonstrating that the allegations were unsubstantiated. I placed this material in the RECORD on September 12 and September 14.

The facts demonstrate that Admiral Mauz had no role in any of the actions taken against Senior Chief Taylor. The facts demonstrate that he took reasonable actions to address the sexual harassment of Lieutenant Simmons. The facts make it clear that he played no role in the hospitalization of Lieutenant Simmons. Each of the allegations of reprisal was reviewed not only by the Navy, but also by the DOD inspector general. There has been no finding of wrongdoing or inappropriate action by Admiral Mauz.

Mr. President, Admiral Mauz should be commended, not condemned, for the personal responsibility that he exercised with respect to the allegations of sexual harassment made by Lieutenant Simmons. To put this matter in perspective, we must remember that there were three levels of command between him and the ship where the sexual harassment took place, the U.S.S. *Canopus*. As the commander in chief of the Atlantic Command, Admiral Mauz has under his command 224 ships, 1,480 aircraft, 27 bases, 12,000 military officers, 125,000 enlisted personnel, and 10,000 DOD civilians, He is responsible for an annual operations and maintenance budget of $4.6 billion for a fleet that has been involved in operations ranging from the Arctic North to South America, including:

Supporting the Haiti embargo, the war on drugs, and Cuban migration operations;

Providing forces today for Haitian operations; and

Providing forces for regular deployments to the Mediterranean and Central Command areas.

When he learned of the incident involving Lieutenant Simmons, he took resonable actions to monitor the investigation and actions of subordinate commanders.

None of the additional material we received in response to inquiries since the committee reported the nomination has changed, in my view, that basic committee finding.

Admiral Mauz did not simply delegate this matter to a subordinate command—which would have been entirely appropriate—but gave it direct personal attention. The direct involvement of his personal assistant for women's affairs, Comdr. Cathleen Miller, led to the prompt removal of the offending officer from Lieutenant Simmons' ship. He personally intervened two times with the Chief of Naval Personnel to ensure that she was retained on active duty. Through Commander Miller, he ensured that Lieutenant Simmons had an opportunity to communicate directly with this office throughout the conduct and review of the investigation. He implemented a series of specific training and policy actions to combat sexual harassment.

Mr. President, the sexual harassment of Lieutenant Simmons was wrong.

There was no excuse for what occurred. It was wrong. It was wrong and that is not in dispute here in this nomination.

Admiral Mauz acted promptly and repeatedly to address her concerns. Some may argue that he should have done more. But it simply cannot be argued that he turned a blind eye toward sexual harassment.

Mr. President, this nomination has the vigorous support of the administration. Secretary of Defense Bill Perry, in a letter to the committee dated September 12, 1994, stated:

> Admiral Mauz has served his nation for over thirty-five years. His proven record of exemplary service * * * has clearly earned the honor of retirement with four stars.

Secretary Perry added:

> Admiral Mauz's relief has been confirmed by the Senate and is ready to assume command. The operational demands of the Atlantic Fleet area of responsibility make it essential that we proceed with a smooth and timely transition. I strongly endorse the Administration's and the Committee's recommendation that Admiral Mauz be confirmed to retire in his four star grade and request expeditious Senate action.

Mr. President, I understand the concern about the allegations made against Admiral Mauz.

I certainly understand the sincere and dedicated concern of the Senator from Washington. I understand her questions. I think the questions have been entirely appropriate, and we have been pleased to work with her in trying to secure prompt answers to those questions.

The committee regarded the allegations as worthy of review, and did not act on the nomination until there was sufficient time for development of the key facts and consideration of that information by the committee, and in turn certainly by the Senate. We have made that information available to the Senate, and every Senator can reach his or her own conclusion on the merits of the nomination. In the opinion of the Armed Services Committee, the 35 years of dedicated service to the Nation by Admiral Mauz warrants retirement in grade, and I urge my colleagues to support the committee's recommendation and the recommendations of the President and the Secretary of Defense.

Mr. COATS addressed the Chair.

The ACTING PRESIDENT pro tempore. Who yields time to the Senator?

Mr. NUNN. How much time do I have remaining?

The ACTING PRESIDENT pro tempore. Six minutes fifty seconds.

Mr. NUNN. How much time does the Senator from Washington retain?

The ACTING PRESIDENT pro tempore. Seven and one-half minutes.

Mr. NUNN. I believe we have plenty of time.

I yield to the Senator 5 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Indiana [Mr. COATS].

Mr. COATS. Mr. President, I thank the Senator from Georgia for yielding.

HAITI

First of all, while he is on the floor, I want to add my commendation to him for his extraordinary efforts over this past weekend in resolving a situation which would very likely have put our men and women in uniform in a much more difficult situation. They are safely occupying the island nation of Haiti thanks to the tireless efforts of the chairman of the Armed Services Committee, the Senator from Georgia. I want to personally thank him for his efforts in that regard.

THE MAUZ NOMINATION

I also want to thank him for his efforts here in resolving what has been a difficult question. I regret that the distinguished 35-year career of Admiral Mauz is ending with a cloud hanging over his retirement.

I am pleased that the issue has been resolved. There may very well need to be a review of procedures within the Department of the Navy. But after very thorough examination about Admiral Mauz's involvement in this particular issue, the Armed Services Committee, and I personally, have concluded that Admiral Mauz has taken no adverse action in this regard. In fact, he took action that was beyond what he could have taken, because he recognized this as a sensitive matter and wanted to be personally involved in assuring the rights of the complainant. I think the record demonstrates that.

I think it is very unfortunate that an individual who has served this Nation so well finds his nomination held up while an issue relative to a situation under his command—but in which he, I think, performed admirably—is resolved. I am pleased that it is now resolved. I am hoping that the U.S. Senate can overwhelmingly, if not unanimously, confirm this nomination for retirement of Admiral Mauz in full grade of admiral. He has provided this Nation with extraordinary service. Senator NUNN outlined some of that service. He has been placed at levels of the highest responsibility and has conducted himself admirably in every regard. I just hope now that he can secure this retirement in full grade with the overwhelming, if not unanimous, support of the Senate.

I regret that one of the ways that we have to get attention is to utilize situations where individuals are involved and, unfortunately, it goes to their character and reputation. And I hate to see Admiral Mauz having any cloud hanging over his 35 years of distinguished service to this Nation. I trust now that this is satisfactorily resolved and we can give him our full support in the vote that is about to occur.

I yield back any time remaining.

Mrs. MURRAY. Mr. President, I wish to turn to the larger issue facing the Senate with regard to how these nominations are handled.

Senators need to know with a reasonable degree of certainty that when individual service members have made serious allegations and charges in relation to a nomination, those allegations have been adequately addressed and given full consideration by the executive branch, the committee, and the full Senate.

It is critical that we put into place reforms for handling these nominations. The very first thing we need is direct access to timely and reliable information. We need to know that legitimately raised allegations and concerns have been thoroughly reviewed.

And as the Senator from Maryland, Senator MIKULSKI, has said, we need to know that questions asked are questions answered. We need to ensure that all relevant voices have had an opportunity to be heard before these nominations come to the Senate floor.

What we are essentially asking for is an additional safeguard in the review process of these nominations by the executive branch when significant allegations persist. Toward that goal, I have joined Senators MIKULSKI, BOXER, MOSELEY-BRAUN, and FEINSTEIN, in writing to Secretary of Defense William Perry, requesting serious review of the process.

I ask unanimous consent that our letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, September 19, 1994.

Hon. WILLIAM PERRY,
Secretary of Defense,
Washington, DC.

DEAR SECRETARY PERRY: During the last several months, the United States Senate has considered and debated the retirement of two Admirals—Admiral Frank Kelso and Admiral Henry Mauz—at the rank of four stars.

During each of these debates, the five Democratic women Senators, among others, raised serious questions about how the Navy handled incidents of sexual harassment and whistle blowing. During each of these debates, we also raised issues about the process of evaluating allegations made regarding the Admirals' conduct. In each case, the seriousness of the allegations and questions raised were underestimated.

Let us be clear—we support the United States military. What we are concerned about is the integrity of the process. We owe it to the United States Navy, the United States Senate and the American people to have a sound process anticipating these issues.

When a controversial or high profile retirement is sent to the Senate, the Department of Defense must anticipate questions that will be raised and must anticipate the information Senators need to proceed on the recommendations.

We cannot continue to address controversial promotions or retirements in this fashion. The Department of Defense must develop a process for reviewing these types of cases before they come to the floor of the Senate. We look forward to hearing from you as quickly as possible.

BARBARA MIKULSKI.
BARBARA BOXER.
PATTY MURRAY.
CAROL MOSELEY-BRAUN.
DIANNE FEINSTEIN.

(Mrs. BOXER assumed the chair.)

Mrs. MURRAY. In addition, I believe I have the chairman's commitment to continue the work his committee is doing in this regard, so that we can develop a better process to deal with these types of situations.

Mr. NUNN. Madam President, I appreciate the concerns of the Senator from Washington. I understand her concern about certain communications she received from Navy officials about this nomination.

It is important that legitimate allegations about nominations be reviewed in a careful manner that provides information upon which the Senate can rely. In my judgment, the present system works well in most cases. From time to time, however, we do encounter situations in which the committee requires further review because we are not satisfied with the quality of the response from the executive branch.

As I have said before, I believe the committee received the information it needed to act on this nomination. In addition, we submitted to the Navy questions prepared by the Senator from Washington, as well as other Senators, as well as their followup questions, and we insisted upon prompt answers from the Navy. I placed these answers in the RECORD on September 14, 1994.

I recognize that this is a matter upon which Senators can disagree. Our goal should be to ensure that Senators have confidence in the information provided by the executive branch from which they are to make their judgments on nominations.

The allegations concerning nominees can involve a wide variety of issues, ranging from criminal to administrative matters. The issues may involve new allegations, or they may involve issues that have been previously investigated by the agency concerned. Given the variety of circumstances, there can be no one procedure for investigating and reporting on all of these matters. What we need to ensure, however, is that the information received reflects careful review of the issues and that it represents a clear response to the allegations made.

Quite apart from this particular nomination, Admiral Mauz's, the issues that have been raised with respect to a variety of other nominations we have considered during this Congress have led me to conclude that an assessment of the process by which the executive branch and the committee review both civilian and military nominations is in order. I am committed to engaging in a review that involves dialog with the executive branch, with a view toward implementing changes that may be warranted later this year so that they can be put in place prior to receiving nominations in the next Congress. Should any legislative changes be required, we will seek to have them enacted in the next Congress.

Mrs. MURRAY. Madam President, I appreciate the chairman's commitment to reassess the process whereby the executive branch and the committee review both civilian and military nominations. I agree that it is critical that this review take place promptly so that any changes can be implemented by the end of this calendar year.

I thank the Senator from Georgia for his ongoing assistance with this problem, and I take this opportunity to once again thank the Committee on Armed Services for going the extra mile throughout the process to address my concerns.

Mr. NUNN. I thank the Senator from Washington and her colleagues for the constructive role they have played in raising what have been difficult and very legitimate questions.

Mrs. MURRAY. How much time is remaining, Madam President?

The PRESIDING OFFICER. The Senator from Washington has 5 minutes 12 seconds.

Mr. NUNN. I have a procedural question, Madam President. There are a couple of other Senators who want to speak on this question. If the motion to recommit is withdrawn, is the time still open for debate, under the control as previously allocated?

The PRESIDING OFFICER. If the motion to recommit is withdrawn, the consent agreement requires us to vote immediately on the nomination.

Mr. NUNN. I was told that a rollcall vote was in order, and if a rollcall vote was requested, that rollcall vote would be deferred until after the caucus.

The PRESIDING OFFICER. The Senator is correct.

Mr. NUNN. It is my intent to ask for a rollcall vote. So I guess my question now is: If a rollcall vote is ordered, is any time remaining for debate on this nomination?

The PRESIDING OFFICER. If a rollcall vote is ordered, the time between now and 12:30 would be open for debate.

Mr. NUNN. I thank the Chair.

The PRESIDING OFFICER. The Senator from Washington has 4 minutes remaining.

Mrs. MURRAY. Madam President, before I withdraw my motion to recommit this nomination, I want to be very clear about why I am taking that action.

I believe that with the distinguished chairman's commitment to address the overall problem as to how these cases are reviewed and handled by the Defense Department, we have moved the debate forward in an important way. I hope the end result will be that all members of the service will be better served—no matter how high ranking or how junior. This represents real progress in my mind. I thank those colleagues who have come to me with their support, and I assure each of them that I will continue to work with them as we seek resolution to this problem.

I say with deep regret that I continue to have serious and unanswered questions about the cases related to this current nomination before us. Unfortunately, I have been at this for many weeks now and I have come to the conclusion that the current process we are involved in is inadequate to the task of allowing for a full venting of the Simmons and Taylor allegations.

I have come to the conclusion that the best use of my time and energy is not on a single nomination, but on bringing about reform and change to the overall system so that it is more fair in the future.

I am committed to working with the committee to see that the system is set straight. And I believe important progress can and should be made by the end of this year. Failing that, you can bet that I will be back next year standing sentry to every nomination that I have to vote on.

In America, we believe very strongly in the power of a single vote. And so I say without apology that I will never hesitate to ensure that my vote here in the U.S. Senate is available to give voice to the servicemen and women who so bravely stand sentry over this country. I owe them that much.

Madam President, how much time is remaining?

The PRESIDING OFFICER. There are 2 minutes and 3 seconds remaining.

Mrs. MURRAY. Is the Senator from Georgia controlling time?

The PRESIDING OFFICER. The Senator from Georgia has 36 seconds; the Senator from Washington has 2 minutes.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Madam President, what business will be addressed by the Senate following this time expiration?

The PRESIDING OFFICER. The Senate will stay on this nomination, debating it, until 12:30.

Mr. NUNN. So even though the time would expire on the motion to commit, there will be time for other comments on the nomination before the rollcall vote?

The PRESIDING OFFICER. The Senator is correct. There will be time remaining until 12:30 for comments on the nomination.

Mr. NUNN. I thank the Chair.

I yield to the Senator from Virginia all of my 36 seconds, every one of them.

The PRESIDING OFFICER. Does the Senator ask for the yeas and nays on the nomination?

Mr. NUNN. I ask for the yeas and nays on the nomination.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Virginia is recognized for 36 seconds.

Mr. WARNER. Madam President, I tender my apologies for being late this morning. I had a routine eye exam and did not know that this had been scheduled.

Madam President, my time has expired.

The PRESIDING OFFICER. The Senator is correct. The time has expired.

The Senator from Washington has 2 minutes remaining.

Mrs. MURRAY. Madam President, since a rollcall vote has been asked for on the nomination, let me make very clear that I will reluctantly vote "no". It is not my preference to take a position on the nomination itself. I do not believe that we have the necessary information to come to a conclusion one way or another on this nomination. There are very important, unanswered questions in my mind and lingering doubts that remain that the current review process has failed to answer. So on the nomination, if we are required to have a vote, I will reluctantly be voting "no".

Madam President, I ask unanimous consent that the motion to recommit the nomination to the committee be withdrawn.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

All time has expired.

Who seeks recognition?

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Parliamentary inquiry. What is the business now before the Senate?

The PRESIDING OFFICER. The pending question is the nomination of Adm. Henry Mauz, Jr.

Mr. WARNER. Madam President, do I understand that the nomination will be pending for the next approximately 1 hour and 15 minutes; is that correct?

The PRESIDING OFFICER. The Senator from Virginia is correct.

Mr. WARNER. Within which time Senators may address the nomination and there is no control of the time?

The PRESIDING OFFICER. The Senator is absolutely correct.

Mr. NUNN. Will the Senator from Virginia yield?

Mr. WARNER. Yes.

Mr. NUNN. Madam President, it is my intent to keep this nomination pending as long as anyone wants to speak. At such time when we do not have people to speak on the nomination and it appears to the Senator from Georgia the debate has been concluded, I will ask unanimous consent that we go back into legislative session for a period of morning business so Senators can speak up to 10 minutes each until 12:30. That would mean we would no longer be on this nomination.

So if the Senator wanted to speak on this or other things in morning business, that would be permitted.

Mr. WARNER. I wish to exercise my right to such time as I may require, which I anticipate will not be in excess of 10 minutes.

Madam President, I rise to support the nomination of Admiral Mauz to be retired in the grade of admiral. I have reviewed carefully the allegations against Admiral Mauz and the investigations of each of those allegations. I cannot find any basis for denying this superb, professional naval officer the right and privilege of being retired in the grade in which he has served honorably since July 1992.

First, let me say that I, along with every Senator I know in this Chamber, abhor sexual harassment in any form. But Admiral Mauz has not been accused of sexual harassment. The allegations are, generally, that he did not respond adequately to a sexual harassment case within his command. Based on the results of the pertinent investigations which I have reviewed, I do not agree that the allegation has been substantiated.

I want all my colleagues to know that the chairman and ranking member have gone far beyond the normal process to ascertain the facts in this nomination. They have conducted numerous inquiries, held several executive sessions of the committee with lengthy discussions and consulted frequently with the leadership of the Navy.

Madam President, the Secretary of the Navy, the Honorable John Dalton and the Chief of Naval Operations, Admiral Boorda, have also been fully cooperative and engaged in the investigation regarding this nomination. The leadership of the Navy, and indeed, all elements of the Navy have been totally cooperative and responsive to the Armed Services Committee. I am sure I speak for all members of the committee in expressing our appreciation to Secretary Dalton, Admiral Boorda, and all those in the Navy who have endeavored to assist the committee in resolving this matter.

It is becoming obvious just how rancorous even the most routine of nominations is becoming for not only the Armed Services Committee but the Senate. The chairman and ranking member are now required to spend far more time and energy on these nominations than any of us have experienced in years past. More and more of the time of the committee, including the committee staff, is consumed ascertaining the facts in an increasing number of allegations against nominees. I want to take this opportunity to commend the chairman and the ranking member for their patience, competence and perseverance in these matters. They are doing it completely objectively and very thoroughly, together with a highly qualified staff.

Madam President, it is obvious to me and I believe to all my colleagues that these nominations are becoming increasingly difficult. It should also be apparent to those in the military services that all military nominations are becoming more difficult to deal with and they should do all they can in the preparation—that is, in the Department of Defense—before they send them to the Senate.

Madam President, as I indicated earlier, I support the retirement of Admiral Mauz in his current grade of admiral. Admiral Mauz has had a distinguished naval career spanning some 35 years, which has included critically important naval commands in combat. In all these positions of immense responsibility, he has served with distinction. His effectiveness, professionalism, and integrity were continually recognized in his naval career and he was rewarded with consistent promotions attaining the highest flag rank, that of admiral.

The President has nominated Admiral Mauz to be placed on the retired list at his current grade of admiral. The Armed Services Committee—after fully reviewing all the allegations against him—has voted to recommend favorably his nomination to the Senate. I fully support this nomination and I urge all my colleagues to support it also.

I would just like to conclude, Madam President, with a few observations based on many years of experience in dealing with the professional officers, not only in the Navy but all branches of the service. These are highly dedicated people and they do their very best to adapt to the ever-changing laws and indeed the policies of this country.

In this instance, I have known Admiral Mauz personally and observed his work over many years. We have to bear in mind that at the time these allegations were raised, his command looked like a pyramid. He was on the top of literally thousands of people under his direct supervision. It is my judgment, and that of the committee, that he handled this quite well. But I am concerned about the increasing number of allegations, particularly in the area of sexual harassment. This is a new area, in some respects, which is long overdue to be examined with great care by the military and, indeed, those of us here in the Senate who have this special responsibility of reviewing the retirements when recommended by the President of the United States.

But I have always been of the impression that a retirement is something to be viewed not only in terms of that individual who served in uniform but his or her spouse, as the case may be, and, indeed, the children. It represents an investment of a family life; a career, indeed, is a family investment. We have seen evident the pictures of the men and women of the Armed Forces who have been deployed into the Haiti situation and observed the stress on the families left behind.

We should bear in mind, as we look at these promotions as well as the retirements, that it is a family situation, particularly in the case of a retirement where an officer, in this instance, has devoted in excess of 30 years and his family has been with him by his side. When we look at a challenge—to taking away part of that earned retirement, if it is to be taken is the judgment of the Senate, or awarded if it is the judgment of the Senate, whichever case—it is to both the officer and his family. That is why I look very carefully at these and I urge all Senators to do likewise.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Madam President, in recent days the committee received a number of additional questions about this nomination which we provided to the Navy. I ask unanimous consent the Navy's response be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF THE NAVY,
Washington, DC, September 19, 1994.

Hon. SAM NUNN,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Attached are responses to five additional questions forwarded from your Committee for the response of the Commander Cathleen A. Miller, U.S. Navy, regarding the pending confirmation of Admiral Henry H. Mauz, Jr.

I hope that Commander Miller's responses to these additional questions are helpful and will serve to resolve the matter.

A similar letter has been sent to Senator Thurmond.

Sincerely,

JOHN H. DALTON.

Enclosure:

Per your request, I have posed the following questions to Commander Cathleen Miller by telephone and she has provided the following responses:

1. *Question:* What is the name of the medical officer who was on board the U.S.S. *Canopus* and who referred LT Simmons for psychiatric observation?

Answer: The ship's senior medical officer, LT Michelle Burkardt, recommended that LT Simmons be evaluated by a psychiatrist at the Naval Hospital, Naval Air Station Jacksonville. The junior medical officer, LT Ken Hildreth concurred in that recommendation.

2. *Question:* On what date did the medical officer refer her to the psychiatrist at the Naval Hospital, Naval Air Station Jacksonville?

Answer: Oct. 9, 1992.

3. *Question:* In the course of your investigation and follow-on conversations with LT Simmons, did she ever allege that LT Burkardt, LT Hildreth, or Dr. Quinones acted in reprisal for her sexual harassment allegations?

Answer: No.

4. *Question:* In the course of your investigation and follow-on conversation with LT Simmons, did she ever lodge a complaint against LT Burkardt, LT Hildreth, or Dr. Quinones for their actions with respect to the referral, either as a separate complaint or in conjunction with her complaints against others?

Answer: She did not lodge a complaint. In the course of my investigation, she verbally informed me she did not agree with the referral because she believed it was unnecessary. In my discussion with LT Burkardt, the senior medical officer, and LT Hildreth, the junior medical officer, both provided me with specific medical reasons for the referral, which were validated by Dr. Quinones, the psychiatrist at the Naval Hospital, Naval Air Station Jacksonville.

5. *Question:* In the course of your investigation and follow-on conversations with LT Simmons, did she ever lodge a complaint against LT Burkardt, LT Hildreth, or Dr. Quinones with respect to the quality of medical care during the October 9–13 period, from her referral through release from the Naval Hospital, Naval Air Station Jacksonville?

Answer: No.

LEGISLATIVE SESSION

Mr. NUNN. Madam President, I ask unanimous consent the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. NUNN. Madam President, I ask unanimous consent there be a period for morning business not to extend beyond 12:30 p.m., with Senators permitted to speak therein up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEDICATION OF THE JOHN J. SPARKMAN CENTER FOR MISSILE EXCELLENCE

Mr. HEFLIN. Madam President, the John J. Sparkman Center for Missile Excellence at Redstone Arsenal was formally dedicated on August 22. The Sparkman Center consolidates and houses the missile command that manages the missile material mission for the Army, as well as other functions located at Redstone. I was deeply gratified to see this complex completed and functional, not only for what it means to our national security, the U.S. Army, and the State of Alabama's future, but because of the fitting honor it bestows upon the memory of the late Senator John J. Sparkman.

Huntsville was, of course, John Sparkman's home, and he would be very proud of the way his city continues to grow and lead the Nation in advanced technology innovation and research. Throughout his more than 42 years in Congress, he was the driving force in making Huntsville the leading research and scientific center that it has become. The fact that Redstone Arsenal and NASA's Marshall Space Flight Center are located there is due in large part to his strong leadership. Indeed, he did so very much for this vibrant city in so many ways.

John Sparkman was born in 1899, in an unpretentious tenant farm home near Hartselle. One of 11 children, he learned the traditional American values of hard work, religious faith, and eagerness to learn at a young age. He used the proceeds from the sale of a cotton crop he had grown himself to enroll at the University of Alabama, where he planned to study to be a schoolteacher.

While earning his bachelor, master, and law degrees, John Sparkman was awarded a teaching fellowship in history and political science, served as editor of the student newspaper, and was elected president of the student government.

In 1936, after practicing law in Huntsville for a number of years, John Sparkman was elected to the U.S. House of Representatives. During his five terms in the House, he served on the Military Affairs Committee, which was particularly crucial during World War II and to the development of Redstone Arsenal. In his last term, he served as majority whip.

In 1946, Congressman Sparkman was confronted with a rather unique situation. After he easily received the Democratic nomination for an expected sixth term in the House, the death of Senator John Bankhead, Jr., created a vacancy in the Senate. John decided to seek that vacant seat, and won the primary vote over two formidable opponents without a runoff. In the general election, his name appeared as the Democratic candidate for both the senate and House seats. I know of no other American political figure who has been elected to the Senate and the House on the same day and the same ballot.

In his early days in the Senate, one of John Sparkman's primary legislative interests was the Nation's small businesses. As the first chairman of the Senate Select Committee on Small Business, and the chief sponsor of the legislation creating the Small Business Administration, Senator Sparkman helped to establish an economic climate favorable to small businesses.

In his last term, Senator Sparkman assumed the role of chairman of the Committee on Foreign Relations. As chairman, he worked to alleviate the major health problems of the world. Earlier, as a committee member, he had been a key leader in the establishment of both NATO and of the Marshall plan. In 1950, he was the U.S. representative to the Fifth General Assembly of the United Nations. He strongly advocated bipartisan cooperation in the foreign affairs.

Additionally, he was instrumental in the passage of laws dealing with education, crop insurance, veterans' benefits, and the Tennessee Valley Authority. He once said that of all his accomplishments, he was most proud of his work to pass the Rural Electrification Act, which carried electric lights and other electrical uses to the outlying rural areas of the country and brought progress to every corner of the land. He also served as cochairman of the Joint Defense Production Committee for several Congresses.

Long before his seniority won him the chairmanship of the Committee on Banking, Housing, and Urban Affairs, he had become known as "Mr. Housing." He believed that homeownership should be the attainable goal of every American family, and that the Federal Government should foster, encourage, and assist them in reaching this goal. He was the primary craftsman of almost all public housing legislation, beginning with the Housing Act of 1949, which began the Nation's Urban Renewal Program.

The millions of homes built under Federal Housing Programs were built largely because of Senator Sparkman's leadership, dedication, and commitment, and stand as a fitting and proper tribute to his work. The Sparkman Center is a welcome addition to his housing legacy, as it will house one of the army's most important functions.

During the 1950's and 1960's, one of the major issues that, of course, confronted Senator Sparkman was civil rights. In 1948, the Democratic Party in Alabama came under the control of the Dixiecrats and split from the national party. John Sparkman refused to go along. Not only did he keep his allegiance to the national party, he also successfully fought the Dixiecrats for control of the State party thereafter for a number of years. Throughout the civil rights struggle, John Sparkman was a southerner who was recognized as being a voice of reason, progress, and moderation.

In 1952, yet another testimonial to his outstanding abilities was paid when the Democratic National Convention selected him as its Vice Presidential nominee. Unfortunately, the Stevenson-Sparkman ticket was up against a man who was perhaps the most formidable adversary possible at that time—Gen. Dwight Eisenhower. The defeat he suffered that year would be the only electoral loss John Sparkman ever experienced, as he went on to four more successful Senate races.

Many of my present colleagues in the Senate who served with him remember John Sparkman as a leader who stood for and supported enhanced educational and professional training opportunities for all citizens. It is entirely fitting that this new complex at Redstone is named for him. Such a dynamic, living memorial is the only kind appropriate for a man whose most basic instincts resonated with a vigorous orientation toward the promise of the future.

In many ways, John Sparkman's life and career demonstrated both the opportunity which America provides and the progress we as a Nation made during the more than 85 years that he lived. He served in Congress longer than any other Alabamian—through the Great Depression, World War II, the Korean conflict, the war in Vietnam, the social discord of the civil rights struggle—much of which was centered in his home State—and the resignation of a President. We can all learn something from reflecting upon his life and times.

I am proud and excited that this living memorial to a great Alabamian and American—the John J. Sparkman Center for Missile Excellence—has now become a reality. The center will prove instrumental in guiding our national security, the U.S. Army, and Huntsville into the next century, and will live on as a testament to the life and work of one of our most outstanding public servants.

KIDS VOTING ARKANSAS

Mr. PRYOR. Madam President, I would like at this time to pay a special tribute to an organization that is known as Kids Voting Arkansas. This is a fledgling organization in my State, but it is flourishing and it is involved in a most noble endeavor.

Kids Voting Arkansas is dedicated to the proposition that we should get our children interested in voting. This group believes that, by getting kids interested in the democratic process, you accomplish two things: First, you help develop a new generation of conscientious voters for life; and second, the children, in turn, encourage their parents and grandparents to vote.

Nothing is more integral to a democratic society than the right of the individual to vote in free and fair elections. I traveled to the Philippines in the mid-1980's to witness the first national elections that were held after democracy was restored to that country. I saw millions of people standing in line for hours on end, some literally risking their lives, for the right to have some say in the way their country was run. Thanks to televised news reports, most of us have witnessed similar scenes in other countries. In nearly every case in such countries, voter turnout totaled more than 80 or 90 percent.

Ironically, in the United States—the modern cradle of democracy—the right to vote has been taken for granted in most quarters. Voter turnout has been declining nationally since 1960. In 1992, only 61 percent of eligible voters cast ballots nationally. In Arkansas, that figure was only 54 percent.

Kids Voting Arkansas seeks to re-engage communities in the voting process through education and community activism. Children in participating communities receive civics lessons on elections and voting. Those lessons stress not only the mechanics of voting, but how to gather information about issues and candidates.

Meanwhile, communities become involved by organizing special registration events, candidate forums, and debates. Finally, on election day, students are allowed to go to the polls and cast a ballot in which they express their opinions on the same candidates and issues as their parents. While those ballots are not counted in the election, they are tallied and released to the media.

In Arkansas, as many as 11,000 students from the towns of Cabot and

Bentonville are taking part in Kids Voting Arkansas' pilot project this year. I am sure that the success of this program in these communities will only cause such efforts to multiply across the State.

I want to applaud Kids Voting Arkansas for seeking to breathe new life into the electoral process in our State. I also applaud Karen Brown of Siloam Springs, the organization's executive director, as well as Steve Trolinger of Bentonville and Shelly Moran of Cabot, who are serving as cochairmen of the organization's board of directors. They are engaged in a most worthy cause, and they deserve the respect and support of us all.

WEST VIRGINIA SCHOOLS RECEIVE AWARDS

Mr. ROCKEFELLER. Madam President, I am enormously proud to recognize three schools in West Virginia that have been selected to receive a national award by the U.S. Department of Education for their effort to combat drug abuse. The innovative programs of these schools can serve as an inspiration to other schools in West Virginia and across the country.

Richmond Elementary in Kanawha County received this honor in 1992. McKinley Elementary in Wood County, and Greenbrier East High School in Greenbrier County are winners of the 1994 National Drug-Free Schools Recognition Award. The U.S. Department of Education created this commendable program in 1987, to give national attention to those schools that have made outstanding progress in their efforts regarding drug prevention and intervention.

The Richmond Elementary School drug prevention program is unique because it draws support and participation from both students and adults in the community. Some of the activities include Drug Abuse Resistance Education [DARE], parent awareness workshops, a special needs library, Just Say No clubs, and motivational classroom programs. It is clear that this school has successfully integrated drug-free programs into the curriculum. I also want to note that each year this school participates in a Red Ribbon Rally that recognizes a commitment to a substance-free lifestyle. Like so many of West Virginia's schools, Richmond Elementary educates students to be productive citizens in a complex society through the numerous programs that have provided a positive atmosphere conducive to learning.

McKinley Elementary is another school in West Virginia that will receive a drug-free recognition award from the Department of Education. Many of the students attending McKinley are street wise children from single parent homes. Thus, the school works tirelessly to prepare these students for a prosperous future that is devoid of drugs and other detrimental influences. McKinley Elementary is also well regarded for its after-school program. The primary goals of this program are building self-esteem, encouraging students to stay in school, and ensuring that proven students remain drug-free. McKinley's efforts have shown to be successful and have also helped improve attendance at school.

The Greenbrier East High School is the third winner of the U.S. Department of Education's Drug-Free School Recognition Program. Greenbrier follows the Horizons curriculum which provides hands-on educational experiences that include instruction in the areas of communication, self-esteem, managing stress, relationships, decisionmaking, and drugs. In addition, teachers have successfully included special drug awareness programs within the traditional classroom instruction. The students of Greenbrier East have demonstrated that they are a community that takes great pride in their school through their efforts to maintain standards of excellence.

I am especially proud to recognize these recipients because I helped draft the original legislation for the Drug-Free Schools and Communities Act in 1986. This was first a comprehensive effort at the Federal level to ensure that drug education and substance abuse prevention would be offered in classrooms around the country. I have visited numerous schools in West Virginia to see how this program has worked. I am delighted that this program will be expanded under the elementary and secondary schools reauthorization bill recently passed by the Senate to cover violence prevention as well as drug education. Both of these issues are critical to achieve a safe environment in schools, which is necessary for our children to learn.

Thanks to Goals 2000, which was signed into law by President Clinton on March 31, 1994, we have established in law our national education goals including that every school be safe and free of drugs and substance abuse by the year 2000. I believe that awareness programs will help us achieve this important goal.

This Congress has made education a priority by enacting key legislation, including Goals 2000 and the School-to Work Opportunities Act, which I was proud to cosponsor. The reauthorization of the Elementary and Secondary Act is pending in conference and should be enacted by the end of the session. Enactment will restructure Federal programs and provide funding to move forward on fundamental education reform. All of these actions are crucial for our students and our future.

PLEASANTS COUNTY MIDDLE SCHOOL RECEIVES JOHN HERKLOTZ AWARD

Mr. ROCKEFELLER. Madam President, today I would like to recognize an example of outstanding excellence and community involvement in education. On April 26 of this year the Pleasants County Middle School of Belmont, WV, received the John Herklotz Award, presented by the National Association of Secondary School Principals [NASSP]. This West Virginia school was among just 10 schools from across the country recognized for "making an outstanding contribution to teaching democracy" during its mock election activities sponsored by the National Student-Parent Mock Election.

The activities which earned the eighth grade students and their civics teacher, Mr. John Eichhorn, the award began in November 1992, just prior to the national election. The classes invited community representatives to the school in order to explain the process of campaigning, voting, and balloting. The eighth graders then registered all students and staff members for their mock election and assigned each one to their respective polling places in Pleasants County's 11 districts. Other activities included the construction of student-run party headquarters and the display of campaign materials provided by local, State, and national candidates.

The school's election activities continued the Thursday before the national election with a political rally attended by all Pleasants County candidates and several State candidates. The rally, an event open to the community, was an affair of balloons, banners, music, and speeches by both students and visiting candidates. The following day the students held their election using official polling booths and ballot boxes provided by the county and manned by student commissioners and clerks.

The mock election program concluded in January with a variety of inaugural activities including a swearing-in ceremony and address featuring students portraying political figures. Local political leaders and a representative from the Governor's office were also on hand to address those present. Meanwhile, the school and community were treated to a performance of patriotic pieces by the Pleasants County Middle School choir and band. A picnic lunch was then provided for students as they watched the swearing-in of the President and Vice-President on television.

The day's events culminated with an inaugural parade and ball. The parade featured the school's band, floats, and students dressed to portray political leaders. The semi-formal Inaugural Ball and Reception was held in the school's decorated cafeteria and allowed students to mingle and converse with visiting guests and dignitaries.

I cannot stress how excited I am to see such an outstanding example of community and school interaction and hands-on learning experiences in our schools. Such programs offer an entertaining way for students to put what they have learned into a practical context, and provide for the students a sense of involvement in the political process. It is efforts like those of Mr. Eichhorn and his civics classes which help instill pride in our democratic system of government in our students and inspire them to be engaged and active citizens. I can only hope that more schools will follow this example, and use creative ways to promote citizenship.

I am sure that my colleagues and my fellow West Virginians join me in congratulating the students, faculty, and staff of the Pleasants County Middle School.

SWITCHED LITIGATION POSITION OF THE CIVIL RIGHTS DIVISION IN THE TAXMAN CASE

Mr. GRASSLEY. Madam President, we are beginning to see a pattern in which the Justice Department changes its position on litigation to further the implementation of social engineering.

The Justice Department has already switched sides in the Knox case. In that case the department, very much contrary to congressional intent, refused to uphold a child pornography conviction for possession of video tapes of scantily clad young girls. What is different about the Clinton Justice Department's handling of the case is that the prior administration, the Bush administration, had obtained a conviction against Knox. The Clinton Justice Department's position in that Knox child pornography case was rejected by the third circuit, but not before the Department of Justice suffered a great public embarrassment. Even the President distanced himself from the Department's views. This was after this body 100 to 0, said that the Justice Department was wrong.

We have discussed the Knox case previously. I do not want to go into that. But I just use that as a point of departure because now the Clinton Justice Department is again refusing to take yes for an answer in an employment discrimination case. The Department now argues that employers may fire someone solely because of their race. They permit such race-based firings even when the employer has never discriminated, and even when the employer's work force continues to have, and contains, a high percentage of minorities and even a higher percentage of minorities than the general population.

I fear that the Department's social engineering is contrary to title VII, and the cases interpreting title VII. And I think the Justice Department's position is going to exacerbate racial tensions for no good purpose.

Originally, the Bush Justice Department brought the case that I am talking about under title VII of the Civil Rights Act of 1964 against a New Jersey school district. That district had decided to cut teaching positions in a business education department at the high school. State law required that the teachers with the least seniority be laid off. In this case the lowest seniority was shared by two teachers. One teacher was white and one teacher was African-American. Both teachers indisputably were equally qualified. The black teacher happened to be the only black business education teacher. Solely because of her race, and pursuant to an affirmative action policy, the board fired the white teacher, Sharon Taxman, and retained the African-American teacher, Debra Williams.

The Justice Department initially argued that the layoff was an illegal minority preference, and it continued to do so long after President Clinton took office. In this case, the district's policy was not adopted to remedy the effects of past discrimination because the district had never discriminated, nor were African-Americans underrepresented in the district's work force. Minority groups made up a larger percentage of the district's teachers than their share of the general population. There is nothing wrong with that. Even if Taxman had been retained and Williams fired—in other words, if the white teacher had been retained and the black teacher fired—the school district still would not have had an underrepresentation of minority teachers.

In short, the district sought to use racial preferences not to achieve a racial balance but instead to maintain one. No case has ever upheld the use of such racial preferences in these circumstances.

There was a second reason the Justice Department originally maintained that the racial preference in this case was illegal. The district's affirmative action plan had no ending date, and it is very essential that such affirmative action plans be temporary. But this plan had existed since 1975 despite an absence of discrimination and despite the achievement of a racial balance.

Under these circumstances, the Department argued that the district court violated the rights of nonminority employees. The Federal district judge agreed with the Justice Department. The Federal district judge, a woman, held that the school district's policy violated title VII and numerous Supreme Court decisions.

When it came time for the appeal, however, the Justice Department—at the time of appeal this is a new Justice Department under President Clinton, and particularly Assistant Attorney General Deval Patrick—had a change of heart, despite passing over six earlier opportunities to repudiate its original view. The Department switched sides, and now seeks to argue that the affirmative action plan was lawful. It claims that the district court's adoption of its own earlier positions took too narrow a view of affirmative action.

The Department's change, from my perspective, is a cause for concern, and is my reason for addressing my colleagues. If the law changes, new facts are discovered, or the Government has lost the case in a court below, then a change of position may well be warranted.

For example, when the Clinton administration reversed the Bush administration's views on the constitutionality of a California State tax in a Supreme Court case last year based on a view of congressional intent that the Court accepted, then you can find no fault with that. There is a basis for doing that. But where the decision to switch runs contrary to congressional intent, contrary to case law, and if it seeks to overturn a case the Justice Department had won below, then I do not believe there is any justification whatsoever. And that is an entirely different matter.

This country suffered, and continues to suffer, from longstanding policies that based decisions solely on the race of the person affected.

(Mr. MATHEWS assumed the chair.)

Mr. GRASSLEY. These policies were wrong, and they have caused tremendous harm and suffering and disunity within our society. In 1964, Congress demanded that employment decisions be based on the merits of the individual, not on the merits of a group which that individual might belong to.

The school district in this case fired a white school teacher based solely on her race, even though it had never discriminated before and did not have a racial imbalance in its work force. In doing so, Mr. President, the school district violated the law. Now the Justice Department believes that diversity is the highest goal in employment, not fair, individualized treatment. The switch is unjustified and it is erroneous.

Moreover, the Department and Mrs. Taxman's attorney had worked closely together in preparing their case before an assistant attorney general stepped in and changed the position of the Department. In those earlier steps, the Department and Mrs. Taxman's attorney shared confidential information. They reviewed each other's draft briefs. They coordinated litigation tactics, and they evaluated the school board's case.

Now the Justice Department, armed with these client confidences and attorney work product, seeks to use that information to fight Mrs. Taxman. This, Mr. President, is of itself an outrageous development. When the Justice Department does not make its decision based on the law, then our whole legal process suffers and, of course, I think the Department of Justice suffers, and I only wish they would realize that.

The Government, it seems to me, has a special duty to be objective in its court appearances. It is not merely another litigant. The Justice Department has the highest responsibility of anybody to follow the law. The law supports the Department's earlier position, not the changed position now of the Justice Department.

Moreover, the Department should defend victims of discrimination, and the Department should not adopt policies in the name of diversity that will lead to anybody's victimization. It is most unfortunate that the Department has decided to advocate legal rules that would exacerbate the unfortunate realities of racial tension and polarization.

I urge the Department to reconsider its actions in order to be fair to Mrs. Taxman and to all victims of racial discrimination, and so that the Department can maintain its credibility and, most importantly, its faithfulness to the laws of this Nation.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PRYOR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 2:15 P.M.

Mr. PRYOR. Mr. President, I ask unanimous consent that the Senate now stand in recess until the hour of 2:15 p.m.

There being no objection, the Senate, at 12:15 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. KOHL].

EXECUTIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to executive session.

The clerk will report the pending nomination.

NOMINATION OF ADM. HENRY H. MAUZ, JR., TO BE PLACED ON THE RETIRED LIST IN THE GRADE OF ADMIRAL

The legislative clerk read the nomination of Adm. Henry H. Mauz, Jr., to be placed on the retired list in the grade of admiral.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Henry H. Mauz, Jr., to be placed on the retired list in the grade of admiral. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from West Virginia [Mr. ROCKEFELLER] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from South Carolina [Mr. THURMOND] is necessarily absent.

I further announce that, if present and voting, the Senator from South Carolina [Mr. THURMOND] would vote "yea."

The result was announced—yeas 92, nays 6, as follows:

[Rollcall Vote No. 300 Ex.]

YEAS—92

Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boren
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Danforth
Daschle
DeConcini
Dodd
Dole
Domenici
Dorgan
Durenberger
Exon
Faircloth
Feinstein
Ford
Glenn
Gorton
Graham
Gramm
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
Mathews
McCain
McConnell
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Roth
Sarbanes
Sasser
Shelby
Simpson
Smith
Specter
Stevens
Wallop
Warner
Wellstone
Wofford

NAYS—6

Boxer
Feingold
Metzenbaum
Moseley-Braun
Murray
Simon

NOT VOTING—2

Rockefeller
Thurmond

So the nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider the vote on the nomination is tabled. The President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Without objection, the Senate will return to legislative session.

Mr. MITCHELL. Mr. President, I was not clear on what the Chair just said. Are we back in legislative session?

The PRESIDING OFFICER. That is correct.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I discussed briefly with the distinguished Republican leader the schedule for the remainder of the day. He has advised me that he is going to engage in further consultation with some of his colleagues on how best to proceed, and therefore to accommodate his request for more time to do that, I now ask unanimous consent there be a period for morning business until the hour of 3:15 p.m., with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PASSAGE OF THE CONFERENCE REPORT ON THE PROCUREMENT REFORM BILL

Mr. STEVENS. Mr. President, last month, the Senate passed the procurement reform conference report. I am pleased that the conferees agreed to my request to change section 605(c)(4) of the Contracts Dispute Act. I am particularly grateful to the chairman of the Governmental Affairs Committee, Senator GLENN, and the chairman of the House Judiciary Committee, Congressman BROOKS, for working with me to develop language that resolved the problem. This change in law is significant.

The current law provides that a contractor with a claim before a contracting officer may request an agency board of contract appeals to set a deadline for a contracting officer's decision if that contracting officer has not rendered a decision in a timely manner. However, current law does not authorize the Court of Federal Claims to issue such orders. Thus, although the Contract Disputes Act generally allows a contractor to choose whether to appeal a contracting officer's decision to an agency board or to the Court of Federal Claims, the only avenue to request that a timely decision be made by the contracting officer is at the agency board level.

In certain cases, the contractor is already before the Court of Federal Claims on a related case and the logical place to take such a request for a decision deadline is the Court of Federal Claims. However, at this point, the Court of Federal Claims has no such authority.

The change in section 605(c)(4) will permit the Court of Federal Claims as well as the agency board to determine that the contracting officer is unduly delaying the decision and issue an order that a decision be rendered within a time certain.

I know of instances involving appeals from my State in which the contractor has appealed one claim to U.S. Court of Federal Claims and will have another related claim before a contracting officer. If for some reason the contracting officer delays that decision, the contractor would logically take this issue of delay to the Court of Federal Claims except that, without this amendment, the court may have no jurisdiction to order a decision in a time certain. Undue delay might be found in a case in which a contract has been terminated for contractor breach and the contractor has submitted a claim for damages based on government breach. Such undue delay would occur if the contracting officer does not render a decision on the damages claim in a short enough time period for the contractor to pursue a single action before either tribunal.

This amendment will fix this situation. This is also in keeping with the recent 1992 amendment to the Contract Disputes Act which acted to make the jurisdiction the same for the alternative tribunals available for contractor appeal.

COPE MIDDLE SCHOOL BOSSIER CITY, LA, RECEIVES AWARD

Mr. JOHNSTON. Mr. President, today with recognition of the need for education to ensure a brighter future for our next generation, there are a few schools that clearly stand out as leaders among their peers. Cope Middle School of Bossier City, LA, which places special emphasis on mathematics and science, earned the right to stand proud in receiving the 1993–94 elementary Blue Ribbon Schools Award.

Despite the many outstanding programs active at Cope Middle School, the diverse group of concerned professionals that comprise the faculty have not forgotten the very reason for them being there. The programs at Cope are focused and well integrated in classrooms that constitute the complete learning center. Cope Middle School has also shown that an institution of learning must extend beyond the physical wall of the buildings, and include families and communities.

Mr. President, I am pleased to have this opportunity to applaud and congratulate the Cope Middle School on this outstanding achievement. They have set an example for all of us through their dedication and hard work.

EMPLOYEES OF LITTLE ROCK, AR, VA OFFICE RECEIVE HAMMER AWARD

Mr. BUMPERS. Mr. President, I rise today to pay tribute to a group of Federal employees in Arkansas who have been chosen for recognition for their efforts in expediting veterans' claims. I want to congratulate Donald D. Iddings, adjudication officer, Department of Veterans Affairs, Little Rock Regional Office, and Dan Tubbs, Becky Beatty, Melinda Cone, Donna Heffington, Patsy Tarvin, George Toney, Beverly McIntosh, Jan Avant, Bob Ward, and Larry Mack on being chosen to receive the Vice Presidential Hammer Award for innovations in the processing of original veterans' claims and subsequent reduction of bureaucratic redtape.

This is a most deserved recognition for their dedication and hard work on behalf of the veterans of America and their beneficiaries, efforts that will translate into much more timely responses to their benefits claims.

These individuals, along with the Pharmacy Department of the John L. McClellan VA Medical Center, will be presented with these awards by Department of Veterans Affairs Deputy Secretary Hershel Gober, acting on behalf of Vice President GORE, on Wednesday, September 21, 1994, at the North Little Rock Division of the John L. McClellan VA Medical Center.

Mr. President, I am proud of these Federal employees in my State who have discovered innovative ways to improve service to our veterans.

BUDGET SCOREKEEPING REPORT

Mr. SASSER. Mr. President, I hereby submit to the Senate the Budget Scorekeeping report prepared by the Congressional Budget Office under section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended. The report meets the requirements for Senate scorekeeping of section 5 of Senate Concurrent Resolution 32, the first concurrent resolution on the budget for 1986.

This report shows the effects of congressional action on the budget through September 15, 1994. The estimates of budget authority, outlays, and revenues, which are consistent with the technical and economic assumptions of the concurrent resolution on the budget (H. Con. Res. 287), show that current level spending is below the budget resolution by $1.9 billion in budget authority and $0.7 billion in outlays. Current level is $0.1 billion above the revenue floor in 1994 and below by $30.3 billion over the 5 years, 1994–98. The current estimate of the deficit for purposes of calculating the maximum deficit amount is $312.1 billion, $0.7 billion below the maximum deficit amount for 1994 of $312.8 billion.

Since the last report, dated August 16, 1994, Congress has approved and the President has signed the Commerce, Justice, State appropriation bill (Public Law 103–317) and the Social Security Independence Act of 1994 (Public Law 103–296). These actions changed the current level of budget authority, outlays, and revenues.

I ask that the report be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 19, 1994.

Hon. JIM SASSER,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the 1994 budget and is current through September 15, 1994. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the Concurrent Resolution on the Budget (H. Con. Res. 64). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended, and meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the 1986 First Concurrent Resolution on the Budget.

Since my last report, dated August 15, 1994, Congress has approved and the President has signed the Commerce, Justice, State appropriation bill (P.L. 103–317) and the Social Security Independence Act of 1994 (P.L. 103–296). These actions changed the current level of budget authority, outlays, and revenues.

Sincerely,
ROBERT D. REISCHAUER,
Director.

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, FISCAL YEAR 1994, 103D CONGRESS, 2D SESSION, AS OF CLOSE OF BUSINESS SEPTEMBER 15, 1994

[In billions of dollars]

	Budget resolution (H. Con. Res. 64) [1]	Current level [2]	Current level, over/under resolution
On-budget:			
Budget authority	1,223.2	1,221.3	−1.9
Outlays	1,218.1	1,217.5	−0.7
Revenues:			
1994	905.3	905.4	0.1
1994–98	5,153.1	5,122.8	−30.3
Maximum deficit amount	312.8	312.1	−0.7
Debt subject to limit	4,731.9	4,596.6	−135.3
Off-budget:			
Social Security outlays:			
1994	274.8	274.8	
1994–98 [3]	1,486.5	1,486.7	0.2
Social Security revenues:			
1994	336.3	335.2	−1.1
1994–98 [3]	1,872.0	1,871.3	−0.7

[1] Reflects revised allocation under section 9(g) of H. Con. Res. 64 for the Deficit-Neutral reserve fund.

[2] Current level represents the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[3] Includes effects, beginning in fiscal year 1995, of the Social Security Independence Act of 1994, P.L. 103–296.

[4] Less than $50 million.

Note—Detail may not add due to rounding.

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 103D CONGRESS, 2D SESSION, SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1994, AS OF CLOSE OF BUSINESS SEPTEMBER 15, 1994

[In millions of dollars]

	Budget authority	Outlays	Revenues
ENACTED IN PREVIOUS SESSIONS			
Revenues			905,429
Permanents and other spending legislation [1]	721,182	694,713	
Appropriation legislation	742,749	758,885	
Offsetting receipts	(237,226)	(237,226)	
Total previously enacted	1,226,705	1,216,372	905,429
ENACTED THIS SESSION			
Appropriation bills:			
Emergency Supplemental Appropriations, FY 1994 (P.L. 103–211)	(2,286)	(248)	
Foreign Operations (P.L. 103–306)	99	99	
Commerce, Justice, State (P.L. 103–317)	670	335	
Authorizing bills:			
Federal Workforce Restructuring Act (P.L. 103–226)	48	48	
Offsetting receipts	(38)	(38)	
Housing and Community Development Act (P.L. 103–233)	(410)	(410)	
Extending Loan Ineligibility Exemption for Colleges (P.L. 103–235)	5	3	

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 103D CONGRESS, 2D SESSION, SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1994, AS OF CLOSE OF BUSINESS SEPTEMBER 15, 1994—Continued

[In millions of dollars]

	Budget authority	Outlays	Revenues
Foreign Relations Authorization Act (P.L. 103–236)	(2)	(2)	
Marine Mammal Protection Act Amendments (P.L. 103–238)		4	
Airport Improvement Program Temporary Assistance Act (P.L. 103–260)	(65)		
Federal Housing Administration Supplemental (P.L. 103–275)	[5]	(2)	
Social Security Independence Act of 1994 (P.L. 103–296) [4]			
Aviation Infrastructure Investment Act (P.L. 103–305)	2,170		
Total enacted this session	192	(211)	
ENTITLEMENTS AND MANDATORIES			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted	(5,562)	1,326	
Total current level [2] [3]	1,221,334	1,217,488	905,429
Total budget resolution	1,223,249	1,218,149	905,349
Amount remaining:			
Under budget resolution	1,915	661	
Over budget resolution			80

[1] Includes Budget Committee estimate of $2.4 billion in outlay savings for FCC spectrum license fees.

[2] In accordance with the Budget Enforcement Act, the total does not include $14,735 million in budget authority and $9,215 million in outlays in funding for emergencies that have been designated as such by the President and the Congress, and $800 million in budget authority and $285 million in outlays for emergencies that would be available only upon an official budget request from the President designating the entire amount as an emergency requirement.

[3] At the request of Budget Committee staff, current level does not include scoring of section 601 of P.L. 102–391.

[4] The effects of this Act begin in fiscal year 1995.

[5] Less than $500 thousand.

Notes.—Numbers in parentheses are negative. Detail may not add due to rounding.

SIMILAR-OFFENSE EVIDENCE

Mr. DOLE. Mr. President, the crime legislation signed into law last week contains a critical reform designed to protect the public from crimes of sexual violence: new Federal rules of evidence establishing a general presumption that evidence of past similar offenses in sexual assault and child molestation cases is admissible at trial.

Congresswoman SUSAN MOLINARI and I initially proposed this reform in February 1991 in the Women's Equal Opportunity Act, and we later reintroduced it in the Sexual Assault Prevention Act bills of the 102d and 103d Congresses. The proposal also enjoyed the strong support of the administration in the 102d Congress, and was included in President Bush's violent crime bill of that Congress, S. 635. This Chamber passed the proposed rules on Nov. 5, 1993, by a vote of 75 to 19, as an amendment to the crime bill. The House of Representatives endorsed the same rules on June 29, 1994, by a vote of 348 to 62, through a motion to instruct conferees offered by Representative MOLINARI.

The enacted rules are substantially identical to our earlier proposals. Provisions that temporarily defer the effective date of the new rules, pending a report by the Judicial Conference, were added in order to accommodate procedural objections raised by opponents of the reform. However, regardless of what the Judicial Conference may recommend, the new rules will take effect within at most 300 days of the crime bill's enactment, unless repealed or modified by subsequent legislation.

The need for these rules, their precedential support, their interpretation, and the issues and policy questions they raise have been analyzed at length in the legislative history of this proposal. Two earlier statements deserve particular attention:

The first is section 801 of the section-by-section analysis of S. 635, which President Bush transmitted to Congress in 1991. That statement appears on pages S3238 through S3242 of the CONGRESSIONAL RECORD for March 13, 1991.

The second is the prepared text of an address—entitled "Evidence of Propensity and Probability in Sex Offense Cases and Other Cases"—by Senior Counsel David J. Karp of the Office of Policy Development of the U.S. Department of Justice. Mr. Karp presented this statement on behalf of the Justice Department to the Evidence Section of the Association of American Law Schools on January 9, 1993. The statement provided a detailed account of the views of the legislative sponsors and the administration concerning the proposed reform, and should also be considered an authoritative part of its legislative history.

These earlier statements address the issues raised by this reform in considerable detail. In my present remarks, I will simply emphasize the following points:

The new rules will supersede in sex offense cases the restrictive aspects of Federal rule of evidence 404(b). In contrast to rule 404(b)'s general prohibition against evidence of character or propensity, the new rules for sex offense cases authorize admission and consideration of evidence of an uncharged offense for its bearing "on any matter to which it is relevant." This includes the defendant's propensity to commit sexual assault or child molestation offenses, and assessment of the probability or improbability that the defendant has been falsely or mistakenly accused of such an offense.

In other respects, the general standards of the rules of evidence will continue to apply, including the restrictions on hearsay evidence and the court's authority under evidence rule 403 to exclude evidence whose probative value is substantially outweighed by its prejudicial effect. Also, the government, or the plaintiff in a civil case, will generally have to disclose to the defendant any evidence that is to be offered under the new rules at least 15 days before trial.

The reform effected by these rules is critical to the protection of the public from rapists and child molesters, and is justified by the distinctive characteristics of the cases to which it applies. In child molestation cases, for example, a history of similar acts tends to be exceptionally probative because it shows an unusual disposition of the defendant—a sexual or sado-sexual interest in children—that simply does not exist in ordinary people. Moreover, such cases require reliance on child victims whose credibility can readily be attacked in the absence of substantial corroboration. In such cases, there is a compelling public interest in admitting all significant evidence that will shed some light on the credibility of the charge and any denial by the defense.

Similarly, sexual assault cases, where adults are the victims, often turn on difficult credibility determinations. Alleged consent by the victim is rarely an issue in prosecutions for other violent crimes—the accused mugger does not claim that the victim freely handed over his wallet as a gift—but the defendant in a rape case often contends that the victim engaged in consensual sex and then falsely accused him. Knowledge that the defendant has committed rapes on other occasions is frequently critical in assessing the relative plausibility of these claims and accurately deciding cases that would otherwise become unresolvable swearing matches.

The practical effect of the new rules is to put evidence of uncharged offenses in sexual assault and child molestation cases on the same footing as other types of relevant evidence that are not subject to a special exclusionary rule. The presumption is that the evidence admissible pursuant to these rules is typically relevant and probative, and that its probative value is not outweighed by any risk of prejudice.

In line with this judgment, the rules do not impose arbitrary or artificial restrictions on the admissibility of evidence. Evidence of offenses for which the defendant has not previously been prosecuted or convicted will be admissible, as well as evidence of prior convictions. No time limit is imposed on the uncharged offenses for which evidence may be admitted; as a practical matter, evidence of other sex offenses by the defendant is often probative and properly admitted, notwithstanding substantial lapses of time in relation to the charged offense or offenses. See, e.g., *United States* v. *Hadley*, 918 F.2d 848, 850–51 (9th Cir. 1990), cert. dismissed, 113 S.Ct. 486 (1992) (evidence of offenses occurring up to 15 years earlier admitted); *State* v. *Plymate*, 345 N.W.2d 327 (Neb. 1984) (molestations more than 20 years earlier admitted).

Finally, the effectiveness of the new rules will depend on the faithful execution by judges of the will of Congress in adopting this critical reform. The courts should liberally construe the rules so that the defendant's propensities, as well as questions of probability in light of the defendant's past conduct, can be properly assessed.

PASSING OF JERRY TINKER

Mr. HATFIELD. Mr. President. I would like to join Senators KENNEDY, SIMPSON, and many others of my colleagues as well as people in many parts of the world in expressing my deepest sympathy on the death of Jerry Tinker, long-time staff director of the Immigration and Refugee Affairs Subcommittee.

For nearly a quarter century, there has not emerged a significant piece of legislation dealing with immigration or refugees that was not substantially written or influenced by Jerry Tinker.

Helping refugees is an ongoing effort which has been a high priority of mine for nearly 20 years, and I and my staff have benefited greatly from Jerry's counsel.

He was a man who was equally at home with the politically powerful and with the poorest of the poor. He regularly visited refugee camps in Central America, India, Bangladesh, Thailand, Vietnam, Ethiopia, and other troubled regions around the world where the poor were suffering.

In a remembrance at Jerry's memorial service, Senator KENNEDY stated that there was probably not another individual in the world who was as personally responsible for saving lives as Jerry Tinker. What a marvelous epitaph to commemorate one's life.

I would like to extend my sympathies to Jerry's family.

HONORING THE LATE JEAN YOUNG

Mr. DURENBERGER. Mr. President, as we discuss the proper role of religion in our Nation's political life, we would do well to look at the example of men and women who have improved our society by acting on the eternal principles taught them by a solid religious faith.

It was my great privilege to know just such a person. Jean Young, who died last week at the age of 61, was one of the most effective advocates for civil rights that this country ever had. She was steeped in a Bible that taught her that all people were created equal—and the strength of her convictions helped expand the liberty and secure the equality of men and women the world over.

Back in 1980–82, I caught a personal glimpse of Mrs. Young's deep faith and commitment when we served together on the National Voluntarism Commission sponsored by the Aid Association for Lutherans. She made a difference because she knew what counted. She had a character based in eternal values stronger than any individual, and she was an example to us all.

Jean Young's faith in men and women with opportunities to serve others was unique. She knew from experience the power of loving God and loving others as we learn to love ourselves.

She knew there is an important role in our society for Government—but that the leadership in our Government and in our Nation must come from people with the spirit of service and commitment. The résumé of her own life is testimony to this.

Mr. President, since the day in early December 1990 when I discovered her illness, I had prayed every single morning for Jean Young. I mourn her passing, but I also delight in her many gifts to all of us.

I ask my colleagues to join me in expressing warm condolences to the Young family on the passing of this great American.

And I ask unanimous consent that the Atlanta Journal profile of Mrs. Young be included in the RECORD at the conclusion of my remarks.

There being no objection, the profile was ordered to be printed in the RECORD, as follows:

[From the Atlanta Journal, Sept. 16, 1994]

JEAN YOUNG, EX-MAYOR'S WIFE, DIES, NOTED CHILDREN'S ADVOCATE WAS 61

(By Tom Bennett)

Jean Childs Young, educator, civil rights advocate and the wife of former Atlanta Mayor Andrew Young, died of cancer today at Crawford Long Hospital of Emory University. She was 61.

A wake will be held from 7 to 9 p.m. Sunday at the First Congregational Church, U.C.C. at 105 Courtland St. The funeral will be at 11 a.m. Monday at the same church, with burial at South-View Cemetery.

Although it was her husband who frequently made headlines as a civil rights leader, congressman, diplomat and mayor, Mrs. Young was a woman of wide-ranging accomplishments in the fields of education and human rights.

One of her most prominent roles was as an advocate of children's welfare. In 1979, she chaired the U.S. Commission of the International Year of the Child, a United Nations program designed to improve the lives of children around the world. In that post, she developed a network of child welfare advocates in each state.

The Rev. Joseph E. Lowery, president of the Southern Christian Leadership Conference, remembers Mrs. Young as a "great mother."

"I think she was almost an ideal kind of mother who not only loved her own children and family but shared that with all children," Lowery said.

"As first lady of Atlanta, as wife of an ambassador, she shared her skills, her love, her nurturing with all young people. And I think this was a great part of her life, to inspire and encourage young people to become useful and creative citizens."

Carol Muldawer, whose friendship with the Youngs began in the 1960s, used to greet Mrs. Young with "'Hey, lady,' because that's exactly what she was." Muldawer served as administrative assistant to Young when he was mayor.

"I will always think of her as a wonderful lady * * * someone with honesty and integrity, and the kind of person who [when she] said she was going to do something, you could always count on her and it would be done."

Mrs. Young established the Atlanta Task Force on Education when her husband was mayor, and she served seven terms as its chairwoman. The task force sponsored the Mayors Scholars and the "Dream Jamboree" at the Civic Center, which brought together Atlanta high school seniors and recruiters from colleges and trade schools.

Most recently, she was co-founder of the Atlanta-Fulton Commission on Children and Youth.

While maintaining a busy schedule, Mrs. Young also served as a stabilizing force in the Youngs' 40-year marriage. She provided solace when her outspoken husband landed in hot water with controversial statements or actions—as when he said that Iran's Ayatollah Khomeini one day would be remembered as a "saint."

When her husband resigned as U.S. ambassador to the United Nations in 1979 after an unauthorized meeting with the Palestine Liberation Organization, they "had a crying spell," Mrs. Young later recalled.

"We were sad and had some regrets that understanding did not occur. But there was no bitterness, no lamenting, no feeling that our lives had been destroyed. I mean, one minute you could cry about it, and the next minute you could laugh."

They shared a family joke—that at any moment, after he had said or done something controversial, he might call home and ask, "Are our bags packed? We may be leaving town tomorrow."

With her husband, Mrs. Young took part in historic civil rights events, including the 1961 boycott of downtown lunch counters in Atlanta, the 1964 St. Augustine marches, the 1965 Selma march for voting rights, and the 1968 Poor People's Campaign in Washington.

The Youngs' home in southwest Atlanta was a way station for civil rights leaders, who often stayed there overnight. In the late 1970s, they took into their home the two children of Robert Sobukwe, the leader of the Pan-Africanist Congress of South Africa.

Throughout their marriage, the Youngs were unconventional, shunning pretense and ostentation.

While heading the U.S. Mission to the United Nations, they lived in a penthouse at the Waldorf Towers of New York's Waldorf-Astoria Hotel, but they fired the maid and the butler. They did it, they said, because each time their son Bo asked for a glass of water, the maid or butler delivered it "in a silver goblet on a doily-lined silver tray," Mrs. Young recalled.

She learned she had cancer in 1991, not long after her husband's unsuccessful campaign for governor of Georgia and Atlanta's bid to host the 1996 Summer Olympics, which she helped boost by traveling throughout Africa, the Middle East and Europe to garner votes from members of the International Olympic Committee.

Jean Childs was born July 1, 1933, in Marion, Ala.—also the hometown of Atlanta's Coretta Scott King. They knew each other while growing up.

She was the youngest of five children of Norman Childs, who owned a combination grocery, soda fountain and candy store, and Idella Young, a teacher in a one-room segregated elementary school that had a potbellied stove for heat and benches without backs for the children to sit on.

Jim Crow segregation was all around her. "If five whites came in a store after you, all five were waited on before you," she recalled. Five black people in Marion were registered to vote. The white school was freshly painted, hers was rough clapboard. White students used school books, then handed them down to black students. Her parents "were very concerned about me. They said I was developing a chip on my shoulder."

The American Missionary Association operated Lincoln High School (which also produced Coretta Scott). After her graduation, Jean Childs enrolled at Manchester College in North Manchester, Ind., near Fort Wayne. It is affiliated with the Church of the Brethren, a fundamental religious group. While there, she applied to be a missionary to Angola, a step, unbeknownst to her, that Andrew Young, then at Hartford, Conn., Theological Seminary, also was taking. But the American Board of Commissioners for Foreign Mission then had a policy against single missionaries.

In 1953, Andrew Young, a graduate of Howard University in Washington, was pastor of a church in Marion. A New Orleans native, he had suspended seminary classes and returned to the South "to be around plain, wise black folk." The Childs family was in his church while Jean was away at Manchester College.

On a visit to the Childs home, Young "met" her by standing in her room and looking at her belongings—an underlined Bible that indicated a deep religious faith; her other books; and a Red Cross lifesaving certificate. Later, she came home from school and Young formally met her for the first time—while she was milking a cow.

On their first date, they drove 30 miles to Selma to swim in a pool for black people because Marion had none.

She graduated from Manchester in 1954, and they were married that June. It was a crucial time in the civil rights movement—the Supreme Court had outlawed school segregation—but their goals still lay in church, not political work.

Their first pastorate together was in Thomasville, where Young led two small churches there and in Beachton. She angered the conservative members of one of the congregations by wearing shorts in public, and he angered the Ku Klux Klan by starting a voter registration drive. They moved to New York, where he joined the National Council of Churches.

They lived in the Connecticut suburbs. She taught in Hartford and earned a master's degree from Queens College in Flushing, N.Y.

But she wanted to go home "because there was a vacuum for trained teachers in the South."

After they watched on television as Fisk University students were arrested after demonstrations in Nashville in 1960, they decided to return to the South and get involved firsthand in the movement.

In addition to being a teacher in Connecticut and Thomasville, Mrs. Young was a coordinator of school programs for the Atlanta city schools and was a lead teacher in the Teacher Corps. She was a member of the team that developed Atlanta Metropolitan College and served as its first public relations officer and later on its board of advisers.

Among her many awards were honorary doctorates from Loyola University in Chicago, Manchester College and New York City Technical College of the City University of New York. She received the 1989 NAACP Distinguished Leadership Award, the 1993 YWCA Woman of Achievement Award and the 1993 Community Service Award from WXIA-TV/Channel 11.

She chaired the board of directors of the African American Panoramic Experience Museum in Atlanta and served on advisory boards of Outward Bound, UNICEF, Families First, the Georgia Women of Achievement Museum and Habitat for Humanity.

She was a member of the First Congregational Church of Atlanta.

Surviving in addition to her husband are four children, Lisa Alston of Atlanta, Paula Shelton of Washington, Andrea Young of Washington and Andrew Young III of Atlanta; her mother, Idella J. Childs of Marion; four siblings, Normal Childs de Paur of New York, Norman Childs of Yellow Springs, Ohio, William Childs of Tuskegee, Ala., and Cora Childs Moore of Marion; and seven grandchildren.

REGARDING HAITI

Mr. D'AMATO. Mr. President, I rise today to discuss the deal that the Carter dilomatic mission made with the Haitian junta.

The merits of the deal have been discussed at length. The shortfalls of the deal have also been discussed. Yet, what is missing is what this deal shows about the Clinton administration.

First and foremost, this deal shows that the administration is incapable of forming a coherent foreign policy. No country believes that this administration has any credibility. The administration continues to make deals with dictators and quickly forgets its friends—President Aristide is reportedly already very displeased that a deal has been made that allows the generals to remain free. Finally, the need to send former President Carter, Senator NUNN, and General Powell illustrates that our Secretary of State is clearly irrelevant.

In relation to the administration's lack of credibility in foreign affairs, little more need be said than that General Cedras, according to Mr. Carter, never did believe that the United States would attack. Even after bearing witness to the most advertised invasion in history, and the formation of a "glowing coalition," that was neither glowing nor a coalition, but a show for the world to see, Cedras still didn't believe that an invasion was coming until he was told that the planes were said to have been in the air.

Interestingly, the same President that labeled Cedras and his cohorts as "dictators," was quick to make a deal with them. This should not be strange for an administration that has concluded an agreement with Fidel Castro, negotiated with Hafez Assad, and appeased the Chinese dictators. In each case, the action was in direct contradiction to the stated policies and pronouncements that the administration had once set.

Beyond the negotiations, one has to wonder where was Secretary of State Christopher? Has he disappeared? During the Iraq crisis, Secretary of State Baker was the man that President Bush relied upon to attempt a last minute negotiation with the Iraqis. Where was Secretary Christopher and why didn't the President send him to negotiate a deal with the Haitians? Moreover, why didn't the President send him, or for that matter, anyone else, earlier?

Whatever the outcome of this latest crisis, one thing is abundantly clear: This administration is unable to set a clear and coherent foreign policy. Because of this, the Nation is quickly becoming the laughingstock of the world. We can be bullied to back down, outsmarted, or simply outlasted by any two-bit dictatorship that is willing to challenge us.

Mr. President, I ask unanimous consent that the following articles be included in the RECORD, at the conclusion of my remarks: "A Soldier of the Not Great War," by Mark Helprin: "Aristide's Policemen," by Robert D. Novak; and "Aristide's Silence Conveys Disappointment in Deal," by John M. Goshko and Gary Lee.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Sept. 20, 1994]

A SOLDIER OF THE NOT GREAT WAR

(By Mark Helprin)

Mr. President, Haiti is on an island, and its navy, which was built mainly in Arkansas, is well characterized by the International Institute for Strategic Studies as "Boats only." The Haitian gross national product is little more than half of what Americans spend each year on greeting cards, its defense forces outnumbered five to one by the corps of lawyers in the District of Columbia.

With other than a leading role in world military affairs, the Haitian army has retreated into a kind of relaxed confusion in which it is also the fire department, captains can outrank colonels, and virtually no one has ever seen combat. Which raises the question, why has the leading superpower placed Haiti at the center of its political universe?

Mr. President, in trumpeting this gnatfest at a hundred times the volume of the Normandy Invasion you have invited challenges from all who would take comfort at the spectacle of the U.S. in full fluster over an objects so diminutive as to be a source of wonder.

Anyone considering a serious challenge to the U.S. has been reassured that we have no perspective in international affairs, that we act not in regard to our basic interests but in reaction to sentiment and ideology, that we can be distracted by the smallest matter and paralyzed by the contemplation of force, that we have become timid, weak, and slow. This is what happens when the leaders of the world's most powerful nation take a year to agonize over Haiti. This is what happens when the elephant ignores the jackals and gravely battles a fly.

WHY NOT CUBA?

Given that Haiti is a nation doomed to perpetual harmlessness, that it is not allied to any great power, that it does not export an ideology, that it does not have an ideology, and that it is of no economic consequence to any nation except perhaps the Dominican Republic, you strained to justify intervention the way a prisoner with his hand stretched through the bars strains for a key just out of his reach.

In your recent address you mentioned rape three times, the killing of children three times, and the words "dictator" or "tyrant" 18 times. If we must act "when brutality occurs close to our shores," why not now invade Cuba, or Colombia, or the South Bronx, or Anacostia? Every year in the U.S. we are subject to more than 100,000 reported rapes and 20,000 homicides. How do rape and murder in Haiti, no numbers supplied, justify U.S. intervention? And if they do, where were we in Rwanda?

Is it possible that having no idea whatsoever about the balance of power among nations, the workings of the international system, and the causes and conduct of war, you are directing the foreign relations of the United States of America in accord with the priorities of feminism, environmentalism, and political correctitude? Why not invade Saudi Arabia because of the status of women there, Canada because they kill baby seals, Papua New Guinea because it doesn't have enough wheelchair ramps?

Haitian illegal immigrants (did you not mention AIDS because it would offend the Haitians, or some other group?) have been to some extent motivated by the embargo and are a minute proportion of the total that seek our shores. If it is so that the best way to deal with a country that spills over with souls is to invade it, que viva Mexico? Should the U.K. invade Pakistan; France, Algeria; and Hong Kong, Vietnam? For that matter, why have you not hastened forward to Havana? In fact, the history of great-power interventions shows that conquest does not prevent but, rather, facilitates population transfers.

Your desire to wipe out the expenditure of $14 million a month to maintain the leaky embargo that you put in place was not consonant with your robust urge to spend elsewhere, and was a rather dainty pretext. Fourteen million dollars is what we in this country spend on "sausages and other prepared meats" every seven hours. If you truly believe, Mr. President, that "restoring Haiti's democratic government will help lead to more stability and prosperity in our region," then you, sir, have more Voo doo than they do. The entire Haitian gross national product is worth but three hours of our own. Were it to grow after intervention by 10% and were the U.S. to reap fully one half the benefit, we would surge ahead another nine minutes' worth of GNP. This is not exactly high-stakes geopolitics.

Why, then, Haiti? Why are your subordinates suddenly so Churchillian? Clearly, in a real crisis they would be so worked up that all their bulbs would burst. The nations towed along for the ride (Poles? Jordanians?) seemed not to know whether to be embarrassed by the stupidity of the task or amused by the peculiarity of their bedfellows. This the secretary of state described as "a glowing coalition." Never in the history of the English language has such an inept phrase been launched with such forced enthusiasm to miss so little a target. Granted, the vice president's "modalities of departure" did much to inspire the nation to a frenzy of war.

Why Haiti? Because, like the father in Joyce's story, "Counterparts," who bullies his son because he cannot fight his bullying boss, what you do in Haiti says less about Haiti than about North Korea, Europe, and the Middle East, where the real challenges lie, and where you cannot act because you do not have a lamp to go by and you have forced your own military to its knees.

Why Haiti? Because you have been unable to say no to the Black Caucus as it stands like the candlestick on the seesaw of your grandiose legislation, and because you a liberal and in race you see wisdom, or lack of wisdom; qualification, or lack of qualification; virtue, or lack of virtue. And because the Black Caucus is way too tight with Father Aristide.

Why Haiti? Because you have no more sense of what to do or where to turn in a foreign policy crisis than a moth in Las Vegas at 2 a.m. You should not have singled out Haiti in the first place, but once you did you should not have spent so much time and so much capital on it, blowing it out of all proportion, so that this, this Gulf Light, this No-Fat Desert Storm, is your Stalingrad. Six weeks and it should have been over, even including an invasion, about which the world would have learned only after it has begun. All communications with the Haitian regime should have been in private, leaving them the flexibility to capitulate without your having to distract Jimmy Carter from his other good works.

Though you and your supporters made a marriage of convenience with the principles of presidential war powers, your new position is miraculously correct, while that of the Republicans who also switched sides in the question is not. You did have the legal authority to invade Haiti. What you did not have was the moral authority. Despite what you have maintained during the first 46/48ths of your life, the decision was yours, but your power was merely mechanical.

DRY BONES

Like your false-ringing speech, the dry bones of your authority had none of the moral flesh and blood that might otherwise have invigorated even a senseless policy. The animation that you have failed to lend to this enterprise was left to the soldier in the field, who with the greatest discipline and selflessness would have taken on the task that, generations ago, you refused. I wonder if your view of them has really changed. In your philosophy they must have been pawns then, and they must be pawns now: The only thing that has been altered is your position.

Though it is fair to say that I differ with your policy, if our soldiers had gone into combat I would have been behind them 100%, and I hope that, despite the orders in Somalia, you would have been too. This is a lesson that you might have learned earlier but did not, the truth of which you now embrace only because you have become president of the United States. You are the man who will march only if he is commander in chief. Yours, Mr. President, has been a very expensive education. And, unfortunately, every man, woman, and child in this country is destined to pay the bill for your training not because it is so costly but because it is so achingly incomplete.

[From the Washington Post, Sept. 19, 1994]

ARISTIDE'S POLICEMAN

(By Robert D. Novak)

Jean-Bertrand Aristide's principal police recruiter received a reluctant U.S. stamp of approval despite secret intelligence linking him to a notorious Haitian death squad and despite opposition from the State Department's anti-narcotics officer.

Lt. Col. Pierre Cherubin is connected by official State Department documents to one of the worst atrocities during Aristide's eight months as president of Haiti before he was toppled by an army coup: the murder of five youths three years ago. For the United States to acquiesce in Cherubin's police role conflicts with President Clinton's citing of the human rights issue as justification for military intervention in Haiti.

It also stirs doubts about the "new Haiti" given birth by U.S. military force. Aristide, described by President Clinton as a new-born democrat devoted to constitutional principles, in picking Cherubin has warned that he could repeat the excesses of his brief regime. The Clinton administration, in turn, shows it will not be too severe in its oversight of the Aristide restoration.

The sudden appearance of Cherubin recently at Guantanamo Bay, Cuba, recruiting Haitian refugees to join the country's reconstituted post-invasion force sent shock waves through Washington. He is frequently—and unfavorably—mentioned in files of the State Department's Bureau of Intelligence and Research as police chief under Aristide. These papers put him at Aristide's side Sept. 29, 1991, approving the Haitian president's order to execute Roger LaFontant, a supporter of the Duvalier dictatorship, in his prison cell. Aristide was overthrown by a military coup the next day.

The most damning indictment of Cherubin in secret U.S. papers concerns the murder of the youths on July 26, 1991, by the police antigang unit. The killings were allegedly carried out by Cherubin's subordinate and the unit's deputy commander, 2nd Lt. Richard (Sha Sha) Salomon. Cables to Washington from the U.S. Embassy in Port-au-Prince accused Cherubin of blocking an investigation.

According to a State Department document, Salomon belonged to "a politically activist group of officers that Aristide directed be put in positions of authority," though many (including Salomon) had been cashiered out of the army. Cherubin is associated with the group.

The document cites allegations that Aristide's prime minister, Rene Preval, "secretly authorized . . . Cherubin to execute certain criminals without benefit of due process" and that "Cherubin passed along these instructions to the anti-gang Unit." It was further charged that "this new get-tough policy resulted in the torture and execution of the five youths." The paper cites "circumstantial evidence" that would make it "difficult to believe Aristide was not fully informed."

On top of all this, U.S. officials recently received new accusations that Cherubin has been involved in the drug trade.

That this was taken seriously is shown by the attempt to block Cherubin's appointment (reported to me by well-placed congressional sources) by Robert Gelbard, assistant secretary of state for international narcotics. Gelbard, a professional foreign service officer, as deputy assistant secretary for inter-American affairs in both the Bush and Clinton administrations was a staunch supporter of Aristide's restoration.

Gelbard was overruled, and Cherubin went to Guantanamo. That suggests the United States is not prepared to monitor Aristide's appointments the way it did in El Salvador during that government's struggle against communist insurgents. Former Rep. William Gray, Clinton's unpaid, part-time special adviser on Haiti, has made it a point to get along with Aristide, and that rules out confirming his lieutenants.

Administration officials get fuzzy when asked just how much control they will exercise over the new Haitian security forces. They describe a "double-key" system under which either side—the United States or the

Haitians—can veto any prospective policeman. But what about the police chiefs? There, it seems, Washington will not press too hard to exclude people like Cherubin.

Accordingly, the U.S. policy boils down to trust in Aristide. In the East Room of the White House Friday over international television, he preached reconciliation. Speaking at Our Lady of Sorrows Catholic Church the previous Sunday, he talked of restoring democracy to Haiti through a "Caesarean operation." To some present, that sounded like a bloody solution. The reemergence of Pierre Cherubin tends to confirm those suspicions.

[From the Washington Post, Sept. 20, 1994]

ARISTIDE'S SILENCE CONVEYS DISAPPOINTMENT IN DEAL: OUSTED LEADER FEARS NEW THREATS, SOURCES SAY

(By John M. Goshko and Gary Lee)

Deposed Haitian President Jean-Bertrand Aristide is upset and bitterly disappointed by the deal to remove Haiti's military dictatorship because it allows key military leaders to remain in Haiti, where Aristide fears they could pose new threats to his rule, sources close to him said yesterday.

Perhaps the most eloquent comment on how Aristide felt was his silence. He met for hours with advisers to discuss a possible news conference or statement. But by the end of the day, the Aristide camp had reached no decision on what to say publicly, and it deferred a possible statement until today.

Aristide's restoration to power at the head of a democratic government is the stated reason for the U.S. action in Haiti, and the three years of agonizing diplomacy and threats that led up to it. Yet he has not appeared in public since Friday, when he joined President Clinton and Caribbean leaders at the White House demonstration of solidarity, and his name was barely mentioned yesterday in voluminous briefings and news conferences by administration officials who credited the Haitian military for cooperating with U.S. forces.

His aides said Aristide was grateful that the United States finally had succeeded in ousting the military regime, and they said he was very glad that the crisis had been resolved in a way designed to prevent casualties on either side.

"Still it obviously is not a very good agreement from his perspective, and his dilemma now is how to make clear the dangers it poses without appearing to be ungrateful to the United States," one source said.

Aristide's advisers privately criticized nearly every aspect of the agreement reached between the Haitian military and the three-man delegation led by former president Jimmy Carter. It includes a provision allowing Haitian armed forces chief Lt. Gen. Raoul Cedras to remain in power until Oct. 15 and envisions an amnesty for him and other military leaders.

"By now the United States should have learned that with these people a deal is not a deal," said another well-informed source, referring to the military regime's past record of broken promises. "They will now use the grace period the agreement gives them to try to bargain further so they can stay on and cause trouble."

"President Aristide believed the assurances of President Clinton that Cedras and the others would have to leave Haiti," the source said. The source added that as recently as Saturday, when the Carter mission began, "Aristide was being assured that the Clinton administration would accept nothing less than * * *. Cedras and the others being put on a plane to Panama. Instead, it ends up with them being allowed to stay and possibly getting amnesty for all the crimes they have committed."

The sources described as misleading statements by Clinton and Carter that a year-old accord signed by Aristide and Cedras provided a full amnesty for Haitian armed forces members. They said the agreement, signed at Governors Island, N.Y., was limited to "political crimes," in accordance with the limits placed on presidential power by the Haitian constitution. Cedras abrogated the agreement, and it was never carried out.

Amnesty for non-political crimes such as murder, rape and looting of public funds—crimes that Clinton accused the military leaders of committing in a national television address last Thursday—can be granted only by the Haitian Parliament.

One of the things that remains unclear about the new agreement, however, is who will constitute the Haitian Parliament that will determine whether there are new amnesty provisions. After the military held elections early last year to fill 13 parliamentary vacancies left by members who fled into exile with Aristide following the September 1991 military coup, the United States and the international community declared the body illegal.

But Secretary of State Warren Christopher said Sunday night that the United States would try to facilitate the return of Aristide's parliamentary supporters, thereby implying that the parliament would be restored to its former legitimacy so it could act on an extended amnesty.

Clinton administration officials had made special efforts to keep Aristide abreast of the Carter negotiations while they were underway. On Sunday, national security adviser Anthony Lake and Clinton's special adviser for Haiti, William H. Gray III, held two lengthy meetings with Aristide to brief him on the negotiations and the reasons why the administration thought the deal should be made.

A senior administration official said Lake and Gray spoke with Aristide again yesterday. Asked about Aristide's silence, the official said, "Some things take time."

"We've talked to him, and I think he'll speak for himself," the official added. "He's a thoughtful person, and he's going to think about what's best for his vision of the future. I think he ultimately will see that this is very much in his interest."

Other U.S. officials said that with 15,000 U.S. troops in Haiti by Oct. 15, the military leaders will not be in a position to challenge Aristide or to incite violence. Some U.S. officials hinted that they expect Cedras and his chief cohorts to recognize that without control of the armed forces, they face potential danger from a populace that is strongly pro-Aristide and would elect to leave the country for their own safety.

However, many of Aristide's American supporters continued to voice deep-seated mistrust of giving Cedras the option of staying in the country. Randall Robinson, a human-rights activist who staged a hunger strike last spring that helped to force Clinton into a tougher stance on Haiti, called the military leaders "murderous thugs."

At a news conference, Robinson voiced "serious misgivings" about the Carter agreement and said it should be amended to demand that Cedras and other military leaders leave Haiti.

THE HAITI RESOLUTION

Ms. MOSELEY-BRAUN. Mr. President, when the coup in Haiti first occurred, then Secretary of State Baker, on behalf of the Bush administration, committed that "this coup must not, and will not, succeed."

President Clinton, when he took office, maintained that commitment, because he understood that the commitment made by the Bush administration was strongly in our national interest.

The President therefore worked long and hard, using every diplomatic and economic tool possible, to restore democracy to Haiti.

Unfortunately, the plotters who overthrew Haiti's constitutional government were prepared to see their people suffer and starve rather than give up their power. While they agreed to leave Haiti in the Governor's Island Accord, they broke that agreement and continued to try to cling to power.

To cement their rule, they terrorized their own people, even killing orphans and priests who had the temerity to support the democratically-elected leader of Haiti.

Economic sanctions were bringing the Haitian economy, already the poorest in this hemisphere, to an ever more desperate condition. And still, the military dictators refused to end their illegal usurpation of Haiti's duly-elected government.

The President, therefore, reluctantly concluded that only force would enable the United States to meet its commitment to restoring democratic government to Haiti.

I supported that decision. Diplomacy was not working, and sanctions were causing terrible hardships for the average Haitian without inflicting any comparable pressure on the Haitian military dictators.

However, I also strongly supported the President's decision to send three very distinguished envoys to Haiti to make one final attempt to obtain a peaceful restoration of democracy in Haiti. I commend former President Carter, ex-chairman of the Joint Chiefs of Staff, Gen. Colin Powell, and the chairman of the Senate Armed Services Committee, Senator NUNN to Haiti for the exemplary way they handled those very difficult negotiations, and for their willingness to work up until the final moment to achieve success.

The United States had a number of objectives in those final negotiations, but the two core objectives were: First, to meet our commitment to restoring democracy to Haiti, and, Second, to meet that commitment peacefully, if possible.

All of us know how serious it is to put U.S. forces at risk. No one wanted to see young American soldiers, sailors, or Air Force personnel wounded or killed.

I am very pleased, therefore, that the Haitian dictators finally came to understand that the United States meant what it said, and that our commitment to democracy was a firm one.

Like every American, I was relieved to see the television picture of the United States forces going into Haiti peacefully. I commend the President of the United States for working up until the very last moment, even until after the first planes carrying our paratroopers had already taken off from their airbases, to see that an agreement providing for the peaceful restoration of democracy was reached.

His leadership, and the extraordinary work of President Carter, General Powell, and Senator NUNN, led to this diplomatic triumph, and they deserve the country's thanks for their efforts on behalf of our Nation's interests.

I am very grateful that our forces, that our young men and women, are entering Haiti peacefully. I am also very grateful to see that the initial results of our entry into Haiti are encouraging.

We now have a plan in place for restoring democracy to Haiti. And, the presence of our forces in Port-Au-Prince, and soon, throughout the country, is already beginning to restore some sense of civil order for the vast majority of the population which is unarmed, and which has been terrorized for all too long.

Until yesterday, ordinary Haitians thought their only chance was to leave their country, even if that meant taking the terrible risk of going to sea in very small boats and rafts. Now, that can begin to change.

Until yesterday, restoration of democracy seemed like a far off dream to ordinary Haitians. Now, restoration of democracy and civil order is already beginning to take shape.

It is true, of course, that there remains much to do in Haiti, and that the peaceful entry of our military forces into that country does not end our job.

It is also true that the agreement negotiated by President Carter, General Powell, and Senator NUNN, has a number of points that will require future interpretation.

However, I share the view of General Powell, who said when he returned from Haiti, that all of the details "will be worked out in due course."

And, with our troops now on the ground, I am confident that the agreement will be interpreted and implemented in a manner fully consistent with the United States' view of that agreement.

I also agree with General Powell's statement that we should:

> Not lose sight of the overall achievement. The U.N. resolutions will be executed. President Aristide will return. And we have the opportunity for a future of peace and democracy in Haiti and superb relationship between our two countries.

General Powell is entirely correct. The agreement achieved on Sunday, and the peaceful entry of our forces into Haiti beginning on Monday, was a real achievement. It does open real opportunities, and it does enhance the prospects for the future success of our policies in Haiti.

We can now begin to restore democracy, to restore civil order and the basic human rights of ordinary Haitians, and to make it possible for average Haitians to begin to think about a real future in their own country, rather than at sea in fragile rafts and boats.

Finally, I want to say that the agreement reached over the weekend, and the subsequent peaceful actions by our military, represents a demonstration of the power that American values and American principles can have in the world.

Last week, I said that:

> We have to stand for something, and we have to let the world know that when we say something, we give our word, when we make speeches and make pronouncements about the lofty principles that we hold dear, that they are not just conversation, that those principles have real meaning to us; that we really do believe that democracy has a value; we really do believe that human rights have a value * * * We really do want to see to it that people can stay in their own homes [without fear].
>
> And that is what we are demonstrating in Haiti, that we have values in this country, and those values form the bedrock foundation of our policy, both domestic and foreign.

The President's diplomatic achievement is our Nation's achievement. We have once again renewed our commitment to the principles that make the United States so unique on the world stage. We have demonstrated that we mean what we say, and that we are prepared to act based on our principles and our core values.

I believe our willingness to act on behalf of those principles, and on behalf of our own national interests was, in the final analysis, what made the agreement, and the subsequent peaceful entry of our military forces into Haiti to begin the process of restoring democracy, possible.

I want to conclude by congratulating all of the young men and women in our Armed Forces participating in the Haiti mission for their skill, their dedication, and for the highly professional way in which they are conducting themselves.

The next weeks and months will not be without risk for them. However, there is no doubt that what we are seeing in Haiti now is an American military that every single American can justifiably take pride in.

I commend our forces, I again commend President Carter, General Powell, and Senator NUNN for their achievement, and I congratulate the President of the United States for his leadership.

I strongly support an American foreign policy that is rooted in our own values. Indeed, I think that is the only kind of foreign policy this country can conduct. That is what we are seeing now in Haiti, and that is why we had to act in Haiti.

HOMICIDES BY GUNSHOT IN NEW YORK CITY

Mr. MOYNIHAN. Mr. President, I rise, as has been my practice each week in this session of the 103d Congress, to announce to the Senate that during the last week, 15 people were killed in New York City by gunshot, bringing this year's total to 713.

ORDER OF PROCEDURE

Mr. WALLOP. Madam President, I ask unanimous consent that morning business be extended for another 10 minutes, and under the same condition as laid down by the majority leader's unanimous-consent request.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNITED STATES POLICY ON HAITI

Mr. WALLOP. Madam President, I take great exception to the notion, which I consider very misguided, that the administration's Haiti policy has somehow been vindicated. The President may well have scored an immediate political success, but his policies are no more compelling today than they were last week. And the dilemma we face, he faces, the Nation faces, remains fundamentally unchanged.

The agreement reached over the weekend which allowed U.S. military personnel to enter Haiti without initial resistance does not in any way remove the most glaring defect in the President's Haiti policy. First, there are no goals. There are no benchmarks by which the public, by which the press, by which the Congress, by which our military can judge the completion of their tasks. There is nothing that we can look at on any horizon and say they have done it, or another 3 weeks and they will have done it, or another 3 months and they will have done it, because it does not exist. It has never been laid down as somewhere to go or something to do.

Our military has no enemy, but it has plenty of danger. Sadly, their reputation is on the line because who threatens them cannot be known, but it does not lessen the threat that they face. And somewhere—mark my words—with this CNN operation, there is going to come a moment when a soldier or sailor or marine is confronted with a circumstance that looks for all the world like peril to his or her own body, or that of their unit, and a violent reaction is going to end out with a pregnant woman shot, a child maimed, or some other dreadful pictures. And it will not be the fault of those military people, but of a nation which sent them to do a job but has not been able to tell them what it is.

If our objective, if the President's objective, is the restoration of Aristide, let us be prepared for a full withdrawal the day after he returns and has shaken our hand. But our objective is much more open ended and without definition. Aristide seems an irrelevant stop on the way, and he is arrogant enough to be complaining about the sacrifice that this Nation's taxpayers have made, this Nation's military people have made, to return him to power. How dare that insolent man take objection. But then we have only to know that this man is no priest, as the press and some on the left have described him. He is defrocked and a communist, and a detester of the United States.

If our capacity is to build the foundations of order and democracy, then surely the administration has lost sight of the lessons learned in Somalia, also open ended, also ending in catastrophe, as this surely will, and also ending with the United States representative sneaking out in the dark of night.

In Haiti today, U.S. military forces are once again in this task of nation building. Madam President, nations are not built by foreign powers, not even ones with good will such as our good Nation. Nations grow from within. Nations are only controlled by foreign powers. And, therefore, when our military is asked to perform this inappropriate task in the midst of civil strife and fundamental division between rival factions, make no mistake. We will end out the detested party by those we were sent to help. As in Somalia, United States military personnel in Haiti will be appealing targets for those unhappy with whatever status quo we attempt to enforce.

Without exception, Madam President, our military leaders, our diplomatic personnel, and our congressional leaders have said that the hard part, the dangerous part, would be the occupation of Haiti, not the invasion of Haiti.

Well, Madam President, now we are an occupying power. The fact of the matter is that we have no business choosing sides in a domestic conflict where both sides have more than enough blood on their hands. If our forces stay long enough, they will become the targets of resentment from both sides. The recent agreement in no way alters this fundamental dilemma. Though it may have taken the moment's political heat off the President, it in no way declared or defined our military mission, our U.S. policy, or even indeed our purpose.

I will not support any resolution praising this agreement or the President because we do not yet know what it is that we would be praising or thanking them for except the moment's relief in a long scale of the policy that is still mystical to most people on both sides of the political aisle.

In my view, we deferred rather than resolved the fundamental flaws in the administration's Haiti policy. Such an outcome does not deserve the Senate's applause but its very real concern and ultimately, fundamentally, and finally, a debate—even though we are now there—on why it is we are there and what it is we expect to do there. Until we know what it is we expect to do, we will never know when we have done what somebody had in mind when they put this Nation in line for the expenditures of hundreds of millions of dollars to do what and to accept what danger, for what purpose, and for how long? When will they come home? When will it be that we can have been judged as a Nation that has done right or wrong, because right or wrong will never have been part of the equation that the American people have been asked to conclude?

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PRESSLER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. PRESSLER. Madam President, I ask unanimous consent to speak for up to 10 minutes on the subject of Haiti as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

HAITI

Mr. PRESSLER. Madam President, I know that there is much gratitude to be expressed to former President Carter, General Powell, and Senator NUNN for averting bloodshed. But this Senator still disagrees with the basic decision to send troops into Haiti. I know our troops are there now. I support our troops but not the decision to send them. As a former second lieutenant in the Army who served in Vietnam, I can say firsthand that I want our soldiers in the field to be well cared for and well supported in terms of logistics. They are obeying their Commander in Chief. I disagree very strongly with the decision of their Commander in Chief to send them to Haiti even though it is not an invasion. Let me explain why.

I feel very strongly that we are not going to be able to install democracy at the point of a gun in Haiti. I feel very strongly that we will not be able to do much for economic reconstruction in Haiti. I have been for lifting the embargo for a long time. I stood on the Senate floor in early September and said that we should have a clear policy in Haiti that would say no invasion is to be expected, that Haitians will have to solve their own problems, a clear policy to lift the economic embargo so there would not be so much poverty there, and a clear policy to follow traditional immigration and refugee rules that have been used in this country for many years; that is, no mass deception.

That would have sent forth the message that Haitians have to solve their own problems, and they will have to in the end. Now the burden is on us to put someone in power. I guess Aristide does not want to be president now. He has changed his mind. He really does not want to be President of Haiti after all. He wants to stay up here. He has found a good life, and it is better to pontificate at a distance than to try to manage or to run Haiti.

So who are we going to put in as president? We will have to find somebody else, apparently, unless we can persuade Aristide to go. Maybe he will be persuaded to go down after a while. He is a very controversial figure in Haiti.

This invasion which looks so glorious and will look so glorious during the first 3 weeks, just as Somalia did, will not turn out very well in this Senator's judgment. I do not mean to denigrate or naysay what President Clinton does because I support him frequently on this floor. I want our President to be successful in foreign policy.

I want the President of the United States to be successful. I have said on this floor that these types of occupations are very exciting, very exciting on TV, and frequently give the President a boost in the polls. We all like to see military helicopters landing and troops going ashore. But it is very expensive to the taxpayer—to the janitor in Sioux Falls, SD, who supports a family of three or four; to a farmer, to a factory worker, to a teacher. This is a very costly adventure, and it is going to be more costly in the future.

Look at what happened in other countries where our troops were sent, like Somalia, where we are being sued to rebuild bridges that our trucks went over. They claim our trucks broke them down and, in reality, they were in bad shape in the first place. By the way, from this desk, on the Senate floor, I opposed the invasion of Somalia on the day our troops went in. So I am not speaking as a latecomer to this issue. The American taxpayers are going to be paying for years to come for things that result from our soldiers being in Haiti. It is not just a matter of them being withdrawn, and I hope they are withdrawn quickly.

I noted, with some irony, that yesterday the House of Representatives passed a resolution in which they seemed to have approved of all of this, and they added at the end "but we want a hasty withdrawal." If you are sending troops down there, you do not want to withdraw them until they do their jobs, do you? That gives political protection for incumbents running for office. I find it rather hypocritical. I will not vote for such a resolution in this Chamber.

With the invasion fever, let me raise a very telling point. I would genuinely like to see troops come to Washington, DC, and so would the Mayor. She has asked for them. Here we have 22 aggravated assaults or rapes a day. We have between one and two murders each day. We have nearly 400 murders and shootings on the streets of the Nation's Capital per year. Our level of violence on a per capita basis is higher than it has been in Haiti this last year.

We have poor people here. In fact, the infrastructure in the District of Columbia is so bad that a Federal judge has ordered that the Federal court should take over public housing in the District of Columbia because in brand-new housing built by the taxpayers, the water does not work, the toilets do not work, because nobody cares. The infrastructure is broken down here in the Capital of the United States.

The Federal court took over the foster children division of the District of Columbia last week. Nobody is doing the paperwork on the 500 babies. It is a sad day when the Federal court has to take over a jurisdiction's local government. But the infrastructure in the Capital has collapsed.

We have a situation in the Nation's Capital where violence, drug dealing, poverty, and infrastructure problems are just as great as they are in many parts of Haiti. We have problems on our American Indian reservations that are just as great. We have similar problems in many of our Nation's cities. Maybe troops could come here, as they did some years ago, restore order by being on the street corners, end the drug dealing and work with the infrastructure as they are doing in Haiti.

We are going to be spending all this money on Haiti. There is going to be a supplemental aid appropriation coming to the floor soon to appropriate millions of dollars to rebuild the infrastructure Haiti. A lot of it is going to be wasted. I have been on the Foreign Relations Committee for 16 years, and three-fourths of our money is wasted when it goes abroad. It should be spent here on problems in the United States, where it is spent efficiently in a businesslike way, and at least spent on American citizens, and at least American lives will not be lost. How long can we go on in the Nation's Capital, where we have 22 aggravated assaults and rapes a day? How long can we go on with between one and two murders a day on the average?

I think we need to think about this foreign adventure we are conducting in Haiti. Why are we doing it? What are we going to accomplish?

Now, the House passed a resolution to withdraw the troops quickly. Well, why did we send them in the first place? I would be in favor of withdrawing them quickly because I was against ever sending them. Do we think that a country with those traditions of violence and no democracy is going to be transformed? I doubt it. In my opinion, it is going to be as ill-fated as the Somalia adventure.

In early September, I said on the floor of the Senate that I think this invasion—or occupation, or whatever it is—is a great mistake. I hope we will make a pilot project—I am not picking on the District of Columbia because there are a lot of hardworking people in the District who try—but I hope at some point we will make a pilot project of the District of Columbia and turn it into a gleaming example of what a nation's capital should be.

It seems that we think about it as being much easier when things are far away. When I was growing up in my hometown, it was exciting, in church, to take up a collection for something far on the other side of the Earth, or to hear a sermon about something happening many countries away. But there were a lot of problems in the hometown nobody wanted to touch because they were controversial, hard to solve, and not glamorous. That is what this whole Haiti thing is all about.

We are 6 weeks before elections in this country. Let us not paper over the fact that the opposition party is leading in the polls, and this Chamber may be taken over by a different party. I do not like to accuse the President of using our troops for political reasons. But as a former lieutenant in the Army, I feel strongly that the White House is looking for a political boost in the polls with this occupation.

But I do not think they are going to find it. During the first month of such an occupation, things seem to go gloriously well, and by the time reality sets in, the elections will be over. Those who vote for resolutions in the Senate commending the President, and at the end say, "By the way, we think the troops should be swiftly withdrawn," tell their constituents "I voted to withdraw the troops swiftly." That is hypocrisy at its greatest. That is why I will not vote for the resolution.

I will conclude by saying I am very interested in democracy flourishing. But I believe we have set the cause of democracy back in Haiti. We do not have anybody to install at the point of a gun. We are trying to find somebody. The military is still in control. We are just at a crossroads. We are just swimming in inconsistency. We are doing it while our own domestic priorities here in Washington, DC, within a mile of this Chamber, are not being met.

I hope we will wake up and meet our priorities here at home. I hope we will end the occupation of Haiti as quickly as possible so American taxpayers will not be hurt as much as they could be.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WELLSTONE). Without objection, it is so ordered.

IOWA—A GREAT PLACE TO RAISE A FAMILY

Mr. GRASSLEY. Mr. President, I was pleased to read a recent article in the Washington Post by Laura Sessions Stepp, Washington Post staff writer. The title of it was: "Iowa, Where the Living Is Easier," and it is a report on all 50 States. The subheadline says: "Report: Maryland, Virginia Above Average for Families; DC Ranks Poorly."

In reading this article, obviously I was very proud for my State that the Post acknowledged what I and many other residents of Iowa—all Iowans—know and have known for many years: That Iowa is a great place to raise a family.

Ms. Stepp is reporting in the Washington Post article on a publication called "Running in Place." This report is by a Washington-based research organization called Child Trends, Inc. This study compares the 50 States and the District of Columbia on nine measures affecting family life, including number of intact families, rate of child poverty and education levels.

The report examined three challenges that families face as they attempt to fulfill their responsibilities in today's society: Making ends meet, combating negative peer influences on their children, and maintaining parental control as children grow older.

Some people would argue that this generation of young couples is simply more materialistic and consumed with bigger houses and fancier cars than other generations. While that might be true of some couples, obviously, it is not true of all couples.

Unfortunately, though, Mr. President, there is another reality out there. Unfortunately, some of these challenges are made worse by unwise public policies creating ever-increasing tax burdens on the American family. This forces more parents into a Hobson's choice of making ends meet or having time with their children. Many American families are so preoccupied with earning enough money to keep from falling behind financially that it may detract from their ability to raise their children.

According to this study, called "Running in Place," to avoid poverty in the current economy, most families need to have both parents working to help support themselves and to help provide the resources for raising their kids.

Another result of the difficult financial reality of this day is that during a child's high school years, a time when most young people need more parental involvement and particularly to balance the peer cultures which support risky activities, many parents are less active, less involved than at other times in their child's development.

According to this study, parental involvement in schools falls to 50 percent when children are 16 or older, compared to 73 percent when children are ages 8 to 11, as an example.

At a time when educators believe that children are more likely to do well in school if their parents are involved in school activities, this decrease of parental involvement is particularly disturbing and may be indicative of worst times ahead.

While our State's per household income averages only $26,229—and that is well below the richest State which has an average of $41,721—it reflects a different lifestyle chosen by many residents of my State and I think it focuses upon our people putting the family first and the importance of family.

Because the cost of living in Iowa is more reasonable for families, it allows and encourages greater parental involvement in the lives of children. Iowa ranks in the lowest 10 States in the percentage of female-headed families with children. This is important because of the fact that if a family is a two-parent family, the median income is $43,578, but if it is a female-headed family, the median income is $12,073. Compare $12,073 to $43,578, and it speaks about why lots of families have problems, because this discrepancy means the difference between poverty and nonpoverty for many families.

Iowa also benefits from the fact that it is in the lowest 10 States in terms of unemployment, with the rate of only 4.5 percent of the work force unemployed. This means that Iowa parents are more able to provide for their families than parents from other States where unemployment is much higher.

Iowa also continues to rank at the top of the Nation in terms of education, with the highest ACT and SAT scores in the Nation for several years now. One of the reasons for this great achievement, reflecting the beliefs of many educators, is the involvement of parents in the education of their children. In this study that I am referring to, Iowa ranked in the lowest 10 States on high school teachers' reports that lack of parental involvement and student disrespect are serious problems in their schools.

So I am thankful that it is not a serious problem in our schools, as determined by our own educators.

While this is good news for Iowa, there are some concerns raised by the report. The percentage of children not living with both their birth parents rose from 33 percent in 1981 to 43 percent in 1993.

While there are clearly some cases where circumstances warrant this result, the continuing trend toward broken homes is disturbing. One of the major issues raised by the increase in single-parent homes is the increase in child poverty. As I mentioned earlier, if a child is in a two-parent home, the median income was $43,578; if a child is in a mother-only family, that median income was $12,073.

Another issue raised by the increase in single-parent homes is the fact that only 37 percent of custodial parents with children from absent parents were receiving child support. And this, Mr. President, despite the efforts at both the State level and the Federal level to boost and to collect child support payments.

Although I do not agree with every conclusion drawn by the authors of this study, it raises some very interesting issues and questions for all of us as policymakers to consider.

So I urge my colleagues to consider this study titled "Running In Place," as we continue to confront the difficult issues facing our Nation today, whether they be issues connected with welfare reform, with collecting child support payments, with a lot of issues that we are going to be dealing with here—the issue of poverty as well. I think this study has a lot of good information that we ought to take into consideration.

I ask unanimous consent that a copy of the article by Laura Sessions Stepp from the Washington Post be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

IOWA, WHERE THE LIVING IS EASIER

REPORT: MD., VA., ABOVE AVERAGE FOR FAMILIES, D.C. RANKS POORLY

(By Laura Sessions Stepp)

If you want to raise a family, move to Iowa. The state that touts itself as "A Place to Grow;" apparently grows healthy families, according to a national study released today. For that matter, so do Minnesota, Nebraska, New Hampshire, Vermont and Utah.

"Running in Place," a report by the Washington-based research organization Child Trends Inc., compares the 50 states and the District of Columbia on nine measures affecting family life, including childhood poverty and parental employment, education level and involvement in schooling.

Most states enjoy some favorable ratings, although four look pretty dismal; Louisiana, Mississippi, New Mexico and South Carolina. The district also doesn't fare very well.

Some of the richest states, such as Connecticut (with a per-household income of $41,721), score less well than poorer states such as Iowa (with an income of $26,229). In part that's because states like Connecticut have urban centers with all the social ills that big cities bring, said Nicholas Zill, the report's coauthor. Also, families in places like Iowa may have accepted lower wages in return for better overall environments for families, Zill said.

Maryland and Virginia rank about average in this report, with Maryland slightly ahead of Virginia. In Maryland, Zill and co-author Christine Winquist Nord find a relatively low percentage of children under 18 living in poverty (11 percent), a better-than-average proportion of the population over age 25 with at least a high school diploma (78 percent) and low percentage of the work force unemployed (4.3 percent). On the negative side, Maryland has a high rate of repeat births to teenagers (26 percent). Also, according to data from a national teacher survey, Maryland suffers from a higher-than-average proportion of parents who are uninvolved in their children's schooling (35 percent) and a comparatively high percentage of students who show disrespect toward their teachers (23 percent).

Proportionately fewer students in Virginia are discourteous to teachers (17 percent), but Virginia parents are uninvolved in a similar proportion to their Maryland counterparts (31 percent). Virginia has a slightly higher pecentage of children in poverty than Maryland (13 percent) but an equally low rate of unemployment (4.5 percent).

The District rates poorly on every measure, as do other major urban centers surveyed. However, the D.C. child poverty rate of 25 percent, while high, is not nearly as high as the rates in Hartford, Miami, Atlanta, Gary, Ind., Brownsville, Tex., and especially Camden, N.J., where, according to this report, 50 percent of the children live in poverty.

In Iowa's biggest city, Des Moines, 19 percent of the children are poor, but statewide, that drops to 14 percent. Eighty percent of Iowa's residents over 25 graduated from high school and only 4.5 percent are unemployed. Iowa enjoys a lower-than-average rate of first births to at-risk mothers (37 percent) and an apparently higher-than-average proportion of two-parent households (only 15 percent of its families with children are headed by the mother). Christina Martin, press secretary to Iowa Gov. Terry Branstad, says many Iowa families are now benefiting from state reforms in welfare, child welfare, health care and child support. "Iowa realized early that strong families were the foundation for building a sound education system and encouraging economic growth," she says.

Along with Nebraska and South Dakota, it also has the highest proportion of working mothers with young children (70 percent). And talk about Midwestern civility: Only 10 percent of Iowa students are rude to their teachers.

Mr. GRASSLEY. Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Alaska is recognized.

Mr. MURKOWSKI. I thank the Chair. Mr. President, I ask to speak for not more than 10 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. I thank the Chair.

HAITI

Mr. MURKOWSKI. Mr. President, I rise this afternoon to join with a number of my colleagues who have already spoken regarding the recent actions by the administration in Haiti. I wish to share with my colleagues, as well as the American people, the relief that I am not standing here today talking about the military invasion of Haiti but, rather, an intervention in Haiti that was negotiated. Thus, the loss of American lives, so much the concern of all of us last week, has been thwarted by the success of the negotiators.

I wish to praise the efforts of former President Jimmy Carter, General Powell, and our colleague, Senator SAM NUNN. Because of their contribution, our Armed Forces entered into a less hostile environment in Haiti yesterday.

Mr. President, that was yesterday. A new day has begun and a new obligation has begun. The ramifications of that, of course, are still to unfold. Time will be the judge of the contents of the agreement. Many in the international community and at home believe that this agreement, in my opinion, is much more lenient on the military junta than the Governors Island accord. This could have been achieved, of course, without the brinksmanship that the administration engaged in, but I am not going to dwell on hindsight. The fact is we are fortunate it did not involve the loss of American lives, and we are fortunate it did not result in the invasion that was contemplated.

One wonders why there was not more thought and consideration given to the proposal that economic and political sanctions be used more effectively but, again, that is hindsight.

So we should look ahead. We should be positive. We should not be lulled into a premature declaration of victory, however, because, according to our President, our goal is to stay in Haiti not only until President Aristide is returned to power but until order is restored. A good deal of that is going to depend on actions within the Haitian Government.

But really, Mr. President, as you and I know, getting into Haiti was never the heart of the operation. No one wants to say the word, but in reality what we are involved in is nation building, something that we do not acknowledge but is certainly occurring in the sense that we are staying there until President Aristide is returned to power and until order is restored.

So I would encourage my colleagues to recognize what it is that we have undertaken. It is, indeed, nation building. We have had some experience in nation building. I think that is what led us to stay in Somalia long after the humanitarian mission was complete.

Perhaps this is a sign of a purpose that resulted in the unfortunate loss of a number of rangers who were involved in the manhunt for the warlord Muhammed Aideed. We all remember those tragic circumstances.

The words "peacekeepers" and "peacemakers" bear an interesting connotation. Our troops are not merely "peacekeepers," they are "peacemakers" in Haiti. Under the terms of the U.N. Resolution No. 940, this is a mission to "establish and maintain a secure environment." We are not quite sure what all of that involves.

But I would note that last year when I had an opportunity to spend a few days in a seminar, in attendance was one of our top Marine generals. He was very eloquent in his expression of the role of our military men and women who are taught how to fight wars. "Fighting" wars and "peacekeeping" or "peacemakers" have entirely different connotations, entirely different responsibilities, entirely different types of training. But we are asking our warriors, those that are in Haiti, to be involved in a peacemaking, peacekeeping, nation-building engagement. Mr. President, that troubles this Senator from Alaska.

Political and economic sanctions, of course, as I said earlier, were preferable. There is nothing new about the fact that Haiti is our neighbor and the turbulent conditions there have led to human rights abuses and immigration problems. I regret to say that I think that this may also be true at the end of our occupation. But again, time will tell.

We face potentially an unknown and certainly costly commitment to keep peace in Haiti—unknown in the sense of how long we are going to be there—and one can only guess the cost commitment.

I am still not satisfied that this was a specific goal worth risking American lives. But, clearly, the negotiators were successful, and the engagement that was anticipated, the invasion of Haiti, fortunately did not become a reality. I would prefer to have seen the sanctions extended. But again I am not going to draw on hindsight.

I acknowledge the immigration problems and human rights abuses. These are terrible problems. These problems could be addressed I think in another manner. We certainly are not occupying Mexico to stop the enormous flow of immigrants from there. We are not occupying China to prevent human rights abuses there. But we are occupying Haiti.

Even though I remain skeptical of the goals of this mission under any circumstances, I would have been more committed if I had a little more faith in the leader President Clinton is determined to restore. I think it is legitimate to question whether Aristide is a good risk, a good risk to have the support of the people of Haiti.

We have heard confirmed and unconfirmed reports of Aristide's own human rights abuses, and anti-Americanism. This raises the concern that we will risk American lives and spend taxpayer dollars to restore a man to power who has a questionable commitment to the very objectives we seek to achieve in Haiti.

So I would remind my colleagues that we are committed to support Aristide at least until the next elections in Haiti, that we are embarked on an unknown commitment beyond that of the stabilization, establishment and maintenance of a secure environment. We are also involved in a substantial monetary commitment, the amount unknown, but clearly an obligation that the American taxpayers are going to have to underwrite.

In closing, Mr. President, I commend our negotiators. I commend the President for the success of having our troops there without bloodshed, and without initiating an invasion. But I would urge the President to bring our U.S. troops home as soon as possible.

I am sure that this body will have an opportunity over the coming months to address the points that I am somewhat uncomfortable about; that is, the obligation we are undertaking to ensure the support of Aristide, the commitment of funds, and the commitment of U.S. military personnel in a peacekeeping role.

I thank the Chair. I wish the President a good day.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE SITUATION IN HAITI

Mr. HARKIN. Mr. President, I am sure, like almost all Americans, over the last few days, I have had a mixture of emotions concerning what happened in the neighboring country of Haiti. I know I share with all my fellow citizens a great sense of relief that there was not an invasion in which there would have been, possibly, a great loss of life. I share a great sense of relief that our troops are landing there safely and that a process is now underway that, hopefully, will lead to the peaceful transition back to democracy in that very troubled country of Haiti.

On the other hand, I remain concerned, as I am sure many Americans do, about just what we are about in Haiti and just what our troops are going to be doing there, and what the next sequence of events might bring. The President has very forthrightly said that we are still not out of danger and that there is still a risk.

So I want to, first of all, commend our President, President Clinton, for being steadfast since he first took office in carrying out the stated policy of not letting the coup stand in Haiti and returning President Aristide and democracy to that country. That policy was first enunciated by President Bush when the coup happened in September of 1991, when he said that the coup represented an unusual and extraordinary threat to the vital interests of the United States. Then Secretary of State James Baker said that the coup cannot and will not stand.

President Clinton continued to carry forth that bipartisan, and I hope to say nonpartisan, approach to foreign affairs during the ensuing years after he was inaugurated. The policy was to try to go the extra mile, and President Clinton did go the extra mile in trying to seek a peaceful resolution. Thus, we had the Governors Island accord, in which both sides, the duly elected President Aristide and Raoul Cedras, the general who was the leader of the coup that overthrew President Aristide, signed the Governors Island accord saying they would step down and President Aristide would return last fall.

But as we all know now, the military leaders, led by Raoul Cedras, reneged on that and President Aristide was not able to return, and thus we had the ensuing crisis. President Clinton has maintained steadfastness in that we would return Aristide and democracy to Haiti. He imposed a complete embargo on Haiti. The people of Haiti have been suffering over the last few months. But they have suffered for many years under cruel dictators and tyrants and under the cruel military leadership there.

The President, last Thursday a week ago, went before the Nation and, I think, very forcefully and clearly outlined our national security interests, the vital interests of this country, and what was at stake. I thought, very forcefully, as the President and Commander in Chief, he said that the coup would not stand and their time was up and they had to go. A force was ready to carry that out.

Again, to repeat, Mr. President, I think I can sum up the vital interests of the United States in Haiti in three ways. First of all, we have 16,000 Haitians now in Guantanamo Bay—refugees from their own country—because they were supporters of President Aristide, and they cannot under the present circumstances return to Haiti or they risk losing their lives. Where are they to go? They cannot stay in Guantanamo Bay. Will we open our doors here?

Will we then keep the generals in charge in Haiti and watch as 100,000 to 300,000, perhaps more, Haitians get in their boats and come to the United States, or the Bahamas, or other Caribbean islands where they cannot take and handle such refugees?

So I think that is our first vital national interest.

The second vital national interest is that we have a lot of fragile democracies in this hemisphere, many of whom have just overthrown dictators and military dictatorships. They are now sort of getting their sea legs in democracy. But in the wings are waiting their military ready to take over.

(Mr. BRYAN assumed the chair.)

Mr. HARKIN. If we were to allow the coup to continue and to allow Cedras and the military to continue their dictatorship in Haiti, that would have sent, I think, shock waves throughout not only the Caribbean but all of Latin America, destabilizing governments, bringing back military dictators, and that would not be in our vital national interest.

The third reason that is in our vital national interest is because of the gross violations of human rights in Haiti.

President Clinton was right last Thursday when he deemed it a reign of terror. We have not seen anything like this before in our hemisphere. We have seen things like this in Cambodia, we have seen it in Rwanda, but never in this hemisphere.

While I do not think and do not believe that the United States should be the policemen of the world, we cannot be that, at least when it happens in our own backyard in a country in which we have vital interest and a country in which we have seen the heavy hand of the United States disrupting that country before, then I think we have an obligation to act and an obligation to ensure that these gross violations of human rights, these murders, tortures, the killing of orphans, the rapes, are not continued by this military dictatorship.

President Clinton spelled that out quite clearly last Thursday. Now over the weekend we had former President Carter, former Chairman of the Joint Chiefs of Staff Colin Powell, and of course our colleague, Senator NUNN, as we know engage in discussions with the military in Haiti to reach an agreement for their departure and for the return of democracy.

Now, Mr. President, while I applaud and I commend those who went and who hammered out this agreement, I must at this time raise some serious questions as to what now will take place and what this agreement really means and what our troops are in Haiti for.

I guess I have been pretty disturbed to hear people talk about the military in Haiti as our friends, as patriots, honorable people acting in the best interest of their country. Mr. President, they are not our friends, and they are not patriots.

Keep in mind this is the military in Haiti responsible over the last 3 years for somewhere between 3,000 and 4,000 murders, disappearances, countless tortures and rapes. This is the military in charge down there under which now orphans are being killed, the orphans of people who were Aristide's supporters. A daily occurrence is for Aristide's supporters to be summarily executed. No, they are not patriots and they are not our friends.

I recognize that we have to deal with them. They have the guns, and they are in power, and we have to deal with them. So I am not going to take those to task who tried to hammer out this agreement. I think we had to do that.

I guess the other problem I have is when I keep hearing former President Carter refer to "President Jonassaint of Haiti." I saw it a couple times on television today, former President Carter referring to President Jonassaint.

Mr. Jonassaint is not the President of Haiti. Haiti only has one President, and it is President Jean-Bertrand Aristide, who was elected with over two-thirds of the vote in an open and free election. Mr. Jonassaint was simply put there by the dictators, by the junta, by General Cedras and his compatriots. He was put there as a puppet by the very military that initiated the coup.

So I hope that we will quit referring to Mr. Jonassaint as the President of Haiti. He may be something but he is not the President. He may be a friend of the military. He may be their puppet, but he is not the President of Haiti. I certainly wish that Mr. Carter would quit referring to him as that.

So why are the troops there? Last night we saw the first instances of violations, and another instance today. As I understand the news reports, what happened last night is that some of President Aristide's supporters came down to the dock to welcome the American troops in a demonstration. They were not hurting people. They were not damaging anything. But the police forces came in there and broke them up, beat some with batons, and dispersed them. And we saw the things happen today.

Our troops are standing idly by. I understand that our troops are not to engage in policing activities in Haiti. I understand that. But does that not then give the appearance to the Haitian people that now our military is there on the side of their military and their police who have been repressing them? That sends all the wrong signals.

Initially we were going in there as friends of the Haitian people and on behalf of the Haitian people. Now the appearance is that we have gone in there on behalf of the Haitian military and the Haitian police forces.

I believe that is a formula for disaster. The Haitian people had their hopes raised by President Clinton and by the actions we took, by the strong policies we have had and enunciated for over 3 years that we were going to return democracy and return President Aristide.

Now, somehow if they see or if they feel, if they perceive that we are there on behalf of the military and that we are only dealing with the military, then I think reactions are going to occur, and I think that could spell big trouble for our troops and for us in Haiti.

So, what do we do about it? We cannot act as policemen. I understand that, and I would not ask our troops to act as policemen. We should not do that. We cannot do that.

So then what is the solution to this? I believe there is only one, Mr. President. First of all, we have to start dealing not just with the military. I understand we have to deal with them. But as soon as our troops are in place by this weekend, as soon as they have secured whatever they are going to secure, the ports, the airport, the roads, and things like that, then I believe that we have to immediately begin dealing with the duly elected and constituted Government of Haiti. That means, first and foremost, we have to start negotiating and deal with—not negotiating but deal with—and talking with and involving President Aristide, not Mr. Jonassaint—he is not the President—but President Aristide.

Second, I believe that we should begin dealing as soon as possible with President Aristide's Minister of Defense, not the generals, but President Aristide's Minister of Defense, not the rump Parliament that is there now, but the Parliament that was elected in that free election in 1990, and we must start dealing with President Aristide's Cabinet and President Aristide's nominated interim Prime Minister.

We have to start doing that very soon because if we do not, then we will go down that road of dealing more and more only with the military, only with Mr. Jonassaint, who, as I pointed out, is not the President of Haiti. This will send all the wrong signals and images to the Haitian people.

So I am hopeful that as soon as possible we will begin the process of dealing with the duly elected Government in sending those signals to the Haitian people that we recognize President Aristide as their duly elected President, that we do not recognize this rump Parliament that was elected in January of this year in what no one believes was any kind of open and free election but that we will deal with the duly elected Parliament of 1990. In order to effectively do that, then our troops must ensure the safety of President Aristide, of his Cabinet, of his Ministers, of his Prime Minister, of his Minister of Defense.

I thought that is what our troops were going there for and I hope that is what they are there for. Those are clear orders, a clear delineation of responsibility.

So I hope, beginning early next week, that we would see that our orders to our troops from our commander in chief would be that they are there and they should protect, 24 hours a day, in their jobs and in their homes and on their way to and from work and their families, those who constitute the duly elected Government of Haiti. That sends a signal to the Haitian people about whose side we are on.

And this cannot wait too long. If this waits 2 more weeks or 3 more weeks and all we deal with is the military, I am afraid of a reaction that might happen.

There is a risk, as the President said, still to Haiti. We can reduce that risk. We cannot get rid of it completely, but we can reduce that risk if we start dealing with the Minister of Defense, for example, that was appointed by President Aristide.

Again, I am not saying that we cannot deal with Mr. Cedras and his military. I understand that. I understand that we have to deal with him. But we should not be dealing with him exclusively as now appears.

So I am hopeful that, as soon as possible, we will provide that protection.

And I would further suggest, Mr. President, that we make it clear to the Haitian people that we are going to return President Aristide to Haiti at the earliest possible moment— and I hope that would be as soon as next week—with the commitment of our thousands of troops who are there, that we will give him the protection he needs and the protection his government needs so that they can operate, so that Parliament can indeed meet and pass an amnesty law. I know that amnesty is a big issue, and I understand that. And the agreement that was signed by Mr. Jonassaint and former President Carter speaks to that issue of amnesty.

But what parliament is going to pass it? Is it the rump Parliament that does not represent the Haitian people? Or will it be the real Parliament, the one that was elected in 1990? I would suggest for it to have any force and effect, it has to be the latter, it has to be the real Parliament.

Well, 40 members of the Haitian House who were elected in 1990, who are President Aristide's supporters, are now living in exile in Miami, afraid to go back, afraid for their lives. Many others are in hiding in Haiti. So we are going to have to enable these 40 to go back. But we are going to have to make sure we provide them the protection that is necessary for them to get back the reins of government and to start functioning again. Then, the police forces will be under the civilian government. Then the military in Haiti will be under the civilian government, as it ought to be.

So I hope we are not putting the cart before the horse here, in trying to restructure a military and deal with Mr. Cedras and his coconspirator who engineered the coup.

But I hope we will do everything to expedite the return of President Aristide. And I think this should happen as early as next week. And with the return of a duly elected Parliament, then they can go about the business of passing an amnesty law.

Mr. President, the military thugs in Haiti are not our friends. Some have even tried to make General Cedras as something like a democrat or something. In today's Washington Post, it is reported that former President Carter said that those who referred to General Cedras as a dictator were dead wrong.

Tell that to the 4,000 murdered and brutalized Haitians who were murdered and brutalized under Cedras' regime. Tell that to the estimated 300,000 Aristide supporters who are in hiding and in fear for their lives. Tell that to the women raped by Cedras' military, many times in front of their own husbands and children. Tell that to the orphans who have been killed and orphanages that have been ravaged by the military. Tell that to the countless thousands of refugees who risked their lives to flee the repression, often at risk, great risk, to themselves and their families.

Mr. Cedras may be many things, but he is not our friend and he is certainly not a democrat with a small "d." It is time, as President Clinton said, for him to go.

There is another story circulating around that was in the Washington Post today that, according to former President Carter, it was General Cedras who saved President Aristide's life. This is a myth. I do not know what sources former President Carter has for this statement, but President Aristide categorically denies that Cedras saved his life. And there is other evidence that exists to refute that claim and that it was other military people who, in fact, saved Aristide's life, while those coup plotters, including Mr. Cedras and Mr. Biamby and Mr. Michel Francois and others, were debating whether or not to kill him.

So, Mr. President, I wanted to take this time to again commend and compliment, first of all, President Clinton, for being steadfast and strong and ensuring that a coup like this would not stand and we will return democracy and President Aristide to Haiti.

I commend those who went to Haiti this weekend at great trouble to themselves and I think at great risk, great risk, to themselves to hammer out this agreement.

I think now we must look ahead and we must, as expeditiously as possible, get our troops in—I understand they will be there by this weekend—and then we must right now begin dealing with the duly elected civilian Government of Haiti. We must return President Aristide to Haiti as soon as possible, with the protection that we can afford him with our military there, so that he can once again get the reins of government with his Cabinet, so that the duly elected Parliament elected in 1990 can come back into existence; so that we can look forward to December of this year of having some more truly free elections in Haiti.

I fear that if this does not happen, we can expect more violence in Haiti, more occurrences of what happened yesterday and today.

Having served for a great number of years in the military—5 years active and 3 years in the Reserves—I have a great deal of respect for those who serve in our military. I think we ought to be cautious whenever we commit our young men and women to risk their lives in any kind of military endeavor. I believe that when we do that, we ought to back them up with every possible resource that we can give them. And I believe that the orders that we give them ought to be clear and concise and unambiguous.

And I guess that is what I fear about this operation in Haiti right now. And that is why I believe if they had the orders to protect the key civilian components of the Haitian Government, those would be clear, unambiguous, recognizable and enforceable orders, and orders that could be carried out. They would not be offensive in nature. We would not be seeking to harm anyone, but only to protect the civilian elected government of Haiti.

That, I believe, should be the role for our military for the next several weeks, maybe for the next couple of months. And then turn over the peacekeeping operations to the multinational force so that we can set up structures where by December we can have another round of free elections in Haiti.

So, Mr. President, again I hope that the ensuing few days will not see an outbreak of violence. I hope that our young men and women who are in Haiti will have all of the full resources of this country behind them.

And I am hopeful that, as soon as possible, our Government and our President reaches out to President Aristide to set up the structures so that he, his Cabinet, his Ministers, and the Parliament elected in 1990 can, within the next 2 or 3 weeks, start assuming command and control of their country once again and get the reins of government. The faster we do that, I believe, the more peaceful will be the transition to democracy in Haiti. The more we prolong that, I believe the more violent it will become.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin [Mr. FEINGOLD].

HAITI WAR POWERS AMENDMENT

Mr. FEINGOLD. Mr. President, I endorse those provisions of the proposed sense-of-the Senate resolution which state that the American people and the Congress support the United States Armed Forces now engaged in the mission in Haiti.

Of course the American people and the Congress support our men and women in uniform, wherever their Government sends them. There should never be any question as to that point.

But I want to make it absolutely clear that I do not necessarily endorse the invasion of the Island of Haiti by the United States whether by force or under an agreement without explicit congressional authorization.

The New York Times in an editorial published today put the issue succinctly:

> Even with no invasion, Mr. Clinton is deliberately placing U.S. forces in harm's way. He should seek Congressional approval now.

I believe that we should make it clear, here and now, that the Congress of the United States has a direct role and responsibility to either ratify or repudiate the use of United States military troops in the action taking place in Haiti. At some point, therefore, I intend to send to the desk an amendment to the proposed resolution.

The amendment I would offer is straightforward and simple. It states that it is the sense of the Senate that Congress should vote on or before October 15 on a measure containing specific authorization for the use of United States Armed Forces in Haiti. As we all know, October 15 is the final deadline under the new agreement for the military dictators to resign. By that time, we ought to vote up or down on whether the Congress of the United States is willing to share responsibility for this military action. To fail to do so is to shirk our responsibility under the Constitution and to fail to faithfully discharge our duties of office. It also deprives the President of the support he truly needs, whether his advisors agree or not, to effectively carry out this mission.

Some of my colleagues in the House yesterday raised the issues of congressional authorization of troops both before and after this weekend's events, but said they should be saved for another day. However, I would say that while today is properly dedicated to complimenting the peaceful resolution brokered by the Carter team, we certainly must address the issue of congressional authorization for the use of armed force very soon. This is an issue, while most recently tested in the context of the Haitian invasion, goes beyond any particular incident or military adventure.

The entire process by which the President went about building support for the invasion illustrates that we lack a suitable operating framework within which the Congress and the President can work together to decide when this Nation will use its Armed Forces abroad. In our system, no one person is vested with the sole decision of when and where to commit U.S. Armed Forces. And no one person can decide when or when not he needs the support of Congress for such operations. That is the essence of the Constitution and is illustrated in the War Powers Act. However, last Sunday, only one person—albeit the Commander in Chief—made the decision about launching troops into Haiti.

When all of the nonmilitary avenues for ending power struggles are exhausted, military force is an alternative. We often seek multilateral arrangements or international support for the use of force—such as the U.N. resolution the President used to build support for the Haiti invasion. But that alone, as we have all voted here on this floor, does not constitute authorization for the use of armed force under the U.S. Constitution. The U.S. Congress is supposed to have a central role in this process.

One can hardly mention this topic without appearing to debate the War Powers Resolution of 1973. When that is not my intention today, the War Powers Resolution is a good starting point. The drafters of this resolution said that their purpose was to fulfill the intent of the Framers of the Constitution and to ensure that the collective judgment of both the Congress and the President would apply to the introduction of U.S. Armed Forces into hostilities. In terms of these goals, I believe, unfortunately, that the War Powers Resolution has failed to achieve its very worthy purpose.

In essence, the War Powers Resolution has not fulfilled its intended purpose. In today's world, when candor and cooperation seem paramount, the War Powers Resolution has become a bit like the family relative that nobody wants to talk about. But we need to talk about it. Our legislative horizons need to move beyond the Vietnam era when a President could secretly deploy thousands of troops in cold war struggles outside of the view of a CNN camera. We must move into a frank debate about what we need in today's world because the dangers of not addressing the matter head-on continue to mount.

I believe a suitable war powers framework must start with an agreement between the President and the Congress that the President needs the backing of a statutory authorization for decisions to commit U.S. Armed Forces into hostilities. This means not just funds appropriated in some general way. I believe the President needs a specific authorization. How can we insist upon authorizing the most ordinary domestic programs but then duck the extraordinary question of sending

American men and women into combat or situations which may lead to combat if things go awry? The President clearly understands the importance of being able to marshal public and congressional support for such military commitments. I know he also understands how quickly public support can evaporate once the bodies start coming home—what one of our colleagues, the senior Senator of Ohio, JOHN GLENN, has called the Dover, DE test; that is, when the body bags pile up at Dover, DE, realizing the impact of loss of American life for our cause. Make no mistake, congressional views will quickly follow the public in the Dover, DE test unless the President has our statutory authorization up front.

In addition, the President should understand that a statutory authorization would completely sidestep the flawed War Powers Resolution because the entire law sort of becomes moot when the Congress authorizes a military action by act or joint resolution. The President says he wants to eliminate the 60-day withdrawal provisions of the War Powers Resolution; a statutory authorization along the lines I have suggested would do just that.

There is only one acceptable excuse for a President to act without statutory authorization and that is to respond to legitimate emergencies. Given the transparency with which the White House prepared the potential invasion of Haiti, in addition to the absence of any immediate emergency, it is very difficult to sustain any argument that the President did not need statutory authorization in this case.

But I want to stress that I recognize that we must provide the President with the flexibility needed to respond when real emergencies occur. The Constitution foresaw and history has since demonstrated that there will continue to be legitimate emergencies in which the President must respond in the defense of the country or in response to urgent and vital interests abroad. Congress owns the war power. But what I would like to say today is that the Congress can loan it to the President in such emergencies. The War Powers Resolution handles such emergencies very crudely. It first defines these legitimate emergencies in a way which even the late Senator Javits—the Senate sponsor of the War Powers Resolution—admitted was incomplete and then it gives a President a completely free hand for 60 days to respond to any world event in whatever way the President determines to be appropriate. I do not think in this respect the War Powers Resolution is consistent with either the intent of the Framers of our Constitution or with most Presidential practice prior to the cold war. So we must do better.

I understand that there are dangers in this world which the Framers could not foresee. While that may change the letter of our working definition of legitimate emergencies, it ought not change the spirit. Legitimate emergencies should be situations whose gravity threatens our borders, the safety of Americans, our military installations abroad, or other matters of supreme national interest. Moreover, these situations should demand a response of such decisiveness, secrecy, or dispatch that is only provided by the President as Commander in Chief. But even if such an emergency occurs, our tradition since the Constitution has been for the President to act and then seek so-called indemnification from the Congress.

So to illustrate, I would expect, for instance, President Clinton to respond promptly to a North Korean invasion of South Korea that threatened United States forces. I would then expect him to seek proper authorization, promptly thereafter. President Truman decided not to do that in 1950 and his decision is widely viewed as the most egregious abuse of constitutional war powers in the history of the United States. President Eisenhower's more constructive working relationship with Congress was tempered by the Truman experience. Even President Johnson, the father of the Tonkin Gulf resolution, considered Truman to have made a serious error in not seeking congressional authorization. As one U.S. Congressman has said:

> Allow the President to invade a neighboring nation, whenever he shall deem it necessary to repel an invasion, and you allow him to do so, whenever he may choose to say he deems it necessary for such purpose—and you allow him to make war at pleasure.

Those were the words of Congressman Abraham Lincoln. Years later, at the outbreak of the Civil War, President Lincoln himself deployed U.S. Armed Forces without the authorization of Congress but later told the Congress that these actions—

> Whether strictly legal or not, were ventured upon under what appeared to be a popular demand and public necessity, trusting then, as now, that Congress would readily ratify them.

Thus Lincoln explicitly sought congressional approval by statute of his emergency actions. He never claimed to have full and independent constitutional support for his initiatives.

Congressional ratification was an essential legitimating step for his actions. Later the Supreme Court upheld his action in the famous 1863 prize cases. Mr. President, I would contrast President Lincoln's sophisticated understanding of constitutional war powers with the following more recent statement by former-President Bush who said:

> I didn't have to get permission from some old goat in the United States Congress to kick Saddam Hussein out of Kuwait.

Or with President Clinton's August statement on Haiti that—

> I would welcome the support of the Congress, and I hope I have that. Like my predecessors of both parties, I have not agreed that I was constitutionally mandated to get it.

So, Mr. President, Congress needs certain assurances of good faith in order to support a President in potential emergencies. We can acknowledge legitimate emergency reasons for a President to act unilaterally without turning our back on who owns the war power under the Constitution.

Unfortunately, there have been too many cases in which we have been asked to make loans of the war power in other than emergency situations. As many of my colleagues have said over the last several weeks regarding Haiti, it is not enough to seek the approval of the U.S. Security Council or of a regional alliance like the OAS or NATO only then to ignore the role—the central role—of the United States Congress.

I also recognize that power-of-the-purse legislation relating to the commitment of U.S. Armed Forces is an available remedy, but not an ideal model. The distinguished President pro tempore, Senator BYRD, in testimony before the Foreign Relations Committee last February, likened the power of the purse to a watering hole in the forest to which all the animals eventually must come to drink. I agree with the distinguished President pro tempore's characterization; the power of the purse is an excellent and effective tool in most matters for which we appropriate public funds. But I worry, nonetheless, about how close we are coming to a constitutional crisis when we rely on such measures as a last resort in a war powers struggle with the President. In a way, it illustrates our level of desperation about preserving our constitutional war power responsibilities and they risk infringement upon the President's equally valid constitutional responsibilities as Commander in Chief.

These extreme gestures usually come in two forms: attempts to end ongoing military operations and attempts to preclude future military options. In September 1993, for instance, Senators BYRD, MITCHELL, and others offered an amendment which extended the President's Somalia reporting deadline into October and set a November deadline for congressional authorization. By implication, funding for United States Armed Forces in Somalia would be cut by November unless Congress authorized them to remain. I opposed that measure as an unwise extension of an unwarranted loan of the congressional war power in the February 1993 resolution. I expect we will find ourselves in a similar situation regarding this Haiti invasion.

We can learn much from last fall's Somalia experience. One lesson is that without a specific and well-crafted statutory authorization that we could then modify or renew, the only remaining tool for affecting ongoing military operations is the power of the purse.

So, Mr. President, we need to focus on some very specific questions about the current occupying force in Haiti. This is an unprecedented situation, where U.S. troops are occupying a country, and working with the foreign force to do it. We will have almost 15,000 troops in Haiti definitely in harm's way. Thankfully, this is not the invasion force we had thought it would be at this point, but it is a use of force which should require congressional concurrence. The question to ask regarding this operation is, "Should the President alone have the authority to put almost 15,000 lives in danger for a risky operation in Haiti?" That is the question, and my answer is, I think not.

A second question is whether our troops face imminent hostilities or are likely to face at some point in time. While cooperating with Haitian Armed Forces, it is arguable that they will not, but the situation is fluid and after October 15, we may face a dire situation if the military leaders do not step down.

Let us focus for a moment on the risks that our troops will face in this action.

First, the possibility of mob violence and looting. There is reason to believe that there may be activity such as that which occurred in Panama City after the United States invasion in 1990, as thousands of citizens took advantage of the disarray surrounding the arrival of United States troops to engage in widespread looting. Given the economic strain Haiti has suffered under the U.N. sanctions, this is a very real possibility.

Second, urban street-to-street combat. Just as Aideed loyalists in Mogadishu used small arms to hamper United States and U.N. troops, our troops could again become the targets of urban assaults.

So long-term resistance or guerrilla warfare. Haiti is a largely rural country with a rough terrain and poor infrastructure. If the situation turns bad, we could be facing very hostile circumstances for a prolonged period.

We all hope and pray that this will not be the case.

But we should not ignore the very real possibility that 15,000 American service men and women have been sent to a foreign soil, armed and prepared to fight. Congress ought to either ratify that action or reject it; we should not stand by pretending that the deployment of U.S. troops is not a shared responsibility between the executive branch and the legislative branch under our system of government.

To conclude, the Wisconsin State Journal said in an editorial published today the following remarks which I think are very appropriate. The editorial said:

> The United States may have avoided "invading" Haiti, but the military occupation that began Monday walks and quacks like a very similar duck. "What is the mission of U.S. troops—will they become "rent-a-cops", as one soldier grumbled after the invasion was scratched? What happens if Cedras and crew try to renege on the agreement, as feared by the Haitian community in the United States? Almost certainly, U.S. troops will become targets. How long will American forces stay? It's worth remembering that U.S. Marines invaded Haiti in 1915 to restore order after a Haitian mob killed an unpopular president—and stayed for 19 years.

Mr. President, we deserve to know the precise mission of the troops in Haiti. Our constituents rightly want to know that there is an exit strategy. And Congress should have the opportunity to authorize this large, military mission.

So, Mr. President, to finally conclude, we deserve to know the precise mission of the troops in Haiti. Our constituents rightly want to know that there is an exit strategy. Congress should have the opportunity very soon to either authorize or disapprove of this large military mission.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. DANFORTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri [Mr. DANFORTH].

USE OF AMERICAN MILITARY FORCE

Mr. DANFORTH. Mr. President, United States troops are on the ground in Port-au-Prince, and any time United States troops are present on foreign soil, all of us want to voice our support for them. Whatever we say and whatever we do, we want to make it clear that the safety of Americans and their success is something that we want to support. So I do not want anything I say this evening to be misconstrued as in any way pulling the rug out from under our troops who are present in Haiti. We do support them, and we will support them. Their safety and success will henceforth be of paramount interest for each one of us.

Having said that, I would like to voice my concerns about what we are up to as a country. A lot of people were voicing concerns last week about Haiti and about American policy with respect to Haiti, and then the announcement was made about the success of President Carter's mission.

I have a high regard for President Carter, and certainly for our colleague, Senator NUNN, and for General Powell as well. But I must say that I did not share in the widespread euphoria that was expressed about President Carter's mission because it seemed to me that what that mission accomplished for us was to assure that there would be an easy entry of American troops into Haiti. But nobody ever really thought that it would be anything other than an easy entry of American troops into Haiti.

I do not remember hearing anybody say that we were going to have a lot of casualties when our soldiers landed in that country. Most people believed that it would be simple; that the Haitian army amounted to very little; that it was poorly trained and poorly equipped; and that it was no match whatever for a full-fledged use of American force. The concern was not about the introduction of American troops into Haiti. The concern was about something else, and I would like to speak about that something else tonight.

Since the war in Vietnam, the question that has been before our country has been what are the limits of the use of American military force? I thought the limiting factor that was established during and at the end of the war in Vietnam was that American troops would be deployed only where our national interests were at stake; that if the test of national interest is abandoned, then there are no limiting criteria to be used with respect to the use of military force.

Now, in the case of Somalia, we did depart from the national interest test, but we did so on the belief that we had a very limited mission, and that limited mission was to save lives; that we could save a lot of lives by feeding people; and that our military would be agents of feeding people and keeping them alive; that we could keep many, many people alive and there would be almost no risk to American life.

It was a departure from the national interest test because we had no interest in Somalia. At the time, I was concerned about that departure, but I for one was willing to go along with it because it was such a limited mission and because so many lives would be saved.

Then once we got into Somalia, we changed our mission, and we undertook something much different from feeding people, much different from the simple humanitarian task of keeping people alive. We got into the business of what we call nation building, and when we got into the business of nation building we got into real trouble and people started to get killed. Our people started to get killed. And then, finally, we got out of Somalia.

Now the debate began with this very long buildup on the part of the President and his administration about Haiti. This was different from Somalia because it was not a food crisis. We did not have people who were starving to death who could be fed by our soldiers. No, the concern for Haiti was about the nature of the Haitian Government or whoever was in control of the Haitian Government. We did not like them. We did not like the kind of people they were. We do not like them. We said that they were brutal; that they were not democratic; that they had overthrown a democratic government; and that that was wrong.

This was not a humanitarian mission which was the justification of our departure from the national interest test in Somalia. This was a matter of us not liking their government, the regime, General Cedras. And so we had this long buildup of saber rattling and threats, and maybe if we threaten them enough they will do something and General Cedras will leave the country.

The threats got more and more bellicose, and before you knew it we could not do anything about it. The President decided that he made the threat and nothing was happening. So then he felt compelled to say, in effect, well, we really do mean it, and if you do not move we are going to send in the Army.

We did send in the Army. But what was accomplished by President Carter and his mission was simply the terms of the military intervention, the terms of the introduction of U.S. troops. It was still a military intervention. It was still the use of our Army in order to interfere in the internal affairs of another country.

If that is to be the new policy of the United States, it really is not any answer to say, well, the policy of this other country is really a terrible policy, and it is no answer to say, well, these people are really terrible people. Obviously, we would never intervene militarily in the affairs of another country if we thought that they were good people, or if we thought that they were a democracy, if we thought they were just like we are.

So what we did was send in the Army because we did not like their regime, and we did not like their leadership, and we did not like the way they were conducting their internal affairs.

There was no real argument of national interest. There was a kind of bogus argument of national interest. It was said, well, it is our national interest to have democracies. It is our national interest to have people around who agree with us, who are like us. But that is not a real interest test because if that is the test, then we could intervene anywhere in the world, militarily, where there is not a democracy.

It was said, well, Haitians are taking to their boats, and if we got rid of Cedras they would not be taking to their boats. But why were they taking to their boats in the first place? Most of them were on those boats trying to get away from Haiti because of an economic blockade that we had put in place. It was our policy that got them in the boats in the first place.

So there was not any national interest unless it was to try to somehow remedy some situation that we created ourselves.

We sent in the Army. President Carter went to Port-au-Prince and he met with General Cedras. What did he accomplish? He accomplished the safe arrival of American troops. That is all he accomplished. But any concessions, if indeed there were concessions by the military regime in Haiti, were concessions that were accomplished at the point of a gun.

The announcement that was made of the apparent willingness of General Cedras to step down at a future date was made when he found out that American paratroopers were in the air flying in from Fort Bragg, NC. That is a military action. The fact that guns were not shot, that people were not killed, does not make it any less a military action. It was a military incursion into another country for the purpose of changing the internal structure of that other country. That is all it was. As such, it was a departure from the basic principle that we had put in place to try to restrain American military adventurism around the world.

Now we ask ourselves, after the cold war, well, what is the purpose of America's military force? I hope that we are now something more than a country with a strong military looking for some purpose for that military. But it would appear to me that the new policy is that now that we do not have the Soviet Union to worry about anymore, the purpose of the military is to gain our will in countries that we do not like. So that is what we have attempted to achieve in Haiti.

The first point I want to make tonight is that I think this is a bad policy. I think that it is a bad precedent for the United States to see our military as the instrument of achieving changes in foreign countries where there is no plausible national interest of the United States.

The second point that I want to make is one that a lot of people have made; that is, it is much easier to get into another country than it is to get out of another country. That was the lesson in Vietnam, of course. It was the lesson in Somalia. It is easier to get in than it is to get out. And it is particularly hard to get out when the purpose of getting in in the first place is to accomplish political change within a country. If the purpose of getting in there with all of our troops in the first place is to accomplish political change, then do we not vouch for whatever political change occurs? It is our political change. We are the ones who have done it, at the point of a gun.

So how do we leave unless the change that we ourselves have brought about is one that is firmly in place? I believe that the United States now has taken upon itself a responsibility for the future of Haiti, of all places. It is our thing. It is our responsibility. We are for democracy, and we are there with our military to establish and to prop up democracy in Haiti.

Many people have pointed out that democracy does not spring from nowhere. Democracy generally is developed on the basis of a culture, on the basis of a tradition. In our country, it was a tradition that went back to ancient times in Europe, in England, in particular. There is no such tradition in Haiti.

So we are supposed to plant the seed of democracy on the rock of Haiti and hope that something flourishes. I do not think that is likely to happen. But we are there and we are vouching for it.

We are so pleased that American troops, when they entered Haiti, were not shot at, and that this was accomplished by President Carter, that we are about to take up a resolution thanking President Carter for his efforts. And I am happy to thank President Carter. I think he is a very, very admirable person in many, many ways.

But in order to protect our soldiers from being killed on the way in—and it would be an easy exercise, and probably not many would be killed—what did we do? We embraced General Cedras and we now describe him as our "partner." We are cooperating with General Cedras, of all people, in our military enterprise.

So it is somehow that we are pleased that it became the Clinton-Cedras military exercise for the purpose of interfering with the Government of Haiti. And, by the way, part of the deal is that the Parliament of Haiti has to do something, namely grant amnesty for the military leaders.

The Parliament of Haiti is not exactly the Senate of the United States. The Parliament of Haiti is not exactly the paragon of democratic values. This is Cedras' Parliament. We are saying we are there with our military force, and one of the objectives that we are trying to achieve in the name of democracy is a specific action on the part of the Parliament of Haiti.

It is ironic in the extreme that a mission for the stated purpose of establishing democracy is utilizing a government which we say is not democratic.

I want to reiterate that we support our troops on the ground, and we are loyal to them. We are going to do what is necessary to support them and to protect them. For that reason, once we have engaged in an operation, it is very hard to disengage. It is even harder to disengage when we are vouching for a governmental system which we want to be able to describe to the people of our country as consistent with our own American values. I do not think that will ever come to an end.

Mr. President, I hope we are not there long. I know that when we were in Somalia and the military operation in Somalia turned from keeping people alive by feeding them into nation building Senator BYRD successfully led an effort to try to place a limitation on the duration of our military presence in Somalia. And I believe that there should be some appropriate limitation on the duration of our stay in Haiti as well because, otherwise, we are going to be there forever. And it is not going to be easy to get out. Particularly, it is not going to be easy to get out if we do not much like the people we have left behind. It is never easy to get out.

(Mr. CAMPBELL assumed the chair.)

Mr. DANFORTH. At the time of the Vietnam war, there was a great debate about how we could get out once we got in, how we could get out with honor. And there were those who concluded at that time that the only way to get out was to just get out. I believe that time is going to come in Haiti and that it should come in Haiti in the foreseeable future.

Somehow we have blundered into a situation here without really thinking about what we were doing—maybe we did think about it, but just not very well. We have adopted a practice of using American military power for the purpose of intervening in the internal affairs of a country in which we have no national interest. We sent our troops in in a way which was intended to create democracy in a country that does not have any history of democracy. I think it was a terrible, terrible mistake.

I understand the great euphoria from President Carter's mission, and I understand further that when American troops accomplish something, people are proud of those troops. But, Mr. President, it is not really much of an accomplishment to land soldiers in Haiti.

So I wanted to voice my own concern about what we are doing, to express the hope that we are going to extricate ourselves from this situation in the foreseeable future, and especially to express the hope that the utilization of American troops for the purpose of nation building is not going to be the standard practice of our country in the future.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. NUNN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LIFT THE ECONOMIC SANCTIONS

Mr. NUNN. Mr. President, I believe the Senate should go on record as soon as possible, hopefully tonight, but if not tonight, tomorrow, in full support of our troops who are now ashore in Haiti, and I am confident that we will.

As a related matter, I believe that any such resolution should also address the immediate lifting of economic sanctions, and I understand that the draft resolutions that are being passed back and forth will make that explicit call.

These sanctions are hurting the very people we are trying to help: the poor people of Haiti who are suffering. At this time, moreover, when the United States forces are arriving in numbers—in very large numbers—in Haiti, I believe it is absolutely imperative that we alleviate the suffering of the Haitian people as soon as possible so that we can provide a tangible demonstration of the benefit of our presence in that country. In other words, lifting the embargo and sanctions without delay will serve to minimize the risk to our own soldiers who are in that country. Every day we continue the embargo increases their risk and the difficulty of their mission.

The agreement that President Carter, General Powell, and I negotiated on behalf of President Clinton specifically calls for, quoting from that agreement, "the economic embargo and the economic sanctions to be lifted without delay in accordance with relevant U.N. resolutions * * *"

Mr. President, we need to live up to that commitment as soon as possible. I have heard that some people believe that the international embargoes should only be lifted when President Aristide returns to Haiti. I do not believe that President Aristide would want to prolong the suffering of the Haitian people. I would hope that he would publicly endorse the immediate lifting of the embargo, if that is needed to convince the members of the Security Council to do so.

I understand that part of the embargo has been imposed by the United States independent of the international embargo imposed by the United Nations. And I would hope that President Clinton would make an early decision to lift those parts of the embargo that are not internationally imposed immediately and do everything through our good offices, through Ambassador Albright at the United Nations, to persuade the Security Council to take the step, or steps, needed to lift the international embargo.

I do not understand how anyone can believe that depriving Haitian children of food or preventing Haitian adults from obtaining employment is in our interest when we occupy that country. The only interest it would serve would be the interest of those who would want to see the agreement unravel.

Mr. President, I think we must keep our word and do all we can to lift the economic sanctions, and I am hopeful that the Senate resolution will make that explicit when we adopt it on the floor.

I thank the Chair, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. LEVIN). Without objection, it is so ordered.

COMMENDING THE PRESIDENT AND THE SPECIAL DELEGATION TO HAITI—SENATE RESOLUTION 259

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Senate Resolution 259. Regarding Haiti, submitted earlier today by myself and Senator DOLE and others; that no amendments or motions to commit be in order to the resolution or the preamble; that the Senate vote on adoption of the resolution no later than 3 p.m. tomorrow; that the preamble be agreed to immediately upon the disposition of the resolution; and that the time for debate tomorrow on the resolution be equally divided between the two leaders or their designees.

The PRESIDING OFFICER. Is there objection.

The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, reserving the right to object, when I spoke earlier this evening on the resolution which has been proposed, I indicated that I intended to offer an amendment stating the sense of the Senate that Congress should vote—up or down—on a measure containing specific authorization for the use of U.S. forces and military operations in Haiti on or before October 15, the date on which the new agreement calls for the military dictators to step down.

I stated in some detail, why I believe the President needs specific authorization from the Congress for the Haiti operation. I have, however, agreed not to offer that sense-of-the-Senate language to the pending measure and will instead introduce it as a freestanding resolution for appropriate reference.

I strongly believe this specific authorization should be voted on in the very near future but I recognize the desire of the proponents of this resolution to move forward with a unanimous-consent agreement to expedite consideration of this resolution and I do not intend to object.

The PRESIDING OFFICER. Is there objection. Hearing none, it is so ordered.

Mr. MITCHELL. I thank the Senator from Wisconsin.

HOUSE OF REPRESENTATIVES CAMPAIGN SPENDING LIMIT AND ELECTION REFORM ACT OF 1993

Mr. MITCHELL. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on a bill (S. 3) entitled the "Congressional Spending Limit and Election Reform Act of 1993."

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives.

Resolved, That the bill from the Senate (S. 3) entitled "An Act entitled the 'Congressional Spending Limit and Election Reform Act of 1993'", do pass with the following amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "House of Representatives Campaign Spending Limit and Election Reform Act of 1993".

(c) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.

TITLE I—CONTROL OF CONGRESSIONAL CAMPAIGN SPENDING

Subtitle A—[Reserved]

Subtitle B—Expenditure Limitations, Contribution Limitations, and Voter Communication Vouchers for Eligible House of Representatives Candidates

Sec. 121. Provisions applicable to eligible House of Representatives candidates.
Sec. 122. Registration as eligible House of Representatives candidate.
Sec. 123. Definitions.

TITLE II—LIMITATIONS ON POLITICAL COMMITTEE AND LARGE DONOR CONTRIBUTIONS THAT MAY BE ACCEPTED BY HOUSE OF REPRESENTATIVES CANDIDATES

Sec. 201. Limitations on political committee and large donor contributions that may be accepted by House of Representatives candidates.

TITLE III—INDEPENDENT EXPENDITURES

Sec. 301. Clarification of definitions relating to independent expenditures.
Sec. 302. Reporting requirements for certain independent expenditures.
Sec. 303. Broadcast and cable independent expenditure communications against eligible House of Representatives candidates.

TITLE IV—CONTRIBUTIONS AND EXPENDITURES BY POLITICAL PARTY COMMITTEES

Sec. 401. Definitions.
Sec. 402. Contributions to political party committees.
Sec. 403. Provisions relating to national, State, and local party committees.
Sec. 404. Reporting requirements.
Sec. 405. Restrictions on fundraising by candidates and officeholders.
Sec. 406. Increase in authorized political committee contributions to congressional campaign committees.
Sec. 407. Increase in the amount that multicandidate political committees may contribute to national political party committees.
Sec. 408. Merchandising and affinity cards.
Sec. 409. Increased limitation amount for certain contributions to political committees of State political parties.

TITLE V—CONTRIBUTIONS

Sec. 501. Restrictions on bundling.
Sec. 502. Contributions by dependents not of voting age.
Sec. 503. Prohibition of acceptance by a candidate of cash contributions from any one person aggregating more than $100.
Sec. 504. Contributions to candidates from State and local committees of political parties to be aggregated.
Sec. 505. Prohibition of false representation to solicit contributions.
Sec. 506. Limited exclusion of advances by campaign workers from the definition of the term "contribution".
Sec. 507. Amendment to section 316 of the Federal Election Campaign Act of 1971.
Sec. 508. Prohibition of certain election-related activities of foreign nationals.

TITLE VI—REPORTING REQUIREMENTS

Sec. 601. Change in certain reporting from a calendar year basis to an election cycle basis.
Sec. 602. Personal and consulting services.
Sec. 603. Reduction in threshold for reporting of certain information by persons other than political committees.
Sec. 604. Computerized indices of contributions.
Sec. 605. Identification.
Sec. 606. Political committees.
Sec. 607. Use of candidates' names.
Sec. 608. Reporting requirements.
Sec. 609. Simultaneous registration of candidate and candidate's principal campaign committee.

TITLE VII—FEDERAL ELECTION COMMISSION

Sec. 701. Appearance as amici curiae.
Sec. 702. Federal Election Commission public service announcements.
Sec. 703. Authority to seek injunction.
Sec. 704. Expedited procedures.
Sec. 705. Insolvent political committees.

TITLE VIII—BALLOT INITIATIVE COMMITTEES

Sec. 801. Definitions relating to ballot initiatives.
Sec. 802. Amendment to definition of contribution.
Sec. 803. Amendment to definition of expenditure.
Sec. 804. Organization of ballot initiative committees.
Sec. 805. Registration of ballot initiative committees.
Sec. 806. Reporting by ballot initiative committees.
Sec. 807. Enforcement for ballot initiative committees.
Sec. 808. Prohibition on contributions and expenditures by ballot initiative committees.

TITLE IX—MISCELLANEOUS

Sec. 901. Broadcast rates and preemption.
Sec. 902. Campaign advertising amendments.
Sec. 903. Telephone voting by persons with disabilities.
Sec. 904. Transfer of presidential election financing provisions to Federal Election Campaign Act of 1971.

TITLE X—HOUSE OF REPRESENTATIVES CAMPAIGN ELECTION FUNDING AND RELATED MATTERS

Sec. 1001. Make Democracy Work Election Fund.

TITLE XI—EFFECTIVE DATES; SEVERABILITY

Sec. 1101. Effective date.
Sec. 1102. Severability.
Sec. 1103. Expedited review of constitutional issues.
Sec. 1104. Regulations.
Sec. 1105. Budget neutrality.

TITLE I—CONTROL OF CONGRESSIONAL CAMPAIGN SPENDING

Subtitle A—[Reserved]

Subtitle B—Expenditure Limitations, Contribution Limitations, and Voter Communication Vouchers for Eligible House of Representatives Candidates

SEC. 121. PROVISIONS APPLICABLE TO ELIGIBLE HOUSE OF REPRESENTATIVES CANDIDATES.

(a) IN GENERAL.—The Federal Election Campaign Act of 1971 is amended by adding at the end the following new title:

"TITLE VI—EXPENDITURE LIMITATIONS, CONTRIBUTION LIMITATIONS, AND VOTER COMMUNICATION VOUCHERS FOR ELIGIBLE HOUSE OF REPRESENTATIVES CANDIDATES

"SEC. 601. EXPENDITURE LIMITATIONS.

"(a) IN GENERAL.—An eligible House of Representatives candidate may not, in an election cycle, make expenditures aggregating more than $600,000.

"(b) RUNOFF ELECTION AND SPECIAL ELECTION AMOUNTS.—

"(1) RUNOFF ELECTION AMOUNT.—If an eligible House of Representatives candidate is a candidate in a runoff election, the candidate may make additional expenditures aggregating not more than $200,000 in the election cycle.

"(2) SPECIAL ELECTION AMOUNT.—An eligible House of Representatives candidate who is a candidate in a special election may make expenditures aggregating not more than $600,000 with respect to the special election.

"(c) CLOSELY CONTESTED PRIMARY.—If, as determined by the Commission, an eligible House of Representatives candidate in a contested primary election wins that primary election by a margin of 20 percentage points or less, the candidate may make additional expenditures aggregating not more than $200,000 in the election cycle.

"(d) NONPARTICIPATING OPPONENT PROVISIONS.—

"(1) LIMITATION EXCEPTION.—The limitations imposed by subsections (a) and (b) do not apply in the case of an eligible House of Representatives candidate if any other general election candidate seeking nomination or election to that office—

"(A) is not an eligible House of Representatives candidate; and

"(B) receives contributions or makes expenditures in excess of 25 percent of the limitation under subsection (a).

"(2) CONTINUED ELIGIBILITY AND ADDITIONAL MATCHING FUNDS.—An eligible House of Representatives candidate referred to in paragraph (1)—

"(A) shall continue to be eligible for all benefits under this title; and

"(B) shall receive voter communication vouchers under section 604.

"(3) REPORTING REQUIREMENT.—A candidate for the office of Representative in, or Delegate or Resident Commissioner to, the Congress—

"(A) who is not an eligible House of Representatives candidate; and

"(B) who makes contributions in excess of $50,000 of personal funds of the candidate and members of the candidate's immediate family to the authorized committee of the candidate or receives contributions or makes expenditures in excess of 25 percent of the limitation under subsection (a);

shall report that the threshold has been reached to the Clerk of the House of Representatives not later than 48 hours after reaching the threshold. The Clerk shall transmit a report received under this paragraph to the Commission as soon as possible (but no later than 4 working hours of the Commission) after such receipt, and the

Commission shall transmit a copy to each other candidate for election to the same office within 48 hours of receipt.

“(e) Exemption for Legal Costs and Taxes.—Any costs incurred by an eligible House of Representatives candidate or his or her authorized committee, or a Federal officeholder, for legal services or Federal, State, or local income and payroll taxes with respect to a candidate's authorized committees, or to comply with section 606, shall not be considered in the computation of amounts subject to limitation under this section.

“(f) Exemption for Accounting or Fundraising Costs.—

“(1) Any costs incurred by an eligible House of Representatives candidate or his or her authorized committee in connection with the solicitation of contributions on behalf of such candidate or for accounting services to ensure compliance with this Act shall not be considered in the computation of amounts subject to limitation under subsection (a) to the extent that the aggregate of such costs does not exceed 10 percent of the limitation under subsection (a).

“(2) An amount equal to 10 percent of salaries and overhead expenditures of an eligible House of Representatives candidate's campaign headquarters and offices shall not be considered in the computation of amounts subject to limitation under this section. Any amount excluded under this paragraph shall be applied against the accounting or fundraising expenditure exemption under paragraph (1).

“(g) Civil Penalties.—

“(1) Low amount of excess expenditures.—Any eligible House of Representatives candidate who makes expenditures that exceed a limitation under subsection (a) or subsection (b) by 2.5 percent or less shall pay to the Commission an amount equal to the amount of the excess expenditures.

“(2) Medium amount of excess expenditures.—Any eligible House of Representatives candidate who makes expenditures that exceed a limitation under subsection (a) or subsection (b) by more than 2.5 percent and less than 5 percent shall pay to the Commission an amount equal to three times the amount of the excess expenditures.

“(3) Large amount of excess expenditures.—Any eligible House of Representatives candidate who makes expenditures that exceed a limitation under subsection (a) or subsection (b) by 5 percent or more shall pay to the Commission an amount equal to three times the amount of the excess expenditures plus a civil penalty in an amount determined by the Commission.

“(h) Indexing.—The dollar amounts specified in subsections (a), (b), and (c) shall be adjusted at the beginning of each calendar year based on the increase in the price index determined under section 315(c), except that, for the purposes of such adjustment, the base period shall be calendar year 1992.

“(i) The limitations of this section do not apply in the case of any recall action held pursuant to State law.

“SEC. 602. CONTRIBUTION LIMITATIONS.

“(a) Personal Contributions.—An eligible House of Representatives candidate may not, with respect to an election cycle, make contributions or loans to his or her own campaign totaling more than $50,000 from the personal funds of the candidate. The amount that the candidate may accept from persons referred to in section 315(i)(2) shall be reduced by the amount of contributions made under the preceding sentence. Contributions from the personal funds of a candidate may not be matched under section 604.

“(b) Limitation Exception.—The limitation imposed by subsection (a) does not apply in the case of an eligible House of Representatives candidate if any other candidate for that office—

“(1) is not an eligible House of Representatives general election candidate; and

“(2) makes contributions or loans to his or her own campaign totaling more than $50,000 from his or her own personal funds.

“SEC. 603. DECLARATION OF PARTICIPATION; CONTINUING ELIGIBILITY.

“The Commission shall determine whether a candidate is eligible under this title and, by reason of such eligibility may receive benefits under this title. Such determination shall—

“(1) in the case of an initial determination, be based on a declaration of participation submitted by the candidate; and

“(2) in the case of a determination of continuing eligibility, be based on relevant additional information submitted in such form and manner as the Commission may require.

“SEC. 604. VOTER COMMUNICATION VOUCHERS.

“(a) In General.—An eligible House of Representatives candidate shall be entitled to receive, with respect to the general election, an amount of voter communication vouchers equal to the amount of contributions from individuals received by the candidate, but not more than $200,000, with not more than $200 to be taken into account per individual.

“(b) Specific Requirements.—A candidate for the office of Representative in, or Delegate or Resident Commissioner to, the Congress may receive voter communication vouchers under subsection (a) only if the candidate—

“(1) in an election cycle, has received 10 percent of the limit specified in section 601(a) in contributions from individuals, with not more than $200 to be taken into account per individual;

“(2) qualifies for the general election ballot;

“(3) has an opponent on the general election ballot; and

“(4) files a declaration of participation in which the candidate agrees to—

“(A) comply with the limitations under sections 601 and 315(i);

“(B) cooperate in the case of any audit by the Commission by furnishing such campaign records and other information as the Commission may require; and

“(C) comply with any repayment requirement under section 606.

“(c) Written Instrument Requirement.—No contribution in any form other than a gift of money made by a written instrument or a certification by the committee making the request that identifies the individual making the contribution by full name and address may be used as a basis for any matching payment under this section.

“(d) Certification and Payment.—

“(1) Certification.—Except as provided in paragraphs (2), (3), and (4) not later than 5 days after receiving a request for payment, the Commission shall certify for payment the amount requested under this section. The request by an eligible candidate to receive voter communications vouchers under this section shall contain—

“(A) such information and be made in accordance with such procedures as the Commission may provide by regulation; and

“(B) a verification signed by the candidate and the treasurer of the principal campaign committee of such candidate stating that the information furnished in support of the request, to the best of their knowledge, is correct and fully satisfies the requirements of this title.

“(2) Payments.—The initial payment of voter communication vouchers under subsection (a) to an eligible candidate shall be an amount equal to at least 10 percent of the limit specified in section 601(a). All payments shall be—

“(A) made not later than 48 hours after certification under paragraph (1); and

“(B) subject to proportional reduction in the case of insufficient funds.

“(3) Partial certification.—If the Commission determines that any portion of a request does not meet the requirements for certification, the Commission shall withhold the certification for that portion only and inform the candidate as to how the candidate may correct the request.

“(4) Certification withheld.—The Commission may withhold certification if it determines that a candidate who is otherwise eligible has engaged in a pattern of activity indicating that the promises in the candidate's statement of participation cannot be relied upon.

“(e) Closely Contested Primary.—If, as determined by the Commission, an eligible House of Representatives candidate in a contested primary election wins that primary election by a margin of 20 percentage points or less, the candidate shall be eligible to receive matching vouchers totaling not more than $66,600, in addition to any other amount received under this section. The amount available under the preceding sentence is subject to the matching requirements of this section.

“(f) Independent Expenditure Provision.—If, with respect to a general election involving an eligible House of Representatives candidate, independent expenditures totaling $10,000 are made against the eligible House of Representatives candidate or in favor of another candidate, the eligible House of Representatives candidate shall be entitled, in addition to any amount received under subsection (a), to voter communication vouchers equal to the amount of such independent expenditures, and expenditures may be made from such vouchers without regard to the limitations in section 601.

“(g) Prohibition of Conversion to Personal Use.—An eligible candidate who receives voter communication vouchers under this section may not convert any amount to personal use or make any payments, directly or indirectly, to such candidate or to any members of the immediate family of the candidate.

“(h) Indexing.—The dollar amount specified in subsections (a) and (e) (other than the amount taken into account per individual) shall be adjusted at the beginning of the calendar year based on the increase in the price index determined under section 315(c), except that, for the purposes of such adjustment, the base period shall be calendar year 1992.

“(i) Use of Voter Communication Vouchers.—Voter communication vouchers shall be used by an eligible House of Representatives candidate—

“(1) to purchase broadcast time during the general election period in the same manner as other broadcast time may be purchased by the candidate;

“(2) to purchase print advertisements during the general election period;

“(3) to purchase voter contact campaign materials (brochures, bumper stickers, handbills, pins, posters, and yard signs) used during the general election period; or

“(4) to pay for postage expenses incurred during the general election period.

“(j) Unexpended Vouchers.—Any amount of voter communication vouchers received by an eligible House candidate under this title and not expended on or before the date of the general election shall be repaid within 60 days of the election, except that a reasonable amount may be retained for a period not exceeding 120 days after the date of the general election for the liquidation of obligations to pay expenditures for the general election incurred during the general election period. At the end of the 120-day period, any unexpended vouchers received under this title shall be promptly repaid.

“SEC. 605. CLOSED CAPTIONING REQUIREMENT FOR TELEVISION COMMERCIALS OF ELIGIBLE HOUSE OF REPRESENTATIVES CANDIDATES.

“No eligible House of Representatives candidate may receive amounts under section 604

unless such candidate has certified to the Federal Election Commission that any television commercial prepared or distributed by the candidate will be prepared in a manner that contains, is accompanied by, or otherwise readily permits closed captioning of the oral content of the commercial to be broadcast by way of line 21 of the vertical blanking interval, or by way of comparable successor technologies.

"SEC. 606. EXAMINATION AND AUDITS; REPAYMENTS.

"(a) General Election.—After each general election, the Commission shall conduct an examination and audit of the campaign accounts of 5 percent of the eligible House of Representatives candidates, as designated by the Commission through the use of an appropriate statistical method of random selection, to determine whether such candidates have complied with the conditions of eligibility and other requirements of this title. No other factors shall be considered in carrying out such an examination and audit. The Commission shall conduct an examination and audit of the accounts of all candidates from a congressional district where any eligible candidate is selected for examination and audit.

"(b) Special Election.—After each special election, the Commission shall conduct an examination and audit of the campaign accounts of all eligible candidates in the election to determine whether the candidates have complied with the conditions of eligibility and other requirements of this title.

"(c) Affirmative Vote.—The Commission may conduct an examination and audit of the campaign accounts of any eligible House of Representatives candidate in a general election if the Commission, by an affirmative vote of 4 members, determines that there exists reason to believe whether such candidate may have violated any provision of this title.

"(d) Payments.—If the Commission determines that any amount of a payment to a candidate under this title was in excess of the aggregate payments to which such candidate was entitled, the Commission shall so notify the candidate, and the candidate shall pay an amount equal to the excess.

"SEC. 607. JUDICIAL REVIEW.

"(a) Judicial Review.—Any agency action by the Commission made under the provisions of this title shall be subject to review by the United States Court of Appeals for the District of Columbia Circuit upon petition filed in such court within 30 days after the agency action by the Commission for which review is sought. It shall be the duty of the Court of Appeals, ahead of all matters not filed under this title, to advance on the docket and expeditiously take action on all petitions filed pursuant to this title.

"(b) Application of Title 5.—The provisions of chapter 7 of title 5, United States Code, shall apply to judicial review of any agency action by the Commission.

"(c) Agency Action.—For purposes of this section, the term 'agency action' has the meaning given such term by section 551(13) of title 5, United States Code.

"SEC. 608. PARTICIPATION BY COMMISSION IN JUDICIAL PROCEEDINGS.

"(a) Appearances.—The Commission is authorized to appear in and defend against any action instituted under this section and under section 607 either by attorneys employed in its office or by counsel whom it may appoint without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and whose compensation it may fix without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title.

"(b) Institution of Actions.—The Commission is authorized, through attorneys and counsel described in subsection (a), to institute actions in the district courts of the United States to seek recovery of any amounts determined under this title to be payable to the Secretary.

"(c) Injunctive Relief.—The Commission is authorized, through attorneys and counsel described in subsection (a), to petition the courts of the United States for such injunctive relief as is appropriate in order to implement any provision of this title.

"(d) Appeals.—The Commission is authorized on behalf of the United States to appeal from, and to petition the Supreme Court for certiorari to review, judgments or decrees entered with respect to actions in which it appears pursuant to the authority provided in this section.

"SEC. 609. REPORTS TO CONGRESS; CERTIFICATIONS; REGULATIONS.

"(a) Reports.—The Commission shall, as soon as practicable after each election, submit a full report to the House of Representatives setting forth—

"(1) the expenditures (shown in such detail as the Commission determines appropriate) made by each eligible candidate and the authorized committees of such candidate;

"(2) the aggregate amount of voter communication vouchers certified by the Commission under section 604 for each eligible candidate; and

"(3) the amount of repayments, if any, required under section 606, and the reasons for each repayment required.

Each report submitted pursuant to this section shall be printed as a House document.

"(b) Determinations by Commission.—All determinations (including certifications under section 604) made by the Commission under this title shall be final and conclusive, except to the extent that they are subject to examination and audit by the Commission under section 606 or judicial review under section 607.

"(c) Rules and Regulations.—The Commission is authorized to prescribe such rules and regulations, in accordance with the provisions of subsection (d), to conduct such audits, examinations and investigations, and to require the keeping and submission of such books, records, and information, as it deems necessary to carry out the functions and duties imposed on it by this title.

"(d) Report of Proposed Regulations.—The Commission shall submit to the House of Representatives a report containing a detailed explanation and justification of each rule, regulation, and form of the Commission under this title. No such rule, regulation, or form may take effect until a period of 30 legislative days has elapsed after the report is received. As used in this subsection—

"(1) the term 'legislative day' means any calendar day on which the House of Representatives is in session; and

"(2) the terms 'rule' and 'regulation' mean a provision or series of interrelated provisions stating a single, separable rule of law.".

(b) Report on Using Voter Communication Vouchers for Primary Elections.—The Commission shall submit to the House of Representatives, not later than January 1, 1997, a report containing an evaluation for expanding the use of voter communication vouchers in primary elections for eligible candidates to the House of Representatives for the election year 2000 and thereafter. The report shall include a detailed cost estimate for such expansion and options for financing the use of Voter Communication Vouchers in primary elections.

SEC. 122. REGISTRATION AS ELIGIBLE HOUSE OF REPRESENTATIVES CANDIDATE.

(a) In General.—Section 302(e) of the Federal Election Campaign Act of 1971 (2 U.S.C. 432(e)) is amended by adding at the end the following new paragraph:

"(6)(A) In the case of a candidate for the office of Representative in, or Delegate or Resident Commissioner to, the Congress, who desires to be an eligible House of Representatives candidate, a declaration of participation of the candidate to abide by the limits specified in sections 601 and 315(i) and provide the information required under section 604(b)(4) shall be included in the designation required to be filed under paragraph (1).

"(B)(i) In the case of a candidate referred to in subparagraph (A), if the statement of candidacy does not include a declaration referred to in that paragraph, the candidate may amend the statement to include such declaration, if such amendment is filed under subsection (g) not later than 7 days after the earlier of—

"(I) the date the candidate qualifies for the general election ballot under State law; or

"(II) if, under State law, a primary or runoff election to qualify for the general election ballot occurs after September 1, the date the candidate wins the primary or runoff election.

"(ii) A declaration of participation that is included in a statement of candidacy or has been added by amendment under subparagraph (B) may not thereafter be revoked.".

SEC. 123. DEFINITIONS.

Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) is amended by striking paragraph (19) and inserting the following new paragraphs:

"(19) The term 'general election' means any election which will directly result in the election of a person to a Federal office, but does not include an open primary election.

"(20) The term 'general election period' means, with respect to any candidate, the period beginning on the day after the date of the primary or runoff election for the specific office the candidate is seeking, whichever is later, and ending on the earlier of—

"(A) the date of such general election; or

"(B) the date on which the candidate withdraws from the campaign or otherwise ceases actively to seek election.

"(21) The term 'immediate family' means—

"(A) a candidate's spouse;

"(B) a child, stepchild, parent, grandparent, brother, step-brother, sister or step-sister of the candidate or the candidate's spouse; and

"(C) the spouse of any person described in subparagraph (B).

"(22) The term 'primary election' means an election which may result in the selection of a candidate for the ballot in a general election for a Federal office.

"(23) The term 'primary election period' means, with respect to any candidate, the period beginning on the day following the date of the last election for the specific office the candidate is seeking and ending on the earlier of—

"(A) the date of the first primary election for that office following the last general election for that office; or

"(B) the date on which the candidate withdraws from the election or otherwise ceases actively to seek election.

"(24) The term 'runoff election' means an election held after a primary election which is prescribed by applicable State law as the means for deciding which candidate will be on the ballot in the general election for a Federal office.

"(25) The term 'runoff election period' means, with respect to any candidate, the period beginning on the day following the date of the last primary election for the specific office such candidate is seeking and ending on the date of the runoff election for such office.

"(26) The term 'voting age population' means the resident population, 18 years of age or older, as certified pursuant to section 315(e).

"(27) The term 'eligible House of Representatives candidate' means a candidate for election to the office of Representative in, or Delegate or Resident Commissioner to, the Congress, who, as determined by the Commission under section 603, is eligible to receive matching vouchers and other benefits under title VI by reason of filing a declaration of participation under section 302(e) and complying with the continuing eligibility requirements under section 603.

"(28) The term 'election cycle' means—

"(A) in the case of a candidate or the authorized committees of a candidate, the term beginning on the day after the date of the most recent general election for the specific office or seat which such candidate seeks and ending on the date of the next general election for such office or seat; or

"(B) for all other persons, the term beginning on the first day following the date of the last general election and ending on the date of the next general election.".

TITLE II—LIMITATIONS ON POLITICAL COMMITTEE AND LARGE DONOR CONTRIBUTIONS THAT MAY BE ACCEPTED BY HOUSE OF REPRESENTATIVES CANDIDATES

SEC. 201. LIMITATIONS ON POLITICAL COMMITTEE AND LARGE DONOR CONTRIBUTIONS THAT MAY BE ACCEPTED BY HOUSE OF REPRESENTATIVES CANDIDATES.

Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a) is amended by adding at the end the following new subsections:

"(i)(1) A candidate for the office of Representative in, or Delegate or Resident Commissioner to, the Congress may not, with respect to an election cycle, accept contributions from political committees aggregating in excess of $200,000.

"(2) A candidate for the office of Representative in, or Delegate or Resident Commissioner to, the Congress may not, with respect to an election cycle, accept contributions aggregating in excess of $200,000 from persons other than political committees whose contributions total more than $200.

"(3) In addition to the contributions under paragraphs (1) and (2), if an eligible House of Representatives candidate in a contested primary election wins that primary election by a margin of 20 percentage points or less, the candidate may accept contributions of—

"(A) not more than $66,600 from political committees; and

"(B) not more than $66,600 from persons referred to in paragraph (2).

"(4) In addition to the contributions under paragraphs (1) and (2), a House of Representatives candidate who is a candidate in a runoff election may accept contributions of (A) not more than $100,000 from political committees; and (B) not more than $100,000 from persons referred to in paragraph (2).

"(j) Nonparticipating Opponent Provisions.—The limitations imposed by section 315(i) do not apply in the case of an eligible House of Representatives candidate if any other candidate seeking nomination or election to that office—

"(1) is not an eligible House of Representatives general election candidate; and

"(2) makes contributions or loans to his or her own campaign totaling more than $50,000 from his or her own personal funds.

"(k) Civil Penalties.—

"(1) Low Amount of Excess Contributions.—Any eligible House of Representatives candidate who accepts contributions that exceed the limitations under this section by 2.5 percent or less shall refund the excess contributions to the persons who made the contributions.

"(2) Medium Amount of Excess Contributions.—Any eligible House of Representatives candidate who accepts contributions that exceed the limitations under this section by more than 2.5 percent and less than 5 percent shall pay to the Commission an amount equal to three times the amount of the excess contributions.

"(3) Large Amount of Excess Contributions.—Any eligible House of Representatives candidate who accepts contributions that exceed the limitations under this section by 5 percent or more shall pay to the Commission an amount equal to three times the amount of the excess contributions plus a civil penalty in an amount determined by the Commission.

"(l) Exemption for Certain Costs.—Any amount—

"(1) accepted by a House of Representatives candidate; and

"(2) used for costs incurred under section 601(e) and (f) shall not be considered in the computation of amounts subject to limitation.

"(m) Indexing.—The dollar amounts specified in section 315(i) shall be adjusted at the beginning of the calendar year based on the increase in the price index determined under section 315(c), except that, for the purposes of such adjustment, the base period shall be calendar year 1992.

"(n) Transfer Provision.—The limitations imposed by section 315(i) apply without regard to amounts transferred from previous election cycles or other authorized committees of the same candidate. Candidates shall not be required to seek the redesignation of contributions in order to transfer such contributions to a later election cycle.".

TITLE III—INDEPENDENT EXPENDITURES

SEC. 301. CLARIFICATION OF DEFINITIONS RELATING TO INDEPENDENT EXPENDITURES.

(a) Independent Expenditure Definition Amendment.—Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) is amended by striking paragraphs (17) and (18) and inserting the following:

"(17)(A) The term 'independent expenditure' means an expenditure for an advertisement or other communication that—

"(i) contains express advocacy; and

"(ii) is made without the participation or cooperation of, or consultation with, a candidate or a candidate's representative.

"(B) The following shall not be considered an independent expenditure:

"(i) An expenditure made by an authorized committee of a candidate for Federal office or a political committee of a political party.

"(ii) An expenditure made by a person who, during the election cycle, has made a contribution to a candidate, where the expenditure is in support of that candidate or in opposition to another candidate for the same office.

"(iii) An expenditure made by a person, or a political committee established, maintained or controlled by such person, who is required to register, under section 308 of the Federal Regulation of Lobbying Act (2 U.S.C. 267) or the Foreign Agents Registration Act (22 U.S.C. 611) or any successor Federal law requiring a person who is a lobbyist or foreign agent to register.

"(iv) An expenditure made by a person who, during the election cycle, has communicated with or received information from a candidate or a representative of that candidate regarding activities that have the purpose of influencing that candidate's election to Federal office, where the expenditure is in support of that candidate or in opposition to another candidate for that office.

"(v) An expenditure if, in the same election cycle, the person making the expenditure is or has been—

"(I) authorized to raise or expend funds on behalf of the candidate or the candidate's authorized committees; or

"(II) serving as a member, employee, or agent of the candidate's authorized committees in an executive or policymaking position.

"(18) The term 'express advocacy' means, when a communication is taken as a whole and with limited reference to external events, an expression of support for or opposition to a specific candidate, to a specific group of candidates, or to candidates of a particular political party, or a suggestion to take action with respect to an election, such as to vote for or against, make contributions to, or participate in campaign activity.".

(b) Contribution Definition Amendment.—Section 301(8)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)(A)) is amended—

(1) in clause (i), by striking "or" after the semicolon at the end;

(2) in clause (ii), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following new clause:

"(iii) any payment or other transaction referred to in paragraph (17)(A)(i) that does not qualify as an independent expenditure under paragraph (17)(A)(ii).".

SEC. 302. REPORTING REQUIREMENTS FOR CERTAIN INDEPENDENT EXPENDITURES.

Section 304(c) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(c)) is amended—

(1) in paragraph (2), by striking out the undesignated matter after subparagraph (C);

(2) by redesignating paragraph (3) as paragraph (8); and

(3) by inserting after paragraph (2), as amended by paragraph (1), the following new paragraphs:

"(3)(A) Any person (including a political committee) making an independent expenditure (including those described in subsection (b)(6)(B)(iii) of this section) aggregating $1,000 or more made after the 20th day, but more than 24 hours, before any election shall file a report within 24 hours after such independent expenditure is made.

"(B) Any person (including a political committee) making an independent expenditure aggregating $5,000 or more made at any time up to and including the 20th day before any election shall file a report within 48 hours after such independent expenditure is made. An additional report shall be filed each time independent expenditures aggregating $5,000 are made with respect to the same election as the initial report filed under this section.

"(C) Such report shall be filed with the Clerk of the House of Representatives, the Secretary of the Senate, or the Commission, whichever is applicable, and the Secretary of State of the State involved and shall contain the information required by subsection (b)(6)(B)(iii) of this section, including whether the independent expenditure is in support of, or in opposition to, the candidate involved. The Clerk of the House of Representatives and the Secretary of the Senate shall as soon as possible (but not later than 4 working hours of the Commission) after receipt of a report transmit it to the Commission. Not later than 48 hours after the Commission receives a report, the Commission shall transmit a copy of the report to each candidate seeking nomination or election to that office.

"(D) For purposes of this section, the term 'made' includes any payment and any action taken to incur an obligation for payment.

"(4)(A) If any person (including a political committee) intends to make independent expenditures totaling $5,000 during the 20 days before an election, such person shall file a report no later than the 20th day before the election.

"(B) Such report shall be filed with the Clerk of the House of Representatives, the Secretary of the Senate, or the Commission, whichever is applicable, and the Secretary of State of the State involved, and shall identify each candidate whom the expenditure is actually intended to support or to oppose. The Clerk of the House of Representatives and the Secretary of the Senate shall as soon as possible (but not later than 4 working hours of the Commission) after receipt of a report transmit it to the Commission. Not later than 48 hours after the Commission receives a report under this paragraph, the Commission shall transmit a copy of the statement to each candidate identified.

"(5) The Commission may make its own determination that a person has made, or has incurred obligations to make, independent expenditures with respect to any Federal election which in the aggregate exceed the applicable amounts under paragraph (3) or (4). The Commission shall notify each candidate in such election of such determination within 24 hours of making it.

"(6) At the same time as an eligible candidate who has qualified under section 604(b) is notified under paragraph (3), (4), or (5) with respect to expenditures during a general election period, the Commission shall certify eligibility to receive benefits under section 604(b).

"(7) The Clerk of the House of Representatives and the Secretary of the Senate shall make any report received under this subsection available for public inspection and copying in the same manner as the Commission under section 311(a)(4), and shall preserve such statements in the same manner as the Commission under section 311(a)(5).".

SEC. 303. BROADCAST AND CABLE INDEPENDENT EXPENDITURE COMMUNICATIONS AGAINST ELIGIBLE HOUSE OF REPRESENTATIVES CANDIDATES.

Section 315 of the Communications Act of 1934 (47 U.S.C. 315) is amended—

(1) by redesignating subsections (c) and (d) as subsections (e) and (f), respectively; and

(2) by inserting immediately before subsection (e) as redesignated the following new subsection:

"(d) If any person makes an independent expenditure through a communication on a broadcasting station or a cable system (as defined in section 602 of this Act) that expressly advocates the defeat of an eligible House of Representatives candidate, or the election of the opponent of an eligible House of Representatives candidate (regardless of whether such opponent is an eligible candidate), the licensee or cable operator, as applicable, shall, not later than one week after the communication (or not later than 24 hours after the communication, if the communication occurs not more than one week before the election) transmit to such candidate—

"(1) a statement of the date and time of the communication;

"(2) a script or tape recording of the communication, or an accurate summary of the communication if a script or tape recording is not available; and

"(3) an offer of an equal opportunity for such candidate to use the broadcasting station or cable system to respond to the communication at a charge determined in accordance with subsection (b).".

TITLE IV—CONTRIBUTIONS AND EXPENDITURES BY POLITICAL PARTY COMMITTEES

SEC. 401. DEFINITIONS.

(a) CONTRIBUTION AND EXPENDITURE EXCEPTIONS.—(1) Clause (xii) of section 301(8)(B) of Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)(B)(xii)) is amended—

(A) by inserting "in connection with volunteer activities" after "such committee"; and

(B) by striking "and" at the end of subclause (2), by inserting "and" at the end of subclause (3), and by adding at the end the following new subclause:

"(4) such activities are conducted solely by, and any materials are prepared for distribution, and are distributed solely by, volunteers;".

(2) Clause (ix) of section 301(9)(B) of Federal Election Campaign Act of 1971 (2 U.S.C. 431(9)(B)(ix)) is amended—

(A) by inserting "in connection with volunteer activities" after "such committee";

(B) by striking "and" at the end of subclause (2); and

(C) by adding at the end the following new subclause:

"(4) such activities are conducted solely by, and any materials are prepared for distribution and are distributed solely by, volunteers; and".

(b) GENERIC ACTIVITIES; STATE PARTY GRASSROOTS FUND.—Section 301 of Federal Election Campaign Act of 1971 (2 U.S.C. 431), as amended by section 123, is further amended by adding at the end the following new paragraphs:

"(29) The term 'generic campaign activity' means any campaign activity conducted by a political party to promote a political party rather than any Federal or non-Federal candidate and which does not identify any Federal or non-Federal candidate.

"(30) The term 'State Party Grassroots Fund' means a separate segregated fund established and maintained by a State committee of a political party solely for purposes of making expenditures and other disbursements described in section 323(d).".

SEC. 402. CONTRIBUTIONS TO POLITICAL PARTY COMMITTEES.

(a) INDIVIDUAL CONTRIBUTIONS TO POLITICAL PARTY COMMITTEES.—Paragraph (1) of section 315(a) of Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(1)) is amended by striking "or" at the end of subparagraph (B), by redesignating subparagraph (C) as subparagraph (D), and by inserting after subparagraph (B) the following new subparagraph:

"(C) to—

"(i) a State Party Grassroots Fund established and maintained by a State committee of a political party in any calendar year which, in the aggregate, exceed $20,000;

"(ii) any other political committee established and maintained by a State committee of a political party in any calendar year which, in the aggregate, exceed $5,000,

except that the aggregate contributions described in this subparagraph which may be made by a person to the State Party Grassroots Fund and all committees of a State Committee of a political party in any State in any calendar year shall not exceed $20,000; or".

(b) MULTICANDIDATE COMMITTEE CONTRIBUTIONS TO STATE PARTY.—Paragraph (2) of section 315(a) of Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(2)) is amended by striking "or" at the end of subparagraph (B), by redesignating subparagraph (C) as subparagraph (D), and by inserting after subparagraph (B) the following new subparagraph:

"(C) to—

"(i) a State Party Grassroots Fund established and maintained by a State committee of a political party in any calendar year which, in the aggregate, exceed $15,000;

"(ii) to any other political committee established and maintained by a State committee of a political party which, in the aggregate, exceed $5,000,

except that the aggregate contributions described in this subparagraph which may be made by a multicandidate political committee to the State Party Grassroots Fund and all committees of a State Committee of a political party in any State in any calendar year shall not exceed $15,000; or".

(c) OVERALL LIMIT.—Paragraph (3) of section 315(a) of Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(3)) is amended to read as follows:

"(3)(A) No individual shall make contributions during any election cycle (as defined in section 301(29)(B)) which, in the aggregate, exceed $60,000.

"(B) No individual shall make contributions during any calendar year—

"(i) to all candidates and their authorized political committees which, in the aggregate, exceed $25,000; or

"(ii) to all political committees established and maintained by State committees of a political party which, in the aggregate, exceed $20,000.

"(C) For purposes of subparagraph (B)(i), any contribution made to a candidate or the candidate's authorized political committees in a year other than the calendar year in which the election is held with respect to which such contribution is made shall be treated as made during the calendar year in which the election is held.".

SEC. 403. PROVISIONS RELATING TO NATIONAL, STATE, AND LOCAL PARTY COMMITTEES.

(a) SOFT MONEY OF COMMITTEES OF POLITICAL PARTIES.—Title III of Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by adding after section 322 the following new section:

"SEC. 323. POLITICAL PARTY COMMITTEES.

"(a) LIMITATIONS ON NATIONAL COMMITTEE.—(1) A national committee of a political party and the congressional campaign committees of a political party may not solicit or accept contributions or transfers not subject to the limitations, prohibitions, and reporting requirements of this Act.

"(2) Paragraph (1) shall not apply to contributions—

"(A) that—

"(i) are to be transferred to a State committee of a political party and are used solely for activities described in clauses (xi) through (xvii) of paragraph (9)(B) of section 301;

"(ii) are described in section 301(8)(B)(viii); and

"(B) with respect to which contributors have been notified that the funds will be used solely for the purposes described in subparagraph (A).

"(b) ACTIVITIES SUBJECT TO THIS ACT.—Any amount solicited, received, expended, or disbursed directly or indirectly by a national, State, district, or local committee of a political party with respect to any of the following activities shall be subject to the limitations, prohibitions, and reporting requirements of this Act:

"(A) Any get-out-the-vote activity conducted during a calendar year in which an election for the office of President is held.

"(B) Any other get-out-the-vote activity unless subsection (c)(2) applies to the activity.

"(C) Any generic campaign activity.

"(D) Any activity that identifies or promotes a Federal candidate, regardless of whether—

"(i) a State or local candidate is also identified or promoted; or

"(ii) any portion of the funds disbursed constitutes a contribution or expenditure under this Act.

"(E) Voter registration.

"(F) Development and maintenance of voter files during an even-numbered calendar year.

"(G) Any other activity that—

"(i) significantly affects a Federal election, or

"(ii) is not otherwise described in section 301(8)(B)(xvii).

Any amount spent to raise funds that are used, in whole or in part, in connection with activities described in the preceding paragraphs shall be subject to the limitations, prohibitions, and reporting requirements of this Act.

"(c) GET-OUT-THE-VOTE ACTIVITIES BY STATE, DISTRICT, AND LOCAL COMMITTEES OF POLITICAL PARTIES.—(1) Except as provided in paragraph (2), any get-out-the-vote activity for a State or local candidate, or for a ballot measure, which is conducted by a State, district, or local committee of a political party shall be subject to the limitations, prohibitions, and reporting requirements of this Act.

"(2) Paragraph (1) shall not apply to any activity which the State committee of a political party certifies to the Commission is an activity which—

"(A) is conducted during a calendar year other than a calendar year in which an election for the office of President is held,

"(B) is exclusively on behalf of (and specifically identifies only) one or more State or local candidates or ballot measures, and

"(C) does not include any effort or means used to identify or turn out those identified to be supporters of any Federal candidate (including any activity that is undertaken in coordination with, or on behalf of, a candidate for Federal office).

"(d) STATE PARTY GRASSROOTS FUNDS.—(1) A State committee of a political party may make disbursements and expenditures from its State Party Grassroots Fund only for—

"(A) any generic campaign activity;

"(B) payments described in clauses (v), (x), and (xii) of paragraph (8)(B) and clauses (iv), (viii), and (ix) of paragraph (9)(B) of section 301;

"(C) subject to the limitations of section 315(d), payments described in clause (xii) of paragraph (8)(B), and clause (ix) of paragraph (9)(B), of section 301 on behalf of candidates other than for President and Vice President;

"(D) voter registration; and

"(E) development and maintenance of voter files during an even-numbered calendar year.

"(2) Notwithstanding section 315(a)(4), no funds may be transferred by a State committee of a political party from its State Party Grassroots Fund to any other State Party Grassroots Fund or to any other political committee, except a transfer may be made to a district or local committee of the same political party in the same State if such district or local committee—

"(A) has established a separate segregated fund for the purposes described in paragraph (1); and

"(B) uses the transferred funds solely for those purposes.

"(e) AMOUNTS RECEIVED BY GRASSROOTS FUND FROM STATE AND LOCAL CANDIDATE COMMITTEES.—(1) Any amount received by a State Party Grassroots Fund from a State or local candidate committee for expenditures described in subsection (b) that are for the benefit of that candidate shall be treated as meeting the requirements of subsection (b) and section 304(e) if—

"(A) such amount is derived from funds which meet the requirements of this Act with respect to any limitation or prohibition as to source or dollar amount specified in section 315(a) (1)(A) and (2)(A); and

"(B) the State or local candidate committee—

"(i) maintains, in the account from which payment is made, records of the sources and amounts of funds for purposes of determining whether such requirements are met; and

"(ii) certifies that such requirements were met.

"(2) For purposes of paragraph (1)(A), in determining whether the funds transferred meet the requirements of this Act described in such paragraph—

"(A) a State or local candidate committee's cash on hand shall be treated as consisting of the funds most recently received by the committee, and

"(B) the committee must be able to demonstrate that its cash on hand contains sufficient funds meeting such requirements as are necessary to cover the transferred funds.

"(3) Notwithstanding paragraph (1)—

"(A) any State Party Grassroots Fund receiving any transfer described in paragraph (1) from a State or local candidate committee shall be required to meet the reporting requirements of this Act, and shall submit to the Commission all certifications received, with respect to receipt of the transfer from such candidate committee; and

"(B) in the case of a subordinate committee of a State committee which maintains segregated accounts which are not commingled with other accounts of the State committee and which subordinate committee is subject to reporting and contribution limitation requirements of State law, the certification required by this paragraph may be made by such subordinate committee.

"(4) For purposes of this subsection, a State or local candidate committee is a committee established, financed, maintained, or controlled by a candidate for other than Federal office.".

(b) CONTRIBUTIONS AND EXPENDITURES.—(1) Section 301(8)(B) of Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)(B)) is amended—

(A) in clause (viii), by inserting after "Federal office" the following: "or any amounts received by any committee of any National or State political party to support the operation of a television and radio broadcast facility";

(B) by striking "and" at the end of clause (xiii);

(C) by striking clause (xiv); and

(D) by inserting after clause (xiii) the following new clauses:

"(xiv) any amount contributed to a candidate for other than Federal office;

"(xv) any amount received or expended to pay the costs of a State or local political convention;

"(xvi) any payment for campaign activities that are exclusively on behalf of (and specifically identify only) State or local candidates and do not identify any Federal candidate, and that are not activities described in section 323(b) (without regard to paragraph (6)(B)) or section 323(c)(1);

"(xvii) any payment for administrative expenses of a State or local committee of a political party, including expenses for—

"(I) overhead, including party meetings;

"(II) staff (other than individuals devoting a significant amount of their time to elections for Federal office and individuals engaged in conducting get-out-the-vote activities for a Federal election); and

"(III) conducting party elections or caucuses;

"(xviii) any payment for research pertaining solely to State and local candidates and issues;

"(xix) any payment for development and maintenance of voter files other than during the 1-year period ending on the date during an even-numbered calendar year on which regularly scheduled general elections for Federal office occur; and

"(xx) any payment for any other activity which is solely for the purpose of influencing, and which solely affects, an election for non-Federal office and which is not an activity described in section 323(b) (without regard to paragraph (6)(B)) or section 323(c)(1).".

(2) Section 301(9)(B) of Federal Election Campaign Act of 1971 (2 U.S.C. 431(9)(B)), as amended by section 401, is further amended by striking "and" at the end of clause (ix), by striking the period at the end of clause (x) and inserting a semicolon, and by adding at the end the following new clauses:

"(xi) any amounts expended by any committee of any National or State political party to support the operation of a television and radio broadcast facility;

"(xii) any amount contributed to a candidate for other than Federal office;

"(xiii) any amount received or expended to pay the costs of a State or local political convention;

"(xiv) any payment for campaign activities that are exclusively on behalf of (and specifically identify only) State or local candidates and do not identify any Federal candidate, and that are not activities described in section 323(b) (without regard to paragraph (6)(B)) or section 323(c)(1);

"(xv) any payment for administrative expenses of a State or local committee of a political party, including expenses for—

"(I) overhead, including party meetings;

"(II) staff (other than individuals devoting a significant amount of their time to elections for Federal office and individuals engaged in conducting get-out-the-vote activities for a Federal election); and

"(III) conducting party elections or caucuses;

"(xvi) any payment for research pertaining solely to State and local candidates and issues;

"(xvii) any payment for development and maintenance of voter files other than during the 1-year period ending on the date during an even-numbered calendar year on which regularly scheduled general elections for Federal office occur; and

"(xviii) any payment for any other activity which is solely for the purpose of influencing, and which solely affects, an election for non-Federal office and which is not an activity described in section 323(b) (without regard to paragraph (6)(B)) or section 323(c)(1).".

(c) LIMITATION APPLIED AT NATIONAL LEVEL.—Paragraph (3) of section 315(d) of Federal Election Campaign Act of 1971 (2 U.S.C. 441a(d)(3)) is amended by adding at the end the following new flush sentence:

"Notwithstanding the preceding sentence, the applicable congressional campaign committee of a political party shall make the expenditures described in this paragraph which are authorized to be made by a national or State committee with respect to a candidate in any State unless it allocates all or a portion of such expenditures to either or both of such committees.".

(d) LIMITATIONS APPLY FOR ENTIRE ELECTION CYCLE.—Section 315(d)(1) of Federal Election Campaign Act of 1971 (2 U.S.C. 441a(d)(1)) is amended by adding at the end the following new sentence: "Each limitation under the following paragraphs shall apply to the entire election cycle for an office.".

SEC. 404. REPORTING REQUIREMENTS.

(a) REPORTING REQUIREMENTS.—Section 304 of Federal Election Campaign Act of 1971 (2 U.S.C. 434) is amended by adding at the end the following new subsection:

"(d) POLITICAL COMMITTEES.—(1) The national committee of a political party and any congressional campaign committee of a political party, and any subordinate committee of either, shall report all receipts and disbursements during the reporting period, whether or not in connection with an election for Federal office.

"(2) A political committee (not described in paragraph (1)) to which section 323 applies shall report all receipts and disbursements including separate schedules for receipts and disbursements for State Grassroots Funds described in section 301(30).

"(3) Any political committee to which section 323 applies shall include in its report under paragraph (1) or (2) the amount of any transfer described in section 323(d)(2) and shall itemize such amounts to the extent required by section 304(b)(3)(A).

"(4) Any political committee to which paragraph (1) or (2) does not apply shall report any receipts or disbursements which are used in connection with a Federal election.

"(5) If a political committee has receipts or disbursements to which this subsection applies from any person aggregating in excess of $200 for any calendar year, the political committee shall separately itemize its reporting for such person in the same manner as subsection (b) (3)(A), (5), or (6).

"(6) Reports required to be filed by this subsection shall be filed for the same time periods required for political committees under subsection (a).".

(b) REPORT OF EXEMPT CONTRIBUTIONS.—Section 301(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)) is amended by adding at the end the following:

"(C) The exclusion provided in clause (viii) of subparagraph (B) shall not apply for purposes of any requirement to report contributions under this Act, and all such contributions aggregating in excess of $200 shall be reported.".

(c) REPORTS BY STATE COMMITTEES.—Section 304 of Federal Election Campaign Act of 1971 (2 U.S.C. 434), as amended by subsection (a), is amended by adding at the end the following new subsection:

"(e) FILING OF STATE REPORTS.—In lieu of any report required to be filed by this Act, the Commission may allow a State committee of a political party to file with the Commission a report required to be filed under State law if the Commission determines such reports contain substantially the same information.".

(d) OTHER REPORTING REQUIREMENTS.—

(1) AUTHORIZED COMMITTEES.—Paragraph (4) of section 304(b) of Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(4)) is amended by striking "and" at the end of subparagraph (H), by inserting "and" at the end of subparagraph (I), and by adding at the end the following new subparagraph:

"(J) in the case of an authorized committee, disbursements for the primary election, the general election, and any other election in which the candidate participates;".

(2) NAMES AND ADDRESSES.—Subparagraph (A) of section 304(b)(5) of Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(5)(A)) is amended—

(A) by striking "within the calendar year", and

(B) by inserting ", and the election to which the operating expenditure relates" after "operating expenditure".

SEC. 405. RESTRICTIONS ON FUNDRAISING BY CANDIDATES AND OFFICEHOLDERS.

Section 315 of Federal Election Campaign Act of 1971 (2 U.S.C. 441a), as amended by section 201, is further amended by adding at the end the following new subsection:

"(o) LIMITATIONS ON FUNDRAISING ACTIVITIES OF FEDERAL CANDIDATES AND OFFICEHOLDERS AND CERTAIN POLITICAL COMMITTEES.—(1) For purposes of this Act, a candidate for Federal office, an individual holding Federal office, or any agent of the candidate or individual may not solicit funds to, or receive funds on behalf of, any Federal candidate or political committee, or any party or other multicandidate committee organized under State law to support more than one candidate for non-Federal office—

"(A) which are to be expended in connection with any election for Federal office unless such funds are subject to the limitations, prohibitions, and requirements of this Act; or

"(B) which are to be expended in connection with any election for other than Federal office unless such funds are not in excess of amounts permitted with respect to Federal candidates and political committees under subsections (a) (1) and (2), and are not from sources prohibited by such subsections with respect to elections to Federal office.

The limitations of this subsection do not apply to the solicitation or receipt of funds by a Federal candidate on behalf of any committee or organization organized primarily for purposes other than the election of particular candidates for public office.

"(2)(A) The aggregate amount which a person described in subparagraph (B) may solicit from a multicandidate political committee for State committees described in subsection (a)(1)(C) (including subordinate committees) for any calendar year shall not exceed the dollar amount in effect under subsection (a)(2)(B) for the calendar year.

"(B) A person is described in this subparagraph if such person is a candidate for Federal office, an individual holding Federal office, an agent of such a candidate or individual, or any national, State, district, or local committee of a political party (including a subordinate committee) and any agent of such a committee.

"(3) The personal appearance or participation by a candidate for Federal office or individual holding Federal office in any fundraising event conducted by a committee of a political party or a candidate for other than Federal office shall not be treated as a solicitation for purposes of paragraph (1) if such candidate or individual does not receive, or make disbursements from, any funds resulting from such activity.

"(4) Paragraph (1) shall not apply to the solicitation or receipt of funds, or disbursements, by an individual who is a candidate for other than Federal office if such activity is permitted under State law.

"(5) For purposes of this subsection, an individual shall be treated as holding Federal office if such individual—

"(A) holds a Federal office; or

"(B) holds a position described in level I of the Executive Schedule under section 5312 of title 5, United States Code.".

SEC. 406. INCREASE IN AUTHORIZED POLITICAL COMMITTEE CONTRIBUTIONS TO CONGRESSIONAL CAMPAIGN COMMITTEES.

Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a), as amended by sections 201 and 405 is further amended by adding at the end the following new subsection:

"(p) AUTHORIZED POLITICAL COMMITTEE CONTRIBUTIONS TO CONGRESSIONAL CAMPAIGN COMMITTEE.—For purposes of the limitations imposed by this section and notwithstanding any other provision of this section, the authorized political committees of a House of Representatives or United States Senate candidate shall not make contributions aggregating more than $10,000 in any calendar year to the congressional campaign committees of a political party.".

SEC. 407. INCREASE IN THE AMOUNT THAT MULTICANDIDATE POLITICAL COMMITTEES MAY CONTRIBUTE TO NATIONAL POLITICAL PARTY COMMITTEES.

Section 315(a)(2)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(2)(B)) is amended by striking out "$15,000" and inserting in lieu thereof "$25,000".

SEC. 408. MERCHANDISING AND AFFINITY CARDS.

Section 316 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b) is amended by adding at the end the following new subsection:

"(c) Notwithstanding the provisions of this section or any other provision of this Act to the contrary, an amount received from a corporation (including a State-chartered or national bank) by any political committee (other than a separate segregated fund established under section 316(b)(2)(C)) shall be deemed to meet the limitations and prohibitions of this Act if such amount represents a commission or royalty on the sale of goods or services, or on the issuance of credit cards, by such corporation and if—

"(1) such goods, services, or credit cards are promoted by or in the name of the political committee as a means of contributing to or supporting the political committee and are offered to consumers using the name of the political committee or using a message, design, or device created and owned by the political committee, or both;

"(2) the corporation is in the business of merchandising such goods or services, or of issuing such credit cards;

"(3) the royalty or commission has been offered by the corporation to the political committee in the ordinary course of the corporation's business and on the same terms and conditions as those on which such corporation offers royalties or commissions to nonpolitical entities;

"(4) all revenue on which the commission or royalty is based represents, or results from, sales to or fees paid by individual consumers in the ordinary course of retail transactions;

"(5) the costs of any unsold inventory of goods are ultimately borne by the political committee in accordance with rules to be prescribed by the Commission; and

"(6) except for any royalty or commission permitted to be paid by this subsection, no goods, services, or anything else of value is provided by such corporation to the political committee, provided that such corporation may advance or finance costs or extend credit in connection with the manufacture and distribution of goods, provision of services, or issuance of credit cards pursuant to this subsection if and to the extent such advance, financing, or extension is undertaken in the ordinary course of the corporation's business and is undertaken on similar terms by such corporation in its transactions with nonpolitical entities in like circumstances.".

SEC. 409. INCREASED LIMITATION AMOUNT FOR CERTAIN CONTRIBUTIONS TO POLITICAL COMMITTEES OF STATE POLITICAL PARTIES.

Section 315(a)(1)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(1)(B)) is amended—

(1) by inserting after "(B)" the following: "notwithstanding any other provision of law,"; and

(2) by inserting after "national" the following: "or State".

TITLE V—CONTRIBUTIONS

SEC. 501. RESTRICTIONS ON BUNDLING.

Section 315(a)(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(8)) is amended to read as follows:

"(8)(A) No person, either directly or indirectly, may act as a conduit or intermediary for any contribution to a candidate.

"(B)(i) Nothing in this section shall prohibit—

"(I) joint fundraising conducted in accordance with rules prescribed by the Commission by 2 or more candidates; or

"(II) fundraising for the benefit of a candidate that is conducted by another candidate.

"(ii) No other person may conduct or otherwise participate in joint fundraising activities with or on behalf of any candidate.

"(C) The term 'conduit or intermediary' means a person who transmits a contribution to a candidate or candidate's committee or representative from another person, except that—

"(i) a House of Representatives candidate or representative of a House of Representatives candidate is not a conduit or intermediary for the purpose of transmitting contributions to the candidate's principal campaign committee or authorized committee;

"(ii) a professional fundraiser is not a conduit or intermediary, if the fundraiser is compensated for fundraising services at the usual and customary rate;

"(iii) a volunteer hosting a fundraising event at the volunteer's home, in accordance with section 301(8)(b), is not a conduit or intermediary for the purposes of that event; and

"(iv) an individual is not a conduit or intermediary for the purpose of transmitting a contribution from the individual's spouse.

For purposes of this section a conduit or intermediary transmits a contribution when receiving or otherwise taking possession of the contribution and forwarding it directly to the candidate or the candidate's committee or representative.

"(D) For purposes of this section, the term 'representative'—

"(i) shall mean a person who is expressly authorized by the candidate to engage in fundraising, and who, in the case of an individual, is *not acting as an officer, employee, or agent of any other person;*

"(ii) shall not include—

"(I) a political committee with a connected organization;

"(II) a political party;

"(III) a partnership or sole proprietorship;

"(IV) an organization prohibited from making contributions under section 316; or

"(V) a person required to register under section 308 of the Federal Regulation of Lobbying Act (2 U.S.C. 267) or the Foreign Agents Registration Act (22 U.S.C. 611) or any successor Federal law requiring a person who is a lobbyist or a foreign agent to register.

"(E) For purposes of this section, the term 'acting as an officer, employee, or agent of any other person' includes the following activities by a salaried officer, employee, or paid agent of a person described in subparagraph (D)(ii)(IV):

"(i) Soliciting contributions to a particular candidate in the name of, or by using the name of, such a person.

"(ii) Soliciting contributions to a particular candidate using other than the incidental resources of such a person.

"(iii) Soliciting contributions to a particular candidate under the direction or control of other salaried officers, employees, or paid agents of such a person.

For purposes of this subparagraph, the term 'agent' shall include any person (other than individual members of an organization described in subparagraph (b)(4)(C) of section 316) acting on authority or under the direction of such organization.".

SEC. 502. CONTRIBUTIONS BY DEPENDENTS NOT OF VOTING AGE.

Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a), as amended by sections 201, 405, and 406, is further amended by adding at the end the following new subsection:

"(q) For purposes of this section, any contribution by an individual who—

"(1) is a dependent of another individual; and

"(2) has not, as of the time of such contribution, attained the legal age for voting for elections to Federal office in the State in which such individual resides,

shall be treated as having been made by such other individual. If such individual is the dependent of another individual and such other individual's spouse, the contribution shall be allocated among such individuals in the manner determined by them.".

SEC. 503. PROHIBITION OF ACCEPTANCE BY A CANDIDATE OF CASH CONTRIBUTIONS FROM ANY ONE PERSON AGGREGATING MORE THAN $100.

Section 321 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441g) is amended by inserting ", and no candidate or authorized committee of a candidate shall accept from any one person," after "make".

SEC. 504. CONTRIBUTIONS TO CANDIDATES FROM STATE AND LOCAL COMMITTEES OF POLITICAL PARTIES TO BE AGGREGATED.

Section 315(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)) is amended by adding at the end the following new paragraph:

"(9) Notwithstanding paragraph (5)(B), a candidate for Federal office may not accept, with respect to an election, any contribution from a State or local committee of a political party (including any subordinate committee of such committee), if such contribution, when added to the total of contributions previously accepted from all such committees of that political party, exceeds the limitation on contributions to a candidate under paragraph (2)(A).".

SEC. 505. PROHIBITION OF FALSE REPRESENTATION TO SOLICIT CONTRIBUTIONS.

Section 322 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441h) is amended—

(1) by inserting after "Sec. 322." the following: "(a)"; and

(2) by adding at the end the following:

"(b) No person shall solicit contributions by falsely representing himself as a candidate or as a representative of a candidate, a political committee, or a political party.".

SEC. 506. LIMITED EXCLUSION OF ADVANCES BY CAMPAIGN WORKERS FROM THE DEFINITION OF THE TERM "CONTRIBUTION".

Section 301(8)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)(B)), as amended by section 403, is further amended—

(1) in clause (xix), by striking "and" after the semicolon at the end;

(2) in clause (xx), by striking the period at the end and inserting: "; and"; and

(3) by adding at the end the following new clause:

"(xxi) any advance voluntarily made on behalf of an authorized committee of a candidate by an individual in the normal course of such individual's responsibilities as a volunteer for, or employee of, the committee, if the advance is reimbursed by the committee within 10 days after the date on which the advance is made, and the value of advances on behalf of a committee does not exceed $500 with respect to an election.".

SEC. 507. AMENDMENT TO SECTION 316 OF THE FEDERAL ELECTION CAMPAIGN ACT OF 1971.

Section 316(b)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b(b)(2)) is amended—

(1) by striking "(2) For" and inserting "(2)(A) Except as provided in subparagraph (B), for";

(2) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively; and

(3) by adding at the end the following:

"(B) Expenditures by a corporation or labor organization for candidate appearances, candidate debates, voter guides, or voting records directed to the general public shall be considered contributions unless—

"(i) in the case of a candidate appearance, the appearance takes place on corporate or labor organization premises or at a meeting or convention of the corporation or labor organization, and all candidates for election to that office are notified that they may make an appearance under the same or similar conditions;

"(ii) in the case of a candidate debate, the organization staging the debate is either an organization described in section 301 whose broadcasts or publications are supported by commercial advertising, subscriptions or sales to the public, including a noncommercial educational broadcaster, or a nonprofit organization exempt from Federal taxation under section 501(c)(3) or 501(c)(4) of the Internal Revenue Code of 1986 that does not endorse, support, oppose candidates or political parties and any such debate features at least 2 candidates competing for election to that office;

"(iii) in the case of a voter guide, the guide is prepared and distributed by a corporation or labor organization and consists of questions posed to at least two candidates for election to that office; and

"(iv) in the case of a voting record, the record is prepared and distributed by a corporation or labor organization and such preparation and distribution occurs either without consultation with any candidate whose record is included or in consultation with all such candidates;

provided that no communication made by a corporation or labor organization in connection with the candidate appearance, candidate debate, voter guide, or voting record contains express advocacy, or that no structure or format of the candidate appearance, candidate debate, voter guide, or voting record, nor any preparation or distribution of any such guide or record, reflects a purpose of influencing the election of a particular candidate.".

SEC. 508. PROHIBITION OF CERTAIN ELECTION-RELATED ACTIVITIES OF FOREIGN NATIONALS.

Section 319 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441e) is amended by adding at the end the following new subsections:

"(c) A foreign national shall not directly or indirectly direct, control, influence or participate in any person's election-related activities, such as the making of contributions or expenditures in connection with elections for any local, State, or Federal office or the administration of a political committee.

"(d) A separate segregated fund established in accordance with section 316(b)(2)(C) involved in the making of contributions or expenditures in connection with elections for any Federal, State, or local office shall include the following statement on all printed materials produced for the purpose of soliciting contributions:

"'It is unlawful for a foreign national to make any contribution of money or other thing of value to a political committee.'.".

TITLE VI—REPORTING REQUIREMENTS

SEC. 601. CHANGE IN CERTAIN REPORTING FROM A CALENDAR YEAR BASIS TO AN ELECTION CYCLE BASIS.

Paragraphs (2), (3), (4), (6), and (7) of section 304(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(2), (3), (4), (6), and (7)), are amended by inserting after "calendar year" each place it appears the following: "(election cycle, in the case of an authorized committee of a candidate for Federal office)".

SEC. 602. PERSONAL AND CONSULTING SERVICES.

(a) Reporting by Political Committees.—Section 304(b)(5)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(5)(A)), as amended by section 405, is further amended by inserting before the semicolon at the end the following: ", except that if a person to whom an expenditure is made is merely providing personal or consulting services and is in turn making expenditures to other persons (not including employees) who provide goods or services to the candidate or his or her authorized committees, the name and address of such other person, together with the date, amount and purpose of such expenditure shall also be disclosed".

(b) Recordkeeping and Reporting by Persons to Whom Expenditures Are Passed Through.—Section 302 of Federal Election Campaign Act of 1971 (2 U.S.C. 432) is amended by adding at the end the following new subsection:

"(j) The person described in section 304(b)(5)(A) who is providing personal or consulting services and who is in turn making expenditures to other persons (not including employees) for goods or services provided to a candidate shall maintain records of and shall provide to a political committee the information necessary to enable the political committee to report the information described in section 304(b)(5)(A).".

SEC. 603. REDUCTION IN THRESHOLD FOR REPORTING OF CERTAIN INFORMATION BY PERSONS OTHER THAN POLITICAL COMMITTEES.

Section 304(b)(3)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(3)(A)) is amended by striking "$200" and inserting "$100".

SEC. 604. COMPUTERIZED INDICES OF CONTRIBUTIONS.

Section 311(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 438(a)) is amended—

(1) by striking "and" at the end of paragraph (9);

(2) by striking the period at the end of paragraph (10) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(11) maintain computerized indices of contributions of $200 or more.".

SEC. 605. IDENTIFICATION.

Section 301(13)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(13)(A)) is amended by striking "mailing address" and inserting "permanent residence address".

SEC. 606. POLITICAL COMMITTEES.

Section 303(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 433(b)) is amended—

(1) in paragraph (2), by inserting ", and if the organization or committee is incorporated, the State of incorporation" after "committee"; and

(2) by striking the "name and address of the treasurer" in paragraph (4) and inserting "the names and addresses of the officers, including the treasurer".

SEC. 607. USE OF CANDIDATES' NAMES.

Section 302(e)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 432(e)(4)) is amended to read as follows:

"(4)(A) The name of each authorized committee shall include the name of the candidate who authorized the committee under paragraph (1).

"(B) A political committee that is not an authorized committee shall not—

"(i) include the name of any candidate in its name, or

"(ii) except in the case of a national, State, or local party committee, use the name of any candidate in any activity on behalf of such committee in such a context as to suggest that the committee is an authorized committee of the candidate or that the use of the candidate's name has been authorized by the candidate.".

SEC. 608. REPORTING REQUIREMENTS.

Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434), as amended by section 404, is further amended by adding at the end the following new subsection:

"(f) Waiver.—The Commission may relieve any category of political committees of the obligation to file 1 or more reports required by this section, or may change the due dates of such reports, if it determines that such action is consistent with the purposes of this Act. The Commission may waive requirements to file reports in accordance with this subsection through a rule of general applicability or, in a specific case, may waive or change the due date of a report by notifying all political committees affected.".

SEC. 609. SIMULTANEOUS REGISTRATION OF CANDIDATE AND CANDIDATE'S PRINCIPAL CAMPAIGN COMMITTEE.

Section 303(a) of Federal Election Campaign Act of 1971 (2 U.S.C. 433(a)) is amended in the first sentence by striking "no later than 10 days after designation" and inserting "on the date of its designation".

TITLE VII—FEDERAL ELECTION COMMISSION

SEC. 701. APPEARANCE AS AMICI CURIAE.

Section 306(f) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437c(f)) is amended by striking out paragraph (4) and inserting in lieu thereof the following new paragraph:

"(4)(A) Notwithstanding the provisions of paragraph (2), or of any other provision of law, the Commission is authorized to appear on its own behalf in any action related to the exercise of its statutory duties or powers in any court as either a party or as amicus curiae, either—

"(i) by attorneys employed in its office, or

"(ii) by counsel whom it may appoint, on a temporary basis as may be necessary for such purpose, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and whose compensation it may fix without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title. The compensation of counsel so appointed on a temporary basis shall be paid out of any funds otherwise available to pay the compensation of employees of the Commission.

"(B) The authority granted under subparagraph (A) includes the power to appeal from, and petition the Supreme Court for certiorari to review, judgments or decrees entered with respect to actions in which the Commission appears pursuant to the authority provided in this section.".

SEC. 702. FEDERAL ELECTION COMMISSION PUBLIC SERVICE ANNOUNCEMENTS.

Title III of Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.), as amended by sections 403 and 610, is further amended by inserting after section 324 the following new section:

"SEC. 325. PUBLIC SERVICE ANNOUNCEMENTS.

"(a) In General.—Beginning on January 15, and continuing through April 15 of each year, the Federal Election Commission shall carry out a program, utilizing broadcast announcements and other appropriate means, to inform the public of the existence and purpose of the Make Democracy Work Election Fund and the role that individual citizens can play in the election process by voluntarily contributing to the Fund. The Commission shall seek to broadcast such announcements during prime time viewing hours in 30-second advertising segments equivalent to 200 gross rating points per network per week. The Commission shall attempt to ensure that the maximum number of taxpayers shall be exposed to these announcements. The Federal Election Commission shall attempt to utilize a variety of communications media, including television, cable, and radio networks, and individual television, cable, and radio stations, to provide similar announcements.

"(b) Gross Rating Point.—The term 'gross rating point' is a measure of the total gross weight delivered. It is the sum of the ratings for individual programs. Since a household rating period is 1 percent of the coverage base, 200 gross rating points means 2 messages a week per average household.".

SEC. 703. AUTHORITY TO SEEK INJUNCTION.

Section 309(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)) is amended—

(1) by adding at the end the following new paragraph:

"(13)(A) If, at any time in a proceeding described in paragraph (1), (2), (3), or (4), the Commission believes that—

"(i) there is a substantial likelihood that a violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1986 is occurring or is about to occur;

"(ii) the failure to act expeditiously will result in irreparable harm to a party affected by the potential violation;

"(iii) expeditious action will not cause undue harm or prejudice to the interests of others; and

"(iv) the public interest would be best served by the issuance of an injunction,

the Commission may initiate a civil action for a temporary restraining order or a temporary injunction pending the outcome of the proceedings described in paragraphs (1), (2), (3), and (4).

"(B) An action under subparagraph (A) shall be brought in the United States district court for the district in which the defendant resides, transacts business, or may be found or in which the violation is occurring, has occurred, or is about to occur.";

(2) in paragraph (7), by striking "(5) or (6)" and inserting "(5), (6), or (13)"; and

(3) in paragraph (11), by striking "(6)" and inserting "(6) or (13)".

SEC. 704. EXPEDITED PROCEDURES.

Section 309(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)), as amended by section 703, is further amended by adding at the end the following new paragraph:

"(14)(A) If the complaint in a proceeding was filed within 60 days immediately preceding a general election, the Commission may take action described in this subparagraph.

"(B) If the Commission determines, on the basis of facts alleged in the complaint and other facts available to it, that there is clear and convincing evidence that a violation of this Act or of chapter 95 or 96 of the Internal Revenue Code of 1986 has occurred, is occurring, or is about to occur and it appears that the requirements for relief stated in paragraph (13)(A)(ii), (iii), and (iv) are met, the Commission may—

"(i) order expedited proceedings, shortening the time periods for proceedings under paragraphs (1), (2), (3), and (4) as necessary to allow the matter to be resolved in sufficient time before the election to avoid harm or prejudice to the interests of the parties; or

"(ii) if the Commission determines that there is insufficient time to conduct proceedings before the election, immediately seek relief under paragraph (13)(A).

"(C) If the Commission determines, on the basis of facts alleged in the complaint and other facts available to it, that the complaint is clearly without merit, the Commission may—

"(i) order expedited proceedings, shortening the time periods for proceedings under paragraphs (1), (2), (3), and (4) as necessary to allow the matter to be resolved in sufficient time before the election to avoid harm or prejudice to the interests of the parties; or

"(ii) if the Commission determines that there is insufficient time to conduct proceedings before the election, summarily dismiss the complaint.".

SEC. 705. INSOLVENT POLITICAL COMMITTEES.

(a) In General.—Section 303(d) of the Federal Election Campaign Act of 1971 (2 U.S.C. 433(d)) is amended by adding at the end the following new paragraph:

"(3) Proceedings by the Commission under paragraph (2) constitute the sole means, to the exclusion of proceedings under title 11, United States Code, by which a political committee that is determined by the Commission to be insolvent may compromise its debts, liquidate its assets, and terminate its existence.".

(b) Procedures.—Section 303(d)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 433(d)(2)) is amended by striking out "Nothing" and all that follows through "procedures" and inserting in lieu thereof "The Commission shall establish procedures to allow".

TITLE VIII—BALLOT INITIATIVE COMMITTEES

SEC. 801. DEFINITIONS RELATING TO BALLOT INITIATIVES.

Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431), as amended by sections 123 and 401, is further amended by adding at the end the following new paragraphs:

"(31) The term 'ballot initiative political committee' means any committee, club, association, or other group of persons which makes ballot initiative expenditures or receives ballot initiative contributions in excess of $1,000 during a calendar year.

"(32) The term 'ballot initiative contribution' means any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing the outcome of any referendum or other ballot initiative voted on at the State, commonwealth, territory, or District of Columbia level which involves—

"(A) the election of candidates for Federal office and the permissible terms of those so elected; or

"(B) the regulation of speech or press, or any other right guaranteed under the United States Constitution.

"(33) The term 'ballot initiative expenditure' means any purchase, payment, distribution,

loan, advance, deposit or gift of money or anything of value made by any person for the purpose of influencing the outcome of any referendum or other ballot initiative voted on at the state, commonwealth, territory, or District of Columbia level which involves—

"(A) the election of candidates for Federal office and the permissible terms of those so elected; or

"(B) the regulation of speech or press, or any other right guaranteed under the United States Constitution.".

SEC. 802. AMENDMENT TO DEFINITION OF CONTRIBUTION.

Section 301(8)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)(B)), as amended by sections 403 and 506, is further amended—

(1) in clause (xx), by striking "and" after the semicolon;

(2) in clause (xxi), by striking the period and inserting "; and"; and

(3) by adding at the end the following new clause:

"(xxii) a ballot initiative contribution.".

SEC. 803. AMENDMENT TO DEFINITION OF EXPENDITURE.

Section 301(9)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(9)(B)), as amended by sections 401 and 403, is further amended—

(1) in clause (xvii), by striking "and" after the semicolon;

(2) in clause (xviii), by striking the period and inserting "; and"; and

(3) by adding at the end the following new clause:

"(xix) a ballot initiative expenditure.".

SEC. 804. ORGANIZATION OF BALLOT INITIATIVE COMMITTEES.

Section 302 of the Federal Election Campaign Act of 1971 (2 U.S.C. 432), as amended by section 602, is further amended by adding at the end the following new subsection:

"(k) Every ballot initiative committee shall comply with the organizational and recordkeeping requirements of this section, with respect to all ballot initiative contributions and ballot initiative expenditures.".

SEC. 805. REGISTRATION OF BALLOT INITIATIVE COMMITTEES.

Section 303 of the Federal Election Campaign Act of 1971 (2 U.S.C. 433) is amended by adding at the end the following new subsection:

"(e) Every ballot initiative committee shall comply with the registration requirements of this section.".

SEC. 806. REPORTING BY BALLOT INITIATIVE COMMITTEES.

Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434), as amended by sections 404 and 608, is further amended by adding at the end the following new subsection:

"(g) Every ballot initiative committee shall comply with the reporting requirements of subsections (a)(1), (a)(4), and (b), with respect to the reporting of all ballot initiative contributions and ballot initiative expenditures. The provisions of subsections (a)(5), (7), and (8) shall apply to reports filed by ballot initiative committees.".

SEC. 807. ENFORCEMENT FOR BALLOT INITIATIVE COMMITTEES.

Section 309 of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g) is amended by adding at the end the following new subsection:

"(e) The Commission may proceed in accordance with the requirements of this section, either on the basis of a complaint filed under subsection (a)(1) or on information ascertained in the normal course of carrying out its supervisory responsibilities, to determine whether a ballot initiative committee has complied with the requirements of sections 302, 303, and 304(a)(1), (a)(4) and (b).".

SEC. 808. PROHIBITION ON CONTRIBUTIONS AND EXPENDITURES BY BALLOT INITIATIVE COMMITTEES.

Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a), as amended by sections 201, 405, 406, and 502, is further amended by adding at the end the following new subsection:

"(r) Notwithstanding the provisions of subsection (a)(1), it shall be unlawful for any ballot initiative committee to make any contribution or expenditure for the purpose of influencing any election for Federal office.".

TITLE IX—MISCELLANEOUS

SEC. 901. BROADCAST RATES AND PREEMPTION.

Section 315 of the Communications Act of 1934 (47 U.S.C. 315) is amended—

(1) in subsection (b)(1)—

(A) by striking "forty-five" and inserting "30";

(B) by striking "sixty" and inserting "45"; and

(C) by striking "lowest unit charge of the station for the same class and amount of time for the same period" and insert "lowest charge of the station for the same amount of time for the same period"; and

(2) by inserting after subsection (b) the following new subsection:

"(c)(1) Except as provided in paragraph (2), a licensee shall not preempt the use, during any period specified in subsection (b)(1), of a broadcasting station by a legally qualified candidate for public office who has purchased and paid for such use pursuant to the provisions of subsection (b)(1).

"(2) If a program to be broadcast by a broadcasting station is preempted because of circumstances beyond the control of the broadcasting station, any candidate advertising spot scheduled to be broadcast during that program may also be preempted.".

SEC. 902. CAMPAIGN ADVERTISING AMENDMENTS.

Section 318 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441d) is amended—

(1) in the matter before paragraph (1) of subsection (a), by striking "Whenever" and inserting "Whenever a political committee makes a disbursement for the purpose of financing any communication through any broadcasting station, newspaper, magazine, outdoor advertising facility, mailing, or any other type of general public political advertising, or whenever";

(2) in the matter before paragraph (1) of subsection (a), by striking "an expenditure" and inserting "a disbursement";

(3) in the matter before paragraph (1) of subsection (a), by striking "direct";

(4) in paragraph (3) of subsection (a), by inserting after "name" the following "and permanent street address"; and

(5) by adding at the end the following new subsections:

"(c) Any printed communication described in subsection (a) shall be—

"(1) of sufficient type size to be clearly readable by the recipient of the communication;

"(2) contained in a printed box set apart from the other contents of the communication; and

"(3) consist of a reasonable degree of color contrast between the background and the printed statement.

"(d)(1) Any communication described in subsection (a)(1) or subsection (a)(2) that is provided to and distributed by any broadcasting station or cable system (as such terms are defined in sections 315 and 602 (respectively) of the Communications Act of 1934) shall include, in addition to the requirements of subsections (a)(1) and (a)(2), an audio statement by the candidate that identifies the candidate and states that the candidate has approved the communication.

"(2) If a communication described in paragraph (1) contains any visual images, the statement required by paragraph (1) shall—

"(A) appear in a clearly readable manner with a reasonable degree of color contrast between the background and the printed statement, for a period of at least 4 seconds at the end of the communication; and

"(B) be accompanied by a clearly identifiable photographic or similar image of the candidate.

"(e) Any communication described in subsection (a)(3) that is provided to and distributed by any broadcasting station or cable system (as such terms are defined in sections 315 and 602 (respectively) of the Communications Act of 1934) shall include, in addition to the requirements of those subsections, in a clearly spoken manner, the following statement—

'   is responsible for the content of this advertisement.'

with the blank to be filled in with the name of the political committee or other person paying for the communication and the name of any connected organization of the payor; and, if such communication contains visual images, shall also appear in a clearly readable manner with a reasonable degree of color contrast between the background and the printed statement, for a period of at least 4 seconds.".

SEC. 903. TELEPHONE VOTING BY PERSONS WITH DISABILITIES.

(a) STUDY OF SYSTEMS TO PERMIT PERSONS WITH DISABILITIES TO VOTE BY TELEPHONE.—

(1) IN GENERAL.—The Federal Election Commission shall conduct a study to determine the feasibility of developing a system or systems by which persons with disabilities may be permitted to vote by telephone.

(2) CONSULTATION.—The Federal Election Commission shall conduct the study described in paragraph (1) in consultation with State and local election officials, representatives of the telecommunications industry, representatives of persons with disabilities, and other concerned members of the public.

(3) CRITERIA.—The system or systems developed pursuant to paragraph (1) shall—

(A) propose a description of the kinds of disabilities that impose such difficulty in travel to polling places that a person with a disability who may desire to vote is discouraged from undertaking such travel;

(B) propose procedures to identify persons who are so disabled; and

(C) describe procedures and equipment that may be used to ensure that—

(i) only those persons who are entitled to use the system are permitted to use it;

(ii) the votes of persons who use the system are recorded accurately and remain secret;

(iii) the system minimizes the possibility of vote fraud; and

(iv) the system minimizes the financial costs that State and local governments would incur in establishing and operating the system.

(4) REQUESTS FOR PROPOSALS.—In developing a system described in paragraph (1), the Federal Election Commission may request proposals from private contractors for the design of procedures and equipment to be used in the system.

(5) PHYSICAL ACCESS.—Nothing in this section is intended to supersede or supplant efforts by State and local governments to make polling places physically accessible to persons with disabilities.

(6) DEADLINE.—The Federal Election Commission shall submit to Congress the study required by this section not later than 1 year after the date of enactment of this Act.

SEC. 904. TRANSFER OF PRESIDENTIAL ELECTION FINANCING PROVISIONS TO FEDERAL ELECTION CAMPAIGN ACT OF 1971.

(a) GENERAL RULE.—The Federal Election Campaign Act of 1971 is amended by adding at the end the following:

"TITLE VIII—FINANCING OF PRESIDENTIAL ELECTION CAMPAIGNS

"Subtitle A—Presidential Election Campaign Fund

"Subtitle B—Presidential Primary Matching Payment Account".

(b) TRANSFER OF PROVISIONS FROM INTERNAL REVENUE CODE.—

(1) Sections 9001 through 9012 of the Internal Revenue Code of 1986 are hereby transferred to the Federal Election Campaign Act of 1971, inserted after the heading for subtitle A of title VIII of such Act (as added by subsection (a)), and redesignated as sections 801 through 812, respectively.

(2) Sections 9031 through 9042 of the Internal Revenue Code of 1986 are hereby transferred to the Federal Election Campaign Act of 1971, inserted after the heading for subtitle B of title VIII of such Act, and redesignated as sections 831 through 842, respectively.

(c) CONFORMING AMENDMENTS TO INTERNAL REVENUE CODE.—The Internal Revenue Code of 1986 is amended—

(1) by striking "section 9006(a)" in section 6096(a) and inserting "section 806(a) of the Federal Election Campaign Act of 1971",

(2) by striking subtitle H, and

(3) by striking the item relating to subtitle H in the table of subtitles.

(d) CONFORMING AMENDMENTS TO TRANSFERRED SECTIONS.—

(1) Each section transferred under subsection (b) is amended by striking each reference contained therein to another provision transferred and redesignated by subsection (b) and inserting a reference to the redesignated provision.

(2) Title VIII of the Federal Election Campaign Act of 1971 (as amended by the foregoing provisions of this section) is amended—

(A) by striking "This chapter" each place it appears and inserting "This subtitle",

(B) by striking "this chapter" each place it appears and inserting "this subtitle",

(C) by striking "of the Federal Election Campaign Act of 1971" each place it appears,

(D) by striking "chapter 96" in section 803(e) and inserting "subtitle B",

(E) by striking "section 6096" in sections 806(a), 808(a), and 810(c) and inserting "section 6096 of the Internal Revenue Code of 1986", and

(F) by striking "this subtitle" in section 810(c) and inserting "this title".

(e) SAVINGS PROVISIONS.—

(1) CONTINUATION OF FUNDS.—The fund established under section 806(a) of the Federal Election Campaign Act of 1971 (as amended by this section) shall be treated for all purposes of law as a continuation of the fund established by section 9006(a) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of this Act). A similar rule shall apply to the accounts required under sections 808 and 837 of the Federal Election Campaign Act of 1971 (as so amended).

(2) REFERENCES TO TRANSFERRED PROVISIONS.—Any reference in any law, rule, regulation, or other official paper to a provision of the Internal Revenue Code of 1986 which was transferred under subsection (b) shall be treated as reference to the appropriate provision of the Federal Election Campaign Act of 1971.

TITLE X—HOUSE OF REPRESENTATIVES CAMPAIGN ELECTION FUNDING AND RELATED MATTERS

SEC. 1001. MAKE DEMOCRACY WORK ELECTION FUND.

The Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.), as amended by section 121, is further amended by adding at the end the following new title:

"TITLE VII—MAKE DEMOCRACY WORK ELECTION FUND

"SEC. 701. ESTABLISHMENT AND OPERATION OF THE FUND.

"(a) IN GENERAL.—There is hereby established on the books of the Treasury of the United States a special fund to be known as the Make Democracy Work Election Fund (hereinafter in this title referred to as the 'Fund'). The amounts designated for the Fund shall remain available without fiscal limitation for purposes of providing benefits under title VI and making expenditures for the administration of the Fund. The Secretary shall maintain such accounts in the Fund as may be required by this title or which the Secretary determines to be necessary to carry out the provisions of this title.

"(b) PAYMENTS UPON CERTIFICATION.—Upon receipt of a certification from the Commission under section 604, except as provided in subsection (c), the Secretary shall issue within 48 hours to an eligible candidate the amount of voter communication vouchers certified by the Commission to the eligible candidate out of the Fund.

"(c) REDUCTIONS IN PAYMENTS IF FUNDS INSUFFICIENT.—If on June 1, 1996, or on June 1 of a Federal election year thereafter, the Secretary determines that the moneys in the account are not, or may not be, sufficient to satisfy the full entitlement of all eligible candidates, the Secretary shall withhold from such payment the amount necessary to assure that each eligible candidate will receive a pro rata share of the candidate's full entitlement. Amounts so withheld shall be paid when the Secretary determines that there are sufficient moneys in the account to pay such amounts, or portions thereof, to all eligible candidates from whom amounts have been withheld, but, if there are not sufficient moneys in the account to satisfy the full entitlement of an eligible candidate, the amounts so withheld shall be paid in such manner that each eligible candidate receives a pro rata share of the full entitlement, except that—

"(1) in special elections, a candidate shall receive the full entitlement not a pro rata share; and

"(2) a candidate who receives vouchers from the Fund in response to an independent expenditure as provided in section 604(f) shall receive the full entitlement not a pro rata share.

"(d) NOTIFICATION.—The Secretary shall notify the Commission and each eligible candidate by registered mail of any reduction of any payment by reason of subsection (c).

"(e) REDEEMABILITY OF VOUCHERS.—Voter communication vouchers issued and used as provided in this section shall be redeemable at face value by the Secretary through the facilities of the Treasury of the United States. The Secretary shall issue regulations providing for the redemption of voter communication vouchers through financial institutions which are insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation. No financial institution may impose a fee or other charge for the redemption of voter communication vouchers.".

TITLE XI—EFFECTIVE DATES; SEVERABILITY

SEC. 1101. EFFECTIVE DATE.

Except as otherwise provided in this Act, the amendments made by, and the provisions of, this Act shall take effect on the date of the enactment of this Act but shall not apply with respect to activities in connection with any election occurring before January 1, 1995.

SEC. 1102. SEVERABILITY.

(a) Except as provided in subsection (b), if any provision of this Act (including any amendment made by this Act), or the application of any such provision to any person or circumstance, is held invalid, the validity of any other provision of this Act, or the application of such provision to other persons and circumstances, shall not be affected thereby.

(b) If title VI of the Federal Election Campaign Act of 1971, section 315(i) through (j) (as added by this Act), or section 701 (as added by this Act), or any part thereof, is held to be invalid, all provisions of, and amendments made by title VI, section 315(i) through (j) of this Act, or section 701 of this Act shall be treated as invalid.

SEC. 1103. EXPEDITED REVIEW OF CONSTITUTIONAL ISSUES.

(a) DIRECT APPEAL TO SUPREME COURT.—An appeal may be taken directly to the Supreme Court of the United States from any final judgment, decree, or order issued by any court finding any provision of this Act, or amendment made by this Act to be unconstitutional.

(b) ACCEPTANCE AND EXPEDITION.—The Supreme Court shall, if it has not previously ruled on the question addressed in the ruling below, accept jurisdiction over, advance on the docket, and expedite the appeal to the greatest extent possible.

SEC. 1104. REGULATIONS.

The Federal Election Commission shall prescribe any regulations required to carry out the provisions of this Act within 12 months after the effective date of this Act.

SEC. 1105. BUDGET NEUTRALITY.

The provisions of this Act (other than this section) shall not be effective and shall not be considered to be an estimate required under the procedures specified in section 252(d) of the Balanced Budget and Emergency Deficit Control Act of 1985 until the enactment of revenue legislation effectuating section 701 of the Federal Election Campaign Act of 1971.

CLOTURE MOTION

Mr. MITCHELL. Mr. President, I move the Senate disagree to the House amendments to the Senate bill and I send to the desk a cloture motion on the motion to disagree and ask for its immediate consideration.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the motion to disagree to the House amendments to the Senate bill, S. 3, the Campaign Finance Reform Act:

> David L. Boren, Wendell Ford, Harlan Mathews, John Glenn, Paul Simon, Barbara Mikulski, Don Riegle, Frank R. Lautenberg, Claiborne Pell, J. Lieberman, Charles S. Robb, Chris Dodd, John F. Kerry, Tom Harkin, Barbara Boxer, David Pryor, Daniel Akaka.

Mr. MITCHELL. Mr. President, I ask unanimous consent that with respect to this cloture motion, the mandatory live quorum required under rule XXII be waived.

The PRESIDING OFFICER. There is objection? Hearing none, it is so ordered.

CALIFORNIA DESERT PROTECTION ACT OF 1993; CALIFORNIA MILITARY LANDS WITHDRAWAL AND OVERFLIGHTS ACT OF 1991

Mr. MITCHELL. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on a bill (S. 21) to designate certain lands in the California desert as wilderness, to establish Death Valley, Joshua Tree, and Mojave National Parks, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 21) entitled "An Act to designate certain lands in the California Desert as wilderness, to establish Death Valley, Joshua Tree, and Mojave National Parks, and for other purposes", do pass with the following amendments:

Strike out all after the enacting clause, and insert:

That this Act may be cited as the "California Desert Protection Act of 1994".

FINDINGS AND POLICY

SEC. 2. (a) The Congress finds and declares that—

(1) the federally owned desert lands of Southern California constitute a public wildland resource of extraordinary and inestimable value for this and future generations;

(2) these desert wildlands display unique scenic, historical, archeological, environmental, ecological, wildlife, cultural, scientific, educational, and recreational values used and enjoyed by millions of Americans for hiking and camping, scientific study and scenic appreciation;

(3) the public land resources of the California desert now face and are increasingly threatened by adverse pressures which would impair, dilute, and destroy their public and natural values;

(4) the California desert, embracing wilderness lands, units of the National Park System, other Federal lands, State parks and other State lands, and private lands, constitutes a cohesive unit posing unique and difficult resource protection and management challenges;

(5) through designation of national monuments by Presidential proclamation, through enactment of general public land statutes (including section 601 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2743, 43 U.S.C. 1701 et seq.) and through interim administrative actions, the Federal Government has begun the process of appropriately providing for protection of the significant resources of the public lands in the California desert; and

(6) statutory land unit designations are needed to afford the full protection which the resources and public land values of the California desert merit.

(b) In order to secure for the American people of this and future generations an enduring heritage of wilderness, national parks, and public land values in the California desert, it is hereby declared to be the policy of the Congress that—

(1) appropriate public lands in the California desert shall be included within the National Park System and the National Wilderness Preservation System, in order to—

(A) preserve unrivaled scenic, geologic, and wildlife values associated with these unique natural landscapes;

(B) perpetuate in their natural state significant and diverse ecosystems of the California desert;

(C) protect and preserve historical and cultural values of the California desert associated with ancient Indian cultures, patterns of western exploration and settlement, and sites exemplifying the mining, ranching and railroading history of the Old West;

(D) provide opportunities for compatible outdoor public recreation, protect and interpret ecological and geological features and historic, paleontological, and archeological sites, maintain wilderness resource values, and promote public understanding and appreciation of the California desert; and

(E) retain and enhance opportunities for scientific research in undisturbed ecosystems.

TITLE I—WILDERNESS ADDITIONS

FINDINGS

SEC. 101. The Congress finds and declares that—

(1) wilderness is a distinguishing characteristic of the public lands in the California desert, one which affords an unrivaled opportunity for experiencing vast areas of the Old West essentially unaltered by man's activities, and which merits preservation for the benefit of present and future generations;

(2) the wilderness values of desert lands are increasingly threatened by and especially vulnerable to impairment, alteration, and destruction by activities and intrusions associated with incompatible use and development; and

(3) preservation of desert wilderness necessarily requires the highest forms of protective designation and management.

DESIGNATION OF WILDERNESS

SEC. 102. In furtherance of the purpose of the Wilderness Act (78 Stat. 890, 16 U.S.C. 1131 et seq.), and sections 601 and 603 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2743, 43 U.S.C. 1701 et seq.), the following lands in the State of California, as generally depicted on maps referenced herein, are hereby designated as wilderness, and therefore, as components of the National Wilderness Preservation System:

(1) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately seventy-four thousand eight hundred and ninety acres, as generally depicted on a map entitled "Argus Range Wilderness—Proposed 1", dated May 1991, and two maps entitled "Argus Range Wilderness—Proposed 2" and "Argus Range Wilderness—Proposed 3", dated January 1989, and which shall be known as the Argus Range Wilderness. If at any time within 15 years after the date of enactment of this Act the Secretary of the Navy notifies the Secretary of the Interior that permission has been granted to use lands within the area of the China Lake Naval Air Warfare Center for installation of a space energy laser facility, and that establishment of a right-of-way across lands within the Argus Range Wilderness is desirable in order to facilitate access to the lands to be used for such facility, the Secretary of the Interior, pursuant to the Federal Land Policy and Management Act of 1976, may grant a right-of-way for, and authorize construction of, a road to be used solely for that purpose across such lands, notwithstanding the designation of such lands as wilderness. So far as practicable, any such road shall be aligned in a manner that takes into account the desirability of minimizing adverse impacts on wilderness values.

(2) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately ten thousand three hundred and eighty acres, as generally depicted on a map entitled "Bigelow Cholla Garden Wilderness—Proposed", dated July 1993, and which shall be known as the Bigelow Cholla Garden Wilderness.

(3) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, and within the San Bernardino National Forest, which comprise approximately thirty-nine thousand two hundred acres, as generally depicted on a map entitled "Bighorn Mountain Wilderness—Proposed", dated September 1991, and which shall be known as the Bighorn Mountain Wilderness.

(4) Certain lands in the California Desert Conservation Area and the Yuma District, of the Bureau of Land Management, which comprise approximately forty-seven thousand five hundred and seventy acres, as generally depicted on a map entitled "Big Maria Mountains Wilderness—Proposed", dated February 1986, and which shall be known as the Big Maria Mountains Wilderness.

(5) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirteen thousand nine hundred and forty acres, as generally depicted on a map entitled "Black Mountain Wilderness—Proposed", dated July 1993, and which shall be known as the Black Mountain Wilderness.

(6) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately nine thousand five hundred and twenty acres, as generally depicted on a map entitled "Bright Star Wilderness—Proposed", dated May 1991, and which shall be known as the Bright Star Wilderness.

(7) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately sixty-eight thousand five hundred and fifteen acres, as generally depicted on two maps entitled "Bristol Mountains Wilderness—Proposed 1", and "Bristol Mountains Wilderness—Proposed 2", dated September 1991, and which shall be known as Bristol Mountains Wilderness.

(8) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-nine thousand seven hundred and forty acres, as generally depicted on a map entitled "Cadiz Dunes Wilderness—Proposed", dated July 1993, and which shall be known as the Cadiz Dunes Wilderness.

(9) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately eighty-four thousand four hundred acres, as generally depicted on a map entitled "Cady Mountains Wilderness—Proposed", dated July 1993, and which shall be known as the Cady Mountains Wilderness.

(10) Certain lands in the California Desert Conservation Area and Eastern San Diego County, of the Bureau of Land Management, which comprise approximately fifteen thousand seven hundred acres, as generally depicted on a map entitled "Carrizo Gorge Wilderness—Proposed", dated February 1986, and which shall be known as the Carrizo Gorge Wilderness.

(11) Certain lands in the California Desert Conservation Area and Yuma District, of the Bureau of Land Management, which comprise approximately sixty-four thousand three hundred and twenty acres, as generally depicted on a map entitled "Chemehuevi Mountains Wilderness—Proposed", dated July 1993, and which shall be known as the Chemehuevi Mountains Wilderness.

(12) Certain lands in the Bakersfield District, of the Bureau of Land Management, which comprise approximately thirteen thousand seven hundred acres, as generally depicted on two maps entitled "Chimney Peak Wilderness—Proposed 1" and "Chimney Peak Wilderness—Proposed 2", dated May 1991, and which shall be known as the Chimney Peak Wilderness.

(13) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately one

hundred fifty-eight thousand nine hundred and fifty acres, as generally depicted on two maps entitled "Chuckwalla Mountains Wilderness—Proposed 1" and "Chuckwalla Mountains Wilderness—Proposed 2", dated January 1989, and which shall be known as the Chuckwalla Mountains Wilderness.

(14) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise thirty-four thousand three hundred and eighty acres, as generally depicted on a map entitled "Cleghorn Lakes Wilderness—Proposed", dated September 1991, and which shall be known as the Cleghorn Lakes Wilderness. The Secretary may, pursuant to an application filed by the Department of Defense, grant a right-of-way for, and authorize construction of, a road and utilities within the area depicted as "nonwilderness road corridor" on such map.

(15) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately forty thousand acres, as generally depicted on a map entitled "Clipper Mountain Wilderness—Proposed", dated May 1991, and which shall be known as Clipper Mountain Wilderness.

(16) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately fifty thousand five hundred and twenty acres, as generally depicted on a map entitled "Coso Range Wilderness—Proposed", dated May 1991, and which shall be known as Coso Range Wilderness.

(17) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately seventeen thousand acres, as generally depicted on a map entitled "Coyote Mountains Wilderness—Proposed", dated July 1993, and which shall be known as Coyote Mountains Wilderness.

(18) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately eight thousand six hundred acres, as generally depicted on a map entitled "Darwin Falls Wilderness—Proposed", dated May 1991, and which shall be known as Darwin Falls Wilderness.

(19) Certain lands in the California Desert Conservation Area and the Yuma District, of the Bureau of Land Management, which comprise approximately forty-eight thousand eight hundred and fifty acres, as generally depicted on a map entitled "Dead Mountains Wilderness—Proposed", dated October 1991, and which shall be known as Dead Mountains Wilderness.

(20) Certain lands in the Bakersfield District, of the Bureau of Land Management, which comprise approximately thirty-six thousand three hundred acres, as generally depicted on two maps entitled "Domeland Wilderness Additions—Proposed 1" and "Domeland Wilderness Additions—Proposed 2", dated February 1986 and which are hereby incorporated in, and which shall be deemed to be a part of, the Domeland Wilderness as designated by Public Laws 93–632 and 98-425.

(21) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-three thousand seven hundred and eighty acres, as generally depicted on a map entitled "El Paso Mountains Wilderness—Proposed", dated July 1993, and which shall be known as the El Paso Mountains Wilderness.

(22) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-five thousand nine hundred and forty acres, as generally depicted on a map entitled "Fish Creek Mountains Wilderness—Proposed", dated July 1993, and which shall be known as Fish Creek Mountains Wilderness.

(23) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-eight thousand one hundred and ten acres, as generally depicted on a map entitled "Funeral Mountains Wilderness—Proposed", dated May 1991, and which shall be known as Funeral Mountains Wilderness.

(24) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-seven thousand seven hundred acres, as generally depicted on a map entitled "Golden Valley Wilderness—Proposed", dated February 1986 and which shall be known as Golden Valley Wilderness.

(25) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-one thousand seven hundred and twenty acres, as generally depicted on a map entitled "Grass Valley Wilderness—Proposed", dated February 1986 and which shall be known as the Grass Valley Wilderness.

(26) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-two thousand two hundred and forty acres, as generally depicted on a map entitled "Hollow Hills Wilderness--Proposed", dated May 1991, and which shall be known as the Hollow Hills Wilderness.

(27) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-six thousand four hundred and sixty acres, as generally depicted on a map entitled "Ibex Wilderness—Proposed", dated May 1991, and which shall be known as the Ibex Wilderness.

(28) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-four thousand and fifty-five acres, as generally depicted on a map entitled "Indian Pass Wilderness—Proposed", dated May 1994, and which shall be known as the Indian Pass Wilderness.

(29) Certain lands in the California Desert Conservation Area and the Bakersfield District, of the Bureau of Land Management, and within the Inyo National Forest, which comprise approximately two hundred five thousand and twenty acres, as generally depicted on three maps entitled "Inyo Mountains Wilderness—Proposed", numbered in the title one through three, and dated May 1991, and which shall be known as the Inyo Mountains Wilderness.

(30) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-three thousand six hundred and seventy acres, as generally depicted on a map entitled "Jacumba Wilderness—Proposed", dated July 1993, and which shall be known as the Jacumba Wilderness.

(31) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately one hundred and twenty-nine thousand five hundred and eighty acres, as generally depicted on a map entitled "Kelso Dunes Wilderness—Proposed 1", dated October 1991, a map entitled "Kelso Dunes Wilderness—Proposed 2", dated May 1991, and a map entitled "Kelso Dunes Wilderness—Proposed 3", dated September 1991, and which shall be known as the Kelso Dunes Wilderness.

(32) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, and the Sequoia National Forest, which comprise approximately eighty-eight thousand two hundred and ninety acres, as generally depicted on a map entitled "Kiavah Wilderness—Proposed 1", dated February 1986, and a map entitled "Kiavah Wilderness—Proposed 2", dated May 1991, and which shall be known as the Kiavah Wilderness.

(33) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately two hundred nine thousand six hundred and eight acres, as generally depicted on four maps entitled "Kingston Range Wilderness—Proposed", numbered in the title one through four dated May 1994, and which shall be known as the Kingston Range Wilderness.

(34) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-nine thousand eight hundred and eighty acres, as generally depicted on a map entitled "Little Chuckwalla Mountains Wilderness—Proposed", dated July 1993, and which shall be known as the Little Chuckwalla Mountains Wilderness.

(35) Certain lands in the California Desert Conservation Area and the Yuma District, of the Bureau of Land Management, which comprise approximately thirty-three thousand six hundred acres, as generally depicted on a map entitled "Little Picacho Wilderness—Proposed", dated July 1993, and which shall be known as the Little Picacho Wilderness.

(36) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-two thousand three hundred and sixty acres, as generally depicted on a map entitled "Malpais Mesa Wilderness—Proposed", dated September 1991, and which shall be known as the Malpais Mesa Wilderness.

(37) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately sixteen thousand one hundred and five acres, as generally depicted on a map entitled "Manly Peak Wilderness—Proposed", dated October 1991, and which shall be known as the Manly Peak Wilderness.

(38) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-four thousand two hundred acres, as generally depicted on a map entitled "Mecca Hills Wilderness—Proposed", dated July 1993, and which shall be known as the Mecca Hills Wilderness.

(39) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately forty-seven thousand three hundred and thirty acres, as generally depicted on a map entitled "Mesquite Wilderness—Proposed", dated May 1991, and which shall be known as the Mesquite Wilderness.

(40) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-two thousand nine hundred acres, as generally depicted on a map entitled "Newberry Mountains Wilderness—Proposed", dated February 1986, and which shall be known as the Newberry Mountains Wilderness.

(41) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately one hundred ten thousand eight hundred and sixty acres, as generally depicted on a map entitled "Nopah Range Wilderness—Proposed", dated July 1993, and which shall be known as the Nopah Range Wilderness.

(42) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-two thousand two hundred and forty acres, as generally depicted on a map entitled "North Algodones Dunes Wilderness—Proposed", dated October 1991, and which shall be known as the North Algodones Dunes Wilderness.

(43) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-

five thousand five hundred and forty acres, as generally depicted on a map entitled "North Mesquite Mountains Wilderness—Proposed", dated May 1991, and which shall be known as the North Mesquite Mountains Wilderness.

(44) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately one hundred forty-six thousand and seventy acres, as generally depicted on a map entitled "Old Woman Mountains Wilderness—Proposed 1", dated May 1994 and a map entitled "Old Woman Mountains Wilderness—Proposed 2", dated October 1991, and which shall be known as the Old Woman Mountains Wilderness.

(45) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately fifty-seven thousand four hundred and eighty acres, as generally depicted on a map entitled "Orocopia Mountains Wilderness—Proposed", dated May 1994, and which shall be known as the Orocopia Mountains Wilderness.

(46) Certain lands in the California Desert Conservation Area and the Bakersfield District, of the Bureau of Land Management, which comprise approximately seventy-four thousand six hundred and forty acres, as generally depicted on a map entitled "Owens Peak Wilderness—Proposed 1", dated February 1986, and two maps entitled "Owens Peak Wilderness—Proposed 2" dated February 1986 and "Owens Peak Wilderness—Proposed 3", dated May 1991, and which shall be known as the Owens Peak Wilderness.

(47) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately seventy-four thousand eight hundred acres, as generally depicted on a map entitled "Pahrump Valley Wilderness—Proposed", dated February 1986 and which shall be known as the Pahrump Valley Wilderness.

(48) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately two hundred seventy thousand six hundred and twenty-nine acres, as generally depicted on a map entitled "Palen/McCoy Wilderness—Proposed 1", dated July 1993, and a map entitled "Palen/McCoy Wilderness—Proposed 2", dated July 1993, and which shall be known as the Palen/McCoy Wilderness.

(49) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-two thousand three hundred and ten acres, as generally depicted on a map entitled "Palo Verde Mountains Wilderness—Proposed", dated July 1993, and which shall be known as the Palo Verde Mountains Wilderness.

(50) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately seven thousand seven hundred acres, as generally depicted on a map entitled "Picacho Peak Wilderness—Proposed", dated May 1991, and which shall be known as the Picacho Peak Wilderness.

(51) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately seventy-two thousand six hundred acres, as generally depicted on a map entitled "Piper Mountain Wilderness—Proposed", dated May 1991, and which shall be known as the Piper Mountain Wilderness.

(52) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-six thousand eight hundred and forty acres, as generally depicted on a map entitled "Piute Mountains Wilderness—Proposed", dated July 1993, and which shall be known as the Piute Mountains Wilderness.

(53) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately seventy-eight thousand eight hundred and sixty-eight acres, as generally depicted on a map entitled "Resting Spring Range Wilderness—Proposed", dated May 1991, and which shall be known as the Resting Spring Range Wilderness.

(54) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately forty thousand eight hundred and twenty acres, as generally depicted on a map entitled "Rice Valley Wilderness—Proposed", dated May 1991, and which shall be known as the Rice Valley Wilderness.

(55) Certain lands in the California Desert Conservation Area and the Yuma District, of the Bureau of Land Management, which comprise approximately twenty-two thousand three hundred eighty acres, as generally depicted on a map entitled "Riverside Mountains Wilderness—Proposed", dated May 1991, and which shall be known as the Riverside Mountains Wilderness.

(56) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-seven thousand seven hundred acres, as generally depicted on a map entitled "Rodman Mountains Wilderness—Proposed", dated January 1989, and which shall be known as the Rodman Mountains Wilderness.

(57) Certain lands in the California Desert Conservation Area and the Bakersfield District, of the Bureau of Land Management, which comprise approximately fifty-one thousand nine hundred acres, as generally depicted on two maps entitled "Sacatar Trail Wilderness—Proposed 1" and "Sacatar Trail Wilderness—Proposed 2", dated May 1991, and which shall be known as the Sacatar Trail Wilderness.

(58) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately one thousand four hundred and forty acres, as generally depicted on a map entitled "Saddle Peak Hills Wilderness—Proposed", dated July 1993, and which shall be known as the Saddle Peak Hills Wilderness.

(59) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-seven thousand nine hundred and eighty acres, as generally depicted on a map entitled "San Gorgonio Wilderness Additions—Proposed", dated July 1993, and which are hereby incorporated in, and which shall be deemed to be a part of, the San Gorgonio Wilderness as designated by Public Laws 88–577 and 98–425.

(60) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately sixty-four thousand three hundred and forty acres, as generally depicted on a map entitled "Santa Rosa Wilderness Additions—Proposed", dated March 1994, and which are hereby incorporated in, and which shall be deemed to be part of, the Santa Rosa Wilderness designated by Public Law 98–425.

(61) Certain lands in the California Desert District, of the Bureau of Land Management, which comprise approximately thirty-five thousand and eighty acres, as generally depicted on a map entitled "Sawtooth Mountains Wilderness—Proposed", dated July 1993, and which shall be known as the Sawtooth Mountains Wilderness.

(62) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately one hundred seventy-four thousand eight hundred acres, as generally depicted on two maps entitled "Sheep Hole Valley Wilderness—Proposed 1", dated July 1993, and "Sheep Hole Valley Wilderness—Proposed 2", dated July 1993, and which shall be known as the Sheephole Valley Wilderness.

(63) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately forty-four thousand four hundred and ten acres, as generally depicted on a map entitled "Slate Range Wilderness—Proposed", dated October 1991, and which shall be known as the Slate Range Wilderness.

(64) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately sixteen thousand seven hundred and eighty acres, as generally depicted on a map entitled "South Nopah Range Wilderness—Proposed", dated February 1986, and which shall be known as the South Nopah Range Wilderness.

(65) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately seven thousand and fifty acres, as generally depicted on a map entitled "Stateline Wilderness—Proposed", dated May 1991, and which shall be known as the Stateline Wilderness.

(66) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately eighty-one thousand six hundred acres, as generally depicted on a map entitled "Stepladder Mountains Wilderness—Proposed", dated February 1986, and which shall be known as the Stepladder Mountains Wilderness.

(67) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-nine thousand one hundred and eighty acres, as generally depicted on a map entitled "Surprise Canyon Wilderness—Proposed", dated September 1991, and which shall be known as the Surprise Canyon Wilderness.

(68) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately seventeen thousand eight hundred and twenty acres, as generally depicted on a map entitled "Sylvania Mountains Wilderness—Proposed", dated February 1986, and which shall be known as the Sylvania Mountains Wilderness.

(69) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-three thousand seven hundred and twenty acres, as generally depicted on a map entitled "Trilobite Wilderness—Proposed", dated May 1991, and which shall be known as the Trilobite Wilderness.

(70) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately one hundred forty-four thousand five hundred acres, as generally depicted on a map entitled "Turtle Mountains Wilderness—Proposed 1", dated February 1986 and a map entitled "Turtle Mountains Wilderness—Proposed 2", dated May 1991, and which shall be known as the Turtle Mountains Wilderness.

(71) Certain lands in the California Desert Conservation Area and the Yuma District, of the Bureau of Land Management, which comprise approximately seventy-seven thousand five hundred and twenty acres, as generally depicted on a map entitled "Whipple Mountains Wilderness—Proposed", dated July 1993, and which shall be known as the Whipple Mountains Wilderness.

ADMINISTRATION OF WILDERNESS AREAS

SEC. 103. Subject to valid existing rights, each wilderness area designated under section 102 shall be administered by the appropriate Secretary in accordance with the provisions of the Wilderness Act, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this title and any reference to the Secretary of Agriculture shall be deemed to be a reference to the Secretary who has administrative jurisdiction over the area.

GRAZING

SEC. 104. Within the wilderness areas designated under section 102, the grazing of livestock, where established prior to the enactment of this Act, shall be permitted to continue subject to such reasonable regulations, policies, and practices as the Secretary deems necessary, as long as such regulations, policies, and practices fully conform with and implement the intent of Congress regarding grazing in such areas as such intent is expressed in the Wilderness Act and section 108 of Public Law 96-560 (16 U.S.C. 133 note).

BUFFER ZONES

SEC. 105. The Congress does not intend for the designation of wilderness areas in section 102 of this Act to lead to the creation of protective perimeters or buffer zones around any such wilderness area. The fact that nonwilderness activities or uses can be seen or heard from areas within a wilderness shall not, of itself, preclude such activities or uses up to the boundary of the wilderness area.

MINING CLAIM VALIDITY REVIEW

SEC. 106. The Secretary of the Interior shall not approve any plan of operation prior to determining the validity of the unpatented mining claims, mill sites, and tunnel sites affected by such plan within any wilderness area designated under section 102, and shall submit to Congress recommendations as to whether any valid or patented claims should be acquired by the United States, including the estimated acquisition costs of such claims, and a discussion of the environmental consequences of the extraction of minerals from these lands.

FILING OF MAPS AND DESCRIPTIONS

SEC. 107. As soon as practicable after enactment of section 102, a map and a legal description on each wilderness area designated under this title shall be filed by the Secretary concerned with the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives, and each such map and description shall have the same force and effect as if included in this title, except that the Secretary may correct clerical and typographical errors in each such legal description and map. Each such map and legal description shall be on file and available for public inspection in the office of the Director of the Bureau of Land Management, Department of the Interior, or the Chief of the Forest Service, Department of Agriculture, as is appropriate.

WILDERNESS REVIEW

SEC. 108. (a) The Congress hereby finds and directs that except for those areas provided for in subsection (b), the public lands in the California Desert Conservation Area, managed by the Bureau of Land Management, not designated as wilderness or wilderness study areas by this Act, have been adequately studied for wilderness designation pursuant to section 603 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2743, 43 U.S.C. 1782), and are no longer subject to the requirements of section 603(c) of the Federal Land Policy and Management Act of 1976 pertaining to the management of wilderness study areas in a manner that does not impair the suitability of such areas for preservation as wilderness.

(b) The following areas shall continue to be subject to the requirements of section 603(c) of the Federal Land Policy and Management Act of 1976, pertaining to the management of wilderness study areas in a manner that does not impair the suitability of such areas for preservation as wilderness:

(1) Certain lands which comprise approximately sixty-one thousand three hundred and twenty acres, as generally depicted on a map entitled "Avawatz Mountains Wilderness—Proposed", dated May 1991.

(2) Certain lands which comprise approximately eighty thousand four hundred and thirty acres, as generally depicted on two maps entitled "Soda Mountains Wilderness—Proposed 1", dated May 1991, and "Soda Mountains Wilderness—Proposed 2", dated January 1989.

(3) Certain lands which compromise approximately twenty-three thousand two hundred and fifty acres, as generally depicted on a map entitled "South Avawatz Mountains—Proposed", dated May 1991.

(4) Certain lands which comprise approximately eight thousand eight hundred acres, as generally depicted on a map entitled "Great Falls Basin Wilderness—Proposed", dated February 1986.

(5) Certain lands which comprise approximately thirty-nine thousand seven hundred and sixty acres, as generally depicted on a map entitled "Kingston Range Potential Future Wilderness", dated May 1994.

(c) Subject to valid existing rights, the Federal lands referred to in subsection (b) are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws; from location, entry, and patent under the United States mining laws; and from disposition under all laws pertaining to mineral and geothermal leasing, and mineral materials, and all amendments thereto, and shall be administered by the Secretary in accordance with the provisions of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782).

DESIGNATION OF WILDERNESS STUDY AREA

SEC. 109. In furtherance of the provisions of the Wilderness Act, certain public lands in the California Desert Conservation Area of the Bureau of Land Management which comprise eleven thousand two hundred acres as generally depicted on a map entitled "White Mountains Wilderness Study Area—Proposed", dated May 1991, are hereby designated the White Mountains Wilderness Study Area and shall be administered by the Secretary in accordance with the provisions of section 603(c) of the Federal Land Policy and Management Act of 1976.

SUITABILITY REPORT

SEC. 110. The Secretary is required, ten years after the date of enactment of this Act, to report to Congress on current and planned exploration, development or mining activities on, and suitability for future wilderness designation of, the lands as generally depicted on maps entitled "Surprise Canyon Wilderness—Proposed", "Middle Park Canyon Wilderness—Proposed", and "Death Valley National Park Boundary and Wilderness 15", dated September 1991 and a map entitled "Manly Peak Wilderness—Proposed", dated October 1991.

WILDERNESS DESIGNATION AND MANAGEMENT IN THE NATIONAL WILDLIFE REFUGE SYSTEM

SEC. 111. (a) In furtherance of the purposes of the Wilderness Act, the following lands are hereby designated as wilderness and therefore, as components of the National Wilderness Preservation System:

(1) Certain lands in the Havasu National Wildlife Refuge, California, which comprise approximately three thousand one hundred and ninety-five acres, as generally depicted on a map entitled "Havasu Wilderness—Proposed", and dated October 1991, and which shall be known as the Havasu Wilderness.

(2) Certain lands in the Imperial National Wildlife Refuge, California, which comprise approximately five thousand eight hundred and thirty-six acres, as generally depicted on two maps entitled "Imperial Refuge Wilderness—Proposed 1" and "Imperial Refuge Wilderness—Proposed 2", and dated October 1991, and which shall be known as the Imperial Refuge Wilderness.

(b) Subject to valid existing rights, the wilderness areas designated under this section shall be administered by the Secretary in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness, except that any reference in such provisions to the effective date of the Wilderness Act (or any similar reference) shall be deemed to be a reference to the date of enactment of this Act and any reference to the Secretary of Agriculture shall be deemed to be a reference to the Secretary of the Interior.

(c) As soon as practicable after enactment of this section, the Secretary shall file a map and a legal description of each wilderness area designated under this section with the Committees on Energy and Natural Resources and Environment and Public Works of the Senate and Natural Resources and Merchant Marine and Fisheries of the House of Representatives. Such map and description shall have the same force and effect as if included in this Act, except that correction of clerical and typographical errors in such legal description and map may be made. Such map and legal description shall be on file and available for public inspection in the Office of the Director, United States Fish and Wildlife Service, Department of the Interior.

LAW ENFORCEMENT ACCESS

SEC. 112. Nothing in this Act, including the wilderness designations made by this Act, may be construed to preclude Federal, State, and local law enforcement agencies from conducting law enforcement and border operations as permitted before the enactment of this Act, including the use of motor vehicles and aircraft, on any lands designated as wilderness by this Act.

FISH AND WILDLIFE MANAGEMENT

SEC. 113. As provided in section 4(d)(7) of the Wilderness Act, nothing in this title shall be construed as affecting the jurisdiction of the State of California with respect to fish and wildlife on the public lands located in that State. Management activities to maintain or restore fish and wildlife populations and the habitats to support such populations may be carried out within wilderness areas designated by this title and shall include the use of motorized vehicles by the appropriate State agencies.

TITLE II—DEATH VALLEY NATIONAL PARK

FINDINGS

SEC. 201. The Congress hereby finds that—

(1) proclamations by Presidents Herbert Hoover in 1933 and Franklin Roosevelt in 1937 established and expanded the Death Valley National Monument for the preservation of the unusual features of scenic, scientific, and educational interest therein contained;

(2) Death Valley National Monument is today recognized as a major unit of the National Park System, having extraordinary values enjoyed by millions of visitors;

(3) the Monument boundaries established in the 1930's exclude and thereby expose to incompatible development and inconsistent management, contiguous Federal lands of essential and superlative natural, ecological, geological, archeological, paleontological, cultural, historical and wilderness values;

(4) Death Valley National Monument should be substantially enlarged by the addition of all contiguous Federal lands of national park caliber and afforded full recognition and statutory protection as a national park; and

(5) the wilderness within Death Valley should receive maximum statutory protection by designation pursuant to the Wilderness Act.

ESTABLISHMENT OF DEATH VALLEY NATIONAL PARK

SEC. 202. There is hereby established the Death Valley National Park, as generally depicted on 23 maps entitled "Death Valley National Park Boundary and Wilderness—Proposed", numbered in the title one through twenty-three, and dated May 1994 or prior, which shall be on file and available for public inspection in the offices of the Superintendent of the Park and the Director of the National Park Service, Department of the Interior. The Death Valley National Monument is hereby abolished as such, the lands and interests therein are hereby incorporated within and made part of the new Death Valley National Park, and any funds available for purposes of the monument shall be available for purposes of the park.

TRANSFER AND ADMINISTRATION OF LANDS

SEC. 203. Upon enactment of this title, the Secretary shall transfer the lands under the jurisdiction of the Bureau of Land Management depicted on the maps described in section 202 of this title, without consideration, to the administrative jurisdiction of the Director of the National Park Service for administration as part of the National Park System. The boundaries of the public lands and the national parks shall be adjusted accordingly. The Secretary shall administer the areas added to the National Park System by this title in accordance with the provisions of law generally applicable to units of the National Park System, including the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1–4).

MAPS AND LEGAL DESCRIPTION

SEC. 204. Within six months after the enactment of this title, the Secretary shall file maps and a legal description of the park designated under this title with the Energy and Natural Resources Committee of the Senate and the Natural Resources Committee of the House of Representatives. Such maps and legal description shall have the same force and effect as if included in this title, except that the Secretary may correct clerical and typographical errors in such legal description and in the maps referred to in section 202. The maps and legal description shall be on file and available for public inspection in the offices of the Superintendent of the Park and the Director of the National Park Service, Department of the Interior.

WITHDRAWAL

SEC. 205. Subject to valid existing rights, the Federal lands and interests therein added to the National Park System by this title are withdrawn from disposition under the public land laws and from entry or appropriation under the mining laws of the United States, from the operation of the mineral leasing laws of the United States, and from operation of the Geothermal Steam Act of 1970.

STUDY AS TO VALIDITY OF MINING CLAIMS

SEC. 206. The Secretary shall not approve any plan of operation prior to determining the validity of the unpatented mining claims, mill sites, and tunnel sites affected by such plan within the additions to the park and shall submit to Congress recommendations as to whether any valid or patented claims should be acquired by the United States, including the estimated acquisition costs of such claims, and a discussion of the environmental consequences of the extraction of minerals from these lands.

GRAZING

SEC. 207. (a) The privilege of grazing domestic livestock on lands within the park shall continue to be exercised at no more than the current level, subject to applicable laws and National Park Service regulations.

(b) If a person holding a grazing permit referred to in subsection (a) informs the Secretary that such permittee is willing to convey to the United States any base property with respect to which such permit was issued and to which such permittee holds title, the Secretary shall make the acquisition of such base property a priority as compared with the acquisition of other lands within the park, provided agreement can be reached concerning the terms and conditions of such acquisition. Any such base property which is located outside the park and acquired as a priority pursuant to this section shall be managed by the Federal agency responsible for the majority of the adjacent lands in accordance with the laws applicable to such adjacent lands.

DEATH VALLEY NATIONAL PARK ADVISORY COMMISSION

SEC. 208. (a) The Secretary shall establish an advisory commission of no more than 15 members, to advise the Secretary concerning the development and implementation of a new or revised comprehensive management plan for Death Valley National Park.

(b)(1) The advisory commission shall include an elected official for each County within which any part of the park is located, a representative of the owners of private properties located within or immediately adjacent to the park, and other members representing persons actively engaged in grazing and range management, mineral exploration and development, and persons with expertise in relevant fields, including geology, biology, ecology, law enforcement, and the protection and management of National Park resources and values.

(2) Vacancies in the commission shall be filled by the Secretary so as to maintain the full diversity of views required to be represented on the commission.

(c) The Federal Advisory Committee Act shall apply to the procedures and activities of the advisory commission.

(d) The advisory commission shall cease to exist ten years after the date of its establishment.

BOUNDARY ADJUSTMENT

SEC. 210. In preparing the maps and legal descriptions required by sections 204 and 502, the Secretary shall adjust the boundaries of the Death Valley National Park and Death Valley National Park Wilderness so as to exclude from such National Park and Wilderness the lands generally depicted on the map entitled "Porter Mine (Panamint Range) Exclusion Area" dated June 1994.

TITLE III—JOSHUA TREE NATIONAL PARK

FINDINGS

SEC. 301. The Congress hereby finds that—

(1) a proclamation by President Franklin Roosevelt in 1936 established Joshua Tree National Monument to protect various objects of historical and scientific interest;

(2) Joshua Tree National Monument today is recognized as a major unit of the National Park System, having extraordinary values enjoyed by millions of visitors;

(3) the Monument boundaries as modified in 1950 and 1961 exclude and thereby expose to incompatible development and inconsistent management, contiguous Federal lands of essential and superlative natural, ecological, archeological, paleontological, cultural, historical and wilderness values;

(4) Joshua Tree National Monument should be enlarged by the addition of contiguous Federal lands of national park caliber, and afforded full recognition and statutory protection as a national park; and

(5) the nondesignated wilderness within Joshua Tree should receive statutory protection by designation pursuant to the Wilderness Act.

ESTABLISHMENT OF JOSHUA TREE NATIONAL PARK

SEC. 302. There is hereby established the Joshua Tree National Park, as generally depicted on a map entitled "Joshua Tree National Park Boundary—Proposed", dated May 1991, and four maps entitled "Joshua Tree National Park Boundary and Wilderness", numbered in the title one through four, and dated October 1991 or prior, which shall be on file and available for public inspection in the offices of the Superintendent of the Park and the Director of the National Park Service, Department of the Interior. The Joshua Tree National Monument is hereby abolished as such, the lands and interests therein are hereby incorporated within and made part of the new Joshua Tree National Park, and any funds available for purposes of the monument shall be available for purposes of the park.

TRANSFER AND ADMINISTRATION OF LANDS

SEC. 303. Upon enactment of this title, the Secretary shall transfer the lands under the jurisdiction of the Bureau of Land Management depicted on the maps described in section 302 of this title, without consideration, to the administrative jurisdiction of the Director of the National Park Service for administration as part of the National Park System. The boundaries of the public lands and the national parks shall be adjusted accordingly. The Secretary shall administer the areas added to the National Park System by this title in accordance with the provisions of law generally applicable to units of the National Park System, including the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1–4).

MAPS AND LEGAL DESCRIPTION

SEC. 304. Within six months after the enactment of this title, the Secretary shall file maps and legal description of the park designated by this title with the Energy and Natural Resources Committee of the Senate and the Natural Resources Committee of the House of Representatives. Such maps and legal description shall have the same force and effect as if included in this title, except that the Secretary may correct clerical and typographical errors in such legal description and in the maps referred to in section 302. The maps and legal description shall be on file and available for public inspection in the offices of the Superintendent of the Park and the Director of the National Park Service, Department of the Interior.

WITHDRAWAL

SEC. 305. Subject to valid existing rights, Federal lands and interests therein added to the National Park System by this title are withdrawn from disposition under the public lands laws and from entry or appropriation under the mining laws of the United States, from the operation of the mineral leasing laws of the United States, and from the operation of the Geothermal Steam Act of 1970.

UTILITY RIGHTS-OF-WAY

SEC. 306. Nothing in this title shall have the effect of terminating any validly issued right-of-way or customary operation maintenance, repair, and replacement activities in such right-of-way, issued, granted, or permitted to the Metropolitan Water District pursuant to the Boulder Canyon Project Act (43 U.S.C. 617–619b), which is located on lands included in the Joshua Tree National Park, but outside lands designated as wilderness under section 501(2). Such activities shall be conducted in a manner which will minimize the impact on park resources. Nothing in this title shall have the effect of terminating the fee title to lands or customary operation, maintenance, repair, and replacement activities on or under such lands granted to the Metropolitan Water District pursuant to the Act of June 18, 1932 (47 Stat. 324), which are located on lands included in the Joshua Tree National Park, but outside lands designated as wilderness under section 501(2). Such activities shall be conducted *in a manner which will minimize the impact on park resources. The Secretary shall prepare within 180 days after the date of enactment of this Act, in consultation with the Metropolitan Water District, plans for emergency access by the Metropolitan Water District to its lands and rights-of-way.*

STUDY AS TO VALIDITY OF MINING CLAIMS

SEC. 307. The Secretary shall not approve any plan of operation prior to determining the validity of the unpatented mining claims, mill sites, and tunnel sites affected by such plan within the park and shall submit to Congress recommendations as to whether any valid or patented claims should be acquired by the United States, including the estimated acquisition costs of such claims, and a discussion of the environmental consequences of the extraction of minerals from these lands.

JOSHUA TREE NATIONAL PARK ADVISORY COMMISSION

SEC. 308. (a) The Secretary shall establish an advisory commission of no more than 15 members, to advise the Secretary concerning the development and implementation of a new or revised comprehensive management plan for Joshua Tree National Park.

(b)(1) The advisory commission shall include an elected official for each County within which any part of the park is located, a representative of the owners of private properties located within or immediately adjacent to the park, and other members representing persons actively engaged in grazing and range management, mineral exploration and development, and persons with expertise in relevant fields, including geology, biology, ecology, law enforcement, and the protection and management of National Park resources and values.

(2) Vacancies in the commission shall be filled by the Secretary so as to maintain the full diversity of views required to be represented on the commission.

(c) The Federal Advisory Committee Act shall apply to the procedures and activities of the advisory commission.

(d) The advisory commission shall cease to exist ten years after the date of its establishment.

TITLE IV—MOJAVE NATIONAL PRESERVE

FINDINGS

SEC. 401. The Congress hereby finds that—

(1) Death Valley and Joshua Tree National Parks, as established by this Act, protect unique and superlative desert resources, but do not embrace the particular ecosystems and transitional desert type found in the Mojave Desert area lying between them on public lands now afforded only impermanent administrative designation as a national scenic area;

(2) the Mojave Desert area possesses outstanding natural, cultural, historical, and recreational values meriting statutory designation and recognition as a unit of the National Park System;

(3) the Mojave Desert area should be afforded full recognition and statutory protection as a national preserve;

(4) the wilderness within the Mojave Desert should receive maximum statutory protection by designation pursuant to the Wilderness Act; and

(5) the Mojave Desert area provides an outstanding opportunity to develop services, programs, accommodations and facilities to ensure the use and enjoyment of the area by individuals with disabilities, consistent with section 504 of the Rehabilitation Act of 1973, Public Law 101–336, the Americans With Disabilities Act of 1990 (42 U.S.C. 12101), and other appropriate laws and regulations.

ESTABLISHMENT OF THE MOJAVE NATIONAL PRESERVE

SEC. 402. (a) There is hereby established the Mojave National Preserve, comprising approximately one million four hundred nineteen thousand eight hundred acres, as generally depicted on a map entitled "Mojave National Park Boundary—Proposed", dated May 17, 1994, which shall be on file and available for inspection in the appropriate offices of the Director of the National Park Service, Department of the Interior.

(b)(1) There is hereby established the Dinosaur Trackway Area of Critical Environmental Concern within the California Desert Conservation Area, of the Bureau of Land Management, comprising approximately five hundred and ninety acres as generally depicted on a map entitled "Dinosaur Trackway Area of Critical Environmental Concern", dated July 1993. The Secretary shall administer the area to preserve the paleontological resources within the area.

(2) Subject to valid existing rights, the Federal lands within and adjacent to the Dinosaur Trackway Area of Critical Environmental Concern, as generally depicted on a map entitled "Dinosaur Trackway Mineral Withdrawal Area", dated July 1993, are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws; from location, entry, and patent under the United States mining laws; and from disposition under all laws pertaining to mineral and geothermal leasing, and mineral materials, and all amendments thereto.

TRANSFER OF LANDS

SEC. 403. Upon enactment of this title, the Secretary shall transfer the lands under the jurisdiction of the Bureau of Land Management depicted on the maps described in section 402 of this title, without consideration, to the administrative jurisdiction of the Director of the National Park Service. The boundaries of the public lands shall be adjusted accordingly.

MAPS AND LEGAL DESCRIPTION

SEC. 404. Within six months after the enactment of this title, the Secretary shall file maps and a legal description of the preserve designated under this title with the Energy and Natural Resources Committee of the Senate and the Natural Resources Committee of the House of Representatives. Such maps and legal description shall have the same force and effect as if included in this title, except that the Secretary may correct clerical and typographical errors in such legal description and in the maps referred to in section 402. The maps and legal description shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

ABOLISHMENT OF SCENIC AREA

SEC. 405. The East Mojave National Scenic Area, designated on January 13, 1981 (46 FR 3994), and modified on August 9. 1983 (48 FR 36210), is hereby abolished.

ADMINISTRATION OF LANDS

SEC. 406. (a) The Secretary shall administer the preserve in accordance with this title and with the provisions of law generally applicable to units of the National Park System, including the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1–4).

(b) The Secretary shall permit hunting, fishing, and trapping on lands and waters within the preserve designated by this Act in accordance with applicable Federal and State laws except that the Secretary may designate areas where, and establish periods when, no hunting, fishing, or trapping will be permitted for reasons of public safety, administration, or compliance with provisions of applicable law. Except in emergencies, regulations closing areas to hunting, fishing, or trapping pursuant to this subsection shall be put into effect only after consultation with the appropriate State agency having responsibility for fish and wildlife. Nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the States with respect to fish and wildlife on Federal lands and waters covered by this title nor shall anything in this Act be construed as authorizing the Secretary concerned to require a Federal permit to hunt, fish, or trap on Federal lands and waters covered by this title.

WITHDRAWAL

SEC. 407. Subject to valid existing rights, Federal lands within the preserve, and interests therein, are withdrawn from disposition under the public land laws and from entry or appropriation under the mining laws of the United States, from the operation of the mineral leasing laws of the United States, and from operation of the Geothermal Steam Act of 1970.

STUDY AS TO VALIDITY OF MINING CLAIMS

SEC. 408 (a) The Secretary shall not approve any plan of operation prior to determining the validity of the unpatented mining claims, mill sites, and tunnel sites affected by such plan within the preserve and shall submit to Congress recommendations as to whether any valid or patented claims should be acquired by the United States, including the estimated acquisition costs of such claims, and a discussion of the environmental consequences of the extraction of minerals from these lands.

(b)(1) Notwithstanding any other provision of law, the Secretary of the Interior shall permit the holder or holders of mining claims identified on the records of the Bureau of Land Management as Volco #A CAMC 105446 and Volco #B CAMC 105447 to continue exploration and development activities on such claims for a period of two years after the date of enactment of this Act, subject to the same regulations as applied to such activities on such claims on the day before such date of enactment.

(2) At the end of the period specified in paragraph (1), or sooner if so requested by the holder or holders of the claims specified in such paragraph, the Secretary shall determine whether there has been a discovery of valuable minerals on such claims and whether, if such discovery had been made on or before July 1, 1994, such claims would have been valid as of such date under the mining laws of the United States in effect on such date.

(3) If the Secretary, pursuant to paragraph (2), makes an affirmative determination concerning the claims specified in paragraph (1), the holder or holders of such claims shall be permitted to continue to operate such claims subject only to such regulations as applied on July 1, 1994 to the exercise of valid existing rights on patented mining claims within a unit of the National Park System.

GRAZING

SEC. 409. (a) The privilege of grazing domestic livestock on lands within the preserve shall continue to be exercised at no more than the current level, subject to applicable laws and National Park Service regulations.

(b) If a person holding a grazing permit referred to in subsection (a) informs the Secretary that such permittee is willing to convey to the United States any base property with respect to which such permit was issued and to which such permittee holds title, the Secretary shall make the acquisition of such base property a priority as compared with the acquisition of other lands within the preserve, provided agreement can be reached concerning the terms and conditions of such acquisition. Any such base property which is located outside the preserve and acquired as a priority pursuant to this section shall be managed by the Federal agency responsible for the majority of the adjacent lands in accordance with the laws applicable to such adjacent lands.

UTILITY RIGHTS OF WAY

SEC. 410. (a)(1) Nothing in this title shall have the effect of terminating any validly issued *right-of-way or customary operation, maintenance, repair, and replacement activities in such right-of-way, issued, granted, or permitted to Southern California Edison Company, its successors or assigns, which is located on lands included in the Mojave National Preserve, but outside lands designated as wilderness under section 501(3). Such activities shall be conducted in a manner which will minimize the impact on preserve resources.*

(2) Nothing in this title shall have the effect of prohibiting the upgrading of an existing electrical transmission line for the purpose of increasing the capacity of such transmission line in the Southern California Edison Company validly issued Eldorado-Lugo Transmission Line right-of-way and Mojave-Lugo Transmission Line right-of-way, or in a right-of-way if issued, granted, or permitted by the Secretary adjacent to the existing Mojave-Lugo Transmission Line right-of-way (hereafter in this section referred to as "adjacent right-of-way"), including construction of a replacement transmission line: Provided, That—

(A) in the Eldorado-Lugo Transmission Line rights-of-way (hereafter in this section referred to as the "Eldorado rights-of-way") at no time shall there be more than three electrical transmission lines,

(B) in the Mojave-Lugo Transmission Line right-of-way (hereafter in this section referred to as the "Mojave right-of-way") and adjacent right-of-way, removal of the existing electrical transmission line and reclamation of the site shall be completed no later than three years after the date on which construction of the upgraded transmission line begins, after which time there may be only one electrical transmission line in the lands encompassed by Mojave right-of-way and adjacent right-of-way,

(C) if there are no more than two electrical transmission lines in the Eldorado rights-of-way, two electrical transmission lines in the lands encompassed by the Mojave right-of-way and adjacent right-of-way may be allowed,

(D) in the Eldorado rights-of-way and Mojave right-of-way no additional land shall be issued, granted, or permitted for such upgrade unless an addition would reduce the impacts to preserve resources,

(E) no more than 350 feet of additional land shall be issued, granted, or permitted for an adjacent right-of-way to the south of the Mojave right-of-way unless a greater addition would reduce the impacts to preserve resources, and

(F) such upgrade activities, including helicopter aided construction, shall be conducted in a manner which will minimize the impact on preserve resources.

(3) The Secretary shall prepare within 180 days after the date of enactment of this Act, in consultation with the Southern California Edison Company, plans for emergency access by the Southern California Edison Company to its rights-of-way.

(b)(1) Nothing in this title shall have the effect of terminating any validly issued right-of-way, or customary operation, maintenance, repair, and replacement activities in such right-of-way; prohibiting the upgrading of and construction on existing facilities in such right-of-way for the purpose of increasing the capacity of the existing pipeline; or prohibiting the renewal of such right-of-way issued, granted, or permitted to the Southern California Gas Company, its successors or assigns, which is located on lands included in the Mojave National Preserve, but outside lands designated as wilderness under section 501(3). Such activities shall be conducted in a manner which will minimize the impact on preserve resources.

(2) The Secretary shall prepare within one hundred and eighty days after the date of enactment of this title, in consultation with the Southern California Gas Company, plans for emergency access by the Southern California Gas Company to its rights-of-way.

(c) Nothing in this title shall have the effect of terminating any validly issued right-of-way or customary operation, maintenance, repair, and replacement activities of existing facilities issued, granted, or permitted for communications cables or lines, which are located on lands included in the Mojave National Preserve, but outside lands designated as wilderness under section 501(3). Such activities shall be conducted in a manner which will minimize the impact on preserve resources.

(d) Nothing in this title shall have the effect of terminating any validly issued right-of-way or customary operation, maintenance, repair, and replacement activities of existing facilities issued, granted, or permitted to Molybdenum Corporation of America; Molycorp, Incorporated; or Union Oil Company of California (d/b/a Unocal Corporation); or its successors or assigns, or prohibiting renewal of such right-of-way, which is located on lands included in the Mojave National Preserve, but outside lands designated as wilderness under section 501(3). Such activities shall be conducted in a manner which will minimize the impact on preserve resources.

PREPARATION OF MANAGEMENT PLAN

SEC. 411. Within three years after the date of enactment of this title, the Secretary shall submit to the Energy and Natural Resources Committee of the Senate and the Natural Resources Committee of the House of Representatives a detailed and comprehensive management plan for the preserve. Such plan shall place emphasis on historical and cultural sites and ecological and wilderness values within the boundaries of the preserve. Any development, including road improvements, proposed by such plan shall be strictly limited to that which is essential and appropriate for the administration of the preserve and shall be designed and located so as to maintain the primitive nature of the area and to minimize the impairment of preserve resources or ecological values. To the extent practicable, administrative facilities, employee housing, commercial visitor services, accommodations, and other preserve-related development shall be located or provided for outside of the boundaries of the preserve. Such plan shall evaluate the feasibility of using the Kelso Depot and existing railroad corridor to provide public access to and a facility for special interpretive, educational, and scientific programs within the preserve. Such plan shall specifically address the needs of individuals with disabilities in the design of services, programs, accommodations and facilities consistent with section 504 of the Rehabilitation Act of 1973, Public Law 101–336, the Americans with Disabilities Act of 1990 (42 U.S.C. 12101), and other appropriate laws and regulations.

GRANITE MOUNTAINS NATURAL RESERVE

SEC. 412. (a) There is hereby designated the Granite Mountains Natural Reserve within the preserve comprising approximately nine thousand acres as generally depicted on a map entitled "Mojave National Park Boundary and Wilderness—Proposed 6", dated May 1991.

(b) Upon enactment of this title, the Secretary of the Interior shall enter into a cooperative management agreement with the University of California for the purposes of managing the lands within the Granite Mountains Natural Reserve. Such cooperative agreement shall ensure continuation of arid lands research and educational activities of the University of California, consistent with the provisions of law generally applicable to units of the National Park System.

CONSTRUCTION OF VISITOR CENTER

SEC. 413. The Secretary is authorized to construct a visitor center in the preserve for the purpose of providing information through appropriate displays, printed material, and other interpretive programs, about the resources of the preserve.

ACQUISITION OF LANDS

SEC. 414. The Secretary is authorized to acquire all lands and interest in lands within the boundary of the preserve by donation, purchase, or exchange, except that—

(1) any lands or interests therein within the boundary of the preserve which are owned by the State of California, or any political subdivision thereof, may be acquired only by donation or exchange except for lands managed by the California State Lands Commission; and

(2) lands or interests therein within the boundary of the preserve which are not owned by the State of California or any political subdivision thereof may be acquired only with the consent of the owner thereof unless the Secretary determines, after written notice to the owner and after opportunity for comment, that the property is being developed, or proposed to be developed, in a manner which is detrimental to the integrity of the preserve or which is otherwise incompatible with the purposes of this title.

ACQUIRED LANDS BE MADE PART OF MOJAVE NATIONAL PRESERVE

SEC. 415. Any lands acquired by the Secretary under this title shall become part of the Mojave National Preserve.

MOJAVE NATIONAL PRESERVE ADVISORY COMMISSION

SEC. 416. (a) The Secretary shall establish an advisory commission of no more than 15 members, to advise the Secretary concerning the development and implementation of a new or revised comprehensive management plan for Mojave National Preserve.

(b)(1) The advisory commission shall include an elected official for each County within which any part of the preserve is located, a representative of the owners of private properties located within or immediately adjacent to the preserve, and other members representing persons actively engaged in grazing and range management, mineral exploration and development, and persons with expertise in relevant fields, including geology, biology, ecology, law enforcement, and the protection and management of National Park resources and values.

(2) Vacancies in the commission shall be filled by the Secretary so as to maintain the full diversity of views required to be represented on the Commission.

(c) The Federal Advisory Committee Act shall apply to the procedures and activities of the advisory commission.

(d) The advisory commission shall cease to exist ten years after the date of its establishment.

NO ADVERSE AFFECT ON LAND UNTIL ACQUIRED

SEC. 417. Unless and until acquired by the United States, no lands within the boundaries of wilderness areas or National Park System units designated or enlarged by this Act that are owned by any person or entity other than the United States shall be subject to any of the rules or regulations applicable solely to the Federal lands within such boundaries and may be used to the extent allowed by applicable law. Neither the location of such lands within such boundaries nor the possible acquisition of such lands by the United States shall constitute a bar to the otherwise lawful issuance of any Federal license or permit other than a license or permit related to activities governed by 16 U.S.C. 460l–22(c). Nothing in this section shall be construed as affecting the applicability of any provision of the Mining in the Parks Act (16 U.S.C. 1901 et seq.), the Clean Air Act (42 U.S.C. 7401 et seq.), or regulations applicable to oil and gas development as set forth in 36 CFR 9B.

TITLE V—NATIONAL PARK WILDERNESS

DESIGNATION OF WILDERNESS

SEC. 501. The following lands are hereby designated as wilderness in accordance with the Wilderness Act (78 Stat. 890; 16 U.S.C. 1131 et seq.) and shall be administered by the Secretary of the Interior in accordance with the applicable provisions of the Wilderness Act:

(1) Death Valley National Park Wilderness, comprising approximately three million one hundred sixty-two thousand one hundred and thirty-eight acres, as generally depicted on 23 maps entitled "Death Valley National Park Boundary and Wilderness", numbered in the title one through twenty-three, and dated May 1994 or prior, and three maps entitled "Death Valley National Park Wilderness", numbered in the title one through three, and dated May 1994 or prior, and which shall be known as the Death Valley Wilderness.

(2) Joshua Tree National Park Wilderness Additions, comprising approximately one hundred thirty-one thousand seven hundred and eighty acres, as generally depicted on four maps entitled "Joshua Tree National Park Boundary and Wilderness—Proposed", numbered in the title one through four, and dated October 1991 or prior, and which are hereby incorporated in, and which shall be deemed to be a part of the Joshua Tree Wilderness as designated by Public Law 94-567.

(3) Mojave National Preserve Wilderness, comprising approximately six hundred ninety-four thousand acres, as generally depicted on ten maps entitled "Mojave National Park Boundary and Wilderness—Proposed", numbered in the title one through ten, and dated May 1994 or prior, and seven maps entitled "Mojave National Park Wilderness—Proposed", numbered in the title one through seven, and dated May 1994 or prior, and which shall be known as the Mojave Wilderness.

(4) Upon cessation of all uses prohibited by the Wilderness Act and publication by the Secretary in the Federal Register of notice of such cessation, potential wilderness, comprising approximately six thousand eight hundred and forty acres, as described in "1988 Death Valley National Monument Draft General Management Plan Draft Environmental Impact Statement" (hereafter in this title referred to as "Draft Plan") and as generally depicted on a map in the Draft Plan entitled "Wilderness Plan Death Valley National Monument", dated January 1988, shall be deemed to be a part of the Death Valley Wilderness as designated in paragraph (1). Lands identified in the Draft Plan as potential wilderness shall be managed by the Secretary insofar as practicable as wilderness until such time as said lands are designated as wilderness.

FILING OF MAPS AND DESCRIPTIONS

SEC. 502. Maps and a legal description of the boundaries of the areas designated in section 501 of this title shall be on file and available for public inspection in the Office of the Director of the National Park Service, Department of the Interior, and in the Office of the Superintendent of each area designated in section 501. As soon as practicable after this title takes effect, maps of the wilderness areas and legal descriptions of their boundaries shall be filed with the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives, and such maps and descriptions shall have the same force and effect as if included in this title, except that the Secretary may correct clerical and typographical errors in such maps and descriptions.

ADMINISTRATION OF WILDERNESS AREAS

SEC. 503. The areas designated by section 501 of this title as wilderness shall be administered by the Secretary in accordance with the applicable provisions of the Wilderness Act governing areas designated by that title as wilderness, except that any reference in such provision to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this title, and where appropriate, and reference to the Secretary of Agriculture shall be deemed to be a reference to the Secretary of the Interior.

TITLE VI—MISCELLANEOUS PROVISIONS

TRANSFER OF LANDS TO RED ROCK CANYON STATE PARK

SEC. 601. Upon enactment of this title, the Secretary of the Interior shall transfer to the State of California certain lands within the California Desert Conservation Area, California, of the Bureau of Land Management, comprising approximately twenty thousand five hundred acres, as generally depicted on two maps entitled "Red Rock Canyon State Park Additions 1" and "Red Rock Canyon State Park Additions 2", dated May 1991, for inclusion in the State of California Park System. Should the State of California cease to manage these lands as part of the State Park System, ownership of the lands shall revert to the Department of the Interior to be managed as part of the California Desert Conservation Area to provide maximum protection for the area's scenic and scientific values.

DESERT LILY SANCTUARY

SEC. 602. (a) There is hereby established the Desert Lily Sanctuary within the California Desert Conservation Area, California, of the Bureau of Land Management, comprising approximately two thousand forty acres, as generally depicted on a map entitled "Desert Lily Sanctuary", dated February 1986. The Secretary of the Interior shall administer the area to provide maximum protection to the desert lily.

(b) Subject to valid existing rights, Federal lands within the sanctuary, and interests therein, are withdrawn from disposition under the public land laws and from entry or appropriation under the mining laws of the United States, from the operation of the mineral leasing laws of the United States, and from operation of the Geothermal Steam Act of 1970.

LAND TENURE ADJUSTMENTS

SEC. 603. In preparing land tenure adjustment decisions within the California Desert Conservation Area, of the Bureau of Land Management, the Secretary shall give priority to consolidating Federal ownership within the national park units and wilderness areas designated by this Act.

DISPOSAL PROHIBITION

SEC. 604. Notwithstanding any other provision of law, the Secretary of the Interior and the Secretary of Agriculture may not dispose of any lands within the boundaries of the wilderness, parks, or preserve designated under this Act or grant a right-of-way in any lands within the boundaries of the wilderness designated under this Act. Further, none of the lands within the boundaries of the wilderness, parks, or preserve designated under this Act shall be granted to or otherwise made available for use by the Metropolitan Water District and any other agencies or persons pursuant to the Boulder Canyon Project Act (43 U.S.C. 617–619b) or any similar Acts.

MANAGEMENT OF NEWLY ACQUIRED LANDS

SEC. 605. Any lands within the boundaries of a wilderness area designated under this Act which are acquired by the Federal Government shall become part of the wilderness area within which they are located and shall be managed in accordance with all the provisions of this Act and other laws applicable to such wilderness area.

NATIVE AMERICAN USES

SEC. 606. (a) In recognition of the past use of the parks, wilderness, and preserve areas designed under this Act by Indian people for traditional cultural and religious purposes, the Secretary shall ensure access to such parks, wilderness, and preserve areas by Indian people for such traditional cultural and religious purposes. In implementing this section, the Secretary, upon the request of an Indian tribe or Indian religious community, shall temporarily close to the general public use of one or more specific portions of park, wilderness, or preserve areas in order to protect the privacy of traditional cultural and religious activities in such areas by Indian people. Such access shall be consistent with the purpose and intent of Public Law 95-341 (42 U.S.C. 1996) commonly referred to as the "American Indian Religious Freedom Act", and with respect to areas designated as wilderness, the Wilderness Act (78 Stat. 890; 16 U.S.C. 1131).

(b)(1) The Secretary, in consultation with the Timbisha Shoshone Tribe and relevant Federal agencies, shall conduct a study, subject to the availability of appropriations, to identify lands suitable for a reservation for the Timbisha Shoshone Tribe that are located within the Tribe's aboriginal homeland area.

(2) Not later than two years after the date of enactment of this Act, the Secretary shall submit a report to the Committee on Energy and Natural Resources and the Committee on Indian Affairs of the Senate, and the Committee on Natural Resources of the House of Representatives on the results of the study conducted under paragraph (1).

WATER RIGHTS

SEC. 607. (a) With respect to each wilderness area designated by this Act, Congress hereby reserves a quantity of water sufficient to fulfill the purposes of this Act. The priority date of such reserved water rights shall be the date of enactment of this Act.

(b) The Secretary of the Interior and all other officers of the United States shall take all steps necessary to protect the rights reserved by this section, including the filing by the Secretary of a claim for the quantification of such rights in any present or future appropriate stream adjudication in the courts of the State of California in which the United States is or may be joined and which is conducted in accordance with section 208 of the Act of July 10, 1952 (66 Stat. 560, 43 U.S.C. 666; commonly referred to as the McCarran Amendment).

(c) Nothing in this Act shall be construed as a relinquishment or reduction of any water rights reserved or appropriated by the United States in the State of California on or before the date of enactment of this Act.

(d) The Federal water rights reserved by this Act are specific to the wilderness areas located in the State of California designated under this Act. Nothing in this Act related to the reserved Federal water rights shall be construed as establishing a precedent with regard to any future designations, nor shall it constitute an interpretation of any other Act or any designation made thereto.

(e) Nothing in this Act shall be construed to affect the operation of federally owned dams located on the Colorado River in the Lower Basin.

(f) Nothing in this Act shall be construed to amend, supersede, or preempt any State law, Federal law, interstate compact, or international treaty pertaining to the Colorado River (including its tributaries) in the Upper Basin, including, but not limited to the appropriation, use, development, storage, regulation, allocation, conservation, exportation, or quality of those rivers.

(g) With respect to the Havasu and Imperial wilderness areas designated by section 111 of title I of this Act, no rights to water of the Colorado River are reserved, either expressly, impliedly, or otherwise.

STATE SCHOOL LANDS

SEC. 608. (a) Upon request of the California State Lands Commission (hereinafter in this section referred to as the "Commission"), the Secretary shall enter into negotiations for an agreement to exchange Federal lands or interests therein on the list referred to in subsection (b)(2) for California State School Lands (hereinafter in this section referred to as "State School Lands") or interests therein which are located within the boundaries of one or more of the wilderness areas or park units designated by this Act. The Secretary shall negotiate in good faith to reach a land exchange agreement consistent with the requirements of section 206 of the Federal Land Policy and Management Act of 1976.

(b) Within six months after the date of enactment of this Act, the Secretary shall send to the Commission and to the Committees a list of the following:

(1) The State School Lands or interests therein (including mineral interests) which are located within the boundaries of the wilderness areas or park units designated by this Act.

(2) Lands under the Secretary's jurisdiction to be offered for exchange, including in the following priority:

(A) Lands with mineral interests, including geothermal, which have the potential for commercial development but which are not currently under mineral lease or producing Federal mineral revenues.

(B) Federal lands in California managed by the Bureau of Reclamation that the Secretary determines are not needed for any Bureau of Reclamation project.

(C) Any public lands in California that the Secretary, pursuant to the Federal Land Policy and Management Act of 1976, has determined to be suitable for disposal through exchange.

(3) The Secretary may exclude, in his discretion, lands located within, or contiguous to, the exterior boundaries of lands held in trust for a federally recognized Indian tribe located in the State of California.

(c)(1) If an agreement under this section is for an exchange involving five thousand acres or less of Federal land or interests therein, or Federal lands valued at less than $5,000,000, the Secretary may carry out the exchange in accordance with the Federal Land Policy and Management Act of 1976.

(2) If an agreement under this section is for an exchange involving more than five thousand acres of Federal land or interests therein, or Federal land valued at more than $5,000,000, the agreement shall be submitted to the Committees, together with a report containing—

(A) a complete list and appraisal of the lands or interests in lands proposed for exchange; and

(B) a determination that the State School Lands proposed to be acquired by the United States do not contain any hazardous waste, toxic waste, or radioactive waste.

(d) An agreement submitted under subsection (c)(2) shall not take effect unless approved by a joint resolution enacted by the Congress.

(e) If exchanges of all of the State School Lands are not completed by October 1, 2004, the Secretary shall adjust the appraised value of any remaining inholdings consistent with the provisions of section 206 of the Federal Land Management Policy Act of 1976. The Secretary shall establish an account in the name of the Commission in the amount of such appraised value. Title to the State School Lands shall be transferred to the United States at the time such account is credited.

(f) The Commission may use the credit in its account to bid, as any other bidder, for excess or surplus Federal property to be sold in the State of California in accordance with the applicable laws and regulations of the Federal agency offering such property for sale. The account shall be adjusted to reflect successful bids under this section or payments or forfeited deposits, penalties, or other costs assessed to the bidder in the course of such sales. In the event that the balance in the account has not been reduced to zero by October 1, 2009, there are authorized to be appropriated to the Secretary for payment to the California State Lands Commission funds equivalent to the balance remaining in the account as of October 1, 2009.

(g) As used in this section, the term "Committees" means the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

EXCHANGES

SEC. 609. (a) Upon request of the holder of private lands (hereafter in this section referred to as the "landowner"), the Secretary shall enter into negotiations for an agreement or agreements to exchange Federal lands or interests therein on the list referred to in subsection (b)(2) of this section for lands of the landowner or interests therein which are located within the boundaries of one or more of the wilderness areas or park units designated by this Act.

(b) Within six months after the date of enactment of this Act, the Secretary shall send to the landowner and to the Committees a list of the following:

(1) Lands of the landowner or interests therein (including mineral interests) which are located within the boundaries of the wilderness areas or park units designated by this Act.

(2) Lands under the Secretary's jurisdiction to be offered for exchange, in the following priority:

(A) Lands, including lands with mineral and geothermal interests, which have the potential for commercial development but which are not currently under lease or producing Federal revenues.

(B) Federal lands managed by the Bureau of Reclamation that the Secretary determines are not needed for any Bureau of Reclamation project.

(C) Any public lands that the Secretary, pursuant to the Federal Land Policy and Management Act of 1976, has determined to be suitable for disposal through exchange.

(3) The Secretary may exclude, in his discretion, lands located within, or contiguous to, the exterior boundaries of lands held in trust for a federally recognized Indian tribe located in the State of California.

(c)(1) If an agreement under this section is for (A) an exchange involving lands outside the State of California, (B) more than 5,000 acres of Federal land or interests therein in California, or (C) Federal lands in any State valued at more than $5,000,000, the Secretary shall provide to the Committees a detailed report of each such land exchange agreement.

(2) All land exchange agreements shall be consistent with the Federal Land Policy and Management Act of 1976.

(3) Any report submitted to the Committees under this subsection shall include the following:

(A) A complete list and appraisal of the lands or interests in land proposed for exchange.

(B) A complete list of the lands, if any, to be acquired by the United States which contain any hazardous waste, toxic waste, or radioactive waste which requires removal or remedial action under Federal or State law, together with the estimated costs of any such action.

(4) An agreement under this subsection shall not take effect unless approved by a joint resolution enacted by the Congress.

(d) The Secretary shall provide the California State Lands Commission with a one hundred eighty-day right of first refusal to exchange for any Federal lands or interests therein, located in the State of California, on the list referred to in subsection (b)(2). Any lands with respect to which a right of first refusal is not noticed within such period or exercised under this subsection shall be available to the landowner for exchange in accordance with this section.

(e) On January 3, 1999, the Secretary shall provide to the Committees a list and appraisal consistent with the Federal Land Policy and Management Act of 1976 of all private lands eligible for exchange under this section for which an exchange has not been completed. With respect to any of such lands for which an exchange has not been completed by October 1, 2004 (hereafter in this section referred to as "remaining lands"), the Secretary shall establish an account in the name of each landowner (hereafter in this section referred to as the "exchange account"). Upon the transfer of title by the landowner to all or a portion of the remaining lands to the United States, the Secretary shall credit the exchange account in the amount of the appraised value of the transferred remaining lands at the time of such transfer.

(f) The landowner may use the credit in its account to bid, as any other bidder, for excess or surplus Federal property to be sold in the State of California in accordance with the applicable laws and regulations of the Federal agency offering such property for sale. The account shall be adjusted to reflect successful bids under this section or payments or forfeited deposits, penalties, or other costs assessed to the bidder in the course of such sales. Upon approval by the Secretary in writing, the credits in the landowner's exchange account may be transferred or sold in whole or in part by the landowner to any other party, thereby vesting such party with all the rights formerly held by the landowner. The exchange account shall be adjusted to reflect successful bids under this section or payments or forfeited deposits, penalties, or other costs assessed to the bidder in the course of such sales.

(g)(1) The Secretary shall not accept title pursuant to this section to any lands unless such title includes all right, title, and interest in and to the fee estate.

(2) Notwithstanding paragraph (1), the Secretary may accept title to any subsurface estate where the United States holds title to the surface estate.

(3) This subsection does not apply to easements and rights-of-way for utilities or roads.

(h) In no event shall the Secretary accept title under this section to lands which contain any hazardous waste, toxic waste, or radioactive waste which requires removal or remedial action under Federal or State law unless such remedial action has been completed prior to the transfer.

(i) For purposes of the section, any appraisal shall be consistent with the provisions of section 206 of the Federal Land Policy and Management Act of 1976.

(j) As used in this section, the term "Committees" means the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

TITLE VII—DEFINITIONS AND AUTHORIZATION OF APPROPRIATIONS

DEFINITIONS

SEC. 701. For the purposes of this Act:

(1) The term "Secretary", unless specifically designated otherwise, means the Secretary of the Interior.

(2) The term "public lands" means any land and interest in land owned by the United States and administered by the Secretary of the Interior through the Bureau of Land Management.

AUTHORIZATION OF APPROPRIATIONS

SEC. 702. There are hereby authorized to be appropriated to the National Park Service and Bureau of Land Management to carry out the *purposes of this Act an amount not to exceed $36,000,000 over and above that provided in fiscal year 1994 for additional administrative and construction costs over the fiscal year 1995–1999 period and $300,000,000 for all land acquisition costs. No funds in excess of these amounts may be used for construction, administration, or land acquisition authorized under this Act without a specific authorization in an Act of Congress enacted after the date of enactment of this Act.*

LAND APPRAISAL

SEC. 703. Lands and interests in lands acquired pursuant to this Act shall be appraised without regard to the presence of a species listed as threatened or endangered pursuant to the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

TITLE VIII—CALIFORNIA MILITARY LANDS WITHDRAWAL

SEC. 801. SHORT TITLE AND FINDINGS.

(a) SHORT TITLE.—This title may be cited as the "California Military Lands Withdrawal and Overflights Act of 1994".

(b) FINDINGS.—The Congress finds that—

(1) the Federal lands within the desert regions of California have provided essential opportunities for military training, research, and development for the Armed Forces of the United States and allied nations;

(2) alternative sites for military training and other military activities carried out on Federal lands in the California desert area are not readily available;

(3) while changing world conditions have lessened to some extent the immediacy of military threats to the national security of the United States and its allies, there remains a need for military training, research, and development activities of the types that have been carried out on Federal lands in the California desert area; and

(4) continuation of existing military training, research, and development activities, under appropriate terms and conditions, is not incompatible with the protection and proper management of the natural, environmental, cultural, and other resources and values of the Federal lands in the California desert area.

SEC. 802. WITHDRAWALS.

(a) CHINA LAKE.—(1) Subject to valid existing rights and except as otherwise provided in this title, the Federal lands referred to in paragraph (2), and all other areas within the boundary of such lands as depicted on the map specified in such paragraph which may become subject to the operation of the public land laws, are hereby withdrawn from all forms of appropriation under the public land laws (including the mining laws and the mineral leasing laws). Such lands are reserved for use by the Secretary of the Navy for—

(A) use as a research, development, test, and evaluation laboratory;

(B) use as a range for air warfare weapons and weapon systems;

(C) use as a high hazard training area for aerial gunnery, rocketry, electronic warfare and countermeasures, tactical maneuvering and air support; and

(D) subject to the requirements of section 804(f), other defense-related purposes consistent with the purposes specified in this paragraph.

(2) The lands referred to in paragraph (1) are the Federal lands, located within the boundaries of the China Lake Naval Weapons Center, comprising approximately 1,100,000 acres in Inyo, Kern, and San Bernardino Counties, California, as generally depicted on a map entitled "China Lake Naval Weapons Center Withdrawal—Proposed", dated January 1985, and filed in accordance with section 803.

(b) CHOCOLATE MOUNTAIN.—(1) Subject to valid existing rights and except as otherwise provided in this title, the Federal lands referred to in paragraph (2), and all other areas within the boundary of such lands as depicted on the map specified in such paragraph which may become subject to the operation of the public land laws, are hereby withdrawn from all forms of appropriation under the public land laws (including the mining laws and the mineral leasing and the geothermal leasing laws). Such lands are reserved for use by the Secretary of the Navy for—

(A) testing and training for aerial bombing, missile firing, tactical maneuvering and air support; and

(B) subject to the provisions of section 804(f), other defense-related purposes consistent with the purposes specified in this paragraph.

(2) The lands referred to in paragraph (1) are the Federal lands comprising approximately 226,711 acres in Imperial County, California, as generally depicted on a map entitled "Chocolate Mountain Aerial Gunnery Range Proposed—Withdrawal" dated July 1993 and filed in accordance with section 803.

(c) EL CENTRO RANGES.—(1) Subject to valid existing rights, and except as otherwise provided in this title, the Federal lands referred to in paragraph (2), and all other areas within the boundaries of such lands as depicted on the map specified in such paragraph which may become subject to the operation of the public land laws, are hereby withdrawn from all forms of appropriation under the public land laws (including the mining laws) but not the mineral or geothermal leasing laws. Such lands are reserved for use by the Secretary of the Navy for—

(A) defense-related purposes in accordance with the Memorandum of Understanding dated June 29, 1987, between the Bureau of Land Management, the Bureau of Reclamation, and the Department of the Navy; and

(B) subject to the provisions of section 804(f), other defense-related purposes consistent with the purposes specified in this paragraph.

(2) The lands referred to in paragraph (1) are the Federal lands comprising approximately 46,600 acres in Imperial County, California, as generally depicted on a map entitled "Exhibit A, Naval Air Facility, El Centro, California, Land Acquisition Map, Range 2510 (West Mesa) dated March 1993 and a map entitled "Exhibit B, Naval Air Facility, El Centro, California, Land Acquisition Map Range 2512 (East Mesa)" dated March 1993.

SEC. 803. MAPS AND LEGAL DESCRIPTIONS.

(a) PUBLICATION AND FILING REQUIREMENT.—As soon as practicable after the date of enactment of this title, the Secretary of the Interior shall—

(1) publish in the Federal Register a notice containing the legal description of the lands withdrawn and reserved by this title; and

(2) file maps and the legal description of the lands withdrawn and reserved by this title with the Committee on Energy and Natural Resources of the United States Senate and with the Committee on Natural Resources of the United States House of Representatives.

(b) TECHNICAL CORRECTIONS.—Such maps and legal descriptions shall have the same force and effect as if they were included in this title except that the Secretary of the Interior may correct clerical and typographical errors in such maps and legal descriptions.

(c) AVAILABILITY FOR PUBLIC INSPECTION.—Copies of such maps and legal descriptions shall be available for public inspection in the Office of the Director of the Bureau of Land Management, Washington, District of Columbia; the Office of the Director, California State Office of the Bureau of Land Management, Sacramento, California; the office of the commander of the Naval Weapons Center, China Lake, California; the office of the commanding officer, Marine Corps Air Station, Yuma, Arizona; and the Office of the Secretary of Defense, Washington, District of Columbia.

(d) REIMBURSEMENT.—The Secretary of Defense shall reimburse the Secretary of the Interior for the cost of implementing this section.

SEC. 804. MANAGEMENT OF WITHDRAWN LANDS.

(a) MANAGEMENT BY THE SECRETARY OF THE INTERIOR.—(1) Except as provided in subsection (g), during the period of the withdrawal the Secretary of the Interior shall manage the lands withdrawn under section 802 pursuant to the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and other applicable law, including this Act.

(2) To the extent consistent with applicable law and Executive orders, the lands withdrawn under section 802 may be managed in a manner permitting—

(A) the continuation of grazing pursuant to applicable law and Executive orders where permitted on the date of enactment of this title;

(B) protection of wildlife and wildlife habitat;

(C) control of predatory and other animals;

(D) recreation (but only on lands withdrawn by section 802(a) (relating to China Lake));

(E) the prevention and appropriate suppression of brush and range fires resulting from nonmilitary activities; and

(F) geothermal leasing and development and related power production activities on the lands withdrawn under section 802(a) (relating to China Lake).

(3)(A) All nonmilitary use of such lands, including the uses described in paragraph (2), shall be subject to such conditions and restrictions as may be necessary to permit the military use of such lands for the purposes specified in or authorized pursuant to this title.

(B) The Secretary of the Interior may issue any lease, easement, right-of-way, or other authorization with respect to the nonmilitary use of such lands only with the concurrence of the Secretary of the Navy.

(b) CLOSURE TO PUBLIC.—(1) If the Secretary of the Navy determines that military operations, public safety, or national security require the closure to public use of any road, trail, or other portion of the lands withdrawn by this title, the Secretary may take such action as the Secretary determines necessary or desirable to effect and maintain such closure.

(2) Any such closure shall be limited to the minimum areas and periods which the Secretary of the Navy determines are required to carry out this subsection.

(3) Before and during any closure under this subsection, the Secretary of the Navy shall—

(A) keep appropriate warning notices posted; and

(B) take appropriate steps to notify the public concerning such closures.

(c) MANAGEMENT PLAN.—The Secretary of the Interior (after consultation with the Secretary of the Navy) shall develop a plan for the management of each area withdrawn under section 802 during the period of such withdrawal. Each plan shall—

(1) be consistent with applicable law;

(2) be subject to conditions and restrictions specified in subsection (a)(3);

(3) include such provisions as may be necessary for proper management and protection of the resources and values of such area; and

(4) be developed not later than three years after the date of enactment of this title.

(d) BRUSH AND RANGE FIRES.—The Secretary of the Navy shall take necessary precautions to prevent and suppress brush and range fires occurring within and outside the lands withdrawn under section 802 as a result of military activities and may seek assistance from the Bureau of Land Management in the suppression of such fires. The memorandum of understanding required by subsection (e) shall provide for Bureau of Land Management assistance in the

suppression of such fires, and for a transfer of funds from the Department of the Navy to the Bureau of Land Management as compensation for such assistance.

(e) MEMORANDUM OF UNDERSTANDING.—(1) The Secretary of the Interior and the Secretary of the Navy shall (with respect to each land withdrawal under section 802) enter into a memorandum of understanding to implement the management plan developed under subsection (c). Any such memorandum of understanding shall provide that the Director of the Bureau of Land Management shall provide assistance in the suppression of fires resulting from the military use of lands withdrawn under section 802 if requested by the Secretary of the Navy.

(2) The duration of any such memorandum shall be the same as the period of the withdrawal of the lands under section 802.

(f) ADDITIONAL MILITARY USES.—(1) Lands withdrawn by section 802 may be used for defense-related uses other than those specified in such section. The Secretary of Defense shall promptly notify the Secretary of the Interior in the event that the lands withdrawn by this title will be used for defense-related purposes other than those specified in section 802. Such notification shall indicate the additional use or uses involved, the proposed duration of such uses, and the extent to which such additional military uses of the withdrawn lands will require that additional or more stringent conditions or restrictions be imposed on otherwise-permitted nonmilitary uses of the withdrawn land or portions thereof.

(g) MANAGEMENT OF CHINA LAKE.—(1) The Secretary of the Interior may assign the management responsibility for the lands withdrawn under section 802(a) to the Secretary of the Navy who shall manage such lands, and issue leases, easements, rights-of-way, and other authorizations, in accordance with this title and cooperative management arrangements between the Secretary of the Interior and the Secretary of the Navy. In the case that the Secretary of the Interior assigns such management responsibility to the Secretary of the Navy before the development of the management plan under subsection (c), the Secretary of the Navy (after consultation with the Secretary of the Interior) shall develop such management plan. Nothing in this title shall affect geothermal leases issued by the Secretary of the Interior prior to the date of enactment of this title or the responsibility of the Secretary to administer and manage such leases consistent with the provisions of this title.

(2) The Secretary of the Interior shall be responsible for the issuance of any lease, easement, right-of-way, and other authorization with respect to any activity which involves both the lands withdrawn under section 802(a) and any other lands. Any such authorization shall be issued only with the consent of the Secretary of the Navy and, to the extent that such activity involves lands withdrawn under section 802(a), shall be subject to such conditions as the Secretary of the Navy may prescribe.

(3) The Secretary of the Navy shall prepare and submit to the Secretary of the Interior an annual report on the status of the natural and cultural resources and values of the lands withdrawn under section 802(a). The Secretary of the Interior shall transmit such report to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(4) The Secretary of the Navy shall be responsible for the management of wild horses and burros located on the lands withdrawn under section 802(a) and may utilize helicopters and motorized vehicles for such purposes. Such management shall be in accordance with laws applicable to such management on public lands and with an appropriate memorandum of understanding between the Secretary of the Interior and the Secretary of the Navy.

(5) Neither this Act nor any other provision of law shall be construed to prohibit the Secretary of the Interior from issuing and administering any lease for the development and utilization of geothermal steam and associated geothermal resources on the lands withdrawn under section 802(a) pursuant to the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.) and other applicable law, but no such lease shall be issued without the concurrence of the Secretary of the Navy.

(6) This title shall not affect the geothermal exploration and development authority of the Secretary of the Navy under section 2689 of title 10, United States Code, except that the Secretary of the Navy shall obtain the concurrence of the Secretary of the Interior before taking action under that section with respect to the lands withdrawn under section 802(a).

(7) Upon the expiration of the withdrawal made by subsection (a) of section 802 or relinquishment of the lands withdrawn by that subsection, Navy contracts for the development of geothermal resources at China Lake then in effect (including amendments or renewals by the Navy after the date of enactment of this Act) shall remain in effect: Provided, That the Secretary of the Interior, with the consent of the Secretary of the Navy, may offer to substitute a standard geothermal lease for any such contract.

(h) MANAGEMENT OF EL CENTRO RANGES.—To the extent consistent with this title, the lands and minerals within the areas described in section 802(c) shall be managed in accordance with the Cooperative Agreement entered into between the Bureau of Land Management, Bureau of Reclamation, and the Department of the Navy, dated June 29, 1987.

SEC. 805. DURATION OF WITHDRAWALS.

(a) DURATION.—The withdrawal and reservation established by this title shall terminate 15 years after the date of enactment of this Act.

(b) DRAFT ENVIRONMENTAL IMPACT STATEMENT.—No later than 12 years after the date of enactment of this Act, the Secretary of the Navy shall publish a draft environmental impact statement concerning continued or renewed withdrawal of any portion of the lands withdrawn by this title for which that Secretary intends to seek such continued or renewed withdrawal. Such draft environmental impact statement shall be consistent with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) applicable to such a draft environmental impact statement. Prior to the termination date specified in subsection (a), the Secretary of the Navy shall hold a public hearing on any draft environmental impact statement published pursuant to this subsection. Such hearing shall be held in the State of California in order to receive public comments on the alternatives and other matters included in such draft environmental impact statement.

(c) EXTENSIONS OR RENEWALS.—The withdrawals established by this title may not be extended or renewed except by an Act or joint resolution.

SEC. 806. ONGOING DECONTAMINATION.

(a) PROGRAM.—Throughout the duration of the withdrawals made by this title, the Secretary of the Navy, to the extent funds are made available, shall maintain a program of decontamination of lands withdrawn by this title at least at the level of decontamination activities performed on such lands in fiscal year 1986.

(b) REPORTS.—At the same time as the President transmits to the Congress the President's proposed budget for the first fiscal year beginning after the date of enactment of this Act and for each subsequent fiscal year, the Secretary of the Navy shall transmit to the Committees on Appropriations, Armed Services, and Energy and Natural Resources of the Senate and to the Committees on Appropriations, Armed Services, and Natural Resources of the House of Representatives a description of the decontamination efforts undertaken during the previous fiscal year on such lands and the decontamination activities proposed for such lands during the next fiscal year including:

(1) amounts appropriated and obligated or expended for decontamination of such lands;

(2) the methods used to decontaminate such lands;

(3) amount and types of contaminants removed from such lands;

(4) estimated types and amounts of residual contamination on such lands; and

(5) an estimate of the costs for full decontamination of such lands and the estimate of the time to complete such decontamination.

SEC. 807. REQUIREMENTS FOR RENEWAL.

(a) NOTICE AND FILING.—(1) No later than three years prior to the termination of the withdrawal and reservation established by this title, the Secretary of the Navy shall advise the Secretary of the Interior as to whether or not the Secretary of the Navy will have a continuing military need for any of the lands withdrawn under section 802 after the termination date of such withdrawal and reservation.

(2) If the Secretary of the Navy concludes that there will be a continuing military need for any of such lands after the termination date, the Secretary shall file an application for extension of the withdrawal and reservation of such needed lands in accordance with the regulations and procedures of the Department of the Interior applicable to the extension of withdrawals of lands for military uses.

(3) If, during the period of withdrawal and reservation, the Secretary of the Navy decides to relinquish all or any of the lands withdrawn and reserved by this title, the Secretary shall file a notice of intention to relinquish with the Secretary of the Interior.

(b) CONTAMINATION.—(1) Before transmitting a notice of intention to relinquish pursuant to subsection (a), the Secretary of Defense, acting through the Department of Navy, shall prepare a written determination concerning whether and to what extent the lands that are to be relinquished are contaminated with explosive, toxic, or other hazardous materials.

(2) A copy of such determination shall be transmitted with the notice of intention to relinquish.

(3) Copies of both the notice of intention to relinquish and the determination concerning the contaminated state of the lands shall be published in the Federal Register by the Secretary of the Interior.

(c) DECONTAMINATION.—If any land which is the subject of a notice of intention to relinquish pursuant to subsection (a) is contaminated, and the Secretary of the Interior, in consultation with the Secretary of the Navy, determines that decontamination is practicable and economically feasible (taking into consideration the potential future use and value of the land) and that upon decontamination, the land could be opened to operation of some or all of the public land laws, including the mining laws, the Secretary of the Navy shall decontaminate the land to the extent that funds are appropriated for such purpose.

(d) ALTERNATIVES.—If the Secretary of the Interior, after consultation with the Secretary of the Navy, concludes that decontamination of any land which is the subject of a notice of intention to relinquish pursuant to subsection (a) is not practicable or economically feasible, or that the land cannot be decontaminated sufficiently to be opened to operation of some or all of the public land laws, or if Congress does not appropriate a sufficient amount of funds for the

decontamination of such land, the Secretary of the Interior shall not be required to accept the land proposed for relinquishment.

(e) Status of Contaminated Lands.—If, because of their contaminated state, the Secretary of the Interior declines to accept jurisdiction over lands withdrawn by this title which have been proposed for relinquishment, or if at the expiration of the withdrawal made by this title the Secretary of the Interior determines that some of the lands withdrawn by this title are contaminated to an extent which prevents opening such contaminated lands to operation of the public land laws—

(1) the Secretary of the Navy shall take appropriate steps to warn the public of the contaminated state of such lands and any risks associated with entry onto such lands;

(2) after the expiration of the withdrawal, the Secretary of the Navy shall undertake no activities on such lands except in connection with decontamination of such lands; and

(3) the Secretary of the Navy shall report to the Secretary of the Interior and to the Congress concerning the status of such lands and all actions taken in furtherance of this subsection.

(f) Revocation Authority.—Notwithstanding any other provision of law, the Secretary of the Interior, upon deciding that it is in the public interest to accept jurisdiction over lands proposed for relinquishment pursuant to subsection (a), is authorized to revoke the withdrawal and reservation established by this title as it applies to such lands. Should the decision be made to revoke the withdrawal and reservation, the Secretary of the Interior shall publish in the Federal Register an appropriate order which shall—

(1) terminate the withdrawal and reservation;

(2) constitute official acceptance of full jurisdiction over the lands by the Secretary of the Interior; and

(3) state the date upon which the lands will be opened to the operation of some or all of the public lands laws, including the mining laws.

SEC. 808. DELEGABILITY.

(a) Defense.—The functions of the Secretary of Defense or the Secretary of the Navy under this title may be delegated.

(b) Interior.—The functions of the Secretary of the Interior under this title may be delegated, except that an order described in section 807(f) may be approved and signed only by the Secretary of the Interior, the Under Secretary of the Interior, or an Assistant Secretary of the Department of the Interior.

SEC. 809. HUNTING, FISHING, AND TRAPPING.

All hunting, fishing, and trapping on the lands withdrawn by this title shall be conducted in accordance with the provisions of section 2671 of title 10, United States Code.

SEC. 810. IMMUNITY OF UNITED STATES.

The United States and all departments or agencies thereof shall be held harmless and shall not be liable for any injury or damage to persons or property suffered in the course of any geothermal leasing or other authorized nonmilitary activity conducted on lands described in section 802 of this title.

SEC. 811. MILITARY OVERFLIGHTS.

(a) Effect of Act.—(1) Nothing in this Act shall be construed to—

(A) restrict or preclude continuation of low-level military overflights, including those on existing flight training routes; or

(B) affect the designation of new units of special airspace or the establishment of new flight training routes,

over the lands designated by this Act for inclusion within new or expanded units of the National Park System or National Wilderness Preservation System.

(2) Nothing in this Act shall be construed as requiring revision of existing policies or procedures applicable to the designation of units of special airspace or the establishment of flight training routes over any Federal lands affected by this Act.

(b) Monitoring.—The Secretary of the Interior and the Secretary of Defense shall monitor the effects of military overflights on the resources and values of the units of the National Park System and National Wilderness Preservation System designated or expanded by this Act, and shall attempt, consistent with national security needs, to resolve concerns related to such overflights and to avoid or minimize adverse impacts on resources and values and visitor safety associated with such overflight activities.

SEC. 812. TERMINATION OF PRIOR RECLAMATION WITHDRAWALS.

Except to the extent that existing Bureau of Reclamation withdrawals of public lands were identified for continuation in Federal Register Notice Document 92–4838 (57 Federal Register 7599, March 3, 1992), as amended by Federal Register Correction Notices (57 Federal Register 19135, May 4, 1992; 57 Federal Register 19163, May 4, 1992; and 58 Federal Register 30181, May 26, 1993), all existing Bureau of Reclamation withdrawals made by Secretarial Orders and Public Land Orders affecting public lands and Indian lands located within the California Desert Conservation Area established pursuant to section 601 of the Federal Land Policy and Management Act of 1976 are hereby terminated.

TITLE IX—BUY AMERICAN ACT

SEC. 901. COMPLIANCE WITH BUY AMERICAN ACT.

None of the funds made available in this Act may be expended in violation of sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the "Buy American Act"), which are applicable to those funds.

TITLE X—PROTECTION OF BODIE BOWL

SEC. 1001. SHORT TITLE.

This title may be cited as the "Bodie Protection Act of 1994".

SEC. 1002. FINDINGS.

The Congress finds that—

(1) the historic Bodie gold mining district in the State of California is the site of the largest and best preserved authentic ghost town in the western United States;

(2) the Bodie Bowl area contains important natural, historical, and aesthetic resources;

(3) Bodie was designated a National Historical Landmark in 1961 and a California State Historic Park in 1962, is listed on the National Register of Historic Places, and is included in the Federal Historic American Buildings Survey;

(4) nearly 200,000 persons visit Bodie each year, providing the local economy with important annual tourism revenues;

(5) the town of Bodie is threatened by proposals to explore and extract minerals: mining in the Bodie Bowl area may have adverse physical and aesthetic impacts on Bodie's historical integrity, cultural values, and ghosttown character as well as on its recreational values and the area's flora and fauna;

(6) the California State Legislature, on September 4, 1990, requested the President and the Congress to direct the Secretary of the Interior to protect the ghosttown character, ambience, historic buildings, and scenic attributes of the town of Bodie and nearby areas;

(7) the California State Legislature also requested the Secretary, if necessary to protect the Bodie Bowl area, to withdraw the Federal lands within the area from all forms of mineral entry and patent;

(8) the National Park Service listed Bodie as a priority one endangered National Historic Landmark in its fiscal year 1990 and 1991 report to Congress entitled "Threatened and Damaged National Historic Landmarks" and recommended protection of the Bodie area; and

(9) it is necessary and appropriate to provide that all Federal lands within the Bodie Bowl area are not subject to location, entry, and patent under the mining laws of the United States, subject to valid existing rights, and to direct the Secretary to consult with the Governor of the State of California before approving any mining activity plan within the Bodie Bowl.

SEC. 1003. DEFINITIONS.

For purposes of this title:

(1) The term "Bodie Bowl" means the Federal lands and interests in lands within the area generally depicted on the map referred to in section 1004(a).

(2) The term "mineral activities" means any activity involving mineral prospecting, exploration, extraction, milling, beneficiation, processing, and reclamation.

(3) The term "Secretary" means the Secretary of the Interior.

SEC. 1004. APPLICABILITY OF MINERAL MINING, LEASING AND DISPOSAL LAWS.

(a) Restriction.—Subject to valid existing rights, after the date of enactment of this title Federal lands and interests in lands within the area generally depicted on the map entitled "Bodie Bowl" and dated June 12, 1992, shall not be—

(1) open to the entry or location of mining and mill site claims under the general mining laws of the United States;

(2) subject to any lease under the Mineral Leasing Act (30 U.S.C. 181 and following) or the Geothermal Steam Act of 1970 (30 U.S.C. 100 and following), for lands within the Bodie Bowl; and

(3) available for disposal of mineral materials under the Act of July 31, 1947, commonly known as the Materials Act of 1947 (30 U.S.C. 601 and following).

Such map shall be on file and available for public inspection in the Office of the Secretary, and appropriate offices of the Bureau of Land Management and the National Park Service. As soon as practicable after the date of enactment of this title, the Secretary shall publish a legal description of the Bodie Bowl area in the Federal Register.

(b) Valid Existing Rights.—As used in this subsection, the term "valid existing rights" in reference to the general mining laws means that a mining claim located on lands within the Bodie Bowl was properly located and maintained under the general mining laws prior to the date of enactment of this title, was supported by a discovery of a valuable mineral deposit within the meaning of the general mining laws on the date of enactment of this title, and that such claim continues to be valid.

(c) Validity Review.—The Secretary shall undertake an expedited program to determine the validity of all unpatented mining claims located within the Bodie Bowl. The expedited program shall include an examination of all unpatented mining claims, including those for which a patent application has not been filed. If a claim is determined to be invalid, the Secretary shall promptly declare the claim to be null and void, except that the Secretary shall not challenge the validity of any claim located within the Bodie Bowl for the failure to do assessment work for any period after the date of enactment of this title. The Secretary shall make a determination with respect to the validity of each claim referred to under this subsection within 2 years after the date of enactment of this title.

(d) Limitation on Patent Issuance.—

(1) Mining Claims.—(A) After January 11, 1993, no patent shall be issued by the United

States for any mining claim located under the general mining laws within the Bodie Bowl unless the Secretary determines that, for the claim concerned—

(i) a patent application was filed with the Secretary on or before such date; and

(ii) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, 37) for placer claims were fully complied with by that date.

(B) If the Secretary makes the determinations referred to in subparagraph (A) for any mining claim, the holder of the claim shall be entitled to the issuance of a patent in the same manner and degree to which such claim holder would have been entitled to prior to the enactment of this title, unless and until such determinations are withdrawn or invalidated by the Secretary or by a court of the United States.

(2) MILL SITE CLAIMS.—(A) After January 11, 1993, no patent shall be issued by the United States for any mill site claim located under the general mining laws within the Bodie Bowl unless the Secretary determines that, for the claim concerned—

(i) a patent application was filed with the Secretary on or before January 11, 1993; and

(ii) all requirements applicable to such patent application were fully complied with by that date.

(B) If the Secretary makes the determinations referred to in subparagraph (A) for any mill site claim, the holder of the claim shall be entitled to the issuance of a patent in the same manner and degree to which such claim holder would have been entitled to prior to the enactment of this title, unless and until such determinations are withdrawn or invalidated by the Secretary or by a court of the United States.

SEC. 1005. MINERAL ACTIVITIES.

(a) IN GENERAL.—Notwithstanding the last sentence of section 302(b) of the Federal Land Policy and Management Act of 1976, and in accordance with this title and other applicable law, the Secretary shall require that mineral activities be conducted in the Bodie Bowl so as to—

(1) avoid adverse effects on the historic, cultural, recreational and natural resource values of the Bodie Bowl; and

(2) minimize other adverse impacts to the environment.

(b) RESTORATION OF EFFECTS OF MINING EXPLORATION.—As soon as possible after the date of enactment of this title, visible evidence or other effects of mining exploration activity within the Bodie Bowl conducted on or after September 1, 1988, shall be reclaimed by the operator in accordance with regulations prescribed pursuant to subsection (d).

(c) ANNUAL EXPENDITURES; FILING.—The requirements for annual expenditures on unpatented mining claims imposed by Revised Statute 2324 (30 U.S.C. 28) shall not apply to any such claim located within the Bodie Bowl. In lieu of filing the affidavit of assessment work referred to under section 314(a)(1) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1744(a)(1)), the holder of any unpatented mining or mill site claim located within the Bodie Bowl shall only be required to file the notice of intention to hold the mining claim referred to in such section 314(a)(1).

(d) REGULATIONS.—The Secretary shall promulgate rules to implement this section, in consultation with the Governor of the State of California, within 180 days after the date of enactment of this title. Such rules shall be no less stringent than the rules promulgated pursuant to the Act of September 28, 1976 entitled "An Act to provide for the regulation of mining activity within, and to repeal the application of mining laws to, areas of the National Park System, and for other purposes" (Public Law 94-429; 16 U.S.C. 1901-1912).

SEC. 1006. STUDY.

Beginning as soon as possible after the date of enactment of this title, the Secretary of the Interior shall review possible actions to preserve the scenic character, historical integrity, cultural and recreational values, flora and fauna, and ghost town characteristics of lands and structures within the Bodie Bowl. No later than 3 years after the date of such enactment, the Secretary shall submit to the Committee on Natural Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate a report that discusses the results of such review and makes recommendations as to which steps (including but not limited to acquisition of lands or valid mining claims) should be undertaken in order to achieve these objectives.

> Amend the title so as to read: "An Act to designate certain lands in the California Desert as wilderness, to establish the Death Valley and Joshua Tree National Parks and the Mojave National Monument, and for other purposes.".

CLOTURE MOTION

Mr. MITCHELL. I move the Senate disagree to the House amendments to the Senate bill and send to the desk a cloture motion and ask for its immediate consideration.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the motion to disagree to the House amendments to S. 21, the California desert protection bill:

Byron L. Dorgan, Harry Reid, Barbara Boxer, Claiborne Pell, Dianne Feinstein, Max Baucus, Frank R. Lautenberg, Barbara A. Mikulski, David Pryor, Tom Daschle, Patrick Leahy, John Glenn, John Breaux, Harris Wofford, Don Reigle, Tom Harkin.

Mr. MITCHELL. Mr. President, I ask unanimous consent that with respect to this cloture motion, the mandatory live quorum required under rule XXII be waived.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that there now be a period for morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

AGREEMENT BETWEEN THE UNITED STATES AND THE PEOPLE'S REPUBLIC OF CHINA WITH RESPECT TO FISHERIES—MESSAGE FROM THE PRESIDENT—PM 144

The PRESIDING OFFICER laid before the Senate a message from the President of the United States, together with accompanying papers; which were referred jointly to the Committee on Commerce, Science, and Transportation and the Committee on Foreign Relations:

To the Congress of the United States:

In accordance with the Magnuson Fishery Conservation and Management Act of 1976 (16 U.S.C. 1801 *et seq.*), I transmit herewith an Agreement between the Government of the United States of America and the Government of the People's Republic of China Extending the Agreement of July 23, 1985, Concerning Fisheries Off the Coasts of the United States, as extended and amended. The Agreement, which was effected by an exchange of notes at Beijing on March 4 and May 31, 1994, extends the 1985 Agreement to July 1, 1996.

In light of the importance of our fisheries relationship with the People's Republic of China, I urge that the Congress give favorable consideration to this Agreement at an early date.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 20, 1994.*

REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO ANGOLA—MESSAGE FROM THE PRESIDENT—PM 145

The PRESIDING OFFICER laid before the Senate a message from the President of the United States; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

I hereby report to the Congress on the developments since March 26, 1994, concerning the national emergency with respect to Angola that was declared in Executive Order No. 12865 of September 26, 1993. This report is submitted pursuant to section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c).

On September 26, 1993, I declared a national emergency with respect to

Angola, invoking the authority, *inter alia*, of the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) and the United Nations Participation Act of 1945 (22 U.S.C. 287c). Consistent with United Nations Security Council Resolution No. 864, dated September 15, 1993, the order prohibited the sale or supply by U.S. persons or from the United States, or using U.S.-registered vessels or aircraft, of arms and related materiel of all types, including weapons and ammunition, military vehicles, equipment and spare parts, and petroleum and petroleum products to the territory of Angola other than through designated points of entry. The order also prohibited such sale or supply to the National Union for the total Independence of Angola ("UNITA"). United States persons are prohibited from activities that promote or are calculated to promote such sales or supplies, or from attempted violations, or from evasion or avoidance or transactions that have the purpose of evasion or avoidance, of the stated prohibitions. The order authorized the Secretary of the Treasury, in consultation with the Secretary of State, to take such actions, including the promulgation of rules and regulations, as might be necessary to carry out the purposes of the order.

1. On December 10, 1993, the Treasury Department's Office of Foreign Assets Control ("FAC") issued the UNITA (Angola) Sanctions Regulations (the "Regulations") (58 *Fed. Reg.* 64904) to implement the President's declaration of a national emergency and imposition of sanctions against Angola (UNITA). There have been no amendments to the Regulations since my report of April 12, 1994.

The Regulations prohibit the sale or supply by U.S. persons or from the United States, or using U.S.-registered vessels or aircraft, of arms and related materiel of all types, including weapons and ammunition, military vehicles, equipment and spare parts, and petroleum and petroleum products to UNITA or to the territory of Angola other than through designated points. United States persons are also prohibited from activities that promote or are calculated to promote such sales or supplies to UNITA or Angola, or from any transaction by any U.S. persons that evades or avoids, or has the purpose of evading or avoiding, or attempts to violate, any of the prohibitions set forth in the Executive order. Also prohibited are transactions by U.S. persons, or involving the use of U.S.-registered vessels or aircraft relating to transportation to Angola or UNITA of goods the exportation of which is prohibited.

The Government of Angola has designated the following points of entry as points in Angola to which the articles otherwise prohibited by the Regulations may be shipped: Airports: Luanda and Katumbela, Benguela Province; Ports: Luanda and Lobito, Benguela Province; and Namibe, Namibe Province; and Entry Points: Malongo, Cabinda Province. Although no specific license is required by the Department of the Treasury for shipments to these designated points of entry (unless the item is destined for UNITA), any such exports remain subject to the licensing requirements of the Departments of State and/or Commerce.

2. FAC has worked closely with the U.S. financial community to assure a heightened awareness of the sanctions against UNITA—through the dissemination of publications, seminars, and notices to electronic bulletin boards. This educational effort has resulted in frequent calls from banks to assure that they are not routing funds in violation of these prohibitions. United States exporters have also been notified of the sanctions through a variety of media, including special fliers and computer bulletin board information initiated by FAC and posted through the Department of Commerce and the Government Printing Office. There have been no license applications under the program.

3. The expenses incurred by the Federal Government in the 6-month period from March 26, 1994, through September 25, 1994, that are directly attributable to the exercise of powers and authorities conferred by the declaration of a national emergency with respect to Angola (UNITA) are reported at about $75,000, most of which represents wage and salary costs for Federal personnel. Personnel costs were largely centered in the Department of the Treasury (particularly in the Office of Foreign Assets Control, the U.S. Customs Service, the Office of the Under Secretary for Enforcement, and the Office of the General Counsel) and the Department of State (particularly the Office of Southern African Affairs).

I will continue to report periodically to the Congress on significant developments, pursuant to 50 U.S.C. 1703(c).

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 20, 1994.*

MESSAGES FROM THE HOUSE

At 2:15 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3694. An act to amend title 5, United States Code, to permit the garnishment of an annuity under the Civil Service Retirement System or the Federal Employees' Retirement System, if necessary to satisfy a judgment against an annuitant for physically abusing a child.

H.R. 4192. An act to designate the United States Post Office located at 100 Veterans Drive in Saint Thomas, Virgin Islands, as the "Arturo R. Watlington, Sr. United States Post Office."

H.R. 4193. An act to designate the United States Post Office located at 100 Vester Gade, in Cruz Bay, Saint John, Virgin Islands, as the "Ubaldina Simmons United States Post Office."

H.R. 4194. An act to designate the United States Post Office located in the Tutu Park Mall in Saint Thomas, Virgin Islands, as the "Earle B. Ottley United States Post Office."

H.R. 4361. An act to amend title 5, United States Code, to provide that an employee of the Federal Government may use sick leave to attend to the medical needs of a family member; to modify the voluntary leave transfer program with respect to employees who are members of the same family; and for other purposes.

H.R. 4452. An act to designate the Post Office building at 115 West Chester in Ruleville, Mississippi, as the "Fannie Lou Hamer United States Post Office."

H.R. 4541. An act to authorize assistance to promote the peaceful resolution of conflicts in Africa.

H.R. 4551. An act to designate the Post Office building located at 301 West Lexington in Independence, Missouri, as the "William J. Randall Post Office."

H.R. 4571. An act to designate the United States Post Office located at 103–104 Estate Richmond in Saint Croix, Virgin Islands, as the "Wilbert Armstrong United States Post Office."

H.R. 4950. An act to extend the authorities of the Overseas Private Investment Corporation, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 290. Concurrent resolution commending the President and the special delegation to Haiti, and supporting the United States Armed Forces in Haiti.

The message further announced that the House agrees to the Senate amendments to the bill (H.R. 1779) to designate the facility of the U.S. Postal Service located at 401 South Washington Street in Chillicothe, MO, as the "Jerry L. Litton United States Post Office Building"; with amendments.

The message also announced that the House agrees to the amendments of the Senate to the bill (H.R. 4190) to designate the United States Post Office located at 41–42 Norre Gade in Saint Thomas, Virgin Islands, as the "Alvaro de Lugo United States Post Office."

At 4:08 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House agrees to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 291. Concurrent resolution directing the Secretary of the Senate to make corrections in the enrollment of S. 1587.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1587) to revise and streamline the acquisition laws of the Federal Government, and for other purposes.

The message further announced that the House disagrees to the amendments of the Senate to the bill (H.R. 4556) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1995, and for other purposes; it agrees to the conference asked by the Senate and appoints Mr. CARR, Mr. DURBIN, Mr. SABO, Mr. PRICE of North Carolina, Mr. COLEMAN, Mr. FOGLIETTA, Mr. OBEY, Mr. WOLF, Mr. DELAY, Mr. REGULA, and Mr. MCDADE as managers of the conference on the part of the House.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times and placed on the Calendar:

S. 2259. A bill to provide for the settlement of the claims of the Confederated Tribes of the Colville Reservation concerning their contribution to the production of hydropower by the Grand Coulee Dam, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–3298. A communication from the President of the United States, transmitting, pursuant to law, the report of an alternative pay plan; to the Committee on Governmental Affairs.

EC–3299. A communication from the District of Columbia Auditor, transmitting, pursuant to law, the report of the analysis of June 1994 revenue; to the Committee on Governmental Affairs.

EC–3300. A communication from the District of Columbia Auditor, transmitting, pursuant to law, the report of the review of ADASA'S Spending and Contractual Administrative Practices; to the Committee on Governmental Affairs.

EC–3301. A communication from the President, Federal Financing Bank, transmitting, pursuant to law, the management report for fiscal year 1992; to the Committee on Governmental Affairs.

EC–3302. A communication from the President, Federal Financing Bank, transmitting, pursuant to law, the management report for fiscal year 1993; to the Committee on Governmental Affairs.

EC–3303. A communication from the Acting Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the report on Freedom of Information Act activities for calendar year 1993; to the Committee on the Judiciary.

EC–3304. A communication from the Freedom of Information Officer, Environmental Protection Agency, transmitting, pursuant to law, the report on Freedom of Information Act activities for calendar year 1993; to the Committee on the Judiciary.

EC–3305. A communication from the National Treasurer, American Gold Star Mothers, Inc., transmitting, pursuant to law, the report of the financial statements and supplementary information for the years ending June 30, 1993 and 1994; to the Committee on the Judiciary.

EC–3306. A communication from the Chief Financial Officer, Assistant Secretary for Administration, Department of Commerce, transmitting, pursuant to law, the report on Freedom of Information Act activities for calendar year 1993; to the Committee on the Judiciary.

EC–3307. A communication from the Secretary of Labor, transmitting, pursuant to law, a report on the governance, management and organization of the School-To-Work Opportunities Act; to the Committee on Labor and Human Resources.

EC–3308. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report on the Youth Gang Drug Prevention Program for fiscal year 1993; to the Committee on Labor and Human Resources.

EC–3309. A communication from the Commissioner of the National Center for Education Statistics (Office of Educational Research and Improvement), Department of Education, transmitting, pursuant to law, the report entitled "Vocational Education in G-7 Countries: Profiles and Data"; to the Committee on Labor and Human Resources.

EC–3310. A communication from the Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting, pursuant to law, the report of enforcement and budget activities for fiscal years 1991 and 1992; to the Committee on Labor and Human Resources.

EC–3311. A communication from the Board Members of the Railroad Retirement Board, transmitting, pursuant to law, the report of the budget submission for fiscal year 1996; to the Committee on Labor and Human Resources.

EC–3312. A communication from the Office of Inspector General, Railroad Retirement Board, transmitting, pursuant to law, the report of the budget submission for fiscal year 1996; to the Committee on Labor and Human Resources.

EC–3313. A communication from the Secretary of Education, transmitting, pursuant to law, the annual report on the implementation of the Individuals with Disabilities Act; to the Committee on Labor and Human Resources.

EC–3314. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the implementation of the Breast and Cervical Cancer Mortality Prevention Act for 1992; to the Committee on Labor and Human Resources.

EC–3315. A communication from the Commissioner of the Office of Educational Research and Improvement, Department of Education, transmitting, pursuant to law, the annual statistical report of the National Center for Education Statistics for 1994; to the Committee on Labor and Human Resources.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. ROCKEFELLER (for himself and Mr. BYRD):

S. 2442. A bill to extend the Appalachian Regional Development Act of 1965 and to provide authorizations for the Appalachian highway and Appalachian area development programs, and for other purposes; to the Committee on Environment and Public Works.

By Mr. LAUTENBERG (for himself and Mr. SIMON):

S. 2443. A bill to provide compensation for victims from persons who unlawfully provide firearms to juveniles, felons, and other disqualified individuals; to the Committee on the Judiciary.

By Mr. GORTON (for himself and Mr. STEVENS):

S. 2444. A bill to require the approval and implementation by the Secretary of Commerce of a rule to provide a moratorium for a temporary period on the entry of new vessels into certain groundfish, crab, and halibut fisheries in the North Pacific; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MITCHELL (for himself and Mr. DOLE):

S. Res. 259. A resolution commending the President and the special delegation to Haiti, and supporting the United States Armed Forces in Haiti; submitted and read.

By Mr. SHELBY (for himself and Mr. HEFLIN):

S. Res. 260. A resolution congratulating Heather Whitestone on being crowned Miss America 1995; considered and agreed to.

By Mr. MURKOWSKI (for himself, Mr. ROBB, Mr. SIMON, and Mr. HELMS):

S. Res. 261. A resolution commending Ambassador Mou-shih Ding, Representative of the Taipei Economic and Cultural Representative Office in Washington, D.C.; considered and agreed to.

By Mr. FEINGOLD:

S. Res. 262. A resolution concerning the use of United States forces and military operations in Haiti; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ROCKEFELLER (for himself and Mr. BYRD):

S. 2442. A bill to extend the Appalachian Regional Development Act of 1965 and to provide authorizations for the Appalachian highway and Appalachian area development programs, and for other purposes; to the Committee on Environment and Public Works.

APPALACHIAN REGIONAL COMMISSION REAUTHORIZATION ACT

Mr. ROCKEFELLER. Mr. President, along with Senator BYRD, I am introducing the Appalachian Regional Development Act Amendments of 1994.

The purpose of this bill is to reauthorize the Appalachian Regional Commission for fiscal years 1995 through 1999. It proposes level funding of $290 million for each year over this 5-year period, as a proven investment in a region that is anxious to grow economically and improve life for its people.

I am introducing this legislation because I believe deeply in the mission of the Appalachian Regional Commission and the essential role it has played in improving the lives of West Virginians and the citizens and families living in Appalachia. As Governor of West Virginia for 8 years, I was able to see firsthand what the ARC and its programs accomplished in my State and the Appalachian region. Now as Senator, one of my priorities has been to ensure the ARC's continuation. The program is crucial to the Appalachian region, and it is working.

The ARC was created in 1965 by an act of law signed by President Johnson. Thanks to this bold measure, West Virginia and the other 12 States served by the ARC are better off today than we were 25 years ago. This unique partnership between the Federal Government and the 13 Appalachian States has been effective in helping to address the searing poverty of our Nation's most isolated and historically neglected region.

The ARC has played an important role in the development of West Virginia, and in raising the quality of life for all our citizens. Whether the funding has been used for public facilities, work force training programs, adult literacy training, or physician recruitment, it has made a difference to our people and families.

Let me cite some specific examples.

In the early 1980's, Mrs. Elizabeth Williams, a retired school teacher well into her seventies, started a grassroots movement to obtain a public water system for several rural communities in Wyoming County—in the heart of southern West Virginia's coalfields. Many residents did not have indoor plumbing, ground water was seriously contaminated with iron, and the nearest laundromat was 10 miles away. Today, thanks largely to Mrs. Williams' efforts and to a grant from the Appalachian Regional Commission, nearly the entire eastern third of the county has clean water, there has been a local housing boom, and a State community college has been constructed.

Another example occurred several years ago, when a group of elected officials, local business people and interested citizens from Princeton, WV, raised sufficient local funds to match a grant from the ARC to acquire and renovate a large vacant building in the community. Space in the building was then made available for limited time periods at low rent and shared overhead costs to small businesses during their critical startup periods. Among the success stories from this venture is Mountaineer Home Nursing, begun as a two-person business in 1986 that today has 48 employees and provides a vital community service.

Community development projects such as the Alderson-Broaddus College Rural Health Care Expansion Project have also made significant impacts on the lives and health of rural West Virginians. In 1969, Alderson-Broaddus College pioneered the Nation's first baccalaureate Physician Assistant Program, creating a curriculum so successful that it became a prototype for the creation of physician assistant programs nationwide. This highly successful program is one of two such programs in Appalachia, and has been a key factor in improving rural health care in the region. In 1993, an ARC grant to Alderson-Broaddus assisted in the training of physicians assistant students, and placed 75 second and third-year students in rural clinical settings. This was especially important in those communities which were severely lacking in clinical personnel. In addition, two new clinical sites were established and a clinical prenatal and postnatal care training program was developed.

Other ARC projects in West Virginia include the Mid-Atlantic Aerospace Complex near Clarksburg, which has become one of the State's major employers; the 11 rural communities that have started a community self-help program to construct, small innovative wastewater treatment facilities to help them meet the requirements of the Clean Water Act; the primary health care clinics in rural areas that lacked doctors; the vocational education facilities that are teaching young people skills to get them ready to work; the adult literacy and dropout prevention programs; and on and on and on.

But perhaps the most significant program that the ARC has helped bring to the Appalachian States is the construction of the Appalachian Development Highway System. Much has been invested by the ARC in these Appalachian corridors, and more than 2,200 miles of the 3,000-mile system are now complete. The senior Senator from West Virginia deserves enormous credit for his commitment to the corridors as well. But we have more to do; put very simply, this highway system must be completed. As I have said before, until it is, there will continue to be roads that some call highway to nowhere, and the value of the investment of Federal and State funds already spent will be unfulfilled. Continued investment in these highways is absolutely vital to overcome the region's isolation, and make it accessible to new business and industry. We must ensure that instead of being roads "halfway to nowhere," these corridors become highways "the whole way to somewhere."

A study by the Commission underscores the success we have achieved so far with the corridors, and the need to finish the task we have started. The study found that more than 80 percent of the two million new private sector jobs created in the region since 1965 have been created in counties with an interstate or Appalachian development highway.

This study is evidence that these highways have indeed helped bring the kind of change envisioned when the ARC was created in 1965 on the recommendation of a group brought together by President Kennedy shortly before his death. That group's mission was to address the poverty of our Nation's most isolated and neglected region, Appalachia, which some at the time called "The Other America." These highways have helped address the isolation and inaccessibility of the region, opening it up to opportunities that were not possible before. But, again, the job is not done; we must complete these corridors.

The success stories I have outlined from West Virginia are duplicated in each of the other 12 Appalachian States, from the southern tier of upstate New York to northeast Mississippi. And the importance of completing the ARC Corridors is evident in each State as well. These are the reasons I have introduced legislation to reauthorize and strengthen the ARC in every Congress since I came here in 1985.

But we still have a long way to go, and ARC's objectives have yet to be fulfilled. In West Virginia, over 22 percent of our citizens continue to live in poverty, while the figure is about 14 percent nationally. Throughout the Appalachian Region, the non-metro poverty rate is 18.3 percent. There are 600 distressed counties in the United States, and 150—or 25 percent—of these counties are in Appalachia. This figure is even more distressing considering that Appalachia has only 12 percent of the total counties in the country. So there is still work to be done, and we must allow the ARC to complete its mission.

The bill I am introducing today would reauthorize ARC for fiscal years 1995 through 1999, at a funding level of $290 million for each fiscal year. Of these sums, $190 million is authorized yearly for development of the Appalachian highways, $96 million is designated for area development activities, and $4 million is made available for administrative expenses.

This bill would authorize the ARC to the end of this century. It would allow the ARC, with its unique partnership of Federal, State and local government entities, to continue its essential mission, supporting the development of the region's infrastructure and its people to help create increased economic opportunities and jobs. Fulfilling this vital mission of the ARC will enable my State and the others in the region to grow and to make the contribution we want to make to the betterment of this Nation.

In closing, I would like to share a quote by Robert Kennedy which I believe expresses very eloquently the reasons why programs like the ARC are essential in combating chronic poverty. His words ring just as true today as they did when he said them in 1968, and underscore the reasons for continuing the good work of the Appalachian Regional Commission.

[. . . It is time to act to bridge the gaps which divide this nation and threaten to rip it asunder, through violent chaos in our cities or the silent decay of hope and purpose in Appalachia or the Mississippi Delta. It is time to stop treating the diseases of poverty and deprivation with welfare doles—and to begin a massive effort, public and private, to provide jobs and housing and hope to the people who dwell in the Other America.

Mr. President, I ask that the full text of this measure be printed in the RECORD. I urge my colleagues to support this measure.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2442

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Appalachian Regional Development Act Amendments of 1994".

SEC. 2. ADMINISTRATIVE EXPENSES OF THE COMMISSION.

Subsection (b) of section 105 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App. 105(b)) is amended to read as follows:

"(b) There are authorized to be appropriated to the Commission to carry out this section $4,000,000 for each of the fiscal years 1995 through 1999. Not more than $1,500,000 of the amounts authorized to be appropriated for each fiscal year pursuant to the preceding sentence shall be available for expenses of the Federal Cochairman, the alternate of the Federal Cochairman, and the staff of the Federal Cochairman.".

SEC. 3. ADMINISTRATIVE POWERS OF THE COMMISSION.

Section 106(7) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App. 106(7)) is amended by striking "1982" and inserting "1999".

SEC. 4. APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM.

(a) AUTHORIZATION.—Subsection (g) of section 201 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App. 201(g)) is amended to read as follows:

"(g) There are authorized to be appropriated to carry out this section an amount equal to $190,000,000, plus such additional sums as may be necessary, for each of fiscal years 1995 through 1999.".

(b) FEDERAL SHARE.—Section 201(h)(1) of such Act (40 U.S.C. App. 201(h)(1)) is amended by striking "70 per centum" and inserting "80 percent (70 percent for projects approved on or before March 31, 1979)".

SEC. 5. DEFINITION OF FEDERAL GRANT-IN-AID PROGRAMS.

Subsection (c) of section 214 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App. 214(c)) is amended in the first sentence by striking "December 31, 1980" and inserting "September 30, 1999".

SEC. 6. PROGRAM DEVELOPMENT CRITERIA.

Subsection (b) of section 224 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App. 224(b)) is amended to read as follows:

"(b) No financial assistance shall be authorized under this Act to be used to assist establishments relocating from one area to another.".

SEC. 7. AUTHORIZATION.

Section 401 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App. 401) is amended to read as follows:

"SEC. 401. AUTHORIZATION OF APPROPRIATIONS.

"In addition to the appropriations authorized in section 105 for administrative expenses, and in section 201(g) for the Appalachian development highway system and local access roads, there are authorized to be appropriated to carry out this Act, to remain available until expended, $96,000,000 for each of fiscal years 1995 through 1999.".

SEC. 8. TERMINATION.

Section 405 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App. 405) is amended by striking "1982" and inserting "1999".

By Mr. LAUTENBERG (for himself and Mr. SIMON):

S. 2443. A bill to provide compensation for victims from persons who unlawfully provide firearms to juveniles, felons, and other disqualified individuals; to the Committee on the Judiciary.

GUN VICTIM COMPENSATION ACT

• Mr. LAUTENBERG. Mr. President, today Senate SIMON and I are introducing legislation, the Gun Victim Compensation Act, to provide compensation to victims of gun violence, and to discourage the transfer of firearms to juveniles, felons, drug addicts, and others barred by law from receiving guns.

Under the legislation, any person who provides a firearm to a disqualified individual would be liable for all damages caused by the discharge of the firearm by the transferee, if bodily injury or death results. The term "disqualified individual" means an individual to whom it is unlawful to provide a firearm either under current law, or under the Senate-passed crime bill. This generally includes juveniles, felons, drug addicts, individuals who have been committed to a mental institution, fugitives, and illegal aliens, among others.

Mr. President, given the epidemic of gun violence around our Nation, especially among young people, we need to do everything possible to discourage transfers of guns to juveniles, felons, and others who cannot be trusted with firearms. Until now, we have relied largely on criminal sanctions to deter such transfers. However, experience has shown that criminal sanctions are not sufficient.

The fact is, if gun dealers sell guns to juveniles or felons, it is unlikely they will find themselves in prison. There are far too few ATF agents for the huge number of licensed dealers, and other law enforcement officials also are swamped with competing demands. Moreover, even if someone is both caught and prosecuted, prosecutors have the difficult burden of proving a case beyond a reasonable doubt.

The bottom line, Mr. President, is obvious: Criminal sanctions are not working. Too many children, and too many dangerous adults, are getting access to guns. We need to do more.

Mr. President, civil liability can be an important complement to the criminal justice system as a means of ensuring compliance with gun control laws. In a sense, civil liability privatizes gun control, establishing a private army of victims and attorneys to aggressively pursue wrongdoers. Not only do these so-called private attorneys general have direct financial incentives to seek redress, they often have an easier time winning cases than do criminal prosecutors. This is largely because the standard of proof in a civil case is significantly lower than in a criminal case.

The concept of applying civil liability to improper gun transfers is hardly a radical idea. In fact, many State courts already allow victims to sue gun sellers in certain circumstances. However, there are several problems.

Perhaps most importantly, current law is unclear and inconsistent. There are few, if any, State statutes that clearly lay out the rules for liability. And in many States, there are no direct precedents on the liability of gun sellers in these kinds of situations.

Standards also vary dramatically in different States. For example, courts differ on whether a transferor can be held liable for injuries caused when the transferee commits a subsequent crime. In some cases, such a crime has been held to be an intervening cause that excuses the original transferor from liability. In other cases, courts have refused to let the original transferor off the hook. In my view, this latter approach is preferable both as a means of deterring unlawful transfers, and ensuring full compensation for victims.

Courts also have differed on whether negligence can be established from the fact that a gun is transferred to a person who is legally prohibited from receiving guns. In many States, violating such a statute constitutes "negligence per se," meaning that the violation is sufficient to establish negligence. However, other State courts have not adopted this rule. So a gun dealer can go into court and may be able to escape responsibility by arguing: "Well, yes, I did sell a handgun to someone who I knew was a convicted murderer, but I thought he had been rehabilitated, and I didn't know that he planned to go out and shoot someone else."

This bill would preclude that kind of argument. It says: If you knowingly provide a gun to a convicted felon, it doesn't matter that you think he's a nice guy. It doesn't matter that he claims to be rehabilitated. And it doesn't matter that he says he will use the gun only to hunt deer. Under this bill, you're on the hook. If that felon goes out and shoots someone, the victim is going to be able to come to you and get the compensation he or she deserves.

Beyond establishing a strong, clear, uniform standard for liability, this bill also would shift the burden of paying attorneys fees from victims to wrongdoers. Currently, victims who seek redress under State common law generally are forced to bear the burden of attorney's fees. This discourages some victims from seeking redress, especially if their recovery is likely to be swallowed up by the costs of pursuing the action.

Mr. President, I have gone out of my way to draft this proposal in the most reasonable and limited way possible, in the hope of attracting broad support. The bill therefore includes several strict limitations.

Most importantly, the legislation would apply civil liability only to transfers that are already illegal under current law. Also, the bill would preclude relief for injuries that are self-inflicted, except in the case of juveniles or those with histories of mental problems. In addition, the bill generally would preclude an award if the person injured, as opposed to the transferee, was engaged in a crime when shot. Finally, the legislation would apply only to damages that are caused within 5 years of the original transfer.

Mr. President, let me also explain what this bill would not do.

First, this legislation does not create strict liability. That is, the bill does not base liability simply on the fact that someone has marketed a dangerous product. So long as a gun is not transferred to a disqualified individual, there would be no liability under the legislation.

Nor would this proposal hold liable a dealer who acts entirely in good faith, and who sells a gun to someone having no reason to believe that the buyer is a disqualified individual.

Similarly, the bill would not hold liable a parent who leaves a gun around the house unattended, if a child gets access to the gun and hurts someone. There may be a good argument that parents should be liable in those circumstances. However, that is not what this bill is about. The legislation applies only to situations in which a person affirmatively transfers a gun to someone who the transferor knows, or has reasonable cause to believe, is a disqualified individual.

Mr. President, this legislation is supported by gun control organizations and consumer groups. The proposal has been endorsed by the Coalition To Stop Gun Violence, the Violence Policy Center, and Consumers Union. The Children's Defense Fund also endorsed a nearly identical amendment I filed to S. 687, the product liability bill.

In conclusion, Mr. President, I do not claim that this legislation is a cure-all. It will not prevent all juveniles, or all felons, from obtaining firearms. But it should make a real difference. And even if it prevents only a few deaths, and provides financial relief to a few innocent victims, it will be well worth it.

I ask unanimous consent that a copy of the legislation be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2443

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Gun Victim Compensaton Act".

SEC. 2. VICTIM COMPENSATION FROM PERSONS WHO UNLAWFULLY PROVIDE FIREARMS TO JUVENILES, FELONS, AND OTHER DISQUALIFIED INDIVIDUALS.

(a) Victim Compensation.—Section 924 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(j) Victim Compensation.—

"(1) In general.—Any person who sells, delivers, or otherwise transfers—

"(A) a firearm in violation of section 922(d) or section 922(b)(1); or

"(B) a handgun to a person who the transferor knows or has reasonable cause to believe is a juvenile, except as provided in paragraph (6),

shall be liable for damages caused by a discharge of the transferred firearm by the transferee.

"(2) Civil action.—An action to recover damages under paragraph (1) may be brought in a United States district court by, or on behalf of, any person, or the estate of any person, who suffers damages resulting from bodily injury to or the death of any person caused by a discharge of the transferred firearm by the transferee.

"(3) Disentitlement to recovery.—There shall be no liability under this subsection if it is established by a preponderance of the evidence that—

"(A) the damages were suffered by a person who was engaged in a criminal act against the person or property of another at the time of the injury; or

"(B) the injury was self-inflicted, unless the plaintiff establishes that, at the time of the transfer, the transferor knew or had reasonable cause to believe that the transferee had not attained the age of 18 years or had been adjudicated as a mental defective or committed to a mental institution.

"(4) Period of liability.—No action under this subsection may be brought for damages that are caused more than 5 years after the date of the transfer of a firearm upon which an action could otherwise be based.

"(5) Attorney's fees and punitive damages.—A prevailing plaintiff in an action under this subsection—

"(A) shall be awarded reasonable attorney's fees and costs, and

"(B) may be awarded punitive damages.

"(6) Juveniles.—Paragraph (1)(B) does not apply to—

"(A) a temporary transfer of a handgun to a juvenile if the handgun is used by the juvenile—

"(i) in the course of employment, in the course of ranching or farming related to activities at the residence of the juvenile (or on property used for ranching or farming at which the juvenile, with the permission of the property owner or lessee, is performing activities related to the operation of the farm or ranch), target practice, hunting, or a course of instruction in the safe and lawful use of a handgun;

"(ii) with the prior written consent of the juvenile's parent or guardian who is not prohibited by Federal, State, or local law from possessing a firearm, except—

"(I) during transportation by the juvenile of an unloaded handgun in a locked container directly from the place of transfer to a place at which an activity described in clause (i) is to take place and transportation by the juvenile of that handgun, unloaded and in a locked container, directly from the place at which such an activity took place to the transferor; or

"(II) with respect to ranching or farming activities as described in clause (i), with the prior written approval of the juvenile's parent or legal guardian and at the direction of an adult who is not prohibited by Federal, State, or local law from possessing a firearm;

"(iii) if the juvenile keeps the prior written consent in the juvenile's possession at all times when a handgun is in the possession of the juvenile; and

"(iv) in accordance with State and local law;

"(B) issuance of a handgun to a juvenile who is a member of the Armed Forces of the United States or the National Guard who possesses or is armed with the handgun in the line of duty;

"(C) a transfer by inheritance of title (but not possession) of a handgun to a juvenile;

"(D) a delivery of a handgun by a juvenile to be used in defense of the juvenile or other persons against an intruder into the residence of the juvenile or a residence in which the juvenile is an invited guest; or

"(E) a transfer of a handgun for consideration if the transfer is made in accordance with State and local law and with the prior consent of the juvenile's parent or legal guardian who is not prohibited by Federal, State, or local law from possessing a firearm.

"(7) Rule of construction.—Nothing in this subsection shall be construed to limit or have any other effect on any other cause of action available to any person.".

(b) Definition.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following new paragraph:

"(30) The term 'juvenile' means a person who is less than 18 years of age.".

(c) Application of Amendment.—The amendment made by subsection (a) shall apply to damages resulting from a firearm that was transferred as described in section 924(j)(1) of title 18, on or after the date of enactment of this Act.●

By Mr. GORTON (for himself and Mr. Stevens):

S. 2444. A bill to require the approval and implementation by the Secretary of Commerce of a rule to provide a moratorium for a temporary period on the entry of new vessels into certain groundfish, crab, and halibut fisheries in the North Pacific; to the Committee on Commerce, Science, and Transportation.

NORTH PACIFIC VESSEL ENTRY MORATORIUM ACT OF 1994

● Mr. GORTON. Mr. President, the bill I am introducing today would implement a moratorium on the entry of new fishing vessels into North Pacific groundfish, crab and halibut fisheries.

This moratorium is a fundamental component of efforts to reduce fishing capacity in North Pacific fisheries.

The North Pacific Fishery Management Council approved the moratorium in June 1992, and it was published in the Federal Register as a proposed rule on June 3, 1994.

On August 5, 1994, however, the National Marine Fisheries Service disapproved the proposed rule, stating a number of concerns about elements of the Council proposal.

In its letter of disapproval, NMFS expressed the hope that the Council would revise the moratorium proposal and resubmit it, acknowledging the pressing need for interim controls on fishing capacity in the North Pacific. While I do not question the validity of NMFS's concerns with the Council's proposal, I believe the need for a moratorium is too great to wait for the Council to make the suggested changes.

The delay in the moratorium has already, I am told, led some fishermen to begin gearing up to enter these fisheries.

The bill I am introducing today would put the proposed moratorium in place until the Council is able to consider the modifications suggested by NMFS, or until December 31, 1997, whichever comes sooner.

It would greatly help to prevent new entry into fisheries which already have too much fishing capacity.

I hope that my colleagues will support this important legislation, and that we can pass it before the adjournment of Congress. I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2444

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "North Pacific Vessel Entry Moratorium Act of 1994".

SEC. 2. IMPLEMENTATION OF MORATORIUM.

(a) Notwithstanding any other provision of law, the Secretary of Commerce shall, by not later than October 15, 1994, approve and implement the proposed rule to establish a moratorium for a temporary period on the entry of new vessels into certain groundfish, crab, and halibut fisheries in the North Pacific and Bering Sea published on June 3, 1994 at 59 Federal Register 28827.

(b) The moratorium in subsection (a) shall remain in effect until December 31, 1997, or until the Secretary approves an amendment to such moratorium prepared by the North Pacific Fishery Management Council in accordance with the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), whichever is earlier.●

● Mr. STEVENS. Mr. President, I am glad to be able to cosponsor this important legislation with Senator GORTON. It will really help to address the overcapacity problems in the North Pacific fisheries.

I agree with Senator GORTON that the North Pacific Fishery Management Council should not overlook the concerns expressed by the National Marine Fisheries Service with the proposed moratorium. However, I share Senator GORTON'S view that until the Council can address these concerns, we should keep the proposed moratorium in place.

I hope that other Members of the Senate will join us in supporting this legislation which is critical to the conservation of fisheries off Alaska.●

ADDITIONAL COSPONSORS

S. 993

At the request of Mr. KEMPTHORNE, the name of the Senator from Tennessee [Mr. SASSER] was added as a cosponsor of S. 993, a bill to end the practice of imposing unfunded Federal mandates on States and local governments and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations.

S. 1737

At the request of Mr. MCCAIN, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 1737, a bill to establish the Office of the Inspector General within the General Accounting Office, modify the procedure for congressional work requests for the General Accounting Office, establish a Peer Review Committee, and for other purposes.

S. 1971

At the request of Mr. MCCAIN, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 1971, a bill to require the reauthorization of executive reporting requirements at least every 5 years.

S. 2094

At the request of Mr. DASCHLE, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of S. 2094, a bill to make permanent the authority of the Secretary of Veterans Affairs to approve basic educational assistance for flight training.

S. 2264

At the request of Mr. DORGAN, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 2264, a bill to provide for certain protections in the sale of a short line railroad, and for other purposes.

S. 2347

At the request of Mr. SASSER, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 2347, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 150th anniversary of the founding of the Smithsonian Institution.

S. 2410

At the request of Mr. GRAMM, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 2410, a bill to provide appropriate protection for the constitutional guarantee of private property rights, and for other purposes.

S. 2441

At the request of Mr. HEFLIN, the names of the Senator from Alabama [Mr. SHELBY] and the Senator from Pennsylvania [Mr. WOFFORD] were added as cosponsors of S. 2441, a bill to provide for an independent review of the implementation of the National Implementation Plan for modernization of the National Weather Service at specific sites, and for other purposes.

SENATE JOINT RESOLUTION 184

At the request of Mr. THURMOND, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of Senate Joint Resolution 184, a joint resolution designating September 18, 1994, through September 24, 1994, as "Iron Overload Diseases Awareness Week."

SENATE JOINT RESOLUTION 206

At the request of Mr. WOFFORD, the names of the Senator from Nebraska [Mr. EXON], the Senator from Hawaii [Mr. AKAKA], the Senator from Tennessee [Mr. SASSER], the Senator from Maryland [Mr. SARBANES], the Senator from South Carolina [Mr. THURMOND], and the Senator from Virginia [Mr. ROBB] were added as cosponsors of Senate Joint Resolution 206, a joint resolution designating September 17, 1994, as "Constitution Day."

SENATE JOINT RESOLUTION 208

At the request of Mr. WOFFORD, the names of the Senator from New Jersey [Mr. BRADLEY] and the Senator from North Dakota [Mr. DORGAN] were added as cosponsors of Senate Joint Resolution 208, a joint resolution designating the week of November 6, 1994, through November 12, 1994, "National Health Information Management Week."

SENATE JOINT RESOLUTION 214

At the request of Mr. BINGAMAN, the name of the Senator from West Virginia [Mr. BYRD] was added as a cosponsor of Senate Joint Resolution 214, a joint resolution designating August 9, 1994, as "Smokey Bear's 50th Anniversary."

SENATE CONCURRENT RESOLUTION 65

At the request of Mr. LEAHY, the names of the Senator from Florida [Mr. GRAHAM], the Senator from New Mexico [Mr. BINGAMAN], the Senator from Massachusetts [Mr. KERRY], the Senator from Michigan [Mr. LEVIN], and the Senator from Connecticut [Mr. LIEBERMAN] were added as cosponsors of Senate Concurrent Resolution 65, a concurrent resolution to express the sense of Congress that any health care reform legislation passed by Congress include guaranteed full funding for the special supplemental food program for women, infants, and children (WIC) so that all eligible women, infants, and children who apply could be served by the end of fiscal year 1996 and full funding could be maintained through fiscal year 2000, and for other purposes.

SENATE RESOLUTION 257

At the request of Mrs. KASSEBAUM, the names of the Senator from Indiana

[Mr. LUGAR], the Senator from Kentucky [Mr. FORD], the Senator from Alaska [Mr. STEVENS], and the Senator from Idaho [Mr. KEMPTHORNE] were added as cosponsors of Senate Resolution 257, a resolution to express the sense of the Senate regarding the appropriate portrayal of men and women of the Armed Forces in the upcoming National Air and Space Museum's exhibit on the *Enola Gay*.

SENATE RESOLUTION 259—COMMENDING THE PRESIDENT AND THE SPECIAL DELEGATION TO HAITI AND SUPPORTING UNITED STATES ARMED FORCES IN HAITI

Mr. MITCHELL (for himself and Mr. DOLE) submitted the following resolution; which was considered:

S. RES. 259

Whereas the special delegation sent to Haiti on September 17, 1994, has succeeded in convincing the de facto authorities in Haiti to agree to leave power;

Whereas on September 18, 1994, after an agreement was reached in Port-au-Prince that day, the President ordered the present deployment of men and women of the United States Armed Forces in and around Haiti;

Whereas U.S. and multilateral sanctions have imposed a heavy burden on the Haitian people;

Whereas the Congress and the people of the United States have great pride in the men and women of the United States Armed Forces and fully support them in all their efforts overseas, including those in Haiti: Now, therefore, be it

Resolved, That the Senate—

(1) commends the efforts of the President in sending former President Jimmy Carter, retired General Colin Powell and Senator Sam Nunn to Haiti in an effort to avoid the loss of American lives;

(2) fully supports the men and women of the United States Armed Forces in Haiti who are performing with professional excellence and dedicated patriotism;

(3) supports the departure from power of the de facto authorities in Haiti, and Haitian efforts to achieve national reconciliation, democracy and the rule of law;

(4) supports lifting without delay of U.S. unilateral economic sanctions on Haiti, and lifting without delay of economic sanctions imposed pursuant to U.N. resolutions in accordance with such resolutions; and

(5) supports a prompt and orderly withdrawal of all United States Armed Forces from Haiti as soon as possible.

SENATE RESOLUTION 260—CONGRATULATING HEATHER WHITESTONE ON BEING CROWNED MISS AMERICA

Mr. SHELBY (for himself and Mr. HEFLIN) submitted the following resolution; which was considered and agreed to.

S. RES. 260

Whereas on September 17, 1994, Heather Whitestone, a resident of Birmingham, Alabama and a student at Jacksonville State University, was crowned Miss America 1995;

Whereas Heather Whitestone is the first hearing-impaired woman to hold the title of Miss America;

Whereas Heather Whitestone's outstanding academic, artistic, and personal achievements make her a role model for the youth of the United States;

Whereas Heather Whitestone's success in overcoming significant obstacles to her personal and professional goals is an inspiration to all the people of the United States who face similar barriers to realizing their dreams; and

Whereas Heather Whitestone's commitment to excellence makes her an exceptional choice for Miss America 1995: Now, therefore, be it

Resolved, That the Senate congratulates Heather Whitestone on being crowned Miss America 1995.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to Heather Whitestone, Miss America 1995.

SENATE RESOLUTION 261—COMMENDING AMBASSADOR MOU-SHIH DING OF TAIPEI

Mr. MURKOWSKI (for himself and Mr. ROBB, Mr. SIMON, and Mr. HELMS) submitted the following resolution; which was considered and agreed to:

S. RES. 261

Whereas Ambassador Mou-shih Ding has served since 1988 as Representative of the Taipei Economic and Cultural Representative Office (TECRO) (formerly the Coordination Council for North American Affairs (CCNAA)) in Washington, D.C., representing the interests of the Republic of China on Taiwan;

Whereas during his tenure, Ambassador Ding has made a major contribution to strengthening the friendship of and fostering beneficial cooperation between the people of the Republic of China and the people of the United States, including his successful efforts to change the name of the office from Coordination Council for North American Affairs to the Taipei Economic and Cultural Representative Office;

Whereas during his years in Washington, Ambassador Ding has made countless friends in the United States Congress and successive Administrations; and

Whereas this month Ambassador Ding is departing his post in Washington to return to accept his prestigious appointment as the Secretary General of the National Security Council: Now therefore be it

Resolved, That the United States Congress—

(1) salutes Ambassador Mou-shih Ding for his creative leadership of the TECRO (CCNAA) in Washington;

(2) commends his tireless efforts to further the interests of the Republic of China by building closer ties to the United States;

(3) thanks him for the friendship he has shown to so many members of the Senate; and

(4) expresses to him and to his family the warmest wishes for the future.

SENATE RESOLUTION 262—CONCERNING A DATE FOR A VOTE ON THE MILITARY OPERATIONS IN HAITI

Mr. FEINGOLD submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 262

Resolved, It is the sense of the Senate that Congress should vote on or before October 15, 1994, on a measure containing specific authorization for the use of United States Forces and military operations in Haiti.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Tuesday, September 20, 1994, at 2:30 p.m. in open session to receive testimony on the Department of Defense future years defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, September 20 at 2 p.m. to hold a hearing on the ILO Convention No. 150 concerning labor administration—Treaty Doc. 103–26.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee for authority to meet on Tuesday, September 20, at 2 p.m. for a nomination hearing on Harvey G. Ryland, Deputy Director, FEMA.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee for authority to meet on Tuesday, September 20, at 10 a.m. for a markup.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Tuesday, September 20, 1994, beginning at 9:30 a.m., in 485 Russell Senate Office Building on tribal self-governance.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, September 20, 1994, at 4 p.m. to hold a closed briefing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ANTITRUST, MONOPOLIES AND BUSINESS RIGHTS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Antitrust, Monopolies and Business Rights of the Committee on the Judiciary, be authorized to meet during the session of the Senate on

Tuesday, September 20, 1994, at 9:30 a.m. to hold a hearing on S. 1822, the Communications Act of 1994.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONGRATULATING HEATHER WHITESTONE ON BEING CROWNED MISS AMERICA 1995—S. RES. 260

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 260, a resolution congratulating Heather Whitestone on being crowned Miss America, 1995, submitted earlier today by Senators SHELBY and HEFLIN, that the resolution be agreed to and the motion to reconsider be laid upon the table, that the preamble be agreed to and any statements relating to this legislation be placed in the RECORD at the appropriate place as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SHELBY. Mr. President, I rise today to honor Miss America 1995, Heather Whitestone, crowned on September 17, 1995. Miss Whitestone, a resident of Birmingham, AL, is a wonderful choice to receive this honor. She brings much pride to the State of Alabama and the Nation.

Miss Whitestone is an outstanding example and inspiration for us all. Being the first hearing-impaired woman to be crowned Miss America, Miss Whitestone has overcome the hardships and challenges of her handicap with hard work, determination, and a positive attitude. A graduate of Berry High School in Birmingham, with a 3.6 grade point average—on a 4.0 scale—Miss Whitestone maintains high academic standing as a junior accounting major at Jacksonville State University. She is an accomplished, awe-inspiring ballerina, as those of us who saw her performance during the competition can firmly attest.

Mr. President, I am sure I am not alone when I say that more than her striking beauty and intelligence, Miss Whitestone's attitude toward life and her handicap makes her a truly special and inspiring individual. She often makes statements such as "The most handicapped [person] in the world is a negative thinker," and quotes Helen Keller as saying: "Know your problems, but don't let them master you." She is not just an inspiration to the handicapped men, women, and children of this Nation, but to us all.

Mr. President, I am excited, pleased, and proud that Heather Whitestone from Alabama has been named Miss America 1995. She is a wonderful selection and I am confident she will bring honor and integrity to the crown and to this country.

The resolution (S. Res. 260) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 260

Whereas on September 17, 1994, Heather Whitestone, a resident of Birmingham, Alabama and a student at Jacksonville State University, was crowned Miss America 1995;

Whereas Heather Whitestone is the first hearing-impaired woman to hold the title of Miss America;

Whereas Heather Whitestone's outstanding academic, artistic, and personal achievements make her a role model for the youth of the United States;

Whereas Heather Whitestone's success in overcoming significant obstacles to her personal and professional goals is an inspiration to all the people of the United States who face similar barriers to realizing their dreams; and

Whereas Heather Whitestone's commitment to excellence makes her an exceptional choice for Miss America 1995; Now, therefore, be it

Resolved, That the Senate congratulates Heather Whitestone on being crowned Miss America 1995.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to Heather Whitestone, Miss America 1995.

COMMENDING AMBASSADOR MOU-SHIH DING, REPRESENTATIVE OF THE TAIPEI ECONOMIC AND CULTURAL REPRESENTATIVE OFFICE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Senate Resolution 261, a resolution commending Ambassador Mou-shih Ding, Representative of the Taipei Economic and Cultural Representative Office in Washington, DC; submitted earlier today by Senator MURKOWSKI, ROBB, and others; that the resolution and the preamble be agreed to; the motions to reconsider be laid on the table en-bloc; and any statements thereon appear in the RECORD at the appropriate place as though read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 261) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 261

Whereas Ambassador Mou-shih Ding has served since 1988 as Representative of the Taipei Economic and Cultural Representative Office (TECRO) (formerly the Coordination Council for North American Affairs (CCNAA)) in Washington, D.C., representing the interests of the Republic of China on Taiwan;

Whereas during his tenure, Ambassador Ding has made a major contribution to strengthening the friendship of and fostering beneficial cooperation between the people of the Republic of China and the people of the United States, including his successful efforts to change the name of the office from Coordination Council for North American Affairs to the Taipei Economic and Cultural Representative Office;

Whereas during his years in Washington, Ambassador Ding has made countless friends in the United States Congress and successive Administrations; and

Whereas this month Ambassador Ding is departing his post in Washington to return to accept his prestigious appointment as the Secretary General of the National Security Council; Now therefore be it

Resolved, That the United States Congress—

(1) salutes Ambassador Mou-shih Ding for his creative leadership of the TECRO (CCNAA) in Washington;

(2) commends his tireless efforts to further the interests of the Republic of China by building closer ties to the United States;

(3) thanks him for the friendship he has shown to so many members of the Senate; and

(4) expresses to him and to his family the warmest wishes for the future.

ORDERS FOR TOMORROW

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 a.m., Wednesday, September 21; that following the prayer, the Journal of proceedings be deemed approved to date and the time for the two leaders reserved for their use later in the day; that there then be a period for morning business not to extend beyond 10:30 a.m., with Senators permitted to speak therein for up to 5 minutes each, with Senator REID recognized for up to 15 minutes; that at 10:30 a.m., the Senate resume consideration of Senate Resolution 259.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MITCHELL. Mr. President, the Senate has just completed 2 days with very little activity. In view thereof, Senators should be on notice, and I now place all Senators on notice, that votes will be possible at any time of the day or night when the Senate is in session in the future, including on Friday. We may need to have a full and longer day Friday to make up for the lack of activity in the last 2 days. I merely want all Senators to be aware of that so they can plan their schedules accordingly, unless there is an announcement to the contrary, as will be the case with respect to each day the Senate is in session from now until the end of this session.

I thank my colleagues, Mr. President.

RECESS UNTIL TOMORROW AT 10 A.M.

Mr. MITCHELL. Mr. President, if there is no further business to come before the Senate today, I ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 8:50 p.m., recessed until Wednesday, September 21, 1994, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate September 20, 1994:

THE JUDICIARY

KATHLEEN M. O'MALLEY, OF OHIO, TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF OHIO, VICE JOHN W. POTTER, RETIRED.

DEPARTMENT OF THE INTERIOR

RHEA LYDIA GRAHAM, OF NEW MEXICO, TO BE DIRECTOR OF THE UNITED STATES BUREAU OF MINES, VICE T.S. ARY, RESIGNED.

CONFIRMATION

Executive nomination confirmed by the Senate September 20, 1994:

IN THE NAVY

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be admiral

ADM. HENRY H. MAUZ, JR., 578-48-6674

HOUSE OF REPRESENTATIVES—*Tuesday, September 20, 1994*

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore [Mr. TEJEDA].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communications from the Speaker:

WASHINGTON, DC,
September 20, 1994.

I hereby designate the Honorable FRANK TEJEDA to act as Speaker pro tempore on this day.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

MORNING BUSINESS

The SPEAKER pro tempore. Pursuant to the order of the House of February 11, 1994, and June 10, 1994, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority and minority leaders, limited to not to exceed 5 minutes.

THE MORNING AFTER IN HAITI

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentleman from Florida [Mr. GOSS] is recognized during morning business for 5 minutes.

Mr. GOSS. Mr. Speaker, yesterday in this Chamber Members of the House of Representatives paused in the legislative agenda, took time out to do something that was extremely appropriate. That is we passed a resolution to reinforce our support for our troops who are now overseas; we would say "not in harm's way," but certainly in a sensitive and delicate situation where the risk for hazards and bodily harm is certainly greater than normal business as usual for members of our military, and of course it is appropriate for Congress to take the time to send that support because it means a lot. We have some Members who have been on the receiving end of that in other actions we have had on behalf of our country. We have a gentleman from California [Mr. CUNNINGHAM] who testified to that so eloquently, that when he was in Vietnam, how much it meant to him that Members of Congress, speaking for the districts of the people they represented across America, knew of the sacrifice and the extra effort, the risk and the hazards, that our men and women in uniform are taking on behalf of our Nation, and in the resolution we passed yesterday, Mr. Speaker, there was a little bit of self-congratulation, too, by the administration for avoiding, at least for the time being, the worst of the consequences of the Clinton administration's ill-advised policy for Haiti. But unfortunately, after those kinds of celebrations, there always comes a morning after, and when it has been a particularly difficult celebration, Mr. Speaker, there sometimes is a hangover, and we do, in fact, have a hangover.

The situation in Haiti so far has been generally without violence. There has been no conflict that I am aware of between American forces and Haitians. There certainly has been some confrontation between Haitians because they are, in fact, in the middle of a very difficult civil discord, if not a civil war, and our troops are really the ham in the sandwich, as it were, but our troops, it seems from the reports we have seen come in, are in an almost circuslike atmosphere, perhaps not lighthearted, but they have been welcomed with some openness and friendliness by the Haitians, which is certainly understandable because this is a friendly neighboring country that we have gotten along with for years, enjoyed wonderful relations with. We have many Haitian-Americans, and they have many Americans living in Haiti, and vice versa, and it has been a very good and happy relationship.

It is unfortunate that in the country of Haiti they have not evolved to the level of democracy that we have in this country and that they are struggling to do that, and that struggle regrettably has involved some violence, and it has not yet been resolved, and I would ask every American to think back in the history our country, of the hard times we have had solving our own problems in the evolution of democracy and developing a wonderful Constitution that serves us so well no matter which way the wind blows, no matter how hard it blows in our country. The Haitians have no such anchor; they have no such constitution. They are a republic formed by runaway slaves, so they did not have the traditions, or the wisdom in those days, or the opportunity perhaps, to pull together a plan or vision for their nation that we enjoy in our country, and still have, and pursue diligently. So, we end up with an evolving situation, and I would point out that in our own history we did not get it all done peacefully either. There was, regrettably, a time of war between our States when a great many American lives were lost, and we sorted out our differences. That is never the way to do it, but I do not think we can say that others are any less worthy than we and other nations because they fail to avoid the path of violence when we in our own history failed to avoid that path as well.

So, now we are left with a country that is still very, very divided, and we are seeing that there is great unhappiness on both sides with the arrangements that have been made to avoid the armed conflict. We have the pro-Aristide supporters in dismay in this country and in Haiti that Cedras has not been thrown out and put in jail or had horrible things happen to him. On the other hand, we have dismay that Cedras has undergone a rehabilitation. In 72 hours the worst, most brutal dictator in the Western Hemisphere, to quote President Clinton, has rehabilitated to a man with honor, a worthy partner in a military venture, to paraphrase the words of Colin Powell and former President Carter, so I suspect the American public is a little confused about whether Cedras is a monster or a loyal soldier trying to carry out his duty in Haiti, remembering that they have a different mission and he being a citizen of Haiti, not of the United States. These kinds of complex enigmas are going to sort themselves out as we go along and as the administration belatedly finds out more and more about Haiti and what is afoot there.

There are some lessons that have to be learned from this, and we will be using the time in the days ahead to review these lessons so we do not make the same mistake again and have to try and avoid armed conflict with last-minute negotiations as we did this Sunday.

RECESS

The SPEAKER pro tempore. There being no further requests for morning business, pursuant to clause 12, rule I, the Chair declares the House in recess until 12 noon.

Accordingly (at 10 o'clock and 38 minutes a.m.) the House stood in recess until 12 noon.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 12 noon.

The Reverend Donald Paul Cooper, Beaver Dam Baptist Church, Fayetteville, NC, offered the following prayer:

Shall we pray. O God, we invite You into this place. We invite You because Thou art the God of Heaven and Earth and all that is therein and besides Thee there is none other.

We pray, O God, that You will continue to remind this body that You are the God and that we are one Nation under You, with liberty and justice for all, and to this hour they have been called.

I pray, O God, as they uphold the laws and make new laws in this great country, that they will be reminded of another great law giver, even Moses. I pray, O God, as they deliberate and discuss and debate various issues that shall come before them from time to time, that You will give unto them the wisdom of Solomon.

O God, as they walk among men and work among the people, both here at home and abroad, I pray that You have given to them the integrity, the honesty, and the statesmanship of that of an Isaiah.

Lord, as they seek for peace for the world, I pray that they may know the Prince of Peace who passeth all understanding.

Lord, grant unto these Thy servants the grace and the grit and the guts to act upon those things which are best for every citizen rather than to be persuaded by a few.

We pray, Lord God, You will bless their families, their husbands and their wives and their children and their grandchildren and above all, O God, may Thy will and Thy purpose and Thy mission be done in and through each and all of us.

In the name of Christ our Lord we pray, amen and amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Colorado [Mr. HEFLEY] come forward and lead the House in the Pledge of Allegiance.

Mr. HEFLEY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOME TO REVEREND COOPER

(Mr. ROSE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROSE. Mr. Speaker, I have the pleasure today of introducing to the House a distinguished clergyman from North Carolina, the Reverend Donald F. Cooper. Reverend Cooper is the pastor of the Beaver Dam Baptist Church near my home in Fayetteville, NC. This man has for 40 years served the Lord in various localities, including South Carolina, Virginia, and New York. He has dedicated his life to the service of his Heavenly Father and to the preaching of the word of God.

Reverend Cooper is accompanied today by several members of his congregation and by his wife, Mrs. Annie Lois Cooper. I am sure the House will benefit from the wisdom and the spirit of Reverend Cooper's prayer during these difficult times.

RESIGNATION OF THE PARLIAMENTARIAN, THE HONORABLE WM. HOLMES BROWN, AND APPOINTMENT OF THE HONORABLE CHARLES W. JOHNSON AS PARLIAMENTARIAN

The SPEAKER laid before the House the following communication from the Parliamentarian of the House of Representatives, which was read:

U.S. HOUSE OF REPRESENTATIVES,
THE SPEAKER'S ROOMS,
Washington, DC, August 20, 1994.

Hon. THOMAS S. FOLEY,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: In March of this year, I completed my thirty-sixth year with the House of Representatives. In July, I completed my twentieth year as Parliamentarian.

In the past few months, circumstances, both personal and professional, have focused my attention on retirement. It has been a difficult decision to reach, but I have concluded that it's time for a change.

The office which I have been privileged to hold continues to be both challenging and rewarding. It is fascinating to encounter—almost daily—fresh interpretations of rules and bill language which require constant evaluation of yesterday's assumptions and conclusions. The House changes from year to year, with new Members and staff and circumstances always reshaping this institution; what does not change is the reservoir of intellect and inventiveness which characterizes those who work in the legislative branch of our government. Daily interaction with such talented people makes the Congress a uniquely fascinating place to work.

I could not have done this job without a lot of help, without the love and support of my family, who have learned to live with long hours and erratic schedules; without the teamwork at the rostrum and in all the support offices of the House; without the reservoir of personal commitment and professional strength from my colleagues in the Office. Among the Deputy and the assistant parliamentarians there is a wealth of experience and talent. Their accumulated service totals over 80 years. Each is dedicated to the proposition that the rules of this great institution should be applied and enforced without political considerations. All are open to Members and staff with respect to the rules and precedents which govern and guide the deliberations of the House and its committees. They are all exemplary public servants; they can and will continue to carry out the responsibilities of the Office in a manner which reflects the best traditions of the House. We share a lasting bond and I will miss these friends whom I admire and care for so deeply.

I owe a great debt of gratitude to all the Speakers whom I have been fortunate to know: Sam Rayburn, who first appointed me as an assistant parliamentarian on the recommendation of my legendary predecessor as Parliamentarian, Lewis Deschler; John McCormack, who shared his anecdotes and love of the House during long evening conversations in the Speaker's Rooms; Carl Albert, who had faith enough in my abilities to appoint me as Parliamentarian during a very tumultuous time in the history of the House and has continued to be a valued mentor since his retirement; Thomas P. 'Tip' O'Neill, whose good humor and warmth toward me survived some parliamentary decisions which he must have found vexing; Jim Wright, whose eloquence and courage are unflagging. Finally, Mr. Speaker, I must say how much I have valued your friendship and support. You have always been sensitive and faithful to the distinctions between political and parliamentary decisions and your gavel has been both firm and impartial. The opportunities you have given me to interact with other parliamentary institutions, particularly with the newly emerging democratic republics in eastern Europe, have revealed new horizons which I hope to explore more fully in the future. Programs to encourage and foster parliamentary democracy in that area of our world are of critical importance. The House can be proud of the contribution it is making to this effort and if I can be of assistance in these endeavors I will be available to do so.

I must acknowledge the courtesies and cooperation shown me by the distinguished Minority Leader, Bob Michel. He has always shown an appreciation of the role of our office and he and his staff have been of inestimable support. To have known so many of his predecessors, such distinguished men as Joe Martin, Charley Halleck, John Rhodes and Gerald Ford, has been a rare privilege. All of these Leaders have made the House a better place and have left an indelible mark on its history.

I will miss the many friendships with Members that have formed over the years. May I extend to them, through you, my appreciation for their kindnesses.

With your concurrence, my termination as Parliamentarian will be effective on September 15, 1994.

Very respectfully yours,
WM. HOLMES BROWN.

The SPEAKER. It is with great regret that the Chair accepts the resignation of the distinguished Parliamentarian of the House Wm. Holmes Brown.

Pursuant to the provisions of 2 U.S.C. 297a, the Chair announces that on September 16, 1994, he appointed Charles W. Johnson as Parliamentarian of the House of Representatives to succeed Wm. Holmes Brown, resigned.

□ 1210

A WARM FAREWELL TO WILLIAM H. BROWN, PARLIAMENTARIAN

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, I think the news that was just announced here, that the Parliamentarian of the House is going to retire, comes as a sad note for many of us who have known Bill through all of these years, although I am happy that he is leaving in a commensurate year with my own retirement. He could not be leaving at a better time, from that standpoint.

However, things have changed since I first started in this House. At that time the Parliamentarian was Lou Deschler, referred to by those who dared to call him "the Judge." He was a tough old bird. He would not talk to staff, and he would hardly talk to Members.

I remember one time I took him five different versions of an amendment prohibiting food stamps for strikers and said, "Okay, Judge, one of these has got to be in order." And you see, he had the only copy of all the precedents of the House from 1936 on in his office, and he had all the power.

Bill Brown has changed all that. He and his staff have done a magnificent job in compiling and publishing those the Judge had kept hidden. He has done an excellent job organizing the Office of the Parliamentarian and helping the membership. Many of the precedents are now "on-line," available through the House Information System.

Bill was born in West Virginia, receiving a bachelor of science degree from Swarthmore College in Pennsylvania in 1951. He received his law degree from the University of Chicago, out our way in Illinois, and served in the Naval Reserve with active duty in the Persian Gulf, returning as a lieutenant commander in 1974.

Bill was first appointed Assistant Parliamentarian by Speaker Sam Rayburn, and then became Parliamentarian in 1974 under Speaker Albert, and has served under six Speakers of the House.

Bill has been a great Parliamentarian, but most do not realize that he is also a farmer. He lives in a 200-year-old home on the Oakland Green Farm, has expanded the log cabin with a stone addition, and later a brick addition. Bill, I am not sure about the aluminum siding you and your lovely wife Jean have now added.

The Browns do have one daughter, Sarah, who is currently studying in Kenya.

Being a farmer and a Parliamentarian involves a lot of work. He is often late coming in, as he has been birthing calves, or on snowy days he has had to drive his tractor to a main road to get a ride. You cannot miss his car in the Rayburn garage, as it looks like he keeps it in the chicken coop all night.

Bill, we are sorely going to miss you, and can imagine you reciting precedents to your cows as the Congress continues writing new ones. I believe we will still use your expertise in attempting to finalize the publishing of the Deschler-Brown precedents, which I will always consider the "Brown volumes."

Taking Bill's place in the top spot is someone who I also have known and argued with many a time, Charlie Johnson.

We have had a good laugh telling the story of when Charlie first was working for the Judge, and Lou assigned Charlie the responsibility of compiling old contested election cases. Charlie worked for weeks, researching and writing, only to find out later that they were all neatly compiled in Cannon's precedents.

Charlie still works harder than he needs to. He is a good guy and a dedicated worker. He is the perfect choice. Charlie, I hope you will last longer than Lehr Fess, who some of you may not know lasted just a year.

Best to you, Bill, and we know, Charlie, John, Tom, and Muftiah will carry on the strong tradition of professionalism and cooperation that you started.

TRIBUTE TO THE HONORABLE WILLIAM HOLMES BROWN, PARLIAMENTARIAN, ON HIS RETIREMENT

(Mr. FOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOLEY. Mr. Speaker, nothing gives me greater satisfaction than to hear on this day of retirement of Bill Brown these wonderfully warm words from the Republican leader, because I think the lifeblood of any parliamentary body is the sense that our debates and discussions, the votes and actions taken here, are taken in a context of rules and observance, conventions and procedures, that are fair to each Member of the body. Indeed, I think the history of our House of Representatives, certainly in this recent period, has been one of scrupulous adherence to the rules.

As Speaker I have tried to follow that guide of fairness and objectivity in every ruling I have made, and if I had any tendency to veer from that, I would find resistance, very strong resistance, from the Parliamentarians of the House, who are committed in an almost religious sense to ensuring that the rules are absolutely impartially observed here, I think there is a record, perhaps, of the fact that this body has hardly ever overruled the Chair, and that in those cases where there sometimes has been a question of moving to override the Chair, Republican leadership has often joined with our Members and Republican Members have joined with Democratic Members in supporting the Chair.

Certainly no small part of the credit for this belongs to Bill Brown. He has been an absolutely sterling Parliamentarian in every way. He has served six Speakers. He has been in this body for almost a longer period than virtually anyone. There are few Members and very few professional staff who have served as long.

He begins his retirement with the best wishes and warm affection of an overwhelming number of Members and those who serve with him in aiding this body to achieve its objectives. He has compiled, as BOB MICHEL says, the precedents of the House. They are now available for all. He has in recent months been a special resource of assistance to emerging parliamentary democracies in Eastern Europe. I think he has found great satisfaction and opportunity for additional service in that work.

Charlie Johnson, his very long-time Assistant Parliamentarian, has our full confidence on both sides of the aisle, and I have made his appointment with great satisfaction; and if it is time, in Bill Brown's judgment, to leave, that a successor as worthy and able and committed and dedicated as Charlie Johnson stands ready to assume the responsibilities.

Mr. Speaker, I want to extend again, not only on my own behalf but on the behalf of all Members of this House, my thanks and my appreciation and my warmest best wishes to Bill Brown, and every success and happiness for him and Jean in the years that lie ahead.

Mr. MONTGOMERY. Mr. Speaker, I want to join you and the minority leader in recognizing the more than 36 years of service Parliamentarian Bill Brown has given to this House.

Bill is retiring this week after serving in the Parliamentarian's office since 1958. He was Assistant Parliamentarian from 1958–1974 and then was appointed to the position of Parliamentarian by House Speaker Carl Albert in 1974. During those years, Bill served under six House Speakers, including Sam Rayburn, John McCormack, Carl Albert, Tip O'Neill, Jim Wright, and TOM FOLEY.

Bill has been successful over the years in making sure the Parliamentarian's office remained nonpartisan in its duties of advising the Speaker, all Members of Congress, committees and staff on constitutional questions and rules of order within this House. He is held in high regard by Members on both sides of the aisle.

In addition to those responsibilities, Bill was involved in recent years in projects involving parliamentary development in several Eastern European republics. He and his support personnel have participated in seminars and training programs in Poland, Estonia, and Romania, as these countries and others move toward democracy.

Bill is a graduate of Swarthmore College, Pennsylvania and the University of Chicago Law School. He served on active duty in the U.S. Navy from 1954–57 and then served in the Naval Reserve from 1954–74, retiring as a lieutenant commander.

it has been a great honor to get to know Bill Brown on a personal level. I consider him a close friend and certainly will miss the wise counsel he has given me over the years. He is one of the true unsung heroes who make things work around the people's House. We will miss Bill, but he has earned his retirement. I salute Bill Brown on a job well done and wish Bill, Jean, and Sara the best in the future.

WELCOME TO JOHN HUME, LEADER OF THE SOCIAL DEMOCRATIC LABOR PARTY OF IRELAND

(Mr. NEAL of Massachusetts asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NEAL of Massachusetts. Mr. Speaker, a true man of peace, and one of the principal architects of the historic ceasefire in Northern Ireland arrived here in the United States earlier this week.

John Hume, the courageous leader of the Social Democratic and Labor Party, brings with him an encouraging message of hope, justice and reconciliation. And because of his efforts, for the first time in years, people of both traditions in Northern Ireland believe that a permanent cessation of violence is finally at hand.

In many ways, John Hume's visit represents a clear vindication for the 25 years he has spent trying to bring about a peaceful end to the longest standing political dispute in the history of the Western World. We are honored to have him in our Nation's Capital today.

As the leader of the largest nationalist party in Northern Ireland, John Hume brought unquestioned creditability and integrity to a conflict that many felt would never be solved. He worked tirelessly with Catholics and Protestants, republicans and loyalists, to convince them that the gun and bomb no longer had a place in the future of Northern Ireland. And despite long odds and great personal sacrifice, he appears to have succeeded.

Mr. Speaker, I have just returned from Northern Ireland where I met with leaders from both traditions who expressed their optimism over the John Hume brokered ceasefire. As he brings his message of peace here, let us welcome this distinguished man from Derry, and pledge to work with him to resolve the sectarian conflict known as the troubles.

☐ 1220

OPERATION RESTORE DEMOCRACY

(Mr. LINDER asked and was given permission to address the House for 1 minute.)

Mr. LINDER. Mr. Speaker, Operation Restore Democracy appears to be the best solution among a number of bad alternatives.

I am pleased that the diplomatic course in Haiti reached a reasonable conclusion before the all-out invasion reached the point of no return.

While President Clinton clearly mismanaged the situation in Haiti from the beginning, I do believe that he should be congratulated for giving diplomacy a chance.

Former President Carter, General Powell, and Senator NUNN were a successful team in this delicate diplomacy. And they deserve our thanks.

We must remember, however, when our troops came ashore in Port-au-Prince yesterday, the Haitian problem became an American problem.

Let us all hope that the 15,000 American troops serving in this mission will leave shortly after the dictators step down. We must not prolong this mission unnecessarily.

One lesson we should keep in mind during this mission in Haiti is that we can ill afford to slash our military budget further and then expect our men and women in uniform to feed, clothe, and protect the world.

IN MEMORIAM: THE HONORABLE EDWARD PATTEN

(Mr. MENENDEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MENENDEZ. Mr. Speaker, I want to commemorate the passing of former New Jersey Congressman Edward Patten. Congressman Patten was one of the few with the courage to sponsor the landmark 1964 Civil Rights Act. The nine-term Congressman died Saturday. He was 89.

Congressman Patten served the former 15th district from 1963 until he retired in 1981. Born in Perth Amboy, Ed Patten was a lifelong resident and active Democrat in that city. His political career took off in 1934, when he was elected mayor of Perth Amboy. He held the mayoral post until 1940. From 1940 to 1954, he was elected Middlesex County clerk. Ed Patten also served as New Jersey secretary of state from 1954 to 1962. Ed Patten served on the House Appropriations Committee.

Ed Patten was devoted to the people of his district. He was proud that he never missed a funeral, a wedding, or a bar mitzvah. The people of New Jersey were enriched by his service and mourn his passage.

Mr. Speaker, at this time, I would ask the House to observe a moment of silence.

GENERAL LEAVE

Mr. MENENDEZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the life, character, and public services of the late Hon. Edward Patten.

The SPEAKER pro tempore (Mr. MONTGOMERY). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

LET THE RECORD SPEAK FOR ITSELF

(Mr. WELDON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELDON. Mr. Speaker, many of our colleagues yesterday were concerned that the vote to support our troops and the Carter Commission yesterday would somehow be misconstrued by the administration nationwide as though this body went on record in favor of the Clinton policy in Haiti. Nothing could be further from the truth, yet the American media in fact stated that. It was not until 8:55 last night that I was able to get CNN to correct on the air the fact that that vote was not in support of the Clinton Haiti policy but was merely a vote to support the troops and the Carter Commission.

Mr. Speaker, let us look at the RECORD as I did today. There were 33 Members who spoke on that resolution yesterday. All 13 Republicans and 10 of the 20 Members of the opposition party rose and spoke that they had major concerns with the President's policy in regard to Haiti. I find it somewhat ironic that just within the last hour, President Clinton in a live press conference said he was gratified by our vote. This was not a vote in support of President Clinton's policy in Haiti. It was a vote in support of our troops and the Carter Commission's efforts. Let the record speak for itself.

GET REAL, MR. ARISTIDE

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, Jean-Bertrand Aristide is upset. He is upset with the deal helped developed by former President Carter. He says General Cedras will have too much time. I say unbelievable and it is time for Jean-Bertrand Aristide to get real. While America is spending a half a billion dollars over there to help straighten out Haiti, we have 40 million Americans without health care. American workers are absolutely worried about their next paycheck, how they are going to pay their mortgage off. I say enough is enough. Maybe Congress should hand Aristide an M–16 rifle and have him take care of business for himself.

One thing for sure is Congress should be using these billions of dollars to take care of the problems in America where democracy is passing over an awful lot of Americans. Think about it.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair asks our gallery guests not to participate with applause or become involved in statements on the House floor.

WHEN ARE THE TROOPS COMING HOME?

(Mr. EWING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EWING. Mr. Speaker, I support our troops in Haiti. I am glad that they were able to go ashore in a friendly atmosphere. And I have full confidence in their ability to get the job done.

But, Mr. Speaker, I am worried that our troops are in Haiti indefinitely. There is no time certain for their withdrawal. I am afraid that we have entered into a mission with no end. President Clinton needs to articulate an exit strategy and set a specific date for our troops to return safely to the United States.

You would think that President Clinton would have learned from his own experience with the Vietnam war and the disastrous result in Somalia that open-ended missions only lead us further into conflict.

How and when American troops will come home—there will be real uneasiness about his Haitian policy.

THE PROPER RESPONSE

(Mr. OBEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OBEY. Mr. Speaker, I note that President Aristide is today expressing unhappiness with some aspects of the agreement worked out by the Carter mission to Haiti earlier this week. I would simply point out to Mr. Aristide that there are 14,000 American troops presently in harm's way to pave the way for a return to a democratically elected government. The proper response from Mr. Aristide is not to second-guess or nit-pick. The proper response is two words: "Thank You," to President Clinton, to President Carter, to the other members of the mission, and to every single American service man and woman presently on duty in Haiti. Mr. Aristide, like all of us is not immune from the real world necessity to compromise. My advice to Mr. Aristide is: Few people get a second chance. Get real. Don't screw it up.

HAITI COULD BECOME SOMALIA II

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Mr. Speaker, Bill Clinton believes he averted catastrophe by not having to invade Haiti. We need to remind Mr. Clinton that we did not have to shoot our way into Somalia either—but we did have to shoot our way out.

Our military believed that an invasion of Haiti would be easy. Within 7 to 10 days we would have effective control of the country. The thing that has always worried our military commanders was not the invasion, but the mission after the invasion.

If we had invaded Haiti our mission would have been simple: Gain control of the Haitian Government and capture General Cedras. This is a clear, attainable goal. Mr. Speaker, now that the invasion was cut short, what is our mission in Haiti? Build a democracy? Feed the needy?

Mr. Speaker, we need to pray for our soldiers in Haiti every day. They deserve our unequivocal, steadfast support. They have been given a mission which closely resembles the misguided and failed mission of nation-building which tragically took the lives of Americans in Somalia.

APPRECIATION FOR HAITIAN CONFLICT RESOLUTION

(Mr. FLAKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FLAKE. Mr. Speaker, on yesterday I was absent when the vote on the resolution was taken. Had I been here, I certainly would have supported it. I support the President, Jimmy Carter, Colin Powell, and SAM NUNN for the tremendous job they did to assure that we would be able to have a peaceful resolution of the conflict in Haiti. There is no doubt in my mind that without this resolution and without the resolve of those persons who are working toward peace and not war, many lives would have been lost. Even with the potential for those American lives that are jeopardized by being there, I think that we have moved a step closer to a resolution of this matter. I believe it is a matter that America can feel proud about not only by those who have represented it in the negotiations with those who are leaders in Haiti but for this President who saw a way to do it without having to fire a weapon. Thank God. Thank God we are on the way to peace in Haiti.

REPUBLICANS' UNQUESTIONABLE SUPPORT FOR U.S. TROOPS

(Mr. BAKER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BAKER of California. Mr. Speaker, I want to express House Republicans' unquestionable support for the American troops now in Haiti.

At the same time, I want to remind my colleagues that this does not mean that our view of the President's Haitian policy is unquestioning.

Our committing young lives to Haiti appears to be more political than strategic. The United States still has no national interest in Haiti.

In contrast to what some would say, the last 48 hours do not put an end to debate on this issue. In fact, if anything they raise more questions than it answers.

How many troops will the President commit to this exercise?

What exactly is their mission? How much will it cost and who will pay for it—will it come out of a defense budget that the White House has already slashed?

What is the command structure for American troops, U.N. troops, and the Haitian personnel? And most important, when will our people be coming home?

Haiti has no democratic institutions and our troops may be faced with a quicksand in time not unlike Somalia.

I support the United States troops in Haiti. But I would support them being back in America even more.

□ 1230

LINGERING QUESTIONS ON CLINTON HAITIAN POLICY

(Mr. DE LUGO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DE LUGO. Mr. Speaker, yesterday morning I was watching television as our troops began going ashore in Haiti, and as a person from the Caribbean, an island person from that area, I said thank God to see our young soldiers, men and women, entering without firing a shot.

A lot of people did a lot of things right this past Sunday, particularly our President.

Regardless of which side of the aisle you sit on in this House, he is our President. It took a lot of courage to do what he did, and it is time to support our President.

A lot of people did a lot of things right: Our President, our former President Jimmy Carter, the members of the Carter team that President Clinton sent to Haiti, former Chairman of the Joint Chiefs of Staff Gen. Colin Powell, whose parents are from Jamaica and whose sensitivity played a key role in resolving the matter, and Senator NUNN.

It is time to stop carping. It is time to support our President and our troops.

HAITI: QUESTIONS REMAIN UNRESOLVED

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, yesterday both Republicans and Democrats voted in support of our young men and women serving in Haiti. But what we did not do was debate some very serious lingering questions about President Clinton's newest foreign policy.

Specifically, I think that there are four essential questions that need to be answered before we become further entrenched in Haiti:

First and most importantly, how does this exercise in gunboat diplomacy serve, and or protect, the U.S. national security interests?

Second, in simple terms, what is the military's stated mission, and do we have an exit strategy?

Third, how long is it estimated that this mission and its objectives will take to complete?

And finally, what type of financial pricetag are we going to be asking the American public to shoulder for this Haitian expedition?

These are important questions that require honest debate and straightforward answers. As Members of Congress, we are constitutionally obligated to pursue these questions to their resolution. As American citizens, we owe it to our Armed Forces who are risking their lives on behalf of this policy.

BENEFITS OF THE CARTER MISSION ON HAITI

(Ms. NORTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. NORTON. Mr. Speaker, sure there are pieces still to fall in place for the extraordinary unfolding Haitian puzzle put together by former President Carter, Senator NUNN, and Colin Powell. Yet, who can deny that their way is the best way given the alternatives? The alternatives were humiliation for the United States at our inability to carry out the Governor's Island Agreement and to contain refugees rushing the overwhelmed Florida shores.

Premature criticism of the settlement while our troops are deployed misapprehends the nature of negotiation. As a professor who taught negotiation, I always began with the basics. A successful negotiation is a win-win, not a zero sum game. Each side gets something, not necessarily parity, but humiliation for one side and victory for the other seldom yields settlement. Unconditional surrender requires war and inevitable bloodshed. That is what the Carter mission has avoided. Let the critics put themselves to the exercise of crafting a better solution. I have yet to hear one.

TRIBUTE TO BOBBY THOMSON

(Mr. FRANKS of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FRANKS of New Jersey. Mr. Speaker, I rise today to pay tribute to my constituent, Bobby Thomson, of Watchung, NJ. Although Bobby has accomplished many things in his life, he is probably best known for hitting the vaunted "Shot Heard 'Round the World," the most famous home run ever hit. As all baseball fans know, Bobby belted that game-winning home run in the ninth inning of the New York Giants-Brooklyn Dodgers 1951 playoff game, enabling the Giants to win the National League pennant.

While Bobby will always be known as a great slugger, I pay tribute to him today for his exemplary service to his community since his retirement from baseball. Bobby has done extensive charitable work on behalf of cancer-striken children, coached Little League for many years, and also served as a member of the Watchung borough council. Additionally, Bobby has raised funds for JFK Hospital in Edison, and also for Contact We Care, a volunteer 24-hour helpline/crisis intervention service based in our home county of Union.

Mr. Speaker, while it's unfortunate that there will be no game-winning home runs this October, it is reassuring to know that Bobby Thomson's 250 homers, coupled with his considerable accomplishments off the baseball diamond, have ensured this remarkable gentleman a well-deserved place in history.

SUPPORT FOR THE CLINTON POLICY IN HAITI

(Ms. MCKINNEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. MCKINNEY Mr. Speaker, the Haitian people have been dying for democracy for decades. Despite their cries, the United States stood idly by. First in support of Papa Doc against their cries of freedom and next in support of Baby Doc. How long were the Haitian people to wait for United States action on behalf of democracy. By day and by night body parts were found on the sides of Haitian streets. Haitian women fighting for democracy had become targets for rapists. Orphaned Haitian children had become targets for murderous thugs. All while the Haitian coup leaders thumbed their noses at the international community.

Operation restore democracy hopefully will bring these atrocities to an end. We should never allow democracy to be hijacked within our own hemisphere and we should reject the obstructionism of the gridlock gang.

The purpose of United States action is not to install a puppet, not to install a dictator, but to reinstate the justly elected choice of the Haitian people. Job well done, Mr. President.

UNANSWERED QUESTIONS REGARDING HAITI

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, while we commend the efforts of former President Jimmy Carter, Gen. Colin Powell, and Senator SAM NUNN in dodging a bullet in the occupation of Haiti, let us not forget that American soldiers are still sitting on a powder keg.

The President has yet to clearly outline our objectives in Haiti and most importantly set a date for the return of our troops. We must not forget the lessons of Somalia, it is much easier to step into a quagmire like Haiti then to get out. And most importantly, is a mission of nation building worth the cost at all?

Besides the unclear mission of our troops, there is the question of our defense budget. During a period when this administration is drastically cutting our defenses, does it make sense to expend precious and limited resources in a Caribbean country of little importance to national interests or security?

Mr. Speaker, there are many questions to be answered regarding our involvement in Haiti, and with American men and women in a potentially explosive situation, we deserve clear decisive answers.

AGREEMENT—BACKED BY UNITED STATES TROOPS—IS BEST HOPE TO RESTORE DEMOCRACY IN HAITI

(Mrs. MEEK of Florida asked and was given permission to address the House for 1 minute.)

Mrs. MEEK of Florida. Mr. Speaker, everyone is talking about Haiti. This Congress has been talking about Haiti I know for 7 or 8 years. But guess what, Mr. Speaker? They have done absolutely nothing to assist the turmoil in Haiti, to stop the killings, to stop the rapes, to help the poor people of Haiti. They have done nothing. And if President Clinton had not intervened we would still be at that same point.

☐ 1240

I stand here to say to the world that I support President Clinton's effort. It took strong stamina. It took a bold and creative methodology.

Everyone is saying, "We praise the troops. We praise President Carter." Neither one of them could have moved if it were not for the President.

So we needed someone to provide leadership for this country to move forward, to help Haiti. I must say we must support President Clinton. He will go down in history as someone who was not afraid, and it is so important to understand that we all know that this agreement is not the best, but we must begin to help to solve some of this problem.

We must minimize the risk, but we also must realize that Haiti has to be helped.

COMMENDING AND CONGRATULATING PRESIDENT CLINTON

(Mr. FOGLIETTA asked and was given permission to address the House for 1 minute.)

Mr. FOGLIETTA. Mr. Speaker, I yield to the gentlewoman from Florida [Mrs. MEEK].

Mrs. MEEK of Florida. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, why do we not ask: Why does not this Congress share that sense of humanity? Why do others respond selectively? Why do others respond selectively and differently to suffering when the persons suffering are black or from a Third World country?

We are kin to the Holocaust victims, to the Arabs on the West Bank, to Moslems in Bosnia and Serbia, to Catholics and Protestants in Ireland, to the victims of terrible atrocities in Rwanda.

Maybe it is someone's feeling that we are unfit to contribute to policy in this global village, but we must begin to fit and change policy in these global villages.

Everyone is talking about Haiti, but this Congress is doing little to resolve the problems there.

The agreement that the administration made with the leaders of the illegal government in Haiti is not perfect, but it clearly represents the brightest hope since the military coup 3 years ago to end the murder and atrocities and to restore democracy in Haiti.

President Clinton has demonstrated that he is Commander in Chief in the fullest sense. He has moved forward with strength and conviction, masterfully using the Presidential tools of military force and diplomacy to achieve U.S. objectives in the most effective and least costly manner.

The President made it clear last week that the coup leaders must give up power. And under this agreement they will, by October 15 at the latest—and the guarantee is the 15,000 American troops in Haiti.

The President made it clear last week that President Aristide will be returned to power in Haiti. And on or about October 15, under this agreement, he will—and the guarantee is the 15,000 American troops in Haiti.

I would have liked to have seen Cedras, Biamby, and Francois not only removed from power, but also forced to leave Haiti. The reign of terror over which they presided or acquiesced and the untold death and sorrow that they inflicted on their helpless country men and women are crimes against humanity and cry out for justice.

However, the amnesty provision of the agreement—which can only be enacted by the Haitian Parliament—was part of the Governors Island Agreement, to which the United States had previously agreed. Also, under international law, foreign governments cannot force people to become stateless.

Haitians must affix responsibility for the atrocities that have occurred. This agreement insures that the democratically elected government will make these decisions, not foreign powers and not the coup leaders. Again, the guarantee is the 15,000 American troops in Haiti.

Some have criticized the agreement because it did not set a date for President Aristide's return. But clearly, this agreement creates the conditions for his return. President Aristide has always said he would return soon after the coup leaders leave power. That will happen by October 15.

Finally, there is some frustration because the coup leaders are not forced to step down immediately.

But the tradeoff for this delay is that, because of this agreement, there is much less probability that United States and Haitian lives will be lost. It is in the interests of the United States and Haiti to reduce violence as much as possible, because the loss of life in a hostile invasion would have created enormous barriers between the United States and Haiti in the future.

The agreement will end the illegal government in Haiti and restore President Aristide and democratic government; ease the pain of the Haitian people by lifting the international embargo; and allow the thousands of Haitians seeking refuge at Guantanamo Bay to return to their homes.

Under the best of conditions, President Aristide faces a daunting task of coalition building in his own country and in the Parliament, and the task of choosing new military leaders and completely reforming the national police force and the task of rebuilding a ruined economy in what is, even in the best of times, the poorest country in our hemisphere.

This agreement does not begin to solve Haiti's problems. But it is nonetheless a dramatic and powerful step forward that moves us much closer to achieving United States interests while minimizing the risk to United States soldiers and the Haitian people.

Mr. FOGLIETTA. Mr. Speaker, reclaiming my time, I do so to commend the gentlewoman from Florida on her remarks, because I join in her remarks in commending the President, congratulating President Clinton on the masterful job that he has done in bringing an attempted peace to the people of Haiti.

I commend the gentlewoman and all the supporters of the people of Haiti, and I commend the President of the United States of America.

HEALTH CARE REFORM: ANOTHER OPPORTUNITY LOST

(Mrs. JOHNSON of Connecticut asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise today in utter frustration with this body's inability to address even the simple but terrible problem of people being denied health insurance because they have been sick. As an author of legislation to solve this kind of problem and a cosponsor of bipartisan health care reform proposals in this Congress, I am simply outraged at the Democrat leadership's handling of health care reform and ashamed of this body's inaction.

Instead of focusing on the broad areas of agreement for reform like insurance reforms, administrative simplification, malpractice reform, voluntary pooling arrangements, and other reforms that would expand access to health care and begin to control costs, the Democrat leadership has wasted yet another year by focusing on issues that had little or no support.

Rather than fighting for employer mandates as a means of funding an expensive new entitlement, they should have seen months ago that the majority of Members think health care reform should not compromise small businesses vitality. Rather than seeking to impose Government-set global budgets and price controls, which have failed miserably in every instance they have been tried, the Democrat leadership should have been working with the bipartisan group of members building on cost containment strategies that have already actually worked in the real world. Rather than dealing with only the single payer advocates, they should have worked with those of us who have set aside partisan politics to enact meaningful, practical solutions to our health care problems.

Mr. Speaker, all time has not run out on this Congress. There are solid reforms we can still enact this year that will help people by giving them access to better, more affordable health care plans. Major reforms always serve us better as a society if they have bipartisan support. So let us not let yet another session of Congress slide by without passage of the concrete, useful reforms on which there is broad agreement.

To fail to act, to fail to help people locked in their jobs, people forced to retire early and locked into high cost plans, to fail to reform at least the health insurance industry would be a disgrace for this Congress. This Member stands ready, willing, and able to do what is necessary to get the job done.

PAY ATTENTION TO OUR HEMISPHERE, TOO

(Mr. HUGHES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUGHES. Mr. Speaker, I rise in support of President Clinton and ask my colleagues to reduce the rhetoric, and let us start trying to work with the administration in what has become a very difficult quagmire we have been in for some time.

I spoke in this well when we went into the Persian Gulf, supporting President Bush, because we can only have one President and one Secretary of State. It is the administration that carries out foreign policy, not Members of Congress. We cannot have 435 Secretaries of State.

There are a lot of unanswered questions; I have the same concerns most of my colleagues have. But I think what we need to do at this point is work it through the process.

There is no question that leadership in this world brings risks. It is not a riskless, risk-free world that we are in, as a matter of fact, and President Clinton and former President Carter's mission to Haiti pointed a direction that we did not see coming, but can lead us out of what has become a very difficult situation in our hemisphere.

You know, ladies and gentlemen, one of the reasons why we have had so many problems in this hemisphere is because we have neglected it for too many years. We need to start paying more attention in our backyard.

BE GLAD OUR DEMOCRACY STILL WORKS

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, Thomas Jefferson is said to have described our representative democracy this way:

> Democracy is cumbersome, slow and inefficient, but in due time, the voice of the people will be heard and their latent wisdom will prevail.

For those of us who participated in the countless hours of committee meetings, informal discussions, and floor debate on health care reform, these words ring especially true. Although the process has seemed cumbersome, the "latent wisdom" of the American people has indeed prevailed: most Americans do not want Government-run health care. They especially do not want radical changes that will lead to diminished choice and reduced quality. Some political post-mortems bemoan the fact that Clinton health reform is dead. But rather than mourn the passing of that misguided, heavy-handed approach to health reform, let us be glad our democracy still works and that we have the opportunity to achieve workable, realistic affordable reforms in Congress next year.

APPOINTMENT OF CONFEREES ON H.R. 4556, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1995

Mr. CARR of Michigan. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4556) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1995, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore (Mr. MONTGOMERY). Is there objection to the request of the gentleman from Michigan?

There was no objection.

MOTION TO INSTRUCT CONFEREES OFFERED BY MR. WOLF

Mr. WOLF. Mr. Speaker, I offer a motion to instruct.

The Clerk read as follows:

> Mr. WOLF of Virginia moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 4556, be instructed to disagree to the amendment of the Senate numbered 89.

PARLIAMENTARY INQUIRY

Mr. NADLER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. NADLER. Mr. Speaker, is the gentleman from Michigan rising in opposition to this motion?

Mr. CARR of Michigan. Mr. Speaker, I will not oppose the motion, but will claim the appropriate amount of time.

Mr. NADLER. Mr. Speaker, I am opposed to this motion. I ask for one-third of the time in opposition.

The SPEAKER pro tempore. The gentleman from Michigan [Mr. CARR] will be recognized for 20 minutes, the gentleman from Virginia [Mr. WOLF] will be recognized for 20 minutes, and the gentleman from New York [Mr. NADLER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Virginia [Mr. WOLF].

Mr. WOLF. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, during the debate on my motion to instruct the conferees today, I want to highlight two large projects, the Pennsylvania Station redevelopment project in New York City and the Corridor H Highway across central West Virginia.

In its version of H.R. 4556, the fiscal year 1995 transportation appropriations bill, the House did not fund either of these two projects, which will drain scarce resources from other transportation needs across the country. And the House was right.

My motion to instruct asks the conferees on behalf of the House to insist on the House position with respect to the Penn Station project, which is zero funding for fiscal year 1995, and I will enumerate the reasons for offering this motion.

It is not possible to include the West Virginia Corridor H project in the motion to instruct because it is tucked neatly away in Senate report language which lists the projects included in the $352 million appropriated for highway demonstration projects. Of that $352 million, the State of West Virginia is allocated $165 million or nearly half of the total account.

I have written to all the Members of this body about Corridor H, but before we get into that, please allow me to discuss the substance of my motion to instruct—the Penn Station redevelopment project.

Specifically, the $40 million in fiscal year 1995 funding the Senate has directed to this project would be used to fund engineering, design, and construction activities necessary to convert the James A. Farley Post Office in New York into an intercity railroad passenger station and commercial center.

The House committee decided not to fund this project for some very good reasons. And I also should note here that when the House bill was considered on the floor, not one single objection was heard concerning the committees' decision not to fund the Penn Station project.

The reasons it was not funded are basic:

The project was first included in the 1992 Amtrak reauthorization bill. In that legislation, Amtrak was directed to prepare a feasibility study predicated upon completion of the project without Federal funds. Despite these instructions, the feasibility study submitted by Amtrak estimated that approximately $92 to $132 million in Federal funds would be needed.

The project is not authorized. The proponents will tell you that authorization is imminent, but I think most of us know that the Amtrak bill is hung up on labor issues.

The project was not included in the internal budget request of either the Federal Railroad Administration [FRA] or of the Department of Transportation [DOT].

The project was not requested by Amtrak this year, even though Amtrak is stated by proponents to be the primary beneficiary of this project.

The proponents will argue that they are not robbing Peter to pay Paul, and that this project will not deplete scarce Amtrak capital. Well if you believe that, then you also believe that tax dollars grow on trees in a forest that knows no boundaries. If we do this large Penn Station project, then it seems to me that we have less to provide for Amtrak subsidies. And any way you cut it, it will increase operation costs for Amtrak through higher rental payments. If you vote for the Penn Station/Farley project, you are voting for higher fares.

Amtrak, FRA, and DOT officials are all being good sports about this project now that word has come down from the White House that this project must be funded.

But, it is no wonder Amtrak did not ask for this project. When Amtrak officials came before our committee, they indicated that capital funds were already so oversubscribed and overleveraged that the railroad is not welcome at the banks anymore. However meritorious the Penn Station/Farley project is, it simply cannot be justified in light of Amtrak's current fiscal condition.

And, other commuter transit properties in the country could also be hurt by this $315 million project, which seeks $100 million from the Federal Government, through the draining of scarce resources.

There also remains the dilemma of a local match for this project. The proponents will tell you that a memorandum of agreement, hurriedly executed just last month, requires the city and the State to contribute $50 million each for a total local match of $100 million. Therefore, with $200 million slated to come from Federal, State, and local sources, only $115 million would come from incremental retail revenues made possible by the redevelopment, by historic tax credits and by improvements made by the Postal Service to the Farley Building.

It is important to note that the sole owner of the Farley Building, the U.S. Postal Service, is not even a party to this MOA. All that has been elicited from the Postal Service is a letter from Postmaster General Runyon pledging to "work in good faith" toward a "mutually beneficial plan and transaction."

But it is important to remember that MOA's are not legally binding to any of the non-Federal parties. This one was signed by the Governor of New York and the mayor of New York City. If we are to be good stewards of Federal tax dollars, why on Earth would we put up those dollars for any project before we see the color of the other parties' money. I think it would be appropriate to see a vote and a line item in the budget for both the State legislature and the city council before we rush to appropriate Federal dollars.

You will also hear the proponents of this project talk about a fire which broke out in Penn Station 2 weeks ago. The incident was successfully handled without tragedy, but the proponents of the redevelopment project correctly point out that there should be more egress and ingress for this crowded facility. If there are safety problems with Penn Station, and I don't doubt the word of those who say there are, then we should address those safety problems.

But shame on us if we mislead the taxpayers by using safety as a convenient, last minute mantle to wrap around an expensive economic redevelopment. Particularly one that has not yet been duly authorized at the Federal, State, or local levels of government.

So, Mr. Speaker, I urge my colleagues to accept this motion to instruct House conferees to insist that the Senate recede from its position on this matter and that no funding be included for this project for this year.

Before I yield, I would like to go back to the West Virginia Corridor H project I mentioned earlier. As I indicated, the House cannot instruct the conferees on that project because it is included on a list of highway demonstration projects within the report.

But I must highlight this action on the part of the Senate because it permits a rural State to monopolize very limited highway demonstration resources to the detriment of large urban States who are buried in traffic congestion.

Of the $352 million in the highway demo account in the Senate bill, $140 million is earmarked for Corridor H. And another $75 million for this same project was included in the fiscal year 1995 energy-water appropriations bill which has already been signed into law.

That means that the Corridor H project could end up with $215 million for the coming fiscal year. And the maximum amount that the West Virginia Department of Transportation says it can obligate in fiscal year 1995 is $82 million. And, remember that the project already has $75 million in the energy-water bill. By my calculations, the need in our bill is only $7 million more—not $140 million.

If you add up the total earmarked in that same Senate account for 6 of the 7 most populous States—California, Florida, Illinois, New York, Ohio, and Texas—that only amounts to $10.2 million.

A State with 1.7 million people receives $140 million. On the other hand, 6 States with more than 100 million citizens—who I might add are represented by 175 Members of Congress—get only $10 million. That's not fair.

Frankly, when my colleagues from the State of New York rise to discuss the Penn Station project, I would hope that they keep some of their powder dry for this downright inequitable allocation of highway dollars. When my motion to instruct was posted, one New York office asked my staff, "Why is your boss picking on New York?" I'm not, but someone in the Senate is. I do not think the time is right for allocating dollars to the Penn Station project, nor does the committee. But I do not think it is right for populous States like New York to come up with such a short end of the stick on highway funding demonstration projects.

California, the most populated State in the Union, gets no funding at all in the Senate highway demo account. That's not fair either.

Mr. Speaker, again, I urge my colleagues to support the motion to instruct the House conferees to insist on the House position with respect to the Penn Station project.

And since we cannot address the report language dealing with the Corridor H project, I would urge the Members of this body whose States are getting hurt by this inequitable situation in the Senate report to speak with the Senators in your respective States. Urge them to contact the Senate conferees and express their opposition. Because unless the Senate conferees are willing to address this problem, the conferees will have a very difficult time coming up with a funding split that is fair to those projects included in the House bill.

☐ 1250

Mr. Speaker, I reserve the balance of my time.

Mr. NADLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to the gentleman's motion to instruct the conferees. It is an attempt to pit one section of the country against the other and is a shortsighted attempt to kill a sound project to improve our Nation's transportation infrastructure.

Now, some Members may be tempted to support this motion as an easy way to vote against Federal spending and to vote against New York. I urge my colleagues to resist this temptation both because we in New York routinely support important projects in other regions and because this project will benefit passengers using the national passenger rail network, passengers from all parts of the country. In fact, 75 million passengers use Penn Station each year. This accounts for nearly 40 percent of all Amtrak passengers each year.

☐ 1300

Penn Station is a major regional hub serving passengers not only in the Northeast corridor but also to and from points south and west. There is no doubt that this project is crucial. The current underground facility built in 1963, when people thought that rail travel was going to die out, is inadequate, decrepit, cramped, and dangerous, pushing Amtrak commuters and subway riders into the same space.

Secretary Peña has pointed out that the station is not only esthetically unpleasant, it is inadequate to the travel demands of the 75 million Americans who use it each year. More importantly, Secretary Peña points out that it is unsafe as well. The recent fire a few weeks ago points that out as well.

This funding is actually quite modest when compared with other transportation expenditures for projects serving far fewer Americans—$8.8 billion for Boston's Central Artery, $700 million for Atlanta Rail, $1.5 billion for the Los Angeles Subway, and here we are talking about $100 million in Federal funds. We have also spent significant funds in other Amtrak stations around the country.

Amtrak spent over $70 million on Washington's Union Station a few blocks from here. Philadelphia's 30th Street Station received $13 million in a USDAG grant, plus $32 million from Amtrak and $20 million from the Federal Transit Administration. That is $65 million.

The claim is made that this is not authorized. Although it is true that the project is not specifically earmarked, the House authorization bill contains an authorization for Amtrak sufficiently large to contain sufficient funds for this project. The bill now moving through the Senate contains a more specific authorization.

New York is already committing funds for this project. The Long Island Rail Road has just completed its $200 million portion of the project. New York City and New York State have signed an agreement to fund their $100 million share. New Jersey Transit will renovate its portion as soon as Amtrak begins use of the Farley Building. Amtrak will fund its portion of the project with revenues from businesses that will be attracted to the renovated Farley Building.

The administration, Mr. Speaker, strongly supports this project. I would like to read into the RECORD a letter to the distinguished chairman of the Appropriations Committee from Transportation Secretary Federico Peña, dated September 19, in which Secretary Peña writes as follows:

> DEAR MR. CHAIRMAN: I understand that the House, when it names conferees for the Department of Transportation and Related Agencies FY 1995 appropriations bill, will consider a motion to instruct the conferees to hold to the House bill provision regarding no funding for the Farley building project in New York City. I want to convey to the Committee, the Administration's strong support for this project and encourage the Committee to oppose this motion to instruct.
>
> Penn Station in New York City is the single most heavily used intermodal transportation facility in the country serving 75 million people every year. But in its present condition, it is minimally acceptable as a public facility and poses safety risks. The proposed project will provide the needed station capacity and trackage to ensure Amtrak an efficient station to support intercity train operations and give travelers a significantly more comfortable and serviceable station. The station complex will also provide economic benefits to the immediate area, as has Union Station in Washington, D.C.
>
> The Administration is committed to providing $100 million in Federal funds to support the redevelopment of the Pennsylvania Station including the conversion of the Farley Post Office Building into a intercity railroad passenger station and commercial center. These funds will complement substantial investments from both New York City and New York state, as well as the private sector. Congress has already provided $10 million in FY 1994 and the Senate proposes $40 million for FY 1995.
>
> We ask the House to support the Senate and provide this funding. As the President said last October in New York City, "For more than half a million commuters every day Penn Station is the gateway to New York City. We can build a beautiful new station worthy of this great future and this great city."
>
> An identical letter has been sent to Chairman Carr.
>
> Sincerely,
>
> FEDERICO PEÑA.

We have already, as was stated in the letter, provided $10 million in Federal funds for this project. It is moving along in an orderly and efficient manner, making optimum use of local and private funds. We should not pull the plug now. We should not abandon our constituents who will have to use it in the years to come. This Nation should once again have a Penn Station we can be proud of.

At this point, before I conclude, I would like to simply rebut a number of points made in the report language accompanying the June 8, 1994, House Appropriations Committee markup that raised several objections to this project.

The report said that the project is not justified in tight budgetary times, that is too uncertain and too big.

It is an absolutely necessary project. Last week's fire underscores the urgency. I already gave some figures on comparable projects at much higher cost—Centeral Artery, $8.8 billion; Atlanta Rail, $700 million; and Los Angeles Subway, $1.5 billion.

It is not too uncertain. About $10 million has already been contracted out. The Long Island Rail Road has already completed its $200 million portion. The mayor and Governor of New York City and New York State have signed an agreement to provide $100 million with the Federal money when construction work will begin this fall.

The second point made was that the project was not requested by Amtrak this year. The truth is that this project will not use Amtrak capital funds. Therefore, it is not Amtrak's budget request. It will use $100 million of State and local funds to leverage a $100 million Federal grant, of which $10 million is already received and $40 million is in the fiscal year 1995 transportation appropriation bill, in the Senate version, along with $115 million made possible by the incremental revenue from the redevelopment of the retail component. Amtrak is fully supportive of this project.

The third point made was that the project was not included in the internal budget request of FRA or DOT. The project was in the President's budget. It is a high priority project for FRA and DOT. Both agencies have included funding for Penn Station within the administration's budget ceilings.

The next point made was that the administration's proposed authorizing legislation only covers one part of the project. The legislation in fact covers the entire project, including renovation of the Farley Building, Penn Station, and the service building, and all the work necessary to establish and develop a new station and supporting facility.

The point is made that not all parties are expected to sign a binding agreement. All parties have already entered into a written agreement. Governor Cuomo, Mayor Giuliani, Amtrak, and the FRA have signed a written agreement to fund the project. Postmaster General Runyon has written a letter of intent.

Administration officials, it is said, have declined to offer a schedule showing when construction will begin, while the fiscal year 1995 request is for construction. Detailed construction schedules with critical path time lines are fully available. Steel remediation and fire protection work is scheduled to begin this fall.

Finally, it is said that it appears the funds requested for fiscal year 1995 are only a lure to attract commitments for the other $215 million needed. But as already mentioned, the city and State have signed an agreement to fund their $100 million share. The Long Island Rail Road has completed its $200 million portion of the station. New Jersey Transit has committed to renovate its portion as Amtrak uses the Farley Building. The Farley project has already received and committed $10 million. The fiscal year 1995 funds are not needed as a lure; they are needed to continue the Federal, State, and local commitment to improve the safety, function, and appearance of the busiest intermodal station in the Nation.

In conclusion, Mr. Speaker, I think this project is underway. The bulk of the funds are State and local government funds, and they are committed. I urge my colleagues to oppose this motion to instruct.

Mr. Speaker, I reserve the balance of my time.

Mr. WOLF. Mr. Speaker, before I yield time to other Members, I yield myself such time as I may consume in order to make just one comment on what the gentleman from New York [Mr. NADLER] has said.

First, the letter is really not binding. It is a memorandum of understanding to the Post Office that actually owns the building. It really is not even part of the letter, so it has not been involved in binding either the Post Office or anyone else who might be involved.

Mr. Speaker, I yield 3 minutes to the gentleman from Illinois [Mr. FAWELL].

□ 1310

Mr. FAWELL. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in support of the Wolf motion to provide instructions to the conferees in regard to not funding the Penn Station redevelopment project in New York, a project which the Senate appropriators funded at $40 million.

Mr. Speaker, the Penn Station project is by no means a new project. It is one that the House appropriators and the House authorizers have previously unanimously opposed. In fact, both the Committee on Transportation and Public Works on appropriations and the Committee on Energy and Commerce authorization reports have not only not authorized, but have gone to the extent of specifically prohibiting Federal funding for this project, which would develop the Penn Station in New York City into a train station and into a commercial center.

I cannot overestimate the fact that the gentleman from Michigan [Mr. DINGELL] and his committee—and there is a letter from Mr. DINGELL which I have here—strongly opposes the Penn Station Project because of the lack of an authorization from the House Committee on Energy and Commerce. If we do not have the authorization from the authorizing committees, then why not send this back and get that authorization? That is how the process is supposed to work, and that is why we are so deeply in debt in this country. We have an authorizing committee, and we just ignore the authorizing committee.

Earlier in the year, a $10 million appropriation for this project was slipped into the supplemental emergency appropriation bill for the California earthquake. Now, unbelievably, even though funding was prohibited by the House, the startup money was taken from the victims of the California earthquake by way of the Senate appropriators. At the last minute they pulled the wool over the eyes of the House, having assured the House there would be a clean bill, but then loading it up with a number of projects from points as far away from the earthquake epicenter as, of course, New York City.

I and 65 other Republicans and Democrats who are concerned about this have sponsored a bill to rescind the $10 million appropriation for this development project. Now they want $40 million more.

Well, at least it is not disguised as an emergency this time. Ultimately, I understand the estimates for the total cost could be $315 million. I am not sure, of course, how much of that will be put on the backs of the Federal taxpayers.

Although the $10 million appropriated in the earthquake bill may not be rescinded, the House certainly should not stand by and let the Senate appropriators attach authorizing legislation to an appropriation bill, as well as funding the project in the conference report on this bill. The project has never been authorized, I repeat, through a House or Senate committee, and funding it has been specifically prohibited.

I thus think it is only natural and right that we should stand up and simply say that with the dire financial straits that Amtrak faces, we should not allow this, at least until such time as the authorizing committees and the appropriation committees here have approved it.

I support the actions of the House Transportation Subcommittee chairman and ranking member, Mr. CARR and Mr. WOLF, who provided not only no funding for the Pennsylvania Station redevelopment project but specifically provided that no Federal funds be used on the project. I urge Members to vote for the motion to instruct conferees to insist on the House position in this matter.

Mr. NADLER. Mr. Speaker, I yield 4 minutes to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. Mr. Speaker, although New York is the largest city in the United States, its principal train station—Penn Station—is second-rate at best.

Penn Station is Amtrak's busiest, serving nearly 40 percent of all Amtrak passengers nationwide. Millions of Americans traveling the length of the east coast—from Florida to Maine—go through Penn Station each year. It is one of the linchpins of our Nation's transportation network.

Yet Penn Station is falling apart. In fact, its condition is absolutely deplorable. It is ugly, it is dingy, and it is dangerous. Just last week there was a serious fire in the station, which delayed Amtrak travelers and local commuters and injured 12 people.

This year the President's budget included funds for the renovation of Penn Station. This request was made because the administration understands the urgency of rebuilding Penn Station.

Unfortunately, the House did not include any funding for the project. As a member of the Appropriations Committee, I understand that these are tight times, and I applaud the effort that the members of the Transportation Subcommittee made to cut waste and invest in our Nation's critical transportation needs.

However, Mr. Speaker, the redevelopment of Penn Station is one of our Nation's critical transportation needs.

Anyone who questions the merits of the project should take the Metroliner from Union Station here in Washington up to Penn Station. Union Station—rebuilt at taxpayer expense—is a national model of urban renewal. Penn Station is a poster child for redevelopment. New Yorkers, and all Americans, deserve better.

The renovation of Penn Station will increase train travel and make Amtrak less dependent on Federal subsidies. On the other hand, failure to assist in this effort will leave Amtrak's busiest station in serious disrepair. Significant State and local funding for the renovation will likely disappear without this Federal investment.

New York is not a Third World nation, and it should not have a Third World train station. In fact, New York is the greatest city in the greatest Nation on Earth. Its monuments define our civic aspirations. Penn Station was once the greatest of these structures—not simply a gateway to and from New York—but a reminder of why we made the journey in the first place. I urge my colleagues to support this project.

Mr. NADLER. Mr. Speaker, I yield 4 minutes to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Speaker, I thank the gentleman and join my colleagues, the gentleman from New York [Mr. NADLER] and the gentlewoman from New York [Mrs. LOWEY], in opposing this motion to instruct.

Mr. Speaker, I rise in opposition to the motion to instruct.

A week ago Penn Station barely averted yet another potential disaster. On Sunday, September 11, at 9:42 a.m., a fire broke out in the station. If this fire occurred at rush hour, when 250,000 people are usually in the building, who knows how many casualties would have occurred?

Fortunately, it was Sunday and the station was not crowded. Thankfully, only 12 people were injured.

Penn Station is America's busiest train station, but it is old, crowded, rundown, and dangerous. It operates at over capacity. It does not have enough exits or staircases to handle a rush hour disaster. It does not have enough room, ticket counters, stairs, and seating to handle the 500,000 people who come through every business day. It was built long ago for a different time.

This year, 75 million people—nearly 40 percent of Amtrak's passengers—will use Penn Station. It is the single most heavily used transportation hub in the United States, and it is falling apart.

Like Union Station in Washington, 30th Street Station in Philadelphia, and South Station in Boston, a Federal investment in the renovation of Penn Station is a sure bet to improve the station and the neighborhood surrounding the station. All of these stations got Federal funds for their projects—$70 million for Union Station, $65 million for 30th Street Station, South Station in Boston received millions as well.

Anyone who has been to the train stations in Boston, Philadelphia or Washington cannot help but be impressed by what the station renovations have meant for each city.

Perhaps that is what disturbs me the most about this motion. There are times when the Federal Government spends money on a project and it does absolutely no good. But there are other times when Federal funds are guaranteed to work. That is clearly the case for Penn Station. We know it will work because we have seen it work in Boston, Philadelphia, Washington, Wilmington, Providence, New London, Stamford, and on and on. That is why the administration is so supportive of this project—requesting it in their budget and drafting a letter to Chairman OBEY in support of funding.

Last June, when the House passed the transportation appropriations bill, the committee had some legitimate concerns about Penn Station.

But the principal concerns have been met.

The committee wanted local government support and a commitment of local funding. They got it. On August 19, Governor Cuomo and Mayor Giuliani signed an agreement with Amtrak and the Federal Railroad Administration to provide $100 million in State and city funds for the Penn Station renovation.

Another $115 million in renovation funds will come from bonds which have no impact whatsoever on Federal outlays. Inexplicably, after all this work, the Wolf motion singles out the most important train station in America and says no to the Federal share of this desperately needed renovation.

I find it difficult to believe that the most objectionable item in the Senate bill—the one item where we need to instruct conferees—is Penn Station. If that is indeed the case, we should just accept the Senate bill as it is written.

It is a shame that a project that we all know is worthwhile—that Congress has already funded in Boston, Philadelphia, Washington, and other cities as well—is being singled out here.

One final point: This $40 million is not going to deficit reduction. We all know it will go to some other program, is a guarantee.

So this motion saves the taxpayer no money. All it does is prolong a headache for 75 million rail passengers. It sounds like a horrible deal to me.

If we are not committed to maintaining our infrastructure—whether it's highways, ports, mass transit, airports, or rail—we will have deep economic troubles in the future.

I hope Members will vote "no" on this arbitrary motion to punish everyone who rides a train into New York City.

☐ 1320

The SPEAKER pro tempore (Mr. MONTGOMERY). The gentleman from New York [Mr. NADLER] has 2 minutes remaining. The gentleman from Virginia [Mr. WOLF] has 7½ minutes remaining, and the gentleman from Michigan [Mr. CARR] has 20 minutes remaining.

Mr. NADLER. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. ENGEL].

Mr. ENGEL. Mr. Speaker, I thank the gentleman for yielding time to me.

Let me say I am very distressed about this. This is not something that is frivolous or something in which we ought to engage in semantics. This is something that is very, very important to New York and, frankly, I do not think that we ought to take an attitude that I see in some quarters here as a dumping on New York as something that we ought to be very proud of.

The fact of the matter is, the redevelopment of Penn Station in New York will increase safety in the station, will increase capacity and provide jobs.

The project is certainly necessary: The fire last week, the fact that the project is included in the President's budget, and it is something that we desperately need.

I have voted in my 6 years here to help people all over the country, to help projects all over the country. What we are saying in New York now is that we need the help. Somehow or other, all these, as far as I am concerned, silly arguments for knocking out this project is something that I really think is totally inappropriate.

New York needs the help. Penn Station is something that everybody knows about, not only in New York but across the country. It desperately needs the help.

We help people all over the country. Now New York needs some help. I support my colleague, the gentleman from New York [Mr. NADLER], and we ought to continue to do the kinds of things that are necessary to help Penn Station.

Mr. NADLER. Mr. Speaker, I yield 1 minute to the distinguished gentleman from New York [Mr. HINCHEY].

Mr. HINCHEY. Mr. Speaker, I just want to join some of my colleagues in support today of the Senate position which would provide $40 million toward the Federal share of the proposed renovation of Penn Station. I want to do so on the basis of the fact that this is a facility that is much used and much needed. It is a facility that provides transportation for people all across the Northeast.

People come into New York from all over the country. As a matter of fact, 75 million people come through Penn Station from all over the Nation every year.

This is not just a facility for New Yorkers. It is for people all over the country. New York has already committed a substantial amount of money for this renovation, more than $100 million committed by the State. So this is a case where I think we are in danger of being penny-wise and pound-foolish.

We need this renovation. It is good for the Northeast. It is good for people all across the country. We really ought to provide this kind of funding for those reasons.

The SPEAKER pro tempore. The time of the gentleman from New York [Mr. NADLER] has expired.

Mr. CARR of Michigan. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. NADLER].

Mr. NADLER. Mr. Speaker, to close in opposition, I simply want to reiterate a couple clear points.

One, this is a necessary project; 40 percent of all the Amtrak passengers in this country, 75 million people a year use Penn Station. It is decrepit. It is unsafe. The letter from Secretary Peña says that.

Second, the administration supports the project.

Third, for roughly $100 million, we are getting $200 million leveraged from the Long Island Railroad, an agency of the State of New York, another $100 million already committed from the State and city of New York.

It is not an outsized project. I read a list of projects with far larger funding before.

The project is ready to go. It is an essential project, and I urge my colleagues to vote against the motion to instruct.

Mr. WOLF. Mr. Speaker, I yield myself such time as I may consume. I want to make a closing comment.

In closing, Mr. Speaker, let me make just a couple comments in summary. One, and I acknowledge some of my colleagues from New York have made some interesting arguments and having used the station, I understand. But let me make some on other side.

One, the project is not authorized. Two, when this bill came up in the House, no one from New York raised the issue. Third, the memorandum of agreement is not binding. Fourth, the Postal Service which owns the building is not a part to this MOA.

The last two points are, as Amtrak pays for its share, it can only come from one of two sources: One, a ticket increase, so by doing this we raise ticket prices for every one. And last, the American taxpayer around the country pays.

Mr. Speaker, I reserve the balance of my time.

Mr. CARR of Michigan. Mr. Speaker, I yield 2 minutes to the gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Speaker, Members might ask, why is the gentleman from West Virginia rising to speak on the Penn Station situation. Actually, while it is my understanding that it is not part of this motion to instruct, the gentleman from Virginia [Mr. WOLF], did make some statements concerning corridor H, which is a vital project not only to my State but to many other States.

I simply want, for the record, to show that corridor H is an authorized project and has been for a long period of time.

Corridor H is part of that segment of the Appalachian Regional Commission sections of highways comprising 13 States, of which two-thirds is complete; corridor H being one of the most difficult sections to complete because of the terrain, has always fallen in line behind the others. It is time now to move this one forward.

Corridor H, the proposed corridor H would be a major lifesaver literally. It is estimated that in one major section, the fatality rate would be cut by one-half. For those who think this is strictly a West Virginia project, and I know the gentleman from Virginia is opposed to corridor H, the 12- to 20-mile segment that would be in Virginia, for those who think it is simply a West Virginia project, let me ask them to look at a map and they will quickly disabuse themselves of that notion.

Corridor H is a major east-west corridor of which, I might add, this Congress has already contributed to 35 miles roughly being completed or about to be complete, roughly one-quarter of the distance.

So I think that while this debate today is on something else, I do want the record to reflect that. I suspect that the gentleman from Virginia and I will be joining this issue in the future in other areas. I happen to think there are ways that corridor H can be accommodated to some of the gentleman's concerns, at least as regards Virginia.

That is for another day. But I would like the record to reflect that.

Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. WOLF. Mr. Speaker, I yield myself such time as I may consume. Let me just respond to the gentleman. I have great respect for the gentleman. His district is across from ours and he is accurate. Corridor H is a dagger at the heart of my congressional district to which every one there is opposed.

Second, I have and I will submit, I was not going to submit them but since the gentleman came here, I will submit into the record so Members can read a number of letters that I have received, this is just a sample, from West Virginians who are opposed to the project.

Third, I think the gentleman raises a valid issue with regard to the safety issue, and I think that much can be done to improve and straighten and widen out. For instance, on route 55 in my area, I think we could turn it into a scenic parkway, straighten out, have some truck lanes, have some barriers and really turn it into a scenic road without destroying all of the homes.

But in closing, since the gentleman was not here, I want to cover a couple of the points. Of the $352 million of the highway demo account in the Senate bill, $140 million is earmarked for corridor H.

☐ 1330

Mr. Speaker, nobody believes that any State, even California, ought to get $140 million out of $352. I would tell the gentleman from Michigan [Mr. CARR], who I have the greatest respect for, he has done an outstanding job on this committee of putting together performance standards. Michigan should not get $140 million, New York should not get $140 million for one project, and it is just wrong.

It is frankly, fundamentally flawed. It is wrong. I know Members in their heart know that it is not appropriate, and it should not stand.

Second, this means that corridor H could end up with $215 million for the fiscal year, $215 million, and at the max, we checked with the Federal Highway Administration, the maximum amount they can obligate, I would tell the gentleman, is really $82 million.

Some people think West Virginia wants to bank this money for the future. When I see all the good projects in the district of the gentleman from New York, the gentlemen from California, Michigan, New York, places like that that could use these projects to put people back to work, create jobs, but also to eliminate gridlock. How do you explain giving West Virginia in one bill $165 million out of a total allocation of $215 million, when the rest of the country does not even get that much? It is just not appropriate.

Last, the gentleman knows, and it is probably a tribute to his hard work and effort, in the energy and water bill there was $75 million for the same project. Enough is enough, Mr. Speaker. A sense of fairness, if we put this to a referendum, to the American people, and they voted on it, they would say no.

I am not against West Virginia. Let me just say to the gentleman, I have great respect for the gentleman. I have great respect for him and the Representatives from West Virginia, and I hope I do not hurt her back in West Virginia, but my senior legislative assistant is from West Virginia. Some of the best people I know are from West Virginia. However, it is inappropriate.

If you add up the earmark for the same Senate amendment, for the six or seven most popular States, California, and I see the gentleman from California, Florida, the fastest growing State, Illinois, New York, I see the New York delegation is sitting there, Ohio, Texas, that only amounts to $10.2 million. Did I say billion? No. It is $10.2 million.

We know West Virginia is going to get $215 million. $215 million, and all these States, California, Florida, Illinois, New York, Ohio, Texas, that have 175 Members of Congress, are going to get $10.2 million?

Mr. Speaker, I would say that I do not know how this is going to come out when we go to conference, but we know in our fibers, in our sense of integrity of what we know is right and wrong, we know this is wrong. We know what is happening.

Mr. WISE. Mr. Speaker, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Speaker, the gentleman refers to the letters. I think it would be worth consulting our highway department, which has held extensive public hearings. Seventy-two percent of the 6,700 letters received by the highway department are in favor, almost every community.

I would just invite the gentleman, if he wants to work in Virginia to build that type of parkway, fine. Please come to West Virginia and see the West Virginia Turnpike and Corridor L, we which we are now extending to a four-lane status, because we did build such a parkway as the gentleman suggested. What we found out is, this increased fatality rates and in some cases made it even more hazardous. We will revisit this, I know, much more in the future.

Mr. WOLF. Mr. Speaker, I commend the gentleman. People have urged me and said, "Please do not bring this issue up." They say there will be retribution. One, there has been no retribution; two, I expect no retribution; but, three, if there is retribution, I will be down on this floor every day giving 1-minutes, and believe me, when I get involved in an issue, I never, ever let it go.

Let me just say that $215 million for West Virginia versus $10.2 for these States like California, Florida, Illinois, New York, Ohio, and Texas, I just do not think that is fair. I hope when we go to conference that we can, in the spirit of reconciliation, in the spirit of bipartisanship, really resolve this issue, because it is not an issue of partisanship.

In closing, Mr. Speaker, I truly like the gentleman, I think he knows it, and I respect him.

Mr. Speaker, I include these documents for the RECORD:

POTOMAC VALLEY AUDUBON SOCIETY,
Shepherdstown, WV, September 13, 1994.
Hon. FRANK WOLF,
Cannon Office Building, Washington, DC.

DEAR CONGRESSMAN WOLF: I write on behalf of the 450 members of the Potomac Valley Audubon Society living in Jefferson, Berkeley, and Morgan counties in West Virginia to oppose inclusion of $140 million for the Corridor H four-land highway project in the Fiscal Year 1995 Transportation Appropriations bill currently awaiting conference committee action.

As you know, the House voted not to include any funds for the Corridor H project in its version of the bill. We ask you do your utmost to have the House conferees hold firm to this decision.

As taxpayers and small business owners, we oppose federal spending on this porkbarrel project at this time because of Corridor H's extreme cost—currently estimated to be at least $1 billion, or about $10 million per mile—and limited economic benefits.

As drivers, we oppose this project because it would drain state and federal funds away from desperately needed improvements to other, more used and but less safe roads.

As hunters, anglers, and naturalists who appreciate the beauty of the Virginia/West Virginia, highlands, we oppose this project because of the harm it would do to our trout streams, forest, farmlands, and wilderness.

Finally, as environmentalists concerned with good government, we question whether it is wise to appropriate taxpayer dollars for this project before the required environmental studies have been completed and the public is allowed to fully comment on the project. Decisions to spend millions of public dollars should follow the public's expressed desire—not precede it.

Thank you for your efforts to oppose this wasteful spending.

Regards,

DAVID MALAKOFF,
Vice President.

OHIO VALLEY
ENVIRONMENTAL COALITION,
Kenova, WV, September 14, 1994.

Congressman FRANK WOLFE,
House Office Bldg., Washington, DC.

DEAR CONGRESSMAN WOLFE: The Ohio Valley Environmental Coalition, a grassroots environment justice organization, opposes Corridor-H. please remove funding for this project from the appropriations bill.

Sincerely,

JANET FLETCHER,
OVEC project coordinator.

NORTHERN SHENANDOAH
VALLEY AUDUBON SOCIETY,
Boyce, VA, September 14, 1994.

Hon. FRANK R. WOLF,
House of Representatives, Washington, DC.
Re: Corridor H

DEAR CONGRESSMAN WOLF: On behalf of the 500 members of the Northern Shenandoah Valley Audubon Society, I urge you to stand firm on your opposition to Corridor H and to vote to cut off any funding for it.

Thank you for your courageous position against this unnecessary porkbarrel project.

Yours truly,

JOHN WATSON-JONES,
President.

WEST VIRGINIA
ENVIRONMENTAL COUNCIL,
Charleston, WV, September 13, 1994.

Hon. FRANK WOLF,
House of Representatives, Cannon Building, Washington, DC.
Re: Corridor H

DEAR REPRESENTATIVE WOLF: The West Virginia Environmental Council, a coalition of state organizations, opposes the construction of Corridor H. At our annual meeting this past weekend, we adopted a resolution to that effect, which is attached.

We had previously called for a two-lane upgrade alternative; we understood that Virginia's Commonwealth Transportation Board was studying such a proposal. However, we found the so-called "Improved Roadway Alternative," presented by the WVDOT, completely unacceptable. It's time to throw out Corridor H and start from scratch, using the transportation planning and citizen involvement called for in ISTEA.

Thank you for your efforts to stop this monstrosity.

Sincerely,

KIM BAKER,
President.

WEST VIRGINIA
ENVIRONMENTAL COUNCIL,
Charleston, WV.

RESOLUTION ON CORRIDOR H

It is resolved by the West Virginia Environmental Council:

1. We oppose construction of Corridor H.

2. We urge the Department of Transportation to implement statewide transportation planning mandated by recent federal legislation.

3. We call for improvement of existing roads, with due consideration for the integrity of towns, structures, and the environment.

Adopted by the Council at its annual meeting, September 11, 1994

In the past year, constituent organizations such as the Sierra Club have taken a strong no-build position; and the Division of Highways presented an "Improved Roadway Alternative" that was not a two-lane upgrade, but for most of its length a new highway corridor. The Council's 1993 resolution was based on the following preamble:

WHEREAS members of the Environmental Council have expressed objections to proposals for a new four-lane highway through the Potomac Highlands for the past twenty-five years; and

WHEREAS the original justification for such a highway, "to create traffic" where existing traffic was thought insufficient for economic development, is even less defensible now than it was in 1965; and

WHEREAS the West Virginia University Regional Research Institute's studies have found that construction of new highways in our rural areas distant from metropolitan centers does not foster economic development, and other experts, including the first director of the Appalachian Regional Commission, have concluded after 25 years of ARC investment that such highways are not economically justifiable; and

WHEREAS the expense of the project, more than a billion dollars, would be disproportionate to the expected traffic, and would siphon away the funds available to improve existing roads; and

WHEREAS federal and state agencies and private groups have called for more careful study of alternatives to a new corridor; and

WHEREAS a four-lane truck route through the mountains would be incompatible with the steady growth of environmentally-sensitive tourism the region has experienced over the past fifteen years; and

WHEREAS the current proposal would have a devastating impact on some of the most precious wild lands in Eastern North America, including rivers, wetlands, the Monogahela National Forest, and endangered species habitat.

CARDINAL CONTROL CO.,
Clarksburg, WV, September 15, 1994.

Congressman FRANK WOLF,
Cannon House Office Bldg., Washington, DC.

DEAR CONGRESSMAN WOLF: Many West Virginians question Corridor 'H'. Our State has many roads and bridges in need of repair. We believe money could be better spent maintaining our existing infrastructure.

Corridor 'H' as a quick way to the wilderness in not logical. Wilderness by definition does not have a four lane road through it or to it.

For those concerned about existing roads in that area, changes such as passing lanes and re-routing some grades might be possible. But clearly there is no need for Corridor 'H'.

This issue, as many do, has become personalized. No one is questioning Senator Byrd's judgment. The issue is only whether the outcome justifies the expense and destruction of wilderness. Corridor 'H' is not good for West Virginia.

CRIS GREEN.

September 15, 1994

Congressman FRANK WOLF,
Cannon House Office Building, Washington, DC.

DEAR CONGRESSMAN WOLF: I write to you to express my total opposition to the construction of Corridor H not only in West Virginia but in Virginia itself.

Please do all that you can to stop the excessive appropriation of 140 million dollars for Corridor H in the current House Appropriations bill now before the committee that you sit on!

Sincerely,

CHARLES H. MERRITT.

WEST VIRGINIA RIVERS COALITION,
September 14, 1994.

Congressman FRANK WOLF,
Cannon House Office Building, Washington DC.

DEAR CONGRESSMAN WOLF: I understand that you are willing to help West Virginia's citizens in their attempt to review the actual purpose and need of the proposed four-lane road, Corridor H. I also gather that you plan to be active in conversing/educating the House Appropriations Committee in regards to the issues surrounding the proposed road, and that you plan to take an active role in trying to halt yet more funding for this project.

As representative for the West Virginia Rivers Coalition (WVRC), I would like to make clear our groups purpose and goals so you can better understand from where our concerns come. The WVRC was formed in 1989 in an effort to establish a strong river advocacy group in West Virginia, a state which has historically suffered tremendous river degradation. Now the second largest state river conservation group in the nation, WVRC has an individual membership of approximately 1700, and an additional 37 national, regional (4 of them from Virginia) and state affiliate groups who work with us in our mission to protect and restore West Virginia's exceptional streams for the benefit of present and future generations.

Having reviewed the Supplemental Draft Environmental Impact Statement for the proposed four-lane our group has the following concerns:

That Corridor H would cross over 20 streams in both Virginia and West Virginia, and that the related construction would affect trout streams like Duck Run and Cedar Creek in Virginia; Lost River, Trout Run, Patterson Creek and Shaver's Fork in West Virginia.

That the U.S. Forest Service is currently studying 12 streams within the Monogahela National Forest for possible designation by the National Wild & Scenic Rivers System; this study includes the Shaver's Fork River which would be crossed at least once, and followed by Corridor H for approximately 4 miles. The West Virginia Rivers Coalitions strongly supports the scenic designation of this West Virginia stream and suggests that this proposed road is incompatible to this possible National River designation.

That sedimentation caused by timbering and road construction is now one of the main water quality issues many agencies are having to address.

That the U.S. Department of Interior expressed concern regarding the adverse impacts to fish and wildlife resources, specifically the secondary and cumulative impacts to water quality in the Potomac watershed, and in the issue of channelization or relocation of the Lost River, Shaver's Fork, Trout Run and Duck Run.

While the West Virginia Department of Highways has already acquired the amount of money required for them to continue work in FY 95, and this additional appropriation of 140 million would be above and beyond their needs; we support your efforts to divert this money and direct it into efforts that would enhance water quality versus degrading it.

Congressman Wolf, I appreciate your concern and efforts in this matter.

Sincerely,

PAMELA MERRITT,
Conservation Program Director.

SIERRA CLUB, WEST VIRGINIA CHAPTER,
Morgantown, WV, September 11, 1994.

Hon. FRANK WOLF,
Cannon House Office Building, Washington, DC.

DEAR REPRESENTATIVE WOLF: This letter is to inform you that the West Virginia Chapter of the Sierra Club is opposed to the construction of Corridor H.

Our opposition is based on the negative environmental impacts such a roadway would have on the many remote and sensitive areas it would pass through or near, as well as the negative impacts on the quality of life of the communities and landowners in the area.

Sincerely,

ELIZABETH LITTLE.

SIERRA CLUB, APPALACHIAN
REGIONAL CONSERVATION COMMITTEE,
Charles Town, WV.

Representative FRANK WOLF,
Cannon House Office Building, Washington, DC.

DEAR REPRESENTATIVE WOLF: On behalf of the Sierra Club's Appalachian Regional Conservation Committee, of which your state is a member, I am asking you to oppose all and any funding for the Corridor H highway project. As I understand, the House of Representatives did not appropriate any funds for this project whereas the Senate Appropriations Committee did.

Early this year the Conservation Committee voted unanimously to support a "No Build" position proposed by Committee delegates from Virginia. Since then both the Virginia and West Virginia Chapters have voted to support a "No Build" position.

I am sure you are well aware of all the fiscal, environmental and sociological pitfalls on the Corridor H highway.

Thank you for opposing this needless and poorly planned highway.

Sincerely,

PAUL WILSON.

September 14, 1994.

Congressman FRANK WOLF,
Cannon House Office Building, Washington, DC.

DEAR CONGRESSMAN WOLF: I thoroughly approve of your position against the construction of Corridor H through parts of W. Va. and Virginia, and I hope you will maintain your position so that this pork barrel project will not be funded.

Many West Virginians feel that our wilderness area in that part of the state is far more valuable than a faster way to get to Strassburg, Virginia or to Inter-State I-81.

We appreciate your stance.

Sincerely yours,

ANNE R. HARVEY.

HENDRICKS, WV,
September 14, 1994.

Representative FRANK WOLF,
Cannon House Office Building, Washington, DC.

DEAR REPRESENTATIVE WOLF: Aggressive promotion by supporters of Corridor H (from Elkins, WV to Stanton, VA) may have obscured the fact that many of this area's residents strongly oppose its construction. I urge you on their behalf to support the House version of the current transportation appropriations bill which contains no appropriation for this project.

Very sincerely,

JON P. CROWELL.

JOHN WARNER
OTTER CREEK PHOTOGRAPHY,
Hendricks, WV, September 14, 1994.

Representative FRANK WOLF,
Cannon House Office Building, Washington, DC.

DEAR REPRESENTATIVE WOLF: As a businessperson in Tucker County, WV, I want you to know that I am strongly opposed to the construction of Corridor H from Elkins, WV to Stanton, VA and I urge you to insist on the House version of the current transportation appropriations bill with no appropriation for Corridor H.

Sincerely,

JOHN WARNER.

FISCAL YEAR 1995 APPROPRIATIONS FOR CORRIDOR H, WV

Corridor H, a planned four-lane superhighway which will traverse the central part of West Virginia, will be a big winner in the fiscal year 1995 appropriations process. This will work to the disadvantage of other states, primarily those like California which have extreme problems with urban congestion.

In fact, if you add up the total earmarked in the Senate highway demonstration account for six of the seven most populous states—California, Florida, Illinois, New York, Ohio, and Texas—that amount only totals $10.2 million. Compared to $140 million for one project in the rural state of West Virginia.

For FY '95, this one West Virginia project has been targeted in the Senate version of the transportation appropriations bill to receive $140 million, nearly half of the money available in the highway demonstration project account.

In addition, Corridor H has already received an appropriation of $75 million in the energy-water bill.

The maximum amount which can be obligated for this project in FY 1995 is $82 million.

If the project receives the full $215 million earmarked in the two appropriations bills noted above, that means that West Virginia will have $133 million left over that cannot even be obligated this coming year.

And that leftover amount does not include the $63.5 million which the West Virginia DOT has on hand from previous years to carry over. (In previous appropriations bills, at least $100 million has already been directed to this project.)

In addition, there is significant opposition to this project from the citizens of West Virginia. A citizen coalition, "Corridor H Alternatives," is actively fighting this project and has testified before congressional committees asking that funding be stopped.

Mr. Speaker, I yield back the balance of my time.

Mr. CARR of Michigan. Mr. Speaker, I yield myself such time as I may consume, for the purpose of making just a few observations on the debate we have just held, and to speak in behalf of the entire subcommittee.

Mr. Speaker, the entire subcommittee has, in the matter of Corridor H, in the past been quite supportive. This gentleman has been a supporter of Corridor H. It is authorized. In the past I have defended it on this very floor.

We are trying in our bill to manage dollars well on behalf of the taxpayers of this country. While some projects may be controversial, and I would expect that some people would disagree mightily with some of the decisions about certain projects we have made, we have at least always endeavored to make sure that we never appropriated more money for a project than it could use in the next fiscal year. Our bills only last 1 year.

We have always regarded it as unfair if a project is appropriated more money than can be effectively used while there are other projects that are worthwhile around the country which could effectively utilize those dollars, put people to work, improve their economies, augment safety, and generally make sure that all the taxpayers of this country know that we are using and managing their cash flows and their dollars, their hard-earned tax dollars, with the respect for the hard work that earned them.

Mr. Speaker, we know we face a very, very tough conference. I would expect that we would be, in the spirit of compromise, particularly on projects like Corridor H, which we did not this year include in our bill, willing to work with the Senate to make sure that a just and reasonable compromise is achieved.

Mr. Speaker, I merely wanted to add that note for the gentleman from West Virginia [Mr. WISE]. We appreciate his advice and counsel. I do not think anything that was said here today detracts at all from Corridor H or the wonderful State of West Virginia, as we try to manage the taxpayers' dollars with the utmost care.

Mr. Speaker, as to the matter that was raised in the motion itself regarding the instruction on the Farley Building in New York City, I merely want to note that there has been some argument here over whether the project is in fact authorized or not. Indeed, if one were to take a very liberal interpretation of money going to the Northeast corridor, one could find the Farley Building and Penn Station in the Northeast corridor, and I suppose that would be sufficient authorization to spend money on the Farley Building or Penn Station.

Our committee, however, works very closely with the authorization committees that authorize the legislation for which we appropriate, and we have done so with the Committee on Public Works and Transportation on highways, in the Committee on Merchant

Marine and Fisheries on the Coast Guard, and we do so as well with the Committee on Energy and Commerce as they authorize Amtrak.

Mr. Speaker, I have had a communication from the chairman of the Committee on Energy and Commerce, the dean of my Michigan delegation, Chairman JOHN DINGELL. He is of the opinion that the Farley Building and Penn Station are not authorized, and therefore, not subject to appropriation from our Subcommittee on Transportation of the Committee on Appropriations.

I would tell Members that I am one of those travelers that go through Penn Station at least a couple of times every year, and I could heartily support renovation of Penn Station, as a traveler and a customer of Amtrak. I am not here to argue the merits of whether Penn Station needs to be renovated. I think it does. There is no doubt that Penn Station is one of the great stations in America. It is. We need at some point to address the renovation of Penn Station.

The simple fact in our subcommittee, however, was it was not authorized. Therefore, Mr. Speaker, our committee did not approve funding for it in our transportation bill recently passed by the House.

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Therefore, Mr. Speaker, I have no objection to the motion made by the gentleman from Virginia [Mr. WOLF].

Mr. PENNY. Mr. Speaker, I rise in support of Congressman WOLF's motion to instruct. Mr. WOLF would instruct the conferees to accede to the House version of the Transportation appropriations bill, which provides no funding for the renovation of a post office building across the street from Penn Station in New York City.

Mr. Speaker, there is a direct correlation between pork-barrel spending like this and the American public's cynicism toward Congress. The $40 million in the Senate Transportation appropriations bill was not authorized, or even requested by Amtrak or the Department of Transportation. Our time-tested process of requiring appropriations projects to compete against each other for funding was completely circumvented. This $40 million was simply inserted in the bill while out of the public eye. It does not surprise me that Congress' popularity continues to plummet.

Years of time and effort have been spent attempting to cut spending on boondoggles like Steamtown U.S.A., originally funded through an earmark in an appropriations bill. Projects like this and the unauthorized earmarks in last week's HUD appropriations bill are just as egregious. Please don't condone this practice and support Mr. WOLF's motion to instruct.

Mr. MOORHEAD. Mr. Speaker, I rise in support of the motion to instruct conferees to resist inclusion of any funding of the Farley Post Office redevelopment project to replace New York's Penn Station with a new Amtrak terminal across the street. This is not because of any hostility on my part to Amtrak—quite the contrary. Amtrak is hurting, and hurting badly now. It is short of funds and short of equipment. Even its President, Mr. Downs, testified before the Energy and Commerce Committee that, however meritorious the Farley project may be, it cannot be justified if it takes funds away from Amtrak's operating and capital resources.

Yet, Mr. Speaker, that is exactly what the Senate version of this bill does. It takes $40 million directly from Amtrak for use in this project. That is bad policy. But worse, such action directly contravenes existing authorization law.

In 1992, when Congress enacted the last Amtrak authorization, we authorized a feasibility study of the Farley post office conversion project. But the law specifically required that the Farley project be evaluated on the premise that no Amtrak appropriations were to be used in converting the post office building. Yet that is exactly what the Senate is proposing to do in their version of this appropriations bill.

The $40 million that the Senate bill takes away from Amtrak is only the tip of the iceberg. According to a memorandum of agreement entered into last month, the Federal Railroad Administration would have to put up $100 million, and Amtrak would have to contribute $115 million. In my view, this does not remotely comply with the directive in the current law to avoid raiding Amtrak funds to renovate the Farley Building. And just to put these amounts in perspective, the total increase sought by the administration this year for all of Amtrak's non-Northeast Corridor service was only about $90 million. Where are our priorities?

Let me add one final note. We have a new Amtrak authorization ready to go to the House floor. On a bipartisan basis, the Energy and Commerce Committee redirected the $90 million that the administration requested for the Farley project back into Amtrak's overall national operating and capital accounts, where the need is the greatest. At the same time, I am quite willing to acknowledge, we authorized feasibility studies for upgrading two stations in California—Burbank and Ontario. But we played by the rules. In both cases, the proposals have to be predicated on receiving no Federal Amtrak appropriations. I suggest that if we are willing to honor this kind of limitation in these times of fiscal stringency, it is not asking very much for the other body to do the same—especially since the New York project is already addressed by existing law.

Mr. OXLEY. Mr. Speaker, I rise in strong support of the motion to instruct conferees. The conversion of the Farley Post Office in New York City to a new Amtrak intercity rail terminal may well be a good idea in the long run. But that is not the issue today. We are facing a situation where Amtrak is literally running its equipment into the ground because of a shortage of capital funds. As the General Accounting Office testified at our authorization hearing in the Energy and Commerce Committee, Amtrak cannot afford to maintain its current route system at current funding levels.

Against that background, channeling sizable sums—$40 million in this bill, with over $100 million contemplated for completion of the Farley project—away from Amtrak's operating and capital needs simply cannot be justified. Congress has already spoken to this issue in the 1992 Amtrak authorization—Public Law 102–533. Amtrak was told to evaluate the feasibility of the Farley project, but with the explicit directive that no Amtrak appropriations were to be used. Now we have an appropriations bill from the Senate that takes $40 million from Amtrak now, with more to come later. In fact, the memorandum of agreement signed this summer allocates a contribution of $100 million to the Federal Railroad Administration for this single building.

To put that amount in perspective, that is more than the administration proposed, and that our committee-reported Amtrak bill authorizes, for increases for the whole Amtrak system's capital and operating funds in fiscal year 1995. This is a complete inversion of Amtrak's priorities, and it is contrary to the guidance already given on this subject in existing law.

One especially curious aspect of this project is that the August 16 memorandum of agreement was signed by the FRA Administrator, the Governor of New York, and by Amtrak's president. But guess who is missing? The owner of the building—the U.S. Postal Service. And we all know that the Postal Service is now a Government corporation with a statutory duty to earn as much revenue as possible. Yet it is not even a party to the agreement.

It gets worse: The agreement assumes a $115 million direct contribution from Amtrak, based in part on "investments made by the United States Postal Service * * * to induce Amtrak to become a tenant." In other words, the landlord is going to pay rent to the tenant. And the landlord is not even party to the agreement.

Mr. Speaker, at some point in the future, when all the relevant parties have put together a viable transaction, this may well be a worthwhile project. But it cannot and should not be funded with Amtrak's already scarce resources.

Mr. CARR of Michigan. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MONTGOMERY). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Virginia [Mr. WOLF].

The motion to instruct was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. CARR of Michigan, DURBIN, SABO, PRICE of North Carolina, COLEMAN, FOGLIETTA, OBEY, WOLF, DELAY, REGULA, and MCDADE.

There was no objection.

CONFERENCE REPORT ON S. 1587, FEDERAL ACQUISITION STREAMLINING ACT OF 1994

Mr. CONYERS. Mr. Speaker, I call up the conference report on the Senate bill (S. 1587) to revise and streamline the acquisition laws of the Federal Government, and for other purposes.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of August 21, 1994, at page 23486.)

The SPEAKER pro tempore. The gentleman from Michigan [Mr. CONYERS] will be recognized for 30 minutes, and the gentleman from Pennsylvania [Mr. CLINGER] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Michigan [Mr. CONYERS].

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report presently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today I bring before the House the bipartisan conference report on S. 1587, the Federal Acquisition Streamlining Act of 1994. I believe this conference report, if passed here today, will represent a major achievement of this Congress and an example of how bipartisanship works for the great benefit of the American people.

This legislation makes sweeping reforms to the Federal Procurement System. Reforms that will make it easier for businesses, large and small, to work with the Government. And, reforms that will ultimately allow the Government to deliver services more professionally. It is the boldest modern-day attempt to revolutionize how the Government does business by greatly streamlining and simplifying its buying practices. It makes for smart Government.

This bill repeals or substantially modifies over 225 provisions of law to reduce unnecessary bureaucratic paperwork, facilitate the acquisition of commercial products, enhance the use of simplified procedures for small purchases, strengthen the industrial base that supports national security objectives, and improve the accountability of Government decisionmaking.

And apart from this streamlining, the bill also:

Dramatically simplifies all procurements under $100,000 dollars and reserves them for small businesses;

Reduces the instances in which contracting officials can hold up the process by demanding cost and pricing data from contractors;

Strongly discourages unnecessary Government specifications that result in the $600 toilet seats, and instead encourages purchase of regular commercial products;

Provides more openness with clear evaluation factors in solicitations and better debriefings for vendors who lose bids;

Creates an "electronic marketplace" so that Government contracting can move with the speed and efficiency that technology now affords us.

I am proud of the fact that this legislation makes these reforms without undermining key features of the current procurement statutes that protect the taxpayers. These features, such as full and open competition, help drive down costs. They help ensure that the taxpayers' dollar is spent, not on the basis of favoritism, but on the basis of fairness. They also allow small businesses to compete against large corporations, which is vital to the Nation's economy.

I can tell you that a tremendous amount of hard work and energy has gone into this legislation, and it shows. In the House, members of the Government Operations Committee, and our staff, spent countless hours working out the details of each provision. It has been a bipartisan effort in every sense. Of course, many individuals have contributed to this success, and I want to thank them all.

There are a few, however, who deserve special mention, including Representative BILL CLINGER, our esteemed colleague from Pennsylvania, and the ranking minority member on the Government Operations Committee. He has been a true advocate of the need for procurement reform, and he deserves special praise for the counsel and support he has given the committee. Chuck Wheeler and Ellen Brown, respectively, on the majority and minority staffs deserve special praise for their long hours, diligence, and competence.

Chairman RON DELLUMS, ranking minority member FLOYD SPENCE, and other members of the Armed Services Committee, have also worked superbly well with us. Their efforts have helped us to reform those portions of the procurement system that affect the defense establishment. We have also worked with members of the Committees on Small Business, Education and Labor, Judiciary, Public Works, and Energy and Commerce, to ensure that this legislation represents a truly comprehensive package of reforms.

Through all this, we have worked side-by-side with our colleagues in the Senate. In characteristic fashion, my good friend, Senator JOHN GLENN, has spearheaded the Senate's procurement reform initiative. I know firsthand his dedication to this effort and his commitment to seeing it through to the end. Also, Senators LEVIN, ROTH, NUNN, BINGAMAN, BUMPERS, THURMOND, and others have all played a vital role in shaping this legislation. I cannot say enough about the contribution that they have made.

I should add that, while we have called for legislation for a few years now, this is no longer solely a legislative branch initiative. President Clinton and Vice President GORE deserve an enormous amount of credit for making procurement reform a centerpiece in their effort to reinvent the way government does business.

So where does that leave us? This legislation enjoys bipartisan support from Members in both Chambers. This legislation enjoys the full support of the administration. It is supported by businesses throughout the country. And, it addresses the public's desire to have a government that gets the most out of every tax dollar that is spent.

It is time for final passage of this landmark legislation. I urge my colleagues to vote in favor of the conference report on the Federal Acquisition Streamlining Act of 1994.

Mr. Speaker, I reserve the balance of my time.

Mr. CLINGER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in relieved support of the conference report on the Federal Acquisition Streamlining Act of 1994, happy that we have at least reached the end of a long and very arduous process.

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Less than 3 months ago this House passed our version of procurement reform. That bill represented a coordinating effort of the majority and minority of both the Committee on Government Operations and the Committee on Armed Services which actually began over 3 years ago when we began this odyssey, this journey to today's final passage hopefully of this conference report.

This conference report, which was passed by the other body in August, was negotiated over many, many weeks and by many people in this room and now represents the coordinated efforts of the majority and minority of several committees in both the House and the other body.

I would join in commending the members of the staff who worked so very, very hard on this measure, particularly Chuck Wheeler and Ellen Brown who labored endlessly to achieve the result we have here today.

Mr. Speaker, reforming the incredibly arcane and redtape-constricted Federal procurement system is an extremely difficult and complex task. Nevertheless, this is an issue clearly of vital importance to American businesses, both large and small, and to the American taxpayer.

There is no doubt that the almost $200 billion spent each year by the Federal Government is done in an inefficient and Byzantine fashion. The conference report we are voting on today is a direct attack on a procurement system that really for too long has been going haywire. The current system costs too much, has too much redtape and ill serves both the taxpayer and industry.

What we have done with this bill is to apply some commonsense approaches to the bureaucracy to reduce the inefficiencies of the system and get some real cost savings for the taxpayer by encouraging competition and reducing the burdens on industry and others who do business with the Federal Government. At the same time, we are encouraging other businesses who have been discouraged from dealing with the Federal Government to return to the Federal procurement business and hopefully reduce the costs and provide more competitiveness in our Government procurement.

The true impact of what we have done will not be realized fully until the regulations are written that implement this legislation. We have left the executive branch much of the hard work in seeing through the goals and purposes of this legislation, and we trust that the regulation writers will not only execute the letter of the law fully and promptly, but will also faithfully carry out the spirit of what we intended with this legislation. We look forward to working with them closely in this effort.

This bill is by no means a perfect bill. I am not sure that any bill that we pass here is a perfect bill. But I had hoped that we could have done more.

For example, in my view, it does not go far enough in the use of commercial practices, but it does take a giant step from where we are today. It does not totally remove Government-unique requirements from the purchase of commercial items, but it does alleviate much of the administrative burden of Government oversight.

On the other hand, each of us who worked on this legislation probably has a problem with some part or another of this bill. Not all provisions streamline the procurement system. Some, I regret, add new requirements. Not all provisions are supported by every member of the conference committee. Some provisions, in my opinion, may actually be contrary to the purpose of the bill.

Having said all of that, however, Mr. Speaker, this bill represents the best effort in more than a decade to legislate reforms advocated for years to enable the Government to act more like a business in the way it buys its goods and services.

My primary goal and I think the primary goal of my chairman and the others is to make Government work smarter and cost less. It has been a long road to get even to this point, but we are closer to achieving that goal than ever before. So I am pleased to be a coauthor of this bipartisan bill that from my perspective recreates the procurement system into a better, simpler, and more efficient process.

I particularly want to thank Chairman CONYERS, my chairman, for his relentless commitment and dedication to this very worthwhile effort as well as the many other Representatives and Senators who participated in the process.

Procurement reform is long overdue, Mr. Speaker. The American taxpayer deserves and should demand a procurement system that does not add cost without adding value, it does not impede the Government's access to the state of the art technology and does not force businesses to alter standard procedures and raise prices when dealing with the Federal Government.

Mr. Speaker, I would strongly urge my colleagues to adopt this conference report on S. 1587, and I hope we might have a unanimous or at least near unanimous vote in favor of it.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from California, Mr. RON DELLUMS, chairman of the Committee on Armed Services, whose jurisdiction was heavily affected in the course of this acquisition act.

Mr. DELLUMS. Mr. Speaker, I thank the gentleman for his generosity in yielding me this time.

Mr. Speaker, I rise in support of the conference report on S. 1587, the Federal Acquisition Streamlining Act of 1994. This bill has been an extraordinary effort which could not have been accomplished without the extensive, bipartisan cooperation between the Armed Services and Government Operations Committees in the House and with our colleagues in the Senate. Representatives FLOYD SPENCE, JOHN CONYERS, AND BILL CLINGER particularly deserve special credit for their determination to enact meaningful acquisition reform.

Mr. Speaker, the Government spends approximately $200 billion a year on the procurement of goods and services. Despite that huge expenditure of money, the present Government buying system remains complicated and confusing, wasting billions of scarce taxpayer dollars.

Two comprehensive reviews—the acquisition law advisory panel on streamlining and codifying defense acquisition law—the so called section 800 panel report—and the Vice President's National Performance Review—have documented the need to streamline procurement procedures to increase access and competition in Federal procurement and save the taxpayer's money. This is particularly critical in the defense sector where maintaining a dedicated defense industrial base is simply no longer a viable option.

The acquisition reform efforts outlined in the more than 300 pages of S. 1587 takes those needed steps. S. 1587 is far-reaching reform which will push our procurement system into the 21st century. This bill removes a number of the barriers that have kept many companies out of the Government sector, while at the same time, putting more responsibility into the system to do the right thing by the taxpayer. This should lower the cost of a significant portion of the Pentagon's procurements while still retaining the current highly regulated procedures for those defense-unique items that will continue to require careful Government management and oversight. S. 1587 also removes many obsolete and redundant statutes. It also reinforces many existing authorities for DOD—and extends these to the civilian agencies, thus creating a more uniform system.

Indeed, S. 1587 represents the most comprehensive Governmentwide acquisition reform in over a decade. The principal objective behind this legislation is to strike a more equitable balance between the multitude of Government-unique policy requirements imposed on Government contractors and the need to lower the Government's cost of doing business, and save the taxpayer money. S. 1587 accomplishes this objective in several ways. For example, it creates a clear preference for the purchase of commercial products and services, instead of goods developed to Government unique specifications.

Section 1587 also relaxes some of the policies that require Government contractors to provide cost and pricing data that they do not normally collect or provide in the private sector. And, it puts more sunshine in the system through the provision of better source selection information and more detailed post-award debriefings.

The bill creates a new category of high-volume, low-value Federal procurements that can be accomplished with streamlined rules and regulations. It also establishes a Governmentwide Federal acquisition computer network.

Most importantly, S. 1587 maintains critical social policy goals aimed at improving access to contracting opportunities for small businesses and minority-owned small businesses.

I would like to echo a comment made on several occasions that this is just a first step. I agree. Congress has taken the first step. The next and, perhaps far more significant, step must be taken by the administration. The second step involves fully implementing the authorities provided in S. 1587. I add my voice to my House and Senate colleagues in challenging the administration, and particularly the Department of Defense, to tackle its own rules and regulations; to provide the funding necessary to fully implement an electronic procurement system; to train its acquisition personnel—for DOD, This can be done through the tools provided in the Defense Acquisition Workforce Improvement Act; and, finally, to push for cultural acceptance among the acquisition work force. Without this, our efforts today will reap few benefits or cost savings.

In closing, I must thank the House and Senate conferees for their commitment to moving this bill forward, especially representative JIM BILBRAY and Senators NUNN, THURMOND, and GLENN. In addition, the House and Senate legislative counsel staff, Sherry Chriss and Greg Scott deserve exceptional commendation for their simultaneous work on both this bill and the Defense authorization bill. Finally, special thanks must go to Cathy Garman, Robert Rangel, and Joe Drelicharz and Kevin Tansey of the House Armed Services Committee staff and Chuck Wheeler and Ellen Brown of the Government Operations Committee staff—these dedicated individuals worked long, hard hours over the last several months to help us make this bill a reality.

Mr. Speaker, we need S. 1587 if we are serious about reforming and improving our acquisition system. I urge my colleagues to support the conference report on S. 1587.

□ 1400

Mr. CLINGER. Mr. Speaker, I yield 5 minutes to my good friend, the gentleman from South Carolina [Mr. SPENCE], the ranking member of the Committee on Armed Services; as has been indicated, the Committee on Armed Services was a very, very vital and important part of this compromise and negotiated agreement.

Mr. SPENCE. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of the conference report on H.R. 2238, the Federal Acquisition Streamlining Act of 1994.

This legislation results from many months of hard work by committees in both the House and the Senate in an effort to bring a more sensible approach to the Federal procurement system.

In particular, I want to note the bipartisan relationship of the Government Operations Committee and the Armed Services Committee which jointly crafted the principal elements of the legislation currently before the House.

Chairmen DELLUMS and CONYERS and my colleague, Mr. CLINGER, have outlined many of the features contained in this legislation that should bring a greater measure of efficiency to the day-to-day business of running this vast Government. I join them in extolling the benefits of this legislation, especially for a defense and aerospace industry that is still reeling from this administration's drastic reductions in the defense budget.

The provisions of this bill that lower existing barriers between Government and commercial production lines, and encourage the integration of the Government sector into the mainstream economy, will help many companies reduce unnecessary overhead and remain viable government vendors of critical defense technologies.

However, while this bill takes many important steps in the right direction, it does not go as far as it should in turning the U.S. Government into a world class customer. For instance, this bill fails to tackle many of the socioeconomic requirements imposed on Federal contracts—requirements that are poor fiscal policy due to the imposition of unique burdens on government vendors the costs of which are simply passed on to the taxpayer.

In fact, this bill often takes away with one hand what is being provided by the other. For instance, while exempting a series of statutory requirements from low-value and commercial item purchases, it dramatically broadens the minority business price preference program, and provides for a new dedicated contracting goal for women-owned businesses.

Mr. Speaker, I also feel the need to observe that while the Clinton administration has made acquisition reform a high profile issue, the genesis of this legislative effort can be traced to congressional attempts to reform the acquisition system dating back to the late 1980's. The rhetorical commitment of this administration certainly helped to accelerate the political momentum, but in the final analysis, the political "heavy lifting" was done here in the Congress.

On critical reform issues such as Davis-Bacon, Walsh-Healy, Buy American, Contract Services Act, and subcontracting plans, the administration talked a good game, but ultimately invested little or no political capital in vigorously pursuing such reforms for fear of offending important special interests. Predictably, little or nothing was accomplished in making much needed changes in each of these key areas.

For whatever reason, history had dictated that acquisition reform happen only once every decade. Such a trend makes this bill's lost opportunities all the more unfortunate since it is unlikely that we will get another crack at meaningful reform any time soon.

In large measure, the success or failure of this bill will rest with how vigorously it is implemented in the various agencies of government. This bill provides a vast array of tools for government officials to cut back outdated and counterproductive rules and regulations. But there has to be a broad willingness and a commitment to utilize these tools if this legislation is going to have any significance beyond the rhetoric of a White House signing ceremony.

Similarly, Congress bears a burden to resist the temptation to legislate a solution to every procurement scandal or media account. The Federal Government will always have pockets of inefficiency. They should not be tolerated and should be eliminated as rapidly as they surface. However, we must remain careful not to allow sound bite accounts of these problems to stampede us into legislative reforms that may cure the disease, but ultimately kill the patient.

Mr. Speaker, I also want to thank the staff for their endless efforts over the past months, even years, on this difficult issue of acquisition reform. Without their work, quite simply there would be no bill. Accordingly, I want to thank the Government Operations staff of Chairman CONYERS and BILL CLINGER for their professionalism and bipartisanship. Closer to home, I want to make special mention of Robert Rangel and Cathy Garman of the Armed Services Committee staff. From my perspective on the Armed Services Committee, to the extent this bill is a success, it is their success.

Mr. Speaker, as I stated at the outset, on balance, this is a good bill. It is not a perfect bill. It is not a complete bill. But is a good bill nonetheless and deserves the strong support of my colleagues.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentleman from Nevada [Mr. BILBRAY], a distinguished member of the Committee on Armed Services.

Mr. BILBRAY. Mr. Speaker, I rise in strong support of the conference report on S. 1587, the Federal Acquisition Improvement Act.

First, I would like to commend the work of Chairman DELLUMS and Chairman CONYERS. Despite the responsibilities that their two committees have had over the last year and a half, they have been able to give this legislation the priority and consideration it deserves.

Second, I want to commend them for the sensitivity they have shown to the role of the small business community and the effect that this legislation would have on them.

As chairman of the Subcommittee on Procurement, Taxation, and Tourism, of the Small Business Committee, my staff and myself have also spent the better part of the last year and a half analyzing and discussing the impact this legislation would have on the small business community. Through countless negotiations sessions, and three hearings in which my subcommittee has held, it has become clear to me that the product that we see before us today will not only simplify our cumbersome and inefficient procurement system but more importantly it will provide new and more dynamic business opportunities for small businesses.

There have been a number of misconceptions surrounding the impact this bill will have on small businesses.

Let me state once and for all, this bill is good for small business.

This legislation will ensure that small business gets access to contract opportunities—faster and more efficiently through the creation of an electronic commerce network. Second, it will increase the number of contracts available to small business by raising the small business reservation to $100,000. In addition, it will spread the benefits of programs such as the 1207, small business disadvantage program throughout the Government.

Finally, it will allow the Government to enter the commercial marketplace, buy goods directly off the shelf, thereby removing the cumbersome requirements that have kept small businesses from participating in the government procurement system.

I want to take a moment to thank the staffs of both Armed Services and Government Operations Committees, Cathy Garman, Robert Rangel, Chuck Wheeler, and Ellen Brown for cooperating so fully and openly with my subcommittee staff.

Again, I urge my colleagues to support this conference report and look forward to seeing this bill signed into law this year.

Mr. CLINGER. Mr. Speaker, I yield 4 minutes to the gentlewoman from Kansas [Mrs. MEYERS], who is also the ranking Republican member on the Small Business Committee, which has played a very vital role in the construction of this legislation.

Mrs. MEYERS of Kansas. Mr. Speaker, I rise in reluctant support of this bill.

For too long the Federal procurement system has been cumbersome. The main provisions of this bill will increase the use of simplified acquisition procedures. It will permit commercial items acquisition and establish a Governmentwide computerized purchasing network.

All of this is very good for small business. These are vital advances, and they will greatly benefit the taxpayers and the Government and large and small contractors. So all of this is very good.

Unfortunately these advances are accompanied by omissions that continue to hamper small businesses. The best example is the failure to extend fast-pay procedures to small contracts, the contracts performed by small business.

Mr. Speaker, I am inserting at this point in the RECORD a letter from Mrs. Julie Ivey, president of American Reporters, Inc., as follows:

AMERICAN REPORTERS, INC.,
Newington, VA, August 22, 1994.

DEPARTMENT OF THE TREASURY,
Internal Revenue Service, Philadelphia, PA.

DEAR SIR/MADAM: Enclosed is our check in the amount of $202.67 representing penalty for our late payment for the tax payment dates of May 15, 1994 (payment made on May 16, 1994) and June 15, 1994 (payment made July 8, 1994).

Our failure to make these payments on time resulted directly from the failure of several federal agencies to pay outstanding invoices within 30 days. During this period, federal agencies carried over $25,000 worth of invoices for two to three months which we made every attempt possible to collect but could not, and since we all know that the Federal Government doesn't pay anything in under 30 days, the $40,000 which was current we couldn't count on to come in on time.

The delinquency of the Federal Government caused our delinquency.

The Federal Government represents 90 percent of our client base. When the Federal Government does not pay its bills on time, that causes us to pay our bills late. I realize that this is no "excuse" for not having paid the payroll taxes on time, after all a businessperson is supposed to miraculously pull the money out of thin air to pay the Internal Revenue Service.

On the one hand, the Federal Government doesn't pay its bills; on the other hand it heavily penalizes small businesses for not paying their payroll taxes on time.

It's the old Catch-22. But what is truly amazing is that at the same time that this is going on the Federal Government is carrying on about how much it wants to foster and encourage small businesses.

Sincerely,

JULIE K. IVEY,
President.

Mr. Speaker, in her letter, Mrs. Ivey, a small businesswoman, apologizes to the IRS for being late making her payroll tax deposits; unfortunately, Mrs. Ivey runs a court reporting company and her biggest client is the Federal Government, and they never pay her on time.

Mr. Speaker, this is a problem small business faces all the time. If fast pay was allowed for these contracts, then Mrs. Ivey would not be penalized by the IRS because other Federal agencies do not pay her on time.

The amounts are not small. In her letter she says that the Federal Government, various agencies, are delinquent by $40,000 over a period of 2 to 3 months, and yet she is paying a $202 penalty for being late with her tax payments. That is totally unfair. This impacts small business frequently.

Mr. Speaker, I would also like to say that I am strongly supportive of the 5-percent goal that is set in this bill for women business owners. We have never had a goal, a Governmentwide goal, for women business owners. Women business owners own 30 percent of the businesses and have had less than 1 percent of the contracts from the Federal Government. It is time that we got a goal to kind of bring that up on everybody's radar screen.

However, I do not like implementing goals with set-asides and bid preferences, and that is what we do in this bill for minority-owned business. I strongly support a goal for minority-owned businesses. I simply do not like implementing any goals with set-asides and bid preferences.

A set-aside means there would have to be as few as two bidders, and a bid preference means a bid can be 10 percent over every other bid offering and still get the bid as long as that bidder is a minority builder. I simply do not think this is good fiscal policy to break the policy of small bids.

□ 1410

I think that is inappropriate. In the past, minority-owned businesses have had a governmentwide goal of 5 percent. I strongly supported that.

They have been allowed to fulfill that goal by set-asides in bid preferences only in the Department of Defense and maybe one or two other agencies. However, with this bill that ability to implement the goal was with set-asides and bid preferences goes governmentwide.

I think it is simply not good fiscal policy and, therefore I repeat my reluctant support for this bill. I support procurement reform 100 percent, but I believe real reform must not forget small business, all small business. This bill makes great improvements, improvements that help small business, but there is still more that we could have done and some that we should not have done.

Mr. CONYERS. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Oregon [Ms. FURSE] who has worked with great dedication toward the Federal Acquisitions Streamlining Act.

Ms. FURSE. I thank the gentleman for yielding this time to me.

Mr. Speaker, I was proud to serve as a conferee for the acquisition reform legislation that is before us today. This is the most comprehensive reform in a decade.

Several businesses from my home State in Oregon came to me and said that the process of selling products to the Government is too complicated, it takes too much time and money to figure out how to jump through the proper hoops to conform with outdated regulations just to make a sale.

And these arcane regulations also push up the price of goods when the Government finally does find a product to buy. This bureaucratic redtape also prevents small companies from doing business with the Government, even though they have terrific, affordable products to offer.

This acquisition reform legislation means that businesses won't have to hire extra accountants and lawyers just to comply with arcane regulations that no one in the private sector ever deals with.

This acquisition reform legislation is also about common sense. Right now the Federal Government is contemplating whether to buy a sparkplug connector for $544, when that same item costs about $20 at the local auto parts store. We must pass this bill so that the Federal Government will begin to go shopping like everybody else: you go to the store and buy items off the shelf, which are cheaper.

I am particularly pleased that this conference report contains a provision that I insisted on including, which is the recoupment of a portion of the research and development costs of U.S. weapons systems when we sell them to foreign governments. This generates revenues to the U.S. Treasury worth tens of millions of dollars each year.

I want to emphasize that this reform legislation is only a beginning. We have a long way to go to eliminate overly rigid bureaucratic procedures, improve Government efficiency, and save taxpayers millions of dollars. This valuable legislation deserves your support.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York [Mrs. MALONEY] who has worked with great dedication on this measure since she has joined the Committee on Government Operations.

Mrs. MALONEY. I thank the chairman for yielding this time to me.

Mr. Speaker, the Federal Government spends over $200 billion on procurement every year. That is $800 for every American. There are few areas of the Federal Government that are more important for controlling spending, saving taxpayers' dollars, and better managing our limited resources.

As cochair of the bipartisan Freshman Task Force on Procurement Reform and as a member of the conference committee, I strongly urge the passage of this conference report.

This legislation will simplify and streamline the Federal procurement process while improving its fairness, accountability, and integrity. It will reduce paperwork by allowing the Government to buy commercial products off the shelf. In other words, there will be no more doctored specifications that allowed for $500 hammers and $600 toilet seats, outrageous examples of Federal procurement abuses.

It raises the simplified acquisition threshhold from $25,000 to $100,000, thereby reducing paperwork significantly. Fifty-five percent of the Defense Department's contracts are under $100,000, yet it is only 5 percent of their expenditures. So this is a very important provision. It also strengthens the protest and oversight process, improves the integrity of the procurement process by standardizing the procurement code and by eliminating obsolete and redundant laws.

The Federal Acquisition Improvement Act also incorporates several of Vice President GORE's National Performance Review recommendations, such as providing for multiyear contracts, promoting excellence in vendor performance, and allowing State and local governments to use Federal supply services. Of the $108 billion in savings that they project, $22 billion is projected to come from these changes in the procurement laws.

This legislation also creates a separate 5 percent nonbinding procurement goal for women-owned business. Government purchasing from women-owned businesses has been unacceptably low for far too long. This will, hopefully, improve that.

Mr. Speaker, I congratulate the chairman and ranking member of the Committee on Government Operations and also the Committee Armed Services. Without the determination, intelligence, and hard work of Chairman CONYERS and Chairman DELLUMS and Representatives CLINGER and SPENCE, this legislation would not have been possible.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Illinois, Mr. BOBBY RUSH, another dedicated leader in helping small business across this country.

☐ 1420

Mr. RUSH. Mr. Speaker, I want to express my strong support for the conference report on the Federal Acquisition Improvement Act of 1994. As a freshman Member of Congress, I was honored to serve as a conferee for this important legislation.

I would like to commend the distinguished chairmen of the Government Operations and Armed Services Committees for their hard work and their diligent efforts in producing the most comprehensive Government-wide acquisition reform measure in over a decade.

This conference agreement strikes a more equitable balance between the multitude of Government-unique policy requirements imposed on Federal procurement and the need to lower our cost of doing business.

This agreement increases the Government's reliance on the use of commercial products, goods, and services, and improves the access of small business to Government contracting opportunities.

Purchasing commercial products should abolish the current practice of buying expensive, specially designed products, when off-the-shelf, less expensive commercial products would suffice.

Mr. Speaker, two other significant aspects of this agreement for which I had the opportunity to work with Chairman CONYERS in developing, are the small purchase threshold increase and the training courses for Federal procurement personnel.

The increase of the small purchase threshold from $25,000 to $100,000 would allow use of simplified procedures for an estimated 45,000 additional procurements. These procurements have an aggregate value of approximately $3 billion per year.

The training courses for critical procurement officers are aimed at increasing the participation of small disadvantaged and women-owned businesses in the procurement process.

Mr. Speaker, I again applaud the work of Chairman CONYERS and Chairman DELLUMS. In creating a uniform governmentwide acquisition policy, I believe that this legislation is a significant step toward reforming the Federal procurement process.

Mr. Speaker, I thank the gentleman for yielding the time to me.

Mr. CLINGER. Mr. Speaker, I yield 2 minutes to my colleague, the gentleman from Pennsylvania [Mr. WELDON], a member of the Committee on Armed Services.

Mr. WELDON. Mr. Speaker, I rise today to offer yet another endorsement of H.R. 2338, the Federal Acquisition Improvement Act. With the passage of this bill today, we will take a giant step forward in the effort to increase governmental efficiency and cost-savings.

I have been working toward this goal for some time. In 1993, I offered an amendment to the Defense authorization which would have incorporated into Defense Department buying practices several of the reforms included in H.R. 2338. Unfortunately, that measure was scuttled to ensure that governmentwide procurement reform would not be sidetracked. Fortunately, H.R. 2338 includes the commercial buying practices, simplified acquisition threshold, and reduced paperwork provisions that were contained in the Weldon amendment, and applies them to all Federal agencies.

House passage of this measure today is critical. Although many Members may not realize it, this bill may well mean the difference between survival and elimination of key weapons systems over the next several years.

Deputy Secretary of Defense John Deutch recently circulated a memo ordering the services to consider major delays or cancellation of most major weapons programs nearing the production stage. That list includes the Comanche Helicopter, the F-22 fighter, the V-22, DDG-51 destroyers, the new attack submarine, the advanced amphibious assault vehicle, JPATS trainer aircraft, precision guided munitions, and the advanced field artillery system. There is literally no weapons program in the budget that will be exempted from the rigors of this austere budget environment.

Last week, the Department of Defense validated the need for the V-22 *Osprey* aircraft and endorsed limited production of it. At the same time, Pentagon officials called on the Marine Corps and the contractors to employ the commercial buying practices and innovative procurement practices allowed in this bill as a way to reduce V-22 costs. The V-22 pilot acquisition effort, which will reduce the cost of each aircraft by several million dollars, will also be applied to future weapons acquisition programs.

At a time when every major weapons modernization program remains under scrutiny, it is absolutely essential that we remove the nonvalue-added requirements from major acquisition programs. H.R. 2338 will not solve all of our problems with respect to the declining defense budget, but it is one huge step in the right direction. I urge my colleagues to put the final stamp of approval on this bipartisan bill and send it to the President for his signature.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentlewoman from California [Ms. HARMAN].

Ms. HARMAN. Mr. Speaker, as a member of the House Armed Services Committee, I want to recognize how vitally important this legislation will be to the saving of our industrial base. By reforming the defense acquisition process, which is just a part of what this legislation will do, we assist all companies that are capable of doing business with the Defense Department. We will not only open up the process to small or disadvantaged firms, who currently are not able to do business with the Pentagon, but we will also help those larger firms, that already do business with the Defense Department, learn commercial practices.

Why does this matter? It matters because the future for our defense industrial base is diversification, and to diversify, these large firms must understand and be able to operate on a commercial level. They must be able to compete.

So, I see in this legislation an enormous win across the board.

The establishment of a simplified acquisition threshold up to $100,000—raised from $25,000—will allow a streamlined procurement process. This $100,000 threshold will apply to over 95 percent of all Government procurement actions.

The revised contracting procedures and the new, accelerated notice of contract awards, contract debriefings, and bid protests are all designed to reduce staff time, lessen the amount of paperwork required, and shrink the bureaucracy.

The bill also establishes a Government-wide electronic purchasing system. The use of electronic bulletin boards to offer contracts or list agency needs will speed up the system and open up more selling opportunities to more businesses around the country.

Of the $108 billion in savings targeted through fiscal year 1999 by the Vice President GORE's National Performance Review, $22.5 million—more than 20 percent would come from proposed changes in the Federal procurement system.

With this reform, we will be spending scarce dollars more wisely. We will be opening up the acquisition process to small and minority businesses. We will be able to introduce technology to the Government in ways that are not possible in the current Government acquisition process. We will also be helping our larger firms, our traditional defense technology providers, to do business in a new way that will help ensure their survival and the survival of our industrial and intellectual base.

In every sense, this is a major piece of the reinventing government program that so many of us were elected to carry out. I commend the committee chairman and the bipartisan group of supporters for what we are about to do today.

Mr. CLINGER. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan [Mr. SMITH], chairman of the freshman Committee on Procurement Reform.

Mr. SMITH of Michigan. Mr. Speaker, I rise in strong support of the conference report on this bill. It is largely because of the hard work of ranking members and chairmen for the Committee on Government Operations and the Committee on Armed Services that I thank today. We have a real opportunity with the passage of this bill, changing for the better, the way we procure goods and services.

The Federal Government spends $200 billion on procurement every year, $800 for every American. With 142,000 Federal employees to implement over 4,500 pages of Federal procurement regulations and agency supplementals the system has long needed an overhaul.

When I first came to Congress 18 months ago, Mr. Speaker, I had hoped to make a difference in how government is run. I was honored to cochair the bipartisan freshman Procurement Task Force with the gentlewoman from New York [Mrs. MALONEY]. We heard from suppliers of goods and services about the tremendous amount of bureaucracy they have to endure in order to offer a bid. We met with administration officials, committee staff. As a freshman group, we talked and met and discussed this issue together, and this conference report reflects much of what we agreed needs to be accomplished.

This bill will encourage the dollar saving acquisition of commercial products off the shelf. It will increase the simplified acquisition threshold to $100,000 saving time and millions of dollars. It will exempt the micro purchases of less than $2,500 from a number of burdensome statutory requirements.

I would like to tell this body some of the other areas that we talked about as a freshman class. Changes that might improve this conference report include increasing the Davis-Bacon threshold to 250,000.

□ 1430

So I think we need to continue to look at Davis-Bacon. In the future I hope we can accept more of the section 800 Commissioner's recommendations to reduce the paperwork and regulatory burdens in purchases of goods and services for defense. Defense acquisition, of course, represents 80 percent of total Federal acquisition, and needs continued scrutiny, for improvement in the future. Many of us suggested the micro-purchases and simplified acquisition thresholds, should be as high as $25,000 and $250,000 respectively to further increase efficiency.

Mr. Speaker, in conclusion, this bill is still an excellent effort by this Congress to make Government run better, more efficiently and at less cost for the taxpayers of this nation. I urge my colleagues to support the conference report.

Mr. CLINGER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have no further requests for time, and I would just say in closing, I think this measure that we are going to vote on is perhaps the single most important measure we will have this year to really effect efficiency in Government, reduce the cost of Government, and get much more productivity out of our Government. It is really a very, very significant bill.

I would also say it is, in my view, a creature of the Congress. This is a product that has been in the works for 3 or 4 years. There has been a lot of time and effort put into it. Most of the concepts and ideas have come out of the Congress, in both the House and Senate side.

We have been pleased to have the support of the previous administration and this administration in accomplishing this goal. But it really is uniquely a product of the Congress, and I have been proud to be a part of it, proud to have worked in harness with my chairman, the gentleman from Michigan [Mr. CONYERS], and all who have been part of this day.

Mr. Speaker, I yield back the balance of my time.

Mr. CONYERS. Mr. Speaker, before yielding back the balance of my time, since there are no further speakers, I would like to single out the staff director of the Committee on Government Operations, Julian Epstein, who has worked along with Chuck Wheeler on this matter for 4 years. The reason that I single him out is that he has been working on all the other matters in the Committee on Government Operations for 4 years as well, and we could not have moved this to the success that is being reported here today without his continuing and untiring effort.

Mr. SPRATT. Mr. Speaker, I rise to express my strong support for S. 1587, the Federal Acquisition Improvement Act of 1994. While the title seems innocuous, we expect this legislation to save taxpayers $22.5 billion between now and 1999. This is 21 percent of Vice President GORE's targeted $108 billion in savings forecast in last year's National Performance Review. As a senior member of the two committees of jurisdiction, the House Armed Services Committee, and the House Government Operations Committee, I am pleased I could help draft this legislation.

The acquisition process for the Federal Government has become so entangled that it cannot even respond to emergencies. For example, during the Persian Gulf war U.S. forces needed small radios for their troops in the field. Procurement regulations made it virtually impossible for Motorola to provide these radios quickly, even though they were widely available on the commercial market. To solve the problem, arrangements had to be made for the Japanese to buy the radios from Motorola and then donate them to United States forces. Mr. Speaker, this is a clear example of a bureaucracy run amok.

With the enactment of the Federal Acquisition Improvement Act, we are cutting this tangled web of red procurement tape. This new legislation encourages Federal agencies to buy "off the shelf" commercial products whenever possible, and to avoid conducting elaborate negotiations to purchase items designed to meet unneeded or unique Government specifications. This will make it easier for our business people to deal with their own Government. Further, this agreement increases the simplified acquisition threshold, under which procurement regulations would be streamlined, from $25,000 to $100,000. Approximately 55 percent of the Department of Defense purchases would fall under this new threshold. This act also revises current contracting procedures and procurement law, strengthens the bid protest process, and establishes a Government-wide electronic purchasing system.

Finally, the legislation establishes a Federal Acquisition Computer Network—known as FACNET—to enable Government agencies to conduct most of their procurement actions, from initial notification to award, electronically. Mr. Speaker, this action alone can save dozens and dozens of forms, unburden managers from approving routine procurement items, and allow Government employees to perform their jobs expeditiously. An added bonus of the new computer network is the potential to expand competition among many more businesses than ever before.

Mr. Speaker, this legislation will improve the working relationship between the Federal Government and our business people and put our tax dollars to more efficient use. I urge my colleagues to support S. 1587.

Mr. FAWELL. Mr. Speaker, as the House considers the conference report on the Federal Acquisition Streamlining Act of 1994, I would like to comment on section 7204 of the report. This provision, regarding the maximum practicable opportunities for apprentices on Federal construction projects, was taken from the House version of the legislation—it was not included in the Senate version, S. 1587.

Section 7204 provides a sense of the House that contractors performing Federal construction contracts should, to the maximum extent practicable, give preference in the selection of subcontractors to those participating in apprenticeship programs registered with the Department of Labor or with a State apprenticeship agency recognized by DOL. Although this provision appears to promote training, it could, in fact, decrease training opportunities and make this a discriminatory preference.

I am a strong advocate of apprenticeship and other training programs to help young people, women, and minorities obtain highly skilled jobs. However, in some States such as Washington, California, and Nevada, the State apprenticeship agencies have blatantly discriminated against the approval of qualified apprenticeship programs. They have done this by denying approval to any parallel apprenticeship programs, which essentially means a denial of any competing programs. The result has been that open shop or union programs that attempted to compete with the programs already in existence were not allowed to train individuals who wanted to join their programs.

This situation has been remedied in the past few years because many construction groups and companies have been forced to file numerous court cases in Washington, California, and Nevada in order to train individuals in their qualified apprenticeship programs. The courts have continuously upheld ERISA preemption and said that union-dominated State apprenticeship councils could not deny recognition to federally recognized apprenticeship programs just because they represented healthy competition to the entrenched union programs.

Because of these court cases there are additional apprenticeship programs being approved in Washington and many more people are being trained. Unfortunately, the House passed H.R. 1036 on November 9, 1993, seeking to overturn these properly decided court cases. If this legislation passes the Senate and is signed into law, the State apprenticeship agencies will be given carte blanche to once again discriminate against the approval of qualified apprenticeship and other training programs.

This preference language could, in effect, result in the approval of those State apprenticeship programs which discriminate against nonunion or other competing union programs. For these reasons, I strongly oppose section 7204 of the conference report. While this is only a sense-of-the-House and is nonbinding, it is nonetheless a discriminatory preference which will hinder training instead of providing much needed training opportunities.

Mr. PENNY. Mr. Speaker, I rise today in support of the conference report on H.R. 2238, the Federal Acquisition Improvement Act. This legislation reforms Federal procurement practices and, in particular, raises the simplified acquisition threshold under which procurement paperwork requirements would be streamlined—from a current threshold of $25,000 to $100,000. This reform will be particularly important to the Department of Defense where some 55 percent of all purchases will fall under the higher threshold.

In addition, small businesses will benefit from the legislation due to the fact that these businesses will be able to bid on numerous Federal contracts without having to comply with the burdensome paperwork and bookkeeping requirements under the previous procurement regulations.

I am especially pleased that this legislation includes section 7014 of the House-passed version of H.R. 2238, the Federal Acquisition Improvement Act. These provisions would prohibit agencies from requesting pricing data from private contractors for the purchase of competitively priced, commercial products.

Mr. Speaker, I have been very interested in procurement reform as a means of reducing Federal spending. In 1993, Vice President ALBERT GORE released his National Performance Review which included recommendations for changing Federal procurement procedures in order to streamline Government purchasing of goods and services—saving an estimated $22.5 billion over the next 5 years. I applaud these, and other efforts, to reduce Federal spending and regulations.

I urge Members of Congress to support the conference report on H.R. 2238, the Federal Acquisition Improvement Act.

Mr. BROOKS. Mr. Speaker, I intend to vote for this conference report because it represents hard compromises worked out among widely divergent groups. Also, I believe that some provisions in the bill will help the Federal procurement system.

Nonetheless, I am troubled by the direction of the bill, which pushes the Government toward goods and services like a commercial firm buys goods and services; in other words, toward commercial buying practices.

We all agree that the Government should buy off-the-shelf, commercial products whenever possible, instead of always having things built to Government specifications. But adopting commercial buying practices is an entirely different matter. The Government is not a commercial firm and has different interests and goals than commercial firms. In reinventing Government, we are not supposed to be destroying the mission of Government. That mission includes:

The Government answering to the voters and taxpayers; commercial firms answer to the stockholders.

The Government being concerned with the welfare of all Americans; commercial firms are concerned chiefly with profit.

The Government treating all potential sellers fairly; commercial firms need only be concerned with efficiency.

The Government assuring fair treatment for all Americans—including small businesses, minorities, women, and the handicapped; commercial firms have an interest in the bottom line.

There is no debate over whether we need an efficient Federal procurement system. But we cannot permit efficiency to be achieved at any cost by permitting an unsupervised raid on the Federal Treasury. I agree that procurement procedures should be made simpler. But the price of that simplicity cannot be a system in which the same monolithic corporations win contracts with tiresome predictability, at the expense of competitive, innovative smaller companies.

When I hear complaints about the procurement system and calls for repeal of laws such as the Competition in Contracting Act, the Procurement Integrity law, the Brooks A.D.P. Act, and other laws enacted to protect the taxpayers, I think of an inscription found in one of John F. Kennedy's notebooks, "Don't ever take down a fence, until you know the reason why it was put up." This bill leans hard on several important fences. Before Congress moves any farther in this direction, we should step back, take a hard look, and be sure that the direction we are moving is in the best interests of the Government and all the people the Government serves.

Mr. SYNAR. Mr. Speaker, I strongly support House adoption of the conference report on S.

1587, the Federal Acquisition Streamlining Act of 1994, more commonly known as the procurement reform bill. This is the most significant reform of the Government's overly-complicated and burdensome procurement system in a decade and, as a House conferee on the measure, I am gratified to have been a part of this important Federal streamlining initiative. Implementation of the reforms in this bill will save the taxpayers billions of dollars a year. As important, it will make our procurement system far more efficient and user-friendly for those who do business with the Federal Government—and this is especially true for thousands of smaller businesses who are ready, willing and able to supply the Government with billions of dollars in off-the-shelf goods.

The Federal Government spends $180 to $200 billion every year on the purchase of goods and services. As everyone knows, the Government's current procurement system is confusing and overly burdensome on businesses and the bureaucracy alike. The current system also needlessly encourages agency reliance on Government-unique, rather than off-the-shelf, products. As a result, billions of dollars a year are wasted on more costly goods. The bill before us fixes these defects in the current system.

The measure is the result of two comprehensive reviews of the Federal procurement system, including Vice President GORE's National Performance Review effort. The Vice President and others in the administration should take justifiable pride in doing so much to advance this major reform initiative, which really will "make Government work better and cost less."

While the legislation reforms virtually every facet of the existing procurements system, several reforms are especially important:

The legislation promotes uniform treatment of agency procurements throughout the Government. This will go a long way toward simplifying the Government procurement process. In particular, I am pleased the bill maintains the language we included on "unallowable" costs. We know from hearings held by my own oversight subcommittee and others that certain types of costs—including "employee morale" expenses such as Rolex watches, liquor and entertainment costs, and spouse travel, as well as expenses for lobbying, advertising, and golden parachute payments and similar expenses—are now commonly paid to contractors by civilian Government agencies. Department of Defense procurement regulations already prohibit payment for such outrageous expenses, and the legislation before us would, for the first time, generally extend that prohibition to all civilian agencies as well.

The legislation establishes a clear preference for the use of commercial items, rather than Government-unique products. These provisions will make it much easier for companies offering off-the-shelf products to aggressively compete for Government contracts. We have all read the horror stories about the current procurement system, which entails thousands and thousands of pages of silly Government specifications for products that can easily be purchased in the marketplace. The current practice doesn't benefit the Government or businesses and it needs to be overhauled. This legislation will do that by making it clear that wherever possible commercially available products should be the norm, not the exception. The bill will further reduce impediments to direct purchase of commercial items by exempting such purchases from numerous statutory requirements that are unique to the Government.

In the procurement area, one of the biggest burdens now on companies wanting to do business with the Government is the amount of financial information—so-called specialized cost and pricing data—that is required of them under the Truth in Negotiations Act. The bill before us would lift a great deal of this burden, by permanently increasing the threshold to $500,000, below which specific cost or pricing data will not be required. Moreover, it addresses the complaints of businesses in this area by creating exceptions for commercial items: in short, when a commercial item is purchased competitively and adequate market pricing information is therefore already available, no cost and pricing data will be required.

Also very important to smaller businesses, the bill provides Federal contracting officers with various contract financing options including the option, where appropriate, to provide the company with an advance payment of up to 15 percent prior to contract performance on commercial item purchases.

The legislation would raise the threshold for small purchases from the $25,000 currently in effect to $100,000. This step will vastly simplify and expedite about 45,000 Government procurements every year. Like the waiver for commercial items, this bill would also exempt purchases under this new threshold from certain statutory requirements unique to the Government, and a new "micro" purchase threshold of $2,500 would establish the simplest and most efficient procurement procedures of all.

Businesses, and particularly smaller businesses, have long complained about the bid protest process and the lack of information they receive about why a bid is rejected. This lack of information virtually forces protests by disappointed offerers, just to get information. The bill addresses this problem, and in turn will reduce the number of costly bid protests, by injecting some mandatory "sunshine" into the procurement process. For example, it requires agencies to provide more detail about the factors which will be considered in awarding contracts and requires contractor debriefings whenever requested.

Finally, the legislation recognizes that other, more innovative methods exist for procuring better goods and services for less. Thus, it authorizes several alternative procurement test programs in specific areas.

Mr. Speaker, when so much attention is being focused on issues like health care reform and foreign policy, I'm sure that procurement reform legislation doesn't sound very exciting to a lot of people. But make no mistake: this effort was a major undertaking for the executive branch and Congress, and the resulting legislation now before us is a significant boon to taxpayers and businesses alike. I am especially glad we made so much progress in making the procurement system more efficient for the tens of thousands of smaller businesses around the Nation who can and will help supply the Government with high quality, competitively priced goods and services, if we will just make the procurement system more user-friendly.

Certainly there will be some contractors or organizations out there who want to maintain their special contracting status or perks, and they will undoubtedly oppose some provisions of the bill. But I urge my colleagues to reject the criticisms of those with a vested interest in maintaining the status quo. Taxpayers and businesses alike deserve the benefits of this procurement system overhaul and I urge all my colleagues to support the conference report on S. 1587.

Mr. LAFALCE. Mr. Speaker, I rise in support of the conference report on the bill (S. 1587), the Federal Acquisition Streamlining Act of 1994.

This far-reaching reform of Federal procurement laws in long over-due and will be instrumental in achieving Government-wide costcutting.

The Federal Government spends approximately $200 billion a year on the procurement of goods and services. Few, however, would disagree that our current procurement system is overly complex, absurdly slow and frequently ineffective. It is a system burdened with an outmoded and fragmented statutory foundation, hampered by regulatory and procedural proliferation beyond comprehension and plagued by an absence of individual accountability.

I am pleased to join with my colleagues in support of this important reform legislation which is a major step forward in reinventing how the Government does business. This bill echoes many of the recommendations made in the Vice President's National Performance Review, simplifying and streamlining the procurement process, saving the taxpayer money and ensuring fairness to all stakeholders.

Key provisions of this reform package and changes I am particularly pleased with include.

Establishing simplified acquisition processes for Government contracts under $100,000;

Reserving contracts under $100,000 for small businesses;

Requiring the acquisition by Federal agencies of commercial items to the maximum extent possible;

Establishing and implementing a new Federal Acquisition Computer Network which will serve as a Government-wide electronic commerce system for purcurement opportunities;

Requiring timely responses to inquiries from small business contractors; and,

Establishing a 5 percent procurement goal for women-owned businesses.

This legislation will help the Government svae money as well as simplify and streamline the way the Government does business. I urge passage of this major procurement reform legislation.

It will substantially impact on small business. Many important decisions will be made by the regulators as they develop implementing regulations. For example, regulations will prescribe the minimal response time which agencies must allow to permit small businesses to prepare bids. If it is set too short, small business will be effectively precluded from bidding.

There are other similar, although possibly less important issues, to be covered by regulation. The Small Business Committee, which I am privileged to Chair, will continue its oversight of the process to insure that small business is allowed to participate in Federal procurements.

In closing, I want to extend my thanks particularly to Chairman CONYERS, Chairman DELLUMS, Senator BUMPERS, and Senator NUNN, along with their staffs, for their efforts on this issue. We would not be here considering this conference report without everyone's cooperation.

Mr. CONYERS. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore (Mr. PETE GEREN of Texas). The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. CONYERS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 425, nays 0, not voting 9, as follows:

[Roll No. 425]

YEAS—425

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca (WI)
Barcia (MI)
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Ehlers
Emerson
Engel
English
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Lucas
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stump
Stupak
Swett
Swift
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waters
Watt
Waxman
Weldon
Whitten
Williams
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—9

Gallo
Green
Inhofe
Michel
Sundquist
Synar
Washington
Wheat
Wilson

☐ 1455

Mr. BAKER of California and Mrs. SCHROEDER changed their vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

DIRECTING THE SECRETARY OF THE SENATE TO MAKE CORRECTIONS IN ENROLLMENT OF S. 1587, FEDERAL ACQUISITION STREAMLINING ACT OF 1994

Mr. CONYERS. Mr. Speaker, I send to the desk a concurrent resolution (H. Con. Res. 291) directing the Secretary of the Senate to make corrections in the enrollment of S. 1587, and ask unanimous consent for its immediate consideration.

The Clerk read the title of the concurrent resolution.

The text of House Concurrent Resolution 291 is as follows:

H. CON. RES. 291

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (S. 1587) to revise and streamline the acquisition laws of the Federal Government, and for other purposes, the Secretary of the Senate shall make the following corrections:

(1) In paragraph (2)(A) of the matter proposed to be added at the end of section 3553(f) of title 31, United States Code, by paragraph (2) of section 1403(c)—

(A) strike out "person" both places it appears and insert in lieu thereof "party"; and

(B) strike out "subparagraph (C)" and insert in lieu thereof "subparagraph (B)".

(2) In the matter proposed to be inserted in section 111(f)(5) of the Federal Property and Administrative Services Act of 1949 by subsection (a) of section 1435, insert after "and no party" in the second sentence the following: "(other than a small business concern (within the meaning of section 3(a) of the Small Business Act))".

(3) In the matter proposed to be added at the end of the Office of Federal Procurement Policy Act by section 4101—

(A) strike out "subsection (c)" in subsection (a)(2) of such matter and insert in lieu thereof "subsection (b)"; and

(B) strike out "subsection (a)" in subsection (b) of such matter and insert in lieu thereof "subsection (a)(2)".

(4) In the matter proposed to be added at the end of the Office of Federal Procurement Policy Act by section 8003, strike out "subsections (a)" in subsection (c) of such matter

and insert in lieu thereof "subsections (a)(2)".

(5) In subsection (c) of section 10001, strike out "and 7207" and insert in lieu thereof "and 7206".

The SPEAKER pro tempore (Mr. PETE GEREN of Texas). Is there objection to the request of the gentleman from Michigan?

Mr. CLINGER. Mr. Speaker, reserving the right to object, I will not object, but I do so in order to ask the chairman of the committee to explain the purpose of this concurrent resolution.

Mr. CONYERS. Mr. Speaker, will the gentleman yield?

Mr. CLINGER. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Speaker, this resolution provides for technical and conforming changes in the conference report of S. 1587 just approved by the House. There are five corrections that the resolution makes, none substantive in nature, and they have been agreed to by both the majority and the minority in both Houses.

Mr. CLINGER. Mr. Speaker, I support the resolution, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 4606, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1995

Mr. SMITH of Iowa. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight, Tuesday, September 20, 1994, to file a conference report on the bill (H.R. 4606) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1995, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 4554, AGRICULTURAL, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1995

Mr. SMITH of Iowa. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight, September 20, 1994, to file a conference report on the bill (H.R. 4554) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Programs for the fiscal year ending September 30, 1995, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

□ 1500

APPOINTMENT OF CONFEREES ON H.R. 6, IMPROVING AMERICA'S SCHOOLS ACT OF 1994

Mr. FORD of Michigan. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 6) to extend for 5 years the authorizations of appropriations for the programs under the Elementary and Secondary Education Act of 1965, and for certain other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore (Mr. PETE GEREN of Texas). Is there objection to the request of the gentleman from Michigan?

There was no objection.

MOTION TO INSTRUCT CONFEREES OFFERED BY MR. GUNDERSON

Mr. GUNDERSON. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. GUNDERSON of Wisconsin moves that the Managers on the part of the House, at the Conference on the disagreeing votes of the two Houses on the bill H.R. 6 be instructed to insist on the House position with regard to the subject of School prayer as follows:

"SEC. 9513. PROHIBITION AGAINST FUNDS FOR PROTECTED PRAYER.

"Notwithstanding any provision of law, no funds made available through the Department of Education under this Act, or any other Act, shall be available to any State or local educational agency which has a policy of denying or which effectively prevents participation in, constitutionally protected prayer in public schools by individuals on a voluntary basis. Neither the United States nor any State nor any local educational agency shall require any person to participate in prayer or influence the form or content of any constitutionally protected prayer in such public schools.

Mr. GUNDERSON (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The SPEAKER pro tempore. The gentleman from Wisconsin [Mr. GUNDERSON] will be recognized for 30 minutes, and the gentleman from Michigan [Mr. FORD] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. GUNDERSON].

Mr. GUNDERSON. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, as a member of the Committee on Education and Labor, I bring to Members what I believe is a very important motion to instruct the conferees as we go to conference later this afternoon on the Elementary and Secondary Education Act.

One of the issues in which the House spoke loudly and clearly during our earlier consideration was the right of school children to participate in what is called constitutionally permitted school prayer. The distinguished gentlemen from Texas [Mr. SAM JOHNSON] offered an amendment at that time that if Members recall I was one of those who spoke in favor of the amendment at that time because I though it was important that we understand exactly what we mean by constitutionally permitted school prayer.

Mr. Speaker, everyone has assumed that somehow under the establishment clause of the Constitution that school prayer is not constitutionally permitted. However, the American Law Division has made it very clear that constitutionally permitted school prayer would include first and foremost a moment of silence which students can use for that purpose, and, second, such activities as graduation ceremony prayers if offered by a member of the student body. I would hope that there is none among us who believe that that is in any way, shape or form coercion but rather would recognize that as the legitimate rights of students in our society. As the American Law Division wrote in their ruling, they said the students of this country do not shed their first amendment rights to free speech at the schoolhouse door.

What we would like to do is make sure that no funds are in any way, shape or form used to prohibit the rights of schools to have school prayer and go on beyond that to say that we are not going to allow any kind of funds from the Federal Government to schools that have policies which specifically prohibit school prayer. This is where the importance of this motion to instruct comes in. Because the Senate has language which in all due respect to my colleagues in the Senate makes it impossible to ever enforce the right of constitutionally permitted school prayer. The Senate language says that any State or local agency, local school, that is adjudged by a Federal court to have willfully violated a Federal court order mandating such constitutionally permitted school prayer would be denied funds. The facts are, ladies and gentlemen, to go through that kind of a not one but double legal hurdle guarantees that in effect we would never enforce the provision allowing constitutionally permitted school prayer.

I call upon my colleagues on both sides of the aisle to reaffirm what was a strong vote on this issue earlier in our consideration so that as we go to conference, this is an issue we may bring back to Members in its proper form.

Mr. FORD of Michigan. Mr. Speaker, I ask the gentleman to yield so that we may engage in a colloquy.

Mr. GUNDERSON. I am happy to yield to the distinguished chairman.

Mr. FORD of Michigan. I would ask the gentleman if his amendment is simply a suggestion to the conference committee that we hold out for the House version of the bill?

Mr. GUNDERSON. That is exactly correct.

Mr. FORD of Michigan. That being the case, I am inclined to accept the gentleman's amendment if we can avoid spending an hour waiting around here with all kinds of nonsense on this thing. I would accept the gentleman's amendment on that condition.

Mr. GUNDERSON. I do have some people I had promised time to that I have to allocate under my 30 minutes, however. I appreciate the gentleman's support, but I do have to respect the commitment I have made.

Mr. FORD of Michigan. Well, I tried.

Mr. Speaker, I reserve the balance of my time.

Mr. GUNDERSON. Mr. Speaker, I yield 5 minutes to the gentleman from Texas [Mr. SAM JOHNSON], the author of the provision during its original consideration.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I rise in support of this motion to instruct the conferees on the elementary and secondary reauthorization bill, H.R. 6, to accept the Johnson/Duncan amendment which overwhelmingly passed the House on March 21 of this year by a vote of 345 to 64.

This body has voted for this exact language twice this year, the vote for my amendment in March and a 367 to 55 vote in February for a motion to instruct the conferees on Goals 2000.

If you will recall, the Johnson-Duncan amendment simply allows students and teachers in public schools across the Nation to pray on a voluntary basis. This right is protected by our Constitution.

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof . . ." [First Amendment]
>
> The courts have affirmed that students in public schools do not "shed their constitutional right to freedom of speech or expression at the schoolhouse gate." In the case of Wallace versus Jaffree the court concluded that there is no constitutional barrier to a state "protecting every student's right to engage in voluntary prayer.

The House-passed amendment allows student-initiated, constitutionally protected voluntary prayer. It does not require a State education agency or a local education agency to do anything but uphold the Constitution. It does not create any new legal definition of voluntary school prayer. It does not require a child to participate in prayer.

The language passed by the other body places a heavy burden on those whose rights have been violated. They must obtain a court order requiring that a violation of constitutionally protected prayer be remedied, and then return to court a second time and prove willful violation of the previous court order.

The argument has been made that we should leave the decision of what is protected prayer to the courts because the Department of Education should not be involved in making such "constitutional" decisions. The Department of Education already makes decisions concerning students' constitutional rights. There is a special office at the Department called the Office of Civil Rights. This Office will investigate claims that a student's civil rights have been violated, they will contact the school and work with them to remedy the situation and if the school does not, the funds will be taken away.

The language passed by the other body will cause parents of aggrieved students to spend tremendous amounts of money in litigation costs. Let me share an example with you of the cost of prosecuting a public school student's right to pray. In the case Ferguson, et al. versus Smithfield High School students at a public high school were denied the right to start a bible club, similar to other student clubs, and have faith fellowship meetings as a club on school grounds. The case was filed in Federal District Court in February of this year. The cost of the case to this stage, not including a trial total $44,730. That includes $33,500 for lead attorneys, $6,950 for the team attorneys, $1,800 for six depositions—exclusive of attorney time—and $2,480 for disbursements. This is an undue burden that would not be placed on the aggrieved individuals under the Johnson/Duncan language.

I encourage the 345 Members who voted for the Johnson/Duncan amendment in March to continue their support for protecting the rights of all schoolchildren to voluntarily pray and vote for this motion to instruct. In a nation founded on religious beliefs, the Government should not restrict the time or place a citizen voluntarily chooses to pray.

Mr. EMERSON. Mr. Speaker, will the gentleman yield?

Mr. SAM JOHNSON of Texas. I yield to the gentleman from Missouri [Mr. EMERSON].

Mr. EMERSON. I want to associate myself very strongly with the remarks of the gentleman from Texas [Mr. SAM JOHNSON].

Mr. Speaker, I rise today in support of the motion to instruct conferees to accept the House-passed language to H.R. 6 regarding school prayer offered by my colleague from Texas. We have worked together on this most important issue in the past and I am happy to join him again today.

As passed by the House on March 24 by a convincing vote of 289–128, H.R. 6 includes language denying funds to any State or local educational agency which has a policy of denying or preventing participation in constitutionally protected school prayer. The bill also stipulated that the Federal Government cannot require any person to participate in school prayer.

The Senate version of the bill would make schools judged by a Federal court to have willfully violated a Federal court order mandating that they correct violations of constitutionally-protected school prayer, ineligible for funds until they comply with the court order. The bill also states that funds are not reimbursable for the period during which schools were in willful noncompliance.

First, let me spell out what the House language does do and then make it clear what it doesn't do. The House-passed language will prevent any school district which has a policy of prohibiting voluntary student-initiated prayer in the schools from receiving any Federal funds authorized by this act or any other act. In other words, it simply forbids school districts from setting up official policies or procedures with the intent and purpose of prohibiting individuals from voluntarily saying prayers at school.

This language does not mandate school prayer or require schools to write any particular prayer. Under this language, a school is not required to do anything in favor of voluntary prayer. It simply must refrain from instituting policies prohibiting voluntary student prayer.

The Founding Fathers intended religion to provide a moral anchor for our democracy. Wouldn't they be puzzled to return to modern-day America and find, among elite circles in academia and the media, a scorn for the public expression of religious values. I find it ironic that while taxpayers' dollars are being used by bureaucrats to distribute condoms in our public schools across America, our children are prohibited from reading the Bible. This sends a powerful message to our children—and it is the wrong message.

One of the many liberties our forefathers founded this great Nation upon was freedom of religion; a freedom to pray to the God we want, when we want, and where we want. Unfortunately, this freedom has been eroded by the Supreme Court over the last few decades. I firmly believe that no one should be forced to pray, especially if a certain prayer is contrary to an individual's beliefs. But, there can be no question that every American citizen has the right to pray voluntarily whenever and wherever he or she chooses, and that includes children in public schools. This is protected under the first amendment; "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." It is that second part that I ask you to pay special attention to today.

As President Reagan so eloquently stated in 1982, "the First Amendment of the Constitution was not written to protect the people of this country from religious values; it was written to protect religious values from government tyranny."

This language overwhelmingly passed the House by a vote of 289–128. I urge you to vote for the Johnson motion to instruct conferees to accept the House-passed language to H.R. 6.

Mr. KASICH. Will the gentleman yield?

Mr. SAM JOHNSON of Texas. I yield to the gentleman from Ohio [Mr. KASICH].

Mr. KASICH. I would like to compliment the gentleman for his effort originally on this issue. Frankly, the whole country scratches their head and wonders why the Congress has failed to allow a moment of silent prayer in our schoolhouses across this country.

We begin the morning session with a prayer here in Congress, and I think everybody knows that if our society, one more time, is going to get compliance on the highway and some speed limits—we all talk about a value crisis in our country—this is not the panacea but one great step forward in terms of reinstituting some fundamental values.

I used to pray when I was a kid in school. Virtually everybody in this Chamber has. And I want to compliment the gentleman for his efforts and look forward to the House strongly supporting the Johnson motion in the conference committee.

Mr. SAM JOHNSON of Texas. I thank the gentleman from Ohio [Mr. KASICH].

☐ 1510

Mr. GUNDERSON. Mr. Speaker, I yield 3 minutes to my friend and colleague, the gentleman from the great State of Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, in America, you can burn the flag. In America a communist can work in a defense plant. In America a murderer is allowed law books in the penitentiary. And in America, criminals can have a free attorney.

In our schools there are rapes. In America there are condoms in our schools. In America there is racism in our schools. In America there are assaults in our schools, there is even murder in our schools. There is theft in our schools and, ladies and gentlemen, there are drugs in American schools and in America, ladies and gentlemen, there are even guns in our schools.

But in our schools, ladies and gentlemen, there is no prayer. There is no prayer in American schools. In fact, the only time you hear about God in American schools is when God's name is taken in vain.

The Constitution separates church and State. But I for one believe the Constitution was never intended to separate God and the American people. I think if we look at the litany of all of the problems in American schools, maybe we could see, Congress, why some of that has occurred. Maybe we have gone a little bit too far with the Constitution, stretched it from what the Founders really wanted, and allowing for voluntary prayer is not a whole lot to ask.

I think if the Congress of the United States cannot deal with that issue, then shame, Congress. Hide your face.

Mr. GUNDERSON. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee [Mr. DUNCAN].

Mr. DUNCAN. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I have spoken on this issue three or four times on the House floor in the past, so I will be brief.

I rise in support of this motion to instruct. Our Founding Fathers came to this Nation to get freedom of religion, not freedom from religion. I think they would be shocked to learn today that we open up every session of the House and Senate with prayer, but we will not allow the school children of this Nation that same privilege.

George Washington once said you cannot have good government without morality, you cannot have morality without religion, and you cannot have religion without God.

But I think even more apropos is something that William Raspberry, the great columnist for the Washington Post, wrote a few months ago when he asked the very pointed question in one of his columns, he said: "Is it not just possible that anti-religious bias, masquerading as religious neutrality, is costing us far more than we have been willing to admit?"

There are many things that I could say about this issue, Mr. Speaker, but I would simply like to read a recent editorial by Morton Zuckerman, editor in chief of U.S. News and World Report, entitled "Where have our values gone"? Mr. Zuckerman said,

> The fraying of America's social fabric is fast becoming a national obsession. Three out of every four Americans think we are in moral and spiritual decline. Two out of three think the country is seriously off track. Doubts about the president's character have driven his standing in the polls down about 15 points. Social dysfunction haunts the land: crime and drug abuse, the breakup of the family, the slump in academic performance, the disfigurement of public places by druggies, thugs and exhibitionists. Are we now, to use Sen. Daniel Patrick Moynihan's phrase, "defining deviancy down," accepting as part of life what we once found repugnant?

He went on to say,

> Instead culture of a culture of common good, we have culture of constant complaint. Everyone is a victim.
>
> The combined effect of these sicknesses, rooted in phony doctrines of liberalism, has been to tax the Nation's optimism and sap its confidence in the future. And it is the young who are strikingly vulnerable.

Let us do something good for the young people of this Nation. Let us allow voluntary prayer back in the schools of this land. This is not a partisan issue. It is being endorsed at the present time in my home State of Tennessee by both the senior Senator, Senator SASSER in ads that he is writing and by the other gentleman from Tennessee, our colleague, Mr. COOPER.

Mr. Speaker, I urge support of this motion to instruct.

Mr. GUNDERSON. Mr. Speaker, I yield 2½ minutes to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman for yielding the time.

Mr. Speaker, when I first entered the Indiana General Assembly back in 1967 I was a cosponsor of what was called the Everett Dirksen voluntary prayer amendment. That was 1967. What was that, 27 years ago, and we are still fighting this issue.

The American people by an overwhelming majority, I think 75 to 80 percent believe that there should be voluntary prayer in the schools. We see a terrible problem as far as rising crime, rising immorality, people are afraid to go out on their streets at night because there is no moral foundation in this country, and one of the reasons for that, in my opinion, is we have taken God completely away from the young people of this country. Their parents, many of them are divorced, there is no cohesion in the family, there is no place for them to turn, and there is no reliance on a Supreme Being. They do not even know that God exists, many of them.

So what do they do? They turn to their peers, and they turn to street crime, and while we are fighting in this body and other places across this country for voluntary prayer in the schools, we keep wondering why we have a never-ending spiral of increase in the area of crime and disorder in this country.

I submit that it is because we have lost our moral moorings, and we need to re-create that moral mooring by putting prayer back in the schools, voluntary prayer.

While I am talking about this I would just like to tell Members that I just got a copy of a document coming from the Los Angeles unified school district, from the Gay and Lesbian Education Commission. They have a Gay and Lesbian Education Commission out there demanding that there be education for gays and lesbians in the schools. We have come a long way. We will do that. We will observe the rights of gays and lesbians in our schools, but we will not allow God to be brought into our schools.

There is a joke going around right now. A boy drops something on the floor and bends down. The teacher comes and grabs him and says, "Son, I am sending you to the principal because you're praying." And he said, "I'm not praying, I'm looking for a condom." And she says, "Well, that's all right. There's nothing wrong with that."

Here we are in school giving out condoms and teaching kids about freer sex and that is all right. But it is not all right to have a voluntary prayer recognizing the Almighty Creator of our country and our world. It makes no sense.

This country is off in the wrong direction and we need to get back on the beam, and the first giant step in the right direction would be to restore the right to voluntary prayer in our schools.

Mr. GUNDERSON. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. BARTON].

□ 1520

Mr. BARTON of Texas. Mr. Speaker, I rise in support of the Gunderson motion to instruct conferees which supports the Johnson amendment, which has already passed the House of Representatives once in this session of Congress, on school prayer.

The Constitution, according to my reading, actually does protect free speech even in the public school systems where children voluntarily decide if they need the right to pray. The House bill gives that right, and simply says that if a school voluntarily decides that it is acceptable to allow voluntary prayer, they should not be denied funding of Federal funds for that.

So I would hope that we would vote for the Gunderson motion to instruct conferees which would give the Johnson amendment, which already passed the House, the force of our support.

Mr. FINGERHUT. Mr. Speaker, I rise today in opposition to Congressman JOHNSON's motion to instruct House conferees on H.R. 6 to insist on the House bill's provision regarding school prayer. Mr. Speaker, on the surface, Mr. JOHNSON's motion and the House language make sense. The House bill would deny funds to any State or school district which has a policy of denying or preventing participation in constitutionally protected prayer in public schools by individuals on a voluntary basis. Mr. JOHNSON's motion would retain that language.

I agree that officials at our public schools should obey the law and allow constitutionally protected prayer in public schools. And, I agree that there should be legal recourse for parents in the cases where a student's right to pray has been abrogated. The problem, Mr. Speaker, lies in determining what kinds of prayer are, in fact, constitutionally protected. Frankly, the Supreme Court has issued decisions on this important issue that even Constitutional scholars find difficult to interpret. I do not think that we should require our public school superintendents to turn themselves into constitutional scholars so as not to jeopardize their funding under this bill. I also do not think we should allow funding for all disabled and disadvantaged students to be held hostage to any single individual who may believe that their rights have been violated. Such an individual has an absolute right to seek recourse in court. Enhancing this right by allowing an individual to seek a cutoff of all Federal funds is unnecessary and an unreasonable intrusion into the affairs of a local school district.

At the present time, most public school officials err on the side of being overly cautious in allowing prayers by individual students at school. Without clarification from the Supreme Court, I believe that school superintendents who are cautious and careful should not be penalized or threatened in any way. Their funds should not be jeopardized, and to do so would be absurd.

I will vote against Mr. JOHNSON's motion to instruct conferees in continued support for local control of public schools.

Mr. GUNDERSON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. FORD of Michigan. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the motion to instruct.

The previous question was ordered.

The SPEAKER pro tempore (Mr. HASTINGS). The question is on the motion to instruct offered by the gentleman from Wisconsin [Mr. GUNDERSON].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 369, nays 55, not voting 10, as follows:

[Roll No. 426]

YEAS—369

Allard
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Becerra
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Carr
Castle
Chapman
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Combest
Condit
Cooper
Costello
Cox
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeLauro
DeLay
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (TX)
Ehlers
Emerson
English
Evans
Everett
Ewing
Fawell
Fazio
Fields (LA)
Fields (TX)
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Franks (CT)
Franks (NJ)
Frost
Gallegly
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Lucas
Machtley
Maloney
Mann
Manton
Manzullo
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meek
Menendez
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Minge
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Neal (MA)
Neal (NC)
Nussle
Obey
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regu[illegible]
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Royce
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schiff
Schroeder
Schumer
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Strickland
Studds
Stump
Stupak
Swett
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Weldon
Whitten
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—55

Abercrombie
Ackerman
Andrews (ME)
Bacchus (FL)
Beilenson
Berman
Bonior
Cardin
Clay
Collins (IL)
Collins (MI)
Conyers
Coppersmith
Coyne
DeFazio
Edwards (CA)
Engel
Eshoo
Farr
Filner
Fingerhut
Frank (MA)
Furse
Gonzalez
Hamburg
Harman
Hughes
Johnston
Kopetski
Margolies-Mezvinsky
Markey
McDermott
Meehan
Mineta
Mink
Nadler
Oberstar
Olver

Pelosi
Reynolds
Roybal-Allard
Rush
Sabo
Sanders
Schenk
Scott
Skaggs
Stark
Stokes
Swift
Waters
Watt
Waxman
Williams
Yates

NOT VOTING—10

Dellums
Gallo
Green
Inhofe
Michel
Sisisky
Sundquist
Synar
Washington
Wheat

☐ 1544

Messrs. HAMBURG, MINETA, BACCHUS of Florida, SANDERS, MEEHAN, MARKEY, and DEFAZIO changed their vote from "yea" to "nay."

Mr. FLAKE and Mr. DEUTSCH changed their vote from "nay" to "yea."

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. HASTINGS). Without objection, the Chair appoints the following conferees:

From the Committee on Education and Labor, for consideration of the House bill and the Senate amendment (except for sections 601–03 and 801–05), and modifications committed to conference:

Messrs. FORD of Michigan, KILDEE, WILLIAMS, OWENS, SAWYER, and PAYNE of New Jersey, Mrs. UNSOELD, Mrs. MINK of Hawaii, Messrs. REED, ROEMER, ENGEL, BECERRA, and GENE GREEN of Texas, Ms. WOOLSEY, Mr. ROMERO-BARCELO, Ms. ENGLISH of Arizona, Messrs. STRICKLAND, UNDERWOOD, GOODLING, and PETRI, Mrs. ROUKEMA, Mr. GUNDERSON, Mr. BALLENGER, Ms. MOLINARI, and Messrs. BOEHNER, CUNNINGHAM, MCKEON, and MILLER of Florida.

From the Committee on Education and Labor, for consideration of sections 601–03 of the Senate amendment, and modifications committed to conference:

Messrs. FORD of Michigan, OWENS, PAYNE of New Jersey, FAWELL, and BALLENGER.

From the Committee on Education and Labor, for consideration of sections 801–05 of the Senate amendment, and modifications committed to conference:

Messrs. FORD of Michigan, WILLIAMS, SAWYER, PETRI, and GUNDERSON.

From the Committee on Agriculture, for consideration of sections 801–05 of the Senate amendment, and modifications committed to conference:

Messrs. DE LA GARZA, STENHOLM, and ROBERTS.

From the Committee on Ways and Means, for consideration of sections 601–03 of the Senate amendment, and modifications committed to conference:

Messrs. GIBBONS, FORD of Tennessee, and ARCHER.

There was no objection.

PERSONAL EXPLANATION

Mr. GENE GREEN of Texas. Mr. Speaker, due to appointments with constituents and a series of previously scheduled town meetings, I was unable to register my votes on three occasions.

On September 20, rollcall votes No. 425 and No. 426, I would have voted "yea" on both.

GENERAL LEAVE

Mr. FORD of Michigan. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter on the motion just debated and adopted.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

CONFERENCE REPORT ON H.R. 4539, TREASURY, POSTAL SERVICE AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1995

Mr. HOYER submitted the following conference report and statement on the bill (H.R. 4539) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1995, and for other purposes:

CONFERENCE REPORT (H. REPT. 103–729)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4539) "making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1995, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 6, 8, 11, 15, 21, 26, 30, 35, 40, 49, 65, 69, 75, 76, 84, 85, 86, 88, 93, and 95.

That the House recede from its disagreement to the amendments of the Senate numbered 5, 7, 9, 12, 18, 19, 20, 23, 27, 28, 31, 32, 33, 37, 38, 39, 41, 46, 47, 48, 56, 57, 59, 62, 64, 67, 74, 83, 89, 90, 91, and 92.

And agree to the same.

Amendment No. 1:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *not to exceed $2,900,000 for official travel expenses; not to exceed $3,101,000 to remain available until September 30, 1997, shall be available for information technology modernization requirements; of which not less than $6,443,000 and 85 full-time equivalent positions shall be available for enforcement activities; not to exceed $150,000 for official reception and representation expenses;* ; and the Senate agree to the same.

Amendment No. 2:

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows: *$104,479,000: Provided, That of the offsetting collections credited to this account, $79,000 are permanently canceled*; and the Senate agree to the same.

Amendment No. 3:

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows:

In lieu of the sum named in said amendment, insert: *$29,700,000*; and the Senate agree to the same.

Amendment No. 4:

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows:

In lieu of the matter proposed in said amendment, insert: *$19,823,000: Provided, That of the offsetting collections credited to this account, $1,000 are permanently canceled*; and the Senate agree to the same.

Amendment No. 10:

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows:

In lieu of the sum named in said amendment, insert: *$183,889,000*; and the Senate agree to the same.

Amendment No. 13:

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows:

In lieu of the sum named in said amendment, insert: *: Provided further, That of the offsetting collections credited to this account, $4,000 are permanently canceled: Provided further, That funds made available shall be used to achieve a minimum staffing level of 4,215 full-time equivalent positions during fiscal year 1995*; and the Senate agree to the same.

Amendment No. 14:

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows:

In lieu of the sum named in said amendment, insert: *$1,394,793,000*; and the Senate agree to the same.

Amendment No. 16:

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows:

In lieu of the sum named in said amendment, insert: *: Provided further, That Customs shall achieve a minimum full-time equivalent staffing level of 17,524 during fiscal year 1995: Provided further, That $500,000 shall remain available until expended for the construction of a replacement fence within the city limits of Nogales, Arizona under that authority of section 9, title 19, United States Code*; and the Senate agree to the same.

Amendment No. 17:

That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows:

In lieu of the sum named in said amendment, insert: *$89,041,000*; and the Senate agree to the same.

Amendment No. 22:

That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *$1,511,266,000, of which $3,700,000*; and the Senate agree to the same.

Amendment No. 24:

That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows:

In lieu of the matter proposed by said amendment, insert: *for research: Provided further, That $405,000,000 of the $426,300,000 made available for the fiscal year 1995 tax compliance initiative shall not be expended for any other purposes: Provided further, That no funds shall be transferred from this account during fiscal year 1995*; and the Senate agree to the same.

Amendment No. 25:

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *$1,388,000,000 of which no less than $650,000,000 shall be available for tax systems modernization, of which up to $185,000,000 for tax and information systems development projects*; and the Senate agree to the same.

Amendment No. 29:

That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

SEC. 3. The Secretary of the Treasury may establish new fees or raise existing fees for services provided by the Interal Revenue Service to increase receipts, where such fees are authorized by another law. The Secretary of the Treasury may spend the new or increased fee receipts to supplement appropriations made available to the Internal Revenue Service appropriations accounts in fiscal years 1995 and thereafter: Provided, That the Secretary shall base such fees on the costs of providing specified services to persons paying such fees: Provided further, That the Secretary shall provide quarterly reports to the Congress on the collection of such fees and how they are being expended by the Service.

Amendment No. 34:

That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

SEC. 113. (a) The Director of the United States Secret Service shall direct and apply appropriate agency personnel and resources for the purpose of conducting a security survey of the Bureau of Engraving and Printing.

(b) Such security survey shall include a review of all general security provisions, including:

(1) The security and safeguarding of currency;

(2) Personnel screening and employee background check procedures;

(3) Access control and identification procedures;

(4) The security and safeguarding of currency materials, supplies and related items; and

(5) Other security areas of concern as deemed relevant and appropriate by the agency.

(c) The Bureau of Engraving and Printing and the Federal agencies which participated in any investigations or arrest of person(s) for theft or currency from the Bureau of Engraving and Printing are directed to—

(1) provide any assistance and cooperation to the United States Secret Service for the purpose of the security survey;

(2) provide Secret Service personnel, in accordance with all laws, with access to person(s) arrested in connection with theft or removal of currency from the Bureau of Engraving and Printing; and

(3) provide access to all relevant investigative reports and materials: Provided, That access to such persons is approved by the appropriate United States Attorney.

(d) The Director of the United States Secret Service shall provide a preliminary report to the Congress no later than 90 days from the date of enactment of this Act, and a final report containing specific findings and recommendations to the Congress within 180 days of enactment of this Act.

And the Senate agree to the same.

Amendment No. 36:

That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows:

In lieu of the sum named in said amendment, insert: *$57,754,000*; and the Senate agree to the same.

Amendment No. 42:

That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows:

In lieu of the sum named in said amendment, insert: *$57,754,000*; and the Senate agree to the same.

Amendment No. 43:

That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment as follows:

In lieu of the sum named in said amendment, insert: *$52,000,000*; and the Senate agree to the same.

Amendment No. 44:

That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows:

In lieu of the matter proposed by said amendment, insert: *Provided, That an additional $9,000,000 shall be made available for drug control activities in Puerto Rico and the U.S. Virgin Islands only if the Director of the Office of National Drug Control Policy designates such area as a High Intensity Drug Trafficking Area: Provided further, that the funds made available under this head shall be obligated within 90 days of the date of enactment of this Act*; and the Senate agree to the same.

Amendment No. 45:

That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *$41,900,000, which shall be derived from deposits in the Special Forfeiture Fund; of which $1,800,000 shall be transferred to the Drug Enforcement Administration for the El Paso Intelligence Center; of which $15,000,000 shall be available to the Director of the Office of National Drug Control Policy for enhancing anti-drug control activities, upon the advance approval of the House and Senate Committees on Appropriations; of which $3,100,000 shall be available to the Director of the Office of National Drug Control Policy for ballistics technologies, upon the advance approval of the House and Senate Committees on Appropriations; of which $14,000,000 shall be transferred to the Substance Abuse and Mental Health Services Administration, and of which $10,000,000 shall be available to the Center for Substance Abuse Treatment for the residential women and children's program, and of which $4,000,000 shall be available to the Center for Substance Abuse Treatment for community drug treatment programs; of which $8,000,000*; and the Senate agree to the same.

Amendment No. 50:

That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows:

In lieu of the sum named in said amendment, insert: *$466,917,000*; and the Senate agree to the same.

Amendment No. 51:

That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows:

In lieu of the sum named in said amendment, insert: *$5,082,998,000*; and the Senate agree to the same.

Amendment No. 52:

That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows:

In lieu of the sum named in said amendment, insert: *$736,233,000*; and the Senate agree to the same.

Amendment No. 53:

That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

Alabama:

Montgomery, U.S. Courthouse Annex, $40,547,000

Arizona:

Bullhead City, A grant to the Federal Aviation Administration for a runway protection zone, $2,200,000

Tucson, a grant to the Arizona Historical Documents Education Foundation, $2,000,000

Tucson, U.S. Courthouse, $92,708,000

California:

Santa Ana, U.S. Courthouse $25,193,000

Colorado:

Lakewood, U.S. Geological Survey Laboratory/Building, $25,802,000

Florida:

Jacksonville, U.S. Courthouse, $4,600,000

Orlando, U.S. Courthouse Annex, $7,261,000

Georgia:

Albany, U.S. Courthouse, $5,640,000

Savannah, U.S. Courthouse Annex, $5,262,000

Hawaii:

Consolidation, University of Hawaii-Hilo, $12,000,000

Kentucky:

Covington, U.S. Courthouse, $2,914,000

London, U.S. Courthouse, $1,523,000

Louisiana:

Lafayette, U.S. Courthouse, $5,042,000

Maryland:

Beltsville, Secret Service Building, $2,400,000

Montgomery and Prince Georges Counties, Food and Drug Administration (FDA) consolidation, $50,000,000, of which $5,000,000 shall be available to the Food and Drug Administration for payment to any entity selected by the FDA to provide for office and laboratory space and such equipment and facilities as are necessary for seafood research

Beltsville, a transfer to the Rowley Secret Service Training Center, $5,000,000

Missouri:

Kansas City, Federal Building and U.S. Courthouse, $84,895,000

St. Louis, Federal Building and U.S. Courthouse, $176,863,000

Montana:

Babb, Border Station, $333,000

New Mexico:

Albuquerque, U.S. Courthouse, $46,342,000

New York:

Long Island, U.S. Courthouse, $28,200,000

Nevada:

Las Vegas, U.S. Courthouse, $4,230,000

North Dakota:

Pembina, Border Station, $11,113,000

Ohio:

Cleveland, U.S. Courthouse, $28,246,000

Steubenville, U.S. Courthouse, $2,820,000

Pennsylvania:

Erie, U.S. Courts Complex, $3,135,000

Tennessee:

Greeneville, U.S. Courthouse, $2,936,000

Texas:

Austin, Veterans Affairs Annex, $1,430,000

Browsville, Federal Building and U.S. Courthouse, $5,980,000

Corpus Christi, U.S. Courthouse, $6,446,000

El Paso, Federal Office Building, Claim, $327,000

Laredo, Federal Building and U.S. Courthouse, $24,341,000

Virginia:

Charlottesville, U.S. Army Foreign Science and Technology Center, $4,178,000

Washington:

Blaine, Border Station, $4,472,000

Oroville, Border Station, $1,483,000

Point Roberts, Border Station, $698,000

West Virginia:

Martinsburg, Internal Revenue Service Computer Center, $7,547,000; and the Senate agree to the same.

Amendment No. 54:

That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows:

In lieu of the sum named in said amendment, insert: *$736,709,000*; and the Senate agree to the same.

Amendment No. 55:

That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

California:

Los Angeles, U.S. Courthouse, $23,640,000

Menlo Park, U.S. Geological Survey Building #3, $7,242,000

Sacramento, Federal Building, $15,727,000

San Pedro, Custom House, $5,153,000

Colorado:

Denver, Federal Building and Custom House, $8,442,000

District of Columbia:

Ariel Rios, Facades, $3,745,000

Customs/ICC/Connecting Wing Complex, (phase I), $9,169,000

National Courts, $4,354,000

Illinois:

Chicago, Federal Center, $50,279,000

Maryland:

Baltimore, George H. Fallon Federal Building (phase 3), $16,302,000

Woodlawn, SSA East High-Low Buildings, $18,233,000

New Jersey:

Trenton, Clarkson S. Fisher Courthouse, $14,875,000

New York:

Holtsville, IRS Service Center, $20,227,000

New York, Jacob K. Javits Federal Building, $2,744,000

New York, Silvio V. Mollo Federal Building, $958,000

North Carolina:

Asheville, Federal Building and U.S. Courthouse, $6,692,000

Ohio:

Cleveland, Anthony J. Celebreeze Federal Building, $11,570,000

Oklahoma:

Oklahoma City, Alfred P. Murrah Federal Building, $5,578,000

Pennsylvania:

Harrisburg, Federal Building and U.S. Courthouse, $16,041,000

Philadelphia, Byrne-Green Complex, $32,294,000

Philadelphia, R.N.C. Nix, Sr., Federal Building and U.S. Courthouse (phase 3), $13,979,000

Rhode Island:

Providence, Kennedy Plaza Federal Courthouse, $8,161,000

Texas:

Lubbock, Federal Building and U.S. Courthouse, $12,829,000

Virginia:

Richmond, U.S. Courthouse and Annex, $13,190,000

Washington:

Walla Walla, Corps of Engineers Building, $2,814,000

Nationwide:

Chlorofluorocarbons Program, $90,035,000

Energy Program, $45,723,000

Advance Design, $19,515,000

Minor Repairs and Alterations, $257,198,000

;

And the Senate agree to the same.

Amendment No. 58:

That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows: *of which $3,400,000 shall be available for essential functional requirements for primary structural, electrical, and security systems of the Bureau of Census, New Computer Center; Provided further, That of the funds available to the General Services Administration for the U.S. Courthouse in Albany, Georgia; the Federal building consolidation in Hilo, Hawaii; the U.S. Courthouse in Covington, Kentucky; the U.S. Courthouse, London, Kentucky; the Secret Service building, Beltsville, Maryland; the U.S. Courthouse, Albuquerque, New Mexico; the U.S. Courthouse, Long Island, New York; the U.S. Courthouse, Las Vegas, Nevada; the U.S. Courthouse, Jacksonville, Florida; the U.S. Courthouse, Corpus Christi, Texas; the U.S. Courthouse, Stuebenville, Ohio; the U.S. Courthouse, Greeneville, Tennessee; the Kennedy Plaza Federal Courthouse, Providence, Rhode Island; the Corps of Engineers building, Walla Walla, Washington; and the construction funds only for the U.S. Courthouse, Tucson, Arizona; shall not be available for expenses in connection with any construction, repair, alteration, and acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, as amended, has not been approved, except that necessary funds may be expended for each project for required expenses in connection with the development of a proposed prospectus; Provided further, That not to exceed $5,000,000 of the funds appropriated for the Food and Drug Administration consolidation may be used for necessary infrastructure improvements: Provided further, That of the $6,000,000 made available in Public laws 102–93 and 103–123 for the acquisition, lease, construction and equipping of flexiplace work telecommuting centers, not to exceed $1,300,000 shall be available for payment to a public entity in the State of Maryland to provide facilities, equipment and other services to the General Services Administration for purposes of establishing telecommuting work centers in Southern Maryland (Waldorf, Prince Frederick, and St. Mary's County) for use by governmental agencies designated by the Administrator of General Services*; and the Senate agree to the same.

Amendment No. 60:

That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows:

In lieu of the sum named in said amendment, insert: *$5,082,998,000*; and the Senate agree to the same.

Amendment No. 61:

That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *Of the funds made available under this heading in Public Law 100–440, Public Law 101–136, Public Law 101–509, Public Law 102–141, Public Law 102–393, and Public Law 103–123, $78,076,000 are rescinded from the following projects in the following amounts:*

California:

Menlo Park, U.S. Geological Survey Office and Laboratory Buildings, $783,000

District of Columbia:

United States Secret Service, Headquarters, $13,958,000

White House Remote Delivery and Vehicle Maintenance Facility, $4,918,000

Federal Bureau of Investigation, Field Office, $4,419,000

Federal Office Building No. 6, $8,583,000

Florida:

Ft. Myers, U.S. Courthouse, $654,000

Hollywood, Federal Building, $1,000,000

Lakeland, Federal Building, $4,400,000

Indiana:

Hammond, U.S. Courthouse, $2,500,000

Iowa:

Burlington, Parking Facility, $2,400,000

Maryland:

Bowie, Bureau of Census, Computer Center, $660,000

New Carrollton, Internal Revenue Service, Headquarters, $30,100,000

New Hampshire:

Concord, U.S. Courthouse, $867,000

New Jersey:

Newark, Federal Building, 20 Washington Plaza, $327,000

Tennessee:

Knoxville, U.S. Courthouse, $800,000

Texas:

Del Rio, Border Station, $1,707,000.

And the Senate agree to the same.

Amendment No. 63:

That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *$130,036,000: Provided, That of the offsetting collections credited to this account, $172,000 are permanently canceled: Provided further, That no less than $825,000 shall be available for personnel and associated costs in support of Congressional District and Senate State offices without reimbursement from these offices.*; and the Senate agree to the same.

Amendment No. 66:

That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment as follows:

In lieu of the sum named in said amendment, insert: *$2,250,000*; and the Senate agree to the same.

Amendment No. 68:

That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *$195,238,000*; and the Senate agree to the same.

Amendment No. 70:

That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows:

NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

For necessary expenses for allocations and grants for historical publications and records as authorized by 44 U.S.C. 2504, as amended, $9,000,000 to remain available until expended: Provided, That $2,000,000 shall be a grant to the Thomas P. O'Neill, Jr. Library: Provided further, That $2,000,000 shall be a grant to the Robert H. and Corrine W. Michael Congressional Education Fund.

And the Senate agree to the same.

Amendment No. 71:

That the House recede from its disagreement to the amendment of the Senate numbered 71, and agree to the same with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows:

JOHN F. KENNEDY ASSASSINATION RECORDS REVIEW BOARD

SALARIES AND EXPENSES

For necessary expenses to carry out the John F. Kennedy Assassination Records Collection Act of 1992, $2,150,000 to remain available until expended.

And the Senate agree to the same.

Amendment No. 72:

That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *$115,139,000, of which not to exceed $1,000,000 shall be made available for the establishment of health promotion and disease prevention programs for Federal employees, and in addition $93,934,000*; and the Senate agree to the same.

Amendment No. 73:

That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment as follows:

In lieu of the sum named in said amendment, insert: *$34,039,000*; and the Senate agree to the same.

Amendment No. 77:

That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows:

SEC. 527. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 1995 from appropriations made available for salaries and expenses for fiscal year 1995 in this Act, shall remain available through September 30, 1996 for each such account for the purposes authorized: Provided, That a request shall be submitted to the House and Senate Committees on Appropriations for approval prior to the expenditure of such funds.

And the Senate agree to the same.

Amendment No. 78:

That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment as follows:

In lieu of the first section number named in said amendment, insert: *528*; and the Senate agree to the same.

Amendment No. 79:

That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

SEC. 529. Law Enforcement Exclusion From Workforce Restructuring.

(a) For the fiscal year beginning on October 1, 1994, no reductions pursuant to Section 5(b) of the Federal Workforce Restructuring Act of 1994 (Public Law 103–226) may be made in the number of full-time equivalent employees classified as law enforcement and law enforcement support personnel in the Department of Treasury.

(b) During the period specified in subsection (a), no law, regulation, Executive Order, guidance, or other directive imposing a restriction on hiring by executive agencies for the purpose of achieving workforce reductions shall apply to employees classified as law enforcement and law enforcement support personnel in the Department of the Treasury.

(c) Section 5(f) Paragraph (3) of the Federal Workforce Restructuring Act shall not apply with respect to any instances of voluntary separation incentive payments made to Treasury law enforcement personnel.

And the Senate agree to the same.

Amendment No. 80:

That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment as follows:

In lieu of the first section number named in said amendment, insert: *530*; and the Senate agree to the same.

Amendment No. 81:

That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment as follows:

In lieu of the first section number named in said amendment, insert: *531*; and the Senate agree to the same.

Amendment No. 82:

That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

SEC. 532. Section 1 under the subheading "General Provision" under the heading "Office of Personnel Management" under title IV of the Treasury, Postal Service and General Government Appropriations Act, 1992 (Public Law 102–141; 105 Stat. 861; 5 U.S.C. 5941 note), as amended—

(1) by striking "1995" both places it appears and inserting in lieu thereof "1996"; and

(2) by striking "adjustments" and the remainder of the sentence and inserting in lieu thereof "appropriate changes in the method of fixing compensation for affected employees, including any necessary legislative changes. Such study shall include—

"(1) an examination of the pay practices of other employers in the affected areas;

"(2) a consideration of alternative approaches to dealing with the unusual and unique circumstances of the affected areas, including modifications to the current methodology for calculating allowances to take into account all cost of living in the geographic areas of the affected employee; and

"(3) and evaluation of the likely impact of the different approaches on the Government's ability to recruit and retain a well-qualified workforce.

For the purpose of conducting such study and preparing such report, the Office may accept and utilize (without regard to any restriction on unanticipated travel expenses imposed in an Appropriations Act) funds made available to the Office pursuant to court approval.".

SEC. 533. (a) Facilities or buildings located at Safford, Graham County, Arizona and constructed with Federal funds made available to the General Services Administration for the United States Forest Service Administrative Offices and Cultural Center, shall be designated in honor of "Ora Webster DeConcini". Any reference to such facilities or buildings in a law, map, regulation, document, record, or other paper of the United States shall be a reference to the "Ora Webster DeConcini" building(s) or facilities".

(b) The Federal Building and United States Courthouse to be located in Tucson, Arizona is hereby designated as the "Evo A. DeConcini Federal Building and United States Courthouse". Any reference to such building in a law, map, regulation, document, record, or other paper of the United States shall be a reference to the "Evo A. DeConcini Federal Building and United States Courthouse".

SEC. 534. Notwithstanding any other provision of law, the Administrator of General Services is authorized to execute a lease, of no less than twenty years, with the City of Tucson, Arizona, or a subdivision thereof, for space to house the United States Department of Agriculture's Forest Service and other Federal tenants in an office complex to be developed by the City of Tucson on a site or sites owned by the City of Tucson and located near the intersection of Interstate Highway 10 and Congress Street in the City of Tucson, County of Pima, State of Arizona. The Administrator shall negotiate an operating lease that he deems to be in the best interests of the United States and necessary for the accommodation of Federal agencies.

SEC. 535. Notwithstanding any other provision of law or regulation: (1) The authority of the special police officers of the Bureau of Engraving and Printing, in the Washington, D.C. Metropolitan area, extends to buildings and land under the custody and control of the Bureau; to buildings and land acquired by or for the Bureau through lease, unless otherwise provided by the acquisition agency; to the streets, sidewalks and open areas immediately adjacent to the Bureau along Wallenberg Place (15th Street) and 14th Street between Independence and Maine Avenues and C and D Streets between 12th and 14th Streets; to areas which include surrounding parking facilities used by Bureau employees, including the lots at 12th and C Streets, S.W., Maine Avenue and Water Streets, S.W., Maiden Lane, the Tidal Basin and East Potomac Park; to the protection in transit of United States securities, plates and dies used in the production of United States securities, or other products or implements of the Bureau of Engraving and Printing which the Director of that agency so designates; (2) The exercise of police authority by Bureau officers, with the exception of the exercise of authority upon property under the custody and control of the Bureau, shall be deemed supplementary to the Federal police force with primary jurisdictional responsibility. This authority shall be in addition to any other law enforcement authority which has been provided to these officers under other provisions of law or regulations.

SEC. 536. Of the unobligated balance of funds made available until expended to the United States Mint in Public Law 103–123 and in prior appropriations acts, not to exceed $2,066,000 shall also be available in the fiscal year ending September 30, 1994 for all purposes for which *funds are appropriated under the heading "United States Mint, Salaries and expenses."*

SEC. 537. Of the funds appropriated to the Office of Policy Development in Title III of this Act, not to exceed $800,000 may be transferred to the head, "Council on Environmental Quality and Office of Environmental Development."

SEC. 538. Notwithstanding any other provision of this Act, the Internal Revenue Service is authorized to replace no more than 850 vehicles for the criminal investigation division in fiscal year 1995.

SEC. 539. The activity referenced in section 5 of GSA's General Provisions in Public Law 103–123 (107 Stat. 1246) "Major equipment acquisitions and development activity" of the Salaries and Expenses, General Management and Administration appropriation account for transfer of prior year unobligated balances of operating expenses and salaries and expenses appropriation accounts may be separately accounted for under the new Working Capital Fund enacted in this Act.

SEC. 540. Notwithstanding any other provision of law, the review being conducted by the Secretary of the Treasury regarding the September 12, 1994 air incursion into the White House complex shall be exempt from the Federal Advisory Committee Act, Public Law 92–463 (codified at Title 5, United States Code, Appendix 2) as amended.

SEC. 541. Section 1(a)(1) of Public Law 101–509 is amended—

(a) by deleting subsection (a)(1) and inserting in lieu thereof the following:

"(a)(1) The Director of the Center for Legislative Archives within the National Archives and Records Administration shall be established without regard to chapter 51 title 5 and shall be paid at a rate determined without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5 governing General Schedule Classification and pay rates: Provided, That such pay shall be no less than 120 percent of the rate of pay for GS–15, step 1 of the General Schedule nor more than the rate of pay in effect for level one of the Senior Executive Schedule.

And the Senate agree to the same.

Amendment No. 87:

That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows:

SEC. 630. (a)(1) The adjustment in rates of basic pay for the statutory pay systems that takes effect in fiscal year 1995 under section 5303 of title 5, United States Code, shall be an increase of 2 percent.

(2) For purposes of each provision of law amended by section 704(a)(2) of the Ethics Reform Act of 1989 (5 U.S.C. 5318 note), no adjustment under section 5303 of title 5, United States Code, shall be considered to have taken effect in fiscal year 1995 in the rates of basic pay for the statutory pay systems.

(3) For purposes of this subsection, the term "statutory pay system" shall have the meaning given such term by section 5302 (1) of title 5, United States Code.

(b) For purposes of any locality-based comparability payments taking effect in fiscal year 1995 under subchapter I of chapter 53 of title 5, United States Code (whether by adjustment or otherwise), section 5304(a) of such title shall be deemed to be without force or effect.

(c) Notwithstanding section 5304(a)(3)(B) of title 5, United States Code, the annualized cost of pay adjustments made under section 5304 of such title in calendar year 1995 shall be equal to 0.6 percent of the estimated aggregate fiscal year 1995 executive branch civilian payroll—

(1) as determined by the pay agent (within the meaning of section 5302 of such title); and

(2) determined as if the rates of pay and comparability payments payable on September 30, 1994, had remained in effect.

And the Senate agree to the same.

Amendment No. 94

That the House recede from its disagreement to the amendment of the Senate numbered 94, and agree to the same with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

SEC. 633. LAW ENFORCEMENT AVAILABILITY PAY.

(a) SHORT TITLE.—This section may be cited as the "Law Enforcement Availability Pay Act of 1994".

(b) LAW ENFORCEMENT AVAILABILITY PAY.—

(1) IN GENERAL.—Chapter 55 of title 5, United States Code, is amended by inserting after section 5545 the following new section:

"§5545a. Availability pay for criminal investigators

"(a) For purposes of this section—

"(1) the term 'available' refers to the availability of a criminal investigator and means that an investigator shall be considered generally and reasonably accessible by the agency employing such investigator to perform unscheduled duty based on the needs of an agency;

"(2) the term 'criminal investigator' means a law enforcement officer as defined under section 5541(3) (other than an officer occupying a position under Title II of Public Law 99–399) also is required to—

"(A) possess a knowledge of investigative techniques, laws of evidence, rules of criminal procedure, and precedent court decisions concerning admissibility of evidence, constitutional rights, search and seizure, and related issues;

"(B) recognize, develop, and present evidence that reconstructs events, sequences and time elements for presentation in various legal hearing and court proceedings;

"(C) demonstrate skills in applying surveillance techniques, undercover work, and advising and assisting the United States Attorney in and out of court;

"(D) demonstrate the ability to apply the full range of knowledge, skills, and abilities necessary for cases which are complex and unfold over a long period of time (as distinguished from certain other occupations that require the use of some investigative techniques in short-term situations that may end in arrest or detention);

"(E) possess knowledge of criminal laws and Federal rules of procedure which apply to cases involving crimes against the United States, including—

"(i) knowledge of the elements of a crime;

"(ii) evidence required to prove the crime;

"(iii) decisions involving arrest authority;

"(iv) methods of criminal operations; and

"(v) availability of detection devices; and

"(F) possess the ability to follow leads that indicate a crime will be committed rather than initiate an investigation after a crime is committed;

"(3) the term 'unscheduled duty' means hours of duty a criminal investigator works, or is determined to be available for work, that are not—

"(A) part of the 40 hours in the basic work week of the investigator; or

"(B) overtime hours paid under section 5542; and

"(4) the term 'regular work day' means each day in the investigator's basic work week during which the investigator works at least 4 hours that are not overtime hours paid under section 5542 or hours considered part of section 5545a.

"(b) The purpose of this section is to provide premium pay to criminal investigators to ensure the availability of criminal investigators for unscheduled duty in excess of a 40 hour work week based on the needs of the employing agency.

"(c) Each criminal investigator shall be paid availability pay as provided under this section. Availability pay shall be paid to ensure the availability of the investigator for unscheduled duty. The investigator is generally responsible for recognizing, without supervision, circumstances which require the investigator to be on duty or be available for unscheduled duty based on the needs of the agency. Availability pay provided to a criminal investigator for such unscheduled duty shall be paid instead of premium pay provided by other provisions of this subchapter, except premium pay for regularly scheduled overtime work as provided under section 5542, night duty, Sunday duty, and holiday duty.

"(d)(1) A criminal investigator shall be paid availability pay, if the average of hours described under paragraph (2) (A) and (B) is equal to or greater than 2 hours.

"(2) The hours referred to under paragraph (1) are—

"(A) the annual average of unscheduled duty hours worked by the investigator in excess of each regular work day; and

"(B) the annual average of unscheduled duty hours such investigator is available to work on each regular work day upon request of the employing agency.

"(3) Unscheduled duty hours which are worked by an investigator on days that are not regular work days shall be considered in the calculation of the annual average of unscheduled duty hours worked or available for purposes of certification.

"(4) An investigator shall be considered to be available when the investigator cannot reasonably and generally be accessible due to a status or assignment which is the result of an agency direction, order, or approval as provided under subsection (f)(1).

"(e)(1) Each criminal investigator receiving availability pay under this section and the appropriate supervisory officer, to be designated by the head of the agency, shall make an annual certification to the head of the agency that the investigator has met, and is expected to meet, the requirements of subsection (d). The head of a law enforcement agency may prescribe regulations necessary to administer this subsection.

"(2) Involuntary reduction in pay resulting from a denial of certification under paragraph (1) shall be a reduction in pay for purposes of section 7512(4) of this title.

"(f)(1) A criminal investigator who is eligible for availability pay shall receive such pay during any period such investigator is—

"(A) attending agency sanctioned training;

"(B) on agency approved sick leave or annual leave;

"(C) on agency ordered travel status; or

"(D) on excused absence with pay for relocation purposes.

"(2) Notwithstanding (1)(A), agencies or departments may provide availability pay to investigators during training which is considered initial, basic training usually provided in the first year of service.

"(3) Agencies or departments may provide availability pay to investigators when on excused absence with pay, except as provided in paragraph (1)(D).

"(g) Section 5545(c) shall not apply to any criminal investigator who is paid availability pay under this section.

"(h) Availability pay under this section shall be—

"(1) 25 percent of the rate of basic pay for the position; and

"(2) treated as part of basic pay for purposes of—

"(A) sections 5595(c), 8114(e), 8331(3), 8431, and 8704(c); and

"(B) such other purposes as may be expressly provided for by law or as the Office of Personnel Management may by regulation prescribe.".

(2) LIMITATION ON PREMIUM PAY.—Section 5547(a) of title 5, United States Code, is amended in the first sentence by inserting "5545a," after "5545(a), (b), and (c),".

(3) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 55 of title 5, United States Code, is amended by inserting after the item relating to section 5545 the following new item:

"5545a. Availability Pay for Criminal Investigators.".

(c) COMPUTATION OF OVERTIME RATES.—Section 5542 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(d) In applying subsection (a) of this section with respect to any criminal investigator who is paid availability pay under section 5545a—

"(1) such investigator shall be compensated under such subsection (a), at the rates there provided, for overtime work which is scheduled in advance of the administrative workweek—

"(A) in excess of 10 hours on a day during such investigator's basic 40 hour workweek; and

"(B) on a day outside such investigator's basic 40 hour workweek; and

"(2) such investigator shall be compensated for all other overtime work under section 5545a".

"(d) EXEMPTIONS FROM CERTAIN FAIR LABOR STANDARDS.—Section 13 of the Fair Labor Standards Act of 1938 (29 U.S.C. 213) is amended—

(1) in subsection (a)—

(A) in paragraph (15) by striking out the period and inserting in lieu thereof a semicolon and "or"; and

(B) by adding at the end thereof the following new paragraph:

"(16) a criminal investigator who is paid availability pay under section 5545a of title 5, United States Code."; and

(2) in subsection (b)—

(A) in paragraph (28) by striking out "or" after the semicolon;

(B) in paragraph (29) by striking out the period and inserting in lieu thereof a semicolon and "or"; and

(C) by adding at the end thereof the following new paragraph:

(30) a criminal investigator who is paid availability pay under section 5545a of title 5, United States Code.".

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first applicable pay period which begins on or after the later of October 1, 1994, or the 30th day following the date of enactment of this Act, Except that—

(1) criminal investigators, employed in Offices of Inspectors General, who are not receiving administratively uncontrollable overtime compensation or who are receiving such premium pay at a rate less than 25 percent prior to the date of enactment of this Act, may implement availability pay at any time prior to September 30, 1995, after which date availability pay as authorized under this section shall be provided to such criminal investigators.

(2) Criminal investigators, employed by Offices of Inspectors General, who are receiving administratively uncontrollable overtime at a rate less than 25 percent, shall continue to receive this compensation at the same rate or higher until availability pay compensation is provided, which shall be no later than the last pay period ending on or before September 30, 1995.

(f) Not later than the effective date of this section, each criminal investigator under section 5545a of title 5, United States Code, as added by this section, and the appropriate supervisory officer, to be designated by the head of the agency, shall make an initial certification to the head of the agency that the criminal investigator is expected to meet the requirements of subsection (d) of such section 5545a. The head of a law enforcement agency may prescribe procedures necessary to administer this paragraph.

And the Senate agree to the same.

Amendment No. 96:

The the House recede from its disagreement to the amendment of the Senate numbered 96, and agree to the same with an amendment as follows:

In lieu of the first section number named in said amendment, insert: *634*; and the Senate agree to the same.

Amendment No. 97:

That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to same with an amendment as follows:

In lieu of the section number named in said amendment, insert: *635*; and the Senate agree to the same.

Amendment No. 98:

That the House recede from its disagreement to the amendment of the Senate numbered 98, and agree to the same with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

SEC. 636. No part of any appropriation contained in this Act may be used to pay for the expenses of travel of employees, including employees of the Executive Office of the President not directly responsible for the discharge of official governmental tasks and duties: Provided, That this restriction shall not apply to the family of the President, Members of Congress or their spouses, Heads of State of a foreign country or their designee(s), persons providing assistance to the President for official purposes, or other individuals so designated by the President.

And the Senate agree to the same.

Amendment No. 99:

That the House recede from its disagreement to the amendment of the Senate numbered 99, and agree to the same with an amendment as follows:

In lieu of the first section number named in said amendment, insert: *637*; and the Senate agree to the same.

Amendment No. 100:

That the House recede from its disagreement to the amendment of the Senate numbered 100, and agree to the same with an amendment as follows:

In lieu of the first section number named in said amendment, insert: *638*; and the Senate agree to the same.

Amendment No. 101:

That the House recede from its disagreement to the amendment of the Senate numbered 101, and agree to the same with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

SEC. 639. Section 3626, paragraph (j)(1), subparagraph (D), of Title 39, United States Code is amended by—

(a) deleting the final "." from (II) and adding, "; and"';

(b) and adding "(III) clause (i) shall not apply to space advertising in mail matter that otherwise qualifies for rates under former section 4452(b) or 4452(c) of this title, and satisfies the content requirements established by the Postal Service for periodical publications: Provided, That such changes in law shall take effect immediately and shall stay in effect hereafter unless the Congress enacts legislation on this matter prior to October 1, 1995.

SEC. 640. In the administration of section 3702 of title 31, United States Code, the Comptroller General of the United States shall apply a 6-year statute of limitations to any claim of Federal employee under the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) for violations that occurred before or claims filed before June 30, 1994.

SEC. 641. The Bureau of the Public Debt is authorized to pay in advance or reimburse any Treasury organization, an amount not to exceed one year of salary and benefits for each Public Debt employee hired by that organization described in section 521(a) of this Act.

SEC. 642. Chapter 63 of Title 5 of the United States Code is amended by adding, following the word "Forces" in section 6326, a new section, 6327 to read as follow:

"6327. Absence in connection with funerals of fellow federal law enforcement officers."

"A federal law enforcement officer or a Federal firefighter may be excused from duty without loss of, or reduction in, pay or leave to which such officer is otherwise entitled, or credit for time or service, or performance or efficiency rating, to attend the funeral of a fellow Federal law enforcement officer or Federal firefighter, who was killed in the line of duty. When so excused from duty, attendance at such service shall for the purposes of section 1345(a) of title 31, be considered to be an official duty of the officer or firefighter."

SEC. 643. Of the amount appropriated for "Government Payment for Annuitants, Employee Life Insurance" under this Act, such sums as may be necessary for such payments for the period September 15 through 30, 1994 shall become available upon enactment of this Act.

And the Senate agree to the same.

Amendment No. 102:

That the House recede from its disagreement to the amendment of the Senate numbered 102, and agree to the same with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

SEC. 644. (a) The Office of Management and Budget shall report to the Congress no later than November 1, 1994, for each agency for which the budgetary resources available to the agency in fiscal year 1995 would be canceled in an appropriations Act to achieve savings in procurement and procurement-related expenses, of the manner in which these savings are to be achieved.

(b) Notwithstanding any other provision of law, each agency for which the budgetary resources available to the agency in fiscal year 1995 would be canceled in an appropriations Act to achieve savings in procurement and procurement-related expenses, such cancellation shall occur on November 30, 1994, or 30 days after the Office of Management and Budget submits the report required by subsection (a) of this section, whichever date is earlier.

And the Senate agree to the same.

Amendment No. 103:

In lieu of the matter proposed by said amendment, insert:

TITLE VII—VIOLENT CRIME CONTROL AND LAW ENFORCEMENT FUNDING

DEPARTMENT OF THE TREASURY—DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

For necessary expenses of the Office of Enforcement to oversee the implementation of the Violent Crime Control and Law Enforcement Act of 1994 as it relates to the jurisdiction of the Department of the Treasury, $2,400,000, to remain available until expended, to be derived from balances available in the Violent Crime Reduction Trust Fund, as authorized by Title XXXI of the Violent Crime Control and Law Enforcement Act of 1994.

Financial Crimes Enforcement Network

SALARIES AND EXPENSES

For salaries and expenses to implement the gateway network and other related financial intelligence and enforcement activities, $2,700,000 to remain available until expended to be derived from balances available in the Violent Crime Reduction Trust Fund, as authorized by Title XXXI of the Violent Crime Control and Law Enforcement Act of 1994.

Bureau of Alcohol, Tobacco and Firearms

SALARIES AND EXPENSES

For salaries and expenses for enforcing Federal firearms provisions and Public Law 103–159, $7,000,000 to be derived from balances available in the Violent Crime Reduction Trust Fund, as authorized by Title XXXI of the Violent Crime Control and Law Enforcement Act of 1994.

Gang Resistance Education and Training

For grants to communities and police agencies for the establishment of gang resistance education and training programs to be designated by the Director of the Bureau of Alcohol, Tobacco and Firearms, $9,000,000 to be derived from balances available in the Violent Crime Reduction Trust Fund, as authorized by Title XXXI of the Violent Crime Control and Law Enforcement Act of 1994.

United States Customs Service

SALARIES AND EXPENSES

For salaries and expenses for expanding border and port enforcement activities, $4,000,000 to be derived from balances available in the Violent Crime Reduction Trust Fund, as authorized by Title XXXI of the Violent Crime Control and Law Enforcement Act of 1994.

Internal Revenue Service

TAX LAW ENFORCEMENT

For tax law enforcement for combatting public corruption and enhancing illegal tax enforcement activities, $7,000,000 to be derived from balances available in the Violent Crime Reduction Trust Fund, as authorized by Title XXXI of the Violent Crime Control and Law Enforcement Act of 1994.

United States Secret Service

SALARIES AND EXPENSES

For salaries and expenses $6,600,000, of which $5,000,000 shall be available for combatting the counterfeiting of United States currency, and of which $1,600,000, to remain available until expended, shall be available for the hiring, training, and equipping of 18 additional full-time equivalent positions for improving forensic capabilities which will assist in the investigations of missing and exploited children to be derived from balances available in the Violent Crime Reduction Trust Fund, as authorized by Title XXXI of the Violent Crime Control and Law Enforcement Act of 1994.

And the Senate agree to the same.

Steny H. Hoyer,
Peter J. Visclosky,
George (Buddy) Darden,
John W. Olver,
Tom Bevill,
Martin Olav Sabo,
David Obey,
Jim Lightfoot
(except amendment 29),
Joseph M. McDade,
Managers on the Part of the House.

Dennis DeConcini,
Barbara A. Mikulski,
Bob Kerrey,
Robert C. Byrd,
Christopher S. Bond,
Alfonse D'Amato,
Mark O. Hatfield,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4539) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President and funds appropriated to the President, and certain independent agencies for the fiscal year ending September 30, 1995, and for other purposes, submit the following joint statement to the House and Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

The conference agreement on the Treasury, Postal Service, and General Government Appropriations Act, 1995, incorporates some of the language and allocations set forth in House Report 103–534 and Senate Report 103–286. The language in these reports should be complied with unless specifically addressed in the accompanying statement of the managers.

TITLE I—DEPARTMENT OF THE TREASURY

Departmental Offices

SALARIES AND EXPENSES—REPROGRAMMINGS

The conferees agree to require a reprogramming request from any agency, department or office when the amount to be reprogrammed exceeds $500,000 or 10 percent of any object class, budget activity, program line item, or program activity, whichever is greater. For agencies receiving appropriations under $20,000,000, this threshold shall be $100,000 or 5 percent, whichever is greater.

Such requests shall be submitted for the prior approval of the Committees on Appropriations. The Committees must receive such requests in sufficient time to consider them before their proposed implementation. In the past, the Administration has delayed submission as much as four months between the time that it knew that the reprogramming was necessary and the time that it was formally transmitted. The conferees expect that such delays will not recur in the future.

Amendment No. 1. Earmarks not to exceed $2,900,000 for official travel expenses; $3,101,000 for information technology modernization requirements; $6,443,000 and 85 full-time equivalent positions for enforcement activities; and $150,000 for official reception and representation expenses. The conferees have provided $3,040,000 to support not to exceed 46 full-time equivalent positions for the Office of Foreign Assets Control in fiscal year 1995.

Amendent No. 2. Appropriates $104.479,000, instead of $104,400,000 as proposed by the Senate, and $105,150,000 as proposed by the House. Also restores House language canceling $79,000 in offsetting collections. Of the funds provided, the conferees have provided an additional $1,000,000 for the Office of Enforcement and up to 13 additional FTEs.

Electric Resources Financed by Public Entities

The House included language which requested the Secretary of the Treasury to provide a report on the need for a revised procedure and methodology to implement Section 9(f) of Public Law 96–501. The conferees understand that several concerns have been raised with respect to the existing procedure under Section 9(f).

First, the conferees understand that the rulings issued by the Internal Revenue Service have not ordinarily been issued within 60 days, as called for under the existing procedure. Second, the conferees understand that the existing procedure does not reflect subsequent changes in federal tax law. Third, one of Congress' stated purposes for the enactment of Section 9(f) was to enable Bonneville Power Association (BPA) to acquire resources necessary to meet the firm load of public bodies at a cost no greater than in the absence of acquisition by BPA. The conferees understand that the existing procedure may not treat electric resources financed by public entities and acquired by BPA for use in meeting public entities' loads in the same manner as if the public entities were to use those resources directly to meet their own loads and, therefore, may be inconsistent with the stated Congressional intent.

The conferees expect that the report required by the House will address each of these concerns. Further, to the extent that the Secretary's report indicates that these concerns are valid, the conferees expect that the report will include the Secretary's recommendations on the appropriateness of changes to the existing methodology and the time and manner in which such changes would be implemented.

Electronic Funds Transfer

The conferees agree with the House report language which requires the Secretary to submit with the fiscal year 1996 budget request, a report on the proposed regulations and legislation to effect the direction that all recurring Federal payments be paid by electronic funds transfer.

Exemption From the Federal Advisory Committee Act

The Secretary of the Treasury has directed a thorough review into the recent air intrusion into the White House complex. This review is to be completed in 90 days of the incident. The review will require access to classified and highly sensitive information and will involve highly classified discussions with experts, senior Secret Service officials, and other interested parties. Compliance with the provisions of the Federal Advisory Committee Act could delay or interfere with the expeditious consideration of this matter. Therefore, the conferees have included a provision in the Act which exempts this review from the Federal Advisory Committee Act (Public Law 92–463).

Treasury Personnel in Overseas Locations

The conferees are aware that the Department of the Treasury has not fully paid its current bills under the Foreign Affairs Administrative System for Treasury personnel located overseas. The conferees also note that the Department of State has not allowed an increase in the number of Treasury personnel located overseas, despite the July 11, 1994, letter from the State Department. That letter indicated that concerns increasing overseas Treasury Department staffing to improve anti-counterfeiting efforts would be considered by the State Department in making decisions on overseas staffing requirements.

The conferees agree that the Treasury Department should meet its obligations under the Foreign Affairs Administrative System and expects Treasury to fulfill this obligation after the State Department agrees to assign additional Treasury personnel to overseas locations for expanding anti-counterfeiting investigations.

Electronic Filing Tax Fraud Task Force

The conferees agree with the House report language which requires a report which addresses the problem of electronic tax filing fraud. This report shall be submitted to the House and Senate Committees on Appropriations when it is complete.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

Amendment No. 3. Appropriates $29,700,000 instead of $28,897,000 as proposed by the House and $30,497,000 as proposed by the Senate.

FINANCIAL CRIMES ENFORCEMENT NETWORK

SALARIES AND EXPENSES

Amendment No. 4. Appropriates $19,823,000 instead of $18,280,000 as proposed by the House and $20,690,000 as proposed by the Senate. Also, cancels $1,000 in offsetting collections. The conferees concur in the reorganization transferring funding and FTEs from Departmental Offices to FinCEN for the functions of the Office of Financial Enforcement.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

Amendment No. 5. Makes available $7,000 for official reception and representation expenses as proposed by the Senate instead of $9,000 as proposed by the House.

Amendment No. 6. Deletes Senate language relating to the reimbursement of training expenses for Postal Police.

Amendment No. 7. Inserts Senate language authorizing the use of funds for first-aid and emergency medical services.

Amendment No. 8. Appropriates $46,713,000 as proposed by the House instead of $47,114,000 as proposed by the Senate.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS AND RELATED EXPENSES

Amendment No. 9. Appropriates $16,815,000 for acquisition, construction, improvements and related expenses as proposed by the Senate instead of $9,815,000 as proposed by the House. Of this amount, $7,600,000, shall be available for the following construction projects at the Tucson, Arizona satellite facility: $5,000,000 for a 150-room dormitory; $2,100,000 for a dining hall; and $500,000 for firearms ranges. The conferees instruct the Center to request funding in fiscal year 1996 to cover the remaining costs of permanent facility improvements at the Tucson Center. The remaining funds, $2,400,000 shall be available for the design, acquisition and preparation of a facility dedicated to periodic firearms requalification and training in advanced firing techniques and explosives.

The conferees direct the Center to provide all training for the Gang Resistance Education and Training (GREAT) program through the satellite facility located at Davis-Monthan Air Force Base, Tucson, Arizona.

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

Amendment No. 10. Appropriates $183,889,000 instead of $185,389,000 as proposed by the House and $183,697,000 as proposed by the Senate.

COMBO PRINTER

The reduction to the Federal Management Service (FMS), should to the extent possible, not be applied to the COMBO Printer initiative. The current Troy check printers have been in use at FMS since 1984 and have already surpassed their anticipated eight-year system life. The COMBO Printer initiative is to being the development of a printer replacement plan. The conferees are supportive of the need to replace printers, with the understanding that it should be a lower priority than the electronic funds transfer initiative, and the understanding that there will be a decrease in the number of printers needed by FMS.

Amendment No. 11. Restores House language canceling $192,000 in offsetting collections.

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

SALARIES AND EXPENSES

Amendment No. 12. Appropriates $385,315,000 as proposed by the Senate instead of $376,181,000 as proposed by the House. Included in this amount is $5,000,000 for the 6 GREAT projects initiated in fiscal year 1994, $1,400,000 to restore the 22 full-time equivalent positions which were due to be eliminated under the President's Executive Order, and $2,700,000 to fund the Administration's request for systems modernization. The $3,100,000 in funding for ballistics technology as proposed by the House is funded through the Special Forfeiture Fund. Conferees expect the Bureau to add two agents to the Des Moines, Iowa post as proposed by the House within the amounts provided.

EQUAL EMPLOYMENT OPPORTUNITY

The House report directed the Bureau to change the title for the senior manager responsible for equal employment opportunity from "Executive Assistant to the Director (Equal Employment Opportunity)" to "Assistant Director for Equal Employment Opportunity". The conferees agree that the official title for such a position be left to the discretion of the ATF Director.

Amendment No. 13. Restores House language canceling $4,000 in offsetting collections and includes language as proposed by the Senate establishing a FTE floor of 4,215.

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

Amendment No. 14. Appropriates $1,394,793,000 instead of $1,391,700,000 as proposed by the House and $1,378,914,000 as proposed by the Senate. Included in this amount is funding for the following: $18,000,000 for NAFTA implementation; $10,000,000 for the Center for Study of Western Hemispheric Trade; $2,310,000 for the restoration of 35 marine enforcement officers; $2,000,000 for the restoration of 25 air program positions to support the Department of Defense JTF-4 operations in Key West, Florida; $780,000 to support 10 additional pilot and crew positions at the Corpus Christi Surveillance Support Center; $500,000 for a border barrier in Nogales, Arizona; $2,100,000 for 30 inspectors in El Paso; $15,000,000 for phase I of the automated commercial systems redesign and $5,503,000 to restore 110 full-time equivalent positions proposed for elimination under the President's Executive Order. Savings of $2,641,000 resulting from exemption of the Fair Labor Standards Act shall be applied to the allocations made above.

ENFORCEMENT OF SANCTIONS AGAINST SERBIA AND MONTENEGRO

The conferees strongly support the activities currently underway to enforce the Serbian Sanctions Assistance Missions (SAMS), including those being carried out by U.S. Customs Service inspectors. However, the conferees continue to be concerned about the costs incurred by the Customs Service for activities which were not budgeted and for which Customs has no specific legal authority. In fiscal year 1993, the Senate Committee expressed its concerns about the use of Customs funds for SAMS teams and directed the Department to seek appropriate reimbursement from the Department of State. Based on this directive, the Department of State reimbursed Customs for $3,575,000 of its travel and per diem costs for 27 inspectors engaged in SAMS. In addition, the President requested, and was provided by the Congress, $17 million in the Department of State's peacekeeping operations budget for fiscal year 1995 to cover the costs of the SAMS. No funds were requested and none have been provided in the Customs Service 1995 budget. Therefore, the conferees, while strongly supporting the use of Customs inspectors in the SAMS efforts, instruct Customs to participate in these activities commensurate with its reimbursement from the Department of State. The conferees direct the Office of Management and Budget to insure that the Customs Services be reimbursed for travel and per diem expenses associated with the SAMS missions.

The conferees note that the Administration failed to make clear how Customs inspectors participating in sanctions assistance missions would be funded in the fiscal year 1995 budget request. The conferees therefore direct the Administration to present a clear and identifiable request for such items in a single account in the FY 1996 budget.

UNIFIED PORT MANAGEMENT PILOT PROJECT

Numerous studies conducted on border management have consistently found that the lack of coordination between Federal inspection agencies at the ports of entry have contributed to a slow down in the processing of persons and commerce. Most recently, an assessment of United States-Mexico border ports of entry under section 6015 of the Intermodal Surface Transportation Act of 1991 found that the most pressing institutional border issue was a lack of a comprehensive Federal approach to border management, which contributes to an increase in the overall costs of transportation and distribution of goods. The conferees believe these problems must be resolved in order to accommodate and facilitate increased trade between Mexico and the United States and to achieve a more efficient and "user-friendly" border environment. For this reason, the the conferees instruct the U.S. Customs Service to undertake a unified binational border port management pilot project to design and test a model of unified border port management in the Nogales Customs District.

The pilot project should establish a single inspection procedure that satisfies the needs of all agencies currently operating at the border and should be undertaken in cooperation with the State of Arizona. This pilot should address the following: coordinated management of border port facilities among various Federal and state agencies; coordinated operation of border facilities between U.S. and Mexico agencies; harmonized binational regulations and crossing procedures; application of technologies to expedite vehicular and commercial processing; binational planning of port facilities and transportation systems; and coordinated planning and operations of border facilities between Federal, state and local governments. The conferees instruct the Commissioner of Customs to provide a report to the House and Senate Committees on Appropriations by no later than March 1, 1995 on the progress being made in this regard.

CUSTOMS STAFFING

With the staff reassigned as part of the planned reorganization, the conferees direct Customs to provide additional inspectors to El Paso, Hidalgo Pharr International Bridge, the Miami International Airport, and the Atlanta International Airport to cover the expected workloads.

PREMIUM PAY

The conferees note that individuals receiving premium pay for overtime or holiday work, such as Customs inspectors, who call in sick, often receive that premium pay, despite the fact that they did not work. The conferees direct the General Accounting Office to examine this issue and report back to the Committees on Appropriations by March 1, 1995. This report shall not apply to availability pay, established under section 634 of this Act.

CUSTOMS FINANCIAL MANAGEMENT

The General Accounting Office, in a report released June 30, 1993, declined to express an opinion on Customs' FY 1992 Financial Statements "because of the lack of reliable financial information, inadequate financial systems and processes, and its ineffective internal control structure". GAO found several major weaknesses:

Accounts receivable may have excluded entries and failed to consider debtor's ability to pay in estimating collections.

Seized property records did not include some property, showed incorrect locations, and included some erroneous values.

Internal controls could not ensure that the proper duties were assessed importers or that claimants received proper refunds ("drawbacks").

Budget records did not include documentation linking charges for interagency agreements to actual costs.

Accounting staff did not routinely review and revise estimates of unliquidated obligations, resulting in difficulty reconciling obligations and expenditures at the end of the fiscal year.

Customs has begun responding to these criticisms. Revenue estimates should substantially improve as Customs improves its random inspection processes, enhances selectivity and improves information management systems. The conferees have provided an additional $1,377,000 and 12 FTE to produce auditable financial statements. The conferees direct Customs to provide a report on its financial improvement plans with the fiscal year 1996 budget submission.

Amendment No. 15. Restores the House allocation of $10,000,000 for the Center for Study of Western Hemispheric Trade and House language cancelling $410,000 in offsetting collections.

Amendment No. 16. Inserts Senate language authorizing an FTE floor of 17,524 and making available $500,000 for the construction of a border fence in Nogales, Arizona. Deletes Senate language relating to certain Customs fees.

OPERATION AND MAINTENANCE, AIR AND MARINE INTERDICTION PROGRAMS

Amendment No. 17 Appropriates $89,041,000 instead of $78,991,000 as proposed by the House and $91,891,000 as proposed by the Senate. This amount shall be enhanced by $10,698,000 in unobligated balances remaining in the account including $3,100,000 set aside for the ASARS program. The additional funds provided shall be used for the following: $3,000,000 for operations and maintenance activities associated with the Blackhawk apprehension and support program; $850,000 for marine interdiction operations and maintenance activities; $3,700,000 for Citation training in Mexico and other host countries; and $1,500,000 to support the continued operations of C3I-East through December 1994.

Amendment No. 18. Inserts Senate language prohibiting the transfer of aircraft outside the Department of the Treasury. The term "transfer", as used here, includes sales and long term loans.

CUSTOMS FACILITIES, CONSTRUCTION, IMPROVEMENTS AND RELATED EXPENSES

Amendment No. 19. Appropriates $1,000,000 as proposed by the Senate. These funds shall be used to construct a hanger at the Customs Air Branch in Puerto Rico.

UNITED STATES MINT

SALARIES AND EXPENSES

Amendment No. 20. Appropriates $55,740,000 as proposed by the Senate instead of $54,770,000 as proposed by the House.

MINT ZINC PURCHASES

The conferees have learned that the Mint has been purchasing zinc for coin production from international sources when domestic stocks may be available at a lower cost. The conferees note current Mint policy allows the Mint to purchase only "special hign grade" zinc for production. The conferees do not wish to address issues relating to the quality of the material necessary for coinage. However, the conferees express their concern that the domestic industry is being harmed when domestic products are available yet coins are being produced with foreign zinc. It is the conclusion of the conference that if the grade of domestic zinc is available at a competitive price it should be used. The conferees direct the Mint to review current activities and report back to the House and Senate Committees on Appropriations within 60 days of the date of enactment of this Act, as to the actions it has taken as well as future plans with regard to the purchase of zinc.

INTERNAL REVENUE SERVICE

ADMINISTRATION AND MANAGEMENT

Amendment No. 21. Appropriates $225,632,000 for administration and management instead of $163,431,000 as proposed by the Senate. The conferees support the restructuring of certain activities from the processing tax returns activities as proposed by the Administration and have reinstated the funds requested for this purpose. However, the conferees have denied funding for the requested workload increase of $825,000 and 6 FTEs.

PRIVACY OF TAXPAYER RECORDS

The conferees are very concerned about the recent revelations of the extent of employee violations of privacy standards uncovered by the Internal Revenue Service (IRS). Internal audits conducted by the IRS indicate that there has been a serious problem of certain employees reviewing taxpayer information which is beyond the scope of their job responsibilities. The IRS has reported that some of these cases went beyond curiosity and involved perusing tax information for fraudulent reasons. This activity could seriously jeopardize the full and fair tax filing of honest citizens who believe the principle of trust has been violated.

The conferees agree that the Tax Systems Modernization (TSM) program will provide state of the art security and privacy protection for the taxpayers. However, the conferees note that the reductions made to the TSM program by Congress for fiscal year 1995 are the first budgetary reductions made to this program since its inception. Nonetheless, TSM is a computer system and the violations of taxpayer privacy identified by IRS are behavioral in nature, not technical. Furthermore, TSM will not be fully implemented for at least another six years. Taxpayers should not be subject to invasion of their privacy for another six years while awaiting a new computer system.

The IRS is directed to provide quarterly reports on its efforts to identify and correct invasions of taxpayer privacy by unauthorized employees.

FEES FOR COPIES OF TAX RETURNS

The conferees are concerned about the IRS proposal to increase fees for providing taxpayers with copies of their tax returns. The conferees believe that taxpayers who have been the victims of natural disasters or other incidents beyond their control may be adversely impacted by increases in return copying fees. Therefore, the conferees direct IRS to institute a policy which would permit the Service to waive such fees if a taxpayer has been the victim of a natural disaster or other event which may have adversely impacted economic conditions in their community. The IRS shall report on the status of implementation of this policy by no later than January 1, 1995. Such report shall include a description of taxpayers who will qualify for such waiver and the procedure IRS will employ to notify eligible taxpayers.

FLEXIBILITY IN IRS APPROPRIATIONS

The conferees agree that Internal Revenue Service (IRS) and the Office of Management and Budget (OMB) should explore options available for providing more flexibility to execute tax enforcement initiatives through changing the current budget structure. The IRS currently has four different appropriations which fund the four major missions of IRS. It may be more advantageous to combine some of these appropriations.

IRS RULING ON TAXING OF HARPER REFUNDS

The Commonwealth of Virginia has recently settled its legal dispute over the taxation of Federal retirement benefits. This settlement includes the repayment of a portion of the taxes paid by retirees to the Commonwealth. While the IRS has not yet ruled on any plan to assess Federal tax liability on the repayment, there is concern that such a ruling may severely impact the affected retirees.

Therefore, the conferees agree that before IRS makes a final decision on its ruling for assessing a Federal tax liability on the settlement, it submit such a plan to the appropriate Congressional committees.

PROCESSING TAX RETURNS

Amendment No. 22. Appropriates $1,511,266,000 instead of $1,616,295,000 as proposed by the House and $1,586,028,000 as proposed by the Senate for processing tax returns and assistance. The conferees have denied the requested increase of $12,842,000 and 345 FTEs for service center workload increases. Provides $3,700,000 for Tax Counseling for the Elderly as proposed by the Senate instead of $3,500,000 as proposed by the House.

TAX LAW ENFORCEMENT

Amendment No. 23. Appropriates $4,358,180,000 for tax law enforcement as proposed by the Senate instead of $4,412,580,000 as proposed by the House.

Amendment No. 24. Inserts Senate language allocating certain funds for the 1995 tax compliance initiative and prohibiting the transfer of funds from this account. Deletes Senate language from the bill allocating $442,148,000 and 5,002 full-time equivalent positions for tax fraud investigations. The conferees note, however, that they expect IRS to achieve these minimum levels for tax fraud investigations.

ENFORCEMENT OF EMPLOYMENT TAX LAWS

The conferees agree with the House report language which directs that the Internal

Revenue Service (IRS) hire and train additional examiners to enforce classification rules in the construction industry. The IRS is to report to the House and Senate Committees on Appropriations by March 1, 1995 on this direction.

GASOLINE TAX REFUNDS

The House included language in its report expressing concern over the effect certain law changes had on gasoline tax refunds. The House stated that there should be no extensive delays in processing gasoline refunds and directed quarterly reports on the length of time taken by IRS to process claims for these refunds.

The Senate included language in its report stating that the diesel refund schedule of 20 days is an appropriate target for gasoline refunds as well. The Senate directed IRS to keep it advised of progress in meeting the 20-day goal for gasoline refunds.

The conferees agree that IRS does not appear to be applying the same refund goals for diesel and gasoline refunds. Therefore, the conferees direct IRS to ensure adequate staffing and management support to meet the 20-day goal. The IRS should advise the House and Senate Committees on Appropriations on its progress in meeting this goal.

TAX COMPLIANCE INITIATIVE

The conferees have provided $426,300,000 and 5,078 FTEs for a variety of enhanced compliance initiatives designed to collect taxes owed the U.S. Government. Of this amount, $405,000,000 shall not be utilized by the Service for any purpose than for carrying out the compliance initiatives as outlined by the Department of the Treasury.

The conferees agree with the Senate position on the hiring of 1,192 additional revenue officers. According to the General Accounting Office (GAO), collections could be better achieved through the use of less expensive call site collectors. Therefore, the conferees agree that the $87,908,000 associated with hiring additional revenue officers is denied and instead instructs the IRS to redeploy these funds into the hiring of additional call site collectors.

Furthermore, the IRS is required to fulfill the reporting requirements set forth in both the House and Senate reports concerning the monitoring of this initiative.

INFORMATION SYSTEMS

Amendment No. 25. Appropriates $1,388,000,000 as proposed by the Senate instead of $1,240,357,000 as proposed by the House, allocates $650,000,000 for tax systems modernization, and authorizes $185,000,000 to remain available until September 30, 1997, for tax and information systems development.

UPGRADING OF IRS COMPUTING CENTER, MARTINSBURG, WEST VIRGINIA

The conferees agree with the Senate report language which requires Internal Revenue Service (IRS), in cooperation with the General Services Administration (GSA), to submit a plan, by March 1, 1995, for upgrading facilities and equipment at the Martinsburg facility. This plan should be submitted to the House and Senate Committees on Appropriations.

TAX SYSTEMS MODERNIZATION

The conferees have agreed to provide a total of $1,388,000,000 for IRS Information Systems, of which $650,000,000 is available for tax systems modernization (TSM). The conferees have not agreed with the Senate proposal to allow the amounts collected by the Customs Service Merchandise Processing fee to be credited to the IRS for TSM. Despite this reduction from the TSM program, the conferees remain dedicated to ensuring that TSM is implemented to protect the confidence of American taxpayers in the concept of voluntary compliance as a means of financing government operations. Additionally, it is not the intent of the conferees that this reduction should be disproportionately applied to contractual efforts. The current effort expended by the contracted groups is to support the TSM Program Manager and should therefore, to the extent possible, be exempt from reductions.

There remain a number of concerns about TSM which both the House and Senate have addressed. In its report, the House required a variety of actions be taken by IRS to enforce management control over the TSM program. The conferees are pleased to see that swift action on the part of IRS to implement the most important of these requirements: the establishment of a Program Manager for TSM. The Program Manager must receive the necessary support from all levels within the IRS to ensure the success of TSM.

There are additional requirements which were addressed by the House which IRS will be unable to comply with by the stated deadline due to the complexity of the information required by the House. A delay in providing these reports is approved by the conferees with the understanding that IRS will comply with all the requirements no later than March 1, 1995, with the exception of the costing methodology which may be submitted no later than September 1, 1995.

The conferees are strongly supportive of the goals of TSM and agree that the IRS should work toward implementation at the earliest possible date. However, the conferees caution IRS not to proceed at a pace which jeopardizes the success of the program. The successful implementation of a new tax processing system is far more important than meeting a timetable which was established long before the complexity of TSM was fully known. Additionally, while IRS should monitor each project within the TSM program, it is important to keep in mind that TSM is a program made up of a number of big and small projects which must work together to produce the overall system to support the IRS mission.

FUTURE FUNDING OPTIONS FOR TAX SYSTEMS MODERNIZATION

The conferees are concerned about the need to establish a steady funding level for TSM for future requirements. The conferees believe that there are various options which the Office of Management and Budget could pursue toward this end. For example, the conferees believe that some aspects of the TSM program such as the procurement of hardware and software could be put into a separate procurement account similar to the method used for Department of Defense procurement requirements.

Therefore, the conferees direct the Internal Revenue Service to work with the Office of Management and Budget to develop a comprehensive plan to fund the TSM program. The plan should address the total requirement and the budgeting techniques which could be used to ensure full funding of the requirement. This plan should be submitted with the fiscal year 1996 budget request.

Amendment No. 26. Deletes language proposed by the Senate which would have increased the amount appropriated for Information Systems if the Customs Service Merchandise Processing Fee increase were authorized.

ADMINISTRATIVE PROVISIONS–INTERNAL REVENUE SERVICE

Amendment No. 27. Inserts Senate language requiring advance approval of transfers of funds from the four IRS operating accounts.

Amendment No. 28. Inserts Senate language prohibiting any transfers of funds from the "Tax Law Enforcement" account in fiscal year 1995.

Amendment No. 29. Modifies a provision proposed by the Senate which permits the Secretary of the Treasury to use the receipts from fees from services, where such fees are authorized by another law, for supplementing IRS operating accounts for the actual cost of services.

USER FEES

The conferees have agreed to language proposed by the Senate which permits the Secretary of the Treasury to impose fees or change the amount of existing fees which are already authorized by law. The conferees have also included language requiring that any fees imposed be based on the actual cost of providing the service which is being performed.

The fees must be assessed and collected solely to cover the costs of providing the services and activities for which the fees are being charged. Furthermore, the General Accounting Office (GAO) is directed to audit both the methodology used by the IRS to develop the fee structure and the fee structure itself to insure that the fees being charged reflect actual costs incurred. The GAO shall provide its report to the House and Senate Committees on Appropriations no later than January 15, 1995.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

Amendment No. 30. Appropriates $476,931,000 for salaries and expenses as proposed by the House instead of $474,988,000 as proposed by the Senate. Also includes language as proposed by the House canceling offsetting collections totalling $43,000. Included in the appropriated amount is an additional $4,914,000 for the restoration of 71 positions proposed for elimination in the President's Executive Order; and $1,943,000 for additional agent positions to enhance counterfeiting investigations overseas.

ENTITLEMENT FRAUD

The conferees agree with the Senate report language that entitlement fraud has become a significant problem both domestically and internationally. The conferees strongly endorse the initiatives taken by the Secret Service in working with other government agencies to correct problems related to entitlement fraud. The conferees direct the Service to advise the House and Senate Committees on Appropriations on its progress and any actions which might be necessary to assist in this effort.

BUREAU OF ENGRAVING AND PRINTING

REVIEW OF SECURITY AND MANAGEMENT CONTROLS

The conferees understand that the Secretary of the Treasury has formed a Departmental Task Force to review security and management control systems at the Bureau of Engraving and Printing (BEP). The conferees are encouraged by the formation of this group but believe that an independent team would be appropriate to review any security deficiencies at the BEP which led to the recent theft of currency. The conferees believe that an independent investigation would also ensure a cost effective approach to any enhancement in security.

The conferees believe that management and security issues have not been interwoven into decisions at BEP because the Management Directorate and its Office of Security have not received adequate attention. The independent investigation should review the organizational structure of BEP management to ensure the most appropriate location for the Management Directorate and its Office of Security as well as the qualifications required for individuals to head the Office of Security.

Additionally, the conferees are concerned that "off line" currency production did not receive proper management oversight. The "test" currency recently stolen from BEP, was not destroyed in a timely manner and was not incorporated into the management information system so that it could be monitored. Furthermore, management oversight appears to have been lax in the assignment of duplicate serial numbers to this particular currency. These issues must be investigated and procedures implemented to correct deficiencies in management oversight.

The conferees expect the Department of Treasury to report back within 30 days of enactment of this Act on the steps being taken to address these matters.

RATIO OF SUPERVISORS TO POLICE OFFICERS

The conferees are concerned about the ratio of supervisors to police officers at the Bureau of Engraving and Printing (BEP), which according to information provided to the conferees, may be as high as one supervisor to two police officers. The conferees agree that BEP could address its shortfall of police officers by reducing the number of supervisors and adopting a ratio which more closely reflects the need for additional security.

EXPANSION OF CURRENT POLICE AUTHORITY FOR SECURITY

The conferees have included a provision (Sec. 535) which provides clarification and extends the authority delegated from the Secretary of the Treasury and the Administrator of General Services to meet the security needs of the Bureau of Engraving and Printing (BEP).

The conferees agree that this extension is necessary to protect the product, property, and the personnel of the BEP. The current authority does not permit the BEP police officers to provide adequate protection for personnel during the extended hours of BEP operations. Additionally, the current authority limits the ability of the BEP police to respond to the needs of tourists and vendors who are drawn to the area surrounding the facility. Section 535 will provide the necessary authority to enhance the ability of the BEP Police to provide adequate attention to these problems. The conferees require that the BEP provide information on the incidents which occur in this expanded area of authority so that the impact of Section 535 can be measured.

Amendment No. 31. Inserts a Senate provision relating to the consolidation plans of the Bureau of the Public Debt.

Amendment No. 32. Inserts Senate language exempting positions funded through reimbursement from the Puerto Rico Trust Fund from workforce reductions.

TREASURY FORFEITURE FUND

Amendment No. 33. Inserts a Senate provision authorizing certain expenses in the Treasury Forfeiture Fund to be paid out of the permanent indefinite appropriation.

EXPENDITURE SHIFT

The conferees have included language shifting certain Forfeiture Fund expenses from the discretionary to the permanent indefinite category. This includes the costs of overtime salaries, travel, fuel, training, equipment, and other costs of State or local law enforcement that are incurred in joint law enforcement operations and seizures, as well as expenses for the purchase or lease of automatic data processing systems, training, printing and contracting services.

The Department shall submit an operating plan to the House and Senate Committees on Appropriations for their approval within 30 days of enactment of this Act. The operating plan should describe the use of all resources, including both discretionary and permanent indefinite expenditures including, but not limited to, the following categories:

Permanent Authority:
Purchase of Evidence/Information
Salaries
Rent & Other Space Costs
Investigative Costs leading to Seizure
Advertising Expenses
Property Tracking System Maintenance
Independent Audit of Forfeiture Fund
Other Seizure-Related Expenses
Contract Services: Maintenance & Disposal of Assets
Payments of Liens & Mortgages
Remission & Mitigation Expenses
Equitable Sharing Payments
Section 9703(b)(5) Expenses
Assistance to State and Local Law Enforcement
Contract Services, Consultants and Training
Consolidated Assets Tracking System (CATS)
Other
Discretionary Expenses:
Purchase of Evidence and Information
Investigative Equipment
Training Foreign Law Enforcement Personnel
U.S. Coast Guard Expenses

The Department shall submit a reprogramming request for any reallocation greater than $500,000 among these groupings.

Amendment No. 34. Inserts a Senate provision authorizing a security survey of the Bureau of Engraving and Printing, but changes the preliminary reporting requirement to 90 days of the date of enactment of the Act and final recommendations within 180 days of the date of enactment of the Act.

Amendment No. 35. Deletes a provision proposed by the Senate regarding Customs Service inspectors retirement.

HAZARDOUS PAY FOR CUSTOMS INSPECTORS AND CANINE ENFORCEMENT OFFICERS

It is the belief of the conferees that some Customs Inspectors and Canine Enforcement Officers engage in hazardous duties and these employees should be eligible for additional compensation. The conferees are further aware that Customs has authority to implement hazardous pay compensation, under section 5545(d) of title 5, United States Code, with the concurrence of the Office of Personnel Management. Therefore, the conferees direct the Customs Service to designate hazardous duty functions for the purpose of paying differentials to Customs recommendations with a request for a waiver by the Office of Personnel Management by no later than February 1, 1995.

TITLE II—POSTAL SERVICE

PAYMENTS TO THE POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

Amendment No. 36. Appropriates $92,317,000 instead of $85,717,000 as proposed by the House and $102,317,000 as proposed by the Senate.

CITY OF BEVERLY HILLS, POST OFFICE PROPERTY

The City of Beverly Hills and the United States Postal Service are discussing the possible transfer of the old post office at 469 North Crescent Drive by the Postal Service to the City of Beverly Hills, California. The City of Beverly Hills deeded this property, undeveloped, to the Postal Service in 1931 for the sum of one dollar. It is the belief of the conferees that this property, having been declared excess by the Postal Service, should be returned to the City of Beverly Hills at little or no cost and that it should continue to be used for a public purpose. Working with community and business leaders, the City of Beverly Hills has developed a comprehensive plan for the re-use of the post office that would establish a visitor and multi-use cultural center at the Post Office site using existing facilities for the benefit of the entire community. It is the understanding of the conferees that the Postal Service maintains an interest in using a portion of the facility for retail services, and hopes that this use can be accommodated as part of an agreement between the City and the Postal Service. The conferees strongly urge a resolution of this matter within six months.

U.S. POSTAL OPERATIONS IN THE WASHINGTON, D.C. AREA

A Postal Service survey completed on May 27, 1994, rated Washington, D.C. as having the worst first class mail delivery performance in the nation, with 61 percent on time as compared to an average of 82 percent nationwide. The same survey showed that 70 percent of Washington customers were satisfied with their postal service, as opposed to 85 percent nationwide. On time performance is 21 percent below the national average, and customer satisfaction is 15 percent below the average.

Between May 17 and 19, Postal Service inspectors paid an unannounced visit to several processing centers in this area. Some of their findings follow:

> The Washington, D.C. P&DC (Processing and Distribution Center) had large volumes of first-class mail in the government mail section with dates as old as February 1994.
>
> In southern Maryland, 2.3 Million pieces of third-class letters were found stored in trailers on the P&DC yard * * * 230,000 pieces of second-class news were also on trailers * * *.
>
> Based on our observations, we estimate approximately 75 percent of all the mail at Southern Maryland P&DC was delayed.

The Postal Service has focused on cutting overhead, reducing operating costs, restructuring staff and enhancing automation. While these are worthwhile goals, the manner in which these efforts have been implemented may have left the Postal Service in a state of disarray. The recent history of the Postal Service has included:

Departures of experienced operational personnel (over 47,000) at a cost of more than $1 billion in retirement incentives.

Two reorganizations in the past 2 years which may have led to a lack of continuity as well as uncertainty in organizational relationships.

The concurrent introduction of automated systems and significant numbers of inexperienced personnel into the mail handling process without adequate training.

As noted in the May report of the inspectors:

> At Aspen Hill, general housekeeping was unsatisfactory, empty soda cans were found everywhere; sacks were not stowed; lobby counters were dirty; and trash cans throughout the office were almost full.
>
> The general feeling among carrier supervisors is the CSDRS (Customer Service Data

Reporting System) is not used as an information source; rather, it is used to "get" supervisors.

Operations in the Washington, D.C. Area can be temporarily improved through large, quick injections of overtime and short-term staff transfers; and this should be done. But the conferees expect more of the Postal Service. The conferees expect consistent, high quality service both throughout the country and in this region.

Therefore, the conferees agree that the Post Service needs to focus on the following fundamentals:

Accountability: local managers must know that they will be answerable for the performance of their office.

Performance Measurement: the Postal Services needs objective, consistent and reliable measures of its performance that can be used at all levels of management.

Process: the Congress must be assured that procedures are in place to address problems without extraordinary intervention.

Corporate Culture: all postal employees must be able to work together toward a common goal, and that good performance will be rewarded and poor performance will not be tolerated.

The Postal Service needs employees who are well trained, qualified, and willing to work. The Postal Service needs management with clear goals and clear strategies to achieve them. The Postal Service needs systems and procedures that are efficient and understandable to all. The Postal Service needs technology that can be appropriately used by the workforce.

The conferees will be carefully monitoring Postal Service operations to insure that this occurs.

PAGE, ARIZONA POSTAL FACILITY

The conferees are aware of the pressing need for new and expanded postal services for the community of Page, Arizona. The conferees understand that in recognition of this need, the Postal Service purchased 2.53 acres of land for the new Post Office in 1986. A recent meeting by the Postal Service Area Review Committee recommended a new Post Office in Page as the number one priority in the State of Arizona. The conferees, therefore, direct the Postal Service to expeditiously approve plans for this facility so that construction can be completed in the 1995–1996 time frame. The conferees expect the Postal Service to provide an updated status report on this project within 30 days of enactment of this Act.

CHRIST CHURCH STAMP

The conferees request that the Postal Service review the need for a stamp or postal card to be used by the Postal Service to honor the 300th anniversary of the founding of the Christ Church of Philadelphia.

FEDERAL PROCUREMENT IMPROVEMENTS

The conferees are encouraged by the widespread interest in moving Federal procurement activities away from a paper-based process to an electronic-based process. The interest in electronic procurement procedures, as expressed by various Federal officials, and put forth in the National Performance Review, shows significant potential for meaningful cost savings. This theme is also contained in the statement which accompanies the Federal Acquisition Streamlining Act of 1994.

The conferees are aware that the U.S. Postal Service is implementing electronic, just-in-time, supply system which is image-based. The conferees are encouraged by this Postal Service test and direct the Service to keep the House and Senate Committees on Appropriations apprised of the success of this test.

TITLE III—EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

REPROGRAMMINGS

The conferees agree to require a reprogramming request from any agency, department or office when the amount to be reprogrammed exceeds $500,000 or 10 percent of any object class, budget activity, program line item, or program activity, whichever is greater. For agencies receiving appropriations under $20,000,000, this threshold shall be $100,000 or 5 percent, whichever is greater.

Such requests shall be submitted for the prior approval of the Committees on Appropriations. The Committees must receive such requests in sufficient time to consider them before their proposed implementation. In the past, the Administration has delayed submission as much as four months between the time that it knew that the reprogramming was necessary and the time that it was formally transmitted. The conferees expect that such delays will not recur in the future.

THE WHITE HOUSE OFFICE

SALARIES AND EXPENSES

Amendment No. 37. Appropriates $40,193,000 as proposed by the Senate instead of $38,754,000 as proposed by the House.

SPECIAL ASSISTANCE TO THE PRESIDENT

SALARIES AND EXPENSES

Amendment No. 38. Appropriates $3,280,000 as proposed by the Senate instead of $3,270,000 as proposed by the House.

COUNCIL OF ECONOMIC ADVISERS

SALARIES AND EXPENSES

Amendment No. 39. Appropriates $3,439,000 as proposed by the Senate instead of $3,420,000 as proposed by the House. Also deletes language proposed by the House authorizing a representation fund.

NATIONAL SECURITY COUNCIL

SALARIES AND EXPENSES

Amendment No. 40. Appropriates $6,648,000 as proposed by the House instead of $8,222,000 as proposed by the Senate.

OFFICE OF ADMINISTRATION

SALARIES AND EXPENSES

Amendment No. 41. Appropriates $26,217,000 as proposed by the Senate instead of $24,850,000 as proposed by the House.

OFFICE OF MANAGEMENT AND BUDGET

SALARIES AND EXPENSES

Amendment No. 42. Appropriates $57,754,000 instead of $56,272,000 proposed by the House and $55,081,000 as proposed by the Senate. The conferees have provided $1,482,000 and 15 FTEs in the OMB budget for the Information Security Oversight Office. The conferees have transferred this program from GSA to OMB beginning in fiscal year 1995.

FEDERAL DRUG CONTROL PROGRAMS

HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

Amendment No. 43. Allocates $52,000,000 in transfers to Federal agencies for anti-drug activities instead of $43,000,000 as proposed by the House and $55,000,000 as proposed by the Senate.

HIDTA STAFFING LEVELS

The conferees are very concerned about the lack of sufficient staffing to support the activities of the High Intensity Drug Trafficking Areas (HIDTAs). The conferees understand that only one individual is assigned to this program which currently covers six HIDTA regions and which will be responsible for seven such regions in fiscal year 1995. Given the importance of this program to the success of the National Drug Control Strategy, the conferees believe the HIDTA program requires additional staff and the requisite support. Therefore, the conferees expect the Director of ONDCP to allocate a minimum of two FTEs to this program during fiscal year 1995 and report what actions have been taken to implement this directive by no later than November 1, 1994.

Amendment No. 44. Allocates an additional $9,000,000 for HIDTA activities in the Puerto Rico-U.S. Virgin Islands area, if such area is so designated a HIDTA by the Director. The conferees expect the Director of ONDCP to request the full $12 million for HIDTA support for this region in fiscal year 1996.

With reference to the Southwest Border HIDTA, the funds provided shall only be used for those activities approved by the five HIDTA Executive Committees for the Southwest Border HIDTA and ultimately, the Under Secretary for Enforcement of the Department of the Treasury.

SPECIAL FORFEITURE FUND

(INCLUDING TRANSFER OF FUNDS)

Amendment No. 45. Appropriates $41,900,000 instead of $14,800,000 as proposed by the House and $52,500,000 as proposed by the Senate. The conferees have provided $41,900,000 for anti-drug activities from proceeds in the Special Forfeiture Fund in fiscal year 1995. Those funds shall be used for the following purposes: $15,000,000 for anti-drug activities at the discretion of the Director; $3,100,000 for testing and implementation of new ballistics technologies at the discretion of the Director; $8,000,000 for CTAC projects; and $14,000,000 for transfer to the Substance Abuse and Mental Health Services Administration. The bulk of the discretionary funds provided to the Director are intended to cover shortfalls in drug control accounts, such as the Customs Air and Marine Interdiction programs, which would be insufficient if the drug threat increases as a result of increased border penetrations. The conferees expect the Director to seek advance approval from the House and Senate Committees on Appropriations prior to the obligation of these funds.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

The conferees have provided a total of $14,000,000 to be transferred to the Substance Abuse and Mental Health Services Administration (SAMHSA). Of these funds, $10,000,000 is for the Residential Women and Children's program, and $4 million is for the Center for Substance Abuse Treatment (CSAT) for community treatment programs. Of the $4,000,000, $1,300,000 shall be provided to Amity, Inc. for a comprehensive outpatient program, administered in cooperation with the Adult Probation Department of the Pima County Superior Court, targeted to drug-using offenders diverted from incarceration into treatment; $500,000 shall be provided to CODAC Behavioral Health Services, Inc. for a comprehensive treatment and prevention program for substance-abusing mothers and their infants; and $200,000 shall be available for renovation of a facility to serve the substance abuse needs of the people of Page, Arizona and the Western portion of the Navajo Nation under the existing grants policy of the Center.

EL PASO INTELLIGENCE CENTER

The conferees have included a total of $1,800,000 for the Drug Enforcement Administration's (DEA) El Paso Intelligence Center (EPIC). The conferees believe that in the future, the DEA should provide sufficient funds for the support and expansion of EPIC through its own appropriation so as not to establish a continued pattern of using the Special Forfeiture Fund for this purpose.

NEW BALLISTICS TECHNOLOGY

The conferees have included $3,100,000 to expand testing of new ballistics technologies. The Bureau of Alcohol, Tobacco and Firearms currently operates in the District of Columbia and pilot project called CEASEFIRE, which uses advanced computer technology and traditional investigative techniques to assist State and local police in solving firearms-related violent crimes. A key element of this project is the Projectile Comparison System, which stores ballistic images in a computer data base, facilitating comparisons and positive matches.

The $3,100,000 for additional testing should focus on the ability to coordinate among multiple jurisdictions. An example of this is the Northern California Gun-Link project, which combines the resources of ten federal, state and local crime laboratories for ballistics identification and tracing.

COUNTER-DRUG TECHNOLOGY ASSESSMENT CENTER

The conferees have provided $8,000,000 for research and development activities of CTAC in fiscal year 1995. Of this amount, $500,000 is provided for a non-intrusive inspection system assessment and engineering tradeoff study. The conferees recognize the significant progress made toward achieving our national goal to develop a rapid, modern automatic system to inspect shipment and cargo containers for illicit substances and drugs. Recognizing this progress, the conferees direct ONDCP/CTAC to conduct, with the United States Customs Service, a comprehensive non-intrusive inspection (NII) system technology assessment and engineering tradeoff study. The tradeoffs between cost, performance, and operational parameters, associated with each subsystem component, the training requirements, personnel manning and all relevant factors should be addressed. These tradeoffs should also evaluate the mix of information, screening and detection subsystems; develop estimates of the non-recurring, engineering, and architectural costs; show how the subsystems and investments scale in size; and evaluate various functional configurations to meet the needs of individual ports and border crossing locations, as well as to satisfy requirements for mobility along our extensive southwest land border. The study objective is to ensure well thought out plans for developing first generation NII systems and address such items as research and development resource allocation, system engineering, cost benefit analyses, and transition of the maturing technologies. The study should consider the entire range of customs, transportation security and counter-terrorism applications. The study shall include the U.S. Customs Service, the Departments of Defense, Treasury, Commerce, Transportation, and other involved governmental agencies. The results should be reported to Congress by September 30, 1995.

DEVELOPMENT OF NEW TECHNOLOGY

The conferees agree that multiagency research and development programs be coordinated by the Office of National Drug Control Policy through the Counter-Drug Technology Assessment Center (CTAC) in order to prevent duplication of effort and to assure that those efforts transcend the need of any single Federal agency. Prior to the obligation of these funds, the House and Senate Committees on Appropriations expect to be notified by the chief scientist on how these funds will be spent and receive advance approval prior to the obligation of these funds. Additionally, the chief scientist should provide periodic reports on the priority counterdrug enforcement research and development requirements identified by the Center and on the status of the projects funded by CTAC.

The conferees agree that CTAC should recognize and support agency contributions to research and development. However, the CTAC should be the primary research and development organization and agencies should not expend resources to develop new or expanded internal research and development offices.

TITLE IV—INDEPENDENT AGENCIES

REPROGRAMMINGS

The conferees agree to require a reprogramming request from any agency, department or office when the amount to be reprogrammed exceeds $500,000 or 10 percent of any object class, budget activity, program line item, or program activity, whichever is greater. For agencies receiving appropriations under $20,000,000, this threshold shall be $100,000 or 5 percent, whichever is greater.

Such requests shall be submitted for the prior approval of the Committees on Appropriations. The Committees must receive such requests in sufficient time to consider them before their proposed implementation. In the past, the Administration has delayed submission as much as four months between the time that it knew that the reprogramming was necessary and the time that it was formally transmitted. The conferees expect that such delays will not recur in the future.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

SALARIES AND EXPENSES

Amendment No. 46. Appropriates $1,800,000 for salaries and expenses of the Administrative Conference of the U.S. as proposed by the Senate.

ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

SALARIES AND EXPENSES

Amendment No. 47. Appropriates $1,000,000 for salaries and expenses of the Commission as proposed by the Senate.

FEDERAL ELECTION COMMISSION

SALARIES AND EXPENSES

Amendment No. 48. Appropriates $27,106,000 as proposed by the Senate instead of $23,564,000 as proposed by the House.

MODERNIZATION EFFORTS

The conferees support the FECs efforts to modernize its operations through computerization but are unable to earmark funds for the purpose at this time. The conferees have taken this step without prejudice and on the basis that any such earmark might undermine FECs ability to carry out its statutory responsibilities in the upcoming fiscal year.

Within available funds, the conferees urge the FEC to move as expeditiously as possible with their plans to modernize operations through computerization. The conferees encourage the FEC to develop options that will provide for the electronic filing of reports.

FEDERAL LABOR RELATIONS AUTHORITY

SALARIES AND EXPENSES

Amendment No. 49. Appropriates $21,341,000 as proposed by the House instead of $21,540,000 as proposed by the Senate.

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

LIMITATIONS ON THE AVAILABILITY OF REVENUE

Amendment No. 50. Appropriates $466,917,000 for expenses of the Federal Buildings Fund, instead of $361,615,520 as proposed by the House and $500,000,000 as proposed by the Senate.

Amendment No. 51. Establishes an aggregate limitation of $5,082,998,000 in obligational authority to be expended from receipts to the Federal Buildings Fund instead of $4,973,825,520 as proposed by the House and $5,055,841,000 as proposed by the Senate.

Amendment No. 52. Authorizes GSA to expend $736,233,000 in obligational authority for construction of Federal building projects instead of $502,709,520 as proposed by the House and $721,129,000 as proposed by the Senate.

Amendment No. 53. Deletes language proposed by the House and modifies language proposed by the Senate which provides funding for the construction of certain Federal buildings and facilities.

U.S. COURTHOUSE, FRESNO, CALIFORNIA

The conferees understand that GSA will soon begin the process of selecting a site for a new Federal Courthouse in Fresno, California. The conferees agree that GSA should adequately review all sites, including those in downtown Fresno, for the new facility. The conferees note the Congressional intent is that to the extent possible, GSA strive to locate new facilities in downtown areas.

EPA BUILDING, RESEARCH TRIANGLE, NORTH CAROLINA

The conferees agree with the House position supporting the plans for a new Environmental Protection Agency laboratory in Research Triangle Park, North Carolina. The conferees expect the Administration to submit a request for construction funds for this building in the appropriate agency account in fiscal year 1996.

CLEVELAND, OHIO, U.S. COURTHOUSE

The conferees encourage GSA to work with the Planning Commission of the City of Cleveland on the location of the proposed U.S. Courthouse taking into consideration the "Group Plan of the Public Buildings of the City of Cleveland," prepared by the Board of Supervisors for Public Buildings and Grounds of the City of Cleveland. The conferees further encourage GSA to work with the Planning Commission of the City of Cleveland to review the need for pedestrian links to the community's pending waterfront rapid rail transportation extension.

FEDERAL OFFICE BUILDING, LAKELAND, FLORIDA

The conferees agree with the House report language directing GSA to develop a plan to renovate and upgrade the existing facility and use up to $1,500,000 of available funds to accomplish this task.

U.S. COURTHOUSE, SAVANNAH, GEORGIA

The conferees direct the General Services Administration to work with the City of Savannah, Georgia to incorporate, to the extent possible, adaptive renovation of historic structures, within the Federal Courthouse project.

U.S. COURTHOUSE, TAMPA, FLORIDA

The conferees agree that the report requested by the Senate with regards to this facility is no longer required.

NOAA FACILITIES

The House has included language in its report on the consolidation of NOAA facilities in the Norfolk/Hampton Roads area. With respect to any facilities or the fleet, the conferees direct that GSA examine the cost effectiveness of using facilities and docks at military bases that are being closed.

U.S. COURTHOUSE CONSTRUCTION REQUESTS

The conferees agree with the House report language accompanying the provision of the bill (Sec. 9) on courthouse construction. The conferees direct that the Courthouse construction requirements established by GSA and OMB include a prioritization of the projects by the Administrative Office of the U.S. Courts.

AUTHORIZATION REQUIREMENTS

The conferees have funded certain Federal building projects which are subject to authorization. A provision has been included which prohibits GSA from expending the provided funds until these projects receive the necessary authorization. In the meantime, however, the conferees direct the Administrator of General Services to submit information on these projects to the authorizing committees. That information should take the form of either a formal prospectus or 11(b) report.

Amendment No. 54. Makes available $736,709,000 for repairs and alterations of certain Federal buildings and facilities instead of $815,268,000 as proposed by the House and $714,556,000 as proposed by the Senate.

Amendment No. 55. Makes available funds for repairs and alterations of certain Federal buildings and facilities.

CORPS OF ENGINEERS FACILITY, WALLA WALLA, WASHINGTON

The conferees have provided $2,814,000 for repair and alteration of the land and facilities currently occupied by the Corps of Engineers in Walla Walla, Washington. The conferees are concerned about GSA's lack of knowledge about this effort and the possibility that it may be using unrealistic cost estimates in preparing its plan. Therefore, the conferees direct GSA to work with the Corps of Engineers to implement the most cost-effective plan for the project. Additionally, the GSA shall keep the House and Senate Committees on Appropriations apprised of its efforts to complete this project.

Amendment No. 56. Makes available $2,173,000,000 for rental of space activities as proposed by the Senate instead of $2,204,628,000 as proposed by the House.

Amendment No. 57. Makes available $1,309,525,000 for building operations as proposed by the Senate instead of $1,323,689,000 as proposed by the House.

Amendment No. 58. Restores House language, with certain modifications, which allocates funds for a Bureau of Census project and subjects the obligation of funds for various Federal building projects to authorization approval, and provides that $5,000,000 appropriated for the FDA consolidation may be used for necessary infrastructure improvements.

ROAD IMPROVEMENTS

The conferees have included language directing the General Services Administration to transfer $5,000,000 to the Secret Service for road improvements at the Rowley Training Center in Beltsville, Maryland. These funds shall be expended for purposes of repairs of the adjacent roadways and its appurtenances.

TELECOMMUTING CENTER

The conferees have identified the specific amount that is available for the General Services Administration to pay to a public entity in the State of Maryland for purposes of establishing telecommuting work centers in Southern Maryland. The $1,300,000 in this language includes, and is not in addition to, those expenditures incurred or to be incurred for facilities, equipment and other services pursuant to the existing lease contract (including any supplements or riders thereto) between the General Services Administration and Charles County Community College.

Amendment No. 59. Deletes language proposed by the House with regard to certain building projects.

Amendment No. 60. Establishes an aggregate limitation of $5,082,998,000 in obligational authority to be expended from receipts to the Federal Buildings Fund instead of $4,973,825,520 as proposed by the House and $5,057,841,000 as proposed by the Senate.

Amendment No. 61. Modifies Senate language rescinding funds from certain projects funded in previous fiscal years.

OPERATING EXPENSES

Amendment No. 62. Deletes language proposed by the House authorizing expenditures for the Information Security Oversight Office. This office has been transferred to the Office of Management and Budget for fiscal year 1995.

Amendment No. 63. Appropriates $130,036,000 for operating expenses as proposed by the Senate instead of $123,020,000 as proposed by the House; includes language proposed by the House cancelling $172,000 in offsetting collections; and includes language as proposed by the Senate allocating certain funds for Congressional and Senate offices.

COMMUNICATIONS NETWORK

The conferees have provided $6,000,000 for two communications networks. The conferees direct GSA to use up to $3,000,000 to implement the pilot project described in its report, "Iowa Communications Network Study". The remaining $3,000,000 shall be available to GSA for enhancing information superhighway capabilities in the State of Arizona working through Arizona State University.

AUTOMATING PROCUREMENT OPERATIONS

The conferees agree with the House report language concerning savings which might be achieved throughout the government through application of the Interior Department's Electronic Acquisition System (IDEAS) contract. This system could help reduce costs and provide savings to the government through increased private sector competition and a reduction of administrative requirements.

POLLUTION ABATEMENT TEST

The conferees agree with the House report language which reaffirms the Congressional directive to move forward on the test of diesel fuel additives as a means to reduce emissions and particulates. The GSA has submitted a report on its role in the pollution abatement test and the conferees agency, to ensure that the test is carried out as directed in 1994.

CONVERSION OF GASOLINE POWERED VEHICLES

The conferees are aware of a unique coupling technology utilized in the fueling of alternative fueled vehicles such as liquid propane gas and liquid natural gas. This coupling technology has been successfully employed by the Houston Metro Bus System in the conversion of buses to liquid natural gas. The conferees direct GSA and the U.S. Postal Service to investigate the applicability of this coupling in their existing vehicle conversion programs mandated by Executive Order 12844 and to report back to the House and Senate Committees on Appropriations no later than March 1, 1995 on the results of this investigation.

XTH PARALYMPIAD

The conferees agree that of the amounts appropriated to GSA, up to $1,000,000 shall be used for logistical and personnel support for the Xth Paralympiad on disability. The conferees recommend GSA's participation in preparation of public facilities for use by an unprecedented population of people with disabilities during the 1996 Paralympiad. The extent of accessibility associated with the event provides a model for future design and adaptability in Federal facilities.

TELECOMMUTING CENTERS

The conferees are particularly pleased with the success of the Waldorf InTeleWorkCenter, the first of a network of telecommuting centers in Southern Maryland being developed by Charles County Community College for this demonstration. The conferees are concerned that these centers and the supporting research being undertaken by Charles County Community College on behalf of this demonstration progress in an expedited manner which encourages innovation and flexibility. In establishing the first center in Charles County, the College experiences difficulty in securing GSA reimbursement for appropriate expenditures totaling $180,676 and covering start-up, build-out and development of the Waldorf InTeleWorkCenter and the supporting program. The conferees direct GSA to promptly reimburse Charles County Community College for all the justifiable reimbursable expenses. The conferees support the continuation of the College's role as the developer of initiatives to provide tools for success for future Federal telework centers including telework training, analysis of emerging technologies, business planning, etc. Further, the conferees direct Charles County Community College to provide a full report of findings and status to date directly to this committee by July 1, 1995.

EQUIPMENT PURCHASE—WORKING CAPITAL FUND

The Committees have included a provision establishing an expanded GSA Working Capital Revolving Fund to provide a more appropriate account for the administration of the various centralized administrative support services provided to benefitting GSA organizations and external entities and the centralized acquisition of major equipment and development of agencywide financial management and management information systems. These functions were heretofore housed under the Salaries and Expenses, General Management and Administration direct appropriation account.

Accordingly, it is the intent of the Committees that the activities referenced in section 5 of GSA's General Provisions in Public Law 103-123 (107 Stat 1246) "Major equipment acquisitions and development activity" of the Salaries and Expenses, General Management and Administration appropriation account for transfer of prior year unobligated balances of operating expenses accounts be separately accounted for under the new Working Capital Fund.

Amendment No. 64. Deletes language proposed by the House authorizing GSA to transfer funds between operating accounts.

Amendment No. 65. Deletes language proposed by the Senate authorizing GSA to use certain payments received from contractors or vendors for General Supply Fund purposes.

REIMBURSEMENT FOR EXPENSES

The conferees have agreed not to include a provision (Sec. 11) as recommended by the

Senate which would have authorized GSA to retain refunds and rebates from contractors or vendors to manage and administer service programs such as the government credit card contracts due to the significant legislative concerns which have been raised. The conferees note that the current credit card contracts includes approximately $18,000,000 which will be available for rebate to all federal agencies which use the service, based on usage and other factors. The conferees direct that all agencies receiving these rebates reimburse GSA for the costs of administering the program. Additionally, GSA should develop accurate cost measures associated with management and administration of this program and ensure that only those costs are the basis for reimbursement, before it seeks future action on this issue.

Merit Systems Protection Board

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

Amendment No. 66. Makes available $2,250,000 from the Civil Service Retirement and Disability Fund for administrative expenses instead of $2,420,000 as proposed by the House and $1,989,000 as proposed by the Senate.

Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation

FEDERAL PAYMENT TO MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

Amendment No. 67. Appropriates $10,000,000 as proposed by the Senate.

National Archives and Records Administration

OPERATING EXPENSES

Amendment No. 68. Appropriates $195,238,000, instead of $194,638,000 as proposed by the House and $200,238,000 as proposed by the Senate. Also deletes language proposed by the Senate earmarking certain funds for grants for historical publications and records. The amount provided includes $100,000 for Archival activities associated with the Gallery of the Open Frontier in Nebraska and $500,000 to continue the feasibility study begun in fiscal year 1994 on the integration of Archives' collections into Internet and follow-on on-line systems in Nebraska.

Amendment No. 69. Restores House language canceling $441,000 in offsetting collections.

National Historical Publications and Records Commission

Amendment No. 70. Modifies House language appropriating $9,000,000 for historical publications and records grants and provides funds for the Thomas P. O'Neill, Jr. Library and the Robert H. and Corrine W. Michel Congressional Education Fund.

EDUCATIONAL PROGRAMS

In its continuing effort to improve teaching about the United States Constitution and the U.S. government, the Division of Exhibits and Educational Programs and the Constitution Project have developed a national institute for teachers on the subject of the United States Constitution and the Bill of Rights. The conferees commend this action and have provided $250,000 to fund this important program.

John F. Kennedy Assassination Records and Review Board.

SALARIES AND EXPENSES

Amendment No. 71. Appropriates $2,150,000 instead of $2,418,000 as proposed by the House.

HIRING OF INVESTIGATORS

The conferees agree that the John F. Kennedy Assassination Records Review Board should give favorable consideration to hiring individuals which have investigative experience due to their former employment with the Office of Personnel Management. These individuals may well possess the skills which the Board will need to accomplish its mission.

Office of Personnel Management

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

Amendment No. 72. Restores language and appropriations of $115,139,000 for salaries and expenses and $93,934,000 for administrative expenses as proposed by the House, including $3,000,000 as proposed by the House for OPM training. Includes language proposed by the Senate establishing health promotion and disease prevention programs.

Federal Employees Health Benefits (FEHB)

The conferees support all efforts to encourage FEHB Plan members to utilize quality and cost-effective health care delivery systems. The conferees support OPM's position in its March 24, 1994, letter to carriers in the FEHB requiring that carriers must put in place procedures to capture discounts from all bills presented and/or contract with vendors to do so.

The conferees have some concerns that confusion and questions can arise among providers about the nature and relationship of FEHB carriers, their networks, and other organizations that are not so closely affiliated. The conferees expect OPM to carefully review carrier submissions and encourage carriers to work with providers to alleviate those concerns. The conferees further expect carriers to describe in their annual benefit submissions to OPM procedures for obtaining the lowest price for these services.

In addition, the conferees expect the OPM to review procedures and practices of all in and out of network contractors to ensure that Federal employees have the best available information in order to make sound choices and decisions.

The conferees direct OPM to report back to the House and Senate Committees on Appropriations by April 1, 1995 on the amount of savings realized from this program. The conferees wish to reiterate that OPM is expected to ensure FEHB program integrity and the highest quality care for Federal employees at the lowest price.

DIVERSITY IN THE FEDERAL WORKPLACE

The conferees are supportive of efforts by the Office of Personnel Management to promote diversity and equal employment opportunity in the Federal civil service. The conferees are aware of one such program used in this regard, the Woodrow Wilson National Fellowship Program in Public Policy. Over 800 students have been selected as Wilson Fellows for training in over 30 of the Nation's top graduate schools and universities teaching public policy in the United States. Wilson Fellows account for nearly 50 percent of all minority students served by many of these programs. The conferees are supportive of efforts by the Office of Personnel Management to improve cooperation with the Wilson program, as well as other programs that are geared to increasing minority participation in government, and encourage OPM to recommend how these efforts can be improved in its fiscal year 1996 budget submission.

BUDGET SUBMISSION

The fiscal year 1995 OPM budget submission is unclear and should be revised to illustrate the relationship between its initiatives and various appropriated and non-appropriated accounts. The conferees direct that a revised submission, with prior approval of the Committee on Appropriations, be prepared for the fiscal year 1996 budget submission.

BASE PAY FOR UNIFORMED DIVISION OFFICERS OF THE UNITED STATES SECRET SERVICE AND POLICE OFFICERS OF THE BUREAU OF ENGRAVING AND PRINTING

The conferees recommend that the Office of Personnel Management incorporate Special Pay Rates, which were previously granted to the United States Secret Service Uniformed Division officers, into the base pay scale of these officers. The conferees further recommend that the police officers of the Bureau of Engraving and Printing be provided locality pay. It was the original intent of the conferees that the Secret Service Uniformed Division Special Rates be included as part of base pay for all purposes and receipt of these Special Rates should not preclude these officers from locality pay adjustments. Comparison of locality adjustments to Special Rates is certain to reflect the very disparities which precipitated the need for the Special Rate adjustments for the Uniform Division officers in 1988. Similarly, lack of locality pay for Bureau of Engraving and Printing police erodes their new pay plan established in 1991. The conferees fear that without action to correct these oversights additional recruitment and retention problems will result. The conferees instruct OPM to report back on its actions in this regard no later than February 1, 1995.

United States Tax Court

SALARIES AND EXPENSES

Amendment No. 73. Appropriates $34,039,000 instead of $33,650,000 as proposed by the House and $34,427,000 as proposed by the Senate.

TITLE V—GENERAL PROVISIONS

This Act

REPROGRAMMINGS

The conferees agree to require a reprogramming request from any agency, department or office when the amount to be reprogrammed exceeds $500,000 or 10 percent of any object class, budget activity, program line item, or program activity, whichever is greater. For agencies receiving appropriations under $20,000,00, this threshold shall be $100,000 or 5 percent, whichever is greater.

Such requests shall be submitted for the prior approval of the Committees on Appropriations. The Committees must receive such requests in sufficient time to consider them before their proposed implementation. In the past, the Administration has delayed submission as much as four months between the time that it knew that the reprogramming was necessary and the time that it was formally transmitted. The conferees expect that such delays will not recur in the future.

PERFORMANCE MEASUREMENT

The conferees agree to direct agencies to begin implementing performance measurement, pursuant to the following principles:

(1) A relatively large number of measures are needed to fully understand a product/service's performance. Organizations which are just now establishing measures are advised to start small with a few key areas until they increase their proficiency.

(2) Managers should be using performance measurement data, paying special attention to often-ignored quality and customer satisfaction information. Managers typically use traditional financial performance measures

while ignoring quality and customer satisfaction data.

(3) Managers should ensure that performance measure are linked with all relevant planning and improvement efforts. It is also important that organizations use performance measurement in senior management appraisals.

(4) Managers should limit the creation of overhead organizations. Initiatives that make performance measures easier—such as automated system—are popular and often create higher user satisfaction. Initiatives that create extra work—such as central office collecting measurement data or a consolidated report—inhibit productivity and are not frequently used by corporations.

The conferees note that government leaders should adopt the practice of involving customers and stakeholders in the development of performance measurements, involving line management, employees, and even customers. This tends to increase "buy-in," usability, and implementation. Development and implementation should be driven by broader improvement efforts providing a mechanism for following up on the opportunities revealed by the measurement data.

The conferees agree that, to the extent practicable, performance management concepts be incorporated and identified in the fiscal year 1996 budget requests.

TASK FORCES FUNDED IN THIS ACT

The conferees agree with the House report language requiring agencies which fund any task force to report the amount contributed to a task force to the House and Senate Committees on Appropriations.

MAILING LISTS

The conferees agree that section 522 which addresses the availability of mailing lists, has no bearing on information that may be available to federal labor organizations pursuant to any other law, rule, or regulation.

Amendment No. 74. Inserts a Senate provision changing a date from 1994 to 1995 with reference to the use of funds and other contributions to OPM.

Amendment No. 75. Restores language proposed by the House which prohibits funds from being used to withdraw the designation of a port in Front Royal, Virginia.

Amendment No. 76. Restores language proposed by the House which prohibits the use of funds to relocate any Federal agency for the sole reason that locality pay was increased.

Amendment No. 77. Restores language proposed by the House with modification requiring advance approval by the House and Senate Committees on Appropriations for funds carried-over from certain salaries and expense accounts.

Amendment No. 78. Inserts Senate language which limits travel expenses for Federal agencies and changes section number.

Amendment No. 79. Modifies Senate language to exempt Treasury law enforcement and support positions from the Federal Workforce Restructuring Act for one year.

Amendment No. 80. Inserts Senate language amending a law relating to former Presidents and changes section number.

Amendment No. 81. Inserts Senate language amending a law relating to former Presidents and changes section number.

Amendment No. 82. Modifies language proposed by the Senate requiring the Office of Personnel Management to conduct a study on cost of living allowances for Federal employees stationed outside of the continental United States. It also inserts language concerning the U.S. Forest Service Administrative Offices In Graham County, Arizona, the U.S. Courthouse in Tucson, a leased facility in Tucson, jurisdiction of the Bureau of Engraving and Printing, the use of funds made available in previous years for the U.S. Mint, a transfer of funds provided for the Office of Policy Development, the replacement of vehicles at IRS, equipment purchases for the GSA from the Working Capital Fund, exempting a Treasury Department review from the Federal Advisory Committee Act and clarifies pay for the legislative archivist at the National Archives and Records Administration.

TITLE VI—GOVERNMENTWIDE GENERAL PROVISIONS

DEPARTMENTS, AGENCIES, AND CORPORATIONS

Amendment No. 83. Inserts Senate language permitting other employee programs as authorized by law or deemed appropriate to benefit from funds received from recycling programs.

Amendment No. 84. Restores House language and deletes Senate language relating to wage grade employees.

OFFICE REDECORATING ALLOWANCES

The conferees agree with the Senate position on Section 618 regarding the use of funds for decorating and improvement purposes. It is the intent of the conferees that the word "office" refers not only to the personal office of the official, but also the entire suite of offices assigned to the official, as well as any other space that is directly controlled by the official or is recognized within the agency as being primarily for the use of the official.

Amendment No. 85. Restores House language relating to mandatory use of FTS2000.

Amendment No. 86. Deletes Senate language relating to utility rebates.

Amendment No. 87. Restores House language with a technical change to provide for an average .6 percent locality pay and a 2 percent ECI increase for Federal employees.

Amendment No. 88. Restores House language relating to the backfilling of positions eliminated through Federal "buy-outs", modified to exempt the Department of Defense.

Amendments No. 89–92. Inserts four Senate amendments relating to the employment of Executive Office of the President individuals and access to the White House.

Amendment No. 93. Deletes Senate language relating to pay for the Uniformed Division of the United States Secret Service.

Amendment No. 94. Modifies Senate language which authorizes law enforcement availability pay.

LAW ENFORCEMENT AVAILABILITY PAY

The provision included in the conference report provides a 25 percent premium pay allowance to all 1811 OPM series criminal investigators, and to 1812 OPM series criminal investigators employed by the United States Fish and Wildlife Service and the National Marine Fisheries Service.

Availability pay replaces discretionary premium pay, commonly referred to as "Administratively Uncontrollable Overtime (AUO)", with guaranteed compensation at the rate of 25 percent. The compensation is provided in anticipation of the unscheduled work which these criminal investigators are expected to perform due to the nature of their work.

Criminal investigators receiving this guaranteed compensation shall be exempt from the Fair Labor Standards Act payment. This does not imply that the conferees believe that such an exemption should or should not be applied to State and local law enforcement officers. Federal investigators are faced with unique conditions of employment, such as interstate and international relocation, which necessitate guaranteed compensation in lieu of Fair Labor Standards Act payments.

The provisions contained in this section provide criminal investigators with a guaranteed, uniformly-applied form of compensation for unscheduled duty. It will facilitate budgeting, scheduling and operations for the affected agencies. Enactment of this section will prevent litigation and provide fair and secure compensation to federal criminal investigators.

Amendment No. 95. Deletes Senate language relating to utility rebates.

Amendment No. 96. Inserts Senate language amending Section 5704 of title 5, United States Code, relating to employee mileage reimbursement and changes the section number.

Amendment No. 97. Inserts Senate language relating to Canadian restrictions on the import of chickens from the United States and changes the section number.

Amendment No. 98. Modifies Senate language relating to the use of funds for the travel of certain individuals and changes the section number.

Amendment No. 99. Inserts Senate language making amendments to Section 3 of the Congressional Award Act and changes the section number.

Amendment No. 100. Inserts a Senate provision relating to drug-free workplace programs and changes section number.

Amendment No. 101. Modifies Senate language relating to the use of subsidies for certain third-class periodical publications; establishes a 6-year statute of limitations on certain claims; authorizes the Bureau of the Public Debt to pay for certain expenses; authorizes Federal law enforcement officers to attend the funerals of fellow officers and firefighters; and permits OPM to use funds for government payments for annuitants and employee life insurance programs.

Amendment No. 102. Inserts Senate language relating to savings from procurement reforms and changes the section number.

Amendment No. 103. Deletes Senate language relating to GSA buildings and establishes a new title, Title VII, which appropriates funds for violent crime control and law enforcement programs and activities.

The conferees have provided $38,700,000 for various law enforcement activities of the Department of the Treasury. The funds are allocated as follows: $2,400,000 for the Office of Enforcement; $9,000,000 for the Gang Resistance Education and Training program; $7,000,000 for the Bureau of Alcohol, Tobacco and Firearms for firearms enforcement and compliance activities; $7,000,000 for the Internal Revenue Service's Criminal Investigation Division; $4,000,000 for the U.S. Customs Service for border and port enforcement activities; $2,700,000 for the Financial Crimes Enforcement Network for Gateway and other financial intelligence activities; and $6,600,000 for the United States Secret Service for anti-counterfeit investigations and enhancing forensics capabilities to aid in the identification of missing and exploited children.

DISTRIBUTION OF FUNDS FOR GREAT PROGRAM

The conferees direct that the Bureau of Alcohol, Tobacco and Firearms give priority to the consideration of funding for New York City and the District of Columbia when distributing funds under the GREAT program.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1995 recommended by the Committee of Conference, with comparisons to the fiscal year 1994 amount, the 1995 budget estimates, and the House and Senate bills for 1995 follow:

New budget (obligational) authority, fiscal year 1994	$22,538,822,000
Budget estimates of new (obligational) authority, fiscal year 1995	24,571,817,000
House bill, fiscal year 1995	23,347,513,520
Senate bill, fiscal year 1995	23,591,590,000
Conference agreement, fiscal year 1995	23,584,247,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1994	+1,045,425,000
Budget estimates of new (obligational) authority, fiscal year 1995	−987,570,000
House bill, fiscal year 1995	+236,733,480
Senate bill, fiscal year 1995	−7,343,000

STENY H. HOYER,
PETER J. VISCLOSKY,
GEORGE (BUDDY) DARDEN,
JOHN W. OLVER,
TOM BEVILL,
MARTIN OLAV SABO,
DAVID OBEY,
JIM LIGHTFOOT,
(except amendment 29),
JOSEPH M. MCDADE,
Managers on the Part of the House.

DENNIS DECONCINI,
BARBARA A. MIKULSKI,
BOB KERREY,
ROBERT C. BYRD,
CHRISTOPHER S. BOND,
ALFONSE D'AMATO,
MARK O. HATFIELD,
Managers on the Part of the Senate.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules.

SATELLITE HOME VIEWER ACT OF 1994

Mr. BROOKS. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2406) to amend title 17, United States Code, relating to the definition of a local service area of a primary transmitter, and for other purposes, as amended.

The Clerk read as follows:

S. 2406

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Satellite Home Viewer Act of 1994".

SEC. 2. STATUTORY LICENSE FOR SATELLITE CARRIERS.

Section 119 of title 17, United States Code, is amended as follows:

(1) Subsection (a)(2)(C) is amended—

(A) by striking "90 days after the effective date of the Satellite Home Viewer Act of 1988, or";

(B) by striking "whichever is later,";

(C) by inserting "name and" after "identifying (by" each place it appears; and

(D) by striking ", on or after the effective date of the Satellite Home Viewer Act of 1988,".

(2) Subsection (a)(5) is amended by adding at the end the following:

"(D) BURDEN OF PROOF.—In any action brought under this paragraph, the satellite carrier shall have the burden of proving that its secondary transmission of a primary transmission by a network station is for private home viewing to an unserved household.".

(3) Subsection (b)(1)(B) is amended—

(A) in clause (i) by striking "12 cents" and inserting "17.5 cents per subscriber in the case of superstations not subject to syndicated exclusivity under the regulations of the Federal Communications Commission, and 14 cents per subscriber in the case of superstations subject to such syndicated exclusivity"; and

(B) in clause (ii) by striking "3" and inserting "6";

(4) Subsection (c) is amended—

(A) in paragraph (1) by striking "December 31, 1992,";

(B) in paragraph (2)—

(i) in subparagraph (A) by striking "July 1, 1991" and inserting "July 1, 1996"; and

(ii) in subparagraph (D) by striking "December 31, 1994" and inserting "December 31, 1999, or in accordance with the terms of the agreement, whichever is later";

(C) in paragraph (3)—

(i) in subparagraph (A) by striking "December 31, 1991" and inserting "January 1, 1997";

(ii) by amending subparagraph (D) to read as follows:

"(D) ESTABLISHMENT OF ROYALTY FEES.—In determining royalty fees under this paragraph, the Copyright Arbitration Panel shall establish fees for the retransmission of network stations and superstations that most clearly represent the fair market value of secondary transmissions. In determining the fair market value, the Panel shall base its decision on economic, competitive, and programming information presented by the parties, including—

"(i) the competitive environment in which such programming is distributed, the cost for similar signals in similar private and compulsory license marketplaces, and any special features and conditions of the retransmission marketplace;

"(ii) the economic impact of such fees on copyright owners and satellite carriers; and

"(iii) the impact on the continued availability of secondary transmissions to the public.";

(iii) in subparagraph (E) by striking "60" and inserting "180"; and

(iv) in subparagraph (G)—

(I) by striking ", or until December 31, 1994"; and

(II) by inserting "or July 1, 1997, whichever is later" after "section 802(g)".

(5) Subsection (a) is amended—

(A) in paragraph (5)(C) by striking "the Satellite Home Viewer Act of 1988" and inserting "this section"; and

(B) by adding at the end the following:

"(8) TRANSITIONAL SIGNAL INTENSITY MEASUREMENT PROCEDURES.—

"(A) IN GENERAL.—Subject to subparagraph (C), upon a challenge by a network station regarding whether a subscriber is an unserved household within the predicted Grade B Contour of the station, the satellite carrier shall, within 60 days after the receipt of the challenge—

"(i) terminate service to that household of the signal that is the subject of the challenge, and within 30 days thereafter notify the network station that made the challenge that service to that household has been terminated; or

"(ii) conduct a measurement of the signal intensity of the subscriber's household to determine whether the household is an unserved household after giving reasonable notice to the network station of the satellite carrier's intent to conduct the measurement.

"(B) EFFECT OF MEASUREMENT.—If the satellite carrier conducts a signal intensity measurement under subparagraph (A) and the measurement indicates that—

"(i) the household is not an unserved household, the satellite carrier shall, within 60 days after the measurement is conducted, terminate the service to that household of the signal that is the subject of the challenge, and within 30 days thereafter notify the network station that made the challenge that service to that household has been terminated; or

"(ii) the household is an unserved household, the station challenging the service shall reimburse the satellite carrier for the costs of the signal measurement within 60 days after receipt of the measurement results and a statement of the costs of the measurement.

"(C) LIMITATION ON MEASUREMENTS.—(i) Notwithstanding subparagraph (A), a satellite carrier may not be required to conduct signal intensity measurements during any calendar year in excess of 5 percent of the number of subscribers within the network station's local market that have subscribed to the service as of the effective date of the Satellite Home Viewer Act of 1994.

"(ii) If a network station challenges whether a subscriber is an unserved household in excess of 5 percent of the subscribers within the network's station local market within a calendar year, subparagraph (A) shall not apply to challenges in excess of such 5 percent, but the station may conduct its own signal intensity measurement of the subscriber's household after giving reasonable notice to the satellite carrier of the network station's intent to conduct the measurement. If such measurement indicates that the household is not an unserved household, the carrier shall, within 60 days after receipt of the measurement, terminate service to the household of the signal that is the subject of the challenge and within 30 days thereafter notify the network station that made the challenge that service has been terminated. The carrier shall also, within 60 days after receipt of the measurement and a statement of the costs of the measurement, reimburse the network station for the cost it incurred in conducting the measurement.

"(D) OUTSIDE THE PREDICTED GRADE B CONTOUR.—(i) If a network station challenges whether a subscriber is an unserved household outside the predicted Grade B Contour of the station, the station may conduct a measurement of the signal intensity of the subscriber's household to determine whether the household is an unserved household after giving reasonable notice to the satellite carrier of the network station's intent to conduct the measurement.

"(ii) If the network station conducts a signal intensity measurement under clause (i) and the measurement indicates that—

"(I) the household is not an unserved household, the station shall forward the results to the satellite carrier who shall, within 60 days after receipt of the measurement, terminate the service to the household of the signal that is the subject of the challenge, and shall reimburse the station for the costs of the measurement within 60 days after receipt of the measurement results and a statement of such costs; or

"(II) the household is an unserved household, the station shall pay the costs of the measurement.

"(9) LOSER PAYS FOR SIGNAL INTENSITY MEASUREMENT; RECOVERY OF MEASUREMENT COSTS IN A CIVIL ACTION.—In any civil action filed relating to the eligibility of subscribing households as unserved households—

"(A) a network station challenging such eligibility shall, within 60 days after receipt of the measurement results and a statement of such costs, reimburse the satellite carrier for any signal intensity measurement that is conducted by that carrier in response to a challenge by the network station and that establishes the household is an unserved household; and

"(B) a satellite carrier shall, within 60 days after receipt of the measurement results and a statement of such costs, reimburse the network station challenging such eligibility for any signal intensity measurement that is conducted by that station and that establishes the household is not an unserved household.

"(10) INABILITY TO CONDUCT MEASUREMENT.—If a network station makes a reasonable attempt to conduct a site measurement of its signal at a subscriber's household and is denied access for the purpose of conducting the measurement, and is otherwise unable to conduct a measurement, the satellite carrier shall within 60 days notice thereof, terminate service of the station's network to that household.".

(6) Subsection (d) is amended—

(A) by amending paragraph (2) to read as follows:

"(2) NETWORK STATION.—The term 'network station' means—

"(A) a television broadcast station, including any translator station or terrestrial satellite station that rebroadcasts all or substantially all of the programming broadcast by a network station, that is owned or operated by, or affiliated with, one or more of the television networks in the United States which offer an interconnected program service on a regular basis for 15 or more hours per week to at least 25 of its affiliated television licensees in 10 or more States; or

"(B) a noncommercial educational broadcast station (as defined in section 397 of the Communications Act of 1934).";

(B) in paragraph (6) by inserting "and operates in the Fixed-Satellite Service under part 25 of title 47 of the Code of Federal Regulations or the Direct Broadcast Satellite Service under part 100 of title 47 of the Code of Federal Regulations" after "Commission"; and

(C) by adding at the end the following:

"(11) LOCAL MARKET.—The term 'local market' means the area encompassed within a network station's predicted Grade B contour as that contour is defined by the Federal Communications Commission.".

SEC. 3. DEFINITIONS.

(a) CABLE SYSTEM.—Section 111(f) of title 17, United States Code, is amended in the paragraph relating to the definition of "cable system" by inserting "microwave," after "wires, cables,".

(b) LOCAL SERVICE AREA.—Section 111(f) of title 17, United States Code, is amended in the paragraph relating to the definition of "local service area of a primary transmitter" by inserting after "April 15, 1976," the following: "or such station's television market as defined in section 76.55(e) of title 47, Code of Federal Regulations (as in effect on September 18, 1993), or any modifications to such television market made, on or after September 18, 1993, pursuant to section 76.55(e) or 76.59 of title 47 of the Code of Federal Regulations,".

SEC. 4. TERMINATION.

(a) EXPIRATION OF AMENDMENTS.—Section 119 of title 17, United States Code, as amended by section 2 of this Act, ceases to be effective on December 31, 1999.

(b) CONFORMING AMENDMENT.—Section 207 of the Satellite Home Viewer Act of 1988 (17 U.S.C. 119 note) is repealed.

SEC. 5. LIMITATION.

The amendments made by this section apply only to section 119 of title 17, United States Code.

SEC. 6. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsections (b) and (d), this Act and the amendments made by this Act take effect on the date of the enactment of this Act.

(b) BURDEN OF PROOF PROVISIONS.—The provisions of section 119(a)(5)(D) of title 17, United States Code (as added by section 2(2) of this Act) relating to the burden of proof of satellite carriers, shall take effect on January 1, 1997, with respect to civil actions relating to the eligibility of subscribers who subscribed to service as an unserved household before the date of the enactment of this Act.

(c) TRANSITIONAL SIGNAL INTENSITY MEASUREMENT PROCEDURES.—The provisions of section 119(a)(8) of title 17, United States Code (as added by section 2(5) of this Act), relating to transitional signal intensity measurements, shall cease to be effective on December 31, 1996.

(d) LOCAL SERVICE AREA OF A PRIMARY TRANSMITTER.—The amendment made by section 3(b), relating to the definition of the local service area of a primary transmitter, shall take effect on July 1, 1994.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas [Mr. BROOKS] will be recognized for 20 minutes, and the gentleman from California [Mr. MOORHEAD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. BROOKS].

☐ 1550

Mr. BROOKS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to rise in support of S. 2406, which incorporates—in a slightly revised form—the language of H.R. 1103, the Satellite Home Viewing Act which originally passed the House on August 16.

The important legislation before us extends until December 31, 1999, the satellite carriers' copyright compulsory license in section 119, title 17, United States Code. The compulsory license granted to satellite carriers is presently scheduled to expire at the end of this year. The bill also clarifies that wireless cable television systems are entitled to avail themselves of the section 111 cable copyright compulsory license. Finally, the bill amends the definition of "local service area of a primary transmitter" in section 111(f) to correct an anomaly in the Copyright Act that has resulted in newer television stations being treated as distant signals while older stations in the same geographic area are treated as local signals. This disparity in treatment is unjustified and needs to be corrected immediately.

In the hard-fought compromise reached on this bill, the factors to be considered under the bill's "fair market value" determination have been made more specific. I would note that, in determining fair market value, we intend that the copyright arbitration panel consider all factors raised by the parties, including cable rates. I should also add that the intent here is to neither require nor preclude the arbitration panel from establishing network rates that are different from the rates established for superstations.

I want to commend several distinguished Members for their commitment to bringing this compromise bill to the floor. They are Mr. HUGHES, who chairs the Judiciary Committee's Subcommittee on Intellectual Property and Judicial Administration, Mr. MOORHEAD, the subcommittee's ranking minority member, and subcommittee members Mr. SYNAR and Mr. BOUCHER. They all labored long and hard to bridge difficult issues, and this compromise reflects their fine work together. I urge all Members to support passage of S. 2406.

Mr. Speaker, I reserve the balance of my time.

Mr. MOORHEAD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 2406.

Mr. Speaker, I would like to commend our subcommittee chairman the gentleman from New Jersey [Mr. HUGHES], for his hard work and leadership in this area. Also the gentleman from New York [Mr. FISH] has been instrumental in drafting this legislation. Also, the chairman, the gentleman from Texas [Mr. BROOKS], has been helpful and we appreciate his leadership as well.

Although the main purpose of this legislation is a 50-year extension of the Satellite Home Viewer Act which this subcommittee processed in 1988, this bill also contains a provision dealing with the definition of wireless cable which is very similar to a bill, H.R. 759, that RICK BOUCHER and I introduced and which was part of the overall hearings on H.R. 1103. That bill was prompted by a 1992 ruling by the Register of Copyrights that would strip the industry of its compulsory license which it has enjoyed for a number of years under section 111 of the Copyright Act.

The compromise before us today, provides that wireless and other cable-like systems will be made part of the compulsory license. I believe it's important to encourage these new technologies because they will become real competitors of cable TV in the marketplace. Competition is an important factor in keeping cable TV rates at a reasonable price. The consumer will be the ultimate benefactor of this increase in competition.

In 1988 when we drafted the original Satellite Home Viewer Act we intended that after 6 years the industry involved would be able to move into voluntary private contracts for the licensing of copyrighted programming. Although the act has worked very well we are not yet to that point where the marketplace can take over, so we still need the regulation provided by this legislation. However, I am pleased to see that during the next negotiations that the arbitrators will at least be able to consider the fair market value of this copyrighted programming. Even under the compromise language, "fair market value" is still an important factor to considered when the copyright arbitration panel determines new rates in 1997. We have come a long way—it's important legislation and I urge a favorable vote on S. 2406.

Mr. Speaker, I reserve the balance of my time.

Mr. BROOKS. Mr. Speaker, I yield 5 minutes to the distinguished chairman of the subcommittee, the gentleman from New Jersey [Mr. HUGHES].

Mr. HUGHES. Mr. Speaker, I rise in support of S. 2406 as amended. This bill represents an informally conferenced version of H.R. 1103, the Satellite Home Viewer Act of 1994, which I introduced along with the gentleman from California [Mr. MOORHEAD] and which the House passed on August 16, 1994. The amended bill has a few changes from H.R. 1103, which I will note in a minute.

I wish to extend my appreciation to the many people who worked hard to make this bill possible, including Chairman BROOKS, his chief counsel Jon Yarowsky, who guided the final negotiations in an even-handed constructive manner, Mr. SYNAR and Peter Jacoby of his staff, Mr. BOUCHER and Lynn Starr of his staff, as well as Mr. MOORHEAD and his very competent counsel, Tom Mooney and Joe Wolfe.

At this time I might mention the outstanding work of Hayden Gregory, the chief counsel on the majority side, and Bill Patry, a member of the professional staff. Mr. BERMAN and Bari Schwartz, his legislative director, have also been helpful.

The bill we take up today fulfills the twin goals I set in introducing H.R. 1103. First, it extends the current compulsory license in section 119 of the Copyright Act until December 31, 1999, in order to ensure that rural consumers will continue to receive television programming. Second, it provides that the arbitrators establishing the interim rate adjustment in 1997 will use fair market value as their sole criterion in setting those rates.

Fair market value is the linchpin of the bill. Fair market value sends a clear message to the parties that the days of government subsidy are limited and that they should begin their transition to the free market. I urge the parties to do so as soon as possible.

I would now like to briefly note the changes made in the bill.

First, commencement of the mid-license voluntary negotiation—arbitration proeess is delayed from January 1, 1996 to July 1, 1996. Because of this delay, the new rates established by the arbitrators will be effective on July 1, 1997, or at a later date if, on appeal by the D.C. Circuit, that court modifies or delays the rates. Of course, under section 802(g) of the Copyright Act, the pendency of an appeal does not relieve parties of their obligation to pay royalties, including according to the revised rates.

A few minor changes were made to the "unserved household" sections of the bill. These changes, in conjunction with the voluntary testing regime already in the bill, should go a long way toward reducing the friction between the network stations and the satellite carriers over the unserved household limitation.

It is my understanding that both sides are working toward an industry agreement on the implementation of the testing regime. I strongly encourage the parties to develop industry standards; only with both sides' cooperation can the act fulfill its purpose.

The first change in the bill requires the party conducting the site measurement to give the nontesting party reasonable notice before the measurement is taken. This requirement merely reflects commonsense and is not intended to constitute a procedural hurdle or roadblock to enforcement. For this reason, we rejected a proposal to require a set number of days advance notice. The notice is, of course, given to the satellite carrier or to the network station, not to the household in question. Thus, the network station need not contact the household: Once notice has been given to the satellite carrier, it is the satellite carrier's responsibility to ensure that the network will have access since the subscriber has a contractual relationship with the carrier.

Notice by a carrier that it intends to test all houses within a clearly defined area is sufficient.

Under new subsection 119(a)(10), the network station conducting the measurement need only make a reasonable effort to conduct a site measurement, including, where access to the site is denied by the subscriber, the possibility of conducting an off-site measurement if such measurement will result in an adequate test. If, in the station's judgment an off-site measurement will be inadequate, no such measurement should be conducted. There is, accordingly, no "exhaustion" concept, requiring network stations to exhaust all means of conducting a test before the satellite carrier must terminate service.

In order to minimize disputes, the industry agreement should require the network stations to provide satellite carriers with a map of the stations' predicted grade B contour along with a list of ZIP Codes that fall within the station's predicted grade A and B contours. After receipt of this information, the satellite carrier should be required to promptly return a marked-up copy of the contour map to the station reflecting a breakdown of the subscriber information.

The next change requires that the costs for the measurements be paid back within 60 days. This requirement ensures that neither satellite carriers or the network affiliates will be forced to wait until the end of a civil trial to recoup the costs of measurements.

□ 1600

Mr. Speaker, this is a good bill. As the chairman indicated, it is a very complex bill. I took a lot of time explaining what our understanding was and tried to develop a legislative history to avoid confrontation and conflict in the months ahead. I think it is a good bill because it has been well tailored to meet the needs of all concerned, including consumers.

I urge my colleagues to vote in favor of passage.

Mr. MOORHEAD. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Speaker, I thank the gentleman from California for yielding time to me.

Mr. Speaker, I would like to commend the subcommittee chairman, Mr. HUGHES, and our ranking Republican, Mr. MOORHEAD, for their leadership and hard work on this important legislation. I also would like to commend our chairman, the gentleman from Texas, for his assistance in bringing this bill to the floor.

The original bill which we enacted in 1988 solved a serious problem for satellite carriers and dish owners. Both strongly supported its enactment. Both strongly support the compromise contained in S. 2406. In 1988 we thought that 6 years was enough time for the parties to work out private licensing agreements.

However, it is clear to me that more time is needed to sort out private licensing procedures and rights. The original bill provided for an extension of only 4 years which I believed was not enough time, for the consumers who want subscriptions to programming for periods of 1 year or longer or for businesses that need to effectively plan in 4- or 5-year cycles. I offered an amendment accepted by the subcommittee that would extend by 1 year the next satellite carrier rate adjustment proceeding and also extend the sunset by 1 year from 1998 to 1999.

The compromise that we are presenting today would modify the "Fair Market Value" language, contained in the House passed bill, H.R. 1103, and add an additional 6 months, to January 1997 before the "Fair Market Value" standard can be considered by the Copyright Arbitration Panel in any rate adjustment proceeding.

I believe we have a good bill. The parties are to be commended for working out their differences and I urge a favorable vote on S. 2406.

Mr. BROOKS. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia [Mr. BOUCHER], a distinguished member of the subcommittee and a major player in this compromise.

Mr. BOUCHER. Mr. Speaker, I want to commend the gentleman from Texas [Mr. BROOKS], the chairman of the House Committee on the Judiciary, the gentleman from New Jersey [Mr. HUGHES], the chairman of our Subcommittee on Intellectual Property, the gentleman from California [Mr. MOORHEAD], the gentleman from Oklahoma [Mr. SYNAR], the gentleman from New York [Mr. FISH], and others who have worked long and hard to bring this measure before the House today.

Their work is constructive and it is reflected in a measure which will assure that satellite dish owners who cannot receive network signals from a local station may receive them by means of satellite delivery. The bill also extends to the local affiliates of the Fox Television Network local station treatment so that they do not inappropriately incur copyright liability when their signals are carried on cable systems. The Fox affiliates will be accorded the same treatment that is presently accorded to the local affiliates of the other networks.

The fair market value provisions of the legislation were subjected to considerable negotiations. I would like to take just a minute to engage with the gentleman from New Jersey in a colloquy concerning these matters and to propound to him some questions concerning the language in the legislation.

I would ask the gentleman, first, this question: In setting fees under the fair market value provisions, the copyright arbitration panel is instructed to take testimony on the competitive environment in which the programming is distributed, including the cost for similar signals in similar private and compulsory license marketplaces. That would include the cable TV marketplace, would it not?

Mr. HUGHES. Mr. Speaker, will the gentleman yield?

Mr. BOUCHER. I yield to the gentleman from New Jersey.

Mr. HUGHES. Mr. Speaker, yes, it would. Today's legislation contemplates that the panel will look to the competitive environment in which section 119 retransmissions are distributed as well as the costs of distribution of similar signals in similar private and compulsory license marketplaces, including the cable copyright fees under section 111. This will help ensure that there is vigorous competition and diversity in the video programming distribution industry.

Mr. BOUCHER. In addition, does the gentleman believe, as I do, that when the arbitrators consider the fair market value of the fees, the arbitrators should take into account the impact on copyright owners, satellite carriers, and the continued availability of secondary transmissions to the public?

Mr. HUGHES. If the gentleman will continue to yield, yes. The fees should reflect the objectives of the copyright act: Providing a fair return to copyright owners and ensuring a competitive environment in which satellite carriers can continue to deliver programming to our Nation's consumers—particularly those consumers who reside in rural areas such as your part of the country—as well as those who live in other areas that currently benefit from satellite programming.

Mr. BOUCHER. I thank the gentleman from New Jersey for this discussion and for his fine leadership on this important measure. I urge adoption of this legislation.

Mr. SYNAR. Mr. Speaker, I rise today in support of S. 2406 as amended. Today's bill, the Satellite Home Viewer Act, is necessary legislation that will amend the copyright law to extend the satellite compulsory license. Compulsory licenses, first enacted for the nascent cable industry, and later for an infant satellite broadcast industry, allow the retransmission of copyrighted television programming in return for a statutorily determined fee. The compulsory license mechanism has been critical for the development of the cable and satellite broadcast industry by facilitating the clearance of the thousands of copyrights related to television programming. This clearance process has been essential for providing access to retransmitted programming by cable system operators and satellite broadcasters which in turn is provided to consumers who may otherwise have to forgo a wide range of diverse video programming.

S. 2406, which would extend the satellite compulsory license for a period of 5 years, also proposes to reform the arbitration process used to arrive at the statutorily determined copyright royalty fee charged to satellite broadcasters for retransmitting copyrighted programming. Under the legislation, future adjustments of the royalty fees payable under section 119 of the Copyright Act for secondary transmissions by satellite carriers are to be determined by arbitration panels applying a fair market value standard.

This concept, which has been strongly and consistently favored by Congressman HUGHES, the chief sponsor of H.R. 1103, today's bill's predecessor legislation, embodies a worthy policy goal—to direct the arbitration panel to come up with a royalty fee that closely approximates the price two private parties negotiating on their own behalf would agree to.

After considerable work and negotiations, I believe the fair market value standard in today's legislation will result in a copyright fee that achieves a delicate balance between the twin goals of ensuring that the copyright owners receive fair compensation for their works while preserving the ability of satellite carriers to continue to deliver diverse, affordable video programming to satellite consumers.

I am also hopeful that any fee resulting from the fair market value standard does not disadvantage the delivery of satellite transmissions vis-a-vis the delivery of cable retransmissions under the section 111 compulsory license.

Congress has for some time pursued various policy avenues to foster competition with the cable industry in the delivery of video programming. While the preliminary results of those efforts, spearheaded by the passage of the 1992 Cable Act, are encouraging, there is still much progress to be made. In fact, just yesterday it was reported that a Federal Communications Commission study due out on October 1 will conclude that while noncable video distribution technologies, such as direct broadcast satellite systems, and large satellite dish services are growing, these new technologies still haven't attracted enough subscribers to affect cable's actions.

It is my hope that the fees set for satellite retransmissions under the fair market value standard will, among other things, reflect the competitive environment in which those retransmissions are distributed. There is little question that Congress would like to ensure that there is vigorous competition and diversity in the distribution of video programming and the determination of fair market value fees should reflect that intent.

With regard to other provisions in this bill, S. 2406 as amended extends the time in which the copyright arbitration panel has to make its determination of new copyright fees from the current period of 60 days to 180 days. This extension was included in the legislation to relieve the truncated nature of the prior section 119 arbitration proceeding. While this extension gives the panel an additional 120 days to complete its work, it is my hope that the panel will finish the process in a timely manner so that satellite carriers will have adequate notice of the new copyright fees before they go into effect on July 1, 1997. This would allow carriers to give distributors sufficient notice regarding increases in copyright fees consistent with industry practice.

Finally, I am encouraged by the prospects for this legislation and I look forward to its quick adoption by the Senate and ultimate passage into law. It should be noted that this bill would not be before us today if it weren't for the excellent leadership of subcommittee Chairman BILL HUGHES of New Jersey, the hard work of the gentleman from Virginia, Mr. BOUCHER, and the omnipotent guidance of Judiciary Committee Chairman BROOKS.

The extension of this license in a fair and equitable manner will benefit both consumers, especially those rural satellite consumers in northeastern Oklahoma and throughout the Nation, and copyright owners who should receive a fair return for their efforts. I urge my colleagues to support the measure.

Mr. MOORHEAD. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BROOKS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HASTINGS). The question is on the motion offered by the gentleman from Texas [Mr. BROOKS] that the House suspend the rules and pass the Senate bill, S. 2406, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that all Members shall have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

□ 1610

PROVIDING FOR CONCURRENCE TO SENATE AMENDMENT TO H.R. 783, IMMIGRATION AND NATIONALITY TECHNICAL CORRECTIONS ACT OF 1994, WITH AN AMENDMENT

Mr. MAZZOLI. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 533) to provide for the concurrence of the House to the amendment of the Senate to the bill (H.R. 783) with an amendment.

The Clerk read as follows:

H. RES. 533

Resolved, That upon the adoption of this resolution the bill (H.R. 783) to amend title III of the Immigration and Nationality Act to make changes in the laws relating to nationality and naturalization be and is hereby taken from the Speaker's table to the end that the Senate amendment to the text of the bill be and is hereby agreed to with the following amendment:

In lieu of the matter proposed to be inserted by the amendment of the Senate to the text of the bill H.R. 783, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Immigration and Nationality Technical Corrections Act of 1994".

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—NATIONALITY AND NATURALIZATION

Sec. 101. Equal treatment of women in conferring citizenship to children born abroad.
Sec. 102. Naturalization of children on application of citizen parent.
Sec. 103. Former citizens of United States regaining United States citizenship.
Sec. 104. Intent to reside permanently in the United States after naturalization.
Sec. 105. Terminology relating to expatriation.
Sec. 106. Administrative and judicial determinations relating to loss of citizenship.
Sec. 107. Cancellation of United States passports and consular reports of birth.
Sec. 108. Expanding waiver of the Government knowledge, United States history, and English language requirements for naturalization.
Sec. 109. Report on citizenship of certain legalized aliens.

TITLE II—TECHNICAL CORRECTIONS OF IMMIGRATION LAWS

Sec. 201. American Institute in Taiwan.
Sec. 202. G-4 special immigrants.
Sec. 203. Clarification of certain grounds for exclusion and deportation.
Sec. 204. United States citizens entering and departing on United States passports.
Sec. 205. Applications for visas.
Sec. 206. Family unity.
Sec. 207. Technical amendment regarding one-house veto.
Sec. 208. Authorization of appropriations for refugee assistance for fiscal years 1995, 1996, and 1997.
Sec. 209. Fines for unlawful bringing of aliens into the United States.
Sec. 210. Extension of visa waiver pilot program.
Sec. 211. Creation of probationary status for participant countries in the visa waiver pilot program.
Sec. 212. Technical changes to numerical limitations concerning certain special immigrants.
Sec. 213. Extension of telephone employment verification system.
Sec. 214. Extension of expanded definition of special immigrant for religious workers.
Sec. 215. Extension of off-campus work authorization for students.
Sec. 216. Eliminating obligation of carriers to detain stowaways.
Sec. 217. Completing use of visas provided under diversity transition program.
Sec. 218. Effect on preference date of application for labor certification.
Sec. 219. Other miscellaneous and technical corrections to immigration-related provisions.

TITLE I—NATIONALITY AND NATURALIZATION

SEC. 101. EQUAL TREATMENT OF WOMEN IN CONFERRING CITIZENSHIP TO CHILDREN BORN ABROAD.

(a) IN GENERAL.—Section 301 of the Immigration and Nationality Act (8 U.S.C. 1401) is amended—

(1) by striking the period at the end of paragraph (g) and inserting "; and", and

(2) by adding at the end the following new paragraph:

"(h) a person born before noon (Eastern Standard Time) May 24, 1934, outside the limits and jurisdiction of the United States of an alien father and a mother who is a citizen of the United States who, prior to the birth of such person, had resided in the United States.".

(b) WAIVER OF RETENTION REQUIREMENTS.—Any provision of law (including section 301(b) of the Immigration and Nationality Act (as in effect before October 10, 1978), and the provisos of section 201(g) of the Nationality Act of 1940) that provided for a person's loss of citizenship or nationality if the person failed to come to, or reside or be physically present in, the United States shall not apply in the case of a person claiming United States citizenship based on such person's descent from an individual described in section 301(h) of the Immigration and Nationality Act (as added by subsection (a)).

(c) RETROACTIVE APPLICATION.—(1) Except as provided in paragraph (2), the immigration and nationality laws of the United States shall be applied (to persons born before, on, or after the date of the enactment of this Act) as though the amendment made by subsection (a), and subsection (b), had been in effect as of the date of their birth, except that the retroactive application of the amendment and that subsection shall not affect the validity of citizenship of anyone who has obtained citizenship under section 1993 of the Revised Statutes (as in effect before the enactment of the Act of May 24, 1934 (48 Stat. 797)).

(2) The retroactive application of the amendment made by subsection (a), and subsection (b), shall not confer citizenship on, or affect the validity of any denaturalization, deportation, or exclusion action against, any person who is or was excludable from the United States under section 212(a)(3)(E) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(E)) (or predecessor provision) or who was excluded from, or who would not have been eligible for admission to, the United States under the Displaced Persons Act of 1948 or under section 14 of the Refugee Relief Act of 1953.

(d) APPLICATION TO TRANSMISSION OF CITIZENSHIP.—This section, the amendments made by this section, and any retroactive application of such amendments shall not effect any residency or other retention requirements for citizenship as in effect before October 10, 1978, with respect to the transmission of citizenship.

SEC. 102. NATURALIZATION OF CHILDREN ON APPLICATION OF CITIZEN PARENT.

(a) IN GENERAL.—Section 322 of the Immigration and Nationality Act (8 U.S.C. 1433) is amended to read as follows:

"CHILD BORN OUTSIDE THE UNITED STATES; APPLICATION FOR CERTIFICATE OF CITIZENSHIP REQUIREMENTS

"SEC. 322. (a) A parent who is a citizen of the United States may apply to the Attorney General for a certificate of citizenship on behalf of a child born outside the United States. The Attorney General shall issue such a certificate of citizenship upon proof to the satisfaction of the Attorney General that the following conditions have been fulfilled:

"(1) At least one parent is a citizen of the United States, whether by birth or naturalization.

"(2) The child is physically present in the United States pursuant to a lawful admission.

"(3) The child is under the age of 18 years and in the legal custody of the citizen parent.

"(4) If the citizen parent is an adoptive parent of the child, the child was adopted by the citizen parent before the child reached the age of 16 years and the child meets the requirements for being a child under subparagraph (E) or (F) of section 101(b)(1).

"(5) If the citizen parent has not been physically present in the United States or its outlying possessions for a period or periods totaling not less than five years, at least two of which were after attaining the age of fourteen years—

"(A) the child is residing permanently in the United States with the citizen parent, pursuant to a lawful admission for permanent residence, or

"(B) a citizen parent of the citizen parent has been physically present in the United States or its outlying possessions for a period or periods totaling not less than five years, at least two of which were after attaining the age of fourteen years.

"(b) Upon approval of the application (which may be filed abroad) and, except as provided in the last sentence of section 337(a), upon taking and subscribing before an officer of the Service within the United States to the oath of allegiance required by this Act of an applicant for naturalization, the child shall become a citizen of the United States and shall be furnished by the Attorney General with a certificate of citizenship.

"(c) Subsection (a) of this section shall apply to the adopted child of a United States citizen adoptive parent if the conditions specified in such subsection have been fulfilled.".

(b) CONFORMING AMENDMENT.—Subsection (c) of section 341 of such Act (8 U.S.C. 1452) is repealed.

(c) CLERICAL AMENDMENT.—The item in the table of contents of such Act relating to section 322 is amended to read as follows:

"Sec. 322. Child born outside the United States; application for certificate of citizenship requirements.".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first month beginning more than 120 days after the date of the enactment of this Act.

SEC. 103. FORMER CITIZENS OF UNITED STATES REGAINING UNITED STATES CITIZENSHIP.

(a) IN GENERAL.—Section 324 of the Immigration and Nationality Act (8 U.S.C. 1435) is amended by adding at the end the following new subsection:

"(d)(1) A person who was a citizen of the United States at birth and lost such citizenship for failure to meet the physical presence retention requirements under section 301(b) (as in effect before October 10, 1978), shall, from and after taking the oath of allegiance required by section 337 be a citizen of the United States and have the status of a citizen of the United States by birth, without filing an application for naturalization, and notwithstanding any of the other provisions of this title except the provisions of section 313. Nothing in this subsection or any other provision of law shall be construed as conferring United States citizenship retroactively upon such person during any period in which such person was not a citizen.

"(2) The provisions of paragraphs (2) and (3) of subsection (c) shall apply to a person regaining citizenship under paragraph (1) in the same manner as they apply under subsection (c)(1).".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the first day of the first month beginning more than 120 days after the date of the enactment of this Act.

SEC. 104. INTENT TO RESIDE PERMANENTLY IN THE UNITED STATES AFTER NATURALIZATION.

(a) IN GENERAL.—Section 338 of the Immigration and Nationality Act (8 U.S.C. 1449) is amended by striking "intends to reside permanently in the United States, except in cases falling within the provisions of section 324(a) of this title,".

(b) CONFORMING REPEAL.—Section 340(d) of such Act (8 U.S.C. 1451(d)) is repealed.

(c) CONFORMING REDESIGNATION.—Section 340 of such Act (8 U.S.C. 1451) is amended—

(1) by redesignating subsections (e), (f), (g), (h), and (i) as subsections (d), (e), (f), (g), and (h), respectively; and

(2) in subsection (d) (as redesignated), by striking "subsections (c) or (d)" and inserting "subsection (c)".

(d) CONFORMING AMENDMENT.—Section 405 of the Immigration Act of 1990 is amended by striking subsection (b).

(e) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to persons admitted to citizenship on or after the date of enactment of this Act.

SEC. 105. TERMINOLOGY RELATING TO EXPATRIATION.

(a) IN GENERAL.—Section 351 of the Immigration and Nationality Act (8 U.S.C. 1483) is amended—

(1) in the heading, by striking "EXPATRIATION" and inserting "LOSS OF NATIONALITY";

(2) in subsection (a)—

(A) by striking "expatriate himself, or be expatriated" and inserting "lose United States nationality", and

(B) by striking "expatriation" and inserting "loss of nationality"; and

(3) in subsection (b), by striking "expatriated himself" and inserting "lost United States nationality".

(b) CLERICAL AMENDMENT.—The item in the table of contents of such Act relating to section 351 is amended to read as follows:

"Sec. 351. Restrictions on loss of nationality.".

SEC. 106. ADMINISTRATIVE AND JUDICIAL DETERMINATIONS RELATING TO LOSS OF CITIZENSHIP.

Section 358 of the Immigration and Nationality Act (8 U.S.C. 1501) is amended by adding at the end the following new sentence: "Approval by the Secretary of State of a certificate under this section shall constitute a final administrative determination of loss of United States nationality under this Act, subject to such procedures for administrative appeal as the Secretary may prescribe by regulation, and also shall constitute a denial of a right or privilege of United States nationality for purposes of section 360.".

SEC. 107. CANCELLATION OF UNITED STATES PASSPORTS AND CONSULAR REPORTS OF BIRTH.

(a) IN GENERAL.—Title III of the Immigration and Nationality Act is amended by adding at the end the following new section:

"CANCELLATION OF UNITED STATES PASSPORTS AND CONSULAR REPORTS OF BIRTH

"SEC. 361. (a) The Secretary of State is authorized to cancel any United States passport or Consular Report of Birth, or certified copy thereof, if it appears that such document was illegally, fraudulently, or erroneously obtained from, or was created through illegality or fraud practiced upon, the Secretary. The person for or to whom such document has been issued or made shall be given, at such person's last known address, written notice of the cancellation of such document, together with the procedures for seeking a prompt post-cancellation hearing. The cancellation under this section of any document purporting to show the citizenship status of the person to whom it was issued shall affect only the document and not the citizenship status of the person in whose name the document was issued.

"(b) For purposes of this section, the term 'Consular Report of Birth' refers to the report, designated as a 'Report of Birth Abroad of a Citizen of the United States', issued by a consular officer to document a citizen born abroad.".

(b) CLERICAL AMENDMENT.—The table of contents is amended by inserting after the item relating to section 360 the following new item:

"Sec. 361. Cancellation of United States passports and Consular Reports of Birth.".

SEC. 108. EXPANDING WAIVER OF THE GOVERNMENT KNOWLEDGE, UNITED STATES HISTORY, AND ENGLISH LANGUAGE REQUIREMENTS FOR NATURALIZATION.

(a) IN GENERAL.—Section 312 of the Immigration and Nationality Act (8 U.S.C. 1423) is amended—

(1) by inserting "(a)" after "312.",

(2) by striking "this requirement" and all that follows through "That",

(3) by striking "this section" and inserting "this paragraph", and

(4) by adding at the end the following new subsection:

"(b)(1) The requirements of subsection (a) shall not apply to any person who is unable because of physical or developmental disability or mental impairment to comply therewith.

"(2) The requirement of subsection (a)(1) shall not apply to any person who, on the date of the filing of the person's application for naturalization as provided in section 334, either—

"(A) is over fifty years of age and has been living in the United States for periods totalling at least twenty years subsequent to a lawful admission for permanent residence, or

"(B) is over fifty-five years of age and has been living in the United States for periods totaling at least fifteen years subsequent to a lawful admission for permanent residence.

"(3) The Attorney General, pursuant to regulations, shall provide for special consideration, as determined by the Attorney General, concerning the requirement of subsection (a)(2) with respect to any person who, on the date of the filing of the person's application for naturalization as provided in section 334, is over sixty-five years of age and has been living in the United States for periods totaling at least twenty years subsequent to a lawful admission for permanent residence.".

(b) CONFORMING AMENDMENTS.—Section 245A(b)(1)(D) of such Act (8 U.S.C. 1254a(b)(1)(D)) is amended by striking "312" each place it appears and inserting "312(a)".

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to applications for naturalization filed on or after such date and to such applications pending on such date.

(d) REGULATIONS.—Not later than 120 days after the date of enactment of this Act, the Attorney General shall promulgate regulations to carry out section 312(b)(3) of the Immigration and Nationality Act (as amended by subsection (a)).

SEC. 109. REPORT ON CITIZENSHIP OF CERTAIN LEGALIZED ALIENS.

Not later than June 30, 1996, the Commissioner of the Immigration and Naturalization Service shall prepare and submit to the

Congress a report concerning the citizenship status of aliens legalized under section 245A and section 210 of the Immigration and Nationality Act. Such report shall include the following information by district office for each national origin group:

(1) The number of applications for citizenship filed.

(2) The number of applications approved.

(3) The number of applications denied.

(4) The number of applications pending.

TITLE II—TECHNICAL CORRECTIONS OF IMMIGRATION LAWS

SEC. 201. AMERICAN INSTITUTE IN TAIWAN.

Section 101(a)(27)(D) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(D)) is amended—

(1) by inserting "or of the American Institute in Taiwan," after "of the United States Government abroad,"; and

(2) by inserting "(or, in the case of the American Institute in Taiwan, the Director thereof)" after "Foreign Service establishment".

SEC. 202. G-4 SPECIAL IMMIGRANTS.

Section 101(a)(27)(I)(iii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(I)(iii)) is amended by striking "(II)" and all that follows through "; or" and inserting the following: "(II) files a petition for status under this subparagraph no later than six months after the date of such retirement or six months after the date of enactment of the Immigration and Nationality Technical Corrections Act of 1994, whichever is later; or".

SEC. 203. CLARIFICATION OF CERTAIN GROUNDS FOR EXCLUSION AND DEPORTATION.

(a) EXCLUSION GROUNDS.—Section 212 of the Immigration and Nationality Act (8 U.S.C. 1182) is amended—

(1) in subsection (a)(2)(A)(i)(I), by inserting "or an attempt or conspiracy to commit such a crime" after "offense)",

(2) in subsection (a)(2)(A)(i)(II), by inserting "or attempt" after "conspiracy", and

(3) in the last sentence of subsection (h), by inserting ", or an attempt or conspiracy to commit murder or a criminal act involving torture" after "torture".

(b) DEPORTATION GROUNDS.—Section 241(a) of such Act (8 U.S.C. 1251(a)) is amended—

(1) in paragraph (2)(C)—

(A) by striking "in violation of any law," and inserting ", or of attempting or conspiring to purchase, sell, offer for sale, exchange, use own, possess, or carry,", and

(B) by inserting "in violation of any law" after "Code)"; and

(2) in paragraph (3)(B), by inserting "an attempt or" before "a conspiracy" each place it appears in clauses (ii) and (iii).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to convictions occurring before, on, or after the date of the enactment of this Act.

SEC. 204. UNITED STATES CITIZENS ENTERING AND DEPARTING ON UNITED STATES PASSPORTS.

(a) IN GENERAL.—Section 215(b) of the Immigration and Nationality Act (8 U.S.C. 1185(b)) is amended by inserting "United States" after "valid".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to departures and entries (and attempts thereof) occurring on or after the date of enactment of this Act.

SEC. 205. APPLICATIONS FOR VISAS.

(a) IN GENERAL.—The second sentence of section 222(a) of the Immigration and Nationality Act (8 U.S.C. 1202(a)) is amended—

(1) by striking "the immigrant" and inserting "the alien", and

(2) by striking "present address" and all that follows through "exempt from exclusion under the immigration laws;".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to applications made on or after the date of the enactment of this Act.

SEC. 206. FAMILY UNITY.

(a) IN GENERAL.—Section 301(a) of the Immigration Act of 1990 is amended by inserting after "May 5, 1988" the following: "(in the case of a relationship to a legalized alien described in subsection (b)(2)(B) or (b)(2)(C)) or as of December 1, 1988 (in the case of a relationship to a legalized alien described in subsection (b)(2)(A))".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be deemed to have become effective as of October 1, 1991.

SEC. 207. TECHNICAL AMENDMENT REGARDING ONE-HOUSE VETO.

Section 13(c) of the Act of September 11, 1957 (8 U.S.C. 1255b(c)) is amended—

(1) by striking the third sentence; and

(2) in the fourth sentence, by striking "If neither the Senate nor the House of Representatives passes such a resolution within the time above specified the" and inserting "The".

SEC. 208. AUTHORIZATION OF APPROPRIATIONS FOR REFUGEE ASSISTANCE FOR FISCAL YEARS 1995, 1996, AND 1997.

Section 414(a) of the Immigration and Nationality Act (8 U.S.C. 1524(a)) is amended by striking "fiscal year 1993 and fiscal year 1994" and inserting "fiscal year 1995, fiscal year 1996, and fiscal year 1997".

SEC. 209. FINES FOR UNLAWFUL BRINGING OF ALIENS INTO THE UNITED STATES.

(a) IN GENERAL.—Section 273 of the Immigration and Nationality Act (8 U.S.C. 1323) is amended—

(1) in subsections (b) and (d) by striking "the sum of $3000" and inserting "a fine of $3000" each place it appears;

(2) in the first sentence of subsection (b) by striking "a sum equal" and inserting "an amount equal";

(3) in the second sentence of subsection (d) by striking "a sum sufficient to cover such fine" and inserting "an amount sufficient to cover such fine";

(4) by striking "sum" and "sums" each place either appears and inserting "fine";

(5) in subsection (c) by striking "Such" and inserting "Except as provided in subsection (e), such"; and

(6) by adding at the end the following new subsection:

"(e) A fine under this section may be reduced, refunded, or waived under such regulations as the Attorney General shall prescribe in cases in which—

"(1) the carrier demonstrates that it had screened all passengers on the vessel or aircraft in accordance with procedures prescribes by the Attorney General, or

"(2) circumstances exist that the Attorney General determines would justify such reduction, refund, or waiver.".

(b) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to aliens brought to the United States more than 60 days after the date of enactment of this Act.

SEC. 210. EXTENSION OF VISA WAIVER PILOT PROGRAM.

Section 217(f) of the Immigration and Nationality Act (8 U.S.C. 1187(f)) is amended by striking "ending" and all that follows through the period and inserting "ending on September 30, 1996".

SEC. 211. CREATION OF PROBATIONARY STATUS FOR PARTICIPANT COUNTRIES IN THE VISA WAIVER PROGRAM.

Section 217 of the Immigration and Nationality Act (8 U.S.C. 1187) is amended—

(1) in subsection (a)(2)(B) by inserting before the period "or is designated as a pilot program country with probationary status under subsection (g)";

(2) by adding at the end the following new subsection:

"(g) PILOT PROGRAM COUNTRY WITH PROBATIONARY STATUS.—

"(1) IN GENERAL.—The Attorney General and the Secretary of State acting jointly may designate any country as a pilot program country with probationary status if it meets the requirements of paragraph (2).

"(2) QUALIFICATIONS.—A country may not be designated as a pilot program country with probationary status unless the following requirements are met:

"(A) NONIMMIGRANT VISA REFUSAL RATE FOR PREVIOUS 2-YEAR PERIOD.—The average number of refusals of nonimmigrant visitor visas for nationals of the country during the two previous full fiscal years was less than 3.5 percent of the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during those years.

"(B) NONIMMIGRANT VISA REFUSAL RATE FOR PREVIOUS YEAR.—The number of refusals of nonimmigrant visitor visas for nationals of the country during the previous full fiscal year was less than 3 percent of the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during that year.

"(C) LOW EXCLUSIONS AND VIOLATIONS RATE FOR PREVIOUS YEAR.—The sum of—

"(i) the total number of nationals of that country who were excluded from admission or withdrew their application for admission during the preceding fiscal year as a nonimmigrant visitor, and

"(ii) the total number of nationals of that country who were admitted as nonimmigrant visitors during the preceding fiscal year and who violated the terms of such admission,

was less than 1.5 percent of the total number of nationals of that country who applied for admission as nonimmigrant visitors during the preceding fiscal year.

"(D) MACHINE READABLE PASSPORT PROGRAM.—The government of the country certifies that it has or is in the process of developing a program to issue machine-readable passports to its citizens.

"(3) CONTINUING AND SUBSEQUENT QUALIFICATIONS FOR PILOT PROGRAM COUNTRIES WITH PROBATIONARY STATUS.—The designation of a country as a pilot program country with probationary status shall terminate if either of the following occurs:

"(A) The sum of—

"(i) the total number of nationals of that country who were excluded from admission or withdrew their application for admission during the preceding fiscal year as a nonimmigrant visitor, and

"(ii) the total number of nationals of that country who were admitted as visitors during the preceding fiscal year and who violated the terms of such admission,

is more than 2.0 percent of the total number of nationals of that country who applied for admission as nonimmigrant visitors during the preceding fiscal year.

"(B) The country is not designated as a pilot program country under subsection (c) within 3 fiscal years of its designation as a pilot program country with probationary status under this subsection.".

"(4) DESIGNATION OF PILOT PROGRAM COUNTRIES WITH PROBATIONARY STATUS AS PILOT PROGRAM COUNTRIES.—In the case of a country which was a pilot program country with probationary status in the preceding fiscal year, a country may be designated by the Attorney General and the Secretary of State, acting jointly, as a pilot program country under subsection (c) if—

"(A) the total of the number of nationals of that country who were excluded from admission or withdrew their application for admission during the preceding fiscal year as a nonimmigrant visitor, and

"(B) the total number of nationals of that country who were admitted as nonimmigrant visitors during the preceding fiscal year and who violated the terms of such admission,

was less than 2 percent of the total number of nationals of that country who applied for admission as nonimmigrant visitors during such preceding fiscal year."; and

(3) in subsection (c)((2) by striking "A country" and inserting "Except as provided in subsection (g)(4), a country".

SEC. 212. TECHNICAL CHANGES TO NUMERICAL LIMITATIONS CONCERNING CERTAIN SPECIAL IMMIGRANTS.

(a) PANAMA CANAL SPECIAL IMMIGRANTS.—Section 3201 of the Panama Canal Act of 1979 (Public Law 96-70) is amended by striking subsection (c).

(b) ARMED FORCES SPECIAL IMMIGRANTS.—Section 203(b)(6) of the Immigration and Nationality Act (8 U.S.C. 1153(b)(6)) is amended by striking subparagraph (C).

SEC. 213. EXTENSION OF TELEPHONE EMPLOYMENT VERIFICATION SYSTEM.

Section 274A(d)(4)(A) of the Immigration and Nationality Act (8 U.S.C. 1324a(d)(4)(A)) is amended in the second sentence by striking "three" and inserting "five".

SEC. 214. EXTENSION OF EXPANDED DEFINITION OF SPECIAL IMMIGRANT FOR RELIGIOUS WORKERS.

Section 101(a)(27)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(C)(ii)) is amended—

(1) in subclause (II) by striking "1994," and inserting "1997,"; and

(2) in subclause (III) by striking "1994," and inserting "1997,".

SEC. 215. EXTENSION OF OFF-CAMPUS WORK AUTHORIZATION FOR STUDENTS.

(a) IN GENERAL.—Section 221 of the Immigration Act of 1990 (Pub. Law 101-649; 104 Stat. 4978) as amended by section 303(b)(1) of the Miscellaneous and Technical Immigration and Naturalization Amendments of 1991 (Pub. Law 102-232; 105 Stat. 1747) is amended—

(1) in the heading for subsection (a) by striking "3-YEAR" and inserting "5-YEAR"; and

(2) in subsection (a) by striking "3-year" and inserting "5-year"; and

(3) in subsection (b) by striking "1994," and inserting "1996,".

SEC. 216. ELIMINATING OBLIGATION OF CARRIERS TO DETAIN STOWAWAYS.

The first sentence of section 273(d) of the Immigration and Nationality Act (8 U.S.C. 1323(d)) is amended to read as follows: "The owner, charterer, agent, consignee, commanding officer, or master of any vessel or aircraft arriving at the United States from any place outside the United States who fails to deport any alien stowaway on the vessel or aircraft on which such stowaway arrived or on another vessel or aircraft at the expense of the vessel or aircraft on which such stowaway arrived when required to do so by an immigration officer, shall pay to the Commissioner the sum of $3,000 for each alien stowaway, in respect of whom any such failure occurs.".

SEC. 217. COMPLETING USE OF VISAS PROVIDED UNDER DIVERSITY TRANSITION PROGRAM.

(a) EXTENSION OF DIVERSITY TRANSITION PROGRAM.—Section 132 of the Immigration Act of 1990 (Public Law 101-649) is amended—

(1) in subsection (a), by inserting before the period at the end of the first sentence the following: "and in fiscal year 1995 a number of immigrant visas equal to the number of such visas provided (but not made available) under this section in previous fiscal years"; and

(2) in the next to last sentence of subsection (c), by striking "or 1993" and inserting ", 1993, or 1994".

(b) ADMINISTRATION OF 1995 DIVERSITY TRANSITION PROGRAM.—

(1) ELIGIBILITY.—For the purpose of carrying out the extension of the diversity transition program under the amendments made by subsection (a), applications for natives of diversity transition countries submitted for fiscal year 1995 for diversity immigrants under section 203(c) of the Immigration and Nationality Act shall be considered applications for visas made available for fiscal year 1995 for the diversity transition program under section 132 of the Immigration Act of 1990. No application period for the fiscal year 1995 diversity transition program shall be established and no new applications may be accepted for visas made available under such program for fiscal year 1995. Applications for visas in excess of the minimum available to natives of the country specified in section 132(c) of the Immigration Act of 1990 shall be selected for qualified applicants within the several regions defined in section 203(c)(1)(F) of the Immigration and Nationality Act in proportion to the region's share of visas issued in the diversity transition program during fiscal years 1992 and 1993.

(2) NOTIFICATION.—Not later than 180 days after the date of enactment of this Act, notification of the extension of the diversity transition program for fiscal year 1995 and the provision of visa numbers shall be made to each eligible applicant under paragraph (1).

(3) REQUIREMENTS.—Notwithstanding any other provision of law, for the purpose of carrying out the extention of the diversity transition program under the amendments made by subsection (a), the requirement of section 132(b)(2) of the Immigration Act of 1990 shall not apply to applicants under such extension and the requirement of section 203(c)(2) of the Immigration and Nationality Act shall apply to such applicants.

SEC. 218. EFFECT ON PREFERENCE DATE OF APPLICATION FOR LABOR CERTIFICATION.

Section 161(c)(1) of the Immigration Act of 1990 (Public Law 101-649) is amended—

(1) by striking "or an application for labor certification before such date under section 212(a)(14)"; and

(2) in subparagraph (A)—

(A) by striking "or application"; and

(B) by striking ", or 60 days after the date of certification in the case of labor certifications filed in support of the petition under section 212(a)(14) of such Act before October 1, 1991, but not certified until after October 1, 1993".

SEC. 219. OTHER MISCELLANEOUS AND TECHNICAL CORRECTIONS TO IMMIGRATION-RELATED PROVISIONS.

(a) Section 101(a)(27)(J)(i) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(J)(i)) is amended by striking "and has" and inserting "or whom such a court has legally committed to, or placed under the custody of, an agency or department of a State and who has".

(b)(1) The second sentence of section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)) is amended by inserting "(and each child of the alien)" after "the alien".

(2) The second sentence of section 204(a)(1)(A) of such Act (8 U.S.C. 1154(a)(1)(A)) is amended—

(A) by inserting "spouse" after "alien", and

(B) by inserting "of the alien (and the alien's children)" after "for classification".

(c) Section 203(b)(5) of the Immigration and Nationality Act (8 U.S.C. 1153(b)(5)) is amended by striking "TARGETTED", "TARGETTED", and "targetted" each place each appears and inserting "TARGETED", "TARGETED", and "targeted", respectively.

(d) Section 210(d)(3) of the Immigration and Nationality Act (8 U.S.C. 1160(d)(3)) is amended by inserting "the" before "Service" the first place it appears.

(e) Section 212(d)(11) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(11)) is amended by striking "voluntary" and inserting "voluntarily".

(f) Section 258 of the Immigration and Nationality Act (8 U.S.C. 1288) is amended in subsection (d)(3)(B) by striking "subparagraph (A)" and inserting "subparagraph (A)(iii)".

(g) Section 241(c) of the Immigration and Nationality Act (8 U.S.C. 1251(c)) is amended by striking "or (3)(A) of subsection 241(a)" and inserting "and (3)(A) of subsection (a)".

(h) Section 242(h) of the Immigration and Nationality Act (8 U.S.C. 1252(h)) is amended by striking "Parole,," and inserting "Parole,".

(i) Section 242B(c)(1) of the Immigration and Nationality Act (8 U.S.C. 1252b(c)(1)) is amended by striking the comma after "that".

(j) Section 244A(c)(2)(A)(iii)(III) of the Immigration and Nationality Act (8 U.S.C. 1254a(c)(2)(A)(iii)(III)) is amended—

(1) by striking "Paragraphs" and inserting "paragraphs", and

(2) by striking "or (3)(E)" and inserting "and (3)(E)".

(k) Section 245(h)(2)(B) of the Immigration and Nationality Act (8 U.S.C. 1255(h)(2)(B)) is amended by striking "or (3)(E)" and inserting "and (3)(E)".

(l)(1) Subparagraph (C) of section 245A(c)(7) of the Immigration and Nationality Act (8 U.S.C. 1255a(c)(7)), as added by Public Law 102–140, is amended—

(A) by indenting it 2 additional ems to the right; and

(B) by striking "subsection (B)" and inserting "subparagraph (B)".

(2) Section 610(b) of Public Law 102–140 is amended by striking "404(b)(2)(ii)" and "404(b)(2)(iii)" and inserting "404(b)(2)(A)(ii)" and "404(b)(2)(A)(iii)", respectively.

(m) Effective as of the date of the enactment of this Act, section 246(a) of the Immigration and Nationality Act (8 U.S.C. 1256(a)) is amended by striking the first 3 sentences.

(n) Section 262(c) of the Immigration and Nationality Act (8 U.S.C. 1302(c)) is amended by striking "subsection (a) and (b)" and inserting "subsections (a) and (b)".

(o) Section 272(a) of the Immigration and Nationality Act (8 U.S.C. 1322(a)) is amended by striking the comma after "so afflicted".

(p) The first sentence of section 273(b) of the Immigration and Nationality Act (8 U.S.C. 1323(b)) is amended by striking "collector of customs" and inserting "Commissioner".

(q) Section 274B(g)(2)(C) of the Immigration and Nationality Act (8 U.S.C. 1324b(g)(2)(C)) is amended by striking "an administrative law judge" and inserting "the Special Counsel".

(r) Section 274C(b) of the Immigration and Nationality Act (8 U.S.C. 1324c(b)) is amended by striking "title V" and all that follows through "3481)"and inserting "chapter 224 of title 18, United States Code".

(s) Section 280(b)(1)(C) of the Immigration and Nationality Act (8 U.S.C. 1330(b)(1)(C)) is amended by striking "maintainance" and inserting "maintenance".

(t) Effective as if included in the enactment of Public Law 102–395, subsection (r) of section 286 of the Immigration and Nationality Act (8 U.S.C. 1356), as added by section 112 of such Public Law, is amended—

(1) in the subsection heading, by striking "Breached Bond/Detention Account" and inserting "BREACHED BOND/DETENTION FUND";

(2) in paragraph (1), by striking "(hereafter referred to as the Fund)" and inserting "(in this subsection referred to as the 'Fund')";

(3) in paragraph (2), by striking "the Immigration and Nationality Act of 1952, as amended," and inserting "this Act";

(4) in paragraphs (4) and (6), by striking "the Breached Bond/Detention" each place it appears;

(5) in paragraph (4), by striking "of this Act" and inserting "of Public Law 102–395"; and

(6) in paragraph (5), by striking "account" and inserting "Fund".

(u) Section 310(b)(5)(A) of the Immigration and Nationality Act (8 U.S.C. 1421(b)(5)(A)) is amended by striking "District Court" and inserting "district court".

(v) Effective December 12, 1991, section 313(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1424(a)(2)) is amended by striking "and" before "(F)" and inserting "or".

(w) Section 333(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1444(b)(1)) is amended by striking "249(a)" and inserting "249".

(x) Section 412(e)(7)(D) of the Immigration and Nationality Act (8 U.S.C. 1522(e)(7)(D)) is amended by striking "paragraph (1) or (2) of".

(y) Section 302(c) of the Immigration Act of 1990 is amended by striking "effect" and inserting "affect".

(z) Effective as if included in the Miscellaneous and Technical Immigration and Naturalization Amendments of 1991—

(1) section 303(a)(7)(B)(i) of such Act is amended by striking "paragraph (1)(A)" and inserting "paragraph (1)(A)(i)";

(2) section 304(b)(2) of such Act is amended by striking "paragraph (1)(B)" and inserting "subsection (c)(1)(B)";

(3) paragraph (1) of section 305(j) of such Act is repealed (and section 407(d)(16)(C) of the Immigration Act of 1990 shall read as if such paragraph had not been enacted):

(4) paragraph (2) of section 306(b) of such Act is amended to read as follows:

"(2) Section 538(a) of the Immigration Act of 1990 is amended by striking the comma after 'Service'.";

(5) section 307(a)(6) of such Act is amended by striking "immigrants" the first place it appears and inserting "immigrant aliens";

(6) section 309(a)(3) of such Act is amended by striking "paragraph (1) and (2)" and inserting "paragraphs (1)(A) and (1)(B)";

(7) section 309(b)(6)(F) of such Act is amended by striking "210(a)(1)(B)(1)(B)" and inserting "210(a)(B)(1)(B)";

(8) section 309(b)(8) of such Act is amended by striking "274A(g)" and inserting "274A(h)"; and

(9) section 310 of such Act is amended—

(A) by adding "and" at the end of paragraph (1);

(B) by striking paragraph (2); and

(C) by redesignating paragraph (3) as paragraph (2) and by striking "309(c)" and inserting "309(b)".

(aa) Effective as if included in section 4 of Public Law 102–110, section 161(c)(3) of the Immigration Act of 1990 is amended—

(1) by striking "alien described in section 203(a)(3) or 203(a)(6) of such Act" and inserting "alien admitted for permanent residence as a preference immigrant under section 203(a)(3) or 203(a)(6) of such Act (as in effect before such date)"; and

(2) by striking "this section" and inserting "this title".

(bb) Section 599E(c) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101-167) is amended by striking "and subparagraphs" and inserting "or subparagraph".

(cc) Section 204(a)(1)(C) of the Immigration Reform and Control Act of 1986 is amended by striking "year 1993 the first place it appears" and inserting "years 1993".

(dd) Except as otherwise specifically provided in this section, the amendments made by this section shall be effective as if included in the enactment of the Immigration Act of 1990.

(ee)(1) Section 210A of the Immigration and Nationality Act (8 U.S.C. 1161) is repealed.

(2) The table of contents of the Immigration and Nationality Act is amended by striking the item relating to section 210A.

(ff) Section 122 of the Immigration Act of 1990 is amended by striking subsection (a).

(gg) The Copyright Royalty Tribunal Reform Act of 1993 (Public Law 103-198; 107 Stat. 2304) is amended by striking section 8.

The SPEAKER pro tempore (Mr. HASTINGS). Pursuant to the rule, the gentleman from Kentucky [Mr. MAZZOLI] will be recognized for 20 minutes, and the gentleman from Florida [Mr. MCCOLLUM] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Kentucky [Mr. MAZZOLI].

Mr. MAZZOLI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this measure, the Immigration and Nationality Technical Corrections Act of 1994.

Mr. Speaker, this legislation was originally passed by the House last November, November 20, 1993. It consisted then of five separate sections, all of which dealt with the immigration and naturalization provisions of the law. The bill also passed the House that very same day, but the Senate added an amendment to our bill. The bill before us at this moment. Mr. Speaker, is the House amendment to the Senate amendment to the bill, H.R. 783. I will be happy in a moment to describe some of the aspects of the bill.

Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. BROOKS], our distinguished chairman.

Mr. BROOKS. Mr. Speaker, I want to first thank the gentleman from Kentucky, ROMANO MAZZOLI, chairman of the Subcommittee on International Law, Immigration, and Refugees of the Committee on the Judiciary, for his fine efforts on this legislation, and for his substantial contributions to the effectiveness of this Congress over the years that he has spent here, 24 years of dedicated service. We will all miss him, and wish him every success in his future.

Mr. Speaker, I want to thank the gentleman from Florida, BILL MCCOLLUM. I do not thank him very often. He is the ranking member of the subcommittee, and I appreciate his strong contribution to this effort. It is not often, but when he does the right thing I want to recognize him and encourage him in that effort.

I am hopeful that our action today will set the stage for the Senate to send this bill promptly to the President.

Mr. Speaker, this resolution provides for the consideration of amendments to H.R. 783, legislation which provides improvements to the immigration laws and those relating to naturalization and citizenship. H.R. 783 passed the House on November 20, 1993, and was amended by the Senate and returned to the House the same day.

The bill has many important provisions, several which deserve mention. It removes discriminatory barriers which have been in the law for decades and which treated women differently from men for the purposes of transmitting citizenship. There is no basis for such a distinction, and understandably, the State department no longer wishes to defend this distinction.

The bill also extends the Visa Waiver Pilot Program for 2 years. This important program allows millions of visitors from low-risk countries to travel to the United States without the burden of obtaining a visa. It has greatly facilitated both tourism and business exchange and should be continued.

Mr. Speaker, I urge all the Members to support this effort.

Mr. MAZZOLI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the distinguished chairman of the committee, the gentleman from Texas [Mr. BROOKS] has said, the bill does many important things for the immigration and nationality category of the law. The bill provides five major, core provisions, Mr. Speaker. These provisions correct problems in current immigration law which impose unnecessary burdens on persons who wish to become citizens, and on the transmission of citizenship from parent to child.

One of the provisions corrects a problem in the law which dates all the way back to 1934. Prior to 1934, only U.S. citizen men could confer citizenship on children born outside the United States. The child of a U.S. citizen father and a noncitizen mother was a U.S. citizen, but the converse was not the case.

In 1934, Congress revised this clearly discriminatory rule. However, the 1934 act was not made retroactive. Thus, there are persons who were born abroad earlier than 1934 to U.S. citizen mothers and alien fathers who are not now citizens of the United States.

H.R. 783 corrects this inequity, but it does so while expressly prohibiting the conferral of citizenship to anyone who assisted in any form of Nazi persecution.

H.R. 783 also enables children of U.S. citizens who live and work abroad for long periods of time to receive U.S. citizenship. As we know, Mr. Speaker, now more and more people are living and working abroad. This is a very important change in the law.

Under current law, U.S. citizen parents are forced to decide between quitting their jobs abroad and returning to the United States or denying their children U.S. citizenship. H.R. 783 makes it easier for U.S. citizen parents to pass on U.S. citizenship to their children who are born abroad.

The bill requires, with regard to the U.S. history and government knowledge portions of the naturalization test, that the Attorney General publish regulations which recognize the special needs and the equities of persons who are over 65 years of age, but who have been permanent residents in the United States for at least 20 years.

The bill also provides a general waiver of all testing requirements for persons of any age who, because of physical or developmental disability or mental impairment, could not reasonably be expected to pass the test.

The bill allows an individual who lost U.S. citizenship because of failure to meet the retention requirements of the law as they existed prior to their repeal in 1978 to regain their citizenship upon application to the Attorney General.

An extremely important provision in this bill, Mr. Speaker, section 210, which, as the chairman of our committee has explained, extends the existing visa waiver pilot program for 2 years. Under the visa waiver program, visitors from abroad can come to the United States for business and/or pleasure from these qualifying foreign countries without having a visa for stays up to 90 days.

Twenty-two countries now satisfy these standards and are participants in the program. Very quickly, they are France, Germany, Italy, Japan, Brunei, Great Britain, Holland, Sweden, Switzerland, Andorra, Austria, Belgium, Denmark, Finland, Iceland, Lichtenstein, Luxembourg, Monaco, New Zealand, Norway, San Marino, and Spain.

In general, for its nationals to qualify for visa waiver, a foreign country must have a low rate of visa refusal, averaging less than 2 percent during the 2 previous fiscal years and less than 2.5 percent during any one fiscal year. In addition, the Attorney General must determine that a country's inclusion must not damage U.S. law enforcement interests. To stay in the program the countries have to maintain these low rates of visa violations.

Visa waiver was first enacted by Congress in 1983 as a part of a 3-year pilot program. In 1990, after it had been proven successful, Congress extended the program until September 30 of this year, and most of the feedback we have had, Mr. Speaker, indicates that the program has been very favorably received. The travel and tourism industries, as well as officials from both current and past administrations, are very much in favor of the program. This bill would extend the program.

Mr. Speaker, in addition to extending the program, it provides that countries that have low rates of visa refusal, but not quite low enough to qualify under current law, could qualify for visa waiver on a probationary basis. Specifically, a country would qualify if its refusal rate was less than 3.5 percent for the 2 fiscal years and less than 3 percent during the past fiscal year.

H.R. 783 also reauthorizes appropriations for the refugee resettlement program for 3 years. Such an authorization is needed to help assist the States with the cost of resettling refugees.

H.R. 783 extends for 3 years a pilot program that allows nonimmigrant students to work during their collegiate years off campus, a provision strongly supported by the Nation's universities.

The bill also extends for 3 years a program strongly supported by many religious organizations which grants special immigrant status to religious workers.

Mr. Speaker, this is a truly bipartisan, very noncontroversial bill. It makes a series of minor but important changes to the immigration law. The Subcommittee on International Law, Immigration, and Refugees of the Committee on the Judiciary, which I am very privileged to chair, held a hearing on H.R. 783 on March of last year and the Visa Waiver Program on August 11 of 1994. The subcommittee has heard from Members of Congress, administration officials, and all interested parties.

H.R. 783 was marked up by the subcommittee in May 1993 and ordered favorably reported to the full Committee on the Judiciary by voice vote. The bill was favorably reported by the full committee November 1993. It passed the House November 20, 1993, by a voice vote under suspension.

Mr. Speaker, I would like not only to thank my colleagues in this effort, the gentleman from Florida [Mr. MCCOLLUM], and my friend, the gentleman from New York [Mr. SCHUMER], and all members of our committee, but I would like to mark at this point very briefly the passing of Mr. Jerry Tinker, who has worked with the Senate committee for a number of years, the committee headed by the gentleman from Massachusetts, Senator KENNEDY.

Jerry Tinker began working with Senator KENNEDY back in 1970, about the time that I came to the House.

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He became staff director of the Senate Subcommittee on Immigration and Refugee Affairs and in that position, Mr. Speaker, helped shape all of the major legislation which has emanated from the Senate and really from the Congress until his passing just a few days ago.

It always was a pleasure working with Jerry. He was affable, personable and very knowledgeable about the law. I will, along with all members of the staff and the Congress who have worked with him, miss him in the years ahead.

We extend our condolences to his family, very particularly his daughters Katherine and Caroline.

Mr. Speaker, I reserve the balance of my time.

Mr. MCCOLLUM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Resolution 533 providing for the House to agree, with modifications, to the Senate amendment to the House bill 783, a bill which passed this House last November by voice vote under suspension of the rules. This bill makes several important changes to the immigration laws.

Section 101 of the bill modifies the Immigration and Nationality Act to make it clear that any person born outside the United States to parents, one of whom is a U.S. citizen, will be considered a U.S. citizen. Under present law, children born outside the United States before 1934 whose mother was a U.S. citizen but whose father was not a U.S. citizen are not deemed to be U.S. citizens. If the child's father had been the U.S. citizen, however, then the child would be a U.S. citizen. This bill corrects this inequity in the law to provide for a uniformed determination of citizenship where at least one parent is a U.S. citizen.

Section 103 addresses another inequity in the Immigration and Nationality Act. From 1934 through 1978, U.S. citizens who were born abroad to a U.S. citizen parent and an alien parent were required to live in the United States for a specified period of time in order to retain their U.S. citizenship. This residency requirement was repealed in 1978 but the repeal was not retroactive. As a result, persons who had not lived in the United States for the requisite period of time lost their U.S. citizenship. H.R. 783 provides a means by which these persons may regain their U.S. citizenship.

Section 108 relates to the tests that persons seeking to become naturalized

U.S. citizens must pass in order to be naturalized. Under present law, applicants for naturalization must pass both an English language test and a test relating to U.S. Government and history. Current law provides that waivers of the English language test may be granted to persons who suffer a disability preventing them from passing the test, and to persons who are over the age of 50 and who have lived in the United States for 20 years or over the age of 55 and who have lived in the United States for 50 years. Section 108 of this bill would extend a similar waiver to the Government and history test for any person who is over 65 years of age and who has lived in the United States for at least 20 years. This waiver is to be determined on a case by case basis by the Attorney General pursuant to regulations that she shall promulgate.

The bill also provides for the extension of several existing provisions of the Immigration and Nationality Act currently set to terminate on September 30, 1994.

Section 213 of the bill provides for the extension of time within which the President may undertake demonstration projects relating to the laws prohibiting the employment of illegal aliens. Specifically, this section will extend for an additional 2 years the telephone employment verification system, a demonstration project presently ongoing pursuant to which employers may verify by telephone the employment eligibility of potential employees. The use of a telephonic verification system for potential employee eligibility to work has been the subject of much discussion of late. Congressman KEN CALVERT has taken the lead on this issue and former Congresswoman Barbara Jordan, Chair of the Bipartisan U.S. Commission on Immigration Reform, in her testimony before a Subcommittee of the Senate Judiciary Committee noted that one of the Commission's eventual recommendations is likely to be the implementation of such a system. I believe that such a system would be an efficient, quick way for employers to verify the work eligibility of potential employees. This system would dramatically decrease the opportunities for illegal aliens to obtain work in the United States, one of the principle magnets that draws illegal aliens to this country. H.R. 4577, a bill that I cosponsored with Congressmen CALVERT would implement such a system on a nationwide basis.

Section 214 provides for the extension of the religious worker category of special immigrant through 1997. Section 215 provides for the extension for 2 more years the off-campus work authorization presently given foreign students who are studying in the United States.

Section 209 extends for 2 more years the visa waiver pilot program. Under this program, citizens of specified foreign countries are entitled to travel to the United States as tourists or business visitors for periods up to 90 days without having to obtain a visa prior to entering the country. The countries which participate in this program are those which have had historically low rates of refusal for visa applications by the citizens. The benefits of extending this program are several. First, participant countries must waive any visa requirement placed upon United States citizens who wish to travel to their country. Second, by eliminating the requirement that citizens of participant countries apply for visas, the overwhelming majority of which are granted, this program significantly reduces the work load placed upon American embassy personnel abroad. As a result, fewer employees are needed in those embassies with the resultant cost savings benefiting American taxpayers. Finally, the number of tourists from program participant countries visiting the United States generally increases once the country becomes part of the program. As tourism is a major industry in this country, eliminating unnecessary barriers to tourist travel is beneficial to our economy.

In addition to extending the present program, section 210 of the bill creates a new category of probationary participating in the visa waiver program to enable countries to participate in the program which are not now eligible to do so. Countries eligible for this new probationary status of participant will be those which have made demonstrable improvements in their visa refusal rates and which would otherwise be eligible to participate in the program in the near future. By expediting their inclusion in the program, we cause the resultant benefits in increased tourism and cost saving at our embassies to occur sooner rather than later. These provisions do not affect the screening process that goes on at our border which keeps out those who are convicted criminals, terrorists, etcetera.

Finally, I point out that this bill makes numerous technical corrections in the immigration laws. I take this opportunity to note one in particular. It is the intention of the drafters of the bill that section 218 be retroactive to the original effective date of the Immigration Act of 1990. The purpose of this provision is to make it clear that the priority date of any petition filed for classification under section 203(b) of the Immigration and Nationality Act which is accompanied by an individual labor certification from the Department of Labor shall be the date the application for certification was accepted for processing by any office within the employment service system of the Department of Labor. This section is intended to remedy an inadvertent result created by the Miscellaneous and Technical Immigration and Naturalization Amendments of 1991. As a result of how that act has been interpreted, persons on whose behalf permanent residence petitions were not filed before October 1, 1993, ran the risk of losing their priority date with respect to becoming legal permanent residents. This has led to situations where persons who had waited for several years to become a permanent resident are placed at the bottom of the waiting list and are forced to wait many more years before becoming permanent residents. The change under H.R. 783 will make it clear that priority date for this purpose is to be the date of any application for labor certification processed by the Department of Labor regardless as to whether a petition for permanent residence was filed on or before October 1, 1993.

The language in H.R. 783 has been worked out among various members of the subcommittee. I would like to thank Chairman MAZZOLI and Congressmen HOWARD BERMAN and BARNEY FRANK for their work during the development of this bill last year. I have been pleased to have continued that close relationship with Chairman MAZZOLI during the further modifications to the bill during this session of the 103d Congress. I believe the resulting product is a good piece of legislation and I urge my colleagues to support it.

Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. FISH], the ranking member of our full Committee on the Judiciary.

Mr. FISH. Mr. Speaker, I thank my friend, the gentleman from Florida, for yielding me the time.

Mr. Speaker, I am pleased that the legislation we are considering includes an extension of the visa waiver pilot program and a new probationary visa waiver status based on appropriate standards. My interest in the visa waiver pilot program goes back many years and includes involvement in its original formulation.

The United States, in my view, benefits when it expedites international visitor travel in ways that are consistent with the requirements of immigration law enforcement. The experience with the pilot program demonstrates that inspection by an immigration officer at the point of entry is a sufficient safeguard for visitors from certain countries selected on the basis of objective criteria. The extension of the program advances U.S. interests by facilitating travel opportunities.

The new probationary visa waiver status represents a modest expansion of eligibility criteria to embrace countries that have very good records with the U.S. visa refusal rate and the overstay rate are viewed in combination. The visa refusal rate for Ireland, for example, approaches—but does not reach—the criteria of existing law; nevertheless, relatively few visitors from

Ireland violate the terms of their admission by overstaying. An outstanding record of compliance with U.S. immigration law merits recognition in the visa waiver formula.

The new provision gives expression to the principle of permitting a very favorable overstay rate to counterbalance a rejection rate that slightly exceeds the current limit. Such a principle recognizes the special equities of a country that approaches current visa waiver requirements if its nationals—visiting the United States—adhere to our immigration law.

With the pilot program about to expire, I welcome legislative action providing for the program's continuation with a provision to accommodate the deserving circumstances I have described.

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Mr. Speaker, today may well mark two events. One referred to by the chairman of the subcommittee, the gentleman from Kentucky [Mr. MAZZOLI] is the passing of Jerry Tinker. Some of us attended his funeral today. As well I think this may be the last piece of legislation that Chairman MAZZOLI brings from his subcommittee to the House floor. The field, if I might call it that, of immigration and refugee policy in the Congress of the United States has few experts, and if you remove from that pool of authority and wisdom and experience RON MAZZOLI and Jerry Tinker, then there is very little left: it is very thin. These two distinguished gentleman have served this body for over two decades and really have been in the forefront of immigration law with great knowledge which is deeply respected on both sides of the aisle. My chairman Mr. MAZZOLI, and I have served together for so many, many years on the Immigration Subcommittee as well as on other subcommittees. I do not mind leaving the Congress myself because there will be a great change in leadership on this fundamental issue when the gentleman from Kentucky [Mr. MAZZOLI] leaves.

Mr. MCCOLLUM. Mr. Speaker, reclaiming my time and yielding myself a few moments, I want to add, besides wishing a fond farewell to Chairman MAZZOLI, who has been our chairman of the subcommittee, the gentleman from New York [Mr. FISH] is himself leaving this Congress at this time, and we are going to miss him because he has spent an enormous amount of time contributing to the immigration and refugee matters. When I first came here some 14 years ago he was already a leading expert, and that is when I believe Chairman MAZZOLI became the chairman of the subcommittee for the first time. And while the gentleman from New York [Mr. FISH], speaks, and I know it will be a great loss of Chairman MAZZOLI and his knowledge of this field, Mr. FISH himself is a great loss when he leaves because he has contributed mightily to the major legislation in this field during my tenure and before that.

Mr. Speaker, I reserve the balance of my time.

Mr. MAZZOLI. Mr. Speaker, I yield myself 1 minute. I would like to thank my friend, first from Florida for his very kind remarks. I recall when he was a first-term Member 14 years ago when he and I traveled I think maybe during the first few months of his entry into Congress, and that friendship which gelled that day and on that trip has remained intact and firm for all of these years. I certainly have enjoyed working with him and will miss his counsel and his steady presence on the committee.

For my friend from New York, Mr. FISH, who will be retiring as I will at the end of this time, I want to tell him how much I have admired him as a human being as well as an immigration expert. I recall, without going into all of the details, some few years ago the gentleman did not have the very best of health, and despite that, back in 1984 and 1982 and thereabouts we forged ahead with the earlier versions of the Immigration Control Act of 1986. I remember vividly and will carry with me for my entire life the courage and dedication and fortitude that the gentleman from New York exhibited under other than pleasant situations then in order to serve his district and in order to serve the country and in order to make sure that the subject of immigration, which can very easily tip over into an exercise in xenophobia, always stayed in the middle of the road and on top of the table. I want to thank the gentleman for that in every way.

Mr. Speaker, with great pleasure, I yield 3 minutes to the gentleman from Indiana [Mr. MCCLOSKEY] who played an absolutely crucial part in the adoption of language in this bill on visa waivers.

Mr. MCCLOSKEY. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, before commenting I want to extend a special appreciation to the gentleman from Kentucky [Mr. MAZZOLI] and the gentleman from Florida [Mr. MCCOLLUM] for all of their work and leadership on this very important issue. As an aside, I guess I would say as chairman of the Friends of Ireland, and being named MCCLOSKEY, with an O'Neill and a Tiernan in my immediate background, I have a special affection for things Irish, and I know particularly the gentleman from Kentucky [Mr. MAZZOLI] shares that, being an alumnus of the Fighting Irish. And I might say that this friendship and leadership has been magnificent over the years, and I look forward as a neighbor geographically and as a friend, to further contributions to public service by the gentleman from Kentucky [Mr. MAZZOLI]. So I say, "Thank you so very much."

Mr. Speaker, I rise in strong support of H.R. 783, the Nationality and Naturalization Amendments of 1994. H.R. 783 will reauthorize the visa waiver pilot program while implementing much needed reforms. The visa waiver program enables tourists and business travelers from specified countries to come to the United States without first having to obtain a nonimmigrant visa. Current eligibility standards hinge largely on a country's non-immigrant visa refusal rate. Unfortunately, this standard is overly narrow and has led to questionable participation criteria.

This program has particular significance to me as chairman of the Friends of Ireland Committee. The fact that Ireland has been excluded from participation best illustrates the current program's shortcomings. Ireland is one of only three western European countries excluded from the visa waiver program, even though Ireland has demonstrated exemplary overstay rates and steadily declining refusal rates during the last 3 years. Additionally, while Irish citizens are denied inclusion, citizens from Northern Ireland are able to fully participate in the pilot program. Given such realities, it is apparent that the eligibility criteria is arbitrary.

H.R. 783 will correct these shortcomings by incorporating the overstay rate as a factor in determining eligibility for probationary status in the visa waiver program. The overstay rate is a critical element because it demonstrates how many nationals of a particular country actually violated the terms of their stay in the United States. I would like to commend chairman RON MAZZOLI and BILL MCCOLLUM, the distinguished ranking member of the subcommittee, for their leadership on this issue and for incorporating this reform into H.R. 783. It is a common sense approach which enjoys broad bipartisan support.

Reforming the eligibility requirements for the visa waiver pilot program has been designated as a high priority by the Irish Government and the Friends of Ireland Committee. The visa waiver pilot program has proven its worth over the years by generating tourist dollars for our economy and by generating good will toward many of our neighbors overseas. Today's reauthorization and reforms will extend those benefits while increasing the integrity of the program. I urge my colleagues to vote in favor of H.R. 783.

Mr. MCCOLLUM. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. MOORHEAD].

Mr. MOORHEAD. Mr. Speaker, I thank the gentleman for yielding me the time.

I rise in support of H.R. 783. Mr. Speaker, I wanted to comment as we come to the end of this Congress that we are losing three of the finest men that I have known in Congress as we lose RON MAZZOLI and BILL HUGHES and HAMILTON FISH. They have been true gentlemen in this Congress and Members who have worked hard and worked together with each one of us. They have made a tremendous contribution during the years that they have been in Congress, and yet whether they agreed with us or not, they are always the kind of people that are agreeable even though they cannot vote always the same way we vote. I have enjoyed their friendship and I have learned a lot from each one of them, and certainly as they leave they have my affection and bon voyage for each one of them. And I hope I see all three of them back as many times as they can be here.

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Mr. MCCOLLUM. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MAZZOLI. Mr. Speaker, I yield 1 minute to my friend, the gentleman from New Jersey [Mr. HUGHES], who is, as we have heard, a fellow retiree from this Congress and who has been my dear friend and seatmate for the better part of the last 20 years.

Mr. HUGHES. Mr. Speaker, I rise in strong support of H.R. 783, which is the House amendments to the Nationality and Naturalization Amendments Act of 1994.

But I take the time also to congratulate the gentleman from Kentucky and the gentleman from Florida for their work on immigration and naturalization matters, and particularly to commend him and the gentleman from New York [Mr. FISH], who have developed over the years the reputation of having the expertise in the Congress on these matters.

If you live in Florida, immigration is extremely important. For Kentucky, it is not so very important and, frankly, it does not have the kind of sex appeal that a lot of other things have. But the work has been very important.

I do not think there is anything more important to this country than trying to put our immigration and naturalization policies in order.

They have built a solid foundation on which we can build in the years ahead. I salute the gentleman from Kentucky. He has done yeoman's work, as has the gentleman from New York [Mr. FISH], in this very complex, very difficult, often unappreciated area of the law.

I wish him and HAM the very best of everything in the years ahead.

Mr. MAZZOLI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, again, I want to thank my friend, the gentleman from New Jersey. As I said, BILL and Nancy HUGHES have been friends of Helen and RON MAZZOLI's for a long time. That friendship will endure and continue into the years ahead, and I share the feeling, and they are reciprocal, that we have a chance to get together from time to time.

Mr. Speaker, before I conclude and ask for a positive vote on this pending resolution, House Resolution 533, I would like to pay public tribute to members of my subcommittee who have been so loyal and devoted and dedicated, and not just for this Congress but for many of them. But sitting with me on the floor today, Gene Pugliese and Kevin Anderson, and back in the office, Kitty Urban, Les Megyeri, Judy Knott, and Lizzie Daniels, because as we all know, we serve here generally to the extent that we have people around us to support us, and I have been very happy and the very, very grateful beneficiary of excellent professional work by the staff as well as friendship from them, and so I wanted to say that before we conclude.

And last but not least, Mr. Speaker, I think this is a good bill. H.R. 783 does weave together activities which emanated from our subcommittee, some from the other body. They have been blended together in, I think, a perfectly harmonious way, and I think they make changes to the better in immigration law.

Mr. SCHUMER. Mr. Speaker, I rise in support of H.R. 783, the Immigration and Nationality Technical Corrections Act of 1994. I want to thank Mr. BROOKS and Mr. MAZZOLI for their hard work on behalf of this legislation. As the senior Democrat of the Subcommittee on Immigration and Refugees, I want to highlight three important provisions.

First is a provision I drafted to roll-over the remaining diversity visas set to expire at the end of fiscal year 1994. These visas were part of the Transition Diversity Program which sought to bring in immigrants from countries of low admission. This provision is crucial because about 4,000 visas for the Irish alone will be left over. The Irish, who have been a bedrock of our successful immigration community must receive all the visas set aside for them. Their contributions to this country are numerous and will continue to be so.

The roll-over visas will be added to the allocation for the Schumer Permanent Diversity Program which begins in fiscal year 1995. They will be chosen from a fresh applicant pool and guaranteed to give the Irish community a large percentage of the immigration pie.

Second, the Visitor Visa Waiver Program [VVWP] has long been an important issue to me. I put a provision in my preinspection bill last year to make it a permanent program. I also cosponsored several bills seeking to expand the program to Ireland, and other European Union countries.

The VVWP saves the Government money in visa processing costs, boosts the tourism industry, and develops our relations with other countries. It is of particular benefit to New York and our local industries.

Because of its positive results, I support letting more countries into the program. H.R. 783, extends the VVWP till 1996 and establishes a pilot program that liberalizes the entrance criteria allowing new countries to participate on a probationary basis. At this time, INS has determined that under this new provision Ireland and Zimbabwe will be added. Ireland has taken tremendous strides in lowering their refusal rates and deserves the chance to participate.

Recently we completed the successful World Cup Soccer games in America. Imagine how much more successful the ticket sales and tourist industry would have been if more spectators had been able to travel without the hassle of obtaining a tourist visa.

In our changing world where new international alignments are being formed every day, it makes sense to expand the program. Countries like Ireland, that present little or no risk of abuse of their visas, are only a welcome addition.

Third is provision to eliminate the gender inequality in naturalization law and to exclude those persons who participated in Nazi activities during WWII. Currently, only a child of an American father born overseas can be naturalized. This provision would extend naturalization to children born of American mothers—ironing out a wrinkle in our immigration law. However, there are several Nazi expatriation cases pending in the United States that would be jeopardized if Nazi children of American mothers were to be naturalized. Nazis born to American fathers do not have this problem because a recent court case ruled that if an individual was aware of their U.S. citizenship at the time the crimes were committed they can be found guilty of an expatriating crime. Obviously Nazis naturalized retroactively could not have known of their U.S. citizenship during the time their crimes were committed. Proper prosecution of these individuals depends on the ability to denaturalize and deport them to stand trial overseas for war crimes. Although this is a strange twist in the law it must be reconciled. H.R. 783 would do just that.

I urge the House to pass H.R. 783. These provisions which would adjust current issues in immigration law must be adopted. Thank you for your consideration.

Mr. BILIRAKIS. Mr. Speaker, I rise in strong support of H.R. 783, legislation that will make four specific changes to existing nationality and naturalization laws. All of these changes will work to correct inequities in our current laws, but I would like to focus on just one of them today—one that I have worked on actively with a number of my colleagues during my years in the Congress.

This provision will exempt aliens 50 years of age or older who have been permanent U.S. residents for at least 20 years, and those older than 55 who have been permanent U.S. residents for at least 15 years, from the history and government knowledge portions of the naturalization test.

As you know, Mr. Speaker, current law exempts these individuals from only the English language portion of the test.

It has long been plain to me that a number of elderly immigrant aliens reside in this country but have not been naturalized because they fear, or are unable to pass, the government knowledge requirement for naturalization.

Many of us here today have neighborhoods in our districts that are primarily composed of immigrants from Italy, Greece, Ireland, Poland, Germany, or some other nation. If you were to really look carefully at these communities, then you will find some of these alien individuals, constituents who have been, in effect, completely forgotten.

Absent the corrective language of this provision of H.R. 783, their dream of American citizenship may never be realized—because they fear the immigration and naturalization service test.

Obviously, since these individual have lived in this country for so many years, they are largely aware of our form of government and have abided by our laws. However, the thought of a test on these issues by a stranger can be so frightening to them that they may not follow through. That is why I believe that the requirement of a naturalization test for the elderly, who are so fragile and vulnerable, is in need of revision.

Currently, the Immigration and Nationality Act exempts individuals desiring naturalization from the requirement to speak, read, and write English if they are at least 50 years old and have been legal residents of the United States for a minimum of 20 years. However, that requirement for a knowledge-of-government test hasn't been addressed in a similar manner by the Congress.

This inequity has long concerned me, and I have in the past introduced legislation containing language similar to that contained in this provision of H.R. 783. I would emphasize that this provision has absolutely no impact on immigration ceilings or on the influx of new aliens.

Therefore, I ask that all of my colleagues support this legislation with your vote today and offer a ray of hope to the forgotten.

Mr. MAZZOLI. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HASTINGS). The question is on the motion offered by the gentleman from Kentucky [Mr. MAZZOLI] that the House suspend the rules and agree to the resolution, H. Res. 533.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MAZZOLI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include extraneous material, on House Resolution 533, the resolution just considered and agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

RELATING TO APPLICATIONS FOR PROCESS PATENTS

Mr. HUGHES. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4307) to amend title 35, United States Code, with respect to applications for process patents, as amended.

The Clerk read as follows:

H.R. 4307

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—PROCESS PATENT APPLICATIONS

SECTION 101. EXAMINATION OF PROCESS PATENT APPLICATIONS FOR OBVIOUSNESS.

Section 103 of title 35, United States Code, is amended—

(1) by designating the first paragraph as subsection (a);

(2) by designating the second paragraph as subsection (c); and

(3) by inserting after the first paragraph the following:

"(b)(1) Notwithstanding subsection (a), and upon timely election by the applicant for patent to proceed under this subsection, a process using or resulting in a composition of matter that is novel under section 102 and nonobvious under subsection (a) of this section shall be considered nonobvious if—

"(A) claims to the process and the composition of matter are contained in either the same application for patent or in separate applications having the same effective filing date; and

"(B) the composition of matter, and the process at the time it was invented, were owned by the same person or subject to an obligation of assignment to the same person.

"(2) A patent issued on a process under paragraph (1)—

"(A) shall also contain the claims to the composition of matter used in or made by that process, or

"(B) shall, if such composition of matter is claimed in another patent, be set to expire on the same date as such other patent, notwithstanding section 154.".

SEC. 102. PRESUMPTION OF VALIDITY; DEFENSES.

Section 282 of title 35, United States Code, is amended by inserting after the second sentence of the first paragraph the following: "Notwithstanding the preceding sentence, if a claim to a composition of matter is held invalid and that claim was the basis of a determination of nonobviousness under section 103(b)(1), the process shall no longer be considered nonobvious solely on the basis of section 103(b)(1).".

SEC. 103. EFFECTIVE DATE.

The amendments made by section 101 shall apply to any application for patent filed on or after the date of the enactment of this Act and to any application for patent pending on such date of enactment, including (in either case) an application for the reissue of a patent.

TITLE II—COPYRIGHT REFORM

SEC. 201. SHORT TITLE.

This Act may be cited as the "Copyright Reform Act of 1993".

SEC. 202. DEPOSIT OF COPIES OR PHONORECORDS FOR LIBRARY OF CONGRESS.

Section 407 of title 17, United States Code, is amended as follows:

(1) Subsection (a) is amended by striking "(a)" and all that follows through "publication—" and inserting the following:

"(a) Required Deposits.—Except as provided in subsection (c), the owner of copyright in a work or of the exclusive right of publication of a work in the United States shall deposit, after the earliest date of such publication—".

(2) Subsection (b) is amended—

(A) by inserting "Deposit in Copyright Office.—" after "(b)"; and

(B) by adding at the end the following: "A deposit made under this section may be used to satisfy the deposit requirements of section 408.".

(3) Subsection (c) is amended—

(A) by inserting "Regulations.—" after "(c)"; and

(B) by striking "Register of Copyrights" and inserting "Librarian of Congress".

(4) Subsection (d) is amended—

(A) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(B) by striking "(d) At any time after publication of a work as provided by subsection (a)" and inserting the following:

"(d) Procedures.—(1) During November of each year, the Librarian of Congress shall publish in the Federal Register a statement of the categories of works of which the Library of Congress wishes to acquire copies or phonorecords under this section during the next calendar year. The Librarian shall review such statement annually in light of the changes in the Library's policies and procedures, changes in technology, and changes in patterns of publication. The statement shall also describe—

"(A) the types of works of which only one copy or phonorecord need be deposited;

"(B) the types of works for which the deposit requirements may be fulfilled by placing the Library of Congress on a subscription list; and

"(C) the categories of works which are exempt under subsection (c) from the deposit requirements.

"(2) At any time after publication in the United States of a work or body of works";

(C) by striking "Register of Copyrights" and inserting "Librarian of Congress";

(D) by inserting after the first sentence the following: "Such demand shall specify a date for compliance with the demand.";

(E) by inserting "in a civil action" after "are liable";

(F) in subparagraph (B) (as redesignated by subparagraph (A) of this paragraph) by striking "cost of" and inserting "cost to";

(G) in subparagraph (C) (as redesignated by subparagraph (A) of this paragraph) by striking "clauses (1) and (2)" and inserting "subparagraphs (A) and (B)"; and

(H) by adding after subparagraph (C) (as so redesignated) the following:

"In addit ion to the penalties set forth in subparagraphs (A), (B), and (C), the person against whom an action is brought under this paragraph shall be liable in such action for all costs of the United States in pursuing the demand, including an amount equivalent to a reasonable attorney's fee.".

(5) Subsection (e) is amended—

(A) by inserting "Transmission Programs.—" after "(e)";

(B) by striking "Register of Copyrights shall, after consulting with the Librarian of Congress and other interested organizations and officials," and inserting "Librarian of Congress shall, after consulting with interested organizations and officials,"; and

(C) in paragraph (2) by striking "Register of Copyrights" and inserting "Librarian of Congress".

(6) Section 407 of title 17, United States Code, is further amended by adding at the end the following:

"(f) Obligation to Make Deposits.—Immediately upon the publication in the United States of any work in which copyright subsists under this title, it shall be the obligation of the persons identified in subsection

(a) with respect to that work, subject to the requirements and exceptions specified in this section, to deposit, for the use or disposition of the Library of Congress, the copies or phonorecords specified in such subsection. The obligation to make such deposit arises without any prior notification or demand for compliance with subsection (a).

"(g) Records of Deposits.—The Librarian of Congress shall establish and maintain public records of the receipt of copies and phonorecords deposited under this section.

"(h) Database of Deposit Records.—The Librarian of Congress shall establish and maintain an electronic database containing its records of all deposits made under this section on and after October 1, 1995, and shall make such database available to the public through one or more international information networks.

"(i) Delegation Authority.—The Librarian of Congress may delegate to the Register of Copyrights or other officer or employee of the Library of Congress any of the Librarian's responsibilities under this section.".

SEC. 203. COPYRIGHT REGISTRATION IN GENERAL.

Section 408 of title 17, United States Code, is amended—

(1) in subsection (c)—

(A) in paragraph (1) by adding at the end the following: "The Register is also authorized to specify by regulation classes of material in which registration may be made without deposit of any copy or phonorecord, in cases in which the Register determines that the purposes of examination, registration, and deposit can be adequately served by deposit of descriptive material only, or by a written obligation to deposit copies or phonorecords at a later date."; and

(B) in paragraph (2) by striking "periodicals, including newspapers" and all that follows through the end of subparagraph (B) and inserting "collective works, including periodicals, published within a 5-year period, on the basis of a single deposit and application and upon payment of any special registration fee imposed under section 708(a)(10), if the application identifies each work separately, including the collective work containing it and its date of first publication."; and

(2) by adding at the end the following:

"(f) Copyright Office Hearings.—Not later than 1 year after the effective date of this subsection, and at 1-year intervals thereafter, the Register of Copyrights shall hold public hearings to consider proposals to amend the regulations and practices of the Copyright Office with respect to deposit of works in order to eliminate deposits that are unnecessary for copyright examination or the collections of the Library of Congress, and in order to simplify the registration procedures.".

SEC. 204. APPLICATION FOR COPYRIGHT REGISTRATION.

(a) Applications.—Section 409 of title 17, United States Code, is amended—

(1) by striking "The application" and inserting "(a) Contents of Application.—The application";

(2) in paragraph (5) by inserting before the semicolon the following: ", and if the document by which ownership was obtained has been recorded in the Copyright Office, the volume and page number of such recordation";

(3) by striking paragraphs (9) and (10) and inserting the following:

"(9) in the case of a compilation or derivative work, an identification of any preexisting work or works that it is substantially based on or substantially incorporates, and a brief, general statement of the additional material covered by the copyright claim being registered;

"(10) at the option of the applicant, names, addresses, and telephone numbers of persons or organizations that potential users of the work should contact concerning permissions or licenses to use the work, and any information with respect to the terms of such permissions or licenses; and"; and

(4) by adding at the end the following:

"(b) Short-Form Application.—

"(1) Use of short-form.—The Register of Copyrights shall prescribe a short-form application which may be used whenever—

"(A) the work is by a living author;

"(B) the claimant is the author;

"(C) the work is not anonymous, pseudonymous, or made for hire; and

"(D) the work as a whole, or substantial portions of it, have not been previously published or registered.

"(2) Contents of short-form.—The short-form application shall include—

"(A) the name and address of the author;

"(B) the title of the work;

"(C) the nationality or domicile of the author;

"(D) the year in which creation of the work was completed;

"(E) if the work has been published, the date and nation of its first publication;

"(F) any other information regarded by the Register of Copyrights as bearing upon the preparation or identification of the work or the existence, ownership, or duration of the copyright; and

"(G) at the option of the applicant, names, addresses, and telephone numbers of persons or organizations that potential users of the work should contact concerning permissions or licenses to use the work, and any information with respect to the terms of such permissions or licenses.".

(b) Effective Date.—The amendments made by this section take effect 6 months after the date of the enactment of this Act.

SEC. 205. REGISTRATION OF CLAIM AND ISSUANCE OF CERTIFICATE.

(a) Determination of Registration.—Section 410 of title 17, United States Code, is amended by striking subsections (a) and (b) and inserting the following:

"(a) Determination of Register.—If, after examination, the Register of Copyrights determines, in accordance with the provisions of this title, that there is no reasonable possibility that a court would hold the work for which a deposit is made pursuant to section 408(c) to be copyrightable subject matter, or the Register determines that the claim is invalid for any other reason, the Register shall refuse registration and notify the applicant in writing of the reasons for such refusal. In all other cases, the Register shall register the claim and issue to the applicant a certificate of registration under the seal of the Copyright Office. A certificate of registration issued under this section extends only to those component parts of the work that both are the subject matter of copyright and the copyright owner has the right to claim. The certificate shall contain the information set forth in the application, together with the number and effective date of the registration.

"(b) Appeals Procedure.—The Register of Copyrights shall establish, and publish in the Federal Register, a formal procedure by which appeals may be taken from refusals under subsection (a) to register claims to copyright. Such procedure shall include a final appeal to the Register.".

(b) Judicial Proceedings.—Subsection (c) of section 410 of title 17, United States Code, is amended—

(1) by inserting "Evidentiary Weight of Certificate.—" after "(c)"; and

(2) by adding at the end the following: "Any error or omission made in good faith or upon reasonable reliance on counsel shall not affect the validity of the registration. In no case shall an incorrect statement made in an application for copyright registration invalidate the copyright.".

(c) Technical Amendment.—Subsection (d) of section 410 of title 17, United States Code, is amended by inserting "Effective Date of Registration.—" after "(d)".

SEC. 206. COPYRIGHT REGISTRATION PROVISIONS.

(a) Registration and Infringement Actions.—(1) Section 411 of title 17, United States Code, is amended—

(A) by amending the section caption to read as follows:

"§ 411. Registration and infringement actions for certain works";

(B) by striking subsection (a); and

(C) in subsection (b)—

(i) by striking "(b)"; and

(ii) by striking paragraphs (1) and (2) and inserting the following:

"(1) serves notice upon the infringer, not less than 10 or more than 30 days before such fixation, identifying the work and the specific time and source of its first transmission; and

"(2) submits an application for registration of the copyright claim in the work, in accordance with this title, within 3 months after the first transmission of the work.".

(2) The item relating to section 411 in the table of sections at the beginning of chapter 4 of title 17, United States Code, is amended to read as follows:

"411. Registration and infringement actions for certain works.".

(b) Registration as Prerequisite to Certain Remedies for Infringement.—Section 412 of title 17, United States Code, and the item relating to section 412 in the table of sections at the beginning of chapter 4 of title 17, United States Code, are repealed.

SEC. 207. REMEDIES FOR INFRINGEMENT.

Section 504(c)(2) of title 17, United States Code, is amended in the second sentence—

(1) by striking "court it" and inserting "court in";

(2) by inserting "or eliminate" after "reduce"; and

(3) by striking "to a sum of not less than $200".

SEC. 208. NOTIFICATION OF FILING AND DETERMINATION OF ACTIONS.

Section 508 of title 17, United States Code, is amended—

(1) in subsection (a)—

(A) in the first sentence by inserting "and the party filing the action" after "United States"; and

(B) in the second sentence by inserting "and the party filing the action" after "clerk"; and

(2) in subsection (b) by inserting "and the party filing the action" after "clerk of the court".

SEC. 209. STUDY ON MANDATORY DEPOSIT.

(a) Subject Matter of Study.—Upon the enactment of this Act, the Librarian of Congress shall conduct a study of the mandatory deposit provisions of section 407 of title 17, United States Code. Such study shall place particular emphasis on the implementation of section 407(e) of such title with respect to the deposit of transmission programs, as well as possible alternative methods of obtaining deposits if the mandatory deposit requirements of such section 407 are expanded to authorize the collection, archival preservation, and use by the Library of Congress of other publicly transmitted works, including unpublished works such as computer programs and online databases.

(b) CONDUCT OF STUDY.—The study under subsection (a) shall be conducted by the Register of Copyright, in consultation with any affected interests, and may include the voluntary establishment, in collaboration with representatives of such interests, of practical tests and pilot projects.

(c) REPORT TO CONGRESS.—Not later than 18 months after the date of the enactment of this Act, the Librarian shall submit to the Congress a report on the results of the study conducted under this section, together with recommendations the Librarian has on—

(1) safeguarding the interests of copyright owners whose works are subject to the mandatory deposit provisions referred to in subsection (a);

(2) fulfilling the present and future needs of the Library of Congress with respect to archival and other collections development; and

(3) any legislation that may be necessary.

SEC. 210. STUDIES OF EFFECTS OF REGISTRATION AND DEPOSIT PROVISIONS.

Upon the enactment of this Act, the Librarian of Congress, after consultation with the Register of Copyrights and any affected interests, shall commence a study of the extent to which changes in the registration and deposit provisions of title 17, United States Code, that are made by this Act have affected the acquisitions of the Library of Congress and the operations of the copyright registration system, and any recommendations the Librarian may have with respect to such effects. Not later than 3 years after the date of the enactment of this Act, the Librarian shall submit to the Congress a report on such study. The Librarian may conduct further studies described in the first sentence, and report to the Congress on such studies.

SEC. 211. CONFORMING AMENDMENTS.

(a) DEFINITIONS.—Section 101 of title 17, United States Code, is amended by striking the definition of the "country of origin" of a Berne Convention work.

(b) INFRINGEMENT OF COPYRIGHT.—Section 501(b) of title 17, United States Code, is amended in the first sentence by striking ", subject to the requirements of section 411,".

(c) REMEDIES FOR INFRINGEMENT.—Section 504(a) of title 17, United States Code, is amended by striking "Except as otherwise provided by this title, an" and inserting "An".

SEC. 212. ADDITIONAL TECHNICAL AMENDMENTS.

(a) AMENDMENTS TO TITLE 17, UNITED STATES CODE.—Title 17, United States Code, is amended as follows:

(1) The definition of "publicly" contained in section 101 is amended—

(A) by striking "clause" and inserting "paragraph"; and

(B) by striking "processs" and inserting "process".

(2) The definition of "registration" contained in section 101 is amended by striking "412,".

(3) Section 108(e) is amended in the matter preceding paragraph (1) by striking "pair" and inserting "fair".

(4) Section 109(b)(2)(B) is amended by striking "Copyright" and inserting "Copyrights".

(5) Section 304(c) is amended in the matter preceding paragraph (1) by striking "the subsection (a)(1)(C) and inserting "subsection (a)(1)(C)".

(6) Section 405(b) is amended by striking "condition or" and inserting "condition for".

(7) The item relating to section 504 in the table of sections at the beginning of chapter 5 is amended by striking "Damage" and inserting "Damages".

(8) Section 501(a) is amended by striking "sections 106 through 118" and inserting "section 106".

(9) Section 509(b) is amended by striking "merchandise; and baggage" and inserting "merchandise, and baggage".

(10) Section 601 of title 17, United States Code, is amended—

(A) in subsection (a) by striking "nondramtic" and inserting "nondramatic"; and

(B) in subsection (b)(1) by striking "subsustantial" and inserting "substantial".

(11) Section 801(b)(4) of title 17, United States Code, is amended by adding a period after "chapter 10".

(12) The item relating to section 903 in the table of sections at the beginning of chapter 9 is amended to read as follows:

"903. Ownership, transfer, licensing, and recordation.".

(13) Section 909(b)(1) is amended—

(A) by striking "force" and inserting "work"; and

(B) by striking "sumbol" and inserting "symbol".

(14) Section 910(a) is amended in the second sentence by striking "as used" and inserting "As used".

(15) Section 1006(b)(1) is amended by striking "Federation Television" and inserting "Federation of Television".

(16) Section 1007 is amended—

(A) in subsection (a)(1) by striking "the calendar year in which this chapter takes effect" and inserting "calendar year 1992"; and

(B) in subsection (b) by striking "the year in which this section takes effect" and inserting "1992".

(17) The table of chapters at the beginning of title 17, United States Code, is amended—

(A) by amending the item relating to chapter 6 to read as follows:

"6. Manufacturing Requirements and Importation .... 601";

(B) by amending the item relating to chapter 9 to read as follows:

"9. Protection of Semiconductor Chip Products .... 901";

and

(C) by adding at the end the following:

"10. Digital Audio Recording Devices and Media .... 1001".

(b) OTHER PROVISIONS OF LAW.—(1) Section 2319(b)(1) of title 18, United States Code, is amended by striking "at last" and inserting "at least".

(2) Section 1(a)(1) of the Act entitled "An Act to amend chapter 9 of title 17, United States Code, regarding protection extended to semiconductor chip products of foreign entities", approved November 9, 1987 (17 U.S.C. 914 note), is amended by striking "orginating" and inserting "originating".

(3) Section 3(a)(1)(C) of the Audio Home Recording Act of 1992 is amended by striking "adding the following new paragraph at the end" and inserting "inserting after paragraph (3) the following new paragraph".

SEC. 213. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in section 204(b), and subject to subsection (b) of this section, this Act and the amendments made by this Act take effect on the date of the enactment of this Act.

(b) PENDING ACTIONS.—The amendments and repeals made by section 206 shall not affect any action brought under title 17, United States Code, before the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey [Mr. HUGHES] will be recognized for 20 minutes, and the gentleman from California [Mr. MOORHEAD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. HUGHES].

Mr. HUGHES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4307. H.R. 4307 includes two titles, a patent process title and a copyright title.

The subject matter of title I of H.R. 4307 has been debated and considered by Congress for the past 6 years. Title I of H.R. 4307 is a response to two court decisions which have affected the examination of patent applications at the Patent and Trademark Office. The two court decisions, a 1985 decision issued by the Court of Appeals for the Federal circuit, In Re Durden, and a subsequent case, In Re Pleuddemann, decided in 1990 have led to inconsistent practices by the Patent and Trademark Office in the examination of applications for process patents and claims. The result has been that some process patents and claims have been granted without any delay or controversy while other applications, similar in nature, have been rejected or required to be defended at length with the patent examiner.

Without the protection of a process patent, many American industries are unable to prevent the use of their product overseas—for which they spent the millions in research and development—in production of a product which can then be imported into the United States without the fear of infringement.

The legislation provides for a modified patent examination by the Patent and Trademark Office of process patents. Under title I of H.R. 4307, a process will not have to undergo a separate review of nonobviousness under certain conditions. If the process produces or uses a patentable composition of matter the process will be determined nonobvious for purposes of the patent examination.

This expedited review will resolve the delays and inconsistent determinations faced by process patent applicants under present Patent and Trademark Office practices without any harm to the basic principles of patentability. Title I of H.R. 4307 only impacts one element of patentability—that of nonobviousness. There is no guarantee of patentability if the process patent application satisfies the new examination procedure. The process must still fulfill other requirements of patentability.

There has been more than ample opportunity to consider this legislation. In 6 years, there have been at least five different hearings held by the House subcommittee of jurisdiction on related legislation. The solution devised in title I of H.R. 4307 has taken into account all the concerns and problems raised by various industry groups and is a middle-ground approach which is neither industry-specific or totally generic.

Given the failure of the courts to resolve the seemingly inconsistent decisions and the inability of the Patent and Trademark Office to solve the problems administratively, Congress has an obligation to act. Title I of H.R. 4307 addresses the issue in the most appropriate manner.

Title II of H.R. 4307 contains the Copyright Reform Act of 1993 in the identical form as passed by the House on November 20, 1993. Although there is a companion bill in the other body, they have not had the opportunity to process that legislation, mostly due to the time spent on the satellite bill.

Passage of the Copyright Reform Act is even more necessary since the Supreme Court's decision earlier this year in the Fogerty case. In Fogerty, the Court held that in awarding attorney's fees, courts should award them to prevailing defendants on the same basis as to prevailing plaintiffs. This means that prevailing defendants may receive attorney's fees in cases where the plaintiff, if he had prevailed, could not, because of section 412. This fact will, undoubtedly, have a chilling effect on copyright owners.

Both title of H.R. 4307 are important and require immediate action. I urge my colleagues to adopt H.R. 4307.

Mr. Speaker, I want to thank and commend the distinguished ranking Republican on the Intellectual Property and Judicial Administration Subcommittee, the gentleman from California [Mr. MOORHEAD], for his work, his staff's work, the majority staff for their work, Hayden Gregory and Jarilyn Dupont, just behind me, who worked on this important legislation, and Bill Patry, as well as the distinguished chairman of the full committee, the gentleman from Texas [Mr. BROOKS], and his staff, and the gentleman from New York [Mr. FISH] and his staff.

It is a good bill. It warrants your support.

Mr. Speaker, I reserve the balance of my time.

□ 1650

Mr. MOORHEAD. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise in support of H.R. 4307, the Process Patent Protection Act of 1994.

I would like to commend our chairman JACK BROOKS, and ranking member, HAM FISH, for their help in scheduling this legislation for the floor and the subcommittee chairman, the gentleman from New Jersey [Mr. HUGHES], for his hard work and leadership in this complex area. I also would like to thank the gentleman from Virginia, RICK BOUCHER for all of his effort and support of this important legislation.

From an economic point of view, the U.S. biotech industry has gone from zero revenues and zero jobs 15 years ago to $6 billion and 70,000 jobs today. The White House Council on Competitiveness projects a $30 to $50 billion market for biotech products by the year 2000, and many in the industry believe this estimate to be conservative.

Companies that depend heavily on research and development are especially vulnerable to foreign competitors who copy and sell their products without permission. The reason that high-technology companies are so vulnerable is that for them the cost of innovation, rather than the cost of production, is the key cost incurred in bringing a product to market.

In addition to the ability to obtain and enforce a patent, small companies in particular must be concerned about obtaining a patent in a timely fashion. In 1992 the pendency of a biotech patient application was 27 months with the backlog in applications increasing from 17,000 in 1990 to almost 20,000 in 1992. The Patent Office has taken steps to improve the situation by reorganizing its biotechnology examination group and increasing the number of new examiners. The PTO has also implemented special pay rates for their biotechnology examiners. As a result, biotech patent application pendency has been reduced from 27 months to 21 months and the backlog in applications have been reduced from 20,000 in 1992 to 17,000 in 1994.

Although this is slow progress it is a substantial improvement. However, we must continue to reduce these delays because this industry is so dependent on patents in order to raise capital for reinvestment in manufacturing plants and in new product development, and even more so for an industry targeted by Japan for major and concerted competition.

The House Judiciary Committee took the first step in 1988 when the Congress enacted two bills which I introduced relating to process patents and reform of the International Trade Commission. However, our work will not be complete until we enact H.R. 4307. This bill modifies the test for obtaining a process patent. It overrules In Re Durden (1985), a case frequently criticized that has been cited by the Patent Office as grounds for denial of biotech patents, as well as chemical and other process patent cases.

Because so many of the biotech inventions are protected by patents, the future of that industry depends greatly on what Congress does to protect U.S. patents from unfair foreign competition. America's foreign competitors, most of whom have invested comparatively little in biotechnology research, have targeted the biotech industry for major and concerted action. According to the Biotechnology Association, in Japan the Ministry of International Trade and Industry [MITI] and the Japanese biotechnology industry have joined forces and established a central plan to turn Japanese biotechnology into a 127 billion yen per year industry by the year 2000. If we fail to enact this legislation, the Congress may contribute to fulfillment of that projection.

In conclusion, Mr. Speaker, this is important legislation. The biotech industry is an immensely important industry started in the United States with many labs housed in California. In the decade ahead, biotechnology research will improve the lives and health of virtually every American family. It will put people to work and it will save people's lives. I urge its adoption.

Mr. Speaker, I yield back the balance of my time.

Mr. HUGHES. Mr. Speaker, I yield such time as he may consume to the distinguished chairman of the full Committee on the Judiciary, the gentleman from Texas [Mr. BROOKS].

Mr. BROOKS. Mr. Speaker, the patent provisions of H.R. 4307 represent a long sought solution to the vexing problem of process patent protection. For too long, confusion in our patent law and practice has permitted foreign manufacturers to exploit the creativity of U.S. companies and inventors. H.R. 4307 modifies the examination for process patents to eliminate the nonobviousness requirement for otherwise patentable processes connected to patentable products.

For newly emerging industries, such as biotechnology firms, the legislation will give the needed certainty to continue to make needed strides in medical and scientific advances. At the same time, I am confident that this legislation will not have undue consequences on industries vital to our economy, such as the chemical industry. The legislation is intended to solve existing problems, not to cause new ones for industries that have functioned smoothly within the current system.

I congratulate Congressman BILL HUGHES, chairman of the Subcommittee on Intellectual Property and Judicial Administration, and Congressman CARLOS MOORHEAD, the ranking subcommittee member, for their steadfast dedication to this issue. The proposal before the House today reflects years of work on this issue.

With regard to the copyright provisions of this bill, they are the same as were passed on November 20, 1993, when the House adopted H.R. 897 by voice vote. These provisions are designed to bring needed reforms to the copyright office registration process by removing bureaucratic obstacles to the protection and enforcement of copyrights.

Again, Congressmen HUGHES and MOORHEAD are to be particularly commended for their fine work as leaders in the copyright field.

This package deserves the support of the House of Representatives, and I urge my colleagues to vote "aye."

Mr. HUGHES. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I take this time to single out particularly the gentleman I am going to yield to next, RICK BOUCHER, the gentleman from Virginia, who has developed an expertise in the intellectual property area second to none. This has been one of his loves for a long time.

He introduced, I guess, about 5 or 6 years ago, a bill that was both industry-specific as well as generic to try to fix a very serious problem that has evolved over the years in the biotechnology process patent area. I might say that this is a highly complex area. It does put industry at a tremendous competitive disadvantage in this country vis-a-vis foreign industries, and this is going to correct that loophole.

The gentleman is a very, very good Member. In addition to being patient, he has been patient with this subcommittee because we had waited on the courts for the better part of 2 years. We thought that they would solve this issue. Then we thought that the PTO would resolve this administratively.

I want to acknowledge in particular the work of the gentleman from Virginia.

Mr. Speaker, I yield 4 minutes to the gentleman from Virginia [Mr. BOUCHER].

Mr. BOUCHER. I thank the gentleman for yielding this time to me. I want to express my appreciation to the gentleman from New Jersey [Mr. HUGHES] for those kind remarks.

Mr. Speaker, I also want to thank the gentleman from New Jersey [Mr. HUGHES] for directing the House's attention to a very urgent need of one of the most commercially important industries in the United States, and that is the biotechnology industry. The gentleman has responded very effectively to the arguments that I raised along with the gentleman from California [Mr. MOORHEAD] some several years ago about a defect in the patent law that serves as a real inhibition to the forward progress of the biotechnology industry.

That industry is itself a bright promise for the success of this Nation in international markets. It is a unique American enterprise that has created to date approximately 70,000 highly skilled, high-wage jobs and has the promise to do much more in the future.

Biotechnology firms are making major contributions to this Nation's social needs in the area both of health care and agriculture.

On the market today are products derived from biotechnology for the treatment of cancer, diabetes, and heart attacks. Firms are now developing potential treatments or even cures for AIDS, Alzheimer's disease, cystic fibrosis, and Lou Gehrig's disease.

Yet the promise of this industry is seriously challenged by a simple and obvious inadequacy in the Nation's patent laws. That inadequacy opens the door for foreign firms to expropriate American inventions and compete in this country directly with the inventing firm. In essence, the patent law confers an advantage on foreign companies not enjoyed by U.S. firms and actually encourages a pilfering of U.S. creativity.

We have numerous examples of that practice occurring. It is that defect in our patent law that the legislation before the House now is designed to address.

The bill offered by the gentleman from New Jersey [Mr. HUGHES] addresses that need by opening the door to a more certain award of process patents for biotechnology firms and other inventors. It will markedly improve the commercial prospects for an industry which will in the future make enormous contributions to the U.S. economy. I am pleased to rise in support of the legislation.

Mr. Speaker, I again commend the gentleman from New Jersey [Mr. HUGHES] and the gentleman from California [Mr. MOORHEAD] for their steadfast and productive work in bringing this measure before the House and I thank again the gentleman from New Jersey.

Mr. HUGHES. Mr. Speaker, I have no more requests for time and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HASTINGS). The question is on the motion offered by the gentleman from New Jersey [Mr. HUGHES] that the House suspend the rules and pass the bill, H.R. 4307, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to amend title 35, United States Code, with respect to applications for process patents, and for certain other purposes.".

A motion to reconsider was laid on the table.

□ 1700

GENERAL LEAVE

Mr. HUGHES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the legislation just considered and adopted.

The SPEAKER pro tempore (Mr. HASTINGS). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

CORRECTING ENGROSSMENT OF AMENDMENT OF THE HOUSE TO S. 725, PROVIDING FOR STUDIES AND PROGRAMS WITH RESPECT TO TRAUMATIC BRAIN INJURY

Mr. WAXMAN. Mr. Speaker, I offer a resolution (H. Res. 534) to correct the engrossment of the amendment of the House of Representatives to the Senate bill (S. 725), and I ask unanimous consent for its immediate consideration.

The Clerk read the title of the resolution.

The text of House Resolution 534 is as follows:

H. RES. 534

Resolved,

SECTION 1. RETURN.

The Senate is requested to return to the House of Representatives the amendment of the House to the Senate bill (S. 725).

SEC. 2. CORRECTION.

Upon the return of the House amendment to the Senate bill (S. 725), the Clerk of the House of Representatives shall make the following change in the engrossment of the House amendment: Strike section 5 and insert the following:

SEC. 5. STATE STANDARDS.

(a) PREEMPTION.—Section 403A(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343–1(a)) is amended—

(1) in paragraph (1), by inserting at the end the following: "except that this paragraph does not apply to a standard of identity of—

"(A) a State or political subdivision of a State for maple syrup which is of the type required by sections 401 and 403(g), or

"(B) a State for fluid milk which is of the type required by sections 401 and 403(g) and which specifies a higher minimum level of milk components than is provided for in the corresponding standard of identity promulgated under section 401,",

(2) in paragraph (2), by inserting at the end the following: "except that this paragraph does not apply to a requirement of a State or political subdivision of a State which is of the type required by section 403(c) and which is applicable to maple syrup,",

(3) in paragraph (3), by inserting at the end the following: "except that this paragraph does not apply to a requirement of a State or political subdivision of a State which is of the type required by section 403(h)(1) and which is applicable to maple syrup,", and

(4) by adding at the end the following: "For purposes of paragraph (1)(B), the term 'fluid milk' means liquid milk in final packaged form for beverage use and does not include dry milk, manufactured milk products, or tanker bulk milk.".

(b) PROCEDURE.—Section 701(e)(1) of such Act (21 U.S.C. 371(e)(1)) is amended by striking "or maple syrup (regulated under section 168.140 of title 21, Code of Federal Regulations)".

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. MOORHEAD. Mr. Speaker, reserving the right to object, I will not object, but I would like to request that the gentleman from California [Mr. WAXMAN] explain exactly what this unanimous-consent request includes.

Mr. WAXMAN. Mr. Speaker, will the gentleman yield?

Mr. MOORHEAD. I yield to the gentleman from California.

Mr. WAXMAN. Mr. Speaker, this resolution corrects the engrossment of S. 725, a bill passed by the House. The correction replaces two paragraphs of the Senate-passed bill which were inadvertently omitted in the House-passed version. This will correct, I think, technically what we all tried to accomplish.

Mr. MOORHEAD. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection. The resolution was agreed to.

A motion to reconsider was laid on the table.

VEGETABLE INK PRINTING ACT OF 1994

Mr. CONDIT. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 716) to require that all Federal lithographic printing be performed using ink make from vegetable oil and materials derived from other renewable resources, and for other purposes, as amended.

The Clerk read as follows:

S. 716

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Vegetable Ink Printing Act of 1994".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds the following:

(1) More than 95 percent of Federal printing involving documents or publications is performed using lithographic inks.

(2) Various types of oil, including petroleum and vegetable oil, are used in lithographic ink.

(3) Increasing the amount of vegetable oil used in a lithographic ink would—

(A) help reduce the Nation's use of nonrenewable energy resources;

(B) result in the use of products that are less damaging to the environment;

(C) result in a reduction of volatile organic compound emissions; and

(D) increase the use of renewable agricultural products.

(4) The technology exists to use vegetable oil in lithographic ink and, in some applications, to use lithographic ink that uses no petroleum distillates in the liquid portion of the ink.

(5) Some lithographic inks have contained vegetable oils for many years; other lithographic inks have more recently begun to use vegetable oil.

(6) According to the Government Printing Office, using vegetable oil-based ink appears to add little if any additional cost to Government printing.

(7) Use of vegetable oil-based ink in Federal Government printing should further develop—

(A) the commercial viability of vegetable oil-based ink, which could result in demand, for domestic use alone, for 2,500,000,000 pounds of vegetable crops or 500,000,000 pounds of vegetable oil; and

(B) a product that could help the United States retain or enlarge its share of the world market for vegetable oil-ink.

(b) PURPOSE.—The purpose of this Act is to require that all lithographic printing using ink containing oil that is performed or procured by a Federal agency shall use ink containing the maximum amounts of vegetable oil and materials derived from other renewable resources that—

(1) are technologically feasible, and

(2) result in printing costs that are competitive with printing using petroleum-based inks.

SEC. 3. FEDERAL PRINTING REQUIREMENTS.

(a) GENERAL RULE.—Notwithstanding any other law, and except as provided in subsection (b), a Federal agency may not perform or procure lithographic printing that uses ink containing oil if the ink contains less than the following percentage of vegetable oil:

(1) In the case of news ink, 40 percent.

(2) In the case of sheet-fed ink, 20 percent.

(3) In the case of forms ink, 20 percent.

(4) In the case of heat-set ink, 10 percent.

(b) EXCEPTIONS.—

(1) EXCEPTIONS.—Subsection (a) shall not apply to lithographic printing performed or procured by a Federal agency, if—

(A) the head of the agency determines, after consultation with the Public Printer and within the 3-year period ending on the date of the commencement of the printing or the date of that procurement, respectively, that vegetable oil-based ink is not suitable to meet specific, identified requirements of the agency related to the printing; or

(B) the Public Printer determines—

(i) within the 3-month period ending on the date of the commencement of the printing, in the case of printing of materials that are printed at intervals of less than 6 months, or

(ii) before the date of the commencement of the printing, in the case of printing of materials that are printed at intervals of 6 months or more;

that the cost of performing the printing using vegetable oil-based ink is significantly greater than the cost of performing the printing using other available ink.

(2) NOTICE TO CONGRESS.—Not later than 30 days after making a determination under paragraph (1)(A), the head of a Federal agency shall report the determination to the Committee on Government Operations and the Committee on House Administration of the House of Representatives, and the Committee on Rules of the Senate.

(c) FEDERAL AGENCY DEFINED.—In this Act, the term "Federal agency" means—

(1) an executive department, military department, Government corporation, Government-controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency; and

(2) an establishment or component of the legislative or judicial branch of the Government.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. CONDIT] will be recognized for 20 minutes, and the gentleman from California [Mr. HORN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. CONDIT].

Mr. CONDIT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have an opportunity today to pass a bill that will help our farmers, increase reliance on a renewable resource, and improve the environment. We can accomplish all of this at no cost. The Vegetable Ink Printing Act provides this opportunity by directing the Federal Government to increase its use of vegetable ink for printing.

Today, over 95 percent of Federal printing of documents or publications is performed using lithographic inks. Lithographic ink is petroleum based and heavily dependent on the use of resins and solvents. S. 716 requires that all Federal lithographic printing use ink made from vegetable oil or other materials derived from renewable resources in place of lithographic ink.

This bill presents a win-win situation for the American people. Increasing use of vegetable ink will provide another market for our farmer's crops, increased reliance on renewable agricultural resources, and improve the environment by reducing emissions of volatile organic compounds. Best of all, there is no increased cost associated with these benefits.

Vegetable ink was developed by the American Newspaper Publishers Association during the oil crisis of the 1970's. The ink has been vigorously promoted by the American Soybean Association and by the National Soy Ink Information Center. As a result of these efforts, vegetable ink is available today at a price that is competitive with petroleum based inks.

S. 716 passed the Senate without dissent. The bill is supported by the printing industry, the Government Printing Office, and the American Soybean Association.

The Committee on Government Operations made a few small amendments to the Senate-passed bill. A slight alteration has been made that will provide some administrative flexibility. A provision has been added to allow an exception if vegetable ink does not meet the needs of a specific printing job.

For example, the Treasury Department tells us that vegetable ink cannot be used for printing checks because it may compromise security requirements. The new provision will allow the Treasury Department to continue to use other types of ink.

I want to emphasize that this bill will cost nothing to implement. The Congressional Budget Office has estimated that enactment of S. 716 would not affect direct spending or receipts. The Public Printer testified that the bill can be implemented without additional cost. And just in case there is any doubt, the bill includes an exemption in the event that the Public Printer determines that the cost of using vegetable ink is significantly greater than the cost of using other available ink.

I want to thank the gentleman from Illinois [Mr. DURBIN] for introducing this bill and for calling it to our attention.

Mr. Speaker, I reserve the balance of my time.

Mr. HORN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on behalf of the ranking Republican, the gentleman from Wyoming [Mr. THOMAS] and myself, I rise in support of S. 716. Specifically this legislation increases the use of vegetable oil based ink for all printing performed or procured by Federal agencies. Several States, such as Illinois, Iowa, South Dakota, already require its use. S. 716 complements these efforts and expands the cleaner technology to the Federal level. The Government Printing Office testified that the, quote, Vegetable Ink Printing Act, unquote, will not significantly increase Federal printing costs. Agencies will be exempted from the act if the vegetable oil based ink is not cost effective or suitable for a specific printing job.

I recommend that my colleagues support this legislation.

Mr. Speaker, I yield 4 minutes to the gentleman from Nebraska [Mr. BEREUTER] who is in support of the bill.

Mr. BEREUTER. Mr. Speaker, as an original sponsor of nearly identical legislation introduced in the House, this Member rises in strong support of S. 716, legislation which seeks to expand the use of vegetable-based inks for Federal printing purposes and I commend the members of this committee for advancing this legislation.

The Vegetable Ink Printing Act, S. 176, would require that Federal lithographic printing be performed using vegetable-based inks when technologically feasible and cost-competitive. Therefore, this legislation does not mandate the use of these inks but rather encourages Federal printers to utilize vegetable-based inks when appropriate.

Mr. Speaker, by promoting the use of vegetable-based inks for Federal printing purposes, this legislation will reduce our Nation's dependence on foreign petroleum-based products, reduce volatile organic compounds emissions which are harmful to the environment, and increase the demand for our Nation's renewable agricultural products.

The U.S. Department of Agriculture is already using vegetable-based inks for its printing purposes. According to the USDA, approximately $26 million in annual USDA printing will be performed with ink derived from agricultural products. Similarly, many newspapers including the Nations's largest circulation newspaper, the Los Angeles Time, are major users of one particular type of vegetable ink, soy ink.

Mr. Speaker, this Member strongly supports this legislation which will, among other things, open the vast Federal printing market to vegetable-based inks. This initiative could potentially result in the demand for 2,500,000,000 pounds of vegetable crops or 500,000,000 pounds of vegetable oil in the U.S. printing market alone. It also helps to ensure that the United States will retain, or perhaps increase, its share of the world market for vegetable ink. Clearly, this legislation is good for our agricultural industry, and it is good for our environment.

In closing, this Member urges his colleagues to support this legislation, and this Member would like to commend the gentleman from Illinois [Mr. DURBIN] for his hard work in initiating this effort in the House and the gentlemen from Minnesota and Iowa respectively, Mr. PENNY and Mr. LEACH, who are also energetic original cosponsors of this important initiative.

□ 1710

Mr. CONDIT. Mr. Speaker, I yield 4 minutes to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Speaker, let me first thank the gentleman from California [Mr. CONDIT] for his hard work on this. I also would like to thank the gentleman from Michigan [Mr. CONYERS], the chairman of the committee, who has agreed to allow this bill to come forward during the closing weeks of the session.

My colleague, the gentleman from Nebraska [Mr. BEREUTER] recently mentioned on the floor here that several of us a year ago introduced this legislation. The gentleman from Iowa [Mr. LEACH], the gentleman from Minnesota [Mr. PENNY], the gentleman from Nebraska [Mr. BEREUTER], and myself put this bill before the Congress in the hopes we could address what we consider to be a problem and an opportunity.

Over the years, attention has arisen between the environmental community and the agricultural community in the United States. I personally believe that much of that tension is unnecessary and unwarranted. There are many areas where the environmental community and the agricultural community in our country can come together, work together, and find commonality.

I will readily concede there are going to be extremists on both sides who will never open a dialog. But this bill is an example of where a constructive dialog between the environmental community and the agricultural community can have positive results.

We are dealing with what appears to be a very simple problem, but what can be a very serious problem, and that is the fact that petroleum-based inks, which are used primarily for printing in the United States, are not biodegradable and can create serious environmental problems.

Several years ago, experimentation led to the development of biodegradable ink, or vegetable oil ink, specifically soybean-based ink, that is now being used across the United States in newspapers every day. American readers and consumers may not be aware of the fact that a different kind of ink is being used. Those in the industry are aware of it, because it is a lot easier to work with and creates fewer environmental headaches.

We thought for many years the Federal Government should get on the bandwagon and show leadership by encouraging the use of soy ink in Federal agencies. This legislation is an attempt to achieve just that. We have written this bill with intentional flexibility, so that each agency in the Federal Government, should it decide a different type of ink is warranted, can turn to it. We have made sure that we will always be cost conscious, as the taxpayers want us to be when it comes to the use of this product, and we do not want to create a mandate that this ink be used if in fact it turns out to be more expensive in a certain application.

I think this bill is a sensible start. I know there are Members in the other body anxious to receive the bill and pass it and have it signed into law. My only hope is that should that bill signing take place, that President Clinton will fill his fountain pen with soy ink in a symbolic effort to recognize this is the wave of the future and that this bill will start the Federal Government down the path toward more cooperation between environmental and agricultural causes.

Mr. LEACH. Mr. Speaker, I rise in strong support of S. 176, the Vegetable Ink Printing Act of 1994. As the original author of Model legislation on this subject in prior Congresses and as an original cosponsor of this bill, I am convinced its passage makes good economic and good environmental sense.

I want to thank the gentleman from Illinois [Mr. DURBIN] for his leadership on the issue, as well as Pat Sounders and Tom Faletti of Mr. DURBIN's staff for their dedicated efforts on behalf of this bill. In addition, Chairman CONDIT and the ranking member, Mr. THOMAS, of the Subcommittee on Information, Justice, Transportation and Agriculture of the Committee on Government Operations are to be commended for their support and legislative guidance.

As has previously been explained, S. 176 would require that all printing performed or procured by the Federal Government use ink made from vegetable oil wherever doing so is technologically feasible and cost competitive.

The use of vegetable—as opposed to petroleum-based—newsprint inks by

Federal agencies represents progressive change in Government printing and procurement practices because it makes Federal printing more environmentally sound. Increasing the utilization of renewable resources produced by our American farmers decreases America's reliance on foreign oil.

Vegetable ink is not only environmentally friendly, but printers have found that it provides better color reproduction, makes for easier press cleanup and is less susceptible to smearing. Vegetable ink is also economical because it goes further. In fact in certain print applications, 10 to 20 percent less vegetable ink is required to do the same job as petroleum-based ink.

On the environmental side of the ledger, vegetable ink has been found to be easier to remove from paper pulp prior to recycling, causing less damage to the pulp fibers during deinking. This not only speeds up and makes recycling easier, but it contributes to better quality recycled paper. In addition, substantially less pollutants are released into the air in the drying process with the use of vegetable ink.

Major newspapers using vegetable inks are: the L.A. Times, Denver Post, Detroit Free Press, Milwaukee Journal-Sentinel, Boston Globe, Washington Times, St. Petersburg Times, USA Today, Cedar Rapids Gazette, Quad-City Times, and Des Moines Register. In fact, over 3,000 U.S. newspapers use vegetable ink, including three fourths of all daily newspapers.

The expanded use of vegetable ink makes good sense for American agriculture as well.

If Federal farm program payments are to come down without precipitating a depression in the heartland, it is crucial that new demand be developed for agricultural products. The use of vegetable ink to print Federal publications will contribute to the expansion of the manufacturing base for this ink. As use of soy oil expands as a base for ink, it is estimated that soybean demands could approach the 100 million bushel level, a significant addition to the market. This would in turn contribute to the United States retaining or enlarging its share of the world market for newsprint ink.

The words of former Public Printer Robert W. Houk perhaps best sum up the arguments for the increased use of vegetable ink this bill would require. According to Mr. Houk in a letter written to me 5 years ago, "the use of soybean oil ink could help decrease our reliance on foreign oil that is used in the petroleum-based inks, reduce our stack emissions of pollutants, and help over half a million American farmers who currently grow soybeans."

Like ethanol, soy ink is just another example of a value added commodity which is essential to keep our rural economy strong. The future of the Midwest literally depends upon finding new markets for products derived from the soil. Soy ink is a wonderful example. It's good for the environment, good for the pocketbook, good for the farmer.

In conclusion, I would like to thank Jo Patterson and Chad Kleppe of the Iowa Soybean Association who have worked steadfastly with the National Soy Ink Information Center on behalf of this important legislation.

Again, Mr. Speaker, unlike some things we do here, S. 716 makes good sense. I urge its passage.

Mr. POSHARD. Mr. Speaker, I rise in strong support of this measure to expand the use of value-added agriculture products to provide new markets for American farmers, particularly our soybean farmers.

This is good legislation. The use of soy inks and other vegetable-oil inks in our Federal printing operations benefits farmers who are seeking new markets for their products, reduces our dependence on foreign oil, and is proven to be environmentally sound. We have taken measures to ensure that the requirements in this bill will not cause any disruption in the printing operations of the Federal Government and will not increase costs to the taxpayers.

I want to thank my colleagues from Illinois, Iowa, and other farm States who have worked so hard on this legislation. I am pleased to have been part of the effort, and look forward to working with them on this important effort.

Mr. JOHNSON of South Dakota. Mr. Speaker, I rise in strong support of S. 716, the Vegetable Ink Printing Act.

This legislation offers an important opportunity for this country to expand its markets for agricultural products, while placing no additional burden on our taxpayers. The bill calls for one simple step forward: all Government lithographic printing be done with vegetable-based ink to the maximum extent technologically feasible and commercially cost-competitive. No objections to this proposal have been raised by any organization or one single Member of the Senate. An official from the Government Printing Office has testified that there would be no practical problems with implementing this proposal.

The importance of this potential market for our ag products should not be underestimated. The Department of Agriculture has already moved forward to implement the provisions of this bill, and that Department alone will bring at least $26 million of orders per year printed with vegetable ink.

Mr. Speaker, I stand with the members of the American Soybean Association, the National Corn Growers Association, the Corn Refiners Association, Communicating for Agriculture, the Consumer Federation of America, and a number of other ag organizations to support this bill.

Mr. SMITH of Michigan. Mr. Speaker, I rise to support this legislation as a strong supporter and as the sponsor of House Concurrent Resolution 231.

That resolution encourages the Federal Government to use vegetable-based oil to the greatest extent practicable in lithographic printing. The use of soy ink by Government would use an estimated additional 40 million bushels of soybeans.

Greater use of vegetable oil in lithographic ink will increase the consumption of domestic renewable resources and help reduce our dependence on imported petroleum. Vegetable-based inks are environmentally friendly. Vegetable-based inks reduce emissions of volatile organic compounds during press operation and cleanup and are more biodegradable than petroleum-based inks.

The Government Printing Office already uses vegetable oil in 25 to 30 percent of its inplant production/printing of documents and publications. The GPO received approval last year to purchase three new letterpresses capable of using vegetable inks in printing production. According to the GPO, using vegetable-based ink in Federal printing adds little, if any, cost to printing. This is excellent legislation and I compliment the sponsor and other leaders of this body for guiding this bill to passage.

Mr. HORN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. CONDIT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HASTINGS). The question is on the motion offered by the gentleman from California [Mr. CONDIT] that the House suspend the rules and pass the Senate bill, S. 716, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CONDIT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 716, as amended, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

LIFT THE EMBARGO ON ARMENIA AND NAGORNO-KARABAKH

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Mr. Speaker, I rise today to inform my colleagues about my recent trip to Nagorno-Karabakh, Armenia, and Azerbaijan and to submit a copy of my report into the RECORD. I traveled to the region to view firsthand the situation in the enclave of Nagorno-Karabakh and to meet with government officials on both sides of the conflict. This region is largely forgotten but desperately needy.

I saw horrible conditions. Doctors are operating without anesthesia using only a stiff dose of cognac. Land mines planted by the retreating Azeri army have caused injury and amputation of limbs of women and children as well as soldiers. People are living in hazardous partially bombed-out apartment buildings in the cities and in lean-tos among the debris of totally demolished villages in the rural areas.

But the governments on both sides want resolution. I think the administration should appoint a special envoy and put pressure on the governments of Turkey and Azerbaijan to lift the embargo on Armenia and Nagorno-Karabakh to allow resources, including electricity, to begin flowing into the region. The winter will be harsh and hundreds will die if this blockade continues.

Let us not forget the people of Nagorno-Karabakh.

Mr. Speaker, I am inserting at this point in the RECORD a copy of the report of my trip to Nagorno-Karabakh, Armenia, and Azerbaijan as follows:

REPORT OF CONGRESSMAN FRANK R. WOLF (MEMBER OF CSCE) TRIP TO NAGORNO-KARABAKH, ARMENIA AND AZERBAIJAN, AUGUST, 1994

As part of a delegation organized by Christian Solidarity International I recently traveled to Nagorno Karabakh, Armenia and Azerbaijan to view firsthand the situation in the disputed enclave of Nagorno-Karabakh and to meet with officials on both sides of the continuing conflict. The Nagorno-Karabakh leg of the visit was led by Baroness Caroline Cox of the House of Lords, U.K. who was bringing humanitarian relief supplies from the British people and volunteer construction workers and nurses to the beleaguered area. Representatives of Christian Solidarity International and members of British media were also in our group.

BACKGROUND

Nagorno-Karabakh is a mountainous region within the boundaries of the country of Azerbaijan very near the Armenian border. In 1921 Stalin, then Comissar for Nationality Affairs in the Transcaucasia Bureau of the Communist Party, declared Nagorno-Karabakh to be an autonomous region controlled by Azerbaijan as part of his divide and rule policy for nationalities. Historically, the majority of the population has been Armenian and the people have always had close ethnic, religious and familial ties with Armenia. So with the breakup of the Soviet Union, the Karabakh Armenians in 1987 petitioned for inclusion of Nagorno-Karabakh in the state of Armenia. In 1991, they petitioned for independent state status.

Azerbaijan considered this petition to be a matter of territorial integrity and refused to allow it. In 1988, large demonstrations were held by Armenians both in Nagorno-Karabakh and Armenia. With Karabakh Armenians insisting on independence and Azerbaijan insisting that Nagorno-Karabakh is Azeri territory with the Karabakhis in internal rebellion, the stalemate has escalated into a full-scale war over the past six years.

The result has been immense suffering on both sides and numerous incidents of atrocities. Thousands of Armenian Karabakhs and Azeris have been killed and wounded. Deportations and resettlements for ethnic cleansing have taken place. There are over one million refugees and internally displaced persons, villages destroyed in both Nagorno-Karabakh and nearby areas of Azerbaijan. Azerbaijan and its ally Turkey have blockaded Nagorno-Karabakh and Armenia cutting shipments of all supplies and resources, including electricity. During our Nagorno-Karabakh visit, there was no hot water at all and sporadic periods of electric blackouts. In Armenia there is electricity only a few hours every day. Feeling pushed and surrounded, Armenia has reluctantly accepted the return of Russian military troops to its soil. To date the Azerbaijanis have resisted the offer of Russian troops.

Currently the Karabakh Armenians have the upper hand militarily. There has been a ceasefire in effect since May which has allowed some negotiations to go forward.

There is a struggle over the peace process. The CSCE, on which I serve, created the Minsk Group to come up with a plan. The Russians have made their own proposal. Neither Nagorno-Karabakh or Azerbaijan appear to be satisfied with either plan.

OBSERVATIONS

Armenia is committed to the Nagorno-Karabakh struggle for independence. Even after suffering six years of war, the Karabakhis are determined to go on until they gain independence from Azerbaijan, as one person said, "for every last man, woman and child of Nagorno-Karabakh." The people of Nagorno-Karabakh have lived in war conditions and endured many losses and deprivations, yet they show great resilience. They are very hospitable and make do with what they have, even sharing their meager possessions. While fervently wishing for peace, they remain ready to continue their struggle.

There is widespread destruction throughout Nagorno-Karabakh, but some rebuilding has begun among the rubble despite the expectation by many Karabakhis that the ceasefire will end and an Azeri offensive will start.

The food, medicine and shelter needs in Nagorno-Karabakh are great. Doctors told us of surgery done without anesthesia using only a stiff dose of local cognac. Land mines planted by retreating Azerbaijanis have caused injury necessitating amputation of limbs of women and children as well as soldiers. Because of the ceasefire, some supplies have recently come in to Nagorno-Karabakh and the growth of summertime local crops have sustained the people somewhat. But the living conditions are still bleak. We saw people living in hazardous partially bombed-out apartment buildings in the cities of Stepanakert and Shusha and found rural peasants living in lean-tos amid the debris of totally demolished villages and virtually deserted villages.

I am greatly concerned about the hardships that the winter will cause these people, as winters are severe in this mountainous region.

Compounding the plight of Nagorno-Karabakh has been the absence of outside international attention. Since it is a blockaded enclave within hostile Azeri territory, Nagorno-Karabakh is effectively shut off from entry by outsiders. Movement into and out of Nagorno-Karabakh is nearly impossible. Also, since it is still officially part of Azerbaijan and disputed territory, U.S. officials (because the U.S. maintains diplomatic relations with Azerbaijan) are not allowed to visit Nagorno-Karabakh.

Other than Baroness Caroline Cox of the British House of Lords, who has made 21 visits to Nagorno-Karabakh, no Western officials have had sustained contact with the enclave. The U.S. State Department has de-emphasized resolution of the conflict by replacing former negotiator John Maresca, who focused only on the Nagorno-Karabakh conflict and retired earlier this year, with a representative assigned to monitor all ethnic conflicts in the former Soviet republics.

Aside from some assistance funneled to Nagorno-Karabakh from Armenia (including aid from the world wide Armenian community), we heard that the only international groups assisting in Nagorno-Karabakh are the International Red Cross monitoring the war situation and prisoners of war, the French Medicines Sans Frontiers, and Christina Solidarity International who have provided some humanitarian aid.

The Azerbaijanis are also suffering greatly from this war. Their officials report a million Azeri refugees and internally displaced persons scattered in ill-equipped camps throughout Azerbaijan. They have lost access to the crops grown in Nagorno-Karabakh which supplied one-third of their total grain needs. We heard stories (one from an Azeri prisoner of war) that young Azeri men are being conscripted into military service right off the streets.

The war effort has seriously hampered economic conditions and development of Azerbaijan's vast natural resources such as oil. Continued instability caused by the war may cause Western companies to lose interest in investing in Azerbaijan's resources.

We met with a group of private voluntary organizations who are actively supplying aid to Azeri refugees and IDPs, but they reported that their combined efforts do not meet the needs of the people.

CONCLUSIONS

While the parties involved must reach agreement among themselves, the U.S. clearly has a role to play in aiding the peace process.

The U.S. should have a full-time special envoy working on this problem, taking an active role in bringing the parties together for resolution. There should be no U.S. military involvement.

The West should understand that Nagorno-Karabakh has every right to expect some form of independence based upon agreed to borders.

The U.S. should do everything possible to encourage Azebaijan and Turkey to lift their blockades which are causing untold misery. Lifting the blockade may be the key to unlocking the peace process.

I believe introduction of Russian troops is a mistake. I see this as a means for them to re-establish their sphere of influence in the region. Russian troops are now present in Georgia, Moldova and Armenia and are interested in entering Azerbaijan. We need to be sure that the CIS (Confederation of Independent States) does not become the FIS (Formerly Independent States) and that these countries maintain their independence.

More PVO's should be encouraged to be active in Armenia, Nagorno-Karabakh and Azerbaijan to help the suffering people of all three areas.

While I favor continuation of Section 907 of the Freedom Support Act until the blockades are lifted, I believe there must be some flexibility in the enforcement so the PVOs have the ability to help the people in Azerbaijan. The PVOs providing needed assistance have been hampered by too strict interpretation of the 907 language.

Private groups should be encouraged to help with deactivating the many hidden land mines which remain in Nagorno-Karabakh causing continued maiming of the civilian population.

Its important for leaders of all sides to resolve this issue because the people are suffering so much and because the region has great opportunity to flourish. There should be a bright future because of the natural resources of the area as well as the personal qualities of the people of both countries.

MEETINGS

NAGORNO-KARABAKH

Zori Balayan, Writer and member of Nagorno-Karabakh parliament.

Karon Barbourian, Speaker of Nagorno-Karabakh parliament.

Azeri prisoners-of-war.

ARMENIA

Serge Sarkissian, Minister of Defense.

Gragik Haratounian, Vice President of Armenia.

Robert Robinson, U.N. High Commissioner for Refugees representative.

Robert McClendon, U.S. Peace Corps Director in Armenia.

John Lynn, TACIS representative (European Union's technical assistance program).

Harry Gilmore, U.S. Ambassador to Armenia.

Edith Khachatourian, Director of Yerevan office of Armenia Assembly of America.

AZERBAIJAN

Heydar Aliyev, President of Azerbaijan.

Hassan Hassanov, Minister of Foreign Affairs.

Rasul Quliyev, Speaker of Parliament.

Ramig Maharrouisi, Azeri refugee from Nagorno-Karabakh, doctor, Chief of Shusha clinic for refugees in Baku.

Representatives from PVOs: Save the Children—Lutful Kabir and Mike Kendellen; Inter. Federation of the Red Cross and Red Crescent—Daniel Valle and John Maim; U.N. World Food Programme—Ann Hudacek; CARE-USA—G.S. Azam; World Vision International—Keith Buck; Relief International—Mary Taylor; International Rescue Committee—Richard Jacquot; and U.N.H.C.R.—Yan Long.

Richard D. Kauzlarich, U.S. Ambassador to Azerbaijan.

□ 1720

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. McHALE). Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, and under a previous order of the House, the following Member is recognized for 5 minutes.

ON HAITI INVASION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota [Mr. GRAMS] is recognized for 5 minutes.

Mr. GRAMS. Mr. Speaker, the images televised live yesterday morning from the International Airport in Port au Prince, Haiti were dramatic indeed: Dozens of heavily armed Army helicopters landing and unloading hundreds of young American troops. The soldiers, not knowing if unseen snipers were lying in wait, crawled carefully across the tarmac and secured the nearby airport facilities.

With hearts pounding and sweat dripping, young Americans risked their lives yesterday, and for how much longer we don't know, to restore ousted President Jean-Bertrand Aristide to power. And through the latter part of the day, where was their commander in chief? Playing golf, yes, President Clinton, the Commander in Chief of the U.S. Armed Forces was playing golf.

What's wrong with this picture? By the standards of the American people, everything. By the standards of the President and his administration, nothing.

Three reasons stand out in my mind as to why we shouldn't be in Haiti. First, and most importantly, returning Aristide to power isn't worth risking one American life. Aristide has a disgraceful human rights record of his own and though elected by popular vote, his brand of democracy is a far cry from the freedoms we cherish in the United States. He ruled as a dictator.

Second, President Clinton has ignored the will of the American people, shunned this Congress, and instead turned to the United Nations for validation of his on-again off-again foreign policy. Ceding power to a governing body that in no way answers to the American people is a dangerous precedent. Ultimately, it is an abdication of responsibility that we as a nation must not tolerate.

And, third, where's the plan? Where's the strategy. Now that we're in Haiti, what's our mission, and when are we coming back? The American people remember our failed mission in Somalia and fear that a haphazard invasion of Haiti could yield the same deadly results.

Until he was deposed, Aristide had nothing but contempt for America. In a 1990 Haiti radio interview regarding United States calls for elections, Aristide stated:

> [The Americans] want to hold our guts * * * in their hands. Thus, we will be economically [and] politically dependent. For our part, we reject this.

Aristide, you may remember, also had a penchant for "necklacing" his political opponents. Necklacing is a horrific means of execution whereby auto tires filled with gasoline are placed around the necks of the victims and set afire. Not exactly the Boy Scout that the President made him out to be.

President Bush's leadership during the Persian Gulf war suggests that turning to the United Nations to validate a war or intervention is a legitimate and necessary step. However, while gaining the support of the United Nations and coalition forces was important, President Bush received the moral imperative to engage in war through the unified and vocal support of Congress and the American people.

President Clinton has set a dangerous precedent by relying on the United Nations' stamp of approval before committing U.S. forces to hostile situations. The President owes it to our troops to unite the American people behind them before putting our young men and women in harm's way. This strengthens the morale and resolve of our troops to know that the American people are behind them.

Finally, President Clinton has failed to define a coherent foreign policy, in Haiti and elsewhere. Based on the rationalizations employed by this President in his invasion of Haiti a similar invasion of Cuba, Rwanda, and maybe a reprise of the debacle in Somalia, would also be called for.

Thank God there were no shots fired yesterday and no casualties, but the Haitian situation is volatile and we cannot let our guard down as we did in Somalia. Unless we have a clearly defined mission and exit strategy in Haiti, which we do not, we are doomed to repeat those mistakes. For the sake of the mothers and fathers of our young soldiers, Haiti cannot be a recurrence of another Somalia.

By an overwhelming majority, the American people, Members of Congress, and foreign policy experts do not support an invasion of Haiti. However, with our troops now committed, we must give them our unqualified support. And pray for their early, safe return.

Congratulations are in order to President Carter for helping to avert an initial armed conflict. However, having a former President at the foreign policy helm is damaging to President Clinton's already weak reputation among our allies and foes alike, and damaging to the long-term credibility of the United States.

Yesterday afternoon this Congress voted to commend the President for his actions in Haiti, and voice support for the troops. I voted against that measure. I certainly support our troops; however, I cannot commend the President for his use of them. If this is a success, then we don't expect very much. Haiti is a political exercise, not a coherent policy.

Imagine that, less than 24 hours into an intervention that most Americans and Congress are against, this body congratulated President Clinton. That vote was a PR stunt thrust upon us by the Democrat leadership in an attempt to make the White House look good but is an affront to the thousands of American troops in Haiti already who face unseen dangers at every turn. This invasion is far from over, and while I pray for the safety of our dedicated troops, I patiently wait for a foreign policy I can support.

From this point forward we must hold Presidents Clinton and Aristide accountable to the agreement President Carter reached. We must continue to impress upon our President that he must issue a coherent Haitian policy direction if he is to gain the lasting support of the people and Congress. We must impress upon President Aristide that he shall be held to the very high standards expected of a democratically elected leader. With America's credibility, with America's reputation, and now with American lives all on the line, only the highest expectations should apply.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Edwin Thomas, one of his secretaries.

SPECIAL TASK FORCE DEVELOPMENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma [Mr. ISTOOK] is recognized for 5 minutes.

Mr. ISTOOK. Mr. Speaker, I wanted to make this body and our guests aware of some of the new developments arising out of the special task force that the President of the United States organized last year, placing the First Lady in charge of it and involving in excess of 1,000 people ultimately in that effort.

Most people have become aware that the super secret documents which the administration fought tooth and toenail to keep secret have now at least in part been made available to the public through 264 boxes containing approximately one-half million or more pieces of paper, made available through the National Archives.

With the assistance of the Council for Government Reform and the Seniors Coalition, my staff has been going through those records and we intend to go through each and every one of them.

This is the world's largest jigsaw puzzle. And so far we have only had a first look at about a third of the pieces, about 90 of the boxes. They are terribly disorganized. And we are not sure that all the pieces are there. But answers to some key questions are beginning to come out.

Some of them are going to take a little bit of time to try to find out how much did this effort for a corrupt process and a failed health care bill for national control of health care, how much did it cost the taxpayers.

In testimony to the Appropriations Subcommittee of which I am a member, the White House told us $325,000. Well, Mr. Speaker, we have already documented that through 24 of the members of those working groups alone, just through 24 of them, about $700,000 was spent. And there were 1,000 people involved. We are projecting that probably that this cost the taxpayers at least $20 million. And yet the White House tried to deceive us in Congress about the cost just as they have tried to keep the record secret.

Now, through going through these boxes, we have now found evidence that in addition to what the court was previously advised that existed in the working groups, there was an extra one formed for a so-called single-payer system where the Government takes over all of the health care of the country, socializes all of the medicine.

□ 1730

No wonder the White House wanted to keep it secret. The head of that effort was a professor who was a socialist Marxist in charge of trying to convince the President and the First Lady that we should have a national single-payer socialized medical system.

I refer to his own writings where this gentleman, Professor Vincente Navarra, has written, and I quote from him:

> The superiority of socialism can be demonstrated, and I aim at developing a Marxist theory of the State.
>
> Further, contrary to what is widely claimed today, the socialist experience in both its Leninist and its social democratic traditions has been more frequently than not more efficient in responding to human needs than the capitalist experience.

This gentleman signed in and out of the White House 12 times during the meetings of the task force as he was promoting to the President and the First Lady a socialist single-payer plan for medicine. No wonder they did not want us to know who was working and what they were doing.

Mr. Speaker, in addition, for example, we have uncovered that there was a congressional proposal that the United States help pay for health care in Mexico, creating a treaty that would put Americans and Mexicans under the same health care system in areas along the border. Mr. Speaker, I do not think that is a proper use of American tax dollars.

Also, Mr. Speaker, we hear now different Members proposing, "Let us just have a kids first program where at least the Government guarantees health care for children." That is not new. That was the fall-back position we have found for the Clinton task force. In their documents we find that they wrote if they are unsuccessful in getting the Clinton-style, universal style health care, that they should take a kids first approach which would be used as the first step to phase in the full Clinton-style health care plan.

Those who claim right now, Mr. Speaker, that they say, "Let us just have a kids first approach," what they are saying is, "Let us take the first step down the road of the Clinton health care plan, because this will enable us to pass it all."

Mr. Speaker, we are still going through this stack of records. We are still putting together this jigsaw puzzle. It is going to take a while, but we are finding out what was being withheld from the American people. I will be reporting on it periodically as we continue this effort. I would just advise you, Mr. Speaker, and everyone else, to stay tuned.

QUESTIONS TO BE ANSWERED REGARDING AMERICA'S POLICY TOWARD HAITI

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. HOKE] is recognized for 5 minutes.

Mr. HOKE. Mr. Speaker, George Santayana said, paraphrasing Euripedes and Thucydides, that "Those who fail to remember history are condemned to repeat it." It is a lesson which apparently is tougher to learn than has been thought.

In 1915 the United States Marines invaded Haiti. We had two fundamental justifications for doing that. One was humanitarian purposes. The other was to uphold the Monroe Doctrine, Monroe Doctrine. Doesn't that sound eerily familiar? Doesn't that have a weird kind of ring today?

The fact is, Mr. Speaker, we have to ask ourselves what good did we do. We finally got out in 1934, 19 years later. To see how successful we were in establishing those democratic institutions and to eliminate human rights abuse, we look at Haiti today, and what kind of a record do we see? It is a very sad record, obviously, or we would not be there. It is a troubled place.

Mr. Speaker, what have we gained? I would like to read something from the Haiti agreement that was entered into on September 18, 1994. No. 2, it says "To implement this agreement, the Haitian military and the police forces will work in close cooperation with the U.S. Military Mission. The cooperation, conducted with mutual respect, will last during a transitional period required for insuring vital institutions of the country."

Let me repeat that one part. It says implementing this agreement, the Haitian military and police forces will work in close cooperation with the United States military mission, and that cooperation will be conducted with mutual respect, mutual respect. We are now going to have mutual respect for the same man and the same police force that was described by the President Thursday night as conducting a campaign of rape, torture, and mutilation, a reign of terror.

General Cedras, the man responsible for "people slain and mutilated with body parts left as warnings to terrify others, children forced to watch as their mothers' faces are slashed with machetes," these are the same people that we are now, according to the Haitian agreement, going to rule in cooperation with, close cooperation, over the next 30 days as a minimum, and it will be conducted with mutual respect.

Lt. Gen. Henry Shelton, after meeting with General Cedras at military headquarters, spoke very warmly of

him, according to the reports from the wire reports this morning. He spoke very warmly of Cedras, and said that the Haitian military chief would play an important role in many of the decisions made in the days ahead. This is the same Cedras who was described in the President's recent address in which he used the word "rape" 3 times, the words "the killing of children" 3 times, and he was described as a dictator or as a tyrant fully 18 times. This is where this policy has now gotten us to.

Mr. Speaker, there are a lot of questions that need to be asked and there are a lot of questions that need to be answered.

First of all, how is it possible that the President of the United States thinks that it is more important to get the approval of the United Nations than to receive the approval of the U.S. Congress and the people of the United States? Have we not learned any lessons from Vietnam?

Have we not learned any lessons whatsoever with respect to foreign policy; that, No. 1, if we are going to engage in a tenuously popular war to begin with, that we get the approval of the American people, that we seek that and receive it; that we get the approval of the U.S. Congress? Clearly not.

Most importantly, Mr. Speaker, what was the justification? Not security. Is this a staging area for Communist insurgency in Latin America? I think not. Nobody is suggesting that. Is this a staging area for drugs that come into the United States? No, nobody is suggesting that.

What is it exactly that we are doing there? What is the justification for placing any, any American lives at risk in going into Haiti?

Mr. Speaker, as we have seen this morning, there has been a rather unanimous outcry from the Nation's editorial pages that questions the outcome and—not questions the outcome, but in fact questions the policy in the first place. The New York Times leads with "Haiti: Relief, Not Victory." David Broader writes in his column "Hostage to Haiti," describing the President: ". . . he is like a kid who jumps from a 7th story window ledge into a fireman's net. After you know he's not cracked his skull, you have to ask, 'What the hell was he doing on the ledge?' "

Mr. Speaker, I include for the RECORD some of these editorials.

The material referred to is as follows:

HAITI AGREEMENT

White House text of the agreement reached in Port-au-Prince, Haiti, Sept, 18, 1994, that averted an invasion of Haiti.

1. The purpose of this agreement is to foster peace in Haiti, to avoid violence and bloodshed, to promote freedom and democracy, and to forge a sustained and mutually beneficial relationship between the governments, people and institutions of Haiti and the United States.

2. To implement this agreement, the Haitian military and police forces will work in close cooperation with the U.S. Military Mission. This cooperation, conducted with mutual respect, will last during the transitional period required for insuring vital institutions of the country.

3. In order to personally contribute to the success of this agreement, certain military officers of the Haitian armed forces are willing to consent to an early honorable retirement in accordance with U.N. Resolutions 917 and 940 when a general amnesty will be voted into law by the Haitian Parliament, or October 15, 1994, whichever is earlier. The parties to this agreement pledge to work with the Haitian Parliament to expedite this action. Their successors will be named according to the Haitian Constitution and existing military law.

4. The military activities of the U.S. Military Mission will be coordinated with the Haitian military high command.

5. The economic embargo and the economic sanctions will be lifted without delay in accordance with relevant U.N. Resolutions and the need of the Haitian people will be met as quickly as possible.

6. The forthcoming legislative elections will be held in a free and democratic manner.

7. It is understood that the above agreement is conditioned on the approval of the civilian governments of the United States and Haiti.

[From the Washington Post, Sept. 20, 1994]

OUR PARTNER, GEN. CEDRAS

(By Charles Krauthammer)

The folly of a Haitian invasion having been averted—ours is a "semipermissive entry"—the burdens of a thankless Haitian occupation are just beginning. Amid the back-slapping and self-congratulation about the Carter mission's apparent success, the main point is easy to overlook: We are back in Somalia, this time with a Caribbean address.

As the administration admits, the main problem with invasion is not the invasion itself but the occupation it ushers in. What Carter did, explained Defense Secretary William Perry, was allow us to skip step 1. But it is step 2 that we will rue.

As in Somalia, we are entering a highly disorganized and extremely violent country. Once again we are occupying a people deeply divided—Somalia by clan; Haiti, no less fatally, by class. Again, we are entering relatively unopposed. Indeed, the greatest danger to the troops first arriving by helicopter in Port-au-Prince, as to the Marines landing in Mogadishu, was the stampeding camera crews.

But the Haiti adventure is more problematic than Somalia. In Somalia, our initial mission was narrowly defined and quite simple: Feed the hungry. The operation went wrong only many months later than when we strayed into politics and assigned ourselves the task of nation-building.

In Haiti our mission from the start of the occupation is politics. There is no need to feed the Haitians. They will be able to feed themselves once our starvation-inducing embargo is lifted. We are, instead, to "restore" democracy to a country that has never had it, build a civilian-controlled military where it has never existed and create a secure environment for the peaceful transition of power among murderous rivals.

This is nation-building par excellence. Whether during the months of naked U.S. occupation that are now beginning or during the months of semi-U.S. occupation—the socalled U.N. peace-keep phase—to follow, we are now as responsible for Haiti as we were for Somalia. Except that our agenda in Haiti is from Day 1 far more ambitious.

That agenda is now all the harder to fulfill because of the concessions Clinton agreed to at the eleventh hour to avoid having to go through with the invasion. Cedras may have blinked, but Clinton did too. Loath to pull the trigger, he allowed Cedras and his military to remain in Haiti and intact.

Cedras will not be required to go into exile, merely to retire honorably. It is something that is not understood by most people," explained Carter. "It's a serious violation of inherent human rights for a citizen to be forced into exile." Who but Carter could have said something like that? It is one thing to say of a dirty deal "we had to do it," quite another to defend it out of lofty concern for the human rights of a man who, by Clinton's own description, deserves to be drawn and quartered, let alone exiled.

Cedras's army comes out quite well, too. It is granted not just a broad amnesty more firmly guaranteed than under the Governors Island deal that Cedras made and broke last year. It has also been granted a month's worth of time—and the priceless legitimacy that goes with its coordinating the American entry—before it has to turn over power.

Aristide having been induced to step down next year, a power vacuum looms. Cedras and his amnestied associates—last week Clinton had called them "thugs," but this is this week—are now as well positioned to inherit power when the Americans tire of international police duty, as is Mohamed Farah Aideed—last year's thug—in Somalia.

And why are we going in to police Haiti in the first place? Wasn't it because, as President Clinton insisted only last Thursday, Gen. Cedras was the worst human rights violator in the hemisphere, the man who launched a "campaign of rape, torture and mutilation . . . a reign of terror," the man responsible for "people slain and mutilated with body parts left as warnings to terrify others; children forced to watch as their mothers' faces are slashed with machetes"? (Clinton, by the way, is the man who in 1992 accused George Bush of personalizing our fight with Iraq.)

Four days later, Gen. Cedras is our partner in the governance of Haiti. For one month we shall be ruling Haiti together with a man, Clinton assured us last week, given to "executing children, raping women, killing priests."

One renaissance weekend with Jimmy Carter, and the man has metamorphosed. Colin Powell tells us of Cedras's sense of honor. Carter is impressed with Cedras's desire to do the right thing for his country. Why are we risking the lives of 15,000 Americans to rid Haiti of a man of such elevated motives?

And Clinton complains that Americans are growing cynical about their government.

[From the New York Times, Sept. 20, 1994]

HAITI: RELIEF, NOT VICTORY

The negotiated end—or intermission—in the Haiti crisis lifted the nation's mood for a simple reason. Few things are more dreadful than the death of American troops in military actions that are both unpopular and unnecessary to the nation's security. So it was a welcome sight to see U.S. forces enter Port-au-Prince by agreement, rather than invasion.

But the White House should be celebrating its luck, not spinning the public about its diplomatic skill and the virtues of Presidential resolve. President Clinton had reduced himself to the most dismal of foreign policy options: attack or lose face.

That happened because Mr. Clinton ordered an invasion fleet to sea when two-thirds of the American people and a majority of Congress were opposed to fighting over who governs Haiti. Even the sachems of his own party, like Bob Strauss, warned that the trumped-up invasion could turn into a political disaster.

Mr. Clinton was released from his self-built policy prison by adopting Senator Bob Dole's useful suggestion to send intermediaries. He sensibly chose former President Jimmy Carter, former Gen. Colin Powell and Senator Sam Nunn. The team performed with skill and dignity in altering the unalterable formula defined in Mr. Clinton's last speech. The generals are not leaving immediately. They may never leave. Mr. Aristide is not going back speedily, but by and by.

The lessons of this episode should not be washed away in a deluge of relief.

The Administration's attempt to inflate Mr. Aristide's fate into a casus belli has not only been messy in execution. It has also been dangerous to the country and poorly conceived. Mr. Aristide represents Haiti's lawful Government, but there has never been a convincing case for the U.S. restoring him to office by military force. Public and Congressional support should always be a prerequisite for non-emergency military action. It should be so especially when novel doctrines of intervention and United Nations peacekeeping are involved.

The military regime and its civilian puppets will remain in place for now, though with a large armed U.S. force peering over their shoulders. The anti-Aristide leaders who defied last year's Governors Island agreements have been given another chance to make mischief, for example by preventing Parliament from passing the amnesty law that is supposed to initiate the transfer of power. The amnesty itself represents a serious dilution of moral and legal accountability, further complicating the problem of building a democratic culture in a country deformed by dictators.

The soldiers on the island and policy makers in Washington must contend with the fact that Mr. Aristide is in a weak position. Because the final agreement was brokered under direct threat of U.S. invasion, Mr. Aristide was reduced to the uncomfortable role of an informed but passive participant. This casts a shadow of peril over the days ahead, when Mr. Aristide must establish his independent authority. Letting Generals Raoul Cédras and Philippe Biamby stay on may prevent bloodletting among the murderers and torturers they once led. But it also keeps troublesome and defiant figures on the scene and, perhaps, beyond the reach of law.

American troops will do well to prevent this stew from boiling over. They cannot bring democracy to Haiti. Only the Haitian people can. That is why foreign military force was never an appropriate answer to Haiti's crisis.

But foreign military force is now moving in, starting with 15,000 mainly U.S. troops. After an indefinite transition period, they will yield to a multinational force of 6,000, about a third of them from the U.S. Even with no invasion, Mr. Clinton is still deliberately placing U.S. forces in harm's way. He should seek Congressional approval now.

With U.S. troops and prestige now on the line and Haitian democracy at issue, Americans want this venture to go well. They will try to find reason to cheer Mr. Clinton. In return, they have every reason to insist that the President will ponder the difference between luck and wisdom.

[From the Washington Post, Sept. 20, 1994]

Hostage to Haiti

(By David S. Broder)

President Clinton now has put a 15,000-man American occupation force into Haiti and, by doing so, has made his presidency hostage to the uncertain fate of a badly divided, backward country that no one could have imagined was a vital interest of the United States.

The early euphoria over the success of Jimmy Carter's negotiating team in eliminating the threat of organized armed resistance is understandable. But it must be tempered by the realization that—as the Clinton administration candidly conceded in the days preceding the scheduled Sunday invasion—the real danger is that U.S. troops may be caught in an ongoing civil war between heavily armed gangs bent on revenge or determined not to yield power. Then—in a nation that has good reason to resent past American imperialism—they must prop up a president whose own commitment to democracy is unproven and provide the resources to rebuild a shattered economy and a virtually nonexistent civil society.

The moral high ground that Clinton claimed for his action has eroded. The military men he called "dictators" and "thugs" will remain in office for the next month and have become our de facto partners in this phase of the American occupation. The first "achievement" of the U.S. intervention is to guarantee blanket amnesty for Gen. Raoul Cedras and his followers, who may remain in the country to organize opposition to President Jean-Bertrand Aristide.

After making so many threats that he could not back down, Clinton sent in the troops in order to protect his own credibility and that of the nation. Credibility is important, and by sticking to his guns in the face of strong domestic opposition, Clinton has shown his tenacity.

But he is like a kid who jumps from a 7th story window ledge into a fireman's net. After you know he's not cracked his skull, you have to ask, "What the hell was he doing on the ledge?"

The intervention defies almost every rule of political prudence that we thought our government had learned from the painful experience of the post-World War II world.

The lesson of Vietnam is that you don't commit troops until the country is committed to the mission. Even now, there is no evidence the public has endorsed the commitment in Haiti.

A second rule is that if the commitment is likely to be lengthy, expensive and substantial, Congress better be in on the takeoff, and not just the landing. Amazingly, Clinton went to the United Nations for approval of military action inside our Western Hemisphere "sphere of influence," but evaded Congress—because he knew support was lacking.

When an American military occupation of Haiti was first suggested, why didn't Clinton throw its advocate out of the Oval Office?

I put that question last week to a prominent Democrat who has dealt with national security issues at high levels since Vietnam War days and who has had a close-hand view of Clinton's decision-making in this area. What he said was disturbing, but I find no reason to disagree with the four key points of his analysis.

First, he said, remember the campaign. Clinton's main focus was on the economy and domestic issues, so he did not want to debate national security policy in any broad context with President Bush. His advisers suggested he could put his opponent on the defensive—and show a toughness that his personal history did not suggest—by vowing to take a hard line against the Serb aggressors in Bosnia and the generals who had ousted President Aristide in Haiti. The stance worked fine as a campaign tactic, but caused endless headaches once he was in the White House.

The second factor is that for Clinton, as my friend said, paraphrasing Clausewitz, "foreign policy is domestic policy, conducted by other means." Clinton has built his domestic program on the core Democratic base, which is the political left. Human rights issues in general—and the worker-priest movement of Latin America, which spawned Father Aristide—are important to liberals. Haiti has particular salience or the Congressional Black Caucus and for African American voters, the most loyal of Clinton's constituencies. Their agenda became his agenda.

The third point, my friend said, is that Clinton "would rather be sympathetic than cold-hearted." He empathizes with people's feelings, and when political allies said they thought Aristide deserved to fill the office to which he had been elected, Clinton's response was not to say, "Maybe, but I've got bigger fish to fry."

The fourth point, closely linked to the third, is that the president and his national security advisers are singularly lacking in any long-term policy perspective. Each step of Haitian policy—from the initial offer of an American haven for refugees to the fateful decision to go beyond economic sanctions to the threat of force—was taken as if it would somehow resolve the problem by itself. No one in the inner circle was forceful enough to ask, "Are we prepared to act on this threat if our bluff is called?"

It was called, and now Clinton has followed the idealistic President Woodrow Wilson in sending American forces to Haiti. The last such occupation lasted 19 years.

[From the Wall Street Journal, Sept. 20, 1994]

A Soldier of The Not Great War

(By Mark Helprin)

Mr. President, Haiti is on an island, and its navy, which was built mainly in Arkansas, is well characterized by the International Institute for Strategic Studies as "Boats only." The Haitian gross national product is little more than half of what Americans spend each year on greeting cards, its defense forces outnumbered five to one by the corps of lawyers in the District of Columbia.

With other than a leading role in world military affairs, the Haitian army has retreated into a kind of relaxed confusion in which it is also the first department, captains can outrank colonels, and virtually no one has ever seen combat. Which raises the question, why has the leading superpower placed Haiti at the center of its political universe?

Mr. President, in trumpeting this gnatfest at a hundred times the volume of the Normandy Invasion you have invited challenges from all who would take comfort at the spectacle of the U.S. in full fluster over an object so diminutive as to be a source of wonder.

Anyone considering a serious challenge to the U.S. has been reassured that we have no perspective in international affairs, that we act not in regard to our basic interests but in reaction to sentiment and ideology, that we can be distracted by the smallest matter and paralyzed by the contemplation of force, that we have become timid, weak, and slow.

This is what happens when the leaders of the world's most powerful nation take a year to agonize over Haiti. This is what happens when the elephant ignores the jackals and gravely battles a fly.

WHY NOT CUBA?

Given that Haiti is a nation doomed to perpetual harmlessness, that it is not allied to any great power, that it does not export an ideology, that it does not have an ideology, and that it is of no economic consequence to any nation except perhaps the Dominican Republic, you strained to justify intervention the way a prisoner with his hand stretched through the bars strains for a key just out of his reach.

In your recent address you mentioned rape three times, the killing of children three times, and the words "dictator" or "tyrant" 18 times. If we must act "when brutality occurs close to our shores," why not now invade Cuba, or Colombia, or the South Bronx, or Anacostia? Every year in the U.S. we are subject to more than 100,000 reported rapes and 20,000 homicides. How do rape and murder in Haiti, no numbers supplied, justify U.S. intervention? and if they do, where were we in Rwanda?

Is it possible that having no idea whatsoever about the balance of power among nations, the workings of the international system, and the causes and conduct of war, you are directing the foreign relations of the United States of America in accord with the priorities of feminism, environmentalism, and political correctitude? Why not invade Saudi Arabia because of the status of women there. Canada because they kill baby seals. Papua New Guinea because it doesn't have enough wheelchair ramps?

Haitian illegal immigrants (did you not mention AIDS because it would offend the Haitians, or some other group?) have been to some extent motivated by the embargo and are a minute proportion of the total that seek our shores. If it is so that the best way to deal with a country that spills over with souls is to invade it, *que viva Mexico?* Should the U.K. invade Pakistan; France, Algeria; and Hong Kong, Vietnam? For that matter, why have you not hastened forward to Havana? In fact, the history of great-power interventions shows that conquest does not prevent but, rather, facilitates population transfers.

Your desire to wipe out the expenditure of $14 million a month to maintain the leaky embargo that you put in place was not consonant with your robust urge to spend elsewhere, and was a rather dainty pretext. Fourteen million dollars is what we in this country spend on "sausages and other prepared meats" every seven hours. If you truly believe, Mr. President, that "restoring Haiti's democratic government will help lead to more stability and prosperity in our region," then you, sir, have more Voo doo than they do. The entire Haitian gross national product is worth but three hours of our own. Were it to grow after intervention by 10% and were the U.S. to reap fully one half the benefit, we would surge ahead another nine minutes' worth of GNP. This is not exactly high-stakes geopolitics.

Why, then, Haiti? Why are your subordinates suddenly so Churchillian? Clearly, in a real crisis they would be so worked up that all their bulbs would burst. The nations towed along for the ride (Poles? Jordanians?) seemed not to know whether to be embarrassed by the stupidity of the task or amused by the peculiarity of their bedfellows. This the secretary of state described as "a glowing coalition." Never in the history of the English language has such an inept phrase been launched with such forced enthusiasm to miss so little a target. Granted, the vice president's "modalities of departure" did much to inspire the nation to a frenzy of war.

Why Haiti? Because, like the father in Joyce's story, "Counterparts," who bullies his son because he cannot fight his bullying boss, what you do in Haiti says less about Haiti than about North Korea, Europe, and the Middle East, where the real challenges lie, and where you cannot act because you do not have a lamp to go by and you have forced your own military to its knees.

Why Haiti? Because you have been unable to say no to the Black Caucus as it stands like the candlestick on the seesaw of your grandiose legislation, and because you are a liberal and in race you see wisdom, or lack of wisdom; qualification, or lack of qualification; virtue, or lack of virtue. And because the Black Caucus is way too tight with Father Aristide.

Why Haiti? Because you have no more sense of what to do or where to turn in a foreign policy crisis than a moth in Las Vegas at 2 a.m. You should not have singled out Haiti in the first place, but once you did you should not have spent so much time and so much capital on it, blowing it out of all proportion, so that this, this Gulf Light, this No-Fat Desert Storm, is your Stalingrad. Six weeks and it should have been over, even including an invasion, about which the world would have learned only after it had begun. All communications with the Haitian regime should have been in private, leaving them the flexibility to capitulate without your having to distract Jimmy Carter from his other good works.

Though you and your supporters made a marriage of convenience with the principles of presidential war powers, your new position is miraculously correct, while that of the Republicans who also switched sides in the question is not. You did have the legal authority to invade Haiti. What you did not have was the moral authority. Despite what you have maintained during the first 46/48ths of your life, the decision was yours, but your power was merely mechanical.

DRY BONES

Like your false-ringing speech, the dry bones of your authority had none of the moral flesh and blood that might otherwise have invigorated even a senseless policy. The animation that you have failed to lend to this enterprise was left to the soldiers in the field, who with the greatest discipline and selflessness would have taken on the task that, generations ago, you refused. I wonder if your view of them has really changed. In your philosophy they must have been pawns then, and they must be pawns now: The only thing that has been altered is your position.

Though it is fair to say that I differ with your policy, if our soldiers had gone into combat I would have been behind them 100%, and I hope that, despite the orders in Somalia, you would have been too. This is a lesson that you might have learned earlier but did not, the truth of which you now embrace only because you have become president of the United States. You are the man who will march only if he is commander in chief. Yours, Mr. President, has been a very expensive education. And, unfortunately, every man, woman, and child in this country is destined to pay the bill for your training not because it is so costly but because it is so achingly incomplete.

IMPORTANT DETAILS IN GATT LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. ROHRABACHER] is recognized for 5 minutes.

Mr. ROHRABACHER. Mr. Speaker, the reason I am here today is to plead my case to my fellow colleagues to please pay attention to the details that are within the GATT implementation legislation. As somebody once said, "The devil is in the details," but what 90 percent of us in this body do not realize is what is contained in the massive GATT implementation legislation, and in that legislation are provisions that will dramatically reduce the patent protection now enjoyed by Americans.

☐ 1740

Proponents of this devastating provision have dressed it up by calling it patent harmonization. It is one of the most malicious attacks on the ownership rights of Americans to be put forth before this body in decades. The people who have slipped this GATT ripoff, this ripoff of GATT legislation, the ripoff of patent rights, into the legislation, are counting on the ignorance of the Members of this body. In 1968, and in subsequent years, the proponents, that is, the Japanese and other multinational interests have sought to use separate legislation for this very same patent harmonization. Wisely, the Congress has defeated it every time it has seen the full light of day. These powerful interests now realize they cannot get their way in a direct battle, so they are seeking to achieve their ends through subterfuge, by using a major trade bill as a vehicle to fundamentally alter our patent system and in the process grab billions of dollars of royalties that should be going to creative and innovative Americans.

Understand that this attack on our patent rights is coming from technological users, not creators. Americans who create the technology that makes our lives better are now under attack by the big guys, huge Japanese and multinational corporations that will be making bigger profits and will be paying dramatically less in patent royalties to do so.

There are several big lies that have permitted this proposal, this ripoff, to get as far as it has.

Lie No. 1. The changes are hidden in the GATT implementation legislation and that legislation was kept from us until the very last minute. One of the reasons very few Members of this Congress realize there was a dramatic reduction in the patent protection Americans now enjoy in the GATT implementation legislation is we were not even permitted to see the legislation until just a few weeks ago, and many Members still have not been permitted to see the legislation. That is the No. 1 big lie, it is just keeping us in the dark.

Big lie No. 2. It is claimed that the massive changes in our patent laws that are part of the GATT implementation legislation are necessary because they are part of the GATT Treaty. This is big lie No. 2. What we have in the GATT implementation legislation that affects the length of the term of patent protection for Americans is not mandated by the GATT Treaty itself. What we have here is a special interest who has snuck this provision into the GATT implementation legislation trying to fool us, lie to us, and tell us that, well, we have to do this or the whole world trading system is going to break down. That is a lie, it is not mandated by GATT.

No. 3, the third big lie. It is the most arrogant lie of all. That the patent term as suggested by this change in the GATT implementation language is longer for 95 percent of all the patents that go through the system, 95 percent of the inventors are actually going to have their term lengthened. It all comes down to this, ladies and gentlemen. What is being proposed is a change in the language that says that a person who files for a patent today in the United States, he is granted 17 years of protection from the time his patent is issued, no matter how long it takes during the process time from the time he files. What they are proposing in the GATT implementation legislation is changing that to say he has 20 years of protection from the time he files. But the clock starts ticking.

Almost every major invention that has changed the way we live for the better has taken years, up to 10 to 15 years to get through the patent process, and under the current law, the inventors have had 17 years' worth of protection. Under what they are trying to do through GATT, it would reduce it to 5 years, to 3 years and sometimes eliminate it altogether. This third lie, this idea that they are actually extending the patent protection, is the worst lie of all.

The fact is that if we permit the patent protection time to be diminished by the GATT implementation legislation going through as it is, we will find that research and development money for private development in this country will dry up. It will destroy America's edge. It will cause billions of dollars that should be going to American inventors as royalties to be left in the hands of Japanese corporations who will use it to destroy us economically.

I ask all of my colleagues to join me in demanding that this be taken out of the GATT Treaty.

CALL FOR INVESTIGATION OF POSSIBLE CONFLICTS OF INTEREST

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentleman from Indiana [Mr. BURTON] is recognized for 60 minutes as the designee of the minority leader.

Mr. BURTON of Indiana. Mr. Speaker, I will not take the whole 60 minutes, but we will go into some very interesting issues tonight. Everybody in the country has heard about Whitewater and they have heard about some of the mysterious things that have happened in the investigation into Vince Foster's death, but there is a lot of other interesting things that have happened involving the Rose Law Firm in Little Rock, AR, and Hillary Rodham Clinton and the former Governor of Arkansas, Bill Clinton.

Tonight I would like to talk about two cases involving the failure of two savings and loans and the involvement of the Rose Law Firm and some possible conflicts of interest that should be investigated by the Federal Deposit Insurance Corporation and the Federal Savings and Loan Insurance Corporation, as well as the Special Counsel, Mr. Starr.

First American Savings and Loan of Oak Brook, IL, was seized by the Federal authorities for the Federal Government in 1986. First American Savings and Loan of Oak Brook was headed by former Illinois Gov. Dan Walker.

Dan Lasater, a friend of Bill Clinton, had a brokerage business, United Capital Corp., and it traded Treasury bond futures for First Federal Savings and Loan of Illinois and others. Dan Lasater ran a brokerage firm in Little Rock, AR. He was a big contributor to Bill Clinton's gubernatorial campaigns, he was a friend of Bill Clinton and he flew Clinton around in his private jet. Lasater gave Roger Clinton, Bill Clinton's brother, a job and loaned him $8,000 to pay off a drug debt.

Lasater's brokerage firm received a lucrative contract from the government of Arkansas worth $750,000 to sell State bonds for a new Arkansas State Police communications network. He also received millions of dollars in bonds for the Arkansas Development Financial Authority.

In 1986, Lasater was convicted on drug charges. This is Bill Clinton's good friend. He served only part of his sentence and he was pardoned after serving a small part of his sentence by then Gov. Bill Clinton.

In 1985, Dan Walker, the former Governor of Illinois, discovered that First American Savings and Loan was losing money big time on its Treasury bond future trades with Dan Lasater. According to court records, Mr. Walker lost approximately $361,000. Walker claims that Lasater made unauthorized trades with First Federal's money and, Walker told the Chicago Tribune they, Lasater & Co., had general authority to trade, but they were supposed to call the First American operating officer at the time they made the trade and they did not do that.

Walker sued Lasater for $3.3 million for mail, wire, and securities fraud. The suit charged that one of Lasater's employees used First Federal's money to carry out what were in effect personal Treasury bill trades.

Does this sound familiar? Members heard me on the floor not long ago talking about a gentleman named Dennis Patrick from Kentucky. He had a similar story. According to Mr. Patrick in published accounts, between $60 million and $107 million was traded in an account in his name at Lasater & Co. without Mr. Patrick's knowledge. They traded $60 million to $107 million in bond trades in his account and he did not even know about it. On one day, $23 million was traded on his account without his knowledge. Now when Federal regulators, the FSLIC, the Federal Savings and Loan Insurance Corporation, seized First American of Illinois, they continued to pursue the lawsuit against Lasater. They wanted to recover as much money as they possibly could.

Dan Walker, the former Governor of Illinois, was accused of lending himself $1.4 million in federally insured depositors' money and later ended up being convicted of bank fraud and perjury.

Hopkins & Sutter, I know this is very complicated, but Hopkins & Sutter, a Chicago law firm, was the primary contractor or law firm for the Federal Savings and Loan Insurance Corporation. Hopkins & Sutter hired or subcontracted with a law firm in Little Rock, AR, called the Rose Law Firm to handle the suit against Lasater.

I hope everybody will think about this, my colleagues. Lasater & Co., Mr. Lasater was a very close friend of Bill Clinton. He flew around in his private jet. They went on parties together. Lasater was convicted along with Bill Clinton's brother of drug dealing. Lasater paid one of Bill Clinton's brother's drug loans of $8,000. And after Lasater was convicted, he was pardoned by then Gov. Bill Clinton. Rose Law Firm is hired as a subcontractor for the purpose of the suit against Lasater. They are going to go after Lasater. And Hillary Rodham Clinton and Vince Foster were the two lawyers from the law firm, the Rose Law Firm, to go after Mr. Lasater.

□ 1750

Think about that for a minute. They are going after Lasater for the Federal Government at the same time that he is a very good friend of Gov. Bill Clinton and has been pardoned for drug trafficking by the Governor. Dan Lasater was convicted of drug charges in 1986, as I said, and served only a small part of his sentence, and was later pardoned by the Governor, now President Clinton.

Now enter Hillary Rodham Clinton, Rose Law Firm's powerhouse lawyer, and Vince Foster. They handled the Government's suit against Lasater. It is hard to believe this conflict of interest could occur, but they are handling the case against Lasater, Bill Clinton's friend.

Because of the close ties between Lasater and Bill and Hillary Clinton, she never should have been involved in this matter in any way. That is a big conflict of interest.

In late 1987 a confidential settlement was reached between the Government and Lasater. He ended up paying $200,000 of the $3.3 million suit. That is all, just $200,000.

The Chicago Tribune learned of the amount of the settlement from a February 1989 letter that Foster wrote to the FDIC. The letter was not part of the court filings. Court records show that Hillary Rodham Clinton and Vince Foster negotiated this settlement from $3.3 million down to $200,000. It started on May 8, 1987, when Hillary Rodham Clinton signed an amended complaint on this case that reduced the damages sought by the FSLIC against Lasater from $3.3 million down to $1.3 million. She negotiated the reduction of this down from $3.3 million down to $1.3 million for the FDIC at a time when the guy, Lasater, she was supposed to be nailing to the wall was a good friend of she and Bill Clinton, the Governor of Arkansas. The FDIC said Hillary's involvement was not extensive enough to constitute a conflict of interest. This sounds like a whitewash by the FDIC, and to cover their tails the FDIC said under Federal rules existing at the time she did not have to inform the Federal Government about her close relationship with Lasater and Lasater's company. The FDIC said Hillary worked only 3 hours on the case. They said she was not involved in the final decision to settle at $200,000. The FDIC says Vince Foster did most of the work on this case. He was her partner at Rose. The FSLIC that hired Hillary and Vince Foster and the Rose Law Firm could not remember details of the case. The FDIC's earlier inquiry was primarily a review of court records and records submitted by the Rose Law Firm. The FDIC did not interview Hillary Rodham Clinton.

Because of the apparent FDIC whitewash, in late February Senator ALFONSE D'AMATO of New York requested the FDIC Acting Chairman, Andrew Hove, to have the FDIC inspector general conduct a thorough review of this matter and Madison Guaranty. Hove asked the inspector general to complete its investigation and report to him in 90 days. That was back in February. Here we are in September and the report has not yet come down. Now why? Why has the IG's report not come down? It was demanded or requested by Senator D'AMATO of the Senate Banking Committee and it was supposed to be done in 90 days, and here we are almost a year later or 8 months later and we have not heard a thing. I wonder if the White House has anything to do with stopping that report? Obviously 90 days are over, and we still have no report on this case.

Thomas Scorza, a former assistant U.S. attorney who teaches legal ethics at the University of Chicago Law School, said the following to the Chicago Tribune newspaper:

> A lawyer is required to represent the interests of their client zealously. There is a substantial question about whether an attorney was representing a client zealously if the opponent of the client is someone with whom the attorney has a political, financial, and personal relationship.

And make no mistake about it, Hillary Rodham Clinton and Bill Clinton had a very close relationship with Lasater, and this was not made known when Hillary Rodham Clinton took on that case. In looking at the settlement he went on,

> Were they, the Rose Law Firm and Hillary Rodham Clinton, looking after Lasater's interests or the interests of the Federal Deposit Insurance Corporation?

Actually the Federal Savings and Loan Insurance Corporation. Scorza told the Chicago Tribune that Hillary Rodham Clinton should not have worked on the case, especially since the final settlement was confidential.

William Wernz, a former chairman of the Minnesota Lawyers Responsibility Board for the Minneapolis Tribune said that the bar association model rules define as conflict of interest instances where it is likely a lawyer,

> might pull a punch because he or she has some relationship with the other side or some third party of interest.
>
> Law and accounting firms are usually barred from representing the Federal Government in S&L cases if they have personally represented the S&L or if they have personal links to the persons targeted by the lawsuit,

and that was specifically the case with Lasater and company. Dan Lasater was a friend of Bill Clinton's. He contributed generously to Bill Clinton's campaign for Governor. He flew Clinton around in his private jet. They had parties together, they went out together all of the time.

Dan Lasater gave Roger Clinton a job and loaned him a large sum of money to pay drug debts, and after Lasater was convicted on drug charges and served a small part of his sentence, then Gov. Bill Clinton pardoned him.

Yet his wife, Hillary Rodham Clinton, who knew Lasater very well, took the side of the Government in the case against Lasater, reduced the settlement from $3.3 million down to $200,000 and the FSLIC was literally screwed out of all of that money from $3.3 million down to $200,000. There was definitely a conflict of interest that she did not let the American people know or the FSLIC know about.

Here is a related problem: Home Federal Savings and Loan of Centralia, IL, was also seized by Federal regulators. Home Federal's former president, King Betz, sued Lasater and company for $4.6 million for unauthorized trading. He chose the Rose Law Firm to handle his suit and Hillary Rodham Clinton was a big partner in that law firm, and he chose the Rose Law Firm to handle his suit because the issues involved were similar to the issues in First American.

After the Federal Government took over Home Federal, the Federal Government continued the case, and they had the Rose Law Firm carrying the case for them.

Thomas Mars represented Lasater on the other side of the table against the Home Federal Federal Government suit, so you had on one side of the table the Rose Law Firm of which Hillary Rodham Clinton was a partner, like the case I just cited, and on the other side was this guy named Thomas Mars.

Now where did he come from? He had previously worked at the Rose Law Firm. So you have on one side of the table negotiating for the Federal Government the Rose Law Firm, and you have a former lawyer in that same law firm representing Lasater. Does that sound like some conniving, some peculiar circumstances? Mars had previously worked at the Rose Law Firm where he had worked on the American suit. He worked on the First American suit that I just talked about. Therefore, he may have had some inside information on the Government's case since the case he worked on at the Rose Law Firm was very similar.

King Betz, the man who started the case in the first place for Home Federal Savings and Loan, was advised by Vince Foster of the Rose Law Firm to accept a $250,000 out-of-court settlement in September of 1989, and he agreed to the settlement. But he did not know that both sides of the table were being worked by the Rose Law Firm and a former lawyer who worked for the Rose Law Firm.

King Betz says that Vince Foster was handling his suit and never told him about Mar's potential conflict of interest or the Clinton's ties to Lasater.

According to the Chicago Tribune, when Betz was told that Mars previously worked with Foster and Hillary Rodham in the First Federal case for the Rose Law Firm, Betz said, "He can't do that. He could have confidential information." But the cat was already out of the bag or in the bag because he had already signed off on the $250,000 settlement on a suit that was supposed to be for $4.6 million.

There are some questions that need to be answered by the Rose Law Firm and by the FSLIC and the FDIC concerning these two cases.

First, when will the FDIC inspector general issue its report on Hillary Rodham Clinton, First American, and Madison Guaranty? Is this report being delayed until after the election? It was ordered in February, was supposed to be done in 90 days, and here we are in September, 7 weeks before the election, and we still do not have the report. Why? That needs to be done quickly.

☐ 1800

Now, here are some questions that need to be answered by the FDIC and the new independent counsel, Mr. Starr, if he is investigating this, and I think he probably will, and in full and complete congressional investigations and hearings: Did Hillary Rodham Clinton and/or the Rose Law Firm inform the Federal Government of her and her husband's ties to Dan Lasater? I do not believe she did, but we need to know if she did. This is regarding the First American. If they did not inform the Government of their ties to Dan Lasater, then why did they not? Because it was obviously conflict of interest.

To what extent was Hillary Rodham Clinton involved in the suits? They said it was only 2 or 3 hours. But she signed or got the agreement to reduce the suit from $3.3 million down to $1.3 million, so she was very conversant with it and very actively involved in it.

Specifically what role did Hillary Rodham Clinton have in the final decision to settle the suit for $200,000 down from the $3.3 million? If she was involved, how were her actions affected by her ties to Dan Lasater and Lasater & Co? Who was responsible for handling the case: Hillary Rodham Clinton, Vince Foster, or both? Obviously they were both partners in the Rose Law Firm. There had to be a conflict there.

Who decided who would handle this case? If Vince Foster was handling the case, why was Hillary Rodham Clinton involved at all?

We do know for sure, the FDIC has said that Hillary Rodham Clinton signed the amended complaint reducing the damages sought from $3.3 million to $1.3 million.

Now, involving the Home Federal case, why was not King Betz, the chairman there, told about Thomas Mars' conflict of interest? He was a former lawyer with the Rose Law Firm defending Lasater. Why was not Betz told about the ties between the Clintons and Lasater? Was the FDIC informed about any of this? Did Thomas Mars, the former employee of the Rose Law Firm, use inside information to arrange a $250,000 settlement on an over $4 million original suit?

These are questions that need to be answered. The more we get into the machinations of the Clintons, the more we find all kinds of chicanery from Whitewater to Madison Savings & Loan to these two savings and loan institutions in Illinois to the Angel Fire development in New Mexico.

There are so many questions that need to be answered. That is why we need full and complete congressional hearings, not just the facade we saw with the Committee on Banking, Finance, and Urban Affairs in the House just a few months ago. The people of this country have a right to know if there is corruption in this Government. They have a right to know if Hillary Rodham Clinton had a conflict of interest when she was representing these individuals for the FDIC; I mean, her husband was the Governor. He was a friend of the man that she was supposed to be nailing to the wall, and she reduced the claim from $3.3 million down to $200,000. There are all kinds of questions that need to be answered, and the only way the people of this country are going to know the facts is for us to have complete and thorough congressional hearings, and they need to be held as quickly as possible.

I commend to my colleagues the following February 3, 1994, Chicago Tribune article:

> The special prosecutor appointed to scrutinize the business dealings of the president and first lady will focus on their role in an Ozark land development called Whitewater.
>
> But there is another case buried deep in court records that could prove equally troubling to Bill and Hillary Rodham Clinton, particularly if Robert Fiske, the Republican special prosecutor and former U.S. attorney in New York, makes good on his pledge to publish a report on the Clinton's political and business relationships when the president was governor of Arkansas in the 1980s.
>
> It involves a court case the first lady helped settle when she was a high-powered lawyer in Little Rock and the government was trying to sort out the problems of a bankrupt Illinois savings and loan.
>
> The Illinois S&L case suggests that Hillary Clinton, as a private attorney, had a glaring conflict of interest. As an attorney for the Federal Deposit Insurance Corp., she helped negotiate a secret, out-of-court settlement that ended the government's suit against a family friend and an influential benefactor of her husband.
>
> But the political problems the case could pose for the president and his wife may go far beyond the narrow questions about the first lady's conduct as a lawyer, which she defends.
>
> As in Whitewater, the Illinois case places the president and his wife once again in an association with an unsavory wheeler-dealer who had strong personal ties to the Clintons and even stronger financial ties to the Clinton administration in Little Rock.
>
> In Whitewater, the trouble stems from the Clintons' business relationship with James McDougal, the guiding force behind Madison Guaranty, an Arkansas savings and loan that went broke and cost taxpayers more than $47 million. Fiske will examine whether Clinton or his gubernatorial campaign benefited from McDougal's favorable treatment by a state agency in Arkansas when Clinton was governor.
>
> In the Illinois case, the problem stems from the Clintons' friendship with Dan Lasater, a convicted felon whose high-flying bond trading firm played a hand in the troubles of several savings and loans, including First American Savings and Loan Association, an Oak Brook institution headed by another politician, Dan Walker, who was governor of Illinois from 1973 to 1977.
>
> It all started in 1979 in an unlikely venue—the Oaklawn Park racetrack in Hot Springs, Ark. Clinton's mother, the late Virginia Kelley, had a passion for thoroughbred horseracing, and her box at the track was next to Lasater's.
>
> An Arkansas native who grew up in poverty in Kokomo, Ind., Lasater started a hamburger chain when he was 19 and was wealthy by the time he met Mrs. Kelley and Clinton's half-brother, Roger, at the racetrack. In just over two decades, Lasater had sold his first hamburger chain; moved to Arkansas; founded the Ponderosa Steakhouse, a nationwide chain of 650 family restaurants; started a bond trading firm; and nurtured his love for horseracing.
>
> The racetrack friendship soon blossomed into an introduction to Clinton, who was trying to regain the governor's mansion after losing an election in 1980, according to a Clinton family friend.
>
> By early 1983, Lasater had given Roger Clinton a job at his Florida horse farm; Clinton had reclaimed the governor's mansion; and Lasater's bond firm had been added to a list of brokerage firms eligible to underwrite state bond issues, a classification that generated millions of dollars in business for his firm, according to published reports.
>
> Over the next two years, the ties between Lasater and the Clintons grew stronger.
>
> The Clintons benefited from the relationship. Lasater contributed money to the governor's campaign; lent Roger Clinton $8,000 to pay off a drug debt; sponsored fundraising parties at his offices; made his private plane available to the ambitious young governor for campaign jaunts; and encouraged his staff to donate to the governor's campaign, promising higher commissions to compensate for the donations, according to published reports. At one point in 1985, he also made his plane available to squire celebrities to a charity function organized by Hillary Rodham Clinton.
>
> Lasater benefited from the closer ties, too. In the summer of 1985, Clinton successfully lobbied the Arkansas legislature to approve a contract for Lasater to sell $30.2 million in bonds for the new state police radio system. The contract netted Lasater's firm $750,000, according to a report in The Los Angeles Times.
>
> Meanwhile, Lasater spread his financial wings beyond Arkansas, signing deals to trade Treasury bond futures with several savings and loans, including Walker's First American. The S&Ls were trying to compensate for their money-losing mortgage lending operations by engaging in the high-risk deals being peddled by Lasater.
>
> But things began to sour in late 1985, both in Illinois and in Arkansas.
>
> At First American, Walker discovered that Lasater's bond firm didn't have the magic touch. According to court records, Walker's S&L lost at least $361,572 in T-bond futures trades made by Lasater's firm.
>
> "They had general authority to trade, but they were supposed to call the (First American) operating officer each time they made a trade," Walker said in a telephone interview. "They did not do that."
>
> Meanwhile, law enforcement officers in Arkansas had started picking up reports that Lasater had another problem: He was distributing cocaine to friends and business associates at swank parties he threw in Little Rock and Hot Springs.

Walker struck first, filing a 1985 suit against Lasater's bond firm alleging that the company committed mail, wire and securities fraud by using First American funds for unauthorized T-bond futures trades.

Walker never got Lasater in court. First American was seized in 1986 by federal officials, who later charged the former Illinois governor with lending himself $1.4 million in federally insured deposits. Walker was eventually convicted of bank fraud and perjury.

Federal officials also collared Lasater; they convicted him of cocaine possession and trafficking in 1986.

Meanwhile, the federal regulators who seized First American decided to pursue the savings and loan's $3.3 million suit against Lasater to see if they could recoup some money for American taxpayers, who funded the billion-dollar bailout of hundreds of bankrupt savings and loans, including First American.

The government's deposit insurance fund hired the Rose Law Firm in Little Rock, where Hillary Clinton was a powerhouse. Rose had successfully solicited the government's legal work on failed savings and loans in Arkansas months earlier.

The Lasater connection caused no end of problems for Gov. Clinton. During his reelection campaign in 1986, Clinton came under attack from his Republican opponent for steering state contracts to Lasater while Lasater was under investigation for drug trafficking.

Clinton acknowledged being friends with Lasater but denied knowing about Lasater's drug activities. Clinton was re-elected.

In 1987, Lasater went off to serve his prison sentence after giving Patsy Thomasson, another key Clinton supporter and Democratic Party activist, legal authority to manage his assets, according to court records.

Most of the Rose firm's S&L legal work was handled by Webster Hubbel, now the No. 3 official at the U.S. Justice Department. But the firm assigned the government's suit against Lasater to Hillary Clinton and Vincent Foster, who later became deputy White House counsel for President Clinton and who committed suicide last July.

In late 1987, court records show, Hillary Clinton and Foster negotiated a confidential settlement. Lasater paid the government $200,000 in return for the dismissal of its $3.3 million suit against him.

Whether Lasater got off cheaply at the expense of the American taxpayer depends upon his assets at the time and the strength of the evidence against him, legal experts say.

Nevertheless, Thomas Scorza, a former assistant U.S. attorney who teaches legal ethics at the University of Chicago Law School, said Hillary Clinton's decision to represent the government in a lawsuit against Lasater raises serious questions about her professional conduct.

"A lawyer is required to represent the interest of their client zealously," he said. "There is a substantial question about whether an attorney was representing a client zealously if the opponent of the client is someone with whom the attorney had a political, financial and personal relationship."

"In looking at the settlement, were they (the Rose Law Firm) looking after Lasater's interests or the interests of the FDIC?" Scorza asked.

Hillary Clinton's office declined to respond to specific questions about the case but issued a general statement defending her legal ethics. "Our view is that Hillary Clinton, when a lawyer at the Rose Law Firm, acted with the utmost integrity and professionalism. I have no reason to believe otherwise," said her press secretary, Lisa Caputo.

To avoid even the appearance of a conflict of interest, Scorza said, Hillary Clinton should not have worked on the Walker S&L case—especially because the final settlement was confidential. The Tribune learned of the amount of the settlement from a February 1989 letter that Foster wrote to the FDIC; the letter was not part of the court filing.

There's no evidence in the court case that the Rose Law Firm or Hillary Clinton ever disclosed to their client, the FDIC, the ties between the Clintons and Lasater or Thomasson, who was representing Lasater's interests at the time of the settlement. Thomasson, who later became executive secretary of the Arkansas Democratic Party, is now director of the White House Office of Administration.

David Barr, an FDIC spokesman, said FDIC attorneys are trying to locate records on First American to see if the Rose Law Firm notified the FDIC about any potential conflict of interest.

A law firm can be banned from receiving further work from the FDIC and the Resolution Trust Corp., which disposes the assets of failed S&Ls, if it misleads FDIC officials about a possible conflict of interest, Barr said.

The First American case isn't the only problem for the firm, which Hillary Clinton left before her husband assumed the presidency.

The FDIC is trying to determine whether the Rose firm misled federal regulators about a potential conflict of interest when the firm represented the deposit insurance fund against the accountants who worked for Madison Guaranty. Hillary Clinton had represented Madison, the savings and loan at the heart of Whitewater.

In addition, FDIC officials are looking into the case of Home Federal Savings and Loan of Centralia, another failed Illinois institution, which is very similar to the First American case. It is not known whether Hillary Clinton was directly involved in the Home Federal case.

The Rose Law Firm represented Home Federal in a $4.6 million suit against Lasater's company for unauthorized trading. But what is unusual about this case is that Lasater, too, was represented by an attorney with ties to Rose.

King Betz, former president of Home Federal, said he initially hired the Rose Law Firm because the claims in his suit were nearly identical to those in the First American case. He said that Vince Foster was the lead attorney in the case and that he had no contact with Hillary Clinton. After the government took over Home Federal, it continued the case.

Meanwhile, though, Thomas Mars, a Rose attorney who had worked with Foster and Hillary Clinton in the First American suit against Lasater, left the Rose firm. Months later, he started representing Lasater against Home Federal, which was still represented by Rose.

Legal experts say the Rose Law Firm should have notified Betz and the FDIC about Mars' potential conflict of interest. Because Mars worked on the First American suit, he could have had inside information that gave him an advantage in negotiating a settlement for Lasater in the Home Federal suit.

Betz says Foster never told him about Lasater's ties to the Clintons. He also failed to advise Betz about Mars' potential conflict of interest. Betz said Foster advised him to accept a $250,000 out-of-court settlement in September 1989.

"We were told by the attorneys that we were not going to get any more (money)," said Betz, who agreed to the settlement. When told that Mars had previously worked with Foster and Hillary Clinton in the First Federal case, Betz said: "He can't do that. He could have confidential information."

Mars denied any wrongdoing. "There was nothing funny going on. Everything was always on the up and up. Everything was done in a businesslike manner," he said.

AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE PEOPLE'S REPUBLIC OF CHINA CONCERNING FISHERIES OFF THE COASTS OF THE UNITED STATES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 103–311)

The SPEAKER pro tempore (Mr. McHALE) laid before the House the following message from the President of the United States which was read and, together with the accompanying papers, without objection, referred to the Committee on Merchant Marine and Fisheries and ordered to be printed:

To the Congress of the United States:

In accordance with the Magnuson Fishery Conservation and Management Act of 1976 (16 U.S.C. 1801 et seq.), I transmit herewith an Agreement between the Government of the United States of America and the Government of the People's Republic of China Extending the Agreement of July 23, 1985, Concerning Fisheries Off the Coasts of the United States, as extended and amended. The Agreement, which was effected by an exchange of notes at Beijing on March 4 and May 31, 1994, extends the 1985 Agreement to July 1, 1996.

In light of the importance of our fisheries relationship with the People's Republic of China, I urge that the Congress give favorable consideration to this Agreement at an early date.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 20, 1994.*

REPORT CONCERNING NATIONAL EMERGENCY WITH RESPECT TO ANGOLA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 103–312)

The SPEAKER pro tempore laid before the House the following message from the President of the United States which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

I hereby report to the Congress on the developments since March 26, 1994, concerning the national emergency with respect to Angola that was declared in Executive Order No. 12865 of September 26, 1993. This report is submitted pursuant to section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c).

On September 26, 1993, I declared a national emergency with respect to Angola, invoking the authority, *inter alia*, of the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) and the United Nations Participation Act of 1945 (22 U.S.C. 287c). Consistent with United Nations Security Council Resolution No. 864, dated September 15, 1993, the order prohibited the sale or supply by U.S. persons or from the United States, or using U.S.-registered vessels or aircraft, of arms and related materiel of all types, including weapons and ammunition, military vehicles, equipment and spare parts, and petroleum and petroleum products to the territory of Angola other than through designated points of entry. The order also prohibited such sale or supply to the National Union for the Total Independence of Angola ("UNITA"). United States persons are prohibited from activities that promote or are calculated to promote such sales or supplies, or from attempted violations, or from evasion or avoidance or transactions that have the purpose of evasion or avoidance, of the stated prohibitions. The order authorized the Secretary of the Treasury, in consultation with the Secretary of State, to take such actions, including the promulgation of rules and regulations, as might be necessary to carry out the purposes of the order.

1. On December 10, 1993, the Treasury Department's Office of Foreign Assets Control ("FAC") issued the UNITA (Angola) Sanctions Regulations (the "Regulations") (58 Fed. Reg. 64904) to implement the President's declaration of a national emergency and imposition of sanctions against Angola (UNITA). There have been no amendments to the Regulations since my report of April 12, 1994.

The Regulations prohibit the sale or supply by U.S. persons or from the United States, or using U.S.-registered vessels or aircraft, of arms and related materiel of all types, including weapons and ammunition, military vehicles, equipment and spare parts, and petroleum and petroleum products to UNITA or to the territory of Angola other than through designated points. United States persons are also prohibited from activities that promote or are calculated to promote such sales or supplies to UNITA or Angola, or from any transaction by any U.S. persons that evades or avoids, or has the purpose of evading or avoiding, or attempts to violate, any of the prohibitions set forth in the Executive order. Also prohibited are transactions by U.S. persons, or involving the use of U.S.-registered vessels or aircraft relating to transportation to Angola or UNITA of goods the exportation of which is prohibited.

The Government of Angola has designated the following points of entry as points in Angola to which the articles otherwise prohibited by the Regulations may be shipped: Airports: Luanda and Katumbela, Benguela Province; Ports: Luanda and Lobito, Benguela Province; and Namibe, Namibe Province; and Entry Points: Malongo, Cabinda Province. Although no specific license is required by the Department of the Treasury for shipments to these designated points of entry (unless the item is destined for UNITA), any such exports remain subject to the licensing requirements of the Departments of State and/or Commerce.

2. FAC has worked closely with the U.S. financial community to assure a heightened awareness of the sanctions against UNITA—through the dissemination of publications, seminars, and notices to electronic bulletin boards. This educational effort has resulted in frequent calls from banks to assure that they are not routing funds in violation of these prohibitions. United States exporters have also been notified of the sanctions through a variety of media, including special fliers and computer bulletin board information initiated by FAC and posted through the Department of Commerce and the Government Printing Office. There have been no license applications under the program.

3. The expenses incurred by the Federal Government in the 6-month period from March 26, 1994, through September 25, 1994, that are directly attributable to the exercise of powers and authorities conferred by the declaration of a national emergency with respect to Angola (UNITA) are reported at about $75,000, most of which represents wage and salary costs for Federal personnel. Personnel costs were largely centered in the Department of the Treasury (particularly in the Office of Foreign Assets Control, the U.S. Customs Service, the Office of the Under Secretary for Enforcement, and the Office of the General Counsel) and the Department of State (particularly the Office of Southern African Affairs).

I will continue to report periodically to the Congress on significant developments, pursuant to 50 U.S.C. 1703(c).

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 20, 1994.*

HOW DO WE BRING OPERATION RESTORE DEMOCRACY TO A CLOSE?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. GOSS] is recognized for 5 minutes.

Mr. GOSS. Mr. Speaker, on July 28, 1915, the United States invaded and occupied Haiti in response to the brutal slaying and dismemberment of the Haitian President Vilbrun Guillaume by an angry mob of Haitians. This date marked the beginning of the longest occupation in American history. It lasted 19 years. In the first 5 years, United States soldiers killed more than 2,200 Haitians in their effort to pacify the cities and countryside. The United States rewrote the constitution, reconstituted the military, collected taxes, censored the press, and arbitrated disputes. We were firmly entangled in Haiti. On September 19, 1994, the United States occupied Haiti—again.

Ultimately, 15,000 to 20,000 American soldiers will be on the ground there. The Pentagon is operating on the assumption that the occupation force will stay until the end of President Aristide's term in December 1995. United States forces are working to reconstitute the Haitian military, to disarm the public, and maintain public security. In short, we are once again firmly entangled in Haiti.

Yesterday, I joined my colleagues in hailing the Sunday night, skin of our teeth agreement that helped keep American soldiers out of outright military conflict in Haiti. However, we are not out of the woods yet. The administration, did not really plan for the current military operation. As one administration official said: "We had a plan for permissive entry and a plan for hostile entry, what we got is between the two and we had no plan for it." For the soldiers who, unlike that official, aren't sitting in the relative safety of Washington, DC, the mission remains dangerously ill-defined. As one young Florida soldier noted: "We don't know what our job is, our mission is, and for how long it's supposed to last. We've just been told not to shoot anybody." In addition to these uncertainties, we must take into account the pervasive elements of Haitian society, as bred by 200 years of domestic unrest: fear, violence, paranoia. We have to consider the military ranks who oppose the return of Aristide; the sector chiefs who have built their own little kingdoms—militia and all—in the Haitian countryside; the 20,000 plus armed Attaches who are the successors to the Macoutes of Duvalier's day; the Haitians who feel they must avenge the death of friends and relations; those like Biamby who are nationalistic in the extreme and carry a visceral dislike of the United States. This last point is very important. Earlier this summer Haitians across their country paused to note the 79th anniversary of the first United States occupation of Haiti. One Haitian historian summed up the feeling this way: "The date is important because it was a period of humiliation, and one does not live easily with such humiliation. We suffered an offense to our national pride." American soldiers have already heard this message from Haitians like the university student who screamed "You Americans better not be trying to put your flag on Haitian soil" to the arriving forces.

While the United States managed to avert all out warfare, American soldiers have been committed to a long-term stay in Haiti. Given this reality, one might expect a little enthusiasm from the man that all of these exercises are meant to restore—Jean Bertrande-Aristide. Over the last 6 months, I have specifically asked administration officials—both verbally and in writing—if Aristide made a firm commitment to return to Haiti if the United States smooths the way. The answer was invariably yes. Today, President Aristide finally broke his silence in the aftermath of the agreement reached with Cedras and company on Sunday night. In his statement he pointedly ignored the agreement and the occupation already underway, choosing instead to talk only about returning to the failed Governor's Island Accord process. Aristide does not appear to support our course of action—he may never go back. Meanwhile, American soldiers are on the ground in Haiti securing his country for him. Certainly, there is nothing simple about the current situation in Haiti. One can only wonder, given all of these potential pitfalls, how the White House intends to bring Operation Restore Democracy to a close. Let us hope it does not take 19 years and a Haitian uprising to bring our soldiers home.

□ 1810

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4448, ESTABLISHING LOWELL NATIONAL HISTORICAL PARK

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103–730) on the resolution (H. Res. 532) providing for consideration of the bill (H.R. 4448) to amend the act establishing Lowell National Historical Park, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4422, COAST GUARD AUTHORIZATION ACT OF 1994

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103–731) providing for consideration of the bill (H.R. 4422) to authorize appropriations for fiscal year 1995 for the Coast Guard, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2866, HEADWATERS FOREST ACT

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103–732) on the resolution (H. Res. 536), providing for consideration of the bill (H.R. 2866) to provide for the sound management and protection of Redwood forest areas in Humboldt County, CA, by adding certain lands and waters to the Six Rivers National Forest and by including a portion of such lands in the National Wilderness Preservation System, which was referred to the House Calendar and ordered to be printed.

HAITI AS RELATED TO OTHER RECENT MILITARY ACTIONS

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the Chair recognizes the gentleman from California [Mr. HUNTER] for 60 minutes.

Mr. HUNTER. Mr. Speaker, yesterday the House put the question to Members involving the resolution supporting the action of the President and the peace delegation, the negotiating delegation, and of course the American soldiers, the military personnel who went to Haiti. This is not unusual, that when you have a military action or a quasi-military action, often the question is put to the House Members, generally after the fact, after the decision has been made to send those people, to support the troops.

Mr. Speaker, there was no compelling interest, national interest served, in my estimation, that would justify going into Haiti with military forces, whether you call it an invasion, an invasion with permission, an occupation or whatever.

In the instances in recent years when we have gone into nations in this hemisphere, such as Grenada, such as Panama, we had what I would call compelling national reasons for doing that. In Grenada we had hundreds of American medical students who were surrounded by the communist thugs who had just machinegunned Maurice Bishop and others at Fort Rupert a few miles away. In the words of these students when they were saved by American Rangers and brought back to the United States, and here I am paraphrasing what a lot of them said and what a lot of their parents said, "We were in imminent danger. We thank you for bringing us back."

With respect to the Panama Canal, that action under President Bush, we had of course a compelling justification, which was the canal itself, a strategic asset to the United States.

In this case, I think the President made no compelling justification. In fact, there appears unfortunately that some of the statements that he made early on to increase American support for this actions, such as calling General Cedras, alluding to him in a way that he was a bloodthirsty terrorist; hearing that from the President, and then a short time later after this so-called agreement had been made, hearing him refer to General Cedras as an honorable man, I think raised a lot of confusion in the minds of Americans. Had he become an honorable man over the last several hours because he now made an agreement with the President? Was he still a bloodthirsty terrorist? Was it really a reason for American troops to be introduced into Haiti?

Yesterday when the issue came before the House of Representatives, both Republicans and Democrats, obviously the time for debating whether we should go into Haiti was over because the President had sent troops into Haiti. We were asked to support the troops, and of course Republicans and Democrats support the troops.

Some Members on both sides decided not to support that resolution. They felt that the troops already knew who supports them in the United States Congress, and they did not need to do that.

Others of us felt whenever you have troops carrying out a military operation, it is important to let them know about that.

But let me tell you what most Members on the Republican side of the aisle do not support. I think most of us did not support the operation in the first place. We do not support the notion that there is a compelling national interest in being in Haiti.

Another thing that we do not support, though, and you are not going to see this coming from the Republican side of the aisle while you did see it coming from the Democrat side of the aisle from some of the more liberal Members during the 1980's, let me go over a few of the things you will not see.

You are not going to see any "Dear Commandante" letters. That was a letter sent to the communist dictator of Nicaragua by the Democrat leadership at a time when American interests were strongly opposed by the communists, the Sandinistas in Nicaragua, at a time when freedom fighters were dying under Soviet-made helicopter gunships and AK–47's manufactured in the Soviet Union, moved in by Soviet intelligence operatives into Nicaragua. You are not going to see Members of the American Congress going down and trying to strategize with certain elements in Haiti as to how best to frustrate American policy.

You saw all those things coming from the liberal Democrat leadership in this House of Representatives during the 1980's, during the contra wars. You are not going to see Members of the Republican side of the U.S. Congress going down and meeting with adversaries to American interests trying to figure out how to frustrate an American President.

So this is President Clinton's move. He has made it about 6 weeks before the election. I think the timing is unfortunate because obviously everything the President does now is tinged with political ramifications. That is clear.

I think he owed it to the American people to wait until the election was over so there would be no question as to whether or not he was trying to move his polls for his party a little bit before the upcoming election.

I think most Americans feel that that is a misuse of the lives of our uniformed personnel, to move them around the globe in any way immediately before an election.

I wish he had not done that.

But now that he has done it, I think he has brought our focus to something else. That something else is the issue of what President Clinton and the liberal Democrat leadership of the House and the Senate had done to American military posture.

What happened to the great military machine that was built during the 1980's under the leadership of Ronald Reagan and George Bush? Where we restored the hollow military that had been left to us by the Carter administration. We rebuilt the American Navy, we rebuilt our strategic triad, we rebuilt our readiness, we gave pay raises to our uniformed personnel. We increased morale to the highest point in years. We built M-1 tanks, the Apache helicopter, the Patriot missile and ultimately we deployed all those systems, all that readiness, all those personnel in the war in the Persian Gulf, in Desert Storm. We had an overwhelming victory. I think it was well stated, we had an overwhelming victory in Desert Storm because we had forces that were far superior to our adversary's, even though the press told us over and over again, "You are going up against the fourth largest army in the world," and they kept waiting for Saddam Hussein to throw his best punch. Sometimes I think the press was waiting a little too anxiously. He was never able to throw that punch because we had overwhelming forces. We projected American military power like we had not projected it in 20 years, and it was that rebuilding of that national defense that brought the Soviet Union to the bargaining table.

Remember when we rebuilt our strategic triad, building missiles, building bomber aircraft, when Mr. Gorbachev—when the Soviet Union went into Western Europe and started to ring the nations of our allies, the French, the British, the Germans, started to put SS-20's ballistic missiles close by those countries that were allies of the United States; the United States said "we are going to put ground-launched cruise missiles and Pershing missiles in Europe facing you." And we faced down the Soviet Union.

☐ 1820

And the liberal press said, "Now you've done it now, Ronald Reagan. You've gone too far, and you're going to start a war, or you're going to produce a split between the Soviet Union and the United States that will never heal, a rift, and we'll never have peace."

And yet we did those things. We provided from a position of strength, and, lo and behold, there was Mr. Gorbachev on the phone saying, "Can we talk about this?"

And we talked about it in a series of arms control treaties that were unprecedented, that vastly reduced, and are reducing, the exposure of American citizens to nuclear conflict. We did all that because we were strong.

So, in 1992, we got a new President, a Democrat President named Bill Clinton, and President Clinton put into effect one of the most radical cuts in national security in the history of this Nation. He cut $129 billion out of national defense, and that was below the cuts that had already been made by Colin Powell and Dick Cheney.

Now in cutting $129 billion out of national defense he is taking out Army divisions from 18 to 10, taking our fighter wings from an equivalency of about 24 fighter wings to 14. We have gone down to, last year when we only did 62 percent of the required depot level maintenance—that means fixing the equipment, keeping it up to speed—we now have American men and women in uniform taking 27 million dollars' worth of food stamps because we are not keeping them up to speed with respect to their pay, and this President is producing a hollow military, and maybe it is appropriate that the only nation that he felt he could really face down this year was Haiti because it really reflects all those situations that he was unable to face down, situations like the Korean Peninsula where you have a real threat.

And let me go over just a couple of the statements that have been made concerning our military readiness under this President. The Army has stated this: Recruiters are finding mission achievement increasingly difficult, and the Marines note interest in joining has never been lower. Regarding quality of troops and recruits, in 1989, Mr. Speaker, 100 percent of our recruits had high school diplomas in the first 6 months of 1994. This has already dropped to 94 percent. The Defense Science Board made a study. They warned us DOD is investing in maintenance, repair, and modernization of its facilities at a rate that is far lower than the robust period of the mid-1980's and will soon equal the rates of the hollow force era of the late 1970's. The Army has cautioned that their inability to provide requisite maintenance resources to sustain functional facilities will clearly result in lost training time, degraded equipment availability and continued troop diversion.

There are some of the smartest people in our country on the Defense Science Board saying, "You're cutting too much, your equipment is not ready, and that's going to result in disaster if we go on the battlefield in the near future."

The Marines have an unfunded depot maintenance backlog. That means fixing the equipment. They have got a backlog of $360 million. The Navy will have a backlog of 100 air frames and 250 engines, and the Air Force may face a 1,000 engine backlog because of lack of spare parts.

Remember the 1970's under Jimmy Carter? That great peace negotiator? We were cannibalizing so many of our aircraft that about half of them were not mission capable. That means we had to go off—if you are a farmer that is like going and taking one of your combines and taking all the spare parts off that combine so you can keep the other one running. That is what we were doing under President Carter. That is what we are starting to do today.

Now how does this translate into war fighting capability? As of 1994, Mr. Speaker, the Marines show a decline from 92 percent to 89 percent in equipment readiness. That is the first time in a decade it has gone under 90 percent. The Air Force is projected to have a 6-percent decrease in aircraft mission capable rates, and its mission capable rates for F-16's in the past 3 years has dropped from 85 percent to 79 percent.

Before the Senate Armed Services Committee Gen. Joseph Hoar, Commander in Chief, U.S. Central Command, stated and I am quoting him,

> Airlift in this country is broken right now. I'm not sure it's workable for one major regional contingency. In addition, while the world situation has changed, U.S. troops are still in harm's way, yet we aren't procuring for them the necessary weapons systems.

And let us review that a little bit. In fiscal year 1990 we procured 20 carriers, 511 aircraft, 448 tanks, and 175 strategic missiles. Under President Clinton's leadership, or lack thereof, DOD will procure only 6 ships, 127 aircraft, no tanks at all, and only 18 strategic missiles. Even the Congressional Budget Office has said more planes, more ships, and more tanks than are included in the administration's procurement plan would be needed to sustain its forces in the steady state. That means to keep your potential and your capabilities strong and not have it decline.

"We need more than what you're sending us." What that means is that, if you look at the replacement rate for used equipment during the 1980's, and you look at the replacement rate for our equipment now, like our carrier aircraft, it is about one-fifth of the rate now of what it was in the mid-1980's. That means you are going to have more equipment wearing out faster, and you are not going to be able to replace it, and when you have to take the wheels off the deck, some of those planes do not work, and some of the equipment and the weapon systems on those planes do not work, and that means dead pilots, and it means missions that have not been completed.

Let me quote Col. Jan Hooley, U.S. Marine Corps. He said this:

> Our fleet of attack helicopters in Somalia were grounded just as I arrived off the coast of Somalia. To get them flying it took cannibalization or stripping of all the parts of the aircraft that were left back at Camp Lejeune so that only five of the 28 remaining aircraft were operational and flyable.

Once again that is like taking that piece of farm equipment and stripping all of the parts off of it so you can keep the other piece of farm equipment running. We are taking away mission capability from one aircraft here. In this case we are taking it away from 23 aircraft so that you have at least 5 aircraft out of 28 that are operational. That was in Somalia.

So, Mr. Speaker, foreign policy is the province of the President of the United States. I said that when it was Ronald Reagan running things, when George Bush was running things, and now with the present gentleman in office, Mr. Clinton, I will maintain that position. I think it is appropriate. He is the Commander in Chief under the Constitution. But he has a duty that he has not carried out, and that duty is to keep America strong. He has not kept that duty. He has not met that duty. And this House of Representatives should be judged by the American people in this election for not forcing the President to keep that duty because we have a constitutional right to keep national security strong, raise the Armies and the Navies and to maintain them so they can project American military power and protect and defend American foreign policy. The liberal Democrat leadership of the House of Representatives has essentially rubber stamped the defense numbers for this President, the $129 billion cuts in national defense.

And let me just close by quoting Col. William Loney, U.S. Air Force Commander, 33d Fighter Wing, Eglin Air Force Base in Florida. He said we are starting to see that we can no longer cut the force if we hope to have a capable force, and perhaps that is why those of us out in the field are starting to see some indications where now the budget needs to match the force structure. Whether or not that is happening I cannot tell you.

☐ 1830

Of course, no military officer wants to say "My commander in chief, the person I salute, is wrong." That is about as close as you will ever come to finding a military officer trying to send a message to this Congress that things are very, very wrong.

You know, if you look at President Clinton's 5-year budget, you will see there a lot of increases. While he cut defense spending by 35 percent, he increased entitlement spending by 38 percent, and he increased domestic spending by 12 percent. But he cut national security, and he cut it at a time when the world is still a very, very dangerous place.

So this President can do what he wants in Haiti. That is obvious. He already has. I am sorry he did it only a few weeks before the election, because that always raises questions, and I think keeps us from being able to design a foreign policy that is as bipartisan as possible.

This President has done that. Republicans are not going to be writing any "Dear Commandante" letters, like the liberal Democratic leadership used to write to our adversaries during the contra wars of the 1980's. But we are going to do a couple of things. We are going to ask the President to account to us how much welfare we are going to be giving Haiti, because that welfare, those expenditures by American taxpayers on Haiti, will probably go over $1 billion. That is all the income taxes in certain towns in this country. If you took all the income taxes in certain mid-sized towns, you could devote all those Federal income taxes strictly to the Haitian operation, and they would barely satisfy it.

So we are probably going to spend $1 billion in Haiti. We want the President to come clean with us and tell us what it is going to cost the American taxpayers to put seven million new people on American welfare rolls. We are probably going to do that. We are also going to be asking the President some very, very what I believe will be unfortunately difficult questions for him over the next several weeks as to what he has done to the power of American Armed Forces.

COMMUNICATION FROM THE ACTING DIRECTOR OF NON-LEGISLATIVE AND FINANCIAL SERVICES

The SPEAKER pro tempore (Mr. McHALE) laid before the House the following communication from the Acting Director of Non-Legislative and Financial Services:

NON-LEGISLATIVE AND FINANCIAL SERVICES, U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, September 20, 1994.

Hon. THOMAS S. FOLEY,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally pursuant to Rule L (50) of the Rules of the House that the Office of Finance has been served with a subpoena issued by the Superior Court of the District of Columbia.

After consultation with the General Counsel to the House, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

RANDALL B. MEDLOCK,
Acting Director.

CONFERENCE REPORT ON H.R. 4606

Mr. SMITH of Iowa submitted the following conference report and statement on the bill (H.R. 4606) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1995, and for other purposes:

CONFERENCE REPORT (H. REPT. 103–733)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4606) "making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1995, and for other purposes," having met after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 28, 36, 39, 77, 82, 84, 94, 105, 127, 129, 131, 133, 149, 151, and 152.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 9, 10, 19, 22, 23, 24, 25, 31, 55, 59, 64, 72, 85, 92, 110, 111, 112, 113, 114, 115, 119, 120, 121, 125, 128, 134, 136, 137, 147, and 150, and agree to the same.

Amendment numbered 2:

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$5,505,885,000*; and the Senate agree to the same.

Amendment numbered 3:

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$5,181,250,000*; and the Senate agree to the same.

Amendment numbered 4:

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$142,029,000*; and the Senate agree to the same.

Amendment numbered 5:

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment amended to read as follows: including *$46,404,000 for new centers*; ; and the Senate agree to the same.

Amendment numbered 6:

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$125,000,000*; and the Senate agree to the same.

Amendment numbered 7:

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$64,080,000*; and the Senate agree to the same.

Amendment numbered 8:

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$85,710,000*; and the Senate agree to the same.

Amendment numbered 11:

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$1,054,813,000*; and the Senate agree to the same.

Amendment numbered 14:

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$147,188,000*; and the Senate agree to the same.

Amendment numbered 15:

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$3,269,097,000*; and the Senate agree to the same.

Amendment numbered 16:

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$145,254,000*; and the Senate agree to the same.

Amendment numbered 17:

That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$820,658,000*; and the Senate agree to the same.

Amendment numbered 21:

That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$31,471,000*; and the Senate agree to the same.

Amendment numbered 27:

That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert: *$154,827,000*; and the Senate agree to the same.

Amendment numbered 29:

That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$48,106,000*; and the Senate agree to the same.

Amendment numbered 30:

That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$3,913,000*; and the Senate agree to the same.

Amendment numbered 34:

That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$3,056,203,000*; and the Senate agree to the same.

Amendment numbered 40:

That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$728,284,000*; and the Senate agree to the same.

Amendment numbered 41:

That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$628,301,000*; and the Senate agree to the same.

Amendment numbered 42:

That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$291,600,000*; and the Senate agree to the same.

Amendment numbered 43:

That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$267,566,000*; and the Senate agree to the same.

Amendment numbered 44:

That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$432,698,000*; and the Senate agree to the same.

Amendment numbered 45:

That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$228,521,000*; and the Senate agree to the same.

Amendment numbered 46:

That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$166,886,000*; and the Senate agree to the same.

Amendment numbered 47:

That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$48,237,000*; and the Senate agree to the same.

Amendment numbered 48:

That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$543,550,000*; and the Senate agree to the same.

Amendment numbered 49:

That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$14,697,000*; and the Senate agree to the same.

Amendment numbered 50:

That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$126,274,000*; and the Senate agree to the same.

Amendment numbered 52:

That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$114,120,000*; and the Senate agree to the same.

Amendment numbered 57:

That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$5,796,000*; and the Senate agree to the same.

Amendment numbered 58:

That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$18,300,000*; and the Senate agree to the same.

Amendment numbered 60:

That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$2,207,135,000*; and the Senate agree to the same.

Amendment numbered 61:

That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$2,207,135,000*; and the Senate agree to the same.

Amendment numbered 62:

That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$21,225,101,000*; and the Senate agree to the same.

Amendment numbered 65:

That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$97,000,000*; and the Senate agree to the same.

Amendment numbered 67:

That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$155,796,000*; and the Senate agree to the same.

Amendment numbered 68:

That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$1,319,204,000*; and the Senate agree to the same.

Amendment numbered 76:

That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$13,659,000*; and the Senate agree to the same.

Amendment numbered 106:

That the House recede from its disagreement to the amendment of the Senate numbered 106, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$3,252,846,000*; and the Senate agree to the same.

Amendment numbered 109:

That the House recede from its disagreement to the amendment of the Senate numbered 109, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$2,393,352,000*; and the Senate agree to the same.

Amendment numbered 116:

That the House recede from its disagreement to the amendment of the Senate numbered 116, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$1,473,175,000, of which $1,470,256,000*; and the Senate agree to the same.

Amendment numbered 117:

That the House recede from its disagreement to the amendment of the Senate numbered 117, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$34,535,000*; and the Senate agree to the same.

Amendment numbered 118:

That the House recede from its disagreement to the amendment of the Senate numbered 118, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$20,684,000*; and the Senate agree to the same.

Amendment numbered 122:

That the House recede from its disagreement to the amendment of the Senate numbered 122, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$7,702,970,000*; and the Senate agree to the same.

Amendment numbered 123:

That the House recede from its disagreement to the amendment of the Senate numbered 123, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$63,375,000*; and the Senate agree to the same.

Amendment numbered 126:

That the House recede from its disagreement to the amendment of the Senate numbered 126, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert: *VIII, part A, subpart 1 of part B, and part D of title X, and*; and the Senate agree to the same.

Amendment numbered 132:

That the House recede from its disagreement to the amendment of the Senate numbered 132, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows: *and $1,000,000 of the amount provided herein for title III shall be available for an evaluation of the title III programs*; and the Senate agree to the same.

Amendment numbered 140:

That the House recede from its disagreement to the amendment of the Senate numbered 140, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$356,021,000*; and the Senate agree to the same.

Amendment numbered 141:

That the House recede from its disagreement to the amendment of the Senate numbered 141, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$30,437,000*; and the Senate agree to the same.

Amendment numbered 142:

That the House recede from its disagreement to the amendment of the Senate numbered 142, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$59,317,000*; and the Senate agree to the same.

Amendment numbered 143:

That the House recede from its disagreement to the amendment of the Senate numbered 143, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$214,710,000*; and the Senate agree to the same.

Amendment numbered 145:

That the House recede from its disagreement to the amendment of the Senate numbered 145, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$31,344,000*; and the Senate agree to the same.

Amendment numbered 146:

That the House recede from its disagreement to the amendment of the Senate numbered 146, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$1,793,000*; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 12, 13, 18, 20, 26, 32, 33, 35, 37, 38, 51, 53, 54, 56, 63, 66, 69, 70, 71, 73, 74, 75, 78, 79, 80, 81, 83, 86, 87, 88, 89, 90, 91, 93, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 107, 108, 124, 130, 135, 138, 139, 144, 148, 153, 154, 155, 156, and 157.

NEAL SMITH,
DAVID OBEY,
LOUIS STOKES,
STENY H. HOYER,
NANCY PELOSI,
NITA M. LOWEY,
JOSÉ SERRANO
(except amendment 153),
ROSA L. DELAURO,
MARTIN OLAV SABO,
JOHN EDWARD PORTER
(except amendments 108 and 157),
BILL YOUNG,
HELEN DELICH BENTLEY,
HENRY BONILLA,
JOSEPH M. MCDADE,
Managers on the Part of the House.

TOM HARKIN,
ROBERT C. BYRD,
FRITZ HOLLINGS,
DANIEL K. INOUYE,
DALE BUMPERS,
HARRY REID,
HERB KOHL,
PATTY MURRAY,
ARLEN SPECTER,
MARK O. HATFIELD,
TED STEVENS
(except for CPB),
THAD COCHRAN,
SLADE GORTON,
CONNIE MACK,
C.S. BOND,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4606) making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies, for the fiscal year ending September 30, 1995, and for other purposes, submit the following joint statement to the House and Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

TITLE I—DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

(Including rescission)

Amendment No. 1: Inserts heading as proposed by the Senate.

Amendment No. 2: Appropriates $5,505,885,000, instead of $5,524,991,000 as proposed by the House and $5,468,217,000 as proposed by the Senate.

The conference agreement includes $5,489,000 for labor market information, $6,000,000 for JTPA capacity building, $5,000,000 for the Samoan, Pacific Islander and Asian American employment and training initiative and $2,250,000 for microenterprise grants.

The conferees have not provided funding for job training for the non-veteran homeless population as a separate program. The conferees intend that the Department follow the guidance contained in the House report and continue through FY 1995 to help the existing grantees expand and improve partnerships with JTPA service delivery areas.

Amendment No. 3: Makes available $5,181,250,000 for obligation for the period July 1, 1995 through June 30, 1996, instead of $5,035,179,000 as proposed by the House and $5,234,055,000 as proposed by the Senate.

Amendment No. 4: Earmarks $142,029,000 for Job Corps construction, instead of $150,000,000 as proposed by the House and $126,556,000 as proposed by the Senate. The conference agreement includes $10,000,000 to initiate four new Job Corps centers, instead of $14,850,000 and six new centers as proposed by the House. The Senate bill had no provision for new centers.

Amendment No. 5: Restores language proposed by the House and stricken by the Senate amended to earmark $46,404,000 for new Job Corps centers, including $36,404,000 to continue the new centers started last year, instead of $51,254,000 as proposed by the House. The agreement also deletes language proposed by the House that would have made certain summer youth employment funds available for obligation on October 1, 1994.

Amendment No. 6: Earmarks $125,000,000 for the School-to-Work Opportunities Act, instead of $140,000,000 as proposed by the House and $100,000,000 as proposed by the Senate.

Amendment No. 7: Earmarks $64,080,000 for Native American job training, instead of $63,666,000 as proposed by the House and $64,218,000 as proposed by the Senate.

Amendment No. 8: Earmarks $85,710,000 for migrant and seasonal farmworker job training, instead of $84,841,000 as proposed by the House and $86,000,000 as proposed by the Senate.

Amendment No. 9: Earmarks $2,223,000 for the National Commission for Employment Policy as proposed by the Senate instead of $1,500,000 as proposed by the House.

Amendment No. 10: Earmarks $6,000,000 for the National Occupational Information Coordinating Committee as proposed by the Senate, instead of $5,579,000 as proposed by the House.

Amendment No. 11: Earmarks $1,054,813,000 for adult job training, instead of $1,044,813,000 as proposed by the House and $1,064,813,000 as proposed by the Senate.

Amendment No. 12: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with respect to funds appropriated for title III of the Job Training Partnership Act which removes the cost limitation that States utilize not more than 25 percent of funds on needs-related payments and supportive services; modifies the State waiver authority which permits the Governor to reduce to 30 percent the requirement that not less than 50 percent of the funds be used for retaining services; and allows funds awarded under the discretionary grant program to be used to provide needs-related payments to participants who have enrolled in training by the 6th week after the grant is awarded.

Amendment No. 13: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which rescinds $50,000,000 for youth job training. The House bill contained no rescission.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

Amemdment No. 14: Appropriates $147,188,000, instead of $146,697,000 as proposed by the House and $147,351,000 as proposed by the Senate.

Amendment No. 15: Makes available $23,269,097,000 from the Unemployment Trust Fund, instead of $3,269,013,000 as proposed by the House and $3,280,357,000 as proposed by the Senate.

Amendment No. 16: Makes $145,254,000 of Employment Service funds available for obligation for the period July 1, 1995 through June 30, 1996, instead of $144,763,000 as proposed by the House and $145,417,000 as proposed by the Senate.

Amendment No. 17: Makes $820,658,000 of Employment Service funds available for obligation for the period July 1, 1995 through June 30, 1986, instead of $817,224,000 as proposed by the House and $821,803,000 as proposed by the Senate.

Amendment No. 18: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert *$223,837,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement earmarks $223,837,000 for the unemployment insurance contingency fund, instead of $232,437,000 as proposed by the House and $226,000,000 as proposed by the Senate.

Amendment No. 19: Makes available an additional $30,000,000 from the unemployment insurance reserve fund for every 100,000 increase in the average weekly insured unemployment as proposed by the Senate, instead of $27,800,000 as proposed by the House.

Amendment No. 20: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which permits the States to fund integrated Employment Service and unemployment insurance automation efforts, notwithstanding certain cost allocation principles.

OFFICE OF THE AMERICAN WORKPLACE

SALARIES AND EXPENSES

Amendment No. 21: Appropriates $31,471,000, instead of $30,411,000 as proposed by the House and $32,225,000 as proposed by the Senate.

PENSION AND WELFARE BENEFITS ADMINISTRATION

SALARIES AND EXPENSES

Amendment No. 22: Appropriates $69,454,000 as proposed by the Senate instead of $66,388,000 as proposed by the House.

EMPLOYMENT STANDARDS ADMINISTRATION

SALARIES AND EXPENSES

Amendment No. 23: Appropriates $248,667,000 as proposed by the Senate instead of $242,860,000 as proposed by the House.

The conferees are aware of concerns about recent Labor Department actions that appear to deem certain off-hours work by court reporters while preparing transcripts for appeal as overtime subject to the Fair Labor Standards Act. No later than one hundred and eighty days after the date of enactment of this Act, the Department of Labor shall report to the respective appropriations committees of the Senate and the House on any issues concerning the application of the Fair Labor Standards Act to the preparation of transcripts by court reporters employed by public agencies.

MINE SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

Amendment No. 24: Appropriates $201,238,000 as proposed by the Senate instead of $197,519,000 as proposed by the House.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

Amendment No. 25: Appropriates $298,761,000 as proposed by the Senate instead of $296,761,000 as proposed by the House.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

Amendment No. 26: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum named in said amendment, insert: *$2,100,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The agreement earmarks $2,100,000 for the International Program on the Elimination of Child Labor, instead of $2,500,000 as proposed by the Senate. The House bill included no provision for this.

Amendment No. 27: Appropriates $154,827,000, instead of $156,002,000 as proposed by the House and $152,818,000 as proposed by the Senate and deletes language proposed by the House to earmark funds for ADP purposes. The conferees are agreed that $2,000,000 is included for automation activities for the Office of the Solicitor.

The conference agreement includes $2,000,000 and 13 FTE's to implement the North American Free Trade Agreement, $2,100,000 for the International Program on the Elimination of Child Labor, $300,000 and four FTE's to continue and expand efforts by the Labor Department to identify foreign industries and their host countries that utilize child labor in the production of goods exported to the United States and $600,000 for the Family and Medical Leave Act Commission on Leave.

ASSISTANT SECRETARY FOR VETERANS EMPLOYMENT AND TRAINING

Amendment No. 28: Makes available $185,281,000 from the Unemployment Trust Fund as proposed by the House, instead of $187,964,000 as proposed by the Senate.

OFFICE OF INSPECTOR GENERAL

Amendment No. 29: Appropriates $48,106,000, instead of $47,676,000 as proposed by the House and $48,535,000 as proposed by the Senate.

Amendment No. 30: Makes available $3,913,000 from the Unemployment Trust Fund, instead of $3,860,000 as proposed by the House and $3,966,000 as proposed by the Senate.

GENERAL PROVISIONS

Amendment No. 31: Deletes language proposed by the House that would prohibit payment of Federal Employees' Compensation Act benefits to anyone convicted of defrauding the program. The next amendment deals with this matter further.

Amendment No. 32: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which inserts a new section 101 as proposed by the Senate. This section would terminate Federal Employees' Compensation Act (FECA) benefits to anyone convicted of defrauding the FECA program and to anyone incarcerated for any felony; and it would amend title 18 of the U.S. Code to make FECA fraud a felony where the amount in question exceeded $1,000.

Amendment No. 33: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert:

SEC. 105. The Secretary of Labor is authorized to accept, in the name of the Department of Labor, and employ or dispose of in furtherance of authorized activities of the Department of Labor, during the fiscal year ending September 30, 1995, and each fiscal year thereafter, any money or property, real, personal, or mixed, tangible or intangible, received by gift, devise, bequest, or otherwise.

SEC. 106. Section 5315 of title 5, United States Code, is amended by inserting at the end thereof: "The Commissioner of Labor Statistics, Department of Labor.".

SECTION 5316 OF TITLE 5, UNITED STATES CODE, IS AMENDED BY STRIKING "COMMISSIONER OF LABOR STATISTICS, DEPARTMENT OF LABOR.".

SEC. 107. None of the funds appropriated in this title for the Job Corps shall be used to pay the compensation of an individual, either as directed costs or any proration as an indirect cost, at a rate in excess of $125,000.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement deletes language proposed by the Senate related to the use of funds for joint projects with nonprofit or public organizations or agencies. The agreement inserts three new general provisions as proposed by the Senate as follows: (1) gift authority for the Secretary; (2) change of pay status for the Commissioner of

Labor Statistics; and (3) an annual cap on compensation of individuals employed in the Job Corps program.

TITLE II—DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

HEALTH RESOURCES AND SERVICES

Amendment No. 34: Appropriates $3,056,203,000 instead of $3,008,225,000 as proposed by the House and $3,066,254,000 as proposed by the Senate.

The conferees intend that the management and regulation of the community health center program in the Pacific Basin region be as flexible as possible to accommodate the unique political and administrative environment of the area and the extreme health care needs of native American Pacific Islanders.

It has come to the attention of the conferees that the agency has a policy of limiting funding for new starts under the community health center program to $600,000. However, in the case of a satellite center that becomes a full community health center, the conferees direct that there be no reduction in the level of support that center received as a satellite, provided that the center will continue to provide services to the same or an expanded population and has a satisfactory performance record.

The conferees intend that the increase in funds above the 1994 level for the health care for the homeless program be allocated both for school-based primary health care services to homeless and at-risk youth and for the ongoing health care for the homeless projects.

The conferees agreement provides $683,950,000 for the maternal and child health block grant. The conferees direct that funding for university affiliated programs be maintained at no less than the 1994 funding level.

The conferees agree that all health professions disciplines made eligible by statute should be able to participate in the scholarships for disadvantaged students program. The conferees would like a report on this situation prior to the hearings on the fiscal year 1996 budget.

The conferees encourage the Health Resources and Services Administration to take the steps necessary to increase the representation of African Americans in the fields of full-time nursing faculty, registered nurses, and advanced nurse practitioners and in the ranks of those receiving baccalaureate, masters and doctoral degrees. The conferees expect an update on this action prior to the fiscal year 1996 hearings.

Amendment No. 35: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum named in said amendment, insert: *$24,625,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees encourage the agency to give priority to those States that do not presently have area health education centers (AHECs) when awarding grants for new AHECs.

Amendment No. 36: Deletes language proposed by the Senate which would earmark $3,000,000 of program administration funding for Ryan White AIDS programs.

Amendment No. 37: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which establishes a limitation on funds that may be used for the health centers malpractice claims fund.

Centers for Disease Control and Prevention

DISEASE CONTROL, RESEARCH, AND TRAINING

Amentment No. 38: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$2,089,443,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Within the prevention centers program, the Centers for Disease Control and Prevention (CDC) is encouraged to fund a women's health demonstration project at a university that has a comprehensive cancer center in a rural state with a high minority population that has a breast and cervical cancer screening program. Such a demonstration should provide mobile screening, education, prevention, followup and care and include a focus on cancers of the breast, cervix, skin, colon, and lung. CDC is encouraged to use breast and cervical cancer demonstration funds to supplement this women's health initiative.

Recognizing the need to respond to the increase in chlamydia infection, the conferees encourage the Centers for Disease Control and Prevention to use a portion of the increase provided for sexually transmitted diseases to support the infertility Prevention Act. These funds should be used to both increase support for the original demonstration regions and to expand services to new project areas.

The conferees have provided $1,448,000 and 26 FTE from the National Vaccine Program Office within the Office of the Assistant Secretary for Health for the national immunization program at CDC. The conferees direct that this funding and 20 FTE be allocated to provide technical, laboratory, and program assistance for (1) the global initiative to eradicate polio, and (2) the control and elimination of measles and neonatal tetanus in regions or countries where these activities are combined with polio eradication efforts. None of the new positions is to be allocated for administrative support outside the Immunization Service Division and the polio eradication activity.

The General Accounting Office (GAO) has found that in implementing the Vaccines for Children (VFC) program, the Secretary has established a fee schedule based on customary charges for private physicians who administer VFC-purchased vaccine. GAO has found that this fee schedule is not in accordance with the law authorizing the VFC program, which requires that fees be based on actual costs rather than prevailing charges. The conferees share GAO's concern that the Secretary's fee schedule represents an incentive to physicians at the expense of children who are uninsured. Accordingly, the Secretary is directed to compute the actual cost of administering vaccines and to revise the fee schedule in accordance with the requirements of the authorizing law. The conferees do not intend that this directive delay startup of the VFC program.

The conferees intend that a portion of the increase provided the chronic and environmental diseases will support demonstration grants for the development of community partnership coalitions for the prevention of teen pregnancies.

Amendment No. 39: Earmarks $27,862,000 for one percent evaluation set-aside funding for the National Center for Health Statistics as proposed by the House instead of $28,873,000 as proposed by the Senate.

National Institutes of Health

NATIONAL CANCER INSTITUTE

The conferees strongly encourage the Institute to expand its levels of support for both its diethylstilbestrol (DES) research and education efforts.

NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

The conferees agree on the importance and effectiveness of the Institute's public and professional education programs such as the National Asthma Education and Prevention Program and the National Heart Attack Alert Program.

NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES

Amendment No. 40: Appropriates $728,284,000 instead of $726,784,000 as proposed by the House and $728,784,000 as proposed by the Senate.

The conferees are aware of the critical importance of research on endocrine and metabolic disorders, which can be fatal in children. This includes the class of diseases related to glycogen storage. The conferees urge the institute to expand its research in this field.

NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

Amendment No. 41: Appropriates $628,301,000 instead of $626,801,000 as proposed by the House and $628,801,000 as proposed by the Senate.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

The conferees expect the Institute to provide a detailed progress report on its national cooperative inner city asthma study and on its plans to address asthma in African Americans and other high risk populations prior to the fiscal year 1996 hearings.

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

The conference agreement provides increased funding to enable the Institute to fund additional developmental disabilities prevention research centers within university affiliated programs to investigate the critical problems of prevention and amelioration of mental retardation, including specialized research centers engaged in the multidisciplinary analysis of the development of protein sheaths protecting nerve fibers.

NATIONAL EYE INSTITUTE

Amendment No. 42: Appropriates $291,600,000 instead of $290,335,000 as proposed by the House and $292,022,000 as proposed by the Senate.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

Amendment No. 43: Appropriates $267,566,000 instead of $266,400,000 as proposed by the House and $267,955,000 as proposed by the Senate.

NATIONAL INSTITUTE ON AGING

Amendment No. 44: Appropriates $432,698,000 instead of $431,198,000 as proposed by the House and $433,198,000 as proposed by the Senate.

NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

Amendment No. 45: Appropriates $228,521,000 instead of $227,021,000 as proposed by the House and $229,021,000 as proposed by the Senate.

NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS

Amendment No. 46: Appropriates $166,886,000 instead of $166,155,000 as proposed by the House and $167,129,000 as proposed by the Senate.

NATIONAL INSTITUTE OF NURSING RESEARCH

Amendment No. 47: Appropriates $48,237,000 instead of $47,971,000 as proposed by the House and $48,326,000 as proposed by the Senate.

NATIONAL INSTITUTE ON DRUG ABUSE

The conferees encourage the Institute to award new grants for comprehensive substance abuse treatment centers serving women, children and minorities to conduct research on the effectiveness of comprehensive substance abuse treatment services.

NATIONAL INSTITUTE OF MENTAL HEALTH

Amendment No. 48: Appropriates $543,550,000 instead of $542,050,000 as proposed by the House and $544,050,000 as proposed by the Senate.

NATIONAL CENTER FOR RESEARCH RESOURCES

The conferees direct the Center to reserve $2,500,000 of the $20,000,000 allocated for extramural facility construction and renovation for qualified regional primate centers. The award of the reserved funds shall be subject to the availability of highly meritorious applications and shall be made competitively.

The conferees urge the Center to expand support for the development of alternative research resources, including those alternative research resources that provide human tissue and organs to researchers.

JOHN E. FOGARTY INTERNATIONAL CENTER

Amendment No. 49: Appropriates $14,697,000 instead of $15,193,000 as proposed by the House and $13,209,000 as proposed by the Senate.

NATIONAL LIBRARY OF MEDICINE

Amendment No. 50: Appropriates $126,274,000 instead of $123,274,000 as proposed by the House and $127,274,000 as proposed by the Senate.

The conferees encourage the National Library of Medicine to continue to provide reasonable support for the program for bioethics bibliographic research, within available funds.

OFFICE OF THE DIRECTOR

(Including transfer of funds)

Amendment No. 51: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$218,367,000, of which $3,375,000 shall be transferred to the National Institute of General Medical Sciences*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees intend that $3,375,000 shall be transferred from this account to the National Institute of General Medical Sciences for the Minority Access to Research Careers and Minority Biomedical Research Support programs.

Within funding provided for the Office of the Director, the conferees have included $5,400,000 for the Office of Alternative Medicine and $750,000 above the budget request for the Office of Rare Disease Research. The conferees have also included $750,000 within the Office of the Director to commission a study by the National Academy of Sciences and the Institute of Medicine on the Federal government's research and development activities.

The conference agreement provides authority for the Director to transfer up to one percent of the National Institutes of Health (NIH) appropriation to activities he may designate. The conferees reiterate that such transfers are subject to normal reprogramming procedures and not merely a notification to Congress of actions taken.

The conferees reiterate the concerns expressed in both the House and Senate reports relating to indirect cost payments to institutions receiving NIH research funding. The conferees continue to believe that this is an area in need of review and are encouraged that the Administration has committed to a comprehensive review and revision of indirect cost procedures. The conferees expect to see the Administration's proposals for dealing with indirect costs, and particularly the disparties between institutional rates, in the context of the fiscal year 1996 budget submission.

The conferees believe that the review of the extramural research program requested in the House report should be delayed. The conferees have learned that NIH is already carrying out an internal review incorporating some of the same issues that such a study would address. The conferees look forward to receiving a report from the Director on this NIH effort to make the extramural program a "reinvention laboratory." After reviewing the results of the project currently underway, the Committees will decide whether further action is required.

OFFICE OF AIDS RESEARCH

(Including transfer of funds)

The conference agreement reflects the revised distribution of AIDS funding among the Institutes and Centers requested by the Office of AIDS Research to reflect the priorities in the AIDS research strategic plan. These totals are reflected on the table accompanying the statement of the managers. The conferees expect to be notified prior to any subsequent changes in the distribution of funding if the allocations differ significantly from the revised distributions referenced above, and such notifications are subject to normal Committee procedures.

BUILDINGS AND FACILITIES

Amendment No. 52: Appropriates $114,120,000 instead of $114,370,000 as proposed by the House and $113,370,000 as proposed by the Senate.

Substance Abuse and Mental Health Services Administration

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

Amendment No. 53: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$2,181,407,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement appropriates $2,181,407,000 for substance abuse and mental health services, instead of $2,166,148,000 as proposed by the House and $2,164,179,000 as proposed by the Senate.

The conferees are aware that funding for substance abuse treatment through transfers from the asset forfeiture fund has been unpredictable from year to year. Therefore, the conferees intend that priority be given in making treatment improvement grants to programs previously funded by asset forfeiture funds which are in danger of being discontinued.

The conferees expect that within the increase provided to the Center for Substance Abuse Treatment for the Criminal Justice program that priority be given to expanding support for innovative programs which provide comprehensive treatment services to female offenders with substance abuse problems.

The conferees expect the agency to coordinate AIDS outreach activities with related prevention programs at the CDC.

The conferees support demonstrations to prevent substance abuse among high-risk children of chemically dependent parents and intend that special consideration be given to projects that provide comprehensive health education and prevention services for drug-addicted individuals practicing recovery lifestyles.

Assistant Secretary for Health

OFFICE OF THE ASSISTANT SECRETARY FOR HEALTH

Amendment No. 54: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *$65,267,000, together with $1,500,000 which shall be only for employee buyouts, terminal leave, severance pay, and other costs related to the reduction of the number of employees in the Office of the Assistant Secretary for Health*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement appropriates $65,267,000, instead of $70,261,000 as proposed by the House and $63,004,000 as proposed by the Senate. In addition, it deletes language proposed by the Senate that would have transferred $2,048,000 to the Centers for Disease Control and Prevention and inserts language appropriating an additional $1,500,000 to be used only for employee buyouts, terminal leave, severance pay, and other costs related to the reduction of the number of employees in the Office of the Assistant Secretary for Health.

The conferees have agreed to include $1,500,000 in a streamlining fund to assist the Office of the Assistant Secretary for Health to reduce staffing. The conferees expect OASH to report to both the House and Senate Appropriations Committees no later than January 15, 1995, on progress being made in reducing its staffing. Such a report should include the following: (1) the number of FTE reductions, by office, accomplished and projected for the remainder of the year; (2) a breakdown of those FTE's reduced through early-outs, attrition, or other; (3) the amount of dollar savings attributable to the FTE reductions; and (4) a breakdown of how the monies in the streamlining fund are being spent. The conferees expect OASH to furnish a final report on these FTE reductions no later than November 1, 1995. These reductions in staff should be calculated using the number of staff on board as of September 30, 1994.

The conferees have provided $1,000,000 and 9 FTE's for the National Vaccine Program Office (NVPO). The conferees intend that the NVPO have the flexibility to use a portion of its funding for costs associated with streamlining. The conferees direct the Department to transfer an additional 26 full-time equivalent positions from the National Vaccine Program Office to the Centers for Disease Control and Prevention.

Amendment No. 55: Deletes language proposed by the House and stricken by the Senate that would have transferred $2,000,000 to the Food and Drug Administration.

Agency for Health Care Policy and Research

HEALTH CARE POLICY AND RESEARCH

Amendment No. 56: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$138,642,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement provides a total of $15,000,000 for the National Medical Expenditure Survey, derived from both Federal funds and one percent evaluation setaside funding.

The conferees encourage the agency to support outcomes research relating to the utilization of intensive care services in regionalized pediatric referral centers, including the issues of quality standards, cost, patient morbidity and mortality, and average length of stay.

Amendment No. 57: Makes available $5,796,000 from trust funds instead of $5,806,000 as proposed by the House and $5,786,000 as proposed by the Senate.

Amendment No. 58: Earmarks $18,300,000 for one percent evaluation setaside funding instead of $13,202,000 as proposed by the House and $31,504,000 as proposed by the Senate.

The conferees intend that one percent evaluation funding for health services research be used only for activities related to the National Medical Expenditure Survey/Provider Study Program.

Health Care Financing Administration

GRANTS TO STATES FOR MEDICAID

Amendment No. 59: Appropriates $62,640,775,000 as proposed by the Senate instead of $62,637,775,000 as proposed by the House.

PROGRAM MANAGEMENT

Amendment No. 60: Makes available $2,207,135,000 from trust funds instead of $2,183,985,000 as proposed by the House and $2,207,237,000 as proposed by the Senate.

Of the total provided for rural telemedicine research demonstrations, the conference agreement includes $1,300,000 for a Statewide demonstration in a State which has a single point of access in each county to an existing fiber optic network. Funding is to be used to connect at least one hospital in each county to the network. This completed network will then allow testing of the feasibility and effectiveness of Statewide visual access of medical facilities to academic medical centers.

The conferees are aware of the initial evaluation of the demonstration projects with respect to chronic ventilator-dependent units in hospitals. The conferees urge the Health Care Financing Administration to extend support through fiscal year 1995 for any projects whose waivers expired in fiscal year 1994. This will ensure that comparable data is available from each of the four sites during 1995 for the final evaluation of the projects and will assist in obtaining the data necessary for demonstrating conclusively whether this method of treatment is cost-effective as compared with other forms of treatment.

The conferees intend that the funding provided above the President's request for Medicare contractors be allocated to payment safeguard activities.

The conferees direct that none of these funds may be used for the implementation of or planning for future implementation of the Medicare/Medicaid data bank. The conferees agree that the data bank as enacted should not be implemented. Since the conferees have not funded the data bank, and do not intend to fund the data bank in the future, penalties associated with the data bank's employer reporting requirements should not be imposed.

Amendment No. 61: Earmarks $2,207,135,000 from trust funds instead of $2,183,985,000 as proposed by the House and $2,207,237,000 as proposed by the Senate.

Social Security Administration

SUPPLEMENTAL SECURITY INCOME PROGRAM

Amendment No. 62: The bill appropriates $21,225,101,000 for supplemental security income instead of $21,237,101,000 as proposed by the House and $21,192,101,000 as proposed by the Senate. The conference agreement provides $143,400,000 for beneficiary services as proposed by the House, instead of $153,400,000 as proposed by the Senate. The agreement further provides $27,700,000 for research and demonstrations instead of $6,700,000 as proposed by the House, and $17,700,000 as proposed by the Senate. The research and demonstration activity includes $10,000,000 that was provided under beneficiary services in the Senate bill for a drug addict and alcoholic monitoring demonstration.

LIMITATION ON ADMINISTRATIVE EXPENSES

Amendment No. 63: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$5,159,785,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement provides a limitation on administrative expenses of $5,159,785,000, instead of $5,127,785,000 as proposed by the House and $5,157,011,000 as proposed by the Senate.

The conferees are aware that the Social Security Administration Reform Act of 1994, P.L. 103–296, provides for the transfer of budgetary resources within the Department of Health and Human Services necessary to implement the Act. Therefore no specific provisions are contained in this appropriations bill to establish the Social Security Administration as an independent Federal agency. The conferees request the Secretary and the Commissioner to submit to the Appropriations Committees by January 1, 1995, a status report on the establishment of the independent agency, including a comprehensive budget crosswalk reflecting the proposed transfer of staffing and funding by office within the Office of the Secretary to the Social Security Administration.

Amendment No. 64: Appropriates $320,000,000 for a disability caseload processing initiative as proposed by the Senate, instead of $352,000,000 as proposed by the House.

Amendment No. 65: Appropriates $97,000,000 for an automation initiative instead of $130,000,000 as proposed by the House and $64,000,000 as proposed by the Senate. The managers remain concerned that adequate employee training accompany investments in computer hardware and software, and expect SSA to expand opportunities for computer training in the most cost-effective manner available.

Administration for Children and Families

FAMILY SUPPORT PAYMENT TO STATES

Amendment No. 66: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which grants waivers to the AFDC and Medicaid programs to conduct a welfare reform demonstration project known as New Hope Project, Inc. The House bill included no similar provision.

LOW INCOME HOME ENERGY ASSISTANCE

(Including rescission)

Amendment No. 67: Rescinds $155,796,000 of the $1,475,000,000 currently available for the Low Income Home Energy Assistance program for fiscal year 1995, instead of rescinding $250,000,000 as proposed by the House and $89,592,000 as proposed by the Senate.

The conference agreement rescinds $155,796,000 of the $1,474,000,000 that was provided in the fiscal year 1994 appropriations act as an advance appropriation for low income home energy assistance for the fiscal year 1995. The remaining $1,319,204,000 will be available through September 30, 1995. The conferees recommend that $30,000,000 be used for the leveraging incentive fund in fiscal year 1995.

The conferees agree that the Secretary shall implement section 210 no later than October 1, 1995.

Amendment No. 68: Appropriates $1,319,204,000 for the Low Income Home Energy Assistance program for fiscal year 1996, instead of $1,225,000,000 as proposed by the House and $1,475,000,000 as proposed by the Senate. The conferees recommend that $32,500,000 be used for leveraging in fiscal year 1996, and that funds be made available within this amount for the newly authorized Residential Energy Assistance Challenge program.

REFUGEE AND ENTRANT ASSISTANCE

The conferees are agreed that $19,000,000 of the $49,397,000 appropriated for targeted assistance is to serve communities affected by the Cuban and Haitian entrants and refugees whose arrivals in recent years have increased.

STATE LEGALIZATION IMPACT-ASSISTANCE GRANTS

(Including rescission)

Amendment No. 69: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert:

STATE LEGALIZATION IMPACT-ASSISTANCE GRANTS

(Including rescission)

Funds not obligated by the State by June 29, 1995, under section 204(b)(4) of the Immigration Reform and Control Act of 1986 are hereby rescinded.

For Federal administration and allotments of funds to the States made by the Secretary of Health and Human Services for the purpose of making payments to public and private nonprofit organizations for public information and outreach activities; and English language and civics instruction provided to any adult eligible legalized alien who has not met the requirements of section 312 of the Immigration and Nationality Act for purposes of becoming naturalized as a citizen of the United States, $6,000,000: Provided, That the Secretary of Health and Human Services shall allocate such amount among the States not later than August 15, 1995: Provided further, That each State's share of these funds shall be equal to that State's percentage share of the total costs of administering and providing educational services to eligible legalized aliens in all States through fiscal year 1994, as determined by the Secretary: Provided further, That the definition of "eligible legalized alien" contained in section 204(j)(4) of the Immigration Reform and Control Act of 1986 is amended by inserting before the period at the end ", except that the five-year limitation shall not apply for the purposes of making payments from funds appropriated under the fiscal year 1995 Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act for providing public information and outreach activities regarding naturalization and citizenship, and English language and civics instruction to any adult eligible legalized alien who has not met the requirements of section 312 of the Immigration and Nationality Act for purposes of becoming naturalized as a citizen of the United States": Provided further, That each State may designate the appropriate agency or agencies to administer funds under this heading: Provided further, That section 204(b)(4) of the Immigration Reform and Control Act of 1986 is amended by striking the fourth sentence and inserting the following: "Funds made available to a State pursuant to the preceding sentence of this paragraph shall be utilized by the State to reimburse all allowable costs within 90 days after a State has received a reallocation of funds from the Secretary, but in no event later than July 31, 1995.".

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. The conference agreement modifies the date of the rescission of funds proposed by the Senate, and provides $6,000,000 for civics and English education, instead of $8,000,000 as proposed by the Senate. The House included no similar provision.

The agreement rescinds all surplus SLIAG funds remaining on June 29, 1995, after all allowable costs are reimbursed. The agreement also provides an additional $6,000,000 to allow State and local providers funding for English language and civics instruction to assist legalized aliens to become naturalized citizens. The conferees expect the Secretary to issue guidance on the effective implementation of this provision.

COMMUNITY SERVICES BLOCK GRANT

Amendment No. 70: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *$472,920,000, of which $12,000,000 shall be for carrying out the National Youth Sports Program: Provided, That payments from such amount to the grantee and subgrantees administering the National Youth Sports Program may not exceed the aggregate amount contributed in cash or in kind by the grantee and subgrantee: Provided further, That amounts in excess of $9,400,000 of such amount may not be made available to the grantee and subgrantees administering the National Youth Sports Program unless the grantee agrees to provide contributions in cash to such program in an amount that equals 29 percent of such excess amount.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement provides $472,920,000 for Community Services Block Grant programs instead of $465,714,000 as proposed by the House and $476,219,000 as proposed by the Senate. The conference agreement includes language proposed by the Senate which earmarks $12,000,000 for the National Youth Sports Program and requires a cash match by the grantee. The House bill included $13,893,000 for NYSP and did not include a matching requirement.

The conferees expect the Department to promulgate regulations delineating matching requirements for NYSP at no less than the previous year's level, as well as to require a competitive process, for one or more awards. Promotional activities for this program shall include acknowledgement of the federal funding provided through the Department.

The conferees are aware that the 1994 competitive grant for NYSP was not released until May 27, 1994. This created serious problems for the large number of colleges and universities which support the program on their campuses with their staff and resources. The conferees expect the Secretary to review this process and report to the committees on changes that can be made to ensure the release of these funds as early in the fiscal year as possible to allow the grant recipient or recipients to coordinate the program without disruption to participants.

CHILDREN AND FAMILIES SERVICE PROGRAM

Amendment No. 71: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$4,419,888,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The agreement provides $4,419,888,000, instead of $4,408,775,000 as proposed by the House and $4,415,514,000 as proposed by the Senate.

The conferees agree that the $15,000,000 appropriated for social services research includes a total of $7,000,000 for activities specified in both the House and Senate committee reports.

The conference agreement includes $1,500,000 under developmental disabilities special projects to fund the fourth year of a five-year demonstration project known as "transition and natural supports in the workplace". Also included in the conference agreement is continued funding for the National Research Center for Family Resource and Support Programs.

PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE

Amendment No. 72: Appropriates $3,597,371,000 for Foster Care and Adoption Assistance as proposed by the Senate instead of $3,440,871,000 as proposed by the House. The appropriation provided in the Senate bill reflects the Administration's most recent estimates of the funding requirements for this mandatory, entitlement program.

The conferees agree that the Administration for Children and Families should follow the directives included in both the House and Senate reports concerning section 427 foster care reviews and Federal financial reviews of payments under title IV–E.

ADMINISTRATION ON AGING

AGING SERVICES PROGRAMS

Amendment No. 73: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$877,223,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement provides $877,223,000 for aging programs, instead of $869,823,000 as proposed by the House and $873,662,000 as proposed by the Senate.

The conferees are agreed that the conference agreement includes at least $1,500,000 for national legal services support and demonstration projects under title IV of the Act. The Department shall carry out the priorities specified in the House and Senate committee reports with respect to legal services.

The conference agreement includes $1,500,000 for the Neighborhood Senior Care program and $625,000 for the Family Friends program under title IV of the Act.

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

Amendment No. 74: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$91,247,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement provides $91,247,000 for departmental management, instead of $89,500,000 as proposed by the House and $88,774,000 as proposed by the Senate.

The conferees direct the Department to notify the Committees on Appropriations at least fifteen days in advance of any office closings or relocations within the Department.

The conference agreement includes $500,000 to continue the HHS human services transportation technical assistance initiative.

The conferees have been interested in the progress of positron emission tomography (PET) scans. The conferees urge the Department to report back to the Committees by march 15, 1995 with the Department's decision concerning PET technology, its safety and effectiveness, and suitability for reimbursement under Medicare and Medicaid.

OFFICE OF INSPECTOR GENERAL

Amendment No. 75: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which inserts language allowing the Inspector General of the Department to retain and expend funds obtained from the Justice or Treasury Departments as a result of forfeiture of property in investigations in which the Inspector General participated.

POLICY RESEARCH

Amendment No. 76: Appropriates $13,659,000, instead of $14,632,000 as proposed by the House and $10,741,000 as proposed by the Senate.

GENERAL PROVISIONS

Amendment No. 77: Inserts a citation proposed by the House and stricken by the Senate which prohibits the use of funding to support an automatic setaside for primate centers in extramural facilities construction. The conferees have instead directed that $2,500,000 of the $20,000,000 provided for extramural facility construction and renovation within the National Center for Research Resources appropriation be reserved for regional primate centers. In addition, primate centers remain eligible to compete along with other entities for the remaining $17,500,000 in facilities funding.

Amendment No. 78: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which establishes a moratorium on the withholding of funds under the Child Abuse Prevention and Treatment Act from any State by the Department of Health and Human Services because a State is not deemed to be in compliance with the religious exemption regulations. The House bill included similar language on this subject. The moratorium will allow the authorizing committees time to look at all sides of this issue and hear testimony from all affected parties when Congress considers legislation to reauthorize CAPTA next year. Under the moratorium, States deemed to be out of compliance with the religious exemption portion of the regulations will continue to receive CAPTA funds.

During reauthorization of CAPTA in 1992, the House stressed that "the exact parameters of adequate parental care are to be delineated by State law and State courts" and that "determinations as to the adequacy, type and timing of medical treatment are within the sole judgment of each State system."

Amendment No. 79: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which inserts a limitation that prohibits the payment of salaries at a rate greater than $125,000 annually from research funding of the National Institutes of Health and the Substance Abuse and Mental Health Services Administration. The House had no comparable provision.

Amendment No. 80: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which inserts language canceling $4,505,000 in budget authority related to payment of space rental charges.

Amendment No. 81: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert:

SEC. 208. Taps and other assessments made by any office located in the Department of Health and Human Services shall be treated as a reprogramming of funds except that this provision shall not apply to assessments required by authorizing legislation, or related to working capital funds or other fee-for-service activities.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 82: Deletes a limitation proposed by the Senate that would prohibit funds from being used for a General Services Administration warehouse for childhood vaccine storage and distribution until several conditions are met by the Department of Health and Human Services. The conferees believe that this language is no longer necessary because the Department has informed the Committees in writing that it does not plan to use the warehouse for vaccine distribution. Deletes without prejudice a provision added by the Senate pertaining to limited travel privileges within the United States for high-ranking Taiwanese officials.

Amendment No. 83: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert:

SEC. 209. Of the funds appropriated or otherwise made available for the Department of Health and Services, General Departmental Management, for fiscal year 1995, the Secretary of Health and Human Services shall transfer to the Office of the Inspector General such sums as may be necessary for any expenses with respect to the provision of security protection for the Secretary of Health and Human Services.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement inserts language proposed by the Senate which requires the Secretary to transfer to the Inspector General such sums as may be necessary to cover the cost of providing security protection for the Secretary and deletes language proposed by the Senate that would have required the Comptroller General by law to conduct a review of the need for security protection for all cabinet and subcabinet officials in the Federal government and to submit a report of his findings to the Committees on Appropriations by April 1, 1995. However, the conferees are agreed that the Comptroller General shall make such a review and submit such a report by April 1, 1995.

Amendment No. 84: The conference agreement deletes without prejudice language proposed by the Senate which would have granted an AFDC waiver to conduct a welfare reform demonstration. It has been brought to the attention of the conferees that several applications for waivers have been pending before the Secretary of Health and Human Services for a number of months. The conferees therefore direct the Secretary to review waiver applications and inform States of decisions on an expedited basis.

The conferees are agreed that the Secretary of Health and Human Services shall not approve welfare reform waivers which do not conform to the welfare reform waiver provisions stated in the conference report on the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1995.

TITLE III—DEPARTMENT OF EDUCATION

EDUCATION REFORM

Amendment No. 85: Inserts citation for title IV of the Goals 2000: Educate America Act as proposed by the Senate. Both the House and Senate bills provide the same total for Education Reform programs but allocate the funds differently. The conference agreement provides the following specific amounts:

Goals 2000 State grants	$371,870,000
Parents as teachers	10,000,000
School-to-work	125,000,000

The conference agreement does not include $3,200,000 in this account to initiate a new school finance equity demonstration program as proposed in the budget request. Funding has been included instead under the education research program to finance a multiyear study of equalization activities in the various States.

EDUCATION FOR THE DISADVANTAGED

Amendment No. 86: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *enacted into law*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Both the House and the Senate bills provided funding for education for the disadvantaged activities based on proposed changes in the Elementary and Secondary Education Act currently being considered by the Congress. The House bill provided funding based on the reauthorization as passed the House on March 24, 1994. The Senate bill provided funding based on the bill as passed the Senate on August 2, 1994. The conference agreement provides funding based on the reauthorization "as enacted into law". This action protects the rights of both the House and the Senate as the reauthorization process is completed.

Amendment No. 87: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$7,232,722,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement appropriates $7,232,722,000 for education for the disadvantaged instead of $7,245,655,000 as proposed by the House and $7,233,411,000 as proposed by the Senate.

Amendment No. 88: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$7,214,160,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement provides that $7,214,160,000 of these funds become available on a forward-funded basis instead of $7,212,093,000 as proposed by the House and $7,214,849,000 as proposed by the Senate.

Amendment No. 89: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which specifies that not less than $41,434,000 shall be available for the capital expenses program. This is the same amount carried in both bills.

Amendment No. 90: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *not less than $39,311,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement includes $39,311,000 for neglected and delinquent programs instead of $37,244,000 as proposed by the House and $40,000,000 as proposed by the Senate.

Amendment No. 91: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which clarifies that the $27,560,000 included in both bills for program improvement grants is the maximum which can be spent for this purpose.

Amendment No. 92: Deletes language included by the House but stricken by the Senate earmarking $15,000,000 for a new program to demonstrate innovative approaches to educating disadvantaged students. This program is not yet authorized.

IMPACT AID

Amendment No. 93: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *enacted into law*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Both the House and the Senate bills provided funding for impact aid activities based on proposed changes in the Elementary and Secondary Education Act currently being considered by the Congress. The House bill provided funding based on the reauthorization as passed the House on March 24, 1994. The Senate bill provided funding based on the bill as passed the Senate on August 2, 1994. The conference agreement provides funding based on the reauthorization "as enacted into law". This action protects the rights of both the House and the Senate as the reauthorization process is completed.

Amendment No. 94: Appropriates $728,000,000 for impact aid as proposed by the House instead of $666,880,000 as proposed by the Senate. The conference agreement does not assume any additional transfers to this account from the Fiscal Year 1995 Defense Appropriations Act. Assuming enactment of pending revisions to the authorizing statutes for impact aid, the conferees direct the following distribution of funds:

Basic support payments	$631,707,000
Special education	40,000,000
Heavily impacted districts	40,000,000
Federal property	16,293,000

Amendment No. 95: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *8004(f), 9004(f), or the relevant citation which may be designated in the Act: Provided, That should the Improving America's Schools Act not be enacted into law for fiscal year 1995 funds for impact aid shall be made available under the provisions of Public Laws 81–815 and 81–874 with amounts allocated proportionately and under the same timeframes as provided in fiscal year 1994*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement clarifies language included by both the House and Senate that $40,000,000 of this appropriation shall be for heavily impacted districts. The agreement also provides that should the reauthorization process not be completed for 1995, that funding is to be distributed based on the existing impact aid statutes. The conference agreement also makes clear the authority of the Secretary to pay school districts using prior year data as was done in 1994.

SCHOOL IMPROVEMENT

Amendment No. 96: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *III, IV, V, VII, VIII, IX, and XV (or under the comparable citations which may be designated)*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement restores the citation included by the House but stricken by the Senate. The agreement also adds new citations proposed by the Senate.

Amendment No. 97: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *enacted into law*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Both the House and the Senate bills provided funding for school improvement activities based on proposed changes in the Elementary and Secondary Education Act currently being considered by the Congress. The House bill provided funding based on the reauthorization as passed the House on March 24, 1994. The Senate bill provided funding based on the bill as passed the Senate on August 2, 1994. The conference agreement provides funding based on the reauthorization "as enacted into law". This action protects the rights of both the House and the Senate as the reauthorization process is completed.

Amendment No. 98: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$1,564,877,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement includes $1,564,877,000 for school improvement programs instead of $1,424,513,000 as proposed by the House and $1,570,201,000 as proposed by the Senate.

Both the House and the Senate bills included a total of $667,548,000 for educational improvement activities. The conferees have agreed that $320,298,000 of this amount shall be for activities under the expanded Eisenhower professional development program and the remaining $347,250,000 shall be for the revised chapter 2 State block grant program. The conferees urge that States give the highest priority to funding of professional development activities when utilizing their chapter 2 funds.

Amendment No. 99: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$1,268,418,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement provides that $1,268,418,000 for school improvement programs become available on a forward-funded basis instead of $1,158,695,000 as proposed by the House and $1,264,849,000 as proposed by the Senate.

Amendment No. 100. Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *$5,899,000 shall be for law related education; $12,000,000 shall be for arts education activities; $28,000,000 shall be for dropout prevention assistance, if authorized; $4,185,000 shall be for Ellender Fellowships; $12,000,000 shall be for education for Native Hawaiians; $10,912,000 shall be for foreign language assistance, if authorized; and $100,000,000 shall be for new education infrastructure improvement grants, if authorized*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement specifies funding levels and inserts legislative citations for programs agreed to by the conferees. This includes $4,185,000 for Ellender Fellowships, the same level provided in both bills. The conferees have no objection to the adjustments in the funding agreement for this activity outlined on page 186 of the Senate report.

Both the House and Senate bills include $44,541,000 for the new system of consolidated technical assistance centers. It is the intention of the conferees that these funds are also available for existing centers consistent with the phase-in schedule for consolidation under the reauthorization and that there not be a gap in funding for these services.

The conference agreement includes $111,519,000 for the magnet schools program. This is $1,500,000 below the level included by the House and $4,500,000 more than provided by the Senate. The Secretary is expected to give priority in awarding new grants to local educational agencies which propose innovative programs that involve strategies such as neighborhood or community model schools organized around a special emphasis theme or concept and involving extensive parent and community involvement.

BILINGUAL AND IMMIGRANT EDUCATION

Amendment No. 101: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which inserts a legislative citation.

Amendment No. 102: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *enacted into law*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Both the House and the Senate bills provide funding for bilingual and immigrant education activities based on proposed changes in the Elementary and Secondary Education Act currently being considered by the Congress. The House bill provided funding based on the reauthorization as passed the House on March 24, 1994. The Senate bill provided funding based on the bill as passed the Senate on August 2, 1994. The conference agreement provides funding based on the reauthorization "as enacted into law". This action protects the rights of both the House and the Senate as the reauthorization process is completed.

Amendment No. 103: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$245,200,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement provides $245,200,000 for bilingual and immigrant education instead of $247,572,000 as proposed by the House and $238,082,000 as proposed by the Senate.

Amendment No. 104: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *part C or under subpart 3 of part A of title VII or under the comparable citation which may be designated by amendments to the authorizing legislation*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement modifies the citation for training activities to be compatible with House and Senate authorization proposals. Both the House and the Senate bills appropriate $25,180,000 for this program.

Amendment No. 105: Deletes without prejudice legislative citation added by the Senate.

SPECIAL EDUCATION

Amendment No. 106: Appropriates $3,252,846,000 for special education programs instead of $3,106,634,000 as proposed by the House and $3,299,459,000 as proposed by the Senate.

Amendment No. 107: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$2,998,812,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The agreement provides that $2,998,812,000 of the appropriation for special education become available on a forward-funded basis instead of $2,858,973,000 as proposed by the House and $2,753,000,000 as proposed by the Senate.

Amendment No. 108: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which delays the obligation of $292,125,000 of special education funds until September 30, 1995. This language was requested in the President's Budget based on the delays by the States in the implementation of the infants and families program. The delayed availability does not change in any way the program itself. The House bill contained no similar provision.

REHABILITATION SERVICE AND DISABILITY RESEARCH

Amendment No. 109: Appropriates $2,393,352,000 for rehabilitation programs instead of $2,355,600,000 as proposed by the House and $2,413,675,000 as proposed by the Senate.

The amount agreed to by the conferees includes $7,000,000 for the spinal cord model systems program as proposed by the Senate.

AMERICAN PRINTING HOUSE FOR THE BLIND

Amendment No. 110: Appropriates $6,680,000 as proposed by the Senate instead of $6,406,000 as proposed by the House.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

Amendment No. 111: Appropriates $43,191,000 as proposed by the Senate instead of $41,462,000 as proposed by the House.

Amendment No. 112: Earmarks $336,000 for the endowment and $150,000 for construction as proposed by the Senate. The House bill included $333,000 for the endowment and $192,000 for construction.

GALLAUDET UNIVERSITY

Amendment No. 113: Appropriates $80,030,000 for Gallaudet University as proposed by the Senate instead of $76,742,000 as proposed by the House.

Amendment No. 114: Earmarks $1,000,000 for the endowment as proposed by the Senate instead of $991,000 as proposed by the House.

VOCATIONAL AND ADULT EDUCATION

Amendment No. 115: Inserts citation as proposed by the Senate.

Amendment No. 116: Appropriates $1,473,175,000 for vocational and adult education programs instead of $1,456,383,000 as proposed by the House and $1,475,736,000 as proposed by the Senate. The agreement also provides that $1,470,256,000 of this amount become available on a forward-funded basis.

Amendment No. 117: Earmarks $34,535,000 for vocational education national programs instead of $25,767,000 as proposed by the House and $37,096,000 as proposed by the Senate.

Amendment No. 118: Earmarks $20,684,000 of the national programs funding for demonstration grants instead of $13,000,000 as proposed by the House and $23,245,000 as proposed by the Senate. This amount includes funding for continuation of the high risk youth program and other demonstration projects as described in the House and Senate reports.

Amendment No. 119: Earmarks $6,000,000 for data systems as proposed by the Senate instead of $4,916,000 as proposed by the House.

Amendment No. 120: Earmarks $3,900,000 for adult education national programs as proposed by the Senate instead of $5,400,000 as proposed by the House.

Amendment No. 121: Deletes citation proposed by the House but stricken by the Senate.

STUDENT FINANCIAL ASSISTANCE

Amendment No. 122: Appropriates $7,702,970,000 for Student Financial Assistance instead of $7,825,417,000 as proposed by the House and $7,685,524,000 as proposed by the Senate.

The conference agreement includes $1,500,000 to carry out the provisions of section 448(f) of the Higher Education Act of 1965, as amended, which includes a separate authorization for "work colleges".

The conferees direct the Department to work with each State Postsecondary Review Entity (SPRE) with approved plans to arrive at a priority list of postsecondary institutions within their state that will be subject to a SPRE review. However, the conference agreement includes bill language under title V general provisions which directs that the designation of institutions to be reviewed shall not be final nor released nor published until the state SPRE has received the Secretary's concurrence for its institutional review standards.

Amendment No. 123: Earmarks $63,375,000 for State Student incentive Grants instead of $54,322,000 as proposed by the House and $72,429,000 as proposed by the Senate.

FEDERAL DIRECT STUDENT LOAN PROGRAM ACCOUNT

Amendment No. 124: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides such sums as may be necessary for Federal Direct Student Loan Program Account. The House bill contained no similar provision. Permanent appropriations are available for this program under title IV, part D, of the Higher Education Act. The conferees direct the Department to provide semiannual reports to the Appropriations Committees on the implementation of the Federal Direct Student Loan Program.

HIGHER EDUCATION

Amendment No. 125: Deletes the citation included by the House and stricken by the Senate for strengthening library and information science programs at Historically Black Colleges and Universities and other minority serving institutions.

Amendment No. 126: Modifies citations inserted by the Senate for cooperative education and Eisenhower leadership programs. The House bill did not include funding for these programs.

Amendment No. 127: Deletes citation added by the Senate for the Alaska Native Culture and Arts Development Act. This citation was included by the conferees under amendment 130.

Amendment No. 128: Deletes citation included by the House and stricken by the Senate for Olympic Scholarships. This citation was included by the conferees under amendment 130.

Amendment No. 129: Restores citation for National Academy of Science, Space, and Technology stricken by the Senate.

Amendment No. 130: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *section 1521 of the Higher Education Amendments of 1986 as amended by Public Law 103–239, to be administered by the Secretary of Education; part E of title XV of the Higher Education Amendments of 1992; and Public Law 102–423, $962,842,000, of which $8,060,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement modifies the citation for the Alaska Native Culture and Arts Development Act that was included by the Senate, but not the House; modifies the citation for Olympic Scholarships included by the House, but not the Senate; and includes the citation for the Bethune Memorial Fine Arts Center that was included by the House, but not the Senate.

The conference agreement includes $6,424,000 for the National science scholars program which is $2,000,000 more than the amounts included in the House and Senate bills. The conferees are agreed that the Secretary shall allocate $2,000,000 of these funds to the National Academy of Science, Space and Technology program.

The conferees are also agreed that the Secretary should continue the current policy within the law school clinical center program of giving priority to applications which emphasize services to indigent and underserved populations.

Amendment No. 131: Restores $4,000,000 for Bethune Memorial Fine Arts Center as proposed by the House and stricken by the Senate.

Amendment No. 132: Restores language proposed by the House and stricken by the Senate, amended to provide $1,000,000 for an evaluation of the title III, aid for institutional development programs. The House included $1,500,000 for this purpose, and the Senate bill contained no funding.

HOWARD UNIVERSITY

Amendment No. 133: Appropriates $206,463,000 for Howard University as proposed by the House instead of $192,896,000 as proposed by the Senate.

The conferees are agreed that the foreign student surcharge at Howard University should be repealed effective with the beginning of the Spring semester of the 1994–1995 academic year instead of during the Fall semester as proposed in the Senate report.

Amendment No. 134: Earmarks $3,530,000 for the regular endowment matching program as proposed by the Senate instead of $7,910,000 as proposed by the House.

Amendment No. 135: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows: *$5,000,000, to remain available until expended, shall be for general construction needs at the University and $5,500,000, to remain available until expended, shall be for the establishment of* *a Law School Clinical Center to be administered under the same terms and conditions as the Centers established and funded under Public Laws 99–88 and 100–517 with not more than $1,000,000 to be used for construction*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference provides $5,000,000 for general construction at Howard University instead of $6,000,000 as proposed by the House. The Senate bill did not include funds for this purpose.

The agreement also provides $5,500,000 of funding included by the House but not by the Senate for establishment of a Law School Clinical Center at Howard University. The purpose of this Center is to provide legal assistance to supplement the civil legal services of Legal Services Corporation grantees and to conduct continuing legal education courses and seminars to prepare practicing attorneys for pro bono services. Under this program, no recipient shall receive legal services who would be disqualified by law or regulation from receiving such service from a Legal Services Corporation grantee. $4,500,000 of this grant shall be made available to the University to establish an endowment fund to provide income to support the Center on a continuing basis. The remaining $1,000,000 shall be made available to the grantee for facilities, equipment, and other costs actually incurred in establishing such a clinical program.

HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING, PROGRAM ACCOUNT

The conference agreement includes $347,000 for the administrative costs associated with the new Historically Black College and University Capital Financing program. This is the same amount provided in both the House and Senate bills. The conferees wish to make clear their intention that the appropriation language agreed to provides authority to initiate this program in 1995 if its startup is delayed beyond September 30, 1994.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

Amendment No. 136: Appropriates $168,000 for loan interest subsidy costs of College Housing and Academic Facilities Loans as proposed by the Senate instead of $134,000 as proposed by the House.

Amendment No. 137: Provides authority to make $10,000,000 in new loans as proposed by the Senate instead of $8,000,000 as proposed by the House.

The conferees are concerned by the sharply rising costs of college housing and the fact that no loans have been made to college housing cooperatives for at least a decade. Therefore, consistent with the Secretary's authority to designate student housing cooperatives as a priority, the conferees direct the Department to use these funds for awards to student housing cooperatives.

EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT

Amendment No. 138: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: , *as amended by the Improving America's Schools Act as enacted into law; the National Education Statistics Act of 1994, as enacted into law; the Education Council Act, as amended; part F of the General Education Provisions Act; and title VI of Public Law 103–227, $354,892,000: Provided, That $86,200,000 shall be for education research of which $41,000,000 shall be for regional laboratories, including rural initiatives and network activities, $33,000,000 shall be for research centers, and $3,200,000, to remain available until expended, shall be for school finance equalization research; $36,750,000 shall be for the Fund for the Improvement of Education; $3,000,000 shall be for the international education exchange program; $750,000 shall be for 21st Century Community Learning Centers, if authorized; $4,463,000 shall be for civic education activities; $14,480,000 shall be for the National Diffusion Network; $36,356,000 shall be for Eisenhower professional development Federal activities, including not less than $5,472,000 for the National Clearinghouse for Science and Mathematics and $15,000,000 for regional consortia; $2,250,000 shall be for a mathematics telecommunications demonstration, if authorized; $40,000,000 shall be for education technology activities, if authorized; and $7,000,000 shall be for Ready to Learn television, including funds to be awarded to the Corporation for Public Broadcasting in such amounts as the Secretary determines appropriate*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement appropriates $354,892,000 for education research, statistics and improvement activities instead of $318,775,000 as proposed by the House and $371,586,000 as proposed by the Senate. The conference agreement also includes updated legislative citations replacing those contained in the original House and Senate bills. Both the House and the Senate bills provided funding for certain activities based on proposed changes in the Elementary and Secondary Education Act currently being considered by the Congress. The House bill provided funding based on the reauthorization as passed by the House on March 24, 1994. The Senate bill provided funding based on the bill as passed by the Senate on August 2, 1994. The conference agreement provides funding based on the reauthorization "as enacted into law". This action protects the rights of both the House and the Senate as the reauthorization process is completed. In those cases where funds have been included for new activities which would be initially authorized by these bills, funds have been appropriated subject to final authorization.

The conference agreement includes $86,200,000 for education research. This amount includes $3,200,000 to fund a three year study of school finance equalization efforts in the States. This study is to be carried out by the National Academy of Sciences. The House and Senate reports and the Senate floor debate describe those specific education research and demonstration activities currently managed by other Offices within the Department which should be transferred to and administered by the Assistant Secretary for Education Research and Improvement during Fiscal Year 1995. The conferees expect these transfers to be accomplished as directed.

The conference agreement includes $3,000,000 to initiate the international education exchange program authorized under title VI of P.L. 103–227 instead of $5,000,000 as proposed by the Senate. The House did not consider this program.

The agreement also includes $750,000 to initiate a new program of 21st Century Community Learning Centers, if authorized, instead of $900,000 as proposed by the Senate. This program was not considered by the House.

The conference agreement includes $2,250,000 for a new demonstration program using telecommunications to improve mathematics teaching if such a project is authorized for Fiscal Year 1995. The Senate bill included $3,000,000 for this activity which was not considered by the House.

The conference agreement includes $36,750,000 for the Fund for the Improvement of Education. This includes amounts for the following priorities:

Environmental science education	$1,500,000
Model arts education	1,000,000
Elementary school counseling demonstration	2,000,000
National student and parent mock election	125,000
Partnerships in character education	750,000
Promoting scholar-athlete competitions	400,000
Middle school-workplace-community partnerships	1,000,000
African American and Hispanic student/faculty development	500,000

The conferees are also agreed that a portion of these funds may be used by the Secretary for activities to recognize exemplary schools.

LIBRARIES

Amendment No. 139: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *title II of the Higher Education Act, $144,161,000, of which $17,792,000 shall be used to carry out the provisions of title II of the Library Services and Construction Act and shall remain available until expended; and $4,916,000 shall be for section 222 and $6,500,000 shall be for section 223 of the Higher Education Act, of which $5,000,000 shall be for additional awards for demonstration of on-line access to statewide, multitype library bibliographic data bases using fiber optic networks and $1,500,000 shall be for a demonstration project making Federal information and other data bases available for public use by connecting a multistate consortium of public and private colleges and universities to a public library and an historic library*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement includes $144,161,000 for library activities instead of $115,996,000 as proposed by the House and $147,558,000 as proposed by the Senate.

The conference agreement includes $6,500,000 for library research and demonstration activities instead of $8,270,000 as proposed by the Senate. The House bill did not include funding for this purpose. The conferees direct the Secretary to use $5,000,000 to fund additional projects that competed in 1994 for demonstration of on-line and dial-in access to a statewide, multitype bibliographic data base through a statewide fiber optic network. Also included is $1,500,000 for a new demonstration grant making Federal data bases available to consumers by connecting colleges and universities with a public library and an historic library. Neither of these proposals was considered by the House.

The conference agreement also includes $23,700,000 for interlibrary cooperation. No funds have been included for college library technology or for research libraries grants.

DEPARTMENTAL MANAGEMENT

PROGRAM ADMINISTRATION

Amendment No. 140: Appropriates $356,021,000 for program administration instead of $359,358,000 as proposed by the House and $346,008,000 as proposed by the Senate. This amount includes $500,000 for the Secretaries' Task Force on Coordinated Services.

The conferees direct the Secretary to provide the Office of Educational Research and Improvement the salaries and expenses commensurate with carrying out the expanded research, development, dissemination, reform assistance and independent evaluation responsibilities contained in the reauthorization and in the directives included in the fiscal year 1995 House and Senate reports. The conferees expect the Secretary to document this in the January 1995 report required by the Committees.

OFFICE OF THE INSPECTOR GENERAL

Amendment No. 141: Appropriates $30,437,000 for the Office of the Inspector General instead of $29,199,000 as proposed by the House and $31,675,000 as proposed by the Senate.

TITLE IV—RELATED AGENCIES

ARMED FORCES RETIREMENT HOME

Amendment No. 142: Appropriates $59,317,000 for the Armed Forces Retirement Home instead of $59,816,000 as proposed by the House and $56,820,000 as proposed by the Senate.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

DOMESTIC VOLUNTEER SERVICE PROGRAMS

OPERATING EXPENSES

Amendment No. 143: The conference agreement appropriates $214,710,000 for Domestic Volunteer Service Programs, Operating Expenses (formerly Action) instead of $205,771,000 as proposed by the House and $217,688,000 as proposed by the Senate.

CORPORATION FOR PUBLIC BROADCASTING

(INCLUDING RESCISSION)

Amendment No. 144: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

(Including rescission)

Of the funds made available under this heading in Public Law 102–394, $7,000,000 are hereby rescinded. For payment to the Corporation for Public Broadcasting, as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 1997, $315,000,000: Provided, That no funds made available to the Corporation for Public Broadcasting by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: Provided further, That none of the funds contained in this paragraph shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement rescinds $7,000,000 of funds appropriated in Public Law 102–394, the 1993 Appropriations Act, instead of rescinding $21,100,000 as proposed by the House. The Senate bill did not include a rescission. The rescission is not based on any effort to influence public broadcasting programming decisions. The conferees have taken this action due to the severe financial constraints imposed by the budget caps.

The agreement also appropriates $315,000,000 for fiscal year 1997, instead of $330,000,000 as proposed by the Senate. The House bill deferred consideration of the fiscal year 1997 funding pending reauthorization.

The conferees are concerned by reports of excessive levels of compensation paid to individual performers by the public broadcasting system. As an example, the conferees have learned that a single individual is paid $438,000 annually for his once a week 30 minute appearance. These costs are paid directly by taxpayers and contributors through charges to local stations for this programming. The conferees believe that a review of compensation policies for performers paid for by the public broadcasting system is needed and requests a detailed report on this issue from the Corporation prior to the fiscal year 1996 hearings.

FEDERAL MEDIATION AND CONCILIATION SERVICE

Amendment No. 145: Appropriates $31,344,000 for the Federal Mediation and Conciliation Service instead of $31,078,000 as proposed by the House and $31,610,000 as proposed by the Senate.

NATIONAL COUNCIL ON DISABILITY

Amendment No. 146: Appropriates $1,793,000 for the National Council on Disability instead of $1,643,000 as proposed by the House and $1,843,000 as proposed by the Senate.

NATIONAL LABOR RELATIONS BOARD

Amendment No. 147: Appropriates $176,047,000 for the National Labor Relations Board as proposed by the Senate instead of $173,388,000 as proposed by the House.

NATIONAL MEDIATION BOARD

The conference agreement provides $8,519,000 for the National Mediation Board in Amendment number 154. The conferees direct the Mediation Board to use the additional $400,000 for neutral arbitrators' salaries and expenses in deciding pending grievance cases in the railroad industry and expect the Board to maintain the 1994 level of days worked by arbitrators.

RAILROAD RETIREMENT BOARD

LIMITATION ON ADMINISTRATION

Amendment No. 148: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert: *: Provided further, That for fiscal year 1995 only, notwithstanding any other provision of law, no portion of this limitation shall be available for payments of standard level user charges pursuant to section 210(j) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(j); 45 U.S.C. 231–231u)*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

Amendment No. 149: Appropriates $6,682,000 for the Inspector General as proposed by the House instead of $6,860,000 as proposed by the Senate.

UNITED STATES INSTITUTE OF PEACE

Amendment No. 150: Appropriates $11,500,000 for the United States Institute of Peace as proposed by the Senate instead of $10,912,000 as proposed by the House.

TITLE V—GENERAL PROVISIONS

Amendment No. 151: Restores language proposed by the House and stricken by the Senate related to American-made products and deletes language proposed by the Senate related to the Buy American Act.

Amendment No. 152: Restores House language deleted by the Senate that would prohibit the implementation by the Department of Education of the so-called "85/15" regulations promulgated under section 481(b)(6) of the Higher Education Act, prior to July 1, 1995. The conferees have taken this action on a one-time basis and are agreed that any further action on this matter should be taken by the authorizing committees of jurisdiction.

Amendment No. 153: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

SEC. 511. None of the funds appropriated or otherwise made available under this Act may be obligated in violation of existing Federal law or regulation already prohibiting such benefit or assistance. None of the funds appropriated under this Act may be used by any Federal official, or any State or local official, to induce undocumented immigrants to apply for Federal benefits for which such officials know or should know such undocumented immigrants are not eligible. In no case, however, shall Federal, State, or local officials be penalized for efforts to ensure that eligible persons are not excluded from participation in, denied the benefits of, or subjected to discrimination by any program receiving funds under this Act, on the grounds of race, color, or national origin-based traits, including language. Each State agency and each other entity administering a program under which verification of immigration status is required by section 121 of the Immigration Reform and Control Act of 1986 shall participate in the system for the verification of such status established by the Commissioner of the Immigration and Naturalization Service pursuant to section 121(c) of that Act, unless an alternative system is available and employed for such purposes which is found to meet the criteria for waiver under section 121(c)(4).

SEC. 512. Notwithstanding any other provision of law, monthly benefit rates during fiscal year 1995 and thereafter under part B or part C of the Black Lung Benefits Act shall continue to be based on the benefit rates in effect in September, 1994 and be paid in accordance with the Act, until exceeded by the benefit rate specified in section 412(a)(1) of the Act.

SEC. 513. No more than one percent of salaries appropriated for each Agency in this act may be expended by that Agency on cash performance awards: Provided, That of the budgetary resources available to Agencies in this Act for salaries and expenses during fiscal year 1995, $30,500,000, to be allocated by the Office of Management and Budget, are permanently canceled: Provided further, That the foregoing proviso shall not apply to the Food and Drug Administration and the Indian Health Service.

SEC. 514. Chapter 51 of title 18, United States Code, is amended by adding at the end thereof the following new section:

§1118. Protection against the Human Immunodeficiency Virus

"(a) IN GENERAL.—Whoever, after testing positive for the Human Immunodeficiency Virus (HIV) and receiving actual notice of that fact, knowingly donates or sells, or knowingly attempts to donate or sell, blood, semen, tissue, organs, or other bodily fluids for use by another, except as determined necessary for medical research or testing, shall be fined or imprisoned in accordance with subsection (c).

"(b) TRANSMISSION NOT REQUIRED.—Transmission of the Human Immunodeficiency Virus

does not have to occur for a person to be convicted of a violation of this section.

"(c) PENALTY.—Any person convicted of violating the provisions of subsection (a) shall be subject to a fine of not less than $10,000 nor more than $20,000, imprisoned for not less than 1 year nor more than 10 years, or both.".

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement modifies language proposed by the Senate with respect to undocumented immigrants. The agreement also inserts a provision relating to black lung benefits as proposed by the Senate, a provision as proposed by the Senate relating to protection against the human immunodeficiency virus and a provision as proposed by the Senate that caps the amount of funds spend for cash performance awards, modified to include a reduction in appropriations related to the cap. The conferees delete without prejudice language proposed by the Senate related to funding for executive direction activities and to unallowable costs in connection with Federal grants and contracts.

The conferees have included section 513 that places a cap on the amount that agencies may spend on cash performance awards. The amount spent may not exceed one percent of the amount budgeted for personnel compensation and benefits. In addition, the conference agreement includes a reduction of $30,500,000 for salaries and expenses for all agencies funded in this bill; this is directly related to the one-percent cap. The reduction of $30,500,000 shall be allocated among the agencies funded in the bill by the Office of Management and Budget. The reduction shall be allocated in proportion to the extent to which agencies have exceeded the one-percent figure in the past.

The conference agreement deletes the language on unallowable contractor and grantee costs proposed by the Senate. The conferees remain concerned about the problems the Departments of Labor, Health and Human Services, and Education have experienced with contractors and grantees who make claims for reimbursement for costs that are unallowable. Accordingly, in order to help eliminate claims for unallowable costs, the conferees support a process whereby contractors and grantees certify that they will not claim costs that have been previously determined to be unallowable. It is the understanding of the conferees that the conference agreement of Federal procurement reform legislation addresses this matter to strengthen controls over the procurement process and to help eliminate contractor and grantee claims for unallowable costs.

It is the intent of the conferees that funds available for executive direction, excluding the Centers for Disease Control and Prevention, the National Institutes of Health and the Social Security Administration, shall not exceed the lower of the amounts set forth in the budget estimates submitted to Congress for fiscal year 1995 or the amounts provided in this conference agreement.

Amendment No. 154: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert:

SEC. 515. Notwithstanding any other provision of law, (1) no amount may be transferred from an appropriation account for the Departments of Labor, Health and Human Services, and Education except as authorized in this or any subsequent appropriation act, or in the Act establishing the program or activity for which funds are contained in this Act;

(2) no department, agency, or other entity, other than the one responsible for administering the program or activity for which an appropriation is made in this Act, may exercise authority for the timing of the obligation and expenditure of such appropriation, or for the purposes for which it is obligated and expended, except to the extent and in the manner otherwise provided in section 1512 and 1513 of title 31, United States Code; and

(3) no funds provided under this or any subsequent appropriation act shall be available for the salary (or any part thereof) of an employee who is reassigned on a temporary detail basis to another position in the employing agency or department or in any other agency or department, unless the detail is independently approved by the head of the employing department or agency.

and

on page 55 of the House engrossed bill, H.R. 4606, after line 3, insert:

SEC. 305. None of the funds appropriated under this Act may be used to publish, release, report or finalize the designation of institutions to be reviewed under subpart 1 of part H of title IV of the High Education Act of 1965, as amended, until the State postsecondary review entity responsible for evaluating those institutions has received the Secretary's approval for its institutional review standards.

and

on page 58, line 19 of the House engrossed bill, H.R. 4606, strike "$8,119,000" and insert in lieu thereof *$8,519,000*

and

on page 43 of the House engrossed bill, H.R. 4606, after line 14, insert:

SEC. 210. Of the funds made available under this title, under the heading Low Income Home Energy Assistance, for fiscal year 1996, the Secretary shall receive assurances from States that funds will assist low-income households with their home energy needs, particularly those with the lowest incomes that pay a high proportion of household income for home energy.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement deletes language proposed by the Senate that expressed the sense of the Senate regarding Federal payments in lieu of taxes. The agreement also inserts language prohibiting certain transfers of funds, certain employee details, and fund apportionments done by any agency other than the Office of Management and Budget; inserts language related to postsecondary review entities under the Higher Education Act; appropriates $8,519,000 for the National Mediation Board; and inserts language related to the Low Income Home Energy Assistance Program.

TITLE VI—EMERGENCY SUPPLEMENTAL APPROPRIATIONS

Amendment No. 155: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert:

TITLE VI—EMERGENCY APPROPRIATIONS

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 156: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

For the Public Health and Social Services Emergency Fund to be used to assist States and local communities in recovering from the flooding caused by tropical storm Alberto and other emergencies, $35,000,000 to remain available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement, as defined in the Balanced Budget and Emergency Deficit Control Act of 1985 as amended, is transmitted by the President to the Congress.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement provides $35,000,000 to assist States and local communities in meeting public health and social services needs related to tropical storm Alberto and other emergencies, as proposed by the Senate. The funds are declared an emergency need by the Congress and would only be available if the President submits a formal budget request stating that the entire amount is an emergency requirement under the Budget Control Act. The House bill had no provision for this.

Amendment No. 157: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert:

TITLE VII—CRIME REDUCTION PROGRAMS

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES

CHILDREN AND FAMILIES SERVICES PROGRAMS

In addition to amounts otherwise appropriated in this Act, $26,900,000, to be derived from the Violent Crime Reduction Trust Fund, including $1,000,000 for a domestic violence hotline as authorized by the Safe Homes for Women Act of 1994 and $25,900,000 for carrying out the Community Schools Youth Services and Supervision Grant Program Act of 1994.

DEPARTMENT OF EDUCATION

SCHOOL IMPROVEMENT PROGRAMS

In addition to amounts otherwise appropriated in this Act, $11,100,000, to be derived from the Violent Crime Reduction Trust Fund, for carrying out the Family and Community Endeavor Schools Act.

The managers on the part of the Senate will move to concur on the amendment of the House to the amendment of the Senate.

The conference agreement deletes an appropriation of $10,000,000 proposed by the Senate for disaster assistance under the impact aid program of the Department of Education. Previously appropriated funds are already available for this purpose. The House bill had no provision for this. The agreement includes a new title VII of the bill making appropriations totalling $38,000,000 for carrying out certain programs under the Violent Crime Control and Law Enforcement Act of 1994.

	FY 1994 Comparable	FY 1995 Request	House Bill	Senate Bill	Conference	Conference vs FY94 Comparable
TITLE I - DEPARTMENT OF LABOR						
EMPLOYMENT AND TRAINING ADMINISTRATION						
PROGRAM ADMINISTRATION						
Job training programs	22,854	24,123	23,095	23,095	23,095	+241
Trust funds	(2,233)	(2,305)	(2,170)	(2,170)	(2,170)	(-63)
Employment security	257	483	260	260	260	+3
Trust funds	(15,058)	(15,100)	(14,635)	(14,635)	(14,635)	(-423)
Financial and administrative management	18,564	19,525	18,760	18,760	18,760	+196
Trust funds	(8,110)	(8,661)	(7,882)	(7,882)	(7,882)	(-228)
Executive direction and administration	5,994	7,197	6,057	6,057	6,057	+63
Trust funds	(1,420)	(1,743)	(1,380)	(1,380)	(1,380)	(-40)
Regional operations	24,732	25,287	24,993	24,993	24,993	+261
Trust funds	(19,554)	(19,780)	(19,006)	(19,006)	(19,006)	(-548)
Apprenticeship services	16,932	17,285	17,111	17,111	17,111	+179
Total, Program Administration	135,708	141,489	135,349	135,349	135,349	-359
Federal funds	89,333	94,000	90,276	90,276	90,276	+943
Trust funds	(46,375)	(47,489)	(45,073)	(45,073)	(45,073)	(-1,302)
TRAINING AND EMPLOYMENT SERVICES 1/						
Grants to States:						
Adult training	988,021	1,130,000	1,044,813	1,064,813	1,054,813	+66,792
Youth training	658,682	598,682	598,682	598,682	598,682	-60,000
(Rescission, FY 1994)	---	---	---	-50,000	-50,000	-50,000
Summer youth employment and training program	888,282	1,056,328	1,056,328	1,056,328	1,056,328	+168,046
(Summer of 1995) (non-add) 2/	---	(184,788)	(184,788)	(184,788)	(184,788)	(+184,788)
Dislocated worker assistance	1,118,000	1,464,949	1,296,000	1,296,000	1,296,000	+178,000
Earthquake supplemental (emergency)	(28,000)	---	---	---	---	(-28,000)
Federally administered programs:						
Native Americans	64,218	61,871	63,866	64,218	64,080	-138
Migrants and seasonal farmworkers	85,576	78,303	84,841	86,000	85,710	+134

1/ Forward funded except where noted.

2/ The Senate bill and conference agreement makes these funds available on July 1, 1995.

	FY 1994 Comparable	FY 1995 Request	House Bill	Senate Bill	Conference	Conference vs FY94 Comparable
Job Corps:						
Operations	913,913	957,431	957,431	953,631	957,431	+43,518
Construction and renovation	126,556	199,224	150,000	126,556	142,029	+15,473
Subtotal, Job Corps	1,040,469	1,156,655	1,107,431	1,080,187	1,099,460	+58,991
Youth Fair Chance	25,000	25,000	24,785	24,785	24,785	-215
Veterans' employment	8,957	8,957	8,880	8,880	8,880	-77
National activities:						
Pilots and demonstrations	35,830	34,901	35,522	35,522	35,522	-308
Research, demonstration and evaluation	12,301	12,239	12,196	12,196	12,196	-105
Other	23,021	35,674	30,823	27,000	30,823	+7,802
Subtotal, National activities	71,152	82,814	78,541	74,718	78,541	+7,389
Subtotal, Federal activities	1,295,372	1,413,600	1,368,144	1,338,788	1,361,456	+66,084
Total, Job Training Partnership Act	4,948,357	5,663,559	5,363,967	5,304,611	5,317,279	+368,922
Job training for the homeless:						
Regular program 1/	7,482	---	7,418	---	---	-7,482
Veterans program 1/	5,055	5,055	5,011	5,011	5,011	-44
Glass Ceiling Commission 1/	744	744	738	738	738	-6
Women in apprenticeship 1/	750	750	744	744	744	-6
National Center for the Workplace 1/	1,122	1,122	1,113	1,113	1,113	-9
Skills Standards	---	12,350	6,000	6,000	6,000	+6,000
School-to-work	50,000	150,000	140,000	100,000	125,000	+75,000
Total, Training and Employment Services	5,013,510	5,833,580	5,524,991	5,418,217	5,455,885	+442,375
Subtotal, forward funded	(4,998,357)	(5,825,909)	(5,509,967)	(5,410,611)	(5,448,279)	(+449,922)

1/ Current funded.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

National contracts	320,190	308,927	320,190	320,190	320,190	---
State grants	90,310	87,133	90,310	90,310	90,310	---
Total	410,500	396,060	410,500	410,500	410,500	---

FEDERAL UNEMPLOYMENT AND ALLOWANCES

Trade adjustment	189,900	274,400	274,400	274,400	274,400	+84,500
Other activities	100	---	---	---	---	-100
Total	190,000	274,400	274,400	274,400	274,400	+84,400

STATE UNEMPLOYMENT INSURANCE AND
EMPLOYMENT SERVICE OPERATIONS

Unemployment Compensation (Trust Funds):						
State Operations	(1,715,906)	(1,765,626)	(1,765,626)	(1,765,626)	(1,765,626)	(+49,720)
State integrity activities	(356,928)	(367,169)	(367,169)	(367,169)	(367,169)	(+10,241)
National Activities	(25,435)	(16,551)	(16,551)	(16,551)	(16,551)	(-8,884)
Contingency	(347,272)	(242,437)	(232,437)	(226,000)	(223,837)	(-123,435)
Contingency bill language (OMB estimate)	(70,500)	(67,900)	(67,900)	(67,900)	(67,900)	(-2,600)
Portion treated as budget authority	(39,770)	(812)	(812)	(812)	(812)	(-38,958)
Subtotal, Unemployment Comp (trust funds)	(2,485,311)	(2,392,595)	(2,382,595)	(2,376,158)	(2,373,995)	(-111,316)
Employment Service:						
Allotments to States:						
Federal funds	24,986	25,417	24,763	25,417	25,254	+268
Trust funds	(807,870)	(821,803)	(817,224)	(821,803)	(820,658)	(+12,788)
Subtotal	832,856	847,220	841,987	847,220	845,912	+13,056
National Activities:						
Federal funds	2,056	1,934	1,934	1,934	1,934	-122
Trust funds	(68,556)	(64,194)	(64,194)	(64,194)	(64,194)	(-4,362)
Targeted jobs tax credit	(14,880)	(5,000)	(5,000)	(12,000)	(10,250)	(-4,630)

	FY 1994 Comparable	FY 1995 Request	House Bill	Senate Bill	Conference	Conference vs FY94 Comparable
One-stop Career Centers	50,000	250,000	120,000	120,000	120,000	+70,000
Subtotal, Employment Service	968,348	1,168,348	1,033,115	1,045,348	1,042,290	+73,942
Federal funds	77,042	277,351	146,697	147,351	147,188	+70,146
Trust funds	(891,306)	(890,997)	(886,418)	(897,997)	(895,102)	(+3,796)
Total, State Unemployment	3,453,659	3,560,943	3,415,710	3,421,506	3,416,285	-37,374
Federal Funds	77,042	277,351	146,697	147,351	147,188	+70,146
Trust Funds	(3,376,617)	(3,283,592)	(3,269,013)	(3,274,155)	(3,269,097)	(-107,520)
ADVANCES TO UNEMPLOYMENT TRUST FUND AND OTHER FUNDS	2,961,300	686,000	686,000	686,000	686,000	-2,275,300
Total, Employment & Training Administration	12,164,677	10,892,472	10,446,950	10,345,972	10,378,419	-1,786,258
Federal funds	8,741,685	7,561,391	7,132,864	7,026,744	7,064,249	-1,677,436
Trust funds	(3,422,992)	(3,331,081)	(3,314,086)	(3,319,228)	(3,314,170)	(-108,822)
OFFICE OF THE AMERICAN WORKPLACE						
SALARIES AND EXPENSES						
Office of the Workplace Programs	7,415	8,659	5,000	8,169	7,415	---
Office of Labor-Management Standards	22,369	25,411	25,411	24,056	24,056	+1,687
Total, LMS	29,784	34,070	30,411	32,225	31,471	+1,687
PENSION AND WELFARE BENEFITS ADMINISTRATION						
SALARIES AND EXPENSES						
Enforcement and compliance	49,181	53,835	50,717	53,783	53,783	+4,602
Policy, regulation and public service	11,303	13,957	12,180	12,180	12,180	+877
Program oversight	3,475	3,510	3,491	3,491	3,491	+16
Total, PWBA	63,959	71,302	66,388	69,454	69,454	+5,495
PENSION BENEFIT GUARANTY CORPORATION						
Program Administration subject to limitation (Trust Funds)	(34,135)	(12,030)	(11,493)	(11,493)	(11,493)	(-22,642)
Services related to terminations not subject to limitations (non-add)	(101,487)	(126,471)	(126,471)	(126,471)	(126,471)	(+24,984)
Total, PBGC	(135,622)	(138,501)	(137,964)	(137,964)	(137,964)	(+2,342)
EMPLOYMENT STANDARDS ADMINISTRATION						
SALARIES AND EXPENSES						
Enforcement of wage and hour standards	97,142	102,300	98,885	101,372	101,372	+4,230
Federal contractor EEO standards enforcement	56,306	59,611	57,408	59,113	59,113	+2,807
Federal programs for workers' compensation	71,923	81,067	75,024	76,639	76,639	+4,716
Trust funds	(989)	(1,195)	(1,059)	(1,059)	(1,059)	(+70)
Program direction and support	11,431	11,662	11,543	11,543	11,543	+112
Total, salaries and expenses	237,791	255,835	243,919	249,726	249,726	+11,935
Federal funds	236,802	254,640	242,860	248,667	248,667	+11,865
Trust funds	(989)	(1,195)	(1,059)	(1,059)	(1,059)	(+70)
SPECIAL BENEFITS						
Federal employees compensation benefits	275,000	254,000	254,000	254,000	254,000	-21,000
Longshore and harbor workers' benefits	4,000	4,000	4,000	4,000	4,000	---
Total, Special Benefits	279,000	258,000	258,000	258,000	258,000	-21,000
BLACK LUNG DISABILITY TRUST FUND						
Benefit payments and interest on advances	947,967	943,005	943,005	943,005	943,005	-4,962
Employment Standards Admin., salaries & expenses	29,223	28,216	28,216	28,216	28,216	-1,007
Departmental Management, salaries and expenses	24,384	23,333	23,333	23,333	23,333	-1,051
Departmental Management, inspector general	295	310	310	310	310	+15
Subtotal, Black Lung Disablty. Trust Fund, apprn	1,001,869	994,864	994,864	994,864	994,864	-7,005

	FY 1994 Comparable	FY 1995 Request	House Bill	Senate Bill	Conference	Conference vs FY94 Comparable
Treasury administrative costs (indefinite)............	756	756	756	756	756	---
Total, Black Lung Disability Trust Fund.........	1,002,625	995,620	995,620	995,620	995,620	-7,005
Total, Employment Standards Administration......	1,519,416	1,509,455	1,497,539	1,503,346	1,503,346	-16,070
Federal funds................................	1,518,427	1,508,260	1,496,480	1,502,287	1,502,287	-16,140
Trust funds..................................	(989)	(1,195)	(1,059)	(1,059)	(1,059)	(+70)
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION						
SALARIES AND EXPENSES						
Safety and health standards..........................	8,615	9,619	9,031	9,031	9,031	+416
Enforcement:						
Federal Enforcement..............................	137,649	148,881	145,834	145,834	145,834	+8,185
State programs...................................	68,630	71,720	70,615	70,615	70,615	+1,985
Technical Support....................................	17,876	20,431	18,883	18,883	18,883	+1,007
Compliance Assistance................................	43,838	46,098	44,974	44,974	44,974	+1,136
Safety and health statistics.........................	12,750	15,890	15,900	15,900	15,900	+3,150
Executive direction and administration...............	7,070	7,368	7,263	7,263	7,263	+193
Total, OSHA......................................	296,428	320,007	312,500	312,500	312,500	+16,072
MINE SAFETY AND HEALTH ADMINISTRATION						
SALARIES AND EXPENSES						
Enforcement:						
Coal...	103,247	108,762	105,094	107,888	107,888	+4,641
Metal/nonmetal...................................	41,483	42,954	41,983	42,421	42,421	+938
Standards development............................	1,329	1,066	1,343	1,343	1,343	+14
Assessments..	3,749	3,902	3,791	3,791	3,791	+42
Educational policy and development...................	14,434	15,162	14,598	15,085	15,085	+651
Technical support....................................	21,916	22,080	22,164	22,164	22,164	+248
Program administration...............................	8,449	8,772	8,546	8,546	8,546	+97
Total, Mine Safety and Health Administration....	194,607	202,698	197,519	201,238	201,238	+6,631
BUREAU OF LABOR STATISTICS						
SALARIES AND EXPENSES						
Employment and Unemployment Statistics...............	95,553	102,641	99,097	101,097	101,097	+5,544
Labor Market Information (Trust Funds)...............	(51,927)	(56,277)	(54,102)	(54,102)	(54,102)	(+2,175)
Prices and cost of living............................	93,144	94,776	93,225	93,225	93,225	+81
Compensation and working conditions..................	64,461	61,329	61,329	61,329	61,329	-3,132
Productivity and technology..........................	6,986	7,059	6,992	6,992	6,992	+6
Economic growth and employment projections...........	4,193	4,253	4,197	4,197	4,197	+4
Executive direction and staff services...............	26,764	33,471	26,787	26,787	26,787	+23
Consumer Price Index Revision........................	---	5,134	5,134	5,134	5,134	+5,134
Total, Bureau of Labor Statistics...............	343,028	364,940	350,863	352,863	352,863	+9,835
Federal Funds................................	291,101	308,663	296,761	298,761	298,761	+7,660
Trust Funds..................................	(51,927)	(56,277)	(54,102)	(54,102)	(54,102)	(+2,175)
DEPARTMENTAL MANAGEMENT						
SALARIES AND EXPENSES						
Executive direction..................................	19,751	24,951	21,505	19,751	21,067	+1,316
Legal services.......................................	59,446	64,993	62,123	62,123	62,123	+2,677
Trust funds......................................	(332)	(339)	(328)	(328)	(328)	(-4)
International labor affairs..........................	7,942	10,907	8,937	13,407	12,300	+4,358
Administration and management........................	14,911	14,943	14,943	14,943	14,943	+32
Adjudication...	19,369	21,827	20,000	20,000	20,000	+631
Promoting employment of people with disabilities......	4,320	4,392	4,392	4,392	4,392	+72
Women's Bureau.......................................	7,770	7,992	7,992	8,592	8,392	+622
Civil Rights Activities..............................	4,906	4,860	4,860	4,860	4,860	-46

	FY 1994 Comparable	FY 1995 Request	House Bill	Senate Bill	Conference	Conference vs FY94 Comparable
Chief Financial Officer	4,712	4,796	4,750	4,750	4,750	+38
Enforcement Automation	---	11,124	6,500	---	2,000	+2,000
Total, Salaries and expenses	143,459	171,124	156,330	153,146	155,155	+11,696
Federal funds	143,127	170,785	156,002	152,818	154,827	+11,700
Trust funds	(332)	(339)	(328)	(328)	(328)	(-4)
VETERANS EMPLOYMENT AND TRAINING						
State Administration:						
Disabled Veterans Outreach Program	(84,218)	(85,987)	(83,601)	(84,987)	(83,601)	(-617)
Local Veterans Employment Program	(78,166)	(79,808)	(77,593)	(78,808)	(77,593)	(-573)
Subtotal, State Administration	(162,384)	(165,795)	(161,194)	(163,795)	(161,194)	(-1,190)
Federal Administration	(21,339)	(21,428)	(21,183)	(21,183)	(21,183)	(-156)
National Veterans Training Institute	(2,925)	(2,986)	(2,904)	(2,986)	(2,904)	(-21)
Total, Trust Funds	(186,648)	(190,209)	(185,281)	(187,964)	(185,281)	(-1,367)
REINVENTION INVESTMENT FUND	---	25,000	---	---	---	---
OFFICE OF THE INSPECTOR GENERAL						
Audit:						
Federal funds	19,236	19,435	19,626	20,105	19,856	+630
Trust funds	(3,990)	(3,966)	(3,860)	(3,966)	(3,913)	(-77)
Investigation:						
Federal funds	8,945	9,016	9,032	9,016	9,024	+79
Office of Labor Racketeering	11,890	12,560	11,804	11,890	11,847	-43
Executive Direction and Management	7,144	7,524	7,214	7,524	7,369	+225
Total, Office of the Inspector General	51,205	52,501	51,536	52,501	52,019	+814
Federal funds	47,215	48,535	47,676	48,535	48,106	+891
Trust funds	(3,990)	(3,966)	(3,860)	(3,966)	(3,913)	(-77)
Total, Departmental Management	381,312	438,834	393,147	393,611	392,455	+11,143
Federal funds	190,342	244,320	203,678	201,353	202,933	+12,591
Trust funds	(190,970)	(194,514)	(189,469)	(192,258)	(189,522)	(-1,448)
Total, Labor Department 1/	15,027,346	13,845,808	13,306,810	13,222,702	13,253,239	-1,774,107
Federal funds	11,326,333	10,250,711	9,736,601	9,644,562	9,682,893	-1,643,440
Trust funds	(3,701,013)	(3,595,097)	(3,570,209)	(3,578,140)	(3,570,346)	(-130,667)

1/ Includes Federal and Trust funds.

TITLE II - DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

Health Care Delivery and Assistance:						
Community health centers	603,650	593,500	616,555	616,555	616,555	+12,905
Migrant health centers	59,000	57,994	65,000	65,000	65,000	+6,000
Black lung clinics	4,142	4,073	4,142	4,142	4,142	---
Health care for the homeless	63,011	61,942	65,445	65,445	65,445	+2,434
National Health Service Corps:						
Field placements	44,720	43,358	45,004	45,004	45,004	+284
Recruitment	79,250	77,921	78,538	81,750	80,144	+894
Subtotal, Natl Health Service Corps	123,970	121,279	123,542	126,754	125,148	+1,178
Grants to communities for scholarships	478	470	474	474	474	-4
Public housing health service grants	8,923	8,773	9,743	8,843	9,518	+595
Hansen's disease services	20,747	20,065	20,881	20,881	20,881	+134
Payment to Hawaii, treatment of Hansen's Disease	2,976	2,927	2,949	2,976	2,976	---
Native Hawaiian health care	4,336	4,264	4,297	4,600	4,524	+188
Pacific Basin initiative	2,468	2,348	2,445	3,000	2,861	+393
Alzheimers demonstration grants	4,959	4,874	4,915	4,959	4,959	---
Total, Health Care Delivery & Assistance	898,660	882,499	920,388	923,629	922,483	+23,823

	FY 1994 Comparable	FY 1995 Request	House Bill	Senate Bill	Conference	Conference vs FY94 Comparable
Maternal and child health:						
Maternal & child health block grant	687,034	667,679	680,866	687,034	683,950	-3,084
Healthy start	97,500	95,851	100,000	110,000	110,000	+12,500
Emergency medical services for children	7,500	7,371	10,000	10,000	10,000	+2,500
Total, Maternal and child health	792,034	770,901	790,866	807,034	803,950	+11,916
Health Professions:						
Minority/disadvantaged:						
Centers of excellence	23,481	23,074	23,481	23,481	23,481	---
Health careers opportunity program	24,961	24,538	27,237	24,961	26,668	+1,707
Faculty loan repayment	1,053	1,033	1,043	1,043	1,043	-10
Subtotal, minority	49,495	48,645	51,761	49,485	51,192	+1,697
Primary care / public health programs:						
Public health and preventive medicine	7,816	7,276	7,746	7,816	7,746	-70
Health administration traineeships / projects.	995	978	986	986	986	-9
Family medicine training / departments	47,194	43,985	46,775	47,194	47,194	---
General dentistry residencies	3,730	1,564	3,730	3,730	3,730	---
General internal medicine and pediatrics	16,847	15,687	16,695	16,695	16,695	-152
Physician assistants	6,554	6,104	6,554	6,554	6,554	---
Allied health special projects	3,467	2,254	3,935	3,467	3,935	+468
Area health education centers	22,203	20,694	23,500	25,000	24,625	+2,422
Border health training centers	2,836	2,784	4,000	2,836	3,709	+873
Geriatric education centers and training	9,175	6,538	9,092	9,092	9,092	-83
Interdisciplinary traineeships	4,017	3,536	3,981	3,981	3,981	-36
Podiatric medicine	615	---	610	615	615	---
Chiropractic demonstration grants	750	---	743	1,000	936	+186
Subtotal, primary care	126,199	111,400	128,347	128,966	129,798	+3,599
Consolidated student assistance:						
Exceptional financial need scholarships	10,433	10,259	11,339	10,433	11,113	+680
Fin assistance for disadvantaged HP students..	6,241	6,135	6,185	6,185	6,185	-56
HPSL recapitalization	7,925	7,792	8,654	7,925	8,472	+547
Scholarships for disadvantaged students	17,102	16,815	18,648	17,102	18,262	+1,160
Subtotal, consolidated loans	41,701	41,001	44,826	41,645	44,032	+2,331
Priority nursing:						
Nursing workforce diversity	---	3,632	---	---	---	---
NP, nurse midwife, other	---	44,140	---	---	---	---
Strengthening capacity	---	9,697	---	---	---	---
Advanced nurse education	12,253	---	12,143	12,253	12,253	---
Nurse practitioners / nurse midwives	16,943	---	16,943	16,943	16,943	---
Special projects	10,401	---	10,307	10,401	10,401	---
Professional nurse traineeships	15,473	---	15,334	15,473	15,473	---
Nurse disadvantaged assistance	3,693	---	3,660	3,693	3,693	---
Nurse anesthetists	2,724	---	2,699	2,724	2,724	---
Loan repayment for shortage area service	2,044	2,010	2,026	2,044	2,044	---
Subtotal, priority nursing	63,531	59,479	63,112	63,531	63,531	---
Health professions research and data:						
Health professions data system	643	1,585	637	637	637	-6
Research on health professions issues	1,123	1,089	1,113	1,113	1,113	-10
Subtotal, Health professions research & data	1,766	2,674	1,750	1,750	1,750	-16
Total, Health professions	282,692	263,199	289,796	285,377	290,303	+7,611
Resources development:						
Organ transplantation	2,652	2,565	2,629	2,629	2,629	-23
Health teaching facilities interest subsidies	415	408	411	411	411	-4
Trauma care	4,837	4,756	4,793	4,793	4,793	-44
Total, Resources Development	7,904	7,729	7,833	7,833	7,833	-71

	FY 1994 Comparable	FY 1995 Request	House Bill	Senate Bill	Conference	Conference vs FY94 Comparable
Acquired Immune Deficiency Syndrome (AIDS):						
Education and training centers	16,435	16,157	16,287	16,287	16,287	-148
Ryan White AIDS Programs:						
Emergency assistance	325,500	364,500	352,500	356,500	356,500	+31,000
Comprehensive care programs	183,897	213,897	195,897	198,897	198,147	+14,250
Early intervention program	47,968	66,968	51,568	52,568	52,318	+4,350
Pediatric demonstrations	22,000	27,000	26,000	26,000	26,000	+4,000
Subtotal, Ryan White AIDS programs	579,365	672,365	625,965	633,965	632,965	+53,600
AIDS dental services	7,000	6,884	6,937	6,937	6,937	-63
Subtotal, AIDS	602,800	695,406	649,189	657,189	656,189	+53,389
Family planning	180,918	195,489	187,000	195,489	193,367	+12,449
Rural health research	9,426	9,250	9,426	14,426	13,176	+3,750
Rural outreach grants	26,279	25,831	26,279	27,279	27,029	+750
State Offices of Rural Health	2,750	2,704	2,750	5,000	3,875	+1,125
Health care facilities	---	---	2,000	20,000	15,000	+15,000
Buildings and facilities	942	910	933	933	933	-9
National practitioner data bank	7,500	9,000	9,000	9,000	9,000	+1,500
User fees	-7,500	-9,000	-9,000	-9,000	-9,000	-1,500
Program management	121,765	121,765	121,765	122,065	122,065	+300
Rent reduction	---	-1,174	---	---	---	---
Total, Health resources and services	2,926,170	2,974,509	3,008,225	3,066,254	3,056,203	+130,033
MEDICAL FACILITIES GUARANTEE AND LOAN FUND:						
Interest subsidy program	9,000	9,000	9,000	9,000	9,000	---
HEALTH EDUCATION ASSISTANCE LOANS PROGRAM (HEAL):						
New loan subsidies	25,650	26,275	26,275	26,275	26,275	+625
Liquidating account (non-add)	(41,100)	(56,620)	(56,620)	(56,620)	(56,620)	(+15,520)
HEAL loan limitation (non-add)	(375,000)	(375,000)	(375,000)	(375,000)	(375,000)	---
Program management	2,946	2,946	2,946	2,946	2,946	---
Total, HEAL	28,596	29,221	29,221	29,221	29,221	+625
VACCINE INJURY COMPENSATION PROGRAM TRUST FUND:						
Post - FY88 claims (trust fund)	84,180	54,476	54,476	54,476	54,476	-29,704
HRSA administration (trust fund)	3,000	3,000	3,000	3,000	3,000	---
Subtotal, Vaccine injury compensation trust fund	87,180	57,476	57,476	57,476	57,476	-29,704
VACCINE INJURY COMPENSATION:						
Pre - FY89 claims (appropriation)	110,000	110,000	110,000	110,000	110,000	---
Total, Vaccine injury	197,180	167,476	167,476	167,476	167,476	-29,704
Total, Health Resources & Services Admin	3,160,946	3,180,206	3,213,922	3,271,951	3,261,900	+100,954
CENTERS FOR DISEASE CONTROL						
DISEASE CONTROL, RESEARCH AND TRAINING						
Preventive Health Services Block Grant	157,186	154,064	155,854	160,000	157,927	+741
Prevention centers	6,989	6,850	6,928	7,989	7,724	+735
Sexually transmitted diseases:						
Grants	86,461	84,850	93,563	87,000	91,922	+5,461
Direct operations	13,310	13,088	13,437	13,437	13,437	+127
Subtotal, Sexually transmitted diseases	99,771	97,938	107,000	100,437	105,359	+5,588
Immunization:						
Grants	423,393	359,393	359,393	359,393	359,393	-64,000
Direct operations	102,357	102,357	101,898	102,357	103,805	+1,448
Adverse events reporting	2,393	2,393	2,372	2,393	2,393	---
Subtotal, CDC immunization programs	528,143	464,143	463,663	464,143	465,591	-62,552
HCFA vaccine purchase	(165,000)	(424,298)	(424,298)	(424,298)	(424,298)	(+259,298)
Total, CDC/HCFA vaccine program	(693,143)	(888,441)	(887,961)	(888,441)	(889,889)	(+196,746)

	FY 1994 Comparable	FY 1995 Request	House Bill	Senate Bill	Conference	Conference vs FY94 Comparable
Infectious disease	47,782	46,956	56,000	50,000	54,500	+6,718
Tuberculosis:						
Grants	111,500	113,204	114,711	113,204	114,334	+2,834
Program operations	5,269	5,176	5,289	5,176	5,261	-8
Subtotal, Tuberculosis	116,769	118,380	120,000	118,380	119,595	+2,826
Acquired Immune Deficiency Syndrome (AIDS)	543,253	532,693	606,000	558,253	590,243	+46,990
Chronic and environmental disease prevention	123,004	120,715	128,000	143,853	139,890	+16,886
Lead poisoning prevention	34,683	34,002	37,000	34,683	36,421	+1,738
Breast and cervical cancer screening	78,076	76,536	100,000	100,000	100,000	+21,924
Injury control	39,308	38,546	42,000	46,000	45,000	+5,692
Occupational Safety and Health (NIOSH):						
Research	115,439	118,292	115,843	120,439	120,439	+5,000
Training	12,898	12,641	12,784	12,898	12,898	---
Subtotal, NIOSH	128,337	130,933	128,627	133,337	133,337	+5,000
Epidemic services	73,520	72,310	74,314	73,520	73,520	---
National Center for Health Statistics:						
Program operations	51,605	50,700	51,828	50,700	50,700	-905
Program support	2,927	2,880	2,980	2,980	2,980	+53
1% evaluation funds (non-add)	(28,873)	(28,873)	(27,862)	(28,873)	(27,862)	(-1,011)
Subtotal, health statistics	54,532	53,580	54,808	53,680	53,680	-852
Buildings and facilities	16,648	3,575	3,575	3,575	3,575	-13,073
Program management	3,131	3,081	3,081	3,081	3,081	-50
Rent reduction	---	-114	---	---	---	---
Total, Disease Control	2,051,132	1,954,188	2,086,850	2,050,931	2,089,443	+38,311
NATIONAL INSTITUTES OF HEALTH (INCLUDES AIDS)						
National Cancer Institute	1,863,514	1,967,709	1,919,419	1,919,419	1,919,419	+55,905
Transfer, Office of AIDS Research	(212,868)	(222,712)	(219,254)	(219,254)	(218,751)	(+5,883)
Subtotal	(2,076,382)	(2,190,421)	(2,138,673)	(2,138,673)	(2,138,170)	(+61,788)
National Heart, Lung, and Blood Institute	1,222,903	1,266,961	1,259,590	1,259,590	1,259,590	+36,687
Transfer, Office of AIDS Research	(54,977)	(57,910)	(56,625)	(56,625)	(55,625)	(+648)
Subtotal	(1,277,880)	(1,324,871)	(1,316,215)	(1,316,215)	(1,315,215)	(+37,335)
National Institute of Dental Research	158,089	163,776	162,832	162,832	162,832	+4,743
Transfer, Office of AIDS Research	(11,431)	(12,097)	(11,774)	(11,774)	(11,774)	(+343)
Subtotal	(169,520)	(175,873)	(174,606)	(174,606)	(174,606)	(+5,086)
National Institute of Diabetes and Digestive and Kidney Diseases	705,616	731,500	726,784	728,784	728,284	+22,668
Transfer, Office of AIDS Research	(10,438)	(11,047)	(10,752)	(10,752)	(10,752)	(+314)
Subtotal	(716,054)	(742,547)	(737,536)	(739,536)	(739,036)	(+22,982)
National Institute of Neurological Disorders and Stroke	608,545	630,443	626,801	628,801	628,301	+19,756
Transfer, Office of AIDS Research	(22,105)	(23,291)	(22,768)	(22,768)	(22,768)	(+663)
Subtotal	(630,650)	(653,734)	(649,569)	(651,569)	(651,069)	(+20,419)
National Institute of Allergy and Infectious Diseases	520,792	542,864	536,416	536,416	536,416	+15,624
Transfer, Office of AIDS Research	(542,912)	(578,109)	(559,200)	(559,200)	(559,200)	(+16,288)
Subtotal	(1,063,704)	(1,120,973)	(1,095,616)	(1,095,616)	(1,095,616)	(+31,912)
National Institute of General Medical Sciences	851,566	882,189	877,113	877,113	877,113	+25,547
Transfer, Office of AIDS Research	(23,945)	(25,409)	(24,664)	(24,664)	(24,664)	(+719)
Subtotal	(875,511)	(907,598)	(901,777)	(901,777)	(901,777)	(+26,266)

	FY 1994 Comparable	FY 1995 Request	House Bill	Senate Bill	Conference	Conference vs FY94 Comparable
National Institute of Child Health and Human Development	498,455	516,736	513,409	513,409	513,409	+14,954
Transfer, Office of AIDS Research	(56,426)	(64,155)	(59,518)	(59,518)	(58,915)	(+2,489)
Subtotal	(554,881)	(580,891)	(572,927)	(572,927)	(572,324)	(+17,443)
National Eye Institute	281,879	292,022	290,335	292,022	291,600	+9,721
Transfer, Office of AIDS Research	(8,381)	(8,870)	(8,633)	(8,633)	(8,633)	(+252)
Subtotal	(290,260)	(300,892)	(298,968)	(300,655)	(300,233)	(+9,973)
National Institute of Environmental Health Sciences	258,641	267,955	266,400	267,955	267,566	+8,925
Transfer, Office of AIDS Research	(5,608)	(5,903)	(5,776)	(5,776)	(5,776)	(+168)
Subtotal	(264,249)	(273,858)	(272,176)	(273,731)	(273,342)	(+9,093)
National Institute on Aging	418,639	433,701	431,198	433,198	432,698	+14,059
Transfer, Office of AIDS Research	(1,664)	(1,723)	(1,715)	(1,715)	(1,715)	(+51)
Subtotal	(420,303)	(435,424)	(432,913)	(434,913)	(434,413)	(+14,110)
National Institute of Arthritis and Musculoskeletal and Skin Diseases	220,409	228,413	227,021	229,021	228,521	+8,112
Transfer, Office of AIDS Research	(2,795)	(2,958)	(2,879)	(2,879)	(2,879)	(+84)
Subtotal	(223,204)	(231,371)	(229,900)	(231,900)	(231,400)	(+8,196)
National Institute on Deafness and Other Communication Disorders	161,316	167,129	166,155	167,129	166,886	+5,570
Transfer, Office of AIDS Research	(1,507)	(1,560)	(1,552)	(1,552)	(1,552)	(+45)
Subtotal	(162,823)	(168,689)	(167,707)	(168,681)	(168,438)	(+5,615)
National Institute of Nursing Research	46,574	48,326	47,971	48,326	48,237	+1,663
Transfer, Office of AIDS Research	(4,444)	(4,702)	(4,577)	(4,577)	(4,577)	(+133)
Subtotal	(51,018)	(53,028)	(52,548)	(52,903)	(52,814)	(+1,796)
National Institute on Alcohol Abuse and Alcoholism	176,160	182,498	181,445	181,445	181,445	+5,285
Transfer, Office of AIDS Research	(9,457)	(10,000)	(9,741)	(9,741)	(9,741)	(+284)
Subtotal	(185,617)	(192,498)	(191,186)	(191,186)	(191,186)	(+5,569)
National Institute on Drug Abuse	281,825	291,963	290,280	290,280	290,280	+8,455
Transfer, Office of AIDS Research	(143,376)	(151,733)	(147,677)	(147,677)	(147,677)	(+4,301)
Subtotal	(425,201)	(443,696)	(437,957)	(437,957)	(437,957)	(+12,756)
National Institute of Mental Health	526,262	545,223	542,050	544,050	543,550	+17,288
Transfer, Office of AIDS Research	(87,182)	(92,704)	(89,798)	(89,798)	(89,499)	(+2,317)
Subtotal	(613,444)	(637,927)	(631,848)	(633,848)	(633,049)	(+19,605)
National Center for Research Resources	270,532	286,394	294,877	294,877	294,877	+24,345
Transfer, Office of AIDS Research	(61,383)	(64,960)	(63,225)	(63,225)	(64,630)	(+3,247)
Subtotal	(331,915)	(351,354)	(358,102)	(358,102)	(359,507)	(+27,592)
National Center for Human Genome Research	127,112	152,010	152,010	152,010	152,010	+24,898
Transfer, Office of AIDS Research	---	---	---	---	(1,000)	(+1,000)
Subtotal	(127,112)	(152,010)	(152,010)	(152,010)	(153,010)	(+25,898)
John E. Fogarty International Center	12,825	13,745	15,193	13,209	14,697	+1,872
Transfer, Office of AIDS Research	(8,852)	(9,357)	(9,118)	(9,118)	(9,118)	(+266)
Subtotal	(21,677)	(23,102)	(24,311)	(22,327)	(23,815)	(+2,138)

	FY 1994 Comparable	FY 1995 Request	House Bill	Senate Bill	Conference	Conference vs FY94 Comparable
National Library of Medicine	115,237	135,330	123,274	127,274	126,274	+11,037
Transfer, Office of AIDS Research	(2,782)	(3,191)	(2,946)	(2,946)	(2,946)	(+164)
Subtotal	(118,019)	(138,521)	(126,220)	(130,220)	(129,220)	(+11,201)
Office of the Director	202,608	233,522	219,474	215,045	218,367	+15,759
Transfer, Office of AIDS Research	(24,582)	(26,661)	(25,414)	(25,414)	(25,414)	(+832)
Subtotal	(227,190)	(260,183)	(244,888)	(240,459)	(243,781)	(+16,591)
Buildings and facilities	111,039	113,539	114,370	113,370	114,120	+3,081
Office of AIDS Research	1,297,115	1,379,052	1,337,606	1,337,606	1,337,606	+40,491
(Total of transfers)	(1,297,115)	(1,379,052)	(1,337,606)	(1,337,606)	(1,337,606)	(+40,491)
Rent reduction	---	-1,113	---	---	---	---
Total N.I.H 1/	10,937,653	11,471,887	11,322,023	11,333,181	11,334,098	+396,445

1/ Request delays obligation of $121,400,000 until 9/19/95. No delay in conference.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

	FY 1994 Comparable	FY 1995 Request	House Bill	Senate Bill	Conference	Conference vs FY94 Comparable
Center for Mental Health Services:						
Consolidated demonstrations	---	46,637	---	---	---	---
Mental Health Block Grant	277,919	274,573	275,420	275,420	275,420	-2,499
Children's mental health	35,000	34,492	60,000	35,000	60,000	+25,000
Clinical training / AIDS training	5,443	5,343	5,394	5,394	5,394	-49
Community support demonstrations	24,402	---	24,184	24,184	24,184	-218
Grants to States for the homeless (PATH)	29,462	29,096	29,197	29,462	29,462	---
Homeless services demonstrations	21,419	---	21,227	21,227	21,227	-192
Protection and advocacy	21,957	21,685	21,760	21,957	21,957	---
AIDS demonstrations	1,500	---	1,487	---	1,487	-13
Subtotal, mental health	417,102	411,826	438,669	412,644	439,131	+22,029
Center for Substance Abuse Treatment:						
Substance abuse block grant	1,167,107	1,427,936	1,227,107	1,237,107	1,234,107	+67,000
Transfer from forfeiture fund (non-add)	(10,000)	(45,000)	---	(13,000)	---	(-10,000)
Treatment grants to crisis areas	34,848	---	34,536	35,848	35,520	+672
Treatment improvement demos:						
Consolidated demonstrations	---	197,622	---	---	---	---
Pregnant/post partum women and children	49,228	---	54,228	54,228	54,228	+5,000
Transfer from forfeiture fund (non-add)	(5,000)	---	---	(10,000)	(10,000)	(+5,000)
Campus program	9,395	---	---	---	---	-9,395
Criminal justice program	33,990	---	33,686	38,774	37,502	+3,512
Critical populations	43,681	---	43,290	23,561	23,561	-20,120
Comprehensive community treatment program	27,523	---	27,277	27,277	27,277	-246
Transfer from forfeiture fund (non-add)	---	---	---	(2,000)	(4,000)	(+4,000)
Training	5,429	5,357	5,380	5,590	5,590	+161
AIDS demonstration & training:						
Training	2,812	2,726	2,787	2,787	2,787	-25
Linkage	7,809	---	7,739	7,739	7,739	-70
Outreach	10,535	---	---	10,000	7,500	-3,035
Treatment capacity expansion program	10,000	6,701	6,701	---	6,701	-3,299
Subtotal, Substance Abuse Treatment	1,402,357	1,640,342	1,442,731	1,442,911	1,442,512	+40,155
Center for Substance Abuse Prevention:						
Prevention demonstrations:						
Consolidated demonstrations	---	223,119	---	---	---	---
High risk youth	63,295	---	61,081	66,520	65,160	+1,865
Pregnant women & infants	43,440	---	22,501	22,501	22,501	-20,939
Other programs	17,483	---	6,643	6,643	6,643	-10,840
Community partnership	104,741	---	103,804	122,241	114,741	+10,000
Transfer from forfeiture fund (non-add)	(10,000)	---	---	---	---	(-10,000)

	FY 1994 Comparable	FY 1995 Request	House Bill	Senate Bill	Conference	Conference vs FY94 Comparable
Prevention education/dissemination	---	13,465	13,465	13,465	13,465	+13,465
Training	14,512	16,049	16,049	16,049	16,049	+1,537
Subtotal, Substance Abuse Prevention	243,471	252,633	223,543	247,419	238,559	-4,912
Buildings and facilities	952	---	---	---	---	-952
Program management	61,296	61,205	61,205	61,205	61,205	-91
Rent reduction	---	-129	---	---	---	---
Total, Substance Abuse & Mental Health 1/	2,125,178	2,365,877	2,166,148	2,164,179	2,181,407	+56,229
1/ Request delays obligation of $82,200,000 until 9/19/95. No delay in conference.						
ASSISTANT SECRETARY FOR HEALTH						
OFFICE OF THE ASSISTANT SECRETARY FOR HEALTH						
Population affairs: Adolescent family life	6,250	---	6,704	6,704	6,704	+454
Office of Adolescent Health	---	6,704	---	---	---	---
Health Initiatives:						
Office of Disease Prevention and Health Promotion	4,611	4,644	4,622	4,622	4,622	+11
Physical fitness and sports	1,453	1,414	1,414	1,414	1,414	-39
Minority health	19,738	19,914	20,668	19,668	20,668	+930
National vaccine program	2,448	2,560	2,468	2,448	1,000	-1,448
(Transfer to CDC)	---	---	---	(2,048)	---	---
Office of research integrity	4,000	3,885	3,885	4,000	3,885	-115
Office of women's health	925	871	2,934	1,500	2,576	+1,651
Emergency preparedness	2,068	2,186	2,087	2,087	2,087	+19
Health care reform data analysis	2,760	2,915	2,779	2,760	2,760	---
Health Service Management	20,072	19,801	17,801	17,801	17,801	-2,271
Transfer to FDA	---	---	2,000	---	---	---
Streamlining costs	---	---	---	---	1,500	+1,500
National AIDS program office	2,869	2,848	2,899	---	1,750	-1,119
Rent reduction	---	-30	---	---	---	---
Total, OASH	67,194	67,912	70,261	63,004	66,767	-427
RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS						
Retirement payments	119,660	124,213	124,213	124,213	124,213	+4,553
Survivors benefits	7,856	8,826	8,826	8,826	8,826	+970
Dependent's medical care	22,665	23,844	23,844	23,844	23,844	+1,179
Military Services Credits	2,879	2,438	2,438	2,438	2,438	-441
Total, Retirement pay and medical benefits	153,060	159,321	159,321	159,321	159,321	+6,261
AGENCY FOR HEALTH CARE POLICY AND RESEARCH						
Health services research:						
Research	36,812	14,064	36,686	41,812	40,012	+3,200
AIDS	10,624	11,917	10,557	10,624	10,591	-33
National Medical Expenditure Survey	10,000	---	9,918	---	9,918	-82
1% evaluation funding (non-add)	(13,204)	(57,604)	(13,202)	(29,204)	(18,300)	(+5,096)
Subtotal including trust funds & 1% funds	(70,640)	(83,585)	(70,363)	(81,640)	(78,821)	(+8,181)
Medical treatment effectiveness:						
Federal funds	75,542	74,053	75,038	74,053	75,696	+154
Trust funds	(5,786)	(5,786)	(5,806)	(5,786)	(5,796)	(+10)
1% evaluation funding (non-add)	---	(5,600)	---	(2,300)	---	---
Subtotal, **Medical treatment effectiveness**	(81,328)	(85,439)	(80,844)	(82,139)	(81,492)	(+164)
Program support	2,431	2,425	2,425	2,425	2,425	-6
Rent reduction	---	-92	---	---	---	---
Total, Health Care Policy and Research: Federal Funds	135,409	102,367	134,624	128,914	138,642	+3,233

	FY 1994 Comparable	FY 1995 Request	House Bill	Senate Bill	Conference	Conference vs FY94 Comparable
Trust funds	(5,786)	(5,786)	(5,806)	(5,786)	(5,796)	(+10)
Total, 1% evaluation funding (non-add)	(13,204)	(63,204)	(13,202)	(31,504)	(18,300)	(+5,096)
Total, Health Care Policy & Research (non-add)	(154,399)	(171,357)	(153,632)	(166,204)	(162,738)	(+8,339)
Total, Public Health Service: Federal Funds	18,630,572	19,301,758	19,153,149	19,171,481	19,231,578	+601,006
Trust funds	(5,786)	(5,786)	(5,806)	(5,786)	(5,796)	(+10)
HEALTH CARE FINANCING ADMINISTRATION						
GRANTS TO STATES FOR MEDICAID 1/						
Medicaid current law benefits	83,498,001	92,493,298	92,493,298	92,493,298	92,493,298	+8,995,297
State and local administration	3,657,928	3,894,551	3,894,551	3,897,551	3,897,551	+239,623
Subtotal, Medicaid program level, FY 1995	87,155,929	96,387,849	96,387,849	96,390,849	96,390,849	+9,234,920
Carryover balance	1,921,484	-7,150,074	-7,150,074	-7,150,074	-7,150,074	-9,071,558
Less funds advanced in prior year	-24,600,000	-26,600,000	-26,600,000	-26,600,000	-26,600,000	-2,000,000
Total, request, FY 1995	64,477,413	62,637,775	62,637,775	62,640,775	62,640,775	-1,836,638
New advance, 1st quarter, FY 1996	26,600,000	27,047,717	27,047,717	27,047,717	27,047,717	+447,717
PAYMENTS TO HEALTH CARE TRUST FUNDS 2/						
Supplemental medical insurance	45,097,000	36,955,000	36,955,000	36,955,000	36,955,000	-8,142,000
Hospital insurance for the uninsured	458,000	406,000	406,000	406,000	406,000	-52,000
Federal uninsured payment	48,000	56,000	56,000	56,000	56,000	+8,000
Program management	128,440	129,758	129,758	129,758	129,758	+1,318
Total, Payment to Trust Funds, current law	45,731,440	37,546,758	37,546,758	37,546,758	37,546,758	-8,184,682

1/ Does not include $15,000,000 in savings proposed for later transmittal.

2/ Does not include $2,056,000,000 in savings proposed for later transmittal.

	FY 1994 Comparable	FY 1995 Request	House Bill	Senate Bill	Conference	Conference vs FY94 Comparable
PROGRAM MANAGEMENT						
Research, demonstration, and evaluation: Regular program, trust funds	(43,250)	(45,920)	(47,618)	(50,920)	(56,146)	(+12,896)
Counseling program	(9,920)	(4,500)	(10,036)	(10,036)	(10,036)	(+116)
Rural hospital transition demonstrations, trust funds	(21,112)	(7,000)	(7,000)	(21,112)	(17,584)	(-3,528)
Essential access community hospitals, trust funds	(10,000)	(3,500)	(10,132)	(3,500)	(3,500)	(-6,500)
New rural health grants	(1,700)	(7,700)	(1,737)	(1,737)	(1,737)	(+37)
Subtotal, research, demonstration, & evaluation	(85,982)	(68,620)	(76,523)	(87,305)	(89,003)	(+3,021)
Medicare Contractors (Trust Funds)	(1,613,015)	(1,610,300)	(1,610,300)	(1,617,500)	(1,615,700)	(+2,685)
State Survey and Certification: Medicare certification, trust funds	(145,800)	(145,800)	(147,162)	(145,800)	(145,800)	---
Federal Administration: Trust funds 1/	(343,000)	(367,100)	(350,124)	(356,756)	(356,756)	(+13,756)
Less current law user fees	(-124)	(-124)	(-124)	(-124)	(-124)	---
Rent reduction	---	(-696)	---	---	---	---
Subtotal, Federal Administration	(342,876)	(366,280)	(350,000)	(356,632)	(356,632)	(+13,756)
Indian Health Service offset	---	(-11,340)	---	---	---	---
Total, Program management	(2,187,673)	(2,179,660)	(2,183,985)	(2,207,237)	(2,207,135)	(+19,462)
HMO LOAN AND LOAN GUARANTEE FUND	---	15,000	15,000	15,000	15,000	+15,000
Total, Health Care Financing Administration: Federal funds	136,808,853	127,247,250	127,247,250	127,250,250	127,250,250	-9,558,603
Current year, FY 1995	(110,208,853)	(100,199,533)	(100,199,533)	(100,202,533)	(100,202,533)	(-10,006,320)
New advance, 1st quarter, FY 1996	(26,600,000)	(27,047,717)	(27,047,717)	(27,047,717)	(27,047,717)	(+447,717)
Trust funds	(2,187,673)	(2,179,660)	(2,183,985)	(2,207,237)	(2,207,135)	(+19,462)

1/ FY 1994 does not include $15,000,000 supplemental request.

	FY 1994 Comparable	FY 1995 Request	House Bill	Senate Bill	Conference	Conference vs FY94 Comparable
SOCIAL SECURITY ADMINISTRATION						
PAYMENTS TO SOCIAL SECURITY TRUST FUNDS	28,178	25,094	25,094	25,094	25,094	-3,084
SPECIAL BENEFITS FOR DISABLED COAL MINERS						
Benefit payments	766,000	712,693	712,693	712,693	712,693	-53,307
Administration	5,181	5,181	5,181	5,181	5,181	---
Subtotal, Black Lung, FY 1995 program level	771,181	717,874	717,874	717,874	717,874	-53,307
Less funds advanced in prior year	-196,000	-190,000	-190,000	-190,000	-190,000	+6,000
Total, Black Lung, current request, FY 1995	575,181	527,874	527,874	527,874	527,874	-47,307
New advance, 1st quarter, FY 1996	190,000	180,000	180,000	180,000	180,000	-10,000
SUPPLEMENTAL SECURITY INCOME						
Federal benefit payments	25,478,000	25,435,739	25,435,739	25,435,739	25,435,739	-42,261
Beneficiary services	51,600	70,400	143,400	153,400	143,400	+91,800
Research demonstration	12,700	6,700	6,700	17,700	27,700	+15,000
Administration	1,690,475	1,941,262	2,041,262	2,041,262	2,041,262	+350,787
Investment proposals:						
Automation investment initiative	30,091	164,500	100,000	34,000	67,000	+36,909
Disability investment initiative	60,000	240,000	280,000	280,000	280,000	+220,000
Subtotal, SSI FY 1995 program level	27,322,866	27,858,601	28,007,101	27,962,101	27,995,101	+672,235
Less funds advanced in prior year	-7,150,000	-6,770,000	-6,770,000	-6,770,000	-6,770,000	+380,000
Total, SSI, current request, FY 1995	20,172,866	21,088,601	21,237,101	21,192,101	21,225,101	+1,052,235
New advance, 1st quarter, FY 1996	6,770,000	7,060,000	7,060,000	7,060,000	7,060,000	+290,000
LIMITATION ON ADMINISTRATIVE EXPENSES						
OASDI trust funds	(2,486,753)	(2,482,948)	(2,350,948)	(2,380,174)	(2,382,948)	(-103,805)
HI/SMI trust funds	(697,057)	(735,575)	(735,575)	(735,575)	(735,575)	(+38,518)
Notch Commission	(1,800)	---	---	---	---	(-1,800)
SSI	(1,690,475)	(1,941,262)	(2,041,262)	(2,041,262)	(2,041,262)	(+350,787)
Subtotal, regular LAE	(4,876,085)	(5,159,785)	(5,127,785)	(5,157,011)	(5,159,785)	(+283,700)
DI disability initiative	(260,000)	(40,000)	(72,000)	(40,000)	(40,000)	(-220,000)
SSI disability initiative	(60,000)	(240,000)	(280,000)	(280,000)	(280,000)	(+220,000)
Subtotal, Disability initiative	(320,000)	(280,000)	(352,000)	(320,000)	(320,000)	---
OASDI automation	(189,909)	(220,500)	(30,000)	(30,000)	(30,000)	(-159,909)
SSI automation	(30,091)	(164,500)	(100,000)	(34,000)	(67,000)	(+36,909)
Subtotal, automation initative	(220,000)	(385,000)	(130,000)	(64,000)	(97,000)	(-123,000)
TOTAL, LAE	(5,416,085)	(5,824,785)	(5,609,785)	(5,541,011)	(5,576,785)	(+160,700)
Total, Social Security Administration: Federal funds	27,736,225	28,881,569	29,030,069	28,985,069	29,018,069	+1,281,844
Current year FY 1995	(20,776,225)	(21,641,569)	(21,790,069)	(21,745,069)	(21,778,069)	(+1,001,844)
New advances, 1st quarter FY 1996	(6,960,000)	(7,240,000)	(7,240,000)	(7,240,000)	(7,240,000)	(+280,000)
Trust funds	(5,416,085)	(5,824,785)	(5,609,785)	(5,541,011)	(5,576,785)	(+160,700)
ADMINISTRATION FOR CHILDREN AND FAMILIES						
FAMILY SUPPORT PAYMENTS TO STATES						
Aid to Families with Dependent Children (AFDC)	12,160,391	12,687,000	12,687,000	12,687,000	12,687,000	+526,609
Quality control liabilities	-60,723	-50,825	-50,825	-50,825	-50,825	+9,898
Payments to territories	18,613	18,613	18,613	18,613	18,613	---
Emergency assistance	575,000	656,000	656,000	656,000	656,000	+81,000
Repatriation	1,000	1,000	1,000	1,000	1,000	---
State and local welfare administration	1,551,000	1,612,000	1,612,000	1,612,000	1,612,000	+61,000
Work activities child care	528,000	555,000	555,000	555,000	555,000	+27,000
Transitional child care	140,000	156,000	156,000	156,000	156,000	+16,000
At risk child care	361,000	300,000	300,000	300,000	300,000	-61,000
Subtotal, Welfare payments	15,274,281	15,934,788	15,934,788	15,934,788	15,934,788	+660,507

	FY 1994 Comparable	FY 1995 Request	House Bill	Senate Bill	Conference	Conference vs FY94 Comparable
Child Support Enforcement:						
State and local administration	1,707,000	1,929,000	1,929,000	1,929,000	1,929,000	+222,000
Federal incentive payments	399,000	444,000	444,000	444,000	444,000	+45,000
Less federal share collections	-1,207,000	-1,346,000	-1,346,000	-1,346,000	-1,346,000	-139,000
Subtotal, Child support	899,000	1,027,000	1,027,000	1,027,000	1,027,000	+128,000
Total, Payments, FY 1995 program level	16,173,281	16,961,788	16,961,788	16,961,788	16,961,788	+788,507
Less funds advanced in previous years	-4,000,000	-4,200,000	-4,200,000	-4,200,000	-4,200,000	-200,000
Total, Payments, current request, FY 1995	12,173,281	12,761,788	12,761,788	12,761,788	12,761,788	+588,507
New advance, 1st quarter, FY 1996	4,200,000	4,400,000	4,400,000	4,400,000	4,400,000	+200,000
JOB OPPORTUNITIES AND BASIC SKILLS (JOBS)	1,100,000	1,300,000	1,300,000	1,300,000	1,300,000	+200,000
LOW INCOME HOME ENERGY ASSISTANCE						
Advance from prior year (non-add)	(1,437,392)	(1,475,000)	(1,475,000)	(1,475,000)	(1,475,000)	(+37,608)
FY 1995 rescission	---	-745,000	-250,000	-89,592	-155,796	-155,796
FY 1995 program level (non-add)	(1,437,408)	(730,000)	(1,225,000)	(1,385,408)	(1,319,204)	(-118,204)
Emergency allocation 1/	(600,000)	---	(600,000)	(600,000)	(600,000)	---
Advance funding (FY 1996)	1,475,000	745,000	1,225,000	1,475,000	1,319,204	-155,796
REFUGEE AND ENTRANT ASSISTANCE						
Transitional and medical services	264,280	278,116	264,280	264,280	264,280	---
Social services	80,802	80,802	80,802	80,802	80,802	---
Preventive health	5,300	5,471	5,300	5,300	5,300	---
Targeted assistance	49,397	49,397	49,397	49,397	49,397	---
Total, Refugee and entrant assistance	399,779	413,786	399,779	399,779	399,779	---
STATE LEGALIZATION IMPACT ASSISTANCE GRANTS:						
Civics and English education grants	---	---	---	6,000	6,000	+6,000
SLIAG rescission	---	---	---	---	-75,000	-75,000
Total, SLIAG	---	---	---	6,000	-69,000	-69,000

1/ For FY 1994 - Available only upon submission of a formal request designating the need for funds as an emergency as defined by the BEA. $300,000,000 was released in Feb. 1994. The 1995 request makes the remaining $300,000,000 available until expended.

	FY 1994 Comparable	FY 1995 Request	House Bill	Senate Bill	Conference	Conference vs FY94 Comparable
COMMUNITY SERVICES BLOCK GRANT						
Grants to States for Community Services	385,500	399,622	385,500	393,500	391,500	+6,000
Homeless services grants	19,840	---	19,663	19,840	19,752	-88
Discretionary funds:						
Community initiative program:						
Economic development	22,233	---	22,233	24,233	23,733	+1,500
Rural housing	2,730	---	2,706	3,000	2,927	+197
Rural community facilities	2,730	---	2,706	3,460	3,271	+541
Consolidated program	---	35,000	---	---	---	---
Farmworker assistance	2,947	---	2,921	3,247	3,084	+137
Technical assistance	300	---	297	---	---	-300
Subtotal, discretionary funds	30,940	35,000	30,862	33,940	33,015	+2,075
National youth sports	12,000	---	13,893	12,000	12,000	---
Demonstration Partnerships	7,995	---	7,924	7,995	7,977	-18
Community Food and Nutrition	7,944	---	7,872	8,944	8,676	+732
Total, Community services	464,219	434,622	465,714	476,219	472,920	+8,701
CHILD CARE AND DEVELOPMENT BLOCK GRANT	892,641	1,090,662	934,656	934,656	934,656	+42,015
SOCIAL SERVICES BLOCK GRANT (TITLE XX)	3,800,000	2,800,000	2,800,000	2,800,000	2,800,000	-1,000,000

	FY 1994 Comparable	FY 1995 Request	House Bill	Senate Bill	Conference	Conference vs FY94 Comparable
CHILDREN AND FAMILIES SERVICES PROGRAMS						
Programs for Children, Youth, and Families:						
Head start 1/	3,324,728	4,026,285	3,534,728	3,544,728	3,534,728	+210,000
Comprehensive child development centers	46,560	21,000	---	---	---	-46,560
Child development associate scholarships	1,372	---	1,360	1,360	1,360	-12
Consolidated runaway, homeless youth program	---	68,590	---	---	---	---
Runaway and homeless youth	36,110	---	40,468	36,110	40,468	+4,358
Runaway youth - transitional living	12,200	---	13,650	12,200	13,650	+1,450
Runaway youth activities - drugs	14,603	---	14,472	14,472	14,472	-131
Subtotal, runaway	62,913	68,590	68,590	62,782	68,590	+5,677
Youth gang substance abuse	10,620	20,000	10,525	10,525	10,525	-95
Child abuse state grants	22,854	22,854	22,650	22,854	22,854	---
Child abuse discretionary activities	15,577	17,000	15,438	15,438	15,438	-139
Child abuse challenge grants	5,270	23,236	5,223	---	---	-5,270
ABCAN	291	300	289	289	289	-2
Temporary childcare/crisis nurseries	11,912	---	11,835	11,835	11,835	-77
Abandoned infants assistance	14,539	14,563	14,408	14,408	14,408	-131
Dependent care planning and development	12,939	---	12,823	12,823	12,823	-116
Emergency protection grants - substance abuse	19,039	---	18,869	---	---	-19,039
Child welfare services	294,624	294,624	291,989	291,989	291,989	-2,635
Child welfare training	4,439	4,441	4,399	4,399	4,399	-40
Child welfare research	6,466	6,466	6,408	6,408	6,408	-58
Adoption opportunities	12,117	12,162	13,007	12,117	13,007	+890
ily violence	27,648	27,679	27,400	32,648	32,648	+5,000
ial services research	13,664	14,000	14,042	15,000	15,000	+1,336
ily support centers	7,374	7,374	7,308	7,374	7,374	---
munity Based Resource Centers	5,810	5,910	7,756	30,020	31,363	+25,553
velopmental disabilities program:						
State grants	69,343	59,343	63,722	71,343	70,438	+1,095
Protection and advocacy	23,753	34,753	28,540	25,253	26,718	+2,965
Developmental disabilities special projects	3,723	3,784	5,189	4,223	5,723	+2,000
Developmental disabilities university affiliated programs	18,272	17,281	18,109	19,272	18,981	+709
Subtotal, Developmental disabilities	115,091	115,161	115,560	120,091	121,860	+6,769
ative American Programs	38,491	38,627	38,146	38,491	38,491	---
rogram direction	159,935	172,105	166,020	159,935	164,499	+4,564
ndian Health Service offset	---	-1,340	---	---	---	---
Total, Children and Families Services Programs	4,234,273	4,911,037	4,408,775	4,415,514	4,419,888	+185,615
FAMILY SUPPORT AND PRESERVATION	60,000	150,000	150,000	150,000	150,000	+90,000
PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE						
Foster care	2,605,500	3,128,023	2,987,023	3,128,023	3,128,023	+522,523
Adoption assistance	317,400	399,348	383,848	399,348	399,348	+81,948
Independent living	70,000	70,000	70,000	70,000	70,000	---
Total, Payments to States	2,992,900	3,597,371	3,440,871	3,597,371	3,597,371	+604,471
Total, Administration for Children and Families	31,792,093	31,859,266	32,036,583	32,628,735	32,330,810	+538,717
Current year	(26,117,093)	(26,714,266)	(26,411,583)	(26,753,735)	(26,611,606)	(+494,513)
FY 1996	(5,675,000)	(5,145,000)	(5,625,000)	(5,875,000)	(5,719,204)	(+44,204)

1/ Request delays obligation of $100,000,000 until 9/30/95. No delay in conference.

ADMINISTRATION ON AGING						
AGING SERVICES PROGRAMS						
Grants to States:						
Supportive services and centers	306,711	306,711	303,109	306,711	306,711	---
Ombudsman services	4,370	4,370	4,475	4,370	4,449	+79
Prevention of elder abuse	4,648	4,648	4,760	4,648	4,732	+84
Pension counseling	2,000	2,000	1,976	1,976	1,976	-24
Preventive health	17,032	17,032	16,832	17,032	16,982	-50
Nutrition:						
Congregate meals	375,809	375,809	371,397	375,809	375,809	---
Home-delivered meals	93,665	93,916	94,065	93,665	94,065	+400
Frail elderly in-home services	7,075	7,075	9,992	7,075	9,263	+2,188
Grants to Indians	16,902	16,902	16,703	16,902	16,902	---
Aging research, training and special projects	25,735	25,830	26,933	25,735	26,634	+899
Federal Council on Aging	177	177	176	176	176	-1
White House Conference on Aging	1,000	3,000	3,000	3,000	3,000	+2,000
Program administration	16,563	16,253	16,405	16,563	16,524	-39
Indian Health Service offset	---	-120	---	---	---	---
Total, Administration on Aging	871,667	875,603	869,823	873,662	877,223	+5,536
OFFICE OF THE SECRETARY						
GENERAL DEPARTMENTAL MANAGEMENT:						
Federal funds	89,742	90,075	90,075	89,349	91,822	+2,080
Trust funds	(23,259)	(23,642)	(23,642)	(23,642)	(23,642)	(+383)
Portion treated as budget authority	(8,281)	(7,366)	(7,366)	(7,366)	(7,366)	(-915)
Indian Health Service offset	---	-575	-575	-575	-575	-575
Total, General Departmental Management: Federal funds	89,742	89,500	89,500	88,774	91,247	+1,505
Trust funds	(31,540)	(31,008)	(31,008)	(31,008)	(31,008)	(-532)
Total	(121,282)	(120,508)	(120,508)	(119,782)	(122,255)	(+973)
OFFICE OF THE INSPECTOR GENERAL:						
Federal funds	63,318	64,501	64,085	64,085	64,085	+767
Trust funds	(16,020)	(16,020)	(16,214)	(16,214)	(16,214)	(+194)
Portion treated as budget authority	(20,597)	(20,597)	(20,846)	(20,846)	(20,846)	(+249)
Indian Health Service offset	---	-500	-500	-500	-500	-500
Total, Office of the Inspector General: Federal funds	63,318	64,001	63,585	63,585	63,585	+267
Trust funds	(36,617)	(36,617)	(37,060)	(37,060)	(37,060)	(+443)
Total	(99,935)	(100,618)	(100,645)	(100,645)	(100,645)	(+710)
OFFICE FOR CIVIL RIGHTS:						
Federal funds	18,307	18,516	18,516	18,516	18,516	+209
Trust funds	(98)	(98)	(98)	(98)	(98)	---
Portion treated as budget authority	(3,776)	(3,776)	(3,776)	(3,776)	(3,776)	---
Indian Health Service offset	---	-107	-107	-107	-107	-107
Total, Office for Civil Rights: Federal funds	18,307	18,409	18,409	18,409	18,409	+102
Trust funds	(3,874)	(3,874)	(3,874)	(3,874)	(3,874)	---
Total	(22,181)	(22,283)	(22,283)	(22,283)	(22,283)	(+102)
POLICY RESEARCH	11,741	12,982	14,632	10,741	13,659	+1,918
Total, Office of the Secretary: Federal funds	183,108	184,892	186,126	181,509	186,900	+3,792
Trust funds	(72,031)	(71,499)	(71,942)	(71,942)	(71,942)	(-89)
Total	(255,139)	(256,391)	(258,068)	(253,451)	(258,842)	(+3,703)

	FY 1994 Comparable	FY 1995 Request	House Bill	Senate Bill	Conference	Conference vs FY94 Comparable
PROCUREMENT REFORM	---	-37,125	-37,125	-37,125	-37,125	-37,125
RENT SAVINGS	---	---	---	-4,506	-4,505	-4,505
Total, Department of Health and Human Services: Federal Funds	216,022,538	208,313,213	208,485,875	209,049,076	208,853,200	-7,169,338
Current year FY 1995	(176,787,538)	(168,880,496)	(168,573,158)	(168,886,359)	(168,846,279)	(-7,941,259)
FY 1996	(39,235,000)	(39,432,717)	(39,912,717)	(40,162,717)	(40,006,921)	(+771,921)
Trust funds	(7,681,575)	(8,081,730)	(7,871,518)	(7,826,876)	(7,861,658)	(+180,083)

TITLE III - DEPARTMENT OF EDUCATION

EDUCATION REFORM

	FY 1994 Comparable	FY 1995 Request	House Bill	Senate Bill	Conference	Conference vs FY94 Comparable
als 2000: Educate America Act:						
State grants	87,150	665,950	363,670	393,670	371,870	+284,720
Parents as teachers	---	---	---	10,000	10,000	+10,000
National education goals panel	3,000	---	---	---	---	-3,000
National education standards council	2,000	---	---	---	---	-2,000
National skills standards	3,000	---	---	---	---	-3,000
School finance equity studies and demonstrations	---	8,000	3,200	3,200	---	---
Technology grants	5,000	---	---	---	---	-5,000
Other federal activities	4,850	34,050	21,530	21,530	21,530	+16,680
Subtotal, Goals 2000	105,000	708,000	388,400	428,400	403,400	+298,400
School-to-work opportunities	50,000	150,000	140,000	100,000	125,000	+75,000
Total	155,000	858,000	528,400	528,400	528,400	+373,400

EDUCATION FOR THE DISADVANTAGED

	FY 1994 Comparable	FY 1995 Request	House Bill	Senate Bill	Conference	Conference vs FY94 Comparable
Grants to local education agencies 1/	6,396,712	7,000,000	6,698,356	6,698,356	6,698,356	+301,644
Capital expenses for private school children	41,434	41,434	41,434	41,434	41,434	---
Even start	91,373	118,000	102,024	102,024	102,024	+10,651
State agency programs:						
Migrant	302,458	310,000	305,475	305,475	305,475	+3,017
Neglected and delinquent/high risk youth	35,407	40,000	37,244	40,000	39,311	+3,904
State program improvement grants	25,933	30,000	27,560	27,560	27,560	+1,627
Demonstrations (1502/1503) 2/	---	20,000	15,000	---	---	---
Evaluation 2/	7,987	8,695	8,270	8,270	8,270	+283
Total, Title I	6,901,304	7,568,129	7,235,363	7,223,119	7,222,430	+321,126
Migrant education:						
High school equivalency program 2/	8,161	8,161	8,088	8,088	8,088	-73
College assistance migrant program 2/	2,224	2,224	2,204	2,204	2,204	-20
Subtotal, migrant education	10,385	10,385	10,292	10,292	10,292	-93
Total, Compensatory education programs 3/	6,911,689	7,578,514	7,245,655	7,233,411	7,232,722	+321,033
Subtotal, forward funded	(6,893,317)	(7,539,434)	(7,212,093)	(7,214,849)	(7,214,160)	(+320,843)

1/ Distribution between Basic and Concentration grants to be determined in reauthorization. State admin costs funded by new set aside in basic law.

2/ Current funded.

3/ Proposed for later transmittal.

IMPACT AID

	FY 1994 Comparable	FY 1995 Request	House Bill	Senate Bill	Conference	Conference vs FY94 Comparable
Maintenance and operations:						
Payments for ''a'' children:						
Regular payments	613,445	---	---	---	---	-613,445
3(d)(2)(B) districts	20,062	---	---	---	---	-20,062
Subtotal	633,507	---	---	---	---	-633,507
Payments for ''b'' children:						
Regular payments	123,129	---	---	---	---	-123,129
3(d)(2)(B) districts	13,375	---	---	---	---	-13,375
Subtotal	136,504	---	---	---	---	-136,504

	FY 1994 Comparable	FY 1995 Request	House Bill	Senate Bill	Conference	Conference vs FY94 Comparable
Payments for Federal property (Section 2).........	16,293	---	---	---	16,293	---
Subtotal...	786,304	---	---	---	16,293	-770,011
Construction...	11,904	---	---	---	---	-11,904
Proposed new structure:						
Basic support payments...........................	---	694,000	---	---	631,707	+631,707
Heavily impacted districts........................	---	---	---	---	40,000	+40,000
Suppl payments for children with disabilities.....	---	45,000	---	---	40,000	+40,000
Spec payments for increases in military dependents	---	2,000	---	---	---	---
Capital fund payments............................	---	5,000	---	---	---	---
Facilities maintained by the Dept of Education....	---	2,000	---	---	---	---
Base closure assistance..........................	---	2,000	---	---	---	---
Undistributed....................................	---	---	728,000	666,880	---	---
(Transfer from Defense).........................	---	---	---	(61,120)	---	---
Total, Impact aid 1/..........................	798,208	750,000	728,000	666,880	728,000	-70,208
FY 1995 program level.........................	798,208	750,000	728,000	728,000	728,000	-70,208

1/ Proposed for later transmittal.

SCHOOL IMPROVEMENT PROGRAMS

	FY 1994 Comparable	FY 1995 Request	House Bill	Senate Bill	Conference	Conference vs FY94 Comparable
Education improvement:						
Eisenhower prof development State grants 1/.......	250,998	---	---	---	320,298	+69,300
Chapter 2, State block grants 1/.................	369,500	---	---	---	347,250	-22,250
Consolidated Eisenhower and Chapter 2 1/.........	---	752,000	667,548	667,548	---	---
Subtotal...	620,498	752,000	667,548	667,548	667,548	+47,050
Safe and drug-free schools and communities:						
State grants 1/..................................	374,937	580,000	456,962	456,962	456,962	+82,025
Postsecondary education programs.................	15,859	15,700	---	---	---	-15,859
National programs................................	60,771	63,509	25,000	25,000	25,000	-35,771
Safe schools 2/..................................	20,000	---	---	---	---	-20,000
Subtotal, Safe & drug-free schools & communities	471,567	659,209	481,962	481,962	481,962	+10,395
Education infrastructure 1/.........................	---	---	---	100,000	100,000	+100,000
Inexpensive book distribution (RIF)..................	10,300	10,300	10,208	10,300	10,300	---
Arts in education....................................	8,944	11,000	8,864	13,000	12,000	+3,056
Law - related education..............................	5,952	---	5,899	5,899	5,899	-53
Christa McAuliffe fellowships........................	1,964	2,104	1,946	1,946	1,946	-18

1/ Forward funded.

2/ Fundable under general State grants in FY95.

	FY 1994 Comparable	FY 1995 Request	House Bill	Senate Bill	Conference	Conference vs FY94 Comparable
Other school improvement programs:						
Magnet schools assistance........................	107,985	120,000	113,019	107,019	111,519	+3,534
Education for homeless children & youth 1/........	25,470	30,000	30,000	25,242	28,811	+3,341
Women's educational equity.......................	1,984	5,000	3,967	3,967	3,967	+1,983
Training and advisory services (Civil Rights IV-A)	21,606	21,606	21,412	21,412	21,412	-194
Dropout demonstrations...........................	37,730	---	---	37,393	28,000	-9,730
General assistance to the Virgin Islands..........	1,227	---	1,216	---	---	-1,227
Territorial teacher training......................	1,737	---	1,721	---	---	-1,737
Ellender fellowships/Close up 1/.................	4,223	---	4,185	4,185	4,185	-38
Follow through...................................	8,478	---	---	---	---	-8,478
Education for native Hawaiians...................	8,224	---	8,150	15,000	12,000	+3,776
Foreign languages assistance 1/.................	10,912	---	---	10,912	10,912	---
Training in early childhood education & violence counseling (HEA V-F)...........................	14,000	14,000	13,875	13,875	13,875	-125
Charter schools..................................	---	15,000	6,000	6,000	6,000	+6,000
Subtotal, other school improvement programs.....	243,576	205,606	203,545	245,005	240,681	-2,895

1/ Forward funded.

	FY 1994 Comparable	FY 1995 Request	House Bill	Senate Bill	Conference	Conference vs FY94 Comparable
Technical assistance for improving ESEA programs:						
ESEA technical assist consolidation	44,942	69,400	44,541	44,541	44,541	-401
Chapter 1 technical assistance centers	(5,113)	---	---	---	---	(-5,113)
Chapter 1 rural technical assistance centers	(4,960)	---	---	---	---	(-4,960)
Chapter 1 migrant program coordination centers	(2,735)	---	---	---	---	(-2,735)
Drug-free schools regional centers	(15,595)	---	---	---	---	(-15,595)
Indian education technical assistance centers 1/	(3,815)	---	---	---	---	(-3,815)
Bilingual education multifunctional resource ctr.	(11,024)	---	---	---	---	(-11,024)
Bilingual education evaluation assistance centers	(1,700)	---	---	---	---	(-1,700)
Total, School improvement programs 2/	1,407,743	1,708,619	1,424,513	1,570,201	1,564,877	+157,134
Subtotal, forward funded	(1,039,855)	(1,362,000)	(1,158,695)	(1,264,849)	(1,268,418)	(+228,563)

1/ $3,815,000 provided in 1994 under Indian Education in Interior Act.

2/ $1,581,300,000 proposed for later transmittal.

BILINGUAL AND IMMIGRANT EDUCATION

Bilingual education:						
Bilingual programs	148,572	165,000	158,062	148,572	155,690	+7,118
Support services	14,460	17,428	14,330	14,330	14,330	-130
Training grants	25,407	32,500	25,180	25,180	25,180	-227
Immigrant education	38,992	38,992	50,000	50,000	50,000	+11,008
Total 1/	227,431	253,920	247,572	238,082	245,200	+17,769

SPECIAL EDUCATION

State grants:						
Grants to States part ''b'':						
Base	2,149,686	2,270,154	2,149,686	2,270,154	2,240,037	+90,351
Chapter 1 handicapped offset	82,878	82,878	82,878	82,878	82,878	---
Consolidated grant	2,232,564	2,353,032	2,232,564	2,353,032	2,322,915	+90,351
Preschool grants	339,257	367,268	339,257	367,268	360,265	+21,008
Grants for infants and families:						
Base 2/	253,152	291,125	253,152	291,125	281,632	+28,480
Chapter 1 handicapped offset	34,000	34,000	34,000	34,000	34,000	---
Consolidated grant	287,152	325,125	287,152	325,125	315,632	+28,480
Subtotal, State grants 2/	2,858,973	3,045,425	2,858,973	3,045,425	2,998,812	+139,839

1/ Proposed for later transmittal.

2/ Request, Senate and Conference delay obligation of $292,125,000 until 9/30/95. No delay in House bill.

Special purpose funds:						
Deaf-blindness	12,832	12,832	12,717	12,832	12,832	---
Serious emotional disturbance	4,147	4,147	4,110	4,147	4,147	---
Severe disabilities	9,330	10,030	9,247	10,030	10,030	+700
Early childhood education	25,167	25,167	24,942	25,167	25,167	---
Secondary and transitional services	21,966	23,966	23,670	23,966	23,966	+2,000
Postsecondary education	8,839	8,839	8,759	8,839	8,839	---
Innovation and development	20,635	19,885	19,885	20,635	20,635	---
Media and captioning services	18,642	17,642	18,642	19,142	19,142	+500
Technology applications	10,862	10,362	10,362	10,862	10,862	---
Special studies	3,855	4,160	3,820	4,160	4,160	+305
Personnel development	91,339	89,589	89,589	91,339	91,339	---
Parent training	12,735	13,535	12,621	13,535	13,535	+800
Clearinghouses	2,162	2,162	2,143	2,162	2,162	---
Regional resource centers	7,218	7,218	7,154	7,218	7,218	---
Subtotal, Special purpose funds	249,729	249,534	247,661	254,034	254,034	+4,305
Total, Special education	3,108,702	3,294,959	3,106,634	3,299,459	3,252,846	+144,144

	FY 1994 Comparable	FY 1995 Request	House Bill	Senate Bill	Conference	Conference vs FY94 Comparable
REHABILITATION SERVICES AND DISABILITY RESEARCH						
Vocational rehabilitation State grants	1,974,145	2,029,421	2,029,421	2,074,145	2,054,145	+80,000
Client assistance	9,547	9,824	9,471	9,824	9,824	+277
Training	39,629	39,629	39,313	39,629	39,629	---
Special demonstration programs	19,942	21,942	19,783	19,942	19,942	---
Supported employment projects	10,616	10,616	10,531	10,616	10,616	---
Migratory workers	1,171	1,421	1,162	1,421	1,421	+250
Recreational programs	2,596	2,596	2,576	2,596	2,596	---
Protection and advocacy of individual rights	5,500	5,500	7,456	7,456	7,456	+1,956
Projects with industry	22,071	22,071	21,895	22,071	22,071	---
Supported employment State grants	34,536	37,403	34,260	37,403	36,536	+2,000
Independent living:						
State grants	18,003	18,525	21,859	19,820	21,859	+3,856
Centers	36,818	39,068	36,524	40,533	40,533	+3,715
Services for older blind individuals	8,131	8,131	8,066	8,952	8,952	+821
Subtotal	62,952	65,724	66,449	69,305	71,344	+8,392
Evaluation	1,600	1,600	1,587	1,587	1,587	-13
Helen Keller National Center for Deaf-Blind Youths & Adults	6,741	6,936	6,687	6,936	6,936	+195
National Institute on Disability & Rehabilitation Research	68,146	66,031	67,602	70,000	70,000	+1,854
Subtotal, mandatory programs	2,259,192	2,320,714	2,318,193	2,372,831	2,354,103	+94,911
Technology assistance	37,744	40,744	37,407	40,744	39,249	+1,505
Total, Rehabilitation services	2,296,936	2,361,458	2,355,600	2,413,575	2,393,352	+96,416
SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES						
AMERICAN PRINTING HOUSE FOR THE BLIND	6,463	6,680	6,406	6,680	6,680	+217
NATIONAL TECHNICAL INSTITUTE FOR THE DEAF:						
Operations	41,307	42,705	40,937	42,705	42,705	+1,398
Endowment grant	336	336	333	336	336	---
Construction	193	150	192	150	150	-43
Subtotal	41,836	43,191	41,462	43,191	43,191	+1,355
GALLAUDET UNIVERSITY:						
University programs	52,715	54,244	52,243	54,244	54,244	+1,529
Precollege programs	23,720	24,786	23,508	24,786	24,786	+1,066
Endowment grant	1,000	1,000	991	1,000	1,000	---
Construction	1,000	---	---	---	---	-1,000
Subtotal	78,435	80,030	76,742	80,030	80,030	+1,595
Total, Special institutions for persons with disabilities	126,734	129,901	124,610	129,901	129,901	+3,167
VOCATIONAL AND ADULT EDUCATION						
Vocational education:						
Basic State grants	972,750	972,750	972,750	972,750	972,750	---
Community - based organizations	11,785	---	---	9,479	9,479	-2,306
Consumer and homemaking education	34,720	---	34,409	34,409	34,409	-311
Tech-Prep education	104,123	114,123	108,000	108,000	108,000	+3,877
Tribally controlled postsecondary vocational institutions 1/	2,946	3,000	2,919	2,919	2,919	-27
State councils	8,928	9,000	8,848	8,848	8,848	-80
National programs:						
Research	9,662	7,851	7,851	7,851	7,851	-1,811
Demonstrations	23,455	13,000	13,000	23,245	20,684	-2,771
Data systems (NOICC/SOICC)	4,960	5,000	4,916	6,000	6,000	+1,040
Subtotal, national programs	38,077	25,851	25,767	37,096	34,535	-3,542

1/ Current funded

	FY 1994 Comparable	FY 1995 Request	House Bill	Senate Bill	Conference	Conference vs FY94 Comparable
Bilingual vocational training	2,946	---	---	---	---	-2,946
Subtotal, Vocational education	1,176,275	1,124,724	1,152,693	1,173,501	1,170,940	-5,335
Adult education:						
State Programs	254,624	267,000	252,345	252,345	252,345	-2,279
National Institute for Literacy	4,909	5,000	4,869	4,869	4,869	-40
National programs	3,928	4,000	5,400	3,900	3,900	-28
State literacy resource centers	7,857	7,857	7,787	7,787	7,787	-70
Workplace literacy partnerships	18,906	24,000	18,736	18,736	18,736	-170
Literacy training for homeless adults	9,584	9,584	9,498	9,498	9,498	-86
Literacy programs for prisoners	5,100	5,100	5,055	5,100	5,100	---
Subtotal, adult education	304,908	322,541	303,690	302,235	302,235	-2,673
Total, Vocational and adult education	1,481,183	1,447,265	1,456,383	1,475,736	1,473,175	-8,008
STUDENT FINANCIAL ASSISTANCE						
Federal Pell Grants: Regular program	6,303,566	6,393,020	6,247,180	6,247,180	6,243,680	-59,886
Memo (non-add): Maximum grant	(2,300)	(2,400)	(2,340)	(2,340)	(2,340)	(+40)
Memo (non-add): Outlay effect for FY95	---	---	(1,086,407)	(1,086,407)	(1,086,407)	(+1,086,407)
Earthquake relief supplemental (non-add)	(80,000)	---	---	---	---	(-80,000)
Federal Pell Grants: Funding for shortfall	250,000	118,000	118,000	---	---	-250,000
Subtotal, Pell Grants	6,553,566	6,511,020	6,365,180	6,247,180	6,243,680	-309,886
Federal supplemental educational opportunity grants	583,407	583,407	583,407	583,407	583,407	---
Federal work-study	616,508	716,508	616,508	616,508	616,508	---
Federal Perkins loans:						
Capital contributions	158,000	---	158,000	138,000	158,000	---
Loan cancellations	15,000	18,000	18,000	18,000	18,000	+3,000
Subtotal, Federal Perkins loans	173,000	18,000	176,000	156,000	176,000	+3,000
State student incentive grants	72,429	---	54,322	72,429	63,375	-9,054
State postsecondary review program	21,250	35,000	30,000	10,000	20,000	-1,250
Total, Student financial assistance	8,020,160	7,863,935	7,825,417	7,685,524	7,702,970	-317,190
FEDERAL FAMILY EDUCATION LOANS PROGRAM 1/ (EXISTING GUARANTEED STUDENT LOANS PROGRAM)						
Federal education loans: Federal administration	69,966	64,191	62,191	62,191	62,191	-7,775

1/ Does not include $693,630,000 in FY 1995 for new direct student loan program provided under permanent authority or $2,600,031,000 in 1995 for Federal Family Education Loans provided under permanent authority for both program & liquidating accounts.

	FY 1994 Comparable	FY 1995 Request	House Bill	Senate Bill	Conference	Conference vs FY94 Comparable
FEDERAL DIRECT STUDENT LOAN PROGRAM						
Mandatory administrative costs (indefinite)	(260,000)	(345,000)	(345,000)	(345,000)	(345,000)	(+85,000)
HIGHER EDUCATION						
Aid for institutional development:						
Strengthening institutions	79,196	79,196	80,000	87,794	80,000	+804
Hispanic serving institutions 1/	9,390	9,390	12,000	12,000	12,000	+2,610
Strengthening historically black colleges & univ.	100,860	106,295	110,000	99,958	108,990	+8,130
Strengthening historically black grad institutions	15,859	15,859	19,606	15,717	19,606	+3,747
Endowment challenge grants:						
Endowment grants	5,674	5,674	6,187	5,624	6,045	+371
HBCU set-aside	1,891	1,891	2,061	1,874	2,015	+124
HBCU library and information science	---	---	1,500	---	---	---
Evaluation	---	1,500	1,500	---	1,000	+1,000
Subtotal, Institutional development	212,870	219,805	232,854	222,967	229,656	+16,786

1/ FY 1994 and FY 1995 request amounts shown for comparability, actually included under strengthening institutions.

	FY 1994 Comparable	FY 1995 Request	House Bill	Senate Bill	Conference	Conference vs FY94 Comparable
Program development:						
Fund for the Improvement of Postsecondary Educ....	16,872	20,326	16,723	18,364	17,543	+671
Alaska Native Culture and Arts Development........	---	---	---	1,000	1,000	+1,000
Eisenhower leadership program.....................	4,000	---	---	4,000	4,000	---
Minority teacher recruitment......................	2,480	2,480	2,458	2,458	2,458	-22
Minority science improvement......................	5,892	5,892	5,839	5,839	5,839	-53
Innovative projects for community service.........	1,436	2,436	1,423	1,423	1,423	-13
International educ & foreign language studies:						
Domestic programs............................	52,283	52,283	52,283	52,283	52,283	---
Overseas programs............................	5,843	5,843	5,790	5,790	5,790	-53
Institute for International Public Policy.....	1,000	1,000	1,000	---	1,000	---
Subtotal, International education...........	59,126	59,126	59,073	58,073	59,073	-53
Cooperative education............................	13,749	---	---	6,927	6,927	-6,822
Law school clinical experience...................	14,920	---	14,920	14,787	14,920	---
Urban community service..........................	10,606	10,606	10,512	13,000	13,000	+2,394
Student financial database & information line.....	500	500	496	496	496	-4
Subtotal, Program development..................	129,581	101,366	111,444	126,367	126,679	-2,902
Construction:						
Interest subsidy grants, prior year construction..	18,029	17,512	17,512	17,512	17,512	-517
Special grants:						
Assistance to Guam...............................	397	---	---	---	---	-397
Federal TRIO programs............................	418,525	436,293	463,000	463,000	463,000	+44,475
Early intervention scholarships & partnerships....	1,875	---	3,108	3,108	3,108	+1,233
Mary McLeod Bethune Memorial Fine Arts Center.....	---	---	4,000	---	4,000	+4,000
Scholarships:						
Byrd honors scholarships.........................	19,294	29,117	29,117	29,117	29,117	+9,823
National science scholars........................	4,464	4,464	4,424	4,424	6,424	+1,960
Douglas teacher scholarships.....................	14,731	14,731	14,599	14,599	14,599	-132
Olympic scholarships.............................	---	---	1,000	---	1,000	+1,000
Teacher corps....................................	1,875	---	1,875	---	1,875	---
Subtotal, Scholarships.........................	40,364	48,312	51,015	48,140	53,015	+12,651
Graduate fellowships:						
Women & minority participation in graduate educ...	5,846	---	5,794	---	---	-5,846
Harris graduate fellowships......................	20,427	20,427	20,244	20,244	20,244	-183
Javits fellowships...............................	7,857	7,857	7,787	7,787	7,787	-70
Graduate assistance in areas of national need.....	27,498	27,498	27,252	27,252	27,252	-246
Faculty development fellowships..................	3,500	3,500	3,819	3,469	3,732	+232
Subtotal, Graduate fellowships.................	65,128	59,282	64,896	58,752	59,015	-6,113
School, college & university partnerships............	3,928	3,928	3,893	3,893	3,893	-35
Legal training for the disadvantaged (CLEO)...........	2,991	2,991	2,964	2,964	2,964	-27
Total, Higher education........................	893,688	889,489	954,686	946,703	962,842	+69,154
HOWARD UNIVERSITY						
Academic program....................................	154,835	154,835	158,450	154,835	158,330	+3,495
Endowment program:						
Regular program.................................	3,441	3,530	3,410	3,530	3,530	+89
Law school clinic...............................	---	---	4,500	---	4,500	+4,500
Research..	4,655	4,776	4,614	4,776	4,614	-41
Howard University Hospital..........................	29,755	29,755	29,489	29,755	29,489	-266
Construction..	---	---	6,000	---	6,000	+6,000
Total, Howard University.......................	192,686	192,896	206,463	192,896	206,463	+13,777
COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM:						
Federal administration..........................	730	1,022	1,022	1,022	1,022	+292
Loan subsidies..................................	---	---	134	168	168	+168
Loan limitation (non-add).......................	---	---	(8,000)	(10,000)	(10,000)	(+10,000)

	FY 1994 Comparable	FY 1995 Request	House Bill	Senate Bill	Conference	Conference vs FY94 Comparable
HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING PROGRAM						
Federal insurance limitation (non-add)	(375,000)	---	---	---	---	(-375,000)
Letter of credit limitation (non-add)	(357,000)	---	---	---	---	(-357,000)
Federal administration	200	347	347	347	347	+147
Total	200	347	347	347	347	+147
EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT						
Research and statistics:						
Research	78,000	87,450	81,082	83,000	86,200	+8,200
Statistics	48,588	63,150	48,153	48,153	48,153	-435
Assessment	29,262	38,655	32,757	32,757	32,757	+3,495
Subtotal, Research and statistics	155,850	189,255	161,992	163,910	167,110	+11,260
Fund for Improvement of Education	32,400	35,000	37,000	37,100	36,750	+4,350
International education exchange (title VI)	---	---	---	5,000	3,000	+3,000
21st century learning	---	---	---	900	750	+750
Civics Education	4,463	---	4,463	4,463	4,463	---
Fund for the Improvement and Reform of Schools and Teaching:						
Grants for schools and teachers	5,396	---	---	---	---	-5,396
Family-school partnerships	3,687	---	---	---	---	-3,687
Eisenhower professional development Federal activities	34,735	48,000	34,424	37,000	36,356	+1,621
Eisenhower telecommunication demo	---	---	---	3,000	2,250	+2,250
Javits gifted and talented students education	9,607	10,000	9,521	9,521	9,521	-86
Blue Ribbon Schools 1/	879	---	---	---	---	-879
Star schools	25,944	25,944	29,711	33,000	30,000	+4,056
National writing project	3,212	---	3,184	3,212	3,212	---
National Diffusion Network	14,582	---	14,480	14,480	14,480	-102
Ready to learn television	---	10,000	4,000	10,000	7,000	+7,000
Educational technology (proposed legislation) 2/	---	50,000	20,000	50,000	40,000	+40,000
Total, ERSI	290,755	368,199	318,775	371,586	354,892	+64,137

1/ Similar activities authorized under Fund for Improvement of Education.

2/ Forward funded.

	FY 1994 Comparable	FY 1995 Request	House Bill	Senate Bill	Conference	Conference vs FY94 Comparable
LIBRARIES						
Public libraries:						
Services	83,227	83,227	83,482	83,227	83,227	---
Construction	17,792	---	---	17,792	17,792	---
Interlibrary cooperation	19,749	19,749	19,572	25,327	23,700	+3,951
Library literacy programs	8,098	---	8,026	8,026	8,026	-72
College library technology	3,873	---	---	---	---	-3,873
Library education and training	4,960	---	4,916	4,916	4,916	-44
Research and demonstrations	2,802	---	---	8,270	6,500	+3,698
Research libraries	5,808	---	---	---	---	-5,808
Total, Libraries	146,309	102,976	115,996	147,558	144,161	-2,148
DEPARTMENTAL MANAGEMENT						
PROGRAM ADMINISTRATION 1/	346,008	364,905	359,358	346,008	356,021	+10,013
OFFICE FOR CIVIL RIGHTS	56,570	61,457	58,325	58,325	58,325	+1,755
OFFICE OF THE INSPECTOR GENERAL	28,840	31,675	29,199	31,675	30,437	+1,597
Total, Departmental management	431,418	458,037	446,882	436,008	444,783	+13,365
Total, Department of Education	26,559,538	28,324,728	27,149,280	27,389,748	27,428,312	+868,774

1/ Includes $500,000 for the Secretaries Task Force on Coordinated Services.

	FY 1994 Comparable	FY 1995 Request	House Bill	Senate Bill	Conference	Conference vs FY94 Comparable
TITLE IV - RELATED AGENCIES						
ARMED FORCES RETIREMENT HOME						
Operation and maintenance (trust fund limitation):						
Soldiers' and Airmen's Home	43,139	44,095	45,616	43,139	45,366	+2,227
United States Naval Home	10,775	11,045	11,294	10,775	11,045	+270
Subtotal, O & M	53,914	55,140	56,910	53,914	56,411	+2,497
Capital program (trust fund limitation):						
Soldiers' and Airmen's Home	4,930	2,500	2,500	2,500	2,500	-2,430
United States Naval Home	473	406	406	406	406	-67
Subtotal, capital	5,403	2,906	2,906	2,906	2,906	-2,497
Total, AFRH	59,317	58,046	59,816	56,820	59,317	---
CORPORATION FOR NATIONAL AND COMMUNITY SERVICE						
Domestic Volunteer Service Programs (formerly Action):						
Volunteers in Service to America:						
VISTA operations	37,715	53,000	37,829	43,715	42,676	+4,961
VISTA Literacy Corps	5,009	5,600	5,024	5,600	5,024	+15
University year for VISTA	---	1,000	---	---	---	---
Subtotal, VISTA	42,724	59,600	42,853	49,315	47,700	+4,976
Special Volunteer Programs	---	1,000	---	---	---	---
National Senior Volunteer Corps:						
Foster Grandparents Program	66,117	71,600	66,317	68,310	67,812	+1,695
Senior Companion Program	29,773	34,600	29,863	31,704	31,244	+1,471
Retired Senior Volunteer Program	34,388	38,700	34,492	36,113	35,708	+1,320
Senior Demonstration Programs	---	1,000	1,000	1,000	1,000	+1,000
Subtotal, Senior Volunteers	130,278	145,900	131,672	137,127	135,764	+5,486
Program Administration	31,151	32,330	31,246	31,246	31,246	+95
Total, Domestic Volunteer Service Programs	204,153	238,830	205,771	217,688	214,710	+10,557
Corporation for Public Broadcasting: FY97 (current request) 1/	312,000	292,640	---	330,000	315,000	+3,000
1995 advance (non-add)	(275,000)	(292,640)	(292,640)	(292,640)	(292,640)	(+17,640)
1995 rescission	---	---	-21,100	---	-7,000	-7,000
Subtotal 1995 (non-add)	(275,000)	(292,640)	(271,540)	(292,640)	(285,640)	(+10,640)
Federal Mediation and Conciliation Service	30,241	30,610	31,078	31,610	31,344	+1,103
Federal Mine Safety and Health Review Commission	5,842	6,200	6,200	6,200	6,200	+358
National Commission on Libraries and Information Science	904	901	901	901	901	-3
National Council on Disability	1,690	1,643	1,643	1,843	1,793	+103
National Labor Relations Board	171,274	173,547	173,388	176,047	176,047	+4,773
National Mediation Board	8,657	8,119	8,119	8,119	8,519	-138
Occupational Safety and Health Review Commission	7,362	7,595	7,595	7,595	7,595	+233
Physician Payment Review Commission (trust funds)	(4,171)	(4,176)	(4,176)	(4,176)	(4,176)	(+5)
Prospective Payment Assessment Commission (trust funds)	(4,500)	(4,667)	(4,667)	(4,667)	(4,667)	(+167)

1/ FY 1994 approp. adv. in FY92 is $275,000,000.
FY 1995 approp. adv. in FY93 is $292,640,000.
FY 1996 approp. adv. in FY94 is $312,000,000.

	FY 1994 Comparable	FY 1995 Request	House Bill	Senate Bill	Conference	Conference vs FY94 Comparable
Railroad Retirement Board:						
Dual benefits payments account	277,000	261,000	261,000	261,000	261,000	-16,000
Less income tax receipts on dual benefits	-20,000	-19,000	-19,000	-19,000	-19,000	+1,000
Subtotal, dual benefits	257,000	242,000	242,000	242,000	242,000	-15,000
Federal payment to the Railroad Retirement Account	300	300	300	300	300	---
Limitation on administration:						
(Retirement)	(73,791)	(74,963)	(73,881)	(73,881)	(73,881)	(+90)
(Unemployment)	(17,010)	(17,278)	(17,031)	(17,031)	(17,031)	(+21)
Subtotal, administration	(90,801)	(92,241)	(90,912)	(90,912)	(90,912)	(+111)
(Special Management Improvement Fund)	(3,300)	(1,640)	(1,640)	(1,640)	(1,640)	(-1,660)
Total, limitation on administration	(94,101)	(93,881)	(92,552)	(92,552)	(92,552)	(-1,549)
(Inspector General)	(6,742)	(6,700)	(6,682)	(6,960)	(6,682)	(-60)

	FY 1994 Comparable	FY 1995 Request	House Bill	Senate Bill	Conference	Conference vs FY94 Comparable
United States Institute of Peace	10,912	10,912	10,912	11,500	11,500	+588
Total, Title IV, Related Agencies: Federal Funds (all years)	1,069,652	1,071,343	726,623	1,090,623	1,068,226	-1,426
Current year, FY 1995	(757,652)	(778,703)	(747,723)	(760,623)	(760,226)	(+2,574)
FY 1997	(312,000)	(292,640)	---	(330,000)	(315,000)	(+3,000)
Trust funds	(109,514)	(109,424)	(108,077)	(108,255)	(108,077)	(-1,437)
TITLE V - GENERAL PROVISIONS						
Weed and Seed (P.L. 102-360) (rescission)	-225,000	---	---	---	---	+225,000
Performance award 1% cap	---	---	---	---	-30,500	-30,500
Total, title V, general provisions	-225,000	---	---	---	-30,500	+194,500
TITLE VI - EMERGENCY APPROPRIATIONS						
PUBLIC HEALTH & SOCIAL SERVICES EMERGENCY FUND	---	---	---	(35,000)	(35,000)	(+35,000)
TITLE VII - CRIME REDUCTION PROGRAMS						
DEPARTMENT OF HEALTH AND HUMAN SERVICES						
ADMINISTRATION FOR CHILDREN AND FAMILIES						
Children and families services programs: Community schools	---	---	---	---	25,900	+25,900
Domestic violence hotline	---	---	---	---	1,000	+1,000
DEPARTMENT OF EDUCATION						
School improvement programs: Family and community endeavor schools	---	---	---	---	11,100	+11,100
Total, title VII, Crime reduction programs	---	---	---	---	38,000	+38,000
SUMMARY						
Title I - Department of Labor: Federal Funds	11,326,333	10,250,711	9,736,601	9,644,562	9,682,893	-1,643,440
Trust Funds	(3,701,013)	(3,595,097)	(3,570,209)	(3,578,140)	(3,570,346)	(-130,667)
Title II - Department of Health and Human Services: Federal Funds	216,022,538	208,313,213	208,485,875	209,049,076	208,853,200	-7,169,338
Current year	(176,787,538)	(168,880,496)	(168,573,158)	(168,886,359)	(168,846,279)	(-7,941,259)
1996 advance	(39,235,000)	(39,432,717)	(39,912,717)	(40,162,717)	(40,006,921)	(+771,921)
Trust Funds	(7,681,575)	(8,081,730)	(7,871,518)	(7,825,976)	(7,861,658)	(+180,083)
Title III - Department of Education: Federal Funds	26,559,538	28,324,728	27,149,280	27,399,748	27,428,312	+868,774
Title IV - Related Agencies: Federal Funds	1,069,652	1,071,343	726,623	1,090,623	1,068,226	-1,426
Current year	(757,652)	(778,703)	(747,723)	(760,623)	(760,226)	(+2,574)
1997 advance	(312,000)	(292,640)	---	(330,000)	(315,000)	(+3,000)
Trust Funds	(109,514)	(109,424)	(108,077)	(108,255)	(108,077)	(-1,437)
Title V - General provisions	-225,000	---	---	---	-30,500	+194,500
Title VII - Crime Reduction Programs	---	---	---	---	38,000	+38,000
Total, all titles: Federal Funds	254,753,061	247,959,995	246,098,379	247,184,009	247,040,131	-7,712,930
Current year	(215,206,061)	(208,234,638)	(206,185,662)	(206,691,292)	(206,718,210)	(-8,487,851)
1996 advance	(39,235,000)	(39,432,717)	(39,912,717)	(40,162,717)	(40,006,921)	(+771,921)
1997 advance	(312,000)	(292,640)	---	(330,000)	(315,000)	(+3,000)
Trust Funds	(11,492,102)	(11,786,251)	(11,549,804)	(11,512,371)	(11,540,081)	(+47,979)

NEAL SMITH,
DAVID OBEY,
LOUIS STOKES,
STENY H. HOYER,
NANCY PELOSI,
NITA M. LOWEY,
JOSÉ SERRANO
(except amendment 153),
ROSA L. DELAURO,
MARTIN OLAV SABO,
JOHN EDWARD PORTER
(except amendments 108 and 157),
BILL YOUNG,
HELEN DELICH BENTLEY,
HENRY BONILLA,
JOSEPH M. MCDADE,
Managers on the Part of the House.

TOM HARKIN,
ROBERT C. BYRD,
FRITZ HOLLINGS,
DANIEL K. INOUYE,
DALE BUMPERS,
HARRY REID,
HERB KOHL,
PATTY MURRAY,
ARLEN SPECTER,
MARK O. HATFIELD,
TED STEVENS
(except for CPB),
THAD COCHRAN,
SLADE GORTON,
CONNIE MACK,
C.S. BOND,
Managers on the Part of the Senate.

CONFERENCE REPORT ON H.R. 4554

Mr. DURBIN submitted the following conference report and statement on the bill (H.R. 4554) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1995, and for other purposes:

CONFERENCE REPORT (H. REPT. 103–734)

The committee on conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4554) "making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1995, and other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 7, 14, 39, 43, 47, 49, 52, 54, 55, 77, 78, 85, 86, 87, 92, 93, and 99.

That the House recede from its disagreement to the amendments of the Senate numbered 6, 8, 10, 12, 16, 17, 20, 21, 23, 30, 44, 45, 46, 51, 53, 56, 59, 63, 65, 66, 67, 68, 69, 71, 73, 74, 81, 82, and 97, and agree to the same.

Amendment numbered 1:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$63,418,000*; amd the Senate agree to the same.

Amendment numbered 2:

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$53,936,000*; and the Senate agree to the same.

Amendment numbered 3:

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$6,500,000*; and the Senate agree to the same.

Amendment numbered 4:

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agreed to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$696,382,000*; and the Senate agree to the same.

Amendment numbered 9:

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$1,318,000*; and the Senate agree to the same.

Amendment numbered 13:

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$8,112,000*; and the Senate agree to the same.

Amendment numbered 19:

That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$3,463,000*; and the Senate agree to the same.

Amendment numbered 22:

That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$438,744,000*; and the Senate agree to the same.

Amendment numbered 27:

That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$516,738,000*; and the Senate agree to the same.

Amendment numbered 28:

That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$56,591,000*; and the Senate agree to the same.

Amendment numbered 31:

That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$68,884,000*; and the Senate agree to the same.

Amendment numbered 35:

That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$3,399,000*; and the Senate agree to the same.

Amendment numbered 36:

That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$70,000,000*; and the Senate agree to the same.

Amendment numbered 38:

That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$15,172,000*; and the Senate agree to the same.

Amendment numbered 40:

That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of the sum named, insert: *$4,500,000*; and the Senate agree to the same.

Amendment numbered 48:

That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$905,523,000*; and the Senate agree to the same.

Amendment numbered 50:

That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$126,502,000*; and the Senate agree to the same.

Amendment numbered 60:

That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$1,750,000*; and the Senate agree to the same.

Amendment numbered 61:

That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of the sum named insert: *$1,750,000*; and the Senate agree to the same.

Amendment numbered 62:

That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$4,263,000*; and the Senate agree to the same.

Amendment numbered 64:

That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$15,200,000*; and the Senate agree to the same.

Amendment numbered 72:

That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$6,750,000*; and the Senate agree to the same.

Amendment numbered 79:

That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of the sum named, insert: *$25,000,000*; and the Senate agree to the same.

Amendment numbered 80:

That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$899,394,000*; and the Senate agree to the same.

Amendment numbered 88:

That the House recede from its disagreement to the amendment of the Senate numbered 88, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$49,144,000*; and the Senate agree to the same.

Amendment numbered 90:

That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$85,500,000*; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 5, 11, 15, 18, 24, 25, 26, 29, 32, 33, 34, 37, 41, 42, 57, 58, 70, 75, 76, 83, 84, 89, 91, 94, 95, 96, 98, 100, 101, and 102.

RICHARD J. DURBIN,
JAMIE L. WHITTEN,
MARCY KAPTUR,
RAY THORNTON,
ROSA L. DELAURO,
PETE PETERSON,
ED PASTOR,
NEAL SMITH,
DAVID R. OBEY,
JOE SKEEN,
JOHN T. MYERS,
BARBARA F. VUCANOVICH,
JAMES T. WALSH,
JOSEPH M. MCDADE,
Managers on the Part of the House.

DALE BUMPERS,
TOM HARKIN,
J. ROBERT KERREY,
(except for amendment 33 "ornamental fish")
J. BENNETT JOHNSTON,
HERB KOHL,
DIANNE FEINSTEIN,
ROBERT C. BYRD,
THAD COCHRAN,
ARLEN SPECTER,
CHRISTOPHER S. BOND,
PHIL GRAMM,
SLADE GORTON,
MARK O. HATFIELD,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4554) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1995, and for other purposes, submit the following joint statement to the House and Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

CONGRESSIONAL DIRECTIVES

The conferees agree that executive branch wishes cannot substitute for Congress' own statements as to the best evidence of congressional intentions—that is, the official reports of the Congress. The conferees further point out that funds in this Act must be used for the purposes for which appropriated, as required by section 1301 of title 31 of the United States Code, which provides: "Appropriations shall be applied only to the objects for which the appropriations were made except as otherwise provided by law."

Report language included by the House which is not changed by the report of the Senate, and Senate report language which is not changed by the conference are approved by the committee of conference. The statement of the managers, while repeating some report language for emphasis, does not intend to negate the language referred to above unless expressly provided herein.

TITLE I—AGRICULTURAL PROGRAMS

PRODUCTION, PROCESSING, AND MARKETING

OFFICE OF THE SECRETARY

The conferees direct the Secretary to consult with local U.S. Attorney Offices and determine the availability of personnel prior to hiring outside private counsel under the authority granted by Public Law 103–248.

OFFICE OF THE INSPECTOR GENERAL

Amendment No. 1: Appropriates $63,418,000 for the Office of the Inspector General instead of $63,918,000 as proposed by the House and $62,918,000 as proposed by the Senate.

OFFICE OF THE GENERAL COUNSEL

The conferees do not expect the Office of the General Counsel to seek reimbursement from other agencies in this Act to supplement its appropriation. If funds are transferred from appropriations in this Act to the Office of the General Counsel, they must have the approval of the agency administrator. The General Counsel provides an essential service to the agencies and programs of the Department of Agriculture; therefore, the conferees expect the fiscal year 1996 budget request to reflect the actual needs of the Office of the General Counsel.

ECONOMIC RESEARCH SERVICE

Amendment No. 2: Appropriates $53,936,000 for the Economic Research Service instead of $54,306,000 as proposed by the House and $53,565,000 as proposed by the Senate.

ALTERNATIVE AGRICULTURAL RESEARCH AND COMMERCIALIZATION REVOLVING FUND

Amendment No. 3: Appropriates $6,500,000 for the Alternative Agricultural Research and Commercialization Revolving Fund instead of $4,000,000 as proposed by the House and $9,000,000 as proposed by the Senate. The conferees agree that no additional centers be designated beyond the two already designated.

AGRICULTURAL RESEARCH SERVICE

Amendment No. 4: Appropriates $696,382,000 for the Agricultural Research Service instead of $693,977,000 as proposed by the House and $698,787,000 as proposed by the Senate.

The conference agreement includes the following increases to the 1994 level for research projects specified in the House report:

1. Ethanol pilot plant (IL)	$500,000
2. Long staple cotton breeding (NM)	300,000
3. Western pecan research (NM)	300,000
4. Sweet potato whitefly research (AZ)	500,000
5. Alternatives to chemicals on apples (MI, NY, CA)	300,000
6. Composting research (OH)	300,000
7. Animal health research (IN)	500,000

In addition, the conference agreement provides $500,000 to initiate a national program to enhance the corn germ plasm base. Scientists are concerned that the current narrow genetic base for corn greatly increases vulnerability to unforeseen pest problems for the $16 billion U.S. corn crop.

The conference agreement includes the following increases to the 1994 level for research projects specified in the Senate report:

1. Appalachian Fruit Research Laboratory (WV)	$200,000
2. Appalachian Soil and Water Conservation Laboratory (WV)	950,000
Fayetteville	250,000
Stuttgart	187,000
Booneville	125,000
Pine Bluff	62,000
	(624,000)
4. Arkansas Children's Hospital	1,100,000
5. Delta Nutrition and Health Promotion Initiative	1,500,000
6. Fish Farming Experimental Laboratory, Stuttgart (AR)	600,000
7. Hops (WA)	50,000
8. Kenaf (MS)	107,000
9. National Warm Water Aquaculture Center	200,000
10. Northwest Nursery Crops Center	200,000
12. Northwest Small Fruits Research Center	200,000
12. National Center for Physical Acoustics (MS)	150,000

The conferees expect each of the seven institutions specified in the Senate report to receive equal funding under the Delta Nutrition and Health Promotion Initiative.

Nematodes.—Nematodes cause an estimated $8,000,000,000 yearly in losses to U.S. soybean, cotton, corn, vegetable, and citrus producers, and the conferees expect the agency to place more emphasis on nematode research in 1995.

Lyme disease.—For research on lyme disease the conference agreement provides $645,000, the same as the amount available for fiscal year 1994. Included within the total is $175,000, the same as the amount available for fiscal year 1994, for a cooperative research program on tick control to be conducted in Westchester County, New York, and Connecticut. This disease, which is borne by deer ticks, is contagious to humans.

The conferees agree that of the 19 laboratories or projects proposed for closure, the following 10 should remain open another year for further evaluation: Houma (LA); Miami (FL); Brawley (CA); Sidney (MT); Jackson (TN); Hawaii; Chatsworth (NJ); Brownwood (TX); E. Grand Forks (MN); and El Reno (OK).

Amendment No. 5: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which exempts Beckley, West Virginia, from the $100 limitation on the purchase of land.

BUILDINGS AND FACILITIES

Amendment No. 6: Appropriates $43,718,000 for Agricultural Research Service, Buildings and Facilities as proposed by the Senate instead of $23,400,000 as proposed by the House. The following table reflects the conference agreement:

BUILDINGS AND FACILITIES

[In thousands of dollars]

	Fiscal year 1993 enacted	House bill	Senate bill	Conference agreement
Arizona: Water Conservation Laboratory & Western Cotton Research Laboratory	....	....	500	396
Arkansas: Rice Germplasm Center, Stuttgart	3,828	....	6,000	4,752
California:				
Horticulture Crops Research Lab, Fresno to Parlier	2,630	2,630	2,630	2,630
Western Regional Research Center	1,161	1,161	....	919
Florida: Citrus Research Lab, Orlando	2,900	2,900	2,900	2,900
Iowa: National Swine Research Facility	4,524	6,500	6,017	6,259
Kansas: Grain marketing research lab	....	....	1,200	950
Louisiana: Southern Regional Research Center	2,667	2,667	3,200	2,934
Maryland: Beltsville Agricultural Research Center	(1)	(1)	5,000	3,960
Mississippi:				
National Center for Natural Products	4,382	....	4,518	3,578
National Center for Warm Water Aquaculture	1,716	1,716	1,777	1,747
New York: Plum Island Animal Disease Center	1,475	1,475	....	1,168
South Carolina: U.S. Vegetable Lab, Charleston	909	....	6,000	5,544
Texas:				
Plant Stress Lab, Texas Tech. University	551	551	1,551	1,051
Subtropical Lab, Weslaco	1,400	3,800	....	3,009
West Virginia: National Center for Cold Water Aquaculture	....	....	2,425	1,921
Miscellaneous: Completed facilities	4,600	....	....	....
Total, buildings and facilities	32,743	23,400	43,718	43,718

[1] Funded under rental payments (GSA).

Amendment No. 7: Deletes Senate language providing that the Secretary may close the research locations specified for closure in the President's budget request.

COOPERATIVE STATE RESEARCH SERVICE

SPECIAL RESEARCH GRANTS

Amendment No. 8: Appropriates $25,295,000 for special research grants as proposed by the Senate instead of $44,969,000 as proposed by the House. the following table reflects the conference agreement:

SPECIAL RESEARCH GRANTS (P.L. 89–106)

[In thousands of dollars]

	Fiscal year 1994 enacted	House bill	Senate bill	Conference agreement
Aflatoxin (IL)	126	114	....	113
Agribusiness management (MS)	70	63	....	....
Agricultural diversification (HI)	145	....	130	131
Agricultural management systems (MA)	245	222	221	221
Alfalfa (KS)	118	....	106	106
Alternative cropping systems (Southeast)	261	....	235	235
Alternative crops (ND)	658	595	592	592
Alternative crops for arid lands (TX)	94	85	....	85
Alternative Marine and Fresh Water Species (MS)	258	233	308	308
Alternative pest control (AR)	1,316	....	1,184	1,184
Aquaculture (CT)	....	181	....	181
Aquaculture (IL)	188	170	....	169
Aquaculture (LA)	367	332	330	330
Aquaculture (MS)	658	595	592	592
Aquatic food safety and quality (FL)	....	181	....	181
Asian Products Lab (OR)	235	....	212	212
Bacoc Institute (WI)	235	213	312	312
Beef fat content (IA)	223	202	201	201
Biodiesel research (MO)	141	....	177	152
Brrom snakeweed (NM)	188	170	....	169
Canola (KS)	94	....	85	85
Center for animal health and productivity (PA)	126	113	....	113
Center for innovative food technology (OH)	....	181	....	181
Center for rural studies (VT)	35	....	31	32
Chesapeake Bay aquaculture	411	372	370	370
Competitiveness of agricultural products (WA)	752	680	677	677
Cool season legume research (ID, WA)	364	103	327	103
Cranberry/blueberry disease and breeding (NJ)	244	....	220	220
CRP acreage usage (MO)	141	....	152	52
Dairy and meat goat research (TX)	70	63	....	63
Delta rural revitalization (MS)	164	148	148	148
Desert plants (NM)	....	....	169	....
Developing peas and lentils for residue to meet SCS standards (WA)	....	226	....	226
Dried bean (ND)	94	....	85	85
Drought mitigation (NE)	....	....	250	200
Environmental research (NY)	540	489	....	486
Expanded wheat pasture (OK)	317	288	285	285
Farm and rural business finance (IL, AR)	118	....	106	106
Floriculture (HI)	278	....	250	250
Food and Agriculture Policy Institute (IA, MO)	705	638	750	850
Food irradiation (IA)	223	....	201	201
Food marketing policy center (CT)	369	334	332	332
Food processing center (NE)	47	....	42	42
Food safety consortium (AR, KS, IA)	1,825	....	1,743	1,743
Food systems research group (WI)	245	221	221	221
Forestry (AR)	470	....	523	523
Fruit and vegetable market analysis (AZ, MO)	329	297	296	296
Generic commodity promotion research and evaluation (NY)	235	212	....	212
Global change	1,175	1,625	1,625	....
Global marketing support service (AR)	47	....	92	92
Grass seed cropping systems for a sustainable agriculture (WA, OR, ID)	470	425	423	423
Great Plains agricultural policy center (OK)	47	....	42	42
Human nutrition (AR)	470	425	....	....
Human nutrition (IA)	470	....	498	473
Human nutrition (LA)	752	680	777	752
Human nutrition (NY)	691	625	....	622
Illinois-Missouri Alliance for Biotechnology	....	1,357	....	1,357
Improved dairy management practices (PA)	329	297	....	296
Improved fruit practices (MI)	494	447	....	445
Integrated pest management and bio control	3,034	2,650	2,731	....
Integrated production systems (OK)	179	162	161	161
International arid lands consortium	329	329	296	329
Iowa biotechnology consortium	1,880	....	1,892	1,792
Jointed goatgrass (WA)	329	297	296	296
Livestock and dairy policy (NY, TX)	494	447	....	445
Lowbush blueberry research (ME)	208	....	220	220
Low-input agriculture (MN)	216	....	195	195
Maple research (VT)	93	....	84	84
Michigan biotechnology consortium	2,217	2,000	....	1,995
Midwest advanced food manufacturing alliance	470	425	423	423
Midwest agriculture products (IA)	658	595	592	592
Midwest feeds consortium	470	425	....	423
Milk safety (PA)	268	....	268	268
Minor use animal drugs (IR–4)	611	553	550	....
Molluscan shellfish (OR)	....	....	250	250
Multi-commodity research (OR)	282	....	364	364
Multi-cropping strategies for aquaculture (HI)	141	....	127	127
National biological impact assessment	282	255	254	254
National potato trade and tariff association	....	....	100	....
Navajo Nation conservation (AZ)	....	....	....	91
Nematode resistance genetic engineering (NM)	141	127	127	127
Non-food agricultural products (NE)	103	....	93	93
North central biotechnology initiative	....	1,900	....	2,000
Oil resources from desert plants (NM)	188	170	....	169
Oregon-Mass.-Penn. biotechnology	481	....	433	524
Peach tree short life (SC)	180	....	162	162
Perishable commodities (GA)	235	....	212	212
Pest control alternatives (SC)	118	....	106	106
Pesticide clearance (IR–4)	6,345	5,711	5,711	5,711
Pesticide impact assessment	1,474	1,150	1,327	....
Pesticide research (WA)	627	115	564	115
Phytophthora root rot (NM)	141	127	....	127
Plant biotechnology consortium	2,692	....	2,424	....
Potato research	1,349	638	1,214	1,214
Preservation and processing research (OK)	251	....	226	226
Procerum root disease (VA)	24	22	....	22
Product development and marketing center (ME)	400	....	360	360
Rangeland ecosystems (NM)	....	....	338	....
Red River Corridor (MN, ND)	188	170	169	169
Regional barley gene mapping project	387	350	349	348
Regionalized implications of farm programs (MO, TX)	327	295	294	294
Rural development centers (PA, IA (ND), MS, OR)	470	425	423	423
Rural environmental research (IL)	....	90	....	90
Rural housing needs (NE)	75	....	68	68
Rural policies institute (NE, MO)	494	....	644	644
Russian wheat aphid (WA, OR, CO, CA, ID)	505	457	454	455
Seafood and aquaculture harvesting, processing, and marketing (MS)	339	....	305	305
Seafood research (OR)	306	....	275	275
Small fruit research (OR, WA, ID)	235	212	212	212
Soil and water research (OH)	188	170	....	169
Soil borne disease prevention (NM)	....	....	127	....
Southwest consortium for plant genetics and water resources	376	340	338	338
Soybean bioprocessing (IA)	308	....	277	277
Soybean cyst nematode (MO)	337	304	304	303
STEEP II—water quality in Northwest	921	833	829	829
Sunflower insects (ND)	141	....	127	127
Sustainable agriculture (MI)	494	447	....	445
Sustainable agriculture and natural resources (PA)	94	....	94	94
Sustainable agriculture systems (NE)	66	....	59	59
Swine research (MN)	132	119	118	119
Taxol cultivation (CT)	47	42	....	42
Tillage, silviculture, waste management (LA)	235	....	212	212
Tropical and subtropical	3,121	2,824	2,809	2,809
Urban pests (GA)	71	64	....	64
Value-added wheat (KS)	235	....	212	212
Waste utilization (NC)	414	374	....	373
Water conservation (KS)	88	....	80	79
Water management (AL)	374	....	337	337
Water quality	4,230	2,757	2,757	....
Weed control (ND)	470	425	423	423
Wheat genetic research (KS)	196	177	177	176
Wood utilization research (OR, MS, NC, MN, ME, MI)	4,176	2,182	2,402	3,758
Wool research (TX, MT, WY)	235	212	....	212
All other	2,689	....	....	....
Total, special research grants	68,542	44,969	52,295	52,295

Oregon-Massachusetts-Pennsylvania Biotechnology.—The conferees have included $91,000 for the Pennsylvania portion of the grant. This shall not reduce the funding for Oregon and Massachusetts.

Amendment No. 9: Appropriates $1,318,000 for alternative crops instead of $1,818,000 as proposed by the House and $650,000 as proposed by the Senate. The conference agreement provides $500,000 for research on canola as proposed by both the House and the Senate. No funds are included for crambe and rapeseed as proposed by the Senate instead of $500,000 as proposed by the House. For research on guayule the conference agreement provides $668,000 as proposed by the House. The conference agreement also provides $150,000 for research on hesperaloe as proposed by both the House and the Senate.

Amendment No. 10: Provides $500,000 for the Critical Agricultural Materials Act as proposed by the Senate instead of $400,000 as proposed by the House.

Amendment No. 11: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows: *$475,000 for rangeland research grants as authorized by subtitle M of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended; $8,990,000 for contracts and grants for agricultural research under the Act of August 4, 1965, as amended (7 U.S.C. 450i(c));*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement restores House language earmarking $475,000 for rangeland research. The conference agreement also includes the following amounts for grants and contracts:

Global change	$1,625,000
Integrated pest management	2,731,000
Pesticide impact assessment	1,327,000
Minor use animal drugs (IR–4)	550,000
Water quality	2,757,000
Total	8,990,000

Amendment No. 12: Appropriates $4,350,000 for higher education challenge grants as proposed by the Senate instead of $1,500,000 as proposed by the House. The House bill included an additional $2,850,000 for higher education challenge grants under General Provisions. The conference agreement provides all of the funds in a single account.

Amendment No. 13: Provides $8,112,000 for sustainable agriculture instead of $7,400,000 as proposed by the House and $8,825,000 as proposed by the Senate.

Amendment No. 14: Provides $19,954,000 for Federal administration as proposed by the House instead of $19,019,000 as proposed by the Senate. The following table reflects the conference agreement:

FEDERAL ADMINISTRATION

[In thousands of dollars]

	Fiscal year 1994 enacted	House bill	Senate bill	Conference agreement
Ag in classroom	196			
Agricultural biotechnology	376	376	376	349
Agriculture development in American Pacific	608	608	608	564
Alternative fuels characterization lab (ND)	235		235	218
American Indian Initiative of the Arid Lands Development Fund		468		434
Center for Agricultural and Rural Development (IA)	705	705		655
Center for North American Studies (TX)	94	94		87
Geographic information system	1,011	1,011	1,010	939
Herd management (TN)	576			535
Mississippi Valley State University	628		628	583
National Potato Trade and Tariff Association[1]				93
Office of grants and program systems	314	314	314	292
Pay costs and FERS (prior)	517	517	517	480
Peer panels	244	244	244	227
PM–10 study (CA, WA)	940	940	940	873
Shrimp aquaculture (AZ, HI, MS, MA, SC)	3,290	3,290	3,290	3,054
Vocational aquaculture education	470	470	470	436
Water quality[2]	1,175	1,000	470	928
1890 capacity building	9,917	9,917	9,917	9,207
Total, Federal Administration	21,296	19,954	19,019	19,954

[1] Senate bill included $100,000 under Special Research Grants.

[2] Includes $436,000 (ND), $492,000 (IL) FY 1995.

Amendment No. 15: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum proposed by said amendment insert: *$433,438,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement appropriates $433,438,000 for the Cooperative State Research Service instead of $433,438,000 for the Cooperative State Research Service instead of $413,960,000 as proposed by the House and $423,083,000 as proposed by the Senate.

BUILDINGS AND FACILITIES

Amendment No. 16: Appropriates $62,744,000 for Cooperative State Research Service, Buildings and Facilities as proposed by the Senate instead of $34,148,000 as proposed by the House. The following table reflects the conference agreement:

BUILDINGS AND FACILITIES

[In thousands of dollars]

	Fiscal year 1994 enacted	House bill	Senate bill	Conference agreement
Alabama: Poultry science facility, Auburn University[1]		552	(1)	522
Arkansas:				
Agriculture building—University of Arkansas	1,668	1,532	2,332	2,332
Carnall Hall, Alternative Pest Control Center			1,000	946
California: Alternative pest control containment and quarantine, University of California	2,086	1,916	2,000	1,893
Colorado: Animal Reproduction and Biotechnology, Colorado State University	320	294	1,301	1,231
Connecticut:				
Agricultural biotechnology building, University of Connecticut	(1)	552	600	568
Chemistry Building, Connecticut Agricultural Experiment Station		(1)		(1)
Delaware: Poultry Biocontainment Facility	329		1,500	1,420
Florida: Aquatic Research Facility, University of Florida		(1)		(1)
Georgia: Biocontainment Research Center, University of Georgia	1,685	1,548	2,396	2,396
Hawaii: Center for Applied Aquaculture	2,086		1,580	1,495
Idaho: Biotechnology Facility	835	768	1,861	1,761
Illinois: Biotechnology Center, Northwestern University	835	828	3,400	3,218
Science facility, DePaul University[1]		460		435
Kentucky: Applied research and manpower training center	(1)		897	897
Louisiana: Southeast Research Station, Franklinton		(1)	(1)	(1)
Maryland: Institute for Natural Resources and Environmental Science, University of Maryland	1,669	1,533	2,000	1,893
Massachusetts: Center/hunger, poverty, nutrition and policy	2,202	2,022	2,600	2,461
Mississippi:				
Biological Technology Center for Water and Wetlands Resources	94	86	1,500	1,420
National Food Service Management Institute			(1)	(1)
Missouri: Center for plant biodivesity, St. Louis	(1)	736	800	757
Montana: Bioscience Research Laboratory, Montana State University	1,868	1,715	2,608	2,608
Nevada: Great Basin Environmental Research Lab, University of Nevada		(1)		(1)
New Jersey: Plant Bioscience Facility, Rutgers University	2,189		4,000	3,785
New Mexico: Center for Arid Land Studies, New Mexico State University	798	734	1,500	1,420
New York: New York Botanical Garden	2,503	2,300	4,000	3,785
North Carolina: Bowman-Gray Center at Wake Forest	3,074	2,823	2,000	2,672
North Dakota: Institute for Agriculture and Rural Health Research Development, Minot State University			2,600	2,600
Ohio: Lake Erie Soil and Water Research and Education Center	263	242		229
Oklahoma:				
Beef cattle research facility	352		375	375
Grain Storage Research and Extension Center, Oklahoma State University			(1)	(1)
Oregon:				
Forest Ecosystem Research Lab, Oregon State University			(1)	(1)
Regional Food Innovation Center	2,503		2,600	2,397
Pennsylvania: Center for Food Marketing, St. Joseph's University	1,950	1,790	2,500	2,366
Rhode Island: Building consolidation, University of Rhode Island	3,109	2,855	2,000	2,702
South Carolina: ARS U.S. Vegetable Lab, Charleston			1,000	
South Dakota: Animal Resource Wing, South Dakota State University			(1)	(1)
Tennessee:				
Agricultural, Biological and Environmental Research Complex, University of Tennessee in Knoxville	1,668	460	2,500	2,366
Horse Science and Teaching Center, Middle Tennessee State University		(1)		(1)
Nursery Crop Research Station, Tennessee State University	324		88	88
Texas:				
Southern crop improvement, Texas A & M	584	537		508
Biocontainment facility, Texas A & M		(1)		(1)
Utah: Biotechnology Lab, Utah State University	775		455	387
Vermont: Rural Community Interactive Learning Center, University of Vermont			(1)	(1)
Washington:				
Animal Disease Biotechnology Facility, Washington State University	4,799	4,408	4,408	4,172
Wheat research facility, Washington State University[1]		450		426
Wisconsin: College of Natural Resources, University of Wisconsin—Stevens Point	1,978	1,817	2,823	2,761
Wyoming: Environmental Simulation Facility, University of Wyoming	1,001	920	1,250	1,182
Miscellaneous:				
Completed facilities	10,336			
Fund for reports	94	270	270	270
Total, Buildings and facilities	53,977	34,148	62,744	62,744

[1] Report requested.

The conference agreement completes the Federal funding share for the following 10 facilities:

1. Agriculture Building—University of Arkansas
2. Biocontainment Research Center—University of Georgia
3. Applied Research and Manpower and Training Center (KY)
4. Bioscience Research Laboratory—Montana State University
5. Institute for Agriculture and Rural Health Research Development—Minot State University (ND)
6. Beef Cattle Research Facility (OK)
7. Regional Food Innovation Center (OR)
8. Nursery Crop Research Station—Tennessee State University
9. Biotechnology Laboratory—Utah State University
10. College of Natural Resources, Stevens Point—University of Wisconsin

EXTENSION SERVICE

Amendment No. 17: Provides $10,947,000 for the pest management program as proposed by the Senate instead of $10,147,000 as proposed by the House.

Amendment No. 18: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides for the transfer of up to $125,000 from funds available for pest management to the Cooperative State Research Service. The House bill contained no similar provision.

Amendment No. 19: Provides $3,463,000 for sustainable agriculture instead of $2,963,000 as proposed by the House and $3,963,000 as proposed by the Senate.

Amendment No. 20: Provides $2,750,000 for rural health and safety education as proposed by the Senate. The House bill contained no similar provision.

Amendment No. 21: Appropriates $12,611,000 for Federal administration of the Extension Service as proposed by the Senate instead of $7,117,000 as proposed by the House.

The following table reflects the conference agreement:

FEDERAL ADMINISTRATION AND SPECIAL GRANTS

[In thousands of dollars]

	Fiscal year 1994 enacted	House bill	Senate bill	Conference agreement
General administration	5,534	5,241	5,241	5,241
Pilot tech. transfer (OK, MS)	331	331	331	331
Pilot tech. transfer (WI)	165	165	....	165
Rural rehabilitation (GA)	250	250	250	250
Income enhancement demonstration (OH)	250	250	....	250
Rural development (NM)	230	230	230	230
Rural development (NE)	400	....	392	392
Rural development (OK)	300	....	300	300
Chinch bug/Russian wheat aphid project (NE)	67	....	67	67
Beef producers' improvement (AR)	200	....	200	200
Integrated cow/calf resources management (IA)	250	....	350	350
Extension specialist (AR)	100	....	100	100
Rural center for the study and promotion of HIV/STD prevention (IN)	250	250	....	250
Cranberry development (ME)	50	....	50	50
Delta teachers academy	2,000	....	5,000	3,935
Wood biomass as an alternative farm product (NY)	....	200	....	200
Range improvement (NM)	....	200	....	200
Agricultural Plastics (VT)	....	....	100	100
All other	810	....	....	....
Total, Federal Administration	11,187	7,117	12,611	12,611

The conference agreement provides $3,935,000 for the Delta Teachers Academy. The conferees expect the General Accounting Office to submit a final review of this program to the House and Senate Committees on Appropriations by June 30, 1995.

Amendment No. 22: Appropriates $438,744,000 for the Extension Service instead of $429,200,000 as proposed by the House and $439,244,000 as proposed by the Senate. The conference agreement includes $50,000, within the total available for the Youth-at-Risk Program, for the I-CARE Program in Marion County, Illinois.

NATIONAL AGRICULTURAL LIBRARY

Amendment No. 23: Appropriates $18,307,000 for the National Agricultural Library as proposed by the Senate instead of $17,845,000 as proposed by the House.

Amendment No. 24: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides that $462,000 shall be available for the National Center for Agricultural Law Research and Information at the Leflar School of Law in Fayetteville, Arkansas. The House bill contained no similar provision.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

Amendment No. 25: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum proposed by said amendment insert: *$443,651,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement appropriates $443,651,000 for Animal and Plant Health Inspection Service, Salaries and Expenses instead of $438,651,000 as proposed by the House and $438,901,000 as proposed by the Senate.

The following table reflects the conference agreement:

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

[In thousands of dollars]

	Fiscal year 1994 enacted	House bill	Senate bill	Conference agreement
PEST AND DISEASE EXCLUSION				
Agricultural quarantine inspection	24,246	25,140	25,140	25,140
User fees	91,460	96,660	96,660	96,660
Subtotal, Agricultural quarantine inspection	115,706	121,800	121,800	121,800
Foot-and-mouth disease	4,046	3,995	3,995	3,995
Import-export inspection	6,800	6,535	6,535	6,535
International programs	5,826	6,106	6,106	6,106
Mediterranean fruit fly exclusion	10,199	10,089	10,089	10,089
Mexican fruit fly exclusion	2,272	2,156	2,156	2,156
Screwworm	34,645	34,029	34,029	34,029
Total, pest and disease exclusion	179,494	184,710	184,710	184,710
PLANT AND ANIMAL HEALTH MONITORING				
Animal health monitoring and surveillance	59,933	59,381	59,381	59,381
Animal and plant health regulatory enforcement	5,849	5,865	5,865	5,865
Fruit fly detection	3,950	3,923	3,923	3,923
Pest detection	3,444	4,206	4,206	4,206
Total, plant and animal health monitoring	73,176	73,376	73,375	73,375
PEST AND DISEASE MANAGEMENT PROGRAMS				
Animal damage control—operations	26,092	26,592	26,592	26,592
Aquaculture	....	493	493	493
Biocontrol	5,702	7,504	7,754	7,504
Boll weevil [1]	13,226	13,084	13,084	18,084
Brucellosis eradication	31,004	27,781	27,781	27,781
Cattle ticks	4,597	4,578	4,578	4,578
Golden nematode	658	615	615	615
Gypsy moth	5,202	5,177	5,177	5,177
Honey bee pests	380	....	....	....
Imported fire ant	2,700	1,500	1,500	1,500
Miscellaneous plant diseases	1,996	1,988	1,988	1,988
Noxious weeds	475	404	404	404
Pink bollworm	2,292	1,069	1,069	1,069
Pre-harvest program	....	2,800	2,800	2,800
Pseudorabies	4,543	4,543	4,543	4,543
Russian wheat aphid	2,400	....	....	....
Salmonella enteritidis	3,411	3,384	3,384	3,384
Scrapie	3,000	2,969	2,969	2,969
Sweet potato whitefly	3,514	2,400	2,400	2,400
Tropical bont tick	....	537	537	537
Tuberculosis	5,538	5,499	5,499	5,499
Witchweed	4,081	1,975	1,975	1,975
Total, Pest and disease management programs	120,812	114,892	115,142	119,892
ANIMAL CARE				
Animal welfare	9,262	9,262	9,262	9,262
Horse protection	481	362	362	362
Total, Animal care	9,743	9,624	9,624	9,624
SCIENTIFIC AND TECHNICAL SERVICES				
ADC methods development	9,681	9,681	9,681	9,681
Biotechnology/environmental protection	7,756	7,690	7,690	7,690
Integrated systems acquisition project	3,500	3,500	3,500	3,500
Plant methods development laboratories	5,084	5,059	5,059	5,059
Veterinary biologics	10,434	10,371	10,371	10,371
Veterinary diagnostics	14,946	14,811	14,811	14,811
Total, Scientific and technical services	51,401	51,112	51,112	51,112
Contingency fund	4,938	4,938	4,938	4,938
Procurement reform	....	....	....	....
Total, Salaries and expenses	439,564	438,651	438,901	443,651

[1] House language under Federal Crop Insurance Corporation added $12,000,000 to APHIS for the boll weevil program.

The conferees expect the Animal and Plant Health Inspection Services to help facilitate the collaboration between the veterinary biologics industry and the goat industry to develop a rabies vaccine for goats.

The Animal and Plant Health Inspection Service has established a trace back procedure in cases of *Salmonella enteritidis*. An industry organization, United Egg Producers, has developed a quality assurance food safety program for eggs. The conferees expect the Animal and Plant Health Inspection Service to cooperate and assist the egg industry to implement the quality assurance program on an expanded basis nationwide.

The conferees are aware of the need for new or renovated facilities to update the brucellosis and tuberculosis laboratories at Ames, Iowa, and request the Department report back to the House and Senate Committees on Appropriations by February 15, 1995, with a plan for updating the laboratories at the Ames site.

The avocado industry is concerned by the potential for a wide array of pest and disease infestations which may result from the importation of fresh Mexican avocados. The conferees believe that the scientific data relied on to justify any change to the entry status of fresh Mexican avocados must be sujected to the fullest review practicable. The conferees further believe such data must include baseline information on the full array of pests and diseases of concern to the United States that occurs in the avocado growing regions of Mexico.

Amendment No. 26: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows:

In fiscal year 19995 the agency is authorized to collect fees to cover the total costs of providing technical assistance, goods, or services requested by States, other political subdivisions, domestic and international organizations, foreign governments, or individuals, provided that such fees are structured such that any entity's liability for such fees is reasonable based on the technical assistance, goods, or services provided to the entity by the agency, and such fees shall be credited to this account, to remain available until expended, without further appropriation, for providing such assistance, goods, or services.

The managers on the part of the Senate will move to concur in the amendment of the House to amendment of the Senate.

The conference agreement provides authority for the Animal and Plant Health Inspection Service to collect fees fro technical services costs provided by the agency upon request. Use of this provision should be to cover salaries and expenses related to the Animal and Plant Health Inspection Service personnel providing training or educational seminars or equipment.

FOOD SAFETY AND INSPECTION SERVICE

Amendment No. 27: Appropriates $516,738,000 for the Food Safety and Inspection Service instead of $430,929,000 as proposed by the House and $533,929,000 as proposed by the Senate.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

Amendment No. 28: Appropriates $56,591,000 for Agricultural Marketing Service, Marketing Services instead of $55,728,000 as proposed by the House and $57,454,000 as proposed by the Senate. The conferees expect the Agricultural Marketing Service to continue activities related to egg inspection within the funds provided unless additional user fees are authorized for such activities.

FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY

(SECTION 32)

Amendment No. 29: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides that in fiscal year 1996, section 32 funds shall be used to promote sunflower and cottonseed oil exports. The House bill contained no similar provision.

Perishable Agricultural Commodities Act

Amendment No. 30: Deletes House language, as proposed by the Senate, providing for new fees for the Perishable Agricultural Commodities Act. Public Law 103–176, which was recently enacted, addresses this issue.

Federal Crop Insurance Corporation

ADMINISTRATIVE AND OPERATING EXPENSES

Amendment No. 31: Appropriates $68,884,000 for Federal Crop Insurance Corporation, Administrative and Operating Expenses instead of $62,796,000 as proposed by the House and $72,796,000 as proposed by the Senate.

Amendment No. 32: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken by said amendment insert: *: Provided, That until October 1, 1995, the Secretary of Agriculture may collect and use such sums as may be necessary for the delivery of catastrophic risk protection under subsections (b) and (c) of section 508 of the Federal Crop Insurance Act, as that Act would be amended by section 6(a)(3) of H.R. 4217 as passed by the House on August 5, 1994, if such provision or similar provision is enacted into law: Provided further, That in addition to amounts otherwise appropriated in this Act, there are hereby appropriated such sums as may be necessary to carry out the purposes of the crop insurance fund established under section 516 of the Federal Crop Insurance Act, as that Act would be amended by section 8 of H.R. 4217, if such provision or similar provision is enacted into law*

The managers on the part of Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement provides language to allow such sums as necessary to be used by the crop insurance fund and for administrative and operating expenses from fees collected for catastrophic risk coverage. This language is necessary to comport with proposals contained in crop insurance reform legislation. The conference agreement deletes House language, as proposed by the Senate, providing $12,000,000 to the Animal and Plant Health Inspection Service.

Commodity Credit Corporation

DISASTER ASSISTANCE

Amendment No. 33: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment insert:

DISASTER ASSISTANCE

Such sums as may be necessary from the Commodity Credit Corporation shall be available, through July 15, 1995, to producers under the same terms and conditions authorized in chapter 3, subtitle B, title XXII of Public Law 101-624 for 1994 crops (including aquaculture) affected by natural disasters: Provided, That these funds shall be made available upon enactment of this Act: Provided further, That such funds shall also be available for payments to producers for 1995 through 1996 orchard crop losses, if the losses are due to freezing conditions incurred between January 1, 1994 and March 31, 1994, and Federal crop insurance is not available for affected orchard crop producers: Provided further, That such funds shall also be available to fund the costs of replanting, reseeding, or repairing damage to commercial trees, including orchard and nursery inventory, as a result of 1994 weather-related damages: Provided further, That the terms and conditions of section 521, paragraphs (a)(3) and (4), paragraph (b)(3), subparagraph (c)(2)(C), and subsections (d) and (e), as amended in section 201 of S. 2095 (as reported by the Committee on Agriculture, Nutrition, and Forestry on June 22, 1994) shall apply to all claims for assistance made under this paragraph: Provided further, That such amounts and uses of funds made available under this paragraph are designated by Congress as emergency requirements pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, and that such funds and uses shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement adopts and modifies the Senate disaster provisions. The conferees provide for a maximum of three years coverage for orchard crop losses rather than five years. The conference agreement deletes "regardless of the age of the trees" when referring to commercial trees, and deletes "and excluding ornamental fish" in reference to aquaculture. The conferees agree that the term "orchards" include vineyards.

TITLE II—CONSERVATION PROGRAMS

Soil Conservation Service

CONSERVATION OPERATIONS

Amendment No. 34: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment insert: *$556,062,000, and the unobligated and uncommitted portion of the fiscal year 1994 appropriation for the Conservation Reserve Program shall be transferred to this account*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement appropriates $556,062,000 for Soil Conservation Service, Conservation Operations instead of $576,562,000 as proposed by the House and $591,049,000 as proposed by the Senate. The agreement transfers the unboligated and uncommitted portion of the fiscal year 1994 appropriation for the Conservation Reserve Program to this account.

The conference agreement in amendment No. 91 also transfers unobligated fiscal year 1994 funds from the Wetlands Reserve Program to this account.

The conference agreement includes $200,000 to provide technical assistance for a rural recycling and water resource protection initiative in the Mississippi Delta region of Louisiana, Arkansas, and Mississippi.

The conferees direct the Department to provide an evaluation of all earmarked projects listed in the House and Senate reports, including the need for the project's continuation, total cost, and completion date.

Amendment No. 35: Provides $3,399,000 for improvements of the Plant Materials Centers instead of $2,399,000 as proposed by the House and $3,899,000 as proposed by the Senate.

The conference agreement provides $1,000,000 for the Plant Materials Center in Beckley, West Virginia.

WATERSHED AND FLOOD PREVENTION OPERATIONS

Amendment No. 36: Appropriates $70,000,000 for Watershed and Flood Prevention Operations instead of $65,000,000 as proposed by the House and $75,000,000 as proposed by the Senate.

The conferees recognize the value of four pilot projects currently underway in North Florida related to dairy and poultry cleanup efforts and urge the Department to continue those projects.

Amendment No. 37: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows: *(of which $10,000,000 shall be available for the watersheds authorized under the Flood Control Act approved June 22, 1936 (33 U.S.C. 701, 16 U.S.C. 1006a), as amended and supplemented): Provided, That, for fiscal year 1995 only, not to exceed 10 per centum of the foregoing amounts shall be available for allocation to any one State*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement restores House language earmarking $10,000,000 for the Public Law 534 program. The agreement also restores House language establishing a limitation on the percent of funds any one State can receive, but increases the limitation from 5 percent to 10 percent. This limitation applies to fiscal year 1995 only.

GREAT PLAINS CONSERVATION PROGRAM

Amendment No. 38: Appropriates $15,172,000 for the Great Plains Conservation Program instead of $11,672,000 as proposed by the House and $18,672,000 as proposed by the Senate.

Agricultural Stabilization and Conservation Service

AGRICULTURAL CONSERVATION PROGRAM

WATER QUALITY INCENTIVES PROGRAM

The conference agreement includes $2,800,000 to provide cost-shared financial assistance to farmers and local communities in support of a rural recycling and water resource protection initiative in the Mississippi Delta region of Louisiana, Arkansas, and Mississippi.

FORESTRY INCENTIVES PROGRAM

Amendment No. 39: Restores House language, which was deleted by the Senate, appropriating $6,625,000 for the Forestry Incentives Program.

COLORADO RIVER BASIN SALINITY CONTROL PROGRAM

Amendment No. 40: Restores House language and appropriates $4,500,000 for the Colorado River Basin Salinity Control Program instead of $5,000,000 as proposed by the House. The Senate amendment deleted House language providing for this program.

CONSERVATION RESERVE PROGRAM

The conferees expect the Office of Management and Budget and the Congressional Budget Office to continue to provide Conservation Reserve Program costs in their baselines so that Congress can extend and modify the program in the future.

TITLE III—FARMERS HOME AND RURAL DEVELOPMENT PROGRAMS

Rural Development Administration and Farmers Home Administration

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

Amendment No. 41: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum proposed by said amendment insert: *$2,200,000,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement provides $2,200,000,000 for loans for section 502 low-income rural housing programs instead of $2,323,339,000 as proposed by the House and $2,400,000,000 as proposed by the Senate.

Amendment No. 42: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum proposed by said amendment insert: *$244,720,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement appropriates $244,720,000 for the subsidy cost of section 502 low-income rural housing programs instead of $268,105,000 as proposed by the House and $282,640,000 as proposed by the Senate.

Amendment No. 43: Restores House language, deleted by the Senate, providing $1,000,000 for a loan guarantee demonstration program of multifamily housing.

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

Amendment No. 44: Deletes House language, as proposed by the Senate, providing $4,312,000 for soil and water conservation loans.

Amendment No. 45: Deletes House language, as proposed by the Senate, providing $411,000 for the subsidy cost of soil and water conservation loans.

Amendment No. 46: Appropriates $26,290,000 for the subsidy cost of natural disaster loans as proposed by the Senate instead of $26,060,000 as proposed by the House.

Amendment No. 47: Deletes Senate language providing that the Secretary may transfer fiscal year 1994 funds to provide for farm ownership, operating, or emergency loans.

RURAL DEVELOPMENT INSURANCE FUND PROGRAM ACCOUNT

Amendment No. 48: Provides $905,523,000 for water and sewer facility loans instead of $834,193,000 as proposed by the House and $976,853,000 as proposed by the Senate.

Amendment No. 49: Provides $17,000,000 for water and sewer facility loans for empowerment zones and enterprise communities as proposed by the House instead of $20,000,000 as proposed by the Senate.

Amendment No. 50: Appropriates $126,502,000 for the subsidy cost of water and sewer facility loans instead of $115,786,000 as proposed by the House and $136,466,000 as proposed by the Senate.

Amendment No. 51: Appropriates $21,375,000 for the subsidy cost of direct community facility loans as proposed by the Senate instead of $21,723,000 as proposed by the House.

Amendment No. 52: Appropriates $2,360,000 for the subsidy cost of water and sewer facility loans for empowerment zones and enterprise communities as proposed by the House instead of $2,794,000 as proposed by the Senate.

Amendment No. 53: Appropriates $741,000 for the subsidy cost of direct community facility loans for empowerment zones and enterprise communities as proposed by the Senate instead of $753,000 as proposed by the House.

Amendment No. 54: Appropriates $103,000 for the subsidy cost of guaranteed industrial development loans for empowerment zones and enterprise communities as proposed by the House instead of $105,000 as proposed by the Senate.

AGRICULTURAL RESOURCE CONSERVATION DEMONSTRATION PROGRAM ACCOUNT

Amendment No. 55: Deletes Senate language providing a $5,599,000 loan level and $3,086,000 subsidy cost for the Agricultural Resource Conservation Demonstration Program.

STATE MEDIATION GRANTS

Amendment No. 56: Appropriates $3,000,000 for State Mediation Grants as proposed by the Senate instead of $2,000,000 as proposed by the House.

SUPERVISORY AND TECHNICAL ASSISTANCE GRANTS

Amendment No. 57: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken by said amendment insert:

RURAL WATER AND WASTE DISPOSAL GRANTS

Notwithstanding any other provision of law, the Secretary may use 1980 or 1990 census information for grant eligibility of projects submitted to the agency prior to the availability of 1990 census information in amounts not to exceed total project cost overruns.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement provides language to allow the Secretary of Agriculture to use either 1980 or 1990 census information for Rural Water and Waste Disposal Grants eligibility. The agreement also deletes House language, as proposed by the Senate, appropriating $2,400,000 for Supervisory and Technical Assistance Grants.

RURAL BUSINESS ENTERPRISE GRANTS

Amendment No. 58: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides $1,000,000 for the Northern Great Plains Rural Development Act, if enacted. The House bill contained no similar provision.

The conference agreement provides that not more than $10,000,000 shall be available for projects described in House Report 103–542 and not more than the same amount for projects described in Senate Report 103–290.

The conferees encourage funding of eligible projects which may be developed in response to the 1994 summer wildfires in the Western United States.

Amendment No. 59: Deletes House language, as proposed by the Senate, earmarking $2,000,000 for technical assistance to underrepresented groups in traditionally agricultural communities. Similar language is included as part of the Farmers Home Administration, Salaries and Expenses Account.

RURAL TECHNOLOGY AND COOPERATIVE DEVELOPMENT GRANTS

Amendment No. 60: Appropriates $1,750,000 for Rural Technology and Cooperative Development Grants instead of $1,500,000,000 as proposed by the House and $2,000,000 as proposed by the Senate.

The conferees expect the Rural Technology and Cooperative Development Grants to be awarded competitively and expect that Statewide and multi-State entities, such as the Cooperative Development Foundation, will be eligible.

LOCAL TECHNICAL ASSISTANCE AND PLANNING GRANTS

Amendment No. 61: Restores House language and appropriates $1,750,000 for Local Technical Assistance and Planning Grants instead of $2,500,000 as proposed by the House. The Senate amendment deleted House language providing for this program.

SALARIES AND EXPENSES

Amendment No. 62: Earmarks $4,263,000 for a circuit rider program instead of $4,159,000 as proposed by the House and $4,368,000 as proposed by the Senate.

Rural Electrification Administration

RURAL ELECTRIFICATION AND TELEPHONE LOANS PROGRAM ACCOUNT

Amendment No. 63: Provides $297,000,000 for cost-of-money rural telephone loans as proposed by the Senate instead of $198,000,000 as proposed by the House.

Amendment No. 64: Appropriates $15,200,000 for the subsidy cost of direct electrification and telephone loans instead of $19,120,000 as proposed by the House and $14,807,000 as proposed by the Senate. The conference agreement sets a level of $9,703,000 for 5 percent electric subsidy costs and $5,497,000 for 5 percent telephone subsidy costs.

The conferees believe that the funds provided for the cost of 5 percent interest rate loans and Rural Telephone Bank loans are sufficient to support $75,000,000 and $175,000,000 in such loans, respectively. The conferees expect that these loan levels will be made available to eligible borrowers. However, if it is determined during the course of the fiscal year that additional subsidy amounts are necessary to make the amount of loans, the conferees expect the Department to request a supplemental appropriation for the amount found to be deficient.

Amendment No. 65: Appropriates $60,000 for the subsidy cost of cost-of-money rural telephone loans as proposed by the Senate instead of $40,000 as proposed by the House.

RURAL TELEPHONE BANK PROGRAM ACCOUNT

Amendment No. 66: Appropriates $770,000 for the subsidy cost of Rural Telephone Bank loans as proposed by the Senate instead of $2,728,000 as proposed by the House.

TITLE IV—DOMESTIC FOOD PROGRAMS

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

Amendments No. 67 and 68: Delete House language, as proposed by the Senate, relating to administrative procedures of Child Nutrition Programs and conform the bill accordingly. These procedures are being addressed in the reauthorization bill.

Amendment No. 69: Provides $1,853,000 for the Food Service Management Institute as proposed by the Senate instead of $1,706,000 as proposed by the House.

The conferees are aware that substantial training and technical assistance will be necessary to prepare school food personnel to implement the School Meals Initiative successfully. The National Food Service Management Institute can make a valuable contribution to this effort. The conferees support the Department of Agriculture's intent, as stated in the Assistant Secretary for Food and Consumer Services' letter of July 22, 1994, to provide funds to the Institute for these additional activities from an account established to implement section 6(a)(3) of the National School Lunch Act established to carry out training and technical assistance efforts related to implementing the School Meals Initiative.

Amendment No. 70: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum named in said amendment insert: *$500,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement provides $500,000 for grants to States for non-recurring costs in providing for the special dietary needs of children with disabilities instead of $859,000 as proposed by the Senate. The House bill contained no similar provision.

The conference agreement provides for the Child Nutrition Programs at the following annual rates:

TOTAL OBLIGATIONAL AUTHORITY

[In thousands of dollars]

	House bill	Senate bill	Conference agreement
Child Nutrition Programs:			
School lunch program	4,134,766	$4,134,766	4,134,766
School breakfast program	1,027,230	1,027,230	1,027,230
State administrative expenses	94,041	94,041	94,041
Summer food service program	256,564	256,564	256,564
Child care food program	1,643,448	1,643,448	1,643,448
Commodity procurement	255,317	255,317	255,317
Nutrition studies and surveys	3,663	3,663	3,663
Nutrition education and training	10,270	10,270	10,270
Federal review system	3,849	3,849	3,849
Food Service Management Institute	1,706	1,853	1,853
Dietary guidelines	20,497	20,350	20,350
Total	7,451,351	7,451,351	7,451,351

SPECIAL MILK PROGRAM

Amendment No. 71: Deletes House language relating to administrative procedures of the Special Milk Program. These procedures are being addressed in the reauthorization bill.

SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

Amendment No. 72: Provides $6,750,000 for the Farmer's Market Coupon Program instead of $5,500,000 as proposed by the House and $8,000,000 as proposed by the Senate.

Amendment No. 73: Makes a grammatical change to the bill as proposed by the Senate.

Amendment No. 74: Deletes House language, as proposed by the Senate, exempting rebates received by States from cost containment initiatives from the interest provisions of the Cash Management Improvement Act of 1990. This provision is being addressed in the reauthorization bill.

COMMODITY SUPPLEMENTAL FOOD PROGRAM

The conferees are aware that a much larger carryover balance will be available in fiscal year 1995 than originally anticipated. Therefore, the conference agreement appropriates $84,500,000 for the Commodity Supplemental Food Program instead of $94,500,000 as proposed by both the House and the Senate.

FOOD STAMP PROGRAM

Amendment No. 75: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment insert: *and section 601 of Public Law 96-597 (48 U.S.C. 1469d), $28,830,710,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement includes a citation to allow for the continued operation of a modified Food Stamp Program in American Samoa in fiscal year 1995 as proposed by the Senate in Amendment No. 77. The conferees are concerned with the Department's and the Office of Management and Budget's approach to funding mandatory programs, such as food stamps, with discretionary funds. If specific authorization for a mandatory program is needed, then the authorization should be obtained prior to the program's implementation. It should not be funded with discretionary funds. The Department and the Office of Management and Budget are expected to seek the proper authorization for the Food Stamp Program in American Samoa in the 1995 Farm Bill. The conferees do not expect to continue funding this program with discretionary funds.

The conference agreement provides the total budget request, including the $13,253,000 which the Office of Management and Budget arbitrarily scores as discretionary spending. Within this amount is funding for implementation and oversight related to Electronic Benefits Transfer or EBT. It is anticipated that EBT will replace food stamp coupons in the future. The conferees believe EBT and other items within the Food Stamp Program are in direct support of the program and should be scored as mandatory spending. Therefore, the conference agreement makes these funds available only to the extent that they are scored by the Office of Management and Budget the same as the rest of the Food Stamp Program.

The conferees expect the Department to increase efforts to identify and eliminate abuse and fraud in the Food Stamp Program, and expect a report on the specifics of an increased investigative and enforcement program by December 31, 1994.

Amendment No. 76: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows:: *Provided further, That none of the funds in this Act shall be used to cash out food stamp benefits beyond a total of 25 projects and the total participation in such projects shall not exceed 3 per centum of the estimated national household level participating in the Food Stamp Program*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement prohibits the Department from approving more than a total of 25 food stamp cash-out projects including all ongoing projects. In addition, the total participation in such projects cannot exceed three percent of the estimated national household level participating in the Food Stamp Program. The conferees expect the Department to keep Congress informed concerning the projects that it has approved and the number of cases approved to participate in each such project.

FOOD DONATIONS PROGRAMS FOR SELECTED GROUPS

Amendment No. 77: Deletes Senate language relating to American Samoa. The conference agreement provides for the modified Food Stamp Program in American Samoa under the Food Stamp Program Account.

Amendment No. 78: Appropriates $183,154,000 for Food Donations Programs for Selected Groups as proposed by the House instead of $188,404,000 as proposed by the Senate. Included in this amount are $33,154,000 for the Food Distribution Program on Indian Reservations and $150,000,000 for the Elderly Feeding Program. The conferees expect the Department to maintain the current reimbursement rate for the Elderly Feeding Program within available funds.

THE EMERGENCY FOOD ASSISTANCE PROGRAM

Amendment No. 79: Restores House language and appropriates $25,000,000 for commodity purchases of the Emergency Food Assistance Program instead of $40,000,000 as proposed by the House. The Senate amendment deleted House language providing for this program.

TITLE V—FOREIGN ASSISTANCE AND RELATED PROGRAMS

FOREIGN AGRICULTURAL SERVICE

DAIRY EXPORT INCENTIVE PROGRAM

The Dairy Export Incentive Program (DEIP) has proved to be a success in developing markets for U.S. dairy products. Studies have shown that the most promising new markets for dairy products are the Pacific Rim countries of Asia. However, exports under the DEIP have not been made in these most promising markets. The conferees urge the Administration to allocate, in calendar year 1995, additional dairy products to countries in the Pacific Rim. Such countries shall include but are not limited to China, Hong Kong, Indonesia, Japan, Malaysia, the Philippines, Singapore, South Korea, Taiwan, and Thailand.

TITLE VI—RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

Amendment No. 80: Provides a total of $899,394,000 for Food and Drug Administration, Salaries and Expenses instead of $914,394,000 as proposed by the House and $754,587,000 as proposed by the Senate.

The conferees expect that any Mammography Quality Standards Act inspection fees collected by the Food and Drug Administration are in addition to the amount specified in this Act for the Salaries and Expenses Account of the Food and Drug Administration.

Amendment No. 81: Deletes House language, as proposed by the Senate, prohibiting the Food and Drug Administration from using 31 U.S.C. 9701 to develop, establish, or operate any program of user fees.

Amendment No. 82: Deletes House language, as proposed by the Senate, prohibiting enforcement of rules and regulations for a selenium supplement level in animal feeds below 0.3 parts per million. The conference agreement addresses this issue in Amendment No. 84.

Amendment No. 83: Reported in technical disagreement. The managers on the part of the House offer a motion to recede and concur in the amendment of the Senate which provides that no employee of the U.S. Department of Agriculture shall be peremptorily removed without a hearing from his or her position because of remarks made during personal time regarding departmental policies or proposed policies. The House bill contained no similar provision.

Amendment No. 84: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment insert:

The stay (published at 58 Fed. Reg. 47962) of the 1987 food additive regulation relating to selenium (21 Code of Federal Regulations 573.920) is suspended until December 31, 1995.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement amends Senate language related to selenium content in animal feeds. The House bill contained similar language in Amendment No. 82.

Amendment No. 85: Restores House language, deleted by the Senate, allowing FDA to sell surplus animals and to retain the proceeds as part of the Salaries and Expenses Account.

Amendment No. 86: Deletes Senate language prohibiting FDA from purchasing or renting more than one cellular telephone. The House will contained no similar provision.

BUILDINGS AND FACILITIES

Amendment No. 87: Appropriates $18,150,000 for Food and Drug Administration, Buildings and Facilities as proposed by the House instead of $8,350,000 as proposed by the Senate.

INDEPENDENT AGENCIES

COMMODITY FUTURES TRADING COMMISSION

Amendment No. 88: Appropriates $49,144,000 for the Commodity Futures Trading Commission instead of $47,480,000 as proposed by the House and $50,809,000 as proposed by the Senate.

Amendment No. 89: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows: *: Provided, That the Commission is authorized to charge reasonable fees to attendees of Commission sponsored educational events and symposia to cover the Commission's costs of providing those events and symposia, and notwithstanding 31 U.S.C. 3302, said fees shall be credited to this account, to be available without further appropriation.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement provides authority for the Commodity Futures Trading Commission to collect fees to cover Commission costs related to salaries and expenses for services provided at events and symposia. The House proposed similar language which the Senate deleted.

TITLE VII—GENERAL PROVISIONS

Amendment No. 90: Limits the Market Promotion Program to $85,500,000 instead of $90,000,000 as proposed by the House and zero dollars as proposed by the Senate. The Senate limited the Market Promotion Program in Amendment No. 98.

Amendment No. 91: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment insert: *, unless additional acres in excess of the 100,000 acre limitation can be enrolled without exceeding $93,200,000: Provided, That the unobligated portion of the fiscal year 1994 appropriation shall be transferred to and merged with the appropriation for the Soil Conservation Service, Conservation Operations*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement allows acres to be enrolled in the Wetlands Reserve Program in fiscal year 1995 in excess of 100,000 without exceeding $93,200,000 as proposed by the Senate. In addition, the conference agreement transfers unobligated fiscal year 1994 funds from the Wetlands Reserve Program to the Conservation Operations Account of the Soil Conservation Service instead of allowing the funds to be used for enrolling additional acres in the Wetlands Reserve Program as proposed by the Senate. The House bill contained no similar provision.

Amendment No. 92: Restores House language, deleted by the Senate, regarding compliance with the Buy American Act.

Amendment No. 93: Restores House language, deleted by the Senate, allowing the Agricultural Marketing Service to enter into cooperative agreements with a State or a Cooperator.

Amendment No. 94: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of the sum named in said amendment insert: *$25,650,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement restores House language and limits the sunflower and cottonseed oil export program to $25,650,000 in fiscal year 1995 instead of $27,000,000 as proposed by the House and no limitation as proposed by the Senate.

Amendment No. 95: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which deletes House language regarding honey and inserts Senate language eliminating price supports and payments for loan forfeitures.

Amendment No. 96: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which deletes House language prohibiting payment of Morrill-Nelson funds in fiscal year 1995 and appropriating an additional $2,850,000 for higher education challenge grants, and inserts Senate language permanently prohibiting payments under Morrill-Nelson. Amendment No. 12 includes an additional $2,850,000 for higher education challenge grants.

Amendment No. 97: Deletes House language, as proposed by the Senate, providing that certain funds cannot be used in violation of the law.

Amendment No. 98: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

Delete the matter inserted by said amendment, and on page 61, line 12, of the House engrossed bill strike "$94,500,000" and insert in lieu thereof *$84,500,000*, and on page 79, line 18, of the House engrossed bill strike "$850,000,000" and insert in lieu thereof *$800,000,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement deletes Senate language reducing 27 accounts and providing $90,000,000 for the Market Promotion Program. The funding level for the Market Promotion Program is set in Amendment No. 90.

The conference agreement makes the following changes to the House and Senate passed bills: (1) the Commodity Supplemental Food Program is reduced from $94,500,000 to $84,500,000; and (2) the limitation on the Export Enhancement Program is reduced from $850,000,000 to $800,000,000.

Amendment No. 99: Deletes Senate language entitled "Ending the Use of Taxpayer Funds to Encourage Employees to Accept Homosexuality as a Legitimate or Normal Lifestyle." The House bill contained no similar provision.

Amendment No. 100: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment insert:

SEC. 725. The Secretary shall take reasonable steps to ensure that no funds made available under this Act be used to provide any direct individual Federal benefit or assistance to any individual applying for such benefit or assistance unless said individual meets all eligibility criteria for the benefit or assistance.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement changes the section number and amends Senate language regarding payment of funds in the Act to an individual unless such individual meets all eligibility criteria for the benefit or assistance.

Amendment No. 101: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides the following disaster appropriations which are declared emergencies by Congress and are subject to a Presidential emergency designation:

1. Emergency Community Water Assistance Grants	$10,000,000
2. Very Low-Income Housing Repair Grants	15,000,000
3. Emergency Loans, Subsidy	7,670,000

The conference agreement also transfers $23,000,000 appropriated in the Emergency Supplemental Appropriations Act of 1994, Public Law 103–211, from Watershed and Flood Prevention Operations to the Emergency Conservation Program. The House bill contained no similar provision.

Amendment No. 102: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment insert:

SEC. 727. REPAYMENT OF DEFICIENCY PAYMENTS.—In any case in which the Secretary of Agriculture finds that the farming, ranching, or aquaculture operations of producers on a farm have been substantially affected by a natural disaster in the United States or by a major disaster or emergency designated by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Secretary of Agriculture shall not require any repayment under subparagraph (G) or (H) of section 114(a)(2) of the Agricultural Act of 1949 (7 U.S.C. 1445j(a)(2)) for the 1993 crop of a commodity prior to March 1, 1995.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement changes the section number and amends Senate language requiring the Secretary to waive the repayment of advanced deficiency payments for the 1993 crop of a commodity, for individuals substantially affected by a natural disaster, until March 1, 1995. The Senate amendment delayed repayment of advanced deficiency payments on 1994 crops until January 1, 1995. The House bill contained no similar provision.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1994 recommended by the Committee of Conference, with comparisons to the fiscal year 1994 budget estimates, and the House and Senate bills for 1994 follow:

Budget estimates of new (obligational) authority, fiscal year 1994	
House bill, fiscal year 1994	
Senate bill, fiscal year 1994	$32,670,000
Conference agreement, fiscal year 1994	32,670,000
Conference agreement compared with:	
Budget estimates of new (obligational) authority, fiscal year 1994	+32,670,000
House bill, fiscal year 1994	+32,670,000
Senate bill, fiscal year 1994	

The total new budget (obligational) authority for the fiscal year 1995 recommended by the Committee of Conference, with comparisons to the fiscal year 1994 amount, the 1995 budget estimates, and the House and Senate bills for 1995 follow:

New budget (obligational) authority, fiscal year 1994	$70,844,571,000
Budget estimates of new (obligational) authority, fiscal year 1995	68,465,923,000
House bill, fiscal year 1995	67,925,662,000
Senate bill, fiscal year 1995	67,913,971,000
Conference agreement, fiscal year 1995	68,004,746,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1994 ...	−2,839,825,000
Budget estimates of new (obligational) authority, fiscal year 1995	−461,177,000
House bill, fiscal year 1995	+79,084,000
Senate bill, fiscal year 1995	+90,775,000

RICHARD J. DURBIN,
JAMIE L. WHITTEN,
MARCY KAPTUR,
RAY THORNTON,
ROSA L. DELAURO,
PETE PETERSON,
ED PASTOR,
NEAL SMITH,
DAVID R. OBEY,
JOE SKEEN,
JOHN T. MYERS,
BARBARA F. VUCANOVICH,
JAMES T. WALSH,
JOSEPH M. MCDADE,
Managers on the Part of the House.

DALE BUMPERS,
TOM HARKIN,
J. ROBERT KERREY,
(except for amendment 33 "ornamental fish")
J. BENNETT JOHNSTON,
HERB KOHL,
DIANNE FEINSTEIN,
ROBERT C. BYRD,
THAD COCHRAN,
ARLEN SPECTER,
CHRISTOPHER S. BOND,
PHIL GRAMM,
SLADE GORTON,
MARK O. HATFIELD,
Managers on the Part of the Senate.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. GRAMS) to revise and extend their remarks and include extraneous material:)

Mr. ROHRABACHER, for 5 minutes, today.

Mr. HOKE, for 5 minutes, today.

Mr. GRAMS, for 5 minutes, today.

Mr. ISTOOK, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. GRAMS) and to include extraneous matter:)

Mr. FIELDS of Texas.
Mr. LIVINGSTON in two instances.
Mr. LEWIS of Kentucky.
Mr. BURTON of Indiana.
Mr. COX.

(The following Members (at the request of Mr. HASTINGS) and to include extraneous matter:)

Mr. MILLER of California.
Mr. CARR of Michigan.
Mr. REED.
Mr. NEAL of Massachusetts.
Mr. VISCLOSKY.
Mr. LEVIN.
Mr. KLECZKA.
Ms. ENGLISH of Arizona.
Mr. JACOBS.
Mr. KANJORSKI in three instances.
Mr. CLYBURN in two instances.
Mr. HOCHBRUECKNER.
Mr. RAHALL.
Mr. MENENDEZ in two instances.
Mr. BREWSTER.
Mr. HINCHEY.
Mr. EDWARDS of California.
Mr. LIPINSKI in two instances.
Mr. SANDERS.

(The following Members (at the request of Mr. BURTON of Indiana) and to include extraneous matter:)

Mr. GUTIERREZ.
Mr. STARK.
Mr. BERMAN in two instances.

(The following Members (at the request of Mr. HUNTER) and to include extraneous matter:)

Mr. GINGRICH.
Mr. ROHRABACHER.
Mr. FILNER.

ADJOURNMENT

Mr. HUNTER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 33 minutes p.m.), the House adjourned until Wednesday, September 21, 1994, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3854. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed manufacturing license agreement with Finland (Transmittal No. DTC–33–94), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

3855. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting memorandum of justification for Presidential determination regarding the drawdown of defense articles and services for the multinational coalition to restore democracy in Haiti, pursuant to 22 U.S.C. 2318(b)(2); to the Committee on Foreign Affairs.

3856. A letter from the Administrator, U.S. Agency for International Development, transmitting policy justification for a proposed transfer of funds from the development assistance account to the account for operating expenses of the Agency for International Development, pursuant to section 652 of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BROOKS: Committee on the Judiciary. H.R. 4307. A bill to amend title 35, United States Code, with respect to applications for process patents; with an amendment (Rept. 103–728). Referred to the Committee of the Whole House on the State of the Union.

Mr. HOYER: Committee of Conference. Conference report on H.R. 4539. A bill making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1995, and for other purposes (Rept. 103–729). Ordered to be printed.

Mr. MOAKLEY: Committee on Rules. House Resolution 532. Resolution providing for consideration of the bill (H.R. 4448) to amend the act establishing Lowel National Historical Park, and for other purposes (Rept. 103–730). Referred to the House Calendar.

Mr. MOAKLEY: Committee on Rules. House Resolution 535. Resolution providing for consideration of the bill (H.R. 4422) to authorize appropriations for fiscal year 1995 for the Coast Guard, and for other purposes (Rept. 103–731). Referred to the House Calendar.

Mr. BONIOR: Committee on Rules. House Resolution 536. Resolution providing for consideration of the bill (H.R. 2866) to provide for the sound management and protection of Redwood forest areas in Humboldt County, CA, by adding certain lands and waters to the Six Rivers National Forest and by including a portion of such lands in the national wilderness preservation system (Rept. 103–732). Referred to the House Calendar.

Mr. SMITH of Iowa: Committee of Conference. Conference report on H.R. 4606. A bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1995, and for other purposes (Rept. 103–733). Ordered to be printed.

Mr. DURBIN: Committee of Conference. Conference report on H.R. 4554. A bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and related agencies programs for the fiscal year ending September 30, 1995, and for other purposes (Rept. 103–734). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GIBBONS:

H.R. 5060. A bill to provide for the continuation of certain fee collections for the expenses of the Securities and Exchange Commission for fiscal year 1995; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mr. TOWNS (for himself, Mr. GILLMOR, Mr. BARCIA of Michigan, Mr. EHLERS, Mr. OXLEY, Mr. BARLOW, Mr. UPTON, Mr. MINGE, and Mr. HILLIARD):

H.R. 5061. A bill to amend the Nuclear Waste Policy Act of 1982 to clarify the obligation of the Federal Government to take possession of and title to high-level radioactive waste and spent nuclear fuel and provide for its timely and safe transportation, storage, and disposal, and for other purposes; jointly, to the Committees on Energy and Commerce and Natural Resources.

By Mrs. MEYERS of Kansas (for herself, Mr. KOLBE, Mrs. MORELLA, Mr. BOEHLERT, Mrs. JOHNSON of Connecticut, Mr. EHLERS, Mr. HOBSON, Mr. CASTLE, Mr. PORTMAN, Mr. UPTON, Mr. SHAYS, Mr. HOEKSTRA, Mr. ROBERTS, Mr. MCCLOSKEY, Mr. GOSS, Mr. PENNY, Mr. COX, Mr. BALLENGER, Mr. HYDE, Mr. LEACH, Mr. HUTTO, Mr. TORRICELLI, Mr. WALKER, Mr. DREIER, Mr. HOLDEN, Mr. KANJORSKI, Mr. CHAPMAN, Mr. KLINK, Mr. DELAY, Mr. BARTON of Texas, Mr. REGULA, Mr. BLUTE, Mrs. ROUKEMA, Mr. VENTO, Mr. PAXON, Mr. HUNTER, Mr. MCCRERY, Mr. GALLEGLY, Mr. BATEMAN, Mr. GILMAN, Mr. BERMAN, Mr. LIGHTFOOT, Mr. SHAW, Mr. DORNAN, Mr. FAWELL, Mr. SOLOMON, Mr. BURTON of Indiana, Mr. WISE, Mr. OBERSTAR, Mr. KNOLLENBERG, Mr. ZELIFF, Mr. BAKER of Louisiana, Mr. TORKILDSEN, Mr. COLLINS of Georgia, Mr. SMITH of Texas, Mr. HASTERT, Mr. MCINNIS, and Mr. STEARNS):

H.R. 5062. A bill to amend the Internal Revenue Code of 1986 to make permanent the limited deduction of health insurance costs of self-employed individuals; to the Committee on Ways and Means.

By Mr. SCHUMER:

H.R. 5063. A bill to amend the Immigration Act of 1990 to provide for complete use of visas made available under the diversity transition program; to the Committee on the Judiciary.

By Mr. FILNER (for himself, Mr. BECERRA, Mr. BERMAN, Mr. BROWN of California, Ms. MCKINNEY, Mrs. MINK of Hawaii, Mr. SANDERS, Mrs. UNSOELD, Ms. VELÁZQUEZ, Ms. WATERS, and Mr. OWENS):

H.R. 5064. A bill to amend the Internal Revenue Code of 1986 to revise the limitation applicable to mutual life insurance companies on the deduction for policy holder dividends and to exempt small life insurance companies from the required capitalization of certain policy acquisition expenses; to the Committee on Ways and Means.

By Mr. PENNY:

H.R. 5065. A bill to amend the Consolidated Farm and Rural Development Act to make technical corrections to certain provisions relating to beginning farmers and ranchers; to the Committee on Agriculture.

By Mr. QUILLEN:

H.R. 5066. A bill to amend the Public Health Service Act to modify the eligibility requirements for appointment as the Surgeon General of the Public Health Service; to the Committee on Energy and Commerce.

By Mr. BREWSTER:

H.J. Res. 410. Joint resolution to authorize the President to issue a proclamation designating October 1994 as "National Spina Bifida Prevention Month"; to the Committee on Post Office and Civil Service.

By Mr. HOYER (for himself, Mr. WELDON, Mr. VALENTINE, and Mr. BOEHLERT):

H.J. Res. 411. Joint resolution designating October 29, 1994, as "National Firefighters Day"; to the Committee on Post Office and Civil Service.

By Mr. STUMP (for himself, Mr. COPPERSMITH, Ms. ENGLISH of Arizona, Mr. KOLBE, and Mr. PASTOR):

H.J. Res. 412. Joint resolution to express the sense of the Congress in commemoration of the 75th anniversary of Grand Canyon National Park; to the Committee on Natural Resources.

By Mr. CONYERS:

H. Con. Res. 291. Concurrent resolution directing the Secretary of the Senate to make corrections in the enrollment of S. 1587; considered and agreed to.

By Mr. MAZZOLI:

H. Res. 533. Resolution to provide for the concurrence of the House to the amendment of the Senate to the bill (H.R. 783) with an amendment; considered under suspension of the rules and passed.

By Mr. WAXMAN:

H. Res. 534. Resolution to correct the engrossment of the amendment of the House of Representatives to the Senate bill (S. 725); considered and agreed to.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. REED introduced a bill (H.R. 5067) to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for each of three barges; which was referred to the Committee on Merchant Marine and Fisheries.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 65: Mr. JOHNSON of Georgia.

H.R. 672: Mr. KLEIN.

H.R. 778: Mr. PAYNE of Virginia.

H.R. 799: Mr. RIDGE.

H.R. 1048: Ms. BROWN of Florida.

H.R. 1080: Ms. SNOWE.

H.R. 1843: Mr. SMITH of Oregon.

H.R. 2417: Mr. BLILEY.

H.R. 2418: Mr. TRAFICANT, Mr. BURTON of Indiana, Mr. MCCOLLUM, Mr. ORTON, Mr. MYERS of Indiana, and Ms. SNOWE.

H.R. 2467: Mr. BACHUS of Alabama.

H.R. 2479: Mr. NADLER, Mr. SABO, Mr. SCHUMER, and Mr. SANDERS.

H.R. 2488: Mr. MEEHAN and Mr. RANGEL.

H.R. 2898: Mr. MCCLOSKEY.

H.R. 3039: Mr. DOOLEY and Mr. YOUNG of Alaska.

H.R. 3233: Mr. LIVINGSTON.

H.R. 3407: Mr. ORTON.

H.R. 3633: Mr. CALVERT and Mr. FINGERHUT.

H.R. 3790: Mr. RICHARDSON.

H.R. 3795: Mr. BARCA of Wisconsin.

H.R. 3854: Mrs. SCHROEDER, Mr. DELLUMS, Mr. PENNY, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 3862: Mr. MOORHEAD.

H.R. 3866: Mr. VISCLOSKY and Mr. HOYER.

H.R. 3971: Mr. KLUG.

H.R. 4056: Mr. HUTCHINSON, Mr. BILBRAY, Mr. SHAYS, Mr. GOODLATTE, and Ms. SNOWE.

H.R. 4118: Mr. GALLEGLY.

H.R. 4137: Mr. COX and Mr. PASTOR.

H.R. 4138: Mr. GUNDERSON and Mr. BAKER of Louisiana.

H.R. 4284: Ms. VELÁZQUEZ, Mr. ROMERO-BARCELÓ, Mr. ORTON, and Ms. NORTON.

H.R. 4371: Mr. GOSS.

H.R. 4394: Mr. INHOFE and Mr. VENTO.

H.R. 4412: Mr. GILLMOR.

H.R. 4474: Mr. WYDEN and Mr. NEAL of Massachusetts.

H.R. 4514: Mr. LEWIS of California, Mr. YOUNG of Alaska, and Mr. JOHNSON of South Dakota.

H.R. 4527: Mrs. BENTLEY and Mr. HANSEN.

H.R. 4574: Mr. KREIDLER and Ms. DUNN.

H.R. 4643: Mr. SKEEN and Mr. ZELIFF.

H.R. 4788: Mr. MCHUGH.

H.R. 4802: Mr. HALL of Texas, Mr. DELLUMS, Mr. BARRETT of Wisconsin, and Mr. MENENDEZ.

H.R. 4805: Mr. ORTON.

H.R. 4811: Ms. KAPTUR.

H.R. 4830: Mr. BAKER of California.

H.R. 4887: Mr. PETRI.

H.R. 4933: Mr. DICKS.

H.R. 4936: Mr. CALVERT, Mr. SWETT, Mr. MANZULLO, Mr. KLUG, Mrs. LLOYD, Mr. QUINN, Mr. LAFALCE, Mr. HOAGLAND, and Mr. SHAYS.

H.R. 4941: Mr. ABERCROMBIE, Mr. BECERRA, Mr. BEILENSON, Mr. BROWN of California, Mr. CLAY, Mrs. CLAYTON, Mr. CLYBURN, Mr. DELLUMS, Mr. FARR, Mr. FOGLIETTA, Mr. FRANK of Massachusetts, Mr. HAMBURG, Mr. HEFNER, Mr. HINCHEY, Mr. HOCHBRUECKNER, Mr. KANJORSKI, Mr. LAFALCE, Mr. MARTINEZ, Mr. MCDERMOTT, Ms. MCKINNEY, Mr. MFUME, Mr. MILLER of California, Mr. MINETA, Mrs. MINK of Hawaii, Mr. NADLER, Mr. OLVER, Mr. PENNY, Mr. RANGEL, Mr. SABO, Mr. SANDERS, Mrs. SCHROEDER, Mr. STARK, Mr. STOKES, Mr. THOMPSON, Mr. TORRES, Mr. TOWNS, Mr. UNDERWOOD, Mrs. UNSOELD, Ms. VELÁZQUEZ, Ms. WATERS, Mr. WYNN, and Mr. YATES.

H.R. 4942: Mr. OXLEY and Mr. JOHNSON of Georgia.

H.R. 4949: Mr. BARCA of Wisconsin.

H.R. 4957: Mr. TRAFICANT.

H.R. 4976: Mr. STUMP, Mr. KOLBE, Mr. ORTON, and Ms. SHEPHERD.

H.R. 4977: Mr. STENHOLM.

H.R. 4978: Mr. STENHOLM.

H.R. 4979: Mr. STENHOLM.

H.R. 5028: Mr. KREIDLER and Mrs. UNSOELD.

H.R. 5033: Mr. TALENT, Mr. CHAPMAN, Mr. EMERSON, Mr. HAYES, Mr. BALLENGER, Mr. DELAY, Mr. BREWSTER, Mr. MONTGOMERY, Mr. HANSEN, Mr. GALLEGLY, Mr. DOOLITTLE, Mr. SANTORUM, Mr. UPTON, Mr. DUNCAN, Mr. SOLOMON, Ms. DANNER, Mr. BOUCHER, Mr. KLINK, Mr. GUNDERSON, and Mr. LIGHTFOOT.

H.R. 5038: Mr. KLUG.

H.J. Res. 44: Mr. SANTORUM.

H.J. Res. 199: Mr. HAMBURG, Mr. CONDIT, Mr. CANADY, Mr. ORTON, and Mr. PETE GEREN of Texas.

H.J. Res. 358: Mrs. BENTLEY, Mr. BACCHUS of Florida, Mr. MONTGOMERY, Mr. WOLF, Mr. WISE, Mr. REED, Mr. DELLUMS, Mr. JEFFERSON, Mr. BROWN of California, Mr. SHAYS, Mr. GOODLING, Mr. DARDEN, and Mr. SMITH of New Jersey.

H.J. Res. 385: Mr. JOHNSON of South Dakota and Mr. PASTOR.

H.J. Res. 401: Mr. BATEMAN, Mr. BEVILL, Mrs. BYRNE, Mr. CASTLE, Mr. CLEMENT, Mr. CLINGER, Mr. DE LUGO, Mr. DEUTSCH, Mr. DIAZ-BALART, Mr. FAZIO, Mr. HEFNER, Mr. HUTTO, Mr. KLECZKA, Mr. LEACH, Ms. LOWEY, Mr. MCDADE, Mr. PALLONE, Mr. PARKER, Mr. PASTOR, Mr. PETERSON of Florida, Mr. ROEMER, Mr. ROMERO-BARCELÓ, Mr. SCOTT, Mr. SMITH of Iowa, Mr. TAUZIN, Mrs. UNSOELD, Mr. WOLF, and Mr. WYDEN.

H.J. Res. 402: Mr. BALLENGER and Mr. WALSH.

H.J. Res. 405: Mr. FIELDS of Texas, Mr. POMEROY, Ms. LAMBERT, Mr. THOMPSON, Mr. CHAPMAN, Mr. BAKER of Louisiana, Mr. KINGSTON, Mr. POMBO, Mr. JOHNSON of South Dakota, Mr. HERGER, Mr. DOOLEY, Mr. BOEHNER, and Mr. ARCHER.

H. Con. Res. 15: Mr. LAFALCE.

H. Con. Res. 35: Ms. LOWEY, Mr. NADLER, Mr. OWENS, Mr. PAYNE of New Jersey, Mr. CONDIT, Mr. ANDREWS of Maine, Mr. POMEROY, Mr. HALL of Texas, Mr. BOUCHER, and Mr. DINGELL.

H. Con. Res. 281: Ms. LOWEY, Mr. MANTON, Mr. BACCHUS of Florida, Mr. CANADY, Mr. KOPETSKI, Mr. KYL, Mr. PORTER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. WYDEN, Mr. MANN, and Ms. PRYCE of Ohio.

H. Res. 430: Mr. KOPETSKI.

EXTENSIONS OF REMARKS

GUN-FREE SCHOOLS

HON. KARAN ENGLISH

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 1994

Ms. ENGLISH of Arizona. Mr. Speaker, I rise today to speak out against a serious problem for our Nation's children: violence in school. Our students and teachers are routinely being threatened by gun violence. These attacks obviously put our children in harm's way and ruin their ability to concentrate on what they are supposed to be learning in the classroom.

Many of us have been reading our local newspaper's headlines reporting the increasing number of violent incidents in school. Students that used to be discipline problems are now turning into criminal problems since more and more fights are being settled by a loaded gun.

In Arizona, gun violence in schools has become much more frequent. A recent Phoenix Gazette article highlighted the wave of violence and use of guns in our schools. In the 1993–94 school year, the Phoenix School District had 24 guns confiscated in the high school. In Mesa, 21 students were expelled for carrying weapons to school. Already this school year, a student in Red Mountain High School held a loaded gun to his head and threatened another student in the school's hallway. A drive-by shooting at the Mesa High School and double suicide of two 14-year-old girls with a gun brought to Apache Junction High School has scared students, teachers, and parents. These horrifying incidents reflect the problem nationally.

A Centers for Disease Control report found that every day 1 in 20 high school students carries a gun to school.

Sixteen percent of high school seniors say they have been threatened with a weapon at school.

The American Medical Association reports the leading cause of death for both black and white teenage boys is gunshot wounds.

Every school day 40 children are either killed or injured by firearms.

Only 29 percent of parents believe that most children are safe from violence in schools according to a Joyce Foundation report.

There is a clear need for short-term and long-term solutions to violence in school. As a member of the Education and Labor Committee, I helped adopt legislation which will take a long-term approach in dealing with school violence. I have also been advocating for a strict, short-term response in dealing with guns in school. I voted for a gun-free school amendment in the debate on the reauthorization of the elementary and secondary education bill, H.R. 6. This amendment would require schools to adopt a policy where students would be expelled for a year if they brought a gun onto school property. As a member of the House-Senate conference committee on the elementary and secondary education reauthorization [ESEA], I will be fighting to keep the gun-free school amendment in the conference report.

This amendment incorporates flexibility for local school districts by allowing school superintendents to make an exception on a case-by-case basis. The gun-free school amendment also would allow for placement of an expelled student in an alternate education setting and would give States with less restrictive policies a 1 year grace period.

Students, teachers, and parents whom I have been meeting with have asked me to support tough penalties such as the gun-free school amendment. Students do not want to question whether their fellow classmate may be sitting next to them with a loaded gun. Most certainly, parents do not want to have to wonder whether their children may be gunned down in the classroom. Teachers and school administrators have enough to deal with now that they do not want to fear for their safety and that of their students.

In Congress, we have responded through various legislative initiatives to reduce the problem of school violence. I have helped enact the Safe School Act which will provide Federal assistance for schools to develop model programs promoting school safety. We passed GOALS 2000 legislation that will provide Federal resources to try to achieve the goal that every school will be free of drugs and violence and offer an environment conducive to learning by the year 2000. As part of the crime bill, Congress passed the youth handgun ban outlawing the possession or sale of a handgun to a person under the age of 18. Finally, I am working to include the gun-free school amendment in the conference report on ESEA.

I recognize that there are no easy answers for curbing violence in school. We need to take steps that will help reduce the level of violence in school. I have been working with our local communities to find out what types of programs and policies the schools have initiated to deal with this problem. Many schools have developed policies for student conduct including those similar to the gun-free school amendment. They also have initiated conflict resolution, peer mediation and other prevention programs. But, many schools have too few resources. They are spending their education budget to pay for security guards to patrol the hallways and metal detectors to greet our children at their schools' entrances.

In order to reduce school violence, it will take a concerted effort involving students, parents, teachers, school administrators, law enforcement officials and the entire community to stem the tide of violence in school. Schools have been developing effective programs in combating school violence. Their efforts need to be supported at the Federal level so local school districts will have the resources to continue working to curb school violence.

HONORING MILITARY SERVICE

HON. BOB LIVINGSTON

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 1994

Mr. LIVINGSTON. Mr. Speaker, this past weekend, I gave a speech honoring the military service of veterans who have served, and in some cases suffered for, their country. I would like to include it for the RECORD.

GREETINGS FOR POW/MIA RECOGNITION DAY

Thank you very much Charlie Cunningham, and greetings from Louisiana's congressional delegation. To Captain Kistler, Commander Ahee, Commander Kemp, and Commander Lane: my highest regards.

And to all of you gathered here, I am humbled to honor those who suffered in foreign captivity so that others may be free. These are men who were thrown into an abyss and lived to tell about it. Their tales should never be forgotten by those who enjoy the blessing of liberty. Their lonely service, often in defiance of brutal torture, speaks in deeds so eloquent that they are, as Abraham Lincoln said, "far beyond our power to add or detract" by mere words alone.

As for those still listed as missing, I quote one of the great leaders of the 20th Century, Ronald Reagan, who said that "our liberty is secure because every life is precious to us; we, therefore, can write no final chapter to the story of those who answered their country's call and did not return. They gave without limit and we owe them, and their families, no less."

As a side note:

All veterans here have served valiantly in fighting against tyranny—whether the Nazis of WWII, the Communists in Korea or Vietnam or other cold war skirmishes—each time, against totalitarians.

And we won.

But today we find our troops detailed in 18 countries on missions involving some 80,000 troops—and that is before Haiti. Most of these missions are well-intended, good causes. But some involve something we have not know before: a sort of gunboat liberalism which I believe trends toward a foolish and unwise risk of American lives and resources.

This constitutes an advancement of ideals not yet understood, and hardly approved, by the American people. We should be very wary and cautious, lest we waste the reputation of good will we have generated throughout the world as a great superpower unafraid to put its strength behind a vision of justice, democracy, and decency. Let us not become bogged down in political misadventures for dubious causes or personalities.

But let us have the wisdom and strength to stand and fight if necessary when America, its citizens, or allies are truly threatened.

So to all of you gather here, I again say thank you for your service, and I conclude with the only expression which, in its simplicity and directness, best exemplifies the respect in which I hold those we honor today.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

[SALUTE]

TRIBUTE TO PEACE CORPS VOLUNTEER MICHAEL GOODLY

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 1994

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to Mr. Marvin Goodly of Orangeburg, SC, a Peace Corps volunteer in Cameroon, West Africa.

Mr. Goodly, a graduate of South Carolina State University with a B.S. in professional biology, is part of a group of 125 volunteers working in agricultural, educational, environmental, health-related and urban development projects in Cameroon.

Mr. Goodly joined the Peace Corps in 1992 as an agricultural volunteer. He has helped to design and build fish ponds in Cameroon.

According to Carol Bellamy, director of the Peace Corps, in the past 33 years, more than 140,000 Americans have served as Peace Corps volunteers in over 100 countries.

Through their work and participation in the daily routines of the communities in which they serve, Peace Corps volunteers gain invaluable perspective on the difficult conditions facing the majority of the world's population.

Mr. Goodly is commended for giving his time, energy, and education for the betterment of others.

IN HONOR OF ST. PATRICK'S CHURCH 125TH ANNIVERSARY

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 1994

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute to the St. Patrick's Church in Jersey City which is celebrating its 125th anniversary.

St. Patrick's Church is dedicated to serving the community. They have demonstrated this time and again through the years. The church is part of the fabric which makes up Jersey City. The church has a long tradition of serving the needy of all faiths, ethnicities, and races. Its efforts at community outreach are a model of giving and sacrifice.

In 1868, Bishop James Roosevelt Bayley, a nephew of Elizabeth Ann Seton, purchased land for a small church and named it St. Joseph's. In December 1869, the mission was raised to full parish status and was renamed St. Patrick's. St. Patrick's Church was first opened for mass in 1872. On August 19, 1877, the church as it exists today was completed. At the time it was only the third Catholic church in Jersey City. In the decades to come, the Catholic population grew, and eight additional parishes were established. The church has a long distinguished history of service to the community.

In 1901, the St. Patrick's Club was formed for the purpose of drawing the men of the parish into closer social contact with each other and the church. They sponsored such events as picnics, trolley rides, and athletic meets. The club was a fine example of parish life and culture. In 1910, the St. Patrick's School was opened. Throughout the war enrollment in St. Patrick's School flourished. A total of 1,350 students were enrolled in 1933, making it the largest in the diocese.

In the 1930's the church focused on feeding the poor. Approximately $10,000 was raised annually from collections and donations and was distributed to the poor of the city. In 1971, Patrick House, a drug treatment and family services center was launched. It was the first facility of its kind in Hudson County. Although Patrick House is no longer in operation, many of its services are still provided by the parish. In 1980, then Governor Brendan Byrne formally added the St. Patrick's Church and school complex to the New Jersey State Register of Historic Places.

St. Patrick's Church is dedicated to serving its parishioners and the community. Its commitment to promoting cultural diversity is commendable, to say the least. I am extremely proud to have such a fine, historic institution in my district. I congratulate them on their 125th anniversary, and wish them continued success.

INJUSTICE IN INDIA

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 1994

Mr. BURTON of Indiana. Mr. Speaker, the repressive government of India has struck another blow against democratic principles, charging former member of Parliament Simranjit Singh Mann under the tyrannical Terrorist and Disruptive Activities Act [TADA]. According to Asia Watch, "TADA reverses the presumption of innocence, placing the burden on the accused to prove he is not guilty. This violates international standards and Indian law." There is a grave danger that the Punjab police will kill Mr. Mann. The regime has already taken away his passport in violation of all international standards.

As if this weren't bad enough, the regime seized the luggage of Punjab Human Rights Organization president Ajit Singh Bains, a former justice of the Punjab and Haryana High Court, while he was at the airport awaiting a flight to Great Britain last week. Justice Bains was prevented from leaving the country. Justice Bains, like Mr. Mann, is a proponent of a peaceful movement to achieve independence for Khalistan.

Many of us remember Justice Bains' eloquent testimony before the Congressional Human Rights Caucus 3 years ago. He detailed brutal abuses of the most basic liberties by the Indian regime in occupied Khalistan. What has made Justice Bains unfit to leave the country since then? Perhaps the Indian regime knows that freedom for Khalistan is near at hand.

The Congress is well aware that the oppressed Sikhs of Khalistan have been waging an ongoing peaceful struggle for freedom. On October 7, 1987, the Sikh leaders declared Khalistan independent. When Mr. Mann spoke at a gurdwara—a Sikh temple—in support of a peaceful movement to achieve freedom for Khalistan, he exercised what we here would consider his legitimate right of free speech. But no such right exists for Sikhs in the so-called world's largest democracy. For advocating a peaceful movement for Sikh freedom, India charges Mr. Mann with terrorism. This tyrannical action further proves that Indian democracy is a fraud.

Mr. Mann's case is not unusual. Neither is that of Justice Bains. India has killed at least 115,000 Sikhs since 1984, 150,000 Christians in Nagaland since 1947, and 40,000 Kashmiri Muslims since 1988. It also faces freedom movements in Assam, Manipur, and Tamil Nadu. If India is the world's largest democracy, why do so many want to get out from under Indian rule?

A recent report from Human Rights Watch/Asia states that the Indian regime has set up at least 200 torture centers throughout Punjab, Khalistan. One police officer says that "torture is used routinely. During my 5 years with the Punjab police, I estimate that 4,000 to 5,000 were tortured at my police station alone." Another police officer says, "Without exception, any person who is detained at the police station is tortured." Sikhs who die of torture are routinely listed as having died in a fake encounter with the police. According to the report, these staged "encounters" account for most of the killings there.

On July 17, UPI reported that "several Swiss drug companies are preparing to wind up or limit operations in India." The Swiss ambassador is quoted as saying that "the investment climate is bad." And Dr. Jack Wheeler of the Freedom Research Foundation predicts in the June 27 issue of Strategic Investment that India "will be gone as we know [it] within 10 years." India is not one country, but a polyglot, a conglomeration of several countries put together under British colonial rule. It is destined to fall apart. Thanks to the work of organizations like the Council of Khalistan, the day of freedom for the nations oppressed by India is closer.

It is time for the administration to place sanctions on India. This Congress must pass H.R. 1519, which will cut off India's development aid until human rights are respected. We must also pass H. Con. Res. 134, which calls for a free and fair vote to determine the future of Khalistan. The charges against Mr. Simranjit Singh Mann and the action against Justice Ajit Singh Bains make these actions more important than ever.

COUNCIL OF KHALISTAN

For immediate release: September 19, 1994.
Washington, DC.

JUSTICE BAINS DENIED EXIT FROM INDIA

WASHINGTON, DC, September 19.—On orders from the Indian Home Ministry, Indian airport security officials denied retired High Court Judge Justice Ajit Singh Bains exit from India on Thursday, September 15. The outspoken Sikh champion for human rights and political freedom attempted to board a flight in Delhi bound for the United Kingdom. Bains was detained at the final security check and humiliated by security guards who discovered his name on an official Home Ministry list forbidding him to leave India. Justice Bains is Chairman of the Punjab Human Rights Organization.

Like other leaders speaking out for Sikh freedom and human rights, Bains faces continued harassment at the hands of Indian government police. Restrained by what he terms an "undeclared detention," Bains and visitors to his house have been under constant government surveillance. His telephone has been tapped and his movement restricted.

Recently, the Indian government denied a passport to Simranjit Singh Mann, Sikh political leader and vocal advocate for Sikh freedom, after he made a speech in support of Khalistan. Mr. Mann has faced unrelenting government harassment ranging from the denial of his freedom of movement to imprisonment and torture. Justice Bains, too, has been jailed on numerous occasions.

Despite the experience of leaders such as Bains and Mann, India denies any violation of human rights. While in the United States in May, Indian Prime Minister Narasimha Rao adamantly maintained India's innocence on human rights violations. Independent human rights organizations, however, have exposed a long list of Indian government atrocities and a history of the brutal denial of human freedom. According to Dead Silence: The Legacy of Abuses in Punjab, published by Human Rights Watch/Asia, "The deliberate use of torture and execution as counter-insurgency tactics was not merely tolerated but actively encouraged by senior government officials."

Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, who spoke to Justice Bains by telephone, warns the Indian government not to harm Sikh leaders. "The eyes of the world are upon you," said Dr. Aulakh. "You no longer operate in the vacuum you once enjoyed. The longer you hold Justice Bains and S. S. Mann against their will, the more ridiculous your protestations of innocence look to the world. You have been exposed. Over 115,000 Sikhs have been killed in the struggle for a free Khalistan. No amount of oppression or lies will divert us from the road of independence. If India is the democracy it claims to be, then leaders like Bains and Mann should be allowed free access to the international community. Instead you brutally silence the voice of the Sikh nation, yet seek inclusion among the free nations of the world. India can no longer maintain its big lie. The time for Sikh freedom is now. Free Khalistan today!"

[From the Washington Times, Sept. 17, 1994]

INDIA SAID TO TORTURE RETURNEES

(By Heinz-Rudolf Othmerding)

NEW DELHI.—When Kuldeep Singh, 21, a Sikh from the northern Indian state of Punjab, stepped off an Aeroflot flight on May 28 in New Delhi, he was a healthy man.

Two days later, Mr. Singh was dead. Upon inspection, his body bore signs of torture.

Mr. Singh sold flowers in a township near Duesseldorf, Germany, and was not a particularly politically minded man. Seeking only the affluence of the West, he lived in Germany illegally until he was discovered, denied asylum and forced to return to India.

What in Germany was a routine legal procedure ended in his death in India. Officials blackmailed first Mr. Singh and then his family.

Despite denials by the Indian police, Western and Indian human rights activists are convinced that Indian deportees returning home after their applications for asylum are rejected abroad are often arrested, tortured and blackmailed.

And if the victim's relatives cannot scrape together the money demanded by corrupt officials, the deportee might even face death.

"If you come back after years in Germany, then the assumption is that you must have either accumulated a lot of money yourself or transferred it to your family in India," says Ravi Nair, a well-known Indian human rights activist.

Shamsher Singh, another deportee from Germany, probably has a Stuttgart-based aid organization and a German journalist in Indian to thank for his well-being.

The German organization gave him enough money to cover the bribe that officials were likely to demand, and the journalist managed to retrieve him from the airport.

When Shamsher Singh was finally allowed to leave the airport with the journalist on Aug. 19, he had already encountered both intelligence and immigration officials. Only the money he brought helped him escape torture, the Punjabi said later.

A Cologne-based lawyers group has been waiting since Sept. 1 for news from Joginder Singh, also deported from Germany.

Mr. Singh, who was active in the Sikh separatist movement, had been refused asylum in Germany for the first time in 1992 and deported to India. According to the lawyers, airport police let him go that time after extorting 50,000 rupees, then about $1,500, from him.

Mr. Singh subsequently resumed his political activities in Punjab but fled to Germany again after being arrested and tortured. After his second deportation, he vanished without a trace.

Several European states like Denmark or Switzerland introduced checks to ensure the safe arrival in India of deportees from those countries.

Embassy staff or Indian contacts, mostly human rights activists, are asked to monitor the arrival in India of unsuccessful applicants for political asylum in the two countries.

But there is no such system for deportees returning from Germany. Sources at the German Embassy in New Delhi say they hear of deportations only sporadically.

Deportation procedures are not centralized in Germany, they say, so every city or district can deport people through any third country.

However, problems are mounting. At the end of 1993, there were 36,000 Indians living in Germany, of whom at least 10,000 were under orders to leave the country. Of 12,266 applications for asylum in 1993, only six were successful.

Mr. Nair, the Indian human rights activist, suspects that the Indian Embassy in Bonn alerts airport authorities and the Punjab police the minute it issues the documents to deportees.

They are awaited in Bombay or New Delhi, and arrest, torture and blackmail frequently follow.

SUBSIDIES TO PROVIDE RESOURCES TO THE WEST

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 1994

Mr. MILLER of California. Mr. Speaker, as my colleagues know, one of the things which most angers people is government waste and inefficiency. We're constantly told that "government ought to be run more a like a business."

One of the most inefficient parts of the Federal Government is the series of subsidies that we—the taxpayers—provide to resource industries in the West.

Last month, the majority staff of the Subcommittee on Investigations and Oversight of the Committee on Natural Resources finished a report which looked at those subsidies. That report raised a number of questions, questions which were echoed in an editorial in the Washington Post on September 1, 1994. I am placing that editorial into the RECORD and urging my colleagues to read it. It is long past time to bring these subsidies into the modern era.

[From the Washington Post, Sept. 1, 1994]

TAKINGS AND 'TAKINGS'

There's been a lot of debate in this Congress about takings law: At what point does government regulation of the use of private property constitute a "taking" for which the government ought to pay? It's an interesting question. The majority staff of the House Committee on Natural Resources has issued a report that seeks to take advantage of the currency of the argument by extending the concept of takings to the subsidies that the natural resources industries in the West continue to receive from the taxpayers. This is artful, and a little finely wrought. But apart from the question of whether the two subjects really do belong on the same page, the kind of "takings" the report discusses are well worth being concerned about.

Most of the subsidies are in the form of below-market rates for the use of federal resources. They were introduced in an era when the West was empty and it was federal policy to develop it. Now the greater need is often to conserve the resources that the subsidies threaten. The report is a call to Congress to rationalize a set of policies that have often outlived their original purposes and become uncoordinated giveaways.

The committee document notes that in passing the Federal Land Policy and Management Act of 1976, itself a major step forward, Congress declared it to be federal policy that "the United States shall receive fair market value of the use of the public lands and their resources unless otherwise provided for by statute." The implication was the subsidies should become the exception, but in fact in most cases they have remained the rule.

The classic example may be the Mining Law of 1982, still mostly intact with regard to hard-rock mining though no longer to the extraction of oil and gas and other energy resources, which have been split off. The Senate passed a weak reform bill and the House a strong one last year. The legislation has been caught up in an inconclusive conference ever since. It isn't clear what kind of bill, if any, can emerge. If none does, large mining companies will continue to have access to enormously valuable mineral deposits under federal land for only token fees and without full responsibility for the damage they do to the environment.

It's an indefensible system that Congress would never enact today—no one would even propose it—yet Congress can't muster the votes to uproot it. The same is true in varying degrees with regard to grazing rights on federal land, the extra water that the government stores behind its dams and sells at cut rates to irrigators in the western desert and the timbering programs on federal lands.

There aren't good data on the value of these subsidies, the committee report says, and even less is known about their distribution. The subsidizing agencies need to do more to compile this, but it isn't clear they regard such information as in their interest. The data would help make better sense of the policies—for example, by eliminating contradictions. The government now sells low-cost water to some western irrigators so that they can grow surplus crops on which the government, meaning the taxpayer, then pays further subsidies in the form of price and income supports. How much sense does that make?

There's talk of targeting other government spending so that benefits decline as income rises. Should the same thing happen with these? Why not?

SPINA BIFIDA

HON. BILL K. BREWSTER

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 1994

Mr. BREWSTER. Mr. Speaker, I would like to bring to the attention of my colleagues crucial information about spina bifida, the No. 1 disabling birth defect in the United States, affecting 1 in every 1,000 newborns. Spina bifida is a birth defect resulting from the failure of the spinal column to properly close during the first month after conception.

Mr. Speaker, spina bifida is a serious disability manifested by varying degrees of paralysis, loss of sensation in the lower limbs, bowel and bladder complications, learning disabilities, latex allergies, and hydrocephalus, a condition involving accumulation of fluid in the brain. Due to medical research and surgical interventions, a majority of individuals born with spina bifida live a normal life span. However, the problems of spina bifida continue throughout the life cycle with impact in education, labor, justice, and health and human services. Extensive and expensive medical, psychological, and educational therapy is necessary to ensure an independent and fulfilling life.

Mr. Speaker, there is great news in the prevention of spina bifida. The U.S. Public Health Service, of which the Centers for Disease Control and Prevention is an agency, published a recommendation that "all women of childbearing age should consume 0.4 mg of folic acid in order to reduce their risk of having a child born with spina bifida and other neural tube defects". However, the epidemic of folic acid-preventable spina bifida continues essentially unabated in spite of the Public Health Service recommendation, which if implemented, would prevent all of the folic acid preventable spina bifida cases in the country. There are approximately 60 million women in the United States, of which 6 million can become pregnant, and 4 million do become pregnant each year. Through education and appropriations, we can play an influential role in preventing this No. 1 disabling birth defect.

Mr. Speaker, October has been traditionally designated as National Spina Bifida Prevention Month. But this designation is only intended to remind us of the importance of year-round activities to educate the American people about spina bifida and the impressive work of private and public health officials in treating spina bifida. In alerting the public to the simple measures necessary to prevent this defect, we will make important inroads in reducing the occurrence of spina bifida.

TRIBUTE TO DAVID B. HARSHBARGER

HON. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 1994

Mr. COX. Mr. Speaker, I rise today to recognize David B. Harshbarger, who is retiring from his post as marine department director of the city of Newport Beach, CA.

Born in Portland, OR, and raised in southern California, David Harshbarger has devoted his life to preserving the lives of others. He has served the residents and visitors of Newport Beach for more than three decades. Dave began his distinguished career as a seasonal lifeguard in 1958, but moved quickly through the ranks within the department, eventually becoming the director in 1976—the top position responsible for overseeing the number of men and women who keep our southern California beaches safe and protected.

Mr. Speaker, it is with great pleasure that I ask my colleagues to join with me in honoring David B. Harshbarger. It is fitting that all of us join with the family, friends, and the community of Newport Beach, CA, in recognizing his lifelong service and dedication to public safety.

NATIONAL RADIO RESPONSE TO THE PRESIDENT

HON. BOB LIVINGSTON

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 1994

Mr. LIVINGSTON. Mr. Speaker, this past weekend, Minority Leader BOB MICHEL gave me the honor of making the official Republican response to the President's weekly radio address. The subject was the impending invasion of Haiti. I thank the Leader, and I include that address for the RECORD:

Hello, this is Congressman BOB LIVINGSTON of Louisiana.

The President has made an impassioned argument for why the United States is invading the tiny island of Haiti. He has been eloquent in affirming America's desire for democracy and freedom.

Unfortunately, his case is not strong. The U.S. national interests are still not clear—if in fact they exist at all—and certainly not clear enough for us to put at risk the prestige of the U.S. military or, more importantly, the lives of our service men and women.

Now I'll take a back seat to no one in my advocacy of democracy. If I had the power to quickly make Haiti democratic, I would. But I can't, and neither can the President.

Ensuring a stable democracy in Haiti is especially troublesome. Mr. Jean-Bertrand Aristide, to whom President Clinton intends to hand the reigns of power, is neither a saint nor a particular friend of the United States. In fact, he is a radical Leftist who has spewed anti-American venom for years, and the CIA reports that he is unstable. Even worse, he has shown brutal dictatorial tendencies of his own, contrary to the standards of the entire civilized world.

I am speaking of his statements promoting the use by his followers, against their opponents, of a terroristic torture called "necklacing," which involves putting a gasoline-filled tire around someone's neck and lighting it on fire. It is barbaric. Yet Aristide said in a speech to followers in Haiti before he was thrown out—and I quote—that it is "cute, it's pretty, it has a good smell." And in another speech, to student supporters, he said: "You will have to use it when you must."

Support for this fanatic is just not in America's national interest. And yet President Clinton is putting him back into power by force of arms with American troops. This could be one of the most foolish acts of foreign policy of the last century.

But even if Mr. Aristide were more to our liking, Haiti still would be a quagmire not worth hundreds of millions of dollars of our tax money, much less American lives. It's not important strategically; it has no history or tradition of democracy, and its culture has proven resistant in the past to lengthy American efforts at nation-building.

I recall my own experience in 1963 aboard a United States Navy aircraft carrier, steaming for 2 months off the coast of Haiti after riots broke out against the dictator Papa Doc Duvalier. Half a century before that, United States troops invaded Haiti, and it took them 19 years to get out.

On neither occasion did our military involvement do any sustained good for the poor people of Haiti.

The President ignores this history. Instead, he says that our action in Haiti is just like the action President Reagan took when we kicked out a band of revolutionary Communists from Grenada in 1983. Nothing could be further from the truth, and the failure of President Clinton to understand the difference raises deep questions about his foreign policy judgment.

In Grenada, there was a Communist coup d'etat which murdered the ruling tyrant and threatened the lives of dozens of American medical students. Meanwhile, the Soviets and Cubans were busy building a major military air strip on Grenada, and planning to make the island into a Soviet submarine base. It was part of their cold war "master plan" to export Communist revolution throughout the Caribbean Basin and Central America.

Stopping those plans and rescuing our students provided compelling reason to send in our troops, and the people of Grenada welcomed us with open arms as heroes. None of those reasons apply in Haiti, which threatens no other country and is part of no master plan.

Make no mistake; it should not be hard to quickly overpower Haiti's meager armed forces. The problems will come later, when we try to maintain order in an unstable country. And mark my words, it will take a long time. Attacks with machetes to the throats of our soldiers, knives or screwdrivers in the ribs, voodoo-like attacks, all have been promised by Haitian thugs who will blend into the towns and countryside between intermittent acts of terrorism.

I support our troops, and so should we all. But in the case of Haiti, the best support we can give them is not to put them in harm's way for no good reason. That's why I truly hope the Carter-Powell-Nunn mission will be successful. But if it's not, I ask President Clinton now, as I have asked for more than a full year; How will you explain to the mother of even one young American in uniform that Jean-Bertrand Aristide's restored Haitian throne is worth her son or daughter being carried home in a body bag?

Thank you for listening.

CONGRATULATIONS TO "WHO'S WHO" INDUCTEE APRIL CHRISTINA LOWERY

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 1994

Mr. CLYBURN. Mr. Speaker, I rise today to congratulate April Christina Lowery of Florence, SC, who's biography has been accepted for publication in the 20th annual edition of Who's Who Among American High School Students.

According to Who's Who, only 5 percent of the students from the Nation's 22,000 high schools are honored in Who's Who each year, so Miss Lowery should be commended for her achievement.

Miss Lowery, the 14-year-old daughter of Ulysses and Charlene G. Lowery, and the sister of Leonard R. Lowery, is currently a sophomore at Wilson Senior High School in Florence, SC.

She is the recipient of President Clinton's Presidential Academic Fitness Award, a Wofford College Academic Award for Gifted and Talented Students, Duke University's Mathematically and Verbally Gifted 7th Graders Award, the George Grice 8th Grade Scholar Award, a 9th grade academic award and an athletic award for track at Wilson Senior High School. Miss Lowery is also a member of the Wilson Senior High School Marching Band.

Miss Lowery has been nominated to attend the Governor's School of Math and Science at Coker College in Hartsville, SC. She was also nominated to participate in Youth Leadership 94 at Columbia College in Columbia, SC.

Miss Lowery has traveled in Europe, visiting France, Italy, and Switzerland. She is a member of the Girl Scouts of America, Teen Institute, Top Teens of America, and the National Junior Honor Society. Miss Lowery also is a member of Trinity Baptist Church, where she serves on the intermediate usher board, sings with the intermediate choir, and is active in the Junior Missionary Society.

Mr. Speaker, I commend Miss Lowery on her many outstanding accomplishments and activities, and wish her the best as she continues her formal education.

IN HONOR OF THE MARY T. NORTON CONGRESSIONAL AWARD RECIPIENTS

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 1994

Mr. MENENDEZ. Mr. Speaker, I rise today before the House of Representatives to pay tribute to Patricia T. Carbine, Joan M. Quigley, and Josephine Wozniak, this year's recipients of the Mary T. Norton Congressional Award. This prestigious award, sponsored by the United Way Partners in Caring, will be awarded at their 59th annual campaign kickoff luncheon on September 28, 1994.

The United Way of Hudson County which was founded in 1935, works to meet human service needs with the help of a staff of professional volunteers, including approximately 1,100 corporate, labor, government, and civic leaders.

The United Way initiated this award in 1990 in recognition of Congresswoman NORTON's commitment to human services. This award recognizes women who have made an outstanding effort in furthering the success of the United Way programs in our community and nationwide. The award, a golden bronze eagle, symbolizes the spirit of United Way which exemplifies the idea of "People helping People."

Patricia T. Carbine, a native of Villanova, PA, and current resident of New York City is the cofounder of Ms. magazine and has served as its publisher and editor in chief for 16 years. Ms. Carbine is a director of the New York Life Insurance Co. as well as a member of the advisory board of the Lubin Schools of Business, Pace University, the Girls Club of America, and a director of the United Ways of Tri-State. Ms. Carbine is the first woman to chair the Advertising Council and also serves as a director of Advertising Women of New York.

Joan M. Quigley holds a master's degree in public administration from Rutgers University and graduated summa cum laude with degrees in urban studies and sociology from St. Peter's College. She has been actively involved in the efforts of the Red Cross, the Boys and Girls Club and the United Way of Hudson County. Ms. Quigley is the host of several Jersey City Cable TV programs such as, "Report From Trenton" and "Jersey City's Ten Most Wanted." Recently, Ms. Quigley has been elected to the New Jersey General Assembly representing the 32d legislative district.

Josephine Wozniak has been described as a "community activist, leader, fundraiser, and volunteer extraordinaire." Ms. Wozniak served the American Red Cross from 1974–87 and received the Red Cross Volunteer Award in 1978. In 1989 Ms. Wozniak received the United Way Merit Award. Ms. Wozniak has demonstrated her concern for her fellow citizens through her activities. She is a den mother for the Bayonne Boy Scouts, she is a religious instructor, and works for the hotel industry.

These three individuals, the United Way and all of the volunteers of America should be commended for their relentless self-giving and dedication to serving the needs of their fellow Americans. I salute them today and wish them luck in their future endeavors.

HONORING CLARENCE CONES OF PORTER, TX, FOR A MILLION MILES OF SAFE DRIVING

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 1994

Mr. FIELDS of Texas. Mr. Speaker, I rise briefly today to honor a constituent of mine, Mr. Clarence Cones of Porter, TX.

Mr. Cones is a long-haul trucker—one of those professions that has long been romanticized and idealized in song. In reality, Mr. Cones' profession is one of long hours, erratic schedules, and extended time away from home and loved ones—as he knows better than you or I. Because long-haul truckers spend so much of their time on the road, theirs can also be a dangerous profession.

Roadway Express, Inc., Mr. Cones' employer, contacted me recently to inform me that company officials had recently recognized Mr. Cones for reaching a significant milestone in his professional career: driving more than 1 million miles without being involved in a preventable accident.

Such an amazing accomplishment is a testament to Mr. Cones' professional approach to driving, and it is a milestone attained by only a very select few of the very best of the Nation's professional drivers. I hope you will join with me, Mr. Speaker, in congratulating Clarence Cones of Porter, TX on this accomplishment—and in wishing him a million more accident-free miles on America's highways.

Thank you, Mr. Speaker.

TRIBUTE TO THE HONORABLE JAMIE WHITTEN OF MISSISSIPPI

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 1994

Mr. RAHALL. Mr. Speaker, it is a privilege to rise in tribute to a great American, whom I am proud to call friend, mentor, and colleague, the Honorable JAMIE WHITTEN.

There are many tales that have been told, and will be retold many times over, about the dedication and hard work that has permitted this able statesman to achieve the heights of public service that he has achieved in his more than 53 years in the House of Representatives.

Justly so, we who are JAMIE WHITTEN's colleagues speak in voices tinged with awe, and with pride, when we speak of the many benefits that have flowed from the unprecedented half-century of public service of our friend from Mississippi.

For over five decades, Chairman WHITTEN has served with distinction, presiding over appropriations where every dollar appropriated to be spent was over a good cause, whether to feed and educate hungry and disadvantaged children, or help communities grow and their citizens to have a better quality of life. His long service on matters fiscal and economic has been crucial to our Nation, and has brought a sense of stability and continuity to the legislative process.

Throughout his career—which began with President Franklin Roosevelt and lasted through 10 Presidents in all and 7 Speakers of the House—JAMIE WHITTEN has never backed away from a battle, and he hasn't lost many either. He has waged and won his own battles and entered many others not of his making, and he won them too. Because of his fighting spirit, he served his own constituency and ours, whether it was putting rural electrification programs in Mississippi or flood control projects in West Virginia.

Among many, there are two programs that are, and have for many years been, extremely important to West Virginia's economic welfare—and they are the Appalachian Regional Commission and the Economic Development Administration, known as ARC and EDA. Chairman WHITTEN has always been one of their most enthusiastic supporters, and for many years without his leadership as chairman of the Appropriations Committee, these two critically needed programs would have expired. They survived and continued to serve the needy because of JAMIE WHITTEN's personal, strong fight to preserve them. The ARC and EDA have survived since 1982 through the appropriations process alone—and they remain, viable resources in areas of economic distress throughout the Nation, helping boost the economies of high unemployment and low per capita income States like mine and like his own Mississippi. I say, again, thank you, Mr. Chairman.

Chairman WHITTEN has always been an inspiration to me because of his wealth of knowledge, his mastery of the appropriations process, and his understanding of the workings of this House. He is a legend in his own time, and I join my colleagues in paying him very special tribute.

A SALUTE TO JACK REIHL, WISCONSIN STATE AFL-CIO PRESIDENT

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 1994

Mr. KLECZKA. Mr. Speaker, I rise today to pay tribute to one of my home State's most dedicated union leaders, Jack Reihl. Jack has announced he will retire this October as president of the Wisconsin State AFL-CIO, a post he has held with distinction since 1986.

Jack has been involved with labor since his days at the LaCrosse Rubber Mills, as a member of the United Rubber Workers Local 14. He is also proud of his membership in the Carpenters Local 1143. In addition, he served as a Construction Manager for the U.S. Department of Commerce under President Lyndon B. Johnson.

He also has experience as an elected official in Wisconsin, serving on the LaCrosse city council, and was later elected president of that body.

Most recently, Jack has been an invaluable asset to me and the other members of the Wisconsin congressional delegation. He has been a trusted ally and the source of labor's valuable insight into the many challenging issues facing our Nation. He has always been frank, honest, and candid with his opinions.

Over the years, despite the loss of manufacturing jobs and declining union membership throughout the country, Jack has successfully maintained the number of union brothers and sisters in Wisconsin, which is no small accomplishment.

Mr. Speaker and colleagues, I rise to acknowledge and pay gratitude to Jack Reihl for his numerous contributions to my State's working men and women. I also rise to wish him a happy and fulfilling retirement.

After all these years, he certainly deserves this time to enjoy himself and spend time with his family. Hopefully, his days will be filled with hunting and fishing excursions, and I sincerely hope the big ones won't get away.

TRIBUTE TO RETIREES OF STERLING HEIGHTS FIRE DEPARTMENT

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 1994

Mr. LEVIN. Mr. Speaker, on Friday, September 23, I will be privileged to be in attendance as the Sterling Heights Fire Fighters Union Local No. 1557 honors its 1994 retirees.

The nine firefighters to be honored at the annual dinner-dance of Local No. 1557 have over 235 years of firefighting experience between them. These individuals include captains, battalion chiefs, lieutenants, fire chiefs and an ALS coordinator.

Many of these gentlemen have received letters of commendation for acts of heroism and actions above and beyond the call of duty.

All of them have earned the appreciation and respect of their community. Repeatedly over the part three decades, each of them has unselfishly risked his life to protect the safety and property of Sterling Heights' residents. For this dedication, and uncommon valor, I join my neighbors in saluting them on the occasion of their retirement.

Mr. Speaker, I mention each individual firefighter's name and years of service today so that all Americans will know of their tremendous contribution and commitment to the people of Sterling Heights and surrounding communities.

Captian Warden Asher, hired as a fireman on September 26, 1969.

Captain Irving R. Droste, hired as a fireman on September 27, 1965.

Fire Chief Kenneth L. Durham, hired as a fireman of August 23, 1971.

Lieutenant James Hasse, hired as a fireman on August 23, 1971.

ALS Coordinator Frank Kaczmarek, hired as a fireman on August 23, 1971.

Captain William L. Konas, hired as a fireman on September 26, 1969.

Captain Reynold Dean Meisegeier, hired as a fireman on September 17, 1966.

Battalion Chief Stanley Poterek, hired as a fireman on June 1, 1964.

Lieutenant William Tepper, hired as a fireman on August 3, 1969.

Mr. Speaker, I pay tribute to these gentlemen and will be extremely honored to be in attendance as their families and peers salute them.

THE HAITIAN CRISIS

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 1994

Mr. LIPINSKI. Mr. Speaker, today I would like to thank and commend former President Jimmy Carter, Senator SAM NUNN, and retired General Colin Powell for their mission to Haiti and the tremendous success of their negotiations. I am extremely grateful to them for avoiding a full-fledged invasion which I emphatically opposed.

We never should have planned to invade Haiti. There are numerous trouble spots in the world and the United States simply cannot play the role of global cop. Not one valid reason exists to justify our interference in the affairs of this tiny Caribbean nation. They pose absolutely no threat to our Nation.

I fear that we may come to regret our role in forceably returning President Aristide to power. Based on his history, I question both his stability and his commitment to human rights.

I would like to state, however, that with the current situation as it is, I support our American troops and the efforts they will undertake in creating a stable environment for President Aristide's return. But let me remind my colleagues that we now have 15,000 American lives in harms way with no deadline for their return to safer soil. In addition, their presence in Haiti will be an enormous expense for the American people, most of whom do not support this initiative.

I now call upon the President to let the American people know how long this endeavor will last. When will our soldiers return home? If the President will not set a deadline, then I call upon Congress to pass a resolution which will set one for him.

Furthermore, hearings should be conducted. One, Congress needs a better understanding on how we almost came to the point of an invasion. Two, these hearings should provide a full account on the details of the agreement that President Carter, Senator NUNN, and General Powell reached with Lt. Gen. Cedras, Brig. Gen. Biamby, and Lt. Col. Francois. The October 15 deadline appears too lenient when dealing with men President Clinton once accused as being murderers, rapists, and overall thugs. And three, I want to know the full cost of this operation. With so many issues demanding our attention at home, we can ill-afford to occupy another country for an indefinite amount of time when there is no justifiable reason to do so.

Mr. Speaker, again I would like to express my deep appreciation to President Carter, Senator NUNN, and General Powell for all their efforts in convincing Lt. Gen. Cedras and his cohorts to remove themselves from power and thus avoiding a U.S. invasion.

TRIBUTE TO LEONARD REID

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 1994

Mr. BERMAN. Mr. Speaker, I am honored to pay tribute to Leonard Reid, a man who truly defines the meaning and spirit of community leadership. Leonard's busy professional life—he is an audiologist with a practice in Van Nuys—has not prevented him from becoming involved in a range of activities and causes, including the Haven Hills Shelter for Abused

Women and Children and the Van Nuys High School Key Club. Most recently, Leonard was honored for his tenure as president of the Van Nuys Kiwanis Club.

As his résumé attests, Leonard has special feelings for young people. He has participated in many projects that are designed to bring happiness to the lives of children and teenagers. These include the Delano Community Center Halloween party, the Angels for the Children Christmas gift drive, the Sylvan Park children's Christmas party, and the Tri-Valley Special Olympics. In addition, Leonard contributed food and clothing to the San Fernando Valley Child Guidance Clinic.

Leonard even manages to combine his social life with his community activism. An avid sailor, Leonard participated in the white elephant sale for funds for the Victory Outreach Program and was involved with recreational sailing and other projects to support the group Children of the Night. Leonard is always thinking about what else he can do to help.

The Van Nuys Kiwanis Club was the most recent beneficiary of his time and talent. During his tenure he improved the membership, commitment, and scope of the organization.

I ask my colleagues to join me in saluting Leonard Reid, a man with a big heart and the energy to match.

TRIBUTE TO WILLIAM KNAPP AND SHEILA KNISS-KNAPP

HON. BOB CARR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 1994

Mr. CARR of Michigan. Mr. Speaker, I appreciate this opportunity to extend my congratulations to William Knapp and Sheila Kniss-Knapp, on the occasion of the Frank J. Hecox house receiving recognition in the National Register of Historic Places.

We are here to celebrate the splendor and originality that Frank Hecox utilized in choosing this architectural design. With its seven gables and straight slope mansard roof, the Hecox house is a highly unusual example of Second Empire architecture. This is the only known brick Second Empire structure extant in all of Howell Township and therefore is a rare example of architectural style for the region.

Today, the Hecox house is juxtaposed against a background of modern industry. The 74-acre farm that originally supported Frank J. Hecox has been sold. But, as our society evolves to encompass new ideals and technology, we have not forgotten the historical importance and beauty that the Hecox house has provided to this community.

We owe a debt of gratitude to William Knapp and Sheila Kniss-Knapp for their perseverance throughout the long and arduous process of restoring the Hecox house to its original condition. Your efforts in securing recognition on the National Register of Historical Places will ensure that future generations are able to enjoy the history and splendor of this house.

Please join me in recognizing the accomplishments of William Knapp and Sheila Kniss-Knapp and in wishing them the best of luck in the years to come.

TRIBUTE TO EDWARD F. DOONAN

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 1994

Mr. REED. Mr. Speaker, I rise today to salute a distinguished young man from Rhode Island who has attained the rank of Eagle Scout in the Boy Scouts of America. He is Edward F. Doonan 3d, of Troop 15 in Warwick, RI, and he is honored this week for his noteworthy achievement.

Not every young American who joins the Boy Scouts earns the prestigious Eagle Scout Award. In fact, only 2.5 percent of all Boy Scouts do. To earn the award, a Boy Scout must fulfill requirements in the areas of leadership, service and outdoor skills. He must earn 21 Merit Badges, 11 of which are required from areas such as Citizenship in the Community, Citizenship in the Nation, Citizenship in the World, Safety, Environmental Science, and First Aid.

As he progresses through the Boy Scout ranks, a Scout must demonstrate participation in increasingly more responsible service projects. He must also demonstrate leadership skills by holding one or more specific youth leadership positions in his patrol and/or troop. This young man has distinguished himself in accordance with these criteria.

For his Eagle Scout project, Edward cleaned up the grounds of a historical cemetery off West Shore Road in Warwick, RI.

Mr. Speaker, I ask you and my colleagues to join me in saluting Eagle Scout Edward F. Doonan 3d. In turn, we must duly recognize the Boy Scouts of America for establishing the Eagle Scout Award and the strenuous criteria its aspirants must meet. This program has through its 84 years honed and enhanced the leadership skills and commitment to public service of many outstanding Americans, two dozen of whom now serve in the House.

It is my sincere belief that Edward F. Doonan 3d will continue his public service and in so doing will further distinguish himself and consequently better his community. I join friends, colleagues, and family who this week salute him.

TRIBUTE TO SPRINGFIELD COLLEGE LACROSSE

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 1994

Mr. NEAL of Massachusetts. Mr. Speaker, today I would like to pay tribute to Coach Keith Bugbee and the young men of the Springfield College Chiefs men's lacrosse team, for their outstanding victory, over the New York Institute of Technology, to win the 1994 NCAA Division Two Men's Lacrosse Title. Their thrilling 15–12 triumph over NYIT this past May avenged an earlier season loss to Tech and capped off an impressive 12–2 campaign. This championship was a special event for not only Springfield College but for the entire Springfield area. It was the first ever National Championship for the Chief's lacrosse team and the first for Springfield College since 1977.

This extraordinary accomplishment was the culmination of a year of hard work and dedication by Coach Bugbee and his athletes. The team was lead by senior cocaptain, Bob Felt, who was named Division II Player of the Year, by the U.S. Intercollegiate Lacrosse Association [USILA]. Bob was also named the USILA "Midfielder of the Year" and to the Division II All-America first team. Joining him on the First All-America team were defensemen Keith Flanigan and Brad Jorgensen. Keith was also selected as the Division II "Defenseman of the Year". Second team All-America honors went to goalie Sean Quirk, who anchored an outstanding defense that held opponents to under eight goals per game. Finally three Chiefs, attackman Mark Anastas, and midfielders Nick Savastano, and Mark Theriault received honorable mention All-American recognition. Theriault was also named "Outstanding Player" of the championship game.

Coach Bugbee was named USILA Division II "Coach of the Year" This accolade, along with the championship, was added to a long list of accomplishments he has made during his tenure at Springfield College. His career record, at Springfield, is 112 wins and 51 losses, (68.7 winning percentage), in 12 years. Seventeen of his players have earned All-America honors and under his direction, Springfield College has developed into one of the premier lacrosse programs in the Nation.

Along with the people of the 2d District, I wish to congratulate Coach Bugbee and his team on this spectacular victory. We salute you as National Champions, a title that you proudly wear. I am honored to be associated with your team and school and I wish you the very best as you embark upon the 1995 season and the defense of your crown. Good luck.

CONGRATULATIONS TO THE POLISH AMERICAN CONGRESS—INDIANA DIVISION

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 1994

Mr. VISCLOSKY. Mr. Speaker, it is my distinct honor to congratulate the Polish American Congress—Indiana Division on September 25, 1994. This day marks the festive occasion of its 50th anniversary banquet at the Salvatorian Father's Hall in Merrillville, IN, and con-celebrated mass conducted at Our Lady of Czestochowa Shrine.

Founded in 1944, the Indiana Division of the Polish American Congress was organized after the national convention in Buffalo, NY. Over 50 Hoosiers attended and participated in the creation of the Polish American Congress. In this historical moment of reflection, I am proud to honor the contribution and leadership of the Indiana Division's first president, Mr. Walter Tolpa, who held the position from 1944 to 1949. Currently, Mr. Steve Tokarski, who has been in this position since 1979, is the longest reigning president of the Indiana Division. Moreover, Mr. Tokarski also served for 8 years as a national vice-president of the Polish American Congress. Never before had a Hoosier served in this capacity.

The Polish American Congress has two major goals: to fight for a free and democratic Poland; and to promote and support Polish Americans, politically, culturally, educationally, and professionally. The Polish American Congress—Indiana Division strives to retain the rich history of Polish heritage in an effort to educate the community about its distinguished triumphs. During the con-celebrated mass, the Polish American Congress—Indiana Division, will commemorate the veterans of Polish decent from the Polish and American services who fought in the 50th anniversaries of Monte Casino, Normandy, and the Warsaw uprising. By recognizing these historical events, the Polish community's pride is reinforced while, at the same time, the rich cultures of the United States and Poland are united.

I would also like to highlight several monumental milestones the Indiana Division of the Polish American Congress has accomplished in the past 50 years. This particular division assisted tens of thousands of Polish immigrants to settle in Indiana after World War II and initiated Federal legislation which granted Polish Allied Army veterans medical and hospital assistance in 1971. In 1978, the segment of Interstate 65 within Lake County, IN, was designated by the Indiana General Assembly as the "General Casimir Pulaski Memorial Highway." Furthermore, the Indiana Division established its Solidarnosc Festivals to promote Polonia as well as to assist the children of Poland.

I am proud to commend every member of the Polish American Congress—Indiana Division for their loyalty and radiant display of passion for their ethnicity, as well as their many achievements. After over a half century of struggle and suffering, these northwest Indiana residents can join the people of Poland in participating in a rebirth of a free and democratic Polish Republic. May this 50th anniversary celebration prove to be most joyous.

TRIBUTE TO MAJ. GEN. ROBERT MOORHEAD

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 1994

Mr. JACOBS. Mr. Speaker, I insert in the RECORD the following articles from the Harrison Post, August 25, 1994 edition. The Harrison Post is the Fort Benjamin Harrison newspaper.

One could say that the articles are self-explanatory. But in another sense, explaining Maj. Gen. Robert Moorhead is nearly impossible. Who can explain a person so public spirited, so devoted to duty, so self-sacrificial, and so kind as this great and good man? He is truly one of God's noblemen.

And like other people of enormous talent and accomplishment, Bob Moorhead is modest and soft spoken. It is said that big things come in small packages. Bob Moorhead is no small package. His physique would have to be large in order to contain that big heart. So it is better to say that this blazing and kindly talent comes in a quiet and respectful package.

When I think of General Moorhead, I think of none less than George Washington and George Marshall, both soldier-statesmen. There is a saying in our Hoosier State, "Ain't God good to Indiana." God was good to Indiana and the United States of America when we were given this wonderful man and his wise and good wife, Maggie.

[From the Harrison Post, Aug. 25, 1994]

POST HONORS MAJ. GEN. ROBERT MOORHEAD

In a special ceremony on the Lawton Loop parade field at 9 a.m. Friday, the Fort Benjamin Harrison community will honor retired National Guard Maj. Gen. Robert Moorhead, a citizen soldier, community leader and soldiers' advocate. Throughout his 55-year association with Fort Harrison, Moorhead has been a staunch supporter of the community and its soldiers. He is also a respected businessman, veterans advocate, and community leader in Indianapolis.

For more on this extraordinary individual, his accomplishments and his philosophy see related stories pages 7 through 10.

[From the Harrison Post, Aug. 25, 1994]

FRIDAY'S HONOREE SHARES THOUGHTS

Bob Moorhead speaks:

Last week, the retired National Guard major general, successful businessman, and long-time supporter of Fort Benjamin Harrison, Robert Moorhead took a few moments to talk to The Harrison Post about his life and philosophy.

HP: You have a long association with Fort Benjamin Harrison. How far back does that go?

Moorhead: They used to have a program called the Citizens Military Training Camp (at Fort Harrison). It was 30 days of training. All they paid was your room and board and your transportation to and from the post. In 1939 I graduated high school and applied for CMTC.

If you attended CMTC for four years and took some correspondence courses, at the end of four years you'd be eligible for a lieutenant's commission. Soldiers from the 11th Infantry served as cadre. The (officers) came from a reserve officer regiment (Army Reserve organizations that were organized as regiments, but had no enlisted personnel assigned). The training included close order drill, field sanitation, basic map reading and basic rifle marksmanship.

HP: What was Fort Harrison like back then?

Moorhead: It wasn't that crowded a post back then. You didn't have nearly the number of people you do now.

A lot of the houses on Lawton Loop had first lieutenants and captains living in them. There were only one or two colonels on the installation at that time and no generals.

The current post headquarters was a hospital and the Harrison House was nurses quarters.

The most interesting thing is that where Building 1 is now was an airfield. There was a big old metal hanger there that looked like an oversized Quonset hut . . . and they had a lot of biplanes flying out of there.

HP: With your long association with the fort, how did you respond to the announcement that the fort was going to be closed?

Moorhead: I was very disappointed. I was chairing a committee (for the Indianapolis Chamber of Commerce) that was trying to keep it open * * * As long as it was the home of the Army dollar, there was no question about the fort staying open. But when the finance center became a DoD (Department of Defense) activity, we knew we were swimming upstream (as far as saving the fort was concerned).

HP: How will you feel when Fort Benjamin Harris is closed:

Moorhead: I'll have a great sense of loss. I've been there many times on training exercises * * * range firing * * * the Indiana National Guard even had its military academy there for a number of years.

HP: As you think back on your service to Indianapolis and Fort Benjamin Harrison, what do you think your proudest accomplishments are?

Moorhead: I'm very pleased at having been able to serve in the military up through the position of commanding general of the 38th Infantry Division for a five year period. I also had a successful business career concurrently with my Guard career for 40 years. I guess the third thing is that I had an opportunity to work in community service and, in effect, return things to the community.

But my proudest accomplishment in the military was when I was elected to be the CEO (chief executive officer) for the national headquarters of AUSA (the Association of the United States Army). It gave me the opportunity to represent all the components of the Army. That really got me to see the Army as a total force worldwide. For a guy from the country, it was kind of interesting to get a job like that.

HP: What does Moorhead Day at the fort mean to you?

Moorhead: First of all, it was a very well kept secret until recently. (When Maj. Gen. Brooks told me about it) I was surprised and overawed * * * that somebody would want to do something like that (for me). I don't feel I've done anything anybody else wouldn't have done had they had the opportunity. I'm really pleased and proud, but any number of other people should have had the same recognition. I feel like I'm representing that whole category of people.

HP: What do you think you'll be thinking when you review the troops one last time at the fort?

Moorhead: I'll probably think, "Gosh, 55 years ago I stood out there where they are." Secondly I'll think how good the soldiers in today's Army look, how professional they are, what a great institution the Army is, and what a great institution Fort Harrison is.

HP: What would you like to say to those troops as they're standing out there?

Moorhead: First I'd like to thank them for their service on behalf of their country. Secondly, I'd like to thank them for allowing me to be a part of the ceremony. I'd also like to congratulate them on their professionalism and dedication.

HP: Many have noted the special affinity you have, not just for the senior officers you routinely associate with, but for the average soldier. Where do you think you developed that?

Moorhead: When I commanded all those units in the Guard for all those years, I learned that you had to recognize the contribution of the individual. You have to take care of the troops first. That's my philosophy. The general's there, but he's only there because he has good troops.

HP: Is there anything you'd like to tell the Fort Benjamin Harrison Community as a whole?

Moorhead: I'd like to thank you for being a pillar of support to our total community. The institution has been a good corporate citizen and the individual members of the community have been great private citizens.

[From the Harrison Post, Aug. 25, 1994]

SCRAPBOOK OF A CITIZEN SOLDIER, COMMUNITY LEADER

(By Maj. C.S. Barnthouse, Public Affairs Officer)

Maj. Gen. Robert Moorhead began his extraordinary life in Orleans, Ind. September 4, 1921.

"I was raised by my grandparents out in the country (on a farm) about three miles west of Orleans," Moorhead said, explaining that his parents, who both worked in Indianapolis, felt small town Orleans was a better place to grow up.

"Orleans was a nice little farmer's community," Moorhead remembered. "the big business there was the feedmill, the grain elevator, and the creamery."

In his youth, Moorhead learned to hunt and fish in the hills around Orleans and was a substitute on his high school basketball team.

At the age of 18, Moorhead left Orleans, influenced somewhat by his father, who had served in the Indiana National Guard starting with the Spanish-American war, to participate in the Citizens Military Training Camp at Fort Benjamin Harrison.

"At the end of four years, if you attended annual 30-day summer training sessions and took a correspondence-type course, you were eligible for a commission," Moorhead explained.

Before Moorhead could complete the full program, however, World War II intervened. In 1942, upon his graduation from Indiana University with an associate's degree, he was placed in the enlisted reserve. In January, 1943, he was sent to Fort Benning, Ga. to attend Infantry Officers Candidate School.

"I didn't know any better," he said with a laugh of his decision to join the infantry. "But I'm glad I did."

Commissioned a second lieutenant later that year, Moorhead trained with the newly-formed 69th Infantry Division, but in June, 1944, he was sent to Europe as a replacement officer. In October he was assigned to the 115th Infantry, which had been decimated at Omaha Beach on D-Day and in subsequent fighting in France.

"I was among the third set of officers," Moorhead remembered.

He served with them throughout the remainder of the war and during the occupation of Germany. When his unit returned to the United States at the close of 1945, however, Moorhead stayed behind to be the administrative officer of a military government detachment.

Promoted to captain in May, 1946, he returned to the United States the following October and was released from active duty New Year's Eve.

Moorhead wasn't finished with the military, though. He joined the Indiana Army National Guard in 1948, serving in a variety of positions in the 151st Infantry Regiment and 38th Infantry Division, eventually rising to the rank of major general and commanding the division from 1971 to 1976.

After giving up command of the division, Moorhead returned to Fort Harrison where he maintained an office while serving as deputy commander, U.S. Army Training and Doctrine Command.

Maj. Gen Moorhead, wife Maggie at his side, retired from the National Guard in June, 1978 during ceremonies on Lawton Loop.

While proud of his many accomplishments in the military, Moorhead said the high point in his career was being elected president of the Association of the United States Army.

"It gave me the opportunity to represent all the components of the Army." he said. "That really got me to see the Army as a total force worldwide."

The citizen side of this citizen soldier is no less impressive than his military service.

Moorhead is known throughout the region for his volunteer work. He is a respected leader in Kiwanis, Boy Scouts, the American Cancer Society, and the Salvation Army, to name only a few.

To the soldiers of Fort Harrison, however, he is best known for his support for servicemen and women and veterans.

As past president, 500 Festival Associates, and chairman of the Indianapolis Armed Force Day Committee he has been instrumental in bringing to public light the capabilities and commitment of our armed forces.

As past chairman of the board, Indianapolis Veterans Day council, he has ensured that Hoosier veterans have gotten the recognition they deserve.

Friday, in a special ceremony on Lawton Loop, Fort Benjamin Harrison will pause to honor this very special soldier, citizen and friend.

[From the Harrison Post, Aug. 25, 1994]

MAJ. GEN. ROBERT MOORHEAD: FRIEND OF THE POST, SUPPORTER OF SOLDIERS

(By Maj. Gen. Ronald E. Brooks, Post Commander)

Tomorrow all of Fort Harrison will gather on the Lawton Loop parade field to honor a great American and a super supporter of the fort: Maj. (ret.) Bob Moorhead.

A lot of the younger soldiers here are probably wondering who this Maj. Gen. Moorhead is and why he rates a parade.

Well, it's because, whether they know it or not, Maj. Gen. Bob Moorhead is about the best friend those young soldiers and this fort have ever had. Sometimes the soldiers think good things just happen, but usually there's a caring leader with influence in the community that accomplishes those things that the military leaders can't: things like free and reduced tickets to athletic and other events. Around here that caring leader is Bob Moorhead.

Bob's always on the side of the soldier, always on the side of the veteran, always on the side of the retiree, and particularly, always on the side of Fort Benjamin Harrison and Indianapolis.

Through his work with Kiwanis, the Indianapolis Chamber of Commerce, the 500 Festival Committee, the Salvation Army, Boy Scouts and any number of other public service organizations, I think he's touched the life of just about everyone in this area in some way. But he has a special affinity for soldiers and veterans and Fort Harrison.

I've seen Bob go to bat for our soldiers any number of times. Maj. Gen. Moorhead thinks of every soldier like they're his own kids. And he'll do about anything for them.

We once had a young man working at the post headquarters who was a pretty good soldier, but had so many personal problems he had to get out of the Army. When he came back and told me he was going to work for General Moorhead, I told him, out of loyalty, I'd have to tell Maj. Gen. Moorhead about his problems. When I did, Bob said, "I know all about it, but I want to give the young man a chance to start over."

That soldier went on to be an outstanding employee for Maj. Gen. Moorhead.

Probably the most hurt I've seen Bob is when the Department of Defense announced the planned closure of Fort Benjamin Harrison. There had been rumors afloat for quite some time that Fort Harrison would be on the base closure list, but Maj. Gen. Moorhead kept hoping some way would be found to save it.

When his hopes were dashed by the announcement that Fort Harrison would indeed be closed, Bob could have just abandoned us, but he didn't. That's not his style. Bob's personality is such that he never dwells on the negative.

Instead of going off someplace to sulk, like a lot of folks did, Maj. Gen. Moorhead immediately threw all his energies into ensuring that the soldiers then returning to Indiana from Desert Storm got a proper welcome.

As a result, the Indianapolis 500 Festival of 1991 turned into a huge outpouring of patriotism and praise for the armed forces and the individual servicemember that I don't think this town has seen since the end of World War II.

I know Bob will miss Fort Harrison when it's gone. It's been like a family member to him. I don't think he'll quite know what to do without all of us to watch over. But we may thank God that we've never had to figure out what to do without him.

Tomorrow, when Fort Harrison's finest parade in front of him, I know Bob will be thinking that he doesn't deserve all this. But this time he's wrong. This is the very least we can do for someone who has poured his life into our community.

I could say I wish we could do more, but knowing Bob as I do, I don't think there is anything he would rather have than a few moments among fellow soldiers on the fort that he loves.

[From the Harrison Post, Aug. 25, 1994]

POST VOICES: WHAT IS MOST MEMORABLE ABOUT BOB MOORHEAD?

His behind-the-scenes efforts to save Building 1 and the DFAS workforce are the most memorable to me. No single person was more of a force in fighting for a DoD presence in Indianapolis. He's the best supporter the military community has ever known.

GREGORY P. BITZ,
DFAS director.

I have never met anyone who comes closer to the true meaning of "leader" than Maj. Gen. "Bob" Moorhead. I have known him for 14 years and witnessed countless situations where he makes people better than they think they are.

Look up leader in the dictionary; his picture ought to be there.

J. STEWART GOODWIN,
Post Safety Director.

Bob Moorhead is a special person. He's my friend and mentor. He takes care of people—both military and civilian. The world would be a better place if everyone followed his lead.

KARYN KENNEDY,
Protocol Officer.

When I was selected for command of Troop Brigade, before Maj. Gen. Brooks was mentioned, I was told how closely I'd be working with Maj. Gen. Moorhead. and it was true. Without his advice and assistance, I would not have enjoyed the success I've had in this assignment.

COL. HAYWARD ROBERTS,
Troop Brigade Commander.

TRIBUTE TO THOMAS WOLSKI

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 1994

Mr. LIPINSKI. Mr. Speaker, I rise today to honor Mr. Thomas Wolski, a recent recipient of the Department of Human Services Distinguished Service Award. I wish to join the Chicago Department of Human Services in recognizing the outstanding service of Thomas Wolski.

Thomas Wolski has provided dedicated service to the Department of Human Services and to the citizens of Chicago for the past 17 years. Although he is confined to a wheelchair, Thomas diligently performs the duties of his job, which include making certain that all the local Department of Human Services centers and outposts are equipped with a substantial supply of emergency food boxes and baby food. In addition, Thomas is responsible for handling hundreds of bus transportation requests for the Department.

On August 12, 1994, the Commissioner of the Department of Human Services, Mr. Daniel Alvarez, personally presented Thomas with a plaque that honored his "tireless commitment, service, and dedication to the citizens of Chicago" and to the Department of Human Services. Thomas was chosen among hundreds of employees to be a recipient of the Distinguished Service Award because the service he renders often goes above and beyond the call of duty and sets a fine example of professionalism for the Department of Human Resources.

I ask my colleagues to join me as I congratulate Mr. Thomas Wolski. I am pleased to recognize this extraordinary young man for his contributions to our community and I encourage him to continue his hard work for many more years to come.

TRIBUTE TO DELORES BARKER

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 1994

Mr. BERMAN. Mr. Speaker, I am honored to pay tribute to Delores Barker, a person dedicated to improving the quality of life in Sylmar, where she has lived for many years. Her wide range of activities include her service as president of the Sylmar Kiwanis Club, which recently honored her for her outstanding leadership.

During her tenure, Delores was instrumental in bringing interesting programs to the Kiwanis Club, and she was at the forefront of efforts to reinstate the annual employee and employer recognition dinner and the youth achievement dinner. As president and as a member of the various committees of the Kiwanis Club, she worked very hard to bring together all segments of the community.

In addition to the Kiwanis Club, Delores also was quite active with the chamber. She served as president of the Sylmar Chamber of Commerce women's division for 2 years. Among her many projects in this capacity were her work to restore the Pioneer Cemetery and her active involvement in the fingerprinting program sponsored by the local PTSA.

Sylmar is indeed fortunate to have a resident as dedicated as Delores Barker, who obviously cares deeply about her community and its people. Her selflessness and energy are an inspiration to us all.

Mr. Speaker, I ask my colleagues to join me in saluting Delores Barker, an asset to her community and a valued member of the Kiwanis Club. Her contributions to Sylmar are second to none.

HONORING MARTIN PASSANTE

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 1994

Mr. HINCHEY. Mr. Speaker, it is a distinct honor to join with my friends at the Community Resource Center in Sullivan County, NY, in recognizing Martin Passante for the considerable contributions he has made to the life of our community. Marty's dedication and commitment to employing individuals with mental retardation and developmental disabilities has served as an inspiration to many other employers in Sullivan County. His example has led the way in spearheading a movement to most effectively mainstream a challenged population into the community at large.

Not only has Marty extended a helping hand to individuals with mental and physical challenges, he has used his business to support a wide range of organizations and causes that play a vital role in Sullivan County. His civic commitment is almost unparalleled—the hospital, fire department, ambulance corps, scouting, and the little league have all been recipients of his largesse.

It is with great enthusiasm that I ask my colleagues to join me in congratulating Martin Passante on the award he is receiving from the Community Resource Center of Sullivan County.

RECOGNIZING JOHNNIE A. LACY FOR HER 14 YEARS OF SERVICE TO THE COMMUNITY RESOURCES FOR INDEPENDENT LIVING IN HAYWARD, CA

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 1994

Mr. STARK. Mr. Speaker, today, I would like to congratulate Johnnie A. Lacy for her successful tenure with Community Resources for Independent Living in Hayward, CA. After 14 years, she will be retiring as executive director.

Ms. Lacy's career also expands well beyond her years of service at CRIL. She started working in the 1970's with the University of California, Center for Independent Living in Berkeley, Antioch West in San Francisco, the City of Oakland and the Model Cities Program. After Ms. Judy Heuman persuaded her to help with a disability rights training project, she fully involved herself in the disabled rights movement.

Shortly after her arrival at CRIL, Ms. Lacy raised $350,000 to build a new multiservice center in Hayward, CA. This facility was the first independent center in California designed and built specifically for the needs of the disabled community. Since the first day it opened its door, Ms. Lacy has always insisted that CRIL is an independent living center which assists its clients with maintaining their independence. As she so eloquently puts it, "a place where clients can increase their options, make more choices on their own and develop new ways to enjoy and participate in their community."

Ms. Lacy has been recognized with many awards for her contributions to the disabled rights movement. These include: "The Women of the Year Award" from the California State Senate, an Appreciation Award from the Office of the Attorney General of California, and the Women's Foundation Certificate of Appreciation. Because of her expertise, she has also spoken before many prominent groups, such as the National Democratic Black Caucus, the Women's Educational Assistance Program at Grambling University, Status of Women's Conference on Women and Disability in Hartford CT, and provided testimony before the California State Senate and Assembly.

Mr. Speaker, I come before you today to recognize Johnnie A. Lacy for her 14-year commitment to the CRIL community. I hope you and my colleagues will join me in congratulating this community leader for all her accomplishments and tenacious spirit and wish her well in all her future endeavors.

SUPPORT FOR OUR MILITARY PERSONNEL

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 1994

Mr. LEWIS of Kentucky. Mr. Speaker, I rise today to add my words of encouragement and support for the American men and women who are putting their lives on the line in Haiti. While we in this Chamber will not always agree on this country's foreign policy, we are united in our respect for the men and women of the military who put their lives on the line for their country. Indeed, they have demonstrated professional excellence and dedicated patriotism.

In Kentucky alone, I know that soldiers from Fort Knox and Fort Campbell are providing support for the multinational forces. I join my colleagues in expressing my support and appreciation for their bravery.

That is not to say, however, that I agree with the Clinton policy that has put our service men and women in this dangerous posture. I do not agree and for that reason voted against House Concurrent Resolution 290 which, in my judgment, affirms a policy that is ill-advised.

The President should have and still can consult with the Congress on this issue. I fear this American venture into Haiti will be a prolonged occupation.

We are all indebted to our brave soldiers, sailors, airmen and marines. But supporting our military forces and the Clinton policy on Haiti are two completely different issues. I am proud of our American service men and women. I am opposed to the misguided policies that have put them in harm's way.

VERMONT WINNER OF VFW VOICE OF DEMOCRACY SCHOLARSHIP PROGRAM

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 1994

Mr. SANDERS. Mr. Speaker, I would like to submit the following for printing in the CONGRESSIONAL RECORD. The enclosed was written by Berianne Bramman of Barre, VT. She is the Vermont winner of the VFW Voice of Democracy Scholarship Program.

MY COMMITMENT TO AMERICA

(By Berianne Bramman, Post 790, Barre, VT)

Imagine, if you will a small child who has gone out to eat pizza with his parents. At the particular restaurant they've gone to, there is an arcade game by the door which the small child sees as soon as they arrive. The boy finishes his meal before his parents, and asks his father for a quarter to go play the game. The father, not paying close attention gives the boy some money and sends him on his way. A few minutes later, the boy exuberantly bounds back asking his father for another quarter, and upon receiving, disappears again. As the parents finish the meal, the father goes to find the boy. As the father reaches him, the boy cries "Come watch this." The boy is just barely tall enough to reach the buttons and he's striking them feverishly while the machine lets out all these sounds. Boom. Boom. Bam. Kaboom. The father watching him play, says to his son "Wow! Did you see that?" . . . "See what?" the boy replied. He couldn't see the screen. He had only been listening to the sounds. He only played half the game, and had not seen the big picture.

How many times have you said the Pledge of Allegiance, as a child? How many of us actually know all the words to the "Star Spangled Banner"? What do you think while you are watching fireworks on the Fourth of July?

When answering that question, I, like many others, admit that as a child, I didn't understand the feeling behind the American flag. Granted, I know that pilgrims came across the Atlantic to start a new life and that the 50 stars represent the 50 states and the 13 stripes represent the 13 colonies. But it wasn't until now, that I can grasp the emotion behind all of those facts. I was only playing half the game. I had not seen the big picture.

T.S. Elliot once said "At the end of all our exploring is the return to where we started, and knowing that place for the first time."

I now feel I'm beginning to see.

For hundreds of years now, people have been coming to America across land and sea, often leaving behind all their belongings, their home, their friends and sometimes family members. They come with only the clothes they are wearing and an intense hopefulness. Why? They have come in hopes to gain the privileges that I have taken for granted all of my life. Things that I consider natural rights such as freedom of religion, the freedom to decide what I want to do with my life, the freedom of opinion and most important, the freedom to voice that opinion. They have come for the hope that America offers a hope for a better life.

Countless men and women have given their lives for these freedoms that I have never understood. They have died, shed blood in agony, so that we, and all following generations, can keep that hope with us.

If we ignore all of these freedoms, if we take them all for granted, it would be like slapping every one of those men and women in the face. It would be like telling them that every drop of blood, every loved one lost, every life freely given to ensure our freedom was given in vain.

So my commitment—OUR commitment to America, is to live life to its fullest potential and to get everything we can out of the freedoms we've been granted. "Insist on joy, in spite of everything" as Tom Robbins once said. We need to grasp those freedoms and use them. We must speak freely, practice our religions, and most importantly, vote to ensure the happiness of our lives and to keep the American hope alive. We must grasp that hope and turn it into our futures to become what we will—Doctors, Judges, Presidents.

We must set an example for the generations to come after us, but most of all, we must find value and beauty in each day that we have and make the most of it. There is an old Hindu saying—"When you were born you cried, and the world rejoiced. Live you life, so that when you die, you will rejoice and the world will cry." That is my commitment to America.

WHY NOT LET THE ELECTIONS BECOME A REFERENDUM ON HEALTH CARE?

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 1994

Mr. GINGRICH. Mr. Speaker, I rise today to submit into the RECORD an editorial published in the Christian Science Monitor recently that I believe sums up the question on many minds. "With such fundamental questions unanswered, why shouldn't lawmakers slow down and solicit an essential view—that of their constituents?"

[From the Christian Science Monitor]

SLOW IS BETTER

This week's hyperactivity in the Senate continues the impression that there is a health-care crisis to which lawmakers are valiantly seeking a solution.

But the assumptions of a "crisis" and a near-at-hand "solution" should be reassessed.

Clearly, reform is needed. Those seeking medical treatment should not fear that they will lose their life savings for lack of insurance. Universal access to health coverage is needed. Allowing insurers to deny policies to those with preexisting medical conditions is not an element of a just and compassionate society. Workers who change employers, an ever-more-frequent occurrence in our volatile workplace, should not lose coverage. And some means must be found to contain health-care costs if they are not to crowd out all else and ruin the American economy.

But right now the public seems to view these problems less as a "crisis" than as a chronic problem needing a thoughtful solution. Ironically, the improving economy, for which President Clinton deserves his share of credit, means fewer Americans fear losing their jobs and hence losing coverage.

It thus becomes a political ploy when the Clinton administration creates an air of desperation surrounding health reform and seeks to enact legislation—seemingly *any* legislation—in the 84 days remaining until the November congressional elections.

Why not let the elections become a referendum on health care? The debate would then get the wide hearing it deserves; voters could send lawmakers back to Washington who represent their current feelings. Next spring, Congress could act unimpinged by the political constraints of an impending election.

The current frantic atmosphere is not conductive to careful reform. The House awaits the Senate. The Senate still seeks dollar figures from a badly overburdened Congressional Budget Office to plug into its bills. No single bill seems close to gaining a consensus. Lobbyists are making unprecedented efforts to bend bills to their interests. Will there be time to uncover and examine these? New bills seem to spring forth daily, while the plan offered by Senate majority leader George Mitchell changes like a chameleon.

Do Americans really want a new government-run health plan or, more simply, a reform of the private health-insurance industry? With such fundamental questions unanswered, why shouldn't lawmakers slow down and solicit an essential view—that of their constituents?

TRIBUTE TO AMERICAN LEGION POST NO. 96

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 1994

Mr. LIPINSKI. Mr. Speaker, I rise today to recognize the officers of the Cicero Post of the American Legion. The post and auxiliary officers were installed in a ceremony on August 27, 1994. The installation was dedicated to the memory of Harold L. Oehlerking, a Silver Star recipient in World War II.

American Legion Post No. 96 has been dedicated in its service to the community for many years. The American Legion Auxiliary Creed states that members have the responsibility of teaching and speaking Americanism wherever and whenever possible. By bringing recognition to veterans and remembering past conflicts, Post 96 has fulfilled its duty of teaching American citizens to respect the history which has earned our precious freedom.

I ask my colleagues to join me as I salute Post 96 as they install their new officers. We are greatly indebted to them for their contribution to our community and the Nation.

Below is a list of each of the officers and chairmen of the post and auxiliary. I hope my colleagues will join me in saluting the Cicero American Legion Post and wishing them the best in the years to come.

POST OFFICERS 1993–94

Charles (Bud) Jannetto, Commander; John Coco, Sr. Vice Commander; Anthony P.

Schiavo, Chaplain; Robert W. Grebinec, Sgt.-at-Arms; David Caskey, Adjutant.

AUXILIARY UNIT OFFICERS 1994–95

Mary Wojtowicz, President; Carol Kubanda, Vice-President; Jan Martinka, Treasurer; Vicki Martinka, Historian; Vi Jember, Recording Secretary; Terre Martinka, Corresponding Secretary; Terre Martinka, Chaplain; Mary Ann Wolkotte, Sgt.-at-Arms; Veronica Vaughn, Ass't. Sgt.-at-Arms.

TRIBUTE TO LAURA RODRIGUEZ

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 1994

Mr. FILNER. Mr. Speaker and colleagues, today I rise to honor and remember a great friend and fighter, Laura Rodriguez, known to many in San Diego as the "Grandmother of the Barrio."

Laura was not the type of a woman to sit back and let the world go by; she took action to make her community better.

Laura was no stranger to adversity. An orphan at age 12 and a high school dropout at age 16, she never let circumstances stop her from achieving her dreams. She married, raised a family and became a catalyst in the founding of the Logan Heights Family Health Center and Chicano Park. She made a real difference in the lives of many in the Hispanic community in San Diego, and served as a role model for all of us who know that one citizen can make a difference.

Mrs. Rodriguez stopped at nothing to ensure that the voices and needs of the Hispanic community were heard in San Diego. In the 1970's, she sat in front of a bulldozer and led demonstrations when construction crews were taking over property that was supposed to be a park. It was her willingness to fight that helped make that site into what it is today—Chicano Park, a place for the community to showcase art and to celebrate their community.

Later, she worked to found the Logan Heights Family Health Center, which today has a pediatric clinic that was recently named after her in honor of her many accomplishments. She did this by organizing a group of citizens to take over a building that had been converted from community services to offices, restoring it to what eventually became a community health center that now serves nearly 100,000 people each year.

But her contributions were also known throughout the State of California and the entire Nation. In 1991, President Bush named her one of the "thousand points of light." In 1987, the California Legislature named her "Woman of the Year." But these awards paled in comparison to the overwhelming love and admiration of her friends, neighbors, and all who knew her.

My community has lost not only a great friend, but a faithful fighter in the ongoing struggle to improve the quality of life for ourselves and our children. It is now up to us to continue her work and her "never say quit" attitude. With resolve and community involvement, Laura showed us that a dream can become reality.

My thoughts and prayers go out to her family and friends. I also know that the rest of the community—many of whom looked to Laura for guidance and inspiration—share my grief at the loss of this amazing lady.

WILKES-BARRE LEAGUE OF WOMEN VOTERS CELEBRATES 50TH YEAR

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 1994

Mr. KANJORSKI. Mr. Speaker, I am pleased today to mark the important occasion of the 50th anniversary of the League of Women Voters of the Wilkes-Barre area. This milestone will be celebrate at a commemorative dinner on September 22, 1994.

The 38 women who met in a local restaurant on January 15, 1944 to organize the league could have had no way of knowing that their efforts would be lauded 50 years later. Their purpose then was to help women take an intelligent interest in government and promote the importance of the vote. In their first year, these original members organized a registration and get-out-the-vote campaign using the theme, "Don't Squawk, Vote!"

The league is also instrumental in organizing and moderating political debates, thereby giving the public an opportunity to hear various candidates air their views. Back in 1944, in preparing to hear two opposing candidates' platforms, one league member's remarks were entered into the minutes—and they probably still ring true today—"If more than two candidates were to be heard at any single meeting of a business character, the meeting might well last far into the night. And as has been suggested, some of the candidates are abysmally dull and would undoubtedly maunder on for hours." Even in 1944, these dedicated women had the foresight, and understood the importance of discussing only key issues and setting time limits.

In addition to publishing nonpartisan voters guides, a tradition that is still carried out today, voter booths were set up on Public Square before elections to hand out candidate biographies, position papers and lists of polling places. The study, debate, and advocacy of issues defined the league's mission from the start. In the 1940's, the issues included affordable housing, unemployment compensation, school board structure, postwar economic recovery, the environment, and the United Nations. In the 1950's, the league dealt with local government reform, school funding, and municipal consolidation. No matter what the issues of the day, the league has been a nonpartisan voice for citizens and a voice for change in the political process.

Under its early leadership, Mrs. Bayard Hand, Mrs. Richard Goff, Mrs. George Bell, Mrs. Norman Patton, and Mrs. Charles Shafer, the membership of the Wilkes-Barre Chapter grew to 364 by 1953.

In the 1970's the winds of change brought the admittance of men into the league's membership. Today, nearly 15 percent of the chapter's membership are male. They also target our local youth as the next generation of league members.

Mr. Speaker, for 50 years the League of Women Voters has held true to its ideals of active citizen participation in an open political process. The early organizers of the Wilkes-Barre League set the standard of excellence in non-partisan participation which has become a tradition of the League of Women Voters. I join with the community in expressing my pride and appreciation for both the league's early pioneers who began the league's message, and for the members who carry on the message today.

FREEDOM AND LIBERTY FOLLOW FREE MARKETS AND CAPITALISM

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 1994

Mr. ROHRABACHER. Mr. Speaker, many people talk about the virtues of freedom, but few have the deep personal commitment to help bring it to others. One who does have that commitment is Robert Krieble, founder and chairman of The Krieble Institute of the Free Congress Foundation.

The Krieble Institute began its work behind the Iron Curtain in 1988 and has worked tirelessly since that time to teach democratic principles and practices to literally thousands of national legislators, local government officials, political activists, and business leaders in well over a dozen former Communist countries.

In January 1992 the institute expanded its programs to include training sessions in free market capitalism and entrepreneurism. These seminars are taught by American businessmen through case histories of their own companies, ranging from Fortune 500 companies to those that have fewer than 10 employees. But who better to teach the virtues of the free market than Bob Krieble himself, a successful former CEO and chairman of Loctite Corp., who has devoted so much of his life to public service.

Among Bob's current affiliations is the National Endowment for Democracy, on whose board he sits. A friend from NED has shared with me Bob's wrap-up talk for the business program held this summer in the former Soviet Union. In it, he offers observations on which countries have achieved prosperity in the past 50 years, and the policies that have helped bring that about. I commend to my colleagues this profound message of the impact of free markets on economic growth.

Mr. Speaker, I commend to the attention of our colleagues the speech Bob Krieble gave to a group of aspiring businessmen in the former Soviet Union this past summer. We in the United States can learn from this exposition of free market ideals.

FREEDOM

The fundamental desire of most people is to be free. The Founding Fathers of the United States recognized very clearly that the enemy of freedom is the state. Their basic purpose in writing the Constitution was to limit the powers of government. Thomas Jefferson summed up the legitimate power of government: "Defend our shores, provide a sound currency, maintain law and order." This is the sum of good government. All other activities by government, in his view, were an invasion of the freedom of the citizens. As he saw it, the only limit to freedom should be laws that prevent any citizen from infringing on the freedom of others.

Even this carefully drawn Constitution did not satisfy the legislatures of all the States. As colonies, they had been forced to obey oppressive dictates of an all-powerful British Government, and they were resolved never again to be dominated by Government, even their own. They insisted that a bill of rights be incorporated in the Constitution before they were willing to ratify it. The Bill of Rights protected, among others, the freedom of speech, religion and assembly. It established the rights to due process, trial by jury, pre-trial release, and prohibited unreasonable searches and seizures, and the taking of private property without just compensation. [As an aside, I should note that in his praiseworthy drive against organized crime, President Yeltsin repealed these rights of due process in his eagerness to destroy the Mafia—a laudable goal pursued by dangerous—and regrettable—methods.]

However, they did recognize that freedom for all required that the acts of individuals be sufficiently restricted to prevent all from interfering with the freedom of one's fellow citizens. Their religion, being based on the bible, provided powerful guidelines in the ten commandments.

They were only willing to empower the new government to enforce such a code of behavior as necessary to maintain civil harmony.

A result of this structure of government was that the economy was managed not by government, but by the free market. The market is a wondrous way of organizing an economy without the need for government to exercise any authority. Adam Smith's invisible hand provided all needed guidance. People trading freely with each other determined what producers would supply by their choice of what they were willing to buy. Competition among producers determined prices. People naturally chose to buy the products that they considered to represent the best value. Producers were thereby motivated to improve their products and to find more efficient ways of making them in order to take business from their competitors. The market thus provided a constantly widening range of products, in ever increasing abundance, at ever falling prices.

This has been the experience of all countries that enjoy a high degree of freedom, practically without exception. Perhaps the best measure of market success is growth in GNP per capita, expressed in figures that have been corrected to eliminate the effect of inflation.

The U.K. is perhaps the world's oldest democracy and has a particularly interesting industrial history. In the 19th century at the peak of England's power, a large part of the globe was printed in red, indicating British territory. England's manufactured goods could be found everywhere in the world, and England's prosperity at home was unparalleled. The British Navy and the British merchant fleet covered the world.

They used their colonies primarily as sources of raw materials, which they then took home to England and converted to manufactured goods, which they resold to the colonies at great profit.

It was during this period of rugged capitalism, with very little interference from the government, that British industrial power became preeminent. During the 19th century, the British Government did everything in its power to maintain the leading position of British industry in the world markets. British steel, British machinery, British textiles were held in highest esteem and moved the markets all over the world.

At the turn of the century, however, socialism had begun to capture the British mind. Governments became involved in issues of equitable distribution of wealth, of workers' rights, of helping the unions to build their power. Work rules, such as mandatory tea breaks, shorter working hours and longer vacations, took their toll. Their control of their colonies weakened and the colonies broke away.

By World War II, Britain, in spite of its indomitable spirit was no match for the German military industrial complex, and Britain was pushed into the sea, to be restored only when America's industrial might was engaged in partnership. Today, Britain is one of the poorer countries in Europe, and it has shown zero growth in real GNP/Capita over the last 5 years.

The Federal Republic of Germany is a much more recently founded democracy, dating back to the 1860's under Bismarck. Its government has always been more authoritarian even than that of the U.K. By 1914, however it was able to mount a war against allied armies drawn from most of the countries of Western Europe and, toward the close, from the U.S. as well. This war was truly a test of industrial might, quite as much as military prowess. Germany held its own against the rest of Europe, until the U.S. entered the war in 1918, which tipped the balance. After 20 years of recovery, Germany started round two of the war. Having driven British troops off the mainland, Germany raced through Western Europe and penetrated deeply into Russia. It was America's industrial might, particularly in building airplanes, that eventually defeated and reduced cities and economic power to rubble.

The economic miracle that recreated Germany as a prosperous world power began under the leadership of Adenauer and Erhardt, who essentially freed German industry from regulation and restored the free market. In a surprisingly short time of 25 or 30 years, Germany was able to reestablish itself as a world industrial power. Today its real GNP/capita is one third higher than that of the U.S. and is second only to Japan among the major nations.

Japan is an even more striking example. It, too, was devastated in World War II. It has no natural resources, but the virtues of its population—disciplined, hard working people with an incredible will to succeed, largely by their own efforts, and aided by a highly unusual willingness to save and invest in the future—regained their pre-war position in the rank of industrial nations by the mid-70's. Then, by a focus on quality and rapid turnover of capital, they became a leading exporter to the upscale markets of the world. "Made in Japan" became a symbol of higher quality. Today, Japan is the richest major country in terms of real GNP/capita, if you exclude the oil exporting countries of the Arabian Peninsula.

Only a few of these countries have experienced democracy for several generations and, therefore, consider democracy to be the normal form of Government. Germany and Japan, of course, had democracy and a free market imposed on them by the allied powers after their defeat in World War II.

The older democracies have lost their dynamism. The growth rates over the last 5 years are near zero for UK and a bare 1% for U.S. The newcomers have done much better, namely for Chile (6%), Singapore (7%), and PRC (7%).

Chile and Korea and Singapore established the free market under farsighted dictators who related their tight control of government in order to pursue prosperity and the resulting improvements in education and perspective favored a higher degree of self-government.

Chile has been ruled for some time by a highly dictatorial military man, General Pinochet. He recognized that the continuity of his leadership in that previously unstable country depended on achieving enough economic growth to give the people a sense of every increasing prosperity. He adopted a free market economic system. Chile's economy took off! It is now rich even by Western European standards, and the growth continues. In the last five years, its growth in real GNP/capita has been 6%—six times that of the United States—and is exceeded only by South Korea, Thailand, Taiwan, and China. The success of the free market brought democracy in its wake. In the last elections, Pinochet was defeated by a younger man, and the general quietly accepted the voice of the people and retired from public life.

Most of you probably know the success stories of the young tigers of Southeast Asia. Hong Kong and Singapore are now approaching the United States in real GNP/capita. Taiwan and South Korea are not far behind. In all these cases, economic success fostered democratic government.

China is particularly interesting. When the Soviet Union collapsed, the Communist government of China was, naturally, worried. Deng told the leaders not to panic, but to take two years to study what caused the collapse. This conclusion was that the CPSU had failed to provide for the material welfare of the people and, thereby, lost their support. The command economy had failed. Deng was resolved to avoid a similar outcome in China. Therefore, he authorized the construction of a market economy, and the bureaucracy started to dismantle government control with surprising enthusiasm. China's real GNP/capita grew 7.7% in 1991, 12.8% in 1992 and an estimated 13% in 1993. While China's nominal GNP/capita in 1992 was only $2,000, the buying power of that sum in China was about twice that amount—or $4,000—which ranks China in the middle income group of countries. If they can maintain that growth rate, China will be the largest economy in the world early in the 21st century.

With this rising prosperity you can already see the authority of the central government weakening, particularly in the coastal areas where the growth has been concentrated. The free market is the greatest liberator known to man!

So China is becoming rich. Well, you may ask, why not the CIS? My personal observation, from coming here every few months for the last six years, is that you are doing better than you admit. Where there were few cars, you now have traffic jams. Where before your stores were empty, now they are full of all the essential goods though you find the prices high in terms of your salaries. Where six years ago living space was crowded and of poor quality, now we see the development of individual private houses in the suburbs of the major cities. There is, indeed, substantial economic progress. This progress is much slower than in China, but you have been under communism for twice as long. Your older people have lost their motivation.

People in China have retained theirs. Of course, they had the advantage of a very large and very rich expatriate population who became leaders of the surrounding countries while maintaining their family ties to China. The rich and powerful expatriates served as an inspiring example to those they left behind in China, and when the economy was freed, they rushed to take advantage of this opportunity. As your young people, who have not been so subdued, take over control of their lives, your pace will quicken. Rising hopes emboldened by highlighted success will, in time, produce, the exuberance which is the fuel that drives modern China.

But to return to the question, "Why aren't Russia and the rest of the NIS keeping pace with China?" Well, for one thing, your leaders are preoccupied with the reform of government rather than the improvement of the economy and the task of raising the standards of living. They still miss the point that the very essence of prosperity is minimum government and reliance on the free market to provide direction to the economy.

The countries that I've cited as examples of successful governments generally spend less than 25% of the GNP on government, leaving the rest to the private sector from whence comes the well-being of its citizens. The major drag on the economies of the NIS is the excessive fraction of the GNP used by government. In many countries in this group, the government takes more than half of the GNP. This is more government that you can afford! It must be cut in half if the people of the NIS are to approach the well-being of the people in China. The governments of these countries have great difficulty in relinquishing the power of central control and giving free reign to the benign power of an impersonal market. Perhaps the process needs an employment agency for surplus government officials to find them appropriate posts in the private sector business.

I think you have reason to be optimistic. What's happening in China will happen here too! It just takes time.

SENATE—*Wednesday, September 21, 1994*

(Legislative day of Monday, September 12, 1994)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the Honorable JOHN B. BREAUX, a Senator from the State of Louisiana.

The PRESIDING OFFICER. This morning's prayer will be offered by our guest chaplain, the Reverend Spyridon C. Papademetriou, of St. Matthew's Greek Orthodox Church from Reading, PA.

PRAYER

The Reverend Spyridon C. Papademetriou offered the following prayer:

Let us pray:

Almighty and everlasting God, Father of all people everywhere, we bow in humble gratitude for the multitude of Thy mercies so richly showered upon us.

We are grateful for this great Nation, conceived in liberty and dedicated to equality and justice for all. Our fathers trusted in Thee in the past; we beseech Thee, now and always, to strengthen our faith, too. Give our leaders clear vision to see Thy will as their duty, and inspire them with the might of Thy wisdom. Teach us that "righteousness exalts a nation."

Let us see clearly and follow faithfully the ideals that belong to our peace and the peace of the whole world for the sake of Thy kingdom on Earth as it is in Heaven. For Thou art our God, a God of love, mercy, and compassion, and to Thee we ascribe glory, to the Father, the Son, and the Holy Spirit, now and forever and ever. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 21, 1994.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN B. BREAUX, a Senator from the State of Louisiana, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. BREAUX thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time this morning is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10:30 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

The Senator from Nevada, under the previous order, was to be recognized to speak for up to 15 minutes. He is not here.

Mr. DECONCINI addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. DECONCINI. Mr. President, I am going to speak for 5 minutes or so under the order, but I would be glad to yield to the Senator from Rhode Island if he wants to make a statement.

Mr. CHAFEE. Mr. President, I thank the distinguished Senator from Arizona very much.

WELCOME TO REVEREND PAPADEMETRIOU

Mr. CHAFEE. Mr. President, I wish to say how proud we are to welcome here Father Papademetriou, who gave the invocation. He is from St. Matthew's Greek Orthodox Church. He is somebody whom I have known over the years, and we are very proud he gave the invocation. I think all who followed that invocation clearly, with the praise for our great Nation, know how lucky we are, how blessed we are in this country. These are sentiments we all share, and I want to congratulate Father Papademetriou.

I thank the Senator from Arizona very much.

The ACTING PRESIDENT pro tempore. The Senator from Arizona is recognized.

Mr. DECONCINI. Mr. President, I join with my friend from Rhode Island in complimenting our guest chaplain this morning, and certainly our esteemed Chaplain, who has been with us for a long time, almost as long as I have been here, for his constant efforts in our behalf. We appreciate that even though we may not say it often enough. I know this Senator does.

PRESIDENT CLINTON'S LEADERSHIP IN HAITI

Mr. DECONCINI. Mr. President, I rise to congratulate the President of the United States on the tremendous leadership he has demonstrated in Haiti. President Clinton's decision to put together a multinational force authorized by U.N. Resolution 940 to restore the democratically elected Government of Haiti, in conjunction with a final diplomatic effort carried out by former President Carter, General Powell, and our distinguished colleague, Senator NUNN, was the decisive impetus which finally led the military rulers in Haiti to agree to step down and turn over power to the legitimately elected officials.

While I believe the President made a clear and compelling case for the use of force, I did not relish the use of military force for an invasion, and I was gravely concerned about the potential loss of American lives in such an endeavor. No one wants to place our military men and women in harm's way, but the diplomatic options had been exhausted. I am deeply grateful that the President made one last diplomatic step to peacefully restore the elected President of Haiti, which will assist the Haitian people to build democratic institutions and rebuild their economy.

Surely, there will be tense moments ahead, and Haiti's future is, indeed, uncertain. The military leaders who have agreed to step aside have broken many commitments time and time again. The most infamous one was the July 1993 Governors Island agreement where they had agreed, and then failed to honor their commitment, to restore the democratically elected Government of Father Aristide. Surely, this agreement will have to be watched and monitored carefully. We do not know if the military rulers will honor their commitment they have just made to leave no later than October 15.

I am cautiously optimistic, however, that the transfer of power will occur, and I do believe it can occur and will occur. The men and women in our Armed Forces also deserve the strongest praise for what has been a highly successful operation to date. If President Clinton had not balanced power with diplomacy, there would be no end in sight to General Cedras' hold on power and the reign of terror they have inflicted on the Haitian people. It was the President's leadership which allowed U.S. troops to go in not forcefully but peacefully to ensure the transition.

Incredibly, some Republicans continue to take political aim at the President even though it is President Clinton who has achieved the objective set forth by former President Bush. That objective, shared by both Presidents and now on its way toward implementation, is the restoration to power of the democratically elected Haitian President and the end of a reign of terror close to American shores.

These gentlemen who are leaving power certainly have records that are anything but democratic. They have reigned with brute power and force. They have permitted their own thugs and gangs to administer their own justice to anyone who has opposed them.

I think it is important that we understand that President Aristide, as many political officeholders, including this one and, I daresay, most in this body, often said things that might be misinterpreted or actually were said in the manner they were said because of the frustration and the anger that builds up sometimes in political office. Mr. Aristide did do that when he was President, but such remarks do not justify throwing out a constitution and a freely elected President. There is a rule of law. There is a rule of order. There is a constitution. These should have been respected.

Mr. Aristide, since he was deposed and recently on a number of occasions, has stepped up and said there will be no retaliation, at least from him, and he will do all he can with his supporters to see that there will not be retaliation. But you can understand why there might be retaliation. Imagine if you saw your daughter, your wife, your son, or your father raped, murdered, body washed up on the beach and you knew who committed that crime. You might have a hard time, even under the Judeo-Christian belief, turning the other cheek and not taking some retaliatory action. It is difficult for people to do that, as we have seen in many other parts of the world.

So we need leadership now, and Mr. Aristide has demonstrated that he is prepared to lead.

President Clinton demonstrated that he would use force. But he did not just take a poll, lick his finger and put it up in the air to see which direction the political wind was blowing. He showed great leadership by taking action after the years of failed attempts to get the military leaders to leave power.

I watched the debate here prior to the deployment of U.S. troops, and it really bothers me to see so much partisanship relating to this issue and to the President.

As they continue to assail the President's policy in Haiti, I would urge my Republican colleagues to ponder the following statements made to representatives of the Organization of American States:

> The test we face is clear to defend democracy; to stand united as a community of democracies; to make clear that the assault on Haiti's constitutional government has no legitimacy and will not succeed.
>
> Let the coup plotters in Haiti—and any who dream of copying them know this: This hemisphere is united to defend democracy.

I am not quoting the U.S. Ambassador to the OAS, Hattie Babbitt. Nor am I quoting U.N. Ambassador Albright, nor Secretary Christopher. No, the man I am quoting is former Secretary of State James Baker. This clever architect of the international coalition arrayed against Iraq made these remarks during an October 1991 address to the OAS. If this hemisphere was "united to defend democracy" in 1991, I would ask my colleagues, what has changed in 1994? Nothing, I would argue. Nothing but politics.

It was President Bush who said in September 1991 that the coup "constitute[d] an unusual and extraordinary threat to the national security, foreign policy and economy of the United States." If that statement by President Bush was true in 1991, and this Senator believes that it was, then the statements made and the recent actions taken by President Clinton are a logical and correct extension of those remarks. After 3 years of negotiations and other peaceful attempts to get General Cedras and the others to step aside, it was time to bring an end to the terror and impoverishment which the military thugs were perpetuating against the Haitian people.

Had President Bush been elected in 1992, would we have seen all this opposition to this policy? I rather doubt it.

Those military leaders, led by Gen. Raoul Cedras and Lt. Col. Michel Francois, overthrew the popularly elected Government of President Aristide, who was supported by almost 70 percent of the population at the ballot box, with 12 different candidates monitored by international observers who concluded it had been a fair election.

That election culminated years of struggle by the Haitian people on the road to achieving a functioning democracy. It was snuffed out overnight by the military coup which showed complete and utter contempt for the will of the people. President Clinton's difficult decision to use force to oust the military leader came after 3 years of our Government's extraordinary attempts, in concert with the OAS and United Nations, to achieve a peaceful restoration of the democratically elected Government in that nation. Those efforts were met with lies, broken promises, and an arrogant disregard by Cedras and his groups for the will of the people of Haiti and the diplomatic efforts of the international community.

It was President Clinton's leadership in deciding after all diplomatic efforts had failed that the time to take decisive action had finally come. The threat of force coupled with our successful diplomatic efforts will allow for the peaceful transfer of power to Haiti's democratically elected officials. We owe President Clinton as well as President Carter, General Powell, and Senator NUNN our deep gratitude for their success in getting the military leaders to give up their illegitimate hold on power, thereby avoiding the bloodshed that surely would have occurred had an invasion force landed and taken over that island nation.

Our military people were prepared, as always. They stepped up and did what they were instructed to do. They were prepared to carry out the mission, and they are prepared to follow the Commander in Chief.

Some I am sorry to say, continue to question why we are in Haiti at all. Last Thursday night President Clinton clearly outlined United States interests in Haiti: They encompass: First, The preservation of democracy in the hemisphere; second, the restoration of human rights; and third, the end of the Haitian exodus to America's shores. To those who say that these are not U.S. vital interests, I argue to the contrary. I believe that albeit unpopular, President Clinton has made a clear and concerning case for a military presence in the wake of 3 years of failed negotiations.

Just think if we did not support democracy in the other countries, in Guatemala, Nicaragua, El Salvador, Argentina, Peru, Bolivia, and Mexico, where would we be today? We would have a difficult time in this hemisphere. There are only two countries that do not have elected democratic leaders in the southern hemisphere—Cuba and Haiti.

During debate in this Chamber last week, my Republican colleagues claimed that the President was motivated solely by a desire to bolster his sagging opinion poll numbers through a Haitian invasion. If any politics are being played in this debate, it is by the Republicans who are trying to score cheap political points. The blatant hypocrisy displayed in the 180-degree turn made by some Republicans in attempting to tie the hands of a Democratic occupant of the White House—after they argued that the hands of the last two Republican occupants should remain unfettered—is dizzying. Their clamoring for the President to come to Congress for authorization of military action was a mere technicality to the fierce defenders of Republican Presidential prerogative just a few short years ago. Perhaps they did not recall the words of Senator DOLE, the Republican leader, on December 20, 1989, during the Panama invasion:

> I think my own view is the President of the United States has to make the final decision.

He also said during that debate,

> * * * the primary thing is not pleasing all Members of Congress, it's protecting the American lives in that area and restoring democracy. You can't please every Member of

Congress, whatever you do, though I think in this case it should be almost unanimous.

Similarly, Senator DOLE, when speaking of the failed coup attempt against Noriega said,

> A good part of what went wrong * * * did not happen last weekend. It started happening many years ago when Congress first decided to start telling the President how he ought to manage a crisis.

If that is the case, I would ask my friend from Kansas why he and his colleagues continue to be telling the President how to manage the situation in Haiti.

Three years ago, then-Secretary of State Baker decried the military coup in Haiti. "This junta is illegitimate," he charged. "It has no standing in the democratic community. Until President Aristide's government is restored," Baker added, "this junta will be treated as a pariah throughout the hemisphere—without assistance, without friends, and without a future." President Clinton has begun to achieve what was sought by the Bush administration—to assist in the restoration of the legitimately elected President of Haiti and the building of democratic institutions in that country.

Mr. President, it is my hope that our military mission will bring back a democratically elected government to Haiti, that we will indeed insist on the rule of law, that we will indeed insist, if necessary, that the military in Haiti be replaced and disarmed, that we will not stand by once we have the forces in place to do what is right to ensure the transition to democracy, and to help ensure that there is no retaliation against any Haitian, including those in the political camp of Mr. Cedras, and those in political support of President Aristide or any other political party. It is time to do the right thing here and not let violence reign, and allow the transition to democracy to occur.

I thank the Chair. I thank my friend from Iowa.

The ACTING PRESIDENT pro tempore. The Senator from Iowa [Mr. GRASSLEY] is recognized.

Mr. GRASSLEY. Thank you, Mr. President.

THE SUNSHINE IN LITIGATION ACT OF 1994

Mr. GRASSLEY. Mr. President, back in June of this year, we were debating a bill called the product liability law. We did not pass that bill because we did not have enough time or enough votes to stop the filibuster. The distinguished Senator from Wisconsin offered an amendment to that bill entitled "The Sunshine in Litigation Act of 1994."

The purpose of that amendment was to alter the requirements of rule 26(c) of the Federal Rules of Civil Procedure, with regard to the issuance of protective orders and the sealing of court records.

The effect of the amendment by Senator KOHL, in my opinion, was to severely limit the Federal courts' authority to issue protective orders, or limit access to court records. The courts would be required to make particularized findings that such orders would not restrict the disclosure of information relevant to the protection of public health and safety.

There were other limitations on the powers of the courts. But, suffice it to say, the amendment, in my judgment, constituted a major change in the Federal rules. Most significantly, it circumvented the established process contained in the Rules Enabling Act.

My remarks today are geared more toward the way that Senator KOHL's amendment circumvents a process, rather than the substance of his amendment.

As part of that process, Congress delegated to the judiciary the drafting of proposed changes to the Federal rules. The U.S. Judicial Conference first issues its proposed change—that is the way the process normally works—and then the Supreme Court either approves or rejects the proposal to amend the rule. Eventually, the proposed rules come to the Congress subject to our veto.

During the debate on Senator KOHL's amendment, I and several of my colleagues pointed out that we should not lightly disregard the process that has served us well. We emphasized in that debate that the Judicial Conference was in the process of studying the effects of protective orders to determine what if any changes needed to be made in rule 26(c).

In response to our argument, Senator KOHL stated that the Judicial Conference had been considering this matter for 4 years and had not recommended any change. And then he likened it to, in his words, "waiting for Godot." I am here to announce that Godot will soon arrive. I predicted that back during the June debate.

In a letter to Senator KOHL and other members of the Judiciary Committee dated August 25 of this year, Judge Patrick Higginbotham noted that the Advisory Committee on Civil Rules will meet on October 20–22 this year. At that meeting, they will reconsider amendments to rule 26(c) of the Federal Rules of Civil Procedure.

Judge Higginbotham stated: "It is expected that the committee will complete its work and approve amendments to rule 26(c) at its October meeting."

I ask unanimous consent that Judge Higginbotham's letter be printed in the RECORD following my statement.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. GRASSLEY. Mr. President, I raise this subject today because we did discuss this in June. Senator KOHL's amendment did not go through and even the bill did not go through. But tomorrow the Subcommittee on Courts and Administrative Practices has scheduled a markup of Senator KOHL's bill to amend rule 26(c). I am ranking Republican on that subcommittee. Senator HEFLIN is the Democrat chair.

I remind my colleagues that in the 60 years since the Rules Enabling Act, Congress has never bypassed the process it set up for amending the Federal rules. That process is now almost complete. I urge my colleagues on the subcommittee, and Congress as a whole, to allow the process to continue. I think unless we do that, we set a very dangerous precedent for future amendments to the rules, and we are going to politicize the whole process needlessly. Congress does have a bite at the apple through the veto process.

I ask unanimous consent to have printed at the end of my statement a letter that I received the other day from Prof. Arthur Miller of Harvard Law School.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 2.)

Mr. GRASSLEY. Mr. President, I asked Professor Miller to review the proposed amendments to 26(c), and he was kind enough to respond. I will summarize his conclusions:

He strongly urges Congress to adhere to the established process of allowing the Judicial Conference to study, analyze, and ultimately recommend changes to the Federal rules.

With respect to the substance of the proposed changes to rule 26(c) offered by the Senator from Wisconsin, the professor believes that they are unnecessary, that they are counterproductive, and that they will only hinder the Federal courts in the expeditious handling of the cases that it has before them.

As one of our country's foremost scholars on civil procedure, Harvard Professor Miller's analysis merits close consideration by Members of the Senate.

EXHIBIT 1

COMMITTEE ON RULES OF PRACTICE
AND PROCEDURE OF THE JUDICIAL
CONFERENCE OF THE UNITED
STATES,
Washington, DC, August 25, 1994.

Hon. HERB KOHL,
*U.S. Senate, Hart Senate Office Building,
Washington, DC.*

DEAR SENATOR KOHL: Thank you for your letter of August 11, 1994, containing revisions to and additional information on S. 1404, your bill on the disclosure of litigation materials. The Advisory Committee on Civil Rules will meet in Tucson, Arizona on October 20–22, 1994, and will reconsider proposed amendments to Rule 26(c) of the Federal Rules of Civil Procedure. The committee will have before it your letter and enclosed materials.

The preliminary draft of proposed amendments to Rule 26(c), which was published for public comment for six months in October 1993, was deferred for further study by the committee at its April 1994 meeting. Potential problems were identified and improvements were suggested from the public and bar. The committee also believed that the results of a pending Federal Judicial Center survey of several district courts on the use of protective orders would provide helpful empirical data on current practices. We are assured that this study will be completed in September in time for the committee's consideration in October.

I emphasize that the advisory committee continues to refine the proposed amendments to address the concerns raised by the public comments and by your bill. We are studying several alternatives. It is expected that the committee will complete its work and approve amendments to Rule 26(c) at its October meeting. The Judicial Conference's Standing Committee on the Rules of Practice and Procedure is meeting on January 12–15, 1995, and we hope it will in turn send the rule on its way.

This meticulous drafting process assures the best possible rule amendment and fulfills the Congressional purpose and intent underlying the Rules Enabling Act. It ensures that all persons affected by the proposed amendments have been provided ample opportunity to express their views for the consideration of the rules committees, the Judicial Conference, and the Supreme Court. Congress will then have the benefit of the cumulative experiences of these bodies and the knowledge derived from public comments when it reviews rules amendments that have been submitted to it in accordance with the Act.

The committee is keenly interested in your views and in continuing our productive interchange. I will keep you apprised of the committee's work on this rule.

Sincerely yours,

PATRICK E. HIGGINBOTHAM.

EXHIBIT 2

HARVARD LAW SCHOOL,
Cambridge, MA, September 16, 1994.

Senator CHARLES E. GRASSLEY,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR GRASSLEY: Thank you for requesting my views on proposed legislation S. 1404 and Amendment No. 1930 to S. 687, introduced by Senator Kohl specifically to limit the use of protective orders, under Rule 26(c) of the Federal Rules of Civil Procedure, and confidentiality agreements in the federal courts. These bills touch on important societal interests, such as public access to the courts and promoting public health and safety, issues that I have studied and written on extensively in recent years.[1] However, the legislation is not likely to promote either of these laudable goals because it proceeds from an erroneous premise, which is, that protective order practice is having a deleterious effect on public welfare. In my experience, it is not.

Let me start, however, by discussing one transcendent issue that obscures all others I could discuss concerning these bills: in my view, pursuit of Senator Kohl's legislation does violence to the federal court rulemaking process that Congress itself created in Section 2072 of Title 28 of the United States Code. Under that process, Congress deferred its participation until after all of the pertinent research, analysis, and deliberation had been completed by the United States Judicial Conference, and until after the United States Supreme Court had placed its imprimatur on, or rejected, a proposal to amend a federal rule. Senator Kohl's request for congressional action now, without the benefits that flow from adhering to the process, could compromise the quality and reliability of congressional deliberations, in addition to undermining the integrity of the rulemaking process.

One such important benefit would be the availability of hard data that will better inform the rulemaking and legislative process on this important subject. Right now the Federal Judicial Center is conducting the only empirical study undertaken to date dealing with protective orders. I understand that the results of the study, which examines actual practice in five federal district courts, will be submitted to the Advisory Committee on Civil Rules of the United States Judicial Conference by the end of this month. The Advisory Committee then will make a recommendation for action in this area at its October 20–21 meeting.

Respect for the rulemaking process and the potential value of having the results of the professional and meticulous research that will be available in a few short weeks argues persuasively in favor of deferring congressional action, at a minimum, until the Advisory Committee puts forth its final recommendation, or, more appropriately, until any proposed rule reaches Congress for review as part of the regular rulemaking process prescribed in the Rules Enabling Act.

Yet even at that juncture I would not endorse enactment of either form of the presently proposed legislation, for a variety of reasons. The promise of confidentiality is an essential tool for encouraging full disclosure and encouraging settlement in civil litigation. Its use should be left to the discretion of the federal district judges, subject to review by the federal appellate courts.

My own research, discussions with federal judges, and a review of the recent cases satisfy me that, under the current rules, if a court believes certain information should be made public, the court will deny or set aside a protective order.[2] Thus, the current rule formulation accomplishes the very result the proponents of the legislation purportedly want. Consequently, in my view, no legislation or amendment of Rule 26(c), is desirable or necessary.

I. RESPECT FOR THE PROCESS COUNSELS CONGRESSIONAL CAUTION

Over time, the statutorily prescribed procedure for amending the Federal Rules of Civil Procedure, set forth in the Rules Enabling Act, has been carefully crafted and refined under the painstaking direction of this very Subcommittee. Indeed, some very substantial changes were made to the rulemaking process during the last decade, increasing public participation and imposing greater structure on the deliberative process.[3] Congress also has given the Judicial Conference and its research arm, the Federal Judicial Center, the necessary resources to supplement existing expertise about the courts, all in order to study the need for possible rule changes, and to craft the delicate balance essential to fairness and effectiveness. Once developed in the Advisory Committee, the proposed civil rules and rule amendments are acted on by the Judicial Conference, promulgated by the Supreme Court, and come before the House and the Senate for acceptance, amendment, or rejection.

The Rules Enabling Act vests authority in the Chief Justice of the United States to appoint members to the rulemaking committees of the Judicial Conference, specifying that members shall include sitting judges, academics, and practitioners. Over the years, the membership rosters have included distinguished jurists, noted scholars, and highly skilled senior trial attorneys, in recognition of the fact that these types of individuals are in the best position to determine whether any rule changes are appropriate, and if so, what those changes should be and whether they will work. The Committee's work is aided by the work of a Reporter, usually a recognized and respected academic who has specialized in the procedure of the federal courts.[4]

Moreover, while the public has ample opportunity to participate in the rulemaking process, in the end, an Advisory Committee decision about the content of the rules is not subject to political dynamics. The absence of special interest group pressures is of great import here, precisely because of the partisan rhetoric that has so heated the public debate on protective orders. Therefore it is of the greatest significance that the Judicial Conference, through the Advisory Committee, is taking action on the very issue that S. 1404 and Amendment No. 1930 concern. Since neutrality is a paramount attribute of the civil rules, the objective, dispassionate decisions made by the Advisory Committee should be sought and then given the greatest possible deference.

Also emphasizing the importance of following the Rules Enabling Act process are requests from both the Department of Justice and the Chairman of the Rules Advisory Committee to defer action on this legislation. The Department requested deferral to allow it to conclude its own study of the civil justice system.[5] The Chairman of the Advisory Committee suggested that Senator Kohl defer to the rulemaking process and await the availability of the empirical data from the Federal Judicial Center study before considering what, if any, action might be appropriate,[6] reiterating that view only last month.[7] Action in the face of these expressions of restraint, and without reference to empirical data that will soon be available to inform the legislative process, faces a significant risk of producing legislation inconsistent with any rule that might be, or might have been, crafted through the rulemaking process. Consequently, it would be prudent to defer legislative action until the legislation process also can be informed by the facts.

II. THE LIKELY ADVERSE EFFECT OF THE LEGISLATION ON THE FEDERAL COURTS

Civil dispute resolution traditionally has been a private process, although admittedly conducted through public resources. It would be well to remember that until the Federal Rules of Civil procedure there was virtually no discovery in civil litigation—no discovery at all. Thus, any notion of public access to the private elements of civil litigation, such as discovery, is a myth. It was not even a possibility prior to the Federal Rules. As then-Judge Scalia once wrote, to accept a tradition of access to prejudgment or discovery records, "one would have to accept that the court, writing in the days before photostatic copying, envisioned the passing around of documentary exhibits . . . or the manual copying of all of them." *In re Reporters Comm. for Freedom of the Press*, 773 F.2d 1325, 1334–35 n.7 (D.C. Cir. 1985). Indeed, even as recently as 1970, litigants were required to show "good cause" in order to obtain documentary discovery from an opponent.

In the process of creating the Federal Rules; it was decided that in order to maximize the probability of resolving disputes on

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Footnotes at the end of letter.

their merits, to reach truth and justice to avoid trial by surprise, we should give all litigants access to all relevant data. That is what discovery is—giving all litigants the ability to find out that which relates to their disputes. The writers of the rule made that process wide open to assure equal and full access to the data. However, the intended beneficiaries of those access rights were the litigants and the litigants only; the drafters of the discovery rules had no plans for increasing general public access rights, particularly as to private information.

Thus, the writers of the rules recognized that there must be a counter-balancing element to broad disclosure. If we are going to allow wide open discovery, we must protect people against abuse, against harassment, against intrusion, against loss of valuable commercial and proprietary data that may result from that process. That is what rule 26(c) is all about. The so-called secrecy order, much maligned by some, is really a privacy order.

Alteration of the protective order structure under Rule 26(c), may, in accord with the law of unintended consequences, dramatically shift the role of the federal courts in our society in a way that may not be desirable. If we alter the balance and reduce the ability of people to protect their privacy and confidentiality in civil litigation, we run the risk of very deleterious side effects in our civil justice system.

A victim of sexual harassment may forego a legitimate claim rather than face unlimited public intrusion into highly intimate aspects of her life. Corporate litigants forced to produce confidential proprietary information may resist discovery entirely, stymieing quick resolution of a dispute or an attempt to vindicate an important national policy—for example, under the antitrust or securities laws—and raising costs for all involved, including taxpayers, rather than risk disclosure of trade secrets to competitors through open court files. The courts, already strained by criminal dockets and decades-long discovery processes, would be forced to delay new, meritorious cases clamoring for resolution.

Further, this grand discovery regime operates largely on a voluntary basis, extra-judicially, so that busy federal judges can adjudicate the merits and not arbitrate petty discovery fracases. Without the voluntary aspect of discovery, we would produce enormous confrontation, protraction, and expense in the discovery process. If people could not voluntarily agree on confidentiality during discovery, which is what most protective orders are—agreements between the parties to disclose voluntarily under the assumption that the data disclosed is to be used for this case and no case or purpose other than this one—litigants would be given an incentive to engage in trench warfare not to reveal the proprietary, the important, or the private.

Both of Senator Kohl's legislative provisions would undo the voluntary nature of the current discovery system, requiring significant judicial involvement whenever privacy and confidentiality concerns arose. In S. 1404, subsection (a)(1) of proposed section 1659 would require particularized findings of fact by the judge before any protective order could issue under Rule 26(c) to keep information confidential. Amendment No. 1930, Section (b), would impose a similar requirement for particularized findings, but it also would establish a multi-step analysis and balancing process that is likely to require an evidentiary hearing to resolve. Private ordering of the discovery process, and thereby the expedited exchange of information, would be impossible under either provision.

It always must be remembered that during discovery, the lawsuit, the claims of injury, and the various defenses are remarkably fluid. As discovery progresses, claims will be refined and narrowed, defenses will be winnowed or dropped altogether, and the overall lawsuit will acquire a shape that often is very different from that with which it began. During discovery there is no objective, knowable truth with regard to the ultimate merits of either side of the case. Each side relies and proceeds entirely on the basis of its allegations, which are not yet proved. Thus, it defies logic and basic fairness to penalize a litigant during this phase of litigation by mandating public disclosure of potentially irrelevant information in which a litigant may have a privacy or property interest based solely on bald, unsupported allegations. *Cowley* v. *Pulsifer*, 137 Mass. 392, 394 (1884) (Holmes, J.). Yet, that is what the proposed legislation apparently would require.

Both S. 1404 and Amendment No. 1930 have the potential to retard the rate of settlement of civil cases by requiring renewed findings by the judge, at the time of final judgment, in order to maintain confidentiality once the litigation has concluded. Many litigants would prefer, if they could not assure themselves of the return of their proprietary data and their private information, to fight it out rather than abandon what they believe to be very important data or to have the opportunity to tell their story in context. If we undermine the availability and effectiveness of consensual protective orders, and consequently reduce the likelihood of settlement agreements, the federal judiciary, faced with cases of enormous complexity and a criminal docket that boggles the mind, would be additionally burdened in an unacceptable way.

III. RESTRICTIONS ON PROTECTIVE ORDER PRACTICE ARE UNNECESSARY

As I suggested earlier, Senator Kohl's legislation is based on at least two entirely undemonstrated and probably erroneous beliefs. The first is that protective orders are concealing vital information from the public about defective products or environmental hazards. The second is that restricting the use of protective orders and other confidentiality devices in litigation will make information about defective products and hazards more readily available to the public. Both have been rejected repeatedly and convincingly by a number of sources over the last few years.

As for the first, there simply does not appear to be any difficulty with protective order practice in the federal courts that requires legislative intervention into a rulemaking tradition—courts are not concealing information about defective products and environmental hazards in situations in which there is no other source of information available to the public. In the individual anecdotal incidents I have reviewed, information about alleged defects or hazards invariably was available to the public from a variety of sources. Often the public information, usually in the form of media stories, was available long before any litigation was even commenced.[8]

Not surprisingly, the same holds true even for the anecdotes Senator Kohl used to claim that this legislation was needed. An elderly couple, the Schmidts, testified about the tragic loss of their son in 1985, which allegedly occurred because protective orders kept them from learning about a vehicle defect. According to a letter from the vehicle manufacturer to Senator Kohl, however, starting as early as 1977 there was a "mailing to more than 20 million owners . . ., a three-day public meeting . . ., a report by the General Accounting Office, a certified class action, eleven reported appellate court decisions, . . . two Congressional hearings, . . . 25 public trials," and literally hundreds of stories in the electronic and printed media.[9] Given this deluge of information, it strikes me as highly unlikely that the Schmidts' failure to learn about the alleged defect resulted from the use of protective orders.

But even if it did, restricting the use of protective orders in litigation does not necessarily mean that more or better information will be made available to the public. Courts are not equipped to disseminate information publicly, nor are they qualified to determine what information would be most helpful if disseminated. More to the point, however, a litigant intent on concealing proof of liability or civil wrongdoing can withhold "smoking gun" documents just as easily with or without protective orders. In fact, protective orders are entirely irrelevant to whether essential information will be produced in discovery in the first place.

In the routine case, information about an alleged harmful product or dangerous situation becomes public as soon as a lawsuit is filed, if not earlier. Initial pleadings invariably are open to the public, and when an issue of public import is involved, the plaintiff's lawyer often issues a press release describing the litigation. But focusing on the courts as a primary source of public information about matters of public health or safety ignores more appropriate sources of such information, such as administrative and executive agencies that are responsible for protecting the consuming public. If there is a dearth of public information, efforts to eliminate it would be better directed toward improving the functioning of regulatory agencies than toward the courts and protective orders.

In conclusion, in my view, the Senate should take no independent, further action on Senator Kohl's legislation at this time. Instead, deference should be given to the rulemaking process, with respect for the scholarship, legal experience, and dedication of those who make it work. The Advisory Committee's work on the protective order rule, informed by a lengthy period of public comment and empirical research data, deserves serious consideration by Congress before Congress intervenes with alternatives of its own. If I may be of further service, please do not hesitate to contact me.

Pursuant to your suggestion, I am sending a copy of this letter to Senator Howell Heflin, the Chairman of the Subcommittee.

Sincerely yours,

ARTHUR R. MILLER,
Bruce Bromley, Professor of Law.

FOOTNOTES

[1] See, e.g., Arthur R. Miller, *Confidentiality, Protective Orders, and Public Access to the Courts*, 105 Harv. L. Rev.

[2] See e.g., *Pansy* v. *Borough of Stroudsburg*, 23 F.3d 772 (3d Cir. 1994); *Laucadia, Inc. V. Applied Extrusion Technologies, Inc.*, 998 F.2d 157 (3d Cir. 1993); S.E.C. V. *Van Waeyenberghe*, 990 F.2d 845 (5th Cir. 1993); *Pocono Artesian Waters Co.* V. *Leffler Systgems*, 1994 WL 26281 (E.D. Pas. 1994).

[3] See, e.g., Judicial Improvements and Access to Justice Act, Pub. L. No. 100-702, §403, 102 Stat. 4642 (1988); David D. Siegel, Commentary on 1988 Revision, Annotation to 28 U.S.C.A. §2073 (West Supp. 1994); H.R. Rep. No. 422, 99th Cong., 1st Sess. (1985).

[4] I have had the honor of having served at the request of Chief Justices Burger and Rehnquist as the Reporter and as a member of the Advisory Committee.

[5] See April 18, 1994, Letter to the Honorable Howell Heflin from Assistant Attorney General Sheila F. Anthony, Office of Legislative Affairs, Department of Justice.

[6] May 12, 1994, Letter to Senator Herb Kohl from Judge Patrick E. Higginbotham, Chair, Advisory Committee on Civil Rules, Committee on Rules of Practice and Procedure of the Judicial Conference of the United States.

[7] August 25, 1994, Letter to Senator Herb Kohl from Judge Patrick E. Higginbotham, Chair, Advisory Committee on Civil Rules, Committee on Rules of Practice and Procedure of the Judicial Conference of the United States.

[8] See, e.g., Miller, supra note 1, at 480-82 (discussing facts behind most common anecdotes).

[9] May 6, 1994, Letter to the Honorable Herb Kohl from Richard L. Manetta, Assistant General Counsel, Ford Motor Company.

HAITI

Mr. GRASSLEY. Mr. President, I will simply make a statement in regard to what Senator DECONCINI had to say. I am not going to take exception to anything he said. But he did say that the debate maybe has become very political. As one Republican who has spoken out against the President's actions in Haiti, I think I have some credentials to speak and have those remarks reviewed as nonpolitical, because in January 1991, when this body debated giving President Bush permission to use military action in the Persian Gulf war, I was one of only two Republicans who opposed President Bush's action because I felt that other processes should be used. I was opposing a Republican President, and I am a Republican.

I have stated that military troops in Haiti should be used when American life is in danger or when the national security interests of our country are at stake. The military should be used as a last resort, and for those reasons. I do not think Haiti is a threat to the national security of our country. And because Haiti is not a threat to the national security of our country, I do not think Haiti, from that standpoint—not the Haitian people—is worth one drop of American blood.

I feel that there is a chance, even under the more peaceful conditions under which our people have gone into Haiti, in a less militaristic environment—still in those conditions—there is threat to American life. I think we should be very cautious when we put our American troops in such a situation.

I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

CONFERENCE AGREEMENT ON THE URUGUAY ROUND

Mr. MOYNIHAN. Mr. President, I rise today to bring good news to the Senate on a matter of great importance. Last evening the Committee on Finance reached agreement with the House Ways and Means Committee in its conference on legislation to implement the Uruguay round of Multilateral Trade Negotiations and approve the World Trade Organization. This is indeed good news for the Senate, for the President, and for the United States. To meet our international commitments, the Senate must consider the Uruguay round legislation before it adjourns this year. With this agreement, I am confident that we will do just that.

I would note, most importantly, that we have achieved a bipartisan agreement, with great assistance from the ranking member of the Finance Committee, the senior Senator from Oregon, and with the unanimous support of the Senate conferees. Matters relating to international trade continue to be handled in the best bipartisan traditions of the Finance Committee.

The Uruguay round is a momentous trade agreement, the largest, most comprehensive trade agreement in history—one that was 7 years in the making. With this agreement, foreign tariffs on U.S. manufactured exports will be cut by one-third, the largest reduction in history. Indeed, the Treasury Department estimates that the Uruguay round will reduce world tariffs by nearly $750 million over the next 10 years. This will prove to be, in practical effect, the world's largest sales tax cut—a boon to American exporters and consumers alike.

We will have new rules to protect the intellectual property of U.S. entrepreneurs, one of the greatest strengths of this country. Trade in services, which encompasses 60 percent of our economy and 70 percent of our jobs, will for the first time be subject to internationally agreed rules. The agriculture sector will also be brought under international rules, to the great advantage of American exporters. And we also will benefit from the strengthening of dispute settlement rules, which more often work to our advantage than to our detriment.

Indeed, this agreement is historic, for with the creation of the World Trade Organization the United States finally makes good on the vision of our postwar leaders. They sought the establishment of an International Trade Organization. It was denied, by the Committee on Finance in large part. We now have the opportunity at long last to finish the work of the 1944 Bretton Woods accord. And with the World Trade Organization we will have the basis for a sounder and more prosperous world trading system.

The legislation to implement the Uruguay round, once submitted by the President, is considered under fast track procedures and is thus unamenable. But, Mr. President, I can assure the Senate that the committee has taken great care in constructing this legislation. The committee met six times in public markup sessions from mid-July to the beginning of August. In those meetings we formulated our recommendations to the President regarding the provisions of the legislation. And between this week and last we worked to reach agreement with the Ways and Means Committee on those recommendations, just as we would with any other legislation.

The conference reached overwhelming agreement. We began with over 100 differences between our recommendations. Once we had completed our work, only four issues remained in disagreement—and on these, we agreed to disagree. None of them is essential to implement the Uruguay round. The disposition of them is important to individual Members, of course, myself included. But the conference was in complete agreement on all changes in law necessary to bring the United States into conformity with our commitments in the Uruguay round.

Mr. President, it is my expectation that President Clinton will submit this legislation to the Congress early next week. I would expect the House to act expeditiously, and hope the Senate will do likewise. I look forward to bringing this legislation to the Members of the Senate.

IS CONGRESS IRRESPONSIBLE? YOU BE THE JUDGE ABOUT THAT

Mr. HELMS. Mr. President, before we ponder today's bad news about the Federal debt, perhaps a little pop quiz would be in order. How many million dollars would you say are in a trillion dollars? And when you answer that, just remember that Congress has run up a debt exceeding $4½ trillion.

To be exact, as of the close of business Tuesday, September 20, the Federal debt stood—down to the penny—at $4,683,866,175,111.68 meaning that every man, woman and child in America owes $17,965.74 computed on a per capita basis.

Mr. President, to answer the question—how many million in a trillion?—there are a million million dollars in a trillion dollars. I remind you, the Federal Government, thanks to the U.S. Congress, owes more than $4½ trillion.

HONORING THE LATE HARRY NALTCHAYAN

Mr. DURENBERGER. Mr. President, man's quest to capture time has taken many forms over the ages. Over the last century, the frozen music known as photography has been a major art seeking to capture forever what once was—and thus to show us to ourselves.

Harry Naltchayan, who died last week, shared with a whole city—indeed, with the whole world—his irrepressible joy in the magic of his craft. It takes more than just pointing a camera to capture a reality for all time—you have to have an insight into people that tells you what's really important. Only if you truly understand people can you hope to make a picture that will last—one that will have a resonance in your own heart and the hearts of others.

Harry had this gift.

From the moment I first met him 16 years ago—he asked "May I make a picture?"—I have loved Harry. I mourn his passing—and yet I know that his body of work will live forever.

I ask unanimous consent that Martha Sherrill's appreciation of Harry Naltchayan in last Saturday's Washington Post be included in the RECORD at the conclusion of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 17, 1994]

THE PHOTOGRAPHER WHO MADE US SMILE

(By Martha Sherrill)

If you went to a party with Harry, the world smiled at you. The grumpiest people. The worst people. The self-serious and pompous, the mean, the petty, the self-righteous, the overworldly, the indicted. People caught sight of Harry Naltchayan—with his elegant clothes and inelegant cameras—and their faces lifted, their shoulders relaxed. They seemed lighter, easier-going, relieved from something. They seemed able to shake off the flop-sweats of some higher office and the dreary burden of the social occasion, as though the atmosphere around Harry were made of laughing gas or ether. Harry was a tonic. He was a miracle. He generated so many good feelings he was like a proximity bomb of life and spirit and affection.

It's so unlike him to be dead.

Harry Naltchayan was best known as the ever-present society photographer for The Washington Post, in fact, the society photographer in Washington from the days when such things mattered greatly until yesterday, when he died of a heart attack. But he was also as remarkable as the people he shot.

It wasn't just Harry's camera that made people smile, or the hope that his artful pictures might grace the front of the style section the next morning, immortalizing their importance, endowing, exaggerating a moment in time, the champagne forever bubbling in flutes, the salmon forever smoked on the platter, the Scotch forever splashing in tumblers. People smiled at Harry Naltchayan because when you looked at that smile you couldn't not smile yourself.

Because, besides being blithe, debonair and beautiful, Harry Naltchayan was also a human being—a busy newsguy who always asked about your family, who cheerfully remembered the names of presidential aides four administrations away, who loved his job, who seemed to care about everybody, who never hid his feelings behind his camera, and who always tried to use the most flattering picture.

And soon enough, around Harry, important people would find themselves becoming human beings too. Around Harry, they began touching, hugging, mugging, vamping, kissing, and turning their perfectly coiffed but now slightly sweaty heads toward his camera lens. Why not be happy? It was a party! So there they were, Melvin Laird and Cap Weinberger—smiling! Jody Powell and Bud McFarlane—smiling! Mike Deaver and Ralph Nader—smiling! Nixon and Ford and Carter and Reagan and Bush and Clinton smiled too, and silly Cabinet secretaries and chiefs of staff, dusty ambassadors and Washington waxworks, the new people, the old people, the soon to be famous and the already forgotten.

Harry was the opening act. The party reporter was the closer. One-two punch. "He had an incredible way of making people relax," remember Sally Quinn. "For me it was great, because Harry would come in and soften them up—and then I would move in for the kill."

I didn't come to know Harry until the summer of 1989, when we covered the 70th birthday party of Malcolm Forbes together in Morocco. I remember being somewhat in a panic, nervous and new at covering parties, new at covering anything, and mesmerized by Harry. On the plane to Tangier, I kept hearing his chuckle in the back row, kept turning around to look at him, smiling hugely, chatting it up with Mort Zuckerman and Katharine Graham, and making friends so fast I started feeling like an imposter. Who was this guy?

It was in Tangier that I came to see what Harry was all about. He looked after me. He interviewed people in all sorts of languages. He dragged me over to meet Henry Kissinger. He passed along hilarious gossip. He also bought me cigarettes, in the middle of the night, when I was on deadline.

He noticed everything, overheard everything. Harry often knew the news, and the news sources, far better than the reporters. "He could drive you crazy while you were conducting a ticklish interview by reminding the subject when last the two of them had met," says writer Ken Ringle. "Sometimes it would break a train of questions you were trying to follow and screw things up. But other times he would prompt an on-the-record comment you could never have gotten."

He had a continental accent, perfect manners and perpetual tan. His hair was white. His shoulders were straight and broad. It was as if he'd come from another time, another planet, a place where people treated each other like friends, like family, not mere names in the news to be ignored and discarded when the news changed.

Because nobody ever became a nobody to Harry. Sure he knew that nothing lasted, especially in Washington. But in a town where today's bigwig was tomorrow's third-rate lobbyist, Harry made friends and kept them. On one assignment, he confided to writer Elizabeth Kastor that he frequently took pictures of people with no intention of printing them—sometimes shooting away with no film in his camera.

Why?

"It makes them feel good."

NINA SHEPHERD

Mr. SASSER. Mr. President, one of the pleasures of serving in the U.S. Congress comes in working with talented and dedicated staff. These staff people contribute so much to the effective functioning of our Government. These men and women are on the job night and day to ensure that the people's business gets done—but they receive little public recognition.

One such person, Mr. President, is CBO's analyst for veterans affairs, Nina Shepherd. Ms. Shepherd will be retiring on September 30, of this year. She will be sorely missed. Nina began working for CBO on November 21, 1976. At the time, CBO was housed in the mouse infested FBI warehouse. Rather than finding this particularly distressing, Nina chose to befriend the mice and would leave a trash can of lettuce and other goodies for them on a nightly basis. Her pets eventually yielded to the current quarters in which CBO finds itself. While Nina still lacks a window, she does have a lovely pea green carpet and some of the finest Government-issued antiques that the taxpayers dollars can buy. All of this is simply to say that Nina has always shown a talent for making the best of things. She saw CBO through its infancy and thanks to her patience and competence, has helped give that institution the wonderful reputation it enjoys today.

The focus of Nina's hard work has been for the House and Senate Committees on Veterans' Affairs. She knows and understands the issues that face those committees. But she has also been of great assistance to the Budget Committee. The road between compassion for our veterans and Federal budgetary restraint is often a bumpy one. Nina has managed to follow that road with a level of honesty and integrity that has earned her the respect of the Congress and the Veterans Administration. Recently, for example, Nina did a major study to suggest alternatives for veterans housing programs. Some of her ideas were put to good use to save taxpayers dollars, but more importantly, her ideas are cited by Veterans Committee staff as the basis for the continued viability of these housing programs.

In addition to the high quality of her work, Ms. Shepherd brings much joy to her work. She has always been there for her colleagues, whether as a teacher or as a friend. It is true that we will miss her for her skills, her competence, and her efficiency. But just as much, we will miss those outrageous stories, that wonderful laugh and that extra bit of strength on a hard day. Nina, we wish you the best of luck. We will miss you.

Mr. DOMENICI. Mr. President, I want to join the chairman of the Budget Committee in wishing Ms. Shepherd well. She has always provided expert assistance to us on veterans issues and I know we speak for all our Budget Committee staff as well when we thank her for a job well done.

WELFARE REFORM

Mr. LAUTENBERG. Mr. President, with the end of the 103d Congress nearing, it seems clear that we will adjourn without enacting welfare reform. The administration and Senator MOYNIHAN laid a solid foundation for reforming our welfare system: One that offers support but requires people to work; one that keeps families together and encourages self-sufficiency and responsibility. These were the values I learned growing up in a poor, immigrant home in New Jersey. Unfortunately, the erosion of these values and our inability to provide decent jobs for all our citizens have turned our welfare system into a self-perpetuating cycle.

We should make welfare reform a top priority in the next Congress. Our welfare system is a mess. It hurts those it is supposed to help. It costs too much and does too little. Instead of moving people out of poverty, it often keeps them in poverty: it encourages dependency, stifles initiative, and becomes a way of life.

More than 63 percent of all welfare recipients will be on welfare for more than 2 years throughout their lifetimes; 25 percent will be on the rolls for more than 8 years. For most of the people who get jobs and leave the rolls, employment tends to be temporary. Wages are too low and jobs are seasonal or sporadic: the net result is that after a period of employment, people return to the rolls. That is a sign of systemic failure. Welfare is no longer a temporary helping hand in difficult times. It is not achieving the goal of making people independent and self-sufficient.

Mr. President, we need to reform the welfare system to move welfare recipients into real jobs. Welfare began as a temporary, transitional program; it was supposed to be a helping hand, not a long-term income support program. The only way for welfare recipients to get a foothold in our economic and social mainstream is to get a job.

In today's economy, however, low-skilled jobs that pay an above welfare wage are not that easy to find. Ironically enough, we face a situation in which work is often not economically worthwhile: you get more on welfare than you do from a no-benefits, minimum wage job.

We need to address the health care, job training, and educational needs of welfare recipients to provide the incentives and skills to move them into the work force. We began this process in 1988 by enacting the JOBS Program in the Family Support Act, which I supported. Unfortunately, the JOBS Program was not fully funded by many States and many welfare recipients are on waiting lists—waiting to get job training and remain on the welfare rolls instead of on payrolls. Welfare recipients will leave the rolls permanently when they get a job. The way to get a good job is to have good job skills—job training and welfare go hand in hand.

Just as important is teaching the discipline and responsibility which come in a job. That is why there should be a limit in the amount of time one can be on welfare. A consensus has developed to set a time limit on welfare, after which recipients must take a job: one in the private sector if that is available, or one in the public sector if that is the last resort. This has to be an essential element of any reform strategy.

Welfare reform should also require that parents take responsibility for their kids. Let me give you an example of what I mean. Right now, women living below the poverty level only receive 43 percent of the court-ordered child support they are supposed to get Fathers are shifting the burden of caring for their children to the State and the taxpayers. That is unacceptable and unjustified. We must be more aggressive in tracking down noncustodial parents and making them pay child support.

Mr. President, welfare reform should move people off the welfare rolls into jobs; it should provide incentives to work and to keep families together. It should emphasize personal responsibility and initiative. If we enact universal health care, provide jobs and job training, enforce our child support law, and require work, fewer children will grow up in poverty and in single parent families. Welfare reform should steer recipients into productive jobs and help install a work ethic. Such reform can break the cycle of poverty and dependence that engulf too many of our children growing up in welfare families today.

IN MEMORY OF HARRY NALTCHAYAN

Mr. WARNER. Mr. President, I would like to take a moment to mark the passing of a longtime Virginian, a man who was known by many of us in the Congress. I am referring to the unexpected death last Friday, September 16, of Harry Naltchayan, who served for 35 years as a news photographer for the Washington Post.

Harry conducted himself as a professional—always on the alert for a telling or eye-catching photograph. His hallmark was quality, not "the trashy, sensational shot." His work, as it would appear in the next day's Washington Post, often had considerable artistry to it, too—the mark of the award-winning veteran he was.

At the same time, one would never mistake Harry for a hardened, cynical journalist. His class and his touch of Old World charm wouldn't allow it. I suspect that Harry simply loved people. Clearly they loved him, for few tried to duck out of his focal plane.

A typical encounter with him—on the White House driveway, or at a Senate stakeout, or at a black-tie social function—always involved a big smile and a big hello. It is not surprising that as the Washington Post's obituary noted, he showed a particular talent for portraits.

Mr. Naltchayan, who was of Armenian ancestry, was born and raised in Beirut. he came to the United States in 1958. As a photographer, he covered every administration since President Eisenhower's. By the time of his death, he won the praise of his peers many times, including four first place awards from the White House News Photographers Association.

Mr. President, I appreciate this opportunity to express my condolences to Mr. Naltchayan's wife, Elizabeth of Annandale, and to his two daughters and two sons. I join many in saying we will miss Harry—the kind of person we fortunately meet in Washington, from time to time, who makes public service a richer, more rewarding and memorable experience. If Harry was there, one felt important

TRIBUTE TO CLYDE BARBOUR

Mr. McCONNELL. Mr. President, I rise today to recognize a brilliant Kentucky entrepreneur, Clyde Barbour, who passed away August 9, 1994. Mr. Barbour owned a chain of grocery stores in Maysville, Kentucky, and Aberdeen and Ripley, Ohio, and was involved with many other business and real estate endeavors in northern Kentucky and Ohio.

Mr. Barbour opened his first grocery store in 1960 in Maysville. He took great pride in saying his business career began at the age of 10 by hauling groceries home for customers. He was paid 10 cents per load. Today his four stores are known as Clyde's Super-Valu and are being managed by his sons.

The citizens of Maysville and the surrounding area will forever remember Mr. Barbour as a great supporter and promoter of the community. In 1983, Mr. Barbour was responsible for the first Maysville Exposition and Trade Fair. The 4-day event included appearances by several well-known performers, as well as prominent State and local officials. The purpose of the exposition was to promote Maysville's businesses and their products. More than 85,000 people came to the first event at Mr. Barbour's tobacco warehouse, and three more fairs followed.

Mr. Barbour enjoyed watching the growth of Maysville, and spent much of his time and money promoting new developments that would lead to more jobs and improved economic stability for the community. Mr. Barbour also had a hand in numerous local projects, including the Meadowview Regional Hospital, the YMCA, an industrial park, and development of a new bridge over the Ohio River.

On Friday, August 12, 1994, at a small funeral home in Maysville, friends and family gathered in great numbers to pay their last respects to Clyde Barbour. The funeral will be remembered as one of the largest in recent history. Mr. Barbour died at the age of 63 and is survived by 1 sister, 2 brothers, 2 daughters, 7 sons, and 12 grandchildren.

The citizens of Maysville are forever indebted to Clyde Barbour for his civic involvement and his efforts to improve the region. Mr. Barbour was a friend to all of Maysville and will be missed.

Mr. President, please include my comments and the following article from the Kentucky Post in today's RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Kentucky Post, Aug. 18, 1994]

NO ONE LOVED MAYSVILLE MORE THAN CLYDE BARBOUR

(By Jack Hicks)

MAYSVILLE.—Not everyone who lives in Maysville and neighboring Aberdeen, Ohio, turned out to pay their respects to Clyde Barbour.

It just seemed like they did. The scene at Trinity United Methodist Church resembled a state funeral Thursday as about 1,000 area residents passed by the casket of the popular grocer and entrepreneur.

Funeral directors said it may have been the largest crowd ever to attend a visitation in Mason County. Another large crowd is expected for the funeral today.

At times the line of mourners spilled out of the church and stretched for more than half a block. Entrance and exit lines were set up to keep the crowd moving. Flower arrangements were everywhere, overflowing into the vestibule and front porch.

"If anyone ever deserved this, he did," said Georgia Flora, a longtime friend.

The community's esteem for Barbour, who died Tuesday at age 63, was based on his record as a successful businessman, but mostly for his civic involvement and commitment to Maysville.

"You can't drive through Maysville without seeing something that he had something to do with," said Barbour's nephew, Jim Barbour.

Meadowview Regional Hospital. The YMCA. An industrial park and the beginnings of a new bridge over the Ohio River. Each one had Clyde Barbour's help one way or another.

"He was the most powerful man around here at getting something done," said Barbour's son-in-law, Bob Sapp.

David Cartmell described Barbour as "the king of promoters."

"He was the only person around here who did any promoting," Cartmell said. "He did all right for himself, and then he helped others."

Maysville City Manager Dennis Redmond said, "He was more pleased at the progress in this community than he was by his own success. I truly believe that."

Barbour was a successful businessman. He operated four supermarkets—two in Maysville and one each in Aberdeen and Ripley, Ohio—and owned or was associated with various other business and real estate endeavors.

His empire began with a little red wagon when Barbour was 12 years old.

Mildred Trisler recalls Barbour waiting outside a grocery store with the wagon and taking people's purchases home or to their cars for 25 cents. Money earned with the wagon eventually helped Barbour buy his first grocery.

Barbour drew attention to himself and to Maysville by his promotions. The best known was his Expo in 1983, when he attracted thousands of visitors to a tobacco warehouse he owned. Entertainers such as the Beach Boys and Charlie Daniels performed, and business people were able to display the area's products. Three other Expos followed.

"He gave the people of this county the opportunity to see things they never had a chance to see before," said haberdasher Omer Case.

The Expos cost Barbour a great deal of money, friends and relatives said, but he felt doing something for his community was worth it.

Barbour was known as a soft touch when people were in need. When a Maysville area team was playing in a state tournament, he delighted in hosting hometown fans with lavish parties.

Other than his community and his businesses, Barbour didn't have too many hobbies. He did enjoy stock car racing, and he had tickets for a big race in Indianapolis last weekend. Too ill to attend, he watched it on television two days before his death.

"He wanted to keep going to see that race," Sapp said. "His favorite driver, Jeff Gordon won, and he said to me, 'What do you think of my boy?' "

With his stores, promotions and up-front efforts for the community, Barbour was one of the Maysville area's most familiar figures.

"Everybody knew Clyde, and everybody is going to miss him," Jim Barbour said.

IN TRIBUTE TO JOHN BALDINI

Ms. MOSELEY-BRAUN. Mr. President, Mr. John L. Baldini, of Bloomington, IL, passed away last Monday evening, September 19, 1994. His life is one of legend in central Illinois, and it is only right to pay tribute to him here in the U.S. Senate.

After graduating from Trinity High School in 1936, John attended Illinois State Normal University. He served in the Army Air Corps in World War II from 1941 to 1945, where he met his wife, Virginia Frye, and was awarded the Croix de Guerre by the French Government for his service. He served on the Illinois State University Alumni Board for 12 years and, appropriately, recently received the Central Catholic High School Distinguished Alumni Award. The life of John Baldini is so much more than where he has been and what he has been awarded, however, it is about the way he personally touched so many people's lives.

For more than 50 years, John owned and operated the Lucca Grill, a small restaurant on the corner of Market and Main Streets in Bloomington. It is in this venerable establishment that he met, spoke, and laughed with patrons from around the State of Illinois, and from across our country who were looking to share good pizza and a cold drink in a warm and friendly atmosphere.

It is impossible to mention the name of John Baldini without mentioning his contributions to the Democratic Party. Indeed, many people in central Illinois considered John the "grand old man" of the Democratic Party, and his strong and steady support for our party throughout the years could certainly justify that moniker. He was McLean County Democratic Party chairman for 12 years, a Democratic precinct committeeman from 1948 to 1992, and served on the Democratic State Central Committee for 12 years. He was recently honored for 50 years service to the McLean County Democratic Party.

More than anything, John influenced today's young and old politicians alike with his wise political advice. Perhaps the best way to understand his legacy to the Democratic Party is to ask the men and women of central Illinois who are involved in politics whether John Baldini influenced their lives or careers in some manner, whether he offered them keen insight or served as a role model. I am certain that nearly everyone would answer "yes."

As immersed in politics and the Democratic Party as he was, John was not a partisan man. The people who came to Lucca Grill throughout the years knew that they would always be welcome, no matter what their political affiliation. When asked about whether Lucca Grill was the Democratic bastion of central Illinois, John responded, "I never thought of it as being the Democratic headquarters. I'd look around and there'd be two Democrats at the bar and the rest of 'em are Republicans." He could argue with anyone on a political level, but at the same time have great respect for the individual. It is unfortunate that this important trait, embodied by John Baldini, is diminishing in today's political arena.

John's involvement in his community and his dedication to his family—his wife, Virginia, his son John, his two daughters, Mary Olson and Christine Briggs, his foster daughter Elaine McFarlane, and his 10 grandchildren—is a model for all of us to follow. I am sure his family, the patrons and staff at Lucca Grill, and all the rest of us who have been touched by John will miss him. However, we can be sure that our world is a better place, and that we all are better people, for having known him.

STATEMENT UNDER THE VIOLENT CRIME REDUCTION TRUST FUND

Mr. SASSER. Mr. President, on behalf of the Committee on the Budget, under section 310001(f)(2) of the Violent Crime Control and Law Enforcement Act of 1994, Public Law 103–322, I hereby submit allocations of new budget authority and outlays for fiscal year 1995 from the violent crime reduction trust fund to the Senate Committee on Appropriations.

The Violent Crime Control and Law Enforcement Act of 1994, which the President signed into law last week, establishes a violent crime reduction trust fund. Section 310001(f) of that Act requires budget authority and outlays from the trust fund to be separated from all other budget authority and outlays in the allocations of spending authority to the Appropriations Committees made under section 602(a) of the Congressional Budget Act of 1974.

To implement the new producers in fiscal year 1995, section 310001(f)(2) of the Violent Crime Control and Law Enforcement Act directs the chairmen of the Senate and House Budget Committees to submit revised allocations to the Appropriations Committees under section 602(a) of the Budget Act, reflecting creation of the violent crime reduction trust fund.

Section 310001(f) of the Violent Crime Control and Law Enforcement Act of 1993 states:

> (f) ALLOCATION AND SUBALLOCATION OF AMOUNTS IN THE FUND.—
>
> (1) IN GENERAL.—Section 602(a) of the Congressional Budget Act of 1974 is amended—
>
> (A) in paragraph (1)(A) by striking "and" at the end of clause (ii), by striking the semicolon and inserting a comma at the end of clause (iii), and by adding after clause (iii) the following:
>
> "(iv) new budget authority from the Violent Crime Reduction Trust Fund;";
>
> (B) in paragraph (2) by striking "and" at the end of subparagraph (B) and by adding after subparagraph (C) the following:
>
> "(D) new budget authority from the Violent Crime Reduction Trust Fund; and
>
> "(E) outlays from the Violent Crime Reduction Trust Fund;"; and
>
> (C) by adding at the end the following new paragraph:
>
> "(4) NO DOUBLE COUNTING.—Amounts allocated among committees under clause (iv) or (v) of paragraph (1)(A) or under subparagraph (D) or (E) of paragraph (2) shall not be included within any other allocation under that paragraph.".
>
> (2) FISCAL YEAR 1995.—The chairman of the Committee on the Budget shall submit to the House of Representatives or the Senate, as the case may be, appropriately revised allocations under clauses (iv) and (v) of paragraph (1)(A) or subparagraphs (D) and (E) of paragraph (2) of section 602(a) of the Congressional Budget Act of 1974 for fiscal year 1995 to carry out subsection (b)(1).

The chairman of the House Budget Committee submitted allocations under this section on September 13. Those allocations appear at pages H9155 and H9156 of the CONGRESSIONAL RECORD of that date.

Accordingly, I hereby submit the following revised spending allocations to the Senate Appropriations Committee for fiscal year 1995. These allocations are identical to the allocations now in effect, except that the amounts specified by the Violent Crime Control and Law Enforcement Act have been moved from the general allocations to the new special allocations of budget authority and outlays from the violent crime reduction trust fund.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REVISED 602(a) ALLOCATIONS PURSUANT TO SECTION 310001(f) OF THE VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994 (PUBLIC LAW 103–322)

[In millions of dollars]

	Budget authority	Outlays
Spending for general purposes excluding crime:		
Discretionary	$508,736	$540,276
Mandatory	274,185	265,398
Subtotal, general purposes	782,921	805,674
Violent Crime Reduction Trust Fund	2,423	703
Total allocations for general purposes and crime	785,344	806,377

Mr. McCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. The Chair announces that morning business is now closed.

COMMENDING THE PRESIDENT AND THE SPECIAL DELEGATION TO HAITI—SENATE RESOLUTION 259

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of Senate Resolution 259, which the clerk will now report.

The legislative clerk read as follows:

> A resolution (S. Res. 259) commending the President and the special delegation to Haiti and supporting the United States Armed Forces in Haiti.

The Senate resumed the consideration of the resolution.

The ACTING PRESIDENT pro tempore. Who yields time under the agreement?

Mr. McCAIN addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. McCAIN. Mr. President, I yield myself such time as I may consume.

The ACTING PRESIDENT pro tempore. The Senator is recognized.

Mr. McCAIN. Mr. President, first of all, I rise in support of the resolution. I think it is a fair one and one that is especially deserved by the participants who went to Haiti under very difficult, if not unprecedented, conditions in the face of an American invasion and came out with an agreement that prevented an invasion which would clearly have cost the lives of some young Americans and young Haitians.

I believe that this resolution commending the efforts of the President in sending them is certainly appropriate. I believe that it is important that we express our support for the men and women of the United States Armed Forces in Haiti. We know that we can count on them to perform their duties with professional excellence and dedicated patriotism.

We also support the departure from power of the de facto Government in Haiti and the Haitian efforts to achieve national reconciliation, democracy, and rule of law.

Also it supports lifting without delay United States unilateral economic sanctions on Haiti and lifting without delay economic sanctions imposed pursuant to U.N. resolutions in accordance with such resolutions and, perhaps most importantly, a prompt and orderly withdrawal of all United States Armed Forces from Haiti as soon as possible.

Mr. President, I want to point out again that all of us are deeply appreciative of the efforts of President Clinton in sending that very impressive delegation to Haiti, and we enormously appreciate the fact that an invasion was prevented.

I do not claim to have greater or even lesser, for that matter, an intelligence quotient than the other Members of this body or members of the administration, but I have been clear in my opposition to this now occupation of Haiti. One of the arguments that I used for the past several months when this possibility became a likelihood and then became a reality was that we would have enormous difficulty in figuring out exactly what the role of the men and women of the U.S. Armed Forces mission was and is.

Mr. President, I refer to this morning's two leading national newspapers. There is the Washington Post headline "Haitian Police Attack Crowd; U.S. Troops Watch"—U.S. troops watch—and the New York Times headline "Haitian Police Crush Rally as American Troops Watch."

This morning I watched the American general, General Shelton, on television, who told the American people in response to a question from the ABC news anchor that he would "talk to General Cedras about this today," he would talk to General Cedras about this problem today, and he will await orders and instructions from our Government as to what the U.S. military role is in its attempt to prevent this kind of bloodshed.

Mr. President, we are placing our military people basically in an untenable position because if we go out and disarm the police and the militia there—and I understand we have now a wonderful buyback program that was articulated by the Chairman of the Joint Chiefs of Staff yesterday—then what is to prevent the pro-Aristide mobs from engaging in retribution against the police, and how do our young men and women in the military differentiate between those who are causing problems and those who are defending themselves?

The fact is what we are about to see is a classic example of what we call "mission creep" because, obviously, the American people are outraged to see—not to mention soldiers themselves—and to sit there and observe a couple of people being brutally murdered before their very eyes and them under instructions not able to do anything about it.

Mr. President, we are in a serious situation. We are in a situation again not unlike Somalia where clearly there are no instructions to our men and women in the military which have any meaning unless we intend to get into the business of policing Haiti, which I think is a daunting, if not impossible, task.

Let me say a few words about President Aristide. This morning and last night there has been I think justified complaints that President Aristide has not expressed his gratitude. In fact, the silence from President Aristide himself has been almost deafening and in light of the fact that the American people and Members of Congress believed that this entire effort was made on his behalf with the expenditure of American blood and treasure and he has failed to express one word of appreciation for that.

I believe that Mr. Aristide is ungrateful. I believe he should come out and express his appreciation for what is being done on his behalf. But I also would point out that Mr. Aristide was not in on the details of the Carter mission and I think it is somewhat understandable that he should express or feel some displeasure over certain portions of the agreement, including the failure to force Cedras and company from the country, including perhaps most importantly, the declaration that a general amnesty will be declared.

I certainly do believe that Mr. Aristide's task will be dramatically complicated if the military leaders, Cedras, et al., are allowed to remain in Haiti and, of course, if there is a general amnesty, it will be somewhat difficult to call to account those who have engaged in the heinous and barbaric crimes which the President of the United States described so graphically to the American people the other night.

Mr. President, I, like all Americans, support this resolution. We support the efforts that President Carter, Senator NUNN, and General Powell made that prevented an invasion. But I would also suggest and remind my colleagues that if there had been an invasion, I and others predicted that it would be very easy and there would be a minimal loss of life although there would have been a loss of life and every single life is precious, but at least if there had been an all-out military invasion, we would have clearly defined who the enemy was and is. It would have been people who were wearing the uniform of the de facto Haitian Government Army and police. Instead we now find ourselves in the rather bizarre situation when General Shelton was asked on television what he intended to do about the brutalities that have continued to be perpetrated by the Haitian police and military, he said he was going to talk to General Cedras about it.

It is almost surreal that the individual that was described by the President of the United States to the American people as one of the most heinous butchers, war criminals, in the history of this hemisphere now is going to be consulted by our military leaders in order to try to bring about a halt to this mob violence.

Now, again, I want to return to my fundamental point. I do not know how you disarm all these Haitians. I do not know how you defuse the blood feuds that have been going on for centuries. I do not know how we take sides in this civil unrest that will be part and parcel of this transitional period.

The best scenario, obviously, is that everybody lays down their arms and everybody heeds the words of President Aristide at the White House the other day—no vengeance, no revenge. I do not think that is the case. And the ultimate result of all of this is that the American military, not unlike Somalia, only exaggerated by many factors, find themselves in the classic problem of mission creep and intervening in what is fundamentally a civil disorder without, frankly, the wherewithal but more importantly the ability to discriminate between who is good and who is bad and who is committing what atrocities and who is not.

Along those lines of human rights abuses, I have asked the White House and the State Department to give us information concerning Mr. Cherubin, who is now in Guantanamo recruiting Haitians to be part of the new Haitian police force. There are allegations that that individual had engaged in human rights violations. There are allegations which are well-known to this body concerning President Aristide.

The fact is that we need to know whether there is going to be true observance of human rights by the new Aristide regime or will there be a return to some of the activities, which are well documented outside the CIA, of abuses that took place under President Aristide's administration.

I predict, Mr. President, that Mr. Aristide, sometime within the next 24 to 48 hours, will come out in support of what is being done—I do not think he has any choice—what has been done by the Carter mission. I do not think he has any choice. I think his $50,000 a month lobbyist, Mr. Michael Barnes, former Member of Congress, will prevail on him to do so. And I think that that is appropriate. In fact, it is way too late.

I think the American people do not understand why President Aristide has not already extended his gratitude. At the same time, although I think he should express gratitude, I can understand some of his reservations about the agreement that was made.

I would also like to point out one other aspect of this whole situation which again borders on Orwellian. We are now occupying a country with 15,000 American troops. At the same time, we are maintaining an embargo which clearly hurts all Haitians, especially poor Haitians. Why in the world we cannot lift this embargo, which was part of the agreement that President Carter made with the military leaders, present military leaders of Haiti, is beyond me.

I also watched a television program last night where Haitian human rights activists and another individual, in fact, Mr. Barnes, the lobbyist for President Aristide, said there would be no amnesty in Haiti; that the Parliament would not pass such an amnesty decree because of the feelings that the Parliament understandably would have about the human rights violations and the gross abuses that have been perpetrated by the Cedras' regime.

So there is a lot that is unclear, Mr. President. There is a great deal of confusion. This whole situation is incredibly murky, especially as to what the exact mission of the men and women of our Armed Forces is in Haiti. We have seen that clearly and graphically demonstrated by the headlines in this morning's Washington Post and New York Times and other media reports. And, Mr. President, what it argues for is an early withdrawal of the United States troops from Haiti.

Right now, I understand the plan is they would stay until February 1996 and then a multinational force would take over, and half that contingent would be American military people, only it would be a U.N. military force rather than U.S.

Mr. President, the American people's patience is not that great. I would suggest that within the next week or two, at least before we go out of session, that the United States Senate consider, in conjunction with the administration, in cooperation with the administration, a resolution calling for a date certain for the withdrawal of the United States troops from Haiti. I look forward to doing that with the cooperation of the President of the United States and the Secretary of State. But I think that this body would pass a resolution calling for a date certain for withdrawal of U.S. troops with or without the agreement of the administration.

Mr. President, I note the presence of my friend from Connecticut and I yield the floor at this time.

The ACTING PRESIDENT pro tempore. The Senator yields the floor.

The Chair recognizes the Senator from Connecticut [Mr. DODD].

Mr. DODD. Thank you, Mr. President.

Mr. President, I yield myself such time as I may consume, and I will not take a great deal of time. I presume others would like to be heard on the resolution.

Let me, first of all, commend the distinguished majority leader and the minority leader for reaching an agreement on this resolution. These matters are never easy, and particularly given a situation where there is obviously some serious division within this Chamber, reflected, I suspected, by some serious concerns among the American people, as to exactly what is occurring in Haiti and why it is occurring and how long we are going to be there and whether or not the desired goals of all of us are going to be achieved.

So this resolution, while it may not be satisfactory to absolutely everyone, I believe, as accurately as possible, given the politics of the situation, it is about as good as we could expect and I commend them, therefore, for their efforts and will myself support this resolution.

My colleague in Arizona has stepped off the floor for a minute, but let me pick up quickly on the last point that the distinguished Senator from Arizona made about the length of time that United States forces would be committed to Haiti. While certainly no absolute date has been set, for obvious reasons, it would be a significant restraint on our ability, the ability of our forces, to function to all of the sudden be given a sort of drop-dead date by which all the things they must do must be done.

So I hope that any resolutions that deal with a time certain would certainly take into consideration the concerns of the military, our military, and their desires to get the job done. I think oftentimes, when we in this body start trying to dictate exactly how our military ought to perform and under what time constraints, we make it far more difficult for them to get the job done.

Now, as to the timing, there is, I think, a misunderstanding that should be cleared up. The discussions in the Governors Island agreement talked about forces, both United States and other forces, but primarily other forces, leaving Haiti no later than February 1996. In fact, the presence of U.S. forces by that time should be at an absolute minimum, if any, at all.

It is, I think, the anticipated goal of those who are involved in this operation today that the presence of United States forces could, if everything goes fairly well, be out of Haiti within 4 months.

The idea of February 1996 does not relate necessarily to the presence of a significant U.S. military presence. U.S. forces will, obviously, be a part of that. But I think the strong desire is to have it be a very small amount of forces, the body and the bulk of responsibility resting with the U.N. and international forces; the bulk of U.S. forces being drawn down as quickly as possible and, as I say, as I understand it, hopefully within a 4- or 5-month, possibly 6-month, timeframe.

My colleague from Arizona, who has now returned here, is certainly someone who appreciates and understands, having been personally involved as this body a number of years ago was setting limitations on what the military could do. He will appreciate the fact I think we all want to get them out of there as quickly as possible. Ideally, they would be leaving today if it was possible to do so.

I have always been a little bit hesitant about the good intentions of this body when we start saying next Friday at 3 o'clock you have to be gone. When you let your adversaries know that, that becomes an advantage for your opponents. If they know exactly when you have to leave because you have been told to do so, that gives them an advantage I hope we would not give them. So my hope is, here, we can all agree they ought to leave as quickly as possible. Get the job done, but be careful about trying to be so restraining in those time elements that it makes it difficult for them to complete their missions.

Let me share, if I can, a few thoughts generally on this situation. I would like to join with others in, first of all, offering my significant praise for President Clinton in all of this. It is a very difficult job. It is easy enough for Members of Congress. We get up and give speeches and offer resolutions and we offer amendments and bills. Then we pack off and can go about our business—held, to some degree, responsible for the remarks we make in this Chamber and elsewhere. But the President of the United States is the Commander in Chief. The Harry Truman expression that "the buck stops here" applies to anyone who sits in that office. There is an awesome burden, an awesome burden, that anyone who has ever sat in that office assumes, when it comes to committing U.S. forces and conducting the foreign policy of this Nation. It is about as lonely a job as there is in the world, to be the President of the United States, given the fact situations you are dealing with.

It is, in my view, unfair in many ways for Members of Congress to run around and start dictating what they would do, Monday morning quarterbacks—this town has so many of them you could not put together a football team with anything but quarterbacks when it comes to trying to do business. Everyone will second-guess you. Everyone will tell you what you should have done. Everyone will tell you how they would have done it differently. But at the end of the day, when those decisions get made, it is the President of the United States, certainly within the memory of everyone in this country—we have seen the immediate two predecessors of the present occupant of that office face similar situations, lonely decisions—at the end of the day it is not your advisers, it is not the Secretary of State, it is not the National Security Council, not the Speaker of the House or majority leader or chairmen of committees. They can give you their advice. They can give you their counsel. They can tell you what they think you ought to do. But at the end of the day, when the doors close and you are there, it is your pen and your decision which commits forces and makes the final choices.

At the end of that you are the one, ultimately, as the President of the United States, who bears the responsibility, who either receives the praise for a job well done or the unending criticism if it does not go well. As has been said over and over again, victories have 1,000 fathers, defeat is an orphan. If this situation had not worked out well over the last several days, believe me you would be getting a lot of different reactions about President Clinton's decisions over the past number of weeks trying to ultimately come up with some answers on how we might solve this problem.

A lot has been said about the mission that went to Haiti. I certainly commend them. But it was the President of the United States who made the tough decision to commit our forces. It was the President of the United States who made the decision to send this delegation down to try to resolve the problem diplomatically. It was a classic example of the use of power, force in one hand and diplomacy in the other. I think both of those hands contributed to the accord, or the agreement, that was reached the other night which has brought us to the position we are in today.

Awkward as it is, difficult as it is, confusing and murky as it is, with a lot of problems over the next several weeks as to how this matter will ultimately be resolved, I think General Powell said it about as well as anyone has in the last several days. As we discuss all of the various options and the difficulties and the problems, do not forget this: That on Sunday night at midnight when the decision was made to send those planes from Fort Bragg back, the lives of young Americans and the lives of young Haitians were spared and we were not involved in an aggressive military invasion, facing resistance, however anemic it may have been. I do not think anyone would stand here today and tell you that we were going to be able to do this without the loss of American lives. There was a very real and strong possibility—I would go so far, Mr. President, as to say almost a guarantee—that we would have lost young Americans in that effort. It takes a special kind of courage to be willing to try once again to reach a diplomatic or political solution.

So, while everyone else is receiving their kudos for the great success over the last weekend, it was the President of the United States who had the power and the right to say, "No one is backing down. I have made the final call. We are sending the troops in." It was only the President who could make the decision to actually threaten the use of force, the military power, to try to deal with the situation.

I agree with my colleague from Arizona. I think a military invasion would have worked fairly easily with a minimum loss of life. You would have a different situation on the ground today. But, frankly, I would trade that for the situation on the ground today, for the result that we achieved as a result of the Carter mission, being able to come to an agreement which I think is a good one.

Again, you have to put these things in context. Would I have written it differently? Sure. Would President Aristide have written it differently? I promise you he would have. Would other people here have written something different than what these three negotiators did? I almost guarantee it. But here are three people sitting down in a chaotic situation, dealing with a military command, a head of police who would not even show up, a President who is basically a puppet, in my view, in the country, trying to get someone who would make the final call dealing with wives and children in living rooms and kitchens, in military headquarters, national palaces—all within a space of 30 hours.

They came up with an agreement that basically achieves, in my view, several very important goals and lays out a framework for us to, hopefully, achieve the others. It says that by October 15 the crowd that ripped and stole democracy—a fledgling democracy in a poor, difficult country—have to leave, have to leave power. That is not insignificant. That, in my view, is the nub, if you will. Without that commitment, then everything else would be up in the air.

Would I like them to leave? Sure. Would I like them to have left yesterday? Absolutely. But that is not the point. The point is that President Carter, Colin Powell, and SAM NUNN did the best job under the circumstances, avoided the bloodshed of young Americans and young Haitians, and achieved, in my view, a very important set of goals. So my hope is, here, as we analyze as Members of Congress and put in commas and dot i's and cross t's and want to add words and so forth, that we would step back and appreciate the circumstances they were operating under and appreciate, if I can say so, the determination and the decision by the President of the United States, the only President we have right now, this President, making a decision, a difficult one, to send in the forces that brought the people to the table and that also sent this mission to go down one last time to achieve the desired results.

With that having been said, I can also understand why there is some disappointment that President Aristide has not jumped for joy over their effort. But I think it is important to point out that President Aristide is not just a casual bystander in all of this. He is not an academic sitting around deciding whether or not this particular agreement meets some ideal of perfection. He was the individual elected—whether anyone in this Chamber likes it or not—by 70 percent of the people in that country in the most free and most fair election ever held in that nation. He was chosen by the people of that nation. Within a few months of assuming office, assuming that Presidency, that democratic election was ripped out of the hands of the Haitian people and, in a brutal coup d'etat arranged and orchestrated by General Cedras, he was thrown out of the country.

You can describe it any way you want. You can talk about these people as being greatly concerned about the constitutional processes of Haiti. But the fact of the matter is these are the individuals who caused the problem we are facing today. Had there not been that coup we would not be in the position we are in today, I do not believe.

And so when President Aristide says that he is not enthusiastic about the possibility that General Cedras may not go, or that these individuals are being called names that he finds unbelievable—and for obvious reason—this is a man who was sitting in a room while the Haitian military sat around in his presence and decided with almost a flip of a coin whether or not he would live or die, literally debated whether or not to execute him or not while he was standing there. Is there any wonder, by any reasonable, thinking individual, that this person might be a little bit concerned about whether or not this agreement is a great one when we are sitting around and talking about an individual, General Cedras, as if he were some military hero, some reasonable, thoughtful person?

I do not fault him for that at all. I think he is more concerned, quite frankly, with a lot of the rhetoric associated with the agreement than the specific provisions of the agreement. I am confident that he will endorse it and support it, but, again, I appreciate and understand some of his reluctance.

Let me also point out, Mr. President, that President Aristide has signed other agreements with this same crowd. Back with the Governors Island accord, he put his name on a paper along with General Cedras that said General Cedras was going to leave October 15, 1993, a year ago, the very date he is being asked to leave now. October 15 came and went, and General Cedras is still there.

Where I come from, if a person makes an agreement with me and then breaks it and then I am asked to sign another agreement with him, I am a little reluctant. I am sometimes doubtful about whether or not those individuals are going to live up to those agreements. Maybe I am unique in that regard, but I do not fault President Aristide for being, again, a little dubious about whether or not these guys are going to live up to an agreement when, frankly, the very one we negotiated with General Cedras at Governors Island a year ago was violently broken again.

So here is an individual who is the head of a coup, breaks the civilian government elected by the people of that country, violates an agreement that we helped put together at Governors Island, sits back and watches the brutalization of his own people—and if you did not believe the rhetoric before, turn on your television right now. Tune in CNN. Here they are—they do not even care if the world watches what they do—clubbing innocent people who show up merely to applaud the arrival of some people who may save their lives. So if you did not believe President Aristide about the problems in his country and human rights, turn on your local TV station.

So, again, is it any doubt that maybe this individual is a little bit concerned about whether or not this agreement with these people is something that may not quite work? I do not fault him for that. I may be the only one here who does not, but I do not fault him for that.

My hope is, again, that he will be supportive, and I am confident he will. I can tell you, Mr. President, firsthand, having spoken with him in the last couple of days, that he is deeply grateful that no one lost their life, deeply grateful that a diplomatic solution was able to be arrived at. He would have liked it to have been a bit stronger and a bit better. I do not for a second believe he is not appreciative. In fact, I can tell you that he is deeply appreciative of President Clinton's commitment to try to resolve this problem.

We have also heard that this is an issue that has little or no value to us in this country. I take issue with that. I do not disagree with my colleagues who will point out that this situation does not compare with other fact situations where the use of military force has been required. It is not as clear as having vital economic interests jeopardized, or vital strategic interests like the Panama Canal jeopardized, or where missiles or weapons have been pointed at us.

It is true Haiti does not pose a military threat to the United States, does not pose, in my view, a military threat even to the Dominican Republic, the country with whom they share the Island of Hispaniola. But, Mr. President, I do think it ought to be a matter of deep national concern that with a nation that is within 125 miles or so of our borders, we have an absolute tidal wave of humanity prepared to pour out of that country. They are not going to Venezuela. They are not going to Colombia. They are not going to Spain or Mexico. They are coming to one place: They are coming here.

We have 100,000 refugees from Haiti and the Dominican Republic. We have 15,000 in Guantanamo. We have hundreds and thousands of others who have left over the last year or so to escape the brutality, and literally hundreds and thousands more who, every night on the island country of Haiti, move from house to house, hiding in fear because of what we saw on our television screens last evening.

If this effort collapses, if this military crowd retains power and they are able to continue the reign of terror, in my view, of the 7 million people left in this tiny country, there will be several hundred thousand who will get into any vehicle possible, including a wash tub, if necessary, to escape the violence of their land—and who could fault them—knowing full well that they face great danger and a high probability of the loss of life by getting in these rickety crafts to escape Haiti. But they cannot sit any longer and watch their families, their own lives, placed in jeopardy.

It costs us today $20 million a month to take care of and accommodate these refugees. Expand those numbers beyond 14,000 or 15,000, and who is going to pay that bill? Maybe others do not think that is a national interest. I do. Were this nation 10,000 miles away, not posing that kind of a problem, I suppose you might try to come up with some different situation or different proposal. But the proximity of this country and the potential for literally a tidal wave, as I said, of humanity arriving on our shores, placing great pressures on limited resources in this country, I think, is a legitimate reason for us to try to take some action and do something about this problem.

I do not consider this to be an issue where there is no interest. Obviously, democracy is critically important and it is in our interest to promote and advance democracy wherever we can. That has been a stated goal of every administration as far back as I can remember, Mr. President.

I was disappointed the other day to hear some former high-ranking officials say that it is not our business to necessarily promote democracy and it is not that important to us if other nations do not have democratic governments. I think it is directly in our interest. We have been able to establish and prove that we do far better, our interests are far better protected when we have nations around the globe that have embraced democratic values and have chosen democracy over totalitarianism or authoritarianism.

So it is in our direct interest to try to support and promote democratic governments wherever we can, but particularly I would say, Mr. President, in our own hemisphere, where today—I know the Presiding Officer and my colleague from Arizona, because I have heard him speak about this, take note of this fact—for the first time in the Western Hemisphere, we have more democratic governments today than at any point in the 500-year modern history of the Americas. That is not an insignificant achievement, and the previous administration, in my view, deserves a great deal of credit for helping advance the democratic gains—the Bush administration. And I think this administration is trying to advance those same principles.

Again, maybe I am considered too idealistic because I think the right of people to choose their own governments and to participate freely in the decisionmaking process of their nations is something that we ought to be willing to stand up for. I believe those rights should not be limited only to those who can afford it, or only those who live in nations where we have a strategic interest.

If you are poor, you care just as much about your right to be heard. Those people we saw yesterday being bludgeoned and shot in front of the international media, they care just as much as you and I do about whether or not they have the right to speak freely and to criticize their government and to choose their leadership.

We ought to learn that in this country. Democracy and the desire to be free is not limited by the economic conditions under which one lives. This country has a longstanding tradition of fighting for that, and we ought never be ashamed of that or embarrassed about it. I commend, again, President Clinton for living up to that tradition of his predecessors who occupied that office, despite the resounding, unfortunately, bipartisan criticism of him sitting in that Oval Office making that decision.

Some Member of this Chamber may be sitting in that office one day, and they will know what it is like to have to make those decisions. I hope that they will look back and remember that President Clinton stood alone, unfortunately—too alone, in my view—during the difficult decisionmaking process.

So, Mr. President, I hope that in the next few days and weeks, we can at least come together to try to support the stated goals of the resolution that is before us; and that is to secure the departure of this military government that is engaging in the brutality we witnessed on our television screens over the last 24 hours. Whether you like or do not like President Aristide is not our business. The people of that country chose him. He has a right to go back and complete his term, and we ought to be supportive of that.

Does he have a perfect record? Would he get elected in Connecticut, Arizona, or Texas? I do not know. Probably not. But Haiti is not Connecticut, Arizona or Texas. It is a different place. We ought to appreciate and understand that instead of trying to decide whether or not the Haitian people were correct in selecting him. They did. And a very important element in this whole process is that he be allowed to go back.

My hope is that our military leaders there will start talking with the retired or exiled ministers, the parliamentary leaders of the civilian government elected under President Aristide, and send a very clear message that that is the legitimate Government of Haiti.

My hope is that President Aristide goes back as soon as practicable. I think it is important that he be in his country. As soon as we are told that it is safe and secure for him to go back, I think he ought to. I do not think he ought to be sitting in an apartment in Washington trying to negotiate with people in Haiti. He ought to be back in his own country trying to resolve the problem by building a coalition that would allow him to complete his term and to achieve the desired parliamentary election this fall and then the Presidential elections of next year.

I commend him, by the way, for what I thought was a brilliant speech at the White House last Friday, where he firmly committed to support the choice of a new President in Haiti in 1995. I think very appropriately and accurately he said the test of a democracy is not the first free election but the second one. I think there is a lot of merit and wisdom in that statement. And the commitment he made to that approach I think deserves repetition and support in this body.

So, Mr. President, these will not be easy days in the next few weeks. There will be a lot of pictures on our TV screens that are going to cause Americans great concern. But as you watch them, remember that these young men and women I think are our best ambassadors, our best emissaries. Those kids down there have an intuitive sense about what is right or wrong and some of them sitting on that wall last night in Port-au-Prince said it well: We ought to be given a chance to try to protect these people, to give this new government a chance to get back on its feet—the civilian government—and then to get out of the place as quickly as we can and let the international community fulfill those obligations and functions. And hopefully the establishment of a new police and new military leadership in Haiti, supporting and backing a civilian Government chosen by the people of that country, will be achieved.

That is a tall order, but I think it is worthy of our support. I do not think we ought to duck from it. I do not think we ought to be ashamed about it. I think we ought to be proud of it. That is our tradition. That is our history. That is what makes our country, Mr. President, different from any other place on the face of this Earth. We were born in revolution. We appreciate the struggles of other people to achieve freedom. That has been our 200-year legacy. We ought not, in 1994, as we approach the 21st century, shrink from that history, shrink from that tradition, shrink from that commitment.

My hope is that this resolution will be resoundingly supported but, more importantly, in the coming days we will find common ground on this issue and get behind this President and get behind our military forces in Haiti and make it possible for them to get the job done, not to be carping, not to be sitting back and going through it detail by detail trying to tear this apart. We ought not give any comfort, any comfort whatsoever, to General Cedras and his crowd. They are the ones who created the problem. They are the ones who have to go. We ought to be sitting together finding ways to come to a common understanding and common level of support that we can all achieve to be a part of the victory that could be democracy restored in Haiti.

Mr. President, I yield the floor.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER (Mr. WOFFORD). The Senator from Arizona.

Mr. McCAIN. Mr. President, I yield myself such time as I consume.

I would like to begin by saying I appreciate the very articulate and passionate defense of the present policy by my friend from Connecticut, who is extremely well informed on all of these issues.

I would like to make a couple of very brief comments.

First of all, on the subject of Mr. Aristide expressing his gratitude to my colleague from Connecticut, I hope he will give him a call soon and tell him to express that same gratitude publicly because I think the American people are confused and some frustrated by the fact that President Aristide has remained silent overall at least as far as this aspect of the Haitian situation is concerned.

As far as leaving the country is concerned, President Carter said yesterday it would be a violation of international law to force General Cedras from the country. I am not familiar with that aspect of international law, but it is hard for me to understand, if General Cedras and other military leaders remain in Haiti, how we can get some kind of political stability in that country.

The statements of President Carter and Senator NUNN on the aspect of the military leaders not leaving the country were that was something they could not address, the issue of them leaving the country was not something that they could have gotten agreement on. I believe those people have to leave the country, and I think the President needs to make that clear.

As far as the President standing alone is concerned, I believe even my friend from Connecticut would agree that any President of the United States must get the support of the American people before committing us to a military enterprise.

One of the reasons why I was in strong opposition to an invasion and now the occupation is because there are many lessons that we have learned throughout history, especially in the Vietnam war, one of which is we cannot embark on one of these enterprises without the support of the American people. I feel that that support right now is extremely tenuous, and the American people are somewhat confused when they hear the President of the United States one night say that these are blood-thirsty, murdering rapists who must leave now and then they are described by others as honorable people who deserve an honorable retirement, et cetera, et cetera. The American people are understandably confused by that.

Finally, Mr. President, I hope that we will disarm the police. I hope we will not see a picture on the front page of the New York Times: A coconut vender lay in the street yesterday after a Haitian police officer clubbed him to death near the docks in Port-au-Prince. I hope that stops. I hope that General Shelton talks to General Cedras today, as he said. I hope that General Shalikashvili, Chairman of our Joint Chiefs of Staff, comes up with something more innovative than a buy-back program of weapons in Haiti.

But the problem is, who do you disarm, and what happens if you disarm that policeman? Would then the Aristide followers necklace that person? It is a murky, mission-creep situation, Mr. President, which is fraught with every kind of danger, which does not have the overwhelming support of the American people.

This situation is eerily reminiscent of the way we went into Beirut, where we were welcomed; the way we went into Somalia, where we were welcomed; yes, even the way we went into Vietnam back in 1965, and we were welcomed.

We have to complete this mission. We cannot get our men and women involved in some kind of civil strife. We have to get out as quickly as possible. One of the best ways of doing that is to clearly define our role and mission, clearly define what our American military people are supposed to be doing and clearly define when that mission is completed, and get out as quickly as possible.

Mr. President, I yield such time as he may consume to the Senator from Texas, [Mr. GRAMM].

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I thank our dear colleague from Arizona for yielding.

Mr. President, I would like to start by explaining the position I took as this crisis developed. I would then like then to talk about where we are and my feelings as to what we should do. I would like to talk about the problems we face and my perception of where they came from and how we might deal with them. And then I wish to say just a little bit about this sense-of-the-Senate resolution, which is basically a figleaf other than the final three lines.

First of all, Mr. President, I oppose American involvement in Haiti not because terrible things are not happening there and not because terrible wrongs are not being done. The world is full of wrongs. I oppose American military involvement because I do not believe that we can right every wrong in the world. When we risk the lives of our young people, when we may have to look their parents and family in the face and say your son or daughter died in a foreign land, we must be absolutely certain we can tell their loved ones what they died for. It is not enough that it be for a noble sacrifice, because when Americans are sent somewhere and serve bravely it is always a noble sacrifice. We must be absolutely certain we can say with good conscience that we changed something for the better.

As virtually every American knows, we have invaded Haiti before. We have never had trouble getting into Haiti. We have always had trouble getting out. The last time we sent in the Marines we were there for 19 years. Was anything permanently different when we left compared to before we came? I would say it is obvious that the problem we have today is living proof the answer to that is no. Invading Haiti has never been a fulfilling experience for us because, fundamentally, we have not been able to make any permanent changes there.

So I opposed the invasion. I also oppose the occupation. I never thought we were going to incur heavy casualties in the invasion because I have supreme confidence in the capability of the American military. I have always been worried that in an occupation scenario, American soldiers are going to be ready targets for terrorist violence, no matter which side the terrorists are on in this conflict. I do not believe we have a vital interest in Haiti that is worth the loss of American lives.

I am not going to get into a battle about who is right in Haiti and who is wrong. The plain truth is, both sides look bad. We have all heard about the military atrocities. We have all heard about the terrible things done by the military dictatorship. But I remind my colleagues that in Aristide we have a person who Newsweek magazine refers to as an "anti-American Marxist demagog." That is a quote. We have a person who calls capitalism "poison." That is a quote. We have a person who has endorsed mob violence.

Granted, he has a right as President to advocate policies he is for and to talk about policies he is against. But I am a little bit confused how the White House can talk about promoting economic development yet use American military power to reimpose into power someone who calls capitalism a "disease." If there is another path to sustained economic growth other than free enterprise and capitalism, nobody in the world has yet discovered it.

The reason I do not want to get into an argument about who is right and who is wrong in Haiti is because the discussion would be totally unproductive. The point is, no matter who is right and who is wrong, our intervention is not going to change the situation. We do not have any vital interests in Haiti, in my humble opinion, for which it would be worth risking American lives.

My primary concern today is the well-being of American service men and women in Haiti. My number one goal is to see that we protect our military personnel, that we do everything we can to assure that they have the weapons and the support they need, that we do everything we can to protect their safety, and that we bring them home as quickly as we can. That is why the last three sentences of this resolution are the only sentences that have any real meaning to me, and I suspect they are the only sentences that will have any meaning to the American people. Those sentences say that we support a prompt and orderly withdrawal of all United States Armed Forces from Haiti as soon as possible.

If the American people could speak with one voice, this is what they would say.

It is proper that we congratulate our negotiating team that went to Haiti and who by talking prevented Americans from dying in an invasion. I certainly congratulate the three people who carried out that mission. Whatever we think of the agreement they made, to the degree that they saved one American life, I am not going to criticize what they did. But I think the real congratulations ought to go to the American people.

I think, quite frankly, that the real hero in this whole episode is the American public because the American public knew that President Clinton had not defined the vital national interests in Haiti. They made it very clear that they did not support the President's policy. The American people sensed in their wisdom that the President did not have a complete plan. He had a plan to get into Haiti, but he did not have a very clear plan as to what he was going to do after he got into Haiti, and he did not have a very good plan as to how he was going to get out. I think the events of the last few days have proven once again that the American people are very wise.

I believe the President was forced to change his policy and call off the invasion and try negotiation because the American people did not support his policy. So if we are going to congratulate anybody, we ought to congratulate the American people.

In terms of refugees and the problems they have caused us, I simply would like to remind people that it was President Clinton who as a candidate made a political issue out of President Bush's policy to stop the flow of Haitian refugees by returning them home immediately. Unlike President Bush, President Clinton was going to allow them the opportunity to get into the country. Needless to say, when he took public office, what did he expect to happen?

So after President Clinton had sought political advantage by promising that he was going to stop returning Haitian refugees immediately, when he took his hand off the Bible, they started coming in record numbers. That was a crisis created by the Clinton policy. And now we are asking Americans to go to Haiti and to risk their lives to deal with a problem it seems to me the President created.

So where do we go from here? First of all, I have very grave doubts that when this whole episode is over we will be able to completely separate the good guys from the bad guys and have a happy solution.

I am going to support our troops in Haiti, and I am going to do everything I can to protect them and to bring them home as quickly as possible. I did not support the invasion. I do not support the occupation. If we stay in Haiti long enough, if we get deeply enough involved in this conflict, Americans are going to die in Haiti. We know that with certainty. Whatever we can do to hasten the day we bring our soldiers home is what I want to do. I do not want to do anything that could encourage people in Haiti who might attack or harm our people. I want to do everything I can to support our people. I want to protect them with a massive use of American military power if we have to do it. But I want to bring them home as quickly as we possibly can.

I am hopeful that the President will declare victory and bring our troops home soon, or he will soon realize that his policy was a lot more specific on how we get into Haiti than it is on what we are going to do now we are there, and it is almost nonexistent as to how we are going to get our troops out.

This resolution says that we support a prompt and orderly withdrawal of United States Armed Forces from Haiti. I hope the President will take this resolution to heart. If the President does in Haiti what he did in Somalia, if he risks American lives in nation building, then ultimately this Congress is going to come back and we are going to set a date for withdrawal. We are not going to allow American lives to be expended in Haiti where we do not have a vital national interest if we can possibly prevent it.

So I congratulate the American people for calling off the invasion. They did it, not the politicians. They said "no," and Bill Clinton responded by sending a team of negotiators, who were able to work out an imperfect deal—maybe even an unworkable deal. But at least Americans did not die in an invasion, and since I do not believe we have an interest worth dying for there, I am happy that occurred. I wish we were not occupying Haiti. I hope the day comes quickly when we leave.

My primary interest today—and it will be until all Americans are home—is their safety. Whatever we have to do to make them safe, I want to do it. I will certainly support the President in protecting our people. But I do not support his policy.

If I vote for this resolution, I am not voting to congratulate the President for creating a crisis and then getting us knee deep into it. If I vote for this resolution, I am voting for it because of the last three lines that say: "We support a prompt and orderly withdrawal of United States Armed Forces from Haiti." I hope it comes soon, but if it does not, we will be back on the floor of the Senate, and we are going to be voting on a specific date for terminating American military involvement.

I yield the floor.

Mr. DODD. Mr. President, I yield 15 minutes to the Senator from Minnesota [Mr. WELLSTONE].

Mr. WELLSTONE. Mr. President, I thank the Senator from Connecticut for his wisdom and leadership on what I think is a very difficult question.

Mr. President, I would prefer not to put my remarks in any kind of a political party, partisan context, because I do not think the important questions before us should be viewed in that light. It is interesting that after the news came Sunday night that President Carter and the others had worked out the Port-au-Prince agreement, there were a number of questions put to me back in Minnesota, such as, "Do you think that this agreement will help the President, will it help the Democrats or hurt the Democrats in these elections?"

I actually refused to answer those questions. I said I thought they are just the wrong questions to ask. The questions we should be dealing with on the floor of the Senate and in the House of Representatives and, more importantly, in our States and communities, are those that have to do with what will be best for American soldiers that are there in Haiti, what will best serve United States interests and the interests of the people in Haiti. Those are really the questions.

I also want to start out by following up on an issue that Senator DODD has raised because it is, for me, a very, very difficult issue that has become a central post-cold-war issue in these kinds of situations. It has to do with the following question: What do we as a nation, as a people, do when innocent people are being slaughtered in other countries, such as Rwanda, Bosnia, Haiti? Under what circumstances, if any, ought we to intervene to prevent the killing of innocent populations? There are certainly a lot of countries whose people face that kind of violence now.

Mr. President, let me answer that question the way I think most people from Minnesota would answer. They would say: Well, PAUL, it is true that innocent people are slaughtered in a lot of countries. There is a tremendous amount of brutality in the world, but we cannot intervene everywhere. I think they are right.

But then, of course, the next question is, does that mean that we do not have any involvement anywhere?

And then if you try to answer that question, well, maybe there are some times when we as a country can make a positive difference, in part through military action, the question becomes, under what conditions? In what countries, under what circumstances, and what decisionmaking criteria do you apply? In this case, one important criterion is: when we can do it successfully. By this I mean will there be a minimum, or no, loss of life, and will our military presence lead to better lives for people in other countries? Of course, other criteria apply as well, including a calculation of U.S. national interests, the costs and benefits of military action, the justice of the cause, the legitimacy of the authority by which we take action, the proportionality of force to be used, and whether we have yet truly reached a point of last resort. These and other considerations are all important, and should be examined carefully.

In relation to the situation in Haiti, I do not think these are easy questions at all. So following on the remarks of my colleague from Texas, I choose not to put this in a partisan context, to talk about whether we should or should not give President Clinton credit. I do not think that is really the issue.

Now, my position about the question of congressional authorization was—and I will always operate within this framework, and I felt this way on the gulf war and on Somalia even when it was first a humanitarian relief operation—that it is important that the President seek the approval of Congress for military action. I have said clearly that I was disappointed that the President did not come to the Congress for that authority. I thought it was a serious mistake.

On the other hand, I would like to commend President Clinton and former President Carter and the other negotiators for their efforts. I also would like to thank our courageous and professional troops for what they are doing. I think they are in a very difficult position. Let us give credit where it is due. I think whenever there are alternatives to conflict, alternatives to going to war, alternatives to military action, we should explore those. I think that is what the President, working with former President Carter, has done.

At the same time, I do have some serious reservations about the arrangement which the President has entered into with the Haitian military dictators. I am concerned that the Haitian military will fail to honor the agreement, as they did with the Governors Island Agreement, and that it leaves the corrupt and brutal Haitian military largely intact. This question, Mr. President, must be addressed when President Aristide is restored to power.

I am also concerned that the broad amnesty the agreement provides for will likely ensure that those responsible for the brutality will go unpunished. Furthermore, the agreement leaves unanswered questions about the composition of the Haitian Parliament. Will the pro-Aristide legislators elected to office, many of whom have fled, be allowed to participate? Will they be allowed back into the country to vote on this amnesty question, which according to Haiti's Constitution can only be approved by the Parliament? Or will it be controlled by the one-third of Haitian Senators elected illegally after the coup? Are they the ones that are going to be allowed to develop the amnesty? Finally, I worry about the leaders being allowed to stay in Haiti to play a potentially disruptive and destabilizing role there.

I also worry about the civil unrest facing our troops. I am concerned that we not put them in the position of having to be just spectators to the violence that we saw yesterday, therefore losing credibility with the people of Haiti and perhaps becoming the targets of the anger of the Haitian citizenry, which assumed that when our soldiers came in, it would mean that finally repression will let up. I do think that on balance, the presence of our soldiers over the next few weeks will make a big difference in giving hope to Haitians.

The most basic problem is this: without a systematic and comprehensive reform of Haiti's military, all our efforts to restore President Aristide, and to nurture democratic institutions there, will be fruitless. That reform must be vigorously pursued by the administration, in partnership with a new Aristide government, at the same time we are providing large scale economic reconstruction aid and other forms of support for President Aristide's new government.

I think that there are intermediate steps we can take that are prudent and responsible, and that can make a difference, in the coming weeks and months. These include immediately vetting and purging the Haitian officer corps, establishing an organ like El Salvador's Truth Commission, and prosecuting abusers under Haitian law. These are things which I think should happen in that country, which will be important ways of signaling to the Haitians that a new day is dawning there.

But for right now, the situation in Haiti is still dangerous and still unpredictable. That is crystal clear to all of us. I do not mean just all of us in the House and Senate, I mean all of us in the country.

I think that the security arrangements that are being developed now by United States forces must take into account the historic tensions between the followers of President Aristide and the Haitian military and must take into account especially the long history of brutal violations perpetrated by those forces on the population. That is critical.

Sometimes it bothers me to no end to hear some colleagues talk about the junta and President Aristide and put them in the same category, without making a fundamental distinction. This junta and their subordinates are responsible for having systematically mutilated, raped, murdered, and tortured its citizens.

For a very long time, both the security forces and the judicial system in Haiti have been under the control of a corrupt ruling elite, and we should acknowledge that as we develop our public security arrangements.

Mr. President, I also want to focus on what I think is now a most difficult and immediate question for us, and that is that our forces are there in large number, and the people in Haiti look to us to guarantee public order, look to us to make sure that innocents will be protected from indiscriminate violence.

The question is if we rely on those forces in Haiti that have such a history of brutality to assure order in Haiti, then I fear it is going to put our troops in a very difficult position. That is what we saw yesterday. I do not have clear answers to this question, but what I do know is that if our soldiers are put in the position of having to stand by and watch this repression take place, then they will begin to lose their credibility, and I fear that could put our troops at great risk.

Mr. President, if the human rights situation matters, and is to be improved dramatically by our presence—and I think that is in part what this was all about, that was one of the main reasons President Clinton presented to the Nation for the use of military force—then we must do what we can within our mandate to assure Haitians that their fate no longer lies solely in the hands of Haiti's military.

We also, I think, must act quickly to return vastly expanded OAS and U.N. monitoring teams to Haiti, along with other independent monitors, to reassure Haitians that they are protected. In other words, I believe that the times call for a substantial presence of human rights observers as soon as possible.

Mr. President, now that we are there and this mission moves forward, I think our efforts should be guided by answers to the following questions: Who are we there to protect, from whom? What role, if any, will the U.S. forces play in disarming rogue security and paramilitary forces responsible for the bulk of violence? What role will U.N. forces coming later play? What precisely are the limits to our public order responsibilities? Are the limits clear enough to U.S. troops that are there?

I hope that our United States Commander in Haiti, General Shelton, will be crystal clear with General Cedras that the kind of violence we saw yesterday being perpetrated on civilian supporters of Aristide is totally unacceptable, and will urge him to act forcefully to stop it.

On the resolution itself, I view it as a general expression of support for U.S. troops there, and an effort to commend the President for peacefully resolving this crisis. I have some concerns that we should not end the embargo, especially the freezing of visas and assets, until after President Aristide is restored to power. I understand the administration will likely lift the economic sanctions in a phased, deliberate way. Finally, I continue to believe that, as we move forward, we must vote up or down on legislation that actually authorizes the deployment of U.S. troops, because I think that is the very essence of the way our system operates. Our system of checks and balances, and the democratic accountability it ensures, demands it.

I will always believe when the U.S. soldiers are to be involved in military action, and they are either in harm's way or potentially could be in harm's way, the way our system of checks and balances works is that we here in Congress, Democrats and Republicans alike, should vote and should be accountable. So I certainly would express my support for Senator FEINGOLD's approach as well.

Mr. President, there are some other steps that I think we could take to improve the situation in Haiti now. I hope that some screening of local police forces is taking place right now because what we saw last night was a very, very ugly picture. I certainly think that with information provided to the United States from the former OAS and U.N. human rights monitors and other sources we can do some prescreening of Haitian police to identify and purge the worst of the lot. I think that would help and that would be a confidence-building measure.

Mr. President, I believe, with the exception of a concern I have about the timing on lifting the economic sanctions, that I will vote for this resolution. I do not think this is an easy question. I am concerned about the position that our soldiers are in, and I am, in particular, concerned about our soldiers losing some credibility with many of the people in Haiti if, in fact, they are put in a position of having to stand by and simply watch this repression take place.

I am not advocating that they should be directly involved in the public order mission within Haiti but, by the same token, I believe some intermediate steps have to be taken in order to not put them in this position.

I worry about the next 3 weeks. I worry about the next 3 weeks because I think if the kind of repression we saw yesterday continues, our troops will face serious problems. As I understand this mission, it is an effort to restore President Aristide to office, to begin to build democracy in that country, and to do it without having to go in and knock the door down to do it, without having to have a massive military intervention. But we are now on the ground there militarily. And I think we must vote eventually to authorize that. I will support Senator FEINGOLD and others in an effort to ensure such a vote. And I will hope, Mr. President, for the very best, the very best for our soldiers, and the very best for people in Haiti as well.

Again, Mr. President, I hope that some of the steps that I have outlined will be acted upon by the administration. We simply have to figure out ways and be decisive in such a way that, on the one hand, we do not involve our soldiers directly in every single kind of civil conflict that now takes place in that country but, on the other hand, we do not put them in the position of having to be just spectators to this violence that we saw yesterday, therefore losing credibility with the people in Haiti and becoming the targets of the anger of the Haitian citizenry, which assumed that when our soldiers came in, it would mean that finally repression will let up.

I think the sooner President Aristide is back and the sooner we move toward building democracy in that country, the better off the people of Haiti will be and the better off we will be.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, I thank the Chair. I will just speak very briefly on the issue of Haiti.

Last week we left the Chamber to permit the observance of Yom Kippur and left in a time of uncertainty and concern. We did not know whether American troops would be fired upon. We did not know what would happen before we again convened.

We knew, I think, that we would invade. That was rather troubling to me personally and to many on my side of the aisle who together urged the Chamber to debate this issue in full and to pronounce the sentiments of the Senate.

We were frustrated in that aim. We were permitted a lengthy debate on the subject last Wednesday but were unable to bring the measure to a vote.

So, it was with great relief that we returned and I came back from my native State of Wyoming to find that American soldiers, sailors, airmen, and airwomen had been, although on the way to Haiti, were being removed from the role of aggressor and received as peacekeepers and not attacked as a hostile invasion force. And this Senator wishes to give appropriate credit to President Clinton, President Carter, and SAM NUNN, our wonderful, respected colleague, and Colin Powell, a splendid American, for their work in bringing that about.

But, I think the events of the past week amply demonstrated that Republican concerns were well-founded. The aircraft were in the air when the agreement was reached. There is discussion about whether that was helpful or not. Conflict was averted at the last instant, when President Carter and his team persisted for a longer period than previously planned, in order to prevent a direct confrontation.

It was a pretty close-run thing. And whatever appropriate credit is due to the President and the negotiating team, that came close to turning out much differently. Their exertions could easily have been undertaken with just as much skill, and just as much diligence, and yet events could have turned out far less fortuitously.

So I urge my colleagues to remember that as we consider the pending motion. I, of course, just as my colleagues do, fully and unreservedly support voicing our full approval for the devotion and skill of the American forces in Haiti.

I further understand the impulse that we should strive to voice commendations and praise here for the work accomplished by the President. He certainly has had his share of criticism for his Haitian policy to date, and it must be a relief to be able to seek and receive some expression of approval at long last.

Of course, I note there was far less enthusiasm from the administration and from the majority party for bringing Haitian issues to a vote in this Chamber last week. Now that things seem to be turning out at least a little better thus far, votes on Haiti are popular again. Had an invasion begun, and casualties been suffered, I expect that the enthusiasm to bring Haiti resolutions to the floor might have been greatly diminished.

Which brings me to some personal reservations about this particular vote. It is certainly in the rich tradition of "senses-of-the-Senate" or "senses-of-the-Congress"—and we have all seen these over the years. They are often offered, I hasten to add, by both majority and minority Senators with great frequency and zeal. We are in the giddy habit of passing unobjectionable "senses-of-the-Senate" by votes of 95 to 5 or 97 to 3 around this place. The language is usually carefully and artfully drawn so as to be uncontroversial, and to be "difficult to vote against." The key, or course, is that.

And so we pass these resolutions, certifying our support for one group's "right of self-determination," or saluting the admittedly fine performance of American soldiers, sailors, and airmen and women, or decrying another's "history of oppression" or asserting the need to respect this or that group's "minority rights" and on and on and on. And then we have distinguished foreign visitors come into our offices or we go there to visit them, and they say, "What in the wide world were you thinking when you passed Resolution X by a 95-to-5 vote? Don't you know this creates a serious problem for us, and that our parliament is watching these votes occur in the U.S. Senate and the Congress and we are deeply affected and disturbed by it? We just don't understand 'why'."

And then the process continues—a foreign policy issue comes before the Senate, and debate commences, and then the proponents of one side or the other haul out the old "sense-of-the-Senate" vote and say—"remember when we passed this measure 95 to 5? Now you are committed to taking the next logical step by voting for our splendid resolution." And we become prisoners of our own past votes.

It pleases me—and I mean this sincerely—there is no such preconceived agenda here in this instance. But as we vote to commend that Haiti action here today, I do want to sound the cautionary note. Things may get progressively more difficult in Haiti in the coming weeks and months. I deeply hope that we do not, but they could and I think they will. At that time, I expect we will hear, "Aha, where were Republicans when we were endorsing the action in mid-September? If they had concerns, why did they not voice them then?"

So I am voicing them now. We still have many questions to answer regarding the duration and nature of the mission in Haiti. I have indicated I would commend, and did, the President and the three-member delegation for what has been accomplished to date. But this is not in any way my "blank check" of approval for every "nation-building" activity in the months to come.

I trust that the record will show that this Senator is most pleased and honored to support our troops and to approve the actions taken to date. This Senator is furthermore richly pleased to help to convey the supportive unity of all Americans who are fully behind our troops now that they may find themselves in harm's way. This Senator will work to guarantee that support by ensuring that our soldiers have whatever they need in the way of funding in order to defend themselves and to accomplish their mission once it is better defined.

At the same time, this Senator will continue to work toward finding a more proper and sensible definition of that mission, and ensure that our fine fighting men and women are not drawn into political tasks and missions that are unachievable because they are not of a military character.

That is the very least we can do, in view of the selfless devotion manifested by our armed forces in this and all other missions. As we gratefully accept their service, we must not ask them to also do the work of legislators, diplomats, and political scientists. That is our work, and I trust that my colleagues will be earnestly engaged in it in the weeks to come.

I thank the Chair.

I yield the floor.

The PRESIDING OFFICER (Mr. DORGAN). Who yields time?

Mr. WELLSTONE. Mr. President, I suggest the absence of a quorum, and ask unanimous consent that the time be charged equally to both sides.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. Mr. President, I wish to speak on the Haiti intervention resolution.

Mr. BAUCUS. Mr. President, I ask the Senator to yield.

Mr. NICKLES. I would be happy to.

Mr. BAUCUS. Parliamentary inquiry. Is there some understanding that it be back and forth which side speaks next in the session here? I might make that inquiry.

The PRESIDING OFFICER. The Chair advises the Senator there is no such understanding.

Mr. BAUCUS. I thank the Chair.

Mr. NICKLES. I tell my friend from Montana I will not be all that long, probably 12 minutes or so.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. Let me say at the outset, Mr. President, I, like all Americans, am very pleased that the Haiti invasion was not hostile. I was very concerned that we would have paratroopers jumping into Haiti and that we would have armed intervention against them; that we would have, as General Powell said, young Haitians killing young Americans and vice versa. I did not want to see that. I think that would have been a disaster. It would have been a catastrophe. It would have been fatal for a lot of young Americans. And I am really thankful that did not happen.

I compliment President Carter and Senator NUNN and General Powell for their last-minute negotiations. I think it should have happened a lot sooner. I do not think we should have been poised on the brink of an invasion. I think that was a serious mistake, but I am glad they were able to convince the leaders in Haiti to avoid the bloodshed. I hope that the bloodshed will continue to be avoided.

Mr. President, I wish to speak out strongly in opposition to our occupation of Haiti. I am not pleased by the fact that we are now going to have 15,000 American soldiers occupying Haiti for an undetermined amount of time. I am not pleased with our role. I am not pleased with the reason why they are there. I am not pleased by this administration's policy which has changed on Haiti almost on a daily basis. I am really displeased by the administration's policies that brought us to the brink of war, threatening countless American lives, in my opinion, not for U.S. military or national interests.

I noticed that President Clinton in a news conference on May 19 outlined several things of national interest dealing with Haiti. He said Haiti is in our own backyard. The United States has a million Haitian-Americans. There are several thousand Americans in Haiti.

Let me touch on that. Sure, Haiti is in our backyard, but so are Mexico and Canada, both of which have problems, but we do not invade them for the solution. Yes, we have a lot of Haitian-Americans in the United States. They are not threatened. That does not change anything. It has nothing whatever to do with invasion. An invasion does not solve any problem there. There are several thousand Americans in Haiti, and their lives have not been threatened. As a matter of fact, the potential of a military intervention or invasion probably did more to jeopardize their lives than anything. The Americans have not been subject to attack. This was not a Grenada where you had the possibility of American citizens held in house arrest or students that were in danger. The Americans that are in Haiti have really not been threatened, and certainly there is no reason for invasion on that point.

The President also stated that drugs are coming through Haiti to the United States. If we invade every country that has drugs coming through it to the United States, our Army is going to be very busy. Haiti is not the most aggressive or not the biggest problem that we have as far as exporting drugs to the United States. We have the same problem with the Bahamas. Are we going to invade the Bahamas? We have the same problem with Mexico, with Canada, and with countless countries.

The United States faces the continuing possibility of a massive flow of Haitian immigrants to the United States. That is primarily a result of this administration's policy of a significant tightening of the embargo that made life miserable for countless Haitians—not miserable for the military junta leaders but miserable for the Haitian people. Again, that is the result of the President's past policies.

I might mention, too, the President's past statements encouraged migration from Haiti to the United States, his statements as a candidate. He just totally refuted President Bush's statements—oh, we are going to let the Haitians into the United States—and as a result of those statements as soon as the election was over the boats were being built and countless Haitians were coming to the United States.

President Clinton reversed that policy because, obviously, it was a mistake. He wisely reversed that policy and basically adopted the previous administration's policy as far as returning Haitians to Haiti. But then he changed. He changed, for political purposes, in my opinion, because Randall Robinson was on a hunger strike and the Congressional Black Caucus was putting pressure on, Jesse Jackson was putting pressure on, and so the President again changed his policy and said, oh, we are going to hasten Haitian immigration on ships and make changes there. And again the number of Haitians coming into the United States or fleeing Haiti increased and increased rather dramatically.

The President also said that, well, it is in our national interest to invade Haiti, or occupy Haiti because we are going to restore democracy. And again, Mr. President, I find that to be not a significant justification for occupying Haiti with thousands of troops for an undetermined amount of time and certainly not a significant reason for risking a military invasion—an invasion, I might mention, according to the reports and listening to former President Carter and others, that was already underway. It was happening and maybe was within 30 minutes or an hour of actually taking place and costing lives of American soldiers.

Why? To restore democracy? I question that.

I just make a couple of points. Not all elected leaders are democrats. I might mention to my colleagues that "Papa Doc" Duvalier was elected in 1957, and I think most everybody would acknowledge that he was somewhat of a tyrant, and we should not have risked the U.S. flag to have kept him in power. As a matter of fact, I think we were urging that he would not stay in power.

I think of Mr. Milosevic, the President of Serbia. I was in Yugoslavia not too far from when they were having elections. Those elections, in my opinion, were certainly not fair, certainly not the most democratic I have ever seen. But I do not think we risk lives, after they have elections, saying this is a great leader. I do not think he is. He is a tyrant. Hitler was elected at one point.

I do not think it is in the interest of the United States to risk lives to reinstate Mr. Aristide to power. I know the President during a news conference talked about 200 years ago. He was making the comparison you had countries helping us; we were a new democracy, so maybe we should help Haiti. I am thinking, well, people are almost thinking of Mr. Aristide as another George Washington.

That is not the case. People need to look at Mr. Aristide's comments—comments from 2 years ago, comments from a few days ago, comments from 3 years ago. This is a leader of Haiti who has made a lot of anti-United States comments. He has made a lot of more Marxist-type comments than you would imagine. He has made comments urging violence against his opponents, urging violence to the extent of using the practice of necklacing, which is taking a tire, filling it with gasoline and setting it on fire to murder his opponents, and talking about the sweet aroma of that smell. That speech was made in 1991—1991—not that long ago. And yet we are talking about risking U.S. lives to reinstate him into power because he was elected by a big margin. I seriously doubt it. I think that is a bad policy.

Mr. President, do not mistake my comments. I support our troops, but I want our troops to come home. I do not think our troops should be occupying Haiti. I do not think we should be risking lives, United States dollars and prestige to occupy Haiti for an undetermined amount of time.

I might add, Mr. President, I think we are going to be there for a long time. I hope that is not the case. I am pleased that the resolution we will be voting on is a very significant improvement over the original draft I have from Senator MITCHELL. It is a big improvement. It says, "supports the prompt and orderly withdrawal of all United States forces from Haiti as soon as possible." It does not mention a timetable. I am afraid that could turn out to be a lot longer than we would like. That is not mentioned in Senator MITCHELL's original resolution. I think it needed to be mentioned.

I am concerned about United States lives in Haiti. Also, when we look at Mr. Aristide, I cannot help but tell you I am appalled by his statements that he made yesterday. We did not hear a "thank you" to the United States. We did not hear, "We are grateful for your efforts." Basically, he was condemning the agreement that President Carter and Senator NUNN and General Powell negotiated.

I also cannot help but wonder what Americans would think if they knew of the millions of dollars Mr. Aristide has been spending in the United States during his exile the last 3 years.

I have been somewhat appalled to find out that lobbyists have been making hundreds of thousands of dollars, and that is coming from the money that is Haitian money. That is money from maybe one of the poorest countries in this hemisphere, and, yet, Mr. Aristide and his lobbyist friends are doing quite well. That bothers me. Maybe it should not. Maybe I am picking up something that is not really all that relevant in the international scale. But when you find out that lobbyists are making $55,000 a month or $300,000 in a 3-month period—every time that is coming from the Haitian people who are making maybe a couple hundred dollars per year—that bothers me.

We are going to be risking U.S. lives to reinstate him into power? That bothers me. I think that is a serious mistake. Mr. President, I have to say that it is troubling to see that President Clinton would have the national press conference or a press statement and talk about all the evils that are going on in Haiti and how bad General Cedras is and his group. I might mention some of his comments:

> They have brutalized their people, destroyed their economy; those who resisted were beaten and murdered; dictators' horrible intimidation campaign of rape, torture, mutilation; people starved; children died; thousands of Haitians fled their country and headed to the United States across dangerous seas; Cedras and his armed thugs conducted a reign of terror, executing children, raping women.

These are the President's comments.

Now I am looking at 2 days later. Now we see "General Cedras is now our partner in the governance of Haiti. For 1 month we shall be ruling Haiti together with a man Clinton assured us last week was given to executing its children, raping women, killing priests." That is from Charles Krauthammer, "Our Partner, General Cedras" in the Washington Post.

I just make the point that we are risking lives. It seems to me that the Commander in Chief, the President of the United States was trying to whip up a real strong hysteria against General Cedras to build this up and maybe inflame the sentiments of the country in favor of an invasion that the American people did not support. The American people did not support it, and they were right.

Frankly, I think you will find the American people will not support the occupation of Haiti. They will support the troops. I support the troops. But I do not support the policy of occupying Haiti. I do not think that is worth risking U.S. lives. We are going to be confronted with a lot of difficult challenges. We will find one group fighting another group. Are we going to intervene, or are we going to stand idly by? Military forces were standing by idly and watched one or two murders happen yesterday.

How long will we be the police force? Are we going to try to have a free democracy and to hold elections? I want elections to be held. What happens if somebody tries to hold that election, if we leave, and fighting breaks out again? Are we going to send in another 10,000 troops to stop the fighting? What are we going to do if Haitians start fighting other Haitians, or if one Haitian group takes out and murders some American soldiers? I am sure we will retaliate. But I hate to put them in harm's way to really substantiate a policy that I believe is terribly, terribly flawed.

I think the President's policies have been a disaster. I hope and pray for the success and safety of our troops. I think he has put them in harm's way unnecessarily.

I strongly support the resolution that we have before us, at least the fifth point that says we support "a prompt and orderly withdrawal of all United States forces from Haiti as soon as possible."

Mr. President, I will just conclude. I do not doubt—somebody asked me earlier, they said, "Will you be offering a resolution which says they need to be out within 60 days?" That amendment or that resolution will not be offered today and probably not this year before we adjourn. But my guess is next year we will be debating and discussing a resolution which says our troops should be out within a certain period of time because it looks like they are getting bogged down in a quagmire, from which we will not be able to leave.

I hope there will be a peaceful, successful transition of power. I hope there will be no lives lost, Haitian lives nor American lives. I hope that our troops will be able to return to the United States as soon as possible.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I am about to yield whatever time my colleague from Montana may desire, and then, hopefully, we can also go quickly to Senator PELL, and then I believe the Senator from Colorado would follow immediately. And I gather the statements from Senator PELL and Senator BAUCUS are relatively brief.

Mr. President, I cannot resist, because people have talked about you should not do any of these things unless you have the full support of the American people. I think that is always desirable. But memory sometimes fades rather quickly.

I just went back and pulled up the poll results in the fall of 1990 prior to the decision to go into the Persian Gulf. Some of my colleagues may have forgotten this. If you look at the results, only 38 percent were in favor of going to war against Iraq in the Persian Gulf; 27 percent—here is one poll about the President's handling of the crisis, President Bush. It had fallen below 43 percent, 27 percent lower than in September.

I only bring this up because I think we had better be careful about conducting business based on polls. For those who suggest you cannot act at all unless you have the popular opinion with you on every occasion, they ought to go back and refresh their memories when it comes to some of these other crises, when President Bush acted, and depending solely on whether or not what he was doing was always popular. It was not at all.

I yield the time to the Senator from Montana.

Mr. BROWN. Will the Senator yield?

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BROWN. Mr. President, will the Senator yield on the particular point that the Senator from Connecticut made?

Mr. BAUCUS. I would be happy to yield at the conclusion of my remarks.

Mr. BROWN. I had exceeded my time prior to the comments of the distinguished Senator. I wonder if I could not answer the Senator.

Mr. BAUCUS. I would be happy to reduce my remarks, if the Senator will yield to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Montana was recognized and has the floor.

Mr. BAUCUS. Mr. President, I want to make a few comments on Haiti.

First of all, I think the President, along with the delegation of former President Carter, General Powell, and Senator NUNN, deserve congratulations for avoiding a violent invasion of Haiti. And the men and women of the armed services have carried out the operation, up to now, with great skill and professionalism.

I have withheld comment on Haiti over the past few days because I am reluctant to interfere with the President, and the Armed Forces as they carry out a delicate military operation.

But I see some dangerous warning signs in the events of the past few days. I want to say as clearly as I can that we should make the mission in Haiti as limited as possible. We should avoid any long-term peacekeeping presence there. We should get the troops out, as soon as possible, and let the Haitians begin to solve their own problems.

First, the man we are returning to Haiti, President Aristide, is frankly an ingrate. He is the legitimately elected President there, and he should keep his office. But we have no obligation to put American lives at risk for that purpose. We have done so. He has not said a single word of thanks. Instead, he seems angry that we avoided an invasion. It is an outrage. And it calls into question President Aristide's reliability as this mission continues.

Second, our mission in Haiti is beginning to remind me of our Lebanon adventure in the Reagan administration, and our presence in Somalia during the Bush and Clinton administrations.

When we commit troops without a clear military goal, political factions in the relevant country see it as an opportunity. As in Lebanon and Somalia, Haitian factions will use our military presence for their own purposes, ultimately to the disadvantage of both Haiti and our soldiers.

Just yesterday, some promilitary Haitian policemen beat an Aristide supporter to death in the street, with American soldiers nearby. In such a situation, our soldiers must choose between standing still and doing nothing, or involving themselves in internal Haitian political battles with unpredictable consequences for themselves personally and for our country.

Last week, before the military operation began, retired Col. Richard Kern from Livingston, MT, a man who has served in Haiti, as well as World War II, Korea, and Vietnam, sent me one of the best, most thoughtful letters I have ever received.

He said:

> In recent years, we have become somewhat casual concerning the employment of U.S. forces. Military intervention once was, and should remain, a case of last resort. Today, however, we seem to consider it as a quick-fix possibility to solve a range of political and economic problems * * *. [But] military force is arbitrary and brutal, and as apt to cause harm to our own interests as to further them.

As far as Haiti goes, however, Colonel Kern goes on to say:

> For all our efforts there would be no beneficial result. Haiti would still be Haiti, unchanged, and, in its particular way, defiant.

I believe Colonel Kern is right.

I am deeply troubled by what I see emerging in this mission. I have been quiet up to now, but I think we are headed in a dangerous direction, and the sooner we bring our troops home from Haiti, the better.

I yield the floor.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island [Mr. PELL] is recognized.

Mr. PELL. Mr. President, over the last few days many statements have been made regarding the recent agreement with the Haitian coup leaders. Some naysayers have been quick to criticize and others are questioning details underlying the agreement. As with any agreement, issues remain unresolved and as it is carried out there inevitably will be bumps along the road. But we must not overlook what has been accomplished. President Clinton avoided bloodshed and the loss of life and accomplished—peacefully—our primary goals in Haiti. While we may wait a little longer, the democratically elected government will be returned to power and the reign of terror will end.

Even though the President had determined that the use of force was justified and the troops were ready and waiting for what would have been a relatively simple military operation, he made one last effort to seek a peaceful solution to the immediate crisis. In many ways, the current situation may be more complicated and difficult than if U.S. troops had entered by force as is often the case with diplomatic solutions. But President Clinton made the right choice. He did what the American people wanted without sacrificing our goals in Haiti.

Mr. President, I support the pending resolution and congratulate President Clinton and the special delegation for showing prudence, courage, and wisdom in Haiti.

The PRESIDING OFFICER. Who seeks recognition?

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado [Mr. BROWN] is recognized.

Mr. BROWN. Mr. President, I rise to express my concerns about our involvement in Haiti and to express my strong support for the fifth subparagraph under the "resolves" of our resolution, that which supports prompt and orderly withdrawal of United States Armed Forces from Haiti as soon as possible.

Members of both parties have come together on this resolution, and I think it is to the credit of our distinguished chairman of the Foreign Relations Committee and the leadership of both the Republican and Democratic sides that we have been able to bring forth to the Senate floor a resolution which apparently has very broad support. But I want to share a few concerns as we move forward.

Mr. President, I first comment that it would have been my intent to offer two amendments to the resolution that would appear here. First, a specific time limit, so that we were not simply talking about a prompt and orderly withdrawal of U.S. troops, but we would set a date certain for the withdrawal.

Mr. President, my concern about that is that we will indeed be drawn into the Haitian adventure, that we may well have American men and women who serve our country there injured or killed, and that through the inevitable effort to save face, we may be willing to withdraw on a prompt schedule.

So while the commitment to have a prompt withdrawal is important and, I think, helpful, it is not as helpful as having a specific time certain. That amendment—while others prevailed on us not to offer that to this resolution—is one I believe in strongly and one which I will offer at another time before this Chamber.

Second, it had been my intention to offer the Weinberger guidelines. I intend to offer those at a later date as well.

I will summarize those quickly, and I will not take a lot of time. I will remind people of what they include. They include, first of all, that any time we are going to use U.S. forces, the commitment to combat be vital and include a decision that the cause was vital to the U.S. national interest.

Mr. President, this does not mean that we simply have a strong will for the outcome. It means that it is vital to our American interests. I think that is particularly important here, because what we are weighing is not only our interest in seeing a viable democracy in Haiti, but we are weighing it against the potential loss of American life. I believe Americans rightly believe that the cause ought to be awfully important and awfully significant for our national interest before we give up the lives of our young people.

Second, the Weinberger guidelines call for a clear, wholehearted, commitment to winning any combat. It is part and parcel, I think, of a concern I have that we may well have committed troops into Haiti without a clear mission, without a clear commitment to winning it.

Let me be specific. Presidents Kennedy, Johnson, and Nixon shared in the Vietnam responsibility. Each of those Presidents committed troops to action in Vietnam without clearly defined objectives and without a clear commitment to win.

Whether one agreed or disagreed with our efforts to preserve democracy and freedom in South Vietnam, the fact is that we were willing to send men and women to Vietnam and risk their lives and have 50,000 Americans not come home, without ever committing our country to winning that conflict.

I believe most Americans determined at the end of that conflict that it had been a mistake—not a mistake to defend freedom, but a mistake to commit our men and women to combat without a commitment to win that cause. That is part of where the Weinberger guidelines came out of—our mistakes in Vietnam.

Clear and defined objectives were included in this as well. Of course, the final commitment in the Weinberger guidelines is that we should only commit U.S. forces to combat as a last resort.

With regard to Haiti, we have committed combat forces to Haiti, but it was not a last resort. Were there other alternatives? Yes. One alternative would have been to provide aid and assistance to Haitians that wished to free their country themselves. It is a precedent we have followed in other circumstances, and it involves our assistance to freedom fighting forces without risking U.S. military personnel. But it does help people who want to free their country.

I think it is fair to say that we did not follow the Weinberger guidelines in this. We did not do this as a last resort, but well ahead of any last resort. I think it is fair to say that the commitment of troops into Haiti does not involve clear, defined objectives, and the objectives or the timetable is not clearly defined at this point.

With regard to the vitality—being vital to our national interest—I submit that the President has not made that case.

What we have in Haiti is a failure to learn from our mistakes of the past, the mistakes of President Kennedy, President Johnson, and President Nixon in Vietnam; the mistakes of President Reagan in Lebanon where American troops were committed for what was thought to be a good cause and the guards at the gate were not given bullets in their guns to protect them. Members will recall that the terrorist truck came through the guards at the gate and the guards were unable to stop it because they had not been given bullets for their guns, and over 200 Americans lost their lives.

This is a failure to have clear objectives, a failure to make a commitment to win, a failure to look at alternatives. How many times do we have to make mistakes with the lives of young men and women before we learn our lesson? The lesson is not that we do not stand up for freedom. We do and we should. The lesson is not that given the right circumstances we do not go into combat. Given the right circumstances we should be willing to stand up for freedom.

Our successful effort to defend freedom in Kuwait is a good example. Earlier my colleague from Connecticut brought up the case of Kuwait, but what he failed to mention was in the case of Kuwait President Bush went to this Congress, a Democratically controlled Congress, and won approval of his policy before he went into combat.

I intend to offer both those amendments because I think they offer an important policy declaration that too often can be missed. One, we ought to have clear objectives and we ought to have a commitment to win, and another that there ought to be a specific time for withdrawal.

What all of this boils down to is simply this: We should hold the men and women who serve our country in the Armed Forces in high regard. They should not be political pawns. Their safety should not be sacrificed for political purposes. Preelection specials to boost poll ratings should not involve risking the men and women of our Armed Forces. We ought to care enough about them that not only do we not use them as political pawns but before we trade away their lives we make very certain that the cause is important, that it is vital, and that we are committed to win.

If it is not important enough to commit to win, if it is not important enough to define our objectives, if it is not important enough to stand up for those principles, we should not commit the lives of our men and women.

That is what the mistakes have been in the past. In Somalia it was politically convenient to leave them in the country, expose them to the risk, but it was not politically convenient to give them the equipment and the material to defend themselves.

Some Members will say, "HANK, those are harsh words." They are absolutely true. Read the press clippings of the decision of the Defense Department when the field commanders asked for armored personnel carriers to carry out the mission that our political leaders gave them in Somalia. The decision was there might be political risks in sending armored personnel carriers over. So we traded off the interests of the men and women who served this country in favor of political interests.

That is just plain wrong. It is wrong for us to be so calloused about the lives of our men and women who serve us in the Armed Forces that we would place political considerations, political expediency, above our duty to those men and women.

That is what is involved in Haiti. It is a question of whether or not we value their lives enough to treat them with respect and to stand up for them.

Those young men and women are willing to give their lives for this country and give their lives for our freedom. They understand they may be injured or maimed or killed, and they love this country enough to face that risk and assume it and take it on. But what they do not understand is how in the world we could ask that sacrifice from them when we do not even go to the trouble of defining what the mission is. How do you get out of Haiti without setting a time limit? How do you get out of Haiti without setting clear, specific definitions of what our objectives are?

Those questions are unanswered and they remain unanswered. I believe they represent an attitude of callous disregard for the safety of those who wear the uniform of this country. We have had enough of this. No more should we have the kind of disregard that was shown in Vietnam. No more should we have the kind of disregard that was shown in Lebanon. No more should we have the kind of disregard that was shown in Somalia.

We ought to care enough about the people who put on the uniform of this country to do our job in the Congress and do our job in administration, and that is spell out the objectives; that is stand behind them when they go into combat and make sure they are protected and, yes, in the police actions make sure there is a time to get out.

We are going to pass this resolution and perhaps some will pretend that it addresses the subject, but it does not. Underlining it is a willingness to treat in a cavalier fashion the people who wear the uniform of this country.

Mr. President, I am not going to back off from offering resolutions because I believe the Weinberger amendments deserve to be voted on. If someone thinks we should send people in combat without spelling out the mission, I want them to have a chance to stand up on the floor and have a vote taken.

If people want to expose our young men and women to the danger in Haiti without having them given a specific period of time for withdrawal, I want them to have a chance to go on record, too.

I think it is important that we understand that a primary consideration here is not just our hopes and aspirations for the people of Haiti but our commitment to the young men and women on which our freedom depends. If we ever have a generation in this country that is unwilling to risk their lives, that is unwilling to stand up for freedom, we will lose our freedom. And the surest way I know of to make sure American young men and women are unwilling to stand up for that freedom is to treat them as we have done in the recent years.

If we do not meet our obligations to the young people who serve this country, how can we ask them to meet their obligations to us?

I yield the floor, Mr. President.

The PRESIDING OFFICER (Mr. DORGAN). The Chair recognizes the Senator from Arizona [Mr. McCAIN].

Mr. McCAIN. Mr. President, I congratulate the Senator from Colorado on his very powerful and, I think, informative remarks about the problem of defining the role and mission of the young men and women who are serving in Haiti. Everyone supports those young men and women.

I think he points out very graphically that we also have an obligation to those young men and women that we provide them with a clear-cut mission, clear-cut rules of engagement so we are not treated to pictures such as we saw on the front page of the New York Times today and the Washington Post of Haitians being murdered and American fighting men and women standing by.

Mr. President, I rise again because my friend from Connecticut stated in his remarks about public opinion, that only 38 percent of the American people supported President Bush's effort in the Persian Gulf, this Nation's effort led by President Bush. The Senator from Connecticut was correct. He just was not in context, because the fact is that only 38 percent of the American people did support our involvement in the Persian Gulf war initially, which reflected the well-known skepticism and caution that is a trademark of the American people considering involving ourselves militarily overseas. But there is a huge difference. I tried to point it out in my remarks earlier today.

President Clinton basically was prepared to invade Haiti without the support of the Congress and the American people, in fact without even consulting Congress. It is well known what I tried to do last week to get an expression of the sense of the Senate either to approve or disapprove of our involvement there. That was blocked, as we all know.

The difference is that when President Bush was faced with these numbers he went to our allies around the world. He spoke to the American people. He submitted to this body and the other body for debate and discussion an authorization which in the view of some was described as this Senate's finest hour, the debate that took place on the Persian Gulf war resolution, and he built public opinion so that, as I hope my colleague from Connecticut will understand. On a poll published on January 14, 1991, in Newsweek: "Do you think U.S. forces should engage in combat with Iraq if Iraq refuses to leave Kuwait and restore its former government?" 61 percent, yes; 29 percent, no. The Washington Post-ABC poll, January 6, 1991: "If Iraq does not withdraw from Kuwait, should the United States go to war with Iraq to force it out of Kuwait?" 63 Percent, yes; 32 percent, no.

So, I hope my friend from Connecticut remembers that, yes, initially only 38 percent of the American people supported going into Kuwait and the Persian Gulf but at the end of the day before military operations started President Bush had gone to the American people, which is what President Clinton has not done, and I repeat and I repeated it 25 times on the floor of the Senate: You do not go to war without the support of the American people. We found that out in Vietnam. Otherwise, it is doomed to failure, the great lesson of the Vietnam war with which most of us, I believe, are clearly in agreement.

So what should President Clinton have done and what should he do now?

He should make a case to the American people, and one of the ways, of course, would be an authorizing resolution. There are a number of ways that he could do so. We cannot construe U.N. approval for approval of the U.S. Congress. We cannot substitute the U.N. Security Council resolution for the approval of the Congress of the United States and people.

I want to make clear again that I do not believe constitutionally the President is required to do so.

I do not believe that. That is a debate that goes on amongst constitutional scholars. But what I do believe is that you need the support of the American people. And how do you get it? Go to their elected representatives and have a debate and have a resolution.

I think that is clearly the way, an integral way, in which President Bush was able to change public opinion from only 38 percent support, when the invasion first took place of Kuwait by Iraq, to January 1991, when, by two separate polls, 61 percent of the American people supported and in another one the 63 percent of the American people supported. I think we should not ignore that.

Mr. President, I see no speakers on the floor at this time. So, at this time, I suggest the absence of the quorum.

The PRESIDING OFFICER. Would the Senator suggest that the time be equally divided?

Mr. McCAIN. I ask unanimous consent that the time be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

The absence of a quorum is noted. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognized.

Mr. SPECTER. Mr. President, I support the resolution offered by Senator MITCHELL and Senator DOLE on Haiti, with two explicit reservations. One is on the length of time that United States military personnel will be committed to Haiti. And, second, what will be the resolution of the status of General Cedras and the others of the Haitian military junta who have seized control from the duly elected President of Haiti.

I believe the first resolution clause commending the efforts of the President in sending former President Jimmy Carter, retired Gen. Colin Powell, and Senator SAM NUNN, to Haiti in an effort to avoid the loss of American lives is well founded. I congratulate former President Carter and General Powell and Senator NUNN for the results which they have achieved. I also commend the President for thinking of that as a last-ditch effort to avoid the loss of U.S. lives on that invasion.

As I said on a number of occasions on the Senate floor, I was opposed to an invasion of Haiti. I thought that prior to any such order by the President of the United States it was incumbent, under the Constitution, that authorization be obtained from the Congress of the United States. The President chose not to follow that. I still believe as a matter of constitutional law it would have been a very, very unwise precedent. But I think the President was wise in taking up former President Carter's offer to have the mission go to try to avoid a forceful invasion of Haiti.

I do think that from time to time, as a political matter, some on the Republican side of the aisle are a little overly reluctant to commend the President. I think commendation is in order for him on this particular line. I have found that frequently there is more approval of the person who is offering the compliment than those who receive the compliment. I think it is important, as a bipartisan matter, that we stand together on issues of foreign policy to the maximum extent that we can. But I do not like the implicit part of this approach which has an open-ended status for American personnel in Haiti.

American fighting men and women are not trained as policemen. When people describe this as a police operation, in an effort to analogize it to Korea, in an effort to avoid the necessity for the Congress to have a formal declaration of war, they misstate the nature of the mission of the American military personnel. That is not to be policemen. We have military police and they are trained as policemen. But it is not the job of U.S. fighting forces to undertake a police operation.

As we look at this from September 19, the day before yesterday, and look into the future, I believe there ought to be some limitation as to how long that police operation is going to last, and there ought to be a specification as to what other nations are to contribute. When there is talk about the police operation lasting as long as until January 1996, until after the next Haitian elections, I think that is too long.

There was a great deal of talk in advance about a United Nations operation with as many as 20 or more nations participating, and the talk was some 1,500 or perhaps 2,000—really the number is as yet undetermined. The United Nations force was specifically excluded from the first line of attack. I, frankly, did not like that, that it was only U.S. military personnel who were going to bear the risk of invasion. But now that specific risk has been avoided, although there continues to be substantial risk to American personnel in being in Haiti.

We see the reports of yesterday's activities. American soldiers stood by while Haitian police put down a demonstration. It is going to be a tough assignment, being in Haiti—perhaps not as tough an assignment as being in some areas of some of the big cities of America, but our personnel will be at risk in being there. And when the resolution says in the last paragraph that the Senate "supports a prompt and orderly withdrawal of all United States Armed Forces from Haiti as soon as possible," I would like to see some specification on when that date will be, and some specification on what the number will be in comparison with contribution by others in the United Nations. I think the Senate and the House, the Congress of the United States, is entitled to that information as promptly as possible. I understand it cannot be forthcoming by today. There is utility in having the backing of the Congress behind our forces. But we ought to know that as soon as possible.

When the resolution says that the Senate "supports the departure from power of the de facto authorities in Haiti, and Haitian efforts to achieve national reconciliation, democracy, and the rule of law," I do support that. But more is left unsaid than is said, because what is going to happen to General Cedras and his coconspirators? It is an unfortunate, unhappy, and unacceptable consequence that General Cedras stays there until October 15, and that he may remain there as a political force to undermine the legally constituted authorities in Haiti, and that he may in fact run for the Presidency. We know that General Cedras made a promise before to give up power and that he broke that promise, so his commitments are not exactly things to be relied upon.

When we had a briefing of the Senate, I raised the question with the Secretary of State as to what his future was going to be. I got a reply that it was up to the Haitian Government.

General Cedras has negotiated for amnesty and I do not begrudge him immunity from prosecution. I do not like it, but I understand the nature of that plea bargain. But we do not have a Parliament in Haiti now which is constituted which can get that done. The Parliament is scattered. Some are said to be in Florida, fearing for their lives. So I am prepared to see him avoid prosecution in order to get him out of power. But I think it is really unacceptable to see him staying in Haiti and seeing him with the possibility of contributing to political instability there and perhaps running for elective office.

So in reviewing this resolution, as it sets forth the whereas clauses very briefly on one side of a small sheet of paper, and has the resolved clauses on the other, I do support it with those specific reservations. But more is unsaid in this resolution than is said in this resolution, and until we know definitively how long United States forces are going to be called upon to stay in Haiti and what our proportional contribution will be with others in the United Nations, this resolution is insufficient on its face. Until we know more about the future of General Cedras and what the expectations will be about his ability to undermine democracy in Haiti, again, the resolution is insufficient.

But this is a much better day, Mr. President, than last Wednesday when, at this hour, we were on the floor of the Senate urging a vote on a sense-of-the-Senate resolution opposing an invasion of Haiti. At least today we do not look forward to a forceful invasion and the real risk of loss of life and limb of American personnel. So that is a step forward, but there are very many important questions to be answered. But as of today, I am glad to lend my support to the resolution which has been offered by Senator MITCHELL for the majority and Senator DOLE for the Republicans.

I thank the Chair and, in the absence of any other Senator seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. Does the Senator intend that the time be deducted from both sides equally?

Mr. SPECTER. I do.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator is recognized.

Mr. GREGG. Thank you, Mr. President.

Mr. President, as many of the speakers today have noted, the resolution which is before the Senate is a resolution which has been agreed to by the leadership of both sides. I, therefore, intend to support it. But I do feel that before we proceed on voting on the issue of Haiti relative to this resolution that we need to address, once again, the question of what is our purpose there and why we are in this situation.

As of this date, unfortunately, the President of the United States has given no explanation which I find justifiable for the occupation of another country, specifically Haiti. And that, of course, is what we are doing in Haiti. We are exercising a military occupation on that nation. For all intents and purposes, all activities in that nation are under our control and the control of our military leadership in that country.

Before we pursued such a course, on a number of occasions I rose on the floor of this Senate and asked what is our national purpose there. Unfortunately, I do not believe that the President has ever defined the national purpose that justifies our going there.

The original purposes which were outlined were, first, that we had significant problems with refugees; second, that the leadership of that country, General Cedras, who has been variously called by the President on one day a thug and on another day a man of duty, General Cedras has broken his word to the United Nations under an agreement that has been reached; and number three, we needed to restore democracy in that sad country.

None of those issues raised to a level to justify an invasion and they also do not raise to a level which justifies a military occupation. Two of those issues are totally specious: The question of refugees and the question of word breaking.

Clearly, the refugees may be a problem from Haiti, but compared to the refugee problem which we have with Cuba and the illegal immigrant problem which we have with Mexico, the problem with Haiti is minuscule; 15,000 Haitians came into this country as refugees last year. We are talking about tens of thousands of Cubans presently sitting in camps at Guantanamo and other places, and we are talking about over 1.2 million Mexicans who are illegal immigrants in this country last year. So to raise the refugee card is to raise a straw dog.

In addition, the refugee situation was created by the activities of this administration and their inconsistent policies on how to deal with the refugees so that at some points we were giving them hope and at other times we were not. As a result, the ebb and flow of refugees was tied to American policy, not to the Haitian situation specifically.

The issue of keeping your word is the other logic given for this invasion which has now turned into a military occupation. Keeping your word in international affairs is something that is often unfortunately ignored by many countries, and when you are describing the leadership of a country as members of a thuggery class, as the President was up until the military occupation occurred, then I think you can expect they are not going to keep their word. And if you are going to enter into agreements with thugs, you can expect that thugs are not going to keep their word and, therefore, I think it is unreasonable for us to pursue military action against a country when we know that the country's word probably is not any good to begin with under that leadership, as defined by the President, which leadership is defined as rapists and thugs and murderers. So that is a specious argument.

The third argument that was given is probably the only one with legitimacy, and that is the question of restoring democracy to Haiti. Yes, democracy had been taken over by a military coup. We now learn, however, in the postinvasion environment, in the military occupation environment, that if coup leaders are being characterized not as people who acted out of a malicious piracy atmosphere or attitude, as had been described before, not as people who are rapists and murderers and thugs, but rather men of order, men whose sense of duty and honor, as characterized by Senator NUNN and General Powell, by former President Carter and, by implication, even President Clinton, it was their sense of honor and duty that led them not to pursue a military confrontation over the invasion and, equally important, we now learn—at least it is represented by one of the delegation to Haiti who accomplished this peace agreement—that it was probably the sense of duty and honor of Mr. Cedras who saved Mr. Aristide's life during the original coup and allowed him to leave the country without being murdered.

So we find that these people who had originally been described as thugs and usurpers of democracy, maybe they are not. I do not know whether they are or are not anymore. I am as confused as any other American at this point, having no knowledge of these matters.

We know also before a decision could finally be made by a military leadership or even before the military leadership would do it, would undertake the position not to confront forces with forces, they had to go to what they deemed to be the elected President of that country who had been elected by the Parliament who we had maintained was a figurehead and get authorization from that president. It was only the direction of that President, according to the characterization given to us by members of the delegation there, that kept at least one of the military leaders from going to the mattress, so to say, and initiating a military confrontation. It was their commitment as a military to what they perceived to be the civilian authority, which civilian authority had been elected, by the way, by the Parliament, to that individual elected President by the Parliament, that caused the military leaders not to pursue a military course of action. That was the way it was characterized to us during the briefing. So the question of democracy now becomes even more amok.

Then you throw on top of that the track record of Mr. Aristide—Mr. Aristide, who is a gentleman who has had a history of rather vitriolic comment about our Nation, about America and our course of action and whether we are truly a democracy; Mr. Aristide, who, when he was President, incited and pursued and used the mob as one of his forces of political activity, and who, as has been related on innumerable occasions, but I think appropriately related over and over again, endorsed the concept of using violence against his opponents through a process called necklacing, which has been described here and I will not go into again, but it is certainly an atrocious act and certainly not an act of a democracy; Mr. Aristide, who, since the invasion, has taken the position that he is not going to be supportive of the American effort or, if he is supportive of the American effort, we have not heard about it.

America puts our people's lives on the line to put him back in the position of his Presidency, and we do not even receive an acknowledgement that was something that was rather extraordinary and might have some scintilla of appreciation from him.

This is the gentleman whom we justify putting American lives in harm's way for, in a situation which in a 24-hour period went from being confronting thugs to confronting men of honor and duty.

So it is very hard for me, as a Senator, to understand how the President can claim a national interest which justifies, first, the concept of invasion, or the idea of an invasion, but now the idea of a military occupation.

What are the outgrowths of a military occupation of another nation? Well, they are considerable. I think the most significant one that we have to think about is that once you have militarily occupied a country, as we are now doing in Haiti, you become responsible for that country and you especially become responsible for the governments which follow on in that country because you are going to put them in place. In this case, we are going to put Mr. Aristide in place.

You have to wonder, is Mr. Aristide going to pursue a course of democracy once he is back in power? Or will he continue, as he had in the past, to pursue a course of promoting mob violence and antipathy toward the United States in the most vitriolic way?

Whatever he does, we, unfortunately, have our fingerprints on his Presidency in a manner which is indelible and which is going to carry significant cost.

Second, down the road, we are going to insist on an election. I am not sure when the election is going to occur, but I presume part of our being there is to have an election. As I understand the fact pattern as it now lies, Mr. Cedras is not going to be asked to leave the country, although that was originally one of the conditions of this invasion.

It is possible, I presume, for Mr. Cedras to run for President, and I just put this forward as a hypothetical. If Mr. Cedras runs for President in an election that we have sponsored and wins the election, do we now become the endorser of Mr. Cedras as an elected President of Haiti? Or Mr. Biamby? Obviously, that is a potential. These are men of significant influence and clearly some popularity in some segments of the Haitian population. That is a possibility.

Those are the types of ramifications you get into when you militarily occupy a country and begin the process of nation building.

Then, of course, we have the more immediate and personal problem which is that we see American military personnel on the street of Haiti being put in the unconscionable position of having to deal with civil violence, having to be policemen, and not knowing what the rules of engagement are.

Before this started there was extensive discussion on the floor of the Senate about what the rules of engagement would be, and I remember very specifically in a number of interviews the Secretary of State, the Secretary of Defense, our Commander in Chief, and the Chairman of the Joint Chiefs of Staff, saying listen; this is what the rules of engagement are going to be. This is what we are going to do, what our troops' authority will be. They will be that they can go in and disarm, if they are threatened by forces that confront them; they will be on the street, and they will be asked to deal with civil issues of violence on the street.

Yet now we find that while our soldiers are on the street, they do not know what their rules of engagement are, and they are put in this very impossible and extremely personal situation of watching mob violence, of watching police officers beat to death—Haitian police beat to death—a person who is described as a coconut salesman, according to the New York Times, and not be able to step up and do anything about it.

That is a terrible situation to place an American soldier in, an American soldier who is supposed to go into battle with a clear set of understandings as to what he is fighting for or she is fighting for, and a clear understanding of who the enemy is and how to deal with the enemy. You are asking those people, trained in those skills, to be put in a situation where they are confronted with confusion, with misdirection, with misunderstanding, and with personal situations where they are put in a terrible moral dilemma of whether they should step forward and act, as they are people of action—these are our soldiers, and they know how to act, they know how to use force, to take action as people of action to protect an individual who is being beaten—or whether they must stand back and watch that event.

That is the situation our soldiers find themselves in as a force of occupation. And it is one, obviously, that is traumatic for them, but it is also traumatic for our country.

It arises from the fundamental failure of the policy which got us there. It arises from the fact that we are now militarily occupying a country and we do not know why. We do not have a clear explanation of why we are there or what the basic framework of the events are that got us there, that justify us being there.

Then we come to the issue of the exit strategy: How do we get our troops out? There has been a lot of talk about that, but there has not been any clear definition of it. The President has moved on this issue in a very amorphous way. Once we hear they are going to be there for months. Then we hear they are going to be there for months in force and then the U.N. group is going to come in and take their place in force, but the U.N. group is going to be made up of 3,000 Americans. Then we hear there is going to be training going on with the military police and the military for a period of maybe 1½ years.

It simply is not clear as to when we are leaving or how we are leaving or what justifies our leaving, for that matter. Are we going to be able to leave if there is an election and General Cedras is elected President? What happens? What happens in that event? There has been no definition of policy there either. That policy, again, should have been established before we went in.

It was stated on this floor that it should have been established before we went in. In fact, this Senate passed a resolution which said it should be established before we go in. Yet there is no clear and definitive, or even marginally clear and definitive, exit strategy put forward by this administration in Haiti.

Again, I think it goes back to the fact that the administration does not have a fundamental concept of what the policy is in Haiti, what drives the national interest that got us in there in the first place, because there is nothing strong enough to define it in this situation.

Then, of course, we come to the issue of costs, costs to the American taxpayers. DOD costs for the next 7 months of the Haitian operation will be $372 million. On top of that, there will be Coast Guard retrieval at sea at a cost estimated to be $187 million. On top of that, there is a transportation cost of troops and equipment to Haiti of $55 million. On top of that, there is a DOD equipment and training cost for participating countries of $50 million. Do not think these other countries are coming in and paying for these costs. We are paying for them to the extent they are even there.

In addition to that, we are going to be paying for the training of the civilian Haitian forces, $28 million, and a Haitian refugee safe haven program of $30 million.

The costs go on and on and on, and we end up with an estimated total of somewhere around $900 million, and that is an open-ended estimate. That is the low-ball figure, folks. We are talking $1 billion plus for this undertaking.

Now, I have to go back to the State of New Hampshire, and I have to talk to the taxpayers in my State. First I would have to try to explain to them the reason why American troops are occupying this country, why we have militarily taken over this country. I cannot do that. But equally, I have to justify to them where their tax dollars are going.

The sum of $1 billion would run the State of New Hampshire for a year; $1 billion spent in the city of Washington, DC, would go a long way toward alleviating some of the violence in this city and certainly helping out with the educational system of this city; $1 billion is a lot of money. Yes, Haiti is a poor and desperate country and needs our assistance. But a lot of this money could be spent well in the United States, or maybe it could even be spent on some other foreign issue where we could actually define a national goal.

But in Haiti, we have a lot of trouble justifying the vast amount of dollars that are going to be spent for a military occupation. I do not have a great deal of quarrel with the money being spent feeding Haitians. We are going to be feeding about 2 million Haitians a day. I think that is going to have to be done no matter how this process is worked out. That could be done through AID. But I have a great disagreement with the idea that we are going to spend literally about $1 billion just on maintaining our military force there and paying for it over the next few years.

Of course, a considerable amount of money is being spent by Mr. Aristide personally here in this country, $1.8 million a month. That is not American tax dollars. That is dollars that are Haitian dollars that were in frozen assets here in this country.

I guess the question has to be asked: "Well, $1.8 million for what? We heard that a lot of this money is going to lobbying; $55,000 a month is what I understand goes to one lobbyist, a former Member of the House of Representatives. He happened to be active in the Western Hemisphere Subcommittee of Foreign Affairs in the House. I am sure he is a good lobbyist. I know he is a good lobbyist.

But the fact is that I think that money could be well spent if Mr. Aristide wishes to spend it on something a little more worthwhile to his own people and maybe even we could feed instead of 2 million people 2.5 million if we had $1.8 million a month to spend down there.

So that becomes a question, not a dramatic one but one that raises more issues about the viability of the national interest of invading this poor and desperate country, and now not invading it but taking it over militarily.

More importantly or equally importantly becomes the geopolitical terms of what this does. We have now set up a policy which in two ways fundamentally undermines our geopolitical activities. First, we had something called the Monroe Doctrine, which has been variously interpreted over a number of generations and a number of years. But the Monroe Doctrine essentially says that the Western Hemisphere issues shall be settled by Western Hemisphere countries, and specifically the United States will enforce that fact.

We now have, however, a military occupation force in Haiti—and it is a military occupation, do not look at it any other way; that is what it is, just like a military occupation force was in Germany after World War II and in Japan after World War II—a military occupation force made up with European power and participation, fundamentally undermining what has been almost a 200-year policy of this country, which is that Western democracies, Western nations, Western Hemisphere nations, will settle Western Hemisphere issues, and that we will not involve European countries in our problems in this hemisphere.

So we set a pretty bad precedent there. We have certainly opened the door. Granted, maybe it will not be a door ever used. Maybe it is just a crack. Maybe I am being too sensitive to the Monroe Doctrine. But the Monroe Doctrine is one of those things that served us well in the country for a time. I think when an administration departs from it, it had better have a darned good reason and explain why.

The problem with this policy is that this administration has not been able to explain its policy and has been confused, to say the least, in its presentations to the American people. Then, in addition, we have the issue of what was given away at the United Nations to get United Nations approval of this invasion. That is still something that sticks a bit in my craw because the President has still refused to come to this Congress and ask for authority. And yet he did go to the United Nations and ask for authority to invade. I do think that he should have also come here and asked for the authority to undertake military action there.

The point is that there were some deals made on that vote. We do not know what they are yet. We do not know what they are yet. But I am willing to bet that some of those deals involved Russia and its role with its sister states surrounding Russia. If they did not involve it explicitly, it was involved implicitly. The actions of Russia relative to the former Soviet Republics and sister nations around Russia and its sphere of influence now become a question which we have much less legitimacy commenting on when we invade a neighboring state. We are going to have a lot of difficulty saying to Russia: Well, you are not in a position to go into the Republic of Georgia, for example, and use Russian troops in that republic arbitrarily.

We created a situation where our credibility in arguing or debating the issues of international policy has been fundamentally undermined, and what for? For no national interest which I find. Yet, we have pursued that course and clearly, I think, set in place a sequence of events which will probably lead to a new round of what in the old days was called sphere-of-influence politics. It was sphere-of-influence politics which led to the power politics which led to many of the major international confrontations over the years. It has not ever worked well, and it probably is not a good time to back into that type of diplomacy again. Yet, that is what we have done. We have basically backed into a new world order called sphere of influence politics, which is an old approach to politics but one which has been proven to be a failure over the years.

So the issues become once again, I believe: Why did we go in; what is our national purpose; and how are we going to get out? As of right now, there is no clear definition or answer to any of those questions that I think is satisfactory to justify 15,000 American soldiers being on the ground and occupying the country of Haiti. The American taxpayers are paying the cost of that occupation. American prestige is being put on the line in the person of Jean Bertrand Aristide.

There is no national policy which justifies us putting our imprimatur on the Government of Haiti that will succeed Mr. Aristide in being responsible for that Government for the foreseeable future. If we look at the history of Haiti, I think we have to conclude that it is unfortunately a sad country, sad not in the pejorative sense, but sad just in the sense that it has had hard times, sad in the sense that for 200 years since it was able to obtain its freedom in a most spectacular way—and it is the first nation in this hemisphere, one of the first, possibly the first nation, to obtain such freedom from the colonial powers—it has been unable to maintain a government that has maintained civil order. The society has unfortunately evolved into a society which has been inherently violent, and it also has been a society which has been unable to produce the economic well-being necessary to give prosperity to its people. Rather, it has remained an extraordinarily poor place.

I do believe it is extraordinarily naive for us as a nation to think that by going in there and occupying this country by military force—which is the second time we have done it in this century, the last time being for 19 years, from 1915 to 1934—that we are going to change fundamentally the culture of Haiti. I suspect that 3 years from now, or 5 years from now, when we look at Haiti—hopefully, our troops will have long been gone for a long period of time by then; hopefully, they will have had elections, and hopefully they will still be functioning as a democracy in some form— but I suspect what we shall see is even if they do have the trappings of democracy, they will remain a violent nation and they will also not be that prosperous a nation. And we will have expended, once again, a huge amount of American prestige, influence, dollars and—hopefully not—possibly even American lives in the pursuit of an activity which has delivered no significant national benefit to us, and which, in the time it was pursued, there was no significant, definable national interest.

I continue to have very severe reservations about the actions taken in this arena. I obviously support this resolution as it has been brought forth. I hope that our troops will be brought home as soon as possible.

Mr. President, I yield the floor.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I am going to take a couple of minutes here, if I can, to respond to some of the points raised by my colleague from New England in his comments here about the situation in Haiti. I just want to address a couple of points, some of which are getting repeated often enough that I think they are becoming sort of accepted, and that is absolutely not the case.

President Clinton has not retreated or retracted in any way from his description of the coup leaders in Haiti. The speech the President made last Thursday evening in which he, in my view, appropriately and properly described the behavior of these individuals, has not been retracted, to the best of my knowledge. Other people have drawn different conclusions—and that is certainly their right to do so—of whether or not these people are honorable, worthy, or just, or whatever other words may have been used to describe them. In fact, we have asked whether or not President Clinton retreated at all from his Thursday night description of these people, and very candidly, he said he had not.

I point out further, Mr. President, that I think the scenes on our television screens over the last 24 hours certainly corroborate the description used by the President of the United States in talking about these people. Normally, with international media gathered around, usually thugs try to operate in the dark of night, clandestinely, in order to avoid the reputation that they might otherwise deserve. This crowd in Haiti disregards all of that.

Here you have the entire world sitting there watching—live—as these characters with their nightsticks and weapons went out and brutally beat to death in front of the world an innocent civilian who was not engaged in anything. Of course, American soldiers just watched, because of the orders they have been under and the limited numbers that are there, and they described it appropriately. These people were doing nothing at all.

So I, first of all, want to make it clear, because it has been said by so many that now there has somehow been a change in opinion by the administration regarding General Cedras and others. I know that former President Carter and others have used words in their own descriptions of these individuals, and they have met with them and they know them, and they certainly have a right to describe them.

Mr. President, I have also met them. Earlier this year, I spent some 4 hours with the high command in Port-au-Prince in the very building where a lot of the negotiations took place over this past weekend. I also lived near the border in the Dominican Republic as a Peace Corps volunteer a number of years ago. I have visited there on many occasions over the years. I have many good Haitian friends. I know the country well, and I know its history. They are a proud and independent people which is rich in cultural heritage. But they have had a very bleak and dismal political history, particularly in the last 50 or 60 years. But the history of their fight for independence is truly a noble story.

My colleague from New Hampshire appropriately and properly said they were one of the earliest nations to achieve their independence in this hemisphere. In fact, they were the second. We were the first. The United States achieved its independence from a colonial power. Haiti was the second nation to do so in 1804 and did so by defeating, I point out, some of the strongest military leaders in the world.

Napoleon's son-in-law, Leclerc, defeated them on a battlefield. Toussaint L'Ouverture, sort of the George Washington of Haiti, was educated in the court of Napoleon by Josephine, and was highly sophisticated and articulate. There was Henri Christophe, one of the great generals, who was functionally illiterate but a brilliant strategist. For those that may have visited Cape Haitien in the northern part of Haiti, there is the Citadel, built by Henri Christophe, and the Palace of Sans Souci. He was a brilliant strategist with a highly disciplined military force. Jean-Jacques Dessalines, one of the leaders of the Haitian revolution in 1804, was a remarkable political strategist and military leader.

Haiti was the nation that received Bolivar when he was seeking to throw off the shackles of colonial influence and power in Latin America. They provided a safe harbor for them, helped rearm them, and supported them. Haitians fought in our revolution, the American Revolution. The only reason we did not recognize their independence immediately was because of our own concern that somehow by recognizing a black independent nation in this hemisphere we might offer some encouragement to slaves prior to our own Civil War. But Haitians fought in the American Revolution. That is an established fact in record.

This is a country of remarkable cultural identity. Some of the best art produced in this hemisphere is produced in Haiti. They have a rich musical tradition. I hope despite all the bad news in Haiti, people might spend a little time studying the history of that nation. They have had a rotten political history over the last number of years, and they are desperately poor. But do not confuse poverty and desperate political conditions for a people that are not proud and independent and determined to try and have hope in the future for democracy, independence, and freedom. They seek it very, very strongly.

As I said a while ago, Mr. President, maybe I am a minority of one on this issue, but I think real men do fight for democracy. Maybe some do not believe that is worthy any longer, that you have to have some great strategic purpose here. But I still remember the days when Presidents and Congresses thought democracy was worth fighting for.

I hope our soldiers get out of there. I do not like the fact that they are even in there. I wish the problems were resolved through other means. But I am not going to stand or sit here idly and listen to people talk about the defense of democracy as an unworthy cause. I suspect our soldiers down there understand that. They wish they were someplace else, and I do not blame them. But they understand it. Do not confuse it over the fact that somehow this is not worthy.

Second, Mr. President, and I am somewhat strained here because some of this information is only available to Members if they seek it out through the intelligence sources, but the notion somehow that General Cedras saved President Aristide's life is fundamentally, totally factually incorrect. That information is available to any Member of this body who wants to spend the time to dig out the information. The source of that claim that General Cedras saved President Aristide's life is General Cedras. That is what he said. But I know for a fact—and there is information available to people here, if they want to seek it out—that that is just untrue.

Third, my colleague from New Hampshire said that the acting President of Haiti was chosen freely by the Parliament. That is totally untrue. He was put in that position by General Cedras. Nobody elected so-called President Jonassaint to the Presidency. He was placed there by the coup leaders. I point out that this is a guy who claimed credit for the airplane that almost ran into the White House, that he somehow willed this. That gives you an idea of this character and where he comes from, that he is claiming responsibility for somehow directing aircraft at the White House.

(Mrs. MURRAY assumed the chair.)

Mr. DODD. This is the guy we are told today by some that is a pretty responsible individual.

Madam President, if people spend a little time they might find out otherwise.

Lastly, regarding whether or not President Aristide has been supportive of democracy and supportive of human rights, I would refer my colleagues and those who may be interested to read the human rights reports done by the most reputable human rights organizations in the world who made an analysis of the Aristide government. Remember his government lasted from February 1991 to the end of September 1991. That is when the coup occurred. He had about 7 months in office. That is it.

But the human rights organizations that examined that administration as to whether or not the Aristide government was fulfilling its obligations regarding human rights gave him a clean bill of health, a perfect one, no. There were problems there certainly. By comparison to what you are seeing today it is not even close.

I would also urge my colleagues, and this is available to them, to go back and look at cable traffic between the American Embassy and our own State Department in those months. I have read every one of them, every one of them, and there are a lot of them, and there is not a single derogatory reference. That was the previous administration's Ambassador. In fact, there are references to the fact that he was doing a pretty good job and they were having a much more cooperative relationship. There were still some problems. But President Aristide was doing a far better job than I think many have thought.

But the suggestion somehow this was an administration that was committing human rights violations was highly critical of other nations, not that that would necessarily be the last point to warrant people denouncing this individual.

We get criticized by some of our so-called best friends around the world with some frequency. Nonetheless, there is a strong support here not just from my reports here today but from sources of information debunking some things being said.

One thing people have different opinions on is whether or not we should have forces there and how soon they come out. I respect that, and that is certainly legitimate.

The information that is factually incorrect gets stated often enough and it becomes the truth. It becomes the big lie in a sense.

So, Madam President, I hope that as to some of these of points anyway people will examine the issues once again, and this has been stated I know by Senator DECONCINI of Arizona, and others, but it deserves a brief repetition.

In late September of 1991 when this coup took place, that threw President Aristide out of power, it was the Bush administration that was in charge of foreign policy. I would invite my colleagues to read, I think, a very good speech given by Secretary of State Jim Baker on October 2 before the Organization of American States. It is a very strong speech. It does not leave any doubt in my mind about how strongly he felt and the Bush administration felt over what had happened in Haiti, and it makes it awful clear as well what the Bush administration would be prepared to do if sanctions and embargoes and other efforts did not work.

Secretary of State Baker did not say we are going to use military force, but Secretary Baker did say there are other additional means available to us. For those who knew Jim Baker, and I know him and like him—in fact, I have a high regard and respect for the job he did as Secretary of State—I do not think he was signaling directly that military force would absolutely be used, but Jim Baker was no shrinking violet either. When he said "other means are available to us," he was not excluding, I will promise you, military force.

President Bush at that time called the coup d'etat a threat to our national security—his words, not mine.

To listen to some people here talk now that it is President Clinton in the White House all of a sudden that is no longer the case.

So once again I even go back and revisit the history and come up with various solutions that might have applied and saved us from the situation we are in today, but this began under the Bush administration and continued in this administration. These things just did not occur a few weeks ago or a few days ago.

I am not going to spend time to go back and, as I said earlier, to act as a so-called Monday morning quarterback and what I might have done differently or others might have done differently. I think today we need to support the forces that are there and hope they come home quickly, hope this agreement as imperfect as it is, but I think an agreement that deserves our support, will produce the desired results.

Again I state emphatically, Madam President, certainly General Powell and SAM NUNN deserve great credit for working under very difficult circumstances, along with former President Carter, but it was President Clinton that created the situation by the use of the threat of the use of power and then sending that delegation down at the last hour to try and resolve this problem as the President of the United States. I think the bulk of the credit goes there. He has now got us in a situation where I think there is a very good chance we can resolve this situation without bloodshed, restore that legitimate government and bring our troops home as soon as possible. I certainly hope that is the result and this resolution I think states as well as you can under the circumstances those desires. I strongly hope it will be endorsed and supported unanimously by this body.

Mr. DORGAN and Mr. BOREN addressed the Chair.

Mr. DODD. Madam President, I will be delighted to yield whatever time my colleague from North Dakota desires.

Mr. DORGAN. Madam President, let me ask unanimous consent that I may speak for 3 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

GUNS IN SCHOOLS PROVISIONS OF THE ELEMENTARY AND SECONDARY EDUCATION ACT

Mr. DORGAN. Madam President, I thank my colleague from Oklahoma for his courtesy.

Madam President, I take the floor on an issue that is very important and timely.

We have in current law in this country a statute we passed last spring that sets a national standard and national policy on the issue of bringing guns to schools. This standard in law says nationally school boards must have a policy that if kids bring guns to school they are going to be expelled for 1 year, no excuses, no ifs, ands, or buts.

As I speak, the conference committee on the Elementary and Secondary Education Act is meeting to rewrite the portion of the law where the gun free schools provision exists, and there are some who are trying desperately to repeal that portion of the law. In fact, they are buttressed today by a letter sent around by a number of groups, including some school groups. One of them is the Council of Chief State School Officers, but there are many others.

Interestingly enough, I called a chief state school officer today from a State who said he knew nothing about this letter.

Let me tell you what the letter says about guns and schools. It says you cannot have guns in school. But, it also quotes a recent survey by the National School Board of Education which says: "Many school districts do not have a zero-tolerance policy"—speaking about guns in schools—"now because they know that is not in the best interest of their students' safety or education."

Whoever wrote this has lived in Washington far too long and does not understand the need for a national standard on the issue of guns in schools. The standard is now the law.

If in conference these folks succeed in repealing or weakening the gun free schools provision and try to bring the Elementary and Secondary Education Act conference report back to this floor, I guarantee you I intend to do everything I can to stop it.

We need a national standard that says no excuses and no tolerance. The epidemic of violence has moved from the city streets to schoolrooms. Even within the shadow of this Capitol, kids have been shot in their schools. When that happens, we ought to decide as a country that we need a national standard that says no guns in schools and no excuses, and every parent and every student ought to understand that standard.

So I hope in the next couple of hours when this conference committee meets they will understand that some of us will not accept a judgment that they should repeal the gun free schools law that now exists. We wrote this law to say we do not want guns in our schools, we will not allow them in our schools, and we expect every school board in America to have a policy to prevent it.

Let me again thank my colleague from Oklahoma and my colleague from Connecticut for their indulgence.

I yield the floor.

COMMENDING THE PRESIDENT AND THE SPECIAL DELEGATION TO HAITI—SENATE RESOLUTION 259

The Senate continued with the consideration of the resolution.

The PRESIDING OFFICER. Who yields time?

Mr. DODD. Just briefly, I made a comment a minute ago about the previous administration's description of the events in Haiti as they unfolded in late September and early October of 1991. Just to corroborate my statement, I did not have it available to me at that very moment, but the San Diego Union Tribune, on October 5, 1991—and I quote from it—quoting the President, Mr. Bush, called the coup "an unusual and extraordinary threat to the national security, foreign policy and economy of the United States."

Madam President, I will ask unanimous consent to have printed in the RECORD that language from that paper along with an article from the Houston Chronicle, which picked up the exact same quote—"an unusual and extraordinary threat to the national security, foreign policy and economy of the United States." That was the statement from President Bush in the fall of 1991.

Madam President, further in this article from the San Diego Union Tribune, "President Bush"—and I am quoting here—"did not rule out U.S. participation in a multilateral military effort to dislodge the junta if peaceful means failed, but added: 'I think we've got to wait and see. I don't want to get out ahead of where the OAS mission is.' "

I make those points not because I am suggesting that President Bush would have taken absolutely the same action President Clinton has, but just to point out that was in October 1991. Today you have a previous administration calling it directly a threat to our national security, saying very directly that he would not rule out—and I certainly supported him when he said that—would not rule out being a part of the military force to throw out that junta.

All I am pointing out is a previous administration felt at the time there was a serious enough problem to state the case. What you have today is a continuation.

Now, again, a lot of things could have intervened that might have avoided our getting to this problem, and I would not be the one to suggest that this could not have been avoided. But I think it is important for the purpose of the historical record to point out that two administrations have taken virtually the same positions on this matter in terms of how they have characterized it and the means they would have used in order to deal with it.

I ask unanimous consent that both the Houston Chronicle article and the San Diego Union Tribune article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Houston Chronicle, Oct. 5, 1991]

BUSH NOT EAGER TO SEND IN TROOPS; BUT HE WANTS COUP REVERSED

(By Greg McDonald)

WASHINGTON.—President Bush said Friday he is committed to reversing the military coup in Haiti but is reluctant to use military force to achieve that goal unless Americans there are threatened.

Still, Bush refused to rule out the possibility of military action, saying the United States would consider participating in a multinational force if necessary to restore Haitian President Jean-Bertrand Aristide to office.

"I'd like to think that this mission by the Organization of American States will do it," Bush said of an OAS delegation that arrived in Haiti Friday to demand that the democratically elected president be allowed to return from exile.

"Let's hope that that can be done without any kind of force," Bush said in a news conference shortly after he met with Aristide in the Oval Office.

Bush, in a move aimed at helping to isolate Haiti economically, signed an executive order freezing all of the country's U.S. bank accounts and assets. His order also cuts off U.S. business dealings with the Haitian military junta that assumed power by force earlier this week.

Bush called the coup, which was orchestrated by Brig. Gen. Raoul Cedras, "a reprehensible action" and said it could present "an unusual and extraordinary threat to the national security, foreign policy and economy of the United States" if allowed to stand.

White House officials were quick to deny that Bush's comments were meant to signal possible U.S. military action, saying that the proposal for use of force to deal with the problem was first raised by the 34-nation OAS.

"That hasn't been our proposal, that's something the OAS came up with," said one White House official, who described the president as being "very much opposed to using military force" in this instance "unless Americans start getting hurt down there." "This is not another Kuwait or even Panama at this point," he added.

Bush made a similar point in his news conference.

"The United States has been, and properly so, very wary of using U.S. forces in this hemisphere," the president said.

"We're committed to the restoration of democracy * * * and a strengthening of democracy in Haiti," he said.

"We feel very strongly about it. But I am reluctant to use U.S. forces to try to accomplish it except if American citizens' lives are threatened.

"Of course, I'd feel that is a direct concern and responsibility to the president." Bush made his comments as the OAS took the unusual step of sending an 11-member delegation, including Bernard Aronson, the assistant secretary of state for Latin American affairs, to Haiti for a meeting with Cedras.

[From the San Diego Union-Tribune, Oct. 5, 1991]

OAS TEAM MEETS HAITI COUP LEADER, ENVOYS REPORT SOME PROGRESS, SCHEDULE MORE TALKS TODAY

(By Kevin Noblet)

Diplomats from the United States and eight other nations met with Haiti's military chief yesterday and pressed him to restore President Jean-Bertrand Aristide to power.

After a two-hour meeting at the airport with Brig. Gen. Raoul Cedras, the Organization of American States officials flew to Jamaica but were to return today. Asked whether they had made progress in persuading Cedras to reinstate Aristide, Argentine Foreign Minister Guido di Tella said, "Enough to return tomorrow."

President Bush met with Aristide in Washington. Mr. Bush said he was "very wary" of using U.S. military forces to reverse Monday's coup "except if American citizens' lives are in any way threatened."

Port-au-Prince, the capital, remained tense, with most shops and businesses closed for the fifth day since the coup. Armed forces continued to patrol the streets, but their presence appeared reduced from previous days.

After continuous radio reports of clashes between security forces and Aristide supporters, and reports of a death toll of up to 1,000, the army banned radio and TV broadcasts "inciting to violence."

Soldiers ransacked Radio Lumiere, a Protestant-run station which the day before had reported a massacre, according to Jean Dominique, director of independent Radio Haiti Inter.

After giving the brief report of the attack, Dominique said Radio Haiti Inter, too, was going off the air until the "soldiers come to their senses."

By yesterday afternoon nearly all the capital's 12 independent radio stations were off the air. Radio is the main source of news for Haitians, many of whom are illiterate.

The United States has sent 500 Marines to Guantanamo Bay naval station in neighboring Cuba in case they are needed to evacuate the estimated 15,000 Americans in Haiti.

The nine-member delegation from the Organization of American States (OAS) arrived in Haiti yesterday afternoon from Washington. During the meeting, it read to Cedras an 11-point OAS resolution demanding the military allow Aristide's return.

The resolution also calls on all members of the hemispheric organization to cut trade, financial, military and diplomatic ties with Haiti. Bernard Aronson, a U.S. assistant secretary of state, called it "the toughest and strongest resolution in the history of the OAS."

There were no other details from the meeting. Cedras arrived at the airport and left later in a convoy of six jeeps and small trucks loaded with soldiers. Some of the vehicles were blood-stained. He made no statement to reporters.

Aronson, a member of the delegation, said earlier that it planned to tell Cedras "the coup cannot succeed."

After meeting with Aristide, Mr. Bush told a news conference he was optimistic the OAS mission would end in a peaceful settlement.

President Bush did not rule out U.S. participation in a multilateral military effort to dislodge the junta if peaceful means failed but added: "I think we've got to wait to see. I don't want to get out ahead where this OAS mission is."

He emphasized, however, that "We are committed to democracy in Haiti. We want to see Aristide restored to power."

Earlier in the day, Mr. Bush called the coup, which took place Monday, "an unusual and extraordinary threat to the national security, foreign policy and economy of the United States."

Mr. Bush signed an executive order freezing Haitian assets in the United States and blocking Americans from making payments to the regime while it "illegally" retains power.

Aristide, after meeting with Mr. Bush yesterday, told reporters, "An economic boycott will be essential to asphyxiate the present government."

On Thursday, army headquarters denounced Aristide's vigorous pursuit of international backing. Cedras has called on Parliament to work out a plan for returning to democracy without Aristide.

There were widely varying reports of casualty tolls from clashes between security forces and Aristide supporters.

Marie-Laurence Jocelyn Lessegue, the deposed information minister, said on radio yesterday that more than 1,000 people have been killed, including 250 in the sprawling seaside slum of Cite Soleil, where Aristide enjoyed great support.

Lessegue on Thursday put the death toll at more than 200, and gave no explanation yesterday for the five-fold increase. Aristide, in Washington, said the estimate of 500 came from telephone contacts he had with Port-au-Prince.

Mr. DODD. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. McCAIN. Madam President, I yield myself 30 seconds.

Madam President I appreciate the clarification by my friend from Connecticut.

But the fact is that for us to say that a situation is unacceptable in many places throughout the world is one thing. For us to become involved militarily is another.

The fact is that neither President Bush nor General Scowcroft nor Secretary of State Baker ever contemplated an invasion of Haiti, and the record is clear as to their positions on that.

Madam President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. DODD. Madam President, I yield 15 minutes to the distinguished Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized for 15 minutes.

Mr. BOREN. Madam President, I thank the Chair and I thank my distinguished colleague from Connecticut for yielding to me.

CAMPAIGN FINANCE REFORM

Mr. BOREN. Madam President, I rise to speak on a subject that will actually be before us for a vote tomorrow, and that is a vote on the motion to invoke cloture on the motion to disagree with the House on amendments to the campaign finance reform bill.

Madam President, in just a few weeks, I will complete my service here in the Senate after almost 16 years. I find myself, as I come to the floor in recent days and as I walk up the front steps of the Capitol on the Senate side to come into this Chamber, often pausing to reflect upon the last 16 years here and the hopes and dreams that I had when I first came here with strong desire to render public service.

I think about the importance of this institution, the Congress of the United States, the Senate of the United States in particular, in the life of our country. I think about the role it performs in giving the people of this country a voice in the important policy decisions which are made which affect the lives of each and every one of them, their children, and the future for the next generation.

I have often said that I hope during the time that I served in the U.S. Senate I would never lose my sense of awe as I entered this building and my sense of feeling privileged to be a part of an institution so much associated with the history of this country. When I sit at my desk, I sometimes open the drawer of my desk and look in it at the names that are carved there, because we have a tradition that Members who sit at these desks carve their names inside the drawers. I have been privileged to sit at the desk once occupied by Senator Harry Truman of Missouri, then President of the United States. You can open these drawers and read the great names of those statesmen and stateswomen who have made an enormous contribution to our country.

We owe them such a debt of gratitude. We owe them more than just our thanks. We owe them our faithfulness in keeping this institution strong. And we owe it to the American people to make sure that this institution remains an effective part of the democratic process truly giving them a voice in decisionmaking.

We recognize also that we play a critical role in terms of maintaining the trust of the American people in the democratic process itself. We are a great country because we have had and we have a sense of community. We have been Americans together. Together we have collectively made the decisions to guide our country into the future. Collectively, we have worked hard to make this country all that it could be. And trust—trust between the people and those of us who temporarily occupy public offices, trust between the people and their confidence in those institutions which are here to represent them—is absolutely fundamental if we are to remain a great nation.

Madam President, I have to say, sadly, that I do not believe I am leaving this institution stronger than it was when I came here. I say that with a lot of sadness because I know that many have labored here with great sincerity and dedication to make the Senate an even greater institution to make sound decisions for the public.

My view that we have declined, in terms of our ability to deal with the great public issues of the day, is shared, obviously, by a vast majority of the American people.

A few weeks ago, when I was home in Oklahoma during the recent recess in August, a poll was published that said that only 14 percent of the American people approve of the way the Congress was conducting its work—14 percent; the lowest in history.

And when asked, "Are most Members of Congress more interested in serving the people they represent or more interested in serving special interest groups?", 79 percent said that Members of Congress were more interested in serving special interest groups than in serving the interests of the people that elected them and sent them here.

These statistics should focus the attention of every single Member of this institution in both parties on the need, the urgent need, to reform our political process and to strengthen this institution.

Trust once lost is hard to regain. Democracies are fragile.

I once read a comment by, I think, a very astute observer who said, when listing the great wonders of the world made by men and women—the Seven Wonders of the World—we should not limit ourselves simply to something like the pyramids, as great as they are in terms of an architectural and construction feat. We should also think of other human institutions, for example our democracy in this country, which has lasted for over 200 years. And, he said, the fact it has lasted for more than 200 years is even more remarkable than the fact that the pyramids have stood for thousands of years.

Why? Because to last, a democracy must be constantly tended. It is like a friendship. It is like a marriage. It is like a family relationship. Each succeeding generation must care for it, each succeeding generation must love the constitutional framework that we have inherited, each succeeding generation of men and women who serve in this institution must care for it. We are the trustees of this institution. If we do not care for it there is no one else who can tend to it. There is no one else who can nurture it.

Madam President, this institution, obviously, when only 14 percent of the American people believe in it, is at risk. And if this institution is at risk, the fundamental basis of trust and the sense that the Congress of the United States represents the people is also at risk.

Why is it? Why is it that 79 percent of the people think we are more interested in representing the special interests instead of representing the public interest? Why is it that only 14 percent of the public approves of the way that Congress is conducting its business, 20 to 30 percent below prevailing poll figures, even in times of disillusionment in the past; a figure that by its magnitude is so different than the normal criticism of our politics going back over our 200-year history that it ought to alarm each and every one of us.

Part of it, is the way—we all know this—that we conduct campaigns. When it takes $4 million on the average to be elected to the U.S. Senate, to run a successful Senate race, $4 million, no wonder the people look at that and say, "Do they come here to represent the people like us or do the people who give them all that money to get them elected really have their attention and the use of their time?" When they look at the fact that in the 1992 congressional elections, spending jumped 52 percent more, that the problem is getting worse, to $678 million, they have a right to ask us, "How long are our trustees who are in a place to vote for laws to change it going to wait before they reform this process?"

When they look at the fact that over half the Members of Congress received over half of their campaign contributions not from the people back home but from special interest groups, political action committees, lobbyists located principally here in Washington with virtually no connection to their home States, they come to the conclusion that those people who are there in office could not really care as much about us or represent us as well as they do the special interests.

When they understand how much of our time is taken to raise that money—$13,000 a week it comes out on the average, every week for 6 years, to raise the $3.8 million needed to win—they say, "Do the Senators really have time for people like us? Do they have time to worry about our problems? Do they have time to take care of the Nation's business?" They come to the conclusion that we do not.

Just since June 17 of last year when we passed this bill on a vote of 62 to 37, the average Member had to raise $572,000 more. And where does the money come from? More and more it is coming from the special interest groups, as I mentioned—over half the Members receiving more than half their contributions. And to whom do the special interests give their money? To whom do the political action committees, PAC's, give their money? Do they give it overwhelmingly to the Republicans? No. Do they give it to people because they are Democrats? No. Because they are liberals? No. Because they are conservatives? No.

They give it to incumbents, because incumbents are here and they already have the vote on those economic interests that affect the pocketbook of the narrow interest group that is involved.

In the 1992 elections on the Senate side, political action committees gave $6 to incumbents for every $1 they gave to challengers. In the House in 1992 they gave $10 to incumbents for every $1 they gave to challengers. And we all know that the statistics show that in the vast majority of cases, the candidate who raises the most money wins the election.

Something must be done. I have worked as hard as I could during my service here, and now we are down to the last remaining weeks. I will work to the last day I am here to try to get campaign finance reform passed, and other reforms vital to this institution, so at the very least I can leave here knowing that I have tried to do everything I could while I was here to revitalize this institution, to keep it strong for the next generation, to allow people of talent and integrity, who want to render public service but who cannot, perhaps, figure out how to raise $4 million from special interest groups—to allow them to have a chance to run for office and serve in the U.S. Senate; to let our pages who are here on the floor seeing democracy at work, as they dream about their futures, have them spend their time thinking about what they would like to contribute to this country, the ideas they would like to bring forward, and not have them spend their time thinking about how in the world would I raise all that money if I ever wanted to run for office?

Something has to be done, Madam President. As I mentioned, on June 17, 1993, we passed this bill. We invoked cloture by a vote of 62 to 37; we voted final passage on this bill by a vote of 60 to 38. We had a significant number of highly regarded Members on the other side of the aisle vote for cloture and vote for final passage.

This is not a Republican issue. This is not a Democratic issue. I do not seek a Democratic bill. I am not trying to pass a bill—and I think my record here demonstrates that—that would favor one party over the other. I was one of those on this side of the aisle who, in conscience, could not support the President's budget. I have said I would not vote for a party-line health care bill. I will not bring back to this body a campaign reform bill that seeks advantage for my party. I am trying to seek what is in the national interest.

Madam President, we have had informal discussions with some of those on the House side and we have held fast to those provisions that were—particularly those provisions—that were recommended by Members from the other side of the aisle.

I see the distinguished Senator from Arizona has come on the floor. He made some very significant and important changes in the campaign finance reform legislation when it was on the floor. A position I have taken in informal discussions on the House side so far has been to say the amendment offered on the floor by the Senator from Arizona must stay in the final bill when it comes back, or this Senator will not bring it back. I have taken that same position on important changes to reduce the influence of political action committees, PAC's. They were made by both sides of the aisle, but especially including those made by Senators on the other side of the aisle who said we do not want a bill that has one set of rules regarding PAC contributions for Senators and one set of rules for House Members.

We have kept faith in our discussions with every single one of the points that have been brought to us by those on the other side of the aisle who have supported this legislation. And here we are. We are going to vote tomorrow, not on campaign finance reform, not vote to do something about the problem. Do you know what we are going to vote on? We are going to vote on whether or not we approve a motion to disagree with the House on the House amendments—which I think virtually every Senator here would disagree with the amendments that the House made and would want us to stay as close as we can to the Senate bill.

Madam President, before we can finally pass campaign finance reform, before the end of the session, several things have to happen. This Senate and the House have to have a conference to work out our differences in this bill. And then we have to bring that conference report back here to be voted upon.

Madam President, I ask 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. May I just inquire—just reserving the right to object—how much time remains on both sides of this debate?

The PRESIDING OFFICER. The Senator from Connecticut controls 25 minutes and 52 seconds. The Senator from Arizona controls 5 minutes.

Mr. DODD. We are going to treat that as 30 minutes to be shared by everybody here, so my colleague from Arizona is not restrained in any way, nor are Members on the other side, from being heard on this.

Just 2 additional minutes. I would appreciate it, so we could cover as many people as possible.

The PRESIDING OFFICER. The Senator is recognized for 2 minutes.

Mr. BOREN. Madam President, I thank the Senator from Connecticut. I was just pointing out in order for us to begin to have an official conference with the House of Representatives, we have to do three things: We have to adopt a motion to disagree to the House amendments, and I think clearly we do disagree; we have to adopt a motion to request a conference with the House; and we have to adopt a motion to authorize the Presiding Officer to appoint conferees.

That is usually automatic. I think I can count on one hand the number of times—and I am not sure I have ever seen it happen before, but certainly not over two or three times in 16 years—we have ever had to vote on these motions. It has been automatic. Of course, if you have a difference of opinion, you have a conference, you try to work it out, you see what the product is, and then you come back and vote on it.

Now we are threatened—and we had to file cloture motions—with the possibility of a filibuster on the motion to disagree with the House amendments, and another filibuster on a motion to request a conference, and another filibuster on a motion to authorize the appointment of conferees so we can even talk to the House of Representatives on a matter of this importance to the future and life of this institution and its role in our society.

It is unthinkable, Madam President, that after passing a bill by a vote of 60 to 38 and invoking cloture on it previously by a vote of 62 to 37 that parliamentary tactics would be utilized to prevent us from even sitting down with the Members of the House to have a conference to bring it back.

Madam President, when you see how the rules of the Senate can be abused on a matter of this importance, it is amazing to me that we still have a 14-percent approval rating. It is a bit too high, in my estimation, if we are going to proceed in this kind of manner on a matter of this importance on the floor of the U.S. Senate.

The PRESIDING OFFICER. The Senator's time has expired.

COMMENDING THE PRESIDENT AND THE SPECIAL DELEGATION TO HAITI—SENATE RESOLUTION 259

The Senate continued with the consideration of the resolution.

The PRESIDING OFFICER. Who yields time? The Senator from Arizona.

Mr. McCAIN. Madam President, I would like to thank my colleague from Connecticut for his generosity with the time. I would like to yield to the Senator from Kentucky 5 minutes.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. McCONNELL. Madam President, I thank my friend from Arizona for yielding the time. First, I want to commend him for his outstanding leadership on the whole question of whether America should be involved in Haiti. Obviously, at this point, we can only pray for the safety of our soldiers. We can certainly commend, as the resolution does, President Carter and Senator NUNN and Gen. Colin Powell for their negotiating skills allowing the ill-advised entry of our troops into Haiti to occur without incident.

A great problem, of course, is now we are in Haiti. The problems have begun already. Certainly, President Aristide is not happy with the deal. Violence is still occurring in Haiti. I gather we are reconsidering today the rules of engagement. American troops are going to be in Haiti, at least at some level, for up to 18 months. Maybe they are going to be the local police force. Certainly, that is not what our military people are trained to do. In short, they are going to be in harm's way for up to 18 months, all in a country in which clearly the United States has no national security interest.

So, Madam President, even though I am going to vote for the resolution, I certainly hope that the President will realize early on and very soon that American troops ought to be out of Haiti. No good can be accomplished with the entry of American troops into a domestic dispute. Haiti looks a lot like Somalia these days.

We all learned an important lesson in the post-cold-war environment with our entry of troops into Somalia. What started out to be a feeding mission, as we all know, evolved into nation building. Nation building, plain and simple, as many other Senators have stated, is choosing sides in an internal dispute. That is clearly what we are doing in Haiti.

I hope the President will conclude that this kind of venture in the future is not a good idea. In the post-cold-war world, obviously the challenges are a little more subtle. In the cold war, it was pretty easy to tell who the good guys were and who the bad guys were. It was the United States and our allies and the Soviets and their allies and everybody playing themselves off against each other. Now we are the only world power. I think we should continue to be the only world power, but I think it is extraordinarily important for us not to dissipate that power, not to overuse it, not to insert it willy-nilly into every conceivable conflict.

It seems as if the strategy of this administration is to continue to weaken defense and threaten to use our military everywhere. It seems to this Senator, and it is not an entirely unique thought, that our policy ought to be to maintain a strong national defense, consistent with the world's only superpower and that status, but rarely use that power, and clearly use it only when it is absolutely apparent, abundantly clear, that our national security interests are involved. And by any standard—any standard—we have no national security interest in Haiti.

So, Madam President, we are going to vote on this resolution shortly. I assume it will be largely supported. I think this is a very sad day for American foreign policy to see our troops in this hapless country arbitrating disputes among factions. It is certainly an ill-advised decision, but now our troops are there, and we pray for their safety.

Madam President, when Colin Powell retired in 1993, there were many stories recapping his distinguished career. One in particular caught my attention not because it reviewed his record of accomplishment, but because it recounted the 13 rules that Powell has lived by which so clearly is the basis for this success. Most were characteristically optimistic, compassionate, and reflected the general's strong sense of honor, decency, and ethics.

In thinking about events over the past weeks in Haiti, and the general's crucial role in securing an agreement, Powell's rule No. 6 was apparent: "Don't let adverse facts stand in the way of a good decision." From my perspective, General Cedras, General Biamby, Colonel Francois, their loyalists and their conduct fall into the category of "adverse facts." But looking at the situation from a soldier's perspective—through the Powell prism—a good decision is one which avoids unnecessary bloodshed. General Powell, Senator NUNN, and former President Carter deserve a great deal of credit for avoiding an invasion and the risks that such action could have involved for American service men and women.

But, there are two other Powell rules that I want to mention, rule No. 7, "You can't make someone else's choices. You should not let someone else make yours," and rule No. 8, "Check small things."

I think those are good rules to apply to the debate today. The Senate has the responsibility to look at the details—to check small things—and carefully, objectively and independently evaluate the President's choice to deploy over 10,000 soldiers to Haiti. With so many lives at stake, with our Nation's credibility at risk, we shouldn't let someone else make a choice without thoroughly considering the "small things," like the decision's merits.

In doing so, I find myself asking precisely the same questions this week as I did last week. What are our goals? What are the rules of engagement?

How, when, and under what circumstances will the administration transfer command of American troops to the United Nations?

A week ago, the President and Ambassador Albright maintained that our objective was to remove the military junta from office and the island, in other words completely remove the threat. Secretary Christopher disagreed and indicated removal from power was the objective. President Carter seems to have agreed with the Secretary of State. In fact, he publicly rebuked the President's position saying, "It is something that is not understood by most people. It's a serious violation of inherent human rights for a citizen to be forced into exile." Our basic goals seem confused.

If we are not quite sure why we went in, can we answer what are we actually doing in Haiti? General Shelton says it is not to disarm the population. In fact, he and the Chairman of the Joint Chiefs have made clear that we will also limit our security role and allow the Haitian police and military to continue to carry out day to day law enforcement. Intentionally or not, I think many Haitians will believe that the United States has become a silent partner in oppression.

The lead paragraph in the Post today says it all: "In plain view of American soldiers, Haitian police wielding rifle butts and clubs attacked crowds of demonstrators who streamed through this capital today to sing, dance, and cheer United States troops flowing into the country. Witnesses said at least two of the demonstrators were clubbed to death."

Their friends and family must be wondering why we are there? Who's side are we on? Democracy or dictators?

Like it or not, our presence presumes responsibility. We will be held accountable not just by Haitians, but by the world, for the political, security, and economic conditions, and problems which develop.

The American public is understandably and most immediately concerned about the danger that our soldiers may be caught up in a civil war. I think that concern is well founded and guided the military's decision not to engage in disarming the population, to limit the rules of engagement to fire only under hostile fire, and to restrict our involvement in civil disturbances.

But, even if we can stretch our imaginations to assume that our soldiers will be able to serve in the shadows, there are other emerging problems driven by the ambiguities of the agreement which was negotiated which must be addressed.

Frankly, most disturbing is the confusion surrounding the matter of general amnesty. There are serious questions to be asked including who is going to pass this law, who will it cover and what crimes will be pardoned? The current Parliament is one that has been justifiably denounced by the administration and the international community as illegitimate. Elections held by the military last year filled 13 parliamentary vacancies left by members who fled with Aristide. Secretary Christopher has said the United States would try to arrange the return of the 13 recognized parliamentarians prior to drafting and passing an amnesty law. I hope that this can be achieved but seriously question the feasibility of such an exercise. Failure to restore a legitimate parliament would be crippling blow to democratic prospects.

After establishing who will pass the law, the administration has to resolve questions about who it will apply to and for what crimes. Secretary Christopher has indicated it should cover all 7,000 members of the military. He argues, as does the President that a general amnesty was inherent in the Governors Island accord.

This overly broad interpretation should shock our collective conscience. When he rallied the nation to the cause of invasion, the President was graphic in his descriptions of the military regimes brutality. He explicitly described:

> * * * a campaign of rape, torture, and mutilation. People starved, children died, thousands fled * * * a reign of terror (with) people slain and mutilated with body parts left as warnings to terrify others; children forced to watch as their mother's faces are slashed with machetes.

Now, the President expects us to say, "Never mind."

It may have been a necessary evil to amnesty the political offenses associated with the actual coup. But for the United States to protect Cedras and his loyalists from any consequence for their monstrous atrocities so vividly documented and recounted by the President is an assault on the principles enshrined in our Declaration of Independence, upheld in the Constitution, and embodied by the Judeo-Christian ethic which guides our Nation.

In one breath the President calls a nation to arms to eject brutal thugs who—

> * * * gunned down Father Jean-Marie Vincent, a peasant leader and close friend of President Aristide. Vincent was executed on the doorstep of his home, a monastery. He refused to give up his ministry and for that he was murdered.

Hours later, he asks us to abandon any thought of Father Vincent, abandon our sense of right and wrong, abandon good judgment, abandon our principles, and spare Cedras any consequence for his conduct. In fact, the President has asked us to go one step further and allow the military junta access to their frozen assets.

When thugs pay no price, indeed, in this case are paid off, we become a nation of hypocrites. We literally snuff out the torch of liberty and truth.

The Pledge of Allegiance our citizens embrace, the very envy of most nations, does not say, "with justice of all—except thugs who outlast our threats and survive an international siege." Our Nation, our communities, and our families believe in liberty and justice for all, not for just some, not just for the moment, not just for the sound bite.

Sparing the military any consequence for their campaign of deliberate atrocities compromises America's image as democracy's standard bearer, unless of course we accept double standards and deceit.

Madam President, a few short months ago, we completed a painful chapter in American history. American soldiers left Somalia. Today, by all accounts, Somalia is no closer to democracy, no closer to peace, no closer in fact to having a government than it was before the United States began the misguided mission of nation building. In the sad words of our Ambassador, "There's no more Somalia. Somalia is gone."

Our policy in Somalia failed, we lost 36 Americans because we had no clear purpose, our troops had a murky mission, at best, we were attempting to establish democratic institutions and impose principles of conduct in a country with no practical experience or history to guide them through the changes.

Once again, it is unclear what our purpose is, indeed it is unclear that Aristide, the leader we are attempting to restore welcomes our role or shares our goals. Our soldiers have unclear guidelines and an uncertain operational mission. I do not doubt Haitians wish for democracy, but as Charles Krauthammer so aptly said, "we are to restore democracy to a country that has never had it, build a civilian controlled military where it has never existed and create a secure environment for the peaceful transition of power among murderous rivals."

In applying the Powell axiom, in checking the details, what he calls the small things, I find big problems. I do not believe the resolution before the Senate begins to address these significant issues, nor do I believe the agreement negotiated by President Carter's able team resolves the crisis in Haiti. I think the crisis has just begun.

As it unfolds, American men and women in uniform deserve our recognition, support, and the knowledge that the chain of command will take every step necessary to assure they are well equipped, prepared, and capable of carrying out a clearly defined mission. I commend the leadership's effort to draft a resolution which clarifies the Senate's support for our soldiers and the hope that they will be brought home as soon as possible. But in the coming days and months they will need more than our declarations of pride. Their well being depends on establishing credible goals and sensible policy.

Yesterday, David Broder pointed out that:

> The President and his national security advisers are singularly lacking in any long term policy perspective. Each step of Haitian policy—from the initial offer of an American haven for refugees to the fateful decision to go beyond economic sanctions to the threat of force—was taken as if it would somehow resolve the problem by itself.

I agree; there is little evidence that administration has developed a long term, coherent strategy. The resolution before the Senate is a statement of the obvious—our pride in our soldiers, our opposition to the junta, our respect for our colleague Senator NUNN, as well as General Powell and President Carter. But, I think it is essential for the public to understand, that the Senate continues to harbor major reservations about the purpose of this occupation. With several thousand lives on the line, the time for ad hoc policymaking has passed. Continued failure by the administration to clearly define and defend our interests such as they may be in Haiti will provoke a cut off of the public's support and congressional funding.

Many years ago, a young man wrote a letter explaining why he could not serve in Vietnam. A young Bill Clinton said he could not fight in a war the American public did not understand and did not support. As he sends our soldiers into Haiti for an indefinite period of time, President Clinton would do well to heed his own advice and justify America's purpose, explain the policy, and seek our support.

The PRESIDING OFFICER. Who yields time?

UNANIMOUS-CONSENT AGREEMENT

Mr. DODD. Madam President, just very quickly, on behalf of the majority leader, I ask unanimous consent that at 3 p.m. today, the Republican leader be recognized to use as much of his leader time as he chooses; that following the Republican leader's statement, the majority leader be recognized to use as much of his leader time as he so chooses; that upon the conclusion of the majority leader's statement, without intervening action, the Senate vote on adoption of Senate Resolution 259.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DODD. Madam President, I yield 15 minutes to the distinguished Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida is recognized for 15 minutes.

Mr. GRAHAM. President Carter, General Powell, and Senator NUNN deserve this country's gratitude in negotiating an agreement with the de facto Haitian Government which has allowed us to avoid the necessity of a military invasion. The President deserves our commendation as well for his willingness to use this last opportunity for diplomacy in order to achieve our objective of restoration of democracy in Haiti. That is why I strongly support this resolution. I hope that we will be able to remove our militry troops from Haiti at the earliest possible date consistent with the protection of the United States interests. This resolution speaks to that issue and is another reason for Senate support.

Our negotiators' achievement, in my judgment, proved a truth in our dealing with Haiti, and that is that it required two steps in order to avoid the use of force. The first of those steps was the credible willingness to use force. For 3 years, we had negotiated with the military leadership in Haiti, and as long as that leadership doubted our resolve, it was unwilling to voluntarily transfer power.

The second element was creative diplomacy inserted at the critical moment, at the moment when that realization that we were serious about our resolve to restore democracy finally took hold in the minds and the spirit of the military leadership of Haiti.

It was that combination which led us to the result that we were able to avoid having to actually use force.

Madam President, I would like to talk today not so much about what has happened but what I think should and will happen if we learn well the lessons of our recent experience in Haiti.

First is the chapter of the book on Haiti which I will describe as the transition chapter, those things that should happen between now and the mid point in October when the military leadership has agreed to step aside, and shortly thereafter the return of President Aristide. We, the United States, and the international community during this period must more carefully and precisely define the rules of engagement for our troops. We clearly must do everything to ensure their safety, as well as their appropriate use in the safety of the citizens of Haiti.

President Aristide must set to work in reassembling his government. That reassembly will require the naming of a prime minister, a chief of the armed forces, and a civilian police chief. In doing so, I hope that President Aristide will reach out to all sectors of the Haitian society to build support for his choices. We must stand ready to help in any appropriate way.

We also must help President Aristide put in place an economic plan that puts people back to work quickly while building a solid foundation for growth over the long term. There will be tremendous expectations of the people of Haiti, already the poorest country in the Western Hemisphere, who have been driven into even further misery as a result of the last 3 years of authoritarian rule.

Particularly important in this rebuilding process will be the restoration of a private sector which 3 years ago provided substantial employment for the Haitian people.

We must lift with our international partners those parts of the embargo which will most quickly benefit the people of Haiti. Areas such as transportation and energy should receive a priority in lifting the embargo so that they can assist in the rebuilding of the society. Other elements of the embargo should await further political developments, and some elements of the embargo, such as the embargo against the provision of military equipment and ammunition, should only be lifted over time.

We must as quickly as possible train a police force that respects the human rights of the Haitian people. I am pleased that as we speak an effort is being made among the 14,000-plus Haitians at the United States Naval Base in Guantanamo Bay to identify and recruit and commence the training of those persons who desire to serve in a civilian, independent, human rights-respecting police force for Haiti. Those are all challenges of the next few weeks.

Madam President, in my opinion, the Haiti experience represents a critical chapter in our post-cold-war era. Just as the events that surrounded Greece in the period after World War II became the basis of an important doctrine that sustained us throughout the cold war period, the doctrine of not allowing Communist expansionism, I believe that there are some important lessons that will be significant beyond Haiti in this post-cold-war era.

As has been stated moments ago by Senator MCCONNELL, the nature of the threat has clearly changed. No longer have we the luxury of focusing on a single, massive, potent adversary. The post-cold-war world will require greater flexibility, the nuances and intuition of knowing a particular society, how to use a variety of responses to unique threats, each with their own special characteristics. We must rethink and restructure in this more complex world.

Part of that rethinking and restructuring will require closer relationships between the executive and legislative branches. Just as was the case in post-

World War II America, where a bipartisan foreign policy was developed, a foreign policy that sustained us for the better part of 45 years, a similar effort at structuring a bipartisan foreign policy with a commitment both from the executive and the congressional branches for its fulfillment will be critical in this post-cold-war era.

The Western Hemisphere is clearly being recognized as a region of special importance to the United States. That has been the case throughout our history. But for much of this century our focus has been elsewhere—on Europe or on the Pacific basin. I remain frustrated that oftentimes our debates assume the only national security interests for the United States are those which are found, for instance, in the North Atlantic region. I believe that the United States not only has a historic interest in the Western Hemisphere but also as we move into the post-cold-war era there will be a tendency for the democracies of a particular region, whether it be in Asia or in Europe or in the Western Hemisphere, to accept the reality that they have a special responsibility for the democracies of that region.

Clearly, the United States must provide a significant amount of the leadership in doing so in the Western Hemisphere. The protection of democracy has been elevated in terms of an important component of our national interest, a component worthy of aggressive diplomacy and, if necessary, a diplomacy backed by force. We will need to look for new institutions in terms of meeting these post-cold-war challenges. Regional security arrangements, for example, are already being seriously discussed in areas such as Africa and the Middle East. I believe it would be very much in the United States interest through the Organization of American States to encourage regional security arrangements within the Western Hemisphere. The alternative to such arrangements is either a crisis ignored and allowed to fester and become a greater threat to the region or calling upon the United States as the singular cavalry for each Western hemispheric flash point.

Mr. President, for the better part of a half century, the United States has been involved in the training and equipping of militaries throughout the Caribbean and Latin America. This is a time to revisit what are our goals in our relationship with an institution, the military, which is important in almost all of the countries of the Western Hemisphere. It is my hope that we will begin to use our resources in order to encourage a different kind of military, one that emphasizes such areas as civil works, such as our Corps of Engineers, life and safety protection such as our Coast Guard, and emergency assistance and reconstruction activities which are increasingly being played by our military services. I believe that the United States can assist in an appropriate and respectful reformation of an important institution, an institution that should not be challenging democracies, as it has in Haiti, but, rather, sustaining democracies as it has for 200 years in the United States.

Finally, Madam President, a lesson that we have learned from this Haiti experience is that delay does not make decisions easier. Throughout this crisis, there has been a theme of putting off decisions in hopes that the problem would go away or become more practical. The fact is that has not happened. There were points along the road when a more assertive U.S. policy could have avoided reaching the end that we currently find ourselves. Ideally, we should have moved immediately after the coup with the kind of international diplomacy based on the outrage of the world community for what happened in September 1991, or during the time when the military dictators stiffed the Governors Island accord and turned back our ship, the *Harlan County*, at the port of Port-au-Prince. Those were opportunities that were missed. I believe that we have paid a price for our assumption that delay would lead to an easier course.

Madam President, Haiti is not the last challenge that we are going to face. As we struggle to develop new ways to define our interests in an increasingly multipolar world, I hope that we can all assume some humility in acknowledging that none of us has the answers in this complex post-cold-war era. The strength of our democracy includes debates like the one that we have been having over the past several days on Haiti, debates which help us to better understand our national interests, better develop a national consensus so that a critically important foreign policy can be framed for the 21st century as our grandparents did the last half of the 20th century.

Mr. McCAIN. Madam President, I congratulate the Senator from Florida for his continued advocacy of freedom and democracy in Haiti.

Madam President, I would like to yield 5 minutes to the Senator from Texas [Mrs. HUTCHISON] followed by 5 minutes to the Senator from North Carolina [Mr. HELMS] which I believe will be the expiration of all time. I ask unanimous consent that Senator HELMS be allowed 5 minutes of the leader's time, for a total of 10 minutes, and that has been cleared by the leader on this side.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The Senator from Texas is recognized.

Mrs. HUTCHISON. Thank you, Madam President.

Madam President, my predecessor in office was a Shakespearean scholar. I could never compete with him in relating Shakespearean lessons to our times. But the relationship of "Hamlet" to our invasion of Haiti by President Clinton jumped off the pages of literature.

Hamlet, witnessing Norway's Army commanded by Fortinbras causing Denmark to go to war on Poland for "a little patch of ground" said:

> Examples gross as earth exhort me:
> Witness this Army of such mass and charge,
> Led by a delicate and tender prince,
> Whose spirit with divine ambition puffed
> Makes mouths at the invisible event,
> Exposing what is mortal and unsure
> To all that future, death and danger dare,
> Even for an eggshell.

What is the United States security interest in that "little patch of ground" in Haiti that would cause us to risk American troops?

I applaud my distinguished colleague, Senator SAM NUNN, and the other two emissaries, former President Carter and Gen. Colin Powell, because they did an outstanding job, and they bought time which helped avoided an ill-considered invasion. I think it is our responsibility to support our troops and to assure their safety.

I ask the President now to define this mission. What are the rules of engagement for our forces? What are our objectives? Can these objectives be reasonably achieved? Have the unique risks to U.S. troops been fully considered? What if the supporters of General Cedras and President Aristide are in conflict? What will our role then be, and how will we maintain the safety of our troops in this type of police mission?

Madam President, I think the President should come and report to Congress and to the American people. He needs to set the parameters of this mission. He needs to set a timetable for withdrawal and determine and report the full costs of this operation. The estimates that we have been given range anywhere from $500 million to $850 million. What is total cost going to be to the American people?

I think we should have learned a valuable lesson in Somalia as to the real costs associated with this type of operation and the consequences for failing to define the mission. In Somalia, our soldiers were on the front lines in support of a U.N. mission that quickly escalated from a humanitarian mission to police action to armed conflict in which soldiers were killed in an ill-considered mission trying to capture an illusive warlord. I will never forget the testimony of the father of one of our lost soldiers in Somalia. With tears streaming down his face, having served in Vietnam himself, saying, "What did my son die for, Senator?"

Madam President, I will never feel entirely comfortable talking to a parent who has lost a child serving on a mission for the United States, but if someone's son or daughter must die in support of an operation, that mission must not be a U.N. mission but a U.S. mission—a U.S. mission that we in Congress agreed to.

So I ask the President these questions: What is the mission, and what is our role? I think it is very important that we answer these questions now because the American people are looking for the answers. Why are we in Haiti?

Madam President, I thank my colleague from Arizona. I appreciate the opportunity to talk about this subject. I hope we get the answers. I hope we learn soon what the mission is and that a time limit has been set for our participation in this operation so that we will not have to have another resolution in the future to ask the question why we are there, and hopefully we will not have to answer the question why we lost even one of our American troops in support of this ill-defined mission.

I yield the floor, Madam President.

The PRESIDING OFFICER. The Senator from North Carolina is recognized for 10 minutes.

Mr. HELMS. I thank the Chair.

Madam President, it may have been Winston Churchill—I cannot remember for certain—who first cautioned that all citizens should heed the axiom that politics should unfailingly stop at the water's edge.

For my part, I thank the Lord that as of this moment, no American has lost his life in the strange drama unfolding in the miserable piece of geography known as Haiti.

On reflection, there were credible and obviously accurate predictions among knowledgeable sources in this city weeks ago that there would be no invasion of Haiti by the United States troops because countless millions of the American taxpayers' dollars would be committed in a financial arrangement acceptable to those who had participated in, or given support to, the ouster of the unbalanced Aristide in the first place.

And, incidentally, Madam President, it is intriguing to note the number of left-of-center editors and commentators who have changed their tunes about this man Aristide. A year ago, it was fashionable for the media to go out of their way to circulate distorted praise of Mr. Aristide. Some called him a second George Washington—the biggest laugh of the year. You do not read or hear much of that any more. Aristide, like the fabled emperor with no clothes, has been exposed for what he is—and has been all along.

Only Aristide's high-salaried press agents, hired and paid vast sums of money to flack for this man manage to now keep a straight face when talking about restoring democracy in Haiti.

There has never been any democracy to restore in Haiti. Aristide—he who has proclaimed the sweet odor of the burning flesh of his screaming political adversaries as their lives are snuffed out by so-called necklaces of tires filed with blazing gasoline—he who has been identified all along as a Marxist—this strange, pretentious man has never been a symbol worthy of support by the U.S. Government and the U.S. taxpayers.

Madam President, the vast majority of Americans are justifiably relieved that, thus far, no American life has been lost in the Haitian fiasco. But, sad to say, bad news is coming from another direction for American citizens who work and pay taxes. The bad news: By conservative estimates this solution to the Haitian problem, for which the President is taking bows, is certain to cost the taxpayers in the neighborhood of $2 billion—perhaps far more than $2 billion.

Just for openers, at least $891 million can already by specifically identified, involving 16 categories of U.S. expenditures. I shall offer for the RECORD a footnote for each item identifying the source. Several were made available by Ms. Wendy Sherman, Assistant Secretary of State for Legislative Affairs. I ask unanimous consent that this information be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COSTS OF U.S. POLICY IN HAITI

$372 Million [1]—DOD costs for next 7 months of Haiti occupation.

$187 Million [2]—DOD/Coast Guard retrieval of Haitians at sea.

$103.5 Million [3]—U.S. Economic aid for FY1995.

$55 Million [4]—DOD cost for transporting 12,000 troops and equipment into Haiti.

$50 Million [5]—DOD equipment and training for MNC participating countries.

$30 Million [6]—Haitian Refugee Safe Havens.

$28.7 Million [7]—Training of Haitian civilian police force.

$15 Million [8]—Emergency military equipment and training for Dominican Republic.

$13.67 Million [9]—U.S. humanitarian assistance to Haiti (1-94/9-94).

$8.46 Million [10]—Police monitors and ICITAP.

$7.15 Million [11]—Child survival programs for 1994.

$7 Million [12]—Haitian refugee processing.

$5.99 Million [13]—Family planning programs for 1994.

$4.6 Million [14]—Immediate economic assistance.

$1.78 Million [15]—Embargo enforcement aid for Dominican Republic.

$1.5 Million [16]—Emergency training for Jamaican forces.

$891 Million—Total.

FOOTNOTES

[1] DOD estimate, reported in Miami Herald, 9–3–94, pg. 32A.

[2] DOD estimate, reported in Miami Herald, 9–3–94, pg. 32A.

[3] USAID Congressional Presentation Document for FY95 Budget request (includes $9 million in FY94 carryover).

[4] DOD estimate, reported in Miami Herald, 9–3–94, pg. 32A.

[5] Congressional notification from Assistant Secretary of State Wendy Sherman, 9–17–94.

[6] Congressional notification from AS Wendy Sherman, 8–24–94.

[7] Congressional notification from AS Wendy Sherman, 9–16–94 (pursuant to determination by Secretary of State Christopher, September 15, 1994).

[8] Congressional notification from AS Wendy Sherman, 8–27–94. Presidential determination 94–34, 7–15–94.

[9] USAID/OFDA document, 9–1–94.

[10] Congressional notification from AS Wendy Sherman, 9–9–94 (pursuant to determination by Secretary of State Christopher, September 13, 1994).

[11] Congressional notification from USAID, 8–14–94.

[12] Presidential determination 94–31, 8–1–94 (MRA assistance).

[13] Congressional notification from USAID, 8–14–94.

[14] Congressional notification from AS Wendy Sherman, 9–15–94.

[15] Congressional notification from AS Wendy Sherman, 8–17–94 (pursuant to determination by Secretary of State Christopher, August 16, 1994).

[16] Congressional notification from AS Wendy Sherman, 8–17–94. Presidential determination 94–41, 8–8–94.

Mr. HELMS. Madam President, let me go down the list of these items at the taxpayers' expense: $372 million—that is the Department of Defense cost for the next 7 months of the Haiti occupation; next, $187 million is the cost of Department of Defense/Coast Guard retrieval of Haitians at sea, and much of that has already been spent; $103.5 million in United States economic aid for fiscal year 1995; $55 million for Department of Defense cost for transporting 12,000 troops and equipment into Haiti; $50 million for Department of Defense equipment and training for Multi-National Coalition participating countries; $30 million for Haitian refugee safe havens; $28.7 million for training of Haitian civilians for the police force; $15 million for emergency military equipment and training for the Dominican Republic; $13.67 million for U.S. humanitarian assistance to Haiti; $8.46 million for police monitors and other equipment; $7.15 million for child survival programs; $7 million for Haitian refugee processing; $5.99 million, family planning programs for 1994; $4.6 million for immediate economic assistance; $1.78 million for embargo enforcement aid for the Dominican Republic; $1.5 million for emergency training for Jamaican forces for a total of $891 million already committed. I have already obtained unanimous consent for that information to be printed in the RECORD.

Mr. President, when phase II of the Haitian operation begins—meaning when the United Nations takes over—the United States taxpayers, as always, will be expected to pick up 31 percent of all of the United Nations' costs. This will cost the American taxpayers a minimum of $67 million for the first 6 months alone.

And since the United States is by far the largest contributor to both the World Bank and Inter-American Development Bank, that will be another enormous cost to the American taxpayers.

So, Madam President, former President Carter, General Powell, and Senator NUNN, are entitled to sincere congratulations for their roles in all of

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References at the end of article.

this. They were presumably instructed by President Clinton to trigger the massive expenditures which I have described. They did what their Commander in Chief told them to do, and they did it well, and all of us have a deep sense of gratitude.

How much time remains?

The PRESIDING OFFICER. The Senator has 3 minutes remaining.

Mr. HELMS. That certainly includes the U.S. troops involved. I am particularly mindful, being from North Carolina, of the thousands of marines based in North Carolina, and the 82d Airborne at Fort Bragg—and, of course, of the families of all of these fine young men and women.

I want to support an appropriate resolution commendation. But the Senate should not be asked to support a political commendation such as the one drafted by the distinguished majority leader.

Sometime, many years from now, the curtain of elapsed time may be drawn back so that historians may inspect the reaction of Congress on this matter in September 1994.

This should be no puff job. It should state honestly and candidly that this very same alternative that the President implemented over the weekend was available and rejected 7 months ago, in February. It was called The Parliamentarian's Plan, which had been negotiated by U.S. Ambassador Pezzullo before he was dismissed because he attempted to resolve the matter in a peaceful manner. The Parliamentarian's Plan is remarkably similar to the agreement negotiated by President Carter.

It also should be noted and made a matter of record that Senator DOLE recommended this past May that the President send Gen. Colin Powell to Haiti—a suggestion that was met with complete silence at the White House. Madam President, now that more than 6,000 United States troops are on the ground in Haiti, it is appropriate to bear in mind that October 3 will mark the first anniversary of the death of 17 Army Rangers on the streets of Mogadishu, Somalia. That operation took place in the name of U.N.-sponsored nation building—not U.S. security.

I will close on one final note. Look at what happened on October 3 a year ago, and then consider the potential that could happen still in Haiti. Res ipsa loquitur, the thing speaks for itself.

I reserve the remainder of my time and I yield the floor.

Mr. BURNS addressed the Chair.

The PRESIDING OFFICER (Mr. FEINGOLD). The Senator from Montana.

Mr. BURNS. Mr. President, I rise today with grave concerns. Our brave troops have landed in Haiti as an occupying force, as peacekeepers. President Clinton has thrown our troops into a foolhardy mission, full of dangers. The invasion turned into an occupation with our troops acting as peacekeepers.

This is a shortsighted policy and it is our troops who are being sacrificed. Haiti is not a democratic country, and Aristide is not a proven democratic leader. As President, he ruled with an iron fist, using terror and violence against his own people.

Aristide is a thug in his own right. I want to know, and Montanans want to know, what are we doing in Haiti? What is the mission, the goals?

President Clinton did not consult with Congress, nor did he seek congressional approval before committing our troops. He did not have the support of the American people. His public address did not give a clearly defined mission, nor a deadline for the withdrawal of United States troops from Haiti. A mission without goals or support is a mission doomed to failure.

And now we find that the operation has changed. An 11-hour scramble produced an agreement with Haitian General Cedras. I know we are all relieved that an invasion was averted. But the clock is still ticking. This isn't over yet.

Lots can happen before October 15 and I don't want us to get bogged down in a useless and dangerous mission.

The thug who was supposed to leave Haiti immediately is still in power. We are giving Cedras a legitimacy that he doesn't deserve. Aristide isn't even happy with these efforts on his behalf. Our troops are on the line and he can't even say thanks.

This whole operation reminds me of Somalia. We want there to restore order. There was more disorder and chaos by the time our troops were untangled.

Which brings up the issue of disengagement. When will our troops come home. This hasn't been determined. How much time and money are we going to sink into this operation?

My sincere hope is that we can get our fighting men and women home safely as soon as possible.

I am not convinced that this is the best course of action. I did not support economic sanctions. It only hurt the innocent people, finally sending them across the ocean in flimsy crafts. And now we are still working against the innocent people. As peacekeepers, our troops can only stand idly by and watch as Cedras' police attack, and even kill, the innocent people. The ones they were supposed to help. Our objectives are still upside down.

I am strongly opposed to this mission. I can't begin to see how this mission is in our national security interest. And President Clinton has not given good, hard reasons for this invasion that convince me that this is the best, and only, course of policy.

Mr. FORD. Mr. President, I ask unanimous consent that I might use 5 minutes of the leader time.

The PRESIDING OFFICER. Without objection, it is so ordered.

MOTION TO INVOKE CLOTURE ON THE MOTION TO DISAGREE TO THE HOUSE AMENDMENTS TO S. 3

Mr. FORD. Mr. President, I want to take a different tack, since we have another cloture petition before the Senate.

One year ago, in June 1993, the Senate took a step toward reforming our political process when we passed S. 3, the campaign finance reform bill. In November 1993, the House followed by passing its version of campaign finance reform.

Today, we are attempting to take the first procedural step toward a conference with the House so that we can resolve the differences between the House and the Senate bills. In order to do that, we need to disagree to the House amendments to S. 3. Normally, this is a rather routine procedure to follow. But it only takes one Member to object, and that is what we face today.

This should come as no surprise. We attempted to move to a conference just prior to the August recess, but that request was objected to by one of our colleagues. Under the rules of the Senate, the motion to disagree with the amendments of the House to a Senate bill, as well as a request for a conference and the appointment of conferees, are debatable motions. We have been unable to obtain unanimous consent on this issue, and that is why we are in the process of debating the motion to disagree with the House amendment.

The aggregate costs of House and Senate campaigns have risen nearly six times since 1976, from a staggering $111 to $678 million in 1992.

In the 1992 elections, winning Senate candidates spent a total of $124.3 million, a $9 million increase over 1990. Winning Senate candidates spent, on average, $3.8 million, an increase from the $3.3 million in 1990. The average spent by a winning incumbent Senator was over $4 million. Recent Federal Election Commission reports continue to show that candidate spending in the 1994 elections is even higher than those.

Mr. President, the record shows that year after year, candidates for Congress are spending substantial sums of money. As a result, candidates have increasingly relied on contributions from PAC's to provide the resources necessary to wage a successful run for the Senate. These statistics point to one conclusion: The money chase continues.

Mr. President, there are differences between the Senate bill and the House bill. The House bill does create a different system of spending limits and benefits for House candidates. That is to be expected because the House and Senate election cycles are completely different. But on issues like soft money and curbing the influence of special interests, there is much common ground.

Mr. President, given the work of both the House and the Senate, I am confident that the conference report will be the most far-reaching and comprehensive campaign finance proposal to be considered by the Congress. And that is the fundamental question. Will the Congress pass comprehensive campaign finance reform?

Mr. President, I appreciate the fact that there are differences of opinion on the merits of this legislation. That is understandable, and it is defensible. But to oppose this motion to disagree with the House amendments and to require that we file a cloture motion is purely and simply obstructionism at its worst. This type of action is why the public has grown increasingly cynical about this body. They are tired of gridlock and expect the legislative process to permit consideration and action on issues before the Senate.

This body must depend heavily on comity for the process to function efficiently. Any Member can use the rules of the Senate to delay and often to defeat legislation. That is a prerogative of each Member. But such action is obstructionist and reflects a growing tendency for a small minority of Members to stop the process and thwart the will of the majority. And this inevitably leads to stalemate.

The American people do not understand this process. Even more importantly, they have grown tired of it.

I am afraid that this is only the beginning of a long and difficult road for the conference. I am almost certain that the opponents to this legislation and the conference report itself are now guiding and developing the gridlock but not one for the process that could make this Senate and this body efficient. They become the guardians of the status quo.

Why not? The system that they seek to protect is the system that got them here and keeps them here.

Mr. President, despite the partisan nature of this strategy we passed campaign finance reform with bipartisan support. The distinguished Senator from Oklahoma [Mr. BOREN] worked tirelessly with some of our Republican colleagues to gain their support for this legislation. So we know that there is some support for this bill on the other side of the aisle.

The citizens of this country are tired of these obstructionist tactics. The American people deserve a better political system. We should at least have that opportunity to create a system of campaign finance that ends the money chase and that affords all candidates an opportunity to engage in meaningful debate on the issues.

Mr. President, true and meaningful campaign finance reform must not only curb the excessive influence of special interests and control the money chase. It must also create a system that is fair to all, incumbents and challengers, Democrats and Republicans. I believe that the conference committee will produce a bill that will do just that. And hopefully, it will restore the confidence of the American people in this institution.

We can begin to restore that confidence by supporting this motion to invoke cloture. I thank the Chair, and I yield the floor.

COMMENDING THE PRESIDENT AND THE SPECIAL DELEGATION TO HAITI—SENATE RESOLUTION 259

The Senate resumed the consideration of the resolution.

Mr. DODD. Mr. President, I ask unanimous consent that I be allowed to print in the RECORD at this point a letter from President Clinton laying out the objectives and the character of the planned deployment of United States Armed Forces into Haiti.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, DC, September 18, 1994.

Hon. ALBERT GORE, Jr.,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: I am providing this report, consistent with the sense of Congress in section 8147(c) of the Department of Defense Appropriations Act, 1994 (Public Law 103–139), to advise you of the objectives and character of the planned deployment of U.S. Armed Forces into Haiti.

(1) The deployment of U.S. Armed Forces into Haiti is justified by United States national security interests: to restore democratic government to Haiti; to stop the brutal atrocities that threaten tens of thousands of Haitians; to secure our borders; to preserve stability and promote democracy in our hemisphere; and to uphold the reliability of the commitments we make and the commitments others make to us.

From the very beginning of the coup against the democratic government of Haiti, the United States and the rest of the international community saw the regime as a threat to our interests in this hemisphere. Indeed President Bush declared that the coup "constitute[d] an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States."

The United States' interest in Haiti is rooted in a consistent U.S. policy, since the 1991 coup, to help restore democratic government to that nation. The United States has a particular interest in responding to gross abuses of human rights when they occur so close to our shores.

The departure of the coup leaders from power is also the best way to stem another mass outflow of Haitians, with consequences for the stability of our region and control of our borders. Continuing unconstitutional rule in Haiti would threaten the stability of other countries in this hemisphere by emboldening elements opposed to democracy and freedom.

The agreement regarding the transition between the *de facto* government and the elected government, negotiated by former President Jimmy Carter, Senator Sam Nunn, and General Colin Powell, will achieve the objective of facilitating the departure of the coup leaders. Their departure will substantially decrease the likelihood of armed resistance.

(2) Despite this agreement, this military operation is not without risk. Necessary steps have been taken to ensure the safety and security of U.S. Armed Forces. Our intention is to deploy a force of sufficient size to serve as a deterrent to armed resistance. The force will have a highly visible and robust presence with firepower ample to overwhelm any localized threat. This will minimize casualties and maximize our capability to ensure that essential civil order is maintained and the agreement arrived at is implemented. The force's rules of engagement allow for the use of necessary and proportionate force to protect friendly personnel and units and to provide for individual self-defense, thereby ensuring that our forces can respond effectively to threats and are not made targets by reason of their rules of engagement.

(3) The proposed mission and objectives are most appropriate for U.S. Armed Forces, and the forces proposed for deployment are necessary and sufficient to accomplish the objectives of the proposed mission. Pursuant to U.N. Security Council Resolution 940, a multinational coalition has been assembled to use "all necessary means" to restore the democratic government to Haiti and to provide a stable and secure environment for the implementation of the Governors Island Accords. The deployment of U.S. Armed Forces is required to ensure that United States national security interests with respect to Haiti remain unchallenged and to underscore the reliability of U.S. and UN commitments.

This crisis affects the interests of the United States and other members of the world community alike, and thus warrants and has received the participation of responsible states in the coalition to redress the situation. The United States is playing a predominant role because it is the leading military power in the hemisphere, and accordingly, has the influence and military capability to lead such an operation. The coalition is made up of representatives from 25 member nations, including the United States. During the initial phase of the operation, the force will be of sufficient size to overwhelm any opposition that might arise despite the existence of the agreement. In the follow-on, transitional phase, forces from other members of the coalition will assume increasingly important roles. At all times when U.S. forces are deployed in whatever phase, they will be equipped, commanded, and empowered so as to ensure their own protection.

(4) Clear objectives for the deployment have been established. These limited objectives are: to facilitate the departure of the military leadership, the prompt return of the legitimately elected President and the restoration of the legitimate authorities of the Government of Haiti. We will assist the Haitian government in creating a civilian-controlled security force. We will also ensure the protection of U.S. citizens and U.S. facilities.

(5) An exit strategy for ending the deployment has been identified. Our presence in Haiti will not be open-ended. After a period of months, the coalition will be replaced by a UN peacekeeping force (UNMIH). By that time, the bulk of U.S. forces will have departed. Some U.S. forces will make up a portion of the UNMIH and will be present in

Haiti for the duration of the U.N. mission. The entire U.N. mission will withdraw from Haiti after elections are held next year and a new Haitian Government takes office in early 1996, consistent with U.N. Security Council Resolution 940.

(6) The financial costs of the deployment are estimated to be the following. A conservative, preliminary estimate of Department of Defense and Department of State incremental costs for U.S. military operations, U.S. support for the multinational coalition, and the follow-on U.N. peacekeeping operation is projected at $500–$600 million through February 1996. This covers potential costs to be incurred in FY 1994, FY 1995, and FY 1996. Final deployment-related costs could vary from this estimate depending on how operations proceed in the first few weeks, how fast civic order is restored, and when the operation is replaced by a U.N. peacekeeping operation. A preliminary estimate of U.S. nondeployment-related costs—migrant operations, sanctions enforcement, police training, and economic reconstruction—will be provided separately. The Congress will be provided more complete estimates as they become available.

Sincerely,

WILLIAM J. CLINTON.

Mr. DODD. Mr. President, I ask unanimous consent that the remarks of Secretary Perry be printed in the RECORD at this point.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

Sec. PERRY. Good afternoon. I was pleased and privileged to be able to welcome President Aristide on his first visit to the Pentagon. While he was here we had a brief discussion in my office and then went down to the Operational Briefing Room of the Joint Chiefs of Staff and took the opportunity then to brief President Aristide on the current and the planned details of the military operations in Haiti.

Among other things, we explained to him that we will have by the end of the day 8,000 military forces in Haiti, and a large contingent at the Port-au-Prince airport, a large contingent at the Port-au-Prince port, and we now have a large group of marines in Cap-Haitien. In addition to that we have a company of Bradley fighting vehicles, dozens of assault helicopters, gunships, and we are landing C–141s and C–5s.

After the briefing, we had a very good discussion on the current situation in Haiti. I emphasized, reaffirmed to President Aristide our commitment to a quick, peaceful return of the president to Haiti. I told him about the steps that we are taking to prevent violence and retain order in Haiti.

We deplored the abhorrent acts of violence that took place yesterday, and I described to him the steps we are taking to minimize the recurrence of those sort of events. In particular, today we arrived and now have fully operational more than 1,000 military police.

I should emphasize the forces that landed Monday and Tuesday were primarily combat forces whose job was to protect themselves in the event that the entry was not peaceful. Since then we have brought in a large number, more than a thousand, I said, of military police, and they will have the specific function of overseeing and monitoring the functioning of the Haiti police force to ensure that they do not use unreasonable restraint in trying to deal with crowd control problems.

We also described to him that we have now a quick reaction force assembled of combat forces and Bradley fighting vehicles available to be called out in the event there's a general breakdown of order. And we also described the discussion that General Shelton had this morning with General Cedras explaining to him the importance of maintaining restraint of the police and making arrangements for how our military police would be used to facilitate that proper functioning, to ensure that proper functioning of the police force.

We had very good discussions with President Aristide, but rather than my describing to you his response to our discussions, I would like to now turn the podium over to President Aristide and let him describe his impressions.

Mr. President?

President ARISTIDE. Secretary of State Mr. William Perry, Undersecretary of State Mr. Strobe Talbott, National Security Adviser Mr. Tony Lake, Chairman of the Joint Chiefs of Staff General Shalikashvili, ladies and gentlemen:

In these past three days something has happened in Haiti. Operation Uphold Democracy was peacefully deployed. President Clinton, this is the result of the decision that you made. This is the result of your leadership.

Thank you, and the people of the United States, for your commitment to lead a multinational effort in carrying out the will of the United Nations to help restore democracy in Haiti.

It is certain—it is certain that every action that stops the flow of even a single drop of blood is a step towards lasting peace which we envision. I extend my thanks to President Carter, General Powell, and Senator Nunn.

General Shalikashvili, when U.S. men and women arrived in Haiti on Monday, they encountered a nation of people ready to embrace peace. To you, your commander in the field, General Shelton, and the thousands of American soldiers both in Haiti and on their way to Haiti on behalf of my nation, my many thanks for joining in this endeavor for peace. Your wives, husbands, parents, family and friends, may take comfort knowing that your presence is a contribution to the justice and democracy that we seek, principles that run deep in the traditions of the United States.

We, who stood side by side with you in the battle of Savannah, Georgia, to fight for the independence of the United States, are happy that today you stand side by side with us to uphold democracy in Haiti. The light of peace must shine through Haiti. The world must see this light shine in Haiti day and night for every single citizen. Nothing must block this light of peace—neither violence nor vengeance, guns nor provocation, impunity nor retaliation. Peace must flourish in Haiti. The success of this mission is directly tied to the process of disarmament. As I said on February 7, 1991, the day of my inauguration, not another drop of blood must flow in Haiti. No to violence, no to vengeance; yes to reconciliation, yes to justice.

People of Haiti, continue to uphold democracy, be vigilant and guard against provocation. While we move towards dialogue, mutual respect, enjoyment of civil liberties and political stability, we call on all senators, deputies, members of administrative consuls, municipal consuls, departmental consuls, mayors and other elected officials, to resume their offices, as peaceful environment is indispensable for those duly elected officials and the political parties to function.

To help foster this environment, I have created a transition team headed by our minister of defense, General Jean Beliotte. They will assess conditions in Haiti and recommend the next steps to be taken to ensure the quick restoration of constitutional order. Here in Washington, I will continue to meet and work with the National Security Adviser, Mr. Anthony Lake, and special adviser on Haiti, Reverend Bill Gray, and you, General Shalikashvili, chairman of the joint chiefs of staff, to outline the steps that it will take to guarantee the restoration of democracy, which will bring peace to all, reconciliation among all, respect and justice for every single citizen in Haiti.

In less than 24 days, I will join you in Haiti. There, we will continue working as peacemakers, peacekeepers and peace lovers.

Thank you.

Mr. LAUTENBERG. Mr. President, I intend to vote for this resolution.

I am relieved that a full-scale invasion has been avoided as a result of negotiations by President Carter, Senator NUNN, and Colin Powell. The threat of military force created an environment in which a short-term diplomatic solution could succeed. Lives were saved by avoiding a full-scale invasion, and that was a positive development. I congratulate President Clinton and the Carter delegation for this success.

I am, however, still concerned about the thousands of American soldiers who will be part of the occupation forces under this agreement. They do not know how long they will be in Haiti or what their long-term role will be. The very nature of their mission is replete with contradictions. Our soldiers thought they were going to Haiti to help the Haitian people; now, they are essentially required to work with the leaders America's original military mission sought to remove. Just yesterday, they had to stand by helplessly and watch the police brutally attack and kill Haitians who had come to welcome our troops to their shore.

My broader concern, Mr. President, is that although the military is now in Haiti, their mission is essentially diplomatic. While I share the diplomatic goal of restoring a democratically elected leader in Haiti, I am not persuaded that the U.S. military can succeed, in the long run, in ensuring that democracy will prevail in Haiti. Although our military is second to none, it is not their role—nor are they able—to build nations as we saw in Somalia. I'm wary about our troops getting involved in a similar mission in Haiti.

Like many, I am dismayed by the way General Cedras and the Haitian military stole the election from President Aristide. I too have been profoundly saddened by the brutality of the human rights violations the Haitian dictators have perpetrated against so many innocents. The Haitian people who long for the restoration of their democracy have inspired me. It is a difficult task to know what we can do to help them without imposing unreasonable risks to our soldiers or costs to our Nation.

While I share the goals of restoring democracy for the Haitian people and snuffing out human rights abuses, I am not persuaded that a policy which attempts to turn our military into a diplomatic corps can succeed in the long run. Now that the President has decided to move forward, however, I do hope and pray the policy will succeed. I pray that no lives will be lost, and that our soldiers will return to America soon.

Mr. LIEBERMAN. Mr. President, all of us are appalled by the desperate economic and human rights conditions prevailing in Haiti. As of February 1994, the United Nations reported there had been some 3,000 deaths of Haitian civilians since the September 1991 military coup. The Cedras regime's human rights record—its cynical use of murder, rape and torture to intimidate the Haitian population—is currently the worst in this hemisphere. I sympathize with the Haitian people who have suffered for years both from the atmosphere of intimidation prevailing in Haiti and from the economic hardships resulting from the U.N.-mandated economic embargo.

These are tragic conditions for Haiti. But they are not a national security threat to the United States. I sympathize with the plight of Haitians, but I question whether we can or should right Haiti's multiple wrongs with military force.

The United States has the best military forces in the world. Our finest young men and women staff it; our most advanced technology and billions in tax dollars have gone into their equipment. Our military forces are prepared and capable of defending the broad security interests of the United States.

This means that our Armed Forces also are capable of accomplishing a wide variety of tasks, whether it is to arrest a narcotics kingpin in Panama, stop a disease epidemic in Rwanda, facilitate food distribution to starving Somalians, provide humanitarian relief in Bosnia and northern Iraq, or rescue American students from political instability in Grenada.

However, just because the United States military can accomplish a particular mission does not mean it should be ordered to tackle the enormously complex range of missions required in Haiti.

The Founding Fathers intended that the President's role as Commander in Chief be constrained by the responsibility to seek congressional approval to make war. The President does have the power to act in emergencies, but the long-festering problems in Haiti did not fall into that category. Throughout this developing crisis in Haiti, I have always believed and stated that the President should come to Congress for authority prior to an invasion of Haiti by United States forces.

When President Bush proposed to use military force to repel Saddam Hussein's invasion of Kuwait, I—together with many of my Senate colleagues on both sides of the aisle—argued that the President should seek congressional authority. Presidents Reagan and Bush did not seek congressional authorization for military operations in Grenada and Panama. Congressional authorization is always preferable when possible, but the protection of U.S. security interests in those circumstances required secrecy and speed.

There was no emergency or imminent threat to American lives in Haiti. The President had been warning the Haitian junta for months that U.N. military action was imminent. Recruitment of a multinational invasion force and our own preparations for use of force was conducted in a deliberate and public manner.

But all that is past. The President began the invasion without congressional authorization and, fortunately, halted it once an agreement had been reached between the military junta and the delegation headed by former President Jimmy Carter. All Americans are grateful that an invasion, with the likelihood of casualties, was averted, and we are all thankful that the U.S. occupation has proceeded up to this point with no loss of American lives.

Still, the question remains as to what our goals in Haiti are, and how long our troops will remain in that country. That is the key issue for the American people. I have no quarrel with this resolution, and it has bipartisan support, but it should not signal the end of congressional involvement in this issue. While maintaining our strong support for the United States troops on the ground in Haiti, and providing them with every piece of equipment they will need to carry out their mission as long as they are there, we must now get answers about what their goals are, how they will be achieved, and on our exit strategy. All Americans are deeply concerned that if our stay in Haiti goes on too long, we will be inexorably drawn into a police action that is fraught with danger to our troops, and for which there is no clearly achievable end result.

One final word concerning Haitian President Jean-Bertrand Aristide. I share the disappointment of many Americans that President Aristide failed to quickly and publicly thank our country for putting the lives of our soldiers in harm's way on his behalf. Any problems he has with the Carter accord pale in comparison to the courage exemplified by our military forces, and he, of all people, should have recognized that fact and said so right away.

Mr. COATS. Mr. President, I support Senate Resolution 259 because, like all Americans, I am greatly relieved that the deployment of United States troops to Haiti occurred under peaceful rather than hostile circumstances. As a result, many Haitian as well as American lives have been spared.

I am also greatly relieved that General Cedras and the ruling military Junta in Haiti have agreed to relinquish their grip on government and, thanks to the compelling argument of former Chairman of the Joint Chiefs, Gen. Colin Powell, cooperate in a peaceful transition of power.

Mr. President, I commend America's military men and women for their excellent performance in carrying out their duties, fully support them in their complex and difficult mission, and pray for their safe and quick return.

I fear, however, that our most difficult days lie not behind us but ahead.

Mr. President, the occupation, not the invasion, of Haiti has always been recognized as the more difficult part of this mission. In many respects, that occupation has now been made more difficult by the circumstances under which it has occurred.

The Haitian population is by no means at peace, the institutions of civil government have yet to be established, and democracy is far from assured. In other words, the task we face in Haiti is not one of restoring democracy but of building a nation. And, as we tragically learned in Somalia, that is not an appropriate mission for the United States military.

For those reasons, Mr. President, as well as the fact that no United States national interest is at stake in Haiti, I opposed a United States invasion of Haiti. For the same reasons, Mr. President, I now urge a timely conclusion to the United States occupation of Haiti, and the speedy withdrawal of all United States forces.

The PRESIDING OFFICER. Under the order, the Republican leader is recognized for 5 minutes.

Mr. DOLE. Mr. President, first of all, all Americans join in praising former President Jimmy Carter, retired Gen. Colin Powell, and the senior Senator from Georgia, Senator SAM NUNN.

I must say if it had not been for their diplomatic mission we might have been on the floor here today talking about a lot of different things but not have pleasant ones, in my view. So they averted a potentially tragic military confrontation to place American troops into Haiti.

The Carter delegation obviously found the General Cedras willing to negotiate. I am pleased the President accepted suggestions and sent an independent commission to Haiti. I believe the whole country heaved a sigh of relief that an unnecessary invasion did not occur.

I must say there is still a lot of confusion, but I think at least we had a new entrance strategy. We do not have an exit strategy yet. I hope we will be addressing that maybe before we leave, hopefully not later than October 7.

I do not see how anybody can oppose an invasion and support a military occupation. That is my view. If you oppose the invasion, you have to oppose the occupation. You support the forces there, but you do not support the occupation.

How much do we have to do for Aristide. I guess today he said "thank you." How much do you have to do for this person? We are going to have 15,000 Americans committed there. We are going to spend millions and millions and millions of dollars, and we are even going to pay some of their military. There will be all kinds of nation building. Who knows what the final tab will be.

So I guess the bottom line is there never was a problem getting in; there may be a problem getting out.

I think events of yesterday, even though we did not participate, show how tragic the consequences can be. We had graphic Haitian-on-Haitian violence which may call for greater United States involvement. I do not know how the American people will understand when they watch television and see American soldiers standing by and someone being clubbed and clubbed and clubbed. How does that resonate in America, if some innocent person is being beaten to death or clubbed to death? I have to believe this is a pretty tricky situation we are in right now.

But before we decide to disarm the Haitian military and police, we would do well to remember the lessons of Somalia. And we should also remember that today's oppressed can quickly become tomorrow's oppressor.

I can understand if the American people are a little confused about the recent changes in U.S. policy. President Clinton last Thursday told Haiti's leaders: "Your time is up. Leave now or we will force you from power." Now, they learn that General Cedras may be in power until October 15. Last week, the Haitian military was described as rapists and killers. This week, they are our partners in occupation.

This is going to take more than a 30-second sound bite to explain to the American people.

Last week President Clinton said diplomacy had been exhausted. But over the weekend, a diplomatic mission rapidly reached an agreement. The newspaper headlines said a deal had been made and an invasion averted. Yet thousands of heavily armed United States soldiers have landed in Haiti. And the United States is still enforcing an economic embargo against a country we just occupied.

Why should there be an embargo on a country we occupied? That is one of the problems. It is the poorest country in the hemisphere. We laterally are starving people to death with economic sanctions. Now we occupy it. And this is part of the agreement, but we still have not lifted the sanctions.

The American people heard a lot about a multinational force, but the only foreign troops in Haiti are American right now. That is all. The American people heard about the importance of restoring Aristide to power, and we are about to thank the Carter delegation for their efforts to achieve a peaceful resolution. Strangely, it took Aristide longer to say thank you than it took the Carter team to negotiate the accord.

According to some news reports, Aristide was reluctant to even support the latest U.S. policy conducted on his behalf.

In the midst of all this confusion, the only clarity came from President Carter, General Powell, and Senator NUNN. They took open minds and went to Haiti. I listened to them earlier this week. They spoke about what they learned in Haiti: About how respected the provisional President is and how he was central to the deal. They spoke about General Cedras' honor and dignity. They spoke about the depth of anti-Aristide feeling. And they spoke about the folly of having a U.S. economic embargo on a country under U.S. military occupation. Right or wrong, all these views challenge the foundations of the Clinton administration's Haitian policy. Either they are wrong or he was wrong, and I have to believe since they are there they may have a better insight than the President.

The efforts of the Carter delegation are commended in the resolution before the Senate. Their fresh look averted immediate bloodshed. The task now is to avert bloodshed over the long term.

I am again not certain that the American people realize the United States forces—either under United States or U.N. command—will be in Haiti until at least 1996, not 1995, until that is 1996. The potential for the occupation to generate American casualties is great.

The last American occupation of Haiti lasted almost two decades. Because the President and his advisers have avoided coming to Congress, the first sign of trouble is likely to result in pressure for an immediate and embarrassing withdrawal.

The Carter mission prevented bloodshed in the first few days of the United States occupation of Haiti. For that, all Americans can be grateful. But what is needed now is a U.S. policy that does not react to the image of the moment or to the emotional appeal of week.

The ousted special envoy for Haiti, Lawrence Pezzullo, laid out the one principle for a sound policy in the New York Times this morning. In sum, he argued the United States should push Haitians to resolve their differences on their own—not make every issue a matter of United States prestige.

Ambassador Pezzullo concluded by writing, "Only a very carefully calibrated policy will guard against Haiti's slipping from military dictatorship under General Cedras to populist authoritarianism under Father Aristide, presided over by a U.S. praetorian guard." Unfortunately, 19 months of this administration's failed Haitian policy does not leave much hope for future improvement.

Mr. President, I ask unanimous consent that New York Times article by Lawrence Pezzullo be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SEVEN WAYS TO AVOID A LONG, PAINFUL, POINTLESS OCCUPATION

(By Lawrence Pezzullo)

Despite the 11th-hour success of the peacemaking mission headed by Jimmy Carter, the arrival of thousands of United States troops in Haiti since Monday represents the bitter fruits of diplomatic blundering by the Clinton Administration. Whether because of guilt, weakness or lack of rigor in carrying out its policies, the Administration has taken on the impossible burden of turning a country with no democratic traditions into a functioning democracy.

The quiet resignation on Friday of the United Nations special envoy for Haiti, Dante Caputo, represented a kind of punctuation mark to the Administration's hopeless diplomacy. Mr. Caputo has long held the view that the situation must be resolved by Haitians, not by military intervention.

The role of U.S. troops now, before the Rev. Jean-Bertrand Aristide returns to power, involves relatively little risk. But our soldiers, under orders not to intercede even when they see Haitian police beating pro-Aristide demonstrators, will find themselves in an increasingly difficult position. To prevent worse clashes, a multinational force to retrain and monitor the police is urgently needed.

The multinational negotiations that began soon after Father Aristide was overthrown in September 1991 were hampered by the unwillingness of the two protagonists to deal with each other. Lieut. Gen. Raoul Cedras, who emerged as Haiti's de facto ruler, felt he could outlast the international pressure to restore the elected Government. Father Aristide, exiled to Washington, expected the United States to restore him to power on his terms.

The agreement signed at Governors Island in July 1993, which set a timetable for Father Aristide's return to power, contained two central elements: the transfer of power from the military to a democratic, constitutional government and the creation of a broad-based political coalition.

The Haitian Constitution of 1987, which balances executive power with Parliament's—essential in a country with a long history of abusive strongmen—requires that the President build a working majority in the legislature. It was precisely Father Aristide's estrangement from the elected Parliament, coupled with his chilly relationship with business leaders and the military, that led to his overthrow in 1991, just seven months after he took office.

Without a broader governing coalition and an operating majority in the Parliament, Father Aristide could face a repetition of the conflict that turned violent in 1991, or he could circumvent the Constitution by ruling by decree. In either case, the United States, with it troops on the ground in Haiti, would find itself in an untenable position.

By unwisely putting its own credibility on the line rather than keeping the pressure on the Haitian protagonists to resolve the crisis on their own, the Administration has shouldered an obligation to sustain the return to democratic rule. That will require staying the course and ignoring the advice of those who argue for an early exit. Surely it would be wise for the U.S., with its multilateral partners, to stay in place through the presidential elections in January 1996.

To preserve the integrity of its policy, the Administration must insist that all Haitian parties, especially Father Aristide's, comply scrupulously in word and spirit with the 1987 Constitution. Further, the U.S. should insure that all members of Parliament elected in 1990 are protected and allowed to assembly as soon as possible in a secure environment.

When he resumes the presidency, it will be essential that Father Aristide cooperate with the Parliament on the following measures to build a truly democratic system:

The early confirmation of a prime minister who can build and maintain a majority in the Parliament. This will require reaching out to political adversaries, who earlier this year showed a willingness to build such a majority.

The nomination and confirmation of a new commander in chief to replace General Cédras. Haiti's Constitution allows the President to pick one from senior military officers. Some of the current group remain untainted by the coup and have clean human rights records.

The enactment of an amnesty law, the specific details of which would be worked out between Parliament and the executive branch. The issue of whether General Cédras and other military commanders should be forced into exile must also be left to the Haitians themselves.

The creation of an independent civilian police force, which was stipulated in the Governors Island agreement and is required under the Constitution. The U.S. and Canada have already pledged to assist in their training.

The confirmation of a new civilian police chief.

The enactment of legislation requiring that all paramilitary gangs be disarmed.

The establishment of a bipartisan electoral commission to organize and oversee the parliamentary elections scheduled for this winter and the presidential elections next year.

The Clinton Administration must recognize that a failure to insure that Haitians work together and compromise to resolve their own political difficulties will not only compound the tragedy of that troubled country but also involve the U.S. in a painful and pointless occupation. Only a very carefully calibrated policy will guard against Haiti's slipping from military dictatorship under General Cédras to populist authoritarianism under Father Aristide, presided over by U.S. praetorian guard.

The PRESIDING OFFICER. The majority leader is recognized for 5 minutes.

Mr. MITCHELL. Mr. President, I yield myself the remainder of my leader's time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President and Members of the Senate, the resolution on which the Senate will shortly vote is direct, simple, and easily understood. It commends President Clinton. It commends former President Carter, retired General Powell and Senator NUNN. It supports the men and women of the United States Armed Forces in Haiti. It supports the departure from power of the de facto authorities in Haiti and Haitian efforts to achieve reconciliation, democracy and the rule of law. It supports lifting of the economic sanctions on Haiti and supports a prompt and orderly withdrawal of United States forces from Haiti as soon as possible.

There is no conceivable reason why any Senator would vote against this resolution. It is obvious that the events in Haiti have developed in a way that will in fact encourage the restoration of the democratically elected government and the departure of the illegal government. That is an objective which I believe all Americans share.

Mr. President and Members of the Senate, we have heard a lot of debate here in the Senate about this or that aspect as policy.

If one reads the American Constitution, one will find reference to one President of the United States. But if one observes the American Government in a time of foreign policy crisis, one would think that there were 50 or 60 Presidents of the United States. This is the world champion forum for nitpicking, second-guessing and should-have-done.

Senators urge the President to do A, and when the President does A, they say he should have done B. If he does B, then they come up with C. There is no event so trivial, no place so distant that Senators do not have a better idea of how it should be done; so long, of course, as they have no responsibility for the outcome if things go bad.

And to hear some of the speeches that we have heard here today, why, there is almost a regret that this thing has worked out so well.

The fact of the matter is, it was the determination and leadership of President Clinton that has caused the removal of the illegal government in Haiti and the forthcoming restoration of the democratically elected Government of Haiti.

I was interested to hear all of the praise of the delegation that went to Haiti—all of which is deserved—but a grudging unwillingness to even acknowledge that it was President Clinton who sent them to Haiti, who directed their actions in Haiti, and whose policy they were implementing in Haiti.

Is the hostility and the antagonism for the President so great among some of our colleagues that they cannot even acknowledge that it was, in fact, President Clinton who made the decision to send the delegation to Haiti, who established the policy which they took with them to Haiti, and who stood firm at the critical moment in insisting on an absolute time certain and a deadline for the removal of the illegal government from Haiti?

I hope that every Member of the Senate will vote for this resolution. And I hope that every Member of the Senate will permit this policy to take effect without seeking to make political hay out of every twist and turn in the road and the inevitable difficulties that result in such a complex and dangerous operation.

Certainly, risks remain. Certainly, there is a potential for damage, danger, casualty, injury, and death. But the fact of the matter is, right now democracy in Haiti has a future which it did not have a week ago today. And right now, the illegal government of Haiti does not have the future that it had one week ago. That is the direct and exclusive result of the actions of President Clinton and the leadership of President Clinton. We ought not to be so grudging as to refuse to acknowledge that simple fact.

Mr. President, I yield the floor.

I believe, all time having been used, we are prepared for the vote.

The PRESIDING OFFICER. The question occurs on the adoption of Senate Resolution 259. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from South Carolina [Mr. THURMOND] is necessarily absent.

I further announce that, if present and voting, the Senator from South Carolina [Mr. THURMOND] would vote "yea."

The result was announced—yeas 94, nays 5, as follows:

[Rollcall Vote No. 301 Leg.]

YEAS—94

Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boren
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Daschle
DeConcini
Dodd
Dole
Domenici
Dorgan
Durenberger
Exon
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Gramm
Grassley
Gregg
Harkin
Hatch
Heflin
Helms
Hollings
Hutchison
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
Mathews
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Packwood
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Shelby
Simon
Simpson
Smith
Specter
Stevens
Warner
Wellstone
Wofford

NAYS—5

Danforth
Hatfield
Wallop
Faircloth
Pressler

NOT VOTING—1

Thurmond

So the resolution (S. Res. 259) was agreed to, as follows:

S. RES. 259

Whereas the special delegation sent to Haiti on September 17, 1994, has succeeded in convincing the de facto authorities in Haiti to agree to leave power;

Whereas on September 18, 1994, after an agreement was reached in Port-au-Prince that day, the President ordered the present deployment of men and women of the United States Armed Forces in and around Haiti;

Whereas U.S. and multilateral sanctions have imposed a heavy burden on the Haitian people; and

Whereas the Congress and the people of the United States have great pride in the men and women of the United States Armed Forces and fully support them in all their efforts overseas, including those in Haiti: Now, therefore, be it

Resolved, That the Senate—

(1) commends the efforts of the President in sending former President Jimmy Carter, retired General Colin Powell and Senator Sam Nunn to Haiti in an effort to avoid the loss of American lives;

(2) fully supports the men and women of the United States Armed Forces in Haiti who are performing with professional excellence and dedicated patriotism;

(3) supports the departure from power of the de facto authorities in Haiti, and Haitian efforts to achieve national reconciliation, democracy, and the rule of law;

(4) supports lifting without delay of U.S. unilateral economic sanctions on Haiti, and lifting without delay of economic sanctions imposed pursuant to U.N. resolutions in accordance with such resolutions; and

(5) supports a prompt and orderly withdrawal of all United States Armed Forces from Haiti as soon as possible.

The PRESIDING OFFICER. Under the previous order, the preamble is agreed to.

Mr. REID. Mr. President, I ask unanimous consent that I be allowed to proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, the Senate is not in order.

The PRESIDING OFFICER. The Senate will come to order.

The Senator may proceed.

Mr. REID. I thank the Chair.

(The remarks of Mr. REID pertaining to the submission of S. Res. 263 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

Mr. KOHL addressed the Chair.

The PRESIDING OFFICER (Mr. MATHEWS). The Senator from Wisconsin.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1995; DISTRICT OF COLUMBIA SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT, 1994—CONFERENCE REPORT

Mr. KOHL. Mr. President, I submit a report of the committee of conference on H.R. 4649 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The legislative clerk read as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendment to the bill (H.R. 4649) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1995, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of August 4, 1994.)

Mr. KOHL. Mr. President, I am pleased to present the conference report on H.R. 4649, the D.C. appropriations bill for fiscal year 1995, to the Senate. It represents a fair bipartisan compromise with the House on the items of disagreement and deserves the support of the Senate. Every single conferee, Republican and Democrat, signed the conference report.

At the outset I want to complement our House colleagues, led by their able Chairman JULIAN DIXON, for the professional and concise way in which they conducted the conference in reaching consensus on this bill.

The conferees met on August 4, 1994, and the House adopted the conference report on August 8 and sent it to the Senate. We have been attempting to clear this measure for the President since that time. The agreement includes a requirement that the Mayor submit a plan for cutting the $140 million in required savings 30 days after enactment. The conferees intended that this bill be enacted by mid-August so that those proposed savings could be in place by this time in September, close to the end of the fiscal year. I hope that we can move this agreement through the Senate and on to the President in very short order.

Mr. President, this conference report deserves the support of Senators. We were able to convince the House to accept a reduction in the Federal payment to $660 million. This amount is approximately the midpoint between the amount the city has wanted and the amount in the Senate bill.

We also included $140 million in budget cuts that the District of Columbia will have to make during the fiscal year 1995. This amount will no doubt be difficult to achieve, but is reachable. We should note that the Mayor has proposed $140 million in cuts, which the council will soon consider. Ultimately it is the local government that must make the tough decisions and implement a plan to achieve the necessary cuts.

Language is included in section 138 that places a limit on the District's disbursements both by individual funds and in the aggregate. The purpose of this language, which was agreed to by the conferees, is to keep the District government from spending more cash in fiscal year 1995 that it collects. During the past 3 years, fiscal years 1991, 1992, and 1993, the District government has had balanced budgets according to generally accepted accounting principles [GAAP] but during those same 3 years had disbursed $276 million more from the general fund that it has collected in cash. In other words, the city has been spending more than it has taken in, even though it reports that its' budgets are balanced. Most people would find that difficult to comprehend.

Mr. President, the conferees want to make it clear that the disbursements and net payables, by fund and for the District government as a whole, are not to exceed the cash receipts collected by fund and for the District government as a whole. In all cases the controlling factor is the cash receipts collected and deposited.

If this legislation is violated, the following year's Federal payment will be reduced by the amount that the disbursements and net payables exceed the cash receipts.

Mr. President, it is important that this limitation be fully and clearly understood by the District government.

In addition, Mr. President, it should be understood that the conferees expect that every branch and agency of the D.C. government is expected to participate and contribute their fair share toward these spending cuts. The conferees recognize the independence of other branches of the local government and of certain independent agencies, however, the conferees believe that the overall fiscal condition is of overriding concern and expect full cooperation with the Mayor and council in implementing these reductions.

Mr. President, the conference agreement modifies the Senate amendment requiring a reduction of 3,559 full-time equivalent positions over 5 years. The modification provides that the city must eliminate 2,000 full-time equivalent positions in one year, fiscal year 1995.

The Senate agreed to recede to the House on the D.C. School of Law. As part of her plan of cuts the Mayor has proposed closing the law school. Because of the debate that we have begun, I believe that the council and citizens of the District of Columbia will carefully look at the Mayor's proposal. I also believe that the D.C. government is now engaged in a process that puts every item in the budget up for a fair and impartial review.

In closing, Mr. President, I want to express my appreciation to the Senator from Montana, our distinguished ranking member, for his work in shaping this bill. His efforts have made this a better bill and his hard work have made it possible to bring it to final adoption today.

Finally, Mr. President, I want to thank the staff on both sides of the aisle and both sides of the Capitol for their assistance in making what could have been a very contentious conference reach a bipartisan compromise. That concludes my explanation of the conference agreement.

Mr. President, I yield the floor.

Mr. BURNS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana [Mr. BURNS] is recognized.

Mr. BURNS. Mr. President, I want to first of all thank Senator KOHL from Wisconsin, who has put a lot of time and effort in on this bill. It has been remarkable to work with him, because there were some contentious things that came up within this bill, and it was all worked out. I compliment him and his staff on this.

This conference report represents a significant change in the way this committee has gone about its business with the District of Columbia.

We have cut the Federal payment by over $13 million from the President's request.

We have mandated that the District cut their own budget by $140 million.

I realize that is a very tough thing to do in these times when local governments have a hard time coming up with money. I can remember back in my days of county government when an initiative in Montana was passed, called 105, which meant that you could not increase property taxes to fund county government. Of course, that went for the school districts as well within Yellowstone County. But we made it through there because we had done some things and one of them was to establish a 5-year budget, which gives us a look into the future that if certain things happen, this is how it reflects on how we finance our local government.

And, we have mandated that the District eliminate 2,000 FTE's in fiscal year 1995.

Again, that is a big order, and something that can be obtained whenever you take a look at the resources here in the District of Columbia.

The Congress has directed the city to submit no less than 17 independent reports, audits, and evaluations for review by the Congress. Some of these reports are linked to the release of money. All of them will be valuable tools in the future consideration of additional Federal funding for the District.

In total, this conference report represents a comprehensive overhaul of Congress' relationship with the District.

Mr. President, we have a responsibility to our constituents to protect the integrity of these and other Federal investments by exercising our statutory right in overseeing the District of Columbia.

A house well furnished will be unstable without an adequate foundation upon which to sit. Looking at it today, the Capital City is indeed resting on a cracking foundation.

I hope these changes in course will lead the District to calmer waters both with Congress and with the citizens of this great city.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KOHL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KOHL. Mr. President, at this time, I ask for the yeas and nays on the conference report.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

STATEMENT ON DISTRICT OF COLUMBIA APPROPRIATIONS

Mr. SASSER. Mr. President, the Senate Budget Committee has examined H.R. 4649, the District of Columbia appropriations bill and has found that the bill is under its 602(b) budget authority allocation by $8 million and under its 602(b) outlay allocation by $8 million.

I compliment the distinguished manager of the bill, Senator KOHL, and the distinguished ranking member of the District of Columbia subcommittee, Senator BURNS, on all of their hard work.

Mr. President, I have a table prepared by the Budget Committee which shows the official scoring of the District of Columbia appropriations bill and I ask unanimous consent that it be inserted in the RECORD at the appropriate point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

SENATE BUDGET COMMITTEE SCORING OF H.R. 4649—FY 1995 DISTRICT OF COLUMBIA APPROPRIATIONS—CONFERENCE BILL

[Dollars in millions]

Bill summary	Budget authority	Outlays
Discretionary totals:		
New spending in bill	712	712
Outlays from prior years appropriations	....	2
Permanent/advance appropriations	0	0
Supplementals	0	0
Subtotal, discretionary spending	712	714
Mandatory Totals	0	0
Bill total	712	714
Senate 602(b) allocations	720	722
Difference	−8	−8
Discretionary Totals above (+) or below (−):		
President's request	−10	−10
House-passed bill	−8	−8
Senate-reported bill	12	12
Senate-passed bill	12	12
Defense	0	0
International affairs	0	0
Domestic discretionary	712	714

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the conference report. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Rhode Island [Mr. CHAFEE] and the Senator from South Carolina [Mr. THURMOND] are necessarily absent.

I further announce that, if present and voting, the Senator from South Carolina [Mr. THURMOND] would vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 71, nays 27, as follows:

[Rollcall Vote No. 302 Leg.]

YEAS—71

Akaka
Bennett
Biden
Bingaman
Bond
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Cohen
Conrad
D'Amato
Danforth
Daschle
Dodd
Dole
Dorgan
Durenberger
Exon
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Harkin
Hatfield
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lugar
Mack
Mathews
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Murray
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Simon
Simpson
Specter
Stevens
Warner
Wellstone
Wofford

NAYS—27

Baucus
Brown
Burns
Coats
Cochran
Coverdell
Craig
DeConcini
Domenici
Faircloth
Gramm
Grassley
Gregg
Hatch
Heflin
Helms
Hutchison
Kempthorne
Lott
McCain
McConnell
Moseley-Braun
Nickles
Roth
Shelby
Smith
Wallop

NOT VOTING—2

Chafee
Thurmond

So the conference report was agreed to.

Mr. KOHL. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. BURNS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KERRY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. KERRY. Mr. President, I ask unanimous consent that I be permitted to proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator may proceed.

CAMPAIGN FINANCE REFORM

Mr. KERRY. Mr. President, I arrived in the U.S. Senate over 10 years ago. Since that time, with each passing election and each passing year and with the increase in gridlock in Congress, I have become, as I think some of my colleagues have, more and more convinced that the system of financing political campaigns in this country is doing the U.S. Congress—and, more importantly, the politics of our Nation—an enormous disservice.

It was because of my early perceptions about campaign finance that when I first ran for the U.S. Senate, I made a decision that I would personally not accept any PAC money. Indeed, we were able to create the first PAC-free Senate race in the history of the United States. As a consequence of our mutual efforts, no candidate received PAC funds in the race for the seat I now hold. We proved that you can run for the U.S. Senate without PAC money. In addition, I think we proved to the American people that when you do not have PAC money—PAC's, for those who do not follow these debates, are political action committees, which are organizations formed by special interest groups who bundle money into large amounts and distribute it to candidates—we proved in my Senate race in 1984 that campaigns can be run without the infusion and influence of special-interest money.

Pick up any newspaper in America today and you can read about the disrepute of this institution. I think anybody who understands what is happening in America must hear the roar of the oncoming tidal wave of dissatisfaction that will hit the Congress if we do not respond to the felt need of the citizens of this country to separate their public servants from money.

Money is polluting the entire trust—whatever is left of it—of the American people for the political process. All you have to do is look at what has happened to the health care debate in this country and you have a story of money, of millions of dollars from one interest or another, infecting and disassembling an issue of vital importance. It is OK, I suppose, if all that cash goes only into public advertising and expression. After all, the first amendment is very clear about the rights of people to express their views. But this money should not be inserted directly into campaign after campaign and into the campaign coffers of candidate after candidate after candidate.

It does not take a student of political science or anybody who has spent a long time around the political process to understand that people who do not think that you are supporting their point of view are not going to contribute to you. Somebody who votes against the insurance industry does not get money from the insurance industry. Somebody who votes against banking does not get money from the banking industry. Somebody who votes for gun control does not get money from the National Rifle Association. And so it goes down a long list of all of the groups that give money. And someone who gets money from the insurance industry is likely to vote for the insurance industry. And Someone who gets money from the NRA is likely to vote against gun control.

Because of the structure of advertising in America, my colleagues and I, and all of us in this process, have become nothing more than bill collectors for the broadcasters. We go out and raise huge sums of money, then behave as conduits, passing that money from those special interests to broadcasters. In the process, a certain amount of independence is lost. And in the process, a certain amount of control is gained.

Americans are not well served by this, Mr. President, and I think everybody in this institution understands it. Americans are not well served by it for the amount of money that is wasted and batted around. They are not well served by it for the relationships that are created as a consequence of it. And they are not well served by it because it takes away from the capacity of Congressmen and Senators to spend time with their constituents and on the issues, instead forcing politicians to travel the country with suitcases prepared to be filled with checks from whatever special interest they can cull from somewhere in the Nation.

Mr. President, as a first-time candidate for the U.S. Senate, I became convinced that spending limits are an essential ingredient of trying to stop the incredible spiraling, escalating costs of campaigns. Go back 5 years, go back 10 years, go back 20 years, and there is a remarkable straight-line increase in the cost of campaigning in the United States, and today almost 90 percent or more of that money goes directly to buy television and broadcast time.

More and more campaigns do less and less people-oriented activities. Fewer and fewer campaigns can afford even the paraphernalia of campaigns—leaflets, buttons and so forth. Most campaigns are forced into a battle of retaliation—the point, counterpoint of television advertising. It has gotten to the point now where one ad goes out and within 24 hours the response ad is on, and then the counter-response, and candidates are driven to go out to find more and more money in order to respond to this escalating process. It is the new arms race, if you will; it is the money race.

I think that colleagues of good conscience and good intent around here know that when they sit in private and they talk about this, there is a universality of condemnation and lamentation about it, a universality of understanding about these dangers to the political system in this country.

We are at this moment, after a long period of effort, staring at a window of opportunity. When I came here, a campaign finance reform bill was the first piece of legislation that I introduced, and each year I have introduced that legislation in an effort to try to restore people's sense of connection to the American political process. I have by no means been alone. Senator MITCHELL also introduced legislation a long time ago, as has Senator BOREN. Senator BIDEN, Senator SIMON, and Senator BRADLEY have also joined in this effort to try to change the political process. But until now we have had no ultimate success.

In the 102d Congress, we did manage to pass a comprehensive campaign finance reform bill, but it was vetoed by President Bush. Now, that vote itself, in all candor, said a certain amount about the hypocrisy which has governed this issue, because many Members voted for that bill knowing President Bush was going to give them cover since he was going to veto it and prevent real change from taking place.

Now that there is a President of the United States who is prepared to sign a campaign finance reform bill into law, some of those "yes" votes have turned into either "noes" or "maybes," in an effort to stall or avoid what the public so clearly demands and what this institution desperately needs.

Despite these so-called changes of heart, Mr. President, we passed a campaign finance bill again in this session. Not a perfect bill—no piece of legislation is perfect—but a good campaign finance reform bill. And we know that if President Clinton gets this bill he will sign it into law. But month after month after month has gone by without any action on this legislation.

We are now at the single most critical moment of campaign finance reform in history. That is not an exaggeration. This is the first time we could put limits in place, we could lower the influence of PAC's to the lowest level in history. We could establish new accountability for campaign fundraising. We could increase the democracy of this country by reducing the size of the amounts of donations. We would instill an incentive for people to be able to go out and raise money in small amounts within their own State, and place an incentive for candidates to raise most of their money in their home State rather running around the country looking for cash.

We passed this bill last year. One year ago. One year ago we passed this bill, and for this entire year that bill has been the prisoner of resistance on the House side. It is now meeting the same kind of gridlock response here in the Senate, the kind that we consistently find on almost everything we try to do in this body these days.

I would like to know how many Americans are even aware that the Senate is engaged in a filibuster where we have to go through effort after effort just to have a cloture vote in order to get to conference and be able to talk about the differences between the House and Senate on this bill.

Mr. President, the Republicans are preventing us from even being able to work the legislative process to try to get to a compromise. Does America understand the willful arrogance which is being applied to stall the business of this institution, to time and time again prevent the majority from engaging in legislative activity, and to require 60 votes for almost every legislative step—60 votes every time.

The current filibuster spree is an embarrassing effort simply to chew up days because Republicans know that these are the waning days of the legislative session. So if we have to do a filibuster with a cloture vote, we automatically, under the rules, go 2 days in between each vote and all of a sudden, before you even get to conference, one entire week is gone. So those who filibuster know that they have killed precious time, and will continue to delay in the ensuing weeks, because they hope that the Congress will do nothing. Then they will go back to their districts and they will say that the Democrats had the majority in the Congress but were unable to accomplish anything. And the American people, who do not understand the power that Republicans' have to require 60 votes, who do not understand what it means to have a cloture motion, who do not understand the process of delay, will say, oh, yeah, that is right; Democrats ought to be able to make things happen.

Mr. President, I think we have to come to this floor day after day after day and tell this story to Americans, and tell them that most of us are prepared to vote on campaign finance reform now. The Republicans simply are not letting us.

Now, Mr. President, that is, as I said, only one facet of resistance here. There are some in the House who continue to believe that PAC money is essential, a sine qua non presence in politics. And they are unwilling to restrain or lower the amount of PAC money that is being currently raised to support campaigns.

I believe the Congress of the United States desperately needs to show the American people that we understand their concern about gridlock and about money. We need enactment of this bill on campaign finance reform. The only step remaining between the signing of this bill by the President and its passage here is the completion of the conference. But we cannot even get to the conference without jumping through legislative hoops placed in our path by Republicans. We are closer to placing in law a campaign finance reform than we have ever been, but we face a pattern of resistance that cannot be justified and can barely be stopped.

Now, Mr. President, the delay and resistance that I have talked about with respect to some in the House of Representatives has been commented on in the Washington Post recently, and I quote from it. They observed in July:

> Many Democrats in the House, including some in the leadership, seem eager to find a way to kill campaign finance reform in a way that would allow them to heap blame for its defeat on the Republicans in the Senate. The sticking point right now is whether to toughen the limits on how much a political action committee can contribute to candidates. The House Members want to keep the current high limit of $10,000 per election cycle. A group of reform-minded Republicans in the Senate, whose support is crucial to get the bill past a filibuster, want to ban PAC's altogether. But they appear ready to settle on a compromise that would cut the PAC limit perhaps to $5,000.

The Post went on to say that:

> Many Democrats in the House would like Senators Mitchell and Boren to cooperate by agreeing to move on a bill that would do nothing about the PAC limit, and such a bill would surely lose. But then the House could pass it and blame the Senate for its death. To their credit, Mr. Mitchell and Mr. Boren are refusing to play their assigned roles in this charade.

Indeed, Mr. President, I want to commend Senator MITCHELL and Senator BOREN for pressing the notion that it would be a cynical ploy, indeed, if all we did was bring a bill back from the House that did not compromise on this issue and that did not present to our colleagues in the Senate a reasonable effort to try to pass campaign finance reform.

I agree with the Washington Post that our colleagues in the House need to stand firm, and we need to stand firm in the Senate. I also agree that we need to be reasonable about the notion of reform and about compromise. The New York Times similarly analyzed the problem saying that the House is refusing to cut their bill's generous limits on the amount of money a member may accept from a single political action committee—$5,000 in a primary to another $5,000 in the general election—and the Times called the House position "a cynical device aimed at killing reform."

Mr. President, I today join with other colleagues in the Senate in calling on our friends in the House not to use this method but, rather, to send to the Senate a genuine compromise that offers us an opportunity to try to gain, once and for all, a true reform of the campaign finance structure of our country.

I just want to share a couple of observations with colleagues about what has happened with respect to money in politics in the last years.

The Federal Election Commission shows that in the 1992 races, candidates for the Senate received an average of over $1.5 million in big money and PAC contributions, which together dwarfed the less than $650,000 that candidates received on average in small contributions of $100 or less. Democrats relied on big money just as much as the Republicans, and there was no clear partisan difference. By contrast, there was an enormous difference between incumbents and challengers.

Senate incumbents raised twice as much as challengers in large private contributions, and PAC's chose to give to incumbents over challengers by a ratio of more than 3 to 1.

Mr. President, I say respectfully that is one of the bedrock reasons why citizens all across this country are coming to distrust Washington, distrust incumbents, believe that term limits are the solution, when in fact the real solution is campaign finance reform. As long as they see a system structured that is guaranteed to provide incumbents a 3-to-1 advantage in fundraising, they will continue on their drive to change the system in ways that many people believe is an overreaction, is uncalled for, and is even dangerous.

Those who claim that spending limits actually protect incumbents, not challengers, are simply not following the facts. The fact is that the current system already favors incumbents. If we impose spending limits which hold down the total amount that can be raised, we are clearly limiting the reliance of both incumbents and challengers on big money. Without the kind of reforms that are contained in the campaign finance bill that we passed, incumbents will outspend challengers on a continued basis by at least a 2-to-1 margin. With reform, spending levels will be more equal.

We all know that under the 17th amendment of the Constitution, passed in 1913, the U.S. Senate specifically was supposed to have become a representative body. But the huge sums that it takes to get elected separate us from our constituents. I would respectfully submit that money stands as an impediment to a true connection to our constituents, and it certainly has the appearance—an appearance as destructive as any force in American politics —of standing between us and the true concerns of the voters who elected us.

All you have to do is analyze the pattern of giving this year from health PACs, from hospitals, from anybody who has anything to do with the health industry. Take a look at committees with purview on the health debate—the Ways and Means Committee, the Finance Committee, Health and Human Services Committee—and you can directly see a pattern of contributions to the people on those committees. And I respectfully submit that you may even find a very clear pattern of what kinds of positions or advocacy was made with respect to those series of contributions.

As was said by former Senator Paul Laxalt, a Republican from Nevada and a close, close friend of President Reagan who was chair of Reagan's campaigns:

> There is far too much emphasis on money and far too much time spent collecting it. It is the most corrupting thing I see on the congressional scene.

That was spoken by an individual I think most people here know was careful and judicious in his comments and rare to make such a dramatic condemnation of a political process. His feelings are obviously shared by many people in the country.

The Orlando Sentinel recently editorialized saying it is wrong to allow huge contributions from corporations and individuals to get around the legal limits. The San Francisco Chronicle last month described the campaign finance process in terms that captured one of the reasons that the public is really so angry with the Congress. The Chronicle wrote:

> Because candidates spend more time in campaigns dialing for dollars than crafting policy, once in office they too often spend this time catering to the special interests. This year, candidates once again speak piously for the need for campaign finance reform while stretching out their palms more than ever before.

Mr. President, there is a perception out there about the current system that is just extraordinarily negative and damaging to each and every one of us. And we should make no mistake about the public's attitude. The American people are mad as hell, and they have reached a point where, like the movie, they feel that the only thing they can do is shout and say, "I am mad as hell, and I am not going to take it anymore." And the way they are not going to take it anymore is to pass some Draconian overreaching measure to limit good experience from returning here, to turn over Government to staffs, to create a permanent power of bureaucracy, to make more strong the Executive of this country by passing limits on the time that good public servants can serve.

The voters may not know in detail about how political committees raise money or how we spend their funds, how soft money works, how lobbyists bundle large campaign checks. But the voters absolutely know that the current system stinks. They know that it has failed them, and they are insisting on change.

So I submit to my colleagues this is the time. These are the last days of Congress. This bill passed this body a year ago. If we do not pass campaign finance reform this year, there are many who question whether, with the potential makeup of both the House and the Senate, it can be done in the future.

That, Mr. President, is one of the reasons why some are playing so hard for delay. This is indeed another example of a cynical and calculated approach for gridlock. And those who are creating the gridlock will be the first to go back to their districts and blame it on others who are trying to bring this matter to a vote.

The truth is—and I think more Members each year are coming to the conclusion—that Congress itself is viewed by America as the prisoner of special interests. We all understand everything is a special interest. If three kids walk in here and they have a petition with a picture to give you, they are a special interest. Veterans are a special interest. Senior citizens are a special interest. Every legitimate interest is a special interest. I acknowledge that. But what has happened is clearly some have proven their ability to be able to affect the political process by virtue of money, not by virtue of a compelling idea, not by virtue of a coalition, not by virtue of a consensus. They do not even allow for a bipartisan process to work its will. They by guile employ the willingness and the rules of this process to prevent anything from happening.

This is one of those changes that could go as far as anything we could do here to begin the process of restoring credibility between ourselves and the people that we represent. I believe that if we do not do it, Mr. President, we would truly be cheating the American people.

I believe that many people were attracted to Ross Perot's campaign not only because he promised change but because he appeared beholden to no one. They liked the idea that this fellow could write his own check and not go to Washington held by any interests. They may have been wrong about Perot, but the concept remains. Even if you do not believe it, even if you do not accept that PACs somehow change the way things work here, or unfairly and overly impact policy, even if you do not accept that, surely, no one who is politically astute—and everybody here is—is going to avoid acknowledging that that perception is out there and that we ought to respond to the perception.

If it strengthens our democracy and the political process, then I think it is good for this country. The fact is that it is entirely feasible for all of us to run much better grassroots campaigns, to appeal more to the democratic instincts of this country, by going out to people and asking for small contributions. This is preferable to relying on the extraordinary large sums of money that make up the American political process today.

Mr. President, we need to endorse a basic principle of a representative democracy here in the United States—as we struggle to do it in Haiti and in other countries around the world—and that basic principle is that a race for the U.S. legislature should not be decided on the basis of how much money you can spend. It must be decided on the quality of somebody's public service, on the quality of the contributions they have made and will make, on the promise of their campaign, on the ideas they carry and the message and the agenda they suggest for the Nation—not on the amount of bankroll they can collect from people who want to do business in Washington.

I commend to my colleagues an article that just appeared by Kevin Philips called "Fat City," which tells it pretty straight about how people feel about Washington and money. I respectfully submit to my colleagues that now is a golden moment for the U.S. Senate to respond to the cynicism, to respond to a fundamental need, and to respond to our own consciences about what is good for this Nation. And I hope that if the House of Representatives comes to a compromise, we will respect the notion of compromise and respect the need to come together without a perfect piece of legislation for anybody, but rather one which will act for the better good of all of us in this institution and in this country.

I yield the floor.

Mr. BURNS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRAMM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CONRAD). Without objection, it is so ordered.

Mr. GRAMM. Mr. President, as my colleagues will remember, prior to the recess, Republicans tried to offer a series of amendments to the then-pending crime bill conference report. In order to do that, we would have had to have sustained a point of order. We would have had to have gotten 41 votes, and we fell short of that number.

Since that time, there has been great frustration on my side of the aisle that we did not get an opportunity to vote on those amendments.

I remind my colleagues that we had 10 amendments. Four of them had to do with what we believed was pork barrel spending in the crime bill. Basically, these amendments would knock out of the President's crime bill $5 billion of social spending. The amendment that I will in a moment send to the desk simply goes back retroactively in a new bill and overturns funding for those four provisions, saving in the process $5 billion.

The next amendment has to do with prison grants. One of our frustrations about the crime bill was that there was no guarantee that the funds provided for prison construction would actually go to build conventional prisons. As we all are aware, the language in the bill was somewhat fuzzy, and it allowed the money to be used for alternatives to prison. It was uncertainty about this language that produced great consternation on my side of the aisle.

We then had five amendments that proposed to insert get-tough provisions in the crime bill: 10 years in prison without parole for possessing a firearm during the commission of a violent crime or drug trafficking; 20 years for discharging the firearm; life imprisonment for killing someone; or the death penalty in aggravated cases.

We had a provision having to do with drug trafficking involving minors; 10 years in prison without parole for selling drugs to a minor or using a minor in a drug conspiracy; life imprisonment without parole on a second offense.

We had a provision that we wanted to offer that guaranteed that at the time of sentencing an illegal alien the judge could order that after they have served their sentence, they would be deported, rather than letting them out of prison and forcing the INS to go find them and begin deportation proceedings.

Finally, and probably the worst provision of the crime bill in my opinion, a delicate compromise that had been worked out here in the Senate was overturned, and whereas current law has mandatory minimum sentencing for drug felons, the bill that actually became law would overturn mandatory minimum sentencing for drug felons. It would allow people with criminal records who are convicted of selling drugs in a junior high school not to be subject to mandatory minimum sentencing and actually give judges discretion in sentencing those offenders.

The first conference report, which was rejected by the House, would have overturned mandatory minimum sentencing retroactively and could have let as many as 10,000 drug felons out of prison. Fortunately, that provision was overturned by the House and did not become the law of the land.

But what did become the law of the land was a provision that gives judges discretion and produces a situation where, even with people who had criminal records, even with people who were selling drugs to minors, we will not have a mandatory minimum sentence that they have to serve in Federal prison.

So given our inability at the end of the August session to offer these amendments, I had decided, along with many of my colleagues, when the first bill came along that was amendable, that we would offer these amendments and at least give the Senate an opportunity to state its position on them.

We have before us an appropriations conference report, but it is a conference report, for our purposes, fortunately, that is full of legislative language. It is full of House language legislating on an appropriation bill and so this amendment is germane, in my opinion. And I believe that the Chair will rule that it is germane based on provisions in the conference report which relate to crime, to punishment, to law enforcement, to exactly the kind of provisions that we are proposing here.

Certainly, based on precedent, the Parliamentarian, in my opinion, will not rule the amendment out of order. The Parliamentarian will, in all probability, rule that there is a question about it and that would then be put to the body.

In any case, I have previously agreed with the majority leader to give him an opportunity to look at the amendment and give him an opportunity to decide how he wants to deal with it after I send the amendment to the desk, I will allow the distinguished chairman of the subcommittee to be recognized to suggest the absence of a quorum to give the majority leader an opportunity to decide how he wants to deal with this.

Mr. BIDEN. Will the Senator yield for a question?

Mr. GRAMM. I am happy to yield.

Mr. BIDEN. I thank my colleague.

The Senator was kind enough to explain to me his agreement with the majority leader. I do not know whether he is going to conclude that we would proceed tonight. My guess is, as the Senator has suggested, that we will probably proceed tomorrow.

But I would say to my friend from Texas, I am delighted, whatever the appropriate time, to debate these issues with my friend and point out to him why I believe the crime bill covers either better or more thoroughly the very things the Senator is offering his amendment about. But I assume that will come after the decision is made by the leaders as to when we will vote on these issues, is that correct?

Mr. GRAMM. Let me say, reclaiming my time, that is correct.

The only reason that I went through the amendment was to put everybody on notice that, after the majority leader decides when he wants to begin the debate on it or decides how he wants to handle it, he will notify all of us and we can be here.

The distinguished chairman of the Judiciary Committee and I have debated these issues on many occasions.

Mr. BIDEN. We have.

Mr. GRAMM. I always enjoy debating him on these issues and I am sure I will have an opportunity to soon do it again.

But my sole purpose here was to just let people know what is contained in the amendment, to put people on notice, because I know Senators will want to be here to debate it.

So, with the previous agreement that we will have the distinguished chairman of the D.C. Appropriations Subcommittee seek the floor, that I will stand down and allow him to be recognized, and that he will suggest the absence of a quorum so we can decide how to proceed, I send the amendment to the desk.

AMENDMENT IN DISAGREEMENT TO THE SENATE AMENDMENT NUMBERED 3

The PRESIDING OFFICER. If the Senator will withhold for one moment so the clerk can report the first amendment in disagreement which the Senator seeks to amend.

The assistant legislative clerk read as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 3 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed in said amendment, insert: ", of which $1,500,000 shall be used to provide additional support to title I (chapter I) of the Elementary and Secondary Education Act (20 U.S.C. 2701 et seq.) and $910,000 shall be available for the National Learning Center, Options School ($750,000) and Model Early Learning Center ($160,000),".

AMENDMENT NO. 2585 TO THE AMENDMENT IN DISAGREEMENT TO THE SENATE AMENDMENT NUMBERED 3

(Purpose: To strengthen the Violent Crime Control and Law Enforcement Act of 1994 by reducing the number of social programs and increasing the penalties for criminal activity)

Mr. GRAMM. Mr. President, I thank you for your kindness in putting us in the procedural place where I might offer the amendment.

I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

Mr. KOHL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Does the Senator seek consent to have the reading of the amendment dispensed with?

Mr. KOHL. Yes.

Without objection, the clerk will report it by number.

The assistant legislative clerk read as follows:

The Senator from Texas [Mr. GRAMM] proposes an amendment numbered 2585, to the House amendment to the Senate amendment No. 3.

The text of the amendment is located in today's RECORD under "Amendments Submitted."

Mr. KOHL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. AKAKA). Without objection, it is so ordered.

MORNING BUSINESS

Mr. CONRAD. Mr. President, I ask unanimous consent that the Senate be in morning business with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I voted today for the Haiti resolution sponsored by the majority leader. I do not want to repeat what others have already said, but I do want to say a few words on the subject of amnesty for the Haitian military.

I first want to commend President Clinton, former President Carter, General Powell, and Senator NUNN for their achievement. It is far preferable that the crisis in Haiti be resolved without bloodshed. The agreement signed on Sunday which paved the way for our troops to enter Haiti without firing a shot was an enormous relief to me and the overwhelming majority of Vermonters. There has been far too much suffering in Haiti. If democracy is restored and takes root in Haiti, I suspect we will look back on this chaotic episode with satisfaction.

It is far too soon to say how the situation in Haiti will evolve. President Aristide should be returned at the earliest possible time. Our troops should come home as soon as the United Nations can take over responsibility for maintaining security. General Cedras, General Biamby, and Police Chief Francois should face the fact that they are no longer wanted in Haiti. They are responsible for outrageous crimes against the Haitian people, and they should have no future in Haiti.

There are many questions about the interpretation of the agreement which will not be answered for some time. However, one item especially concerns me. The agreement requires General Cedras and General Biamby to step down as soon as the Haitian Parliament enacts a general amnesty. According to President Clinton, the amnesty law is to be as it was called for by the Governors Island agreement. That agreement, which General Cedras and President Aristide signed in July 1993, called for President Aristide to grant an amnesty within the framework of article 147 of the Haitian Constitution. Article 147 states that an amnesty may be granted by the Haitian President only in political matters.

Mr. President, I believe this is extremely important. Those responsible for the unspeakable violations of human rights in Haiti, which have resulted in the deaths of thousands of people there, should not escape prosecution for murder, rape, torture, and other such crimes. I am concerned because the Haitian Parliament is widely regarded as sympathetic to the Haitian military. The administration should make clear to the Haitian Parliament that any amnesty law needs to be fully consistent with the Governors Island agreement, if it is to conform to the agreement signed on Sunday in Port au Prince.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT 103-35

Mr. CONRAD. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from a treaty transmitted to the Senate on September 19, 1994, by the President of the United States: Treaty Between the United States of America and Jamaica Concerning the Reciprocal Encouragement of Protection of Investment, with Annex and Protocol (Treaty Document 103-35).

I also ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty Between the United States of America and Jamaica Concerning the Reciprocal Encouragement and Protection of Investment, with Annex and Protocol, signed at Washington on February 4, 1994. Also transmitted for the information of the Senate is the report of the Department of State with respect to this Treaty.

This bilateral investment Treaty with Jamaica is the second such Treaty between the United States and a member of the Caribbean Community [CARICOM]. This Treaty will protect U.S. investors and assist Jamaica in its efforts to develop its economy by creating conditions more favorable for U.S. private investment and thus strengthening the development of the private sector.

The Treaty is fully consistent with U.S. policy toward international and domestic investment. A specific tenet of U.S. policy, reflected in this Treaty, is that U.S. investment abroad and foreign investment in the United States should receive national treatment. Under this Treaty, the Parties also agree to international law standards for expropriation and compensation for expropriation; free transfer of funds associated with investments; freedom of investments from performance requirements; fair, equitable and most-favored-nation treatment; and the investor or investment's freedom to choose to resolve disputes with the host government through international arbitration.

I recommend that the Senate consider this Treaty as soon as possible, and give its advice and consent to ratification of the Treaty, with Annex and Protocol, at an early date.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 19, 1994.*

CORRECTION OF THE ENROLLMENT OF THE CONFERENCE REPORT ACCOMPANYING S. 2182

Mr. CONRAD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of House Concurrent Resolution 285, a concurrent resolution to correct the enrollment of the conference report accompanying S. 2182, the Department of Defense authorization bill just received from the House.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 285) directing the Secretary of the Senate to make technical corrections in the enrollment of S. 2182.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

AMENDMENT NO. 2586

Mr. CONRAD. Mr. President, in behalf of Senator NUNN, I send an amendment to the desk and ask for its immediate consideration; I ask unanimous consent that the amendment be agreed to and that the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2586

Mr. CONRAD offered an amendment No. 2586 for Mr. NUNN.

The amendment is as follows:

At the end of the concurrent resolution, add the following new paragraphs:

(3) In section 132(a)(1)(C), strike out "(described in subsection (i))" and insert in lieu thereof "(described in subsection (h))".

(4) In section 924, strike out "Court of Military Criminal Appeals" each place it appears and insert in lieu thereof "Court of Criminal Appeals".

(5) In section 1661(b)(4)—

(A) strike out "by adding at the end" in subparagraph (A) and insert in lieu thereof "by inserting after section 3020"; and

(B) strike out "by adding at the end" in subparagraph (B) and insert in lieu thereof "by inserting after section 8020".

(6) In section 2832, strike out "Authority" each place it appears (other than in the caption of subsection (b)) and insert in lieu thereof "Agency".

The PRESIDING OFFICER. If there are no further amendments, without objection, the concurrent resolution, as amended, is agreed to.

Mr. CONRAD. Mr. President, I move to reconsider the vote by which the concurrent resolution, as amended, was agreed to.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

OFFICIAL PAPERS RETURNED TO THE HOUSE OF REPRESENTATIVES

Mr. CONRAD. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to return to the House the official papers on S. 725, pursuant to House Resolution 534, which was agreed to by the House on September 20, 1994.

The PRESIDING OFFICER. Without objection, it is so ordered.

JERRY LITTON UNITED STATES POST OFFICE BUILDING ACT

Mr. CONRAD. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on a bill (H.R. 1779) to designate the facility of the U.S. Postal Service located at 401 South Washington Street in Chillicothe, MO, as the "Jerry L. Litton United States Post Office Building."

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendments of the Senate to the bill (H.R. 1779) entitled "An Act to designate the facility of the United States Postal Service located at 401 South Washington Street in Chillicothe, Missouri, as the 'Jerry L. Litton United States Post Office Building'", with the following amendments:

Page 3, lines 3 and 4, strike out "proceeding", and insert: "preceding".

Page 4, line 3, strike out "section 1", and insert: "section 4".

Mr. CONRAD. Mr. President, I move that the Senate concur en bloc with the amendments of the House.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

Mr. CONRAD. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

GUAM EXCESS LANDS TRANSFER ACT

Mr. CONRAD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 496, H.R. 2144, relating to a land transfer in Guam, that the bill be read three times, passed, and the motion to reconsider be laid upon the table, and that any statements relating to this item be placed in the RECORD at the appropriate place as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSTON. Mr. President, I bring to the floor for consideration of the Senate H.R. 2144, the Guam Excess Lands Act. In 1944, following the liberation of Guam from Japanese occupation during the Pacific campaign of World War II, the United States Government established a naval base on the island. Since that time, the military situation in the region has changed, and it has become apparent that certain lands in Guam are excess to the needs of the military. H.R. 2144 would provide for the transfer of 3,200 acres of excess Department of Defense lands—a significant portion of the island—to the government of Guam for public benefit use. The transfer of this property will resolve longstanding issues in Guam, and will relieve the Department of Defense of a financial and administrative burden. The people of Guam have long awaited this transfer of land, and I urge the passage of this measure to that end.

So the bill (H.R. 2144) was considered, ordered to be engrossed for a third reading, deemed read the third time, and passed.

BILL REFERRED TO COMMITTEE—S. 1686

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be discharged from further consideration of S. 1686, a bill to amend the Alaska Native Claims Settlement Act, and that the bill be referred to the Committee on Energy and Natural Resources.

The PRESIDING OFFICER. Without objection, it is so ordered.

PISCATAWAY NATIONAL PARK EXPANSION ACT OF 1993

Mr. CONRAD. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on a bill (S. 1703) to expand the boundaries of the Piscataway National Park, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 1703) entitled "An Act to expand the boundaries of the Piscataway National Park, and for other purposes", do pass with the following amendments:

Page 1, line 4, strike out "National".

Amend the title so as to read: "An Act to expand the boundaries of Pascataway Park, and for other purposes.".

Mr. CONRAD. Mr. President, I move that the Senate concur en bloc in the House amendments.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

Mr. CONRAD. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

INDIAN HEALTH SERVICES LEGISLATION

Mr. CONRAD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 545, S. 2067, a bill to elevate the position of Director of Indian Health Service to Assistant Secretary of Health and Human Services; that the committee amendment be agreed to, the bill be deemed read the third time, passed, and the motion to reconsider laid upon the table; further, that any statements on this measure appear in the RECORD at the appropriate place as though read.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (S. 2067) was deemed read the third time, and passed, as follows:

(The part of the bill intended to be stricken is shown in boldface brackets, and the part of the bill intended to be inserted is shown in italic.)

S. 2067

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. OFFICE OF ASSISTANT SECRETARY FOR INDIAN HEALTH.

(a) ESTABLISHMENT.—There is established within the Department of Health and Human Services the Office of the Assistant Secretary for Indian Health.

(b) ASSISTANT SECRETARY OF INDIAN HEALTH.—In addition to the functions performed on the date of enactment of this Act by the Director of the Indian Health Service, the Assistant Secretary for Indian Health shall perform such functions as the Secretary of Health and Human Services may designate.

(c) REFERENCES.—Reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or relating to the Director of the Indian Health Service shall be deemed to refer the Assistant Secretary for Indian Health.

(d) RATE OF PAY.—(1) Section 5315 of title 5, United States Code, is amended by striking the following:

"Assistant Secretaries of Health and Human Services (5).";

and inserting the following:

"Assistant Secretaries of Health and Human Services (6).".

(2) Section 5316 of such title is amended by striking the following:

"Director, Indian Health Service, Department of Health and Human Services.".

(e) CONFORMING AMENDMENTS.—(1) Section 601 of the Indian Health Care Improvement Act (25 U.S.C. 1661) is amended—

(A) in the second sentence of subsection (a), by striking "a Director," and inserting "the Assistant Secretary for Indian Health,";

(B) in the fourth sentence of subsection (a), by striking "the Director" and inserting "the Assistant Secretary for Indian Health";

(C) by striking out the fifth sentence of subsection (a); and

(D) by striking "Director of the Indian Health Service" each place it appears and inserting "Assistant Secretary for Indian Health".

(2) The following provisions are amended by striking "Director of the Indian Health Service" each place it appears and inserting "Assistant Secretary for Indian Health":

(A) Section 816(c)(1) of the Indian Health Care Improvement Act (25 U.S.C. 1680f(c)(1)).

(B) Section 2033(a)(1) of the Rehabilitation Act of 1973 (29 U.S.C. 761b(a)(1)).

(C) Subsections (b) and (e) of section 518 of the Federal Water Pollution Control Act (33 U.S.C. 1377(b), (e)).

(D) Section 803B(d)(1) of the Native American Programs Act of 1974 (42 U.S.C. 2991b–2(d)(1)).

SEC. 2. ORGANIZATION OF INDIAN HEALTH SERVICE WITHIN DEPARTMENT OF HEALTH AND HUMAN SERVICES.

(A) ORGANIZATION.—Section 601 of the Indian Health Care Improvement Act (25 U.S.C. 1661), as amended by section 1(e)(1), is further amended—

(1) by striking out "within the Public Health Service of the Department of Health and Human Services" each place it appears and inserting "within the Department of Health and Human Services"; and

(2) in the second sentence of subsection (a), by striking out "report to the Secretary through the Assistant Secretary for Health of the Department of Health and Human Services" and inserting "report to the Secretary".

(b) CONFORMING AMENDMENT.—The section heading of such section is amended by striking the following:

"ESTABLISHMENT OF THE INDIAN HEALTH SERVICE AS AN AGENCY OF THE PUBLIC HEALTH SERVICE";

and inserting the following:

"ESTABLISHMENT OF THE INDIAN HEALTH SERVICE AS AN AGENCY OF DEPARTMENT OF HEALTH AND HUMAN SERVICES".

(c) UTILIZATION OF PUBLIC HEALTH SERVICE PERSONNEL.—[Nothing in this section shall be interpreted as terminating or otherwise modifying any authority providing for the utilization] *The Secretary shall provide for the utilization* by the Indian Health Service of officers or employees of the Public Health Service for the purposes of carrying out the responsibilities of the Indian Health Service. Any officers or employees so utilized shall be treated as officers or employees detailed to an executive department under section 214(a) of the Public Health Service (42 U.S.C. 215(a)).

THE CALENDAR

Mr. CONRAD. Mr. President, I ask unanimous consent that the Senate proceed en bloc to the immediate consideration of calendar Nos. 601, 602, 606; that the committee amendment, where appropriate, be agreed to, the bills be deemed read the third time, passed, and the motions to reconsider be laid upon the table en bloc; that the title amendment, where appropriate, be agreed to; further, that any statements relating to these calendar items appear at the appropriate place in the RECORD, and the consideration of these items appear individually in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

NEW LONDON NATIONAL FISH HATCHERY ACT

The Senate proceeded to consider the bill (H.R. 3664) to direct the Secretary of the Interior to convey to the State of Minnesota the New London National Fish Hatchery production facility, which had been reported from the Committee on Environment and Public Works, with an amendment and an amendment to the title, as follows:

(The parts of the bill intended to be inserted are shown in italic.)

H.R. 3664

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONVEYANCE OF NEW LONDON NATIONAL FISH HATCHERY PRODUCTION FACILITY.

(a) CONVEYANCE AUTHORIZED.—Notwithstanding any other provision of law and within 180 days after the date of the enactment of this Act, the Secretary of the Interior shall convey to the State of Minnesota without reimbursement all right, title, and interest of the United States in and to the property comprising the New London National Fish Hatchery production facility, located outside of downtown New London, Minnesota, including—

(1) all easements and water rights relating to that property, and

(2) all land, improvements, and related personal property comprising that production facility.

(b) USE OF PROPERTY.—All property and interests conveyed under this section shall be used by the Minnesota Department of Natural Resources for the Minnesota fishery resources management program.

(c) REVERSIONARY INTEREST.—All right, title, and interest in and to all property and interests conveyed under this section shall revert to the United States on any date on which any of the property or interests are used other than for the Minnesota fishery resources management program.

SEC. 2. CONVEYANCE OF THE FAIRPORT NATIONAL FISH HATCHERY TO THE STATE OF IOWA.

(a) CONVEYANCE.—The Secretary of the Interior shall convey to the State of Iowa, without reimbursement and by no later than December 31, 1994, all right, title, and interest of the United States in and to the fish hatchery described in subsection (b) for use by the State for purposes of fishery resources management.

(b) HATCHERY DESCRIBED.—The fish hatchery described in subsection (a) is the Fairport National Fish Hatchery located in Muscatine County, Iowa, adjacent to State Highway 22 west of Davenport, Iowa, including all real property, improvements to real property, and personal property.

(c) USE AND REVERSIONARY INTEREST.—The property conveyed to the State of Iowa pursuant to this section shall be used by the State for purposes of fishery resources management, and if it is used for any other purpose all right, title, and interest in and to all property conveyed pursuant to this section shall revert to the United States.

SEC. 3. CONVEYANCE OF CORNING NATIONAL FISH HATCHERY TO THE STATE OF ARKANSAS.

(a) CONVEYANCE REQUIREMENT.—The Secretary of the Interior shall convey to the State of Arkansas, without reimbursement and by no later than December 31, 1994, all right, title, and interest of the United States in and to the property described in subsection (b), for use by the Arkansas Game and Fish Commission as part of the State of Arkansas fish culture program.

(b) PROPERTY DESCRIBED.—The property referred to in subsection (a) is the property known as the Corning National Fish Hatchery (popularly known as the William H. Donham State Fish Hatchery), located one mile west of Corning, Arkansas, on Arkansas State Highway 67 in Clay County, Arkansas consisting of 137.34 acres (more or less), and all improvements and related personal property under the control of the Secretary that is located on that property, including buildings, structures, and equipment.

(c) REVERSIONARY INTEREST OF UNITED STATES.—All right, title, and interest in property described in subsection (b) shall revert to the United States if the property ceases to be used as part of the State of Arkansas fish culture program. The State of Arkansas shall ensure that the property reverting to the United States is in substantially the same or better condition as at the time of transfer.

Amend the title so as to read: "A bill to direct the Secretary of the Interior to transfer certain national fish hatcheries.".

The bill was ordered to a third reading, read the third time, and passed.

TIJUANA SLOUGH NATIONAL WILDLIFE REFUGE LAND CONVEYANCE

The bill (H.R. 4647) to direct the Secretary of the Interior to convey to the city of Imperial Beach, CA, approximately 1 acre of land in the Tijuana Slough National Wildlife Refuge was considered, ordered to a third reading, read the third time, and passed, as follows:

H.R. 4647

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONVEYANCE OF LAND IN TIJUANA SLOUGH NATIONAL WILDLIFE REFUGE.

(a) REQUIREMENT.—The Secretary of the Interior shall expeditiously convey to the City of Imperial Beach, California, without compensation, all right, title, and interest to the United States in and to approximately 1 acre of land in the Tijuana Slough National Wildlife Refuge, as depicted on a United States Fish and wildlife Service map entitled "T-ball Field, Tijuana Slough National Wildlife Refuge", dated June 1994, for use as a public recreational area.

(b) REVERSIONARY INTEREST IN THE UNITED STATES.—Upon any date on which any of the land in which right, title, and interest is conveyed under subsection (a) ceases to be used by the City of Imperial Beach, California, for public recreational purposes—

(1) all such right, title, and interest shall revert to the Government of the United States; and

(2) such land shall be reincorporated into the Tijuana Slough National Wildlife Refuge.

JUNIOR DUCK STAMP CONSERVATION AND DESIGN PROGRAM ACT

The bill (H.R. 3679) to authorize appropriations to expand implementation of the Junior Duck Stamp Conservation Program conducted by the U.S. Fish and Wildlife Service was considered, ordered to a third reading, read the third time, and passed, as follows:

H.R. 3679

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Junior Duck Stamp Conservation and Design Program Act of 1994".

SEC. 2. ESTABLISHMENT OF PROGRAM.

(a) In General.—The Secretary of the Interior (in this Act referred to as the "Secretary") may carry out in accordance with this Act a program to be known as the "Junior Duck Stamp Conservation and Design Program" (in this Act referred to as the "Program") to accomplish the goals of—

(1) providing to school children environmental education opportunities relating to the conservation and management of migratory birds; and

(2) increasing the capacity for schools, States, and other educational programs to conduct conservation and education programs.

(b) Program Features.—The Program shall consist of—

(1) conducting in all interested States the activities which on the day before the date of the enactment of this Act are conducted under the program known as the Junior Duck Stamp Conservation and Design Program;

(2) other activities authorized under the Program by this or any other Act; and

(3) any other activity necessary to carry out the conservation and education goals of the Program.

(c) Effort To Conduct Program in All States.—

(1) In general.—The Secretary shall take appropriate steps to seek to conduct the Program in all of the 50 States.

(2) Annual report.—The Secretary shall annually submit a report to the Congress on the status of the Program in each of the 50 States.

SEC. 3. JUNIOR DUCK STAMP.

(a) Competition.—As part of the Program, the Secretary may annually conduct a competition to—

(1) solicit the submission by students at elementary and secondary schools of designs relating to conservation of migratory birds; and

(2) select winning designs from among those submissions for use for licensing and marketing under subsection (b).

(b) Licensing and Marketing of Design of Junior Duck Stamps.—As part of the Program, the Secretary may—

(1) license and market winning designs selected in competitions under subsection (a); and

(2) license and market stamps bearing those designs, which shall be known as Junior Duck Stamps.

(c) Use of Proceeds From Licensing and Marketing of Junior Duck Stamps and Junior Duck Stamp Designs.—Amounts received under subsection (b)—

(1) shall be available to the Secretary until expended, without further appropriations, solely for—

(A) awards and scholarships to individuals who submit designs in competitions under subsection (a), that are—

(i) selected in such a competition as winning designs; or

(ii) otherwise determined in such a competition to be superior;

(B) awards to schools and other participants to further education activities related to the conservation education goals of the Program; and

(C) expenses for licensing and marketing under subsection (b); and

(2) may not be used for administrative expenses of the Program.

SEC. 4. ACCEPTANCE OF GIFTS, DEVISES, AND BEQUESTS.

The Secretary may accept and use any gift, devise, or bequest of personal property, or proceeds thereof, for the purpose of funding the activities described in section 3(c)(1) (A) and (B).

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary for administrative expenses of the Program $250,000 for each of the fiscal years 1995 through 2000.

SEC. 6. ENVIRONMENTAL EDUCATION CENTER AND REFUGE HEADQUARTERS AT JOHN HEINZ NATIONAL WILDLIFE REFUGE AT TINICUM.

(a) In General.—Notwithstanding other laws and subject to subsection (b), the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service, may transfer to the National Fish and Wildlife Foundation the Cusano bequest.

(b) Conditions of Transfer.—As a condition of transferring the Cusano bequest under subsection (a), the Secretary of the Interior shall require the National Fish and Wildlife Foundation to enter into an agreement under which the Foundation is required to—

(1) solicit additional non-Federal contributions to provide a dollar for dollar match of the Cusano bequest;

(2) manage the Cusano bequest and those contributions in accordance with all applicable requirements of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3701 et seq.);

(3) use all amounts and proceeds from the Cusano bequest and any non-Federal contributions received pursuant to paragraph (1) for the purpose of designing and constructing a facility for an environmental education center and refuge headquarters on lands located within the John Heinz National Wildlife Refuge at Tinicum; and

(4) donate the facility to the United States Fish and Wildlife Service upon completion of its construction.

(c) Cusano Bequest Defined.—For purposes of this section, the term "Cusano bequest" means the amounts totaling approximately $2,473,971 which were donated to the Department of the Interior in 1994 by Mr. Antonio Cusano of Crum Lynne, Pennsylvania, and includes all proceeds derived from such amounts in the period since the donation was made.

PLANT VARIETY PROTECTION ACT AMENDMENTS OF 1994

Mr. CONRAD. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on a bill (S. 1406) to amend the Plant Variety Protection Act to make such act consistent with the International Convention for the Protection of New Varieties of Plants of March 19, 1991, to which the United States is a signatory, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 1406) entitled "An Act to amend the Plant Variety Protection Act to make such Act consistent with the International Convention for the Protection of New Varieties of Plants of March 19, 1991, to which the United States is a signatory, and for other purposes", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; REFERENCES.

(a) Short Title.—This Act may be cited as the "Plant Variety Protection Act Amendments of 1994".

(b) References to Plant Variety Protection Act.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Plant Variety Protection Act (7 U.S.C. 2321 et seq.).

SEC. 2. DEFINITIONS AND RULES OF CONSTRUCTION.

Section 41 (7 U.S.C. 2401) is amended to read as follows:

"§41. Definitions and rules of construction

"(a) Definitions.—As used in this Act:

"(1) Basic seed.—The term 'basic seed' means the seed planted to produce certified or commercial seed.

"(2) Breeder.—The term 'breeder' means the person who directs the final breeding creating a variety or who discovers and develops a variety. If the actions are conducted by an agent on behalf of a principal, the principal, rather than the agent, shall be considered the breeder. The term does not include a person who redevelops or rediscovers a variety the existence of which is publicly known or a matter of common knowledge.

"(3) Essentially derived variety.—

"(A) In general.—The term 'essentially derived variety' means a variety that—

"(i) is predominantly derived from another variety (referred to in this paragraph as the 'initial variety') or from a variety that is predominantly derived from the initial variety, while retaining the expression of the essential characteristics that result from the genotype or combination of genotypes of the initial variety;

"(ii) is clearly distinguishable from the initial variety; and

"(iii) except for differences that result from the act of derivation, conforms to the initial variety in the expression of the essential characteristics that result from the genotype or combination of genotypes of the initial variety.

"(B) Methods.—An essentially derived variety may be obtained by the selection of a natural or induced mutant or of a somaclonal variant, the selection of a variant individual from plants of the initial variety, backcrossing, transformation by genetic engineering, or other method.

"(4) Kind.—The term 'kind' means one or more related species or subspecies singly or collectively known by one common name, such as soybean, flax, or radish.

"(5) Seed.—The term 'seed', with respect to a tuber propagated variety, means the tuber or the part of the tuber used for propagation.

"(6) Sexually reproduced.—The term 'sexually reproduced' includes any production of a variety by seed, but does not include the production of a variety by tuber propagation.

"(7) Tuber propagated.—The term 'tuber propagated' means propagated by a tuber or a part of a tuber.

"(8) United states.—The terms 'United States' and 'this country' mean the United States, the territories and possessions of the the United States, and the Commonwealth of Puerto Rico.

"(9) VARIETY.—The term 'variety' means a plant grouping within a single botanical taxon of the lowest known rank, that, without regard to whether the conditions for plant variety protection are fully met, can be defined by the expression of the characteristics resulting from a given genotype or combination of genotypes, distinguished from any other plant grouping by the expression of at least one characteristic and considered as a unit with regard to the suitability of the plant grouping for being propagated unchanged. A variety may be represented by seed, transplants, plants, tubers, tissue culture plantlets, and other matter.

"(b) RULES OF CONSTRUCTION.—For the purposes of this Act:

"(1) SALE OR DISPOSITION FOR NONREPRODUCTIVE PURPOSES.—The sale or disposition, for other than reproductive purposes, of harvested material produced as a result of experimentation or testing of a variety to ascertain the characteristics of the variety, or as a by-product of increasing a variety, shall not be considered to be a sale or disposition for purposes of exploitation of the variety.

"(2) SALE OR DISPOSITION FOR REPRODUCTIVE PURPOSES.—The sale or disposition of a variety for reproductive purposes shall not be considered to be a sale or disposition for the purposes of exploitation of the variety if the sale or disposition is done as an integral part of a program of experimentation or testing to ascertain the characteristics of the variety, or to increase the variety on behalf of the breeder or the successor in interest of the breeder.

"(3) SALE OR DISPOSITION OF HYBRID SEED.—The sale or disposition of hybrid seed shall be considered to be a sale or disposition of harvested material of the varieties from which the seed was produced.

"(4) APPLICATION FOR PROTECTION OR ENTERING INTO A REGISTER OF VARIETIES.—The filing of an application for the protection or for the entering of a variety in an official register of varieties, in any country, shall be considered to render the variety a matter of common knowledge from the date of the application, if the application leads to the granting of protection or to the entering of the variety in the official register of varieties, as the case may be.

"(5) DISTINCTNESS.—The distinctness of one variety from another may be based on one or more identifiable morphological, physiological, or other characteristics (including any characteristics evidenced by processing or product characteristics, such as milling and baking characteristics in the case of wheat) with respect to which a difference in genealogy may contribute evidence.

"(6) PUBLICLY KNOWN VARIETIES.—

"(A) IN GENERAL.—A variety that is adequately described by a publication reasonably considered to be a part of the public technical knowledge in the United States shall be considered to be publicly known and a matter of common knowledge.

"(B) DESCRIPTION.—A description that meets the requirements of subparagraph (A) shall include a disclosure of the principal characteristics by which a variety is distinguished.

"(C) OTHER MEANS.—A variety may become publicly known and a matter of common knowledge by other means.".

SEC. 3. RIGHT TO PLANT VARIETY PROTECTION; PLANT VARIETIES PROTECTABLE.

Section 42 (7 U.S.C. 2402) is amended to read as follows:

"§42. Right to plant variety protection; plant varieties protectable

"(a) IN GENERAL.—The breeder of any sexually reproduced or tuber propagated plant variety (other than fungi or bacteria) who has so reproduced the variety, or the successor in interest of the breeder, shall be entitled to plant variety protection for the variety, subject to the conditions and requirements of this Act, if the variety is—

"(1) new, in the sense that, on the date of filing of the application for plant variety protection, propagating or harvested material of the variety has not been sold or otherwise disposed of to other persons, by or with the consent of the breeder, or the successor in interest of the breeder, for purposes of exploitation of the variety—

"(A) in the United States, more than 1 year prior to the date of filing; or

"(B) in any area outside of the United States—

"(i) more than 4 years prior to the date of filing; or

"(ii) in the case of a tree or vine, more than 6 years prior to the date of filing;

"(2) distinct, in the sense that the variety is clearly distinguishable from any other variety the existence of which is publicly known or a matter of common knowledge at the time of the filing of the application;

"(3) uniform, in the sense that any variations are describable, predictable, and commercially acceptable; and

"(4) stable, in the sense that the variety, when reproduced, will remain unchanged with regard to the essential and distinctive characteristics of the variety with a reasonable degree of reliability commensurate with that of varieties of the same category in which the same breeding method is employed.

"(b) MULTIPLE APPLICANTS.—

"(1) IN GENERAL.—If 2 or more applicants submit applications on the same effective filing date for varieties that cannot be clearly distinguished from one another, but that fulfill all other requirements of subsection (a), the applicant who first complies with all requirements of this Act shall be entitled to a certificate of plant variety protection, to the exclusion of any other applicant.

"(2) REQUIREMENTS COMPLETED ON SAME DATE.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), if 2 or more applicants comply with all requirements for protection on the same date, a certificate shall be issued for each variety.

"(B) VARIETIES INDISTINGUISHABLE.—If the varieties that are the subject of the applications cannot be distinguished in any manner, a single certificate shall be issued jointly to the applicants.".

SEC. 4. APPLICATIONS.

Section 52 (7 U.S.C. 2422) is amended—

(1) in paragraph (1), by adding at the end the following new sentence: "The variety shall be named in accordance with regulations issued by the Secretary.";

(2) in the first sentence of paragraph (2), by striking "novelty" and inserting "distinctiveness, uniformity, and stability";

(3) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively;

(4) by inserting after paragraph (2) the following new paragraph:

"(3) A statement of the basis of the claim of the applicant that the variety is new."; and

(5) in paragraph (4) (as redesignated by paragraph (3)), by inserting "(including any propagating material)" after "basic seed".

SEC. 5. BENEFIT OF EARLIER FILING DATE.

Section 55(a) (7 U.S.C. 2425(a)) is amended—

(1) by redesignating the first and second sentences as paragraphs (1) and (2), respectively;

(2) in paragraph (1) (as so designated), by inserting before the period at the end the following: ", not including the date on which the application is filed in the foreign country"; and

(3) by adding at the end the following new paragraph:

"(3)(A) An applicant entitled to a right of priority under this subsection shall be allowed to furnish any necessary information, document, or material required for the purpose of the examination of the application during—

"(i) the 2-year period beginning on the date of the expiration of the period of priority; or

"(ii) if the first application is rejected or withdrawn, an appropriate period after the rejection or withdrawal, to be determined by the Secretary.

"(B) An event occurring within the period of priority (such as the filing of another application or use of the variety that is the subject of the first application) shall not consitute a ground for rejecting the application or give rise to any third party right.".

SEC. 6. NOTICE OF REFUSAL; RECONSIDERATION.

The first sentence of section 62(b) (7 U.S.C. 2442(b)) is amended—

(1) by striking "six months" and inserting "at least 30 days, and not more than 180 days"; and

(2) by striking "in exceptional circumstances".

SEC. 7. CONTENTS AND TERM OF PLANT VARIETY PROTECTION.

Section 83 (7 U.S.C. 2483) is amended—

(1) in subsection (a)—

(A) by designating the first through fourth sentences as paragraphs (1) through (4), respectively; and

(B) by striking paragraphs (2) and (3) (as so designated) and inserting the following new paragraphs:

"(2) If the owner so elects, the certificate shall—

"(A) specify that seed of the variety shall be sold in the United States only as a class of certified seed; and

"(B) if so specified, conform to the number of generations designated by the owner.

"(3) An owner may waive a right provided under this subsection, other than a right that is elected by the owner under paragraph (2)(A).";

(2) in the first sentence of subsection (b)—

(A) by striking "eighteen" and inserting "20"; and

(B) by inserting before the period at the end the following: ", except that, in the case of a tree or vine, the term of the plant variety protection shall expire 25 years from the date of issue of the certificate"; and

(3) in subsection (c), by striking "repository: Provided, however, That" and inserting "repository, or requiring the submission of a different name for the variety, except that".

SEC. 8. PRIORITY CONTEST.

(a) PRIORITY CONTEST; EFFECT OF ADVERSE FINAL JUDGMENT OR INACTION.—Sections 92 and 93 (7 U.S.C. 2502 and 2503) are repealed.

(b) INTERFERING PLANT VARIETY PROTECTION.—

(1) REDESIGNATION.—Section 94 of the Act (7 U.S.C. 2504) is redesignated a section 92.

(2) AMENDMENTS.—Section 92 (as so redesignated) is amended—

(A) by striking "The owner" and inserting "(a) The owner"; and

(B) by striking the second sentence.

(c) APPEAL OR CIVIL ACTION IN CONTESTED CASES.—

(1) TRANSFER.—Section 73 (7 U.S.C. 2463) is amended by transferring subsection (b) to the end of section 92 (as redesignated by subsection (b)(1)).

(2) REPEAL.—Section 73 (as amended by paragraph (1)) is repealed.

(d) CONFORMING AMENDMENTS.—

(1) Section 71 (7 U.S.C. 2461) is amended by striking "92,".

(2) Section 102 (7 U.S.C. 2532) is amended by inserting "or tuber propagable" after "sexually reproducible" each place it appears.

SEC. 9. INFRINGEMENT OF PLANT VARIETY PROTECTION.

Section 111 (7 U.S.C. 2541) is amended—

(1) in subsection (a)—

(A) by striking "novel" the first two places it appears and inserting "protected";

(B) in paragraph (1), by striking "the novel" and inserting "or market the protected";

(C) by striking "novel" each place it appears in paragraphs (2) through (7);

(D) in paragraph (3), by inserting ", or propagate by a tuber or a part of a tuber," after "sexually multiply";

(E) by striking "or" each place it appears at the end of paragraphs (3) through (6);

(F) by redesignating paragraphs (7) and (8) as paragraphs (9) and (10), respectively; and

(G) by inserting after paragraph (6) the following new paragraphs:

"(7) condition the variety for the purpose of propagation, except to the extent that the conditioning is related to the activities permitted under section 113;

"(8) stock the variety for any of the purposes referred to in paragraphs (1) through (7);";

(2) by redesignating subsection (b) as subsection (f); and

(3) by inserting after subsection (a) the following new subsections:

"(b)(1) Subject to paragraph (2), the owner of a protected variety may authorize the use of the variety under this section subject to conditions and limitations specified by the owner.

"(2) In the case of a contract between a seed producer and the owner of a protected variety of lawn, turf, or forage grass seed, or alfalfa or clover seed for the production of seed of the protected variety, the producer shall be deemed to be authorized by the owner to sell such seed and to use the variety if—

"(A) the producer has fulfilled the terms of the contract;

"(B) the owner refuses to take delivery of the seed or refuses to pay any amounts due under the contract within 30 days of the payment date specified in the contract; and

"(C) after the expiration of the period specified in subparagraph (B), the producer notifies the owner of the producer's intent to sell the seed and unless the owner fails to pay the amounts due under the contract and take delivery of the seed within 30 days of such notification. For the purposes of this paragraph, the term 'owner' shall include any licensee of the owner.

"(3) Paragraph (2) shall apply to contracts entered into with respect to plant varieties protected under this Act (7 U.S.C. 2321 et seq.) as in effect on the day before the effective date of this provision as well as plant varieties protected under this Act as amended by the Plant Variety Protection Act Amendments of 1994.

"(4) Nothing in this subsection shall affect any other rights or remedies of producers or owners that may exist under other Federal or State laws.

"(c) This section shall apply equally to—

"(1) any variety that is essentially derived from a protected variety, unless the protected variety is an essentially derived variety;

"(2) any variety that is not clearly distinguishable from a protected variety;

"(3) any variety whose production requires the repeated use of a protected variety; and

"(4) harvested material (including entire plants and parts of plants) obtained through the unauthorized use of propagating material of a protected variety, unless the owner of the variety has had a reasonable opportunity to exercise the rights provided under this Act with respect to the propagating material.

"(d) It shall not be an infringement of the rights of the owner of a variety to perform any act concerning propagating material of any kind, or harvested material, including entire plants and parts of plants, of a protected variety that is sold or otherwise marketed with the consent of the owner in the United States, unless the act involves further propagation of the variety or involves an export of material of the variety, that enables the propagation of the variety, into a country that does not protect varieties of the plant genus or species to which the variety belongs, unless the exported material is for final consumption purposes.

"(e) It shall not be an infringement of the rights of the owner of a variety to perform any act done privately and for noncommercial purposes.".

SEC. 10. RIGHT TO SAVE SEED; CROP EXEMPTION.

The first sentence of section 113 (7 U.S.C. 2543) is amended by striking "section: Provided, That" and all that follows through the period and inserting "section.".

SEC. 11. LIMITATION OF DAMAGES; MARKING AND NOTICE.

Section 127 (7 U.S.C. 2567) is amended by striking "novel" each place it appears.

SEC. 12. OBLIGATION TO USE VARIETY NAME.

Section 128(a) (7 U.S.C. 2568(a)) is amended—

(1) by inserting "or tubers or parts of tubers" after "plant material"; and

(2) by adding at the end the following new paragraph:

"(4) Failure to use the name of a variety for which a certificate of protection has been issued under this Act, even after the expiration of the certificate, except that lawn, turf, or forage grass seed, or alfalfa or clover seed may be sold without a variety name unless use of the name of a variety for which a certificate of protection has been issued under this Act is required under State law.".

SEC. 13. ELIMINATION OF GENDER-BASED REFERENCES.

(a) The last sentence of section 7(a) (7 U.S.C. 2327(a)) is amended by striking "his designee shall act as chairman" and inserting "the designee of the Secretary shall act as chairperson".

(b) Section 10(a) (7 U.S.C. 2330(a)) is amended by striking "he" and inserting "the Secretary".

(c) Section 23 (7 U.S.C. 2353) is amended—

(1) in the second sentence, by striking "he" and inserting "the officer"; and

(2) in the third sentence, by striking "he" and inserting "the person".

(d) Section 24 (7 U.S.C. 2354) is amended—

(1) in the first sentence of subsection (a), by striking "him" and inserting "the witness"; and

(2) in the second sentence of subsection (c)—

(A) by striking "this fees and traveling expenses" and inserting "the fees and traveling expenses of the witness"; and

(B) by striking "him" and inserting "the witness".

(e) The last sentence of section 27 (7 U.S.C. 2357) is amended by striking "he" each place it appears and inserting "the person".

(f) The first sentence of section 44 (7 U.S.C. 2404) is amended by striking "he" and inserting "the Secretary".

(g) Section 53 (7 U.S.C. 2423) is amended—

(1) in subsection (a), by striking "one (or his successor)" and inserting "one person (or the successor of the person)"; and

(2) in subsection (b), by striking "he" and inserting "the Secretary".

(h) Section 54 (7 U.S.C. 2424) is amended by striking "his successor in interest" and inserting "the successor in interest of the breeder".

(i) Section 55 (7 U.S.C. 2425) is amended—

(1) in subsection (a)(2) (as redesignated by section 5(1)), by striking "his application" and inserting "the application filed in the United States"; and

(2) in subsection (b), by striking "his predecessor in title" and inserting "the predecessor in title of the person".

(j) The first sentence of section 62(b) (7 U.S.C. 2442(b)) is amended—

(1) by striking "him" and inserting "an applicant";

(2) by striking "an applicant shall" and inserting "the applicant shall"; and

(3) by striking "he" and inserting "the Secretary".

(k) The second sentence of section 72 (7 U.S.C. 2462) is amended by striking "his variety as specified in his application" and inserting "the variety as specified in the application".

(l) Section 82 (7 U.S.C. 2482) is amended by striking "his signature" and inserting "the signature of the Secretary".

(m) Section 83 (7 U.S.C. 2483) is amended—

(1) in subsection (a) (as amended by section 7(1)(A))—

(A) in paragraph (1), by striking "(or his successor in interest) his heirs and assignees" and inserting "(or the successor in interest of the breeder)"; and

(B) in paragraph (4), by striking "his discretion" and inserting "the discretion of the Secretary"; and

(2) in subsection (c), by striking "he" and inserting "the last owner".

(n) Section 86 (7 U.S.C. 2486) is amended—

(1) in the first sentence, by striking "him" and inserting "the Secretary"; and

(2) in the third sentence, by striking "he" and inserting "the person".

(o) Section 91(c) (7 U.S.C. 2501(c)) is amended by striking "he" and inserting "the Secretary".

(p) The fourth sentence of section 92(b) (as transferred by section 8(c)(1)) is amended by striking "he" and inserting "the Secretary".

(q) The first sentence of section 111(f) (as redesignated by section 9(2)) is amended by striking "his official capacity" and inserting "the official capacity of the officer or employee".

(r) Section 112 (7 U.S.C. 2542) is amended by striking "his successor in interest" and inserting "the successor in interest of the person".

(s) Section 113 (7 U.S.C. 2543) is amended—

(1) in the first sentence—

(A) by striking "him" and inserting "the person"; and

(B) by striking "his farm" and inserting "the farm of the person"; and

(2) in the third sentence, by striking "his actions" and inserting "the actions of the purchaser".

(t) Section 121 (7 U.S.C. 2561) is amended by striking "his".

(u) Section 126(b) (7 U.S.C. 2566(b)) is amended by striking "his" and inserting "the".

(v) Section 128(a) (7 U.S.C. 2568(a)) is amended by striking "he" and inserting "the Secretary".

(w) Section 130(a) (7 U.S.C. 2570(a)) is amended by striking "his official capacity" and inserting "the official capacity of the officer or employee".

SEC. 14. TRANSITIONAL PROVISIONS.

(a) In General.—Except as provided in this section, any variety for which a certificate of plant variety protection has been issued prior to the effective date of this Act, and any variety for which an application is pending on the effective date of this Act, shall continue to be governed by the Plant Variety Protection Act (7 U.S.C. 2321 et seq.), as in effect on the day before the effective date of this Act.

(b) Applications Refiled.—

(1) In general.—An applicant may refile a pending application on or after the effective date of this Act.

(2) Effect of refiling.—If a pending application is refiled on or after the effective date of this Act—

(A) eligibility for protection and the terms of protection shall be governed by the Plant Variety Protection Act, as amended by this Act; and

(B) for purposes of section 42 of the Plant Variety Protection Act, as amended by section 3 of this Act, the date of filing shall be the date of filing of the original application.

(c) LABELING.—

(1) IN GENERAL.—To obtain the protection provided to an owner of a protected variety under the Plant Variety Protection Act (7 U.S.C. 2321 et seq.) (as amended by this Act), a notice given by an owner concerning the variety under section 127 of the Plant Variety Protection Act (7 U.S.C. 2567) shall state that the variety is protected under such Act (as amended by this Act).

(2) SANCTIONS.—Any person that makes a false or misleading statement or claim, or uses a false or misleading label, concerning protection described in paragraph (1) shall be subject to the sanctions described in section 128 of the Plant Variety Protection Act (7 U.S.C. 2568).

SEC. 15. EFFECTIVE DATE.

This Act and the amendments made by this Act shall become effective 180 days after the date of enactment of this Act.

Mr. CONRAD. I move the Senate concur in the House amendment to the Senate bill.

The motion was agreed to.

Mr. CONRAD. Mr. President, I move to reconsider the vote.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CONRAD. Mr. President, I ask unanimous consent to have printed in the RECORD a letter to Chairman LEAHY of Vermont from the Department of Agriculture regarding the Plant Variety Protection Act.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, DC, August 19, 1994.

Hon. PATRICK LEAHY,
Chairman, Committee on Agriculture, Nutrition, and Forestry, U.S. Senate, Washington, DC

DEAR MR. CHAIRMAN: This is to respond to your request for the Department's position on S. 1406, to amend the Plant Variety Protection Act to make such Act consistent with the International Convention for the Protection of New Varieties of Plants of March 19, 1991, to which the United States is a signatory.

The Department recommends passage of S. 1406 as approved by the House of Representatives on August 12, 1994.

In the United States, one effective form of protecting new plant varieties that are reproduced by seed is by means of the Plant Variety Protection Act (PVPA). To afford our plant breeders protection in other countries as well, the United States became a member of the 1978 Act of the UPOV Convention, in 1981. After several years of extended negotiations, the UPOV Convention was significantly revised in 1991 to provide plant breeders with improved protection for innovative plant varieties. The United States is a signatory to the 1991 Act of the UPOV Convention; and, this legislation, if enacted, will enable the United States to adhere or become party to the 1991 version through ratification.

Major provisions include: (1) prohibiting the unauthorized sale of seed by farmers to others; (2) establishing a category of "essentially derived varieties"; (3) using date of filing for protection as the basis for determining eligibility for protection; (4) requiring that protected varieties be sold by variety name only (with a narrow exemption provided for lawn, turf, or forage grass seed, alfalfa, or clover seed); (5) extending protection to first generation hybrids; (6) extending the period of protection from 18 to 20 years for most crops and from 18 to 25 years for trees and vines; and (7) expanding the scope of protection. Each of these changes are needed to conform the PVPA to the 1991 Act of the UPOV Convention. In addition, and at the request of the potato industry, provision is made for including tuber-propagated varieties within the scope of the PVPA.

If enacted, this legislation will enable the United States to deposit its instrument of ratification, thereby adhering to the 1991 Act of the UPOV Convention.

The Office of Management and Budget advises that there is no objection to the presentation of the report from the standpoint of the Administration's program.

Sincerely,

RICK ROMINGER,
(for Mike Espy, Secretary).

CRIME PREVENTION MONTH

Mr. CONRAD. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of House Joint Resolution 363, and that the Senate then proceed to its immediate consideration; that the joint resolution be deemed read the third time, passed, and the motion to reconsider laid upon the table; that the preamble be agreed to, and that any statements appear in the RECORD as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the joint resolution (H.J. Res. 363) was deemed read the third time, and passed.

The preamble was agreed to.

THE USE OF AVAILABLE FUNDS BY THE ENERGY COMMITTEE

Mr. CONRAD. Mr. President, I ask unanimous consent that the Rules Committee be discharged from the immediate consideration of Senate resolution 256, a resolution relating to the use of available funds by the Energy Committee; that the Senate proceed to its immediate consideration; that the resolution be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the resolution (S. Res. 256) was agreed to, as follows:

S. RES. 256

Resolved, That section 9(c) of the Omnibus Committee Funding Resolution for 1993 and 1994 (S. Res. 71; 103d Congress, 1st Session) is amended by adding before the period the following: "of which amount not to exceed $100,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended)".

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. If there is no objection, morning business is now closed.

HOUSE OF REPRESENTATIVES CAMPAIGN SPENDING LIMIT AND ELECTION REFORM ACT OF 1993—MESSAGE FROM THE HOUSE

Mr. CONRAD. Mr. President, I ask the Chair to lay before the Senate a message from the House on S. 3, entitled the "Congressional Spending Limit and Election Reform Act of 1993."

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 3) entitled "An Act entitled the 'Congressional Spending Limit and Election Reform Act of 1993,'" do pass with amendments.

The Senate resumed consideration of the message from the House.

CLOTURE MOTION

Mr. CONRAD. Mr. President, I send to the desk a cloture motion on the motion to disagree and ask that it be stated.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the motion to disagree to the House amendments to the Senate bill, S. 3, the Campaign Finance Reform Act:

David Boren, Wendell Ford, Harlan Mathews, John Glenn, Paul Simon, Barbara Mikulski, Don Riegle, Frank R. Lautenberg, Claiborne Pell, Joseph Lieberman, Charles S. Robb, Chris Dodd, John F. Kerry, Tom Harkin, Barbara Boxer, David Pryor, Daniel K. Akaka.

Mr. CONRAD. Mr. President, I ask unanimous consent that with respect to this cloture motion the mandatory live quorum required under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. CONRAD. Mr. President, I ask unanimous consent that the Senate return to morning business with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United

States submitting a nomination which was referred to the Committee on Foreign Relations.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON PROGRESS CONCERNING EMIGRATION LAWS AND POLICIES OF THE RUSSIAN FEDERATION—PM 146

The PRESIDING OFFICER laid before the Senate a message from the President of the United States with accompanying papers; which was referred to the Committee on Finance:

To the Congress of the United States:

I hereby transmit a report concerning the emigration laws and policies of the Russian Federation as required by subsections 402(b) and 409(b) of Title IV of the Trade Act of 1974, as amended (the "Act"). I have determined that the Russian Federation is in full compliance with the criteria in subsections 402(a) and 409(a) of the Act. As required by Title IV, I will provide the Congress with periodic reports regarding the Russian Federation's compliance with these emigration standards.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 21, 1994.*

MESSAGES FROM THE HOUSE

At 1:57 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the bill (H.R. 783) to amend title III of the Immigration and Nationality Act to make changes in the laws relating to nationality and naturalization, with an amendment, in which it requests the concurrence of the Senate.

The message also announced that the House has passed the following bills, each with an amendment, in which it requests the concurrence of the Senate:

S. 716. An act to require that all Federal lithographic printing be performed using ink made from vegetable oil, and for other purposes.

S. 2406. An act to amend title 17, United States Code, relating to the definition of a local service area of a primary transmitter, and for other purposes.

The message further announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4307. An act to amend title 35, United States Code, with respect to applications for process patents, and for certain other purposes.

The message also announced that the House has agreed to H. Res. 534 to correct the engrossment of the amendment of the House of Representatives to the bill (S. 725) to amend the Public Health Service Act to provide for the conduct of expanded studies and the establishment of innovative programs with respect to traumatic brain injury, and for other purposes.

The message further announced that the House disagrees to the amendment of the Senate to the bill (H.R. 6) to extend for 5 years the authorizations of appropriations for the programs under the Elementary and Secondary Education Act of 1965, and for certain other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as the managers of the conference on the part of the House:

From the Committee on Education and Labor, for consideration of the House bill and the Senate amendment (except for sections 601–603 and 801–805), and modifications committed to conference: Mr. FORD of Michigan, Mr. KILDEE, Mr. WILLIAMS, Mr. OWENS, Mr. SAWYER, Mr. PAYNE of New Jersey, Mrs. UNSOELD, Mrs. MINK of Hawaii, Mr. REED, Mr. ROEMER, Mr. ENGEL, Mr. BECERRA, Mr. GREEN of Texas, Ms. WOOLSEY, Mr. ROMERO-BARCELÓ, Ms. ENGLISH of Arizona, Mr. STRICKLAND, Mr. UNDERWOOD, Mr. GOODLING, Mr. PETRI, Mrs. ROUKEMA, Mr. GUNDERSON, Mr. BALLENGER, Ms. MOLINARI, Mr. BOEHNER, Mr. CUNNINGHAM, Mr. MCKEON, and Mr. MILLER of Florida.

From the Committee on Education and Labor, for consideration of sections 601–603 of the Senate amendment, and modifications committed to conference: Mr. FORD of Michigan, Mr. OWENS, Mr. PAYNE of New Jersey, Mr. FAWELL, and Mr. BALLENGER.

From the Committee on Education and Labor, for consideration of sections 801–805 of the Senate amendment, and modifications committed to conference: Mr. FORD of Michigan, Mr. WILLIAMS, Mr. SAWYER, Mr. PETRI, and Mr. GUNDERSON.

From the Committee on Agriculture, for consideration of sections 801–805 of the Senate amendment, and modifications committed to conference: Mr. DE LA GARZA, Mr. STENHOLM, and Mr. ROBERTS.

From the Committee on Ways and Means, for consideration of sections 601–603 of the Senate amendment, and modifications committed to conference: Mr. GIBBONS, Mr. FORD of Tennessee, and Mr. ARCHER.

The message also announced that under the authority granted in clause 6 of rule X, the Speaker makes the following modification in the appointment of conferees in the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6) to extend for 5 years the authorizations of appropriations for the programs under the Elementary and Secondary Education Act of 1965, and for certain other purposes:

As an additional conferee from the Committee on Education and Labor, for consideration of the House bill and the Senate amendment (except sections 601–603 and 801–805), and modifications committed to conference: Mr. MILLER of California.

MEASURES REFERRED

The following bills were read the first and second times, by unanimous consent, and referred as indicated:

H.R. 4192. An act to designate the United States Post Office located at 100 Veterans Drive in Saint Thomas, Virgin Islands, as the "Arturo R. Watlington, Sr. United States Post Office"; to the Committee on Government Affairs;

H.R. 4193. An act to designate the United States Post Office located at 100 Vester Gade, in Cruz Bay, Saint John, Virgin Islands, as the "Ubaldina Simmons United States Post Office"; to the Committee on Government Affairs;

H.R. 4194. An act to designate the United States Post Office located in the Tutu Park Mall in Saint Thomas, Virgin Islands, as the "Earle B. Ottley United States Post Office"; to the Committee on Governmental Affairs;

H.R. 4452. An act to designate the Post Office building at 115 West Chester in Ruleville, Mississippi, as the "Fannie Lou Hamer United States Post Office"; to the Committee on Governmental Affairs;

H.R. 4541. An act to authorize assistance to promote the peaceful resolution of conflicts in Africa; to the Committee on Foreign Relations;

H.R. 4551. An act to designate the Post Office building located at 301 West Lexington in Independence, Missouri, as the "William J. Randall Post Office"; to the Committee on Governmental Affairs;

H.R. 4571. An act to designate the United States Post Office located at 103–104 Estate Richmond in Saint Croix, Virgin Islands, as the "Wilbert Armstrong United States Post Office"; to the Committee on Governmental Affairs; and

H.R. 4950. An act to extend the authorities of the Overseas Private Investment Corporation, and for other purposes; to the Committee on Foreign Relations.

MEASURES PLACED ON THE CALENDAR

The following bill, received from the House of Representatives for concurrence on September 19, 1994, and remaining undisposed of, was read the first and second times by unanimous consent and placed on the calendar:

H.R. 4308. An act to authorize appropriations to assist in carrying out the North American Wetlands Conservation Act for fiscal years 1995 through 1998, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–3318. A communication from the Secretary of Defense, transmitting, pursuant to law, a report related to the report on program activities for facilitation of weapons destruction and nonproliferation in the

Former Soviet Union; to the Committee on Armed Services.

EC–3319. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to the Belarus Environmental Restoration Project; to the Committee on Armed Services.

EC–3320. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report relative to a joint research and development program with the Former Soviet Union; to the Committee on Armed Services.

EC–3321. A communication from the Under Secretary of Defense, transmitting, pursuant to law, a report on future career management systems for U.S. military officers; to the Committee on Armed Services.

EC–3322. A communication from the Executive Director of the Thrift Depositor Protection Oversight Board, transmitting, pursuant to law, a report on savings associations; to the Committee on Banking, Housing, and Urban Affairs.

EC–3323. A communication from the Assistant to the President (Economic Policy), transmitting, pursuant to law, a report entitled "Whether Foreign Governments or Companies Have a Coordinated Strategy to Acquire U.S. Critical Technology Companies and Whether Foreign Governments Use Espionage Activities to Obtain Commercial U.S. Critical Technology Secrets"; to the Committee on Banking, Housing, and Urban Affairs.

EC–3324. A communication from the Acting Chairman of the National Transportation Safety Board, transmitting, pursuant to law, the report of the streamlining plan; to the Committee on Commerce, Science, and Transportation.

EC–3325. A communication from the Chairman of the National Transportation Safety Board, transmitting, pursuant to law, the report of the Board's budget submission for fiscal year 1996; to the Committee on Commerce, Science, and Transportation.

EC–3326. A communication from the Secretary of Commerce, transmitting, pursuant to law, the report of claims activity during calendar year 1993; to the Committee on Commerce, Science, and Transportation.

EC–3327. A communication from the Secretary of Commerce, transmitting, pursuant to law, the annual report for fiscal year 1993; to the Committee on Commerce, Science, and Transportation.

EC–3328. A communication from the Acting Assistant General Counsel (International and Legal Policy), Department of Energy, the notice of a meeting of the Industry Advisory Board of the International Energy Agency; to the Committee on Energy and Natural Resources.

EC–3329. A communication from the Deputy Associate Director for Compliance, Minerals Management Service (Royalty Management Program), Department of the Interior, transmitting, pursuant to law, a report relative to refunds of offshore lease revenues where a refund or recoupment is appropriate; to the Committee on Energy and Natural Resources.

EC–3330. A communication from the Assistant Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report on certain genetically modified microbial pesticides; to the Committee on Environment and Public Works.

EC–3331. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, a report relative to abnormal occurrences at licensed facilities for the period January 1 through March 31, 1994; to the Committee on Environment and Public Works.

EC–3332. A communication from the Acting Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, the report on the Atlantic Intracoastal Waterway Bridge Replacement at Great Bridge Chesapeake, Virginia; to the Committee on Environment and Public Works.

EC–3333. A communication from the Commissioner of Social Security, transmitting, pursuant to law, the report of a plan for a new disability claim process; to the Committee on Finance.

EC–3334. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report entitled "Monitoring the Impact of Medicare Physician Payment Reform on Utilization and Access"; to the Committee on Finance.

EC–3335. A communication from the President of the United States, transmitting, consistent with the War Powers Resolution, a report on Haiti; to the Committee on Foreign Relations.

EC–3336. A communication from the Acting Administrator of the U.S. Agency For International Development, transmitting, pursuant to law, the report of the Development Assistance Program allocations for fiscal year 1994; to the Committee on Foreign Relations.

EC–3337. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report to the United Nations on the Status of Women from 1985 through 1994; to the Committee on Foreign Relations.

EC–3338. A communication from the Director of the U.S. Arms Control and Disarmament Agency, transmitting, pursuant to law, the report entitled "Arms Control, Nonproliferation and Disarmament Studies Completed in 1993"; to the Committee on Foreign Relations.

EC–3339. A communication from the Acting Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the report on entities that have not submitted audit reports to the Federal Audit Clearinghouse for fiscal years 1991 and 1992; to the Committee on Governmental Affairs.

EC–3340. A communication from the Acting Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the report on the implementation of the Computer Matching and Privacy Protection Act of 1988 for calendar year 1991; to the Committee on Governmental Affairs.

EC–3341. A communication from the Chairman of the U.S. Merit Systems Protection Board, transmitting, pursuant to law, the report entitled "Temporary Federal Employment: In Search of Flexibility and Fairness"; to the Committee on Governmental Affairs.

EC–3342. A communication from the District of Columbia Auditor, transmitting, pursuant to law, the report entitled "Review of Public Service Commission Agency Fund Deposits and Expenditures for fiscal years 1992 and 1993"; to the Committee on Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BYRD, from the Committee on Appropriations:

Special Report entitled "Revised Allocation to Subcommittees of Budget Totals from the Concurrent Resolution for Fiscal Year 1995" Rept. No. 103–370).

By Mr. INOUYE, from the Committee on Indian Affairs, with an amendment in the nature of a substitute and an amendment to the title:

S. 1216. A bill to resolve the 107th Meridian boundary dispute between the Crow Indian Tribe, the Northern Cheyenne Indian Tribe, and the United States and various other issues pertaining to the Crow Indian Reservation (Rept. No. 103–371).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DANFORTH (for himself, Mr. BOREN, Mr. WALLOP, Mr. PRYOR, Mr. GRASSLEY, Mr. BAUCUS, Mr. CHAFEE, Mr. RIEGLE, Mr. ROTH, Mr. DASCHLE, and Mr. BREAUX):

S. 2445. A bill to amend the Internal Revenue Code of 1986 to limit the applicability of the generation-skipping transfer tax; to the Committee on Finance.

By Mr. CRAIG:

S. 2446. A bill for the relief of Pyonghui Gonion Arrington; to the Committee on the Judiciary.

By Mr. STEVENS:

S. 2447. A bill to authorize a certificate of documentation for the vessel *Lady Hawk*; to the Committee on Commerce, Science, and Transportation.

By Mr. SHELBY (for himself, Mr. HEFLIN, and Mr. CRAIG):

S. 2448. A bill to impose a moratorium on immigration by aliens other than refugees, certain priority and skilled workers, and immediate relatives of United States citizens and permanent resident aliens; to the Committee on the Judiciary.

By Mr. FEINGOLD:

S. 2449. A bill to modify the estate recovery provisions of the medicaid program to give States the option to recover the costs of home and community-based services for individuals over age 55, and for other purposes; to the Committee on Finance.

By Mr. BIDEN (for himself, Mr. BINGAMAN, Mrs. BOXER, Mr. BRADLEY, Mr. BRYAN, Mr. CHAFEE, Mr. COATS, Mr. COCHRAN, Mr. D'AMATO, Mr. DANFORTH, Mr. DECONCINI, Mr. DODD, Mr. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURENBERGER, Mrs. FEINSTEIN, Mr. FORD, Mr. GLENN, Mr. GRASSLEY, Mr. HATCH, Mr. HEFLIN, Mr. HELMS, Mrs. HUTCHISON, Mr. INOUYE, Mr. JEFFORDS, Mrs. KASSEBAUM, Mr. KENNEDY, Mr. KERRY, Mr. LAUTENBERG, Mr. LEVIN, Mr. MATHEWS, Mr. METZENBAUM, Ms. MIKULSKI, Mr. MITCHELL, Mr. MOYNIHAN, Mr. MURKOWSKI, Mrs. MURRAY, Mr. PACKWOOD, Mr. PELL, Mr. REID, Mr. RIEGLE, Mr. ROBB, Mr. ROCKEFELLER, Mr. ROTH, Mr. SARBANES, Mr. SASSER, Mr. SIMON, Mr. SPECTER, Mr. THURMOND, Mr. WARNER, and Mr. WELLSTONE):

S.J. Res. 220. A joint resolution to designate October 19, 1994, as "National Mammography Day"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. REID:

S. Res. 263. A resolution to express the sense of the Senate condemning the cruel and tortuous practice of female genital mutilation; to the Committee on Foreign Relations.

By Mr. McCAIN (for himself, Mr. INOUYE, Mr. CAMPBELL, Mr. BAUCUS, Mr. BINGAMAN, Mr. DASCHLE, Mr. DECONCINI, Mr. DOMENICI, Mr. DORGAN, Mr. FEINGOLD, Mr. GORTON, Mrs. KASSEBAUM, Mr. KOHL, Mr. LEVIN, Mr. PRESSLER, Mr. RIEGLE, Mr. SIMON, and Mr. WELLSTONE):

S. Res. 264. A resolution expressing the sense of the Senate that the President should issue an Executive order to promote and expand Federal assistance for Indian institutions of higher education and foster the advancement of the National Education Goals for Indians; to the Committee on Indian Affairs.

By Mr. BROWN (for himself and Mr. DECONCINI):

S. Res. 265. A resolution to express the sense of the Senate concerning District Council elections in Hong Kong on September 18, 1994; to the Committee on Foreign Relations.

By Mr. BROWN:

S. Res. 266. A resolution to express the sense of the Senate concerning the future commitment of U.S. military forces overseas; to the Committee on Foreign Relations.

S. Res. 267. A resolution concerning the withdrawal of United States troops from Haiti; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DANFORTH (for himself, Mr. BOREN, Mr. WALLOP, Mr. PRYOR, Mr. GRASSLEY, Mr. BAUCUS, Mr. CHAFEE, Mr. RIEGLE, Mr. ROTH, Mr. DASCHLE, and Mr. BREAUX):

S. 2445. A bill to amend the Internal Revenue Code of 1986 to limit the applicability of the generation-skipping transfer tax; to the Committee on Finance.

THE GENERATION-SKIPPING TRANSFER TAX ACT OF 1994

• Mr. DANFORTH. Mr. President, I am pleased to join with my colleagues, Senators BOREN, WALLOP, PRYOR, GRASSLEY, BAUCUS, CHAFEE, RIEGLE, ROTH, DASCHLE, and BREAUX, to introduce a bill to correct minor flaws in the generation-skipping transfer tax [GSTT] law which we believe were unintentionally overlooked by Congress at the time of enactment and subsequent amendment.

Every year the need for charitable services seems to increase. Thus, it is imperative that the tax law not discourage charitable giving unless absolutely necessary to advance other goals of tax policy. Unfortunately, a needless disincentive to charitable giving exists in a part of the generation-skipping transfer tax law.

The principle behind the GSTT is to ensure that Federal tax is not avoided when property is enjoyed and then transferred from one generation to others. Current law provides that GSTT is imposed on gifts or bequests from, for example, grandparents to grandchildren. However, a grandchild may move-up a generational level if the grandchild's parent predeceases the grandchild. Thus, the gift or bequest would not be subject to the GSTT. This move-up exception is extremely important because the combined application of the GSTT and estate or gift tax is severe: an effective tax rate of almost 80 percent.

Unfortunately, the exception is not extended to transfers to collateral descendants even though there is no tax avoidance purpose. Thus, the law discriminates against gifts or bequests to grandnieces and grandnephews, even when the grandparent has no living lineal descendants.

In addition, under current law a gift or bequest transferred through a trust, that provides income to a charity and then distributes the trust property to a grandchild, would be taxable under the GSTT provisions. Congress has recognized that such trusts are a desirable mechanism to encourage transfers to charities. Thus, the GSTT should not produce dramatically different results based upon the manner in which the transferor chooses to benefit the charity.

Our bill focuses on the so-called move-up exception. The changes we propose would apply to terminations, distributions and transfers occurring after the bill's enactment. These terminations, distributions, and transfers are those which would be generation-skipping transfers and subject to the GSTT except for the application of the move-up exception as amended by this legislation.

First, we propose that the move-up exception include collateral descendants, such as grandnieces and grandnephews. Thus, gifts or bequests to such descendants would not be subject to the GSTT.

Second, we propose that the move-up exception include certain transfers to trusts. Despite Congress' clear intention in the 1986 GSTT amendments to make the application of the law uniform regardless of how property is transferred, the move-up exception is limited to direct gifts and bequests only, and is not available for transfers through a trust. We are particularly concerned that this has the effect of strongly discouraging individuals whose direct gifts or bequests would otherwise be covered by the move-up exception from establishing a charitable trust before distributing property to family members. Such trusts are important sources of support for many types of charities.

In addition to widespread constituent support for our bill, the administration stated that the legislation is fully consistent with the purpose of the predeceased parent exclusion. Indeed, the provisions of this bill were raised during a hearing in the Subcommittee on Select Revenue Measures of the Ways and Means Committee. It was one of four proposals that the Treasury Department did not oppose and that Members seemed to receive favorably.

Moreover, the changes we propose have been recommended as worthwhile technical corrections by members of the real property, probate, and trust law section of the American Bar Association.

Mr. President, I urge my fellow Senators to support this bill. A companion bill, H.R. 4326, was introduced in the House of Representatives on May 3, 1994, by Congressman BREWSTER from Oklahoma with Congressmen HOUGHTON, GEPHARDT, SHAW, and KOPETSKI as well. We welcome other Senators as cosponsors of this bill.•

By Mr. STEVENS:

S. 2447. A bill to authorize a certificate of documentation for the vessel *Lady Hawk;* to the Committee on Commerce, Science, and Transportation.

"LADYHAWK" VESSEL DOCUMENTATION ACT OF 1994

• Mr. STEVENS. Mr. President, today I am introducing a bill to provide a certificate of documentation for the vessel *Lady Hawk*, U.S. Official No. 961095.

The *Lady Hawk* is owned by Ms. Joan Dunn of Seldovia, AK.

The vessel was built in Little Falls, MN, in 1989.

The first owners of the vessel—a married couple—were thought to be U.S. citizens, and a certificate of documentation for the *Lady Hawk* was issued in June 1990.

In November 1990, Ms. Joan Dunn purchased the *Lady Hawk* from the original owners, with the intent to eventually use it as a charter fishing vessel.

On November 11, 1993, Ms. Dunn received notice from the Coast Guard that one of a married couple who originally owned the vessel was, in fact, a Canadian citizen, and that the certificate of documentation for the *Lady Hawk* was therefore invalid.

The Coast Guard determined that Ms. Dunn was a bona fide purchaser in good faith, and informed her that it was pursuing penalty action against the former owner, but that the certificate of documentation for the *Lady Hawk* was nevertheless invalid.

The bill I am introducing today would grant a Jones Act waiver to Ms. Dunn for the vessel *Lady Hawk*. Ms. Dunn, through no fault of her own, cannot use this vessel for fishing charters or other coastwise trade without this waiver.•

By Mr. SHELBY (for himself, Mr. HEFLIN and Mr. CRAIG):

S. 2448. A bill to impose a moratorium on immigration by aliens other than refugees, certain priority and skilled workers, and immediate relatives of U.S. citizens and permanent resident aliens; to the Committee on the Judiciary.

IMMIGRATION MORATORIUM ACT OF 1994

• Mr. SHELBY. Mr. President, the United States has long been known as a nation of immigrants. It is said that much of our country's greatness—its strength, historically—is due to the unique, diverse, and rich mix of its social makeup. I couldn't agree more with this characterization. And I couldn't agree more about the important impact immigration holds for the future welfare of our country.

But, Mr. President, the time has come for us to separate our nostalgia for immigration from today's harsher realities. Today, our national interest and the quality of life of many U.S. citizens is being undermined by excessive immigration.

While immigration has helped in the past, times and circumstances have changed. Unless we significantly reduce today's excessive levels of immigration we will continue to increase the temperature on this country's already highly pressurized social and economic condition.

Mr. President, for a country—for a nation of immigrants—that has absorbed wave after wave of immigrants throughout its history, you would think that we would have a carefully crafted policy on immigration that serves our national interests. In fact, however, we do not.

Instead, we have a hodgepodge of annual limits for legal immigration and no effective way of controlling a tide of illegal entrants every year. Indeed, our inability to formulate a comprehensive and effective policy to deal with illegal immigration only highlights the absolute failure of our policy on legal admissions.

Mr. President, our immigration problems are not limited to simply controlling our borders against illegal aliens. It is much broader than that. Most people are shocked to learn that illegal immigration is far less than the amount of legal immigrants we admit to this country.

We're concerned about approximately 300,000 people who emigrate here illegally when—at the same time—we are voluntarily admitting close to 1 million every year.

Mr. President, immigration levels, legal and illegal, are out of control and exceed historical numbers. We admit more legal immigrants today than we did during the Great Wave from 1880 to 1924. Moreover, our legal limits are more like targets than actually restrictions. What good are legal limits that are easily waived, paroled, or amnestied and an immigration policy so easily held hostage to foreign demands to increase the amount of refugees allowed to enter the United States legally?

What do the numbers matter, if every time we are faced with a refugee crisis, like Haiti and Cuba, we end up raising or disregarding the limits by adopting questionable administrative interpretations of existing laws or paroling those who are not entitled to enter legally under our current scheme. Mr. President, the refugee threat is a real one because the United States is already accepting more immigrants than it can absorb each year.

The United States cannot continue at current immigration levels without compromising the quality of life of every American citizen. Lower wages, excessive demands on social, medical, and welfare services are all products of a failed immigration policy.

States and local governments can barely keep up with the Federal Government's promise of a better life for the million or so immigrants that flock here each year. Already States are bringing suit against the Federal Government seeking reimbursement for billions of dollars in immigration-related costs.

Mr. President, the demands of our society are growing far apace of our ability as a government and an economy to satisfy them. Promising better health care and more responsive welfare programs are high on the administration's agenda of needed changes.

But, Mr. President, we must change our immigration policy if we are to effectively deal with these greater issues. Reforming health care and welfare includes creating entirely new entitlement programs and yet we cannot control how many people may be entitled to programs like AFDC or Medicaid or proposed health insurance subsidies because we can't control our borders.

How can we accurately gage the cost of these programs and the value and success of reforming if we cannot control how many people may be entitled to the benefits that they promise?

A comprehensive solution to our immigration policy problems is certainly what we need. Senators REID and SIMPSON have introduced bills designed to help establish such a framework for reform. I support their efforts and hope to work with them in achieving such necessary change.

In the interim, however, we must act. We must answer the demands being placed on our system today. Mr. President, we can do this by lowering how many people we allow into this country legally. We can do this by establishing a 5-year moratorium on what we definitely can control—legal admissions.

While providing only a temporary response to a long-term problem, a 5-year moratorium would nonetheless allow existing immigrants to assimilate and provide Congress sufficient time to address more comprehensive reform.

Under my moratorium bill, spouses and minor children of U.S. citizens would continue to be allowed without limit. In recent years, this amount has remained at about 175,000 per year. This would leave about 150,000 annual admission slots under the moratorium's 325,000 immigrant cap.

These would go to refugees—50,000, highly skilled and priority workers—50,000, and to other relatives of U.S. citizens and permanent resident aliens on current admissions lists—50,000.

Mr. President, I believe this is a responsible and effective way to deal with a problem that overwhelms us more every day. It is important to every American and every person who would like to be an American some day to maintain a healthy and prosperous economy and a diverse, but harmonious society.

The reality of the situation is this: A lifeboat can only hold so many people before it too becomes a sinking ship. Mr. President, I submit our lifeboat—the U.S. lifeboat—is taking on water.

A moratorium will ease that circumstance and allow us as a nation to continue to provide the kind of safe haven that has encouraged individuals in the thousands to take to rafts to reach our shores.

Mr. President, similar proposals have already been introduced in the House of Representatives and are supported by close to 100 Members. I would encourage my colleagues to give this proposal similar support and consideration.•

By Mr. FEINGOLD:

S. 2449. A bill to modify the estate recovery provisions of the Medicaid Program to give States the option to recover the costs of home and community-based services for individuals over age 55, and for other purposes; to the Committee on Finance.

MEDICAID PROGRAM ESTATE RECOVERY MODIFICATION ACT OF 1994

• Mr. FEINGOLD. Mr. President, I am pleased to introduce legislation today to eliminate the current mandate on states to place liens on the homes and estates of older Medicaid beneficiaries receiving home and community long-term care services, and to provide more than adequate funding for that change by establishing a certificate of need process to regulate the growth of federally funded nursing home beds.

Altogether, according to the Congressional Budget Office, the measure should generate $365 million in savings over the next 5 years.

As part of last year's Omnibus Budget Reconciliation Act of 1993 [OBRA 93], language was included relating to States recovering Medicaid payments from the estates of beneficiaries, for certain services to people over age 55. The Health Care Finance Administration has interpreted OBRA 93 to mandate the recovery of, among other things, home and community based long-term care services and related hospital and prescription drug services. Unless changed, States will have no alternative but to implement the mandate.

In the past, States have had the option of recovering payments for those services from the estates of beneficiaries, but in some cases, at least, have chosen not to do so.

Mr. President, in Wisconsin, estate recovery for home and community-based long-term care services was implemented briefly in 1991, but was terminated because of the outcry of caseworkers and consumers. In fact the Coalition of Wisconsin Aging Groups documented cases of consumers refusing community-based care because of their fear of estate recovery or the placement of a lien on their homes.

As the coalition has pointed out, the resulting lack of long-term care could have led to earlier and more costly need for institutional care. The State opted to implement estate recovery only on nursing home care and related services, where, as a practical matter, the potential for estate recovery and liens on homes are much less of a barrier to services.

Indeed, just as we should provide financial incentives to individuals to use more cost-effective care, so too should we consider financial disincentives for more costly alternatives. A recent study in Wisconsin showed that two Medicaid waiver programs saved $17.6 million in 1992 by providing home and community-based alternatives to institutional care. In that context, including the more expensive institutional care alternatives in the estate recovery mandate makes good sense, and my legislation would not change that portion of the law.

Mr. President, the proposed estate recovery for home and community care stemming from OBRA 93 is particularly troubling with the prospect of a home and community-based long-term care program outside of Medicaid—one which will not require liens and other disincentives to care. The Clinton plan, or any plan like it, can provide similar home and community services, possibly even more flexible and consumer oriented services, than the Medicaid alternatives without the need to sign one's house away. If the estate recovery language of OBRA 93 is not clarified, we could have a dual system of home and community care, one providing services without a lien on one's property, the other imposing them. In fact, because Medicaid is targeted at those with lowest income and assets, it will be the disabled poor who will have liens on their homes, while those who are better off, and under the new benefit, will not be so restricted.

The prospect of estate recovery requirements is not a happy one for program administrators either. States, counties, and nonprofit agencies, administrators of Medicaid services, are ill-equipped to be real estate agents. And there were no provisions included in OBRA 93 to provide the additional funding necessary to administer such a program.

Divestment concerns, already a problem, will continue to grow as pressure to utilize existing loopholes increases. Worse, as the coalition has pointed out, children who feel "entitled to inheritance" might force transfers, constituting elder abuse in some cases.

Finally, Mr. President, there is a very real question of age discrimination with the estate recovery provisions of OBRA 93. Only individuals over age 55 are subject to estate recovery. Such age-based distinctions border on age discrimination and ought to be minimized.

All in all, the estate recovery provisions of OBRA 93, as interpreted by HCFA, will generate little additional revenue, is likely to produce more expensive utilization of Medicaid services, will cause an administrative nightmare for State and local government, will aggravate the divestment problem, may result in increased elder abuse, and could well be age discrimination.

The proposed legislation modifies the estate recovery provisions of OBRA 93 to clarify that States may pursue recovery of the cost of Medicaid home and community-based long-term care services from the estates of beneficiaries, but that States are not required to do so.

Though many long-term care experts maintain that mandating estates recovery for home and community-based long-term care services will only lead to increased utilization of more expensive institutional alternatives, and thus increased cost to Federal taxpayers, my proposal has been officially scored as a revenue loss of $20 million in the first year and $260 million over 5 years.

Given the continuing need to lower our Federal budget deficit, I feel strongly that we should fully fund any proposed major expenditure, and to that end, I have included language which will produce more than enough savings to offset the change to the Medicaid estate recovery provisions.

That provision regulates the growth in the number of nursing home beds eligible for Federal funding through Medicaid, Medicare, or other Federal programs by requiring providers to obtain a certificate of need [CON] to operate additional beds. For any specified area, States would issue a CON only if the ratio of the number of nursing home beds to the population that is likely to need them falls below guidelines set by the State and subject to Federal approval.

This approach allows new nursing home beds to operate where there is a demonstrated need, while limiting the potential burden on the taxpayer where no such need has been established.

Slowing the growth of nursing home beds is critical to reforming the current long-term care system. In Wisconsin, limiting nursing home bed growth has been central to the success of the long-term care reforms initiated in the early 1980's. While the rest of the country experienced a 24 percent increase in Medicaid nursing home bed use during the 1980's, Wisconsin saw Medicaid nursing home bed use decline by 19 percent.

The certificate of need provision is far more modest than the absolute cap on nursing home beds adopted in Wisconsin, and recognizes that there needs to be some flexibility to recognize the differences of long-term care services among States. It is also consistent with the kind of long-term care reform proposed by President Clinton and others.

Certainly, our ability to reform long-term care will depend not only on establishing a consumer-oriented, consumer-driven home and community-based benefit that is available to the severely disabled of all ages, but also on establishing a more balanced and cost-effective allocation of public support of long-term-care services by eliminating the current bias toward institutional care.

An analysis by the Congressional Budget Office estimated the lost revenue from eliminating the State mandate on home- and community-based services at $20 million in the first year, and $260 million over 5 years. However, in their spending and revenue options document for 1994, CBO estimates that the proposed regulation of nursing home bed growth would generate savings of $35 million in the first year, and $625 million over 5 years. The combined effect of this proposal, then, would be to generate about $15 million in savings in the first year, and $365 million over 5 years.

Mr. President, taken together, the change in the estate recovery provisions and the slowing of nursing home bed growth, these two provisions will help shift the current distorted Federal long-term-care policy away from the institutional bias that currently exists and toward a more balanced approach that emphasizes home- and community-based services.

This is the direction that we will need to take if we are to achieve significant long-term-care reform.

Mr. President, I ask unanimous consent that the text of the legislation as well as a letter from the Coalition of Wisconsin Aging Groups be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2449

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MEDICAID ESTATE RECOVERIES.

Section 1917(b)(1)(B) of the Social Security Act (42 U.S.C. 1396p(b)(1)(B) is amended by striking "consisting of—" and all that follows and inserting the following: "consisting of—

"(i) nursing facility services and related hospital and prescription drug services; and

"(ii) at the option of the State, any additional items or services under the State plan.".

SEC. 2. REQUIRING STATES TO REGULATE GROWTH IN THE NUMBER OF NURSING FACILITY BEDS.

(a) IN GENERAL.—A nursing facility shall not receive reimbursement under the medicare program under title XVIII of the Social Security Act, the medicaid program under title XIX of such Act, or any other Federal program for services furnished with respect to any beds first operated by such facility on or after the date of the enactment of this Act unless a certificate of need is issued by the State with respect to such beds.

(b) ISSUANCE OF CERTIFICATE.—A certificate of need may be issued by a State with respect to a geographic area only if the ratio of the number of nursing facility beds in such area to the total population in such area that is likely to need such beds is below the ratio included in guidelines that are established by the State and approved by the Secretary under subsection (c).

(c) APPROVAL OF GUIDELINES.—The Secretary shall promulgate regulations under which States may submit proposed guidelines for the issuance of certificates of need under subsection (b) for review and approval.

COALITION OF WISCONSIN AGING GROUPS,
Madison, WI, September 20, 1994.

Hon. RUSSELL FEINGOLD,
U.S. Senate,
Washington, DC.

DEAR SENATOR FEINGOLD: I am writing to indicate our strong support for your bill to permit, rather than mandate, states to implement estate recovery programs for Medicaid services other than nursing facility services and related hospital and prescription drug services.

As you know we are extremely concerned about the federal law which will require Wisconsin to implement estate recovery for home- and community-based long-term care services in April, 1995. Our concern is based on real experience not abstract thinking. Wisconsin implemented estate recovery for home- and community-based services and it was a disaster. We documented numerous cases of people refusing needed services because they did not want the state to take a lien on their homes. Refusing needed community services is likely to hasten the need for more expensive nursing home care which will be paid for by state and federal funds under the Medicaid program.

As a matter of public policy we should be encouraging the use of less expensive, more desirable home- and community-based care and discouraging the use of more expensive institutional care. Your bill does that by requiring estate recovery for institutional care and requiring states to regulate the number of nursing home beds through a state-administered certificate of need process. I believe your bill will encourage more states to do what Wisconsin, Oregon and Washington have done; i.e., reduce nursing home utilization through a policy of controlling institutional growth and expanding the use of home- and community-based services. These states have been very successful according to an August, 1994 GAO report entitled "Medicaid Long-Term Care—Successful State Efforts to Expand Home Services While Limiting Costs."

Our organization has never opposed Medicaid estate recovery for nursing home services because we believe it does not create a disincentive (i.e., people already have a strong desire to avoid institutionalization), and we understand that public funds alone cannot meet the large and increasing costs of nursing facilities. But requiring estate recovery for home- and community-based services may have the unintended consequence of being more expensive as the growing elderly population receives long-term care services in nursing homes instead of their own homes.

States have been very effective and creative in providing home- and community-based services as an alternative to institutional care. Your bill will allow states the flexibility of continuing to be creative in meeting the long-term care needs of their elderly populations by requiring estate recovery for institutional care, but giving states the option of implementing estate recovery for other Medicaid services. Some states are likely to pursue estate recovery for other services but, based on our experience in Wisconsin, the Governor and the legislature repealed estate recovery for community-based services as soon as they saw the negative impact. Your bill will allow states the flexibility to make changes when the circumstances indicate a need for change rather than being required to implement a policy even when it is clearly not in the best interest of the state or its citizens.

We appreciate your efforts to change a law which could have the opposite effect than the one intended.

Sincerely,

THOMAS L. FRAZIER,
Executive Director.●

By Mr. BIDEN (for himself, Mr. BINGAMAN, Mrs. BOXER, Mr. BRADLEY, Mr. BRYAN, Mr. CHAFEE, Mr. COATS, Mr. COCHRAN, Mr. D'AMATO, Mr. DANFORTH, Mr. DECONCINI, Mr. DODD, Mr. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURENBERGER, Mrs. FEINSTEIN, Mr. FORD, Mr. GLENN, Mr. GRASSLEY, Mr. HATCH, Mr. HEFLIN, Mr. HELMS, Mrs. HUTCHISON, Mr. INOUYE, Mr. JEFFORDS, Mrs. KASSEBAUM, Mr. KENNEDY, Mr. KERRY, Mr. LAUTENBERG, Mr. LEVIN, Mr. MATHEWS, Mr. METZENBAUM, Ms. MIKULSKI, Mr. MITCHELL, Mr. MOYNIHAN, Mr. MURKOWSKI, Mrs. MURRAY, Mr. PACKWOOD, Mr. PELL, Mr. REID, Mr. RIEGLE, Mr. ROBB, Mr. ROCKEFELLER, Mr. ROTH, Mr. SARBANES, Mr. SASSER, Mr. SIMON, Mr. SPECTER, Mr. THURMOND, Mr. WARNER, and Mr. WELLSTONE):

S.J. Res. 220. A joint resolution to designate October 19, 1994, as "National Mammography Day"; to the Committee on the Judiciary.

NATIONAL MAMMOGRAPHY DAY

Mr. BIDEN. Mr. President, I rise today to introduce a joint resolution designating October 19, 1994 as "National Mammography Day."

Last year, I was pleased to sponsor similar legislation that designated October 19, 1993, as a special day to encourage women to get mammograms as part of the early detection process in the fight against breast cancer. That measure received positive support among cancer and women's groups from around the country, and was successful in focusing attention on the value of mammography.

According to the American Cancer Society, national figures on breast cancer indicate that, in 1994 alone, 182,000 women will be diagnosed with breast cancer. Forty-six thousand women will succumb to this disease.

My home State of Delaware still ranks among the worst in breast cancer mortality, with an estimated 600 new breast cancer cases and 150 breast cancer deaths in 1994.

While many areas of breast cancer remain unknown, significant progress has been made to help unlock the mysteries of the disease. Research funding has been greatly increased, along with heightened awareness and education.

For example, last year in my own State of Delaware, a working group—comprised of my wife Jill, Lieutenant Governor Ruth Ann Minner, County Councilwoman Karen Venezky, and a number of breast cancer survivors, business and community leaders, and health professionals—was established to educate and raise consciousness about the importance of early detection throughout the State. Subsequently, this group has created a health awareness program that has focused on educating young women about breast cancer and mammography. I applaud this group and others, in Delaware and across the Nation, who have united for the fight against breast cancer.

Although a cure for breast cancer may be some time away, early detection and treatment are crucial to ensure survival. Studies have shown and experts agree, that mammography is one of the best methods to detect breast cancer in its early stages. Mammograms can reveal the presence of small cancers up to 2 years before regular clinical breast examinations or breast self-examinations [BSE], saving as many as a third more lives of those diagnosed with the disease.

Mammograms are especially important to older women, with 50 percent of the breast cancer cases occurring in women over age 65. In addition, no woman can be considered immune from the disease; in fact, 80 percent of the women who get breast cancer have no family history of the disease.

Finally, when conducted by professionals, mammograms are a relatively quick and safe procedure, and numerous efforts have been made to make mammograms more accessible and affordable. For instance, groups such as Mammography of Delaware have been operating mobile diagnostic centers, with the cost of the mammogram determined by the woman's ability to pay. In addition, many of the health care reform proposals before Congress include mammograms as part of the standard benefit package.

Mr. President, the resolution I am introducing today is the result of the hard work of a number of organizations. It sets aside one day in the midst of National Breast Cancer Awareness Month—which was passed by the Senate earlier this year—to encourage women to receive or sign up for a mammogram, as well as to bring about greater awareness and understanding of one of the key components in fighting this disease.

The organizations promoting National Mammography Day include: the American Cancer Society, the American Academy of Family Physicians, the American College of Radiology, the American Medical Women's Association, the American Society of Clinical Oncology, Cancer Care Inc., Cancer Research Foundation of America, the Centers for Disease Control and Prevention, the National Alliance of Breast Cancer Organizations, the National Cancer Institute, National Medical Association, Oncology Nursing Society, the Susan G. Komen Foundation, the American College of Obstetricians and Gynecologists, Y-ME, and the Zeneca Pharmaceuticals Group.

Once again, I am pleased to sponsor this resolution, and ask unanimous consent that the full text of this joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 220

Whereas according to the American Cancer Society, 182,000 women will be diagnosed with breast cancer in 1994, and 46,000 women will die from this disease; and

Whereas in the decade of the 1990's, it is estimated that about two million women will be diagnosed with breast cancer, resulting in nearly 500,000 deaths; and

Whereas the risk of breast cancer increases with age, with 50 percent of the breast cancer cases occurring in women over age 65; and

Whereas 80 percent of women who get breast cancer have no family history of the disease; and

Whereas mammograms, when operated professionally at an accredited facility, can provide a safe and quick diagnosis; and

Whereas experts agree that mammography is the best method of early detection of breast cancer, and early detection is the key to saving lives; and

Whereas mammograms can reveal the presence of small cancers up to two years before regular clinical breast examinations or breast self-examinations (BSE), saving as many as a third more lives; Now, therefore, be it

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled, That October 19, 1994, be designated as "National Mammography Day," and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate programs and activities.

ADDITIONAL COSPONSORS

S. 526

At the request of Mr. BRADLEY, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 526, a bill to create a legislative item veto by requiring separate enrollment of items in appropriations bills and tax expenditure provisions in revenue bills.

S. 689

At the request of Mr. BRADLEY, the name of the Senator from North Dakota [Mr. DORGAN] was added as a cosponsor of S. 689, a bill to improve the interstate enforcement of child support and parentage court orders, and for other purposes.

S. 1225

At the request of Mrs. HUTCHISON, her name was added as a cosponsor of S. 1225, a bill to authorize and encourage the President to conclude an agreement with Mexico to establish a United States-Mexico Border Health Commission.

S. 1889

At the request of Mr. CHAFEE, the name of the Senator from Pennsylvania [Mr. WOFFORD] was added as a cosponsor of S. 1889, a bill to amend title XIX of the Social Security Act to make certain technical corrections relating to physicians' services.

S. 2071

At the request of Mr. LIEBERMAN, the names of the Senator from Washington [Mrs. MURRAY], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Montana [Mr. BAUCUS], and the Senator from Colorado [Mr. BROWN] were added as cosponsors of S. 2071, a bill to provide for the application of certain employment protection and information laws to the Congress, and for other purposes.

S. 2300

At the request of Mr. PRESSLER, the name of the Senator from Delaware [Mr. ROTH] was added as a cosponsor of S. 2300, a bill to prohibit all U.S. military and economic assistance for Turkey until the Turkish Government takes certain actions to resolve the Cyprus problem and complies with its obligations under international law.

S. 2347

At the request of Mr. SASSER, the names of the Senator from Louisiana [Mr. JOHNSTON] and the Senator from Louisiana [Mr. BREAUX] were added as cosponsors of S. 2347, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 150th anniversary of the founding of the Smithsonian Institution.

S. 2411

At the request of Mr. DOLE, the names of the Senator from Delaware [Mr. ROTH] and the Senator from Montana [Mr. BURNS] were added as cosponsors of S. 2411, a bill to amend title 10, U.S. Code, to establish procedures for determining the status of certain missing members of the Armed Forces and certain civilians, and for other purposes.

S. 2427

At the request of Mr. HEFLIN, the names of the Senator from Washington [Mr. GORTON], the Senator from North Carolina [Mr. FAIRCLOTH], and the Senator from Indiana [Mr. LUGAR] were added as cosponsors of S. 2427, a bill to require the Secretary of Agriculture to offer to enter into an agreement with the National Academy of Sciences to coordinate the development of recommendations to carry out an improved inspection program for meat and poultry products, and for other purposes.

SENATE JOINT RESOLUTION 182

At the request of Mr. JOHNSTON, the names of the Senator from Virginia [Mr. ROBB] and the Senator from New York [Mr. MOYNIHAN] were added as cosponsors of Senate Joint Resolution 182, a joint resolution to designate the year 1995 as "Jazz Centennial Year."

SENATE JOINT RESOLUTION 219

At the request of Mr. LEAHY, the names of the Senator from Minnesota [Mr. DURENBERGER], the Senator from Kentucky [Mr. MCCONNELL], and the Senator from Texas [Mrs. HUTCHISON] were added as cosponsors of Senate Joint Resolution 219, a joint resolution to commend the U.S. rice industry, and for other purposes.

SENATE CONCURRENT RESOLUTION 66

At the request of Ms. MIKULSKI, the names of the Senator from Pennsylvania [Mr. WOFFORD], the Senator from Maryland [Mr. SARBANES], the Senator from Idaho [Mr. CRAIG], the Senator from New Jersey [Mr. BRADLEY], the Senator from Florida [Mr. GRAHAM], the Senator from Ohio [Mr. GLENN], the Senator from Minnesota [Mr. WELLSTONE], the Senator from Missouri [Mr. DANFORTH], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Hawaii [Mr. AKAKA], the Senator from New Mexico [Mr. BINGAMAN], the Senator from Oklahoma [Mr. NICKLES], and the Senator from Indiana [Mr. COATS] were added as cosponsors of Senate Concurrent Resolution 66, a concurrent resolution to recognize and encourage the convening of a National Silver Haired Congress.

SENATE RESOLUTION 257

At the request of Mrs. KASSEBAUM, the names of the Senator from Kansas [Mr. DOLE], the Senator from Georgia [Mr. NUNN], and the Senator from New Mexico [Mr. BINGAMAN] were added as cosponsors of Senate Resolution 257, a resolution to express the sense of the Senate regarding the appropriate portrayal of men and women of the Armed Forces in the upcoming National Air and Space Museum's exhibit on the *Enola Gay*.

SENATE RESOLUTION 259

At the request of Mr. GRAHAM, his name was added as a cosponsor of Senate Resolution 259, a resolution commending the President and the special delegation to Haiti, and supporting the U.S. Armed Forces in Haiti.

SENATE RESOLUTION 261

At the request of Mr. MURKOWSKI, the name of the Senator from Colorado [Mr. BROWN] was added as a cosponsor of Senate Resolution 261, a resolution commending Ambassador Mou-shih Ding, representative of the Taipei Economic and Cultural Representative Office in Washington, DC.

SENATE RESOLUTION 263—TO EXPRESS THE SENSE OF THE SENATE CONDEMNING THE CRUEL AND TORTUOUS PRACTICE OF FEMALE GENITAL MUTILATION

Mr. REID submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 263

Whereas the Senate recognizes the importance of traditions and ritual rites of passage in the cultures of all nations;

Whereas such traditions and rites should not impede or violate the human rights of any person;

Whereas the practice of female genital mutilation of girls and young women under the age of 18 represents an act of cruelty and a basic violation of a person's human rights;

Whereas the aftereffects of female genital mutilation include shock, infection, psychological scarring, hemorrhaging, and death;

Whereas the practice of female genital mutilation represents a threat to the health of girls and young women who undergo the procedure; and

Whereas the government of Egypt should be commended for the recent arrest and detention of 2 men who performed circumcision on a 10-year old girl while she was bound and arranged for the filming of the tortuous procedure for the Cable News Network: Now therefore, be it

Resolved, That it is the sense of the Senate that the practice of female genital mutilation of girls and young women under the age of 18 by any nation or individual is condemned, and that the government of Egypt and that all other governments that aggressively and appropriately decry, prevent, and deter this practice through education and other means be, and they hereby are, commended by the United States Senate.

Mr. REID. Mr. President, I received a phone call last week from a long-time friend who lives in Las Vegas, NV, and we were talking about a number of different things. She has been involved politically in southern Nevada for many years. And she mentioned to me had I watched a certain program dealing with female genital mutilation, and I said no, I had not watched it.

Well, Mr. President, as a result of her pointing out this program to me—I listened to her describe what she watched on television and I became almost sick to my stomach by listening to her describe what she watched on television. Coincidentally, the next day there was an account of this in a local Washington newspaper. Then I saw, a day or two later, an article reporting the arrest of two men in Egypt who arranged for the filming of this harrowing ritual procedure of female genital mutilation which was being performed on a bound, that is, tied up, 10-year-old girl. Words, Mr. President, cannot describe the feelings that one has in reading about or watching this procedure.

As a result of reading what I did and listening to my friend Sandra Jolley, I became aware of the fact that I should know more about this. Since then, in the past week, I have read a lot and had my staff do research about this practice.

Mr. President, I want everyone within the sound of my voice to understand that what I am going to talk about here today does not deal with religion and it does not deal with sex. It deals with violation of a person's human rights. It deals with degradation of women and young girls. It deals with the most inhumane thing a person can imagine.

I have, in studying and researching this, become aware of the significance this ritual plays in the culture and social system in communities in Africa, Asia and the Middle East that practice female genital mutilation. At the same time, I cannot ignore the cruel and tortuous nature of this procedure, which is generally performed on very young girls who often are not aware of what is about to happen to them.

Mr. President, I am not making statements that I just dreamed up. Alice Walker, who became famous for writing "The Color Purple," also wrote an article for Ms. magazine entitled "A Legacy of Betrayal," which tells the story of a 4-year-old girl in Gambia who is held down by several women, her eyes taped shut while this "rite of passage," this mutilation is performed on this little baby girl. Alice Walker said,

> I thought of the woman grabbing her and of little Mary, her eyes taped shut, not even knowing what or who was grabbing her or what was sought. I finally started to weep, looking at those small feet.

Mr. President, what went on on cable news a little over a week ago involved a 10-year-old girl, who came in—it was all filmed on television—wearing a party dress. It was a festive occasion, this little girl thought. Her family was there. Other people were there. This little 10-year-old girl was held down by two men and her legs spread apart and "the cut," as they call it, took place. This little girl screamed in pain. And as my friend from Las Vegas described, it reminded her of the birth that she had given to her children, because many times after a woman gives birth she begins shaking, after the pain is over, the most intense pain. That is what happened to this little girl, as she sobbed out, "Daddy, why did you do this to me?"

Mr. President, it is estimated that over 80 million young girls have been mutilated in this ritual. Excision and infibulation are the most common practices. What is infibulation? It is practiced in many countries and entails the excision of all the female genitalia. The remaining tissue is stitched together, leaving only a small opening for urine and menstrual fluid. Female genital mutilation has no medical justification for being performed on otherwise healthy young girls and women and is usually performed with crude, unsterile instruments without anesthetic. The aftereffects of this include shock, to say the least, infection, emotional trauma, hemorrhaging, debilitating scarring, infertility and death.

Mr. President, although I believe this practice is a torturous act when performed on any woman, I am most concerned about it being performed on children and tiny young girls under the age of 18, an age at which a person cannot give consent. A child does not have the ability to consent to or even understand the significance and the consequence of this ritual and the consequence it will have on her life, on her health, or on her dignity.

An April 1992 report by the Minority Rights Group called "Female Genital Mutilation: Proposals for Change," describes the reality and effect of this procedure on children. The report states:

> The descriptions available of the reactions of children — panic and shock from extreme pain, biting through their tongues, convulsions, necessity for six adults to hold down an 8-year-old, and death—indicate a practice comparable to torture.

Mr. President, the societal pressures for this ritual are great, and I acknowledge that. But, in some of these countries even the protestations of a young girl's parents or relatives is not enough many times to stop the act. The Minority Rights Group report contains the testament of a young girl from Egypt on her experience:

> Once I learned I was going to be circumcised [as she called it], I was filled with fear and ran as fast as my legs could carry me. Soon the assistant of the operator caught up with me. However, once my aunt saw how pale and frightened I looked, she wanted to put off the operation. The operator categorically refused and retorted: "Do you want to change your mind after all this effort? Whether you have it done now or put it off to another time, the little girl will experience the same fear. Let us finish with it now." The assistant caught hold of me, stretched my legs apart and the operator sterilized the area with oven ashes and alcohol, and cut off the pieces with a razor.

Mr. President, many nations have made efforts to deter the practice of female genital mutilation with legislation against its execution, as well as creating educational programs for women, and I think that is good. Unfortunately, despite some of these initiatives, a blind eye is most often turned to the continuation of ritual female genital mutilation. One example is that of the country of Sudan. Sudan has the longest record of efforts to combat the practice of female genital mutilation and has legislated against the procedure.

Yet, according to the 1992 Minority Rights Group report, 80 percent of Sudanese women continue to be infibulated. Nevertheless, it is stated in this sense-of-the-Senate resolution, which I am going to submit today—and I hope that this Senate will send out a resounding approval of this resolution prior to our adjourning this year—that it is important that any effort by any nation, like the recent arrests by the Government of Egypt, to curb female genital mutilation be recognized and commended. In effect, what my resolution does is condemn the practice, and commend countries like Egypt for trying to do something to stop it.

The most successful endeavors to prevent this practice have been at the grassroots level by women, many of whom have undergone this excruciating operation, unnecessary operation, with support from the World Health Organization, UNICEF, and other international human rights groups. But I say respectfully to these groups and others that they have not done nearly enough.

African and Arab women have begun to speak out and we must do what we can to support their efforts because they are voices crying in the wilderness. They are working under difficult circumstances and in often hostile social environments for the preservation of a woman's health, dignity, and human rights. We must work to support and encourage their efforts to end this violent degradation of female children throughout the world and we can begin with the adoption of the sense-of-the-Senate resolution

African and Middle Eastern countries are not the only ones faced with the difficult responsibility of bringing an end to this practice. As immigrants from these countries have traveled to other nations, this practice has traveled with them. And it has traveled to the United States, Mr. President.

I am introducing today a sense-of-the-Senate resolution. I am going to introduce legislation in the immediate future with my colleague, Senator CAROL MOSELEY-BRAUN, legislation that has companion legislation in the House to make it a crime to do this in the United States. That is I think the least we can do.

The United Kingdom, Sweden, and Switzerland have all passed legislation prohibiting this practice in their countries. France and Canada maintain that this practice violates already established statutes prohibiting body mutilation and have taken action against its practice. The United States, I repeat, is also faced with the responsibility of abolishing this practice within its borders.

I will be introducing with Senator MOSELEY-BRAUN, as I have indicated, legislation next week to outlaw this practice and to establish educational programs for our Nation's immigrant communities, that they no longer will have this done to them and that there are certain rights they have.

Mr. President, I do not like to come to the Senate floor and talk about something that is as personal as this. It is difficult to talk about. But ignoring this issue because of the discomfort it causes any of us does nothing but perpetuate the silent acquiescence of its practice. The women of Africa and the Middle East and the world are standing up. But they need help against tremendous pressure and defiance to fight for the health, and dignity of their sisters, friends, mothers, and daughters. The least we can do is to support and encourage their struggle, to continue to talk about female genital mutilation, and to condemn its practice and its perpetuation.

Education will be our most important and effective tool against this practice. I intend to do my part to educate my colleagues, constituents, and friends to the horrors of this ritual practice.

Awa Thiam, a Senegalese woman, is quoted from her book, "La Parole aux Negresses," in the Minority Rights Group report:

> If one just casts an eye over the history of the condition of women—marked by struggles, it has continued to evolve. * * * it's a question not of a sprint but of a marathon. So women should prepare with this in mind, in order to succeed.

The abolition of FGM is just another mile in the marathon of international equality for women. I am prepared to continue to talk about FGM, and talk about it, and talk about it, and join women across the globe in reaching for the finish line in the race of equality.

Mr. President, there is a lot of information on this subject. There has been a lot written about it. I am surprised at how much has been written about it. My colleagues should know that it is not an issue that has been ignored. It is an issue that no one will touch because people are afraid because it may deal with the subject we do not like to talk about much, and that is sex, and another subject we do not like to talk about much, and that is religion. I repeat this has nothing to do with sex or religion. It has everything to do with human dignity and women's health. And, therefore, I send my resolution to the desk.

I yield the floor.

SENATE RESOLUTION 264—RELATIVE TO INDIAN INSTITUTIONS OF HIGHER EDUCATION

Mr. McCAIN (for himself, Mr. INOUYE, Mr. CAMPBELL, Mr. BAUCUS, Mr. BINGAMAN, Mr. DASCHLE, Mr. DECONCINI, Mr. DOMENICI, Mr. DORGAN, Mr. FEINGOLD, Mr. GORTON, Mrs. KASSEBAUM, Mr. KOHL, Mr. LEVIN, Mr. PRESSLER, Mr. RIEGLE, Mr. SIMON, and Mr. WELLSTONE) submitted the following resolution; which was referred to the Committee on Indian Affairs:

S. RES. 264

Whereas the Federal Government has a special trust relationship and a fiduciary duty to Indians;

Whereas the progressive development of policies of the Federal Government with respect to the education of Indians has provided for the establishment, control, and administration by Indian tribes of institutions of higher education and other educational institutions on or near Indian reservations;

Whereas Indian institutions of higher education were established pursuant to the Navajo Community College Act (25 U.S.C. 640a et seq.), the Tribally Controlled Community College Assistance Act of 1978 (25 U.S.C. 1801 et seq.), the Tribally Controlled Vocational Institutions Support Act of 1990 (20 U.S.C. 2397 et seq.), part A of title XIV of the Higher Education Act Amendments of 1986 (20 U.S.C. 4411 et seq.) and the Act of November 2, 1921 (popularly referred to as the "Snyder Act") (42 Stat. 208, chapter 115; 25 U.S.C. 13) to provide post-secondary educational opportunities to Indian students for whom such opportunities may not otherwise exist;

Whereas as of the date of adoption of this resolution, Indian institutions of higher education have a combined enrollment of more than 16,000 students and serve more than 300 Indian tribes nationwide;

Whereas such institutions are located in 13 States, including Arizona, California, Iowa, Kansas, Michigan, Minnesota, Montana, Nebraska, New Mexico, North Dakota, South Dakota, Washington, and Wisconsin;

Whereas Indian institutions of higher education promote tribal sovereignty and self-determination and individual academic achievement;

Whereas despite the overall improvement of educational opportunities of Indians within the 20-year period preceding the date of adoption of this resolution, Indian institutions of higher education remain severely underfunded and Indians continue to experience the lowest overall attendance rate at institutions of higher education in the United States;

Whereas the lack of Federal assistance for promoting the national Education Goals contained in the Goals 2000: Educate America Act for Indians and the lack of awareness of the successful contributions of tribal colleges to tribal communities and tribal members has frustrated the efforts of Indian institutions of higher education to secure continuing and sufficient funding, staff, and educational resources that are vital to successful academic institutions; and

Whereas on November 1, 1993, the President issued Executive Order No. 12876, establishing a Presidential Advisory Committee on Historically Black Colleges and Universities and on February 22, 1994, the President issued Executive Order No. 12900 establishing an Advisory Commission on Educational Excellence for Hispanic Americans to advance the National Education Goals contained in the Goals 2000: Educate America Act and increase opportunities for underserved African-Americans and Hispanic-Americans to participate in the benefits of Federal education programs: Now, therefore, be it

Resolved, That it is the sense of the Senate that the President should issue an Executive order to promote and expand Federal assistance for Indian institutions of higher education and foster the advancement of the National Education Goals contained in the Goals 2000: Educate America Act for Indians.

Mr. McCAIN. Mr. President, I rise to submit a resolution to express the sense of the Senate that the President should issue an Executive order to promote and expand Federal assistance for Indian institutions of higher education. I am pleased that Senators INOUYE, CAMPBELL, BAUCUS, BINGAMAN, DASCHLE, DECONCINI, DOMENICI, DORGAN, FEINGOLD, GORTON, KASSEBAUM, KOHL, LEVIN, PRESSLER, RIEGLE, SIMON, and WELLSTONE have joined me in introducing this resolution.

Mr. President, my colleagues and I believe that Federal support for Indian institutions of higher education is vital to the continuing success of tribally controlled community colleges, vocational programs, post-secondary institutions, and the individuals they serve. Unfortunately, although Indian educational institutions are experiencing an overall rise in college attendance rates, they have not experienced the benefits of Federal resources and programs to the extent of other underserved populations. It is my hope that an Executive order, similar to those issued for historically black colleges and universities and educational excellence for Hispanic-Americans, will correct this oversight.

In keeping with the Federal Government's trust responsibility and fiduciary duty to Indian tribes, an Executive order would serve to advance the Federal policy on Indian education. One of the earliest examples of this policy is the establishment in 1884 of the Haskell Indian School located in Lawrence, KS. Originally, Haskell enrolled Indian children in grades one through five and emphasized agricultural development. Today, Haskell Indian Nations University has evolved into an institution with a much broader curriculum. The proposed Executive order would also promote tribal sovereignty and recognize the accomplishments of the existing tribal colleges established pursuant to the Navajo Community College Act of 1970 and the Tribally Controlled Community College Assistance Act of 1978. Each of the cosponsors of this resolution are keenly aware of the benefits which Indian institutions of higher education provide to residents of their States. Not only do these colleges enroll Indian students in post-secondary programs, they also provide the same opportunities for non-Indian students residing in rural areas. I strongly believe that these colleges provide an excellent example of what Indian tribes are capable of accomplishing.

Mr. President, 4 years ago less than 10 percent of the reservation Indian students who went directly from high school graduation to a non-Indian 2-year or 4-year institution succeeded in obtaining a degree. Since only about 10 percent of the high school graduates attempted to go to a non-Indian institution, the overall success rate for high school graduates was actually around 1 percent. Today, tribal colleges encourage Indian students who might otherwise be deterred from pursuing a college education to continue their education. They enroll over 16,000 Indian students and provide courses comparable to State community colleges and have established a successful track record of retention, matriculation, and ongoing educational and job placement. Although student enrollment continues to grow and the area of Indian education has generally improved in the last 20 years, Indian tribes continue to experience the lowest overall college attendance rate in the United States.

Clearly, Indians experience different obstacles as compared to African-American and Hispanic-American students which should be taken into consideration by the responsible Federal agencies. Among the greatest barriers to increased resources and program availability for tribal colleges is the lack of awareness within the Federal Government of their existence. Therefore, at the very least, an Executive order would bring to the attention of all Federal departments and agencies the fact that tribal colleges do exist and to require the inclusion of tribal colleges and vocational institutions in Federal policies and programs intended for institutions of higher education.

Mr. President, a similar resolution sponsored by Congressman JOE SKEEN and approximately 20 cosponsors is being considered in the House. Clearly Members of both Houses believe that promoting higher education for Indians is a matter of great importance for Indian tribes and the entire Nation. Twila Martin-Kekahbah, the former chairperson of the Turtle Mountain Chippewa Tribe summarized it best when she testified before the Committee on Indian Affairs during a hearing to reauthorize the Tribally Controlled Community College Act of 1978, when she stated, "Each of these successful students represent an individual insurance policy against unemployment and virtually assures that one more American Indian will become an effective and contributing citizen of the American democracy."

Mr. PRESSLER. Mr. President, I would like to express my support for a sense-of-the-Senate resolution introduced today by Senator McCAIN. This resolution calls for an Executive order to aid tribal colleges. In effect, the order would require Federal departments and agencies to make an effort to include tribal colleges in programs targeted at higher education institutions. Federal aid is vitally important to tribal colleges because they are located on Federal trust territory and receive little or no State funding.

This action is long overdue. Other minority colleges and universities, including historically black and Hispanic institutions, have had similar orders for many years. This resolution would provide a great boost to the 29 tribally controlled and American Indian colleges across the country. My home State of South Dakota has five tribal colleges that would benefit including: the Cheyenne River Community College, Oglala Lakota College, Sinte Gleska College, Sisseton Wahpeton Community College, and the Standing Rock Community College.

Some very disheartening statistics were released last week by the Census Bureau. South Dakota has three of the five poorest counties in the country. Shannon County is once again ranked the poorest in the country. Todd County is fourth on the list and Buffalo County is fifth. Sadly, all three of these counties have predominantly Indian populations.

Education can be a powerful weapon in fighting poverty. Two of the counties I just mentioned, Shannon and Todd Counties, have tribal colleges. It is my hope that with these resolution, our tribal colleges could effectively ward off the unemployment and poverty that has plagued these areas. I commend our colleague from Arizona, Senator McCAIN, for his diligence on this issue. I am proud to add my name as an original cosponsor.

SENATE RESOLUTION 265—RELATING TO THE DISTRICT COUNCIL RESOLUTIONS IN HONG KONG

Mr. BROWN (for himself and Mr. DECONCINI) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 265

Whereas the United States strongly supports the development of effective, functioning democratic institutions worldwide;

Whereas the government of Hong Kong successfully conducted its first District Board elections on September 18th;

Whereas voter registration for the September 18th district council elections in Hong Kong was higher than ever before;

Whereas the number of candidates running for District Board positions is higher than in any previous election in Hong Kong's history;

Whereas Hong Kong has recently taken bold strides to increase democracy and expand the rule of law;

Whereas the rule of law is essential to the effective functioning of a market economy;

Whereas Hong Kong currently is one of the world's leading market economies;

Whereas recent electoral reforms in Hong Kong are consistent with the Joint Declaration and the Basic Law for Hong Kong;

Whereas Hong Kong is an important friend and trading partner of the United States;

Whereas the people of the United States and Hong Kong have long maintained close, friendly ties;

Whereas the stability of Hong Kong and the continuance of its special status are of great importance to the United States;

Whereas to be effective, the rule of law must be firmly based upon the consent of those it governs;

Whereas one of the most effective methods to protect against corruption is to ensure a government that is accountable to those it governs.

Therefore, it is the sense of the Senate that—

(1) Free and fair elections are an essential component of a stable, democratic government in Hong Kong that is free from corruption;

(2) The people of Hong Kong should be congratulated for the recent success of the District Board elections and for the progress of democratic reforms that support the rule of law in Hong Kong;

(3) The United States should make every effort to support the progress of democratic reforms in Hong Kong and to encourage all parties to protect these gains as the 1997 transition approaches.

SENATE RESOLUTION 266—RELATIVE TO THE COMMITMENT OF U.S. FORCES IN FUTURE CONFLICT SITUATIONS

Mr. BROWN submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 266

It is the sense of the Senate that in the commitment of U.S. forces in future conflict situations, the United States—

(a) Should not commit forces to combat unless the particular commitment or occasion is deemed vital to our national interest;

(b) Should, after determining the introduction of combat troops is an absolute necessity, commit troops wholeheartedly and with the clear intention of winning;

(c) Should have clearly defined political and military objectives and should know precisely how U.S. forces will accomplish these clearly defined objectives;

(d) Should continually reassess and readjust if necessary the relationship between U.S. objectives and the U.S. forces that have been committed, including the size, composition and disposition of those troops;

(e) Should commit no forces without the reasonable assurance that the American people and their elected representatives in Congress support the action;

(f) Should only commit U.S. forces to combat as a last resort.

SENATE RESOLUTION 267—RELATIVE TO UNITED STATES TROOPS IN HAITI

Mr. BROWN submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 267

It is the sense of the Senate that U.S. troops should be withdrawn from Haiti not later than December 31, 1994.

AMENDMENTS SUBMITTED

DISTRICT OF COLUMBIA APPROPRIATIONS ACT OF 1995

GRAMM AMENDMENT NO. 2585

Mr. GRAMM proposed an amendment to the House amendment to the Senate amendment No. 3 to the bill (H.R. 4649) and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1995, and for other purposes making appropriations for the government of the District of Columbia; as follows:

At the end of the pending amendment insert the following:

TITLE ___—AMENDMENT OF THE VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994

SEC. ___01. REDUCTION OF ADDITIONAL FUNDING FOR THE MODEL INTENSIVE GRANT PROGRAM.

Title III of the Violent Crime Control and Law Enforcement Act of 1994 is amended by striking subtitle C.

SEC. ___02. REDUCTION OF ADDITIONAL FUNDING FOR THE LOCAL PARTNERSHIP GRANT PROGRAM.

Title III of the Violent Crime Control and Law Enforcement Act of 1994 is amended by striking subtitle J.

SEC. ___03. REDUCTION OF ADDITIONAL FUNDING FOR THE LOCAL CRIME PREVENTION BLOCK GRANT PROGRAM, FAMILY AND COMMUNITY ENDEAVOR SCHOOLS PROGRAM, COMMUNITY-BASED JUSTICE GRANT PROGRAM, URBAN RECREATION PROGRAM, AT-RISK YOUTH PROGRAM, AND POLICE RECRUITMENT PROGRAM.

Title III of the Violent Crime Control and Law Enforcement Act of 1994 is amended by striking section 30402, section 30403(b)(2), and subtitles B, G, H, O, and Q.

SEC. ___04. REDUCTION OF ADDITIONAL FUNDING FOR THE NATIONAL COMMUNITY ECONOMIC PARTNERSHIP PROGRAM, COMMUNITY SCHOOLS PROGRAM, OUNCE OF PREVENTION PROGRAM, FAMILY UNITY DEMONSTRATION PROJECT, GANG RESISTANCE EDUCATION AND TRAINING PROGRAM, AND DRUG COURTS PROGRAM.

The Violent Crime Control and Law Enforcement Act of 1994 is amended—

(1) in title III by striking section 30401, section 30403(b)(1), and subtitles A, D, K, S, and X; and

(2) by striking title V.

SEC. ___05. ASSURED VIOLENT OFFENDER INCARCERATION AND PROVISION OF TRUTH IN SENTENCING INCENTIVE GRANT PROGRAM.

Subtitle A of title II of the Violent Crime Control and Law Enforcement Act of 1994 is amended to read as follows:

"Subtitle A—Violent Offender Incarceration and Truth in Sentencing Incentive Grants

"SEC. 20101. GRANTS FOR CORRECTIONAL FACILITIES.

"(a) GRANT AUTHORIZATION.—The Attorney General may make grants to individual States and to States organized as multi-State compacts to construct, develop, expand, modify, operate, or improve conventional prisons to ensure that prison cell space is available for the confinement of violent offenders and to implement truth in sentencing laws for sentencing violent offenders.

"(b) ELIGIBILITY.—To be eligible to receive a grant under this subtitle, a State or States organized as multi-State compacts shall submit an application to the Attorney General that includes—

"(1) assurances that the State or States have implemented, or will implement, correctional policies and programs, including truth in sentencing laws that ensure that violent offenders serve a substantial portion of the sentences imposed, that are designed to provide sufficiently severe punishment for violent offenders, including violent juvenile offenders, and that the prison time served is appropriately related to the determination that the inmate is a violent offender and for a period of time deemed necessary to protect the public;

"(2) assurances that the State or States have implemented policies that provide for the recognition of the rights and needs of crime victims;

"(3) assurances that funds received under this section will be used to construct, develop, expand, modify, operate, or improve conventional correctional facilities to ensure that prison cell space is available for the confinement of violent offenders;

"(4) assurances that the State or States have involved counties and other units of local government, when appropriate, in the construction, development, expansion, modification, operation or improvement of correctional facilities designed to ensure the incarceration of violent offenders, and that the State or States will share funds received under this section with counties and other units of local government, taking into account the burden placed on these units of government when they are required to confine sentenced prisoners because of overcrowding in State prison facilities;

"(5) assurances that funds received under this section will be used to supplement, not supplant, other Federal, State, and local funds;

"(6) assurances that the State or States have implemented, or will implement within 18 months after the date of the enactment of this Act, policies to determine the veteran status of inmates and to ensure that incarcerated veterans receive the veteran's benefits to which they are entitled; and

"(7) if applicable, documentation of the multi-State compact agreement that specifies the construction, development, expansion, modification, operation, or improvement of correctional facilities.

"(c) CONSIDERATION.—The Attorney General, in making such grants, shall give consideration to the special burden placed on States which incarcerate a substantial number of inmates who are in the United States illegally.

"SEC. 20102. TRUTH IN SENTENCING INCENTIVE GRANTS.

"(a) TRUTH IN SENTENCING GRANT PROGRAM.—Forty percent of the total amount of funds appropriated to carry out this subtitle for each of fiscal years 1995, 1996, 1997, 1998, 1999, and 2000 shall be made available for Truth in Sentencing Incentive Grants. To be eligible to receive such a grant, a State must meet the requirements of section 20101(b) and shall demonstrate that the State—

"(1) has in effect laws which require that persons convicted of violent crimes serve not less than 85 percent of the sentence imposed; or

"(2) since 1993—

"(A) has increased the percentage of convicted violent offenders sentenced to prison;

"(B) has increased the average prison time which will be served in prison by convicted violent offenders sentenced to prison;

"(C) has increased the percentage of sentence which will be served inprison by violent offenders sentenced to prison; and

"(D) has in effect at the time of application laws requiring that a person who is convicted of a violent crime shall serve not less than 85 percent of the sentence imposed.

"(b) ALLOCATION OF TRUTH IN SENTENCING INCENTIVE FUNDS.—The amount available to carry out this section for any fiscal year under subsection (a) shall be allocated to each eligible State in the ratio that the number of part 1 violent crimes reported by such State to the Federal Bureau of Investigation for 1993 bears to the number of part 1 violent crimes reported by all States to the Federal Bureau of Investigation for 1993.

"SEC. 20103. VIOLENT OFFENDER INCARCERATION GRANTS.

"(a) VIOLENT OFFENDER INCARCERATION GRANT PROGRAM.—Fifty percent of the total amount of funds appropriated to carry out this subtitle for each of fiscal years 1995, 1996, 1997, 1998, 1999, and 2000 shall be made available for Violent Offender Incarceration Grants. To be eligible to receive such a grant, a State or States must meet the requirements of section 20101(b).

"(b) ALLOCATION OF VIOLENT OFFENDER INCARCERATION FUNDS.—

"(1) FORMULA ALLOCATION.—Eighty-five percent of the sum of the amount available for Violent Offender Incarceration Grants for any fiscal year under subsection (a) for that fiscal year shall be allocated as follows:

"(A) 0.25 percent shall be allocated to each eligible State except that the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands each shall be allocated 0.05 percent.

"(B) The amount remaining after application of subparagraph (A) shall be allocated to each eligible State in the ratio that the number of part 1 violent crimes reported by such State to the Federal Bureau of Investigation for 1993 bears to the number of part 1 violent crimes reported by all States to the Federal Bureau of Investigation for 1993.

"(2) DISCRETIONARY ALLOCATION.—Fifteen percent of the sum of the amount available for Violent Offender Incarceration Grants for any fiscal year under subsection (a) shall be allocated at the discretion of the Attorney General to States that have demonstrated the greatest need for such grants and the ability to best utilize the funds to meet the objectives of the grant program and ensure that prison cell space is available for the confinement of violent offenders.

"SEC. 20104. MATCHING REQUIREMENT.

"The Federal share of a grant received under this subtitle may not exceed 75 percent of the costs of a proposal described in an application approved under this subtitle.

"SEC. 20105. RULES AND REGULATIONS.

"(a) The Attorney General shall issue rules and regulations regarding the uses of grant funds received under this subtitle not later than 90 days after the date of enactment of this Act.

"(b) If data regarding part 1 violent crimes in any State for 1993 is unavailable or substantially inaccurate, the Attorney General shall utilize the best available comparable data regarding the number of violent crimes for 1993 for that State for the purposes of allocation of any funds under this subtitle.

"SEC. 20106. TECHNICAL ASSISTANCE AND TRAINING.

"The Attorney General may request that the Director of the National Institute of Corrections and the Director of the Federal Bureau of Prisons provide technical assistance and training to a State or States that receive a grant under this subtitle to achieve the purposes of this subtitle.

"SEC. 20107. EVALUATION.

"The Attorney General may request the Director of the National Institute of Corrections to assist with an evaluation of programs established with funds under this subtitle.

"SEC. 20108. DEFINITIONS.

"In this subtitle—

" 'part 1 violent crimes' means murder and nonnegligent manslaughter, forcible rape, robbery, and aggravated assault as reported to the Federal Bureau of Investigation for purposes of the Uniform Crime Reports.

" 'State' or 'States' means a State, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.

"SEC. 20109. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this subtitle—

"(1) $175,000,000 for fiscal year 1995;

"(2) $750,000,000 for fiscal year 1996;

"(3) $1,000,000,000 for fiscal year 1997;

"(4) $1,900,000,000 for fiscal year 1998;

"(5) $2,000,000,000 for fiscal year 1999; and

"(6) $2,070,000,000 for fiscal year 2000.".

SEC. ___06. INCREASED MANDATORY MINIMUM SENTENCES FOR CRIMINALS USING FIREARMS.

Section 924(c)(1) of title 18, United States Code, is amended by inserting after the first sentence the following: "Except to the extent a greater minimum sentence is otherwise provided by the preceding sentence or by any other provision of this subsection or any other law, a person who, during and in relation to any crime of violence or drug trafficking crime (including a crime of violence or drug trafficking crime which provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device) for which a person may be prosecuted in a court of the United States, uses or carries a firearm, shall, in addition to the punishment provided for such crime of violence or drug trafficking crime—

"(A) be punished by imprisonment for not less than 10 years;

"(B) if the firearm is discharged, be punished by imprisonment for not less than 20 years; and

"(C) if the death of a person results, be punished by death or by imprisonment for not less than life.

Notwithstanding any other law, the court shall not place on probation or suspend the sentence of any person convicted of a violation of this subsection, nor shall the term of imprisonment imposed under this subsection run concurrently with any other term of imprisonment including that imposed for the crime of violence or drug trafficking crime in which the firearm was used or carried. No person sentenced under this subsection shall be eligible for parole during the term of imprisonment imposed herein.".

SEC. ___07. MANDATORY MINIMUM PRISON SENTENCES FOR ADULTS WHO USE MINORS IN DRUG TRAFFICKING ACTIVITIES.

(a) EMPLOYMENT OF PERSONS UNDER-18 YEARS OF AGE.—Section 420 of the Controlled Substances Act (21 U.S.C. 861) is amended—

(1) In subsection (b) by adding at the end the following: "Except to the extent a greater minimum sentence is otherwise provided, a term of imprisonment of a person 21 or more years of age convicted of drug trafficking under this subsection shall be not less than 10 years. Notwithstanding any other law, the court shall not place on probation or suspend the sentence of any person sentenced under the preceding sentence."; and

(2) in subsection (c) (penalty for second offenses) by inserting after the second sentence the following: "Except to the extent a greater minimum sentence is otherwise provided, a term of imprisonment of a person 21 or more years of age convicted of drug trafficking under this subsection shall be a mandatory term of life imprisonment. Notwithstanding any other law, the court shall not place on probation or suspend the sentence of any person sentenced under the preceding sentence.".

SEC. ___08. MANDATORY MINIMUM PRISON SENTENCES FOR ADULTS WHO SELL ILLEGAL DRUGS TO MINORS.

(a) DISTRIBUTION TO PERSONS UNDER AGE 18.—Section 418 of the Controlled Substances Act (21 U.S.C. 859) is amended—

(1) in subsection (a) (first offense) by inserting after the second sentence "Except to the extent a greater minimum sentence is otherwise provided by section 401(b), a term of imprisonment under this subsection in a case involving distribution to a person under 18 years of age by a person 21 or more years of age shall be not less than 10 years. Notwithstanding any other law, the court shall not place on probation or suspend the sentence of any person sentenced under the preceding sentence."; and

(2) in subsection (b) (second offense) by inserting after the second sentence "Except to the extent a greater sentence is otherwise authorized by section 401(b), a term of imprisonment under this subsection in a case involving distribution to a person under 18 years of age by a person 21 or more years of age shall be a mandatory term of life imprisonment. Notwithstanding any other law, the court shall not place on probation or suspend the sentence of any person sentenced under the preceding sentence.'."

SEC. ___09. DEPORTATION OF CRIMINAL ALIENS.

(a) EXPANSION OF DEFINITION OF AGGRAVATED FELONY.—

(1) EXPANSION OF DEFINITION.—Section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)) is amended to read as follows:

"(43) The term 'aggravated felony' means—

"(A) murder;

"(B) illicit trafficking in a controlled substance (as defined in section 102 of the Controlled Substances Act), including a drug trafficking crime (as defined in section 924(c) of title 18, United States Code);

"(C) illicit trafficking in firearms or destructive devices (as defined in section 921 of title 18, United States Code) or in explosive materials (as defined in section 841(c) of that title);

"(D) an offense described in section 1956 of title 18, United States Code (relating to laundering of monetary instruments) or section 1957 of that title (relating to engaging in monetary transactions in property derived from specific unlawful activity) if the amount of the funds exceeded $100,000;

"(E) an offense described in—

"(i) section 842 (h) or (i) of title 18, United States Code, or section 844 (d), (e), (f), (g), (h), or

(i) of that title (relating to explosive materials offenses);

"(ii) section 922(g) (1), (2), (3), (4), or (5), (j), (n), (o), (p), or (r) or 924 (b) or (h) of title 18, United States Code (relating to firearms offenses); or “(iii) section 5861 of the Internal Revenue Code of 1986 (relating to firearms offenses);

“(F) a crime of violence (as defined in section 16 of title 18, United States Code, but not including a purely political offense) for which the term of imprisonment imposed (regardless of any suspension of imprisonment) is at least 5 years;

“(G) a theft offense (including receipt of stolen property) or budgetary offense for which the term of imprisonment imposed (regardless of any suspension of such imprisonment) is at least 33 months;

“(H) an offense described in section 875, 876, 877, or 1202 of title 18, United States Code (relating to the demand for or receipt of ransom);

“(I) an offense described in section 2251, 2251A, or 2252 of title 18, United States Code (relating to child pornography);

“(J) an offense described in section 1962 of title 18, United States Code (relating to racketeer influenced corrupt organizations) for which a sentence of 5 years' imprisonment or more may be imposed;

“(K) an offense that—

“(i) relates to the owning, controlling, managing, or supervising of a prostitution business; or

“(ii) is described in section 1581, 1582, 1583, 1584, 1585, or 1588, of title 18, United States Code (relating to peonage, slavery, and involuntary servitude);

“(L) an offense relating to perjury or subornation of perjury if the offense involved causing or threatening to cause physical injury to a person or damage to property;

“(M) an offense described in—

“(i) section 793 (relating to gathering or transmitting national defense information), 798 (relating to disclosure of classified information), 2153 (relating to sabotage) or 2381 or 2382 (relating to treason) of title 18, United States Code; or

“(ii) section 601 of the National Security Act of 1947 (50 U.S.C. 421) (relating to protecting the identity of undercover intelligence agents);

“(N) an offense that—

“(i) involves fraud or deceit in which the loss to the victim or victims exceeds $200,000; or

“(ii) is described in section 7201 of the Internal Revenue Code of 1986 (relating to tax evasion) in which the revenue loss to the Government exceeds $200,000;

“(O) an offense described in section 274(a)(1) of title 18, United States Code (relating to alien smuggling) for the purpose of commercial advantage;

“(P) an offense described in section 1546(a) of title 18, United States Code (relating to document fraud) which constitutes trafficking in the documents described in such section;

“(Q) an offense relating to a failure to appear by a defendant for service of sentence if the underlying offense is punishable by imprisonment for a term of 15 years or more; and

“(R) an attempt or conspiracy to commit an offense described in this paragraph.

The term applies to an offense described in this paragraph whether in violation of Federal or State law and applies to such an offense in violation of the law of a foreign country for which the term of imprisonment was completed within the previous 15 years.”.

(2) Effective date.—The amendment made by this section shall apply to convictions entered on or after the date of enactment of this Act.

(b) Deportation Procedures for Certain Criminal Aliens Who Are Not Permanent Residents.—

(1) Elimination of administrative hearing for certain criminal aliens.—Section 242A of the Immigration and Nationality Act (8 U.S.C. 1252a) is amended by adding at the end the following new subsection:

“(f) Deportation of Aliens Who Are Not Permanent Residents.—

“(1) Notwithstanding section 242, and subject to paragraph (5), the Attorney General may issue a final order of deportation against any alien described in paragraph (2) whom the Attorney General determines to be deportable under section 241(a)(2)(A)(iii) (relating to conviction of an aggravated felony).

“(2) An alien is described in this paragraph if the alien—

“(A) was not lawfully admitted for permanent residence at the time that proceedings under this section commenced, or

“(B) had permanent resident status on a conditional basis (as described in section 216 or 216A) at the time that proceedings under this section commenced.

“(3) No alien described in this section shall be eligible for any relief from deportation that the Attorney General may grant in the Attorney General's discretion.

“(4) The Attorney General may not execute any order described in paragraph (1) until 14 calendar days have passed from the date that such order was issued, unless waived by the alien, in order that the alien has an opportunity to apply for judicial review under section 106.

“(5) Pending a determination of deportability under this section, the Attorney General shall not release the alien. An order of deportation entered pursuant to this section shall be executed by the Attorney General in accordance with section 243. Proceedings before the Attorney General under this section shall be in accordance with such regulations as the Attorney General shall prescribe and shall include requirements that provide that—

“(A) the alien is given reasonable notice of the charges;

“(B) the alien has an opportunity to have assistance of counsel at no expense to the government and in a manner that does not unduly delay the proceedings;

“(C) the alien has a reasonable opportunity to inspect the evidence and rebut the charges;

“(D) the determination of deportability is supported by reasonable, substantial, and probative evidence; and

“(E) the final order of deportation is not adjudicated by the same person who issued such order.”.

(2) Limited judicial review.—Section 106 of the Immigration and Nationality Act (8 U.S.C. 1105a) is amended—

(A) in the first sentence of subsection (a), by inserting “or pursuant to section 242A” after “under section 242(b)”;

(B) in subsection (a)(1) and subsection (a)(3), by inserting “(including an alien described in section 242A)” after “aggravated felony”; and

(C) by adding at the end the following new subsection:

“(d) Notwithstanding subsection (c), a petition for review or for habeas corpus on behalf of an alien described in section 242A(c) may only challenge whether the alien is in fact an alien described in such section, and no court shall have jurisdiction to review any other issue.”.

(3) Technical amendments.—Section 242A of the Immigration and Nationality Act (8 U.S.C. 1252a) is amended—

(A) in subsection (a)—

(i) by striking “(a) In General.—” and inserting the following:

“(b) Deportation of Permanent Resident Aliens.—

“(1) In general.—”; and

(B) by inserting in the first sentence “permanent resident” after “correctional facilities for”;

(B) in subsection (b)—

(i) by striking “(b) Implementation.—” and inserting “(2) Implementation.—”; and

(ii) by striking “respect to an” and inserting “respect to a permanent resident”;

(C) by striking subsection (c);

(D) in subsection (d)—

(i) by striking “(d) Expedited Proceedings.—(1)” and inserting “(3) Expedited proceedings.—(A)”;

(ii) by inserting “permanent resident” after “in the case of any”; and

(iii) by striking “(2)” and inserting “(B)”;

(E) in subsection (e)—

(i) by striking “(e) Review.—(1)” and inserting “(4) Review.—(A)”;

(ii) by striking the second sentence; and

(iii) by striking “(2)” and inserting “(B)”;

(F) by redesignating subsection (f), as added by paragraph (1) of this subsection, as subsection (c);

(G) by inserting after the section heading the following new subsection:

“(a) Presumption of Deportability.—An alien convicted of an aggravated felony shall be deportable from the United States.”; and

(H) by amending the section heading to read as follows:

“EXPEDITED DEPORTATION OF ALIENS CONVICTED OF COMMITTING AGGRAVATED FELONIES”.

(4) Effective date.—The amendments made by this subsection shall apply to all aliens against whom deportation proceedings are initiated after the date of enactment of this Act.

(c) Judicial Deportation.—

(1) Judicial deportation.—Section 242A of the Immigration and Nationality Act (8 U.S.C. 1252a) is amended by adding at the end the following new subsection:

“(d) Judicial Deportation.—

“(1) Authority.—Notwithstanding any other provision of this Act, a United States district court shall have jurisdiction to enter a judicial order of deportation at the time of sentencing against an alien whose criminal conviction causes such alien to be deportable under section 241(a)(2)(A)(iii) (relating to conviction of an aggravated felony), if such an order has been requested prior to sentencing by the United States Attorney with the concurrence of the Commissioner.

“(2) Procedure.—

“(A) The United States Attorney shall provide notice of intent to request judicial deportation promptly after the entry in the record of an adjudication of guilt or guilty plea. Such notice shall be provided to the court, to the Service, to the alien, and to the alien's counsel of record.

“(B) Notwithstanding section 242B, the United States Attorney, with the concurrence of the Commissioner, shall file at least 20 days prior to the date set for sentencing a charge containing factual allegations regarding the alienage of the defendant and satisfaction by the defendant of the definition of aggravated felony.

“(C) If the court determines that the defendant has presented substantial evidence to establish prima facie eligibility for relief from deportation under section 212(c), the Commissioner shall provide the court with a recommendation and report regarding the alien's eligibility for relief under such section. The court shall either grant or deny the relief sought.

"(D)(i) The alien shall have a reasonable opportunity to examine the evidence against him or her, to present evidence on his or her own behalf, and to cross-examine witnesses presented by the Government.

"(ii) The court, for the purposes of determining whether to enter an order described in paragraph (1), shall only consider evidence that would be admissible in proceedings conducted pursuant to section 242(b).

"(iii) Nothing in this subsection shall limit the information a court of the United States may receive or consider for the purposes of imposing an appropriate sentence.

"(iv) The court may order the alien deported if the Attorney General demonstrates by clear and convincing evidence that the alien is deportable under this Act.

"(3) NOTICE, APPEAL, AND EXECUTION OF JUDICIAL ORDER OF DEPORTATION.—

"(A)(i) A judicial order of deportation or denial of such order may be appealed by either party to the court of appeals for the circuit in which the district court is located.

"(ii) Except as provided in clause (iii), such appeal shall be considered consistent with the requirements described in section 106.

"(iii) Upon execution by the defendant of a valid waiver of the right to appeal the conviction on which the order of deportation is based, the expiration of the period described in section 106(a)(1), or the final dismissal of an appeal from such conviction, the order of deportation shall become final and shall be executed at the end of the prison term in accordance with the terms of the order. If the conviction is reversed on direct appeal, the order entered pursuant to this section shall be void.

"(B) As soon as is practicable after entry of a judicial order of deportation, the Commissioner shall provide the defendant with written notice of the order or deportation, which shall designate the defendant's country of choice for deportation and any alternate country pursuant to section 243(a).

"(4) DENIAL OF JUDICIAL ORDER.—Denial of a request for a judicial order of deportation shall not preclude the Attorney General from initiating deportation proceedings pursuant to section 242 upon the same ground of deportability or upon any other ground of deportability provided under section 241(a).".

(2) TECHNICAL AMENDMENT.—The ninth sentence of section 242(b) of the Immigration and Nationality Act (8 U.S.C. 1252(b)) is amended by striking "The" and inserting "Except as provided in section 242A(d), the".

(3) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to alter the privilege of being represented at no expense to the Government set forth in section 292 of the Immigration and Nationality Act.

(4) EFFECTIVE DATE.—The amendments made by this section shall apply to all aliens whose adjudication of guilt or guilty plea is entered in the record after the date of enactment of this Act.

(d) RESTRICTING DEFENSES TO DEPORTATION FOR CERTAIN CRIMINAL ALIENS.—

(1) DEFENSES BASED ON SEVEN YEARS OF PERMANENT RESIDENCE.—The last sentence of section 212(c) of the Immigration and Nationality Act (8 U.S.C. 1182(c)) is amended by striking "has served for such felony or felonies" and all that follows through the period and inserting "has been sentenced for such felony or felonies to a term of imprisonment of at least 5 years, if the time for appealing such conviction or sentence has expired and the sentence has become final. For purposes of this section, the term 'sentence' does not include a sentence the execution of which was suspended in its entirety.".

(2) DEFENSES BASED ON WITHHOLDING OF DEPORTATION.—Section 243(h)(2) of the Immigration and Nationality Act (8 U.S.C. 1253(h)(2)) is amended—

(A) by striking the final sentence and inserting the following new subparagraph:

"(E) the alien has been convicted of an aggravated felony."; and

(B) by striking "or" at the end of subparagraph (C) and inserting "or" at the end of subparagraph (D).

(e) ENHANCING PENALTIES FOR FAILING TO DEPART, OR REENTERING, AFTER FINAL ORDER OF DEPORTATION.—

(1) FAILURE TO DEPART.—Section 242(e) of the Immigration and Nationality Act (8 U.S.C. 1252(e)) is amended—

(A) by striking "paragraph (2), (3), or 4 of" the first time it appears; and

(B) by striking "shall be imprisoned not more than ten years" and inserting "shall be imprisoned not more than four years, or shall be imprisoned not more than ten years if the alien is a member of any of the classes described in paragraph (1)(E), (2), (3), or (4) of section 241(a).".

(2) REENTRY.—Section 276(b) of the Immigration and Nationality Act (8 U.S.C. 1326(b)) is amended—

(A) in paragraph (1)—

(i) by inserting after "commission of" the following: "three or more misdemeanors involving drugs, crimes against the person, or both, or"; and

(ii) by striking "5" and inserting "10";

(B) in paragraph (2), by striking "15" and inserting "20"; and

(C) by adding at the end the following sentence:

"For the purposes of this subsection, the term 'deportation' includes any agreement in which an alien stipulates to deportation during a criminal trial under either Federal or State law.".

(3) COLLATERAL ATTACKS ON UNDERLYING DEPORTATION ORDER.—Section 276 of the Immigration and Nationality Act (8 U.S.C. 1326) is amended by adding after subsection (b) the following new subsection:

"(c) In a criminal proceeding under this section, an alien may not challenge the validity of the deportation order described in subsection (a)(1) or subsection (b) unless the alien demonstrates that—

"(1) the alien exhausted any administrative remedies that may have been available to seek relief against the order;

"(2) the deportation proceedings at which the order was issued improperly deprived the alien of the opportunity for judicial review; and

"(3) the entry of the order was fundamentally unfair.".

(f) CRIMINAL ALIEN TRACKING CENTER.—

(1) OPERATION.—The Attorney General shall, under the authority of section 242(a)(3)(A) of the Immigration and Nationality Act (8 U.S.C. 1252(a)(3)(A)), operate a criminal alien tracking center.

(2) PURPOSE.—The criminal alien tracking center shall be used to assist Federal, State, and local law enforcement agencies in identifying and locating aliens who may be subject to deportation by reason of their conviction of aggravated felonies.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $2,000,000 for fiscal year 1995 and $6,000,000 for each of fiscal years 1996, 1997, 1998, and 1999.

(g) MISCELLANEOUS AND TECHNICAL CHANGES.—

(1) FORM OF DEPORTATION HEARINGS.—The second sentence of section 242(b) of the Immigration and Nationality Act (8 U.S.C. 1252(b)) is amended by inserting before the period the following: "; except that nothing in this subsection shall preclude the Attorney General from authorizing proceedings by electronic or telephonic media, in the discretion of the special inquiry officer, or, where waived or agreed to by the parties, in the absence of the alien.".

(2) CONSTRUCTION OF EXPEDITED DEPORTATION REQUIREMENTS.—No amendment made by this Act and nothing in section 242(i) of the Immigration and Nationality Act (8 U.S.C. 1252(i)) shall be construed to create any substantive or procedural right or benefit that is legally enforceable by any party against the United States or its agencies or officers or any other person.

(3) AMENDMENT OF THE VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994.—Sections 130001, 130002, and 130004 of the Violent Crime Control and Law Enforcement Act of 1994 and the amendments made by those sections are repealed effective as of the date of enactment of this Act.

SEC. ___10. FLEXIBILITY IN APPLICATION OF MANDATORY MINIMUM SENTENCE PROVISIONS IN CERTAIN CIRCUMSTANCES.

(a) AMENDMENT OF TITLE 18, UNITED STATES CODE.—Section 3553 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(f) MANDATORY MINIMUM SENTENCE PROVISIONS.—

"(1) SENTENCING UNDER THIS SECTION.—In the case of an offense described in paragraph (2), the court shall, notwithstanding the requirement of a mandatory minimum sentence in that section, impose a sentence in accordance with this section and the sentencing guidelines and any pertinent policy statement issued by the United States Sentencing Commission.

"(2) OFFENSES.—An offense is described in this paragraph if—

"(A) the defendant is subject to a mandatory minimum term of imprisonment under section 401 or 402 of the Controlled Substances Act (21 U.S.C. 841 and 844) or section 1010 of the Controlled Substances Import and Export Act (21 U.S.C. 960);

"(B) the defendant does not have—

"(i) any criminal history points under the sentencing guidelines; or

"(ii) any prior conviction, foreign or domestic, for a crime of violence against the person or drug trafficking offense that resulted in a sentence of imprisonment (or an adjudication as a juvenile delinquent for an act that, if committed by an adult, would constitute a crime of violence against the person or drug trafficking offense;

"(C) the offense did not result in death or serious bodily injury (as defined in section 1365) to any person—

"(i) as a result of the act of any person during the course of the offense; or

"(ii) as a result of the use by any person of a controlled substance that was involved in the offense;

"(D) the defendant did not carry or otherwise have possession of a firearm (as defined in section 921) or other dangerous weapon during the course of the offense and did not direct another person who possessed a firearm to do so and the defendant had no knowledge of any other conspirator involved possessing a firearm;

"(E) the defendant was not an organizer, leader, manager, or supervisor of others (as defined or determined under the sentencing guidelines) in the offense;

"(F) the defendant was nonviolent in that the defendant did not use, attempt to use, or make a credible threat to use physical force against the person of another during the course of the offense;

"(G) the defendant did not own the drugs, finance any part of the offense or sell the drugs; and

"(H) the Government certifies that the defendant has timely and truthfully provided to the Government all information and evidence the defendant has concerning the offense or offenses that were part of the same course of conduct or of a common scheme or plan.".

(b) HARMONIZATION.—

(1) IN GENERAL.—The United States Sentencing Commission—

(A) may make such amendments as it deems necessary and appropriate to harmonize the sentencing guidelines and policy statements with section 3553(f) of title 18, United States Code, as added by subsection (a), and promulgate policy statements to assist the courts in interpreting that provision; and

(B) shall amend the sentencing guidelines, if necessary, to assign to an offense under section 401 or 402 of the Controlled Substances Act (21 U.S.C. 841 and 844) or section 1010 of the Controlled Substances Import and Export Act (21 U.S.C. 960) to which a mandatory minimum term of imprisonment applies a guideline level that will result in the imposition of a term of imprisonment at least equal to the mandatory term of imprisonment that is currently applicable unless a downward adjustment is authorized under section 3553(f) of title 18, United States Code, as added by subsection (a).

(2) EMERGENCY AMENDMENTS.—If the Commission determines that an expedited procedure is necessary in order for amendments made pursuant to paragraph (1) to become effective on the effective date specified in subsection (c), the Commission may promulgate such amendments as emergency amendments under the procedures set forth in section 21(a) of the Sentencing Act of 1987 (Public Law 100-182; 101 Stat. 1271), as though the authority under that section had not expired.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) and any amendments to the sentencing guidelines made by the United States Sentencing Commission pursuant to subsection (b) shall apply with respect to sentences imposed for offenses committed on or after the date that is 60 days after the date of enactment of this Act. Notwithstanding any other provision of law, any defendant who has been sentenced pursuant to section 3553(f) who is subsequently convicted of a violation of the Controlled Substances Act or any crime of violence for which imposition of a mandatory minimum term of imprisonment is required, he or she shall be sentenced to an additional 5 years' imprisonment.

(d) REPEAL OF TITLE VIII OF VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994.—Title VIII of Violent Crime Control and Law Enforcement Act of 1994 and the amendment made by that title are repealed effective as of the effective date specified in subsection (c).

TECHNICAL CORRECTIONS CONCURRENT RESOLUTION

NUNN AMENDMENT NO. 2586

Mr. CONRAD (for Mr. NUNN) proposed an amendment to the concurrent resolution (H. Con. Res. 285) directing the Secretary of the Senate to make technical corrections in the enrollment of S. 2182; as follows:

At the end of the concurrent resolution, add the following new paragraphs:

(3) In section 132(a)(1)(C), strike out "(described in subsection (i))" and insert in lieu thereof "(described in subsection (h))".

(4) In section 924, strike out "Court of Military Criminal Appeals" each place it appears and insert in lieu thereof "Court of Criminal Appeals".

(5) In section 1661(b)(4)—

(A) strike out "by adding at the end" in subparagraph (A) and insert in lieu thereof "by inserting after section 3020"; and

(B) strike out "by adding at the end" in subparagraph (B) and insert in lieu thereof "by inserting after section 8020".

(6) In section 2832, strike out "Authority" each place it appears (other than in the caption of subsection (b)) and insert in lieu thereof "Agency".

NOTICE OF HEARING

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LEAHY. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will hold a hearing on Thursday, September 29, 1994, at 10:30 a.m. in SR–332, to consider the nomination of Marsha P. Martin, of Texas, to be a member of the Farm Credit Administration. Senator KENT CONRAD will preside.

For further information, please contact Christine Sarcone of the committee staff at 224–2035.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Wednesday, September 21, 1994, at 2 p.m. in executive session to consider certain pending military nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, September 21, beginning at 10 a.m. to conduct a hearing on U.S. competitiveness and trade policy.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on September 21, 1994, at 9:30 a.m. on the nomination of Thomas R. Carper [DE] and Celeste Pinto McClain [CA] to be members of the board of directors of the National Railroad Passenger Corporation [AMTRAK].

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 9:30 a.m., September 21, 1994, to consider pending calendar business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Wednesday, September 21, 1994 at 10 a.m. to hold nomination hearings on the following ambassadorial appointments:

Mr. Marc Grossman, of Virginia, to be Ambassador to the Republic of turkey.

Mr. Alfred H. Moses, of Virginia, to be Ambassador to Romania.

Mr. Charles E. Redman, of Florida, to be Ambassador to the Federal Republic of Germany.

Mr. Kenneth Spencer Yalowitz, of Virginia, to be Ambassador to the Republic of Belarus.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, September 21, 1994, at 10 a.m., in room 628 Senate Dirksen Office Building to consider the nominations of David S. Tatel to be Maryland U.S. circuit judge for the District of Columbia Circuit, Robert J. Cindrich to be U.S. district judge for the Western District of Pennsylvania, David H. Coar to be U.S. district judge for the Northern District of Illinois, David F. Hamilton to be U.S. district judge for the Southern District of Indiana, Catherine D. Perry to be U.S. district judge for the Eastern District of Missouri and Paul E. Riley to be U.S. district judge for the Southern District of Illinois.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EUROPEAN AFFAIRS

Mr. CONRAD. Mr. President, I ask unanimous consent that the Subcommittee on European Affairs of the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Wednesday, September 21, 1994, at 2 p.m. to hold a hearing on new nationalisms in Europe.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL ECONOMIC POLICY, TRADE, OCEANS AND ENVIRONMENT

Mr. CONRAD. Mr. President, I ask unanimous consent that the Subcommittee on International Economic Policy Trade, Oceans and Environment of the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Wednesday, September 21, 1994, at 10 a.m. to hold a hearing on Iraq claims legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON LABOR

Mr. CONRAD. Mr. President, I ask unanimous consent that the Subcommittee on Labor be authorized to meet for a hearing on child labor and the new global marketplace, during the session of the Senate on September 21, 1994, at 9:30 am.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

SEVENTH COMMANDMENT: THE SOCIAL TEACHINGS OF THE CHURCH ARE MOST COMPLETELY EXPRESSED

• Mr. SIMON. Mr. President, I happen to be affiliated with the Lutheran Church, and my wife happens to be Roman Catholic. Recently, we spent a weekend in New York City and, while there, attended St. Patrick's Cathedral, the great Roman Catholic edifice, and attended services at St. Peter's Lutheran Church.

While at St. Patrick's Cathedral, I picked up a statement issued by Cardinal O'Connor on the Seventh Commandment, in connection with the publication of the New Catechism by the Roman Catholic Church.

It contains insights for people of every faith and persuasion.

For example, he says:

> The Seventh Commandment is a negative sounding commandment, "You shall not steal," but it is actually talking about how we treat one another, how we respect one another, how we respect one another's time, property, efforts, and labor.

At another point, he quotes the New Catechism saying:

> Stealing is not simply the pick-pocket in the subway, or a robbery at Tiffany's. Stealing is an exercise of injustice toward anyone else's rights, depriving anyone of that which is his or her due.

And he has a great quotation from "Spartacus": "The law often allows what honor forbids."

At another point in his essay, Cardinal O'Connor states:

> We have to keep looking at various of our practices. Corporate takeovers, for example, may be carried out with civil justice but not moral justice. Very often today people don't know *who* it is that they work for, who actually owns the company and so this personal touch is lost and makes lawful negotiations very difficult. We have seen that happen right here in this city when out-of-town companies own what seems to be a local corporation. Then when it comes time for workers to bargain they are bargaining with faceless out-of-towners in the person of their representatives here.
>
> Is it possible that in some corporate takeovers pension funds are plundered and people who have worked for a lifetime find themselves without jobs and without pensions? This is stealing. This is a gross violation of the Seventh Commandment.

I ask that the entire essay of Cardinal O'Connor be placed into the RECORD at this point.

The essay follows:

[From the Catholic New York, Sept. 15, 1994]

SEVENTH COMMANDMENT—THE SOCIAL TEACHINGS OF THE CHURCH ARE MOST COMPLETELY EXPRESSED

This is the official text of Cardinal O'Connor's 33rd homily on the new Catechism of the Catholic Church which was delivered in St. Patrick's Cathedral Sept. 11.

Today we continue our study of the new Catechism of the Catholic Church. Our session today will focus on the Seventh Commandment which most completely expresses the social teaching of the Church particularly in areas of special concern to labor. And because today we honor labor it is most appropriate.

First, however, I want to go back to today's second reading. It is taken from the letter of St. James, written around the year 45 A.D. To me it synthesizes everything that could be said, everything that should be said, about what our relations with one another should be, and in a very special way what relations between employers and employees, labor and management should be.

St. James asks the question, "What good is it to profess faith without practicing it?" Our Lord Himself said, "Lots of people cry out to me, 'Lord, Lord,' but their hearts are far from me." St. James asks:

"What good is it to profess faith without practicing it? Such faith has no power to save one, has it? If a brother or sister has nothing to wear and no food for the day, and you say to them, 'Goodbye and good luck! Keep warm and well fed,' but do not meet their bodily needs, what good is that? So it is with the faith that does nothing in practice. It is thoroughly lifeless." [Jas. 2:14–16]

This spells out what we call the social gospel, the gospel of justice and of charity, the gospel of carrying what we purport to believe into action.

I watch a lot of parades. During those parades I get many hats and many T-shirts. Frequently, the hats and the T-shirts will have some poignant message on them, something very clear and meaningful. This is especially true during the Labor Day Parade. If I were going to create a T-shirt for this purpose I would select these words from St. James and put them right up and down the T-shirt: "If a brother or sister has nothing to wear and no food for the day, and you say to them, 'Goodbye and good luck! Keep warm and well fed,' but do not meet their bodily needs, what good is that?" What good is that? This is not simply a Christian teaching, a teaching merely from the Gospels. This is deeply rooted in the Old Testament, what we call the Jewish Scriptures, and it is spelled out quite explicitly in the Ten Commandments from beginning to end.

The Seventh Commandment is a negative sounding commandment, "You shall not steal," but it is actually talking about how we treat one another, how we respect one another, how we respect one another's time, property, efforts, and labor. The Catechism says:

"The seventh commandment forbids unjustly taking or keeping the goods of one's neighbor and wronging him in any way with respect to his goods. It commands justice and charity in the care of earthly goods and the fruits of men's labor. For the sake of the common good, it requires respect for the universal destination of goods and respect for the right to private property. Christian life strives to order this world's goods to God and to fraternal charity."[2401]

The Church has been teaching this kind of thing all through its history, but it has come into full blossom since 1891 and the encyclical of Pope Leo XIII called *Rerum Novarum* or "Of New Things." We will see in a few moments why it has that title.

The Catechism goes on:

"* * * The goods of creation are destined for the whole human race. However, the earth is divided up among men to assure the security of their lives, endangered by poverty and threatened by violence. The appropriation of property is legitimate for guaranteeing the freedom and dignity of persons, and for helping each of them to meet his basic needs and the needs of those in his charge. It should allow for a natural solidarity to develop between men."[2402]

It can hardly be argued that one of the triggering factors in the breakdown of the Soviet Union was what the Polish unions called "solidarity."

The Catechism continues:

"In his use of things man should regard the external goods he legitimately owns not merely as exclusive to himself but common to others also, in the sense that they can benefit others as well as himself * * *. [2404]

As St. James said, it is no good to say goodbye and good luck, keep warm and well fed but not meet peoples' bodily needs. That is a lifeless faith.

The Catechism says:

"Even if it does not contradict the provisions of civil law, any form of unjustly taking and keeping the property of others is against the seventh commandment: thus, business fraud; paying unjust wages; forcing up prices by taking advantage of the ignorance or hardship of another * * *". [2409]

Civil law may allow a number of these things, but the moral law does not. We are still suffering, all of us, because of the manipulations of savings and loans, a major scandal for which the country, that means all working people, are still paying.

The Catechism continues:

"* * * The following are also morally illicit: speculation in which one contrives to manipulate the price of goods artificially, in order to gain an advantage to the detriment of others; corruption in which one influences the judgment of those who must make decisions according to law; appropriation and use for private purposes of the common goods of an enterprise; work poorly done; [Work poorly done means taking money for what hasn't been done. Stealing is not simply the pickpocket in the subway, or a robbery at Tiffany's. Stealing is an exercise of injustice toward anyone else's rights, depriving anyone of that which is his or her due.]; tax evasion; forgery of checks and invoices; excessive expenses and waste. Willfully damaging private or public property is contrary to the moral law and requires reparation. [Sometimes, unfortunately this is done during strikes. It is always self-defeating as well as immoral.] [2409]

Promises must be kept and *contracts* strictly observed to the extent that the commitments made in them are orally just. [It used to be good enough just to shake hands. Now contracts are very, very complex but to the degree that they are morally just they must be kept] * * *" [2410]

In the plays of Shakespeare you find that beyond the law is honor, a plain, old-fashioned virtue, Or as we read in "Spartacus," "The law often allows what honor forbids."

The Catechism continues:

"In virtue of commutative justice, *reparation for injustice* committed requires the restitution of stolen goods to their owner." [2412]

It is not enough to be sorry for having stolen, to be sorry for depriving someone of his or her rights. There must be restitution.

The Catechism continues:

"The seventh commandment forbids acts or enterprises that for any reason—selfish or ideological, commercial or totalitarian—lead to the enslavement of human beings, to their being bought, sold and exchanged like merchandise, in disregard for their personal dignity * * *" [2412]

These are not dead, abstract words in the Catechism. We have to keep looking at various of our practices. Corporate takeovers, for example, may be carried out with civil justice but not moral justice. Very often today people don't know *who* it is that they work for, who actually owns the company and so this personal touch is lost and makes lawful negotiations very difficult. We have seen that happen right here in this city when out-of-town companies own what seems to be a local corporation. Then when it comes time for workers to bargain they are bargaining with faceless out-of-towners in the person of their representatives here.

Is it possible that in some corporate takeovers pension funds are plundered and people who have worked for a lifetime find themselves without jobs and without pensions? This is stealing. This is a gross violation of the Seventh Commandment.

The Catechism talks explicitly about the social doctrine of the Church. It says:

"* * * The Church receives from the Gospel the full revelation of the truth about man * * * She teaches him the demands of justice and peace in conformity with divine wisdom." [2419]

Pope John Paul II is *constantly* preaching about the dignity of the human person, of all human persons, with emphasis on the working person. He gets discredited by so many, he gets blamed for so much, but so many ignore what he fearlessly says about our obligations toward one another.

The Catechism continues:

"The Church makes a moral judgment about economic and social matters, 'when the fundamental rights of the person or the salvation of souls requires it.' * * * [2420]

"The social doctrine of the Church developed in the nineteenth century when the Gospel encountered modern industrial society with its new structures for the production of consumer goods, its new concept of society, the state and authority, and its new forms of labor and ownership. The development of the doctrine of the Church on economic and social matters attests the permanent value of the Church's teaching at the same time as it attests the true meaning of her Tradition, always living and active." [2421]

At the risk of being tedious and sounding abstract let me spend a moment on this. This passage is talking about the period in the Church immediately following Karl Marx who lived from 1818 to 1883. Pope Leo XIII came out with his encyclical "Of New Things" in 1891 precisely because there had been a revolution in society. Everything had been turned topsy-turvy. The industrial revolution had taken place and all sorts of new attitudes had developed.

Karl Marx taught the principle of so-called economic determinism which argued that the economy determined everything. By "the economy" Karl Marx meant money. Money was the determinant of everything. Free will meant nothing. The place of God meant nothing. The dignity of the human person meant nothing. It sounded as though it was for the purpose of helping the human person but it was exactly the opposite. Marx borrowed from the philosopher-historian Hegel who believed that class struggle, class conflict is absolutely inevitable. It's in the very nature of things that the "have-nots" will always turn against the "haves." Then there will be a period of equilibrium. Then it starts all over again as though there were no free will, as though we couldn't bargain intelligently, in dignified civil human fashion with one another, respecting one another as made in the image and likeness of God. This is what Karl Marx was saying. It was part of his teaching, that only by bloody revolution could equity and justice be brought about.

It was against this that Pope Leo XIII was speaking in "Of New Things." This is why he fostered and encouraged the development of unions, of working peoples' associations, of voluntarily coming together, of recognizing that we are social human beings, that we naturally should unite out of justice, out of charity, out of self-protection. We should do this voluntarily, not by force and not letting any superior force—state, management, whoever it might be—prevent us from negotiating in good faith as human beings.

The Catechism continues:

"Any system in which social relationships are determined entirely by economic factors is contrary to the nature of the human person and his acts." [2423]

What we have to ask today in our own country is, even though communism has generally been dissipated, do we have a mirror image of it, or of economic determinism? Is it still money that matters most?

The Catechism says:

"A theory that makes profit the exclusive norm and ultimate end of economic activity is morally unacceptable * * * It is one of the causes of the many conflicts which disturb the social order." [2424]

The profit motive is a legitimate motive. But do we exist only for profit, only for money? Does that determine everything? Are people good or bad in accordance with whether or not they have money, or don't have money? Are industrialists good or bad in accordance with how much profit they make or don't make? Is a union leader good or bad in proportion to how much more money he or she can get for workers regardless of how, regardless of whether it is just? That's the mirror image of economic determinism. It is just as bad if it is practiced in capitalism as if it is practiced in communism.

The Catechism continues:

"A system that 'subordinates the basic rights of individuals and of groups to the collective organization of production' is contrary to human dignity * * * [2424]

"The Church has rejected the totalitarian and atheistic ideologies associated in modern times with 'communism' or 'socialism.' She has likewise refused to accept, in the practice of 'capitalism,' individualism and the absolute primacy of the law of the marketplace over human labor * * *" [2425]

We can not permit abstract laws, so-called historical laws to rob us of free will.

The Catechism goes on to say:

"* * * Economic life is not meant solely to multiply goods, produce and increase profit or power; it is ordered first of all to the service persons, of the whole man, and of the entire human community * * *"[2426]

The Catechism talks about human work in very exalted terms.

"*Human work* proceeds directly from persons created in the image of God and called to prolong the work of creation by subduing the earth, both with and for one another. Hence work is a duty * * * Work honors the Creator's gifts and the talents received from him. It can also be redemptive. By enduring the hardship of work in union with Jesus, the carpenter of Nazareth and the one crucified on Calvary, [we] collaborate in a certain fashion with the Son of God in his redemptive work * * * Work can be a means of sanctification and a way of animating earthly realities with the Spirit of Christ. [2427]

"In work, the person exercises and fulfills in part the potential inscribed in his nature * * * Work is for man, not man for work.

"Everyone should be able to draw from work the means of providing for his life and that of his family, and of serving the human community. [2428]

"*Economic life* brings into play different interests, often opposed to one another. This explains why the conflicts that characterize it arise. Efforts should be made to reduce these conflicts by negotiation that respects the rights and duties of each social partner: those responsible for business enterprises, representatives of wage earners—for example, trade unions—and public authorities when appropriate." [2430]

We have to have the right to negotiate but somehow, somewhere, in my judgment, we have gone wrong. Sometimes it appears that we think ourselves back in the early decades of this century. We want to use the same tools, the same instruments in negotiation. For example, in 1938 the Supreme Court of the United States delivered a decision which, in my judgment, was terribly destructive of the whole concept of negotiation if not actually immoral—the decision that authorized permanent replacements for striking laborers.

We are still using that today. It was used in the newspaper strike here in New York quite recently. The threat of permanent replacements makes it a charade to say that working people have the right to negotiate and the right to strike. The right to strike should be exercised *only* after all negotiations in good faith have been exhausted.

Is the move to strike the first step taken? Is it used as an instrument of threat? Do we believe that management negotiates with labor instead of human persons negotiating with human persons? Have we lost something or are we losing something, something that must be restored, something vital to true, honest, effective, productive and fruitful negotiations between persons in management and persons who constitute the labor force? Management is not negotiating with unions; *persons* in management are negotiating with *persons* in unions.

Pope John Paul II said, "The primacy of man over the instrument of capital, the primacy of the person over things, the priority of human labor over capital. Upon this we must insist." *Then* we will get rid of the potential of violence. *Then* we will get rid of the strike as the first approach rather than the last. *Then* we will get rid of the arrogant use of power.

Something has gone wrong. I can say that as an employer myself and on behalf of everyone in a position in the Church who must exercise equity, justice and charity for those who work for the Church, with the Church, to those who build for the Church, to those who work in Church offices. Each is a person as I am supposed to be a person. We have to right whatever it is that is wrong. We can not start out from the principle how can I get more, how can I give less. This to me is enormously important.

The Catechism takes up justice and solidarity among nations and reminds us of the almost singular voice of our Holy Father in Cairo trying to bring about justice and charity for all the peoples of the world rather than an obsession with population control. it seems to me that labor should be on this side rather than on the side of those obsessed with reducing the number of people in the world. Labor should be on the side of those who opt for development rather than the side of those intent on reducing the numbers of black peoples and Hispanic peoples and other peoples who are non-white labor. Pragmatically that is where the jobs are: to build dams in the Third World, to provide engineers and agriculturalists for the Third World, to help develop the enormous resources in the Third World and throughout the world.

The Catechism says:

"God blesses those who come to the aid of the poor and rebukes those who turn away from them * * * [2443]

"The Church's love for the poor * * * is a part of her constant tradition * * * Love for the poor is even one of the motives for the duty of working so as to 'be able to give to those in need.' [Eph. 4:28] It extends not only to material poverty but also to the many forms of cultural and religious poverty. [2444]

"The works of mercy are charitable actions by which we come to the aid of our neighbor in his spiritual and bodily necessities. Instructing, advising, consoling, comforting, are spiritual works of mercy, as are forgiving and bearing wrongs patiently. The corporal works of mercy consist especially in feeding the hungry, sheltering the homeless, clothing the naked, visiting the sick and imprisoned, and burying the dead * * * [2447]

"In its various forms—material deprivation, unjust oppression, physical and psychological illness and death—human misery is the obvious sign of the inherited condition of frailty and need for salvation in which man finds himself as a consequence of original sin * * * " [2448]

It has been clearly demonstrated for any who are willing to listen with an open mind that there can be more than enough food for any one who could be born. But we have to work. Work is a great gift and a great privilege.

I can never preach in this cathedral about work without being again reminded of the beauty of the cathedral itself. I didn't build it. It was built by management. Archbishop John Hughes had to take the risks of management. It was built physically by the hands of working people, by the hands of artists, as is everything done by human beings: a beautiful piece of music, a beautiful work of art, the molding of bricks, the digging of sewers, the emptying of bed pans, the administration of medicines, the practice of surgery, the typing of letters, all of these are the work of human hands. Even if the work is done by machines, they are machines created by the human mind. How we must respect this! And how I, who profit so much as do we all by the work of others, must respect everyone who contributes to society. Everything that we wear, everything that we eat is the result of the work of human hands.

In this Mass, when we offer the bread to Almighty God that we believe becomes the Body of His Son, we call it "the work of human hands." We offer the wine, the "fruit of the vine, and the work of human hands" to become the Blood of the Son of God. What reverence and what respect we must have!

Not too long ago I was criticized for saying at a union rally that I am proud to be the son of a union man. Let me tell you I am proud to have my responsibilities in management. I am proud of all of the wonderful people in the Archdiocese of New York in management who help the archdiocese, who help the poor, who help keep kids in our schools, who help keep our hospitals open, people in corporate management in the corporate structure. I am proud of all of them. I am proud and humbled to be the Cardinal Archbishop of New York. But the title of which I am as proud as any that I could ever have is the title of being the son of a union man! God bless you.●

MINNESOTA BLACK MUSIC AWARDS

● Mr. WELLSTONE. Mr. President, I want to take this occasion to bring to the attention of my colleagues an extraordinary achievement in the State of Minnesota. On Friday, September 2, I had the privilege of attending the 13th Annual Minnesota Black Music Awards, which was a part of the Minnesota Black Music Expo '94. This event recognized Mr. Gary Hines and the Sounds of Blackness for their 23d year in music.

I was honored to issue a proclamation which I was able to present that evening, and I ask that a copy of the proclamation be included in the RECORD.

The proclamation follows:

PROCLAMATION

Whereas: September 1–4th has been designated as the celebration of the Minnesota Black Music Expo '94, which over 50,000 individuals have attended to this date; and

Whereas: The Minnesota Black Music Expo '94 music and artist conference attracts artists and industry patrons from major cities throughout the country; and

Whereas: They continue to promote and encourage new music, products and services while serving as an inspiration to all who encounter their work; and

Whereas: This year represents the Minnesota Black Music Expo's 13th annual Minnesota Black Music awards, honoring Mr. Gary Hines and The Sounds of Blackness for their 23rd year in music; and

Whereas: Through their proud heritage and rich culture, Mr. Gary Hines and the Sounds of Blackness have enriched our state and nation's history, pride and diversity; and

Whereas: This year the Minnesota Black Music Awards also hosts the presentation of keys to the cities and presents to Mr. Jerry Boulding the Vanguard award for outstanding industry contributions; and

Whereas: Our state holds deep pride in all of the people and achievements of the Minnesota Black Music Expo '94;

Now therefore, I, Paul D. Wellstone, United States Senator for the State of Minnesota, do hereby congratulate The Minnesota Black Music Expo '94 and this year's Minnesota Black Music award recipients Mr. Gary Hines and the Sounds of Blackness, with highest recognition of their dedication, achievements and continuing enthusiasm which have been instrumental in helping to make Minnesota the great state that it is.

PAUL DAVID WELLSTONE,
U.S. Senator.●

NATIONAL GANG VIOLENCE PREVENTION WEEK

● Mr. SIMON. Mr. President, it has become all too clear that young people are increasingly the victims and the perpetrators of violent crime. The tragedy of Robert Sandifer, an 11-year-old boy in Chicago suspected of killing one of his 14-year-old neighbors and then murdered by a 14-year-old and a 16-year-old in an apparent gang related killing, illustrates the problem. Robert was 8 years old when he was first arrested by the police. Although Robert's story is chilling, it has sadly become a familiar one. How can a 8-year-old child commit murder? How can an 11-year-old child be murdered by other children? Most importantly, what can we do to stop this?

The crime bill signed by President Clinton makes some important contributions to the fight against crime. Many of the prevention programs in the bill will make an important difference in young people's lives. But there is a limit to what the Federal Government can achieve in each community. That is why community programs, local activism and parental involvement are essential elements of any effort to protect young people from violence.

In Chicago, the groups Parents against Gangs, founded by Betty Major-Rose and her husband, James Rose, and Broader Urban Involvement and Leadership Development have sponsored "Gang Awareness Week" for several years. Citizens participate in activities designed to raise awareness about the problems of gangs and to encourage their involvement in efforts to curve gang violence. This year, I sponsored a resolution in the Senate to designate the week of September 12, 1994, National Gang Violence Prevention Week.

On Saturday, September 10, President Clinton issued a proclamation designating this week National Gang Violence Prevention Week. This week will serve to highlight community achievements in the effort to stem the tide of youth violence, and to encourage more communities across the Nation to join in this important effort. I commend the President for his proclamation and Ms. Major-Rose and other community leaders for their commitment to this cause.

Mr. President, I ask that President Clinton's proclamation be entered into the RECORD at this point.

The proclamation follows:

A PROCLAMATION—BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

Robert Sandifer was 8 years old the first time he was arrested by police. He was 11 years old when he died, a victim, police believe, of a gang-related killing. He was also suspected of killing Shavon Dean, an innocent victim of an earlier gang-related shooting. In Shavon and Robert's hometown, the number of gang homicides has nearly tripled since 1980. And in neighborhoods across America, too many mothers and fathers have experienced the anguish of losing a child to the meanness of the streets. For them and for all of us, it is past time to end the violence.

At younger and younger ages, boys and girls are turning to gangs. For a child without an involved family, a gang offers a feeling of belonging. For a young person without options for tomorrow, a gang offers a sense of purpose. For all those born in a home cordoned off against danger, with bars on the windows and chains on the doors, life on the streets seems all too often a taste of freedom they have never known. But American freedom is better than that. We know this. We see freedom at work every day in the determined faces of parents striving to make a better life for themselves and their children. And we see it every day in big cities and small towns across the country as Americans come together to put the spirit of community to work.

Confronted with the horror of children planning their own funerals, our Nation has begun planning for the future. Our first, best hope is in the common cause of those around us. A community that shares life's experiences can be an important source of strength and understanding in a world that seems filled with growing violence and diminishing hope. Families and communities are coming together across the country to bring hope to even our most troubled youth. In Birmingham, Alabama, where police officers are sponsoring athletic teams and tutoring programs in 52 neighborhoods, youth crime has dropped by 30 percent. In Los Angeles, teachers and sheriffs are working in teams to show kids alternative methods of resolving conflicts, encouraging them to develop a sense of self-worth apart from gangs. The 1994 crime bill seeks to provide grassroots programs like these the resources they need to push forward in their efforts and to succeed in their fight.

In an invaluable victory for citizens across the country, the Congress passed, and I will soon sign, a crime bill that is designed to save the lives of children like Shavon and Robert. This path-breaking legislation will punish hardened young criminals by requiring stronger penalties, and it will expand the use of community boot camps, drug courts, and other alternative sanctions to stop first-time offenders from beginning a lifetime of crime. It bans 19 of the deadliest assault weapons, and it goes a long way toward keeping guns out of the hands of juveniles. With strong measures of discipline and training, drug treatment and education, this bill takes on the sickness of gangs and drugs and gives our young people a new chance at life. Ours is important work: It is about trying to save a generation of children and to secure the future life of a country. It is a job we can surely do.

Ours remains the greatest Nation the world has ever known because we have not shied away from challenges. Rather, we have consistently sought to surmount them. The problem of gang violence is among the most profound we as a people have ever faced. We must respect our young people enough to give them a positive choice for the future. We must take responsibility for teaching them to choose what is right. The solutions are within our reach. The power to change America is within ourselves. Together, we must work to redeem the promise that every young life holds.

Now, therefore, I William J. Clinton, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim the week of September 12 through September 16, 1994, as "National Gang Violence Prevention Week." I call upon the people of the United States to observe this week with appropriate ceremonies and activities.

In witness whereof, I have hereunto set my hand this tenth day of September, in the year of our Lord nineteen hundred and ninety-four, and of the Independence of the United States of America the two hundred and nineteenth.

WILLIAM J. CLINTON●

ORDERS FOR TOMORROW

Mr. CONRAD. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 a.m., Thursday, September 22; that following the prayer, the Journal of proceedings be deemed approved to date and the time for the two leaders reserved for their use later in the day; that there then be a period for morning business, not to extend beyond 10:30 a.m., with Senators permitted to speak therein for up to 5 minutes each; that Senator GRAHAM of Florida and Senator HATFIELD of Oregon be recognized for a total of 30 minutes; that at 10:30 a.m., there be 1 hour for debate on the motion to invoke cloture on the motion to disagree to the amendments of the House to S. 3, with the time equally divided and controlled between Senators FORD and MCCONNELL, or their designees; that upon the use or yielding back of time, the Senate vote on the motion to invoke cloture.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL TOMORROW AT 10 A.M.

Mr. CONRAD. Mr. President, if there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 6:31 p.m., recessed until Thursday, September 22, 1994, at 10 a.m.

NOMINATION

Executive nomination received by the Senate September 21, 1994:

DEPARTMENT OF STATE

VONYA B. MCCANN, OF MARYLAND, FOR THE RANK OF AMBASSADOR DURING HER TENURE OF SERVICE AS DEPUTY ASSISTANT SECRETARY OF STATE FOR INTERNATIONAL COMMUNICATIONS AND INFORMATION POLICY.

HOUSE OF REPRESENTATIVES—*Wednesday, September 21, 1994*

The House met at 10 a.m. and was called to order by the Speaker pro tempore [Mr. MONTGOMERY].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 21, 1994.

I hereby designate the Honorable G.V. (SONNY) MONTGOMERY to act as Speaker pro tempore on this day.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We are grateful, O God, for these people who serve this institution with grace and integrity, whose dignity and honor are standards for any conduct. We remember those who have committed themselves to public service and who freely give of their commitment to the important responsibilities of this assembly. May their dedication to their tasks and their accountability to high principles be marks of their service and a profound gift to us all. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will ask the gentleman from Ohio [Mr. TRAFICANT] to come forward and lead the Members in the Pledge of Allegiance.

Mr. TRAFICANT led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

GOOD NEWS—MORE HEALTH BENEFITS ALLOWED BY OFFICE OF PERSONNEL MANAGEMENT

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, this is an exciting occasion, and I thank all the Members of this body who joined me in my bill asking that the Federal employees health benefits include bone marrow transplants for people with breast cancer or ovarian cancer. I can tell the Members that we did not have to pass the bill. The very good news is that we made such a good case that you can tell by this morning's newspaper that the Office of Personnel Management has now announced that benefits will be increased to cover those items.

This is going to save many, many lives, and it is going to save an awful lot of dollars. I thank them for having an open mind and not forcing us to pass legislation. That is how things should be done here.

But I thank all the Members who helped us make the case, too. I think for everybody in America this is good news because the Federal employees health benefits package is the model for many others, and we hope that we will soon see CHAMPUS and many States joining and including these things in the benefits package that goes out to people, because we know it is now beyond the experimentation level and really does work.

SAVING FACE IN HAITI?

(Mr. BALLENGER asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, ever since the Clinton administration's Haiti deal, we have been hearing about how important it was to allow Haiti's military rulers to save face.

America has a much lower opinion of what part of the anatomy the Clinton administration was trying to save down in Haiti.

Whatever was accomplished in last minute discussions it does not put an end to the basic questions.

Now that there is no invasion, not even a rag-tag army to defeat, what exactly is the military's mission down there?

How long will they have to do it? Not in the vague diplomacy-speak of nation-building or democracy-restoring but in the real world, everyday language of days, weeks, months, and years.

Who will pay for whatever it is they are doing and however long they will be doing it? Will an already slashed military budget have to pick up these costs too? At the same time shaving off a little more of America's own security?

In the White House the celebrations have begun; it is now time the answers came.

CONFUSION IN HAITI

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, America is now buying guns from the Haitian people for $50. American troops have landed. They are confused, and they do not know what to do. Some of them are sightseeing.

The White House has said that Jimmy Carter's deal has gone too far, and Jimmy Carter said that the White House has not gone far enough. President Clinton said that Cedras is a thug, but Jimmy Carter said that Cedras is OK.

Aristide is upset. He did not ride in on some big charger.

Mr. Speaker, what is going on in Haiti? We have gone from a policy of "Come to America" to "Stay out. Stay out of America." Then we have gone from "We'll invade you if you don't straighten out" to "Now let's be friends."

Mr. Speaker, what is our role in Haiti? I say it is time, before we go from John Wayne to Woody Allen, that we figure out why we are spending $1 billion in Haiti and not investing that money in America where we have our own problems.

Think about it.

HAITI: WHAT TYPE OF MISSION IS THIS?

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, after only 2 full days of this mission, I am becoming increasingly concerned about the role that the United States is playing in Haiti. The following incidents highlight my concern.

First, two pro-Aristide civilians were clubbed to death in broad daylight in front of U.S. military forces.

Second, it is now being reported that we will be offering $50 hard-earned, taxpayer dollars for each Haitian gun that is turned in.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

And third, it is also being reported that in order to ensure that we have control of the Haitian military, the United States will begin paying the salaries of Haitian soldiers.

Mr. Speaker, what do you suppose White House Chief of Staff Leon Panetta's response was to these points: "We are reconsidering the mission and its terms of engagement." So is this administration changing its tune after only 2 days?

This is unbelievable. Should we not have thought these points through long before we sent our young men and women into harm's way?

Mr. Speaker, I would urge you to join me in calling on my colleagues to ask the Democratic leadership for a full and fair debate on this new policy before we end up losing brave young lives like we did in Somalia.

REAL CHANGE, NOT REDEFINITION

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, the administration is claiming credit for solving the problem in Haiti they themselves created—like a kid who intentionally jumps into the mud and then wants a reward for taking a bath.

Worse than this spectacle is the specter of thousands of American troops remaining indefinitely in Haiti. Occupation is better than invasion, but it is still bad policy.

President Clinton told America he ordered troops to Haiti because General Cedras and his henchmen were murderers, rapists, and torturers. Now, out of mutual respect he has agreed to give these same people amnesty and honorable retirement.

The administration's redefinition of good foreign policy is as misguided as their redefinition of good domestic policy: more spending and regulations, higher taxes and interest rates, and the systematic deconstruction of family values.

America wants real change, not redefinition. Next Tuesday, Republicans will guarantee it by signing a contract with America.

A campaign promise is one thing, a signed contract is another. Real change, not redefinition; Republicans will guarantee it in writing.

PROMPT AND ORDERLY WITHDRAWAL OF TROOPS FROM HAITI NEEDED

(Mr. MANZULLO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MANZULLO. Mr. Speaker, is it not ironic we are now working closely with Haiti's military rulers that President Clinton once trounced? In plain view of American soldiers, who are under orders not to intervene, Haitian police yesterday attacked crowds of demonstrators and killed a coconut vendor who was cheering the U.S. intervention. Some mission. No defined mission. Yet we are told by the administration that we are in Haiti to train the police, disarm the Haitian military, restore democracy, and secure a safe environment. Yet how will we know when that is done? And, to top it all, Aristide is not grateful for what we have done. He is a leftist leader who supports antidemocratic ways of settling disputes, including necklacing and inciting mob violence to intimidate opponents. How long will it be until he stirs up the Haitian people to say Yankee go home? Will American soldiers be targeted by these mobs?

Mr. Speaker, America has no mission in Haiti. We should return immediately. But now that we are there, let us set a deadline, possibly October 15, which is the date by which Mr. Aristide is to resume power.

TRIBUTE TO MISS AMERICA 1995, MISS HEATHER WHITESTONE

(Mr. CALLAHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CALLAHAN. Mr. Speaker, my home State of Alabama is literally bursting with pride this week as one of our own, Miss Heather Whitestone of Birmingham, was crowned Miss America at the 68th annual pageant held in Atlantic City, NJ.

Clearly the crowd favorite from the moment the curtain rose, Heather also captivated the Nation early in the evening as she performed a 2½-minute ballet to the Sandy Patti hit, "Via Dolorosa." As we now know, what made this particular performance even more special is that Heather can't hear music when she dances, because she has been deaf since childhood.

Mr. Speaker, Heather Whitestone is a wonderful example of everything that is good and decent and admirable about America's youth. You can tell just by looking at her, and listening to her talk that her beauty is anything but skin deep.

I know with all certainty that our new Miss America will be one of the best ambassadors for good will our Nation has ever had. And with the same confidence, I also know that Heather Whitestone's win last Saturday night will do even more for the millions of other young people all across this land who also have some type of disability. Heather's attitude and outlook on life is really pretty simple: She says if you work hard and never quit, there is nothing you cannot accomplish.

That is pretty good advice for people of all ages. And she is living proof that it works.

On behalf of the people of south Alabama, I salute Miss America 1995, Miss Heather Whitestone.

THE GIANT SUCKING SOUND OF ENTANGLEMENT

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, yesterday, we heard about how little American troops knew about the parameters of their mission in Haiti, except as one soldier from Florida said, "not to shoot anybody." Today, the headlines scream: "U.S. Finds Itself Stuck in the Middle" with reports of mob violence in Port-au-Prince that left two Haitians dead. This morning, we hear that the rules of engagement may have to change. To what? Will our troops now become active referees in this deadly struggle? We are hearing the giant sucking sound of entanglement, and still the President does not understand that the quagmire of Haiti's internal strife is no place for American troops. With President Aristide—the man at the center of this whole operation—refusing to endorse the agreement, and the United Nations refusing to lift the punishing economic embargo, I fear the violence will only get worse and the terms of the contract abrogated. I urge the President not to wait for the first American casualty; put a stop to this misguided mission now.

MODIFICATION IN APPOINTMENT OF CONFEREES ON H.R. 6, IMPROVING AMERICA'S SCHOOLS ACT OF 1994

The SPEAKER pro tempore. Without objection, the Chair announces that under the authority granted in clause 6 of rule X, the Speaker hereby modifies the appointment of conferees on the bill (H.R. 6) to extend for 5 years the authorizations of appropriations for the programs under the Elementary and Secondary Education Act of 1965, and for certain other purposes, as follows:

As an additional conferee from the Committee on Education and Labor, for consideration of the House bill and Senate amendment (except sections 601–03 and 801–05), and modifications committed to conference:

Mr. MILLER of California.

There was no objection.

SMALL BUSINESS REAUTHORIZATION AND AMENDMENT ACT OF 1994

The SPEAKER pro tempore (Mr. MONTGOMERY). Pursuant to House Resolution 494 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the

Union for the consideration of the bill, H.R. 4801.

☐ 1018

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4801) to amend the Small Business Act, and for other purposes, with Mr. WATT in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from New York [Mr. LAFALCE] will be recognized for 30 minutes, and the gentlewoman from Kansas [Mrs. MEYERS] will be recognized for 30 minutes.

The Chair recognizes the distinguished gentleman from New York [Mr. LAFALCE].

Mr. LAFALCE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong support of H.R. 4801, the Small Business Reauthorization and Amendment Act of 1994.

☐ 1020

Mr. Chairman, this bill provide authorizations for programs administered by the Small Business Administration for fiscal years 1995 through 1997. I will be offering an amendment on behalf of myself and Mrs. MEYERS to make reductions in some of the authorizations for the venture capital programs.

For 1995, all of the SBA programs would include $153 million in direct loans and purchases of preferred stock, $12.2 billion in guarantees of loans and debentures, and $1.8 billion in guarantees of surety bond guarantees.

This compares with an administration request for $23 million, $12.45 billion, and $1.76 billion for these programs.

For 1996, these programs would include $209 million in direct loans and purchases of preferred stock, $14.4 billion in guarantees of loans and debentures, and $1.8 billion in guarantees of surety bond guarantees.

For 1997, these programs would include $275 million in direct loans and purchases of preferred stock, $18.4 billion in guarantees of loans and debentures, and $1.8 billion in guarantees of surety bond guarantees.

Over the next 3 years, almost all of these increases are in the 7(a) General Business Loan Program, the Certified Development Company Loan Guarantee Program which provides long term financing for plant and equipment and in the new participating security financing mechanism being made available to small business investment companies which are licensed by SBA to provide venture capital to small firms.

Other provisions of this reauthorization bill make improvements in the Microloan Program which provides loans averaging $10,000 per borrower, conform terms of export loans to more closely equate with needs of sellers in foreign commercial markets, and facilitate loans through delegation of authority to the participants in the Certified Lenders Program.

Other titles in the bill will provide some relief to participants in the 503 Development Company Program, and two other programs, who are paying interest rates well above market rates and yet due to exorbitant prepayment penalties are precluded from prepaying these loans now held by the Government.

In addition, the bill restructures the National Women's Business Council and reestablishes an Interagency Committee of Federal Policymakers to examine the ways to promote the development of women-owned businesses.

The committee approved this legislation by a vote of 34 to 9. I believe that the main objections to this bill in committee were caused by the proposed increases in the Small Business Investment Company and Specialized Small Business Investment Company Programs. These programs license private companies which provide venture capital to small businesses. I would also note that in the aggregate, even higher levels were requested by the administration, but that my mark, which the committee approved, reduced the amount of the increase which would be provided.

Some have said that these programs have problems and should not be increased in size. I would agree that the Small Business Investment Company Program did have problems, but I believe that the 1992 legislation, and the implementing regulations, corrected these problems. It did this by:

Emphasizing the need for better quality SBIC management; Providing higher standards of applicants for licenses;

Minimizing an SBIC's cash-flow problems by use of participating securities;

Requiring more accurate valuations by each SBIC of its investments; and

Increasing the frequency of audits of each SBIC and doing the audit within the investment division of the agency, the division which is responsible for supervision and approving funding requests.

In any event, use of the new participating security was not part of any problem. It should not be held captive while we are more closely examining the old program to be sure that the problems have been fixed and while we await a report on the Specialized Small Business Investment Company Program from a private sector council.

In the spirit of compromise, however, Mrs. MEYERS and I have reached an agreement on these issues.

Basically, we have agreed to continue the levels now authorized by law for both SSBIC Programs and for the SBIC Debenture Guarantee Program for fiscal years 1995 through 1997; and our agreement would set the program level for the new SBIC participating security at existing law for 1995—$400 million—but would split the difference between existing law and the amounts approved by the committee for the 2 out-years. Thus the amounts authorized for the Participating Securities Program would be $650 million for 1996 and $900 million for 1997.

At the appropriate time, I will offer an amendment to accomplish the necessary changes in the bill.

I want to point out that interest in this program has been phenomenal; 75 companies with private capital of $1.3 billion have sought Small Business Investment Company licenses this year. This amount would fill much of the need for venture capital by small businesses. But, these private investors are putting up this money contingent upon the Government becoming funding partners and making additional capital available to these companies.

This legislation requires the SBA to submit a detailed report on the Small Business Investment Company Program next spring. If it is favorable, as I anticipate, it will be my intention to revisit the out-year authorizations for the Small Business Investment Company Program.

This legislation also requires SBA to convene a blue ribbon private sector panel to examine the Specialized Small Business Investment Company Program and to make recommendations. If this panel does as well as the Cloherty Commission which examined the regular Small Business Investment Company Program several years ago, I expect we will receive information upon which to formulate legislation to reinvigorate the Specialized Small Business Investment Company Program so that it can more fully serve the venture capital needs of minority small businesses.

Before concluding, I want to thank all of the Members of the committee for their work and cooperation in formulating this bill and presenting it to the House. Particularly, I want to thank Mrs. MEYERS for her assistance and cooperation and acknowledge the contributions of many other Members such as Representative MARJORIE MARGOLIES-MEZVINSKY and Representative LUCILLE ROYBAL-ALLARD who worked closely to develop title VI of the bill to enhance the development of women-owned enterprises.

Mr. Chairman, I yield 1 minute to the gentleman from Georgia [Mr. LEWIS].

(Mr. LEWIS of Georgia asked and was given permission to proceed out of order.)

REMEMBERING JEAN YOUNG

Mr. LEWIS of Georgia. Mr. Chairman, I rise today with a deep sense of sadness and sorrow over the passing of Jean Childs Young, the wife of Ambassador Andrew Young. Our prayers are with Andy, her children, her grandchildren, and other members of her family.

Many of us in the civil rights movement got to know this beautiful and gifted woman as she worked with her husband, Ambassador Young, during the early days of the movement. In Jean Childs Young, we had a pillar of the civil rights movement. She was the personification of grace, charm, intellect, beauty, and compassion.

Jean Childs Young represented the very best of America. She was a source of inspiration to thousands. For many of us and especially those who participated in the civil rights movement, her passing means the loss of a dear and special friend.

Mrs. Young was always charming and generous. She was a great supporter of children's issues and education. She worked tirelessly to improve conditions for the world's children and to improve educational opportunities for all.

Mrs. Young will be missed by the many who knew her and her life's work. Her passing is a great loss.

□ 1030

It is a great loss to the city of Atlanta, to the State of Georgia, to the Nation, and to the world.

Mrs. MEYERS of Kansas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 4801, the Small Business Administration Reauthorization Act. H.R. 4801 is our basic 3-year reauthorization for the Small Business Administration. H.R. 4801 sets the program levels for the SBA's various direct and guaranteed loan programs. Included in the bill are authorization levels for the major small business financial assistance programs, such as the 7(a) General Business Loan Program, the Certified Development Company Program, and the Small Business Investment Company Programs.

A major function of the SBA is assisting small businesses in their quest for capital, and these reauthorization levels are set to meet the anticipated demand through 1997. The majority of SBA loan programs are run on a guaranteed basis, giving the taxpayer the most bang for the buck. For example, the 7(a) Loan Program, the SBA's flagship program, will be authorized to guarantee over $9 billion in loans with an outlay of less than $250 million. Programs like this provide the vital capital assistance necessary to make small business the effective job creator that drives our economy, a benefit that far outweighs the cost to the taxpayer.

H.R. 4801 also reauthorizes the counseling and assistance programs at the SBA. These programs, like the Small Business Development Centers and SCORE, provide valuable, affordable advice to small business men and women, giving them access to experience and knowledge which might otherwise be hard to find.

In addition to reauthorizing programs, H.R. 4801 also makes numerous improvements in several SBA programs. The committee has voted to establish new Accredited and Premier Lender Programs that will give the Certified Development Companies more flexibility and discretion in their lending, and reduce the impediments to their efforts to promote growth and job creations.

The committee has also increased the limits on the International Trade Lending Program to enable small business to access foreign markets and help expand our economy by expanding our markets.

The SBA reauthorization bill removes a provision prohibiting the SBA from adjusting the size standards for the five industries in the Competitiveness Demonstration Program. These industries—construction, dredging, waste removal, architecture and engineering, and ship repair—have been frozen at outdated size standards for several years as a result of the prohibition. In addition, we are granting the Administrator of the SBA greater flexibility to try some new methods for determining proper small business size standards.

H.R. 4801 also offers a solution to the long-standing problem of debenture prepayment penalties in the 503 Loan Program. I am pleased that the appropriators have found at least some of the funds necessary to alleviate this inequitable situation.

I am pleased that H.R. 4801 takes important steps to strengthen our efforts to assist small businesses owned and controlled by women through the creation of an Interagency Committee on Women's Business Enterprise. This committee, consisting of policymakers from all cabinet departments and other Federal agencies, will work in concert with the private sector advisory entity, the National Women's Business Council. Together they will identify, and take steps toward solving, problems that act as barriers to the success of women-owned businesses.

Finally, this legislation instructs the Office of Advocacy at the SBA to conduct a comprehensive study of the impact of Federal regulation, paperwork, and taxes on small business. This has been a growing concern both in Congress and the small business community and I am glad that we are taking steps to address it.

Mr. Chairman, this is a good bill. The committee worked hard and held a series of seven hearings, in addition to our usual oversight efforts, and Chairman LAFALCE deserves a great deal of credit for his efforts. I ask my colleagues to support this bill and support small business.

Mr. Chairman, I yield 3 minutes to the gentleman from Louisiana [Mr. BAKER].

Mr. BAKER of Louisiana. Mr. Chairman, I thank the gentlewoman for yielding time to me.

Mr. Chairman, I wish to express my appreciation to the gentlewoman from Kansas [Mrs. MEYERS], the ranking member, and the members of the committee for the inclusion of an important and, I think, innovative program in SBA authorization. America today is constructed of a number of business interests, but far and above all others, mom and pop businesses are what America is all about.

In fact, when we look at the number of employees in businesses around the country today, as an example, over 90 percent of the businesses in America today employ less than 25 people. Seventy percent or more employ less than 10, yet, when we look at the traditional definition of a small business in terms of the administration's definition of a small business, we find it is 500 employees, or total receipts of less than $5 million a year, so many of the programs requiring government enterprises to do business with small firms, in fact, turn out to be very large businesses. One-half of 1 percent of all the approved 8(a) contractors in my State, for example, get over 90 percent of all the contracts. Yes, they are the very large firms, not the small mom and pops that make up Main Street America.

Mr. Chairman, a new program, a new requirement, has been included in this legislation called a very small business set-aside, which creates for the first time an ability for a Federal procurement agency to do business with a company with less than 10 employees, thereby allowing the mom and pops on Main Street America to compete successfully for Federal dollars which are spent on goods and services.

Mr. Chairman, this set-aside has nothing to do with race or sex or any other normal demographic. It simply allows any businessman who truly is a small business to compete with others for the opportunity to see their firm grow from 5 employees to perhaps 10.

Mr. Chairman, if we are indeed to see economic expansion and real job creation across our country, it is going to come from allowing small businesses to participate in the huge Federal expenditures for goods and services. This is a very important new initiative, and I certainly wish to express my appreciation to the Members on both sides of the aisle who allowed this innovative approach to be tested. I am optimistic that over the coming months, as we look seriously at the problems of the 8(a) program, we can find a way to allow small business to truly share in the expenditures of massive Federal Government. It is an appropriate and logical step for us to take.

Mr. LAFALCE. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California [Ms. ROYBAL-ALLARD], so we might engage in a colloquy.

Ms. ROYBAL-ALLARD. Mr. Chairman, first of all, I rise in strong support of H.R. 4801, the Small Business Reauthorization and Amendments Act of 1994. This act helps provide critically needed support for the small businesses in this country.

I would also like to thank the committee for allowing me, in conjunction with my distinguished colleague, the gentlewoman from Pennsylvania [Ms. MARGOLIES-MEZVINSKY], to amend H.R. 4801 to preserve the independence and the funding of the National Women's Business Council so it may continue its crucial work of promoting women's business ownership, and for adopting my amendment to authorize the use of Mobile Resource Centers to expand SBA's outreach efforts to traditionally underserved urban and rural areas.

Mr. Chairman, as previously agreed, at this time, I would like to engage in a brief colloquy with the distinguished chairman of the Small Business Committee.

Mr. Chairman, during the committee's deliberations on H.R. 4801, I raised concerns about the distribution of loan guarantees made to minorities and women under the SBA's 7(a) loan program.

As you know, the 7(a) loan represents 90 percent of the SBA's total loan commitment. There is evidence, however, that minorities and women are not being adequately served by this program.

The most recent report on the 7(a) program found that women-owned businesses received only 11.5 percent of the total 7(a) guaranteed loans, and that all minority groups combined received only 12.7 percent of these loans.

Mr. Chairman, I would ask the chairman of the committee, am I correct in my understanding that he agrees that the distribution of 7(a) loan guarantees needs closer congressional scrutiny, and that the committee, under your leadership, will work to ensure that the SBA provides accurate information to the committee on the equitable distribution of 7(a) loan guarantees to women and minorities?

□ 1040

Mr. LAFALCE. Mr. Chairman, I thank the gentlewoman very much for taking the lead in these very important issues.

Our committee is extremely concerned about the amount of loans being provided to women and to minorities and, therefore, we have discussed this on many occasions with Administrator Bowles. He shares this deep concern.

In fact, this month after examination of data on a district-by-district basis, the Administrator and each and every district director agreed on specific goals for improvements in lending to minorities and to women; indeed, entered into contracts to achieve certain goals.

There are, however, some problems with the statistics now maintained by the SBA. The agency and its program participants are working to not only identify the problems but then to correct them.

In addition, there may be a conflict between an SBA requirement that lenders compile and report loan data based upon sex or race and what is known as Regulation B of the Federal Reserve Board which seems to prohibit lenders from considering such factors.

The committee will continue to work with the SBA and the Federal Reserve Board to resolve this situation and allow the SBA to compile accurate and meaningful data which this committee can then evaluate as part of the oversight function with respect to SBA lending.

It is my belief that the amount of lending to women and to minorities is far too low and I assure the gentlewoman that we will continue to work very closely with her to secure significant improvement.

Ms. ROYBAL-ALLARD. Mr. Chairman, I thank the gentleman. As always, I appreciate his willingness to work with the committee members.

Mrs. MEYERS of Kansas. Mr. Chairman, I yield 2 minutes to the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Chairman, I rise in support of this legislation and commend the committee chairman and ranking member on their leadership on small business issues and on this reauthorization.

There are many good things in this reauthorization bill from the point of view of the ability of small businesses to grow and develop in America, but there are a couple of provisions that I am very concerned about. I am disappointed with the cut in the budget of the Office of Women's Business Ownership and I regret also the reduction in support for the National Women's Business Council, because the majority of small businesses in America are being founded by women. They are founding very small businesses. The challenge to America if we are going to continue to create jobs at a pace that serves our people is to help those small businesses grow into medium-sized businesses and finally into big businesses. The Office of Women's Business Ownership has been more practical, has been more closely allied with the women business ownership community than any other office of Government and has developed realistic resources to help those small businesses founded by women to grow into stronger small businesses and finally into medium-sized businesses.

Women-owned businesses do face barriers in today's economy. That is why the interagency committee that is set up in this legislation is really a very significant contribution. There are many barriers to small businesses participating in, for example, Government purchasing contracts and there are even additional barriers for women-owned small businesses, and that is still true in the broader, private economy. Access to credit and those kinds of things are more difficult for women-owned small businesses. Since women are founding the majority of small businesses in America, it is indeed unfortunate, and was a very, I think, unfortunate signal from this administration—which is where I know this initiative originated—to send. We should not be cutting the support for the Office of Women's Business Ownership and the National Women's Business Council in our appropriations process, and which two oppose that cut, two nonetheless, appreciate this committee's strong support for the small business community and sensitivity to the needs and interests of our small business owners, many of whom are inventive, resourceful, strong women of America.

Mr. LAFALCE. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. POSHARD].

Mr. POSHARD. Mr. Chairman, I rise in support of the bill. Small Business Administration programs are often overlooked by those of us who frequently praise small business as an engine of growth in our economy. Smaller firms certainly have been the source of most of this country's new jobs and innovations in recent years. And no one deserves more credit for that fact than the thousands of entrepreneurs and managers who undertake risk and devote much of their lives to pursuing the special satisfactions of owning and managing their own companies. Still, I think it is important to note the growing role of, and the increasing demand for, SBA programs that assist this crucial sector.

I would like to praise the role of the chairman of the Small Business Committee, Mr. LAFALCE, for his stewardship over this bill and for his leadership on the committee. This bill contains significant program innovations, and its authorization levels for SBA's crucial credit programs reflect both the increased demand for and the success of those programs.

These SBA programs deliver great direct benefit to our domestic economy at low taxpayer cost. They constitute a sound investment in the truest sense, generally more than paying for themselves in returned revenue. And I believe Administrator Erskine Bowles is revitalizing the SBA to promote even better service to its ultimate customer—the country's small businesses.

Today's bill contains one new program, the Accredited Lender Program, which I would like to mention. The

Small Business Committee included the ALP concept, drawn from a bill which I had previously introduced. The Accredited Lender Program will allow certified development companies participating in the 504 loan program, who have a proven record of success in that program, to receive expedited processing from SBA on their loan applications—usually within 5 working days.

By avoiding duplication of paperwork, the Accredited Lenders Program will allow small businesses to receive approval and credit promptly, which we know can often be the difference between a deal happening and its falling through. It can be the difference between jobs being created or not. I am confident that this new ALP program will help the 504 program to deliver even more benefit than that successful program does now, with no significant increase in exposure of taxpayer dollars to risk of loss.

Mrs. MEYERS of Kansas. Mr. Chairman, I yield back the balance of my time.

Mr. LAFALCE. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. FLAKE].

Mr. FLAKE. Mr. Chairman, I rise in support of H.R. 4801, and congratulate the gentleman from New York and the gentlewoman from Kansas for crafting legislation that has drawn bipartisan support in the Small Business Committee. This reauthorization bill contains several programs which will foster the growth of small business.

Small business, as we all recognize, represents the fabric of economic recovery and future growth in both large and small communities. I have witnessed first hand in my district the benefits of flourishing small businesses. These benefits include higher employment rates and reduced crime. Perhaps the greatest benefit, however, are the partnerships that have formed between business, local government, and community groups. These groups should be commended, but they should also be assisted by the Federal Government.

The SBA serves in this capacity and Congress would be remiss if it did not allocate adequate resources and programs to assist small business. Through export loans, accredited lenders programs, assistance for women-owned businesses, and other programs, H.R. 4801 provides innovative assistance to small business.

Mr. BAKER from Louisiana also deserves commendation for his amendment which establishes a 3-year pilot program to provide procurement opportunities for businesses with 10 employees or less. I concur with my colleague from Louisiana, and believe that mom-and-pop style business deserve assistance from the SBA. Finally, I urge support for this bill, despite its lowered levels of funding for the SBIC and SSBIC programs. Although I would prefer the levels proposed by the administration, I still recognize that the overall bill contains the essential programs required to assist small business. I would therefore urge strong bipartisan support for this legislation.

□ 1050

Mr. LAFALCE. Mr. Chairman, I thank the gentleman from New York for his fine remarks.

Before yielding back the balance of my time, I would be remiss if I did not point out that one of the previous speakers, the gentleman from Illinois [Mr. POSHARD] was extremely helpful in the formation of this bill, and indeed authored the legislation establishing the accredited lenders program as part of the CDC or 504 program whereby experienced community development companies will receive priority processing of their applications. So my special thanks to him, too.

Ms. SNOWE. Mr. Chairman, I rise in support of H.R. 4801, the Small Business Reauthorization Act of 1994 to authorize funding for the Small Business Administration [SBA] for the next 3 fiscal years. Small businesses play a critical role in the long-term growth and prosperity of our Nation by providing stable, permanent jobs. The SBA has made a significant contribution in helping create and maintain small businesses around the country and in my home State of Maine, so I am proud to support the reauthorization of the Small Business Administration.

Small business means jobs. Nationally, 54 percent of American workers are employed in small business—those firms with fewer than 500 employees—according to the SBA. Small businesses are the backbone of Maine's economy. Roughly, 97 percent of businesses owned in Maine are small businesses, and these employ 62 percent of Maine's nonfarm workers.

The Small Business Administration has played an integral part in the formation and successful operation of Maine's small businesses. Through the first 6 months of this year, the SBA has provided $33.46 million in the form of direct loans and guaranteed funding for Maine's small businesses. Since 1992, SBA funding for Maine has totaled $128.9 million.

In part because of SBA's involvement, Maine businesses continue to increase. According to the latest SBA data, new business formations rose 6.2 percent in Maine from 1991 to 1992. This compares with a 1.1 percent rise nationally over the same period. Maine ranked 16th in the Nation in business formations.

The contribution of the SBA toward creating a productive small business environment is unquestionable. Over my years of service in Congress, including 4 years as a member of the House Small Business Committee, I have been proud to work with the SBA to help develop small business and address its concerns.

In June 1991, I helped the Small Business Administration announce the launching of a new program in New England designed to address the credit crunch. Called the Revolving Line of Credit Program, it enabled the SBA to guarantee up to 75 percent of a revolving line of credit extended by a commercial lender. Such federally guaranteed loans can be used as working capital by small manufacturing businesses. I also cohosted then-SBA Administrator Pat Saiki's visit to Maine in 1992 to discuss what the SBA could do to help small business in Maine.

Recently, I have been working with my colleagues on the New England Congressional Caucus to address the difficulties of small businesses in our region. As cochair of the caucus, I held a meeting on June 10, 1993, with the four Federal regulatory agencies to discuss why Maine small businesses have trouble obtaining credit and what approaches can be taken to fix the problem. Part of the solution is to relieve the regulatory burden on lending institutions, and legislation is currently pending in Congress to do just that.

Mr. Chairman, I supported the SBA reauthorization in 1990 and I will support this SBA reauthorization bill because the SBA works for small business. Maine small business benefit from SBA programs, like the microloan program, inaugurated during the Bush administration by Senator BUMPERS, and which provides direct small business loans up to $25,000 to entrepreneurs.

Microloans were created as a demonstration project in the Senate version of the fiscal year 1992 Commerce, Justice, State appropriations bill and Senator BUMPERS is credited for crafting the language for the microloan program. Senator BUMPERS' demonstration microloan program was later incorporated into H.R. 4111, the Small Business Credit Crunch Relief Act of 1992.

Maine has one of the oldest microloan programs in the country. In the spring of 1992, Coastal Enterprises, Inc. of Maine was selected as one of 35 qualifying organizations nationwide to initiate the Microloan Demonstration Program. However, as far back as 1984, some Maine localities were creating loan pools to make small loans to start-up businesses and served a similar purpose as the subsequent SBA microloan program.

From the fall of 1992 through March 1994, 87 microloans were made in Maine, creating 134 jobs. During this period, Maine has received over $1 million in microloans. I am pleased that this bill authorizes $130 million for microloans in fiscal year 1995, with increased authorizations in the subsequent 2 fiscal years.

I further support the bill's establishment of an Accredited Lenders Program, which will facilitate processing of loan applications and eventually allow qualified lenders to approve SBA-guaranteed loans on behalf of the SBA directly.

As cochair of the congressional Caucus for Women's Issues, I strongly support the bill's provisions on the development of women-owned businesses. According to the latest Census Bureau statistics, women-owned businesses increased 65.3 percent during the 1980's. The bill establishes an Office of Women's Business Ownership at SBA. It also restructures the National Women's Business Council as an advisory council to the SBA and Congress, although I regret that funding for the NWBC has been reduced by more than half of what it has been in the past—from $500,000 to $200,000.

Mr. Chairman, the Small Business Administration works for small business and small business makes America work. Small business and entrepreneurship are the engines that drive the American economy. The Small Business Administration fulfills a vital role in support of American small business and therefore I am proud to support SBA reauthorization.

Ms. SCHENK. Mr. Chairman, I rise today in support of H.R. 4801, the Reauthorization of the Small Business Administration. As the Federal agency responsible for providing assistance to the Nation's small businesses, the Small Business Administration performs many important functions. Reauthorization is crucial to the thousands of businesses that rely on SBA loans and guarantees.

The bill makes a number of key changes in SBA programs that will lead to the expansion of opportunities for small businesses, but I would like to focus for a moment on one program in particular—the Microloan Program. The Microloan Program makes loans to local intermediaries such as an Economic Development Corporation or a Chamber of Commerce which in turn, loan money to very small business or entrepreneurs who otherwise would not be able to borrow money. This allows local organizations, not the Federal bureaucracy to makes the lending decisions. Since its inception 3 years ago, the program has met with remarkable success. Unfortunately, current legislative limitations have constrained its expansion.

H.R. 4801 rightly removes arbitrary State funding caps and restrictions on the number of intermediaries per State. These limitations penalize large States such as California and prohibit many worthy organizations from competing to become an intermediary. The bill also eliminates the intermediary cap of $1.25 million so that regions can expand their program as business opportunities grow.

Expansion of the Microloan Program is a smart, sensible way to encourage new start-up business which are the key to reviving many local economies. By eliminating caps and increasing the amount of money available to small business owners, we can give more Americans something many have always dreamed of—the opportunity to own their own business. I urge my colleagues to support passage of this important bill.

Mr. LAFALCE. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute consisting of the text of the bill modified by the amendments printed in the bill and the additional amendments printed in part 1 of House Report 103-627 is considered as an original bill for the purpose of amendment and is considered as read.

The text of the committee amendment in the nature of a substitute, as modified, is as follows:

H.R. 4801

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Small Business Reauthorization and Amendment Act of 1994".

TITLE I—AUTHORIZATIONS

SEC. 101. AUTHORIZATIONS.

Section 20 of the Small Business Act (15 U.S.C. 631 note) is amended by striking all of such section after subsection (k), as added by section 115(a) of the Small Business Credit and Business Opportunity Enhancement Act of 1992, and by inserting in lieu thereof the following:

"(l) The following program levels are authorized for fiscal year 1995:

"(1) For the programs authorized by this Act, the Administration is authorized to make $142,000,000 in direct and immediate participation loans; and of such sum, the Administration is authorized to make $12,000,000 in loans as provided in section 7(a)(10) and $130,000,000 in loans as provided in section 7(m).

"(2) For the programs authorized by this Act, the Administration is authorized to make $12,320,000,000 in deferred participation loans and other financings. Of such sum, the Administration is authorized to make—

"(A) $9,315,000,000 in general business loans as provided in section 7(a);

"(B) $2,200,000,000 in financings as provided in section 7(a)(13) and section 504 of the Small Business Investment Act of 1958; and

"(C) $20,000,000 in loans as provided in section 7(m).

"(3) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make—

"(A) $33,000,000 in purchases of preferred securities;

"(B) $285,000,000 in guarantees of debentures, of which $55,000,000 is authorized in guarantees of debentures from companies operating pursuant to section 301(d) of such Act; and

"(C) $500,000,000 in guarantees of participating securities.

"(4) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $1,800,000,000, of which not more than $600,000,000 may be in bonds approved pursuant to the provisions of section 411(a)(3) of such Act.

"(5) For the Service Corps of Retired Executives program authorized by section 8(b)(1) of this Act, the Administration is authorized to make grants or enter cooperative agreements not to exceed $3,500,000, and for the small business institute program authorized by section 8(b)(1) of this Act, the Administration is authorized to make grants or enter cooperative agreements not to exceed $3,000,000.

"(m) There are authorized to be appropriated to the Administration for fiscal year 1995 such sums as may be necessary to carry out the provisions of this Act, including administrative expenses and necessary loan capital for disaster loans pursuant to section 7(b), and to carry out the provisions of the Small Business Investment Act of 1958, including salaries and expenses of the Administration.

"(n) The following program levels are authorized for fiscal year 1996:

"(1) For the programs authorized by this Act, the Administration is authorized to make $208,000,000 in direct and immediate participation loans; and of such sum the Administration is authorized to make $13,000,000 in loans as provided in section 7(a)(10) and $195,000,000 in loans as provided in section 7(m).

"(2) For the programs authorized by this Act, the Administration is authorized to make $14,610,000,000 in deferred participation loans and other financings. Of such sum, the Administration is authorized to make—

"(A) $10,935,000,000 in general business loans as provided in section 7(a);

"(B) $2,500,000,000 in financings as provided in section 7(a)(13) and section 504 of the Small Business Investment Act of 1958; and

"(C) $20,000,000 in loans as provided in section 7(m).

"(3) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make—

"(A) $39,000,000 in purchases of preferred securities;

"(B) $405,000,000 in guarantees of debentures, of which $55,000,000 is authorized in guarantees of debentures from companies operating pursuant to section 301(d) of such Act; and

"(C) $750,000,000 in guarantees of participating securities.

"(4) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $1,800,000,000, of which not more than $600,000,000 may be in bonds approved pursuant to the provisions of section 411(a)(3) of such Act.

"(5) For the Service Corps of Retired Executives program authorized by section 8(b)(1) of this Act, the Administration is authorized to make grants or enter cooperative agreements not to exceed $3,675,000, and for the small business institute program authorized by section 8(b)(1) of this Act, the Administration is authorized to make grants or enter cooperative agreements not to exceed $3,150,000.

"(o) There are authorized to be appropriated to the Administration for fiscal year 1996 such sums as may be necessary to carry out the provisions of this Act, including administrative expenses and necessary loan capital for disaster loans pursuant to section 7(b), and to carry out the provisions of the Small Business Investment Act of 1958, including salaries and expenses of the Administration.

"(p) The following program levels are authorized for fiscal year 1997:

"(1) For the programs authorized by this Act, the Administration is authorized to make $284,000,000 in direct and immediate participation loans; and of such sum the Administration is authorized to make $14,000,000 in loans as provided in section 7(a)(10) and $270,000,000 in loans as provided in section 7(m).

"(2) For the programs authorized by this Act, the Administration is authorized to make $18,875,000,000 in deferred participation loans and other financings. Of such sum, the Administration is authorized to make—

"(A) $14,175,000,000 in general business loans as provided in section 7(a);

"(B) $3,000,000,000 in financings as provided in section 7(a)(13) and section 504 of the Small Business Investment Act of 1958; and

"(C) $20,000,000 in loans as provided in section 7(m).

"(3) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make—

"(A) $45,000,000 in purchases of preferred securities;

"(B) $555,000,000 in guarantees of debentures, of which $55,000,000 is authorized in guarantees of debentures from companies operating pursuant to section 301(d) of such Act; and

“(C) $1,125,000,000 in guarantees of participating securities.

“(4) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $1,800,000,000, of which not more than $600,000,000 may be in bonds approved pursuant to the provisions of section 411(a)(3) of such Act.

“(5) For the Service Corps of Retired Executives program authorized by section 8(b)(1) of this Act, the Administration is authorized to make grants or enter cooperative agreements not to exceed $3,860,000, and for the small business institute program authorized by section 8(b)(1) of this Act, the Administration is authorized to make grants or enter cooperative agreements not to exceed $3,310,000.

“(q) There are authorized to be appropriated to the Administration for fiscal year 1997 such sums as may be necessary to carry out the provisions of this Act, including administrative expenses and necessary loan capital for disaster loans pursuant to section 7(b), and to carry out the provisions of the Small Business Investment Act of 1958, including salaries and expenses of the Administration.”.

TITLE II—FINANCIAL ASSISTANCE PROGRAMS

SEC. 201. MICROLOAN FINANCING PILOT.

Section 7(m) of the Small Business Act (15 U.S.C. 636(m)) is amended by adding the following new paragraph at the end:

“(12) DEFERRED PARTICIPATION LOAN PILOT.—During fiscal years 1995 through 1997, on a pilot basis, in lieu of making direct loans to intermediaries as authorized in paragraph (1)(B), the Administration may participate on a deferred basis of up to 100 percent on loans made to intermediaries by a for-profit or non-profit entity or by alliances of such entities subject to the following conditions:

“(A) NUMBER OF LOANS.—The Administration shall not participate in providing financing on a deferred basis to more than ten intermediaries in urban areas per year and to more than ten intermediaries in rural areas per year.

“(B) TERM OF LOANS.—The term of such loans shall be ten years. During the first five years of the loan, the intermediary shall be required to pay interest only; and during the second five years of the loan, the intermediary shall be required to fully amortize principal and interest payments.

“(C) INTEREST RATE.—The interest rate on such loans shall be the rate specified by paragraph (3)(F) for direct loans.”.

SEC. 202. MICROLOAN STATE LIMITATION.

Section 7(m)(7)(C) of the Small Business Act (15 U.S.C. 636(m)(7)(C)) is repealed.

SEC. 203. LIMIT ON PARTICIPATION.

Section 7(m)(7)(A) of the Small Business Act (15 U.S.C. 636(m)(7)(A)) is amended to read as follows:

“(A) NUMBER OF PARTICIPANTS.—During this demonstration program, the Administration is authorized to fund, on a competitive basis, not more than 240 microloan programs.”.

SEC. 204. EQUITABLE DISTRIBUTION.

Section 7(m)(8) of the Small Business Act (15 U.S.C. 636(m)(8)) is amended to read as follows:

“(8) EQUITABLE DISTRIBUTION OF INTERMEDIARIES.—In approving microloan program applicants, the Administration shall select participation by such intermediaries as will ensure appropriate availability of loans to small businesses located in urban areas and in rural areas.”.

SEC. 205. AMOUNT OF LOANS TO INTERMEDIARIES.

Section 7(m)(3)(C) of the Small Business Act (15 U.S.C. 636(m)(3)(C)) is amended to read as follows:

“(C) LOAN LIMITS.—In determining the amount of funding which the Administration may provide to one intermediary, it shall take into consideration the small business population in the area served by the intermediary.”.

SEC. 206. LOANS TO EXPORTERS.

Section 7(a)(14)(A) of the Small Business Act (15 U.S.C. 636(a)(14)(A)) is amended to read as follows:

“(A) The Administration may provide extensions, standby letters of credit, revolving lines of credit for export purposes, and other financing to enable small business concerns, including small business export trading companies and small business export management companies, to develop foreign markets. A bank or participating lending institution may establish the rate of interest on such financings as may be legal and reasonable.”.

SEC. 207. WORKING CAPITAL INTERNATIONAL TRADE LOANS.

Section 7(a)(3)(B) of the Small Business Act (15 U.S.C. 636(a)(3)(B)) is amended to read as follows:

“(B) if the total amount outstanding and committed (on a deferred basis) solely for the purposes provided in paragraph (16) to the borrower from the business loan and investment fund established by this Act would exceed $1,250,000, of which not more than $750,000 may be used for working capital, supplies, or financings under section 7(a)(14) for export purposes; and”.

SEC. 208. GUARANTEES ON INTERNATIONAL TRADE LOANS.

Section 7(a)(2)(B)(iv) of the Small Business Act (15 U.S.C. 636(a)(2)(B)(iv)) is amended to read as follows:

“(iv) not less than 85 percent nor more than 90 percent of the financing outstanding at the time of disbursement if such financing is a loan under paragraph (14) or under paragraph (16).”.

SEC. 209. ACCREDITED LENDERS PROGRAM.

(a) Title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.) is amended by adding at the end the following new section:

“SEC. 507. ACCREDITED LENDERS PROGRAM.

“(a) The Administration is authorized to establish an Accredited Lenders Program for qualified State and local development companies which meet the requirements of subsection (b).

“(b) The Administration may designate a qualified State or local development company as an accredited lender if such company—

“(1) has been an active participant in the development company program for at least the last 12 months;

“(2) has well-trained, qualified personnel who are knowledgeable in the Administration's lending policies and procedures for the development company program;

“(3) has the ability to process, close, and service financing for plant and equipment under section 502 of this Act;

“(4) has a loss rate on its debentures that is acceptable to the Administration;

“(5) has a history of submitting to the Administration complete and accurate debenture guaranty application packages; and

“(6) has demonstrated the ability to serve small business credit needs for financing plant and equipment as provided in section 502 of this Act.

“(c) The Administration shall expedite the processing of a loan application or servicing action submitted by a qualified State or local development company that has been designated as an accredited lender in accordance with subsection (b).

“(d) The designation of a qualified State or local development company as an accredited lender may be suspended or revoked if the Administration determines that the development company has not continued to meet the criteria for eligibility under subsection (b) or that the development company has failed to adhere to the Administration's rules and regulations or is violating any other applicable provision of law. Suspension or revocation shall not affect any outstanding debenture guarantee.

“(e) For purposes of this section, the term ‘qualified State or local development company’ has the same meaning as in section 503(e).”.

(b) The Administration shall promulgate regulations to carry out this section within 90 days of the date of the enactment of this Act.

(c) The Administration shall report to the Small Business Committee of the United States Senate and to the Small Business Committee of the United States House of Representatives within one year, and annually thereafter, on the implementation of this section, specifically including data on the number of development companies designated as accredited lenders, their debenture guarantee volume, their loss rates, and the average processing time on their guarantee applications, along with such other information as the Administration deems appropriate.

SEC. 210. PREMIER LENDERS PROGRAM.

(a) Title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.) is further amended by adding at the end the following new section:

“SEC. 508. PREMIER LENDERS PROGRAM.

“(a) The Administration is authorized to establish a Premier Lenders Program for certified development companies which meet the requirements of subsection (b).

“(b) The Administration may designate a participant in the accredited lenders program as a premier lender if such company—

“(1) has been an active participant in the accredited lenders program for at least the last 12 months: *Provided*, That prior to January 1, 1996, the Administration may waive this provision if the applicant is qualified to participate in the accredited lenders program;

“(2) has a history of submitting to the Administration adequately analyzed debenture guarantee application packages; and

“(3) agrees to assume and to reimburse the Administration for 5 percent of any loss sustained by the Administration on account of default by the certified development company in the payment of principal or interest on a debenture issued by such company and guaranteed by the Administration under this section.

“(c) Upon approval of an applicant as a premier lender, the certified development company shall establish a loss reserve in an amount equal to the anticipated losses to the certified development company pursuant to subsection (b)(3) based upon the historic loss rate on debentures issued by such company, or 3 percent of the aggregate principal amount of debentures issued by such company and guaranteed by the Administration under this section, whichever is greater. The loss reserve shall be comprised of segregated assets of the development company which shall be securitized in favor of the Administration or of such unqualified letters of credit or indemnity agreements from a third party as the Administration deems appropriate.

"(d) Upon designation and qualification of a company as a premier lender, and subject to such terms and conditions as the Administration may determine, and notwithstanding the provisions of section 503(b)(6), the Administration may permit a premier lender to approve loans to be funded with the proceeds of and to authorize the guarantee of a debenture issued by such company. The approval by the premier lender shall be subject to the final approval as to eligibility of any such guarantee by the Administration pursuant to subsection 503(a) of this Act, but such final approval shall not include decisions by the company involving creditworthiness, loan closing, or compliance with legal requirements imposed by law or regulation.

"(e) The designation of a qualified State or local development company as a premier lender may be suspended or revoked if the Administration determines that the company—

"(1) has not continued to meet the criteria for eligibility under subsection (b);

"(2) has not established or maintained the loss reserve required under subsection (c); or

"(3) is failing to adhere to the Administration's rules and regulations or is violating any other applicable provision of law.

"(f) Suspension or revocation shall not affect any outstanding debenture guarantee.".

(b) The Administration shall promulgate such regulations to carry out this section within 180 days of the date of the enactment of this Act.

(c) The Administration shall report to the Small Business Committee of the United States Senate and to the Small Business Committee of the United States House of Representatives within one year, and annually thereafter, on the implementation of this section, specifically including data on the number of development companies designated as premier lenders, their debenture guarantee volume, and the loss rate for premier lenders as compared to accredited and other lenders, along with such other information as the Administration deems appropriate.

(d) Section 508 of the Small Business Investment Act of 1958 is repealed on October 1, 1999.

(e) The table of contents contained in section 101 of the Small Business Investment Act of 1958 is amended by adding at the end of the matter relating to title V the following:

"Sec. 507. Accredited lenders program.
"Sec. 508. Premier lenders program.".

SEC. 211. SSBIC ADVISORY COUNCIL.

(a) Council Established.—Not later than 90 days after the date of the enactment of this Act, the Administrator of the Small Business Administration shall appoint an Investment Advisory Council for the Specialized Small Business Investment Company Program. The Council shall consist of not less than 12 individuals from the private sector, including individuals—

(1) who have experience in providing venture capital to small business, particularly minority small business;

(2) who are current participants in the Specialized Small Business Investment Company Program;

(3) who are former participants in the Specialized Small Business Investment Company Program; or

(4) who are or who represent small business concerns.

(b) Chairman and Staff.—The Administrator shall designate one of the members of the Council as chairperson. The Investment Division of the Small Business Administration shall provide such staff, technical support, and information as shall be deemed appropriate. Council members shall be deemed to be an advisory board pursuant to section 8(b)(13) of the Small Business Act for purposes of reimbursement of expenses.

(C) Report.—Within six months of the date of appointment, the Council shall make a written report with findings and recommendations on the venture capital needs, including debt and equity, of socially or economically disadvantaged small business concerns and any needed Federal incentives to assist the private sector to meet such needs. The report shall specifically address—

(1) the history of the Specialized Small Business Investment Company program in providing assistance to such concerns and the impact of such assistance on the economy;

(2) the appropriateness and ability of the Specialized Small Business Investment Company Program to meet these needs;

(3) the problems affecting the Specialized Small Business Investment Company Program; and

(4) the effectiveness of the Specialized Small Business Investment Company Program and its administration by the Small Business Administration.

SEC. 212. PARTICIPATING SECURITIES FOR SMALLER SBICS.

Section 303(g) of the Small Business Investment Act of 1958 (15 U.S.C. 683(g)) is amended by adding the following new paragraph at the end:

"(13) Of the amount of the annual program level of participating securities approved in Appropriations Acts, 50 percent shall be reserved for funding Small Business Investment Companies with private capital of less than $20,000,000; except that during the last quarter of each fiscal year, the Administrator may, if he determines that there is a lack of qualified applicants with private capital under such amount, utilize all or any part of the securities so reserved.".

SEC. 213. REPORT ON SBIC PROGRAM.

The Small Business Administration shall provide the Committee on Small Business of the House of Representatives and Senate with a comprehensive report on the status and disposition of all Small Business Investment Companies, active or in liquidation, and a complete accounting of the assets in and the basis of their portfolios, the projected and actual loss rates for all portfolios in liquidation or active, and a detailed accounting of valuation of the SBIC program's investments. This report shall be delivered to the respective Committees on Small Business no later than April 15, 1995.

TITLE III—SIZE STANDARDS AND BOND GUARANTEES

SEC. 301. COMPETITIVE DEMONSTRATION PROJECT SIZE STANDARDS.

Section 732 of the Business Opportunity Development Reform Act of 1988 (Public Law 100–656) is amended by repealing the second sentence of such section.

SEC. 302. SIZE STANDARD CRITERIA.

Section 3(a)(2) of the Small Business Act (15 U.S.C. 632(a)(2)) is amended to read as follows:

"(2) In addition to the criteria specified in paragraph (1), the Administrator may specify detailed definitions or standards by which a business concern may be determined to be a small business concern for the purposes of this Act or any other Act. Such standards may utilize number of employees, dollar volume of business, net worth, net income, or a combination thereof. Unless specifically authorized by statute, no Federal department or agency may prescribe a size standard for categorizing a business concern as a small business concern, unless such proposed size standard—

"(A) is being proposed after an opportunity for public notice and comment;

"(B) provides for determining—

"(i) the size of a manufacturing concern as measured by its average employment based upon employment during each of the concern's pay periods for the preceding twelve calendar months;

"(ii) the size of a concern providing services on the basis of the annual average gross receipts of the concern over a period of not less than 3 years; and

"(iii) the size of other concerns on the basis of data over a period of not less than 3 years; and

"(C) is approved by the Administrator if it is not being proposed by the Small Business Administration.".

SEC. 303. SUNSET ON PREFERRED SURETY BOND GUARANTEE PROGRAM.

Section 207 of the Small Business Administration Reauthorization and Amendment Act of 1988 (Public Law 100–590) is amended by striking "September 30, 1994" and by inserting in lieu thereof "September 30, 1997".

SEC. 304. VERY SMALL BUSINESS CONCERNS.

The Small Business Act (15 U.S.C. 631 et seq.) is amended by redesignating section 30 as section 41 and by inserting after section 29, as redesignated by section 606 of this Act, the following:

"SEC. 30. PILOT PROGRAM FOR VERY SMALL BUSINESS CONCERNS.

"(a) Establishment.—The Administration shall establish and carry out a pilot program in accordance with the requirements of this section to provide procurement opportunities to very small business concerns.

"(b) Subcontracting of Procurement Contracts.—

"(1) In general.—In carrying out the program, the Administration is authorized to enter into procurement contracts with the United States Government and to arrange for the performance of such contracts through the award of subcontracts to very small business concerns.

"(2) Terms and conditions.—The authority of the Administration under paragraph (1) shall be subject to the same terms and conditions as apply to the authority of the Administration under section 8(a), except that—

"(A) the Administration may make such modifications to such terms and conditions as the Administration determines necessary; and

"(B) all contract opportunities offered for award under the program shall be awarded on the basis of competition restricted to eligible program participants.

"(c) Program Participation.—Very small business concerns participating in the program shall be subject to the same terms and conditions for program participation as apply to program participants under sections 7(j) and 8(a); except that—

"(1) the Administration may make such modifications to such terms and conditions as the Administration determines necessary; and

"(2) eligibility shall be determined on the basis of qualifying as a very small business concern as defined in subsection (g), in lieu of the requirements contained in paragraphs (4), (5), and (6) of section 8(a).

"(d) TECHNICAL AND FINANCIAL ASSISTANCE.—In order to assist very small business concerns participating in the program, the Administration is authorized—

"(1) to provide technical assistance to such concerns in the same manner and to the same extent as technical assistance is provided to small business concerns pursuant to section 7(j); and

"(2) to provide pre-authorization to such concerns for the purpose of receiving financial assistance under section 7(a).

"(e) PROGRAM TERM.—The Administration shall carry out the program in each of fiscal years 1995, 1996, and 1997.

"(f) REPORT TO CONGRESS.—On or before December 31, 1996, the Administration shall transmit to Congress a report containing an analysis of the results of the program, together with recommendations for appropriate legislative and administrative actions.

"(g) DEFINITIONS.—For the purposes of this section, the following definitions apply:

"(1) PROGRAM.—The term 'program' means the program established pursuant to subsection (a).

"(2) VERY SMALL BUSINESS CONCERN.—The term 'very small business concern' means a small business concern that—

"(A) has 10 employees or less; or

"(B) has average annual receipts that total $1,000,000 or less.".

TITLE IV—MANAGEMENT ASSISTANCE

SEC. 401. SUNSET ON COSPONSORED TRAINING.

(a) The authority of the Small Business Administration to cosponsor training as authorized by section 5(a) of the Small Business Computer Security and Education Act of 1984 (15 U.S.C. 633 note) is hereby repealed September 30, 1997.

(b) Section 7(b) of the Small Business Computer Security and Education Act of 1984 (15 U.S.C. 633 note) is amended by striking the second sentence.

SEC. 402. SMALL BUSINESS DEVELOPMENT CENTER PROGRAM LEVEL.

Section 21(a)(4) of the Small Business Act (15 U.S.C. 648(a)(4)) is amended to read as follows:

"(4) The Administration shall require as a condition of any grant (or amendment or modification thereof) made to an applicant under this section, that a matching amount (excluding any fees collected from recipients of such assistance) equal to the amount of such grant be provided from sources other than the Federal Government, to be comprised of not less than 50 per centum cash and not more than 50 per centum of indirect costs and in-kind contributions: *Provided*, That this matching amount shall not include any indirect costs or in-kind contributions derived from any Federal program: *Provided further*, That no recipient of funds under this section shall receive a grant which would exceed its pro rata share of a national program based upon the population to be served by the Small Business Development Center as compared to the total population in the United States, plus $125,000, or $200,000, whichever is greater, per year. The amount of the national program shall be—

"(A) $70,000,000 through September 30, 1995;

"(B) $77,500,000 from October 1, 1995 through September 30, 1996; and

"(C) $85,000,000 beginning October 1, 1996.

The amount of eligibility of each Small Business Development Center shall be based upon the amount of the national program in effect as of the date for commencement of performance of the Center's grant.".

SEC. 403. FEDERAL CONTRACTS WITH SMALL BUSINESS DEVELOPMENT CENTERS.

(a) Section 21(a)(5) of the Small Business Act (15 U.S.C. 648(a)(5)) is amended to read as follows:

"(5) A Small Business Development Center may enter a contract with a Federal department or agency to provide specific assistance to small business concerns if the contract is approved in advance by the Deputy Associate Administrator of the Small Business Development Center program. Approval shall be based upon a determination that the contract will provide assistance to small business concerns and that its performance will not hinder the Center in carrying out the terms of its grant from the Administration. The amount of any such contract shall not be subject to the matching funds requirements of paragraph (4) nor shall the amount of eligibility under such paragraph: *Provided*, That notwithstanding any other provision of law, such contracts for assistance to small business concerns shall not be counted toward any Federal department or agency's small business, women-owned business, or socially and economically disadvantaged business contracting goal as established by section 15(g) of the Small Business Act (15 U.S.C. 644(g)).".

(b) Section 21(a)(6) of the Small Business Act (15 U.S.C. 648(a)(6)) is amended by striking "paragraphs (4) and (5)" and by inserting in lieu thereof "paragraph (4)".

SEC. 404. CENTRAL EUROPEAN SMALL BUSINESS DEVELOPMENT.

Section 25(i) of the Small Business Act (15 U.S.C. 652(i)) is amended by striking "and $2,000,000 for each of fiscal years 1993 and 1994" and by inserting in lieu thereof ", $2,000,000 for each of fiscal years 1993 and 1994, and $1,000,000 for fiscal year 1995".

SEC. 405. MOBILE RESOURCE CENTER PILOT PROGRAM.

(a) ESTABLISHMENT.—The Administrator of the Small Business Administration may establish and carry out in each of fiscal years 1995, 1996, and 1997 a mobile resource pilot program (in this section referred to as the "program" in accordance with the requirements of this section.

(b) MOBILE RESOURCE CENTER VEHICLES.—Under the program, the Administration may use mobile resource center vehicles to provide technical assistance, information, and other services available from the Small Business Administration to traditionally underserved populations. Two of such vehicles should be utilized in rural areas and 2 of such vehicles should be utilized in urban areas.

(c) REPORT TO CONGRESS.—If the Administrator conducts the program authorized in this section, not later than December 31, 1996, he shall transmit to Congress a report containing the results of such program, together with recommendations for appropriate legislative and administrative actions.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for fiscal year 1995 $900,000 to carry out this section. Of such sums—

(1) $800,000 may be made available for the purchase or lease of mobile resource center vehicles; and

(2) $100,000 may be made available for studies, startup expenses, and other administrative expenses.

Such sums shall remain available until expended.

TITLE V—RELIEF FROM FFB DEBENTURE PREPAYMENT PENALTIES

SEC. 501. CITATION.

This title may be cited as the "Small Business Prepayment Penalty Relief Act of 1994.".

SEC. 502. MODIFICATION OF DEVELOPMENT COMPANY DEBENTURE INTEREST RATES.

(a) IN GENERAL.—Upon the request of the issuer and the concurrence of the borrower, the Small Business Administration is authorized to transfer to the Federal Financing Bank such sums as may be necessary to carry out the provisions of this section in order to reduce the interest rate on a debenture issued by a certified development company. The reduction shall be effective January 2, 1995 and shall apply for the remainder of the term of the debenture.

(b) INTEREST RATE MODIFICATION.—Upon receipt of such payment, the Federal Financing Bank shall modify the interest rate of each debenture for which the payment is made. No other change shall be made in the terms and conditions of the debenture, and the modification in the interest rate shall not be construed as a new direct loan or a new loan guarantee.

(c) DEFINITIONS.—For the purposes of this section—

(1) the term "issuer" means the issuer of a debenture pursuant to section 503 of the Small Business Investment Act of 1958 which has been purchased by the Federal Financing Bank if the debenture is outstanding on the date of enactment of this Act, and neither the loan that secures the debenture nor the debenture is in default on such date; and

(2) the term "borrower" means the small business concern whose loan secures a debenture issued pursuant to such section.

(d) OTHER RIGHTS.—A modification of the interest rate on a debenture as authorized in this section shall not affect any rights or options of the issuer or borrower which are otherwise authorized by contract or by law.

(e) REFINANCING.—Debentures authorized by sections 504 and 505 of the Small Business Investment Act of 1958 may be used to refinance debentures issued under section 503 of such Act if the amount of the new financing is limited to such amounts as are needed to repay the existing debenture, including any prepayment penalty imposed by the Federal Financing Bank. Any such refinancing shall be subject to all of the other provisions of sections 504 and 505 of such Act and the rules and regulations of the Administration promulgated thereunder, including, but not limited to, rules and regulations governing payment of authorized expenses and commissions, fees and discounts to brokers and dealers in trust certificates issued pursuant to section 505: *Provided, however*, That no applicant for refinancing under section 504 of this Act need demonstrate that the requisite number of jobs will be created or preserved with the proceeds of such refinancing: *Provided further*, That a development company which provides refinancing under this subsection shall be limited to a loan processing fee not to exceed one-half of one percent to cover the cost of packaging, processing and other nonlegal staff functions.

SEC. 503. MODIFICATION OF SMALL BUSINESS INVESTMENT COMPANY DEBENTURE INTEREST RATES.

(a) IN GENERAL.—Upon the request of the issuer, the Small Business Administration is authorized to transfer to the Federal Financing Bank such sums as may be necessary to carry out the provisions of this section in order to reduce the interest rate on a debenture issued by a Small Business Investment Company under the provisions of title III of the Small Business Investment Act of 1958. The reduction shall be effective January 2, 1995 and shall apply for the remainder of the term of the debenture.

(b) INTEREST RATE MODIFICATION.—Upon receipt of such payment, the Federal Financing Bank shall modify the interest rate of each debenture for which the payment is made. No other change shall be made in the terms and conditions of the debenture, and the modification in the interest rate shall not be construed as a new direct loan or a new loan guarantee.

(c) DEFINITIONS.—For the purposes of this section, the term "issuer" means the issuer of a debenture pursuant to section 303 of the Small Business Investment Act of 1958 which has been purchased by the Federal Financing Bank if the debenture is outstanding on the date of enactment of this Act, and is not in default on such date.

(d) OTHER RIGHTS.—A modification of the interest rate on a debenture as authorized in this section shall not affect any rights or options of the issuer which are otherwise authorized by contract or by law.

SEC. 504. MODIFICATION OF SPECIALIZED SMALL BUSINESS INVESTMENT COMPANY DEBENTURE INTEREST RATES.

(a) INTEREST RATE MODIFICATION.—Upon the request of the issuer, the Small Business Administration is authorized to modify the interest rate on a debenture issued by a Small Business Investment Company licensed under the provisions of section 301(d) of the Small Business Investment Act of 1958 and which is held by the Administration. No debenture which has been sold to a third party shall be eligible for modification under this section. The reduction shall be effective January 2, 1995 and shall apply for the remainder of the term of the debenture. No other change shall be made in the terms and conditions of the debenture, and the modification in the interest rate shall not be construed as a new direct loan or a new loan guarantee.

(b) DEFINITIONS.—For the purposes of this section, the term "issuer" means a Specialized Small Business Investment Company licensed under the provisions of section 301(d) of the Small Business Investment Act of 1958 which has issued a debenture which has been funded by the Small Business Administration, providing the debenture is outstanding on the date of enactment of this Act and is not in default on such date.

(c) OTHER RIGHTS.—A modification of the interest rate on a debenture as authorized in this section shall not affect any rights or options of the issuer which are otherwise authorized by contract or by law.

SEC. 505. INTEREST RATE REDUCTIONS.

(a) IN GENERAL.—Upon enactment of an Appropriations Act providing funds to carry out the provisions of this Act and limited to amounts specifically provided in advance in Appropriations Acts, the Small Business Administration shall evaluate the outstanding portfolio of debentures which are eligible for interest rate relief under this Act. The Administration shall apply the funds appropriated to carry out this Act in order to reduce the highest interest rate on all eligible debentures to a uniform rate.

(b) AUTHORIZATION.—There are authorized to be appropriated $30 million to carry out the provisions of this Act in fiscal year 1995.

TITLE VI—DEVELOPMENT OF WOMEN-OWNED BUSINESSES

SEC. 601. STATUS OF COUNCIL.

Section 401 of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note) is redesignated as section 405 of such Act and, as redesignated, is amended—

(1) in the heading by inserting "**OF THE COUNCIL**" after "**ESTABLISHMENT**"; and

(2) by striking the period at the end and inserting the following: "which shall serve as an independent advisory council to the Interagency Committee on Women's Business Enterprise, to the Administrator of the Small Business Administration, and to the Congress of the United States. The Council, in order to carry out its function as an independent advisory council to the Congress, is authorized and directed to report independently of the Interagency Committee directly to the Congress at such times and on such matters as it, in its discretion, deems appropriate.".

SEC. 602. DUTIES OF NATIONAL WOMEN'S BUSINESS COUNCIL.

Section 402 of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note) is redesignated as section 406 of such Act and, as redesignated, is amended to read as follows:

"SEC. 406. DUTIES OF THE COUNCIL.

"The Council shall meet at such times as it determines necessary in order to advise and consult with the Interagency Committee on Women's Business Enterprise on matters relating to the activities, functions, and policies of such Committee as provided in this title. The Council shall make annual recommendations for consideration by the Committee. The Council also shall provide reports and make such other recommendations as it deems appropriate to the Committee, to the Administrator of the Small Business Administration, and to the Small Business Committee of the United States Senate and to the Small Business Committee of the United States House of Representatives.".

SEC. 603. MEMBERSHIP OF THE COUNCIL.

Section 403 of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note) is redesignated as section 407 of such Act, and, as redesignated, is amended to read as follows:

"SEC. 407. MEMBERSHIP OF THE COUNCIL.

"(a) The Council shall be composed of 15 members who shall be appointed by the Administrator of the Small Business Administration and who shall serve at the Administrator's discretion. In making the appointments, the Administrator shall include racial, geographic and economic diversity, and representation from diverse sectors of the economy, including manufacturing, high technology, services and credit institutions, and shall give priority to include representation of major women's business organizations.

"(b) Only the owner, operator or employee of a woman-owned business shall be eligible for appointment, and not more than eight appointees shall be members of the same political party. If any member of the Council subsequently becomes an officer or employee of the Federal Government or of the Congress, such individual may continue as a member of the Council for not longer than the thirty-day period beginning on the date such individual becomes such an officer or employee.

"(c) The Council annually shall select one member to serve as its Chairperson. The Chairperson of the Council, or her designee, shall be the representative of the Council to all meetings of the Interagency Committee on Women's Business Enterprise.

"(d) The Council shall meet not less than four times per year. Meetings shall be at the call of the Chairperson at such times as she deems appropriate.

"(e) Members of the Council shall serve without pay for such membership, except they shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in carrying out the functions of the Council, in the same manner as persons serving on advisory boards pursuant to section 8(b) of the Small Business Act.".

SEC. 604. INTERAGENCY COMMITTEE.

Title IV of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note) is amended by striking section 404 and by inserting the following new sections prior to section 405 as redesignated by section 601 of this Act:

"SEC. 401. ESTABLISHMENT OF THE COMMITTEE.

"There is established an Interagency Committee to be known as the 'Interagency Committee on Women's Business Enterprise' (hereinafter in this title referred to as the Committee).

"SEC. 402. DUTIES OF THE COMMITTEE.

"The Committee shall—

"(1) promote, coordinate and monitor the plans, programs and operations of the departments and agencies of the Federal Government which may contribute to the establishment, preservation and strengthening of women's business enterprise. It may, as appropriate, develop comprehensive interagency plans and specific program goals for women's business enterprise with the cooperation of Federal departments and agencies;

"(2) promote the better utilization of the activities and resources of State and local governments, business and trade associations, private industry, colleges and universities, foundations, professional organizations, and volunteer and women's business enterprise, and facilitate the coordination of the efforts of these groups with those of Federal departments and agencies;

"(3) consult with the Council to develop and promote new initiatives designed to foster women's business enterprise, and to develop policies, programs, and plans intended to promote such development;

"(4) consider the Council's recommendations and public and private sector studies of the problems of women entrepreneurs, and promote further research into such problems; and

"(5) design a comprehensive plan for a joint public-private sector effort to facilitate the development and growth of women-owned businesses. The Committee should submit the plan to the President for review within six months of the effective date of this Act.

"SEC. 403. MEMBERSHIP OF THE COMMITTEE.

"(a) The Committee shall be composed of representatives of the following departments and agencies: The Departments of Agriculture, Commerce, Defense, Energy, Health and Human Services, Education, Housing and Urban Development, Interior, Justice, Labor, Transportation, Treasury, the Federal Trade Commission, General Services Administration, National Science Foundation, Office of Federal Procurement Policy, and the Director of the Office of Women's Business Ownership of the Small Business Administration, who shall serve as Vice Chairperson of the Committee. The head of each such department and agency shall designate a representative who shall be a policy making official within the department or agency.

"(b) The Committee shall have a Chairperson appointed by the President, after consultation with the Administrator of the Small Business Administration and the Chief Counsel for Advocacy of the Small Business Administration. The Chairperson shall be the head of a Federal department or agency. If the Chairperson is the head of one of the departments or agencies enumerated in subsection (a), he or she shall also serve as the representative of such department or agency.

"(c) The Committee shall meet not less than four times per year. Meetings shall be at the call of the Chairperson at such times as he or she deems appropriate.

"(d) The members of the Committee shall serve without additional pay for such membership.

"(e) The Chairperson of the Committee may designate a Director of the Committee, after consultation with the Administrator of the Small Business Administration and the Chief Counsel for Advocacy of the Small Business Administration.

"(f) The Chief Counsel for Advocacy is authorized to appoint to his staff under the provisions of section 204 of Public Law 94–305 (15 U.S.C. 634(d)) the person so designated under subsection (e). He or she is also authorized to provide additional staff and administrative support for the Committee.

"(g) The Director of the Office of Women's Business Ownership of the Small Business Administration is authorized to provide additional staff and administrative support for the Committee.

"SEC. 404. REPORTS FROM THE COMMITTEE.

"The Committee shall transmit to the President and to the Small Business Committee of the United States Senate and to the Small Business Committee of the United States House of Representatives a report no less than once in every twelve-month period. The first such report shall be submitted no later than March 31, 1995. Such reports shall contain any recommendations from the Council and any comments of the Committee thereon, a detailed statement on the activities of the Committee, the findings and conclusions of the Committee, together with its recommendations for such legislation and administrative actions as it considers appropriate to promote the development of small business concerns owned and controlled by women.".

SEC. 605. REPEALER.

Sections 404 through 407 of the Women's Business Ownership Act of 1988, as in effect on the day before the date of the enactment of this Act, are repealed and the following new section is added at the end of title IV of such Act:

"SEC. 408. DEFINITIONS.

"For the purposes of this Act, the term—

"(1) 'woman-owned business' shall mean a small business which is at least 51 percent owned by a woman or women who also control and operate it;

"(2) 'control' shall mean exercising the power to make policy decisions;

"(3) 'operate' shall mean being actively involved in the day-to-day management; and

"(4) 'women's business enterprise' shall mean a woman-owned business or businesses or the efforts of a woman or women to establish, maintain, or develop such a business or businesses.".

SEC. 606. EXTENSION OF AUTHORITY FOR DEMONSTRATION PROJECTS.

Section 28 of the Small Business Act, as added by section 2 of Public Law 102–191, is redesignated as section 29 and, as so redesignated, is amended by striking from subsection (g) "1995" and by inserting "1997".

SEC. 607. ESTABLISHMENT OF OFFICE OF WOMEN'S BUSINESS OWNERSHIP.

Section 29 of the Small Business Act, as redesignated by section 606 of this Act, is amended by adding the following new subsection at the end:

"(h) There is established within the Administration an Office of Women's Business Ownership, which shall be responsible for the administration of the Administration's programs for the development of women's business enterprises as defined in section 408 of the Women's Business Ownership Act of 1988. The Office shall be headed by a director who shall be appointed by the Administrator.".

SEC. 608. TECHNICAL AND CONFORMING AMENDMENTS.

(a) Title IV of the table of contents of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note) is amended to read as follows:

"TITLE IV—DEVELOPMENT OF WOMEN'S BUSINESS ENTERPRISE

"Sec. 401. Establishment of the Committee.
"Sec. 402. Duties of the Committee.
"Sec. 403. Membership of the Committee.
"Sec. 404. Reports from the Committee.
"Sec. 405. Establishment of the Council.
"Sec. 406. Duties of the Council.
"Sec. 407. Membership of the Council.
"Sec. 408. Definitions.".

(b) The heading to title IV of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note) is amended to read as follows:

"TITLE IV—DEVELOPMENT OF WOMEN'S BUSINESS ENTERPRISES".

SEC. 609. AUTHORIZATION.

There is authorized to be appropriated $200,000 in each of fiscal years 1995 through 1997 to carry out the provisions of title IV of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note).

TITLE VII—MISCELLANEOUS AMENDMENTS

SEC. 701. HANDICAPPED PARTICIPATION IN SMALL BUSINESS SET ASIDE CONTRACTS.

Section 15(c) of the Small Business Act (15 U.S C. 644(c)) is amended—

(1) by amending paragraph (2)(A) to read as follows:

"(2)(A) During each fiscal year, public or private organizations for the handicapped shall be eligible to participate in programs authorized under this section in an aggregate amount not to exceed $50,000,000."; and

(2) by adding the following new paragraph at the end thereof:

"(7) Any contract awarded to such an organization pursuant to the provisions of this subsection may be extended for up to two additional years.".

SEC. 702. SBA INTEREST PAYMENTS TO TREASURY.

Section 4(c)(5)(B)(ii) of the Small Business Act (15 U.S.C. 633(c)(5)(B)(ii)) is amended to read as follows:

"(ii) The Administration shall pay into the miscellaneous receipts of the Treasury following the close of each fiscal year the actual interest it collects during that fiscal year on all financings made under the authority of this Act.".

SEC. 703. IMPOSITION OF FEES.

Section 5(b) of the Small Business Act (15 U.S.C. 634(b)) is amended—

(1) in paragraph (10) by striking "and" at the end;

(2) in paragraph (11) by striking the period at the end and inserting a semicolon; and

(3) by adding the following new paragraphs at the end:

"(12) impose, retain and use only those fees which are specifically authorized by law or which are in effect on September 30, 1994, and in the amounts and at the rates in effect on such date. The administrator is authorized to impose, retain and utilize, subject to approval in appropriations Acts, the following additional fees—

"(A) not to exceed $100 for each loan servicing action requested after disbursement of the loan, including substitution of collateral, loan assumptions, release or substitution of guarantors, reamortizations or similar actions;

"(B) to recover the direct, incremental cost involved in the production and dissemination of compilations of information produced by the Administration under the authority of the Small Business Act and the Small Business Investment Act of 1958; and

"(13) to collect, retain and utilize, subject to approval in appropriations Acts, any amounts collected by fiscal transfer agents and not used by such agent as payment of the cost of loan pooling or debenture servicing operations: *Provided*, That any monies so collected shall be utilized solely to facilitate the administration of the program which generated the excess monies.".

SEC. 704. SBIR VENDORS.

Section 9(q)(2) of the Small Business Act (15 U.S.C. 638(q)(2)) is amended to read as follows:

"(2) VENDOR SELECTION.—Each agency may select a vendor to assist small business concerns to meet the goals listed in paragraph (1). Such selection shall be competitive using merit-based criteria, for a term not to exceed 3 years.".

SEC. 705. MANUFACTURING CONTRACTS.

(a) ESTABLISHMENT OF PILOT PROGRAM.—Section 15 of the Small Business Act (15 U.S.C. 644) is amended by adding at the end the following:

"(p) MANUFACTURING MODERNIZATION PILOT PROGRAM.—

"(1) ESTABLISHMENT.—The Administrator may establish and carry out a manufacturing modernization pilot program (hereinafter in this section referred to as the 'program') for the purpose of promoting the award of Federal procurement contracts to small business concerns that participate in manufacturing application and education centers that are established or certified pursuant to paragraph (2).

"(2) MANUFACTURING APPLICATION AND EDUCATION CENTERS.—The Administrator may establish manufacturing application and education centers which will provide training to small business concerns on new and innovative manufacturing practices in a shared-use production environment and which will assist such concerns in carrying out Federal procurement contracts for the manufacture of components and subsystems. The Administrator may also certify existing manufacturing application and education centers for participation in the program.

"(3) USE OF PRIVATE CENTERS AS EXAMPLES.—In establishing any manufacturing application and education centers pursuant to paragraph (2), the Administrator may use as examples manufacturing application and education centers in the private sector that provide the following services: technology demonstration, technology education, technology application support, technology advancement support, and technology awareness.

"(4) IDENTIFICATION OF CONTRACTS.—The Administrator and the head of a contracting agency may identify for additional small business set-asides pursuant to subsection (a) any procurement, and in particular any procurement which is being foreign-sourced or is considered critical, which is susceptible to performance by a small business concern if the concern is assisted by a manufacturing application and education center under the program. Any such procurement shall be subject to the requirements of subsection (a), including requirements relating to any failure of the Administrator and the head of the contracting agency to agree on procurement methods.

"(5) NONAPPLICABILITY OF PERFORMANCE REQUIREMENT.—The requirement of subsection (o)(1)(B) shall not apply with respect to any contract carried out by a small business concern under the program with the assistance of a manufacturing application and education center.

"(6) REGULATIONS.—Not later than 6 months after the date of the enactment of this subsection, the Administrator shall issue regulations to carry out this subsection if he determines it appropriate to carry out the program authorized by this subsection.

"(7) REPORTS.—

"(A) PROGRESS REPORT.—Not later than 3 months after the last day of the fiscal year in which final regulations are issued pursuant to paragraph (6), the Administrator shall transmit to the Committees on Small Business of the House of Representatives and the Senate a report on the progress of the program.

"(B) FINAL REPORT.—If the Administrator establishes the program authorized herein, not later than March 31, 1999, he shall transmit to the Committees on Small Business of the House of Representatives and the Senate a report on the success of the program in—

"(i) enabling deployment of technology to small business concerns participating in the program, and

"(ii) assisting manufacturing application and education centers in achieving self-sufficiency,

together with recommendations concerning continuation, modification, or discontinuance of the program.

"(8) PROGRAM TERM.—The Administrator may carry out the program during the period beginning on the date of issuance of final regulations under paragraph (5) and ending on September 30, 1999.

"(9) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.".

SEC. 706. DENIAL OF USE OF FUNDS FOR INDIVIDUALS NOT LAWFULLY WITHIN THE UNITED STATES.

The Small Business Act (15 U.S.C. 631 et seq.) is amended by inserting after section 30, as added by section 304 of this Act, the following:

"SEC. 31. DENIAL OF USE OF FUNDS FOR INDIVIDUALS NOT LAWFULLY WITHIN THE UNITED STATES.

"None of the funds made available pursuant to this Act may be used to provide any direct benefit or assistance to any individual in the United States when it is made known to the Administrator of the Small Business Administration or the official to which the funds are made available that the individual is not lawfully within the United States.".

SEC. 707. OFFICE OF ADVOCACY EMPLOYEES.

Section 204 of Public Law 94-305 (15 U.S.C. 634d) is amended as follows—

(1) by striking "after consultation with and subject to the approval of the Administrator,"; and

(2) in paragraph (1) by striking "GS-15 of the General Schedule" and all that follows and inserting "GS-15 of the General Schedule: Provided, however, That not more than 14 staff personnel at any one time may be employed and compensated at a rate in excess of GS-15, step 10, of the General Schedule;".

SEC. 708. ADVOCACY STUDY OF PAPERWORK AND TAX IMPACT.

The Chief Counsel for Advocacy of the Small Business Administration shall conduct a study of the impact of all Federal regulatory paperwork and tax requirements upon small business and report its findings to the Congress within 1 year of the date of the enactment of this Act.

The CHAIRMAN. No other amendment to the bill is in order except the amendments printed in part 2 of the report. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, is considered as read, shall be debatable under the terms specified in report, shall not be subject to amendment except as specified in the report, and shall not be subject to a demand for division of the question.

It is now in order to consider amendment No. 1 printed in part 2 of House Report 103-627.

AMENDMENT OFFERED BY MR. LA FALCE

Mr. LAFALCE. Mr. Chairman, I offer amendment No. 1 made in order under the rule.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. LAFALCE:

Page 2, line 19, strike "$12,320,000,000" and insert "$11,535,000,000".

Page 3, strike lines 6 through 17 and insert the following:

"(3) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make—

"(A) $23,000,000 in purchases of preferred securities;

"(B) $244,000,000 in guarantees of debentures, of which $44,000,000 is authorized in guarantees of debentures from companies operating pursuant to section 301(d) of such Act; and

"(C) $400,000,000 in guarantees of participating securities.

Page 5, line 3, strike "$14,610,000,000" and insert "$13,455,000,000".

Page 5, strike lines 13 through 24 and insert the following:

"(3) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make—

"(A) $24,000,000 in purchases of preferred securities;

"(B) $256,000,000 in guarantees of debentures, of which $46,000,000 is authorized in guarantees of debentures from companies operating pursuant to section 301(d) of such Act; and

"(C) $650,000,000 in guarantees of participating securities.

Page 7, line 10, strike "$18,875,000,000" and insert "$17,195,000,000".

Page 7, strike line 20 and all that follows through line 7 on page 8 and insert the following:

"(3) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make—

"(A) $25,000,000 in purchases of preferred securities;

"(B) $268,000,000 in guarantees of debentures, of which $48,000,000 is authorized in guarantees of debentures from companies operating pursuant to section 301(d) of such Act; and

"(C) $900,000,000 in guarantees of participating securities.

The CHAIRMAN. Pursuant to the rule, the gentleman from New York [Mr. LAFALCE] will be recognized for 10 minutes, and a Member opposed will be recognized for 10 minutes.

The Chair recognizes the gentleman from New York [Mr. LAFALCE].

Mr. LAFALCE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am offering this amendment on behalf of myself and my ranking minority member, Mrs. MEYERS of Kansas. The amendment is directed toward accommodating concerns expressed by the gentlelady from Kansas and others about proposed increases in program levels for the Small Business Investment Company and Specialized Small Business Investment Company Program.

Clearly these programs have experienced problems in the past, but it is my belief that legislation enacted in 1992 provided the necessary remedy to most of the problems. And I would point out that this 1992 legislation was fully supported on a bipartisan basis by the House and Senate, as well as by the Bush administration.

Nonetheless, to accommodate these concerns, we have requested a detailed report from the Small Business Administration. In the interim, we are holding the program to amounts now authorized by law except on a new Participating Securities Program which in no way is part of any problem, either past or present.

In addition, the amendment makes technical changes to conform the aggregate amount of program levels to those agreed to.

Mr. Chairman, I appreciate Mrs. MEYERS' willingness to address this issue and I assure her that we will work together to carry out appropriate oversight of the Small Business Investment Company Program and all of the programs administered by the SBA.

The CHAIRMAN. Does any Member seek time in opposition to the amendment?

Mrs. MEYERS of Kansas. Mr. Chairman, I would like to speak in support of the amendment.

The CHAIRMAN. Without objection, the gentlewoman from Kansas [Mrs. MEYERS] is recognized for 10 minutes to speak in support of the amendment.

There was no objection.

Mrs. MEYERS of Kansas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment, offered by Chairman LAFALCE and me, represents a compromise reached on authorization levels for SBA venture capital programs. The Small Business Investment Company [SBIC] and specialized SBIC programs pair private capital with SBA financing to provide equity and long-term financing for small businesses. SBA financing is loaned to these entities through the purchase of preferred stock, the issuance of guaranteed debentures, or participating securities.

Unfortunately, the SSBIC and SBIC programs, with the exception of the Participating Securities Program which is just getting up and running, have been experiencing problems. According to the SBA, as many as 194 SBIC's and SSBIC's are in trouble, with as much as $500 million to risk. SBA Administrator Erskine Bowles has been working hard to restore fiscal soundness to the programs. He has brought in Mr. Robert Stillman, a respected expert in the venture capital industry, to run the SBIC program. Expectations are high that the problems will be resolved and the program will help fill the void of venture capital for small firms.

However, I believe we should see the results of these efforts before authorizing higher levels for these programs. In 1992, when our committee created, and Congress adopted, legislation revamping the SSBIC and SBIC programs, we authorized these programs through fiscal year 1997. H.R. 4801 proposed increases for these programs, above and beyond the amounts in current law for fiscal years 1995, 1996, and 1997.

At the Small Business Committee's markup of H.R. 4801, I expressed my strong reservations about the authorization levels for the SBIC/SSBIC programs in the bill. I offered an amendment to severely cut program levels, bringing them in line with the appropriated levels, which was defeated. This amendment was defeated, but the chairman agreed to work with me in reaching a compromise on authorization levels we could both accept.

This amendment represents that compromise. I would like to thank Chairman LAFALCE for his efforts to offer an amendment reducing SBIC and SSBIC authorization levels that I could accept. The levels provided in the LaFalce-Meyers amendment takes the authorization levels for all SBIC and SSBIC programs back to current law, with the exception of the participating securities program in fiscal year 1996 and fiscal year 1997. These years were increased by $100 and $200 million, respectively—a sizable increase, to be sure, but much less than the administration requested.

I believe this is a fair, reasonable amendment, reflecting the desire to get the programs back on track, without killing vital venture capital programs for small business. I would like to state for the record that I will be watching these programs very carefully in the coming months, to make sure that they are, indeed, getting back on track. H.R. 4801 requires a comprehensive study of the SBIC program be presented to the committee by April 1995, and an advisory council is established to study and make recommendations on the SSBIC program. I will await these studies and recommendations with interest, and am taking my oversight responsibilities for these programs very seriously.

Again, I thank Chairman LAFALCE for his cooperation in this matter, I strongly urge the amendment's adoption.

Mr. Chairman, I include statistics on SBIC's and SSBIC's as follows:

MEYERS/LaFALCE AMENDMENTS ON SBIC/SSBIC [1]

[In millions of dollars]

Program	H.R. 4801	LaFalce/ Meyers
SSBIC preferred stock:		
Fiscal year 1995	33	23
Fiscal year 1996	39	24
Fiscal year 1997	45	25
SSBIC guaranteed debentures:		
Fiscal year 1995	55	44
Fiscal year 1996	55	46
Fiscal year 1997	55	48
SBIC guaranteed debentures:		
Fiscal year 1995	230	200
Fiscal year 1996	350	210
Fiscal year 1997	500	220
SBIC participating security:		
Fiscal year 1995	500	400
Fiscal year 1996	750	650
Fiscal year 1997	1,125	900

[1] Amendment reduces the authorized amounts for the SSBIC preferred stock (direct loan program); the SSBIC and SBIC guaranteed debenture program; and the SBIC participating securities program.

Mr. Chairman, I yield back the balance of my time.

Mr. LAFALCE. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. LAFALCE].

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in part 2 of House Report 103–627.

AMENDMENT OFFERED BY MR. KNOLLENBERG

Mr. KNOLLENBERG. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. KNOLLENBERG:

Page 4, line 21, strike "$208,000,000" and insert "$198,000,000".

Page 4, line 24, strike "$195,000,000" and insert "$185,000,000".

Page 5, line 3, increase the pending figure by $10,000,000.

Page 5, line 11, strike "$20,000,000" and insert "$30,000,000".

Page 7, line 3, strike "$284,000,000" and insert "$264,000,000".

Page 7, line 6, strike "$270,000,000" and insert "$250,000,000".

Page 7, line 10, increase the pending figure by $20,000,000.

Page 7, line 18, strike "$20,000,000" and insert "$40,000,000".

The CHAIRMAN. Pursuant to the rule, the gentleman from Michigan [Mr. KNOLLENBERG] will be recognized for 5 minutes, and a Member opposed will be recognized for 5 minutes.

The Chair recognizes the gentleman from Michigan [Mr. KNOLLENBERG].

Mr. KNOLLENBERG. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today to offer an amendment to H.R. 4801, a bill to reauthorize the Small Business Administration.

This is a very straightforward amendment concerning the SBA's Microloan Program.

The Clinton administration has expressed its desire to move from direct lending in the SBA, toward loans made on a guaranteed basis. This shift not only allows for the leveraging of funds in order to stretch our scarce dollars, but it also protects the taxpayer from the cost of defaulted loans.

Chairman LAFALCE and others have recognized the administration's proposal through the creation and continuation of a well-crafted Guaranteed Microloan Pilot Program, for which the chairman has authorized $20 million per year over the next 3 years.

My amendment seeks to build on these foundations laid by Chairman LAFALCE by expanding the authorized levels by $10 million in 1996, and by $20 million in 1997. We will accomplish this by transferring funds from the Direct Microloan Program.

Not only will my amendment expand the Pilot Program, but there will also be ample funds remaining in the Direct Microloan Program to adequately serve small business needs.

For example, in 1996, $10 million is transferred to the Pilot Program from the $195 million authorized in the bill for direct microloans. In 1997, $20 million is transferred from the $270 million authorized in the bill for direct microloans.

As you can see, my amendment will not threaten access to capital for small businesses which are unable to find banks willing to take the time to work with the SBA and the loan applicant to make a guaranteed loan of such a small size, as microloans, by definition, are.

The Guaranteed Microloan Pilot Program, as it stands, is a good one. My amendment seeks to expand on the chairman's hand work by giving it the financing that it will need to ensure that it becomes a successful and effective program.

I realize that with many small businesses, the last person to actually get paid each month is the small business owner himself. As a former small businessman myself, I can remember times when I had to make payroll out of my own pocket.

For large corporations, and even for some individuals, loans of this size are simply small change. But for many very small businesses, these microloans of under $25,000 may be the difference between success and failure.

The SBA Microloan Program is an important source of capital for all types of very small businesses throughout our Nation. These are the true mom-and-pop businesses, often run out of peoples homes primarily in our Nation's urban and rural areas, perhaps the very areas most in need of business development. These businesses are important to the individual owners, to their local areas, and to our economy as a whole.

This amendment will be good for small business by providing more bang for each appropriated buck. It will be good for the American taxpayer by providing some protection from the inevitable cost associated with making loans.

Mr. Chairman, I urge support for my amendment.

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The CHAIRMAN. Does any Member seek recognition in opposition to the amendment?

Mr. LAFALCE. Mr. Chairman, I do not oppose the amendment, but I would intend to claim the time.

The CHAIRMAN. The gentleman from New York [Mr. LAFALCE] will be recognized for 5 minutes.

Mr. LAFALCE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I do not oppose the amendment. In fact, I am very willing to accept the amendment.

We do not believe that to transfer additional money from direct loans, loan guarantees, is necessary. The amendment simply increases the amount of guaranteed money available for a trial program which has not been tested.

The gentleman had offered a much more extensive amendment in committee and has now reduced the amount of the transfer very substantially. I appreciate the conciliatory approach he has taken, the changes he has made, and in the spirit of cooperation, accept the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. KNOLLENBERG. Mr. Chairman, I yield 1 minute to the gentlewoman from Kansas [Mrs. MEYERS], the ranking minority member.

Mrs. MEYERS of Kansas. Mr. Chairman, I rise in strong support of the amendment offered by Mr. KNOLLENBERG. The Microloan Program is an excellent program aimed at aiding the smallest of small businesses—mostly startups—in urban and rural areas. The administration had proposed moving the entire Microloan Program from a direct to a guaranteed basis. H.R. 4801 initiates a pilot program to start a gradual move in that direction. The Knollenberg amendment simply increases the levels of pilot program in fiscal years 1996 and 1997, decreasing the Microloan Direct Program by identical amounts in those same years.

The Knollenberg amendment just increases our commitment to making microloans on a guaranteed basis, and gives it every opportunity for success. I hope that these efforts will be successful, allowing us to assist even more small businesses with limited funds.

Mr. KNOLLENBERG. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to again thank the chairman, the gentleman from New York [Mr. LAFALCE], for his work and his spirit of cooperation, and the ranking member, the gentlewoman from Kansas [Mrs. MEYERS].

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. KNOLLENBERG].

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in part 2 of House Report 103–627.

AMENDMENT OFFERED BY MR. BILIRAKIS

Mr. BILIRAKIS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BILIRAKIS: Page 54, after line 21, insert the following:

SEC. 709. CERTIFICATION OF COMPLIANCE WITH CHILD SUPPORT OBLIGATIONS.

The Small Business Act (15 U.S.C. 631 et seq.) is amended by inserting after section 31, as added by section 706 of this Act, the following:

"SEC. 32. CERTIFICATION OF COMPLIANCE WITH CHILD SUPPORT OBLIGATIONS.

"Each applicant for financial assistance under this Act, including applicants for direct loans and loan guarantees, shall certify, as a condition for receiving such assistance, that the applicant is not in violation of the terms of any administrative order, court order, or repayment agreement entered into between the applicant and the custodial parent or the State agency providing child support enforcement services which requires the applicant to pay child support, as such term is defined by section 462(b) of the Social Security Act.".

The CHAIRMAN. The gentleman from Florida [Mr. BILIRAKIS] will be recognized for 5 minutes, and a Member opposed will be recognized for 5 minutes.

The Chair recognizes the gentleman from Florida [Mr. BILIRAKIS].

Mr. BILIRAKIS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to first extend my thanks to the distinguished chairman of the Small Business Committee, Mr. LAFALCE, and the distinguished ranking member, Mrs. MEYERS, as well as their staffs, for their willingness to work with me on this amendment. I know they share my desire to improve the enforcement of child support, and I appreciate their efforts.

I would further extend my appreciation and commendations to my L.A., Todd Tuten. I said to him, "Todd, find some way in which we might be able to address this very abysmal picture regarding child support in this country." He came upon this method, and worked with the staffs of the committee, and we were able to come up with this amendment.

My amendment is not designed to address the fundamental flaws in our Nation's child support enforcement system. Rather, it is intended to send a clear message—that paying child support is a fundamental civic responsibility. Parents who neglect that obligation simply transfer the costs to the rest of society, and they should not be rewarded for such action.

My staff and I have worked carefully to draft language which will achieve this policy objective without being excessively broad in scope. We want to ensure that the amendment will not exclude individuals who should rightfully receive assistance, and that it will not impose any hardship on the Small Business Administration.

In that regard, the Small Business Administration has informed me that the amendment would not impose a significant administrative burden on the agency.

Briefly, the amendment would require applicants for financial assistance to certify that they are not in violation of the terms of any administrative order, court order, or repayment agreement under which the applicant is required to pay child support.

Applicants will only be required to sign an affirmative statement—they will not be asked to present documentation from the court or administrative body. This requirement would be enforced through an existing provision of the Small Business Act, which establishes penalties for fraud in obtaining financial assistance.

My amendment will prevent the use of taxpayers' dollars to assist those who refuse to satisfy their most basic parental obligation—providing adequate support for their child. However, my primary intent is to encourage payment of child support. In that respect, the amendment can be likened to a "carrot and stick" approach.

By denying assistance only to those individuals who are currently in violation of an order or repayment agreement, the amendment provides an incentive for noncustodial parents to pay their past-due child support. Once the terms of the order or repayment agreement are met, the individual is no longer precluded from applying for such assistance.

Mr. Chairman, failure to pay child support is not merely being late or forgetful of one's obligations. It is a violation of a lawful court order. It may also be considered contempt of court. Thus, it is not unreasonable to require applicants for SBA assistance to comply with their legal duties.

I believe we must also look to the end result of failure to pay support: A lack of financial assistance designed to ensure the health and well-being of children, who are, by definition, innocent victims of the delinquency.

In conclusion, Mr. Chairman, my amendment is designed to send a simple message—that we as a society place a high value on the health and well-being of our children. I remain willing to work with my colleagues on any necessary refinements to the language of this proposal, and I urge Members to support this important amendment.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from New York [Mr. LAFALCE] will be recognized for 5 minutes.

Mr. LAFALCE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, everyone wants fathers to assume financial responsibility for their children, and this includes compliance with court-ordered child support.

The gentleman's amendment would preclude the SBA loan assistance to any applicant who was more than 1 month in arrears in these payments. This does sound good, but it could create problems. For example, a father remarries and establishes a second family. If the new family's home is damaged by disaster, do we want to deny them a loan to repair or replace it? Should the new wife and possible children be denied disaster loan assistance?

There could be countless other examples. I could go on, but I will not.

□ 1110

The point is I do agree with the intent of the gentleman's amendment.

Mr. Chairman, since the gentleman first brought the amendment to my attention, he has revised it to mitigate some of the harshness by removing the prohibition if the applicant enters into some type of a repayment agreement to eliminate the delinquency. I believe the language solves most of the problems. Therefore, I am willing to accept the amendment and hope that as other problems are pointed out we can further refine the amendment to solve those problems in conference.

Therefore, Mr. Chairman, in that spirit I would accept the amendment.

Mr. BILIRAKIS. Mr. Chairman, I appreciate the comments of the chairman. I believe, I say to the gentleman, I know that we have worked with his staff to try to get that worked out, and I think it has been satisfactorily worked out. If not, as I have already indicated, we are willing to work with the gentleman from New York [Mr. LAFALCE] further on it.

Mr. LAFALCE. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. I thank the gentleman for yielding.

I thank the gentleman from Florida [Mr. BILIRAKIS] for his amendment.

I think this is a very important amendment. Many of us have been working hard to make sure the Federal Government is doing everything it can to make sure that parents do not run away from their kids. The most important decision anybody makes is to be a parent. These responsibilities should not be treated lightly. I think the taxpayers get tired of both giving people some money to get started in business and also pay for their first family that they wish to shed.

So the gentleman is absolutely correct. I thank him for bringing this amendment up. I am delighted it has been accepted. I think we have to do everything we can to make sure it is enforced, and enforced rigorously. I think the compromise is the way to go, and that is that anyone who is in arrears gets no Federal money until they show a plan for how they are going to repay their arrears. I think that makes sense. That is a compromise, and that says you cannot just throw families away the way you throw bottles or the way you throw away trash. These are not trash, they are children. I thank the gentleman for his compassion and for bringing this up.

Mr. Chairman, I thank the gentleman from New York [Mr. LAFALCE] for working this all out.

Mr. BILIRAKIS. Mr. Chairman, I thank the gentlewoman for her kind remarks and assistance in this regard.

Mr. Chairman, I yield such time as she may consume to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Chairman, I rise in support of the Bilirakis amendment, and I want to commend the gentleman for his leadership and foresight on this issue.

Mr. Chairman, simply put, the state of our child support enforcement system is a national shame, and a scandal of epidemic proportion. Despite years of efforts and reforms we have undertaken in the past, billions of dollars of child support still go unpaid every year.

And make no mistake: this is not a victimless crime. The children who go without the support to which they are legally and morally entitled are the first victims. But ultimately, the American taxpayers are the victim as these children fall onto the welfare rolls.

As we in Congress prepare to debate welfare reform, we should not lose sight of this simple fact: child support enforcement is welfare prevention. A tough and effective child support title must be a component of any effective reform legislation.

The gentleman's amendment would prohibit the SBA from using taxpayer dollars for the deadbeats who do not live up to their moral and legal obligations. It requires SBA applicants to certify that they are not in violation of any existing child support order, and uses the existing fraud and abuse enforcement mechanisms already in place under SBA statute.

In fact, this amendment mirrors and is consistent with a provision in comprehensive child support legislation I have introduced, as well as the Child Support Responsibility Act recently introduced by the Caucus on Women's Issues.

Under that legislation, we would apply these commonsense prohibitions in Mr. BILIRAKIS' amendment to all Federal programs or guarantees. Our bill would once and for all prohibit the Federal Government from aiding and abetting those who refuse to pay child support, through a job, benefits, subsidies, or loan guarantee.

Be it a federally guaranteed mortgage, a government-backed student loan, or a cash or benefits program like food stamps, our bill will definitively prohibit payment to those who fail to make their child support payments, unless they show they are in compliance with a plan to repay their legal and financial obligations.

As we move toward adopting these reforms for all Federal programs, we should start here and now with the Bilirakis amendment, and the Small Business Administration.

Mr. Chairman, let this be a first step. It has become crystal clear over the past several weeks that an omnibus welfare reform package is not going to be enacted this year. That's exactly why this Congress should move quickly to approve tough child support enforcement reforms now.

The Speaker has indicated his support. The majority leader has indicated his support. The Republican leadership is on board. The chairman of the subcommittee has indicated his support. Let's get on with it.

Do not make the children wait another year. Do not let the deadbeats escape their moral and legal obligation another day. Let us pass comprehensive child support reforms now.

Support the Bilirakis amendment. The Bilirakis amendment paves the way for more comprehensive reforms.

Mr. BILIRAKIS. Mr. Chairman, I am informed the gentlewoman from Kansas [Mrs. MEYERS], the ranking member of the committee, would like to speak on this matter. I realize I have no further time. Possibly the gentleman from New York may have.

Mr. LAFALCE. Mr. Chairman, I believe I have some remaining time, and I yield such time as she may consume to the distinguished ranking member, the gentlewoman from Kansas [Mrs. MEYERS].

The CHAIRMAN. The gentlewoman from Kansas [Mrs. MEYERS] is recognized for up to 1½ minutes.

Mrs. MEYERS of Kansas. Mr. Chairman, I thank the gentleman from Florida [Mr. BILIRAKIS] for offering the amendment, and I thank the gentleman from New York [Mr. LAFALCE] for yielding this time.

Mr. Chairman, I rise in support of this amendment. I appreciate the effort of the gentleman from Florida to make this amendment effective and yet not place an overwhelming burden on the Small Business Administration.

I agree with the gentleman it is clear unpaid child support and single-parent families are creating a disastrous situation in our Nation, and I appreciate his efforts to remedy this appalling problem and support the amendment.

Mr. LAFALCE. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for debate on this amendment has expired.

The question is on the amendment offered by the gentleman from Florida [Mr. BILIRAKIS].

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 4. Does the sponsor of amendment No. 4 wish to proceed?

If not, it is now in order to consider amendment No. 5. Does the sponsor of that amendment wish to proceed?

If not, the question is on the committee amendment in the nature of a substitute, as modified, as amended.

The committee amendment in the nature of a substitute, as modified, as amended, was agreed to.

The CHAIRMAN. Under the rule, the committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. KLECZKA) having assumed the chair, Mr. WATT, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4801) to amend the Small Business Act, and for other purposes, pursuant to House Resolution 494, reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute, as modified, as amended?

If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. KIM

Mr. KIM. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman [Mr. KIM] opposed to the bill.

Mr. KIM. Yes, I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. KIM moves to recommit the bill H.R. 4801 to the Committee on Small Business with instructions to report the same back to the House forthwith with the following amendment:

Page 37, after line 3, insert the following:

(c) ADDITIONAL AMOUNTS.—Notwithstanding any other provision of law, the Administration is authorized to transfer, subject to subsequent appropriations, appropriations made available to carry out this title the unobligated balance of the following amounts appropriated by title IV of the Department of State of Related Agencies Appropriations Act, 1995:

(1) $15,000,000 made available to the Administration under the heading "Salaries and Expenses" to implement section 24 of the Small Business Act.

(2) $23,750,000 made available to the Administration under the heading "Business Loans Program Account" to carry out the projects specified in the second sentence of the first paragraph under such heading.

Amounts transferred under this subsection shall be in addition to amounts appropriated pursuant to subsection (b).

Mr. KIM (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. LAFALCE. Mr. Speaker, I object. We do not have a copy of the motion to instruct, and I would like to have a copy and I would like to have it read.

The Clerk continued the reading of the motion to recommit.

□ 1120

Mr. LAFALCE (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

The SPEAKER pro tempore (Mr. KLECZKA). Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. The gentleman from California [Mr. KIM] is recognized for 5 minutes in support of his motion to recommit.

Mr. KIM. Mr. Speaker, today I am offering a motion to recommit H.R. 4801, with instructions to include an amendment which would eliminate approximately $38 million of unauthorized appropriations—in other words, pork projects—and would require the SBA to use that money to help small businessowners escape the burden of onerous prepayment penalties that they face under the SBA's 503 Loan Program.

The reason I am doing this is that I believe that we should be helping small businesses, not adding pork to help a small number of senior Members. If we do not pass my amendment, shame on us.

The 503 Loan Program was designed to provide long-term fixed rate financing for small businesses to buy equipment, machinery, and buildings. Under this program, borrowers, small businessowners, who wished to pay off their loans early, were subject to a substantial prepayment penalty as high as 60 percent.

My amendment will help small businesses by helping to reduce section 503 loan prepayment penalties by simply transferring these $38 million pork projects into this 503 Program. Small businesses are trapped by these penalties because they are unable to refinance their loans or repay them early because of the outrageous rates and penalties imposed upon them under the 503 Program.

It is clear that these small businesses need our help. Unfortunately, H.R. 4801, as currently written, only provides $30 million in funding under section 505 to help correct this problem, even though it would take $98 million to solve the problem entirely.

Let me tell the Members this: I was deeply disappointed to find out that this bill shortchanged small businessowners in this way. So imagine my surprise when I examined that appropriations bill for the SBA and found $38 million in unauthorized pork barrel appropriations for the SBA.

Mr. Speaker, there are approximately 3,500 small businesses that have outstanding 503 Loan Programs right now and are trapped because, as I mentioned earlier, they are unable to refinance or make a payment early because they cannot afford to pay such outrageously high prepayment penalties.

We are telling small businesses that there just was not enough money to help them and then turning around and spending millions of dollars on frivolous "goodies."

Mr. Speaker, my amendment would rectify this shameful situation. Finally, let me be clear on this: A yes vote on this motion is a vote for small businesses in our districts. A no vote on this motion is a vote for pork and against the interests of the small businessowners of this Nation. I urge my colleagues to vote "yes."

The SPEAKER pro tempore. The gentleman from New York [Mr. LAFALCE] is recognized for 5 minutes in opposition to the motion to recommit.

Mr. LAFALCE. Mr. Speaker, I must rise in opposition to the motion to recommit for a number of reasons, but primarily because the gentleman from California would have us engage in a superfluous, meaningless act. What he would do via the authorization process is attempt to repeal an appropriations bill that has already passed both houses of Congress and has already been signed into law by the President of the United States, and because it otherwise would have been out of order, he makes this authorization repeal subject to the approval of the Appropriations Committee in a new appropriations bill that would then subsequently have to be passed by this House and then subsequently signed into law by the President.

There comes a point in time when finality is required. The potential law of the land was discussed and debated a number of weeks ago. The voice of this body was heard. It is now the law of the land, and we should not engage in such superfluous activity.

Mr. Speaker, I urge the defeat of the motion to recommit.

Mr. Speaker, I now yield to the gentleman from Iowa [Mr. SMITH].

Mr. SMITH of Iowa. Mr. Speaker, I rise in opposition to the motion to recommit.

This does not do a solitary thing that is not authorized anyway. It is totally superfluous. Congress can transfer funding without this provision if it wants to. This amendment is just garbage under the Small Business Act. The Small Business Act is a serious act in the permanent statutes of the United States. It is a 3-year act, and it is a 3-year authorization we are passing today. The Small Business Act should not be loaded up with this garbage or with any other superfluous garbage just because someone wants to make a statement.

Mr. Speaker, I oppose the motion to recommit.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

For what purpose does the gentleman from California [Mr. KIM] rise?

Mr. KIM. Mr. Speaker, I would like to yield the remainder of my time to the ranking member of the Committee on Small Business.

The SPEAKER pro tempore. Without objection, the gentlewoman from Kansas [Mrs. MEYERS] is recognized for 30 seconds.

There was no objection.

Mrs. MEYERS of Kansas. Mr. Speaker, I rise in strong support of the motion to recommit. For at least two Congresses the Small Business Committee has wrestled with the burdensome prepayment penalties in the 503 Loan Program. Finally, after gaining administration support we ran into the problem of money. We were told that $30 million was all that could be scraped together to solve a $100 million problem.

Mr. Speaker, imagine my shock when I found that the 1995 SBA appropriations contained $38 million of totally unauthorized spending. This spending is for programs the administration had not requested, and urged be eliminated. The Committee on Small Business has never held a hearing on these projects, or deliberated their authorization.

It is outrageous that small business men and women, some in hardship situations due to the high penalty for prepayment of SBA 503 loans will go without relief due to this kind of spending. Let us do the right thing and support the Kim motion to recommit and try to put that money to use helping small business.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. KIM. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to the provisions of clause 5 of rule XV, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be ordered on the question of the passage of the bill.

The vote was taken by electronic device, and there were—yeas 176, nays 242, not voting 16, as follows:

[Roll No. 427]

YEAS—176

Allard
Andrews (ME)
Andrews (NJ)
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bentley
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Camp
Canady
Cantwell
Castle
Clinger
Coble
Collins (GA)
Combest
Condit
Cooper
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fingerhut
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hancock
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutto
Hyde
Inglis
Inhofe
Istook
Johnson (CT)
Johnson (SD)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lewis (KY)
Lightfoot
Linder
Lucas
Machtley
Manzullo
McCandless
McCollum
McCrery
McCurdy
McHugh
McInnis
McKeon
Meyers
Mica
Michel
Miller (FL)
Minge
Molinari
Moorhead
Morella
Nussle
Orton
Oxley
Paxon
Penny
Peterson (MN)
Petri
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Ramstad
Ravenel
Roberts
Roemer
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Stearns
Stenholm
Stump
Swett
Talent
Taylor (MS)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Walker
Walsh
Weldon
Wolf
Young (FL)
Zeliff
Zimmer

NAYS—242

Ackerman
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barlow
Bateman
Becerra
Beilenson
Berman
Bevill
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Callahan
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Furse
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hansen
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Hutchinson
Inslee
Jacobs
Jefferson
Johnson (GA)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Livingston
Lloyd
Long
Lowey
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McDade
McDermott
McHale
McKinney
McNulty
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moran
Murphy
Murtha
Myers
Nadler
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Owens
Packard
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pickle
Poshard
Price (NC)
Quillen
Quinn
Rahall
Rangel
Reed
Regula
Reynolds
Richardson
Rogers
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (IA)
Spence
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Swift
Tanner
Tauzin
Taylor (NC)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Visclosky
Volkmer
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates
Young (AK)

NOT VOTING—16

Abercrombie
Calvert
Frost
Gallo
Kennedy
Maloney
McMillan
Meehan
Ridge
Roth
Slattery
Sundquist
Synar
Vento
Vucanovich
Washington

□ 1149

Messrs. WYNN, LIVINGSTON, and PACKARD changed their vote from "yea" to "nay."

Messrs. JOHNSON of South Dakota, BARTON of Texas, and GILMAN changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. KLECZKA). The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LAFALCE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. The Chair will remind Members that this is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 370, nays 48, not voting 16, as follows:

[Roll No. 428]

YEAS—370

Abercrombie
Ackerman
Andrews (ME)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Cunningham
Danner
Darden
de la Garza
Deal
DeFazio
Dellums
Derrick
Deutsch
Dickey
Dingell
Dixon
Dooley
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English
Eshoo
Evans
Everett
Ewing
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Furse
Gallegly
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hansen
Harman
Hastert
Hastings
Hayes
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennelly
Kildee
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Lucas
Machtley
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCrery
McCurdy
McDade
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Menendez
Meyers
Mfume
Michel
Miller (CA)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moran
Morella
Murphy
Murtha
Nadler
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Roberts
Roemer
Rogers
Ros-Lehtinen
Rose
Rostenkowski
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Visclosky
Volkmer
Walker
Walsh
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff

NAYS—48

Allard
Andrews (NJ)
Archer
Armey
Bachus (AL)
Barton
Bliley
Burton
Coble
Cox
Crane
Crapo
DeLay
Doolittle
Dornan
Dreier
Duncan
Ehlers
Fawell
Fields (TX)
Goodlatte
Hancock
Hefley
Hoekstra
Hunter
Istook
Kim
Manzullo
McCandless
McCollum
Mica
Miller (FL)
Moorhead
Myers
Packard
Paxon
Penny
Petri
Rohrabacher
Roth
Royce
Schaefer
Sensenbrenner
Smith (MI)
Stearns
Stump
Upton
Zimmer

NOT VOTING—16

DeLauro
Diaz-Balart
Dicks
Ford (MI)
Frost
Gallo
Kennedy
Maloney
Meek
Ridge
Slattery
Sundquist
Synar
Vento
Vucanovich
Washington

☐ 1200

Messrs. MOORHEAD, FAWELL, and McCOLLUM changed their vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LAFALCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous matter, on H.R. 4801, the bill just passed.

The SPEAKER pro tempore (Mr. KLECZKA). Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. LAFALCE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2060) to amend the Small Business Act and the Small Business Investment Act of 1958, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the Senate bill as follows:

S. 2060

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Small Business Administration Reauthorization and Amendment Act of 1994".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—AUTHORIZATIONS

Sec. 101. Authorizations.

TITLE II—FINANCIAL ASSISTANCE PROGRAMS

Sec. 201. Microloan financing pilot.
Sec. 202. Eligibility of Native American tribal governments to be microloan intermediaries.
Sec. 203. Microloan program extension.
Sec. 204. Microloan program funding and State limitations.
Sec. 205. Distribution of intermediaries.
Sec. 206. Microloan intermediary loan limitation.
Sec. 207. Microloan technical assistance to nonborrowers.
Sec. 208. Microloan demonstration program grants.
Sec. 209. Eligibility to participate as a microloan intermediary and a technical assistance provider.
Sec. 210. Loans to exporters.
Sec. 211. Working capital international trade loans.
Sec. 212. Guarantees on international trade loans.
Sec. 213. Accredited lenders program.
Sec. 214. Interest rate on certified development company loans.
Sec. 215. Certifications of eligibility for SBIC and SSBIC financing.
Sec. 216. Participating securities for smaller SBICs.

TITLE III—SIZE STANDARDS AND BOND GUARANTEES

Sec. 301. Size standard criteria.
Sec. 302. Sunset on preferred surety bond guarantee program.
Sec. 303. Manufacturing contracts through manufacturing application and education centers.

TITLE IV—BUSINESS DEVELOPMENT ASSISTANCE

Subtitle A—General Provisions

Sec. 401. Sunset on cosponsored training.

Sec. 402. Small business development center program level.
Sec. 403. Federal contracts with small business development centers.
Sec. 404. Small business development center program examination and certification.
Sec. 405. Service Corps of Retired Executives (SCORE) program.
Sec. 406. Information concerning franchising.

Subtitle B—Development of Woman-Owned Businesses

Sec. 411. Extension of authority for demonstration projects.
Sec. 412. Establishment of Office of Women's Business Ownership.
Sec. 413. National Commission on Women in Business.

TITLE V—RELIEF FROM DEBENTURE PREPAYMENT PENALTIES

Sec. 501. Short title.
Sec. 502. Prepayment of development company debentures.

TITLE VI—MISCELLANEOUS AMENDMENTS

Sec. 601. Consolidation of funding accounts.
Sec. 602. Imposition of fees.
Sec. 603. Job creation and community benefit.
Sec. 604. Microloan program amendments.
Sec. 605. Technical clarification.
Sec. 606. Secondary market study due date.
Sec. 607. Study and data base: Guaranteed Business Loan Program and Development Company Program.
Sec. 608. SBIR vendors.
Sec. 609. Program extension.
Sec. 610. Prohibition on the use of funds for individuals not lawfully within the United States.
Sec. 611. Office of advocacy employees.
Sec. 612. Prohibition on the provision of assistance.
Sec. 613. Certification of compliance with child support obligations.

TITLE I—AUTHORIZATIONS

SEC. 101. AUTHORIZATIONS.

Section 20 of the Small Business Act (15 U.S.C. 631 note) is amended by striking subsections (k) (as added by section 405(3) of the Small Business Credit and Business Opportunity Enhancement Act of 1992) through (p) and inserting the following:

“(l) The following program levels are authorized for fiscal year 1995:

“(1) For the programs authorized by this Act, the Administration is authorized to make $110,000,000 in direct and immediate participation loans, and $45,000,000 in technical assistance grants as provided in section 7(m).

“(2) For the programs authorized by this Act, the Administration is authorized to make $13,315,000,000 in deferred participation loans and other financings. Of such sum, the Administration is authorized to make—

“(A) $9,000,000,000 in general business loans as provided in section 7(a);

“(B) $2,300,000,000 in financings as provided in section 7(a)(13) and section 504 of the Small Business Investment Act of 1958;

“(C) $2,000,000,000 in loans as provided in section 7(a)(21); and

“(D) $15,000,000 in loans as provided in section 7(m).

“(3) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make—

“(A) $33,000,000 in purchases of preferred securities;

“(B) $275,000,000 in guarantees of debentures, of which $65,000,000 is authorized in guarantees of debentures from companies operating pursuant to section 301(d) of such Act; and

“(C) $500,000,000 in guarantees of participating securities.

“(4) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $1,800,000,000, of which not more than $450,000,000 may be in bonds approved pursuant to the provisions of section 411(a)(3) of such Act.

“(5) The Administration is authorized to make grants or enter into cooperative agreements—

“(A) for the Service Corps of Retired Executives program authorized by section 8(b)(1), $3,500,000;

“(B) for the Small Business Institute program authorized by section 8(b)(1), $3,000,000; and

“(C) for activities of small business development centers pursuant to section 21(c)(3)(G), $25,000,000, to remain available until expended.

“(m) There are authorized to be appropriated to the Administration for fiscal year 1995 such sums as may be necessary to carry out the provisions of this Act, including administrative expenses and necessary loan capital for disaster loans pursuant to section 7(b), and to carry out the provisions of the Small Business Investment Act of 1958, including salaries and expenses of the Administration.

“(n) The following program levels are authorized for fiscal year 1996:

“(1) For the programs authorized by this Act, the Administration is authorized to make $175,000,000 in direct and immediate participation loans, and $65,000,000 in technical assistance grants as provided in section 7(m).

“(2) For the programs authorized by this Act, the Administration is authorized to make $15,320,000,000 in deferred participation loans and other financings. Of such sum, the Administration is authorized to make—

“(A) $10,000,000,000 in general business loans as provided in section 7(a);

“(B) $2,800,000,000 in financings as provided in section 7(a)(13) and section 504 of the Small Business Investment Act of 1958;

“(C) $2,500,000,000 in loans as provided in section 7(a)(21); and

“(D) $20,000,000 in loans as provided in section 7(m).

“(3) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make—

“(A) $39,000,000 in purchases of preferred securities;

“(B) $300,000,000 in guarantees of debentures, of which $70,000,000 is authorized in guarantees of debentures from companies operating pursuant to section 301(d) of such Act; and

“(C) $750,000,000 in guarantees of participating securities.

“(4) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $2,000,000,000, of which not more than $500,000,000 may be in bonds approved pursuant to the provisions of section 411(a)(3) of such Act.

“(5) The Administration is authorized to make grants or enter cooperative agreements—

“(A) for the Service Corps of Retired Executives program authorized by section 8(b)(1), $3,750,000;

“(B) for the small business institute program authorized by section 8(b)(1), $3,250,000; and

“(C) for activities of small business development centers pursuant to section 21(c)(3)(G), not to exceed $25,000,000, to remain available until expended.

“(o) There are authorized to be appropriated to the Administration for fiscal year 1996 such sums as may be necessary to carry out the provisions of this Act, including administrative expenses and necessary loan capital for disaster loans pursuant to section 7(b), and to carry out the provisions of the Small Business Investment Act of 1958, including salaries and expenses of the Administration.

“(p) The following program levels are authorized for fiscal year 1997:

“(1) For the programs authorized by this Act, the Administration is authorized to make $250,000,000 in direct and immediate participation loans and $98,000,000 in technical assistance grants as provided in section 7(m), to remain available until expended.

“(2) For the programs authorized by this Act, the Administration is authorized to make $19,020,000,000 in deferred participation loans and other financings. Of such sum, the Administration is authorized to make—

“(A) $12,000,000,000 in general business loans as provided in section 7(a);

“(B) $3,500,000,000 in financings as provided in section 7(a)(13) and section 504 of the Small Business Investment Act of 1958;

“(C) $3,500,000,000 in loans as provided in section 7(a)(21); and

“(D) $20,000,000 in loans as provided in section 7(m).

“(3) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make—

“(A) $45,000,000 in purchases of preferred securities;

“(B) $375,000,000 in guarantees of debentures, of which $75,000,000 is authorized in guarantees of debentures from companies operating pursuant to section 301(d) of such Act; and

“(C) $1,125,000,000 in guarantees of participating securities.

“(4) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $2,200,000,000, of which not more than $650,000,000 may be in bonds approved pursuant to the provisions of section 411(a)(3) of such Act.

“(5) The Administration is authorized to make grants or enter cooperative agreements—

“(A) for the Service Corps of Retired Executives program authorized by section 8(b)(1), $4,000,000;

“(B) for the small business institute program authorized by section 8(b)(1), $3,500,000; and

“(C) for activities of small business development centers pursuant to section 21(c)(3)(G), not to exceed $25,000,000, to remain available until expended.

“(q) There are authorized to be appropriated to the Administration for fiscal year 1997 such sums as may be necessary to carry out the provisions of this Act, including administrative expenses and necessary loan capital for disaster loans pursuant to section 7(b), and to carry out the provisions of the

Small Business Investment Act of 1958, including salaries and expenses of the Administration.".

TITLE II—FINANCIAL ASSISTANCE PROGRAMS

SEC. 201. MICROLOAN FINANCING PILOT.

Section 7(m) of the Small Business Act (15 U.S.C. 636(m)) is amended by adding at the end the following new paragraph:

"(12) DEFERRED PARTICIPATION LOAN PILOT.—In lieu of making direct loans to intermediaries as authorized in paragraph (1)(B), during fiscal years 1995 through 1997, the Administration may, on a pilot program basis, participate on a deferred basis of not less than 90 percent and not more than 100 percent on loans made to intermediaries by a for-profit or nonprofit entity or by alliances of such entities, subject to the following conditions:

"(A) NUMBER OF LOANS.—In carrying out this paragraph, the Administration shall not participate in providing financing on a deferred basis to more than 10 intermediaries in urban areas or more than 10 intermediaries in rural areas.

"(B) TERM OF LOANS.—The term of each loan shall be 10 years. During the first year of the loan, the intermediary shall not be required to repay any interest or principal. During the second through fifth years of the loan, the intermediary shall be required to pay interest only. During the sixth through tenth years of the loan, the intermediary shall be required to make interest payments and fully amortize the principal.

"(C) INTEREST RATE.—The interest rate on each loan shall be the rate specified by paragraph (3)(F) for direct loans. Subject to the availability of appropriations, the Administration may make payments to lenders on behalf of intermediaries in order to achieve such interest rate.".

SEC. 202. ELIGIBILITY OF NATIVE AMERICAN TRIBAL GOVERNMENTS TO BE MICROLOAN INTERMEDIARIES.

Section 7(m)(11)(A) of the Small Business Act (15 U.S.C. 636(m)(11)(A)) is amended—

(1) in clause (iii), by striking "or" at the end;

(2) in clause (iv), by striking the comma at the end and inserting "; or"; and

(3) by adding at the end the following new clause:

"(v) an agency of or nonprofit entity established by a Native American Tribal Government,".

SEC. 203. MICROLOAN PROGRAM EXTENSION.

Section 609(j) of Public Law 102–140 (105 Stat. 831) is amended by striking "5 years after the date of enactment of this Act", and inserting "on October 1, 1998".

SEC. 204. MICROLOAN PROGRAM FUNDING AND STATE LIMITATIONS.

Section 7(m) of the Small Business Act (15 U.S.C. 636(m)) is amended—

(1) in paragraph (5)(A)—

(A) by striking "25 grants" and inserting "50 grants"; and

(B) by striking "$125,000" and inserting "$150,000"; and

(2) by striking paragraph (7) and inserting the following:

"(7) PROGRAM FUNDING FOR MICROLOANS.—

"(A) NUMBER OF PARTICIPANTS.—In carrying out paragraph (1)(B)(i), the Administration may fund, on a competitive basis, not more than—

"(i) 150 microloan programs in fiscal year 1995; and

"(ii) 200 microloan programs in each succeeding fiscal year.

"(B) STATE LIMITATIONS.—A State shall not receive more than $10,000,000 in loan funds during any year of program participation.".

SEC. 205. DISTRIBUTION OF INTERMEDIARIES.

Section 7(m)(8) of the Small Business Act (15 U.S.C. 636(m)(8)) is amended to read as follows:

"(8) DISTRIBUTION OF INTERMEDIARIES.—In approving microloan program applicants under this subsection, the Administration shall select such intermediaries as will further microloan availability for small businesses in all industries located throughout each State, especially small businesses located in economically distressed urban and rural areas.".

SEC. 206. MICROLOAN INTERMEDIARY LOAN LIMITATION.

Section 7(m)(3)(C) of the Small Business Act (15 U.S.C. 636(m)(3)(C)) is amended by striking "$1,250,000" and inserting "$2,000,000".

SEC. 207. MICROLOAN TECHNICAL ASSISTANCE TO NONBORROWERS.

Section 7(m)(4) of the Small Business Act (15 U.S.C. 636(m)(4)) is amended by adding at the end the following new subparagraph:

"(E) ASSISTANCE TO CERTAIN SMALL BUSINESS CONCERNS.—Each intermediary may expend an amount not to exceed 20 percent of the grant funds authorized under paragraph (1)(B)(ii) to provide marketing, management, and technical assistance to small business concerns that are not borrowers under this subsection.".

SEC. 208. MICROLOAN DEMONSTRATION PROGRAM GRANTS.

Section 7(m)(4) of the Small Business Act (15 U.S.C. 636(m)(4)) is amended—

(1) in subparagraph (B), by inserting "except for a grant made to an intermediary that provides not less than 50 percent of its loans to small business concerns owned by one or more members of a federally recognized Indian tribe," after "under subparagraph (A),"; and

(2) in subparagraph (C), by striking clause (i) and inserting the following:

"(i) IN GENERAL.—In addition to grants made under subparagraph (A), each intermediary shall be eligible to receive a grant equal to 5 percent of the total outstanding balance of loans made to the intermediary under this subsection if—

"(I) the intermediary provides not less than 25 percent of its loans to small business concerns owned by one or more members of a federally recognized Indian tribe; or

"(II) the intermediary has a portfolio of loans made under this subsection that averages not more than $7,500 during the period of the intermediary's participation in the program.".

SEC. 209. ELIGIBILITY TO PARTICIPATE AS A MICROLOAN INTERMEDIARY AND A TECHNICAL ASSISTANCE PROVIDER.

Section 7(m)(2) of the Small Business Act (15 U.S.C. 636(m)(2)) is amended—

(1) by striking "(2) ELIGIBILITY FOR PARTICIPATION.—An" and inserting the following:

"(2) ELIGIBILITY FOR PARTICIPATION.—

"(A) IN GENERAL.—An";

(2) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and indenting accordingly; and

(3) by adding at the end the following new subparagraph:

"(B) PARTICIPATION AS INTERMEDIARY AND TECHNICAL ASSISTANCE PROVIDER.—A single entity may simultaneously receive 1 grant as an intermediary pursuant to paragraph (1)(B)(ii) and 1 grant as a nonintermediary technical assistance provider pursuant to paragraph (1)(B)(iii) if the Administration determines that—

"(i) the purposes of the grants are not duplicative;

"(ii) the grants will enable the entity to provide technical assistance to different geographic areas, or to support both guaranteed and direct loans in the same geographic area; and

"(iii) the entity meets all of the requirements of the programs authorized pursuant to clauses (ii) and (iii) of paragraph (1)(B).".

SEC. 210. LOANS TO EXPORTERS.

Section 7(a)(14)(A) of the Small Business Act (15 U.S.C. 636(a)(14)(A)) is amended to read as follows:

"(14)(A) The Administration may provide extensions of credit, standby letters of credit, revolving lines of credit for export purposes, and other financing to enable small business concerns, including small business export trading companies and small business export management companies, to develop foreign markets. A bank or participating lending institution may establish the rate of interest on such financings as may be legal and reasonable.".

SEC. 211. WORKING CAPITAL INTERNATIONAL TRADE LOANS.

Section 7(a)(3)(B) of the Small Business Act (15 U.S.C. 636(a)(3)(B)) is amended to read as follows:

"(B) if the total amount outstanding and committed (on a deferred basis) solely for the purposes provided in paragraph (16) to the borrower from the business loan and investment fund established by this Act would exceed $1,250,000, of which not more than $750,000 may be used for working capital, supplies, or financings under section 7(a)(14) for export purposes; and".

SEC. 212. GUARANTEES ON INTERNATIONAL TRADE LOANS.

Section 7(a)(2)(B)(iv) of the Small Business Act (15 U.S.C. 636(a)(2)(B)(iv)) is amended to read as follows:

"(iv) not less than 85 percent nor more than 90 percent of the financing outstanding at the time of disbursement if such financing is a loan under paragraph (14) or (16).".

SEC. 213. ACCREDITED LENDERS PROGRAM.

(a) ESTABLISHMENT.—Title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.) is amended by adding at the end the following new section:

"SEC. 507. ACCREDITED LENDERS PROGRAM.

"(a) ESTABLISHMENT.—The Administration is authorized to establish an Accredited Lenders Program for qualified State and local development companies that meet the requirements of subsection (b).

"(b) REQUIREMENTS.—The Administration may designate a qualified State or local development company as an accredited lender if such company—

"(1) has been an active participant in the Development Company Program authorized by sections 502, 503, and 504 for not less than the preceding 12 months;

"(2) has well-trained, qualified personnel who are knowledgeable in the Administration's lending policies and procedures for such Development Company Program;

"(3) has the ability to process, close, and service financing for plant and equipment under such Development Company Program;

"(4) has a reasonable and acceptable loss rate on the company's debentures;

"(5) has a history of submitting to the Administration complete and accurate debenture guaranty application packages; and

"(6) has demonstrated the ability to serve small business credit needs for financing plant and equipment through the Development Company Program authorized by sections 502, 503, and 504.

"(c) EXPEDITED PROCESSING OF LOAN APPLICATIONS.—The Administration shall develop an expedited procedure for processing a loan application or servicing action submitted by a qualified State or local development company that has been designated as an accredited lender in accordance with subsection (b).

"(d) SUSPENSION OR REVOCATION OF DESIGNATION.—

"(1) IN GENERAL.—The designation of a qualified State or local development company as an accredited lender may be suspended or revoked if the Administration determines that—

"(A) the development company has not continued to meet the criteria for eligibility under subsection (b); or

"(B) the development company has failed to adhere to the Administration's rules and regulations or is violating any other applicable provision of law.

"(2) EFFECT.—A suspension or revocation under paragraph (1) shall not affect any outstanding debenture guarantee.

"(e) DEFINITION.—For purposes of this section, the term 'qualified State or local development company' has the same meaning as in section 503(e).".

(b) REGULATIONS.—Not later than 120 days after the date of enactment of this Act, the Administration shall promulgate final regulations to carry out this section.

(c) REPORT.—Not later than 1 year after the effective date of regulations promulgated under subsection (b), the Administration shall report to the Committees on Small Business of the Senate and the House of Representatives on the implementation of this section. Such report shall include data on the number of development companies designated as accredited lenders, their debenture guarantee volume, their loss rates, the average processing time on their guarantee applications, and such other information as the Administration deems appropriate.

SEC. 214. INTEREST RATE ON CERTIFIED DEVELOPMENT COMPANY LOANS.

Section 112(c) of the Small Business Administration Reauthorization and Amendment Act of 1988 (102 Stat. 2996) is amended—

(1) in paragraph (1), by striking "(1) IN GENERAL.—Section 503" and inserting "Section 503"; and

(2) by striking paragraph (2).

SEC. 215. CERTIFICATIONS OF ELIGIBILITY FOR SBIC AND SSBIC FINANCING.

Section 308 of the Small Business Investment Act of 1958 (15 U.S.C. 687) is amended by adding at the end the following new subsection:

"(h) CERTIFICATIONS OF ELIGIBILITY.—

"(1) CERTIFICATION BY SMALL BUSINESS CONCERN.—Prior to receiving financial assistance from a company licensed pursuant to subsection (c) or (d) of section 301, a small business concern shall certify in writing that it meets the eligibility requirements of the Small Business Investment Company Program or the Specialized Small Business Investment Company Program, as applicable.

"(2) CERTIFICATION BY COMPANY.—Prior to providing financial assistance to a small business concern under this Act, a company licensed pursuant to subsection (c) or (d) of section 301 shall certify in writing that it has reviewed the application for assistance of the small business concern and that all documentation and other information supports the eligibility of the applicant.

"(3) RETENTION OF CERTIFICATIONS.—Certificates made pursuant to paragraphs (1) and (2) shall be retained by the company licensed pursuant to subsection (c) or (d) of section 301 for the duration of the financial assistance.".

SEC. 216. PARTICIPATING SECURITIES FOR SMALLER SBICS.

Section 303(g) of the Small Business Investment Act of 1958 (15 U.S.C. 683(g)) is amended by adding at the end the following new paragraph:

"(13) PARTICIPATING SECURITIES FOR SMALLER SMALL BUSINESS INVESTMENT COMPANIES.—

"(A) IN GENERAL.—Subject to the provisions of subparagraph (B), of the amount of the annual program level of participating securities approved in appropriations Acts, 50 percent shall be reserved for funding small business investment companies with private capital of less than $20,000,000.

"(B) EXCEPTION.—During the last quarter of each fiscal year, if the Administrator determines that there is a lack of qualified applicants with private capital of less than $20,000,000, the Administrator may utilize all or any part of the program level for securities reserved under subparagraph (A) for qualified applicants with private capital of $20,000,000 or more.".

TITLE III—SIZE STANDARDS AND BOND GUARANTEES

SEC. 301. SIZE STANDARD CRITERIA.

Section 3(a)(2) of the Small Business Act (15 U.S.C. 632(a)(2)) is amended to read as follows:

"(2) SIZE STANDARD CRITERIA.—

"(A) IN GENERAL.—In addition to the criteria specified in paragraph (1), the Administrator may specify detailed definitions or standards by which a business concern may be determined to be a small business concern for the purposes of this Act or any other Act.

"(B) ADDITIONAL CRITERIA.—The standards described in paragraph (1) may utilize number of employees, dollar volume of business, net worth, net income, or a combination thereof.

"(C) REQUIREMENTS.—Unless specifically authorized by statute, no Federal department or agency may prescribe a size standard for categorizing a business concern as a small business concern, unless such proposed size standard—

"(i) is proposed after an opportunity for public notice and comment;

"(ii) provides for determining—

"(I) the size of a manufacturing concern as measured by the manufacturing concern's average employment based upon employment during each of the manufacturing concern's pay periods for the preceding 12 months;

"(II) the size of a business concern providing services on the basis of the annual average gross receipts of the business concern over a period of not less than 3 years; and

"(III) the size of other business concerns on the basis of data over a period of not less than 3 years; and

"(iii) is approved by the Administrator.".

SEC. 302. SUNSET ON PREFERRED SURETY BOND GUARANTEE PROGRAM.

Section 207 of the Small Business Administration Reauthorization and Amendment Act of 1988 (15 U.S.C. 694b note) is amended by striking "September 30, 1994" and inserting "September 30, 1995".

SEC. 303. MANUFACTURING CONTRACTS THROUGH MANUFACTURING APPLICATION AND EDUCATION CENTERS.

(a) IN GENERAL.—The Small Business Administration shall promote the award of Federal manufacturing contracts to small business concerns that participate in manufacturing application and education centers by working with the Department of Commerce and other agencies to identify components and subsystems that are both critical and currently foreign-sourced.

(b) QUALIFICATIONS.—In order to qualify as a manufacturing application and education center under this section, an entity shall have the capacity to assist small business concerns in a shared-use production environment and to offer the following services:

(1) Technology demonstration.

(2) Technology education.

(3) Technology application support.

(4) Technology advancement support.

(c) INAPPLICABILITY OF CERTAIN REQUIREMENTS.—The requirements of section 15(o)(1)(B) of the Small Business Act shall not apply with respect to any manufacturing contract carried out by a small business concern in conjunction with a manufacturing application and education center under this section.

(d) REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Small Business Administration shall promulgate final regulations to carry out this section.

(e) TERMINATION OF AUTHORITY.—The authority of the Small Business Administration under this section shall terminate on September 30, 1997.

TITLE IV—BUSINESS DEVELOPMENT ASSISTANCE

Subtitle A—General Provisions

SEC. 401. SUNSET ON COSPONSORED TRAINING.

(a) IN GENERAL.—

(1) REPEAL.—The amendments made by section 5(a) of Small Business Computer Security and Education Act of 1984 (15 U.S.C. 633 note) are hereby repealed.

(2) EFFECTIVE DATE.—Paragraph (1) shall take effect on September 30, 1997.

(b) CONFORMING AMENDMENT.—Section 7(b) of the Small Business Computer Security and Education Act of 1984 (15 U.S.C. 633 note) is amended in the second sentence by striking "and the amendments made to section 8(b)(1)(A) of the Small Business Act by section 5(a)(2) of this Act are" and inserting "is".

SEC. 402. SMALL BUSINESS DEVELOPMENT CENTER PROGRAM LEVEL.

Section 21(a)(4) of the Small Business Act (15 U.S.C. 648(a)(4)) is amended to read as follows:

"(4) SMALL BUSINESS DEVELOPMENT CENTER PROGRAM LEVEL.—

"(A) IN GENERAL.—The Administration shall require as a condition of any grant (or amendment or modification thereof) made to an applicant under this section, that a matching amount (excluding any fees collected from recipients of such assistance) equal to the amount of such grant be provided from sources other than the Federal Government, to be comprised of not less than 50 percent cash and not more than 50 percent of indirect costs and in-kind contributions.

"(B) RESTRICTION.—The matching amount described in subparagraph (A) shall not include any indirect costs or in-kind contributions derived from any Federal program.

"(C) NATIONAL PROGRAM.—

"(i) IN GENERAL.—No recipient of funds under this section shall receive a grant that exceeds—

"(I) for fiscal year 1995, the greater of—

"(aa) the sum of such recipient's pro rata share of a national program based upon the population to be served by the small business development center as compared to the total population in the United States, and $100,000; or

"(bb) $200,000; and

"(II) except as provided in clause (ii), in each succeeding fiscal year, the greater of—

"(aa) the sum of such recipient's pro rata share of a national program based upon the population to be served by the small business development center as compared to the total population in the United States, and $200,000; or

"(bb) $300,000.

"(ii) Exception.—The provisions of clause (i)(I) shall apply in any fiscal year after fiscal year 1995 in which, based on funds appropriated, a small business development center would, under the provisions of clause (i)(II), receive less than the small business development center received in fiscal year 1995.

"(iii) Amount.—The amount of the national program shall be—

"(I) $70,000,000 through September 30, 1995;

"(II) $77,500,000 from October 1, 1995 through September 30, 1996; and

"(III) $85,000,000 beginning October 1, 1996.

The amount for which a small business development center is eligible under this paragraph shall be based upon the amount of the national program in effect as of the date for commencement of performance of the small business development center's grant.".

SEC. 403. FEDERAL CONTRACTS WITH SMALL BUSINESS DEVELOPMENT CENTERS.

Section 21(a)(5) of the Small Business Act (15 U.S.C. 648(a)(5)) is amended to read as follows:

"(5) Federal Contracts With Small Business Development Centers.—

"(A) In general.—A small business development center may enter into a contract with a Federal department or agency to provide specific assistance to small business concerns, if the contract is approved in advance by the Associate Administrator of the small business development center program.

"(B) Approval criteria.—Each approval of a contract under subparagraph (A) shall be based upon a determination that the contract will provide assistance to small business concerns and that performance of the contract will not hinder the small business development center in carrying out the terms of the grant received by the small business development center from the Administration.

"(C) Exemption from matching requirement.—A contract under this paragraph shall not be subject to the matching funds or eligibility requirements of paragraph (4).

"(D) Additional provision.—Notwithstanding any other provision of law, a contract for assistance under this paragraph may not be applied to any Federal department or agency's small business, woman-owned business, or socially and economically disadvantaged business contracting goal under section 15(g).".

SEC. 404. SMALL BUSINESS DEVELOPMENT CENTER PROGRAM EXAMINATION AND CERTIFICATION.

Section 21(k) of the Small Business Act (15 U.S.C. 648(k)) is amended to read as follows:

"(k) Program Examination and Certification.—

"(1) Examination.—Not later than 180 days after the date of enactment of this subsection, the Administration shall develop and implement a biannual programmatic and financial examination of each small business development center established pursuant to this section.

"(2) Certification.—The Administration may provide financial support, by contract or otherwise, to the association authorized by subsection (a)(3)(A) for the purpose of developing a small business development center certification program.

"(3) Extension or renewal of cooperative agreements.—In extending or renewing a cooperative agreement of a small business development center, the Administration shall consider the results of the examination and certification program conducted pursuant to paragraphs (1) and (2).".

SEC. 405. SERVICE CORPS OF RETIRED EXECUTIVES (SCORE) PROGRAM.

Section 8(b)(1) of the Small Business Act (15 U.S.C. 637(b)(1)) is amended by adding at the end the following new subparagraph:

"(H) In carrying out subparagraph (B), the Administration shall encourage the Service Corps of Retired Executives (SCORE) established pursuant to such subparagraph, to the maximum extent practicable, to consult and work in conjunction with the Corporation for National and Community Service and the Points of Light Foundation established under the National and Community Service Act of 1990.".

SEC. 406. INFORMATION CONCERNING FRANCHISING.

Section 8(b)(1)(A) of the Small Business Act (15 U.S.C. 637(b)(1)(A)) is amended by inserting "including information on the benefits and risks of franchising," after "small-business enterprises,".

Subtitle B—Development of Woman-Owned Businesses

SEC. 411. EXTENSION OF AUTHORITY FOR DEMONSTRATION PROJECTS.

The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by redesignating section 28 (as added by section 2 of the Women's Business Development Act of 1991) as section 29; and

(2) in section 29(g), as redesignated, by striking "1995" and inserting "1997".

SEC. 412. ESTABLISHMENT OF OFFICE OF WOMEN'S BUSINESS OWNERSHIP.

Section 29 of the Small Business Act (15 U.S.C. 656), as redesignated by section 411, is amended by adding at the end the following new subsection:

"(h) Office of Women's Business Ownership.—There is hereby established within the Administration an Office of Women's Business Ownership, which shall be responsible for the administration of the Administration's programs for the development of women's business enterprises, as such term is defined in section 408 of the Women's Business Ownership Act of 1988. The Office of Women's Business Ownership shall be administered by an Assistant Administrator, who shall be appointed by the Administrator.".

SEC. 413. NATIONAL COMMISSION ON WOMEN IN BUSINESS.

(a) Establishment.—Section 401 of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note) is amended to read as follows:

"SEC. 401. ESTABLISHMENT.

"There is hereby established a Commission to be known as the 'National Commission on Women in Business' (hereafter in this title referred to as the 'Commission').".

(b) Duties of the Commission.—Section 402 of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note) is amended to read as follows:

"SEC. 402. DUTIES OF THE COMMISSION.

"The Commission shall—

"(1) review, promote, coordinate, and monitor plans and programs, developed in the public and private sectors, which affect the ability of woman-owned businesses to obtain capital and credit;

"(2) promote and assist in the development of the Intermediate Census on Women's Business Ownership and other surveys of woman-owned businesses;

"(3) provide assistance to and outreach for the involvement of women business owners in White House Conference on Small Business;

"(4) study and assess—

"(A) the obstacles faced by women seeking to establish businesses and women seeking senior management positions in large and small businesses and in the professions; and

"(B) the contributions to the Nation's economy by businesses owned or managed by women; and

"(5) design a comprehensive plan for a joint public-private sector effort to facilitate the development and growth of woman-owned businesses.

"(b) Report.—Not later than January 31, 1996, the Commission shall submit a report to the President and the Committees on Small Business of the Senate and the House of Representatives describing the plan developed pursuant to subsection (a)(5).".

(c) Membership.—Section 403 of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note) is amended to read as follows:

"SEC. 403. MEMBERSHIP OF THE COMMISSION.

"(a) In General.—The Commission shall be composed of 14 members, of whom—

"(1) 7 members shall be the individuals described in subsection (b); and

"(2) 7 members shall be appointed in accordance with subsection (c).

"(b) Public Sector Members.—For purposes of subsection (a)(1), the individuals described in this section are—

"(1) the Administrator of the Small Business Administration;

"(2) the Assistant Administrator of the Office of Women's Business Ownership of the Small Business Administration;

"(3) the Secretary of the Treasury, or the Secretary's designee;

"(4) the Secretary of Labor, or the Secretary's designee;

"(5) the Secretary of Commerce, or the Secretary's designee;

"(6) the Administrator of the General Services Administration, or the Administrator's designee; and

"(7) 1 member of the Board of Governors of the Federal Reserve System, or the designee of a member.

"(c) Private Sector Members.—

"(1) Chairperson.—Not later than 45 days after the date of enactment of the Small Business Administration Reauthorization and Amendment Act of 1994, the President shall appoint an individual to serve as the chairperson of the Commission (hereafter in this title referred to as the 'Chairperson') who shall be a prominent business-woman who is qualified to head the Commission by virtue of her education, training, and experience.

"(2) Other members.—Not later than 60 days after the date of enactment of the Small Business Administration Reauthorization and Amendment Act of 1994, the Administrator of the Small Business Administration shall appoint 6 members of the Commission, of whom—

"(A) 1 shall be an owner of a small business concern, as such term is defined in section 3 of the Small Business Act, who is a member of the same political party as the President;

"(B) 1 shall be an owner of a small business concern, as such term is defined in section 3 of the Small Business Act, who is not a member of the same political party as the President; and

"(C) 4 shall be representatives of national women's business organizations.

"(d) Administrative Provisions.—

"(1) Restriction.—The members of the Commission appointed pursuant to subsection (c) shall not be officers or employees of the Federal Government.

"(2) Vice chairperson.—The member of the Commission appointed pursuant to subsection (b)(2) shall serve as vice chairperson of the Commission.

"(3) Terms.—The term of service of the members of the Commission appointed pursuant to subsection (c) shall be 1 year. No member of the Commission may serve for more than 2 consecutive terms.

"(4) Designees.—Each designee appointed pursuant to subsection (b) shall—

"(A) be a policy-making official whose duties are consistent with the duties of the Commission; and

"(B) report directly to the head of the agency on the activities of the Commission.

"(5) Compensation and travel expenses.—

"(A) Public sector members.—The members of the Commission described in subsection (b) shall serve on the Commission without additional compensation.

"(B) Private sector members.—The members of the Commission appointed pursuant to subsection (c) shall serve without pay for membership, except that such members shall be entitled to reimbursement for domestic travel, subsistence, and other necessary expenses incurred by them in carrying out the functions of the Commission in the same manner as persons serving on advisory boards pursuant to section 8(b) of the Small Business Act.

"(6) Vacancies.—A vacancy on the Commission shall, not later than 30 days after the date on which the vacancy occurs, be filled in the same manner in which the original appointment was made.

"(7) Meetings.—The Commission shall meet at the call of the Chairperson not less than 4 times each year.

"(8) Quorums.—

"(A) Receipt of testimony.—Four members of the Commission shall constitute a quorum for the receipt of testimony and other evidence.

"(B) Approval of recommendations.—A majority of the members of the Commission shall constitute a quorum for the approval of recommendations or reports issued pursuant to sections 402 and 406.".

(d) Executive Director and Staff.—Section 404 of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note) is amended to read as follows:

"SEC. 404. EXECUTIVE DIRECTOR AND STAFF.

"(a) Executive Director.—The Commission shall have an Executive Director who shall be appointed by the Chairperson and the Assistant Administrator of the Small Business Administration Office of Women's Business Ownership. Upon the recommendation by the Executive Director, the Chairperson may appoint and fix the pay of 4 additional employees at a rate of pay not to exceed the maximum rate of pay payable for a position at GS–15 of the General Schedule.

"(b) Administrative Provisions.—The Executive Director and staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and except as provided in subsection (a), may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that the Executive Director so appointed may not receive pay in excess of the annual rate of basic pay payable for a position at ES–1 of the Senior Executive Pay Schedule under section 5832 of title 5, United States Code.

"(c) Detail of Additional Personnel.—Upon request to the Chairperson, the head of any Federal department or agency may detail any of the personnel of such agency to the Commission to assist the Commission in carrying out its duties under this title without regard to section 3341 of title 5, United States Code.".

(e) Powers of the Commission.—Section 405 of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note) is amended—

(1) by striking "Council" each place it appears and inserting "Commission"; and

(2) by adding at the end the following new subsection:

"(f) Cooperation with Private Entities.—

"(1) In general.—Subject to the requirements of paragraph (2), the Commission may carry out its duties under section 402 through cooperation with private nonprofit and for-profit entities.

"(2) Restriction.—If the Commission cooperates with private entities pursuant to paragraph (1), the Commission shall ensure that—

"(A) the Commission receives appropriate recognition and publicity;

"(B) the cooperation does not constitute or imply an endorsement by the Commission of the products and services of the cosponsor; and

"(C) the Commission avoids unnecessary promotion of the products and services of the cosponsor and minimizes utilization of any 1 cosponsor in a marketing area.".

(f) Reports.—Section 406 of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note) is amended—

(1) by striking "Council" each place it appears and inserting "Commission";

(2) by striking "December 31, 1989" and inserting "not later than 1 year after the date of enactment of the Small Business Administration Reauthorization and Amendment Act of 1994"; and

(3) by striking "based upon its reviews conducted under section 402".

(g) Authorization.—Section 407 of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) In General.—There are authorized to be appropriated to carry out this title—

"(1) $500,000 in fiscal year 1995;

"(2) $500,000 is fiscal year 1996; and

"(3) $100,000 in fiscal year 1997."; and

(2) by striking subsection (c).

(h) Transition Reimbursement.—In order to facilitate the transition from the National Women's Business Council, established by title IV of the Women's Business Ownership Act of 1988, to the National Commission on Women in Business established by this section, the National Commission on Women in Business may, during the 30-day period beginning on the date on which the Chairperson of the National Commission on Women in Business is appointed pursuant to section 413 of this Act, reimburse the costs and salaries, where appropriate, of the Chairperson, Executive Director, and staff of the National Women's Business Council for transition activities .

(i) Sunset.—The authority of the National Commission on Women in Business established under title IV of the Women's Business Ownership Act of 1988, as amended by this section, shall terminate on November 30, 1996.

TITLE V—RELIEF FROM DEBENTURE PREPAYMENT PENALTIES

SEC. 501. SHORT TITLE.

This title may be cited as the "Small Business Prepayment Penalty Relief Act of 1994".

SEC. 502. PREPAYMENT OF DEVELOPMENT COMPANY DEBENTURES.

(a) In General.—Title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.) is amended by adding at the end the following new section:

"SEC. 508. PREPAYMENT OF DEVELOPMENT COMPANY DEBENTURES.

"(a) In General.—

"(1) Prepayment authorized.—Subject to the requirements set forth in subsection (b), an issuer of a debenture purchased by the Federal Financing Bank and guaranteed by the Administration under section 503 may, at the election of the borrower whose loan secures such debenture and with the approval of the Administration, prepay such debenture in accordance with the provisions of this section.

"(2) Procedure.—

"(A) In general.—In making a prepayment under paragraph (1)—

"(i) the borrower shall pay to the Federal Financing Bank an amount that is equal to the sum of the unpaid principal balance due on the debenture as of the date of the prepayment (plus accrued interest at the coupon rate on the debenture) and the amount of the repurchase premium described in subparagraph (B); and

"(ii) the Administration shall pay to the Federal Financing Bank the difference between the repurchase premium paid by the borrower under this subsection and the repurchase premium that the Federal Financing Bank would otherwise have received.

"(B) Repurchase premium.—

"(i) In general.—For purposes of subparagraph (A)(i), the repurchase premium is the amount equal to the product of—

"(I) the unpaid principal balance due on the debenture on the date of prepayment; and

"(II) the applicable percentage rate, as determined in accordance clause (ii).

"(ii) Applicable percentage rate.—For purposes of clause (i)(II), the applicable percentage rate means—

"(I) with respect to a 10-year term loan, 9.5 percent;

"(II) with respect to a 15-year term loan, 9.5 percent;

"(III) with respect to a 20-year term loan, 10.5 percent; and

"(IV) with respect to a 25-year term loan, 11.5 percent.

"(b) Requirements.—For purposes of subsection (a), the requirements of this subsection are that—

"(1) the debenture is outstanding and neither the loan that secures the debenture nor the debenture is in default on the date on which the prepayment is made;

"(2) State, local, or personal funds, or the proceeds of a refinancing in accordance with subsection (d) of this section under the programs authorized by sections 504 and 505, are used to prepay the debenture; and

"(3) the issuer certifies that the benefits, net of fees and expenses authorized herein, associated with prepayment of the debenture are entirely passed through to the borrower.

"(c) No Prepayment Fees or Penalties.—No fees or penalties other than those specified in this section may be imposed on the issuer, the borrower, the Administration, or any fund or account administered by the Administration as the result of a prepayment under this section.

"(d) Refinancing Limitations.—

"(1) In general.—The refinancing of a debenture under sections 504 and 505, in accordance with subsection (b)(2) of this section—

"(A) shall not exceed the amount necessary to prepay existing debentures, including all costs associated with the refinancing and any applicable prepayment penalty or repurchase premium; and

"(B) shall be subject to the provisions of sections 504 and 505 and the rules and regulations promulgated thereunder, including rules and regulations governing payment of authorized expenses, commissions, fees, and discounts to brokers and dealers in trust certificates issued pursuant to section 505.

"(2) Job creation.—An applicant for refinancing under section 504 of a loan made pursuant to section 503 shall not be required to demonstrate that a requisite number of jobs will be created with the proceeds of a refinancing.

"(3) Loan processing fee.—To cover the cost of loan packaging, processing, and other administrative functions, a development company that provides refinancing under subsection (b)(2) may impose a loan processing fee, not to exceed 0.5 percent of the principal amount of the loan.

"(e) Definitions.—For purposes of this section—

"(1) the term 'issuer' means the qualified State or local development company that issued a debenture pursuant to section 503, which has been purchased by the Federal Financing Bank; and

"(2) the term 'borrower' means a small business concern whose loan secures a debenture issued pursuant to section 503.".

(b) Regulations.—Not later than 30 days after the date of enactment of this Act, the Administration shall promulgate such regulations as may be necessary to carry out this section, including regulations establishing a deadline for receipt of applications for prepayment and refinancing under title V of the Small Business Investment Act of 1958.

(c) Authorization.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

TITLE VI—MISCELLANEOUS AMENDMENTS

SEC. 601. CONSOLIDATION OF FUNDING ACCOUNTS.

(a) In General.—Section 4(c) of the Small Business Act (15 U.S.C. 633(c)) is amended by striking "(c)(1) There" and all that follows through paragraph (4) and inserting the following:

"(c) Loan Liquidation Fund.—

"(1) In general.—

"(A) Establishment.—There is hereby established in the United States Treasury a fund to be known as the Loan Liquidation Fund (hereafter in this subsection referred to as the 'Fund').

"(B) Amounts contained in fund.—All amounts received by the Administration prior to October 1, 1991, from the repayment of loans and debentures, payments of interest, and other receipts arising out of transactions entered into by the Administration pursuant to section 5(e), 5(g), 7(a), 7(b), 7(c)(2), 7(e), 7(h), 7(l), 7(m), or 8(a) of this Act, or title III, IV, or V of the Small Business Investment Act of 1958, shall be paid into the Fund. Balances existing in the revolving funds on or after the effective date of this paragraph shall be transferred to the Fund on such date.

"(C) Operating expenses.—The Fund shall have available, without fiscal year limitation, such funds as may be necessary to finance the operational needs of the Fund.

"(2) Annual status report.—As soon as practicable after the end of each fiscal year, the Administration shall submit to the Committees on Small Business and Appropriations of the Senate and the House of Representatives a complete report on the status of the Fund.".

(b) Interest Payments to Treasury.—Section 4(c) of the Small Business Act (15 U.S.C. 633(c)) is amended—

(1) by redesignating paragraph (5) as paragraph (3); and

(2) in paragraph (3)(B), as redesignated, by striking clause (ii) and inserting the following:

"(ii) Upon the expiration of each fiscal year, the Administration shall pay into the miscellaneous receipts of the United States Treasury the actual interest the Administration has collected during the preceding fiscal year on all financings made under the authority of this Act.".

SEC. 602. IMPOSITION OF FEES.

Section 5(b) of the Small Business Act (15 U.S.C. 634(b)) is amended—

(1) in paragraph (10), by striking "and" at the end;

(2) in paragraph (11), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

"(12) impose, retain, and use only those fees which are specifically authorized by law or which are in effect on September 30, 1994, and in the amounts and at the rates in effect on such date, except that the Administrator may, subject to approval in appropriations Acts, impose, retain, and utilize, additional fees—

"(A) not to exceed $300 for each loan servicing action requested after disbursement of the loan, including any substitution of collateral, loan assumption, release or substitution of a guarantor, reamortization, or similar action; and

"(B) to recover the direct, incremental cost involved in the production and dissemination of compilations of information produced by the Administration under the authority of the Small Business Act and the Small Business Investment Act of 1958; and

"(13) collect, retain and utilize, subject to approval in appropriations Acts, any amounts collected by fiscal transfer agents and not used by such agent as payment of the cost of loan pooling or debenture servicing operations, except that amounts collected under this paragraph shall be utilized solely to facilitate the administration of the program that generated the excess amounts.".

SEC. 603. JOB CREATION AND COMMUNITY BENEFIT.

Section 7(a)(21) of the Small Business Act (15 U.S.C. 636(a)(21)) is amended by adding at the end the following new subparagraph:

"(E) Job creation and community benefit.—In providing assistance under this paragraph, the Administration shall develop procedures to ensure, to the maximum extent practicable, that such assistance is used for projects that—

"(i) have the greatest potential for—

"(I) creating new jobs for individuals whose employment is involuntarily terminated due to reductions in Federal defense expenditures; or

"(II) preventing the loss of jobs by employees of small business concerns described in subparagraph (A)(i); and

"(ii) have substantial potential for stimulating new economic activity in communities most affected by reductions in Federal defense expenditures.".

SEC. 604. MICROLOAN PROGRAM AMENDMENTS.

Section 7(m)(9)(B) of the Small Business Act (15 U.S.C. 636(m)(9)(B)) is amended—

(1) by inserting "and loan guarantees" after "for loans"; and

(2) by inserting after "experienced microlending organizations" the following: "and national and regional nonprofit organizations that have demonstrated experience in providing training support for microenterprise development and financing.".

SEC. 605. TECHNICAL CLARIFICATION.

(a) Defense Conversion.—Section 7(a)(21)(A) of the Small Business Act (15 U.S.C. 636(a)(21)(A)) is amended by striking "under the" and inserting "on a guaranteed basis under the".

(b) Additional Technical Clarification.—Section 204 of Public Law 94-305 (15 U.S.C. 634d) is amended by striking "section 202" and inserting "this title".

SEC. 606. SECONDARY MARKET STUDY DUE DATE.

Section 6 of the Small Business Credit Enhancement Act of 1993 (15 U.S.C. 634 note) is amended by striking "16 months after the date of enactment" and inserting "November 1, 1994".

SEC. 607. STUDY AND DATA BASE: GUARANTEED BUSINESS LOAN PROGRAM AND DEVELOPMENT COMPANY PROGRAM.

(a) Study Authorized.—The Administration shall conduct a study of—

(1) the Guaranteed Business Loan program under section 7(a) of the Small Business Act; and

(2) the Development Company program under sections 502, 503, and 504 of the Small Business Investment Act of 1958.

(b) Evaluation.—After conducting the study under subsection (a), the Administration shall evaluate the performance of the programs described in paragraphs (1) and (2) of subsection (a) on an annual and aggregated basis during the most recent 4-year period for which data are available. Such evaluation shall focus on the following factors:

(1) The number, dollar amount, and average size of the loans or financings under each program.

(2) The number, dollar amount, and average size of the loans or financings made to woman-owned and minority-owned businesses under each program.

(3) The geographic distribution of the loans or financings under each program.

(4) The jobs created or maintained attributable to the loans or financings under each program.

(5) The number, dollar amount, and average size of the loans or financings on which borrowers defaulted under each program.

(6) The amounts recovered by the Administration after default, foreclosure, or otherwise under each program.

(7) The number of companies which are no longer in business despite receiving the loans or financings under each program.

(8) The taxes paid by businesses which received the loans or financings under each program.

(9) Such other information as the Administration determines to be appropriate for a complete evaluation of each program.

(c) Contracting With Independent Entities.—In carrying out subsections (a) and (b), the Administration may contract with an independent entity or entities—

(1) to conduct the study pursuant to subsection (a); and

(2) to develop a database of information to enable the Administration to maintain and access, on an ongoing basis, current information relating to the factors set forth in subsection (b).

(d) DATE.—The study authorized by subsection (a) shall be completed not later than September 30, 1995.

SEC. 608. SBIR VENDORS.

Section 9(q)(2) of the Small Business Act (15 U.S.C. 638(q)(2)) is amended to read as follows:

"(2) VENDOR SELECTION.—Each agency may select a vendor to assist small business concerns to meet the goals listed in paragraph (1) for a term not to exceed 3 years. Such selection shall be competitive and shall utilize merit-based criteria.".

SEC. 609. PROGRAM EXTENSION.

Section 602(e) of the Business Opportunity Development Reform Act of 1988 (15 U.S.C. 637 note) is amended by striking "September 30, 1994", and inserting "September 30, 1995".

SEC. 610. PROHIBITION ON THE USE OF FUNDS FOR INDIVIDUALS NOT LAWFULLY WITHIN THE UNITED STATES.

Section 2 of the Small Business Act (15 U.S.C. 631) is amended by adding at the end the following new subsection:

"(i) PROHIBITION ON THE USE OF FUNDS FOR INDIVIDUALS NOT LAWFULLY WITHIN THE UNITED STATES.—None of the funds made available pursuant to this Act may be used to provide any direct benefit or assistance to any individual in the United States if the Administrator or the official to which the funds are made available receives notification that the individual is not lawfully within the United States.".

SEC. 611. OFFICE OF ADVOCACY EMPLOYEES.

Section 204 of Public Law 94–305 (15 U.S.C. 634d) is amended—

(1) in the matter preceding paragraph (1) by striking "after consultation with and subject to the approval of the Administrator,"; and

(2) in paragraph (1), by striking "ten" and inserting "14".

SEC. 612. PROHIBITION ON THE PROVISION OF ASSISTANCE.

Section 4 of the Small Business Act (15 U.S.C. 633) is amended by adding at the end the following new subsection:

"(e) PROHIBITION ON THE PROVISION OF ASSISTANCE.—Notwithstanding any other provision of law, the Administration is prohibited from providing any financial or other assistance to any business concern or other person engaged in the production or distribution of any product or service that is determined to be obscene.".

SEC. 613. CERTIFICATION OF COMPLIANCE WITH CHILD SUPPORT OBLIGATIONS.

Section 4 of the Small Business Act (15 U.S.C. 633), as amended by section 612, is amended by adding at the end the following new subsection:

"(f) CERTIFICATION OF COMPLIANCE WITH CHILD SUPPORT OBLIGATIONS.—

"(1) IN GENERAL.—Each applicant for financial assistance under this Act, including an applicant for a direct loan or a loan guarantee, shall certify that the applicant is not in violation of the terms of any—

"(A) administrative order;

"(B) court order; or

"(C) repayment agreement entered into between the applicant and the custodial parent or State agency providing child support enforcement services,

that requires the applicant to pay child support, as such term is defined in section 462(b) of the Social Security Act.

"(2) ENFORCEMENT.—Not later than 6 months after the date of enactment of this subsection, the Administration shall issue such regulations as may be necessary to enforce compliance of the requirements of this subsection.".

MOTION OFFERED BY MR. LA FALCE

Mr. LAFALCE. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. LAFALCE moves to strike all after the enacting clause of S. 2060 and insert in lieu thereof the text of H.R. 4801 as passed by the House, as follows:

S. 2060

That this Act may be cited as the "Small Business Reauthorization and Amendment Act of 1994".

TITLE I—AUTHORIZATIONS

SEC. 101. AUTHORIZATIONS.

Section 20 of the Small Business Act (15 U.S.C. 631 note) is amended by striking all of such section after subsection (k), as added by section 115(a) of the Small Business Credit and Business Opportunity Enhancement Act of 1992, and by inserting in lieu thereof the following:

"(l) The following program levels are authorized for fiscal year 1995:

"(1) For the programs authorized by this Act, the Administration is authorized to make $142,000,000 in direct and immediate participation loans; and of such sum, the Administration is authorized to make $12,000,000 in loans as provided in section 7(a)(10) and $130,000,000 in loans as provided in section 7(m).

"(2) For the programs authorized by this Act, the Administration is authorized to make $11,535,000,000 in deferred participation loans and other financings. Of such sum, the Administration is authorized to make—

"(A) $9,315,000,000 in general business loans as provided in section 7(a);

"(B) $2,200,000,000 in financings as provided in section 7(a)(13) and section 504 of the Small Business Investment Act of 1958; and

"(C) $20,000,000 in loans as provided in section 7(m).

"(3) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make—

"(A) $23,000,000 in purchases of preferred securities;

"(B) $244,000,000 in guarantees of debentures, of which $44,000,000 is authorized in guarantees of debentures from companies operating pursuant to section 301(d) of such Act; and

"(C) $400,000,000 in guarantees of participating securities.

"(4) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $1,800,000,000, of which not more than $600,000,000 may be in bonds approved pursuant to the provisions of section 411(a)(3) of such Act.

"(5) For the Service Corps of Retired Executives program authorized by section 8(b)(1) of this Act, the Administration is authorized to make grants or enter cooperative agreements not to exceed $3,500,000, and for the small business institute program authorized by section 8(b)(1) of this Act, the Administration is authorized to make grants or enter cooperative agreements not to exceed $3,000,000.

"(m) There are authorized to be appropriated to the Administration for fiscal year 1995 such sums as may be necessary to carry out the provisions of this Act, including administrative expenses and necessary loan capital for disaster loans pursuant to section 7(b), and to carry out the provisions of the Small Business Investment Act of 1958, including salaries and expenses of the Administration.

"(n) The following program levels are authorized for fiscal year 1996:

"(1) For the programs authorized by this Act, the Administration is authorized to make $198,000,000 in direct and immediate participation loans; and of such sum the Administration is authorized to make $13,000,000 in loans as provided in section 7(a)(10) and $185,000,000 in loans as provided in section 7(m).

"(2) For the programs authorized by this Act, the Administration is authorized to make $24,610,000,000 in deferred participation loans and other financings. Of such sum, the Administration is authorized to make—

"(A) $10,935,000,000 in general business loans as provided in section 7(a);

"(B) $2,500,000,000 in financings as provided in section 7(a)(13) and section 504 of the Small Business Investment Act of 1958; and

"(C) $80,000,000 in loans as provided in section 7(m).

"(3) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make—

"(A) $24,000,000 in purchases of preferred securities;

"(B) $256,000,000 in guarantees of debentures, of which $46,000,000 is authorized in guarantees of debentures from companies operating pursuant to section 301(d) of such Act; and

"(C) $650,000,000 in guarantees of participating securities.

"(4) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $1,800,000,000, of which not more than $600,000,000 may be in bonds approved pursuant to the provisions of section 411(a)(3) of such Act.

"(5) For the Service Corps of Retired Executives program authorized by section 8(b)(1) of this Act, the Administration is authorized to make grants or enter cooperative agreements not to exceed $3,675,000, and for the small business institute program authorized by section 8(b)(1) of this Act, the Administration is authorized to make grants or enter cooperative agreements not to exceed $3,150,000.

"(o) There are authorized to be appropriated to the Administration for fiscal year 1996 such sums as may be necessary to carry out the provisions of this Act, including administrative expenses and necessary loan capital for disaster loans pursuant to section 7(b), and to carry out the provisions of the Small Business Investment Act of 1958, including salaries and expenses of the Administration.

"(p) The following program levels are authorized for fiscal year 1997:

"(1) For the programs authorized by this Act, the Administration is authorized to make $264,000,000 in direct and immediate participation loans; and of such sum the Administration is authorized to make $14,000,000 in loans as provided in section 7(a)(10) and $250,000,000 in loans as provided in section 7(m).

"(2) For the programs authorized by this Act, the Administration is authorized to make $17,215,000,000 in deferred participation loans and other financings. Of such sum, the Administration is authorized to make—

"(A) $14,175,000,000 in general business loans as provided in section 7(a);

"(B) $3,000,000,000 in financings as provided in section 7(a)(13) and section 504 of the Small Business Investment Act of 1958; and

"(C) $40,000,000 in loans as provided in section 7(m).

"(3) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make—

"(A) $25,000,000 in purchases of preferred securities;

"(B) $268,000,000 in guarantees of debentures, of which $48,000,000 is authorized in guarantees of debentures from companies operating pursuant to section 301(d) of such Act; and

"(C) $900,000,000 in guarantees of participating securities.

"(4) For the programs authorized by part B of title IV of the Small Business Investment Act of

1958, the Administration is authorized to enter into guarantees not to exceed $1,800,000,000, of which not more than $600,000,000 may be in bonds approved pursuant to the provisions of section 411(a)(3) of such Act.

"(5) For the Service Corps of Retired Executives program authorized by section 8(b)(1) of this Act, the Administration is authorized to make grants or enter cooperative agreements not to exceed $3,860,000, and for the small business institute program authorized by section 8(b)(1) of this Act, the Administration is authorized to make grants or enter cooperative agreements not to exceed $3,310,000.

"(q) There are authorized to be appropriated to the Administration for fiscal year 1997 such sums as may be necessary to carry out the provisions of this Act, including administrative expenses and necessary loan capital for disaster loans pursuant to section 7(b), and to carry out the provisions of the Small Business Investment Act of 1958, including salaries and expenses of the Administration.".

TITLE II—FINANCIAL ASSISTANCE PROGRAMS

SEC. 201. MICROLOAN FINANCING PILOT.

Section 7(m) of the Small Business Act (15 U.S.C. 636(m)) is amended by adding the following new paragraph at the end:

"(12) DEFERRED PARTICIPATION LOAN PILOT.—During fiscal years 1995 through 1997, on a pilot basis, in lieu of making direct loans to intermediaries as authorized in paragraph (1)(B), the Administration may participate on a deferred basis of up to 100 percent on loans made to intermediaries by a for-profit or nonprofit entity or by alliances of such entities subject to the following conditions:

"(A) NUMBER OF LOANS.—The Administration shall not participate in providing financing on a deferred basis to more than ten intermediaries in urban areas per year and to more than ten intermediaries in rural areas per year.

"(B) TERM OF LOANS.—The term of such loans shall be ten years. During the first five years of the loan, the intermediary shall be required to pay interest only; and during the second five years of the loan, the intermediary shall be required to fully amortize principal and interest payments.

"(C) INTEREST RATE.—The interest rate on such loans shall be the rate specified by paragraph (3)(F) for direct loans.".

SEC. 202. MICROLOAN STATE LIMITATION.

Section 7(m)(7)(C) of the Small Business Act (15 U.S.C. 636(m)(7)(C)) is repealed.

SEC. 203. LIMIT ON PARTICIPATION.

Section 7(m)(7)(A) of the Small Business Act (15 U.S.C. 636(m)(7)(A)) is amended to read as follows:

"(A) NUMBER OF PARTICIPANTS.—During this demonstration program, the Administration is authorized to fund, on a competitive basis, not more than 240 microloan programs.".

SEC. 204. EQUITABLE DISTRIBUTION.

Section 7(m)(8) of the Small Business Act (15 U.S.C. 636(m)(8)) is amended to read as follows:

"(8) EQUITABLE DISTRIBUTION OF INTERMEDIARIES.—In approving microloan program applicants, the Administration shall select participation by such intermediaries as will ensure appropriate availability of loans to small businesses located in urban areas and in rural areas.".

SEC. 205. AMOUNT OF LOANS TO INTERMEDIARIES.

Section 7(m)(3)(C) of the Small Business Act (15 U.S.C. 636(m)(3)(C)) is amended to read as follows:

"(C) LOAN LIMITS.—In determining the amount of funding which the Administration may provide to one intermediary, it shall take into consideration the small business population in the area served by the intermediary.".

SEC. 206. LOANS TO EXPORTERS.

Section 7(a)(14)(A) of the Small Business Act (15 U.S.C. 636(a)(14)(A)) is amended to read as follows:

"(A) The Administration may provide extensions, standby letters of credit, revolving lines of credit for export purposes, and other financing to enable small business concerns, including small business export trading companies and small business export management companies, to develop foreign markets. A bank or participating lending institution may establish the rate of interest on such financings as may be legal and reasonable.".

SEC. 207. WORKING CAPITAL INTERNATIONAL TRADE LOANS.

Section 7(a)(3)(B) of the Small Business Act (15 U.S.C. 636(a)(3)(B)) is amended to read as follows:

"(B) if the total amount outstanding and committed (on a deferred basis) solely for the purposes provided in paragraph (16) to the borrower from the business loan and investment fund established by this Act would exceed $1,250,000, of which not more than $750,000 may be used for working capital, supplies, or financings under section 7(a)(14) for export purposes; and".

SEC. 208. GUARANTEES ON INTERNATIONAL TRADE LOANS.

Section 7(a)(2)(B)(iv) of the Small Business Act (15 U.S.C. 636(a)(2)(B)(iv)) is amended to read as follows:

"(iv) not less than 85 percent nor more than 90 percent of the financing outstanding at the time of disbursement if such financing is a loan under paragraph (14) or under paragraph (16).".

SEC. 209. ACCREDITED LENDERS PROGRAM.

(a) Title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.) is amended by adding at the end the following new section:

"SEC. 507. ACCREDITED LENDERS PROGRAM.

"(a) The Administration is authorized to establish an Accredited Lenders Program for qualified State and local development companies which meet the requirements of subsection (b).

"(b) The Administration may designate a qualified State or local development company as an accredited lender if such company—

"(1) has been an active participant in the development company program for at least the last 12 months;

"(2) has well-trained, qualified personnel who are knowledgeable in the Administration's lending policies and procedures for the development company program;

"(3) has the ability to process, close, and service financing for plant and equipment under section 502 of this Act;

"(4) has a loss rate on its debentures that is acceptable to the Administration;

"(5) has a history of submitting to the Administration complete and accurate debenture guaranty application packages; and

"(6) has demonstrated the ability to serve small business credit needs for financing plant and equipment as provided in section 502 of this Act.

"(c) The Administration shall expedite the processing of a loan application or servicing action submitted by a qualified State or local development company that has been designated as an accredited lender in accordance with subsection (b).

"(d) The designation of a qualified State or local development company as an accredited lender may be suspended or revoked if the Administration determines that the development company has not continued to meet the criteria for eligibility under subsection (b) or that the development company has failed to adhere to the Administration's rules and regulations or is violating any other applicable provision of law. Suspension or revocation shall not affect any outstanding debenture guarantee.

"(e) For purposes of this section, the term 'qualified State or local development company' has the same meaning as in section 503(e).".

(b) The Administration shall promulgate regulations to carry out this section within 90 days of the date of the enactment of this Act.

(c) The Administration shall report to the Small Business Committee of the United States Senate and to the Small Business Committee of the United States House of Representatives within one year, and annually thereafter, on the implementation of this section, specifically including data on the number of development companies designated as accredited lenders, their debenture guarantee volume, their loss rates, and the average processing time on their guarantee applications, along with such other information as the Administration deems appropriate.

SEC. 210. PREMIER LENDERS PROGRAM.

(a) Title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.) is further amended by adding at the end the following new section:

"SEC. 508. PREMIER LENDERS PROGRAM.

"(a) The Administration is authorized to establish a Premier Lenders Program for certified development companies which meet the requirements of subsection (b).

"(b) The Administration may designate a participant in the accredited lenders program as a premier lender if such company—

"(1) has been an active participant in the accredited lenders program for at least the last 12 months: Provided, That prior to January 1, 1996, the Administration may waive this provision if the applicant is qualified to participate in the accredited lenders program;

"(2) has a history of submitting to the Administration adequately analyzed debenture guarantee application packages; and

"(3) agrees to assume and to reimburse the Administration for 5 percent of any loss sustained by the Administration on account of default by the certified development company in the payment of principal or interest on a debenture issued by such company and guaranteed by the Administration under this section.

"(c) Upon approval of an applicant as a premier lender, the certified development company shall establish a loss reserve in an amount equal to the anticipated losses to the certified development company pursuant to subsection (b)(3) based upon the historic loss rate on debentures issued by such company, or 3 percent of the aggregate principal amount of debentures issued by such company and guaranteed by the Administration under this section, whichever is greater. The loss reserve shall be comprised of segregated assets of the development company which shall be securitized in favor of the Administration or of such unqualified letters of credit or indemnity agreements from a third party as the Administration deems appropriate.

"(d) Upon designation and qualification of a company as a premier lender, and subject to such terms and conditions as the Administration may determine, and notwithstanding the provisions of section 503(b)(6), the Administration may permit a premier lender to approve loans to be funded with the proceeds of and to authorize the guarantee of a debenture issued by such company. The approval by the premier lender shall be subject to the final approval as to eligibility of any such guarantee by the Administration pursuant to subsection 503(a) of this Act, but such final approval shall not include decisions by the company involving creditworthiness, loan closing, or compliance with legal requirements imposed by law or regulation.

"(e) The designation of a qualified State or local development company as a premier lender may be suspended or revoked if the Administration determines that the company—

"(1) has not continued to meet the criteria for eligibility under subsection (b);

"(2) has not established or maintained the loss reserve required under subsection (c); or

"(3) is failing to adhere to the Administration's rules and regulations or is violating any other applicable provision of law.

"(f) Suspension or revocation shall not affect any outstanding debenture guarantee.".

(b) The Administration shall promulgate such regulations to carry out this section within 180 days of the date of the enactment of this Act.

(c) The Administration shall report to the Small Business Committee of the United States Senate and to the Small Business Committee of the United States House of Representatives within one year, and annually thereafter, on the implementation of this section, specifically including data on the number of development companies designated as premier lenders, their debenture guarantee volume, and the loss rate for premier lenders as compared to accredited and other lenders, along with such other information as the Administration deems appropriate.

(d) Section 508 of the Small Business Investment Act of 1958 is repealed on October 1, 1999.

(e) The table of contents contained in section 101 of the Small Business Investment Act of 1958 is amended by adding at the end of the matter relating to title V the following:

"Sec. 507. Accredited lenders program.
"Sec. 508. Premier lenders program.".

SEC. 211. SSBIC ADVISORY COUNCIL.

(a) Council Established.—Not later than 90 days after the date of the enactment of this Act, the Administrator of the Small Business Administration shall appoint an Investment Advisory Council for the Specialized Small Business Investment Company Program. The Council shall consist of not less than 12 individuals from the private sector, including individuals—

(1) who have experience in providing venture capital to small business, particularly minority small business;

(2) who are current participants in the Specialized Small Business Investment Company Program;

(3) who are former participants in the Specialized Small Business Investment Company Program; or

(4) who are or who represent small business concerns.

(b) Chairman and Staff.—The Administrator shall designate one of the members of the Council as chairperson. The Investment Division of the Small Business Administration shall provide such staff, technical support, and information as shall be deemed appropriate. Council members shall be deemed to be an advisory board pursuant to section 8(b)(13) of the Small Business Act for purposes of reimbursement of expenses.

(C) Report.—Within six months of the date of appointment, the Council shall make a written report with findings and recommendations on the venture capital needs, including debt and equity, of socially or economically disadvantaged small business concerns and any needed Federal incentives to assist the private sector to meet such needs. The report shall specifically address—

(1) the history of the Specialized Small Business Investment Company program in providing assistance to such concerns and the impact of such assistance on the economy;

(2) the appropriateness and ability of the Specialized Small Business Investment Company Program to meet these needs;

(3) the problems affecting the Specialized Small Business Investment Company Program; and

(4) the effectiveness of the Specialized Small Business Investment Company Program and its administration by the Small Business Administration.

SEC. 212. PARTICIPATING SECURITIES FOR SMALLER SBICS.

Section 303(g) of the Small Business Investment Act of 1958 (15 U.S.C. 683(g)) is amended by adding the following new paragraph at the end:

"(13) Of the amount of the annual program level of participating securities approved in Appropriations Acts, 50 percent shall be reserved for funding Small Business Investment Companies with private capital of less than $20,000,000; except that during the last quarter of each fiscal year, the Administrator may, if he determines that there is a lack of qualified applicants with private capital under such amount, utilize all or any part of the securities so reserved.".

SEC. 213. REPORT ON SBIC PROGRAM.

The Small Business Administration shall provide the Committee on Small Business of the House of Representatives and Senate with a comprehensive report on the status and disposition of all Small Business Investment Companies, active or in liquidation, and a complete accounting of the assets in and the basis of their portfolios, the projected and actual loss rates for all portfolios in liquidation or active, and a detailed accounting of valuation of the SBIC program's investments. This report shall be delivered to the respective Committees on Small Business no later than April 15, 1995.

TITLE III—SIZE STANDARDS AND BOND GUARANTEES

SEC. 301. COMPETITIVE DEMONSTRATION PROJECT SIZE STANDARDS.

Section 732 of the Business Opportunity Development Reform Act of 1988 (Public Law 100–656) is amended by repealing the second sentence of such section.

SEC. 302. SIZE STANDARD CRITERIA.

Section 3(a)(2) of the Small Business Act (15 U.S.C. 632(a)(2)) is amended to read as follows:

"(2) In addition to the criteria specified in paragraph (1), the Administrator may specify detailed definitions or standards by which a business concern may be determined to be a small business concern for the purposes of this Act or any other Act. Such standards may utilize number of employees, dollar volume of business, net worth, net income, or a combination thereof. Unless specifically authorized by statute, no Federal department or agency may prescribe a size standard for categorizing a business concern as a small business concern, unless such proposed size standard—

"(A) is being proposed after an opportunity for public notice and comment;

"(B) provides for determining—

"(i) the size of a manufacturing concern as measured by its average employment based upon employment during each of the concern's pay periods for the preceding twelve calendar months;

"(ii) the size of a concern providing services on the basis of the annual average gross receipts of the concern over a period of not less than 3 years; and

"(iii) the size of other concerns on the basis of data over a period of not less than 3 years; and

"(C) is approved by the Administrator if it is not being proposed by the Small Business Administration.".

SEC. 303. SUNSET ON PREFERRED SURETY BOND GUARANTEE PROGRAM.

Section 207 of the Small Business Administration Reauthorization and Amendment Act of 1988 (Public Law 100–590) is amended by striking "September 30, 1994" and by inserting in lieu thereof "September 30, 1997".

SEC. 304. VERY SMALL BUSINESS CONCERNS.

The Small Business Act (15 U.S.C. 631 et seq.) is amended by redesignating section 30 as section 41 and by inserting after section 29, as redesignated by section 606 of this Act, the following:

"SEC. 30. PILOT PROGRAM FOR VERY SMALL BUSINESS CONCERNS.

"(a) Establishment.—The Administration shall establish and carry out a pilot program in accordance with the requirements of this section to provide procurement opportunities to very small business concerns.

"(b) Subcontracting of Procurement Contracts.—

"(1) In general.—In carrying out the program, the Administration is authorized to enter into procurement contracts with the United States Government and to arrange for the performance of such contracts through the award of subcontracts to very small business concerns.

"(2) Terms and conditions.—The authority of the Administration under paragraph (1) shall be subject to the same terms and conditions as apply to the authority of the Administration under section 8(a), except that—

"(A) the Administration may make such modifications to such terms and conditions as the Administration determines necessary; and

"(B) all contract opportunities offered for award under the program shall be awarded on the basis of competition restricted to eligible program participants.

"(c) Program Participation.—Very small business concerns participating in the program shall be subject to the same terms and conditions for program participation as apply to program participants under sections 7(j) and 8(a); except that—

"(1) the Administration may make such modifications to such terms and conditions as the Administration determines necessary; and

"(2) eligibility shall be determined on the basis of qualifying as a very small business concern as defined in subsection (g), in lieu of the requirements contained in paragraphs (4), (5), and (6) of section 8(a).

"(d) Technical and Financial Assistance.—In order to assist very small business concerns participating in the program, the Administration is authorized—

"(1) to provide technical assistance to such concerns in the same manner and to the same extent as technical assistance is provided to small business concerns pursuant to section 7(j); and

"(2) to provide pre-authorization to such concerns for the purpose of receiving financial assistance under section 7(a).

"(e) Program Term.—The Administration shall carry out the program in each of fiscal years 1995, 1996, and 1997.

"(f) Report to Congress.—On or before December 31, 1996, the Administration shall transmit to Congress a report containing an analysis of the results of the program, together with recommendations for appropriate legislative and administrative actions.

"(g) Definitions.—For the purposes of this section, the following definitions apply:

"(1) Program.—The term 'program' means the program established pursuant to subsection (a).

"(2) Very small business concern.—The term 'very small business concern' means a small business concern that—

"(A) has 10 employees or less; or

"(B) has average annual receipts that total $1,000,000 or less.".

TITLE IV—MANAGEMENT ASSISTANCE

SEC. 401. SUNSET ON COSPONSORED TRAINING.

(a) The authority of the Small Business Administration to cosponsor training as authorized by section 5(a) of the Small Business Computer Security and Education Act of 1984 (15 U.S.C. 633 note) is hereby repealed September 30, 1997.

(b) Section 7(b) of the Small Business Computer Security and Education Act of 1984 (15 U.S.C. 633 note) is amended by striking the second sentence.

SEC. 402. SMALL BUSINESS DEVELOPMENT CENTER PROGRAM LEVEL.

Section 21(a)(4) of the Small Business Act (15 U.S.C. 648(a)(4)) is amended to read as follows:

"(4) The Administration shall require as a condition of any grant (or amendment or modification thereof) made to an applicant under this section, that a matching amount (excluding any fees collected from recipients of such assistance) equal to the amount of such grant be provided from sources other than the Federal Government, to be comprised of not less than 50 per centum cash and not more than 50 per centum of indirect costs and in-kind contributions: Provided, That this matching amount shall not include any indirect costs or in-kind contributions derived from any Federal program: Provided further, That no recipient of funds under this section shall receive a grant which would exceed its pro rata share of a national program based upon the population to be served by the Small Business Development Center as compared to the total population in the United States, plus $125,000, or $200,000, whichever is greater, per year. The amount of the national program shall be—

"(A) $70,000,000 through September 30, 1995;

"(B) $77,500,000 from October 1, 1995 through September 30, 1996; and

"(C) $85,000,000 beginning October 1, 1996.

The amount of eligibility of each Small Business Development Center shall be based upon the amount of the national program in effect as of the date for commencement of performance of the Center's grant.".

SEC. 403. FEDERAL CONTRACTS WITH SMALL BUSINESS DEVELOPMENT CENTERS.

(a) Section 21(a)(5) of the Small Business Act (15 U.S.C. 648(a)(5)) is amended to read as follows:

"(5) A Small Business Development Center may enter a contract with a Federal department or agency to provide specific assistance to small business concerns if the contract is approved in advance by the Deputy Associate Administrator of the Small Business Development Center program. Approval shall be based upon a determination that the contract will provide assistance to small business concerns and that its performance will not hinder the Center in carrying out the terms of its grant from the Administration. The amount of any such contract shall not be subject to the matching funds requirements of paragraph (4) nor shall the amount of eligibility under such paragraph: Provided, That notwithstanding any other provision of law, such contracts for assistance to small business concerns shall not be counted toward any Federal department or agency's small business, women-owned business, or socially and economically disadvantaged business contracting goal as established by section 15(g) of the Small Business Act (15 U.S.C. 644(g)).".

(b) Section 21(a)(6) of the Small Business Act (15 U.S.C. 648(a)(6)) is amended by striking "paragraphs (4) and (5)" and by inserting in lieu thereof "paragraph (4)".

SEC. 404. CENTRAL EUROPEAN SMALL BUSINESS DEVELOPMENT.

Section 25(i) of the Small Business Act (15 U.S.C. 652(i)) is amended by striking "and $2,000,000 for each of fiscal years 1993 and 1994" and by inserting in lieu thereof ", $2,000,000 for each of fiscal years 1993 and 1994, and $1,000,000 for fiscal year 1995".

SEC. 405. MOBILE RESOURCE CENTER PILOT PROGRAM.

(a) ESTABLISHMENT.—The Administrator of the Small Business Administration may establish and carry out in each of fiscal years 1995, 1996, and 1997 a mobile resource pilot program (in this section referred to as the "program" in accordance with the requirements of this section.

(b) MOBILE RESOURCE CENTER VEHICLES.—Under the program, the Administration may use mobile resource center vehicles to provide technical assistance, information, and other services available from the Small Business Administration to traditionally underserved populations. Two of such vehicles should be utilized in rural areas and 2 of such vehicles should be utilized in urban areas.

(c) REPORT TO CONGRESS.—If the Administrator conducts the program authorized in this section, not later than December 31, 1996, he shall transmit to Congress a report containing the results of such program, together with recommendations for appropriate legislative and administrative actions.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for fiscal year 1995 $900,000 to carry out this section. Of such sums—

(1) $800,000 may be made available for the purchase or lease of mobile resource center vehicles; and

(2) $100,000 may be made available for studies, startup expenses, and other administrative expenses.

Such sums shall remain available until expended.

TITLE V—RELIEF FROM FFB DEBENTURE PREPAYMENT PENALTIES

SEC. 501. CITATION.

This title may be cited as the "Small Business Prepayment Penalty Relief Act of 1994.".

SEC. 502. MODIFICATION OF DEVELOPMENT COMPANY DEBENTURE INTEREST RATES.

(a) IN GENERAL.—Upon the request of the issuer and the concurrence of the borrower, the Small Business Administration is authorized to transfer to the Federal Financing Bank such sums as may be necessary to carry out the provisions of this section in order to reduce the interest rate on a debenture issued by a certified development company. The reduction shall be effective January 2, 1995 and shall apply for the remainder of the term of the debenture.

(b) INTEREST RATE MODIFICATION.—Upon receipt of such payment, the Federal Financing Bank shall modify the interest rate of each debenture for which the payment is made. No other change shall be made in the terms and conditions of the debenture, and the modification in the interest rate shall not be construed as a new direct loan or a new loan guarantee.

(c) DEFINITIONS.—For the purposes of this section—

(1) the term "issuer" means the issuer of a debenture pursuant to section 503 of the Small Business Investment Act of 1958 which has been purchased by the Federal Financing Bank if the debenture is outstanding on the date of enactment of this Act, and neither the loan that secures the debenture nor the debenture is in default on such date; and

(2) the term "borrower" means the small business concern whose loan secures a debenture issued pursuant to such section.

(d) OTHER RIGHTS.—A modification of the interest rate on a debenture as authorized in this section shall not affect any rights or options of the issuer or borrower which are otherwise authorized by contract or by law.

(e) REFINANCING.—Debentures authorized by sections 504 and 505 of the Small Business Investment Act of 1958 may be used to refinance debentures issued under section 503 of such Act if the amount of the new financing is limited to such amounts as are needed to repay the existing debenture, including any prepayment penalty imposed by the Federal Financing Bank. Any such refinancing shall be subject to all of the other provisions of sections 504 and 505 of such Act and the rules and regulations of the Administration promulgated thereunder, including, but not limited to, rules and regulations governing payment of authorized expenses and commissions, fees and discounts to brokers and dealers in trust certificates issued pursuant to section 505: Provided, however, That no applicant for refinancing under section 504 of this Act need demonstrate that the requisite number of jobs will be created or preserved with the proceeds of such refinancing: Provided further, That a development company which provides refinancing under this subsection shall be limited to a loan processing fee not to exceed one-half of one percent to cover the cost of packaging, processing and other nonlegal staff functions.

SEC. 503. MODIFICATION OF SMALL BUSINESS INVESTMENT COMPANY DEBENTURE INTEREST RATES.

(a) IN GENERAL.—Upon the request of the issuer, the Small Business Administration is authorized to transfer to the Federal Financing Bank such sums as may be necessary to carry out the provisions of this section in order to reduce the interest rate on a debenture issued by a Small Business Investment Company under the provisions of title III of the Small Business Investment Act of 1958. The reduction shall be effective January 2, 1995 and shall apply for the remainder of the term of the debenture.

(b) INTEREST RATE MODIFICATION.—Upon receipt of such payment, the Federal Financing Bank shall modify the interest rate of each debenture for which the payment is made. No other change shall be made in the terms and conditions of the debenture, and the modification in the interest rate shall not be construed as a new direct loan or a new loan guarantee.

(c) DEFINITIONS.—For the purposes of this section, the term "issuer" means the issuer of a debenture pursuant to section 303 of the Small Business Investment Act of 1958 which has been purchased by the Federal Financing Bank if the debenture is outstanding on the date of enactment of this Act, and is not in default on such date.

(d) OTHER RIGHTS.—A modification of the interest rate on a debenture as authorized in this section shall not affect any rights or options of the issuer which are otherwise authorized by contract or by law.

SEC. 504. MODIFICATION OF SPECIALIZED SMALL BUSINESS INVESTMENT COMPANY DEBENTURE INTEREST RATES.

(a) INTEREST RATE MODIFICATION.—Upon the request of the issuer, the Small Business Administration is authorized to modify the interest rate on a debenture issued by a Small Business Investment Company licensed under the provisions of section 301(d) of the Small Business Investment Act of 1958 and which is held by the Administration. No debenture which has been sold to a third party shall be eligible for modification under this section. The reduction shall be effective January 2, 1995 and shall apply for the remainder of the term of the debenture. No other change shall be made in the terms and conditions of the debenture, and the modification in the interest rate shall not be construed as a new direct loan or a new loan guarantee.

(b) DEFINITIONS.—For the purposes of this section, the term "issuer" means a Specialized Small Business Investment Company licensed under the provisions of section 301(d) of the Small Business Investment Act of 1958 which has issued a debenture which has been funded by the Small Business Administration, providing the debenture is outstanding on the date of enactment of this Act and is not in default on such date.

(c) OTHER RIGHTS.—A modification of the interest rate on a debenture as authorized in this section shall not affect any rights or options of the issuer which are otherwise authorized by contract or by law.

SEC. 505. INTEREST RATE REDUCTIONS.

(a) IN GENERAL.—Upon enactment of an Appropriations Act providing funds to carry out the provisions of this Act and limited to amounts specifically provided in advance in Appropriations Acts, the Small Business Administration shall evaluate the outstanding portfolio of debentures which are eligible for interest rate relief under this Act. The Administration shall apply the funds appropriated to carry out this Act in order to reduce the highest interest rate on all eligible debentures to a uniform rate.

(b) AUTHORIZATION.—There are authorized to be appropriated $30 million to carry out the provisions of this Act in fiscal year 1995.

TITLE VI—DEVELOPMENT OF WOMEN-OWNED BUSINESSES

SEC. 601. STATUS OF COUNCIL.

Section 401 of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note) is redesignated as section 405 of such Act and, as redesignated, is amended—

(1) in the heading by inserting "of the council" after "establishment"; and

(2) by striking the period at the end and inserting the following: "which shall serve as an independent advisory council to the Interagency Committee on Women's Business Enterprise, to the Administrator of the Small Business Administration, and to the Congress of the United States. The Council, in order to carry out its function as an independent advisory council to the Congress, is authorized and directed to report independently of the Interagency Committee directly to the Congress at such times and on such matters as it, in its discretion, deems appropriate.".

SEC. 602. DUTIES OF NATIONAL WOMEN'S BUSINESS COUNCIL.

Section 402 of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note) is redesignated as section 406 of such Act and, as redesignated, is amended to read as follows:

"SEC. 406. DUTIES OF THE COUNCIL.

"The Council shall meet at such times as it determines necessary in order to advise and consult with the Interagency Committee on Women's Business Enterprise on matters relating to the activities, functions, and policies of such Committee as provided in this title. The Council shall make annual recommendations for consideration by the Committee. The Council also shall provide reports and make such other recommendations as it deems appropriate to the Committee, to the Administrator of the Small Business Administration, and to the Small Business Committee of the United States Senate and to the Small Business Committee of the United States House of Representatives.".

SEC. 603. MEMBERSHIP OF THE COUNCIL.

Section 403 of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note) is redesignated as section 407 of such Act, and, as redesignated, is amended to read as follows:

"SEC. 407. MEMBERSHIP OF THE COUNCIL.

"(a) The Council shall be composed of 15 members who shall be appointed by the Administrator of the Small Business Administration and who shall serve at the Administrator's discretion. In making the appointments, the Administrator shall include racial, geographic and economic diversity, and representation from diverse sectors of the economy, including manufacturing, high technology, services and credit institutions, and shall give priority to include representation of major women's business organizations.

"(b) Only the owner, operator or employee of a woman-owned business shall be eligible for appointment, and not more than eight appointees shall be members of the same political party. If any member of the Council subsequently becomes an officer or employee of the Federal Government or of the Congress, such individual may continue as a member of the Council for not longer than the thirty-day period beginning on the date such individual becomes such an officer or employee.

"(c) The Council annually shall select one member to serve as its Chairperson. The Chairperson of the Council, or her designee, shall be the representative of the Council to all meetings of the Interagency Committee on Women's Business Enterprise.

"(d) The Council shall meet not less than four times per year. Meetings shall be at the call of the Chairperson at such times as she deems appropriate.

"(e) Members of the Council shall serve without pay for such membership, except they shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in carrying out the functions of the Council, in the same manner as persons serving on advisory boards pursuant to section 8(b) of the Small Business Act.".

SEC. 604. INTERAGENCY COMMITTEE.

Title IV of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note) is amended by striking section 404 and by inserting the following new sections prior to section 405 as redesignated by section 601 of this Act:

"SEC. 401. ESTABLISHMENT OF THE COMMITTEE.

"There is established an Interagency Committee to be known as the 'Interagency Committee on Women's Business Enterprise' (hereinafter in this title referred to as the Committee).

"SEC. 402. DUTIES OF THE COMMITTEE.

"The Committee shall—

"(1) promote, coordinate and monitor the plans, programs and operations of the departments and agencies of the Federal Government which may contribute to the establishment, preservation and strengthening of women's business enterprise. It may, as appropriate, develop comprehensive interagency plans and specific program goals for women's business enterprise with the cooperation of Federal departments and agencies;

"(2) promote the better utilization of the activities and resources of State and local governments, business and trade associations, private industry, colleges and universities, foundations, professional organizations, and volunteer and women's business enterprise, and facilitate the coordination of the efforts of these groups with those of Federal departments and agencies;

"(3) consult with the Council to develop and promote new initiatives designed to foster women's business enterprise, and to develop policies, programs, and plans intended to promote such development;

"(4) consider the Council's recommendations and public and private sector studies of the problems of women entrepreneurs, and promote further research into such problems; and

"(5) design a comprehensive plan for a joint public-private sector effort to facilitate the development and growth of women-owned businesses. The Committee should submit the plan to the President for review within six months of the effective date of this Act.

"SEC. 403. MEMBERSHIP OF THE COMMITTEE.

"(a) The Committee shall be composed of representatives of the following departments and agencies: The Departments of Agriculture, Commerce, Defense, Energy, Health and Human Services, Education, Housing and Urban Development, Interior, Justice, Labor, Transportation, Treasury, the Federal Trade Commission, General Services Administration, National Science Foundation, Office of Federal Procurement Policy, and the Director of the Office of Women's Business Ownership of the Small Business Administration, who shall serve as Vice Chairperson of the Committee. The head of each such department and agency shall designate a representative who shall be a policy making official within the department or agency.

"(b) The Committee shall have a Chairperson appointed by the President, after consultation with the Administrator of the Small Business Administration and the Chief Counsel for Advocacy of the Small Business Administration. The Chairperson shall be the head of a Federal department or agency. If the Chairperson is the head of one of the departments or agencies enumerated in subsection (a), he or she shall also serve as the representative of such department or agency.

"(c) The Committee shall meet not less than four times per year. Meetings shall be at the call of the Chairperson at such times as he or she deems appropriate.

"(d) The members of the Committee shall serve without additional pay for such membership.

"(e) The Chairperson of the Committee may designate a Director of the Committee, after consultation with the Administrator of the Small Business Administration and the Chief Counsel for Advocacy of the Small Business Administration.

"(f) The Chief Counsel for Advocacy is authorized to appoint to his staff under the provisions of section 204 of Public Law 94–305 (15 U.S.C. 634(d)) the person so designated under subsection (e). He or she is also authorized to provide additional staff and administrative support for the Committee.

"(g) The Director of the Office of Women's Business Ownership of the Small Business Administration is authorized to provide additional staff and administrative support for the Committee.

"SEC. 404. REPORTS FROM THE COMMITTEE.

"The Committee shall transmit to the President and to the Small Business Committee of the United States Senate and to the Small Business Committee of the United States House of Representatives a report no less than once in every twelve-month period. The first such report shall be submitted no later than March 31, 1995. Such reports shall contain any recommendations from the Council and any comments of the Committee thereon, a detailed statement on the activities of the Committee, the findings and conclusions of the Committee, together with its recommendations for such legislation and administrative actions as it considers appropriate to promote the development of small business concerns owned and controlled by women.".

SEC. 605. REPEALER.

Sections 404 through 407 of the Women's Business Ownership Act of 1988, as in effect on the day before the date of the enactment of this Act, are repealed and the following new section is added at the end of title IV of such Act:

"SEC. 408. DEFINITIONS.

"For the purposes of this Act, the term—

"(1) 'woman-owned business' shall mean a small business which is at least 51 percent owned by a woman or women who also control and operate it;

"(2) 'control' shall mean exercising the power to make policy decisions;

"(3) 'operate' shall mean being actively involved in the day-to-day management; and

"(4) 'women's business enterprise' shall mean a woman-owned business or businesses or the efforts of a woman or women to establish, maintain, or develop such a business or businesses.".

SEC. 606. EXTENSION OF AUTHORITY FOR DEMONSTRATION PROJECTS.

Section 28 of the Small Business Act, as added by section 2 of Public Law 102–191, is redesignated as section 29 and, as so redesignated, is amended by striking from subsection (g) "1995" and by inserting "1997".

SEC. 607. ESTABLISHMENT OF OFFICE OF WOMEN'S BUSINESS OWNERSHIP.

Section 29 of the Small Business Act, as redesignated by section 606 of this Act, is amended by adding the following new subsection at the end:

"(h) There is established within the Administration an Office of Women's Business Ownership, which shall be responsible for the administration of the Administration's programs for the development of women's business enterprises as defined in section 408 of the Women's Business Ownership Act of 1988. The Office shall be headed by a director who shall be appointed by the Administrator.".

SEC. 608. TECHNICAL AND CONFORMING AMENDMENTS.

(a) Title IV of the table of contents of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note) is amended to read as follows:

"TITLE IV—DEVELOPMENT OF WOMEN'S BUSINESS ENTERPRISE

"Sec. 401. Establishment of the Committee.
"Sec. 402. Duties of the Committee.
"Sec. 403. Membership of the Committee.
"Sec. 404. Reports from the Committee.
"Sec. 405. Establishment of the Council.
"Sec. 406. Duties of the Council.
"Sec. 407. Membership of the Council.
"Sec. 408. Definitions.".

(b) The heading to title IV of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note) is amended to read as follows:

"TITLE IV—DEVELOPMENT OF WOMEN'S BUSINESS ENTERPRISES".

SEC. 609. AUTHORIZATION.

There is authorized to be appropriated $200,000 in each of fiscal years 1995 through 1997 to carry out the provisions of title IV of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note).

TITLE VII—MISCELLANEOUS AMENDMENTS

SEC. 701. HANDICAPPED PARTICIPATION IN SMALL BUSINESS SET ASIDE CONTRACTS.

Section 15(c) of the Small Business Act (15 U.S.C. 644(c)) is amended—

(1) by amending paragraph (2)(A) to read as follows:

"(2)(A) During each fiscal year, public or private organizations for the handicapped shall be eligible to participate in programs authorized under this section in an aggregate amount not to exceed $50,000,000."; and

(2) by adding the following new paragraph at the end thereof:

"(7) Any contract awarded to such an organization pursuant to the provisions of this subsection may be extended for up to two additional years.".

SEC. 702. SBA INTEREST PAYMENTS TO TREASURY.

Section 4(c)(5)(B)(ii) of the Small Business Act (15 U.S.C. 633(c)(5)(B)(ii)) is amended to read as follows:

"(ii) The Administration shall pay into the miscellaneous receipts of the Treasury following the close of each fiscal year the actual interest it collects during that fiscal year on all financings made under the authority of this Act.".

SEC. 703. IMPOSITION OF FEES.

Section 5(b) of the Small Business Act (15 U.S.C. 634(b)) is amended—

(1) in paragraph (10) by striking "and" at the end;

(2) in paragraph (11) by striking the period at the end and inserting a semicolon; and

(3) by adding the following new paragraphs at the end:

"(12) impose, retain and use only those fees which are specifically authorized by law or which are in effect on September 30, 1994, and in the amounts and at the rates in effect on such date. The administrator is authorized to impose, retain and utilize, subject to approval in appropriations Acts, the following additional fees—

"(A) not to exceed $100 for each loan servicing action requested after disbursement of the loan, including substitution of collateral, loan assumptions, release or substitution of guarantors, reamortizations or similar actions;

"(B) to recover the direct, incremental cost involved in the production and dissemination of compilations of information produced by the Administration under the authority of the Small Business Act and the Small Business Investment Act of 1958; and

"(13) to collect, retain and utilize, subject to approval in appropriations Acts, any amounts collected by fiscal transfer agents and not used by such agent as payment of the cost of loan pooling or debenture servicing operations: Provided, That any monies so collected shall be utilized solely to facilitate the administration of the program which generated the excess monies.".

SEC. 704. SBIR VENDORS.

Section 9(q)(2) of the Small Business Act (15 U.S.C. 638(q)(2)) is amended to read as follows:

"(2) Vendor selection.—Each agency may select a vendor to assist small business concerns to meet the goals listed in paragraph (1). Such selection shall be competitive using merit-based criteria, for a term not to exceed 3 years.".

SEC. 705. MANUFACTURING CONTRACTS.

(a) Establishment of Pilot Program.—Section 15 of the Small Business Act (15 U.S.C. 644) is amended by adding at the end the following:

"(p) Manufacturing Modernization Pilot Program.—

"(1) Establishment.—The Administrator may establish and carry out a manufacturing modernization pilot program (hereinafter in this section referred to as the 'program') for the purpose of promoting the award of Federal procurement contracts to small business concerns that participate in manufacturing application and education centers that are established or certified pursuant to paragraph (2).

"(2) Manufacturing application and education centers.—The Administrator may establish manufacturing application and education centers which will provide training to small business concerns on new and innovative manufacturing practices in a shared-use production environment and which will assist such concerns in carrying out Federal procurement contracts for the manufacture of components and subsystems. The Administrator may also certify existing manufacturing application and education centers for participation in the program.

"(3) Use of private centers as examples.—In establishing any manufacturing application and education centers pursuant to paragraph (2), the Administrator may use as examples manufacturing application and education centers in the private sector that provide the following services: technology demonstration, technology education, technology application support, technology advancement support, and technology awareness.

"(4) Identification of contracts.—The Administrator and the head of a contracting agency may identify for additional small business set-asides pursuant to subsection (a) any procurement, and in particular any procurement which is being foreign-sourced or is considered critical, which is susceptible to performance by a small business concern if the concern is assisted by a manufacturing application and education center under the program. Any such procurement shall be subject to the requirements of subsection (a), including requirements relating to any failure of the Administrator and the head of the contracting agency to agree on procurement methods.

"(5) Nonapplicability of performance requirement.—The requirement of subsection (o)(1)(B) shall not apply with respect to any contract carried out by a small business concern under the program with the assistance of a manufacturing application and education center.

"(6) Regulations.—Not later than 6 months after the date of the enactment of this subsection, the Administrator shall issue regulations to carry out this subsection if he determines it appropriate to carry out the program authorized by this subsection.

"(7) Reports.—

"(A) Progress report.—Not later than 3 months after the last day of the fiscal year in which final regulations are issued pursuant to paragraph (6), the Administrator shall transmit to the Committees on Small Business of the House of Representatives and the Senate a report on the progress of the program.

"(B) Final report.—If the Administrator establishes the program authorized herein, not later than March 31, 1999, he shall transmit to the Committees on Small Business of the House of Representatives and the Senate a report on the success of the program in—

"(i) enabling deployment of technology to small business concerns participating in the program, and

"(ii) assisting manufacturing application and education centers in achieving self-sufficiency,

together with recommendations concerning continuation, modification, or discontinuance of the program.

"(8) Program term.—The Administrator may carry out the program during the period beginning on the date of issuance of final regulations under paragraph (5) and ending on September 30, 1999.

"(9) Authorization of appropriations.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.".

SEC. 706. DENIAL OF USE OF FUNDS FOR INDIVIDUALS NOT LAWFULLY WITHIN THE UNITED STATES.

The Small Business Act (15 U.S.C. 631 et seq.) is amended by inserting after section 30, as added by section 304 of this Act, the following:

"SEC. 31. DENIAL OF USE OF FUNDS FOR INDIVIDUALS NOT LAWFULLY WITHIN THE UNITED STATES.

"None of the funds made available pursuant to this Act may be used to provide any direct benefit or assistance to any individual in the United States when it is made known to the Administrator of the Small Business Administration or the official to which the funds are made available that the individual is not lawfully within the United States.".

SEC. 707. OFFICE OF ADVOCACY EMPLOYEES.

Section 204 of Public Law 94–305 (15 U.S.C. 634d) is amended as follows—

(1) by striking "after consultation with and subject to the approval of the Administrator,"; and

(2) in paragraph (1) by striking "GS–15 of the General Schedule" and all that follows and inserting "GS–15 of the General Schedule: Provided, however, That not more than 14 staff personnel at any one time may be employed and compensated at a rate in excess of GS–15, step 10, of the General Schedule;".

SEC. 708. ADVOCACY STUDY OF PAPERWORK AND TAX IMPACT.

The Chief Counsel for Advocacy of the Small Business Administration shall conduct a study *of the impact of all Federal regulatory paperwork and tax requirements upon small business and report its findings to the Congress within 1 year of the date of the enactment of this Act.*

SEC. 709. CERTIFICATION OF COMPLIANCE WITH CHILD SUPPORT OBLIGATIONS.

The Small Business Act (15 U.S.C. 631 et seq.) is amended by inserting after section 31, as added by section 706 of this Act, the following:

"SEC. 32. CERTIFICATION OF COMPLIANCE WITH CHILD SUPPORT OBLIGATIONS.

"Each applicant for financial assistance under this Act, including applicants for direct loans and loan guarantees, shall certify, as a condition for receiving such assistance, that the applicant is not in violation of the terms of any administrative order, court order, or repayment agreement entered into between the applicant and the custodial parent or the State agency providing child support enforcement services which requires the applicant to pay child support, as such term is defined by section 462(b) of the Social Security Act.".

Amend the title so as to read: "An Act to amend the Small Business Act, and for other purposes.".

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read: "A bill to amend the Small Business Act, and for other purposes."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 4801) was laid on the table.

APPOINTMENT OF CONFEREES

Mr. LAFALCE. Mr. Speaker, I ask unanimous consent that the House insist on its amendment to the Senate bill, S. 2060, and request a conference with the Senate thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York? The Chair hears none, and without objection, appoints the following conferees: Messrs. LAFALCE, SMITH of Iowa, and WYDEN, Mrs. MEYERS of Kansas, and Mr. BAKER of Louisiana.

There was no objection.

MAKING IN ORDER ON THURSDAY, SEPTEMBER 22, 1994, OR ANY DAY THEREAFTER, CONSIDERATION OF CONFERENCE REPORT ON H.R. 4606, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1995

Mr. SMITH of Iowa. Mr. Speaker, I ask unanimous consent that notwithstanding the provisions of clause (2) of rule XXVIII (28), it be in order at any time on Thursday, September 22, 1994, or any day thereafter, to consider the conference report, amendments in disagreement, and motions to dispose of amendments in disagreement, to the bill (H.R. 4606) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1995, and for other purposes, and that the conference report, amendments in disagreement, and motions printed in the joint explanatory statement of the committee of conference to dispose of amendments in disagreement be considered as read when called up for consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

HEADWATERS FOREST ACT

Mr. BONIOR. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 536 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 536

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2866) to provide for the sound management and protection of Redwood forest areas in Humboldt County, California, by adding certain lands and waters to the Six Rivers National Forest and by including a portion of such lands in the national wilderness preservation system. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour, with thirty minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture and thirty minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Natural Resources. After general debate the bill shall be considered for amendment under the five-minute rule. Each section shall be considered as read. Points of order against provisions in the bill for failure to comply with clause 5(a) of rule XXI are waived. Except as provided in section 2 of this resolution, no amendment shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment except as specified in the report, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendments printed in the report are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

SEC. 2. It shall be in order at any time for the chairman of the Committee on Agriculture or a designee to offer amendments en bloc consisting of amendments printed in the report of the Committee on Rules accompanying this resolution or germane modifications of any such amendment. Amendments en bloc offered pursuant to this section shall be considered as read (except that modifications shall be reported), shall be debatable for ten minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture or their designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments en bloc are waived. For the purpose of inclusion in such amendments en bloc, an amendment printed in the form of a motion to strike may be modified to the form of a germane perfecting amendment to the text originally proposed to be stricken. The original proponent of an amendment included in such amendments en bloc may insert a statement in the Congressional Record immediately before the disposition of the amendments en bloc.

The SPEAKER pro tempore. The gentleman from Michigan [Mr. BONIOR] is recognized for 1 hour.

Mr. BONIOR. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from California [Mr. DREIER], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, over 1,300 years ago—before Shakespeare and Michelangelo, before Marco Polo travelled and Columbus ever sailed to these shores—there stood a magnificent forest along the Pacific Ocean that blanketed every inch of the land.

At a time of absolute beauty, it was one of the most pristine stretches of woodland mankind has every known.

By the time the founders of this country were declaring independence and writing our Constitution, over two million acres of these redwoods stood—reaching 300 feet into the sky—providing a home for countless species of plants and animals, and producing many of the raw materials that helped this Nation grow.

But today—even though this forest is still one of America's great natural treasures—only 4 percent of these majestic trees remain.

The old growth redwood forest is still one of America's greatest natural resources, but it is not a renewable resource. Once these trees are gone, they're gone—never to come back. The conditions that fostered their growth no longer exist, even if today's young trees are allowed to grow for hundreds of years.

We all have an interest in protecting this forest, and today we have a bill in front of us that will do just that.

Let me say, Mr. Speaker, that this is a unique bill. For decades, there hasn't been much political peace between the timber industry, landowners, and environmentalists.

But in this case, local landowners, the timber industry, and environmentalists all support a plan—this plan—to help preserve this precious national resource.

They all agree that this bill before us is the best solution to the problem.

I want to take a moment to commend Congressman DAN HAMBURG for the leadership he has shown in bringing together both sides on this issue. Not many people thought it could be done—but Congressman HAMBURG believed—and he has done an extraordinary job in working out this agreement.

Mr. Speaker, the rule now before the House is fair and reasonable. It makes in order nine amendments—by Republicans and Democrats. These amendments address all the major issues in the bill—including three amendments to guarantee the rights of private property owners.

Mr. Speaker, this is an extremely important bill—for the environment and for all Americans. I urge my colleagues to support the rule and the bill.

Mr. Speaker, House Resolution 536 provides for the consideration of H.R. 2866, the Headwaters Forest Act.

The rule provides 1 hour of general debate, with 30 minutes controlled by the Committee on Agriculture and 30 minutes controlled by the Committee on Natural Resources.

The rule makes in order only those amendments printed in the report to accompany the rule, which are to be considered in the order and manner specified in the report.

These amendments are not subject to amendment or to a demand for a division of the question. All points of order against the amendments printed in the report are waived.

The rule authorizes the chairman of the Committee on Agriculture or his designee to offer amendments en bloc consisting of amendments printed in the report and germane modifications thereto.

Finally, the rule provides one motion to recommit the bill.

Mr. Speaker, this is a fair and reasonable rule—and I urge my colleagues to support it.

□ 1210

Mr. Speaker, I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, over the past 2 years, a saying has sprung up in the West to describe the numerous Federal Government actions that threaten private-property rights, cut off large tracts of Federal land and resources from productive use, destroy private-sector jobs and undermine economic prosperity. It's called the Democrats' War on the West.

This very ambitious agenda, which is having a disproportionate impact on Western States, includes: limits on logging, mining and water use; dramatically increased grazing fees; over-zealous enforcement of the Endangered Species Act to the point where certain animals have more rights than property owners; and Federal land grabs in the lower 48 States such as this Headwaters Forest Act.

Mr. Speaker, H.R. 2866 is another attack on working people in the West. For example, four of the five Humboldt County California Supervisors oppose this legislation because of the local economic impact. The forest is in Humboldt County, and they see this bill as another direct attack on private-sector jobs in their county.

This restrictive rule is an attack on the principle of accountability here in the House. Make no mistake about it, the American people are demanding that we be accountable for controversial policies. A rule that is clearly designed to prevent the House from having the opportunity to fully debate important issues relating to the Headwaters Forest bill violates that principle.

Although an open rule would be far preferable, this restrictive rule is most unfair in prohibiting consideration of sound, substantive, germane amendments that were offered in committee. For example, Mr. DOOLITTLE will not be able to offer an amendment to restrict the Headwaters Forest acquisition plan to the 4,400 acres of old growth redwood forest. We should make this critical distinction between buying old growth redwood stands and using taxpayer dollars to purchase over a billion dollars' worth of everyday forestland.

This rule also prohibits an amendment by Mr. POMBO to prohibit the Federal Government from using the Endangered Species Act to devalue land in order to acquire that land at a reduced cost. This critical property rights amendment is identical to a Tauzin amendment to the California Desert Protection Act which passed the House 281 to 148 earlier this year. Without this amendment, Federal bureaucrats will be tempted to devalue Headwaters Forest land that they plan to acquire by claiming that the redwood trees cannot be harvested in order to protect a seabird called the marbled murrelet. Therefore, I will be attempting to defeat the previous question so that this one additional amendment is made in order. This should be clearly understood, Mr. Speaker, a vote for the previous question will be a vote against the Tauzin Endangered Species Act language.

Finally, a number of worthy amendments designed to protect the American taxpayer, not just in the West but all over this country, are being blocked by this rule. An amendment by Mr. LEWIS of Florida, the ranking member of the Agriculture Subcommittee on Natural Resources, would insure that taxpayer property held by the RTC or FDIC is not traded at below market value to acquire forest land. Mr. POMBO has an amendment to limit acquisition authority for this project to 5 years to reduce the potential outflow of taxpayer dollars.

Mr. Speaker, there are numerous problems with this bill. Some will be addressed by the amendments that have been made in order, but some cannot. The folly of authorizing $1.5 billion in taxpayer dollars to buy forestland when the Federal Government already owns 46 percent of California, including the 78,000-acre Redwood National Forest, is best addressed by voting the bill down in its entirety.

Mr. Speaker, I urge my colleagues to defeat the previous question so that we can amend this rule and make the Pombo amendment on the Endangered Species Act in order. If that effort to protect private-property rights fails, if that effort fails, I urge Members to defeat this unfair rule so that we can consider this bill under a more fair and open process.

Mr. Speaker, I include for the RECORD a copy of the amendment I will offer if the previous question is defeated, as well as statistics on rollcall votes in the Rules Committee, as follows:

H. RES. 536—AN AMENDMENT OFFERED BY MR. DREIER

Page 2, line 21, insert before the period the following: "and the amendment printed in section 3 of this resolution if offered by Representative Pombo of California, or a designee, said amendment shall not be subject to amendment but shall be debatable for not to exceed 20 minutes to be equally divided and controlled by the proponent and an opponent.

Page 4, add the following after line 9:

"Sec. 3. An amendment to be offered by Representative Pombo of California, or a designee.

"Add the following new section at the end of the bill:

"SEC. . APPRAISAL.

"Lands or interests in lands acquired under section 3 shall be appraised for their highest and best use without regard to the presence of a species listed as threatened or endangered pursuant to the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).".

ROLLCALL VOTES IN THE RULES COMMITTEE ON AMENDMENTS TO THE PROPOSED RULE ON H.R. 2866—HEADWATERS FOREST ACT—TUESDAY, SEPTEMBER 20, 1994

1. Open Rule—This amendment to the proposed rule provides for an open rule with one-hour of general debate equally divided between the Agriculture Committee and the Natural Resources Committee. (Rejected 4-5). Yeas—Solomon, Quillen, Dreier, Goss. Nays—Moakley, Frost, Bonior, Gordon, Slaughter. Not Voting: Derrick, Beilenson, Hall, Wheat.

2. Doolittle #7—Reduces the amount of land authorized to be acquired by the federal government for the Six Rivers National Forest Addition from 44,000 acres to 4,488 acres. (Rejected 4-5). Yeas—Solomon, Quillen, Dreier, Goss. Nays—Moakley, Frost, Bonior, Gordon, Slaughter. Not Voting: Derrick, Beilenson, Hall, Wheat.

3. Pombo #10—Provides that appraisal of land values under the bill will be done without regard to the presence of a threatened or endangered species. (Rejected 4-5). Yeas—Solomon, Quillen, Dreier, Goss. Nays—Moakley, Frost, Bonior, Gordon, Slaughter. Not Voting: Derrick, Beilenson, Hall, Wheat.

4. Pombo #12—Sunsets the acquisition authority of the Secretary of Agriculture after five years from the date of enactment. (Rejected 4-5). Yeas—Solomon, Quillen, Dreier, Goss. Nays—Moakley, Frost, Bonior, Gordon, Slaughter. Not Voting: Derrick, Beilenson, Hall, Wheat.

5. Pombo #16—Substitute amendment consisting of the text of the bill as reported by the Committee on Agriculture. (Rejected 4-5). Yeas—Solomon, Quillen, Dreier, Goss. Nays—Moakley, Frost, Bonior, Gordon, Slaughter. Not Voting: Derrick, Beilenson, Hall, Wheat.

6. Lewis (FL) #15—Prohibits the exchange, donation, or purchase at less than fair-market value of lands from the FDIC or the RTC to the Secretary of Agriculture. (Rejected 4-5). Yeas—Solomon, Quillen, Dreier, Goss. Nays—Moakley, Frost, Bonior, Gordon, Slaughter. Not Voting: Derrick, Beilenson, Hall, Wheat.

7. Adoption of Rule—(Adopted 5-4). Yeas—Moakley, Frost, Bonior, Gordon, Slaughter. Nays—Solomon, Quillen, Dreier, Goss. Not Voting: Derrick, Beilenson, Hall, Wheat.

OPEN VERSUS RESTRICTIVE RULES 95TH–103D CONG.

Congress (years)	Total rules granted[1]	Open rules		Restrictive rules	
		Number	Percent[2]	Number	Percent[3]
95th (1977–78)	211	179	85	32	15
96th (1979–80)	214	161	75	53	25
97th (1981–82)	120	90	75	30	25
98th (1983–84)	155	105	68	50	32
99th (1985–86)	115	65	57	50	43
100th (1987–88)	123	66	54	57	46
101st (1989–90)	104	47	45	57	55
102d (1991–92)	109	37	34	72	66
103d (1993–94)	94	27	29	67	71

[1] Total rules counted are all order of business resolutions reported from the Rules Committee which provide for the initial consideration of legislation, except rules on appropriations bills which only waive points of order. Original jurisdiction measures reported as privileged are also not counted.

[2] Open rules are those which permit any Member to offer any germane amendment to a measure so long as it is otherwise in compliance with the rules of the House. The parenthetical percentages are open rules as a percent of total rules granted.

[3] Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules, as well as completely closed rule, and rules providing for consideration in the House as opposed to the Committee of the Whole. The parenthetical percentages are restrictive rules as a percent of total rules granted.

Sources: "Rules Committee Calendars & Surveys of Activities," 95th–102d Cong.; "Notices of Action Taken," Committee on Rules, 103d Cong., through Sept. 20, 1994.

OPEN VERSUS RESTRICTIVE RULES: 103D CONG.

Rule number date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 58, Feb. 2, 1993	MC	H.R. 1: Family and medical leave	30 (D–5; R–25)	3 (D–0; R–3)	PQ: 246–176. A: 259–164. (Feb. 3, 1993).
H. Res. 59, Feb. 3, 1993	MC	H.R. 2: National Voter Registration Act	19 (D–1; R–18)	1 (D–0; R–1)	PQ: 248–171. A: 249–170. (Feb. 4, 1993).
H. Res. 103, Feb. 23, 1993	C	H.R. 920: Unemployment compensation	7 (D–2; R–5)	0 (D–0; R–0)	PQ: 243–172. A: 237–178. (Feb. 24, 1993).
H. Res. 106, Mar. 2, 1993	MC	H.R. 20: Hatch Act amendments	9 (D–1; R–8)	3 (D–0; R–3)	PQ: 248–166. A: 249–163. (Mar. 3, 1993).
H. Res. 119, Mar. 9, 1993	MC	H.R. 4: NIH Revitalization Act of 1993	13 (d–4; R–9)	8 (D–3; R–5)	PQ: 247–170. A: 248–170. (Mar. 10, 1993).
H. Res. 132, Mar. 17, 1993	MC	H.R. 1335: Emergency supplemental Appropriations	37 (D–8; R–29)	1(not submitted) (D–1; R–0)	A: 240–185. (Mar. 18, 1993).
H. Res. 133, Mar. 17, 1993	MC	H. Con. Res. 64: Budget resolution	14 (D–2; R–12)	4 (1-D not submitted) (D–2; R–2)	PQ: 250–172. A: 251–172. (Mar. 18, 1993).
H. Res. 138, Mar. 23, 1993	MC	H.R. 670: Family planning amendments	20 (D–8; R–12)	9 (D–4; R–5)	PQ: 252–164. A: 247–169. (Mar. 24, 1993).
H. Res. 147, Mar. 31, 1993	C	H.R. 1430: Increase Public debt limit	6 (D–1; R–5)	0 (D–0; R–0)	PQ: 244–168. A: 242–170. (Apr. 1, 1993).
H. Res. 149 Apr. 1, 1993	MC	H.R. 1578: Expedited Rescission Act of 1993	8 (D–1; R–7)	3 (D–1; R–2)	A: 212–208. (Apr. 28, 1993).
H. Res. 164, May 4, 1993	O	H.R. 820: Nate Competitiveness Act	NA	NA	A: Voice Vote. (May 5, 1993).
H. Res. 171, May 18, 1993	O	H.R. 873: Gallatin Range Act of 1993	NA	NA	A: Voice Vote. (May 20, 1993).
H. Res. 172, May 18, 1993	O	H.R. 1159: Passenger Vessel Safety Act	NA	NA	A: 308–0 (May 24, 1993).
H. Res. 173 May 18, 1993	MC	S.J. Res. 45: United States forces in Somalia	6 (D–1; R–5)	6 (D–1; R–5)	A: Voice Vote (May 20, 1993)
H. Res. 183, May 25, 1993	O	H.R. 2244: 2d supplemental appropriations	NA	NA	A: 251–174. (May 26, 1993).
H. Res. 186, May 27, 1993	MC	H.R. 2264: Omnibus budget reconciliation	51 (D–19; R–32)	8 (D–7; R–1)	PQ: 252–178. A: 236–194 (May 27, 1993).
H. Res. 192, June 9, 1993	MC	H.R. 2348: Legislative branch appropriations	50 (D–6; R–44)	6 (D–3; R–3)	PQ: 240–177. A: 226–185. (June 10, 1993).
H. Res. 193, June 10, 1993	O	H.R. 2200: NASA authorization	NA	NA	A: Voice Vote. (June 14, 1993).
H. Res. 195, June 14, 1993	MC	H.R. 5: Striker replacement	7 (D–4; R–3)	2 (D–1; R–1)	A: 244–176.. (June 15, 1993).
H. Res. 197, June 15, 1993	MO	H.R. 2333: State Department. H.R. 2404: Foreign aid	53 (D–20; R–33)	27 (D–12; R–15)	A: 294–129. (June 16, 1993).
H. Res. 199, June 16, 1993	C	H.R. 1876: Ext. of "Fast Track"	NA	NA	A: Voice Vote. (June 22, 1993).
H. Res. 200, June 16, 1993	MC	H.R. 2295: Foreign operations appropriations	33 (D–11; R–22)	5 (D–1; R–4)	A: 263–160. (June 17, 1993).
H. Res. 201, June 17, 1993	O	H.R. 2403: Treasury-postal appropriations	NA	NA	A: Voice Vote. (June 17, 1993).
H. Res. 203, June 22, 1993	MO	H.R. 2445: Energy and Water appropriations	NA	NA	A: Voice Vote. (June 23, 1993).
H. Res. 206, June 23, 1993	O	H.R. 2150: Coast Guard authorization	NA	NA	A: 401–0. (July 30, 1993).
H. Res. 217, July 14, 1993	MO	H.R. 2010: National Service Trust Act	NA	NA	A: 261–164. (July 21, 1993).
H. Res. 220, July 21, 1993	MC	H.R. 2667: Disaster assistance supplemental	14 (D–8; R–6)	2 (D–2; R–0)	PQ: 245–178. F: 205–216. (July 22, 1993).
H. Res. 226, July 23, 1993	MC	H.R. 2667: Disaster assistance supplemental	15 (D–8; R–7)	2 (D–2; R–0)	A: 224–205. (July 27, 1993).
H. Res. 229, July 28, 1993	MO	H.R. 2330: Intelligence Authority Act, fiscal year 1994	NA	NA	A: Voice Vote. (Aug. 3, 1993).
H. Res. 230, July 28, 1993	O	H.R. 1964: Maritime Administration authority	NA	NA	A: Voice Vote. (July 29, 1993).
H. Res. 246, Aug. 6, 1993	MO	H.R. 2401: National Defense authority	149 (D–109; R–40)		A: 246–172. (Sept. 8, 1993).
H. Res. 248, Sept. 9, 1993	MO	H.R. 2401: National defense authorization			PQ: 237–169. A: 234–169. (Sept. 13, 1993).
H. Res. 250, Sept. 13, 1993	MC	H.R. 1340: RTC Completion Act	12 (D–3; R–9)	1 (D–1; R–0)	A: 213–191–1. (Sept. 14, 1993).
H. Res. 254, Sept. 22, 1993	MO	H.R. 2401: National Defense authorization		91 (D–67; R–24)	A: 241–182. (Sept. 28, 1993).
H. Res. 262, Sept. 28, 1993	O	H.R. 1845: National Biological Survey Act	NA	NA	A: 238–188 (10/06/93).
H. Res. 264, Sept. 28, 1993	MC	H.R. 2351: Arts, humanities, museums	7 (D–0; R–7)	3 (D–0; R–3)	PQ: 240–185. A: 225–195. (Oct. 14, 1993).
H. Res. 265, Sept. 29, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D–1; R–2)	2 (D–1; R–1)	A: 239–150. (Oct. 15, 1993).
H. Res. 269, Oct. 6, 1993	MO	H.R. 2739: Aviation infrastructure investment	N/A	N/A	A: Voice Vote. (Oct. 7, 1993).
H. Res. 273, Oct. 12, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D-1; R–2)	2 (D–1; R–1)	PQ: 235–187. F: 149–254. (Oct. 14, 1993).
H. Res. 274, Oct. 12, 1993	MC	H.R. 1804: Goals 2000 Educate America Act	15 (D–7; R–7; I–1)	10 (D–7; R–3)	A: Voice Vote. (Oct. 13, 1993).
H. Res. 282, Oct. 20, 1993	C	H.J. Res. 281: Continuing appropriations through Oct. 28, 1993	N/A	N/A	A: Voice Vote. (Oct. 21, 1993).
H. Res. 286, Oct. 27, 1993	O	H.R. 334: Lumbee Recognition Act	N/A	N/A	A: Voice Vote. (Oct. 28, 1993).
H. Res. 287, Oct. 27, 1993	C	H.J. Res. 283: Continuing appropriations resolution	1 (D–0; R–0)	0	A: 252–170. (Oct. 28, 1993).
H. Res. 289, Oct. 28, 1993	O	H.R. 2151: Maritime Security Act of 1993	N/A	N/A	A: Voice Vote. (Nov. 3, 1993).
H. Res. 293, Nov. 4, 1993	MC	H. Con. Res. 170: Troop withdrawal Somalia	N/A	N/A	A: 390–8. (Nov. 8, 1993).
H. Res. 299, Nov. 8, 1993	MO	H.R. 1036: Employee Retirement Act–1993	2 (D–1; R–1)	N/A	A: Voice Vote. (Nov. 9, 1993).
H. Res. 302, Nov. 9, 1993	MC	H.R. 1025: Brady handgun bill	17 (D–6; R–11)	4 (D–1; R–3)	A: 238–182. (Nov. 10, 1993).
H. Res. 303, Nov. 9, 1993	O	H.R. 322: Mineral exploration	N/A	N/A	A: Voice Vote. (Nov. 16, 1993).
H. Res. 304, Nov. 9, 1993	C	H.J. Res. 288: Further CR, FY 1994	N/A	N/A	
H. Res. 312, Nov. 17, 1993	MC	H.R. 3425: EPA Cabinet Status	27 (D–8; R–19)	9 (D–1; R–8)	F: 191–227. (Feb. 2, 1994).
H. Res. 313, Nov. 17, 1993	MC	H.R. 796: Freedom Access to Clinics	15 (D–9; R–6)	4 (D–1; R–3)	A: 233–192. (Nov. 18, 1993).
H. Res. 314, Nov. 17, 1993	MC	H.R. 3351: Alt Methods Young Offenders	21 (D–7; R–14)	6 (D–3; R–3)	A: 238–179. (Nov. 19, 1993).
H. Res. 316, Nov. 19, 1993	C	H.R. 51: D.C. statehood bill	1 (D–1; R–0)	N/A	A: 252–172. (Nov. 20, 1993).
H. Res. 319, Nov. 20, 1993	MC	H.R. 3: Campaign Finance Reform	35 (D–6; R–29)	1 (D–0; R–1)	A: 220–207. (Nov. 21, 1993).
H. Res. 320, Nov. 20, 1993	MC	H.R. 3400: Reinventing Government	34 (D–15; R–19)	3 (D–3; R–0)	A: 247–183. (Nov. 22, 1993).
H. Res. 336, Feb. 2, 1994	MC	H.R. 3759: Emergency Supplemental Appropriations	14 (D–8; R–5; I–1)	5 (D–3; R–2)	PQ: 244–168. A: 342–65. (Feb. 3, 1994).
H. Res. 352, Feb. 8, 1994	MC	H.R. 811: Independent Counsel Act	27 (D–8; R–19)	10 (D–4; R–6)	PQ: 249–174. A: 242–174. (Feb. 9, 1994).
H. Res. 357, Feb. 9, 1994	MC	H.R. 3345: Federal Workforce Restructuring	3 (D–2; R–1)	2 (D–2; R–0)	A: VV (Feb. 10, 1994).
H. Res. 366, Feb. 23, 1994	MO	H.R. 6: Improving America's Schools	NA	NA	A: VV (Feb. 24, 1994).
H. Res. 384, Mar. 9, 1994	MC	H. Con. Res. 218: Budget Resolution FY 1995–99	14 (D–5; R–9)	5 (D–3; R–2)	A: 245–171 (Mar. 10, 1994).
H. Res. 401, Apr. 12, 1994	MO	H.R. 4092: Violent Crime Control	180 (D–98; R–82)	68 (D–47; R–21)	A: 244–176 (Apr. 13, 1994).
H. Res. 410, Apr. 21, 1994	MO	H.R. 3221: Iraqi Claims Act	N/A	N/A	A: Voice Vote (Apr. 28, 1994).
H. Res. 414, Apr. 28, 1994	O	H.R. 3254: NSF Auth. Act	N/A	N/A	A: Voice Vote (May 3, 1994).
H. Res. 416, May 4, 1994	C	H.R. 4296: Assault Weapons Ban Act	7 (D–5; R–2)	0 (D–0; R–0)	A: 220–209 (May 5, 1994).
H. Res. 420, May 5, 1994	O	H.R. 2442: EDA Reauthorization	N/A	N/A	A: Voice Vote (May 10, 1994).
H. Res. 422, May 11, 1994	MO	H.R. 518: California Desert Protection	N/A	N/A	PQ: 245–172 A: 248–165 (May 17, 1994).
H. Res. 423, May 11, 1994	O	H.R. 2473: Montana Wilderness Act	N/A	N/A	A: Voice Vote (May 12, 1994).
H. Res. 428, May 17, 1994	MO	H.R. 2108: Black Lung Benefits Act	4 (D–1; R–3)	N/A	A: VV (May 19, 1994).
H. Res. 429, May 17, 1994	MO	H.R. 4301: Defense Auth., FY 1995	173 (D–115; R–58)		A: 369–49 (May 18, 1994).
H. Res. 431, May 20, 1994	MO	H.R. 4301: Defense Auth., FY 1995		100 (D–80; R–20)	A: Voice Vote (May 23, 1994).
H. Res. 440, May 24, 1994	MC	H.R. 4385: Natl Hiway System Designation	16 (D–10; R–6)	5 (D–5; R–0)	A: Voice Vote (May 25, 1994).
H. Res. 443, May 25, 1994	MC	H.R. 4426: For. Ops. Approps, FY 1995	39 (D–11; R–28)	8 (D–3; R–5)	PQ: 233–191 A: 244–181 (May 25, 1994).
H. Res. 444, May 25, 1994	MC	H.R. 4454: Leg Branch Approp, FY 1995	43 (D–10; R–33)	12 (D–8; R–4)	A: 249–177 (May 26, 1994).
H. Res. 447, June 8, 1994	O	H.R. 4539: Treasury/Postal Approps 1995	N/A	N/A	A: 236–177 (June 9, 1994).
H. Res. 467, June 28, 1994	MC	H.R. 4600: Expedited Rescissions Act	N/A	N/A	PQ: 240–185 A: Voice Vote (July 14, 1994).
H. Res. 468, June 28, 1994	MO	H.R. 4299: Intelligence Auth., FY 1995	N/A	N/A	A: Voice Vote (July 19, 1994).
H. Res. 474, July 12, 1994	MO	H.R. 3937: Export Admin. Act of 1994	N/A	N/A	A: Voice Vote (July 14, 1994).

OPEN VERSUS RESTRICTIVE RULES: 103D CONG.—Continued

Rule number date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 475, July 12, 1994	O	H.R. 1188: Anti. Redlining in Ins	N/A	N/A	A: Voice Vote (July 20, 1994).
H. Res. 482, July 20, 1994	O	H.R. 3838: Housing & Comm. Dev. Act	N/A	N/A	A: Voice Vote (July 21, 1994).
H. Res. 483, July 20, 1994	O	H.R. 3870: Environ. Tech. Act of 1994	N/A	N/A	A: Voice Vote (July 26, 1994).
H. Res. 484, July 20, 1994	MC	H.R. 4604: Budget Control Act of 1994	3 (D–2; R–1)	3 (D–2; R–1)	PQ: 245–180 A: Voice Vote (July 21, 1994).
H. Res. 491, July 27, 1994	O	H.R. 2448: Radon Disclosure Act	N/A	N/A	A: Voice Vote (July 28, 1994).
H. Res. 492, July 27, 1994	O	S. 208: NPS Concession Policy	N/A	N/A	A: Voice Vote (July 28, 1994).
H. Res. 494, July 28, 1994	MC	H.R. 4801: SBA Reauth & Amdmts. Act	10 (D–5; R–5)	6 (D–4; R–2)	PQ: 215–169 A: 221–161 (July 29, 1994).
H. Res. 500, Aug. 1, 1994	MO	H.R. 4003: Maritime Admin. Reauth	N/A	N/A	A: 336–77 (Aug. 2, 1994).
H. Res. 501, Aug. 1, 1994	O	S. 1357: Little Traverse Bay Bands	N/A	N/A	A: Voice Vote (Aug. 3, 1994).
H. Res. 502, Aug. 1, 1994	O	H.R. 1066: Pokagon Band of Potawatomi	N/A	N/A	A: Voice Vote (Aug. 3, 1994).
H. Res. 507, Aug. 4, 1994	O	H.R. 4217: Federal Crop Insurance	N/A	N/A	A: Voice Vote (Aug. 5, 1994).
H. Res. 509, Aug. 5, 1994	MC	H.J. Res. 373/H.R. 4590: MFN China Policy	N/A	N/A	A: Voice Vote (Aug. 9, 1994).
H. Res. 513, Aug. 9, 1994	MC	H.R. 4906: Emergency Spending Control Act	N/A	N/A	A: Voice Vote (Aug. 17, 1994).
H. Res. 512, Aug. 9, 1994	MC	H.R. 4907: Full Budget Disclosure Act	N/A	N/A	A: 255–178 (Aug. 11, 1994).
H. Res. 514, Aug. 9, 1994	MC	H.R. 4822: Cong. Accountability	33 (D–16; R–17)	16 (D–10; R–6)	PQ: 247–185 A: Voice Vote (Aug. 10, 1994).
H. Res. 515, Aug. 10, 1994	O	H.R. 4908: Hydrogen Etc. Research Act	N/A	N/A	A: Voice Vote (Aug. 19, 1994).
H. Res. 516, Aug. 10, 1994	MC	H.R. 3433: Presidio Management	12 (D–2; R–10)	N/A	A: Voice Vote (Aug. 19, 1994).
H. Res. 532, Sept. 20, 1994	O	H.R. 4448: Lowell Natl. Park	N/A	N/A	
H. Res. 535, Sept. 20, 1994	O	H.R. 4422: Coast Guard authorization	N/A	N/A	
H. Res. 536, Sept. 20, 1994	MC	H.R. 2866: Headwaters Forest Act	16 (D–5; R–11)	9 (D–3; R–6)	

Note.—Code: C-Closed; MC-Modified closed; MO-Modified open; O-Open; D-Democrat; R-Republican; PQ: Previous question; A-Adopted; F-Failed.

Mr. Speaker, I reserve the balance of my time.

Mr. BONIOR. Mr. Speaker, I ask unanimous consent that the remainder of my time be controlled by the gentleman from Ohio [Mr. HALL].

The SPEAKER pro tempore (Mr. KLECZKA). Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HALL of Ohio. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. STARK].

Mr. STARK. Mr. Speaker, I would just like to speak in behalf of a bill that was so expertly crafted by the gentleman from California [Mr. HAMBURG]. And I know it was expertly crafted, because originally I introduced a similar bill and it needed a lot of work, and he did it.

I would like to also correct a statement of my distinguished colleague the gentleman from California. This is not the result of a Democrat's war on the West, but indeed it is the Democrats from California protecting what little of California Secretary Watt did not try and sell to the entertainment business.

We are, as our majority whip has so eloquently suggested, trying to protect a precious national monument from an ill-fated business deal which pledged a lot of junk bonds and secured them with these redwoods, and they had been sold off to redeem bonds which had very little relationship to protecting the jobs in the area. So through the work of the gentleman from California [Mr. HAMBURG] and the work of the company which owns the property, they have agreed on a compromise. So in effect we have a willing seller and a willing buyer. There is no coercion. Indeed, the property rights have been respected in the highest tradition of private and free enterprise, and the companies, led by leaders of the Republican Party are, in fact, in accord with the bill.

It is a balanced compromise between parties who had been in severe contention and have been in that contentious operation who concede the compromises and the agreements that have been made on both sides. Property rights have been protected and addressed. The environmental issues have been taken care of to the satisfaction of both sides. Fisheries, which will create jobs, will be encouraged. Sustained yield cutting will preserve jobs for all time, not just a quick buildup for a year or so while we slice all of the trees down, and then leave an underemployed, devastated community behind, but continuous yield so that the logging industry will flourish and grow in this part of northern California.

This has indeed been a long-running dispute. Two predecessors in two parties to the gentleman from California [Mr. HAMBURG] have attempted to see this area denuded. They have attempted to see all of these redwoods cut down. It has been a bipartisan attempt in that area until the gentleman from California [Mr. HAMBURG] stepped in to compromise this issue and protect the redwoods.

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There have been accommodations by the Committee on Rules to people on both sides of this issue to allow amendments. I think it is fair. There will be substantial changes made in order by the amendments, should they prevail, that have been made in order, and I would urge my colleagues to support the rule and to vote in favor of the bill and make a step for free enterprise, a step toward property rights, a step toward conserving the environment and protecting one of our most precious historical monuments.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume to say that my friend has talked about this marvelous compromise which has been structured by the gentleman from California [Mr. HAMBURG], and yet four out of five of the members of the Humboldt County Board of Supervisors have stood up for the workers of this area and opposed this so-called compromise.

Mr. Speaker, I yield 2 minutes to my friend from Palm Beach Gardens, the gentleman from Florida [Mr. LEWIS], the ranking member, soon to be chairman, if he were to stay here, of the National Resources Subcommittee of the Committee on Agriculture.

Mr. LEWIS of Florida. Mr. Speaker, I rise in strong opposition to the rule for the floor consideration of H.R. 2866, the Headwaters Forest Act.

Mr. Speaker, it was my hope that the Rules Committee would provide for an open rule in considering the Headwaters Forest Bill.

However, this rule is closed and many of the amendments which have been made in order under the rule were accepted in the Agriculture Committee and now are being offered again on the floor.

Mr. Speaker, three important amendments which were submitted to the Rules Committee were not made in order under the rule. Those are Mr. POMBO's endangered species amendment, Mr. DOOLITTLE's acreage reduction amendment, and an amendment which I had planned to offer prohibiting the Secretary of Agriculture from obtaining any of the lands through donation or at less than fair market exchange from the FDIC or RTC.

Many Members will recall the debate on the California Desert Protection Act in which language similar to Mr. POMBO's proposed amendment to this bill was adopted overwhelmingly in the House—this amendment should be allowed to be debated on the floor as the House has clearly signaled its intentions on this issue in the past.

Let me also give some background on the significance of Mr. DOOLITTLE's acreage reduction amendment which was also not made in order under the rule. This amendment is a true reflection of the intentions of the Pacific Lumber Co. who has indicated their willingness to sell or exchange only the 4,400 acre Headwaters Forest. Without this amendment and the open ended authorization of the bill—this bill carries an enormous price tag of $1.5 billion.

I would urge my colleagues to vote against this restrictive rule and also against the bill, it is unnecessary and costly.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. FAZIO].

Mr. FAZIO. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, as one Californian who has not cosponsored this bill; today, I rise in very strong support of the rule, and final passage of H.R. 2866, the Headwaters Forest Act.

I do that because I believe the gentleman from California [Mr. HAMBURG] has worked diligently to bring us to a point where everyone from California can now support this act. I rise in support of it because, in addition, it represents a balanced approach to environmental protection that will not result in economic dislocation for the timber-dependent communities of northern California.

I want to congratulate him. The gentleman from California [Mr. HAMBURG] has done a tremendous job. A tremendous amount of hard work went into this. His diligence is obvious, by putting together this bill; by listening to all the parties affected by it, the gentleman from California [Mr. HAMBURG] has crafted a compromise that is supported by the environmental community and the timber industry. The bill has the support of numerous national and regional environmental organizations, the Environmental Defense Fund, Sierra Club, National Audubon Society, and Natural Resources Defense Council, to name just a few. They all support this bill.

The latest list of supporting environmental organizations includes some 50 national and regional groups in support. But, importantly, this bill also has the support of the Pacific Lumber Co., because they are a willing seller in this compromise.

Under the amendments made in order by the rule, the Forest Service may not acquire lands without the consent of the landowner and, moreover, the landowners within the 44,000 acres are entitled to the full and lawful use of their land, the enjoyment of their land, until those lands are actually acquired by the Federal Government.

One question that was raised early in the debate over the headwaters bill was, how will the Federal Government be able to acquire these lands without hurting other programs or raising the Federal deficit? The gentleman from California [Mr. HAMBURG] has found the key to that. The real challenge was to make this environmentally important legislation fiscally responsible. He has succeeded in crafting such a compromise.

The bill relies heavily on land exchanges to acquire the lands we seek to protect, and under this bill surplus or excess Federal lands under the jurisdiction of Federal agencies may be transferred to the Department of Agriculture for use in land exchanges.

Mr. Speaker, this legislation embodies the art of compromise. It is what legislating is all about, and in his first term, this Member has taken an extremely difficult and contentious problem that affects his district and shown great leadership that he has succeeded in protecting the environment without destroying the economy or raising the deficit that we all worry about.

I urge my colleagues to support the bill, but I am particularly hopeful they will support a rule that makes in order nine amendments distributed to both parties, across the spectrum, allowing the major issues to come to the floor for consideration. The most important amendment regarding private property rights, the willing-seller amendment the gentleman from California [Mr. POMBO] will offer, is I think, appropriate. This gives the property owners the appropriate veto over any proposed exchange or sale of land, which we do need to keep in mind is the way to get fiscal prudence included in this bill, let alone protect property rights.

This is a fine piece of work, and it deserves the support of all Members, particularly those from our State of California.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to engage my friend, the gentleman from Sacramento, in colloquy. I just wanted to ask one question, and I would be happy to yield to my friend to respond: There has been some confusion as to exactly what piece of legislation we are considering here, and my friend has just talked about the fact that this measure guarantees landowners full and lawful use and enjoyment of their lands until they are acquired by the Federal Government, and yet the gentleman from California [Mr. DOOLITTLE] sought to offer an amendment to do that, because he is under the impression that is not addressed.

Mr. FAZIO. Mr. Speaker, will the gentleman yield?

Mr. DREIER. I am happy to yield to the gentleman from California.

Mr. FAZIO. Mr. Speaker, he must have been mistaken in that regard, because I think it is fair to assert that it is with the agreement that has been reached; the en block amendment will make certain all of those concerns are taken into consideration.

I realize there is a tremendous temptation, particularly in a political year, to sort of "stir the troubled waters" here and create a political problem that really ought not be part of our deliberations. I think this issue has been dealt adequately with by the Committee on Rules.

Mr. DREIER. Reclaiming my time, Mr. Speaker, I say to my friend, what has happened here is a very convoluted process as to exactly what piece of legislation is actually being considered, whether it was the measure originally introduced by the gentleman from California [Mr. HAMBURG], whether it was the measure reported out of the Committee on Agriculture, the Committee on Natural Resources. I hope my friend will acknowledge the fact that this is a very unusual procedure which has created a great degree of confusion which has nothing whatsoever to do with politics emanating from our side.

Mr. FAZIO. Mr. Speaker, will the gentleman yield?

Mr. DREIER. I yield to the gentleman from California.

Mr. FAZIO. Mr. Speaker, I would be happy to just simply say that the gentleman from California [Mr. HAMBURG] has, I think, dealt very effectively with the necessary compromises that are embodied. When we vote today, his management of these compromises will be reflected in the final product.

He has fully understood what would be required to meet the test all along the way in the several committees this bill has proceeded through. The fact this bill will be in the fine shape it is in, as we complete the rule, and as we go on to debate the bill, is a tribute to him, and, again, something all members of our delegation can support.

Mr. DREIER. Mr. Speaker, I should say to my friend this statement proves there is nothing political whatsoever about this legislation.

The SPEAKER pro tempore (Mr. KLECZKA). The gentleman from California [Mr. DREIER] has consumed 2 minutes.

Mr. DREIER. Mr. Speaker, I yield 6 minutes to my very eloquent colleague from Tracy, the gentleman from California [Mr. POMBO], who unfortunately has had an amendment denied on this, one which I hope we will be able to make in order if we are able to defeat the previous question.

☐ 1230

Mr. POMBO. I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise today in opposition to the rule for a number of reasons. But I guess the main reason that I have to oppose this rule is that it is being brought up as a closed rule. It thereby limits the amendments of the Members of the House, limits their ability to offer amendments to this legislation.

Mr. Speaker, I happen to serve on two of the committees that this particular bill was referred to, the Committee on Natural Resources and the Committee on Agriculture. And in both committees major changes were made to the bill, there was major discussion, major confrontation, and ultimately two separate pieces of legislation were passed out of both of those committees of this House.

We are faced today with the situation where the bill as introduced is being brought up—and, hopefully, with the en bloc amendments we can get back to the version which was passed out of the Committee on Agriculture.

Mr. Speaker, I presented in the Committee on Natural Resources an amendment to the bill that dealt with the Endangered Species Act and the valuation of the land. That failed in committee, and I was not allowed by the Committee on Rules to offer that on the floor here as an amendment to this piece of legislation.

We offered a similar amendment, in fact the same amendment, to the Desert Protection Act very recently on the House floor. It passed with 281 votes in favor of that amendment. So I believe the House has spoken very clearly about what its intention is with the devaluation of property values that the Federal Government has in regard to the Endangered Species Act.

I would like to explain to you why it is so important in this specific example, in this specific case: In the California northwest, where we have the spotted owl and other endangered species, the property values have sunk rapidly on property that has been declared endangered species habitat because they cannot do anything with the property other than let it sit, the private property. They have very, very limited use for that property because of actions of the Federal Government.

The Federal Government holds all the cards in this situation. They step in and make the determination whether or not an endangered species is truly endangered and they list it. Then, using their own scientists and their own science, they step out and decide where the habitat of that endangered species happens to be.

Now, in this particular instance there has been admitted that maybe the spotted owl is not endangered as it was first thought to be, and maybe the habitat is different than what they originally thought that it was.

But we have no recourse for that at this time. So the Federal Government stepped in and listed the species as endangered; they declared where the habitat of that species was. And now they are stepping out to buy that private property which happens to be habitat for one endangered species or the other.

So the Federal Government came in, all on their own, listed and devalued a piece of property which they are now attempting to buy. My amendment would rectify that by saying you cannot do that to a private property owner; you have to pay them what their property was worth before you took the actions. What this does is it does cost the taxpayers money but it spreads the cost of protecting the environment, protecting that particular endangered species, over the entire population. So that one individual property owner or one small group of property owners is not saddled with 100 percent of the burdens of the action of the Federal Government and this Congress.

I believe that if it is a priority of this country, of this Government, and of this Congress to save endangered species, if it is our priority, then we ought to make it a priority to pay for it and that one individual property owner or a small group of individual property owners are not forced to bear the entire financial burden that you are heaping on them with this legislation.

I guess to bring it down more to a localized level, if your local city decided they were going to put a road through your house, they would have to pay you the value of your property before they put the road through your house. They would have to pay you the value of your property before they put the road through your house, not after, because the value of your property would be diminished if your house was gone, if your back yard was gone and your front yard was covered by asphalt. The local government is not allowed to do this. The Federal Government should not be allowed to do this.

The Federal Government should not be allowed to step into a situation where they hold all the cards, where they have the ability to set the price on private property and then force you to accept that price and force you to operate your company or your farm or your ranch or your small business with this hanging over your head.

I do feel this is an extremely important amendment. I do not understand why the Rules Committee would not allow me the opportunity to present this amendment on the floor.

As I said previously, we have had the opportunity to debate this amendment before; it passed overwhelmingly on the House floor and there is absolutely no reason for House, for the Committee on Rules not to take up this amendment today.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I say to the gentleman the issue that my friend has addressed can be voted on and will be voted on in just a few moments when we try to defeat the previous question to make the Tauzin-Pombo endangered species language in order for consideration here.

I hope very much we will recognize that anyone who votes in favor of the previous question will be voting against the Tauzin-Pombo language dealing with the endangered species.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. DOOLEY].

Mr. DOOLEY. Mr. Speaker, I thank the gentleman for yielding this time to me.

I rise to really refute some of the statements of the earlier speaker in terms of his amendment that he was going to be offering today, was going to have the same impact as the Endangered Species Act amendment act offered by Mr. TAUZIN on the Desert Protection Act.

As a strong supporter of private property rights and as a strong supporter of endangered species legislation, which Mr. TAUZIN offered, I point out this is a very much different situation, because we have here a bill, when amended, is going to have provisions in it which ensure a willing buyer and a willing seller. The Federal Government is not going to hold all the cards in this contract or in these negotiations because you still have the rights of the private owner to make the decision whether he thinks the compensation, the price which is going to be negotiated, is adequate for the value of the property.

I also point out the owners of this property agree with this. In a letter they sent out just in the last month they stated that the amendment—that the bill as passed out of the Agriculture Committee, which will be the way this legislation looks like after the en bloc amendments are accepted, now contains significant amendments and fully protects the company's rights as a private property owner. If the company had any concerns about the Federal Government being able to lower the economic utility of their property by the designation of endangered species, they would not have written this letter.

Mr. POMBO. Mr. Speaker, will the gentleman yield?

Mr. DOOLEY. I will yield to the gentleman from California, surely.

Mr. POMBO. I thank the gentleman for yielding to me.

Mr. Speaker, the reason this is needed on this particular one, and my colleague and I have worked together a number of times on property rights issues, the reason it is needed on this amendment is because once the Federal Government clamps down and says they cannot do anything with this property, they are faced with a situation where they have to cut and run, where they have to sell it for whatever the Federal Government is offering in order to get something out of it. They cannot say "no" and sit on it for years.

Mr. DOOLEY. Reclaiming my time, the issue is different in this case because what you are making is an argument for a reform of the Endangered Species Act, which I grant needs some reform, but in this instance the gentleman is saying that the Federal Government holds all the cards when it does not because the Federal Government cannot condemn this property, the Federal Government cannot force the sale.

□ 1240

The owners of this property are going to be operating this, and managing this, and utilizing this property as consistent with existing environmental laws and the management plans as they are prescribed by the State of California. If the management of this property is infringed upon by some environmental regulation, certainly this property is going to be maybe of a lesser value, but that is irregardless of whether or not this legislation passed which provided for an authorization for this land to go into a Federal park or Federal ownership. Still the bottom line is that the private property owner, which we should be protecting, has the sole right of either to accept this sale, the contract that is offered, and I think we have gone beyond and a long ways to ensure that private property, to ensure that this is going to be a negotiated settlement, to ensure that a fair price will be provided for this property, and I urge everyone to support the rule.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to the gentleman from Tracy, CA [Mr. POMBO].

Mr. POMBO. Mr. Speaker, I thank the gentleman from California [Mr. DREIER] for having yielding this time to me, and I took up some of the gentleman's time, so, if he would like to respond, I would be willing. But the reason is that on this particular incidence, where one has a hundred million dollar investment that they are sitting on with absolutely no return because of actions of the Federal Government, and they are offered half or a third of what that property is worth, it is better to take that money, and cut their losses, and get out, than it is to sit on that piece of property for the remainder of the time that this bill will be authorized, waiting for the Federal Government to come up with a better offer, and getting no return.

Mr. DOOLEY. Mr. Speaker, will the gentleman yield?

Mr. POMBO. I yield to the gentleman from California.

Mr. DOOLEY. Mr. Speaker, I would ask the gentleman, if there is endangered species that are actually habitating this area, and if that does lower the economic utility, what is going to be the value of that property after the authorization of this bill expires 10 years hence when the Federal Government is no longer a purchaser? What will be the value of this property to another, a private entity that would come in and negotiate? Would it be any higher or any less than what the Federal Government would be able to offer if the owner of this property has the sole right whether or not to agree to the purchase and the acceptance of the offer that the Federal Government is offering?

Mr. POMBO. Reclaiming my time, Mr. Speaker, it would not be any higher until we reform the Endangered Species Act, but in the meantime, while the Federal Government is holding all the cards and holding the ability, the financial future of this company, in their hand and giving them no other options that have to do with that piece of property, I feel that the Federal Government should pay a fair market value for that property, and, unless my amendment is passed, that is not possible.

Mr. DOOLEY. Mr. Speaker, would the gentleman yield just for one final comment?

The SPEAKER pro tempore (Mr. KLECZKA). The time of the gentleman from California [Mr. POMBO] has expired.

Mr. POMBO. Sorry.

Mr. DREIER. Mr. Speaker, I am happy to yield these two an additional minute.

Mr. POMBO. And I yield to the gentleman from California [Mr. DOOLEY].

Mr. DOOLEY. I guess the only point I would make is that, if we pass this amendment on this particular piece of legislation, we are going to be prescribing financial treatment of this property that would ensure that its value in some instances could potentially be far higher than what its actual market price, free market price, a value, would be, and that is where I think that the gentleman knows where it is difficult to accept this language because we would be prescribing a value to property which, in effect, the private sector would not even acknowledge, and that is a comment that I think the gentleman even agreed to. When its authorization expires in 10 years, this is not going to be worth any more than it is under current law.

Mr. POMBO. Reclaiming my time, Mr. Speaker, the property has been devalued in that entire region because of actions of this body and actions that we have taken on the floor, and that is what I am attempting to rectify, is the hurt that has been placed on the private property owners throughout northern California.

Mr. HALL of Ohio. Mr. Speaker, I yield 4 minutes to the gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. Mr. Speaker, Members of the House, let me try to set the record straight. It is my understanding that the rule permits several amendments that, it is my understanding, will be accepted by the authors. One of the amendments that the rule permits is an amendment to make it clear, an amendment by the gentleman from California [Mr. DOOLEY] and the gentleman from Missouri [Mr. VOLKMER], that the Six Rivers National Forest will be extended only as the lands are required and that the Forest Service may develop management plans only for those lands they actually acquire. Second, the gentleman from California [Mr. DOOLEY] will offer an amendment that will be accepted, I understand, that will provide that landowners within that area will have full use and enjoyment of their property until the lands are actually acquired by the Federal Government, but more importantly it also will allow an amendment by the gentleman from California [Mr. POMBO] that will apply this bill only to willing sellers, and it is my understanding that amendment will be accepted by the authors of the legislation.

Now let me put that in perspective. What it means is that in this particular case the Government will not have the right to take property by condemnation as existed in the Desert Protection Act. The Government will only have the right to acquire property from willing sellers. So, with that being the case, with those amendments being in order and, I understand, being acceptable to the authors, in this bill no one will be in a position where the Government will confiscate their property, and, therefore, there will not be a need for the language of the Tauzin amendment that was adopted in the Desert Protection Act.

Why is there not a need for it? Here is the reason:

If the Government is not mandated to buy, and it is not, it is only authorized to buy, and the seller is not mandated to sell, and under the Pombo amendment that landowner will not be mandated to sell, then there is no issue for us to settle as to price, as to value. That is an issue that will be settled by the Government and the landowner at their discretion. If the landowner asks for too much more than the Government is willing to spend, the Government does not have to buy. If the Government offers too little than the landowner wants for his property, the landowner does not have to sell. The need for the protection of the Tauzin amendment that protects the right of the property owners to get full value in a confiscation is, therefore, not present in the bill as it is recommended to us by the Committee on Rules.

I would, therefore, urge my colleagues to vote for the rule and urge those who support all of us in the property rights fight to recognize that, if the Pombo, and the Dooley-Volkmer and the Dooley amendments are adopted, that we do not have the problem in this bill that we had in the Desert Protection Act, and let me make it clear. The fight over compensation for endangered species takings goes on, and it applies generically across the country in this case and in all cases, and if a landowner in this area cannot use his property because endangered species regulations take away his use and his value, he ought to have his right to go to court, or to go to claims court, or to go to the agency and get compensated. That issue is settled in the property rights bill we filed, House bill 3875. I say to my colleagues, If you haven't cosponsored it, you ought to. It's the right thing to do. It is not relevant in this case.

I urge my colleagues to adopt the rule as the Committee on Rules provides for us and to support the Dooley and the Pombo amendments because those two amendments together take the issue off the table.

Mr. POMBO. Mr. Speaker, will the gentleman yield?

Mr. TAUZIN. I yield to the gentleman from California.

Mr. POMBO. Mr. Speaker, I would disagree with the gentleman on one point, and that is, that when the Government has the ability to take the property by adverse condemnation and take away the value of the property, and we are limiting the time and the terms of this agreement, they are going to be able to force the property owners to accept their offer whether or not they are truly a willing seller by a shotgun wedding, and that is what is occurring in this situation.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to the gentleman from Marysville, CA [Mr. HERGER].

☐ 1250

Mr. HERGER. Mr. Speaker, I rise in strong opposition to this gag rule. I am particularly outraged that the rule will prevent my California colleague Mr. POMBO, from offering his amendment to protect the value of private property affected by this bill.

Mr. POMBO's amendment simply would require that the Federal Government appraise lands to be acquired at their highest and best value, without regard to the presence of endangered species on the land.

What is wrong with that? It simply fulfills the requirements of the fifth amendment to the Constitution that requires that private property not be taken by the Federal Government without just compensation for the owners.

Why is the Rules Committee afraid of making this legislation consistent with a basic tenet of the Bill of Rights?

The refusal to make the Pombo amendment in order is yet another example of how the majority in this Congress has nothing but contempt for the rights of private property owners.

We may lose on this rule today, but I predict we're coming to the end of the period when the imperial Congress runs roughshod over the American people. D-day for the embattled American citizen will be November 8.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri [Mr. VOLKMER].

Mr. VOLKMER. Mr. Speaker, I thank the gentleman for yielding 2 minutes. I wish I had a little longer. But the gentleman in the well that just spoke, I am a little disappointed. As one who has traveled to his district and worked with him for several years on the spotted owl problem in northern California and has been very helpful I think in working with the gentleman on that issue out there, I am a little disappointed, not only that the gentleman no longer is on the Committee on Agriculture to work with us, but also that he does not work with us on this issue.

You know, folks, as one who is former chairman of the Subcommittee on Forests, Family Farms, and Energy of the Committee on Agriculture, I have wrestled with this problem for about 6 years. This is the first time in that time frame we have even been able to move the bill to the floor because of the problems connected with it and the problems of negotiations and how big should the area be, how much should be paid for it, whether they should have condemnation, and all these other questions.

I want to commend not only the gentleman from California who is now the sponsor of this legislation for being willing to compromise and being willing to work with us on this issue and many other parts of it to bring it to the floor, I also wish to commend the present chairman of the Subcommittee on Specialty Crops and Natural Resources, the gentleman from North Carolina [Mr. ROSE] and the chairman of the Committee on Agriculture, the gentleman from Texas [Mr. DE LA GARZA], and the chairman of the Committee on Natural Resources, the gentleman from California [Mr. MILLER], because it has taken a lot of time and effort in order to reach this point.

What we have here is not what I am sure the gentleman from California would like as his bill, if he could write it by himself and send it up here to the floor. This is not the bill he wanted. But, folks, some of us said, and I am willing to work with the gentleman from California [Mr. DOOLEY] in committee, out here on the floor, with the gentleman from California [Mr. HAMBURG], to work it out so that it is something that we can eventually hopefully pass, and we can then protect those headwater areas that are willing to be sold by the owner. Pacific Lumber wants to sell it; we should buy it. That is the only way you are going to protect that beautiful area of pristine redwoods.

So I urge all Members to vote for this rule, and vote for the amendments that are agreed to, and vote for the bill at the end.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to my friend the gentleman from Rockland, CA [Mr. DOOLITTLE], the author of several amendments that unfortunately were not made in order.

Mr. DOOLITTLE. Mr. Speaker, I rise to oppose this rule. This should have been an open rule in the first place. Second, as important as private property rights are, and many of these amendments deal with private property rights and I strongly support them, this bill is more than private property rights. It is the rights of men and women to earn a living, which is a God-given right of every person in this country, guaranteed by the Constitution and the Declaration of Independence. And if this rule passes and this bill passes, you are going to put those people out of work.

Why else, for example, would the city councils of Fortuna and Rio Dell, the two most directly affected communities, unanimously oppose this bill? Why else would the Humboldt County Board of Supervisors oppose this bill, adopt a resolution in opposition to it? Why else would such traditional Democrat constituencies as the lumber producers and industrial workers oppose this bill? The Woodworker Lodge W-98, affiliated with International Machinists, AFL-CIO, why are they opposed to this bill? Because their jobs are going to be eliminated if this passes. I do not care how many protections are put in this bill.

I offered an amendment which was rejected in both the Committee on Agriculture and rejected by the author and rejected yesterday by the Committee on Rules that would have shrunk down the acreage to be acquired by the Government to 4,500 acres. We could live with that. These men and women could still have their jobs if that is all we were talking about. But this bill is 44,000 acres. We should not be passing this rule or this bill.

I thank the gentleman from California [Mr. DREIER], for making this time available to me. I urge your opposition to the rule so that we vote "no" on the previous question, so we can offer our amendments and put this bill in decent shape before we kill jobs in a recession-plagued State.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. FARR].

Mr. FARR of California. Mr. Speaker, I rise in support of the rule. The rule allows for technical cleanup of this bill, to tighten it, and with that rule, everything in this bill ought to be supported by all Members on both sides of the aisle.

First of all, the issue here is preservation of old growth redwood. These are living things that are over 1,000 sometimes 2,000 years old. Only Members of Congress, this body, can save those trees and put them in a national forest.

That has all kinds of future economic opportunity for tourism and for visiting these forests. That is an economic asset, and Congress is the only one that can do it.

We have shown that we are able to save mountains, even though they have mining value and potential. But you do not mine the Mount Whitneys and Mount Rushmores, and so on, because Congress has decided they are unique to this United States and they need saving, just as these redwoods need saving.

The issue of private property rights. The owners of the property support the bill. The local government that opposed the bill did that before the owners showed their support. Obviously, if you were the biggest business in the district, local city councils and boards of supervisors would go on record in opposition. But are they still in opposition knowing that the owner of the property supports it?

The issue on price, it is a bargain for consideration. Our colleague, the gentleman from Louisiana [Mr. TAUZIN], pointed out exactly how that works out. There is also a provision in here for protecting the Federal tax dollar by allowing an exchange of land. It does not all have to be for price. It can be for exchange of land.

This rule allows for the amendments to be adopted that are necessary for final passage. I would think that with the kind of support that the landowner has, and all of those property rights issues that have been addressed here today, that both the rule and the bill ought to be adopted unanimously.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to my good friend, the gentleman from Youngstown, OH [Mr. TRAFICANT].

Mr. TRAFICANT. I am not from California. I support the bill. I think the gentleman from California [Mr. HAMBURG] did a good job. I was impressed by the statements made by the Democrats, and I was impressed by the statements made by the Republicans. Taxpayers from my district, though, are going to come up with the money to help buy this property in question out in California.

But here is what troubles me as a Member of Congress. I think the purpose and role of Congress is to have all people's views debated and voted on. We have a significant impasse. I am inclined to agree with the gentleman from Louisiana [Mr. TAUZIN], and have followed his lead on property rights.

☐ 1300

But the gentleman from California [Mr. POMBO] brings forward, as a Californian, an issue and a question that I think deserves an answer. As a Democrat, I think one of the problems in the House is, we suppress some of this opportunity by individuals who are affected by the votes that come around here.

The worst thing we can do is vote without considering the interests of all concerned. I am not necessarily going to vote for the gentleman from California [Mr. POMBO]. I am going to listen to the debate. But I believe that the gentleman from California [Mr. POMBO] should have an opportunity, because of the passion involved and the issues of California, to have his issue heard.

I support the Committee on Rules. I think they have a tough job. But I think after looking at this, we have come to one impasse. It involves an issue that has been intelligently brought forward by the gentleman from California [Mr. POMBO], and as a Democrat, I think the Democrats should allow for the gentleman from California [Mr. POMBO] to have his vote. If it is defeated, so be it. But I think he should have that right.

That is the purpose and the function of our Congress, my colleagues, that we do not exclude, we include. I think Democrats should heed that. I support the bill. I will vote for the bill. I support the rule, but I am going to vote with the gentleman from California [Mr. POMBO] in opposing the previous question, even though that may cause me some discomfort over here, because I think out of fairness, the gentleman from California [Mr. POMBO] deserves his chance.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina [Mr. RAVENEL].

Mr. RAVENEL. Mr. Speaker, I want to get away for just a moment from the politics of this issue and just speak to the ultimate aim of the legislation. Of course, the ultimate aim is the salvation, the salvation of approximately 5,000 acres of ancient forest.

I come from the Southeast and down in South Carolina, where we only have a pitiful remnant of ancient forest left. I really had never seen an ancient forest until I went to the Northwest to take a look for myself.

Down in South Carolina, in the little tiny bit of ancient forest that we have left, you get a loblolly pine, which is 100 feet tall, and everybody stands around in just amazement and just says, "Look, gosh, this tree is 200, 300 years old. It is 100 feet tall."

Then I have gone out into the Northwest, and I have gone into these ancient forest groves, only about 4 percent of them left, and one looks up and they go 300 feet in the air. And the diversity of those forests is just absolutely amazing to observe.

That is why I am going to vote ultimately for the legislation, vote for the rule and vote for the legislation.

I have described it thus previously and I will do so again, one of my sons has the Downs syndrome. He has an IQ of only about 17. And we have a grove of about 3,500 acres of bald cypress down there in South Carolina. It has been preserved by the Audubon Society.

I took him out to visit it and walked down the boardwalk on a cold New Year's day one day. And we walked to the end of the boardwalk, about a mile down in the swamp, observing these magnificent, beautiful trees, of which only a pitiful remnant remains.

And I said to him, I said, "William," imagine now, this guy has an IQ of only 17, I said, "William, where are you?" And this little old guy said, "Church." Church, to him it was a religious experience. And to those of my colleagues who have never observed an ancient forest, if they go there and see for themselves, it is a religious experience. It is something that should be preserved not just for those folks there in California but for all Americans to have and to hold and to enjoy on into the future.

That is why I am going to vote for the rule and ultimately for the bill.

Mr. DREIER. Mr. Speaker, I yield 1 minute to the gentleman from Redlands, CA [Mr. LEWIS], who led the charge against another major land grab, the California Desert Protection Act.

Mr. LEWIS of California. Mr. Speaker, I thank the gentleman for yielding time to me.

Responding to my colleague, the gentleman from South Carolina [Mr. RAVENEL], for just a moment, he talked about 5,000 acres as being saved. I must say that if there were only 5,000 acres involved in this bill, I am sure that the bill would go forward without any opposition in terms of this rule. A proposal was made for 4,500 acres; this bill includes 44,000 acres.

Addressing myself, on the other hand, to my colleague, the gentleman from California [Mr. FARR], who suggests the rule is designed to allow for some minor technical adjustment, that is not what our rules ought to be about around here.

The gentleman from Ohio [Mr. TRAFICANT] made the point. Open rules allow the House to work its will on the floor and all of the people to be heard. This bill is a very controversial item. The amendment of the gentleman from California [Mr. POMBO] was an amendment that addressed itself to our desert bill as well. We spent endless numbers of hours on that bill and yet we are spending just a short time here. Indeed, we are not allowing Members to be heard thoroughly. No question, endangered species applied to land values can distort the process. It is crazy to apply it to this circumstance.

The gentleman from California [Mr. POMBO] is trying to correct that situation in order to make sure that appropriate values are applied to these properties. Indeed, his amendment should be heard by the floor. We should debate these issues on the floor and allow the people's will to take place right here on the floor of the House where it was meant to take place in the first place.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Hawaii [Mr. ABERCROMBIE].

Mr. ABERCROMBIE. Mr. Speaker, speaking in favor of the rule, this is why we have a Committee on Rules. Reference has been made to the fact that the legislation is convoluted. Of course, it is convoluted. That is what legislation is all about. It has to deal with the Committee on Agriculture. It has to deal with the Committee on Natural Resources. It has merchant marine implications.

Reference has been made to business and to workers. I understand why some of the Members in opposition have had difficulty in actually naming the unions involved because they are not used to saying those names. There are some crocodile tears being shed for workers here.

Nobody has mentioned the coho salmon. What about that industry? The fact of the matter is, that this legislation is going to help protect what is remaining, speaking of remnants, of the salmon industry. The fact is that we are dealing here, with the Headwaters Forest Act, with something that precedes and predates all of these questions about condemnation.

I happen to be somebody who does believe that there is a capacity, in fact, an obligation to the government to pass condemnation. Because there are private interests, special interests, if you will, that put their profit ahead of the public good. That has to be debated. That has been debated. Some of the amendments that have been mentioned by some of the previous speakers here have been debated at length.

If Members want to have an open committee, a single committee and do not devolve any of the legislation down to subject matter committees, we can handle it that way. The fact of the matter is, some of these amendments would be offered and Members would not know of all the discussion that has taken place previously in the Committee on Natural Resources and elsewhere.

The bottom line is, this rule needs to be passed because the gentleman from California [Mr. HAMBURG] and those who support this bill have been through a process of compromise. It is a little disconcerting when someone like myself and others who support my position about condemnation work do compromise, we get through all of the compromises, we accommodate the individuals who have brought up the items that they have with respect to private property rights, and then in the end it still is not good enough. We have to give them 100 percent of everything that they want or legislation cannot proceed.

That is why we need to pass this rule and the bill.

Mr. DREIER. Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon [Mr. KOPETSKI].

Mr. KOPETSKI. Mr. Speaker, I rise in support of this bill and in support of the rule.

I represent a timber state, the state of Oregon, as well as a timber district. I think that too many nonwesterners have this idea that we westerners have not met a tree that should not feel the biting teeth of a chain saw. Nothing could be further from the truth.

We care very much about our trees, our forests, and our environment. If this was not the case, we would not have so many nonwestern tourists visiting our State each year, visiting in such numbers that tourism is now the third leading industry in Oregon. These tourists spend a lot of money, not just on food and gas, but also on camping, hiking equipment, fishing and hunting equipment, guides, packers. Tourists get the benefit of the outdoor experience and our economy has prospered.

☐ 1310

We also care deeply about the timber industry, both the product, the highest quality building material in the world, and the high-paying jobs the resource provides. The bill before us aids greatly both the tourism and the timber industry. It does this because it resolves a dispute. It fixes the problem. It ends gridlock.

It protects 5,300 acres of prime redwood old growth forest. Why is so much acreage necessary? It goes to the science of a forest. The science dictates that you need significant acreage, not 10 or 20 acres, to ensure the survivability of the forest ecosystem.

Mr. Speaker, I believe Americans want a significant stand of giant, magnificent redwood forests to view, to enjoy today. I believe Americans also want to leave such a forest as a legacy from our generation to the next; for our children today, and for generations 500 years from now.

The bill helps the timber industry because it resolves the dispute. It allows nearly 39,000 acres of forest lands to be managed on a substainable yield basis for years to come. This means lumber product today, as well as jobs today.

Mr. Speaker, what do Americans get out of this bill today? They get two items. First, Americans get a fair debate under the rule, with all the important and relevant issues debated and voted upon. The rule ends gridlock, allows debate, allows votes.

Second, Americans get a legacy of a redwood forest. I compliment the gentleman from California [Mr. HAMBURG] for his willingess to compromise and his due diligence with this legislation.

The SPEAKER pro tempore. The gentleman from Ohio [Mr. HALL] has 2 minutes remaining.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentlewoman from California [Ms. WOOLSEY].

Ms. WOOLSEY. Mr. Speaker, I rise in strong support of the rule on H.R. 2866, the Headwaters Forest Act.

H.R. 2866 provides for public acquisition of the largest privately owned stands of old growth redwood in the world, lands located within the headwaters forest in Congressman HAMBURG's district. The rule on H.R. 2866 is fair and has broad support from Republicans and Democrats.

The rule makes in order three amendments to guarantee private property rights, including a willing seller amendment, which gives property owners an absolute voto over any proposed exchange or sale of land.

In addition, the rules makes in order an amendment which will require the Forest Service to pursue alternatives to cash payments when acquiring lands under the bill whenever possible.

Further, under the rule, an amendment will be offered which sets a cap on the amount of funds authorized for land acquisition under the bill.

Mr. Speaker, my colleagues, who believe that we must preserve our precious environment and the rights of local land owners, should support this rule.

I strongly urge my colleagues to vote "yes" on the rule.

Mr. DREIER. Mr. Speaker, to close the debate on our side, I yield the balance of our time to the gentleman from California [Mr. DOOLITTLE], the valiant warrior for property rights.

Mr. DOOLITTLE. Mr. Speaker, I have checked, and the affected communities of Rio Dell and Fortuna remain opposed to this bill, unanimously so. The county of Humboldt, its board of supervisors, is strongly opposed. It remains opposed to this bill. These are the local governments that represent the area affected.

Mr. Speaker, I said before that the only labor unions in the timber industry in Humboldt county are unanimously opposed to this legislation. It has been represented, Mr. Speaker, that this bill is a compromise. Well, it is an interesting compromise that leaves out of the loop completely the men and women who work in the forests and who are going to lose their jobs. Some compromise.

It may be a compromise between the author and between the mega corporation that acquired this lumber company, but let me tell the Members, yes, if it sounds ironic that Republicans are defending working men and women, let me assure you, it is not an irony that is lost on Americans across this country.

Mr. Speaker, I find it remarkable, with a $4.5 trillion deficit, that this bill proposes to spend money we do not have to acquire land we do not need to eliminate jobs that presently exist.

Mr. Speaker, this rule should have been an open rule. It should have allowed for the gentleman from California [Mr. POMBO], his very worthwhile amendment, an amendment that was adopted on the desert bill by an overwhelming majority of this House, 281 to 148. All of a sudden what was good for the desert apparently is not good for the forests. I would like to know why.

Mr. Speaker, I urge a no vote on the previous question, so the Pombo amendment can be brought up and passed, so that my acreage reduction amendment can be brought up and passed. Those amendments would allow an acceptable, genuine compromise. A no vote on the previous question is a vote for jobs. A no vote is a vote for private property rights. A no vote is a vote for the taxpayers of this great country.

Mr. HALL of Ohio. I yield the final minute of our time to the gentleman from California [Mr. HAMBURG], the sponsor of the legislation, who has worked very hard to put an important piece of legislation together.

Mr. HAMBURG. Mr. Speaker, I rise in strong support of the rule. I urge my colleagues to vote yes on the previous question and vote yes on the rule.

Some of the issues that have been brought up by my colleagues over the last hour or so of this debate will be discussed during general debate. I do not have time now to refute all those arguments, but indeed, they are refutable. We will be discussing them during the general debate, so stay tuned for that.

I want to take my last few seconds here to very strongly thank the chairmen of the two committees that have heard this bill, the gentleman from California [Mr. MILLER], of the Committee on Natural Resources, and the gentleman from Texas [Mr. DE LA GARZA] of the Committee on Agriculture.

This rule is a good rule because it encompasses all of the relevant issues that need to be discussed, that are germane to this bill. Once we have completed the amendment process, and heard these amendments and accepted the majority of these amendments, we will have a very strong bill indeed which provides a flexible framework for negotiations, for resolving a very longstanding dispute in the communities within my congressional district.

Mr. HALL of Ohio. Mr. Speaker, I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. KLECZKA). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DREIER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to the provisions of clause 5, rule XV, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of the adoption of the rule.

The vote was taken by electronic device, and there were—yeas 245, nays 175, not voting 14, as follows:

[Roll No. 429]

YEAS—245

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (TN)
Frank (MA)
Furse
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Hutto
Inslee
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murphy
Murtha
Nadler
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Ravenel
Reed
Reynolds
Richardson
Roemer
Rose
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slaughter
Smith (IA)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Tanner
Tauzin
Taylor (MS)
Tejeda
Thornton
Thurman
Torres
Torricelli
Towns
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NAYS—175

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Jacobs
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lewis (KY)
Lightfoot
Linder
Livingston
Lucas
Machtley
Manzullo
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Myers
Nussle
Oxley
Packard
Paxon
Petri
Pombo
Porter
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Talent
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Traficant
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—14

Applegate
Bacchus (FL)
Bliley
Cardin
Ford (MI)
Frost
Gallo
Istook
Rostenkowski
Slattery
Sundquist
Synar
Thompson
Washington

□ 1337

Mr. WILSON changed his vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. KLECZKA). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DREIER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 246, nays 174, not voting 14, as follows:

[Roll No. 430]

YEAS—246

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement

Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Furse
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Hutto
Inslee
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murphy
Murtha
Nadler
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Ravenel
Reed
Reynolds
Richardson
Roemer
Rose
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slaughter
Smith (IA)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Tanner
Tauzin
Taylor (MS)
Tejeda
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NAYS—174

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Cox
Crane
Crapo
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hall (TX)
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lewis (KY)
Lightfoot
Linder
Livingston
Lucas
Machtley
Manzullo
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Myers
Oxley
Packard
Paxon
Petri
Pombo
Porter
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Talent
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—14

Bacchus (FL)
Bliley
Costello
Cunningham
Frost
Gallo
Kaptur
Nussle
Rostenkowski
Slattery
Sundquist
Synar
Thompson
Washington

□ 1345

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. KLECZKA). Pursuant to House Resolution 536 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2866.

□ 1346

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2866) to provide for the sound management and protection of redwood forest areas in Humboldt County, CA, by adding certain lands and waters to the Six Rivers National Forest and by including a portion of such lands in the national wilderness preservation system, with Mr. LANCASTER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Texas [Mr. DE LA GARZA] will be recognized for 15 minutes, the gentleman from Florida [Mr. LEWIS] will be recognized for 15 minutes, the gentleman from California [Mr. MILLER] will be recognized for 15 minutes, and the gentleman from Utah [Mr. HANSEN] will be recognized for 15 minutes.

The Chair recognizes the gentleman from Texas [Mr. DE LA GARZA].

Mr. DE LA GARZA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first, let me say that I would like the Members to know that I dissociate myself entirely from any personalities which may crop up during the debate of this legislation. I want to dissociate myself from any partisan endeavor that may come up during the course of this legislation. I want to dissociate myself from any provincial attitude.

My responsibility is to bring to the floor this legislation, so instructed by the members of the Committee on Agriculture, and hopefully we might discuss it purely with its technical aspects and what I believe will be a great asset provided to the people of the United States of America.

Let me say that the bill has been amply discussed. All of the amendments have been discussed, and I do not see any need for us to take the membership's time and repeat what has been discussed during the consideration of the rule.

Mr. Chairman, I reserve the balance of my time.

Mr. LEWIS of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today in strong opposition to H.R. 2866, the Headwaters Forest Protection Act.

As the ranking minority member of the Specialty Crops and Natural Resources Subcommittee of the Agriculture Committee, I must oppose this bill because I believe it is unnecessary and carries an extremely heavy price tag of $1.5 billion.

This bill states that its purpose is to protect the old growth coastal redwood forests in the area. Yet only 20 percent of the forests under consideration in the bill is truly old growth.

Furthermore, Mr. Chairman, the coastal redwood is already the most protected commercial tree species in the world, with 250,000 acres already protected in Federal, State, and local lands. Acquisition of these entire 44,000 acres is unnecessary.

Mr. Chairman, Forest Service and Congressional Budget Office cost estimates put the price tag of land acquisition in this bill at between $1 and $1.5 billion. Without any type of appropriation it is a rape on the American taxpayer who will pay this bill. This cost is outrageous, Mr. Chairman, in a time of $200 billion budget deficits and $4.5 trillion public debts. It is fiscally irresponsible for the House to consider an open-ended authorization which is 23 times the Forest Service's land acquisition budget of $64 million.

Finally, Mr. Chairman, these costs will extend beyond the Federal Treasury. Through its excessive reach, this bill will ultimately rob workers of their jobs and cause great harm to the local economy.

I urge all my colleagues to oppose this legislation, it is an inappropriate and irresponsible bill.

☐ 1350

Mr. Chairman, I reserve the balance of my time.

Mr. DE LA GARZA. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from California [Mr. DOOLEY].

Mr. DOOLEY. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, the amendment that Mr. VOLKMER and I are offering today is identical to an amendment that we offered during full Agriculture Committee consideration of this bill. I am disappointed that the compromise bill that was reported out by the Agriculture Committee is not being considered on the floor today. However, I am pleased that Mr. HAMBURG, the sponsor of the bill, is supporting our amendment. I hope that my colleagues will follow his lead.

I am very concerned about the scope of H.R. 2866. The Headwaters Forest encompasses less than 4500 acres of the 44,000 affected by the bill. The U.S. Forest Service has appraised the value of the 4,500 acres, including the Headwaters Forest and a buffer zone, to be $500 million. The appraisal took into account the impact of the Endangered Species Act and similar State laws on the timber volume that could be harvested on this land. Obviously, the cost of acquiring 44,000 acres would vastly exceed half a billion dollars. It is unrealistic to think that the Federal Government will ever have the funding available to make the entire purchase.

During committee consideration of this bill I voiced my strong concerns and opposition to the legislation as introduced. In fact, during the Natural Resources Committee markup I offered an amendment to decrease the number of acres affected by the bill from 44,000 to 7,009. While my amendment was rejected, I had planned to offer it again when the Agriculture Committee considered the bill. I am pleased that Mr. HAMBURG was willing to work with me and other members of the Agriculture Committee in an effort to meet our concerns with his legislation.

Our amendment does three important things. First, it allows for the extension of the Six Rivers National Forest boundary if and when any of the 44,000 acres is actually acquired by the Forest Service and only allows a management plan to be developed for lands that have been acquired. This provision ensures that privately held land will continue to be available to the owner to use in the any way consistent with State and Federal law.

Second, the amendment creates a system under which the acquisition of land will have to be approved by the Congress. This provision is important because of the serious budget impacts that a large land acquisition would have.

Finally, the amendment sunsets the authorization for acquisition of the 44,000 acres 10-years after enactment of the bill. I believe that this time period is sufficient for any acquisition that will take place. It would be unlikely that any land not acquired during this time period would ever be acquired.

Mr. Chairman, let me say that my colleague, Mr. HAMBURG, has done a superb job in moving this legislation through the House and in compromising on the important areas I have described. I think that this legislation provides the opportunity for the acquisition of the virgin old growth redwoods in the Headwaters Forest and any other surrounding lands of significance without curbing the rights of the current private landowner. I urge my colleagues to support this amendment.

Mr. MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland [Mr. GILCHREST].

Mr. GILCHREST. I thank the chairman for yielding this time to me.

Mr. Chairman, I was not really ready to come up here for 2 minutes, but I do want to make a comment about this bill and some of the issues that are important to many of the Members on the floor.

We do have many Members that are concerned about the economy, we do have many Members concerned about property rights protection, and I think to a large extent the amendments that have been offered en bloc and amendments will be offered later will deal with these economic issues, property rights issues.

But I come to the floor to make a suggestion about a different frame of reference for this type of legislation, and that is the term that is used in this legislation called biodiversity.

Mr. Chairman, my portion of this bill emphasizes the vital connection between the quality of life for human beings and the importance for preserving biodiversity in our environment; creative alternatives. Now, if we as Members of Congress will just take a couple of extra seconds to take a look at the issues a little bit deeper and find creative alternatives, which, in my opinion, are essential to protect the ecological significance of our ecosystems, which in effect means protect our resources, protection of these irreplaceable ecosystems will benefit because we are a part of this ecosystem. We human beings are a part of biodiversity. If we want to protect the quality of life of human beings, we finally have to fine-tune the process of understanding our niche in biodiversity. If we are going to do that, we will benefit human beings, which is us, which is our constituents, which is our great grandchildren, for generations to come.

So all I would is ask the Members to do at this particular point as we debate these issues, and I know we feel strongly about property rights, feel strongly about the timber industry, feel strongly about family values, protecting jobs, we also have to understand some aspect of biodiversity of the ecosystems.

Simply put, where human beings fit into this niche of our environment.

Mr. HANSEN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong opposition to H.R. 2866.

Mr. Chairman, we will hear several myths today trying to explain that this bill's price tag will be far below the Forest Service estimate of $1.5 billion. Let us explore these myths;

Myth No. 1—"Much of this land will be acquired through equal value land exchanges thus eliminating the need for costly purchases."

Response—Even if there was a diligent exchange effort, we should not forget that several weeks ago we passed the California Desert Protection Act where we were promised land exchanges would be used to acquire 750,000 acres of private lands. Federal agencies tell us that task is virtually impossible because many Federal lands have endangered species, riparian habitat and wetlands values. Consequently, the agencies are effectively prohibited from trading them and the burden of finding 1.5 billion dollars worth of more Federal lands for exchange purposes is unrealistic.

Myth No. 2—"Because endangered species restrictions will reduce the owners ability to harvest timber, land values will be reduced and the Federal Government will save money."

Response—The landowner has indicated it will fight to get the best price for its land. Also, because this bill does not allow the Government to acquire lands from an unwilling seller, the landowner is not forced to sell for a low price. Consequently, this effort to drive down land prices will likely prevent this land from ever being acquired. Moreover, recent Federal court decisions have reduced the regulatory impact of the Endangered Species Act on private property.

Myth No. 3—"This is merely an authorization and contains no money. Money can only be spent after the Appropriations Committee authorizes it."

Response—This is one the lamest excuses I have ever heard in this body. This bill creates a future obligation for the Federal Government to meet. Mr. HAMBURG has been extremely aggressive in collecting over 140 cosponsors and getting the Agriculture and Natural Resources Committees to report this bill to the floor despite great protests. He certainly will use his skills and the clout of California's 52 Member delegation to get money appropriated.

Mr. Chairman, let us also remember the Federal Government has a history of grossly underestimating the value of redwood timberlands. In 1978 Interior Secretary Cecil Andrus told Congress that expansion of Redwood National Park would cost $359 million. The actual cost when all landowners were paid has exceeded $1.4 billion. Consequently, Secretary Andrus' estimate was off by 417 percent.

The timber supply crisis has resulted in sharply increased redwood stumpage prices. According to the U.S. Forest Service, stumpage prices of coastal redwoods have been increasing at an annual rate of 15 percent in recent years. Since much of this land would be purchased many years in the future, costs will be significantly greater than today.

Finally, this bill is unnecessary. There are already 265,000 acres of redwoods protected in State and Federal parks in California. 90,000 of these acres are old growth stands making redwoods the most protected commercial tree species in the world.

I urge my colleagues to oppose H.R. 2866.

□ 1400

Mr. DE LA GARZA. Mr. Chairman, I yield 2 minutes to our distinguished colleague, the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Chairman, I congratulate the chairman for his work, and the work of the Committee on Agriculture on this measure, and the gentleman from California [Mr. HAMBURG]. Mr. HAMBURG has been very diligent in his work concerning responding to the questions that have been raised, regarding this proposal Mr. Chairman, concerning this important matter, and in fact of course the economics of this are all important to his district.

I have heard many Members comment about the size of this headwaters area, this redwood stand of about 5,300 acres. The fact is one cannot simply in isolation preserve of that type of area. One needs to have additional areas around it that are managed in a way that is compatible with this 5,300 acres in order to achieve the preservation of the biological diversity that makes up this unique area, hence the 44,000 acre proposal before the House.

There are, of course, several threatened and endangered species in this old growth stand and related forest. There are, of course, the magnificent giant redwoods that are in this area, nearly 2,000 years in age this old growth, this ancient timber, and the fact is of course these are magnificent, as I note my colleague and friend from South Carolina pointed out, the very cathedrals of nature that stand in the California coasts. As Congressman Udall, our revered colleague and former chairman of the Commission on Natural Resources often pointed out, these are areas of the Earth that are the way that they left the hand of the Creator, and indeed we have the responsibility to preserve this legacy for future generations.

Unfortunately, Mr. Chairman, too often we miss the point here that we had a compact, an agreement, through the land water conservation fund which should generate nearly $1 billion and does generate billions of dollars in revenue each year, and we are supposed to take $900 million of it and set it aside to protect our natural resource legacy for future generations. Unfortunately throughout the history of this program we have only used about a third of the funds committed for this, so this Congress, this Federal Government, has reneged on its commitment, and today I think we have an opportunity to restate, and to put in place and to try through other creative means that have been brought to this House, and worked on by the Committees on Agriculture and Natural Resources, to in fact achieve that particular objective and goal, provide and safeguard our natural heritage and I urge my colleagues to support this measure, and not just for the gentleman from California [Mr. HAMBURG] who has worked so hard, but for the constituents we all represent who want this preserved and the legacy of future generations of Americans.

Mr. Chairman, H.R. 2866, which was introduced by the gentleman from California [Mr. HAMBURG], provides for the sound management and protection of redwood forest areas in Humboldt County, CA. Northern California once boasted 2 million acres of old growth redwood forests, but today only 95,000 acres of this old growth remains. Of this remnant, 83,000 are protected in parks and reserves and 12,000 acres are unprotected and in private ownership.

H.R. 2866 would add approximately 44,000 acres to the Six Rivers National Forest in northern California. The land is currently owned by the Pacific Lumber Co. Within this national forest addition, it would designate a 3,000-acre special part of this forest addition as the Headwaters Forest Wilderness.

These lands contain the largest remaining stands of unprotected old growth redwoods left in the Nation. Some of these ancient giants are up to 300 feet tall, 15 feet in diameter and 2,000 years old. Furthermore, these lands provide one of only three remaining nesting habitats in California for the marbled murrelett which the U.S. Fish and Wildlife Service has listed as a threatened species. It is also habitat for the northern spotted owl which also is listed as a threatened species. There has been considerable concerns expressed about how these special lands are managed.

Despite its unique characteristics, the old growth redwoods, as well as the old growth Douglas-firs and the associated ecosystems of these forests, are being logged at an unacceptable rate. The Maxxam Corp., the parent today of PLC which today owns this forested area acquired such control in the mid-1980's by a hostile takeover of Pacific Lumber Co. Maxxam financed much of its takeover activities with junk bonds, which has resulted in great pressure to turn this natural heritage of old growth redwoods from a vertical standing to a horizontal harvested position.

The Committee on Natural Resources held hearings on headwaters legislation in the 102d and 103d Congress and in May of this year ordered reported favorably to the House its version of H.R. 2866. Certainly a question before this Nation and the Congress is whether or not it is in our Nation's interest to liquidate a significant portion of America's remaining unprotected ancient redwood giants to fund the financial machinations of junk bonds and corporate raids. Ancient redwoods are without question a unique global heritage found nowhere else in the world. This is a uniquely American legacy that we have within our ability and will to decide to protect as stewards of these resources.

I urge my colleagues to support this bill.

Mr. LEWIS of Florida. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. DELAY].

Mr. DELAY. Mr. Chairman, I thank the gentleman from Florida [Mr. LEWIS] for yielding this time to me.

Mr. Chairman, I rise in opposition to the Headwaters Forest Act. I just think that understanding that this bill could cost the American taxpayer up to $1.5 billion is a lot to ask from the taxpayers to contribute to a campaign, particularly in light of the fact that the local officials in the area are opposed to this bill for many of the same old reasons. Once again Big Brother government is coming in, taking productive timberland to a major degree that is outlined in this bill, which means a loss of revenue to the county and local school districts. It causes increased unemployment in counties that are already having high unemployment problems in levels, and it certainly, because it is putting people out of jobs, is causing all kinds of social and personal family disruptions.

This is outrageous that we are once again spending moneys that we do not have, taking private property that we should not be taking, and for what? I think the Members of this House understand what it is all about.

Mr. MILLER of California. Mr. Chairman, I yield myself 2 minutes.

I rise in strong support of this legislation. I want to thank the chairman of the Committee on Agriculture for bringing this bill to the floor, and I want to commend my colleague, the gentleman from California [Mr. HAMBURG], for his relentless work on behalf of this legislation to provide a vehicle that will, hopefully, end the gridlock in a situation that is neither good for the environment nor good for the company that is involved. Because of his work we now have legislation on the floor of this House that both the company which owns the land supports and which those of us who are concerned about this irreplaceable resource also support.

What this legislation does, in spite of those who have come to the well and tried to pretend and to represent that it does something other than this, what this does is authorize the Forest Service to enter into negotiations with the owners of these lands to see whether or not an arrangement could be worked out so that some of these lands may be acquired by exchange purchase or otherwise for the purposes of preserving some irreplaceable old growth forests in the redwood stand of California's forest.

□ 1410

It does nothing more than that. If it is not done by willing seller-willing buyer, it will not be done. What we have here are two very sophisticated parties. We have the Forest Service that engages in many of these kinds of negotiations around the country, and we have a very sophisticated company, a very large company, a very well-endowed company, with very sophisticated people who manage both their resources, their properties, their books, and their assets. And they will make a decision about whether or not they should go forward with this effort.

We ought to allow them to do that. We ought to authorize this. That is what they are asking for. They have been unsuccessful in trying to proceed down other avenues to do something with this land. If for some reason these negotiations break down, they do not agree to it, it will not happen. It will not happen, because this bill preserves both the rights of the company and authorizes the Forest Service to engage in this negotiation.

Mr. Chairman, I reserve the balance of my time.

Mr. HANSEN. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. POMBO], a member of the Committee on Natural Resources.

Mr. POMBO. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise today in opposition to this bill. I do know that this bill has been around for a number of years and a lot of work has been done to try to bring this to the floor. But I rise in opposition to this bill because I am against the Federal Government purchasing more property, especially 44,000 acres more in California and further upsetting the balance in northern California, in particular to our economic balance in northern California and the ability to create jobs in the hard times that California has fallen upon.

I think that if you look at what this bill does in adding 44,000 acres to the rolls of the Federal property, what we end up with is 4,500 acres of old growth redwoods. We end up with another 40,000 acres of timberland that is currently being timbered, currently being logged, which is employing people and providing for the food, the fiber, of a number of people in northern California, as well as throughout all of California.

That 40,000 acres is going to be permanently taken off of the economic ability of northern California. I feel that that is a huge mistake, especially in a State where the Federal Government already owns 48 percent of the property, 48 percent of California. If you add in what the local and State governments own, it reaches 56 percent. Over half of California is currently owned by the Government, and we are going to reach out and purchase another 44,000 acres after we create the Desert Protection Act, which increases it by 8 million acres. It is a continuing land grab of the Federal Government, and government in general, to continue to purchase private property and contributes to completely decimate the private property in this country.

This bill is just a small part, but a continuing part, of that movement of doing away with our private property. I do feel very strongly that this is a mistake that we should not make, that we need to strengthen private property and create more private property in this country, because I believe that the backbone of our system in this country is private property and the ability for the individual to get ahead by purchasing property and passing that down to his children and grandchildren. This is a continuing effort that I am horrified that this Congress is continuing in this fashion.

Furthermore, in particular with this bill and this legislation, it has been said that it is a willing buyer-willing seller, which is true. That is going to be included in the bill. It was an amendment that I brought up in both the Committee on Natural Resources and the Committee on Agriculture, and I feel strongly about that amendment.

But if you look at what is going to happen in this instance, you have a company who has a $1 billion asset sitting there that they are going to be limited as to what they can do with it. They are going to be limited by the Federal Government as to what they can do with that piece of property.

That devalues the property. If another timber company were to come in and make an offer on it, they would look at what the return would be on their investment and would offer considerably less because of the actions of the Federal Government. So they are sitting there with a $1 billion investment that has been devalued by the Government. And when the Federal Government comes in and makes an offer for the property, all their accountants, all of their people that are so highly educated and know all about all of this, are going to look at it and say, "Do we cut and run and take one-third of what the property is worth, or half of what the property is worth, and get out and go into something else? Or do we stay and fight?"

It was mentioned earlier today that they can go to court and fight for the value of this property. Well, they cannot, because it would take 10 years in court to hear out this argument, and in the meantime they have got a $1 billion asset that is not producing. So they have to cut and run and take whatever the Government offers. The actions that are happening on this floor are putting a company out of business.

Mr. DE LA GARZA. Mr. Chairman, I yield myself 2½ minutes.

Mr. Chairman, I take this time to address an issue that is so exaggerated, one that we are going to keep hearing throughout the afternoon, that this bill costs $1.5 billion. The odds are that it will not. Even the CBO says that it may, but there will be an exchange of lands. It will not be appropriated funds. There will be an amendment to limit that. I do not know how that will go.

But the dissertation we just heard about protecting rights and acquiring rights, where I come from, I agree with that. But I am not talking about adding to major corporate owners. What we were talking about was an individual with 40 acres, 100 acres, 400 acres.

So the preservation of property rights for the individuals, I agree, I submit to you. But protecting major corporate endeavors, that was not what was intended by the Founders of the Constitution or any of the amendments to the Constitution that have been mentioned here earlier. We are talking about an individual having the ability, not major corporate enterprises.

But the main thing is that this bill is here today because the owners of the property want it to be here today. The negotiations will come later. The owners of the property are agreeable to us being here today. So property rights and all of the other things are not at issue here. We would not be here unless the prospective, and I might not even call them sellers, because it is going to be an exchange, if it takes place, wanted it.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. DE LA GARZA. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I thank the gentleman for clarifying that important point. I think the other point that should be made with regard to fair market value, there is an implication here that the Forest Service, the Federal Government, would not pay fair market value. But by law, is it not true that the Forest Service and Federal Government are compelled to pay fair market value? They cannot pay less, they cannot pay more, but they must pay fair market value. Is that the chairman's understanding?

Mr. DE LA GARZA. The gentleman is correct. That is my understanding.

Mr. VENTO. Furthermore, if the Federal Government, the National Forest

Service, were to acquire this land, there is in fact to be a plan devised as to how that land will be managed. Is that correct?

Mr. DE LA GARZA. That is correct. There will be a study. There will be a plan in place.

Mr. VENTO. If the gentleman will yield further, part of that is designated wilderness by this, the 4,400 acres, but also, of course, there would be management of that land in terms of some timber harvest or some enhancement of it, which would in fact continue to produce jobs and be an active part of the economic viability of that particular community and those communities in that area. Is that correct, Mr. Chairman?

☐ 1420

Mr. DE LA GARZA. Mr. Chairman, that is the case within the direction given to the Forest Service.

Mr. VENTO. I think the implication here is that facts to the contrary or statements to the contrary are not accurate. I thank the gentleman for this opportunity for clarification.

Mr. LEWIS of Florida. Mr. Chairman, I yield myself 30 seconds.

The chairman pointed out that there is exaggeration here. I would like to point out that the bill within itself says that we will appropriate such sums as necessary, authorizing the Secretary to acquire these lands and also the appraised value of these lands, the 44,000 acres, is $1.5 billion. So there is no exaggeration that I have heard.

If it is market value, as the gentleman from Minnesota points out, then the taxpayer will be paying $1.5 billion.

Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. HERGER].

Mr. HERGER. Mr. Chairman, I rise in strong opposition to H.R. 2866, the Headquarters Forest Act, which proposes to take 44,000 acres of private lands and add them to the Six Rivers National Forest.

One point that seems to have gone unnoticed is the fact that California already has the strongest forest protection laws for private lands in the world, including restrictions on clearcutting, buffer zones for watersheds and mandated reforestation and of the land growing coastal redwoods, over 80 percent is already preserved in Federal, State, and county parks.

Why on Earth would this Congress accept this bill, which will throw 4,000 more men and women onto the unemployment lines in a county that is already experiencing double-digit unemployment?

Equally important, H.R. 2866 will cost the American taxpayer $1.5 billion. And there is no guarantee that the Federal Government, with its already overburdened land and conservation fund, can maintain the beauty of these lands.

Finally, this bill is a clear violation of private property rights. While Pacific Lumber is no longer opposing this bill, they are by no means a willing seller. Because the company has been forced to go to court every single time it prepares a timber sale, it has finally given up hope on a reasonable settlement and therefore reached the conclusion that their land is not longer worth the fight.

Mr. Chairman, I believe those of us who back private property rights in this Chamber should stand up and fight for private property owners and their employees and soundly reject H.R. 2866.

Mr. MILLER of California. Mr. Chairman, I yield 2 minutes to the gentlewoman from Oregon [Ms. FURSE].

Ms. FURSE. Mr. Chairman, I rise in full support of this legislation. I tell my colleagues that this bill will affect my constituents in the most beneficial ways a number of ways.

Oregonians travel to this beautiful area. They look to see these last magnificent trees. Salmon, salmon, which are vital to the economy of Oregon, to the tribal, commercial and sports fishery which relies upon the salmon, they spawn in the headwaters protected by this bill.

I have heard Members talk about the cost of this bill. Well, let me tell my colleagues the cost to the economy of my State, when habitat is destroyed and salmon no longer spawn.

Our fishery on the coast was a $3 billion fishery. That is reduced every year as habitat disappears.

I want to congratulate the author of this bill. What he has done is something that we do not see very often. He has worked with all the constituencies. He has brought them together to produce a bill that has such widespread support. I would like to see that that affects Oregon, too. We, too, can learn from the way that this bill was authored.

We also have problems with our forestry. We need to know how to work together with private property owners and with the public interest.

As a new Member, a freshman Member, I want to say, Mr. Chairman, that it is very difficult to get such a comprehensive piece of legislation to the House floor. I think the gentleman from California [Mr. HAMBURG] is to be congratulated for the fact that as a new Member he listened, he listened to all his constituents and he created a bill that is so beneficial, not just to the area that it specifically protects but to my State, the State of Oregon.

We need this habitat protected. We need to know how we can work together with all interests. I am in full support of this bill, and I urge my colleagues to support it.

Mr. HANSEN. Mr. Chairman, I yield 6 minutes to the gentleman from California [Mr. DOOLITTLE].

Mr. DOOLITTLE. Mr. Chairman, I rise to strongly oppose this bill. I keep hearing about how there has been such a compromise and how reasonable it is. I just want to reemphasize that the local government, all the affected local governments are strongly opposed to this bill.

I have before me a letter, dated September 21, 1994, from the county of Humboldt. In that letter it indicates that:

> Our reasons for opposition remain the same. Loss of productive timber land to the degree indicated in H.R. 2866 means loss of tax revenue to the county and local schools, increased unemployment in a county with already high unemployment levels, social and personal family disruption. Our board has supported the concept of a 4,500 acre headwaters forest proposal but remain adamantly opposed to the Hamburg proposal of 44,000 acres. Signed, Stan Dixon, First District Supervisor.

It indicates in the letter that they opposed this by a four-to-one vote of the board of supervisors.

Mr. Chairman, I think the point needs to be made that the land in this 44,000 acres is already zoned for timber production under the Humboldt County land use guidelines.

Furthermore, the point needs to be made that 90 percent of the property in this 44,000 acres has already been harvested at least once and in some instances twice. So they have gone through it. They have cut the trees once. They have grown back. They have cut them again. And they have grown.

So let us not delude ourselves into thinking that we are protecting ancient redwoods in all of these 44,000 acres. It just is not true. The Headwaters Forest itself is about 3,900 acres. In order to go the extra 10 miles, in my opinion, and provide buffer around that, they threw in approximately an extra 600 acres, just to make sure that everything would be nice. And the county, the Maxxam, has said they would be willing to entertain the idea of transferring the 3,900 acres of old growth redwoods with the 600 acre buffer for a total of approximately 4,500 acres.

They would be willing to sell that at market value to the U.S. Government.

That is something that would allow logging to go on in Humboldt County. This is the largest county in the First Congressional District. The people of that district are overwhelmingly opposed to this bill.

When we speak of old growth redwoods, I think it is worth noting, all of these red areas here show where we have protected timber lands. And it is 265,000 acres of protected redwoods in the State of California; the Federal Government presently owns 46 percent of our State, not counting the California Desert bill, and not counting this bill, 46 percent of the State. Of this 265,000 acres of protected redwoods, 91,000-some acres are old growth redwoods already.

How much more public land do we have to have? How can we hear impassioned speeches from the President and from Members of this Congress about getting the deficit under control and asking us to sacrifice by hiking our taxes, and then come before us with proposals like this, which are going to be proposing to spend money we do not have to buy land we do not need in order to eliminate jobs that presently exist?

I find it unbelievable that a compromise can be talked about when the men and women who work in the forests, who depend upon those jobs, have not even been brought into the equation. The two timber unions are strongly opposed to this particular bill, because they will not have any jobs. It is a job-killing measure.

It is wrong for that reason to enact this legislation. This is a bad bill, and I would like just to urge all of the Members, please, vote no on this bill.

If we want to talk about preserving ancient redwoods, then maybe we can talk, if you would have allowed the amendment which I sought to offer before the Committee on Rules. I was denied that permission yesterday. I was denied permission by adopting the previous question today. We would have reduced the acreage to the 4,500 acres.

Why should the taxpayers pay $1.5 billion? We have a $4.5 trillion debt. How much more public land do we need in the State of California? We cannot manage what we have.

Maxxam has been referred to have been a party to a compromise. It does not include the men and women who work, who are strongly and unitedly opposed to this particular bill.

Maxxam bought Pacific Lumber Co., I think it was 1986. They bought it and all of its assets, all of its land, its capital assets, et cetera, for $900 million, approximately. Now we have a bill that basically proposes to spend $1.5 billion to buy 4,400 acres. Maxxam maybe thinks that is not so bad, $1.5 billion, and they paid $900 million.

The men and women who are going to be out of work do not think that is a good compromise. We should not think it is a good compromise. Vote "No."

Mr. DE LA GARZA. Mr. Chairman, I yield 2 minutes to our distinguished colleague, the gentleman from California [Mr. BROWN].

Mr. BROWN of California. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in very strong support of this bill. I recognize that there are elements of controversy surrounding this. I applaud the fact that efforts have been made in the rule to make in order amendments which will correct some of these problems.

However, Mr. Chairman, the overall thrust of this bill is absolutely on target. This bill will seek to protect an additional acreage of old growth redwoods which is badly in need of protection. Why is it in need of protection? The previous speaker has just indicated a little something about the history of this tract. I imagine other speakers have previously addressed this.

This was acquired, this land was acquired, in a transaction that cost, as I understand it, $900 million dollars. The entrepreneur who secured this apparently financed it with a high interest-bearing loan of some sort which has forced him to vastly accelerate the rate of cutting in order to pay the interest, the service on the debt that he acquired.

The previous owner, as I understand it, was managing this property in a much better fashion to protect the long-term interests of the people of California, but the present situation actually threatens the total destruction of this irreplaceable stand of redwood.

Mr. Chairman, the issue of jobs is addressed here. Obviously, Mr. Chairman, when we have an acceleration of the cutting rate, a lot of logs being cut, there is a lot of lumbering being done. How long would this last? The fact is, at the rate you were cutting you would have a very short lifetime for the employment of those forest workers in that particular area. They would be out of jobs anyway, regardless, at the rate of cutting which was going on there, within a very short period of time.

Mr. Chairman, the purpose of sound Forest Service management is perpetual yield and protection of the jobs on a steady-state basis for a long time into the future. This is what we will get through the proper management of these forests. I encourage support for this bill, Mr. Chairman.

Mr. LEWIS of Florida. Mr. Chairman, I yield 1 minute to the gentleman from Virginia [Mr. GOODLATTE].

Mr. GOODLATTE. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in opposition to this bill. Mr. Chairman, no Member of this Congress who stands for fiscal responsibility can make that claim while voting for this bill. No Member of this Congress who claims to be concerned about our $4.5 trillion national debt can make that claim while voting for this bill, and no Member who claims to want to balance the budget of this Federal Government can make that claim while voting for this bill.

Mr. Chairman, advocates of this bill want to spend $1.5 billion to acquire 44,000 acres of land. That is $35,000 an acre. That exceeds the Forest Service's total fiscal year 1995 request for land acquisition by almost $1 billion. It is three times as much to be spent in one county in California as what is proposed to be spent in the entire country. Redwood trees are already afforded the highest level of protection through Federal, State, and local government designations in the world. I urge opposition to this bill.

Mr. MILLER of California. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. HINCHEY].

Mr. HINCHEY. Mr. Chairman, I represent a district in New York. This is a bill that protects a very important resource in California. We are a continent apart. However, the fact of the matter is that this is a national resource. People all across the country want these redwoods protected.

This bill is an intelligent approach to that protection. It establishes a flexible framework for public acquisition of the largest privately owned old-growth redwoods in the world. It does so in a unique and unusual way, because it works with the owner to ensure that this is done on a willing seller-willing buyer basis.

Mr. Chairman, less than 4 percent of the old-growth redwoods that historically covered coastal northern California remain. They are not a renewable resource. With the amendments being considered today, the bill is supported by the owner, as I mentioned.

This is an unusual bill because it also is supported by numerous regional and national fishery and environmental organizations. It establishes a balanced and reasonable transition process, from the old-growth-dependent timber industry to a sustainable harvest forest products industry.

Mr. Chairman, what this bill does, it ensures that this industry remains viable, and that the people in it continue to have jobs. These forests are about to be wiped out, Mr. Chairman. If we do not move to a sustainable timber industry, rather than one that simply goes in and just eliminates the forests entirely, there are not going to be jobs in this industry any longer.

Mr. Chairman, furthermore, the ecosystem that is protected here is critically important to the coho salmon. The coho salmon is also an industry and a resource that is important to California and to people up and down the west coast, as it is to people all across the country.

This bill takes an intelligent approach. It ought to be passed. I support it, and hope everyone else will.

Mr. MILLER of Florida. Mr. Chairman, I yield such time as he may consume to the gentleman from Kansas [Mr. ROBERTS], the ranking minority member on the Committee on Agriculture.

Mr. ROBERTS. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in opposition to this bill. My reasons are many. They have been discussed on the floor. They range from the bill itself to the rule that was adopted that did not permit many, many needed improving amendments.

Mr. Chairman, let us talk about the cost. The gentleman from Virginia [Mr. GOODLATTE] has already mentioned this problem. The Forest Service estimates the acquisition of the headwaters lands will cost taxpayers $1.5 billion. That is billion, that is a B, not M; that is $1.5 billion.

I know what will be said: "This is not appropriations, only authorizing. We are only going up to the bank, we are not going to withdraw any money. It is only authorized."

Mr. Chairman, let us say that we cannot find another way to pay for this, and I will talk about that in just a minute, and that we have to appropriate. What would happen?

☐ 1440

The land and water conservation fund has been created for 30 years. Over the 30-year period, we have spent roughly $950 million. That is M, million, not billion. This particular tract would cost taxpayers $1.5 billion to acquire 44,000 more acres. That is more than we have spent during the entire 30-year period of the whole program.

Second, the Forest Service annual budget for land acquisition is around $64 million a year. That is the normal acquisition process. If we funded no other projects, the current pace of appropriations for the land and water conservation fund would require 23 years to complete the acquisition of the headwaters tract.

According to my information, there is a backlog of over 500 projects, other States, 39 States and Puerto Rico, that would require $660 million, again, million, in funding. Again, the headwaters proposal, one project, more than doubles the Forest Service projected backlog. If you are from one of these 39 States, wake up, there are not many people on the floor, 39 States and Puerto Rico, $1.5 billion if in fact we cannot find other ways to pay for headwaters.

How are we going to pay for it if we do not appropriate? Oh, there are several alternatives here. As a matter of fact, this bill is a little unique in regards to opportunities. In the chairman's en bloc amendment, we say "may be acquired by the Secretary only by donation, by purchase, with donated or appropriated funds or by exchange." And there is about 6 more lines about special administrative jurisdiction of the Secretary if the Secretary identifies the lands as suitable for use in making an exchange. What kind of an exchange?

Then the gentleman from California, the sponsor of the bill, is going to have an amendment to make use of all practical alternatives in regards to paying for this. How are we going to pay for it?

Let us see. We could have land acquisition funds from the State of California, except they are not forthcoming. We could have some kind of land exchange. That is done on occasion, but that is not forthcoming. So what are we going to do? What is this exchange? How are we going to pay for this if we are not going to expend the $1.5 billion and put a backlog of 500 other projects at risk?

Well, the gentleman from Florida [Mr. LEWIS] and I shared that concern. So the gentleman from Florida [Mr. LEWIS] and I wrote the acting chairman of the Federal Deposit Insurance Corporation last month and we said there have been numerous reports regarding the possibility of a land-for-debt exchange occurring between the Pacific Lumber Co., owners of the Headwaters Forest and owned by Maxxam, and the FDIC, due to an outstanding liability of Maxxam to the FDIC in connection with the failure of United Savings of Texas, some $1.6 billion.

Is this what we are going to do? So we wrote that letter and they wrote back and they indicated, and I am sure the chairman will point this out: "Potential claims arising from the failure of United Savings Association of Texas is neither complete nor public." So they say, "We really don't have any idea about this. We can also inform you there's no direct relationship between United Savings and the Headwaters Forest currently owned by Pacific Lumber Company."

Then the last line is this. Listen to this because this situation and possible unique arrangement has been reported in Time, Business Week, Newsweek, and the Wall Street Journal. They were talking about an RTC loss and hard-earned taxpayers dollars trying to resolve that. The letter from FDIC states: "We would consider it as one alternative and would conscientiously strive to resolve any pertinent issues."

Now, if we cannot get the money from State acquisitions sharing from California, if we cannot get it with a land exchange and we are not, we are going to have some kind of land-for-debt exchange with the FDIC, what kind of precedent is this? When this proposal sees the light of day and public scrutiny, I can tell you then we will be back with these $1.5 billion appropriations. I am telling you, folks, this is dangerous territory that we are treading on here and I warn Members in regards to their vote.

Finally, in consideration of this package, we excluded the proposed amendments by the gentleman from California, both gentlemen from California. It was a bad rule. It is a very questionable bill more especially in regards to financing. We do not want to give this authority to the Secretary, and as I say again, tread on very, very dangerous ground. I urge a "no" vote.

Mr. MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. MINETA].

Mr. MINETA. Mr. Chairman, I rise today as an original cosponsor and a strong supporter of the Headwaters Forest Act.

Mr. Chairman, our Nation's natural resources are an important part of our heritage. We have the sacred responsibility of ensuring that those resources endure so that future generations can enjoy and appreciate their beauty.

Our Nation's forests are vital parts of our ecological systems. They provide critical habitat for thousands of species including some that are threatened and endangered.

For these reasons, it is essential that logging be done in a sound and sustainable manner. By logging trees selectively and responsibly we can maintain a balance between conservation and economic development.

Regrettably, the Maxxam Corp. has not been logging the Headwaters Forest area in a responsible way. It has accelerated timber logging to the point where the ecological balance of the area is threatened and has placed in danger the old-growth redwoods that remain.

Mr. Chairman, this legislation will authorize the Department of Agriculture to acquire up to 44,000 acres of lands for addition to the Six Rivers National Forest. It will stop the irresponsible logging and provide protection for this precious area.

The Headwaters Forest Act is an important piece of legislation and I strongly urge my colleagues to support it.

Mr. HANSEN. Mr. Chairman, I reserve the balance of my time.

Mr. LEWIS of Florida. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, in closing I just want to point out a couple of things. I have a letter from the supervisor of the county of Humboldt, CA, that the supervisors, a majority, are opposed to this bill. I would like to submit that for the RECORD, Mr. Chairman, and again reiterate the cost of this bill, which is $1.5 billion. It does not make any difference whether you exchange land, whether you trade boot or whether you use dollars, it still adds up to $1.5 billion that the American taxpayer is going to have to pay, and that is 23 times the Forest Service acquisition budget. This bill will not only cost the American taxpayer money but as pointed out, it will also cost jobs.

The bill is unnecessary, I think it is inappropriate, I believe this bill is irresponsible. We already have as mentioned 265,000 acres of protected redwood which is the most protected commercial species that we have in the world.

I would also like to point out, Mr. Chairman, it was pointed out by the ranking member of the Committee on Agriculture the possibility of Maxxam trading land in this particular operation and I would like to point out that the author of the bill, though people have said that this is not going to be used for debt retirement, I would like to point out that this author of the bill pointed out 2 weeks ago on a MacNeil/Lehrer report that should the Federal Government successfully act against Mr. Horwitz of Maxxam Corp., there could be a debt to the Federal Government which might be satisfied by a trade of these lands. I wanted that part in the record, Mr. Chairman, because there is concern about that.

Mr. Chairman, I include for the RECORD the letter referred to, as follows:

BOARD OF SUPERVISORS,
COUNTY OF HUMBOLDT,
Eureka, CA, September 21, 1994.

Hon. JOHN T. DOOLITTLE,
House of Representatives, Longworth Building, Washington, DC.

DEAR CONGRESSMAN DOOLITTLE: I have been informed that Congressman Hamburg's H.R. 2866 will be heard on the floor of the House of Representatives today. This letter is to reiterate the Humboldt County Board of Supervisors official position on that piece of legislation. Our Board has consistently opposed H.R. 2866. The vote was four to one and this position has been re-confirmed on several occasions.

As I testified before Congressional committees last October the preponderance of local elected officials on the North Coast of California are opposed to H.R. 2866.

Our reasons for opposition remain the same. Loss of productive timberland to the degree indicated in H.R. 2866 means loss of tax revenue to the county and local schools; increased unemployment in a county with already high unemployment levels; social and personal family disruption.

Our Board has supported the concept of a 4,500 acre Headwaters Forest proposal but remain adamantly opposed to the Hamburg proposal of 44,000 acres.

Sincerely,

STAN DIXON,
First District Supervisor.

Mr. DE LA GARZA. Mr. Chairman, I yield 1 minute to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Chairman, I commend the gentleman from Texas [Mr. DE LA GARZA] and the gentleman from California [Mr. MILLER] for bringing this legislation to the floor today. Most of all I want to praise our colleague, the gentleman from northern California [Mr. HAMBURG] for his leadership in putting this legislation together and rallying support around it.

☐ 1450

Others of our colleagues have referred to what this very important piece of legislation does. I would like to reference why it is needed.

Of the 2 million acres of ancient redwood forest that once stood on the Nation's Pacific coast, Mr. Chairman, less than 5 percent remain today. The Headwaters Forest in northern California is the largest privately owned stand of old growth redwoods left in the world.

I want to point out very strongly, Mr. Chairman, that of the 44,000 acres that are covered by this bill, only 5,200 would not have lumber harvested on them. Those acres are of the very old growth timber. For the most part, nearly 40,000 of the 44,000 acres will still be job producing in terms of lumber, and the entire 44,000 acres will be job producing because of the fishing that will be encouraged and protected there.

The gentleman from California [Mr. HAMBURG] has brought together environmentalists and workers, the company and the community. His leadership has served us well. I urge our colleagues to support this legislation to protect jobs and protect the environment.

Mr. MILLER of California. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. HAMBURG].

Mr. HAMBURG. Mr. Chairman, first I would like to include for the RECORD a press release from Pacific Lumber Co. in which they assert that H.R. 2866, as modified by the House Committee on Agriculture contains amendments that fully protect the company's rights as a private property owner. I will include that for the RECORD at the end of my remarks.

Also I submit for the RECORD a series of letters of support for this legislation. I think as Members read the names of these groups they will see how broad the support is not only among environmental organizations throughout the country, but markedly among fishery groups, among groups that are very concerned about the crashing of stocks of fish in the Pacific Northwest and over the coast of California. I will read some of the supporters. Save the Redwoods League, the National Audubon Society, the Western Ancient Forest Campaign, the Sierra Club, the Wilderness Society, Greenpeace, the Environmental Defense Fund, Pacific States Marine Fisheries Commission, Trout Unlimited, B.A.S.S., Inc., Bass Anglers Sportsmen Society, Mendocino Environmental Center, Columbiana Bioregional Education Project, Klamath Forest Alliance, and on and on.

Referring, if I may, to this map on the right, there has been a lot of discussion about how much redwood forest is currently protected, and a lot of talk to the effect that there is plenty of this already locked up, and they are protected by State and Federal Government. This map to my right indicates the original redwood forests. What we see here in red is the original redwood forests. In green is what remained as of 1992 of the virgin redwood forests of Humboldt and Del Norte Counties.

Several Members have referred to the fact that there are less than 5 percent of this ancient forest remaining. In fact, just about 100 years ago there were over 2 million acres of these forests stretching from Santa Cruz County to southern Oregon. Today there are less than 80,000 acres remaining.

This tract, the Headwaters Forest tract, represents the largest privately owned remaining tract of ancient redwood trees left in the world. Many speakers have referred to how this is an irreplaceable resource. This is not something that will happen again. These are trees which have grown since the time of Christ. They are 300 feet to 350 feet in height, they are 18 feet in diameter. They should not be cut down to make porch furniture or decking. These are our heritage for the future.

Second, I would like to refer to this map which shows the extent of the 44,000 acres. I think it illustrates why this bill has taken in this much acreage. A lot of speakers have said OK, let us save the 5,400 acres of ancient forest, but the rest maybe is not all that important.

This map outlines the 44,000-acre tract and shows that those boundaries have been drawn so that the remaining important tracts of virgin redwood forests can be included. The brown part here, which is approximately 3,000 acres, is what is commonly called the Headwaters Forest. The other tracts, which are in green, are also very significant stands of virgin redwood. Together they make up about 5,300 acres of land which this bill seeks to protect. The remaining acreage, 88 percent of this land, about 39,000 acres is second- and third-growth forests.

This forest under this bill will continue to be harvested on a sustained yield basis. However, it is not enough merely to preserve the stands of virgin old growth and leave the rest to be clearcut. We need to treat this unit as one ecosystem and manage it as one ecosystem. Otherwise we are going to have the same kinds of situation happen in northern California that we have already experienced with the northern spotted owl.

Secretary Babbitt often speaks in terms of environmental train wrecks, and the kind of train wreck we had in the Pacific Northwest when the northern spotted owl was listed as an endangered species and 11 million acres was tied up when that occurred. We cannot allow that to happen again, and unless we protect these stands of old growth ancient redwood forests, we will have more environmental train wrecks, we will have more people thrown out of work because lands are tied up, we will have less salmon in our streams for our fishermen to catch, and overall we will hurt our regional economy.

The material referred to previously is as follows:

[Press release from the Pacific Lumber Co.]

(By David W. Galitz)

The Pacific Lumber Company said today that H.R. 2866 (as modified by the House Committee on Agriculture) now contains significant amendments that fully protect the company's rights as a private property owner.

John A. Campbell, president and chief executive officer of the Pacific Lumber Company, said, "Although the legislation still authorizes the acquisition of up to 44,000 acres, the bill now clearly says that no acquisition can occur without our consent. In essence, the 44,000 acres is not at risk. That's good news for us because, in fact, we continue to be opposed to the sale of 44,000 acres. Despite that unwillingness to sell 44,000 acres and our disagreement with the way in which the oil characterizes our forest management practices, we have decided to support H.R. 2866, with its important amendments, in the House of Representatives because the bill appears to be a vehicle for resolving the issue of government acquisition of the much smaller 'Headwater Forest.'" Pacific Lumber's "Headwaters Forest" is approximately 3,000 acres.

The bill is on the U.S. House of Representatives suspension calendar for August 16. Legislation on the suspension calendar requires a two-thirds vote to pass and ordinarily cannot be amended by the full House.

H.R. 2866 was originally introduced by Congressman Dan Hamburg (D-CA). The bill's important amendments were sponsored separately by Representatives Dooley (D-CA), Doolittle (R-CA), and Pombo (R-CA). Key amendments include:

A provision that states the landowner's consent is required for any acquisition.

A provision granting Pacific Lumber the full lawful use and enjoyment of its lands and confirming that enactment of the bill is not to be construed as imposing any new limitations upon the implementation of any timber harvest plans.

A provision clarifying that the government has no right under the legislation to develop a so-called "management plan" for any portion of the 44,000 acres that it does not acquire.

A provision stating that the government's authority under the legislation to acquire any lands, even with Pacific Lumber's consent, expires after ten years.

A provision that requires the Secretary of Agriculture to come up with a plan within six months for acquiring specific lands within the 44,000 acres that the government wishes to acquire. A related provision requires the Secretary to identify specific federal properties that would be suitable to swap for these lands.

A provision that states the boundaries of the Six Rivers National Forest will not be extended to include any portion of Pacific Lumber's timberland unless and until that land is actually acquired by the government with Pacific Lumber's consent.

LEAGUE OF CONSERVATION VOTERS,
Washington, DC, August 15, 1994.

Re support H.R. 2866, the Headwaters Forest Act (Hamburg, D-CA).

House of Representatives
Washington, DC.

DEAR REPRESENTATIVE: Since 1970, the League of Conservation Voters (LCV) has served as the bipartisan political arm of the environmental community. Each year LCV publishes the National Environmental Scoreboard which details the voting records of members of Congress on environmental legislation. The Scorecard is distributed to LCV members and concerned voters nationwide.

H.R. 2866, the Headwaters Forest Act, will soon come before the House for your consideration. LCV urges you to support H.R. 2866 which was introduced by Rep. Dan Hamburg, cosponsored by 142 of your colleagues, and reported out of the Agriculture and Natural Resources Committees.

Rep. Hamburg's bill will authorize the acquisition of the largest remaining unprotected virgin redwood forest in the world, currently owned by the Pacific Lumber Co. The Pacific Lumber Co. supports H.R. 2866, opening the door to resolution of the debate over the future of the Headwaters Forest which has polarized communities in Northern California for almost a decade. In addition to its recent endorsement by the Pacific Lumber Co., the Headwaters Forest Act is supported by a broad spectrum of local, regional, and national environmental groups.

If H.R. 2866 is enacted, the Forest Service will be authorized to acquire the Headwaters Forest from a willing seller. The unique ancient redwood groves, which provide critical habitat for wildlife and fish stocks threatened with extinction, will be acquired by the agency over a period of time using a wide range of acquisition policies, including land exchange.

If you need more information please call LCV's Political Director, Betsy Loyless, at 202-785-8683.

Sincerely,

JIM MADDY,
President.

PACIFIC STATES MARINE
FISHERIES COMMISSION,
Gladstone, OR, September 2, 1994.

Hon. DAN HAMBURG,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE HAMBURG: The Pacific States Marine Fisheries Commission was established in 1947 to represent the interest and needs of the West Coast marine fisheries, both recreational and commercial, and those of its member states of Oregon, Washington, Idaho, Alaska, and California. The goal of the Commission is to promote and support policies and actions directed at the conservation, development and management of fishery resources through coordinated regional research, monitoring, and utilization.

We would like to be on record supporting H.R. 2866, legislation protecting the area known as the Headwaters Forest. Our support derives from the purported benefits that this legislation will confer on the maintenance of anadromous salmon coho and steelhead spawning and rearing habitat. As you are aware, numerous stocks of coho and steelhead are at all time record lows, making protection of healthy spawning and rearing habitats vital to any recovery efforts.

Please feel free to contact me if I may be of any further assistance.

Sincerely yours,

RANDY FISHER,
Executive Director.

THE PACIFIC RIVERS COUNCIL,
Alexandria, VA, August 25, 1994.

Hon. DAN HAMBURG,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN HAMBURG: The Pacific Rivers Council would like to offer our continuing support for H.R. 2866, the Headwaters Forest Act. We recognize the current constraints on the Federal budget and therefore support the land exchange concept as a means of acquiring this important acreage.

This magnificent forest is one of the few remaining, intact stands of ancient redwoods that once stretched along the coast of northern California and southern Oregon. This functioning old growth ecosystem provides a sanctuary for a number of rare plants and animals. In addition, the Headwaters Forest has some of the last remaining, good spawning and rearing habitat for the coho salmon in California; a species that is at risk throughout its range. Protection of this forest will be a legacy for future generations to enjoy.

We wish you well in this endeavor.

Sincerely,

JUDY R. GUSE-NORITAKE,
National Policy Director.

NATURAL RESOURCES DEFENSE COUNCIL,
San Francisco, CA, August 22, 1994.

Hon. DAN HAMBURG,
House of Representatives,
Washington, DC.

Re Headwaters Forest Act (H.R. 2866).

DEAR REPRESENTATIVE HAMBURG: I am writing on behalf of the 170,000 members of the Natural Resources Defense Council (NRDC) to express our strong support of the Headwaters Forest Act, H.R. 2866. We appreciate your leadership in this important legislative effort.

The Headwaters Forest and its associated old growth redwood ecosystem is a unique natural resource worthy of public acquisition. Only by the adequate protection and proper management provided by H.R. 2866 can we be certain that this ecosystem will persist over time and that future generations of Americans will be able to visit and enjoy this priceless treasure.

Thank you again for your commitment to sound stewardship and environmental protection demonstrated by the introduction of this important piece of legislation. The NRDC looks forward to working with you to secure passage of H.R. 2866 in this Congress.

Very truly yours,

SAMI YASSA,
Senior Project Scientist.

NATIONAL WILDLIFE FEDERATION,
Washington, DC, August 22, 1994.

Hon. DAN HAMBURG,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE HAMBURG: I am writing to express the National Wildlife Federation's support for bringing H.R. 2866, the Headwaters Forest Act, to a vote on the House floor.

As you know, the Headwaters Forest, located in Northern California, is the largest remaining unprotected redwood forest in the world. It is valuable not only for its size and beauty, but also because it provides habitat for the coho salmon, a species whose decline has cost the state of California approximately $100 million a year in lost revenue since the 1970's. In fact, the plight of coho salmon is so serious that the species has been petitioned for listing as "threatened" under the Endangered Species Act.

The Headwaters Forest Act enjoys the support of local, regional and national environmental groups as well as that of many sport and commercial fishing organizations. Most importantly, the acquisition H.R. 2866 authorizes is acceptable to Headwater's current owners, the Maxxam Corporation and the Pacific Lumber Company. With such broad backing and 142 cosponsors of the bill, we see no reason why the Headwaters Forest Act should not move ahead and urge that it be brought to a House vote soon.

The passage and enactment of H.R. 2866 will finally resolve a longstanding regional issue and provide the affected communities with a sustainable ecosystem management strategy that incorporates both watershed restoration and private property rights protection. The time to save the Headwaters Forest is now, before it's too late.

We look forward to continuing to work with you to receive passage of H.R. 2866.

Thank you for your consideration of this important issue.

Sincerely,

JAY D. HAIR,
President.

LIGHTHAWK,
Santa Fe, NM, August 18, 1994.

Rep. DAN HAMBURG,
House of Representatives, Washington, DC.

DEAR REPRESENTATIVE HAMBURG: I am writing to let you know that LightHawk strongly supports efforts to protect Headwaters forest in northern California. Your work in combination with Rep. Pete Stark and a host of California-based and national organizations and individuals is a valuable example of teamwork to accomplish ecosystem preservation.

As you know, Headwaters contains the largest remaining unprotected stand of ancient redwood trees in the world. The array of biological diversity supported in the Headwaters forest complex is both unique and threatened. We at LightHawk have an ongoing conservation program interest in protecting the remnants of the temperate rain forest ecosystem—stretching from Alaska to Chile—of which Headwaters forest is a critical component.

Respectfully yours,

ROBERT W. HARRILL, Ph.D.,
Executive Director.

B.A.S.S., INC.,
Montgomery, AL, August 18, 1994.

Hon. DAN HAMBURG,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE HAMBURG: The Bass Anglers Sportsman Society (B.A.S.S., Inc.) and its membership approaching some 600,000 is fully supportive of H.R. 2866, the "Headwaters Forest Act," sponsored by Representative Hamburg et al. Although B.A.S.S. members are primarily interested in angling for and supporting the future well being of black bass, we all have an understanding and respect for healthy watersheds and the role they play in the future of our fisheries resources. Healthy streams and watersheds are particularly important where migratory (anadromous) species like coho salmon are involved.

We have a powerful testimony for the economic involved and the importance of protecting habitat for the future of our fisheries resources. Gamefish species like salmon and black bass are particularly sensitive. The public readily identifies with them and their "indicator role" in alerting us to the health of our watersheds and public waters. The fact that increasing numbers of species are threatened with extinction, or are often so contaminated with chemicals they can not be safely consumed by the public, is a national embarrassment.

We are beginning to comprehend the long term costs the public will bear when species appear on endangered and threatened lists in the numbers we are beginning to see. H.R. 2866 provides an unusual opportunity to begin reversing the trend of mortgaging our future for the extremely short sighted motives so evident in timber and fisheries resource decisions we have witnessed over the past century.

Best regards,

DON CORKRAN,
Federation National Director.

SAVE AMERICA'S FORESTS,
Washington, DC, August 19, 1994.

Rep. DAN HAMBURG,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE HAMBURG: We are writing to thank you again for your courageous effort to save the last remaining privately owned Ancient Redwood groves still threatened with logging. We are honored to be working with you to pass your historic legislation, H.R. 2866, the Headwaters Forest Act.

This bill now supported by the Administration and has broad backing in the U.S. Congress. The Headwaters grove is a world treasure. Our coalition of over 500 environmental groups and responsible businesses nationwide will continue to work for your bill until these glorious forests are protected forever.

Sincerely,

CARL ROSS,
MARK WINSTEIN,
Co-Directors.

AUDUBON SOCIETY OF PORTLAND,
Portland, OR, August 17, 1994.

Hon. DAN HAMBURG,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN HAMBURG: Portland Audubon Society, with 7000 members in Oregon, strongly supports H.R. 2866, the Headwaters Forest Act, introduced by you and cosponsored by 142 House members.

What is at stake is the largest remaining unprotected virgin redwood forest in the world. We support your efforts to protect this priceless forest and threatened coho salmon and marbled murrelet, and other wildlife species which depend on this forest for their survival.

H.R. 2866 authorizes the Forest Service to acquire the Headwaters from a willing seller by means of direct payment, land exchange and other acquisition means. Pacific Lumber Co., the current owner, endorses H.R. 2866.

Please continue your stalwart efforts to gain passage of the Headwater Forest Act and to protect this irreplaceable virgin redwood forest. Your unfaltering support of H.R. 2866 is a critical vote for the hope of species and economies which depend on healthy ecosystems.

Sincerely,

PAUL KETCHAM,
Conservation Director.

SIERRA CLUB,
Washington, DC, August 15, 1994.

DEAR REPRESENTATIVE: I am writing on behalf of the Sierra Club's half-million members to urge you to support H.R. 2866, the Headwaters Forest Act, when it comes to the House floor. We expect the bill to come up for a vote this week.

This legislation offers critical protection for over 44,000 acres of redwood forest, including approximately 5,000 acres of old-growth. The old-growth in the Headwaters Forest is in urgent need of preservation, as it faces imminent logging if not protected by this bill. The Headwaters forest area also contains habitat for several threatened and endangered species including the peregrine falcon and marbled murrelet.

In the past eight years, more than 40,000 acres of residual old growth and almost 10,000 acres of virgin redwood trees have been logged by the Maxxam Corporation. The Headwaters Forest Act will put an end to this tragedy by balancing the need for timber production with the need for conservation. H.R. 2866 will also provide long-term job stability by shifting logging practices toward sustainable use and promoting regeneration. This legislation will create jobs in the restoration of watersheds and habitat critically damaged by previous timber harvests.

H.R. 2866 has passed both the Natural Resources and Agriculture committees by substantial margins, and it currently possesses over 130 cosponsors from both parties. Your support of this legislation is necessary to protect one of the last remaining ancient redwood forests. Thank you for your attention to this matter.

Sincerely,

DEBBIE SEASE,
Legislative Director.

TROUT UNLIMITED,
Washington, DC, August 26, 1994.

Re: Our Continuing Support for H.R. 2866, The Headwaters Forest Act of 1993

Hon. DAN HAMBURG,
House of Representatives, Cannon Building, Washington, DC.

DEAR REPRESENTATIVE HAMBURG: On behalf of Trout Unlimited's (TU) 75,000 members nationwide, I am writing to let you know that we continue to support H.R. 2866, the Headwaters Forest Act of 1993, and urge you to continue your strong push to enact this legislation. We commend you for your leadership in pressing for enactment.

TU is committed to protecting and restoring west coast Pacific salmon resources. These runs were once the finest salmon resources in the world. Now, according to the Clinton Administration's Forest Ecosystem Management Assessment Team (FEMAT) Report, over 100 stocks have been extirpated and 314 are at risk of extinction. Despite dramatic declines in Pacific salmon stocks, these fish still support a one billion dollar annual sport and commercial fishing industry. These valuable industries are threatened directly by continuing loss of salmon habitat. Conversely, if the region takes strong actions now, the entire nation stands to gain tremendous new ecological and economic benefits from restored salmon runs.

In that light, your bill is an important element in the foundation of Pacific salmon recovery. If enacted and implemented, it will protect some of the best remaining salmon habitat in California, and in the case of coho salmon, some of the most critical habitat on the entire west coast. Dr. Peter Moyle, renowned salmon scientist from University of California at Davis, has testified before two House Committees that H.R. 2666 would protect 5 to 10% of the remaining coho spawning habitat in California. Such a management action is essential in view of the 97% decline in wild coho in California.

Again, we commend you for your work on this bill, and we look forward to its early enactment.

Sincerely,

STEVEN N. MOYER.

WORLD WILDLIFE FUND,
Washington, DC, October 25, 1993.

Hon. DAN HAMBURG,
House of Representatives, Washington, DC.

DEAR CONGRESSMAN HAMBURG: On behalf of World Wildlife Fund (WWF) and our 1.25 million members nationwide, I am writing in support of H.R. 2866, the Headwaters Forest Act.

As you may know, during the past decade WWF has invested a great deal of effort protecting forest ecosystems throughout the world. Here in the United States, our old-growth redwood forest ecosystems have been reduced to 5 percent of their original acreage, and we strongly support protection of the remaining fractions of these truly unique forests. We support the provisions of H.R. 2866 which designate 44,000 acres as an addition to the Six Rivers National Forest. This acreage is vital to the maintenance of intact watersheds in the Humboldt region. Given that, at present, most redwood forests have been substantially fragmented, maintaining the integrity of the remaining intact redwood ecosystems needs to become a priority for U.S. forest policy.

The proposed addition of redwood forest to the Six Rivers National forest contains critical intact watersheds for threatened salmonids, marbled murrelets, and northern spotted owls. The dire status of these species is a reflection of the health of many of our northern temperate forests, which we need to take strong steps to improve. Old-growth redwood forests also generate millions of dollars for local tourism industries yearly in California, hence these systems are vital to the economic health of the state.

It is clear that the long-term costs outweigh the short-term profits generated by current timber practices in the U.S. H.R. 2866 will protect vital redwood forest habitat, which we can no longer afford to degrade and squander. I congratulate you on this important piece of legislation and look forward to working with you in the future.

Sincerely,

MICHAEL SUTTON,
Acting Vice President,
U.S. Land and Wildlife Program.

MENDOCINO ENVIRONMENTAL CENTER,
Ukiah, CA, August 25, 1994.

Hon. DAN HAMBURG,
House of Representatives, Washington, DC.

DEAR DAN: The Mendocino Environmental Center enthusiastically supports the Headwaters Forest Act H.R. 2866. We are most appreciative of your fine work in introducing and sponsoring this very important piece of legislation. This legislation will authorize acquisition by the federal government of approximately 44,000 acres of remaining old-growth redwood groves and the second growth forests that connect them. Because of the serious over cutting of the redwood forests, it is crucial that this bill pass, in order to insure the ability of the forest to regenerate.

In addition the Headwaters Forest is critical habitat for the Northern Spotted Owl, the Marbled Murrelet, several native stocks of salmon, and several other old-growth dependent species. We are losing these species at an alarming rate, due mainly to loss of habitat. If we are to keep these species from extinction, it is crucial that we maintain enough of their habitat to insure perpetuation of viable populations. Acquiring the 44,000 acres Headwaters Complex would be a significant step in this direction.

We are thrilled that the Headwaters Bill has passed so many hurdles, and that it is now ready to go to the House Floor. We send our support and best wishes. Please be assured that we are ready to assist in any efforts that may be needed to ensure the passage of this bill.

Sincerely yours,

GARY AND BETTY BALL.

GREENPEACE,
San Francisco, CA, August 18, 1994.

Congressman DAN HAMBURG,
House of Representatives, Washington, DC.

DEAR CONGRESSMAN HAMBURG: Greenpeace U.S.A. would like to announce our continued support for H.R. 2866 and S. 2866, The Headwaters Forest Act. Greenpeace believes this Act to be one of the most important pieces of legislation facing Congress that will help protect the remaining U.S. ancient forests. The Act is critical to the protection of the Headwaters Forest, one of the last remaining unprotected stands of redwoods, a natural heritage of California.

Greenpeace is actively campaigning to stop the destructive logging of ancient forests worldwide, with a particular emphasis on stopping clearcut practices in the temperate forests. We believe the Hamburg bill is an important global contribution to the protection of old-growth forests.

Sincerely yours,

PAMELA WELLNER,
Forest Campaigner.

COLUMBIANA,
BIOREGIONAL EDUCATION PROJECT,
Oroville, WA, August 26, 1994.

Re: Headwaters Forest Bill HB 2866
Congressman DAN HAMBURG,
Cannon HOB, Washington, DC.

DEAR MR. HAMBURG: We want to add our voices in support of your bill which authorizes acquisition of the Headwaters Redwood Forest.

Before moving to Washington State, we lived in northern California, and were appalled at the wanton destruction of the incomparable heritage of the old growth redwood ecosystem. Whatever can be set aside as a living legacy of this splendid species, should be done so, without hesitation.

Thank you for your efforts on behalf of the redwoods.

Most Sincerely,

GERALDINE PAYTON,
President.

KETTLE RANGE CONSERVATION GROUP,
Republic, WA, August 18, 1994.

Representative DAN HAMBURG,
House of Representatives, Washington, DC.

DEAR CONGRESSMAN: I wish to express the unequivocal support of the Kettle Range Conservation Group for the Headwaters Forest Act, H.R. 2866.

As you are aware, the majority of the once expansive ancient redwood forest has been logged. It is of key importance both to the new emerging economy of the Northern California coastal region, and to the multitude of plant and animal species that rely on this finite resource, that the Headwaters Forest grove of ancient redwoods be preserved.

The Kettle Range Conservation Group greatly appreciates your attention given to this important national issue. We thank you for your kind consideration.

Sincerely,

TIMOTHY J. COLEMAN,
President.

THE WILDERNESS SOCIETY,
San Francisco, CA, August 5, 1993.

Hon. DAN HAMBURG,
House of Representatives, Cannon House Office Building, Washington, DC.

DEAR REPRESENTATIVE HAMBURG: I am writing on behalf of the 300,000 members of The Wilderness Society (TWS) to express our strong support for the Headwaters Forest Act of 1993, H.R. 2866. TWS would also like to thank you for your leadership in this important legislative effort.

As you are well aware, the Headwaters Forest and its associated old growth redwood ecosystem is an unique natural resource worthy of public acquisition. Only by the adequate protection and proper management provided by H.R. 2866 can we be certain that this ecosystem will persist over time and that future generations of Americans will be able to visit and enjoy this priceless treasure.

In addition, TWS is especially happy to support the addition of the Headwaters Forest into the National Wilderness Preservation System as Section Four of your bill provides. This addition will bestow the ultimate level of protection on this irreplaceable tract.

Congressman, thank you again for your commitment to sound stewardship and environmental protection demonstrated by the introduction of this important piece of legislation. The Wilderness Society looks forward to working with you and Mr. Stark to secure passage of H.R. 2866 in this Congress.

Very truly yours,

LOUIS BLUMBERG,
Assistant Regional Director.

SIERRA CLUB,
Washington, DC, August 31, 1994.

Hon. DAN HAMBURG,
House of Representative, Washington, DC.

DEAR REPRESENTATIVE HAMBURG: I am writing on behalf of the Sierra Club's half-million members to offer our strong support and to express our gratitude for your leadership on the Headwaters Forest issue.

As you know, this legislation offers critical protection for over 44,000 acres of redwood forest, including approximately 5,000 acres of old-growth. The old-growth in the Headwaters Forest is in urgent need of preservation, as it faces imminent logging if not protected by this bill. The Headwaters Forest area also certain habitat for several threatened and endangered species including the peregrine falcon and marbled murrelet.

In the past eight years, more than 40,000 acres of residual old growth and almost 10,000 acres of virgin redwood trees have been logged by the Maxxam Corporation. The Headwaters Forest Act will put an end to this tragedy by balancing the need for timber production with the need for conservation. H.R. 2866 will also provide long-term job stability by shifting logging practices toward sustainable use and promoting regeneration. This legislation will create jobs in the restoration of watersheds and habitat critically damaged by previous timber harvests.

By introducing H.R. 2866, you have taken the lead in conserving the last unprotected old-growth redwood forest in the world. We hope to continue to work with you in protecting our ancient forests.

Sincerely,

DEBBIE SEASE,
Legislative Director.

ROBIN LAWRENCE SCHAEFFER, PH.D.,
HELENE SCHAEFFER, PH.D.,
Modesto, CA, August 18, 1994.

Congressman DAN HAMBURG,
Cannon House Office Building,
Washington, DC.

DEAR CONGRESSMAN HAMBURG: I am writing on behalf of our grassroots group S.A.F.E. (Save Our Ancient Forest Ecology), to thank you for introducing a most essential bill, H.R. 2866, The Headwaters Forest Act. I cannot tell you how important this is to all of us. I am delighted to hear that your bill has gained the support of both the environmental community and the timber company involved; since it is therefore quite non-controversial, we look forward to it's speedy passage on the floor of the House. Our children thank you for your efforts to preserve such a vital part of their heritage.

Sincerely,

DR. ROBIN L. SCHAEFFER,
S.A.F.E. *(Save our Ancient Forest Ecology).*

WASHINGTON WILDERNESS COALITION,
Seattle, WA, August 24, 1994.

Representative DAN HAMBURG,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE HAMBURG: The Washington Wilderness Coalition is writing in support of your efforts to pass the Headwaters Forest Act (H.R. 2866). We advocate the acquisition of this 44,400 tract of unprotected redwood forest and are particulary pleased that Pacific Lumber is not opposed to the bill's passage.

We are concerned about the possibility of weakening amendments being added to this act. Amendments that do not allow a holistic management approach for all lands (both those acquired and those with acquisition pending) should be avoided at all costs.

At this crucial time when the remnant stands of redwood forests have suffered from the onslaught of whole-sale harvesting, it is of critical national importance that the Headwaters Forest be saved!

The Washington Wilderness Coalition represents forty grassroots and statewide conservation organizations and over one thousand individual members who are dedicated to protecting public lands in Washington State. Protection of ancient forest of Washington and the Pacific Northwest is a special priority to our members.

Thanks for your ongoing support.

Sincerely,

BARB MIRANDA,
Wilderness Project Coordinator.

SIERRA CLUB LEGAL
DEFENSE FUND, INC.,
Washington, DC, August 23, 1994.

Hon. DAN HAMBURG,
Cannon House Office Building,
Washington, DC.

DEAR REPRESENTATIVE HAMBURG: On behalf of the Sierra Club Legal Defense Fund, I am writing to express our support for H.R. 2866, the Headwaters Forest Act. The bill authorizes the purchase, from a willing seller, of the largest remaining tract of unprotected redwood forest.

As you well know, the Headwaters Forest—along with the people, fish, and wildlife that depend on it—are paying the price for the leveraged buy-out bonanza of the 1980s. Maxxam Corporation has more than doubled logging rates of this magnificent redwood forest in order to pay off junk bonds used to finance its hostile takeover of Pacific Lumber in 1985.

In so doing, Maxxam has jeopardized not only coho salmon and other species of fish and wildlife for which the Headwaters provides habitat, but the jobs of fishers and others who depend on healthy populations of those species as well. In addition, by rapidly liquidating the forest, Maxxam has effectively signed the termination papers for the workers who had logged Pacific Lumber's lands in a more conservative, sustainable manner for generations.

We appreciate your leadership in moving this bill through the Congress and look forward to working with you toward its enactment.

Sincerely,

KEVIN KIRCHNER.

NATIONAL AUDUBON SOCIETY,
Washington, DC, August 24, 1994.

Hon. DAN HAMBURG,
House of Representatives, Cannon House Office Building, Washington, DC.

DEAR REPRESENTATIVE HAMBURG: The National Audubon Society would like to express its support of H.R. 2866, the Headwaters Forest Act of 1994.

The Headwaters Forest is a priceless remnant of an environment nearly lost. Only fragments remain of the great redwood stands that once blanketed much of the northwestern coast of your state. These virgin stands of redwood forest are more than just trees. They are complex ecosystems of hundreds of species, including the endangered northern spotted owl and marbled murrelet. The forest also protects the watersheds that support the coho salmon, which may be soon listed as a threatened species. Saving these remaining islands of old growth and the surrounding second growth forests is critical to protecting the species that depend on them.

The timing of this legislation is also critical. The Headwaters Forest Act would take advantage of a unique opportunity to rescue this last unprotected remnant of a virgin redwood forest ecosystem. Maxxam Corporation is a "willing seller", having endorsed H.R. 2866. But without government acquisition, Maxxam will log the area to service its debt. The moment for action to save the Headwaters Forest has arrived.

The National Audubon Society supports H.R. 2866 and thanks you for your efforts to protect this natural treasure. We look forward to working with you in every way possible to secure passage of H.R. 2866 and the permanent protection of the Headwaters Forest.

Sincerely,

BROCK EVANS,
Vice President for National Issues.

ANCIENT FOREST ALLIANCE
August 15, 1994.

House of Representatives,
Washington, DC.

DEAR MEMBER OF CONGRESS: The Ancient Forest Alliance, whose member groups represent citizens across the nation, strongly urges you to support H.R. 2866, the Headwaters Forest Act, when it comes before the House later this week. H.R. 2866 was introduced by Rep. Dan Hamburg D-CA) and cosponsored by 142 of your colleagues; it was recently passed out of both the Agriculture and Natural Resource Committees.

The Headwaters Forest Act would authorize the acquisition by the U.S. Forest Service of the largest remaining unprotected redwood forest in the world. These virgin redwood groves are currently owned by the Maxxam Corporation, which acquired them along with the Pacific Lumber Company in 1986. The Maxxam Corporation will not oppose the Headwaters bill, which is supported by local, regional and national environmental groups, along with the American Fishing Tackle Manufacturers Association and representatives of sport and commercial fishing organizations.

The Headwaters Forest is significant not only because of its size, and its virgin redwood forest ecosystem, but also because it is home to the coho salmon, which has been petitioned for listing as a threatened species under the Endangered Species Act. The protection of the coho salmon habitat is especially critical to northern California, where the decline of the coho salmon fishing industry since the 1970's has cost the state about $100 million a year in reduced economic activity.

The passage and ultimate enactment of H.R. 2866 would take a troubling land management issue affecting private lands and threatened species out of the courts and resolve a dispute which has polarized the people of northern California for almost a decade.

Please support the Headwater Forest Act. Your vote for H.R. 2866 can provide the community, and the remaining Headwaters Forest, with a sustainable ecosystem management strategy based upon watershed restoration and the protection of private property rights.

Sincerely,

BROCK EVANS,
National Audubon Society.
JUDY GUSE-NORITAKE,
Pacific Rivers Council.
JIM OWENS,
Western Ancient Forest Campaign.
DOUG INKLEY,
National Wildlife Federation.
KEVIN KIRCHNER,
Sierra Club Legal Defense Fund.
MICHAEL FRANCIS,
The Wilderness Society.

ETNA, CA,
August 18, 1994.

Re support for H.R. 2866, the Headwaters Forest Act.

Hon. DAN HAMBURG,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN HAMBURG: The directors and members of Marble Mountain Audubon Society wish to express their strong support for H.R. 2866 and our appreciation for the leadership you have demonstrated in bringing this bill through committee and, hopefully, to the floor of the House.

The best scientific information indicates that we need the Headwaters Forest protected if we are to have a chance of retaining viable populations of Marbled Murrelets in California. The Headwaters Forest is also a legacy for our children a place where we hope that, because of your efforts and the action of the US Congress, future generations will be able to experience the majesty of the Ancient Forests which dominated the landscape when European Americans first arrived on the North Coast.

Please let us know if there is any way we can help to achieve passage of H.R. 2866.

Sincerely yours,

FELICE PACE,
Conservation Chair.

KLAMATH FOREST ALLIANCE,
Etna, CA, August 18, 1994.

Subject: Support for H.R. 2866, the Headwaters Forest Act.

Hon. DAN HAMBURG,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN HAMBURG: The board, activists and staff of Klamath Forest Alliance wish to express their strong support for H.R. 2866 and our appreciation for the leadership you have demonstrated in bringing this Bill through committee and, hopefully, to the floor of the House. It is abundantly clear that we need the Headwaters Forest protected if we are to have a chance of retaining viable populations of Marbled Murrelets in California. Furthermore, the Headwaters Forest is a legacy for our children—a place where we hope that, because of your efforts and the action of the U.S. Congress, future generations will be able to experience the forests which dominated the landscape when European Americans first arrived on the North Coast.

Please let us know if there is any way we can assist you in achieving passage of H.R. 2866.

Sincerely yours,

FELICE PACE,
Program Coordinator.

SAVE-THE-REDWOODS LEAGUE,
San Francisco, CA, September 2, 1994.

Hon. DAN HAMBURG,
Cannon Building, House of Representatives, Washington, DC.

DEAR CONGRESSMAN HAMBURG: The Save-the-Redwoods League supports the protection of the old growth Redwood Forest in H.R. 2866, the Headwaters Forest Act. Protecting the Headwaters Forest is a key to the long term regional protection of the remaining coastal old growth ecosystem.

We are encouraged that the Pacific Lumber Co. now supports the bill. We are committed to working with you to see that H.R. 2866 and Senator Boxer's companion legislation are enacted in this session of Congress.

The debate over the fate of the Headwaters Forest is of national importance. We feel that H.R. 2866 is an effective means for resolving this long-standing dispute to protect the remaining old growth Redwoods owned by Pacific Lumber Co. and its parent company Maxxam Corp.

Sincerely,

JOHN B. DEWITT,
Executive Director.

ENVIRONMENTAL DEFENSE FUND,
Washington, DC, August 29, 1994.

Hon. DAN HAMBURG,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN HAMBURG: This letter is to offer my strong support for H.R. 2866, the Headwaters Forest Act. The Environmental Defense Fund welcomes the long overdue protection of the largest remaining stands of old-growth coastal redwoods on private property, and applauds the sale by willing owners to the federal government.

The old-growth redwoods of northern California are of inestimable value not only to Californians, but to all Americans. The transfer of this property to federal ownership would ensure permanent protection for these magnificent giants. In addition, through the broad-based protection of habitat in the Headwaters Forest, H.R. 2866 offers new hope for other imperilled species as coho and other salmon.

Sincerely,

MICHAEL J. BEAN,
Chairman, Wildlife Program.

RAINIER AUDUBON SOCIETY,
Auburn, WA, August 19, 1994.

Re H.R. 2866 Headwaters Forest Act.

Representative DAN HAMBURG,
Cannon House Office Building,
Washington, DC.

DEAR REPRESENTATIVE HAMBURG: The members of Rainier Audubon Society in Washington State would like you to know that we whole-heartedly support the Headwaters Forest Act that you have introduced in Congress.

The redwood forests in California are a National treasure. A treasure to man and wildlife to be protected and preserved forever. Who can think of the Redwood Forests without singing a few lines of "This Land Is My Land". This land is OUR land, and the US Forest Service has the chance to acquire 44,000 acres of forest and 7,000 acres of natural (never managed by man) late successional old growth forest. This wonderful part of the earth has for too long been abused and now needs good stewardship.

This bill is critical to not only saving trees, but we're also talking about essential habitat for threatened coho salmon. Salmon only live in cold water. The need for thick cover over rivers and streams means life or death. Salmon also need clear rivers and streams to lay eggs, too much silt from the land when trees are cut, suffocates the eggs.

Economically, this bill will help to keep the fishing industry alive along the coast and rivers of California. The Number 1 money maker in the world is tourism. When these lands are restored from past logging and brought back to their natural state, some of it can be used for tourism.

H.R. 2866 will designate as a wilderness area, The Headwaters Grove, the largest of the virgin stands in this acquisition. This is an area that can never be re-produced. It should be an area preserved for scientific and natural study as well as for its aestetic value.

The Maxxam Corporation has dropped its opposition to this bill and even the timber industry is supporting this bill. NOW is the time to act and turn over this land to the stewardship of the US Forest Service.

Please feel free to use any parts of this letter to help securing the passage of your bill.

Sincerely,

BEVERLY BLINN,
Rainier Audubon Society.

Mr. HANSEN. Mr. Chairman, I yield my remaining 2 minutes to the gentleman from California [Mr. DOOLITTLE].

Mr. DOOLITTLE. Mr. Chairman, I yield to the gentleman from California [Mr. POMBO].

Mr. POMBO. Mr. Chairman, I thank the gentleman for yielding. If the author of the bill would not mind, I would like to ask a question about the map he has put up.

In particular, the gentleman has down there the irregular borders of what would be included in the 44,000 acres in this tract. Are there any other property owners, private property owners included in that 44,000 acres?

Mr. HAMBURG. Mr. Chairman, will the gentleman yield?

Mr. DOOLITTLE. I yield to the gentleman from California.

Mr. HAMBURG. Mr. Chairman, the vast majority is owned by the Pacific Lumber Co. There are some small owners. I believe Sierra Pacific, and I believe Simpson owns about a thousand acres in there, and I think that is it.

Mr. POMBO. If the gentleman will continue to yield, are there any areas outside of that 44,000 acres that are old growth redwood that should be protected in the gentleman's opinion?

Mr. HAMBURG. If the gentleman will yield further, I believe that on the 190,000-acre ownership of Pacific Lumber there are other stands of residual old growth.

□ 1500

Pacific Lumber has been logging that old growth. In fact, when they took over the company in 1985, there were about 16,000 acres of ancient redwoods on the property, and this 5,300 acres represents just about all that is left. I am sure there are some small residual stands which they continue to log.

Mr. POMBO. I thank the gentleman.

Mr. DOOLITTLE. Mr. Chairman, reclaiming my time, I would strongly urge opposition to this bill. It kills jobs. It burdens the taxpayers. It is totally unnecessary and is opposed by hundreds of workers who work for Palco who signed these petitions. Let us bring them into the equation, because it is their jobs that are going to be lost.

The CHAIRMAN. The gentleman from California [Mr. MILLER] has 30 seconds remaining, and the gentleman from Texas [Mr. DE LA GARZA] has 3½ minutes remaining.

Mr. MILLER of California. Mr. Chairman, I urge support for the legislation.

Mr. Chairman, I yield back the balance of my time.

Mr. DE LA GARZA. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, in open debate, any statement that is made by one person can be refuted by another person, and that is where we find ourselves with a billion and a half and 1 billion, bringing in the RTC and all of the other areas of concern. I submit to you that we have an answer, a logical, appropriate answer, to every one of those statements made.

What I would like to finally say is that, and as I said in the beginning, I dissociated myself from any provincial, from any partisan, from any personal; I want to deal solely with the legislation that we have here before us and to state that these proposed acres to be acquired by whatever manner will belong to us, to all of us.

I have youngsters in my congressional district that have never seen a redwood. Iowa has youngsters that may not ever have seen a national seashore which we acquired, the Federal Government, some in my area, some in the Carolinas, some on the Pacific coast.

We are talking about the future of this country. We are talking about youngsters that may never have seen a redwood or a salmon in the river or a trout in the river or a deer in the wild. This is what this bill is all about. It is not about acquiring more property for the Government of the United States of America. It is so that we preserve for the future generations some of that which could be lost and never be again.

Time rolls on. The weather, the climate change. I have seen clearcutting and do not approve of it, and we have tried to temper that, these two committees that are here sponsoring, handling this bill. We do not want the clearcutting. We do not want to clear the countryside.

We want every American youngster to be able to see a pine tree, a redwood tree, the ocean, to wet his feet in the ocean waters. The only pearls many of the youngsters in my district would be able to see would be seashells.

Finally, I want to quote the gentleman from South Carolina [Mr. RAVENEL], one of our colleagues, who mentioned that his son, when he saw the spread of trees and the light shining through, he asked him, "What is this?" And he said, "a church." Oddity of all oddities, I was at Mount Hood under some gigantic trees, old growth, and I told the forester who was my guide, when only a little bit of sun would shine through the trees, I says, "You know, I feel as if I were in a national cathedral somewhere in Europe." How odd that the chairman of the Committee on Agriculture, the Congressman from Texas, would say that at Mount Hood, and a little boy would say that in South Carolina. That is what this bill is all about.

Everything else can be compromised. Everything else can be adjusted. But the availability of the resources and the bounty of this country to future generations should be protected, and that is what this bill is all about.

Mr. ROEMER. Mr. Chairman, I rise today to support not only the Headwaters Forest Act, but the process that will be used to carry out the measures that comprise this legislation.

There were at one time 2 million acres of ancient redwood forests on our Nation's Pacific coast. Less than 5 percent of these remain. The Headwaters Forest now remains the largest private owned stand of old-growth forest in the world, and this bill is designed to protect this parcel of critical land and habitat.

But the unique thing about this bill, Mr. Chairman, is that it has enlisted the support of the owners of this private property as well as environmental and other groups.

The process spelled out in the bill seeks to avoid direct taxpayer expenditures whenever possible, using instead land transfers. This respect for both the environment and for the rights of private property owners is an important model for us to use in future endeavors, and I want to strongly compliment Representative DAN HAMBURG of California for carefully crafting this measure.

Mr. Chairman, we throw the word "leadership" around in this Chamber quite freely, but I want to say that this is an example of leadership. Congressman HAMBURG has provided a quality answer to a difficult problem, and I urge my colleagues to support this bill today.

Mr. BARLOW. Mr. Chairman, I rise today to urge my colleagues to support the Headwaters Forest Act, H.R. 2866. The trees in Headwaters Forest are the last and largest stand of unprotected giant redwoods. This stand of old growth trees is the anchor for an entire regional ecosystem of immense scientific and economic importance.

The Headwaters Forest Act will authorize Federal acquisition of 44,000 acres of redwood forest in northern California. The act will not only protect a 160-million-year-old species but will sustain the logging industry of Northern California, by allowing 80 percent of the acquisition to be managed for a sustainable level of logging in second growth forests.

By supporting the Headwaters Forest Act you are protecting our children's right to experience an unique ecosystem that exists nowhere else in the world.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the original bill shall be considered under the 5-minute rule and, without objection, is considered as read.

There was no objection.

The text of H.R. 2866 is as follows:

H.R. 2866

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Headwaters Forest Act".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that:

(1) Redwoods are a significant national symbol and a defining symbol of the State of California.

(2) Old growth redwood trees are a unique and irreplaceable natural resource.

(3) Most of the Nation's old growth forests have been cut. Less than 5 percent of the original 2,000,000 acre Coast redwoods remain standing. The groves that are left are crucial to maintain habitat needed for survival of old-growth dependent species. The Headwaters Forest, for example, is home to one of California's three largest population of marbled murrelets, rare sea birds that nest only in coastal old growth trees; the Northern Spotted Owl; and native salmon stocks that spawn in the Forest's creeks.

(4) The remaining unprotected stands of old growth forests and old growth redwoods are under immediate threat of being harvested without regard to their ecological importance and without following Federal timber harvest guidelines.

(5) Significant amounts of old growth redwoods in the proposed National Forest additions are being cut at a pace that is based on paying high interest rates on poor quality bonds and not at a pace that is based on sound forest management practices.

(b) PURPOSE.—The purpose of this Act is to provide for the sound management and protection of old growth Redwood forest areas in Humboldt County, California, and to preserve and enhance habitat for the marbled murrelet, Northern Spotted owl, native salmon stocks, and other old growth forest dependent species, by adding certain lands and waters to the Six Rivers National Forest and by including a portion of such lands in the national wilderness preservation system.

SEC. 3. ADDITION TO SIX RIVERS NATIONAL FOREST.

(a) EXTENSION OF BOUNDARIES.—The exterior boundaries of the Six Rivers National Forest in the State of California are hereby extended to include the area comprising approximately 44,000 acres, as generally depicted on the map entitled "Six Rivers National Forest Addition proposed", dated June 1993. Such area shall hereinafter in this Act be referred to as the Six Rivers National Forest Addition. The map shall be on file and available for public inspection in the offices of the Forest Supervisor, Six Rivers National Forest, and in the offices of the Chief of the Forest Service, Department of Agriculture.

(b) ACQUISITION OF LAND.—(1) The Secretary shall acquire lands or interests in land within the exterior boundaries of the Six Rivers National Forest Addition by donation, by purchase with donated or appropriated funds, or by exchange for other lands owned by any department, agency, or instrumentality of the United States. When any tract of land is only partly within such boundaries, the Secretary may acquire all or any portion of the land outside of such boundaries in order to minimize the payment of severance costs. Land so acquired outside of the boundaries may be exchanged by the Secretary for non-Federal lands within the boundaries, and any land so acquired and not utilized for exchange shall be reported to the General Services Administration for disposal under the Federal Property and Administrative Services Act of 1949 (63 Stat. 377). Lands, and interests in lands, within the boundaries of the Headwaters Forest which are owned by the State of California or any political subdivision thereof, may be acquired only by donation or exchange.

(2) The Secretary is authorized to accept from the State of California funds to cover the cost of acquiring lands within the Headwaters Forest, and notwithstanding any other provision of law, the Secretary may retain and expend such funds for purposes of such acquisition. Such funds shall be available for such purposes without further appropriation and without fiscal year limitation.

(c) LAND ACQUISITION PLAN.—The Secretary shall develop and implement, within 6 months after the enactment of this Act, a land acquisition plan which contains specific provisions addressing how and when lands will be acquired under subsection (b). The plan shall give priority first to the acquisition of lands within the boundaries of the Headwaters Forest Wilderness identified on the map referred to in section 3(a). The Secretary shall submit copies of such plan to the Committee on Natural Resources, the Committee on Agriculture, and the Committee on Appropriations of the United States House of Representatives and to the Committee on Energy and Commerce, the Committee on Agriculture, Nutrition, and Forestry and the Committee on Appropriations of the United States Senate.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

SEC. 4. WILDERNESS AREAS.

(a) DESIGNATION.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131–1136), lands in the State of California acquired under section 3 of this Act which are within the areas generally depicted on the map referred to in section 3 as the "Headwaters Forest Wilderness (Proposed)" shall be designated as wilderness and therefore as a component of the National Wilderness Preservation System, effective upon acquisition under section 3. Such lands shall be known as the Headwaters Forest Wilderness.

(b) MAP AND DESCRIPTION.—As soon as practicable after the inclusion of any lands in the Headwaters Forest Wilderness, the Secretary shall file a map and a boundary description of the area so included with the Committee on Natural Resources of the House of Representatives and with the Committee on Energy and Natural Resources of the United States Senate. The Secretary may correct clerical and typographical errors in such boundary description and such map. Each such map and boundary description shall be on file and available for public inspection in the Office of the Chief of the Forest Service, United States Department of Agriculture.

(c) BUFFER ZONES NOT INTENDED.—The Congress does not intend that designation of any area as wilderness under this section lead to the creation of protective perimeters or buffer zones around the wilderness area. The fact that nonwilderness activities or uses can be seen or heard from areas within a wilderness shall not, of itself, preclude such activities or uses up to the boundary of the wilderness area.

(d) STATE AUTHORITY OVER FISH AND WILDLIFE.—As provided in section 4(d)(8) of the Wilderness Act, nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the State of California with respect to wildlife and fish in any areas designated by this Act as wilderness.

SEC. 5. ADMINISTRATION.

(a) MANAGEMENT PLAN.—The Secretary shall develop, within 1 year after the enactment of this Act, a comprehensive management plan detailing measures for the preservation of the existing old growth redwood ecosystems in the Six Rivers National Forest Addition, including but not limited to each of the following:

(1) Prohibition of sale of timber from lands within the old growth redwood groves as depicted generally on the map referred to in section 3(a). Timber sales in other areas shall be allowed consistent with the purposes of this Act and other applicable Federal laws and regulations.

(2) Measures to restore lands affected by previous timber harvests to mitigate watershed degradation and impairment of habitat for the marbled murrelet, spotted owl, native salmon stocks, and other old-growth forest dependent species ("Restoration Measures").

The Management Plan shall be reviewed and revised every time the Six Rivers National Forest Land and Resource Management plan is revised or more frequently as necessary to meet the purposes of this Act.

(b) APPLICABLE LAWS AND POLICIES.—(1) The Secretary, acting through the Chief of the Forest Service, shall administer the lands acquired under section 3(b) in accordance with the Management Plan, this Act, and with the other laws, rules, and regulations applicable to such national forest. In addition, subject to valid existing rights, any lands acquired and designated as wilderness under section 4(a) shall also be administered in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness, except that any reference in such provisions to the effective date of the Wilderness Act (or any similar reference) shall be deemed to be a reference to the date of acquisition of such lands under section 3 of this Act.

(2) To the maximum extent practicable, all work to implement the management plan's Restoration Measures shall be performed by unemployed forest and timber workers, unemployed commercial fishermen, or other unemployed persons whose livelihood depends on fishery and timber resources.

(3) In order to facilitate management, the Secretary, acting through the Chief of the Forest Service may enter into agreements with the State of California for the management of lands owned by the State or purchased with State assistance.

SEC. 6. PAYMENTS TO LOCAL GOVERNMENT.

(a) PILT.—Solely for purposes of payments made pursuant to chapter 69 of title 31 of the United States Code, all lands added to the Six Rivers National Forest by this Act shall be deemed to have been acquired for the purposes specified in section 6904(a) of such title 31.

(b) 10-YEAR PAYMENT.—(1) Subject to annual appropriations and the provisions of subsection (c), for a period of 10 years after acquisition by the United States of lands added to the Six Rivers National Forest by this Act, the Secretary, with respect to such acquired lands, shall make annual payments to Humboldt County in the State of California in an amount equal to the State of California Timber Yield Tax revenues payable under the California Revenue and Taxation Code (sec. 38101 et seq.) in effect as of the date of enactment of this Act that would have been paid with respect to such lands if the lands had not been acquired by the United States, as determined by the Secretary pursuant to this subsection.

(2) The Secretary shall determine the amounts to be paid pursuant to paragraph (1) of this subsection based on an assessment of a variety of factors including, but not limited to—

(A) timber actually sold in the subject year from comparable commercial forest lands of similar soil type, slope and such determination of appropriate timber harvest levels,

(B) comparable timber size class, age, and quality,

(C) market conditions,

(D) all applicable Federal, State, and local laws and regulations, and

(E) the goal of sustainable, even-flow harvest or renewable timber resources.

(c) CALIFORNIA TIMBER YIELD TAX.—The amount of State of California Timber Yield Tax payments paid to Humboldt County in any year pursuant to the laws of California for timber sold from lands acquired under this Act shall be deducted from the sums to be paid to Humboldt County in that year under subsection (b).

(d) 25-PERCENT FUND.—Amounts paid under subsection (b) with respect to any land in any year shall be reduced by any amounts paid under the Act of May 23, 1908 (16 U.S.C. 500) which are attributable to sales from the same lands in that year.

SEC. 7. FOREST STUDY.

The Secretary shall study the lands within the area comprising approximately 13,620 acres and generally depicted as "Study Area" on the map referred to in section 3(a). The study shall analyze the area's potential to be added to the Headwaters Forest and shall identify the natural resources of the area including the location of old growth forests, old growth redwood stands, threatened and endangered species habitat and populations including the northern spotted owl and marbled murrelet, commercial timber volume, recreational opportunities, wildlife and fish, watershed management, and the cost of acquiring the land. Within one year of the date of enactment of this Act, the Secretary shall submit a report with the findings of the study to the Committees on Natural Resources, and Agriculture of the United States House of Representatives and the Committees on Energy and Natural Resources, and Agriculture, Nutrition, and Forestry of the United States Senate.

The CHAIRMAN. No amendment to the bill shall be in order except the amendments printed in House Report 103–732. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall not be subject to amendment except as specified in the report, and shall not be subject to a demand for division of the question.

Debate time on each amendment will be equally divided and controlled by the proponent and an opponent of the amendment.

It shall be in order at any time for the chairman of the Committee on Agriculture or a designee to offer amendments en bloc consisting of amendments printed in the report or germane modifications of any such amendment. Amendments en bloc shall be considered as read, except that modifications shall be reported, shall be debatable for 10 minutes, equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture, shall not be subject to amendment, and shall not be subject to a demand for a division of the question.

The original proponent of an amendment included in amendments en bloc may insert a statement in the CONGRESSIONAL RECORD immediately before disposition of the amendments en bloc.

AMENDMENTS EN BLOC, AS MODIFIED, OFFERED BY MR. DE LA GARZA

Mr. DE LA GARZA. Mr. Chairman, pursuant to section 2 of House Resolution 536, I offer amendments en bloc, as modified.

The CHAIRMAN. The Clerk will designate the amendments en bloc, as modified.

The text of the amendments en bloc, as modified, is as follows:

Amendments en bloc, as modified, offered by Mr. DE LA GARZA:

Amendment offered by Mr. DOOLEY, as modified: Strike section 3 and insert the following:

(c) DEFINITIONS.—For purposes of this Act:

(1) The terms "Six Rivers National Forest Addition" and "Headwaters Forest" mean the area authorized for land acquisition activities under section 3, as depicted on the map described in section 3(b)(1).

(2) The term "Secretary" means the Secretary of Agriculture.

SEC. 3. ADDITION TO SIX RIVERS NATIONAL FOREST.

(a) MODIFICATION OF BOUNDARIES.—Effective upon the consummation of a land acquisition conducted as provided in subsection (b), the Secretary of Agriculture shall modify the exterior boundaries of the Six Rivers National Forest in the State of California to include the acquired lands.

(b) ACQUISITION OF LAND.—

(1) AREA FOR ACQUISITION ACTIVITIES.—The Secretary may acquire lands and interests in land within the boundaries of an area comprising approximately 44,000 acres, as generally depicted on the map entitled "Six Rivers National Forest Addition proposed" and dated June 1993, for inclusion in the Six Rivers National Forest under subsection (a). The map shall be on file and available for public inspection in the offices of the Forest Supervisor, Six Rivers National Forest, and in the offices of the Chief of the Forest Service, Department of Agriculture.

(2) MANNER OF CONDUCTING ACQUISITION.—Lands and interests in lands within the Six Rivers National Forest Addition may be acquired by the Secretary only by donation, by purchase with donated or appropriated funds, or by exchange.

(3) SPECIAL RULE FOR FEDERAL TRANSFERS.—For purposes of making an exchange under paragraph (2), excess or surplus lands under the jurisdiction of any other department, agency, or instrumentality of the United States may be transferred, subject to

the advance approval of the transfer by law, to the administrative jurisdiction of the Secretary if the Secretary identifies the lands as suitable for use in making an exchange. To facilitate the approval of a transfer of lands under this paragraph, the Secretary shall submit to the Committee on Agriculture and the Committee on Natural Resources of the House of Representatives and to the Committee on Agriculture, Nutrition, and Forestry of the Senate proposed legislation in connection with the proposed transfer. The transfer of lands under this paragraph shall be made without compensation to the transferring department, agency, or instrumentality.

(4) ACQUISITION OF CERTAIN LANDS OUTSIDE ADDITION.—When a tract of land proposed to be acquired is only partly within the Six Rivers National Forest Addition, the Secretary may acquire all or any portion of the land outside of the Six Rivers National Forest Addition to minimize the payment of severance costs. Land acquired outside of the boundaries may be exchanged by the Secretary for nonFederal lands within the boundaries. Land acquired outside of the boundaries of the Six Rivers National Forest Addition under this paragraph and not used for exchange shall be reported to the Administrator of the General Services Administration for disposal under the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).

(5) SPECIAL RULE FOR STATE OR LOCAL GOVERNMENT LANDS.—Lands and interests in lands within the boundaries of the Six Rivers National Forest Addition that are owned by the State of California or any political subdivision thereof, may be acquired only by donation or exchanges.

(6) ACCEPTANCE AND USE OF FUNDS.—The Secretary may accept from the State of California funds to cover the cost of acquiring lands within the Six Rivers National Forest Addition. Notwithstanding any other provision of law, the Secretary may retain and expend such funds for purposes of such acquisition. Such funds shall be available for such purposes without further appropriation and without fiscal year limitation.

(c) LAND ACQUISITION PLAN.—The Secretary shall develop and implement, within 6 months after the date of the enactment of this Act, a land acquisition plan that contains specific provisions addressing how and when lands will be acquired under subsection (b). The plan shall give priority first to the acquisition of lands within the Six Rivers National Forest Addition proposed for inclusion in the National Wilderness Preservation System. The plan shall include an analysis of the possibilities for acquisition through means other than the expenditure of funds, including the use of excess and surplus Federal properties. The Secretary shall identify and list these properties. The Secretary shall submit copies of the plan to the Committee on Natural Resources, the Committee on Agriculture, and the Committee on Appropriations of the House of Representatives and to the Committee on Energy and Natural Resources, the Committee on Agriculture, Nutrition, and Forestry, and the Committee on Appropriations of the Senate.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

(e) TERMINATION OF ACQUISITION AUTHORITY.—Notwithstanding any other provision of this section, the Secretary may not acquire lands under the authority of this section after the end of the 10-year period beginning on the date of the enactment of this Act.

In section 4 of the bill, strike subsection (b) and insert the following new subsection:

(b) MAP AND DESCRIPTION.—As soon as practicable after the inclusion of any lands in the Headwaters Forest Wilderness, the Secretary shall file a map and a legal description of the area so included with the Committee on Natural Resources of the House of Representatives and with the Committee on Energy and Natural Resources of the Senate. The Secretary may correct clerical and typographical errors in such legal description and such map. Each such map and legal description shall be on file and available for public inspection in the offices of the Forest Supervisor, Six Rivers National Forest, and in the offices of the Chief of the Forest Service, Department of Agriculture.

In section 5 of the bill, strike subsection (a) and insert the following new subsection:

(a) MANAGEMENT PLAN.—Within 1 year after acquiring all or part of the lands identified to be acquired in section 3, the Secretary shall develop a comprehensive management plan for the acquired lands detailing measures for the preservation of the existing old growth redwood ecosystems. The management plan shall include each of the following with respect to the lands so acquired:

(1) Prohibition of the sale of timber from lands within the old growth redwood groves as depicted generally on the map referred to in section 3(b)(1). Timber sales in other areas within the Six Rivers National Forest Addition shall be allowed consistent with the purposes of this Act and other applicable Federal laws and regulations.

(2) Measures to restore lands affected by previous timber harvests to mitigate watershed degradation and impairment of habitat for the marbled murrelet, northern spotted owl, native salmon stocks, and other old-growth forest dependent species.

The management plan shall be reviewed and revised each time the land and resource management plan for the Six Rivers National Forest is revised or more frequently as necessary to meet the purposes of this Act.

Amendment offered by Mr. DOOLITTLE:

Add at the end the following new section:

SEC. 8. NO ADVERSE EFFECT ON LANDS UNTIL ACQUIRED.

(A) IN GENERAL.—Until the lands in the Six River National Forest Addition are acquired under section 3, the owners of the lands and their designees shall be entitled to the full and lawful use and enjoyment of the lands. Nothing in this Act may be—

(1) construed to impose any limitations upon any otherwise lawful use of the lands by the owners of the lands or their designees;

(2) construed as authority to defer the submission, review, approval, or implementation of any timber harvest or similar plan with respect to any portion of the lands; or

(3) construed to grant a cause of action against the owner of the lands or their designees.

(b) VOLUNTARY DEFERMENT OF USE.—The owners of lands described in section 3 or their designees may agree of their own accord to defer some or all lawful enjoyment and use of the land for a certain period of time.

Amendment offered by Mr. POMBO, as modified:

Add at the end of section 3 of the bill the following new subsection:

(e) CONSENT OF OWNER REQUIRED FOR ACQUISITION.—Lands and interests in lands within the Six Rivers National Forest Addition may not be acquired by the Secretary for purposes of this Act without the consent of the owner of the lands.

The Secretary may not acquire lands or interests in land within the Six Rivers National Forest Addition by condemnation.

Amendment offered by Mr. GILCHREST: Add at the end of subsection (a) of section 2 of the bill the following new paragraph:

(6) The continued fragmentation and loss of irreplaceable ecosystems creates an urgent need to develop creative solutions to achieve the long-term benefits of permanent protection and preservation.

Amendment offered by Mr. SCHIFF: Add at the end the following new section:

SEC. . SEARCH AND RESCUE OPERATIONS IN SIX RIVERS NATIONAL FOREST.

As provided in section 4(c) of the Wilderness Act (16 U.S.C. 1133(c)), mechanical transport (including motor vehicles, motorized equipment, and the landing of fixed-wing and rotary aircraft) shall be permitted anywhere within the boundaries of the Six Rivers National Forest with respect to any emergency involving the health or safety of an individual within the national forests.

Amendment offered by Mr. TRAFICANT: Add at the end of the bill the following new section:

SEC. 8. PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.

(a) SENSE OF CONGRESS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available under this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing payments under section 6 or other financial assistance to, or entering into any contract with, any entity using funds made available under this Act, the Secretary, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

The CHAIRMAN. The Clerk will report the modifications to the amendments en bloc.

The Clerk read as follows:

Modifications to amendments en bloc offered by Mr. DE LA GARZA:

Amendment No. 1 offered by Mr. DOOLEY of California is modified by striking "Committee on Energy and Commerce" and inserting "Committee on Energy and Natural Resources".

Amendment No. 3 offered by Mr. POMBO is modified by adding at the end the following: "The Secretary may not acquire lands or interests in lands within the Six Rivers National Forest addition by condemnation."

Mr. DE LA GARZA (during the reading). Mr. Chairman, I ask unanimous consent that the modifications be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. Pursuant to the rule, the gentleman from Texas [Mr. DE LA GARZA] will be recognized for 5 minutes, and the gentleman from Florida [Mr. LEWIS] will be recognized for 5 minutes.

The Chair recognizes the gentleman from Texas [Mr. DE LA GARZA].

Mr. DE LA GARZA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the amendments en bloc include one offered by the gentleman from California [Mr. DOOLEY] and the gentleman from Missouri [Mr. VOLKMER].

In addition, the amendment requires the land and interest in lands within the Six Rivers National Forest addition may be acquired only by donation, by purchasing with donated or appropriated funds, or by exchange; also, the amendment assures that privately held lands will continue to be available to the owners to use in any way consistent with State and Federal law.

Finally, the amendment sunsets authorization for the acquisition of the 44,000 acres 10 years after enactment of the bill, and as a result of the acquisition language in this amendment, CBO estimates that the pay-as-you-go impacts of the bill are negligible or basically zero.

We also have the so-called Doolittle amendments which were accepted by the full committee, and guarantee landowners full and lawful use and enjoyment of their lands until they are acquired by the Federal Government. The purpose of the amendment is, in part, to prevent restrictions on use as a result of the Federal Government's examination of this land for inclusion in the Six Rivers National Forest. This amendment is supported by the gentleman from California [Mr. HAMBURG] and the Maxxam Corp. This amendment was offered during the Natural Resources Committee markup, but not adopted. However, report language was included to reflect the intent of the amendment.

Then we have the Pombo amendment. This amendment was approved by the full committee and requires consent of the landowner as a condition of the acquisition of lands in the Six Rivers National Forest addition. This amendment is supported by the gentleman from California [Mr. HAMBURG] and the Maxxam Corp. This amendment was offered during the Natural Resources Committee markup but not adopted.

Then we have a Gilchrest amendment. This amendment provides that the continued fragmentation and loss of irreplaceable ecosystems creates an urgent need to develop creative solutions, which was explained by the gentleman from Maryland [Mr. GILCHREST].

Then we have an amendment offered by the gentleman from New Mexico [Mr. SCHIFF]. This amendment would permit the mechanical transport within the Six Rivers Forest addition, and that sometimes you legislate and it does not work out in real life. That is the reason for this amendment, in that if there be an injury or something like that that you can use mechanical transport to move the injured person, or in any other similar need.

Then there is the Traficant amendment, which applies to Buy American provisions of the bill.

Mr. Chairman, I reserve the balance of my time.

Mr. LEWIS of Florida. Mr. Chairman, I yield 1 minute to the gentleman from New Mexico [Mr. SCHIFF].

Mr. SCHIFF. Mr. Chairman, I thank the gentleman from Florida for yielding me this time.

Madam Chairman, I want to thank the chairman of the Committee on Agriculture for including my proposed amendment in the proposed en bloc amendments.

I want to explain, as the chairman said, sometimes we legislate in certain ways, but it does not work out well practically.

We had a situation in New Mexico a couple of months ago where, in brief, a 14-year-old was lost, and the State police helicopter located him but was denied permission to land by the U.S. Forest Service based upon their understanding of the Wilderness Act. The boy remained lost another night until the Forest Service made a special exception and called the State police helicopter back. This time they found him again and picked him up the second time.

This should not happen another time. I think that wilderness areas have their purpose. I support that purpose. But when someone is lost, when someone is injured, when there is any other kind of emergency involving life or health, that is a reason to allow a mechanical device, in this case it was a helicopter, to land and make a rescue. That is what this amendment says.

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That is what this amendment says. This same language has been adopted in the Santa Fe Forest-related bill passed by this House in recent weeks.

Madam Chairman, I thank the gentleman from California [Mr. HAMBURG] for agreeing to this.

Mr. LEWIS of Florida. Madam Chairman, we have no objection to the amendment.

Madam Chairman, I yield back the balance of my time.

Mr. DE LA GARZA. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, this amendment was offered by us to accommodate legitimate, valid concerns of many Members. Madam Chairman, I urge an "aye" vote.

Madam Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Ms. PELOSI). The question is on the amendments en bloc, as modified, offered by the gentleman from Texas [Mr. DE LA GARZA].

The amendments en bloc, as modified, were agreed to.

The CHAIRMAN pro tempore. The Chair is advised that amendment numbered 5 in House Report 103-732 will not be offered.

It is now in order to consider amendment No. 6, printed in House Report 103-732.

AMENDMENT OFFERED BY MR. DOOLITTLE

Mr. DOOLITTLE. Madam Chairman, I offer amendment No. 6.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. DOOLITTLE: Strike subsection (d) of section 3 of the bill and insert the following new subsection.

(d) AUTHORIZATION OF APPROPRIATIONS; LIMITATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this Act; except that the total amount obligated or expended to acquire lands or interests in lands in the Six Rivers Forest Addition shall not exceed $200,000,000.

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from California [Mr. DOOLITTLE] will be recognized for 5 minutes, and a Member opposed will be recognized for 5 minutes.

The Chair recognizes the gentleman from California [Mr. DOOLITTLE].

Mr. DOOLITTLE. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, this amendment is quite straightforward. It merely replaces the bill's unlimited authorization with a cap of $200 million for land acquisition.

Many of the bill's proponents claim that most of the 44,000 acres will be acquired through land exchanges rather than costly direct purchases. Consequently, my amendment should not hamstring the Forest Service's efforts to acquire this land through the exchange process. In fact, the Lands Division of the U.S. Forest Service has advised me that last year it spent about $7 million in administration costs to acquire 60,000 acres through the exchange process.

Madam Chairman, my amendment is an insurance policy for the taxpayer against the Federal Government's past history of grossly underestimating the value of redwood timber lands, which underestimation has resulted in exorbitant land acquisition costs. For example, Interior Secretary Cecil Andrus told Congress in 1978 that expansion of the Redwood National Park would cost an estimated $359 million. The final costs for that land acquisition were $1.4 billion. In other words, it ended up costing more than 400 percent what had been estimated.

By the way, this is one of the least visited national parks in the entire National Park System.

Mr. DE LA GARZA. Madam Chairman, will the gentleman yield?

Mr. DOOLITTLE. I yield to the chairman of the committee.

Mr. DE LA GARZA. I thank the gentleman for yielding.

Madam Chairman, I wanted to clarify something. My understanding is that the gentleman's so-called cap includes only prospective appropriated funds. Am I correct? It does not include donated or exchange properties?

Mr. DOOLITTLE. It is prospective, yes, that is my understanding.

Mr. DE LA GARZA. Of only appropriated funds.

Mr. DOOLITTLE. And prospective appropriated funds, that is correct.

Mr. DE LA GARZA. It does not include donated lands?

Mr. DOOLITTLE. Does not include donated lands.

Mr. DE LA GARZA. Or exchanged lands.

I thank the gentleman for helping us clarify the situation.

Mr. DOOLITTLE. Right. It only applies to appropriated money. That is why if the lands are going to be acquired through exchange, that is outside the $200 million.

Mr. DE LA GARZA. I appreciate the gentleman's clarification.

Mr. DOOLITTLE. If I may continue here: The Forest Service's official appraisal of a 4,488-acre tract, which included the Headwaters Forest and a buffer zone, conducted almost 2 years ago, found that tract valued $499 million. Since Redwood stumpage prices have risen about 15 percent annually since then, this tract now has a value exceeding $650 million. Moreover, the chief appraiser of the Forest Service told the Subcommittee on National Parks at a hearing on October 12, 1993, that the additional 40,000 acres in this bill had an estimated value of $1 billion. This would bring the entire price tag to $1.5 billion.

Let us remember the Congress in recent years has appropriated an average of $64 million per year for Forest Service land acquisition in the entire country. As a result, if there were no inflation and if the Forest Service used this money only for this particular property, it would take them 23 years to complete the purchase, to complete the purchase.

It is also important to remember that the Forest Service has a backlog of $750 million of high-priority land acquisitions. H.R. 2866 without the cap would only make this situation worse. Without my amendment, this bill appropriates "such sums as may be necessary," which history shows can be astronomical. In the case of the Redwood National Park, the expansion there in 1978, over 400 percent over what has been estimated. For that reason, Madam Chairman, I bring this amendment to the House, before the committee, just to provide some level of certainty as to what the costs are actually going to be. I request that the Members support the amendment.

The CHAIRMAN pro tempore. Does any Member rise in opposition?

Mr. DE LA GARZA. Madam Chairman, I rise in opposition to the amendment.

The CHAIRMAN pro tempore. The gentleman from Texas [Mr. DE LA GARZA] will be recognized for 5 minutes.

The Chair recognizes the gentleman from Texas [Mr. DE LA GARZA].

Mr. DE LA GARZA. Madam Chairman and my colleagues, the scenario presented by our distinguished colleague who immediately preceded me explains the reason why the concern. If there are 7,000-some projects and this goes to the bottom of the line, if it would take 23 years, when the bill already has a limitation of 10 years. So what is the problem? So it seems to me that there is something beyond the legislation, because if there are only $63 million per year appropriated, it may be years before there is a penny appropriated, and maybe never. It will be done by the land exchanges, by donations from California, or other interested groups.

So I think the excellent presentation made by my colleague just before me negates any major concern that we will be appropriating money, unless the Forest Service would negate all of its prior work and put this at the top of the list, which I am sure that all of the other prospective recipients would object to strenuously.

So I do not see any need at all for this amendment because the explanation by the author of the amendment dictates that it is not needed.

Mr. Chairman, I urge a "no" vote.

The CHAIRMAN. All time having expired, the question is on the amendment offered by the gentleman from California [Mr. DOOLITTLE].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. LEWIS of Florida. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. The gentleman demands a recorded vote and makes the point of order that a quorum is not present.

The Chair will count for a quorum.

Mr. LEWIS of Florida. Mr. Chairman, I withdraw my point of order——

The CHAIRMAN. The Chair will count for a quorum for the moment.

Mr. LEWIS of Florida. Mr. Chairman, I withdrew my point of order on a quorum.

The CHAIRMAN. The gentleman withdraws his point of order.

The gentleman requests a recorded vote.

A sufficient number having risen, a recorded vote is ordered.

Mr. DE LA GARZA. Mr. Chairman, I ask unanimous consent that I be allowed to make a motion at this point if it is permissible, or if the gentleman would withdraw his request for a recorded vote.

Mr. LEWIS of Florida. Mr. Chairman, I reserve the right to object, but I will not withdraw my request for a vote.

The CHAIRMAN. Will the gentleman from Texas please state the reason he has risen.

Mr. DE LA GARZA. Mr. Chairman, I would ask unanimous consent to vacate the proceedings up to this point if the gentleman is in agreement. The purpose for doing this is that the author of the legislation feels that he would be agreeable to accepting the amendment.

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Mr. LEWIS of Florida. I have no objection, Mr. Chairman.

The CHAIRMAN. Is there objection to vacating the proceedings by which a recorded vote was ordered and the proceedings by voice vote on the amendment?

Mr. DOOLITTLE. Yes, Mr. Chairman, I object. I would like a recorded vote. I would like the recorded vote because the chairman, the gentleman from Texas [Mr. DE LA GARZA], testified it was a useless amendment. So, let us get the recorded vote.

The CHAIRMAN. Objection is heard. A recorded vote is ordered.

RECORDED VOTE

The vote was taken by electronic device, and there were—ayes 240, noes 188, not voting 11, as follows:

[Roll No. 431]

AYES—240

Ackerman
Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barca
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Browder
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Castle
Chapman
Clement
Clinger
Coble
Collins (GA)
Combest
Condit
Cooper
Coppersmith
Costello
Cox
Cramer
Crane
Crapo
Cunningham
Darden
Deal
DeFazio
DeLay
Derrick
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards (TX)
Ehlers
Emerson
English
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Furse
Gallegly
Gekas
Geren
Gilchrest
Gillmor
Gilman
Glickman
Goodlatte
Goodling
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hefley
Herger
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inslee
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Johnston
Kaptur
Kasich
Kim
King
Kingston
Klein
Klug
Knollenberg
Kolbe
Kyl
Lambert
Lancaster
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lucas
Machtley
Manzullo
McCandless
McCloskey
McCollum
McCrery
McDade

McHugh
McInnis
McKeon
McMillan
Meyers
Mfume
Mica
Michel
Miller (FL)
Minge
Molinari
Montgomery
Moorhead
Morella
Myers
Nussle
Orton
Owens
Oxley
Packard
Paxon
Payne (VA)
Penny
Peterson (FL)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Ramstad
Regula
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Roth
Roukema
Rowland
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shepherd
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Swett
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—188

Abercrombie
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barcia
Barlow
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Bonior
Borski
Boucher
Brewster
Brooks
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Carr
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Coyne
Danner
de la Garza
de Lugo (VI)
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Engel
Eshoo
Evans
Faleomavaega (AS)
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Gejdenson
Gephardt
Gibbons
Gonzalez
Gordon
Gutierrez
Hamburg
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hoyer
Hughes
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Kanjorski
Kennedy
Kennelly
Kildee
Kleczka
Klink
Kopetski
Kreidler
LaFalce
Lantos
LaRocco
Laughlin
Lewis (GA)
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Moran
Murphy
Murtha
Nadler
Neal (MA)
Neal (NC)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Pallone
Parker
Pastor
Payne (NJ)
Pelosi
Peterson (MN)
Rahall
Rangel
Ravenel
Reed
Reynolds
Richardson
Romero-Barcelo (PR)
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Skaggs
Skelton
Slaughter
Smith (IA)
Stark
Stokes
Studds
Swift
Synar
Tejeda
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Underwood (GU)
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—11

Blackwell
Frost
Gallo
Gingrich
Inhofe
Ros-Lehtinen
Rostenkowski
Slattery
Sundquist
Thompson
Washington

☐ 1543

Messrs. BERMAN, KREIDLER, FINGERHUT, MOAKLEY, WATT, BISHOP, and DINGELL changed their vote from "aye" to "no."

Messrs. SAXTON, HOLDEN, TAYLOR of Mississippi, PAYNE of Virginia, MFUME, LEVIN, PETERSON of Florida, LANCASTER, BROWDER, GLICKMAN, JACOBS, RIDGE, POMEROY, Ms. FURSE, and Mr. DEAL changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider amendment No. 7 printed in House Report 103–732.

AMENDMENT OFFERED BY MR. POMBO

Mr. POMBO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

> Amendment offered by Mr. POMBO: Strike section 7 of the bill relating to a forest study by the Secretary of Agriculture.

The CHAIRMAN. Under the rule, the gentleman from California [Mr. POMBO] will be recognized for 5 minutes, and a Member opposed will be recognized for 5 minutes.

The Chair recognizes the gentleman from California [Mr. POMBO].

Mr. POMBO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, section 7 of the bill requires that a study be conducted to look into the possible expansion of this bill from 44,000 acres and adding an additional 13,260 acres.

As I have stated previously in the debate over the bill, I feel that the 44,000 acres that are already included in the bill are unneeded. I do believe that there are arguments over the old growth, the virgin old growth redwood forest and that that is the way the bill should have been brought up to begin with and should not have been expanded to include a 40,000 acres buffer zone around a 4,500 acre old redwood forest.

What this section of the bill attempts to do is add an additional 13,260 acres for possible acquisition under the bill. We currently have—and Members, this is important—we currently have an estimated cost of $1.5 billion on this bill. And what section 7 would authorize is an additional 13,260 acres.

I would like to state that again for those who did not hear. We have 4,500 acres of old redwood forest in the center of this bill at an approximate cost of $500 million.

☐ 1550

We have the further acquisition of another 40,000 acres with an approximate cost of $1 billion. What section 7 of this bill attempts to do is add an additional 13,620 acres, or the possibility of adding 13,620 acres to the bill for acquisition and for study.

Mr. Chairman, I feel that, because of the current fiscal situation that the Federal Government is in, it is totally irresponsible, first of all, to buy the 40,000 acres, but even more so, to expand that by an additional 13,620 acres. I think it is unconscionable to include this provision in this bill at this time for a number of reasons, including the fiscal reasons that I have said.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does the gentleman from California [Mr. HAMBURG] seek recognition in opposition to the amendment?

Mr. HAMBURG. Mr. Chairman, I do.

The CHAIRMAN. The gentleman from California [Mr. HAMBURG] is recognized for 5 minutes in opposition to the amendment.

Mr. HAMBURG. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to stress that in section 7 there is no authorization for acquisition of this land. This is a study area only. In my statement earlier I talked about one of the key importances of this acreage being its importance for the restoration of the salmon fisheries of northern California and the Pacific Northwest. Nearly 8,400 full-time jobs in the region depend on this particular resource; $70 million in annual revenue to the State of California from the salmon fisheries; $150 million from the salmon resource for the Pacific Northwest.

Mr. Chairman, the coho fishery in and of itself, and this is one of the remaining last areas, this Elk River area, for the spawning of coho salmon, has historically generated $60 million a year in revenues.

Mr. Chairman, the drainages which are contained in the 44,000 acres and contained within the study area, Salmon Creek, Elk River, and Yager Creek, contain significant populations of coho salmon, chinook salmon, cutthroat trout, and steelhead, which are of primary importance, not only to the commercial fisheries, but to sport fishery as well.

The drainages within this study area and within the 44,000 acres block of the Headwaters Forest contain the spawning grounds for up to 10 percent of the remaining wild salmon population in the State of California.

Mr. Chairman, during the hearings on this bill, Dr. Peter Moyle, who is a renowned fisheries biologist from the University of California at Davis, discussed the importance of this acreage, of the 44,000 acres, and of the remaining acreage, as a protector for the future health of the spawning populations of coho salmon.

Mr. Chairman, this particular drainage is one of the very few remaining on the west coast which has a genetic pool for coho salmon which has not been contaminated by hatchery fish. There have been no hatcheries built on this river which have in any way compromised the health of this coho population.

Again, Mr. Chairman, what this amendment does is it takes out of the bill the possibility of a study of this area for its overall importance for the coho salmon fishery.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. HAMBURG. I yield to the gentleman from Minnesota.

Mr. VENTO. I rise in opposition to this amendment. Mr. Chairman, we have to operate on a base of information. What this amendment does, it says, "We are not going to study it. We are not going to look at it." That is the entire type of attitude that has gotten us into so many environmental crises.

Mr. Chairman, all that is being asked here is to study these essential 12,000 acres, 13,000 acres, so that the House, so that the Congress, so others can have the basis of that information to make sound decisions. This amendment really should be soundly defeated.

I do not know why it is being offered. Any product that comes out of this has to come back to Congress to be acted on. It has to be appropriated in terms of the major underlying bill. It would have to be authorized or designated in terms of being brought into the forest, if that is the decision.

Mr. Chairman, Members may disagree or agree with that, but Members ought to agree that it ought to be done on the basis of having the information. This amendment says, "We do not want to know. We do not care." That is exactly the type of head-in-the-sand point of view that has delivered the problems to us in terms of the Pacific Northwest. We need to move forward. We need to defeat this amendment and pass this bill.

Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. HAMBURG. Mr. Chairman, I just want to thank my colleague, the gentleman from Minnesota, and urge my colleagues to vote against this amendment. This area should be studied. It is essential to the future of the salmon industry of northern California and the Pacific Northwest. I urge all my colleagues to vote in opposition to this amendment and for the bill.

Mr. VOLKMER. Mr. Chairman, will the gentleman yield?

Mr. HAMBURG. I yield the balance of my time to the gentleman from Missouri, Mr. Chairman.

Mr. VOLKMER. Mr. Chairman, I wish to join with the gentleman from California in alerting the Members to the fact that this amendment really is nothing more than a gutting amendment to the bill. If Members want to vote against the bill, vote against the bill at the end. However, I would recommend that they do not vote for this amendment.

The CHAIRMAN. The gentleman from California [Mr. POMBO] has 2 minutes remaining.

Mr. POMBO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I take offense at the last statement made on the floor that this is a gutting amendment. It is not a gutting amendment. It has nothing to do with the backbone of this bill, which is the acquiring of 4,000 acres. It has to do with the acquisition of an additional 13,620 acres. That is what we are talking about in this bill.

Mr. Chairman, I yield such time as he may consume to the gentleman from Florida [Mr. LEWIS].

Mr. LEWIS of Florida. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I want to point out that the author of the bill was specifically saying that "We shall identify the natural resources in the area," talking about the various fishes. However, we just put a $200,000 cap on this bill, and this study is looking to add this additional 13,000 and some acres to the Six Rivers National Forest.

Mr. Chairman, I want to make sure that the record shows that, that we are looking to put more acreage in, not only looking at the natural resources.

Mr. POMBO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would just, in closing, say that I believe that the Federal Government is too big and it spends too much; and that this bill in its entirety is part of that problem, that ever-growing Federal Government. The addition of 13,620 to the 44,000 acres that are already included in this bill is a mistake. It is a mistake for a number of reasons. The fiscal reasons are just part of that.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from California [Mr. POMBO].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. POMBO. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 170, noes 253, not voting 16, as follows:

[Roll No. 432]

AYES—170

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bilirakis
Bliley
Blute
Boehner
Bonilla
Brewster
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Condit
Cox
Crane
Crapo
Cunningham
Deal
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards (TX)
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Gallegly
Gekas
Geren
Goodlatte
Goodling
Gordon
Goss
Grandy
Gunderson
Hall (TX)
Hancock
Hansen
Hastert
Hayes
Hefley
Herger
Hobson
Hoekstra
Hoke
Holden
Horn
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Johnson, Sam
Kasich
Kim
King
Kingston
Knollenberg
Kolbe
Kyl
Lambert
Laughlin
Lehman
Levy
Lewis (CA)
Lewis (FL)
Lewis (KY)
Lightfoot
Linder
Livingston
Lucas
Machtley
Manzullo
McCandless
McCollum
McCrery
McCurdy
McDade
McHugh
McInnis
McKeon
McMillan
Mica
Michel
Miller (FL)
Molinari
Moorhead
Myers
Nussle
Orton
Oxley
Packard
Paxon
Petri
Pombo
Pomeroy
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Regula
Ridge
Roberts
Rogers
Rohrabacher
Roth
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shuster
Skeen
Smith (MI)
Smith (OR)
Smith (TX)
Solomon
Spence
Stearns
Stenholm
Strickland
Stump
Stupak
Talent
Tanner
Tauzin
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Wolf
Young (AK)
Young (FL)
Zeliff

NOES—253

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Bereuter
Berman
Bevill
Bilbray
Bishop
Boehlert
Bonior
Borski
Boucher
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
de Lugo (VI)
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Durbin
Edwards (CA)
Ehlers
Engel
English
Eshoo
Evans
Faleomavaega (AS)
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Franks (NJ)
Furse
Gejdenson
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Glickman
Gonzalez
Green
Greenwood
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastings
Hefner
Hilliard

Hinchey
Hoagland
Hochbrueckner
Hoyer
Hughes
Hutto
Inslee
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Klug
Kopetski
Kreidler
LaFalce
Lancaster
Lantos
LaRocco
Lazio
Leach
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Mazzoli
McCloskey
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Morella
Murphy
Murtha
Nadler
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Porter
Poshard
Price (NC)
Rahall
Ravenel
Reed
Reynolds
Richardson
Roemer
Romero-Barcelo (PR)
Rose
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shays
Shepherd
Sisisky
Skaggs
Skelton
Slaughter
Smith (IA)
Smith (NJ)
Snowe
Spratt
Stark
Studds
Swett
Swift
Synar
Taylor (MS)
Tejeda
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Underwood (GU)
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Walsh
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates
Zimmer

NOT VOTING—16

Blackwell
Frost
Gallo
Gingrich
Grams
Matsui
Norton (DC)
Pelosi
Rangel
Ros-Lehtinen
Rostenkowski
Slattery
Stokes
Sundquist
Thompson
Washington

□ 1616

The Clerk announced the following pair:

On this vote:

Mr. Grams for, with Mr. Rangel against.

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. NORTON. Mr. Chairman, I rise to indicate that I was unavoidably detained at the Federal District Court here where a new Federal District Court judge was being sworn in while Amendment No. 4, the Pombo amendment, was being voted on. Had I been here, I would have voted "no."

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. McNULTY) having assumed the chair, Mr. LANCASTER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2866) to provide for the sound management and protection of Redwood forest areas in Humboldt County, CA, by adding certain lands and waters to the Six Rivers National Forest and by including a portion of such lands in the national wilderness preservation system, pursuant to House Resolution 536, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. LEWIS of Florida. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 288, noes 133, not voting 13, as follows:

[Roll No. 433]

AYES—288

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Bateman
Becerra
Beilenson
Bereuter
Berman
Bevill
Bilbray
Bishop
Blute
Boehlert
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Ehlers
Engel
English
Eshoo
Evans
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Franks (NJ)
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Glickman
Gonzalez
Gordon
Goss
Grandy
Green
Greenwood
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastert
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Horn
Hoyer
Hughes
Hutto
Inslee
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kingston
Kleczka
Klein
Klink
Klug
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Lazio
Leach
Levin
Lewis (GA)
Lipinski
Long
Lowey
Machtley
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDade
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Morella
Murphy
Murtha
Nadler
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Porter
Poshard
Price (NC)
Rahall
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roemer
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Sharp
Shaw
Shays
Shepherd
Sisisky
Skaggs
Skelton
Slaughter
Smith (IA)
Smith (NJ)
Snowe
Spence
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Tejeda
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Walsh
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates
Young (FL)
Zimmer

NOES—133

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bentley
Bilirakis
Bliley
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Cox
Crane
Crapo
Cunningham
DeLay
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Fowler
Gallegly
Gekas
Goodlatte
Goodling
Grams
Gunderson
Hall (TX)
Hancock
Hansen
Hefley
Herger
Hobson
Hoekstra
Hoke
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Johnson, Sam
Kasich
Kim
King
Knollenberg
Kolbe
Kyl
Laughlin
Lehman
Levy
Lewis (CA)
Lewis (FL)
Lewis (KY)
Lightfoot
Linder
Livingston
Lloyd
Lucas
Manzullo
McCandless
McCollum
McCrery
McHugh
McInnis
McKeon
McMillan
Mica
Michel
Miller (FL)
Molinari
Moorhead
Myers
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pombo
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Roberts
Rogers
Rohrabacher
Roth
Royce
Schaefer
Sensenbrenner
Shuster
Skeen
Smith (MI)
Smith (OR)
Smith (TX)
Solomon
Stearns
Stenholm
Stump
Talent
Taylor (NC)
Thomas (CA)

Thomas (WY)
Upton
Vucanovich
Walker
Wolf
Young (AK)
Zeliff

NOT VOTING—13

Blackwell
Frost
Gallo
Gilman
Gingrich
Rangel
Ros-Lehtinen
Rose
Rostenkowski
Slattery
Sundquist
Thompson
Washington

☐ 1638

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN THE ENGROSSMENT OF H.R. 2866, HEADWATERS FOREST ACT

MR. DE LA GARZA. Mr. Speaker, I ask unanimous consent that, in the engrossment of the bill, H.R. 2866, the Clerk be authorized to correct the table of contents, section numbers, punctuation, citations, and cross references and to make such other technical and conforming changes as may be necessary to reflect to reflect the actions of the House in amending the bill.

The SPEAKER pro tempore (Mr. STUPAK). Is there objection to the request of the gentleman from Texas?

There was no objection.

GENERAL LEAVE

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2866, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

PERMISSION TO FILE SUPPLEMENTAL REPORT TO H.R. 3171, DEPARTMENT OF AGRICULTURE REORGANIZATION ACT OF 1994

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent that the Committee on Agriculture may be permitted to file a supplemental report to the bill (H.R. 3171) to authorize the Secretary of Agriculture to reorganize the Department of Agriculture, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 4539, TREASURY, POSTAL SERVICE AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1995

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103–736) on the resolution (H.Res. 537) waiving points of order against the conference report to accompany the bill (H.R. 4539) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1995, and for other purposes, which was referred to the House Calendar and ordered to be printed.

VACATING OF SPECIAL ORDER

Mrs. BENTLEY. Mr. Speaker, I ask unanimous consent to vacate the 5-minute special order for today granted to the gentleman from Indiana [Mr. BURTON].

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

MINORITY WHIP BLACKMAILING PRESIDENT

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEFAZIO. Mr. Speaker, today, page A21, Washington Post, "Clinton Warned on Trade Measure." "House Minority Whip Gingrich said he told Clinton, you have a chance to get GATT, you have no chance to get health care, you need to choose what you want to get done."

So now we have lowered ourselves, or the minority, to blackmailing the President of the United States and saying if you go forward with health care, we will kill GATT.

Now, either you think GATT is good, or you do not. I do not. I think it is a big loser for the American economy, for working people in America, and for American sovereignty, and I am against it. And I think we need to improve the system of health care in this country. But it is pretty hard for me to see how the minority whip can say, "I am going to kill GATT if you try and do something on health care."

Now, either he believes in GATT, or he does not. One or the other. Or is he using it to blackmail the President of the United States for his own gain?

Mr. Speaker, the Washington Post article is included for the RECORD.

[From the Washington Post, Sept. 21, 1994]

CLINTON WARNED ON TRADE MEASURE

(By Dana Priest)

Republican House and Senate leaders told President Clinton yesterday that trying to pass a last-minute health care bill would create what one called "a partisan reaction" in Congress and kill Republican support for the General Agreement on Tariffs and Trade (GATT) legislation.

"I suggested strongly they could not pass a health bill in the House, but [they] have the opportunity to pass GATT. If they pursued health care much longer, they would kill both," House Minority Whip Newt Gingrich (R-Ga.) said he told Clinton at a White House meeting with congressional leaders.

The Gingrich remarks came as 45 groups and other prominent supporters of comprehensive health care reform asked Senate Majority Leader George J. Mitchell (D-Maine) to abandon efforts to pass a modest reform bill this year because it "represents a step backwards for our members."

Mitchell said he would begin polling members to "evaluate the impact" of the Republican statements and the letter on any bill's prospects. "They make an already difficult task even more difficult," Mitchell said.

But even the authors of the modest bill being written by a "mainstream" bipartisan Senate group says it has virtually no chance of passing the Senate and House before this session's scheduled mid-October adjournment.

Rep. John D. Dingell (D-Mich.), chairman of the House Energy and Commerce Committee, wrote to Clinton urging him to "give health care a decent burial. . . . It is time for us to accept the fact that the health insurance industry, an assortment of small and large freeloaders, ideologues and their allies in the Congress have succeeded in their goal: preserving a status quo in which they prosper while millions of Americans suffer."

The 45 groups that signed the letter to Mitchell said "it would be a grave mistake to bow to last minute pressure to pass any 'mainstream' health care legislation that is both unworkable and destined to cause real harm to millions of Americans."

The letter was signed by several unions, consumer groups, medical associations, senior citizen and church organizations including Citizen Action, Consumer Unions, the American Association of Retired Persons and the Unitarian Universalist Association.

At the White House meeting with leaders of both parties, Gingrich said, he told Clinton, "You have a chance to get GATT, you have no chance to get health care, you need to choose what you want to get done." Trying to pass health care "would create a partisan reaction" in the House that would spill over to GATT, he said.

Asked whether his party would consider supporting even a modest health bill, Gingrich responded: "They are not going to get [Republican] cooperation. We don't want to participate in writing a 1,100-page bill at the last minute."

House Majority Whip David E. Bonior (D-Mich.), who has supported the administration's push for comprehensive health care reform and also attended the White House meeting, said Gingrich and Senate Minority Leader Robert J. Dole (R-Kan.) told Clinton, "That's the choice you have, health care or this GATT agreement. . . . I was taken aback by the fact they were so blatant about it."

Bonior said Vice President Gore then "expressed the need to do GATT, why it was so important." Gore, he added, "spoke in defense of GATT, as opposed to health care."

Mitchell, who took himself out of contention for the Supreme Court to help Clinton pass an insurance-for-all health care bill, has been trying to reach agreement with the mainstream group on a package of insurance market reforms and insurance subsidies for low-income people.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

DAY THREE OF THE UNITED STATES OCCUPATION OF HAITI

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. GOSS] is recognized for 5 minutes.

Mr. GOSS. Mr. Speaker, September 21, 1994, day three of the United States occupation of Haiti. With each day that passes it is becoming clearer that the administration does not know quite what to do with the country they have occupied and none of the parties involved know what to do with the agreement that was signed on their behalf by Emile Jonassaint and Jimmy Carter on Sunday. Aristide will not publicly support the agreement because the military leadership does not have to physically leave Haiti. The Haitian military leaders will not leave their country period and have said they won't step down unless the Parliament passes an amnesty law. The Parliament hopes to pass an amnesty law but fears that they cannot get it past the Aristide supporters in the Haitian Senate. Haitians are beginning to wonder if the agreement meant anything at all because the United States has not acted to lift the embargo and sanctions, ostensibly because of the United Nations position. While all of the involved parties go about the business of trying to figure out what it all means to them, American soldiers are still on the ground in Haiti with no orders to intervene in Haitian-to-Haitian unrest, no mission objective and no idea of when they will be allowed to go home.

Someone down at the White House better start thinking about the question so many of us asked over the last few months before events move too far to capitalize on the agreement made this past Sunday:

How do you move from intervention in Haiti to democracy in Haiti?

This noon I had a phone conversation with several members of the Haitian Chamber of Deputies in Haiti that I believe offers some hope for the future of Haiti. There is a group of 48 members in the Chamber of Deputies who months ago issued an invitation to both the House and the Senate to exchange delegations for discussion about a peaceful resolution to the situation in Haiti. They are still there and are still hard at work trying to right what's wrong with their country. If I were to offer any advice for the White House, I would say: Start talking to these people now. The parliamentarians are on the right track and have begun drawing together different segments of Haitians society—members of the Haitian Parliament, the churches and the business sector to build what they call the "the grand national consensus." Their aim is to balance the factions in Haiti concentrating on the center rather than on the two extremes of the military junta and the Aristide camp. Their efforts are based on the assumption that if there is to be any lasting change in Haiti, no one faction can have it all their own way. As Lawrence Pezzullo, former special adviser on Haiti, wrote today in a column in the New York Times:

> The Haitian constitution of 1987, which balances executive power with parliament's—essential in a country with a long history of abusive strongment—requires that the President build a working majority in the legislature. It was precisely father Aristide's estrangement from the elected Parliament, coupled with his chilly relationship with business leaders and the military that led to his overthrow in 1991 without a broader governing coalition and an operating majority in the Parliament, Father Aristide could face a repetition of the conflict that turned violent in 1991.

Only this time, American soldiers will be right in the thick of it. While American policy has tended to deal purely with the good guy-bad guy, Aristide-Cedras comparison, the time has come to examine what lies between these two extremes—a group of Haitians who simply want to bring long-term peace and prosperity to their beleaguered nation and are asking for our help in doing so.

As we have long said, there is a better way than the Clinton administration's policy in Haiti, and it is long overdue, but it is not too late to pursue it. We need to stop the embargo, as we have now promised we will do. We need to bring home the troops that are down there in an extra-hazardous situation for no apparent gain, or certainly for no justification, of the national security of our country. And we need to follow up on the gains that former President Carter, General Powell, and Senator NUNN meant by opening the door with negotiations.

When the President of the United States told the people of the United States last Thursday night that all efforts, all options, all possibilities, had been exhausted, that the only chance was invasion, he was clearly wrong. It is now time to admit it and get on with the negotiating with the people in an atmosphere that has been fighting us to do that. It is the right way. It is not too late yet, but we need to do it now.

□ 1650

ASK CONGRESSMAN LONG

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 5 minutes.

Mrs. BENTLEY. Mr. Speaker, it is with sadness that I report to this body the death of my predecessor in the Maryland's 2d Congressional District seat, former Congressman Clarence Long. For 22 years, he served the people of Maryland's second district with respect and with dignity. When I ran for Doc Long's seat, my first promise was to continue the remarkable record of constituent service he had established.

This was not an easy task. After all, this was the man with the slogan, "If anything goes wrong, call Congressman Long."

This was the man who promised to "See anybody who is sober and not carrying a gun twice a day, at 11:45 a.m. or 4:45 p.m." And Congressman Long's office on wheels was a familiar sight in the district on Saturdays.

Even though I have held this seat for 10 years, my Towson office to this day receives an occasional call from constituents who remind us that Congressman Long helped them with a Social Security problem, or fixed a pothole on their street.

One of my more colorful encounters with a Doc Long constituent occurred during a phone call from a gentleman who insisted that my office track down the name of a company in Wyoming that sold buffalo jerky—beef jerky just wouldn't do—after all he said, when he was hunting for special radishes, he called Congressman Long, and the Congressman not only ordered the radishes for him, but even came over to his house to help him plant them when they came in. With the help from the Wyoming Congressman, we found the man's buffalo jerky. However, I did not offer to hunt the buffalo.

Congressman Long was a veteran of World War II, serving as a Lieutenant in the Navy. It was at the end of his service that he and his wife, Susanna, moved to Baltimore.

Clarence Long was an economics professor at Johns Hopkins University when he first won his seat in the House of Representatives in 1962. It was his Ph.D. that earned him the nickname of Doc Long.

Congressman Long rose to the chairmanship of the Foreign Appropriations Subcommittee of the House Appropriations Committee. He was proud of his stance against the Vietnam War and against committing American troops to El Salvador.

He was a man who had a reputation of voting his conscience. Questioned by one of his colleagues about whether or not a certain vote may hurt him politically, Congressman Long replied, "If you can't do what you believe in, you don't belong in Congress."

As one of my fellow Members of the Maryland delegation has commented, Doc Long, "came riding into politics as a white knight riding on his Ph.D., challenging the machine." He rarely suffered from any delusions of grandeur.

When asked about the stardom that accompanies the office, Clarence Long said:

> Take a watch in one hand and dip the other in water. Withdraw your hand from the water and count the number of seconds until the place it occupied disappears. That's how long you will be missed after you leave public office.

Clarence Long underestimated his service.

Congressman Long will be remembered by those he represented and I am proud to have succeeded him.

My promise to my constituents in Maryland's second district is that their next congressman will have the foundation to continue the excellent constituent service that 32 years of a Long-Bentley tradition has provided.

The family will receive visitors at 6 p.m. Thursday at the Towson Presbyterian Church with a memorial service following at 7 p.m.

PLO-ISRAEL PEACE ACCORD: ONE YEAR LATER

The SPEAKER pro tempore (Mr. STUPAK). Under the Speaker's announced policy of February 11 and June 10, 1994, the gentleman from California [Mr. BERMAN] will be recognized for 60 minutes as the designee of the majority leader.

Mr. BERMAN. Mr. Speaker, I rise today to commemorate the first anniversary of the signing of the Israel-PLO Peace Accord last September 13 on the White House lawn.

This has been a dramatic, difficult, but on the whole, very positive year. The peace process between Israel and her Arab neighbors, especially Palestinians, has become institutionalized in a way that I believe is all but irreversible. There has been an historic sea change in the way in which the two peoples regard each other and the nature of the conflict.

I also want to point out that this has been an equally dramatic and historic year for the diaspora communities—Jewish and Arab—who have worked together to demonstrate and build support for the peace process.

Organizations such as the American Israel Public Affairs Committee, Americans for Peace Now, the National Association of Arab Americans, and the American Muslim Public Affairs Council are ensuring that the constituency for peace and reconciliation strengthens and grows. At the same time, new organizations—like Builders for Peace—are working to ensure that peace becomes a reality and provides tangible benefits on the ground.

It is truly remarkable to see how quickly that which would have been inconceivable less than 2 years ago has become simply routine.

Two years ago, peace and integration into the Middle East seemed a distant dream for most Israelis. Now, Israelis and Arabs meet all the time, formally and informally, in the region and around the world.

Two years ago it was a crime for any Israeli to meet the PLO officials. Now Israeli Ministers' meetings with Chairman Arafat rate one paragraph articles on page seven of Israeli newspapers.

Two years ago the notion of Israeli officials landing in official Israeli aircraft in Arab States would have seemed unthinkable; today, Israeli officials travel publicly to Arab States, and no one blinks.

What have we accomplished on the ground in 1 short year?

Israelis and Palestinians have implemented the autonomy agreement in Jericho and Gaza.

A Palestinian authority has been established, a police force trained and put into operation.

Early empowerment has been accomplished for a number of issues in areas outside the autonomous zones.

Methods to assure transparency and accountability in international donations to be given to the Palestinian authority are almost finalized, paving the way for the flow of assistance to begin in earnest.

On the wider peace front, Jordan and Israel have officially ended the state of war between them. Jordanian aircraft now fly over Israeli airspace, the two countries have opened up border crossing points for the free flow of third country tourism, and a final peace treaty is thought to be only months away from completion.

Israel, the Palestinians, and a dozen Arab States meet routinely—and do so in the region—on such regional issues as security and arms control and the environment, adopting joint measures and common regional approaches.

While progress has been slower on the Syrian-Lebanese tracks, even here at least the sides are on the same negotiating field, and the contours of a settlement are taking shape.

In short, for both Israelis and the Palestinians, life in the region is becoming normalized. Perhaps, most encouraging, even though international assistance has flowed more slowly than we might have wished, Palestinians on the ground have not yet lost their sense of optimism and belief in the process.

Arabs and Israelis increasingly regard each other as neighbors and not as adversaries. This accomplishment cannot be overstated; it is of fundamental and overriding importance and underlies both the tremendous progress that has been made already and the optimism we share that the remaining problems are not beyond the scope of settlement.

We should not shy away from the fact that there are some key problems that will require great skill to resolve. These include the willingness and ability of the Palestinian Authority to implement and operate a tax collection system, including property taxes.

At the same time, particularly in Gaza, there is up to 50 percent unemployment, aggravated by the inability of Palestinians to work, in large numbers, in the Gulf States and Israel.

There is still a major problem with the consolidation of democracy, press freedom, and the rule of law. Ultimately, it is for the Palestinians to resolve the tensions that exist between certain elements of the previously Tunis-based PLO leadership and those Palestinians who reside in the territories and who are perhaps more familiar with Israeli style pluralism and democracy. A key goal of U.S. assistance is to assist those many grassroots, civic, human rights, and political organizations working to create an accountable democracy.

I am particularly disturbed by recent curbs on press freedom. Last month Chairman Arafat banned the Al-Nahar newspaper because of his objections to its coverage of the Jordan-Israel pact. The paper was allowed to resume publication only after the publisher agreed to commit himself to the national line and Arafat's media spokesman issued an edict saying the press "should not be against the interests and security of the Palestinian people."

Underlying all of this is the urgent need to develop a constitutional and uniform legal code for the Palestinian Authority. Currently, law enforcement is conducted through a hodgepodge of British mandate, Ottoman, Egyptian, Jordanian, and Israeli military law and regulation. Resolving this problem is particularly important as we meet requests to fund and strengthen the police forces. Investors, too, require an enforceable system of civil and commercial law in order to conduct business transactions.

These, of course, are short-term problems that need immediate attention. Ahead lie the final status issues concerning Jerusalem and the ultimate resolution of Palestinian political identity. Both sides, of course, will be influenced in determining their attitudes to these questions by the actions of the other and the willingness of both to keep to the letter and spirit of their agreements.

I am particularly proud of the role the United States is playing in making the peace process work. We have provided both the essential political and substantive support necessary to permit the progress that has been made so far and to sustain the process over the longer term. On the ground, U.S. funds are already being used to build hundreds of new housing units, conduct health programs, provide small business support, and fund a whole range of private voluntary organizations.

And here at home, Americans of diverse backgrounds, whose previous relations have mirrored the conflict in the Middle East, now join in common cause to support and promote peace.

Mr. Speaker, I am pleased that so many of our colleagues are joining with us today to commemorate this truly historic event. Let us renew our commitment to work to ensure the success of all that has been achieved this year and signal American readiness to play a constructive and positive role in the pursuit of a comprehensive, secure, and just peace agreement between Israel and all her neighbors.

Mr. WHEAT. Mr. Speaker, I rise to join my colleagues in recognizing the historic accords—the Declaration of Principles [DoP]—signed one year ago by Israel and the Palestine Liberation Organization [PLO].

All of us remember that promising September afternoon on the White House lawn as the groundwork for peace was laid. In an image that many of us believed we would never see, a message of hope for lasting peace in the Middle East was broadcast around the globe.

Over the course of the last year, additional agreements have been reached building upon the framework of the DoP, troops have been withdrawn from the Gaza Strip and Jericho, the Palestinian Authority has been established, and Jordan has finally ended its state of war with Israel and moved down the path of peace.

Much has been achieved in the last year, but much more remains to be done.

Terrorism in the region continues. Israel and Syria have not yet made peace.

And the Arab League boycott continues in defiance of all the progress that has been made. We must continually remind those seeking to make peace with Israel that public talk of partnership and dialogu has a hollow ring as long as those same nations maintain the Arab Boycott.

The boycott remains an affront to the peace process and it must end. And I will continue to work with my colleagues toward that goal.

Mr. Speaker, as we enter the second year of the DoP, it is imperative that the United States remain vigilant in the cause of peace.

We must maintain our role as a facilitator, not an imposer, of peace. Peace, after all, cannot be dictated from the outside, it can only come from the parties themselves. We must also maintain our support to those truly committed to peace.

Mr. Speaker, I represent the congressional district of Harry Truman. It was President Truman who recognized the State of Israel moments after it was established. Since that time, the United States has not wavered in its commitment to the peace and security of the State of Israel.

Israel is our strategic partner in one of the world's most unstable and turbulent regions. And it is our ally in democracy.

As we work with the people of the region to help move the Middle East peace process forward, we must also continue to preserve the United States-Israel alliance and ensure the security of Israel.

A lasting peace in the Middle East is clearly in American strategic and economic interests. As we build upon the foundation laid last year, I will continue to support efforts toward that long-sought goal.

Mr. ACKERMAN. Mr. Speaker, I rise today to honor the 1-year anniversary of the historic signing of the Declarations of Principles by Israel and the Palestinian Liberation Organization.

Based on the Declaration, and despite problems, the Israeli-Palestinian peace has flourished over the past year. Israel and the Palestinians have signed an agreement that has given the Palestinians self-rule in the Gaza Strip and Jericho. Many aspects of daily governance in the West Bank and Gaza have been, or are in the process of being transferred to the Palestinians.

More than just facilitating the peace between Israel and the Palestinians, the Declaration of Principles has led to the normalization of relations between Israel and Jordan. A 46-year-old Jordanian declaration of war on the Israeli State has now assumed its rightful place in the history books. Joint projects between Israel and Jordan are underway—hopefully signalling the beginning of peaceful, neighborly relations.

Mr. Speaker, certainly all is not settled in the Mid-East. The Palestinian authorities have not adequately controlled terrorism. Israel and Syria have not yet reached a peace agreement. The Arab League boycott on Israel is still in place—violating universal principles of free trade. The boycott harms the Israeli economy as well as the fledgling Palestinian economy. Mr. Speaker, all that having been said, I urge all my colleagues to join me as I honor the anniversary of the historic declaration that has changed the course of history in the Middle East forever.

Mr. LANTOS. Mr. Speaker, let me first of all commend my distinguished colleague from my home State of California, Mr. BERMAN, for calling this special order. Congressman BERMAN is one of the finest, most energetic and intelligent Members of the Congress, and his leadership in marking this important anniversary is only one of the examples of his enlightened and far-sighted leadership.

I wish to commend the State of Israel and Prime Minister Rabin and Foreign Minister Peres and the moderate leadership of the Palestine Liberation Organization for the great strides toward peace made in the year since their courageous signing of the Declaration of Principles here in Washington last September. In the past year, the world has witnessed massive fissures in the once solid wall of hatred and mistrust between Arabs and Israelis. Israel and the PLO have reached additional agreements based on the Declaration of Principles, Jordan declared an end to its 46-year state of war with Israel, and the Jewish State has achieved unprecedented levels of international recognition.

Nevertheless, neither the parties to peace nor their friends and allies can rest while several difficult obstacles remain. Chief among the obstacles to peace has been the failure of the Palestinian Authority to halt terror attacks against Israelis by extremist Palestinians within the self-rule areas of Gaza and Jericho. We must call upon Chairman Arafat to carry through on his express promise to stop the terrorism in exchange for further progress in the peace process.

We must stand firm on the principle of a united Jerusalem. Although the Declaration of Principles specifically leaves discussion of the final status of Jerusalem for negotiations to begin in 1996, recent actions by the PLO in Jerusalem have threatened to undermine the delicate formula for negotiations set forth in that document. We must oppose any actions which threaten the peace process or undermine Israel's sovereignty over Jerusalem.

Finally, we must press for an end to the Arab League boycott of Israel. This most tangible and offensive symbol of war has no place in the new environment of peace and negotiation. The boycott, in its secondary and tertiary forms, causes significant hardship to United States and international companies that wish to do business with Israel. This is not only a clear violation of principles of free trade, but it is also unjustified and mean-spirited. I call upon my colleagues to reaffirm the Congress' disgust for this policy and call for its end during the opening of the 49th session of the U.N. General Assembly.

Mr. Speaker, the benefits of peace are too great to be listed. Even the most obvious gains in socio-economic development for Arabs and Israelis promised by peace pale in comparison to the opportunity for children to grow up free of the ever-present danger of terrorism and war. The PLO, Jordan, and Israel all deserve our praise for the great leaps forward taken this past year. We should temper our praise, however, with caution. The PLO must still prove that it can control the extremists in its midst and we must still wait for other hostile states to join the process and make the peace a comprehensive one.

Mr. TAYLOR of North Carolina. Mr. Speaker, I rise to honor the first anniversary of the signing of a Declaration of Principles for the conclusion of the Israeli-Palestinian conflict between Israeli Prime Minister Yitzhak Rabin and Chairman Yasser Arafat of the Palestine Liberation Organization. Since that historic event we have seen a slow growth in structures of stability and peace in the Middle East.

Israel has been recognized by 20 nations and Israeli emissaries have journeyed to such previously forbidden places as Morocco, Tunisia, Oman, and Qatar. Since the signing of the Gaza-Jericho agreement on May 4, 1994, Israeli security forces have departed the Gaza Strip and Jericho and their place has been taken by Palestinian security forces. Relations with Jordan have dramatically improved as the two nations in July 1994 agreed to end their 46-year state of war, an event marked by a joint address to this House by Prime Minister Rabin and King Hussein. Syria has become increasingly isolated and as a result is now seeking, in a more serious way, discussions on resolving its disputes with Israel, particularly the question of the Golan Heights.

A number of problems remain. Palestinian authorities have not always prosecuted individuals accused of terrorist acts with sufficient vigor and have shown an unwillingness to take strong actions against Hamas, which totally rejects the peace process. Syria, despite its weakened influence, has succeeded in holding together the Arab boycott against Israel. Iraq, Iran, and Sudan continue to do all they can to disrupt the peace process. However, among the nations in the vicinity of Israel, there is a new interest in making progress in resolving old conflicts.

In the coming year I hope we can improve the security situation in the areas turned over to Palestinian control. Prime Minister Rabin recently proposed a partial pullback of Israeli forces on the Golan Heights and I hope Syria will respond in a constructive fashion. The end of the cold war has removed from the scene the superpower sponsor of those in the Arab world who wish to remain intransigent. With this disruptive force removed from the scene it has been possible to make progress which was unthinkable before. I am hopeful that progress toward a stable structure of peace in the Middle East will continue to be made in the coming year.

Mr. SWETT. Mr. Speaker, just over 1 year ago, PLO Chairman Yasser Arafat sent a letter to Israeli Prime Minister Yitzhak Rabin stating that the PLO recognizes the right of Israel to exist in peace and security. Chairman Arafat vowed that the PLO would renounce the use of terrorism and would work with Israel toward a peaceful resolution of conflicts.

This historic PLO recognition of the State of Israel led to the emotional ceremony on the White House lawn when Chairman Arafat and Prime Minister Rabin joined together to sign the Israel-PLO Declaration of Principles. In taking this courageous step, Rabin and Arafat brought hope to the troubled Middle East region. In the months that have followed, Jordan has declared an end to its 46-year state of war with Israel and Syria has entered into broad negotiations with Israel.

As Americans, we have a tremendous national interest in stability in the Middle East. It is my hope that a sustainable environment of peace and economic cooperation in this region rule out the future necessity for U.S. military action in the Middle East, like that our Nation undertook in the gulf war.

The United States must continue to emphasize in words and action our unshakable commitment to the one true democracy in the Middle East—the State of Israel. Over the years, Israel has proven to be a constant and valuable ally. This nation, which was founded almost half a century ago, has maintained essential democratic freedom for its people and has sought economic opportunity for all its citizens.

It is gratifying, indeed, to see Arab States ending decades of hostility against Israel. Peace should bring greater economic cooperation between Arab States and Israel, which should, in turn, bring a better quality of life to the people of these Arab nations.

In order to promote lasting peace in the Middle East, nations must be held accountable for the agreements they sign. I have considerable concern about the PLO's failure over the last year to adequately comply with its pledge to combat terrorism, investigate terrorist incidents, and prosecute those who carry out these acts. Terrorism in the Middle East and around the world is a threat to all Americans. The United States should join with other democratic nations to see that those who commit acts of terrorism are identified and prosecuted.

Mr. Speaker, the United States must also work to end the Arab League economic boycott of Israel that continues to be used as a tool of economic warfare. The related secondary and tertiary boycotts, which act as a barrier to United States exports, have substantially hurt American companies that do business with Israel. A continued boycott undermines peace efforts and contradicts the principle of free trade. Ultimately, the boycott threatens to hurt the citizens of Arab nations who so desperately need expanded economic opportunity.

The United States should withhold most favored nation trade status from those countries that participate or cooperate in the Arab League economic boycott of Israel. True peace in the Middle East can only be established and endure if there is economic cooperation in the region.

The United States can promote sustained peace and economic vitality in the Middle East by supporting those nations that do move forward in the peace process. I, along with many of my colleagues, have urged President Clinton to expand the United States-Israel Free Trade Area Agreement to include countries that reach comprehensive peace agreements with Israel.

Furthermore, the United States must stand by Israel in asserting that Jerusalem is the capital of the State of Israel and of the State of Israel only.

In closing, Mr. Speaker, I urge my colleagues to remember this first anniversary of the PLO-Israel accord. I strongly support the United States' role in fostering peace in the Middle East, and I applaud those leaders who have taken bold steps to accomplish peace in this region.

Mr. GILMAN. Mr. Speaker, I want to take this opportunity to thank Representative BERMAN for arranging today's special order, so that Members may acknowledge the anniversary of the signing of the Declaration of Principles between Israel and the Palestine Liberation Organization. Much has happened since that historic document was signed 1 year ago, and much remains to be agreed to before one can say that peace has been firmly implanted in the region. Despite the difficulties, Israel is to be commended for its perseverance and the many risks it has taken in an effort to achieve peace in the Middle East.

Since the initiation of the Middle East Peace Talks at the Madrid Conference in October 1991, more than 54 countries have established or renewed diplomatic relations with the State of Israel. Of those, 20 have done so since the signing of the Declaration of Principles, most recently, Ghana. Israel now maintains diplomatic relations with 146 countries.

The signing and implementation of the Declaration of Principles also set the stage for an end to the state of war between Israel and the Hashemite Kingdom of Jordan, culminating in the watershed Washington Declaration, which brought both Prime Minister Rabin and King Hussein to this very Chamber. Their heartfelt words were most convincing, and an indicator of the peaceful future bilateral cooperation we all envision. The swift opening of a border crossing station is just the beginning of what we believe will be a most mutually beneficial bilateral relationship.

Yet the Palestinian/Israel track of the peace process is still cause for much concern and consternation. Since the signing of the Declaration of Principles, over 60 innocent Israelis have died at the hands of Palestinian terrorists. The Palestinian police were to investigate terror incidents, combat terrorism, and prosecute terrorists, but to date, that commitment appears to be rather hollow. Illegal weapons remain in the hands of unauthorized individuals throughout the autonomous areas, yet the Palestinian police force has not confiscated them.

PLO Chairman Yasir Arafat committed himself to a great deal a year ago. Regrettably, he has not lived up to most of his commitments. The PLO charter remains in tact, replete with its vitriolic attacks against Israel. Arafat also verbally dedicated himself to a "jihad to liberate Jerusalem". The result is an effort by the Palestinians to expand their sphere of influence in Jerusalem, Israel's eternal capital. Such belligerence does not advance the peace process, and only serves to endanger it.

Mr. Speaker, 1 year ago we were witnesses to a bizarre, yet historic event. One year later I wish to once again commend Prime Minister Rabin and the people of Israel for their courage in the face of adversity, and for their ongoing dedication to peaceful coexistence.

Mr. PALLONE. Mr. Speaker, I would like to join my colleagues in paying tribute to the historic peace accord that was signed by Israel and the PLO 1 year ago today.

Before that day, few people dared to hope that we would celebrate a peace agreement between Israel and the PLO. The image of PLO leader Yassir Arafat shaking hands with the Israeli Prime Minister was one few thought that they would ever see. Since that day, we have been given a reason to believe that a real, lasting peace in the Middle East can be achieved.

During the first year of this new era, the steps toward peace have been significant, but have not come easily. We have witnessed the beginning of Palestinian self-rule in Gaza. Yet, implementing the details of the accord has proven to be a task that requires tremendous patience. We have seen the momentum for peace bring an end to the 46-year state of war between Israel and Jordan. Yet, terrorists greeted this occasion with acts of violence against innocent people on three continents. This year has brought new hope for Israeli-Syrian peace. Yet, progress has been slow and we still do not have an agreement.

In spite of the difficulties that we have seen this year, we have been assured that the course we are on toward peace is certain and sure. The acts of terrorism and tragic killings that have plagued the process have not curbed the resolve of those who want peace. We will see that those who oppose peace will not be able to frustrate the process.

There is much that we can do here to encourage the peace process. We must continue to provide aid to Israel and ensure its security as the process continues. We must continue to condemn terrorism and ensure that no nation gives support to terrorists who seek a return to the days before peace. We must continue to work toward bringing an end to the Arab boycott and help Israel and its neighbors to become economic partners as well as partners in peace.

On the second anniversary of the peace accord I hope to come before this body and talk with pride about a smooth transition on the Palestinian tract, a peace agreement with Syria, and an end to terrorism in the region. I am committed to United States support of the peace process and will continue to help Israel and its neighbors achieve peace.

Mr. WAXMAN. Mr. Speaker, 1 year ago last week, Israeli Prime Minister Yitzhak Rabin and PLO Chairman Yasser Arafat signed the historic Declaration of Principles [DOP] on the White House lawn, thereby creating the foundation for peace in the Middle East. Since that time, the PLO and Israel have moved forward in their peace negotiations, and Jordan has become the second Middle Eastern country to end its state of war with Israel and move towards a peace agreement.

I want to praise President Clinton, Israeli Prime Minister Yitzhak Rabin, and Foreign Minister Shimon Peres for their visionary efforts to extend the PLO-Israeli agreement to other countries in the Middle East. We have made real progress, but only when all countries in the Middle East end their economic and political boycott of Israel, will the Middle East see a real, comprehensive peace.

Mr. Speaker, I hope 1 year from now we will have reached that real, comprehensive peace, and I again commend all who have brought us so far, so quickly.

Ms. MARGOLIES-MEZVINSKY. Mr. Speaker, while the country's and the media's attention remains focused on the United States' Military presence in the Caribbean, I would like to take a moment to remind the Nation that this week marks the 1-year anniversary of the signing of the Declaration of Principles. This contract between the PLO and Israel promises a new era of hope in the Middle East. Since last September, we have witnessed momentous progress, yet we recognize the long road ahead. As we embark on a second year of negotiations, it is imperative that both parties maintain their commitment to peace in compliance with the Declaration of Principles.

Since the September signing, Israel has withdrawn from the Gaza Strip and Jericho in accordance with the spirit of the Declaration of Principles. The Israeli Government and Palestinian Authority are moving towards the transfer of power throughout the West Bank. This unparalleled cooperation between former enemies provided the impetus for a long-awaited peace between Israel and Jordan.

The transition from hope to reality must be closely watched and guided as fundamental problems continue to threaten the negotiations. The Palestinian Authority has not done enough to stop terrorist factions like Hamas in the self-rule areas. Furthermore, the Arab League continues to boycott Israel and the companies that do business with her, serving as one of the last vestiges of the age of conflict in the region.

As negotiations proceed, it is paramount that we maintain our commitment to a united Jerusalem as the eternal capital of Israel. Any premature Palestinian discussion on the ultimate status of Jerusalem, as evidenced in Arafat's recent call for a "jihad to liberate Jerusalem," will not be tolerated.

My blessings and best wishes go out to those who helped make the signing of the Declaration of Principles 1 year ago a reality. I also commend the continued discourse between the Palestinian and Israeli people which seeks to fortify the road to peace. The anniversary of this milestone appropriately falls at the time of the Jewish New Year. As we embark on the Jewish year 5755, I look forward to a year filled with unprecedented progress leading us to our ultimate goal of peaceful coexistence.

Mr. BORSKI. Mr. Speaker, I rise today to commemorate the 1 year anniversary of the Declaration of Principles between Israel and the Palestinian Liberation Organization [PLO].

As you know, Mr. Speaker, on September 13, 1993, Israeli Prime Minister Yitzhak Rabin and PLO Chairman Yasser Arafat made history when they shook hands on the White House lawn and signed the Declaration of Principles. This dramatic day opened a new era of courage and cooperation in the Middle East.

One year later, Israel and the PLO have worked successfully to implement the Declaration of Principles, despite repeated attempts by extremists to derail the peace process. However, many challenges lie ahead between Israel and the PLO, and between Israel and her Arab neighbors. For this reason, it is more important than ever that the United States demonstrate its support for the peace process and those who are taking the risks to make it succeed.

A great deal has happened since that historic handshake last year. On May 4, Israel and the PLO signed a detailed agreement on self-rule in the Gaza Strip and Jericho. On May 18, Israel completed its withdrawal from the two areas. Soon after, the Palestinian police force assumed responsibility for these areas and a new Palestinian Authority was established to administer Palestinian self-government. On August 29, both parties agreed to transfer to the Palestinians the administration of education, tourism, taxation, health, and culture and social welfare in the rest of the West Bank.

In addition, on July 25, Prime Minister Rabin and Jordan's King Hussein signed the Washington Declaration to end Jordan's state of war with Israel and begin the normalization of relations between the two countries. Both countries also agreed to open borders, establish telephone links, and cooperate on crime prevention.

Despite the success and dramatic pace of peace implementation, there have been some setbacks. The PLO has fallen short on its pledge to combat terrorism in the self-rule areas and to investigate and prosecute those suspected of terrorist acts. Chairman Arafat has also made statements claiming PLO sovereignty over Jerusalem—even though he agreed in the Declaration of Principles that its status would not be discussed until 1996. Without the PLO's compliance to prevent the derailment of the peace process, the implementation of these agreements will be significantly difficult to achieve.

Mr. Speaker, some have suggested that peace has been achieved in the Middle East, and that our foreign aid to Israel is therefore no longer needed to maintain security and stability in the region. I believe that now more than ever our foreign aid—and our support for those who seek peace—is critical to keep the peace process moving forward. The Declaration of Principles represents a first step toward lasting peace. But the road ahead will be long and difficult.

While we have many challenges ahead, we must not lose sight of what has been done to achieve the historic breakthrough of September 13, 1993. Few believed we would ever reach this stage in the Middle East. I hope and believe the same breakthrough will be achieved between Israel and her Arab neighbors.

Mr. ZIMMER. Mr. Speaker, I want to thank my colleague, Mr. BERMAN, for arranging this special order today.

The signing of the Declaration of Principles on September 13, 1993, by Israel and the Palestine Liberation Organization was a historic occasion in Israeli-Palestinian relations and in the long quest for peace in the Middle East.

Since that signing, significant developments have occurred. On May 4, Israel and the PLO signed an agreement detailing Palestinian self-rule in the Gaza Strip and Jericho. On May 18, Israel completed its withdrawal from those areas and the Palestinian police force assumed responsibility for guaranteeing internal security and controlling terrorism there. Yasir Arafat then moved to Gaza and established the Palestinian Authority, the civil entity charged with Palestinian self-government. And on August 29, Israel and the PLO signed an agreement outlining the transfer of authority in areas such as education, tourism, taxation, health, and culture to the Palestinians in the rest of the West Bank.

Last year's Israel-PLO accord also set the stage for another historic milestone: On July 25, Jordan ended its 46-year state of war with Israel when the two countries signed the Washington Declaration here. That document has laid the foundation for normalization of relations between Israel and Jordan.

Mr. Speaker, these developments are significant and promising. But even as we recognize them today, we should be deeply mindful that the peace process that began with the 1993 accord remains fraught with peril.

For true peace to be created, the terrorism of Arab extremists must come to an end. The PLO formally pledged to fight terrorism in the self-rule areas and to prosecute those who perpetrate it. But that pledge has not been honored.

For true peace to be created, the Palestinian Covenant must be amended to recognize Israel's right to exist. That is fundamental. Yasir Arafat repeatedly has promised to convene the Palestine National Council so this change can be made. But that promise has not been fulfilled.

For true peace to be created, the Arab League also must end what remains the most tangible symbol of war against Israel—the illegal trade boycott against Israel. The boycott must be lifted, but it has not been.

For true peace to be created, the United States must remain steadfast in its support for Israel, politically, economically, and militarily. Israel's enemies finally agreed to negotiate peace with Israel only because they were convinced that violence would be unavailing. If we waver in our support for Israel, or pressure this ally to make concessions that imperil its security, we could kill the peace process.

Mr. Speaker, I commend the efforts that have been made in pursuit of peace in the Middle East. I strongly support those who have worked tirelessly to achieve peace. And I continue to pray that the commitments that have been made will be honored so that true peace can finally be realized.

Mr. HAMILTON. Mr. Speaker, the awkward handshake on the White House lawn between Israeli Prime Minister Rabin and PLO Chairman Arafat 1 year ago has not only endured—it has prevailed. A psychology of peace in the Middle East is slowly replacing a mindset of war. Israel is becoming an accepted part of the landscape; Israelis and Arabs are becoming partners.

Events unimaginable prior to the September 1993 Israeli-PLO Declaration of Principles are now taking place daily in the Middle East. Consider the following:

For the first time in their history, Palestinians are governing their own affairs. Palestinian police patrol the streets in Jericho and Gaza, where half of all residents in the territories live. The powers of a Palestinian authority are now expanding to include health, education, welfare, taxation, and tourism throughout the West Bank and Gaza. Children in the territories began the new school year in an entirely Palestinian-run education system.

Despite continuing incidents, including acts of terrorism abroad, overall security for Israelis and Palestinians is improving in Israel and the territories. Immediately following the withdrawal of the Israel Defense Forces from Gaza and Jericho last May, the number of terrorist attacks against Israelis declined 75 percent. Palestinians in Gaza and Jericho are free from confrontations with Israeli troops.

Jordan and Israel have achieved their own remarkable breakthrough, also marked by public reconciliation on the White House Lawn The two parties talk of partnership and business deals. A new border crossing between Aqaba and Eilat has opened, and joint economic and environmental projects are underway. Negotiators are pushing ahead on an overall Israeli-Jordanian peace treaty.

With little public fanfare, Arabs and Israelis are engaged in genuine problem-solving discussions on a whole range of issues affecting the region: economic development, water resources, the environment, refugees, and arms control. Israeli delegations have attended talks in countries previously closed to them—including Oman, Qatar, and Tunisa—evidence in itself of a new pattern of regional cooperation.

The peace process has enhanced Israel's international stature and legitimacy. Since last September, an additional 21 states have established diplomatic relations with Israel, including, most recently, Morocco.

The historic events are possible because the Israeli leaders like Yitzhak Rabin and Shimon Peres, and Arab leaders like Yasser Arafat, Jordan's King Hussein, and Morocco's King Hassan, have displayed the courage and vision necessary to break with a decades-long cycle of conflict.

The Clinton administration also has been wise in its energetic pursuit of a comprehensive peace in the Middle East. War in the Middle East is always possible, but each step toward peace makes it more remote. Peace pays its own dividend, and the investment of considerable time, resources, and diplomatic prestige remains in the U.S. national interest.

The job is, of course, unfinished. Continued United States involvement, and a renewed commitment to peace from both Israelis and Arabs is needed to meet the challenges ahead:

Syria and Israel need to begin serious bargaining on a peace treaty that includes normalized relations, Israeli withdrawal from the Golan Heights, and extensive security guarantees. Here the U.S. role is still central; as Secretary Christopher has demonstrated, the United States is the party that makes these talks happen, but it is up to the parties themselves, in direct talks, to take the toughest steps.

Israel and the Palestinians must work quickly to reach agreement on the expansion of Palestinian autonomy, the redeployment of Israeli troops throughout the West Bank, and the convening of Palestinian elections. Only then can they move on to the difficult final status issues of Jerusalem, refugees, and settlements.

The Palestinian Authority, and Chairman Arafat, must demonstrate that they can make the transition from revolution to governance. Security is the first key test. The Palestinian Authority must take all necessary steps to stop terrorism, and reassure the Israeli public of its commitment to prevent further violence. Israel, for its part must do more to reduce tensions between Palestinians and Israeli troops and to prevent settler violence.

Finally, members of the international community must make good on their pledges of assistance to the Palestinians in order to improve economic conditions in the West Bank and Gaza. They must also focus on assisting the Palestinians in building a democratic civil society, and conducting free and fair municipal elections and elections for a Palestinian self-governing council.

One year ago, Israeli and Palestinian leaders declared their intention to put aside decades of conflict and build a new future. The progress achieved since then means it is no longer fanciful to think of the Middle East at peace. A vision of the region's future can realistically include lasting peace, growing commerce, and emerging democracies.

Even through Arabs and Israelis are now talking face to face, the United States role remains crucial. American leadership is still needed to help sustain momentum toward peace. It will be needed to break deadlocks that no doubt occur. Good things are happening today in the Middle East, but if peace talks do not continue to move forward, they will move backward. With continued courage from Arab and Israeli leaders, strong American leadership, and the help of other nations, the Middle East can move closer in the next year to the elusive goal of a comprehensive peace.

Mr. KING. Mr. Speaker, I am proud to join with my colleagues today in making the 1 year anniversary of the signing of the Declaration of Principles by Israel and the Palestine Liberation Organization [PLO]. This historic step launched a year of dramatic development in the peace process in the Middle East.

The courageous commitment to peace made by both the Israelis and the Palestinians deserves the full support of the United States Government and the American people. The important steps taken by Prime Minister Yitzhak Rabin and Chairman Yassir Arafat last year, have set this long-troubled region on the road toward peace, self-determination, and security for all nations. Blessed indeed are the peacemakers.

Unfortunately, some problems remain in the Middle East that continue to threaten the road toward peace. As a member of the Congressional Peace Accord Monitoring Group, I am committed to do my utmost to help remove these stumbling blocks to peace.

Peace between Israel and Syria must be given top priority. Such an agreement is vital to further progress toward peace for all of the Middle East. However, the brutal dictator in Damascus will have to renounce his support for terrorism and recognize Israel's security needs.

The most tangible symbol of war against Israel that still clouds the horizon is the Arab League boycott. This illegal embargo hurts not only Israel but the entire international system of free trade as well. There can be no final peace while the Arab League boycott remains in effect.

While we have come a long way toward peace in the past year, it is clear that hurdles remain to be cleared. The United States has an obligation to help smooth the way toward a just, lasting, and secure peace in the Middle East. I will continue to do all that I can to further this peace process.

Mr. Speaker, I yield to the gentleman from New York [Mr. HINCHEY].

FEDERAL RESERVE INTEREST RATE POLICIES

Mr. HINCHEY. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I rise today to discuss an important subject that is on the minds of people throughout my district and the entire country: The Federal Reserve's interest rate policies that undermine economic recovery and keep millions of people out of work. The question that must be addressed is why the Federal Reserve has increased interest rates by over 50 percent since February despite the fact that there are few signs of inflation in the present, or in the future. I come to the House floor today to call on the Federal Reserve Board to end this ongoing crusade that foils economic progress and threatens the livelihood of the American people. The fact is that the economy is not overheating and millions upon millions of Americans remain out of work. Mr. Speaker, the American people cannot bear any further rate hikes until there is some evidence of inflation in the economy.

The current indicators lead any sensible person to believe that inflation is not a destabilizing force in the economy. Through the first 8 months of 1994, inflation is running at an annual rate of less than 3 percent. This remains a historically low rate by any standard, and it is unchanged from the record low levels we have seen over the past 3 years. Exclude the volatility in the prices of gasoline and coffee products during the summer, and the inflation rate becomes even lower. This may explain why Sung Won Sohn, chief economist at Norwest Corp., recently stated that, "We should settle down and worry less. The inflation picture really hasn't changed that much."

I believe this is a fair and accurate statement. Even Chairman Greenspan has acknowledged that the inflation picture hasn't changed much this year. A few months ago, I joined Chairman OBEY and over 50 of my colleagues to request Federal Reserve Chairman Alan Greenspan to explain the basis for the Fed's interest rate increases that have proven so destructive to our economy. In his response to our request, Mr. Greenspan stated, "There currently are few indications that inflation has already begun to pick up. But our concerns are for the future." As we approach the end of September—over 4 months and two more rate increases since Mr. Greenspan's reply—there are still no signs of inflation in the present, and little evidence it will emerge in the future.

Wages remain stagnant, business inventories have risen, unemployment has increased, and much of the job growth we have seen is limited to part-time, temporary positions. Despite these indications, it is rumored that the Fed will again hike rates at the monetary policy meeting next week because it has been spooked by the ghost of inflation. I urge them to refrain from such action, because our fragile economy may be jolted back into a downturn by further escalation of interest rates. In the words of National Association of Manufacturers president, Jerry Jasinowski, "One more rate increase by the Federal Reserve will drive the economy into the ditch, bringing on a recession."

Currently, over 8 million Americans are looking for work. Hundreds of thousands more are too discouraged by the economy to enter the labor market. And corporate America continues to lay off people by the thousands. Additionally, the Blue Chip Economic Indicators September survey found that forecasters have become increasingly pessimistic about growth in each of the last 3 months and now estimate that the economy is expanding at about a 2 percent annual rate. In my district, for example, the unemployment rate approaches 10 percent as more people become victims of corporate downsizing and seasonal employment subsides. These are hardly signs of an economy that is in danger of overheating.

The Federal Reserve's actions threaten many more people with unemployment, and that's a situation that I find intolerable. The Fed is clearly oversimplifying the way it looks at the economy. They see any signs of job growth as a reason for concern. There seems to be the belief at the Fed that as the national employment rate reaches 6 percent, inflation must necessarily result. This is a notion that I don't agree with, and I know that more than 8 million Americans will continue to suffer until this notion is corrected.

The Fed's disregard for unemployed Americans is contrary to the requirements of several existing Federal laws. The Federal Reserve Act explicitly states that the Board of Governors of the Federal Reserve System and the Fed committee that sets interest Rates shall—and I quote, "promote effectively the goals of maximum employment, stable prices, and moderate long-term interest rates." It is important to note that maximum employment is mentioned as the first goal of the Federal Reserve. I believe that this was done for good reason. In addition, the historic Employment Act of 1946 states:

> It is the continuing policy and responsibility of the Federal Government to use all practicable means * * * to coordinate and utilize all its plans, functions, and resources * * * to promote maximum employment, production, and purchasing power.

The Fed, albeit an independent Federal agency, falls under the purview of this law as well. In my view, however, they have failed to carry out the intent of both the Full Employment Act and the Federal Reserve Act and this cannot continue.

The disregard for the needs of middle-class Americans is further highlighted by Chairman Greenspan's recent endorsement of legislation to limit the mission of the Federal Reserve Board to fighting inflation. During testimony he delivered before the Banking Subcommittee on Economic Growth this year, Mr. Greenspan stated that there is no downside to limiting the Federal Reserve's mission to price stability and thereby ignoring the maximum employment mandate. I would call attention, however, to the fact that the impact of this change would prove terribly destructive to the middle class in our country. Almost every economist—including Mr. Greenspan—agrees that monetary policy changes directly affect national employment levels. Newly appointed Vice Chairman Alan Blinder, who shows signs he is sensitive to the impact of the Fed's policies on middle-class people, stated during a recent conference that the central bank "should have a short-run employment objective in addition to its inflation objective." This statement has caused waves within the closed walls of the Federal Reserve and throughout the banking community. But it shouldn't. This employment objective is part of the law that establishes the Federal Reserve.

As Blinder remarked in a follow-up statement, "I don't think it is controversial for the Vice Chairman of the Federal Reserve to endorse the Federal Reserve Act." Mr. Blinder's colleagues at the Fed would do well to consider these carefully chosen words.

The continuing insensitivity to the needs of middle-class Americans provides further grounds for reforming the Fed to instill some accountability to the American people. The idea of a sacred priesthood in the Federal Reserve where no one can see what's going on is outdated. I think it's time for the American people to understand what's going on with the Federal Reserve and the impact its decisions have on the economy of the Nation. When the Fed raises interest rates, it is essentially taxing the American people by increasing mortgage payments, credit card payments, and the cost of credit. Yet there is no accountability to the people, and the Fed's decisions remain closed to the public. This is surely taxation without representation.

Former Presidential candidate Michael Dukakis spoke to the core of the issue during a recent speech at the Jerome Levy Economics Institute when he called the Fed's operations "profoundly undemocratic."

It is time that this body enact the Federal Reserve System Accountability Act introduced by Banking Committee chairman HENRY B. GONZALEZ. Chairman GONZALEZ was awarded the John F. Kennedy Profiles in Courage Award this year because he has the fortitude to stand up for what's right for the American people. The Fed Accountability Act is right for the American people. It proposes several sensible reforms to help democratize the Federal Reserve System. Most importantly, it allows the President of the United States rather than local bankers to nominate the 12 regional bank presidents who help shape our Nation's interest rate policies. The present nomination process flies in the face of fundamental democratic principles, as there is an inherent conflict of interest in allowing bankers not only to control this country's money supply but also to oversee the regulation of their own institutions. Equally disturbing is the fact that a substantial proportion of the banks directing this process are foreign-owned, thus subjecting our country's monetary policy decisions to input from beyond our Nation's shores. Chairman GONZALEZ' bill would prohibit any member of the Board of Directors of regional Federal Reserve banks from being employed by foreign banks in order to protect U.S. sovereignty in monetary policy.

The Fed Accountability Act takes many other important steps to create greater openness at the secret temple of the Federal Reserve. It requires that transcripts and videotapes of meetings of the Fed's interest rate setting committee to be released to the public more quickly. It was recently revealed that this committee already takes verbatim minutes of all of its meetings. This legislation simply reduces the waiting period for release from 5 years to 60 days. The bill also opens up the Fed's operations to allow the General Accounting Office to perform more comprehensive audits. The GAO greatly improves the operations of Federal agencies, and I see no reason why the Fed should receive a special exemption. The Federal Reserve System Accountability Act will require the Fed to stay more in touch with the needs of ordinary people, and I urge its enactment as soon as possible.

Mr. Speaker, I want to conclude by reading excerpts from a recent letter sent to me by my constituent Francine Heinlein that summarizes what many people in this country are feeling about the Federal Reserve:

> I am writing to you because you are the representative for us and you are on the Banking Committee. We must do something to stop—the Federal Reserve—from raising interest rates and effectively putting a dead halt to my business. This time raising interest rates has affected me personally as well as in my business.
>
> First of all, the Hudson Valley in New York State, is still suffering from unemployment from major cutbacks in several large employers. We have a huge exodus from New York State. I am a one-person small-operation real estate company. Seventy-five percent of the people I deal with have been affected by a job displacement of some kind. Now enter Mr. Greenspan. Interest rates go up and potential business for me goes down. Prospective buyers are squeezed out of the market.
>
> But let me get back to how it personally affected me and my husband. We had intended to cash out of an investment and buy an apartment for income for our retirement. This is not possible anymore because now I don't have enough down payment for the purchase. Do you see how this stops the economy? These—increases—in interest rates do more harm than good. Our struggling economy is still too fragile and weak. Now, we are just living day by day * * * and I think we are not alone.
>
> Sincerely, Francine Heinlein, Saugerties, NY.

When the Fed committee meets next Tuesday to consider interest rate changes, for the sake of Francine Heinlein and thousands of other residents in the 26th District who have not experienced economic recovery, I urge the Fed in the strongest possible terms to hold the line on interest rates.

GENERAL LEAVE

Mr. BERMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order tonight.

The SPEAKER pro tempore (Mr. STUPAK). Is there objection to the request of the gentleman from California?

There was no objection.

☐ 1710

ANNOUNCEMENT OF INTENTION TO OFFER PRIVILEGED RESOLUTION UNDER HOUSE RULE IX

Mr. COX. Mr. Speaker, I am here to announce my intention to offer a privileged resolution under House Rule IX.

Mr. Speaker, the form of my resolution is as follows. It is titled "House Resolution Calling for Congressional Debate and Authorization for U.S. Occupation of Haiti."

HOUSE RESOLUTION CALLING FOR CONGRESSIONAL DEBATE AND AUTHORIZATION FOR U.S. OCCUPATION OF HAITI

Whereas for months prior to the September 19, 1994 occupation of Haiti by U.S. military forces, President Clinton and members of his Administration publicly and repeatedly threatened a military occupation of Haiti; and

Whereas the Speaker's refusal to schedule floor debate on the impending occupation of Haiti led to the occupation of Haiti without Congressional consideration or authorization; and

Whereas the need for immediate Congressional consideration of Haiti policy is clear, inasmuch as the thousands of U.S. troops in Haiti without Congressional authorization could be required to defend themselves at any moment, without notice, thus initiating hostilities; and

Whereas immediate Congressional consideration of Haiti policy is further required by the impending October 15 deadline for the departure of the Haitian military leaders, inasmuch as noncompliance would in all likelihood prompt the thousands of U.S. troops now in Haiti to immediately commence offensive military operations; and

Whereas the continued refusal of the Speaker to schedule floor debate to consider the scope of, and authorization for, U.S. military operations in Haiti deprives the House collectively of its prerogatives under Article I of the Constitution; and

Whereas the continued refusal of the Speaker to schedule floor debate to consider the scope of, and authorization for, U.S. military operations in Haiti deprives the House collectively of its authority to speak on such important questions of policy; and

Whereas the refusal of the Speaker to consider the scope of, and authorization for, U.S. military operations in Haiti effectively requires each Member of this body to abdicate his or her responsibility to debate and vote upon such important questions of policy, and therefore has brought scorn and ridicule on the House collectively; and

Whereas there are no exigencies of secrecy or surprise that would prevent the House from considering these issues; and

Whereas the House is scheduled to adjourn in a matter of weeks, and failure of the Speaker to schedule floor debate to consider the scope of, and authorization for, the U.S. military occupation of Haiti will effectively commit our nation to occupy Haiti for nine months or more without Congressional authorization; and

Whereas the extraordinary and heroic commitment of U.S. service men and women in the current military operation requires from the U.S. Congress a high level of responsibility and attentiveness in policymaking towards Haiti; and

Whereas Rule IX of the House of Representatives provides that a privileged motion shall be in order to protect the rights and dignity of the House collectively and of members individually,

Resolved, That the Speaker should immediately schedule a debate and vote upon the scope of, and authorization for, the U.S. military occupation of Haiti.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

AMERICA'S ROLE IN IMPROVING OCEAN ENVIRONMENTS AND RESOURCES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. WELDON] is recognized for 5 minutes.

Mr. WELDON. Mr. Speaker, one of the most pleasant parts of my summer this year was having the opportunity to travel to the southern part of New Jersey, specifically to the area around Wildwood and North Wildwood, where I had a chance, with my family and some old friends, and also the pleasure of meeting some new friends, to experience the positive changes that are occurring with the oceans along our borders in this country.

Because of the hard work of many people, both in this Congress, and especially the officials in New Jersey, we are seeing dramatic change with the oceans and to our shorelines. That extends all up and down the east coast and the west coast. As the ranking Republican on the Subcommittee on Oceanography, Gulf of Mexico, and the Outer Continental Shelf of the Committee on Merchant Marine and Fisheries, however, what bothers me is what is happening around the world to the oceans, and the need for us to join together with other nations to explore how we can better protect our oceans, and how we can enhance the ability for people to fish and to share information about oceanography and ocean resources.

To that end, Mr. Speaker, approximately 1 year ago I began to work on an initiative to assist the Soviet Union, the former Soviet Union and its republics, with the massive problem of disposing of its spent nuclear fuel and its nuclear waste. There was a report released last August by one of the premier scientists in Russia by the name of Yablakov that documented for the first time the facts that all of us in fact had known, and that is that the Soviets had, for the previous 20 to 25 years, dumped their nuclear fuel, including nuclear powerplants and nuclear waste from their submarines and other ships, into the oceans of the world, especially those around the Sea of Japan and the Bering Sea.

☐ 1720

In fact, we knew they had one submarine that had sunk, the *Komsmoletzk*, which in fact has nuclear fuel that may in fact be leaking at this very time. One of the major issues that we have attempted to focus on that has led us to the announcement I am going to make tonight is this issue of the illegal dumping of nuclear waste. Part of our problem was that we in America had also been responsible for a couple of incidents involving our Navy ships that had sunk in the ocean and were not willing to up-front acknowledge this, that the *Thresher* and *Scorpion* are still intact at the bottom of the ocean and are in fact nuclear powered.

As a member of the Committee on Armed Services I worked to publicly expose that. Finally last September the Navy acknowledged for the first time publicly that in fact we do have a potential problem but that it is under control at this time.

With that acknowledgement, the Russians have come forth now and are willing to talk to us about coming to terms with an international agreement that would ban the dumping of nuclear waste in our oceans. We passed my legislation earlier this year which is currently pending in the Senate which would make that law, and we are in fact encouraging the Russians right now to do the same. Just several months ago, a group of us traveled to Murmamsk and to St. Petersburg where we met with leading Russian officials to convince them of this need. Through the organization called GLOBE, Global Legislators for a Balanced Environment, we proposed an international conference on oceans that will take place in this country in February, tentatively February 8, where legislators from Japan, from the European countries, from Russia and from the United States and other countries will gather and focus on three particular problems with the world's oceans.

The first, in fact, will be the uncontrolled nuclear dumping that has occurred in the past and how we can put a total prohibition against that kind of dumping in the future. The second will deal with another major problem, and that is the problem of declining fish stocks. In 1950 the global catch of fish totaled 20 million metric tons. It increased until 1990 when it was over 100 million metric tons. Now for the first time in history fish catches are declining worldwide and this is having a negative impact on all of the free economies and certainly our individuals who rely on fishing as a way of living.

Part of the decline is caused by overfishing but that is not the real reason. Under this conference we are going to have in February, we are going to focus on what are the problems with the reduction in our fish stocks and what can we do, what are the problems with our fisheries, our nonpoint pollution problems, our rehabilitating salmon streams. We will explore other measures that we can cooperate with other nations on dealing with the problem of declining fish stocks. Third, we will focus on improving our understanding of the ocean ecosystem.

We have spent a ton of money exploring outer space. NASA has done a good job but we have spent nothing in comparison to outer space in terms of understanding our oceans, sharing information that has been obtained over the years by our military experts, by our Navy personnel.

The third part of this conference will allow us to begin to share the kind of data and information that we already have about our marine ecosystem, about the kinds of technologies that can help us develop new breakthroughs in terms of understanding why our oceans can help us as a world.

These are the three main priorities that we will be discussing on February 8 and we will involve all aspects of America in this process and hopefully Jacques Cousteau will be our keynote speaker. Senator JOHN KERRY from Massachusetts who is, in fact, the chairman of GLOBE USA, will cohost this conference with me as I act in my role as the chairman of the Oceans Task Force for GLOBE. The gentleman from Illinois, JOHN PORTER, who cochairs GLOBE for GLOBE USA, has been a tireless leader on behalf of global issues involving the environment and will be a key player also in this conference.

At the recent conference in Moscow where global legislators came together in early September to discuss the kind of issues that we should be focusing on and working together cooperatively, the legislators there adopted my proposal for this conference unanimously and, therefore, the conference will take place. I would hope that all of our colleagues would join together with us so that in the future legislators and individuals from around the world can do as I did this past summer and have the experience of enjoying the kinds of things that can occur with our oceans and experience the kind of positive economic benefits from allowing our fishermen and women to improve their products and also to have our country share in the way that we better understand the oceans of the world. I would ask our colleagues to join with us.

Mr. Speaker, I include for the RECORD the agenda for the GLOBE conference which will take place in February 1995, as follows:

PROPOSED AGENDA FOR GLOBE OCEANS PROTECTION WASHINGTON CONFERENCE

(Presented by Congressman Curt Weldon, Chairman GLOBE Oceans Protection Working Group)

On March 1, 1994, the GLOBE International General Assembly Recognizing:

The importance of maintaining the health of the world's ocean environment:

The degradation of the earth's aquatic ecosystems can have significant short and long-term impacts on the world's weather, climate, food supply and biodiversity;

The oceans cover the vast majority of the earth's surface but are poorly understood and in need of increased scientific study;

The oceans are a sensitive global resource and actions taken within an individual nation's coastal waters impact directly on the health of the resource; and

The radioactive contamination from ocean dumping of radioactive waste poses potentially significant future threats to the marine environment;

SANCTIONED

(1) The creation of a GLOBE Ocean Protection Working Group: and

(2) Making Ocean Protection a major issue area to be addressed during the 1995 GLOBE International General Assemblies.

To further these goals, GLOBE USA will sponsor a major Oceans Protection Conference in Washington, DC in February 1995.

(1) END DUMPING OF RADIOACTIVE WASTE AT SEA

The Conference will explore methods to secure compliance with the November 12, 1993, amendments to the Annexes to the 1972 Convention on the Prevention of Marine Pollution by Dumping of Waste at Sea and Other Matter (London Convention) which banned the international dumping of radioactive waste at sea.

Background

The following pressure from GLOBE USA, the United States supported amending the London Convention to ban the ocean dumping of low-level radioactive waste. With the U.S. joining a long list of other nations supporting a ban, the London Convention was amended to create a global ban on the ocean dumping of radioactive waste.

Subsequent to the London Convention amendments, the U.S. House of Representatives passed H.R. 3892, the Ocean Radioactive Dumping Ban Act to conform U.S. law to the London Convention ban. The measure is currently awaiting Senate action.

The threat of radioactive contamination of the oceans still exists. Russia currently does not posses the capacity to safely dispose of its radioactive waste.

The immediate threat to the ocean environment is liquid radioactive waste. Last year, Russia dumped 900 tons of liquid radioactive waste in the Sea of Japan. Immediate progress on this issue is vital since liquid waste storage facilities in the northern Russian harbor of Murmansk will reach capacity in the next two years.

Significant progress is being made. Japan has entered into an agreement with Russia to construct a liquid waste treatment facility near the Sea of Japan. The United States and Norway are now considering helping Russia to expand its Liquid radioactive waste treatment facility near the Arctic Ocean.

The Conference will explore the potential of these international initiatives and search for solutions to the long-term problem of safely disposing of the solid radioactive waste likely to be generated by the dismantling of numerous Russian nuclear vessels.

(2) DECLINING FISH STOCKS

Background

In 1950, the global catch of fish totaled 20 million metric tons. That total increased steadily until 1990 when over 100 million metric tons of fish were harvested. Now, for the first time in history, fish catches are declining world-wide. Currently, up to one-third of the oceans's marine fish resources are fully or over exploited.

The decline in fish stocks has been largely attributed to over-fishing, but habitat loss and ocean pollution play a significant role. Ninety percent of the oceans's fishery resources spend some portion of their life cycle in near-shore waters. Urban and agricultural runoff, coastal wetlands loss, and river obstructions, such as dams, have all contributed to the decline in fish populations.

From reducing wasteful by-catch, which in some fisheries can total as much as seventy percent, to addressing non-point source pollution, to rehabilitating salmon streams, the Conference will explore methods for conserving the oceans' fishery resources.

(3) IMPROVING UNDERSTANDING OF THE OCEAN ECOSYSTEM

The Conference will pursue options to open access to data, technologies, and water bodies for the purpose of expanding the scientific knowledge of the oceans and marine life.

Background

Although the world's oceans cover over two-thirds of the earth's surface, our understanding of this resource is extremely poor. Oceans control the world's weather and climate and hold vast but finite supplies of food and energy. All life originated in our oceans and our oceans still hold the key to the continued health of our planet's environment.

Historically, the United States has spent little on enhancing our understanding of the marine environment, while at the same time expending billions of dollars on the exploration of space. The irony is that we have probably spent more money searching for water bodies on other planets than we have on understanding the earth's oceans.

The end of the Cold War has made previously classified military data and technology available to civilian scientists. The potential for using these formerly secret technologies to expand our knowledge of the marine environment is significant.

Already, civilian marine biologists have been given access to data from the Integrated Underseas Surveillance System (IUSS) to conduct research on whales and study hydrothermal activity on the ocean floor. IUSS was originally designed to track enemy submarines and warships, but these recent cooperative ventures have demonstrated the system's great potential as a civilian scientific resource.

This new role for military technology has become known as "dual use" and language has been included in both the Department of Defense and National Oceanic and Atmospheric Agency (NOAA) authorization bills to promote the concept. Unfortunately, just as the full research potential of these previously classified technologies is being recognized, budgetary cuts are threatening to close down these resources.

The Conference will investigate opportunities to use existing defense technologies for civilian research, improve international cooperation and information sharing, and increase marine research efforts.

PROPOSED MOTION TO INSTRUCT CONFEREES ON EDUCATION BILL AND DISCUSSION OF LOS ANGELES SCHOOL DISTRICT DOCUMENTS

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentleman from Missouri [Mr. HANCOCK] is recognized for 30 minutes as the designee of the minority leader.

Mr. HANCOCK. Mr. Speaker, I am going to have to speak somewhat slowly because I may get a little bit emotional before this is over and I am going to do my best not to be because I want to be factual and with proper information.

Yesterday as part of a bill on education, I was offered the opportunity to introduce a motion to instruct. That motion to instruct was denied to me later during the House floor debate. That motion to instruct said that I move that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill H.R. 6 be instructed to agree to section 406 of the Senate amendment which prohibits local educational agencies that receive Federal tax dollars from implementing or carrying out programs or activities which support or encourage homosexuality as a positive lifestyle alternative. I have had a lot of people ask me, "Why would you get involved in a situation like this? This is not a function of the United States Congress." Well, that may or may not be, but there are things going on in this Nation that I think has to be brought up that is going on in public education.

An example of that, and there are many, is what is going on in the Los Angeles Unified School District. I have a document dated May 29, 1992, in which the Los Angeles Unified School District passed a resolution establishing Gay and Lesbian Education Month, distributed to all schools, and offices, approved by Sidney A. Thompson. The type of literature that is being distributed to our students is an abomination.

I have one of the articles published by this school. Here is an article published in April 1994 by the Los Angeles Unified School District, Gay and Lesbian Education Commission. It has to do with historical figures. In fact, it says:

> ABRAHAM LINCOLN'S LOVE FOR JOSHUA FRY SPEED
>
> Contemporaries who did not understand Lincoln's sexuality found him difficult to comprehend. Thus William Herndon, his law partner of 16 years and an active heterosexual, wrote that Lincoln was a profound mystery, an enigma, a sphinx, a riddle.
>
> For Lincoln, writers have thoroughly explored and even freely invented love affairs with women, but no one has explored his homosexual activities. Lincoln had a 4-year love affair with his boyfriend Joshua Speed and at other times in his life had occasional male-to-male liaisons."
>
> In the Robert L. Kincaid biography of Joshua Fry Speed, the author detailed the 4 years that Lincoln and Speed shared the same bed.

Mr. Speaker, I shared the same bed with my brother, because we only had one bed.

□ 1730

There certainly was not any homosexual activity that went on. I have been on camping trips with good friends and shared the bed. The idea that two adult males cannot sleep in the same bed without engaging in homosexual activity can only be perpetrated by homosexuals themselves.

In the biography they go on,

> Speed kept a general store in Springfield, Illinois. Being twenty-seven years old, a lawyer without client and no money, Lincoln was unable to pay the price for the bed. Speed suggested that Lincoln could "avoid the debt and at the same time attain your end. I have a large room with a double bed up-stairs, which you are very welcome to share with me . . . [Lincoln] took his saddle-bags on his arm, went upstairs, set them down on the floor, and came down with the most changed countenance. Beaming with pleasure he exclaimed, "Well, Speed, I am moved!" Both Lincoln and Speed always used the specific term "four years" similar to the way lovers mention anniversaries.
>
> Lincoln was thrown into deep depression when the two of them separated due to Speed having to leave the area to attend to family matters. While away, Speed was pressured into marriage against his wishes. At the same time Lincoln sought a substitute in Mary Todd. Lincoln called off his wedding on January 1, 1841 and was not lifted out of his depression until having spent that summer with Speed. "No incident in Lincoln's life was perhaps more enjoyable than his visit in the Speed home [that summer]". Speed did marry in February 1842 and Lincoln wrote, "I feel somewhat jealous of both of you now; you will be so exclusively concerned for one another, that I shall be forgotten entirely."

Well, gee whiz, how many times with real good buddies that you grew up with did you say, "Well, you're getting married. Now I won't get to see you anymore." That makes you homosexual?

> Lincoln never forgot Speed and wanted to name his first born child after him (Mary Todd objected) and was able to see Speed alone a few times later during the presidency. The main difference between Mary and Joshua in their relations with Lincoln was that Lincoln tried to spend all his time with Speed while he was eager to get away from Mary. There is in fact, more evidence for Lincoln's love of Speed than there is for Mary Todd. Lincoln was uncomfortable around women.

A lot of us are uncomfortable around women.

Mr. BURTON of Indiana. Will the gentleman yield?

Mr. HANCOCK. It makes you speechless when you read this type of stuff being put out by school districts.

I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. The thing that concerns me is here we have one of the truly great Americans, Abraham Lincoln. We have a statue of him, the Lincoln Memorial down here on the plaza. He is one of the people that is most revered, most revered by the American citizenry. He is the one who saved the Union. He held it together with his own iron will during the darker days of the American Civil War, and for his memory to be denigrated and partially destroyed by this kind of trash really bothers me. I know it bothers the gentleman in the well.

But in addition to that, the thing that bothers me even more is to know that that is being paid for with tax dollars. What right do people who want to destroy the image of one of the greatest Americans who ever lived, what right do they have to do that in the first place, and in the second place what right do they have to do it with taxpayer dollars? That article was written, and the gentleman can read at the bottom who put that piece of trash out. But I guarantee that was paid for by an education commission in California, and that was paid for at least in part by tax dollars. I think that is a disgrace. And whether it was Federal tax dollars or State or local tax dollars, those people should be taken to task for allowing that kind of innuendo and trash to be published and put out at taxpayer expense.

Mr. HANCOCK. I will read to the gentleman that it was paid for by the Los Angeles Unified School District, their gay and lesbian education commission. That is who paid for it.

Mr. BURTON of Indiana. The Los Angeles Unified School District paid for it, the taxpayers of California and the taxpayers of Los Angeles County, and I am sure some Federal tax dollars found their way down to the bureaucracy to the Los Angeles school corporation. I think all of us ought to protect that kind of garbage being paid for by tax dollars and being put out as fact. That is pure, unadulterated trash, and Abraham Lincoln, one of the greatest leaders of this country, should not be denigrated or destroyed or his reputation distorted in any way by that kind of garbage.

I thank the gentleman for yielding.

Mr. HANSEN. Since I was denied the opportunity to offer and the time to discuss it, I am going to go into the details of what my comments would have been if we had been allowed the opportunity to offer this motion to instruct. It was very simple. It instructs the conferees to agree to the Smith-Helms amendment adopted by the other body which prohibits tax-funded pro-homosexual propaganda in our public schools. The Smith-Helms language is the exact same language I offered originally here in the House. As Members may recall, however, due to a gutting amendment, there was never a clean up or down vote on my original amendment.

This motion was our opportunity to put the House on record once and for all with regard to the Hancock-Smith-Helms language on the issue of taxpayer-funded homosexual propaganda in the public school classrooms of our country. The Hancock-Smith-Helms amendment is very simple. It prohibits any school or school districts which receive Federal funds from promoting or advocating homosexual lifestyle. The language is very simple. I will read it. No local education agency that receives funds under this act shall implement or carry out a program or activity that has either the purpose or effect of encouraging or supporting homosexuality as a positive lifestyle alternative.

It is very clear and simple and direct language. It prohibits activities which advocate homosexuality, which presents it in a positive light as being normal and desirable.

The cases that would have been covered by this amendment would not be in any kind of gray area. Ours is a bright-line test. Advocacy. Does it encourage or support homosexuality as a positive lifestyle alternative? I am talking about things like Gay Pride Month sponsored by the Los Angeles Unified School District featuring things like bulletin boards and school assemblies organized expressly for the purposes of legitimizing homosexuality.

I am also talking about books like "Heather's Two Mommies" and others which teach children that the homosexual lifestyle is normal, healthy, and desirable. Only a demagog would suggest that that language prohibits schools from teaching, from teaching homosexuality in the context of legitimate sex education or AIDS education. It did not stop schools from providing actual factual health information. All the amendment says is you cannot, under color of these things, portray homosexuality as a positive lifestyle. You cannot support, encourage or affirm it.

Most Americans consider this lifestyle immoral and decadent. They do not want their children recruited to it at school, but even more, preventing students from being morally corrupt, my amendment also protects students from receiving false or misleading health information which may actually endanger their lives.

The amendment was prompted in part by materials handed out at a student conference on AIDS sponsored in New York. This literature, given to students as young as 12, graphically portrays and glorifies conduct which is unsafe, unhealthy, and in some cases, even fatal. I cannot be more specific without offending the decorum of the House. I attempted to try to introduce it a few months ago as extraneous material, and the House Parliamentarian said that it was not fitting to become part of the CONGRESSIONAL RECORD. But it is fitting for us to hand it out in public education and in public schools.

We had the literature over here. It is not AIDS information as it claims to be. It is the advocacy of inherently unsafe conduct. We do not dare say that we care about the health of our children and not look at this type of literature that we are putting out.

□ 1740

The amendment enhances the efforts of legitimate sex and AIDS education by prohibiting literature such as this which promotes inherently unsafe conduct.

Now, you may ask, what is the scope of the Hancock-Smith-Helms language; what sort of programs and activities does it cover? Allow me to read the definition directly from the amendment. It is a very short amendment: A program or activity for purposes of this section includes the distribution of instructional materials; instruction, counseling, or other services on school grounds or referral of a pupil to an organization that affirms the homosexual lifestyle.

Yes, we do cover some books that are in the library, and we cover some curriculums. We do cover counseling. We do cover referral to outside groups.

Under our amendment, none of those things, books, instructions, counseling, or referral, are allowed to affirm this lifestyle.

It is just not appropriate for a taxpayer-supported public school to use any of these means to promote the homosexual lifestyle.

Does this mean counselors will not be able to talk to troubled suicidal teens who are having a crisis with their sexual identity? Absolutely not. Counselors can counsel against suicide. They can counsel against low self-esteem. They simply cannot affirm homosexuality as a positive lifestyle alternative, and they most certainly cannot hand such a troubled youth over to some homosexual recruiting service passing itself off as a community center or counseling organization.

Indeed, the amendment is especially for the protection of such troubled youths. The last thing such a wayward student needs is for an authority figure to encourage them to give in to unhealthy temptations, to pursue a path of immoral and unsafe conduct. They need the moral guidance of a parent or a pastor, not the corrupting influence of a permissive counselor.

Ladies and gentleman, this was a very clear vote if we had gotten it through yesterday. If we had voted for the motion to instruct, we would have been voting for the Hancock-Smith-Helms language adopted by a 2-to-1 margin in the other body which will prohibit schools which receive Federal tax dollars from promoting the homosexual lifestyle in our classrooms. If we voted against the motion, which they denied me the opportunity to offer it, therefore, we did not get a vote. And, now, I want to close just by answering again some of the questions, the key questions, that have been brought up in objecting to the amendment or to the motion to instruct and the original amendment.

Will this not interfere with legitimate counseling of students who are at risk for suicide because they think they are homosexual? No. Under the Hancock-Smith-Helms language, counselors are in no way restricted from counseling against suicide or against low self-esteem. They are merely restricted from affirming the homosexual lifestyle as a positive alternative. After all, the last thing they need is for them to send them to an organization that is homosexual-oriented that is going to recruit them rather than to help them.

Did not the Reagan administration, and there was a rumor that came out, did not the Reagan administration study find that homosexual youth were at a greater risk for suicide and in need of affirmation? That is what has been circulated. No. A draft of a study was prepared making those assertions. The draft was soundly rejected by Dr. Louis Sullivan, Secretary of Health and Human Services, as biased and unreliable. The draft, in fact, was condemned as an unfair diatribe against the Catholic Church and traditional morality.

Where is this sort of thing going on? Luckily, I do not know for sure whether it is going on in my district in southwest Missouri. I would not think so. But I am sure that it is there. I have had people say, "Well, if this stuff was being given to your children, they would bring it home." I think that I had a very open, a very open relationship with my children. I do not think my children would have brought this type of trash home. I do not think that they would even have told me about it and, in fact, I have asked some of the newspapers, "Why don't you publish this stuff," and they say, "Look, we tried once, and we had people canceling because they did not want their children to see it."

Where is this sort of thing going on? We know Alaska, California, Connecticut, Hawaii, Louisiana, Massachusetts, Minnesota, Nebraska, New Hampshire, New York, Vermont, and Virginia, and a number of places we probably do not know about yet. Frankly, I think it is going on in my own town. I cannot prove it, but possibly there will be some people, maybe, and maybe I can encourage, maybe I can encourage some people that if this type of stuff shows up to bring it to me. I want to know.

Now, finally, would this type of legislation prohibit and interfere with legitimate AIDS education, sex education, or health education? Absolutely not; absolutely not.

When I was in school, we had what we called a class called physical hygiene. We talked about body parts. We talked about a little bit of everything, you know. But we at that time, I do not remember that we talked about homosexuality. Frankly, I had never personally, and I do not even think about it in my association with people. I have had people say, "Well, would you hire a homosexual?" I never think about it. I never think about it when I am interviewing somebody or when I am working with somebody. I never think about what is their sexual orientation.

But I can tell you one thing, folks, if I ever found out that some schoolteacher was trying to educate my grandsons that homosexuality is the thing they ought to participate in and start giving them instruction on how to commit homosexual acts to where they can do it without preventing AIDS, I will think about it then, and I think there are a lot of people that will think about it then. I think the gentleman over here would be thinking about it pretty quickly. And I think there are a lot of parents that ought to start thinking about what they are teaching in our schools.

When they go to the point, when they go to the point to publish literature stating that anybody basically that ever slept in a bed, a male with a male or a female with a female, that there had to be some type of sexual activity, I cannot believe; I cannot believe that the U.S. Congress would deny our children the protection that our amendment would have offered them. I cannot believe it.

I hope some way, some way that the right-thinking people will get the telephone numbers of their Representatives and say, "Wait a minute, is this the type of country that we want? Do we want what happened throughout history? Do we want the same situation in Washington, DC, that existed in the Roman Empire when it started down the tube?" Read your history, folks. Do we want to participate in the world population control organization that the other day said one way to control the world population is to encourage homosexuality? I guess that would do it. Do we want laws passed for where homosexuals, avowed homosexuals, are able to marry and adopt? Is that what we want in this country?

All I can do is ask the question. I am fully aware of the fact of what probably is going to happen to me tomorrow.

But I did not come to Washington, DC, to get into this question. I came to Washington, DC, because I believe in what the Founding Fathers and the people, what they stood for and what made this country the greatest country in the world, and I resent any organization doing what they are doing to one of the most respected leaders in the history of the world, and they are doing it with our tax dollars, condoned by Members of the U.S. Congress.

LOS ANGELES UNIFIED SCHOOL DISTRICT, OFFICE OF INSTRUCTION

May 29, 1992

Memorandum No. 36.

Subject: Gay and Lesbian Pride Month.

On May 18, 1992, the Board of Education passed a resolution recognizing June of each year as Gay and Lesbian Pride Month. The resolution is based on District policy contained in the "Educating for Diversity" document, which states as a District goal the development of "students who appreciate and respect diversity and understand the roles and contribution of people of diverse groups." The document calls upon the District to include in the curriculum the historical and current role and treatment of homosexuals in society, "the contributions of gay and lesbian people in history and culture, and the current status of homosexuals as it relates to social policy, family diversity and human relations."

The approved Board of Education resolution states:

Whereas, In June of 1969 in the Greenwich Village section of New York City a routine raid on a gay and lesbian bar called the Stonewall Inn was for the first time resisted by the peacefully assembled gay and lesbian patrons;

Whereas, This resistance led to several days of uprising by the gay and lesbian population of New York City who demanded equal rights and an end to police harassment of their establishments; and

Whereas, This event now called the Stonewall Rebellion, is widely viewed as the beginning of the modern gay and lesbian movement and is the reason why the month of June has come to be a time to celebrate the accomplishments of gay and lesbian people through parades, marches, commemorations, cultural programs, and other means; therefore, be it

Resolved, That the Board of Education of the City of Los Angeles recognize June of each year as Gay and Lesbian Pride Month and encourage schools and offices to find appropriate ways to fulfill the mandate of this resolution and of the policy document "Educating for Diversity."

For assistance call Bernadine Lyles, Advisor, Multicultural Unit, at (213) 625-6791, or Laura Hale, acting director of the Gay and Lesbian Education Commission, at (213) 351-7311.

Approved: Sidney A. Thompson, Deputy Superintendent.

Distribution: All Schools and Offices.

[Excerpts from various publications of the Los Angeles Unified School District Gay and Lesbian Education Commission]

HISTORICAL FIGURES

ABRAHAM LINCOLN'S LOVE FOR JOSHUA FRY SPEED

Contemporaries who did not understand Lincoln's sexuality found him difficult to comprehend. Thus William Herndon, his law partner of sixteen years and an active heterosexual, wrote that Lincoln was 'a profound mystery—an enigma—a sphinx—a riddle' (Donald, Herndon, 361.)" (Shively, p. 71).

"For Lincoln, writers have thoroughly explored (and even freely invented) love affairs with women, but no one has explored his homosexual activities. Lincoln had a four-year love affair with his boyfriend Joshua Speed and at other times in his life had occasional male-to-male liaisons" (Shively, p. 72).

In Robert L. Kincaid biography of Joshua Fry Speed, the author detailed the four years that Lincoln and Speed shared the same bed. Speed kept a general store in Springfield Illinois and initially met Lincoln when he entered the store to buy a bed. Being twenty-seven years old, a lawyer without client and no money, Lincoln was unable to pay the price for the bed. Speed suggested that Lincoln could "avoid the debt and at the same time attain your end. I have a large room with a double bed up-stairs, which you are very welcome to share with me * * * [Lincoln] took his saddle-bags on his arm, went up stairs, set them down on the floor, and came down with the most changed countenance. Beaming with pleasure he exclaimed, "Well, Speed, I am moved!" (Speed, 22-23). Both Lincoln and Speed always used the specific term "four years" similar to the way lovers mention anniversaries.

Lincoln was thrown into deep depression when the two of them separated due to Speed having to leave the area to attend to family matters. While away, Speed was pressured into marriage against his wishes. At the same time Lincoln sought a substitute in Mary Todd. Lincoln called off his wedding on January 1, 1841 and was not lifted out of his depression until having spent that summer with Speed. "No incident in Lincoln's life was perhaps more enjoyable than his visit in the Speed home [that summer]" (Kincaid, 15). Speed did marry in February 1842 and Lincoln wrote, "I feel somewhat jealous of both of you now; you will be so exclusively concerned for one another, that I shall be forgotten entirely" (Lincoln, I, 281).

Lincoln never forgot Speed and wanted to name his first born child after (Mary Todd objected) and was able to see Speed alone a few times later during the presidency. "The main difference between Mary and Joshua in their relations with Lincoln was that Lincoln tried to spend all his time with Speed while he was eager to get away from Mary" (Shively, p. 79). There is in fact, more evidence for Lincoln's love of Speed than there is for Mary Todd. Lincoln was uncomfortable around women (Baker, p. 89).

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URIBE RECEIVES AWARD FROM NEA

In September, 1992, the Los Angeles Unified School Board honored Commission Chair Dr. Virginia Uribe at a regular Board meeting for her receipt of the Human Rights Award from the National Education Association. This award was given in recognition of Uribe's contribution to identifying and making recommendations to help alleviate the problems gay and lesbian youths face in the public schools.

Dr. Virginia Uribe is the founder of Project 10, a program that offers counseling for gay and lesbian youths attending schools within Los Angeles Unified School District. Since Project 10's inception in 1984, Uribe has contributed to many educational journals, including: Harvard Educational Review; Education Week; Education Digest; California Association of Health, Physical Education and Dance Journal; Focal Point; the Journal of Homosexuality; and the Newsletter of the Association of School Counselors. She is also an active member of: United Teachers of Los Angeles, Gay and Lesbian Issues Committee; National Education Association, Gay and Lesbian Caucus; California Teachers Association, Gay and Lesbian Youth Task Force; Multicultural Committee, Los Angeles Unified School District; and, HIV Blue Ribbon Task Force, Los Angeles Unified School District.

We are proud of Uribe's achievements and are proud that she has been elected the first Chair of the Gay and Lesbian Commission.

GAY AND LESBIAN EDUCATION COMMISSION FORMED TO ADDRESS SPECIAL NEEDS OF GAY AND LESBIAN STUDENTS

Los Angeles, November 18, 1991.—The Los Angeles Board of Education has created a Gay and Lesbian Education Commission, the first of its kind in the nation. This community-based commission came as the result of a motion by openly gay school board member Jeff Horton. Its purpose is to advise and assist the school board on programs and issues related to gay and lesbian students, which make up approximately ten percent of the student population, their parents, and school personnel.

"This commission is going to be the life line for gay and lesbian students who may be confused and too frightened to turn to parents and friends," said commission Acting Director Laura Hale. "The Gay and Lesbian Education Commission was formed to be their voice."

The education commission will confront the critical issues facing gay and lesbian students. Harassment and peer pressure have led to soaring drop out and suicide rates among gay and lesbian students. Members will also recommend ways to monitor and curtail these problems on school campuses.

The Gay and Lesbian Education Commission will serve as a clearing house by reviewing materials and improving programs to increase awareness on issues of homosexuality, especially homophobia, AIDS education and prevention. It will also serve as a conduit between the gay and lesbian community and all sectors of the educational community. Outreach programs will support gay and lesbian students.

CURRICULUM COMMITTEE

The committee is currently reviewing a number of existing gay sensitivity curriculums to develop their own that would be appropriate for LAUSD students. These materials will be tested in one area of LAUSD before extending it to the entire district.

PRIDE MONTH COMMITTEE

The committee has begun developing "terrific" materials to send to each school about Pride Month with a March target completion date.

CONDOM COMMITTEE

The committee realized that it needs much more information about the effectiveness of the current LAUSD condom distribution program. The Committee is in the process of surveying high schools about their programs. We must help stop AIDS.

GAY AND LESBIAN YOUTH CONFERENCE

The committee has decided to broaden the scope of the Career Day to extend it to all gay and lesbian youths and to address not only careers but other issues of importance to gay and lesbian youths. It is hoped that GLEC's conference can be tied in with other college with university youth conferences.

BOY SCOUTS COMMITTEE

The Commission has sent the School Board a letter requesting the District to sever relationships with the Boy Scouts until the Scouts remove their anti-gay policy. Other school districts and police departments nation-wide have also severed their ties with the Boy Scouts over this issue. The committee believes that the School Board should take this action in order to be consistent with their anti-discrimination policy.

DOMESTIC PARTNER/HEALTH BENEFITS COMMITTEE

The District has refused to provide benefits to domestic partners citing the cost. The committee will continue to press for fairness.

WELCOME THE NEW COMMISSIONERS

The response for applications to be on the Gay and Lesbian Education Commission was overwhelming. We wish to thank all of you who applied. The Commission needs many volunteers besides official commissioners and the public is encouraged to attend any and all Commission meetings.

Our current commissioners include: Brad Albion, Julie Baron, Gary Campbell, Carl Englebrecht, Charles Fogarty, March Goodman, Laura Hale, Ellen Kameya, Irene Kaufman, Roy Dawaskai, Steven Kornfeld, Rich Llewellyn, Max Manuel, Ernie Martinez, Cheryl Mandoza, Rene Narvaez, Steve Oster, Jonathan Poullard, Mary Reyna, Jason Riggs, Joe Salvemini, Dick Sargent, Ken Silk, Voltaire Tinana, Virginia Uribe, Hector Viera, Vallerie Wagner, Darlene Weege, Thelma Barrios, and Norine Boehmer.

Again, Congratulations!!

GAY AND LESBIAN VICTORIES IN THE LOS ANGELES UNIFIED SCHOOL DISTRICT

1. Ten years of Project 10. This school based counseling program for gay and lesbian students was founded in 1984 by Virginia Uribe and now exists in over half of the District's 52 high schools and in many middle schools as well. (For more information call Virginia Uribe at Fairfax High School, 213-651-5200.)

2. The Gay and Lesbian Education Commission. This is one of seven commissions created by the Board of Education for the purpose of bringing the concerns of the community directly to the Board and to the District as a whole. These commissions have one full time director funded by the District and unpaid commissioners appointed by board members. (The other commissions include Black, Mexican-American, Asian and Pacific Islander, American Indian, Sex Equity, and Special Education.) This institutionalization of gay and lesbian interests in a public school district is the first of its kind in the nation. (For more information call the director Kathy Gill at 213-625-6392.)

3. Annual recognition since 1992 of June as Gay and Lesbian Pride Month in all of the schools. Last year, the Commission sent an extensive packet of materials to all middle schools and high schools, and many of them had assembly programs, speakers, displays, and other activities associated with Pride Month in the gay community.

4. First Annual Gay, Lesbian, and Bisexual Youth Conference. In October, 1993, over 200 high school and college youth were brought together in this day-long event sponsored by the Commission and held at Occidental College.

5. Full inclusion of sexual orientation and gay and lesbian; interests in the District's multicultural, human relations, counseling, and nondiscrimination policies.

6. A drop-out recovery program at its own school site aimed at keeping lesbian, gay, and bisexual students in school. (The EAGLES Center; for more information call Jerry Battey at 213-937-4819.)

7. An openly gay member of the school board. (Jeff Horton, 213-625-6386.)

In addition, the LAUSD is one of the few school districts in the nation which has a policy of making condoms available to high school students.

Although there is still much to do, the Los Angeles Unified School District has been in the forefront of efforts to meet the needs of gay and lesbian youth.

APRIL 20, 1994.

DEAR FRIENDS: This coming June we're looking forward to our third annual Gay & Lesbian Pride Month. Many people ask why we've chosen June for Gay & Lesbian Pride Month. The answer dates back to the Stonewall riots which began June 27, 1969. These riots became the symbol of the Gay Liberation Movement and June became the month to celebrate equal rights and respect for Gays & Lesbians. (For detailed information, please see the handout on Stonewall.) Thus, June has become the month that we have dedicated to teach respect for Gays and Lesbians and to develop students who appreciate the diversity of humankind. This will help to provide a school environment that is free of harassment of Gay & Lesbian youth and encourage them to finish high school and continue their higher education. Following are the suggested activities for Gay & Lesbian Pride Month:

1. Display:

Using the colorful handouts enclosed, chose a central display case to post the information about the Gay & Lesbian community, its symbols, various organizations and resources. An additional display may be done in the media center.

2. Bulletins:

Daily facts and information about famous Gays & Lesbians, well-known contemporary Gays & Lesbians, facts about Gays & Lesbians, resources for Gays & Lesbians can be put in the daily bulletins.

3. Assemblies:

If you'd like to plan an assembly at your school, please contact Kathy Gill at (213) 625-6392. We have videos, (see below), college students from USC's Shout and other poets and artists who will help with the assemblies.

Available videos:

1. LAUSD's "1st Annual Gay, Lesbian & Bisexual Youth Conference."

2. "Leticia Quezada addresses the Issue of Gay & Lesbian Rights." (available in English & Spanish)

4. Lessons:

The information on Famous Gays and Lesbians in History & Well-known contemporary Gays, Lesbians & Bisexuals may be duplicated and used in History classes. The latest scientific research on the possible correlates for a genetic and biological basis for sexual orientation may be duplicated and used in health and science classes.

Please feel free to call if you have any questions.

Sincerely,

KATHY J. GILL,
Director, GLEC.

THURSDAY, MAY 20, 1993.

DEAR COLLEAGUES: The enclosed materials have been assembled by the Los Angeles Unified School Gay and Lesbian Education Commission to assist middle and senior high schools in planning activities for "Gay and Lesbian Pride Month" in June. I have included posters, resources, lessons and materials I hope you find useful. Don't hesitate to call the various organizations listed on the resource list. They are all trained to give staff inservices, assemblies and workshops.

Since the Gay and Lesbian Education Commission is not funded with a full time director, we are unable to assist with activities during the school day. However, if there are any questions you might have, please call the commission office and leave a message. I will return your call ASAP.

For your information, all of the materials included in this packet were donated by the various organizations listed on the handout. The materials, envelopes and letterhead were bought at no cost to the Los Angeles Unified School District whatsoever.

With Pride,

LAURA A. HALE,
Director.

P.S. Your efforts on behalf of the Gay and Lesbian students, staff, and parents at your school will be appreciated more than you will ever know. Since we have been an often "invisible" group of individuals, many people don't think they know anyone gay or lesbian. Believe me, you do.

[From Project 21, Kansas City, MO]

PROJECT 21—A NATIONAL LESBIAN, GAY AND BISEXUAL ALLIANCE FOR CURRICULUM ADVOCACY

Project 21 is an informal, national alliance of organizations and individuals working to ensure that fair, accurate and unbiased information is presented to America's youth regarding the nature and diversity of sexual orientation.

Project 21 also strives for inclusion of long-censored information regarding the same-gender orientation of significant historical and cultural figures in course content throughout the curriculum.

The organizational nexus of Project 21 is the Gay and Lesbian Alliance Against Deformation/San Francisco Bay Area Chapter, which acts as fiscal agent and sponsor. GLAAD/SFBA was joined by the Bay Area Network of Gay and Lesbian Educators [BANGLE] and the Gay and Lesbian Youth Advocacy Council of San Francisco to launch Project 21 in 1990.

Project 21 pursues a proactive agenda to improve the treatment of lesbian, gay and bisexual persons in educational systems of all levels of society. Advocates for Project 21 provide testimony before state and local boards of education, inform the public about educational equity issues, and furnish various resources for addressing lesbian and gay subjects in the classroom. Project 21 members call for an end to the censorship of information about our communities in textbooks, course content, resource materials and library offerings.

Project 21 members believe that elementary and secondary curricula should include:

Fair and factual information about sexual orientation in sex education, social studies, humanities and family life classes;

Information about the historical and continuing contributions of lesbian, gay and bisexual people to art, language, education, science, sport;

Discussion of the gay liberation movement and the history of the struggle for gay, lesbian and bisexual equality in the United States and throughout the world;

Documentation of significant social, legal and historical events, including the National Marches on Washington for Lesbian and Gay Rights in 1979, 1987 and 1993, the Stonewall Resistance of 1969, and the struggle for privacy rights argued before the Supreme Court in Bowers vs. Hardwick (1986).

Did your textbooks say that:

Alvin Ailey, Edward Albee, Alexander the Great, Horatio Alger, James Baldwin, Truman Capote, Willa Cather, Queen Christina of Sweden, Colette, Noel Coward, Leonardo da Vinci, Emily Dickinson, T.S. Eliot, E.M. Forster, Michael Foucalt, Margaret Fuller, Allen Ginsberg, Hadrian, Henry III, J. Edgar Hoover, Langston Hughes, Frida Kahle, John Maynard Keynes, Federico Garcia Lorca, Michelangelo, Yukio Mishima, Montezuma II, Martina Navratilova, Plato, Richard II, Eleanor Roosevelt, Bayard Rustin, Sappho, Bessie Smith, Socrates, Gertrude Stein, Peter Ilyich Tchaikovsky, Alan Turing, Gore Vidal, Walt Whitman, Oscar Wilde, Tennessee Williams, Virginia Woolf, and Marguerita Yourcener were lesbian, bisexual or gay?

Were their achievements even mentioned?

□ 1750

ACTIVITIES OF THE CLINTON ADMINISTRATION

The SPEAKER pro tempore (Mr. STUPAK). Under a previous order of the House, the gentleman from Indiana [Mr. BURTON] is recognized for 30 minutes.

Mr. BURTON of Indiana. Mr. Speaker, over the past several months I have been talking about the activities of Bill Clinton and members of his administration regarding Whitewater, Monroe Savings and Loan, their relationships with other people who were involved in drug trafficking. I think some of this bears repeating before I go into my special order tonight.

One of the very close friends of President Clinton was a gentleman named Dan Lasater. Mr. Lasater was an entrepreneur who started out in Indiana, my home State, started a company called Ponderosa Steak Houses. He went down and started an investment firm down in Little Rock, AR. Mr. Lasater was a very big supporter of President Clinton when he was running for Governor of Arkansas on several occasions. They partied together, they flew around in Mr. Lasater's plane, they dined together. They were very close friends.

Mr. Lasater received millions and millions of dollars in bond contracts.

Mr. HANCOCK. Mr. Speaker, will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman.

Mr. HANCOCK. I wonder if they ever slept together on a hunting trip. Maybe we got something going here.

Mr. BURTON of Indiana. I do not have any idea. But anyhow, Mr. Lasater was a very close friend of the President's and was one of his big financial supporters. Mr. Lasater was known to use cocaine and distributed cocaine freely at many parties. And he was convicted, convicted by the Arkansas authorities of trafficking in cocaine. He received a prison sentence, and his prison sentence was partially reduced. After he got out of prison, he was in a halfway house for a few months, he was pardoned, exonerated by then-Governor Clinton, his friend. During the time that he was incarcerated in this halfway house—he really was not in a penitentiary, he was in a halfway house most of the time—during the time he was incarcerated, a lady named Patsy Thomasson, who is his chief financial officer, took over control of his businesses, and she ran his businesses as the chief financial officer while Mr. Lasater was away at prison. When he got out and was pardoned by President Clinton, Ms. Thomasson continued to be the chief financial officer of his companies, and she also became the chief officer of what was called the Phoenix—the Phoenix Group. A subsidiary of the Phoenix Group was the Phoenix Mortgage Co., and Mr. Lasater became the president of the Phoenix Mortgage Co. So the relationship between Patsy Thomasson, and Mr. Lasater, and Bill Clinton was of long duration and continued even after he went to jail and was out. As a matter of fact, Mr. Lasater paid an $8,000 drug debt, drug bill for cocaine use that Bill Clinton's brother had incurred. So he paid off a drug bill for Bill Clinton's brother. So there was a very close relationship between the Clintons and Mr. Lasater.

Now, Patsy Thomasson, to give you some more background, my colleagues, now is one of the chief officers at the White House. She is the personnel director at the White House. She conducts, quote unquote, the drug testing of personnel at the White House.

Now, yesterday the people of Albuquerque, NM, awoke to another tale of corruption that may involve the President, President Clinton. The front page of Tuesday's Albuquerque Journal reports that a joint Federal/State narcotics investigation of the President's friend, Mr. Dan Lasater, was called off before it was completed. A former Arkansas State police investigator, J.N. "Doc" DeLaughter, told two Journal investigative reporters that the investigation included Lasater, a close friend of the President and high-dollar contributor to Mr. Clinton's campaign, and the President's brother, Roger Clinton. DeLaughter said the investigation was cut off prematurely for political reasons.

The State police investigators say he briefed the Clinton-appointed Arkansas State police director, Tommy Goodwin, twice by telephone about the Lasater/Clinton investigation. On both occasions Tommy Goodwin, the State police investigator, was using a phone in then Governor Clinton's personal office. Mr. DeLaughter, who was then on the force, was not sure whether or not Governor Clinton, now President Clinton, overheard the conversations. But it is very clear that Governor Clinton, now President Clinton, was very close to the Arkansas State Police director, who was getting the information about the investigation.

DeLaughter said, and I quote, "Moneys could have been seized and planes could have been seized because we had evidence that cocaine was being used on planes," used by Mr. Lasater. As I said before, Mr. Lasater quite frequently flew then Governor Bill Clinton around in these planes.

DeLaughter told the newspaper that he and another investigator were barred from interviews with Lasater, Roger Clinton and another Lasater associate. In other words, his superiors on the State police said, "You can't go and investigate this." They stopped him cold in his tracks. Eventually Lasater was convicted of possession and distribution of cocaine, as I said before. He was sentenced to 30 months in prison but served only 10 months, most of which was in a halfway house, before being released on parole. Lasater was later paroled by his friend, then-Governor Bill Clinton.

Now, right in the thick of all this is Patsy Thomasson, who is now the personnel director at the White House. She took over the day-to-day operations of the Lasater companies while Lasater was in prison. As I speak to you tonight, she is responsible for the daily administration of the Clinton White House.

The newspaper is careful to point out that there is no evidence to support any indictment of Ms. Thomasson or establish a direct connection between the illegal activity that led to the conviction of Lasater and the President's brother.

Now harkening back to an earlier Washington scandal, one has to wonder what did Ms. Thomasson know about the illegal activity which surrounded her, and when did she realize that her boss, Lasater, was a large-scale drug pusher?

The Albuquerque Journal found no one in that firm, no one in that firm other than Ms. Thomasson, the chief financial officer, had any doubt about what was going on in the Lasater companies. I quote the newspaper's story:

> Former Lasater employees interviewed by the FBI said they left or joined the firm between 1982 and 1985 because of its reputation for cocaine use.

As the chief financial officer for Lasater during that period, are we to believe that Ms. Thomasson, now the chief personnel director at the White House, had no clue about what was going on in the company? The Albuquerque Journal reported that the FBI received sworn statements from Lasater employees there—that were there at Christmas parties at which cocaine was available in ashtrays. Cocaine was freely available at Lasater Company outings in Lexington, KY, Hot Springs, AR and elsewhere, according to Lasater employees. Reporters Dick Lynch and Mike Gallagher quote Federal grand jury testimony which said that, "Cocaine was served like hors d'oeuvres." But we are asked to believe that the chief financial officer, even though everybody else in that firm knew about it, knew nothing of this. And we are talking about Ms. Thomasson. Ms. Thomasson, Patsy Thomasson, was a key player in the Lasater operations.

The newspaper cites numerous public and court records which show her as president of the various Lasater enterprises, including New Mexico's Angel Fire Corp., which Lasater purchased in 1984 and sold in 1987. Articles of incorporation show that Thomasson as an incorporator of the Phoenix Group, which was the successor to Lasater & Co.

Records of the sale of Angel Fire in 1987 to a Texas investment partnership bear Patsy Thomasson's signature. She was tied to Mr. Lasater all the way through all of his operations. At the time of this sale, the Customs Service and the FBI were busy investigating money laundering and drug trafficking. She signed the partnership agreement. The two agencies formed an Organized Crime Drug Enforcement Task Force and named Lasater as the chief target of the probe. Pasty Thomasson was given power of attorney, power of attorney by Mr. Lasater in January 1987 while he was in prison and, surprisingly, appears to still be acting as a registered agent for Lasater's Phoenix Mortgage Co.

Calls by the newspaper to Patsy Thomasson at the White House were not returned. I understand Ms. Thomasson has taken leave of absense from her position as the director of administration for the President. I continue to be concerned about the President's association with people like Mr. Lasater, pardoning him after he was convicted of dealing in drugs, giving him $65 million, I believe, in State bonds during the time he was being investigated and later indicted by the Arkansas State Police and the Federal authorities for drug trafficking. I continue to be concerned about his association, President Clinton's, with people like Mr. Lasater and Ms. Thomasson. In the very limited hearings that we had on Whitewater——

The SPEAKER pro tempore. The gentleman will suspend for just a moment.

Mr. BURTON of Indiana. For what purpose, Mr. Speaker?

The SPEAKER pro tempore. Will the gentleman suspend for a moment?

Mr. BURTON of Indiana. Yes.

The SPEAKER pro tempore. The Chair must remind Members, all Members, that it is a breach of order in debate to level personal innuendo at the President of the United States.

□ 1800

Mr. BURTON of Indiana. Well, I do not believe I am saying anything that is innuendo, Mr. Speaker. I think I am talking about what has been reported in the media and is, in fact, publicized by the media all across this country, and I would take issue with the Speaker by saying that the President did pardon Mr. Lasater after he was convicted of cocaine use. That is as a matter of fact, it is not innuendo, and for the Speaker to interrupt my special order by saying I am inferring, this is a misuse of the Speaker's power.

The SPEAKER pro tempore (Mr. STUPAK). The Chair is merely reminding Members that it is improper during debate to level personal innuendo, at the President, and the fact that others have already done so in the media is not material to this rule of decorum.

Mr. BURTON of Indiana. I request that that be read back, Mr. Speaker, so I could check that out.

The SPEAKER pro tempore. The gentleman may proceed in order. The purpose of the Chair's comment was to caution the gentleman against a breach of order.

Mr. BURTON of Indiana. I appreciate that, Mr. Speaker. I will proceed and say:

If you find that I'm using innuendo instead of fact, I hope you will remind me, but I don't think I have.

The fact of the matter is the President of the United States, Mr. Clinton; fact, not innuendo; pardoned Mr. Lasater after he was convicted of cocaine trafficking in Little Rock, AR, and during the time that he was under investigation by the Arkansas State Police, the Arkansas bonding agency down there gave Mr. Lasater, I think, I believe, $65 million in State government contracts, and I think that is something that is of great question by Members of this body and deserves a full hearing in congressional hearings.

So, I do continue to be concerned about the President's association with people like Mr. Lasater and Miss Thomasson. In the very limited hearings on Whitewater which have been held so far, Mr. Speaker, witness after witness told us what they did not know. I believe someone at the White House does know the answer to many of these questions which have been left unanswered.

I have taken the floor of this House many times over the past several months during this session to raise questions about a number of incidents connected to this White House. In every instance the Clinton White House has not responded, and we need full congressional hearings on many of these issues, not these limited parameters that are being set by the Democrat leadership and the Democrat chairmen of these committees which would limit us in our questioning of White House employees and people who have relevant information to these questions. When we had the Whitewater hearings, the members of the Committee on Banking, Finance and Urban Affairs had 5 minutes to question 10 members of the White House staff and get answers, not 5 minutes to question each one of them, 5 minutes to question all 10 of them and get a response. That in my opinion smacks of a whitewash and certainly was not full congressional hearings.

The thing that bothers me is during the Reagan and Bush administrations there were 23 full-blown hearings on everything from Iran-Contra, to the October Surprise, to everything else, and something as important as the Whitewater investigation is being swept under the rug, and I believe for political purposes, and it is unfortunate.

Now the smoke is starting to clear around the Clinton White House. I think the American people are not being fooled by a lot of this, and, as Clinton loyalists continue to resign, the pattern of distortion is continuing to change.

We need a full investigation of the President's association with Mr. Lasater and Miss Thomasson. We need a full investigation of possible obstruction of justice in the investigations of drug use and drug trafficking by Mr. Lasater and the President's brother. And there are other questions that need to be answered, like Mr. Vince Foster. We still have not gotten all the answers concerning his mysterious death and finding him at Fort Marcy Park.

So, Mr. Speaker, this is another in a series of special orders I will be taking over the next few weeks until we adjourn, and, when we come back in January, if we have not had an agreement by both the majority and minority to have full-blown hearings on many of these issues relating to Whitewater and other mysterious things that have been going on, like the special order I took last night regarding two savings and loan associations in the State of Illinois who had the Rose law firm and Hillary Rodham Clinton representing the government in going after Mr. Lasater himself at a time when they were friends, which smacks of a conflict of interest, I am hopeful that we will be able to get a bipartisan agreement so that we can actually have full-blown hearings and get to the bottom of it. The questions need to be answered. If the President and the White House has nothing to hide, then they should be very happy to answer the questions that the Congress will raise at these hearings.

CLINTON QUO VADIS

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the Chair recognizes the gentleman from California [Mr. DORNAN] for 60 minutes.

Mr. DORNAN. Mr. Speaker, first of all, I want to compliment the gentleman from Indiana [Mr. BURTON] on his special order and say that I think he has done an outstanding job in trying to keep before the public a story that torments most of the dominant media culture. They turn it on, they turn it off, they turn it on. Then they build up, and they create comebacks. But somehow or other we are going to get to the truth on this.

I know you were on the floor, Mr. BURTON. I was not. I had my staff tape the remarks of Mr. MEL HANCOCK who preceded you. If there were a category in this country called 'Is There No Shame, Is There No Respect for Any Institution,' the hands down winner would be the Los Angeles school district where my younger brother Richard, of whom I am exceedingly and justifiably proud, teaches. That they would turn loose forces in that school system to try and make the shabby, unforgivable case that President Abraham Lincoln, considered by both parties to probably be our greatest President, is somehow or another a homosexual, an activist one to boot, is just beyond description. And the fact that we could not get into that debate on the House floor yesterday is a tragedy. But I am hoping that you and I, who have trekked through parts of Central America during the conflict against communism there, where the Reagan doctrine prevailed and our side won, can travel to Haiti to show our young men and women down there, marines, rangers, commandos, Coast Guard, our 10th Army Division, BOB DOLE's division, that we support them, but that we know that it is not the right mission. It is not right to raise young Americans to be decent human beings, understanding fully civil rights and how we denied it, for most of our history, to Americans of African descent, to understand human rights, understand that human life is sacred, and then ask them to stand there mute with loaded weapons on safety while limping and teen-age boys are beaten to death. It is more than we should ask of any fighting man.

There was one quote that struck me by all of our fine young GI's who are daring to talk to the press. And I can imagine the White House sending orders through General Shalikashvili telling our young men and women in uniform, "Don't talk to the press." But their remarks were pretty cogent yesterday, and the one quote that stuck in my mind was: "I thought we came down here to help people. What are we doing here?"

Another quote was from a young man who said: "I feel like dumping my gear, footing it to the Santo Domingo border and getting out of here."

Mr. BURTON of Indiana. Mr. Speaker, would the gentleman yield just real briefly?

Mr. DORNAN. I have an hour.

Mr. BURTON of Indiana. Mr. Speaker, one of the things that is distressing to me: First of all, I think the vast majority of the Members of both the House and the Senate and the American people did not want us to go into Haiti in the first place.

☐ 1810

But now that we are there, one of the things that troubles me, and we should be supporting our troops now that they are there, I did not want them in, you did not want them in, but now that they are there, we should be supporting them because they are our troops. But one of the things that concerns me is there have been no apparent rules of engagement delineated or given to the troops on the ground. They really, as far as I can tell, do not know how to deal with these situations, and there are no plans to do it.

Now, the White House and the Pentagon, it seems to me, before we landed one soldier, one marine, or anybody else on those beaches down there in Haiti, should have given a set of rules and guidelines for dealing with the people of Haiti and how to deal with situations like those which took place yesterday. It is apparent that that did not take place.

So if there is one thing I would like to say to the Pentagon, if anybody were to be paying attention to this special order, along with you and my colleagues, is that let us very clearly, very quickly, set up the results of engagement, how we are going to conduct ourselves down there, so that the troops and the American people know what the guidelines are. Because right now they do not, and I know Members of Congress do not as well.

Mr. DORNAN. I came within a whisker of going with you, taking you with me to Somalia. The only reason you did not get over there was because we drew a line in the sand and with a date certain and we were out of there. But one of the other young soldiers in Haiti, a veteran of Somalia, I could not tell from his equipment whether he was a marine or with the 10th Mountain Division, was asked by a member of the press, who was also a veteran of Somalia, if it reminded him of Somalia. Remember Somalia? It began on September 9, 1992, with press lights on the beach, while marines landed. Clinton was President-elect. Aideed ordered his gangs to welcome the Americans. I remember seeing the signs, "U.S., yes. UN, no." There was dancing in the street, kind of like the British troops coming into Northern Ireland. Dancing in the streets. And within weeks, it had turned sour, and by the time we left, there were broken hearts. Mothers, fathers, wives, little children, all over this country had lost loved ones. And here is what I heard a marine or 10th Mountain soldier, GI, say the night before last. This young, very intelligent looking and sounding young man turned around and said, same people, same buildings, and it is the same press.

Mr. BURTON of Indiana. If the gentleman would yield for just a minute, there is a parallel. When we went into Somalia, there was a request made to the Secretary of Defense to send Bradley armored fighting vehicles and M1-A1 tanks to make sure if anything came up unexpectedly we could get to our troops quickly. There was not a well-thought-out plan, and the Secretary of Defense, then former Representative Aspin, denied our commander on the ground those weapons, the M1-A1 tanks and the Bradley fighting vehicles. Then a helicopter was shot down by a surface-to-air missile or ground fire, and we had 17 marines, I believe, killed, and Americans saw one of them being dragged through the streets over there, naked, his dead body. And it took us, I think, 12 hours to go across Mogadishu simply because there was no well-thought-out plan and we did not have the Bradley fighting vehicles and the tanks requested by the ground commander.

Now, we see in Haiti a situation where there is no well-thought-out plan of engagement, and it worries me that we might involve ourselves in a similar situation, not today, but maybe in 2 or 3 or 4 weeks or a couple of months, because they are going to be there for a while.

That is why I say to my colleague, who is a fighter pilot, who understands the military better than I, I was a private in the military, that the Pentagon and this White House had better get on the ball pretty quickly and come up with a plan that is doable and have rules of engagement that every one of those men and women on the ground understand and make sure they are properly equipped. Otherwise, we are liable to have a similar situation like we had in Somalia.

Mr. DORNAN. Stay with me just one moment, because I want to pass on to you, and through the Speaker to the American people, the following facts: First of all, I came to Congress in the bicentennial election in 1976, with Jimmy Carter of Georgia. He called me three times at home to press me for votes. I gave him one; I did not give him two. I thought we had enough cabinet offices.

He was a decent man. I always thought when he said he was a Christian, that he meant it. He taught Sunday school. But decent as he was he did not have a successful Presidency on foreign policy. In fact, it was a disaster and his undoing. The Communists were winning everywhere around the world under the Brezhnev doctrine. Yemen, Ethiopia, Nicaragua, El Salvador in doubt, Angola, Mozambique, Somalia. We were losing everywhere.

Then Carter's friend Brezhnev broke his promise. The Soviets thought they could take Afghanistan and that we would not respond. And then came Jimmy Carter's gutsiest, but maybe worst, decision, to put Delta Force commandos, a brand new force, with marine air transport into the desert to rescue American hostages in Iran. The operation was called Desert I, it was Operation Talon, as in an eagle's talon.

We were going to blow our way into the biggest city in one of the nastiest countries now in the world, Iran, and attack where our old embassy grounds were. As many as 52 Americans were held hostage, including some marine guards. And the experts felt, when Carter gave the go ahead, that we would probably lose half the hostages, 26 dead. We also might lose, they told President Carter, half of the rescue force. But rather than see 52 Americans slaughtered, which was still an issue then, he was willing to take those risks.

And because our military was hollowed out, and for the want of one, single, big H-53 Sea Stallion, the mission had to be scrubbed. And then in the disillusionment and the anger of the men leaving, one big Sea Stallion turns too sharply. Its big rotor blades whip into the back of a Marine C-130, and we had 8 dead bodies left to be desecrated by the Iranians, taking the rings off the burned bodies and everything else. It was a mess for President Carter, and I did not attack him too severely on the House floor.

But I want to say something right now, that I believe with all my heart, there are mothers and fathers in this country, and young brides, and little children that would be half orphan today, if Jimmy Carter had not done what he did with Colin Powell and our distinguished colleague from the other body, SAM NUNN.

If they had not worked out this agreement, and the Clinton invasion had taken place, there would be an unknown number of parents grieving their sons today, an unknown number of widows. There would have been letters like one I am going to read in a few moments from one of the wives of a Medal of Honor winner.

We owe Carter that debt. But here is something to think about. President Carter, Colin Powell, and our colleague SAM NUNN, could just as easily be in caskets in Dover at the morgue today if Cedras, who I will not defend, was as diabolical, cruel, and evil as Clinton painted him out to be 6 nights ago, and started a firefight in that room. We did not have the security, the guns, to prevail. One of our guys might have taken Cedras down. But it would have been the end for Powell, NUNN, and Carter. By Clinton starting the invasion when he did he risked the lives of a former U.S. President, the former Chairman of the Joint Chiefs, and a sitting Senate chairman. And there has only been two Congressmen killed in the line of duty since the Civil War, and no Senators. Larry McDonald in KAL 007, and Leo Ryan in Guyana. Larry McDonald flying into Korea for the 30th anniversary of the end of the war.

I had described to me today the firefight that would have resulted if the Haitians tried to take the three hostages, which Cedras could easily have done. When Gen. Philippe Biamby walked in and said, "We are being invaded," Cedras stood up and said, "This is a trick. You are tying up my whole military staff here." He could have said, "And further than that, you are hostages now," and turned to our secret service people and the limited protection we had there from the embassy and said, "Turn over your guns, you are our hostages. We are stopping this invasion." Kennedy would never have done this if he had a team in Havana. This is absurd, what happened Sunday. It is more like an Evelyn Wough novel than reality.

☐ 1820

Mr. BURTON of Indiana. I believe, let me just say, if I might, that is exactly the point that I was trying to make a couple minutes ago. The President and the administration and the person they put into Secretary of Defense, Mr. Aspin in Somalia, simply did not have the expertise or the understanding to deal with the problem.

As a matter of fact, they did not, in Somalia, put the proper equipment on the ground to protect our troops. As a result, we lost a lot of young people unnecessarily.

In Haiti, they launched an air movement. There were planes in the air while the former President, the former chairman of the Joint Chiefs of Staff and Senator NUNN, chairman of the Senate Committee on Armed Services were negotiating. You are absolutely right. That is what is so troubling. Because there is no real strong understanding of how to deal with foreign policy. Now we have got our troops on the ground and we do not have rules of engagement. I would like to see our troops out of there and all Americans out of there as quickly as possible. It looks like we will be there for a while, and it will cost $2 billion or $3 billion at least before we get them out of there. But if they are going to be kept there, then we must support them and we must make sure that the rules of engagement are very clear and that there is proper equipment on the ground and a proper plan to protect those troops in any eventuality.

The President showed, by his actions when he launched that air attack, which was called back, when he launched that air attack with those three people negotiating, it shows his lack of understanding and, I think, lack of concern.

Mr. DORNAN. There is the question of whether it was a real attack.

Mr. BURTON of Indiana. We may never know that. The point is, I think Jimmy Carter, and I understand he told the President he was very upset that that took place when he got back here.

Mr. DORNAN. He is flaming mad.

Mr. BURTON of Indiana. So we as a Congress need to urge, demand that the White House and the Pentagon make sure that all of this is very, very clear, that they know what they are doing before we lose some lives in Haiti. I thank the gentleman very much.

Mr. DORNAN. I want to again draw on this analogy of mission creep. But before I do I want to tell our excellent recorders, Mr. Speaker, that if they want a title, because they usually title our remarks in the record unless we give them a title, I would title this Clinton Quo Vadis, 4 years of high school Latin enabled me to translate whither goest thou. Translate that.

Here is a Newsweek magazine article, a long article on values. They took key words that we feel embrace concepts missing in many young Americans today.

Tom Selleck, excellent actor and a friend, was here on the Hill a few weeks ago telling all of us, he is an activist Republican, that he could do no Republican campaigns between now and the end of the year because he had taken on a responsibility with a bipartisan conservation/liberal group, to sell six words to American youth that liberals and conservatives could agree on.

I will refer to one of them that Newsweek titled a section of this article on values a few weeks back. The word was "responsibility." That is one of the six words. Here are the only things that liberal and conservative ethicists and psychiatrists and psychologists and school teachers apparently can agree on: caring, of course; citizenship, that is why we teach civics to young kids in grade school; respect, I guess that is the flip side of what some young people will initiate gunfights over, disrespect, do not diss me, do not disrespect me, respect; responsibility; trustworthiness, we agreed that we must teach young boys and girls to be trustworthy, and justice, we want to teach young people what justice is.

Here is the greatest example of responsibility, and I will send it to Tom Selleck, tell him to use this.

Newsweek asked the widow of one of our 19 superbly trained delta commandos, special forces men, and our rangers that were killed in that fire fight from hell on the night of October 3 and 4, in Somalia.

Five days after Matthew Rearson was killed by a mortar in front of their hangar headquarters, while the rangers were being withdrawn, angry, because they were not allowed to justifiably avenge and punish the killers of their 19 comrades, the U.S.S. *Harlan County* arrived in that huge harbor at Port-au-Prince, on October 11, 5 days later.

On the 501st anniversary of Columbus day, October 12, the *Harlan County* was ordered to turn tail and evacuate the Port-au-Prince area. I believe that was the opportunity for us to go in, almost a year ago, 11 months ago, and train the police in some sort of civil decency not to beat women and teenagers with, as one of the GI's down there said, crowbars. But on that horrible first week of October, during that first week of October 1993, two Americans in the prime of life, young but in their maturity of their midthirties, a first sergeant and a master sergeant who had come to love one another as close as brothers, both of them married, both of them expert riflemen snipers, both of them giving cover to our men on the ground that Sunday afternoon, October 3, both of them begged on the radio three times back to the ranger headquarters at Mogadishu airport, let us land and rescue or give cover and support to Michael Durant's helicopter crew, to his copilot Ray Frank, two door gunners, Tommy Fields and David Cleveland, let us give them fire support on the ground until the rescue column can get there. We see movement in that crashed helicopter.

Twice they were turned down. Their third plea, a long pause, two-star general was tracking all of this. They were his men. He said, all right, you can go down.

The helicopter went down, was hit so badly with rocket fire, although it limped smoking with one of the men with his leg cut off by the rocket blast back to Newport and crashed, totaling the airplane but saving the crew.

That same helicopter that came down to a few feet off the ground, Randy Shugart, Gary Gordon jumped off and began to run. The first landing they could not make. They had to back off 150 yards away. They began to run a gauntlet of intense rifle and automatic weapons fire and RPG fire, rocket-propelled grenades. They are running toward Durant's helicopter.

When they got to the helicopter all four men were alive but so badly injured from the hard impact that not one of them could undo his own seatbelt and get out of the plane.

In the helicopter, the aircraft commander sits on the right side because of the collective in some helicopters that only have one collective. So Durant was luckily on the right side, which is the side of the helicopter up against a building, the tail forming a slight wedge, a V.

One of the men, I think Shugart, took Ray Frank, 35 combat months in Vietnam and within a month of retirement, lay him in the open side on the street, take out one of the gunners, Tommy Fields. On the right side, they take out Michael Durant. Thank God, he is still with his family today. And they take out David Cleveland, the other door gunner.

☐ 1830

He is alive, smiling at Durant. Durant told me this personally. He laid them on the right side, the side against the wall.

We do not know what the fate of David Cleveland was, except that his burned remains came back to Dover. We do not know the final moments of Tommy Fields or Ray Frank.

Michael Durant, Chief Warrant Officer, did hear Shugart hit. Gordon gave him the last few rounds for an M-16 rifle he had given him. All that Gary Gordon had was his Beretta pistol. He went back around the front of the helicopter to hold off literally hundreds of people, on the slim chance that a caravan of HummVess might arrive with enough firepower to rescue these four badly injured crewmen.

Then Michael Durant heard Gary Gordon moan as he was struck, as he had heard Shugart moan when he was struck. Then the crowd came around the front, overwhelmed David Cleveland, alive, and Michael Durant, alive, and only Durant is here to tell the story.

Gary Gordon and Randy Shugart got the Medal of Honor. I asked that they be awarded that before I knew their names and knew the full story, because I had heard that they had begged to go down and try and rescue this second helicopter shot down October 3. There was a ceremony at the White House May 23, where the men were posthumously awarded the Medal of Honor given to their beautiful, young, widows.

One of the fathers, Herb Shugart, with his wife, Lois, at his side, Randy's mom and dad, refused to shake Clinton's hand. He said, "You had flown Aideed down to Kenya. You have treated him like a victor. You do not know enough about military operations. You should not be the Commander-in-Chief. You let my son down and you let Aideed live. Now these men are dead." Words to that effect. At the end he told him, "I have nothing more to say to you".

This is a scene I do not want to see reenacted in the White House as another mother, father, or widow refuses to shake Clinton's hand because the mission was not clear, because there was mission creep, because, after a while the side we were there to support turned against us.

Here is what, under the title of responsibility, Carmen Gordon, the wife of Sergeant Gary Gordon, wrote to her children, Ian and Brittany, to be read many times in their youth and their adulthood as they grow up. The italicized prologue says:

> In 1993, Master Sergeant Gary Gordon was killed trying to rescue a fellow soldier in Mogadishu, Somalia. His widow, Carmen, and their two children, Ian, 6, and Brittany, 3, live in Southern Pines, North Carolina, close to the military community that they love, the Special Forces community, in what they call the world's greatest fort, Fort Bragg.

Carmen writes:

> My dearest Ian and Brittany: I hope that in the final moments of your father's life, his last thoughts were not of us. As he lay dying, I wanted him to think only of the mission to which he pledged himself. As you grow older, if I can show you the love and responsibility he felt for his family, you will understand my feelings. I did not want him to think of me, or of you, because I did not want his heart to break.
>
> Children were meant to have someone responsible for them. No father ever took that more seriously than your dad. Responsibility was a natural part of him, as easy path to follow. Each day after work his truck pulled into our driveway. I watched the two of you run to him, feet pounding across the painted boards of our porch, yelling, "Daddy!" Every day, I saw his face when he saw you. You were the center of his life.
>
> Ian, when you turned 1 year old, your father was beside himself with excitement, baking you a cake in the shape of a train. On your last birthday Brittany, he sent you a hand-made birthday card from Somalia. But your father had two families. One was us, and the other was his comrades. He was true to both.
>
> He loved his job. Quiet and serious adventure filled some part of him I could never fully know. After his death, one of his comrades told me that on a foreign mission, your dad led his men across a snow-covered ridge that began to collapse. Racing across a yawning crevasse to safety, he grinned widely and yelled, "Wasn't that great?"
>
> You will hear many times about how your father died. You will read what the president of the United States said when he awarded the Medal of Honor: "Gary Gordon * * * died in the most courageous and selfless way any human being can act." But you may still ask why. You may ask how he could have been devoted to two families so equally, dying for one but leaving the other.
>
> For your father there were no hard choices in life. Once he committed to something, the way was clear. He chose to be a husband and father, and never wavered in those roles. He chose the military, and "I shall not fail those with whom I serve" became his simple religion. When his other family needed him, he did not hesitate, as he would not have hesitated for us. It may not have been the best thing for us, but it was the right thing for your dad.
>
> There are times now when that image of him coming home comes back to me. I see him scoop you up, Ian, and see you, Brittany, bury your head in his chest. I dread the day when you stop talking and asking about him, when he seems so long ago. So now I must take responsibility for keeping his life entwined with yours. It is a responsibility I never wanted.
>
> But I know what your father would say. "Nothing you can do about it, Carmen. Just keep going." Those times when the crying came, as I stood at the kitchen counter, were never long enough. You came in the front door, Brittany, saying, "Mommy, you sad? You miss Daddy?" You reminded me I had to keep going.
>
> The ceremonies honoring your dad were hard. When they put his photo in the Hall of Heroes at the Pentagon, I thought, can this be all that is left, a picture? Then General Sullivan read from the letter General Sherman wrote to General Grant after the Civil War, words so tender that we all broke down. "Throughout the war, you were always in my mind. I always knew if I were in trouble and you were still alive you would come to my assistance."
>
> One night before either of you were born, your dad and I had a funny little talk about dying. I teased that I would not know where to bury him. Very quietly, he said, "Up home. In my uniform." Your dad never liked to wear a uniform. And "up home," Maine, was so far away from us.
>
> Only after he was laid to rest in a tiny flag-filled graveyard in Lincoln, Maine, did I understand. His parents, burying their only son, could come tomorrow and the day after that. You and I would have to travel so far.

Then there is a bit more. Mr. Speaker, our colleague, OLYMPIA SNOWE of Maine, who I think will be the next Senator up there, she was there the night that the remains, the burned remains, of Gary Gordon came home.

Every single person in Lincoln, ME, she told me, except the babies, were on the street. It was close to midnight. It was very cold. It was the beginning of winter. She said, "You could hear a pin drop as Lincoln, ME, buried its Medal of Honor hero, Gary Gordon."

An irony of fate is that Randy Shugart, his best friend, fellow recipient of the Medal of Honor, was also from Lincoln, another Lincoln, Lincoln, NE. His mom and dad, Lois and Herbert, are retired near Carlisle, the Army barracks and the Army War College there. Farmers, simple people. I have not met the Gordons, but I have met Mrs. Shugart and the parents, as I said, Herb and Lois.

☐ 1840

These are the finest people we have in our country, the salt of the earth. These young men and women of all ranks up to the highest ranking officers leading them. These are the backbone of our country. A poll came out last week and it shows the presidency is considered way down, but still considered about twice as high as Congress. We are right down at the bottom with the respect of only 7 percent of this Nation. Religion is up near the top but not at the very top. The very top of all the institutions in this country, held in most respect by our fellow Americans, are the Armed Forces of our United States. That is fitting and as it should be. But where are we going? Quo vadis, Mr. Clinton, on Haiti?

Listen to this excellent article by Ray Kerrison, syndicated columnist. The title says "Clinton to Install a Haitian Marxist who Hates U.S."

One of our colleagues, DAVID OBEY, took the well the other day and said only two words at this point should be coming from Mr. Aristide, "Thank you." We have not heard those words yet.

Here is the Ray Kerrison column:

> A week before the U.S. Marines hit the ground in Haiti, President Jean-Bertrand Aristide sent a message to his followers back home through Radio Democracy, a U.S.-financed radio station set up for his use and benefit.
>
> In Creole, Aristide cried, "With the machine guns of the enemy, we shall return and they will be dumbstruck."
>
> The "enemy," in case you missed the subtlety, is the United States. The message on Radio Democracy was broadcast from a U.S. Air Force plane flying above Port-au-Prince a week, mind you, before thousands of young American troops were ordered to risk their lives to restore Aristide to power.

By the way, Mr. Speaker, and as an aside here, this is so offensive and shocking to me that I am resisting it in a way. I have to find out where Mr. Kerrison got this and I am going to check this out through my committee assignments and find out if these are the exact words of Mr. Aristide.

> Are there words sufficient to portray the treachery nesting in Aristide's heart, to describe the folly of President Clinton ordering a new American occupation of Haiti or to measure the ineptitude of Jimmy Carter as a pariah diplomat?

If it were not so embarrassing and potentially tragic, it would be the stuff of comic opera.

This is what Clinton and Carter have wrought: Three years after the collapse of the Soviet Union and communism, at an incalculable cost in blood and resources to the United States, an American president has used the might of the nation to install a Marxist president in Haiti.

He is not there yet.

It defies comprehension. Stalin and Khrushchev, Kennedy and Nixon, even in their graves, must wonder if the world has been turned inside out and stood on its head.

Jean-Bertrand Aristide's history shows him to be psychologically unstable, violently anti-American, contemptuous of democratic principles and a devotee of "necklacing," the torture art in which a tire is strung around an opponent's neck, filled with gasoline and set afire.

That President Clinton should stake the whole weight of American prestige and power on anyone so flaky, deceitful and tyrannical is cause for alarm.

Clinton and Carter have not resolved the staggeringly complex problems of Haiti. They have merely postponed them and, ultimately, made them more flammable.

"If Aristide is returned to power, there will be civil war in Haiti," said Raymond Joseph, editor of the Haiti Observateur, the Brooklyn newspaper. Joseph has in his possession a tape of Aristide's broadcast last week, when he gloated of returning to power under the guns of "the enemy" and leaving the Americans and his rivals "dumbstruck."

How can a nutty professed Marxist with dictatorial convictions build a democracy in Haiti? He cannot. So the whole Haiti exercise is a political fraud with consequences yet to be determined.

The Aristide record is shocking. Joseph recalled, "In a speech on July 28, 1988, for the 73rd anniversary of the first American intervention in Haiti, Aristide said that Cuba showed us the way to go in 1959 and Nicaragua showed us the way to go in 1979.

Those two countries still suffer, Mr. Speaker.

"Aristide told the crowds that Cuba had drawn a line in the sand and dared the American eagle to cross it. He said to them, 'Would you not like to be like Cuba and tell the eagle that here is the line in the sand and cross it if you can?' "

That was six years ago, but nothing has changed, despite Aristide's three-year exile in the United States. "The speech last week shows that he is still the same man," said Joseph. "He has not changed. It is his character."

Like so many, Joseph said he will hold the United States responsible for what happens if and when Aristide is restored to power. "He is now America's client and there is going to be big trouble," said Joseph. "There will be a civil war, and the U.S. will have to defend Aristide."

The unpredictable Haitian is, himself, an overthrow specialist. Before he was ousted by the military junta, Aristide orchestrated some mini *coup d'etats* of his own.

"Many mayors, who were elected at the same time as Aristide, were deposed and replaced by committees from Aristide's organization," said Joseph.

So much for the man charged with installing democracy in Haiti. "Six months before Aristide was overthrown, I wrote an editorial in my paper asking Aristide the question: If elected mayors can be replaced, what guarantee do you have against a *coup d'etat?*"

In evaluating the prospects of Jean-Bertrand Aristide, it is critical to understand that he still regards the United States as the enemy. He calls it "the great Satan."

Stealing from Iran.

Yet he is about to be installed back in power by the president of the United States in an arrangement that Carter called a "win-win agreement."

The United States is about to plant a second Fidel Castro in the Caribbean, proving there is no limit to Clinton's folly and Carter's naivete. The unanswered question is, who will pay the price?

Mr. Speaker, we live in an audiovisual period of history and it probably will stay that way for the rest of our lives, maybe forever. There is no way to change that. People resist reading and, unfortunately, although there is a great percentage of Americans from all economic classes that read our newspapers, support our public and private libraries, read our news magazines, most people get their news electronically. On the other hand, I think it has been healthy for Government that since April 3, 1979, we have put out, by six cameras paid for by the taxpayers, in this Chamber the proceedings of this House.

Because people are not reading enough about Haiti and our involvement there, let me take advantage of the research I have been able to do. Let me explain just briefly, Mr. Speaker, a little about our prior invasion, our occupation of Haiti, and why Yogi Berra might be pressed to say, "It's deja vu all over again."

The President of the United States in 1915 was a good man, former president of Princeton, an intellectual, a man of peace, a lover of democracy, so much so that he wanted to insert it into every country around the world even if they were resistant. Woodrow Wilson.

His Secretary of State was a man that had run for the Presidency three times and lost each time, but lost with his head held high, a great orator of this Congress, William Jennings Bryan. William Jennings Bryan, like Mr. Wilson, was an intellectual and a lover of democracy. In 1915, the President of Haiti, Vilbrun Guillaume Sam, was involved in torture, it appears. And the poor, the rebels in those days, were called Caicos, like the islands in the Caribbean, the Turks in Caicos. They had 167 peasant Caicos prisoners in Port-au-Prince and they tortured them all and killed them all. The crowd, somewhat similar to the crowds we saw yesterday, threw caution to the winds and like any deep passionate revolution, they did not care about dying on the barricades. They overwhelmed the government in Port-au-Prince. President Sam fled to the French Legation, to their embassy, where the French tried to hide him. The crowds had no fear of France because they had whipped France's greatest general, Napoleon. Cost him more dead soldiers with combat and disease than Napoleon had lost at Waterloo, 50,272.

☐ 1850

So the crowds overwhelmed the French Embassy, and there is deep passion and hatred on all sides in Haiti. They grabbed President Sam and tore his head and his limbs from his body and carried his body parts out into the street.

That was too much for President Woodrow Wilson and Secretary of State William Jennings Bryan, and in went the U.S. Marines. We set up a naval admiral as Governor General. After about 3 years there was what is called the second Caicos rebellion. The crowds rose up again. This time America was the Satan and they began killing across the countryside. Fifteen U.S. marines were killed, a very close figure to the 30 killed in Somalia or the 18 killed in the firefight the night of October 3 and 4, 1993. Fifteen marines were killed.

The peasants paid dearly, as did Aideed's men and women in the streets of Mogadishu, but the ratio was far worse, 1,500 dead. That was 1918.

Today with television and Dan Rather doing a darn good job in the streets down there, if it was like today the Marines would have been pulled out. But in 1918, at the same period when World War I, with my dad in the trenches of Europe, was ending, we were in no mood to see 15 marines killed. So 3 years turned into 19 years.

Only when Woodrow Wilson was gone, two other Presidents had come and gone, Herbert Hoover formed a commission. Another firefight. By the way, six marines won the Medal of Honor in Haiti, mostly fought in 1917–18. He started the commission that came to fruition in Franklin Delano Roosevelt's second year, 1934, before we pulled out. This will not happen this time if 15 marines, or the Tenth Division soldiers are killed. We spent 19 years in Haiti and we left no democracy behind.

The Marines avenged their 15 dead men and caught the guerrilla leader with a rather romantic name, Charlemagne Peralte. When they captured Peralte they killed him, hopefully. I do not know the history. Hopefully it was in a firefight and not an execution. And since they had the leader of the revolution, the second Caicos revolution, they photographed him and spread that photograph all over Haiti hoping that it would dissuade any more rebellions.

But as with Che Guevarra, captured and executed, not killed in a gunfight, wounded and then executed in Bolivia it had an opposite effect. In the case of Che Guevarra he became a hero to people like Tom Hayden, Jerry Rubin, the Chicago Seven, and all of the American haters, and the Oliver Stones of the 1960's. This man, Charlemagne Peralte, became a martyr hero to all Haitians because the photograph made him look like Jesus Christ on the cross, and the Christian heritage mixed with the West

African religious heritage, they had a martyr. And even though we stayed 16 years, we never had the respect of the people again.

Flash forward from 1934 to Aristide's next to last month in his short presidency. His chief of police was a man with a deceiving name. There are nine categories of angels, and those who study theology know the second highest category is cherubin which we get from the word cherub, and this man's name is Cherubim. Chief of police Cherubim, and this is in the intelligence community given as fact, oversaw the slaughter of five young students who were against Aristide in the main prison there in Port-au-Prince where they have tortured people on all sides, no matter who is in power. And they let the windows open so that the screams would go out over the city area so they could intimidate whomever they wanted to intimidate. These five young people were killed.

The lieutenant who oversaw the murders is named Solomon, another little play on names, Solomon. It appears that he was protected by Aristide the next month, September, the month he was overthrown and, of course, in that month he was overthrown, there is not much debate in the intelligence community. But there is debate on this House floor as to whether Aristide gave the order to kill Roger Toussaint, one of his adversaries. And with that final killing Aristide was overthrown.

Now we can get into the situation that we seem to be in a lot of the times in the Balkans, in Bosnia and Herzegovina on who is doing the most killing, who is committing the most human rights abuses, Bosnian-Serbians, Bosnian-Croations or Bosnian-Moslems. And it appears overwhelmingly most of the killings are the Serbians in Bosnia. But it does not excuse the human rights violations on the other two sides. At this point I believe that there are human rights violations manifest on both sides, but I am willing to concede that there is a total lack of professionalism in the Haitian police and army. The ugly, brutal, indiscriminate, unprovoked beating of women and teenagers who had not yet begun to throw stones is evidence that there is a sergeant class on down or an officer lieutenant class on down in the police and in the military that thinks they can do whatever they want.

Now I see my distinguished colleague on the floor from New York over here who is going to contradict probably a lot of what I am saying. But here is a piece of intelligence we would probably both agree with. One of the reasons these out-of-control police authorities in Port-au-Prince felt they had the right to continue their pattern of beating people without provocation in the streets is that we had helicopters flying over the city for 2 days prior to today,"We are here to work with your police and military."

That is what our helicopters were telling the military and police of General Cedras and the police of Michel Francoise.

Talk about giving mixed signals to the people, talk about frustration of the young men we saw on the news last night saying, "Why are we here? I thought we were to stop the killing? They killed that man right in front of us. Why?" And tensions are building.

President Carter courageously put his life on the line, and Colin Powell in more danger than he was in Vietnam, and not armed as he was in Vietnam where he always had a sidearm, and SAM NUNN, the first Senator in that much danger in the history of our country in a long, long time were under the guns of Cedras where they could have been easily taken hostage. They tried to prevent great loss of American life trying to solve this problem.

Where does that leave us right now? It leaves us in an absolute tar pit, a superpower stuck in a tinderbox situation.

There are stores of gasoline hoarding because of our blockade. President Carter is right on that, and I believe Senator NUNN. I saw him on the Senate floor yesterday back up former President Carter, that removing the sanctions was part of the Sunday agreement last Sunday. And I think that these gasoline supplies inside Cite Soleil, Sun City, are as dangerous as the ones inside Panama City in the Commandante area when our attack began there and Noriega's forces burned up that whole poor area of the city.

□ 1900

And this gasoline can be used for Molotov cocktails or, depending on which side, to burn down the poorest city area in the entire Western Hemisphere, Cite Soleil. All it takes is one incident where an American soldier, a 19-year-old or an 18-year-old sees a friend hit in the face with a rock and fires his weapon. Or are we not allowing them to have bullets in their weapons as we made that mistake with the Marine Barracks guards in Beirut on October 23, 1983? I do not think we will relive that mistake.

What happens if these out-of-control police decide to defy Americans as they did not in the film clips we saw last night when one American sergeant, who had had enough, or a corporal or, for all I know, a private, stepped forward and waved his hands and said, "Get out of here," and they left in their vehicle, 10 of them, 8 of them; what happens if they decide to stay and fight? What about those crowds jumping up and down who are then interviewed? Remember, their native language is French, not English. But in pretty good English they are telling us, "Why are you letting us be beaten? I thought you were here to help us, to liberate us."

This thing can go bad in an instant.

We have 14,000 Haitians in Guantanamo. Yesterday I was going to take the floor and say while we have this open window of opportunity, take them back to Port-au-Prince while we have the chance. I am glad I did not say that. Because I would not say that today. I would not take anybody back into that tinderbox today. We have 14,000 people costing us $2 million a day in Guantanamo. We have 23,000 Cubans there because Castro is far worse than Cedras on his worst day. We have 30,000 Cubans in Panama. Panama reneged and would not take the Haitians. I do not know why they would not take Haitians. They have got 30,000 Cubans in Panama. We pay the bill. So we have a total of 53,000 Cubans.

I have not seen a boat person report. I wish God would send us a message on our computers how many Cubans have died at sea because of Castro over the last 30 years. I wish we had an absolute hard figure how many Haitians have died at sea, from drowning, dehydration, shock, hurricanes, shark attacks; I wish we had a computer figure from God to tell us exactly how many Vietnamese died because we cut and ran from Vietnam.

So now we are put in position, those of us who have thought that there was either no policy or at most, an ill-conceived policy in recent history on Haiti, of wanting to support our men and women in the field in harm's way, of wanting to support these children and women being beaten in the street, of wanting to feed and help the Cuban and Haitian refugees in Panama and on the southeast tip of Cuba, just across the strait from Haiti, in Guantanamo Bay. But we are boxed into a corner. The joke is going around that Mr. Warren Christopher has had his State Department authority co-opted by this quickly-put-together team of a senior Senator, a most respected retired general out there, and a former President who has beautifully rebuilt his image as a person who cares about human rights and people, and the joke is that all this would not be happening if Mr. Christopher were alive. Well, maybe that is unfair to him. But where has he been? What has he been doing? Where is Strobe Talbott? The State Department is a disgrace.

I also know for a fact that Secretary of Defense Perry is uncomfortable. I do not know who ordered General Shalikashvili to go on Ted Koppel's "Nightline." I could see in his eyes he wanted the holy blazes out of there, because Ted asked some very tough questions. He could not give the proper answers, this policy is so without definition, so filled and riddled with the beginning of mission creep.

Listen to this article, Mr. Speaker; I will submit this for the RECORD, and I will read the first and the last paragraph, an article by Mark Helprin, not to be confused with one of the architects of this misguided Haitian policy, Morton Halperin. This is Mark Helprin, who is a novelist and contributing editor of the Wall Street Journal. He writes to the President, Mr. Speaker. He says,

Mr. President, Haiti is on an island, and its navy, which was built mainly in Arkansas, is well characterized by the Institute for Strategic Studies as "Boats only." The Haitian gross national product is little more than half of what Americans spend each year on greeting cards, its defense forces outnumbered five to one by the corps of lawyers in the District of Columbia.

With other than a leading role in world military affairs, the Haitian army has retreated into a kind of relaxed confusion in which it is also the fire department, captains outrank colonels, and virtually no one has ever seen combat.

Except beating people in the street.

Which raises the question, Why has the leading superpower placed Haiti at the center of its political universe?

Mr. President, in trumpeting this gnatfest at a hundred times the volume of the Normandy invasion you have invited challenges from all who would take comfort at the spectacle of the U.S. in full fluster over an object so diminutive as to be a source of wonder.

It gets better for about 10 more paragraphs, and here is the way it ends.

Like your false-ringing speech, the dry bones of your authority had none of the moral flesh and blood that might otherwise have invigorated even a senseless policy. The animation that you have failed to lend to this enterprise was left to the soldiers in the field, who with the greatest discipline and selflessness would have taken on the task that, generations, ago, you refused.

Oxford sounds.

I wonder if your view of them has really changed. In your philosophy they must have been pawns then, and they must be pawns now: The only thing that has been altered is your position.

Though it is fair to say that I differ with your policy, if our soldiers had gone into combat I would have been behind them 100 percent, and I hope that, despite the orders in Somalia, you would have been too. This is a lesson that you might have learned earlier but did not, the truth of which you now embrace only because you have become president of the United States. You are that man will march only if he is commander in chief. Yours, Mr. President, has been a very expensive education. And, unfortunately, every man, woman, and child in this country is destined to pay the bill for your training not because it is so costly but because it is so achingly incomplete.

Mr. Speaker, I submit that for the RECORD and yield back that final moment for my colleague from New York, the gentleman from New York [Mr. OWENS], who will give you the other side of the story.

[From the Wall Street Journal, Sept. 20, 1994]

A SOLDIER OF THE NOT GREAT WAR

(By Mark Helprin)

Mr. President, Haiti is on an island, and its navy, which was built mainly in Arkansas, is well characterized by the International Institute for Strategic Studies as "Boats only." The Haitian gross national product is little more than half of what Americans spend each year on Greeting cards, its defense forces outnumbered five to one by the corps of lawyers in the District of Columbia.

With other than a leading role in world military affairs, the Haitian army has retreated into a kind of relaxed confusion in which it is also the fire department, captains can outrank colonels, and virtually no one has ever seen combat. Which raises the question, why has the leading superpower placed Haiti at the center of its political universe?

Mr. President, in trumpeting this gnatfest at a hundred times the volume of the Normandy Invasion you have invited challenges from all who would take comfort at the spectacle of the U.S. in full fluster over an object so diminutive as to be a source of wonder.

Anyone considering a serious challenge to the U.S. has been reassured that we have no perspective in international affairs, that we act not in regard to our basic interests but in reaction to sentiment and ideology, that we can be distracted by the smallest matter and paralyzed by the contemplation of force, that we have become timid, weak, and slow. This is what happens when the leaders of the world's most powerful nation take a year to agonize over Haiti. This is what happens when the elephant ignores the jackals and gravely battles a fly.

WHY NOT CUBA?

Given that Haiti is a nation doomed to perpetual harmlessness, that it is not allied to any great power, that it does not export an ideology, that it does not have an ideology, and that it is of no economic consequence to any nation except perhaps the Dominican Republic, you strained to justify intervention the way a prisoner with his hand stretched through the bars strains for a key just out of his reach.

In your recent address you mentioned rape three times, the killing of children three times, an the words "dictator" or "tyrant" 18 times. If we must act "when brutality occurs close to our shores," why not now invade Cuba, or Colombia, or the South Bronx, or Anacostia? Every year in the U.S. we are subject to more than 100,000 reported rapes and 20,000 homicides. How do rape and murder in Haiti, no numbers supplied, justify U.S. intervention? And if they do, where were we in Rwanda?

It is possible that having no idea whatsoever about the balance of power among nations, the workings of the international system, and the causes and conduct of war, you are directing the foreign relations of the United States of America in accord with the priorities of feminism, environmentalism, and political correctitude? Why not invade Saudi Arabia because of the status of women there, Canada because they kill baby seals, Papua New Guinea because it doesn't have enough wheelchair ramps?

Haitian illegal immigrants (did you not mention AIDS because it would offend the Haitians, or some other group?) have been to some extent motivated by the embargo and are a minute proportion of the total that seek our shores. If it is so that the best way to deal with a country that spills over with souls is to invade it, que viva Mexico? Should the U.K. invade Pakistan; France, Algeria; and Hong Kong, Vietnam? For that matter, why have you not hastened forward to Havana? In fact, the history of great-power interventions shows that conquest does not prevent but, rather, facilitates population transfers.

Your desire to wipe out the expenditure of $14 million a month to maintain the leaky embargo that you put in place was not consonant with your robust urge to spend elsewhere, and was a rather dainty pretext. Fourteen million dollars is what we in this country spend on "sausages and other prepared meals" every seven hours. If you truly believe, Mr. President, that "restoring Haiti's democratic government will help lead to more stability and prosperity in our region," then you, sir, have more Voo doo than they do. The entire Haitian gross national product is worth but three hours of our own. Were it to grow after intervention by 10% and were the U.S. to reap fully one half the benefit, we would surge ahead another nine minutes' worth of GNP. This is not exactly high-stakes geopolitics.

Why, then, Haiti? Why are your subordinates suddenly so Churchillian? Clearly, in a real crisis they would be so worked up that all their bulbs would burst. The nations towed along for the ride (Poles? Jordanians?) seemed not to know whether to be embarrassed by the stupidity of the task or amused by the peculiarity of their bedfellows. This the secretary of state described as "a glowing coalition." Never in the history of the English language has such an inept phrase been launched with such forced enthusiasm to miss so little a target. Granted, the vice president's "modalities of departure" did much to inspire the nation to a frenzy of war.

Why Haiti? Because, like the father in Joyce's story, "Counterparts," who bullies his son because he cannot fight his bullying boss, what you do in Haiti says less about Haiti than about North Korea, Europe, and the Middle East, where the real challenges lie, and where you cannot act because you do not have a lamp to go by and you have forced your own military to its knees.

Why Haiti? Because you have been unable to say no to the Black Caucus as it stands like the candlestick on the seesaw of your grandiose legislation, and because you are a liberal and in race you see wisdom, or lack of wisdom; qualification, or lack of qualification; virtue, or lack of virtue. And because the Black Caucus is way too tight with Father Aristide.

Why Haiti? Because you have no more sense of what to do or where to turn in a foreign policy crisis than a moth in Las Vegas at 2 a.m. You should not have singled out Haiti in the first place, but once you did you should not have spent so much time and so much capital on it, blowing it out of all proportion, so that this, this Gulf Light, this No-Fat Desert Storm, is your Stalingrad. Six weeks and it should have been over, even including an invasion, about which the world would have learned only after it had begun. All communications with the Haitian regime should have been in private, leaving them the flexibility to capitulate without your having to distract Jimmy Carter from his other good works.

Though you and your supporters made a marriage of convenience with the principles of presidential war powers, your new position is miraculously correct, while that of the Republicans who also switched sides in the question is not. You did have the legal authority to invade Haiti. What you did not have was the moral authority. Despite what you have maintained during the first 46/48ths of your life, the decision was yours, but your power was merely mechanical.

DRY BONES

Like your false-ringing speech, the dry bones of your authority had none of the moral flesh and blood that might otherwise have invigorated even a senseless policy. The animation that you have failed to lend to this enterprise was left to the soldiers in the field, who with the greatest discipline and selflessness would have taken on the task that, generations ago, you refused. I wonder if your view of them has really changed. In your philosophy they must have been pawns then, and they must be pawns now: The only thing that has been altered is your position.

Though it is fair to say that I differ with your policy, if our soldiers had gone into combat I would have been behind them 100 percent, and I hope that, despite the orders in Somalia, you would have been too. This is a lesson that you might have learned earlier but did not, the truth of which you now embrace only because you have become president of the United States. You are the man who will march only if he is commander in chief. Yours, Mr. President, has been a very expensive education. And, unfortunately, every man, woman, and child in this country is destined to pay the bill for your training not because it is so costly but because it is so achingly incomplete.

VACATION OF SPECIAL ORDER

Mr. OWENS. Mr. Speaker, I ask unanimous consent to vacate my 5-minute special order.

The SPEAKER pro tempore (Mr. STUPAK). Is there objection to the request of the gentleman from New York?

There was no objection.

A MAGNIFICENT LANDMARK EVENT

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentleman from New York [Mr. OWENS] is recognized for 30 minutes as the designee of the majority leader.

Mr. OWENS. Mr. Speaker, what has happened in Haiti is a magnificent landmark event which sets a higher moral precedent for the new world order. We should rejoice and not take the cynical tone of the previous speaker.

In the new world order, the greatness of the industrialized nations will be measured not so much by the way they pursue their own obvious self-interest but by their assistance to the least of the nations among us. In the new world order, the moral nations who uphold democratic principles will also gain the greatest amount of influence over the people and the markets of the world.

So in the final analysis, as we compete for the markets of the world, our high moral road in our relationship with other nations will establish a more permanent path to peace and prosperity for Americans.

It is important to note also that the island of Haiti, the island nation of Haiti, has always been of great concern to the United States. We have made it our concern not so much because the Haitians fought in the Revolutionary War against the British at the Battle of Savannah, and we never really have thanked them for that; there are no monuments out there, and the Haitians were involved in the Revolutionary War fighting on the side of the people who established this country, not so much because the Haitians in their defeat of Napoleon created a situation where Napoleon had to leave the New World.

Haitians are the descendants of a group of people who were the only slaves in the history of the world to rise up to overthrow their slavemasters. The Haitians overthrew the French slavemasters. They defeated the army of Napoleon. They drove the army of Napoleon out of the Western Hemisphere.

□ 1910

Napoleon was so wracked with debts and problems that he sold the Louisiana Territory to the United States for almost nothing. And the Louisiana Territory is not just Louisiana, it is several other States which made up the Louisiana Territory in addition to Louisiana. A large part of the United States is now part of the United States because of the valor, the bravery, and the courage and effectiveness of the Haitian slaves who drove Napoleon out of the Western Hemisphere.

The United States became very preoccupied with Haiti later on because after all they were a nation of slaves and had overthrown their slavemasters. And we had a nation filled with slaves at that time.

So we began to dominate Haiti from the time they had won their freedom from France, on. We have always exercised a great deal of influence and sometimes deliberately dominated and militarily occupied Haiti. We have always considered it important. In the Monroe Doctrine days, the Monroe Doctrine said everything that happened in this hemisphere is important to us. So whatever happens in Haiti is considered important.

It is important to note also that when I attended the debriefing at the White House, when President Carter, General Powell, and Senator NUNN came back to brief us, that President Carter stressed the fact that these were people in the military, Mr. Cedras and the other generals, who felt that they had a great tie to the United States. Most of them had been trained in the United States at Fort Benning, GA. General Powell noted the fact that on the wall of the staff headquarters of the Haitian Army there are photos of all the past commanders of the Haitian Army. Three of the past commanders of the Haitian Army were Americans. The Haitian Army was established when we occupied Haiti. The present modern-day Haitian Army was created by the United States. The present Haitian Army was armed by the United States. Their equipment, their supplies. They are a creature of the United States.

So we cannot say that Haiti is of no interest to us. We have always shown a great deal of interest. Most of the foreign businesses in Haiti are American businesses. Most of the foreign businesses are American businesses. Large numbers of people who are citizens of this country are people of Haitian descent. They are Haitian-Americans. They are as American as anyone else, but they are of Haitian descent. Haiti is a nation of 7 million people, 7 million people. It is no small matter, as the previous speaker tried to make us think.

Haiti is a land mass, still unexplored. It is not as poor as it seems. Wherever there is land and wherever there are people, there is a possibility of wealth.

The great problem is it has never had a government, it has never had leadership that has held the government together long enough for the nation to fully exploit its resources. And its greatest resource, of course, is people.

I am overjoyed at the almost political miracle, it is almost a political miracle that the right thing was done. It was the right thing to do to insist that the legally elected government of Haiti be restored, that President Aristide be returned. After all, President Aristide was elected by 70 percent of the population of Haiti; 70 percent of the voters who came out voted for President Aristide. There were two or three other candidates, and altogether they shared 30 percent of the vote. For anyone to say that Aristide is not the choice of the people and Aristide will not be able to hold Haiti together as a leader is an insult to democracy and the whole process of democracy.

I sent a message to my own constituents and to the other people of Haitian descent in New York City on the morning after. I want to read this message briefly. It was a special message to the more than 20,000 New Yorkers of Haitian descent and all the other people who are not of Haitian descent who cherish democracy:

> The military criminals who overthrew the democratically elected government of President Aristide and have held the seven million people of Haiti as hostages for the past three years have agreed to leave office. Today, Monday, September 19, 1993, the United Nations Forces led by the United States have begun the protective military intervention which the Congressional Black Caucus first advocated a year ago. The troops are going in today and President Jean-Bertrand Aristide will be returning within a few weeks. At this point the clock cannot be turned back.
>
> Last night I spoke with President Clinton and he assured me that the plan of the multinational force would be fully implemented. I thanked President Clinton for his courage and his perseverance. I congratulated him on his victory. I told him that history would applaud this action as one of the greatest moments of his Presidency. I assured him that public opinion will soon catch up with his vision.

I told President Clinton that I considered what he had done to be comparable to the stance of Abraham Lincoln when he stood alone and signed the Emancipation Proclamation to free the slaves. His support of the highest level of international morality as we go into the New World Order will have the same impact on the course of world history as Abraham Lincoln's action had on the positive course of our American history.

Our President has taken a great political risk and acted despite an overwhelming barrage of criticism generated by well meaning pacifists, right wing hypocrites and camouflaged racists. To counteract these negative forces we must all now unite behind President Clinton as he completes the implementation of his Haitian policy.

Haiti is free and the Haitians, under the leadership of President Aristide, will rebuild their country. We now all have a duty to find a way to give our Haitian brothers and sisters as much help as we possibly can. With our united work and our fervent prayers we shall overcome.

I have an upbeat attitude because I think it is very much in order. I think it is very much in order to understand that the clock cannot be turned back. There are 14,000 United States military forces that will be on the ground in Haiti, and no tricks by the military of Haiti will be able to undo what has started.

Let me take a moment to deal with the image that is being painted of General Cedras and his comrades. General Cedras is being portrayed as a professional soldier, as a man of great courage, as a man of dignity, as a man you can negotiate with. We have been trying to negotiate with General Cedras since he took the illegal action of overthrowing the President, Aristide, 3 years ago.

If negotiations were possible, if he was a man of great integrity, then we would have concluded this a long time ago without the necessity of a single American soldier on Haitian soil.

General Cedras also led a delegation that went to Governor's Island and actually met with President Aristide—he met with the people there. They did not actually meet face to face with President Aristide. But President Aristide was on one side of Governors Island and they were on the other, and they were negotiating through intermediaries. And they concluded an agreement which General Cedras signed. President Aristide was very reluctant to sign it because he did not believe General Cedras would live up to the terms of the agreement. General Cedras signed the agreement.

The United States was a party to the agreement, the United Nations was a party to the agreement. If General Cedras is a man of integrity, if he is such a great professional, why did he not live up to the agreement?

It was almost a year ago that General Cedras began to violate that agreement. The agreement was signed in July 1993. The agreement called for General Cedras to leave power in Haiti on October 15, 1993. We are back in a situation now where the present agreement calls for General Cedras to leave power, to resign as of October 15, 1994.

So this great man of integrity that we are supposed to believe is worthy of being negotiated with, and that he was not the problem but we were the problem, this man has taken a whole year to get back to where he was a year ago.

General Cedras was being applauded at the White House when I heard the kudos coming from the delegation that went to Haiti and how he stands upright and is a man of great dignity, on and on it goes. Ladies and gentlemen, let us come to our senses and understand. Adolf Hitler was a man who portrayed great physical dignity. He stood up straight. Adolf Hitler was considered by many as a genius, an evil genius but a genius. Adolf Hitler loved art and culture. Adolf Hitler would not wear short pants in public because he thought it was indecent. Yet Adolf Hitler was responsible for the murder of millions. Adolf Hitler never pulled the switch of the gas chambers where millions of Jews died, but Adolf Hitler was the architect for the whole scheme. Adolf Hitler never marched in a trench out there in all those nations that the German soldiers roamed across and brutalized, but Adolf Hitler was the genius that held it all together.

□ 1920

He was at the top. Cedras probably has never pulled the trigger at night in the dark and murdered a single Haitian. He probably has never done that. But he held it all together. He is responsible for all of it.

Yesterday we saw on television, in broad daylight, before the eyes of the whole world, in front of the American soldiers, we saw an exhibition of what these killers are like. They have so incorporated and taken the habit unto themselves that they cannot control themselves even in a situation where they are being exposed, television cameras trained on them in broad daylight. They unmercifully beat and killed Haitians.

We saw it all. These are the people whose commander in chief is Raoul Cedras. General Cedras, Colonel Francois, they may all stand up straight, they may all have good bearing as professional soldiers, but they are killers, they are murderers, they are war criminals.

If Hitler had been alive, and we had negotiated with him, I am sure we would have found Adolf Hitler charming, but let us not be deceived, let us not be ridiculous, and let us not be naive. We are dealing with killers, and we must understand that.

I am not saying that we should violate the agreement Jimmy Carter, President Jimmy Carter, and Senator NUNN and Gen. Colin Powell made. That agreement must be applauded. That agreement must be applauded because that agreement allowed us to enter Haiti with a protective military force that can now guarantee that the Government of Haiti that was elected will be allowed to function, and for that that piece of paper becomes like gold, that agreement that has been discussed a great deal, the technicalities of it—you know it is signed by a man that is really not the president of Haiti. He is a provisional president of Haiti. He has no standing. On the other hand, the other side is signed by Jimmy Carter. He is not a government official. You know all of that is of little importance when you consider the substance of the agreement allowed for the peaceful transition of a very diabolical, murderous situation overnight. Overnight, we have hope, overnight the clock cannot be turned back, and we know it. That agreement calls for amnesty for General Cedras and the other generals, amnesty of a very general kind.

Let the record show that the Governors Island agreement also called for amnesty, but it was amnesty limited to the coup. Everybody participated in the coup would receive amnesty. Any crimes committed after the coup or after the Governors Island agreement were not going to be covered by the amnesty. What General Cedras is seeking is a general amnesty for everything. President Aristide did what he was told to do, or what he agreed to do in the Governors Island agreement. He proclaimed amnesty to the point where the—up to the point where the constitution allowed it. The amnesty called for in that agreement cannot be granted unless the Haitians change their constitution, unless the parliament meets. All of that is possible, but, you know, and if the Haitian people, their parliament, their elected leaders, want to do it, then it should go ahead and do it. But by October 15, whether or not the amnesty has been granted or not, General Cedras and his murderous generals, General Cedras and his war criminal companions, must step down, and we should look at that in this light:

We must look at it in terms of going forward. I spent almost 2 hours with President Aristide and some other Members of Congress discussing the future, the immediate future, and I think President Aristide has made it quite clear in a statement he made today. He wants to go forward. He wants to go forward. He wants to see his government reactivated.

Let us remember. Most do not know, but let me remind you. The Governors Island agreement a year ago called for the appointment of a prime minister by Aristide and for the appointment of cabinet members by Aristide. A year ago, about this same time, those cabinet members were in place in Haiti, appointed by Aristide. Robert Malval, the Prime Minister, was in place in Haiti a year ago.

Early in October of last year, along with the Members, some other congressional Members, we went to Haiti. We met the cabinet that was in place at the time. Mr. Malval, the Finance Minister, they were all in place according to the Governors Island agreement. Shortly after, Mr. Speaker, we left Haiti. In early October General Cedras announced that he would not abide by the Governors Island agreement. The thugs and the killers surrounded the offices of the cabinet members, and they drove them into hiding.

So, you had a situation for a whole year now where the government that was activated and put in place as a result of a Governors Island agreement, has not been allowed to function—at least beyond not being allowed to function, they have been threatened with their lives and they have had to go into hiding. Forty members of Aristide, of the parliament who are Aristide supporters, have been living in Miami because they feared going home to Haiti at all. They have not been able to go home, and their families in many cases are the families, among the families, who have been tortured and beaten. What we saw yesterday on television, the torture and the beating before our very eyes, ought to be enough to tell us that, if they do this in broad daylight with the cameras focused on them, what has been happening at night in Haiti for the last 3 years?

The conservative estimates are that 5,000 people have been murdered. That is a very conservative estimate. When you watch the killers at work in broad daylight, you know that many more than 5,000 people have been murdered over the last 3 years. This is what we are faced with.

In order to deal with that, Mr. Speaker, there is some simple steps that need to be taken, simple, positive steps. Let us activate, reactivate, the government of President Aristide on Monday. This Monday let us call for all the ministers appointed by President Aristide to show up for work at their offices on Monday, and let us guarantee that there will be American soldiers there at those offices to protect these public officials and guarantee that they may come, they may go, and do whatever they wish, without any threat from the killers of yesterday who dominated Haiti yesterday. That is the simplest way to move things forward.

Among the people appointed by Aristide was a minister of defense, a minister of defense, which means that the minister of defense gives orders to whoever is in command of the military. Cedras should be taking his orders from the minister of defense, or at least General Shelton who is now the commander in chief of the forces in Haiti, should be conferring, beginning on Monday to confer, with the minister of defense appointed by Aristide as well as General Cedras.

There is an agreement to cooperate with the Haitian military. The definition of cooperation is left for us to interpret. Cooperation does not mean that you allow the Haitian police and the Haitian soldiers to continue to beat people to death. That is not part of the definition of cooperation automatically. You set the terms for how they are going to behave because, after all, we are only in the country because those people have violated the rights of people, they have thrown out the government, they have created a situation which is intolerable in this hemisphere.

So, let the prime minister go to his office on Monday, let the finance minister go to her office, let the education minister go to her office. Those who doubt the sincerity of this agreement would have all the evidence in the world. If they note on Monday that the government of President Aristide has gone to work, the functioning of Haitian society goes forward, and I say that also because there are people who are saying, "We'll be in Haiti forever."

We will not be in Haiti forever. Haiti is not like Somalia. Somalia was in anarchy. Somalia consisted of a group of warlords warring with each other who had no sense of nationhood. In fact, the saddest sight I have ever seen with respect to Somalia was the photograph, the television video, which showed the seat of government in Somalia, the assembly house, with its murals still on the wall, totally demolished except for a few walls still standing. In the fighting process they had physically destroyed their government with arms, explosives, et cetera, and the only thing standing was a few walls with paintings still on them. It was a very tragic sight.

□ 1930

Government, civility, order, had all vanished from Somalia. We could not restore that if we stayed there 100 years. They will have to do it their own way. It may take them 10 or 20 years, but nobody from the outside can restore that.

Haiti is not Somalia. Haiti is not Somalia. Haiti has gone through a process. I was looking at the times on the floor I have spoken about Haiti that go back to the 101st Congress. On January 4, 1989, I was talking about the problems in Haiti. The Haitians wrote a Constitution. They said they would never be able to write a Constitution. They wrote a Constitution. The Haitians went out in large numbers and voted for that Constitution. The Haitians had an election. They went out in large numbers for what they thought would be a free and fair election, and the army, this same army of criminals, shot people down at the polls. They moved them down at the polls, and yet they came back less then a year later for another election.

The Haitians are determined to build a nation, and they have the structure with which to do it. The Haitians have large numbers of very sophisticated, well-educated people to work with. In Haiti they have a large number of people who are very well trained, and outside of Haiti, in the United States, in Canada, in France, they have large numbers of Haitians who live in the diaspora, who are ready to go home and participate in the rebuilding of Haiti.

Haiti is not Somalia. The United States will not have to stay there very long. The military forces certainly can be out by Christmas, in my opinion. The United Nations forces, which are going to help with the institutional building and help set the stage for the proper use, the best use, of economic aid, all those people may be around much longer. But there is no need for a military occupation of Haiti for a very long time. The Haitians can take care of themselves.

I want to close by saying the statements made previously about President Jean-Bertrand Aristide must be challenged. They are inaccurate. They are outright lies. Many of the lies were formulated by, and I am not accusing my colleague of lying, I am saying that the lies that he repeated were lies that were formulated by members of the CIA. That came from the CIA, so we assumed it was true.

But the CIA has a special problem with President Aristide. The CIA was responsible for guaranteeing the election of President Aristide's opponent. The CIA spent a large amount of money on a man named Mark Bezan, who was supposed to be chosen as president of Haiti. Mark Bezan only got 20 percent of the vote. Aristide got 70 percent of the vote. The CIA was greatly embarrassed. They have hated Aristide since then. The false statements and outright lies have gained momentum, and people keep repeating them as if they have some basis in fact.

They called Aristide mentally imbalanced. They gave the name of a doctor and gave the name of a hospital that treated him. Because we had the details and were able to check them out, we were able to determine that no such doctor or hospital existed in Canada. The one aspect of the CIA's analysis of the character and history of Aristide that was known and could be checked out proved to be false, false information distributed by the CIA.

Jean-Bertrand Aristide is to Haiti what George Washington was to this Nation. They are quite fortunate to have him. Jean-Bertrand Aristide can oversee the rebuilding of the Nation of Haiti. He is a man who is a priest, he is a poet, he is a writer, he is a Biblical scholar. He spent 2 years studying Biblical archaeology in Israel. So Hebrew is one of the six languages that he speaks.

It is very fortunate that Haiti has Jean-Bertrand Aristide. Aristide has not a single dishonest bone in his body.

Nobody can accuse him ever of corruption, of wasting the resources of his people. They are quite fortunate Aristide is a great man. I place him on the same level as I do Nelson Mandela.

I want to conclude by congratulating President Aristide on the remarks he made today at the Pentagon, and I would like to read his statement into the RECORD.

President Aristide said today at the Pentagon:

> In these past three days, something has happened in Haiti, Operation: Uphold Democracy was peacefully deployed. President Clinton, this is the result of the decision that you made, this is the result of your leadership. Thank you, and the people of the United States, for your commitment to lead a multinational effort in carrying out the will of the United Nations to help restore democracy to Haiti. It is certain that every action that stops the flow of even a single drop of blood, is a step towards lasting peace which we envision. I extend my thanks to President Carter, General Powell and Senator Nunn.
>
> General Shalikashvili, when U.S. men and women arrived in Haiti on Monday, they encountered a nation of people ready to embrace peace. To you, your commander in the field, General Shelton, and the thousands of American soldiers both in Haiti and on their way to Haiti, on behalf of my nation, my many thanks for joining in this endeavor for peace. Your wives, husbands, parents, family and friends may take comfort in knowing that your presence is a contribution to the justice and democracy that we seek, principles that run deep in the tradition of the United States.
>
> We who stood side by side with you in the battle of Savannah, Georgia to fight for the independence of the United States, are happy that today you stand side by side with us to uphold democracy in Haiti.
>
> The light of peace must shine throughout Haiti. The world must see this light shine in Haiti day and night for every single citizen. Nothing must block this light of peace—neither violence nor vengeance, guns nor provocation, impunity nor retaliation. Peace must flourish in Haiti. The success of this mission is directly tied to the process of disarmament. As I said on February 7, 1991, the day of my inauguration, not another drop of blood must flow in Haiti: no to violence, no to vengeance, yes to reconciliation, yes to justice.
>
> People of Haiti, continue to uphold democracy. Be vigilant and guard against provocation. While we move towards dialogue, mutual respect, enjoyment of civil liberties, and political stability, we call on all senators, deputies, members of Administrative Councils, Municipal Councils, Departmental Councils, mayors, and other elected officials to resume their offices. A peaceful environment is indispensable for these duly elected officials and the political parties to function. To help foster this environment, I have created a transition team headed by our Minister of Defense General Beliotte. They will assess conditions in Haiti and recommend the next steps to be taken to insure the quick restoration of constitutional order.
>
> Here in Washington I will continue to meet and work with the National Security Advisor Mr. Anthony Lake, Special Advisor on Haiti Reverend Bill Gray and you General Shalikashvili, chairman of the Joint Chiefs and Staff, to outline the steps that we will take to guarantee the restoration of democracy which will bring peace to all, reconciliation among all, respect and justice for every single citizen in Haiti.
>
> In less than 24 days I will join you in Haiti. There we will continue working as peacemakers, peacekeepers and peacelovers.
>
> Thank you.

RUSSIAN FEDERATION'S COMPLIANCE WITH TITLE IV OF TRADE ACT OF 1974—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore (Mr. STUPAK) laid before the House the following message from the President of the United States, which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means and ordered to be printed.

To the Congress of the United States:

I hereby transmit a report concerning the emigration laws and policies of the Russian Federation as required by subsections 402(b) and 409(b) of Title IV of the Trade Act of 1974, as amended (the "Act"). I have determined that the Russian Federation is in full compliance with the criteria in subsections 402(a) and 409(a) of the Act. As required by Title IV, I will provide the Congress with periodic reports regarding the Russian Federation's compliance with these emigration standards.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 21, 1994.*

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FROST (at the request of Mr. GEPHARDT) for today, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. BENTLEY) to revise and extend their remarks and include extraneous material:)

Mrs. BENTLEY, for 5 minutes, today.

Mr. WELDON, for 5 minutes, today.

(The following Members (at the request of Mr. STENHOLM) to revise and extend their remarks and include extraneous material:)

Mr. OWENS, for 5 minutes, today.

Mr. ROSE, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mrs. BENTLEY) and to include extraneous matter:)

Mr. GREENWOOD.
Mr. FIELDS of Texas.
Mr. HUNTER.
Mr. HORN.
Mr. BURTON of Indiana.
Mr. KING in two instances.
Mr. MCDADE.

(The following Members (at the request of Mr. STENHOLM) and to include extraneous matter:)

Mr. HAMILTON in six instances.
Mr. LEVIN.
Mr. TORRICELLI.
Mr. ROSE.
Mr. MILLER of California.
Mr. FRANK of Massachusetts.
Mrs. MALONEY.
Mr. COYNE.
Ms. THURMAN.
Mr. OLVER.
Mr. RICHARDSON.
Mr. POSHARD.
Mr. KANJORSKI in two instances.
Mr. APPLEGATE.

(The following Members (at the request of Mr. BURTON of Indiana) and to include extraneous matter:)

Mr. CRAMER.
Mr. GILLMOR.
Mr. KLEIN.
Mr. ENGEL.
Mr. BONILLA.
Mr. ZELIFF.
Mr. REED.
Mr. SANTORUM.
Mr. CRANE.
Mr. BURTON of Indiana.
Mr. PALLONE.

ADJOURNMENT

Mr. OWENS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 38 minutes p.m.), the House adjourned until Thursday, September 22, 1994, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3857. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend the Consolidated Farm and Rural Development Act to modify the program of the Farmers Home Administration to assist beginning farmers and ranchers; to the Committee on Agriculture.

3858. A communication from the President of the United States, transmitting a report regarding action to support multilateral efforts to restore democracy in Haiti and to protect democracy in our hemisphere (H. Doc. No. 103-313); to the Committee on Foreign Affairs and ordered to be printed.

3859. A letter from the Director, Office of Management and Budget, transmitting OMB estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 1999 resulting from passage of H.R. 3355, pursuant to Public Law 101-508, section 13101(a) (104 Stat. 1388-582); to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. de la GARZA: Committee on Agriculture. Supplemental report on H.R. 3171. A bill to authorize the Secretary of Agriculture to reorganize the Department of Agriculture, and for other purposes (Rept. 103–714 Pt. 2).

Mr. OBEY: Committee on Appropriations. Revised subdivision of budget totals for fiscal year 1995 (Rept. 103–735). Referred to the Committee of the Whole House on the State of the Union.

Mr. BEILENSON: Committee on Rules. House Resolution 537. Resolution waiving points of order against the conference report to accompany the bill (H.R. 4539) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain Independent Agencies. for the fiscal year ending September 30, 1995, and for other purposes (Rept. 103–736). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. FIELDS of Texas:

H.R. 5068. A bill to amend the Internal Revenue Code of 1986 to provide a credit for the purchase of child restraint systems used in motor vehicles; to the Committee on Ways and Means.

By Mr. HUNTER (for himself and Ms. Dunn):

H.R. 5069: A bill to direct the Attorney General of the United States to enforce existing anti-pornography laws; to the Committee on the Judiciary.

By Mr. PAYNE of Virginia:

H.R. 5070. A bill to amend the Internal Revenue Code of 1986 to repeal the 1993 Federal income tax rate increases on trusts established for the benefit of individuals with disabilities; to the Committee on Ways and Means.

By Mr. SKEEN (for himself, Mr. Richardson, and Mr. Brewster):

H.R. 5071. A bill to amend the Federal Aviation Administration Authorization Act of 1994 to delay the effective date of trucking deregulation for 1 year; to the Committee on Public Works and Transportation.

By Mr. MOAKLEY:

H. Con. Res. 292. Concurrent resolution providing for the printing of a collection of statements made in tribute to the late Speaker of the House of Representatives, Thomas P. "Tip" O'Neill, Jr.; to the Committee on House Administration.

By Mr. CRAMER:

H. Res. 538. Resolution expressing the sense of the House of Representatives that communities should establish multidisciplinary team approaches to treat children who suffer from sickle cell disease; to the Committee on Energy and Commerce.

By Mr. SKEEN (for himself, Mr. Kildee, Mr. Williams, Mr. Richardson, Ms. English of Arizona, Mr. Fazio, Mr. Oberstar, Mr. Schiff, Mr. Pomeroy, Mr. Johnson of South Dakota, Mr. Swift, Mr. Flake, Mr. Hilliard, Mr. Dellums, Mr. Owens, Mr. Stupak, Mr. Bereuter, Mrs. Meyers of Kansas, Mr. Tejeda, Mr. Pastor, and Mr. Barrett of Nebraska):

H. Res. 539. Resolution to encourage the President to establish an advisory commission on tribally controlled institutions of higher learning; to the Committee on Education and Labor.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII:

Mr. KANJORSKI (by request) introduced a bill (H.R. 5072) for the relief of Charmaine Bieda; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 162: Mr. McCurdy, Mr. Stenholm, and Mr. Lucas.

H.R. 425: Mr. Barton of Texas and Mrs. Unsoeld.

H.R. 427: Mr. Barton of Texas and Mrs. Unsoeld.

H.R. 559: Ms. Margolies-Mezvinsky and Mr. Lipinski.

H.R. 654: Mr. Bonior, Mr. Berman, Mr. Farr, Mr. Menendez, Mr. Hamilton, Mr. Taylor of Mississippi, Mr. Browder, Mr. Kim, Mr. Blute, Mr. Leach, and Mr. Martinez.

H.R. 1172: Mr. Wise.

H.R. 1671: Mr. Edwards of Texas, Mr. Mann, and Mr. Hefner.

H.R. 1997: Mr. LaRocco.

H.R. 2270: Mr. Shays.

H.R. 2292: Mr. Derrick and Mr. Clyburn.

H.R. 2340: Mr. Yates, Mr. Evans, and Mr. Clay.

H.R. 2720: Mr. Deutsch and Ms. DeLauro.

H.R. 2898: Ms. Eddie Bernice Johnson of Texas.

H.R. 2959: Mr. Sam Johnson.

H.R. 3270: Mr. Carr.

H.R. 3320: Ms. Molinari and Mr. Saxton.

H.R. 3472: Mr. Schiff.

H.R. 3725: Mr. Sensenbrenner.

H.R. 3854: Mr. Gene Green of Texas.

H.R. 3885: Mr. Andrews of Texas, Mr. Dellums, and Mr. Ackerman.

H.R. 4036: Mr. Schiff, Mr. Engel, and Mr. Deutsch.

H.R. 4244: Mr. Shays.

H.R. 4327: Mr. Blute and Mr. Torkildsen.

H.R. 4507: Mr. Fingerhut, Mr. Deutsch, and Mr. Applegate.

H.R. 4516: Mr. Machtley.

H.R. 4742: Mr. Hansen and Mr. Huffington.

H.R. 4765: Mr. Rohrabacher.

H.R. 4831: Mr. Hutchinson and Mrs. Vucanovich.

H.R. 5005: Mr. Burton of Indiana.

H.R. 5016: Mr. McInnis.

H.J. Res. 107: Mr. Shays.

H.J. Res. 332: Mr. Neal of Massachusetts, Mr. Spratt, Mr. Hilliard, Mr. Burton of Indiana, Mr. Coyne, Mr. Peterson of Florida, Mr. Peterson of Minnesota, Mrs. Johnson of Connecticut, Mr. Thomas of Wyoming, Mr. Gallo, Mr. Ehlers, Mr. Blute, Mr. Everett, Mr. Weldon, Mr. McDade, Mr. Rahall, Mr. Valentine, Mr. Livingston, Mr. Bilbray, and Mr. Traficant.

H.J. Res. 398: Mr. Coble, Mr. Browder, Mr. Dellums, Ms. Eddie Bernice Johnson of Texas, Ms. Dunn, Mr. Cooper, Mr. Hyde, Mr. Smith of New Jersey, Mr. Smith of Texas, Mr. Baesler, Mr. Gene Green of Texas, Mr. Crane, Mr. Hastings, Mr. Solomon, Mr. Stump, Mr. Torricelli, Mr. Gibbons, Mr. Traficant, Mr. Glickman, Mr. Paxon, Mr. Packard, and Mr. Manton.

H.J. Res. 409: Mr. Valentine.

H. Con. Res. 35: Mr. Fazio, Mr. Stark, Mrs. Mink of Hawaii, Mr. Poshard, Mr. Mfume, Mr. Bonior, Ms. Slaughter, Ms. Velazquez, Mr. Lancaster, Mr. Rose, Mr. Andrews of Texas, Mr. Bryant, Mr. Brooks, Mr. Tejeda, Mr. Scott, Mr. Dooley, Mr. Miller of California, Mr. Gibbons, Mr. Conyers, Mr. Levin, Mr. Taylor of Mississippi, Mr. LaFalce, Mr. Clement, Mr. Cooper, Mrs. Lloyd, Mr. Wilson, and Mr. Rahall.

H. Con. Res. 227: Mr. Livingston.

H. Con. Res. 254: Mr. Becerra, Mr. Bryant, Mr. DeFazio, Mr. Edwards of California, Mr. Fazio, Mr. Frank of Massachusetts, Mr. Hinchey, Mr. Hochbrueckner, Ms. Eddie Bernice Johnson of Texas, Mr. Kopetski, Mr. Lantos, Mr. Machtley, Mrs. Maloney, Mr. Miller of California, Mrs. Mink of Hawaii, Ms. Molinari, Mr. Oberstar, Mr. Rangel, Mr. Richardson, Ms. Schenk, Mr. Schumer, Ms. Shepherd, Mr. Studds, and Mr. Wilson.

M. Con. Res. 269: Ms. Molinari.

H. Con. Res. 281: Mr. Gilman, Ms. Molinari, Mr. Holden, and Mr. Frank of Massachusetts.

H. Res. 86: Mr. Greenwood, Ms. Margolies-Mezvinsky, and Mr. Saxton.

H. Res. 519: Mr. Walsh, and Mr. Hutchinson.

EXTENSIONS OF REMARKS

THE MIDDLE CLASS AND THE 103D CONGRESS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1994

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, August 31, 1994, into the CONGRESSIONAL RECORD:

THE MIDDLE CLASS AND THE 103D CONGRESS

One of the strengths of America has long been its middle class. This group, which includes the majority of Americans, has helped define our identity and goals: hard work, opportunity, dedication to family and community, and support for the traditional values of our country. The promise of opportunity, mobility, and freedom that the middle class represents has for most of our history inspired optimism at home and envy abroad. Those in other countries increasingly recognize that a strong middle class makes a nation wealthier, more democratic, and more peaceful.

Middle-Class Concerns: Yet I sense that lately many middle-class Americans feel largely forgotten, especially by their government. They tell me they fear the economic security they have worked so hard to build is threatened by unemployment, or by uncertain health and pension benefits, or by excessive government spending. More and more, they feel that crime threatens their personal security and that problems in the schools threaten their children's future. The question they put so often to me is: who speaks for us?

The middle class has legitimate concerns. Overall economic growth and job creation have been hampered in recent years by soaring federal budget deficits. Even with the recovery, the economic landscape has undergone fundamental changes, including the decline in high-paying manufacturing jobs. Wages have fallen for those with less education, and companies are reducing employee benefits as costs of health care and insurance go up. Violent crime has become a concern for all Americans. Even our public schools, which continue to offer quality education to many, are increasingly affected by violence, drug and alcohol abuse, and falling standards of academic achievement.

Many affected by these changes often feel that government doesn't care. They believe that the interest of government has become that of the special interests, while the concerns of the majority of voters are largely overlooked. They believe that federal dollars go mainly to the rich and to the poor, or to people overseas.

Policy Steps: Of course, the federal government alone cannot solve all of these problems. Nevertheless, middle-class Americans have a right to expect government to be responsive to their concerns and to use their resources responsibly. At the same time, it is important to keep in mind that many of the largest and most successful federal programs—Social Security, Medicare, the home mortgage interest deduction—benefit primarily middle-class Americans. Despite changing economic times, these programs remain strong.

In 1994, spending on Social Security will total $320 billion; an additional $160 billion will be paid out for Medicare. Tax benefits for the home mortgage interest deduction total $50 billion. Benefits for employer contributions to their workers' health and pension programs add another $100 billion. By contrast, $14 billion will be spent on Aid to Families with Dependent Children, the principal cash welfare program, $28 billion on food stamps, and $14 billion on foreign aid. The vast majority of federal benefits go not to the rich or the poor, but to the middle class.

In addition to safeguarding these programs, a number of other steps were taken during the 103rd Congress to address middle-class concerns. First, Congress made a big dent in the federal budget deficit, which in turn has helped boost job creation. The middle class is keenly interested in good-paying jobs. The 1993 budget package cut the projected deficit in half. Deficit reduction helps keep interest rates low and means more savings and investment, which in turn means more good-paying jobs. Second, Congress took steps to help the American worker adjust to the changing economy. These include extending emergency unemployment benefits for 1.9 million Americans and providing grants to industry to develop new technologies that stimulate high-wage jobs. Measures to increase credit availability and provide capital gains tax cuts for small businesses will help generate additional jobs. A new proposal would consolidate and improve federal job training programs. Third, bills were passed to help improve access to quality education. The Student Loan Reform Act simplifies the college loan process and increases the number of scholarships available. Another new law encourages the setting of voluntary educational standards to ensure our future competitiveness and supports programs to help the non-college bound move into high-skilled, high-wage jobs. Fourth, Congress has now passed tough new crime legislation, mandating life imprisonment for those convicted of a third felony—the so-called "three strikes and you're out" provision. It also provides grants for thousands of additional police on the streets and for state and federal prison construction. Fifth, the debate on serious health care reform is underway. The issues are complex and no one proposal yet has the backing of a majority of Members of Congress. Nevertheless, work continues on crafting a bill which would preserve the best of our current system while containing costs and increasing access of Americans to quality health care. Sixth, Congress is beginning to look at ways to ease the tax burden on the average American. Tax relief could take many forms—a per-child tax credit, further reduction in the capital gains tax, or expanded individual retirement accounts. Seventh, Congress is working on legislation to reform campaign financing, restrict gifts to Members of Congress, and tighten controls on the activities of lobbyists. These reforms would reduce the disproportionate role that money plays in American politics. The House passed a bill to bring Congress into compliance with a number of major federal laws. Additional reform legislation, which I sponsored, will increase congressional efficiency and accountability.

Conclusion: Much needs to be done in the final weeks of this session. Yet the potential is there for a solid record of accomplishment on issues of concern to the middle class. Americans know that government cannot guarantee prosperity for everyone and that there are limits to federal resources. But they have a right to expect that government will be responsive to their needs. They have a right to believe in the promise that has kept American vibrant and strong—that their dedication and hard work will be rewarded with a better future for themselves and their families.

THE TERRITORIAL CONSULTATION AND NOTIFICATION ACT

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1994

Mr. TORRICELLI. Mr. Speaker, I rise today to introduce a very important and necessary piece of legislation that will ensure that Congress has the information it needs to properly implement its constitutional responsibilities in overseeing the U.S. territories. Furthermore this bill will ensure that the executive branch respects Congress' authority to carry out this responsibility.

The legislation reflects a bipartisan effort cosponsored by nine of my distinguished colleagues including the ranking minority member of the Foreign Affairs Subcommittee on Insular Affairs.

Given that Congress is constitutionally empowered to provide for the governance of U.S. territories, including the determination of status, I believe there are certain procedures that need to be established to ensure that Congress is adequately informed to successfully carry out this important responsibility. The Territorial Consultation and Notification Act will require that periodic plebiscites be held by all U.S. territories so that Congress can be regularly informed about how the citizens who reside in these territories view their political status. In addition, this legislation will require the executive branch to provide Congress with sufficient notification of all regulations and policies impacting the territories.

While some of the territories have already conducted plebiscites, most of these votes do not take place with any regularity. In fact, Puerto Rico held a plebiscite in November of last year. This vote was the first Puerto Rican plebiscite in over 20 years and it resulted with none of the status options receiving more than 50 percent of the vote.

Through regular plebiscites, Congress will ensure that basic American values such as self-determination and human rights apply to all U.S. territories. In mandating periodic plebiscites, this legislation does not seek to endorse any particular status option for the territories. Instead, the bill will provide Congress with adequate information to properly carry out its constitutional duties.

The United Nations has declared the 1990's as the decade to "eradicate colonialism." As a result, Congress must promote the progress of U.S. territories toward self-government consistent with the principles of self-determination.

I strongly urge my distinguished colleagues to support the Territorial Consultation and Notification Act. By implementing these necessary procedures, Congress will be able to take a fair, informed, and accurate approach in evaluating the U.S. territories.

SALUTE TO WESTFIELD STATE COLLEGE

HON. JOHN W. OLVER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1994

Mr. OLVER. Mr. Speaker, I rise today to honor Westfield State College, the most residential campus of all Massachusetts State colleges, located in the beautiful suburban environs of Westfield, MA. On September 4, 1994, the college marked the 150th anniversary of its charter by the Great and General Court of the Commonwealth. In celebrating 150 years in the city of Westfield, the college will recognize 150 individuals "Who Have Made A Difference" in the history of the city and the college on Saturday, October 8, 1994.

The college began in 1839 as the oldest public, teachers' college in the United States. The school catered to all citizens of the Commonwealth, but took the lead in creating opportunities for African-Americans and women. In 1960, Westfield joined other Massachusetts teachers colleges in becoming State colleges. Today, Westfield State College offers 24 undergraduate majors and numerous masters programs in liberal arts and professional education.

From a teachers' college to a State college offering a full range of professional and liberal arts studies, Westfield State College has been faithful to the words of its first principal who declared that the college provides: "the opportunity to contribute to the welfare and improvement of many people rather than to confer high privilege on a few."

Westfield State College's 18,000 graduates, 80 percent of whom live and work in Massachusetts, can all attest to the college's special role in fulfilling their academic curiosity and career goals. I ask my colleagues to join me in congratulating Westfield State College on its 150th anniversary and in extending best wishes to all the faculty, staff, students, and alumni.

HONORING ST. PETER'S LUTHERAN CHURCH

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1994

Mr. ENGEL. Mr. Speaker, it is with great pleasure that I recognize the 100th anniversary of St. Peter's Lighthouse Church, which is located in my congressional district.

Under the leadership of its pastor, Rev. Walter Enquist, St. Peter's has been a beacon of hope to the local community. In addition to the spiritual guidance provided through religious ceremonies, the church also runs a daycare program, an after-school program, childcare provider training, an emergency food supply, and many more important services. All this is done in loving service to God and community.

Over the past 100 years, a great number of lives have been touched in a positive way by the good works of St. Peter's Church. I congratulate Reverend Enquist and his congregation on this great occasion and wish them all continued success as they embark on their second century.

NEW YORK CITY LOSES A WONDERFUL VOICE

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1994

Mrs. MALONEY. Mr. Speaker, generally when we take the floor, it is to bring to our colleagues' attention a noteworthy event or an individual accomplishment within our districts. Unfortunately, today I bring to my colleagues' attention a great loss suffered by my district and by New York City as a whole: the untimely death of Richard Irizarry at the age of 38.

Every so often, we have the opportunity to meet someone whom we instantly know is special, who seems destined to change the lives of those who meet him. Richard was such a man.

When I first met Richard, he was already an accomplished playwright, one of the brightest new voices in New York theater. His first play, "Ariano," received sparkling reviews, and in fact won the National Drama Award of Puerto Rico. And his most recent play, "Newyorico" is under development by the prestigious Joseph Papp Public Theater.

But although I knew of his theatrical endeavors, it was through his public service that I first made his acquaintance and became his friend. Richard was a top community aide for Manhattan Borough president Ruth Messinger. He brought a sensitivity and commitment that one rarely encounters in the corridors of government. Whether it was increasing funding for the education of children with disabilities, or improving AIDS services in El Barrio, Richard was a powerful voice for change in our communities.

Richard always seemed to have time for any person or any organization that needed his help. This is nowhere reflected better than in the number of organizations on whose boards he served: Latino Gay Men of New York, the Hispanic AIDS Forum, and Gay Men of African Descent.

While Richard's life is paean of hope and optimism, his death from AIDS-related complications is a warning, as if we needed another. The scourage of AIDS claims too many Richard Irizarrys. Too many of our leaders—present and future—have succumbed to a disease that remains shrouded in mystery, ignorance, and bigotry.

There's a line from Mark Twain that keeps repeating in my head: "Let us endeavor so to live that when we come to die even the undertaker will be sorry."

Mr. Speaker, the undertaker is weeping in New York City today.

AGRICULTURE AND THE 103D CONGRESS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1994

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington report for Wednesday, September 14, 1994, into the CONGRESSIONAL RECORD:

AGRICULTURE AND THE 103D CONGRESS

Congress is considering a number of proposals that would affect farmers in Southern Indiana.

Ethanol: With my support, the Environmental Protection Agency will require nine cities with high pollution levels to use gasoline blended with ethanol in 1995. Ethanol blends help cities comply with the Clean Air Act by reducing harmful air pollution. The EPA ruling is projected to increase ethanol demand by about 60 percent. The Indiana Corn Growers Association estimates this could increase corn prices by as much as 20 cents per bushel. I have also contacted Governor Bayh to request that Clark and Floyd counties be voluntarily included in this program. This would both increase ethanol demand in Indiana and reduce toxic emissions in two of our most polluted counties.

Crop insurance reform: With my support, the House recently passed a bill to overhaul federal crop insurance. The goal of the bill is to encourage broad participation, so that last-minute emergency legislation will be replaced by a strong, fiscally sound system to insure farmers against crop losses. The bill would require all farmers in USDA programs to acquire a basic, premium-free catastrophic insurance program. There would be only an administrative fee of $50 per crop for a plan that pays 60 percent of the market price for crop losses over 50 percent of normal yield. The bill also has "buy-up subsidies" to purchase additional coverage. The Senate has approved a similar bill, and the difference will be resolved in a conference committees this fall.

Pesticide law reform: Congress is considering revisions to federal laws that govern pesticide residue on raw and processed food. Current law applies a "zero-tolerance" standard to processed food, resulting in expensive regulations for many farmers. A House bill eases this rule to allow "negligible" levels of pesticide residue, and it requires the government to use a cost-benefit analysis when setting pesticide tolerances. I support this effort. As technology improves, we can now measure things in parts per trillion, making it almost impossible to avoid detectable levels of any chemical. We should not discourage people from eating healthy food because of infinitesimal amounts of useful chemicals. It is unlikely that Congress will take final action on pesticide law until next year.

Wetlands and the Clean Water Act: Congress is debating the Clean Water Act, the law that governs most wetlands regulation and water pollution. I support efforts to narrow the definition of wetlands. Current law does not distinguish between wetlands that are environmentally important and those that are not. The costs of preserving wetlands should not outweigh the benefits. Many Hoosier farmers also share my concern about broad restrictions on non-point source pollution, which comes primarily from field runoff. Studies show that most non-point source pollution in a given region comes from just a few troublesome fields. It would be unfair to punish all farmers for problems in isolated areas. Many hearings have been held on these issues, but final action is unlikely to happen this year.

Regulations: Over the past few months many Hoosiers have expressed their desire to end overly burdensome environmental regulations. I agree, and have voted this year for amendments that would protect property owners from unreasonable environmental regulations. We must get more restraint and responsibility into our regulatory system. Environmental laws today are often rigid, absurdly enforced, and place unreasonable costs on property owners. I support the call for a new partnership between the regulated and the regulator, and common sense approaches to regulation. We must assess risks, weigh costs and benefits, and set wiser regulatory priorities.

USDA Reorganizations: Congress is considering a reorganization of the USDA for government that works better and costs less. The House Agriculture Committee bill creates a single Farm Services Agency that would carry out price and income support, crop insurance, and farm credit programs—providing direct assistance in “one-stop shopping”. USDA personnel reductions would be greater in Washington, D.C, than in the field offices. I agree with this priority. My goal is to reduce the bureaucracy and save money, while providing improved service to farmers. Congress has not yet completed debate, and no major restructuring will take place until after the current growing season.

Trade issues: With my support, the North American Free Trade Agreement passed Congress late last year. NAFTA is boosting agricultural exports for Indiana grain and meat producers. The early indications are quite favorable for Hoosier farmers. In the first few months under NAFTA, U.S. agricultural exports to Mexico boomed: exports of pork products increased 68%, corn was up 82%, and turkeys were up 28%.

The GATT agreement will lower world trade barriers to U.S. exports. Congress is likely to take up the agreement later this year. Discussion continues on how to pay for GATT. I was successful in including a provision in GATT legislation that would prohibit cuts in agricultural spending to pay for GATT. I will oppose funding proposals that unfairly burden U.S. farmers.

1995 Farm Bill: Like all areas of the federal budget, there will be a limited pool of money for agriculture in the farm bill. In my view, the farmer's share of the budget should be protected. Here are some of my goals for the farm bill:

Farm programs should continue to enhance farmers' ability to compete in a free market economy. Farmers should have flexibility in the choice of crops, the crop acreage base should be allowed to increase, and program yields should rise to reflect improved land management practices.

Crop support programs should be less complicated. The paperwork of program participation should not be a burden to farmers.

CRP (the Conservation Reserve Program) must be preserved. The CRP program must be flexible, distinguishing between more and less environmentally important lands, and voluntary: CRP should include incentives for farmers to participate in the conservation program. Farmers are the original stewards of the environment, and it has always been in their own interests to conserve their resources.

Conclusion: The risks in agriculture are greater than in most industries, and Congress should continue to provide some stability to agriculture to assure that farmers can maintain a decent living and a reasonable return on their investments. Carefully crafted farm legislation can enhance farmers' competitiveness and maintain their position as the most productive in the world.

TRIBUTE TO JOHN W. KLUGE

HON. CHARLIE ROSE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1994

Mr. ROSE. Mr. Speaker, if I had to choose one thing about America which makes our country great, it is the ability of a single individual to use his or her God-given talents to the maximum and succeed beyond anyone's wildest expectations. This individual success, of course, is the basis for the overall success of the country.

Far too little attention is paid to the role that individual investors and entrepreneurs play in America's success. We often fail to fully appreciate that these individual investors and entrepreneurs create most of the jobs in this country; they are also frequently on the cutting edge of new technologies and innovation. The genius of the American free enterprise system is that it allows, and even provides the incentives, for an individual to take business risks which reward the individual, at the same time creating opportunities for a better life for all citizens.

Having said this, I would like to salute today perhaps the best living example of the American entrepreneurial spirit. The individual to whom I refer is John W. Kluge, who celebrates his 80th birthday today.

No novelist could have created a better example of the American dream come true. John Kluge immigrated to this country with his mother at the age of 8 from Germany. He worked three jobs to pay for his college education.

Mr. Kluge began his remarkable career in communications by acquiring his first radio station in 1946. He eventually purchased 13 radio stations and 7 UHF television stations, and in 1959 he acquired an interest in Metropolitan Broadcasting Corp.—formerly Dumont Broadcasting Corp. Metropolitan Broadcasting Corp., of course, became Metromedia.

Mr. Kluge's interest did not stop with broadcasting; he later became a giant in the cellular and outdoor advertising businesses. His privately held company has been active in the motion picture, hospitality and restaurant businesses, automotive equipment, medical equipment, as well as in computer software and information technology, such as interactive multimedia networks.

The breadth of his undertakings and accomplishments over the years is truly a marvel to behold. How many people have been so successful in so many different fields for so long a period of time? Not very many. And how many people have created as many good jobs for his fellow countrymen? Very, very few.

What is just as remarkable are the simple, basic principles which have guided him. These are captured in his own words:

"If I have any advice it would be don't go into something just for the sake of going into it. Go into something because you really like it, and then do it with a drive and enthusiasm so that it isn't work."

"My philosophy all my life has been the pursuit of excellence."

"Young entrepreneurs should spend an awful lot of time thinking about what they want to go into. The last thing you want to do, unless it's a very unusual situation, is to invest money. You should have a fund of knowledge of something and out of that you make up your mind. Money is not a fund of knowledge."

"Work isn't really work for me. I don't think I have ever worked in my life, because work to me means that you are really doing something that you don't like."

"If we have had any success, it's because we are people-oriented. Assets are cold. What brings them to life are the people who operate those assets. So we have a commitment to the business and to its people."

There is a simplicity and clarity to those quotes that represent the essence of John Kluge. Despite his success, his wealth, and all the honors, he remains unimpressed with himself. "I wouldn't write a book," he once said in an interview, "because saying the word I over and over again would nauseate me."

But Mr. Kluge is more than an incredibly successful businessman; he also takes seriously his responsibility to the larger community. Over the years, he has given generously to many good causes, in particular education by endowing many millions of dollars to scholarship funds for minority students.

In short, Mr. Speaker, John Kluge represents the very best of the American dream—hard work, dedication, the willingness to take calculated risks, humility, generosity, and devotion and allegiance to friends and employees who have made possible his success.

So it is with great pleasure that I salute John W. Kluge on his 80th birthday.

TRIBUTE TO JUDGE FRANK E. JEANNETTE

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1994

Mr. LEVIN. Mr. Speaker, tonight, residents of Macomb County will honor Judge Frank E. Jeannette. They will do so at a ceremony to benefit the Warren Symphony Orchestra.

The event is in the form of a roast. However, I am sure that everyone involved really intends their expressions to be a toast. Judge Jeannette is a beloved figure in Macomb County. He has practiced law for 60 years, dispensed justice with wisdom, strength, and compassion, and has been exceptionally active in the community in civic, fraternal, and charitable organizations, including the Boy Scouts, March of Dimes, Catholic Services, and the American Cancer Society.

I have had the privilege of knowing Judge Frank Jeannette for over 20 years. His zest for life and community spirit remain undiminished. The respect of his friends and the entire community has grown with each year of his remarkable life. Tonight, and every day, he is the toast of the county.

INTRODUCTION OF SICKLE CELL DISEASE AWARENESS RESOLUTION

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1994

Mr. CRAMER. Mr. Speaker, I rise today to offer a resolution expressing the sense of the House of Representatives that communities should establish multidisciplinary team approaches to treat children who suffer from sickle cell disease.

Despite its prevalence, not enough is known about sickle cell disease. The number of Americans suffering from sickle cell disease is staggering: 1 in 12 African-Americans carry the sickle cell trait and 1 in 400 African-American babies have sickle cell anemia.

Sickle cell disease occurs when hemoglobin, which allows red blood cells to carry oxygen, lacks an essential amino acid causing the cell to be shaped like a sickle. The sickled cells are stiff and sticky and can block blood vessels causing extreme pain and all too often premature death. Even though sickle cell disease can be identified by a simple and inexpensive blood test, the symptoms of sickle cell mimic those of many other diseases and therefore often delay detection of the true illness. Unfortunately, when the disease goes undetected in infants, the children face a life of pain and suffering.

Children suffering from sickle cell disease are subject to special problems. The spleen which protects against infection can become enlarged and trap blood. This swelling disrupts the spleen's ability to protect the body from infection. Childhood infections are the No. 1 killer of children suffering from sickle cell disease.

A recent study has found that children who are diagnosed with sickle cell disease as infants and given daily doses of penicillin are at a much lower risk of developing a life threatening infection. Other studies have found that many infant deaths attributed to sudden infant death syndrome or SIDS were actually the result of undiagnosed sickle cell disease. Also, the growth of bones in children with sickle cell disease is greatly affected. Because the bones receive a deficient supply of blood, their growth and strength are diminished.

Teachers, parents, and child care workers need to be educated about sickle cell disease and how to effectively deal with the painful episodes that occur with blood clots. Sickle cell disease affects every individual differently. People working with children need to know that not all sickle cell disease patients have the same abilities or level of activity. Low self-esteem is also very common among children who suffer from the disease. These children need the encouragement and support of those around them. Only through increased awareness of this illness and education about its effects can we begin to help those who suffer from this horrifying disease.

In my district, we are fortunate to have the North Alabama Sickle Cell Foundation. It is a nonprofit organization established to improve the quality of life for people who suffer from sickle cell conditions through patient enrichment programs. These programs include educational enrichment, opportunities for career planning, health promotion and disease prevention activities, and socialization.

The foundation's able representatives act as liaisons or advocates and seek to encourage improved services and benefits for individuals and affected families. Also, the foundation provides education, counseling, and testing services free of charge to the general public.

The purpose of the resolution is to help organizations like the North Alabama Sickle Cell Foundation present accurate educational information on sickle cell anemia—one of the most common chronic illnesses of children—sickle cell trait and other hemoglobinopathies in order to create an informed public.

I encourage my House colleagues to become cosponsors of the resolution and help raise the awareness of this disease to not only the general public but also the population at risk.

TRIBUTE TO THE DRUG AND ALCOHOL NURSING ASSOCIATION

HON. JAMES C. GREENWOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1994

Mr. GREENWOOD. Mr. Speaker. I rise today to commemorate the 15th anniversary of the Drug and Alcohol Nursing Association which is headquartered in Upper Black Eddy, PA.

The Drug and Alcohol Nursing Association is a national nonprofit organization of nurses who work in the treatment, prevention, and control of chemical dependency. For 15 years, the organization has serviced its members by providing quality education in the latest developments in chemical nursing, quality care, and professional standards.

While it is unfortunate, substance abuse occurs in every congressional district across the country. The United States can and should, however, be proud of the quality of health care its medical professionals provide to combat this epidemic. According to the Robert Wood Johnson Foundation, on any given day, more than 800,000 clients receive alcohol and/or drug treatment in a specialized substance abuse treatment program. The Drug and Alcohol Nursing Association, through its outreach and continuing education programs, is playing a key role in this fight.

In their special anniversary year, it is only appropriate to applaud the devoted members of the Drug and Alcohol Nurses Association for their commitment to the field of chemical nursing and for their dedication to providing the best quality of care to those individuals who are chemically dependent.

HEALTH CARE REFORM

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1994

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, September 7, 1994, into the CONGRESSIONAL RECORD:

HEALTH CARE REFORM

In the last few days, the health care debate has shifted away from the idea of comprehensive reform (which would involve widespread changes to the health care system) towards incremental reform (which would make fewer changes). The question now is whether there will be incremental reform or no change at all this year. For some months now I have advocated incremental over comprehensive reform, and I prefer the incremental approach over nothing at all.

HEALTH CARE SYSTEM

Some people advocate making no changes to the health care system this year. I believe, however, some problems could worsen if not addressed soon. Incremental reforms could address some of these issues. First, about 39 million Americans, or 15 percent of the population, lack insurance coverage, and the number is rising. Second, health care costs continue to rise faster than inflation. Factors such as the aging population and technological improvements will continue to force cost increases. Third, insurance companies often refuse to cover families with high risk, preventing many Americans from purchasing health care insurance. Fourth, the health care marketplace provides incentives for waste and inefficiency—often rewarding doctors and hospitals for providing additional services whether needed or not.

INCREMENTAL APPROACH

Congress should consider incremental rather than comprehensive health care reform for several reasons. First, comprehensive reform is so complicated, and so wide ranging, no one can really be sure how it would work in practice. Incremental reform is a simpler approach. Second, while universal coverage is a desirable goal, it would be a mistake to implement it in a way that involves too much government. Hoosiers do not want government at the center of the health care delivery system. Universal coverage could set in motion a series of government actions—like major tax increases and regulations—that interfere with the marketplace and make me uneasy. Third, while some people will be left out under incremental reform, it makes sense to address their problems later when we know more about what works and what does not, who is uninsured, and why they do not have coverage. Fourth, no comprehensive health care reform proposal now before Congress has majority support. I do not think the way to enact health care reform is with the votes of only one political party. There must be a shared responsibility of what reform is and how to achieve it. In a late rush to get something enacted, Congress should not toss together a comprehensive reform bill with a major impact on every American and all aspects of the health care system.

POSSIBLE REFORMS

Incremental reforms under consideration include a variety of proposals which have been supported by many Democrats and Republicans.

Managed competition

Managed competition is the general term for measures that promote individual responsibility and market competition to contain spending. I favor using market forces in an effort to restrain health care costs over the other option: heavy government regulation and control.

Such incremental reforms would make it easier for small businesses and individuals to join together voluntarily to purchase insurance. This would increase their purchasing power, allowing them to negotiate better prices and service and helping businesses protect themselves from cost shifting. Reforms also would encourage the use of managed care where the health care provider charges a flat fee in return for providing coverage. This system encourages the use of preventive health care in an attempt to hold down costs.

Insurance reform

Insurance reform could require insurers to take all comers and would limit exclusions based on pre-existing conditions. These reforms would reduce the ability of insurers to exclude—or lock out through prohibitive premiums—those who are at greatest risk in the system. Reforms also would give workers the right to take insurance with them when they change jobs.

These reforms would guarantee no one could be denied access to coverage, but they do not guarantee everyone will be able to afford it. Insurance reforms could have unintended consequences. If insurers are required to accept customers who are bad health risks and charge them roughly the same rates as everyone else, premiums for all customers could be driven up—encouraging some people with health coverage to drop their insurance.

Subsidies

Incremental reforms could include subsidies to lower-income working families to help them buy insurance. All the major health care reform bills before Congress include some type of subsidy. Subsidies need to be generous enough to help, and solidly financed lest they drive up the deficit. Congress should be careful subsidies do not encourage businesses that employ lower-income workers to drop health insurance coverage because the government will pay for it.

Malpractice reform

Malpractice reform could reduce insurance costs and limit defensive medicine. Indiana is a leader in this area.

Standardized benefits

Insurers could be required to offer at least one standardized benefit package, so consumers can more easily compare policies' cost and service. Insurers could also offer other benefit packages if they wished.

Federal employee health insurance

Small businesses and individuals could be allowed to buy into the federal employee health benefits plan which covers government workers as well as members of Congress. Self-employed individuals would receive 100% deductibility for their health care premiums.

CONCLUSION

Congress should aim to produce a fully financed bill that puts the country on a course toward health care cost containment and reduces the number of uninsured. Incremental steps would help some people who need it without dismantling a system that works well for most Americans. I do not want to replace the current system with one that is unproven and untested.

Congress will be returning to the issue of health reform for years to come. An incremental bill might not be all we want but it would be a major accomplishment. Such a bill would not achieve the President's goal of universal coverage and it almost certainly would not be a permanent solution. But incremental reform now would help some people and improve the current system.

RICHARD T. LEARY DAY

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1994

Mr. FRANK of Massachusetts. Mr. Speaker, on the night of September 29, the people of the town of Brookline, MA, and many others will gather to honor an extraordinarily dedicated public servant—Richard Leary. Richard Leary has been the town administrator of Brookline since 1985, the year the post was first created. For 16 years before that, he served as the executive secretary of the town, prior to which he spent 9 years as assistant to the executive secretary in Brookline and 6 years as an assistant to the city manager of Medford.

This means that Dick Leary is finishing 40 years of public service this year, 34 of which have been on behalf of the town of Brookline. People got to know something about Brookline when Michael Dukakis, the town's most prominent citizen, ran for President in 1988. They learned that this is an unusually interesting community—with a highly informed citizenry, which takes politics and government very seriously. Serving as the chief executive officer of a community like Brookline for 25 years is not an easy thing. When people are passive, governing them is often undemanding. When a community is as active, informed, and eager to guide its own destiny as is the town of Brookline, it takes a very special set of talents to remain at its executive helm for so long.

The fact that Dick Leary had such a long and successful tenure in Brookline is a tribute to him, and an indication of the extraordinary quality of the man.

In an era when legislators and executives do not always get along, it is noteworthy that the two elected bodies that serve the town, the town wide board of selectmen, and the neighborhood-based representative town meeting, each passed resolutions in support of Dick Leary. I ask that they be printed here.

And Mr. Speaker, I also seek to have included here, my own extremely high regard for Dick Leary and my gratitude to him. We live in a time when people are skeptical at best of public service, and when denigration is the tone most often taken when people speak of government. Obviously this is an unfortunate situation, and I fear greatly that we face an unacceptable case of a self-fulfilling prophecy, as people think poorly of government and those with talent and dedication are discouraged from going to work for it.

That is why celebrating the career of Dick Leary is so important. Here is an example of a dedicated, selfless man of fundamental decency, integrity, and great skill who did an extraordinarily hard job for many years and made it look relatively easy. As people contemplate whether or not a career in public service can be a rewarding one, I hope some of them will look at the extraordinarily rich and rewarding work that Richard Leary carried on and find in him an example worth emulating.

PROCLAMATION RICHARD T. LEARY DAY

Whereas, Town Administrator Richard T. Leary will be retiring from town service on September 1, 1994 after having served the town for 34 years, 25 of which as the Town's Chief Administrative Officer, and

Whereas, during his tenure in office, he has served this and all previous Boards of Selectmen with distinction and unquestioned loyalty, and

Whereas, he has demonstrated the highest ideals of honor and integrity in public service, never wavering in his mission to serve the best interests of all the people, and

Whereas, through his professional management and leadership skills, he has made the Town of Brookline a model community benefitting all the citizens of Brookline, and

Whereas, his many accomplishments for the Town and the profession of city management have been acknowledged on local, state and national levels, including recognition by his peers with his appointment as President of the Massachusetts League of Cities and Towns and the Massachusetts Municipal Managers' Association, and

Whereas, he has set new standards in professionalism, character, integrity and excellence in government, and

Whereas, it is well that we let Richard know that his extraordinary service is appreciated, that we tell him in so many words that he has the gratitude of the entire citizenry of Brookline; now therefore be it

Resolved, That We, the Board of Selectmen of the Town of Brookline, do hereby proclaim September 1, 1994 as "Richard T. Leary Day" and urge all our citizens to observe it in the spirit and deed.

A RESOLVE TO RICHARD T. LEARY

Whereas, Town Administrator Richard T. Leary will be retiring from town service on September, 1, 1994 after having served the town for 34 years, 25 of which as the town's Chief Administrative Officer, and

Whereas, during his tenure in office, he demonstrated professional management skills and leadership qualities of the highest order which have contributed to the high standard of service for which our community is noted, and

Whereas, his many accomplishments for the Town and the profession of city management have been acknowledged on local, state and national levels, including recognition by his peers with his appointment as President of the Massachusetts League of Cities and Towns and the Massachusetts Municipal Manager's Association, and

Whereas, he has served this body and all town officials and citizens in a professional and fair manner, and

Whereas, he has been unwavering in his dedication and integrity, representing all that is good in public service, and

Whereas, it is well that we let Richard know that his extraordinary service is appreciated, that we tell him in so many words that he has the gratitude of the entire citizenry of Brookline: be it therefore

Resolved, that the Town Meeting, as the Town of Brookline's legislative body, extends to Richard a sincere thank you for the important public service that he has performed with distinction, together with best wishes for many years of happiness in retirement.

TRIBUTE HONORING THE DAY IN THE PARK FRIENDSHIP FESTIVAL IN GREEN SPRINGS, OH

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1994

Mr. GILLMOR. Mr. Speaker, I rise today to acknowledge a significant event taking place on September 24 and 25, 1994, in Green Springs, OH. On those 2 days, the village of Green Springs will hold their annual Day in the Park Friendship Festival. In keeping with the spirit of friendship, the community will host its sister village in Canada, Point Edward, ON.

As one of the States that makes up the largest unguarded national border in the world, Ohio is proud of its bonds of trade, commerce, and friendship with Canada. As is stated on the Perry Monument located on the shores of Lake Erie, "* * * to the triumph of peace with our trusted Canadian neighbor, this, the shortest of treaties between great nations is written here in full enduring bronze to be read by all the people."

Green Springs is a picturesque village south of Sandusky Bay in northern Ohio. Known for their spirit of voluntarism and community pride, the citizens are especially proud of their Day in the Park Festival. During the weekend of September 24 and 25, the village will be host to a car show, crafts demonstrations, and softball games as well as bingo and all types of barbecue.

Point Edward is located along the St. Clair River in Ontario. Incorporated in 1874, it is surrounded by harbors, marinas, beaches, and the city of Sarnia, ON. On May 5 of this year, the Point Edward village council signed a proclamation naming Green Springs its sister city and on June 29, Green Springs reciprocated.

Mr. Speaker, it is important for local officials and citizens on both sides of the border to get together in an informal atmosphere to promote good will between our two countries. The sister city program promotes the interests and customs of similar cities and villages all over the world. I ask my colleagues to join me in honoring the Day in the Park Friendship Festival and encourage the attendees to continue to take an interest in and to promote their respective communities.

THE NEED FOR REFORM OF GRAZING POLICIES

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1994

Mr. MILLER of California. Mr. Speaker, when the Clinton administration took office, Secretary of the Interior Bruce Babbitt declared that it was time to reform our many outdated policies toward public lands.

One of the first major attempts was grazing. You all recall last year's fight over our attempts to raise grazing fees. Those efforts are supported by a large majority of people in the West and they were supported by a majority of the Members of this House and of the other body—but opponents of reform used the rules of the other body to defeat the will of the majority.

I am inserting into the RECORD an editorial from the St. Louis Post-Dispatch from September 1, 1994 which lays out, once again, the need for reform of our grazing policies.

The forces fighting change are strong and smart and they certainly have incentives to fight—they don't want to give up the lucrative subsidies they have long enjoyed.

But these reforms must proceed. We must ensure that taxpayers receive a fair return and that these lands are protected for future generations.

HOME ON THE RANGE

While the 1872 mining law can be seen as legalized thievery, the federal law governing cattle grazing on public land is relatively progressive. The Federal Land Policy and Management Act of 1976, the foundation of federal policy, explicitly recognizes the public interest in public land. Unlike the 1872 mining law, which enables mining companies to buy public land for a pittance, the 1976 grazing reform law foreclosed the sale of public land to ranchers, denied that ranchers had any natural or intrinsic right to graze on public land and advocated good stewardship and multiple use of public lands.

So why, if the law protects the public interest so well, is there still a problem? Why is public land continuing to be overgrazed—and the environment degraded? Why do federal grazing permits continue to be treated like ranchers' personal property? Why do ranchers and environmentalists continue to be at loggerheads? Why have Secretary of Interior Bruce Babbitt's plans for grazing reform met with such stiff opposition from all sides?

Those questions have a variety of answers: history and the role of cattle-ranching in opening the West; politics and the so-called Sagebrush Rebellion of Western politicians in the late 1970s and early 1980s that prompted the Reagan administration to adopt a hands-off approach to grazing, and the simple economics of modern ranching.

The separation of public land and private property that exists so distinctly in the law blurs in real life. In real life, federal grazing leases are often treated as private property. They are bought and sold along with ranches; indeed, ranches with federal grazing permits are generally worth more than comparable ranches without them. In addition, permits to graze on public land can be sublet, with the private lessor, not the federal government, making the profit.

Why are federal grazing permits so valuable? Because they are so cheap. The charge per "animal unit month" (AUM) is roughly $1.98, far below the market value and insufficient, to the tune of about $52 million a year, to cover the government's cost to operate the program, according to a report to the House Committee on Natural Resources.

The price of permits must be raised—as an incentive to avoid overgrazing, to cover the costs of the program's administration and to provide funds to enforce environmental standards and to do ecological environmental standards and to do ecological restoration. The question is, of course, by how much. Mr. Babbitt has backed away from his original plan of $4.28 per AUM and now supports a three-year phase-in to $3.96 per AUM. Ranchers backed a $2.43 AUM proposal.

Because the holders of federal permits must provide infrastructure for grazing—fencing and water sources, for example—the federal rate should be somewhat below market rate. Discounts, or subsidies, could be offered to ranchers who abide by or exceed environmental standards or small ranchers who might be forced out of business by a dramatic increase in rates. (Right now, big companies are the major beneficiaries of low fees.)

Grazing reform is more than a matter of law or money, however. It is also about strict land management and breaking the stranglehold that the cattle interests have had on policy. Mr. Babbitt suggests more local and state involvement—of ranchers and environmentalists—in developing environmental standards and guidelines consonant with national goals of ecological restoration.

People on both sides may balk, but the future of the West might just depend on roping all sides into the debate.

CONGRESSIONAL AGENDA

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1994

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, September 21, 1994 into the CONGRESSIONAL RECORD.

CONGRESSIONAL AGENDA

The 103rd Congress faces a crowded legislative agenda before its scheduled adjournment in mid-October. This Congress has had several accomplishments to date, including passage of a $430 billion deficit reduction measure; the North American Free Trade Agreement; and the most comprehensive crime bill in six years. Health care reform has preoccupied this Congress, pushing aside many other bills, especially welfare reform.

The overall legislative record for the 103rd Congress still hangs in the balance. The unfinished business is staggering. I do not agree with those who argue that this Congress should close down and get out of town. There is still important work to do. What follows is my "wish list" for the remainder of the session. If Congress can enact these measures, or even most of them, the 103rd Congress would post a solid record of achievement.

HEALTH CARE REFORM

The health care debate has shifted in the last month away from the idea of comprehensive reform (which would involve widespread changes to the health care system) towards incremental reform (which would make fewer changes). I have consistently supported such an incremental approach. An incremental bill might include some of the following elements: requiring insurers to take all comers; limiting insurance exclusions based on pre-existing conditions; allowing workers to take insurance with them when they change jobs; providing some subsidies to lower-income working families to help them buy insurance; and instituting malpractice reforms.

CAMPAIGN FINANCE REFORM

Political campaigns cost too much, and allow special interest groups to exert too much influence. The House and Senate have each passed bills to overhaul the campaign finance laws. The House bill provides for voluntary spending caps and a reduction in how much Political Action Committees (PACs) and individual contributors can give to a candidate. The Senate bill contains different expenditure controls, and would ban PAC contributions outright. A House-Senate conference committee is working to reconcile the differences in the two measures.

LOBBYING REFORM

People have a right to know who lobbies, and for what. We should sharply curb, if not eliminate, all gifts from lobbyists to members of Congress, including free golf, tennis and skiing weekends. The House and Senate have passed bills that would tighten the laws on registration and disclosure by lobbyists and restrict the gifts and meals members of Congress can accept from lobbyists. The Senate bill would ban gifts from almost everyone but family members and close friends. The House bill would abolish all gifts costing more than $20 from lobbyists, but meals and entertainment would be allowed if unsolicited and provided by a non-lobbyist. This measure is in a House-Senate conference committee.

CONGRESSIONAL REFORM

The House has begun consideration of reform recommendations of the Joint Committee on the Organization of Congress, which I co-chaired. Earlier this summer, the House approved a bill to apply to itself the health, safety and labor requirements imposed on other employers. The Senate is expected to take up a similar measure shortly. The House will also consider a reform bill that would include private citizens in the House ethics process, make floor procedures fairer, cut congressional staff, streamline the committee system and budget process, and open Congress up to more public scrutiny.

PROCUREMENT REFORM

Congress will soon complete action on a bill to streamline federal procurement. A bill, recently approved by the Senate and soon to be considered by the House, would encourage federal agencies, including the Defense Department, to buy more items off the shelf in routine, commercial transactions. The reforms, which I support, would make government acquisition simpler, less costly, and more efficient.

TELECOMMUNICATIONS REFORM

The House, with my support, approved a bill in June that would spur more competition in the communications field. The measure would allow cable television and telephone companies to enter each other's markets and make it easier for the regional Bell companies to compete in the long-distance telephone business. The Senate is expected to consider a similar bill later this month.

TRADE

A House-Senate conference committee will soon complete action on a measure to implement last year's GATT agreement. The trade agreement, negotiated by more than 100 countries, would cut tariffs around the world by a third and expand the free-trade rules of the GATT to cover new industries ranging from farming to accounting. Congress may take up the bill before adjournment. I see no reason to delay action on trade. We should approve the implementing legislation as quickly as possible so that U.S. companies can take advantage of new market opportunities overseas.

SUPERFUND

The Superfund law, which requires polluters to pay to clean up toxic waste, expires at the end of this month. The House will soon consider a measure that would extend and improve the program to avoid the protracted litigation that has limited the number of cleanups. A similar bill is under review in the Senate. I support an overhaul of the Superfund law that results in more cleanups and fewer lawsuits and administrative delays.

INTERSTATE BANKING

Congress has approved a final version of a bill that would permit banks to open branches across state lines. This measure will make the banking industry more efficient and more competitive, and better able to meet the needs of our people and our economy.

OTHER MEASURES

Congress may take up bills to impose fees for mining hardrock minerals like gold and cooper on federal land; allow state and local governments to ban or restrict interstate shipment of municipal solid waste; and give state and local governments more flexibility in meeting safe drinking water standards. In addition, a House-Senate conference committee will meet this month on a bill to reauthorize elementary and secondary education programs.

CONCLUSION

This list leaves many important bills unaddressed, including an overhaul of the nation's welfare system. But with only a short time remaining in the session, only measures far along in the pipeline stand a chance of enactment. If the 103rd Congress is to be successful, it must move quickly and effectively on its agenda.

CELEBRATING THE 20TH ANNIVERSARY OF EIES OF NEW JERSEY

HON. HERB KLEIN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1994

Mr. KLEIN. Mr. Speaker, I rise today to pay tribute to the Electronic Information and Education Service of New Jersey on the occasion of its 20th anniversary celebration.

I am proud to inform my colleagues that EIES opens the world of printed information to blind, visually impaired, and physically disabled persons through radio broadcasts. It is located in South Orange, NJ, and was founded in 1974. The listeners receive local, State, and national news, in addition to topics from special interest publications.

John Mulvihill, the general manager of EIES, began the broadcasts in 1974 with the show, "Radio Reader." Because of its success, the show now has over 100 hours of programming each week and is picked up by over 1,000 receivers. These broadcasts give access to news with the help of more than 200 volunteers. The listeners would otherwise be unable to obtain this knowledge without the help of EIES.

On October 7, 1994, EIES of New Jersey will be honoring three individuals, best-selling author Belva Plain, Peggy Bigel of Bell Atlantic, and Dr. Gerald Fonda for their outstanding contributions to this much-needed service.

Therefore, it is with great pleasure that I ask my colleagues to join me in commemorating the Electronic Information and Education Service for its wonderful assistance in New Jersey.

INTRODUCTION OF THE TAX CREDIT FOR CHILD RESTRAINT SYSTEMS

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1994

Mr. FIELDS of Texas. Mr. Speaker, I rise today to introduce the Tax Credit for Child Restraint Systems in Motor Vehicles Act, which would establish a tax credit for individuals who purchase child restraint systems for their young sons and daughters.

There can be no doubt that our Nation's greatest asset is our children. Those of us who are parents of young children have an obligation to do our very best to protect them from the dangers they face every day—and one of the greatest dangers they face is the risk of being killed, or seriously injured, in motor vehicle accidents.

In recent years, approximately 600 young Americans under the age of 5 have died annually as occupants of motor vehicles involved in traffic accidents. In 1992, for instance, the last year for which figures exist, 571 boys and girls under the age of 5 died as passenger vehicle occupants.

Injuries sustained in motor vehicle crashes account for about one-third of all childhood deaths from injuries, and children under the age of 4 have higher passenger vehicle occupant death rates than older children, according to figures compiled by the Johns Hopkins University Injury Prevention Center.

Mr. Speaker, those of us in Congress must act to ensure that this carnage ends as soon as possible. The legislation I am introducing today—which is virtually identical to legislation introduced last year by Senator DANIEL INOUYE of Hawaii—will help ensure that the number of children killed, or seriously injured, each year in motor vehicle accidents is reduced.

It is my hope that now that this legislation has been introduced in both Chambers of Congress, we can enact this worthy idea into law. While I recognize that it is very late in the current congressional session, I want to say that I intend to reintroduce this measure, if necessary, in the 104th Congress, and work for its enactment into law, if it cannot be passed this year.

Despite the significant progress that has been made in recent years to improve auto safety and to better protect motor vehicle passengers, more needs to be done. Accidents and injuries continue to cause almost half of all the deaths of children between the ages of 1 and 15, and accidents continue to be the lending cause of death among children and young adults.

Part of the reason for these alarming figures is the fact that although the Department of Transportation has made childhood injury prevention a top priority, a significant number of parents either do not own child restraint systems, do not install them properly, or fail to use them every time their children ride in motor vehicles.

Mr. Speaker, I sincerely believe that providing this incentive to encourage America's parents to purchase child restraint seat for their children will do at least two things.

Fiest, I believe the news media attention that this bill might generate about the ability of child restraint systems to save young lives will convince some parents who have not purchased child restraint systems to do so. And second, I hope such media attention will motivate other parents who do own child restraint systems, but who do not use them regularly, to use them each and every time their children ride in motor vehicles.

If we fail to spotlight the need for this legislation, and if we fail to enact this bill into law, I fear that young children in your congressional district and in mine will continue to die on the roads and highways of our Nation—and do so unnecessarily. Think of the loss, the pain, the agony that such deaths cause for so many families across our country each year—and then consider how this legislation could eliminate much of that pain and agony.

Mr. Speaker, I urge you and all of my colleagues to join with me in supporting this worthwhile legislation and ensuring that we act responsibly to bring an end to the carnage and the pain that all too often affects our youngest citizens when they ride in motor vehicles.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CREDIT FOR PURCHASE OF CHILD RESTRAINT SYSTEMS.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to nonrefundable personal credits) is amended by adding at the end thereof the following new section:

"SEC. 25A. PURCHASE OF CHILD RESTRAINT SYSTEM.

"(a) GENERAL RULE.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the costs incurred by the taxpayer during such taxable year in purchasing a qualified child restraint system for any child of the taxpayer.

"(b) DEFINITIONS.—For purposes of this section—

"(1) QUALIFIED CHILD RESTRAINT SYSTEM.—The term 'qualified child restraint system' means any child restraint system which meets the requirements of section 571.213 of title 49 of the Code of Federal Regulations.

"(2) CHILD.—The term 'child' has the meaning given to such term by section 151(c)(3).".

(b) CONFORMING AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 25 the following new item:

"Sec. 25A. Purchase of child restraint system.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid after the date of the enactment of this Act in taxable years ending after such date.

INDIA SHOULD RECOGNIZE REALITY

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1994

Mr. KING. Mr. Speaker, I note with sadness that on September 15, the Indian regime stopped noted human rights activist Ajit Singh Baines, a former high court justice, from boarding a plane to Great Britain. Justice Bains is remembered in this House for his moving testimony to the Human Rights Caucus regarding the repression of the Sikh nation by India. Justice Bains strongly advocates the liberation of the Sikh homeland, Khalistan, by peaceful means.

In addition, the most prominent Sikh leader in Khalistan, Mr. Simranjit Singh Mann has recently been charged by the Indian regime under the repressive Terrorist and Disruptive Activities Act, [TADA]. His crime? Mr. Mann spoke out at a Sikh temple in support of an independent, sovereign Khalistan through peaceful, nonviolent means. Without a trial, the Indian regime has seized Mr. Mann's passport and the Punjab police have threatened his life.

These anti-democratic acts by the tyrannical Indian regime are but the latest chapter in India's illegal occupation of the Sikh homeland, Khalistan, which declared its independence on October 7, 1987, severing all political connection with India. The massive Sikh election boycott of 1992 shows that this movement has the people's support.

These former officials are again subjected to a kind of brutality Americans would not tolerate if it were inflicted on ordinary citizens.

Occupied Khalistan is not the only place where India faces a demand for freedom. There are independence movements in Kashmir, Nagaland, Assam, Tamil Nadu, and

Manipur. India is relying on repression, and supporters of Mr. Mann are concerned about his fate despite his status as a former member of Parliament. What crime has this distinguished leader committed?

As we begin to send United States troops to Haiti, how can America sit idly by and allow this oppression to continue. What is happening to Mr. Mann and Justice Bains violates democratic principles. It takes more than elections to make a democracy. Democracy requires respect for human and individual rights.

It is time for India to recognize reality and begin real negotiations. If Israel and the PLO can make peace, if the IRA can negotiate with the British, then India can sit down with the Sikh representatives, such as the Council of Khalistan and demarcate the boundaries of an independent Khalistan.

TRIBUTE TO DAVID F. "BUD" WILSON

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1994

Mr. HUNTER. Mr. Speaker, I rise today to pay tribute to Mr. David F. "Bud" Wilson, who is closing out his distinguished 4-year term as chairman of the Independent Insurance Agents of America's [IIAA] Government Affairs Committee. Mr. Wilson is a citizen of Bonita, CA and a partner of the Wilson-Cox Insurance Agency, located in Chula Vista.

Mr. Wilson was named IIAA Government Affairs Committee chairman in 1990. His 4-year tenure coincided with some tumultuous times for the insurance industry, especially in California, but he has handled these challenges decisively and has steered IIAA toward a future of significant legislative and policy interaction with both the Federal and State governments.

His leadership of the Government relations panel of the Nation's largest insurance trade association will come to an end next month in Orlando. This exemplary service will be the crowning accomplishment of Mr. Wilson's many years of distinguished service to IIAA, his profession, and most importantly, to his 300,000 colleagues across the country.

Bud began his service to his profession as the president of the Independent Insurance Agents Association of San Diego. From there he extended his involvement to the Independent Insurance Agents and Brokers of California [IIABC] where over a 14-year period he held a number of offices. He was a member of IIABC's legislative committee and board of directors and served as secretary-treasurer, vice president, and president.

His service to the national association began when he was elected to a 4-year term as California's representative to IIAA's board of directors.

While he has been highly involved in insurance industry concerns over the years, Bud has also made time for numerous community activities, including the Chula Vista Rotary Club, Jaycees, Salvation Army, Republican Club, and the Chula Vista Community Hospital Board of Trustees.

I congratulate my friend, fellow Californian and concerned citizen for a job well done. I am confident his selfless service to his association, his professional peers, and his fellow citizens of southern California will continue uninterrupted into the future.

IN MEMORY OF BILLY MEEHAN

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1994

Mr. McDADE. Mr. Speaker, I rise today to pay tribute to a man who was a community leader, a voice of the people and a friend to all who knew him, Mr. William A. "Billy" Meehan, of Philadelphia, PA. Billy unexpectedly passed away on September 13 at the age of 69.

Some of my colleagues may have heard Billy Meehan described as the heart of the Philadelphia Republican Party, or as a master political organizer, or as a key figure in Pennsylvania politics. He was those things, but he was also much, much more.

Billy Meehan was one of those rare individuals who could mobilize and communicate human feelings and human emotions to drive the body politic. Billy took the time to listen, to get to know people, to understand them and make them understood by city councils, mayors, members of Congress, and Presidents. He brought his keen insight, sharp mind, and legendary wit to every conversation. Above all, he was a man who was true to his word—a promise from Billy was a promise kept.

Billy Meehan was a mosaic of the qualities which comprise true leadership. And a leader he was. He inspired lifelong loyalty from the rank-and-file volunteers and the nationally known officials in the Philadelphia Republican organization. He made sure the city's voters had a choice of candidates in every precinct and every race, recruiting and convincing Republicans to run no matter how large the Democratic registration advantage was. For the past four decades, Billy's Republican Party earned some improbable wins on election night and held an influence far greater than its numbers in a city where Democrats hold a 4-to-1 advantage.

Mr. Speaker, I would like to share with my colleagues some observations about Billy Meehan made by columnist John M. Baer in the Philadelphia Daily News of September 19:

> Meehan was a force in politics by the strength of his word and the power of presence, ongoing and rock-solid. His influence in Philadelphia was steady and substantial, built over decades, firmly rooted in his personal reliability . . . Politics—even government—needs people like Meehan to function as well as it does. People who get things done. Hold things together.

Mr. Speaker, Billy Meehan left us a considerable political legacy. I am proud to count myself among the many thousands of friends who will always remember his charm, his honesty, and his sense of humor. I ask my colleagues to join me in expressing our condolences to the family to which he was so devoted: his wife, Elizabeth J. Meehan; daughters Patricia A. Sinnott, Marianne DiDonato, Catharine Hass, Margaret Mary Meehan, and Elizabeth J. Meehan; sons William A. Meehan Jr., Michael Meehan, Christopher J. Meehan, and Austin A. Meehan; his 2 brothers, 3 sisters, and 18 grandchildren.

CONGRATULATIONS TO THE ALBUQUERQUE DUKES

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1994

Mr. RICHARDSON. Mr. Speaker, I am honored to recognize the Albuquerque Dukes baseball club, the 1994 champions of the AAA minor league Pacific Coast League. The Dukes had an enormously successful season and capped it off with an exciting victory over Vancouver in the championship series.

The Dukes, The AAA farm team of the Los Angeles Dodgers, have been one of the most noted teams of recent times, winning the PCL championship 6 times since 1980 and 16 times since joining the league. This year their squad includes Bill Ashley, who was named Minor League Player of the Year, hit 37 home runs, batted in 105 runs, and averaged .345.

With the demise of the 1994 major league baseball season and the cancellation of the World Series, AAA minor league baseball is the highest rank of professional baseball in action. The high quality of play and dedication of the players, owners, and fans alike serve as an inspiration and a reminder that the American spirit of cooperation and sportsmanship is still alive and well.

The Albuquerque Dukes are the pride of the State of New Mexico and they are to be commended for their success on the field and for their continuing positive contributions to the community.

THE IMPORTANCE OF EUROPEAN INTEGRATION

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1994

Mr. HAMILTON. Mr. Speaker, I wish to call to the attention of my colleagues the contents of a recent article, entitled "The United States Backs the Process of European Integration," which appeared in the International Herald Tribune. Written by Ambassador Stu Eizenstat, who is the U.S. Representative to the European Union, the article emphasizes the importance of European integration and the firm commitment of the European Union to a more self-reliant and independent Europe. I hope my colleagues find this article of interest.

> BRUSSELS.—The U.S.-European Union summit meeting in Berlin last month deserves more attention than it has received. The meeting, involving President Bill Clinton, the European Commission president, Jacques Delors, and Chancellor Helmut Kohl of Germany (in his capacity as head of the EU's rotating presidency), satisfied a requirement of the 1990 Trans-Atlantic Declaration for a biennial session at the highest level. But it was far from ordinary or routine.
>
> Mr. Clinton used the meeting to send the clearest message that any American president has given of unequivocal support for the historic process of European integration. He stressed his firm commitment not only to the European-Union as a fact of life but to a stronger, more self-reliant and, at times, more independent Europe as a positive force for Americans.
>
> The president and his administration conceive that a more united Europe comes not at the expense of our bilateral ties but in their augmentation. Such a Europe is in our

national security interests for a variety of reasons.

The European Union reinforces Europe's democratic impulse. Greece, Spain and Portugal were encouraged to shed dictatorships by the prospect of membership. Germany's healthy democracy has found a home imbedded in and surrounded by other democracies. This, in turn, produces a more stable European continent.

The European Union is the major vehicle for French-German reconciliation. Twice in this century, American lives and treasure have been spent in wars between Germany and France.

The Union provides a common address for more and more of America's business with Europe, thus simplifying decision-making. As difficult as the Urugary Round negotiations were and as formidable an interlocutor as the Union presented in Sir Leon Brittan, having one person who spoke for 12 countries made it easier to reach the historic agreement than if we had been forced to conduct multiple separate negotiations.

The stronger European economy has made Europe a more attractive location for American investment. But this aspect of the European Union has broader significance. As President Clinton has stated, in the post-Cold War world, economics is a critical element of national security policy, which cannot be nearly separated from traditional security concerns. The European Union, as a source of assistance to its neighbors and to other regions of the globe, has a major role to play.

An important element in this largely unreported summit meeting was its emphasis on the new democracies of Central and Eastern Europe. President Clinton spelled out a clear vision in Berlin of the need for a divided Europe to be made whole.

EU member states pulled themselves from the ashes of World War II with U.S. assistance. The president sees the vital importance of now extending Western Europe's quality of life to those who are emerging from communism's rubble. Ways and means for more outreach to the East were discussed at the summit, for example the need for improved market access for goods from these nations, and greater Western investment.

Third, the three leaders found a formula to turn what have been largely episodic semi-annual events, with little continuity, into more substantive, interconnected sessions, which can make important decisions.

To provide follow-up to Berlin, U.S.-EU experts' groups at a senior level are being set up, charged with making policy recommendations for the next summit, in the first half of 1995 under the French presidency.

These expert groups are to focus on how the United States and the European Union can jointly strengthen the economies and democracies of Central and Eastern Europe, and on how the United States and the Union can better relate to each other in the new areas of Union competence under the Maastricht treaty, with emphasis on foreign policy and on the fight against international crime and narcotics.

The eventual form that the Union takes is up to its member states and ultimately its citizens. But neither is the United States a bystander. We have a stake in the outcome of the great debate about Europe's future. We support a more cohesive common foreign policy, an independent European defense pillar in coordination with NATO, and more efficient decision-making procedures.

Practical issues of importance to average Americans and Europeans were discussed in Berlin, from cooperation against organized crime to how to create more jobs and economic growth.

It is now up to the Union to show that it can meet these heavy responsibilities.

A TRIBUTE TO THE INDIANAPOLIS INDIANS

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1994

Mr. BURTON of Indiana. "Play Ball!" Mr. Speaker, this sound has not been heard in any major league baseball city for almost 2 months, however in our country's minor league cities this cry has been bellowed with increasing popularity since the big league ball players went on strike. Minor league baseball has been the main course for famished baseball fans during the latter part of the summer. Games have even been televised on ESPN and TBS. The races for the International League, the Carolina League, and the American Association titles have replaced their major league counterparts, the divisional and pennant races, which we have lived and died for, for more than a century. Mr. Speaker, let me tell you, the minor league races are just as exciting.

In my home town, Indianapolis, we have the Indianapolis Indians, a AAA team in the Cincinnati Reds organization. Mr. Speaker, I have attended several games, thrown out the first pitch, and I am extremely proud of the way the Indians organization has represented the city of Indianapolis. Many may not understand the additional effort it takes to promote and operate a minor league team, but the extra effort the Indians organization has put forth, certainly has shown through over the years. The Indians are one of the premier minor league organizations.

The Indians organization has seen many future major league ball players pass through historic Bush Stadium on West 16th Street. From the flame throwing Rob Dibble to fan favorite Razor Shines, the Indians have built a great tradition. This season was no exception, as they defeated the Nashville Sound to capture the American Association Championship, their fifth in the last 9 years.

As you can see, Mr. Speaker, the Indians have a tradition of winning, and this year's championship would be worthy of praise under any circumstance, however with the strike-riddled major league season, it adds even more significance to their achievement.

The people of Indiana and Indianapolis are very proud of the Indians, and I would like the U.S. House of Representatives to lend its praise to the players, coaches, and the rest of the Indians organization. In a season when minor league baseball has gained such prominence, it is only fitting that Congress salutes the efforts put forth by the people who are carrying on the tradition of the game.

Mr. Speaker, I commend the Indianapolis Indians for their 1994 American Association Championship, and I know the people of Indianapolis are looking forward to a repeat next season.

TRIBUTE TO PATRICIA DONOVAN

HON. WILLIAM H. ZELIFF, JR.

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1994

Mr. ZELIFF. Mr. Speaker, I rise today in order to recognize the outstanding career of one of New Hampshire's finest public servants, Mrs. Patricia Donovan. On September 28, Mrs. Donovan will be retiring after a long and distinguished career in New Hampshire's law enforcement community. Her remarkable career, which spans more than two decades of service to Rockingham County, is highlighted by many noteworthy accomplishments.

During the early stages of her career, Mrs. Donovan, a mother of five, served as a police matron and clerk. In 1974, she became Rockingham County's first female deputy sheriff and served in that role for more than 7 years.

In 1982, Mrs. Donovan became the first female correctional official in Rockingham County when she was made the deputy superintendent of the Rockingham County jail. Having distinguished herself in that capacity, she was promoted to the superintendent's position in 1989 and has served in that role ever since.

Patricial Donovan will be sorely missed by the residents of New Hampshire. Her dedication to her job and to the law enforcement community has helped to make New Hampshire one of the safest States in the country.

On behalf of the people of New Hampshire's first district, I would like to thank Mrs. Donovan for her years of public service and wish her well during the years ahead.

INVERNESS, FL CELEBRATES 75 YEARS AS A GREAT COMMUNITY

HON. KAREN L. THURMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1994

Mrs. THURMAN. Mr. Speaker, today I rise to call attention and pay tribute to Inverness, one of the great communities in my State of Florida.

Inverness, the county seat of Citrus County, will celebrate its 75th anniversary on Saturday, September 24. And to mark this momentous occasion, the citizens of Inverness have organized a full day of fun-filled celebration.

Among the performers Saturday will be: The Citrus High School Band; the Tabernacle of Prayer Gospel Group; Step 'n Time Dance Studio; the Barbershop Chapter Chorus of the Highlands; the Citrus Community Band; the Suncoast Cloggers; Rivers Landers line dancing; Singing Jack and Dancing Leona Smith; the Citrus Jazz Society; Terry's Twirlers Baton Group; and the Fred Astaire Dance Studio.

In addition to these great performances and numerous competitions and exhibits, including Citrus A's antique car show, the day will go a long way toward helping to preserve the special heritage and historical flavor of Inverness for future generations.

There will be storytelling by longtime residents and a video presentation highlighting the history of Inverness. In addition, a portion of downtown will be turned into a small replica of a Florida Cracker cowman's camp, harkening back to the days when cattle was king and cattle ranching played a vital role in the region's economy and culture.

Rod and Doris Miner of Inverness, who specialize in a traveling, living history show, will be dressed in turn-of-the-century clothing, will display and demonstrate a wide variety of items used by cowmen in Florida, including antique saddles, handmade buckskin whips, branding irons, antique cookware, dishes and utensils. Rod Miner will also demonstrate whip cracking and display the variety of cattle brands used by ranchers.

Mr. Speaker, as Saturday's jam packed schedule proves, the citizens of Inverness have invested a tremendous amount of energy and creativity toward making their 75th anniversary celebration a day to remember. Mr. Speaker, this kind of community spirit may be the exception in some parts of America, but in Inverness, it's the rule.

I commend the citizens of Inverness for both celebrating the past and looking toward the future as they celebrate 75 great years Saturday.

CUTTING THE BUREAUCRACY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1994

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, August 24, 1994, into the CONGRESSIONAL RECORD.

CUTTING THE BUREAUCRACY

I find a lot of interest among constituents in a question too often ignored in Washington, and that is what to do about the sprawling government bureaucracy. This bureaucracy developed during the Great Depression, World War II, and the Cold War. Now is a good time to see if we can tame it and make the federal government work better and cost less. Private corporations have undertaken major restructuring to get ready for the competitive challenges of the 21st century. The same thing has to be done in government—making it more efficient and more compassionate. The Jeffersonian ideal of a "wise and frugal government" is still worth striving for.

All of us in government have to make a deliberate and sustained effort to slim down the size of government and to redesign it. Once launched, government programs tend to go on forever; agencies never die. Unless a President and a Congress are determined to shake up the system, the easy way to try to energize government is simply to add new layers of bureaucracy on top of the old. Our effort has to be to save money, to reduce layers of bureaucracy and, most importantly, to get citizens better results.

GOVERNMENT SERVICES

The Executive Branch consists of some 90 federal departments and agencies ranging from the Departments of Agriculture, Defense, Veterans Affairs, and Treasury, to agencies like the CIA, the Federal Reserve, the Consumer Product Safety Commission, and NASA. Some of these were developed to provide specific services to Americans while others, such as the Nuclear Regulatory Commission and the Environmental Protection Agency, oversee vital industries and resources.

Currently there are some 3 million federal civilian employees employed in these departments and agencies, including 800,000 postal workers. The federal civilian workforce grew from 2.5 million in the 1950s to a high of 3.1 million in 1989. Since then more than 100,000 jobs have been cut and additional cuts are in the works. Most of the growth in the "government bureaucracy" has actually occurred at the state and local levels, where today about 15 million people work, compared to 3.5 million in 1946.

REFORMS

In this century at least a dozen major efforts to improve and streamline federal government agencies have been undertaken. Both Presidents Truman and Eisenhower appointed commissions to reorganize the executive branch; President Carter deregulated the airline and trucking industries; and President Reagan appointed the Grace Commission to search out government waste. In 1980 Congress passed the Paperwork Reduction Act which cut paperwork by 32% (342 million man-hours) in three years. Last year President Clinton began an ambitious project to make government programs work better and cost less when he appointed Vice President Gore to lead a task force on bureaucratic reform.

After a six-month evaluation, the Gore task force made more than 380 major reform recommendations to improve the bureaucracy by shifting to an entrepreneurial management style. The report focused on ways to cut red tape, put customers first, and empower employees to get results. If all the recommendations are implemented, $108 billion could be saved over five years from eliminating redundancy, reducing the civilian work force by 252,000 employees, and upgrading computer and information systems. Within three months of receiving the report, President Clinton signed a dozen executive orders ranging from a 50 percent reduction in executive branch internal regulations to an order to improve federal debt collection efforts. Congress expanded the personnel cuts to 272,900 and recently passed a measure allowing agencies to offer buyouts to encourage federal employees to retire early.

ASSESSMENT

My view is that we need to examine every cabinet, every department, and every agency of government. We have to focus on the question of how a government should work and what can be done to make it work more efficiently. We must make a major effort to reduce the size of the civilian workforce and bring non-postal workers below 2 million for the first time in decades.

Some argue that we should not be overzealous in reducing the federal bureaucracy. They point out that fraud in the savings-and-loan industry—costing taxpayers well over $100 billion—went unnoticed in large part because many federal inspectors were eliminated. They note that, relative to the size of our economy, our federal government is small compared to those in other industrialized countries. They also point out that many federal agencies are generally well run. Social Security's administrative costs, for example, are only about 1% of benefit costs.

Clearly, downsizing the federal workforce must not leave open the door for waste or fraud or slowdowns in agency services. I am not among those who heap scorn on the federal employee. I believe the federal government is staffed by many qualified people who are committed to their jobs and want the opportunity to try to do them better. It is important that we not create an environment that discourages these people. If we do, the system will undermine itself.

We need to downsize the federal government, but we must do it in a rational way. The federal government is characterized by over-control and micro-management. The bureaucracy stifles the creativity of managers and workers. The aim must be to get higher productivity at lower cost by eliminating unnecessary layers of management and non-essential staff. I think we have to decentralize authority in the bureaucracy and empower those who work within it to make more of their own decisions and solve more of their own problems. Many of the standard complaints about government—overstaffing, redtape, excessive centralization, obsolete systems, large backlogs—can be addressed by a better management system.

CONCLUSION

The recommendations of the President's task force now underway hold out the promise of making the federal bureaucracy more responsive to the needs of Americans. Deep personnel cuts are being made, and even more could be done. Too many Americans have simply lost confidence in the government. Nothing is more important than that all of us in government make the American taxpayer feel that he or she is a valued customer. Our task is to do our job in such a way that they are getting a dollar's value for every dollar of taxes they pay.

TRIBUTE TO MARK A. TONDREAU

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1994

Mr. REED. Mr. Speaker, I rise today to salute a distinguished young man from Rhode Island who has attained the rank of Eagle Scout in the Boy Scouts of America. He is Mark A. Tondreau of Troop One in Coventry, RI, and he is honored this week for his noteworthy achievement.

Not every young American who joins the Boy Scouts earns the prestigious Eagle Scout Award. In fact, only 2.5 percent of all Boy Scouts do. To earn the award, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. He must earn 21 Merit Badges, 11 of which are required from areas such as citizenship in the community, citizenship in the Nation, citizenship in the world, safety, environmental science, and first aid.

As he progresses through the Boy Scout ranks, a Scout must demonstrate participation in increasingly more responsible service projects. He must also demonstrate leadership skills by holding one or more specific youth leadership positions in his patrol and/or troop. This young man has distinguished himself in accordance with these criteria.

For his Eagle Scout project, Mark painted the hallways of St. Vincent dePaul's Rectory in Coventry, RI.

Mr. Speaker, I ask you and my colleagues to join me in saluting Eagle Scout Mark A. Tondreau. In turn, we must duly recognize the Boy Scouts of American for establishing the Eagle Scout Award and the strenuous criteria its aspirants must meet. This program has through its 84 years honed and enhanced the leadership skills and commitment to public service of many outstanding Americans, two dozen of whom now serve in the House.

It is my sincere belief that Mark A. Tondreau will continue his public service and in so doing will further distinguish himself and consequently better his community. I join friends, colleagues, and family who this week salute him.

SALUTING THE HEINZ TRADITION

HON. RICK SANTORUM

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1994

Mr. SANTORUM. Mr. Speaker, this year marks the 125th anniversary of the H.J. Heinz Co., one of America's great corporations. The Heinz story is a testimony to the American free enterprise system and the long-term benefits of corporate innovation and community involvement.

Henry J. Heinz first pursued his dream of building an international food company from his modest home in Sharpsburg, PA. One of his first innovations was to begin marketing horseradish in clear glass bottles, so his customers could see the quality of his product for themselves. When his company was on the brink of bankruptcy in the 1870's, Heinz used his own personal savings to pay off his debts and maintain the trust of his creditors. After his company became established, Heinz led the fight for the passage of the pure food law of 1906. This began a tradition of public service and advocacy that has continued in the Heinz family ever since.

The Heinz family made a vital contribution to Pittsburgh's architectural and cultural Renaissance in the 1960's and 1970's. The stability the H.J. Heinz Co. helped to revitalize the western Pennsylvania economy after the devastating collapse of the steel and coal industries. Unlike many other companies, Heinz did not abandon its local operations during these difficult years. Under the leadership of Anthony J.F. O'Reilly, the H.J. Heinz Co. has continued to expand its global market and achieve record sales. In addition to its corporate headquarters and production facilities in Pittsburgh, Heinz now maintains 41 factories in 14 nations, with a total work force of 45,000.

The original vision of Henry J. Heinz continues today. The father of late Senator John Heinz would say of his grandfather, "He was a remarkable man, an entrepreneur in the literal meaning of the word. His window shows a globe of the world. Beneath that globe, my grandfather had two words inscribed: "Our Field." I salute the employees of the H.J. Heinz Co. and the Heinz family for their contribution to the economic strength and civic pride of Pennsylvania.

SLOVAK HERITAGE FESTIVAL

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1994

Mr. PALLONE. Mr. Speaker, on Sunday, September 25, 1994, the 19th annual Slovak Heritage Festival will be held at the Garden State Arts Center in Holmdel, NJ. In past years, this event has attracted between 10,000 and 15,000 participants, and I expect this year's event to be just as big of a success.

The theme of Sunday's festival will be "promoting Slovak Republic investments and business." A business trade show will be going on throughout the day, focusing on free trade and economic development in Slovakia. Business people from Slovakia's capital of Bratislava will be on hand, as well as representatives from the U.S. Departments of Commerce and Justice, the Port Authority of New York and New Jersey and various other American and Slovak business leaders and exhibitors. In its brief history, the Slovak Republic has made great progress in fostering a climate for investment and free enterprise. The competition in today's world economy is intense, and the Slovak Republic faces particularly strong competition from its neighbors in the former East bloc nations all of whom are hungry for the opportunity to compete in the global economy and provide their citizens with a higher standard of living after decades of living under a Soviet-style command economy. But I am confident that the reform efforts begun in Slovakia will bear fruit. Furthermore, this economic reform process and the effort to woo international investment has the advantage of strong support from the Slovak-American community.

Mr. Speaker, while the Slovak Republic is a very young nation, having been born on January 1, 1993, Slovakia is a nation with deep historical roots. The Slovak Festival has provided an opportunity for people of Slovak descent to celebrate their proud and enduring culture. It also gives people from other ethnic backgrounds a chance to learn about a nation and a people who have not received the degree of understanding and appreciation to which they are entitled. Through the years of oppression and foreign domination, most recently under the grip of the now-defunct Soviet empire, the people of Slovakia have held on to their language, their culture, their way of life—in a word, their nation. A large share of the credit should go to the Slovak community in the United States, who supported their brothers and sisters during those hard years under communism. In 1989, the Slovak people played a major role in the Velvet revolution that toppled the Soviet-imposed Communist puppet regime.

Mr. Speaker, I am proud to see that the U.S.-Slovak relations are moving forward in a positive direction. The Partnership for Peace, which would bring former Warsaw Pact nations into NATO, was proposed by President Clinton during his state visit to Europe earlier this year. Admittedly, this limited framework was somewhat disappointing to the leaders in Slovakia, as well as the other central European nations, but it is an important first step. Former Prime Minister Meciar signed the partnership agreement in February. Since then, President Clinton sent congratulatory greetings to Jozef Mavcik after he was sworn in as Prime Minister on March 16. In April, new Foreign Minister Eduard Kukan visited this country, and Secretary of State Christopher expressed U.S. support for and interest in Slovakia's reform efforts.

In an effort to move the integration of Slovakia and other central European countries into the Western fold, I have cosponsored the legislation introduced by our colleague from New York, Mr. GILMAN, known as the NATO Expansion Act, expressing the sense of the Congress that Slovakia, the Czech Republic, Hungary, and Poland be given full NATO membership by 1999 at the latest, and proposing United States transition assistance during this process, including joint military exercises.

I also wish to thank another one of our colleagues, Mr. HOLDEN of Pennsylvania, for his leadership in introducing House Joint Resolution 287, designating August 1994 and 1995 as National Slovak-American Heritage Month. The resolution recognizes the accomplishments and celebrates the contribution of Slovak culture to the American melting pot.

Mr. Speaker, Sunday's Slovak Heritage Festival will be a wonderful celebration of the excellence of Slovak culture and the warmth of the Slovak people. The festival will begin with a Byzantine Catholic Mass, and the day will be filled with music, dancing, traditional costumes, arts and crafts, and souvenirs. Those of us from New Jersey who will have the opportunity to attend this special event are very fortunate indeed. I would particularly like to extend my congratulations to the festival chairman, Joseph J. Talafous, and the many Slovak fraternal organizations from New Jersey and throughout the United States who have worked so hard to make Sunday's festival a memorable occasion.

THE 60TH ANNIVERSARY OF H.M.S. "QUEEN MARY"

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1994

Mr. HORN. Mr. Speaker, on September 26, 1934—a day of cold winds, heavy overcast, and intermittent rain—a new day of hope dawned for the British people. A ship, previously known as job number 534, was to be officially christened. Though the new ship's name was kept a closely guarded secret until the bottle of Australian white wine was smashed against her hull, her symbolism was understood by one and all. This new Cunard line vessel was special—the fastest ship afloat, the pride of British art and craftsmanship, and a symbol of the indomitable spirit of a nation that was then going through an economic depression.

In the prelaunch ceremonies, *King George V* foreshadowed both her symbolic and historic role, pronouncing the H.M.S. *Queen Mary*—which was named for his wife—"a ship * * * alive with beauty, energy, and strength * * * the stateliest ship now in being."

And so the *Queen Mary* stands today—still stately, still alive and energetic, and still a symbol of strength and survival in yet another time of economic difficulty.

The summer of 1939 found the *Queen Mary* at the height of her success—glamorous, safe, fast, and profitable. But the world was about to change and so was the role of the *Queen Mary*. Two days before the Nazis invaded Poland in September of that year, the *Queen Mary* set sail for New York. In midvoyage, she was put on war alert—a status in which she remained for the next 6 years.

The record of the *Queen Mary* in the Second World War was remarkable. She carried nearly 500,000 allied troops across the Atlantic, encountering only one serious accident—which occurred when she collided with the British anti-aircraft cruiser H.M.S. *Curaçoa*. The *Queen's* wartime passengers included both the famous and the ordinary. While on board, Prime Minister Winston Churchill first reviewed the D–day Invasion plans. Later, at the war's end, it was from the *Queen Mary's* railings that over 22,000 America-bound war brides and their babies got their first glimpse of the country that was to be their new home.

For the next two decades, the *Queen Mary* resumed her original job—transporting millions of travelers back and forth across the Atlantic in elegant style. But the rise of postwar air travel connecting the United States and Europe meant less passengers on large ocean liners. One day, two Long Beach leaders, read that the *Queen Mary* might be headed for the scrap heap.

In a move that was labeled visionary by many, Independent Press Telegram General Manager Sam Cameron and automobile dealer Bud Ridings—who had the idea of bringing the *Queen Mary* to Long Beach—were later joined by Long Beach Mayor Edwin Wade, and Vice Mayor Robert Crow. Their plan was to install the *Queen Mary* as the city's centerpiece. And in December 1967, she arrived at her current home—Long Beach, CA.

The *Queen Mary* received a tumultuous welcome to Long Beach—one that a reporter for the Los Angeles Times described as "bigger than any celebration in southern California since the day World War II ended." Shortly after, the *Queen* began the refitting process and, in 1971, opened as a tourist attraction and hotel. Since then, an average of 1 million visitors have enjoyed her hospitality each year.

The bravery and graciousness with which the *Queen Mary* graced the Atlantic Ocean in her war and peacetime roles has continued as her hallmark during her residency in Long Beach. Her presence along our shore has heightened Long Beach's visibility throughout the world and has served as a reminder to all of us of the spirit that is necessary to sail through both the still and turbulent waters of life.

The *Queen Mary* has fulfilled the promise that was predicted by King George V at her launching when he remarked: "We send her to her element with the good will of all the nations, as a mark of our hope in the future. She has been built in fellowship among ourselves; may her life among great waters spread friendship among the nations."

On this her 60th anniversary, may the *Queen Mary* continue to stand proudly as an inspiration in times of trial, a figure of timeless grace, and always a symbol of goodwill for the International City.

IN HONOR OF MARTIN HUMM'S RETIREMENT AS HARDIN COUNTY DEMOCRATIC COUNTY CHAIRMAN

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1994

Mr. POSHARD. Mr. Speaker, I rise today to honor Martin Humm, a dear friend and a steadfast public servant. After 32 years of dedicated service, Martin has retired from serving Hardin County, IL, as Democratic county chairman. His loyalty to the Democratic Party and the people of Hardin County will forever stand as an example to our community.

Martin began his involvement with the Democratic Party in 1960 when he was elected precinct committeeman. In 1962, Martin was named Democratic county chairman, the position he has held respectfully until his retirement this year. As county chairman, Martin unified the ideals and goals of local Democrat Party members. Martin's endeavors as Democratic county chairman have truly inspired many to become actively involved in local, State, and national politics.

On behalf of the people of Hardin County and the entire 19th Congressional District, I would like to congratulate Martin on his many years of dedicated service to the Democratic Party and the American political system. I am grateful to Martin Humm for the continuous support and friendship he has shown me over the years. I wish Martin, his wife, Pauline, and their entire family good health and happiness in the many years to follow Martin's retirement.

DR. JULE AYERS REMEMBERED

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1994

Mr. KANJORSKI. Mr. Speaker, on August 3, 1994, northeastern Pennsylvania suffered a great loss upon the passing of an extraordinary man, an unequaled community leader and dear friend, the Reverend Dr. Jule Ayers. It is my distinct privilege to place into the permanent RECORD of the U.S. Congress my tribute to this distinguished man.

Although I had known Dr. Ayers for many years as a leader in northeastern Pennsylvania, it was not until I was elected to Congress that I came to fully appreciate the depth of his wisdom and his tireless passion for justice. He often shared with me copies of his sermons, excerpts from meaningful books he was reading, and wide-ranging letters outlining his thoughts and concerns about the issues of the day. I value those timeless words of wisdom now that he is gone, and I will greatly miss his thoughtful perspective.

No matter how unpopular an issue was with the general public, Dr. Ayers' advice was always to do what was morally right, and his determination of what was right was unerring. He never feared to take on controversial causes; he led the Wyoming Valley into a better understanding of racial and religious tolerance.

Dr. Ayers served as pastor, and then upon his retirement, pastor emeritus of the First Presbyterian Church of Wilkes-Barre for 44 years. He was respected and loved by all generations of the congregation he served at First Presbyterian, however his ministry there was only a fraction of his life's work. Dr. Ayers' life work was to bring greater understanding and tolerance to the community at large, to further social justice and to help house the elderly and poor. From serving Christmas dinner to hundreds of area homeless people, to serving as a founder of the Martin Luther King, Jr. Committee for Social Justice, Jule Ayers was a central figure in our lives and in our neighborhoods for almost half a century.

He actively supported and worked for the causes that most of us never found the time in which to take part. He was seen walking the hospital halls to bring comfort to the ill at all hours and his door was always open to anyone in personal or professional crises. His congregation was humanity and he made improving the human condition his mission in life.

Not long before he died, I had the opportunity to spend some time with Dr. Ayers. Although his health was failing, his mind was focused on the needs of others. Always conscious of the many problems facing our society, Dr. Ayers was nevertheless eternally optimistic, always seeing the essential good in humanity. I came away from our last meeting with renewed inspiration. Dr. Ayers' constant support and encouragement was a gift I will never forget and could never adequately repay.

Mr. Speaker, the passing of this great humanitarian will be felt in the Wyoming Valley for a long time. His passing created a void which may never be filled. However, Jule Ayers would want us to remember him by carrying on his mission of building bridges, mediating and reconciling our differences, fighting injustice, and helping those less fortunate. To Dr. Ayers, the people of the Wyoming Valley say simply, "Thank you for walking among us."

FRENCH WOMAN IS RAPED IN PUNJAB—HUMAN RIGHTS ABUSES CONTINUE IN KHALISTAN

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1994

Mr. CRANE. Mr. Speaker, I am extremely concerned about recent developments in Punjab, Khalistan, where it has been reported that a French woman was gang-raped by the grandson of Chief Minister Beant Singh and the young man's bodyguards. Even though the French woman identified these men as the rapists, the order to apprehend them was not issued for 4 days. It was only after pressure from the French Embassy that the authorities arrested the young group.

Unfortunately, this incident is only one in a long list of abuses. Simranjit Singh Mann, one of the foremost Sikh leaders, has been charged under India's Terrorist and Disruptive Activities Act [TADA]. He has been denied his passport and has expressed fear that he might be killed. Mr. Mann's crime was speaking at a meeting and endorsing independence for the Sikh homeland of Khalistan. As Asia Watch has pointed out, "TADA virtually criminalizes free speech," and I believe we must evaluate the strength and quality of India's democracy when it approves and implements laws such as TADA.

Ajit Singh Bains, a former justice of the Punjab and Haryana High Court and president of the Punjab Human Rights Organization, has been a persistent critic of India's human rights abuses in Khalistan. On September 15, he was stopped at the airport while attempting to travel to Britain. His luggage was seized and he was prevented from leaving the country. In a free country, citizens should be allowed to travel without these types of repressive restrictions.

Roughly half a million troops are currently stationed in Khalistan, more than the total number of British troops stationed in all of India during its colonial days. Reports indicate that more than 115,000 Sikhs have been killed in the past decade. Are these kinds of reports consistent with democracy or liberty?

The Sikh nation of Khalistan declared its independence on October 7, 1987. The Sikh leadership, including Mr. Mann, has declared the movement for an independent Khalistan to be peaceful, democratic, and nonviolent. Yet India, which likes to call itself "the world's largest democracy" has charged its leaders with "disruptive activities" for no more than speaking in support of independence and autonomy.

I wish to draw my colleagues attention to two pieces of legislation which I believe deserve consideration. H.R. 1519, the Justice in India Act, would cut off United States development aid to India until human rights are respected. House Concurrent Resolution 134 calls for an internationally supervised plebiscite in Khalistan so the Sikh nation can determine its future in a free and fair vote.

I also commend the following two items to the attention of my colleagues. The first is a press release from the Council of Khalistan which relates the story of Justice Bains' arrest. The second is an article from the September 17, 1994, Washington Times which discusses the human rights standards followed in India. I believe that after reviewing this information, many Members will share my view that action on this issue should be made a priority.

JUSTICE BAINS DENIED EXIT FROM INDIA—GOVERNMENT HUMILIATES, MAINTAINS SURVEILLANCE ON RETIRED JUDGE

WASHINGTON, DC.—On orders from the Indian Home Ministry, Indian airport security officials denied retired High Court Judge Justice Ajit Singh Bains exit from India on Thursday, September 15. The outspoken Sikh champion for human rights and political freedom attempted to board a flight in Delhi bound for the United Kingdom. Bains was detained at the final security check and humiliated by security guards who discovered his name on an official Home Ministry list forbidding him to leave India. Justice Bains is Chairman of the Punjab Human Rights Organization.

Like other leaders speaking out for Sikh freedom and human rights, Bains faces continued harassment at the hands of Indian government police. Restrained by what he terms an "undeclared detention," Bains and visitors to his house have been under constant government surveillance. His telephone has been tapped and his movement restricted.

Recently, the Indian government denied a passport to Simranjit Singh Mann, Sikh political leader and vocal advocate for Sikh freedom, after he made a speech in support of Khalistan. Mr. Mann has faced unrelenting government harassment ranging from the denial of his freedom of movement to imprisonment and torture. Justice Bains, too, has been jailed on numerous occasions.

Despite the experience of leaders such as Bains, and Mann, India denies any violations of human rights. While in the United States in May, Indian Prime Minister Narasimha Rao adamantly maintained India's innocence on human rights violations. Independent human rights organizations, however, have exposed a long list of Indian government atrocities and a history of the brutal denial of human freedom. According to Dead Silence: The Legacy of Abuses in Punjab, published by Human Rights Watch/Asia, "The deliberate use of torture and execution as counter-insurgency tactics was not merely tolerated but actively encouraged by senior government officials."

Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, who spoke to Justice Bains by telephone, warns the Indian government not to harm Sikh leaders. "The eyes of the world are upon you," said Dr. Aulakh. "You no longer operate in the vacuum you once enjoyed. The longer you hold Justice Bains and S. S. Mann against their will, the more ridiculous your protestations of innocence look to the world. You have been exposed. Over 115,000 Sikhs have been killed in the struggle for a free Khalistan. No amount of oppression or lies will divert us from the road of independence. If India is the democracy it claims to be, then leaders like Bains and Mann should be allowed free access to the international community. Instead you brutally silence the voice of the Sikh nation, yet seek inclusion among the free nations of the world. India can longer maintain its big lie. The time for Sikh freedom is now. Free Khalistan today!"

[From the Washington Times, Sept. 17, 1994]

INDIA SAID TO TORTURE RETURNEES

(By Heinz-Rudolf Othmerding)

NEW DELHI—When Kuldeep Singh, 21, a Sikh from the northern Indian state of Punjab, stepped off an Aeroflot flight on May 28 in New Delhi, he was a healthy man.

Two days later, Mr. Singh was dead. Upon inspection, his body bore signs of torture.

Mr. Singh sold flowers in a township near Duesseldorf, Germany, and was not a particularly politically minded man. Seeking only the affluence of the West, he lived in Germany illegally until he was discovered, denied asylum and forced to return to India.

What in Germany was a routine legal procedure ended in his death in India. Officials blackmailed first Mr. Singh and then his family.

Despite denials by the Indian police, Western and Indian human rights activists are convinced that Indian deportees returning home after their applications for asylum are rejected abroad are often arrested, tortured and blackmailed.

And if the victim's relatives cannot scrape together the money demanded by corrupt officials, the deportee might even face death.

"If you come back after years in Germany, then the assumption is that you must have either accumulated a lot of money yourself or transferred it to your family in India," says Ravi Nair, a well-known Indian human rights activist.

Shamsher Singh, another deportee from Germany, probably has a Stuttgart-based aid organization and a German journalist in India to thank for his well-being.

The German organization gave him enough money to cover the bribe that officials were likely to demand, and the journalist managed to retrieve him from the airport.

When Shamsher Singh was finally allowed to leave the airport with the journalist on Aug. 19, he had already encountered both intelligence and immigration officials. Only the money he brought helped him escape torture, the Punjabi said later.

A Cologne-based lawyers group has been waiting since Sept. 1 for news from Joginder Singh, also deported from Germany.

Mr. Singh, who was active in the Sikh separatist movement, had been refused asylum in Germany for the first time in 1992 and deported to India. According to the lawyers, airport police let him go that time after extorting 50,000 rupees, then about $1,500, from him.

Mr. Singh subsequently resumed his political activities in Punjab but fled to Germany again after being arrested and tortured. After his second deportation, he vanished without a trace.

Several European states like Denmark or Switzerland introduced checks to ensure the safe arrival in India of deportees from those countries.

Embassy staff or Indian contacts, mostly human rights activists, are asked to monitor the arrival in India of unsuccessful applicants for political asylum in the two countries.

But there is no such system for deportees returning from Germany. Sources at the German Embassy in New Delhi say they hear of deportations only sporadically.

Deportation procedures are not centralized in Germany, they say, so every city or district can deport people through any third country.

However, problems are mounting. At the end of 1993, there were 36,000 Indians living in Germany, of whom at least 10,000 were under orders to leave the country. Of 12,266 applications for asylum in 1993, only six were successful.

Mr. Nair, the Indian human rights activist, suspects that the Indian Embassy in Bonn alerts airport authorities and the Punjab police the minute it issues the documents to deportees.

They are awaited in Bombay or New Delhi, and arrest, torture and blackmail frequently follow.

SIKH LEADERS HARASSED BY INDIAN GOVERNMENT

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1994

Mr. BURTON of Indiana. Mr. Speaker, the Government of India has struck another blow against democratic principles. They have charged former Member of Parliament Simranjit Singh Mann under the oppressive Terrorist and Disruptive Activities Act [TADA]. Under TADA, anyone can be detained by Indian security forces for up to 2 years without any charges being filed. According to Asia Watch, "TADA reverses the presumption of innocence, placing the burden on the accused to prove he is not guilty. This violates every international human rights standard."

As if this wasn't bad enough, the government has forcibly prevented the President of the Punjab Human Rights Organization, Ajit Singh Bains, from leaving the country to speak at a conference in London. A retired high court justice, Justice Bains was detained at the final security checkpoint because his name appeared on an official Home Ministry list of people forbidden to leave the country. Justice Bains, like Mr. Mann, is a proponent of a peaceful movement to achieve independence for Khalistan.

Many of us remember Justice Bain's eloquent testimony before the Congressional Human Rights Caucus 3 years ago. He detailed brutal abuses of the most basic liberties by Indian security forces in Khalistan. Why would the world's largest democracy prohibit a distinguished former judge from traveling abroad to speak about human rights? Does a legitimate democracy maintain lists of people who are prohibited to leave the country because of their advocacy of peaceful change? Prohibiting people from traveling and seizing their passports solely because of their political views is a serious violation of widely recognized human rights standards.

The U.S. Congress is well aware of the struggle of the Sikh people for freedom and democracy. When Mr. Mann spoke at a Sikh temple in support of a peaceful movement to achieve freedom for Khalistan, he exercised what we here would consider his legitimate right to free speech. But no such right exists for Sikhs or Kashmiris in India. For advocating a peaceful movement for Sikh freedom, Mr. Mann has been charged with terrorism.

Mr. Mann's case is not unusual. Neither is that of Justice Bains. Indian forces have killed, by some estimates, several hundred thousand Sikhs in Punjab, Christians in Nagaland, and Muslims in Kashmir. A recent report from Human Rights Watch/Asia states that the Indian regime has set up at least 200 torture centers throughout Punjab, Khalistan. One police officer says that, "torture is used routinely. During my five years with the Punjab police, I estimate that 4,000 to 5,000 were tortured at my police station alone." Another police officer says, "Without exception, any person who is detained at the police station is tortured." Sikhs who die of torture are routinely listed as having died in a fake "encounter" with the police. According to the report, these staged "encounters" account for most of the killings there.

Mr. Speaker, the Indian Government must clean up its act and stop the atrocities. The charges against Mr. Mann should be dropped, and both Mr. Mann and Justice Bains should be allowed to travel freely.

It is time for the administration to place sanctions on India. This Congress must pass H.R. 1519, which will cut off India's development aid until human rights are respected. We must also pass House Concurrent Resolution 134, which calls for a free and fair vote to determine the future of Khalistan. In addition, Congress must approve House Resolution 144, calling for a free and fair plebiscite in Kashmir.

I ask unanimous consent to include in the RECORD a number of articles detailing recent human rights abuses in India.

COUNCIL OF KHALISTAN

For immediate release: September 19, 1994.
Washington, DC.

JUSTICE BAINS DENIED EXIT FROM INDIA

WASHINGTON, DC.—On orders from the Indian Home Ministry, Indian airport security officials denied retired High Court Judge Justice Ajit Singh Bains exit from India on Thursday, September 15. The outspoken Sikh champion for human rights and political freedom attempted to board a flight in Delhi bound for the United Kingdom. Bains was detained at the final security check and humiliated by security guards who discovered his name on an official Home Ministry list forbidding him to leave India. Justice Bains is Chairman of the Punjab Human Rights Organization.

Like other leaders speaking out for Sikh freedom and human rights, Bains faces continued harassment at the hands of Indian government police. Restrained by what he terms an "undeclared detention," Bains and visitors to his house have been under constant government surveillance. His telephone has been tapped and his movements restricted.

Recently, the Indian government denied a passport to Simranjit Singh Mann, Sikh political leader and vocal advocate for Sikh freedom, after he made a speech in support of Khalistan. Mr. Mann has faced unrelenting government harassment ranging from the denial of his freedom of movement to imprisonment and torture. Justice Bains, too, has been jailed on numerous occasions.

Despite the experience of leaders such as Bains and Mann, India denies any violations of human rights. While in the United States in May, Indian Prime Minister Narasimha Rao adamantly maintained India's innocence on human rights violations. Independent human rights organizations, however, have exposed a long list of Indian government atrocities and a history of the brutal denial of human freedom. According to Dead Silence: The Legacy of Abuses in Punjab, published by Human Rights Watch/Asia, "The deliberate use of torture and execution as counter-insurgency tactics was not merely tolerated but actively encouraged by senior government officials."

Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, who spoke to Justice Bains by telephone, warns the Indian government not harm Sikh leaders. "The eyes of the world are upon you," said Dr. Aulakh. "You no longer operate in the vacuum you once enjoyed. The longer you hold Justice Bains and S.S. Mann against their will, the more ridiculous your protestations of innocence look to the world. You have been exposed. Over 115,000 Sikhs have been killed in the struggle for a free Khalistan. No amount of oppression or lies will divert us from the road of independence. If India is the democracy it claims to be, then leaders like Bains and Mann should be allowed free access to the international community. Instead you brutally silence the voice of the Sikh nation, yet seek inclusion among the free nations of the world. India can no longer maintain its big lie. The time for Sikh freedom is now. Free Khalistan today!"

[From the Tribune, Sept. 8, 1994]

KATIA CASE: 2 MORE COPS HELD

CHANDIGARH, September 4.—At least two more cops of the Punjab Police were arrested today as the incident of abduction and "attempt" to rape of a French national, Ms. Katia, has put the state police in the dock.

The arrests followed another identification parade of policemen held at Punjab Police * * * in which the victim and two of her Kenyan friends, who were also beaten up during the incident, identified the constables.

With this the number of persons who have been held on charges of abduction and attempt to rape the French girl has risen to five. Four of these are Punjab policemen while one is the friend of a VVIP related to a key political figure of the city.

The police has also impounded the brand new Contessa car with a Delhi registration number belonging to one of the friends of the VVIP ward.

The victim, Ms. Katia, was today produced before the Judicial Magistrate, Kharar, to record her statement about the incident under Section 164 Cr P.C. Her Kenyan friends also gave a statement to the magistrate.

Senior police officials of the state are reported to have held meetings in the day to deal with the situation even as there was no sign of taking any action against the VVIP ward, who is being blamed as the main culprit.

Ms. Katia was picked up by the gunmen of the VVIP ward and taken to a heavily guarded house in Chandigarh where she was allegedly molested.

The state police seems to be on its toes due to the incident following pressure from the Union Home Ministry to take action. The ministry is to be sent a detailed report on the incident by tomorrow.

This has been done following a CPI leader, Mrs. Vimla Dang, announcing that a notice for call-attention motion has been given to be brought up in the Assembly when it meets on Tuesday. She announced that the proceedings of the House would be stalled to seek action against the guilty.

Meanwhile, the city unit of the Janata Dal has demanded the resignation of the Chief Minister, Mr. Beant Singh, in view of the incident.

Khabab (FOC): Katia, the French girl who was molested by a family member of a senior Punjab Congress leader and some Punjab policemen, was produced along with her two friends before the Judicial Magistrate here on Sunday by the police.

According to Mr. Anil Kaushik, advocate for the complainant, the statements of Katia, Philips and James were recorded under Section 164 of the Cr P C in which they narrated the whole incident which happened on the night of August 31.

Amritsar (UNI): Punjab Chief Minister, Mr. Beant Singh, said here that he had directed Punjab Police chief K.P.S. Gill to book the culprits who had allegedly molested French tourist Katia at Mohali and Chandigarh two days back.

Talking to newsmen after addressing a public meeting at Jandiala, he said nobody was above the law. He refused to reveal the name of the VVIP involved in the molestation saying everything would come to light within a few days.

Phillaur (FOC): Punjab BJP chief Madan Mohan Mittal has condemned the Mohali incident involving the molestation of a French girl allegedly by a family member of a senior Congress leader and some Punjab policemen.

Stating this here today, Mr. Mittal demanded immediate resignation of the Punjab Chief Minister and a high-level inquiry by the CBI in this connection. He said the Chief Minister had no moral right to stay in his office as his government was involved in a serious allegation.

[From the Washington Times, Sept. 17, 1994]

INDIA SAID TO TORTURE RETURNEES

(By Heinz-Rudolf Othmerding)

NEW DELHI.—When Kuldeep Singh, 21, a Sikh from the northern Indian state of Punjab, stepped off an Aeroflot flight on May 28 in New Delhi, he was a healthy man.

Two days later, Mr. Singh was dead. Upon inspection, his body bore signs of torture.

Mr. Singh sold flowers in a township near Duesseldorf, Germany, and was not a particularly politically minded man. Seeking only the affluence of the West, he lived in Germany illegally until he was discovered, denied asylum and forced to return to India.

What in Germany was a routine procedure ended in his death in India. Officials blackmailed first Mr. Singh and then his family.

Despite denials by the Indian police, Western and Indian human rights activists are convinced that Indian deportees returning home after their applications for asylum are rejected abroad are often arrested, tortured and blackmailed.

And if the victim's relatives cannot scrape together the money demanded by corrupt officials, the deportee might even face death.

"If you come back after years in Germany, then the assumption is that you must have either accumulated a lot of money yourself or transferred it to your family in India," says Ravi Nair, a well-known Indian human rights activist.

Shamsher Singh, another deportee from Germany, probably has a Stuttgart-based aid organization and a German journalist in India to thank for his well-being.

The German organization gave him enough money to cover the bribe that officials were likely to demand, and the journalist managed to retrieve him from the airport.

When Shamsher Singh was finally allowed to leave the airport with the journalist on Aug. 19, he had already encountered both intelligence and immigration officials. Only the money he brought helped him escape torture, the Punjabi said later.

A Cologne-based lawyers group has been waiting since Sept. 1 for news from Joginder Singh, also deported from Germany.

Mr. Singh, who was active in the Sikh separatist movement, had been refused asylum in Germany for the first time in 1992 and deported to India. According to the lawyers, airport police let him go that time after extorting 50,000 rupees, then about $1,500, from him.

Mr. Singh subsequently resumed his political activities in Punjab but fled to Germany again after being arrested and tortured. After his second deportation, he vanished without a trace.

Several European states like Denmark or Switzerland introduced checks to ensure the safe arrival in India of deportees from those countries.

Embassy staff or Indian contacts, mostly human rights activists, are asked to monitor the arrival in India of unsuccessful applicants for political asylum in the two countries.

But there is no such system for deportees returning from Germany. Sources at the German Embassy in New Delhi say they hear of deportations only sporadically.

Deportation procedures are not centralized in Germany, they say, so every city or district can deport people through any third country.

However, problems are mounting. At the end of 1993, there were 36,000 living in Germany, of whom at least 10,000 were under orders to leave the country. Of 12,266 applications for asylum in 1993, only six were successful.

Mr. Nair, the Indian human rights activist, suspects that the Indian Embassy in Bonn alerts airport authorities and the Punjab police the minute it issues the documents to deportees.

They are awaited in Bombay or New Delhi, and arrest, torture and blackmail frequently follow.

[From the Washington Times, Sept. 17, 1994]

TEMPLE SHINES, BUT SIKH ANGER SURVIVES

(By Heinz-Rudolf Othmerding)

AMRITSAR, INDIA.—On the night of June 5, 1984, Indian troops stormed the Golden Temple in Amritsar and killed an estimated 2,500 people, including many innocent pilgrims.

Ten years later, "Operation Bluestar," which targeted the holiest shrine of the world's 22 million Sikhs, is all but forgotten.

Artillery fire destroyed the Akal Takht, the temple's congregation platform for high priests, and blasted holes in the extensive temple complex.

During more peaceful times, radical Sikhs under Jarnail Singh Bhindranwale had been promised much by the government of Prime Minister Indira Gandhi.

The Punjabis had been assured of their own state capital, more self-determination and water for their fields. But Mrs. Gandhi manipulated Mr. Bhindranwale and reneged on her promises.

Feeling cheated and betrayed, Mr. Bhindranwale launched an armed separatist struggle against the Indian government—a fight he was to lose, along with his life, on the night of June 5.

Two months after Bluestar, Mrs. Gandhi was fatally shot by her Sikh bodyguards. The assassination unleashed free-for-all terrorism in India, and Sikhs were slaughtered all over the country.

A jumbo jet belonging to Air India exploded over the Atlantic.

Sikhs in Punjab grouped together in increasingly militant sects and almost turned the war they couldn't win against India on each other.

At least 25,000 people—three-quarters of them Sikhs—were killed in the struggle.

"We have not forgotten the insult that was Bluestar and never will," says Inderman Singh of the Shiromani Gurdwara Parbandchak Committee, the advisory council of the Golden Temple.

Gaping cracks and bullet holes can no longer be seen on the walls of the Golden Temple, and renovation of the shrine is almost complete. Its gilded domes gleam in the sunlight, and pilgrims can be seen filing slowly toward the lake that surrounds the shrine to bathe in its holy waters.

The men are attired in accordance with the five edicts of the faith—with "Kangha" (comb), "kacch" (shorts), "Kirpan" (sword), "kara" (steel bracelet) and "kes" (uncut hair and beard).

The repetitive chant of the Granthi, the chief narrator, who recites from the Granth Sahib, the holy book written by Guru Nanak (1469–1539), the founder of Sikhism, reverberates through the entire complex.

It is barely imaginable that 10 years ago corpses lay strewn in the beautiful courtyard.

But the conflict simmers on behind the facade of tranquillity. Few Punjabis accept the new Congress state government, which came to power Feb. 19, 1992.

"We have to accept that India has defeated our armed struggle," says Amarjit Singh, information officer at the Golden Temple. "But why is it that we are still denied the self-administration and protection of our culture that were promised to us for long, even in these ostensibly peaceful times?"

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, September 22, 1994, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 23

11:00 a.m.
Veterans' Affairs
Business meeting, to consider the nomination of Kenneth W. Kizer, of California, to be Under Secretary of Veterans Affairs for Health, and other pending calendar business.
SR-418

SEPTEMBER 28

9:00 a.m.
Office of Technology Assessment
Board Meeting, to consider pending business.
EF-100, Capitol

10:00 a.m.
Labor and Human Resources
To hold hearings on Federal job training programs.
SD-430

10:30 a.m.
Foreign Relations
To hold hearings on the Convention on the Conservation and Management of Pollock Resources in the Central Bering Sea (Treaty Doc. 103-27).
SD-419

SEPTEMBER 29

9:30 a.m.
Energy and Natural Resources
To hold hearings to examine the Agreement for Cooperation on Peaceful Uses of Atomic Energy Between the United States and the European Atomic Energy Community (Euratom).
SD-366

OCTOBER 13

9:30 a.m.
Governmental Affairs
Oversight of Government Management Subcommittee
To hold oversight hearings on the Navy's mismanagement of the sealift tanker contract.
SD-342

HOUSE OF REPRESENTATIVES—*Thursday, September 22, 1994*

The House met at 10 a.m.

The Reverend Dr. Roger L. Dahlin, senior pastor, St. Mark's Lutheran Church, Springfield, VA, offered the following prayer:

Our words to God:

O Lord, may the hope with which we begin this morning not fall prey to either cynicism or expediency but rather emerge at day's end having been filtered through a spirit of compassion and good will.

As the term "occupation" is spoken reluctantly and with uneasiness—if at all these days—we ask that You, O God, truly occupy our spirits, minds, and hearts so that the ideals of truth, peace, justice, and democracy which we lift for the world to see might become translated into work that benefits constituents, friendly collaborators, and cantankerous opponents both domestically and internationally.

Bless our troops in Haiti and those—both military and civilian—who command them. As they have arrived in the spirit of peace, may they also work for peace and depart in peace. May the word that rules this new day indeed be peace—shalom. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from North Carolina [Mr. TAYLOR] come forward and lead the House in the Pledge of Allegiance.

Mr. TAYLOR of North Carolina led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill and concurrent resolution of the House of the following titles:

H.R. 3664. An act to direct the Secretary of the Interior to convey to the State of Minnesota the New London National Fish Hatchery production facility; and

H. Con. Res. 285. Concurrent resolution directing the Secretary of the Senate to make technical corrections in the enrollment of S. 2182.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 2067. An act to elevate the position of Director of Indian Health Service to Assistant Secretary of Health and Human Services, to provide for the organizational independence of the Indian Health Service within the Department of Health and Human Services, and for other purposes.

The message also announced that the Secretary be directed to return to the House S. 725 entitled "An Act to amend the Public Health Service Act to provide for the conduct of expanded studies and the establishment of innovative programs with respect to traumatic brain injury, and for other purposes," with accompanying papers, in compliance with a request of the House for the return thereof.

REPUBLICANS ESPOUSE NEW TAX CUTS

(Mr. VISCLOSKY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VISCLOSKY. Mr. Speaker, the Republican congressional leadership of the House wants to turn democracy on its head.

Instead of representing the people, candidates are coming to Washington to sign a Republican congressional leadership contract that tells them what to think and what is best for their districts.

And just what is in this contract? As Yogi Berra might say, "It's de ja voodoo economics all over again." The contract is warmed-over Reagan-Bush tax cuts for the rich, coupled with increased spending that sticks the middle class with a $1 trillion bill for a party they were not even invited to.

Why would anyone take such an undemocratic approach as to sign a cookie-cutter plan that tripled the national debt in just 12 years? Maybe, it is because every candidate who signs on the dotted line gets to attend a gala fundraiser later that same night to pick up a check from the rich special interests whose taxes they have just pledged to cut.

Mr. Speaker, this is worse than politics as usual. This is open contempt for the American people.

ANNIVERSARY DAY

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Mr. Speaker, today is the 1-year anniversary of the Clinton health care plan.

On such occasions it is customary for the couple to exchange gifts. Now in this case the two parties are the American people and the Clinton plan.

For the American people it will be tough to give a gift to the Clinton plan. I mean, what do you give to the plan that has got nothing?

You cannot give it more mandates, it has already got those. You cannot give it more deficit spending, it has already got that. And you sure cannot give it more government bureaucracy, because it has got that too.

And what will the Clinton health care plan give America on its 1-year anniversary? The same thing it would have given on day one.

It will give the country more rationing, more waiting, more cost, and less choice.

If love is constant, then the Clinton plan surely loves the American people. Thus proving once and for all, the adage that you always hurt the one you love.

FRED GEORGES' 90TH BIRTHDAY—HAPPY BIRTHDAY, DAD

(Ms. ESHOO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ESHOO. Mr. Speaker, I rise today to pay tribute to a man who celebrates a milestone, 90 years of life. He is a good man who was shaped by faith, faith in his God, his family, his friends, his community, and his country. He traveled thousands of miles to this land, huddled by his mother's side, fleeing oppression.

He studied, learned, excelled, and worked and became one of the best watchmakers and jewelers around. He married, raised, and loved three children and four grandchildren. He prays at Mass daily, puts up the American flag in front of his home, sings the praises of his country and party, and loves a heated debate. His acts of charity and generosity are known and admired by many and his love of driving is now legendary.

He is an extraordinary man, a solid soul, and a solid citizen. This man is my father, Fred Georges. Happy birthday, dad, and God bless you.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

WHAT MULTINATIONAL FORCE?

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, yesterday President Clinton ordered an additional 1,000 military police into Haiti and significantly changed our political and military mission after only 3 days.

Whether we are talking about the ongoing problems in Haiti, Bosnia, or North Korea, it is becoming increasingly clear to our allies and the American public that the administration has no foreign policy rudder.

As late as last Friday, President Clinton spoke of a strong multinational force, consisting of more than 24 nations helping to restore democracy to Haiti. Now however, we now know that this more than a little misleading.

For instance, one of our strongest hemispheric allies and most valuable trading partners, Canada, is not only not sending any troops or materials, but they won't even officially sanction our actions in Haiti.

And aside from the United States, the G–7 countries, the world's most powerful trading block, are only contributing a dozen or so troops, and two support ships.

Mr. Speaker, this should tell us something about this mission and about the state of U.S. foreign policy today.

I wholeheartedly support our troops, who are risking their lives in this exercise in futility, and I pray that we can end this foolishness before we lose a single American life. But we must get our foreign policy priorities back in order before it is too late.

□ 1010

GATT: ANOTHER GOD AWFUL TRADE TREATY

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, once again Congress is being pushed, literally, to pass a trade agreement, the General Agreement on Tariffs and Trade, and supporters say that GATT is good for America.

Now, I ask, Mr. Speaker, since when is throwing the Constitution out the window good for America? The fact is, GATT will give away our constitutional authority to make trade policy, will force us to in fact raise taxes, ladies and gentleman, and GATT will allow countries like China, who literally pay pennies per hour in wages, free access to our markets.

Ladies and gentleman, this should not be called a General Agreement on Tariffs and Trade. This is simply another god awful trade treaty, whose biggest export will be more American jobs. Beam me up, Congress. The Constitution says it is our job to regulate commerce with foreign nations, not the World Trade Organization.

Think about it.

HEALTH CARE REFORMS STILL POSSIBLE THIS YEAR

(Mr. THOMAS of Wyoming asked and was given permission to address the House for 1 minute.)

Mr. THOMAS of Wyoming. Mr. Speaker, what takes a year to die a slow and painful death? The Clinton health care plan. One year ago today, the President presented to the American people his health care plan. And for the past year, the President has sought to ram his health care plan down the throats of the American people. But they have rejected this bad medicine. The American people realize that a Government-run, Government-controlled health care system, is not the remedy they needed.

The Government is already too big and spends too much. We do not need more government and more taxes in our lives.

I am glad everybody learned the facts during the past year about the President's health care plan, but I feel very badly that the insistence on implementation of this plan has kept us from doing some of the things that most people would agree to do to reform in the private sector in terms of health care delivery. We should do this. We should reform insurance, we should have tort reform, we should have antitrust changes, we should be something about administrative costs, and we could, and I hope we still try during this session.

OPERATION UPHOLD DEMOCRACY VITAL TO FUTURE OF HAITI AND AMERICA

(Ms. McKINNEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. McKINNEY. Mr. Speaker, it is not often that the United States intervenes on the side of the poor and oppressed. Those innocent Haitians who greeted arriving United States troops have been robbed of everything they possess, except their hope for the future and their faith in our country. No wonder the gridlock gang is at it again—criticizing this administration's policy because in the past we always seem to have supported the rich, the powerful, and the greedy.

Operation Uphold Democracy must also restore hope to the democratic aspirations of the Haitian people. The military dictators must not remain in power past October 15. President Aristide—a man of peace and reconciliation—is key to Haiti's survival.

Our role in Haiti must be clear—clear to our troops, clear to the Haitian people, and clear to the American people. Disarming the police, the armed forces, and the paramilitary forces must be our first priority.

Operation Uphold Democracy is vital to Haiti's future and to our own. However, there are concerns. Concerns that the recent agreement is signed by a President we do not recognize and seeks cooperation with military leaders we cannot trust. We must assure the Haitian people and the would-be dictators of tomorrow that we will act decisively on behalf of democracy, and that we will see this operation through.

FOCUS ON ACCESS

(Mrs. JOHNSON of Connecticut asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. JOHNSON of Connecticut. Mr. Speaker, since through action we are not going to expand access to health care, it is imperative that through inaction, we not deny current access to health care to many of America's seniors.

I rise today to ask your support of a simple extension of current law that allows seniors to buy prescription drug coverage, preventive medical care, home-based care, and a host of other supplemental benefits for 10- to almost 40-percent less than they would be able to buy these benefits for in the standard market.

Without our acting to extend our Medicare Select Program, thousands of America's senior citizens will lose access to these extremely cost-effective benefits on December 31, 1994.

Consumer Reports has just rated Medigap policies offered under the Medicare Select Program as among the best in this country. In its August 1994 magazine, Consumer Reports rated the top Medigap insurers nationwide. Of the top 15 rated products, 8 were Medicare Select Medigap managed care products.

In the past, I have introduced legislation to expand this program to all 50 States and make it permanent, and most of the health care reform initiatives that would have come before us would have done this. However, recognizing the tight timeframe we are now under, I am proposing only a straight 2-year extension of the current Medicare Select Program. It is no cost to the Federal Treasury, yet provides substantial savings for America's senior citizens. Further, this program has the support of a broad coalition of senior groups, consumer advocates, and insurers. It clearly deserves the support of this Congress, and I urge my colleagues to join me in sponsoring this bill today.

We have been incapable of action to expand access. We are certainly capable of action to preserve access.

A WALK DOWN MEMORY LANE

(Mr. GEPHARDT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEPHARDT. Mr. Speaker, this morning, I would like to ask my colleagues to take a walk down memory lane.

The year is 1980. And the Republican Party offers its bold agenda for change—

Huge tax breaks for the rich. Massive defense increases. A balanced Federal budget. Best of all, they said their plan was all gain, no pain. They said the tax cuts would pay for themselves, and we would all be better off.

Unfortunately, the rhetoric did not come close to matching the reality. The deficit exploded—from $40 billion in 1980 to almost $400 billion in 1992. And to pay for all those tax breaks for the rich, the Republicans had to launch a dangerous assault on the elderly, and on working Americans.

I think it's important to learn from those lessons of the past. Unfortunately, today's Republican leadership is more concerned with fantasy than with history.

This Tuesday, they are presenting their bold new agenda for change, and it includes—guess what?—tax breaks for the rich. Massive defense increases. A balanced budget amendment.

In other words, it is Reagan reupholstered. The same broken-down, busted piece of furniture—with a new set of seatcovers.

But this time, we will not be fooled. A news report in today's Wall Street Journal called the agenda "well-worn ideas that have failed previously." And it notes that "even the fine print will not spell out how to pay" for them.

In a separate article, the Journal calls these proposals "frauds," "blue smoke and mirrors," "camouflage goodies to upper-income taxpayers," and "upside-down social policy." The Washington Post called it the same "contradiction in policy [that] tripled the national debt in just 12 years" under Reagan and Bush.

In my opinion, it is not too late for the Republicans to take a chapter from history—before they doom us all to repeat it.

REPUBLICANS SAID TO HAVE PRINCIPLES OF REPRESENTATIVE DEMOCRACY BACKWARD

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, next Tuesday, Republican candidates from all across the country will come to Washington to blindly sign a contract pledging their allegiance to the agenda of the Republican leadership in the House of Representatives.

It seems that Republicans need to brush up on the principles of representative democracy. They have got it backward. Republican candidates should not be coming to Washington to bring an agenda back to their districts, they should be bringing the interests of their districts to Washington. This is the people's House. It is a principle that Democrats understand.

That is why Democrats passed the historic crime bill; tax cuts for 15 million working families; student loan reform to help our kids go to college; and job training programs to help non-college-bound kids get better jobs.

Democrats in this body have a record of achievement. We have worked hard to represent the real interests of all Americans and to solve our country's real problems. Those problems cannot be solved with election year gimmickry and empty pledges.

□ 1020

CONTRACT WITH AMERICA

(Mr. WISE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WISE. Mr. Speaker, Tuesday, September 27, many Republicans say they are coming to the Capitol steps to sign a contract with America. Let us listen to what that contract has in it—always read the big print as well as the small print—$200 billion of tax cuts—everybody loves that; increased defense spending; and a balanced budget, all within 5 or maybe 7 years.

We have heard this riverboat gamble before. It was called Reagan supply side economics. It takes us from less than a $1 trillion national debt to a $4.5 trillion national debt in 12 years.

The Republicans and their contract with America do not mention a few things. They do not mention that they voted against the family tax cut package that passed here and provided tax cuts to 100,000 working West Virginia families. They do not mention the deficit reduction plan that they voted against that has already created record deficit reduction in this country.

Tax cuts, increased spending, and no mentioning where they intend to cut the budget. Mr. speaker, this is not a contract with America. It is a con on America.

MORE ON THE CONTRACT WITH AMERICA

(Mr. LAROCCO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAROCCO. Mr. Speaker, I heard that there is going to be a meeting in Washington, DC, on September 27, and there is going to be some sort of reform movement that was going to be announced. And being a moderate and a deficit hawk, I thought, well, there might be something good about this. So I took a look at it. Like Yogi Berra said, it was deja vu all over again. I could not believe it. I could not believe it. It was voodoo economics all over again. It was a joke that was being perpetrated on the American people.

I came to Congress to reduce the deficit and we have done a good job on that. Like a lot of moderates and deficit hawks around here, I think we could do a better job. I worked on the Penny-Kasich efforts to reduce spending by $29 billion.

Now I look at this effort and I say, where is the beef? What are the cuts? What are they going to be? We have heard it all before. Big tax breaks, increased defense spending, and all it is going to lead to is more deficits. It is going to lead to more deficits, my colleagues. And there is no explanation for it other than to say that it is political year posturing. It will not add up, and the American people will know it is not going to add up.

Then on the reforms, for example, on term limits. If people look at the Members who are heavily supporting term limits, they are way over the limit they are supporting. Look at the names, look how long they have served, look at the hypocrisy. What a joke.

Contract with America? I am for bottoms-up politics, not top-down.

CONCERNING INTRODUCTION OF LEGISLATION TO EXTEND TAX DEDUCTION FOR HEALTH INSURANCE FOR SMALL BUSINESSES

(Mrs. MEYERS of Kansas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MEYERS of Kansas. Mr. Speaker, yesterday I introduced a bill, with 55 original cosponsors, to make permanent the 25 percent health insurance deduction for small business men and women. Last year, we extended this tax credit in the budget resolution, but only until December 31, 1993. The credit allows small business people to deduct one-fourth of the cost of their health insurance.

I personally would like to see this tax credit expanded, and many Members hoped to include a provision in any health care reform legislation to increase and make this tax credit permanent. However, since passage of a health care reform bill now looks remote, I believe we must, at the very least, preserve this tax deduction for our small business people. One goal of the health care reform effort was expanded coverage. One good way to achieve this goal is by making this limited deduction permanent.

I urge you to join me as a cosponsor of this bill so that we can, at the very least, preserve this small, but very important benefit, for our Nation's small businesses.

THE PLEDGE OF ALLEGIANCE TO THE NATIONAL AGENDA OF THE REPUBLICAN LEADERSHIP

(Mr. DERRICK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DERRICK. Mr. Speaker, this Tuesday Republican candidates will stand on the House steps to pledge their allegiance to the national agenda of NEWT GINGRICH and the Republican leadership.

Instead of coming to Washington with a message from the voters, they will be going to their districts with a message from the Washington moguls they have submitted to.

When they sign the contract with GINGRICH they will be signing a deposit slip for their campaign funds, because their contract gives tax breaks to the wealthy, and reaps campaign contributions as a reward. It is a contract with Republican Party bosses and the money behind them.

Republican hopefuls swearing GINGRICH's pledge will ally themselves with the Republican leadership's lust for power and the big-money interests that wants them to have it. Never mind the folks back home. It is the Republican Party machine that counts.

THE REPUBLICAN AGENDA

(Ms. SLAUGHTER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SLAUGHTER. Mr. Speaker, next Tuesday, when all the Republican challengers line up on the Capitol steps, and I think they will all be here, I want my colleagues to remember that word around this town is that they are coming because they were told that failure to show up would prevent them from gaining the committee assignments that they want and the money that they need to campaign.

They are coming sight unseen, not to bring an agenda to Washington from the districts in which they wish to represent, but they are coming to Washington to take an agenda back.

Where did this agenda come from? Whose is it? Who has looked at it?

Well, everyone who has had an opportunity to overlook it says it would plunge the United States back into the morass from which we are finally escaping.

This morning in one of our papers we read a very interesting thing about where the agenda came from. A letter went out from the Republican leader, the gentleman from Georgia [Mr. GINGRICH], to some of the wealthiest people in America to contribute heavily to his PAC, which does not share those names or that agenda with us or the people.

However, for a goodly size of money, good amount changing hands, those are the people who were allowed to write an agenda that they expect us to live with.

CONFERENCE REPORT ON H.R. 4606, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1995

Mr. SMITH of Iowa. Mr. Speaker, pursuant to the order of the House of Tuesday, September 20, 1994, I call up the conference report on the bill (H.R. 4606) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1995, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. MONTGOMERY). Pursuant to the order of the House of Tuesday, September 20, 1994, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of Tuesday, September 20, 1994, at page H9302.)

The SPEAKER pro tempore. The gentleman from Iowa [Mr. SMITH] will be recognized for 30 minutes, and the gentleman from Illinois [Mr. PORTER] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Iowa [Mr. SMITH].

□ 1030

GENERAL LEAVE

Mr. SMITH of Iowa. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report on the bill H.R. 4606, now under consideration.

The SPEAKER pro tempore (Mr. MONTGOMERY). Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. SMITH of Iowa. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker. I rise today to present the conference report on H.R. 4606, the fiscal year 1995 appropriations bill for the Departments of Labor, Health and Human Services, and Education, and related agencies. The full conference agreement, House Report 103–733, was printed in the CONGRESSIONAL RECORD of September 20, 1994.

Mr. Speaker, I am pleased to bring this conference report to the House. It is not news to anyone that budget allocations this year have been very tight, but I think the conferees have produced a bill that reflects the priorities of both the House and the Senate, as well as the administration as well as we could within the budget restraints. We were able to resolve all 157 amendments in disagreement, and in record time. I want to thank Mr. PORTER, our ranking member, and all the other members of the subcommittee for their cooperation and assistance, as well as Senator HARKIN and his subcommittee.

The bill provides $258,580 million for the 3 Cabinet agencies and 14 related agencies under the jurisdiction of the Labor-HHS-Education Subcommittee. This include $13,253 million for the Department of Labor, $216,715 million for Health and Human Services, and $27,428 million for the Department of Education. The bill is within our 602(b) ceilings for both budget authority and outlays. The conference report provides the details of the agreement, but I will note a few highlights here:

Funding for the National Institutes of Health increases by $396 million for a total of $11,334 million.

The Head Start program receives a $210 million increase for a total of $3,535 million.

The Job Corps appropriation of $1.099 billion provides funding for four new centers.

The combined Departments of Labor and Education funding for the school-to-work program is $250 million—an increase of $150 million.

Dislocated workers funding is increased by $178 million to $1,296 million.

The bill contains a prevention initiative that provides a $157 million increase for a variety of disease prevention programs, including a $47 million increase for AIDS prevention, a $22 million increase for breast and cervical cancer screening, and a $17 million increase for chronic and environmental diseases.

Ryan White AIDS treatment funding is increased by $54 million to $633 million.

The bill provides an additional $40 million over the President's request to reduce the backlog of pending Social Security disability claims.

The agreement eliminates funding for 17 programs which the conferees felt were lower priority or whose activities could be absorbed by other programs.

The rescission of low-income home energy assistance funding which was proposed by the President at $745 million and reduced by the House to $250 million has been further reduced to $156 million. The agreement also provides $1,319 million for 1996 advance funding for low-income home energy assistance.

The substance abuse treatment block grant receives a $67 million increase for total funding of $1,234 million.

Goals 2000 education reform activities are funded at $403 million, an increase of $298 million over 1994.

Title I education for the disadvantaged funding totals $7,222 million, which is an increase of $321 million over last year. That has a direct favorable impact on local property taxes in most States.

The bill provides funding for a new activity—elementary and secondary school infrastructure—at a level of $100 million.

Special education receives a $144 million increase, up to $3,253 million.

The TRIO programs for the disadvantaged are slated for a $44 million increase to $463 million.

The bill has two new titles: one providing $35 million for emergency flood appropriations and one including $38 million for crime bill prevention activities under the jurisdiction of our subcommittee. Funding for crime bill activities has been transferred from the 602(b) allocation of the Commerce-Justice-State Appropriations Subcommittee.

The agreement maintains House language pertaining to a 1-year delay in the implementation of the 85–15 rule in the student financial assistance area.

I would simply conclude by saying that I believe the conference agreement is as good as we could produce under the circumstances, and should be adopted by the House. I urge Members to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. PORTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I commend this conference report to the Members, and I want to thank my Chairman, NEAL SMITH, for putting this bill together and running the most efficient conference in memory.

This is no one's ideal bill. Because of the absolute need for deficit reduction, we did not have a big enough allocation to fund the programs we are responsible for, but in the aggregate, this bill is as good as it can be, given the priorities of the Members and the allocation we had to work with.

Above all, the bill is fair, fair to all of the Members, and fair in its allocation of the pain.

The bill contains funding for a new Impact Aid program which I authored and Mr. FORD, Mr. KILDEE, and especially Mr. GOODLING was kind enough to have included in the education reauthorization.

Mr. Speaker, this program provides supplemental funding for those heavily impacted schools that have a high tax effort, despite which Impact Aid falls far short of costs of educating the student, and therefore cannot provide an annual multimillion dollar subsidy to the Federal Government.

The bill contains $40 million for this program that, in at least one instance, will prevent a large school district from closing its doors this year.

While I had hoped that overall funding for Impact Aid could have been higher, I am grateful to Chairman SMITH and the Senate conferees for including the section (f) funding in the bill.

Mr. Speaker, regarding the NIH, I am obviously disappointed that we could not provide more funding.

I appreciate the chairman's effort to provide a $380 million, 3 percent, increase for the NIH, but I am concerned that the increase is less than inflation.

At this rate, we are going to lose new researchers and miss unprecedented opportunities to improve our health.

Mr. Speaker, the NIH is a national treasure.

It does the research that develops vaccines, procedures, and drugs that prevent illness and treat and cure diseases.

The human benefit from NIH-funded biomedical research is immeasurable.

I believe that even within our shrinking resources necessary, of course, to help bring our budget into balance, this subcommittee must find a way to put NIH at a higher priority over the coming years, and Mr. Chairman, I would like to work with you over the break to determine how we can do that.

Finally, I want to commend Chairman SMITH. He took over the committee chairmanship under extremely difficult circumstances and he has worked to engender consensus in every aspect of this bill. Many honestly questioned whether anybody, even Mr. NEAL, could hold the committee together under such difficult circumstances during a period of such fiscal constraint, but the chairman has done an outstanding job. He has surpassed even the highest expectations, and I thank him for his dedication to this bill.

I thank, also, our outstanding staff, Mike Myers and John Blazey on our side, Mike Stevens and a supporting staff on the other side, all of whom do outstanding work for the Congress and for the country. Mr. Speaker, also included in the bill is my amendment on the Child Abuse Prevention and Treatment Act [CAPTA]. The provision limits the ability of the Department of Health and Human Services to deny funding to States based on their decision to respect the rights of Christian Science parents through spiritual healing exemptions.

Federal law specifically allows States to accommodate Christian Science practitioners so long as each State retains the administrative and judicial authority to investigate and order treatment for children when in the State's judgment it is required. I am concerned that the Department has improperly interpreted this aspect of the law and has improperly withheld CAPTA funding from the States. In many of these instances, attorneys at the Department have actually required States to change their laws.

My provision, as modified by the Senate, prohibits the Department from withholding funding based on a State's decision to enact a spiritual healing exemption. The moratorium will provide the authorizing committees the opportunity to fully examine this issue to religious liberty before they reauthorize the CAPTA law next year.

While I am disappointed in the overall funding level for the NIH, I am encouraged by progress on several fronts. The conferees did not include a pause in the reimbursement of indirect costs as proposed by the administration. Rather, the Department and the NIH are encouraged to address this matter in cooperation with institutional funding recipients in a comprehensive manner prior to next year's budget process. In addition, critical funding was provided to continue to critical work of the National Center for Human Genome Research and the Fogarty Center. The bill also continues important funding for the National Center for Medical Rehabilitation Research, diabetes research initiatives and investigation into chronic fatigue immune dysfunction syndrome [CFIDS].

Mr. Speaker, I am very pleased that the conferees adopted the Bonilla amendment which delays implementation of the 85–15 regulation on student loans for 1 year. While I fully support the intent of the regulation and hope that it can be redrafted and implemented quickly, the amendment in its current form is unacceptable. By excluding from the definition of "revenue" any school's private offsite training that is not identical to its onsite Federal training, the regulation would exclude many very fine schools from participation in title IV programs. In addition, because the regulation would apply retroactively, it would not allow schools the time to diversify their portfolios to achieve compliance. For those reasons, I support the Bonilla amendment. However, I encourage the Department to redraft the regulation to more accurately reflect Congress's intent so that this important new check on loan mills may be quickly implemented.

I am pleased that the bill rejected the President's proposal to consolidate and reduce funding for the health professions education programs. In particular, I am pleased that funding was retained for the Podiatric Education Program and increased for the Allied Health Program.

The conference report partially restores a cut in the Medicare contractors payment safeguard account. I believe this funding is critical to limit fraud and abuse of the Medicare program which costs the Federal Government billions of dollars annually. The small investment in payment safeguards returns about $14 in recoveries and penalties for every $1 spent.

I was pleased to propose increases within our budget cap for the protection and advocacy programs for individual rights and for developmental disabilities. In addition, the conference report includes a small increase for the Recording for the Blind, the primary producer of educational materials on tape for visually impaired students. This organization, which is funded primarily through non-Federal sources and relies almost exclusively on volunteer workers, provides tapes for over 90 percent of visually impaired high school students and a substantial number of university students. While I had worked for a larger increase which would have allowed RFB to pursue new activities in electronic media, I am pleased that some increase is provided.

I am also pleased that the House agreed to the Senate funding level for the Institute of Peace which has contributed greatly to the resolution of international crises worldwide and particularly in the Middle East.

I am concerned about the unwillingness of many members of the subcommittee to engage in hard decisionmaking. Rather than spreading the pain of spending restraint more or less equally across most programs, as this bill generally does, I believe the committee must reassess the long-term value, effectiveness and viability of every program in this bill. We must be willing to make the decision to provide real increases for those programs, like the NIH that in my judgment are most effective and provide greatest utility. In order to free up the resources to do so, we must be willing to cut or eliminate those programs of least value.

For instance, while the conferees agreed to a substantial rescission in low-income home energy assistance, it cut only a small portion of the $700 million rescission proposed by the President. I commend the conferees for having the courage to eliminate several small and administratively burdensome programs. However, I am concerned that the conference terminated far fewer than the 33 programs recommended by the President and actually initiates several programs newly created under the pending education reauthorization.

Finally, Mr. Speaker, I want to note that I signed the conference report with the exception of two amendments No. 108 and No. 157. The first of these amendments delays obligation of $292 million in special education funding. I have always opposed this practice. It is simply an expedient which promises more funding than we are able to deliver. It is phony money. Worse, it will create outlay problems for us next year when we markup the fiscal year 1996 bill.

Amendment No. 157 contains the so-called crime title of the bill. While the programs funded under this title may be meritorious, I do not believe we ought to establish new programs at a time when we cannot adequately fund existing programs under necessary budget constraints. Further, because these programs were added at the last minute, they were never evaluated by the committee and never competed on the basis of merit for funding against the other important programs in the bill. This is a poor way to legislate, and I cannot support funding these programs at this time.

In sum, this bill is an expedient. It is the best that can be done now to carry the Departments through the next fiscal year. I look forward to working with Members in both Houses and on both sides of the aisle to create a better bill next year.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of Iowa. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to make it clear that this is a consensus bill, and I want to commend every member of the subcommittee on both the Republican and the Democratic side, including, of course, the ranking member, the gentleman from Illinois [Mr. PORTER].

Mr. Speaker, even though the amount of money was a large amount of money, it is very difficult to work all the programs into this bill and say that we have funded them adequately. We have done the best that we can within our 602(b) allocation, and every member of the subcommittee has been cooperative. This is a consensus bill without enough money to do all the things that we would like to do.

Also, I want to commend the staff. They have worked very hard on this. We worked back and forth, not only between the minority staff and the majority staff, but also between the Senate staff and the House staff, so I commend this bill on that basis.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Connecticut [Ms. DELAURO], a member of the subcommittee.

Ms. DELAURO. Mr. Speaker, I say to my colleagues that each one of you knows best about all the human services and education needs in your own districts. That is why today I urge you to adopt the conference report on the 1995 Labor-HHS-Education appropriations bill that is now before us. Whether your constituents need help with financing their college educations, looking for work, or getting a life-saving health screening test, this bill contains critical assistance.

It builds on the investments in our children, families and workers that we made in the appropriations bill for this year. In 1995, Head Start will be increased by $210 million so we can get more children off on the right track with better quality programs. We have targeted additional assistance to help our Nation's unemployed workers find new jobs through significantly increasing funding for job retraining, and for the One-Stop-Shop program. These programs will bring a new level of assistance to workers struggling to find new jobs so they can take care of their families.

And because we must assure all of our young people have the education and training necessary to successfully compete for good first jobs, we have significantly increased funding for the School-To-Work Program and the summer jobs program. In addition, vital funding is included for college aid programs that can be the difference in allowing young people to earn a college degree.

The bill also builds upon the investments we have previously made in making our people healthier. Critical increases above last year levels are included for several important disease prevention and care programs: $22 million for the breast and cervical cancer screening program; $47 million for AIDS prevention; $13 million for community health centers; $54 million for the Ryan White AIDS Care programs; $12 million for family planning; $2 million for lead poisoning prevention; $67 million for substance abuse treatment, and $8 million to fight the spread of tuberculosis and sexually transmitted diseases.

Biomedical research is another area that is key to advancing disease prevention and treatment. The bill provides a total of $11.33 billion for the National Institutes of Health. Within that total, breast cancer research will be increased by approximately 17 percent, and AIDS research is also increased and the budget consolidated in the Office of AIDS Research.

And I also want to make note of the funding in the bill for the Low-Income Home Energy Assistance Program. I am pleased that the conferees restored almost all of the cuts the administration had proposed in the LIHEAP Program. While we couldn't bring the program fully back to the 1994 level, I want to thank my colleagues on the conference committee for their support in providing the highest level of funding possible given all the competing priorities in this bill.

As a member of the Labor-HHS-Education Appropriations Subcommittee, I can tell my colleagues the choices that had to be made in order to live within our discretionary budget allocation were extremely tough. So I want to thank our chairman, Mr. SMITH, for his leadership under these difficult circumstances in developing a final product which, while not perfect, indeed responds to many of the most pressing health and education needs of our families and workers.

And I want to commend our ranking member, Mr. PORTER, and all of my subcommittee colleagues Mr. OBEY, Mr. STOKES, Mr. HOYER, Ms. PELOSI, Mrs. LOWEY, Mr. SERRANO, Mr. YOUNG, Mrs. BENTLEY, and Mr. BONILLA for their hard work and consideration as we worked together on the bill. Finally, I want to thank the subcommittee staff and the Members' staff for all of their hard work throughout the year.

Mr. Speaker, again, I urge my colleagues to support this conference report. There is no question that many, many programs funded in this bill deserve an even greater level of resources, however, given the tough discretionary spending limit we faced, the conferees did the best that could be done under these circumstances.

□ 1040

Mr. PORTER. Mr. Speaker, I yield 7 minutes to the gentleman from Texas [Mr. BONILLA], a very able and active member of our subcommittee.

Mr. BONILLA. Mr. Speaker, I rise to join the distinguished gentleman from Iowa to walk down the center of the aisle today in support of the people's bill because this bill affects and protects almost every American. In the words of our late Chairman Natcher, "This is a good bill."

I am pleased to report that we adequately funded the most important programs and tough decisions were made. This conference report has no earmarks and is $6.6 billion less than last year's bill.

I want to commend Chairman SMITH, and my ranking member, Mr. PORTER, and their hard-working staffers for their dedication in crafting this conference report. I might add that this conference report is on the House floor 15 days earlier than it was last year which is due in large part to Chairman SMITH's leadership. Our conference committee was able to resolve 157 amendments in disagreement quickly.

I want to highlight a few vital rural programs for my rural colleagues. I think this conference report continues the good faith effort to provide access to health care in our rural communities. Overall spending has been increased by 3 percent on programs that greatly affect rural health care. There is positive health care reform in this report.

Community and migrant health care funding has been increased 3 percent to provide comprehensive primary health care in our rural communities. Last year these centers serviced over 7 million Americans.

The Area Health Education Centers [AHEC] have been increased 10 percent while the border health centers funding has been increased by 24.5 percent. The AHEC Program links University Health Service Centers with community health service delivery systems to provide training sites for students, faculty, and practitioners.

The Border Health Education Centers fund schools to support health education and training centers to improve the supply, distribution and quality of health personnel along the border between the United States and Mexico.

Rural Americans will continue to benefit from funding of seven nursing programs. These nursing programs will continue to increase the number of nurses and encourage more men and women to enter the field of nursing.

The allied health grants were increased 12 percent to address the growing shortage of allied health personnel in both rural and urban areas. The Physicians Assistants Program which delivers health care and emergency services in rural areas is funded.

The Family Medicine Residencies Program has been funded to provide grants to medical schools to teach family medicine programs that are greatly needed to field the demand for doctors in rural America.

Rural health research and rural outreach grants have been increased to coordinate public and private sector efforts nationwide to strengthen and improve the delivery of health services to populations in rural areas, they provide health services to rural populations not currently receiving them and enhance access to and utilization of existing services.

Turning to funding for the National Institute of Health, every member on the subcommittee is a supporter of basic research and each one of us recognizes the pivotal role that Government support can play in achieving medical breakthroughs.

However, this is the first year that we were unable to provide NIH with an increase that offsets inflation. All of the subcommittee members are troubled over this. If we are to continue as the world leader in technological advancement, America must continue to support biomedical research. I believe expenditures for research represent a sound investment.

Also included in the bill is section 510 which delays for 1 year the planned termination of Federal education assistance under the 85–15 rule. Some 364 of my colleagues voted to keep the 1-year delay of the 85–15 rule and we were successful in keeping it in the conference report.

I want to thank all the members who signed various letters in support of the delay. I would like to especially thank chairmen FORD and KILDEE, ranking Republican members GOODLING and PETRI for their leadership and assistance on this issue along with the 70 percent of the authorizing members who signed letters of support.

The bill also contains funding for the research, prevention and education on diabetes. Diabetes is a tremendous public health problem in this country. More than 14 million Americans have the disease and nearly 650,000 new cases will be diagnosed this year.

Of particular concern to me is the disproportionate impact diabetes has on racial and ethnic minority populations, particularly Hispanics. More than 1 million Hispanics, nearly 1 in 10 adults, have diabetes.

These individuals are at substantial risk for developing one or more of the disease's debilitating complications: kidney disease; leg, foot, and toe amputations; blindness; heart disease, and stroke.

This bill responds to this need by increasing the funding for the National Institute for Diabetes, Digestive, and Kidney Disease and the National Eye Institute by a little more than 3 percent.

The Center for Disease Control's Diabetes Translation Program will be increased by 9 percent to continue to expand the program to more than 40 States.

Mr. Speaker, my colleagues should also be aware that both the House and the Senate reports contain language instructing the wage and hour division at the Department of Labor to reexamine hazardous occupation order number 12 as it applies to the use of cardboard baler and compactor machines. A report is due in 90 days concerning what changes should be made to this outdated order that is penalizing teenagers who work in grocery stores.

At a time when 1.3 million teenagers are unemployed, it seems counterproductive to have regulatory policies that discourage their hiring.

Finally, Mr. Speaker, I want to talk about one of the most important issues concerning Hispanics. For the first time in the higher education budget Hispanic serving institutions have their own individual line item. The HSI program will help provide access to over 450,000 Hispanic students nationwide to a good, quality education. A good education is America's great equalizer. Equal access to education is the means to bring the American dream to all Americans.

Projections show an increase in the number of Hispanics going to college over the next few years. These students often do not follow the "traditional" college track—entering college full-time the fall after high school—many do not complete their studies and earn a degree.

Many Hispanics enter the work force before college or are forced to drop out because of financial or other problems.

HSI's place more focus on the unique needs of Hispanics and offer educational opportunities for Hispanics who otherwise might not go to college.

I believe this conference report would make Chairman Natcher proud. We are taking care of the health of our people and we are educating our children, and we will continue to live in the strongest country in the world.

Mr. Speaker, I urge my colleagues to adopt the conference report.

Mr. SMITH of Iowa. Mr. Speaker, I yield myself such time as I may consume for the purpose of engaging in a colloquy with the gentleman from Maryland [Mr. MFUME].

Mr. MFUME. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from Maryland.

Mr. MFUME. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, it is my understanding that at no point in the conference report is there language that in any way limits the number of Social Security Administration employees who may receive bonuses in fiscal year 1995.

Mr. SMITH of Iowa. That is correct.

Mr. MFUME. Mr. Speaker, it is my further understanding that while there have been unfortunate incidents in the past involving unwarranted and extravagent bonuses for a few select senior employees, it is the expectation of this Congress that safeguards have been or will be established to prevent such abuses from occurring in the future. Furthermore, as I understand it, it is not the intention of the conference committee or this report to discourage the Social Security Administration from rewarding lower-level employees with small bonuses, many for a job well done, of whom have been faced with a workload that has increased by as much as 70 percent over the last decade.

Mr. SMITH of Iowa. That is correct.

Mr. MFUME. Last, Mr. Chairman, I would like to clarify for the record that these bonuses come from the general Social Security Administration salary fund, and therefore will not result in any decrease in funding for Social Security recipients.

Mr. SMITH of Iowa. That is correct.

□ 1050

Mr. SMITH of Iowa. Mr. Speaker, I yield 3 minutes to the gentlewoman from California [Ms. PELOSI], a valuable member of the subcommittee.

Ms. PELOSI. Mr. Speaker, let me begin by expressing my thanks and admiration for our chairman, the gentleman from Iowa, Mr. NEAL SMITH. He has taken up where Mr. Natcher left off and has worked with the members of the subcommittee to shape a bill that responds to the many challenges that face our country.

He has done so with the cooperation and guidance of our distinguished ranking Republican, the gentleman from Illinois [Mr. PORTER]. Together they have provided the leadership that makes our subcommittee proud. The gentleman from Iowa [Mr. SMITH] has brought his own brand of leadership to our subcommittee and has taken into consideration the many concerns of this Congress, our country and the subcommittee members and exacted some compromises from all of us, and that is what leadership is all about.

Mr. Speaker, I rise in support of the conference report on the Labor, Health and Human Services, and Education appropriations bill for fiscal year 1995.

Let me begin by expressing my thanks and admiration for our chairman, Mr. SMITH of Iowa. he has taken up where Mr. Natcher left off and has worked wth the members of the subcommittee to shape a bill that responds to the many challenges that face our country. He has done so with the cooperation and guidance of our distinguished ranking Republican, Mr. PORTER of Illinois. Together they have provided the leadership that makes our subcommittee proud.

Mr. Speaker, this bill has been developed within the budget discipline required by the revised Budget Enforcement Act. Discretionary spending for fiscal year 1995 will actually be less than for this fiscal year—the first reduction in discretionary spending since 1969. While budget discipline is necessary, it is particularly painful when it comes to this bill. Virtually every program in this subcommittee's jurisdiction is deserving of higher levels of funding. As I frequently tell our chairman, there are no bad programs in our bill. That makes deliberations over relative priorities very difficult work.

I particularly commend Chairman SMITH for his leadership in shaping the public health prevention initiative in this legislation. For our extensive hearings, it became clear that before doing anything else, the committee had to rebuild basic public health prevention programs. Thus, the bill contains $157 million in new funding for a package of 14 programs at the Centers for Disease Control and Prevention [CDC] and the Health Resources and Services Administration [HRSA].

The bill contains increased funding for the CDC to fund unmet needs identified by the nearly 300 community-level planning groups across the country implementing HIV prevention reform. These HIV prevention reforms, along with the new strategic planning authority and other reforms at the Office of AIDS Research at the National Institutes of Health, bring new hope to our Federal AIDS response.

This bill also contains funding which responds to many challenges regarding women's health. Funding for breast cancer research is increased by 17 percent at the National Cancer Institute. Funding for breast and cervical cancer screening at the CDC is increased by 22 percent triggering important provisions in the authorizing legislation allowing more comprehensive preventive health evaluations for low-income women. Funding for control of sexually transmitted diseases is increased to allow for chlamydia and other diseases of concern to women.

The bill also provides for significant increases for the President's investment including the National Institutes of Health, Head Start, drug treatment, and an initiative to respond to the backlog in disability claims at the Social Security Administration.

The Department of Labor has received well-deserved new resources to respond to the needs of dislocated workers and disadvantaged youth. The bill continues our commitment to expand on the Jobs Corps and funding to continue our commitment to the Summer Youth Employment and Training Program.

The Department of Education has received funds to implement Goals 2000, School-to-Work, and to expand on educational technology. The bill maintains our commitment to financial assistance for low- and middle-income students to attend college and expands on access to higher education for minority students.

Again, I commend our chairman and the ranking member and our wonderful staff for their leadership, and urge our colleagues to support this conference report.

Mr. SMITH for Iowa. Mr. Speaker, I yield 3 minutes to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. Mr. Speaker, I rise in strong support of the conference report on H.R. 4606, a bill to make appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for fiscal year 1995.

I want to begin by commending the leadership of the subcommittee chairman, Congressman NEAL SMITH. I congratulate Chairman SMITH for leading the way in meeting the difficult challenges we faced in developing the fiscal year 1995 bill—and for working with the Senate to craft a compromise bill that reflects our priorities as well as the budget constraints. I also commend the full committee chairman, Congressman OBEY, for his leadership throughout the entire appropriations process. And of course we cannot do this without our entire staff led by Mike Stephens. You have been superb and a pleasure to work with.

The conference report on H.R. 4606 responds to the challenge facing the Federal Government. The bill cuts funding in low-priority areas and invests in high-priority, proven programs. The bill represents another step toward reducing the Federal deficit, and, at the same time, directs our budget priorities toward investments in families and children—the foundation of this Nation's productivity and social fabric.

The $252.9 billion provided by this bill represents a cut of $6.6 billion below the fiscal year 1994 bill. In addition, the conference report provides more than $1.5 billion less than the amount requested by the President and eliminates 17 Federal programs. This is a tough bill, containing cuts which many will find difficult to accept. In fact, there are many worthy programs for which funds have been cut. But as we all know, the Federal Government must adjust to these tight fiscal times. We must focus our limited resources where they are needed most—in programs that address crime, economic competitiveness, public health, education, and the breakdown of our families and communities.

The investments contained in the conference report on H.R. 4606 are essential. They will expand economic opportunities for dislocated workers; invest in programs to improve schools across the country; provide greater support for preventive health and biomedical research, including a significant increase in funding for breast cancer research; help the fight against public health threats; and expand effective programs like Head Start and Job Corps; and support programs to reduce fraud and abuse in Government loan programs.

Mr. Speaker, the American people rightfully continue to demand performance and accountability from government. Congress must demonstrate its commitment to the American people by making sound, thoughtful decisions about national investments. The conference report on H.R. 4606 is a forward-looking and responsible bill. I urge my colleagues to support this bill.

Mr. PORTER. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from Maryland [Mrs. BENTLEY], a very able and hardworking member of our subcommittee who we are going to miss a great deal on both the subcommittee and in the Congress.

Mrs. BENTLEY. Mr. Speaker, I thank the gentleman from Illinois [Mr. PORTER] for yielding me the time.

Mr. Speaker, the conference report we have before us today is the product of long hours of work by my two friends, the chairman, Mr. SMITH, and the ranking member, Mr. PORTER. Both of them, and their staffs, have worked countless hours on this bill, and deserve much credit for the fact that we are here on the House floor a full week before the end of the fiscal year.

In the interests of time I will mention only a few key programs which I believe are very important, and am very pleased to see funded. The first is the Healthy Start Program. This program was launched several years ago in an effort to reduce infant mortality—targeting several high risk areas around the Nation.

Baltimore was one such area, and already we have seen success in reducing the number of low-birthweight babies—one of the leading causes of infant mortality.

Interestingly, last night the daily print press today and NBC News ran stories about a just-released study that showed a significant percent of premature babies suffer severe long-term effects including sight impairments and very low IQ's. Programs such as Healthy Start attempt to keep both mothers and babies healthy, in order to prevent problems from arising in the first place. Thus I was very pleased that the funding was increased from nearly $100 million in fiscal year 1994 to $110 million in this bill.

And second, I am pleased that several small programs which help families in need and the frail elderly also were increased. Sometimes it is the little programs which couple matching State or private dollars with unique local initiative that often yield the best results.

Mr. Speaker, for the past 2 years I have had the honor of serving on this distinguished subcommittee, both with the incomparable Chairman Natcher, and now with my friend NEAL SMITH. Both chairmen have served this House with distinction, and I will be able to say with true pride that I participated in a small way in their efforts.

Also I again want to commend our ranking member, JOHN PORTER, his staff, and the overall subcommittee staff headed by Mike Steven and the full committee chairman, DAVID OBEY.

Mr. SMITH of Iowa. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. SERRANO].

Mr. SERRANO. Mr. Speaker, I rise in support of the conference agreement on H.R. 4606, making appropriations for the Departments of Labor, Health and Human Services, and Education, as well as several related agencies.

First, I would like to congratulate our chairman, the gentleman from Iowa [Mr. SMITH], for the job he has done in bringing this very large, complicated, and important bill through conference and to the floor today. Suddenly thrust into the chairmanship by the illness and death of our revered former Chairman, Bill Natcher, NEAL SMITH did an extraordinary job of mastering the details of this legislation and producing as fair a bill as anyone could expect, given the tight budget caps we are working with.

I would also like to thank our ranking minority member, the gentleman from Illinois [Mr. PORTER] and the other members of the subcommittee for their support and cooperation throughout the process of bringing this bill to the floor.

And I salute the very professional staff of the subcommittee for all the long hours and hard work they put into this legislation.

Mr. Speaker, this is one of the most important bills Congress considers each year. It is the key to the Nation's well-being: It funds health, education, social, and employment services that touch every person in the United States and provide the means for all of us to live healthier and more productive lives.

Of course, Mr. SMITH has given an excellent summary of the major provisions of the conference agreement; I would like to mention just a few items.

The bill increases the Nation's investment in our children, with increases in funding for Head Start, Healthy Start, and childhood immunizations.

The bill provides increases for disease prevention and health care programs that will go a long way to saving lives.

The bill continues and expands efforts to improve the health status of minorities in the programs funded in the bill—to ensure that we know more about variations in health and to assure appropriate access to necessary services.

The bill increases funds for key employment and training programs and continues the expansion of Job Corps.

The only shortcoming in this bill is that available resources do not permit us to do all we should do to meet the Nation's needs, but under Mr. SMITH's leadership, it does the very best that we can do.

Mr. Speaker, I urge every Member to support this conference agreement.

□ 1100

Mr. PORTER. Mr. Speaker, I yield 5 minutes to our very distinguished colleague, the gentleman from Pennsylvania [Mr. GOODLING], the ranking member on the Subcommittee on Education and Labor.

Mr. GOODLING. Mr. Speaker, I want to thank both the chairman, the gentleman from Iowa [Mr. SMITH], and the ranking member, the gentleman from Illinois [Mr. PORTER], and all of the conferees. They deserve a great deal of credit for bringing this conference report before us under the tight constraints of the budget caps.

I would like to comment on some specific areas of the conference that touch upon programs authorized by the Committee on Education and Labor, of which I am the ranking member.

I am extremely pleased by the generous increase provided to the Even Start Family Literacy Program, and I want to repeat: Family Literacy Program. Even Start has proved to be a very successful family literacy program which not only raises the educational level of parents and helps children become ready for school but provides the parents with the parent training necessary to allow them to truly be the first and most important teacher that the child will ever have. It is unfortunate that it took us this long, the last 5 years, to get to the point where we understand that family literacy is the issue, and you must deal with the entire family or you can never break the cycle. Had we thought of this 30 years ago when Head Start was implemented, the Head Start expenditures of over $17 billion would have been much better spent. Fortunately we have changed that program now also to deal with the whole idea of family literacy and parenting.

I am pleased the conferees provided $347 million for the Chapter 2 Program. I wish we could have had more, because it is the only flexible program where local school districts can use their innovative and creative ideas to bring about education reform. Unfortunately the administration, my committee, both on the House and Senate side, have decided that it is very important to pump all sorts of dollars into upgrading teacher training, not teacher training, but that could be upgraded, and it would help, but to give more training to teachers on the job. The problem is you can train and retrain and train again, but if when they come back they have no money, no flexible dollars to put into place the new ideas, the new curricula, the new materials and equipment that are available, then, of course, all of this training goes for naught.

I am also very concerned about who retrains the people that have already been trained. I am afraid it is the same people who trained them in the first place.

I want to commend the conferees for including the House language on the 85–15 rule. The conference report's delay in the effective date of this regulation will allow institutions sufficient time to comply with its intent.

I am very pleased that the conferees were able to increase funding for IDEA. We must all understand that it was an unfunded mandate that came from the Federal Government, the most expensive education that local districts and States must provide. We promised them 40 percent of the money, and we have never sent them more than 10 percent, and so I am pleased that the conferees were able to increase that funding. I hope we will keep this in mind each year when we think about the mandate that we sent out there and the lack of money that we sent with it.

While I would have kept the funding at current levels, I do respect the conferees' more reasonable tradeoff between Head Start and LIHEAP.

In the area of job training, I commend the conferees for recognizing as priorities programs for dislocated workers, school-to-work transition, and funding for the one-stop delivery of job training services. I do, however, encourage the Committee on Appropriations to work with those of us on the authorizing committee in the coming year to develop a true system of work force preparation in this Nation that is both efficient and effective. We must bring the 150 programs that GAO says probably under one roof would be the best idea rather than a dozen downtown, perhaps under one committee would also help, but above all, we must deal with what I introduced, the Careers Act, which would consolidate at least 89 of these 150 programs.

I am opposed to a provision which was included by both the House and the Senate which prohibits the Department of Labor from implementing or administering the Davis-Bacon helper regulation. Helper regulations authorize the use of semi-skilled workers working under the direct supervision of higher-skilled journey-level workers to be employed on Federal construction projects. I think all the training we can give these people is very, very important, and since we put out an awful lot of the contracts, it would be, I think, very appropriate to have them on contracts that are Federal construction projects.

I noticed that OSHA's budget for enforcement activities would increase by $10 million, which is 5 percent. Compliance would only increase by 2 percent. I hope we can emphasize cooperation among employers rather than a heavy hand in relationship to enforcement.

I appreciate the generosity of the Speaker.

Mr. SMITH of Iowa. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. STOKES], who not only is chairman of a subcommittee and had a full plate there, but participated in a great extent with us in developing this bill.

Mr. STOKES. Mr. Speaker, I rise in support of H.R. 4606, the fiscal year 1995 appropriations bill for the Departments of Labor, Health and Human Services, and Education. Under the direction of our chairman, the distinguished member from Iowa, Mr. NEAL SMITH, we crafted a bill which recognizes the competing quality of life needs of all Americans. Our chairman is to be commended for his steadfast leadership in bringing H.R. 4696 to the floor.

I also want to recognize the gentleman from Illinois [Mr. JOHN PORTER] the ranking minority of our subcommittee. He contributed significantly to the crafting of H.R. 4606.

Drafted against the backdrop of the rigid fiscal parameters of the budget resolution, H.R. 4606 provides a balanced approach to supporting competing, high priority quality of life programs. The $258.6 billion appropriations for the Departments of Labor, Health and Human Services, Education, and related agencies is $1.6 billion less than the President's budget request for discretionary programs and $2.9 billion over the 1994 funding level for discretionary programs. The $258.6 billion appropriation includes $13.3 billion for Labor, $216.7 billion for Health and Human Services, $27.4 billion for Education, and $1.2 billion for related agencies.

While maintaining overall program allocations within the confines of the subcommittee's 602(b) ceiling, significant increases were provided for a number of programs including Job Corps, Head Start, low-income home energy assistance, biomedical research, AIDS prevention, breast cancer screening, healthy start, magnet schools, and student aid. I am proud to have been able to assist in securing increased funding for these quality of life programs.

The bill includes $2.1 billion to expand and strengthen disease prevention and control activities at the Centers for Disease Control. This account includes $590.2 million for AIDS prevention, $100 million for breast cancer screening, $139.9 million for chronic and environmental disease prevention, $45 million for injury control, and $36.4 million for lead poisoning prevention. The resources provided within the account will also allow the Centers for Disease Control to strengthen and enhance the participation of community-based organizations in its outreach and education activities.

To ensure continued improvements in the diagnosis, treatment, and prevention of disease, the bill includes an $11.3 billion appropriation for the National Institutes of Health. These resources will permit the National Institutes of Health to exploit opportunities that would further advances in the early detection, treatment, and prevention of cancer, heart disease, stroke, AIDS, sickle cell disease, infant mortality, diabetes, asthma, and many other diseases, disorders, and disabilities.

Conference report language has been included to address the need for additional research on asthma. The report language calls for the National Institute of Allergy and Infectious Diseases to provide a detailed progress report on its national cooperative inner city asthma study and its plans to address asthma in high-risk populations prior to the fiscal year 1996 appropriations hearings.

Mr. Speaker, I am especially proud of the investment amendments that I authored. For example, within the Department of Health and Human Services account, funding investments are provided to expand opportunities for minorities in the health professions; to ensure and improve the delivery of health care services; to ensure increased participation of minorities in the conduct of biomedical research and research training; and to expand opportunities for increasing participation in higher education.

More specifically, the bill includes $26.7 million for health professions careers opportunities, $18.3 million for scholarships for disadvantaged students, $11.1 million for exceptional financial needs scholarships, and $9.5 million for public housing health service grants.

Conference report language has been included to ensure disadvantaged students a choice of health profession careers. The language states that all health professions disciplines are to be made eligible to participate in the Scholarships for Disadvantaged Students Programs. With respect to nursing, the conference report includes language encouraging the Health Resources and Services Administration to take the steps necessary to increase the representation of African-Americans in the various nursing professions including full-time nursing faculty and advanced nurse practitioners.

Within the Department of Education account, the bill includes $111.5 million for magnet schools, $109 million for strengthening historically black colleges and universities, $19.6 million for graduate programs, $3.7 million for faculty development, and $206.5 million for Howard University.

Mr. Speaker, I again commend our chairman, Mr. NEAL SMITH, for displaying remarkable skill in balancing the many high priority, and competing interests contained in H.R. 4606. I am proud to ask my colleagues to join me in support of H.R. 4606, the bill establishing the fiscal year 1995 appropriations for the Departments of Labor, Health and Human Services, and Education.

□ 1110

Mr. PORTER. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin [Mr. GUNDERSON].

Mr. GUNDERSON. Mr. Speaker, I thank the gentleman for yielding to me.

Let me join the gentleman and many of my colleagues in saying thank you, and high praises to both the new chairman of the subcommittee, the gentleman from Iowa [Mr. SMITH], and the ranking member, the gentleman from Illinois [Mr. PORTER], and their staffs, whose cooperation on so many of these issues with those of us who have high interest in the educational elements and the training elements in this bill.

I wanted to bring to the attention of my colleagues a provision in this bill funding, for the first time ever, the 21st Century Community Learning Centers. This is a provision I worked very closely with Senator JEFFORDS on in the other body because it is the beginning of our attempt in this country to assist local community schools in designing the infrastructure and delivery systems for responding to the high-tech interactive life-long learning that every community in this country is going to need.

I am very proud to have been a sponsor of the authorizing bill, which is in conference as we speak, and I am proud to be a part of the successful effort to fund this for fiscal year 1995. This is a very good bill. It is a very pro-children bill, pro-education bill for investment in our future under very difficult circumstances. These gentlemen deserve our thanks and appreciation.

Mr. SMITH of Iowa. Mr. Speaker, I yield 3 minutes to another chairman of the subcommittee, the gentleman from Maryland [Mr. HOYER], who helped us a great deal through this in spite of the fact that he had a big job to handle the chairmanship of another subcommittee.

Mr. HOYER. I thank my chairman for yielding. Those of us who have served on this subcommittee for a long period of time, as I have since January 1983, have served with the gentleman from Iowa [Mr. SMITH] who has now become the chairman of the subcommittee following a historic predecessor William Natcher of Kentucky.

NEAL SMITH is a quiet but effective leader of this House. He is an extraordinarily effective leader of the Labor, Health and Human Services Subcommittee of the Committee on Appropriations. It is because of NEAL SMITH's leadership, I think, that the American public sees the unity of purpose reflected by the debate on this floor. It is because of his vision for the children of this country, the seniors of this country, and the workers of this country, that we see the kind of bipartisan, overwhelming support for this legislation.

I want to congratulate our new chairman, NEAL SMITH, who brings this bill to the floor for the first time after going through a full cycle.

Mr. Speaker, as a member of the subcommittee, I know how difficult it was to meet the many needs of the programs funded through this bill. As we all know, the budget pressure was immense. In fact, as the American public undoubtedly knows, because we are fighting strenuously and successfully to bring down the budget deficit, we have constrained discretionary spending very sharply. And the Appropriations Committee will report less spending of discretionary dollars this year overall than we did last year. This is the first time that has happened since I have been in the Congress.

However, notwithstanding that pressure, we were able to give important programs like Head Start, Title I, Goals 2000 and Job Corps significant increases in revenue but only a fraction of what we need to invest to make this country even greater.

In addition, not only substantively was the leadership of NEAL SMITH and the ranking member, the gentleman from Illinois [Mr. PORTER], critically important in reaching this objective but also procedurally, all the members of the subcommittee on both sides of the aisle were included in discussions about the priorities. Making this the shortest conference on this bill that I have been involved in. Again because of the leadership of the gentleman from Iowa, who worked with his counterpart in the other body, Senator HARKIN, in bringing consensus to a difficult bill.

We come to the floor today with a conference report which will touch so many in our country—from the young to the old, the educated to the less educated, the sick to the healthy and the employed to the unemployed.

Programs in this bill, programs such as Head Start—to provide a strong educational foundation to our young people; community service employment to older Americans—to engage our older members of society in worthwhile contributions to our communities; Job Corps funding to provide training and skill-building expertise to adolescents; advanced nursing education and health professionals research funds to assure a strong and educated health care work force; funding for continued research on breast cancer, AIDS, mental health disorders, and drug abuse.

This conference report represents the heart and soul of the appropriations process. This bill, as Mr. Natcher called it, was the peoples bill; the needs of the people for good health, quality education, reliable work are addressed in this bill.

In closing, Mr. Speaker, I would like to commend the subcommittee staff for their fine work. They do extraordinarily conscientious work on behalf of this subcommittee, and it shows in the product. Mike Stephens, Sue Quantius, Bob Knisely, Mark Mioduski, Joanne Orndorff, and Meg Holland have all been a pleasure to work with and they have been effective.

Mr. Speaker, as our former chairman used to say, if you take care of the education of our children and the health of our people, you will continue to live in the strongest country on the face of the Earth. Mr. Speaker, Bill Natcher, if he were here today, would say this is a good bill, he would tell us that frankly, and he would then say that NEAL SMITH and JOHN PORTER have followed in the footsteps of Bill Natcher and Sil Conte in a manner to make them proud.

Mr. Speaker, I urge my colleagues to fully support the product of our committee.

Mr. PORTER. Mr. Speaker, I have no further requests for time on our side, and I reserve the balance of my time.

Mr. SMITH of Iowa. Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts [Mr. KENNEDY] for purpose of a colloquy.

Mr. KENNEDY. I thank the gentleman for yielding this time to me.

Mr. Speaker, first of all, I want to commend Chairman NEAL SMITH for the tremendous job that he, along with the gentleman from Illinois, [Mr. PORTER] have done on this important bill, which provides us with the funds that are necessary to do the research on many of the illnesses and diseases that are the causes of so much turmoil in our country.

I want to commend the gentleman from Iowa [Mr. SMITH] for the broad leadership he has shown in the Congress over the course of his many years of service here and say what a pleasure it is to work with him on a number of issues that he and I have an interest in.

I particularly want to commend the gentleman, members of his subcommittee, and his staff for their efforts to have the 1995 Labor-HHS Appropriations Act deal effectively with the additional resources needed to determine the cause and finding ways to reduce and eliminate the problems relating to diabetes. This is an issue that is the leading cause of blindness and the third leading cause of death among the American people. We need to delve into the causes of the disease, which I believe sooner rather than later we must find a cure for. The resources that Chairman SMITH has decided to put into this area will hopefully further research to eliminate the death, disability, and human suffering associated with diabetes.

But I just want to say that we appreciate the chairman's efforts. I want to make certain that his feelings were as mine were, that the money will go, in fact, for the research into blindness as well as for the causes of death relating to diabetes.

Mr. SMITH of Iowa. Mr. Speaker, will the gentleman yield?

Mr. KENNEDY. I yield to the chairman.

Mr. SMITH of Iowa. I thank the gentleman for yielding.

Mr. Speaker, I would say to the gentleman that diabetes is a very high priority of this subcommittee. It is a killer of an awful lot of people. In addition to that, it causes long illnesses and great disability.

It is a very high priority for this subcommittee, and I thank the gentleman for his interest.

□ 1120

Mr. KENNEDY. Mr. Speaker, I thank the subcommittee chairman very much, and I look forward to working with him in the years ahead.

Mr. FRANKS of Connecticut. Mr. Speaker, earlier this year the House passed a bill reauthorizing the Low-Income Home Energy Assistance Program, commonly referred to as LIHEAP. Back then I stated that this program has been effective in helping poor people, especially children and the elderly, to get through the cold winters experienced in much of the country. Washington may stay warm far into the fall, but on this last day of summer Connecticut is already feeling the crisp, cool mornings signifying that autumn is here and winter is not far behind.

It is unfortunate that President Clinton did not have some reminder of winter the day he decided to present a budget cutting LIHEAP by 50 percent. Last winter, LIHEAP provided winter heating assistance to over 75,000 Connecticut families. About 40 percent of these recipients were elderly or disabled, and another 55 percent of the recipients were families with children. With the severe cut that President Clinton proposed, many of the Connecticut recipients of LIHEAP aid would probably have to go without heat during some of this coming winter. Without heat, these individuals could fall victim to illness, hypothermia, or even death. At the very least, cold children would be less able to learn in school or do their homework.

Fortunately, the final version of the Labor-HHS-Education appropriations bill that we are considering today does not cut LIHEAP the way President Clinton wants it. This bill provides over $1.3 billion for LIHEAP this winter and an advance amount of $1.3 billion for the following winter. This is only slightly less than the amount of money for LIHEAP that was provided last year, and $94 million more than what the House passed earlier this year.

I must add that LIHEAP, while important to my State, is only a small part of the programs funded in this bill. This bill funds the training and employment programs meant to help dislocated workers find new jobs. The bill funds the programs of the Department of Education, the Corporation for Public Broadcasting, and programs for children and family service programs. It also funds Medicare and Social Security.

Finally, this bill effectively delays for 1 year a requirement that schools of higher education must obtain at least 15 percent of their revenue from nonstudent aid sources in order to receive Federal financial aid. This rule is ultimately designed to reduce student loan fraud. Because some schools are educating a large number of students from low-income families, not all legitimate schools will be able to reach that 15-percent goal this year. The House overwhelmingly voted earlier this year to delay until July 1, 1995, the implementation of this rule, and this decision is included in the final version of this bill. While Congress should work to reduce fraud, we must not create obstacles for low-income students to gain the education needed to be productive members of society.

Mr. FAWELL. Mr. Speaker, I rise in support of the conference report on H.R. 4606, the Labor-HHS-Education appropriations bill for fiscal year 1995. I would like to comment on two specific provisions. I am pleased to note that the conferees accepted the Senate language regarding the Federal Employee's Compensation Act [FECA]. This language is virtually identical to my bill, H.R. 3491, the FECA Fraud Deterrence Act. This will provide the Department of Labor with the authority to eliminate benefits to individuals who have been convicted of defrauding the FECA Program and will save the Federal Government millions of dollars.

FECA is a workers' compensation law applicable to more than 3 million civilian employees of the Federal Government. The program pays compensation directly to injured employees, provides for the payment of medical expenses, and pays benefits to dependents of covered workers in cases involving a work-related death.

In the past, the criminal and administrative sanctions applicable to persons committing fraud against the FECA Program were very limited. In some cases, the Department of Labor lacked the statutory authority to terminate benefits—even when an individual was convicted of defrauding the program. A temporary legislative fix in the fiscal year 1994 Labor-HHS-Education appropriations bill enabled the Department of Labor to pursue a number of cases involving fraudulent claims, which would have cost the taxpayers approximately $4 million over the lifetime of the claims. The language in H.R. 4606 will enhance the deterrent value of the Federal Employee's Compensation Act, enable the Government to punish those who defraud the program, the most important, save the taxpayers the cost of supporting those who defraud the program.

Mr. Speaker, I remain opposed, however, to a provision in H.R. 4606 which prohibits the Department of Labor from implementing or administering the Davis-Bacon helper regulations. These regulations authorize the use of semi-skilled workers, working under the direct supervision of higher skilled journeymen, to be employed on Federal construction projects. The helper's duties include such tasks as service work, preparation and clean up, fetching materials, and at times performing part of the journeyman's work. A helper works closely with a more skilled journeyman, and in doing so, learns how to perform much of the skilled work.

In the spring of 1992, after nearly 10 years of litigation with the construction labor unions, the Department was authorized to begin implementation of the helper regulations. Soon after, the Department of Labor was prohibited from implementing the regulations through a rider attached to the fiscal year 1994 Labor-HHS-Education appropriations bill. At that time, the conferees stated that it was to be a one-time ban, and that further action should be taken by the appropriate authorizing committee.

H.R. 4606 will knowingly waste billions of taxpayer money paying for inflated wages on Federal construction projects. H.R. 4606 will also deny thousands of semi-skilled entry-level workers the opportunity to gain the experience they need in order to move into better paying, higher skilled, construction jobs.

Over 75 percent of all construction work is performed by contractors who use semi-skilled helpers. Three-fourths of the construction built in this country is built by nonunion labor using journeymen assisted by helpers. Are construction standards in the private sector somehow inferior in quality when compared to Federal buildings? Of course not.

The whole concept of the Davis-Bacon Act is that the prevailing wage and the prevailing job classifications in the geographic area of the project should control in Federal construction. The use of helpers is prevailing in the private sector. But the construction trade unions will not allow the use of helpers, because a helper who picks up the trade is a threat to a skilled craftsman. The construction unions have unsuccessfully fought the helper classification in the courts since 1982. Now, each year they come to the Congress to make sure that the taxpayers continue to pay inflated wages for the construction of Federal buildings and public works. And each year, the appropriations committees are obliged to prohibit the Department of Labor from implementing the regulations. While the unions have again succeeded in this endeavor, the real losers are the taxpayers. They are the ones who must foot the bill each year—to the tune of $600 million according to CBO and GAO.

Mr. KLECZKA. Mr. Speaker, this appropriations measure will enable a very important welfare reform project in Milwaukee to demonstrate that people will choose work over welfare if given the opportunity. Appropriately called New Hope, the experimental initiative is one of the best investments we could ever make—an investment in working Americans.

The New Hope project is a nationally recognized demonstration project sponsored by a unique consortium of community, government, business, labor, religious, and social service organizations. The project will work with 600 families and individuals who choose to participate and who live in two targeted inner urban areas in Milwaukee, WI. Moreover, the project will be rigorously evaluated with the goal of serving as a model for reforming our Nation's welfare system.

The idea of New Hope is simple: It guarantees to every participant that work will eliminate poverty. The project provides access to a job, medical coverage and child care, and a wage subsidy to bring individuals above the poverty level. But this is no free lunch. While New Hope provides participants the tools to escape poverty, in return, it requires that they work. Participants who are not employed at least 30 hours per week will not receive New Hope money.

New Hope promotes the value of people and their capabilities. It gives individuals who have faced obstacles in their lives an opportunity to become productive members of our society. Surely, the best welfare program is a good job. Passing this legislation today will give us a chance to prove it.

I would like to thank my Wisconsin colleagues, Congressmen OBEY and BARRETT and Senators KOHL and FEINGOLD for helping to get this program on the floor again. They have all worked long and hard, for years, to get New Hope the recognition and support it deserves. Because of their efforts, New Hope is a step toward reforming our Nation's welfare system that does not have to wait until next year.

Mr. HYDE. Mr. Speaker, I have just learned of the recent decision by the U.S. District Court for the Eastern District of Pennsylvania which struck down Pennsylvania's requirement that women report the crime of rape or incest to appropriate law enforcement agencies in order to receive a publicly funded abortion under medical assistance. The court incorrectly concluded that when Congress did not include reporting requirements in the Hyde amendment, its intent was to prohibit States from imposing such requirements.

I previously discussed the purpose and background of the Hyde amendment in my comments on June 28, 1994. The Hyde amendment does not prohibit or preclude the imposition of reporting requirements by a State, notwithstanding any change in the language of any version of the Hyde amendment. Silence on the subject of reporting or certification is not intended to mean prohibition. Rather, it was and remains my intention to allow States to continue to impose antifraud requirements, such as certification or reporting requirements, before it pays for abortions.

I noted with dismay and surprise that the district court dismissed as inconsequential the fact that the version of the Hyde amendment offered by the late Representative Bill Natcher and adopted in the Appropriations Committee—an amendment which specifically required reporting of cases of rape or incest—was struck on a point of order. This illustrious court must be completely unaware that the House lives or dies by its rules of procedure, and that not even a majority can prevail against them unless a majority wants to change the rules themselves.

There is a House rule against legislating on an appropriations bill and this rule made the committee-adopted amendment subject to a point of order by any single Member of the House. Such a point of order was raised. Consequently, a similar amendment with reporting requirements could not be offered on the House floor; it is for this reason that I modified the Hyde amendment to the version in the law today. It was most certainly not a silent endorsement of overriding State laws and policies requiring the reporting of cases of rape or incest before Medicaid provides reimbursement for abortions.

Moreover, I am at a loss to see where the Pennsylvania court finds this "clear indication of congressional intent to eliminate the requirement under discussion." The district court fails to cite any support for this statement. I am sure the court did not find any indication of this in any of my statements, or the statements of other supporters of the Hyde amendment.

It seems to me that the most important statements, for the purposes of understanding congressional intent, are those made by the sponsors of the Hyde amendment. Not only was it not my purpose, as chief sponsor of the amendment, to gut State reporting requirements, I did not intend to override any State laws on abortion funding, as I explained in my earlier statement of June 28, 1994. Under the fiscal years 1994 and 1995 Hyde amendment, Federal reimbursement for Medicaid funding of abortions in cases of rape and incest was permitted, not mandated.

This understanding of the Hyde amendment was supported by Chairman Natcher when the conference report on H.R. 2518, the Labor, Health and Human Services, and Education appropriations bill was reported back to the House on October 7, 1993. He said:

> The Senate adopted the same language that was contained in the House bill, permitting public funding in the case of endangerment of the life of the mother, rape, and incest. (CONGRESSIONAL RECORD, Oct. 7, 1993, p. H7553)

Mr. Speaker, it is a travesty of justice to see State after State dragged into court to defend their own democratically enacted laws simply because of the Medicaid Bureau's willful misinterpretation of the Hyde amendment, an interpretation that has no basis in the record or in the administration's own stated policies prior to enactment of this modified funding restriction.

Mr. LEWIS of Georgia. Mr. Speaker, I want to express my support for H.R. 4606, the Labor, Health and Human Services, and Education Appropriations bill for fiscal year 1995. I want to thank my colleagues for their good work on this bill.

I especially want to express my support for language in the report that accompanies this legislation. The report refers to the extramural construction funds provided under the Center for Research Resources. The mission of the center is to support the research technologies and resources that are critical to maintaining and improving the health of all Americans. As part of achieving its mission, the center supports selected construction programs.

One such project mentioned in the report is the National Center for Primary Care at the Morehouse School of Medicine in Atlanta. Since its founding, the Morehouse School of Medicine has dedicated itself to the primary health care needs of the American people, with a particular emphasis on minorities. As a result, the Morehouse School of Medicine leads the Nation in the percentage of graduates entering primary care. Regarding research, Morehouse School of Medicine has a compelling record. Although the school is less than 20 years old, its faculty has successfully competed for more research funding than one-third of all of the medical schools in the country.

The National Center for Primary Care will be a national resource conducting, sponsoring, and participating in academic, clinical, and health services research. To achieve its mission, the center will accomplish the following goals:

Increase significantly the number of primary care physicians.

Create a national health and social policy center focused on identifying and analyzing the complex social, educational, psychological, behavioral, economic, and historical factors that contribute to current problems of poor health and inadequate access to quality health care.

Augment outreach and community-based clinics with new communications technologies to allow for expanded research, health care and health policy development.

Create linkages focused on medical education, health and social policy and basic and applied research supported by expanded onsite teleconferencing capabilities and computer support.

I strongly believe that Morehouse School of Medicine is well suited to undertake this challenge. Under the leadership of its president, Dr. Louis Sullivan, Morehouse School of Medicine has an excellent program of basic and applied research with an increasingly emphasis on community-based research related to the environmental, economic and social factors affecting health status. Furthermore, the faculty at Morehouse School of Medicine understands the complexities and challenges involved in the provision of primary care services to individuals and families in low-income urban neighborhoods and rural communities. As a result, the School has built a long-standing and solid base of trust in many underserved communities.

I want to thank Chairman NEAL SMITH for recognizing the contribution that the Morehouse School of Medicine has made in the area of primary health care. I also want to urge the Assistant Secretary for Health and the Director of the National Center for Research Resources to carefully review and consider the Morehouse School of Medicine's application for extramural construction funds for the National Center for Primary Care.

Mr. PORTER. Mr. Speaker, I yield back the balance of my time.

Mr. SMITH of Iowa. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MFUME). Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GUNDERSON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 331, nays 89, not voting 14, as follows:

[Roll No. 434]

YEAS—331

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Baker (CA)
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Blute
Boehlert
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Cunningham
Danner
Darden
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Duncan
Durbin
Edwards (CA)
Edwards (TX)
English
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Frost
Furse
Gallegly
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Grandy
Green
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Holden
Horn
Houghton
Hoyer
Hughes
Hutchinson
Hutto
Hyde
Inslee
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
King
Kleczka
Klein
Klink
Klug
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCrery
McCurdy
McDade
McDermott
McHale
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Michel
Miller (CA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moran
Morella
Murphy
Murtha
Myers
Nadler
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pickle
Pomeroy
Porter
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Reed
Regula
Reynolds
Richardson
Roemer
Rogers
Ros-Lehtinen
Rose
Rostenkowski
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Sharp
Shaw
Shays
Shepherd
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Taylor (NC)
Tejeda
Thomas (CA)
Thornton
Thurman
Torkildsen
Torres
Torricelli
Traficant
Tucker
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)

NAYS—89

Allard
Archer
Armey
Bachus (AL)
Baker (LA)
Ballenger
Bartlett
Barton
Bliley
Boehner
Bunning
Burton
Buyer
Coble
Collins (GA)
Combest
Cox
Crane
Crapo
DeLay
Doolittle
Dornan
Dreier
Dunn
Ehlers
Emerson
Fields (TX)
Franks (NJ)
Gekas
Goodlatte
Goss
Grams
Greenwood
Hancock
Hansen
Hefley
Herger
Hoke
Huffington
Hunter
Inglis
Inhofe
Istook
Johnson, Sam
Kim
Kingston
Knollenberg
Kolbe
Lewis (FL)
Lightfoot
Lucas
Manzullo
McCandless
McCollum
McHugh
McInnis
McKeon
Mica
Miller (FL)
Minge
Moorhead
Oxley
Packard
Paxon
Penny
Peterson (MN)
Petri
Pombo
Portman
Ramstad
Ravenel
Roberts
Rohrabacher
Roth
Royce
Schaefer
Sensenbrenner
Shuster
Smith (MI)
Solomon
Spence
Stearns
Stump
Talent
Taylor (MS)
Thomas (WY)
Walker
Zeliff
Zimmer

NOT VOTING—14

Collins (MI)
de la Garza
Engel
Gallo
Hastert
Kopetski
Orton
Rangel
Ridge
Slattery
Sundquist
Thompson
Towns
Washington

☐ 1140

Messrs. BLILEY, KINGSTON, and McHUGH changed their vote from "yea" to "nay."

Messrs. FISH, HOEKSTRA, and KASICH changed their vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. HASTERT. Mr. Speaker, I had to miss the rollcall vote on H.R. 4606, the fiscal year 1995 Labor, Health and Human Services and Education appropriations conference report. Had I been present, I would have voted "yea" on rollcall vote No. 434.

AMENDMENTS IN DISAGREEMENT

The SPEAKER pro tempore (Mr. MFUME). Pursuant to the order of the House of Tuesday, September 20, 1994, the amendments in disagreement and motions printed in the joint explanatory statement of the committee of conference to dispose of amendments in disagreement are considered as read.

The Clerk will designate the first amendment in disagreement.

Mr. SMITH of Iowa. Mr. Speaker, I ask unanimous consent that Senate amendments numbered 12, 13, 20, 32, 37, 66, 75, 78, 79, 80, 89, 91, 101, 108, and 124 be considered en bloc, and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

(The texts of the various Senate amendments referred to in the unanimous-consent request are as follows:)

Senate amendment No. 12: Page 3, line 23, after "centers" insert ": *Provided further*, That funds used from this Act to carry out title III of the Job Training Partnership Act shall not be subject to the limitation contained in subsection (b) of section 315 of such Act; that the waiver allowing a reduction in the cost limitation relating to retraining services described in subsection (a)(2) of such section 315 may be granted with respect to funds used from this Act if a substate grantee demonstrates to the Governor that such wavier is appropriate due to the availability of low-cost retraining services, is necessary to facilitate the provision of needs-related payments to accompany long-term training, or is necessary to facilitate the provision of appropriate basic readjustment services; and that funds used from this Act to carry out the Secretary's discretionary grants under part B of such title III may be used to provide needs-related payments to participants who, in lieu of meeting the requirements relating to enrollment in training under section 314(e) of such Act, are enrolled in training by the end of the sixth week after grant funds have been awarded".

Senate amendment No. 13: Page 3, after line 23, insert:

Of the amounts made available in fiscal year 1994 under the Job Training Partnership Act, title II-C, $50,000,000 are hereby rescinded.

Senate amendment No. 20: Page 7, line 6, after "entities" insert ": *Provided further*, That funds appropriated under this Act for activities authorized under the Wagner-Peyser Act, as amended, and title III of the Social Security Act, may be used by the States to fund integrated Employment Service and Unemployment Insurance automation efforts, notwithstanding cost allocation principles prescribed under Office of Management and Budget Circular A-87".

Senate amendment No. 32: Page 18, after line 12, insert:

SEC. 101. DETERRENCE OF FRAUD AND ABUSE IN THE FEDERAL EMPLOYEE'S WORKER COMPENSATION PROGRAM.

(a) IN GENERAL.—(1) Chapter 81 of title 5, United States Code, is amended by inserting after section 8147 the following new section:

"§ 8148. Forfeiture of benefits by convicted felons

"(a) Any individual convicted of a violation of section 1920 of title 18, or any other Federal or State criminal statute relating to fraud in the application for a receipt of any benefit under this subchapter or subchapter III of this chapter, shall forfeit (as of the date of such conviction) any entitlement to any benefit such individual would otherwise be entitled to under this subchapter or subchapter III for any injury occurring on or before the date of such conviction. Such forfeiture shall be in addition to any action the Secretary may take under section 8106 or 8129.

"(b)(1) Notwithstanding any other provision of this chapter (except as provided under paragraph (3)), no benefits under this subchapter or subchapter III of this chapter shall be paid or provided to any individual during any period during which such individual is confined in a jail, prison, or other penal institution or correctional facility, pursuant to that individual's conviction of an offense that constituted a felony under applicable law.

"(2) Such individual shall not be entitled to receive the benefits forfeited during the period of incarceration under paragraph (1), after such period of incarceration ends.

"(3) If an individual has one or more dependents as defined under section 8110(a), the Secretary of Labor may, during the period of incarceration, pay to such dependents a percentage of the benefits that would have been payable to such individual computed according to the percentages set forth in section 8133(a) (1) through (5).

"(c) Notwithstanding the provision of section 552a of this title, or any other provision of Federal or State law, any agency of the United States Government or of any State (or political subdivision thereof) shall make available to the Secretary of Labor, upon written request, the names and Social Security account numbers of individuals who are confined in a jail, prison, or other penal institution or correctional facility under the jurisdiction of such agency, pursuant to such individual's conviction of an offense that constituted a felony under applicable law, which the Secretary of Labor may require to carry out the provisions of this section.".

(2) The table of sections for chapter 81 of title 5, United States Code, is amended by inserting after the item relating to section 8147 the following new item:

"8148. Forfeiture of benefits by convicted felons.".

(b) CRIMINAL PENALTIES.—(1) Section 1920 of title 18, United States Code, is amended to read as follows:

"§ 1920. False statement or fraud to obtain Federal employee's compensation

"Whoever knowingly and willfully falsifies, conceals, or covers up a material fact, or makes a false, fictitious, or fraudulent statement or representation, or makes or uses a false statement or report knowing the same to contain any false, fictitious, or fraudulent statement or entry in connection with the application for or receipt of compensation or other benefit or payment under subchapter I or III of chapter 81 of title 5, shall be guilty of perjury, and on conviction thereof shall be punished by a fine of not more than $250,000, or by imprisonment for not more than 5 years, or both; but if the amount of the benefits falsely obtained does not exceed $1,000, such person shall be punished by a fine of not more than $100,000, or by imprisonment for not more than 1 year, or both.".

(2) The table of sections for chapter 93 of title 18, United States Code, is amended by amending the item relating to section 1920 to read as follows:

"1920. False statement or fraud to obtain Federal employee's compensation.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act. The amendments made by subsection (a) shall apply to claims filed before, on, or after the date of enactment of this Act, and shall apply only to individuals convicted after such date of enactment.

Senate amendment No. 37: Page 21, line 10, after "Act" insert ": *Provided further*, That no more than $5,000,000 is available for carrying out the provisions of Public Law 102–501".

Senate amendment No. 66: Page 36, after line 24, insert:

The Secretary shall provide payments under titles IV–A and XIX of the Social Security Act to carry out a demonstration project for a qualified program in accordance with this section which shall take effect on January 1, 1995. For each calendar quarter in which there is a qualified program as defined below, the Secretary shall pay to the State for the purpose of transmittal to the operator of the qualified program, for no more than 20 calendar quarters, an amount equal to the aggregate amount that would otherwise have been payable to the State with respect to the participants in the program for such a calendar quarter, in the absence of the program, for cash assistance and child care under part A of title IV of the Social Security Act, for medical assistance under title XIX of such Act, and for administrative expenses related to such assistance. The term "qualified program" means a program operated by the New Hope Project, Inc., which assists low-income residents of Milwaukee, Wisconsin, move from welfare to work, in accordance with an application to be prepared by the operator to the qualified program, transmitted by the State to the Secretary, and defined by and approved by the Secretary. The application shall provide for evaluation of the demonstration project; funds provided herein may not be used for said evaluation.

Senate amendment No. 75 Page 41, line 8, after "therein" insert ", together with any funds, to remain available until expended, that represent the equitable share from the forfeiture of property in investigations in which the Office of Inspector General participated and which are transferred to the Office of the Inspector General by the Department of Justice or the Department of the Treasury".

Senate amendment No. 78: Page 42, strike out lines 10 to 19 and insert:

SEC. 204. None of the funds made available by this Act may be used to withhold payment to any State under the Child Abuse Prevention and Treatment Act by reason of a determination that the State is not in compliance with section 1340.2(d)(2)(ii) of title 45 of the Code of Federal Regulations. This provision expires upon the date of enactment of the reauthorization of the Child Abuse Prevention and Treatment Act or upon September 30, 1995, whichever occurs first.

Senate amendment No. 79: Page 43, after line 14, insert:

SEC. 206. None of the funds appropriated in this title for the National Institutes of Health and the Substance Abuse and Mental Health Services Administration shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate in excess of $125,000 per year.

Senate amendment No. 80: Page 43, after line 14, insert:

SEC. 207. (a) Of the budgetary resources available to the Department of Health and Human Services for space rental charges (excluding Food and Drug Administration and the Indian Health Service) during fiscal year 1995, $4,505,000 are permanently canceled.

(b) The Secretary of Health and Human Services shall allocate the amount of budgetary resources canceled among the Department's accounts (excluding the Food and Drug Administration and the Indian Health Service) available for space rental charges. Amounts available for space rental charges in each such account shall be reduced by the amount allocated to such account.

Senate amendment No. 89: Page 44, line 11, after "agencies," insert "not less than".

Senate amendment No. 91: Page 44, line 16, after "activities," insert "no more than".

Senate amendment No. 101: Page 45, line 16, strike out "title VII" and insert "titles VII and IX".

Senate amendment No. 108: Page 46, line 2, after "1996" insert: ", of which $292,125,000 for section 686 shall become available for obligation on September 30, 1995, and shall remain available through September 30, 1996".

Senate amendment No. 124: Page 48, after line 25 insert:

FEDERAL DIRECT STUDENT LOAN PROGRAM ACCOUNT

For the cost of direct loans authorized by title IV, part D, of the Higher Education Act, as amended, such sums as may be necessary to carry out the purposes of the program, including such sums as may be derived from negative subsidy receipts: Provided, That such costs, including costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendments of the Senate numbered 12, 13, 20, 32, 37, 66, 75, 78, 79, 80, 89, 91, 101, 108, and 124 and concur therein.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 18: Page 6, line 15, strike out "$232,437,000" and insert: "$226,000,000".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 18 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert $223,837,000.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 26: Page 17, line 9, after "Disabilities," insert: "and including $2,500,000 for the International Program on the Elimination of Child Labor notwithstanding any other provision of law.".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 26 and concur therein with an amendment, as follows:

In lieu of the sum named in said amendment, insert "$2,100,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 33: Page 20, after line 4, insert:

SEC. 105. The Secretary of Labor may, in his discretion, utilize funds appropriated in this and subsequent Acts to engage in joint projects, or perform services, on matters of mutual interest, with nonprofit organizations, research organizations, or public organizations or agencies, the cost of which shall be apportioned equitably, as determined by the Secretary: Provided, That such funds shall not be treated as a reprogramming and shall not be available for obligation or expenditure except in compliance with the committee reprogramming procedures.

SEC. 106. The Secretary of Labor is authorized to accept, in the name of the Department of Labor, and employ or dispose of in furtherance of authorized activities of the Department of Labor, during the fiscal year ending September 30, 1995, and each fiscal year thereafter, any money or property, real, personal, or mixed, tangible or intangible, received by gift, devise, bequest, or otherwise.

SEC. 107. Section 5315 of title 5, United States Code, is amended by inserting at the end thereof: "The Commissioner of Labor Statistics, Department of Labor.".

Section 5316 of title 5, United States Code, is amended by striking: "Commissioner of Labor Statistics, Department of Labor.".

SEC. 108. None of the funds appropriated in this title for the Job Corps shall be used to pay the compensation of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of $125,000.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 33 and concur therein with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert:

SEC. 105. The Secretary of Labor is authorized to accept, in the name of the Department of Labor, and employ or dispose of in furtherance of authorized activities of the Department of Labor, during the fiscal year ending September 30, 1995, and each fiscal year thereafter, any money or property, real, personal, or mixed, tangible or intangible, received by gift, devise, bequest, or otherwise.

SEC. 106. Section 5315 of title 5, United States Code, is amended by inserting at the end thereof: "The Commissioner of Labor Statistics, Department of Labor.".

Section 5316 of title 5, United States Code, is amended by striking: "Commissioner of Labor Statistics, Department of Labor.".

SEC. 107. None of the funds appropriated in this title for the Job Corps shall be used to pay the compensation of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of $125,000.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate Amendment No. 35: Page 21, line 10, after "Act" insert ": *Provided further*, That of the amounts available for Area Health Education Centers, $25,000,000 shall be for section 746(i)(1)(A) of the Health Professions Education Extension Amendments of 1992, notwithstanding section 746(i)(1)(C)".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 35 and concur therein with an amendment, as follows:

In lieu of the sum named in said amendment, insert "$24,625,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate Amendment No. 38: Page 23, line 5, strike out "$2,086,850,000" and insert "$2,050,931,000".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 38 and concur therein with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert "$2,089,443,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate Amendment No. 51: Page 28, line 15, strike out "$219,474,000" and insert "$215,045,000".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 51 and concur therein with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert "$218,367,000, of which $3,375,000 shall be transferred to the National Institute of General Medical Sciences".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 53: Page 29, line 20, strike out "$2,166,148,000" and insert "$2,164,179,000".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 53 and concur therein with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert "$2,181,407,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 54: Page 30, line 7, strike out "$70,261,000" and insert "$63,004,000, of which $2,048,000 and 30 full-time equivalent positions will be transferred from the National Vaccine Program Office to the Centers for Disease Control and Prevention for the expanded immunization program".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 54 and concur therein with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert $65,267,000, together with $1,500,000 which shall be only for employee buyouts, terminal leave, severance pay, and other costs related to the reduction of the number of employees in the Office of the Assistant Secretary of Health.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 56: Page 31, line 5, strike out "$134,624,000" and insert "$128,914,000".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 56 and concur therein with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert "$138,642,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 63: Page 35, line 8, strike out "$5,127,785,000" and insert "$5,157,011,000".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 63 and concur therein with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert "$5,159,785,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 69: Page 38, after line 13, insert:

STATE LEGALIZATION IMPACT-ASSISTANCE GRANTS

(INCLUDING RESCISSION)

(a) Funds not expended by the States by July 1, 1995, under section 204(b)(4) of the Immigration and Nationality Act are hereby rescinded.

(b) For allotments of funds to the States made by the Secretary of Health and Human Services for the purpose of making payments to public and private nonprofit organizations for—

(1) public information and outreach activities regarding naturalization and citizenship; and

(2) English language and civics instruction provided to any adult eligible legalized alien who has not met the requirements of section 312 of the Immigration and Nationality Act for purposes of becoming naturalized as a citizen of the United States, $8,000,000:

Provided, That the Secretary of Health and Human Services shall allocate such amount among the States not later than August 15, 1995: *Provided further*, That each State's share of these funds shall be equal to that State's percentage share of the total costs of administering and providing educational services to eligible legalized aliens in all States through fiscal year 1994, as determined by the Secretary: *Provided further*, That the definition of "eligible legalized alien" contained in section 204(j)(4) of the Immigration Reform and Control Act of 1986 is amended by inserting before the period at the end ", except that the five-year limitation shall not apply for the purposes of providing public information and outreach activities regarding naturalization and citizenship; and English language and civics instruction to any adult eligible legalized alien who has not met the requirements of section 312 of the Immigration and Nationality Act for purposes of becoming naturalized as a citizen of the United States": *Provided further*, That each State may designate the appropriate agency or agencies to administer funds under this heading: *Provided further*, That section 204(b)(4) of the Immigration Reform and Control Act of 1986 is amended by striking the fourth sentence and inserting the following: "Funds made available to a State pursuant to the preceding sentence of this paragraph shall be utilized by the State to reimburse all allowable costs within 90 days after a State has received a reallocation of funds from the Secretary, but in no event later than July 31, 1995.".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 69 and concur therein with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert:

STATE LEGALIZATION IMPACT-ASSISTANCE GRANTS

(INCLUDING RESCISSION)

Funds not obligated by the States by June 29, 1995, under section 204(b)(4) of the Immigration Reform and Control Act of 1986 are hereby rescinded.

For Federal administration and allotments of funds to the States made by the Secretary of Health and Human Services for the purpose of making payments to public and private nonprofit organizations for public information and outreach activities; and English language and civics instruction provided to any adult eligible legalized alien who has not met the requirements of section 312 of the Immigration and Nationality Act for purposes of becoming naturalized as a citizen of the United States, $6,000,000: *Provided*, That the Secretary of Health and Human Services shall allocate such amount among the States not later than August 15, 1995: *Provided further*, That each State's share of these funds shall be equal to that State's percentage share of the total costs of administering and providing educational services to eligible legalized aliens in all States through fiscal year 1994, as determined by the Secretary: *Provided further*, That the definition of "eligible legalized alien" contained in section 204(j)(4) of the Immigration Reform and Control Act of 1986 is amended by inserting before the period at the end ", except that the five-year limitation shall not apply for the purposes of making payments from funds appropriated under the fiscal year 1995 Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act for providing public information and outreach activities regarding naturalization and citienship; and English language and civics instruction to any adult eligible legalized alien who has not met the requirements of section 312 of the Immigration and Nationality Act for purposes of becoming naturalized as a citizen of the United States": *Provided further*, That each State may designate the appropriate agency or agencies to administer funds under this heading: *Provided further*, That section 204(b)(4) of the Immigration Reform and Control Act of 1986 is amended by striking the fourth sentence and inserting the following: "Funds made available to a State pursuant to the preceding sentence of this paragraph shall be utilized by the State to reimburse all allowable costs within 90 days after a State has received a reallocation of funds from the Secretary, but in no event later than July 31, 1995.".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 70: Page 38, line 18, strike out "$465,714,000" and insert "$476,219,000, of which $12,000,000 shall be for carrying out the National Youth Sports Program: *Provided*, That payments from such amount to the grantee and subgrantees administering the National Youth Sports Program may not exceed the aggregate amount contributed in cash or in kind by the grantee and subgrantees: *Provided further*, That amounts in excess of $9,400,000 for such amount may not be made available to the grantee and subgrantees administering the National Youth Sports Program unless the grantee agrees to provide contributions in cash over and above the preceding year's cash contribution to such program in an amount that equals 29 percent of such excess amount".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 70 and concur therein with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert "$472,920,000, of which $12,000,000 shall be for carrying out the National Youth Sports Program: Provided, That payments from such amount to the grantee and subgrantees administering the National Youth Sports Program may not exceed the aggregate amount contributed in cash or in kind by the grantee and subgrantee: *Provided further*, That amounts in excess of $9,400,000 of such amount may not be made available to the grantee and subgrantees administering the National Youth Sports Program unless the grantee agrees to provide contributions in cash to such program in an amount that equals 29 percent of such excess amount".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 71: Page 40, line 3, strike out "$4,408,775,000" and insert "$4,415,514,000".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 71 and concur therein with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert "$4,419,888,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 73: Page 40, line 17, strike out "$869,823,000" and insert "$873,662,000".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 73 and concur therein with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: "$877,223,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 74: Page 40, line 22, strike out "$89,500,000" and insert: "$88,774,000".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 74 and concur therein with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: "$91,247,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 81: Page 43, after line 14, insert:

SEC. 208. Taps and other assessments made by any office located in the Department of Health and Human Services shall be treated as a reprogramming of funds and shall not be available for obligation or expenditure except in compliance with the Committee reprogramming procedures.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 81 and concur therein with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert:

SEC. 208. Taps and other assessments made by any office located in the Department of Health and Human Services shall be treated as a reprogramming of funds except that this provision shall not apply to assessments required by authorizing legislation, or related to working capital funds or other fee-for-service activities.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore (Mr. MFUME). The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 83: Page 43, after line 14, insert:

SEC. 211. (a) Of the funds appropriated or otherwise made available for the Department of Health and Human Services General Departmental Management for fiscal year 1995, the Secretary of Health and Human Services shall transfer to the Office of the Inspector General such sums as may be necessary for any expenses with respect to the provision of security protection for the Secretary of Health and Human Services.

(b) The Comptroller General of the United States shall conduct a review on the need of personal security protection for all cabinet and subcabinet officials in the Federal Government, and shall not later than April 1, 1995, prepare and submit a report to the Senate and House Committees on Appropriations of the findings of the Comptroller.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 83 and concur therein with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert:

SEC. 209. Of the funds appropriated or otherwise made available for the Department of Health and Human Services, General Departmental Management, for fiscal year 1995, the Secretary of Health and Human Services shall transfer to the Office of the Inspector General such sums as may be necessary for any expenses with respect to the provision of security protection for the Secretary of Health and Human Services.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 86: Page 44, line 5, strike out "passed the House of Representatives on March 24, 1994" and insert "passed the Senate on August 2, 1994".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 86 and concur therein with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: "enacted into law".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 87: Page 44, line 7, strike out "$7,245,655,000" and insert: "$7,233,411,000".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 87 and concur therein with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: "$7,232,722,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 88: Page 44, line 7, strike out "$7,212,093,000" and insert: "$7,214,849,000".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 88 and concur therein with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: "$7,214,160,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 90: Page 44, line 14, strike out "$37,244,000" and insert: not less than $40,000,000".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 90 and concur therein with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: "not less than $39,311,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 93: Page 44, lines 22 and 23, strike out "passed the House of Representatives on March 24, 1994 and insert: "passed the Senate on August 2, 1994".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 93 and concur therein with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert "enacted into law".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH]

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 95: Page 44, line 26, strike out "8004(f)" and insert: "9004(f)".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 95 and concur therein with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: "8004(f), 9004(f), or the relevant citation which may be designated in the Act: *Provided*, That should the Improving America's Schools Act not be enacted into law for fiscal year 1995 funds for impact aid shall be made available under the provisions of Public Laws 81-815 and 81-874 with amounts allocated proportionately and under the same timeframes as provided in fiscal year 1994".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 96: Page 45, line 3, strike out "III, IV, and V" and insert "IV, V, VII, VIII, IX, and XV".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 96 and concur therein with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert "III, IV, V, VII, VIII, IX, and XV (or under the comparable citations which may be designated)".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 97: Page 45, lines 5 and 6, strike out "passed the House of Representatives on March 24, 1994" and insert "passed the Senate on August 2, 1994".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 97 and concur therein with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert "enacted into law".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 98: Page 45, line 9, strike out "$1,424,513,000" and insert "$1,570,201,000".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate Numbered 98 and concur therein with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert "$1,564,877,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 99: Page 45, line 9, strike out "$1,158,695,000" and insert "$1,264,849,000".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate Numbered 99 and concur therein with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert "$1,268,418,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 100: Page 45, line 11, strike out all after "that" down to and including "3702" in line 12 and insert: "$100,000,000 shall be for education infrastructure under title XV, $5,899,000 shall be law related education under section 8252, $37,393,000 shall be for dropout assistance under part B of title V, $4,185,000 shall be for Ellender Fellowships under part E of title VIII, $15,000,000 shall be for education for Native Hawaiians under part C of title IX, $13,000,000 shall be for part A of title VIII, and $10,912,000 shall be for foreign language assistance under part B of title VII".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate Numbered 100 and concur therein with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert: “$5,899,000 shall be for law related education; $12,000,000 shall be for arts education activities; $28,000,000 shall be for dropout prevention assistance, if authorized; $4,185,000 shall be for Ellender Fellowships; $12,000,000 shall be for education for Native Hawaiians; $10,912,000 shall be for foreign language assistance, is authorized; and $100,000,000 shall be for new education infrastructure improvement grants, if authorized”.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 102: Page 45, line 18, strike out all after “as” down to and including “Act” in line 20 and insert: “passed the Senate on August 2, 1994”.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate Numbered 102 and concur therein with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert: “enacted into law”.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 103: Page 45, line 21, strike out “$247,572,000” and insert: “$238,082,000”.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 103 and concur therein with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert “$245,200,000”.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 104: Page 45, line 22, strike out “part C” and insert “subpart 3 of part A of title VII”.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. SMITH of Iowa moves that the house recede from its disagreement to the amendment of the Senate numbered 104 and concur therein with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert “part C or under subpart 3 of part A of title VII or under the comparable citation which may be designated by amendments to the authorizing legislation”.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 107: Page 45, line 26, strike out “$2,858,973,000” and insert “$2,753,300,000”.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 107 and concur therein with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert “$2,998,812,000”.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 130: Page 49, lines 10 and 11, strike out “and Public Law 102–423; $954,686,000, of which $8,248,000” and insert “$946,703,000, of which $7,498,000”.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 130 and concur therein with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert “section 1521 of the Higher Education Amendments of 1986 as amended by Public Law 103–239, to be administered by the Secretary of Education, part E of title XV of the Higher Education Amendments of 1992; and Public Law 102–423, $962,842,000, of which $8,060,000”.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 135: Page 49, strike out all after line 24 down to and including “construction” in line 26.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 135 and concur therein with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows: “$5,000,000, to remain available until expended, shall be for general construction needs at the University and $5,500,000, to remain available until expended, shall be for the establishment of a Law School Clinical Center to be administered under the same terms and conditions as the Centers established and funded under Public Laws 99–88 and 100–517 with not more than $1,000,000 to be used for construction”.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 138: Page 52, line 2, strike out all after “1965” down to and including “technology” in line 14 and insert: “, as amended by the Improving America's Schools Act as passed the Senate on August 2, 1994; the National Education Statistics Act of 1994, as passed the Senate on August 2, 1994; and title VI of Public Law 103–227; $371,586,000: *Provided*, That $41,000,000 shall be for regional laboratories, including rural initiatives and network activities; $33,000,000 shall be for research centers; $43,000,000 shall be for the Fund for the Improvement of Education, including $5,000,000 for title VI of Public Law 103–227, $3,000,000 for Elementary School Counseling Demonstrations, $125,000 for National Student and Parent Mock Elections, $1,000,000 for the Partnerships in Character Education Pilot Project, $500,000 for Promoting Scholar-Athlete Competitions, and $900,000 for 21st Century Community Learning Centers, as authorized by title VIII of the Elementary and Secondary Education Act, as amended by the Improving America's Schools Act as passed the Senate on August 2, 1994; $4,463,000 shall be for civic education activities; $14,480,000 shall be for the National Diffusion Network; $40,000,000 shall be for Eisenhower professional development Federal activities, including not less than $5,472,000 for the National Clearinghouse for Science and Mathematics, $15,000,000 for regional consortia, and $3,000,000 for part E of title II of the Elementary and Secondary Education Act, as amended by the Improving America's Schools Act as passed the Senate on August 2, 1994; and $50,000,000 shall be for education technology activities under part A of title III of the Elementary and Secondary Education Act, as amended by the Improving America's Schools Act as passed the Senate on August 2, 1994”.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 138 and concur therein with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: "as amended by the Improving America's Schools Act as enacted into law; the National Education Statistics Act of 1994, as enacted into law; the Education Council Act, as amended; part F of the General Education Provisions Act; and title VI of Public Law 103–227, $354,892,000: *Provided*, That $86,200,000 shall be for education research of which $41,000,000 shall be for regional laboratories, including rural initiatives and network activities, $33,000,000 shall be for research centers, and $3,200,000 to remain available until expended, shall be for school finance equalization research; $36,750,000 shall be for the Fund for the Improvement of Education; $3,000,000 shall be for the international education exchange program; $750,000 shall be for 21st Century Community Learning Centers, if authorized; $4,463,000 shall be for civic education activities; $14,480,000 shall be for the National Diffusion Network; $36,356,000 shall be for Eisenhower professional development Federal activities, including not less than $5,472,000 for the National Clearinghouse for Science and Mathematics and $15,000,000 for regional consortia; $2,250,000 shall be for a mathematics telecommunications demonstration, if authorized; $40,000,000 shall be for education technology activities, if authorized; and $7,000,000 shall be for Ready to Learn television, including funds to be awarded to the Corporation for Public Broadcasting in such amounts as the Secretary determines appropriate

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 139: Page 52, lines 18 and 19, strike out "section 222 of the Higher Education Act, $115,996,000" and insert: "title II of the Higher Education Act, $147,558,000, of which $17,792,000 shall be used to carry out the provisions of title II of the Library Services and Construction Act and shall remain available until expended, and $4,916,000 shall be for section 222 and $8,270,000 shall be for section 223 of the Higher Education Act, of which $2,500,000 shall be for demonstration of on-line and dial-in access to a statewide, multitype library bibliographic data base through a statewide fiber optic network housing a point of presence in every county, connecting library services in every municipality, and $1,500,000 shall be for a demonstration project making Federal information and other data bases available for public use by connecting Internet to a multistate consortium of public and private colleges and universities, a public library system, and a State historical library".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 139 and concur therein with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: "title II of the Higher Education Act, $144,161,000, of which $17,792,000 shall be used to carry out the provisions of title II of the Library Services and Construction Act and shall remain available until expended; and $4,916,000 shall be for section 222 and $6,500,000 shall be for section 223 of the Higher Education Act, of which $5,000,000 shall be for additional awards for demonstration of on-line access to statewide, multitype library bibliographic data bases using fiber optic networks and $1,500,000 shall be for a demonstration project making Federal information and other data bases available for public use by connecting a multisale consortium of public and private colleges and universities to a public library and an historic library".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 144: Page 56, strike out lines 9 to 11 and insert:

For payment to the Corporation for Public Broadcasting, as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 1997, $330,000,000: *Provided*, That no funds made available to the Corporation for Public Broadcasting by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: *Provided further*, That none of the funds contained in this paragraph shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 144 and concur therein with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

(INCLUDING RECESSION)

Of the funds made available under this heading in Public Law 102–394, $7,000,000 are hereby rescinded. For payment to the Corporation for Public Broadcasting, as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 1997, $315,000,000: *Provided*, That no funds made available to the Corporation for Public Broadcasting by this Act shall be used to pay for receptions, parties, or similar forms of entertainment of Government officials or employees: *Provided further*, That none of the funds contained in this paragraph shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin religion, or sex.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 148: Page 60, line 20, after "achieved" insert ": *Provided further*, That notwithstanding any other provision of law, no portion of this limitation shall be available for payments of standard level user charges pursuant to section 210(j) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(j); 45 U.S.C. 231–231u)".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 148 and concur therein with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert: ": *Provided further*, That for fiscal year 1995 only, nothwithstanding any other provision of law, no portion of this limitation shall be available for payments of standard level user charges pursuant to section 210(j) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(j); 45 U.S.C. 231–231u)".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 153: Page 65, strike out lines 17 to 20 and insert:

SEC. 511. None of the funds appropriated or otherwise made available under this Act may be obligated in violation of existing Federal law or regulation already prohibiting such benefit or assistance. None of the funds appropriated under this Act may be used by any Federal official, or any State or local official, to encourage the application by or on behalf of illegal aliens for Federal or federally assisted benefits for which they are not eligible. Each State agency and each other entity administering a program under which verification of immigration status is required by section 121 of the Immigration Reform and Control Act of 1986 shall participate in the system for the verification of such status established by the Commissioner of the Immigration and Naturalization pursuant to section 121(c) of that Act, unless an alternative system is available and employed for such purposes which is found to meet the criteria for waiver under section 121(c)(4).

SEC. 512. Notwithstanding any other provision of law, monthly benefit rates under part B or part C of the Black Lung Benefits Act shall continue to be based on the benefit rates in effect in September, 1994 and be paid in accordance with the Act, until exceeded by the benefit rate specified in section 412(a)(1) of the Act.

SEC. 513. No more than one percent of salaries appropriated for each Agency in this Act may be expended by that Agency on cash performance awards.

Sec. 514. Funds available for executive direction, excluding the Centers for Disease Control and Prevention, the National Institutes of Health and the Social Security Administration, shall not exceed the amounts set forth in the budget estimates submitted to Congress for fiscal year 1995.

Sec. 515. (a) No appropriations for Agencies in this Act may be used to fund non-formula grants or contracts or modifications thereto to grantees or contractors determined by each Agency's grant or contracting officer to have previously included expressly unallowable costs in required cost reports or in claims to the Government, unless such grant or contract includes a clause which—

(1) specifically states that the costs previously determined to be unallowable will not again be reported as allowable costs or claimed for reimbursement, and

(2) requires the submission of a certification by the grantee or contractor attesting to (1) above.

(b) A grantee or contractor that knowingly submits a cost report or claim for reimbursement which includes a cost that is expressly specified by regulation as being unallowable and which was determined to have been disallowed in a previous grant or contract with this grantee or contractor shall be subject to the provisions of 18 U.S.C. 287, 31 U.S.C. 3729, and/or 31 U.S.C. 3801.

(c) The unallowability of a type of cost reported or claimed for reimbursement may be evidenced by a prior final determination by a grant or contracting officer of the Agency disallowing such costs charged by that grantee or contractor which determination is, where appropriate, upheld by any adjudicatory body, such as an Administrative Law Judge, Board of Contract Appeals, or other higher level review provided by law or regulation.

SEC. 516. PROTECTION AGAINST THE HUMAN IMMUNODEFICIENCY VIRUS.

Chapter 51 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 1118. Protection against the Human Immunodeficiency Virus

"(a) In General.—Whoever, after testing positive for the Human Immunodeficiency Virus (HIV) and receiving actual notice of that fact, knowingly donates or sells, or knowingly attempts to donate or sell, blood, semen, tissues, organs, or other bodily fluids, except as determined necessary for medical research, shall be fined or imprisoned in accordance with subsection (c).

"(b) Transmission Not Required.—Transmission of the Human Immunodeficiency Virus does not have to occur for a person to be convicted of a violation of this section.

"(c) Penalty.—Any person convicted of violating the provisions of subsection (a) shall be subject to a fine of not less than $10,000 nor more than $20,000 and imprisoned for not less than 1 year nor more than 10 years, or both.".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. Smith of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 153 and concur therein with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

Sec. 511. None of the funds appropriated or otherwise made available under this Act may be obligated in violation of existing Federal law or regulation already prohibiting such benefit or assistance. None of the funds appropriated under this Act may be used by any Federal official, or any State or local official to induce undocumented immigrants to apply for Federal benefits for which such officials know or should know such undocumented immigrants are not eligible. In no case, however, shall Federal, State, or local officials be penalized for efforts to ensure that eligible persons are not excluded from participation in, denied the benefits of or subjected to discrimination by any program receiving funds under this Act, on the grounds of race, color, or national origin-based traits, including language. Each State agency and each other entity administering a program under which verification of immigration status is required by section 121 of the Immigration Reform and Control Act of 1986 shall participate in the system for the verification of such status established by the Commissioner of the Immigration and Naturalization Service pursuant to section 121(c) of that Act, unless an alternative system is available and employed for such purposes which is found to meet the criteria for waiver under section 121(c)(4).

Sec. 512. Notwithstanding any other provision of law, monthly benefit rates during fiscal year 1995 and thereafter under part B or part C of the Black Lung Benefits Act shall continue to be based on the benefit rates in effect in September, 1994 and be paid in accordance with the Act, until exceeded by the benefit rate specified in section 412(a)(1) of the Act.

Sec. 513. No more than one percent of salaries appropriated for each Agency in this Act may be expended by that Agency on cash performance awards: *Provided*, That of the budgetary resources available to Agencies in this Act for salaries and expenses during fiscal year 1995, $30,500,000, to be allocated by the Office of Management and Budget, are permanently canceled: *Provided further*, That the foregoing proviso shall not apply to the Food and Drug Administration and the Indian Health Service.

Sec. 514. Chapter 51 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 1118. Protection against the Human Immunodeficiency Virus

"(a) In General.—Whoever, after testing positive for the Human Immunodeficiency Virus (HIV) and receiving actual notice of that fact, knowingly donates or sells, or knowingly attempts to donate or sell, blood, semen, tissues, organs, or other bodily fluids for use by another, except as determined necessary for medical research or testing, shall be fined or imprisoned in accordance with subsection (c).

"(b) Transmission Not Required.—Transmission of the Human Immunodeficiency Virus does not have to occur for a person to be convicted of a violation of this section.

"(c) Penalty.—Any person convicted of violating the provisions of subsection (a) shall be subject to a fine of not less than $10,000 nor more than $20,000, imprisoned for not less than 1 year nor more than 10 years, or both.".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. Smith].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 154: Page 65, after line 20 insert:

Sec. 517. (a)(1) The Senate finds that Federal payments in lieu of taxes to counties compensate local jurisdictions for services provided in areas owned by the Federal Government and for tax revenues foregone due to such Federal ownership.

(2) PILT payments are critical to counties to provide vital basic services such as emergency search and rescue; law enforcement; fire and emergency medical services; solid waste management, road maintenance, and health and other human services.

(3) PILT payments have not been increased since 1976, and the consumer price index has risen 127 percent since 1976.

(4) On April 13, 1994, the Senate approved legislation to increase PILT payments by $115,000,000 over 5 years, and index the payments to keep pace with inflation.

(5) Enactment of this legislation is critical to counties in 49 States throughout the Nation.

(b) It is the sense of the Senate that the House should approve the Senate passed legislation to increase PILT payments, and that this legislation should be enacted by the adjournment of the One Hundred Third Congress. Further, it is the sense of the Senate that, pursuant to enactment, the President should include full funding for the PILT program in the fiscal year 1996 budget.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. Smith of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 154 and concur therein with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert:

"Sec. 515. Notwithstanding any other provision of law, (1) no amount may be transferred from an appropriation account for the Departments of Labor, Health and Human Services, and Education except as authorized in this or any subsequent appropriation act, or in the Act establishing the program or activity for which funds are contained in this Act;

"(2) no department, agency, or other entity, other than the one responsible for administering the program or activity for which an appropriation is made in this Act, may exercise authority for the timing of the obligation and expenditure of such appropriation, or for the purposes for which it is obligated and expended, except to the extent and in the manner otherwise provided in sections 1512 and 1513 of title 31, United States Code; and

"(3) no funds provided under this or any subsequent appropriation act shall be available for the salary (or any part thereof) of an employee who is reassigned on a temporary detail basis to another position in the employing agency or department or in any other agency or department, unless the detail is independently approved by the head of the employing department or agency."

On page 55 of the House engrossed bill, H.R. 4606, after line 3, insert:

"Sec. 305. None of the funds appropriated under this Act may be used to publish, release, report or finalize the designation of institutions to be reviewed under subpart 1 of part H of title IV of the Higher Education

Act of 1965, as amended, until the State postsecondary review entity responsible for evaluating those institutions has received the Secretary's approval for its institutional review standards."

On page 58, line 19 of the House engrossed bill, H.R. 4606, strike "$8,119,000" and insert in lieu thereof "$8,519,000".

On page 43 of the House engrossed bill, H.R. 4606, after line 14, insert:

"SEC. 210. Of the funds made available under this title, under the heading Low Income Home Energy Assistance, for fiscal year 1996, the Secretary shall receive assurances from States that funds will assist low-income households with their home energy needs, particularly those with the lowest incomes that pay a high proportion of household income for home energy".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 155: Page 65, after line 20 insert:

TITLE VI—EMERGENCY SUPPLEMENTAL APPROPRIATIONS

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 155 and concur therein with an amendment, as follows:

In lieu of the matter inserted by said amendment insert:

TITLE VI—EMERGENCY APPROPRIATIONS

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 156: Page 65, after line 20, insert:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

For an additional amount for the Public Health and Social Services Emergency Fund to be used to assist States and local communities in recovering from the flooding caused by tropical storm Alberto and other disasters, $35,000,000 to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement, as defined in the Balanced Budget and Emergency Deficit Control Act of 1985 as amended, is transmitted by the President to the Congress.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 156 and concur therein with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

For the Public Health and Social Services Emergency Fund to be used to assist States and local communities in recovering from the flooding caused by tropical storm Alberto and other emergencies, $35,000,000 to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement, as defined in the Balanced Budget and Emergency Deficit Control Act of 1985 as amended, is transmitted by the President to the Congress.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the last amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 157: Page 65, after line 20, insert:

DEPARTMENT OF EDUCATION

IMPACT AID

For carrying out disaster assistance activities related to the flooding caused by tropical storm Alberto and other disasters, authorized under section 7(a) of Public Law 81-874, $10,000,000, to remain available until expended, of which $10,000,000 shall be available from funds provided under the heading "DEPARTMENT OF EDUCATION" under the heading "IMPACT AID" in the Emergency Supplemental Appropriations Act of 1994 (Public Law 103-211): *Provided*, That such funds shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 157 and concur therein with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert:

TITLE VII—CRIME REDUCTION PROGRAMS

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES

CHILDREN AND FAMILIES SERVICES PROGRAMS

In addition to amounts otherwise appropriated in this Act, $26,900,000, to be derived from the Violent Crime Reduction Trust Fund, including $1,000,000 for a domestic violence hotline as authorized by the Safe Homes for Women Act of 1994 and $25,900,000 for carrying out the Community Schools Youth Services and Supervision Grant Program Act of 1994.

DEPARTMENT OF EDUCATION

SCHOOL IMPROVEMENT PROGRAMS

In addition to amounts otherwise appropriated in this Act, $11,100,000, to be derived from the Violent Crime Reduction Trust Fund, for carrying out the Family and Community Endeavor Schools Act.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the several motions and on the conference report was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment bills and a joint resolution of the House of the following titles:

H.R. 2144. An act to provide for the transfer of excess land to the Government of Guam, and for other purposes;

H.R. 3679. An act to authorize the Secretary of the Interior to carry out a program to be known as the Junior Duck Stamp Conservation and Design Program, and for other purposes;

H.R. 4647. An act to direct the Secretary of the Interior to convey to the City of Imperial Beach, California, approximately 1 acre of land in the Tijuana Slough National Wildlife Refuge; and

H.J. Res. 363. Joint resolution to designate October 1994 as "Crime Prevention Month."

The message also announced that the Senate agrees to the amendments of the House to the amendments of the Senate to the bill (H.R. 1779) "An Act to designate the facility of the United States Postal Service located at 401 South Washington Street in Chillicothe, Missouri, as the 'Jerry L. Litton United States Post Office Building'."

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 1406) "An Act to amend the Plant Variety Protection Act to make such Act consistent with the International Convention for the Protection of New Varieties of Plants of March 19, 1991, to which the United States is a signatory, and for other purposes."

The message also announced that the Senate agrees to the amendments of the House to the bill (S. 1703) "An Act to expand the boundaries of the Piscataway National Park, and for other purposes."

CONFERENCE REPORT ON H.R. 4539, TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1995

Mr. BEILENSON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 537 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 537

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 4539) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1995, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

☐ 1200

The SPEAKER pro tempore (Mr. MFUME). The gentleman from California [Mr. BEILENSON] is recognized for 1 hour.

Mr. BEILENSON. Mr. Speaker, for purposes of debate only, I yield the customary one-half hour to the gentleman from Tennessee [Mr. QUILLEN], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 537 is the rule providing for consideration of the conference report on H.R. 4539, the appropriations bill for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and several independent agencies for fiscal year 1995.

The rule waives all points of order against the conference report and against its consideration and provides that the conference report shall be considered as read.

The waivers provided by the rule are necessary to allow the House to consider the conference report today. One very important item in the agreement was not contained in either the House or the Senate-passed bills: a $38.7 million appropriation from the Violent Crime Reduction Trust Fund.

This appropriation is urgently needed by the Treasury Department to implement provisions—including an antigang program—of the omnibus crime bill which just recently became law.

Including this in the conference report technically violates the rule on scope, but I believe most Members would understand the need to ensure that this money from the crime trust fund be used as soon as possible.

Mr. Speaker, the conference report appropriates $23.6 billion for the 1995 fiscal year. This is $237 million over the amount in the House bill, $7.3 million under the Senate-approved appropriation, and $987.6 million under the budget request.

The agreement provides $1 billion over the fiscal 1994 appropriation, an increase caused largely by mandatory appropriations that are required under current law, and by increased funding for the Internal Revenue Service.

The total discretionary outlays in the conference report are below the level contained in the House-passed bill and total funding is below the 602(b) budget authority and outlay allocations. We believe the committee has brought us a fiscally responsible bill and, I might add, one that is essential to the operation of the Government, with appropriations for the Internal Revenue Service, the Postal Service and Government workers.

Mr. Speaker, I congratulate the gentleman from Maryland [Mr. HOYER] and the gentleman from Iowa [Mr. LIGHTFOOT] for their work in reaching a very responsible agreement for an appropriation measure that deals with programs whose operations are among those most apparent to the American people.

I urge my colleagues to approve this rule so that we may proceed today with consideration of the conference report.

Mr. Speaker, I reserve the balance of my time.

Mr. QUILLEN. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, the gentleman from California [Mr. BEILENSON] has explained the provisions of the rule. This is the standard conference report rule. It waives all points of order against the conference and against its consideration.

Mr. Speaker, I frequently speak out against these blanket waivers, and I particularly do not favor waiving the 3-day layover rule because I feel strongly that Members should have sufficient time to thoroughly review the contents of any piece of legislation before casting their votes. Additionally, the conferees established a new title making appropriations for various law enforcement programs and activities of the Treasury Department. This is a scope violation, which is protected under this rule, but I am not aware of any strong objection to this particular waiver.

Mr. Speaker, since Members have had 2 days to study this conference report, and since there are no budget act violations and the other waivers are minor and/or technical in nature, I will not object to the consideration of this rule.

We have a limited amount of time in which to do a great deal of work, and passing these appropriation conference reports is a priority. The conferees did an outstanding job on this measure, which provides funding for the Department of the Treasury, the U.S. Postal Service, the White House, and several other agencies.

Mr. Speaker, I yield 9 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding time to me.

I have some concerns about this rule because of the nature of some of the things that we are not going to be able to get to as a result of waiving all points of order and bringing the conference report to us in this manner. For example, I think that the Members and the taxpayers ought to know that this bill will have IRS user fees in it. There are a number of Members of this body who believe that user fees are another term for taxation and that it would be in fact valuable if we could strip those user fees from the bill. Because of the rule, we will not be able to do that, and we probably ought to have been given that opportunity.

Mr. HOYER. Mr. Speaker, will the gentleman yield on that question?

Mr. WALKER. I yield to the gentleman from Maryland.

Mr. HOYER. I thank the gentleman for raising this point. I just want to clarify because as he knows, we did not have this in the House bill, and I indicated it was not within our authority. But the gentleman will at least be pleased I think to this extent: In the user fee that came from the Senate, there was no constraining language. What we have put in the bill, because we did not want it to be a tax, is that the IRS is limited to actual costs they can show for the services rendered, because we shared the gentleman's concern and I wanted him to know that language is in the bill.

Mr. WALKER. I thank the gentleman for that explanation, but I will tell you, it does give this gentleman some pause that once again we have a revenue raising measure, which is essentially what this did, that has originated in the Senate, I think that that is extraconstitutional in its application, and I do have some concern that it ends up being in the bill in a way that we cannot touch it.

I would be happy to yield to the gentleman.

Mr. HOYER. Because this is a good point, I think the gentleman is making a good point, but I want to point out to the gentleman that under current law without this bill or any further action of the Congress, the IRS can in fact raise the fees that are referenced in this bill. What they cannot do, however, is apply that to IRS expenditures.

I think the gentleman is probably not correct that this is the authorizing of a new fee, but they can apply it, it goes into the general fund as opposed to IRS, and that is the difference here.

Mr. WALKER. I have to tell the gentleman, I would feel far more comfortable if the bill contained provisions to take away from the IRS the authority to raise the fees, rather than actually raising the fees so that we comply with what IRS can actually do anyway. The IRS has enough money to do their operation.

We also restore some agencies that some folks thought we probably could get along without. In this bill again we will not be able to touch it.

The courthouse funding which had actually been reduced through action here in the House proposed by the gentleman from Oklahoma [Mr. ISTOOK] in fact has gone up in this bill and we are now going to be out there building more courthouses and doing more work of that type than we were before.

I guess the gentleman wants to respond on this one, too. I would be happy to yield to the gentleman.

Mr. HOYER. I thank the gentleman for yielding.

I just want to make sure. His point is well taken but it is because of course as he knows, there are additional projects. However, even the projects that were added by the Senate agreed to in conference, felt by the Senate to be priority projects, were reduced across the board as we did in the House. I know the gentleman is aware of that. So that all of the projects were proportionately reduced across the board.

Mr. WALKER. Yes. But the fact is that what we did was we did an add-on so that the actual spending is up, is that not true?

Mr. HOYER. The gentleman is correct if you talk only about the Federal buildings. The gentleman I know will be very pleased that this conference report is $500,000, not even worth mentioning, I suppose, except below in outlays the House-passed bill. That is very unusual.

Mr. WALKER. I am always happy to save $500,000 but I am always a little worried about where we end up spending the money. The fact that we end up spending the money in some places here that I find questionable, I think the House should have at least had an opportunity to address it.

Finally, I think that some of my colleagues will be interested that the White House spending is up in this bill. That, too, gives some pause for a White House that continued to claim throughout the campaign that indeed one of the places where we were going to demonstrate savings was at the top itself, in the White House, and now what we find is that the spending is going up, not down, and some of us think that maybe that is something that probably ought to be addressed within the context of this bill, and because of this rule, we are not going to have an opportunity to address that very important item.

I will be happy to yield to the gentleman again.

Mr. HOYER. I thank the gentleman for yielding.

As the gentleman I am sure knows, he is correct from the sense of White House spending is up over 1994, $10 million of course of which as the gentleman I am sure knows is related to the Federal drug control program. But the gentleman I know will be pleased to know that with respect to the White House Office on Administration, even though we went up, the Senate funded, we reduced from the White House request, which is one of the few times in the last 14 years that we have done that, one of perhaps twice that we have done that.

Mr. WALKER. Let me tell the gentleman that the idea that we are putting the money into drug control is obviously a nice thing to be doing. However, it was in the drug control functions where they demonstrated all the savings the last year. When they were going public with all this money they were saving at the White House and we were told about all the staff they were cutting and everything that was going on at the White House, the fact is the only place that was taking a huge blow was in the drug control portion of the bill.

□ 1210

Now we get out to a year later, all of the headlines have been written, the stories have been done, and all of a sudden we are in with an additional amount of money for that office that in fact swells the budget and causes some concern.

I am a little concerned we get past the press release and now we are back to the spending, and in my view it is something that the House ought to address again on this floor as a matter of amendments in disagreement or other kinds of devices that would be open to us if it were not for the provisions of this rule that waive all points of order.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am happy to yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, first I want to commend the gentleman from Maryland [Mr. HOYER] and the gentleman from Iowa [Mr. LIGHTFOOT] because they have done a very good job on this bill.

The one problem here is that we are waiving the 3-day layover, we are waiving all points of order, and we are waiving scope, which really concerns me. I am looking, for example, at amendment No. 52 which authorizes the GSA to expend $736 million in obligational authority for construction of Federal building projects instead of the $502 million contained in the House bill.

Mr. WALKER. So we are up $250 million?

Mr. SOLOMON. Yes, nearly $250 million, and that is why we should not be waiving these points of order. We should not be waiving the 3-day layover or waiving scope, because how many more scope problems are in this conference report? That is really the problem we are faced with here today.

Unfortunately, we are racing toward a deadline to get out of here, and when we do that we generally end up with what could be good legislation being loaded down with pork, and under this format, there will be no opportunity to correct it.

Mr. WALKER. I certainly agree with the gentleman. I just express these concerns that are items down in here that the House typically would have a chance to address. We are not going to get that chance to address them as a result of this rules procedure. I know the gentleman from New York and the gentleman from Tennessee have worked hard to bring the rule to the floor. They are operating under time constraints, as is the gentleman from California who brings this rule to us. I have no doubt but what the committee also tried to do their best. But we are faced with a situation here where there are a number of questions that the House is not going to be able to speak to, and I for one will feel constrained to vote against the rule because of the nature of those concerns.

But I do thank the gentleman from Tennessee very much for yielding me the time.

Mr. BEILENSON. Mr. Speaker, I yield such time as he may desire to the gentleman from Wisconsin [Mr. OBEY], chairman of the full Committee on Appropriations.

Mr. OBEY. Mr. Speaker, I would simply take this time because I know a number of Members have asked about the question of congressional pay, and I think Members need to understand that passage of this bill will make certain that there will be no cost of living increase for congressional pay this year. That will mean the second year in a row that there is no COLA for Members of Congress.

I think it is important to understand that the Congress has essentially made a decision that there will be a 2-year period, given the squeeze on the country, when there would be no increase in the COLA. I would urge Members to vote for the rule, for the bill, pass the bill as quickly as possible so we can get on to other business and finish all of the remaining appropriation bills within the timetable for this fiscal year.

Mr. WALKER. Mr. Speaker, will the gentleman yield for a moment?

Mr. OBEY. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, I just want to clarify. Is the gentleman stating that a vote for the bill will in fact be a vote to limit the COLA; a vote against the bill could be construed as a vote against limiting the COLA? Is that what the gentleman is saying?

Mr. OBEY. Mr. Speaker, I cannot discuss how any vote can be construed by anybody. All I can tell the gentleman is if he votes for this bill he will be voting for a bill which prevents Members of Congress from getting a cost of living increase.

Mr. WALKER. That is what I wanted to clarify.

Mr. OBEY. I think that is what we ought to do.

Mr. WALKER. I thank the gentleman.

Mr. BEILENSON. Mr. Speaker, I yield 4 minutes to the gentleman from Minnesota [Mr. PENNY].

Mr. PENNY. Mr. Speaker, I thank the gentleman for yielding me the time. If possible, I would like to pursue a line of questioning with the chairman of the subcommittee.

Earlier this year the gentleman and I expressed some alarm that just weeks after the House adopted the Work Force Reduction Act, which on the one hand provided a buyout provision for those who would retire early, but on the other hand set the targets to reduce the Federal work force by 10 percent over the next 6 years, we had legislation on the floor that expressly exempted the Department of Veterans Affairs from that work force reduction which, of course, would put a heavier burden on every other department and agency. I am curious to know whether there is anything in the Treasury-Postal appropriation bill which would exempt additional departments, agencies or functions within the government from that 10 percent work force cut?

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. PENNY. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I appreciate the gentleman raising this very important question. He and I did raise this issue and it was a difficult one to take on, because it was perceived as not being consistent with the interests there.

I will tell the gentleman that there is in this bill which came from the Senate a 5-year freeze or 5-year exemption on FTE's for law enforcement included within the Treasury Department.

Mr. PENNY. Could the gentleman delineate for me the various law enforcement activities that would be affected here? Is that INS or is that in the Justice Department? That would be in Justice.

Mr. HOYER. ATF, Bureau of Alcohol, Tobacco and Firearms, the Customs law enforcement folks, Secret Service and IRS law enforcement officials.

I will try to get, I do not know the total number, but the gentleman knows my position and the compromise was that we went down to 1 year.

Mr. PENNY. A 1-year delay?

Mr. HOYER. The gentleman is correct. I believe that they can reach the numbers, their objectives.

Mr. PENNY. Recognizing that the bulk of the law enforcement personnel would be in the Justice Department appropriations bill with the FBI and the INS, and I think Customs is also in that bill.

Mr. HOYER. Customs is in this bill under the Treasury Department.

Mr. PENNY. The bulk though of the law enforcement personnel would be in that other piece of legislation. If I might ask, where does that stand?

Mr. HOYER. That bill has been signed by the President.

Mr. PENNY. Where does it stand in terms of my provision in terms of those law enforcement personnel?

Mr. HOYER. I do not believe there was a freeze, but frankly, I am not confident of my answer.

Mr. PENNY. The gentleman does not believe, based on his recollection, that there was an exemption or delay?

Mr. HOYER. We can find out for the gentleman in the next few minutes.

Mr. PENNY. I would appreciate that. I would like to find out specifically what happened in that bill, and I thank the gentleman.

Mr. HOYER. I thank the gentleman for his question.

Mr. QUILLEN. Mr. Speaker, I yield 7 minutes to the gentleman from Oklahoma [[Mr. ISTOOK].

Mr. ISTOOK. Mr. Speaker, I appreciate the gentleman yielding me the time.

Mr. Speaker, as a member of the subcommittee working on this particular piece of legislation, I rise to speak against this rule. Let me mention what is within this bill and what are some of the differences and a little bit of the terminology that is being used to perhaps conceal what is in this bill.

When this bill came through the House the first time, and I voted for it, it had for new Federal construction projects a figure, a reduced figure from what had been requested, a figure of $500 million in budget authority. Now the bill has over $700 million in budget authority.

The question is not whether somebody can claim this year's outlays will only be an extra half million dollars because it locks us into spending an additional $200 million over the next 5 years.

□ 1220

Do we need it? When construction programs for Federal buildings, take courthouses, if you were building a State or local courthouse, the cost per square foot is approximately $100. If, however, you were building a Federal courthouse, the cost per square foot is about $200. Why? Because we add on so many things, so many things that sometimes are not even in the original projections or estimates or plans like the marble staircases or the private baths for umpteen different judges all within the same courthouse or whatever it might be.

We debated this previously on the House floor. We applied a percentage reduction which should have been more to the Federal courthouse construction, and then after the House said we want a percentage reduction, the Senate comes in and adds $200 million in more projects.

What good does it do you to save a few bucks if then you go out and buy the whole store? You cannot afford to buy everything just because you decide it is marked down a teeny bit.

Not only does this bill have the extra $200 million in multiyear spending for the courthouse construction, it also is going to lock people into paying $149 million more in fees to the Federal Government, fees that vary from people that are in the import business, people that are in the liquor business, and people that are just trying to get copies of their tax returns.

Now, somebody can stand up and say, "Well, we are not actually mandating the fees, because we do not have a line in the bill that says these fees will go up $149 million." But we write into the bill to these agencies, the IRS in particular, "You are not going to have enough money to do your job if you do not raise these fees, because we reduced the amount in the general government account and forced you to raise fees to make up the difference to spend the amount of money we are approving for your overall budget." It is raise fees or else. That is the predicament that is created.

Are we supposed to stand here as Members of Congress and say, "My goodness, tell your constituents I had to raise spending $200 million; I had to raise fees $149 million, because if I did not, somebody would accuse me of voting against the pay increase?" Is this the price? Is this the price of saying we should not raise congressional pay, instead, we are going to raise fees on the taxpayers $149 million and we are going to raise spending $200 million?

The bill needs to be recommitted to go back and take out the spending increases and take out the authority on the fee increases and still leave in the restriction to prevent the raising of congressional pay. We should not have to pay that kind of price.

Mr. Speaker, I urge people accordingly to vote against the rule.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. ISTOOK. I am happy to yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I appreciate the gentleman's remarks, and I had, of course, the conversation with the gentleman from Pennsylvania. We did not include the fees, as the gentleman knows, as they went from the House. The Senate did include them.

As you know, however, two factors, I think, with respect to these fees: First of all, the previous administrations, as you know, have recommended fees for services rendered when they were parks, use of parks, or other fees of that nature. These fees, of course, are for services rendered by the IRS, and as the gentleman knows and supported, and we added in because we were very concerned about this, that this was not just some general taxation revenue raiser. This is limited and will be audited by GAO to fees for costs incurred for services rendered.

So I appreciate the gentleman's remarks. Obviously he is correct. We did not have these in the House. They are now in here. We did not take the customs fees, as you know, but they are fees for costs incurred and must be limited to that amount.

Mr. ISTOOK. Mr. Speaker, I appreciate Chairman HOYER's remarks. He brings up a very interesting situation, and I want to respond to it.

As he mentions, fees increases are there on the principle that he who receives a service will pay for the service. It is a correct principle. However, when we have already just gone through general tax increases that hit all portions of the population, for example, gasoline tax, fee tax increases, the things that happened last year, increasing the taxation of Social Security benefits, raising taxes generally, why do you want to do that and then come back and say, now, on top of that, we want people to pay extra for services they receive through fees? If the principle is that he who receives a service should pay for it, it is a correct principle, and do it through fee increases. But if you have already had a general tax increase, why did you not apply that money to the same need?

The problem is it is double-dipping, in my book, to hit taxpayers with both of these.

I endorse the principle that if a fee increase is necessary, it is necessary, but do not fail to use fee increases for something and then say we need general taxes as well.

I think that we should decide on one principle or the other. The American people do not believe they are taxed too little. They know that they are taxed too much.

I would urge defeat of the rule and of the bill.

Mr. QUILLEN. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee [Mr. DUNCAN].

Mr. DUNCAN. Mr. Speaker, I thank my distinguished colleague for yielding me this time.

Mr. Speaker, I rise in opposition to this bill. People all over this Nation are wanting us to reduce Federal spending, and if we cannot reduce it, they are at least wanting us to hold the line.

This bill contains a $1 billion increase in spending. It has an increase that is approximately double the rate of inflation for the past year. It has a $40 million increase for the Executive Office of the President. It has a $139 million increase for the Internal Revenue Service. It has a $19 million increase for the Bureau of Alcohol, Tobacco and Firearms after they blew money so wastefully and ridiculously in the Waco fiasco. It has 15 percent more for the Federal Election Commission. It has 71 percent more for the National Historical Publications and Records Commission, and on and on and on.

A few weeks ago in the Christian Science Monitor, former Senator Paul Tsongas wrote a column. He said:

> If you think sending a chunk of your hard-earned income to the Internal Revenue Service was tough this year, imagine the responses of future taxpayers who will face average lifetime tax rates of an incredible 82 percent.
>
> Confronted with the burdens of a monstrous national debt, an aging population, and runaway federal entitlement programs, tomorrow's Americans will be turned into a generation of indentured servants. They won't stand for it. Without action today, we are likely to see generational political wars by the end of the decade.

Former Senator Tsongas is right. This is a very serious problem. We need to be doing something about it. At the very time that the most liberal administration in history tells us we need to downsize the Federal Government by a reduction of 252,000 employees, we continue to increase spending in bill after bill.

This bill also includes a 2.6-percent increase in pay for Federal employees when they are already receiving far more than employees in the private sector.

This is a bad bill, Mr. Speaker, and I urge its defeat.

Mr. QUILLEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BEILENSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, to conclude, as I said earlier, this rule waives all points of order against the conference report.

I do want to take just a moment to let the Members know exactly what those waivers are so that they will have them in mind when they cast votes. The first is of the 3-day layover rule. We have only had 2 days to look at this. In some cases, I think, it is proper to worry about that. In this particular case, I think it is fair to say that our friends on the other side of the aisle and everyone among the membership have had adequate opportunity to find out what is in this bill.

The second, and perhaps most important waiver, has to do with clause 2 of rule XXI, unauthorized appropriations. There is a total, as has been pointed out, of 12 unauthorized projects included in the bill. However, none of these funds may be expended until or unless they become authorized.

And third, and finally, there is a waiver of clause 3 of rule XXVIII prohibiting conference reports from exceeding the scope of the legislation committed to conference. This was, as I pointed out earlier, the only known scope violation which occurs because of the crime bill, since that bill was passed subsequent to the passage of the appropriations bills in both the House and Senate; all of those provisions needed to be added, and, therefore, violate the scope rule. The amount of funding, however, for the crime bill purposes is about $38.7 million. I think it is fair to say there is no great objection to those particular funds.

Since the total funding in the bill is within the 602(b) budget allocation, therefore, no Budget Act waiver is necessary as is sometimes the case, and I want Members to be aware of that.

This is, in sum, I think it is fair to say, a good conference report. It is fiscally responsible and contains very important programs.

I urge my colleagues to accept the rule so we can vote on the appropriation measure today.

Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

☐ 1230

The SPEAKER pro tempore (Mr. MFUME). The question is on the resolution.

The question was taken, and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WALKER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 250, nays 169, not voting 15, as follows:

[Roll No. 435]

YEAS—250

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin

Edwards (TX)
English
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Hutto
Inslee
Jacobs
Jefferson
Johnson (GA)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McDade
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Michel
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Morella
Murphy
Murtha
Nadler
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Quillen
Rahall
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slaughter
Smith (IA)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates
Young (AK)

NAYS—169

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Emerson
Engel
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lewis (KY)
Lightfoot
Linder
Livingston
Lucas
Machtley
Manzullo
McCandless
McCollum
McCrery
McHugh
McInnis
McKeon
McMillan
Mica
Miller (FL)
Molinari
Moorhead
Myers
Nussle
Oxley
Packard
Paxon
Penny
Peterson (MN)
Petri
Pombo
Porter
Portman
Pryce (OH)
Quinn
Ramstad
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Talent
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (FL)
Zeliff
Zimmer

NOT VOTING—15

Ballenger
Bryant
Cooper
Edwards (CA)
Gallo
Gingrich
Inhofe
Johnson (SD)
McCurdy
Rangel
Ravenel
Slattery
Sundquist
Synar
Washington

☐ 1250

The Clerk announced the following pair:

On this vote:

Mr. Rangel for, with Mr. Ballenger against.

Mr. EVERETT and Mr. ENGEL changed their vote from "yea" to "nay."

Mr. MILLER of California and Mr. HALL of Texas changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

☐ 1250

Mr. HOYER. Mr. Speaker, pursuant to the order of the House, I call up the conference report on the bill (H.R. 4539) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1995, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). Pursuant to the provisions of House Resolution 537, the conference report is considered as read.

(For conference report and statements, see proceedings of the House of Tuesday, September 20, 1994, at page H9253.)

The SPEAKER pro tempore. The gentleman from Maryland [Mr. HOYER] will be recognized for 30 minutes, and the gentleman from Iowa [Mr. LIGHTFOOT] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the conferees have reached agreement on H.R. 4539 the Treasury, Postal Service, and general government appropriations bill for fiscal year 1995.

H.R. 4539 provides a total of $23.5 billion in new budget authority for the agencies under this bill for fiscal year 1995. The conference agreement—after scorekeeping adjustments is:

TOTAL

The sum of $260 million under 602(b) in budget authority; $253 million under 602(b) in outlays; $743 million under President's request in budget authority; $274 million under President's request in outlays; and $.5 million under House in outlays.

DISCRETIONARY

The sum of $11 million under 602(b) in budget authority; $8 million under 602(b) in outlays; $743 million under President's request in budget authority; $274 million under President's request in outlays; and $.5 million under House in outlays.

I ask unanimous consent to insert a table in the RECORD providing details of this conference report.

LAW ENFORCEMENT/CRIME CONTROL

Mr. Speaker, the conference report on H.R. 4539 funds Federal agencies deeply involved in implementing anti-crime initiatives.

It provides over $100 million more for law enforcement than in 1994, and nearly $70 million more than the President requested.

This includes across the board increases for all law enforcement efforts managed by Treasury and the drug czar's office, from money laundering and financial crimes to drug smuggling and gun running. Some specific examples:

It provides $7 million to combat international counterfeiting, a growing threat to America's economic security.

It provides resources to allow Secret Service to use its forensics technology to combat crimes against missing and exploited children.

It expands our emphasis on high intensity drug trafficking areas to include Puerto Rico, a new popular port of entry for the drug cartels.

It initiates pilot programs in new ballistics technologies designed to increase the efficiency of firearm laboratories by a factor of 100.

It provides $10 million for expansions to law enforcement training facilities.

It establishes a $15 million reserve in the drug czar's office to be used in case the drug smugglers begin to get the upper hand.

It restores $14 million for pilots and planes and boats to protect some of the emptier spaces on our borders.

Expands the GREAT [Gang Resistance Education and Training] Program by $9 million, a program designed to prevent youngsters from beginning a violent life.

Provides money to expand all of Treasury's other law enforcement efforts focusing on money laundering, financial crimes, Brady Act enforcement and other areas.

This bill also maintains our commitment to vigorous law enforcement by exempting Treasury officers from across the board cuts under the Federal Work Force Restructuring Act for 1 year.

As a rule, I would not support such an exemption, but make an exception in this case because it does not make sense to try to put 100,000 law enforcement officers on the street while reducing the number of Federal officers protecting our borders and supporting State and local efforts.

Finally, the bill will ease administrative problems for law enforcement officers by enacting availability pay, an overtime system that provides fair compensation for extra work while eliminating the need for precise overtime calculations.

EXECUTIVE OFFICE OF THE PRESIDENT

In the Executive Office of the President, the conferees have provided $311 million, $13 million more than the $298 million provided in fiscal year 1994—$10 million of which is related to Federal Drug Control Program.

The current on board strength as of today is 1,034 positions and the average year end strength is anticipated to be 1,035— 9 positions below the 1,044 level proposed last year. The 1,044 level was a 25 percent reduction from the Bush Administration staff level. The 1,034 level means the President has surpassed his goal of a 25 percent reduction in personnel in the Executive Office of the President.

INDEPENDENT AGENCIES

In the General Services Administration, the conferees provided funding for additional construction projects, and have also included language which gives the legislative committees of both the House and Senate an opportunity to review in detail these projects and to approve or disapprove any unauthorized projects prior to the obligation of funds.

REINVENTING GOVERNMENT

Mr. Speaker, I also want to discuss our response to the Vice President's challenge to make "Government work better and cost less."

The conferees continued a provision for all agencies within this bill which allows them to carry over 50 percent of their savings for productivity investments. Adding market incentives for efficiency is, in my opinion, the key to making Government work better.

We have continued our support for performance management, which we intend to fully pursue in next year's hearings. I believe that we must identify achievable goals and performance measures to measure progress or failure, if we are to restore the American people's trust in how their Government spends their money.

In summary, the conferees funded all agencies at a level that would enable them to continue their operations in the most effective and efficient way possible.

Mr. Speaker, I believe that this is a good conference report. It represents a reasonable compromise with the Senate. I believe that it is fair, it is well done, and I urge Members to support the conference report.

□ 1300

Mr. Speaker, I want to thank the ranking member, the gentleman from Iowa [Mr. LIGHTFOOT], the gentleman from Virginia [Mr. WOLF], and the gentleman from Oklahoma [Mr. ISTOOK], as well as the majority members on our committee, the gentleman from Indiana [Mr. VISCLOSKY], the gentleman from Georgia [Mr. DARDEN], the gentleman from Massachusetts [Mr. OLVER], the gentleman from Alabama [Mr. BEVILL], the gentleman from Minnesota [Mr. SABO], and, of course, the gentleman from Wisconsin [Mr. OBEY], who is an ex officio member, as is the ranking Republican member on the Committee on Appropriations, the gentleman from Pennsylvania [Mr. MCDADE].

I also want to express my thanks to the majority staff and the minority staff. We worked closely together. We do not always agree, but I think we have confidence in one another, and when we disagree, we do so in a positive fashion.

Mr. Speaker, I include for the RECORD the following figures.

H.R. 4539 - Treasury Department, U.S. Postal Service, Executive Office of the President, and Independent Agencies, 1995

	FY 1994 Enacted	FY 1995 Estimate	House	Senate	Conference	Conference compared with enacted
TITLE I - DEPARTMENT OF THE TREASURY						
Departmental Offices	105,150,000	107,629,000	105,150,000	104,400,000	104,479,000	-671,000
Office of Inspector General	28,897,000	30,497,000	28,897,000	30,497,000	29,700,000	+803,000
Financial Crimes Enforcement Network	18,280,000	19,524,000	18,280,000	20,690,000	19,823,000	+1,543,000
Treasury Forfeiture Fund (limitation on availability of deposits)	32,500,000	15,000,000	15,000,000	15,000,000	15,000,000	-17,500,000
Federal Law Enforcement Training Center:						
Salaries and Expenses	47,445,000	46,713,000	46,713,000	47,114,000	46,713,000	-732,000
Acquisition, Construction, Improvements, & Related Expenses	12,712,000	6,815,000	9,815,000	16,815,000	16,815,000	+4,103,000
Total, Federal Law Enforcement Training Center	60,157,000	53,528,000	56,528,000	63,929,000	63,528,000	+3,371,000
Financial Management Service	209,877,000	185,389,000	185,389,000	183,697,000	183,889,000	-25,988,000
Bureau of Alcohol, Tobacco and Firearms	366,446,000	378,915,000	376,181,000	385,315,000	385,315,000	+18,869,000
United States Customs Service:						
Salaries and Expenses	1,350,668,000	1,392,490,000	1,391,700,000	1,378,914,000	1,394,793,000	+44,125,000
Operation and Maintenance, Air and Marine Interdiction Programs	47,863,000	83,091,000	78,991,000	91,891,000	89,041,000	+41,178,000
Operations and Maintenance, Customs P-3 Drug Interdiction Program	28,000,000					-28,000,000
Air and Marine Interdiction Programs, Procurement	21,093,000					-21,093,000
Customs Facilities, Construction, Improvements and Related Expenses	5,000,000			1,000,000	1,000,000	-4,000,000
Customs Services at Small Airports (to be derived from fees collected)	1,406,000	1,406,000	1,406,000	1,406,000	1,406,000	
Total, United States Customs Service	1,454,030,000	1,476,987,000	1,472,097,000	1,473,211,000	1,486,240,000	+32,210,000
United States Mint	54,770,000	55,740,000	54,770,000	55,740,000	55,740,000	+970,000
Bureau of the Public Debt	187,209,000	183,458,000	183,458,000	183,458,000	183,458,000	-3,751,000
Payment of Government Losses in Shipment	500,000	500,000	500,000	500,000	500,000	
Internal Revenue Service:						
Administration and Management	167,822,000	233,318,000	225,632,000	163,431,000	225,632,000	+57,810,000
Processing Tax Returns and Assistance	1,696,853,000	1,616,295,000	1,616,295,000	1,586,028,000	1,511,266,000	-185,587,000
Tax Law Enforcement	4,007,962,000	3,986,280,000	4,412,580,000	4,358,180,000	4,358,180,000	+350,218,000
Information Systems	1,471,448,000	1,757,614,000	1,240,357,000	1,388,000,000	1,388,000,000	-83,448,000
Total, Internal Revenue Service	7,344,085,000	7,593,507,000	7,494,864,000	7,495,639,000	7,483,078,000	+138,993,000
United States Secret Service	461,931,000	470,117,000	476,931,000	474,988,000	476,931,000	+15,000,000
Procurement reform		-33,437,000	-33,437,000	-33,437,000	-33,437,000	-33,437,000
Total, Title I, Department of the Treasury	10,323,832,000	10,537,354,000	10,434,608,000	10,453,627,000	10,454,244,000	+130,412,000
TITLE II - POSTAL SERVICE						
Payment to the Postal Service Fund	91,434,000	92,317,000	85,717,000	102,317,000	92,317,000	+883,000
Payment to the Postal Service Fund for Nonfunded Liabilities	38,803,000	37,776,000	37,776,000	37,776,000	37,776,000	-1,027,000
Total, Title II, Postal Service	130,237,000	130,093,000	123,493,000	140,093,000	130,093,000	-144,000
TITLE III - EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT						
Compensation of the President	250,000	250,000	250,000	250,000	250,000	
The White House Office	38,754,000	41,632,000	38,754,000	40,193,000	40,193,000	+1,439,000
Executive Residence at the White House	7,925,000	7,827,000	7,827,000	7,827,000	7,827,000	-98,000
Official Residence of the Vice President	324,000	327,000	324,000	324,000	324,000	
Special Assistance to the President	3,270,000	3,291,000	3,270,000	3,280,000	3,280,000	+10,000
Council of Economic Advisers	3,420,000	3,457,000	3,420,000	3,439,000	3,439,000	+19,000
Office of Policy Development	5,122,000	5,058,000	5,058,000	5,058,000	5,058,000	-64,000
National Security Council	6,648,000	6,832,000	6,648,000	8,222,000	6,648,000	
Office of Administration	24,850,000	27,584,000	24,850,000	26,217,000	26,217,000	+1,367,000
Procurement reform		-117,000	-117,000	-117,000	-117,000	-117,000
Office of Management and Budget	56,539,000	56,272,000	56,272,000	55,081,000	57,754,000	+1,215,000
Office of National Drug Control Policy	11,687,000	9,942,000	9,942,000	9,942,000	9,942,000	-1,745,000
Unanticipated Needs	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	
Federal Drug Control Programs:						
High Intensity Drug Trafficking Areas Program	86,000,000	98,000,000	98,000,000	110,000,000	107,000,000	+21,000,000
Special Forfeiture Fund	52,500,000	52,500,000	14,800,000	52,500,000	41,900,000	-10,600,000
Transfer to other agencies:						
Internal Revenue Service	(6,000,000)					(-6,000,000)
El Paso Intelligence Center	(4,000,000)		(1,800,000)		(1,800,000)	(-2,200,000)
Bureau of Alcohol, Tobacco and Firearms	(5,000,000)					(-5,000,000)
SAMSHA	(15,000,000)	(45,000,000)		(25,000,000)	(14,000,000)	(-1,000,000)
CTAC (RandD)	(7,500,000)	(7,500,000)	(8,000,000)	(7,500,000)	(8,000,000)	(+500,000)

H.R. 4539 - Treasury Department, U.S. Postal Service, Executive Office of the President, and Independent Agencies, 1995 - Cont.

	FY 1994 Enacted	FY 1995 Estimate	House	Senate	Conference	Conference compared with enacted
Community Partnership Grants (CSAP)	(10,000,000)					(-10,000,000)
ONDCP Director discretion	(5,000,000)		(5,000,000)	(20,000,000)	(18,100,000)	(+13,100,000)
Total, Federal Drug Control Programs	136,500,000	150,500,000	112,800,000	162,500,000	148,900,000	+10,400,000
(Transfer to other agencies)	(52,500,000)	(52,500,000)	(14,800,000)	(52,500,000)	(41,900,000)	(-10,600,000)
Total, Title III, Executive Office of the President	298,289,000	313,855,000	270,298,000	323,216,000	310,715,000	+12,426,000
TITLE IV - INDEPENDENT AGENCIES						
Administrative Conference of the United States	1,800,000	2,588,000		1,800,000	1,800,000	
Advisory Commission on Intergovernmental Relations	1,000,000	1,390,000		1,000,000	1,000,000	
Citizens' Commission on Public Service and Compensation (rescission)	-250,000					+250,000
Committee for Purchase from People Who Are Blind or Severely Disabled	1,689,000	1,682,000	1,682,000	1,682,000	1,682,000	-7,000
Federal Election Commission	23,564,000	27,106,000	23,564,000	27,106,000	27,106,000	+3,542,000
Federal Labor Relations Authority	21,341,000	21,540,000	21,341,000	21,540,000	21,341,000	
General Services Administration:						
Federal Buildings Fund:						
Appropriation	288,486,000	-69,931,000	361,615,520	500,000,000	466,917,000	+178,431,000
Rescissions	(-185,344,000)		(-78,205,000)	(-88,658,000)	(-78,076,000)	(+107,268,000)
Limitations on availability of revenue:						
Construction and acquisition of facilities	(925,027,306)		(502,709,520)	(733,229,000)	(736,233,000)	(-188,794,306)
Repairs and alterations	(523,782,000)	(812,226,000)	(815,268,000)	(712,356,000)	(736,709,000)	(+212,927,000)
Installment acquisition payments	(118,108,000)	(127,531,000)	(127,531,000)	(127,531,000)	(127,531,000)	(+9,423,000)
Rental of space	(2,117,421,000)	(2,204,628,000)	(2,204,628,000)	(2,173,000,000)	(2,173,000,000)	(+55,579,000)
Real property operations	(1,226,085,000)	(1,323,689,000)	(1,323,689,000)	(1,309,525,000)	(1,309,525,000)	(+83,440,000)
Program direction	(156,613,000)					(-156,613,000)
Design and construction services	(184,081,000)					(-184,081,000)
Rental income to fund						
Total, Federal Buildings Fund	288,486,000	-69,931,000	361,615,520	500,000,000	466,917,000	+178,431,000
(Limitations)	(5,251,117,306)	(4,468,074,000)	(4,973,825,520)	(5,055,641,000)	(5,082,998,000)	(-168,119,306)
Real Property Activities:						
Construction and Acquisition		1,478,690,000				
(Construction)		(479,690,000)				
(Acquisition)		(999,000,000)				
Federal Supply Service	43,420,000					-43,420,000
Use of proceeds of sales and overpayments	12,384,000					-12,384,000
Information Resources Management Service	45,675,000					-45,675,000
Federal Property Resources Service	15,756,000					-15,756,000
Operating Expenses	31,435,000	133,420,000	123,020,000	130,036,000	130,036,000	+98,601,000
Office of Inspector General	34,925,000	33,090,000	33,090,000	33,090,000	33,090,000	-1,835,000
Allowances and Office Staff for Former Presidents	2,833,000	2,690,000	2,215,000	2,215,000	2,215,000	-618,000
Procurement reform		-8,959,000	-8,959,000	-8,959,000	-8,959,000	-8,959,000
Total, General Services Administration	474,914,000	1,569,000,000	510,981,520	656,382,000	623,299,000	+148,385,000
John F. Kennedy Assassination Record Review Board		2,418,000	2,418,000		2,150,000	+2,150,000
Merit Systems Protection Board:						
Salaries and Expenses	24,674,000	24,549,000	24,549,000	24,549,000	24,549,000	-125,000
(Limitation on administrative expenses)	(1,989,000)	(1,989,000)	(2,420,000)	(1,989,000)	(2,250,000)	(+261,000)
Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation		10,000,000		10,000,000	10,000,000	+10,000,000
National Archives and Records Administration	190,232,000	194,638,000	194,638,000	200,238,000	195,238,000	+5,006,000
Reduction of debt	-3,397,000	-3,692,000	-3,692,000	-3,692,000	-3,692,000	-295,000
Procurement reform		-325,000	-325,000	-325,000	-325,000	-325,000
National Historic Publications and Records Commission	5,250,000	4,000,000	7,000,000		9,000,000	+3,750,000
Office of Government Ethics	8,313,000	8,104,000	8,104,000	8,104,000	8,104,000	-209,000
Office of Personnel Management:						
Salaries and Expenses	118,533,000	112,139,000	115,139,000	111,778,000	115,139,000	-3,394,000
(Limitation on administrative expenses)	(88,519,000)	(93,934,000)	(93,934,000)	(92,504,000)	(93,934,000)	(+5,415,000)
Office of Inspector General	4,253,000	4,009,000	4,009,000	4,009,000	4,009,000	-244,000
(Limitation on administrative expenses)	(6,514,000)	(6,156,000)	(6,156,000)	(6,156,000)	(6,156,000)	(-358,000)
Government Payment for Annuitants, Employees Health Benefits	3,805,480,000	4,210,560,000	4,210,560,000	4,210,560,000	4,210,560,000	+405,080,000
Government Payment for Annuitants, Employee Life Insurance	1,607,000	19,159,000	19,159,000	19,159,000	19,159,000	+17,552,000
Payment to Civil Service Retirement and Disability Fund	7,065,819,000	7,339,638,000	7,339,638,000	7,339,638,000	7,339,638,000	+273,819,000
Employees Health Benefits Fund (limitation on administrative expenses)	(14,774,000)					(-14,774,000)
Employees Life Insurance Fund (limitation on administrative expenses)	(826,000)	(753,000)	(753,000)	(753,000)	(753,000)	(-73,000)
Retired Employees Health Benefits Fund (limitation on administrative expenses)	(165,000)	(81,000)	(81,000)	(81,000)	(81,000)	(-84,000)
Procurement reform		-1,256,000	-1,256,000	-1,256,000	-1,256,000	-1,256,000
Total, Office of Personnel Management	10,995,692,000	11,684,249,000	11,687,249,000	11,683,888,000	11,687,249,000	+691,557,000

H.R. 4539 - Treasury Department, U.S. Postal Service, Executive Office of the President, and Independent Agencies, 1995 - Cont.

	FY 1994 Enacted	FY 1995 Estimate	House	Senate	Conference	Conference compared with enacted
Office of Special Counsel	7,992,000	7,955,000	7,955,000	7,955,000	7,955,000	-37,000
United States Tax Court	33,650,000	35,313,000	33,650,000	34,427,000	34,039,000	+389,000
Total, Title IV, Independent Agencies	11,786,464,000	13,590,515,000	12,519,114,520	12,674,654,000	12,650,495,000	+864,031,000
Appropriations	(11,786,714,000)	(13,590,515,000)	(12,519,114,520)	(12,674,654,000)	(12,650,495,000)	(+863,781,000)
Rescission	(-250,000)					(+250,000)
(Limitation on administrative expenses)	(5,178,560,306)	(4,570,987,000)	(4,998,964,520)	(5,068,466,000)	(5,108,096,000)	(-70,464,306)
TITLE VII - VIOLENT CRIME CONTROL AND LAW ENFORCEMENT FUNDING						
Department of the Treasury						
Departmental Offices					2,400,000	+2,400,000
Financial Crimes Enforcement Network					2,700,000	+2,700,000
Bureau of Alcohol, Tobacco and Firearms					7,000,000	+7,000,000
Gang Resistance Education and Training: Grants					9,000,000	+9,000,000
United States Customs Service					4,000,000	+4,000,000
Internal Revenue Service: Tax Law Enforcement					7,000,000	+7,000,000
United States Secret Service					6,600,000	+6,600,000
Total, title VII, Violent Crime Control and Law Enforcement Funding					38,700,000	+38,700,000
Grand total (net)	22,538,822,000	24,571,817,000	23,347,513,520	23,591,590,000	23,584,247,000	+1,045,425,000
Appropriations	(22,539,072,000)	(24,571,817,000)	(23,347,513,520)	(23,591,590,000)	(23,584,247,000)	(+1,045,175,000)
Rescission	(-250,000)					(+250,000)
(Limitations)	(5,178,560,306)	(4,570,987,000)	(4,998,964,520)	(5,068,466,000)	(5,108,096,000)	(-70,464,306)
CONGRESSIONAL BUDGET RECAP						
Total in this bill	22,538,822,000	24,571,817,000	23,347,513,520	23,591,590,000	23,584,247,000	+1,045,425,000
Scorekeeping adjustments	-207,720,000	-331,245,000	-84,084,000	-128,464,000	-86,395,000	+121,325,000
Total mandatory and discretionary	22,331,102,000	24,240,572,000	23,263,429,520	23,463,126,000	23,497,852,000	+1,166,750,000
Mandatory	11,018,705,000	11,727,379,000	11,727,379,000	11,727,379,000	11,727,379,000	+708,674,000
General Purposes Discretionary	11,312,397,000	12,513,193,000	11,536,050,520	11,735,747,000	11,731,773,000	+419,376,000
Crime Trust Fund					38,700,000	+38,700,000

Mr. Speaker, I reserve the balance of my time.

Mr. LIGHTFOOT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think completion of work on this year's Treasury, Postal Service, and General Government appropriations bill has been a little more arduous than in past years, and in fact one issue threatened to derail the conference report entirely. But as the chairman just pointed out, we do have, I think, a good working relationship, and sometimes you fall back on those things in times of tension.

I think the bill is probably as good as we can do under the circumstances. Obviously, I favored the House version better than the one that came back from conference, because, as was discussed earlier on the rule discussion, there are some fees and so on here that I personally take exception with.

There are many items in the bill, however, that we do support, and they far outweigh the negatives, including our ability to provide adequate law enforcement resources for the Secret Service, the Customs Service, the Bureau of Alcohol, Tobacco and Firearms, and particularly under rather tight budgetary restraints.

I would call Members' attention to the $39 million crime package in title VII. This is authorized in addition to our regular funding for those agencies, and, as the chairman has already pointed out, we provided an additional $3 million for the financial crimes enforcement network, an additional $7 million for the Bureau of Alcohol, Tobacco and Firearms initiatives, and $9 million for the gang resistance education efforts, and an additional $4 million for Custom Service enforcement activities, and an additional $6.6 million to the Secret Service for anticounterfeiting activities and investigations of missing and exploited children.

Clearly, the anticrime provisions of this bill are strong, and I very strongly support them. I think it is important that we do point out, however, that this is for Federal law enforcement only. That is a point I think Members should understand and the public should understand. There are no social programs, there are no grants, no midnight basketball. This is purely for law enforcement activities of those Federal agencies which we both have mentioned.

For those who may have some heartburn because of the crime bill, and some of us that voted no, I would remind Members that of the seven specific crime bill related activities, only two of those activities, the Gray program and funds for missing and exploited children, are specifically authorized by the crime bill. So I think you can make a very legitimate argument that this, again, is for Federal law enforcement only, and that very well I think fits the formula.

The final conference report also strengthens White House antidrug and travel abuse oversight sought by many of my colleagues in the House. It includes language to tighten up on IRS taxpayer privacy protections, which was a concern that was brought to the public's attention in recent weeks, and I think that was the correct thing to do.

On the other hand, I know some of our colleagues have problems with the fact that the report restores funding for the Advisory Commission on Intergovernmental Relations and the Administrative Conference of the United States, both of which we eliminated here in the House, but it was put back in conference.

It also restores funding for GSA construction of courthouses, which was cut in the House by the Istook amendment, and I think that has been explained earlier, and may be explained again.

Finally, although there were efforts in the House to make reductions in funding for the Executive Offices of the President, a higher figure was included in the final conference report.

A final concern of mine dealt with user fees proposed by the Treasury Department. As you will recall, our House did adopt unanimously a motion to instruct conferees to reject new user fees requested by the Treasury Department, and although one of those fees, a customs merchandising fee was excluded from the final conference report, language was still retained in the final report which I believe encourages IRS to levy and raise user fees for certain services.

I have opposed these fees, and, in fact, in signing the conference report, that was the one exception I made to the report, that is amendment 29. I did object to that amendment in the conference report. I just believe it is wrong for government to charge citizens for services which are necessitated by the government.

Having said that, I would also like to compliment the chairman in the language he mentioned earlier that was put in, which basically says that if they do charge fees, it has to be based on the real world. If it costs x number of dollars to make a copy, then IRS cannot come in with a figure that is many times higher than that. But I personally have a basic problem with a tax-funded agency that we are required by law to deal with as private citizens who may be the ones requesting that we get the copies, and then charging us for the copies they are making. Somehow that just does not ring well. I do not think we should have to be paying user fees for a government we are already paying for, and by any stretch of the imagination, we are paying way too much.

But, nevertheless, those are in the package, and the chairman's language which says it will be a real cost, makes those fees a little bit more tolerable, although I still do not like them. But they are better than they were without any limits at all.

Finally, let me address what was probably the most contentious issue on this measure, and that is the whole thing over the congressional pay. I have always valued the open and courtesy manner in which our subcommittee has worked, and as the chairman referred in the closing of his remarks, it was definitely strained. But nevertheless when it got to the breaking point, it did hold together, and I think that is important as we look down the road in the long run. We might have a few seams on a few cracks, but it will heal.

I think if Members are not aware of the fact, I would like to tell them now that the House version of this bill was approved by the House, it contained a provision exempting Members from the governmentwide cost-of-living adjustment for next year. I am not aware of this issue ever being germane to this bill in the past, but since it did become germane to this bill, and since everyone whole voted yes on the House version of H.R. 4539 voted to freeze their own pay, when the Senate deleted the provision exempting Members from the pay raise, it did become a conferenceable item at that time.

I believe it would have been a disservice to my colleagues and constituents if I had not insisted on retaining the House position, plus I kind of like to sleep with myself at night. In terms of dollars, we are talking about roughly $6 million. The House COLA would have been about $1.7 million, Federal judges, $4.3, for a total of roughly six. As the ranking Republican on the subcommittee, I just could not allow this to go through, when it was within our power to stop it. At a time I think when public esteem of Congress is probably at an all-time low, I just do not believe the American people truly feel that we deserve a raise, and I think it would be irresponsible. There are others who have a very honest opinion that disagree with that, and I certainly respect them for doing that.

Having said that, I would like to add my thanks to the chairman and all of our subcommittee members and to the staff people on the senior staff, Bill Smith and Betsy Phillips, Don Cantu, Jennifer Mummert, Michelle Mrdeza, John Berry, the president of Maryland. Also Christy Smith, Barbara Comstock, and Paul Guppy. These people put in tremendous hours, they worked very hard. And whether Mr. HOYER and I want to admit it, they are the reason we succeed or fail. Without their hard work, we would not have been able to put the package together.

So, again, I do have some reservations, particularly on the user fees and on some of the courthouse funding, but

I do urge my colleagues to support the bill.

Mr. Speaker, I reserve the balance of my time.

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Mr. HOYER. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Vermont [Mr. SANDERS].

Mr. SANDERS. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise today in strong support of the conference committee report that incorporates the House provision that denies Members of Congress a cost of living increase to their salaries. I think that that is appropriate.

At a time when the standard of living of the average American worker continues to decline and the gap between the rich and the poor continues to grow wider, it would be unjust and cynical for this body to accept a COLA increase.

Further, given the fact that the Congress still has not raised the minimum wage, which is at a pathetically low $4.25 an hour, a cost of living increase for Congress would be an outrageous insult to every low-income working American.

Mr. Speaker, the purchasing power of the minimum wage has declined by 26 percent since 1970, and people working 40 hours a week at the minimum wage with a family of three have an income below the poverty level. And that is why, Mr. Speaker, I have introduced H.R. 692, which increases the minimum wage to $5.50 an hour, and why last night, when I met with the President, I urged him to support an increase to the minimum wage.

Mr. Speaker, let us vote "no" for a cost of living increase for Members of Congress and "yes" to an increase in the minimum wage for low income workers. Let us support the Conference Report.

Mr. LIGHTFOOT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is awfully easy sometimes to talk about bad things that are in a bill. I would like to mention one thing which the chairman was very gracious and accepted the language on, particularly in our State, we just came through a huge disaster last year with all the flooding. Of course we have had disasters in Florida and California and other parts around the country.

Basically, there is language in this bill which directs the IRS to institute a policy which would permit the service to waive fees to taxpayers that have been the victim of a natural disaster or other event which may have adversely impacted economic conditions in their community.

I think this is pretty much of a common sense sort of thing. When one is in the middle of a disaster, the last thing they are thinking about is filling out their IRS forms or anybody else's forms. And I do not think the IRS, quite frankly, wants to penalize people.

This way it makes it very clear what they can and cannot do. I think it helps give the IRS some direction. It is really a pretty common sense sort of thing to do.

I appreciate the chairman's cooperation in helping us put this in.

Mr. Speaker, I reserve the balance of my time.

Mr. HOYER. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts [Mr. OLVER] a distinguished and very conscientious member of this committee, one who works very hard on our committee.

Mr. OLVER. Mr. Speaker, I thank the gentleman from Maryland for yielding time to me.

I rise in support of this conference committee report and want to commend and congratulate the chairman of the subcommittee and the ranking member for bringing forward a piece of legislation which we can support in vast majority here of the membership with pride.

Mr. LIGHTFOOT. Mr. Speaker, I yield 5 minutes to a member of our subcommittee, the very able gentleman from Oklahoma [Mr. ISTOOK].

Mr. ISTOOK. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I want to address and expand a bit on what I said previously about my concerns with this particular piece of legislation. When this bill came through the House, I voted for it. I was willing to vote for the bill. I appreciated the work of the chairman and the other members of the subcommittee on which I serve in putting it together. But it is not the same now, Mr. Speaker, as when it came through the House.

There are two key differences that I think are very important, because they involve a substantial amount of taxpayer money. We have, of course, many Federal construction projects, courthouses and public buildings, Federal buildings that are underway. They are constantly underway.

We had provisions in this bill for about $500 million of new construction which of course would take several years to initiate and to complete. When that bill got over to the Senate, they added an additional $200 million in additional projects.

I am not here to say that House projects are good and Senate projects are bad. But if we agree on a level of $500 million for new construction, why increase it to 700 million? If the Senate has different priorities, it is incumbent upon us to sit down with Members of the Senate and say, these are the priorities but the total amount that we have to spend is the $500 million. We are not going to add to it.

Instead, Mr. Speaker, the House conferees have adopted the position of the Senate and have said instead of spending $500 million, let us spend $700 million dollars.

Mr. Speaker, that is how deficits are built. That is how the national debt is built, when we say that the way to compromise is by spending more rather than to shift our priorities. That is why the taxpayers need a voice within this body and within each conference committee saying, do not compromise by spending more, by dumping more upon the taxpayers. Yet that is what this bill seeks to do.

In addition to that, it has additional fees that were not in the House-passed version of this bill: fees to be charged by the IRS, fees if one wants a copy of their income tax return from past years because they did not keep it, they are almost going to triple the charge to a taxpayer to get that.

If one does not have the money to pay the IRS and they want a payout agreement, they are going to start a bigger fee for them to have to pay for the privilege of paying their taxes in installments to the IRS.

Mr. Speaker, this hits home on the taxpayer. This hits home on the normal citizen. This hits home on our constituents. This is $149 million in additional fees. We did not have it when the bill came through the House. We did not impose it on the members of the public. The Senate put it in. I say, take it out.

The Senate put in the other $200 million of additional construction. I say, take it out. If we do not have the money from the tax increases that were already imposed upon the American people, let us not do it through the back door with additional fee increases.

User fees are a correct principle, as I mentioned before, Mr. Speaker, but having user fees and the tax increases with which the American taxpayer has been saddled over and over is wrong. We should not be a party to that.

Mr. Speaker, I realize that there are some Members of this body who are afraid to vote against this bill. They are afraid because they think that someone will accuse them of voting against the provision in the bill which stops us from getting a pay increase. I am ready to stop us from getting a pay increase. But I am not ready to say that I have to swallow almost $350 million in additional spending and burdens on the taxpayers just to prove that I do not want a pay increase. What kind of logic is that?

The total cost to the taxpayers if a pay increase did go through under cost of living adjustments would be under $2 million. So do we say that we have to swallow 350 million dollars' worth of spending and fees on the taxpayer just to prove we do not want the $2 million? It makes no sense.

I intend to offer a motion, Mr. Speaker, not to give us a pay increase. I do not want that. But to offer the motion to recommit this to conference, to take out those spending increases on the construction and to take out the provisions that put the agencies in the position of having to raise the fees. that is what we need to do. Then we can bring the bill to the floor and people can vote for it.

I had other concerns about the conference report. There were a couple of very small agencies that this House had zero funded.

☐ 1320

Those are the Administrative Conference of the United States and the Advisory Council on Intergovernmental Relations. They are only $200 million issues also. The Federal construction and the fee increases involve about $350 million of the taxpayers' money. We should not vote for the bill. We should recommit it instead.

Mr. HOYER. Mr. Speaker, before I yield to a very distinguished member of the committee, first I want to say that the gentleman from Oklahoma [Mr. ISTOOK] is a very productive and conscientious member of the subcommittee. I appreciate the way he deals with issues. We disagree from time to time, but I am never surprised by his position. He lets me know and he lets the committee know his position. He argues his position very honestly and effectively. I appreciate that kind of participation.

Mr. Speaker, let me say, as I did in response to the gentleman's observations when he spoke on the rule, let me reiterate what I said then. First of all, with respect to the buildings, the gentleman observes that there is $200 million additional spending. He is absolutely correct, from 500 to 700, in round numbers.

The fact of the matter is, of course, our Founding Fathers created a bicameral legislature. They created Senators who were elected by all of the States, and they created House Members, elected by portions of States.

Quite clearly, what happens is the House works its will in terms of that which it sees to be priorities. The Senate does the same. It is very difficult in conference to say, one to the other, although we do from time to time, that "your priorities are wrong."

The gentleman is correct. We adopted, in this instance, the priorities of both bodies. However, Mr. Speaker, he then says that it did not add a whole lot of expense to the bill in terms of what we will spend this year. He correctly observed in discussion on the rule that we would have that authority delayed obligations.

However, let me point out, Mr. Speaker, we have funded in this bill $200 million in outlays that came from prior authorization. Very frankly, that is the way it works. You authorize it, and you then plan it, you go acquire the land, and then you fund it. We have a number of projects in this bill which have been partially funded in years past as a result of authorizations passed before that. That is not an unnormal process.

I would again point out, Mr. Speaker, that in terms of outlays, that is to say, the money we will spend this year versus the money we will bring in this year, in this bill it is a small sum, but significant, that we are half a million dollars under what the House passed in the conference report. That I would suggest is unusual. It is usually when you compromise between the two Houses that you go up to a higher number.

I mentioned, of course, Mr. Speaker, in my statement all of the factors by which we are below, in terms of authorization in outlays, our 602(b) numbers.

With respect to the fees, Mr. Speaker, let me respond again. The gentleman from Oklahoma [Mr. ISTOOK] makes the point that the taxpayers paid us. Of course, that is the case. However, we have general taxpayers, and then we have people who ask the Government to provide specific services to them.

What the Reagan administration and Bush administration, and indeed, administrations before them, said was, "If you ask for a special service, a fee can be attached to that special service, because you get the special benefit beyond what the general benefit of government is to all taxpayers. For that, we will impose a fee."

We did not adopt those in the House. That is true. The Senate adopted some $257 million in fees, and we rejected approximately half of those, a little less than half.

However, in the process we added language which I think is very important. Let me read it to the Members, from page 35 of the conference report: "The fees must be assessed and collected solely to cover the costs of providing the service and activities for which the fees are being charged." In other words, the subcommittee was very concerned, and I was very concerned, that these fees in effect would be imposed and would be in fact taxes; that is, general revenues to be applied to expenditures.

In fact, however, Mr. Speaker, we limited this to simply the costs of the service requested by the consumer. We went even further, Mr. Speaker, because we asked the General Accounting Office, the oversight agency of the Congress, to ensure the fact that the fees assessed, which they are currently authorized under present law to do, will be only at a level sufficient to cover their costs. I appreciate the gentleman's concerns, but I believe we have answered his questions. I would hope that Members would reject his motion to recommit at the appropriate time.

It now gives me great pleasure to yield 2 minutes to the very distinguished gentleman from Georgia [Mr. DARDEN], who represents Georgia so well, and serves so ably on our subcommittee.

Mr. DARDEN. Mr. Speaker, I rise in strong support of conference report on H.R. 4539, the Treasury, Postal Service, and general Government Appropriations bill. I want to commend Chairman HOYER, Mr. LIGHTFOOT, and other members of the subcommittee for their skill and diligence in Fashioning this bill.

As Chairman HOYER and the ranking member have pointed out, this is a fiscally responsible bill that includes a number of important law enforcement programs.

Mr. Speaker, under Department of the Treasury budget, the committee has provided funding for the important activities of the Federal Law Enforcement Training Center [FLETC]. As the Members well know, FLETC conducts more than 200 different training programs for law enforcement personnel from over 70 Federal agencies and many State police groups.

Mr. Speaker, in addition to FLETC, this bill provides funding for the law enforcement activities of several agencies including the Secret Service, the Bureau of Alcohol, Tobacco and Firearms [BATF], and the Financial Crimes Enforcement Network [FinCEN].

Finally, Mr. Speaker, I am particularly pleased that within the U.S. Customs Service budget, the committee has provided $18 million and 186 agents to enforce the provisions of NAFTA. This NAFTA enforcement initiative will establish teams of law enforcement, trade, and inspection personnel to prevent transshipping, country of origin, and foreign subsidy violations.

Mr. Speaker, this funding and personnel level for NAFTA enforcement honors the enforcement commitment made to many Members of this body who were concerned about the possible effect of NAFTA on America industries, particularly textiles. As a member of the textile caucus, I strongly support this enforcement initiative and believe that it will help revitalize American textile-related industries.

Again, I thank the chairman, ranking member and committee staff on their efforts in bringing this report to the floor today and urge our colleagues to support the conference report.

Mr. HOYER. Mr. Speaker, in closing, I would say that we have worked very hard on this bill. We think it is a bill that is fiscally responsible, as I said, a half a million dollars less than what we passed the House with in terms of outlays, under all our 602(b) budget figures that were given to us, both in authority and in outlays.

I would also observe the gentleman from Georgia [Mr. DARDEN] is absolutely correct, we have included money in here to ensure that our promises in the NAFTA legislation, that we would oversee and ensure country of origin requirements, we have fully funded that ability in the Customs Department.

Mr. Speaker, I urge my colleagues in the House to reject the motion to recommit.

In closing, Mr. Speaker, let me again repeat what the gentleman from Iowa [Mr. LIGHTFOOT] has said. Bill Smith, our staff director, Betsy Phillips, Dan Cantu, Michelle Mrdeza, Christine Smith, Jennifer Mummert, have all done an outstanding job in working on this legislation and deserve much of the credit for the technical quality of the work. They need not have the credit or discredit for the substance, but certainly for the technical quality of this work.

Mr. Speaker, I would be remiss if I did not mention this, in closing, on this bill. My good friend, Mr. LIGHTFOOT, mentioned his name. He referred to him as the President of Maryland. I am not sure that he is the President of Maryland, but he is certainly, in my opinion, one of the most extraordinarily capable staffers with whom I have ever worked. There is a possibility that he will be going on to another job. If that occurs, Mr. Speaker, this would be his last conference.

I want to say publicly to all of my colleagues and to all of the people who are observing the proceedings that John Berry has done an extraordinary job for Maryland, but I suggest, as well, for our committee and for the country.

☐ 1330

He is an extraordinarily capable young man and whatever he does, he will do with great talent and have great success.

I want to personally thank him as I know all the members of the committee thank him for his efforts.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). Without objection, the previous question is ordered on the conference report.

There was no objection.

MOTION TO RECOMMIT OFFERED BY MR. ISTOOK

Mr. ISTOOK. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the conference report?

Mr. ISTOOK. Mr. Speaker, I am, in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. ISTOOK of Oklahoma moves to recommit the conference report on H.R. 4539 to the committee of conference, with instructions to the managers on the part of the House to insist on the House position to amendment numbered 52 providing $218 million less than the Senate for new federal construction and to disagree to the Senate amendment numbered 29 authorizing the collection of $149.7 million in additional fees by the Internal Revenue Service which were not previously approved by the House.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. ISTOOK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and made the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

This is a 15-minute vote.

Pursuant to clause 5(b)(3) of rule XV, the Chair may reduce to 5 minutes the minimum time for any electronic vote that may be ordered on the question of the adoption of the conference report.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 234, nays 192, not voting 8, as follows.

[Roll No. 436]

YEAS—234

Allard
Andrews (ME)
Andrews (NJ)
Archer
Armey
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Brewster
Browder
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Condit
Costello
Cox
Cramer
Crane
Crapo
Cunningham
Danner
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards (TX)
Ehlers
Emerson
English
Everett
Ewing
Fawell
Fields (TX)
Fingerhut
Fish
Franks (CT)
Franks (NJ)
Gallegly
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hefley
Herger
Hoagland
Hobson
Hoekstra
Hoke
Holden
Horn
Houghton
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inslee
Istook
Jacobs
Johnson (CT)
Johnson (GA)
Johnson, Sam
Kasich
Kim
King
Kingston
Klein
Klink
Klug
Knollenberg
Kolbe
Kyl
Lambert
Laughlin
Leach
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (KY)
Lightfoot
Linder
Livingston
Lloyd
Long
Lucas
Machtley
Mann
Manzullo
Margolies-Mezvinsky
McCandless
McCollum
McCrery
McCurdy
McDade
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Minge
Molinari
Moorhead
Morella
Myers
Nussle
Orton
Oxley
Packard
Pallone
Parker
Paxon
Payne (VA)
Penny
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce (OH)
Quinn
Ramstad
Ravenel
Regula
Richardson
Ridge
Roberts
Roemer
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Sarpalius
Saxton
Schaefer
Schiff
Schroeder
Sensenbrenner
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Stump
Swett
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Torkildsen
Traficant
Upton
Walker
Walsh
Weldon
Williams
Wolf
Young (FL)
Zeliff
Zimmer

NAYS—192

Abercrombie
Ackerman
Andrews (TX)
Applegate
Bacchus (FL)
Becerra
Beilenson
Berman
Bevill
Bishop
Blackwell
Bonior
Borski
Boucher
Brooks
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Coppersmith
Coyne
Darden
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Engel
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamburg
Hastings
Hefner
Hilliard
Hinchey
Hochbrueckner
Hoyer
Hughes
Jefferson
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kopetski
Kreidler
LaFalce
Lancaster
Lantos
LaRocco
Lazio
Lehman
Lewis (GA)
Lipinski
Lowey
Maloney
Manton
Markey
Martinez
Matsui
Mazzoli
McCloskey
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moran
Murphy
Murtha
Nadler
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Owens
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Pickle
Price (NC)
Quillen
Rahall
Reed
Reynolds
Rogers
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sawyer
Schenk
Schumer
Scott
Serrano
Sharp
Shepherd
Skaggs
Slaughter
Smith (IA)
Stark
Stokes
Strickland
Studds
Stupak
Swift
Synar
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Waters
Watt
Waxman
Wheat
Whitten
Wilson
Wise
Woolsey
Wyden
Wynn
Yates
Young (AK)

NOT VOTING—8

Cooper
Gallo
Hayes
Inhofe
Rangel
Slattery
Sundquist
Washington

☐ 1358

Messrs. DICKS, SWIFT, SABO, JOHNSON of South Dakota, ROWLAND, and VOLKMER changed their vote from "yea" to "nay."

Mr. SARPALIUS, Mr. CAMP, Mrs. LLOYD, Messrs. PALLONE, LEVIN, RICHARDSON, HAMILTON, KLINK, TRAFICANT, GLICKMAN, HOAGLAND, SPRATT, MANN, BARLOW, and TEJEDA, Mrs. SCHROEDER, Ms. MARGOLIES-MEZVINSKY, and Ms. HARMAN changed their vote from "nay" to "yea."

So the motion to recommit was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

☐ 1400

GENERAL LEAVE

Mr. HOYER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report to H.R. 4539, and that I may include tabular and extraneous matter.

The SPEAKER pro tempore (Mr. MFUME). Is there objection to the request of the gentleman from Maryland?

There was no objection.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 4602, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1995

Mr. DICKS. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight, September 22, 1994, to file a conference report on the bill (H.R. 4602) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1995, and for other purposes.

This request has been cleared with the minority.

The SPEAKER pro tempore (Mr. MFUME). Is there objection to the request of the gentleman from Washington?

There was no objection.

NOTIFICATION OF MEMBERS CONCERNING PLANS OF THE COMMITTEE ON RULES WITH RESPECT TO CONSIDERATION OF H.R. 4779, STATE AND LOCAL GOVERNMENT INTERSTATE WASTE CONTROL ACT OF 1994

Mr. MOAKLEY. Mr. Speaker, I rise today to notify members of the Rules Committee's plans with respect to H.R. 4779, the State and local government Interstate Waste Control Act of 1994.

The Rules Committee plans to meet the week of September 26 to take testimony on the bill. It is anticipated that the House will proceed to the consideration of the bill later that week.

A request may be made for a structured rule, which would permit only those floor amendments designated in the rule to be offered.

In order to ensure Member's rights to offer amendments under the rule that may be requested, they should submit 55 copies of their amendment, together with a brief explanation of the amendment, to the committee office at H-312 of the Capitol by 12 noon on Tuesday, September 27.

We appreciate the cooperation of all Members in our effort to be fair and orderly in granting a rule.

COAST GUARD AUTHORIZATION ACT OF 1994

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 535 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 535

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4422) to authorize appropriations for fiscal year 1995 for the Coast Guard, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Merchant Marine and Fisheries. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Merchant Marine and Fisheries now printed in the bill. The committee amendment in the nature of a substitute shall be considered by title rather than by section. Each title shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. All points of order against amendments printed in the report of the Committee on Rules accompanying this resolution are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. MOAKLEY] is recognized for 1 hour.

Mr. MOAKLEY. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from New York [Mr. SOLOMON], pending which I yield myself such time as I may consume.

This resolution waives all points of order against the bill's consideration and the committee substitute now printed in the bill as original text.

Under this rule any Member who has a germane amendment may offer that amendment at the appropriate time.

Mr. Speaker, this resolution also makes in order two amendments. Ms. SCHENK of California will offer an amendment which is identical to language in H.R. 1250 which was adopted under suspension of the rules in the House earlier this Congress.

The second amendment made in order by this resolution will be offered by Ms. LONG of Indiana. This amendment concerns the regulation of animal fats and oils.

Ms. LONG's amendment directs the appropriate agencies to develop a method to clearly differentiate between nontoxic animal fats and oils and toxic petroleum and nontoxic petroleum oils.

These two amendments were granted a waiver of clause 7 of rule XVI because they are not germane to the bill.

However, they are noncontroversial and supported by the members of the Merchant Marine and Fisheries Committee.

Mr. Speaker, H.R. 4422 will authorize $3.7 billion for the Coast Guard during the next 2 fiscal years.

Mr. Speaker, this bill authorizes funding at a level only slightly higher than that of last year's authorization.

The small increase in the bill is allocated primarily for a cost-of-living adjustment for Coast Guard personnel. In my view, Mr. Speaker, this is money well spent because I believe that the U.S. Coast Guard is one of the most effective branches of our military.

The men and women of the Coast Guard work day in and day out to insure that our waterways are safe, that our oceans are protected from pollution, and that our coastline is guarded against illegal drug traffic.

Mr. Speaker, in the past few weeks we have all seen the massive flood of refugees take to the seas on make shift rafts from Cuba and Haiti in a quest to reach the shores of America.

Mr. Speaker, these refugees have been saved in large part thanks to the efforts of the U.S. Coast Guard. This rescue effort was no easy task and has shown how valuable the Coast Guard is to our country's security.

Mr. Speaker, the roughly 37,000 members of the Coast Guard provide many other important services for our county.

These men and women have a role in enforcing a wide variety of laws which range from the Abandoned Barge Act of 1992 to the Oil Pollution Act of 1990. These laws help insure that our oceans and waterways are safe and clean.

Mr. Speaker, in closing I would like to commend Chairman STUDDS and the ranking member of the committee, Mr. FIELDS, for their hard work on this bill.

Once again the members of the Merchant Marine and Fisheries Committee have put together bipartisan legislation which should pass the House with little opposition. I urge adoption of the rule and adoption of the bill.

☐ 1410

Mr. Speaker, I reserve the balance of my time.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the distinguished chairman of the Committee on Rules, the gentleman from Massachusetts [Mr. MOAKLEY].

Mr. Speaker, as usual, the Committee on Merchant Marine and Fisheries has done an outstanding job in bringing forth this bipartisan, fiscally responsible, non-controversial Coast Guard authorization bill. I commend Chairman GERRY STUDDS and ranking republican JACK FIELDS for requesting this open rule. The rule does provide germaneness waivers for two amendments to be offered to the bill, but I am not aware of any opposition to these waivers, and I urge adoption of the rule.

Mr. Speaker, the Coast Guard is a vital component of our Armed Forces. On Monday three Coast Guard cutters led the U.S. Naval Fleet into Port-au-Prince harbor. This is but one of the functions expected of our Coast Guard. We need to do all that we can to ensure the future military readiness of the Coast Guard, and this bill recognizes and addresses that need by authorizing $439.2 million to expand, build and improve Coast Guard vessels, aircraft, facilities, and related equipment.

In addition to its responsibility for the promotion and protection of safety of life and property at sea, the Coast Guard is a key player in U.S. drug interdiction efforts. The committee has wisely authorized $21 million over the President's request for drug interdiction and I hope we continue to see an increase in funding for all efforts to eliminate the availability and use of illegal drugs. The war against drugs, in my opinion, is becoming the toughest battle this country has ever faced, and we must do everything possible to achieve victory.

Again, I urge my colleagues to support this rule so we can proceed with the consideration of this important legislation.

OPEN VERSUS RESTRICTIVE RULES 95TH–103D CONG.

Congress (years)	Total rules granted[1]	Open rules		Restrictive rules	
		Number	Percent[2]	Number	Percent[3]
95th (1977–78)	211	179	85	32	15
96th (1979–80)	214	161	75	53	25
97th (1981–82)	120	90	75	30	25
98th (1983–84)	155	105	68	50	32
99th (1985–86)	115	65	57	50	43
100th (1987–88)	123	66	54	57	46
101st (1989–90)	104	47	45	57	55
102d (1991–92)	109	37	34	72	66
103d (1993–94)	94	27	29	67	71

[1] Total rules counted are all order of business resolutions reported from the Rules Committee which provide for the initial consideration of legislation, except rules on appropriations bills which only waive points of order. Original jurisdiction measures reported as privileged are also not counted.

[2] Open rules are those which permit any Member to offer any germane amendment to a measure so long as it is otherwise in compliance with the rules of the House. The parenthetical percentages are open rules as a percent of total rules granted.

[3] Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules, as well as completely closed rule, and rules providing for consideration in the House as opposed to the Committee of the Whole. The parenthetical percentages are restrictive rules as a percent of total rules granted.

Sources: "Rules Committee Calendars & Surveys of Activities," 95th–102d Cong.; "Notices of Action Taken," Committee on Rules, 103d Cong., through Sept. 20, 1994.

OPEN VERSUS RESTRICTIVE RULES: 103D CONG.

Rule number date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 58, Feb. 2, 1993	MC	H.R. 1: Family and medical leave	30 (D–5; R–25)	3 (D–0; R–3)	PQ: 246–176. A: 259–164. (Feb. 3, 1993).
H. Res. 59, Feb. 3, 1993	MC	H.R. 2: National Voter Registration Act	19 (D–1; R–18)	1 (D–0; R–1)	PQ: 248–171. A: 249–170. (Feb. 4, 1993).
H. Res. 103, Feb. 23, 1993	C	H.R. 920: Unemployment compensation	7 (D–2; R–5)	0 (D–0; R–0)	PQ: 243–172. A: 237–178. (Feb. 24, 1993).
H. Res. 106, Mar. 2, 1993	MC	H.R. 20: Hatch Act amendments	9 (D–1; R–8)	3 (D–0; R–3)	PQ: 248–166. A: 249–163. (Mar. 3, 1993).
H. Res. 119, Mar. 9, 1993	MC	H.R. 4: NIH Revitalization Act of 1993	13 (d–4; R–9)	8 (D–3; R–5)	PQ: 247–170. A: 248–170. (Mar. 10, 1993).
H. Res. 132, Mar. 17, 1993	MC	H.R. 1335: Emergency supplemental Appropriations	37 (D–8; R–29)	1(not submitted) (D–1; R–0)	A: 240–185. (Mar. 18, 1993).
H. Res. 133, Mar. 17, 1993	MC	H. Con. Res. 64: Budget resolution	14 (D–2; R–12)	4 (1-D not submitted) (D–2; R–2)	PQ: 250–172. A: 251–172. (Mar. 18, 1993).
H. Res. 138, Mar. 23, 1993	MC	H.R. 670: Family planning amendments	20 (D–8; R–12)	9 (D–4; R–5)	PQ: 252–164. A: 247–169. (Mar. 24, 1993).
H. Res. 147, Mar. 31, 1993	C	H.R. 1430: Increase Public debt limit	6 (D–1; R–5)	0 (D–0; R–0)	PQ: 244–168. A: 242–170. (Apr. 1, 1993).
H. Res. 149 Apr. 1, 1993	MC	H.R. 1578: Expedited Rescission Act of 1993	8 (D–1; R–7)	3 (D–1; R–2)	A: 212–208. (Apr. 28, 1993).
H. Res. 164, May 4, 1993	O	H.R. 820: Nate Competitiveness Act	NA	NA	A: Voice Vote. (May 5, 1993).
H. Res. 171, May 18, 1993	O	H.R. 873: Gallatin Range Act of 1993	NA	NA	A: Voice Vote. (May 20, 1993).
H. Res. 172, May 18, 1993	O	H.R. 1159: Passenger Vessel Safety Act	NA	NA	A: 308–0 (May 24, 1993).
H. Res. 173 May 18, 1993	MC	S.J. Res. 45: United States forces in Somalia	6 (D–1; R–5)	6 (D–1; R–5)	A: Voice Vote (May 20, 1993).
H. Res. 183, May 25, 1993	O	H.R. 2244: 2d supplemental appropriations	NA	NA	A: 251–174. (May 26, 1993).
H. Res. 186, May 27, 1993	MC	H.R. 2264: Omnibus budget reconciliation	51 (D–19; R–32)	8 (D–7; R–1)	PQ: 252–178. A: 236–194 (May 27, 1993).
H. Res. 192, June 9, 1993	MC	H.R. 2348: Legislative branch appropriations	50 (D–6; R–44)	6 (D–3; R–3)	PQ: 240–177. A: 226–185. (June 10, 1993).
H. Res. 193, June 10, 1993	O	H.R. 2200: NASA authorization	NA	NA	A: Voice Vote. (June 14, 1993).
H. Res. 195, June 14, 1993	MC	H.R. 5: Striker replacement	7 (D–4; R–3)	2 (D–1; R–1)	A: 244–176. (June 15, 1993).
H. Res. 197, June 15, 1993	MO	H.R. 2333: State Department. H.R. 2404: Foreign aid	53 (D–20; R–33)	27 (D–12; R–15)	A: 294–129. (June 16, 1993).
H. Res. 199, June 16, 1993	C	H.R. 1876: Ext. of "Fast Track"	NA	NA	A: Voice Vote. (June 22, 1993).
H. Res. 200, June 16, 1993	MC	H.R. 2295: Foreign operations appropriations	33 (D–11; R–22)	5 (D–1; R–4)	A: 263–160. (June 17, 1993).
H. Res. 201, June 17, 1993	O	H.R. 2403: Treasury-postal appropriations	NA	NA	A: Voice Vote. (June 17, 1993).
H. Res. 203, June 22, 1993	MO	H.R. 2445: Energy and Water appropriations	NA	NA	A: Voice Vote. (June 23, 1993).
H. Res. 206, June 23, 1993	O	H.R. 2150: Coast Guard authorization	NA	NA	A: 401–0. (July 30, 1993).
H. Res. 217, July 14, 1993	MO	H.R. 2010: National Service Trust Act	NA	NA	A: 261–164. (July 21, 1993).
H. Res. 220, July 21, 1993	MC	H.R. 2667: Disaster assistance supplemental	14 (D–8; R–6)	2 (D–2; R–0)	PQ: 245–178. F: 205–216. (July 22, 1993).
H. Res. 226, July 23, 1993	MC	H.R. 2667: Disaster assistance supplemental	15 (D–8; R–7)	2 (D–2; R–0)	A: 224–205. (July 27, 1993).
H. Res. 229, July 28, 1993	MO	H.R. 2330: Intelligence Authority Act, fiscal year 1994	NA	NA	A: Voice Vote. (Aug. 3, 1993).
H. Res. 230, July 28, 1993	O	H.R. 1964: Maritime Administration authority	NA	NA	A: Voice Vote. (July 29, 1993).
H. Res. 246, Aug. 6, 1993	MO	H.R. 2401: National Defense authority	149 (D–109; R–40)		A: 246–172. (Sept. 8, 1993).
H. Res. 248, Sept. 9, 1993	MO	H.R. 2401: National defense authorization			PQ: 237–169. A: 234–169. (Sept. 13, 1993).
H. Res. 250, Sept. 13, 1993	MC	H.R. 1340: RTC Completion Act	12 (D–3; R–9)	1 (D–1; R–0)	A: 213–191–1. (Sept. 14, 1993).
H. Res. 254, Sept. 22, 1993	MO	H.R. 2401: National Defense authorization		91 (D–67; R–24)	A: 241–182. (Sept. 28, 1993).
H. Res. 262, Sept. 28, 1993	O	H.R. 1845: National Biological Survey Act	NA	NA	A: 238–188 (10/06/93).
H. Res. 264, Sept. 28, 1993	MC	H.R. 2351: Arts, humanities, museums	7 (D–0; R–7)	3 (D–0; R–3)	PQ: 240–185. A: 225–195. (Oct. 14, 1993).
H. Res. 265, Sept. 29, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D–1; R–2)	2 (D–1; R–1)	A: 239–150. (Oct. 15, 1993).
H. Res. 269, Oct. 6, 1993	MO	H.R. 2739: Aviation infrastructure investment	N/A	N/A	A: Voice Vote. (Oct. 7, 1993).
H. Res. 273, Oct. 12, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D–1; R–2)	2 (D–1; R–1)	PQ: 235–187. F: 149–254. (Oct. 14, 1993).
H. Res. 274, Oct. 12, 1993	MC	H.R. 1804: Goals 2000 Educate America Act	15 (D–7; R–7; I–1)	10 (D–7; R–3)	A: Voice Vote. (Oct. 13, 1993).
H. Res. 282, Oct. 20, 1993	C	H.J. Res. 281: Continuing appropriations through Oct. 28, 1993	N/A	N/A	A: Voice Vote. (Oct. 21, 1993).
H. Res. 286, Oct. 27, 1993	O	H.R. 334: Lumbee Recognition Act	N/A	N/A	A: Voice Vote. (Oct. 28, 1993).
H. Res. 287, Oct. 27, 1993	C	H.J. Res. 283: Continuing appropriations resolution	1 (D–0; R–0)	0	A: 252–170. (Oct. 28, 1993).
H. Res. 289, Oct. 28, 1993	O	H.R. 2151: Maritime Security Act of 1993	N/A	N/A	A: Voice Vote. (Nov. 3, 1993).
H. Res. 293, Nov. 4, 1993	MC	H. Con. Res. 170: Troop withdrawal Somalia	N/A	N/A	A: 390–8. (Nov. 8, 1993).
H. Res. 299, Nov. 8, 1993	MO	H.R. 1036: Employee Retirement Act–1993	2 (D–1; R–1)	N/A	A: Voice Vote. (Nov. 9, 1993).
H. Res. 302, Nov. 9, 1993	MC	H.R. 1025: Brady handgun bill	17 (D–6; R–11)	4 (D–1; R–3)	A: 238–182. (Nov. 10, 1993).
H. Res. 303, Nov. 9, 1993	O	H.R. 322: Mineral exploration	N/A	N/A	A: Voice Vote. (Nov. 16, 1993).
H. Res. 304, Nov. 9, 1993	C	H.J. Res. 288: Further CR, FY 1994	N/A	N/A	
H. Res. 312, Nov. 17, 1993	MC	H.R. 3425: EPA Cabinet Status	27 (D–8; R–19)	9 (D–1; R–8)	F: 191–227. (Feb. 2, 1994).
H. Res. 313, Nov. 17, 1993	MC	H.R. 796: Freedom Access to Clinics	15 (D–9; R–6)	4 (D–1; R–3)	A: 233–192. (Nov. 18, 1993).
H. Res. 314, Nov. 17, 1993	MC	H.R. 3351: Alt Methods Young Offenders	21 (D–7; R–14)	6 (D–3; R–3)	A: 238–179. (Nov. 19, 1993).
H. Res. 316, Nov. 19, 1993	C	H.R. 51: D.C. statehood bill	1 (D–1; R–0)	N/A	A: 252–172. (Nov. 20, 1993).
H. Res. 319, Nov. 20, 1993	MC	H.R. 3: Campaign Finance Reform	35 (D–6; R–29)	1 (D–0; R–1)	A: 220–207. (Nov. 21, 1993).
H. Res. 320, Nov. 20, 1993	MC	H.R. 3400: Reinventing Government	34 (D–15; R–19)	3 (D–3; R–0)	A: 247–183. (Nov. 22, 1993).
H. Res. 336, Feb. 2, 1994	MC	H.R. 3759: Emergency Supplemental Appropriations	14 (D–8; R–5; I–1)	5 (D–3; R–2)	PQ: 244–168. A: 342–65. (Feb. 3, 1994).
H. Res. 352, Feb. 8, 1994	MC	H.R. 811: Independent Counsel Act	27 (D–8; R–19)	10 (D–4; R–6)	PQ: 249–174. A: 242–174. (Feb. 9, 1994).
H. Res. 357, Feb. 9, 1994	MC	H.R. 3345: Federal Workforce Restructuring	3 (D–2; R–1)	2 (D–2; R–0)	A: VV (Feb. 10, 1994).

OPEN VERSUS RESTRICTIVE RULES: 103D CONG.—Continued

Rule number date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 366, Feb. 23, 1994	MO	H.R. 6: Improving America's Schools	NA	NA	A: VV (Feb. 24, 1994).
H. Res. 384, Mar. 9, 1994	MC	H. Con. Res. 218: Budget Resolution FY 1995–99	14 (D–5; R–9)	5 (D–3; R–2)	A: 245–171 (Mar. 10, 1994).
H. Res. 401, Apr. 12, 1994	MO	H.R. 4092: Violent Crime Control	180 (D–98; R–82)	68 (D–47; R–21)	A: 244–176 (Apr. 13, 1994).
H. Res. 410, Apr. 21, 1994	MO	H.R. 3221: Iraqi Claims Act	N/A	N/A	A: Voice Vote (Apr. 28, 1994).
H. Res. 414, Apr. 28, 1994	O	H.R. 3254: NSF Auth. Act	N/A	N/A	A: Voice Vote (May 3, 1994).
H. Res. 416, May 4, 1994	C	H.R. 4296: Assault Weapons Ban Act	7 (D–5; R–2)	0 (D–0; R–0)	A: 220–209 (May 5, 1994).
H. Res. 420, May 5, 1994	O	H.R. 2442: EDA Reauthorization	N/A	N/A	A: Voice Vote (May 10, 1994).
H. Res. 422, May 11, 1994	MO	H.R. 518: California Desert Protection	N/A	N/A	PQ: 245–172 A: 248–165 (May 17, 1994).
H. Res. 423, May 11, 1994	O	H.R. 2473: Montana Wilderness Act	N/A	N/A	A: Voice Vote (May 12, 1994).
H. Res. 428, May 17, 1994	MO	H.R. 2108: Black Lung Benefits Act	4 (D–1; R–3)	N/A	A: VV (May 19, 1994).
H. Res. 429, May 17, 1994	MO	H.R. 4301: Defense Auth., FY 1995	173 (D–115; R–58)		A: 369–49 (May 18, 1994).
H. Res. 431, May 20, 1994	MO	H.R. 4301: Defense Auth., FY 1995		100 (D–80; R–20)	A: Voice Vote (May 23, 1994).
H. Res. 440, May 24, 1994	MC	H.R. 4385: Natl Hiway System Designation	16 (D–10; R–6)	5 (D–5; R–0)	A: Voice Vote (May 25, 1994).
H. Res. 443, May 25, 1994	MC	H.R. 4426: For. Ops. Approps, FY 1995	39 (D–11; R–28)	8 (D–3; R–5)	PQ: 233–191 A: 244–181 (May 25, 1994).
H. Res. 444, May 25, 1994	MC	H.R. 4454: Leg Branch Approp, FY 1995	43 (D–10; R–33)	12 (D–8; R–4)	A: 249–177 (May 26, 1994).
H. Res. 447, June 8, 1994	O	H.R. 4539: Treasury/Postal Approps 1995	N/A	N/A	A: 236–177 (June 9, 1994).
H. Res. 467, June 28, 1994	MC	H.R. 4600: Expedited Rescissions Act	N/A	N/A	PQ: 240–185 A:Voice Vote (July 14, 1994).
H. Res. 468, June 28, 1994	MO	H.R. 4299: Intelligence Auth., FY 1995	N/A	N/A	A: Voice Vote (July 19, 1994).
H. Res. 474, July 12, 1994	MO	H.R. 3937: Export Admin. Act of 1994	N/A	N/A	A: Voice Vote (July 14, 1994).
H. Res. 475, July 12, 1994	O	H.R. 1188: Anti. Redlining in Ins	N/A	N/A	A: Voice Vote (July 20, 1994).
H. Res. 482, July 20, 1994	O	H.R. 3838: Housing & Comm. Dev. Act	N/A	N/A	A: Voice Vote (July 21, 1994).
H. Res. 483, July 20, 1994	O	H.R. 3870: Environ. Tech. Act of 1994	N/A	N/A	A: Voice Vote (July 26, 1994).
H. Res. 484, July 20, 1994	MC	H.R. 4604: Budget Control Act of 1994	3 (D–2; R–1)	3 (D–2; R–1)	PQ: 245–180 A: Voice Vote (July 21, 1994).
H. Res. 491, July 27, 1994	O	H.R. 2448: Radon Disclosure Act	N/A	N/A	A: Voice Vote (July 28, 1994).
H. Res. 492, July 27, 1994	O	S. 208: NPS Concession Policy	N/A	N/A	A: Voice Vote (July 28, 1994).
H. Res. 494, July 28, 1994	MC	H.R. 4801: SBA Reauth & Amdmts. Act	10 (D–5; R–5)	6 (D–4; R–2)	PQ: 215–169 A: 221–161 (July 29, 1994).
H. Res. 500, Aug. 1, 1994	MO	H.R. 4003: Maritime Admin. Reauth.	N/A	N/A	A: 336–77 (Aug. 2, 1994).
H. Res. 501, Aug. 1, 1994	O	S. 1357: Little Traverse Bay Bands	N/A	N/A	A: Voice Vote (Aug. 3, 1994).
H. Res. 502, Aug. 1, 1994	O	H.R. 1066: Pokagon Band of Potawatomi	N/A	N/A	A: Voice Vote (Aug. 3, 1994).
H. Res. 507, Aug. 4, 1994	O	H.R. 4217: Federal Crop Insurance	N/A	N/A	A: Voice Vote (Aug. 5, 1994).
H. Res. 509, Aug. 5, 1994	MC	H.J. Res. 373/H.R. 4590: MFN China Policy	N/A	N/A	A: Voice Vote (Aug. 9, 1994).
H. Res. 513, Aug. 9, 1994	MC	H.R. 4906: Emergency Spending Control Act	N/A	N/A	A: Voice Vote (Aug. 17, 1994).
H. Res. 512, Aug. 9, 1994	MC	H.R. 4907: Full Budget Disclosure Act	N/A	N/A	A: 255–178 (Aug. 11, 1994).
H. Res. 514, Aug. 9, 1994	MC	H.R. 4822: Cong. Accountability	33 (D–16; R–17)	16 (D–10; R–6)	PQ: 247–185 A: Voice Vote (Aug. 10, 1994).
H. Res. 515, Aug. 10, 1994	O	H.R. 4908: Hydrogen Etc. Research Act	N/A	N/A	A: Voice Vote (Aug. 19, 1994).
H. Res. 516, Aug. 10, 1994	MC	H.R. 3433: Presidio Management	12 (D–2; R–10)	N/A	A: Voice Vote (Aug. 19, 1994).
H. Res. 532, Sept. 20, 1994	O	H.R. 4448: Lowell Natl. Park	N/A	N/A	
H. Res. 535, Sept. 20, 1994	O	H.R. 4422: Coast Guard authorization	N/A	N/A	
H. Res. 536, Sept. 20, 1994	MC	H.R. 2866: Headwaters Forest Act	15 (D–5; R–11)	9 (D–3; R–6)	PQ: 245–175 A: 246–174 (Sept. 21, 1994).

Note.—Code: C-Closed; MC-Modified closed; MO-Modified open; O-Open; D-Democrat; R-Republican; PQ: Previous question; A-Adopted; F-Failed.

Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I am glad the gentleman from New York [Mr. SOLOMON] has no requests for time, I have no requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 535 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4422) to authorize appropriations for fiscal year 1995 for the Coast Guard, and for other purposes.

☐ 1414

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4422) to authorize appropriations for fiscal year 1995 for the Coast Guard, and for other purposes, with Mr. DARDEN in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Massachusetts [Mr. STUDDS] will be recognized for 30 minutes, and the gentleman from Texas [Mr. FIELDS] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. STUDDS].

Mr. STUDDS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman. I rise today in strong support of H.R. 4422, the Coast Guard Authorization Act of 1994. The bill authorizes $3.7 billion for the Coast Guard in the coming fiscal year, a figure consistent with the President's request, with the addition of $13 million for alteration of bridges and $21 million for drug interdiction. The authorization levels provide needed resources for the Coast Guard and have generally been reflected in the Department of Transportation appropriations bill, which passed the House on June 16.

I wish to highlight three of the more significant new authorities the bill provides the Coast Guard. First, the authority to charge foreign passenger vessels for the full cost of inspections. Second, the authority to pay for childcare services for Coast Guard families in areas where other facilities are not available. And, third an increase in penalties for documentation violations. These provisions were requested by the Coast Guard and will enable the agency to do its job better.

Today, in the Caribbean, the Coast Guard is fully engaged in the largest humanitarian rescue mission in its 204-year history. In 1994, the Coast Guard has rescued over 38,000 Cuban refugees and over 25,000 Haitians. In this Herculean effort, the Coast Guard has used more than 40 cutters, flown over 500 aircraft sorties, and employed more than 6,000 personnel. Aside from foreign policy questions, no one can fault the dedication of the Coast Guard men and women to this heroic lifesaving effort.

At the same time, the Coast Guard elsewhere has saved 4,455 lives, responded to over 29,000 search and rescue incidents, serviced more than 50,000 aids-to-navigation, issued at least 350 fishing violation citations, and seized over 76,000 pounds of marijuana and more than 56,000 pounds of cocaine. Time after time, the Coast Guard demonstrates its ability to carry out multiple missions in response to this country's ever changing challenges.

Mr. Chairman, this bill recognizes that the Coast Guard provides an invaluable benefit to the American people by authorizing one of the wisest investments of the people's money that we are privileged to make. This is a fiscally responsible bill that authorizes needed funding levels to sustain vital Coast Guard services which are provided to the American people and countless others around the world.

I urge my colleagues' support.

Mr. Chairman, I reserve the balance of my time.

Mr. FIELDS of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong support of H.R. 4422, the Coast Guard Authorization Act of 1994.

H.R. 4422 authorizes funds for the Coast Guard for fiscal year 1995 at the level requested by the President, plus $13 million to fund the bridge administration program, and an additional $21 million for drug interdiction activities. This bill also contains several important provisions to improve vessel and navigation safety and Coast Guard personnel management. As I will explain, I have several concerns involving the strain placed on Coast Guard drug interdiction resources during the last part of this fiscal year. Fortunately, H.R. 4422 contains my amendments that will prevent these problems from occurring again during the next fiscal year.

I am most concerned about the effect of the President's policy on Haiti on Coast Guard drug interdiction operations. Until the Cuban refugee situation worsened, the Coast Guard had diverted substantial law enforcement resources in the Caribbean to Haitian refugee interdiction. Earlier this month, the Coast Guard was unable to respond to 11 potential drug incidents in this area. Obviously the Coast Guard's law enforcement resources have been strained, and drug smugglers are taking advantage of the situation. Fortunately, we will not see a repeat of this situation during the next fiscal year, because H.R. 4422 contains my amendment to prohibit diversion of drug interdiction resources to any other mission in fiscal year 1995.

Another matter of concern to me is the overall level of funding for Coast Guard drug interdiction activities. I am especially concerned about the cuts to drug interdiction for the Coast Guard and other agencies, especially the Department of Defense, that provide information and support to the Coast Guard drug interdiction program.

The President's national drug control policy increases funds for treatment and prevention activities, while cutting funds for drug interdiction and other law enforcement efforts. I urge the President to change his drug control policy and restore the funds cut from drug interdiction. We must not allow even one known drug shipment to enter this country.

H.R. 4422 contains my amendment to authorize an additional $21 million for drug interdiction for fiscal year 1995. These additional funds would build Coast Guard drug interdiction activities back up to an acceptable level next year.

Mr. Chairman, H.R. 4422 addresses the critical problems for the Coast Guard for the next fiscal year, and I hope we can send this bill to the President for his signature later this fall. I urge my colleagues to vote in favor of this bill.

□ 1420

Mr. STUDDS. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Texas [Mr. DE LA GARZA].

Mr. DE LA GARZA. Mr. Chairman, I thank the distinguished chairman and commend him, the ranking member, my colleague from Texas, and all the members of the committee, for the excellent work they have done under very difficult circumstances. I rise also to pay tribute to all of the Members of the Coast Guard, from the commandant down to the field.

Let me say that my concern is that we keep extending or expanding the mission of the Coast Guard without the appropriate resources. I wish more could have been done in this legislation. But I sympathize with the problem, and I commend the chairman and the members of the committee. But I think that in the future, we should insist that the Coast Guard, for the excellent job they do, they do not have the adequate resources, and that should be addressed down the line.

Again, I commend the chairman and the members of the committee, and all of the members of the Coast Guard, for the excellent work that they do.

Mr. FIELDS of Texas. Mr. Chairman, I yield such time as he may consume to my friend, the gentleman from North Carolina [Mr. COBLE] the distinguished ranking minority member of the Subcommittee on Coast Guard and Navigation.

Mr. COBLE. Mr. Chairman, I thank the gentleman from Texas for yielding.

Mr. Chairman, I am pleased to rise in support of H.R. 4422, the Coast Guard Authorization Act for fiscal year 1995.

While I support the bill as a whole, as the ranking Republican member of the Merchant Marine and Fisheries Subcommittee on Coast Guard and Navigation, I must express my concerns about the Coast Guard's tight operating budget especially at a time when the Coast Guard has been forced to spend untold millions of unappropriated dollars in its Cuban rescue and Haitian military efforts.

The very small increase in the Coast Guard's fiscal year 1995 operating budget is not enough to maintain current Coast Guard services. Under the President's budget, the Coast Guard will have to eliminate $100 million in Coast Guard services, including over 1,000 Coast Guard personnel and 14 search and rescue stations. The Coast Guard cannot continue to absorb these large operational funding cuts without seriously jeopardizing the vital life saving and law enforcement services which the Coast Guard provides our country.

Over the past several months the immensely dedicated men and women of the Coast Guard have undoubtedly saved the lives of thousands of Haitian and Cubans who have taken to the sea in desperate attempts to flee their countries. I am extremely proud of the tireless efforts of these public servants. However, this huge operation has not been free. The administration has yet to ask for one dime to compensate the Coast Guard for what it has spent in the Caribbean. Unfortunately, the Coast Guard has had to vastly curtail its important law enforcement missions. Without the Coast Guard patrolling our shores, drug smugglers should have little trouble in transporting illegal narcotics into our country.

Our committee did address the troubling drug interdiction issue by adopting an amendment to H.R. 4422 offered by Mr. FIELDS which adds $21 million to the Coast Guard's operating expense account for drug interdiction activities. This amount would restore the Coast Guard's drug interdiction funding cuts which were made in 1994 and proposed in the administration's fiscal year 1995 budget.

The committee also adopted my amendment to H.R. 4422 which requires the Secretary of Transportation to develop a plan to more fully utilize the Coast Guard Selected Reserve. The Coast Guard Selected Reserve has been cut from a strength of 13,300 in 1987 to a strength of 8,000 today. The administration's fiscal year 1995 budget called for a Coast Guard Reserve force of 7,000. I strongly believe that the reserve will be useless in its important peacetime and military roles if these reductions do not stop.

I would finally like to express my support for the committee amendment to H.R. 4422. I am particularly pleased that the amendment includes the Towing Vessel Navigational Safety Act, the Recreational Boating Safety Improvement Act, and the Coast Guard Regulatory Reform Act. The first two bills provide for important new safety standards for inland towing and recreational vessels while the third will help improve the international competitiveness of the U.S.-flag liner fleet.

I strongly believe that the Coast Guard provides our Nation with one of the best values in the Federal budget, but Congress cannot expect the Coast Guard to keep doing more and more while continuing to cut its funding.

Mr. Chairman, I urge my colleagues to vote in favor of H.R. 4422.

Mr. FIELDS of Texas. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. DREIER].

Mr. DREIER. Mr. Chairman, I rise to simply say to my friend, the gentleman from Greensboro, NC, that I am in strong support of his statement, and congratulate him on his great effort and his fine work on the committee.

Mr. STUDDS. Mr. Chairman, I would like to congratulate the gentleman from California for congratulating the gentleman from North Carolina, and I yield 2 minutes to the gentleman from Texas, Mr. GENE GREEN.

Mr. GENE GREEN of Texas. Mr. Chairman, I rise today in strong support of H.R. 4422, the Coast Guard Authorization Act of 1994. First of all I want to thank and commend the sponsor of the bill, Mr. TAUZIN and the chairman for the committee for their hard work on this very much needed legislation.

I support H.R. 4422 because it authorizes funds needed for the Coast Guard to successfully carry out its mission. We must recognize and appreciate the performance of the Coast Guard during the Haitian and Cuban interdiction and address issues such as adequate funding for its operating expenses. This bill addresses this by authorizing $2.7 billion for search and rescue, marine safety, aids to navigation, defense readiness, enforcement of laws and treaties, and drug interdiction.

H.R. 4422 will create more jobs in our American shipyards by prohibiting the Coast Guard from having any repair or maintenance work done on its vessel in foreign shipyards.

The Coast Guard Authorization Act of 1994 goes beyond authorizing funds for operating expenses, acquisition and construction, and environmental compliance. H.R. 4422 includes provisions that will increase the penalty for violations of U.S. vessel documentation requirements.

The Coast Guard Authorization Act of 1994 includes a provision which grants the Coast Guard special authority to recruit women and minorities for entrance to the Coast Guard Academy. This goal will be met by conducting studies and analyses on Coast Guard personnel resource and training needs; and employing special programs for recruiting women and minorities.

I want to thank Mr. TAUZIN and his staff for working with my staff and I when we included a study of implications for vessel safety in navigable waters near Houston. This study is important to Houston because it will study ways to improve the overall safety of the Port of Houston and the Houston Ship Channel and the ramifications for vessel safety in these areas due to the increase shipping traffic resulting from NAFTA and GATT—if passed.

I congratulate Mr. TAUZIN and the chairman of our full committee, Mr. STUDDS, for their efforts in putting together a very meaningful and much needed bill that I believe will allow the Coast Guard to productively carry out its programs and operations in the upcoming fiscal year.

□ 1430

Mr. FIELDS of Texas. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. Mr. Chairman, in my remarks today on H.R. 4422, I would like to focus on one provision dealing with recruiting activities at the Coast Guard Academy that has not garnered much attention in the context of the overall bill. Section 401 of H.R. 4422 would authorize the Coast Guard Academy to undertake special recruiting programs to increase the number of women and minorities in the Academy and in leadership positions in the service.

While such an effort may seem benign enough, the specific program at the Coast Guard Academy is based on several troublesome findings, also included in the legislation, and seems to be part of a broader redirection of affirmative action policy throughout the administration. The recruiting programs authorized by H.R. 4422 are directed at a goal of increasing the number of women and minorities in leadership positions in the U.S. Coast Guard to reflect the proportion of women and minorities in the total population. I must admit that I am very troubled by an affirmative action goal that seeks strict proportional representation in the senior ranks of the Coast Guard without any regard to the relevant pools of qualified applicants for those positions. Comparisons based on raw population statistics run contrary to well-settled discrimination law. H.R. 4422 also hints that cultural bias in standardized testing has impeded the leadership opportunities of women and minorities in the Coast Guard despite that fact that there is mixed scientific evidence with regard to such a bias.

The Coast Guard diversity program follows on the heels of a widely reported reversal by the Department of Justice in an affirmative action lawsuit which also dealt with the issue of diversity. The Justice Department originally argued that diversity as an educational goal was not a sufficient justification for a racial preference which had resulted in a white teacher being discharged, simply because she is white, over a black teacher in a layoff situation. The case involved the school system of Piscataway, NJ, where all sides agreed that there was no history either of discrimination or of an underrepresentation of minorities in the teaching work force. The school system believed it should fire the white teacher in order to maintain what it had determined was the proper level of diversity between whites and blacks. The Justice Department is now asserting that its earlier stance was too narrow and would discourage employers from undertaking voluntary efforts to achieve workplace diversity.

In this case, I believe that the Justice Department is flat out wrong. Where there has been no history of discrimination and, in fact, the percentage of minorities in the Piscataway school system is greater than in the qualified labor pool, it is grossly unfair to rely on racial preferences to decide who will and who won't retain their jobs in a layoff situation. When the nature of the burden on innocent third parties, specifically the loss of one's livelihood, is so great, the courts have held that voluntary affirmative action faces an extremely high hurdle in terms of its justification. To my knowledge, no court has authorized racial preferences in a situation such as that faced by Piscataway Township where the sole justification for the use of racial preferences in layoff decisions was the achievement of a very compartmentalized notion of work force diversity, that is, in one job category.

The issue of work force diversity has also surfaced at the Department of Defense where DOD agency heads were recently instructed that prior approval from the undersecretary for personnel and readiness must be obtained before any nondisabled white male is hired or promoted for upper level positions. While no intention to employ explicit racial preferences was expressed in the Defense Department directive, the message to those who do the hiring and firing was very clear.

I raise these issues collectively simply to wave a yellow flag that the area of affirmative action policy is one in which both the administration and the Congress should proceed carefully. After all, each of the examples I cited involve voluntary affirmative action efforts which impact innocent parties on both sides of the decisions at issue. While there may be a need for affirmative remedies where there is a history of discrimination resulting in a racial or gender imbalance in a work force, these recent actions by the administration are moving quickly into uncharted territory. This area of civil rights law is obviously controversial. Discrimination on the basis of race, sex, religion, national origin, or disability runs contrary to the fundamental principles of this country, and use of preferences based on any of these categories must be carefully thought through and, if used at all, be carefully limited. Where these lines are drawn is subject to considerable debate, no doubt, on both sides of the aisle, but my sense is that this administration has gone too far and is drawing these lines differently than would many Members of Congress. I urge caution.

Mr. STUDDS. Mr. Chairman, I yield 5 minutes to the gentleman from Louisiana [Mr. TAUZIN], the distinguished chairman of the Subcommittee on Coast Guard and Navigation.

Mr. TAUZIN. Mr. Chairman, first let me thank the distinguished chairman of our full committee for yielding time to me and rise as chairman of the Subcommittee on Coast Guard and Navigation in support of the Coast Guard and in support of this bill, the Coast Guard Authorization Act of 1995.

The Committee on Merchant Marine and Fisheries developed our bill, H.R. 4422 in the traditional bipartisan manner that fully authorizes the administration's austere budget request to fund the Coast Guard for the fiscal year 1995.

I would like to personally thank again the gentleman from Massachusetts [Mr. STUDDS] and the gentleman from Texas [Mr. FIELDS], our ranking full committee member, and the gentleman from North Carolina [Mr. COBLE], our ranking subcommittee member for the extraordinary cooperation we have always had and as we have had on this bill again today.

The fact that we asked for an open rule to the Committee on Rules is an indication of the confidence we have in this bill and in the support for the Coast Guard on the floor of this House.

H.R. 4422 fully authorizes the President's relatively austere request for $3.7 billion in appropriations for 1995. This is an increase of only $133 million over last year; 70 percent of the request will support the Coast Guard's operating account.

H.R. 4422 also authorizes $439 million for the AC&I account, an incredibly important section of the bill designed to build and maintain the cutters, the boats, the aircraft and the shore stations vital to Coast Guard operations.

Among many other projects, the bill continues the VTS 2000 program, an essential program to provide traffic maintenance control in the harbors and waterways of our country. It authorizes the construction of new buoy tenders to replace the 50-year-old fleet that should have been retired some time ago and also 20 new motor lifeboats critical to lifesaving efforts which is, I know Members all recognize, one of the principal reasons the Coast Guard is present in our districts, to save lives and to protect America's boaters.

Our committee amendment includes several very important bills, including one the Towing Vessel Navigational Safety Act of 1994. The gentleman from Massachusetts [Mr. STUDDS] will talk, I am sure, about it more, but as Members know, this is the anniversary of the awful tragedy in Mobile at Bayou Canot. It is important that on this date this Congress recognizes the vital improvements necessary in towing vessel safety on America's waterways. The Towing Vessel Navigational Safety Act of 1994 is an extraordinary big step forward in improving the safety of America's inland waterways, so that another incident like the one that occurred a year ago today tragically might be avoided.

□ 1440

The Coast Guard Regulatory Reform Act is included. I want to highlight it just a second. It is an initiative of the White House, the administration, part of the effort to reconstruct the way government does business. It is an extraordinary cooperative effort between the industry and the Coast Guard in streamlining and making regulations more effective and more efficient in today's modern world. I commend it to your attention, because it is an extraordinary bill that will not get a lot of attention, but moves a lot of things forward in terms of making our marine industry competitive and making government work more efficiently and effectively with the industry.

Finally, the Boating Improvement Act is an act designed to improve boating safety, particularly for young children. More and more Americans are on the waterways entertaining themselves. More and more Americans want to live near the shoreline. This bill dramatically improves the safety conditions by which young children particularly will enjoy the waterways and shorelines of America.

As we know, the Coast Guard is a "can do" outfit. In recent months it has been literally asked to save thousands of Haitian and Cuban lives, and it has risen to that occasion. Today the Coast Guard is present in the straits rescuing boaters and saving lives today, as it has customarily done throughout its proud history.

The Coast Guard is a vital player in Operation Restore Democracy. On Monday three cutters of our U.S. Coast Guard led the U.S. naval fleet into Port-au-Prince harbor. Today the Coast Guard has over 6,000 personnel conducting in-theater operations.

The Nation owes its Coast Guard and its members a great debt of gratitude for the selfless dedication of these extraordinary men and women to their obligation and their fulfillment of their duty and responsibility to their country, and the extreme professionalism by which they engage in their duty to America.

Mr. Chairman, on behalf of our Coast Guard, its men and women around the world, I ask my colleagues to support the Coast Guard Authorization Act of 1994, and more importantly, to support the Coast Guard in its day-to-day activities, to lend to our Coast Guard the same kind of support that the Coast Guard lends to Americans and to the world when it engages in lifesaving operations such as we see it in today.

Mr. Chairman, I again thank the chairman of the committee for his great help in bringing this bill forward. It is my hope we will see this bill on the President's desk before we adjourn.

Mr. Chairman, I include for the RECORD the following document:

SECTION 305, Florida Avenue Bridge

Section 305 of the bill would deem the drainage siphon, or pipeline, adjacent to the Florida Avenue Bridge in New Orleans, Louisiana, to be an appurtenance of the bridge for purposes of the Truman-Hobbs Act (the Act). In 1992, the Coast Guard declared the Florida Avenue Bridge to be an "unreasonable obstruction to navigation" under the Act. The Coast Guard has determined that the drainage siphon, which is connected to the bridge's southern fender, must be removed in order to restore the necessary navigability for commercial vessels on the Gulf Intracoastal Waterway. Unfortunately, under existing Coast Guard guidelines and absent the provisions of Section 305, the cost of the removal of the siphon could not be paid for with Truman-Hobbs funds. As an appurtenance, the siphon will qualify for alteration under the Act. The express intent of Section 305 is to authorize the Coast Guard to utilize Truman-Hobbs funding to pay for the removal of the entire siphon, including (i) the three chamber structure 378 feet long and 45 feet wide which slopes down from ground elevation (approximately plus (+) 1.0 foot M.S.L.) on each side of the Gulf Intracoastal Waterway to a point where the sill elevation of minus (−) 30.9 feet M.S.L. spans the Waterway bottom for a 105 foot clear shipping channel and (ii) the two concrete towers which extend upward from the siphon bottom on each side of the Waterway to an elevation of (+) 8.5 feet M.S.L., also defining the clear span of 105 feet at the water surface (or top) of the Waterway. The end result will be 150 foot bottom width at minus (−) 36 feet M.S.L. sloping up to a top width of 300 feet.

Mr. FIELDS of Texas. Mr. Chairman, I reserve the balance of my time.

Mr. STUDDS. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Washington [Mrs. UNSOELD].

Mrs. UNSOELD. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in support of this legislation, and also to commend the chairmen of the full committee and subcommittee—along with the ranking minority members—for their continued bipartisan leadership.

I also want to thank them for including in this bill my proposal to promote a U.S.-flag cruise ship industry. This legislative effort represents the work of many diverse interests—from shipyards to shippers and from labor to industry. Together we have developed a proposal to allow U.S. maritime interests to engage in and effectively capture a portion of the rapidly expanding and highly lucrative cruise ship market.

But most important, this bill is all about jobs, jobs for our ports, jobs for our shipyards, jobs for our seamen, and jobs in the downtown cores of our port cities. It is time we find different ways to revive our ports and our cities without using taxpayer dollars and I think we have found a great way to do it.

As the bill has worked through the legislative process, a number of refinements have been made. As it now stands, key features include:

Allowing a foreign cruise ship to reflag to the U.S. registry—providing full access to U.S. trades—if a second ship is built in a U.S. yard;

Standardizing the percentage of foreign ownership for U.S. passenger vessels in domestic trades at 49 percent, an increase from the current 25 percent requirement for cruise ships;

Providing title XI loan guarantees to U.S. passenger vessels; and

Giving U.S.-flag preference for permits to enter Glacier Bay and other National Park Service sites.

Mr. Chairman, the need for this legislation stems from the lack of a U.S. cruise industry. Currently, 85 percent of all cruise ship passengers worldwide are American, but the U.S.-flag cruise registry has decreased to a mere two vessels, both built in 1951, both in use in Hawaii. U.S. law—specifically the Passenger Service Act—prohibits foreign-owned ships from transporting passengers between two U.S. ports, so cruises between cities like Seattle and San Francisco, or New York and Miami, in essence are nonexistent.

Therefore, an individual wishing to sail the North Pacific to the wonders of Alaska must embark to Alaska from a foreign port, namely Vancouver, BC. Meanwhile, nearby Seattle loses millions of dollars in potential tourist dollars and tax revenues as passengers are forced to depart from a city just a short drive north.

A study conducted by the Port of Seattle and Maryland Port Administration estimates $300 to $500,000 to local restaurants, shops, hotels, and other businesses is generated from just one port visit by a home-ported cruise vessel. And 5 months of weekly sailings by a single ship will infuse approximately $7 million into the local economy, create 100 jobs, generate $2.5 million in personal income, and provide $300,000 in local tax revenues. Furthermore, each $1 spent on shipbuilding and repair in a city provides an additional $3 to the local economy.

Mr. Chairman, there is a lot at stake here. With the booming foreign cruise ship industry we're seeing thousands of jobs and about $6 billion from our economy literally sailing overseas every year. This bill is about promoting U.S. interests and leveling the international playing field. It's about retaining a portion of the economic benefits here in the United States. It's a "make-it-American" bill. Straight to the point, its about creating U.S. jobs, jobs, and more jobs.

Mr. Chairman, I urge my colleagues to support this proposal and to approve the Coast Guard authorization bill now before us.

Mr. STUDDS. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Maine [Mr. ANDREWS].

Mr. ANDREWS of Maine. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I support this legislation. I support the U.S. Coast Guard. I would like to extend my thanks, Mr. Chairman, to the committee for incorporating into this bill my proposal, the Shipbuilding Jobs Promotion Act, which is now part of this legislation.

Mr. Chairman, this portion of the bill, the Shipbuilding Jobs Promotion Act, requires the U.S. Coast Guard to repair, to maintain, and to overhaul its vessels and equipment in U.S. shipyards by U.S. shipbuilders, just as the Department of Defense is now required to do.

The reason I introduced this legislation, Mr. Chairman, was because I found out that earlier this year the Coast Guard had awarded repair work to a foreign yard. It claimed that it did not have to do this work in an American yard because it was exempt from the provisions that required the Department of Defense to repair its vessels in an American yard.

Mr. Chairman, this law makes it very clear that the U.S. Coast Guard must repair, maintain, and overhaul its vessels in American shipyards. The reason for this, Mr. Chairman, is this: We have lost 120,000 good paying shipbuilding and shipbuilding-related jobs over the last 10 years. We are being told that if this Government does nothing, we stand to lose an additional 180,000 good paying jobs in this vital sector.

Mr. Chairman, the Committee on Merchant Marine and Fisheries has done extremely good work in turning this around and providing the shipbuilders of this country a government that is on their side, by taking away the unfair, unlevel playing field that they have been forced to compete on with foreign yards who are subsidized to the tune of billions and billions of dollars by their foreign governments.

Mr. Chairman, all we are saying in this bill is that when it comes time for repair work and maintenance work and overhaul work, that we give our shipworkers, our shipbuilders, and our shipyards that opportunity. That is important, not only for the economy of those regions of the country like the State of Maine who do this kind of work but, Mr. Chairman, it is also important for the national security of this Nation and the safety of our people.

If we allow our Nation to become dependent upon foreign yards to do this basic work, then we are undermining the capacity of this country to provide for its own security, its own defense, and the safety of its citizens. We cannot allow this vital industrial capacity to be exported overseas. We must maintain it in this country as we provide these important jobs.

Mr. Chairman, our shipbuilders do not ask for an awful lot. However, I believe that they should be able to expect a government that is on their side and is willing to give them the opportunity to be all that they can be, and to take advantage of the skills that they provide this Nation. I support this legislation, I thank the chairman for his support of my bill, and I urge its adoption.

Mr. FIELDS of Texas. Mr. Chairman, I yield such time as he might consume to the gentleman from Pennsylvania [Mr. WELDON].

Mr. WELDON. Mr. Chairman, I rise today as a member of the Committee on Merchant Marine and Fisheries, first of all to applaud the distinguished chairman of our committee and the ranking member of the full committee, the gentleman from Massachusetts [Mr. STUDDS] and the gentleman from Texas [Mr. FIELDS], and the chairman of the Subcommittee on Coast Guard and Navigation, the gentleman from Louisiana [Mr. TAUZIN] and the ranking member, the gentleman from North Carolina [Mr. COBLE], for the fine work they have done in bringing this important piece of legislation to the floor for our consideration today.

Mr. Chairman, we sometimes take for granted some of the Federal agencies that we fund. Perhaps no agency is more taken for granted than the U.S. Coast Guard. Because of the funding mechanism and the way we provide the funds and dollars for the Coast Guard, they never seem to get enough money to do the myriad of tasks we keep imposing on them.

If you look at any of the agencies we have in the Federal Government, that one agency that continually seems to get new assignments is in fact our Coast Guard. Whether it is putting on new environmental regulations or whether it is trying to force them to do new coastal compliance requirements that we impose on them, the Coast Guard is always able to meet the needs. The pollution act we passed in the last session has put additional requirements on the Coast Guard.

Perhaps nothing has taxed the Coast Guard more than the current mission they are performing in and around Haiti. They have just done a fantastic job on behalf of the people of this country and those people who have been impacted by the unrest in that country.

I want to pay particular acknowledgment to our ranking member, the gentleman from Texas [Mr. FIELDS] for holding a briefing for us with the Commandant of the Coast Guard just 1 short month ago, where he talked with us and briefed us on all the operations the Coast Guard is involved in in terms of returning these people who are going out to sea and yet who are risking their lives, and who in fact need to be returned to their homeland, whether it be Cuba or Haiti.

Despite the tremendous pressure on the Coast Guard to perform that function, they still have been able to address the need as it relates to drug interdiction and drug enforcement. It has been very taxing on the Coast Guard, and one of the concerns we are always hoping to address is to provide additional resources for the major issue of the Coast Guard right now involving drug interdiction, and trying to make sure they have adequate equipment and manpower to do the job that they are being asked to do.

☐ 1450

This past summer I had occasion to visit the Coast Guard station at Cape May and had a chance to talk to the leadership there, specifically about their role in the coast of Florida involving Cuba and Haiti, to talk about the kinds of requirements that are being placed on them, not just from the standpoint of drug interdiction but also from their other responsibilities, be they environment or public safety. Again the Coast Guard has measured up to the job and I was totally impressed with what I heard from the officials at the Cape May facility.

Mr. Chairman, it is important that we in this Congress understand that while the Coast Guard is in fact providing a very valuable service for us in a number of different capacities, we have to provide the dollar support. This legislation lays that foundation. I think perhaps it does not go far enough. Perhaps there are more dollars we should be committing to the Coast Guard. But I hope that all of our colleagues today would renew their commitment with a vote in support of this legislation to fully fund the Coast Guard's operations. Once again I thank the leadership of the Committee on Merchant Marine and Fisheries for the exemplary way they have put a bipartisan team together to provide support for this vital service.

Mr. FIELDS of Texas. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. STUDDS. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute now printed in the bill shall be considered by titles as an original bill for the purpose of amendment, and each title is considered read.

The Clerk will designate section 1.

The text of section 1 is as follows:

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Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Coast Guard Authorization Act of 1994".

Mr. STUDDS. Mr. Chairman, I ask unanimous consent that the remainder of the committee amendment in the nature of a substitute made in order as original text by the rule be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The text of the remainder of the committee amendment in the nature of a substitute is as follows:

TITLE I—AUTHORIZATIONS

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are authorized to be appropriated for necessary expenses of the Coast Guard for fiscal year 1995, as follows:

(1) For the operation and maintenance of the Coast Guard, $2,630,505,000, of which $25,000,000 shall be derived from the Oil Spill Liability Trust Fund.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, $439,200,000, to remain available until expended, of which $32,500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

(3) For research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission in support of search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, $20,310,000, to remain available until expended, of which—

(A) $3,150,000 shall be derived from the Oil Spill Liability Trust Fund; and

(B) $1,500,000 is authorized to conduct, in cooperation with appropriate Federal and State agencies, local maritime education organizations, and local marine industry representatives, a demonstration project on the lower Mississippi River and in the Houston Ship Channel to study the effectiveness of currently available Electronic Chart Display and Information Systems (ECDIS) and Electronic Chart Systems (ECS) for use on commercial vessels.

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $562,585,000.

(5) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Alteration Program, $13,000,000, to remain available until expended.

(6) For environmental compliance and restoration at Coast Guard facilities, $25,000,000, to remain available until expended.

SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.

(a) Active Duty Strength.—The Coast Guard is authorized an end-of-year strength for active duty personnel of 39,000 as of September 30, 1995. The authorized strength does not include members of the Ready Reserve called to active duty for special or emergency augmentation of regular Coast Guard forces for periods of 180 days or less.

(b) Military Training Student Loads.—For fiscal year 1995, the Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training, 2,000 student years.

(2) For flight training, 133 student years.

(3) For professional training in military and civilian institutions, 344 student years.

(4) For officer acquisition, 955 student years.

SEC. 103. DRUG INTERDICTION ACTIVITIES.

In addition to amounts otherwise authorized by this Act, there are authorized to be appropriated to the Secretary of Transportation for operation and maintenance expenses of Coast Guard drug interdiction activities $21,000,000 for fiscal year 1995.

TITLE II—PERSONNEL MANAGEMENT IMPROVEMENT

SEC. 201. HURRICANE ANDREW RELIEF.

Section 2856 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484) applies to the military personnel of the Coast Guard who were assigned to, or employed at or in connection with, any Federal facility or installation in the vicinity of Homestead Air Force Base, Florida, including the areas of Broward, Collier, Dade, and Monroe Counties, on or before August 24, 1992, except that—

(1) funds available to the Coast Guard, not to exceed a total of $25,000, shall be used; and

(2) the Secretary of Transportation shall administer that section with respect to such personnel.

SEC. 202. DISSEMINATION OF RESULTS OF 0–6 CONTINUATION BOARDS.

Section 289(f) of title 14, United States Code, is amended by striking "Upon approval by the President, the names of the officers selected for continuation on active duty by the board shall be promptly disseminated to the service at large.".

SEC. 203. EXCLUDE CERTAIN RESERVES FROM END-OF-YEAR STRENGTH.

Section 712 of title 14, United States Code, is amended by adding at the end the following:

"(d) Reserve members ordered to active duty under this section shall not be counted in computing authorized strength of members on active duty or members in grade under this title or under any other law.".

SEC. 204. MARINE CASUALTY INVESTIGATIONS.

(a) Informal Marine Casualty Investigations.—Title 46, United States Code, is amended by inserting after section 6301 the following new section:

"§6301a. Informal marine casualty investigations

"(a) The Secretary may conduct informal investigations of marine casualties.

"(b) Notwithstanding section 6302 of this title, the Secretary is not required to hold an informal investigation open to the public.".

(b) Clerical Amendment.—The table of sections at the beginning of chapter 63 of title 46, United States Code, is amended by inserting after the item related to section 6301 the following:

"6301a. Informal marine casualty investigations.".

SEC. 205. PROVISION OF CHILD DEVELOPMENT SERVICES.

(a) In General.—Title 14, United States Code, is amended by inserting after section 514 the following new section:

"§515. Child development services

"(a) The Commandant may make child development services available for members and civilian employees of the Coast Guard, and thereafter as space is available for members of the Armed Forces and Federal civilian employees. Child development services benefits provided under this section shall be in addition to benefits provided under other laws.

"(b)(1) Except as provided in paragraph (2), the Commandant may require that amounts received as fees for the provision of child development services under this section at Coast Guard child development centers be used only for compensation of Coast Guard child development center employees who are directly involved in providing child care.

"(2) If the Commandant determines that compliance with the limitation in paragraph (1) would result in an uneconomical and inefficient use of amounts received as such fees, the Commandant may (to the extent that such compliance would be uneconomical and inefficient) use such amounts—

"(A) for the purchase of consumable or disposable items for Coast Guard child development centers; and

"(B) if the requirements of such centers for consumable or disposable items for a given fiscal year have been met, for other expenses of those centers.

"(c) The Commandant may use Department of Defense or other training programs to insure that all child development services providers under this section meet minimum standards.

"(d) The Commandant may provide assistance to members and civilian employees of the Coast Guard for obtaining services of qualified family home child development services providers. The cost per child to the Coast Guard of obtaining those services may not exceed the average of the cost per child incurred by the Coast Guard for child development services provided at all Coast Guard child development centers.

"(e)(1) Of the amounts available to the Coast Guard each fiscal year for operating expenses (and in addition to amounts received as fees), the Secretary shall use for child development services under this section an amount equal to the total amount the Commandant estimates will

be received by the Coast Guard in the fiscal year as fees for the provision of those services.

"(2) The amount of funds used under paragraph (1) each fiscal year shall not exceed $1,000,000.

"(f) For purposes of this section, the term 'Coast Guard child development center' does not include a child care services facility for which space is allotted under section 616 of the Act of December 22, 1987 (40 U.S.C. 490b).

"(g) The Secretary shall promulgate regulations to implement this section. The regulations shall establish fees to be charged for child development services provided under this section which are based on total family income.".

(b) Clerical Amendment.—The table of sections at the beginning of chapter 13 of title 14, United States Code, is amended by inserting after the item related to section 514 the following:

"515. Child development services.".

TITLE III—NAVIGATION SAFETY AND WATERWAY SERVICES MANAGEMENT

SEC. 301. FOREIGN PASSENGER VESSEL USER FEES.

Section 3303 of title 46, United States Code, is amended—

(1) in subsection (a) by striking "(a) Except as" and inserting "Except as"; and

(2) by striking subsection (b).

SEC. 302. DOCUMENTATION VIOLATIONS.

(a) Civil Penalties.—Section 12122(a) of title 46, United States Code, is amended by striking "$500" and inserting "$25,000".

(b) Seizure and Forfeiture.—

(1) In General.—Section 12122(b) of title 46, United States Code, is amended to read as follows:

"(b) A vessel and its equipment are liable to seizure by and forfeiture to the United States Government, if—

"(1) the owner of the vessel or a representative or agent of the owner knowingly falsifies or conceals a material fact, or makes a false statement or representation about the documentation or in applying for documentation of the vessel;

"(2) a certificate of documentation is knowingly and fraudulently used for the vessel;

"(3) the vessel is operated after its endorsement has been denied or revoked under section 12123 of this title;

"(4) the vessel is employed in a trade without an appropriate trade endorsement; or

"(5) in the case of a documented vessel with only a recreational endorsement, the vessel is operated other than for pleasure.".

(2) Conforming Amendment.—Section 12122(c) of title 46, United States Code, is repealed.

(c) Limitation on Operation of Vessel With Only Recreational Endorsement.—Section 12110(c) of title 46, United States Code, is repealed.

(d) Termination of Restriction on Command of Recreational Vessels.—

(1) Termination of restriction.—Subsection (d) of section 12110 of title 46, United States Code, is amended—

(A) by inserting ", other than a vessel with only a recreational endorsement operating within the territorial waters of the United States," after "A documented vessel"; and

(B) by redesignating that subsection as subsection (c).

(2) Conforming Amendment.—Section 12111(a)(2) of title 46, United States Code, is amended by inserting before the period the following: "in violation of section 12110(c) of this title".

SEC. 303. CLERICAL AMENDMENT.

Chapter 121 of title 46, United States Code, is amended—

(1) by striking the first section 12123; and

(2) in the table of sections at the beginning of the chapter by striking the first item relating to section 12123.

SEC. 304. BATON ROUGE RESCUE AND PATROL VESSEL.

Beginning not later than 60 days after the date of the enactment of this Act, the Commandant of the Coast Guard shall operate a rescue and patrol vessel on the Mississippi River in the vicinity of Baton Rouge, Louisiana, to support Coast Guard rescue, law enforcement, marine safety, marine environmental protection, and port security missions.

SEC. 305. FLORIDA AVENUE BRIDGE.

For purposes of the alteration of the Florida Avenue Bridge (located approximately 1.63 miles east of the Mississippi River on the Gulf Intracoastal Waterway in Orleans Parish, Louisiana) ordered by the Secretary of Transportation under the Act of June 21, 1940 (33 U.S.C. 511 et seq.; popularly known as the Truman-Hobbs Act), the Secretary shall treat the drainage siphon that is adjacent to the bridge as an appurtenance of the bridge, including with respect to apportionment and payment of costs for the removal of the drainage siphon in accordance with that Act.

SEC. 306. RENEWAL OF HOUSTON-GALVESTON NAVIGATION SAFETY ADVISORY COMMITTEE AND LOWER MISSISSIPPI RIVER WATERWAY ADVISORY COMMITTEE.

The Coast Guard Authorization Act of 1991 (Public Law 102–241, 105 Stat. 2208–2235) is amended—

(1) in section 18 by adding at the end the following:

"(h) The Committee shall terminate on October 1, 1999."; and

(2) in section 19 by adding at the end the following:

"(g) The Committee shall terminate on October 1, 1999.".

SEC. 307. LIMITATION ON CONSOLIDATION OF HOUSTON AND GALVESTON MARINE SAFETY OFFICES.

The Secretary of Transportation may not consolidate the Coast Guard Marine Safety Offices in Galveston, Texas, and Houston, Texas.

SEC. 308. RESPONSE EXERCISE PROGRAM AT MASSACHUSETTS MARITIME ACADEMY.

(a) Transfer.—Within 30 days after the date of enactment of this Act, the Coast Guard shall transfer to the Massachusetts Maritime Academy $500,000 to continue the oil spill simulator activities at the Academy.

(b) Designation of Center as Regional Facility.—The Coast Guard shall designate the Center for Marine Environmental Protection and Safety at the Massachusetts Maritime Academy as a regional facility for the conduct and evaluation of annual response area management team exercises for two response areas in the East Coast in accordance with the Preparedness for Response Exercise Program established by the Coast Guard.

SEC. 309. PROHIBITION ON DECOMMISSIONING ICEBREAKER MACKINAW.

(a) Prohibition.—The Secretary of Transportation may not decommission the Coast Guard cutter MACKINAW until the later of—

(1) 1 year after transmitting to the Congress the report required under subsection (d); or

(2) October 1, 1995.

(b) Requirement To Maintain Billets.—The Secretary shall during fiscal year 1995 maintain on the Coast Guard cutter MACKINAW the same number of billets as were maintained on that vessel during fiscal year 1994.

(c) Authorization of Appropriations.—There is authorized to be appropriated to the Secretary of Transportation $4,500,000 for fiscal year 1995, to remain available until expended, for operations and maintenance of the Coast Guard cutter MACKINAW.

(d) Study and Report.—Not later than 6 months after the date of enactment of this Act, the Secretary of Transportation shall conduct a study and submit a report to the Congress containing findings and recommendations on the icebreaking needs of the Great Lakes and the appropriate size and type of vessel or vessels to meet those needs. In conducting the study, the Secretary shall—

(1) consult with—

(A) Great Lakes carriers, shippers, and port authorities, including the Lake Carriers Association;

(B) the Great Lakes Commission;

(C) the Governors of States bordering the Great Lakes;

(D) local governments in States bordering the Great Lakes; and

(E) interested private persons;

(2) determine the average and maximum ice conditions in the Great Lakes over the past 10 years;

(3) determine the size and type of vessel or vessels necessary to clear shipping channels in the average and maximum ice conditions determined under paragraph (2);

(4) evaluate whether any Coast Guard vessel stationed on the Great Lakes, other than the MACKINAW, can safely conduct search and rescue missions in 25-foot seas;

(5) evaluate the feasibility of operating the Coast Guard icebreaker MACKINAW on a seasonal basis;

(6) evaluate the feasibility of building an ice-strengthened Juniper Class buoy tender to replace the icebreaking services performed by the MACKINAW; and

(7) evaluate the feasibility of entering into a long-term contract for icebreaking services to replace the icebreaking services performed by the MACKINAW.

(e) Authorization for Recommendations.—If, after transmitting the report required in subsection (d), the Secretary determines that—

(1) in addition to previously authorized Juniper Class buoy tenders, building an ice-strengthened Juniper Class buoy tender is the most feasible means of providing icebreaking service on the Great Lakes, the Secretary may, subject to the availability of appropriations, enter into a contract for the construction of an ice-strengthened Juniper Class buoy tender; or

(2) entering into a long-term contract for icebreaking services is the most feasible means of providing icebreaking services on the Great Lakes, the Secretary may, subject to the availability of appropriations, enter into such a long-term contract.

SEC. 310. REQUIREMENT TO OPERATE USCGC TACKLE IN CRISFIELD, MARYLAND.

The Secretary of Transportation shall continue to operate the USCGC TACKLE (WYTL 65604) in the vicinity of Crisfield, Maryland, until October 1, 1995.

SEC. 311. BUY AMERICAN REQUIREMENT FOR SURFACE SEARCH RADAR SYSTEMS.

Notwithstanding any other law, at least 51 percent of the components of surface search radar systems for Coast Guard vessels shall be manufactured in the United States, provided the United States manufacturer offers the Coast Guard a competitive price.

SEC. 312. CONVEYANCE OF PROPERTY.

(a) Requirement.—The Secretary of Transportation (or any other official having control over the property described in subsection (b)) shall expeditiously convey to the Traverse City Area Public School District in Traverse City, Michigan, without consideration, all right, title, and interest of the United States in and to the property described in subsection (b), subject to all easements and other interests in the property held by any other person.

(b) Property Described.—The property referred to in subsection (a) is a parcel of land *consisting of approximately 27.10 acres identified by the Traverse City School District in the northwest corner of the Coast Guard Air Station at Traverse City, Michigan.*

(c) Reversionary Interest.—In addition to any term or condition established pursuant to subsection (a), any conveyance of property described in subsection (b) shall be subject to the condition that all right, title, and interest in and to the property so conveyed shall immediately revert to the United States if the property, or any part thereof, ceases to be used by the Traverse City School District.

TITLE IV—MISCELLANEOUS

SEC. 401. SPECIAL RECRUITING AUTHORITY TO ACHIEVE DIVERSITY.

(a) Findings.—The Congress makes the following findings:

(1) Women and minorities have historically been underrepresented in the Coast Guard officer corps and at the United States Coast Guard Academy.

(2) The number of women and minorities occupying leadership positions in the United States Coast Guard should reflect the proportion of women and minorities in the total population.

(3) Notwithstanding application of traditional recruiting programs, the Coast Guard has not been able to rectify the historic underrepresentation of women and minorities in the service and at the Academy.

(4) Cultural bias in standardized testing or grading procedures may adversely affect the ability of minorities to compete successfully for admission to the United States Coast Guard Academy.

(5) The education and professional training provided at the United States Coast Guard Academy will be enhanced by the benefits that flow from a diverse student body.

(b) New Authority.—Section 93 of title 14, United States Code, is amended—

(1) in paragraph (t)(2) by striking "and" after the semicolon;

(2) in paragraph (u) by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(v) for the purposes of rectifying underrepresentation or underutilization of women and minorities in the Coast Guard and meeting identified personnel resource requirements and training needs—

"(1) conduct studies and analyses on Coast Guard personnel resource and training needs; and

"(2) employ special programs for recruiting women and minorities, including, subject to appropriations, provision of financial assistance by grant, cooperative agreement, contract, or otherwise, to public or private associations, organizations, or individuals to implement national or local outreach programs.".

SEC. 402. OFFICER RETENTION UNTIL RETIREMENT ELIGIBLE.

Section 283(b) of title 14, United States Code, is amended—

(1) by inserting "(1)" after "(b)";

(2) by striking the last sentence; and

(3) by adding at the end the following:

"(2) Upon the completion of a term under paragraph (1), an officer shall, unless selected for further continuation—

"(A) except as provided in subparagraph (B), be honorably discharged with severance pay computed under section 286 of this title;

"(B) in the case of an officer who has completed at least 18 years of active service on the date of discharge under subparagraph (A), be retained on active duty and retired on the last day of the month in which the officer completes 20 years of active service, unless earlier removed under another provision of law; or

"(C) if eligible for retirement under any law, be retired.".

SEC. 403. REPORT RECOMMENDING ACTIONS FOR THE PROTECTION OF THE ENDANGERED NORTHERN RIGHT WHALE.

Not later than 6 months after the date of the enactment of this Act, the Secretary of Transportation, in consultation with the Secretary of Commerce, shall submit a report to the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate recommending actions to prevent mortalities of the northern right whale from vessel collisions in the Great South Channel off Cape Cod, Massachusetts. The report shall include—

(1) recommendations for actions that could be undertaken by the Coast Guard and the International Maritime Organization, including—

(A) the designation of 1 or more areas to be avoided;

(B) the shifting of the traffic separation scheme in the Great South Channel; or

(C) other measures the Secretary considers appropriate; and

(2) if appropriate, a schedule for submitting those recommendations to the International Maritime Organization.

SEC. 404. CONTINUING OBLIGATION TO PROVIDE DOCUMENTATION INFORMATION AT EXISTING LOCATIONS.

The Secretary of Transportation shall, until October 1, 1999, maintain an ability, at Coast Guard offices that are located in the immediate vicinity of former regional vessel documentation offices, to assist the public with information on obtaining, altering, and renewing the documentation of a vessel and on vessel documentation laws and regulations generally.

SEC. 405. PROHIBITION ON STATION CLOSURES AND VESSEL AND AIRCRAFT DECOMMISSIONINGS IN FY 1995.

In fiscal year 1995, the Secretary of Transportation may not close or consolidate any shore unit, including any multimission small boat station, and may not decommission any vessel or aircraft, based in whole or in part on the increased costs resulting from inclusion of the Coast Guard in the military pay raise for fiscal year 1995 or the cost-of-living allowance for members of the uniformed services assigned to high cost areas in the continental United States under the National Defense Authorization Act for Fiscal Year 1995.

SEC. 406. CONTINUATION OF THE COMMERCIAL FISHING INDUSTRY VESSEL ADVISORY COMMITTEE.

Subsection (e)(1) of section 4508 of title 46, United States Code, is amended by striking "September 30, 1994" and inserting "October 1, 1999".

SEC. 407. PROHIBITION ON DIVERSION OF DRUG INTERDICTION FUNDS.

The Secretary of Transportation may not reduce the level of Coast Guard drug interdiction below the level proposed by the President in the Fiscal Year 1995 budget.

SEC. 408. PROHIBITION ON STATION CLOSURES.

(a) Prohibition.—The Secretary of Transportation may not close or consolidate any multimission small boat station in fiscal year 1995 until the Secretary has submitted a list of proposed station closures to the Committee on Merchant Marine and Fisheries of the House of Representatives and to the Committee on Commerce, Science, and Transportation of the Senate.

(b) Deadline for Submission.—The Secretary shall submit such list at least 60 days prior to any such closure or consolidation.

SEC. 409. RENEWAL OF THE NAVIGATION SAFETY ADVISORY COUNCIL.

Section 5 of the Inland Navigational Rules Act of 1980 (33 U.S.C. 2073) is amended in subsection (d) by striking "September 30, 1995" and inserting "September 30, 2000".

SEC. 410. 47-FOOT MOTOR LIFEBOAT ACQUISITION PROGRAM.

The Secretary of Transportation shall ensure that the Coast Guard 47-foot Motor Lifeboat acquisition is accomplished in accordance with the laws and regulations applicable to small business set asides.

SEC. 411. COAST GUARD RESERVE PEACETIME REQUIREMENTS PLAN.

No later than February 1, 1995, the Secretary of Transportation shall submit to the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a plan to more fully utilize the Coast Guard Selected Reserve to augment peacetime operations. As part of the plan, the Secretary shall include—

(1) methods to deliver more cost-effective Coast Guard services by supplementing active duty personnel with Coast Guard reservists while preserving the current level of service to the public;

(2) methods to more fully integrate the Coast Guard Reserve in peacetime Coast Guard programs, including, but not limited to, search and rescue, marine safety, and marine environmental protection;

(3) the most effective command structure for the Coast Guard Reserve; and

(4) a specific estimate of the number of reservists needed to augment peacetime Coast Guard missions under the plan.

SEC. 412. TRANSFER OF COAST GUARD PROPERTY.

(a) Conveyance Requirement.—The Secretary of Transportation shall convey to the Ketchikan Indian Corporation in Ketchikan, Alaska, without reimbursement and by no later than 120 days after the date of enactment of this Act, all right, title, and interest of the United States in and to the property known as the "Former Marine Safety Detachment" as identified in Report of Excess Number CG–689 (GSA Control Number 9–U–AK–0747) and described in subsection (b), for use by the Ketchikan Indian Corporation as a Native health clinic.

(b) Property Described.—The property referred to in subsection (a) is real property located in the city of Ketchikan, Township 75 south, range 90 east, Copper River Meridian, First Judicial District, State of Alaska, and commencing at corner numbered 10, United States Survey numbered 1079, the true point of beginning for this description: Thence north 24 degrees 04 minutes east, along the 10–11 line of said survey a distance of 89.76 feet to corner numbered 1 of lot 5B; thence south 65 degrees 56 minutes east a distance of 345.18 feet to corner numbered 2 of lot 5B; thence south 24 degrees 04 minutes west a distance of 101.64 feet to corner numbered 3 of lot 5B; thence north 64 degrees 01 minute west a distance of 346.47 feet to corner numbered 10 of said survey, to the true point of beginning, consisting of 0.76 acres (more or less), and all improvements located on that property, including buildings, structures, and equipment.

(c) Reversionary Interest.—In addition to any term or condition established pursuant to subsection (a), any conveyance of property described in subsection (b) shall be subject to the condition that all right, title, and interest in and to the property so conveyed shall immediately revert to the United States if the property, or any part thereof, ceases to be used by the Ketchikan Indian Corporation as a Native health clinic.

SEC. 413. REPORT ON COSTS OF VESSEL INSPECTIONS OUTSIDE UNITED STATES.

(a) Report Requirement.—Not later than January 1, 1995, the Secretary of Transportation shall submit to the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Commerce, Science,

and Transportation of the Senate a report describing in detail the costs incurred by the United States in fiscal year 1994 for the performance by Coast Guard personnel of vessel inspections outside the 50 States and the District of Columbia, including travel expenses, subsistence pay, compensation, and all other costs associated with those inspections.

(b) ITEMIZATION OF COSTS.—The report required by subsection (a) shall include—

(1) a description and the costs of the various types of activities in which Coast Guard inspectors engaged outside the United States in fiscal year 1994 with respect to repair and construction of vessels in foreign countries;

(2) the number and costs of inspections of vessels documented in the United States that did not visit ports in the United States in fiscal year 1994 (including the number of such vessels inspected);

(3) the number and costs of inspections of mobile offshore drilling units (as that term is defined in section 2101 of title 46, United States Code) that are documented in the United States and that did not operate in waters of the United States in fiscal year 1994; and

(4) the number and cost of Coast Guard inspectors permanently stationed in foreign countries.

SEC. 414. CONVEYANCE OF LIGHT STATION MONTAUK POINT, NEW YORK.

(a) CONVEYANCE REQUIREMENT.—

(1) REQUIREMENT.—The Secretary of Transportation shall convey to the Montauk Historical Association in Montauk, New York, by an appropriate means of conveyance, all right, title, and interest of the United States in and to property comprising Light Station Montauk Point, located at Montauk, New York.

(2) DETERMINATION OF PROPERTY.—The Secretary may identify, describe, and determine the property to be conveyed pursuant to this section.

(b) TERMS OF CONVEYANCE.—

(1) IN GENERAL.—A conveyance of property pursuant to this section shall be made—

(A) without the payment of consideration; and

(B) subject to the conditions required by paragraphs (3) and (4) and such other terms and conditions as the Secretary may consider appropriate.

(2) REVERSIONARY INTEREST.—In addition to any term or condition established pursuant to paragraph (1), any conveyance of property comprising the Montauk Light Station pursuant to subsection (a) shall be subject to the condition that all right, title, and interest in and to the property so conveyed shall immediately revert to the United States if the property, or any part thereof—

(A) ceases to be maintained as a nonprofit center for public benefit for the interpretation and preservation of the material culture of the United States Coast Guard, the maritime history of Montauk, New York, and Native American and colonial history;

(B) ceases to be maintained in a manner that ensures its present or future use as a Coast Guard aid to navigation; or

(C) ceases to be maintained in a manner consistent with the provisions of the National Historic Preservation Act (16 U.S.C. 470 et seq.).

(3) MAINTENANCE OF NAVIGATION AND FUNCTIONS.—Any conveyance of property pursuant to this section shall be subject to such conditions as the Secretary considers to be necessary to assure that—

(A) the light, antennas, sound signal, and associated lighthouse equipment located on the property conveyed, which are active aids to navigation, shall continue to be operated and maintained by the United States for as long as they are needed for this purpose;

(B) the Montauk Historical Association may not interfere or allow interference in any manner with such aids to navigation without express written permission from the United States;

(C) there is reserved to the United States the right to replace, or add any aids to navigation, or make any changes to the Montauk Lighthouse as may be necessary for navigation purposes;

(D) the United States shall have the right, at any time, to enter the property conveyed without notice for the purpose of maintaining navigation aids;

(E) the United States shall have an easement of access to such property for the purpose of maintaining the navigational aids in use on the property; and

(F) the Montauk Light Station shall revert to the United States at the end of the 30-day period beginning on any date on which the Secretary of Transportation provides written notice to the Montauk Historical Association that the Montauk Light Station is needed for national security purposes.

(4) MAINTENANCE OF LIGHT STATION.—Any conveyance of property under this section shall be subject to the condition that the Montauk Historical Association shall maintain the Montauk Light Station in accordance with the provisions of the National Historic Preservation Act (16 U.S.C. 470 et seq.) and other applicable laws.

(5) LIMITATION ON OBLIGATIONS OF MONTAUK HISTORICAL ASSOCIATION.—The Montauk Historical Association shall not have any obligation to maintain any active aid to navigation equipment on property conveyed pursuant to this section.

(c) For purposes of this section—

(1) The term "Montauk Light Station" means the Coast Guard light station known as Light Station Montauk Point, located at Montauk, New York, including the keeper's dwellings, adjacent Coast Guard rights of way, the World War II submarine spotting tower, the lighthouse tower, and the paint locker; and

(2) the term "Montauk Lighthouse" means the Coast Guard lighthouse located at the Montauk Light Station.

SEC. 415. CAPE ANN LIGHTHOUSE.

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—The Secretary of Transportation shall convey to the town of Rockport, Massachusetts, by an appropriate means of conveyance, all right, title, and interest of the United States in and to the property comprising the Cape Ann Lighthouse, located on Thachers Island, Massachusetts.

(2) IDENTIFICATION OF PROPERTY.—The Secretary may identify, describe, and determine the property to be conveyed pursuant to this subsection.

(b) TERMS OF CONVEYANCE.—

(1) IN GENERAL.—The conveyance of property pursuant to this section shall be made—

(A) without payment of consideration; and

(B) subject to the conditions required by paragraphs (3) and (4) and other terms and conditions the Secretary may consider appropriate.

(2) REVERSIONARY INTEREST.—In addition to any term or condition established pursuant to paragraph (1), the conveyance of property pursuant to this section shall be subject to the condition that all right, title, and interest in the Cape Ann Lighthouse shall immediately revert to the United States if the Cape Ann Lighthouse, or any part of the property—

(A) ceases to be used as a nonprofit center for the interpretation and preservation of maritime history;

(B) ceases to be maintained in a manner that ensures its present or future use as a Coast Guard aid to navigation; or

(C) ceases to be maintained in a manner consistent with the provisions of the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.).

(3) MAINTENANCE AND NAVIGATION FUNCTIONS.—The conveyance of property pursuant to this section shall be made subject to the conditions that the Secretary considers to be necessary to assure that—

(A) the lights, antennas, and associated equipment located on the property conveyed, which are active aids to navigation, shall continue to be operated and maintained by the United States;

(B) the town of Rockport may not interfere or allow interference in any manner with aids to navigation without express written permission from the Secretary of Transportation;

(C) there is reserved to the United States the right to relocate, replace, or add any aid to navigation or make any changes to the Cape Ann Lighthouse as may be necessary for navigational purposes;

(D) the United States shall have the right, at any time, to enter the property without notice for the purpose of maintaining aids to navigation; and

(E) the United States shall have an easement of access to the property for the purpose of maintaining the aids to navigation in use on the property.

(4) OBLIGATION LIMITATION.—The town of Rockport is not required to maintain any active aid to navigation equipment on property conveyed pursuant to this section.

(5) PROPERTY TO BE MAINTAINED IN ACCORDANCE WITH CERTAIN LAWS.—The town of Rockport shall maintain the Cape Ann Lighthouse in accordance with the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.), and other applicable laws.

(c) DEFINITIONS.—For purposes of this section, the term "Cape Ann Lighthouse" means the Coast Guard property located on Thachers Island, Massachusetts, except any historical artifact, including any lens or lantern, located on the property at or before the time of the conveyance.

SEC. 416. TRANSFER OF OCRACOKE LIGHT STATION TO SECRETARY OF THE INTERIOR.

The Secretary of Transportation shall transfer administrative jurisdiction over the Federal property, consisting of approximately 2 acres, known as the Ocracoke Light Station, to the Secretary of the Interior, subject to such reservations, terms, and conditions as may be necessary for Coast Guard purposes. All property so transferred shall be included in and administered as part of the Cape Hatteras National Seashore.

SEC. 417. PROHIBITION ON OVERHAUL, REPAIR, AND MAINTENANCE OF COAST GUARD VESSELS IN FOREIGN SHIPYARDS.

(a) PROHIBITION.—Chapter 5 of title 14, United States Code, is amended by adding at the end the following:

"§96. Prohibition on overhaul, repair, and maintenance of Coast Guard vessels in foreign shipyards

"A Coast Guard vessel may not be overhauled, repaired, or maintained in any shipyard located outside the United States, except that this section does not apply to emergency repairs.".

(b) CLERICAL AMENDMENT.—Title 14, United States Code, is amended in the analysis at the beginning of chapter 5 by adding at the end the following:

"96. Prohibition on overhaul, repair, and maintenance of Coast Guard vessels in foreign shipyards.".

SEC. 418. STUDY OF IMPLICATIONS FOR VESSEL SAFETY IN NAVIGABLE WATERS NEAR HOUSTON, TEXAS, OF TRADE AGREEMENTS.

(a) STUDY.—Not later than July 1, 1996, the Secretary of Transportation, acting through the

Coast Guard office in Houston, Texas, and subject to the availability of appropriations, shall conduct a study of the implications for vessel safety in the navigable waters near Houston, Texas, of increased shipping traffic resulting from—

(1) the North American Free Trade Agreement Implementation Act; and

(2) legislation necessary to implement the Uruguay Round of the General Agreement on Tariffs and Trade.

(b) CONTENT.—The study under subsection (a) shall include—

(1) examination of implications for vessel safety in the Port of Houston and the Houston ship channel; and

(2) development of recommendations for—

(A) responding to vessel accidents in those waterways,

(B) removal of vessels damaged in those accidents, and

(C) ways to improve the overall safety of the Port of Houston and the Houston ship channel, including recommendations of restrictions on vessel movements within that Port or channel if necessary to ensure safety.

(c) REPORT.—Not later than July 1, 1996, the Secretary of Transportation shall submit to the Congress a report on the findings and recommendations developed by the study under subsection (a).

(d) AUTHORIZATION OF APPROPRIATIONS.—For carrying out the study and preparing the report required by this section, there are authorized to be appropriated to the Secretary of Transportation $300,000 for fiscal year 1995 and such sums as may be necessary for fiscal year 1996.

AMENDMENT OFFERED BY MS. LONG

Ms. LONG. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. LONG:

At the end of the bill, add the following:

SEC. . IMPLEMENTATION OF OIL POLLUTION ACT WITH RESPECT TO VEGETABLE OIL.

In implementing the Oil Pollution Act of 1990 (Public Law 101-380), the Coast Guard and other agencies shall differentiate between animal fats or oils of vegetable origin and other oils, including petroleum oils, on the basis of their physical, chemical, biological, and other properties, and their environmental effects.

Ms. LONG. Mr. Chairman, this amendment will direct Federal agencies charged with implementing the Oil Pollution Act of 1990 to differentiate between nontoxic agricultural products and toxic petroleum oils.

Several agencies have been working on these regulations for many months. Unfortunately, they have produced a hodge-podge and often troubling set of procedures which really don't make any sense.

Over 50 Members of the House have written to Department heads to rectify and harmonize—to the extent they can—the various regulations. Unfortunately, the regulations have not been harmonized in an appropriate fashion and vegetable oils and animal fats are still—in some cases—being regulated like other toxic oils such as petroleum oils.

The amendment Mr. EWING and I offer will simply require that regulations shall differentiate between animal fats and vegetable oils and other oils. The amendment does not limit the regulation of any oils; it only requires that they be differentiated.

Amazingly, the final regulations at EPA do not provide appropriate differentiation between these products. They do not provide a separate category for animal fats and vegetable oils, and they adopt the same criteria for determining appropriate response techniques that are used for toxic oils. As a result, nontoxic agricultural products are grouped with such toxic oils as camphor oil, carbolic oil, mineral oil and PCB-type transformer oil.

For example, the EPA final rule provides no specific guidance to facilities that store vegetable oil on how to plan for an oil spill. Thus, each facility must individually petition EPA to approve its plan. And the EPA rule is the only one of seven regulatory actions involving four agencies that would affect the treatment of animal fats and vegetable oils under the Oil Pollution Act of 1990. These regulations place a burden on facilities and transporters that is simply not justified by agricultural products that are nontoxic, readily biodegradable, not persistent in the environment, and are essential components of human and wildlife diets.

Again, this amendment would not exempt the animal fats and vegetable oil industries from oil response regulations. It would merely require Federal agencies to take account of the unique differences between animal fats and vegetable oils and toxic substances.

Mr. STUDDS. Mr. Chairman, will the gentlewoman yield?

Ms. LONG. I yield to the gentleman from Massachusetts.

Mr. STUDDS. Mr. Chairman, I thank the Congresswoman for her work on this amendment and we are prepared on this side to accept it.

The amendment does not exempt vegetable oils and animal fats from the Oil Pollution Act of 1990. Rather, it simply directs the Coast Guard and other agencies to make reasonable distinctions between vegetable oils and petroleum oils based on the different effects these oils may have when spilled into the marine environment. While it is true that even the most benign oil in large quantities may harm the environment, there may be different responses needed to clean up vegetable as opposed to petroleum oil.

I expect the Coast Guard, EPA, and NOAA to work with representatives of the vegetable oil industry and other interested persons in developing appropriate requirements for response plans for spills from these oils.

Again, I appreciate the diligence of the gentlelady from Indiana. I support her amendment.

Mr. FIELDS of Texas. Mr. Chairman, will the gentlewoman yield?

Ms. LONG. I yield to the gentleman from Texas.

Mr. FIELDS of Texas. Mr. Chairman, I thank the gentlewoman for yielding.

Mr. Chairman, I rise in support of her amendment. I am sorry that the amendment is necessary because this is a matter that should have been resolved through the regulatory process by the Coast Guard and the Environmental Protection Agency. There is no question that animal fats and vegetable oils should be regulated differently than petroleum oils under the Oil Pollution Act of 1990.

I would urge my colleagues to support the amendment.

Mr. TAUZIN. Mr. Chairman, will the gentlewoman yield?

Ms. LONG. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Chairman, I thank the gentlewoman for yielding.

Mr. Chairman, I rise to commend the gentlewoman for her excellent work here. This matter as the chairman and ranking member said should have been resolved within the regulatory context. It obviously was not. It required a legislative solution.

I want to thank the gentlewoman for coming up with one. Everyone thought it was reasonable to assume that within our regulations, we could differentiate between the toxic conditions of crude oils and the more natural conditions of vegetable oils. I am delighted the gentlewoman was able to find that solution. I am anxious to support her amendment. I urge my colleagues to join with her in this good effort.

Ms. LONG. Mr. Chairman, I thank the gentleman for his support.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Indiana [Ms. LONG].

The amendment was agreed to.

AMENDMENT OFFERED BY MS. SCHENK

Ms. SCHENK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. SCHENK: Page 37, after line 18, add the following:

SEC. . LIMITATION ON AUTHORITY OF STATES TO REGULATE GAMBLING DEVICES ON VESSELS.

Section 5(b)(2) of the Act of January 2, 1951 (15 U.S.C. 1175(b)(2)), commonly referred to as the "Johnson Act", is amended by adding at the end the following:

"(C) EXCLUSION OF CERTAIN VOYAGES AND SEGMENTS.—A voyage or segment of a voyage is not described in subparagraph (B) if it includes or consists of a segment—

"(i) that begins and ends in the same State;

"(ii) that is part of a voyage to another State or to a foreign country;

"(iii) that does not begin and does not end in Hawaii; and

"(iv) in which the vessel reaches the other State or foreign country within 3 days after leaving the State in which it begins.".

Ms. SCHENK (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from California?

There was no objection.

MODIFICATION TO AMENDMENT OFFERED BY MS. SCHENK

Ms. SCHENK. Mr. Chairman, I ask unanimous consent to modify the language of my amendment. The modification is minimal and not substantive and merely conforms to the language being considered in the other body.

The CHAIRMAN. Is there objection to the request of the gentlewoman from California?

There was no objection.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Amendment offered by Ms. SCHENK, as modified: At the end of title IV (page 37, after line 18), add the following:

SEC. . LIMITATION ON AUTHORITY OF STATES TO REGULATE GAMBLING DEVICES ON VESSELS.

Section 5(b)(2) of the Act of January 2, 1951 (15 U.S.C. 1175(b)(2)), commonly referred to as the "Johnson Act", is amended by adding at the end the following:

"(C) EXCLUSION OF CERTAIN VOYAGES AND SEGMENTS.—Except for a voyage or segment of a voyage that occurs within the boundaries of the State of Hawaii, a voyage or segment of a voyage is not described in subparagraph (B) if it includes or consists of a segment—

(i) that begins and ends in the same State;

(ii) that is part of a voyage to another State or to a foreign country; and

(iii) in which the vessel reaches the other State or foreign country within 3 days after leaving the State in which it begins.".

Ms. SCHENK (during the reading). Mr. Chairman, I ask unanimous consent that the amendment, as modified, be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. SCHENK. Mr. Chairman, first I would like to thank the chairman of our committee, the gentleman from Massachusetts [Mr. STUDDS], the ranking member, the gentleman from Texas [Mr. FIELDS], the chairman of our subcommittee, the gentleman from Louisiana [Mr. TAUZIN], and the ranking member of our subcommittee, the gentleman from North Carolina [Mr. COBLE], for their support and their cooperation.

Mr. Chairman, I offer this amendment to H.R. 4422 to resolve a problem which has resulted from the passage in 1992 of Public Law 102-251. That legislation permitted gambling aboard U.S.-flag cruise vessels and was a great boon to our domestic cruise industry. Unfortunately an unintended consequence of that law has been a disastrous loss of business for the cruise industry in California, resulting in a loss of jobs in my district of San Diego and indeed throughout the State of California.

Many California cruises embark from one port and then make port at one or two other cities in the State on their way to a final destination in Mexico, Canada, or Alaska. California's Legislature became concerned that allowing gaming on these cruises might result in the State being forced to also allow gaming under the Indian gaming law. Consequently, the legislature took advantage of their right under the law to prohibit gambling on the intrastate segments of these cruises.

As a result, many California cruise ship companies have bypassed these second and third ports of call within our State. For instance, ships which once departed Los Angeles and called at Catalina or San Diego on their way to Mexico would no longer visit these other cities. Today we stand and watch these cruise ships sailing past this facility.

Mr. Chairman, my amendment alleviates California's problem and will allow our west coast cruise industry to resume. It is a carefully crafted amendment and I believe noncontroversial. It has the support of the Governor's office and the legislature and we have worked with the attorney general's office in crafting it. The amendment would extend the coverage of Public Law 102-251 to a voyage that, first, begins and ends in the same State or U.S. possession; second, is part of a voyage to another State or foreign country; and third, reaches that destination within 3 days of embarkation.

By establishing Federal regulation of these intrastate voyage segments, the amendment relieves California at its request of the jurisdiction to permit or prohibit gambling in international waters when a ship ultimately arrives at a foreign or out-of-State port within 72 hours. This will permit a California cruise vessel to resume multiple ports of call.

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Some concern has been expressed about the impact of the amendment on ability of States to regulate gambling in State waters. Let me assure my colleagues that this legislation deals solely with the jurisdiction over gambling in international waters. It will no way affect any State's right to regulate gambling in State waters or on voyages to nowhere or on other intrastate cruises. The amendment has been carefully drawn to address a specific problem. It has no effect on riverboat gambling or other such issues.

This language was passed by the House last year as an amendment to H.R. 1250. The other body, however, has failed to act on that bill and so I must offer this amendment again to facilitate its passage.

The amendment was noncontroversial when it passed the House previously, and I hope it is noncontroversial still.

Mr. Chairman, I urge my colleagues to support this amendment.

Mr. STUDDS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we have examined this amendment and are prepared to accept it.

Mr. HORN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to enter into a colloquy with my colleague, the gentlewoman from California and author of the amendment. As she knows, I have some concerns about this amendment.

As a little boy growing up in California I remember the gambling ships sitting 4 miles from the shore—outside of the State territorial waters—violating every law on the book, and a rather courageous attorney general, Earl Warren, went over the side and nailed them all, and the Johnson Act, I assume, is named for Hiram Johnson, one of California's two greatest Governors. Is that correct?

Ms. SCHENK. Mr. Chairman, will the gentleman yield?

Mr. HORN. I yield to the gentlewoman from California.

Ms. SCHENK. Mr. Chairman, I do not know. The gentleman is the professor and I yield to him.

Mr. HORN. I want to ask a few questions because I realize a lot of money is at stake here, and I realize there are big bucks. I am not interested in the big bucks. I am interested in who administers the law under certain conditions.

The first condition is obviously within the 3-mile limit, and as the gentlewoman has stated, am I correct in understanding the State would have jurisdiction there?

Ms. SCHENK. The gentleman is correct.

Mr. HORN. Beyond the 3-mile limit, assuming a cruise ship on which gambling took place left the port of Los Angeles or the port of Long Beach and went to perhaps San Diego, and then on to Ensenada in Mexican territory, that would be under Federal law beyond the 3-mile limit?

Ms. SCHENK. The gentleman is correct. The jurisdiction belongs at the Federal, administered by the Department of Justice. It would be investigated by the FBI and prosecuted by the relevant U.S. attorney.

Mr. HORN. So the Coast Guard's role in this is what?

Ms. SCHENK. The Coast Guard would I assume provide some support in this. They enforce the laws on the high seas. They enforce all of the U.S. laws on the high seas.

Mr. HORN. So in essence, would the Coast Guard be asked to enforce the gambling laws if the mob infiltrated these cruise ships?

Ms. SCHENK. I am assuming that they do that now and that they would continue to do that. This does not change the jurisdiction of the Federal-level agencies or of the State-level agencies except to the point that within the international waters where a ship is going from let us say the port of Los Angeles or the port of Long Beach to Mexico and wishes to stop at Catalina or San Diego or some other port, that intrastate portion, that it would now revert to what was the status under the Johnson Act, which is that the Federal Government would have jurisdiction. And I am assuming the Coast Guard would enforce it, just as they have in the past.

Mr. HORN. Is the gentlewoman assuming or does she know that the Federal Bureau of Investigation would have jurisdiction?

Ms. SCHENK. They do have jurisdiction.

Mr. HORN. So the enforcing authority which investigates and brings the information to the U.S. Attorney for an indictment, is the Federal Bureau of Investigation?

Ms. SCHENK. That is correct.

Mr. HORN. And the Coast Guard might be supportive in getting them to the ship or whatever?

Ms. SCHENK. The gentleman is correct.

Mr. HORN. But the Coast Guard does not have its own investigators, I take it?

Ms. SCHENK. I am not a Coast Guard expert, and as Members knows, he just brought this question to me in the past 5 minutes and I have been unable to give that kind of extensive research to it. We have been working on this issue for a year and a half. I will be happy to provide the gentleman with this information at the end of this session.

Mr. HORN. I would like it provided for the record so we have a clear understanding of who is responsible should criminal activity occur.

Ms. SCHENK. Again, as I say, we are not creating any new bureaucracy here, we are not making any changes. When the Federal Government has jurisdiction it would be the Coast Guard, the FBI, the Department of Justice, the U.S. Attorney.

Mr. HORN. Let us posit the second example. If we have a cruise ship leaving either the port of Los Angeles or the port of Long Beach and going to San Diego, perhaps dropping by Catalina on the way or other islands in that coastal zone, and they did not go to a foreign country or another State, that remains under State jurisdiction?

Ms. SCHENK. Absolutely. This amendment does not at all apply to purely intrastate voyages. The amendment is very clear that the ship must reach either a foreign port or another State within 72 hours.

Mr. HORN. Last question. As I understand it, one of the motives for this amendment is the fear of some that if that area remains under State jurisdiction and not Federal, various Indian tribes might have an opportunity to assert rights that they have received under the Constitution and Federal courts and engage in gambling?

Ms. SCHENK. The gentleman is correct. It is my understanding under the Indian gambling law, in fact, some of the tribes went to court when this law was amended in 1992 to seek the same kind of gambling rights on their reservations as the cruise ships allowed on those intrastate portions of the voyage.

Mr. HORN. I believe the gentlewoman or her staff has provided me with a letter from Governor Wilson which was sent to Senator FEINSTEIN on this. Is there objection if we put this letter in the RECORD?

Ms. SCHENK. I have no objection. We will have to ask the chairman if he has an objection.

Mr. HORN. Mr. Chairman, I include my letter from Gov. Pete Wilson to Senator DIANNE FEINSTEIN dated August 26, 1994, as follows:

AUGUST 26, 1994.

Hon. DIANNE FEINSTEIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR FEINSTEIN: This letter is in response to inquiries from your office regarding my position in support of the Schenk Amendment on cruise ship gambling.

As you know, federal law was changed in 1992 (H.R. 3866) to give states the authority to ban gambling on the high seas during interstate voyages. Indian tribes seeking to expand the scope of permissible gaming under the Indian Gaming Regulatory Act (IGRA) immediately went to court arguing that state acquiesence to casino gaming on intrastate voyages amounted to tacit agreement for tribes to conduct full-scale casino gaming within the state's territories.

I believe the IGRA should be amended to clarify that the scope of permissible Indian gaming within a state's territorial boundaries is game specific, i.e., only those forms of gaming the state permits played in the same fashion. Without such an amendment, any relaxation of the state's ban on cruise ship gambling could be used by a court to justify the expansion of gambling activities under the IGRA.

Alternatively, the Johnson Act (Anti-Gambling Devices Act) could be amended, as the Schenk language, attempts to do, to return the task of regulating casino gambling on legitimate cruise ships in intrestate travel to the federal government. This approach would reduce the risk that gambling activity that occurs outside California's borders will dictate the scope of gambling within its borders. Of course, any such amendment should be accompanied by measures to ensure sufficient federal regulatory control over shipboard gaming.

I trust this clarifies my position with regard to the need for changes in federal law in order to allow gambling on legitimate cruise ships operating out of California ports.

Sincerely,

PETE WILSON, *Governor.*

Mr. HORN. I thank the gentlewoman.

Mr. FIELDS of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to compliment the gentlewoman from California [Ms. SCHENK] for working with the committee, and I appreciate clarifying questions of my good friend, the gentleman from California [Mr. HORN].

As I understand, this particular amendment really makes technical changes, and it is supported by the Governor. Once again, I want to say to the gentlewoman we appreciate her working with both sides of the aisle in structuring what is a technical amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from California [Ms. SCHENK], as modified.

The amendment, as modified, was agreed to.

AMENDMENT OFFERED BY MR. HUGHES

Mr. HUGHES. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HUGHES:

At the appropriate place in the bill, insert the following:

SEC. . POLLUTION FROM SHIPS.

(a) PREVENTION OF POLLUTION FROM SHIPS.—Section 6 of the Act to Prevent Pollution from Ships (33 U.S.C. 1905) is amended—

(1) in subsection (c)—

(A) in paragraph (2)—

(i) by striking "(2) If" and inserting the following: "(2)(A) Subject to subparagraph (B), if"; and

(ii) by adding at the end the following new subparagraph:

"(B) The Secretary may issue a certificate attesting to the adequacy of reception facilities under this paragraph only if, prior to the issuance of the certificate, the Secretary conducts an inspection of the reception facilities of the port or terminal that is the subject of the certificate."; and

(B) in paragraph (3), by striking subparagraph (A) and inserting the following new subparagraph:

"(A) is valid for the 5-year period beginning on the date of issuance of the certificate, except that if—

"(i) the charge for operation of the port or terminal is transferred to a person or entity other than the person or entity that is the operator on the date of issuance of the certificate—

"(I) the certificate shall expire on the date that is 30 days after the date of the transfer; and

"(II) the new operator shall be required to submit an application for a certificate before a certificate may be issued for the port or terminal; or

"(ii) the certificate is suspended or revoked by the Secretary, the certificate shall cease to be valid; and"; and

(2) by striking subsection (d) and inserting the following new subsection:

"(d)(1) The Secretary shall maintain a list of ports or terminals with respect to which a certificate issued under this section—

"(A) is in effect; or

"(B) has been revoked or suspended.

"(2) The Secretary shall make the list referred to in paragraph (1) available to the general public.".

(b) RECEPTION FACILITY PLACARDS.—Section 6(f) of the Act to Prevent Pollution from Ships (33 U.S.C. 1905(f)) is amended—

(1) by inserting "(1)" before "The Secretary"; and

(2) by adding at the end the following new paragraph:

"(2)(A) Not later than 18 months after the date of enactment of this paragraph, the Secretary shall promulgate regulations that require the operator of each port or terminal that is subject to any requirement of the MARPOL Protocol relating to reception facilities to post a placard in a location that can easily be seen by port and terminal users. The placard shall state, at a minimum, that a user of a reception facility of the port or terminal should report to the Secretary any inadequacy of the reception facility.".

(c) APPLICATION TO VESSELS.—

(1) NOTICE OF ARRIVAL.—The owner, master, agent, or person in charge of a vessel shall include in the notice of arrival required to be submitted to the Captain of the Port of the port or place of destination pursuant to the Ports and Waterways Safety Act (33 U.S.C. 1221 et seq.) information concerning the intention of the owner, master, or person in charge of the vessel with respect to the disposal of onboard waste at the port or place of destination.

(2) COMPLIANCE REPORTS.—Section 2201(a) of the Marine Plastic Pollution Research and Control Act of 1987 (Public Law 100-220; 33 U.S.C. 1902 note) is amended—

(A) by striking "for a period of 6 years"; and

(B) by inserting before the period at the end the following: "and, not later than 1 year after the date of enactment of the Marine Plastic Pollution Research and Control Act of 1994, and annually thereafter, shall publish in the Federal Register a list of the enforcement actions taken against any domestic or foreign ship (including any commercial or recreational ship) pursuant to the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.)".

(d) MARINE PLASTIC POLLUTION RESEARCH AND CONTROL PUBLIC OUTREACH PROGRAM.—Section 2204(a) of the Marine Plastic Pollution Research and Control Act of 1987 (Public Law 100-220; 42 U.S.C. 6981 note) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking "for a period of at least 3 years,";

(B) in subparagraph (C), by striking "and" at the end;

(C) in subparagraph (D), by striking the period at the end and inserting "; and"; and

(D) by adding at the end the following new subparagraph:

"(E) the requirements under this Act and the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.) with respect to ships and ports, and the authority of citizens to report violations of this Act and the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.)."; and

(2) by striking paragraph (2) and inserting the following new paragraph:

"(2) AUTHORIZED ACTIVITIES.—

"(A) PUBLIC OUTREACH PROGRAM.—A public outreach program under paragraph (1) may include—

"(i) developing and implementing a voluntary boaters' pledge program;

"(ii) workshops with interested groups;

"(iii) public service announcements;

"(iv) distribution of leaflets and posters; and

"(v) any other means appropriate to educating the public.

"(B) GRANTS AND COOPERATIVE AGREEMENTS.—To carry out this section, the Secretary of the department in which the Coast Guard is operating, the Secretary of Commerce, and the Administrator of the Environmental Protection Agency are authorized to award grants, enter into cooperative agreements with appropriate officials of other Federal agencies and agencies of States and political subdivisions of States, and provide other financial assistance to eligible recipients.

"(C) CONSULTATION.—In developing outreach initiatives targeted at the interested groups that are subject to the requirements of this title and the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.), the Secretary of the department in which the Coast Guard is operating, in consultation with the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration, and the Administrator of the Environmental Protection Agency, shall consult with—

"(i) the heads of State agencies responsible for implementing State boating laws; and

"(ii) the heads of other enforcement agencies that regulate boaters or commercial fishermen.".

(e) COORDINATION.—

(1) ESTABLISHMENT OF MARINE DEBRIS COORDINATING COMMITTEE.—The Administrator of the Environmental Protection Agency shall establish a Marine Debris Coordinating Committee (referred to in this section as the "Committee").

(2) MEMBERSHIP.—The Committee shall include a senior official from—

(A) the Environmental Protection Agency, who shall serve as the Chairperson of the Committee;

(B) the National Oceanic and Atmospheric Administration;

(C) the United States Coast Guard;

(D) the United States Navy; and

(E) such other Federal agencies that have an interest in ocean issues or water pollution prevention and control as the Administrator of the Environmental Protection Agency determines appropriate.

(3) MEETINGS.—The Committee shall meet at least twice a year to provide a forum to ensure the coordination of national and international research, monitoring, education, and regulatory actions addressing the persistent marine debris problem.

(f) MONITORING.—The Administrator of the Environmental Protection Agency, in cooperation with the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration, shall utilize the marine debris data derived under title V of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 2801 et seq.) to assist the United States Coast Guard in assessing the effectiveness of this Act.

Mr. HUGHES (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. HUGHES. Mr. Chairman, I rise to offer an amendment, on behalf of myself, Mr. SAXTON, and Mr. PALLONE, that would improve implementation of the Marine Plastic Pollution Research and Control Act of 1987. This amendment represents an abridged version of legislation I have introduced, the Marine Plastic Pollution Research and Control Act Amendments of 1994 and is similar to legislation introduced in the other body by Senator FRANK LAUTENBERG.

I would like to thank the distinguished chairman of the Merchant Marine and Fisheries Committee, GERRY STUDDS, and the distinguished ranking minority member, JACK FIELDS, for their assistance and support for this amendment. I would also like to thank BILLY TAUZIN, the chairman of the Coast Guard Subcommittee, and his ranking member HOWARD COBLE for theirs. I am also grateful to my New Jersey colleagues on the committee, FRANK PALLONE and JIM SAXTON, for their help and cosponsorship. Finally, I want to thank our colleague from Virginia, HERB BATEMAN and our colleague from Pennsylvania, CURT WELDON for their support with this amendment.

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As you know I have been deeply involved during my almost two decades of service as a member of the Merchant Marine Committee with efforts to improve the quality of our coastal waters and beaches. I have worked closely with members like JIM SAXTON, FRANK PALLONE, Bob Roe, the late Jim Howard, and Ed Forsythe and many others to improve our ocean policy. Together, we have worked hard to develop and pass legislation to end ocean dumping of sewerage sludge, track medical waste, and improve the monitoring of coastal recreational waters. I was also one of the prime sponsors of the Marine Plastic Pollution Research and Control Act Amendments of 1987—the very legislation that this amendment is aimed at improving. But we can and should do more.

The Marine Plastic Pollution Research and Control Act Amendments of 1994 is a natural counterpart to that legislation, because it seeks to improve the quality of our coastal waters through enhanced procedures for plastic pollution monitoring. The legislation provides the Coast Guard with additional authority and imposes stricter requirements on it—all aimed at improving compliance and enforcement of waste disposal practices at ports and aboard vessels.

The first part of our amendment would attack the ocean dumping problem by ensuring the presence of adequate waste reception facilities at all ports and terminals. It does this by requiring on-site inspection of reception facilities by the Coast Guard prior to issuance of a certificate of adequacy. Under current law, ports are required to provide facilities capable of receiving waste from ships. However, certification of these facilities occurs without any type of regular inspection. Our amendment ensures that these facilities will be inspected regularly by providing for automatic expiration of certificates after 5 years, or sooner if there is a change in operator or if the certificate is suspended or revoked. In addition, the amendment requires the Secretary of Transportation to maintain and publicize a list of ports or terminals which have either active or revoked certificates of adequacy.

The amendment would also compel the Secretary to promulgate regulations that require the operator of a port or terminal to post a placard stating that users should report to the Secretary any inadequacy in that port's waste reception facility.

Subsection C of this amendment relates to the responsibility of vessels in preventing plastic pollution. The first part addresses a particular weakness that exists in current law. Under a contract with a shipowner, a shipping agent is charged with facilitating all shipping arrangements for a vessel. However, the Coast Guard has reported that the operator of a port reception facility often does not know that there was a request by the vessel master to deposit waste. This creates a loophole in responsibility, making it difficult for the Coast Guard to enforce the law. This amendment would remove that loophole by requiring the person in charge of a vessel to include in the notice of arrival to a port information about his or her intent with respect to waste disposal at that port, making the vessel operator the responsible party.

Subsection C will require that a list of enforcement actions taken against any domestic or foreign vessel pursuant to the act to prevent pollution from ships be published in the Federal Register on an annual basis.

The fourth part of my amendment would fight pollution through public education. This subsection would extend and expand public outreach, and require that such programs teach citizens about their authority to report violations of the act. Additionally, the amendment would require that Federal agencies consult with state or local agencies that have direct contact with recreational and commercial boaters to assist them in developing programs and would authorize USCG, EPA, and NOAA to award grants in order to carry out this subsection.

My amendment also seeks to improve the implementation of current law through enhanced coordination between Government entities. The amendment directs the EPA to establish a marine debris coordinating committee which includes NOAA, the Coast Guard, the Navy, and other Federal agencies. That committee is tasked with ensuring the coordination of national and international research, monitoring, education, and regulatory actions addressing persistent marine debris problems.

Finally, the amendment requires the EPA Administrator, in cooperation with NOAA, to assist the Coast Guard with monitoring by providing marine debris data collected pursuant to title V of the Marine Protection, Research, and Sanctuaries Act of 1972.

Mr. Chairman, earlier this year, in testimony before the Coast Guard Subcommittee, the Commandant of the Coast Guard, Admiral Kramek, said that he wanted the Coast Guard to become world leaders in environmental protection. I applaud his forward-looking thinking. I think the Coast Guard is well on the way to achieving that goal. This amendment fits in well with Admiral Kramek's vision because it will help the Coast Guard to ensure that our coastal waters are free of plastic debris and other garbage. Perhaps, that is why the Coast Guard, as well as the Center for Marine Conservation and the American Association of Port Authorities, supports this amendment.

Mr. Chairman, the marine environment and our coastal tourist industry is jeopardized every time a beach becomes littered with bottles, cans, and other kinds of trash. Most of you remember the impact that washups of trash and medical waste had on shore economies in 1988. I am sure all of you share my hope that we never see a summer like that again.

I am hopeful that this amendment will give the Coast Guard and other agencies the tools they need to prevent another summer of 1988. It is a simple and, I think, sensible measure, and I urge my colleagues to support it.

Mr. FIELDS of Texas. Mr. Chairman, will the gentleman yield?

Mr. HUGHES. I am happy to yield to the gentleman from Texas.

Mr. FIELDS of Texas. Mr. Chairman, first of all, I want to say that on the minority side of the aisle we have had an opportunity to review this. We appreciate the gentleman working with us over a period of weeks to work this particular compromise, and I am glad to report to my colleagues that this is an amendment that should be supported.

But more importantly, I want to point out to the House this may be the last time that the Committee on Merchant Marine and Fisheries is on the floor this session. Consequently, it may be the last time the gentleman is on the floor as a member of this committee, and I just want to say publicly that in the 14 years that I have served with the gentleman from New Jersey, he has conducted himself in the way that he conducted himself on this particular amendment, and that is with grace and with dignity, and we appreciate the service that you have rendered not only in the 14 years that I have been in the House but the 20 years that you have been in the House of Representatives.

The last two nights I have been at events that have honored the gentleman from Illinois [Mr. MICHEL], and a number of very fine things have been said about our Republican leader. I would just say to the House and suggest that the things that have been said about the gentleman from Illinois [Mr. MICHEL], his ability to work with others, his honor, could also be said about the gentleman from New Jersey.

I think from my perspective you have been an exemplary Member, a model, and you will be sorely missed.

Mr. HUGHES. I thank the gentleman very much. I appreciate that. I have enjoyed working with the gentleman from Texas over the years.

Mr. STUDDS. Mr. Chairman, will the gentleman yield?

Mr. HUGHES. I am happy to yield to the gentleman from Massachusetts.

Mr. STUDDS. Mr. Chairman, I want to join my colleague, the ranking member, in paying tribute to the gentleman. We have served together on this committee for more years then either of us cares publicly to admit.

I must confess that I am a bit envious of where he is headed, wherever it may be. At least we know where it is not. He has shown extraordinary wisdom in his choices throughout his career here. He has been an enormous addition to this committee. He has been a leader in this field from the moment he arrived.

I am going to miss very much having him at my right hand, and I know he has served his district and his State with great distinction for many, many years.

He will be sorely missed here. This is a field in which he has taken leadership from day one, and it is a privilege and a pleasure, as one of our last formal acts here, to accept his amendment.

Mr. HUGHES. I thank the gentleman.

Mr. TRAFICANT. Mr. Chairman, will the gentleman yield?

Mr. HUGHES. I am happy to yield to the gentleman from Ohio.

Mr. TRAFICANT. I would just like to associate myself with the remarks of the ranking member and the chairman.

I do not serve on this committee, but I have worked with you for 10 years, and I would like to say that I know of no one else who has been as fair and helpful to every Member regardless of their rank and power within the House. You always are very fair. You are going to be deeply missed. Your district is going to miss you as a great Member.

I want to join in these remarks and support your amendment.

Mr. HUGHES. I thank the distinguished gentleman from Ohio, my friend.

Let me say, before I sit down, I support the overall bill. It is a good authorization bill, and it is worthy of support.

Finally, as I said to the gentleman from Texas yesterday, as we walked the corridors, if every committee of the House worked in as bipartisan and effective a fashion as does the Committee on Merchant Marine and Fisheries, this place would be a better place. It is goal-oriented, and I think of all the things I have done over the years, the most I am proud of is the good policy that emanates from this committee. It is a good reflection on the members and professional staff.

It is my honor to have worked with you, I say, GARY and JACK and others and JIM and the gentleman from Pennsylvania [Mr. WELDON], who I see standing, in developing good ocean policy, better maritime policy, which we need to build upon in the years ahead, and outstanding environmental policy overall.

Mr. WELDON. Mr. Chairman, will the gentleman yield?

Mr. HUGHES. I am happy to yield to the gentleman from Pennsylvania.

Mr. WELDON. Mr. Chairman, I cannot let this moment go by without coming by and paying my respects to the gentleman from New Jersey.

Being a property owner in his district and knowing the real feelings of the people of south Jersey, there is no person more respected in New Jersey than BILL HUGHES. BILL, you have done a fantastic job. It has been a pleasure working with you.

Being here 8 years and serving on the Committee on Merchant Marine and Fisheries, you have been someone we always look up to as a leader, someone who is always fair, always works in a bipartisan manner.

Having spent some time this summer at the Cape May facility, your Coast Guard people love you, as they should.

I just think you are a model of what an effective Representative should be. It has been a honor to serve with you, with your leadership.

Mr. HUGHES. I thank the gentleman.

What started out as an effort to offer an amendment, it has turned out to sound like something like a wake.

I want to tell my colleagues I have enjoyed service on the committee. It is a wonderful committee. I am going to miss you all.

Mr. SAXTON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, obviously I rise in support of the Hughes amendment.

Let me say, before I offer my remarks on the amendment, that I, too, have had the privilege of serving with BILL HUGHES now for half the time that he has been here and the decade that I have been here, and it has certainly been a pleasure to share 150 miles of coastline, of oceanfront, with BILL HUGHES.

We have done much work together, and as the gentleman was recognizing those of us who have worked on the Committee on Merchant Marine and Fisheries, on ocean issues, he gave us a lot of credit when, in fact, on most of these issues involving getting chemical dumping out of the ocean, getting sludge out of the ocean, getting medical waste out of the ocean, and, of course, plastics, it has been BILL HUGHES who has always been in the forefront as a member of this committee.

In addition to that, I could not have asked for a better neighbor at home with contiguous districts, with many issues the same. I have appreciated the cooperation and the congeniality that BILL and I have been able to share, going up and down the coastline, hearings in each other's districts, sharing information and trying to deal with issues, and I have benefited greatly from the experience and the cooperation that BILL HUGHES has shared with me on these issues.

And so it is a pleasure for me to rise in support of this issue.

Let me say, while I am on my feet, as well, that there are a number of people on the Committee on Merchant Marine and Fisheries who share coastal areas, and this committee has worked, as BILL HUGHES is evidence of, in a very bipartisan way to try to solve problems that are very unique in nature and that take a great deal of dedication and working together to fashion answers to very, very difficult problems that have to do with contentious groups of people, different fishing groups, for example, international issues that we have to deal with.

□ 1520

So I am very pleased that Chairman STUDDS has been able to lead us over these last few years and that people like BILL HUGHES have been there to work with us to bring these issues together.

I will miss BILL HUGHES as he leaves this House. I offer my thanks and gratitude for all that he has helped me do.

Mr. Chairman, I rise in support of the Hughes-Saxton-Pallone amendment to the Coast Guard reauthorization bill and I thank my colleague, Mr. HUGHES, for his tireless work on this and other legislation aimed at protecting our ocean waters.

As you may know, current law prohibits the disposal of all plastics and other garbage from ships into the sea. It also requires that ports provide facilities capable of receiving waste from ships.

The Hughes-Saxton-Pallone amendment improves the Marine Plastic Pollution Research and Control Act of 1987. It does so by requiring the inspection of garbage disposal facilities at ports prior to issuing a certificate of adequacy. Currently, a port can obtain the required certificate without having an inspection.

The port may not be capable of handling plastic and other waste from ships. This amendment will ensure that the ports can handle waste, so it does not wash up on our shores.

The amendment also places the onus of garbage disposal on vessel operators. It requires the vessel operator to inform the port what the ship's garbage needs are so the port can accommodate it. Further, it expands public outreach so that the public knows to whom and how to report violations of the act. Finally, I am pleased to report that this amendment has the support of the Center for Marine Conservation, the American Association of Port Authorities, and the U.S. Coast Guard.

Plastic pollution in our oceans is a persistent problem. The environmental groups in my district, such as Alliance for a Living Ocean and Clean Ocean Action, are diligent in removing marine debris from ocean beaches. But they cannot do it alone. I ask for your support of the Hughes-Saxton-Pallone amendment, so they will not have to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey [Mr. HUGHES].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. FIELDS OF TEXAS

Mr. FIELDS of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FIELDS of Texas:

At the end of title IV, add the following new section:

SEC. . MERCHANT MARINER BENEFITS.

(a) Part G of Subtitle II, title 46, United States Code, is amended by adding the following new chapter:

"CHAPTER 112—MERCHANT MARINER BENEFITS

Sec.
11201. Qualified services.
11202. Qualified service benefits.

11201. QUALIFIED SERVICE.

An individual who was in training for or who served as a member of the United States merchant marine, including the Army Transport Service and the Naval Transportation Service, or who received a letter of induction, before August 16, 1945, is deemed to have been engaged in qualified service for purposes of this chapter.

11202. QUALIFIED SERVICE BENEFITS.

(a) An individual who believes that individual performed qualified service under section 11201 of this chapter may apply to the Secretary. Not later than 180 days after the Secretary receives an application under this section, the Secretary shall determine whether the individual performed qualified service.

(b) The Secretary shall issue an honorable discharge to an individual who performed qualified service as determined by the Secretary under subsection (a). The Secretary shall issue the discharge subject to the standards that apply to the honorable discharges issued under section 401(a)(1)(b) of the GI Bill Improvement Act of 1977 (38 U.S.C. 106 note).

(c) The qualified service of an individual who—

(1) receives an honorable discharge under subsection (b); and

(2) is not eligible for benefits under a law administered by the Secretary of Veterans Affairs—

shall be treated as active duty for purposes of eligibility for benefits under chapters 23 and 24 of title 38, United States Code.

(d) The Secretary shall reimburse the Secretary of Veterans Affairs for the value of benefits provided to an individual by reason of eligibility under this chapter.

(e) An individual is not entitled to, and may not receive, benefits under this chapter for any period before the date of enactment of this chapter.

(b) The analysis at the beginning of subtitle II of title 46, United States Code, is amended by inserting after the item relating to chapter 111 following:

112. Merchant mariners benefits 11201

Mr. FIELDS of Texas (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. FIELDS of Texas. Mr. Chairman, I will be very brief. This is something we considered last year. It is a modified version of a proposal I offered to last year's Coast Guard authorization bill, which was adopted without opposition.

The purpose of this amendment is to try to correct a 48-year-old injustice that has been perpetrated on about 2,500 Americans who served this country with both honor and distinction during World War II.

Under my amendment, our Government would be directed to carefully review the records of those who served in our merchant marine during World War II and to determine whether they qualify for veterans status.

While I believe this administrative review is long overdue, this amendment will mandate a fresh look at this issue and require that these brave Americans at least have an opportunity to make their case.

Under my amendment last year, any merchant mariner who qualified for veterans status would have been eligible for the full range of veterans benefits. Under this amendment, the only benefits provided are a discharge certificate indicating that an individual is a World War II veteran, a flag for their coffin, and a headstone for their grave.

The Congressional Budget Office has reviewed my amendment and has concluded that its costs are de minimis. In short, there is no budget impact and little, if any, cost to the Federal Government.

Having said that, I want to make it clear that this is an extremely important amendment for these 2,500 Americans. They have spent many years writing and contacting their elected representatives and they remain hopeful that justice will finally prevail.

During the past 5 years, I have heard the compelling stories of many of these Americans. Each of these individuals—like George Searle, Joe Katusa, Frank Ford, George Lewis, Richard Page, Fred Hicks, Burt Young, Don Miller, Ralph Taylor, Frank Coughlin, Herb Bauman, and E.J. Heins—share the common characteristics of love of country and the commitment to serve during one of the most difficult periods in our Nation's history.

Unlike their brothers in uniform, America's merchant seamen came home to no tickertape parades or celebrations. Little, if anything, was said about the contributions they made to defeating the Axis Powers and to preserving the freedoms and liberties we Americans cherish.

As Gen. Douglas MacArthur stated, "The merchant seamen shared the heaviest enemy fire. They contributed tremendously to our success."

Today, by approving this amendment, we can finally complete the job of providing fairness to those distinguished Americans who served in our merchant marine during World War II.

While the hour is late, we must not forget these proud Americans who made such invaluable contributions to our country's successful war effort. These men have waited a long time to tell their grandchildren that they are World War II veterans.

Mr. Chairman, I want to sincerely thank the 241 Members, most notably LANE EVENS and GERRY STUDDS, who have joined with me in this noble effort. While this amendment affects only a handful of people, it is a just remedy and it will stop treating these Americans as second-class citizens.

I urge adoption of the Fields amendment.

Mr. STUDDS. Mr. Chairman, will the gentleman yield?

Mr. FIELDS of Texas. I yield to the chairman of the committee.

Mr. STUDDS. I thank the gentleman for yielding.

Mr. Chairman, we have had a chance to review the gentleman's amendment, and we are fully in support of it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. FIELDS].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. TAYLOR OF MISSISSIPPI

Mr. TAYLOR of Mississippi. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TAYLOR of Mississippi:

At the end of the bill add the following new title:

TITLE XI—UNITED STATES PASSENGER VESSEL FLAG ACT OF 1994

SEC. 1101. SHORT TITLE.

This title may be cited as the "United States-Flag Passenger Vessel Act of 1994".

SEC. 1102. COASTWISE TRANSPORTATION OF PASSENGERS.

(a) IN GENERAL.—Section 8 of the Act of June 19, 1886 (46 App. U.S.C. 289), is amended—

(1) by inserting "(a)" after "SEC. 8."; and

(2) by adding at the end the following new subsections:

"(b) VOYAGES-TO-NOWHERE.—

"(1) IN GENERAL.—Notwithstanding any other law, a vessel may transport passengers on a covered voyage from a place in the United States subject to the coastwise trade laws only if—

"(A) the vessel is owned by a person that is—

"(i) an individual who is a citizen of the United States; or

"(ii) a corporation, partnership, or association that is a citizen of the United States under section 2(a) of the Shipping Act, 1916; and

"(B) for a vessel that is at least 5 net tons, the vessel is documented under chapter 121 of title 46, United States Code, with a coastwise endorsement.

"(2) PENALTIES.—

"(A) CIVIL PENALTY.—A person operating a vessel in violation of this subsection is liable to the United States Government for a civil penalty of $1,000 for each passenger transported in violation of this subsection.

"(B) FORFEITURE.—A vessel operated in knowing violation of this subsection, and its equipment, are liable to seizure by and forfeiture to the United States Government.

"(c) DEFINITIONS.—For purposes of this section—

"(1) the term 'covered voyage' means transportation of a passenger from a place in any State or possession of the United States and returning to that place, if during that transportation no passenger departs from the vessel in a foreign country; and

"(2) the term 'passenger' does not include a travel agent on a voyage if—

"(A) the purpose of the voyage is to promote future trips on the vessel;

"(B) money is not paid to the vessel owner or charterer for the voyage; and

"(C) the voyage goes beyond the territorial sea of the United States.".

(b) EXCEPTION.—

(1) IN GENERAL.—Notwithstanding the amendments made by subsection (a), an ineligible vessel may engage in transport of passengers in coastwise trade (as those terms are defined in those amendments) on a trade route, if—

(A) the vessel engaged, in the period beginning January 1, 1990, and ending March 9, 1993, in transport of passengers in coastwise trade on that trade route; and

(B) within one year after the date of the enactment of this Act, the owner files with the Secretary of Transportation an affidavit certifying compliance with subparagraph (A) and listing each trade route on which the vessel engaged in transport of passengers in coastwise trade in the period described in subparagraph (A).

(2) SCHEDULED EXPIRATION OF EXCEPTION.—Paragraph (1) does not apply to an ineligible vessel after the later of—

(A) January 1, 2000,

(B) the date that is 15 years after the date of completion of construction of the vessel, or

(C) the date that is 15 years after the date of completion of any major conversion of the vessel that is begun before the date of the enactment of this Act.

(3) EXPIRATION OF EXCEPTION FOR FAILURE TO RECREW.—Paragraph (1) does not apply to an ineligible vessel after the date that is 5 years after the date of the enactment of this Act, unless—

(A) each individual employed on the vessel after the one-year period beginning on the date of the enactment of this Act is either a citizen of the United States or an alien lawfully admitted to the United States for permanent residence; and

(B) not more than 25 percent of the total number of individuals employed on the vessel after the one-year period beginning on the date of the enactment of this Act are aliens lawfully admitted to the United States for permanent residence.

(4) TERMINATION OF EXCEPTION UPON ENTRY OF REPLACEMENT.—Paragraph (1) does not apply to an ineligible vessel with respect to a trade route after the date of the entry into service on that trade route of an eligible vessel, if—

(A) the eligible vessel has a passenger carrying capacity that is equal to at least 75 percent of the passenger carrying capacity of the ineligible vessel, as determined by the Secretary of the Department in which the Coast Guard is operating;

(B) the person that is the owner or charterer of the eligible vessel submits to the Secretary of Transportation, by not later than 270 days before the date of that entry into service—

(i) a notice of the intent of the person to enter into that service; and

(ii) such evidence as the Secretary may require that the person is offering and advertising that service;

(C) any individual employed on the ineligible vessel after the one-year period beginning on the date of the enactment of this Act—

(i) is not a citizen of the United States; and

(ii) is not an alien lawfully admitted to the United States for permanent residence; and

(D) more than 25 percent of the total number of individuals employed on the ineligible vessel after the one-year period beginning on the date of the enactment of this Act are aliens lawfully admitted to the United States for permanent residence.

(5) TERMINATION OF EXCEPTION UPON SALE OF VESSEL.—Paragraph (1) does not apply to an ineligible vessel after any date on which the vessel is sold after the date of the enactment of this Act.

(6) DEFINITIONS.—In this subsection—

(A) the term "eligible vessel" means a vessel that is eligible under chapter 121 of title 46, United States Code, for a certificate of documentation authorizing the vessel to engage in coastwise trade;

(B) the term "ineligible vessel" means a vessel that is not eligible under chapter 121 of title 46, United States Code, for a certificate of documentation authorizing the vessel to engage in coastwise trade; and

(C) the term "major conversion" has the meaning that term has under section 2101 of title 46, United States Code.

SEC. 1103. DOCUMENTATION OF VESSELS.

(a) Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the Act of June 19, 1886 (46 App. U.S.C. 289), and sections 12106 and 12107 of title 46, United States Code, the Secretary of Transportation may issue certificates of documentation with appropriate endorsement for employment in the coastwise trade for the vessel M/V Helton Voyager (Spanish registration lista 2A–Folio–592) if—

(1) the person documenting the vessel entered a contract before May 21, 1992, to purchase the vessel;

(2) the vessel undergoes a major conversion (as defined in section 2101 of title 46, United States Code) in a United States shipyard under a contract signed before January 1, 1994;

(3) the cost of the major conversion is more than the value of the vessel before the major conversion; and

(4) the major conversion is completed and the vessel is documented under chapter 121 of title 46, United States Code, with a coastwise endorsement before January 1, 1995.

(b)(1) The vessel Star of Texas (Lloyds register number L5103936) may engage in coastwise trade out of the Port of Galveston during the 5-year period beginning on the date of the enactment of this Act, if during the period beginning 30 days after that date of enactment and ending 5 years after that date of enactment—

(A) at least 60 employees engaged on the vessel are United States citizens;

(B) of the employees engaged on the vessel who are United States citizens, at least 60 are proficient in lifeboat training, firefighting, and vessel evacuation under standards certified by the United States Coast Guard;

(C) all repairs and alterations to the vessel are done in United States shipyards;

(D) the vessel is a United States documented vessel before the end of that period; and

(E) all other employees are instructed in basic safety techniques.

(2) Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883) and section 12106 of title 46, United States Code, and subject to paragraph (1), the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade in the period described in paragraph (1) for a vessel described in that paragraph.

Mr. TAYLOR of Mississippi (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. TAYLOR of Mississippi. Mr. Chairman, the amendment I offer today is virtually identical to a bill passed in this body by a very large vote on November 20 of last year. That bill would close a loophole in our maritime law which gives an unfair advantage to our foreign-flag competitors.

Under the present law, if a foreign-made, foreign-flag, foreign-owned vessel which operates out of the United States of America sails a mere 3 miles out to sea, turns around and comes back, it is considered a foreign voyage. In doing that, they are able to get around some of the oldest laws in our country, called the cabotage laws, which reserved coastlines for American vessels, American crews, and American-owned vessels. The amendment today would close this loophole. I think it is something both Democrats and Republicans can agree on.

I think Republicans in particular are always keenly aware of the mandates we put on American businesses. It is not fair to have a mandate on American businesses and yet allow people to operate out of the same areas not to live by those mandates.

The Democrats in this body can certainly approve of the jobs that will be created by insuring that in the future these vessels are made in America and preserve our very important national shipbuilding base for America in times of military use.

Mr. Chairman, I know of no opposition to the bill.

I thank the chairman, the gentleman from Massachusetts [Mr. STUDDS] and the ranking minority member, the gentleman from Texas [Mr. FIELDS], for allowing the amendment to come to the floor, and I urge its passage.

Mr. FIELDS of Texas. Mr. Chairman, will the gentleman yield?

Mr. TAYLOR of Mississippi. I yield to the gentleman from Texas.

Mr. FIELDS of Texas. I thank the gentleman for yielding.

Mr. Chairman, I am pleased to rise in support of the amendment offered by my colleague from Mississippi, GENE TAYLOR, a member of the Committee on Merchant Marine and Fisheries.

This amendment is a revised version of a bill that has been passed twice by the House of Representatives—once in the previous Congress and last November—but, due to matters beyond our control, has not been enacted.

This amendment will provide American companies the opportunity to become involved in the extremely lucrative cruise-to-nowhere trade. These voyages, which are currently conducted exclusively by foreign-owned, foreign-flagged, and foreign-manned cruise ships, represent a significant economic growth potential for American businesses. In addition, hundreds of jobs for American merchant mariners would be created.

As a result of administrative determinations—that the members of the Committee on Merchant Marine and Fisheries strenuously disagree with—the U.S. Customs Service has allowed these foreign ships to continue to operate.

This has led to the absurd situation that if someone goes on a saltwater fishing trip and returns to the port of departure, that fishing boat has to be U.S.-built and U.S.-owned. But if that same person gets on a cruise ship and spends the day eating, drinking, and gambling—rather than fishing—and the vessel returns to the same port, then the cruise ship can be foreign-built and foreign-owned.

This amendment would allow foreign-flag cruise operators to continue their activities until January 1, 2000, or for 15 years after construction or a major conversion of a ship, if they crew their ships with American merchant seamen. However, if they choose not to re-crew the ships, their operations would have to cease after 5 years.

The amendment would also allow a U.S.-cruise operator to enter a cruise-to-nowhere trade and bump-out an existing foreign operator sooner than 5 years, if the foreign operator elects not to hire an American crew.

This amendment will eliminate a major loophole in our coastwise trade law. I urge the adoption of the amendment and reserve the balance of my time.

Mr. STUDDS. Mr. Chairman, will the gentleman yield?

Mr. TAYLOR of Mississippi. I yield to the chairman.

Mr. STUDDS. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of the gentleman's amendment. Mr. Chairman, this is a subject upon which he has assumed leadership for some time. The concept of a cruise to nowhere is sort of appealing to most of your colleagues. The gentleman has done a superb job.

We agree with the gentleman's amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi [Mr. TAYLOR].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BILIRAKIS

Mr. BILIRAKIS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BILIRAKIS: At the end of Title IV (Page 37, after line 18), add the following:

SEC. . ANNUAL REPORT ON IMPLEMENTATION OF VESSEL TRAFFIC SERVICE.

Not later than April 1 of each year after the date of enactment of this Act, the Secretary of Transportation shall submit to the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report describing in detail the status of implementation of the Vessel Traffic Service in all the ports ranked in the Port Needs Study issued by the Coast Guard in 1991.

Mr. BILIRAKIS (during the reading). Mr. Chairman, I ask unanimous consent the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. BILIRAKIS. Mr. Chairman, my amendment is a simple one. It directs the Secretary of Transportation to submit an annual report to the House Merchant Marine and Fisheries Committee and the Senate Committee on Commerce, Science and Transportation no later than April 1. This report should describe in detail the status of implementation of the Vessel Traffice Service in all ports ranked in the Port Needs Study issued by the Coast Guard in 1991.

On August 10, 1993, a collision occurred in a navigation channel outside the entrance to Tampa Bay between two tug/barges and a 357-foot freighter. This accident resulted in a thunderous explosion that shot a fireball hundreds of feet into the air. In addition, approximately 380,000 gallons of oil spilled into the Gulf of Mexico. The cost of the cleanup of this spill was enormous—several million dollars, at least.

Mr. Chairman, this is not the first accident to occur at the mouth of Tampa Bay. Most of us in this chamber remember the disaster that occurred in May 1980, when a freighter ran into the Sunshine Skyway Bridge causing one of its spans to collapse. Some 40 people were killed.

In fact, the Tampa Bay area has been prominently listed by the Coast Guard as a danger area for cargo ships carrying hazardous material. In 1991, the U.S. Coast Guard conducted a Port Needs Study on 23 ports across the United States. The goal of this study was to recognize the ports that are most prone to accidents. The study ranked Tampa Bay as one of the top 10 most dangerous ports.

The Coast Guard has developed a system designed to prevent these types of accidents, and this system—the Vessel Traffic Service or VTS—has been successfully implemented by the Coast Guard in four major port areas.

VTS functions like an air traffic control system. It tracks vessels by radar and assists them in navigating through hazardous areas.

Unfortunately, however, under the fiscal year 1995 transportation appropriation bill that we considered in June of this year, further implementation of the Vessel Traffice Service was pushed back yet another year because, and I quote from the report language from the fiscal year 1995 transportation appropriations bill:

> Subsequent to the transmittal of the budget, the committee was advised by the Coast Guard that the schedule for the VTS 2000 Program had slipped.

The report goes on further to say:

> Review of the program's operational requirements and associated cost estimates took the Coast Guard much longer than anticipated.

Mr. Chairman, VTS is a vital program that can potentially save lives and save money. Therefore, we cannot afford vague promises and further delays due to undetermined slippage. The Congress must send a clear message to the Coast Guard, as well as to the Department of Transportation that VTS should be implemented as soon as possible.

Yet another benefit of VTS is its cost-effective answer to environmental disasters, such as the one that took place in Tampa Bay last year. Nationally, the cost to clean up these types of accidents far exceeds the funding requested by the Department of Transportation to operate the VTS Program.

The Coast Guard provides Congress with a quarterly fiscal report on how funds are spent for the VTS. However, it does not tell Congress how the Coast Guard is progressing in implementing the system in what it classifies in its Port Needs Study as danger areas for cargo ships carrying hazardous materials. This is the information we need.

This year, I took the liberty of asking the Coast Guard when VTS would be implemented in Tampa Bay. I was told that it would request funds to install VTS in Tampa Bay by fiscal year 2000. This is too long to wait for a system that can save lives.

Mr. Chairman, it is my hope that the committee will adopt my amendment in order to better ensure that the Coast Guard, whom I have supported over the years, does everything within its power to implement this life and environment-saving technology on a more timely basis—not only for Tampa Bay, but for other areas scheduled to receive the VTS.

I express this hope, not only in memory of the lives that have been lost in accidents such as those that I have described, but for the sake of the lives we will save through the VTS program.

My thanks to Chairmen STUDDS and TAUZIN and Mr. FIELDS and to the majority and minority staffs for their open-mindedness and cooperation. I encourage an "aye" vote.

Mr. STUDDS. Mr. Chairman, will the gentleman yield?

Mr. BILIRAKIS. I yield to the chairman of the committee.

Mr. STUDDS. I thank the gentleman for yielding.

Mr. Chairman, we have had a chance to review the gentleman's amendment, and we are prepared to support it.

Mr. FIELDS of Texas. Mr. Chairman, will the gentleman yield?

Mr. BILIRAKIS. I yield to the ranking member, the gentleman from Texas.

Mr. FIELDS of Texas. I thank the gentleman for yielding.

Mr. Chairman, we have considered this amendment. It is a very good amendment, it is needed, and we support it.

Mr. BILIRAKIS. Mr. Chairman, I thank both gentleman for their comments, and I want to thank particularly Chairman STUDDS, the gentleman from Louisiana [Mr. TAUZIN], the gentleman from Texas [Mr. FIELDS], and the staffs of both the majority and minority.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. BILIRAKIS].

The amendment was agreed to.

AMENDMENTS OFFERED BY MR. STUDDS

Mr. STUDDS. Mr. Chairman, I offer amendments.

The Clerk read as follows:

Amendments en bloc offered by Mr. STUDDS.

Page 6, beginning at line 9, strike section 204 (and redesignate the subsequent section accordingly).

Page 13, strike lines 14 through 17.

Page 13, beginning at line 18, strike "(b) DESIGNATION OF CENTER AS REGIONAL FACILITY.—".

Page 17, line 2, before the period insert the following: "**AND MULTIBEAM SONAR**".

Page 17, line 4, insert "systems and multibeam sonar" after "radar".

Page 17, strike lines 17 through 21, and insert the following:

(b) PROPERTY DESCRIBED.—The property referred to in subsection (a) is real property located in the city of Traverse City, Grand Traverse County, Michigan, and consisting of that part of the southeast ¼ of Section 12, Township 27 North, Range 11 West, described as: Commencing at the southeast ¼ corner of said Section 12, thence north 03 degrees 05 minutes 25 seconds east along the East line of said Section, 1074.04 feet, thence north 86 degrees 36 minutes 50 seconds west 207.66 feet, thence north 03 degrees 06 minutes 00 seconds east 572.83 feet to the point of beginning, thence north 86 degrees 54 minutes 00 seconds west 1,751.04 feet, thence north 03 degrees 02 minutes 38 seconds east 330.09 feet, thence north 24 degrees 04 minutes 40 seconds east 439.86 feet, thence south 86 degrees 56 minutes 15 seconds east 116.62 feet, thence north 03 degrees 08 minutes 45 seconds east 200.00 feet, thence south 87 degrees 08 minutes 20 seconds east 68.52 feet, to the southerly right-of-way of the C & O Railroad, thence south 65 degrees 54 minutes 20 seconds east along said right-of-way 1508.75 feet, thence south 03 degrees 06 minutes 00 seconds west 400.61 to the point of beginning, consisting of 27.10 acres of land, and all improvements located on that property including buildings, structures, and equipment.

Page 37, after line 18, add the following:

SEC. 419. ELECTRONIC FILING OF COMMERCIAL INSTRUMENTS.

Section 31321(a) of title 46, United States Code, is amended by adding at the end the following new paragraph:

"(4)(A) A bill of sale, conveyance, mortgage, assignment, or related instrument may be filed electronically under regulations prescribed by the Secretary.

"(B) A filing made electronically under subparagraph (A) shall not be effective after the 10-day period beginning on the date of the filing unless the original instrument is provided to the Secretary within that 10-day period.".

TITLE V—RECREATIONAL BOATING SAFETY

SEC. 501. SHORT TITLE.

This title may be cited as the "Recreational Boating Safety Improvement Act of 1994".

SEC. 502. PERSONAL FLOTATION DEVICES REQUIRED FOR CHILDREN.

(a) Prohibition.—Section 4307(a) of title 46, United States Code, is amended—

(1) in paragraph (2) by striking "or" after the semicolon at the end;

(2) in paragraph (3) by striking the period and inserting "; or"; and

(3) by adding at the end the following:

"(4) operate a recreational vessel under 26 feet in length unless each individual 12 years of age or younger wears a Coast Guard approved personal flotation device when the individual is on an open deck of the vessel.".

(b) State Authority Preserved.—Section 4307 of title 46, United States Code, is further amended by adding at the end the following:

"(c) Subsection (a)(4) shall not be construed to limit the authority of a State to establish requirements relating to the wearing of personal flotation devices on recreational vessels that are more stringent than that subsection.".

SEC. 503. ALLOCATION OF FUNDS BASED ON STATE ADOPTION OF LAWS REGARDING BOATING WHILE INTOXICATED.

Section 13103 of title 46, United States Code, is amended—

(1) by redesignating subsections (a), (b), and (c) in order as subsections (b), (c), and (d);

(2) by inserting before subsection (b) (as so redesignated) the following new subsection:

"(a)(1) Beginning in fiscal year 1998, of the amounts transferred to the Secretary each fiscal year pursuant to section 4(b) of the Act of August 9, 1950 (16 U.S.C. 777c(b)), the Secretary shall allocate for State recreational boating safety programs $10,000,000 as follows:

"(A) One-half shall be allocated in accordance with paragraph (2) among eligible States that—

"(i) prohibit operation of a recreational vessel by an individual who is under the influence of alcohol or drugs; and

"(ii) establish a blood alcohol concentration limit of .10 percent or less.

"(B) One-half shall be allocated in accordance with paragraph (2) among eligible States that—

"(i) prohibit operation of a recreational vessel by an individual who is under the influence of alcohol or drugs; and

"(ii) establish an implied consent requirement that specifies that an individual is deemed to have given their consent to evidentiary testing for their blood alcohol concentration or presence of other intoxicating substances.

"(2) Of the amount allocated under subparagraph (A) or (B) of paragraph (1) each fiscal year—

"(A) one-half shall be allocated equally among all eligible States receiving an allocation under that subparagraph for the fiscal year; and

"(B) one-half shall be allocated among those eligible States so that each such State receives an amount bearing the same ratio to the total amount allocated under that subparagraph for the fiscal year as the number of vessels numbered in that State under a system approved under chapter 123 of this title bears to the total number of vessels numbered under approved systems of all States receiving an allocation under that subparagraph for the fiscal year.";

(3) in subsection (b) (as so redesignated) in the matter preceding paragraph (1) by inserting "the balance of remaining" after "allocate"; and

(4) by adding at the end the following new subsection:

"(e) A State shall not be ineligible for an allocation under subsection (a) because of the adoption by the State of any requirement relating to the operation of a recreational vessel while under the influence of alcohol or drugs that is more stringent than the requirements for receiving the allocation.".

SEC. 504. MARINE CASUALTY REPORTING.

(a) Submission of Plan.—Not later than one year after enactment of this Act, the Secretary of Transportation shall, in consultation with appropriate State agencies, submit to the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a plan to increase reporting of vessel accidents to appropriate State law enforcement officials.

(b) Penalties for Violating Reporting Requirements.—Section 6103(a) of title 46, United States Code, is amended by inserting "or 6102" after "6101" the second place it appears.

SEC. 505. REQUIRING VIOLATORS TO TAKE RECREATIONAL BOATING SAFETY COURSE.

(a) Negligent Operation.—Section 2302 of title 46, United States Code, is amended by adding at the end the following:

"(e) An individual operating a recreational vessel in violation of this section shall complete a boating safety course approved by the Secretary.".

(b) Other Violations.—Section 4311 of title 46, United States Code, is amended by adding at the end the following:

"(h) A person who operates a recreational vessel in violation of this chapter or a regulation prescribed under this chapter may be ordered to complete a recreational boating safety course approved by the Secretary.".

SEC. 506. TECHNICAL CORRECTIONS.

Section 13108(a)(1) of title 46, United States Code, is amended by—

(1) striking "proceeding" and inserting "preceding"; and

(2) striking "Secertary" and inserting "Secretary".

TITLE VI—TOWING VESSEL NAVIGATIONAL SAFETY

SEC. 601. SHORT TITLE.

This title may be cited as the "Towing Vessel Navigational Safety Act of 1994".

SEC. 602. MINIMUM NAVIGATIONAL SAFETY EQUIPMENT FOR TOWING VESSELS.

(a) In General.—Section 4102 of title 46, United States Code, is amended by adding at the end the following:

"(f)(1) In prescribing regulations for towing vessels, the Secretary shall—

"(A) consider the characteristics, methods of operation, and nature of the service of towing vessels;

"(B) consult with the Towing Safety Advisory Committee; and

"(C) require, to the extent appropriate, the installation, maintenance, and use of and familiarity with the following equipment on each towing vessel, other than a towing vessel that is used only for towing disabled vessels:

"(i) A radar system.

"(ii) An electronic position-fixing device.

"(iii) A sonic depth finder.

"(iv) A compass or swing meter.

"(v) Adequate towing wire and associated equipment.

"(vi) Up-to-date navigational charts and publications for the areas normally transited by the vessel.

"(vii) Other safety equipment the Secretary determines to be necessary.

"(2) The Secretary shall establish in regulations under this chapter requirements that—

"(A) any equipment required on a towing vessel under paragraph (1) shall be maintained in effective operating condition; and

"(B) if such equipment on a vessel ceases to operate, the master of the vessel shall exercise due diligence to restore the equipment to effective operating condition, or cause it to be restored to that condition, at the earliest practicable date.".

(b) Regulations.—The Secretary of Transportation shall issue regulations by not later than 12 months after the date of the enactment of this Act, prescribing navigational publication and equipment requirements under subsection (f) of section 4102 of title 46, United States Code, as added by subsection (a) of this section.

SEC. 603. REPORTING MARINE CASUALTIES.

(a) Expedited Reporting Required.—Section 6101(b) of title 46, United States Code, is amended by striking "within 5 days" and inserting "by as soon as practicable, but in no case later than within 5 days,".

(b) Penalty for Failure To Report a Casualty.—Section 6103(a) of title 46, United States Code is amended by striking "$1,000" and inserting "not more than $25,000".

SEC. 604. REPORT ON FEASIBILITY OF ESTABLISHING A DIFFERENTIAL GLOBAL POSITIONING SATELLITE NAVIGATION SYSTEM AND ELECTRONIC CHARTS FOR INLAND WATERWAYS.

Not later than 6 months after the date of the enactment of this Act, the Secretary of Transportation shall submit a report to the Congress on the feasibility of establishing a differential global positioning satellite navigation system and creating electronic charts for the inland waterways of the United States.

SEC. 605. PROTECTION OF SEAMEN AGAINST DISCRIMINATION.

Section 2114 of title 46, United States Code, is amended—

(1) by amending subsection (a) to read as follows:

"(a) An owner, charterer, managing operator, agent, master, or individual in charge of a vessel may not discharge, temporarily remove, or in any manner discriminate against a seaman because the seaman—

"(1) in good faith has reported or is about to report to the Coast Guard that the seaman believes that a violation of this subtitle, or a regulation issued under this subtitle, has occurred; or

"(2) refuses to violate this subtitle or a regulation issued under this subtitle."; and

(2) in subsection (b)—

(A) in paragraph (1) by striking "and" after the semicolon;

(B) in paragraph (2) by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(3) an award of cost and reasonable attorney's fees to the prevailing plaintiff.".

SEC. 606. MANNING AND LICENSING REQUIREMENTS FOR TOWING VESSELS.

(a) MANNING REQUIREMENTS.—Section 8904 of title 46, United States Code, is amended by adding at the end the following:

"(c) A towing vessel, other than a vessel referred to in subsection (b), shall—

"(1) while being operated, have on board an individual licensed by the Secretary as a master of that type of towing vessel; and

"(2) be operated by an individual licensed by the Secretary to operate that type of towing vessel.".

(b) REGULATIONS ESTABLISHING LICENSES FOR MASTERS AND OPERATORS.—Section 7101 of title 46, United States Code, is amended by adding at the end the following:

"(j)(1) The Secretary shall prescribe regulations which establish licenses for masters and mates of towing vessels.

"(2) Regulations under this subsection shall provide that an individual may be issued a license as a master or mate of a towing vessel only if the individual—

"(A) demonstrates proficiency in the use of the equipment required pursuant to section 4102(f)(1)(C) of this title; and

"(B) demonstrates proficiency in operating a towing vessel.

"(3) Regulations under this subsection may establish standards and procedures under which the Secretary may delegate, to individuals who have experience in the operation of towing vessels and to other qualified persons, the authority to conduct examinations required for the issuance of a license as a master or mate of a towing vessel.".

(c) EXISTING UNINSPECTED TOWING VESSEL OPERATOR LICENSE HOLDERS.—An uninspected towing vessel operator license that is valid on the date of enactment of this Act shall be valid as a master or mate license required by section 8904 of title 46, United States Code, as amended by this section, until otherwise required to be renewed. The Secretary shall require that an individual applying for a first renewal of such a license as a master or mate license under that section demonstrate proficiency under the requirements of section 7101(j) of title 46, United States Code, as added by this section.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect 2 years after the date of the enactment of this Act.

(e) DEADLINE FOR REGULATIONS.—The Secretary of the department in which the Coast Guard is operating shall issue regulations under the amendments made by this section by not later than 1 year after the date of the enactment of this Act.

SEC. 607. CIVIL PENALTIES.

(a) PROHIBITED OPERATION OF UNINSPECTED TOWING VESSEL, GENERALLY.—Section 4106 of title 46, United States Code, is amended by striking "$5,000" and inserting "$25,000".

(b) OPERATION OF UNINSPECTED TOWING VESSEL IN VIOLATION OF MANNING REQUIREMENTS.—Section 8906 of title 46, United States Code, is amended by striking "$1,000" and inserting "not more than $25,000".

SEC. 608. MODEL TOWING VESSEL COMPANY INSPECTION PROGRAM.

Not later than 1 year after the date of the enactment of this Act, the Secretary of the department in which the Coast Guard is operating, in consultation with the Towing Safety Advisory Committee, shall—

(1) develop a model towing vessel company inspection program, including a Coast Guard boarding program to determine compliance with the model program; and

(2) submit to the Congress for its approval the model program and a description of the statutory changes necessary to implement the model program.

SEC. 609. MERCHANT MARINERS' DOCUMENTS REQUIRED.

(a) REQUIREMENT.—Section 8701(a) of title 46, United States Code, is amended—

(1) by striking "100" and inserting "5";

(2) in paragraph (1), by striking "a vessel operating only on rivers and lakes (except the Great Lakes);" and inserting "a small passenger vessel, or an uninspected passenger vessel;";

(3) by striking paragraph (2), and redesignating the subsequent paragraphs accordingly; and

(4) in paragraph (6) (as so redesignated) by striking "clause (6)" and inserting "paragraph (5)".

(b) EXCEPTIONS.—Section 8701(b) of title 46, United States Code, is amended—

(1) by striking "A person" and inserting "(1) Except as provided in paragraph (2), a person"; and

(2) by adding at the end the following:

"(2) The Secretary shall prescribe regulations which exempt from paragraph (1)—

"(A) engagement or employment of an individual in any position, on a passenger vessel, that is not listed in the Certificate of Inspection for the vessel;

"(B) engagement or employment of an individual in any position, on a vessel of a type to which this section did not apply on the day before the date of enactment of the Towing Vessel Navigational Safety Act of 1994, for which the individual is required to hold a license issued by the Secretary under this title; and

"(C) service by an individual in a position described in subparagraph (A) or (B).".

(c) USER FEE EXEMPTION AND PRIVACY OF INFORMATION.—

(1) USER FEE EXEMPTION.—The Secretary of Transportation may not collect a fee or charge under section 2110 of title 46, United States Code, for any service related to a merchant mariner's document required to be obtained under this title.

(2) PRIVACY OF INFORMATION.—The Secretary of Transportation may not make available to a member of the public any personal information concerning an individual required to obtain a merchant mariner's document under this title.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect 2 years after the date of the enactment of this Act.

TITLE VII—COAST GUARD REGULATORY REFORM

SEC. 701. SHORT TITLE.

This title may be cited as the "Coast Guard Regulatory Reform Act of 1994".

SEC. 702. SAFETY MANAGEMENT.

(a) MANAGEMENT OF VESSELS.—Title 46, United States Code, is amended by adding after chapter 31 the following new chapter:

"CHAPTER 32—MANAGEMENT OF VESSELS

"Sec.
"3201. Definitions.
"3202. Application.
"3203. Safety management system.
"3204. Implementation of safety management system.
"3205. Certification.

"§ 3201. Definitions

"In this chapter—

"(1) 'International Safety Management Code' has the same meaning given that term in chapter IX of the Annex to the International Convention for the Safety of Life at Sea, 1974.

"(2) 'responsible person' means—

"(A) the owner of a vessel to which this chapter applies; or

"(B) any other person that has—

"(i) assumed the responsibility for operation of a vessel to which this chapter applies from the owner; and

"(ii) agreed to assume with respect to the vessel responsibility for complying with all the requirements of this chapter and the regulations prescribed under this chapter.

"(3) 'vessel engaged on a foreign voyage' means a vessel to which this chapter applies—

"(A) arriving at a place under the jurisdiction of the United States from a place in a foreign country;

"(B) making a voyage between places outside the United States; or

"(C) departing from a place under the jurisdiction of the United States for a place in a foreign country.

"§ 3202. Application

"(a) MANDATORY APPLICATION.—This chapter applies to the following vessels engaged on a foreign voyage:

"(1) Beginning July 1, 1998—

"(A) a vessel transporting more than 12 passengers described in section 2101(21)(A) of this title; and

"(B) a tanker, bulk freight vessel, or high-speed freight vessel, of at least 500 gross tons.

"(2) Beginning July 1, 2002, a freight vessel and a mobile offshore drilling unit of at least 500 gross tons.

"(b) VOLUNTARY APPLICATION.—This chapter applies to a vessel not described in subsection (a) of this section if the owner of the vessel requests the Secretary to apply this chapter to the vessel.

"(c) EXCEPTION.—Except as provided in subsection (b) of this section, this chapter does not apply to—

"(1) a barge;

"(2) a recreational vessel not engaged in commercial service;

"(3) a fishing vessel;

"(4) a vessel operating on the Great Lakes or its tributary and connecting waters; or

"(5) a public vessel.

"§ 3203. Safety management systems

"(a) IN GENERAL.—The Secretary shall prescribe regulations which establish a safety management system for responsible persons and vessels to which this chapter applies, including—

"(1) a safety and environmental protection policy;

"(2) instructions and procedures to ensure safe operation of those vessels and protection of the environment in compliance with international and United States law;

"(3) defined levels of authority and lines of communications between, and among, personnel on shore and on the vessel;

"(4) procedures for reporting accidents and nonconformities with this chapter;

"(5) procedures for preparing for and responding to emergency situations; and

"(6) procedures for internal audits and management reviews of the system.

"(b) COMPLIANCE WITH CODE.—Regulations prescribed under this section shall be consistent with the International Safety Management Code with respect to vessels engaged on a foreign voyage.

"§ 3204. Implementation of safety management system

"(a) SAFETY MANAGEMENT PLAN.—Each responsible person shall establish and submit to the Secretary for approval a safety management plan describing how that person and vessels of the person to which this chapter applies will comply with the regulations prescribed under section 3203(a) of this title.

"(b) Approval.—Upon receipt of a safety management plan submitted under subsection (a), the Secretary shall review the plan and approve it if the Secretary determines that it is consistent with and will assist in implementing the safety management system established under section 3203.

"(c) Prohibition on Vessel Operation.—A vessel to which this chapter applies under section 3202(a) may not be operated without having on board a Safety Management Certificate and a copy of a Document of Compliance issued for the vessel under section 3205 of this title.

"§ 3205. Certification

"(a) Issuance of Certificate and Document.—After verifying that the responsible person for a vessel to which this chapter applies and the vessel comply with the applicable requirements under this chapter, the Secretary shall issue for the vessel, on request of the responsible person, a Safety Management Certificate and a Document of Compliance.

"(b) Maintenance of Certificate and Document.—A Safety Management Certificate and a Document of Compliance issued for a vessel under this section shall be maintained by the responsible person for the vessel as required by the Secretary.

"(c) Verification of Compliance.—The Secretary shall—

"(1) periodically review whether a responsible person having a safety management plan approved under section 3204(b) and each vessel to which the plan applies is complying with the plan; and

"(2) revoke the Secretary's approval of the plan and each Safety Management Certificate and Document of Compliance issued to the person for a vessel to which the plan applies, if the Secretary determines that the person or a vessel to which the plan applies has not complied with the plan.

"(d) Enforcement.—At the request of the Secretary, the Secretary of the Treasury shall withhold or revoke the clearance required by section 4197 of the Revised Statutes (46 App. U.S.C. 91) of a vessel that is subject to this chapter under section 3202(a) of this title or to the International Safety Management Code, if the vessel does not have on board a Safety Management Certificate and a copy of a Document of Compliance for the vessel. Clearance may be granted on filing a bond or other surety satisfactory to the Secretary.".

(b) Clerical Amendment.—The table of chapters at the beginning of subtitle II of title 46, United States Code, is amended by inserting after the item relating to chapter 31 the following:

"32. Management of vessels .... 3201".

(c) Study.—

(1) Study.—The Secretary of the department in which the Coast Guard is operating shall conduct, in cooperation with the owners, charterers, and managing operators of vessels documented under chapter 121 of title 46, United States Code, and other interested persons, a study of the methods that may be used to implement and enforce the International Management Code for the Safe Operation of Ships and for Pollution Prevention under chapter IX of the Annex to the International Convention for the Safety of Life at Sea, 1974.

(2) Report.—The Secretary shall submit to the Congress a report of the results of the study required under paragraph (1) before the earlier of—

(A) the date that final regulations are prescribed under section 3203 of title 46, United States Code (as enacted by subsection (a); or

(B) the date that is 1 year after the date of enactment of this Act.

SEC. 703. USE OF REPORTS, DOCUMENTS, RECORDS, AND EXAMINATIONS OF OTHER PERSONS.

(a) Reports, Documents, and Records.—Chapter 31 of title 46, United States Code, is amended by adding the following new section:

"§ 3103. Use of reports, documents, and records

"The Secretary may rely, as evidence of compliance with this subtitle, on—

"(1) reports, documents, and records of other persons who have been determined by the Secretary to be reliable; and

"(2) other methods the Secretary has determined to be reliable.".

(b) Clerical Amendment.—The table of sections for chapter 31 of title 46, United States Code, is amended by adding at the end the following:

"3103. Use of reports, documents, and records.".

(c) Examinations.—Section 3308 of title 46, United States Code, is amended by inserting "or have examined" after "examine".

SEC. 704. EQUIPMENT APPROVAL.

(a) In General.—Section 3306(b) of title 46, United States Code, is amended to read as follows:

"(b)(1) Equipment and material subject to regulation under this section may not be used on any vessel without prior approval of the Secretary.

"(2) Except with respect to use on a public vessel, the Secretary may treat an approval of equipment or materials by a foreign government as approval by the Secretary for purposes of paragraph (1) if the Secretary determines that—

"(A) the design standards and testing procedures used by that government meet the requirements of the International Convention for the Safety of Life at Sea, 1974;

"(B) the approval of the equipment or material by the foreign government will secure the safety of individuals and property on board vessels subject to inspection; and

"(C) for lifesaving equipment, the foreign government—

"(i) has given equivalent treatment to approvals of lifesaving equipment by the Secretary; and

"(ii) otherwise ensures that lifesaving equipment approved by the Secretary may be used on vessels that are documented and subject to inspection under the laws of that country.".

(b) Foreign Approvals.—The Secretary of Transportation, in consultation with other interested Federal agencies, shall work with foreign governments to have those governments approve the use of the same equipment and materials on vessels documented under the laws of those countries that the Secretary requires on United States documented vessels.

(c) Technical Amendment.—Section 3306(a)(4) of title 46, United States Code, is amended by striking "clauses (1)–(3)" and inserting "paragraphs (1), (2), and (3)".

SEC. 705. FREQUENCY OF INSPECTION.

(a) Frequency of Inspection, Generally.—Section 3307 of title 46, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking "nautical school vessel" and inserting ", nautical school vessel, and small passenger vessel allowed to carry more than 12 passengers on a foreign voyage"; and

(B) by adding "and" after the semicolon at the end;

(2) by striking paragraph (2) and redesignating paragraph (3) as paragraph (2); and

(3) in paragraph (2) (as so redesignated), by striking "2 years" and inserting "5 years".

(b) Conforming Amendment.—Section 3710(b) of title 46, United States Code, is amended by striking "24 months" and inserting "5 years".

SEC. 706. CERTIFICATE OF INSPECTION.

Section 3309(c) of title 46, United States Code, is amended by striking "(but not more than 60 days)".

SEC. 707. DELEGATION OF AUTHORITY OF SECRETARY TO CLASSIFICATION SOCIETIES.

(a) Authority To Delegate.—Section 3316 of title 46, United States Code, is amended—

(1) by striking subsections (a) and (d);

(2) by redesignating subsections (b) and (c) as subsections (a) and (b), respectively; and

(3) in subsection (b), as so redesignated, by—

(A) redesignating paragraph (2) as paragraph (3); and

(B) striking so much of the subsection as precedes paragraph (3), as so redesignated, and inserting the following:

"(b)(1) The Secretary may delegate to the American Bureau of Shipping or another classification society recognized by the Secretary as meeting acceptable standards for such a society, for a vessel documented or to be documented under chapter 121 of this title, the authority to—

"(A) review and approve plans required for issuing a certificate of inspection required by this part;

"(B) conduct inspections and examinations; and

"(C) issue a certificate of inspection required by this part and other related documents.

"(2) The Secretary may make a delegation under paragraph (1) to a foreign classification society only—

"(A) to the extent that the government of the foreign country in which the society is headquartered delegates authority and provides access to the American Bureau of Shipping to inspect, certify, and provide related services to vessels documented in that country; and

"(B) if the foreign classification society has offices and maintains records in the United States.".

(b) Conforming Amendments.—(1) The heading for section 3316 of title 46, United States Code, is amended to read as follows:

"§ 3316. Classification societies".

(2) The table of sections for chapter 33 of title 46, United States Code, is amended by striking the item relating to section 3316 and inserting the following:

"3316. Classification societies.".

SEC. 708. STUDY OF MARINE CASUALTY REPORTING REQUIREMENTS.

The Coast Guard shall, within 9 months after the effective date of this title, conduct a study of current regulatory requirements regarding the reporting of marine casualties under section 6101 of title 46, United States Code, to determine whether—

(1) marine casualties should be classified according to the seriousness of nonfatal casualties;

(2) further regulations pertaining to the necessity for alcohol and drug testing for each classification need to be proposed;

(3) the regulations may exclude certain non-serious casualties from the requirement that drug or alcohol testing be performed; and

(4) the reporting of certain marine casualties that may be classified as minor may be done on a quarterly basis.

TITLE VIII—UNITED STATES CRUISE VESSEL DEVELOPMENT

SEC. 801. SHORT TITLE.

This title may be cited as the "United States Cruise Vessel Development Act".

SEC. 802. PURPOSE.

The purpose of this title is to promote construction and operation of United States flag cruise vessels in the United States.

SEC. 803. COASTWISE TRANSPORTATION OF PASSENGERS.

Section 8 of the Act entitled "An Act to abolish certain fees for official services to American vessels, and to amend the laws relating to shipping commissioners, seamen, and owners of vessels, and for other purposes", approved June 19, 1886 (46 App. U.S.C. 289), is amended to read as follows:

"SEC. 8. COASTWISE TRANSPORTATION OF PASSENGERS.

"(a) IN GENERAL.—Except as otherwise provided by law, a vessel may transport passengers in coastwise trade only if—

"(1) the vessel is owned by a person that is—

"(A) an individual who is a citizen of the United States; or

"(B) a corporation, partnership, or association that is a citizen of the United States under section 2(a) of the Shipping Act, 1916;

"(2) the vessel meets the requirements of section 27 of the Merchant Marine Act, 1920; and

"(3) for a vessel that is at least 5 net tons, the vessel is issued a certificate of documentation under chapter 121 of title 46, United States Code, with a coastwise endorsement.

"(b) EXCEPTION FOR VESSEL UNDER DEMISE CHARTER.—

"(1) IN GENERAL.—Subsection (a)(1) does not apply to a cruise vessel operating under a demise charter that—

"(A) has a term of at least 18 months; and

"(B) is to a person described in subsection (a)(1).

"(2) EXTENSION OF PERIOD FOR OPERATION.—A cruise vessel authorized to operate in coastwise trade under paragraph (1) based on a demise charter described in paragraph (1) may operate in that coastwise trade during a period following the termination of the charter of not more than 6 months, if the operation—

"(A) is approved by the Secretary; and

"(B) in accordance with such terms as may be prescribed by the Secretary for that approval.

"(c) EXCEPTION FOR VESSEL TO BE REFLAGGED.—

"(1) EXCEPTION.—Subsection (a)(2) and section 12106(a)(2)(A) of title 46, United States Code, do not apply to a cruise vessel if—

"(A) the vessel—

"(i) is not documented under chapter 121 of title 46, United States Code, on the date of enactment of the United States Cruise Vessel Development Act; and

"(ii) is not less than 5 years old and not more than 15 years old on the first date that the vessel is documented under that chapter after that date of enactment; and

"(B) the owner or charterer of the vessel has entered into a contract for the construction in the United States of another cruise vessel that has a total berth or stateroom capacity that is at least 80 percent of the capacity of the cruise vessel.

"(2) TERMINATION OF AUTHORITY TO OPERATE.—Paragraph (1) does not apply to a vessel after the date that is 18 months after the date on which a certificate of documentation with a coastwise endorsement is first issued for the vessel after the date of enactment of the United States Cruise Vessel Development Act if, before the end of that 18-month period, the keel of another vessel has not been laid, or another vessel is not at a similar stage of construction, under a contract required for the vessel under paragraph (1)(B).

"(3) EXTENSION OF PERIOD BEFORE TERMINATION.—The Secretary of Transportation may extend the period under paragraph (2) for not more than 6 months for good cause shown.

"(d) LIMITATION ON OPERATIONS.—A person (including a related person with respect to that person) that owns or charters a cruise vessel operating in coastwise trade under subsection (b) or (c) under a coastwise endorsement may not operate any vessel between—

"(1) any 2 ports served by another cruise vessel that transports passengers in coastwise trade under subsection (a) on the date the Secretary issues the coastwise endorsement; or

"(2) the islands of Hawaii.

"(e) PENALTIES.—

"(1) CIVIL PENALTY.—A person operating a vessel in violation of this section is liable to the United States Government for a civil penalty of $1,000 for each passenger transported in violation of this section.

"(2) FORFEITURE.—A vessel operated in knowing violation of this section, and its equipment, are liable to seizure by and forfeiture to the United States Government.

"(3) DISQUALIFICATION FROM COASTWISE TRADE.—A person that is required to enter into a construction contract under subsection (c)(1)(B) with respect to a cruise vessel (including any related person with respect to that person) may not own or operate any vessel in coastwise trade after the period applicable under subsection (c)(2) with respect to the cruise vessel, if before the end of that period a keel is not laid and a similar stage of construction is not reached under such a contract.

"(f) DEFINITIONS.—In this section—

"(1) the term 'coastwise trade' includes transportation of a passenger between points in the United States, either directly or by way of a foreign port;

"(2) the term 'cruise vessel' means a vessel that—

"(A) is at least 10,000 gross tons (as measured under chapter 143 of title 46, United States Code);

"(B) has berth or stateroom accommodations for at least 200 passengers; and

"(C) is not a ferry; and

"(3) the term 'related person' means, with respect to a person—

"(A) a holding company, subsidiary, affiliate, or association of the person; and

"(B) an officer, director, or agent of the person or of an entity referred to in subparagraph (A).".

SEC. 804. CONSTRUCTION STANDARDS.

Section 3309 of title 46, United States Code, is amended by adding at the end the following:

"(d)(1) A vessel described in paragraph (3) is deemed to comply with parts B and C of this subtitle.

"(2) The Secretary shall issue a certificate of inspection under subsection (a) to a vessel described in paragraph (3).

"(3) A vessel is described in this paragraph if—

"(A) it meets the standards and conditions for the issuance of a control verification certificate to a foreign vessel embarking passengers in the United States;

"(B) a coastwise endorsement is issued for the vessel under section 12106 of this title after the date of enactment of the United States Cruise Vessel Development Act; and

"(C) the vessel is authorized to engage in coastwise trade by reason of section 8(c) of the Act entitled 'An Act to abolish certain fees for official services to American vessels, and to amend the laws relating to shipping commissioners, seamen, and owners of vessels, and for other purposes', approved of June 19, 1886.".

SEC. 805. CITIZENSHIP FOR PURPOSES OF DOCUMENTATION.

Section 2 of the Shipping Act, 1916 (46 App. U.S.C. 802), is amended—

(1) in subsection (a) by inserting "other than primarily in the transport of passengers," after "the coastwise trade"; and

(2) by adding at the end the following:

"(e) For purposes of determining citizenship under subsection (a) with respect to operation of a vessel primarily in the transport of passengers in coastwise trade, the controlling interest in a partnership or association that owns the vessel shall not be deemed to be owned by citizens of the United States unless a majority interest in the partnership or association is owned by citizens of the United States free from any trust or fiduciary obligation in favor of any person that is not a citizen of the United States.".

SEC. 806. AMENDMENT TO TITLE XI OF THE MERCHANT MARINE ACT, 1936.

Section 1101(b) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1271(b)) is amended by striking "passenger cargo" and inserting "passenger, cargo,".

SEC. 807. PERMITS FOR VESSELS ENTERING UNITS OF NATIONAL PARK SYSTEM.

(a) PRIORITY.—Notwithstanding any other provision of law, the Secretary of the Interior may not permit a person to operate a vessel in any unit of the National Park System except in accordance with the following priority:

(1) First, any person that—

(A) will operate a vessel that is documented under the laws of, and the home port of which is located in, the United States; or

(B) holds rights to provide visitor services under section 1307(a) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3197(A)).

(2) Second, any person that will operate a vessel that—

(A) is documented under the laws of a foreign country, and

(B) on the date of the enactment of this Act is permitted to be operated by the person in the unit.

(3) Third, any person that will operate a vessel other than a vessel described in paragraph (1) or (2).

(b) REVOCATION OF PERMITS FOR FOREIGN-DOCUMENTED VESSELS.—The Secretary of the Interior shall revoke or refuse to renew permission granted by the Secretary for the operation of a vessel documented under the laws of a foreign country in a unit of the National Park System, if—

(1) a person requests permission to operate a vessel documented under the laws of the United States in that unit; and

(2) the permission may not be granted because of a limit on the number of permits that may be issued for that operation.

(c) RESTRICTIONS ON REVOCATION OF PERMITS.—The Secretary of the Interior may not revoke or refuse to renew permission under subsection (b) for any person holding rights to provide visitor services under section 1307(a) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3197(a)).

(d) RETURN OF PERMITS.—Any person whose permission to provide visitors services in a unit of the National Park System has been revoked or not renewed under subsection (b) shall have the right of first refusal to a permit to provide visitors services in that unit of the National Park System that becomes available when the conditions described in subsection (b) no longer apply. Such right shall be limited to the number of permits which are revoked or not renewed.

TITLE IX—BOATING IMPROVEMENT

SEC. 901. SHORT TITLE.

This title may be cited as the "Boating Improvement Act of 1994".

SEC. 902. BOATING SAFETY GRANTS.

(a) TRANSFER OF AMOUNTS FOR STATE BOATING SAFETY PROGRAMS.—

(1) TRANSFERS.—Section 4(b) of the Act of August 9, 1950 (16 U.S.C. 777c(b)), is amended to read as follows:

"(b)(1) Of the balance of each annual appropriation remaining after making the distribution under subsection (a), an amount equal to $15,000,000 for fiscal year 1995, $40,000,000 for fiscal year 1996, $55,000,000 for fiscal year 1997, and $69,000,000 for each of fiscal years 1998 and 1999, shall, subject to paragraph (2), be used as follows:

"(A) A sum equal to $7,500,000 of the amount available for fiscal year 1995, and a sum equal to $10,000,000 of the amount available for each of fiscal years 1996 and 1997, shall be available for use by the Secretary of the Interior for grants under section 5604(c) of the Clean Vessel Act of 1992. Any portion of such a sum available for a fiscal year that is not obligated for those grants before the end of the following fiscal year shall be transferred to the Secretary of Transportation and shall be expended by the Secretary of Transportation for State recreational boating safety programs under section 13106 of title 46, United States Code.

"(B) A sum equal to $7,500,000 of the amount available for fiscal year 1995, $30,000,000 of the amount available for fiscal year 1996, $45,000,000 of the amount available for fiscal year 1997, and $59,000,000 of the amount available for each of fiscal years 1998 and 1999, shall be transferred to the Secretary of Transportation and shall be expended by the Secretary of Transportation for State recreational boating safety programs under section 13106 of title 46, United States Code.

"(C) A sum equal to $10,000,000 of the amount available for each of fiscal years 1998 and 1999 shall be available for use by the Secretary of the Interior for—

"(i) grants under section 903(e) of the Boating Improvement Act of 1994; and

"(ii) grants under section 5604(c) of the Clean Vessel Act of 1992.

Any portion of such a sum available for a fiscal year that is not obligated for those grants before the end of the following fiscal year shall be transferred to the Secretary of Transportation and shall be expended by the Secretary of Transportation for State recreational boating safety programs under section 13106 of title 46, United States Code.

"(2)(A) Beginning with fiscal year 1996, the amount transferred under paragraph (1)(B) for a fiscal year shall be reduced by the lesser of—

"(i) the amount appropriated to the Secretary of Transportation for that fiscal year to carry out the purposes of section 13106 of title 46, United States Code, from the Boat Safety Account in the Aquatic Resources Trust Fund established under section 9504 of the Internal Revenue Code of 1986; or

"(ii) $35,000,000; or

"(iii) for fiscal year 1996 only, $30,000,000.

"(B) The amount of any reduction under subparagraph (A) shall be apportioned among the several States under subsection (d) by the Secretary of the Interior.".

(2) CONFORMING AMENDMENT.—Section 5604(c)(1) of the Clean Vessel Act of 1992 (33 U.S.C. 1322 note) is amended by striking "section 4(b)(2) of the Act of August 9, 1950 (16 U.S.C. 777c(b)(2), as amended by this Act)" and inserting "section 4(b)(1) of the Act of August 9, 1950 (16 U.S.C. 777c(b)(1))".

(3) LIMITATION ON OTHER DISTRIBUTION.—Notwithstanding any other law, the amount distributed under section 4(a) of the Act of August 9, 1950 (16 U.S.C. 777c(a)), in fiscal year 1996 may not exceed $50,000,000.

(b) EXPENDITURE OF AMOUNTS FOR STATE RECREATIONAL BOATING SAFETY PROGRAMS.—Section 13106 of title 46, United States Code, is amended—

(1) in subsection (a)(1) by striking the first sentence and inserting the following: "Subject to paragraph (2), the Secretary shall expend under contracts with States under this chapter in each fiscal year for State recreational boating safety programs an amount equal to the sum of the amount appropriated from the Boat Safety Account for that fiscal year plus the amount transferred to the Secretary under section 4(b)(1) of the Act of August 9, 1950 (16 U.S.C. 777c(b)(1)) for that fiscal year."; and

(2) by amending subsection (c) to read as follows:

"(c) For expenditure under this chapter for State recreational boating safety programs there are authorized to be appropriated to the Secretary of Transportation from the Boat Safety Account established under section 9503(c)(4) of the Internal Revenue Code of 1986 (26 U.S.C. 9503(c)(4)) not more than $35,000,000 each fiscal year.".

SEC. 903. BOATING ACCESS.

(a) FINDINGS.—The Congress makes the following findings:

(1) Nontrailerable recreational motorboats contribute 15 percent of the gasoline taxes deposited in the Aquatic Resources Trust Fund while constituting less than 5 percent of the recreational vessels in the United States.

(2) The majority of recreational vessel access facilities constructed with Aquatic Resources Trust Fund moneys benefit trailerable recreational vessels.

(3) More Aquatic Resources Trust Fund moneys should be spent on recreational vessel access facilities that benefit recreational vessels that are nontrailerable vessels.

(b) PURPOSE.—The purpose of this section is to provide funds to States for the development of public facilities for transient nontrailerable vessels.

(c) SURVEY.—Within 18 months after the date of the enactment of this Act, any State may complete and submit to the Secretary of the Interior a survey which identifies—

(1) the number and location in the State of all public facilities for transient nontrailerable vessels; and

(2) the number and areas of operation in the State of all nontrailerable vessels that operate on navigable waters in the State.

(d) PLAN.—Within 6 months after submitting a survey to the Secretary of the Interior in accordance with subsection (c), a State may develop and submit to the Secretary of the Interior a plan for the construction and renovation of public facilities for transient nontrailerable vessels to meet the needs of nontrailerable vessels operating on navigable waters in the State.

(e) GRANT PROGRAM.—

(1) MATCHING GRANTS.—The Secretary of the Interior may obligate not less than ½ of the amount made available for each of fiscal years 1998 and 1999 under section 4(b)(1)(C) of the Act of August 9, 1950, as amended by section 902(a)(1) of this title, to make grants to any State to pay not more than 75 percent of the cost of constructing or renovating public facilities for transient nontrailerable vessels.

(2) PRIORITIES.—

(A) IN GENERAL.—In awarding grants under this subsection, the Secretary of the Interior shall give priority to projects that consist of the construction or renovation of public facilities for transient nontrailerable vessels in accordance with a plan submitted by a State submitted under subsection (b).

(B) WITHIN STATE.—In awarding grants under this subsection for projects in a particular State, the Secretary of the Interior shall give priority to projects that are likely to serve the greatest number of nontrailerable vessels.

SEC. 904. DEFINITIONS.

For the purpose of this title the term—

(1) "Act of August 9, 1950" means the Act entitled "An Act to provide that the United States shall aid the States in fish restoration and management projects, and for other purposes", approved August 9, 1950 (16 U.S.C. 777a et seq.);

(2) "nontrailerable vessel" means a recreational vessel greater than 26 feet in length;

(3) "public facilities for transient nontrailerable vessels" means mooring buoys, day-docks, seasonal slips or similar structures located on navigable waters, that are available to the general public and designed for temporary use by nontrailerable vessels;

(4) "recreational vessel" means a vessel—

(A) operated primarily for pleasure; or

(B) leased, rented, or chartered to another for the latter's pleasure; and

(5) "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

TITLE X—DOCUMENTATION OF VESSELS

SEC. 1001. AUTHORIZATION OF DOCUMENTATION FOR VARIOUS VESSELS.

(a) IN GENERAL.—Nowithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the Act of June 19, 1886 (46 App. U.S.C. 289), the Act of May 28, 1906 (46 App. U.S.C. 292), and sections 12106, 12107, and 12108 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation with appropriate endorsements for the vessels listed in subsection (b).

(b) VESSELS DESCRIBED.—The vessels referred to in subsection (a) are the following:

(1) ABORIGINAL (United States official number 942118).

(2) ALPHA TANGO (United States official number 945782).

(3) ANNAPOLIS (United States official number 999008).

(4) ARTHUR ATKINSON (former United States official number 214656).

(5) ATTITUDE (North Carolina registration number NC3607AN).

(6) BIG DAD (United States official number 565022).

(7) BROKEN PROMISE (United States official number 904435).

(8) CHESAPEAKE (United States official number 999010).

(9) CHRISSY (Maine registration number ME4778B).

(10) CONSORT (United States official number 999005).

(11) CURTIS BAY (United States official number 999007).

(12) EAGLE MAR (United States official number 575349).

(13) ENDEAVOR (United States official number 947869).

(14) FIFTY ONE (United States official number 1020419).

(15) FIREBIRD (United States official number 253656).

(16) GIBRALTAR (United States official number 668634).

(17) HAMPTON ROADS (United States official number 999009).

(18) ISABELLE (United States official number 600655).

(19) JAMESTOWN (United States official number 999006).

(20) JOAN MARIE (North Carolina official number NC2319AV).

(21) KLIFPER (New York registration number NY8166AN).

(22) L.R. BEATTIE (United States official number 904161).

(23) LADY ANGELA (United States official number 933045).

(24) LADY HAWK (United States official number 961095).

(25) LADY HELEN (United States official number 527746).

(26) MANDIRAN (United States official number 939915).

(27) MEMORY MAKER (Maryland registration number MD8867AW, hull number 3151059).

(28) OLD HAT (United States official number 508299).

(29) ORCA (United States official number 504279).

(30) REEL TOY (United States official number 698383).

(31) RENDEZVOUS (United States official number 924140).

(32) SALLIE D (Maryland registration number MD2655A).

(33) SEAHAWK (United States official number 673537).

(34) SEAHAWK III (United States official number 996375).

(35) SEA MISTRESS (United States official number 696806).

(36) SHAMROCK V (United States official number 900936).

(37) SILENT WINGS (United States official number 969182).

(38) SPIRIT OF THE PACIFIC NORTHWEST (Bahamian official number 725338).

(39) SUNSHINE (United States official number 974320).

(40) TECUMSEH (United States official number 668633).

(41) VIKING (former United States official number 224430).

(42) WOLF GANG II (United States official number 984934).

(43) A hopper barge owned by Foley & Foley Marine Contractors, Inc. (United States official number 264959).

(44) Each of 2 Barges owned by Roen Salvage Co., numbered 103 and 203.

(45) Each of 3 spud barges owned by Dan's Excavating, Inc., as follows:

(A) Spud barge 102 (United States official number 1021958).

(B) Spud barge 103 (United States official number 1021960).

(C) Spud barge 968 (United States official number 1021959).

(46) Each of 3 barges owned by Harbor Marine Corporation of Rhode Island, as follows:

(A) HARBOR 223 (approximately 110 feet in length).

(B) GENE ELIZABETH (approximately 200 feet in length).

(C) HARBOR 221 (approximately 90 feet in length).

(47) SMALLEY 6808 Amphibious Dredge (Florida registration number FL1855FF).

SEC. 1002. AUTHORIZATION OF DOCUMENTATION FOR THE ATLANTIS III.

Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the Act of June 19, 1886 (46 App. U.S.C. 289), and section 12106 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation with appropriate a coastwise endorsement for employment in the coastwise trade in Alaska during the period beginning May 1, 1995, and ending October 31, 1996, for the vessel ATLANTIS III (Canadian official number CG006455).

SEC. 1003. AUTHORIZATION OF SALE AND REREGISTRATION.

Notwithstanding any other law or agreement with the United States Government, the vessels SS LAKE CHARLES (United States official number 619531) and SS LOUISIANA (United States official number 619532) may be sold to a person that is not a citizen of the United States and transferred to or placed under a foreign registry if an application to authorize payment of operating-differential subsidy to the vessels is not approved by December 15, 1994.

SEC. 1004. VESSEL DOCUMENTATION FOR CHARITY CRUISES.

(a) Authority To Document Vessels.—

(1) In general.—Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the Act of June 19, 1886 (46 App. U.S.C. 289), and section 12106 of title 46, United States Code, and subject to paragraph (2), the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation with a coastwise endorsement for each of the vessels—

(A) GALLANT LADY (Feadship hull number 645, approximately 130 feet in length); and

(B) GALLANT LADY (Feadship hull number 651, approximately 172 feet in length).

(2) Limitation on operation.—Coastwise trade authorized under a certificate of documentation issued for a vessel under this section shall be limited to carriage of passengers in association with contributions to charitable organizations no portion of which is received, directly or indirectly, by the owner of the vessel.

(3) Condition.—The Secretary may not issue any certificate of documentation under paragraph (1) unless the owner of the vessel referred to in paragraph (1)(A) (in this section referred to as the "owner"), within 90 days after the date of enactment of this Act, submits to the Secretary a letter expressing the intent of the owner to enter into a contract before October 1, 1996, for construction in the United States of a passenger vessel of at least 130 feet in length.

(4) Effective date of certificates.—A Certificate of documentation issued under paragraph (1)—

(A) for the vessel referred to in paragraph (1)(A), shall take effect on the date of issuance of the certificate; and

(B) for the vessel referred to in paragraph (1)(B), shall take effect on the date of delivery of the vessel to the owner.

(b) Termination of Effectiveness of Certificates.—A certificate of documentation issued for a vessel under subsection (a)(1) shall expire—

(1) on the date of the sale of the vessel by the owner;

(2) on October 1, 1996, if the owner has not entered into a contract for construction of a vessel in accordance with the letter of intent submitted to the Secretary under subsection (a)(3); and

(3) on any date on which such a contract is breached, rescinded, or terminated (other than for completion of performance of the contract) by the owner.

SEC. 1005. EXTENSION OF DEADLINE FOR THE M/V TWIN DRILL.

Section 601(d) of P.L. 103–206 is amended by striking "June 30" in subpart (3) and inserting "December 31" and by striking "12" in subpart (4) and inserting "18".

Mr. STUDDS (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered en bloc, considered as read and printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. STUDDS. Mr. Chairman, I offer this amendment on behalf of the leadership of the Committee on Merchant Marine and Fisheries.

The Studds-Fields-Tauzin-Coble amendment embodies the committee's work over the past year on maritime safety and regulatory reform. I am very proud of these efforts, which, through this bill and amendment, continue to demonstrate our bipartisan modus operandi.

While I will be submitting a detailed section-by-section analysis of this amendment for the record, I want to highlight a few of the more important provisions of the leadership amendment.

Our amendment adds a new title V to the bill which incorporates the text of H.R. 3786, the Recreational Boating Safety Improvement Act of 1994, as passed by the House on March 21, 1994. It institutes important new lifesaving protections for children and other passengers on recreational boats, and is supported by the States, the industry, and recreational boaters.

Title VI is the text of H.R. 3282, the Towing Vessel Navigational Safety Act of 1994, as passed by the Committee on Merchant Marine and Fisheries yesterday. This issue comes before the House on the 1-year anniversary of the tragic Amtrak accident in Mobile, AL. That accident, which resulted in the deaths of 47 citizens, was caused by the collision of an uninspected, ill-equipped, and poorly operated towing vessel with a railroad bridge.

We have learned a lot about the towing vessel industry since that accident. We have had hearings, the Coast Guard has issued several reports, and the National Transportation Safety Board has made its recommendations for change. The consensus is that navigational safety equipment aboard these vessels must be greatly improved and the training and licensing of operators greatly enhanced. The amendment remedies both problems by requiring new equipment for towing vessels, upgraded licenses for masters and pilots of towing vessels, Coast Guard documents for all unlicensed personnel, and the development of a model company inspection program for certain types of towing vessels.

The adoption of these new requirements will ensure greater safety for the users of our waterways and for those who live and work along their shores.

Title VII adds the text of H.R. 4959, the Coast Guard Regulatory Reform Act of 1994, which the Committee on Merchant Marine and Fisheries also approved yesterday. This title reflects the joint effort of the Coast Guard and the maritime industry to ensure that we do not impose on the U.S. industry any unnecessary or obsolete requirements that could keep it from being competitive. I am confident that the bill accomplishes this objective without sacrificing U.S. safety standards or changing the requirements of any U.S. environmental law.

This provision is one element of our comprehensive program to reform and revitalize the U.S. maritime industry. Its passage today may prove inspirational to the Senate which we fervently hope will soon return the favor and pass H.R. 4003, the Maritime Security and Competitiveness Act of 1994.

Title VIII is the text of H.R. 3821, the United States Passenger Vessel Development Act, which the Merchant Marine and Fisheries Committee ordered reported on August 11, 1994. This bill was jointly referred to the Committee on Natural Resources, and I appreciate the courtesy of Chairman MILLER in agreeing to be discharged from further consideration of this bill.

Much of the credit for this title goes to the gentlewoman from Washington [Mrs. UNSOELD], who, working with a coalition of interested parties, came up with this novel approach for attracting more cruise ship business into U.S. ports and stimulating shipbuilding in this country. Under the amendment, we will allow foreign-flag cruise ships to carry passengers between two U.S. ports, provided the owners of those ships have entered into a binding contract to build another vessel in a U.S. shipyard. As I say, this is a novel solution for a particularly vexing problem in the Pacific Northwest, and one that will benefit not only ports in that region, but also, hopefully, shipyards in mine.

Title IX is the Boating Improvement Act of 1994, H.R. 4477, which was approved by the Merchant Marine and Fisheries Committee on August 11, 1994. This title ensures that State boating safety programs will continue to receive their share of much needed Federal assistance. The Coast Guard did not submit a fiscal year 1995 budget request for this program solely because of budget scoring problems. The amendment fixes this problem by permanently allowing a transfer of funds from the Sport Fish Restoration Account to the State boating safety grant program. This portion of the amendment involves a jurisdictional matter with the Ways and Means Committee and I will include with this statement an exchange of letters between Acting Chairman GIBBONS and me.

Finally, the leadership amendment contains a number of waivers to the Jones Act which the committee has carefully reviewed and approved.

In conclusion, Mr. Chairman, I believe that passage of this amendment on this day, is a fitting memorial to the victims of that horrific tragedy 1 year ago. I urge Members to support the leadership amendment and H.R. 4422.

The section-by-section analysis of the Studds-Fields-Tauzin-Coble amendment follows:

COMMITTEE ON WAYS AND MEANS,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 22, 1994.
Hon. GERRY E. STUDDS,
Chairman, Committee on Merchant Marine and Fisheries, House of Representatives, Longworth House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I understand that you will be offering a floor amendment to H.R. 4422, the Coast Guard Authorization Act of 1994, that would include the text of H.R. 4477, the Boating Improvement Act of 1994. As reported by the Committee on Merchant Marine and Fisheries, H.R. 4477 would provide that certain amounts from the Sport Fish Account of the Aquatic Resources Trust Fund could be used for certain boat safety programs.

As you know, the Internal Revenue Code ("Code") contains provisions setting forth the purposes for which expenditures can be made out of the Sport Fish Account of the Aquatic Resources Trust Fund ("Trust Fund"). Although the Code allows expenditures for certain boat safety programs to be made from the Boat Safety Account of the Trust Fund, it does not allow such expenditures to be made from the Sport Fish Account. It is clear that the Committee on Ways and Means has jurisdiction over any measure that, like H.R. 4477, attempts to expand the purposes for which money can be spent out of the Code's Sport Fish Account of the Trust Fund.

Notwithstanding the jurisdictional interest of the Committee on Ways and Means, I do not plan to slow down the progress of the Coast Guard Authorization Act. However, the Committee on Ways and Means will address the necessary changes to the Code when possible to permit these expenditures. In the future, I hope that our two committees can work together on those matters over which we share jurisdiction.

I would appreciate your response to this letter, confirming the jurisdictional interest of the Committee on Ways and Means with respect to H.R. 4477.

Thank you.
Sincerely yours,
SAM M. GIBBONS,
Acting Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON MERCHANT MARINE AND FISHERIES, LONGWORTH HOUSE OFFICE BUILDING,
Washington, DC, September 22, 1994.
Hon. SAM GIBBONS,
Acting Chairman, Committee on Ways and Means, Longworth House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I am in receipt of your letter this morning regarding the inclusion of the text of H.R. 4477, the Boating Improvement Act of 1994, in a committee leadership amendment to be offered to H.R. 4422, the Coast Guard Authorization Act of 1994.

As you point out, the Internal Revenue Code does not specifically authorize the expenditure of funds from the Sport Fish Account of the Aquatic Resources Trust Fund for boating safety, although it does allow expenditures for certain boat safety programs from the Fund's Boat Safety Account.

The intent of this amendment is to provide stable funding for the Coast Guard's highly successful state recreational boating safety grant program.

Clearly, any measure that would modify the purposes for which money may be spent out of the Internal Revenue Code's Sport Fish Account in one of direct jurisdictional interest to the Committee on Ways and Means. I appreciate your willingness to allow us to proceed with the amendment with the understanding that your committee will, when possible, address changes to the Code necessary to permit these expenditures. I share your interest in having our two committees work together on matters of mutual jurisdictional interest.

Again, thank you for your cooperation on this matter.

With kind regards.
Sincerely,
GERRY E. STUDDS,
Chairman.

SECTION-BY-SECTION ANALYSIS

Section 204. Marine Casualty Investigations

This amendment strikes the explicit authority for the Coast Guard to conduct informal marine casualty investigations. The Coast Guard conducts marine casualty investigations to determine the causal factors of accidents to prevent their recurrence. The Coast Guard currently conducts formal and informal marine casualty investigations. The Committee has decided that further review of the scope of informal marine casualty investigations is required before granting this authority to the Coast Guard.

Section 308. Response Exercise Program at Massachusetts Maritime Academy

This amendment strikes the direction to the Coast Guard to transfer $500,000 to the Massachusetts Maritime Academy to continue oil spill simulator activities. The transfer of money to complete the work authorized by Public Law 102-587 has been accomplished.

Section 311. Buy American Requirement for Surface Search Radar Systems

This amendment adds multibeam sonar to the Buy American provision for surface search radar. Multibeam sonar is a large bottom-mapping sonar used primarily by research vessels. Only large Coast Guard cutters, such as polar-class icebreakers, would be equipped with multibeam sonar. These instruments are very expensive and the world market is limited. Multibeam sonar does not include all the various smaller electronic depthfinders used on the majority of Coast Guard vessels. The amendment requires the

Coast Guard to "Buy American" provided the U.S. manufacturer offers a competitive price.

Section 312. Conveyance of Property

This amendment provides the correct metes and bounds, as determined by recent survey, of the Coast Guard property located in Traverse City, Michigan, which shall be conveyed to the Traverse City School District. This detailed description is necessary to clearly identify that portion of the Coast Guard's property that shall be transferred to the School District.

Section 419. Electronic Filing of Commercial Instruments

Section 419 clarifies that a bill of sale, conveyance, mortgage, assignment or other related instrument concerning a vessel may be filed with the Secretary of Transportation electronically, such as with a fax machine, under regulations prescribed by the Secretary. This amendment simply affirms a legal opinion by the Coast Guard that current law allows electronic filings to be made. With the adoption of this amendment, financial institutions issuing mortgages on U.S.-flag vessels for millions of dollars will not have to worry about a possible legal challenge to the status of a preferred mortgage based on the fact that it was filed electronically.

TITLE V—RECREATIONAL BOATING SAFETY

Section 501. Short Title

This section provides that this title may be referred to as the "Recreational Boating Safety Improvement Act of 1994".

Section 502. Personal Flotation Devices Required for Children

This section adds a new paragraph to 46 U.S.C. 4307(a) which makes it illegal to operate a recreational vessel under 26 feet in length unless each individual 12 years of age or younger wears a Coast Guard-approved personal flotation device PFD when the individual is on an open deck. The Committee intends that this requirement only apply to recreational vessels which are underway, not those that are tied to a dock, at anchor, or moored. Additionally, a new subsection is added to 46 U.S.C. 4307 that states that the prohibition on operating certain recreational vessels unless children 12 and younger wear PFDs shall not be construed to limit a state's authority to establish more stringent requirements for the wearing of PFDs on recreational vessels.

Section 503. Allocation of Funds Based on State Adoption of Laws Regarding Boating While Intoxicated

This section provides incentive funding to encourage states to adopt comprehensive boating while intoxicated (BWI) laws by FY1998. In FY1998, the Coast Guard's state boating safety grant program will receive an additional $14 million pursuant to the Boating Improvement Act of 1994. Section 503 restricts eligibility to $10 million of that additional funding to states that have adopted certain BWI laws.

This section also divides the $10 million into two pools of money. The first $5 million is only available to states that have passed laws establishing either a blood alcohol concentration limit of .10 percent or less, or have adopted a behavioral standard as evidence of intoxication. This money is allocated among the eligible states as follows: (1) one-half shall be allocated equally among all of the eligible states; and (2) one-half shall be allocated among the eligible states based on the ratio of numbered vessels in the state to the total amount of numbered vessels in all eligible states.

The second $5 million is to be distributed to states that have adopted laws that specify that individuals are deemed to have given their consent to a blood alcohol or other intoxicating substances test (so-called "implied consent laws"). Implied consent laws generally state that the refusal of an individual to submit to a test for intoxication, e.g., a breathalyzer or blood test, may be introduced in court as evidence of intoxication. This money is allocated among the eligible states in the same manner as the first $5 million.

Section 504. Marine Casualty Reporting

Subsection (a) of this section requires the Coast Guard to submit a plan to Congress to increase reporting of vessel accidents to appropriate state law enforcement officials. The lack of reliable information on boating accidents is a problem in evaluating the need for changes to the boating safety laws. The plan required by this section will help ensure that accident information received by boating officials is complete and accurate.

Subsection (b) amends section 6103(a) of title 46, United States Code, to establish a $1,000 civil penalty for an owner, charterer, managing operator, agent, master, or individual in charge of a vessel who has failed to submit a marine casualty report to state authorities as required under 46 U.S.C. 6102.

Section 505. Requiring Violators to Take Recreational Boating Safety Course

Subsection (a) requires an individual who operates a recreational vessel in violation of 46 U.S.C. 2302, i.e., an individual who operates a vessel under the influence of drugs or alcohol, or in a negligent manner, to complete a boating safety course that is approved by the Secretary of Transportation. Examples of actions which constitute negligent operation include: (1) operating a vessel in a swimming area; (2) operating a vessel while under the influence of drugs or alcohol; (3) excessive speed in the vicinity of other vessels or in dangerous waters; (4) hazardous water-skiing practices; and (5) bowriding. The Committee has received written testimony from several maritime trade associations describing reckless and dangerous behavior by recreational boaters including high speed wake jumping, failure to comply with the rules of the road, and reckless operation around vessels with restricted operating abilities, e.g., tugs and barges. The Committee anticipates that the Coast Guard will use the authority granted under this section to require recreational boaters engaged in these types of reckless activities to complete an approved recreational boating safety course.

Subsection (b) provides Coast Guard hearing officers with the authority to require individuals to complete boating safety courses in lieu of, or in addition to, a civil penalty where a person has been found to be in violation of a federal boating safety law. Violations which could trigger this requirement include: (1) an insufficient number of PFDs; (2) insufficient fire extinguishers; (3) overloading; (4) improper fuel tank or engine compartment ventilation; (5) fuel leakage or fuel in the bilges; (6) improper backfire flame control; and (7) manifestly unsafe voyages.

The Committee does not expect the Coast Guard to develop its own boating safety courses to meet the requirements of this section. Rather, it anticipates that the Secretary will certify appropriate existing boating safety courses, e.g., those taught by the Coast Guard Auxiliary, U.S. Power Squadrons, and the Red Cross, as courses that can fulfill this requirement.

Section 506. Technical Correction

This section corrects two typographical errors in section 13108(a)(1) of title 46, United States Code.

TITLE VI—TOWING VESSEL NAVIGATIONAL SAFETY

Section 601. Short Title

This section states that this title may be cited as the "Towing Vessel Navigation Safety Act of 1994".

Section 602. Minimum Navigational Safety Equipment for Towing Vessels

Subsection (a) amends section 4102 of title 46 by adding a new subsection (f) which directs the Secretary of the department in which the Coast Guard is operating to prescribe equipment requirements for towing vessels. To the extent appropriate, the Secretary shall require the installation, maintenance, use, and familiarity with the following equipment: (1) a radar system; (2) an electronic position-fixing device; (3) a sonic depth finder; (4) a compass or swing meter; (5) adequate towing wire and associated equipment; (6) up-to-date navigational charts and publications; and (7) other safety equipment the Secretary determines to be necessary. The Committee intends that the Secretary evaluate the appropriateness of requiring each of these types of equipment when developing regulations to implement this section. In developing these regulations, the Secretary should also: (1) consider the characteristics, methods of operation, and nature of service of towing vessels; and (2) consult with the Towing Safety Advisory Committee. These regulations shall not apply to towing vessels that are only used for towing disabled vessels.

This list of equipment is modeled after the minimum equipment requirements of self-propelled tank vessels (46 U.S.C. 3708). These new equipment requirements are intended to correct deficiencies highlighted by the MAUVILLA accident near Mobile, Alabama in 1993 (e.g., a lack of navigational charts, a compass, a depth finder, and electronic position-fixing equipment) and the MORRIS. J. BERMAN barge accident in Puerto Rico in 1994 (inadequate towing equipment).

Paragraph (2) of new subsection 4102(f) directs the Secretary to establish by regulation that equipment required on towing vessels under paragraph (1) shall be maintained in effective operating condition. The regulations should also require the operator of the vessel to exercise due diligence to restore the equipment to effective operating condition at the earliest practicable date.

Subsection (b) requires the Secretary of Transportation to issue regulations implementing this section within 12 months of the date of enactment.

Section 603. Reporting Marine Casualties

Subsection (a) amends section 6101(b) of title 46, United States Code, to require that marine casualties be reported as soon as practicable but in no case later than within five days. This provision is intended to deter delays in reporting casualties to the Coast Guard similar to the delay that occurred after the MAUVILLA accident.

Subsection (b) increases the penalty for not reporting a vessel casualty to the Coast Guard under section 6103(a) of title 46, United States Code, from $1,000 to $25,000. This penalty increase was recommended by the Coast Guard in its report entitled "Review of Marine Safety Issues Related to Uninspected Towing Vessels". Moreover, the Coast Guard is concerned that the inland tug and barge industry is grossly under-reporting casualties. Increasing the penalties for not reporting casualties should increase reporting.

Section 604. Report on Feasibility of Establishing a Differential Global Positioning Satellite Navigation System and Electronic Charts for Inland Waterways

This section directs the Secretary of Transportation to submit a report to Congress on the feasibility of establishing a differential global positioning satellite navigation system and creating electronic charts for the inland waterways of the United States no later than six months after the date of enactment of this Act.

Section 605. Protection of Seamen Against Discrimination

This section amends section 2114 of title 46 to provide that an owner, charterer, managing operator, agent, master, or individual in charge of a vessel may not discriminate against a seaman because the seaman refuses to violate Subtitle II of title 46, or a regulation issued under that Subtitle.

If the owner, or other named person, violates this section, the seaman has the right to bring an action in an appropriate United States District Court. The Court is authorized to enjoin the discrimination, and to order any other appropriate relief, including reinstatement to the seaman's former position, back pay, costs, and reasonable attorney's fees.

The term "seaman" is intended to be interpreted broadly to include any individual engaged or employed in any capacity on board a vessel owned by a citizen of the United States.

Under general maritime law, a seaman is an employee-at-will. As such, he or she may be terminated for any reason without the employer being held legally responsible. Courts have refused to recognize a judicial exception to the employee-at-will doctrine based on public policy for seaman discharged for refusing to violate safety regulations. Therefore, seamen who refuse to operate vessels in violation of safety laws and regulations may be discharged by their employers without recourse.

Under current law, a seaman's license or document, necessary for maritime employment, may be suspended or revoked if the holder has violated any law or regulation intended to promote marine safety or to protect navigable waters. It is not a defense for the seaman that he or she was following his or her employer's orders.

Limited "whistleblower" protection exists for seamen who report or are about to report safety violations to the Coast Guard (46 U.S.C. 2114). However, this protection is not available to seamen who refuse to violate a safety statute; rather it only applies after a safety violation has occurred, and then only if the seaman has reported or is about to report its occurrence to the Coast Guard.

Section 606. Manning and Licensing Requirements for Towing Vessels

Subsection (a) amends section 8904 of title 46, United States Code, by adding a new subsection (c) which establishes new manning and licensing requirements for towing vessels. First, all towing vessels while being operated, except those used only for towing disabled vessels, are required to have on board an individual licensed by the Secretary to serve as master of that type of towing vessel. The master of a towing vessel is intended to be the person in charge of the vessel. Second, new subsection (c) requires that all towing vessels be operated by an individual licensed by the Secretary to operate that type of towing vessel. This section is not intended to require a towing vessel to carry a master and a licensed operator. A person with a master license is authorized to operate a towing vessel.

Subsection (b) amends section 7101 of title 46, United States Code, by adding a new subsection (j) which directs the Secretary to prescribe regulations which establish licenses for masters and mates of towing vessels. An individual may be issued a license as a master or mate of a towing vessel only if the individual: (1) demonstrates proficiency in the use of the navigational safety equipment required pursuant to section 4102(f)(1)(C) of title 46; and (2) demonstrates proficiency in operating a towing vessel. It is anticipated that applicants for the master license will also be required to have significantly more experience in the towing industry than applicants for a mate license. The Committee notes that the term "mate" has a distinct connotation in the inland towing industry. On an inland towing vessel, a "mate" is the lead member of the deck crew, rather than a licensed vessel operator; the second most senior person is known as a "pilot". Therefore, the term "mate" is used in this section in a generic sense to mean any person who is licensed to operate a towing vessel, but not to be in charge.

The Committee believes that the distinct terminology used by the inland towing industry should be reflected by the Secretary in establishing new licenses under this section. To avoid unnecessary confusion within the towing industry, the Secretary should establish licenses for Master and Mate, Coastal Towing Vessel, and Master and Pilot, Inland Towing Vessels.

To assist the Secretary in examining the proficiency of individuals applying for towing vessel master and mate licenses, the Secretary is authorized to use individuals who have experience in the operation of towing vessels and other qualified third parties. It is anticipated that the Secretary will establish an examiner endorsement for persons holding towing vessel master licenses to serve as proficiency examiners.

Subsection (c) is intended to provide an orderly transition between the existing uninspected towing vessel operator licenses and the new master and mate licenses. First, a towing vessel operator license valid on the date of enactment of this Act is valid until it is required to be renewed. If an operator license is required to be renewed during the two-year period immediately after the date of enactment, it shall be renewed pursuant to the requirements of the existing uninspected towing vessel operator license. Individuals holding licenses requiring renewal more than two years after the date of enactment must meet the requirements of the new towing vessel master and mate licenses. Individuals applying for a first renewal or a new master or mate license after the date must demonstrate proficiency under the requirements of section 7101(j) of title 46, United States Code.

Subsection (d) states that the amendments made by this section shall take effect two years after the date of enactment of this Act.

Subsection (e) requires the Secretary to issue regulations implementing this section by not later than one year after the date of enactment of this Act.

Section 607. Civil Penalties

Subsection (a) increases the penalties contained in section 4106 of title 46, United States Code, from not more than $5,000 to not more than $25,000. Penalties may be assessed under section 4106 for violations of Chapter 41 of title 46, including failure to carry required lifesaving, firefighting, and navigational safety equipment.

Subsection (b) increases the penalties contained in section 8906 of title 46, United States Code, from $1,000 to not more than $25,000. Penalties may be assessed under section 8906 for violations of Chapter 89 of title 46, including operating a vessel without an appropriate license.

Section 608. Model Towing Vessel Company Inspection Program

This section directs the Secretary within 1 year and, in consultation with the Towing Safety Advisory Committee, to: (1) develop a model towing vessel company inspection program, including a Coast Guard boarding program to determine compliance with the model program; and (2) submit to Congress for its approval the model program and a description of the statutory changes necessary to implement it. This section is intended to implement the conclusion from the Coast Guard issued "Towing Vessel Inspection Study" that certain segments of the towing industry should fall under some type of inspection regime. In determining which types of towing vessels should be inspected under a model program, the Secretary should target those vessels that pose the greatest potential risk to life, property, and the environment. In making this assessment, however the Secretary should not limit his assessment to towing vessels that power inspected barges, because certain barges often carry hazardous chemicals in a form which does not require the barge to be inspected (e.g., 50 gallon drums). The Committee does not mean to suggest by this provision that the Coast Guard does not necessarily have the authority to implement a model company inspection program. Rather, before the Coast Guard may implement this particular program, Congress must first approve it.

Section 609. Merchant Mariners' Documents Required

Subsection (a) amends section 8701(a) of title 46, United States Code, by lowering the tonnage threshold for application of the merchant mariners' document requirement from 100 gross tons to five gross tons. Unless falling under one of the exceptions to section 8701(a), crewmembers on merchant vessels of at least five gross tons will be required to carry merchant mariners' documents.

This subsection also repeals the documentation exemption for individuals on vessels only operated on rivers and lakes, and for barges. All crew members on these vessels which are over five gross tons will be required to have merchant mariners' documents. Subsection (a) exempts individuals on small passenger and uninspected passenger vessels, as those terms are defined in section 2101 of title 46, United States Code, from the documentation requirement.

Subsection (b) amends section 8701(b) of title 46, United States Code, to direct the Secretary to prescribe regulations which exempt certain categories of employees from the documentation requirements of section 8701(a) of title 46, United States Code. The requirement for merchant mariners' documents on passenger vessels shall be limited to crew members employed in positions listed on the vessel's Certificate of Inspection. It does not include the category "other persons in the crew" which are individuals not involved in the normal operation of the vessel, such as waiters, room stewards, and band members. Additionally, individuals employed in positions for which the individual is required to hold a license issued by the Secretary are exempt from the merchant mariners' document requirement.

Subsection (c) prohibits the Secretary from collecting a fee or charge under section

2100 of title 46, United States Code, for issuing any merchant mariners' document required to be obtained under this Act. This subsection also prohibits the Secretary from making available to the public any personal information concerning an individual required to obtain a merchant mariners' document under this Act.

Subsection (d) states that this section shall take effect two years after the date of enactment of this Act.

TITLE VII—COAST GUARD REGULATORY REFORM

Section 701. Short Title

This section states that this title may be cited as the "Coast Guard Regulatory Reform Act of 1994".

Section 702. Safety Management

Section 702 adds a new chapter 32 to title 46, United States Code, to authorize the Secretary of the department in which the Coast Guard is operating to prescribe regulations regarding shipboard and shore-based management of vessels and personnel. This authority would include conducting examinations and requiring the maintenance of records. The purpose of this section is to implement the International Safety Management (ISM) Code. This agreement, which the United States Government has signed, requires owners of vessels engaged in foreign commerce to manage their vessels in a safe manner. This initiative recognizes that many of the decisions directly affecting the safety and environmental conditions on vessels are made on shore. The Secretary currently lacks legal authority to require adoption and use of the ISM Code by the owners and operators of U.S.-Flag vessels. Neither the International Convention for the Safety of Life at Sea (SOLAS) in general, nor the ISM in particular, derogate any of the pollution prevention measures contained in the Oil Pollution Act of 1990 (Public Law 101-380). SOLAS, including the ISM Code, augment safety and pollution prevention measures already enacted in the United States.

New section 3201 provides definitions for the chapter.

New section 3202(a) provides for the mandatory application of the chapter to the vessels covered by the International Safety Management Code. Mandatory application of the chapter will begin on July 1, 1998, to vessels transporting more than 12 passengers (as the term "passenger" is defined in section 2101(21)(A) of title 46, United States Code), and to a tanker, bulk freight vessel, or high speed freight vessel, each of which over 500 gross tons, as measured under chapter 143 of title 46, United States Code. The term "freight vessel" is already defined in section 2101 of title 46. Therefore, a "bulk freight vessel" is a freight vessel that transports bulk cargo and a "high speed freight vessel" is a freight vessel that operates at a high speed, as defined under the Safety of Life at Sea Convention, 1974.

New section 3202(b) provides that the chapter may be applied to vessels not covered by the ISM Code if the owner, charterer, or managing operator of the vessel requests. A vessel may not be "covered" by the ISM Code in two ways: first, the effective dates in the ISM Code for a particular type of vessel may not have been reached; or second, it may be a vessel, such as a vessel in coastwise trade, to which the ISM Code does not apply.

New section 3202(c) provides that the chapter does not apply to a barge, a recreational vessel not engaged in commercial service, a fishing vessel, a vessel operating only on the Great Lakes or its tributaries and connecting waters, or a public vessel (including a public vessel owned by the Maritime Administration). Most of these vessel types are defined in section 2101 of title 46, United States Code. Each of these exceptions is contained in the International Safety Management Code. This chapter does not apply to recreational vessels carrying more than 12 passengers on foreign voyages so long as the vessel is not engaged in commercial service and is not otherwise required to have a SOLAS Certificate.

New section 3203 required the Secretary of the department in which the Coast Guard is operating to prescribe regulations for a safety management system for vessels to which the chapter applies. The system must include, at a minimum, the six functional areas covered by the International Safety Management Code. The safety management system must include: (1) a safety and environmental protection policy; (2) instructions and procedures to ensure safe operation of the vessel and protection of the environment in compliance with international and United States law; (3) defined levels of authority and lines of communications between, and among, personnel on shore and personnel on the vessel; (4) procedures for reporting accidents and nonconformities with the safety management system; (5) procedures for preparing for and responding to emergency situations; and (6) procedures for internal audits and management reviews of the system.

New section 3203(b) requires that all regulations prescribed by the Secretary for vessels covered by the Convention must be consistent with the Convention. However, the Secretary may prescribe different regulations for those vessels and owners that apply for application of the chapter on a voluntary basis. The Secretary may decide that it is appropriate to prescribe different regulations for vessels engaged in domestic trade due to the difference in vessel operating environments, management structures, span of control, and the number of parties involved in the operation of the vessel.

New section 3204 requires each vessel owner, charterer, or managing operator to establish and submit to the Secretary for approval a plan describing how they will implement and comply with the safety management system. A vessel that is subject to the mandatory coverage of the chapter may not be operated without having on board a Safety Management Certificate and a copy of the Document of Compliance issued to the responsible person.

New section 3205 requires the Secretary to issue a Safety Management Certificate and a Document of Compliance if the owner, charterer, or managing operator of a vessel complies with the requirements of the chapter and the regulations prescribed under the chapter. This section also requires the Secretary to periodically verify that the safety management system, as approved, is being followed by the vessel owner, charterer, or managing operator. If a vessel required to have a Safety Management Certificate on board, either by application of the chapter or the International Safety Management Code, does not have one on the vessel, the Secretary shall withhold the clearance of the vessel to leave the United States until the certificate is issued, unless the owner files a bond or other surety satisfactory to the Secretary. Additional penalties for violations of this chapter are provided in section 3318 of title 46, United States Code, and include a civil penalty of $5,000.

Section 702(c) requires the Secretary of the department in which the Coast Guard is operating to submit to Congress a study on the implementation of the International Safety Management Code. The marine industry cannot be expected to join in this effort without meaningful participation in this development. This study must be completed and submitted to Congress not later than the earlier of one year after the date of enactment of this Act or before the Secretary has prescribed final regulations implementing new chapter 32 of title 46, United States Code.

Section 703. Use of Reports, Documents, Records, and Examinations of Other Persons

Section 703 adds a new section 3103 to title 46, United States Code. This new section will allow the Secretary to use reports, documents, and certificates issued by persons that the Secretary decides may be relied on to inspect, examine, or survey vessels.

Under this section, the Secretary may use and rely on reports, documents, and certificates issued by international classification societies, surveyors, professional engineering societies, shipyards, marine chemists, testing laboratories, the National Cargo Bureau, the International Cargo Gear Bureau, foreign governments, or other persons that the Secretary believes may be relied on to professionally inspector or review a vessel to ensure compliance with subtitle II of title 46, United States Code, which includes vessel inspection and load line laws. This authority gives the Secretary the flexibility to use alternative means of complying with regulatory requirements, including determinations that requirement or materials meet Coast Guard approved requirements, without reducing marine safety or pollution prevention. This offers the possibility of greater efficiencies for shipyards and vessel owners making it possible for the Secretary to use governmental resources in areas in which greater oversight and enforcement are needed. Reliance by the Secretary on the work of these various qualified persons reduces the need for the Coast Guard to do this work directly and reduces the number of duplicate examinations imposed on the marine industry.

While this provision does not authorize the Secretary to delegate any authority to these qualified persons, it does allow the Secretary to continue to rely on their work to carry out various marine safety, security, and environmental protection functions, including approval of equipment and material. The Secretary is expected to implement and maintain an active oversight program to ensure the continued integrity of the federal government's various mandates in the maritime sector, while decreasing the burden on industry.

Under section 3103, as added, the Secretary can establish a "model company" program in which maritime companies that meet the approval of the Secretary may conduct full self-inspection programs by a vessel owner that demonstrates, to the satisfaction of the Secretary, that the owner's safety management system can be relied on to maintain their vessel in a safe manner. Self-inspections will be subject to Coast Guard audit and oversight. The Secretary also may establish partial self-inspection programs for small companies and small vessels that may not have the ability to conduct full self-inspections as an alternative means of demonstrating compliance with regulatory requirements. The section allows the Secretary to provide increased oversight of shore-based management system of the vessel owner in return for which certain current enforcement practices could be reduced, so long as the overall level of safety is maintained. The Secretary may use as the basis for this program the International Safety Management Code System established in new chapter 32 of title 46, United States Code; a consensus standard; a documented record of compliance with existing regulations; or another standard that is approved by the Secretary. The degree to which a domestic company's safety management plan and performance assures the Coast Guard of its diligence and dedication to safety will ultimately determine the degree to which the Secretary will rely on their records or certify them for self-inspection.

Nothing in this section lessens the need for the Secretary to continue efforts to eliminate unneeded regulatory requirements and to harmonize, to the maximum extent feasible, U.S. requirements with those applying to foreign-flag vessels operating in our waters.

Section 3308(c) amends section 3308 of title 46, United States Code, to clarify that the Secretary, or a person delegated by the Secretary, does not have to personally examine the vessel. This will allow for the use of reports other records and for self-inspections by model companies. (See discussion above.)

Section 704. Equipment Approval

Section 704 amends section 3306 of title 46, United States Code, concerning vessel inspection regulations and equipment and material approvals. Subsection (b)(1) contains the same language as the current section 3306(b), except that the language has been broadened to specifically include material subject to regulation. This term is added for clarification only.

This section also amends section 3306(b) of the title 46, United States Code, by adding a new paragraph (2) that allows the Secretary to accept, for use on vessels inspected by the Coast Guard, equipment and materials approved by foreign governments that use standards and testing procedures that the Secretary determines to be consistent with the requirements of the International Convention for the Safety of Life at Sea. Currently foreign manufactured equipment and material may be used on U.S.-flag vessels but must first be tested and approved by the Coast Guard.

However, when deciding whether to accept these approvals, the Secretary is required to determine that the approval of the equipment or material by the foreign government will "secure the safety of individuals and property on board vessels subject to inspection." This is the same legal standard that the Secretary must follow under section 3306(a) when approving equipment and materials for these vessels. For lifesaving equipment, such as lifeboats and liferafts, the Secretary must also determine that the foreign government allows the same type of U.S. Coast Guard approved lifesaving equipment to be used on vessels documented in that country without having to get separate approval of that equipment by the foreign government. If the foreign government, either through the approval process or other governmental barriers, restricts the use of a piece of U.S. Coast Guard approved lifesaving equipment on their commercial vessels, then the Secretary may not recognize that foreign approval for that piece of equipment in lieu of the Coast Guard approval. The Secretary should publish in the Federal Register the standards that will be used to determine whether a foreign country has an acceptable approval process.

When the Secretary accepts equipment and material under this authority, the equivalent standards should be acceptable for all such equipment and materials manufacturers holding U.S. Coast Guard approvals. Equipment and material accepted under this subsection may not be used on public vessels.

Section 704(b) requires the Secretary of Transportation, in consultation with other Federal agencies, to work to eliminate barriers to U.S. manufactures of fire and safety equipment and materials imposed by foreign governments, such as failing to certify their products, which the Secretary has found safe, for use in vessels documented in that country. Additionally, the Secretary shall continue to work through the International Maritime Organization to develop standards that result in mutual acceptance of maritime equipment and material.

Section 705. Frequency of Inspection

Section 705 amends section 3307(1) of title 46, United States Code, to clarify its purpose and to change the period of validity for certificates of inspection from two to five years. No practical changes will result with respect to inspections and examinations that are the basis for issuing the certificates of inspection.

Small passenger vessels carrying more than 12 passengers and engaged on foreign voyages are required to be inspected annually (along with passenger vessels and nautical schools vessels). Section 3307(2) of title 46 is also amended to require all other vessels to be inspected at least once every five years instead of either every two or three years as is currently the case. The change to section 3307 will, for the most part, align the U.S. inspection interval requirements with those found in the Convention for Safety of Life at Sea, 1974 and the practice of the American Bureau of Shipping for their special periodical surveys. As a technical conforming amendment, this section also amends section 3710(b) of title 46, to change the duration of a valid certificate of inspection for tank vessels from 24 months to five years.

The Committee does not envision any decrease in the level of safety due to these changes. Vessels on five-year cycles will continue to receive annual examinations to ensure they are in compliance with their Certificates of Inspection. These annual examinations may be scheduled within two months of the certificate of inspection anniversary date. Nothing in this provision affects the requirements applicable to hull, boiler, or other interval examinations as these are functions of regulations independent of section 3307.

Section 706. Certificate of Inspection

Section 706 eliminates the prohibition of a vessel owner from scheduling an inspection for a vessel more than 60 days in advance of the inspection. This change will allow shipowners to request inspections more than 60 days prior to the expiration of the current certificate of inspection. Modern commercial practice require that ship schedules generally be developed six months or more in advance. The owners and operators of U.S.-flag vessels, in order to adequately compete with their foreign counterparts, need to be able to make long-range commitments. The current statute restricts their ability to request scheduling of required vessel inspections and examinations. Further, it restricts the ability of the Secretary to make long-range plans for use of government personnel.

Section 707. Delegation of Authority of Secretary to Classification Societies

Section 707 amends section 3316 of title 46, United States Code, concerning the use of classification societies to inspect vessels. Currently, section 3316 limits delegations to the American Bureau of Shipping (ABS) "or a similar United States classification society." Since there is no similar U.S. classification society, there is, in effect, no delegation under this section other than to ABS.

Classification societies review vessel plans and conduct vessel examinations, primarily for insurance purposes. The Coast Guard frequently conducts plan reviews and vessel inspections that in many respects duplicate the work of the classification societies. There are over 40 classification societies worldwide, each associated or affiliated with a particular foreign country. The degree of professionalism varies among these classification societies. Eleven classification societies (including ABS) have joined together to form the International Association of Classification Societies (IACS). IACS has been granted observer status by the International Maritime Organization (IMO). Section 707(a)(4) allows the Secretary to delegate vessel inspection and examination and plan review and approval authority to classification societies, in addition to the ABS, that meet safety and quality standards acceptable to the Secretary.

However, the Secretary may make this delegation only if the foreign government provides reciprocity to the ABS to provide those services for vessels documented in that country. Under section 3316(b)(2)(A), the Secretary may delegate this authority to the extent that the government of the foreign country in which the society is headquartered delegates to the ABS authority to provide those same services for vessels documented in that country and provides access to ABS to provide these services. For example, if a foreign government delegates, beginning in 1999, the authority to inspect vessels registered in that country that are only engaged in their foreign commerce (but not their coastwise trade), then the Secretary could only delegate to a classification society headquartered in that country the authority, beginning in 1999, the authority to inspect U.S.-flag vessels that are engaged in foreign commerce, but not the coastwise trade. The term "foreign government" includes any government entity that documents vessels under its flag, which, in the future, may include the European Union.

While this section allows the Secretary to delegate the authority to inspect and provide related services on a reciprocal basis to foreign classification societies, the Secretary should exercise discretion to determine who should be delegated authority and the extent of that delegation. While membership in IACS should be a minimum standard, it should not be the only standard. A delegation may only be done if it will secure the safety of individuals and property on board the U.S.-flag vessels to be inspected.

Section 708. Study of Marine Casualty Reporting Requirements

The purpose of Section 708 is to have the Coast Guard look at existing requirements that require adoption of regulations that differentiate between degree of severity of accidents that require follow-up drug testing. Currently, any accident on a vessel, no matter how minor, requires drug testing. The Coast Guard has not provided guidance on whether very minor accidents are exempt. Examples are if the cook cuts his or her finger, if a passenger falls and the cabin attendant is nearly, if a crew member pulls a muscle, etc. The language of the statute authorizing the Coast Guard to adopt regulations differentiating between severity of accidents make it clear that Congress did not intend drug testing for every very minor occurrence. This does not change current law.

Vessel owners will still be required to conduct pre-employment and random drug testing and post-occurance drug testing where the accident is more than minimal.

TITLE VIII—UNITED STATES CRUISE VESSEL DEVELOPMENT

Section 801. Short Title

This section provides that this title be referred to as the "United States Cruise Vessel Development Act".

Section 802. Purpose

Section 802 states that the purpose of this Act is to promote the construction and operation of U.S.-flag cruise vessels in the United States.

Section 803. Coastwise Transportation of Passengers

Subsection 803 rewrites section 8 of the Act of June 19, 1886 (commonly referred to as the "Passenger Vessel Act") (46 App. U.S.C. 289).

In new section 8(a), the first phrase "Except as otherwise provided by law," means that this section does not apply to those areas currently exempted from the application of the coastwise trade laws, such as the U.S. Virgin Islands, American Samoa, the Northern Mariana Islands, and Canton Island. This phrase also means that documented vessels serving Guam, Wake Island, Midway Island, and Kingman Reef may continue to do so with a registry endorsement under section 12105(b) of title 46, United States Code, and are not required to have a coastwise endorsement as required under subsection (a)(2).

New section 8(a)(1) also requires these vessels to be owned by an individual who is a citizen of the United States or a corporation, partnership, or association that is a citizen of the United States under section 2(a) of the Shipping Act, 1916, by having the controlling interest in the vessel owned by United States citizens. This paragraph makes no substantive change to law but simply codifies existing law as interpreted by the Coast Guard, the Customs Service, and the courts.

New section 8(a)(2) requires all vessels transporting passengers in the coastwise trade to meet the requirements of section 27 of the Merchant Marine Act, 1920, by being built and, if rebuilt, rebuilt in the United States. Section 27 also prohibits documented vessels that have been transferred to a foreign flag from being redocumented in the United States with a coastwise endorsement. This paragraph makes no substantive change to law but simply codifies the existing law as interpreted by the Coast Guard, the Customs Service, and the courts.

New section 8(a)(3) requires that any vessel transporting passengers in the coastwise trade be a documented vessel with a coastwise endorsement if the vessel is over five net tons. A certificate of documentation with a coastwise endorsement is the certificate maintained on a vessel that authorizes it to be used in the coastwise trade. This subsection makes no substantive change to law but simply codifies existing law as interpreted by the Coast Guard and the courts and provides the means to enforce the requirements under this Act.

New section 8(b) provides an exception to the requirement that a cruise vessel be owned by a United States citizen. This section will allow a foreign-owned vessel to be engaged in the coastwise trade if the vessel is operated under a demise charter to an individual or corporation, partnership, or association that is a citizen of the United States under section 2(a) of the Shipping Act, 1916. To prevent a series of short-term demise charters from occurring, this subsection requires a demise charter to be for a period of at least 18 months. To accommodate short periods of time between demise charters, the Secretary of Transportation is authorized to approve the operation of the vessel in the coastwise trade until the owner reaches an agreement with a United States citizen to again demise charter the vessel to a U.S. citizen.

New section 8(c) provides an exception to the requirement that a vessel meet all of the requirements of section 27 of the Merchant Marine Act, 1920, commonly referred to as the Jones Act. Section 27 of that Act established most of the requirements for a vessel engaged in the coastwise trade (including a cruise vessel); e.g., the vessel must have been built in a United States shipyard, if rebuilt, the vessel must have been rebuilt in a United States shipyard, the vessel may never have been owned by a foreign citizen or placed under a foreign registry.

Under this exception, a vessel owner may reflag an existing foreign-flag vessel for operation under the U.S. flag with a coastwise endorsement if the vessel is not less than five years old and not more than 15 years old on the date that the vessel is documented under the U.S.-flag after the date of enactment of This Act and if the owner or charterer has entered into a contract for the construction in the United States of another cruise vessel that has a total berth or stateroom capacity that is at least 80 percent of the capacity of the reflagged cruise vessel. A cruise vessel may use either or both of the exceptions provided in subsections (b) and (c).

New section 8(c)(2) eliminates the ability of a reflagged vessel to engage in the coastwise trade after the date that is 18 months after the date on which it is reflagged if, before that date, the keel of another cruise vessel has not been laid or at a similar stage of construction. The use of the standard "at a similar stage of construction" has been used by the Coast Guard when a vessel does not have a keel laid such as with modular construction of modern vessels. The Secretary of Transportation is allowed to extend this 18-month deadline for not more than six months for good cause shown. There are instances in which a shipyard and vessel owner are making substantive progress toward having a keel laid but an event occurs that may prevent the 18 month deadline from being met. If the parties can demonstrate this to the Secretary, then the Secretary may grant up to a six month extension.

New section 8(d) prohibits a reflagged cruise vessel and a U.S. non-reflagged cruise ship owned or chartered by a person that owns or charters a reflagged cruise vessel, from operating the reflagged, or any other vessel, in the coastwise trade between any two ports served by another cruise vessel that transports passengers in the coastwise trade on the date the Secretary issues the coastwise endorsement for the reflagged vessel. This prohibition only extends to competition with owners or operators of vessels that do not own or operate any reflagged vessels in any market. A reflagged vessel may enter a coastwise market in competition with another vessel if the owner of that vessel also owns a reflagged vessel.

This section also prohibits these owners from operating any vessel between the islands of Hawaii. For example, neither a reflagged vessel nor a U.S.-built vessel owned by a person that owns or charters a reflagged vessel may engage in the coastwise transportation of passengers between the islands of Hawaii.

New section 8(e) establishes the penalties for vessels operated in violation of section 8. Paragraph (1) provides for a civil penalty of $1,000 for each passenger transported in violation of the section. This paragraph increases the penalty from $200 which was established in 1898. Paragraph (2) provides that a vessel operated in knowing violation of this section, and its equipment, are liable to seizure by and forfeiture to the United States Government. This is similar to the penalty contained in section 27 of the Merchant Marine Act, 1920, for the transportation of merchandise and the penalty in section 12122(c) of title 46, United States Code, for knowingly using a certificate of documentation in violation of the documentation laws.

New section 8(f) provides two definitions for terms used in this section.

Paragraph (1) defines "coastwise trade" to include, but not be limited to, the transportation of passengers between points in the United States, either directly or by way of a foreign port. This paragraph makes no substantive change to the current interpretations of that law as it applies to distant foreign ports.

This amendment does not otherwise change the current definition of a passenger, as interpreted by the U.S. Customs Service. In most instances that agency interprets a passenger as an individual who is not substantially connected with the operation, navigation, ownership, or business of a vessel. However, the bona fide guest of an owner or bareboat charterer of a recreational vessel is not considered to be a passenger by the Customs Service. The vessel transporting passengers is often operated as a business, which may be evidenced by facts such as having a crew that is paid, depreciating the vessel under the U.S. tax laws, or by the receipt of consideration for the transportation of passengers by the owner or charterer of the vessel. The term "consideration", as interpreted by the Customs Service, means a past, present, or anticipated economic benefit, inducement, right, or profit, direct or indirect, including pecuniary payment, economic advantage, or business goodwill accruing to an individual or person, but not including a voluntary donation of food, beverage, or other item which is of a nominal value considering the circumstances.

Paragraph (2) defines the term "cruise vessel" to mean a vessel that is at least 10,000 gross tons (as measured under the international tonnage convention system), has berth or stateroom accommodations for at least 200 passengers, and is not a ferry. Paragraph (3) defines the term "related person" to mean any holding company, subsidiary, affiliate, or association of the person owning or chartering the vessel and any officer, director, or agent of the owner or charterer of the vessel. The purpose of this section is to ensure that a person that is prohibited from owning or operating a vessel engaged in the coastwise trade because of their failure to build an additional vessel in a United States shipyard does not circumvent this prohibition through related business ventures.

Section 804. Construction Standards

Section 804 amends section 3309 of title 46, United States Code, to require the Secretary of the department in which the Coast Guard is operating to issue a certificate of inspection for a passenger vessel if the vessel meets the standards and conditions for the issuance of a control verification certificate to a foreign vessel embarking passengers in the United States. This section will allow the Coast Guard to issue a certificate of inspection to a vessel, either a U.S.-built or a reflagged cruise ship, if the vessel meets the requirements of the International Convention for the Safety of Life at Sea (SOLAS), as interpreted by the Coast Guard.

Section 805. Citizenship for Purposes of Documentation

Section 2 of the Shipping Act, 1916 allows a vessel to be engaged in the coastwise trade only if the vessel is owned by a United States citizen. In the case of a corporation, association, or partnership, the amount of the interest required to be owned by United States citizens shall be at least 75 percent.

Section 805 decreases this requirement from 75 percent to a majority of the interest in the corporation, association, or partnership must be owned by U.S. citizens. Under this section, corporations owning vessels that primarily transport passengers in the coastwise trade must meet the requirements in section 2(b) of the Shipping Act, 1916. Partnerships or associations owning vessels that primarily transport passengers in the coastwise trade must meet the requirements in new section 2(e) of that Act.

Section 806. Amendment to Title XI of the Merchant Marine Act, 1936

Section 806 amends section 1101(b) of the Merchant Marine Act, 1936 to clarify that the Secretary of Transportation may issue a loan guarantee under title XI of the Act for the construction of passenger vessels, and not just combination passenger-cargo vessels.

Section 807. Permits for Vessels Entering Units of National Park System

Section 807 establishes a priority system that the Secretary of the Interior must use when issuing permits for the operation of vessels in a National Park. For example, there are currently 107 permits for operating a vessel in Glacier Bay National Park in Alaska. Under section 807 there will be three priorities for the issuance of these permits:

The first priority is for any U.S.-flag vessel that is home-ported in the United States and any foreign-flag vessel whose owner holds rights to provide visitor services under section 1307(a) of the Alaska National Interest Lands Conservation Act.

The second priority is for any person currently permitted to operate a foreign-flag vessel in the National Park for which the permit is being issued.

The third priority is for any other person that will operate a vessel that is not granted a permit under the first two priorities.

Section 807 also establishes a system for revoking foreign-flag vessel permits that have been issued if a U.S.-flag vessel applies for a permit to enter the National Park. However, the permit a person allowed to operate a foreign-flag vessel under section 1307(a) of the Alaska National Interest Lands Conservation Act may not be revoked in order to allow a U.S.-flag vessel into the Park.

TITLE IX—BOATING IMPROVEMENT

Section 901. Short Title

The section provides that this title may be referred to as the "Boating Improvement Act of 1994".

Section 902. Boating Safety Grants

Paragraph (1) of subsection (a) amends section 4(b) of the Act of August 9, 1950 (16 U.S.C. 777c(b)) to provide a secure source of funding for the Coast Guard state recreational boating safety grant program. The Secretary of the Interior is directed to deduct an amount equal to $15,000,000 for FY1995, $40,000,000 for FY1996, $55,000,000 for FY1997, and $69,000,000 for each of FY1998 and FY1999 from the total amount available for allocation to states from the Sport Fish Restoration Account. Of those amounts of $7,500,000 for FY1995, and $10,000,000 for each of FY1996 and FY1997 shall be used by the Secretary of the Interior to make competitive grants to states under section 5604(c) of the Clean Vessel Act of 1992 (subtitle F, title V, P.L. 102-587) to be used for the construction, renovation, and maintenance of boat sewage pumpout stations. In each of FY1998 and FY1999, $10,000,000 is available for making boat sewage pumpout station grants under section 5604(c) of the Clean Vessel Act of 1992, or for nontrailerable boat access projects under section 903(e) of the Boating Improvement Act of 1994.

The remainder of the amounts deducted, i.e., $7,500,000 in FY1995, $30,000,000 in FY1996, $45,000,000 in FY1997, and $59,000,000 in each of FY1998 and FY1999, shall be transferred by the Secretary of the Interior to the Secretary of Transportation and expended by the Secretary for state recreational boating safety programs under section 13106 of title 46, United States Code. The amount transferred to the Secretary of Transportation for the boating safety program shall be reduced by the amount appropriated from the Boat Safety Account, or $35,000,000, whichever is less. Amounts available for Clean Vessel Act or Boating Improvement Act grants in FY1998 or FY1999, which are not expended within two years of the time they become available, shall be transferred to the Secretary of Transportation and used for the state recreational boating safety grant program.

Paragraph (2) makes a conforming change to section 5640(c)(1) of the Clean Vessel Act necessitated by the amendments made in section 902(a)(1) of the Boating Improvement Act of 1994.

Paragraph (3) limits the distribution under section 4(a) of the Act of August 9, 1950 (16 U.S.C. 777c(a)), to $50,000,000 in FY1996. Amounts distributed under section 4(a) provide funds to carry out the purposes of the Coastal Wetlands Planning, Protection, and Restoration Act (title III, P.L. 101-646), including wetlands conservation and restoration in Louisiana and other coastal states, and wetlands conservation under the North American Wetlands Conservation Act (P.L. 101-233).

Subsection (b)(1) amends section 13106(a)(1) of title 46, United States Code, by deleting the authorization for the state recreational boating safety grant program to receive one-half of the amount deposited in the Boat Safety Account. This authorization is no longer necessary with the passage of this Act. It also clarifies that the amount that the Secretary of Transportation is required to spend on the state boating safety grant program is the total of the amount appropriated from the Boat Safety Account and the amount transferred by the Secretary of the Interior from the Sport Fish Restoration Account.

Subsection (b)(2) amends section 13106(c) of title 46, United States Code, by deleting the authorization for the Coast Guard to receive one-half of the amount deposited in the Boat Safety Account, and replacing it with an authorization of appropriations of $35,000,000 per year from the Boat Safety Account for the state recreational boating safety grant program.

Section 903. Boating Access

Subsection (a) states the findings of Congress that nontrailerable vessels contribute a disproportionate amount of the gasoline taxes deposited in the Wallop-Breaux Trust Fund, most boating access facilities constructed with Wallop-Breaux Trust Fund monies benefit trailerable vessels, and more Wallop-Breaux Trust Fund monies should be spent on access facilities that benefit nontrailerable vessels.

Subsection (b) provides that the purpose of the section is to provide funds to states for the development of public facilities for transient untrailerable vessels.

Subsection (c) authorizes states to complete and submit to the Secretary of the Interior a survey which identifies: (1) the number and location of all public facilities for transient nontrailerable vessels; and (2) the number and areas of operation in each state of all nontrailerable vessels that operate on the navigable waters of the state. The primary purpose of this survey is to determine whether public facilites within the state are adequate to meet the needs of the nontrailerable vessels which operate on the navigable waters of the state.

Subsection (d) provides that, within 6 months of submitting a survey under subsection (c), a state may develop and submit to the Secretary of the Interior a plan for the construction and renovation of adequate public facilities for transient nontrailerable vessels to meet the needs of nontrailerable vessels operating on the navigable waters of the state. The Committee anticipates that states will base their plans on the needs identified in the survey conducted under subsection (c).

Subsection (e) authorizes the Secretary of the Interior to obligate not less than one-half of the amount made available for each of FY1998 and FY1999 under section 4(b)(1)(C) of the Act of August 9, 1950 (16 U.S.C. 777c(b)(1)(C)) for making grants to any state to pay not more than 75 percent of the cost of constructing or renovating public facilities for transient nontrailerable vessels. In awarding grants, the Secretary of the Interior may make a grant to any state; however, priority shall be given to projects that are identified in a state plan submitted under subsection (d). In awarding grants for projects within a state, the Secretary shall give priority to projects that are likely to serve the greatest number of nontrailerable vessels. In determining which projects to fund under this subsection, the Secretary should give priority to those projects which do not compete with private facilities.

Section 904. Definitions

This section contains the definitions of terms used in this title.

The term "Act of August 9, 1950" means the Act entitled "An Act to provide that the United States shall aid the States in fish restoration and management projects, and for other purposes", approved August 9, 1950 (16 U.S.C. 777a *et seq.*). This Act is commonly called the Federal Aid in Sort Fish Restoration Act.

The term "nontrailerable vessel" means a recreational vessel greater than 26 feet in length.

The term "public facilities for transient nontrailerable vessels" means mooring buoys, day-docks, seasonal slips or similar structures located on navigable waters, that are available to the general public and designed for temporary use by nontrailerable vessels. The term "day-dock" means a dock that is available for public use for periods less than 24 hours in duration. The Committee intends "seasonal" use to mean use during the normal boating season for the relevant section of the country.

The term "recreational vessel" means a vessel that is operated primarily for pleasure; or leased, rented, or chartered to another for the latter's pleasure. This definition is identical to the definition of recreational vessel contained in 46 U.S.C. 2101(25).

The term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

TITLE X—DOCUMENTATION OF VESSELS

Section 1001. Authorization of Documentation for Various Vessels

Section 27 of the Merchant Marine Act, 1920 (popularly known as the Jones Act, 46 App. U.S.C. 883) provides that only vessels built in the United States and owned by a citizen of the United States may transport merchandise in the coastwise trade of the United States. The Act also provides that a vessel that has acquired the right to engage in the coastwise trade and is later sold to a foreign owner or is placed under foreign registry may not engage in the coastwise trade.

Chapter 121 of Title 46, United States Code, prohibits foreign-built, -owned and -documented vessels from engaging in the U.S. coastwise or Great Lakes trades or fisheries of the United States.

When the facts surrounding any particular vessel implicate one or more of these statutory prohibitions, the Coast Guard may not issue a document granting coastwise or Great Lakes trading or U.S. fisheries privileges. A vessel may acquire these privileges through special legislation authorizing the Coast Guard to issue the necessary documentation. In the past, the Committee has approved special legislation when the owners of particular vessels have demonstrated extenuating circumstances meriting such action.

Subsection 1001(b) authorizes 47 vessel owners to receive certificates of documentation with the appropriate waivers. Most of these vessels were originally U.S.-flag vessels, but were transferred to foreign ownership at some point in their chain of title. Other vessels were foreign-built and are otherwise prohibited from engaging in the coastwise trade.

Section 1002. Authorization of Documentation for the "Atlantis III"

Section 1002 grants a coastwise waiver to the vessel, *Atlantis III* (a submarine—Bahamian official number 006455), for employment in the coastwise trade in Alaska from May 1, 1995, to October 31, 1996.

Section 1003. Authorization of Sale and Reregistration

Section 1003 authorizes the foreign transfer of the vessels SS *Lake Charles* (U.S. official number 619531), and SS *Louisiana* (U.S. official number 619532), notwithstanding any other law, if an application to authorize payment of operating-differential subsidy to the vessels is not approved by December 15, 1994.

Section 1004. Vessel Documentation

Subsection 1004(a) grants a coastwise waiver for each of the vessels *Gallant Lady* (Feadship hull number 645) and *Gallant Lady* (Feadship hull number 651).

The coastwise waiver is limited to carriage of passengers in association with contributions to charitable organizations, no portion of which is received by the owner of the vessel. Receipt of the certificate of documentation by the owner would be prohibited unless the owner, within 90 days after the date of enactment, submits a letter to the Secretary of Transportation, expressing the intent of the owner to enter into a contract before October 1, 1996, for the construction of a U.S.-built passenger vessel of at least 130 feet in length.

Certificates of documentation for the *Gallant Lady* vessels shall expire upon the sale of either vessel by the owner, or on October 1, 1996, if the owner has not entered into a contract for construction of a vessel in accordance with the owner's letter of intent to the Secretary of Transportation, or if the contract for construction is breached or otherwise terminated.

Section 1005. Extension of Deadline for the M/V "Twin Drill"

Section 1005 amends section 601(d) of P.L. 103-206 to extend the date required for the conversion of the M/V *Twin Drill*. P.L. 103-206 required the M/V *Twin Drill*. to have completed a major conversion before June 30, 1995. The M/V *Twin Drill*. is in the process of being converted, but will be unable to be completed by the June 30 date. The amendment would change the requirement for completion of conversion until December 31, 1995.

Mr. FIELDS of Texas. Mr. Chairman, will the gentleman yield?

Mr. STUDDS. I yield to the gentleman from Texas.

Mr. FIELDS of Texas. I thank the chairman for yielding to me.

Mr. Chairman, I rise in strong support of the leadership amendment to H.R. 4422, the Coast Guard Authorization Act of 1994.

This amendment packages a number of bills into a sort of omnibus merchant marine proposal covering a variety of areas within our committee's jurisdiction. I am proud to say that in the best tradition of the Merchant Marine Committee, this amendment has been crafted in a bipartisan spirit.

The first four titles of H.R. 4422 authorize funds for the Coast Guard for fiscal year 1995, and include important provisions to improve vessel and navigation safety and Coast Guard personnel management. I support this bill, although I have great concerns about the future effect of the reduced level of certain Coast Guard services authorized under this legislation.

Budget problems are not new to those of us who are strong and consistent supporters of the U.S. Coast Guard. Since coming to Congress in 1981, I have fought each year to assure that the Coast Guard has adequate funding to carry out its multiple responsibilies. In the past, we have worked together on a bipartisan basis to fund the Coast Guard at the authorization levels requested by the previous administrations.

Unfortunately, this year the Coast Guard funding request is particularly grim, and the problem is the President's fiscal year 1995 budget submission. Based on policy decisions made by the President in Function 400, Coast Guard operating expenses are dangerously deficient.

Under the President's proposal, and unless we pass this bill, the Coast Guard would have no choice but to slash 100 million dollars' worth of services to the public, including cuts of an additional 1,100 military personnel, elimination of all regional documentation centers, small search and rescue units, and aircraft and vessels performing various important lifesaving functions. In short, there is simply no way that the Coast Guard can adequately perform its ever growing number of roles and missions under the budget request of this administration.

As I mentioned earlier, my greatest concern involves the effect of the President's policy on Haiti on Coast Guard drug interdiction operations. Until the Cuban refugee situation worsened, the Coast Guard had diverted nearly all of its resources in the Caribbean to Haitian refugee interdiction. Earlier this month, the Coast Guard was unable to respond to 11 potential drug incidents in this area. Obviously, the Coast Guard's law enforcement resources have been exhausted, and drug smugglers are taking advantage of the situation. Fortunately, we will not see a repeat of this situation during the next fiscal year, because H.R. 4422 contains my amendment to prohibit diversion of drug interdiction resources to any other mission in fiscal year 1995.

In addition, I am especially concerned about the cuts to drug interdiction for the Coast Guard and other agencies, especially the Department of Defense, that provide information and support to the Coast Guard drug interdiction program. I think we are going in the wrong direction by dramatically increasing funding for drug treatment programs, while cutting resources for drug interdiction. H.R. 4422 authorizes an additional $21 million for Coast Guard drug interdiction in fiscal year 1995 to build drug interdiction activities back up to an acceptable level.

The President's budget request for the Coast Guard significantly reduces drug interdiction funds. The President's national drug control strategy emphasizes drug treatment programs for hard-core drug users over drug interdiction and other law enforcement measures. To implement this strategy, the President's fiscal year 1995 budget contains a $1 billion increase for treatment, prevention, and source-country eradication programs and a $95 million decrease in drug interdiction funds.

I do not support the President's drug control strategy because it cripples our drug interdiction efforts. To actually decrease drug use, a national drug control program must emphasize ways to control the supply as well as the demand for drugs. By neglecting tough drug interdiction activities at the border, the President's drug control strategy will encourage drug smuggling and make drugs more plentiful on the streets of our country.

Another proposal in the President's request is to fund the repair of highway bridges that are deemed to be hazards to navigation through the Federal Highway Administration's [FHA] Discretionary Program, rather than through the Coast Guard's Alteration of Bridges Program. I am concerned that even if we change the law to allow this arrangement, the funds may not be available to ensure that safe bridges continue to be constructed.

Finally, the President's budget proposes another deep cut in the number of Coast Guard reservists from 8,000 to 7,000 reservists. Last year, the Coast Guard released a study supporting the administration's decision to cut the Coast Guard Reserve to 8,000. The additional cut to 7,000 is completely unjustified. The Coast Guard Reserve is important to augment Coast Guard emergency activities, such as oil spills, floods, and hurricane relief. The country's emergency preparedness is severely threatened by the proposal to cut the Reserves to this level.

Mr. Chairman, one of the biggest problems in the President's budget was a proposal to consolidate the marine safety offices in Galveston and Houston, TX. This consolidation will compromise the safety of shipping in the Houston Ship Channel, and leave the Coast Guard without a presence in the seventh busiest port in the world. It is a serious mistake to allow budgetary concerns to overwhelm safety considerations, and a provision I authored should address this problem.

Mr. Chairman, unless this bill is passed, there will be fewer individuals in the Coast Guard than at any time since 1982. Since that time, we have added many major enforcement responsibilities to the Coast Guard in law enforcement, navigation safety, and environmental protection areas. The Oil Pollution Act of 1990 alone consumes millions of dollars in resources. If we don't change course, Congress will be forced to review Coast Guard missions and eliminate many of them. I hope that we can convince our colleagues in the other body that this is bad policy, and that we need to provide the Coast Guard with adequate funding in fiscal year 1995.

Mr. Chairman, H.R. 4422 addresses the critical problems for the Coast Guard for the next fiscal year, and I hope that we can send this bill to the President for his signature later this Fall.

The leadership amendment would add six additional titles to H.R. 4422, as introduced. These provisions cover recreational boating and towing vessel safety, lessen the regulatory burden on our American merchant marine to allow it to compete with foreign companies, and encourage the development of an American cruise ship industry.

Mr. Chairman, title five of the leadership amendment contains the substance of H.R. 3786, the Recreational Boating Safety Improvement Act of 1994. I am pleased that the most important requirements of my bill, H.R. 2812, the Recreational Boating Safety Act of 1993 are also incorporated into this title.

Boating deaths are the second-largest category of transportation fatalities, exceeded only by highway deaths. Alcohol is a contributing factor in at least half of all boating accidents. Nearly 85 percent of all persons who drown in recreational boating accidents are not wearing lifejackets, and only 37 States require individuals aboard recreational vessels to wear lifejackets.

I believe that we must act now to require our children to wear life jackets to protect them from drowning in boating accidents. This title would require children 12 years and younger to wear a life jacket or other Coast Guard-approved flotation device aboard recreational vessels under 26 feet in length. Second, we must crack down on violators of boating-while-intoxicated [BWI] laws, and encourage the States to enact tougher BWI laws. This title requires individuals who commit serious boating law violations to take a boating safety course, and provides $10 million in additional boating safety funds for States that enact tough BWI laws.

Unfortunately, Mr. Chairman, the President has proposed to cut the State Boating Safety Grant Program as part of his fiscal year 1995 budget. That program is fully funded by the fuel taxes paid by recreational boaters, and it is wrong to ask recreational boaters to pay the tax without the benefits of State boating safety programs.

I think that we should spend more, not less, of the fuel tax paid by recreational boaters for the important boating safety purpose for which it is collected. Boating safety should be a Coast Guard priority, and targeting more fuel tax dollars in this area will ensure that boating safety issues get the attention they deserve.

Mr. Chairman, this legislation will save lives and reduce the number of injuries that occur on America's waterways each year. These provisions have been endorsed by the American Academy of Pediatrics, the National Association of State Boating Law Administrators, and the National Marine Manufacturers Association.

Mr. Chairman, title six of the leadership amendment, incorporates H.R. 3282, the "Towing Vessel Navigation Safety Act of 1994," a bill to increase the standards for navigation safety on our inland waterways. There have been several tragedies over the past year that have compelled us to improve safety standards on our inland waterways. On May 28, 1993, a 31-year-old woman who was 5 months pregnant was killed and two other motorists were seriously injured when a 145-foot section of the Judge Seeber Bridge in New Orleans, LA, collapsed after it was struck by a tug and barge.

On September 22, 1993, Amtrak's Sunset Limited derailed while crossing the Big Bayou Canot Bridge north of Mobile, AL. The accident was the worst in Amtrak's history, and claimed 47 lives. Moments before derailment, the bridge was severely damaged when it was struck by a tug pushing several barges. The tug was operating in heavy fog without basic navigational tools.

On January 7, 1994, another towing vessel accident occurred when a barge spilled 750,000 gallons of diesel oil off the coast of Puerto Rico. In this case, the towing vessel operator improperly repaired a tow, allowing the barge carrying oil to float free and run aground on a reef.

Last June, the National Transportation Safety Board found that inadequate licensing requirements, poor radar training and inadequate navigational equipment, combined to cause the Sunset Limited accident. The Coast Guard recently released studies on towing vessel inspection and manning requirements. The Coast Guard did not recommend inspection of all towing vessels but suggested that, in certain vessel operations, greater Coast Guard oversight may be necessary. The Coast Guard also recommended several manning changes to increase the proficiency of operators of towing vessels.

This safety act would require certain navigational equipment aboard towing vessels; require that the operator of the vessel demonstrate proficiency in the use of the equipment; require prompt reporting of marine casualties; direct the Coast Guard to develop a model company towing vessel inspection program; direct the Coast Guard to develop an enhanced boarding program for inland rivers; increase civil penalties for violations of towing vessel equipment and manning requirements; eliminate the existing uninspected towing vessel operator licenses and replace them with new master and operator licenses; provide "whistleblower" protection to all seamen who refuse to violate safety laws and other Federal regulations; and require towing and offshore supply vessel personnel and certain personnel employed aboard passenger vessels to carry merchant mariner's documents.

The increased safety requirements contained in this act will not only protect innocent individuals, but will also help keep our Nation's ports free of obstructions and open to commerce.

Another very important title included in our amendment pertains to safety. Title seven, the "Coast Guard Regulatory Reform Act of 1993," is intended to simplify U.S. construction requirement to reduce the regulatory burden on the U.S. maritime industry without compromising safety.

U.S. shipbuilding requirements maintain the safety of passengers and crew carried aboard U.S.-flag vessels. Shipbuilding requirements also control the ultimate profitability of vessel operations. The goal of U.S. shipbuilding requirements should be to maintain a high level of safety without discouraging investment in vessel operations under the U.S. flag.

In 1992, Secretary of Transportation Card directed the Coast Guard to simplify their ship construction requirements to reduce the regulatory burden on the U.S. merchant marine industry. Unfortunately, that project did not move forward until recently. These provisions, developed by the Coast Guard, industry representatives, and the Merchant Marine and Fisheries Committee, will streamline shipbuilding requirements for all the U.S. maritime industry and allow it to become more competitive internationally.

The title implements the International Management Code for the Safe Operation of Ships [ISM Code] under chapter IX of the Annex to the International Convention for the Safety of Life at Sea, 1974; requires the Coast Guard to study the methods that may be used to implement and enforce the ISM Code; authorizes the Coast Guard to use reports of qualified organizations as evidence of compliance with Coast Guard inspection requirements; authorizes the Coast Guard to accept equipment approvals of foreign governments if the approval secures the safety of individuals and property on board vessels; conforms the durations of U.S. certificates of inspection to the internationally recognized time period of 5 years; and authorizes the Coast Guard to delegate inspection authority to classifications societies in addition to the American Bureau of Shipping under certain conditions.

Streamlining U.S. shipbuilding requirements is an essential part of maritime reform. Any legislative solution to problems in this area must maintain a high level of safety in ship construction, but must also "level the playing field" for vessels in foreign trade.

Title eight contains the provisions of H.R. 3821, the "United States Passenger Vessel Development Act," which is designed to promote the construction and operation of domestic passenger ships that will operate out of U.S. ports and cater to Americans.

I have fought to revitalize the American-flag cruise ship industry since my first term in Congress. I know how important this industry would be and how hard it is for us to compete against foreign competitors.

For a number of years we have been looking at legislative proposals designed to create opportunities for American businesses to enter the lucrative cruise ship trade. As we all know, this trade is currently dominated by foreign-owned and foreign-flagged cruise ships.

H.R. 3821 could well provide the mechanism to allow Americans to prove that we can compete with the foreign cruise ships, by using vessels manned by American citizens and, ultimately with American-built cruise ships.

It is my hope that this title will provide the statutory mechanism to encourage American businesses to enter the cruise trade. We just sent to the Senate our maritime reform program designed to stimulate our merchant marine and shipbuilding industries. It is now time that Congress took action to break the grip of the foreign interests that dominate what should be an American cruise ship trade.

Title nine addresses another aspect of boating safety, specifically the State Boating Safety Grant Program.

It would establish a reasonable, stable funding method for the program, and yet will not increase the total expenditures of the Federal Government. It is supported by all of the affected groups, including the National Association of Boating Law Administrators, the American League of Anglers and Boaters, and the Boat Owners Association of the United States.

I deeply regret that the President proposed to eliminate the State Boating Safety Program in his fiscal year 1995 budget. This committee is on record in opposition to this proposal for three reasons. First, boating safety grants are fully funded by the fuel taxes paid by recreational boaters. Second, no real savings result because funds deposited in the boat safety account that are not appropriated for State grants are automatically spent for sport fish restoration projects the following year. Third, this program has been successful in reducing boating accidents and fatalities. According to the Coast Guard, the estimated number of boats has more than tripled since the Federal Boating Safety Act was enacted in 1971, yet the boating fatality rate has dropped 80 percent. In fact, recreational boating fatalities dropped to a record low 816 in 1992. We should not eliminate a program that is so successful; that is strongly supported by the States; and that is paid for by recreational boaters.

Finally, Mr. Chairman, the leadership amendment includes a number of Jones Act waivers. The committee has ensured that there were compelling reasons to grant these waivers, either because the problems related solely to chain-of-title, or because the individuals who requested the waivers demonstrated a significant financial hardship.

In conclusion, the Merchant Marine and Fisheries Committee has completed action, in a fair, bipartisan manner, on bills that are immensely important to our maritime industry and the safety of our citizens. As we enter the final weeks of this session, I only hope that the other body will move this legislation expeditiously.

Mr. Chairman, I urge my colleagues to join me in supporting adoption of this bill.

Mrs. FOWLER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the en bloc amendments to H.R. 4422. We have all seen the important work of the Coast Guard in recent weeks regarding both Haitian and Cuban refugees. That we need a strong and well-equipped Coast Guard for these type of actions is undisputed. But in addition to refugee intervention, a strong Coast Guard is also necessary in the war against drugs.

When the President first proposed a fiscal year 1995 budget for the Coast Guard, it provided no funds for drug intervention. The Merchant Marine and Fisheries Committee added $21 million to that request for drug intervention. In addition, the committee added language to require the Coast Guard to dedicate at least 9.5 percent of its operating expenses to drug interdiction activities.

Unfortunately, with this administration's policy of drug treatment as opposed to drug interdiction, and the reallocation of Coast Guard resources to the Cuban and Haitian situations, there remains minimal resources for drug interdiction. Since May alone, the Coast Guard has been notified of 11 instances of drug trafficking and has been unable to respond due to the fact that all of its resources are being used elsewhere. This is a situation that simply cannot continue.

Given Florida's past role as a major conduit for drug trafficking from Latin America and the Caribbean, and the impact these illicit operations have had on the crime rates in Florida, further reductions or reallocations of the Coast Guard's drug interdiction activities are unacceptable.

With the help of the Coast Guard and other Federal crime fighting agencies, Florida's law enforcement authorities have scored impressive successes against drug trafficking. We simply cannot reduce our vigilance in this regard. For these reasons, I support passage of this legislation.

Mr. MACHTLEY. Mr. Chairman, I rise today in support of this amendment offered by Mr. STUDDS, my distinguished colleague from Massachusetts and the chairman of the Merchant Marine and Fisheries Committee.

Included in this amendment—which seeks to waive the Jones Act statutes to allow a number of vessels to participate in coastwide trade—are two beautiful and historic sailing yachts currently anchored in the waters of my home State of Rhode Island.

I would like to take just a moment to briefly share the history of these unique and historic vessels.

Shamrock V and *Endeavour* are the only remaining J-Class sloops, a class of enormous sailing yachts built in the 1930's.

These 130-foot classic sailing yachts, with masts that soar 165 feet above the water line, have a displacement of 150 tons and travel at speeds upwards of 12 knots. To see them on the waters of Narragansett Bay is to witness a brilliant combination of grace and power.

Both *Shamrock V* and *Endeavour* dominated the British racing scene from the time of their launch until the advent of World War II, and competed in the America's Cup races in 1930, 1934, and 1937.

And while *Shamrock V* was fortunate to have a series of subsequent owners who cared for her, it is a miracle that *Endeavour* is even afloat today. She passed through several owners and was nearly demolished and left for scrap on a number of occasions.

In 1984, as she sat in an abandoned seaplane base in southern England, *Endeavour* was purchased by a new owner who truly appreciated the elegance of the J–Class sloops, and an extensive 5-year restoration effort was launched.

In 1989, for the first time in 52 years, *Endeavour* sailed again.

I am proud to speak on behalf of each of these yachts, both of which have strong ties to Newport, RI, a town which has a long tradition of maritime activity, and is affectionately known as the Sailing Capital of the World.

Mr. Speaker, passing this amendment will allow thousands of people to enjoy these vessels and become part of their rich and distinguished history.

I urge my colleagues to support this amendment.

☐ 1530

The CHAIRMAN. The question is on the amendments offered by the gentleman from Massachusetts [Mr. STUDDS].

The amendments were agreed to.

Mr. TORKILDSEN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to engage the distinguished chairman of the Committee on Merchant Marine and Fisheries in a colloquy.

Mr. Chairman, section 415 of H.R. 4422, the Coast Guard Authorization Act of 1994, transfers Cape Ann Lighthouse on Thatchers Island, MA, from the Coast Guard to the town of Rockport, MA. That section provides that the ownership of the lighthouse will revert to the United States if the property ceases to be maintained in a manner consistent with the National Historic Preservation Act of 1966.

Cape Ann Lighthouse is only accessible during part of the year, usually by helicopter, because of weather conditions in the area. I am concerned that, despite a good faith effort to comply, accessibility problems may prevent technical compliance with the Historic Preservation Act at Cape Ann Lighthouse. Weather permitting, I am assured that the town of Rockport will make any necessary repairs to keep the lighthouse in compliance with the Historic Preservation Act.

Am I correct in assuming that a good faith effort to comply with the National Historic Preservation Act will be sufficient to comply with the terms of conveyance under section 415 of H.R. 4422?

Mr. STUDDS. Mr. Chairman, if the gentleman will yield, my part here is very modest. The gentleman from Massachusetts [Mr. TORKILDSEN] is correct.

Mr. TORKILDSEN. Mr. Chairman, I thank the gentleman from Massachusetts.

AMENDMENT TO THE AMENDMENTS OFFERED BY MR. STUDDS

Mrs. BYRNE. Mr. Chairman, I offer an amendment to the amendments offered by the gentleman from Massachusetts [Mr. STUDDS].

The CHAIRMAN. The Chair rules that the amendment offered by the gentleman from Massachusetts has already been adopted.

PARLIAMENTARY INQUIRY

Mr. STUDDS. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. STUDDS. Mr. Chairman, would it be in order to propound a unanimous consent request to make such an amendment in order? We did not know this amendment was drafted as an amendment to the amendments.

The CHAIRMAN. Will the gentleman submit to the Chair a unanimous consent request?

Mr. STUDDS. Mr. Chairman, I ask unanimous consent that the proceedings wherein the amendments were adopted be vacated for the purpose of the consideration of an amendment to the amendments offered by the gentlewoman from Virginia [Mrs. BYRNE].

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Clerk read as follows:

Amendment offered by Mrs. BYRNE to the amendments offered by Mr. STUDDS: At title 10, section 1001, insert the following paragraph:

"(48). *Too Much Fun* (United States official number 936565).".

Mrs. BYRNE. Mr. Chairman, my amendment will help a small business which has been held back by redtape and bureaucracy.

This business is owned by two brothers, Chip and Curtis Fredericks.

The Fredericks brothers grew up along the east coast and spent their childhoods working on ships. A few years ago, they decided to pursue a lifelong goal and start a charter boat business on the Atlantic Ocean.

Chip and Curtis went up to Maryland to purchase a boat from a dealer who they believed to be reputable. The dealer told them that the craft could serve as an excellent charter boat and could be licensed for commercial and charter uses. Chip and Curtis laid down almost $200,000 of their life's savings for the boat, and got set to start their business.

Chip and Curtis then learned that their new boat, while in good overall shape, was not properly equipped to be a commercial vessel. The dealer never told them this. Chip and Curtis completed these improvements with American-made products, which cost them another $75,000, making their total investment over a quarter of a million dollars. Thinking they were ready to get their venture moving, they hired a crew and support staff.

However, when Chip and Curtis went to have their ship licensed for commercial use, the Coast Guard turned them down because of the boat's foreign-made hull. Chip and Curtis, who had been told by the dealer that the hull would not prevent the boat from being licensed, sought him out to rectify the situation. When they went back to Maryland, they could not find him, and he has since disappeared without a trace.

While the Coast Guard rejected this boat because it was foreign-made, this supposedly foreign boat has—these don't sound like foreign-made products to me, and they certainly don't to Chip and Curtis Fredericks.

Meanwhile, Chip and Curtis' potentially vibrant business has been placed on indefinite hold, and these two entrepreneurs may be forced to close shop permanently because they cannot license their boat without a Jones Act waiver. Already, the lucrative spring and summer seasons have passed by with Chip and Curtis stuck in drydock. They have been forced to lay off several employees and have watched their $250,000-investment go down the drain.

If you have any doubts about the Fredericks brothers' determination and commitment to getting their business started, just ask the members of the Merchant Marine and Fisheries Committee. Yesterday, Chip Fredericks took the time to travel up to Capitol Hill to speak in person to as many members of the committee as possible about his ship. To Chip and Curtis Fredericks, the Jones Act restriction is not an abstract legal technicality, but a very real roadblock that has turned their dream of starting a ship business into a nightmare. This business is their livelihood, and it would be a tragedy if it was ruined by government redtape and congressional indifference.

We all recognize the need to support our Nation's commercial maritime industry as it fights foreign competition and job losses. But when you consider that Chip and Curtis Fredericks made a sizable investment into a ship they bought with misleading information, in order to start a venture that will create American jobs, getting this boat licensed for commercial use just makes sense.

Today, we have an opportunity to strike a blow for an American business and against government bureaucracy and delays. I urge my colleagues to support this amendment to help Chip and Curtis Fredericks realize their lifelong dreams.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Virginia [Mrs. BYRNE] to the amendments offered by the gentleman from Massachusetts [Mr. STUDDS].

The amendment to the amendments was agreed to.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Massachusetts [Mr. STUDDS] as amended.

The amendments, as amended, were agreed to.

AMENDMENT OFFERED BY MR. FIELDS OF TEXAS

Mr. FIELDS of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FIELDS of Texas:

At the end of title IV, add the following new section:

SEC. . COST ACCOUNTING FOR HAITIAN OPERATIONS.

(a) No later than 30 days after enactment of this Act, the Secretary of Transportation shall submit a full accounting of all Coast Guard costs related to Haiti during Fiscal Year 1994 to the Committee on Merchant Marine and Fisheries in the House of Representatives and to the Committee on Commerce, Science, and Transportation in the Senate. This accounting shall include numbers of Coast Guard personnel involved, the numbers of Coast Guard vessels involved, and the amount of funds diverted from other Coast Guard missions.

(b) Until all U.S. military operations in Haiti cease, the Secretary of Transportation shall submit monthly reports on all Coast Guard costs related to Haiti to the Committee on Merchant Marine and Fisheries in the House of Representatives and to the Committee on Commerce, Science, and Transportation in the Senate.

Mr. FIELDS of Texas (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. FIELDS of Texas. Mr. Chairman, this amendment simply requires the Secretary of Transportation to submit to the oversight committees in the House and the Senate a full cost accounting of all the Coast Guard costs related to Haiti during fiscal year 1994 and 1995.

I have been disappointed with the estimates I have received on Coast Guard costs associated with Haiti, because they do not reflect the full costs of Haitian operations. The Coast Guard has been forced to divert substantial funds from drug interdiction and other law enforcement missions to increase the resources devoted to operations related to Haiti. We need complete and up-to-date information on these costs to adequately assess the effectiveness of the Coast Guard missions in Haiti.

Amendments of this type requiring routine information from the executive branch should not be necessary, but unfortunately, I have had a difficult time receiving timely and complete information from the administration concerning the Coast Guard's involvement in Haiti.

I hope that the monthly cost updates required under this amendment will not be necessary for many months, because I hope the President will pull out United States troops from Haiti as soon as possible. In the meantime, we must have an accurate cost accounting to assess the benefit of the President's policy in Haiti to the American public.

Mr. STUDDS. Mr. Chairman, will the gentleman yield?

Mr. FIELDS of Texas. I yield to the gentleman from Massachusetts.

Mr. STUDDS. Mr. Chairman, we are prepared to accept the amendment offered by the gentleman from Texas [Mr. FIELDS].

Mr. FIELDS of Texas. Mr. Chairman, I thank the chairman of the committee.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. FIELDS].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT: Page 37, after line 18, add the following new section:

SEC. . SENSE OF THE CONGRESS; REQUIREMENT REGARDING NOTICE.

(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available under this Act should be American-made.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Secretary, to the greatest extent practicable, shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) of the Congress.

Mr. TRAFICANT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TRAFICANT. Mr. Chairman, I want to commend this committee on section 311, the buy-American requirements for surface search radar systems, and also for section 417, for prohibition on overall repair and maintenance of certain Coast Guard vessels and foreign shipyards, except for emergency needs.

Mr. Chairman, I concur with what the gentleman said. If every committee showed the bipartisan fair play that he has, we not only could conduct our business much quicker, we would help the American people much more.

I say to the gentleman, "My buy-American amendment is standard, Mr. Chairman. It's significant and the same that you have had in the past, and I ask that it be accepted."

Mr. STUDDS. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Massachusetts.

Mr. STUDDS. Mr. Chairman, anyone prepared to praise the committee to that extent has an acceptable amendment.

Mr. FIELDS of Texas. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Texas.

Mr. FIELDS of Texas. Mr. Chairman, I appreciate the gentleman from Ohio [Mr. TRAFICANT] bringing his amendment to the floor today, and, as he said, it is standard, and so what I am going to ask him today is if he could tell us what the real purpose of this amendment is.

Mr. TRAFICANT. Mr. Chairman, hopefully there will be a few extra jobs, and a little bit of the money that is expended in this bill will go to buying some American-made products, without being protectionist, but being helpful for our economy and the working man in our country, which certainly the ranking member has always been a proud sponsor of these types of amendments.

□ 1340

Mr. FIELDS of Texas. If the gentleman will yield further, I want to say to the gentleman that I think what he does on each piece of legislation is not standard. I think it is very important. I think the gentleman has made a reputation in the House for himself standing up on this particular matter, and I just want to give him an opportunity to stand up and tell us why he does this each time. Again I want to say I applaud what he does. I support it.

Mr. TRAFICANT. I appreciate all the help over the years the gentleman has given.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. GOSS

Mr. GOSS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GOSS: Page 37, after line 18, add the following:

SEC. . SENSE OF THE CONGRESS REGARDING FUNDING FOR COAST GUARD.

It is the sense of the Congress that in appropriating amounts for the Coast Guard, the Congress should appropriate amounts adequate to enable the Coast Guard to carry out all extraordinary functions and duties the Coast Guard is required to undertake in addition to its normal functions established by law.

Mr. GOSS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. GOSS. Mr. Chairman, this is a very straightforward amendment. I believe it is noncontroversial. The same provision was signed into law as part of last year's Coast Guard authorization. All that is changed is the page number. It simply says when we give the Coast Guard extra missions, beyond their normal functions, we should provide the extra funding needed to carry those missions out.

Certainly no Department or Agency can be immune from belt-tightening, but the belt around the Coast Guard already is in the last notch. Even with a 4 percent increase over last year's funding levels, the fiscal year 1995 level will mean a $100 million cut in current services, which will include separating 1,100 personnel and 1,000 reservists, closing 14 search and rescue stations, and ending the Boat Safety Grant Program—one of the few Government programs that actually works. Add to this equation the extra responsibilities so often heaped upon a willing but underfunded Coast Guard and you have a serious dilemma.

Most recently, the Coast Guard has been called to serve in an extra mission in the Caribbean. Since January, the Coast Guard has rescued 24,733 Haitians who were part of the mass exodus unleashed earlier this year by the combined impact of the embargo and the ever-evolving back and forth refugee policies of the White House.

When Fidel Castro seized the opportunity to manufacture a refugee crisis of his own in nearby Cuba, the Coast Guard found themselves with 37,074 Cubans to bring to safety. At the height of this refugee crisis, it was reported that every major cutter from the east coast had been committed to operations in the Caribbean and some vessels had even been pulled from Pacific Northwest fisheries duties to fill in the gaps.

The Cuban search and rescue mission alone occupied more than 30 Coast Guard cutters. Last year, the incremental cost figure for Haitian interdiction in the windward passage was $11.2 million. This year, although we have yet to receive a firm cost estimate for either the Haiti or the Cuba operation, we can expect the costs to run much higher. This week, the Coast Guard picked up a new role—port security for the United States occupation of Haiti. All of this paints a pretty clear picture of how the smallest of our Armed Forces has been repeatedly called upon to carry out extraordinary duties which are generally not anticipated in the authorizations and appropriations we pass here.

All indications are that this trend will continue, but without more realistic funding something will eventually have to give. I don't believe that most Americans are willing to give up on ongoing drug interdiction operations, search and rescue operations, fisheries law enforcement, navigable waterway management or any of the other vital operations the Coast Guard performs.

While I know this amendment is not the solution to the Coast Guard's budget shortfalls, it is after all nonbinding and was largely ignored by the Clinton administration in the past year. But it is important because it puts Members on record in support of a policy of providing adequate funding when we add to the list of missions. Perhaps next year, we can work to go beyond such a policy statement and actually make it stick.

I urge Members to once again support this amendment as a useful first step along this path. But for now what better way to stand behind our heroic Coast Guard engaged in dangerous work in the nearby Caribbean than to say we are going to provide the necessary resources for you to carry out these tough missions.

Mr. Chairman, I would like to say at this time that I want to associate myself with the remarks of the gentleman from New Jersey [Mr. HUGHES] about the bipartisanship and leadership of the Committee on Merchant Marine and Fisheries. I used to serve on that committee, and I enjoyed that very much. The difference between the partisanship or the lack of partisanship on that committee and the Committee on Rules is indeed something to behold. I commend the gentleman from Massachusetts [Mr. STUDDS], the chairman, and the ranking member, the gentleman from Texas [Mr. FIELDS] for the work they are continuing to do. I hope they will support my amendment.

Mr. STUDDS. Mr. Chairman, will the gentleman yield?

Mr. GOSS. I yield to the gentleman from Massachusetts.

Mr. STUDDS. Mr. Chairman, the gentleman is welcomed back at any time that he cannot stand the third floor. I think the gentleman's proposition in this amendment is unarguable. We are proud to support it.

Mr. FIELDS of Texas. Mr. Chairman, will the gentleman yield?

Mr. GOSS. I yield to the gentleman from Texas.

Mr. FIELDS of Texas. Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from Florida. The Coast Guard has been forced to divert substantial resources from other missions this year to engage in different activities related to Haiti. We have not received a full accounting for these costs, but I urge the President to quantify the costs of the Haitian operation for the Coast Guard, and to request funding to restore the Coast Guard funds diverted from other missions, especially drug interdiction.

Drug interdiction resources in the Caribbean have been strained to the extent that the Coast Guard was unable to respond to 11 possible drug incidents earlier this month. I am concerned that we have seriously compromised the ability of the Coast Guard to protect our shores from drug smugglers. This is a national security problem that deserves our immediate attention.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. GOSS].

The amendment was agreed to.

Ms. FURSE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, as a member of the Merchant Marine Committee, I rise to express my strong support for H.R. 4422.

Mr. Chairman, in the First District of Oregon, we greatly appreciate the presence of the Coast Guard in Astoria. We recognize and heavily rely on the marine safety assistance services it provides. This agency carries a heavy burden of responsibilities on its shoulders: search and rescue operations, boating and environmental safety, drug interdiction, and the enforcement of a multitude of laws and treaties governing the high seas, among others. Too often, we take for granted the role of this extremely valuable agency.

I am pleased to add my voice to the support expressed by my colleagues for the fiscal year 1995 authorization for the Coast Guard.

In past years, this agency has consistently been underfunded. It has been caught in a no-win situation. Since the Coast Guard has done a good job on a bare bones budget, we continue to heap more responsibilities upon them without any additional funds to carry out these new duties. If the Coast Guard has been able to do a decent job on constant underfunding, imagine what they could accomplish with adequate resources.

It's time to give the Coast Guard what they need to do their job. The work they do is essential to our coastal communities and our entire Nation. I urge my colleagues to support H.R. 4422.

AMENDMENT OFFERED BY MR. HOYER

Mr. HOYER. Mr. Chairman, I offer an amendment.

The Clerk read as follows.

Amendment offered by Mr. HOYER: At the appropriate place in the bill, insert the following:

SEC. . PLAN FOR RESCUE OF PASSENGERS ON THE CHESAPEAKE BAY.

(a) The Secretary of the department in which the Coast Guard is operating in consultation with officials of the States of Maryland and Virginia, and other interested persons, shall develop and submit to Congress by March 30, 1995, a plan for the rescue of persons transported on passenger vessels or small passenger vessels on the Chesapeake Bay.

(b) The plan developed in subsection (a) shall include:

(1) a protocol for command, control, and communications among federal, state, and local authorities;

(2) a protocol for training exercises to prepare for an emergency rescue on the Chesapeake Bay;

(3) an identification of emergency medical personnel that would be available for an emergency rescue on the Chesapeake Bay;

(4) an identification of procedures to be followed and equipment that would be needed in the event of weather that could result in hypothermia of the passengers; and

(5) a study by the Coast Guard examining the feasibility of locating a helicopter station on the Chesapeake Bay and in developing mutual aid agreement with appropriate federal, state and local agencies to improve helicopter response time.

Mr. HOYER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. HOYER. Mr. Chairman, I rise in strong support of the Coast Guard reauthorization and congratulate Chairmen TAUZIN and STUDDS on their hard work.

Today, I am offering an amendment in response to a tragedy which occurred last December when a charter boat sank in the Chesapeake Bay after leaving from a marina in my district.

Despite the mobilization of the Coast Guard, Navy, State, and local resources three people died. I believe that we can improve emergency response to such disasters, and I am offering this amendment to do just that.

Briefly, my amendment would direct the Coast Guard, in consultation with the States of Maryland and Virginia, to develop a plan for rescuing people from the Chesapeake Bay. The plan calls for developing five important protocols for the Coast Guard to follow. They are as follows:

First, a protocol for command, control, and communications among the various Federal and State agencies.

Second, a protocol directing coordinated training exercises among these agencies.

Third, a protocol identifying emergency medical personnel available for response to such disasters.

Fourth, a protocol identifying the procedures and equipment needed to treat hypothermia cases.

Fifth, and finally, a protocol directing the Coast Guard to report on the feasibility of locating a helicopter station on the Chesapeake Bay and in developing mutual aid agreements with appropriate Federal, State, and local agencies to improve helicopter response time.

I hope my colleagues will support this amendment so that we can be assured that future rescue operations will be equipped, and prepared for future disasters.

Mr. FIELDS of Texas. Mr. Chairman, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Texas.

Mr. FIELDS of Texas. Mr. Chairman, we have had an opportunity to review the amendment on this side of the aisle. We find no problem. We just wonder why it is not already being done. We appreciate very much the gentleman bringing this to our committee's attention and bringing it to the floor today. We are happy to support it, and urge Members to support it.

Mr. STUDDS. Mr. Chairman, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Massachusetts.

Mr. STUDDS. Mr. Chairman, those from coastal districts are all too familiar with this sort of tragedy. I am delighted to support the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland [Mr. HOYER].

The amendment was agreed to.

□ 1550

Mr. HOCHBRUECKNER. Mr. Chairman, I move to strike the last word.

I rise today to commend my colleagues, Mr. STUDDS, Mr. TAUZIN, Mr. FIELDS, and Mr. COBLE for their work on the Coast Guard Authorization Act.

This bill includes the transfer of Light Station Montauk Point, in Montauk, NY, to the Montauk Historical Society.

The Montauk Point Lighthouse was commissioned by President George Washington in 1796 and was completed in 1797. The Montauk Point Lighthouse was the second public works project undertaken by the U.S. Government. It has served ever since as the marker for the first land encountered by ships headed for New York Harbor, Long Island Sound, and other ports along the eastern seaboard.

The Montauk Historical Society has done a heroic job of maintaining and preserving the lighthouse in cooperation with the Coast Guard. Their efforts both in fundraising and in protecting the lighthouse have literally kept it from falling into the sea. So it is only fitting that they should now own it and preserve its integrity for future generations. Under my amendment which was adopted by the Merchant Marine and Fisheries Committee, the U.S. Coast Guard will still be responsible for maintaining the light, sound signal, and other equipment which aid navigation.

I urge my colleagues to support H.R. 4422.

Mr. FIELDS of Texas. Mr. Chairman, I move to strike the last word.

I just want to take a quick moment to thank the gentleman from Massachusetts [Mr. STUDDS], the gentleman from Louisiana [Mr. TAUZIN], and my ranking minority member, the gentleman from North Carolina [Mr. COBLE].

Once again, this legislation has been crafted in a bipartisan manner. There was a great deal of encouragement from a number of Members. We feel that this is a good piece of legislation. I would not tell anyone it is a perfect piece of legislation, but once again, I think it is a piece of legislation representative of the Committee on Merchant Marine and Fisheries, a piece of legislation that has been crafted in a bipartisan concensual manner.

I just want to pay the highest compliment to the chairman in the way in which he conducts himself and the committee.

Mr. STUDDS. Mr. Chairman, will the gentleman yield?

Mr. FIELDS of Texas. I yield to the gentleman from Massachusetts.

Mr. STUDDS. Mr. Chairman, I would like to reciprocate those feelings in that respect. It is a source of great pride, in this particularly contentious time where partisan nerves are so frequently and so severely frayed, to work in the fashion that this committee works.

I also would like to point out that the harmony and tranquility which has been observed on the floor, as almost a dozen amendments here, plus or minus, have been adopted in a bipartisan fashion which does not happen by accident.

It reflects a great deal of work on the part of members who never speak on this floor, at least not ordinarily, and that is the staff, both majority and minority staff. It takes a lot of work to make things look as easy as the bipartisan spirit of this committee can so frequently do.

I reciprocate the gentleman's remarks. It is a joy and real pleasure to work with him.

The CHAIRMAN. Are there any further amendments to the bill?

The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. HEFNER) having assumed the chair, Mr. DARDEN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4422) to authorize appropriations for fiscal year 1995 for the Coast Guard, and for other purposes, pursuant to House Resolution 535, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. STUDDS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 402, nays 13, not voting 19, as follows:

[Roll No. 437]

YEAS—402

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Coppersmith
Cox
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Dreier
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Ehlers
Emerson
Engel
English
Eshoo
Evans
Everett
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gejdenson
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Greenwood
Gunderson
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Livingston
Lloyd
Long
Lowey
Lucas
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Ravenel
Reed
Regula
Reynolds
Richardson
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waters
Watt
Waxman
Weldon
Wheat
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—13

Costello
Duncan
Ewing
Gutierrez
Hancock
Johnson, Sam
Lipinski
Penny
Petri
Poshard
Sangmeister
Sensenbrenner
Stump

NOT VOTING—19

Carr
Cooper
Gallo
Gibbons
Green
Herger
Inglis
Inhofe
Levy
McCurdy
Quillen
Rangel
Ridge
Serrano
Slattery
Sundquist
Tanner
Washington
Whitten

☐ 1626

Mr. GUTIERREZ changed his vote from "yea" to "nay."

Mr. HOAGLAND changed his vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. GENE GREEN of Texas. Mr. Speaker, due to appointments with constituents and a series of previously scheduled town meetings, I was unable to register my votes on three occasions.

On September 20, rollcall votes No. 425 and No. 426, I would have voted "yea" on both;

On September 22, rollcall vote No. 437, I would have voted "yea."

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 4422, COAST GUARD AUTHORIZATION ACT OF 1994

Mr. STUDDS. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to make technical corrections in the engrossment of the bill, H.R. 4422, including corrections in spelling, punctuation, section numbering, and cross-referencing.

The SPEAKER pro tempore (Mr. DARDEN). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

GENERAL LEAVE

Mr. STUDDS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 4422, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 4539, TREASURY, POSTAL SERVICE AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1995

Mr. HOYER. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight, Thursday, September 22, 1994, to file a conference report on the bill (H.R. 4539) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1995, and for other purposes.

I have discussed this matter with the ranking member of the Committee on Appropriations and the ranking member of the subcommittee and I understand there is no objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

MAKING IN ORDER ON FRIDAY, SEPTEMBER 23, 1994 OR ANY DAY THEREAFTER, CONSIDERATION OF CONFERENCE REPORT ON H.R. 4539, TREASURY, POSTAL SERVICE AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1995

Mr. HOYER. Mr. Speaker, I ask unanimous consent that it be in order on Friday, September 23, 1994, or any day thereafter, to consider the conference report on the bill (H.R. 4539) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1995, and for other purposes; that all points of order against the conference report and against its consideration be waived; and that the conference report be considered as having been read when called up for consideration.

Mr. Speaker, I have discussed this matter with the ranking member of the Appropriations Committee and the ranking member of our subcommittee and I understand there is no objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

Mr. LIGHTFOOT. Mr. Speaker, reserving the right to object as the chairman indicated, we have discussed this and the minority has no objection.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

□ 1630

WILLIAM H. NATCHER BRIDGE

Mr. RAHALL. Mr. Speaker, I ask unanimous consent that the Committee on Public Works and Transportation be discharged from further consideration of the bill (H.R. 4980) to designate the bridge on United States Route 231 which crosses the Ohio River between Maceo, Kentucky, and Rockport, Indiana, as the "William H. Natcher Bridge", and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. BISHOP). Is there objection to the request of the gentleman from West Virginia?

Mr. PETRI. Mr. Speaker, reserving the right to object, I do not intend to object, but I yield to the chairman of the Subcommittee on Surface Transportation for an explanation of the bill.

Mr. RAHALL. Mr. Speaker, if the gentleman would yield, this legislation would designate a bridge on U.S. Route 231 which crosses the Ohio River in the vicinity of Owensboro, KY, as the "William H. Natcher Bridge."

This bridge is currently under construction due to the efforts of the late and great chairman of the Appropriations Committee, the distinguished gentleman from Kentucky.

I think all of us in this body would agree that Mr. Natcher's distinguished service to this Nation, and to the people of the Second Congressional District of Kentucky, merits in the very least some type of official recognition.

The pending legislation reflects the wishes of the Kentucky delegation to this body, and I believe, of us all, to in some small way provide this recognition. That completes my explanation of the pending matter.

Mr. PETRI. Mr. Speaker, further reserving the right to object, I yield to our colleague, the gentleman from California [Mr. MINETA], the chairman of the full committee.

Mr. MINETA. Mr. Speaker, it is with a great deal of pride that I support the consideration of H.R. 4980. This legislation acknowledges the contribution of one of our dear friends and colleagues, William H. Natcher of the State of Kentucky, by designating the bridge on U.S. Route 231 crossing the Ohio River between Maceo, KY, and Rockport, IN, as the William H. Natcher Bridge. It is only fitting and proper that a major infrastructure project serve as a long and lasting monument in honor of Bill Natcher. He worked closely with the Committee on Public Works and Transportation to provide funding for the construction of this ongoing project that is nearing completion.

For over 40 years, Bill Natcher worked tirelessly to serve his constituents and the Nation. His public service record is exemplary with having never missed a day of work and with having cast 18,401 consecutive roll call votes until advised by his physicians to remain at the Bethesda Naval Hospital to receive medical treatment.

Mr. Speaker, more importantly, the character of the gentleman is what set him apart from many of his colleagues. He was a courteous, dignified, and considerate human being who we all loved and respected. Throughout Bill Natcher's tenure in the House, he enjoyed tremendous respect. He exhibited true leadership virtues during his service as chairman of the Subcommittee on Labor, Health, and Human Services and Education and as chairman of the Committee on Appropriations. Under his tenure, all 13 appropriations bills were enacted on time, without the need for a continuing resolution.

In the 103d Congress, I worked closely with the gentleman from Kentucky and was extremely proud of his willingness to work together to support legislation that maintained the integrity of the legislative process.

Mr. Speaker, it has been an honor and privilege to have served for over 19 years in the House with my friend and colleague, Bill Natcher. I am pleased to support enactment of this legislation to help recognize his tremendous work for the State of Kentucky, its Second District, and the Nation, and I urge passage of the bill.

Mr. PETRI. Mr. Speaker, further reserving the right to object, I yield to the author of the bill before us, our distinguished colleague, the gentleman from Kentucky [Mr. LEWIS].

Mr. LEWIS of Kentucky. Mr. Speaker, I thank my colleague for yielding. Mr. Speaker, I want to thank the chairman of the Public Works Committee, Mr. MINETA, and the ranking member, Mr. SHUSTER, for their support of this resolution, H.R. 4980. And I also want to thank the chairman of the Surface Transportation Subcommittee, Mr. RAHALL, and Mr. PETRI, the ranking member, for their cooperation and joint efforts to bring this bill to the floor in such an expedient manner.

My legislation serves as a tribute to the dedication, caring, and hard work of my predecessor Mr. William H. Natcher. H.R. 4980 will officially give credit to Mr. Natcher for his efforts to begin and continue the construction of the bridge connecting Rockport, IN, to Owensboro, KY.

Back home, the folks in Kentucky have already designated this bridge in honor of Mr. Natcher. But here in Washington, we have never formally honored Congressman Natcher in this way.

Mr. Natcher was dedicated to this project due to the benefits it would bring to the people of the Second District. He guided this project through Congress and laid the groundwork to assure its completion. And now we have the opportunity to recognize his efforts at the Federal level and provide a visible reminder of this great statesman and a true friend of the Second District.

Again, I am pleased that this legislation honoring Mr. Natcher has been able to move so quickly through the legislative process. I think this is a true statement about this Chamber's feelings for Mr. Natcher. He is revered by every Member from both sides of the aisle and I am pleased that we have joined together for this fitting tribute.

Mr. PETRI. Mr. Speaker, further reserving the right to object, I yield to our colleague, the dean of the Kentucky delegation, the gentleman from Kentucky [Mr. MAZZOLI].

Mr. MAZZOLI. Mr. Speaker, I would like very much to thank my friend and colleague, the gentleman from West Virginia, for having brought this bill to the floor, and my friend, the gentleman from Wisconsin [Mr. PETRI] for having yielded me this time in order that I might rise and say a few words in behalf of the bill introduced by my friend and colleague, the gentleman from Kentucky [Mr. LEWIS], on behalf of Congressman Natcher to name the bridge from Rockport to Maceo as the William H. Natcher Bridge.

Any one of us who has served with Bill Natcher knows and remembers him as one of the great people of this Chamber in its history. It was my privilege to work with him for almost 24 years, and his loss is certainly a loss to the Chamber and to the Commonwealth of Kentucky.

Naming this bridge will for many people be a reminder on a daily basis of just who Bill was and what he did for the Commonwealth.

So I want to thank everyone for making this day possible and join with my colleagues from the Kentucky delegation in speaking for this bill.

Mr. PETRI. Mr. Speaker, further reserving the right to object, I yield to the Republican dean of the Kentucky delegation, the gentleman from Kentucky [Mr. ROGERS].

Mr. ROGERS. Mr. Speaker, I thank the gentleman for yielding.

I rise in strong support of this resolution and want to commend my colleague, the gentleman from Kentucky [Mr. LEWIS], the sponsor of the bill and the holder of the Second Congressional District seat Mr. Natcher held for so many years, and to commend the chairman, the gentleman from West Virginia [Mr. RAHALL], and the ranking member, the gentleman from Wisconsin [Mr. PETRI] for expeditiously bringing the matter to the floor.

This is a fitting tribute to our former colleague and our dear friend, Bill Natcher, who worked tirelessly for this project for many years. Bill Natcher was, and always shall remain, one of the most, if not the most, respected Member of this body. He was the kind of Representative that all of us aspire to, and I think that is everybody in the room. A man of impeccable integrity, fairness, he had a tremendous sense of right and wrong. He possessed the moral courage to follow those beliefs, most importantly.

As chairman of the Committee on Appropriations and as a longtime member of that committee, in fact, he was elected to the Committee on Appropriations in his second year in this House and served as chairman of the D.C. Appropriations Subcommittee for 18 years before becoming chairman of the Labor, Health and Human Services Subcommittee, and then rose to chairman of the full committee in December 1992.

This memorial, on this bridge, will be a fitting tribute to Bill Natcher. There are many other tributes that I hope that we bestow upon his memory, and I think that we will, but certainly this tribute that thousands of people will see daily entering his old district will always be a reminder of the tremendous service that this great patriot gave to our Nation and to his beloved Kentucky and to his district for so many working years.

Again, I want to congratulate our colleague, the gentleman from Kentucky [Mr. LEWIS], the sponsor of this bill to which all of the Kentucky delegation are cosponsors, for bringing this bill up, and the chairman and the ranking member for giving it to the body.

I rise in strong support of the resolution.

Mr. PETRI. Mr. Speaker, further reserving the right to object, I yield to my colleague, the gentleman from Kentucky [Mr. BUNNING].

Mr. BUNNING. Mr. Speaker, I rise in support of the unanimous-consent request to pass H.R. 4980, a bill naming the bridge at Owensboro, KY, after our beloved colleague, William H. Natcher.

The Kentucky Post, the largest newspaper in my district, recently called Bill Natcher, "Capitol Hill's Man of Steel."

They were, of course, referring to the 40 years during which Bill Natcher never missed a day of work, the 40 years that Bill Natcher never missed a recorded vote.

The 40 years of unblemished, untarnished, and unquestioned integrity that Bill Natcher devoted to public service.

And I think that Capitol Hill's Man of Steel is a very good way to remember Bill Natcher.

He was a man of steel when it came to his commitment. It never faltered. For 40 years, while nine Presidents came and went; while seven Speakers in the House came and went; Bill Natcher was there, day in and day out, quietly going about the business of doing the people's business.

And that is why I think it is also very appropriate for us, today, to dedicate the bridge at Owensboro, KY, after this great man. What better way to remember Capitol Hill's Man of Steel than to give his name to a Span of Steel.

Mr. Natcher worked hard to get this project started for his constituents. It would be a fitting tribute to name it in his honor; the William H. Natcher Bridge.

Again, I urge my colleagues to join me in supporting this unanimous-consent request—it is a fitting tribute to a great man.

Mr. PETRI. Mr. Speaker, further reserving the right to object, I yield to our colleague, the gentleman from Kentucky [Mr. BARLOW].

Mr. BARLOW. Mr. Speaker, Mr. Natcher was one of the great men of American history and will continue to be one of the great men of American history down through the years.

I commend my colleague from the second district who has sponsored the naming of the bridge there at Owensboro, going over into Indiana, after William H. Natcher.

You know, it is the public works of our great Nation that bind us together as a people, all 435 congressional district, all 50 States.

Public works are good works. Public works today are much maligned.

□ 1640

But let us look back over the years, over the decades to how they have transformed us into a Nation with the strongest economy in the world, with a people who are the most well off in the world.

It is public works that truly have bound us together, and it is fitting that this bridge binds two great States, Indiana and Kentucky.

I look forward to the years of my work in Kentucky using this bridge and remembering Mr. Natcher.

Mr. Speaker, a bridge is a mighty thing, but the water system of the smallest town in Mr. Natcher's district was as important to Mr. Natcher as this bridge, as he told me when I first came here.

Let us remember that as we all look ahead.

Mr. PETRI. Mr. Speaker, reclaiming my time, I yield to our colleague from Louisiana, the gentleman who served with Mr. Natcher on the Committee on Appropriations for many years, the gentleman from Louisiana [Mr. LIVINGSTON].

Mr. LIVINGSTON. I thank the gentleman for yielding.

Mr. Speaker, I commend the gentleman from the Second District of Kentucky for this bill, for his sponsorship of this bill. I just rise in support of it.

Frankly, there will not be a single Member of this House who will oppose it because indeed Bill Natcher was one of the finest gentlemen who has ever passed through the Halls of Congress. He was a statesman, a gentleman, a man of integrity, a man with whom I had the great honor of serving for 17 years in the House of Representatives. Since 1980 until his unfortunate death I served with him on the Appropriations Committee.

I never saw Bill Natcher riled, I never saw him at odds with any Members. He was always in full control of himself, of his committee, of his Subcommittee on Health and Human Services.

Mr. Speaker, I had the luxury and the great fortune to serve with him for only 2 years on the Subcommittee on Labor, HHS. I just want to say that he was indeed that he was the epitome of the finest type of legislator that any one could imagine. He was the ideal, he was the goal, he was the mentor for those of us younger Members who were struggling and coming along.

So I enthusiastically applaud this bill and wholeheartedly endorse it and wish the very, very best to Bill Natcher's family and to all of the people of Kentucky as they enjoy the benefits of this great bridge named after Congressman William Natcher.

Mr. PETRI. Mr. Speaker, reclaiming my time, you have heard from many other colleagues about William Natcher. I can only say for myself that he set a very high standard of public service.

He was really an inspiration to this Member and many others who, when we arrived here, discovered that this institution sometimes was not the way we had learned about it or the way that it was portrayed about in the national media. In fact, it was filled with many, many Members, in both parties, who put a very high value on public service, set very high standards for themselves and who felt they were doing the best they could to uphold the Constitution and the ideals that our Founding Fathers set forth. We have tried to implement them over the years and have contributed in some ways to making this the Great Republic that it is.

Bill Natcher, every day that he served here, to the best of my understanding, kept a diary. I predict as future generations look back on this era, his diary will be a scholar's treasure that will help people understand the actual workings of the Congress of the United States, its House of Representatives, and the many issues he was involved in during his decades of service in this institution. It is just one more contribution he has made to this country.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. BISHOP). Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Clerk read the bill, as follows:

H.R. 4980

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The bridge on United States Route 231 which crosses the Ohio River between Maceo, Kentucky, and Rockport, Indiana, shall be known and designated as the "William H. Natcher Bridge".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the bridge referred to in section 1 shall be deemed to be a reference to the "William H. Natcher Bridge".

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, and under a previous order of the House, the following Members are recognized for 5 minutes each:

THE CONTINUING SITUATION IN HAITI

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. GOSS] is recognized for 5 minutes.

Mr. GOSS. Mr. Speaker, I have come many time to the well in the past several months to talk about the situation in Haiti. It is a continuing situation. Frankly, we are getting more news from Dan Rather about what is going on down there, more accurate information than we are getting from the administration up here, despite the fact we had a briefing earlier this week from former President Carter, General Powell, and Senator NUNN and the Secretary of Defense and Secretary of State.

But events are moving very rapidly, as we can see. I think a number of things are called for. First of all, I hope that the President of the United States will give us an explanation of some of the things he said last Thursday night a week ago when he spoke to the Nation on prime time.

Mr. Speaker, I note that many of those within the beltway are very troubled about some of the things in that speech. I go to Bob Novak's column in the Washington Post. I will quote from that.

Apparently, Mary McGrory was in attendance at the press conference. Mary McGrory asked the President the question:

> You accused the military leaders in Haiti of maintaining a reign of terror. You said they were responsible for 2,000 deaths. Why did you accept an agreement that allows them to stay in Haiti and perhaps run for elected office there?

Now, reading on in Mr. Novak's column, he says:

> The President stumbled through his answer but the truth is that he had been spreading unverified propaganda, and now he was dealing with the real world.

I think there are an awful lot of people worried that perhaps our State Department and our White House, and our Defense Department, our National Security Council, have been taken in by some propaganda. Certainly there is plenty of propaganda in play because passions are running very high on either side, whether it is the pro-Aristide side or the pro-junta side. Unfortunately, nobody is talking to the middle ground. The people who advocate a positive, responsive, moderate reaction to what is going on down there. We have people in Haiti who are ready to play that role, and they are called properly elected and democratic members of their congress, as it were, parliamentarians, deputies of those chambers. I think there are things in the President's speech that are going to need justification. People in America are asking why do we have the most brutal dictator in the western hemisphere last Thursday night who is suddenly working with our military, trying to deal with the situation in Haiti in this process now? Why did the President say there were 300,000 Haitians hiding in the countryside who were about to become refugees? Perhaps suggesting we need to be worried in Florida that somehow 300,000 more refugees were going to get into leaky boats and come across the water into the United States illegally.

☐ 1650

Why did the President say that invasion was the only solution? All means had been exhausted? We were going to have an invasion because there was no other course for America? I think those are explanations that need to be made by the White House to the people of this country, and I also think they need to be made to the Congress of the United States. It seems to me Congress has the job of not only legislation, but of oversight, and I think that the White House has overlooked some of the things that we should apply some oversight to.

I would like to know what our policy is trying to accomplish right now in Haiti. We read of problems with our rules of engagement, soldiers not quite sure whether they are supposed to do something or not do something when they see a situation of violence. We see that the rules of disengagement, how are we going to get out, when are we going to get out, are very much up in the air. We read a statement in today's paper, and I am quoting from the New York Times:

Pentagon officials said it was because they had not yet had time to come to grips with the complexities of rules of engagement that had been rewritten only a few dozen hours earlier which is why nobody really knew what we were supposed to do if our troops witnessed violence down there.

The whole question of the sanctions on the embargo which was supposed to have been lifted, we are now told we cannot lift the embargo until the U.N. says it is OK, and the U.N. will not say it is OK until Aristide returns, but Aristide will not return until the generals have left. The generals will not leave until they have been granted amnesty, and the Aristide people will not grant them amnesty. That is the ultimate catch-22.

So, instead of a workable accord, we now got a bilateral catch-22 that is being supervised by the United Nations. That is no formula for success when we have men and women in uniform in harm's way.

I see my distinguished colleague, the gentleman from California [Mr. DORNAN] is present in the Chamber. I yield to him.

The SPEAKER pro tempore (Mr. BISHOP). The time of the gentleman from Florida [Mr. GOSS] has expired.

HONORING CHIEF MASTER SGT. DAVE HART ON HIS RETIREMENT FROM THE MISSISSIPPI AIR NATIONAL GUARD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi [Mr. MONTGOMERY] is recognized for 5 minutes.

Mr. MONTGOMERY. Mr. Speaker, I want to take this time to recognize Chief Master Sgt. David Dan Hart of Brandon, MS, who is retiring from the Mississippi National Guard after 30 years of service.

Chief Master Sergeant Hart is the Mississippi Air National Guard senior enlisted adviser, the Adjutant General's Office, Jackson, MS. He reviews promotion, retention, and assignment policy, affecting some 2,500 enlisted personnel; conducts counseling and interview sessions through a visitation program to 28 units; and identifies issues and recommends action directly to the appropriate commanders. He maintains liaison between the enlisted personnel and the adjutant general, assistant adjutant general for air, and commander of HQ MS ANG.

Chief Hart was born in Lexington, MS, on December 13, 1943. He graduated from high school in 1961, and has 26 semester hours of college. He completed army basic training and 71H Personnel School in 1965. He completed, in-residence, the ANG Command NCO Academy in 1969, the USAF Recruiting School in 1974, and the USAF Senior NCO Academy in 1978.

He became a member of the Mississippi Army National Guard on March 1, 1964, assigned to Battery C, 114 Field Artillery. After completing basic training and 71H Personnel School, he served in that unit until transferring to the 172 Support Squadron, Mississippi Air National Guard, on April 30, 1965. He served in positions of personnel, training, career adviser, and recruiting, until January 31, 1974 when he was appointed State lead recruiter and transferred to headquarters Mississippi Air National Guard. He was appointed State personnel superintendent on July 1, 1977; transferred to the 172 Mission Support Squadron on June 17, 1989 as the NCOIC of Quality Force; and was appointed quality management specialist, 172 Airlift Group, on March 18, 1993. Chief Hart was promoted on June 5, 1993, and appointed MS ANG senior enlisted adviser on October 1, 1993.

His Federal decorations and awards include the Meritorious Service Medal with first oak leaf cluster, the Magnolia Cross, Air Force Commendation Medal, Air Force Achievement Medal, Air Force Good Conduct Medal, Air Reserve Forces Meritorious Service Medal, National Defense Service Medal, Humanitarian Service Medal, Air Force Longevity Service Award Ribbon, Armed Forces Reserve Medal, NCO PEM Ribbon, Air Force Training Ribbon, and RVN Gallantry Cross with Palm. His Mississippi National Guard decorations and awards include the Magnolia Medal, Medal of Efficiency, War Medal, Emergency Service Medal, Service School Medal, and the Charles L. Sullivan Leadership Award.

Chief Hart is a charter and life member of the Mississippi National Guard NCO Association, the Enlisted Association of the National Guard of the United States [EANGUS], and the ANG NCO Academy Graduates Association; and a member of the Air Force Sergeants Association. His MS NG NCO Association awards include NCO of the Year—1984 and 1987, Meritorious Service Award—1998, Magnolia Minuteman—1989, President's Award—1989, and Auxiliary NCO of the Year—1985, 1987, 1990. He was awarded the EANGUS Distinguished Service Award in 1992.

I want to congratulate Dave Hart on his outstanding career of service to the State of Mississippi and to the country. We will miss his experience and leadership, but he has earned his retirement. I salute him on a job well done.

A 21-GUN SALUTE?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DORNAN] is recognized for 5 minutes.

Mr. DORNAN. Mr. Speaker, I was going to ask my distinguished colleague from Florida about something we were discussing today, the Presidential candidate in Haiti who was beaten to death, lynched, and then, since they could not find a tire to necklace his corpse, had gas poured on him and was set on fire. This was a distinguished Haitian who had been a Presidential candidate against Aristide. Last night I witnessed the following series of film clips, and I cannot designate which network because I was surfing, as they say, from one channel to another.

First of all, I saw a handsome Jamaican soldier at one of the training camps in Puerto Rico. A reporter asked him a key question that I think they should ask every American in this country. The reporter asked, "Are you willing to die for Haiti?"

And this handsome young Jamaican soldier, black of course because Jamaicans are almost exclusively of African heritage, said after a long pause in beautiful King's English; they have got a good school system in Jamaica; "Boy, that's a tough question."

Now I wonder if all of our American marines and soldiers and coast guardsmen and sailors and airmen and paratroopers male and female, I wonder how they would respond after, "Boy, that's a good question."

Following that clip was an intelligent-looking woman in her forties, blond, and I am not sure if she was with Amnesty International or Human Rights Watch, but she was from some human rights group. And she said that an Aristide speech on necklacing got that Presidential candidate, Sylvio Claude, murdered. I am going to memorize part of this speech, but for now I will have to put on my reading glasses and turn to a hard copy. Here is what Aristide said, and I have seen the original French on networks with subtitles. My French is very bad, but this is an accurate translation. On September 27, 1991, Aristide encouraged a rally of his followers to engage in necklacing, which is a type of tortuous death wherein a gasoline filled tire is placed around a victim's neck and set on fire.

Of course, the victim cannot remove the tire because their hands are tied behind their back. Here are Aristide's exact words. As I read them remember that this man was just honored with a 21-gun salute on the Mall Front, the River Front, of the Pentagon, the very hallowed ground where I go to POW/MIA ceremonies. Aristide got a 21-gun salute. The max. That is what we gave Winston Churchill. That is what we gave Menachem Begin, the Queen of England, heads of state from all over the world. A 21-gun salute for a man who said this: "a faker who pretends to be one of our supporters * * * Make sure he gets what he deserves with the tool you have in your hands," and he pointed to a tire. "You have the right tool in your hands, the right instrument. What a beautiful tool we have. What a nice instrument. It is nice. It is chic." That is a direct translation from the French word "chic." "It is chic, it is classy, it is elegant and snappy. It smells good, and wherever you go you want to smell it."

Two weeks ago, Mr. Speaker, Jean-Bertrand Aristide, on a radio station that we make available to him with our tax dollars, told Haitians that he was returning with the help of "enemy" guns.

The enemy he spoke of is the United States of America. How's that for gratitude?

There is a feeling at the Pentagon now that morale has hit a new low. They are down as low as they can get over what the Clinton administration has done to our military. We are now in harm's way again with no credible way to get out. If Clinton pulls out at any time in the next 2 months before the November 8 election day, I say, your party, Mr. Speaker, is going to take it in the chops, and it should because it looks like we cut tail and run.

Are we going to keep soldiers in Haiti through a whole year? That would trap Clinton as Jimmy Carter was trapped by the hostage crisis in Iran. This man, Clinton, has put himself in a tar pit, as I said last night, from which no intelligent person, statesman, politician can see a way out.

I am going to insert in the RECORD Jack Anderson's and Michael

Binstein's article of today in the Post and Bill Safire's article titled, "Jimmy Clinton, II," from the New York Times. As a sinning, but stumbling, loyal Jesuit-educated Catholic, I want to end my remarks by pointing out the following.

To my friend, Pat Buchanan, I did not get to call you today, Pat, I say stop calling him Father Aristide. The Salesians of Don Bosco kicked out Aristide for preaching the righteousness of violence. He is a self-ex-communicated Catholic. He is no longer a priest in the eyes of any practicing loyal Catholic.

A 21-gun salute for this defrocked demagog, Mr. Speaker? Shocking, shameful, disgraceful. People at the Pentagon are hanging their heads. As well they should. They are honorable men being asked to perpetuate a fraud on the American people.

[From the Washington Post, Sept. 22, 1994]

CLINTON TAKES HIS TURN AT A RISKY BET

(By Jack Anderson and Michael Binstein)

Jimmy Carter had the shah of Iran, Ronald Reagan had Deng Xiaoping and George Bush had Saddam Hussein. Now Bill Clinton will have Jean-Bertrand Aristide.

It's been the curse of every recent president to bet on at least one bad horse. From Carter's unwavering support of the shah, to Reagan's break with Taiwan in favor of Deng and Bush's support of Saddam in his war against Iran, each of Clinton's recent predecessors has risked the prestige of the United States on a leader in a Faustian bargain. Aristide could be Clinton's albatross.

Only time will tell if Aristide keeps his promise to step down after his term ends next year. And only time will decide if democracy in Haiti continues after American troops leave.

Yet the history of Haiti, and questions about Aristide himself, suggest the New Haitian government will be no easier for the United States to influence than the leaders of Iran, Iraq or China proved to be.

We have detailed why Aristide may be more demagogue than democrat in a series of columns over the past three years. While the Clinton administration and Democrats in Congress insist that Aristide has reformed, or can be reined in, there remain several disturbing questions about his character:

Information from public and private sources depicts a president who is vengeful, paranoid and not afraid to use unruly mobs to get what he wants. During his seven-month presidency, Aristide sometimes showed a tendency to incite mob violence and even rejoice in it.

Though some aspects of the Central Intelligence Agency profile on Aristide have been discredited, it remains proven that some of Aristide's rivals were killed by "necklacing"—the practice of hanging a gasoline-soaked tire around a victim's neck and lighting it.

While Republicans in Congress have gone too far in depicting Aristide as a communist, the record of Aristide's brief presidential tenure shows someone whose commitment to democracy may be based more in theory than in practice.

Before his ouster in September 1991, Aristide demonstrated a penchant for associating with unsavory characters. He made entrees to Cuba's Fidel Castro and Libya's Moammar Gadhafi. His own minister of planning even flew to Libya in April 1991 to attend the fifth annual America-bashing ceremony in memory of the U.S. raid on Libya.

As president of Haiti, Aristide steered $2 million in foreign aid to an orphanage run by a close friend, who was then arrested months later in a cocaine bust. Aristide's response was to order the police to release his friend. The U.S. ambassador at the time, Alvin Adams, protested, but Aristide wouldn't back down.

As an ugly parting shot, Aristide allegedly ordered the murder of a jailed political opponent moments before being unseated in the military coup. As we have reported, a polygraph test secretly administered by the FBI in Port-au-Prince on the former head of Haiti's national penitentiary corroborated accounts of the killing already given to American officials by others.

None of the disparaging facts about Aristide can take away his legitimate claim to the Haitian presidency. He is the democratically elected leader of his country and deserves to finish his term. Yet the Clinton administration should not expect the honeymoon in Haiti to last very long.

Aristide's record indicates he will be a marked improvement over the military regime, but he hardly deserves the plaudits he's been receiving from the president and the Congressional Black Caucus.

When President Clinton signed the crime bill on the South Lawn of the White House last week, spectators at the ceremony found themselves gazing toward the heavens—but it wasn't for divine inspiration. Many were abuzz about the single-engine airplane that crash-landed in the same location the previous day.

The wreckage "was all cleaned up, but I must say that whenever there was a plane or helicopter flying overhead, the spectators were all looking up and kind of ducking a little bit," said Rep. Bill Richardson (D-N.M.), who attended the ceremony. "The president didn't talk about it, but it was something that was very much on everyone's mind."

A senior White House official confirmed the report, adding that some prominent guests took to making simulated crash noises each time an airplane flew nearby. Yet he was quick to add: "This was before the president got out there, of course."

JIMMY CLINTON, II

(By William Safire)

WASHINGTON.—With lust in his heart for a Nobel Prize, Jimmy Carter undermined Bill Clinton's resolve and turned a triumph of American strength in Haiti into a fiasco of wimpish indecision.

Here is what the last-minute flinch shows us about Mr. Clinton:

1. He does moral flip-flops with the greatest of ease. On Thursday, Clinton was portraying the Haitian dictator as a murderer and tyrant; three days later, the thug became a man of honor, and worse, our partner in cracking skulls.

2. His ultimatum means nothing. Clinton swore to the world that the negotiating was ended; then he submitted to quasi-arbitration; then he cracked under pressure, okaying a deal to let Lieut. Gen. Raoul Cedras stay in Haiti.

3. He can be jerked around by his pacifist predecessor. Carter, with no authority, offered the junta a broker, then enlisted Sam Nunn and Colin Powell, then confronted a President panicked by the prospect of using force; the passive Clinton permitted the negotiation of major concessions while pretending he was permitting only "modalities" of eviction.

4. He can be personally insulted with impunity. Jimmy Carter trumpeted that he told the dictator he was "ashamed of United States policy"; that was Clinton's policy he was ashamed of, but the President cheerfully continues to wear his "Kick Me" sign.

5. He returns no loyalty to loyal aides. Warren Christopher, who was criticized in this space long before it became a Beltway pastime, has steadfastly carried Clinton's slopping water buckets. In this episode of foreign-policy freelancing (as in Carter's naive, spare-the-rods intercession in North Korea), the de jure Secretary of State was humiliated.

Carter, in a self-immolating interview with Maureen Dowd in The New York Times, is contemptuously rubbing State's nose in its loss of face.

6. Clinton has lost control of his foreign policy. When Carter denounces "the basic policy of the State Department" on the use of any sanctions against human-rights abusers the President stands mute. Christopher's response was typically other-cheeky: He phoned Carter yesterday to arrange a meeting this weekend to assuage the former President's hubris. We can expect Carter to present his arbitration demands for the embrace of Castro and the partition of Jerusalem; what's a poor President transfixed by a runaway emissary to do?

1. He is inclined to wishful thinking that leads to dangerous assumptions. It was Powell who telephoned Vice President Gore to assure him that the brokers had set up circumstances that would cause what U.N. Resolution 940 declared was "the departure from Haiti of the military leadership." Gore then briefed the networks, which reported that the military leaders would soon leave. Carter told Congressional leaders their departure was likely. Later, we learned it was only "power" the dictator would leave—as he promised before—but not Haiti.

2. He made inevitable a "mission creep." After Gen. John Shalikashvili made clear the mission of U.S. soldiers did not include as military police, the junta's vicious cops let the celebrating populace know who was still in charge. Now, thanks to Carter-Powell-Nunn, our M.P.'s, who speak no Creole, are forced by photos of clubbings to take over the police function—placing us between an arrogant and undefeated Haitian military and a disappointed people.

3. Colin Powell tends to act as if his primary mission is to prevent bloodshed—a laudable aim—rather than decisively to depose dictators. In Iraq, it was Powell who saved the lives of Saddam Hussein's Republican Guard, which prevented the overthrow of a murderous tyrant; in Haiti, it was Powell who enabled a ragtag army of thugs to preserve its "honor" and power.

The only favor Jimmy Carter did for Bill Clinton was to hype but ultimately diminish Colin Powell's potential as a Republican Vice Presidential candidate.

As this all began, I expressed the fear that Clinton might give intervention a bad name. By virtue of his pulled punch, "Jimmy Clinton" has done just that. No wonder the isolationists are smirking.

GOVERNMENT CANNOT SOLVE ALL OUR PROBLEMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee [Mr. DUNCAN] is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, almost everyone, from President Clinton to

Dan Quayle, is speaking out today about the breakdown of the American family.

Almost everyone is greatly concerned, and with good reason.

The overwhelming percentage of felony crimes are committed by young men who were raised in father-absent households.

Almost one-third of all births now are out of wedlock. I could go on and on, but most people know all the horrible statistics.

Even liberals are today admitting that our society is decaying from within.

Listen to these words from a recent editorial by Mortimer B. Zuckerman, editor-in-chief of U.S. News and World Report:

> The fraying of America's social fabric is fast becoming a national obsession. Three out of every four Americans think we are in moral and spiritual decline. Two out of three think the country is seriously off track. Doubts about the president's character have driven his standing in the polls down about 15 points. Social dysfunction haunts the land: crime and drug abuse, the breakup of the family, the slump in academic performance, the disfigurement of public places by druggies, thugs and exhibitionists. Are we now, to use Senator Daniel Patrick Moynihan's phrase, 'defining deviancy down,' accepting as part of life what we once found repugnant? * * *
>
> * * * Instead of a culture of common good, we have a culture of constant complaint. Everyone is a victim * * *
>
> * * * Gone are the habits America once admired: industriousness, thrift, self-discipline, commitment.
>
> * * * The combined effect of these sicknesses, rooted in phony doctrines of liberalism, has been to tax the nation's optimism and sap its confidence in the future. And it is the young who are strikingly vulnerable. They are being deprived—like no previous generation—of the emotional comfort and moral nurturing provided by the traditional family * * *

As Zuckerman said, most of these problems have been caused, or at least made worse by the "phony doctrines of liberalism."

These problems have come about in large part because for at least the last 30 years, every time there has been even the slightest problem of any type, liberals have insisted that the only solution was the Government.

However, now I believe there is a sizable majority of the people who no longer believe that the Government can solve all of our problems.

And, going beyond that, many people now feel that particularly the Federal Government is so wasteful and inefficient that it causes more problems than it solves.

I believe that this is also true in regard to the breakdown of the family.

Most divorces occur because of arguments that tie back into money or family finances.

Government, at all levels today, takes about half of the average person's income when you count taxes of all types, Federal, State, and local.

We are simply not leaving the families of America enough money to support themselves in the way they want or to which they should be entitled.

It used to be different. In 1948, the exemption for children on Federal tax returns was $600. According to the Heritage Foundation, if that had been indexed for inflation, the amount would be almost $8,000 today.

In other words, in the late 1940's and 1950's, the Government, through its low taxes and high deductions for children, was encouraging families.

Once Government and taxes started exploding in the mid-1960's, the breakup of our families also began exploding.

I am not saying Government is the only cause, but I do believe it is the most significant one.

I also believe that if we really want to help strengthen the family, the best thing we can do is to greatly downsize Government, at all levels, and greatly decrease its cost.

The individuals and families of America know much better how to spend their own money than the bureaucrats in Washington do.

We should really do something for our children—we should take so much money away from them and their families just so we can give it to Federal bureaucrats.

Yet despite all the lipservice we are still passing bill after bill that causes government spending to go up at all levels.

If we do not get this under control soon, these words of former Senator Paul Tsongas, written recently in the Christian Science Monitor, may come back to haunt us:

> If you think sending a chunk of your hard-earned income to the Internal Revenue Service was tough this year, imagine the responses of future taxpayers who will face average lifetime tax rates of an incredible 82%.
>
> Confronted with the burdens of a monstrous national debt, an aging population, and runaway federal entitlement programs, tomorrow's Americans will be turned into a generation of indentured servants. They won't stand for it. Without action today, we are likely to see generational political wars by the end of the decade.

Mr. Speaker, we need bold, decisive action and we need it now.

JUST WHEN YOU THOUGHT THE DEFICIT WAS UNDER CONTROL

(By Paul Tsongas and Jonathan Karl)

If you think sending a chunk of your hard-earned income to the Internal Revenue Service was tough this year, imagine the responses of future taxpayers who will face average lifetime tax rates of an incredible 82 percent.

Confronted with the burdens of a monstrous national debt, an aging population, and runaway federal entitlement programs, tomorrow's Americans will be turned into a generation of indentured servants. They won't stand for it. Without action today, we are likely to see generational political wars by the end of the decade.

It's a mess created by bipartisan fiscal irresponsibility in Washington. And far from addressing the problem, the politicians are insisting the deficit is "last year's issue."

The bad news can be found buried deep within President Clinton's 2,000-page, four-volume budget for 1995, which was recently passed by Congress.

A little-noticed section of Mr. Clinton's budget, entitled "Generational Accounting," looks at what each generation can expect to pay in average net lifetime tax rates—that's taxes paid minus direct benefits (such as Social Security, Medicare, farm subsidies, and home mortgage deductions) received.

Generational accounting tells a startling story. Americans born in 1900 faced an average lifetime tax rate of 23.6 percent over the course of their working lives. Americans born in 1940 face an average rate of 31.9 percent. For those born in 1970, the average lifetime tax rate climbs to 36.5 percent.

Economist Laurence Kotlikoff, who helps the federal government devise the generational accounting section of the budget, says that the first group to feel the squeeze will be the baby-boom generation, those born between 1941 and 1961.

But the worst economic news is for Americans born after 1992. Forced to pay the bills we refuse to pay today, they will face an average net tax rate of 82 percent.

The message is clear: We are bankrupting future generations. If we continue the present course, the America of the 21st century will be unable to compete and be productive. And our children will be the ones to suffer.

Stopping the flow of red ink in Washington must become the top priority. It's time to stop invoicing future generations for today's spending sprees. It's time to do the unthinkable: balance the federal budget by the end of the century.

Far from balancing the budget, the Congressional Budget Office calculates that between now and the year 2000 we will add almost $1.2 trillion to our national debt, which currently totals $4.6 trillion. Clinton's budget leaves a projected deficit of $227.8 billion for fiscal year 1994. In 1996 the deficit will drop to $179.6 billion before climbing again. We have no strategy for eliminating the deficit. We must do better.

The Concord Coalition has outlined a plan for a balanced budget by the year 2000. The coalition's zero-deficit plan balances the budget by making the tough choices many politicians are unwilling to make.

The centerpiece of the plan is a proposal to control the growth of federal entitlement programs, which constitute more than half of the budget and are the primary cause of the deficit. The plan proposes applying a means test to entitlement benefits for those families who receive government payouts in the form of Social Security, Medicare, farm subsidies, and government pensions and have an annual income of more than $40,000. The precise reduction would depend upon each family's income, and no one would be denied all their benefits regardless of income level.

The plan also cuts wasteful, inefficient, or obsolete discretionary programs, and increases revenues through higher taxes on alcohol, tobacco, and gasoline.

Agreeing with the specifics of the Concord Coalition's plan is less important than agreeing on the goal: a balanced budget by the year 2000. Those who disagree with the specifics need only develop an alternative.

However, the data outlined in the generational accounting section of the Clinton budget makes it clear that the current policies are unacceptable. This information should serve as a wake-up call to all Americans. Future generations will be in crisis. It's time for action.

☐ 1700

25TH ANNIVERSARY OF THE SCHOOL OF HEALTH RELATED PROFESSIONS OF THE UNIVERSITY OF ALABAMA AT BIRMINGHAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama [Mr. BACHUS] is recognized for 5 minutes.

Mr. BACHUS of Alabama. Mr. Speaker, I rise on this occasion to proudly inform you and my colleagues in the House of Representatives of the 25th anniversary of the School of Health Related Professions, an integral part of the University of Alabama at Birmingham.

The School of Health Related Professions was created by the Alabama Legislature in 1969 to train health care professions to assist in meeting health care needs of the State. Since that time, the School has graduated more than 10,000 health care professionals who are working in virtually every health care facility in Alabama as well as in other facilities nationally and internationally. The institution awards credentials including the certificate, baccalaureate, master's and Ph.D in diagnostic, therapeutic, critical care, and administrative areas.

The school is also a national leader in scientific and academic research and, for several years, has been the no. 1 recipient for schools of this type for National Institutes of Health funding.

Through annual surveys of graduates of the School, it has been determined that more than 95 percent find immediate employment in their chosen career field and more than 60 percent return to their home area to live and work.

The School is a model of academic and clinical collaboration with other institutions in the State, and the effective use of existing resources has been recognized nationally and internationally by such organizations as the National Rural Health Association and the World Health Organization.

Led by Dr. Charles L. Joiner, its dean, the School of Health Related Professions plays a major role in the education of health professionals and in health care reform in Alabama.

I congratulate the UAB School of Health Related Professions on this its 25th anniversary and offer the congratulations of this legislative body for the contributions of the school and its graduates to health care delivery and research for the past quarter of a century.

STOP FRAUD IN PUBLIC HOUSING

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 5 minutes.

Mrs. BENTLEY. Mr. Speaker, the glaring headline in today's editions of the Baltimore Sun, reads, "HUD Finds City Misuse of Housing Funds." The story details a Federal audit that found a $25 million no-bid repair program run by Baltimore's housing authority has spent more than twice the going rate to fix apartments for the poor, paid for work never done, and gave millions to firms run by relatives of managers.

My concern about federally funded housing programs that do not work has intensified with these latest revelations. How much longer are taxpayers expected to standby and watch their dollars misused?

I have attempted to offer positive suggestions for dramatically altering the Federal Government's failed housing policies. What better time than now to make the changes necessary that will both stop the fraud and stop pouring Federal dollars into the pockets of greedy landlords, while at the same time, start turning neighborhoods around.

HUD's subsidized rent programs, including the new Moving To Opportunity, are repressive. Money now given to landlords to house the working poor forever should be used for rebuilding boarded up houses—some 7,000 to 10,000 in Baltimore City alone—so the working poor can become proud homeowners instead.

Think what such a program would do to turn around the sad plight and blighted appearance of our urban cities, such as Baltimore. It would provide employment for honest construction firms and their employees, turn blocks of houses from being shuttered and dismal into thriving blocks of lived-in homes, and give the residents something they could own and work hard to maintain—and pay the mortgages for themselves knowing that their property is their own.

At the same time we could help develop jobs into these homeowner areas.

Let's do that rather than just pouring dollars down the drain.

HUD also needs to put a stop to portable section 8 certificates. Jurisdictions should be responsible for taking care of their residents. Additionally, caps on subsidies should be realistic. As the Sun pointed out, one problem with the HUD Program is that the housing authority spent more than twice the going rate to make repairs. To spend more than the going rate for rents is outrageous.

Again, I repeat that if HUD is sincere in its desire to provide housing for the poor, then, instead of turning its back on the Nation's cities, Federal housing programs should work toward turning over vacant urban homes to current section 8 recipients, and use the millions spent on rent to help these new homeowners rehabilitate their homes. Homeownership, and the pride that goes along with it, is the only real way to improve neighborhoods.

[From the Baltimore Sun, Sept. 22, 1994]

HUD FINDS CITY MISUSE OF HOUSING FUNDS—HOUSING AUTHORITY'S NO-BID PROGRAM BLASTED IN AUDIT

A $25 million no-bid repair program run by the city's Housing Authority spent more than twice the going rate to fix apartments for the poor, paid contractors for work that was never done, and gave millions to firms run by relatives of managers, according to a federal audit.

The audit, a draft copy of which was obtained by The Sun, cites problems in almost every area of the authority's operations. It provides fresh details about a program in which employees apparently inflated cost estimates for repairs to coincide with proposals by the no-bid contractors, and then failed to check to see if the work was ever done.

Authority managers purchased Chevy Blazers for their personal use, the audit says. They paid for stoves and refrigerators that were never installed. They bought doors and windows that were never hung. They purchased electrical wiring for outlets and switches that never existed.

Federal inspectors also found that the authority knowingly exposed families to dangerous levels of lead paint and dust. In one apartment, contamination levels were nearly 19 times higher than federal standards, the audit says.

In the end, the no-bid repair program—the focus of a federal grand jury probe—failed to meet the authority's basic mission: renovating buildings and increasing apartment space in the poorest sections of Baltimore, according to the audit.

Last night, the nation's top housing official, Henry G. Cisneros, issued a statement saying the authority's practices were intolerable. "The findings raised in this report are serious," he said. "Misuse of federal funds—particularly with respect to funds that are intended to help the poorest of families—cannot be tolerated."

Mr. Cisneros, who heads the U.S. Department of Housing and Urban Development, pledged to work with the city's mayor and housing officials to ensure that the audit findings will be "fully and promptly addressed."

The audit was compiled after a seven-month probe by HUD's regional Inspector General. Investigators started to examine the authority in December after contractors called a federal hot line to complain they had been frozen out of the no-bid program.

A final copy of the audit is expected to be released tomorrow.

Executive Director Daniel P. Henson III criticized the draft report yesterday. He said it misinterpreted regulations, and misstated or ignored relevant facts. He said some of the findings would be modified in the final report.

Mr. Henson provided The Sun with his 39-page response to the draft report. He accused the auditors of "simplistic second-guessing" of the no-bid program. "This is a cheap shot," he said. "This is very sloppily done."

Funded by federal subsidies and monthly rents, the Housing Authority is responsible for managing 18,000 publicly owned apartments and single-family homes in Baltimore.

The draft report portrays the Housing Authority as an agency run amok. It could not account for more than $700,000 in lost inventory. Its reserve fund fell to dangerously low levels. It hired maintenance workers with no skills. It signed a contract with a security firm that employed felons. It spent more than $370,000 on a security system that didn't work.

One of the few positive audit findings for the authority: It collected rent on time.

NO-BID PROGRAM

Much of the 45-page report focuses on the no-bid repair program. Mr. Henson started the no-bid program last year, shortly after Mayor Kurt L. Schmoke appointed him to head the Housing Authority. Mr. Henson claimed there were 2,400 vacant, rundown apartments that needed quick repairs to create housing for the poor.

To speed up the repairs, Mr. Henson declared a housing emergency in the city—a move that he said allowed him to bypass federal rules and award contracts without competitive bids. He said the no-bid program would shorten the list of 18,000 families waiting for places to live.

But the auditors said the authority failed to get approval from HUD, and never explained why the work couldn't have been performed with competitive bids.

In all, the authority renovated 1,136 apartments under the no-bid program. When it was over, Mr. Henson failed to accomplish his goal—creating more public housing for the poor, the audit says.

The auditors found that the program was flawed from the start. It began as a small, $1 million project that was supposed to spend $10,000 on repairs for each apartment. But it quickly grew into a $25 million program that spent as much as $95,000 for one unit.

The average sale price of a single-family home in Baltimore is $75,319.

TWICE THE RATE

Auditors said the no-bid contractors charged more than twice the amount as contractors who performed work for the authority under competitive bids. The auditors said that the authority also apparently inflated its own cost estimates to coincide with the higher proposals submitted by the no-bid contractors.

"Work was overpriced and incomplete," the audit says.

Auditors sampled 65 apartments with contracts worth $2.6 million. They found that the authority paid contractors at least $900,827 for unneeded materials, overpriced supplies and work that was never performed.

Contractors charged the authority for tile they never laid, paint they never used and drywall they never installed. they also charged the authority double the going rate for stoves and refrigerators—and then never installed them.

"It appears authority inspectors may not actually inspect work at all," the auditor says.

Housing Authority managers also used money from the non-bid program to buy eight, 4-wheel drive Chevy Blazers for $150,000, according to the audit and interviews. "The vehicles were for take-home use by management," the audit says. "There is no known basis for an emergency purchase of vehicles for management staff."

In a section of the audit titled "Conflicts of interest," federal investigators criticized the authority for handing out millions in no-bid repair contacts to relatives of a Housing Authority manager and a board member.

Together, relatives and friends of authority managers and of Mayor Schmoke received more than $5 million in no-bid contracts—accounting for nearly 20 percent of the entire no-bid repair program, according to auditors, corporate records and interviews.

The contractors include:

Senior authority analyst Anita Chavis' relative, Sedrick Chavis, who received about $3.5 million.

Authority board member Larry Jennings Jr.'s parents—Larry Sr. and Vergie, and his sister, Georgia M. Page, who received about $1.2 million.

Mayor Schmoke's brother-in-law, John A. Palmer, who received about $327,000.

Mr. Henson's childhood friend, Westley Johnson, who received about $300,000.

The authority's conflict of interest rules prohibit agency employees from benefiting from projects involving themselves or their immediate family. The rules do not cover board members, such as Mr. Jennings.

Still, the auditors recommended that authority employees disclose conflicts and potential conflicts of interest in the future, and keep the disclosures on file with the housing agency.

RESERVE FUND DRAINED

Auditors also found that the no-bid repair program and other fiscal problems drained the authority's reserve fund. By May of this year, the reserve fund could only pay for less than one day's worth of operating expenses.

The no-bid program is now the focus of a federal grand jury investigation. Two authority managers have pleaded guilty to corruption charges, admitting in federal court that they took cash, trips and gifts in return for steering work to contractors.

In a potentially damaging discovery, auditors found that children were exposed to high levels of lead paint and dust in public apartments. In one case, the authority knew children were being exposed to dangerous levels but didn't notify parents for six months, the auditors said.

Lead poisoning can cause blindness, paralysis, brain damage, even death.

Auditors found that the authority placed residents in more than 200 renovated apartments before testing for lead. At one apartment on Cator Avenue, a 3-year-old child lived in an apartment that later registered lead levels 19 times higher than federal standards.

Auditors also pointed out that a year earlier, the authority tested 57 apartments at Claremont Homes in East Baltimore, finding 96 percent were contaminated. But the authority didn't tell the residents until six months later—when parents started to complain that children had elevated lead levels in their blood, the auditors said.

The Housing Authority said it didn't knowingly house children in contaminated apartments. Instead, authority managers blamed HUD, claiming the federal government never told them how to notify residents of the test results.

Said the auditors: "The authority has neglected its responsibility to ensure the safety of the residents and, as a result, has placed residents at risk for contracting lead paint contamination."

SECURITY CONTRACTS

Auditors also questioned a pair of contracts the agency signed to provide security services for the housing developments.

The authority awarded a $4.6 million contract to a company run by the Nation of Islam to patrol the developments, even though the group's bid was the highest. At the time, Executive Director Henson defended the contract, claiming NOI Security was the only contractor that "understood the needs of public housing," the audit says.

Auditors said that wasn't quite the case.

"Interviews with employees of [NOI Security] noted that the guards did not have any special training or understanding of public housing needs," the audit says.

They found that NOI Security hired nine guards from another security firm that had been turned down for the contract. The firm also placed 29 guards on the payroll who had been convicted of felonies—close to half the guards hired to handle the contract, the auditors said.

The auditors also said the authority squandered $373,787 when it purchased a security turnstile system for 18 high-rise apartment buildings. The authority bought the system without bids.

With little planning and testing, the turnstiles were installed and removed after the authority discovered residents despised them and they were easily vandalized. The Housing Authority sold the system to Washington for a fraction of the purchase price: $60,000.

LET'S INVEST IN OUR PEOPLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Guam [Mr. UNDERWOOD] is recognized for 5 minutes.

Mr. UNDERWOOD. Mr. Speaker, today, I have introduced H.R. 5074, the Guam Labor Preference Act, amend the Organic Act of Guam to grant authority to the Government of Guam to give preference, in awarding contracts, to persons or firms that hire a specified percentage of persons who are United States Citizens, nationals or permanent resident aliens.

This innovative amendment to the Organic Act was developed by the Speaker of the 22d Guam Legislature, the Honorable Joe T. San Agustin, as a means to encourage companies that do business on Guam to hire locally and to train residents of Guam for jobs that might otherwise go to temporary foreign workers. Guam's unemployment rate this year is approaching 9.3 percent, and Speaker San Agustin is right to be concerned about the long-term effects of the unemployment situation.

The Guam Labor Preference Act provides that the percentage of American citizens, nationals and permanent resident aliens for this contract preference program would be determined by local law by the Guam Legislature. The flexibility of this approach would allow the Government of Guam to adjust to changing circumstances and to set percentages that make sense for the island's contractors. The Government of Guam is a significant force in the island's economy, and this program will have an impact on school and highway construction and other government-financed projects.

Speaker San Agustin was successful in incorporating similar provisions in local legislation in the mid-1980's authorizing a multimillion dollar highway bond. The result was an increase in local hiring and training, and the success of this earlier program serves as a model for a wider Government of Guam program. While the initial program was limited to construction projects, this new authority can be used by the Government of Guam to expand preferential hiring to service contracts affecting potentially hundreds of new jobs for American citizens on Guam. Some States have used this approach to give preferential hiring to American citizens for State-funded jobs and the Guam program is an extension of that concept.

The practical effect of the Guam Labor Preference Act will be to reward those companies that invest in our people, and to reward those companies that give back to our community a share of what they reap from Government of Guam contracts. This is not only good policy, it is good government.

Again, Mr. Speaker, I commend the Speaker of the 22d Guam Legislature, the Honorable Joe T. San Agustin, for his concern for those who are caught in difficult times on Guam and for his commitment to the welfare of the American citizens, nationals and permanent residents of our island.

□ 1710

KOREA

The SPEAKER pro tempore (Mr. BISHOP). Under a previous order of the House, the gentleman from California [Mr. ROYCE] is recognized for 5 minutes.

Mr. ROYCE. Mr. Speaker, I rise today to bring attention to the creeping crisis on the Korean Peninsula.

I think the overwhelming majority of my colleagues agree that there has been an inordinate amount of attention and effort expended on Haiti. In contrast, what happens on the peninsula deeply affects our national security. Over 50,000 Americans, and 1 million Koreans, gave their lives there for freedom and a fragile peace. We have a treaty there. We have 37,000 troops there. The American people and the United States Congress have a solemn commitment to uphold freedom for South Korea.

There are nuclear, chemical, and conventional arms there in awesome concentration; our troops and their families, and millions of Koreans, are in constant danger.

The Korean regime is an unstable and unpredictable enemy. It is a terrorist state, and it is a nuclear state, and it has a million-strong army. The continued strengthening of the North Korean arsenal, and its proliferation to rogue states such as Iran, mock our efforts at arms control and regional security.

This is the stuff of vital national interests. This is what American military, diplomatic, and economic power must be reserved for.

That is the point of concern. The kind of haphazardous brinkmanship and dangerous errors of judgment that have characterized this administration's handling of Haiti, and of foreign policy in general, must not be repeated in Korea. This President cannot continue to rely on serendipity and on the kindly intervention of his elders. This Nation deserves and demands more.

The administration's approach thus far has been one of vacillation, preemptive concession, and ambiguity of purpose—the same approach that has been on display in Haiti, Somalia, Bosnia, and China.

The North Korean bombs remain, the plants and sites remain. Pyongyang refuses full site inspection; in short, they have the capacity, and apparently, the active intention to continue their nuclear buildup.

We have offered to facilitate the provision of less dangerous alternative nuclear technology, and to supplement their power grid, to the tune of $4 billion, but they insist on choosing the design and suppliers of these plants. Assistant Secretary Gallucci says this is ludicrous. I agree. But that's not all: They also are demanding bribes of additional billions to compensate them for lost research and presumably lost anticipated weapons sales to Iran and other partners. What do they take us for? Or better yet: Why?

In time-proven fashion North Korea is running the clock on an all-too hopeful State Department. The problem is that time does not necessarily favor us. In fact, as time goes on North Korea's secret arsenal grows. Our leverage diminishes, our resolve is tarnished, and dictators the world over are encouraged.

I urge my colleagues to pay attention to the dealings in Geneva in the coming days and to keep a sharp eye on the bottom line: Are our troops safer, is the physical and nuclear threat diminished, is the nuclear inventory and its trigger removed from North Korean control?

If the answer to these questions remains no. Then you will know that it's business as usual at the Clinton White House, and we're heading for trouble again.

□ 1720

THE CAPITOL STEPS CONTRACT AND CYNICISM IN WASHINGTON, DC

The SPEAKER pro tempore (Mr. BISHOP). Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentleman from Georgia [Mr. GINGRICH] is recognized for 60 minutes as the designee of the minority leader.

Mr. GINGRICH. Mr. Speaker, I think at the beginning I want to talk tonight about the Capitol steps contract and cynicism in Washington, DC.

I was very sad that I could not be here this morning when some of my colleagues on the Democratic side did 1-minute speeches attacking our proposed contract for next Tuesday. I want to talk about cynicism and negativism and what is happening in America, and what we are trying to accomplish, and the framework within which we are trying to accomplish it.

Next Tuesday, September 27, we will have over 300 candidates for Congress from all over America coming to the Capitol steps to pledge a checklist and a contract. We have a basic document that says, "A campaign promise is one thing, a signed contract is quite another." Then what it outlines, in what will later on be a full page ad in TV Guide, is a basic set of commitments for the opening day, our checklist, and then a contract to bring 10 bills to the House floor and get them to a final passage vote in the first 100 days.

Mr. Speaker, I think what I am sad about, about the things the White House has done so far to try to attack the contract, and the tone in some of the press coverage and the 1-minute speeches here by the Democrats today, is that I think they miss the whole point of what we are doing. There is not a word in this ad that talks about the Democrats. There is not a word in this ad that talks about the Clinton administration.

What this ad does is, it talks in a positive way about what Republicans would do to solve real problems. I'm going to read the ad, and then I'm going to explain the background of why we are doing this, and how we got to this.

The ad starts, as I said a minute ago, with a cover which says: "A campaign promise is one thing, a signed contract is quite another." That is why Republican House candidates have pledged in writing to vote on these 10 commonsense reforms.

Then it says:

> GOP contract with America: We have listened to what you want and we hear you loud and clear. On the first day of Congress a Republican House will force Congress to live under the same laws as every other American.
>
> Cut one out of every three congressional committee staffers.
>
> Cut the congressional budget.
>
> Then in the first 100 days we will vote on the following 10 bills:
>
> One, balanced budget amendment and line-item veto. It is time to force the government to live within its means and to restore accountability to the budget in Washington.
>
> Two, stop violent criminals. Let us get tough with an effective, believable, and timely death penalty for violent offenders. Let us also reduce crime by building more prisons, making sentences longer, and putting more police on the streets.
>
> Three, welfare reform. The government should encourage people to work, not to have children out of wedlock.
>
> Four, protect our kids. We must strengthen families by giving parents greater control over education, enforcing child support payments, and getting tough on child pornography.
>
> Five, tax cuts for families. Let us make it easier to achieve the American dream, save money, buy a home, and send the kids to college.
>
> Six, strong national defense. We need to ensure a strong national defense by restoring

the essential parts of our national security funding.

Seven, raise the senior citizens' earning limit. We can put an end to government age discrimination that discourages seniors from working if they choose.

Eight, roll back government regulations. Let us slash regulations that strangle small business and let us make it easier for people to invest in order to create jobs and increase wages.

Nine, commonsense legal reform. We can finally stop excessive legal claims, frivolous lawsuits, and overzealous lawyers.

Ten, congressional term limits. Let us replace career politicians with citizen legislators. After all, politics should not be a lifetime job.

My point is, here are three reforms for the opening day that are our checklist of what we will do. Here are 10 specific bills that we are committed to bring to a vote in the first 100 days.

There is not a negative word here about the Democratic Party. There is not a negative word here about President Clinton and his administration. It is an effort on our part to be positive.

You might say, why are we being positive about this? I think that there are two very profound reasons why it would be good to have a positive campaign in October 1994, rather than a negative campaign.

The first reason is that people are so frustrated, people are so hostile, people are so angry, that you do not need to go out and get them madder. You don't have to go out and beat up on President Clinton or beat up on the Congress. People get it. They are already fed up.

What people want to know, I think, is what are you going to do differently? Our challenge to the Democrats is if they do not like our 10 bills, what are theirs? If they do not like our three reforms, what are theirs? Let us have a debate between ideas, but let us not have the kind of negative smear tactics that have driven the country, I think, to distraction, and have broken down any willingness to have a decent political debate.

We are prepared to debate on the issues: Is it a good idea to have a balanced budget amendment, a line-item veto, or not? Is it a good idea to have an effective, believable, and timely death penalty for violent offenders, or not? Should we encourage work and family in the welfare system, or not?

These are real policy proposals. We are going to have next Tuesday a whole set of bills. All 10 bills are already going to be written and available.

There is a second reason, I would argue, why it would be good to actually try to have a debate in October on the issues. I think this country is in trouble. People have talked about the economic recovery and all this stuff. Nonsense. The underlying core pattern of where America is at is real trouble.

If you do not believe me, watch any major city local television news, including Washington, for 2 nights. The child abuse, the rape, the murders, the cocaine dealing, the problems of American life are unbelievable. I am a history teacher, and I tell every audience that as a matter of history, not politics, as a matter of history, it is impossible to maintain American civilization with 12-year-olds having babies, 15-year-olds killing each other, 17-year-olds dying of AIDS, and 18-year-olds getting diplomas they cannot read. I don't think that is debatable. I think it is clear.

Yet, every single thing I just described is happening within a mile of your national Capitol. It is happening in every major city in the country. It is happening in West Virginia. It is happening on most Indian reservations. It is an objective fact, if you are going to be honest about it, that we are in the middle of the largest moral and societal crisis we have had maybe in the coutnry's history.

The result has been a breakdown in trust in government. I think there are very deep reasons we are in trouble. I do not think what we are going to do in the first 100 days by itself is going to get us out of trouble. I think even if we pass all 10 of these bills—and frankly, I don't know that we can pass all 10.

Notice, our commitment is to get them to a final passage vote, to bring them to the floor in the first 100 days and to get a yes or no vote, so that you will know who to keep and who to fire in 1996. But if we are a majority, we may only be a majority of 5 or 10 votes. So when you start listing all these controversial ideas, we are going to have real opposition. There are going to be some real fights.

Even if we could pass every one of these, all they would be is the beginning. The purpose of next Tuesday, with all the Republican candidates on the Capitol steps, is to outline the beginning. It is the first 100 days. Remember, the Congress is elected for 731 days, so the Congress has time to really be involved in more than just one set of ideas.

□ 1730

Our goal would be to work very hard on these, to start on the opening day, and then to be in a position to get the final vote done before the 100 days is up; having kept our contract, to then take frankly a couple of weeks off, because we are going to be pretty tired. If we get all this done in the first 100 days, we will have earned a couple of weeks to go back home, to talk to folks, to unwind over Easter, and then come back in early May and have a second Capitol steps event outlining a second wave of reforms.

I say that because, for example, it is pretty clear we are not going to pass a major health bill this year. I understand that Senator MITCHELL is still trying in some secret meetings over in the other body, but I do not think it is going to happen. So we need to take health reform back up in January, but if the Republicans are in charge, we are going to start with medical savings accounts, we are going to start with home health care, we are going to start with ensuring that every person who is self-employed can get a tax deduction for their own health insurance, we are going to start with lifting the antitrust for hospitals so that they can work together in sharing very, very expensive equipment and developing specialties to deal with cancer and heart disease and things like that. We want to approach it very, very differently than the way the Clinton administration did. But health care is not going to be in the first 100 days, because we cannot guarantee that we can write an intelligent, problem-solving bill in the first 100 days. So that is one issue.

The second issue that we are going to work on is voluntary school prayer. I have made a commitment and I will make a speech in the near future outlining why I believe it is so important, that we are going to offer an amendment on voluntary school prayer, making it possible, by the end of June. But I would like to see us have 3 or 4 months to go out and have the Judiciary Subcommittee hold hearings in every State in the country so that in every State in the country, people who favor voluntary school prayer and people who are opposed to it have an opportunity, without having to travel to Washington, in their own State to go to hearings and to express themselves, because I think this is an issue that has tremendous support in the country but is controversial and deserves to be heard.

There are a lot of other good, small things we are going to be doing. One small thing we are going to do quite frankly is we are going to change the House rules so that when in the future we file a conference report, we also file the floppy disk so that it is available by computer at the minute you see it on C-SPAN. This is actually our briefing book on Contract with America for next Tuesday, it is pretty big. But let us say this was a bill. Nowadays what happens is, and this happened on the crime bill. The manager of the crime bill came in at 7 at night after we were done voting. He said, "I now move to file the conference report," at 7 at night. It was all written on paper. It was, I believe, about 700 pages long if I remember correctly. It came down here. At 8 the very same night, they were up in the Committee on Rules, nobody had yet had a chance to even look at it. They hoped to bring the bill to the floor the next day and actually pass it. That meant that if you had been at home at 7 at night and you had seen them file the report, even if you called your Congressman or your Senator the next morning, they could never have mailed you the bill in time for you to read it before the vote.

One minor but real change we are going to have is that when we file the conference report, if the Republicans are in charge, we are also going to make it available electronically at that moment, so if you are sitting at home or you are in your office or you are at the local public library and you see the conference report being filed on C-SPAN, at that moment you will be able to access Internet and pull up the legislative library and get on your screen and in your computer the entire bill instantaneously.

What that is going to do is going to give ideas back out to the country and give the country a chance, notice again, in a positive way, with a positive reform, doing something positive to try to improve the relationship between Congress and the American people.

I would like to yield to the gentleman from New Jersey [Mr. SAXTON], my good friend.

Mr. SAXTON. I thank the gentleman for yielding.

Mr. Speaker, first of all, let me commend the gentleman for taking this time this evening to discuss what I believe is the biggest single change to be proposed in the size, scope, and direction of the Federal Government since the 1930's. We as Republicans have recognized that in order to get the size of Government under control, in order to put in place policy that will help our economy grow at historically acceptable rates, which it is not currently doing, that there are some very basic changes that we have proposed under the gentleman's leadership and under the leadership of the gentleman from Texas [Mr. ARMEY] which will put in place policies over the long term to do a lot of the things that Republicans have been talking about for many years.

One of the things that I find very appealing about the way this has turned out is that we know, for example, that when taxes get too high and place too much of a burden on workers and on business that the economy has a very difficult time performing at historic standards. As a result of that, we know that during the late 1970's, the economy did very poorly, and again during the early part of the 1990's after the tax increase of 1990 and the tax increase again in 1993, that we were unable to see the kind of growth again that we would like to see in jobs and in economic growth generally.

I was asked to be a leader of 1 of the 11 groups that was to make recommendations. Recommendations that we made, I believe, will be very significant in terms of changing tax policy, in regulatory policy, to help businesses grow, to make jobs more plentiful for workers, to increase wages for workers across-the-board, and at the same time to help families have an easier time of paying their taxes and making a living.

Of course there are some here in the House who would not like to talk about these and so there has been an attempt already, even before our September 27 Capitol steps event, there has been an attempt already to change the debate, to tell America that we cannot afford to make the changes that we want to make in order to help the economy grow. There has been a claim that it is too expensive, that we cannot pay for it, and as a matter of fact we have looked at this very carefully under the leadership of the gentleman from Georgia [Mr. GINGRICH] and others and we recognize that as we count here in Washington at least, and we do not always count in Washington the way normal people count, but that as we count here in Washington, there is a $147 billion, 5-year cost to this program.

I want the gentleman to know that we have looked very carefully and want everyone who is listening to know that we have looked very carefully at this cost and we will pay the bill for this cost in terms of the rules that exist in the House today. We will do it by making cuts in the size of Government.

One of the things that the American people may have forgotten about and I know some of the Members of this House would like to forget about is that we have already demonstrated our ability to make those kinds of cuts. In the fiscal year budget for 1994, under the leadership of the gentleman from Ohio [Mr. KASICH] and others, we showed that we could bring a bill to this House that actually cut $369 billion over 5 years. Then gain in fiscal year 1995, the House Republican budget that we had right here on this floor up for a vote where every Republican voted for it would have cut $377 billion. So those who are out there trying to change this debate to deflect attention away from the very good policies that are contained in this contract with the American people need to realize that we have already in the past on several occasions shown that we on this side of the aisle are willing to put our names on the line and make the kinds of very difficult decisions that are necessary to get our country back on the right track.

I just wanted to point those things out for the record.

Mr. GINGRICH. Because of your work on the Joint Economic Committee, I know you have paid a great deal of attention to economic policy. Being from New Jersey, you are actually living through the demonstration of what we are talking about. As I understand it, when Christie Whitman was running for Governor, she said, "I believe we can cut taxes and I believe we can cut spending." The newspapers attacked her and the columnists attacked her and Governor Florio attacked her. She said, "No, we're going to do it." Then as I understand it when she was inaugurated, she said, "We are going to keep our word," and I believe she has actually cut spending and cut taxes.

But could you share with viewers from across America and with our colleagues the story of what is happening for real in New Jersey and why we are confident that if we apply the same principles as Governor Whitman, that we can move in the right direction?

Mr. SAXTON. Governor Whitman has done a couple of things. First, you are absolutely correct. During the campaign the Governor pledged to cut taxes by approximately 25 percent over 3 years. She did so, in a way that would help the New Jersey economy grow. I might point out that in the most recent month's statistics, New Jersey had the biggest drop in unemployment of any State in the country.

□ 1740

Mr. GINGRICH. So she actually has cut spending, cut taxes and lowered unemployment by creating more jobs for the private sector?

Mr. SAXTON. That is correct.

Mr. GINGRICH. That is the opposite, is it not, of the liberal model?

Mr. SAXTON. That is exactly opposite of the liberal model. And what she said during the campaign and ended up doing, it was very good to have been able to sit behind her on the stage the day she was inaugurated, and she said if the Democrats in Washington can increase your taxes retroactively, which Bill Clinton and the Democrats did in this House in 1993, she said I can decrease your taxes retroactively and she put in the first tax cut retroactive to January 1, 1992. It was a 5-percent reduction.

So what has happened in New Jersey is, number one, we have put in place business jobs, economic growth policy that is working. That is No. 1.

No. 2, she did something that is equally important and that the Contract for America is modeled after. That is to restore confidence in government. This lady, our Governor, Governor Whitman, said during the campaign, "Here's what I am going to do. I am going to cut spending and I am going to cut taxes. We're going to make government smaller." And in her first year she made the first installment on that.

I might add, you know we do not talk a lot on the floor here about politics, but I might add that the voters in New Jersey, the citizens of New Jersey appreciate that because her approval ratings are over 70 percent today.

Mr. GINGRICH. Let me build on that for a second. You have Governor Whitman who won an election and is very popular because she is keeping her word. Then to the south is Gov. George Allen. He gave his word on crime and spending and he is keeping his word. Then in Massachusetts there is Gov. Bill Weld who came in, and they had to get a balanced budget. He said he will not raise taxes and cut spending, and as a result Massachusetts is now creating jobs. In Michigan, Gov. John Engler got elected and said, "I am going to reform the welfare system and I am going to change the welfare system and break up the bureaucracy." He has now done a tremendous job. Over in Wisconsin, Gov. Tommy Thompson, who invented Learn Fair, for example, who said, "You don't get money if you're not getting educated, we are not giving people money to sit around and watch soap operas," and he has really begun to change government. And then Carroll Campbell just finishing his term has a similar tradition. And I must say that I was with Gov. Pete Wilson in California last night, and he has cut spending dramatically in California.

When you look at the people who are prepared to be serious about it, as you pointed out, with JOHN KASICH's leadership as head of the Budget Committee, the House Republicans produced a budget that cut over 5 years $400 billion. They came back and produced other proposals for cutting spending.

But the first point to be made is about the spending side, that we have proven again and again we can offer a budget that in fact cuts spending.

But there is a deeper point I think, and I find it fascinating in the news media some very phony numbers that the Clinton administration has sent up and in some comments made here on the House floor they have come up with a term "a trillion dollars." I do not know if the gentleman is aware of this yet. The way they get to our program costing a trillion dollars is simply they say if you require a balanced budget, since we are going to be borrowing $750 billion under the Clinton plan, your plan is off by $750 billion. So they are in effect giving up on a balanced budget. The Clinton administration is saying that they will never balance the budget, and they are challenging our effort to pass a constitutional amendment.

I do not think that either Mr. SAXTON or I or anybody else who is on the Republican side thinks you can get to a balanced budget overnight. This is like a giant company. It takes a while to downsize and rethink and reshape. But I think that if we really put our shoulders to the wheel we can do great work.

Was the gentleman working on the economic opportunity and regulatory reform section?

Mr. SAXTON. Yes, that is correct.

Mr. GINGRICH. And you produced as our eighth item in the contract the Job Creation and Wage Enhancement Act?

Mr. SAXTON. That is correct.

Mr. GINGRICH. I want our colleagues to know this is a list of what is in the bill, so this is substance. In our outline on the Contract With America Briefing Book this runs for 2½ pages. Here is the outline: Capital gains tax cut, neutral cost recovery, taxpayer empowerment to reduce the deficit and debt buydown, risk assessment cost/benefit analysis, regulatory budget, unfunded mandate reforms, strengthen Paperwork Reduction Act, compensation for private property takings, regulatory impact analysis.

Now just in the bill that the gentleman chaired and was so active on you have here a tremendous liberating effect on the American economy.

Mr. SAXTON. In just the first instance when we talked about the capital gains tax, which I think is very important, and incidentally, we got a roomful of people who are experts on economic growth, and people, I might add, from both ends of the spectrum because we wanted to get a full picture of what it was that we needed to do to make the economy grow. We asked what is the single most important thing we can do to produce the right action for economic growth in our country, and the broad consensus was the single most important thing that we can do, along with regulatory reform, and along with marginal tax rates, was the change in the capital gains tax rate. And we wanted to be very careful of that. So we got to BILL ARCHER, who is the ranking Republican on the Ways and Means Committee, and we said how do we do this to be fair to everybody, how do we do this so that we do not face the argument of trying to do favors for business people, often times who are viewed as, particularly by the other party as being rich people? How do we get away from doing the rich people in this country a big favor? So this bill is structured by BILL ARCHER in such a way that people who are in the lower brackets get a more significant break than people who are in the higher brackets, even on a capital gains tax rate as well as, of course, the indexing.

So on that one item we expect very important, big things to happen.

You mentioned the neutral cost recovery, which is a fancy word for saying giving people a good break on how to depreciate equipment they buy for their businesses, and while these are not common, everyday things that we talk about around the dinner table at night, at least not most of us, we know from our experience in having watched what happened to changes in the Tax Code that took place in 1986, 1990, and 1993, and watching the performance of the Government, that these are the things that need to be addressed.

Mr. GINGRICH. Let me build on that a second. If you will look at the neutral cost, again, for people who are not in business, what this means is when a business buys a computer, or when a business buys a new factory that they actually get to depreciate and write off on their taxes a full 100 percent of the purchase price value.

A recent analysis, and this will tell you a little bit about why we are in the fight with the liberal Democrats over how to score this and how much it would cost, a recent analysis by the Institute for Policy Innovation found that the proposal would create 2.7 million jobs, produce an additional $3.5 trillion in economic activity by the year 2000, increase the U.S. gross domestic product by $1 trillion annually, and increase economic activity by 1.8 percent. In other words, if you look at the study done by the Institute for Policy Innovation, 2.7 million more Americans would be at work in the year 2000, the U.S. gross domestic product, that is our national economy would be $1 trillion bigger. To us, a simple shorthand, we collect on the average 19 percent of the gross national product. So by allowing businesses to buy the newest equipment, the newest computers, by allowing them to compete with Germany, Japan, and China, by making sure Americans have the most modern equipment in the world, we would actually increase tax collection by $190 billion a year by the year 2000. Not a penny of that, not a penny of that will be counted by the liberal Democrats in the way they score this bill.

So when you read the Clinton administration's nonsense scoring, which is pure socialism, and when you hear Democrats come to the floor and start whining about the scoring and how we are going to spend money, remember, they do not take into account any investment, they do not take into account any new jobs, they do not take into account how the free enterprise system works. And we believe just on that one provision that if you were to look over the next 6 years you would actually probably have several hundred billion dollars in additional tax revenue, because more people would be at work, they would not be drawing welfare and unemployment, they would be paying income taxes. And with more people at work, with a higher salary paying more taxes, you actually increase the tax revenue without having to increase the taxes.

I am glad to yield to my friend from New Jersey.

Mr. SAXTON. This is a very excellent point the gentleman brings up, because it would seem to the average person, I thought, I always thought until I began to study economics, that when you reduce tax rates the natural effect would be to get less government revenue.

□ 1750

We know today that that is not always true, and the best example, or the two examples of that are, one was back in the time of Jack Kennedy when Jack Kennedy put in place his, or when Congress did unfortunately after Jack Kennedy's death, the economy began to grow after the Kennedy tax cuts were put in place, and as the economy grew, jobs were created, people were bringing home bigger paychecks, and as a result, they sent more money off to Washington because there was a bigger pie to get a smaller slice of, and it produced more revenue.

The other good example was in the early 1980's when Ronald Reagan ran for office. He said, "I know what is the matter with this economy that we call stagflation and malaise," and all of those things that we heard back then; he said, "Taxes have gotten too high."

So when Reagan ran for office in 1980, he promised the American people he was going to cut taxes by 30 percent. Again, just like the Governor Whitman we talked about a few minutes ago, a lot of people said, "Ronald Reagan cannot do that." In 1981, 1982, 1983, we all know what happened. We had that 30-percent cut over 3 years of the tax rate, and bingo, the economy began to grow again. As a matter of fact, the gentleman was talking about growth in revenue when taxes are reduced. In 1980 our total revenue in our country was about $500 billion. By the end of the decade, in spite of the tax cut, our revenue had doubled. We had over a trillion dollars to spend through this Congress.

The gentleman's point is very well taken. When we have to score things around here that do not take into consideration that economic growth produces more jobs, more income, and more revenue to the Federal Government, it is a false way of figuring out the net result of tax policy.

Mr. GINGRICH. Let me make another point. This is not just about taxes. We have a contract for 10 items of legislation, and we have a checklist for some very important reforms.

Let me make one more point before I yield to my very good friend from Connecticut.

In the work the gentleman from New Jersey [Mr. SAXTON] has done on the Job Creation and Wage Enhancement Act, in the analysis they point out, and I quote, "The Clean Air Act expressly forbids agencies from weighing economic effects in writing their implementing regulations."

Now, let me tell my colleagues what this means, because this is going to be a real crisis for the State of California by next spring. The Environmental Protection Agency is currently writing a master plan for air quality in California which currently, and it will be announced February 1, after the election, but the best evidence we have so far is that it is going to say to long-distance trucks, "You can only make one stop in the entire State." It is going to say to ships, "You cannot go into Long Beach or Los Angeles harbor if you have boilers that are still hot." And since seagoing ships do not turn their boilers off, that means no one will come in.

Apparently a group of bureaucrats have sat down in a room and written the perfect Clean Air Act for an agricultural society with no trucks, no cars, no airplanes, and no ships. But it is madness.

What we are saying is when you write regulations, you are going to have to look at what do they cost. You are going to have to do an economic benefit analysis, and you are going to have to assess the real risks. You are going to have to actually bring science to bear and not just the latest Ralph Nader press release.

My guess is there are hundreds of billions of dollars in savings and millions of jobs that will be saved by the 21st century, 6 years from now, by these two items. Yet when you first read them, they do not seem so powerful.

But when you look at the number of job-killing regulations now coming out of the Government, you begin to realize why this kind of legislation is so vital.

Mr. Speaker, I yield to my friend, the gentleman from Connecticut.

Mr. SHAYS. I was listening to what both of you were saying on the floor in my office, and I just felt compelled to come over and make a few comments.

I mean, I just relish the thought that on the first day that a Republican majority is in charge that we would force Congress to live under the same laws as every other American and cut the number of congressional committees and our budget and then move forward in the first 100 days with some very important elements.

As someone who has been in public life for a number of years, the one thing that is eminently clear to me, as you have pointed out, I say to the gentleman from Georgia [Mr. GINGRICH], that 12-year-olds having babies and 14-year-olds selling drugs, 15-year-olds who are killing each other, and 18-year-olds who cannot read their diplomas is truly the legacy of the welfare state.

Candidly, Congress, Republicans and Democrats, know the welfare state is dead. There just is a sense of how do we move forward. For me, it is extraordinarily exciting to think that as a Member of Congress that I can deal with the issues that we have left in this agenda that is a contract with the American people to provide a balanced-budget amendment and a line-item veto.

I mean, I think of the extraordinary opportunity a line-item veto would provide and to truly move forward even more of getting tough with criminals, welfare reform, which we have talked about for 2 years and not taken any action, strengthening our families.

I know; I have a family of four boys. I know my parents basically had the deductibility of about $8,000 per child in today's dollars, and yet that is not available to families today.

What is exciting for me as a member of the Committee on the Budget is to be part of 13 Republicans who came in with alternative budgets last year and this year because of your urging. I mean, one of the things that has happened in this general assembly, in this Congress, is that we have been empowered to move forward in such a meaningful way. Our Committee on the Budget is coming up with reforms, recommendations, welfare reform, health care reform. It is really sad that President Clinton did not put away his veto pen earlier. It is sad the partisan political rhetoric did not stop earlier and we could not deal with some of the incremental needs of dealing with administrative costs and tort reform in our package.

As a rank-and-file Republican, I am going to be one of those 300 who is going to sign on to have some commonsense legal reform, and I have an ability through these 10 items to make it very clear to my constituents that where I might disagree on the last item of term limits, because I happen to think that term limits is not the problem. I think the problem is 40 years of one party control; the American people deserve to see that debated. And here we are having an open dialog after hours, but when there is a debate on the bill, we have closed rules, and to know those rules will not be closed and there will be true debate, I look forward as a Member of one of 435 Members if I am reelected to have a debate on term limits.

I might make an argument that says, you know, 40 years of one-party control is the problem and not the fact that someone has been 6 or 8 or 10 years.

But it is exciting, and I just heard some comments today about, you know, criticism of this package, and I just want to weigh in as one Member, a moderate Member in this caucus, and to me every one of these issues is right on target in terms of the opportunity for the Americans to see what can happen in the first 100 days.

Mr. GINGRICH. Let me give our colleagues an example. On our contract of 10 bills that we will bring to the floor and get to a final passage vote on the first 100 days, No. 9 is commonsense legal reforms. It is, in fact, called the Common Sense Legal Reforms Act. I think the gentleman from Minnesota [Mr. RAMSTAD] was the leader of this particular project.

All of these, I should tell my colleagues, were developed under the leadership, or with the leadership, of the gentleman from Texas [Mr. ARMEY], the House Republican Conference chairman, with tremendous help from the gentleman from Illinois [Mr. HYDE], who had several policy forums as the head of the Policy Committee, and I think with enthusiastic support from the gentleman from Illinois [Mr. MICHEL], who had seen over the years the need to move to a much more positive and proactive kind of approach.

No. 9 on our list of 10 bills is the Common Sense Legal Reforms Act. It includes discouraging wasteful litigation, honesty in evidence, reasonable limits in punitive damages, truth in attorneys' fees, a legislative checklist, and proportional liability.

I am going to take right out of the contract with America's Briefing Book, which is really a tremendous work that has been put together to explain the whole thing, what they say about it, because I think it will give our colleagues a sense of why on the Republican side we are ready to have a positive campaign this fall. We are ready to go out to the country and talk about ideas and about solutions and about real positive things and why I was so discouraged today by the four or five negative and mean spirited 1 minutes that just did not get it. They did not understand what we are trying to do here.

If you will notice this, when we go through this, I think you are going to see it does not attack the Democrats. It does not attack the Clinton administration. It talks about a real solution.

Here is what it says on commonsense legal reforms:

Our legal system has become burdened with excessive costs and long delays and no longer serves to expedite justice or insure fair results. Instead, overuse and abuse of the legal system impose tremendous costs upon American society. It has been estimated that each year the U.S. spends an estimated $300 billion as an indirect cost of the civil justice system. These billions of dollars result from dramatic expansions in the number of cases filed, a tripling of cases in the Federal courts alone in the last 30 years. In fact, in 1989 alone, 18 million civil lawsuits were filed in State and Federal courts, amounting to one lawsuit for every 10 adults. Enough is enough.

Although the vast majority of these cases are filed in state courts, federal reforms can have a substantial impact and provide a model for state reform, without having reform dictated to the state by Washington, D.C. The Common Sense Legal Reforms Act provides concrete steps to restore the efficiency and fairness of our federal civil justice system by:

Discouraging Wasteful Litigation. One of the most effective ways to ensure that nuisance, or frivolous, lawsuits are not filed (or that a frivolous defense is not offered) is to require that the loser of a lawsuit pay the winner for the legal fees incurred. The loser pays approach encourages careful consideration of the merits of one's case and the exploration of a settlement prior to filing a suit. This fee shifting provision would be limited to federal diversity cases to ensure that litigants seeking to enforce federal civil rights are not affected adversely. Along the same lines, many lawsuits could be avoided if the parties would just sit down and discuss their differences before going to court. To achieve this first common sense step, the bill requires claimants to notify the other party prior to filing suit, thus encouraging settlements before resorting to litigation.

Honesty in evidence. The last decade has witnessed an explosion of abusive practices using rent-an-expert-witnesses and unsupported scientific theories. The bill prevents the use of junk science by requiring expert testimony to be based on sound scientific theories and bars contingency fees for expert witnesses and permit greater review of experts' qualifications.

Reasonable limits on punitive damages. It is news to no one that juries have been winging out of control over the past decade in awarding punitive damages to sympathetic plaintiffs far in excess of what is recovered to make them whole. Part of the blame is to rest on the system, because it gives juries very little guidance with which to make such awards. The Common Sense bill provides these standards by requiring that awards be based on "clear and convincing" evidence of malicious conduct and be limited to three times compensatory damages.

Truth in attorneys' fees. Attorneys often operate under a billing arrangement, called a contingency fee, that is based on a percentage of the damages recovered. While this fee arrangement helps some worthy claimants have access to the courts, it also creates a situation ripe for abuse by attorneys. To prevent abuse, one way to secure the benefits of contingency fees while protecting unsuspecting plaintiffs is to require attorneys to disclose up front the exact terms of a billing arrangement, document the actual time spent on the case, and allow a client who believes he has been misled to petition the court for redress.

Legislative checklist. The vague and incomplete laws Congress passes today encourage litigation to determine exactly what Congress meant when it spoke in a particular bill. This provision mandates that Congress follow a simple checklist to ensure that new legislation make clear exactly what is intended, such as whether the new law includes a private right of action, a statute of limitation, or is to be applied retroactively.

Proportionate liability. Under today's liability standards, litigants can go after the deep pocket defendants for the full amount of damages even though this party was responsible for a small fraction of the harm. This standard encourages abusive practices of shake down the deep pockets despite their limited liability. The bill requires apportioning liability on the basis of a defendant's responsibility.

☐ 1800

My point in reading through this one bill is to get across to people that just in this one area we are talking about very major, very significant litigation reform in a way that is going to dramatically improve job creation, lower the cost of living in America, increase the opportunity to create new businesses and do the kind of things that will increase Government revenues by increasing the size of the economy and putting more people to work.

I yield to my friend from New Jersey.

Mr. SAXTON. I thank the gentleman for yielding.

Mr. Speaker, I just wanted to illustrate by way of three items why the section that the gentleman reads from in our document, Contract for America, why these things are so important. Now, where the loser pays in liability suits, at least in some cases, out-of-court settlements would be encouraged. Where punitive damages—where punitive damages would be subject to reform; the truth-in-attorneys-fees and the other things the gentleman read through, why they are so important.

Now, let me give three illustrations. I happen to live in a relatively small county in New Jersey, about 450,000 people. We currently have 13 judges. Those 13 judges are an expense to the taxpayer of something under $500,000 per judge, with their staff and their space costs and all of those things. It costs about $500,000 per judge per year.

So we have 13 judges at that cost in my little county; that is a cost of $6.5 million a year.

Now, it may not surprise the gentleman, after the words I just heard, to know that in order to bring a civil case to trial in New Jersey, in my county of Burlington, it is about a 5-year wait because the civil docket is so filled with so many suits. So that long period of time becomes a very frustrating thing for people who really have a legitimate civil suit.

So there is a proposal in front of the New Jersey legislature today to create three more seats, three more judges at a cost of $1,500,000 for the taxpayers of our area to pay. Now, that is a burden on the taxpayers in Burlington County, it is a burden on the taxpayers of New Jersey. It may provide jobs for some attorneys who become judges, but I do not think that is what this is all about.

So it is a very cost-producing, time-consuming situation that is caused by this huge court backlog that we have in my little county.

No. 2, an illustration of what tort reform means in the items the gentleman read off, which are proposals. This is a personal story. I have a friend who is a doctor, who is a gynecologist whom I have known for years. He called me up one day not too long ago and said, "Jim, I just wanted you to know before somebody else tells you that I am closing my practice and I am going to move to another State," he said, "Colorado, and I am going to work in a clinic." I said, "Why would you do that? You have a wonderful practice. You have been in practice for many years. People think the world of you."

He said, "Jim, I get sued so many times that I have a choice, I either have to go out of business or practice without insurance." He said, "I am not going to do either. I am going to go someplace where I can practice, where I will have insurance and it won't be such a burden on me and," he said, "My patients." I said, "What do you mean, your patients?" And he said, "Well, if I have to pay $100,000 or $125,000 a year in insurance premiums, I cannot continue to pay those costs myself, I have to pass those costs along to my patients in higher doctor fees."

So I understood then how important this was. We have discussed for a long time around this institution about how we control medical costs. One of the important ways to get a handle on medical costs is to reduce the cost within the system and tort reform, the items the gentleman has listed here, help do that.

No. 3, do you know we do not build piston airplanes in this country anymore? And the reason we do not build piston airplanes in this country anymore is because the product liability associated with small piston-driven airplanes is so high because of the way the liability laws are written that American manufacturers no longer find it feasible or possible to build these types of planes anymore.

So this issue that the gentleman has pointed out is something we have dealt with around here for a long time. I hope that as we put out this contract for the American people that these kinds of items will be brought to full light. I hope we can debate them throughout this coming campaign.

Mr. GINGRICH. Let me say that the gentleman's points reflect three things which I want to say very quickly before I yield to my friend from Connecticut.

One, we are really concerned, at its heart, about changing the things that are not working in America and we think there are—these are deep and significant. When you realize, with 13 judges in your county, it is still taking 5 years to get to court, you know something is not working right.

Second, what we are proposing here in our contract is substance, these are real bills with real details. This is not some press release or some press conference, but rather a detailed systematic effort led by Congressman ARMEY, the conference chairman involving many Members of the Congress and many candidates across the country to develop a real good substantive program of reform.

Third, the thing I was most struck with today in what I thought was a sad performance by the Democrats during the 1-minutes today, that we are being totally positive. The gentleman from New Jersey did not bash the Clinton administration, he did not talk about the Democrats just now. He talked about real problems in the litigation system, real problems in the courts and our effort to find a real solution. And that would be a fabulous turnaround for America if this fall we could have a campaign between two sets of solutions, we could have the Clinton administration, the Democrats offering their solution to these problems, and we would be offering our solutions and let the country choose which one they like.

I yield to my friend from Connecticut.

□ 1810

Mr. SHAYS. Mr. Speaker, I just would like to weigh in again as a rank and file Member and emphasize that I heard one of the individuals speaking today and talking about how there was this top-down emphasis that we, as rank and file Members, would have to go lockstep in a contract with the American people, and that is an individual who simply did not know how this was generated. This was a bottomup. It was every Member weighing in whether it was moderate Members in the Republican Caucus or the most conservative, and these are elements in which we find tremendous commonality.

I mean I would like not to have to have a balanced budget amendment, but as someone on the Committee on the Budget and someone who has continually tried to get our financial house in order, I do not see any other alternative, and I believe that it has to happen. I think the tool of a line-item veto is more important, and during that debate I will probably put more emphasis on that, but it is going to have my vote, a balanced budget amendment, a line-item veto, and all of us who stepped forward on the Capitol steps, 300 strong, are saying to the American people, "If you elect us, this is what will happen."

I look at what I am seeing Republicans do around the country, and it is exciting to see Republicans elected in Democrat States like Massachusetts, and I have seen what Governor Weld was able to do. In Connecticut, we raised taxes, instituted a new income tax. Governor Weld had the same option in Massachusetts because he had serious financial challenges, and he chose to veto budgets until he got budgets that were able to be balanced without any tax increase. One of the exciting things he did there, which we know we have to do here, is we have to take the entitlements, take them off automatic pilot, and put them back on as an appropriated expense. Welfare in Massachusetts is an annual voted item because of the leadership of a Republican.

I mean I get excited thinking that for the first time in 8 years that I have been a Member, if I am fortunate enough to be returned, that I will be able to deal with these issues on the floor of the House, know that there will not be restricted votes, know that we will not have king-of-the-hill amendments so that everybody gets to vote for every amendment, but then the amendment that is designed to ultimately pass passes, but to know we are going to have open and free debate on the issues the gentleman talked about.

I say to the gentleman, "You talked about the issue of commonsense legal reform, and I thought basically you were going to consume the rest of our time because there was so much in it. We could go through each of these issues, the budgetary side and so on, and again as a member on the Committee on the Budget, what is exciting is that we are going to pay for every tax reduction, if, in fact, a tax deduction does not include more revenue. In many cases it will. A capital gains exemption by almost any outside expert knows that it is going to encourage economic growth and provide more revenues.

I look at the senior citizens earning limit and think why do we want older Americans not to work? Why would we want to take those who have the greatest experience? And it seems to me, if we get older Americans to work, why should they be penalized by an earnings limit? Let them work. If they are working, my logic says they are paying taxes, and to me that seems so logical.

We are going to have a debate on the floor of the House if we have enough Members who have signed this contract elected.

Mr. GINGRICH. Let me just say that, again going back to why we are having a little bit of a problem over how we score, how much would this cost, the fact is the very point I just made. If we get economic growth, if people get jobs, if people leave welfare and go to work, common sense tells you you just saved the money for the Government over here on welfare because you are not paying it, and by the way, since they are now at work, they are paying some taxes, so you are making some money for the Government over here. None of that, zero, was scored by the Clinton administration is assessing what they are doing because in their model they just do not show dynamic behavior. They do not show what people are doing.

And so I find it very frustrating in a way that here we are in a situation where we are trying to develop a real set of positive ideas, the Republican House contract with America. We are trying to lay out for people 10 major bills to be brought forward in the first 100 days, 3 major things to be done on the opening day, and, by the way, my pledge is, as I hope I would be the Republican candidate for Speaker if we are a majority, and my plan would be to take this very ad out of TV Guide, and keep it at the Speaker's desk, and make it available at the time, and I yield to the gentleman from California.

Mr. ROHRABACHER. I would just like to ask you, as our leader, NEWT, why it is that we cannot do these things now. I do not think many of the people who were watching understand just what kind of restrictions we are under as Members of the House of Representatives as a minority. Some people do not even know that we do not control—for example, none of the chairmen of any of the committees is a Republican. Many of them—you know I had fought a big battle on the illegal alien issue in these last couple of years, and time and time again I have been thwarted from even bringing up this by parliamentary moves on the part of the majority party.

Now these things we are talking about as part of our 10 points, we would have liked to have done this a long time ago, but over, and over, and over again the Democrats who control the majority, they will not even let us bring it to a vote on the floor of the House.

Mr. GINGRICH. Well, of course, that is part of the difference. One of the reasons we are saying this will happen if we are a majority is because, if we are a majority, it is the Speaker's power to recognize, it is the Speaker's power to schedule, so we are then in a position to say, "Hey, we are going to do this," and, if we are a majority, we can. We cannot make this same commitment if we are not a majority because we have every evidence to believe that the Democrats will block these ideas, and in fact at this very moment they are blocking, and that is part of the problem.

Let me yield to another friend from California who is here.

Mr. CUNNINGHAM. I thank the gentleman from Georgia.

I heard Jack Kemp make a statement last weekend at the Republican convention in San Diego, and I also heard you, NEWT, speak to a group, Women Who Win, to emphasize the same issue, and that issue was that it should not be the Republicans' position just to trash or debate Democratic ideals, but to come up with new ideas and new formulas that are better, and I think that what you have done with these pledges are better ideas—and to sell it to the American people.

And I look at history to establish certain ideals, and I look at 1986, and there was a budget deal that for every tax dollar that comes in we will cut spending by three, and the other side of the aisle said, "We're going to give you an ultimate way to do that, to control the budget," and that was called Gramm-Rudman, and Republican Presidents bought into that. But it was not enforceable.

Then in 1990, Mr. Speaker, George Bush had the same pledge, for every tax dollar that comes in we were promised on the other side of the aisle that we will cut spending by $3, and to do that we are going to put caps on every budget, and we are not going to allow you to spend any more than that. That was unenforceable.

And then the Clinton tax that comes up, the largest tax in the history of this country outside the 1990 tax, and yet even in a crime bill we waive the Budget Act to increase by $9 billion money going into a crime bill. So, you cannot enforce it.

So, what I am trying to point out, a better idea, I would not have to take the checkbook away from my daughters if they manage their account well. I am happy to say I have not had to take that checkbook away because they are very fiscally conservative, except my older daughter maybe a little bit is a deficit spender sometimes. But at the same time the reasons why we are going to a balanced budget amendment——

Mr. GINGRICH. If she hears you said that, you may be in trouble when you get back.

Mr. SHAYS. Do you want to strike your words?

Mr. CUNNINGHAM. No, my oldest daughter, I apologize, but my oldest daughter is somewhat of a deficit spender. My 12-year-old is actually loaning her money at 10 percent interest. I mean she is going to be the business person in the family, and she calculates daily interest on a 486 computer at 12 years of age.

But Ross Perot was right in one issue, in the fact that the country's No. 1 issue is not crime, not health care, not education, but the national debt.

□ 1820

We spend $1.3 billion a day on just the interest, and we are spending beyond what our children have. And the reason for a new idea, like a balanced budget amendment, is not a new idea. We would not have to have the idea if the problem did not exist. What we are trying to do is come to the resolution of a problem in a very effective way, because Congress cannot control itself.

I commend the gentleman from Georgia. I think this is one of the most dynamic, inspiring deals that I have been involved with in the 3 years I have been in Congress.

Mr. GINGRICH. Let me say the purpose of taking this time tonight is to say this is about substance, about solutions, and about being positive. I would like to challenge our Democratic friends to try to develop their version of 100 days that has the same positive substance and solution orientation, and not to just degenerate into negative 1 minutes because they have nothing better to say.

CERTAIN GATT PROVISIONS UNFAIR TO AMERICAN INVENTORS

The SPEAKER pro tempore (Mr. BISHOP). Under a previous order of the House, the gentleman from California [Mr. ROHRABACHER] is recognized for 5 minutes.

Mr. ROHRABACHER. Mr. Speaker, the greatest crime of the decade is in progress, and very few people in this House and very few people around the United States of America realize what a heinous crime is about to be perpetrated. Billions of dollars that should be going into the pockets of America's innovators will instead be going into the bank accounts of multinational and Japanese corporations. Unbeknownst to 99 percent of all Americans, as well as, and get this, 90 percent of my fellow Members of Congress, unbeknownst to all of us, hidden in the GATT implementation language is a provision that will dramatically reduce the length of patent protection for America's most creative people.

This administration, encouraged by wealthy and powerful Japanese and multinational corporations, has slipped this provision into GATT, and if it stays in GATT and the GATT passes, Americans will pay dearly. The insidious aspect of this is that it is being done in disguise. The wording of this provision would lead all of us, even those who know what is in there, to conclude that the length of patent protection is actually being extended. What it says now today, American inventors are protected for 17 years from the time they are issued a patent. The changes in the GATT language say they will be protected now 20 years from the time they file for their patent. That would make you think they have 20 years of protection.

American inventors are not fooled, because they know that patent pending means nothing. This provision in GATT will basically, for America's inventors, cut their protection half, maybe to a third, and maybe wipe it out altogether.

Billions of dollars' worth of royalties that would have been going to America's inventors, will now be in the bank accounts of Japanese corporations and multinational corporations.

The first insidious aspect is the language makes it sound like it is actually extending the protection, when in reality we are reducing the protection for Americans. Another insidious aspect is we are being told this change is mandated by the GATT treaty itself. That is why it is in the GATT implementation language.

Well, the fact is, it is not mandated by GATT. This is a special interest provision that has been slipped into a treaty and presented to this body as if it is mandated by that treaty. That will benefit special interests to the tune of billions of dollars, yet it is not mandated by GATT. This is a crime against this Congress. It is a crime against the people of this country. What will happen if it passes? Inventors will be ripped off, as I say, to the tune of billions. American universities, which now develop many innovations and patents, and often patents are left to universities, will lose billions and billions of dollars that are now going into the coffers of our universities to educate our people and provide money for research and development.

In fact, private research and development, which is predicated on the idea that you are going to have 17 years worth of protection, that private research and development money that has been so essential for American prosperity, will dry up because why should investors be investing in something when they do not have the same length of patent protection? In fact, they may not get any protection for the inventions they come up with at all.

Also, when all of this happens, of course, our balance of payments with

Japan and other competitors, will be greatly affected. Those royalties that should be going to American investors will now be going right into the products and bank accounts of those Japanese corporations. We, in fact, will lose a competitive edge, because these countries will no longer have to pay to use American technology. Our innovators, our creators will come up with the technology. They will use it. The length of time they have to pay to use it is diminished so greatly, the costs will be greatly minimized to those corporations overseas. American competitiveness will be hurt dramatically.

America's future depends, as it always has, on our ability to come up with a better idea, to come up with a better approach. America's inventors, our innovators, our creative genius, has been the mainstream of our prosperity, wealth and freedom. And what we are doing and what this administration is doing by a stealth tactic is underhandedly trying to steal this away from the American people. We cannot put up with it.

I would hope that my colleagues would realize what is in the GATT implementation legislation. I am pleading with them. Please pay attention to the details. Stop this ripoff. Stop this crime that is in progress.

REGULATORY RELAY LAP NO. 3—ROOFING INDUSTRY

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentleman from Texas [Mr. DELAY] is recognized for 60 minutes as the designee of the minority leader.

Mr. DELAY. Mr. Speaker, I will not take the whole special order. I know the staff has worked long and hard today, and they are anxious to get home to their families. But I had to come over to the floor to talk about something that is really important, and we started another leg today of our regulatory relay.

Mr. Speaker, the importance of small businesses when it comes to stimulating job creation and economic growth seems to be pretty well understood. Unfortunately, however, the actions of the current administration run completely counter to this knowledge, and instead are strangling the small businesses in this country. President Clinton has not only raised taxes, he also imposed new mandates through the Family and Medical Leave Act and has fought for a health care package that without a doubt would shut down some of these small businesses.

Furthermore, little has been said about one of the biggest obstacles small businesses face to economic growth—the problem of overregulation. Over the last 4 years, the regulatory burden has grown tremendously, and as a result the private sector has lost nearly 2 million jobs since early 1990. Federal regulatory costs are estimated—conservatively—to be about $600 billion annually. This translates into $2,500 for every man, woman, and child in America. Much of this cost is so hidden that it doesn't show up on any sales or paycheck receipts.

And regulations don't only cost money—they also cost time. The chief paperwork manager at the Interior Department has estimated that Americans spend about 12 billion hours a year—48 hours per capita—simply dealing with Federal forms. Imagine the productivity that is lost as a result of this burden.

As chairman of the Republican Research Committee's Task Force on Competitiveness, I have tried to promote an awareness of the problem of overregulation. This morning I held a press conference to run a third lap of the Republican Regulatory Relay. Created in 1992 in conjunction with President Bush's moratorium on new regulations, the regulatory relay was instituted to fight the regulatory bureaucracy and highlight the barrages of unnecessary and ill-conceived regulations that are forced down the throats of American businesses and American consumers.

This year the relay has focused on particular industries to highlight the regulatory burden carried by that particular trade. The first industry featured was the dry cleaning industry in May, and the second was the restaurant industry in July. This month we are concentrating on the roofing industry; I'd like to commend the National Roofing Contractors Association for all of its hard work on regulatory reform throughout the years.

In fact, 2 years ago, the president of NRCA wrote an article for the Wall Street Journal entitled "So You Want to Get Your Roof Fixed," which details what a typical roofer has to go through to complete a simple roof repair. The number of rules and regulations a roofer must comply with is staggering. And frighteningly, very little has changed since then. If anything, things have gotten worse. I would like to submit a copy of that article for the CONGRESSIONAL RECORD so that everyone can get an idea of what roofing entails.

The article follows:

[From the Wall Street Journal, Feb. 4, 1992]

SO YOU WANT TO GET YOUR ROOF FIXED . . .

(By Richard Rosenow)

Suppose you own a roofing business, and one morning you get a call from your neighbor, whose garage roof is leaking. He tells you that the roof is asphalt-based, and you agree to send a repair crew to try to fix it. In order to fully comply with federal regulations that are in effect today, you would have to:

First examine the roof to determine whether asbestos is present. There is a good chance that an asphalt roof will at least include asbestos-containing base flashings and cements; if they do, Environmental Protection Agency regulations will apply, and Occupational Safety and Health Agency regulations may apply.

It is very likely that you won't know from a visual examination whether asbestos is present. In that case, you will have to cut a sample from the roof, and patch it to avoid leaks at the point of the sample cut. You will then send the sample, after you have bagged it properly, to an accredited laboratory, and delay your repair work until the sample is analyzed. (In some states, only a certified abatement contractor is allowed to make this test cut.)

If you discover that asbestos is contained in the roof, you must:

Notify the owner (your neighbor) in writing;

Notify the EPA Regional Office (10 days prior to beginning work, which will mean your neighbor's roof will continue to leak);

Be sure that at least one person on your repair crew is trained to satisfy EPA requirements; and

Conduct air monitoring on the job, once you are able to start work, to determine whether emissions of asbestos will exceed OSHA's action level. You can't do this, of course, until the 10-day EPA notification period has passed.

Once you begin any repair work, you will have to "adequately wet" the materials. EPA defines this as "thoroughly penetrating" the asbestos-containing material, which is an interesting concept for a waterproof material like asphalt. EPA also stipulates that there be no "visible emissions" on the job, even if you can demonstrate that the emissions contain no asbestos fibers.

You will then have to vacuum the dust generated by any "cutting" that you do, put it in double bags, and take it to an approved landfill.

You will also be responsible for prohibiting smoking on the job site, and are subject to fine if one of your employees lights up.

You will probably wonder why your neighbor will be asked to absorb all of the costs associated with these steps, since hundreds of test samples have shown no asbestos exposures above acceptable limits in roofing operations.

You must ensure that your crew is trained about any hazardous materials that they may encounter. (These will include the gasoline you use to power the pump on your roofing kettle.) You will also have to be sure that copies of the appropriate Material Safety Data Sheets are present at the work site, and that all containers are properly labeled.

Your crew must also be thoroughly trained in handling these materials. This will be determined not by what steps you have taken to train them, but by what your employees tell the OSHA inspector who asks them what they have been taught.

Because you are transporting asphalt at a temperature above 212 degrees, so that your crew won't have to wait two or three hours at your neighbor's home for the asphalt to heat, you must:

Mark the side of your roofing kettle with a sticker that says "HOT" in capital letters;

complete shipping papers before the truck leaves your yard;

have emergency response procedures developed in the event the kettle should turn over en route to your neighbor's home;

be sure that your driver has been drug-tested, and has a commercial driver's license;

be sure that the driver completes his log sheets for the day, and stops 25 miles after he

> leaves your yard to see if the load has shifted;
>
> be sure that your kettle has a hazardous material placard, in addition to the "HOT" sticker mentioned above.
>
> Because your vehicle is being driven for work-related matters, you must be sure that the driver wears his seat belt, and has received driver training. If he does not wear his seat belt, you, of course, will be fined.
>
> Assuming you have met other OSHA safety standards, and are satisfied you will be in compliance with local and state regulations, it is now safe for you to begin. Your most dangerous act, however, is yet to come; presenting your neighbor with his bill, and explaining why your costs have increased so dramatically in the three years since these regulations have been promulgated.

Although regulations are often well-intended, in their application too many are overly oppressive, unreasonable, and even irrational. I'd like to give you a few examples:

First, last May, Competition Roofing Inc., of Houston, TX, was visited by an OSHA inspector and was cited 23 times for a grand total of $13,200 in fines. Its violations? A cut in the outer insulation of an extension cord that had been taken out of service racked up three citations, while a bent rung on the bottom of a ladder was worth four. In addition, a $400 fine was issued for a splintered handle on a broken shovel that had been placed in the back of a truck after it had been broken.

Second, in Fresno, CA, Fryer Roofing Co. was cited by the State OSHA office for two alleged violations. To quote directly from the president of the company:

> The first citation was issued for not having a fire extinguisher at the kettle. The foreman explained that on three consecutive days our fire extinguisher had been stolen by transients walking through the alley. Rather than risk losing another, the foreman chose to place the extinguisher at the top of the ladder near the roof's edge, so that it was readily available in case of an emergency.
>
> The inspector disagreed with the decision and suggested that it should have been hidden from view under paper wrappers (asphalt cartons) beneath the kettle. Obviously, it would have been impossible to reach the extinguisher if the kettle had caught on fire.
>
> The second citation was for the foreman not wearing a long-sleeve shirt. In fact, he was wearing a long-sleeve shirt, but chose to roll it up two cuff widths between his wrist and elbow.

Third, an OSHA compliance officer visited a job site and happened to inspect a pickup truck in the parking lot. Despite the fact that the truck was the personal property of an employee on the job, the OSHA inspector felt that a search was warranted. He found a small propane welding torch in the truck that the employee used for odd jobs on his own time. Unfortunately, the label had fallen off of the torch, so the inspector cited the employer for failure to properly label the torch.

Fourth, the day after the installation of a new roofing system, two workers were doing some detail work at the roof edge to finish a job. They were visited by an OSHA compliance officer who, without ever going up on the roof, determined that the employer had violated the fall prevention standard because there was no warning-line system in place. Despite the fact that having a warning-line system would not have made any difference in terms of the workers' safety, the OSHA officer issued a citation to the employer under the fall prevention standard.

Fifth, an OSHA inspector was at a site to conduct employee interviews, and asked one of the employees, "Do you have MSDS's?" The employee responded, "Not me. I'm perfectly healthy." Although the employer was able to demonstrate that the employee had received training on OSHA's Hazard Communication Standard, including training on material safety data sheets—forms an employer must fill out describing how to handle hazardous substances—the employer was issued a citation for failure to conduct appropriate hazard communication training.

These kinds of situations make me wonder whether the priority for regulatory agencies is worker health and safety or to find citations and issue fines. To demonstrate how ridiculous some of these regulations are, I'd like to read through a list of the National Roofing Contractors Association's top 10 favorite roofing regs:

> 10. Have repair truck drivers stop to check for shifting loads after driving 25 miles on their way to a job site 30 miles away. (DOT Federal Motor Carrier Safety Regulations.) This is vital, especially since roofing repair trucks carry such huge loads of hammers and nails.
>
> 9. Spray water on roof while taking it off. (OSHA Final Asbestos Regulations.) As you can imagine, it is very safe to make a slanted roof slippery while you are standing on it.
>
> 8. Require fire evacuation plan for roofing workers. (General OSHA.) It's important to identify which are the fire exits when you're working on a roof.
>
> 7. Fine employer if roofer smokes on the job. (OSHA Respirator Rules.) That's right, it's the employer's fault if a worker breaks the rules.
>
> 6. Fine employer if roofer refuses to wear a hard hat. (OSHA General Construction Standard.) Again, fining the employer is really going to be an incentive for a worker to follow the rules.
>
> 5. Require prevention plan for AIDS exposure in roofing work. (OSHA Bloodborne Pathogen Standard.) As you all know, working on a roof is up there with drug use on the list of activities most likely to spread AIDS.
>
> 4. Train employees on the hazards of exposure to deadly materials like chalk, lumber and dishwashing detergent. (OSHA Hazard Communication Standard.) No further ridicule needed.
>
> 3. Post sign saying respirators are required even when they are not. (OSHA Final Asbestos Regulations) Useful.
>
> 2. Prohibit gum chewing while roofing. (OSHA Final Asbestos Regulations) Everyone knows that these are mutually exclusive activities.
>
> 1. Label roofing kettles "Hot." (DOT Elevated Temperature Materials Rule) It's not enough that anyone within several feet of a roofing kettle will be able to FEEL the heat emanating from the kettle.

The good news is that some small businesses are rising up to say "no more." Last year, the National Roofing Contractors Association sent out a survey to all of its members. Entitled the "Excessive Government Regulation Survey," it asked respondents to list "any government-required activity that [they found] excessive, overly time-consuming, overly complicated, impractical, or poorly conceived." The survey further asked respondents to provide a rough estimate of their company's cost to comply with the requirement, as well as to rate each regulation on a scale of 1 to 10, with 10 being the most excessive or absurd. The respondents were given blank forms to fill out—they were not prompted to give responses on any specific regulations, so their comments are entirely of their own making.

The responses received were honest, poignant, and to the point. Simply put, the Government is going too far. Many of the Federal regulations that exist today are unreasonable, unnecessary, and even unbelievable.

I would like to focus on some of the issues that were raised by the respondents of the roofers' survey by reading directly from a few of the surveys. I am sure many of you who are listening right now will agree with what they have to say.

Here is a personal example of the excessive compliance enforcement, mining safety, and health. The regulation is, all miners are required to participate in a miners' safety program. All persons that set foot on a mining property are considered miners, no matter what they do.

> What happened? We were installing a new roof on top of a non-functional building at a non-operational mining facility. The Mining Safety Inspector shut down our job. They required our people to receive three days classroom instruction before resuming work, and fined us for noncompliance. Bear in mind, this was a non-operational facility, our people were in no way connected with mining operations on top of a roof. This little fiasco cost us approximately two weeks production, several thousand dollars in wages and instruction, and caused our project to be carried over another year because the delay prevented completion before winter.

Another writes in and says, on the materials safety data sheets, why they were excessive in their regulations: "Hazardous materials certainly need to be designated as such, however, MSDS sheets for steel, roofing gravel"—that is hazardous material—"nails and screws, preformed roof expansion joints, wood, fire extinguishers, sand, pop rivets, et cetera, are ridiculous. One of our friends recently received a $200 fine for not having MSDS sheets for chalk in chalk lines."

I could go on and on.

☐ 1850

Compiling real-life stories from people who actually have to deal with Federal regulations on a day-to-day basis is the best way to gain an understanding of the problems that they face. I hope other industries and associations will follow the roofers' examples. It is high time that some sense be instilled into this regulatory mess. With the assistance and determination of groups such as this one, we might soon make some headway. It is particularly timely for us to be discussing this topic because next week on September 27 all House Republican incumbents and candidates will gather on the steps of the Capitol to sign their contract with America. This is a signed contract, saying if the American people will just give the Republicans the honor of being in the majority next year for the first time in 40 years, they will bring to a vote within 100 days 10 bills dealing with important issues that have not been openly debated in this House. One of those bills includes the regulatory reform package which is the result of much work on the part of the team of the members that I chair on the research task force on competitiveness. Overregulation stifles job creation, efficiency, and innovation. It also raises the cost of living to Americans. No wonder Americans today are paying 53 percent, and I repeat, Americans today are paying 53 percent of their income to government in one form or another. If you take all the tax policy and add to that the cost of regulation, 53 percent of American families' income goes to the cost of government.

If Americans are to succeed in today's highly competitive economy, we have got to break the chokehold of regulations around the neck of every budding entrepreneur and allow them to compete freely.

Mr. EWING. Would the gentleman yield?

Mr. DELAY. I would be glad to yield to my good friend from Illinois, the gentleman who is a businessman in his own right and has done some incredible work on regulatory flexibility and we appreciate the work that the gentleman has done.

Mr. EWING. I congratulate you for this special order and for all the work you have done on trying to fight the problem of too much regulation. I think any of us that are out there visiting with our constituents knows that excessive regulation ranks very, very high in the frustration of our constituents.

The gentleman has pointed out some excellent examples of regulations that do not work. Do you know why we have those?

Mr. DELAY. No.

Mr. EWING. I happen to believe a lot of it is because the bureaucrats have no experience in the real world. As you know, I have been working on trying to improve the regulatory climate for small business particularly with my Reg Flex Act. People that are making these regulations have no idea how small business operates. They think that every small businessman reads the Federal Register or has somebody hired to read the Federal Register so they know these regulations are coming up and they can put their testimony into the comment period.

Does that happen?

Mr. DELAY. Not very often. It certainly did not happen in my small business. I could not afford even a lawyer to read the Federal Register for me, much less read it myself.

Mr. EWING. You afford a lawyer when they come knocking on your door and tell you that you have got a big fine coming or they are going to close you down or whatever the reason is because you did not follow a regulation you did not know existed.

I really believe that regulators are good people but I think they are totally misguided and they sit in the ivory tours in Washington and they make regulations that are supposed to cover businesses in Texas, California, Minnesota, Illinois, Rhode Island, across the country. It does not work. It does not work at all.

Mr. DELAY. It cannot work.

Mr. EWING. It cannot work. We have to get at that.

Mr. DELAY. Tell me, I think the gentleman ought to explain what he is attempting to do and has included in the regulatory reform bill that will be presented as part of the Contract with America that relates to regulatory flexibility. It is a commonsense approach to try to get accountability in the regulatory bureaucracy.

Mr. EWING. Let me explain the background. During the Carter administration in 1980, this problem was serious enough that the Congress acted. The President signed the law. It was called the Regulatory Flexibility Act, designed mostly for small businesses, not the multinational corporations that have big staffs, but small businesses and local governments, which are also adversely affected by regulation. This provided a certain analysis that was to be done on every regulation and to see if it was very expensive and very difficult for a small business to handle. If it was, they were supposed to look for another way to achieve their goal, the regulation. But it said if you find there is no adverse effect, this will just disregard this law.

Well, there was no teeth in the law. As a small businessperson, if they put a regulation on me that put me out of business, there was no way I could challenge them if they had found that it had no adverse effect. So consequently, since 1980, and here we are in 1994, we have a bill that looks good but is absolutely worthless.

Do you know in that bill, there is a provision that every regulation must be reviewed at the end of 10 years? We have so many that are outdated or should never have been in it. Do you know how many have been affected by that part of the law?

Mr. DELAY. No. How many?

Mr. EWING. None.

Mr. DELAY. Zero?

Mr. EWING. Zero.

Mr. DELAY. Not one has ever been taken off the books?

Mr. EWING. It has not been applied. Because there is no way for a business or a group of businesses or an association to make the Federal Government do it. So very simply, we said that small business will have a right to challenge in court the regulators if they do not follow the law. Because the original Regulatory Flexibility Act said there shall be no judicial review of this. Well, that is like turning the fox loose in the chicken house. There is no one to control it.

Unfortunately, we are at the point now where 250 Members of this body signed onto that bill. Even the President and the Vice President have said, "This is important." It has been put on a bill in the Senate by Senator WALLOP. But unfortunately, the bureaucrats have so much power that they keep coming to us, "Would you accept this modifying language, this restricting language?" They are afraid to give American business the right to challenge them.

Senator WALLOP and I have both said, "No." We want regulatory flexibility with judicial review, nothing less, nothing for the bureaucrats to hide behind, no way for them to get out of it and say, "You can't challenge us. You didn't file a paper with us during the hearing period."

Mr. DELAY. Let us look at that. What the bureaucrats are saying, you cannot exercise your rights as a free American to go to the courts, to address a grievance because the bureaucrats say that during the promulgation of the regulations, you did not as a small businessperson come up here or write up here during the comment period, right? Is that not what you are saying?

Mr. EWING. That is right.

Mr. DELAY. So if a regulation, and most of us do not know about regulations unless you read the Federal Register every day of what is going on, it comes a year or so later after it has already been implemented, you find out that it has adversely affected you, if you did not a year or so before write a letter or come testify, come to Washington to testify during the ,comment period, then you have no standing in court?

Mr. EWING. That is right.

Congressman DELAY, you have been good enough to visit my hometown, which is just a real quiet, county seat town, Pontiac, IL, in rural Illinois, surrounded by beautiful farms and small businesspeople.

Do you think that they have any fathom about the rulemaking process in Washington DC? Of course they do not. They just do not. And they have no way and no staff to do that for them.

Mr. DELAY. I heard there was another proviso that they wanted. They wanted you to accept, and I cannot remember the days, and maybe you can refresh my memory. If you wanted to bring a grievance to court, you had to do it within 60 days after the regulation? Was it 60 days?

Mr. EWING. Sixty days.

Mr. DELAY. Sixty days after the regulation had finally been passed?

Mr. EWING. Yes. Or after the close of the comment period. You would not even know about it yet.

Mr. DELAY. You would not even know about the regulation?

Mr. EWING. No.

Mr. DELAY. You probably would not even have received a memo from your trade association if you belonged to a trade association or your industry.

□ 1900

But you got a 60-day window and you have to sue within that window or you have lost your standing in the courts and lost your freedom as an American businessperson.

Mr. EWING. That is right. And we want to restore that. If we do not do that this year, and I think we can still do it this year if this Congress will take hold of it, and if they will quit trying to limit it through the bureaucracy and let the tail that is down there in those beautiful glass and marble buildings along the Mall wag the tail of this Congress, we can still give them judicial review. It has been the top item at all of the President's small business conferences around the country.

Mr. DELAY. The gentleman has done incredible work in trying to bring some sense to this whole regulation process. Of course, in your regulatory reform process we have risk assessment, cost-benefit analysis. It only makes common sense if you are going to promulgate a regulation you ought to look at what it is going to cost society and what kind of benefits you are going to get from that cost.

We also have a regulatory budget in that bill where we set limits of the numbers of regulations that can be issued by the Federal Government. Then we start working to take them off, enforce the review that the gentleman was talking about, and we have a regulatory bill of rights. American citizens should be free from the oppression of a Gestapo-like inspector coming, busting into their business, and usurping power and abusing you. You have certain rights, and we reaffirm those rights in that regulatory reform bill.

Mr. EWING. I am just operating on such a small part of this, but everything the gentleman says is correct. Risk assessment is so important. The regulators are so hard up for enforcement that it may be 2 or 3 years before anybody gets to your door. By that time your fine is so high that you might as well just can it.

But they are also trying to get people to turn in their neighbors. We do not want a society where regulations are enforced because the EPA or some other agency does not feel like they have the staff by having a neighbor turn in a neighbor. We have enough problems in our society without that.

Mr. DELAY. That is true. Does the gentleman have any more to add, because I am going to have to close this special order.

Mr. EWING. No. I just want to thank the gentleman for allowing me to participate. The gentleman is doing a great job on the regulatory reform, and I look forward to working with the gentleman.

Mr. DELAY. I thank the gentleman for taking his valuable time. It is 7 o'clock in the evening, and it shows that the gentleman from Illinois [Mr. EWING] is a hard-working Congressman and a hard-working Member of this body, and we appreciate the effort that he is putting in, not only on this issue but many other issues, trying to bring a little sense to a Government that is too big, spends too much, and is too intrusive in our lives.

CONFERENCE REPORT ON H.R. 4602

Mr. YATES submitted the following conference report and statement on the bill (H.R. 4602) making appropriations for the Department of the Interior and related agencies, for the fiscal year ending September 30, 1995, and for other purposes:

CONFERENCE REPORT (H. Rept. 103-740)

The Committee of Conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4602) "making appropriations for the Department of the Interior and Related Agencies, for the fiscal year ending September 30, 1995, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 8, 12, 13, 18, 21, 29, 45, 46, 71, 72, 83, 84, 85, 92, 93, 94, 96, 100, 104, 107, 108, 109, 110, 111, 114, 115, 117, 118, and 119.

That the House recede from its disagreement to the amendments of the Senate numbered 6, 24, 25, 26, 28, 31, 34, 40, 42, 44, 51, 53, 54, 59, 60, 61, 63, 64, 66, 68, 69, 76, 82, 87, 97, 102, 106, 112, 113, and agree to the same.

Amendment numbered 1:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$598,449,000*; and the Senate agree to the same.

Amendment numbered 2:

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$598,449,000*; and the Senate agree to the same.

Amendment numbered 3:

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$12,091,000*; and the Senate agree to the same.

Amendment numbered 4:

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$14,785,000*; and the Senate agree to the same.

Amendment numbered 5:

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$97,550,000*; and the Senate agree to the same.

Amendment numbered 7:

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$513,815,000*; and the Senate agree to the same.

Amendment numbered 9:

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$53,914,000*; and the Senate agree to the same.

Amendment numbered 10:

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$67,410,000*; and the Senate agree to the same.

Amendment numbered 11:

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment, as follows:

Retain the matter proposed by said amendment, amended as follows:

In lieu of the sum named in said amendment, insert: *$9,000,000*; and the Senate agree to the same.

Amendment numbered 14:

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$1,079,963,000*; and the Senate agree to the same.

Amendment numbered 15:

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: "*Operation of the National Park System" account for purposes for which such fees are authorized, as approved by the Secretary and subject to the reprogramming guidelines of the House and Senate Committees on Appropriations: Provided further, That these funds shall be used for one-time, nonrecurring purposes only*; and the Senate agree to the same.

Amendment numbered 16:

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$43,023,000*; and the Senate agree to the same.

Amendment numbered 17:

That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *$41,500,000*; and the Senate agree to the same.

Amendment numbered 19:

That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$184,941,000*; and the Senate agree to the same.

Amendment numbered 20:

That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *: Provided further, That $256,000 for rehabilitation of the William McKinley Tomb and $500,000 for the Penn Center shall be derived from the Historic Preservation Fund pursuant to 16 U.S.C. 470a: Provided further, That notwithstanding any other provision of law, a single procurement for the construction of the vessel exhibit at Salem Maritime National Historic Site may be issued which includes the full scope of the project: Provided further, That the solicitation and the contract shall contain the clause "availability of funds" found at 48 CFR 52.232.18*; and the Senate agree to the same.

Amendment numbered 22:

That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$7,500,000*; and the Senate agree to the same.

Amendment numbered 23:

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$87,936,000*; and the Senate agree to the same.

Amendment numbered 27:

That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *$250,000 per incident*; and the Senate agree to the same.

Amendment numbered 30:

That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$572,556,000*; and the Senate agree to the same.

Amendment numbered 32:

That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$189,056,000*; and the Senate agree to the same.

Amendment numbered 33:

That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$68,184,000*; and the Senate agree to the same.

Amendment numbered 35:

That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$152,719,000*; and the Senate agree to the same.

Amendment numbered 36:

That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$100,065,000*; and the Senate agree to the same.

Amendment numbered 37:

That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$110,006,000*; and the Senate agree to the same.

Amendment numbered 38:

That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$182,772,000*; and the Senate agree to the same.

Amendment numbered 39:

That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$1,500,000*; and the Senate agree to the same.

Amendment numbered 41:

That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$1,526,778,000*; and the Senate agree to the same.

Amendment numbered 43:

That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert: *and of which not to exceed $95,823,000 shall be for payments to tribes and tribal organizations for contract support costs associated with ongoing contracts or grants or compacts authorized by the Indian Self-Determination of 1975, as amended: Provided, That tribes and tribal contractors may use their tribal priority allocations for unmet contract support costs of ongoing contracts, grants or compact agreements*; and the Senate agree to the same.

Amendment numbered 47:

That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert: *not later than July 15*; and the Senate agree to the same.

Amendment numbered 48:

That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert: *: Provided further, That the Secretary shall establish a Joint Working Group on ISEP Funds Allocation to consult with Indian tribes and schools on improving the basis for allocating Indian School Equalization Program funds*; and the Senate agree to the same.

Amendment numbered 49:

That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert: *: Provided further, That funds made available in this or any other Act for expenditure through September 30, 1996 for schools funded by the Bureau of Indian Affairs shall be available only to the 187 schools which will be in the Bureau of Indian Affairs school system as of September 1, 1995*; and the Senate agree to the same.

Amendment numbered 50:

That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$130,270,000*; and the Senate agree to the same.

Amendment numbered 52:

That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert: *Provided further, That for the fiscal year ending September 30, 1995, in implementing new construction or facilities improvement and repair project grants in excess of $100,000 that are provided to tribally controlled grant schools under Public Law 100-297, as amended, the Secretary of the Interior shall use the Administrative and Audit Requirements and Cost Principles for Assistance Programs contained in 43 CFR Part 12 as the regulatory requirements: Provided further, That such grants shall not be subject to Section 12.61 of 43 CFR; the Secretary and the grantee shall negotiate and determine a schedule of payments for the work to be performed; and the funds shall be disbursed in not more than two payments per year: Provided further, That in considering applications, the Secretary shall consider whether the Indian tribe or tribal organization would be deficient in assuring that the construction projects conform to applicable building standards and codes and Federal, tribal, or State health and safety standards as required by 25 U.S.C. 2005(a), with respect to organizational and financial management capabilities: Provided further, That if the Secretary declines an application, the Secretary shall follow the requirements contained in 25 U.S.C. 2505(f): Provided further, That any disputes between the Secretary and any grantee concerning a grant shall be subject to the disputes provision in 25 U.S.C. 2508(e)*; and the Senate agree to the same.

Amendment numbered 55:

That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment, as follows:

Retain the matter proposed by said amendment, amended as follows:

In lieu of the sum named in said amendment, insert: *$2,000,000*; and the Senate agree to the same.

Amendment numbered 56:

That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$80,239,000*; and the Senate agree to the same.

Amendment numbered 57:

That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment, as follows:

In lieu of the sum proposed in said amendment insert: *$75,962,000*; and the Senate agree to the same.

Amendment numbered 58:

That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment, as follows:

In lieu of the sum proposed in said amendment insert: *$4,277,000*; and the Senate agree to the same.

Amendment numbered 62:

That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$24,602,000*; and the Senate agree to the same.

Amendment numbered 65:

That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$34,674,000*; and the Senate agree to the same.

Amendment numbered 67:

That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment amended to read as follows:

SEC. 112. If the House-Senate Conference Committee on H.R. 322 fails to report legislation which is enacted prior to the adjournment of the 103rd Congress sine die, none of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws or to issue a patent for any mining or mill site claim located under the general mining laws.

SEC. 113. The provisions of Section 112 shall not apply if the Secretary of the Interior determines that, for the claim concerned: (1) a patent application was filed with the Secretary on or before the date of enactment of this Act, and (2) all requirements established under Sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and Sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and Section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by the applicant by that date; and the Senate agree to the same.

Amendment numbered 70:

That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment, as follows:

In lieu of the section number named in said amendment insert: *115*; and the Senate agree to the same.

Amendment numbered 73:

That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$200,130,000*; and the Senate agree to the same.

Amendment numbered 74:

That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$161,264,000*; and the Senate agree to the same.

Amendment numbered 75:

That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$1,345,112,000*; and the Senate agree to the same.

Amendment numbered 77:

That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$159,590,000*; and the Senate agree to the same.

Amendment numbered 78:

That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$203,186,000*; and the Senate agree to the same.

Amendment numbered 79:

That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$71,443,000*; and the Senate agree to the same.

Amendment numbered 80:

That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$131,743,000*; and the Senate agree to the same.

Amendment numbered 81:

That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$65,436,000* ; and the Senate agree to the same.

Amendment numbered 86:

That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment, as follows:

In lieu of the sum proposed in said amendment, insert: *$442,614,000* ; and the Senate agree to the same.

Amendment numbered 88:

That the House recede from its disagreement to the amendment of the Senate numbered 88, and agree to the same with an amendment, as follows:

In lieu of the sum proposed in said amendment, insert: *$793,194,000* ; and the Senate agree to the same.

Amendment numbered 89:

That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment, as follows:

In lieu of the sum proposed in said amendment, insert: *$278,399,000* ; and the Senate agree to the same.

Amendment numbered 90:

That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment, as follows:

In lieu of the sum proposed in said amendment, insert: *$226,800,000* ; and the Senate agree to the same.

Amendment numbered 91:

That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$22,539,000* ; and the Senate agree to the same.

Amendment numbered 95:

That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment, as follows:

In lieu of the sum proposed in said amendment, insert: *$1,713,052,000* ; and the Senate agree to the same.

Amendment numbered 98:

That the House recede from its disagreement to the amendment of the Senate numbered 98, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert: *: Provided further, That notwithstanding any other provision of law, the Indian Health Service clinic in Stilwell, Oklahoma shall be known and designated as the "Wilma P. Mankiller Indian Health Clinic": Provided further, That any reference in a law, regulation, document, record, map, or other paper of the United States to the clinic referenced in the preceding proviso shall be deemed to be a reference to the "Wilma P. Mankiller Indian Health Clinic": Provided further, That funds appropriated in fiscal year 1994 to increase the level of need funded for the Ponca Tribe of Nebraska may be used to purchase land with an existing improvement to be used as a tribally owned health care facility: Provided further, That the Secretary, acting through the Indian Health Service, may contract with the Southcentral Foundation for the operation of the Dena A Coy substance abuse treatment program in Anchorage, Alaska under the authority of Public Law 93-638, the Indian Self-Determination Act, 25 U.S.C. 450*; and the Senate agree to the same.

Amendment numbered 99:

That the House recede from its disagreement to the amendment of the Senate numbered 99, and agree to the same with an amendment, as follows:

Retain the matter inserted by said amendment amended as follows:

After the word "money" in said amendment insert: *heretofore and hereafter*; and the Senate agree to the same.

Amendment numbered 101:

That the House recede from its disagreement to the amendment of the Senate numbered 101, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment amended to read as follows: *as amended, including, to the extent determined necessary by the Secretary, continuing projects begun under the Indian Education Act of 1988,*; and the Senate agree to the same.

Amendment numbered 103:

That the House recede from its disagreement to the amendment of the Senate numbered 103, and agree to the same with an amendment, as follows:

In lieu of the sum proposed in said amendment insert: *$11,213,000*; and the Senate agree to the same.

Amendment numbered 105:

That the House recede from its disagreement to the amendment of the Senate numbered 105, and agree to the same with an amendment, as follows:

In lieu of the sum proposed in said amendment insert: *$4,050,000*; and the Senate agree to the same.

Amendment numbered 116:

That the House recede from its disagreement to the amendment of the Senate numbered 116, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

SEC. 312. Notwithstanding any other provision of law in fiscal year 1995 and thereafter, appropriations made available to any department or agency in a Department of the Interior and Related Agencies Appropriations Act shall be available to that department or agency to reimburse the representative (as that term is defined by applicable law) of employees killed in the line of duty after January 1, 1994, and in subsequent fiscal years, for burial costs and related out-of-pocket expenses: Provided, That the amount of such reimbursement may exceed the $800 limitation in 5 U.S.C. 8134(a): Provided further, That funds provided pursuant to this authority may not exceed $10,000 per employee.

SEC. 313. With the exception of budget authority for "Miscellaneous payments to Indians", Bureau of Indian Affairs, Department of the Interior; "Salaries and expenses", National Indian Gaming Commission, Department of the Interior; "Payment to the Institute", Institute of American Indian and Alaska Native Culture and Arts Development; "Salaries and expenses", Woodrow Wilson International Center for Scholars; "Salaries and expenses" and "National capital arts and cultural affairs", Commission of Fine Arts; "Salaries and expenses", Advisory Council on Historic Preservation; "Salaries and expenses", National Capital Planning Commission; "Salaries and expenses", Franklin Delano Roosevelt Memorial Commission; and "Salaries and expenses" and "Public development", Pennsylvania Avenue Development Corporation, each amount of budget authority for the fiscal year ending September 30, 1995, provided in this Act, for payments not required by law is hereby reduced by 0.191 per centum: Provided, That such reductions shall be applied ratably to each account, program, activity, and project provided for in this Act.

And on page 49 of the House engrossed bill, H.R. 4602, after line 15, insert the following:

For an additional amount to cover necessary expenses for emergency rehabilitation, presuppression due to emergencies, and wildfire suppression activities of the Forest Service, $200,000,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to Section 252(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

In addition, for necessary expenses for emergency rehabilitation, presuppression due to emergencies, and wildfire suppression activities of the Forest Service, $250,000,000, to remain available until expended: Provided, That these funds, or any portion thereof, shall be available only (1) to the extend that the President notifies the Congress of his designation of any or all of these amounts as emergency requirements under the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, and (2) if the amounts annually appropriated under this heading, but not designated as emergency requirements pursuant to Section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, have been at least equal to the most recent ten-year historical average, less any enacted cost saving program reforms: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to Section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

And the Senate agree to the same.

SIDNEY R. YATES,
JOHN P. MURTHA,
NORMAN D. DICKS,
TOM BEVILL,
DAVID E. SKAGGS,
RONALD D. COLEMAN,
DAVID R. OBEY,
RALPH REGULA,
JOSEPH M. MCDADE,
JIM KOLBE,
RON PACKARD,
Managers on the Part of the House.

ROBERT C. BYRD,
J. BENNETT JOHNSTON,
PATRICK LEAHY,
DENNIS DECONCINI,
DALE BUMPERS,
FRITZ HOLLINGS,
HARRY REID,
PATTY MURRAY,
DON NICKLES,
TED STEVENS,
THAD COCHRAN,
PETE DOMENICI,
SLADE GORTON,
MARK O. HATFIELD,
CONRAD BURNS,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4602), making appropriations for the Department of the Interior and Related Agencies for the fiscal year ending September 30, 1995, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

The conference agreement on H.R. 4602 incorporates some of the provisions of both the House and the Senate versions of the bill. Report language and allocations set forth in either House Report 103–551 or Senate Report 103–294 which are not changed by the conference are approved by the committee of conference. The statement of the managers, while repeating some report language for emphasis, does not negate the language referenced above unless expressly provided herein.

LAND EXCHANGES

The House report included language in the reprogramming guidelines requiring all land exchanges be submitted to the Committees on Appropriations before implementation. The managers have agreed to delete this requirement for fiscal year 1995 until there has been an opportunity to review the land exchange procedures of the Department of the Interior and the Forest Service.

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

Amendment No. 1: Appropriates $598,449,000 for management of lands and resources instead of $596,349,000 as proposed by the House and $598,480,000 as proposed by the Senate.

The increase above the amount proposed by the House consists of increases of $100,000 in soil, water, and air management for continuing the playa inventory in New Mexico; $75,000 for noxious weed control in the Miles City District, MT and $100,000 for noxious weed control in the Richfield District, UT, both in range management; $100,000 in cultural resources management for Chacoan Outliers in New Mexico; $75,000 for the Mesa Archeological site, AK and $150,000 for the Baker City Flagstaff Hill Interpretive Center, OR, both in recreation resources management; and $2,500,000 for Alaska conveyance; and a decrease of $1,000,000 in information systems operations.

The managers agree that the reduction of $500,000 from the budget for land and realty management shall not be taken from funds budgeted for land exchange activity.

The managers agree that the land exchange pilot project in Douglas County, OR, which was addressed in a Senate floor colloquy, is an innovative approach to achieve ecosystem management objective and encourage cooperative efforts such as this when facing the challenges of ecosystem management on intermingled lands.

Amendment No. 2: Restates the final appropriation amount for management of lands and resources as $598,449,000 instead of $596,349,000 as proposed by the House and $598,480,000 as proposed by the Senate.

CONSTRUCTION AND ACCESS

Amendment No. 3: Appropriates $12,091,000 for construction and access instead of $3,836,000 as proposed by the House and $12,186,000 as proposed by the Senate. The decrease below the amount proposed by the Senate is $95,000 for the Oregon Trail Interpretive Center at Flagstaff Hill, OR.

LAND ACQUISITION

Amendment No. 4: Appropriates $14,785,000 for land acquisition instead of $17,060,000 as proposed by the House and $12,055,000 as proposed by the Senate.

The managers agree to the following distribution of funds:

Area	*Amount*
Arizona Wilderness, AZ	$630,000
Cache Creek, CA	500,000
Colorado River/Ruby Canyon, CO	500,000
Fishtrap Lake Conservation Area, WA	130,000
Idaho Lands, ID	1,500,000
Lopez Island (Chadwick/Pt Colville), WA	300,000
Lower Salmon River corridor, ID	750,000
Oregon National Historic Trail, OR	125,000
St. George Desert Tortoise, UT	2,000,000
San Pedro National CA, AZ	1,000,000
Unaweep/Tabeguache Byway, CO	2,000,000
West Eugene Wetlands, OR	750,000
Inholdings/emergencies	1,000,000
Acquisition Management	3,600,000
Total	14,785,000

OREGON AND CALIFORNIA GRANT LANDS

Amendment No. 5: Appropriates $97,550,000 for Oregon and California grant lands instead of $100,860,000 as proposed by the House and $97,383,000 as proposed by the Senate. The increase above the amount proposed by the Senate restores budgeted funding for the fiscal year 1995 pay increase.

ADMINISTRATIVE PROVISIONS

Amendment No. 6: Allows $100,000 for payments for evidence of violations of law as proposed by the Senate instead of $250,000 as proposed by the House.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

Amendment No. 7: Appropriates $513,815,000 for resource management instead of $514,650,000 as proposed by the House and $502,936,000 as proposed by the Senate.

The net change to the House position includes the following:

Increased:	
Mexican wolf recovery	$100,000
Hawaii captive breeding	200,000

Portland Metro Greenspaces	50,000
Rio Grande Bosque	200,000
South Carolina Coastal Ecosystem	200,000
ATTRA	1,280,000
Refuge operations	1,100,000
Alaska safety	300,000
Hawaii refuge operations	250,000
Yukon River	150,000
Forensics Lab	100,000
Philadelphia Port	100,000
Pacific Rim law enforcement	145,000
Alaska subsistence	250,000
Regional mark processing	200,000
Aquatic nuisance control	300,000
Training programs	1,100,000
Decreases:	
Endangered Species—Prelisting	
NAFTA	100,000
South Florida/Everglades	40,000
Listing (NAFTA)	50,000
Consultation	440,000
Permits	200,000
Recovery:	
Base	815,000
NAFTA	180,000
South Florida/Everglades	250,000
Forest Plan	1,000,000
Platte River	100,000
Coastal Ecosystem:	
Albemarle/Pamlico	75,000
Galveston Bay	200,000
Puget Sound	25,000
Refugees:	
NAFTA	375,000
Planning	1,582,000
Law Enforcement (NAFTA)	400,000
Migratory birds (NAFTA)	185,000
Harvest information program	113,000
North American Wetlands Management Plan	70,000
General Administration:	
FTS 2000	200,000
Pay/Pers/FPPS	50,000
Commercial Telephone	75,000
Printing/Reproduction	225,000
FEB/CASU's	25,000
Employee Assistance	35,000
Budgetwide/Servicewide Support	50,000

There is $250,000 available from the Puget Sound estuary program for salmon restoration activities on Hood Canal.

The managers are concerned about the illegal international trade in endangered species, particularly in Asia. To raise public awareness of this problem and to enhance the limited funds available for public education and endangered species protection, the managers urge the Fish and Wildlife Service, in cooperation with the National Zoo of the Smithsonian Institution, to study the feasibility of establishing a voluntary donations program at the Zoo associated with its endangered species exhibits. The report should include an estimate of the cost of implementing such a program, how collections would be managed and an analysis of options of how donations could be used to best support the objectives of the Fish and Wildlife Service's ongoing education and law enforcement efforts to control the international trade in endangered species. The report should be submitted to the Committees on Appropriations.

The managers have concern for the conditions under which captive orangutans and other exotic species are maintained. Every effort should be made to ensure that the law in this regard is enforced aggressively. The Office of Management Authority should promulgate and enforce standards for educational activities involving captive animals to ensure that the only activities which can receive endangered species act permits are those which demonstrate humane care of animals involved and a clear conservation benefit to the species.

The managers are aware of concern that the Fish and Wildlife Service is undertaking actions which can affect other agencies without undertaking coordination with the affected agencies. The Service should coordinate its resources category designations with affected Federal agencies prior to the designation of any habitat. The intent of such direction is to ensure that such coordination occurs at the earliest stages of the resource category designation process, and to ensure that the Service have available to it as much information as possible before making decisions. While the managers understand the view of the Fish and Wildlife Service that resource category determinations do not represent final separable decisions, the managers understand also that such evaluations are viewed seriously by other Federal agencies and citizens. Therefore, the Service should seek input from affected Federal agencies and give full consideration of the views of those agencies, with the goal of reaching informed, objective decisions which involve sound science and principles, when making resource category determinations.

The managers have provided increased funding to address the programmatic functions associated with the anticipated completion of the National Education and Training Center in 1996. The Department should move expeditiously to establish a field office presence near the project site, and the Department and the Service should assign the necessary staffing resources to accomplish the tasks identified for completion during fiscal year 1995. The managers also expect the Department and Service to consider the operating requirements of the training center when developing the 1996 budget. The reporting nature of this office will be further reviewed when the Fish and Wildlife Service submits its reorganization proposal.

The final year of funding for ATTRA in the Interior Appropriations bill has been transferred from the National Biological Survey to the Service. ATTRA is not a research program and is better suited for this last year in the Service.

The Fish and Wildlife Service is in the process of reviewing secondary uses on national wildlife refuges to ascertain the compatibility of various uses with the overall purposes for which each refuge was established and the availability of funding for those uses under the provisions of the Refuge Recreation Act. This review has been undertaken in response to settlement of a lawsuit. The Service is also reviewing these uses in light of budgetary constraints. Many refuges have allowed longstanding, or traditional public uses such as wildlife viewing, hunting, fishing, hiking, grazing, group gatherings, and other activities. The managers note that allowing these activities on refuges contributes significantly to local support for refuge establishment, and their continuation will in all likelihood be integral to maintaining continued public support (and funding) for the refuge system.

The managers direct that current activities be continued unless it can be clearly determined and demonstrated, in a manner available to the public, that such activities are incompatible with refuge purposes under the provisions of law or in violation of other law. No actions to alter significantly or eliminate any activities on refuges should be undertaken without 30-days prior notice to the appropriate oversight committees. The increased funding provided for refuge operations is intended to help address some of the operating requirements or refuges. Eliminating programs because they might be inconvenient to manage is not an option.

When developing recommendations to alter significantly or eliminate any activities, the Service should consult with interested parties, including but not limited to, State natural resource or wildlife management agencies and local user groups. The Service should advise the appropriate oversight committees as to whether it has determined that individual refuges are not meeting the purposes for which they were established and if so, the alternatives the Service has considered for disposing of such excess refuge system lands, including to those local interests benefiting from their presence. Just as some uses may be costly to manage, so too is it costly to manage lands which are no longer providing the habitat protection or other resource value that was the basis for their being brought into the system. The Service's continuing review of the suitability of existing refuge lands for retention in the refuge system is particularly critical if the Service is to continue evaluating new lands for inclusion in the refuge system. At a time of flat or declining budgets, it will be impossible for the Congress to provide resources to keep pace with the new refuge proposals surfaced by the Service annually.

Subsequent to the passage of the Interior appropriations act in both the House and Senate, the property associated with Harry Diamond Laboratories was transferred to the U.S. Fish and Wildlife Service. The managers encourage the Service to work closely with the reconstituted Re-Use Committee in developing a plan for future use of the transferred property. The Service should enter into cooperative agreements with the Re-Use Committee or with other private groups to ensure that future operations meet the needs of the local community, provided that operations meet all refuge compatibility requirements.

Amendment No. 8: Earmarks $3,000,000 for the National Fish and Wildlife Foundation for endangered species activities as proposed by the House instead of $2,500,000 as proposed by the Senate.

CONSTRUCTION

Amendment No. 9: Appropriates $53,914,000 for construction instead of $25,264,000 as proposed by the House and $49,848,000 as proposed by the Senate.

The managers agree to the following distribution of funds:

Site	Description	Amount
ACE River Basin NWR, SC	Grove Plantation rehab	$675,000
Audubon Institute, LA	Research laboratory	4,000,000
Bayou Cocodrie NWR, LA	Refuge startup	625,000
Bear River, UT	Dick repair	750,000
Bridge safety	Inspection/structural analysis	585,000
Carolina Sandhills NWR, SC	Remove hazardous dam	778,000
Chehalis River, WA	Restoration	200,000
Crab Orchard NWR, IL	Marina fuel spill cleanup	714,000
Dam Safety	Inspection of dams	610,000
D.C. Booth Historic Fish Hatchery, SD	Pond repair/landscaping	395,000
D.C. Booth Historic Fish Hatchery, SD	Archive bldg. Equip/furnish	232,000
Hawaii Refuges, HI	Fencing	500,000
Kenai NWR, AK	Rehabilitation	950,000
National Education/Training Center, WV	Construction	26,000,000
Southwestern Fisheries Tech Ctr, NM	Admin/Maint/Storage/dry lab	2,200,000
Stones Lakes NWR, CA	Water supply system	300,000
Upper Souris NWR, ND	Lake Darling Dam	4,212,000
Walnut Creek NWR, IA	Facilities Development	6,000,000
Construction management	Facilities Development	4,068,000
Emergency projects		500,000
Procurement Reform		-380,000
		53,914,000

LAND ACQUISITION

Amendment No. 10: Appropriates $67,410,000 for land acquisition instead of $62,300,000 as proposed by the House and $63,700,000 as proposed by the Senate.

The managers agree to the following distribution of funds:

Area	*Amount*
ACE River Basin NWR, SC	$1,500,000
Archie Carr NWR, FL	2,000,000
Back Bay NWR, VA	500,000
Balcones Canyonlands NWR and HCP, TX	5,000,000
Bald Knob NWR, AR	2,500,000
Black River, WA	670,000
Buenos Aires NWR, AZ	2,000,000
Canaan Valley, WV	2,000,000
Cape May NWR, NJ	1,000,000
Chincoteague NWR, VA	500,000
Crane Meadows, MN	800,000
Cypress Creek NWR, IL	750,000
Edwin B. Forsythe NWR, NJ	4,000,000
Emiquon NWR, IL	500,000
Grand Bay NWR, MS	500,000
Kodiak NWR, AK	1,500,000
Lake Wales Ridge NWR, FL	1,000,000
Lower Rio Grande Valley NWR, TX	2,000,000
Lower Suwannee NWR, FL	90,000
Meredosia NWR, IL	1,100,000
Nisqually NWR, WA	1,400,000
Oklahoma Bat Caves NWR, OK	300,000
Oregon Coastal Refuges, OR	500,000
Petit Manan NWR, ME	1,000,000
Rainwater Basin, NE	500,000
Sacramento River NWR	1,500,000
San Francisco Bay NWR, CA	4,000,000
Silvio Conte NWR (Planning)	400,000
Stewart B. McKinney NWR, CT	2,000,000
Stillwater NWR, NV	3,500,000
Trinity River, TX	1,100,000
Tualatin NWR, OR	2,500,000
Wallkill NWR, NJ	1,800,000
Inholdings Account	1,000,000
Acquisition Management	8,500,000
Emergency/hardships	1,000,000
National Fish and Wildlife Foundation	5,500,000
Exchanges	1,000,000
Total	67,410,000

Of the $5,500,000 provided for the National Fish and Wildlife Foundation, $500,000 is for acquisition of lands within the San Diego County, CA habitat conservation plan. The Foundation will match this amount from private sources so that there will be a total of $1,000,000 available.

NORTH AMERICAN WETLANDS CONSERVATION FUND

Amendment No. 11: Appropriates $9,000,000 for the North American Wetlands Conservation Act instead of $12,0000,000 as proposed by the Senate. The House had no similar provision.

NATIONAL BIOLOGICAL SURVEY

RESEARCH, INVENTORIES AND SURVEYS

Amendment No. 12: Appropriates $167,209,000 for Research, inventories, and surveys as proposed by the House instead of $166,358,000 as proposed by the Senate.

The managers agree to the following changes to the House distribution of funds:

Increases:	
Population dynamics (striped bass)	$300,000
Reno biodiversity	744,000
Facilities Operation & Maintenance	593,000
Decreases:	
Tactical Research	316,000
South Florida/Everglades	500,000
Endangered species	71,000
National Status and Trends	250,000
Information Infrastructure	500,000

Within the increase for Facilities Operation and Maintenance is $300,000 to establish a Hawaii program management office. The House had earmarked this money in administration and the Senate had earmarked it within inventory and monitoring.

No specific dollar amount is identified to continue monitoring the marsh restoration project at Metzger Marsh at the Ottawa NWR, OH. The managers do expect the Biological Survey to continue its work in this regard.

Amendment No. 13: Earmarks $166,909,000 to remain available until September 30, 1996 as proposed by the House instead of $166,058,000 as proposed by the Senate.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

Amendment No. 14: Appropriates $1,079,963,000 for Operation of the National Park System instead of $1,083,973,000 as proposed by the House and $1,061,276,000 as proposed by the Senate.

Changes to the House distribution of funds are as follows:

Increases:	
D.C. Water and Sewer Payments	$934,000
Phoenix Indian School	350,000
Decreases:	
Professionalization	500,000
Inventory and monitoring	450,000
GIS Tech Support	1,100,000
South Florida/Everglades	444,000
Equipment Replacement	1,000,000
Fee Collection	1,300,000
Travel	500,000

The managers agree to the following:

1. Of the $1,500,000 provided for professionalization, $1,000,000 is for natural resource professionalization and $500,000 is for cultural resource professionalization.

2. Support for solving zebra mussel problems at St. Croix NSR, WI/MN is to continue in fiscal year 1995.

3. Additional security needs at Jefferson Expansion NMEM resulting from establishment of nearby gambling facilities should not be the responsibility of the National Park Service. Other continuing unmet security needs may be provided through the increases included.

4. Money budgeted for fee collection is to be used for costs associated with conversion of temporary employees as is the $800,000 provided by the House for training and career management.

5. The $500,000 reduction in travel is to be taken from the regional and Washington offices.

6. The increased funding provided for park operations in the various budget activities is to be allocated consistent with the regional priorities identified by the National Park Service and presented to the Committees for review in conjunction with action on the fiscal year 1995 bill, and as specified in the House and Senate reports. Operational costs not anticipated at the time the budget was submitted should be addressed through a reprogramming, including funding for the California Desert and Fort Wadsworth.

The managers are aware that efforts by the Ellis Island Restoration Commission to secure funding support for the establishment of a computerized Family History and Genealogical Research Center have not been successful. The managers urge the National Park Service and the Department of the Interior, and other interested parties such as the Ellis Island Foundation, to make every effort to assist in this worthy endeavor. Establishment and installation of a computerized genealogical database at Ellis Island would enable visitors, many of whose ancestors passed through Ellis Island, to increase their knowledge of the immigration experience.

Amendment No. 15: Deletes House language which proposed that fees be used for resource stewardship programs and makes the money available for all authorized park purposes including resource stewardship.

NATIONAL RECREATION AND PRESERVATION

Amendment No. 16: Appropriates $43,023,000 for National Recreation and Preservation instead of $36,946,000 as proposed by the House and $44,128,000 as proposed by the Senate.

Changes to the Senate position include the following:

Increases:	
Rivers and Trails Conservation assistance	$200,000
Muscle Shoals HABS/HAER project	100,000
Mexican Affairs Office	250,000
Ice Age National Scientific Reserve	250,000
Pay cost absorption	58,000
Decreases:	
National Center for Historic Preservation	955,000
Southwestern Pennsylvania Heritage Comm	75,000
Native Hawaiian Culture and Arts Program	233,000
Quinebaug-Shetucket NHC Commission	200,000
Kansas historic military forts	500,000

No money is set aside for a formal special resource study of Fort Meigs, Fort Miamis and Fallen Timbers. The $400,000 provided for Kansas historic military forts is for technical assistance only.

Funds provided for the Wheeling Heritage Area are to be used in accordance with the terms provided for in the authorizing legislation as reported by the House Natural Resources Committee or under the terms of subsequent legislation.

Within the amounts provided for natural programs, the managers agree that $200,000 is to be provided for the Back to the River, NE project. This project involves greenways and other open space initiatives, as well as environmental education, along the Missouri River. The managers expect the partners involved with the development of the plan for this project to assist with future funding. As with many projects throughout the bill, budget constraints preclude funding conceptual plans in their entirety, even though this might be desirable.

Up to $75,000 of the $150,000 provided by the managers for the El Camino Real Para Los Texas study may be made available to initiate the general management plan and for other costs associated with the Cane River Creole National Historical Park, contingent upon enactment of authorizing legislation.

HISTORIC PRESERVATION FUND

Amendment No. 17: Appropriates $41,500,000 for the Historic Preservation Fund instead of $41,000,000 as proposed by the House and $42,000,000 as proposed by the Senate.

Amendment No. 18: Deletes Senate amendment which earmarks $2,000,000 for a grant program to restore and preserve historic buildings at historically black colleges and universities and makes the program subject to authorization.

The managers have provided $1,500,000 to initiate this program as provided in Amendment No. 17. The managers have agreed to delete the subject to authorization language because authorization already exists; however, the grant program should not be undertaken until the 103rd Congress has had an opportunity to consider specific new authorities. If new legislation is not enacted, then the existing authority is to be used.

Unless directed otherwise by law, funds provided for the historically black colleges and universities initiative should be allocated in accordance with the priority list established by the HBCU condition assessments completed by the National Park Service in 1991.

CONSTRUCTION

Amendment No. 19: Appropriates $184,941,000 for construction instead of $171,417,000 as proposed by the House and $170,503,000 as proposed by the Senate.

The managers agree to the following distribution of funds:

Park unit	Description	Amount
Alaska Parks, AK	Employee housing	$800,000
Allegheny Portage RR, PA	Rehabilitation	1,294,000
Andersonville NHS, GA	Prisoner of War Museum	1,000,000
Blackstone River Valley NHC	Interpretive Projects	750,000
Blue Ridge Parkway, NC	Fisher Peak Mtn Center	5,000,000
Blue Ridge Parkway, NC	Hemphill Knob (Admin Site)	910,000
Boston NHP, MA	Old South/Dorchester Heights	4,200,000
Chamizal NM, TX	Landscape improvements	1,200,000
Chickamauga-Chattanooga NMP, GA	Road relocation	2,000,000
Chickasaw Natl Recreation Area, OK	Campground improvements	1,980,000
Cuyahoga Valley NRA, OH	Rehabilitation/Development	5,157,000
Delaware Water Gap NRA, PA	Bushkill Access	800,000
Delaware Water Gap NRA, PA	Whitsell Dam	300,000
Edison NHS, NJ	Rehabilitation	850,000
Everglades NP, FL	Water diversion	4,500,000
Fort Larned National Historic Site, KS	Restoration	364,000
Franklin D. Roosevelt Memorial, DC	Memorial construction	5,500,000
Franklin D. Roosevelt NHS, NY	Hyde Park rehabilitation	862,000
Gateway NRA, NY	Riis Park—Exterior rehab	1,500,000
General Grant NM, NY	Rehabilitation	500,000
Glacier NP, MT	Rehabilitate Chalet	2,300,000
Grand Canyon NP, AZ	Employee housing	10,970,000
Grand Canyon NP, AZ	Visitor Center rehabilitation	2,037,000
Harpers Ferry NHP	Tower town restoration	3,000,000
Hot Springs NP, AR	Stabilization/lead paint	800,000
Ice Age Scientific Reserve, WI	Exhibits	194,000
Independence NHP, PA	Rehabilitate utility system	12,626,000
Indiana Dunes NL, IN	Goodfellow Camp	791,000
Jean Lafitte NHP, LA	Islenos unit exhibit	100,000
Jean Lafitte NHP, LA	Chitimacha units exhibit	225,000
Jean Lafitte NHP, LA	Stabilization	1,800,000
Kennesaw NBP, GA	Visitor Center rehabilitation	1,000,000
Klondike Gold Rush NHP, AK	Restore Skagway Historic District	1,143,000
Lackawanna Valley, PA	Technical assistance	500,000
Lincoln Home NHS, IL	Corneau House	500,000
LBJ Ranch NHS, TX	Exhibits	100,000
Maine Acadian Culture, ME	Technical assistance	1,000,000
Mammoth Cave NP, KY	Wastewater Treatment Sys	3,100,000
Martin Luther King, Jr. NHS, GA	Restore birth home block	1,800,000
McKinley Tomb, OH	Restoration	256,000
Monocacy National Battlefield, MD	Gambrill Mansion	1,500,000
Mount Rainier NP, WA	Rehabilitate Visitor Center	853,000
Natchez Trace Parkway, MS	Extend Parkway	3,600,000
National Capital Parks, DC	Lincoln/Jefferson Memorials	3,500,000
National Trails Center, IA	Visitor Center	3,700,000
New Jersey Coastal Heritage Trail, NJ	Trail Completion	350,000
New River Gorge NR, WV	Access and Trails	620,000
Penn Center, SC	Restoration & Rehabilitation	500,000
Salem Maritime NHS, MA	Vessel exhibit	2,400,000
San Antonio Missions NHP, TX	Exhibitions	1,500,000
Sequoia NP, CA	Replace Giant Forest	3,706,000
Sequoia NP, CA	Generals Highway	1,902,000
Southwestern Penn. Commission, PA	Various projects	3,595,000
Stones River NB, TN	Trail connector	985,000
Thomas Stone NHS, MD	Main house restoration	1,000,000
Ulysses S. Grant NHS, MO	Rehabilitation	555,000
Weir Farm Natl Historic Site, CT	Weir Barn Stabilization	775,000
Yosemite NP, CA	Maintenance/warehouse	9,900,000
Yosemite NP, CA	Rehab electrical system	2,417,000
Emergency and Unscheduled		2,000,000
Equipment replacement		15,150,000
Housing rehabilitation		12,000,000
Planning		21,050,000
General Management Plans		6,600,000
Special resource studies		1,200,000
Strategic Planning Office		400,000
Procurement Reform		−526,000
Total		184,941,000

Within the $21,050,000 provided for planning, the managers agree to the following:

Within the amount for planning	Description	Amount
Adams NHS, MA	United First Parish	$115,000
Allegheny Portage RR, PA	Rehab Staple Bend Tunnel	350,000
Assateague NS, MD	Erosion Study	300,000
Carlsbad Caverns NP, NM	Water line replacement	473,000
Chamizal NM, TX	Landscape improvements	500,000
Chesapeake & Ohio Canal NHP, MD	Cumberland DCP	300,000
Connecticut River Valley	Planning	100,000
Coulee Dam NRA, WA	Keller Ferry Campground	300,000
Cuyahoga Valley NRA, OH	Railroad Trace and Bridges	180,000
Delaware Water Gap, PA	Rehabilitation	540,000
Edison NHS, NM	Rehabilitation	200,000
Fort Larned NHS, KS	Restoration	600,000
Fort Necessity NB, PA	Arch. Assess. and Design	371,000
Fort Smith NHS, AR	Historic structures report	300,000
Franklin D. Roosevelt NHS, NY	Hyde Park Rehabilitation	938,000
Gateway NRA, NY	Riis Park—planning	400,000
Gulf Island NS, MS	Fort Massachusetts	500,000
Indiana Dunes NL, IN	Goodfellow Camp	62,000
James A. Garfield NHS, OH	Site, building restoration	351,000
Klondike Gold Rush NHS, AK	Compliance reports	101,000
Lassen Volcanic NP, CA	Cost-shared center	384,000
Lincoln Home NHS, IL	Stuve House	230,000
	Corneau House	150,000
Mount Rainier NP, WA	Rehabilitation planning	300,000
Olympic NP, WA	Remove Elwha Dam	3,500,000
Stones River NB, TN	Trail connector	95,000
Transportation planning		750,000
Ulysses S. Grant NHS, MO	Barn rehabilitation	345,000
Yosemite NP, CA	Transportation plan	250,000

The managers agree to the following:

1. Construction of the road relocation at Chickamauga-Chattanooga NMP should not proceed until all the funding is in place.

2. Obligation of funds for the rehabilitation of the Kennesaw NBP visitor center is not to proceed until the $300,000 in private donations is available.

3. Obligation of the National Trails Center money is not to proceed until clear title of ownership of the land by the National Park Service is assured.

4. If private fundraising is sufficient to meet the matching requirements at Andersonville, the National Park Service is to submit a reprogramming to the Committees on Appropriations in fiscal year 1995 to award the project. The reprogramming will be replenished in fiscal year 1996.

5. The $500,000 for the Lackawanna Heritage Valley authority is for technical assistance and development of the LAVA Plan. None of the funds are to be used for operations.

6. The money provided for Fisher Peak is contingent upon assumption of operating costs by a non-Park Service entity.

7. The managers have provided funding for the ongoing planning in the Cumberland area of the Chesapeake and Ohio Canal National Historical Park. This project involves a number of partners, including other Federal agencies, the State of Maryland, and private interests. The National Park Service should be mindful of the budget constraints of the coming years when participating in this planning process and determining the scope of the project. Large appropriations, such as contemplated in the 1991 Canal Parkway Development Study, may not be possible. Funding for flood control aspects of this effort should be sought through the Corps of Engineers.

8. The $300,000 in planning for the Assateague National Seashore is to be used by the Corps of Engineers to begin a feasibility study to determine the best way to restore and stabilize Assateague Island National Seashore. In developing its plan the Corps is requested to work with the U.S. Geological Survey and utilize its expertise in coastal erosion processes.

The managers have included $910,000 for site preparation for an administrative headquarters site for the Blue Ridge Parkway. The Service is to scale back the administrative headquarters from the currently envisioned 17,000 square foot, $8,700,000 facility. None of the funds provided are to be used for a visitor center or cultural center which could also fit on this site.

The managers have provided funding for the vessel "Friendship" at Salem Maritime NHS, contingent on 25 percent cost-sharing being raised by non-Federal sources. The Park Service is not to proceed to award the contract for this project until the local cost-sharing is available. The funding provided in the Senate bill has been reduced by 25 percent to reflect this agreement. The funding provided in the Senate bill for technical assistance and educational outreach ($300,000) is continued.

Amendment No. 20: Restores House language deriving $256,000 for the William McKinley Tomb from the Historic Preservation Fund; derives $500,000 for the Penn Center from the Historic Preservation Fund instead of $1,000,000 as proposed by the Senate; and allows for a single procurement for the construction of a vessel exhibit at Salem Maritime NHS, MA as proposed by the Senate.

Amendment No. 21: Deletes Senate provision requiring the National Park Service and the U.S. Fish and Wildlife Service to undertake comprehensive reviews of each unit of the National Park System and the National Wildlife Refuge System and report to the appropriate committees of Congress recommendations to delete no fewer than five park units and five refuges.

The managers are aware of authorizing legislation which is currently under consideration to accomplish this same goal with respect to National Park units and believe that legislation is the appropriate way to address the issue.

With respect to the National Wildlife Refuge System, it is currently being reviewed in an effort to achieve budget savings and to reduce or eliminate activities incompatible with refuge purposes. The managers agree that this effort could and should lead to recommendations to eliminate parts of some refuges or entire refuges, where appropriate.

URBAN PARK AND RECREATION FUND

Amendment No. 22: Appropriates $7,500,000 for the Urban Park fund instead of $10,000,000 as proposed by the House and $5,000,000 as proposed by the Senate.

LAND ACQUISITION AND STATE ASSISTANCE

Amendment No. 23: Appropriates $87,936,000 for land acquisition and state assistance instead of $88,596,000 as proposed by the House and $80,759,000 as proposed by the Senate.

The managers agree to the following distribution of funds:

Area	*Amount*
Appalachian Trail	$3,000,000
Assateague National Seashore, MD	600,000
Big Cypress National Preserve, FL	2,000,000
Big South Fork NRA, TN	1,000,000
Big Thicket NP, TX	1,500,000
Buffalo NR, AR	500,000
Cuyahoga Valley NRA, OH	2,000,000
Everglades National Park, FL	5,000,000

Area	*Amount*
Fort Sumter National Monument, SC	40,000
Fredericksburg Military Park, VA	500,000
Gauley River NRA, WV	496,000
Gettysburg NHP, PA	500,000
Golden Gate NRA, CA	5,250,000
Indiana Dunes NL, IN	750,000
Jefferson Expansion NEM, IL	300,000
Little River Canyon NP, AL	3,000,000
Martin Luther King, Jr. NHS, GA	1,000,000
Palo Alto NB, TX	500,000
Pecos NHP, NM	500,000
Petroglyph NM, NM	1,000,000
Saguaro NM, AZ	6,000,000
Santa Monica Mountains NRA, CA	5,000,000
South Florida Restoration Grant, FL	4,800,000
Stones River NB, TN	500,000
Inholdings	2,700,000
Emergencies/Hardships	2,700,000
Acquisition Management	8,800,000
Subtotal, Federal	59,936,000
Matching State Grants	24,750,000
Administrative Expenses	3,250,000
Subtotal, State assistance	28,000,000
Grand total	87,936,000

The managers agree that for Stones River National Battlefield, any excess land acquisition funds which have been appropriated for the historic river trail should be made available for general battlefield land acquisition, and vice versa should there be a shortfall in the river trail land acquisition account.

Amendment No. 24: Earmarks $4,800,000 for Federal assistance to the State of Florida pursuant to Public Law 103–219 as proposed by the Senate. The House had no similar provision.

Amendment No. 25: Earmarks $28,000,000 for the State assistance program as proposed by the Senate instead of $29,500,000 as proposed by the House.

ADMINISTRATIVE PROVISIONS

Amendment No. 26: Cites 106 Stat. 1384 as proposed by the Senate instead of 106 Stat. 1386 as proposed by the House.

Amendment No. 27: Proposes limiting to $250,000 the amount that can be transferred to cover costs associated with each emergency law enforcement incident. If an incident will require more than $250,000, the National Park Service is to follow the normal reprogramming guidelines. The House had proposed an overall cap of $500,000 and the Senate had proposed a cap of $250,000.

Amendment No. 28: Requires that any exercise of law enforcement transfer authority must be followed by a supplemental appropriation request to replenish the money transferred, as proposed by the Senate. The House had no similar provision.

Amendment No. 29: Deletes Senate amendment regarding the Stampede Creek Mine at Denali National Park in Alaska. The managers agree that should the University of Alaska Fairbanks seek damages for an explosion which occurred on April 30, 1987, the damage claim should be submitted to and considered promptly by the Department of the Interior's Office of Hearings and Appeals.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

Amendment No. 30: Appropriates $572,556,000 for surveys, investigations, and research instead of $576,775,000 as proposed by the House and $565,316,000 as proposed by the Senate. The net decrease below the amount proposed by the House consists of an increase of $1,561,000 for water resources research institutes; and decreases of $2,000,000 in National map and digital data production and $3,780,000 in critical ecosystems.

The managers agree that the amount for water resources research institutes consists of grants, reduced to $80,000 per institute, ($4,320,000) and administrative expenses ($241,000). The managers further agree that the Survey should work with the Institutes to ensure the relevancy of Institute research to State and National issues and to examine ways to introduce competition into the distribution of Federal funds among Institutes beginning in fiscal year 1996.

The managers also expect the Department to include with its fiscal year 1996 budget submission a report which identifies specific options for integrating the expertise available through the water resources research institutes into the full range of the Department's water resources programs. In addition, the Secretary shall consult and coordinate with the heads of appropriate departments and agencies with water research requirements to ensure the utilization of the water resources research expertise and capabilities of the institutes to the extent feasible.

The managers agree that the remaining critical ecosystems amounts are $3,800,000 for South Florida and $1,250,000 for San Francisco Bay.

WORKING CAPITAL FUND

Amendment No. 31: The amendment corrects punctuation contained in the House-passed bill as proposed by the Senate.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

Amendment No. 32: Appropriates $189,056,000 for royalty and offshore minerals management instead of $190,206,000 as proposed by the House and $189,034,000 as proposed by the Senate. The changes to the House position include increases of $500,000 in the leasing and environmental program for environmental studies and $440,000 in the resource evaluation program for the Office of Management Support. Decreases to the House position include $1,400,000 for the technical information management system in the information management program, $250,000 for mineral revenue audits, and $440,000 for the Office of Management Support including reductions of $23,000 in the leasing and environmental program, $67,000 in the regulatory program, and $350,000 in the information management program. The decrease for the technical information management system is offset through the use of increased receipts as discussed in Amendment No. 34.

The managers expect that:

1. The environmental studies program will be weighted heavily toward the Gulf of Mexico region where the vast majority of OCS activity takes place;

2. The fiscal year 1996 budget justification and each subsequent budget will include a full explanation and accounting of the Office of Management Support and any other administrative offices within MMS; and

3. The Department will review carefully the MMS environmental studies program to ensure that, when the U.S. Geological Survey has the expertise to conduct a proposed study, the cost effectiveness of using the USGS is assessed thoroughly before outside contracting options are pursued.

Amendment No. 33: Earmarks $68,184,000 for royalty management activities instead of $68,434,000 as proposed by the House and $67,934,000 as proposed by the Senate.

Amendment No. 34: Provides for $8,800,000 in additional receipts to be used for the technical information management system as proposed by the Senate instead of $7,400,000 as proposed by the House.

BUREAU OF MINES

MINES AND MINERALS

Amendment No. 35: Appropriates $152,719,000 for mines and minerals instead of $152,269,000 as proposed by the House and $152,389,000 as proposed by the Senate.

Changes to the House position include increases in health, safety and mining technology research of $200,000 for the Casa Grande, AZ in situ copper leaching demonstration project and $500,000 for in-house in situ research, and a decrease of $250,000 in the information and analysis program for the Great Lakes recycling project.

The managers understand that the Bureau will maintain a small staff of up to 10 FTEs, including summer employees, in Anchorage, Alaska to ensure continuation of essential Arctic research. The managers also understand that up to 25 FTEs will remain at the Rolla, Missouri research center in fiscal year 1995 and that necessary equipment will remain in place at the Rolla Center during the transition period for closure of the center. The managers do not object to the transfer of equipment along with the programs that equipment supports as the transition proceeds in Rolla and at the other locations identified for closure.

The managers expect the Bureau to ensure that the headquarters component bears its fair share of funding and staffing reductions in fiscal year 1995. Further, the Bureau should actively pursue reimbursable agreements to minimize staffing disruptions in field locations such as in the Denver area.

The managers expect the Bureau of Mines to work closely with the Bureau of Land Management to develop an Environmental Impact Statement (EIS) related to the Midnite Mine in Spokane, WA. The Department should seek additional Federal funding if necessary to develop the EIS.

Amendment No. 36: Earmarks $100,065,000 to remain available until expended for research programs instead of $99,365,000 as proposed by the House and $100,265,000 as proposed by the Senate.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

Amendment No. 37: Appropriates $110,006,000 for regulation and technology instead of $110,206,000 as proposed by the House and $109,773,000 as proposed by the Senate. The change to the House position is a decrease of $200,000 in the assessments and collections program for the Applicant Violator System.

The managers commend the OSM on its efforts to address acid mine drainage problems. In pursing this initiative the OSM should comply carefully with the Surface Mining Control and Reclamation Act and with Federal rulemaking requirements. A wide range of alternatives should continue to be considered to reduce pollutants during mining and to prevent post mining discharge of polluted water, including mitigation and treatment to reduce pollutants that may be present before final discharge off the mine permit area.

Implementation of the Applicant Violator System (AVS) by each State regulatory program has been funded through annual appropriations for the last several years. The managers expect the OSM and the States to continue to cooperate on AVS and to ensure that data improvements and system enhancements are implemented. To work, the AVS must contain up-to-date information supplied by each State and by OSM. The OSM should consult with the States on needed AVS enhancements and should request funds for implementing those improvements in annual budget requests. The AVS is especially important for across-State checking; that is, identifying companies and violators who have outstanding violations in different States. The States must actively participate in data entry and checking for outstanding violations so that all violations connected through ownership and control are addressed prior to permit issuance. The managers expect OSM to identify any problems with AVS implementation by the States in the fiscal year 1996 budget justification, along with recommendations for addressing those problems.

ABANDONED MINE RECLAMATION FUND

Amendment No. 38: Appropriates $182,772,000 for the abandoned mine reclamation fund instead of $172,404,000 as proposed by the House and $193,831,000 as proposed by the Senate. Increases to the House position include $5,000,000 to fund minimum program States at the $1,500,000 level per State and $5,368,000 for the rural abandoned mine program.

With respect to the Applicant Violator System, the managers agree that active participation by State regulatory agencies in data entry and checking for outstanding violations prior to issuing permits is essential to ensure compliance with existing law and regulations. This issue is discussed in more detail under Amendment No. 37.

Amendment No. 39: Earmarks $1,500,000 for each minimum program State for abandoned mine reclamation instead of $1,000,000 as proposed by the House and $2,000,000 as proposed by the Senate.

Amendment No. 40: Strike the word "Federal" in reference to the use of emergency program funds carried over from previous fiscal years as proposed by the Senate. Prior year unobligated balances are available for use by the OSM in the Federally-run program as well as by the individual States that managed their own emergency reclamation programs.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

Amendment No. 41: Appropriates $1,526,778,000 for operation of Indian programs instead of $1,527,786,000 as proposed by the House and $1,525,399,000 as proposed by the Senate. The decrease from the amount proposed by the House consists of decreases of $17,123,000 for tribal priority allocations, $1,661,000 for nonrecurring programs, and $100,000 for special programs and pooled overhead for special higher education scholarships. These decreases are offset partially by increases of $16,971,000 for other recurring programs, $605,000 for Central Office operations, and $300,000 to restore partially general administration for Area Office operations.

For tribal priority allocations, the managers have not agreed to the transfer of noneducational facilities operations and maintenance from other recurring programs at this time. For non-recurring programs, there are the following decreases: $961,000 for business development grants, $200,000 for Cheyenne River Sioux prairie dog management (leaving $1,000,000), and $500,000 for water rights negotiation/litigation.

Within other recurring programs, the net increase of $16,971,000 consists of the $17,123,000 restoration for facilities operations and maintenance, and decreases of $34,000 for the Great Lakes Indian Fish and Wildlife Commission, $20,000 for the Mole Lake Tribe mining impacts, and $98,000 for the Lake Roosevelt water quality study. Within Central Office operations, the net increase consists of increases of $200,000 for lands records management, $205,000 for personal property management, $200,000 for records management, $200,000 for financial management, and $150,000 for the Office of Data Systems; and a decrease of $350,000 for education program management. The Bureau may fund activities reduced in the Central Office from base funds and report to the Committees on any funds used.

The managers emphasize to the Bureau that any directives in either the House or Senate report which are not modified herein remain in effect, and the Bureau is expected to follow or respond to all such directives, in the timeframe indicated.

With regard to the road maintenance funds which have been transferred to tribal priority allocations, the managers expect these funds to be distributed as in the past during fiscal year 1995, while the Bureau prepares a Federal Register notice with the proposal for allocating the funds to tribal bases. The notice should also address how priorities for the use of these funds, in accordance with Federal Highway Trust Fund requirements, will be maintained after distribution to the tribes. The managers agree that no change in the distribution of these funds will occur until these issues are resolved satisfactorily, and expect the Bureau to work closely with the tribes to reach such a resolution.

With regard to the self-governance program, the managers agree that the Bureau should prepare the report identified by the Senate on workload before and after self-governance, and submit it to the Committees by March 15, 1995. With regard to increased workload at the Central Office due to compacting, the report should distinguish that portion of any such increased workload that should be handled by the Office of Self-Governance rather than the Bureau. With regard to impacts on non-compacting tribes, the managers note that the law authorizing the self-governance program does not allow such a result, and provides any tribe alleging violation of the law appropriate legal relief. The report should address the Bureau's efforts to ensure that noncompacting tribes are not impacted by the self-governance program.

The managers agree that the Bureau should continue to identify the Secretary's trust and inherently Federal responsibilities, with a range of assumptions over time up to a possible level of 100 percent compacting, and expect this process should be carried out in the context of the five-year strategic plan and consistent with authorizing legislation. The managers note that this process should be continued with the direct participation of the tribes, and consistent with the definition that the Bureau and the tribes have been using to date. The managers also expect the Bureau to work with the self-governance tribes to reach a consensus on the definition of stable base funding, and how such funding will be provided as early in the year as possible, report the results to the Appropriations Committees, and implement them as soon thereafter as possible.

With regard to shortfall funds, these funds should be used as identified in the House report, but also may be used for the special purposes identified in past years, such as the Lummi education project. While agreeing not to place a timeframe on the use of these funds at this time, the managers will address this issue again as necessary, depending on the progress made on negotiating and reaching consensus with the tribes on the matters addressed in this report.

The managers expect the Department and the Bureau to include their findings on the Secretary's trust and inherently Federal responsibilities in the March 15 report. Based on the findings, the Bureau should describe how it plans to downsize and restructure the Central, Area and agency offices, consistent with assumptions regarding the level of self-governance compacting and contracting which is expected to occur. The Bureau should also describe how it plans to identify and negotiate tribal shares during fiscal year 1995.

With regard to the reconciliation of Individual Indian Money (IIM) accounts, as directed in the past, the Department should not proceed any further with developing an IIM reconciliation approach unless it has involved the Intertribal Monitoring Association and other account holders' representatives in this process.

The managers expect the Bureau to give consideration to a request for $250,000 for attorneys' fees from the Alaska Legal Services. Within the $800,000 provided for monitoring and enhancement of the salmon returns in the Yukon and Kuskokwim Rivers areas, the Bureau may provide $400,000 for these funds to the Bering Sea Fishermen's Association for monitoring and fisheries enhancement. The managers agree there is $250,000 for the Yurok Tribe's cadastral survey. Within the $375,000 earmarked by both the House and Senate for Arkansas Riverbed surveys, $200,000 may be made available to the Arkansas Riverbed Authority for its operations. The managers understand that funding is available within water rights negotiation/litigation to continue the Pyramid Lake/Fallon economic development plan, which includes the Newlands project.

The managers expect the Bureau to continue to fund the Intertribal Monitoring Association (ITMA) in fiscal year 1995 at a level which will allow ITMA to continue its role of monitoring and reporting to tribes, account holders and the Congress. There should be no reductions to ITMA funding unless such reductions are specifically related to changes in work mutually agreed upon to be accomplished under the contract. The managers also expect that there will be no changes in the manner of ITMA communications with tribes, account holders or the Congress unless mutually agreed upon.

Amendment No. 42: Provides $208,000 for cyclical maintenance of tribally owned fish hatcheries as proposed by the Senate instead of $199,000 as proposed by the House.

Amendment No. 43: Modified language proposed by the Senate to place a cap on the amount of funding to be made available for fiscal year 1995 and to separate the amount of contract support for ongoing self-determination agreements entered into prior to fiscal year 1995 from that provided for new awards first entered into during fiscal year 1995. The House had no similar provision. The purpose of separating the amount available for ongoing agreements from that for new and expanded agreements is to stabilize the fund for ongoing awards and still provide contract support funding for new and expanded contracts. The Bureau is expected to implement procedures for administering the new Indian Self-Determination Fund, for which $7,500,000 is provided, consistent with those of the Indian Health Service. The Bureau should fund new contracts at the 100 percent level.

The Bureau is expected to begin developing procedures for eventual transfer of contract support into each tribe's tribal priority allocation. Once this has been accomplished, the tribes will be able to manage their total program costs within their overall funding allocation.

The cap is not intended to limit the flexibility of tribes to reprogram within tribal priority allocations to obtain full recovery of indirect costs, if a shortfall in contract support were to occur. Accordingly, the managers anticipate that tribes, individually or in agreement with other tribes, may reprogram within tribal priority allocations without regard to the contract support ceiling. Reprogramming on a Bureau-wide basis is not authorized for this purpose.

Amendment No. 44: Provides $72,580,000 for higher education scholarships and other purposes as proposed by the Senate instead of $72,680,000 as proposed by the House.

Amendment No. 45: Provides that $75,902,000 will remain available until expended as proposed by the House instead of $75,735,000 as proposed by the Senate. The difference is $167,000 for the Lake Roosevelt ferry under road maintenance.

Amendment No. 46: Provides that $30,169,000 for road maintenance will remain available until expended as proposed by the House instead of $30,002,000 as proposed by the Senate.

Amendment No. 47: Changes the date by which payments to Bureau-funded schools must be made to not later than July 15 instead of July 1 as proposed by the House and July 31 as proposed by the Senate. The managers expect the Bureau to accomplish all the preliminary paperwork well in advance of July 1, in order to allow the schools adequate time to return the documents to the Bureau prior to July 1. The schools are also expected to make every effort to return all required documents before July 1, so that obligation and payment of the funds may proceed as soon thereafter as possible.

Amendment No. 48: Revises language proposed by the Senate regarding allocation of Indian school equalization program (ISEP) funds, to require the Secretary of the Interior to establish a Joint Working Group on ISEP Funds Allocation to examine possible methods of improving the basis on which ISEP funds are allocated each year. The House had no similar provision. The Working Group should include representatives from BIA, the Department, the Department of Education, national Indian education groups, and individual schools, both BIA and tribally operated, and should represent the widest possible spectrum of views on this issue, as well as balanced geographic representation. To the extent possible, a variety of schools should be represented, including day, boarding and dorm schools, as well as remote schools and those adjacent to public facilities. The Working Group should be formed immediately and should complete its work by submitting a report to Congress no later than April 30, 1995. The report should include specific recommendations for changing the allocation method. The Working Group should conduct the widest possible consultation with tribes and Indian schools as part of its process.

Amendment No. 49: Limits the number of schools to be funded by the Bureau of Indian Affairs for the next two fiscal years to the number in the Bureau system as of September 1, 1995, or 187 instead of permanently as proposed by the Senate. The House had no similar provision. The managers are very concerned that current legislation and regulations do not provide an adequate framework for making decisions regarding under what circumstances additional schools should be allowed into the Bureau system. The managers are also concerned about the potential for large increases in the number of schools to be funded at a time when the budget for the schools will not be able to be increased significantly. Therefore, the managers expect the Bureau and the Department to proceed as quickly as possible to work with tribes, schools and the authorizing committees to develop legislation and related regulations which will more adequately address this situation. The managers will review the status of this effort at the end of the two year period in order to determine if this language should be continued and possibly made permanent.

CONSTRUCTION

Amendment No. 50: Appropriates $130,270,000 for construction instead of $131,030,000 as proposed by the House and $123,230,000 as proposed by the Senate. The decrease below the amount proposed by the House consists of increases of $100,000 for contract support, $1,500,000 for the Colorado River Tribes irrigation project, $350,000 for the Hogback irrigation project, $750,000 for the Walker River irrigation project, and $100,000 for Washoe land acquisition; and a decrease of $3,560,000 for the following irrigation projects: $1,300,000 for the Navajo Indian project, $1,000,000 for Ute Mountain Ute, $250,000 for Fort Belknap (Milk River), $600,000 for San Carlos, $200,000 for Quechan, $210,000 for Jemez Pueblo.

Of the amount provided for the Walker River project, $250,000 shall be used only for the tribal cost share of water monitoring by the U.S. Geological Survey. The managers understand this is the final year of construction costs related to this requirement.

The managers agree that the BIA and the Bureau of Reclamation should complete a new Memorandum of Agreement, and should ensure that any administrative costs to be taken from safety of dams projects are held to a minimum. The managers agree that the BIA should submit the report requested by the Senate on fuel storage tanks in AK by 10/1/94, and based on the findings, should consider including funding in the 1996 budget request.

Amendment No. 51: Allows funds available for irrigation rehabilitation and construction on the Gila River reservation to be used to purchase and pump water in 1995 as proposed by the Senate. The House had no similar provision.

The managers understand that this authority would be used only if the level of the San Carlos Reservoir is below 400,000 acre-feet as of March 1, 1995.

Amendment No. 52: Revises language proposed by the Senate to provide temporary authority for facilities improvement and repair and construction projects in excess of $100,000 that are provided to tribally controlled grant schools under P.L. 100–297, as amended. The House had no similar provision. Under this language, 43 CFR Part 12 will be used for regulatory requirements, except for Section 12.61. Payment schedules are to be negotiated between the Secretary and the grantee. This authorization is intended as an interim measure for grant amendments negotiated in fiscal year 1995 only. Although the Department has conducted tribal consultation on the grant process for facilities improvement and repair and construction and the use of 43 CFR Part 12, the managers expect the Secretary to consult further with Indian tribes on a permanent implementation process, and based on the consultation, to submit recommendations to the appropriate Committees of the Congress for any necessary statutory amendments.

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

Amendment No. 53: Appropriates $77,096,000 for Indian land and water claim settlements as proposed by the Senate instead of $82,896,000 as proposed by the House.

Amendment No. 54: Provides $73,051,000 for implementation of settlements as proposed by the Senate instead of $78,851,000 as proposed by the House.

NAVAJO REHABILITATION TRUST FUND

Amendment No. 55: Appropriates $2,000,000 for the Navajo Rehabilitation Trust Fund instead of no funds as proposed by the House and $2,466,000 as proposed by the Senate.

TERRITORIAL AND INTERNATIONAL AFFAIRS

ADMINISTRATION OF TERRITORIES

Amendment No. 56: Appropriates $80,239,000 for Administration of Territories instead of $83,139,000 as proposed by the House and $77,339,000 as proposed by the Senate. The decrease from the amount proposed by the House consists of decreases of $1,500,000 for the Compact impact grant to Guam, $1,000,000 for a grant to the Virgin Islands for crime control, and $500,000 for technical assistance; and an increase of $100,000 for the Office of Territorial and International Affairs.

The managers have provided $2,500,000 for the impact of the Compact on Guam, and expect the Commonwealth of the Northern Marianas Islands (CNMI) to use $1,600,000 of their grant funds for the same purpose.

The managers do not object to the use of construction funds provided herein or previously (with the exception of water and wastewater project funds) to address the needs of Tafuna high school, if agreed to by the American Samoa Government.

The managers agree that up to $7,000,000 of the Northern Marianas grant may be used, by the Secretary of the Interior working with the Commonwealth of the Northern Marianas (CNMI), for technical and other assistance to the CNMI to help track and identify alien workers, to enforce applicable immigration laws in the CNMI, and to provide technical assistance to the CNMI in developing related labor rules and regulations for alien workers. The funds may also be used, with the assistance of the U.S. Immigration and Naturalization Service, to develop a computer data base and identification system for aliens, and if appropriate, for planning of detention facilities.

Amendment No. 57: Provides $75,962,000 for grants and technical assistance instead of $78,962,000 as proposed by the House and $72,962,000 as proposed by the Senate. The decreases from the amount proposed by the House are discussed under Amendment No. 56.

Amendment No. 58: Provides $4,277,000 for the Office of Territorial and International Affairs instead of $4,177,000 as proposed by the House and $4,377,000 as proposed by the Senate.

Amendment No. 59: Provides that the General Accounting Office may audit the territorial governments as proposed by the Senate rather than directing that it shall audit those governments, as proposed by the House.

Amendment No. 60: Provides that the General Accounting Office may audit the territorial governments at its discretion as proposed by the Senate. The House did not include discretionary language.

TRUST TERRITORY OF THE PACIFIC ISLANDS

Amendment No. 61: Appropriates $19,838,000 for the Trust Territory, including $18,464,000 for grants to Palau and $692,000 for special programs, and adds language, instead of appropriating $2,900,000 as proposed by the House. The managers intend for Palau to use $2,000,000 of the grant funds to continue the Koror sewage treatment project, with the balance of the project funds to come from Palau's Compact funds. It is necessary to restore the Trust Territory funds to the 1994 level and add related language since the Palau Compact will not be implemented prior to October 1, 1994 as originally estimated. The Senate language agreed to by the managers also provides that the General Accounting Office may at its discretion audit the Trust Territory.

COMPACT OF FREE ASSOCIATION

Amendment No. 62: Appropriates $24,602,000 for the Compact of Free Association instead of $25,102,000 as proposed by the House and $20,602,000 as proposed by the Senate. The decrease from the amount proposed by the House consists of $500,000 for the Federated States of Micronesia for the Yap runway, and $2,656,000 for the Palau Compact. The Palau Compact funds have been deleted, and funds for Palau operations and construction grants restored under the Trust Territory account, since it is now expected that the Palau Compact will not be implemented before October 1, 1994 as originally assumed.

With regard to the funds provided as compensation to the Marshall Islands under Section 111(d) of the Compact, the managers agree with the House language requiring a plan for the expenditure of these funds, to be submitted to the Appropriations Committees. The managers also request that a report on the use of the economic development funds previously provided to the Marshall Islands be provided to the Committees.

The managers agree that there is no commitment at this time to future appropriations under Section 111(d) and that any such funding decisions will be made on an annual basis. The managers note that the Administration has taken one position on whether the authorization in Section 111(d) is based on a "net loss" to the RMI Government, the House has disagreed with that position in its report (Report 103–551), and the Senate has not yet taken a position on that issue.

Amendment No. 63: Deletes House proposed language and funding for the Palau Compact, as proposed by the Senate.

Amendment No. 64: Adds language providing that the effective date of the Palau Compact shall be as determined pursuant to Section 101 of P.L. 101–219 as proposed by the Senate. The House had no similar provision.

DEPARTMENTAL OFFICES

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

Allocates an increase of $104,000 for the Office of Self Governance within the Office of the Secretary instead of $208,000 as proposed by the House. The Senate had no similar provision.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

Amendment No. 65: Appropriates $34,674,000 for the Office of the Solicitor instead of $35,374,000 as proposed by the House and $32,548,000 as proposed by the Senate.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

Amendment No. 66: Strikes the phrase "by the General Services Administration" in referring to contracts issued for a twelve-month period beginning at any time during the fiscal year as proposed by the Senate.

Amendment No. 67: Includes House language stricken by the Senate prohibiting the processing of certain mining or mill site claims and the issuance of patents to such claims under the general mining laws in certain circumstances, modified to delete the provision if mining law reform legislation now in a House-Senate conference is enacted prior to sine die adjournment of the 103rd Congress.

The amendment further provides that the Secretary of the Interior shall continue to process patent applications that were filed prior to the date of enactment of this Act if the applicant had fully complied with all of the requirements under the general mining laws for such patent.

The managers agree that those applications having received first-half-final certificates on or before the date of enactment of this Act are not subject to the prohibition in Section 112. In addition, the managers agree that those applications for first-half-final certificates currently pending in the Office of the Solicitor in Washington, D.C. or elsewhere in the Department of the Interior in Washington, D.C. will not be subject to the moratorium in Section 112.

The managers agree that nothing in the Act requires the Secretary to issue a patent until compliance with the requirements of the general mining laws for obtaining such patent has been verified.

Amendment No. 68: Deletes House language pertaining to claims and patents under the general mining law as proposed by the Senate. This subject is included in Amendment No. 67.

Amendment No. 69: Deletes House provision prohibiting the National Park Service from processing permits necessary for construction of a bridge to Ellis Island as proposed by the Senate.

The managers on the part of the House have receded reluctantly on this amendment. The managers on the part of the House do not want the exclusion of this language to be viewed as a precedent with respect to this project, as there is currently a lawsuit pending regarding Ellis Island, as well as an environmental impact statement, which is not yet complete. The resolution of either or both of these issues could affect the final decision with respect to a foot bridge to Ellis Island.

Amendment No. 70: Allows research work orders for cooperative agreements with colleges and universities, State agencies, and nonprofit organizations to be funded incrementally as proposed by the Senate. The House had no similar provision.

Amendment No. 71: Deletes sense of the Senate resolution which is restated herein:

EDWARDS AQUIFER

(a) FINDINGS.—The Senate finds that—

(1) in order to avoid a water emergency in South Central Texas, the withdrawal of water from the Edwards Aquifer (designated as a sole source aquifer under title XIV of the Public Health Service Act (commonly known as the "Safe Drinking Water Act") (42 U.S.C. 300f et seq.)) should not be limited without appropriate consideration of the impacts on municipal, agricultural, industrial, and domestic water users);

(2) Section 10(a) of the Endangered Species Act of 1973 (16 U.S.C. 1539(a)) authorizes the Secretary of the Interior to permit the taking of a threatened or endangered species incidental to an otherwise lawful activity, which may include the withdrawal of water from a sole source aquifer; and

(3) the State of Texas is working, in cooperation with the Department of the Interior and the Department of Justice, to implement the water management plan for the Edwards Aquifer region enacted by the State in 1993.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Secretary of the Interior should take whatever steps are necessary and allowable under law to minimize adverse impacts on users of the Edwards Aquifer while conserving threatened and endangered species, including issuing a permit pursuant to Section 10(a) of the Endangered Species Act of 1973 (16 U.S.C. 1539(a)); and

(2) nothing in this Section should relieve any person from any State or local requirement for—

(A) water conservation or the development of alternative water resources; or

(B) strategies necessary to reduce demand on the Edwards Aquifer.

This language is included in the statement of the managers with the understanding that the State of Texas, the City of San Antonio, other affected communities and other water users will continue to implement a plan that secures the futures of both the people and the species that depend on the Edwards Aquifer.

Amendment No. 72: Deletes Senate amendment earmarking $500,000 for the Atlantic Salmon Demonstration Program for the Northeast. The issue is addressed in Amendment No. 7 where $500,000 is provided for this purpose.

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST RESEARCH

Amendment No. 73: Appropriates $200,130,000 for forest research instead of $201,780,000 as proposed by the House and $198,076,000 as proposed by the Senate. The decrease below the amount proposed by the House consists of an increase of $200,000 for the research foundation program in LA; and decreases of $250,000 for recycling research and $1,600,000 for Forest Plan ecosystems research.

While not directing the Forest Service to allocate specific funding to the Bolle Center, MT, the managers encourage the Forest Service to continue the research currently being done at the multiple use economics program of research unit INT–4802 in Missoula, MT.

The $300,000 earmarked from the Forest Plan in the House report for the University of Washington landscape management project should be provided from timber management funds under the National Forest System account.

STATE AND PRIVATE FORESTRY

Amendment No. 74: Appropriates $161,264,000 for State and private forestry instead of $158,664,000 as proposed by the House and $161,511,000 as proposed by the Senate. The increase over the amount proposed by the House consists of increases of $600,000 for rural development, $2,000,000 for Pacific Northwest community assistance, and $500,000 for old growth diversification projects; and a decrease of $500,000 to the stewardship incentives program.

The managers have provided an additional $2,000,000 over the amount recommended by the House for Pacific NW community assistance. Because of the mill closures in Alaska, the managers agree that $500.000 of this amount may be provided in Alaska on a one-time basis only.

The earmarks contained in both the House and Senate reports for urban forestry, forest stewardship, and stewardship incentives are maintained. except that the $500,000 for the northeastern Pennsylvania program in stewardship incentives is one-time funding only. Under the forest legacy program, any political subdivision within New York State must agree to include itself, in order to participate in the program. A subdivision is defined as a village, city, town, or county.

Within economic action programs, $2.6 million is specifically for continuation of the Rural Development through Forestry program in the Northeast and Midwest at the level available in fiscal year 1994. Other initiatives, such as AmeriCorps, shall not be funded from this initiative unless approved by the Committees through a reprogramming action. The managers note that no funding for AmeriCorps was proposed in the fiscal year 1995 budget, and the reprogramming guidelines provide specific direction about initiating new programs through the use of reprogrammings. This direction applies to the national Forest System appropriation account as well as the State and Private Forestry account.

NATIONAL FOREST SYSTEM

Amendment No. 75: Appropriates $1,345,112,000 for the national forest system instead of $1,348,162,000 as proposed by the House and $1,334,857,000 as proposed by the Senate. This amount is decreased by a $12,000,000 rescission included by both the House and Senate. The decrease below the amount proposed by the House consists of increases of $1,000,000 for recreation management (including $400,000 for the Hells Canyon management plan, $400,000 for the Spring Mountain management plan, and $200,000 for handicapped access in Region I), and $500,000 for timber sales management; and decreases of $1,000,000 for ecosystem planning, inventory and monitoring, and $850,000 for wildlife and fish management, including $500,000 to anadromous fish and $350,000 to threatened and endangered species, $500,000 to rangeland management, $1,000,000 to soil, water and air management, $1,000,000 to road maintenance, and $200,000 to general administration.

The managers have not included revised numbers for various NFS line items, which were submitted by the Forest Service in order to correct errors in the revised budget structure agreed to by both the House and Senate. The managers are concerned that the numbers were not internally verified before submission to the Committees, and expect the Forest Service to submit a reprogramming request as soon as the correct numbers have been determined.

The Committees have agreed to a modified budget structure for the Forest Service. The ecosystem, planning, inventory and monitoring (EPIM) line-item was created by reallocating funds from other activities within the various National Forest System programs. In some instances, the resources transferred to the EPIM line-item represented a significant portion of a program area's funding. The managers expect the Forest Service to develop language in its budget instructions that ensures field units are able to maintain, to the fullest extent possible, continuity in the programs which contributed to the EPIM line-item. The new budget structure, and the change in benefitting function concept, are intended to help the Forest Service minimize the duplication of effort and enhance efficiency. In addition, where possible, information gathered in conjunction with activities associated with one program should be used as much as possible where needed for other programs.

The managers agree that the Forest Service should include in the 1996 request information on the criteria used to allocate National forest system funds among the regions. Within the funds provided is $63,657,000 for law enforcement. The decrease to road maintenance should be allocated on a nationwide basis, and the managers expect work to proceed in 1995 on the Koocanusa Bridge project in MT.

With respect to the timber sales preparation program, the managers have agreed to an additional $500,000 in 1995 over the level proposed by the House. The entire mix of the timber sales program for fiscal year 1995 will be determined by the Forest Service upon review of the dollars provided in this account, as well as for road construction. In addition, a change in the mix of the program between new, or green sales, and salvage timber sales, may be necessary as a result of the severe fire season which ravaged the West this summer. Further impacts on the accomplishment of the timber sales program in different regions of the country may result due to reductions in Federal staffing. Thus, the distribution of the timber sales program contemplated when the budget was submitted may no longer be appropriate. The managers have provided changes to the budget structure and modified reprogramming procedures to enhance the Forest Service's ability to engage in ecosystem management, and expect the new guidelines to be followed in determining the program mix for fiscal year 1995.

The managers also understand that the likelihood of successfully completing the planned timber sales program proposed for fiscal year 1995 differs significantly among forests and regions across the country. Some forests and regions are far below their capacity to offer sales in fiscal year 1995 and demand for timber sales in some of these forests is very strong. In other instances, projected sales may not be attainable in fiscal year 1995 due to the need for increased environmental review, watershed assessment, or other pre-sale planning activities. The managers expect the Forest Service to take all of these factors into consideration when determining the allocation of the timber sales preparation dollars for fiscal year 1995. The managers expect the Forest Service to allocate carefully all resources available for timber sales to accomplish the most feasible sales level in fiscal year 1995, consistent with ecosystem management objectives. In particular, the managers are concerned that allocations of scarce resources not be directed to areas with low probability of success at the expense of areas with significantly higher probability of success.

In lieu of the last paragraph on page 76 in the Senate report, the managers request the Forest Service to report by February 15, 1995 on the effect of meeting certain requirements of section 705(a) of ANILCA and NFMA, such as establishing habitat conservation areas for goshawk and wolves, on seeking to provide a timber supply to meet the annual and forest planning cycle market demand in the Tongass NF. the managers are aware of the needs for management of the Tongass which have arisen subsequent to the Department's budget process for fiscal year 1995, including funds to reformulate long term timber sales into small business and independent sales; for the Tongass Land Management Plan (TLMP) process to incorporate new information into the TLMP revision; and to make timber available to replace volume in conflict with proposed management measures. As these needs are further defined. the Forest Service should make the maximum feasible amount of resources available to meet them, and should submit a reprogramming request if determined necessary at the earliest possible date for items that will stress studies for ecologically sound timber management, expediting the land management planning process, and transitional measures associated with recent developments. In addition, the managers recommend that the Forest Service meet with interested members of the public, such as the timber purchasers and others, to explain the costs, benefits, and details of using watershed analysis in the Tongass.

The managers are aware of needs for inventory and species assessment activities on the Tongass NF, AK, and urge the Fish and Wildlife Service and the Forest Service to consider these requirements when allocating funds in fiscal year 1995. If additional resources are necessary by either agency, a reprogramming should be submitted.

With respect to the possibility of a 10-year contract, the Forest Service should explore this option in the context of the Tongass land use management plan revision process. The managers expect the Forest Service to provide a draft plan and tentative schedule for such a contract and whether it should be done apart from the TLMP process. The managers on both sides are interested in seeing the TLMP revision completed expeditiously.

In preparing the fiscal year 1996 budget, the Forest Service should consider budget allowances which will help to address the costs associated with contract cancellations and modifications.

The managers understand that the $200,000 earmarked in the Senate report for the conversion of roads to trails will be used in as many forests as possible in Region 6, with the Gifford Pinchot NF being the first priority.

The managers have not provided a specific earmark for inland fish activities at Walker Lake, Toiyabe NF, NV. However, the managers recognize the importance of this effort, and expect the Forest Service to proceed with the required work related to the Lahontan cutthroat trout to the maximum extent feasible. Any related activities which involve recreation improvements should be funded from the recreation use line item.

The managers recognize the Grande Ronde Model Watershed efforts undertaken in northeast Oregon and encourage others to foster such collaborative endeavors. The Regional Forester and the Forest Service East Side Ecosystem project are expected to cooperate to the fullest extent practicable with watershed-based State/local habitat restoration initiatives such as that underway in the Grande Ronde.

The House and Senate reprogramming guidelines are revised to include the Senate Energy and Natural Resources Committee under item 9(a) (notification of Committees before changing regional boundaries, abolishing any region, or moving or closing any regional office).

The managers note that in recent years, funds have been provided for additional land acquisition on the Green Mountain NF, VT. The classification of these lands through the forest plan process, which involves public comment, is not yet complete. As a result, the Forest Service is not able to manage these lands actively for the appropriate resources.

Within funds provided to the Green Mountain NF, the Forest Service is encouraged to undertake the analysis, inventory, and public involvement necessary to identify the appropriate management classification of recently acquired lands so that these lands may be integrated into the forest plan. To the extent allowed under existing authorities, the Forest Service is encouraged to undertake these actions using funds provided in the land acquisition account for the Green Mountain NF.

Amendment No. 76: Provides that timber volume authorized for sale during fiscal year 1994 but which remains unsold shall be offered for sale during fiscal year 1995 to the extent possible as proposed by the Senate.

FOREST SERVICE FIRE PROTECTION

Amendment No. 77: Appropriates $159,590,000 for Forest Service fire protection instead of $160,590,000 as proposed by the House and $156,908,000 as proposed by the Senate. The decrease from the amount proposed by the House is $1,000,000 for fuels management. While the remaining increase of $3,000,000 for fuels management is not earmarked, the managers agree that the Forest Service should note the high priority areas included in the Senate report, and should also place a high priority on the natural fuels treatment initiative in Region 5.

The managers commend the Department of Agriculture for establishing a task force to review the causes, effects, and severity of the wildfires in the Western United States. The managers expect the Department to move expeditiously to restore and rehabilitate burned-over areas, and reduce excessive fuel load in areas highly susceptible to wildfire. The goals of the Department in undertaking such efforts should be to reduce the risk of loss of life and property; minimize the costs associated with future outbreaks of fire; reduce the risk of post-fire flooding; and enhance the health and sustainability of forest ecosystems.

The managers also urge the Forest Service to expedite the planning and execution of grass seeding, revegetation, and tree planting operations in forest areas affected by the 1994 wildfires, such as in the State of Washington, in order to avoid potential floods and landslides. The managers encourage the Forest Service to given consideration, to the best of its ability, to dislocated timber workers when employing individuals for the replanting, revegetation, and reseeding work.

CONSTRUCTION

Amendment No. 78: Appropriations $203,186,000 for construction instead of $191,740,000 as proposed by the House and $219,234,000 as proposed by the Senate. The increase over the amount proposed by the House consists of a decrease of $400,000 for trail construction (including $300,000 for Badin Lake, Uwharrie NF, NC and $100,000 for the Wayne NF, OH), and increases of $1,102,000 for facilities construction and $10,744,000 for road construction.

The increase for facilities consists of increases of $800,000 for Green Mountain NF facility purchase, $232,000 for Hudson Prairie Center, NE, $785,000 for Multnomah Falls sewer system, OR, $1,150,000 for Columbia River Gorge Discovery Center, $871,000 for Winding Stair Mountain, OK, $635,000 for Ketchikan Visitors Center, AK, $1,400,000 for Seneca Rocks Visitors Center, WV, $260,000 for Caney Lake, LA, and $753,000 for Mount St. Helens NVM, WA; and decreases of $2,777,000 for administrative facilities outyear planning and design, $300,000 for Stubblefield Recreation Area, TX, $125,000 for Wayne NF, OH recreation projects, $69,000 for the Red Bluff campground, CA, $150,000 for the Applewhite Area, San Bernardino NF, CA, and $2,363,000 for outyear planning and design for recreation facilities.

With regard to the outyear planning for both facilities and roads (recreation and general purpose), the managers have provided half of the amounts requested for regionwide planning and design, to be used for new projects costing less than $250,000 and for rehabilitation projects costing less than $500,000. Any projects with outyear costs exceeding these levels should be specifically justified in the 1996 budget justification before any planning funds are obligated. Under administrative facilities, $120,000 is provided for the Boulder, CO office, which has been started with previous funding.

For road construction, the increase over the amount proposed by the House consists of increases of $12,500,000 for timber roads, $283,000 for the Hudson Prairie Center, and $488,000 for Mount St. Helens; and decreases of $263,000 for general purpose roads and $2,264,000 for recreation roads, both for outyear planning and design. If the amount provided for timber road construction proves not to be adequate during fiscal year 1995, the Forest Service should submit a reprogramming request to the Appropriations Committee for consideration.

No funding is earmarked for the Longleaf Vista Trail Area, Kisatchie NF, LA. Within the total of $390,000 provided for the Taft Tunnel project, $114,000 of this funding should be provided from recreation facilities funds. Within trail funds, there is $57,000 for Winding Stair recreation area, OK.

Within the funds included in the budget for region 6 survey and design, construction engineering, and program administration to be allocated to Washington, the Forest Service should use $100,000 to plan projects needed to provide public access through Federal land and to provide recreation opportunities at Bead Lake, Colville NF, WA. The managers encourage the Forest Service to include the funds necessary to construct the access and facilities in the 1996 budget request, and to ensure that all activities are carried out in accordance with all environmental laws and with full public participation.

Amendment No. 79: Provides $71,443,000 for facilities construction instead of $70,341,000 as proposed by the House and $70,367,000 as proposed by the Senate. The difference from the amount proposed by the House is discussed under Amendment No. 78.

Amendment No. 80: Provides $131,743,000 for construction of roads and trails instead of $121,399,000 as proposed by the House and $148,867,000 as proposed by the Senate. The difference from the amount proposed by the House is discussed under Amendment No. 78.

LAND ACQUISITION

Amendment No. 81: Appropriates $65,436,000 for land acquisition instead of $61,131,000 as proposed by the House and $60,541,000 as proposed by the Senate.

The managers agree to the following distribution of funds:

Area	*Amount*
Alpine Lakes Management Area, WA	$3,105,000
Apalachicola National Forest, FL	1,500,000
Appalachian NST	2,000,000
Arapaho NF, CO	300,000
Big Sur/Los Padres NF, CA	2,000,000
Caribbean National Forest, PR	500,000
Chattooga WSR, NC., SC	2,750,000
Cibola National Forest, NM	650,000
Cleveland National Forest, CA	2,500,000
Colorado Wilderness, CO	2,000,000
Columbia Gorge NSA, OR, WA	1,400,000
Daniel Boone National Forest, KY	1,500,000
Finger Lakes National Forest, NY	1,200,000
Flathead National Forest, MT	750,000
Francis Marion National Forest, SC	1,150,000
Gallatin NF, MT	5,000,000
Green Mountain NF, VT	2,250,000
Hoosier NF, IN	500,000
Jefferson National Forest, VA	750,000
Kisatchie National Forest, LA	400,000
Michigan Lakes and Streams, MI	1,300,000
Minn. Wilderness/Water, MN	500,000
North Fork American WSR, CA	1,000,000
Oconee National Forest, GA	500,000
Olympic National Forest, WA	1,000,000
Oregon Dunes NRA, OR	250,000
Osceola National Forest, FL	500,000
Ouachita National Forest, AR, OK	600,000
Pacific Crest NST, CA,WA	1,000,000
Pacific Northwest Streams, WA, OR	1,500,000
Prescott National Forest, AZ	750,000
Rio Grande NF, CO	1,500,000
Roosevelt NF, CO	1,500,000
San Bernardino NF, CA	1,000,000
Skagit WSR, WA	1,100,000
Talledega NF, AL	300,000
Toiyabe NF, NV	2,500,000
Uwharrie National Forest, NC	500,000
Wayne National Forest, OH	1,000,000
White Mountain NF, NH, ME	500,000
White Salmon WSR, WA	440,000
Wisconsin NFs, WI	500,000
Emergency Acquisitions	2,000,000
Wilderness Acquisitions	1,000,000
Cash Equalization	2,000,000
Acquisition Management	8,491,000
Total	65,436,000

The $300,000 for the Arapaho National Forest, Colorado is for land acquisition in the Kawuneeche Valley area of Colorado. These lands are to be managed for their value in protecting the headwaters of the Colorado River and the viewshed of Rocky Mountain National Park.

Within the $750,000 provided for the Jefferson National Forest acquisition, $450,000 is for the first phase of the Cripple Creek tract and the remaining funds are for acquisition at the Guest River Gorge and other Mount Rogers acquisitions.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Amendment No. 82: Deletes House language on the Shawnee NF and inserts Senate language prohibiting the use of funds for clearcutting or even aged management in hardwood stands on the Shawnee NF to the greatest extent possible and in accordance with the Shawnee NF plan.

Amendment No. 83: Deletes language proposed by the Senate limiting the amount of reimbursement to the Agricultural Stabilization and Conservation Service for administrative costs under the Stewardship Incentive Program to no more than 10 percent of the program level. The language is not necessary because it is covered under existing general Department-wide policy.

Amendment No. 84: Deletes bill language proposed by the Senate which would have authorized the use of $10,600,000 of National Forest System funds to prepare and offer additional timber sales in four regions of the Forest Service, with the borrowed funds to be repaid from timber receipts if total receipts reached a certain level. The Forest

Service has stated that it would be difficult if not impossible to offer any timber sales in 1995 under this authority because of the uncertainty of whether receipts would reach the specified level; and the uncertainty of whether any NFS funds would remain available to be used for this purpose once it is determined that sufficient receipts have been received. The managers are aware of concerns about the timber sales program in various forests and regions, including the Allegheny NF and the South, and have addressed this issue under Amendment No. 75.

Amendment No. 85: Deletes language proposed by the Senate which would have prohibited the use of funds to implement law enforcement regulations unless the proposed regulations were submitted to the Senate and House Agriculture Committees not later than 90 days before the regulations were made final. The Forest Service is directed to provide the proposed revised law enforcement regulations to the named Committees not later than 90 days before the regulations are scheduled to become final for review and comment by the Committees.

DEPARTMENT OF ENERGY

CLEAN COAL TECHNOLOGY

The managers agree with the Senate language asking the Department of solicit expressions of interest in commercial projects employing clean coal technologies, limited to international (non-domestic) projects of the type described in the Senate report. These expressions of interest should be sought from U.S.-based companies or consortia expecting to provide significant domestic content to such projects.

FOSSILE ENERGY RESEARCH AND DEVELOPMENT

Amendment No. 86: Appropriates $442,614,000 for fossil energy research and development instead of $445,544,000 as proposed by the House and $436,451,000 as proposed by the Senate. The amount includes $17,000,000 derived by transfer from the SPR petroleum account.

The net decrease below the amount proposed by the House consists of increases of $300,000 for PETC in-house research on coprocessing of coal and recyclable waste materials in advanced research and environmental technology in fuels research; $500,000 for integrated gasified combined cycle; $500,000 for a pulsed agglomerating combustor in pressurized fluidized beds (PFBs); $1,800,000 for METC in-house research, excluding funds for a hot particulate removal test facility, excluding fluids for a hot particular removal test facility, in advanced research and environmental technology in power systems; $1,000,000 for high temperature materials in advanced research and technology development; $250,000 for beginning an innovative petroleum atlas with the University of Kansas, and $1,100,000 for 50% cost-shared drilling and production research with the University of Tulsa, both in exploration and production supporting research in oil technology; $500,000 for fracture technology verification by LL&E and $1,250,000 for the coalbed methane initiative, both in resource and extraction in natural oil gas research; $350,00 for continued gas-to-liquids research at the University of Oklahoma in natural gas utilization; $750,000 for Native American programs in cooperative R&D; and $1,500,000 to complete the METC building B-4 restoration project and $750,000 for Bartlesville general facility renovations, both in facilities; and decreases of $500,000 for high efficiency processes and $250,000 for PETC in-house research, both in coal preparation; $1,000,000 in indirect liquefaction; $1,141,000 for low emissions boiler systems in advanced pulverized coal plants; $600,000 for environmental activities, $250,000 for technical and economic analysis, and $500,000 for coal technology export, all in advanced research and technology development; $500,000 for class field monitoring, $500,000 for technology transfer, $1,000,000 for secondary recovery research, $500,000 for advanced extraction techniques, and $1,500,000 for the Rocky Mountain Oilfield Testing Center, all in exploration and production supporting research in oil technology; $250,000 in exploration and production environmental research in oil technology; $1,000,000 in processing research and downstream operations in oil technology; $405,000 in environmental research and regulatory analysis in natural gas research; $250,000 for the Illinois cooperative agreement in cooperative R&D; $2,511,000 in environmental restoration; and $823,000 in headquarters program direction.

The managers agree that:

1. Funds for high efficiency processes in coal preparation are to be used for incremental funding of awards to the remaining selectees;

2. Funds in Fischer Tropsch and oxygenates key activities in indirect liquefaction may be used to carry out activities at the Laporte facility in order to maximize private sector involvement at the facility and reported after the fact with the quarterly base table adjustments;

3. The Department shall continue to fund the three current contractors in the low emissions boiler systems program provided the added cost is offset by increased cost sharing at a level of at least 25% in Phases II and III. The managers further agree that a report is necessary by April 1, 1995, as proposed by the Senate, reviewing the role of the program in the overall context of the advanced combustion systems development program;

4. The amount for indirect fired cycle activity includes $10,441,000 for Phase II and bridge contracting, $675,000 for PETC in-house research, $650,000 for METC in-house research, and $119,000 for general support. The managers further agree to government bridge funding as proposed by the Senate, estimated for the externally-fired combined cycle project to be approximately $2.7 million, cost-shared at no less than 25 percent;

5. With regard to the increase for high temperature materials, institutions and university/industry consortia with a foundation of background knowledge and experience in these technologies, such as Argonne National Laboratory, Pennsylvania State University, West Virginia University and the Carbon Products Consortium should be given priority consideration;

6. Funding for the Gypsy field project with the University of Oklahoma is supported strongly and additional funds were not included only because existing resources are sufficient to carry the current program through fiscal year 1995. The managers are concerned about reported delays in moving the project forward in fiscal years 1994 and 1995. The managers expect that any funds provided in fiscal year 1996 will be obligated mid-year in order to provide for a smooth continuation of the project.

7. The Department should work with the University of Kansas to begin the development of a mid-continent petroleum atlas using innovative techniques and emerging information technologies, including advanced geographic information systems (GIS), relational data base systems, and online access;

8. To the extent NPR-3 is used as an oil field testing center the government portion of costs for such testing should be absorbed by the benefitting oil technology program; when NPR-3 is the benefitting entity it should absorb the costs;

9. Up to $450,000 in addition to the $500,000 increase for the LL&E fracture verification contract should be provided out of projected new starts in the diagnostic and evaluation of natural fractures key activity in the budget for resource and extraction in natural gas research;

10. In the coal bed methane initiative, $500,000 is provided to undertake a feasibility study which is to result in a report to the Appropriations Committees analyzing the merits of and delineating the contents of the propose program. No additional activity, including procurement, for which $750,000 has been provided, shall be undertaken prior to review of the report by the Committees.

11. The amount for advanced turbine systems includes $4,800,000 for the industry/university consortium, $1,000,000 for manufacturing technology in the National laboratories, $2,500,000 for METC in-house research, $2,000,000 for combustion/coal technology, and $27,556,000 for the component development procurement; and

12. The $750,000 provided for the Native American program should continue efforts by the Department such as those to develop cost effective systems for remote community power supplies involving the State of Alaska, and several native corporations in Alaska. The managers expect that, prior to any site specific activity, the Department will issue a solicitation of interest to those and other Native American entities or corporations to assure the broadest possible participation in technology demonstrations related to the establishment of independent power supplies for isolated communities.

NAVAL PETROLEUM AND OIL SHALE RESERVES

Amendment No. 87: Appropriates $187,406,000 for Naval petroleum and oil shale reserves as proposed by the Senate instead of $193,956,000 as proposed by the House.

ENERGY CONSERVATION

Amendment No. 88: Appropriates $793,194,000 for energy conservation instead of $824,585,000 as proposed by the House and $743,741,000 as proposed by the Senate.

The net increase above the amount proposed by the Senate consists of increases of $1,000,000 in the core retrofit technologies activity to include continued coordination with HUD, $1,000,000 for Rebuild America, and $400,000 for best practices emphasizing cost-shared activities, all in building systems; $1,625,000 for indoor air quality in building envelope; $2,000,000 for heating and cooling technology and $2,000,000 for golden carrot/demonstration activity, both in building equipment; $500,000 for EEMS/HERS in codes and standards; $1,000,000 for the Federal Energy Efficiency Fund and $1,500,000 for innovative/alternative financing and Federal facility test beds, both in the Federal Energy Management Program; $500,000 for advanced topping cycles and $2,000,000 for continuous fiber ceramic composites, both in industrial cogneration; $250,000 for electric drives in industry; $1,000,000 for thermal science in industrial process hearing and cooling; $950,000 in waste utilization and conversion and $1,000,000 for NICE 3 in waste reduction, both in industrial waste; $500,000 for aluminum spray forming in industrial materials and metals processing; $1,000,000 for the EADC program in industrial implementation and deployment; $1,000,000 for vehicle systems materials; $1,500,000 for light duty engine development; $2,000,000 for battery development and $2,000,000 for hybrid systems development, both in electric and hybrid propulsion development; $14,000,000 for weatherization assistance; $875,000 for basic State energy conservation program grants; $290,000 to delete the proposed absorption of the fiscal year 1995 pay raise; and $11,000,000 to delete the proposed general reduction; and decreases of $1,200,000 for engine optimization in alternative fuels utilization and $237,000 in additional use of prior year funds.

The managers agree that:

1. The reduction in advanced topping cycles should be taken from the new component development procurement and not from work on low NO_x combustion.

2. No funds are included to expand the number of Energy Analysis and Diagnostic Centers (EADCs) beyond the 30 planned in fiscal year 1994. Funding is expected to provide for 30 centers capable of performing both energy audits and combined energy/waste assessments. Development of industrial guide books, best practice manuals, and collaborative workshops with States is also supported at this funding level.

3. Within funds made available for integrated resource planning (IRP), the Department should establish a program that addresses the impact of industry restructuring on IRP in lieu of establishing a separate State grant program. The program should be a cooperative effort of the Department and relevant State and local organizations and affected industries, and should emphasize technical and financial assistance, collaborative processes, and research directed to assist States considering restructuring alternatives. The managers expect the Department to give strong consideration to providing financial assistance to State actively engaged in integrated resource planning.

4. Support for foreign energy efficiency centers must be coordinated closely with the Agency for International Development (AID) and other appropriate agencies of the Departments of State and Commerce and in no case should funds be used to provide basic operating support to new centers. Assistance needs to be targeted to enhancing the use of energy efficient technologies provided by U.S. based firms, and relevant to ongoing Department programs and the Administration should resolve the matter of continued basis operating support for existing energy efficiency centers in a manner that will not obligate the Department of Energy to provide such funds after fiscal year 1995.

5. Within the funds made available for the Site Operators Program and the Federal Fleet Acquisition program the following criteria must be made a part of any agreement entered into or action taken by the Department with EV America, or equivalent coalition:

Within the Site Operators Program, program scope must be limited to testing and evaluation of electric vehicles and associated support infrastructure.

Within the Federal Fleet Acquisition program, for any vehicle acquisitions made in conjunction with EV America or equivalent coalition: (a) vehicles must be acquired in accordance with Sec. 302(a)(2) of the Energy Policy Act; (b) no vehicles will be acquired for the purpose of testing and evaluation; (c) vehicle performance must be comparable to equivalent internal combustion engines except in range; (d) light duty vehicles must have a range minimum of 60 miles; (e) medium to heavy duty vehicles must have a range minimum of 40 miles; (f) the maximum incremental cost of each vehicle must be no higher than $20,000.

Any vehicle acquisition procurement must be open to the three major domestic vehicle manufacturers.

6. Sufficient funds have been made available for low income weatherization assistance to permit the Department to revise the formula for distribution of grant funds to States in order to allow for a more equitable apportionment of funds while not harming the existing capacity of any State to weatherize homes. Such a revised formula, generally following the principles established among the Department and affected interests, should be implemented as rapidly as possible through the rulemaking process.

7. The Cool Communities concept including outreach and community involvement in adopting technologies and methods of mitigating urban heat island effects should be encouraged by the Department and coordinated with urban heat island funding remaining in the appropriation.

Amendment No. 89: Earmarks, $278,399,000 for energy conservation grant programs instead of $283,199,000 as proposed by the House and $265,024,000 as proposed by the Senate. The earmark consists of $226,800,000 for the weatherization assistance program, $22,539,000 for the State energy conservation program, and $29,060,000 for the institutional conservation program.

Amendment No. 90: Earmarks $226,800,000 for the weatherization assistance program instead of $230,800,000 as proposed by the House and $212,800,000 as proposed by the Senate.

Amendment No. 91: Earmarks $22,539,000 for the State energy conservation program instead of $23,339,000 as proposed by the House and $23,164,000 as proposed by the Senate. The reduced earmark is a result of actions taken in Amendment No. 88.

Amendment No. 92: Deletes Senate proposed language which reduced earmarks proportionally based on a general reduction to the appropriation account. The House had no similar provision.

Amendment No. 93: Deletes Senate proposed language concerning weatherization assistance distribution formulas. The House had no similar provision. This subject is covered in Amendment No. 88.

ENERGY INFORMATION ADMINISTRATION

Amendment No. 94: Appropriates $84,728,000 for the Energy Information Administration as proposed by the House instead of $84,507,000 as proposed by the Senate.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Indian Health Service

INDIAN HEALTH SERVICES

Amendment No. 95: Appropriates $1,713,052,000 for Indian health services instead of $1,706,102,000 as proposed by the House and $1,715,052,000 as proposed by the Senate. Increases to the House position include $4,812,000 to restore the fiscal year 1994 level, $5,977,000 to continue funding, provided in the facilities appropriation in fiscal year 1994, for increasing the level of need funded for certain tribes, and $211,000 for the Perry Point supply facility. The increases are partially offset by decreases in hospitals and clinics of $750,000 for diabetes programs and $100,000 for AIDS prevention and treatment, and a decrease of $3,200,000 in the alcohol and substance abuse program.

The managers agree that:

1. The fetal alcohol syndrome project at the University of Washington should receive its fair share of the funds provided for inflation;

2. Of the funds provided for program increases for alcohol and substance abuse treatment and prevention, at least $100,000 should be used to help offset the operational shortfalls in the Gallup, NM alcoholism project;

3. The IHS should coordinate carefully with the tribes in the Portland Area prior to reaching a decision on the transfer of the Native American Rehabilitation Association alcoholism project from the hospitals and clinics program to the urban program;

4. The self-governance program should be expanded through new compacts but these compacts should not be negotiated at the expense of program funding for other tribes;

5. The IHS, in consultation with all the tribes, must address the organizational changes needed, such as closing and consolidating area offices and delegating area office and headquarters functions to the field, to free up funding for additional self-governance compacts in fiscal year 1995 and beyond;

6. The IHS and the BIA should prepare a coordinated plan for addressing the unmet need for child sexual abuse treatment and prevention programs for American Indians and Alaska Natives, along with cost estimates, and the report should be delivered to the House and Senate legislative and Appropriations Committees within 90 days of enactment of this Act; and

7. The Bay Mills child sexual abuse treatment and prevention program should be treated as a recurring program in fiscal year 1995 and subsequent years. The managers expect all programs funded under the services appropriation to be treated as recurring unless expressly stated to the contrary.

Amendment No. 96: Deletes language inserted by the Senate earmarking $250,000 for the training of American Indians in the field of psychology, as authorized by Section 217 of the Indian Health Care Improvement Act of 1992. The House had no similar provision.

The managers understand that the fiscal year 1995 IHS scholarship program will support 18 continuing students and 6 new scholarship awards in the area of clinical psychology. The managers urge the IHS and the Department to consider carefully the need for additional scholarship programs in the field of psychology and to incorporate funding estimates for such programs, including the Indians into Psychology program, in the IHS priorities for the fiscal year 1996 budget.

INDIAN HEALTH FACILITIES

Amendment No. 97: Appropriates $253,767,000 for Indian health facilities as proposed by the Senate instead of $253,892,000 as proposed by the House. The changes to the House position include an increase of $375,000 for design of the Parker, Arizona outpatient facility and a decrease of $500,000 for injury prevention activities in the facilities and environmental health support program.

The managers are concerned that the Winnebago and Omaha tribes in Nebraska are still in disagreement with respect to the site selection for a new inpatient facility. The Committees recommended funding for the Winnebago hospital design in this appropriation with the understanding that there was a firm agreement between the Tribes with respect to the site selection process and hospital construction. The managers are hopeful that a permanent agreement on the Winnebago hospital can be reached shortly; however, given the great unfunded need of the projects on the IHS construction priority list, available funds need to be devoted to those projects that are underway or ready to proceed to planning, design and construction. If an agreement has not been reached when the Committees are considering the fiscal year 1996 appropriation for IHS, the Committees intend to recommend that the $1,400,000 provided for Winnebago hospital design in fiscal year 1995 be reprogrammed to other ongoing IHS facility construction projects at the beginning of fiscal year 1996.

The managers are aware of concerns about the inclusion of programs which have been operated under P.L. 93–638 into self-governance compacts. The managers encourage the IHS, and particularly the Office of Environmental Health and Engineering, to work with the self-governance tribes to negotiate activities which could be incorporated into self-governance compacts without affecting adversely non-compacting tribes. Where possible, funds for one-time or non-recurring activities may be folded into ongoing compacts but should not be considered a part of the base.

The managers agree that:

1. Funds provided for the facilities program should be distributed in accordance with a methodology that addresses the fluctuating annual workload and maintains parity among the IHS areas and the tribes as the workload shifts;
2. Funding for sanitation facilities should be used in accordance with the criteria outlined in House report 103–551; and
3. The IHS sanitation program should continue to provide connection fees for Indian homes in non-Indian communities but within an IHS service area, and provide system expansions or extensions when necessary for currently unserved Indian homes. This issue is discussed in more detail in Amendment No. 100.

ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

Amendment No. 98: Designates the IHS clinic in Stilwell, Oklahoma as the "Wilma P. Mankiller Indian Health Clinic" as proposed by the Senate. The House had no similar provision. The amendment also permits the recently Federally recognized Ponca Tribe of Nebraska to use funds, appropriated in fiscal year 1994, to purchase a building for a health care facility for the Tribe, and permits the IHS to enter into a P.L. 93–638 contract for the operation of the Dena A Coy center in Anchorage for treatment of pregnant and postpartum women for substance abuse.

Amendment No. 99: Provides for IHS retention of funds for meals served at IHS facilities as proposed by the Senate and makes the provision permanent. The House had no similar provision.

Amendment No. 100: Deletes Senate provision mandating the inclusion of certain Native villages in Alaska in the IHS sanitation facilities priority system. The House had no similar provision.

The Indian Health Service has indicated it will consider the needs of Alaska Natives in the non-Native communities in Alaska where circumstances inhibit the community's ability to meet water supply and waste disposal mandates.

The managers understand that the IHS will provide sanitation facilities to some Indian homes in non-Indian communities if the non-Indian community is in an IHS service area and the homes (new or existing) are currently not served by the community system. Some examples follow.

a. IHS can fund the construction of a service line between an Indian home and an existing water main, and IHS can pay the connection fee.

b. If a subdivision of Indian homes is constructed, IHS can fund the sanitation facilities for the homes inside the subdivision plus fund upgrades to the central treatment/storage systems made necessary to accommodate the added Indian homes (a proportional amount).

c. IHS can fund a connection between an Indian and non-Indian community to provide improved service to the Indian community.

d. IHS can fund a prorated amount for a new regional solid waste facility in locations where there was no existing solid waste collection and disposal system.

DEPARTMENT OF EDUCATION

Office of Elementary and Secondary Education

INDIAN EDUCATION

Amendment No. 101: Strikes a reference to House-passed authorizing legislation as proposed by the Senate and inserts new language to provide for the orderly completion of projects begun under the recently expired authorization. The amount provided for special programs for Indian children includes funds for continuation awards for Indian-controlled schools.

The managers agree that the distribution of funds between grants to local education agencies and special programs for Indian children should be based on the House-recommended levels. Realignment of funds between these programs, up to a maximum of $500,000, may be accomplished via reprogramming to the extent needed to comply with the final reauthorization law.

OTHER RELATED AGENCIES

Office of Navajo and Hopi Indian Relocation

SALARIES AND EXPENSES

Amendment No. 102: Appropriates $24,936,000 for the Office of Navajo and Hopi Indian Relocation as proposed by the Senate instead of $26,936,000 as proposed by the House. The change to the House position is a decrease of $2,000,000 for housing.

Institute of American Indian and Alaska Native Culture and Arts Development

PAYMENT TO THE INSTITUTE

Amendment No. 103: Appropriates $11,213,000 for payment to the Institute instead of $12,713,000 as proposed by the House and $9,812,000 as proposed by the Senate. The decrease below the amount proposed by the House is $1,500,000 for new campus construction.

The managers have agreed to provide $1,500,000 for new campus construction, making a total of $4,500,000 that has been provided to date out of the $8,000,000 to be provided from this appropriation for the project. The managers are concerned about the ability and plans of the Institute to raise the remaining ⅔ of the funds needed for Phase I of this project through grants or private fundraising, and will expect to see significant progress in raising the balance of funding needed prior to recommending the balance of appropriations under this agreement.

Smithsonian Institution

SALARIES AND EXPENSES

Amendment No. 104: Appropriates $314,454,000 for salaries and expenses as proposed by the House instead of $312,755,000 as proposed by the Senate.

The $50,000 increase provided for the Mpala Center, Kenya is for facilities and equipment on a one-time only basis.

The managers agree that the Smithsonian should identify a qualified individual who is currently a permanent employee of the Smithsonian to supervise the planning, allocation, and administration of the Latino programming funds and the implementation of recommendations of the Task Force on Latino Issues. The managers are concerned about the issues raised in the Report of the Task Force on Latino Issues and expect the Smithsonian to act expeditiously on the findings.

The managers expect the Smithsonian's exhibit surrounding the *Enola Gay* to recognize properly and respectfully the significant contribution to the early termination of World War II, and the saving of lives of both Americans and Japanese, by its crew, the Army Air Services Command and President Truman.

CONSTRUCTION AND IMPROVEMENTS, NATIONAL ZOOLOGICAL PARK

Amendment No. 105: Appropriates $4,050,000 for zoo construction instead of $5,000,000 as proposed by the House and $3,050,000 as proposed by the Senate. The decrease below the amount proposed by the House is for the grasslands exhibit.

CONSTRUCTION

Amendment No. 106: Appropriates $29,300,000 for construction as proposed by the Senate instead of $30,000,000 as proposed by the House. The decrease below the amount proposed by the House is for savings from prior year projects.

National Foundation on the Arts and the Humanities

National Endowment for the Arts

GRANTS AND ADMINISTRATION

Amendment No. 107: Appropriates $141,950,000 for grants and administration as proposed by the House instead of $133,903,000 as proposed by the Senate.

MATCHING GRANTS

Amendment No. 108: Appropriates $29,150,000 for matching grants as proposed by the House instead of $27,693,000 as proposed by the Senate.

Amendment No. 109: Earmarks $12,750,000 for challenge grants as proposed by the House instead of $12,113,000 as proposed by the Senate.

REDUCTION OF FUNDING

Amendment No. 110: Restores language proposed by the House reducing funding for the National Endowment for the Arts by 2.0 percent The Senate had deleted this provision.

National Endowment for the Humanities

GRANTS AND ADMINISTRATION

The managers agree to earmark $5,750,000 for the National Heritage Program within the Office of Preservation The House had proposed an earmark of $6,000,000.

Institute of Museum Services

GRANTS AND ADMINISTRATION

Allocates $3,437,000 for conservation programs and $698,000 for services to the profession as proposed by the House. The Senate allocated $300,000 more for conservation and $300,000 less for services to the profession.

Commission of Fine Arts

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

Amendment No. 111: Appropriates $7,500,000 for National capital arts and cultural affairs grants as proposed by the House instead of $6,648,000 as proposed by the Senate.

Advisory Council on Historic Preservation

SALARIES AND EXPENSES

Amendment No. 112: Appropriates $2,947,000 for the Advisory Council on Historic Preservation as proposed by the Senate instead of

$2,967,000 as proposed by the House. The change to the House position is a decrease of $20,000 for travel.

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

SALARIES AND EXPENSES

Amendment No. 113: Appropriates $2,738,000 for the salaries and expenses of the Pennsylvania Avenue Development Corporation as proposed by the Senate. The House recommended no such appropriation.

UNITED STATES HOLOCAUST MEMORIAL COUNCIL

HOLOCAUST MEMORIAL COUNCIL

Amendment No. 114: Appropriates $26,660,000 for the Holocaust Memorial Council as proposed by the House instead of $21,679,000 as proposed by the Senate. The managers expect the Council to notify the Committees as soon as possible on any needed realignment of funds to accommodate unanticipated increases in operation and maintenance and security requirements placed on the Holocaust Memorial Museum as a result of the continuing higher-than-expected visitation at the museum.

Amendment No. 115: Restores language proposed by the House and stricken by the Senate providing that $2,700,000 of the funds available to the Council in fiscal year 1995 shall remain available until expended for repair and rehabilitation projects at the Holocaust Memorial Museum.

TITLE III—GENERAL PROVISIONS

Amendment No. 116: Clarifies the Senate proposed language providing for burial costs and related expenses for employees killed in the line of duty, and expands coverage to all agencies in the bill, instead of only the Department of the Interior and Forest Service as proposed by the Senate. The House had no similar provision.

The amendment also provides a 0.191 percent reduction to all accounts in the Act with the exception of payments required by law, payments to certain Indian groups, and certain small independent agencies. The reduction is made to reduce budget authority and outlays to levels within Congressional budget allocations.

The amendment also provides a total of $450,000,000, as requested by the Administration, for the Emergency Forest Service Firefighting Fund. The Forest Service is experiencing a very severe fire season in fiscal year 1994. As of early September, there had been over 58,000 wildland fires that burned more than 3,300,000 acres, about one-third of which were in the National Forests. Emergency appropriations are necessary to fund the direct expenses required to suppress wildfires on or threatening National Forest System lands and other lands under fire protection agreements, as well as to fund the emergency rehabilitation of burned over National Forest System lands.

The Forest Service has exhausted both the funding appropriated for emergency firefighting activities in fiscal year 1994, as well as available carry-over balances and emergency contingency funding. This additional emergency supplemental funding is needed to fund fire suppression activities necessary due to the very severe fiscal year 1994 fire season, as well as to reestablish an emergency firefighting contingency fund for future years.

Amendment No. 117: Deletes Senate amendment requiring submission of land acquisition priorities by the National Park Service, the U.S. Fish and Wildlife Service, Bureau of Land Management and the U.S. Forest Service.

The managers agree that the agency budget justifications should include a ranking of projects. Each listing should also include the natural and/or cultural resources associated with the proposal; degree and nature of threat to the resource; and total estimated costs associated with each land acquisition.

Amendment No. 118: Deletes Sense of the Senate language on the Tongass NF, AK.

Amendment No. 119: Deletes language proposed by the Senate which would have required a report on problems with the Shiprock facility of the Navajo Community College within 30 days of enactment of this Act. Although the bill language has not been retained, the Bureau of Indian Affairs should provide a report to the Appropriations Committees within 60 days of enactment of this Act on the facility problems, including the nature of the agreements between the Bureau and the Navajo Community College, the respective responsibilities for maintenance and repair, and any assistance provided by the Bureau consistent with its responsibilities and current policies.

FOREST PLAN

The United States Office of Forestry and Economic Development shall be authorized to establish an interdepartmental fund for the purposes of overseeing implementation of the President's Forest Plan. The Director of the Office shall report to the President and Congress no later than December 31, 1995 on Federal agencies' progress on forest management, economic assistance, and interagency coordination at both regional and national levels, with special attention being given to watershed analysis and restoration.

Nothing in the establishment of this fund is to be construed as overriding the Committee's reprogramming guidelines. If, in the process of evaluating the needs for implementation of the President's forest plan, a reallocation of resources is contemplated, the appropriate Department should propose a reprogramming.

APPLICATION OF GENERAL REDUCTIONS

The level at which reductions shall be taken pursuant to the Deficit Reduction Act of 1985, if such reductions are required in fiscal year 1995, is defined by the managers follows:

As provided for by Section 256(1)(2) of Public Law 99–177, as amended, and for the purposes of a Presidential Order issued pursuant to Section 254 of said Act, the term "program, project, and activity" for items under the jurisdiction of the Appropriations Subcommittees on the Department of the Interior and Related Agencies of the House of Representatives and the Senate is defined as (1) any item specifically identified in tables or written material set forth in the Interior and Related Agencies Appropriations Act, or accompanying committee reports or the conference report and accompanying joint explanatory statement of the managers of the committee of conference; (2) any Government-owned or Government-operated facility; and (3) management units, such as national parks, national forests, fish hatcheries, wildlife refuges, research units, regional, State and other administrative units and the like, for which funds are provided in fiscal year 1995.

The managers emphasize that any item for which a specific dollar amount is mentioned in an accompanying report, including all increases over the budget estimate approved by the Committees, shall be subject to a percentage reduction no greater or less than the percentage reduction applied to all domestic discretionary accounts.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1995 recommended by the Committee of Conference, with comparisons to the fiscal year 1994 amount, the 1995 budget estimates, and the House and Senate bills for 1995 follow:

New budget (obligational) authority, fiscal year 1994	$13,388,440,000
Budget estimates of new (obligational) authority, fiscal year 1995	13,424,299,000
House bill, fiscal year 1995	13,186,734,000
Senate bill, fiscal year 1995	13,079,834,000
Conference agreement, fiscal year 1995	13,652,540,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1994	+264,100,000
Budget estimates of new (obligational) authority, fiscal year 1995	+228,241,000
House bill, fiscal year 1995	+465,806,000
Senate bill, fiscal year 1995	+572,706,000

SIDNEY R. YATES,
JOHN P. MURTHA,
NORMAN D. DICKS,
TOM BEVILL,
DAVID E. SKAGGS,
RONALD D. COLEMAN,
DAVID R. OBEY,
RALPH REGULA,
JOSEPH M. MCDADE,
JIM KOLBE,
RON PACKARD,
Managers on the Part of the House.

ROBERT C. BYRD,
J. BENNETT JOHNSTON,
PATRICK LEAHY,
DENNIS DECONCINI,
DALE BUMPERS,
FRITZ HOLLINGS,
HARRY REID,
PATTY MURRAY,
DON NICKLES,
TED STEVENS,
THAD COCHRAN,
PETE DOMENICI,
SLADE GORTON,
MARK O. HATFIELD,
CONRAD BURNS,
Managers on the Part of the Senate.

CONFERENCE REPORT ON H.R. 4539

Mr. HOYER submitted the following conference report and statement on the bill, (H.R. 4539) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1995, and for other purposes:

CONFERENCE REPORT (H. REPT. 103–741)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4539) "making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1995, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 6, 8, 11, 15, 21, 26, 30, 35, 40, 49, 65, 69, 75, 76, 84, 85, 86, 88, 93, and 95.

That the House recede from its disagreement to the amendments of the Senate numbered 5, 7, 9, 12, 18, 19, 20, 27, 31, 32, 33, 37, 38, 39, 41, 46, 47, 48, 56, 57, 59, 62, 64, 67, 74, 83, 89, 90, 91, and 92.

And agree to the same.

Amendment No. 1:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *not to exceed $2,900,000 for official travel expenses; not to exceed $3,101,000 to remain available until September 30, 1997, shall be available for information technology modernization requirements; of which not less than $6,443,000 and 85 full-time equivalent positions shall be available for enforcement activities; not to exceed $150,000 for official reception and representation expenses;* ; and the Senate agree to the same.

Amendment No. 2:

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows: *$104,497,000: Provided, That of the offsetting collections credited to this account, $79,000 are permanently canceled*; and the Senate agree to the same.

Amendment No. 3:

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows:

In lieu of the sum named in said amendment, insert: *$29,700,000*; and the Senate agree to the same.

Amendment No. 4:

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows:

In lieu of the matter proposed in said amendment, insert: *$19,823,000: Provided, That of the offsetting collections credited to this account, $1,000 are permanently canceled*; and the Senate agree to the same.

Amendment No. 10:

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows:

In lieu of the sum named in said amendment, insert: *$183,889,000*; and the Senate agree to the same.

Amendment No. 13:

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *: Provided further, That of the offsetting collections credited to this account, $4,000 are permanently canceled: Provided further, That funds made available shall be used to achieve a minimum staffing level of 4,215 full-time equivalent positions during fiscal year 1995*; and the Senate agree to the same.

Amendment No. 14:

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows:

In lieu of the sum named in said amendment, insert: *$1,394,793,000*; and the Senate agree to the same.

Amendment No. 16:

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows:

In lieu of the matter proposed by said amendment, insert: *: Provided further, That Customs shall achieve a minimum full-time equivalent staffing level of 17,524 during fiscal year 1995: Provided further, That $500,000 shall remain available until expended for the construction of a replacement fence within the city limits of Nogales, Arizona under the authority of section 69, title 19, United State Code*; and the Senate agree to the same.

Amendment No. 17:

That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows:

In lieu of the sum named in said amendment, insert: *$89,041,000*; and the Senate agree to the same.

Amendment No. 22:

That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *$1,511,266,000, of which $3,700,000*; and the Senate agree to the same.

Amendment No. 23:

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows:

In lieu of the sum named in said amendment, insert: *$4,385,459,000*; and the Senate agree to the same.

Amendment No. 24:

That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows:

In lieu of the matter proposed by said amendment, insert: *for research: Provided further, That the $405,000,000 made available for the fiscal year 1995 tax compliance initiative shall not be expended for any other purposes: Provided further, That no funds shall be transferred from this account during fiscal year 1995*; and the Senate agree to the same.

Amendment No. 25:

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *$1,388,000,000 of which no less than $650,000,000 shall be available for tax system modernization, of which up to $185,000,000 for tax and information systems development projects*; and the Senate agree to the same.

Amendment No. 28:

That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows:

In lieu of the matter proposed by said amendment insert: *: Provided, That notwithstanding any other provision of this Act, the Internal Revenue Service is authorized to transfer such sums as may be necessary between appropriations with advance approval of the House and Senate Appropriations Committees; Provided further, That no funds shall be transferred from the "Tax Law Enforcement" account during fiscal year 1995.*

And the Senate agree to the same.

Amendment No. 29:

That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows:

In lieu of the matter proposed by said amendment insert:

SEC. 3. The Secretary of the Treasury may establish new fees or raise existing fees for services provided by the Internal Revenue Service to increase receipts, where such fees are authorized by another law. The Secretary of the Treasury may spend the new or increased fee receipts to supplement appropriations made available to the Internal Revenue Service appropriations accounts in fiscal years 1995 and thereafter: Provided, That the Secretary shall base such fees on the costs of providing specified services to persons paying such fees: Provided further, That the Secretary shall provided quarterly reports to the Congress on the collection of such fees and how they are being expended by the Service; Provided further, That the total expenditures from such fees shall not exceed $119,000,000.

And the Senate agree to the same.

Amendment No. 34:

That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

SEC. 113. (a) The Director of the United States Secret Service shall direct and apply appropriate agency personnel and resources for the purpose of conducting a security survey of the Bureau of Engraving and Printing.

(b) Such security survey shall include a review of all general security provisions, including:

(1) The security and safeguarding of currency;

(2) Personnel screening and employee background check procedures;

(3) Access control and identification procedures;

(4) The security and safeguarding of currency materials, supplies and related items; and

(5) Other security areas of concern as deemed relevant and appropriate by the agency.

(c) The Bureau of Engraving and Printing and the Federal agencies which participated in any investigations or arrest of person(s) for theft of currency from the Bureau of Engraving and Printing and directed to

(1) provide any assistance and cooperation to the United States Secret Service for the purposes of the security survey;

(2) provide Secret Service personnel, in accordance with all laws, with access to person(s) arrested in connection with theft or removal of currency from the Bureau of Engraving and Printing; and

(3) provide access to all relevant investigative reports and materials: Provided, That access to such persons is approved by the appropriate United States Attorney.

(d) The Director of the United States Secret Service shall provide a preliminary report to the Congress no later than 90 days from the date of enactment of this Act, and a final report containing specific findings and recommendations to the Congress within 180 days of enactment of this Act.

And the Senate agree to the same.

Amendment No. 36:

That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows:

In lieu of the sum named in said amendment, insert: *$92,317,000*; and the Senate agree to the same.

Amendment No. 42:

That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows:

In lieu of the sum named in said amendment, insert: *$57,754,000*; and the Senate agree to the same.

Amendment No. 43:

That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment as follows:

In lieu of the sum named in said amendment, insert: *$52,000,000*; and the Senate agree to the same.

Amendment No. 44:

That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows:

In lieu of the matter proposed by said amendment, insert: *Provided, That an additional $9,000,0000 shall be made available for drug control activities in Puerto Rico and the U.S. Virgin Islands only if the Director of the Office of National Drug Control Policy designates such areas as a High Intensity Drug Trafficking Area: Provided further, That the funds made available under this head shall be obligated within 90 days of the date of enactment of this Act*; and the Senate agree to the same.

Amendment No. 45:

That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *$41,900,000, which shall be derived from deposits in the Special Forfeiture Fund; of which $1,800,000 shall be transferred to the Drug Enforcement Administration for the El Paso Intelligence Center; of which $15,000,0000 shall be available to the Director of the Office of National Drug Control Policy for enhancing anti-drug control activities, upon the advance approval of the House and Senate Committees on Appropriations; of which $3,100,000 shall be available to the Director of the Office of National Drug Control Policy for ballistics technologies, upon the advance approval of the House and Senate Committees on Appropriations; of which $14,000,0000 shall be transferred to the Substance Abuse and Mental Health Services Administration, and of which $10,000,000 shall be available to the Center for Substance Abuse Treatment for the residential women and children's program, and of which $4,000,000 shall be available to the Center for Substance Abuse Treatment for community drug treatment programs; of which $8,000,000*; and the Senate agree to the same.

Amendment No. 50:

That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows:

In lieu of the sum named in said amendment, insert: *$310,197,000*; and the Senate agree to the same.

Amendment No. 51:

That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows:

In lieu of the sum named in said amendment, insert: *$4,932,322,000*; and the Senate agree to the same.

Amendment No. 52:

That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows:

In lieu of the sum named in said amendment, insert: *$601,702,000*; and the Senate agree to the same.

Amendment No. 53:

That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

Alabama:

Montgomery, U.S. Courthouse Annex, $40,547,000

Arizona:

Bullhead City, A grant to the Federal Aviation Administration for a runway protection zone, $2,200,000

Tucson, a grant to the Arizona Historical Documents Education Foundation, $2,000,000

Tucson, U.S. Courthouse, $81,708,000

Florida:

Jacksonville, U.S. Courthouse, $4,600,000

Georgia:

Albany, U.S. Courthouse, $5,640,000

Savannah, U.S. Courthouse Annex, $3,000,000

Hawaii:

Consolidation, University of Hawaii-Hilo, $12,000,000

Kentucky:

Covington, U.S. Courthouse, $2,914,000

London, U.S. Courthouse, $1,523,000

Louisiana:

Lafayette, U.S. Courthouse, $5,042,000

Maryland:

Beltsville, Secret Service Building, $2,400,000

Montgomery and Prince Georges Counties, Food and Drug Administration consolidation, $45,000,000

Beltsville, a transfer to the Rowley Secret Service Training Center, $5,000,000

Missouri;

Kansas City, Federal Building and U.S. Courthouse, $84,895,000

St. Louis, Federal Building and U.S. Courthouse, $171,863,000

New Mexico:

Albuquerque, U.S. Courthouse, $44,342,000

New York:

Long Island, U.S. Courthouse, $23,200,000

Nevada:

Las Vegas, U.S. Courthouse, $4,230,000

Ohio:

Cleveland, U.S. Courthouse, $28,246,000

Steubenville, U.S. Courthouse, $2,820,000

Tennessee:

Greeneville, U.S. Courthouse, $2,936,000

Texas:

Brownsville, Federal Building and U.S. Courthouse, $5,980,000

Corpus Christi, U.S. Courthouse, $6,446,000

El Paso, Federal Office Building, Claim, $327,000

Washington:

Blaine, Border Station, $4,472,000

Point Roberts, Border Station, $698,000

West Virginia:

Martinsburg, Internal Revenue Service Computer Center, $7,547,000

And the Senate agree to the same.

Amendment No. 54:

That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows:

In lieu of the sum named in said amendment, insert: *$720,564,000*; and the Senate agree to the same.

Amendment No. 55:

That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

California:

Los Angeles, U.S. Courthouse, $22,420,000

Menlo Park, U.S. Geological Survey Building #3, $6,868,000

Sacramento, Federal Building, $14,914,000

San Pedro, Custom House, $4,887,000

Colorado:

Denver, Federal Building and Custom House, $8,006,000

District of Columbia:

Ariel Rios, Facades, $3,551,000

Customs/ICC/Connecting Wing Complex, (phase I), $8,696,000

National Courts, $4,129,000

Illinois:

Chicago, Federal Center, $47,682,000

Maryland:

Baltimore, George H. Fallon Federal Building (phase 3), $15,459,000

Woodlawn, SSA East High-Low Buildings, $17,292,000

New Jersey:

Trenton, Clarkson S. Fisher Courthouse, $14,107,000

New York:

Holtsville, IRS Service Center, $19,183,000

New York, Jacob K. Javits Federal Building, $2,602,000

New York, Silvio V. Mollo Federal Building, $953,000

North Carolina:

Asheville, Federal Building and U.S. Courthouse, $6,347,000

Ohio:

Cleveland, Anthony J. Celebreeze Federal Building, $10,972,000

Oklahoma:

Oklahoma City, Alfred P. Murrah Federal Building, $5,290,000

Pennsylvania:

Harrisburg, Federal building and U.S. Courthouse, $15,213,000

Philadelphia, Byrne-Green Complex, $30,628,000

Philadelphia, R.N.C. Nix, Sr., Federal Building and U.S. Courthouse (phase 3), $13,257,000

Rhode Island:

Providence, Kennedy Plaza Federal Courthouse, $7,740,000

Texas:

Lubbock, Federal Building and U.S. Courthouse, $12,167,000

Virginia:

Richmond, U.S. Courthouse and Annex, $12,509,000

Washington:

Walla Walla, Corps of Engineers Building, $2,800,000

Nationwide:

Chlorofluorocarbons Program, $90,035,000

Energy Program, $45,723,000

Advance Design, $19,515,000

Minor Repairs and Alterations, $257,619,000

And the Senate agree to the same.

Amendment No. 58:

That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows: *of which $3,400,000 shall be available for essential functional requirements for primary structural, electrical, and security systems of the Bureau of Census, New Computer Center; Provided further, That of the funds available to the General Services Administration for the U.S. Courthouse in Albany, Georgia; the Federal building consolidation in Hilo, Hawaii; the U.S. Courthouse in Covington, Kentucky; the U.S. Courthouse, London, Kentucky; the Secret Service building, Beltsville, Maryland; the U.S. Courthouse, Albuquerque, New Mexico; the U.S. Courthouse, Long Island, New York; the U.S. Courthouse, Las Vegas, Nevada; the U.S. Courthouse, Jacksonville, Florida; the U.S. Courthouse, Corpus Christi, Texas; the U.S. Courthouse, Stuebenville, Ohio; the U.S. Courthouse, Greeneville, Tennessee; the Kennedy Plaza Federal Courthouse, Providence, Rhode Island; the*

Corps of Engineers building, Walla Walla, Washington; and the construction funds only for the U.S. Courthouse, Tucson, Arizona; shall not be available for expenses in connection with any construction, repair, alteration, and acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, as amended, has not been approved, except that necessary funds may be expended for each project for required expenses in connection with the development of a proposed prospectus: Provided further, That not to exceed $5,000,000 of the funds appropriated for the Food and Drug Administration consolidation may be used for necessary infrastructure improvements: Provided further, That of the $6,000,000 made available in Public Laws 102–93 and 103–123 for the acquisition, lease, construction and equipping of flexiplace work telecommuting centers, not to exceed $1,300,000 shall be available for payment to a public entity in the State of Maryland to provide facilities, equipment and other services to the General Services Administration for purposes of establishing telecommuting work centers in Southern Maryland (Waldorf, Prince Frederick, and St. Mary's County) for use by governmental agencies designated by the Administrator of General Services; and the Senate agree to the same.

Amendment No. 60:

That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows:

In lieu of the sum named in said amendment, insert: *$4,932,322,000*; and the Senate agree to the same.

Amendment No. 61:

That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

Of the funds made available under this heading in Public Law 100–440, Public Law 101–136, Public Law 101–509, Public Law 102–141, Public Law 102–393, and Public Law 103–123, $84,120,000 are rescinded from the following projects in the following amounts:

California:

Menlo Park, U.S. Geological Survey Office and Laboratory Buildings, $783,000

District of Columbia:

United States Secret Service, Headquarters, $13,958,000

White House Remote Delivery and Vehicle Maintenance Facility, $4,918,000

Federal Bureau of Investigation, Field Office, $4,419,000

Federal Office Building No. 6, $8,583,000

Florida:

Ft. Myers, U.S. Courthouse, $654,000

Hollywood, Federal Building, $1,000,000

Lakeland, Federal Building, $4,400,000

Indiana:

Hammond, U.S. Courthouse, $2,500,000

Iowa:

Burlington, Parking Facility, $2,400,000

Maryland:

Bowie, Bureau of Census, Computer Center, $660,000

New Carrollton, Internal Revenue Service, Headquarters, $30,100,000

New Hampshire:

Concord, U.S. Courthouse, $867,000

New Jersey:

Newark, Federal Building, 20 Washington Plaza, $327,000

New Mexico:

Santa Teresa, Border Station, $4,044,000

North Dakota:

Fargo, U.S. Courthouse, $2,000,000

Tennessee:

Knoxville, U.S. Courthouse, $800,000

Texas:

Del Rio, Border Station, $1,707,000.

And the Senate agree to the same.

Amendment No. 63:

That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *$130,036,000; Provided, That of the offsetting collections credited to this account, $172,000 are permanently canceled: Provided further, That no less than $825,000 shall be available for personnel and associated costs in support of Congressional District and Senate State offices without reimbursement from these offices*; and the Senate agree to the same.

Amendment No. 66:

That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment as follows:

In lieu of the sum named in said amendment, insert: *$2,250,000*; and the Senate agree to the same.

Amendment No. 68:

That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *$195,238,000*; and the Senate agree to the same.

Amendment No. 70:

That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows:

NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

For necessary expenses for allocations and grants for historical publications and records as authorized by 44 U.S.C. 2504, as amended, $9,000,000 to remain available until expended: Provided, That $2,000,000 shall be a grant to the Thomas P. O'Neill, Jr. Library: Provided further, That $2,000,000 shall be a grant to the Robert H. and Corinne W. Michel Congressional Education Fund.

And the Senate agree to the same.

Amendment No. 71:

That the House recede from its disagreement to the amendment of the Senate numbered 71, and agree to the same with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows:

JOHN F. KENNEDY ASSASSINATION RECORDS REVIEW BOARD

SALARIES AND EXPENSES

For necessary expenses to carry out the John F. Kennedy Assassination Records Collection Act of 1992, $2,150,000 to remain available until expended.

And the Senate agree to the same.

Amendment No. 72:

That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *$115,139,000, of which not to exceed $1,000,000 shall be made available for the establishment of health promotion and disease prevention programs for Federal employees, and in addition $93,934,000*; and the Senate agree to the same.

Amendment No. 73:

That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment as follows:

In lieu of the sum named in said amendment, insert: *$34,039,000*; and the Senate agree to the same.

Amendment No. 77:

That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows:

SEC. 527. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 1995 from appropriations made available for salaries and expenses for fiscal year 1995 in this Act, shall remain available through September 30, 1996 for each such account for the purposes authorized: Provided, That a request shall be submitted to the House and Senate Committees on Appropriations for approval prior to the expenditure of such funds.

And the Senate agree to the same.

Amendment No. 78:

That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment as follows:

In lieu of the first section number named in said amendment, insert: *528*; and the Senate agree to the same.

Amendment No. 79:

That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

SEC. 529. Law Enforcement Exclusion From Workforce Restructuring.

(a) For the fiscal year beginning on October 1, 1994, no reductions pursuant to Section 5(b) of the Federal Workforce Restructuring Act of 1994 (Public Law 103–226) may be made in the number of full-time equivalent employees classified as law enforcement and law enforcement support personnel in the Department of Treasury.

(b) During the period specified in subsection (a), no law, regulation, Executive Order, guidance, or other directive imposing a restriction on hiring by executive agencies for the purpose of achieving workforce reductions shall apply to employees classified as law enforcement and law enforcement support personnel in the Department of the Treasury.

(c) Section 5(f) Paragraph (3) of the Federal Workforce Restructuring Act shall not apply with respect to any instances of voluntary separation incentive payments made to Treasury law enforcement personnel.

And the Senate agree to the same.

Amendment No. 80:

That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment as follows:

In lieu of the first section number named in said amendment, insert: *530*; and the Senate agree to the same.

Amendment No. 81:

That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment as follows:

In lieu of the first section number named in said amendment, insert: *531*; and the Senate agree to the same.

Amendment No. 82:

That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

SEC. 532. Section 1 under the subheading "General Provision" under the heading "Office of Personnel Management" under title IV of the Treasury, Postal Service and General Government Appropriations Act, 1992 (Public Law 102–141; 105 Stat. 861; 5 U.S.C. 5941 note), is amended—

(1) by striking "1995" both places it appears and inserting in lieu thereof "1996"; and

(2) by striking "adjustments" and the remainder of the sentence and inserting in lieu thereof "appropriate changes in the method of fixing compensation for affected employees, including any necessary legislative changes. Such study shall include—

"(1) an examination of the pay practices of other employers in the affected areas;

"(2) a consideration of alternative approaches to dealing with the unusual and unique circumstances of the affected areas, including modifications to the current methodology for calculating allowances to take into account all cost of living in the geographic areas of the affected employee; and

"(3) an evaluation of the likely impact of the different approaches on the Government's ability to recruit and retain a well-qualified workforce.

For the purpose of conducting such study and preparing such report, the Office may accept and utilize (without regard to any restriction on unanticipated travel expenses imposed in an Appropriations Act) funds made available to the Office pursuant to court approval.".

SEC. 533. (a) Facilities or buildings located at Safford, Graham County, Arizona and constructed with Federal funds made available to the General Services Administration for the United States Forest Service Administrative Offices and Cultural Center, shall be designated in honor of "Ora Webster DeConcini". Any reference to such facilities or buildings in a law, map, regulation, document, record, or other paper of the United States shall be a reference to the "Ora Webster DeConcini" building(s) or facilities".

(b) The Federal Building and United States Courthouse to be located in Tucson, Arizona is hereby designated as the "Evo A. DeConcini Federal Building and United States Courthouse". Any reference to such building in a law, map, regulation, document, record, or other paper of the United States shall be a reference to the "Evo A. DeConcini Federal Building and United States Courthouse".

SEC. 534. Notwithstanding any other provision of law, the Administrator of General Services is authorized to execute a lease, of no less than twenty years, with the City of Tucson, Arizona, or a subdivision thereof, for space to house the United States Department of Agriculture's Forest Service and other Federal tenants in an office complex to be developed by the City of Tucson on a site or sites owned by the City of Tucson and located near the intersection of Interstate Highway 10 and Congress Street in the City of Tucson, County of Pima, State of Arizona. The Administrator shall negotiate an operating lease that he deems to be in the best interests of the United States and necessary for the accommodation of Federal agencies.

SEC. 535. Notwithstanding any other provision of law or regulation: (1) the authority of the special police officers of the Bureau of Engraving and Printing, in the Washington, D.C. Metropolitan area, extends to buildings and land under the custody and control of the Bureau; to buildings and land acquired by or for the Bureau through lease, unless otherwise provided by the acquisition agency; to the streets, sidewalks and open areas immediately adjacent to the Bureau along Wallenberg Place (15th Street) and 14th Street between Independence and Main Avenues and C and D Streets between 12th and 14th Streets; to areas which include surrounding parking facilities used by Bureau employees, including the lots at 12th and C Streets, S.W., Main Avenue and Water Streets, S.W., Maiden Lane, the Tidal Basin and East Potomac Park; to the protection in transit of United States securities, plates and dies used in the production of United States securities, or other products or implements of the Bureau of Engraving and Printing which the Director of that agency so designates; (2) The exercise of police authority by Bureau officers, with the exception of the exercise of authority upon property under the custody and control of the Bureau, shall be deemed supplementary to the Federal police force with primary jurisdictional responsibility. This authority shall be in addition to any other law enforcement authority which has been provided to these officers under other provisions of law or regulations.

SEC. 536. Of the unobligated balance of funds made available until expended to the United States Mint in Public Law 103–123 and in prior appropriations acts, not to exceed $2,066,000 shall also be available in the fiscal year ending September 30, 1994 for all purposes for which funds are appropriated under the heading "United States Mint, Salaries and expenses".

SEC. 537. Of the funds appropriated to the Office of Policy Development in Title III of this Act, not to exceed $800,000 may be transferred to the "Council on Environmental Quality and Office of Environmental Quality."

SEC. 538. Notwithstanding any other provision of this Act, the Internal Revenue Service is authorized to replace no more than 850 vehicles for the criminal investigation division in fiscal year 1995.

SEC. 539. The activity referenced in section 5 of GSA's General Provisions in Public Law 103–123 (107 Stat. 1246) "Major equipment acquisitions and development activity" of the Salaries and Expenses, General Management and Administration appropriation account for transfer of prior year unobligated balances of operating expenses and salaries and expenses appropriation accounts may be separately accounted for under the new Working Capital Fund enacted in this Act.

SEC. 540. Notwithstanding any other provision of law, the review being conducted by the Secretary of the Treasury regarding the September 12, 1994 air incursion into the White House complex shall be exempt from the Federal Advisory Committee Act, Public Law 92–463 (codified at Title 5, United States Code, Appendix 2) as amended.

SEC. 541. Section 1(a)(1) of Public Law 101–509 is amended—

(a) by deleting subsection (a)(1) and inserting in lieu thereof the following:

"(a)(1) The Director of the Center for Legislative Archives within the National Archives and Records Administration shall be established without regard to chapter 51 title 5 and shall be paid at a rate determined without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5 governing General Schedule classification and pay rates: Provided, That such pay shall be no less than 120 percent of the rate of pay for GS–15, step 1 of the General Schedule nor more than the rate of pay in effect for level one of the Senior Executive Schedule.

And the Senate agree to the same.

Amendment No. 87:

That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows:

Sec. 630. (a)(1) The adjustment in rates of basic pay for the statutory pay systems that takes effect in fiscal year 1995 under section 5303 of title 5, United States Code, shall be an increase of 2 percent.

(2) For purposes of each provision of law amended by section 704(a)(2) of the Ethics Reform Act of 1989 (5 U.S.C. 5318 note), no adjustment under section 5303 of title 5, United States Code, shall be considered to have taken effect in fiscal year 1995 in the rates of basic pay for the statutory pay systems.

(3) For purposes of this subsection, the term "statutory pay system" shall have the meaning given such term by section 5302(1) of title 5, United States Code.

(b) For purposes of any locality-based comparability payments taking effect in fiscal year 1995 under subchapter I of chapter 53 of title 5, United States Code (whether by adjustment or otherwise), section 5304(a) of such title shall be deemed to be without force or effect.

(c) Not withstanding section 5304(a)(3)(B) of title 5, United States Code, the annualized cost of pay adjustments made under section 5304 of such title in calendar year 1995 shall be equal to 0.6 percent of the estimated aggregate fiscal year 1995 executive branch civilian payroll—

(1) as determined by the pay agent (within the meaning of section 5302 of such title); and

(2) determined as if the rates of pay and comparability payments payable on September 30, 1994, had remained in effect.

And the Senate agrees to the same.

Amendment No. 94:

That the House recede from its disagreement to the amendment of the Senate numbered 94, and agree to the same with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

SEC. 633. LAW ENFORCEMENT AVAILABILITY PAY.

(a) SHORT TITLE.—This section may be cited as the "Law Enforcement Availability Pay Act of 1994".

(b) LAW ENFORCEMENT AVAILABILITY PAY.—

(1) IN GENERAL.—Chapter 55 of title 5, United States Code, is amended by inserting after section 5545 the following new section:

"§5545a. Availability pay for criminal investigators

"(a) For purposes of this section—

"(1) the term 'available' refers to the availability of a criminal investigator and means that an investigator shall be considered generally and reasonably accessible by the agency employing such investigator to perform unscheduled duty based on the needs of an agency;

"(2) the term 'criminal investigator' means a law enforcement officer as defined under section 5541(3) (other than an officer occupying a position under Title II of Public Law 99–399) is required to—

"(A) possess a knowledge of investigative techniques, laws of evidence, rules of criminal procedure, and precedent court decisions concerning admissibility of evidence, constitutional rights, search and seizure, and related issues;

"(B) recognize, develop, and present evidence that reconstructs events, sequences and time elements for presentation in various legal hearings and court proceedings;

"(C) demonstrate skills in applying surveillance techniques, undercover work, and advising and assisting the United States Attorney in and out of court;

"(D) demonstrate the ability to apply the full range of knowledge, skills, and abilities necessary for cases which are complex and unfold over a long period of time (as distinguished from certain other occupations that require the use of some investigative techniques in short-term situations that may end in arrest or detention);

"(E) possess knowledge of criminal laws and Federal rules of procedure which apply to cases involving crimes against the United States, including—

"(i) knowledge of the elements of a crime;

"(ii) evidence required to prove the crime;

"(iii) decisions involving arrest authority;

"(iv) methods of criminal operations;

"(v) availability of detection devices; and

"(F) possess the ability to follow leads that indicate a crime will be committed rather than initiate an investigation after a crime is committed;

"(3) the term 'unscheduled duty' means hours of duty a criminal investigator works, or is determined to be available for work, that are not—

"(A) part of the 40 hours in the basic work week of the investigator; or

"(B) overtime hours paid under section 5542; and

"(4) the term 'regular work day' means each day in the investigator's basic work week during which the investigator works at least 4 hours that are not overtime hours paid under section 5542 or hours considered part of section 5545a.

"(b) The purpose of this section is to provide premium pay to criminal investigators to ensure the availability of criminal investigators for unscheduled duty in excess of a 40 hour work week based on the needs of the employing agency.

"(c) Each criminal investigator shall be paid availability pay as provided under this section. Availability pay shall be paid to ensure the availability of the investigator for unscheduled duty. The investigator is generally responsible for recognizing, without supervision, circumstances which require the investigator to be on duty or be available for unscheduled duty based on the needs of the agency. Availability pay provided to a criminal investigator for such unscheduled duty shall be paid instead of premium pay provided by other provisions of this subchapter, except premium pay for regulatory scheduled overtime work as provided under section 5542, night duty, Sunday duty, and holiday duty.

"(d)(1) A criminal investigator shall be paid availability pay, if the average of hours described under paragraphs (2) (A) and (B) is equal to or greater than 2 hours.

"(2) The hours referred to under paragraph (1) are—

"(A) the annual average of unscheduled duty hours worked by the investigator in excess of each regular work day; and

"(B) the annual average of unscheduled duty hours such investigator is available to work on each regular work day upon request of the employing agency.

"(3) Unscheduled duty hours which are worked by an investigator on days that are not regular work days shall be considered in the calculation of the annual average of unscheduled duty hours worked or available for purposes of certification.

"(4) An investigator shall be considered to be available when the investigator cannot reasonably and generally be accessible due to a status or assignment which is the result of an agency direction, order, or approval as provided under subsection (f)(1).

"(e)(1) Each criminal investigator receiving availability pay under this section and the appropriate supervisory officer, to be designated by the head of the agency, shall make an annual certification to the head of the agency that the investigator has met, and is expected to meet, the requirements of subsection (d). The head of a law enforcement agency may prescribe regulations necessary to administer this subsection.

"(2) Involuntary reduction in pay resulting from a denial of certification under paragraph (1) shall be a reduction in pay for purposes of section 7512(4) of this title.

"(f)(1) A criminal investigator who is eligible for availability pay shall receive such pay during any period such investigator is—

"(A) attending agency sanctioned training;

"(B) on agency approved sick leave or annual leave;

"(C) on agency ordered travel status; or

"(D) on excused absence with pay for relocation purposes.

"(2) Notwithstanding (1)(A), agencies or departments may provide availability pay to investigators during training which is considered initial, basic training usually provided in the first year of service.

"(3) Agencies or departments may provide availability pay to investigators when on excused absence with pay, except as provided in paragraph (1)(D).

"(g) Section 5545(c) shall not apply to any criminal investigator who is paid availability pay under this section.

"(h) Availability pay under this section shall be—

"(1) 25 percent of the rate of basic pay for the position; and

"(2) treated as part of basic pay for purposes of—

"(A) sections 5595(c), 8114(e), 8331(3), 8431, and 8704(c); and

"(B) such other purposes as may be expressly provided for by law or as the Office of Personnel Management may by regulation prescribe.".

(2) LIMITATION ON PREMIUM PAY.—Section 5547(a) of title 5, United States Code, is amended in the first sentence by inserting "5545a," after "5545(a), (b), and (c),".

(3) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 55 of title 5, United States Code, is amended by inserting after the item relating to section 5545 the following new item:

"5545. Availability Pay for Criminal Investigators.".

(c) COMPUTATION OF OVERTIME RATES.—Section 5542 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(d) In applying subsection (a) of this section with respect to any criminal investigator who is paid availability pay under section 5545a—

"(1) such investigator shall be compensated under such subsection (a), at the rates there provided, for overtime work which is scheduled in advance of the administrative workweek—

"(A) in excess of 10 hours on a day during such investigator's basic 40 hour workweek; or

"(B) on a day outside such investigator's basic 40 hour workweek; and

"(2) such investigator shall be compensated for all other overtime work under section 5545a".

"(d) EXEMPTIONS FROM CERTAIN FAIR LABOR STANDARDS.—Section 13 of the Fair Labor Standards Act of 1938 (29 U.S.C. 213) is amended—

(1) in subsection (a)—

(A) in paragraph (15) by striking out the period and inserting in lieu thereof a semicolon and "or"; and

(B) by adding at the end thereof the following new paragraph:

"(16) a criminal investigator who is paid availability pay under section 5545a of title 5, United States Code."; and

(2) in subsection (b)—

(A) in paragraph (28) by striking out "or" after the semicolon;

(B) in paragraph (29) by striking out the period and inserting in lieu thereof a semicolon and "or"; and

(C) by adding at the end thereof the following new paragraph:

(30) a criminal investigator who is paid availability pay under section 5545a of title 5, United States Code.".

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first applicable pay period which begins on or after the later of October 1, 1994, or the 30th day following the date of enactment of this Act, Except that—

(1) criminal investigators, employed in Offices of Inspectors General, who are not receiving administratively uncontrollable overtime compensation or who are receiving such premium pay at a rate less than 25 percent prior to the date of enactment of this Act, may implement availability pay at any time prior to September 30, 1995, after which date availability pay as authorized under this section shall be provided to such criminal investigators.

(2) criminal investigators, employed by Offices of Inspectors General, who are receiving administratively uncontrollable overtime at a rate less than 25 percent, shall continue to receive this compensation at the same rate or higher until availability pay compensation is provided, which shall be no later than the last period ending on or before September 30, 1995.

(f) Not later than the effective date of this section, each criminal investigator under section 5545a of title 5, United States Code, as added by this section, and the appropriate supervisory officer, to be designated by the head of the agency, shall make an initial certification to the head of the agency that the criminal investigator is expected to meet the requirements of subsection (d) of such section 5545a. The head of a law enforcement agency may prescribe procedures necessary to administer this paragraph.

And the Senate agree to the same.

Amendment No. 96:

That the House recede from its disagreement to the amendment of the Senate numbered 96, and agree to the same with an amendment as follows:

In lieu of the first section number named in said amendment, insert: *634*; and the Senate agree to the same.

Amendment No. 97:

That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment as follows:

In lieu of the first section number named in said amendment, insert: *635*; and the Senate agree to the same.

Amendment No. 98:

That the House recede from its disagreement to the amendment of the Senate numbered 98, and agree to the same with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

Sec. 636. No part of any appropriation contained in this Act may be used to pay for the expenses of travel of employees, including employees of the Executive Office of the President, not directly responsible for the discharge of official governmental tasks and duties: Provided, That this restriction shall not apply to the family of the President, Members of Congress or their spouses, Heads of State of a foreign country or their designee(s), persons providing assistance to the President for official purposes, or other individuals so designated by the President.

And the Senate agree to the same.

Amendment No. 99:

That the House recede from its disagreement to the amendment of the Senate numbered 99, and agree to the same with an amendment as follows:

In lieu of the first section number named in said amendment, insert: *637*; and the Senate agree to the same.

Amendment No. 100:

That the House recede from its disagreement to the amendment of the Senate numbered 100, and agree to the same with an amendment as follows:

In lieu of the section number named in said amendment, insert: *638*; and the Senate agree to the same.

Amendment No. 101:

That the House recede from its disagreement to the amendment of the Senate numbered 101, and agree to the same with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

SEC. 639. Section 3626, paragraph (j)(1), subparagraph (D), of Title 39, United States Code is amended by—

(a) deleting the final "." from (II) and adding, "; and"';

(b) an adding "(III) clause (i) shall not apply to space advertising in mail matter that otherwise qualifies for rates under former section 4452(b) or 4452(c) of this title, and satisfies the content requirements established by the Postal Service for periodical publications: Provided, That such changes in law shall take effect immediately and shall stay in effect hereafter unless the Congress enacts legislation on this matter prior to October 1, 1995.

SEC. 640. In the administration of section 3702 of title 31, United States Code, the Comptroller General of the United States shall apply a 6-year statute of limitations to any claim of a Federal employee under the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) for claims filed before June 30, 1994.

SEC. 641. The Bureau of the Public Debt is authorized to pay in advance or reimburse any Treasury organization, an amount not to exceed one year of salary and benefits for each Public Debt employee hired by that organization described in section 521(a) of this Act.

SEC. 642. Chapter 63 of Title 5 of the United States Code is amended by adding, following the word "Forces" in section 6326, a new section, 6327 to read as follows:

"6327. Absence in connection with funerals of fellow federal law enforcement officers."

"A federal law enforcement officer or a Federal firefighter may be excused from duty without loss of, or reduction in, pay or leave to which such officer is otherwise entitled, or credit for time or service, or performance or efficiency rating, to attend the funeral of a fellow Federal law enforcement officer or Federal firefighter, who was killed in the line of duty. When so excused from duty, attendance at such service shall for the purposes of section 1345(a) of title 31, be considered to be an official duty of the officer or firefighter."

SEC. 643. Of the amount appropriated for "Government Payment for Annuitants, Employee Life Insurance" under this Act, such sums as may be necessary for such payments for the period September 15 through 30, 1994 shall become available upon enactment of this Act.

And the Senate agree to the same.

Amendment No. 102:

That the House recede from its disagreement to the amendment of the Senate numbered 102, and agree to the same with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

SEC. 644. (a) The Office of Management and Budget shall report to the Congress no later than November 1, 1994, for each agency for which the budgetary resources available to the agency in fiscal year 1995 would be canceled in an appropriations Act to achieve savings in procurement and procurement-related expenses, of the manner in which these savings are to be achieved.

(b) Notwithstanding any other provision of law, each agency for which the budgetary resources available to the agency in fiscal year 1995 would be canceled in an appropriations Act to achieve savings in procurement and procurement-related expenses, such cancellation shall occur on November 30, 1994, or 30 days after the Office of Management and Budget submits the report required by subsection (a) of this section, whichever date is earlier.

And the Senate agree to the same.

Amendment No. 103:

In lieu of the matter proposed by said amendment, insert:

TITLE VII—VIOLENT CRIME CONTROL AND LAW ENFORCEMENT FUNDING

DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

For necessary expenses of the Office of Enforcement to oversee the implementation of the Violent Crime Control and Law Enforcement Act of 1994 as it relates to the jurisdiction of the Department of the Treasury, $2,400,000, to remain available until expended, to be derived from balances available in the Violent Crime Reduction Trust Fund, as authorized by Title XXXI of the Violent Crime Control and Law Enforcement Act of 1994.

FINANCIAL CRIMES ENFORCEMENT NETWORK

SALARIES AND EXPENSES

For salaries and expenses to implement the gateway network and other related financial intelligence and enforcement activities, $2,700,000, to remain available until expended to be derived from balances available in the Violent Crime Reduction Trust Fund, as authorized by Title XXXI of the Violent Crime Control and Law Enforcement Act of 1994.

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

SALARIES AND EXPENSES

For salaries and expenses for enforcing Federal firearms provisions and Public Law 103–159, $7,000,000 to be derived from balances available in the Violent Crime Reduction Trust Fund, as authorized by Title XXXI of the Violent Crime Control and Law Enforcement Act of 1994.

GANG RESISTANCE EDUCATION AND TRAINING

For grants to communities and police agencies for the establishment of gang resistance education and training programs to be designated by the Director of the Bureau of Alcohol, Tobacco and Firearms, $9,000,000 to be derived from balances available in the Violent Crime Reduction Trust Fund, as authorized by Title XXXI of the Violent Crime Control and Law Enforcement Act of 1994.

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

For salaries and expenses for expanding border and port enforcement activities, $4,000,000 to be derived from balances available in the Violent Crime Reduction Trust Fund, as authorized by Title XXXI of the Violent Crime Control and Law Enforcement Act of 1994.

INTERNAL REVENUE SERVICE

TAX LAW ENFORCEMENT

For tax law enforcement for combatting public corruption and enhancing illegal tax enforcement activities, $7,000,000 to be derived from balances available in the Violent Crime Reduction Trust Fund, as authorized by Title XXXI of the Violent Crime Control and Law Enforcement Act of 1994.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For salaries and expenses $6,600,000, of which $5,000,000 shall be available for combatting the counterfeiting of United States currency, and of which $1,600,000, to remain available until expended, shall be available for the hiring, training, and equipping of 18 additional full-time equivalent positions for improving forensic capabilities which will assist in the investigations of missing and exploited children to be derived from balances available in the Violent Crime Reduction Trust Fund, as authorized by Title XXXI of the Violent Crime Control and Law Enforcement Act of 1994.

And the Senate agree to the same.

STENY H. HOYER,
PETER J. VISCLOSKY,
GEORGE (BUDDY) DARDEN,
JOHN W. OLVER,
TOM BEVILL,
MARTIN OLAV SABO,
DAVID R. OBEY,
JIM LIGHTFOOT (except amendment 29),
JOSEPH M. MCDADE (except amendment 53),
Managers on the Part of the House.

DENNIS DECONCINI,
BARBARA A. MIKULSKI,
J. ROBERT KERREY,
ROBERT C. BYRD,
CHRISTOPHER S. BOND,
ALFONSE M. D'AMATO,
MARK O. HATFIELD,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4539) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President and funds appropriated to the President, and certain independent agencies for the fiscal year ending September 30, 1995, and for other purposes, submit the following joint statement to the House and Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

The conference agreement on the Treasury, Postal Service, and General Government Appropriations Act, 1995, incorporates some of the language and allocations set forth in House Report 103–534 and Senate Report 103–286. The language in these reports should be complied with unless specifically addressed in the accompanying statement of the managers.

TITLE I—DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

REPROGRAMMINGS

The conferees agree to require a reprogramming request from any agency, department or office when the amount to be reprogrammed exceeds $500,000 or 10 percent of any object class, budget activity, program line item, or program activity, whichever is greater. For agencies receiving appropriations under $20,000,000, this threshold shall be $100,000 or 5 percent, whichever is greater.

Such requests shall be submitted for the prior approval of the Committees on Appropriations. The Committees must receive such requests in sufficient time to consider them before their proposed implementation. In the past, the Administration has delayed submission as much as four months between the time that it knew that the reprogramming was necessary and the time that is was formally transmitted. The conferees expect that such delays will not recur in the future.

Amendment No. 1. Earmarks not to exceed $2,900,000 for official travel expenses; $3,101,000 for information technology modernization requirements; $6,443,000 and 85 full-time equivalent positions for enforcement activities; and $150,000 for official reception and representation expenses. The conferees have provided $3,040,000 to support not to exceed 46 full-time equivalent positions for the Office of Foreign Assets Control in fiscal year 1995.

Amendment No. 2. Appropriates $104,479,000, instead of $104,400,000 as proposed by the Senate, and $105,150,000 as proposed by the House. Also restores House language canceling $79,000 in offsetting collections. Of the funds provided, the conferees have provided an additional $1,000,000 for the Office of Enforcement and up to 13 additional FTEs

ELECTRIC RESOURCES FINANCED BY PUBLIC ENTITIES

The House included language which requested the Secretary of the Treasury to provide a report on the need for a revised procedure and methodology to implement Section 9(f) of Public Law 96-501. The conferees understand that several concerns have been raised with respect to the existing procedure under Section 9(f).

First, the conferees understand that the rulings issued by the Internal Revenue Service have not ordinarily been issued within 60 days, as called for under the existing procedure. Second, the conferees understand that the existing procedure does not reflect subsequent changes in federal tax law. Third, one of Congress' stated purposes for the enactment of Section 9(f) was to enable Bonneville Power Association (BPA) to acquire resources necessary to meet the firm load of public bodies at a cost no greater than in the absence of acquisition by BPA. The conferees understand that the existing procedure may not treat electric resources financed by public entities and acquired by BPA for use in meeting public entities' loads in the same manner as if the public entities were to use those resources directly to meet their own loads and, therefore, may be inconsistent with the stated Congressional intent.

The conferees expect that the report required by the House will address each of these concerns. Further, to the extent that the Secretary's report indicates that these concerns are valid, the conferees expect that the report will include the Secretary's recommendations on the appropriateness of changes to the existing methodology and the time and manner in which such changes would be implemented.

ELECTRONIC FUNDS TRANSFER

The conferees agree with the House report language which requires the Secretary to submit with fiscal year 1996 budget request, a report on the proposed regulations and legislation to effect the direction that all recurring Federal payments be paid by electronic funds transfer.

EXEMPTION FROM THE FEDERAL ADVISORY COMMITTEE ACT

The Secretary of the Treasury has directed a thorough review into the recent air intrusion into the White House complex. This review is to be completed in 90 days of the incident. The review will require access to classified and highly sensitive information and will involve highly classified discussions with experts, senior Secret Service officials, and other interested parties. Compliance with the provisions of the Federal Advisory Committee Act could delay or interfere with the expeditious consideration of this matter. Therefore, the conferees have included a provision in the Act which exempts this review from the Federal Advisory Committee Act (Public Law 92-463).

TREASURY PERSONNEL IN OVERSEAS LOCATIONS

The conferees are aware that the Department of the Treasury has not fully paid its current bills under the Foreign Affairs Administrative System for Treasury personnel located overseas. The conferees also note that the Department of State has not allowed an increase in the number of Treasury personnel located overseas, despite the July 11, 1994, letter from the State Department. That letter indicated that concerns increasing overseas Treasury Department staffing to improve anti-counterfeiting efforts would be considered by the State Department in making decisions on overseas staffing requirements.

The conferees agree that the Treasury Department should meet its obligations under the Foreign Affairs Administrative System and expects Treasury to fulfill this obligation after the State Department agrees to assign additional Treasury personnel to overseas locations for expanding anti-counterfeiting investigations.

ELECTRONIC FILING TAX FRAUD TASK FORCE

The conferees agree with the House report language which requires a report which addresses the problem of electronic tax filing fraud. This report shall be submitted to the House and Senate Committees on Appropriations when it is complete.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

Agreement No. 3. Appropriates $29,700,000 instead of $28,897,000 as proposed by the House and $30,497,000 as proposed by the Senate.

FINANCIAL CRIMES ENFORCEMENT NETWORK

SALARIES AND EXPENSES

Amendment No. 4. Appropriates $19,823,000 instead of $18,280,000 as proposed by the House and $20,690,000 as proposed by the Senate. Also, cancels $1,000 in offsetting collections. The conferees concur in the reorganization transferring funding and FTEs from Departmental Offices to FinCEN for the functions of the Office of Financial Enforcement.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

Amendment No. 5. Makes available $7,000 for official reception and representation expenses as proposed by the Senate instead of $9,000 as proposed by the House.

Amendment No. 6. Deletes Senate language relating to the reimbursement of training expenses for Postal Police.

Amendment No. 7. Inserts Senate language authorizing the use of funds for first-aid and emergency medical services.

Amendment No. 8. Appropriates $46,713,000 as proposed by the House instead of $47,114,000 as proposed by the Senate.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS AND RELATED EXPENSES

Amendment No. 9. Appropriates $16,815,000 for acquisition, construction, improvements and related expenses as proposed by the Senate instead of $9,815,000 as proposed by the House. Of this amount, $7,600,000, shall be available for the following construction projects at the Tucson, Arizona satellite facility: $5,000,000 for a 150-room dormitory; $2,100,000 for a dining hall; and $500,000 for firearms ranges. The conferees instruct the Center to request funding in fiscal year 1996 to cover the remaining costs of permanent facility improvements at the Tucson Center. The remaining funds, $2,400,000 shall be available for the design, acquisition and preparation of a facility dedicated to periodic firearms requalification and training in advanced firing techniques and explosives.

The conferees direct the Center to provide all training for the Gang Resistance Education and Training (GREAT) program through the satellite facility located at Davis-Mountain Air Force Base, Tucson, Arizona.

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

Amendment No. 10. Appropriates $183,889,000 instead of $185,389,000 as proposed by the House and $183,697,000 as proposed by the Senate.

COMBO PRINTER

The reduction to the Federal Management Service (FMS), should to the extent possible, not be applied to the COMBO Printer initiative. The current Troy check printers have been in use at FMS since 1984 and have already surpassed their anticipated eight-year system life. The COMBO Printer initiative is to begin the development of a printer replacement plan. The conferees are supportive of the need to replace printers, with the understanding that it should be a lower priority than the electronic funds transfer initiative, and the understanding that there will be a decrease in the number of printers needed by FMS.

Amendment No. 11. Restores House language canceling $192,000 in offsetting collections.

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

SALARIES AND EXPENSES

Amendment No. 12. Appropriates $385,315,000 as proposed by the Senate instead of $376,181,000 as proposed by the House. Included in this amount is $5,000,000 for the 6 GREAT projects initiated in fiscal year 1994, $1,400,000 to restore the 22 full-time equivalent positions which were due to be eliminated under the President's Executive Order, and $2,700,000 to fund the Administration's request for systems modernization. The $3,100,000 in funding for ballistics technology as proposed by the House is funded through the Special Forfeiture Fund. Conferees expect the Bureau to add two agents to the Des Moines, Iowa post as proposed by the House within the amounts provided.

EQUAL EMPLOYMENT OPPORTUNITY

The House report directed the Bureau to change the title for the senior manager responsible for equal employment opportunity from "Executive Assistant to the Director (Equal Employment Opportunity)" to "Assistant Director for Equal Employment Opportunity". The conferees agree that the official title for such a position be left to the discretion of the ATF Director.

Amendment No. 13. Restores House language canceling $4,000 in offsetting collections and includes language as proposed by the Senate establishing a FTE floor of 4,215.

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

Amendment No. 14. Appropriates $1,394,793,000 instead of $1,391,700,000 as proposed by the House and $1,378,914,000 as proposed by the Senate. Included in this amount is funding for the following: $18,000,000 for NAFTA implementation; $10,000,000 for the Center for Study of Western Hemispheric Trade; $2,310,000 for the restoration of 35 marine enforcement officers; $2,000,000 for the restoration of 25 air program positions to support the Department of Defense JTF-4 operations in Key West, Florida; $780,000 to support 10 additional pilot and crew positions at the Corpus Christi Surveillance Support Center; $500,000 for a border barrier in Nogales, Arizona; $2,100,000 for 30 inspectors in El Paso; $15,000,000 for phase I of the automated commercial systems redesign and $5,503,000 to restore 110 full-time equivalent positions proposed for elimination under the President's Executive Order. Savings of $2,641,000 resulting from exemption of the Fair Labor Standards Act shall be applied to the allocations made above.

ENFORCEMENT OF SANCTIONS AGAINST SERBIA AND MONTENEGRO

The conferees strongly support the activities currently underway to enforce the Serbian Sanctions Assistance Missions (SAMS), including those being carried out by U.S. Customs Service inspectors. However, the conferees continue to be concerned about the costs incurred by the Customs Service for activities which were not budgeted and for which Customs has no specific legal authority. In fiscal year 1993, the Senate Committee expressed its concerns about the use of Customs funds for SAMS teams and directed the Department to seek appropriate reimbursement from the Department of State. Based on this directive, the Department of State reimbursed Customs for $3,575,000 of its travel and per diem costs for 27 inspectors engaged in SAMS. In addition, the President requested, and was provided by the Congress, $17 million in the Department of State's peacekeeping operations budget for fiscal year 1995 to cover the costs of the SAMS. No funds were requested and none have been provided in the Customs Service 1995 budget. Therefore, the conferees, while strongly supporting the use of Customs inspectors in the SAMS efforts, instruct Customs to participate in these activities commensurate with its reimbursement from the Department of State. The conferees direct the Office of Management and Budget to insure that the Customs Service be reimbursed for travel and per diem expenses associated with the SAMS missions.

The conferees note that the Administration failed to make clear how Customs inspectors participating in sanctions assistance missions would be funded in the fiscal year 1995 budget request. The conferees therefore direct the Administration to present a clear and identifiable request for such items in a single account in the FY 1996 budget.

UNIFIED PORT MANAGEMENT PILOT PROJECT

Numerous studies conducted on border management have consistently found that the lack of coordination between Federal inspection agencies at the ports of entry have contributed to a slowdown in the processing of persons and commerce. Most recently, an assessment of United States-Mexico border ports of entry under section 6015 of the Intermodal Surface Transportation Act of 1991 found that the most pressing institutional border issue was a lack of a comprehensive Federal approach to border management, which contributes to an increase in the overall costs of transportation and distribution of goods. The conferees believe these problems must be resolved in order to accommodate and facilitate increased trade between Mexico and the United States and to achieve a more efficient and "user-friendly" border environment. For this reason, the conferees instruct the U.S. Customs Service to undertake a unified binational border port management pilot project to design and test a model of unified border port management in the Nogales Customs District.

The pilot project should establish a single inspection procedure that satisfies the needs of all agencies currently operating at the border and should be undertaken in cooperation with the State of Arizona. This pilot should address the following: coordinated management of border port facilities among various Federal and state agencies; coordinated operation of border facilities between U.S. and Mexico agencies; harmonized binational regulations and crossing procedures; application of technologies to expedite vehicular and commercial processing; binational planning of port facilities and transportation systems; and coordinated planning and operation of border facilities between Federal, state and local governments. The conferees instruct the Commissioner of Customs to provide a report to the House and Senate Committees on Appropriations by no later than March 1, 1995 on the progress being made in this regard.

CUSTOMS STAFFING

With the staff reassigned as part of the planned reorganization, the conferees direct Customs to provide additional inspectors to El Paso, Hidalgo Pharr International Bridge, the Miami International Airport, and the Atlanta International Airport to cover the expected workloads.

PREMIUM PAY

The conferees note that individuals receiving premium pay for overtime or holiday work, such as Customs inspectors, who call in sick, often receive that premium pay, despite the fact that they did not work. The conferees direct the General Accounting Office to examine this issue and report back to the Committees on Appropriations by March 1, 1995. This report shall not apply to availability pay, established under section 634 of this Act.

CUSTOMS FINANCIAL MANAGEMENT

The General Accounting Office, in a report released June 30, 1993, declined to express an opinion on Customs' FY 1992 Financial Statements "because of the lack of reliable financial information, inadequate financial systems and processes, and its ineffective internal control structure". GAO found several major weaknesses:

Accounts receivable may have excluded entries and failed to consider debtor's ability to pay in estimating collections.

Seized property records did not include some property, showed incorrect locations, and included some erroneous values.

Internal controls could not assure that the proper duties were assessed importers or that claimants received proper refunds ("drawbacks").

Budget records did not include documentation linking charges for interagency agreements to actual costs.

Accounting staff did not routinely review and revise estimates of unliquidated obligations, resulting in difficulty reconciling obligations and expenditures at the end of the fiscal year.

Customs has begun responding to these criticisms. Revenue estimates should substantially improve as Customs improves its random inspection processes, enhances selectivity and improves information management systems. The conferees have provided an additional $1,377,000 and 12 FTE to produce auditable financial statements. The conferees direct Customs to provide a report on its financial improvement plans with the fiscal year 1996 budget submission.

Amendment No. 15. Restores the House allocation of $10,000,000 for the Center for Study of Western Hemispheric Trade and House language cancelling $410,000 in offsetting collections.

Amendment No. 16. Inserts Senate language authorizing an FTE floor of 17,524 and making available $500,000 for the construction of a border fence in Nogales, Arizona. Deletes Senate language relating to certain Customs fees.

OPERATION AND MAINTENANCE, AIR AND MARINE INTERDICTION PROGRAMS

Amendment No. 17. Appropriates $89,041,000 instead of $78,991,000 as proposed by the House and $91,891,000 as proposed by the Senate. This amount shall be enhanced by $10,698,000 in unobligated balances remaining in the account including $3,100,000 set aside for the ASARS program. The additional funds provided shall be used for the following: $3,000,000 for operations and maintenance activities associated with the Blackhawk apprehension and support program; $850,000 for marine interdiction operations and maintenance activities; $3,700,000 for Citation training in Mexico and other host countries; and $1,500,000 to support the continued operations of C3I-East through December 1994.

Amendment No. 18. Inserts Senate language prohibiting the transfer of aircraft outside the Department of the Treasury. The term "transfer", as used here, includes sales and long term loans.

CUSTOMS FACILITIES, CONSTRUCTION, IMPROVEMENTS AND RELATED EXPENSES

Amendment No. 19. Appropriates $1,000,000 as proposed by the Senate. These funds shall be used to construct a hangar at the Customs Air Branch in Puerto Rico.

UNITED STATES MINT

SALARIES AND EXPENSES

Amendment No. 20. Appropriates $55,740,000 as proposed by the Senate instead of $54,770,000 as proposed by the House.

MINT ZINC PURCHASES

The conferees have learned that the Mint has been purchasing zinc for coin production from international sources when domestic stocks may be available at a lower cost. The conferees note that current Mint policy allows the Mint to purchase only "special high grade" zinc for production. The conferees do not wish to address issues relating to the quality of the material necessary for coinage. However, the conferees express their concern that the domestic industry is being harmed when domestic products are available yet coins are being produced with foreign zinc. It is the conclusion of the conference that if the grade of domestic zinc is available at a competitive price it should be used. The conferees direct the Mint to review current activities and report back to the House and Senate Committees on Appropriations within 60 days of the date of enactment of this Act, as to the actions it has taken as well as future plans with regard to the purchase of zinc.

INTERNAL REVENUE SERVICE

ADMINISTRATION AND MANAGEMENT

Amendment No. 21. Appropriates $225,632,000 for administration and management instead of $163,431,000 as proposed by the Senate. The conferees support the restructuring of certain activities from the processing tax returns activities as proposed by the Administration and have reinstated the funds requested for this purpose. However, the conferees have denied funding for the requested workload increase of $825,000 and 6 FTEs.

PRIVACY OF TAXPAYER RECORDS

The conferees are very concerned about the recent revelations of the extent of employee violations of privacy standards uncovered by the Internal Revenue Service (IRS). Internal audits conducted by the IRS indicate that there has been a serious problem of certain employees reviewing taxpayer information which is beyond the scope of their job responsibilities. The IRS has reported that some of these cases went beyond curiosity and involved perusing tax information for fraudulent reasons. This activity could seriously jeopardize the full and fair tax filing of honest citizens who believe the principle of trust has been violated.

The conferees agree that the Tax Systems Modernization (TSM) program will provide state of the art security and privacy protection for the taxpayers. However, the conferees note that the reductions made to the TSM program by Congress for fiscal year 1995 are the first budgetary reductions made to this program since its inception. Nonetheless, TSM is a computer system and the violations of taxpayer privacy identified by IRS are behavioral in nature, not technical. Furthermore, TSM will not be fully implemented for at least another six years. Taxpayers should not be subject to invasion of their privacy for another six years while awaiting a new computer system.

The IRS is directed to provide quarterly reports on its efforts to identify and correct invasions of taxpayer privacy by unauthorized employees.

FEES FOR COPIES OF TAX RETURNS

The conferees are concerned about the IRS proposal to increase fees for providing taxpayers with copies of their tax returns. The conferees believe that taxpayers who have been the victims of natural disasters or other incidents beyond their control may be adversely impacted by increases in return copying fees. Therefore, the conferees direct IRS to institute a policy which would permit the Service to waive such fees if a taxpayer has been the victim of a natural disaster or other event which may have adversely impacted economic conditions in their community. The IRS shall report on the status of implementation of this policy by no later than January 1, 1995. Such report shall include a description of taxpayers who will qualify for such waiver and the procedure IRS will employ to notify eligible taxpayers.

FLEXIBILITY IN IRS APPROPRIATIONS

The conferees agree that Internal Revenue Service (IRS) and the Office of Management and Budget (OMB) should explore options available for providing more flexibility to execute tax enforcement initiatives through changing the current budget structure. The IRS currently has four different appropriations which fund the four major missions of IRS. It may be more advantageous to combine some of these appropriations.

IRS RULING ON TAXING OF "HARPER" REFUNDS

The Commonwealth of Virginia has recently settled its legal dispute over the taxation of Federal retirement benefits. This settlement includes the repayment of a portion of the taxes paid by retirees to the Commonwealth. While the IRS has not yet ruled on any plan to assess Federal tax liability on the repayment, there is concern that such a ruling may severely impact the affected retirees.

Therefore, the conferees agree that before IRS makes a final decision on its ruling for assessing a Federal tax liability on the settlement, it submit such a plan to the appropriate Congressional committees.

PROCESSING TAX RETURNS

Amendment No. 22. Appropriates $1,511,266,000 instead of $1,616,295,000 as proposed by the House and $1,586,028,000 as proposed by the Senate for processing tax returns and assistance. The conferees have denied the requested increase of $12,842,000 and 345 FTEs for service center workload increases. Provides $3,700,000 for Tax Counseling for the Elderly as proposed by the Senate instead of $3,500,000 as proposed by the House.

TAX LAW ENFORCEMENT

Amendment No. 23. Appropriates $4,385,459,000 for tax law enforcement instead of $4,358,180,000 as proposed by the Senate and $4,412,580,000 as proposed by the House.

Amendment No. 24. Inserts Senate language allocating certain funds for the 1995 tax compliance initiative and prohibiting the transfer of funds from this account. Deletes Senate language from the bill allocating $442,148,000 and 5,002 full-time equivalent positions for tax fraud investigations. The conferees note, however, that they expect IRS to achieve these minimum levels for tax fraud investigations.

ENFORCEMENT OF EMPLOYMENT TAX LAWS

The conferees agree with the House report language which directs that the Internal Revenue Service (IRS) hire and train additional examiners to enforce classification rules in the construction industry. The IRS is to report to the House and Senate Committees on Appropriations by March 1, 1995 on this direction.

GASOLINE TAX REFUNDS

The House included language in its report expressing concern over the effect certain law changes had on gasoline tax refunds. The House stated that there should be no extensive delays in processing gasoline refunds and directed quarterly reports on the length of time taken by IRS to process claims for these refunds.

The Senate included language in its report stating that the diesel refund schedule of 20 days is an appropriate target for gasoline refunds as well. The Senate directed IRS to keep it advised of progress in meeting the 20-day goal for gasoline refunds.

The conferees agree that IRS does not appear to be applying the same refund goals for diesel and gasoline refunds. Therefore, the conferees direct IRS to ensure adequate staffing and management support to meet the 20-day goal. The IRS should advise the House and Senate Committees on Appropriations on its progress in meeting this goal.

TAX COMPLIANCE INITIATIVE

The conferees have provided $426,300,000 and 5,078 FTEs for a variety of enhanced compliance initiatives designed to collect taxes owned the U.S. Government. Of this amount, $405,000,000 shall not be utilized by the Service for any purpose than for carrying out the compliance initiatives as outlined by the Department of the Treasury.

The conferees agree with the Senate position on the hiring of 1,192 additional revenue officers. According to the General Accounting Office (GAO), collections could be better achieved through the use of less expensive call site collectors. Therefore, the conferees agree that the $87,908,000 associated with hiring additional revenue officers is denied and instead instructs the IRS to redeploy these funds into the hiring of additional call site collectors.

Furthermore, the IRS is required to fulfill the reporting requirements set forth in both the House and Senate reports concerning the monitoring of this initiative.

INFORMATION SYSTEMS

Amendment No. 25. Appropriates $1,388,000,000 as proposed by the Senate instead of $1,240,357,000 as proposed by the House, allocates $650,000,000 for tax systems modernization, and authorizes $185,000,000 to remain available until September 30, 1997, for tax and information systems development.

UPGRADING OF IRS COMPUTING CENTER, MARTINSBURG, WEST VIRGINIA

The conferees agree with the Senate report language which requires Internal Revenue Service (IRS), in cooperation with the General Services Administration (GSA), to submit a plan, by March 1, 1995, for upgrading facilities and equipment at the Martinsburg facility. This plan should be submitted to the House and Senate Committees on Appropriations.

TAX SYSTEMS MODERNIZATION

The conferees have agreed to provide a total of $1,388,000,000 for IRS Information Systems, of which $650,000,000 is available for tax systems modernization (TSM). The conferees have not agreed with the Senate proposal to allow the amounts collected by the Customs Service Merchandise Processing fee to be credited to the IRS for TSM. Despite this reduction from the TSM program, the conferees remain dedicated to ensuring that TSM is implemented to protect the confidence of American taxpayers in the concept of voluntary compliance as a means of financing government operations. Additionally, it is not the intent of the conferees that this reduction should be disproportionately applied to contractual efforts. The current effort expended by the contracted groups is to support the TSM Program Manager and should therefore, to the extent possible, be exempt from reductions.

There remain a number of concerns about TSM which both the House and Senate have addressed. In its report, the House required a variety of actions be taken by IRS to enforce management control over the TSM program. The conferees are pleased to see that swift action on the part of IRS to implement the most important of these requirements: the establishment of a Program Manager for TSM. The Program Manager must receive the necessary support from all levels within the IRS to ensure the success of TSM.

There are additional requirements which were addressed by the House which IRS will be unable to comply with by the stated deadline due to the complexity of the information required by the House. A delay in providing these reports is approved by the conferees with the understanding that IRS will comply with all the requirements no later than March 1, 1995, with the exception of the costing methodology which may be submitted no later than September 1, 1995.

The conferees are strongly supportive of the goals of TSM and agree that the IRS should work toward implementation at the earliest possible date. However, the conferees caution IRS not to proceed at a pace which jeopardizes the success of the program. The successful implementation of a new tax processing system is far more important than meeting a timetable which was established long before the complexity of TSM was fully known. Additionally, while IRS should monitor each project within the TSM program, it is important to keep in mind that TSM is a program made up of a number of big and small projects which must work together to produce the overall system to support the IRS mission.

FUTURE FUNDING OPTIONS FOR TAX SYSTEMS MODERNIZATION

The conferees are concerned about the need to establish a steady funding level for TSM for future requirements. The conferees believe that there are various options which the Office of Management and Budget could pursue toward this end. For example, the conferees believe that some aspects of the TSM program such as the procurement of hardware and software could be put into a separate procurement account similar to the method used for Department of Defense procurement requirements.

Therefore, the conferees direct the Internal Revenue Service to work with the Office of Management and Budget to develop a comprehensive plan to fund the TSM program. The plan should address the total requirement and the budgeting techniques which could be used to ensure full funding of the requirement. This plan should be submitted with the fiscal year 1996 budget request

Amendment No. 26. Deletes language proposed by the Senate which would have increased the amount appropriated for Information Systems if the Customs Service Merchandise Processing Fee increase were authorized.

ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE SERVICE

Amendment No. 27. Inserts Senate language requiring advance approval of transfers of funds from the four IRS operating accounts.

Amendment No. 28. Inserts modified Senate language concerning transfers of funds from the "Tax Law Enforcement" account in fiscal year 1995.

Amendment No. 29. Modifies a provision proposed by the Senate which permits the Secretary of the Treasury to use the receipts from fees for services, not to exceed $119,000,000, where such fees are authorized by another law, for supplementing IRS operating accounts for the actual cost of services.

USER FEES

The conferees have agreed to language proposed by the Sneate which permits the Secretary of the Treasury to impose fees or change the amount of existing fees which are already authorized by law. The conferees have also included language requiring that any fees imposed be based on the actual cost of providing the service which is being performed.

The fees must be assessed and collected solely to cover the costs of providing the services and activities for which the fees are being charged. Furthermore, the General Accounting Office (GAO) is directed to audit both the methodology used by the IRS to develop the fee structure and the fee structure itself to insure that the fees being charged reflect actual costs incurred. The GAO shall provide its report to the House and Senate Committees on Appropriations no later than January 15, 1995.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

Amendment No. 30. Appropriates $476,931,000 for salaries and expenses as proposed by the House instead of $474,988,000 as proposed by the Senate. Also includes language as proposed by the House canceling offsetting collections totaling $43,000. Included in the appropriated amount is an additional $4,914,000 for the restoration of 71 positions proposed for elimination in the President's Executive Order; and $1,943,000 for additional agent positions to enhance counterfeiting investigations overseas.

ENTITLEMENT FRAUD

The conferees agree with the Senate report language that entitlement fraud has become a significant problem both domestically and internationally. The conferees strongly endorse the initiatives taken by the Secret Service in working with other government agencies to correct problems related to entitlement fraud. The conferees direct the Service to advise the House and Senate Committees on Appropriations on its progress and any actions which might be necessary to assist in this effort.

BUREAU OF ENGRAVING AND PRINTING

REVIEW OF SECURITY AND MANAGEMENT CONTROLS

The conferees understand that the Secretary of the Treasury has formed a Departmental Task Force to review security and management control systems at the Bureau of Engraving and Printing (BEP). The conferees are encouraged by the formation of this group but believe that an independent team would be appropriate to review any security deficiencies at the BEP which led to the recent theft of currency. The conferees believe that an independent investigation would also ensure a cost effective approach to any enhancement in security.

The conferees believe that management and security issues have not been interwoven into decisions at BEP because the Management Directorate and its Office of Security have not received adequate attention. The independent investigation should review the organizational structure of BEP management to ensure the most appropriate location for the Management Directorate and its Office of Security as well as the qualifications required for individuals to head the Office of Security.

Additionally, the conferees are concerned that "off line" currency production did not receive proper management oversight. The "test" currency recently stolen from BEP, was not destroyed in a timely manner and was not incorporated into the management information system so that it could be monitored. Furthermore, management oversight appears to have been lax in the assignment of duplicate serial numbers to this particular currency. These issues must be investigated and procedures implemented to correct deficiencies in management oversight.

The conferees expect the Department of Treasury to report back within 30 days of enactment of this Act on the steps being taken to address these matters.

RATIO OF SUPERVISORS TO POLICE OFFICERS

The conferees are concerned about the ratio of supervisors to police officers at the Bureau of Engraving and Printing (BEP), which according to information provided to the conferees, may be as high as one supervisor to two police officers. The conferees agree that BEP could address its shortfall of police officers by reducing the number of supervisors and adopting a ratio which more closely reflects the need for additional security.

EXPANSION OF CURRENT POLICE AUTHORITY FOR SECURITY

The conferees have included a provision (Sec. 535) which provides clarification and extends the authority delegated from the Secretary of the Treasury and the Administrator of General Services to meet the security needs of the Bureau of Engraving and Printing (BEP).

The conferees agree that this extension is necessary to protect the product, property, and the personnel of the BEP. The current authority does not permit the BEP police officers to provide adequate protection for personnel during the extended hours of BEP operations. Additionally, the current authority limits the ability of the BEP police to respond to the needs of tourists and vendors who are drawn to the area surrounding the facility. Section 535 will provide the necessary authority to enhance the ability of the BEP Police to provide adequate attention to these problems. The conferees require that the BEP provide information on the incidents which occur in this expanded area of authority so that the impact of Section 535 can be measured.

Amendment No. 31. Inserts a Senate provision relating to the consolidation plans of the Bureau of the Public Debt.

Amendment No. 32. Inserts Senate language exempting positions funded through reimbursement from the Puerto Rico Trust Fund from workforce reductions.

TREASURY FORFEITURE FUND

Amendment No. 33. Inserts a Senate provision authorizing certain expenses in the Treasury Forfeiture Fund to be paid out of the permanent indefinite appropriation.

EXPENDITURE SHIFT

The conferees have included language shifting certain Forfeiture Fund expenses from the discretionary to the permanent indefinite category. This includes the costs of overtime salaries, travel, fuel, training, equipment, and other costs of State or local law enforcement that are incurred in joint law enforcement operations and seizures, as well as expenses for the purchase or lease of automatic data processing systems, training, printing and contracting services.

The Department shall submit an operating plan to the House and Senate Committees on Appropriations for their approval within 30 days of enactment of this Act. The operating plan should describe the use of all resources, including both discretionary and permanent indefinite expenditures including, but not limited to, the following categories:

Permanent Authority:
Purchase of Evidence/Information
Salaries
Rent & Other Space Costs
Investigative Costs Leading to Seizure
Advertising Expenses
Property Tracking System Maintenance
Independent Audit of Forfeiture Fund
Other Seizure-Related Expenses
Contract Services: Maintenance & Disposal of Assets
Payments of Liens & Mortgages
Remission & Mitigation Expenses
Equitable Sharing Payments
Section 9703(b)(5) Expenses
Assistance to State and Local Law Enforcement
Contract Services, Consultants and Training
Consolidated Assets Tracking System (CATS)
Other
Discretionary Expenses:
Purchase of Evidence and Information
Investigative Equipment
Training Foreign Law Enforcement Personnel
U.S. Coast Guard Expenses

The Department shall submit a reprogramming request for any reallocation greater than $500,000 among these groupings.

Amendment No. 34. Inserts a Senate provision authorizing a security survey of the Bureau of Engraving and Printing, but changes the preliminary reporting requirement to 90 days of the date of enactment of the Act and final recommendations within 180 days of the date of the enactment of the Act.

Amendment No. 35. Deletes a provision proposed by the Senate regarding Customs Service inspectors retirement.

HAZARDOUS PAY FOR CUSTOMS INSPECTORS AND CANINE ENFORCEMENT OFFICERS

It is the belief of the conferees that some Customs Inspectors and Canine Enforcement Officers engage in hazardous duties and these employees should be eligible for additional compensation. The conferees are further aware that Customs has authority to implement hazardous pay compensation, under section 5545(d) of title 5, United States Code, with the concurrence of the Office of Personnel Management. Therefore, the conferees direct the Customs Service to designate hazardous duty functions for the purpose of paying hazardous duty differentials to Customs recommendations with a request for a waiver the Office of Personnel Management by no later than February 1, 1995.

TITLE II—POSTAL SERVICE

PAYMENTS TO THE POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

Amendment No. 36. Appropriates $92,317,000 instead of $85,717,000 as proposed by the House and $102,317,000 as proposed by the Senate.

CITY OF BEVERLY HILLS, POST OFFICE PROPERTY

The City of Beverly Hills and the United States Postal Service are discussing the possible transfer of the old post office at 469 North Crescent Drive by the Postal Service to the City of Beverly Hills, California. The City of Beverly Hills deeded this property, undeveloped, to the Postal Service in 1931 for the sum of one dollar. It is the belief of the conferees that this property, having been declared excess by the Postal Service, should be returned to the City of Beverly Hills at little or no cost and that it should continue to be used for a public purpose. Working with community and business leaders, the City of Beverly Hills has developed a comprehensive plan for the re-use of the post office that would establish a visitor and multi-use cultural center at the Post Office site using existing facilities for the benefit of the entire community. It is the understanding of the conferees that the Postal Service maintains an interest in using a portion of the facility for retail services, and hopes that this use can be accommodated as part of an agreement between the City and the Postal Service. The conferees strongly urge a resolution of this matter within six months.

U.S. POSTAL OPERATIONS IN THE WASHINGTON, D.C. AREA

A Postal Service survey completed on May 27, 1994, rated Washington, D.C. as having the worst first class mail delivery performance in the nation, with 61 percent on time as compared to an average of 82 percent nationwide. The same survey showed that 70 percent of Washington customers were satisfied with their postal service, as opposed to 85 percent nationwide. On time performance is 21 percent below the national average, and customer satisfaction is 15 percent below the average.

Between May 17 and 19, Postal Service inspectors paid an unannounced visit to several processing centers in this area. Some of their findings follow:

> The Washington, D.C. P&DC (Processing and Distribution Center) had large volumes of first-class mail in the government mail section with dates as old as February 1994.
>
> In Southern Maryland, 2.3 million pieces of third-class letters were found stored in trailers on the P&DC yard * * * 230,000 pieces of second-class news were also on trailers * * *
>
> Based on our observations, we estimate approximately 75 percent of all the mail at Southern Maryland P&DC was delayed.

The Postal Service has focused on cutting overhead, reducing operating costs, restructuring staff and enhancing automation. While these are worthwhile goals, the manner in which these efforts have been implemented may have left the Postal Service in a state of disarray. The recent history of the Postal Service has included:

Departures of experienced operational personnel (over 47,000) at a cost of more than $1 billion in retirement incentives.

Two reorganizations in the past 2 years which may have led to a lack of continuity as well as uncertainty in organizational relationships.

The concurrent introduction of automated systems and significant numbers of inexperienced personnel into the mail handling process without adequate training.

As noted in the May report of the inspectors:

> At Aspen Hill, general housekeeping was unsatisfactory, empty soda cans were found everywhere; sacks were not stowed; lobby counters were dirty; and trash cans throughout the office were almost full.
>
> The general feeling among carrier supervisors is the CSDRS (Customer Service Data Reporting System) is not used as an information source; rather, it is used to "get" supervisors.

Operations in the Washington, DC Area can be temporarily improved through large, quick injections of overtime and short-term staff transfers; and this should be done. But the conferees expect more of the Postal Service. The conferees expect consistent, high quality service both throughout the country and in this region.

Therefore, the conferees agree that the Postal Service needs to focus on the following fundamentals:

Accountability: local managers must know that they will be answerable for the performance of their office.

Performance Measurement: the Postal Service needs objective, consistent and reliable measures of its performance that can be used at all levels of management.

Process: the Congress must be assured that procedures are in place to address problems without extraordinary intervention.

Corporate Culture: all postal employees must be able to work together toward a common goal, and that good performance will be rewarded and poor performance will not be tolerated.

The Postal Service needs employees who are well trained, qualified, and willing to work. The Postal Service needs management with clear goals and clear strategies to achieve them. The Postal Service needs systems and procedures that are efficient and understandable to all. The Postal Service needs technology that can be appropriately used by the workforce.

The conferees will be carefully monitoring Postal Service operations to insure that this occurs.

PAGE, ARIZONA POSTAL FACILITY

The conferees are aware of the pressing need for new and expanded postal services for the community of Page, Arizona. The conferees understand that in recognition of this need, the Postal Service purchased 2.53 acres of land for the new Post Office in 1986. A recent meeting by the Postal Service Area Review Committee recommended a new Post Office in Page as the number one priority in the State of Arizona. The conferees, therefore, direct the Postal Service to expeditiously approve plans for this facility so that construction can be completed in the 1995-1996 time frame. The conferees expect the Postal Service to provide an updated status report on this project within 30 days of enactment of this Act.

CHRIST CHURCH STAMP

The conferees request that the Postal Service review the need for a stamp or postal card to be used by the Postal Service to honor the 300th anniversary of the founding of the Christ Church of Philadelphia.

FEDERAL PROCUREMENT IMPROVEMENTS

The conferees are encouraged by the widespread interest in moving Federal procurement activities away from a paper-based process to an electronic-based process. The interest in electronic procurement procedures, as expressed by various Federal officials, and put forth in the National Performance Review, shows significant potential for meaningful cost savings. This theme is also contained in the statement which accompanies the Federal Acquisition Streamlining Act of 1994.

The conferees are aware that the U.S. Postal Service is implementing electronic, just-in-time, supply system which is image-based. The conferees are encouraged by this Postal Service test and direct the Service to keep the House and Senate Committees on Appropriations apprised of the success of this test.

TITLE III—EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

REPROGRAMMINGS

The conferees agree to require a reprogramming request from any agency, department or office when the amount to be reprogrammed exceeds $500,000 or 10 percent of any object class, budget activity, program line item, or program activity, whichever is greater. For agencies receiving appropriations under $20,000,000, this threshold shall be $100,000 or 5 percent, whichever is greater.

Such requests shall be submitted for the prior approval of the Committees on Appropriations. The Committees must receive such requests in sufficient time to consider them before their proposed implementation. In the past, the Administration has delayed submission as much as four months between the time that it knew that the reprogramming was necessary and the time that it was formally transmitted. The conferees expect that such delays will not recur in the future.

THE WHITE HOUSE OFFICE

SALARIES AND EXPENSES

Amendment No. 37. Appropriates $40,193,000 as proposed by the Senate instead of $38,754,000 as proposed by the House.

SPECIAL ASSISTANCE TO THE PRESIDENT

SALARIES AND EXPENSES

Amendment No. 38. Appropriates $3,280,000 as proposed by the Senate instead of $3,270,000 as proposed by the House.

COUNCIL OF ECONOMIC ADVISERS

SALARIES AND EXPENSES

Amendment No. 39. Appropriates $3,439,000 as proposed by the Senate instead of $3,420,000 as proposed by the House. Also deletes language proposed by the House authorizing a representation fund.

NATIONAL SECURITY COUNCIL

SALARIES AND EXPENSES

Amendment No. 40. Appropriates $6,648,000 as proposed by the House instead of $8,222,000 as proposed by the Senate.

OFFICE OF ADMINISTRATION

SALARIES AND EXPENSES

Amendment No. 41. Appropriates $26,217,000 as proposed by the Senate instead of $24,850,000 as proposed by the House.

OFFICE OF MANAGEMENT AND BUDGET

SALARIES AND EXPENSES

Amendment No. 42. Appropriates $57,754,000 instead of $56,272,000 proposed by the House and $55,081,000 as proposed by the Senate. The conferees have provided $1,482,000 and 15 FTEs in the OMB budget for the Information Security Oversight Office. The conferees have transferred this program from GSA to OMB beginning in fiscal year 1995.

FEDERAL DRUG CONTROL PROGRAMS

HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

Amendment No. 43. Allocates $52,000,000 in transfers to Federal agencies for anti-drug activities instead of $43,000,000 as proposed by the House and $55,000,000 as proposed by the Senate.

HIDTA STAFFING LEVELS

The conferees are very concerned about the lack of sufficient staffing to support the activities of the High Intensity Drug Trafficking Areas (HIDTAs). The conferees understand that only one individual is assigned to this program which currently covers six HIDTA regions and which will be responsible for seven such regions in fiscal year 1995. Given the importance of this program to the success of the National Drug Control Strategy, the conferees believe the HIDTA program requires additional staff and the requisite support. Therefore, the conferees expect the Director of ONDCP to allocate a minimum of two FTEs to this program during fiscal year 1995 and report what actions have been taken to implement this directive by no later than November 1, 1994.

Amendment No. 44. Allocates an additional $9,000,000 for HIDTA activities in the Puerto Rico-U.S. Virgin Islands area, if such area is so designated a HIDTA by the Director. The conferees expect the Director of ONDCP to request the full $12 million for HIDTA support for this region in fiscal year 1996.

With reference to the Southwest Border HIDTA, the funds provided shall only be used for those activities approved by the five HIDTA Executive Committees for the Southwest Border HIDTA and ultimately, the Under Secretary for Enforcement of the Department of the Treasury.

SPECIAL FORFEITURE FUND

(INCLUDING TRANSFER OF FUNDS)

Amendment No. 45. Appropriates $41,900,000 instead of $14,800,000 as proposed by the House and $52,500,000 as proposed by the Senate. The conferees have provided $41,900,000 for anti-drug activities from proceeds in the Special Forfeiture Fund in fiscal year 1995. Those funds shall be used for the following purposes: $15,000,000 for anti-drug activities at the discretion of the Director; $3,100,000 for testing and implementation of new ballistics technologies at the discretion of the Director; $8,000,000 for CTAC projects; and $14,000,000 for transfer to the Substance Abuse and Mental Health Services Administration. The bulk of the discretionary funds provided to the Director are intended to cover shortfalls in drug control accounts, such as the Customs Air and Marine Interdiction programs, which would be insufficient if the drug threat increases as a result of increased border penetrations. The conferees expect the Director to seek advance approval from the House and Senate Committees on Appropriations prior to the obligation of these funds.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

The conferees have provided a total of $14,000,000 to be transferred to the Substance Abuse and Mental Health Services Administration (SAMHSA). Of these funds, $10,000,000 is for the Residential Women and Children's program, and $4 million is for the Center for Substance Abuse Treatment (CSAT) for community treatment programs. Of the $4,000,000, $1,300,000 shall be provided to Amity, Inc. for a comprehensive outpatient program, administered in cooperation with the Adult Probation Department of the Pima County Superior Court, targeted to drug-using offenders diverted from incarceration into treatment; $500,000 shall be provided to CODAC Behavioral Health Services, Inc. for a comprehensive treatment and prevention program for substance-abusing mothers and their infants; and $200,000 shall be available for renovation of a facility to serve the substance abuse needs of the people of Page, Arizona and the western portion of the Navajo Nation under the existing grants policy of the Center.

EL PASO INTELLIGENCE CENTER

The conferees have included a total of $1,800,000 for the Drug Enforcement Administration's (DEA) El Paso Intelligence Center (EPIC). The conferees believe that in the future, the DEA should provide sufficient funds for the support and expansion of EPIC through its own appropriation so as not to establish a continued pattern of using the Special Forfeiture Fund for this purpose.

NEW BALLISTICS TECHNOLOGY

The conferees have included $3,100,000 to expand testing of new ballistics technologies. The Bureau of Alcohol, Tobacco and Firearms currently operates in the District of Columbia a pilot project called CEASEFIRE, which uses advanced computer technology and traditional investigative techniques to assist State and local police in solving firearms-related violent crimes. A key element of this project is the Projectile Comparison System, which stores ballistic images in a computer data base, facilitating comparisons and positive matches.

The $3,100,000 for additional testing should focus on the ability to coordinate among multiple jurisdictions. An example of this is the Northern California Gun-Link project, which combines the resources of ten federal, state and local crime laboratories for ballistics identification and tracing.

COUNTER-DRUG TECHNOLOGY ASSESSMENT CENTER

The conferees have provided $8,000,000 for research and development activities of CTAC in fiscal year 1995. Of this amount, $500,000 is provided for a non-intrusive inspection system assessment and engineering tradeoff study. The conferees recognize the significant progress made toward achieving our national goal to develop a rapid, modern automatic system to inspect shipment and cargo containers for illicit substances and drugs. Recognizing this progress, the conferees direct ONDCP/CTAC to conduct, with the United States Customs Service, a comprehensive non-intrusive inspection (NII) system technology assessment and engineering tradeoff study. The tradeoffs between cost, performance, and operational parameters, associated with each subsystem component, the training requirements, personnel manning and all relevant factors should be addressed. These trade offs should also evaluate the mix of information, screening and detection subsystems; develop estimates of the non-recurring, engineering, and architectural costs; show how the subsystems and investments scale in size; and evaluate various functional configurations to meet the needs of individual ports and border crossing locations, as well as to satisfy requirements for mobility along our extensive southwest land border. The study objective is to ensure well thought out plans for developing first generation NII systems and address such items as research and development resource allocation, system engineering, cost benefit analyses, and transition of the maturing technologies. The study should consider the entire range of customs, transportation security and counter-terrorism applications. The study shall include the U.S. Customs Service, the Departments of Defense, Treasury, Commerce, Transportation, and other involved governmental agencies. The results should be reported to Congress by September 30, 1995.

DEVELOPMENT OF NEW TECHNOLOGY

The conferees agree that multiagency research and development programs be coordinated by the Office of National Drug Control Policy through the Counter-Drug Technology Assessment Center (CTAC) in order to prevent duplication of effort and to assure that those efforts transcend the need of any single Federal agency. Prior to the obligation of these funds, the House and Senate Committees on Appropriations expect to be notified by the chief scientist on how these funds will be spent and receive advance approval prior to the obligation of these funds. Additionally, the chief scientist should provide periodic reports on the priority counter-drug enforcement research and development requirements identified by the Center and on the status of the projects funded by CTAC.

The conferees agree that CTAC should recognize and support agency contributions to research and development. However, the CTAC should be the primary research and development organization and agencies should not expend resources to develop new or expanded internal research and development offices.

TITLE IV—INDEPENDENT AGENCIES

REPROGRAMMINGS

The conferees agree to require a reprogramming request from any agency, department or office when the amount to be reprogrammed exceeds $500,000 or 10 percent of any object class, budget activity, program line item, or program activity, whichever is greater. For agencies receiving appropriations under $20,000,000, this threshold shall be $100,000 or 5 percent, whichever is greater.

Such requests shall be submitted for the prior approval of the Committees on Appropriations. The Committees must receive such requests in sufficient time to consider them before their proposed implementation. In the past, the Administration has delayed submission as much as four months between the time that it knew that the reprogramming was necessary and the time that it was formally transmitted. The conferees expect that such delays will not recur in the future.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

SALARIES AND EXPENSES

Amendment No. 46. Appropriates $1,800,000 for salaries and expenses of the Administrative Conference of the U.S. as proposed by the Senate.

ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

SALARIES AND EXPENSES

Amendment No. 47. Appropriates $1,000,000 for salaries and expenses of the Commission as proposed by the Senate.

Federal Election Commission

SALARIES AND EXPENSES

Amendment No. 48. Appropriates $27,106,000 as proposed by the Senate instead of $23,564,000 as proposed by the House.

MODERNIZATION EFFORTS

The conferees support the FECs efforts to modernize its operations through computerization but are unable to earmark funds for that purpose at this time. The conferees have taken this step without prejudice and on the basis that any such earmark might undermine FECs ability to carry out its statutory responsibilities in the upcoming fiscal year.

Within available funds, the conferees urge the FEC to move as expeditiously as possible with their plans to modernize operations through computerization. The conferees encourage the FEC to develop options that will provide for the electronic filing of reports.

Federal Labor Relations Authority

SALARIES AND EXPENSES

Amendment No. 49. Appropriates $21,341,000 as proposed by the House instead of $21,540,000 as proposed by the Senate.

General Services Administration

FEDERAL BUILDINGS FUND

LIMITATIONS ON THE AVAILABILITY OF REVENUE

Amendment No. 50. Appropriates $310,197,000 for expenses of the Federal Buildings Fund, instead of $361,615,520 as proposed by the House and $500,000,000 as proposed by the Senate.

Amendment No. 51. Establishes an aggregate limitation of $4,932,322,000 in obligational authority to be expended from receipts to the Federal Buildings Fund instead of $4,973,825,520 as proposed by the House and $5,055,841,000 as proposed by the Senate.

Amendment No. 52. Authorizes GSA to expend $601,702,000 in obligational authority for construction of federal building projects instead of $502,709,520 as proposed by the House and $721,129,000 as proposed by the Senate.

Amendment No. 53. Deletes language proposed by the House and modifies language proposed by the Senate which provides funding for the construction of certain Federal buildings and facilities.

FEDERAL BUILDING FUNDING REQUIREMENTS

Due to budgetary constraints, the conferees have reduced the funding available to Federal office building and courthouse projects for fiscal year 1995. The conferees are fully aware that the reduced funding may not cover the full costs of the projects as presently planned. The conferees expect the General Services Administration to proceed with the projects with the scope as originally planned. If funding provided through the line-item projects is not sufficient, the conferees direct GSA to submit reprogramming requests to the Committees on Appropriations to keep these projects on schedule. In addition, the conferees expect GSA to submit budget requests in future fiscal years for those projects which have not been fully funded.

U.S. Courthouse, St. Louis, Missouri

Construction has begun on the new Federal Courthouse in St. Louis, Missouri. Budget restraints have required the conferees to reduce funding for this project below the actual costs of this project. The conferees intend that GSA proceed on schedule with the scope as planned and utilize its reprogramming authority to insure appropriate funding is made available for completion of this project.

U.S. Courthouse, Fresno, California

The conferees understand that GSA will soon begin the process of selecting a site for a new Federal Courthouse in Fresno, California. The conferees agree that GSA should adequately review all sites, including those in downtown Fresno for the new facility. The conferees note the Congressional intent is that to the extent possible, GSA strive to locate new facilities in downtown areas.

EPA Building, Research Triangle, North Carolina

The conferees agree with the House position supporting the plans for a new Environmental Protection Agency laboratory in Research Triangle Park, North Carolina. The conferees expect the Administration to submit a request for construction funds for this building in the appropriate agency account in fiscal year 1996.

Cleveland, Ohio, U.S. Courthouse

The conferees encourage GSA to work with the Planning Commission of the City of Cleveland on the location of the proposed U.S. Courthouse taking into consideration the "Group Plan of the Public Buildings of the City of Cleveland," prepared by the Board of Supervisors for Public Buildings and Grounds of the City of Cleveland. The conferees further encourage GSA to work with the Planning Commission of the City of Cleveland to review the need for pedestrian links to the community's pending waterfront rapid rail transportation extension.

Federal Office Building, Lakeland, Florida

The conferees agree with the House report language directing GSA to develop a plan to renovate and upgrade the existing facility and use up to $1,500,000 for available funds to accomplish this task.

U.S. Courthouse, Savannah, Georgia

The conferees direct the General Services Administration to work with the City of Savannah, Georgia to incorporate, to the extent possible, adaptive renovation of historic structures, within the Federal Courthouse project.

U.S. Courthouse, Tampa, Florida

The conferees agree that the report requested by the Senate with regards to this facility is no longer required.

NOAA FACILITIES

The House has included language in its report on the consolidation of NOAA facilities in the Norfolk/Hampton Roads area. With respect to any facilities for the fleet, the conferees direct that GSA examine the cost effectiveness of using facilities and docks at military bases that are being closed.

U.S. COURTHOUSE CONSTRUCTION REQUESTS

The conferees agree with the House report language accompanying the provision in the bill (Sec. 9) on courthouse construction. The conferees direct that the Courthouse construction requirements established by GSA and OMB include a prioritization of the projects by the Administrative Office of the U.S. Courts.

AUTHORIZATION REQUIREMENTS

The conferees have funded certain Federal building projects which are subject to authorization. A provision has been included which prohibits GSA from expending the provided funds until these projects receive the necessary authorization. In the meantime, however, the conferees direct the Administrator of General Services to submit information on these projects to the authorization committees. That information should take the form of either a formal prospectus or 11(b) report.

Amendment No. 54. Makes available $720,564,000 for repairs and alterations of certain Federal buildings and facilities instead of $815,268,000 as proposed by the House and $714,556,000 as proposed by the Senate.

Amendment No. 55. Makes available funds for repairs and alterations of certain Federal buildings and facilities.

Corps of Engineers Facility, Walla Walla, Washington

The conferees have provided $2,800,000 for repair and alteration of the land and facilities currently occupied by the Corps of Engineers in Walla Walla, Washington. The conferees are concerned about GSA's lack of knowledge about this effort and the possibility that it may be using unrealistic cost estimates in preparing its plan. Therefore, the conferees direct GSA to work with the Corps of Engineers to implement the most cost-effective plan for this project. Additionally, the GSA shall keep the House and Senate Committees on Appropriations apprised of its efforts to complete this project.

Amendment No. 56. Makes available $2,173,000,000 for rental of space activities as proposed by the Senate instead of $2,204,628,000 as proposed by the House.

Amendment No. 57. Makes available $1,309,525,000 for building operations as proposed by the Senate instead of $1,323,689,000 as proposed by the House.

Amendment No. 58. Restores House language, with certain modifications, which allocates funds for a Bureau of Census project and subjects the obligation of funds for various Federal building projects to authorization approval, and provides that $5,000,000 appropriated for the FDA consolidation may be used for necessary infrastructure improvements.

ROAD IMPROVEMENTS

The conferees have included language directing the General Services Administration to transfer $5,000,000 to the Secret Service for road improvements at the Rowley Training Center in Beltsville, Maryland. These funds shall be expended for purposes of repairs of the adjacent roadways and its appurtenances.

TELECOMMUTING CENTER

The conferees have identified the specific amount that is available for the General Services Administration to pay to a public entity in the State of Maryland for purposes of establishing telecommuting work centers in Southern Maryland. The $1,300,000 in this language includes, and is not in addition to, those expenditures incurred or to be incurred for facilities, equipment and other services pursuant to the existing lease contract (including any supplements or riders thereto) between the General Services Administration and Charles County Community College.

Amendment No. 59. Deletes language proposed by the House with regard to certain building projects.

Amendment No. 60. Establishes an aggregate limitation of $4,932,322,000 in obligational authority to be expended from receipts to the Federal Buildings Fund instead of $4,973,825,520 as proposed by the House and $5,057,841,000 as proposed by the Senate.

Amendment No. 61. Modifies Senate language rescinding funds from certain projects funded in previous fiscal years.

OPERATING EXPENSES

Amendment No. 62. Deletes language proposed by the House authorizing expenditures for the Information Security Oversight Office. This office has been transferred to the Office of Management and Budget for fiscal year 1995.

Amendment No. 63. Appropriates $130,036,000 for operating expenses as proposed by the Senate instead of $123,020,000 as proposed by the House; includes language proposed by the House cancelling $172,000 in offsetting collections; and includes language as proposed by the Senate allocating certain funds for Congressional and Senate offices.

COMMUNICATIONS NETWORK

The conferees have provided $6,000,000 for two communications networks. The conferees direct GSA to use up to $3,000,000 to implement the pilot project described in its report, "Iowa Communications Network Study". The remaining $3,000,000 shall be available to GSA for enhancing information superhighway capabilities in the State of Arizona working through Arizona State University.

AUTOMATING PROCUREMENT OPERATIONS

The conferees agree with the House report language concerning savings which might be achieved throughout the government through application of the Interior Department's Electronic Acquisition System (IDEAS) contract. This system could help reduce costs and provide savings to the government through increased private sector competition and a reduction of administrative requirements.

POLLUTION ABATEMENT TEST

The conferees agree with the House report language which reaffirms the Congressional directive to move forward on the test of diesel fuel additives as a means to reduce emissions and particulates. The GSA has submitted a report on its role in the pollution abatement test and the conferees direct the agency to ensure that the test is carried out as directed in 1994.

CONVERSION OF GASOLINE POWERED VEHICLES

The conferees are aware of a unique coupling technology utilized in the fueling of alternative fueling vehicles such as liquid propane gas and liquid natural gas. This coupling technology has been successfully employed by the Houston Metro Bus System in the conversion of buses to liquid natural gas. The conferees direct GSA and the U.S. Postal Service to investigate the applicability of this coupling in their existing vehicle conversion programs mandated by Executive Order 12844 and to report back to the House and Senate Committees on Appropriations no later than March 1, 1995 on the results of this investigation.

XTH PARALYMPIAD

The conferees agree that of the amounts appropriated to GSA, up to $1,000,000 shall be used for logistical and personnel support for the Xth Paralympiad on disability. The conferees recommend GSA's participation in preparation of public facilities for use by an unprecedented population of people with disabilities during the 1996 Paralympiad. The extent of accessibility associated with the event provides a model for future design and adaptability in Federal facilities.

TELECOMMUTING CENTERS

The conferees are particularly pleased with the success of the Waldorf InTeleWorkCenter, the first of a network of telecommuting centers in Southern Maryland being developed by Charles County Community College for this demonstration. The conferees are concerned that these centers and the supporting research being undertaken by Charles County Community College on behalf of this demonstration progress in an expedited manner which encourages innovation and flexibility. In establishing the first center in Charles County, the College experiences difficulty in securing GSA reimbursement for appropriate expenditures totaling $180,676 and covering start-up, build-out and development of the Waldorf InTeleWorkCenter and the supporting program. The conferees direct GSA to promptly reimburse Charles County Community College for all the justifiable reimbursable expenses. The conferees support the continuation of the College's role as the developer of initiatives to provide tools for success for future Federal telework centers including telework training, analysis of emerging technologies, business planning, etc. Further, the conferees direct Charles County Community College to provide a full report of findings and status to date directly to this committee by July 1, 1995.

EQUIPMENT PURCHASE—WORKING CAPITAL FUND

The Committees have included a provision establishing an expanded GSA Working Capital Revolving Fund to provide a more appropriate account for the administration of the various centralized administrative support services provided to benefiting GSA organizations and external entities and the centralized acquisition of major equipment and development of agencywide financial management and management information systems. These functions were heretofore housed under the Salaries and Expenses, General Management and Administration direct appropriation account.

Accordingly, it is the intent of the Committees that the activities referenced in section 5 of GSA's General Provisions in Public Law 103–123 (107 Stat 1246) "Major equipment acquisitions and development activity" of the Salaries and Expenses, General Management and Administration appropriation account for transfer of prior year unobligated balances of operating expenses accounts be separately accounted for under the new Working Capital Fund.

Amendment No. 64. Deletes language proposed by the House authorizing GSA to transfer funds between operating accounts.

Amendment No. 65. Deletes language proposed by the Senate authorizing GSA to use certain payments received from contractors or vendors for General Supply Fund purposes.

REIMBURSEMENT FOR EXPENSES

The conferees have agreed not to include a provision (Sec. 11) as recommended by the Senate which would have authorized GSA to retain refunds and rebates from contractors or vendors to manage and administer service programs such as the government credit card contracts due to the significant legislative concerns which have been raised. The conferees note that the current credit card contracts includes approximately $18,000,000 which will be available for rebate to all Federal agencies which use the service, based on usage and other factors. The conferees direct that all agencies receiving these rebates reimburse GSA for the costs of administering the program. Additionally, GSA should develop accurate cost measures associated with management and administration of this program and ensure that only those costs are the basis for reimbursement, before it seeks future action on this issue.

MERIT SYSTEMS PROTECTION BOARD

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

Amendment No. 66. Makes available $2,250,000 from the Civil Service Retirement and Disability Fund for administrative expenses instead of $2,420,000 as proposed by the House and $1,989,000 as proposed by the Senate.

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

FEDERAL PAYMENT TO MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

Amendment No. 67. Appropriates $10,000,000 as proposed by the Senate.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

OPERATING EXPENSES

Amendment No. 68. Appropriates $195,238,000, instead of $194,638,000 as proposed by the House and $200,238,000 as proposed by the Senate. Also deletes language proposed by the Senate earmarking certain funds for grants for historical publications and records. The amount provided includes $100,000 for Archival activities associated with the Gallery of the Open Frontier in Nebraska and $500,000 to continue the feasibility study begun in fiscal year 1994 on the integration of Archives' collections into Internet and follow-on on-line systems in Nebraska.

Amendment No. 69. Restores House language canceling $441,000 in offsetting collections.

NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

Amendment No. 70. Modifies House language appropriating $9,000,000 for historical publications and records grants and provides funds for the Thomas P. O'Neill, Jr. Library and the Robert H. and Corinne W. Michel Congressional Education Fund.

EDUCATIONAL PROGRAMS

In its continuing effort to improve teaching about the United States Constitution and the U.S. Government, the Division of Exhibits and Educational Programs and the Constitution Project have developed a national institute for teachers on the subject of the United States Constitution and the Bill of Rights. The conferees commend this action and have provided $250,000 to fund this important program.

JOHN F. KENNEDY ASSASSINATION RECORDS AND REVIEW BOARD

SALARIES AND EXPENSES

Amendment No. 71. Appropriates $2,150,000 instead of $2,418,000 as proposed by the House.

HIRING OF INVESTIGATORS

The conferees agree that the John F. Kennedy Assassination Records Review Board should give favorable consideration to hiring individuals who have investigative experience due to their former employment with the Office of Personnel Management. These individuals may well possess the skills which the Board will need to accomplish its mission.

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

Amendment No. 72. Restores language and appropriations of $115,139,000 for salaries and expenses and $93,934,000 for administrative expenses as proposed by the House, including $3,000,000 as proposed by the House for OPM training. Includes language proposed by the Senate establishing health promotion and disease prevention programs.

FEDERAL EMPLOYEES HEALTH BENEFITS (FEHB)

The conferees support all efforts to encourage FEHB Plan members to utilize quality and cost-effective health care delivery systems. The conferees support OPM's position in its March 24, 1994 letter to carriers in the FEHB requiring that carriers must put in place procedures to capture discounts from all bills presented and/or contract with vendors to do so.

The conferees have some concerns that confusion and questions can arise among providers about the nature and relationship of FEHB carriers, their networks, and other organizations that are not so closely affiliated. The conferees expect OPM to carefully review carrier submissions and encourage carries to work with providers to alleviate those concerns. The conferees further expect carriers to describe in their annual benefit submissions to OPM procedures for obtaining the lowest price for these services.

In addition, the conferees expect the OPM to review procedures and practices of all in and out of network contractors to ensure that Federal employees have the best available information in order to make sound choices and decisions.

The conferees direct OPM to report back to the House and Senate Committees on Appropriations by April 1, 1995 on the amount of savings realized from this program. The conferees wish to reiterate that OPM is expected to ensure FEHB program integrity and the highest quality care for Federal employees at the lowest price.

DIVERSITY IN THE FEDERAL WORKPLACE

The conferees are supportive of efforts by the Office of Personnel Management to promote diversity and equal employment opportunity in the Federal civil service. The conferees are aware of one such program used in this regard, the Woodrow Wilson National Fellowship Program in Public Policy. Over 800 students have been selected as Wilson Fellows for training in over 30 of the Nation's top graduate schools and universities teaching public policy in the United States. Wilson Fellows account for nearly 50 percent of all minority students served by many of these programs. The conferees are supportive of efforts by the Office of Personnel Management to improve cooperation with the Wilson program, as well as other programs that are geared to increasing minority participation in government, and encourage OPM to recommend how these efforts can be improved in its fiscal year 1996 budget submission.

BUDGET SUBMISSION

The fiscal year 1995 OPM budget submission is unclear and should be revised to illustrate the relationship between its initiatives and various appropriated and non-appropriated accounts. The conferees direct that a revised submission, with prior approval of the Committees on Appropriations, be prepared for the fiscal year 1996 budget submission.

BASE PAY FOR UNIFORMED DIVISION OFFICERS OF THE UNITED STATES SECRET SERVICE AND POLICE OFFICERS OF THE BUREAU OF ENGRAVING AND PRINTING

The conferees recommend that the Office of Personnel Management incorporate Special Pay Rates, which were previously granted to the United States Secret Service Uniformed Division officers, into the base pay scale of these officers. The conferees further recommend that the police officers of the Bureau of Engraving and Printing be provided locality pay. It was the original intent of the conferees that the Secret Service Uniformed Division Special Rates be included as part of base pay for all purposes and receipt of these Special Rates should not preclude these officers from locality pay adjustments. Comparison of locality adjustments to Special Rates is certain to reflect the very disparities which precipitated the need for the Special Rate adjustments for the Uniform Division officers in 1988. Similarly, lack of locality pay for Bureau of Engraving and Printing police erodes their new pay plan established in 1991. The conferees fear that without action to correct these oversights additional recruitment and retention problems will result. The conferees instruct OPM to report back on its actions in this regard no later than February 1, 1995.

United States Tax Court

SALARIES AND EXPENSES

Amendment No. 73: Appropriates $34,039,000 instead of $33,650,000 as proposed by the house and $34,427,000 as proposed by the Senate.

TITLE V—GENERAL PROVISIONS

This Act

REPROGRAMMINGS

The conferees agree to require a reprogramming request from any agency, department or office when the amount to be reprogrammed exceeds $500,000 or 10 percent of any object class, budget activity, program line item, or program activity, whichever is greater. For agencies receiving appropriations under $20,000,000, this threshold shall be $100,000 or 5 percent, whichever is greater.

Such requests shall be submitted for the prior approval of the Committees on Appropriations. The Committees must receive such requests in sufficient time to consider them before their proposed implementation. In the past, the Administration has delayed submission as much as four months between the time that it knew that the reprogramming was necessary and the time that it was formally transmitted. The conferees expect that such delays will not recur in the future.

PERFORMANCE MEASUREMENT

The conferees agree to direct agencies to begin implementing performance measurement, pursuant to the following principles:

(1) A relatively large number of measures is needed to fully understand a product/service's performance. Organizations which are just now establishing measures are advised to start small with a few key areas until they increase their proficiency.

(2) Managers should be using performance measurement data, paying special attention to often-ignored quality and customer satisfaction information. Managers typically use traditional financial performance measures while ignoring quality and customer satisfaction data.

(3) Managers should ensure that performance measures are linked with all relevant planning and improvement efforts. It is also important that organizations use performance measurement in senior management appraisals.

(4) Managers should limit the creation of overhead organizations. Initiatives that make performance measures easier—such as automated systems—are popular and often create higher user satisfaction. Initiatives that create extra work—such as central office collecting measurement data or a consolidated report—inhibit productivity and are not frequently used by corporations.

The conferees note that government leaders should adopt the practice of involving customers and stakeholders in the development of performance measurements, involving line management, employees, and even customers. This tends to increase "buy-in," usability, and implementation. Development and implementation should be driven by broader improvement efforts providing a mechanism for following up on the opportunities revealed by the measurement data.

The conferees agree that, to the extent practicable, performance management concepts be incorporated and identified in the fiscal year 1996 budget requests.

TASK FORCES FUNDED IN THIS ACT

The conferees agree with the House report language requiring agencies which fund any task force to report the amount contributed to a task force to the House and Senate Committees on Appropriations.

MAILING LISTS

The conferees agree that section 522 which addresses the availability of mailing lists, has no bearing on information that may be available to Federal labor organizations pursuant to any other law, rule, or regulation.

Amendment No. 74: Inserts a Senate provision changing a date from 1994 to 1995 with reference to the use of funds and other contributions to OPM.

Amendment No. 75: Restores language proposed by the House which prohibits funds from being used to withdraw the designation of a port in Front Royal, Virginia.

Amendment No. 76: Restores language proposed by the House which prohibits the use of funds to relocate any Federal agency for the sole reason that locality pay was increased.

Amendment No. 77: Restores language proposed by the House with modification requiring advance approval by the House and Senate Committees on Appropriations for funds carried over from certain salaries and expense accounts.

Amendment No. 78: Inserts Senate language which limits travel expenses for Federal agencies and changes section number.

Amendment No. 79: Modifies Senate language to exempt Treasury law enforcement and support positions from the Federal Workforce Restructuring Act for one year.

Amendment No. 80: Inserts Senate language amending a law relating to former Presidents and changes section number.

Amendment No. 81: Inserts Senate language amending a law relating to former Presidents and changes section number.

Amendment No. 82: Modifies language proposed by the Senate requiring the Office of Personnel Management to conduct a study on cost of living allowances for Federal employees stationed outside of the continental United States. It also inserts language concerning the U.S. Forest Service Administrative Offices in Graham County, Arizona, the U.S. Courthouse in Tucson, a leased facility in Tucson, jurisdiction of the Bureau of Engraving and Printing, the use of funds made available in previous years for the U.S. Mint, a transfer of funds provided for the Office of Policy Development, the replacement of vehicles at IRS, equipment purchases for the GSA from the Working Capital Fund, exempting a Treasury Department review from the Federal Advisory Committee Act and clarifies pay for the legislative archivist at the National Archives and Records Administration.

TITLE VI—GOVERNMENTWIDE GENERAL PROVISIONS

Departments, Agencies, and Corporations

Amendment No. 83: Inserts Senate language permitting other employee programs as authorized by law or deemed appropriate to benefit from funds received from recycling programs.

Amendment No. 84: Restores House language and deletes Senate language relating to wage grade employees.

OFFICE REDECORATING ALLOWANCES

The conferees agree with the Senate position on Section 618 regarding the use of funds for decorating and improvement purposes. It is the intent of the conferees that the word "office" refers not only to the personal office of the official, but also the entire suite of offices assigned to the official, as well as any other space that is directly controlled by the official or is recognized within the agency as being primarily for the use of the official.

Amendment No. 85. Restores House language relating to mandatory use of FTS2000.

Amendment No. 86. Deletes Senate language relating to utility rebates.

Amendment No. 87. Restores House language with a technical change to provide for an average .6% locality pay and a 2% ECI increase for Federal employees.

Amendment No. 88. Restores House language relating to the backfilling of positions eliminated through Federal "buy-outs".

Amendments No. 89–92. Inserts four Senate amendments relating to the employment of Executive Office of the President individuals and access to the White House.

Amendment No. 93. Deletes Senate language relating to pay for the Uniformed Division of the United States Secret Service.

Amendment No. 94. Modifies Senate language which authorizes law enforcement availability pay.

LAW ENFORCEMENT AVAILABILITY PAY

The provision included in the conference report provides a 25 percent premium pay allowance to all 1811 OPM series criminal investigators, and to 1812 OPM series criminal investigators employed by the United States Fish and Wildlife Service and the National Marine Fisheries Service.

Availability pay replaces discretionary premium pay, commonly referred to as "Administratively Uncontrollable Overtime (AUO)", with guaranteed compensation at the rate of 25 percent. The compensation is provided in anticipation of the unscheduled work which these criminal investigators are expected to perform due to the nature of their work.

Criminal investigators receiving this guaranteed compensation shall be exempt from the Fair Labor Standards Act payment. This does not imply that the conferees believe that such an exemption should or should not be applied to State and local law enforcement officers. Federal investigators are faced with unique conditions of employment, such as interstate and international relocation, which necessitate guaranteed compensation in lieu of Fair Labor Standards Act payments.

The provisions contained in this section provide criminal investigators with a guaranteed, uniformly-applied form of compensation for unscheduled duty. It will facilitate budgeting, scheduling and operations for the affected agencies. Enactment of this section will prevent litigation and provide fair and secure compensation to federal criminal investigators.

Amendment No. 95. Deletes Senate language relating to utility rebates.

Amendment No. 96. Inserts Senate language amending Section 5704 of title 5, United States Code, relating to employee mileage reimbursement and changes the section number.

Amendment No. 97. Inserts Senate language relating to Canadian restrictions on the import of chickens from the United States and changes the section number.

Amendment No. 98. Modifies Senate language relating to the use of funds for the travel of certain individuals and changes the section number.

Amendment No. 99. Inserts Senate language making amendments to Section 3 of the Congressional Award Act and changes the section number.

Amendment No. 100. Inserts a Senate provision relating to drug-free workplace programs and changes section number.

Amendment No. 101. Modifies Senate language relating to the use of subsidies for certain third-class periodical publications; establishes a 6-year statute of limitations on certain claims; authorizes the Bureau of the Public Debt to pay for certain expenses; authorizes Federal law enforcement officers to attend the funerals of fellow officers and firefighters; and permits OPM to use funds for government payments for annuitants and employee life insurance programs.

Amendment No. 102. Inserts Senate language relating to savings from procurement reforms and changes the section number.

Amendment No. 103. Deletes Senate language relating to GSA buildings and establishes a new title, Title VII, which appropriates funds for violent crime control and law enforcement programs and activities.

The conferees have provided $38,700,000 for various law enforcement activities of the Department of the Treasury. The funds are allocated as follows: $2,400,000 for the Office of Enforcement; $9,000,000 for the Gang Resistance Education and Training program; $7,000,000 for the Bureau of Alcohol, Tobacco and Firearms for firearms enforcement and compliance activities; $7,000,000 for the Internal Revenue Service's Criminal Investigation Division; $4,000,000 for the U.S. Customs Service for border and port enforcement activities; $2,700,000 for the Financial Crimes Enforcement Network for Gateway and other financial intelligence activities; and $6,600,000 for the United States Secret Service for anti-counterfeit investigations and enhancing forensics capabilities to aid in the identification of missing and exploited children.

DISTRIBUTION OF FUNDS FOR GREAT PROGRAM

The conferees direct that the Bureau of Alcohol, Tobacco and Firearms give priority to the consideration of funding for New York City and the District of Columbia when distributing funds under the GREAT program.

Conference Total—With Comparisons

The total new budget (obligational) authority for the fiscal year 1995 recommended by the Committee of Conference, with comparisons to the fiscal year 1994 amount, the 1995 budget estimates, and the House and Senate bills for 1995 follow:

New budget (obligational) authority, fiscal year 1994	$22,538,822,000
Budget estimates of new (obligational) authority, fiscal year 1995	24,571,817,000
House bill, fiscal year 1995	23,347,513,520
Senate bill, fiscal year 1995	23,591,590,000
Conference agreement, fiscal year 1995	23,454,806,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1994	+915,984
Budget estimates of new (obligational) authority, fiscal year 1995	−1,117,011,000
House bill, fiscal year 1995	+107,292,480
Senate bill, fiscal year 1995	−136,784,000

Steny H. Hoyer,
Peter J. Visclosky,
George (Buddy) Darden,
John W. Olver,
Tom Bevill,
Martin Olav Sabo,
David R. Obey,
Jim Lightfoot,
(except amendment 29),
Joseph M. McDade,
(except amendment 53),
Managers on the Part of the House.

Dennis DeConcini,
Barbara A. Mikulski,
J. Robert Kerrey,
Robert C. Byrd,
Christopher S. Bond,
Alfonse M. D'Amato,
Mark O. Hatfield,
Managers on the Part of the Senate.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Rangel (at the request of Mr. Gephardt), for today and tomorrow, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Goss) to revise and extend their remarks and include extraneous material:)

Mr. Taylor of North Carolina, for 15 minutes, today.

Mr. Dornan, for 5 minutes, today.

Mr. Duncan, for 5 minutes, today.

Mr. Porter, for 5 minutes, today.

Mr. Bachus of Alabama, for 5 minutes, today.

Mrs. Bentley, for 5 minutes, today.

Mr. Rohrabacher, for 5 minutes, today.

Mr. Royce, for 5 minutes, today.

(The following Members (at the request of Mr. Rahall) to revise and extend their remarks and include extraneous material:)

Mr. Montgomery, for 5 minutes, today.

Mr. Underwood, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(Mr. Traficant and to include extraneous material notwithstanding the fact that it exceeds two pages of the Record and is estimated by the Public Printer to cost $2,572.)

(The following Members (at the request of Mr. Goss) and to include extraneous matter:)

Mr. Taylor of North Carolina.

Mr. Hoke, in three instances.

Mr. Leach.

Mr. GOODLING.

Mr. KYL.

Mr. UPTON.

(The following Members (at the request of Mr. RAHALL) and to include extraneous matter:)

Ms. DELAURO.

Mr. MILLER of California.

Mr. PETE GEREN of Texas.

Mr. WILLIAMS.

Mr. REED.

Ms. VELÁZQUEZ.

Ms. HARMAN.

Mr. HALL of Ohio.

Mr. DINGELL.

Mr. MCDERMOTT.

(The following Members (at the request of Mr. ROHRABACHER) and to include extraneous matter:)

Mr. PAYNE of New Jersey, in three instances.

Mr. JACOBS.

Mr. RUSH.

Ms. MARGOLIES-MEZVINSKY.

Mrs. COLLINS of Illinois.

Mr. BARCIA of Michigan.

Mr. COPPERSMITH.

Mr. PALLONE.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1779. An act to designate the facility of the United States Postal Service located at 401 South Washington Street in Chillicothe, Missouri, as the "Jerry L. Litton United States Post Office Building", and to authorize travel and transportation expenses for certain Federal career appointees, and for other purposes.

H.R. 3679. An act to authorize the Secretary of the Interior to carry out a program to be known as the Junior Duck Stamp Conservation and Design Program, and for other purposes.

H.R. 4190. An act to designate the building located at 41–42 Norre Gade in Saint Thomas, Virgin Islands, for the period of time during which it houses operations of the United States Postal Service, as the Alvaro de Lugo Post Office; and to amend title 39, United States Code, to make applicable with respect to the United States Postal Service certain exclusionary authority relating to the treatment of reemployed annuitants under the civil service retirement laws, and for other purposes.

H.R. 4647. An act to direct the Secretary of the Interior to convey to the City of Imperial Beach, California, approximately 1 acre of land in the Tijuana Slough National Wildlife Refuge.

H.J. Res. 363. Joint resolution to designate October 1994 as "Crime Prevention Month."

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2067. An act to elevate the position of Director of Indian Health Service to Assistant Secretary of Health and Human Services, to provide for the organizational independence of the Indian Health Service within the Department of Health and Human Services, and for other purposes; jointly, to the Committee on Natural Resources and the Committee on Energy and Commerce.

ADJOURNMENT

Mr. DELAY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 4 minutes p.m.) the House adjourned until tomorrow, Friday, September 23, 1994, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3860. A letter from the Administrator, General Services Administration, transmitting an informational copy of a prospectus for the Department of Commerce, pursuant to 40 U.S.C. 606(a); to the Committee on Public Works and Transportation.

3861. A letter from the Secretary of Transportation, transmitting the annual report on the transition to quieter airplanes; to the Committee on Public Works and Transportation.

3862. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a letter from the Chief of Engineers, Department of the Army dated January 28, 1994, submitting a report together with accompanying papers and illustrations (H. Doc. No. 103–315); to the Committee on Public Works and Transportation and ordered to be printed.

3863. A letter from the Deputy Secretary of Defense, transmitting a report on the status of the process for the resolution of commercial disputes in Saudi Arabia and the prognosis for any of the disputes that remain unresolved; jointly, to the Committees on Appropriations and Foreign Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DINGELL: Committee on Energy and Commerce. H.R. 1520. A bill to amend the Petroleum Marketing Practices Act; with an amendment (Rept. 103–737). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 4683. A bill to amend the Solid Waste Disposal Act to provide congressional authorization of State control over transportation of municipal solid waste, and for other purposes; with an amendment (Rept. 103–738). Referred to the Committee of the Whole House on the State of the Union.

Mr. GIBBONS: Committee on Ways and Means. H.R. 5060. A bill to provide for the continuation of certain free collections for the expenses of the Securities and Exchange Commission for fiscal year 1995 (Rept. 103–739, Pt. 1). Ordered to be printed.

Mr. YATES: Committee of conference. Conference report on H.R. 4602. A bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1995, and for other purposes (Rept. 103–740). Ordered to be printed.

Mr. HOYER: Committee of Conference. Conference report on H.R. 4539. A bill making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1995, and for other purposes (Rept. 103–741). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. SMITH of Texas (for himself, Mr. BONILLA, Mr. ARCHER, Mr. ARMEY, Mr. BARTON of Texas, Mr. COMBEST, and Mr. SAM JOHNSON of Texas):

H.R. 5073. A bill to amend the Endangered Species Act of 1973 to ensure that constitutionally protected private property rights are not infringed until adequate protection is afforded by reauthorization of such act, to protect against and compensate for economic losses from critical habitat designation, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. UNDERWOOD:

H.R. 5074. A bill to grant authority in Guam to give a preference, in awarding contracts, to persons employing citizens, nationals, or permanent resident aliens of the United States; to the Committee on Natural Resources.

By Mr. DINGELL (for himself and Mrs. COLLINS of Illinois):

H.R. 5075. A bill to ensure that sellers and underwriters of insurance are qualified and subject to consumer protection requirements; to the Committee on Energy and Commerce.

By Mrs. BYRNE:

H.R. 5076. A bill to amend title 23, United States Code, relating to drunk driving; to the Committee on Public Works and Transportation.

By Mr. HALL of Ohio (for himself, Mr. LANCASTER, Mr. APPLEGATE, Mrs. CLAYTON, Mr. BOEHNER, Mr. HEFNER, Mr. FINGERHUT, Mr. MCMILLAN, Mr. GILLMOR, Mr. NEAL of North Carolina, Mr. HOBSON, Mr. PRICE of North Carolina, Ms. KAPTUR, Mr. ROSE, Mr. KASICH, Mr. VALENTINE, Mr. MANN, Mr. OXLEY, Mr. PORTMAN, Ms. PRYCE of Ohio, Mr. SAWYER, Mr. STOKES, and Mr. TRAFICANT):

H.R. 5077. A bill to establish a commission to assist in commemoration of the first airplane flight by the Wright brothers; to the Committee on Post Office and Civil Service.

By Ms. HARMAN (for herself, Mr. HORN, and Mr. TUCKER):

H.R. 5078. A bill to amend the Stewart B. McKinney Homeless Assistance Act to modify the process by which unutilized and underutilized buildings and real property resulting from the closure or realignment of military installations are made available to assist the homeless; to the Committee on Banking, Finance and Urban Affairs.

By Mr. MARTINEZ:

H.R. 5079. A bill to amend the Anti-Drug Abuse Act of 1988 to authorize appropriations for fiscal years 1995, 1996, and 1997 for drug abuse education and prevention for the benefit of youth; to the Committee on Education and Labor.

By Mr. COX.

H.R. 5080. A bill to repeal the Postal Service monopoly on first class mail; jointly, to the Committees on Post Office and Civil Service and the Judiciary.

By Mr. HUGHES:

H.R. 5081. A bill to provide for a demonstration project by Federal Prison Industries; to the Committee on the Judiciary.

By Mrs. JOHNSON of Connecticut (for herself, Mr. POMEROY, Mr. ARCHER, Mr. THOMAS of California, Mr. HOEKSTRA, Mr. MICHEL, Mr. CRANE, Mr. MANZULLO, Mr. GRANDY, Mr. TAUZIN, Mr. JEFFERSON, Mrs. UNSOELD, Mr. JACOBS, Mr. HOBSON, Mr. MCCOLLUM, Mr. YOUNG of Florida, Mr. BOEHNER, Mrs. KENNELLY, Mr. GOSS, Mr. PETERSON of Florida, and Mr. BARCA of Wisconsin):

H.R. 5082. A bill to extend for an additional 2 years the period during which Medicare select polices may be issued; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Ms. MARGOLIES-MEZVINSKY:

H.R. 5083. A bill to amend the Public Health Service Act to provide for the development and operation of regional centers to conduct research and provide education and training regarding women's health; to the Committee on Energy and Commerce.

By Mr. GOODLING (for himself and Mr. SAWYER):

H.J. Res. 413. Joint resolution designating November 1, 1994, as "National Family Literacy Day"; to the Committee on Post Office and Civil Service.

By Mr. ROSE:

H. Con. Res. 293. Concurrent resolution providing for the printing of the book entitled "History of the United States House of Representatives"; to the Committee on House Administration.

By Mr. LEACH:

H. Con. Res. 294. Concurrent resolution expressing the sense of the Congress that the Department of Housing and Urban Development should not interfere with the exercise of the right of free speech, the right of free association, or the right to petition the Government for a redress of grievances; to the Committee on Banking, Finance and Urban Affairs.

By Mr. STUDDS (for himself, Mr. MANTON, Mr. ANDREWS of Maine, and Mr. YOUNG of Alaska):

H. Con. Res. 295. Concurrent resolution to express the sense of the Congress of the United States that the United States should actively seek compliance by all countries with the conservation and management measures for Atlantic bluefin tuna adopted by the International Commission for the Conservation of Atlantic Tunas; to the Committee on Merchant Marine and Fisheries.

By Mr. HASTINGS (for himself, Ms. WATERS, Ms. MCKINNEY, Mr. JOHNSTON of Florida, Mr. PAYNE of New Jersey, and Mrs. CLAYTON):

H. Res. 540. Resolution expressing the sense of the House of Representatives with respect to the situation in Haiti; to the Committee on Foreign Affairs.

By Mr. MCDERMOTT:

H. Res. 541. Resolution concerning United States and South Asian relations; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 123: Mr. CAMP, Mr. GRAMS, Mr. JOHNSON of Georgia, Mr. LEVY, Mr. POMEROY, and Mr. HASTERT.

H.R. 179: Mr. GUNDERSON.

H.R. 417: Mr. KIM, Mrs. VUCANOVICH, Mr. GLICKMAN, Mr. LAUGHLIN, Mr. PAYNE of Virginia, Mr. SAXTON, Mr. KLUG, Mr. QUINN, Mr. EMERSON, Mr. WALSH, Mr. MICA, and Mr. ARCHER.

H.R. 509: Mr. BACHUS of Alabama.

H.R. 587: Mr. VISCLOSKY.

H.R. 938: Mr. TALENT.

H.R. 1105: Mr. BAKER of California.

H.R. 1172: Mr. KENNEDY.

H.R. 1330: Mr. LEWIS of Kentucky and Mr. HUFFINGTON.

H.R. 1500: Mr. DERRICK, Mr. LANTOS, Mr. MINGE, and Ms. LOWEY.

H.R. 1671: Mr. WATT, Mr. RAVENEL, and Mr. LIPINSKI.

H.R. 2717: Mr. CANADY.

H.R. 2959: Ms. DANNER.

H.R. 3031: Mr. GUNDERSON.

H.R. 3182: Mr. COYNE.

H.R. 3263: Mr. LEWIS of Georgia.

H.R. 3386: Mr. GREENWOOD.

H.R. 3404: Mr. SYNAR.

H.R. 3523: Mr. BAKER of California and Mr. SANTORUM.

H.R. 3560: Mr. JACOBS.

H.R. 3787: Mr. HALL of Texas.

H.R. 3949: Mr. HINCHEY and Ms. BROWN of Florida.

H.R. 3971: Mr. OXLEY and Mr. BOEHNER.

H.R. 4142: Mr. YATES, Mr. WALSH, Ms. MARGOLIES-MEZVINSKY, and Mr. MCHUGH.

H.R. 4474: Mr. KLECZKA.

H.R. 4477: Mr. CHAPMAN, Mr. LINDER, Mr. WILSON, and Mr. CALVERT.

H.R. 4589: Mr. LIVINGSTON.

H.R. 4675: Mr. LEHMAN.

H.R. 4919: Mr. STARK, Mr. FAWELL, and Mr. SHAYS.

H.R. 4980: Mr. BATEMAN, Mr. ROMERO-BARCELO, Mr. WILSON, Mr. SCHIFF, Mr. CHAPMAN, Ms. DANNER, Mr. SHUSTER, and Mr. COYNE.

H.R. 5032: Mr. CALVERT, Mr. HANCOCK, Mr. TAYLOR of North Carolina, and Mr. BLUTE.

H.R. 5049: Mr. HANSEN, Mr. HEFLEY, Mr. SHAYS, Mr. BOEHLERT, Mr. DREIER, Mr. HASTERT, Mr. GOSS, Mr. BILIRAKIS, Mr. MCCOLLUM, Mr. ROGERS, Mr. SMITH of New Jersey, Mr. BARTON of Texas, Mr. COX, Mrs. FOWLER, Mr. HYDE, Mr. MCCRERY, Mr. MACHTLEY, Ms. MOLINARI, Mr. RAMSTAD, Mr. SHUSTER, Mr. SKEEN, Mr. WALKER, Mr. SCHIFF, Mr. SMITH of Oregon, Mr. HUTTO, Mr. SKELTON, Mr. BROWN of California, Mr. CONDIT, Mr. DELLUMS, Mr. FAZIO, Mr. PETE GEREN of Texas, Mr. HALL of Texas, Mr. LANCASTER, Mr. LAUGHLIN, Mrs. LLOYD, Mr. PARKER, Mr. RANGEL, Mr. ROWLAND, Mrs. SCHROEDER, and Ms. SLAUGHTER.

H.R. 5062: Mr. MILLER of Florida, Mr. MACHTLEY, Mr. GINGRICH, Mr. BAKER of California, Mr. RAHALL, Mr. TALENT, Mr. HEFLEY, and Mr. PARKER.

H.J. Res. 29: Mr. TALENT.

H.J. Res. 326: Mr. MONTGOMERY, Mr. MCNULTY, Mr. MURPHY, Mr. MANTON, Mr. NADLER, Mr. NEAL of Massachusetts, Ms. NORTON, Mr. OBERSTAR, Mr. ORTIZ, Mr. OWENS, Mr. OXLEY, Mr. PASTOR, Mr. PAXON, Mr. PAYNE of New Jersey, Ms. PELOSI, Mr. POSHARD, Mr. PRICE of North Carolina, Ms. PRYCE of Ohio, Mr. QUINN, Mr. RAHALL, Mr. RAMSTAD, Mr. REGULA, Mr. RIDGE, Mr. ROEMER, Mr. ROHRABACHER, Mr. ROSE, Ms. ROYBAL-ALLARD, Mr. SAWYER, Mr. SCHAEFER, Ms. SCHENK, Mr. SHAYS, Mr. SISISKY, Mr. SKEEN, Mr. SKELTON, Mr. SLATTERY, Mr. SOLOMON, Mr. SPENCE, Mr. STARK, Mr. STENHOLM, Mr. STOKES, Mr. BAKER of California, Mr. BALLENGER, Mr. BARCA of Wisconsin, Mr. BAESLER, Mr. BARRETT of Nebraska, Mr. BARRETT of Wisconsin, Mr. BARTLETT of Maryland, Mr. BECERRA, Mr. BILIRAKIS, Mr. BLACKWELL, Mr. BLUTE, Mr. BOEHNER, Ms. BROWN of Florida, Mr. BROWN of California, Mr. BROWN of Ohio, Mr. BRYANT, Mr. BURTON of Indiana, Mr. BUYER, Mrs. BYRNE, Mr. CALLAHAN, Mr. BOEHLERT, Ms. CANTWELL, Mr. CARR, Mr. CLAY, Mr. CLEMENT, Mr. CLINGER, Mr. CLYBURN, Mr. COPPERSMITH, Mr. COSTELLO, Ms. DANNER, Mr. DARDEN, Mr. DEAL, Mrs. COLLINS of Illinois, Mr. CHAPMAN, Mr. ABERCROMBIE, Mr. ANDREWS of Maine, Mr. DEFAZIO, Mr. DE LUGO, Mr. DELAY, Ms. DELAURO, Mr. DICKEY, Mr. DICKS, Mr. DOOLITTLE, Mr. DORNAN, Mr. DREIER, Mr. DUNCAN, Ms. DUNN, Mr. DURBIN, Ms. ESHOO, Mr. EVANS, Mr. EDWARDS of Texas, Mr. EMERSON, Mr. ENGEL, Mr. FALEOMAVAEGA, Mr. EWING, Mr. FAZIO, Mr. FIELDS of Texas, Mr. FILNER, Mr. FINGERHUT, Mr. FOGLIETTA, Mr. FORD of Tennessee, Mr. FORD of Michigan, Ms. FURSE, Mr. GALLO, Mr. GEPHARDT, Mr. PETE GEREN of Texas, Mr. GILCHREST, Mr. GILLMOR, Mr. GILMAN, Mr. GINGRICH, Mr. GORDON, Mr. GRANDY, Mr. GUNDERSON, Mr. GREENWOOD, Mr. HALL of Texas, Mr. HAMBURG, Mr. GUTIERREZ, Mr. HAYES, Mr. HEFNER, Mr. HOBSON, Mr. HOLDEN, Mr. HOKE, Mr. HORN, Mr. HOYER, Mr. HUNTER, Mr. HYDE, Mr. HUTCHINSON, Mr. HERGER, Mr. HANCOCK, Mr. INHOFE, Mr. JEFFERSON, Mr. SAM JOHNSON of Texas, Mr. KOPETSKI, Mr. KENNEDY, Ms. KAPTUR, Mrs. KENNELLY, Mr. KILDEE, Mr. KIM, Mr. KINGSTON, Mr. KLECZKA, Mr. LAFALCE, Mr. LAUGHLIN, Mr. LAZIO, Mr. LEVIN, Mr. LEWIS of California, Mr. LIGHTFOOT, Mr. LEHMAN, Mrs. LLOYD, Mr. LIVINGSTON, Mr. MCDADE, Mr. MCDERMOTT, Mr. MCCOLLUM, Mr. MAZZOLI, Mr. MEEHAN, Mrs. MEEK of Florida, Mr. MFUME, Mr. MILLER of California, Mrs. MINK of Hawaii, Mr. MOAKLEY, Mr. MOLLOHAN, Mr. STRICKLAND, Mr. STUDDS, Mr. SWETT, Mr. SWIFT, Mr. TAYLOR of Mississippi, Mr. THOMAS of Wyoming, Mr. TORRES, Mr. TORRICELLI, Mr. TOWNS, Mr. TUCKER, Mr. VENTO, Mr. VISCLOSKY, Ms. WATERS, Mr. WHEAT, Mr. WOLF, Ms. WOOLSEY, Mr. WYDEN, Mr. YATES, Mr. MORAN, Mr. LEACH, Mr. MANN, Mr. ANDREWS of Texas, and Mr. KLEIN.

H.J. Res. 332: Mr. MOORHEAD, Mr. TAUZIN, Mr. BEVILL, Mr. DURBIN, Mr. SMITH of Iowa, Mr. OBEY, Mrs. MALONEY, Mr. OLVER, Mr. BERMAN, and Mr. HALL of Ohio.

H.J. Res. 338: Mr. JEFFERSON, Mr. LAFALCE, and Mr. LANCASTER.

H.J. Res. 346: Mr. YOUNG of Florida, Mr. MCDADE, Mr. WOLF, Mr. KLECZKA, Mr. LANTOS, Mr. OWENS, Mr. SHARP, Mr. ROHRABACHER, Mr. KREIDLER, Mrs. MEEK of Florida, Mr. LIPINSKI, Mr. EMERSON, Mr. CRAMER, Mr. HOCHBRUECKNER, Mr. HASTINGS, Mrs. THURMAN, Mr. JEFFERSON, Mr. MEEHAN, Mr. MONTGOMERY, Mr. LAFALCE, Mr. SARPALIUS, and Mr. BARCA of Wisconsin.

H.J. Res. 362: Mr. Jefferson and Mr. GORDON.

H.J. Res. 400: Mr. FILNER.

H.J. Res. 401: Mr. DE LA GARZA, Mr. DUNCAN, Mr. FLAKE, Mr. GUTIERREZ, Mr. KLINK, Mrs. LLOYD, Mr. MCCOLLUM, Mr. NADLER, Ms. PRYCE of Ohio, Mr. SARPALIUS, Mr. TRAFICANT, Mrs. VUCANOVICH, and Mr. YATES.

H. Con. Res. 243: Mr. LEHMAN and Mr. WYNN.

H. Con. Res. 264: Ms. DUNN.

H. Con. Res. 281: Ms. FURSE, Mr. FINGERHUT, and Mr. COPPERSMITH.

H. Res. 472: Mr. CASTLE and Mr. FAWELL.

H. Res. 493: Mr. MCHALE.

PETITIONS, ETC.

Under clause 1 of rule XXII.

131. The SPEAKER presented a petition of the King County Labor Council of Washington, relative to H.R. 4708; which was referred jointly, to the Committees on Education and Labor and Public Works and Transportation.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 3171

By Mrs. BENTLEY:

—At the appropriate point in the bill after Section 803 add a new Section 804 as follows and renumber subsequent sections;

SEC. 804. TRADE AMERICAN GRAIN ACT OF 1994

Section 401 of the Agricultural Trade Act of 1978 (7 U.S.C. 5661) is amended by adding a new subsection at the end thereof:

"(d) CITIZENSHIP REQUIREMENTS.—Exporters, exporters of record, assignees, sellers, processors and other participants in the program, except for purchasers and users, must be a United States citizen.

"(1) DEFINITION OF UNITED STATES CITIZEN.—For purposes of this section, "United States citizen" shall mean either a natural person who is a citizen of the United States or a corporation, partnership, or association, whose controlling interest therein is owned by citizens of the United States, and in the case of a corporation, meets also the following requirements:

"(A) president or other chief executive officer is a United States citizen;

"(B) the chairman of its board of directors is a United States citizen;

"(C) a majority of the members of the board of directors are United States citizens; and

"(D) the corporation is organized under the laws of the United States or of a State, Territory, District, or possession thereof.

"(2) DEFINITION OF CONTROLLING INTEREST.—For purposes of this section, "controlling interest" shall not be deemed to be owned by citizens of the United States (A) if the title to a majority of the stock thereof is not vested in such citizens free from any trust or fiduciary obligation in favor of any person not a citizen of the United States; or (B) if the majority of the voting power in such corporation is not vested in citizens of the United States; or (C) if through any contract or understanding it is so arranged that the majority of the voting power may be exercised, directly or indirectly, in behalf of any person who is not a citizen of the United States; or (D) if by any other means whatsoever control of the corporation is conferred upon or permitted to be exercised by any person who is not a citizen of the United States.".

—At the end of the bill add the new section:

SEC. . COVERAGE OF FOREIGN VESSELS UNDER FEDERAL LABOR LAWS.

(a) NATIONAL LABOR RELATIONS.—Section 2(2) of the National Labor Relations Act (29 U.S.C. 152(2)) is amended—

(1) by inserting "(A)" after the paragraph designation; and

(2) by adding at the end thereof the following new subparagraph:

"(B)(i) The term 'employer' also includes a foreign documented vessel engaged in transporting government-financed cargoes of agricultural commodities.

"(ii) For purposes of this section, such term shall not include any foreign documented vessel that can demonstrate—

"(I) that at least 50 percent of its crew is composed of citizens of the country of registry; and

"(II) that legal title to such vessel is held by citizens of the country of registry, and beneficial ownership and control, direct or indirect, are held by citizens of the country of registry.

"(iii) As used in this subparagraph, the term 'citizen' shall include—

"(I) natural persons who are citizens of the country of registry;

"(II) a corporation, if its equity is at least 51 percent owned and controlled by citizens of the country of registry;

"(III) a partnership, if all the general partners are citizens of the country of registry and at least 51 percent of the partnership is owned and controlled by citizens of the country of registry.".

(b) PAIR LABOR STANDARDS ACT OF 1938.—

(1) DEFINITION.—Section 3(d) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(d)) is amended—

(A) by inserting "(1)" after the subsection designation; and

(B) by adding at the end thereof the following new paragraph:

"(2)(A) The term 'employer' also includes a foreign documented vessel engaged in transporting government-financed cargoes of agricultural commodities.

"(B) For purposes of this section, such term shall not include foreign documented vessel that can demonstrate—

"(i) that at least 50 percent of its crew is composed of citizens of the country of registry; and

"(ii) that legal title to such vessel is held by citizens of the country of registry, and beneficial ownership and control, direct or indirect, are held by citizens of the country of registry.

"(C) As used in this paragraph, the term 'citizen' shall include—

"(i) natural persons who are citizens of the country of registry;

"(ii) a corporation, if its equity is at least 51 percent owned and controlled by citizens of the country of registry;

"(iii) a partnership, if all the general partners are citizens of the country of registry and at least 51 percent of the partnership is owned and controlled by citizens of the country of registry.".

(2) MINIMUM WAGE.—Section 6(a)(4) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(4)) is amended by inserting "or a foreign documented vessel described in section 3(d)(2)(A)" after "an American Vessel".

"(3) EXEMPTION.—Section 13(a)(12) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(a)(12)) is amended by inserting "or a foreign documented vessel described in section 3(d)(2)(A)" after "an American Vessel".

SENATE—*Thursday, September 22, 1994*

(Legislative day of Monday, September 12, 1994)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the Honorable PAUL D. WELLSTONE, a Senator from the State of Minnesota.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

God is our refuge and strength, a very present help in trouble.—Psalm 46:1.

Almighty God, sovereign Lord of history and nations, You are needed here. Your presence, Your mercy, Your judgment, Your wisdom, Your love. We need You in this formidable arena of controversy, conflict, and compromise, where unnumbered agendas converge and demand attention, where special interests collide, where strong wills clash. We need You when tempers rise, emotions boil, frustration enervates, and suppressed anger explodes.

Gracious God, in this vortex of the storm where personal, local, regional, national, international, and special interests concentrate, give to the leaders, the Senators, and their staffs, grace exceeding the tempest.

In the name of Him whose peace the world cannot give nor take away. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 22, 1994.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable PAUL D. WELLSTONE, a Senator from the State of Minnesota, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. WELLSTONE thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. MITCHELL. Mr. President, and Members of the Senate, there will be a period for morning business until 10:30 this morning, at which time the Senate will debate for 1 hour on a pending motion to invoke cloture on the motion to disagree to the House amendments on campaign finance reform.

Basically, Mr. President, we have taken up and passed the campaign finance reform bill, and we are now trying to go to conference with the House to reach an agreement so that we can finally act on that important measure, but we face a filibuster by our Republican colleagues on our effort to go to conference. That will be the subject of debate this morning, at which time I will encourage all Senators to vote to end the filibuster so that we can proceed to conference on that important measure.

Following disposition of that measure, we will act in an identical way on the California desert bill. We face the same situation there. The Senate and House have passed bills with respect to the California desert. We are trying to get to conference on it. We face a filibuster on that effort, as well, and I hope we will have an opportunity to debate that following the campaign finance reform bill.

Thereafter, we will return to consideration of the pending District of Columbia appropriations bill.

Mr. President, parliamentary inquiry. Has all leader time been reserved?

The ACTING PRESIDENT pro tempore. It has been by a previous order.

Mr. MITCHELL. Mr. President, I note the presence of the distinguished Senator from Indiana, and I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leader time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. There will now be a period for transaction of morning business, not to extend beyond the hour of 10:30 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

Mr. COATS addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Indiana is recognized.

REGARDING SENATE RESOLUTION 259 COMMENDING THE PRESIDENT AND SPECIAL DELEGATION TO HAITI AND SUPPORTING UNITED STATES ARMED FORCES IN HAITI

Mr. COATS. Mr. President, like all Americans, I am greatly relieved that the deployment of United States troops to Haiti occurred under peaceful rather than hostile circumstances. As a result, many Haitian as well as American lives have been spared.

I am also greatly relieved that General Cedras and the ruling military junta in Haiti have agreed to relinquish their grip on government and, thanks to the compelling argument of former Chairman of the Joint Chiefs, Gen. Colin Powell, cooperate in a peaceful transition of power.

Mr. President, I commend America's military men and women for their excellent performance in carrying out their duties, fully support them in their complex and difficult mission, and pray for their safe and quick return.

I fear, however, that our most difficult days lie not behind us but ahead.

Mr. President, the occupation, not the invasion, of Haiti has always been recognized as the more difficult part of this mission. In many respects, that occupation has now been made even more difficult by the circumstances under which it has occurred.

The Haitian population is by no means at peace, the institutions of civil government have yet to be established, and democracy is far from assured. The task we face in Haiti is not one of restoring democracy, but of building a nation. And, as we tragically learned in Somalia, that is not an appropriate mission for the United States military forces.

After nearly 3 days of intervention in Haiti, we have already seen that the United States military has become a local police force.

Before the invasion, the President promised that our Armed Forces cannot and will not be Haiti's police. But yesterday, the President said the military police will, "monitor the Haitian police" and attempt to deter violence "by their own presence." But the President added, "Our Armed Forces cannot and will not become Haiti's police force."

There was a very disturbing passage in a Washington Post story from this morning:

> On their third day in Haiti * * * the GI's know what their mission is not. It is not the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

invasion they had planned for months until calling it off last weekend. What they do not know is just what their mission is.

We are not in Haiti to protect American lives. We are not in Haiti to protect American property. We are not in Haiti to deter aggression from another nation. We are not in Haiti to protect United States national interests.

We are once again placed between at least two warring factions in an unstable society. To try to resolve a conflict that exists among the Haitian people.

Restoring democracy, policing the streets, refereeing local disputes, is not and has never been an appropriate mission for the U.S. military.

For those reasons, Mr. President, as well as the fact that no United States national interest is at stake in Haiti, or has been demonstrated to be at stake in Haiti, I opposed a United States invasion of Haiti. For the same reasons, Mr. President, I now urge a timely conclusion to the United States occupation of Haiti, and the speedy withdrawal of all United States troops.

Mr. President, I yield the floor.

Mr. GRAHAM addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Florida is recognized.

Mr. GRAHAM. Mr. President, parliamentary inquiry. Am I correct that Senator HATFIELD and I have reserved 30 minutes at this point?

The ACTING PRESIDENT pro tempore. The Senator is correct. The Senator from Florida [Mr. GRAHAM] and the Senator from Oregon [Mr. HATFIELD] are recognized to speak for a total of 30 minutes.

Mr. GRAHAM. Thank you, Mr. President. I will speak for 15 minutes and then my colleague, Senator HATFIELD, will use the remainder of the time.

(The remarks of Mr. GRAHAM and Mr. HATFIELD, pertaining to the introduction of legislation are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

TRIBUTE TO POLICE OFFICER WILLIS J. COLE

Mr. WOFFORD. Mr. President, last month, Willis J. Cole, a police officer from the small police department of New Cumberland, PA, was shot and killed during an armed robbery. I rise to pay tribute to this man who bravely served his community and protected others from harm. In the line of duty, Patrolman Cole gave "the full measure of devotion."

During his 8 years of service, Patrolman Cole received numerous letters of commendation for effective performance. Understanding the importance of crime prevention and citizen involvement, Patrolman Cole went out into his community and portrayed Mr. McGruff, the crime dog, in order to teach children and adults how to protect themselves and make their neighborhoods safe.

This short memorial can in no way adequately describe the deep loss felt by our Commonwealth, and especially by Patrolman Cole's wife, Kathleen, and 1-year-old son, Derek. His community, his family, and his department will forever remember his bravery and kindness.

Patrolman Cole took pride in his job, his family, and his community. If we are to truly honor his memory we must do no less. And we must dedicate ourselves, as Abraham Lincoln suggested, to the values for which Patrolman Cole stood.

IN MEMORY OF OFFICER SHANE CHADWICK

Mr. BAUCUS. Mr. President, pick up a newspaper, turn on the TV news, and we hear of another violent tragedy. And all too often it involves a law enforcement officer struck down in the line of duty.

Sadly, just last week, a young Montana police officer fell victim to this senseless violence. While in many communities, this would be just another sad and disturbing statistic, it is a very real tragedy for the people of Great Falls and many other Montanans.

Shane Chadwick was a young member of the Great Falls police force. He was responding to a concerned citizen's complaint about noise early Wednesday morning when he was gunned down in a dark alley.

By all accounts, Shane was a rising star on the Great Falls force. He was promoted to senior officer within 2 years of service. He leaves behind a young wife and a 4-year-old son. My wife, Wanda, and I want to express our deepest sympathy to the entire family.

This incident is a stark reminder of the kind of risks our law enforcement take each day on the job. We take them for granted. We owe each one of these crime fighters a great debt of gratitude.

Mr. President, we passed the crime bill which I believe takes some important steps toward stemming the violence. But we need to do more to stop these senseless killings. In addition to the handcuffs and prisons, we need to instill in people a sense of values and respect for life; a basic grasp of right and wrong. Much of that begins with teaching our children.

While no sense can ever be made of officer Chadwick's murder, I hope it will strengthen our resolve to put an end to violence.

DR. XIAO MING TIAN

Mr. DECONCINI. Mr. President, the national health care reform debate has been instrumental in focusing attention on alternative medicine and treatments which are not based on Western medical theory or practice. Today, I want specifically to address one approach to pain therapy which I and many other Americans have found to be more effective then our traditional high-technology and high-cost health care—acupuncture. In particular, I want to acknowledge the fine work of Dr. Xiao Ming Tian, a leading practitioner in this field.

Recently, the Washington Post's health section devoted its cover story to acupuncture and highlighted Dr. Xiao Ming Tian's successful treatment of patients with this therapy. Dr. Ming is a medical doctor and acupuncturist who blends Eastern and Western medicine in his practice. He holds the unique position of being the sole clinical consultant for the National Institutes of Health [NIH] and, on NIH request, has used acupuncture to treat some of the most difficult cases encountered by NIH doctors.

While presently Dr. Ming's principal role is to determine whether acupuncture can help individual patients at NIH, he is also assisting NIH to design controlled studies to verify the positive outcomes of the patients he has treated. He will be helping the NIH's Rehabilitation Medicine Program conduct the first study of the use of acupuncture to control pain and improve mobility in prostate cancer patients this fall. This clinical trial represents a significant step in the effort to establish the scientific grounds on which the efficacy of acupuncture treatment can be evaluated and accepted.

I can personally attest to the benefits of Dr. Ming's acupuncture treatment. Dr. Ming was recommended to me when I was having problems with neck pain. His treatments relieved my pain and I do not hesitate to join other patients who have experienced significant improvements under his care to pay tribute to him. Dr. Ming is an outstanding physician who deserves tremendous recognition for working to integrate very different approaches to pain treatment.

Dr. Ming's work with the NIH is instrumental to bringing acupuncture into the mainstream of our health care system. I can think of no better person than Dr. Ming, whose reputation as a doctor is unsurpassed, to do this. I count him among the best doctors whom I have ever used and know. The cover story in the Washington Post's health section reports nothing but glowing praise for Dr. Ming by his patients. These patients credit his treatments with significant pain reduction or other major improvements in their conditions.

Mr. President, I ask unanimous consent that the Washington Post's health section cover story on acupuncture, including the insert entitled "How One Young Patient Finds Relief From Joint Pain" regarding Dr. Ming's involvement and work in this important area of health care, be reprinted in the RECORD following my statement.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Aug. 16, 1994]

ACUPUNCTURE

If all goes according to plan, a team of lawyers will walk up the steps of the U.S. Food and Drug Administration later this week and deliver to federal officials what could be the most peculiar application in the agency's history: A request by the nation's 9,000 acupuncturists to approve acupuncture needles as medical devices.

The hair-thin stainless steel needles hardly fit the standard image of a medical device. Unlike cardiac pacemakers, X-ray machines and surgical lasers—the kind of device that the FDA is used to assessing—acupuncture needles draw no energy and have no moving parts. Equally unusual, their primary purpose is to stimulate the flow of a life force called Qi (pronounced Chee) through a network of mysterious energy meridians in the body. Since neither Qi nor meridians have been scientifically proven to exist, the FDA may have a hard time judging whether the needles work.

But the agency has a stake in trying. While 29 states and the District of Columbia have legalized the practice of acupuncture, the needles themselves are still classified by the FDA as "investigational devices." This means they have never been proven safe or effective and their use is supposed to be limited to scientific studies. The FDA is well aware that despite this restriction, acupuncture needles are in widespread use. And the agency would like to avoid another controversy like the one over silicone breast implants, in which it was criticized for allowing their use without having demanded safety data.

Acupuncturists would also benefit from FDA approval of acupuncture needles. They would be assured of reimbursement by Medicaid and Medicare and by the many private insurers who do not now pay for the treatments. And it would help the fledgling U.S. profession survive the financial shakedown of health care reform; any plan that emerges from Congress is expected to be tough on a medical specialty whose major tools lack FDA approval.

But perhaps most significant, a nod of approval from the FDA would be a symbolic watershed for consumers. It would mean that an alternative medical system invoking such foreign concepts as "Qi" and "meridians" can be granted the kind of legitimacy normally reserved for mainstream medicine. It would show there is room in high-tech American health care for low-tech "nontraditional" techniques—if a technique that is 10 times older than anything in Western medicine can be properly called nontraditional.

Until recently, said David Lytle, an FDA research biophysicist, there has been virtually no data by which the FDA might judge the safety and efficacy of acupuncture. "But that's changing," he said. "And it's changing fast."

OPEN-MINDED PATIENTS

Although many scientists are skeptical about the benefits of acupuncture, the specialty has gained an impressive following in this country. An estimated 15 million Americans, or about 6 percent of the population, have tried it with varying degrees of success for chronic pain, fatigue, nausea, arthritis, digestive problems and a range of other ailments. They are participants in a 2,000-year tradition originating in China, where medical doctors still practice the art today in combination with herbal medicine and modern Western techniques. It calls for the insertion of needles ranging in length from a half-inch to three inches into any of the approximately 400 points in the skin that correlate to different organ systems. These points lay along 14 major meridians, or pathways, in the body.

Acupuncture meridians and points have no known anatomical or physiological equivalents in Western medicine, and there is no scientific evidence for their existence. But that doesn't bother the FDA, an agency that is solely concerned with safety and efficacy and has no interest in debating medical philosophy. So the plan, according to FDA physician Suzanne Parisian, is to judge the needles without regard to the theory and practice of acupuncture.

That's a feat many acupuncturists deride as impossible, since a needle is only as safe and effective as an acupuncturist makes it. Indeed, some experts have told the FDA that the agency would do better to insist simply that needles will not break during use and that packages are properly labeled with appropriate warnings.

The task of judging acupuncture needles will also be difficult because of the dearth of well-controlled published research. Unlike medical doctors, acupuncturists are not generally trained to do clinical research; one recent analysis concluded that of the approximately 2,500 acupuncture studies published in English since 1960, only 28 were designed or written in such a way as to give meaningful information to the medical community.

But things are getting better, said Monique M. Morris, a University of Southern California biostatistician who recently reviewed the record on acupuncture research for the FDA. In a few areas, she said, there appears to be evidence that acupuncture has a therapeutic effect, although many of the studies are still small.

Among the most promising uses, according to documents compiled by acupuncturists for the FDA, are:

Pain control. Acupuncture was first publicized in the American media in 1971, when New York Times foreign correspondent James Reston wrote a first-person account of how acupuncture reduced his post-surgical abdominal pain after an emergency appendectomy in China. (He had had regular anesthesia for the operation.) Since then, research in animals and humans has strengthened the case for acupuncture's potential as a painkiller.

There have been about a dozen well-controlled studies of acupuncture for pain, said John Reed, a physician at the Pain and Stress Recovery Center in Phoenix, who reviewed the data for the FDA. In studies of lower back pain, neck pain, tennis elbow, migraines, angina attacks, menstrual cramps and dental pain, acupuncture almost always worked better than a placebo treatment, and it often worked better than standard painkilling drugs, he said.

A recent pilot study also suggests that acupuncture can help people with osteoarthritis of the knee, a painful chronic joint inflammation. Lixing Lao, Brian Berman and their colleagues at the University of Maryland reported in June that twice weekly acupuncture treatments reduced pain and increased walking ability in eight of 12 patients during a two-month treatment period, and that the improvement lingered for a few weeks after treatments stopped.

How does it work? Bruce Pomeranz, a research physiologist at the University of Toronto who studied acupuncture's effects on nerves, said experiments by him and others have shown that acupuncture stimulates the production of painkilling opiates in the brain, but that other factors probably contribute to acupuncture's value as an analgesic. Both he and Reed said pain control is a well-documented benefit of acupuncture, but they warned that the difficulty of studying and measuring pain objectively may make it hard to convince the FDA that acupuncture has something unique to offer.

Substance abuse. More than a dozen jurisdictions in the United States have turned to acupuncture to help drug abusers overcome their addictions in a program called Drug Court. The program offers felony drug offenders intensive counseling and acupuncture treatments as an alternative to going to prison. The daily acupuncture sessions, which go on for three to six months, seem to ease withdrawal and reduce the urge to take up drugs again; some continue with the acupuncture even after completing the formal program.

"I was astonished at the results," said Michael O. Smith, director of the substance abuse division at Lincoln Hospital in the Bronx, where recovering addicts can be seen resting quietly with acupuncture needles in their ears. About 50 percent of the addicts opting for Drug Court in the Bronx stay in the program for a full three months of daily sessions—a graduation rate "tremendously better than any residential treatment program could imagine attaining," Smith said, and at a cost of less than $1,000 a person.

Hugh Rodham, an attorney and brother of First Lady Hillary Rodham Clinton, helped get Drug Court off the ground in Miami in 1989. He said 78 percent of the program's graduates there have gone two years without getting rearrested, compared to between 15 and 20 percent in standard drug diversion programs. "Acupuncture proved itself," Rodham said. "We've had more than 15,000 people come through our clinic who have been cured of an addiction that nobody thought could be cured."

No one knows precisely how acupuncture may be helping these drug users kick their habit. Experts said it's impossible to know, for example, how much of the program's success is due to the acupuncture and how much from the general increase in attention that Drug Court participants get. But according to researchers involved in the program, addicts themselves say the acupuncture is crucial. The addicts say the needles in the ear trigger a deep relaxation, which in turn seems to lower their craving for drugs. Some researchers suggest that increased production of the body's own opiates may contribute to the lack of craving by providing a "home-grown" substitute for an illicit drug.

Nausea and vomiting. More than half of all patients who receive anesthesia before undergoing surgery experience nausea or vomiting after awakening from the ordeal—usually a reaction to the opium-related "pre-anesthesia" drugs given an hour or two before surgery.

But there is "very compelling evidence" that a few minutes of acupuncture in the hour or two before surgery can significantly reduce the incidence of nausea and vomiting in the recovery room, said National Institutes of Health researcher Andrew Parfitt. Most of those studies have involved a single needle stuck into the so-called Neiguan point, also called P6, located about a finger's width above the crease on the inside of the wrist.

Acupuncture has also proved effective against nausea in patients taking the cancer drug cisplatin, Parfitt said. And unlike most anti-nausea medicines, he added, acupuncture for nausea seems to cause no side effects.

Asthma and other respiratory ailments. Many acupuncturists and patients swear by acupuncture's benefits for asthma and other breathing problems. But very few controlled studies have been done in this area, said Kim A. Jobst, an Oxford University clinical researcher who in 1986 performed perhaps the best study of asthma and acupuncture in the West. Of the handful of good studies, he said, some have found no benefit while others, including his own, showed improvement as measured by "quality of life" scores, breathlessness measures and reduced dependence on medicine. Of the 16 best studies, Jobst said, 10 showed benefits of acupuncture, three showed no benefit, and in three the people who got acupuncture did worse than the controls. Although more and better studies are clearly needed, he said, "I still think this is terribly exciting"—especially since long-term use of some asthma drugs has recently been shown to exacerbate many people's condition.

Stroke and paralysis. In China, doctors typically use acupuncture on heart attack victims in the belief that it can reopen blocked blood vessels leading to the heart. In the United States, some studies suggest that acupuncture's capacity to enhance blood flow may be real, and may benefit some victims of ischemic stroke, who become partially paralyzed because of a blocked blood vessel in the part of the brain that controls movement.

Studies by Margaret Naeser at Boston University School of Medicine indicate that acupuncture treatments given two to three times a week for two to three months will increase mobility in about 60 percent of patients who have had a stroke. Acupuncture appears especially helpful when less than half of a patient's motor neuron pathway in the brain has been damaged by the stroke, Naeser said. A CAT scan given at least three months after the stroke can show how much damage has been done to that area and help predict which patients may benefit from acupuncture.

Naeser, an associate research professor of neurology, said she thinks acupuncture increases blood flow to the brain and may enhance the brain's natural ability to reorganize its own neurons in ways that compensate for the loss of other neurons in a stroke. She said researchers in Sweden and Taiwan have also found that acupuncture can increase arm and leg mobility, hand strength, balance and gait in many stroke patients.

AWAITING THE VERDICT

Notwithstanding these and other seemingly impressive results, the FDA's decision on needle approval will not be easy. The biggest problem, Parisian and other officials said, is that acupuncture experiments have varied widely in quality and design, making it difficult to combine the evidence from several studies into a single convincing case.

Researchers still don't agree, for example, on the best way to include "controls"—the comparison group of people who do not get acupuncture. Controls are a standard element in modern medical studies, but it's not clear what would constitute an appropriate control group for an acupuncture study.

Some experts say control patients should get "sham" acupuncture treatments, in which they are poked with needles in random locations. That might allow researchers to tell whether acupuncture's effects depend on a real system of points and meridians or are just a result of getting pricked anywhere. But others disagree, saying sham treatments are not true controls because they may inadvertently stimulate points that also have therapeutic potential. Moreover, the mere trauma of getting pricked may stimulate the brain to make painkilling endorphins that could fool people into thinking their condition had improved.

Indeed, some scientists believe that acupuncture is not a medical science at all but a sophisticated means of fooling the body into feeling well. They see acupuncture as a combination of pain control caused by endorphins and psychosomatic recovery caused by the power of suggestion. If "real" acupuncture works better than "sham" acupuncture, they say, perhaps that's because "real" acupuncture points have more nerve endings than sham points, thus triggering more pain, more endorphins and more relief.

"Where hypnosis works, acupuncture will work," said Victor Herbert, a professor of medicine at the Mount Sinai and Bronx Veterans Affairs Medical Centers in New York. "Ten percent of Americans are profoundly suggestible and another 80 percent are somewhat suggestible and these are the people who will respond to acupuncture."

Herbert, who went to China in 1979 with a team of U.S. doctors to investigate the value of acupuncture as surgical anesthesia, said he was disappointed by what he saw. He said even Chinese doctors screened their patients for suggestibility and only relied on acupuncture in patients who were easily hypnotized. All told, he said, "I'd prefer to use hypnosis. Nobody has ever gotten hepatitis from hypnosis."

Now the FDA must weigh such skepticism against acupuncturists' claims as it reviews the petition for needle approval. It will have to do so quickly. Unlike the case for drug approvals, which often languish with the FDA for years, the agency is required by law to rule on medical device applications within six months. That means the verdict on acupuncture needles should be in by February.

Even if the FDA approves the needles for only one purpose—for the treatment of substance abuse, for example—it will be a major victory for acupuncturists and their patients. That's because any device approved for even a single indication can be legally used for other purposes, just as medical doctors today can prescribe drugs for conditions other than those they were originally approved for.

Whatever the FDA's decision, acupuncture seems destined to grow in this country. The number of acupuncturists graduating from the nation's 47 acupuncture schools is expected to increase by almost 60 percent in the next two years, from about 850 in 1994 to an estimated 1,350 in 1996, said Barbara Mitchell, chairwoman of the National Commission for the Certification of Acupuncturists.

Harvey Kaltsas, president of the American Association of Acupuncture and Oriental Medicine, predicts that acupuncture will become a popular substitute for many medicines in the next decade.

"We have treatments for major diseases like hypertension, and we'll be competing against pharmaceutical companies," Kaltsas said. "We're not even a blip on their screen," he said, "but they're in for a surprise. They can't even imagine we are as effective as we are."

HOW ONE YOUNG PATIENT FINDS RELIEF FROM JOINT PAIN

Sixteen-year-old Margaret Clark lies face down on a bed in the nation's preeminent research hospital—the clinical center of the National Institutes of Health—where many of medicine's newest experimental therapies are first tried. But there is nothing new about the treatment she is about to get: seven stainless-steel needles, thinner than sewing pins, stuck into her legs, lower back and shoulder, in much the same way as has been done in China for the past 2,000 years.

Clark has fibromyalgia, a poorly understood disease that causes a spectrum of problems from muscle spasms to crippling joint inflammation. After years of getting bounced from one doctor to another, none of whom could treat her successfully, she was referred to Xiao Ming Tian, a medical doctor and acupuncturist who has practiced a blend of Eastern and Western medicine since arriving in the United States from China in 1982.

The Washington area is rich with acupuncturists—in part because it is home to two acupuncture colleges: the Traditional Acupuncture Institute in Columbia and the Acupuncture School of Maryland in Bethesda. But Ming has the distinction of being the only acupuncturist on call for the federal government; he is an NIH "clinical consultant," asked to use his needles on some of the tougher cases at the federal research facility. Cases like Margaret Clark's.

"A lot of doctors we went to said, 'There's nothing we can do,'" said Clark's mother, who brings the 10th grader in for treatments once a week from their home in Clarksburg, Md. "I don't know how many thousands of dollars we spent getting blood tests just to find out she had a hormone imbalance. Dr. Ming knew from looking at her fingernails she had hormonal problems."

Ming leans over his young patient and feels her bare back with his finger while swabbing his target areas with an alcohol pad. Then, with a speed that belies the accuracy of his aim, he stabs a thin disposable, four-inch needle sharply into the skin below the girl's left shoulder blade, pushes it in about a half an inch and deftly twists it clockwise and counterclockwise for a few seconds.

Clark barely flinches.

In quick succession, Ming fixes two needles into her lower back, two others into the backs of her calves and two into her ankles, again twisting them. "Feel that?" he asks. He knows he's in the right place if, when he twists each needle, his patient gets a deep sense of numbness or heaviness in the area.

"Yes," she says, "but it doesn't really hurt." Like most acupuncture patients, she describes the treatment as a series of stings and tingling sensations with an occasional electrical buzz, just short of real pain.

Clark said her joint pain has gotten better in the month since she has started getting acupuncture, as has the chronic pain in her lower back. Moreover, she said, "I used to get a lot of headaches, and they've gotten less."

Ming said there is not much that can be concluded from the assorted NIH patients he treats, since each is a single case and there are no untreated controls to compare them to. His role at NIH is to see what he can do for individual patients and then to help design controlled studies that may verify the initial results he has begun to see. The first such trial of acupuncture on the NIH campus is set to begin this fall, when Ming and NIH chief of rehabilitation medicine Lynn Gerber will conduct a study to see if acupuncture can reduce pain and increase mobility in patients with prostate cancer.

One thing that's obvious without a scientific study: Ming has the affection of his patients. Three other patients at NIH treated the same day by the soft-spoken doctor gushed with praise for the acupuncturist and his art.

"He just knows what to do," said Tony Bonanno, a 48-year-old Beltsville guitarist and music teacher who has been coming to Ming for the past 18 months for treatment of nerve and muscle degeneration caused by chemotherapy for Hodgkin's disease. Bonanno credits Ming with a major turnaround in his condition that has allowed him to regain his strength and fine motor coordination and continue playing the guitar.

Indeed, acupuncturists in general seem to have a knack for gaining the trust and affection of their patients—so much so that some skeptics have questioned how much of acupuncture's success comes from a placebo effect. After all, who wouldn't feel better after a visit to a healer who is generous with kind words, offers a gentle touch and is much less rushed than the typical MD? But acupuncturists counter that these critics are making an artificial distinction when they try to separate medical technique from the manner or mood in which it is performed. There are many facets to healing, they say. And what's wrong with a little placebo effect if it actually helps where other techniques fail?

"I don't think about separating out, 'Here's how I am with my patient and here is what I actually do to them,'" said Hannah V. Bradford, an acupuncturist in private practice in Bethesda and co-president of the Society for Acupuncture Research, which seeks to put acupuncture on a firmer scientific footing.

"It's all part of the same thing," she said. "Being is doing in acupuncture."

ADDITIONAL COSPONSOR—S. 2234

Mr. BREAUX. Mr. President, I ask unanimous consent that Senator HARLAN MATHEWS of Tennessee be added to the list of consponsors for S. 2234, a bill to amend the Mississippi River Corridor Study Commission Act of 1989.

I would like to emphasize that Senator MATHEWS has supported the bill since its introduction and signed on as an original cosponsor. Unfortunately, the Senator's name did not appear along with the other original cosponsors as printed on the bill when it was introduced in June.

CONGRATULATIONS TO HEATHER WHITESTONE—MISS AMERICA 1995

Mr. HEFLIN. Mr. President, I was proud to join my colleague from Alabama in sponsoring the sense-of-the Senate resolution congratulating and honoring Miss Alabama, Heather Whitestone, who was crowned Miss America 1995 on Saturday, September 17. Heather's win is truly historic: As a deaf woman, she is the first person with a disability to win the crown in the pageant's 74-year history. She is also the first Miss Alabama to win the crown since 1950. Heather was clearly the sentimental favorite of the Atlantic City audience, and received a standing ovation after her selection was announced.

A 21-year-old accounting student from Birmingham, Heather is a junior at Jacksonville State University in Jacksonville, AL, where she is majoring in accounting. She is the daughter of William Whitestone and Daphne Gray, and chose "Youth Motivation: Anything is Possible" as an issue platform to highlight during her year-long reign as Miss America.

Heather's mother looked at the various options available to deaf children and decided early on that her daughter would learn to speak. She attended public school until the fourth grade, and then went to the Central Institute for the Deaf in Denver, CO, for 3 years, where emphasis was placed on the spoken word. She also learned classical ballet while studying there. Later, Heather returned to Alabama, where she graduated from high school with a 3.6 grade point average—without the use of interpreters.

Helen Keller, the legendary blind and deaf educational pioneer who grew up in my hometown of Tuscumbia, said in her autobiography:

> The mystery of language was revealed to me. I knew then that 'W-A-T-E-R' meant the wonderful cool something that was flowing over my hand. That living word awakened my soul, gave it light, joy, set it free!

Although Heather Whitestone cannot hear, she has throughout her young life used the spoken word to express the joys of her soul, just as Helen Keller did many years ago. Our new Miss America is a living testament to the triumph of the human spirit and an inspiration to those who are disabled or who have ever doubted their abilities in any way. I am proud to add my congratulations to those already given Alabamian Heather Whitestone, Miss America 1995. She is certainly proof that anything is possible.

WORLD AIDS DAY 1994

Mr. KERRY. Mr. President, December 1, 1994, will be celebrated as World AIDS Day. World AIDS Day, commemorated annually on December 1, is the only day coordinated internationally which focuses attention around the globe on actions to halt the spread of HIV/AIDS. World AIDS Day will be observed in all of the 189 member countries of the World Health Organization to encourage public support for programs to prevent the spread of HIV infection and to assist in the development of sympathetic and respectful attitudes toward people living with HIV/AIDS in our communities.

In the United States, World AIDS Day is sponsored by the American Association for World Health which is promoting the 1994 theme, "AIDS and Families: Protect and Care For the Ones We Love!"

Currently in Massachusetts, 9,260 people have AIDS. That is a horrendous statistic. But it becomes even more devastating when we realize that every number represents a human being—man, woman, or child. It also represents their families, their friends, their caregivers—the network of people whose lives are affected by this disease.

Participation in World AIDS Day will highlight and enhance the impact of independent HIV/AIDS awareness and prevention activities already organized and occurring throughout the year. I commend the American Association for World Health for its continued sponsorship and promotion of this event.

THE HEALTH CARE DEBATE

Mr. DOLE. Mr. President, 1 year ago today the health care debate officially began when the President delivered his nationally televised address before a joint session of Congress.

There can be no doubt that over the past 12 months health care has been the most debated, discussed, and dissected issue, both on Capitol Hill and committee rooms and in living rooms and coffee shops all across America.

Immediately after the President's speech I stated that Republicans are ready to work with the President to achieve the right kind of reform that built upon the best health care delivery system in the world rather than reform that destroyed it. I asked the American people to keep four key issues in mind throughout the debate. Those issues were choice, quality, jobs, and cost.

After carefully studying President Clinton's health care plan for the better part of a year, the American people have reached a conclusion. Adopting the Clinton plan would mean less choice, less quality, fewer jobs, and greater cost.

Once this conclusion became apparent, the Democrat congressional leadership did what they had to do. They went down to the White House and told the President his plan was dead. In its place however, they introduced a proposal which may not have had the President's name on the top but had many of his proposals and ideas throughout. In fact, Senate Republicans and the American people soon concluded that they had far too much in common—too much complexity, too much cost, too much bureaucracy, too much Government, too many mandates.

And as the end of this session approaches the American people are telling us in overwhelming numbers—in my State a poll indicated that about 86 to 14 percent, 86 to 14 percent—that they want an opportunity to catch their breath. They do not want Congress to try to pass a massive health care reform plan in the final hours of the session, a plan that will have had no hearings, a plan no one had the time to read much less understand.

Some in the White House and some on Capitol Hill are wringing their hands and saying "What went wrong? What happened? What happened with health care reform?" Some will try to argue that Bob DOLE and the Republicans killed health care reform, that we are not sensitive to those without insurance, that we are not sensitive to those with health care problems.

The fact of the matter is that throughout this debate—in fact, even before it began—Senate Republicans have offered solutions to help those in need. We worked to help those who cannot afford insurance. We have worked to help get those who cannot get insurance because of a preexisting condition, and we worked to help those who lose their insurance when they lose or want to change jobs. That is called portability.

We have had a number of initiatives on this side of the aisle. First, the initiative by Senator CHAFEE and a number of Republicans, including this Republican; a proposal by Senator NICKLES, which I also cosponsored; one by Senator GRAMM; and later we put together a plan which 40 of our Republicans either cosponsored or said they would support; 39 cosponsors and one additional Member who said they could support. And I think maybe at this point it has probably more votes than any other plan in the Congress; any other plan in the Congress.

No one claimed these plans were perfect. But they were substantive proposals to improve our health care system. But they were not allowed 1 minute of real consideration. Despite the fact they would have improved coverage for millions of Ameircans they were considered by some to be too minimalist to be serious.

One year ago today I said the Republicans were prepared to work with the President and our Democrat colleagues to give Americans the right reform. I meant it then, and I mean it now. The fact is, however, that from the first day of this debate the President locked all Republicans out of the process from the creation of the stealth task force to the introduction of his bill.

I am also disappointed that the President did not respond to the suggestion I made literally hundreds of times over the past year. That was to pass a reform bill—we could have done it 6 months ago, or 8 months ago. We could have done it a year ago today—which contains many of the provisions that were bipartisan which everyone in this Chamber probably agreed on: preexisting conditions, portability, malpractice reform, let small business go together; deductibility for the self-employed, for ranchers and farmers. And these provisions would have made our system more affordable and more accessible to millions of Americans today.

Some Democrats, including the distinguished chairman of the Senate Finance Committee, have suggested the same action. Unfortunately, at this late date I now find myself agreeing with the many who have suggested the time and the public's patience are too short for us to embark on this road.

So what is the bottom line? Did something go wrong as the White House insists? Was the past year a waste of time? Did Congress fail the American people? I think instead of wondering what went wrong, it went right. The American people looked at it. They studied it. They listened. They heard the debate. And in overwhelming numbers time after time, survey after survey, they said no. They said no.

That is what democracy is all about. If somebody has an idea, you go out and test it and test it and test it. And many of us I might add, including this Senator, have backed away from the positions I may have held a year ago on health care, and individual mandates. I thought it was a good idea. Nobody else did in the Senate Finance Committee, or at least only about four. And most of the American people did not like it either.

So there are a number of provisions that many of us thought were good. The American people said they were not as good as they should be or not good at all. So it seems to me that what we have is not gridlock that defeated a Government-run health care bill, as some would have you believe. It was not a parliamentary trick that BOB DOLE had up his sleeve. And it was not the pressure tactics of so-called special interests. It was not the persuasiveness of "Harry and Louise." Anybody making those suggestions is guilty of political malpractice. It was a lot of other things.

What finally defeated the plan was the overwhelming consensus of the American people from all parts of the country, in both parties, regardless of where people lived, hardworking men and women who raise families, pay taxes, and create jobs. That is what happened. A consensus was reached after very careful study.

So we will be back with this. We are not finished with this. We know a great deal more about health care than we did a year ago. I think everybody has learned a lot, particularly those not on the Labor Committee or Finance Committee where most of the action is. I think we have learned a lot, and in greater clarity, about what the American people believe we ought to do. We ought to fix the serious problems in health care. And it seems to me that we will have that opportunity next year. We meet every year. We will be back in January, and you can bet that health care will be near the top of the agenda, no matter which party controls the Congress. Americans can count on the fact that Republicans will continue to fight for reform that guarantees the choice and quality Americans have come to expect. I will continue to oppose any health care plan to turn our health care system over to the Federal Government.

Mr. McCAIN. Mr. President, I appreciate the wit and wisdom of our minority leader, especially on that very important issue. I thank the minority leader, who is traveling to the wonderful State of Arizona, where he once attended school. He will receive a warm and tumultuous welcome there on Friday evening. I thank the minority leader.

IS CONGRESS IRRESPONSIBLE? YOU BE THE JUDGE OF THAT

Mr. HELMS. Mr. President, anyone even remotely familiar with the U.S. Constitution knows that no President can spend a dime of Federal tax money that has not first been authorized and appropriated by Congress—both the House of Representatives and the U.S. Senate.

So when you hear a politician or an editor or a commentator declare that "Reagan ran up the Federal debt" or that "Bush ran it up," bear in mind that it was, and is, the constitutional duty and responsibility of Congress to control Federal spending. Congress has failed miserably in that task for about 50 years.

The fiscal irresponsibility of Congress has created a Federal debt which stood at $4,685,968,520,515.35 as of the close of business Wednesday, September 21. Averaged out, every man, woman, and child in America owes a share of this massive debt, and that per capita share is $17,973.80.

BOYS AND GIRLS STATE PROGRAMS

Mr. PRESSLER. Mr. President, this summer young men and women across the country participated in the annual Girls and Boys State programs. These programs, sponsored by the American Legion, give students an opportunity to learn about our legislative process firsthand. At the city, county, and State levels, students learn about our electoral and judicial systems, law enforcement, political parties and platforms, and the media. By debating, holding mock elections, and meeting State officials, young people learn the fundamentals of citizenship and explore career options.

Girls State and Boys State also provide students with an opportunity to meet other young people from around their home State. It is a time for youth to test their worth and to expand their horizons. My own experiences at Boys State 35 years ago provided me with valuable opportunities and many fond memories. The friendships I formed then continue to this day.

I submit for the RECORD an editorial published in the Sacajawea Scroll, the South Dakota Girls State daily paper, dated June 2, 1993. The authors are two students from South Dakota who participated in the Journalism City program: Sonya Weiman of Canistota and

Erin Dekzer of Estelline. Their editorial column demonstrates the critical thinking skills these programs try to develop in Girls State participants. I salute all of our youth who participated in these events and hope Girls and Boys State will continue for many years to come.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Sacajawea Scroll, June 2, 1993]

GRADUATION PRAYER VS. CONSTITUTIONAL RIGHTS

(By Sonya Wieman)

I'll make it plain and simple. I won't wimp around the issue, like some people. I want prayers at graduation.

We're all going to be seniors next year. I don't know about you, but I want my final days as a senior to be perfect. I want the gold honor cords around my neck and a signed diploma. I also want to be able to give a prayer to thank God.

This separation of church and state thing that everyone is griping about has gone far enough. Teachers make us learn about evolution and other religions in class. Isn't separation of church and state being violated? If we can't openly pray in school, then why should we have to listen to things that contradict what we know to be the truth?

On every single piece of money it says "In God We Trust" and most legislative groups start the session with prayer. Why can't we have the same rights?

If someone says we can't have prayer at graduation because of a judicial ruling, I'll put up a fight.

Whatever happened to the First Amendment's freedom of religion? A lot of people came to this country because of religious oppression. They wanted to raise their children where they wouldn't be persecuted for what they believe.

Even if my fellow graduates don't believe as I do, I wouldn't mind if they prayed their own style at graduation. If someone wanted to get down on the floor and bow to Mecca, I wouldn't care. My Christian faith conflicts with these beliefs, but I'm not so high and mighty that I won't sit through their prayers.

There is no easy answer to this problem. I wish that this issue would not be decided by the fate of nine judges. It's affecting teenagers. Why don't we get to decide? Have we no say?

I personally think if a majority of students want prayer at graduation, they should have it. It should be up to the students. After all, it will be "our day" and everything should be as perfect as possible.

(By: Erin Delzer)

Freedom of religion vs. separation of church and state: They go hand in hand.

From America's very beginning, the forefathers journey to the Americas was to escape religious persecution in England. The pilgrim ancestors built this country on the ideas later established in the Constitution.

Prayer in school has been an issue for a very long time. Now the new controversy is whether or not to have prayer at graduation. There should not be any question—prayer and religion belongs in church and at home for the simple reason that the U.S. is not only a Christian nation.

The U.S. is as diverse in religion as it is in people. The freedom of religion gives Americans the right to believe in what they want to believe in. It does not, however, give people the right to inflict their religious practices on others.

America has separation of church and state for this reason: to preserve the precious right to practice any chosen religion and not to intrude upon others' privacy. It is a violation of the Constitution when someone is subjected to pray unwillingly with someone of a different faith.

At graduation ceremonies or in school there is nothing to stop anyone who wants to take a moment to pray by themselves.

I think the problem lies with the politicians and fanatical groups who preach "family values." What these people don't realize is that they can pray in public, but there no need for everyone to pray with them.

In conclusion, I want to ask all of you a simple question. When it comes time for graduation or other special event, would you feel comfortable praying to a Muslim, Jewish, Mormon, or Jehovah's Witness prayer?

Remember this is the land where we have religious freedom—don't abuse it.

THE FACTS ABOUT CORRIDOR "H"

Mr. BYRD. Mr. President, West Virginia has been struggling for decades to recover from an economy dependent on a shrinking coal industry. Nothing is more important to that recovery and the future economic good of West Virginia than the Federal highway system which criss-crosses my State and links it with the rest of the country. Though West Virginians take great pride in being referred to as Mountaineers, that nomenclature gives some indication of what confronts travelers in my State and why roads are the very lifeblood of West Virginia. The nature of the topography of West Virginia does not lend itself to large subway systems, airports, and other modes of mass transit. Highways are the linchpin.

Over the past few days, Corridor "H", a long authorized highway system that traverses West Virginia, has come under attack. There has been a great deal of misunderstanding about this much-needed highway. It is my hope to try and set the record straight and bring some perspective to this matter.

I made the following remarks regarding Corridor "H" at the House-Senate conference on the fiscal year 1995 Transportation appropriation bill this morning, and I ask unanimous consent that they be printed in the RECORD at this time.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

CORRIDOR H

BACKGROUND

The Corridor "H" Appalachian regional development highway located in West Virginia has come under recent attack because of what some critics contend is its unusually high drawdown of highway funding.

In order to respond to these allegations, it is important to place the Corridor "H" project in a context that all of us can understand.

Corridor "H" is one of several Appalachian regional corridors that traverse West Virginia.

In the Appalachian Regional Development Act of 1965, Congress first authorized funding for construction of this highway system. These highways were to serve the 13-state Appalachian region, which, in conjunction with the Interstate system and other federal-aid highways, would provide a highway system that would open areas on a regional basis with development potential where commerce and communication had been prohibited by lack of adequate access.

As stated in its annual report, the Appalachian Regional Commission considers construction of the development highway system, which only serves to complement the Interstate highway system, a key to an accelerated rate of economic growth for this 13-state region.

Appalachia's rugged terrain has made roads very expensive to build. As a result, early roads usually followed the topography—that is, stream valleys and troughs between mountains. The resulting highways were characterized by very low travel speeds, long distances due to winding road patterns, often very unsafe road conditions, roads built to poor design standards, unsafe short sight distances, and extremely high construction costs, which further discouraged commercial and industrial development.

As of September 30, 1993, of the 3,025 miles that were eligible for construction under the Appalachian development highway system program, 2,251 miles have either completed construction or are under construction. In other words, 74.4 percent of the road mileage eligible for construction has been completed or is underway. You will be surprised to know that West Virginia actually lags slightly behind the Appalachian average. In West Virginia, 300.7 miles of the 411 miles eligible for construction are completed or are underway—73.2 percent.

One might say that, as of the end of fiscal year 1993, three-quarters of the system is completed or underway. The glass is more than half-full. However, I must point out that this progress has been slow and arduous, following a torturous path, much like the roads in West Virginia. Congress authorized the program in 1965. Funding was first provided in fiscal year 1966. So the figures I have cited on mileage completed or underway took 27 years to accomplish. 27 years, and Congress still has not fulfilled the promise made to the people in the 13-state region known as Appalachia.

Other States have been more fortunate than West Virginia, and have actually more mileage completed or under way. For instance, Virginia, as of September 30, 1993, had almost 82 percent of its mileage completed—156 out of the 191 miles identified. New York has, of the 219.5 miles identified for construction, completed 204 miles, or 93 percent.

As stated in the Appalachian Regional Commission budget submission for 1995, "As with many other programs, the number of miles constructed for a given number of dollars has decreased sharply since the program was initially authorized, due to inflation and revised highway standards."

However, miles constructed alone does not really measure the impact of a development highway system. Its success is measured in how it allows the region to be opened for development, and how it allows for the improvement of its inhabitants' condition. I further quote the ARC budget, "A 1987 survey taken by the Commission showed that, between 1980 and 1986, 560,000 jobs were created in the Appalachian counties with a major highway compared with 134,000 jobs created in those counties without a major highway." It is clear that the highways are the lifeline and the lifeblood of the Appalachian region.

The idea of a regional, interconnected network of highways is as vital today as it was in 1965. The National Highway System, which was created in the Intermodal Surface Transportation Efficiency Act of 1991, has the very same purpose as the Appalachian Corridor System. The National Highway System was designed to provide an interconnected system of principal arterial routes which will serve major population centers, water crossings, ports, airports, other intermodal facilities, and travel destinations, while meeting national defense requirements and serving interstate and inter-regional travel.

On this particular stretch of road, Corridor "H", I want people to understand that it is very important that West Virginia have modern, safe roads. Current accident rates on the highways in the Corridor "H" area are above the statewide average, and the State of West Virginia itself has accident rates which are far above the national average. Last year, the State ranked second in the country in traffic deaths for each 10,000 motor vehicles registered.

Because much of the State's road system was built in the 1930's, the existing roads reflect a happenstance response to topography, rather than strategic planning.

I take some pride in pointing out that, as of September 30, 1993, 74.4 percent of the total Appalachian regional highway system mileage had construction either completed or underway. This stands in comparison to the September 30, 1990, when approximately 70 percent of the system was either under construction or completed. I think this points up the fact that we are making progress in getting the interconnected regional development system done.

But the estimated cost to complete the remaining mileage is expensive. Some of the most expensive segments of the Appalachian system are before us. I point that out, only to put in context that the Appalachian regional highway system is not completed, and that it will require funding not only in this fiscal year, 1995, but will require funding in the future.

The Appalachian Regional Commission has informed me that, due to the difficult terrain, revised safety standards, and highway construction cost inflation, the cost to complete this system is ever-increasing. In their last estimate, dated June 30, 1993, the average cost per mile for the remaining unconstructed segments on the Appalachian regional highway system is $10,968,000. In West Virginia, because some of the most difficult and costly construction has been left until last, the average cost per mile of the remaining unconstructed segments is $18,473,000.

COMPARISONS TO OTHER TRANSPORTATION MODES AND OTHER STATES

I must tell you here that, unfortunately, West Virginia ranks very low in a number of transportation categories. Public transit is virtually non-existent. As I stated earlier, the motor vehicle death rate is high. And in airline service, we rank 49th in the number of air passengers per 100,000 residents. It is in the highway area that West Virginia lives and breathes.

In the Federal Aviation Administration's airport improvement grant program, over the 5-year period 1990–1994, West Virginia only received $8 million in discretionary funds and $23 in formula entitlement funds. this is much less than our neighboring State of Virginia, which received over $89 million in discretionary grants and $109 million in formula funds.

In the transit area, over the same time frame, West Virginia received a total of $22 million in formula apportionments to cover its capital and operating needs—about $4 million a year. In addition, the State received a total of $17 million in discretionary grants for the purchase of buses. Neighboring states received much more. Without including funding for the Washington Metropolitan Area Transit Authority, Virginia received six times as much in formula apportionments over the same time period.

I only bring this up because I think it is important to put these funding matters in context. People have focused their attention on this one highway, while there are hundreds of millions of dollars in the transportation bill and other bills considered by Congress for projects in other states.

By comparison, the earmark for Washington's Metro system dwarfs any funding that I have been successful in securing for West Virginia. It is estimated that, for the 103-mile system, when it is completed, the Federal government will have provided over $9 billion, and the total cost for Washington Metropolitan transit system will be approximately $12.6 billion. The Federal government pays approximately $90 million per constructed mile of Washington Metro's heavy rail system.

In addition to the capital funds provided for construction of the 103-mile Metro transit system, WMATA also receives approximately $25–27 million a year in operating subsidies. These funds are distributed to transit agencies according to a formula in the transit authorizing legislation, after the overall operating assistance cap is set by the Appropriations Committee.

I do not begrudge Washington Metro a modern and safe transit system. I do not begrudge the Dallas-Fort Worth area a modern airport. I do not begrudge Houston its Better Bus system. I do not begrudge the State of Virginia its minimum allocation program funds—funding, it should be pointed out, that I found during the deliberations on the ISTEA legislation: $4 billion not being used by the conferees that benefits 23 states. I found that money, and provided it to the minimum allocation program to bring them up to a decent level of return on the federal dollar.

The Washington Post doesn't write about the "pork" involved in funding the Metro, nor do I begrudge the people of the Washington region a transit system that provides them safe and efficient travel to and from their homes. But you must recognize that this subcommittee and the full Appropriations Committees of the House and Senate have been very good to the Washington Metro system. $200 million was included in the fiscal year 1995 transportation appropriation bill for Metro. In 1994, the system also received $200 million, and in 1993, $170 million was appropriated.

It is more money than any other transit heavy rail system. The Washington Post doesn't write about that. It is a hometown paper, and it does not write deleterious stories about projects that are important to and good for the home town.

FUNDING AND CONSTRUCTION

Let me close with a response to the Post's editorial regarding this project "banking" money. It was alleged that Corridor "H" could only utilize approximately $80 million in fiscal year 1995. The contention was that it was unfair that the project receive any more funding than that.

Many of my colleagues on the Appropriations Committee realize that it is not unusual and, in fact, that is the usual practice of this and other subcommittees that, when funding large, multi-year construction projects to provide a steady stream of funding as opposed to a particular sum in a given year for specific segments of the project.

The Committee cannot do business that way. If five or six large transit projects all came in a given year presenting construction bills for that given year, it could potentially bankrupt the subcommittee's entire allocation—the subcommittee would not have the funds to meet all of those obligations at once. So, in many cases, to better control the cash flow for new starts and highways, major multi-year projects will receive more money than is necessary for a potential point in time.

Houston Transit for many years accumulated funding before it decided on how best to spend its new starts funds. In the 1995 House-passed bill, Dallas, Texas was earmarked funding for the new North segment before the South segment has been completed. Many of the transit projects in the bill before you have unobligated balances, but these funds, as in the case of Corridor "H", will be used.

If the Committee or the Washington Post wants to focus on one fiscal year, then look to fiscal year 1996. In 1996, West Virginia is planning to obligate over $292 million for construction activities related to Corridor "H". I know that I will not be able to secure that amount of money in one year for one highway project—just as a transit property would have difficulty getting the funding to pay for all the construction activities it would be involved in a peak construction year. That is why we smooth out the funding curve: to avoid the peaks and valleys of different construction funding schedules coming due at different times. I point this out to my colleagues so they will better understand my reasons for going forward with the funding for this vital highway.

SENATE APPROACH VERSUS HOUSE APPROACH

The editorial in the September 21 Washington Post asked how fair is that the Senate's discretionary highway account represents only 20 states, where the House bill lists 108 projects in 32 states. I would like to respond to the Post and those who question the Senate's approach that the Senate, I believe, stands on far firmer ground in allocating highway dollars than does the House.

The Senate attempted to limit highway funding to only those projects that were authorized or that had received an appropriation of general funds in the past and needed additional funds to complete construction. Members of the Senate have often called for restricting the availability of highway funds to only those projects which are authorized. That was the Senate position last year. However, we found in adopting that position last year that we would have "left in the lurch" projects already underway that were relying on the Appropriations Committee appropriating general funds for completion. These included projects not included in ISTEA because they were labeled as "appropriations highways". So this year we decided to help complete these "orphans"—that much we owed them.

The House, on the other hand, has initiated a plethora of new highway projects—for a half million, one million or two million dollars. This is only opening up Pandora's Box. It will mean that the over 100 projects receiving funds for the first time in 1995 will be back in fiscal year 1996 asking for $5 or $10 or $20 million to continue progress on their highways. The House's approach starts projects that we cannot commit to complete. Discretionary spending under the Budget Agreement will be less in 1996 than in 1995. It is not fair to some of these "new starts" projects to even start them. It whets their appetite, but we won't be able to satisfy them. Nor can we satisfy the hundreds of other requests that will pour in based on the precedent set by including these new projects.

I'm sure the House will defend their process, and believes their procedure was correct—just as the Senate believes it is correct. We approach this highway projects funding issue differently. We can point fingers and call each other wrong. However, it is only through the spirit of comity that we can accomplish anything.

It is not unusual for construction projects to have unobligated balances at the end of a given fiscal year. In fact, as some of you may know, we receive this document as part of the President's budget submission each year. It is entitled, "Balances of Budget Authority for Fiscal Year 1995." There is a chart on page 17 of this document which points out that the President estimates at the end of fiscal year 1995 unobligated federal fund balances will total $205.8 billion. Of that amount, a little over $44.5 billion will be unobligated balances for capital projects.

Now what does the President have to say about that? Page 14 of the document has an explanation which reads as follows: "Budget authority for most major procurement and construction projects covers the entire cost estimated when the projects are initiated, even though work will take place and outlays will be made over a period extending beyond the year for which the budget authority is enacted. (There are some exceptions to this requirement, notably for water resource programs.) For these programs, the unobligated balances are needed to complete the project or program. Also, these balances reflect the long lead times required for such procurement."

The fact is that Request For Proposals (RFPs) on major construction projects such as Corridor H and other highway projects cannot be issued until the appropriations have been made to cover the cost of those proposals. In other words, the West Virginia Highway Department cannot issue requests for bids on highway segments until the appropriations have been received. And once a contractor has been selected, it is not possible for the entire project to be completed in one year. Therefore, there will always be unobligated balances on highway projects at the end of any given year.

So to those who have pointed out that the West Virginia Highway Department says that only $82 million in Corridor H funds can be obligated in fiscal year 1995, I say that this is to be expected. They have failed to point out, however, that the West Virginia Highway Department has also stated that for fiscal year 1996 a total of $292 million can be obligated for Corridor H. The point is that there is nothing magic or nothing earthshaking about the fact that appropriations for construction projects such as Corridor H will remain unobligated at the end of any particular year. In fact, it is to be expected and is well understood by anyone who deals with the federal budget.

KEEPING GUNS OUT OF SCHOOLS

Mrs. FEINSTEIN. Mr. President, I rise to urge the House-Senate conferees who are currently meeting to uphold current law regarding guns in schools by retaining the Gun-Free Schools Act in the reauthorization of the Elementary and Secondary Education Act.

Just 3 days into the school year, a student was critically wounded at a New York City high school after his assailant smuggled a .32 caliber handgun past hand-held metal detectors.

On September 7, at Hollywood High School in Los Angeles, a 10th grade student was shot and killed right in front of the school campus in an apparent gang-related shooting.

And, in the latest example of schoolyard violence, a 16-year-old girl was shot in the back while taking a nutrition break on a south Los Angeles high school football field just 2 days ago. It appears to be another gang-related shooting.

Violence in our communities—but particularly in and around our schools—is simply out of hand. And it's time for Congress to stop making excuses and to do something about it.

An estimated 135,000 guns are brought to school every day in this Nation, according to the National Education Association and the National School Boards Association.

Shootings or hostage situations have been reported in schools in at least 35 States and the District of Columbia, according to a 1990 report by the Center to Prevent Handgun Violence. And since 1993 alone, guns at school have resulted in at least 35 deaths and 94 injuries nationwide, according to a search of recent news articles done by National School Safety Center.

How can we expect our children to learn in they go to school in constant fear of being shot or killed?

Making our schools gun-free is the single most important component of the $12 billion Elementary and Secondary Education Act [ESEA] now awaiting final approval.

Let me read from some of the letters I have received in support of the Gun-Free Schools Act:

From a junior in Concord, CA:

> I hate coming to school every day thinking that I might not live through the day because of people who carry guns at school.

From a principal in Oregon:

> With the work we try to do in public schools it is virtually impossible if we live with the threat of violence and concern for the well being of our children. As a school principal, I can assure you that each day I worry about my kids at school and each parent who sends their children to us to educate and keep safe.

The Senate unanimously adopted the gun-free school amendments to require any school district that receives Federal funds to adopt a zero tolerance policy for guns in schools.

This would require every school district in America to expel a student for 1 year if they carry a gun to school. School administrators would have some flexibility to offer exemptions to this policy, but it is time to stop making excuses about guns in school.

The Los Angeles Unified School District has already implemented its own gun-free school policy—because their students were getting killed.

Seventeen-year-old Michael Ensley was shot dead by a classmate during a snack break at Reseda High School in February 1993.

Sixteen-year-old Demetrius Rice was slain in January 1993 at Fairfax High School when a classmate accidentally fired a .357 magnum during an English class.

Saying "enough is enough," the Los Angeles School District adopted a gun-free school policy.

And after the policy was in place, gun-related violence decreased by 14 percent over the previous year—and expulsions for gun possession declined 256 in 1992–93 to 166 in 1993–94.

The Los Angeles Times recently wrote in an editorial in support of this legislation:

> The (California) law governing expulsions is less severe than district policies in Los Angeles and Orange counties. As in many other states, California law allows districts either to expel or transfer students. But the mandatory expulsion policies in effect locally, rather than the more lenient state law, should become a norm in California and elsewhere.
>
> (The federal) legislation would deny federal assistance to schools that do not require expulsion of students found with firearms on campus. (The) bill allows some flexibility on expulsion on a case-by-case basis. This provision is currently part of the larger Elementary and Secondary Education Act.
>
> Both Feinstein's bill and the L.A. district's zero-tolerance policies allow school officials enough latitude to protect innocent students. For example, students who discover that classmates have, as a prank, planted a gun in their backpack or locker will not warrant expulsion. But when due process has been served, the needs of students to be safe in school must continue to take precedence.

I entirely agree, and support for this approach is growing. The American Federation of Teachers, one of the Nation's largest teachers' unions, recently voted in support of zero-tolerance provisions to protect students and faculty from school violence.

Making schools gun-free can work and it's our responsibility to hold firm that Congress will not tolerate allowing guns on school campuses.

An identical amendment was already approved as part of the Goals 2000 education bill that was approved earlier this year and passed into law. Congress has no excuse but to apply the gun-free school amendment to this major education bill that provides $12 billion in Federal funding over 6 years.

This measure sends a strong signal about school violence. The current practice of simply relocating a student to another school must end. Even a temporary suspension or short-term expulsion is not enough, and simply requiring schools to develop a policy—

the provision in the House bill—is entirely insufficient.

This measure is carefully written to define the offense clearly, give districts time to develop and/or adjust their policies, provide officials with flexibility in extenuating circumstances, and allow alternative schooling for offenders.

I thank my Senate colleagues for refusing to recede to the House on this issue, and I urge the House conferees to reconsider their position on this vital issue. I sincerely hope the conference committee will keep this amendment in the bill and that it will remain the law of the land.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

HOUSE OF REPRESENTATIVES CAMPAIGN SPENDING LIMIT AND ELECTION REFORM ACT OF 1993—MESSAGE FROM THE HOUSE

The ACTING PRESIDENT pro tempore. The clerk will report the pending business.

The legislative clerk read as follows:

> Motion to disagree to the amendments of the House to the bill from the Senate S. 3 entitled "An Act Entitled the 'Congressional Spending Limit and Election Reform Act of 1993.'"

The Senated resumed consideration of the message from the House.

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be 1 hour for debate with time to be equally divided and controlled between the Senator from Kentucky [Mr. FORD] and the Senator from Kentucky [Mr. MCCONNELL] or their designees.

Mr. McCONNELL. Mr. President, I suggest the absence of a quorum with the time equally charged to both sides.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, I do not think there is any issue that better sums up how out of touch the current Congress is with the American people than the question of the version of campaign finance reform that the majority is promoting.

Let us bear in mind what we are talking about, Mr. President. We are talking about creating a new entitlement program with tax dollars, the tax dollars of our citizens, to pay for our political campaigns. That is what we are talking about.

Now, I believe I am correct that the President appointed an entitlement commission chaired by the Senator from Nebraska [Mr. KERREY] and the Senator from Missouri [Mr. DANFORTH] and the suspicion is that at some point between the election and the first of the year this entitlement commission will say to the American people that at some point in the future their entitlements must be capped in some way or another.

So clearly what is going on is we are going to put off until after the election informing the American people that some of their entitlements, or maybe all of them—many of them quite popular—need to be capped in the name of controlling the Federal deficit. But here at the 11th hour we want to sneak just one more entitlement for us—just one more entitlement for us right here at the 11th hour.

This Congress is so hopelessly out of touch it is no wonder that members of the majority are even having difficulty winning their own primaries, as we saw here just Tuesday of this week—their own primaries—much less general elections. The public is literally up in arms about business as usual, and what could be more business as usual than setting up a new entitlement program funded by their tax dollars to benefit us in our political campaigns.

I have seen some survey data on this subject over the years. A couple of years ago, in Kentucky's most liberal House district, the voters found it more offensive to vote for taxpayer funding of elections than to vote to raise your own pay, and it has only gotten worse in the last 2 years—only gotten worse.

What kind of arrogant Congress would consider sticking the taxpayers with the tab for our political campaigns at any time, much less in this atmosphere? We are not getting the message around here. We are simply not getting the message.

Now, we all know what is going on here. The Senate passed a lousy, unconstitutional bill in June 1993, some 15 months ago. The House passed an equally awful, unconstitutional bill in November 1993, and since that time members of the leadership, majority leadership of the two Houses have been conferencing, if you will—not official conferences but conferencing throughout the second session of this Congress—trying to work out their differences on some of the peripheral issues such as how much are PAC's going to be allowed to participate in the political process and how you might be able to hide the fact that we are really spending taxpayers' money to finance political campaigns. Everybody is trying to figure out how to call it something else.

The whole second session of this Congress the majority has been conferencing trying to figure out how to resolve their differences.

Now, my assumption is that as health care goes down, this Congress, so totally out of touch with the views of the rest of Americans, has decided this is a great issue to bring up here at the end. So they are going to resurrect this turkey in the 11th hour after conferencing among themselves all of 1994 and try to stick the American taxpayers with the bill—one more entitlement program for us on the way out the door before this Congress becomes history.

The only gridlock that has been going on on this issue has been among Democrats all of 1994. So we make no apologies for trying to stop bad legislation in the 11th hour of this Congress. The American people have had enough of this Congress. All indications are they are going to send a new crowd up here next year, more in touch with their desires. So this crowd wants to sneak through one more thing at the 11th hour, on the way out the door, and stick the taxpayers with the tab.

Well, it will not be done easily, Mr. President. It will not be done easily.

Now, let us talk just a little bit about the history of this issue. The Supreme Court has said clearly and unambiguously, 9 to zip, that spending is speech in our society, and it said you cannot tell people how much they can talk. It is constitutionally impermissible. People from Thurgood Marshall to William Rehnquist made that decision unanimously. In this society, you get to talk a lot if you want to. Nobody can tell you when to shut up.

But the Court went on to say in the Buckley case that, if for some public policy reason the Congress concluded that maybe it was important to tell candidates they could not talk too much, they could offer a public subsidy—sort of a leveraged buyout, if you will; if you will shut up, I will pay you but it has to be truly voluntary. In other words, nothing bad can happen to you, if you say you will shut up after a certain point.

So, in the Buckley case in the mid-1970's the Court said that the Presidential system was constitutional even though it involved the use of taxpayer funding principally because and solely because no candidate was required to shut up. And, if a candidate chose not to abide by the speech limits, nothing happened to them. Nothing bad happened to them. We have had a couple of candidates that have chosen not to, even though it is an extraordinarily generous subsidy in the Presidential race, so generous that even candidates who philosophically found it abhorrent when confronted with the Federal subsidy said, "I cannot afford not to take it."

So you had people like Ronald Reagan, for example, who did not like it, was confronted with this enormous subsidy saying, "As a practical matter I cannot afford not to take it." It is a very generous subsidy.

The American people over the years, still thinking about the Presidential system which is constitutional, have learned more and more about what their tax dollars are going for. And every April 15 we have a poll, if you will, on the question of taxpayer funding of elections. It is the most extensive poll ever held in America on any subject. Every American gets to decide whether they want to checkoff $1 of taxes they already owe. It does not add to the tax bill. It is diverted away from something else, child nutrition, food stamps, you name it. It is diverted away from something else to give it to politicians to run for President. And as the American public has learned more and more about that, the participation has dropped from 29 percent of people voluntarily checking off down to 18 percent, so much so that the feeling was it was going to run out of money by the 1996 Presidential election.

So last year, against the objections of the minority, the majority raised the checkoff from $1 to $3; in other words, so that fewer and fewer people could divert greater and greater amounts of money. So now this ever-diminishing number of Americans who are willing to use tax dollars to publicly finance races can divert even more money away from programs that the rest of the population, 82 percent, might like to see the money spent on.

It is a ridiculous program. The people are voting every year. They do not like it. But it is constitutional. It is constitutional because nothing bad happens to you if you agree to take the subsidy and shut up after speaking for a certain amount.

When John Connally in 1980 said, "I just cannot as a matter of principle accept tax dollars to run my political campaign," nothing bad happened to him. He just did not get the dough. When Ross Perot, a man of apparently unlimited wealth, said, "I want to go out and speak, and I am going to pay for it myself," nothing bad happened to him. He did not lose the broadcast discount. It did not trigger any dollars for his opponent. He did not have to put a disclaimer in his ad. Nothing bad happened to him.

Ah, but alas, Mr. President, that is not what will be before us. This Congress senses that the public hates, detests and despises the notion of using their tax dollars to create a new entitlement program for us; trying to keep that down a little bit. But, of course, if you diminish the generous subsidy such as what you have in the Presidential race, who would want to shut up? Answer: nobody in their right mind.

Enter the unconstitutional features and the measures that we have debated in the Senate, and that we are likely to get back from the conference which has been meeting among Democrats since last November. That conference is probably going to give us a measure that will bludgeon people into shutting up. If they choose to speak too much, their opponents will get tax dollars to counter their excessive speech. They will lose their broadcast discount. Their direct mail will cost more. They will have to put pejorative disclaimers in their ads.

In short, Mr. President, there will be nothing voluntary about these spending limits. These speech limits will be mandatory because nobody in the majority wants to fully fund and make voluntary this measure because there is a sense out there, Mr. President, that the public will be outraged if they knew what is happening. And, of course, they would be. We have seen the surveys.

I was reading in Roll Call this morning, this very morning, a purported memo from the Republican Senatorial Campaign Committee indicating that their survey data indicated that people would be by a 70-percent margin more likely to vote against any candidate who supported any kind of taxpayer funding for political campaigns. So it is a dynamite issue.

Now that we have health care out of the way and the public has made it perfectly clear they do not want to have tax dollars pay for their health care, they want to pay for it themselves and have their own choices, now this Congress has the idea that they are going to stick them with a bill for the campaigns, right before we go out the door here at the 11th hour even though we have been in conference on this issue for almost a year. I have read article after article after article. All this year the majority has been in conference on this bill, and have been unable to reach a conclusion.

Here at the 11th hour, maybe they will get together and try to stuff it down the throats of the American people. It is not going to work. The American people are going to learn more about this issue in the course of the next few days. We want the American people to understand what has happened. This is one of those issues that does not stand the light of day. Let a little light shine in to know what is going on here, Mr. President. Let the American people understand that we want to set up a new entitlement program for us at their expense on the way out the door this year.

Oh, they are going to love it. Oh, boy, they are going to love it. They are in a bad mood out there already, and they deserve to be. It has been one disaster after another from this Congress, and this would be the crowning achievement. This would be the crowning achievement of this Congress right on the way out the door—a new entitlement program for us at their expense on the way out the door at the 11th hour.

Mr. President, we are simply not going to let that happen. We are not going to let that happen. And it is astonishing to me that anybody running for office, regardless of political affiliation, would conclude that this is the sort of thing the American people are looking for. This is the reform agenda.

When the American people are talking about reform, they would like to see the laws that we pass that apply to everybody else apply to us. That is their idea of good reform. They would like to see something done about lobby disclosure. They do not want some kind of gift legislation. All of those things are their idea of reform. But this? I have seen the survey data. They hate, detest, and despise this.

Anybody that votes for this turkey deserves to lose. This is the most out-of-touch suggestion for reform imaginable. Where do these ideas come from? Who could be this out of touch? This is some ivory tower here in Washington. These little ideas just sort of filter out of this ivory tower. You know what the attitude is. The people do not understand it. Let us do what is best.

I remember back during the health care debate one Member of the Senate said we need to do this anyway whether the American people are for it or against it; we need to do it anyway; they do not know best. I sense a little bit of that here. Let us do it for them anyway. They do not understand. And people on the other side will stand up and say, well, the Congress is for sale. Congress is for sale. And they will rail about the special interests.

You know the definition of a special interest, Mr. President. That is somebody or a group of somebody who is against what I am trying to do. That is, a group of people who is against what I am trying to do.

The groups that are on my side of a given issue are the great Americans exercising their right to support or oppose whomever they choose in political campaigns, exercising their right to petition the Congress and have their voices heard here in this great democracy. Those are the good guys. So you will hear people standing up saying: Let us cut off the special interests. Well, the special interests are groups of Americans who ban together to promote a particular point of view and who have a right to do it under the Constitution. They have a right to do it in campaigns. They have a right to sit out in front of our doors, and they have a right to raise hell if they want to.

The liberals do not like that. They want them to shut up—shut up and sit down; we know best. What is in your interest is for the Government to grow. We are going to take your tax dollars—on which you do not have a choice, and you will go to jail if you do not pay them—and we are going to spend your tax dollars the way we want to, and our last terrific idea, as this Congress limps out of town and goes home to face the music, is that we are going to let your tax dollars pay for our campaigns. Wow, they are going to love it; they are just going to love it. And we are going to take the opportunity to make sure that everybody understands exactly what is on the drawing board here, exactly what is being perpetrated, what is being dumped on the American public here at the last moments of this session.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 10 minutes remaining.

Mr. McCONNELL. I reserve the remainder of my time.

Mr. BOREN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma [Mr. BOREN] is recognized.

Mr. BOREN. Mr. President, I yield myself 10 minutes.

Mr. President, I have listened with great interest to my colleague from the other side of the aisle describe what this debate is all about. Once again, I must admit that had I not known in advance the subject we were discussing, I would not have recognized that we were debating a bill for campaign finance reform that will finally give power back to the American people by limiting the amount of money that can be spent on campaigns and allow broader participation, because to hear the remarks of my friend and colleague from the other side of the aisle, I simply would not have recognized the issue as it is now being described.

It is true that the confidence of the American people in this institution is at an all-time low. As I said yesterday, I have pondered many times why people have lost confidence in this institution and what I could do as an individual Member, because we are all trustees of this great institution, through which the American people are meant to have an opportunity to be represented and to express their views about important matters impacting our future.

I have reflected with great intensity, particularly because in a very few weeks I will walk out of this Chamber for the last time, not to return to it as a voting Member of the Senate. It has been a great privilege to serve here. These desks and these offices do not belong to us; they belong to the people. And the relationship of trust between the American people and their own Government has been strained and frayed as never before in this century. The latest polling data indicates that only 14 percent of the American people have confidence in this institution. I will leave it with great sadness. We, as trustees of this institution, have not done what we should do to restore public confidence.

One of the reasons why people have lost confidence in this institution is that they have come to feel that it no longer represents people like them—the average American at the grassroots. The same polling data that I quoted a moment ago showing only a 14-percent approval rating also found that 79 percent of the American people said, "I do not believe that Congress represents or cares about people like me."

Why would the American people feel that way? One of the major reasons they feel that way is that they look at the way campaigns are financed in this country and they see that the average American has very little ability to participate. In 1992, the amount of money spent on campaigns increased by 52 percent, up to $678 million. The average winning candidate for the U.S. Senate—and let us never forget that in over 90 percent of the cases the candidate that raises and spends the most money wins the election because they can buy the television time, they can buy the radio time, they can buy the direct mail, and they can buy the advertisements in the newspapers, without any limit whatsoever. And so the most money translates usually, and sadly, into the most votes. And more and more effort and energy is spent by sitting Members trying to figure out how they can raise that $4 million. That is just in an average-size State. In larger States, it has gone as high as $20 million, perhaps even more. The records continue to be broken. That means that if you average it out per week over a 6-year period, the average Senator has to figure out how to raise $13,000 every week for 6 years to raise the amount of money, on the average, it takes to get reelected.

Mr. President, far from fooling the people, the people are way ahead of the politicians. I must say that I think the people can analyze the opposition to spending limits, and they understand what it means.

If you are under pressure to raise $4 million—let us take a hypothetical situation—and you have four or five people, in the midst of a very busy day, come to see you in your office, and you have 15 minutes, and of the people competing for your time, one is a PAC manager who can perhaps hold a fundraiser for you in Washington, DC, and raise $200,000 for your campaign fund in one night; and also waiting to see you is a college student, who may be working on a term paper, or who may be interested in getting involved in politics himself or herself; there might be a teacher, or a factory worker, or a farmer, or a small town business person—and they certainly get overlooked here often enough, those from the small business community—they are waiting to see you, but they cannot write out a big check or host a big fundraiser; and desperate as you are to raise the amount of money necessary to win the next election if you are going to stay here and represent your people, as you want to do, you say to yourself: How will I use that 15 minutes?

Are you going to see the college student, or the factory worker, or the teacher, or the small business person? No. If you are desperate to raise that money, you are going to see the person that can raise the $200,000. Do the American people understand that? Seventy-nine percent of them say money has too much influence in politics and it takes too much time of our elected representatives, who ought to be spending their time serving the needs of the people, working on the problems that this country faces instead of figuring out how to raise more and more and more money. They understand it, and that is why 79 percent of them say that Congress does not have time for people like us.

Is it good for the political process that more and more of the outcome of elections depends on who makes the most money instead of who makes the best arguments to the people? By the way, you cannot only raise that money in the home State; you can run around the country to the money centers, whether it be Los Angeles, New York, or Miami, on those weekends when you ought to be back home walking up and down the main streets and in the neighborhoods in your own State, with the people you represent, listening to them, hearing their needs, and you are off raising the money, involved in the money chase.

The American people understand that thoroughly. And no number of speeches on the Senate floor can fool the American people about what that is doing to the political process. They also know where the money is flowing. Does it go to that new challenger, that young person in either political party, Democrat or Republican, who wants to run for office for the first time and bring new ideas and bring their idealism to this process? No, it does not go to them; it goes to the incumbent. House incumbents have outspent challengers by a margin of 6 to 1, and incumbent Senators have outspent challengers by 3 to 1. Incumbents are here and they can raise the money because those who have interest in particular pieces of legislation want to be on their good side and they want to be able to get in that door when you have only 15 minutes to give out.

To whom do the political action committees give their money? The groups that are formed to look after a certain set of narrow interests, generally, and rate Members based upon whether or not they vote with them three or four times out of five, for example. And they are issues that affect only their particular economic interests.

The political action committees in the last election gave $10 to incumbent House Members for every $1 they gave to challengers—$10 to those already here—because they want access to those already in power; $6 to every sitting Senator for every $1 for a challenger.

The American people see that. The American people understand that. And the American people say: "I do not believe the Congress is working as it should. I do not believe it represents the people like me any more."

Mr. President, how long are we going to sit here and allow this cancer to continue? How long are we going to allow the money chase to blot the American political process? How long are we going to allow a system in which over half the elected Members of Congress are getting well over half their contributions not from the people back home at the grassroots but from people located outside their States who have very, very little, if any, connection to the people of that State and that location? How long are we going to wait, Mr. President?

We have waited until the confidence level of this Congress dropped from 60 percent to 50 percent to 40 percent to 30 percent to 20 percent to 14 percent. Are we going to wait until only 1 percent of the people in this country still believe in this body? How long are we going to wait, Mr. President? How long are we going to wait before we do something about it?

Yes, we are running out of time in this Congress. We have debated this issue for 12 years. Senator Goldwater and I, when he was still in the Senate, introduced the first bipartisan effort to do something about this 12 years ago.

Now we are told, oh, we must not rush something through at the last minute. Rush something through? We acted on it in the last Congress only to have it vetoed.

It has been well over a year since this body adopted cloture on this proposal by a vote of 62 to 38 and then passed this measure with a bipartisan majority of 60 votes, Mr. President.

Mr. President, I yield myself 10 additional minutes.

The PRESIDING OFFICER (Mr. MATHEWS). The Senator from Oklahoma is recognized for 10 additional minutes.

Mr. BOREN. In addition to being concerned about what has happened to the political process in terms of the way campaigns are funded, the American people are also losing faith in this institution because they are sick and tired of partisan politics.

When I go home, what do I hear people say to me more than anything else? It is: "Why can you people not forget whether you are Democrats or Republicans? Why can you not be Americans? Why can you not get together and solve your problems like adults and work on our behalf?"

Let me tell you why we have waited months now and we are still struggling. Let me say to my colleagues on the other side of the aisle there is at this moment no agreement on this bill. We are still talking to colleagues on the other side. I can tell you why this Senator, the majority leader, and Senator FORD of Kentucky, the chairman of the Rules Committee, who have been involved in these negotiations, have not yet reached an agreement. It is because there were several Republican Senators who proposed amendments to our original bill on the floor which were adopted.

Senator MCCAIN of Arizona said he wanted to make sure that campaign money was not spent for personal use. That is a good amendment.

Senator JEFFORDS from Vermont said we want to close the soft money loophole so we can learn how different organizations are spending supposedly internal money to influence the outcome of elections. That is a basically good amendment.

We want to make sure, they said, that the same rules on political action committees to try to reduced the amount of money coming from political actions committees into this process, apply to the House Members as apply to the Senate Members. And we want to get the amount of money, the proportion coming from PAC's—political action committees—reduced. That is a good principle, and we have supported that principle.

The reason we have not yet reached an agreement is not because we are trying to pull a fast one on the other party. It is because we have been upholding some of the arguments and many of the good amendments which they offered to our bill here on the floor, and we said we will not try to come back with a partisan bill, we want to come back with a bill that will be good and fair and evenhanded to both parties.

We want bipartisanship. I know it is an election year; I know we are not very far away from the congressional elections. But in the name of God, Mr. President, on something this important can we not forget for a minute that the election is coming up? Can we not forget what party we belong to? Can we not do something good for this country and the people who sent us here? Let us try to do it.

If you want to rebuild the trust and confidence of the American people in this institution, let us show that at the end of this century, in this institution, we are for once still capable to act, to use an old-fashioned term, in a statesmanlike fashion. Statesmanship should not be out of date.

Mr. President, what is happening here, and the other thing the American people get fed up with us about, is having a set of rules that are incomprehensible and can be misused to block actions and decisions on important matters to get to conference.

I want to lay this out so the American people will understand. We are not talking about passing a bill here. That is not what we are arguing about. We are not talking about preparing or proposing what will come out of a conference committee. The House passed a bill different in its version than the Senate. By the way, I say to my colleagues, and having debated with my good friend from Kentucky many times on this issue, he says he wants less money coming from PAC's or no money coming from PAC's, our bill has no money coming from PAC's. The House bill keeps the $10,000 per PAC which now is allowed under the current law in place.

What we are debating here today is a motion as to whether or not we should accept the House amendments to our bill. The House amendments allow for the present giving of PAC money just as it is now. We cut it down from $10,000 to zero.

Do you want to accept the House amendments? That is what we are debating. The motion before us is not whether or not we are going to pass the campaign finance bill, but whether we are going to accept the House amendments. We do not want to accept the House amendments. I have not heard a single Senator on the other side of the aisle saying he is willing to accept that kind of amendment. We want to close the loophole on soft money. That is one of the things my colleague from Kentucky and I have agreed upon. Our bill did do that.

The House bill leaves many loopholes. It leaves loopholes in terms of party soft money. It leaves loopholes in terms of nonparty soft money. In fact, that was the target of an amendment adopted in our bill in the Senate—for which we have been fighting—by one of the Senators on the other side of the aisle.

As to bundling, we had a much tighter prohibition on bundling. As to lobbying, we had a provision that said a lobbyist who gives money to candidates should not be able to lobby for a year after he gave it to them. The House had no such provision.

We have heard many times on both sides of the aisle it is not right for candidates to be able to carry over huge campaign war chests from one election to the next. We limit that carryover to 20 percent in the Senate bill. The House bill has no limit whatsoever.

When it comes time to vote, how in the world can we not vote to reject the weakening House amendments to campaign finance reform? Those who want to block a vote on whether or not we reject the House amendments, are they in favor of more PAC money? Are they in favor of soft money? Are they in favor of carrying over war chest dollars?

The issue before us today is not a vote about accepting a conference report. We have not even gone to conference yet.

Mr. President, let me say to my colleagues on the other side of the aisle, and I hope they will consider this proposal that I am about to make to them, and I have spoken with the majority leader about this, under the rules those on the other side of the aisle can oppose our motion to reject the House amendments, which are very bad amendments, as I just indicated, for those who want real reform. They can filibuster that motion and debate it to death. If we cannot get cloture on that, we lose. We cannot even talk to the House. We cannot even try to come up with a bill. We cannot even make an effort. We are stopped. We are logjammed. We say to the American people they will not even let us talk.

Now if we get cloture, they can still debate for 30 more hours after they get cloture. Then what do they have to do? Mind you, this is not to pass the bill. This is just to talk to the House to see if we can bring them around to our way of thinking, the way of thinking that has prevailed by the vast majority of Senators in both parties here on PAC's, on soft money, on nonparty soft money, on war chests, on carryover, and all the rest of it.

Now, then we have to make the next motion. We have to ask the House for a conference, a conference committee to be appointed. They can filibuster that matter. They can then, if we get cloture, debate that for 30 more hours on the floor. Then, if we prevail, we go to a third motion.

The third motion is that we should appoint conferees to get together and visit with the House and see if we can work something out. They can filibuster that. We have to wait to file cloture on that. They can debate 30 more hours after we get cloture on that.

We are up to 90 hours, probably 150 hours, of floor debate just to get the right to talk to the House to see if we can work out a bill.

Then, if we worked out a bill, there is still the right to filibuster the conference report and to have additional hours after that.

Now, Mr. President, are we fooling the American people here? Is this the way to conduct the Nation's business? Absolutely not. Absolutely not. And we wonder why only 14 percent of the American people have confidence in us? If we continue to behave like this, we do not deserve a rating that high. We do not deserve 14 percent of the American people to have confidence in us. That is too high a figure.

It is time for us to confront these problems in a bipartisan, sensible, logical way, without playing political games with it.

Now, I can understand that there might be some on the other side of the aisle who might wonder: Do those Democrats, House and Senate, have some secret agreement, some secret deal that has been cooked up between them? I can assure you, Mr. President, they do not. I can assure you I will not support bringing a bill back to the Senate which does not have bipartisan support.

I am not going to violate the confidence of those on the other side of the aisle who were among the 60 who voted for this bill and among the 62 who voted for cloture on this bill. I am not going to do that. I am not going to come back here and bring a bill back that says you are going to have to accept a plan for killing this. I will not be for that. We cannot have that element of partisanship. There are not going to be any secrets. That is point No. 1.

But, point No. 2, if you are sure we do not want to go to conference until you know whether or not there has been some framework of agreement reached between the House and the Senate to give us a chance to come back with a good bill, then we will not bring a motion to appoint conferees to the floor until we can show all the Members the outlines of where we think we are going to go if we go to conference. That seems to me fair.

So I ask my colleague from Kentucky if he will be willing to consider this. I know in his heart of hearts he does not like the House provisions. He talked about public funding. The House has far more public funding in it than the Senate bill. The House allows the PAC's to continue to contribute. And the Senator from Kentucky and I have agreed that is not a good thing. Soft money, loopholes, war chest carryovers, these things are in the House bill. I think he would have to agree he may not like the Senate bill, but I think he likes the House bill less.

Surely, he can let us vote. We are not trying to seek votes on cloture at this point.

And every time I can remember since I have been here, if it happened anytime in the last 16 years, it would be only once or twice that it has not been automatic to allow us to disagree with the House and to seek a conference and then to appoint conferees. But I would be willing to wait—I have cleared this with the majority leader—in terms of seeking to appoint conferees. But let us at least get some of the housekeeping out of the way.

We should say we disagree with the House bill, and then we should say that we seek a conference with them. And then if we have not reached at least the outlines of a broad agreement that will satisfy those on the other side of the aisle—the side of the aisle of the Senator from Kentucky—who have raised different points before us, to be sure we are not sold out in conference on the PAC issues, soft money, personal use of campaign funds, a whole litany of things that have been said, then we just will not be able to appoint conferees. We will not try to go forward. In other words, we will allow people on both sides of the aisle to have some notification we have not reached an agreement.

The reason we have not reached an agreement with the House leadership is that we have been standing very strongly for amendments that have come from the Republican side of the aisle. We have tried to behave as Americans on this matter.

I would just like to ask the Senator from Kentucky, will he not let us, by consent or voice vote, disagree with or just go to a vote, instead of a cloture vote, disagree with these House amendments and let us seek a conference, but then hold the motion to allow the Chair to appoint the conferees until we know the likely framework of any agreement that might be reached in a conference?

I address that question, Mr. President, on my time to my distinguished colleague from Kentucky, if he might consider that request. I offer it in all earnestness and sincerity, and I hope that he will.

Mr. McCONNELL. Well, my good friend from Oklahoma has made, quite passionately, I might add, the observation that the American public holds us in low esteem, presumably because we have failed to pass something like he is suggesting.

My view is, if you think they do not like us now, wait until you see how they feel about us after we pass taxpayer funding of elections.

So we essentially see the public's reaction to this kind of proposal differently.

But with regard to the specific proposal that my friend from Oklahoma raises, I think we need to talk about this issue. I am going to encourage everybody to vote for cloture. I think it is important to have an adequate airing out, so the public can fully understand what has been going on behind closed doors for all of 1994. Really, there has been a conference going on in all of 1994 among the majority to try to decide what it wanted to do. Now here, at the 11th hour, presumably there will be some meeting of the minds. My view is that the public needs to fully understand.

We had an opportunity in health care, for example, over the course of a year, to learn a lot about it. We learned a lot ourselves, and the public learned a lot about it.

I think it is very important that we have adequate time for discussion of what we may be about to perpetrate here. So I am going to encourage everybody to vote for cloture—certainly, I am going to vote for cloture—and we will have an opportunity to begin to discuss it.

Now, with regard to any conversations my friend from Oklahoma and myself might have had, we have had none on this issue this year; not a one throughout 1994.

I am happy to have a conversation with him. There will be plenty of time during the course of the rest of the day and tonight. I will be here. Anytime he wants to talk, I will surely be happy to do that.

Mr. BOREN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. BOREN. Mr. President, I yield myself such time as may be required for me to respond.

Let me ask the Chair how much time remains.

The PRESIDING OFFICER. The Chair would indicate the Senator from Oklahoma has 4 minutes remaining.

Mr. BOREN. Mr. President, I will be very brief. I think the Senator from Minnesota wished to say a word, but I do not see him on the floor right now.

Let me say, I regret that we cannot just proceed ahead to vote on the proposal. This is not going to keep anyone from talking. And, as I explained the procedure before, what we are really talking about—and let us not fool ourselves—when you add up 30 hours and 30 hours and 30 hours, and filibuster and filibuster and filibuster, to even get to talk to the House, for permission to even have a conference, for trying to bring a bill back, we know how long we are going to be in session.

What is really sad is we are not going to be allowed to vote on something because of the procedures to vote on something or other.

The reason I have not had any discussion with the Senator from Kentucky about any agreement is, as of this moment, we still have not reached an agreement. I am not really as sanguine as he is that we will.

So nothing is being hidden here. We simply have not reached an agreement. And the reason we have not reached an agreement is that those of us on this side of the aisle who have been involved in the process of talking to some people on the House side have been insisting upon several of the amendments specifically proposed from the other side of the aisle so we can have a nonpartisan American solution to this problem.

So I appeal to my colleagues. No one is trying to pull a fast one here. But, on the other hand, the American people will understand if you are simply going to make us pile cloture vote on cloture vote, so there can be 30 more hours of debate. Just add that out. Just add 90 hours of floor time here. That is before we even get to have a conference with the House. That is before we even begin to debate the bill. Then we have to move to take up the conference report. That is debatable. Then we could debate the conference report. Even if you have cloture for 30 more hours and receive that, this body is scheduled to go out of session by sometime around the 7th or 8th of October. That would be impossible.

So we are not talking about debate. We are talking about killing something. We are talking about killing something that passed with a bipartisan majority in this Senate 60 votes to 38; 62 votes for cloture.

Not being allowed to have an opportunity to even look at something that is so important to look at, an issue that is absolutely a cancer, as I said, eating away at the heart of the American political process, I regret. I hope people will reconsider this decision. And, I must say, I think the American people do understand the situation in which we are involved.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. McCONNELL. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Kentucky has 10 minutes remaining.

Mr. McCONNELL. Mr. President, as I suggested earlier, I think this is an issue the American people need to fully understand.

We have watched, over the course of the last year, the American people begin to understand what the health care reform proposal was about. I do not think the American people are mad at us for failing to act on health care. As a matter of fact, by about a 3-to-1 majority, they are saying, "Please don't do that this year. Give it up. Go home. Leave us alone. Don't do it."

I think it is extremely important that the American people have an opportunity to fully understand—exactly. This issue has not been on the front burner. It has been off to the side for about a year. The Senator from Oklahoma, with all good intentions, has been involved in discussions that basically have been among the majority about how to work out their differences. Here we are in the closing hours of this session and they are accusing us of gridlock?

For one thing, I make no apologies for that. Gridlock is making a big comeback in this country. The American public is crying out for us not to do some of these things. They said please do not do health care, and I do not have any doubt, based upon the survey numbers I have seen, some of which I am going to share with my colleagues right now, that they are not clamoring for taxpayer funding of elections. This is really not high on their agenda. This is not what they had in mind when they talk about reform of Congress.

Just recently in my State, just to give an example, we found that 68 percent of voters would be less likely to support a candidate who voted for taxpayer financing of elections—68 percent. On the national level, independent surveys confirm this attitude across the country. A nationwide poll taken by the New York Times and CBS—interestingly enough, they asked the question in the most favorable kind of way for those who prefer taxpayer funding of elections. This is the way they asked it. They said, "Do you favor public campaign financing for congressional elections in order to reduce congressional campaign contributions from special interests?" That is about as favorable to the proponents as you could frame the question. It does not even say taxpayer funding, it says "public." "Do you favor public campaign financing for congressional elections in order to reduce campaign contributions from special interests?" We all know everybody thinks the special interests are awful unless it is the one they belong to, in which they think they are doing the Lord's work.

That question framed in a way that was the most favorable way for those who hold the view of my colleague from Oklahoma, 38 percent in favor, 54 percent against public campaign financing; the most favorable way you could possibly state the issue for those who favor the position of my friend from Oklahoma and the public opposes it 54 to 38. If you state it more candidly and make sure they understand it is their tax dollars that are going to pay for our campaigns, 68 to 70 percent.

In fact, I think this is a killer issue for the majority. I am astonished that they think this is a great idea to bring this up right before the election, thinking they are going to get some credit from the voters for this? No wonder people are getting creamed in elections all across the country.

In my colleague's own State of Oklahoma just 2 days ago—my good friend is convinced that in every case the fellow who spends the most money is going to win. We know that is not true. We know that is not true. The guy who beat Congressman SYNAR Tuesday in the State of Oklahoma spent $17,000. We are not even sure he ever showed up to make a speech. He worked around the district a lot and just basically made the point he was not an incumbent. I do not know how much Congressman SYNAR spent. I hear it was $300,000 to $400,000. His opponent spent $17,000 and won the election. And his opponent, the fellow who is now the Democrat nominee in the home State of my friend from Oklahoma, said: Money does not vote, people vote.

Money does not vote, people vote. I have been a challenger. I have been outspent and I have won. It is not automatic that the candidate who spends the most money is going to win. The key thing is whether any candidate is able to get enough resources to get his message across.

This stuff about the money chase, we have disproved that for 6 years now. I guess I will have to say it again: 80 percent of the money raised in Senate races is raised in the last 2 years of the 6-year cycle. Senators are not raising money every day, year in and year out, for their reelections. It is just not true. They keep saying it over and over again. It is obviously not true. It is not going on. But I have to keep rebutting it every time.

Sure, sometimes people get frantic about raising money for their campaigns. Do you know why? Because they may have a contest; my goodness. They might have a contest. They might think, "Gee, I might be able to lose this thing. Maybe I better get my act together here and see if I cannot raise a little money and get my point of view across through the only way we can do it today, through the mass means of communication." There has to be money in politics. You can only get it from two places: You can get it from individuals, voluntarily contributed to the candidate of their choice, fully disclosed and on our FEC reports. Or you can take it out of the Treasury.

That is it, the only way you can do it. But there must be money in politics, otherwise there is no communication and the best known candidate wins every race without exception. So there must be money in politics.

So the question is, is it better for that money to come from individuals voluntarily given to the candidates of their choice—which is all on everybody's FEC report so if your opponent thinks you got a contribution from X, you can make X the central issue in your campaign? Or do you want to get it out of the Treasury? That is it; the only choice unless you want no communication at all, shut it all down and let the best known candidate win every time—some celebrity, sports figure, Hollywood actor. Anybody who is well known is the only person who is going to have a chance if you grind and squeeze all the money out of the process. It is nonsense. That is why virtually every academic in America is against what they are trying to do.

David Broder, not exactly known to be a conservative, but an independent commentator on the political scene, opined against every version of this monstrosity that has been produced. He thinks it is real bad for political parties. We ought to be encouraging the growth of political parties. This measure greatly hampers political parties.

So this is a measure without merit. It is a measure without merit. Having been discussed on one side only throughout 1994, the thought is that in the name of reform we pass this in the 11th hour. My view is that this should be adequately discussed. I encourage all Senators, certainly those on my side, to vote cloture so we can begin to educate the American people as to what is being suggested.

I think it is perfectly clear the American people once educated are going to say, "Please save us from this. You-all wrap up your business and come on home but do not stick us with the tab for political campaigns. We do not want any new entitlements for you." I expect they would like to keep the ones they have. And we all know that Senator KERREY and Senator DANFORTH in the Entitlement Commission may well—I do not know for sure, I am not on the Entitlement Commission—suggest, sometime between the election and the first of the year, that we are going to get a handle on the Federal deficit. "Everybody else's entitlements may have to be adjusted in some way or another in the coming years. Yet let us sneak this one in right before the curtain falls."

Mr. President, I for one, and I think there are many others who feel the same way I do, am going to do everything I can to make sure that does not happen, and give the American people an opportunity to fully understand what we are trying to do to them on the way out the door.

Mr. President, I believe we are about ready for the vote?

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Oklahoma has 1 minute remaining.

Mr. BOREN. Mr. President, let me say, if you do not want to argue the main case and you do not want to argue what the case is really about, you set up a straw man. This is not a debate about public financing. The incentive from our bill is instituted from the Treasury to lower broadcast costs for candidates who agree to accept overall spending limits. It is not a tax on the general taxpayers of this country to pay for anything, in the Senate bill as we passed the Senate bill. I think it is right to allow discounted broadcast time to those who say we will not spend unlimited amounts of money. This debate is about one issue: Shall we put limits on the amount of money that people can spend in campaigns?

When I first ran for office it took $600,000 on the average to mount a successful campaign for the U.S. Senate. Then it went to $1.5 million, then it went to $3 million, now it is at $4 million. Do we want it to go to $8 million, $10 million, $12 million? Do we really believe has been good for the political process, for the American people to see that it takes more and more and more, millions and millions and millions of dollars, to run for election in this country? Is it a really good thing that more and more of those millions of dollars are coming, not from the people back home, not from people who even live in the States where the elections are held, but by PAC's, political interest groups, that are headquartered mainly in Washington, DC. That is not good, and we need to have a change.

The PRESIDING OFFICER. All time has expired.

Mr. MCCONNELL. If my time has expired, then I will, obviously, not say anything any further.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the motion to disagree to the House amendments to the Senate bill, S. 3, the Campaign Finance Reform Act:

David L. Boren, Wendell Ford, Harlan Mathews, John Glenn, Paul Simon, Barbara Mikulski, Don Riegle, Frank R. Lautenberg, Claiborne Pell, J. Lieberman, Charles S. Robb, Chris Dodd, John F. Kerry, Tom Harkin, Barbara Boxer, David Pryor, Daniel Akaka.

Mr. BOREN. Mr. President, I ask for the yeas and nays on the motion.

The PRESIDING OFFICER. It is automatic.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the motion to disagree to the House amendments to S. 3, the campaign finance reform bill, shall be brought to a close?

The yeas and nays are required. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from South Carolina [Mr. THURMOND] and the Senator from Wyoming [Mr. WALLOP] are necessarily absent.

I further announce that, if present and voting, the Senator from South Carolina [Mr. THURMOND] and the Senator from Wyoming [Mr. WALLOP] would each vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 96, nays 2, as follows:

[Rollcall Vote No. 303 Leg.]

YEAS—96

Akaka
Baucus
Bennett
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Danforth
Daschle
DeConcini
Dodd
Dole
Domenici
Dorgan
Durenberger
Exon
Faircloth

Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Gramm
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Hollings
Hutchison
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
Mathews
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Shelby
Simon
Simpson
Smith
Specter
Stevens
Warner
Wellstone
Wofford

NAYS—2

Bond
Helms

NOT VOTING—2

Thurmond
Wallop

The PRESIDING OFFICER. On this vote, the yeas are 96, and the nays are 2. Three-fifths of the Senators duly chosen and sworn, having voted in the affirmative, the motion is agreed to.

Mr. HATFIELD. Mr. President, I yield 1 hour under rule XXII to the Republican leader.

Mr. COHEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Mr. COHEN. I yield my hour under rule XXII to Senator STEVENS.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I yield my hour under rule XXII to Senator STEVENS.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. I yield 3 hours under my control under rule XXII to the Senator from Kentucky [Mr. MCCONNELL].

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Under rule XXII I yield my hour to the Republican leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I yield 3 hours to the Senator from Kentucky.

The PRESIDING OFFICER. The Chair would announce that the Senator from Kentucky has 7 hours.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, I am not going to yield my hour to anybody. I am going to keep it and hopefully be able to use it, and use it wisely in apparently the next 30 hours. It is obvious here what is going on. Everybody is yielding their hour to the floor manager. The floor leader will have 30 hours, and then that will delay us from getting onto the business of the Senate and what the people would like for us to do. Everybody has their mind made up. Everybody now knows how they are going to vote one way or the other.

I think the vote earlier was the imagery that they did not want to be known and shown as voting against campaign finance reform, which the American people want done. But now they are going to delay the activity of the Senate by using hour after hour after hour.

I would hope that the majority leader would bring out the cots and the pillows and the blankets so that we could stay here 30 straight hours, and we would not get into all of this delay of the Senate. Tonight, while most of us would be home asleep, we could be here talking and the clock running.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. MCCONNELL. Mr. President, I ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there further debate?

Mr. PACKWOOD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. PACKWOOD. Did I hear the Senator from Kentucky say we would could go away for 30 hours and come back? Did he say that?

Mr. MCCONNELL. No way.

Mr. PACKWOOD. Too bad.

Mr. President, how much time do I get? One hour.

Mr. President, I was about to say, as we start this debate, that this is not a new start. I have been in the Senate 25 years. We have been discussing campaign financing or campaign reform for all of those 25 years in one form or another.

I served 6 years in the Oregon legislature prior to coming to the Senate. We discussed it there during the 6 years in the midsixties in Oregon. We had many ballot issues. We did not have one campaign reform as I recall. But we did have one on reapportionment, and long before the Supreme Court decision in Baker versus Carr requiring basically one man one vote. In Oregon the voters had passed a constitutional amendment in the early fifties requiring it, and that was a form of campaign reform. In this case, it was political reform in the allocation of the seats.

So the issue we are going to talk about is not a new issue. In almost all of my experience in dealing go with this issue, it is usually approached not on the basis of reform as debaters really mean reform—it is almost always called that—but approached on the basis of partisan advantage or disadvantage.

This bill is no exception. The Democrats would like to pass a bill that will give them an advantage in the elections. The Republicans, obviously, would like to stop them from passing a bill that would give them an advantage in elections. What the Democrats want to do is no different than what any of the special interests—and I will get to that subject in a moment—want to do when they come to Congress. Almost all of them come and say they want a level playing field, but their definition of a level playing field is a legislated advantage over their competitors, or whoever it is they think is going to try to do them harm or do them in.

So in this case the Democrats want to pass a campaign finance bill. Let us be serious about this. This is campaign finance. Most of the other reforms—the soft money reforms, and any other reforms—by and large, I think, could be agreed on by 90 out of 100 Senators, and by 400 out of 435 House Members. But it is finance and how it is going to be financed that is the issue. That is why this bill is being hatched by the Democratic leaders in the House and the Senate. The Republicans have had no input into this.

The issue of the political action committees, that is, PAC's, that is, special interests, has been one that is intensely divisive between the leaders of the Democratic Party of the House and the Senate. You could almost see the division even within the party between the House and the Senate. The House Members are more dependent on political action committee contributions than the Senate. The Senate could get along without them. So the Senate might be willing to forego them. The House thinks they cannot get along with them, so they do not want to forego them. The reason Senators can probably get along better without PAC's than House Members is not because somehow God has endowed us with superior qualities. We may think so, but he really has not. We are better known. It is nobody's fault. We are just better known. When you are one Senator of two in your State, you are better known than your House Members, unless you are one of those unusual States that has only one House Member. If you are in a State with 5, 10, 15, 20 House Members, the voters do not know them as well, and the Nation does not know the House Members as well. And for whatever reason, Senators get on national television more than House Members. We could probably raise money easier without PAC's than House Members. More people know us individually.

(Mr. KERREY assumed the chair.)

Mr. PACKWOOD. Interestingly, even in this Senate Chamber, it was like pulling teeth to get the Democrats to give up on the issue of PAC's. It was only at the last in 1990 when we were considering the campaign finance bill then that the Democrats knew the Republicans had the votes to zero out PAC's—no PAC's, no money, and they finally relented and went along. But they did not like it. Then, of course, we get the bill to the House in this Congress and it runs into the stumbling blocks in the House on PAC's.

I am not here necessarily to attack political action committees. I want to go back in a little bit of history as to what political action committees are. They started with unions. Back in the late forties—and my good friend, Lane Kirkland, president of the AFL-CIO, would remember this fellow, Jack Kroll, head in those days of the CIO. The AFL and the CIO were two separate organizations back then. They had not merged after their split in the thirties. Jack Kroll was the head of the CIO's political action arm. He formed PAC's. That is where the term political action committee came from.

Unions, per se, had been prohibited from giving their actual union treasury money to campaigns, I think, in 1943. So they had to find a new device to gather their money together, and the political action committee became the device. Corporations had not commonly used political action committees. They had been prohibited for decades from giving corporate money to campaigns. They had not gotten into the swing of PAC's the way the unions had for a good many years. In fact, it was not until Sun Oil, back in the early 1970's, and Federal Election Commission decisions that really legalized PAC's and attempted to regulate and structure them and make them report, to know where the money came from and where it went. So it was not until the 1970's that businesses got into the business of political action committees.

I wonder if Members who have come here and have been in the Senate for some time remember Lane Kirkland. I used to spend more time with him earlier than recently. Part of that may be due to trade, because it is interesting how the positions of the parties have changed on trade. Thirty years ago when we were doing the Kennedy round on trade, which was the equivalent of the Uruguay round now and strongly supported by organized labor and, by and large, opposed by lots of business, liberal Democrats wanted the open trade. Business had more misgivings about it. I did not know Lane then, but he, I assume, was a strong supporter of liberalized trade.

Of late, the positions have switched. Organized labor is, by and large, very protectionist and does not like freer trade. Most businesses are willing to say that, for better or worse, we are into the world community and we are going to have to compete. The barriers are coming down and let us get at it. I have a memory of being at Lane Kirkland's house for dinner one night. He was serving a wonderful dinner with a French wine. I called to his attention that this appeared to be an imported wine rather than the variety from the United States, and how did that square with labor's now protectionist position on trade. And he kind of smiled. He said that there are certain areas in which geographical advantages should not be disturbed. That was his answer on that particular subject, which I agreed with. I think we ought to follow that theory in almost everything.

The other memory I have of Lane is when we went to see the movie "Reds," a Warren Beatty movie about John Reed—Reed being the young man who had written "Ten Days That Shook the World," about the Communist revolution. He was from Portland, OR.

First, there was a wonderful opening scene in the movie where John Reed is at a black-tie banquet. I judged from looking at the background in the movie—and he came from Portland money—it was a Portland men's club annual black-tie dinner, with cigars and brandy. They say, "What is this war in Europe about," referring to World War I, and he says, "Why, profits." That is the only answer. Then the movie goes on about John Reed's background. But there is an interesting part of the movie where Warren Beatty—who, as I recall, is also the director—is interviewing people in the 1980's or late 1970's that knew John Reed personally. They are now in their seventies and eighties. I went to the movie with Lane Kirkland, and Lane knew these people. He says, "Look at that, that guy was a Communist, and we threw him out of the union movement in 1947. He still is and always was a Communist."

We owe a great debt of gratitude, and should, to the union movement. It was tough going in the mid-40's when the Communists were trying to take over the union movement in this country. And we owe a debt of gratitude especially to the leaders. They just saw what was happening, and they did not allow it. Lane must have known—I would say that maybe out of the 10 people that were interviewed that knew John Reed, Lane must have known 8 of them. Of course, he was alive then, too.

Anyway, that is an aside with Jack Kroll, who Lane probably knew quite well. Now we get up to the 1970's. We get up to the Sun Oil Company, and they have this political action committee. They were one of the leaders of the Pugh family from Philadelphia. They were trying to get businesses and corporations to do the same thing unions had been doing for roughly 30 years. The question was: How do you do it legally? We are not allowed to give corporate money, but corporate money funded the PAC and paid administrative expenses, and the law was unclear.

So we finally regularized PAC's. We said businesses can get into it.

You have to remember when we did this, this was a reform. Up until that time, allegedly, you had undercover money and money coming in in cash and people awash in cash. Who knows what kind of corruption was going on.

Political party reformers said, and political campaign finance reformers said, sunshine is the answer. Make everybody take not more than a certain amount. As I recall, we cannot take over $100 in cash. It has to be in checks. You have to account for it and file it. Anyone is nuts who does not.

We continue to have to say where it comes from. We have to list, if an individual, where they work and what their occupation is. Everybody can look at the reports and see where you are getting your money.

At the time we thought that PAC's were a decent thing, a moral thing, even though they represented a special interest.

I want to now just comment on special interest. What is a special interest? A special interest is not what you are interested in. That is an interest that is good for the Nation. Those who oppose what you are interested in is a special interest.

I have never met anybody who came here, not anybody from the Oregon Education Association, from the Oregon Cattlemen Association, not anybody from the AFL-CIO who thought they were a special interest and what they wanted was good for America.

It is not quite what Charlie Wilson said. Those of us old enough to remember, will remember he was president of General Motors, and he was the first Secretary of Defense for President Eisenhower. During the confirmation hearing, he allegedly made the statement "What is good for General Motors is good for the country." He did not actually say that, if you read the transcript. What he said is "What is bad for General Motors is bad for the country, and vice versa." What he meant is what is bad for the country is bad for General Motors; what is good for the country is good for General Motors. That is not the way it got translated.

At the end of his 4 years as Secretary of Defense, in his farewell news conference, he was asked by one reporter what he had learned. He said, "Politics hain't business." And he is absolutely right. "Politics hain't business."

We thought from a business standpoint, an intelligent standpoint, a good-government standpoint, we would create the PAC's and represent the special interests. Even James Madison understood special interests.

When you are posing it to a group of high school students or college students who say isn't it awful how special interests dominate the country, and ask, tell me what you think a special interest is? What they picture is a fat-cat in a vest, dollar signs hanging loose here, and green bills sticking out of his pocket, purchasing votes. That is their idea of special interest.

I could say, well, let me ask you. What about the National Student Association? They might say, what is that?

I say, that is an association of students, college students all over the country. They get together and they have conventions and they lobby Congress on what they think is good for the country. And, I say, is that a special interest?

They say, well, that is not a special interest. Clearly what is good for college students is good for the country. That presumes they would agree with what the National Student Association has lobbied for.

All right. That is OK. What about lawyers?

Probably the initial reaction is, bad for the country. And you do not even have to get to the special interests. They are bad for the country. I am a lawyer. I do not agree with them. But I think they would probably say that.

All right, I say, take it one at a time. Nurses? You do not want to say doctors. They might have a misgiving about that, but nurses have a good image. What about nurses? Is not what is bad for nurses, bad for the country?

I continue. Let us say that Sally is a nurse. Sally wants to get interested in politics and she would like to give $50 to a candidate who is running for Congress. She likes this candidate. Is there anything wrong with that? No. There is nothing wrong with that.

Let us say that Jim is also a nurse. Jim would like to give $50. Is there anything wrong with that? No. So it is OK for Jim and Sally to give $50 apiece. Yes.

OK; let us say the nurses at the Saint Vincent's Hospital in Portland—there are probably hundreds of them—decide they think the Oregon Legislature or the National Congress is not doing exactly what they regard as good for medicine. Jim and Sally say to their nurses: "Listen. Why don't we all pool our money, give $50 apiece, and we give it to people whom we think will vote for what is good for medicine and good for the country and good for the public?" And lots of other nurses who are not interested in politics say that is a good idea. We do not really know which candidates are the ones we ought to give to.

Jim and Sally are politically astute. They say, listen, why don't we do this. Why don't you all write $50 checks and give it to the nurses' political action committee and give us authority to spend it on candidates that we think are good for what we are concerned with?

You say to the kids, is there anything wrong with that, if Jim and Sally can give individually and Jim and Sally and all our nurses at Saint Vincent's Hospital pool their money? They respond, that is OK.

I say that is a PAC. That is a special interest.

The answer is nurses are good. The Sierra Club is good. The National Wildlife Federation is good. General Motors is bad; they have a business attitude.

Special interests are nothing more than groups who are convinced that what they want is good for the country and these people are selfish. They simply see the world through their eyes. We all do. How else can you see it but through the way you live. Your experience and your dealings, and you know problems you have that nobody else has, or whatever business or trade or occupation has, and you think things are unfair. You want the Government help to fix that.

That is the way, you see, it works. They lobby business. You are a dairy farmer, you cannot farm without dairy supports, you are a lobbyist.

You are a wheat farmer in Oregon, or a coal company in Kentucky. An issue comes up about barge user fees. Coal and wheat are heavy. Electronic gadgets are usually light in weight. So an issue comes up on increasing the barge user fees on the Mississippi River or the Columbia River, and for whatever reason the President submits a bill. The Congress thinks they want it on the basis of weight, which hits coal and wheat very hard, even though they may not be high-value cargo in comparison to 10,000 cartons of electronics goods which may weigh the same as a couple hundred bushels of wheat, but they are worth a lot more.

The coal and wheat people, a special interest, say that is not fair. The barge user fee ought to be based on value, not on weight.

Needless to say the electronics people come and say it ought to be based on weight that permits how much goes in the ship, how deep it has to go, how deep the channel, how big the lock has to be to get the boat through. That is a function of size and weight; and, therefore, things that weigh more ought to pay more.

Are either of those groups selfish? Do each of them see the world through their eyes? Sure they do. Do each of them do what they think is good for the country? Sure they do. Are wheat farmers un-American? No.

This is where your coal companies and coal unions will be on the same side of the issue. Are your coal companies immoral? No. Are the electronics companies immoral and unethical? No. They see the world differently.

They all come and they lobby us to adopt what they think is the correct position for America, that is, the position that is good for them. Again I emphasize it is because they see the world that way.

It is for us to listen to the electronics people who want a barge user fee on weight, and the coal and wheat people who want one based on value, and try to decide which is good for America.

I can assure everyone listening, I never met, in a quarter of a century in the Senate and previous 15 years in politics before that, I have never met a serious issue that did not have special interest on all sides of it. I never met a one-sided issue that had any controversy at all. Every now and then you get one. There are some.

There is not too much objection to those bills we introduce for, you know, National Diet Month. Not many people lobby against that other than those who say we are making ourselves foolish by passing hundreds of bills—Pickle Week, Diet Month, national this and that. It costs money to print them. Who cares except the association interested in diets or pickles and they are probably right. Anyway they do not lobby against you. Those bills probably do not need a great deal of special interest money to get introduced and passed and nobody cares about them.

But on anything serious we are not barren of information. We are not barren of controversy because the people are on all sides of it.

Here is what has happened. This is where Senator MCCONNELL is so correct.

In a democracy—we are a republic not a democracy—but in a free government, representing the government, how the public perceives government is critically important. And if they perceive the government as corrupt or the political process as corrupt, then it does not matter if it is or is not corrupt. If they see it as corrupt, you have got to change in order to get back the support of the citizenry.

Because if they think you are corrupt, if they think you are responsive only to money, if they think you are responsive only to special interests—which I emphasize again is not the things they are interested in. When you are responsive to what they are interested in, you are responsive to what is good for America. But if they no longer believe that, then you have to change the system. Because in a free country, in a representative government, it is not just important, it is imperative, that the public have faith that the Government is fair. The public will even accept decisions adverse to their interests if they think they have been fairly arrived at.

So from the mid-1970's, when we basically gave the charter to PAC's and said how you can collect money and how much you can give, and we limited how much they can give, we said you have to report and you have to list your address and where you work. We thought this was a step in the right direction, because now not only Sally the nurse and Jim the nurse had to list their occupations, but everybody who gave money to their political action committee had to list their name, occupation, and what offices they worked at. So you could very clearly identify it. If somebody got $2,000 from the National Nurses PAC, you knew what it was.

From the mid 1970's on, the political action committees grew and grew—

more of them, more of them, more of them—although I do not think they particularly grew just because we changed the laws.

What I have discovered is, since I came to the Senate 25 years ago, a dramatic fracturing of what you might call special interests.

When I first came here, the American Medical Association pretty much spoke for medicine. And they are still a powerful voice for medicine. But in those years, having grown up within the medical fraternity, the American College of Surgeons and the American College of Internists and all the specialties, ophthalmologists and within ophthalmologists, cataract surgeons. And while these colleges of medicine have existed for much longer than PAC's, now you will find within the medical profession differences of opinion.

As I recall—I may have the name wrong—I think it is the American General Practitioners, but I would not swear to it. There is a specialty group within the American Medical Association, that is general practitioners, who supported President Clinton's health bill. Why did they do that? Why on Earth, when you think the whole medical profession is opposed to it, do they support it? Until you realize that President Clinton's health bill put an emphasis on general practice; had provisions in it that graduate medical schools had to change their ratios of graduate students and move toward more general practitioners and fewer ophthalmologists and pediatricians. And Medicare reimbursements, the money the Government paid, was to be shifted more to general practitioners and less to specialists.

Why on Earth would general practitioners think that was good for America? They think that they are good for America, and whatever helps them, helps America.

So you begin to have this fracturing of different interest groups on to smaller interest groups. And those smaller interest groups set up PAC's. And the smaller ones, American College of Physicians and Surgeons, probably their PAC, if they have one, is not like the American Medical Association. But I would imagine all the medical specialties, like chiropractors or podiatrists, do not have all the money the American Medical Association has. Does that mean all have the same interests?

I use chiropractors. They forever wanted to be treated just like physicians. They wanted to have the same kind of reimbursement. We do not do that at this time. It is a battle that has gone on for years. Chiropractors have come a long way in terms of professional respect in the last 30 years. I can remember 30 years ago when chiropractors were regarded as quacks by a lot of people.

But when it comes down to a battle of inclusion or exclusion from Government payments for health, there is still a battle between chiropractors and nonchiropractors. And so, on that particular practice of the health industry, you are going to have a split.

Another example is dentists. And I understand why. As health insurance grew in this country, the first thing we covered was what you might call general medicine. We did not cover eyeglasses and hearing aids and dental. And as health plans grew over the years—this was in the late forties, fifties, and sixties—we began to include more auxiliary medical services that we might not call primary services, although for the life of me it would seem to me dental is a primary service, but we did not. Gradually, we did.

However, the dentists are now afraid that if we start to narrow the amount of money that a company can pay for your health premium, if a company is now paying $400 a month to a family premium and we were to pass a law that says if they contribute more than $250 they will be taxed on it, what the dentists fear is that, if that passes, what will be cut out is dental care. You have to get down to $250; sort of last in, first out. We just got dental coverage in 5 or 10 or 15 years ago. Then we have got to go back to $250 instead of $400. Out goes dental care.

So they are opposed to that kind of provision in the bill. Understandably.

Special interest? Sure it is. Un-American? Not a bit.

What has happened, as these groups have multiplied, the quantity of money, quantity that has been given in politics, has increased.

It is not the only thing that has increased. When I was a kid, I used to be able to go to the Saturday movies for a dime—two double features, three cartoons, a serial that ran for 15 weeks with Pauline on the tracks every Saturday when the serial finished. And you had to come back next Saturday to see if Pauline was off the tracks. And usually between the movies some barker from the local toy store would call out the number from a ticket stub and give away two cartons of model airplanes. We got all of this for a dime.

Then, during the war years, they put on a 10 percent tax and that went to 11 cents; almost broke my allowance. Then somehow it got to 16 cents. And we know what movies cost now, even for kids.

Do we spend more money now on movies than we used to? Sure we do. Do we spend more on campaigns now than we used to? Sure we do. Do we spend too much on campaigns? And I will get to that point in a while—do we spend too much on campaigns? I do not think so. For the moment I will put that aside.

Everything has gone up in cost. When I first ran for the legislature in 1962 in a district that was a Republican district, we elected four Republicans. We ran in a field in those days. You did not run Jones versus Smith. You ran in a field. And the district elected four. The top four Republicans received the Republican nomination and the top four Democrats received the Democratic nomination. And in the general election, you ran in a field and the top four out of the eight of us won.

I ran for a Republican nomination. There were four Republican incumbents, so to win I had to finish in the top four and therefore bump out one of the Republican incumbents. I was 30 years old, never ran before.

I ran second in the primary. I ran first in the general election, though I had never run before. My primary campaign cost me $700. The entire general election campaign, as I recall, cost me about $1,500 to $2,000 in a district that was an urban district, about 4 miles in one direction about 3 miles in the other if you squared it off, with about 160,000 people in it, so it was not a small district.

Today that district has been carved up into four little districts and the cost of running, if the district is contested—if the district is a piece of cake it does not cost as much—but in a contested district today in Oregon it would not be unusual to spend $25,000; in California you would spend $250,000 to run for the State legislature; in the Senate district you would spend half a million or a million. So has it gone up? Yes. As movies have gone up, as everything else has gone up. I bought my first new car in mid-1965. It cost me $2,200: A Chrysler product. Today to buy roughly the same—equivalent product would cost me about $18,000. Everything has gone up. And these so-called special interests have arisen and helped finance our campaigns.

Is there anything wrong with Sally and Jim and their nursing friends aggregating their money and, instead of Jim giving you $50 and Sally giving you $50, Jim and Sally and their nursing friends get together and they give you a check for $2,000? Is there something laudable about a person giving you the $50 that becomes immoral, unethical, corrupt, when the person giving you $50 joins with his or her friends, gathers their $50's and gives you $2,000?

The public has apparently come to the conclusion that is wrong. I am not going to quarrel with that. Republicans have said, fine. Much more than the Democrats, the Republicans have said, fine, let us get rid of that kind of contribution. That does not mean get rid of special interests. People who are in the dairy business will still have a special interest in cows. We see that now, with this new hormone that makes cows give more milk. There is a split in the dairy industry as to whether we should produce more milk or not. There is a split among people who think the hormone is dangerous and if any grocery store carries the milk they will picket the store. This splits even the dairy industry; a special interest but not a unit.

But the public somehow thinks the aggregation of this money is evil. And the analogy you could think of in terms of business might be this: A service station is fine; 100 service stations are fine; but when all of the service stations are bought up by Mr. Rockefeller and he controls the oil and the pipeline and the refinery and the service stations, that is not fine. That is an aggregation that is dangerous because it allows one person to have too much power over the oil business. So, because of Mr. Rockefeller and others who, very frankly, moved this country rapidly from 1850 to 1900, the Hills and Harrimans in the railroad industry, the Carnegies in the steel industry—we passed the antitrust laws. We said individualism is good, little business is good, but at some stage little businesses become so big—but more important, so dominant—that they strangle opportunity for others to come along.

So we break them up. We broke up the tobacco combines, we broke up the oil combines. It does not necessarily have to be nationwide. These antitrust laws can apply to a local area. You can have a local business that can dominate the particular business in that area, and it can be broken up. And that is the only analogy I can think of that justifies this, other than the public thinks this is corrupt and that is a good enough reason to break them up; that perhaps if Jim and Sally give you their $50 individually they are giving it because they believe you. They do not think you are going to be bought for $50. They believe you because you have been supporting the nurses and you believe in the nurses. But, somehow, when Jim and Sally become the equivalent of political action committee Rockefellers, that is dangerous.

OK, let us take it as a given. The aggregation, the concentration of power in the hands of directors of political action committees can be dangerous. I am not arguing that it is. I am saying it can be perceived as dangerous when you have a political action committee that has $500,000 and their Washington lobbyist is pretty much the sole voice who is deciding how this $500,000 is going to be given out—he gives $5,000 to you and $5,000 to me and $1,000 to somebody else—does that buy access? Does that buy influence? Is it not terrible? This is Jim and Sally, now, 5,000 times over. We must stop that, it is said.

Fine, the Republicans say. OK, let us stop it. And on this floor we had to drag the Democrats, kicking and screaming, to stopping that. They accused us of being beholden to big business, and we said, "Fine, get rid of big business PAC's."

"Well, we did not mean that, actually. We did not mean that kind of reform." But they had no choice in the Senate because we had the votes and there were enough Democrats who were going to vote with us that if they did not do it, we would have won it. As I say, the Senate is not as dependent on PAC money as are the House Members.

I will give you an example. In the last election—I am able to raise a fair amount of money in elections—but in the last election I raised $8,100,000 for my election in 1992; 16 percent of it came from political action committees. I could get rid of the 16 percent and I would still have a perfectly adequate amount of money to fund my campaign. So it is easy for me to say get rid of PAC's. In the House, as I recall the figures, of the average Members, over half depend on the PAC's and if you say to that average Member get rid of PAC's, it terrifies them. "Where am I going to get enough money to run?"

Well, we now come down to the partisan advantage. Do not ask me why, I do not know why: Republicans are able to raise a lot more money in small amounts than are Democrats. Small amounts: Direct mail, $10, $15, $20. It has worked for us. It does not work for the Democrats. I do not know why it does not work for the Democrats. The Democratic National Committee, the Democratic Senatorial Campaign Committee, the Democratic Congressional Campaign Committee all send out mail, and they make some money. They do not hold a candle to us. I do not mean big money, I do not mean money that is trying to buy access. I mean hundreds of thousands—millions of contributors who will give us $10, $20, $30.

So we say to the Democrats, "OK, let us get rid of the political action committees. We will go just with small money." Terrify the Democrats? You bet it does. They cannot raise small money. They are dependent on the PAC's.

You think to yourself, I wonder why? Until you realize something. Most of the PAC's do want something from government and the Democrats like government. Republicans really do not like it. We tolerate it, we suffer it, but we really do not like it very well and we sort of wish it would go away. But it is not going to go away so we have to live with it also. But the Democrats really love it. They love regulation. The more regulation the better.

I am generalizing now. This is not true of the Chair. But I am generalizing. I would say this as a rule of thumb, Democrats do not like capitalistic acts between consenting adults.

They have misgivings about it and it ought to be regulated because these consenting adults are not able to take care of themselves and most special interests want the Government to legislate something that will favor them.

I want to emphasize again, they do not think this is bad for America. They think favoring them is good for America, and the Republicans are more inclined to say, "Go away, don't ask Government to do anything for you." They say, "I want Government to do something." Democrats say, "Government will do something."

So these special interests give more money proportionally to Democrats than they do to Republicans. Much of our money comes from these smaller donors who really are not asking much, except they do not like Government. They give it to us. It is understandable when you are drawing a campaign finance bill that each party wants to draw a bill that will favor their strength.

Democratic strengths is PAC's, special interest money. Republican Party strengths is small money, scores—hundreds of thousands of small contributors. Do we have big contributors? Sure. We are less dependent than the Democrats and it is more easy to give up. The public thinks they ought to be given up anyway, because they think they are an evil influence.

So that is the background of the bill we are on. There are lots of other things in these bills I think both parties can agree to. Soft money. How can I best describe the way this works? Here is an example.

The law says that an individual can only give me $1,000 in an election—$1,000 for the primary and $1,000 for the general election, $2,000. A political action committee can give $5,000 in the primary and $5,000 in the general, $10,000, although the average political action contribution is about $2,500, not $10,000. But in the campaign in which I raised over $8 million, all but 16 percent of it came from individuals, whether or not a political action committee gives me $2,500 or $5,000, never mind one way or the other, I can get along without it. Frankly, when you are in the midst of a campaign, you do not have time to keep track of who is giving. You do not know who is giving anyway. But I can get along without it.

In that same $8 million that I raised, I had about 152,000 contributions. Every contribution was $49.36. So can you raise money in small amounts? Yes, you can raise it in small amounts. People actually want to give to politics, but they do not voluntarily do so. It is sort of like giving to church. They know they ought to. Until the reverend comes to the door and says, "Bob, you weren't in church the last two Sundays, you haven't contributed"—you maybe just do not voluntarily do it, but when the reverend asked, you do it.

I discovered this years ago, it is sort of like selling insurance. If a candidate will go out and rap on doors, "Hi, I'm BOB PACKWOOD, I'm running for the State legislature, here is what I stand for, will you contribute $10 for my campaign," one voter in five will. If you ask them to and spend 5 or 10 minutes with them, they give you money.

Do you know what I discovered? They give you money. You write down their name, address, and telephone number once they give $10, and they are giving you $10 because they heard your campaign coffee, or heard you on a radio debate—someplace—and they believe in you. Once they have given you the $10, they will probably come out on Thursday night and work on the telephone bank for a couple of hours, probably help you on Saturday morning putting up lawn signs because they believe in you. And the Democrats have less confidence than the Republicans that we can raise that kind of money. So they want to keep the PAC's. And this bill may or may not founder between the Democratic leadership in the House and the Senate on that issue.

Let me get off PAC's for a little. You can see the difference and you can understand the partisan difference why.

The second thing the Democrats really want to do is fund our campaigns with taxpayer money—public financing of campaigns. They like the way we finance the general election for the President now, partially matching funds—Federal campaigns get public money—one reason is it builds greater confidence in the country.

Take a look at the confidence level, the President's approval ratings and how the ratings have been for 10 years. Gee, if this is what we get for the Presidential races, we ought to get out of those races. They like taxpayer financing of campaigns. This is an issue I would not mind going to the public with in this campaign.

Taxpayer financing of campaigns would be what we call an entitlement. An entitlement is a Government program that gives you money without any continual passage of laws. Social Security is one; Medicare is another.

The Presiding Officer is the chairman of the Entitlements Commission, and he is doing a good job. Entitlements are coming close to wrecking this country financially where we promise money to people and we say it will come forever unless we change the laws.

Try to change the laws once people get money and they expect it is going to keep coming. If we say we have decided to change policy, you are not going to get as much money anymore—that will not work.

So I would be happy to go to the country and say, "The Democrats have one more new entitlement for you and it is us. You are going to give us money. We do not have enough money to fund the School Lunch Program. We do not have enough money for the Women, Infants, and Children Program. But we have one new entitlement program that is critical for the country, and it is us. You are going to fund our campaigns and it is an entitlement." If you run, get the nomination, you are going to get a set amount of money. The Republicans very much do not like that.

The Democrats next say, is there some way we can get out of this appearing to be doing what we are doing? We will not give money. We will instead give you vouchers which you can give to television stations, and the television stations can turn them in for money. It is not quite the same as giving us money.

Or we will give all candidates reduced mail rates. It does not seem like money, subsidized mail rates. If it costs the Post Office 25 cents to deliver a letter, and we say to candidates, "You can mail all you want for 10 cents a letter," who do you think pays the 15 cents? The taxpayers do.

These are all variations of public financing of campaigns. And if the Democrats cannot even get that, then the next thing they want to do is put on a spending limit. But that is unconstitutional under a Supreme Court decision in the midseventies, unless you tie it to public financing. The Supreme Court has said you cannot limit the amount of money a candidate can spend. It is free speech, and it is unconstitutional. Unless we amend the Constitution, you cannot do that.

But you can say to a candidate, "We can't limit what you spend, but we'll make you a deal. If you will take public financing, if you will take some money from the Federal Government, a condition of your taking it for the campaign is that you will not spend more than a certain amount of money." In my mind, it borders on a constitutional endorsement. But additionally we say, "If you don't do that, if you think free speech is such you won't take any money from us, we are going to say to your opponents, 'If you spend all the money you want way beyond the limit we think you ought to spend, but you are allowed to do it because you don't take any money from us, we will give taxpayer money to your opponent the equivalent amount you spend.'"

Now that is a whale of an inducement to say, "I finally give up. Give me the taxpayer money."

If you succeed—I want you to picture what is going to happen—if you succeed in passing a bill the Democrats would like, they would finance about half of our campaign out of public funds and the other half we would collect from private funds. Whether or not we have political action committees, I do not know, but there would be a limit on how much you could collect.

Let us say in running for Congress you can spend $500,000 and the Government will give you $250,000 and you raise the other $250,000, but if you took the first $250,000 from the Government, you could not raise or spend any more than $250,000. What is the logical way that you are going to go about raising that money?

You are going to raise it in the least expensive, quickest way possible. Is that going knocking on doors and saying, "I am running for Congress. Would you give me $5." You knock on 10 doors; you get $50. You knock on 50 doors, you get $250.

Is that the quickest way to do it? Absolutely not. The quickest way to do it is go to the organizations under the law that can give you the biggest amount you can get from PAC's, special interests. Democrats want to keep them in this bill. And if you can raise $250,000 from the PAC's, instead of giving you $5,000, giving you $2,500, you are going to get a hundred PAC's and get $2,500 apiece and get it as quickly as possible, and nobody else can give you any money. Forget Sally and Jim; they can only give you $50. We do not want them anymore. They are out.

I suggest to Democrats, if they want to do something good for this country—I have been advocating this for years—pass a bill that does nothing more than one thing. Limit campaign contributions to $100. That is legal. I do not care if you get it from PAC's or not—$100 is all you can get.

What is going to be the effect of that? One, it is going to dramatically reduce campaign spending for at least five elections because in getting used to receiving $2,000 or $3,000 or in some cases $10,000 and suddenly all you can get is $100, campaign spending is going to go down on both sides right away for the first few elections.

Two, in all likelihood, you would have to collect most of it in your own State. And the reason being that now when the Washington lobbyists can collect all of this money, this $500 for PAC's, they give it out $5,000 here, $2,000 here, $3,000 here, to the candidate in Idaho, North Dakota, or Nebraska. They kind of size those people up and say, well, these people may not get elected and we will help them. Now, this national organization collected this $500 from all of their members in Florida, in Maine, Minnesota, gathered it here, but the people in Florida and Maine and Minnesota do not likely know the candidate in Nebraska or Idaho, and if you had to collect that money individually, a candidate running for Congress in Idaho would not collect much in Florida. So you would have to raise most of it in your own State from people who knew you.

Then do you know what the ultimate irony would be? The advantage would be not with the incumbent. The advantage would be with the home State challenger who is in the State all year long because politics still is personal and you can inspire your people if you are there day after day. If you are in Congress and you are here 10 months a year—I am from Oregon. There is no direct flight to Oregon. It takes me 7 or 8 hours to get home, 7 or 8 hours to get back, and it is just not practical to fly home on a Friday night, be there Saturday, and fly back on Sunday. If I am running, and I am running against our Secretary of State or the Oregon attorney general or State legislator—that is all I was when I ran for the Senate, but you are there all year long. You will collect more money in $5, $10, $15, $20 contributions at home than the incumbent Senator will 3,000 miles away. You may not have all the money you want, but he does not either.

So I will make you this final bet. Our goal should be to encourage people to give small amounts to campaigns, because if they will give, they will be interested. They will participate. I will make you this bet. Given five campaigns—that is 10 years—you could get 30 million people in this country to give an average of $50 apiece to politics, and I do not mean give it to their PAC; I mean give it to their candidates, that would be $1.5 billion. I am talking about Federal campaigns, $1.5 billion for Federal campaigns in an election cycle. We spent roughly half that in the last election cycle. I say it would be good for this country and good for democracy. If we could get 30 million people to give $50 apiece—double the spending that we now spend on campaigns, but 30 million people who had a commitment to a candidate, who believed in a candidate, who gave because they knew the candidate and would work for that candidate and would become involved in the campaign and involved in politics in a way that you do not become involved now when you give your money to the PAC, and you certainly do not become involved now when you give your money to the Federal Government and they give it to the candidate. You do not have any sense of connection. Part of the time, they end up giving to the candidate that you never supported in the primary and you do not like and you wish they had never gotten the money.

So could we do it? Yes. Could the Republicans do it better than the Democrats? I think so. Which is why the Democrats do not want to do it. But which would be better for America? Now, again, the parties believe in their side.

I leave it to you. Which would be better for America, campaigns financed by 30 million people of $50 apiece, which, of necessity, would probably require, I will take a guess, between 75 and 90 percent of all the money you raise you raise in your own State, or a hybrid system that the Democrats would like which would keep political action committees, which would have partial taxpayer funding of campaigns and spending limits. And I think America would conclude: I do not like the Government too well. I certainly do not want the Government picking my candidates, and I think I kind of like that system where PACKWOOD said you cannot give more than a hundred bucks, which the average would be about $50. And having given my $50, I will go down Thursday night and make phone calls for 4 weeks for a couple hours for my candidate. And I will help put up lawn signs, and on election day I will sit at the polls and watch as voters come in and check off the ones that have not voted, and at 4 o'clock get the list of those who have not voted and call them up and see if I can get them interested.

That is what politics ought to be. If the Democratic bill passes, politics will never be that. It will be one more Government entitlement, taxpayer funded program which will further cause disillusionment in this country.

So, Mr. President, do I feel strongly about this issue? You bet I do. Do I think that our side is good for America? You bet I do. Do the Democrats on the other side think theirs is good for America? I think so. We each think that the way we see America is the way it ought to be governed. But on this issue, I would wager the Democrats would not want to put their program, which is my suggestion, to a national referendum.

I thank the Chair for listening. I thank my good friend from Kentucky for giving me this time.

I yield the floor.

The PRESIDING OFFICER. The Senator's hour has expired.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. I wish to briefly thank my friend from Oregon for an absolutely great presentation and summary of the issues that divide us. I wish to thank him very, very much for coming over.

Mr. PACKWOOD. I thank the Senator and congratulate him on the job he is doing.

Mr. DANFORTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. DANFORTH. Mr. President, let me begin by calling the attention of the Senate to the fact that always, always, always, when we speak of campaign reform, we speak exclusively of campaign finance reform. When a bill reaches the Senate floor, it is a bill which purports to reform campaign financing, not campaigns. When the media talks about campaign reform, the media speaks exclusively about campaign financing. When various citizens groups address themselves to the questions of campaign reform, they address themselves exclusively to the question of campaign finance reform. And so within the deliberations of the Congress and within the discussions in the public at large, campaign finance reform has become confused with campaign reform.

(Mr. CAMPBELL assumed the chair.)

Mr. DANFORTH. All we do is talk about campaign finance. I believe that this is a mistake. I believe that is unfortunate because it is the opinion of this Senator that a lot can be done to reform campaigns in the United States, not necessarily by acts of Congress. But a lot could be done to reform political campaigns. Yet, our attention has been diverted almost exclusively to campaign financing. That seems to me to be a mistake. It seems to me to be a diversion from where our attention should actually be.

When people talk about campaign finance reform they generally talk about two different subjects. They say first of all, "Well, campaigns cost too much," and then they say, "Well, the problem with campaign financing is that those who contribute to campaigns are buying access to politicians." With respect to the second of those assumptions—that is, to contribute to a campaign is to buy access—that is an issue that has already been addressed by Congress, and it has already been addressed in a way that has been incorporated into our laws because we already have placed in the laws limitations of what individuals or political action committees can contribute to a campaign. That has been done. So now an individual can contribute $1,000 to a primary election and $1,000 to a general election, and that is it.

Some people say, "Well, people who contribute to campaigns are buying access." Well, in a State like mine the cost of a Senate campaign is approximately $5 million and a limited contribution of say $2,000, which would be the most an individual could contribute, would be pretty much lost in a $5 million campaign. So I have never believed that this accusation that people are buying access is true. It certainly is not true under today's circumstances that are of very limited campaign contributions.

The first assertion that people are making is campaigns cost too much. That is a just a very bald assertion. People say there is a problem with modern campaigns. They are too expensive. Everybody nods, oh, yes, that is true. But it is an argument that is never substantiated. There is no further analysis. It is simply an assertion. We all know that campaigns cost too much money. "Don't we?" "Oh. Yes. Right. Yes. They do. They cost too much. Sure do." And that is the end of the discussion.

If you really probe people and say, "Well, what do you mean by that? Please explain. You say that they cost too much. What is the problem? What problem exactly is it that you are trying to get at when you say that campaigns cost too much?" This is said by politicians often, Members of Congress: "Well, I have to spend too much time raising money. I have to go to fundraisers."

Mr. President, consider that complaint. "I have to go to too many fundraisers. That is an inconvenience. I have other things I would the rather do than go to fundraisers." That is true. I would rather go fishing any day than go to a fundraiser. I would rather be home with my wife eating dinner than go to a fundraiser. But to say that is hardly to place around your shoulders the mantle of reform in saying campaigns cost too much. Inconvenience to Members of Congress or to a candidate for Congress is not the stuff of a reform movement. Staying out of rooms in the Hyatt Regency Hotel where nice little hors d'oeuvre are served is not the stuff of reform. So the assertion that it is inconvenient for us as politicians to raise money does not make us reformers. It simply makes us fishermen or family people. But it does not make us reformers.

Then I suppose people could say, "Well, it takes so much time raising money that it interferes with our ability to do our job." Mr. President, where is the evidence for that? Where is the evidence for that? What political scientist has given us a study that our hours are too few because we are raising too much money over too much time? Where is the evidence that the country is suffering because of that? What does it matter to the average citizen of Colorado, or Missouri if every night in the week I am going to a fundraiser? How does the Government suffer? What is the argument for that? Does it reduce the total amount of hours that we are spending governing? I do not think it does. It might mean that we are in later at night. But I do not think it reduces the total number of hours that we are in that we are working. But if you ask the average citizen, "Well, do you believe that it is the essence of political reform to increase the number of hours that Members of Congress are doing something?" I think most people would say "No. We think reform would be to send Congress home." I believe that is what most people would say. And therefore it seems to me difficult to argue that the assertion that campaigns cost too much is anything more than a bald rhetorical statement without any substance whatsoever. As a matter of fact, if we were to restrict the total amount that is spent on a political campaign, obviously the influence of those who are contributing per dollar is increased.

So if we look at campaign finance reform in the original sense of trying to make politics cleaner, preserve politicians from corruption from contributions, then obviously to the extent that the total amount that is spent on a campaign is reduced, the value of each individual contribution is increased. The cost of a Senate campaign in Missouri now is roughly $5 million. Under this legislation, it would go from $5 to $2.5 million, to half of the total amount of spending. Therefore, each dollar that would be contributed would be twice as valuable to a candidate, as a proportion of the whole.

So one could argue that this bill works against the goal of trying to contain individual contributions. Some say, well, at least it would be a reform if candidates had the same amount of money to spend. Would that not be a reform? Maybe that is the purpose of this legislation. If we reduce the amount that candidates could spend, then there would be greater equality.

Well, now, is that a reformer's principle, or is not that another way of saying that one candidate has more support than another candidate and we do not think that is fair; we do not think it is fair for candidate A to have more support than candidate B? We in Congress have decided that. It is not fair. It is not fair for candidate A to have more money to spend, and we might also add that it is not fair for candidate A to have more campaign workers, more enthusiastic campaign workers, more people manning phone banks, or more newspaper editorial support; it is not fair.

So I think that what has happened is that we have identified campaign reform with campaign finance reform. But if we look at campaign finance reform, the substance is not there. It is merely an untested assertion—conventional wisdom that somehow we are going to reform politics by limiting the amount of money that is spent on campaigns.

When we speak of reform, that very word has a nice ring to it. Reformers are good people. Reform is a good thing. Therefore, campaign finance reform must be idealistic. It must be good. This must be a battle between idealists and politicians. This must be a defining issue between people who believe in reform and people who are against reform—good and evil. That is what this debate has to be. I want to be a reformer. And if I am in the public, I want to support reformers, not antireformers.

But, Mr. President, we look at this debate, and it turns out that there is a dividing line in the U.S. Senate, indeed in the Congress, and where is the dividing line? I am standing on it. I am standing on it. It is right down the center of the center aisle of the U.S. Senate. It is a dividing between Democrats and Republicans. Democrats, by and large, almost all—maybe all, I do not know—are for this legislation, and Republicans, almost all of them are against this legislation.

Does that strike us as strange? Do we really believe that Democrats are idealists and Republicans are a bunch of sleazy politicians? Do we really believe that the Democrats are the good guys and the Republicans are the bad guys? How can it be that on a campaign finance reform bill Democrats are for it and Republicans are against it? Democrats are on one side and Republicans are on the other side. How can that be? What is the explanation? Is it that they are good people and we are bad people? Is it that they really are reform-minded and we are not reform-minded? No. That is not the explanation. It is not the explanation.

The explanation of the party division on this legislation is that campaign finance reform is a quagmire of politics. The very issue is a quagmire of politics. The very issue of campaign finance reform departs rapidly from generalized principles of good government to an unseemly scramble by two political parties to obtain an advantage over each other through the writing of the rules of campaign finance reform.

Therefore, how does this work out? Well, the Democrats believe that Republicans can raise more cash than they can raise. Therefore, the Democrats are for capping the amount of cash that can be raised by a campaign. The Democrats believe that they can get more in-kind so-called soft money contributions than Republicans can get. Therefore, Democrats are against capping soft money contributions to a campaign.

What is the Republican position on this weighty issue of campaign finance reform? Well, believe it or not, the position of Republicans is that we as a party believe that we can raise more money and, therefore, we are against capping cash contributions. But we are not as good at getting the soft money contributions, so we want to control, to cap, to restrain soft money contributions.

So much for idealism. This is a scramble for political advantage. It is a scramble among politicians. It is a scramble between political parties for an advantage.

All of us are proceeding, of course, under banners waving proclaiming that we are reformers. We are not reformers. We are politicians. And we are seeking a leg up.

Some businessman of the 19th century—I do not know who it was—I think it may have been Mr. Vanderbilt who said, "All I want and all I ask for is an unfair advantage over my competitor."

That is all we asked for, and we will call it reform.

It is unseemly. It is politics. It is hardly reform.

Now, Mr. President, I said that, in my opinion, there is a lot of room for reforming political campaigns, but I do not equate campaign finance reform with campaign reform. I think that the emphasis on campaign finance reform is totally misplaced and that it diverts attention from the real problem.

And what is the real problem? What is the real problem in political campaigns? Is it how money is raised? No. The real problem is not the funding of political campaigns. It is the format of political campaigns. That is the problem. The problem with political campaigns is that they have become almost exclusively 20-second sound bites and 30-second commercials. That is the problem. It is not how the commercials are paid for or who pays for them, it is the fact that that is all there is. I do not argue that we can abolish the 30-second commercial or the 20-second sound bite. We cannot constitutionally.

But the problem is that that is virtually all there is in political campaigns. Nobody talks in longer allotments of time. Everybody is getting off one-liner zingers. The 30-second commercial is good for almost nothing but to trash your opponent. And what we need if we are really serious about reforming political campaigns is probably nothing that can be brought about by law but it can be brought about by candidates and it can be brought about by the media if it wanted to do it. It can be brought about by the editorial writers. And it can be brought about by public pressure. And that is to create an atmosphere in this country where candidates are forced to face the public in longer time allotments.

Mr. McCONNELL. Mr. President, will the Senator yield on that point?

Mr. DANFORTH. Of course.

Mr. McCONNELL. It is this Senator's impression that the marketplace is producing a kind of revulsion to those ads and moving candidates at least in the direction of launching unsubstantiated negative attacks at their own risk.

So I want to agree with what the Senator is saying. I think the public is beginning to get sick of what they view is unsubstantiated charges. I think it is a very good point, and I just wanted to commend the Senator.

Mr. DANFORTH. I thank my friend from Kentucky and I hope that is right. But I am not sure. I mean, this is the campaign season and we have seen the commercials. They have not struck me as being particularly elevating.

But back in April 1992, Mr. President, six Members of the Senate, three Democrats and three Republicans, appeared on Ted Koppel's evening program "Nightline". We appeared on that program for the purpose of turning the heat up under the three Presidential candidates in the 1992 election, President Bush, then Governor Clinton, and Mr. Perot.

What we wanted was for those candidates, individually, individually to appear for 1 hour on "Nightline" and be grilled on the subject of what you intend to do about the budget deficit for 1 hour.

We even proposed who the grillers would be. We said that Senator Rudman and Senator Tsongas should do it, people with expertise on the budget and strong feelings about it. We wanted each candidate to be there, one on two, and be questioned on the single subject of what do you intend to do about the budget, and why did we suggest that? It was because we believed that the budget deficit was the cancer in this country and the time had come to do something about it. And we believed that candidates should have to face up to it and they were not facing up to it. They were ducking it and any candidate can duck anything in a half-minute.

And anybody can duck anything in the standard political debate format where you have 2 or 3 minutes or whatever it is to respond to a question. Mr. President, in our line of work, every politician can speak for 2 or 3 minutes without saying a thing. We are trained to do it, but try sitting someone in a chair for an hour and being peppered by knowledgeable questions on the subject of exactly what do you intend to do, and that would do more to transform the public debate than anything else. That was one format idea on Nightline, and I am sure there are countless others, but the fact of the matter is that somehow we have to reform campaigns so that they are something more than merely 20-second sound bites and 30-second commercials.

Senator Bob KERREY and I are the chairman and the vice chairman of the President's Commission on Entitlements. Talk about a pending national calamity. This is it. Because, Mr. President, if nothing is done to control the growth of entitlements by the year 2012, not that far away, 18 years, in our lifetimes by the year 2012 all of the tax revenues of our country, all of them, will be taken up by four entitlement programs plus interest on the national debt and there will be nothing left for anything else.

And yet candidates in 30 seconds get away with saying, "Oh, I will tell you what to do about the budget deficit, pass a balanced budget amendment." I will tell you what to do about the budget deficit. Cut congressional pay. Cut foreign aid. But by the year 2012 you could abolish Congress, close down the buildings, turn the Capitol Building into a pigeon roost, shut down the Pentagon, close down the Armed Forces, close the Justice Department, shut down the prisons, shut down the courts, nothing for highways, nothing for bridges, nothing for airports, nothing for anything, and all of our tax revenues would go to entitlements plus interest on the debt. That is where we are leading. And candidates get away with saying, "Oh, we will cut the congressional pay." It is baloney. And they win elections and they run their 30-second commercials against anybody suggesting we should do something about the entitlements.

Joe Doaks is for cutting Social Security, Joe Doaks is for cutting Medicare. And they win elections that way. And that is the way it is going to be unless candidates are smoked out. And the way to smoke them out is to compel them to speak to the American people and to their constituents in longer allotments of time. That is real campaign reform and that is what we should be talking about, not this grotesque scrambling for political advantage between two parties both of whom are proceeding under the banner of reform.

Turning to the bill before us, what is the heart of this bill? The heart of this bill is that it would restrict the amount that a candidate can spend on a campaign. That is the heart of the bill—to restrict spending by candidates.

Mr. President, to restrict spending is to restrict speech. It is to restrict political speech. And all of us who serve here know that. We know it. We know that the reason for going to fundraisers, for raising money, for bringing in money for political campaigns, is to go on television with our message. That is the reason for doing it.

When we send out our fundraising letters, we say we have to go on the air with our message. That is how it is done now. It is not done in whistle-stop campaigns. It is done on television. That is where the money goes in political campaigns.

Now there is sort of a first dollar or the first dollars that are raised in a political campaign that have to go for certain things—the travel of the candidate; keeping the candidate lodged and fed; hiring a certain number of staff people; paying rent. But over and above that amount, everything—everything—is for communicating with constituents.

So if there is a lid put on how much is spent, if the amount that is spent is collapsed, is pressed downward, the amount for the basic overhead would be, probably, approximately the same. And virtually all that we would be doing by reducing the aggregate amount to be spent on a campaign would be to reduce the quantity of political speech.

All of us know that. All of us who have campaigned know that. We know that the point of raising money is to communicate with our voters. We know that from our experience. That is what the Supreme Court held in the case of Buckley versus Valeo. The Supreme Court held that political contributions, political funds, are the equivalent of political speech. That is what they are. That is the premise of Buckley versus Valeo; that to control or restrict the spending of political funds in a campaign is a restriction on political speech.

And I might say that if we are to be in the business of restricting political speech, if there were some constitutional way to do that, then it seems to me that it is inherently unfair that those who are making decisions about how to restrict political speech are people who are holding office in Congress. There are 535 of us who are going to make this decision and we have all kinds of differences—male/female; old/not so old; Democrat/Republican; liberal/conservative, and everything in between. All these different people here and we only have one thing in common, only one—all of us are incumbents.

So 535 incumbents are making decisions about restricting political speech in campaigns. We are not against restricting all speech. No. We are only interested in restricting pesky speech. I mean where it comes to other kinds of speech, we want that.

We want television in the Senate. And if we want to get on television and not be on the floor of the Senate, we have several options:

We can go upstairs, one floor up, and we can go to the press gallery, which is right here. I could be there in 2 minutes flat, before the cameras.

Or, if we want, we can go down to the Senate recording studio. Now that is in the basement. That may be 2½ minutes away.

Or—and I do not know what situation the Democrats have, but we Republicans have our Republican conference facilities, radio and television facilities. That is great.

And then of course, we have our news secretaries, helping us put out the word. Oh, we are into political speech in a big way: Newsletters; the works—communicate with the voters. But there is but one kind of speech is that we are talking about restricting—pesky speech; the speech that occurs right before elections.

Why would we want to restrict that? Because we have a monopoly on the other kind of speech, but the other guy has a chance in campaign speech, so let us restrict it. And that is exactly why this has been called the incumbents protection act. Clearly, it is of benefit to us.

Well, that is an aside.

But more important, of course, is the constitutional point. And this really is important, because this bill is not even close to passing constitutional muster—not even close.

The Supreme Court has held in Buckley versus Valeo that spending limits restrict the quantity of political speech, and therefore spending limits are unconstitutional.

Now, we have arguments and say, "Wait a second. That does not seem right. I mean we have decided that what candidates spend should be equalized."

Well, the Supreme Court expressly dealt with that argument and said, no, that is not an excuse for infringing on the constitutional rights to communicate.

Or we say, "Wait a second. The cost of campaigns is growing too fast." Well, the Supreme Court was faced with that argument too, expressly faced it, and decided that issue. No; no excuse. That is not an argument. The Supreme Court held that spending limits restrict the quantity of political speech and therefore spending limits are unconstitutional.

However, there is a footnote in Buckley versus Valeo, a footnote; footnote 65. It is not only a footnote, it is what lawyers call dictum. It is not essential to the holding of the case. It suggests that if there were voluntary limits on campaign spending—voluntary—that might be all right.

So, there has been a scramble to try to figure out voluntary limits. And one form of voluntary limits, said to be voluntary, believed to be voluntary, held to be voluntary, is: If a candidate says I will not spend more than x amount, then the candidate can get public funds, public funding for campaigns. That is how Presidential campaigns work. A Presidential candidate may elect to limit the total amount of money and draw support furnished by the tax checkoff from the Treasury of the United States for the candidate's campaign. That is said to be voluntary. The practical problem is it may be voluntary, but it is expensive and we have a budget problem and everybody knows it. So we cannot do it that way. We cannot just say here is more money from the Treasury for candidates.

Senator McCONNELL has called this proposal an entitlement program for candidates. That is what it would be. If you are a candidate, you get money from the Treasury; you are entitled to it. We do not have that money.

So in this legislation there is a different scheme, and here is the scheme. The scheme is you, the candidate, make the decision on whether or not you want to comply with the limited amount of campaign spending. You make the decision. But if you decide you do not want to comply, there are certain consequences of that decision. One consequence is that, if you are not going to abide by the limits, then everything that your campaign raises, all the contributions, are taxed at the highest corporate rate, 35 percent. We will punish you, we will tax you at the maximum corporate rate. I will not belabor this point, but to say to somebody, "You are free to decide any way you want but, if you decide it the wrong way, we will take 35 percent of your money," is not a voluntary decision. It is a coerced decision.

The American Civil Liberties Union has a memo on this subject. Mr. President, I ask unanimous consent this memorandum by Robert S. Peck, the legislative counsel of the ACLU, be printed in the RECORD at this point.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

The ACLU opposes the proposal of Senator Durenberger to tax the campaign receipts of candidates who do not agree to voluntary spending limits as an unconstitutional infringement of First Amendment rights. *Buckley* v. *Valeo*, 424 U.S. 1 (1976), held that the imposition of spending limits on electoral campaigns violate the First Amendment by limiting the quantity, depth and reach of political speech. To be constitutional, the Court held, limits must be voluntary—hence, S. 3's rhetorical adhesion to "voluntary" spending limits. Any formulation that coerces compliance with a statute's suggested spending limits would fail the *Buckley* Court's criteria for voluntariness. Thus, a candidate must "remain[] free to engage in unlimited private funding and spending instead of limited public funding." *Republican National Committee* v. *Federal Election Commission*, 487 F. Supp. 280, 284 (S.D.N.Y.), *aff'd mem.*, 445 U.S. 955 (1980).

Senator Durenberger's amendment would tax only those who choose unlimited private funding and spending, as they are constitutionally entitled to do, and thus runs afoul of the Constitution. The Supreme Court has long held that the government cannot require people "to pay a tax for the exercise of that which the First Amendment has made a high constitutional privilege." *Follett* v. *McCormick*, 321 U.S. 573, 578 (1944). In doing so, the Court was not writing on a blank slate but reflecting some of the historical forces that led to the writing of the First Amendment.

The Framers of the Bill of Rights were intimately familiar with the history of taxes imposed to discourage or suppress disfavored speech. The system of licenses that limited press freedom in England during the 17th century was succeeded in 1712 by a parliamentary tax on newspapers and advertisements. Known derisively as "taxes on knowledge," the levy had the effect of curtailing circulation and thus the reach of publications that commented and criticized the policies of the Crown. In 1785, Massachusetts traveled down that same road and imposed a similar tax. This approach was soundly rejected by those who proposed and saw enactment of the First Amendment. The father of the Bill of Rights, James Madison, called the English view that allowed people to punish as long as they paid penalties for what was deemed improper or mischievous to make a "mockery" of expressive freedom. Elliot's Debates 569 (1937 ed.).

Relying on this history in 1936, the Supreme Court struck down a Louisiana tax on publications that printed advertisements and had a circulation above 20,000. *Grosjean* v. *American Press Co.*, 297 U.S. (1936).

The Durenberger amendment similarly taxes the exercise of a First Amendment right. The Court has said that the "power to tax the exercise of a privilege is the power to control or suppress its enjoyment. Those who can tax the exercise of [a] practice can make its exercise so costly as to deprive it of the resources necessary for its maintenance." *Murdock* v. *Pennsylvania*, 319 U.S. 105, 112 (1943) (citations omitted). Such a tax cannot stand, for the power to impose a tax on the exercise of a First Amendment right "is indeed as potent as the power of censorship which this Court has repeatedly struck down." *Id.* at 113. In the *Murdock* case, where a tax on the distribution of religious literature was struck, the Court found that the use of a tax to suppress the dissemination of views because they or the method by which they were propagated were not in favor amounted to "a complete repudiation of the philosophy of the Bill of Rights." *Id.* at 116.

Approval of the Durenberger amendment would be a similar repudiation. It penalizes and inhibits a candidate for exercising his or her constitutionally protected rights. As the Supreme Court has observed repeatedly, giving sanction to such a system "would allow the government to 'produce a result which [it] could not command directly.' Such interference with constitutional rights is impermissible." *Perry* v. *Sindermann*, 408 U.S. 593, 597 (1972) (quoting *Speiser* v. *Randall*, 357 U.S. 513, 526 (1958)).

Moreover, any system of taxation that burdens the exercise of First Amendment protected rights bears "a heavy burden on the State to justify its action." *Minneapolis Star* v. *Minnesota Commissioner of Revenue*, 460 U.S. 575, 592–93 (1983). "In order to justify such differential taxation, the State must show that its regulation is necessary to serve a compelling state interest and is narrowly drawn to achieve that end." *Arkansas Writers' Project, Inc.* v. *Ragland*, 481 U.S. 221, 231 (1987). No such compelling interest can support the proposed taxation of political committee revenues.

First, the Supreme Court has already rejected all proffered rationales to impose spending limits or burden the candidates' rights to spend freely from their own private funds. Second, because the Court has recognized that spending is an indispensable condition to effective political speech, the decision to spend is the exercise of speech. To discriminate between candidates on the basis of that decision amounts to unconstitutional viewpoint-discrimination. The Court has observed that "the First Amendment forbids the government to regulate speech in ways that favor some viewpoints or ideas at the expense of others." *City Council of Los Angeles* v. *Taxpayers for Vincent*, 466 U.S. 789, 804 (1984). The proposed tax squarely violates this bedrock principle by picking and choosing between the candidates who will suffer this penalty. It once again proves the maxim articulated by Chief Justice John Marshall observed on behalf of the Supreme Court early in its existence that the power to tax is the power to destroy. *McCulloch* v. *Maryland*, 17 U.S. (4 Wheat.) 316, 427 (1819).

The Durenberger amendment should be rejected. Like the tax struck down in *Grosjean*, it is "a deliberate and calculated device in the guise of a tax to limit the circulation of information to which the public is entitled in virtue of the constitutional guaranties." 297 U.S. at 250.

Mr. DANFORTH. Mr. President, I know former President Bush used to criticize what he called card-carrying members of the ACLU. I confess I used to be a card-carrying member of the ACLU. But I think this memorandum is exactly right. It begins by saying, "The ACLU opposes the proposal of Senator DURENBERGER to tax the campaign receipts of candidates who do not agree to voluntary spending limits as an unconstitutional infringement of First Amendment rights." And then the memo goes on to explain why. Basically the reason is it is coercive.

In fact, it is very much like the typical criminal statute. The typical criminal statute does not say you are forbidden from doing this or that. It simply states the elements of an offense and says there are certain penalties that attach to that offense. That is precisely what this legislation would do. It spells out what the offense is, spending more than a given amount of money, and it imposes a penalty if that amount is exceeded. It is very much like a criminal fine.

Then the legislation goes on and says, furthermore, not only are you taxed, if you do not comply, 35 percent while your opponent is not taxed, but if you spend any amount over the maximum amount that we say you should spend, the Treasury of the United States is going to start writing checks to your opponent. And the first check is going to be a third of the amount that your opponent is allowed to spend.

Consider this basic structure. If you are a candidate and you do not comply with the congressionally determined spending limits, First you are going to be taxed, and second, your opponent is going to receive a very large check. Ask yourself if that is a voluntary system. Ask yourself if it could possibly be constitutional.

Consider the following analogy. Let us suppose that in a city there are two newspapers and that we in the Congress decide that we as politicians know how much political commentary there should be in the newspapers and that some newspapers are spending too much of their resources on political commentary. We would rather them spend their money on the sports page and funny page. So we are going to create a situation where newspapers that print too much political news are going to be taxed and those that do not spend more than a given amount, a set amount, will be paid money. So in the hypothetical city, paper A is taxed and paper B receives a check from the Government based on how much they are talking about politics. Could anybody argue that such a scheme would be constitutional? Clearly it would not be. It would be laughed out of court.

And I believe that is the situation we are in right now. I think this constitutionally is a laughable proposition. I might say that Roll Call, which is, of course, the Capitol Hill publication—I would not call it exactly a bastion of conservatism—Roll Call wrote an editorial on June 21, 1993. Roll Call concludes, "The version of campaign finance reform passed by the Senate is a miserable piece of legislation. Its key provision—the compromise that made cloture possible on Wednesday—is outrageously unconstitutional."

And it goes on to say that it taxes speech and that it is a "cynical abomination." That is what Roll Call says about this legislation.

Mr. President, I ask unanimous consent the editorial from Roll Call be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From Roll Call, June 21, 1993]

SENATE SECURITY ACT

The version of the campaign finance reform bill passed by the Senate last week is a miserable piece of legislation. Its key provision—the compromise that made cloture possible on Wednesday—is outrageously unconstitutional. Why would Senators pass a bill that so blatantly restricts the right of free political speech, as the Supreme Court clearly defined the right in *Buckley* v. *Valeo*? Partly, to rescue themselves from the political liability of failing to pass a campaign bill but, more importantly, to keep their own seats warm and secure.

The amendment that broke the logjam, sponsored by Sens. James Exon (D-Neb) and David Durenberger (R-Minn), replaces the public financing provisions of the original Democratic bill with a tax on contributions. In the Buckley decision, the High Court ruled that the government cannot limit what a candidate may spend on a race because to do so would violate First Amendment free-speech guarantees. So the original bill set up a scheme to entice candidates to accept spending limits "voluntarily." The deal was this: If you agree not to spend more than $600,000, then the taxpayers will provide you with $200,000 of that, gratis.

Senators understood, however, that public financing (which some opponents were calling "food stamps for politicians") could be poison at the ballot box. So the Exon-Durenberger measure got rid of direct public financing and instead made this deal: If you accept the spending limits and your opponent does not, then your opponent's donation will be taxed at the top corporate rate (34 percent now, and rising) and the proceeds go to you.

This cute maneuver is doubly unconsitutional—not only does it limit campaign spending (i.e., political free speech, according to Buckley) through coercion, it actually taxes that speech—forces candidates who, in effect, speak too much to pay the government (and ultimately their opponents!) for the privilege.

The Senate bill also removes the last pretense that this "reform" legislation is anything more than an incumbent-protection bill. Under Exon-Durenberger, if both the incumbent and the challenger agree to accept spending limits, then neither gets a boost in fundraising through public financing. So incumbents get to have their cake and eat it too. First, challengers are coerced into not spending more than incumbents (and they need to spend more just to get even!), and, second, challengers have to fend for themselves in raising money to get to the limit.

This newspaper did not think all that highly of the original Democratic campaign reform bill, but the cynical abomination the Senate passed last week is far worse. We admire those, like Sen. Howard Metzenbaum (D-Ohio), who stood on principle, continued to back true public financing, and voted "no" on Exon-Durenberger. We still believe that the simple, elegant solution to the campaign finance conundrum is free broadcast time for all candidates—a system in place in every other democracy in the world. This idea should have broad, bipartisan appeal, except for one little problem: It puts challengers on an equal footing with incumbents.

Mr. DANFORTH. Of course, when you start getting into the business of penalizing people for spending too much, there are all kinds of ways to penalize them. One is a disclaimer that would be required in the campaign commercials of nonconforming candidates. Nonconforming candidates would have to put in their commercials the following language: "This candidate has not agreed to voluntary campaign spending limits." So you are buying a commercial, and the commercial is 30 seconds long, and you have to consume 3 or 4 seconds of the commercial with this added language.

It is compulsory political speech, incidentally. And, furthermore, it is compulsory political speech which could be construed as being self-critical of the candidate. That is not a voluntary system. This is coercion. It is in there for the purpose of coercing candidates.

There is a mail discount. There is a special broadcast discount for complying candidates. If you comply with the congressional mandated limitation, you will be able to send your mail out at a cheaper rate than your opponent. If you comply, you will be able to run your political broadcasts at a lower rate than your opponent.

Viewed from the standpoint of the complying candidate, that might be viewed as a reward, similar to what was apparently approved in a footnote in Buckley versus Valeo. However, let us not view it simply from the standpoint of the complying candidate. Let us view it from the standpoint of the candidate who is not complying. From the standpoint of the candidate who is not complying, the new postal rate and the new broadcast rate established for the opponent becomes the standard rate. And to the extent that the noncomplying candidate has to pay more, it is, again, in the nature of a fine, it is a financial penalty, over and above the standard rate imposed on the noncomplying candidate.

This is not a voluntary system. It is put together for the purpose of coercion and, therefore, it could not possibly be constitutional under Buckley versus. Valeo.

Let me raise fairly quickly two other points. One I think raises real constitutional questions and the other at least would deserve consideration under the Constitution.

Independent groups, which participate in a campaign, opposing a candidate would result in the Federal Government writing checks to the opposed candidate so that the candidate could respond dollar for dollar.

I have to admit that I once thought this was a pretty good idea because I remember what happened to Senator Percy when he was running for reelection and an interloper entered in and piled on and spent a lot of money against Senator Percy. I did not think that was fair. But consider the constitutional implications of trying to write checks to the opponent.

Let us say that we have an organization in this country that has very, very strong feelings on some matter of importance to the organization and they want to speak out, and we are saying, "Well, you should know that if you speak out, we, the Government, are going to write a check to the person you are trying to defeat." Senator McCONNELL has given us an excellent example. He said let us suppose David Duke is running for the U.S. Senate. B'nai B'rith is outraged by this and threatened by it. B'nai B'rith opposes David Duke, wages a campaign against David Duke, and the Treasury of the United States writes a check to David Duke. Would not that knowledge have a chilling effect on the exercise of a constitutional right to participate in a political campaign by the organization that wants to participate? I think the answer to that question is clearly yes.

Then there is the matter of the thwarted would-be contributors. Right now there are no maximum limits, so anybody can contribute to a campaign. So let us say you want to contribute to a campaign. You believe in the candidate, you believe in the cause and you have a job, you cannot spend a lot of time, you are working hard, you are trying to raise a family, you cannot spend a lot of time out there punching doorbells for the candidate. You want to write a check. You go up to the candidate and say, "Here is a check for $50." "Oh, I'm sorry, the window has been closed on this campaign. Your support is not wanted." I do not know if that is sufficient to create a constitutional issue, but I think that it should be raised in that context because, clearly, it thwarts the ability of individuals to participate in political campaigns.

Mr. President, I think I only have about 5 minutes left—4 minutes left. So I would like to conclude very quickly. This is said to be political reform. I do not think it is. I believe that it is an unseemly scramble for political advantage between two political parties.

I do not believe that abridging the first amendment to the Constitution can ever be called political reform, and I do not think it is any answer to say, "Well, we really don't like this kind of speech, we really don't like political campaigns, we think that they are slimy, we do not like them so we want to stop them."

The last great first amendment debate that occurred on the floor of this Senate concerned a form of political expression much more volatile and controversial than political campaigns, and it was flag burning. I was one Senator who came to the floor of the Senate and said, "We cannot impinge on the first amendment to the Constitution simply because we do not like what people are doing or saying." And exactly the same principle exists here. The fact that we do not like political campaigns is no license to impinge on the Constitution or to try to impinge on the Constitution.

The fact that we think they are sleazy is no justification for doing something that is blatantly unconstitutional.

There is no justification for doing that and people might say, "Well, why not do it and leave it to the courts? Let the courts decide. That is what they are for." Yes, they are. The courts are for deciding the ultimate constitutional issue. However, we have a separate oath to uphold the Constitution of the United States. We have that oath not to pass the buck to the courts. We have that oath to uphold the Constitution. And where a bill is clearly unconstitutional, we have an obligation to say so and to make that view known through our votes.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. Mr. McCONNELL is recognized.

Mr. McCONNELL. Mr. President, I yield myself a few moments of my 7 hours.

The PRESIDING OFFICER. The Senator is recognized.

Mr. McCONNELL. Mr. President, I thank the distinguished Senator from Missouri for his outstanding speech, very skillful discourse on the first amendment which is, of course, at the heart of this debate. That is what this is all about: Speech, our right to speak and frequently. As the Senator from Missouri has so skillfully pointed out, we do not like some of the speech we hear, and we wish we could make it go away or, in the case of this particular bill, kind of dole it out in equal amounts; let us quantify this speech and hand it out in equal amounts so no one will speak too much.

But as the Senator has pointed out, the Supreme Court says you cannot do that. You cannot wrap up speech in a tight little amount and hand it out in equal amounts. Of course, even if one could do that constitutionally, which clearly you cannot, what about all that other speech in campaigns? Newspaper editorials. Boy, as somebody who frequently has newspapers against him, I sure would like to equalize their speech. What about an amendment to this bill that says a candidate who is not endorsed by a newspaper should get some of those public tax dollars to counter that unfortunate speech and, thereby, further level the playing field? I say to my friend from Missouri, I would be curious if he would respond to how the newspapers of America would feel, some of whom support this bill—not all, but some of them, including the local major daily here—how they would feel if their speech in political campaigns was countered by tax dollars?

Mr. DANFORTH. Mr. President, if the Senator will yield.

The PRESIDING OFFICER (Mr. REID). The Senator from Missouri.

Mr. DANFORTH. I think that this is exactly correct, and I think that when we talk about political speech, it is not possible to start trying to distinguish between forms of political speech or content of political speech. I think that the nature of political campaigns now is pretty bad.

In part of my remarks, I talked about what I think real campaign reform would be about. But I think that to try to pass laws that try to impinge on political speech is just wrong and there is no justification and cannot conceivably be constitutional.

I made an analogy. It seems to me to be a good analogy. Maybe somebody can criticize it. But I said let us suppose that we were to decide that some papers were spending too much of their resource commenting on political matters. We did not want that, so we were to set a standard for how much political commentary there could be in newspapers. And for those newspapers that commented too much on politics, we imposed a special tax, and those newspapers that did not have that much political comment, we would write them a check equal to a third of their revenues.

Now, if we were to pass such a statute, what would be the editorial comment? Would that not be viewed as laughable under the Constitution, just outrageous, to start taxing those who spoke too much and writing checks to those who did not speak any more than we would like them to. It would be obviously unconstitutional.

What is the difference, I ask the Senator, what is the difference between that kind of hypothetical, outrageous newspaper tax and a program which says to candidates please spend whatever you want? However, if you spend more than we think you should spend communicating with voters, then we are going to tax you. And for the other candidate, if you spend more than we think you should spend, we are just going to write a check for a third of the amount that that candidate is allowed to spend.

Mr. MCCONNELL. I say to my friend from Missouri, as lawyers occasionally are heard to remark, it is a distinction without a difference. In fact, the hypothetical that the Senator from Missouri lays out is indistinguishable from the actual language in this bill in an effort to, in the Senate-passed version, tax excessive speech and give it to someone else. And so it is blatantly unconstitutional.

Just one other point before the Senator leaves, and I really want to thank him for his brilliant presentation, absolutely brilliant. There is a practical problem with the effort to counter independent expenditures, too, beyond the constitutional problem. Let us assume that a group comes in and says I want to commend and recommend that you vote for the distinguished Senator from Missouri because he always votes for tax increases that improve America. I ask my friend from Missouri, is that an independent expenditure against or for the candidate?

Mr. DANFORTH. Well, that is a very good question, and I have been in that position. Back 3 years ago, when my favorite Supreme Court Justice was a nominee, various interest groups thought that they would try to help him by running television commercials attacking Members of the Senate. Of course, the nominee was outraged by this, and those of us who were supporting the nominee concluded that this was a disaster. I mean this was—if anything threatened the nomination, this was it. If there was ever a case of with friends like this, who needs enemies, that was it.

Well, suppose it was a political campaign and some interloper jumped into the campaign, and I am running against you. So the interloper jumps in on my behalf without my approval. That is how it becomes an independent organization.

Mr. MCCONNELL. Right. Precisely.

Mr. DANFORTH. I do not know anything about it. And the interloper is of the proverbial bull in the China shop doing terrible things that are just totally contrary to what I think the campaign should be and hurting my campaign. Then I take it the result of all of that would be that the Treasury of the United States would cut a check to you so that you can campaign against me.

Mr. MCCONNELL. I would say to my friend from Missouri—I see the Senator from Texas here to claim his hour, and I am glad to see him.

Mr. GRAMM. Do not let me stop this.

Mr. MCCONNELL. We are all familiar with the term Rube Goldberg proposal. The Senator from Missouri is ending a distinguished 18-year career in the Senate. Maybe I am taking a chance asking this question, but I am going to ask it anyway. Has the Senator within his experience in the Senate ever observed such an absurd, unconstitutional bill riddled with the law of unintended consequences? Has there ever been anything quite this ridiculous?

Mr. DANFORTH. I have never heard of a case—maybe I missed something, but I have never heard of a case in which there has been a tax on political speech. There are a number of problems constitutionally with this—all of the various rewards and penalties which in the aggregate constitute massive coercion as opposed to a voluntary system. The whole thing is unconstitutional.

But if you had to focus on that part which is the clearest, it is the tax on speech, the tax on political speech of selected candidates, the tax on candidates who speak too much: Do not speak or we will tax you.

Now, I have never heard of anything like that. I put in the RECORD the memorandum by the legislative director of the ACLU. In that memorandum there is an analysis of the basic point that the power to tax is the power to destroy, and so on, how the framers of the Constitution and of the Bill of Rights were drawing on their own knowledge of history in England where there were efforts to tax political speech. But I have never heard of this kind of an attempt to end run the Constitution of the United States.

Mr. MCCONNELL. I wish to thank my friend from Missouri for an absolutely spectacular speech and as well thank him—this will not be the last one—one of the last times for his distinguished service on behalf of the people of Missouri and of the Nation.

Mr. President, I see my friend and colleague from Texas is here. He is rarely passionate about an issue, but I hear he may have some passion for this one, and I am happy to yield the floor at this time.

The PRESIDING OFFICER. The Senator from Texas is recognized for 1 hour.

Mr. GRAMM. Mr. President, let me begin by thanking our dear colleague from Kentucky. This is a tough issue. I think very few people really have spent much time thinking about it. It is obviously an issue where you could say a number of superficial things and get a round of applause almost everywhere. But our distinguished colleague from Kentucky, Senator MCCONNELL, has taken on this issue and I think has done great service to the country, and I would just like to say thank you to him.

Mr. President, I wish to talk in the time I have about several issues. I would like to first talk about the bill that we are debating, and then about the larger issue of campaign reform, if someone really wanted to reform the American political system. I am going to come at it from a different direction than I think most people have ever heard. But as I have thought about it, if I were going to try to deal with the problem, real and imagined, that is being discussed under the heading of campaign reform, it is the way I would go about it.

First of all, let me talk about the bill that is before us now.

As we all know, America is about to have an election. As we also know, every public opinion poll, every survey, every political analyst in America predicts the same outcome for this election. The prospect is that the party in power will dramatically lose power, that there will be a substantial number of new Republicans in the Senate and in the House, and that we could well have a Republican majority in the Senate. In fact, it is now being discussed as being plausible that we could have a turnover of both Houses of Congress and have a Republican majority for the first time since the early years of the Eisenhower administration.

It is not, therefore, to be unexpected that the party in power that is threatened with a loss of power would try to do what any group that is losing public support would do; that is, change the rules of the game to keep themselves in power?

In truth, both political parties want campaign reform and they both want it for exactly the same reason. They both want to make themselves stronger and make their opponents weaker. We are adamantly in favor of changing the rules of the political game to benefit people who agree with us and to disadvantage people who disagree with us. My colleagues on the left-hand side of the aisle are here equally willing and eager to change the system to help themselves and to lessen the political influence of people on my side of the aisle. Does anyone really expect anything different? I should hope not, if people are going to truly understand how the system works and, quite frankly, how we should expect it to work. The problem is the changes that would benefit Republicans and the changes that would benefit Democrats are totally different. That is what the debate is all about.

Let me explain the interests of our two great political parties. First of all, if I could write a campaign reform bill, let me tell you what I would like to do. The last thing I would ever do is limit the ability of people who support political candidates to put up their time, their talent and their money. I would always support that because I do believe that is the American way, but also it is the interest of people who agree with me.

At the National Republican Senatorial Committee, which I head, we routinely have four or five times as many people contribute to our campaigns as our Democratic counterparts have. We routinely have an average contribution that is roughly one-tenth the size of the average contribution that goes to the Democratic Senatorial Committee and yet we routinely raise three or four times as much money. Why? Because based on what we believe and our political base of support, we can do mailings and people will actually read our letters, identify with our vision, and support us. In the 3½ years that I have been chairman of the Republican Senatorial Committee, 2 million Americans have contributed $96 million in responding to letters that I have written talking about balanced budget amendments to the Constitution, talking about putting the Federal Government on a budget like everybody else, talking about asking people to get out of the wagon and help the rest of us pull it. This Democratic campaign bill seeks to stop that process.

When I ran for the Senate the last time, 88,000 people contributed to my campaign. My Democrat opponent did not get 8,000 contributions. My average contribution was a fraction of his, but I raised much more money than he did. That pattern exists all over the country.

So we should not be surprised that the bill before us says you can give big contributions but you cannot have a lot of people contribute. So that if somebody in Muleshoe, TX, believes that what I am doing is important, they may be prohibited from sending me $10 because that would mean that I was getting too much support and our colleagues in the Democratic Party would like to deny me the ability to get that support. Their number one objective is to set a contribution limit and to say that no one can have more support than that. Why do they want to do that? Because Democrats do not have the support and Republicans do. So, given our ability to get a free people to contribute to our campaigns, Democrats want to make it illegal.

I would like to eliminate political action committees, but I am not going to stand up here and pound my chest the way many of my colleagues on the other side of the aisle do and say political action committees are evil. Political action committees are no more evil than people are evil. How can it be more special interest for 100 hardware and implement dealers in Texas to put up $10 apiece to contribute to my campaign than it is for one rich person to give $1,000? How can that be more special interest? I do not accept the argument that it is more special interest.

Why would I like, if I were going to ideally rewrite the political contribution system of the country, to eliminate PAC's? The reason I would like to eliminate PAC's is primarily because I like Republicans to win elections. It does not affect me very much. I have never had an opponent who has not gotten a larger percentage of their money from political action committees than I have. I have always raised more money than my opponents have raised.

But the reason why, if I were writing an ideal bill, I would want to ban PAC's is because political action committees that are run by labor unions give all their money to Democrats. The political action committees that are run by businesses basically split their money so Democrats get a lot more money from political action committees than Republicans do.

Guess what? We have these long debates in the Senate. We have these editorials written in the paper about how we should eliminate these greedy special interests called political action committees. Our Democratic colleagues stand up, pound their chests and say, "Let us eliminate political action committees."

But guess what? They never do it, and they do not do it because it is not in their interest to do it. I would like to do it because it is in my interest to do it. I think most business people who contribute to PAC's, if they wanted to support me, would give it directly. My guess is that two-thirds of the union members in America are checking off their union dues involuntarily. If they did not have to do it, they would not do it. In fact, we had a Beck decision by the Supreme Court where the Court ruled that a worker named Beck had the right to know how much of his dues were going into politics, how much of his union dues were going to support political candidates that he might not support. The Supreme Court, after years of litigation, ruled that workers have a right to know and a right to say that if a portion of his dues was going to support people for public office whom he opposed, he did not have to pay.

Guess what President Clinton did in his first Executive order, the President of the United States?

And if the Lord ever gives us an opportunity to correct this, it will be the first thing we correct.

President Bill Clinton, in his first Executive order, set aside the mandate that the Beck decision be enforced. He set aside a mandate through the executive branch of Government that would have required that every worker be told their rights about not having to have their union dues used for political purposes if they did not support it. By an Executive order in his first act as President, President Clinton stopped the program to notify workers about their constitutional rights. Why? Because the President believed, as I believe, that workers would not voluntarily give all of this money if they had a choice.

So another reason that I favor eliminating political action committees is that many people give to political action committees because they are pressured to do it. That is not the American way. It is not the right thing to do, and it also helps one party at the expense of another.

Another thing I dislike about political action committees is that they let people disguise their contributions. As we all know, some people would never want the public to know to whom they contribute. I have never understood it, but they do it. By having a political action committee, they can contribute to a candidate and it never shows up on that person's contribution list. It shows up that it came from a political action committee and you have to go to the political action committee to see who gave, and you cannot quite match it up.

I like it matched up. I like people to know who supports me. If they want to know who supports me, let them go to Main Street, America, walk down the street, walk into the McDonald's. I am proud that people who work at McDonald's have, through their political action committee, contributed to my campaign. I am proud that the Independent Bakers and many others support me. If you look at Main Street, America, you know who supports me. But I would like their names on the list.

I would also like political parties, with the support of people, to be more involved. The Democrats want exactly the opposite. Because they have the support of labor, they are able to get large-dollar donations, so they like a system that excludes little people and excludes the party, because the truth is that their average contribution is 5 or 10 times as big as ours.

The point I am trying to make is that what we have here is a system which has evolved over the years, and both political parties would like to change the system to benefit themselves. The ideal Republican system would eliminate PAC's, basically because PAC's disguise contributions and they are a way of forcing people to contribute.

I would like to see more reporting, not less. I think that when people are giving these big-dollar donations that go into races, it ought to be reported. I also believe that when people like Ralph Nader or officials of these other public interest groups come to Texas and routinely denounce me—they have a right to do it and, quite frankly, I welcome it because they have helped make me popular in my State—people have a right to know who they are speaking for and who is paying their way. I think if some group is going to come into Nevada and denounce the Presiding Officer, they ought to have to report who finances them. That is a reform that I would very much like to make.

To conclude this part of what I wanted to say about campaign reform, we have a debate here not of good versus evil, though I would have to say in all immodesty that I think there is a little more good on our side of the debate, but that is not the point, but basic political advantage we are talking about. We have a bill before us that goes one step beyond doing all the things that help Democrats and all the things that hurt Republicans, and that is, it brings the taxpayer into it. You see, people want to give to Republican campaigns. They do not want to give to Democratic campaigns. It is a nuisance going out asking people for political support. It really means that some people may have to go back home and shake hands with people, and they may have to actually talk to people. Many of my colleagues do not want to do it; they do not want to be bothered. They would rather force people to pay taxes so taxpayer money can be used to finance their campaigns. I reject that. I think part of running is getting support for yourself.

If people are not willing to contribute to your campaign, you probably ought not to be running for public office. A lot of candidates come to me and ask me for advice as to whether they ought to run. One piece of advice I always give them is this: Look, you should feel strongly enough about what you are doing and what you believe in to look people in the eye and say, "I want to do something important for America and I need your help. Will you write a check for $250?" If you do not feel comfortable doing that, you ought not to be running for office.

What our Democratic colleagues want to do is take that out of the process and have the taxpayer fund elections in America. I believe part of being free is not being forced, against your will, to contribute to candidates that you do not support. There are people in public office about whom I feel strongly enough in opposition that I would adamantly object to anyone taking my money to give to them. I do not believe in taxpayer funding of elections, and the American people do not believe in it.

We have also an indirect tax in here, and that is forcing broadcasters to give politicians free time. We even had a proposal where the networks would have to give politicians huge blocks of time so we could get on television and give our stories to people. I think most of us have trouble filling up a 30-second television spot, much less an hour of programming. But the point is that we do not own that programming, or those television stations, or the television sets people are turning on; they paid for them. Should they not have some voice in saying what they want to broadcast and what they want to watch? And if we force TV stations to give us time free, or at deep discounts, we are forcing advertisers to pay more and perhaps even driving up the cost of everything from milk and clothing to automobiles and housing. That is a tax, as well.

The final insult that induces me to oppose this bill and guarantee that it is not going to become the law of the land—and it is a real testament to how greedy this whole process is—is that our Democratic colleagues who wrote this bill in the Senate cannot agree with our Democratic colleagues who wrote the bill in the House. What is to their interest in the Senate is not in their interest in the House. And so what has happened in the last couple of years on this bill—and what we know is going to happen on this bill, which is why we are opposing it today—is that we are going to end up with one set of rules that apply to the Senate and another set of rules that apply to the House.

Mr. President, should we not have one set of campaign laws that apply to every Federal candidate? Should we have PAC contributions for House Members and not Senate Members?

Should we have spending limits for the Senate that do not conform to spending limits for the House?

Basically what all this tells me is that our Democrat colleagues in the Senate cannot agree with their colleagues in the House as to what is in their interest and the reason is simply this: Different things promote the interest of Democratic Senate candidates than promote the interest of Democratic House candidates which is why we are going to end up with a bill with two separate rules, two separate procedures on campaign finance reform.

Let me get to the big issue. Why do we worry about political contributions? What is the whole issue about other than political advantage for one party or another?

It seems to me there are two kinds of contributions, and let me just make it very simple and set outright two kinds of contributions. One kind of contribution occurs when a citizen believes deeply in another American, believes that maybe that person could be a Washington or a Jefferson or an Adams, believes that he or she could help preserve or protect or promote a country that would be worthy of the name America, so they contribute to that person's campaign. I do not believe anybody wants to stop that contribution. I do not believe anybody wants to prevent people from giving contributions in a political campaign because they believe in the person who is running.

Now for partisan reasons I believe my Democratic colleagues would like to limit the number of people who could give because they believe more people would give to Republicans than Democrats, but I do not think anybody disagrees with the basic concept of supporting someone you believe in.

The kind of contributions that apparently they want to limit happens when a contributor thinks that they are going to affect a public policy decision. And that is the point and I would like to discuss just a little bit.

Let us say you have a commodity producer, someone who grows strawberries for a living. And let us say they contribute $1,000 to a campaign. If the Government does not set the price of strawberries, we might conclude that they gave the money perhaps because they share a philosophy and goals with a candidate. But if the Government sets the price of strawberries, maybe they gave the money to try to support someone who would vote for a higher price for strawberries, or if there is a strawberry producer political action committee, maybe that political action committee is trying to influence people on the price of strawberries.

Now it is very interesting to me that editorial writer after editorial writer will denounce the contributions of the strawberry PAC, but they will never suggest that maybe we ought to stop setting the price of strawberries. If you do not want people to be influenced in discretionary decisions of Government, one solution is to stop making the discretionary decisions. If you are worried about people exerting undue influence, look at what they are trying to influence and see if Government ought to be doing that to begin with.

If you wanted to do real reform of the political system, you would go look at areas where Government was granting special favor, where Government was granting noncompetitive contracts, where Government was setting the price of some product, where Government was giving special privilege. If you looked at those areas and concluded, as I conclude, that it would often be better policy for Government to stop doing those things, a way to deal with the political special interest is eliminate the things they are trying to influence.

So if we are unhappy about strawberry political action committees giving money, let us stop setting the price of strawberries and see if they continue to give the money. Then we will know are they trying to influence the price of strawberries.

I also think that if you really wanted to make the system purer, you might prohibit Members of Congress from contacting agencies of the executive branch of Government. I can tell you from my political career that I have seen people contribute to candidates that they actively disliked and would never vote for because they thought some Government agency was going to try to do something bad to them, and they thought a Congressman calling the Government agency saying, "Hey, maybe that is not fair, maybe you ought not to do it," would be helpful.

If we are worried about those kind of contributions maybe we ought to say it is illegal for Members of Congress to contact a decisionmaking branch of the executive branch of Government on behalf of an individual or a group. Then we would not have to worry about those kinds of contributions.

Now, if you really wanted to reform the system, what you would do is recognize that political power is a zero-sum game. What I mean by that is political power exists because Government spends $1.5 trillion a year, so people want to influence it. Government sets the price of products throughout our country. Government decides which products produced abroad are sold in America and which products we are protected from. Government makes millions of discretionary decisions and as a result, people want to influence those decisions.

So people contribute money to try to influence those decisions, but they also contribute people power and they engage in endorsements. Money is not the only thing, but since Democrats control the endorsements of many of the groups, like the labor unions, the teachers' unions, and most of the people writing on editorial pages would like other people to be less influential so they could be more influential, they all want to lessen contributions.

The cure, however, is to go after the reason people want to give. Let the Government replace discretionary contracts with competitive bidding. Let us get Government out of protectionism. Let us end these discretionary decisions of Government so if someone wants to give a contribution, we know they are doing it because they believe in what the candidate stands for.

Nobody has proposed this. I have never seen one editorial about it. Critics will endlessly attack special interests and in my little example, they might denounce the strawberry producer PAC, but never do they ask, "Hey, why don't we stop setting the price of strawberries?"

It is miraculous, but they do not even ask that question. Look at who supports various kinds of reform in the political system. It is very interesting because they are always people who become more powerful if someone else is powerful.

People like Ralph Nader would very much like to limit campaign contributions because they become more powerful because when they go into Kentucky to campaign and denounce the distinguished junior Senator from Kentucky, he would have less ability to go out and get good Kentucky citizens to contribute so he can respond.

So organizations like Public Citizen would love to limit the ability of the junior Senator from Kentucky to raise money.

Mr. McCONNELL. Mr. President, will the Senator yield?

Mr. GRAMM. I am happy to yield.

Mr. McCONNELL. I am sure the Senator is going to get to this. But particularly enhanced by the limit of our speeches would be speeches of the editorial pages in this country.

Mr. GRAMM. That was the next topic on my speech.

Mr. McCONNELL. I am confident the Senator was going to that.

Mr. GRAMM. Editorial writers are great and wonderful people. They are some of the most knowledgeable and sincere people in our country. Why would they want to limit political contributions? You do not eliminate political power. We are still granting contracts. We are still setting the price of strawberries. We are still fixing things for General Motors and for a lot of other big companies, bailing them out here and there. So the power is still there.

What do the editorial writers get out of limiting campaign contributions? An editorial endorsement becomes much more valuable if the candidate cannot go out and raise money to tell his side of the story. Thus, editorial writers are more powerful if candidates are less powerful. It is interesting. There is no doubt in my mind where Thomas Jefferson would come down in this debate. There is no question about it.

Jefferson would say, "Look, eliminate the sources of power." That would be his No. 1 preference and it is mine, too. "But," he would add, "if you can't eliminate the power, disburse it, get as many people as you can to get involved competing for influence."

And I can tell you, from my involvement in Congress, when a bunch of different people are involved, when people are looking over both your right shoulder and left shoulder, sending letters back home telling people what you are doing, when the people are involved, we do a good job. When you can invoke GRAMM's first law of political behavior—if a politician knows he is going to catch hell no matter what he does, he will normally do the right thing—you can count on getting good government.

If you look at the people who want to limit the ability of Americans to put up their time, their talent, and their money to support other candidates, if you just scratch the surface a little and look at them, you will find in virtually every case they are people who benefit by limiting the ability of people to be involved.

Whether they benefit by tilting the advantage to a political party which has less popular support from people who are willing to make contributions, or whether they benefit from their editorials having a bigger impact on the election, or whether they go around putting on displays to make their point, when, if no one could mount a response, they would be more powerful; when you look just beneath the surface, you will find that these are the people who are primarily pushing for campaign reform.

What should we do on this issue? My own opinion is the following:

No. 1—and I have talked about what Democrats would like to do and that is what we are debating. I have tried to be honest about what I would like to do as a Republican. If I could tilt the system in favor of Republicans, I would eliminate PAC's. I would want to allow unlimited individual contributions of small donations. I think big donations help Democrats more than they do us. I would like to get labor and business out of the business and get political parties more in it.

I have also talked about what the Democrats would like to do. But if you were going to try to do it from a public interest point of view—and I would not count on politicians doing it—here is how I think you would go about it.

No. 1, go through the whole Federal Government and every place the Government is making discretionary decisions, wherever you could change the system, change it. Get Government out of the business where politicians are having input on who gets a contract and open it to competitive bidding, hold the people accountable to the bids, and sue them if they have cost overruns. Then you would never have to worry about some contractor contributing to politicians thinking that they might help them get the contract.

Get the Government out of the business of setting the price of things. Get the Government out of the business of deciding who the winners and losers are in society. That reform would be the most meaningful campaign finance reform that you could ever make.

But, second, if you cannot do that totally, then do not exclude anybody.

Open it up. Let people be involved. But do one thing that is critical—make people report it. Make them put it on their financial report.

When you have these huge soft money expenditures, that ought to be reported. When some outside group comes in and attacks somebody running for public office, the public has a right to know who is paying their bills. Let us require much more thorough reporting.

I am proud of the people who support me. I think everybody ought to be. If you are not proud of their support, you ought not to take it.

In the final part of my discussion about campaign finance reform, I just want to tell two stories.

When I was in the House, I had resigned from Congress as a Democrat and ran again as a Republican in a special election. It is a long story. I had been elected as a Democrat. My grandmother thought of Republicans as those people in blue shirts who burned down their grandmother's house.

I knew by the time I was an adult that there was a difference between the two parties, but I thought that parties did not make any difference. And so when I was elected to the House, I was elected as a Democrat. I quickly found out that I was totally wrong.

When I authored the Reagan program, I was kicked off the Budget Committee by the Democratic leadership. I resigned and I went back home and I ran again for reelection.

As a result, I had more elections to serve fewer years than anybody in the 20th century. So when one of these so-called public interest groups did a report about contributions from the political action committee of the State medical association and the national medical association to try to match it up with where people stood on the issue of the Federal Trade Commission having jurisdiction over anticompetitive practices for doctors, I ended up ranking number one on their list.

Now let me go back and be sure everybody knows what I am talking about. When I was in the House, we had an issue come up as to whether, if physicians engaged in anticompetitive practices, like saying that a physician could not advertise, for example, or saying that a physician could not practice under certain parameters to try to promote more business, like enter into discounts or enter into group practice. These were the early days of the emergence of what has become competition in medicine. I felt that competition was important in medicine and everything else, and so I opposed exempting doctors from the Federal Trade Commission jurisdiction. I thought it was a bad thing.

It just so happened that, because I had had more elections per year served in Congress, I had received more support from doctors than any other candidate in the U.S. Congress.

When this public interest group performed its study, trying to make the point that Congressmen who were against having the FTC exercise jurisdiction over doctors had sold their votes because doctors had contributed to them, what do you think they did with me, a Congressman who got more financial support from doctors than any person in the U.S. Congress and who also supported competition for doctors?

Well, they handled it neatly. They left me out of the study. The facts did not comport with their theory, so, when they wrote the study report, they left me out.

The second little story is one day—I am not going to mention the newspapers because I like newspapers to like me—but I got a call from a newspaper. They said, "We have been doing an analysis of contributions and we have concluded that you have received more contributions of a specific type than any other Member of the Senate except for BOB DOLE and he has run for President several times and he has been majority leader and minority leader. And before we make a big deal of it in this comprehensive study we have done, we spent months and months on, we wanted to give you a chance to explain why this is a case, or give your reaction."

So I said, "I am outraged and I am embarrassed. I am outraged that, given all I have done for America, that people have contributed more to BOB DOLE than they have to me. And I am embarrassed that I am No. 2 and he is No. 1."

Where do you think I was in this story? I was not in the story. All these poor devils who said I do not know why people gave to me—"Why did people contribute to me? I do not know. I do not have the foggiest idea why anybody would give to me. It is just an accident. Are you sure your numbers are right?"—their pictures were there. There were writeups of all these explanations. I was not even mentioned in the story.

I cannot pass this subject without at least stating my own personal opinion. Interestingly enough, this is something I read in the newspaper the other day. It was written by the chief political analyst for the American Enterprise Institute. This was about health care. The point he was making was that all these groups that try to say that because somebody is supported by some group that is influencing how they feel or how they vote, miss much of the big picture in American politics.

My own opinion is, if you have a philosophy and you have values and people believe in what you do, they support you. I think that is the way the system was meant to work.

I want to say in my remaining 10 minutes, a few things about several other subjects. I guess you could say in a roundabout way, they have something to do with this issue. The first subject is health care.

A year ago today, Bill Clinton introduced his health care bill. We were all over on the House side of the Capitol. The President gave a great speech. The whole Nation listened. It was a wonderful speech. The President promised 37 million people who did not have health insurance were going to get it, 120 million people were going to get better insurance than they had now, every senior citizen in America was going to get free pharmaceuticals, and it was not going to cost anybody anything. In fact, so efficient would it be when we tore down the greatest health care system in the history of the world to reinvent it in the image of the post office, that all of that would be free.

Here we are a year later, despite all of the political campaigns, despite all of the promises, despite all of the efforts of the President and those who support him to convince the American people that having the Government run the health care system is a good thing, despite all of that, the American people overwhelmingly rejected the Clinton health care plan. They did not reject that plan because the President is not a great salesman. They did not reject that plan because the President did not have the Democratic National Committee with contributions from political action committees running ads giving the President's side of the story. They did not reject it because the First Lady was not a great spokesman, a great articulator of their view. They rejected the President's health care plan because it was a bad plan.

Quite frankly, while I know that the stories that will be written tonight when the proponents of the President's plan finally throw in the towel will portray this as a failure, the truth is, it was a great success. It was American democracy in action. It showed the innate wisdom of the American people. All these promises, all these things that could be had for nothing, all these messages appearing in the news and being financed by contributions from the Democratic Campaign Committee—the American people saw through the whole thing. They recognized that when somebody gets something for nothing from the Federal Government that means some poor worker and taxpayer gets nothing for something. And in overwhelming numbers they stood up and said: Stop.

I was asked today, "Are we going to have a vote this year on health care?" We are going to have a vote this year on health care. It is not going to occur here in the Senate. It is going to occur at polling places all over America on November 8. The American people are going to go to the polls and if they want the Clinton health care plan they are going to vote for it by voting for people who support that plan. If they do not support it, they are going to vote for Republicans who oppose it.

So we are going to have a vote. The American people are going to get a chance after 16 months to state their opinion. And I believe that opinion is going to be overwhelming. We have not changed the President's mind. We have not changed the President's heart on health care. The President believes in his heart that a Government-run system is better. The President believes in his heart that the Government knows better than the family does, and that the Government can make better decisions for us and for our children than we can make for ourselves. And therefore the Government, in his opinion, ought to make those decisions.

I would have to say that, knowing the Government, and knowing the family, and knowing the difference, I reach exactly the opposite conclusion. But it is a great testament to the wisdom of the American people. It is a great testament to the fact that democracy in America works, that the American people, despite all the hype, despite all the salesmanship, ultimately understood what the issue was about, ultimately said no. And their view ultimately prevailed.

So at a moment when we are debating how to change the political system—and I believe the political system in America has many faults, many warts, many problems—it is reassuring to me that on the greatest issue in terms of overall importance since I have served in public office, that the American people were smarter than Bill Clinton thought they were. The American people were able to understand a very complicated health care bill, 1,342 pages long.

Whether they could pass a comprehensive test on it or not, I think that is open to question. I question how many Members of the Senate would pass that test. But they knew that it was the wrong thing to do. They sensed that a Government-run system would bankrupt the Government and destroy the greatest economy the world has ever known. They knew that a Government-run system meant rationing and it meant that the destruction of the greatest health care system that had ever been known.

They sensed that when Members of Congress were talking about health care perfection and looking to Canada, that it was very interesting that when they and the people they love got sick, they never ever went to Canada to try to get well. But the American people observed that when Canadians who had money or political power got sick, they always came to America to try to get well.

Those observations had no impact on the Clinton administration, but they had a profound impact on America because they convinced Americans that they did not want a Government-run system. The American people understood that a massive payroll tax would put people out of work. And they knew from their own practical experience that not having health insurance is a bad thing—but that not having a job and not having health insurance was a lot worse.

But the silver bullet—or even a better analogy, the little stone that slew Goliath—was not bankrupting the country, not destroying the health care system, not putting people out of work. The President's bill would have done all those things, but that is not the little stone that slew Goliath. The little stone that slew Goliath is that the American people understood that Bill Clinton wanted to take away from them something more important than the economy, something more important than health care, something more important than their jobs. I am sure we have people who say, "What in the world, in 1994, could be more important than those things?" There is something more important.

The President's plan took away their freedom. It took away their right to choose. And on that issue, the American people were not willing to countenance. In conclusion——

The PRESIDING OFFICER. Will the Senator withhold? The Senator now has 9 minutes left.

Mr. GRAMM. I am going to—if I am required to speak for 10 more minutes, I can certainly go on.

Mr. McCONNELL. Will the Senator yield? He is not required to speak for 10 more minutes, but I suggest to my good friend that he not hasten to finish.

Mr. GRAMM. Amen. Let me say, concluding my thoughts on health care, and I think health care is related to this issue because we are talking about a test of the great American political system.

In the end, the President's grand design to collectivize medicine in America and have the Government take over another seventh of the American economy did not fail because of the destructive impact it would have had on the economy, or the destructive impact on health care, or the destructive impact on job creation.

In the end, it fell because the American people recognized that it took away their freedom, it took away their right to choose. And in the end, that is why government fails. In the end, you cannot have unlimited government and unlimited opportunity. In the end, you cannot have the Government choose and keep the people free.

And so we passed a resolution the other day commending all sorts of people on our policy in Haiti. We failed to thank the American people who, in their wisdom, understood that the President did not have a plan and that we ought not to be involved in Haiti and they forced the President to send in President Carter. We did not commend the American people, but we should have.

There are a lot of people, I am sure, who will take credit for trying to pass the President's health care plan. There are some who will take credit for trying to kill it. I am happy to count my name in the latter number because I think it was the most positive thing we have done in many years in the Senate.

But the real victor here, the person, in a collective sense, who killed the President's health care plan was the person in America who does the work, pays the taxes, pulls the wagon and makes the country work. The Clinton plan died when ordinary working people said no. The American Medical Association may have been confused. They were cutting deals. They were going to be at the table. They were going to have a say. The automakers were bought off. We were going to subsidize their retirees and pay health insurance for them and save them $8 billion. Corporate America thought they could cut a deal with Government. But Dicky Flatt, my friend in Mexia, said no, and when Dicky Flatt speaks, America listens. When the people who do the real work in this country stand up, everybody else sits down. That is why we beat the President's health care plan.

So when we are trying to reinvent our political system—and it could use some improving—let us remember it is a pretty good system. It worked. It worked on health care. And I really believe 1 year after the debate started—and today I believe it is over—if we had lost that debate, if we had adopted the Clinton health care plan, we could have never taken those promises back. We could have never paid for them. I believe in the end that we would have greatly diminished our freedom, our economy, our health care, and America would have been fundamentally different. It would have been a poorer country with fewer opportunities, with less freedom. I rejoice in the fact that it is none of those things today and, God willing, we will get a chance next year with a Republican majority to do it right.

I will conclude and turn the floor over to my dear colleague from North Carolina by repeating a blessing I gave the other day at a dinner kicking off our campaign in 1994. I had talked before the blessing about the fact that the White House said on health care that Republicans were going to be held accountable if they defeated his health care plan. I am like Brer Rabbit in the briar patch. Hold me accountable, but hold accountable the people who were for that plan as well when you go to the polls on November 8. But as I said in the blessing, "Dear Lord, if you give us control of our Government again, this time we won't waste it."

I thank the distinguished Senator from Kentucky for yielding me time to give me a chance to talk on this issue. It is easy for people like me to come over and speak for an hour and go back to our offices and answer all the mail and do all we have to do. It is very hard for somebody to stand up on an issue that is so easily demagogued as this issue.

I want my dear colleague from Kentucky to know that I appreciate his good work, and today, I am sure, some editorialist somewhere is just at this moment putting in the computer the name of the Senator from Kentucky, who is here trying to prevent the blessings that would come from taxpayers funding politicians to run for public office, who at this very moment is writing an editorial that will appear in tomorrow's paper that, were it not for Senator MCCONNELL, taxpayers would be funding elections and the world would be better off for it; that we do not have enough things to do with the taxpayers' money, and giving money to politicians to run ads, to tell the world how great we are would be wonderful and America would be greater for it.

I am sure they are going to conclude the Senator from Kentucky is wrong and evil as a result. I do not have a newspaper, and I probably will not even think about this issue tomorrow, and I certainly am not going to read their editorials. But I just would like to say to our colleague that he is performing a very important service for America today, and I appreciate it.

Mr. MCCONNELL. Mr. President, let me thank my friend from Texas for his truly outstanding speech and his discourse really on politics in America. He is right. There will be some editorial writers—maybe a lot of them—who will remember me as the bad guy.

But the good news is, as a result of airing out what is being proposed here, which I think the American people largely do not understand, that I anticipate a rallying behind our position of opposition to taxpayer funded elections that will be heard resoundingly on November 8.

As I said earlier this morning, I am astonished that the majority would think that this issue would be a terrific issue to bring up right before the election—astonished at their judgment. I think it probably illustrates more than anything else—and the Senator from Texas pointed this out—the differences between many on that side of the aisle and ourselves. They, I believe, really think it is a terrific idea and most Americans would consider it reform: To push individuals out of the process and to substitute involuntary taxpayer funds. It is an astonishing conclusion but does sort of illustrate the differences between us and how we see America and the political system.

I thank my friend from Texas for coming over. I see the Senator from North Carolina is here, and we are looking forward to hearing from him.

Mr. President, I yield the floor.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER (Mrs. BOXER). The Senator from North Carolina.

Mr. HELMS. I thank the Chair.

Madam President, before the Senator from Texas leaves the floor, I will take note of the fact that before he came to the Congress, he was a college professor. And as I have seen him make speech after speech where he laid down his predicate, made his point, and then summarized what he was talking about, I can just see him in the classroom, and I can also see a bunch of young people loving what he had done for them in teaching that lesson.

But when you stop to think about it, this business of freedom was identified rather succinctly by a fellow named Tom Jefferson. Another party claims Thomas Jefferson, but Jefferson is my hero. I am about as conservative as one can get, and I think Tom Jefferson was conservative. He is the guy, after all, who warned us many years ago that the least government is the best government.

That is what the Senator from Texas was saying. And I, too, commend Senator MCCONNELL. It is a thankless task that Senator MCCONNELL has assumed, but I thank the Senator from Texas and I thank the Senator from Kentucky.

Madam President, another one of my heroes, a North Carolinian named Senator Sam J. Ervin, Jr., used to delight in telling stories about a wonderful town character in Senator Ervin's hometown of Morganton, NC, Lum Garrison, who was a devotee of Senator Sam Ervin. Lum thought so much of Senator Ervin that he took personal offense when anybody criticized Senator Ervin in any way to any degree.

Even back then, Lum did not think much of the Congress of the United States. That was way back when there was a bit more responsibility in the way the Senate and the House of Representatives operated than is visible to a lot of American citizens today.

In any case, Lum Garrison sold newspapers on a corner in downtown Morganton. Everybody knew Lum. A lot of people teased Lum, and he would tease right back. In short, Lum was a beloved character pretty much like the characters in everybody's hometown.

I had one in my hometown of Monroe named Bud Hargett, and I will talk about him in a minute. But Bud Hargett was like Lum Garrison because he was far smarter than a lot of people gave him credit for being.

Lum Garrison greeted Sam Ervin one October morning just after Senator Ervin and Mrs. Ervin had returned to Morganton the night after the adjournment of the Senate. Lum saw Sam and said "Well, Sam, I see you done come home where you belong." He said, "You all had a mess up there, didn't you?" And Senator Ervin allowed that that was so. And Lum continued, "What you ought to do up there is pass no more laws and repeal half of them what you got."

You know, come to think of it, that is a pretty good idea. We ought to pass no more bad laws, spend no more of the taxpayers' money, apologize for the money we have wasted and then go home and do something for the people for a change.

Now, Lum's advice would be right on target regarding this bill presently before the Senate because if there is ever a violation of what Thomas Jefferson talked about in terms of limited Government being the best Government, this legislation is it.

Earlier today, as I do every day that the Senate is in session—and I have done it for almost 3 years now every day—I made a brief report to the Senate which will appear in the RECORD tomorrow morning. This daily report on the irresponsibility of the Congress of the United States is one that has been picked up on by people all over the country. Untold newspapers are running it. A lot of radio stations are including it in their talk shows and other programming. I report the exact size of the Federal debt every day, as of the most recent date available, down to the penny.

Now, I reported earlier today, for example, that at the close of business yesterday, September 21, the Federal debt stood, down to the penny, at $4,685,968,520,515.35. Computed on a per capita basis, this means that every man, woman, and child in America, thanks to the U.S. Congress, owes an average share amounting to $17,973.80.

Now, I hear all of this poppycock about, well, George Bush ran up the debt; Ronald Reagan ran up the debt. It is not so, and anybody who has even looked at the U.S. Constitution knows that it is not so. Only the Congress can authorize spending. Only the Congress can appropriate money to be spent. No President can spend a dime that has not first been authorized and appropriated by the Congress of the United States. So, the dead cat lies on the doorstep of the Congress of the United States, principally, to begin with, the House of Representatives, because all spending measures must originate in the House and come over here and be approved by the Senate.

Now, then, with a debt this large, over $4.5 trillion, should Congress create a new entitlement program for politicians? I say, of course not. But that is precisely what the so-called campaign reform bill will do. It will in essence establish a new entitlement program for politicians so they can put their hands in the pockets of the average guy paying taxes in this country.

What some of my colleagues say is that, oh, we have an urgent need to reform campaign finance laws. Let me tell you something. I do not see it as a major concern of the American people.

As a matter of fact, this legislation is not even a blip on the horizon.

For example, a CBS/New York Times poll just a few days ago inquired of people all over the country: What is the most important issue facing the United States? What do you reckon was in first place? Right. Twenty-six percent said crime; 15 percent said health care; 8 percent cited unemployment; 7 percent indicated the economy; 6 percent said drugs; 4 percent cited morals and values.

I wish the last one had been first because we are not going to get this country straight—and we ought to stop kidding ourselves—until we get morally and spiritually back in place. This country was born, it was created, and in order to have something created you have to have a creator. This Nation was created in God's name and with His grace.

So we inherited something very dear and very obvious, and I fear that we are throwing it away.

But in any event, campaign finance reform did not even come close to making the list. Why, then, is the Senate spending its time on this legislation? I will tell you why. Pure politics.

And as Senator GRAMM of Texas said, I bet you there are newspaper editors all over the country hitting their little old Woodstock typewriters and saying, "Let's give it to MITCH MCCONNELL and HELMS and all the rest of them who are against this bill because we need the Government control of campaigns and we need," the editors are saying, "to make the taxpayers pay for the campaigns."

So that is where it comes in—money from the taxpayers' pockets to finance political campaigns for politicians. That is what we are talking about.

Mr. President, the Senate bill will further rig the electoral system in favor of the incumbents. Now, I am an incumbent. I have been an incumbent for quite a while, just about 22 years, but I do not favor any taxpayer money being made available to JESSE HELMS to spend on a campaign, nor anybody else, nor the distinguished lady occupying the Chair, nor any of the other 98 Senators who are not here presently.

The Senate-passed bill will increase the influence in Congress of lobbyists, professional politicians, special interests, and particularly big labor. The labor union bosses, oh, they love this bill. They love it.

The Senate bill will also reduce the working American's role in political campaigns and, most importantly, it will hand the bill to be paid to the American taxpayer.

The Senator from Kentucky, Mr. MCCONNELL, has eloquently detailed time and time again the spending limits established by this bill, which was S. 3 in the Senate. A candidate who agrees to the applicable spending limits is given a variety of taxpayer-financed and other subsidies.

First of all, it will provide matching funds to counteract opponents who exceed the "voluntary" spending limits; it will provide matching taxpayer funds to counteract independent expenditures made on behalf of opponents; it will provide discounted postage; it will require television and radio stations to sell advertising at rates half the price others are charged for advertising. And in the House bill, there is something called communications vouchers.

Well, I think what we are looking at is Robin Hood in reverse. This bill will take money from working Americans and give this money to politicians, many of whom are very, very rich. I am going to call no names, but I am going to point out a few things about that.

For example, the average household income in North Carolina, according to the Census Bureau, is $26,647. On the other hand, look at these wealthy Senators. I saw one survey not so long ago saying that the average net worth of the 10 richest Senators is $67,800,000. I wish to assure the Chair that Jesse HELMS is not one of those 10.

Now, one of our colleagues, according to this study, is worth $250 million. And yet the taxpayers are going to help him with his campaign. Another is estimated to be worth $35 million, and so forth and so on.

Now, nobody should begrudge anyone for having been born rich. I could name Senators who would not be rich at all probably if it had not been for their daddies and mommies. But the question is not that.

The question is, Should hardworking North Carolinians and people in every other State be forced to subsidize the campaigns of multimillionaires? This Senator says no.

Should the American people be forced to subsidize the campaigns of any Senator? I do not think so.

A few moments ago I mentioned a CBS-New York Times poll. It also included a question regarding campaign finance. That is, "Do you favor public finance campaigning for congressional elections in order to reduce congressional campaign contributions from special interests?" More than half of those responding to this question—54 percent—opposed using taxpayer's money to finance political campaigns. And only 38 percent supported the idea of dipping into the taxpayer's pocket for money to give to political candidates.

There is even a better measure, I think, of how little enamored taxpayers are of this idea of subsidizing the campaigns of millionaires and others in politics. Every year, without exception, the American taxpayers are given an opportunity on their tax returns to designate $1 of their taxes to support public financing of Presidential campaigns. During the past 20 years the vast majority of the American people chose not to approve that. Yet, the funding goes on. In fact, the checkoff rate was so anemic that the fund was nearly bankrupt after the 1992 elections; not enough people checked the blank saying they want $1 of their taxes to go to candidate A or candidate B or C or D running for President.

Seeing that not many people wanted to contribute to that checkoff, President Clinton tripled the checkoff figure from $1 to $3.

Now, despite the fact that it is opposed by the vast majority of Americans, subsidizing the reelection campaigns of rich Senators and rich Members of the House of Representatives is exactly what the so-called "campaign finance reform bill" will do.

The editors may not tell you about this. The commentators may not tell you about it. They may not even mention it. If they do mention it, they will crawl all over MITCH MCCONNELL because he has led the fight against this very bad bill that would have made Thomas Jefferson throw up. I guarantee that Thomas Jefferson would not have tolerated such legislation as this.

MITCH MCCONNELL has called this bill "food stamps for politicians." How much will all of this cost the taxpayers; this bill, if it becomes law? As with any entitlement program—in fairness that is what it is going to be if or when it becomes law—one can only speculate. One can only guess what the ultimate cost to the taxpayer will be. The sky will be the limit. I can tell you that.

The estimates have varied thus far. But all agree that we are talking about a large chunk of the taxpayers' money which will be added to that $4.6 trillion-plus Federal debt that has been run up by the Congress of the United States.

The Democrats who are pushing this bill admit and acknowledge, that it will cost at least $90 million every election cycle to provide matching funds to House candidates alone. That is only a partial cost of the bill—$200,000 per candidate in the general election, coming from the pockets of everybody in this country. There is no checkoff about it. It will be taken from your tax funds, including those of the young people who are just entering the work force.

The Republican Policy Committee has estimated a Government cost per 2-year election cycle ranging from a low of $207 million to a high of $296 million depending on several variables. An additional $50 million is expected to be incurred by broadcasters due to the fact that they are going to be required under this bill to cut by 50 percent the price of advertising by candidates.

The CBO, the Congressional Budget Office, estimates that it will cost $189 million in 1996 alone, if both the House and the Senate bills provide matching funds. And CBO estimates it will increase to $203 million in 1998, and so forth and so on. And after the turn of the century, the Lord only knows how much it will cost the taxpayers.

As Senators think about these vast sums of money taken from the pockets of the American taxpayers who are already overtaxed, let us have a little pop quiz about millions of dollars, billions of dollars, and trillions of dollars. I am tempted to ask one of the young pages how many millions are in a trillion. How many million dollars are there in a trillion dollars? I asked that in the Cloakroom a few weeks ago. Senators who are erudite, smart, well educated, said "I do not know." But I will tell you, there are a million, million in a trillion dollars.

Mr. President, since there are a million, million dollars in a trillion dollars, there of necessity must come the realization and the reflection upon the fact that the U.S. Government owes more than $4.6 trillion.

I fear for the survival of this country, just where we are now. I invite anybody watching on C-SPAN or anywhere else to get out a pencil and figure how we can handle a debt burden that large. And it is growing. Every day when I walk on the Senate floor and make my report, it is higher than it was yesterday. It is $4.6 trillion-plus. That is what the Congress of the United States—the House of Representatives and the U.S. Senate—has run up in terms of debt, to be shouldered by the young people of this country.

Most of my days are behind me, by any actuarial accounting. But these young people have all of their lives ahead of them, as have my children and my grandchildren, and their children and grandchildren. Figure out how long it is going to take them to pay off the debt that this Congress has run up—the dead cats that have been left on the doorstep of the House of Representatives and the Senate as they say, well, let us spend this billion dollars here and that trillion dollars here, and so forth and so on. And they go home happy that they have done so much for their constituents.

Baloney. They have done nothing for their constituents except run up a debt. That is a shameful assessment of what has gone on for 50 years or more in this country. I want somebody to tell me how we can handle this debt load. One million, millions are in a trillion, and we owe 4.6 of those trillions.

The Founding Fathers at their meeting in Philadelphia a little over 200 years ago—and if I could pick a time other than the time the Lord picked for me to be on this Earth, I believe I would like to have been there, even as a fly on the wall, just so I could watch them talk about the fundamental principles of this country—they were fussing and fighting, as the school boys and girls know. And there was great danger that they were not going to complete the job of creating this country.

There was an old man sitting there; his name was Benjamin Franklin, and he was an old pious fellow. He had been around in his day, as Ambassador to France, and all. But he sat there and listened.

As the story goes, Benjamin Franklin rose and sought recognition and he said something like this: We are much in dispute. Have we forgotten that a God who lets no sparrow fall without His notice is unlikely to let a nation be born not in His name. In effect, he said: I am an old man and we have an opportunity here to create a wonderful country, unsurpassed in this world, unsurpassed in history. And he suggested: Let us close the windows and the doors and get down on our knees and pray for guidance because we need it. And they did, as the story goes. And not many days elapsed until they worked out all of their disputes.

What do you know, the United States of America came into being. They adjourned, and Benjamin Franklin, as the story goes, walked out on the sidewalks of Philadelphia, and the sun was shining, and he was smiling, and a lady rushed up and grabbed him by the jacket and said, "Tell me, Dr. Franklin, what do we have, a monarchy or a republic? He said, "My dear lady, you have a republic, if you can keep it."

That is the challenge that we are facing today. That is the reason I come on this floor every day and report the total Federal debt, down to the penny, as of the previous day. I have done that every day since February 1992.

The Founding Fathers, you see, gave us no escape hatch—"us" being the Congress of the United States. We must take the responsibility for running up the debt and for unwisely or foolishly spending the taxpayers' money. And believe you me, they are waking up. They know what is foolish and they know what is unwise. But do not be misled by these phony declarations that you hear from politicians, or the phony editorials printed charging this President or that President with running up the debt. Not so.

I will repeat: No President can spend a thin dime that has not first been authorized and appropriated by the Congress of the United States.

Madam President, I do not profess to be an expert in anything, really, certainly not in the operation of political campaigns. I have been in a few—most of them I was so glad when I had lived through them. But those who are experts tell me that much more is involved in this legislation than the use of tax dollars to subsidize politicians. They have explained the spending limits in this bill to me, and they tell me persuasively that these limits are intended to rig the system to make it much tougher for challengers to mount a campaign against an incumbent. I say again that I have been an incumbent for about 22 years.

The first problem with the spending limits is that they are set at identical levels for an incumbent and the challenger. And this locks in an unfair advantage for the incumbent who has had years and years of experience, exposure, and all the rest of the things, as a political figure running for office or trying to stay in office.

For example, an incumbent Senator—any one of us—may use for political purposes, if he or she desires to do so—and most do—may use taxpayer-financed free mail. A Senate office for the State of North Carolina receives over $300,000 a year for postage. I do not participate in this free mailing business. I use my postage allowance only—only—to respond to correspondence and never for unsolicited mass mailings that show up in post office boxes all over the country. I return 90 percent, at least, of the $300,000 allotted to me because I am not going to send out handbills, political handbills for JESSE HELMS at the taxpayers, expense; never have, never will.

The point is that a Senator who uses taxpayer paid political benefits starts off with a huge advantage over his or her challenger. A challenger does not have all of that, as anyone elected to the Senate will have had 6 years of free mail valued at $300,000 a year—as I say, $1.8 million—and 6 years of press agents, and so forth.

I do not have a press agent. I came from a news business, and I figured that the newspaper people and the radio and television people can get the news without my having a fax sitting around grinding out publicity releases about what goes on in the Senate.

In addition, the spending limits in this bill are mighty low for someone who is not a professional politician to make himself or herself known to the public, and inform the voters of how he or she feels about specific issues and compare his or her positions with those of his or her opponent.

This is yet another advantage for an incumbent Senator or Congressman, since she or he, unlike the challenger, does not have to spend money to become known to the voters. That is the basic fundamental unfairness at the outset of this bill.

Now then, it costs money to raise money. With the spending limits, candidates will spend as little money as possible to raise money so they have as much as possible remaining for television and radio advertising.

The least expensive way to raise money, and pretty effectively, is for a Congressman or a Senator to use the telephone and call up people for sizable contributions—lobbyists, special interests, political action committees, big labor union bosses. This costs the Congressman's or Senator's campaign the nominal cost of the phone call.

The most expensive way to raise money is from working people, people with lesser incomes who want to help in a political campaign. And millions do because they are concerned about the future of this country, and they would like to be a part of trying to solve some of the problems. By the way, Madam President, the average campaign contribution in my 1990 campaign was $27.

But raising money, I am here to tell you, when you are raising money from working Americans who do not have big incomes, costs a lot of money. It requires either the use of direct mail, which entails the cost of production and postage for solicitations or the use of large barbecues or other low-dollar fundraisers, which brings in the cost of advertising the event, and providing food and beverages, et cetera.

So the spending limits will force candidates to seek contributions in the least expensive way possible. From whom? You got it. From the big contributors.

And does that not contribute to the influence of the big contributors? I thought these guys over there across the aisle were against that; they wanted the little people to participate in the political campaign. No, no. They are pushing this bill so they can call up the labor union boss down the street and say "Slip me a little bit of money." That is what this bill is all about. Yes, sir. Some of us are determined that it shall not pass.

I do not care what any editor says with his little Woodstock typewriter. He is wrong if he says that this is anything like it might have been envisioned by Thomas Jefferson. This is Government control of the political process, and it is soaking the small taxpayer by making him pay for it.

A little over a year ago, George Will wrote a very, very fine column on the question of spending limits. I have always had a personal interest in George. When I first came to Washington, George Will was a young man who agreed to serve on my staff for a few weeks. I enjoyed having George around. And then all of sudden, he became the token conservative columnist for the Washington Post, and he did not need his small Senate salary. I have been glad to see the meteoric rise of George Will in the journalism profession. He has a good head on his shoulders, and he is a thoroughly honest young man, and he deserves all the success he has had.

Maybe some Senators will remember the column that George wrote which was published in the Washington Post on May 27, 1993. Let me share part of what he said and, as I read it, ask yourself whether you agree with what George Will said. I agree with him. He said:

> Truck scales will be needed to weigh the printed words spoken in coming weeks on campaign finance reform. Yet the only campaign law appropriate for a free society would contain just four words: "No cash; full disclosure."

That is what I felt from the word go as a candidate for the Senate. Report every dime and the donor, every dime contributed and every dime spent. That is what George said.

But let me continue. He said:

> One reason "reform" is being pushed is to defuse the drive for term limitations for Senators and Congressmen. But the reform bill being debated in the Senate is fresh evidence of the need for term limits. It proves that the political class in its quest for protected incumbency would trample the Constitution.

Well said, George Will. But let me continue.

> The bill would create at least $200 million—and indexed to rise—entitlement for politicians in order to empower the Government to stipulate the permissible amount of political speech. The bill offers "incentives" for candidates to accept public taxpayer financing in exchange for spending limits. But the incentives are blatantly coercive.

He is right about that.

> The consensus of professional politicians and professional reformers is that political spending is "too high." But when congressional campaign spending in 1992 was 52 percent higher than in 1990, that was a sign of civic health—

The point George is making here is that more and more people than ever before, are participating in the political process, and I thought that was the name of the game: To get more people participating in the political process.

There was a 68-percent increase in the number of candidates in 1992 over 1990, and George says:

> The 470 House and Senate elections in 1992 cost $678 million, about 40 percent of the sum Americans spent on yogurt.

He continues:

> Spending limits generally handicap challengers' abilities to compensate for incumbents' advantages: name recognition, access to media, franked mail, the use of modern government's myriad favor-buying activities. A ban on contributions by political action committees would simply cause more money to come into the process from individual contributors, or as "soft" money spent on behalf of candidates by non-party organizations like—

Get this.

> labor unions. (The bill bans "soft" money for parties, a traditional Republican advantage. Democrats benefit disproportionately from nonparty soft money, so the bill leaves that unrestricted.)

So you begin to see what this legislation is all about. It is very, very partisan one way.

George Will continues:

> Fortunately, the Supreme Court has held that the First Amendment requires solicitousness "for the indispensable conditions of meaningful communication."

Then he goes on:

> Because soap boxes and stumps are inadequate venues for the dissemination of opinions to a complex continental nation, the court has given constitutional status to the thought that "money talks." Spending is indispensable for effective free political speech. To limit the former is to limit the latter. The court has held that mandatory spending limits are unconstitutional; it almost certainly would hold the new bill's provision unconstitutionally coercive.

I pause simply to reflect that George has lost none of his acumen. He is still a bright young man.

Then he goes on:

> Under its provisions, a candidate who refused to take tax dollars in exchange for spending limits would be denied the broadcasting and postal discounts given to government-funded candidates. And if the privately funded candidate exceeded the speech limits—that's what spending limits are—that the government-funded candidate is held to, the government-funded candidate would get a much more than merely compensating infusion of additional tax dollars. The penalties for a privately funded candidate exceeding the government speech ration also include clearly punitive bookkeeping requirements.
>
> Furthermore, with amazing crudeness the bill would require all privately funded candidates to include in their broadcast advertisements the statement that "the candidate has not agreed to voluntary campaign limits." An American Civil Liberties Union dissection of the bill tartly notes that the bill's sponsors would not consider the following an acceptable alternative statements: "The candidate has chosen not to sell his First Amendment rights to the government in order to be permitted to spend tax dollars." Fortunately, the court has held that the First Amendment protects the freedom to choose "both what to say and what not to say."
>
> Because money is fungible, attempts to regulate it in order to ration speech must beget a huge speech-policing bureaucracy and mare's nest of rules. Suppose candidate Smith favors, and candidate Jones opposes, intervention in Bosnia. Suppose citizen Green runs a substantial advertising campaign opposing intervention. Is that a "soft money" contribution to Jones? If Smith is taxpayer-financed and Jones is not, would Green's expenditure trigger a "compensating" taxpayer subsidy to Smith? Imagine how gargantuan the Federal Elections Commission will be when it is policing permissible speech in upwards of a thousand Senate and House primary and general elections every two years.
>
> The court has held that "it is not the government, but the people—individually as citizens and candidates and collectively as associations and political committees—who must retain control over the quantity and range of debate on public issues in a political campaign." Were the political class serious about opening the political process and leveling the field for challengers and incumbents, the political class would turn not to public financing, which the public opposes, but to term limits, which 75 percent of the public favors.
>
> True, public financing would eliminate fundraising, the most tiresome aspect of careers devoted to politics. But there should not be such careers. And until the political class will accede to term limits—or, what is much the same thing, until it will allow a constitutional amendment limiting terms to be considered by the states—nothing should be done to make the life of the political class less disagreeable.

Now, Madam President, for those who may have tuned in to C-SPAN in the last 2 or 3 minutes, let me summarize just in closing what this so-called campaign finance reform bill is all about.

The campaign finance bill will help close off the political process to middle-class, working Americans and make it even more the domain of incumbents—and I reiterate, I am a 22-year incumbent—it will make it more the domain of professional politicians, lobbyists, big companies, and wealthy people—paid for by the same people who always do get it in the neck from Uncle Sugar, the working taxpayers who are struggling to educate their children and raise their families.

Specifically, this legislation will make it easier for incumbents to get reelected and make it tougher for non-politicians to run for office. It will effectively remove from the campaign fundraising process those working Americans who can afford to give only small dollar contributions to candidates. It will require Senators to spend more time raising money, not less. It will make even more important contributions from the wealthy big givers, professional political money managers, and large corporations.

Is that the way we want to go?

It will further empower special interests and lobbyists. And, of course, it will send the bill to be paid by the very people being further excluded from the process, and that is to say the middle-class, working American citizen.

The so-called public interest groups believe that spending money on campaigns is inherently bad. They have it backwards. They are wrong. As George Will writes, Government-set limits on campaign spending entrenches incumbents and special interests.

And I say again, I wish Thomas Jefferson could come in that door and walk around here. I do not know how much Thomas Jefferson engaged in profanity, but I suspect he would have some choice words about it. Because he is the guy, as I said at the outset, who said you are better to have a small government because the least government is the best government.

Well, I am going to stop at this point with just this comment, Madam President. I referred to Benjamin Franklin in Philadelphia 200-and-some years ago and what Ben Franklin said to that lady who rushed up to him after these people whom we today call our Founding Fathers had adjourned, after they had created, with guidance, this form of government.

That lady rushed up and tugged him on the jacket and said, "Tell me, Dr. Franklin, what do we have, a monarchy or a republic?"

He said: "You have, my dear lady, a republic, if you can keep it. You do not have a monarchy."

Well, keeping it is what we are supposed to be engaged in. But this legislation is 180 degrees the wrong direction in keeping the Republic.

Madam President, I yield the floor.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. If my friend, the Senator from North Carolina, would remain just a few more minutes. Because I know he has some additional time, I would like to, on his time, just have a brief discussion here. We have a couple more minutes.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

Mr. McCONNELL. My friend from North Carolina, I thought, very skillfully pointed out the difference in the way the two sides look at this issue.

The majority, I guess, with all good intentions, although I have a hard time really understanding the logic of it, wants to, in effect, stipulate how many people can participate in politics.

I wonder if my friend from North Carolina could share with me, because I am having a hard time grasping it, just what their rationale could possibly be for wanting to quantify the number of voters who could participate in a political process?

Mr. HELMS. I hate to give my friend a short answer, but, it beats me.

I have discussed it with many friends—and both of us have many friends on the other side of the aisle with whom we discuss issues—and I have been unable to have any of them discuss the concept of limited Government.

You know, every time we expand Government, "Well, this is good," they say. But, the trouble is that when you expand Government, you are diminishing what Thomas Jefferson talked about.

Mr. McCONNELL. Madam President, I have often heard my friend from North Carolina's 1984 campaign cited as an example of how too much money is spent in campaigns. And I have often grappled with what kind of thinking brought any rational human being to that conclusion. Because I believe I am correct that if the Senator from North Carolina—and his opponent, for that matter—were able to raise in excess of $20 million, or maybe my friend can tell me what it was, would not that require the participation of enormous numbers of people?

Mr. HELMS. Exactly. I will say to my friend—and I have not mentioned it—but we set a new record in the number of contributors that year. My best recollection is that we had 210,000 people contribute to our campaign an average of about $17.

Mr. McCONNELL. Could I just go further there with my friend? In what conceivable way could any rational human being reach the conclusion that the Senator from North Carolina was corrupted by the participation of—how many did he say? 200,000?

Mr. HELMS. It was 210,000.

Mr. McCONNELL. In what conceivable way would any rational human being conclude that the Senator from North Carolina was corrupted by the participation of over 200,000 people?

Mr. HELMS. I do not think there is a rational—when you throw in that word "rational" you defy any possibility I can answer your question, because I think it is irrational.

Mr. McCONNELL. Is it not true our goal in politics is to try to encourage the participation of people? We want large numbers of people to participate, do we not?

Mr. HELMS. That is my understanding. I do not think the Senator from Kentucky would be in the Senate today—and I would not have been—if I had to depend on the labor unions, if I had to depend on the special interests who contributed, in each case that I have run, to my opponent and not to me. I will say to the Senator, I had the little people with me. And I was proud to be on the same team with them.

Indeed, in 1990, there were more than 458,000 of them—meaning contributors to my campaign that year.

Mr. McCONNELL. Mr. President, 400,000 American citizens participated in the Helms campaigns.

Mr. HELMS. One of them; the most recent one.

Mr. McCONNELL. Just one of them. I defy any of my colleagues who support this legislation to come to the floor of the Senate right now and tell us in what way the participation of 400,000 Americans in the campaign of Senator HELMS was inappropriate in any way—in any way.

Mr. HELMS. I have to say, I agree with my friend from Kentucky. I have always been proud the people have supported me.

I did not mean to get into a boastful observation about my own experience. But I would not have had a chance ever, including the first campaign, if I had to depend on the politicians, the labor unions and special interests. Never have I been able to do that.

And it has worked out fine. For however long I will be in the Senate, I will be grateful to the people who supported me and regretful I did not persuade even more people to come our way.

Mr. McCONNELL. I would say to my friend from North Carolina, I congratulate him on the number of American citizens who have been inspired by his leadership and have chosen to voluntarily support his reelection. I ask the Senator, under the underlying bill, with a Government-dictated, mandated speech limit or spending limit, I gather my colleague from North Carolina would have to craft letters to send back to these folks saying, "I am sorry. You cannot participate. The Government only allows so much participation in my campaign?"

Mr. HELMS. That is right.

Mr. McCONNELL. "You are out of luck. Those who got in early had a chance to participate. But the people who just maybe did not get interested in the campaign until maybe a little bit later, you got interested too late in the campaign and you cannot speak." Is that my reading of the bill?

Mr. HELMS. I must fantasize again. What do you think Thomas Jefferson would say if he were here, hearing what you are saying?

Mr. McCONNELL. I say to my friend from North Carolina, this is the most appalling, unconstitutional, ill-advised legislation that I have seen before the Senate in my 10 years here. I know we have had a lot of bad bills around here. I have opposed a bunch of them. The Senator has opposed most of them. I must say this is the worst monstrosity I have ever observed.

How anybody could support this thing with a straight face is beyond the mind of man. And Thomas Jefferson would be appalled at what had happened.

Mr. HELMS. I believe he would. All I can say to the Senator is, Amen.

Mr. McCONNELL. I thank the Senator from North Carolina. He has made a wonderful presentation. I think his own personal experience with vast numbers of small donors is a classic example of what is good about the American political system, what is right about the American political system, and should never, ever be restricted by some kind of Government fiat that only so much participation will be allowed in American politics. So I thank my friend from North Carolina.

Mr. HELMS. I thank my friend from Kentucky, and I congratulate him on the marvelous leadership he has provided, not only on this occasion but during all the previous weeks before that he stood at that desk and provided the leadership on this bill. I thank the Senator, and I want him to know I admire him.

Mr. McCONNELL. I thank my friend. I see Senator McCAIN is here. I yield the floor.

The PRESIDING OFFICER (Mr. WOFFORD). The Senator from Arizona.

Mr. McCAIN. Mr. President, while my friend from Kentucky is here, I would like to just ask him a couple of questions. Because, apparently, we are going to have a deal on campaign finance reform. According to media reports, there has been an agreement, an agreement amongst the members of the other party. I ask my friend from Kentucky, has he been consulted by any Members from the other side of the aisle on this issue?

Mr. McCONNELL. I would say to my friend from Arizona I am unaware a deal has been struck. I understood there was some meeting today. Maybe he could enlighten me as to what might be the parameters of such an agreement?

Mr. McCAIN. I would say to my friend from Kentucky, first of all, I am sort of astounded that he has not been contacted. It is well known that the Senator from Kentucky has been designated by all Members on this side of the aisle to be our leader on this issue. He has been so for several years. He has probably more expertise than anyone that I know on this issue. Yet I am sort of surprised—although maybe I should not be surprised—that he has not been consulted. I would say to my friend that I, also, was one of the few Members on this side of the aisle who actually voted for the bill. I felt it should move forward.

I think it might be of some interest to my friend from Kentucky that I have not been consulted either. I have not been talked to—one of I believe seven Members from this side of the aisle who vote in favor of the bill originally—I have not been consulted.

Mr. President, it gets a little tiresome. It gets a little tiresome that we are supposed to be working on a nonpartisan issue, an issue that is important to the American people, that is important because of the view that the American people have that Congress is corrupted by the campaign financing that exists in America today, and we want a bill all of us can support. Yet neither I nor the Senator from Kentucky, and frankly no one that I know of on this side of the aisle, has been contacted. So, therefore, the distinguished majority leader and my dear and good friend from Oklahoma, Senator BOREN, are astounded that people on this side of the aisle should be resistant to taking up a bill which we have yet to see—which we have yet to see.

I ask the Senator from Kentucky again, if I could have his attention, has he seen any legislation?

Mr. McCONNELL. I will say to my friend from Arizona, this is since last November. Almost a year ago, when the House passed a bill, this has been a Democratic conference, if you will, kind of an unofficial Democratic conference. I think it continues this afternoon.

Mr. McCAIN. I thank my friend from Kentucky.

Mr. McCONNELL. I do not know of any Republicans who are privy to these discussions.

Mr. McCAIN. I thank my friend from Kentucky. I guess the first point I want to make is, it is a bipartisan bill without Members on one side of the aisle being consulted.

I would like to take this opportunity to thank especially the Senator from Oklahoma, Senator BOREN, who has worked extremely hard on this issue in a dedicated, nonpartisan fashion. I wish I could say that were the case with everybody that has been involved in this issue.

Mr. President, if we are not going to have at least consultation, much less input, with those on this side of the aisle, then no one should be surprised that we would be resistant to taking up this legislation. If there are deals cut and legislation done before conferees are appointed, which would mean that there would have to be Republican conferees as well as Democrats, if the deal is done before Republican conferees are appointed, then, frankly, I certainly understand the opposition of the Senator from Kentucky to having conferees appointed, if there is no sense or there is no reason to do so because there is no participation from Members on this side of the aisle.

Here we are now, 2 weeks remaining in this session. The leadership has made a deal, so I am understanding, and they are ready to move. I do not believe that is the way we should pass such important legislation, and we know what will occur next: They will convene a conference behind closed doors, the legislation will be doctored to their liking, and they will bring the bill back and blame this side of the aisle for stopping the bill. We have seen this before.

I believe that a good campaign finance bill should be passed. That is why I voted for the first version and I will vote again in the future for a good campaign bill. It is very hard to support legislation about which you are not consulted. A fundamental change in the way that elections are conducted in this country is going to be presented to me, an original supporter of the legislation, with significant changes associated with it. I do not think that is the way to do business. I can only assume that those who are proposing this legislation either do not care about or believe my view on this issue, or others who might vote for it, or they just figure they can just roll us. Neither of those, I think, is an accurate depiction of the situation.

One of the issues that has arisen and remained constant throughout this debate is that of political action committees, which is a major one. The legislation that passed this body banned political action committee participation. Period. Zero. End of story.

Now, of course, we know or have heard that the legislation will return with, instead of $5,000, $2,500. So if political action committees are evil, as is viewed by many Members—and I think the RECORD will show that was the depiction of them when we went through this bill the first time—we are just going to have about half as much evil as we had before. We are not going to eliminate the evil, we are going to have just half the evil, when, in fact, Mr. President, the effect of cutting the maximum contribution from $5,000 to $2,500 per cycle would really have no effect. You would just have more political action committees who would be giving $2,500 each instead of less who would be giving $5,000 each. I think we know that.

Let us not kid ourselves about whether we are going to eliminate PAC money or we are going to have PAC money. It is one of the two. Let us not try and kid the American people that a $2,500 limit is anything but a continuation of the PACs.

I think it is interesting that there was a New York Times editorial back in May 1994, and it talks about:

> The House and Senate have an opportunity to overhaul a discredited system of campaign financing that puts Congress in hock to special interests, favors incumbents and discriminates against challengers. But House Democrats are playing a cynical game of chicken with the Senate that could doom reform.

This is from the New York Times lead editorial of May 4, 1994:

> President Clinton, who thundered about reform during his campaign, should tell Speaker Thomas Foley and House majority leader, Richard Gephardt, to stop the shenanigans. It is the least he can do, given his earlier pledges. Continued Presidential silence also undermines Mr. Clinton's friend and ally, George Mitchell, the Senate majority leader, who has done so much to help the President on other issues and who hopes to see campaign reform enacted before he retires the end of this year.
>
> This is the way the game is being played. Last year both chambers passed reform bills; Democratic leaders are now meeting to reconcile differences. One crucial difference involves the amount of money a Member may accept from a single political action committee.
>
> The House bill preserves the current law's excessively generous ceilings—$5,000 in a primary campaign, another $5,000 in a general election. The Senate bill contains a flat ban on PAC's. In the likely event the ban is ruled unconstitutional, the Senate bill would impose a $1,000 limit in both primary and general elections.
>
> Mr. Foley and his colleagues know that any final bill faces a threat of a filibuster in the Senate. They also know that the key to avoiding a filibuster lies with seven Republicans who went way out on a limb last year, defied their own leadership and provided the votes that ended a filibuster of the original Senate bill.
>
> These seven Senators cannot realistically be expected to accept the greedy House PAC limits. Apparently, however, it is the hope of Mr. Foley's negotiating team to persuade the Senate negotiators to accept the House version—its unacceptably high PAC limits intact—and take it back to the Senate for a vote.
>
> At which point the bill will probably die, giving House Democrats the result they seem to want—preservation of the current system and their cushy PAC contributions—without getting the blame they will deserve.
>
> That would be consistent with past behavior; foot-dragging by House Democrats last year, when the momentum for change generated by the Presidential election was still strong, is the main reason there is no reform on the books now.
>
> For the public record, Mr. Foley and Mr. Gephardt say they really do want reform. Their approach suggests otherwise, and it is clearly time for President Clinton to join the fight. Beyond sporadic rhetoric, he has put little effort into campaign finance reform. The public would have every right to suspect his leadership if his own party helps scuttle a central promise of his campaign.

Mr. President, the information I have is that PAC's will be cut from a $5,000 maximum contribution to $2,500. There was a study done sometime ago that showed that would have about a 1 percent difference in my State in political action committee contributions. I have that information available. The fact is, if you have one PAC that supports those who are in favor of preserving our great natural resources and that political action committee, which is accustomed to giving $5,000 per cycle, would now become two political action committees, each of them providing $2,500 per cycle. The end result would be fundamentally the same.

Mr. McCONNELL. Will the Senator yield on his time just for an observation?

Mr. McCAIN. I will be glad to yield.

Mr. McCONNELL. I believe the study to which the Senator is referring, which I think he now has, was interestingly enough done by Common Cause.

Mr. McCAIN. That is exactly right.

Mr. McCONNELL. The arbiter of morality in this town.

Mr. McCAIN. That is exactly right. It is interesting because Common Cause on June 29 said:

> Common Cause urged House Democrats to agree to cut individual PAC limit in half and act quickly on meaningful campaign finance reform legislation.
>
> Common Cause today strongly urged House Democratic leaders to end their opposition to cutting the individual PAC limit, which threatens to kill campaign finance reform, and to agree with Senate Democratic leaders to cut the limit in half.
>
> House Democrats have voted for an aggregate PAC limit in the House-passed bill.

"Adding a cut in the individual PAC limit to the bill would not have a significant impact on House Members," Wertheimer wrote. "But a failure to cut the individual PAC limit will ensure that the campaign finance reform legislation is killed in the Senate."

You know what is interesting about this, I say to my friend from Kentucky, is that, on the one hand, Common Cause says that they should agree to the cut and, on the other hand, they say it would have no effect.

So what has Common Cause done? As has been their habit time after time in the past, they have sold out. They have sold out, Mr. President, so that they can claim that they caused campaign finance reform, which really has no impact, when we are talking about what they are agreeing to on cutting the PAC limit, and then they can send out more letters and get more money in contributions to Common Cause.

By the way, common cause is an organization which is steadfastly, zealously pursuant of openness in records, and yet I would like to ask any of my colleagues if they have ever received a list of those who contribute to Common Cause. I do not think so. And there have been several times when Common Cause has been asked to reveal their list of contributors.

Guess what, Mr. President? They will not. I have dealt with some organizations in my time in Washington which are guilty of hypocrisy. Common Cause is the worst. They have more gall than any organization that I have ever dealt with—agreeing to cutting political action committee contributions in half, knowing full well that it has almost no impact.

Mr. President, Common Cause should change their name: Uncommon Washington-Inside-the-Beltway Publicity-Seeking Cause is a better name for that organization. And, frankly, they have set back the cause of true campaign finance reform rather than advance it. But, Mr. President, even though we will not be able to know what their contributions are, I will bet you that their contributions are way up. I have seen some of their fundraising letters. They are really artfully and cleverly done. So I urge my colleagues to give Common Cause the attention and consideration they deserve, which is zero. They are part of the problem, not part of the solution.

Mr. President, the next area that is of interest that was a major issue was the House and Senate playing by the same rules. Now, here are two bodies, bicameral in nature, as we know is the makeup of our Government, and yet there has been attempt after attempt to have the House and Senate have different rules for a long time. If the Senate refuses to back down on the PAC thing, well, then, we will just do it differently. I do not think the American people expect us to do that.

The third area is that all soft money must be disclosed, including nonparty soft money. Mr. President, one of the biggest sources of funding of both parties today is the so-called soft money that goes into these various parties and campaigns, and much of it is not disclosed. I am not sure what we do about soft money because of the constitutional prohibitions on prohibiting someone or some organization from being involved in a political campaign. But at least the American people deserve the right to know where this money came from and who gave it.

In-State contributions should be favored over out-of-State contributions. I think clearly it is the mark of a candidate's support when the contributions come from his or her State. And obviously, I think we have tried and will continue to try to give some favorability in that direction.

Severability. If any part of this package is struck down, the rest of the reforms will survive intact.

And then, of course, taxpayer financing of campaigns.

You know, Mr. President, the answer, when the American people are asked, "Do you support campaign finance reform?" is overwhelmingly yes. And then you ask the American people, "Do you think that taxpayers should finance political campaigns?" Some say yes. Then you ask an additional question. "Should we finance the campaign of Lyndon La Rouche? Should we finance the campaign of"—I am not sure I pronounce the name right; maybe my friend from Kentucky can help me—"Lenor Fuyoni."

Mr. McCONNELL. Lenora Fulani.

Mr. McCAIN. Lenora Fulani.

Mr. McCONNELL. OVER A MILLION BUCKS.

Mr. McCAIN. I thank my friend from Kentucky. Lenora Fulani. I would not want to mispronounce anyone's name. The fact is that the taxpayers did finance Ms. Fulani's Presidential campaign. Mr. Lyndon La Rouche—please, I ask my friend from Kentucky, who is the expert on these issues—it is my understanding his campaign received money while he was in jail.

Mr. McCONNELL. Right.

Mr. McCAIN. While he was under a prison term.

Mr. President, the American people do not understand that, why their tax dollars should go to finance someone's campaign while they are in prison. And that is one of the major problems here with taxpayer financing of campaigns.

Who is it that is eligible for these moneys? If we restrict it to the two major parties, then clearly, clearly, we are shutting out other legitimate candidates and parties. If we do not, then we end up, of course, financing the campaigns of people who not only do not have a chance but can be carried to the extreme degree of people who are in prison.

The issue of taxpayer financing of campaigns has been debated ad nauseam on the floor of the Senate. But I have yet to hear of a viable proposal that I think would meet the test, that would gain the support of the taxpayers of America.

As far as the war chest rollovers, one thing we know—and it is common throughout campaigns, but it has been particularly true amongst long-time incumbents—is, of course, the campaign war chest. I know of campaigns, and I will not mention the State, where the individual incumbent has over $1 million in his campaign war chest. I ask my colleagues, especially if it were a House race, how would you feel about challenging an incumbent that you know has a $1 million advantage the day of filing? Clearly, that would be a daunting challenge. And what it does, as we all know, is that it just stifles opposition. People are very reluctant to engage in a campaign where they know that the incumbent can outspend them by millions, literally millions.

I think it is clear that there has been times where extremely wealthy candidates have made personal loans and then have paid them back from the campaign funds after they have won the election. That also is a clear disadvantage for challengers.

For Senators, maybe we should ban all campaign activities except within the 2 years immediately preceding a campaign. Maybe we should not be raising moneys the day after we are elected to a 6-year term. I think that Senators can, but I think it is wrong.

Now, the personal use of campaign funds must be immediately banned. Mr. President, I want to talk about that point at a little length because I think that when the average citizen gives money to a person's political campaign, he has the right to expect that those funds would be spent on what we know of as normal campaign activities—the purchasing of TV or radio ads, printing of brochures, bumper stickers, paying for phone banks, all of the normal things that we see in a political campaign.

Let me tell you some of the things that these campaign funds have been used for. An individual enjoyed a leisurely 8-day stay at South Seas Plantation in Captiva, FL. Their accommodations during the first 3 days were picked up by one of the industry organizations; the next 5 days were paid by the campaign. A vacation in Florida.

Some Members of Congress appear to use their campaign treasuries as little more than giant slush funds for purchasing whatever items they cannot buy with the stipend they receive from the Federal Government to run their congressional offices or with their own money.

I also remind my colleagues that Senators and Members of Congress currently earn $139,000 a year. We are in the top 1 percent of wage earners in the country. Let there be no mistake; Members of Congress earn a good wage, and we are not poor.

There were people who bought themselves expensive new cars. There were people who chartered airplanes. There were people who rented apartments with campaign funds. Campaign money was used to pay for country club memberships. In fact, in a couple of cases they paid for tuxedos. Two Members used campaign money to endow academic chairs in their names. One individual used campaign money to commission an artist to paint a $3,000 portrait of his father. Others paid relatives to do work on their campaigns. One individual used thousands of dollars from his campaign funds to decorate his Senate office. He spent more than $6,000 on furniture and picture framing; afterwards $15,480 for Indian art; $4,490 for a jumbo illuminated globe, and $522 on a lamp.

Most of these expenditures were not even remotely improper under congressional ethics rules. While many of them appear to be personal expenditures, most have a plausible political justification. A campaign car for example is usually viewed as the cheapest way for a candidate to travel around the district. Chartered airplanes are sometimes rationalized as the only logical alternative for those incumbents who represent big States or districts. Country club memberships are defended as necessities for incumbents who need to entertain political supporters and throw fundraisers. But some expenditures are more difficult to justify such as a resort vacation and meals in Washington, DC, area restaurants.

Beginning in 1990 Members of Congress were no longer permitted to accept any trip from a corporation or lobbying group that exceeded 3 days. Thus, some Members have taken 3 days from a corporation or lobbying group and then paid for the additional days with campaign money.

Many of the FEC reports filed by congressional candidates contain items that strain any commonsense standard for political spending. When a Member of Congress picks up the tab for an expensive dinner in London, Jerusalem, or Timbuktu, what possible relationship could this have to a reelection campaign? When a Member of Congress reports buying a $100 constituent gift at a gift shop in Florida it seems likely that the constituent was really a friend or relative. When Members of Congress report spending about $900 a week on political meetings, any reasonable person might suspect that it may not be the truth.

The rules of Congress are not silent on this matter. Expenditures such as these were addressed most recently by the House Ethics Committee in the 1986 ruling in a case involving a former Representative. In that case, the committee ruled that campaign funds should not be spent for any purpose that is not "exclusively and solely" for the benefit of the campaign.

Moreover, the committee added a bona fide campaign purpose is not established merely because the use of campaign money might result in a campaign benefit in an instance where the benefits are personally realized by the recipient of such funds where the individual has the discretion of whether to share benefits he might receive from the use of campaign money.

There was $7,000 which one Member spent on an "image consultation" and a new wardrobe. An individual spent $325 at a gem store in Bangkok. Another bought Cotton Bowl tickets that were given to his brother. Another paid for hunting and resort fees in Arkansas. And another spent $327 at a restaurant in Paris.

A very important issue—to me anyway, and I know to my constituents—is the personal use of campaign funds. It is my understanding that it will not be included in the so-called deal that has been already consummated behind closed doors in a back room somewhere here in the Capitol—I doubt if it is smoke filled anymore—without the consultation of the Members of this body, nor of this individual Senator, who voted in favor of the original legislation.

I would like to continue this depiction of the uses of some of the campaign money for purposes that I am sure exceeded the wildest imagination of the contributors.

As I mentioned, one Member of Congress spent $7,000 on image consultation and a new wardrobe. Another spent $325 at a general store Bangkok, Thailand. Another bought Cotton Bowl tickets that were given to his brother. Another paid $1,095 for hunting and resort fees. Another spent $327 at a restaurant in Paris. I would like to find out the name of that restaurant. It is not easy to get out of a restaurant in Paris for $327. But it is hard to escape the obvious conclusion that, in many instances, campaign funds are being used by Members of Congress for purposes of primary and personal, under the definition that was laid down by the House and Senate Ethics Committee.

Similarly, when Members of Congress report thousands of dollars of unitemized expenses, they leave the impression they are dipping into their campaign treasuries for pocket money.

Under the rules, Members are not required to itemize expenditures of less than $200. Using that loophole, one individual failed to itemize $89,202 of his spending in reports to the FEC. Another failed to itemize $84,741. Another failed to itemize $78,250.

Mr. President, you have to be pretty creative to come up with $70,000, $80,000, $90,000 worth of expenditures of less than $200 each.

In addition, many Members submitted reports that mask the true nature of their expenditures by using vaguely worded descriptions. Senators are strictly prohibited from pocketing their campaign money when they retire. Senior House Members can take advantage of the so-called grandfather clause that, until 1993, could convert excess campaign funds to personal use upon retirement. In the case of a Member's death, campaign funds become the property of the Member's estate. When a Member died in 1991, his campaign funds were used to pay for the funeral, burial, and a $35,000 tombstone.

Campaign spending by Members of Congress is a highly individual matter reflecting a candidate's personality and approach to the job. Many are frugal; some are freewheeling.

Whenever a Member of Congress spends $500 in campaign funds for dinner at a fancy restaurant, or $3,000 for a painting, contributors are unknowingly footing the bill. It takes many small contributions from loyal supporters back home to pay for such extravagances. If small contributors were aware their money was being spent on unnecessary purchases, perhaps they would be less likely to contribute in the future.

A retiree in California wrote a check for $250 to one of the Congressmen and said, "I am not happy about the money that he feels he has to raise when he has no opposition, but, unfortunately, that is the way the system works."

What I am talking about here, Mr. President, is personal use of campaign dollars. We make $139,000. We are in the top 1 percent of income in America, and the overwhelming majority of contributions that I receive come from constituents who make less money than I do. Yet, these campaign contributions are being spent for some of the most bizarre and unusual purposes, from memberships in country clubs to tombstones.

The use of automobiles and apartments is another interesting facet of this problem. Campaign funds have been used for luxury automobiles, often equipped with cellular phones, which have become a common campaign expenditure for many incumbents.

Mr. President, when a candidate is campaigning, I understand the leasing of a car to be an important part of a campaign. But bringing that automobile to Washington, DC, is something that I am not clear on. I do not know how that could be part of a campaign, unless someone is campaigning for votes from tourists from his or her State who are visiting our Nation's Capital; and even then I am not sure it would justify leasing or purchasing an automobile. One individual spent $56,782 on campaign cars over a 6-year period, including the cost of insurance, license plates, registration, and maintenance.

In one case, another Member maintained two cars and a van with the use of campaign funds, at a cost of $66,811. Another campaign paid more than $26,000 during a 2-year period to lease two new cars, one of them a convertible that the individual described as a "parade car." He later returned the parade car to the leasing company. While most Members reported having only one campaign car, it was often an expensive, late-model automobile. One individual used his campaign funds to lease a $799-a-month automobile for his use in Washington, DC.

Another individual paid $30,000 for his powder blue Lincoln Continental. Another bought an $18,000 Ford LTD. Another purchased a $23,000 Lincoln Town Car that he kept when he retired.

Of those who maintained campaign vehicles, one seemed to have bad luck. During the 1990 cycle, he paid nearly $30,000 to purchase a new 1994 LTD and purchased a 1985 Ford van. Once in the campaign, the van was destroyed when it burst into flames and had to be replaced.

Members of Congress find it easy to purchase campaign cars with political funds. But, they had sometimes difficulty explaining to hometown journalists why they needed such luxurious automobiles.

One, asked by a local reporter to justify his new Lincoln, replied he chose it because it is big and could haul several passengers. He went on to say there is a very legitimate need for transportation. I do not think this is the kind of campaign expenditure the people are concerned about. This is all up front. It is a pure provision of transportation for political purposes. There is nothing hidden here. There is nothing improper about it at all.

But it raises questions.

Someone during one of the campaigns rented a $900-a-month apartment in his hometown about 40 miles from his permanent home. The reasoning was that although he did not go back to Arkansas every weekend, and the rent was less than the cost of a hotel room.

Another individual's $500-a-month apartment served as an office for the staff and a place for the person to sleep.

Traveling and entertainment: Travel is one of the necessities of life for the Members of Congress, and no one can blame them for wanting to go in comfort. But the availability of millions of dollars of campaign contributions from special interest groups has allowed many incumbents to adopt a style of travel normally reserved for top corporate executives and the rich. Reports submitted to the FEC by Members of Congress contain page after page of expenditures for such things as chartered airplanes, expensive restaurant meals, and luxury hotels, and many of them appear to be for purposes that are more personal than political.

One Member of Congress reported spending large numbers for traveling between hometown and Washington, DC. Over 2 years, one individual spent nearly $13,000 of his campaign funds to fly his family around for holidays and attend fundraising events. Another one used $4,686 from his campaign funds to pay for air fare so his wife could accompany him on a trade mission to Australia.

Whenever Members of Congress are traveling, they frequently charge some of the meals to the campaign, whether or not the trip had an explicit campaign purpose. One person's campaign, for example, picked up a tab for $332 at a restaurant in East Hawthorne, Australia.

Another used campaign funds to pay a $788 hotel bill at the King David Hotel in Jerusalem. Another spent $7,400 on 130 meals in Washington, DC; New Jersey; New York; Florida; Thailand; Taiwan, and Italy. All of those were campaign funds.

Many Members of Congress said that their travel-related expenses were entirely for campaign business. Yet, when one Member and staff spent $107,000, or about 4 times more than any other campaign for meals, $107,000, that explanation seems impossible.

Country club memberships are often purchased with campaign funds. One individual said he used his two campaign-funded country club memberships to entertain constituents. An aide to one of the Members said he saw country club dues as a legitimate expense because it is a matter of keeping in touch with old friends and, of course, he does take visitors to the country club.

Another one said membership in a club is justified to be paid for by campaign funds because it is a gathering place for political leaders. To improve his appearance at political events, one individual spent $333 on a new tuxedo; another paid a tuxedo shop $299 for bow ties.

Members of Congress cited political reasons to justify an array of other travel and entertainment expenses that were not entirely political. Seven House Members dipped into campaign funds to pay for dues at the House gym. To boost office morale, campaign funds paid for a beer party for one Senate staff, and also bought Washington Redskins tickets which were given to the winner of a weekly office drawing.

One individual's wife received an unusual birthday gift from her husband's campaign committee. The unusual birthday gift from the husband's campaign committee was a fancy fundraising party held on her birthday, and payments totaling $5,659 for organizing the event herself. That must have been a wonderful birthday.

When a relative's name shows up on the campaign payroll, it is bound to raise some suspicions that the job may be a sinecure. Before the days of multimillion dollar congressional campaigns, relatives more often were expected to work as unpaid volunteers, and there are a number of wives and husbands who serve without pay. There are many others that do not.

There is a Member's wife who lived back in the State who received more than $25,000 in consultant fees and expenses for reimbursement from her father's campaign.

Spouses often receive expenses but no salary from the campaigns. One took nearly $22,000 for what was reported to the FEC as office travel, mileage, and unspecified other reimbursement. At the end of the 1990 cycle, the campaign still owed $705 for mileage.

Another wife of a Member received $15,655 for her campaign related expenses.

One wife ran her husband's campaign while overseeing the family business. She charged her husband's campaign $2,860 to purchase and maintain a car phone and $30,979 for travel even though she earned no salary.

Another relied on a firm owned by his daughter. Her fees in the 1990 election cycle came to nearly $60,000.

Likewise, a Member employed his daughter as a primary consultant, and this person has been deeply involved, whose principal function was fundraising services. She also provides for other nonprofit groups for her fundraising expertise. She received $53,242 from the campaign during the 1989–1990 cycle.

One of the Members paid his father $250 for each speech he made on behalf of his son, for a total of $6,250.

There are also legal bills, Mr. President, that are paid for with campaign funds, sometimes a very, very great deal of money.

One spent $143,122 battling allegations relating to his relationship with a male prostitute. Another battled longstanding charges of bank, mail, and tax fraud stemming from an alleged influence buying scheme, in addition to spending $183,000 in campaign coffers in legal and accounting fees, and also collecting donations from separate legal defense and raising nearly $450,000 since the charges were first bought.

One of the largest legal bills reported in the 1990 cycle was $100,000 paid to settle a libel suit by an individual who was a previous opponent.

Another bill, before resigning, this individual piled up $1,000 in legal fees even though he consistently denied recurring rumors. Aides insisted payments were made for audit of his finances. In the 1990 cycle, $208,000 from his campaign coffers were spent on lawyers and accountants.

It goes on and on.

Older Members of Congress look to their campaign funds as a way for preparing for retirement or their posterity. In the 1990 cycle, senior House Members were still eligible to convert campaign funds to personal use upon retirement, and all Members of Congress were free to make large charitable donations to make sure they would be remembered fondly after death. At least five Members of Congress who retired or died during the 1990 cycle, their campaign funds were either converted immediately to personal use or turned over to their estates. Even death could not legally separate veteran Members from their campaign funds.

In 1989, a year after one individual's death, his son inherited his father's House seat and got a $99,000 share of the leftover campaign funds.

FEC records show that the widow and four children divided the $605,000 campaign Treasury. Likewise, the estates of two House Members who died during the 1990 cycle received their campaign funds.

Mr. McCONNELL. Will the Senator yield for a question?

Mr. McCAIN. Yes.

Mr. McCONNELL. I guess I would say to my friend from Arizona, I am not really requesting specific names, but I have been listening intently to his recitation of expenditures of campaign funds that certainly this Senator would find inappropriate. Now, maybe the FEC has not ruled on this, but I believe I heard the Senator say that some Members have had portraits done and paid for out of campaign accounts. Was I correct in hearing that?

Mr. McCAIN. That, indeed, is the case, I say to my friend from Kentucky.

Mr. McCONNELL. I guess my question of the Senator from Arizona is, are some of the Members of the House or Senate, who have been spending their campaign funds in the ways that the Senator from Arizona has been outlining, advocates of taxpayer funding of elections; supporters of the S. 3?

Mr. McCAIN. I would say to my friend from Kentucky, first of all, I have refrained from mentioning anyone's name.

Mr. McCONNELL. I am not asking for any specific names.

Mr. McCAIN. I do not think it would be fair to do so, because I am sure that many of these reports are defensible and that person should be able to defend those expenditures without having their names specifically mentioned.

But I would say to my friend from Kentucky, as far as I can see, it is not divided along party lines. I would say many Members who are in favor of taxpayer financing, I see in this report, and Members who are opposed to taxpayer financing are on this list as well, as far as I can ascertain.

Mr. McCONNELL. Let me ask the Senator, would it be possible, then, that tax dollars could actually be used after the passage of this legislation?

Mr. McCAIN. I would have to say to my friend from Kentucky, unless there is significant—significant—restrictions placed on the personal expenditure of campaign dollars, I do not see why individuals would not be able to use taxpayers' dollars as well as contributors' dollars. I do not, frankly, see anything, or I hear nothing in the proposed legislation.

Let me put it this way: I hear nothing because, as the Senator from Kentucky knows, we have not been privileged to see the final legislation. But I have been told that there is nothing in the proposed legislation that addresses the personal use of campaign funds. Therefore, if taxpayers' dollars go into the campaign funds and there are no restrictions—the amendment that was passed on this side by the U.S. Senate, which has been dropped out of this agreement—then clearly taxpayers' dollars would be used for these very interesting purposes which I have described.

Mr. McCONNELL. Would the Senator from Kentucky be correct then to conclude that a supporter of the underlying legislation running in this November's election might well have to defend to his constituents, maybe even with an attack from a challenger in a television commercial, that he or she voted for a bill under which it was possible to spend taxpayer funds to have a portrait done of one's self?

Mr. McCAIN. Or a tombstone.

Mr. McCONNELL. Or a tombstone.

I thank my friend from Arizona. He very skillfully outlined many additional reasons why this underlying bill is hopelessly flawed. I really want to thank him for his contribution to this debate.

(Mrs. MURRAY assumed the chair.)

Mr. McCAIN. I thank my friend from Kentucky. And if I understand my friend from Kentucky, we will be talking about this and other issues perhaps to a much larger degree.

But I would like to repeat something that is very important about this situation. A bill is going to be presented to this body which has no input from this side of the aisle. We have only heard the outlines of it. A bill is going to be presented which will fundamentally restructure campaigns in America as we know them today, without the slightest input that I know of from any Republican Member of this body. A bill is being attempted to be forced down our throats, with the help of Common Cause, in the last 2 or 3 weeks of this session of Congress, one that has passed the Senate well over a year ago. I believe my friend from Kentucky knows exactly when, well over a year ago. It has been sitting in limbo all these months and is now going to come back in a fashion which is in violation, in my view, significantly, of the principles that were embodied in the legislation that I voted for and other Members on this side of the aisle voted for.

I say to my friend from Kentucky—and I see my friend from Georgia who is waiting—maybe next year, perhaps next year—there will be more Members on this side of the aisle, all of us know that—maybe next year on issues like health care, campaign finance reform, other pressing issues that the American people want us to address, maybe we might try something different, and that is to sit down with Republicans and Democrats alike and try to work out something.

Now, it is well known that the Senator from Kentucky has been a leader on this issue. Why is it that the Senator from Kentucky was not brought into the process? I do not know the answer.

But I think it is a little much for anyone to attack the Senator from Kentucky for any parliamentary maneuvers that he may employ—legitimate parliamentary maneuvers he may employ—in order to seek to stop the passage of legislation for which he and no Member of this side of the aisle was ever consulted.

So I know that the Senator from Kentucky shares my view that next year we express a willingness to sit down—Republican, Democrat, libertarian, vegetarian, all of us together—all of us together, and seek to come up with a bipartisan consensus.

This railroad has been run too long in a partisan fashion. And I commit, as I know my friend from Kentucky and my friend from Georgia does, that we would be more than happy to sit down from the beginning and come up with what cries out for reform, and that is campaign financing in this country. And we would be eager—not willing, but eager—to do it on a bipartisan basis so, one, we can come up with a better piece of legislation; and, two, we can have the confidence of the American people that this legislation was not rammed through at the 11th hour of the session of the Congress faced with an upcoming election in a very short time.

I thank my friend. I yield the floor.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Madam President, let me just thank the Senator from Arizona for his very important contribution to this debate. It was really an extremely effective presentation. I just want to thank him for his contribution.

I see now that my friend from Georgia is here to take his hour.

Madam President, I yield the floor.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. COVERDELL. Madam President, I thank the Senator from Kentucky for his long, long, extended commitment to appropriate campaign management reform, whatever we want to call it. It has been a very dedicated effort. I think he is recognized nationally by those who follow these discussions as one of the preeminent experts and minds on the intricate issues that deal with the management of campaign law.

I am going to digress from my regular remarks just to comment on the Senator from Arizona's anguish over the fact that something that is this critical and this pertinent could be negotiated and brokered in some unknown place by unknown people doing unknown things. He was admonishing the process and was disconcerted that our side of the aisle was not included in the meetings. Senator McConnell from Kentucky was absent. What is even worse, if I might just finish the sentence, what is even worse is the fundamental missing ingredient is the American people were not there either.

Mr. McCONNELL. Will the Senator yield for an observation with regard to what he said?

Mr. COVERDELL. I will certainly yield.

Mr. McCONNELL. If the Senator recalls—I am sure he does—we passed an unfortunate piece of legislation, which both of us opposed, in June 1993 in the Senate; November 1993 in the House. And there has been a conference going on all right, all year long, in every real sense of the word. But it has only been between the Democratic leaders of the House and Democratic leaders of the Senate. That goes on, we believe, up through and to today.

So the Senator from Georgia raises a very important point. Of course they are free to meet. The significance of that, of course, is the game plan is to craft a set of rules for them to advantage them and to disadvantage us. That is what is going on.

Mr. COVERDELL. I think the American people—I brought them into the equation. I think they are somewhat pertinent to all this, although sometimes this city forgets that. If there was anything which they would want to have an eagle eye on, I believe it would be the conduct of elections in a democracy. So I want to take it beyond this Chamber, beyond the meeting rooms in the Capitol, beyond the city—and I think it is not a healthy process.

If I might, I would add I think it is this system which has corrupted the debate on health care reform and many other important issues we have been discussing. As the Senator from Kentucky knows, I served an extended period of time as a citizen legislator in the Georgia General Assembly. And I thought I had seen some pretty rough things. But I have to say I had seen nothing comparable to the process that has occurred here over issues like health care reform and campaign finance reform. It would not be acceptable under the rules that operate in the Georgia General Assembly. In fact, I think many of the things I have seen here we would be before ethics committees, reform and rules committees, and you would be subject to indictment. As overwhelmingly managed by one party as we have been in the State of Georgia, there was more of an effort to embrace and include the leadership of both parties, seeing them as representatives of the varying views among the public, than I have seen here in the hallowed Halls of the Nation's Capitol and here in the U.S. Senate.

Mr. President, I think the debate—and I am nowhere near the expert as is our Senator from Kentucky—but I do have some thoughts I would like to contribute to the discussion. I am going to step back for a moment and talk about what seems to me to be at the heart of almost every confrontation we have had in my limited period here in the 103d Congress. It almost seems that, without fail, these debates come down to two very different and fundamentally separate ideas about how to govern this country. In the Nation's Capital today, there is a camp—frankly, too large a camp in my judgment—of people who believe, and they are true believers. I wish they were not. I wish that they were politicians. I believe they would be easier to deal with. These are true believers. They believe that America cannot be governed, cannot do anything, unless they write the rules, unless some Washington wonk sets the priorities, determines the relationships. Frankly, I think it embodies an arrogance that has turned America against this Capital.

They do not believe that an employer and employee can figure out their relationship unless every line of that relationship is written here in Washington. They do not even believe that a local mayor or school superintendent or a county commissioner can determine what the priorities are of that local community unless it is written here. The only thing they believe these local policymakers are for is to carry out, to be implementers of what is dictated to them from here. They believe that in this city we have embraced the fulfillment of all knowledge that is vacant and absent in the hinterland, on Main Street America. It has to be done here. This is where we get the right answers. This is how we know how to best run Hahira, GA. We know here better than they know there.

We have been engaged in a 2-year debate on this piece of legislation and a 2-year debate on health care reform. These two that I mention are classic—I mean classic examples of the idea that everything has to be done here, written here, for these unknowing people in America. They cannot figure these things out for themselves. We have to tell them when they can see a doctor, when they cannot see a doctor, what the benefits will be, what they will not be; do it for every company, do it for every family, do it for every individual, do it for every city, do it for every school board. Any group that happens to meet in the middle of the night, we are going to dictate how they are going to manage their health care benefits.

The same principles are embodied in this piece of legislation. I am going to allude to that in a moment as we run through the analysis of the legislation. But here again, we are gathered here in the Capitol, a handful of people, who can figure out how an election ought to be conducted, whether it is in Hahira, GA, or East Dade County, FL, Louisville, KY, or Anchorage, AK.

There is another group of people here, though, fortunately. I think their numbers are going to grow and grow and grow. This group of people feels the forefathers had it right when they invested enormous power in the individual citizen, in the American family, and local community leadership. I think they must have had it in their minds that decisions are best made by people who the next day have to look in the eye those affected. It is awfully easy to make decisions that affect people to whom you will never be held accountable.

So we have these two very, very different thoughts about how to govern the country. I see these two ideas conflicting, having this major confrontation whether it is on campaign finance reform or health care reform or many other subjects. So I want to set that out as a premise. I think that falls right into this arena because, you see, the two ideas take the country in very different places as we approach the new century.

With regard to the management of campaigns—and I have been in a lot of them—the principal overriding theory in my judgment that should govern and guide us in terms of understanding how to manage a campaign is disclosure. That should be the preeminent guide that concerns us. That we have done those things that make it possible for the American citizen to know what the campaign is doing, that should be the underlying premise of what we are doing. That goes back to the forefathers, you know. If the American people are educated and understand and know what is happening, they make good decisions—and they do and have. Believe it or not, they can still do it. They do not need us to tell them how to do everything; they really do not. Every now and then they even do it better than these folks up here.

But they do need to know the data, that is our principal responsibility: Who is contributing, how much are they contributing, and how is it being appropriated?

I know my folks in Georgia can decide whether they like those expenditures or not, or like who made the contributions or not. I am comfortable that they can make that decision better than whoever these folks are who are meeting, wherever they are meeting.

We should not be engaged in micromanaging the way campaigns are conducted, trying to determine every piece that is important or not, whether you are running in a primary in Alaska or general election runoff in Georgia, very decidedly different circumstances.

And absolutely verboten is that we should not be involved in subjugation. That is the most offensive element of this legislation. It was the most offensive element of all these health care proposals: Subjugation; subjugation. That is something right at the root of who we are as Americans. We do not like to be ordered how to do things.

We should not be engaged in the practice of telling people how they are going to do something. I will come back to it in a minute, but the very essence of public funding is an extension of subjugation. You see today in American elections, if an American wants to volunteer to contribute to a candidate, he or she may, they may throughout the whole process. They do not even have to vote. But public financing says, "You're going to contribute. We are going to reappropriate your money and we are going to give it to candidates that you may or may not support, that you may hold in contempt. You will no longer have this fundamental right as an American to participate or not participate. You're going to participate."

We talk about the sum of public financing. It is really not so important what the sum of it is. It is the subjugation that it represents.

I suppose everybody who has been in public office gets a letter from time to time that says, "Hey, I don't want my money spent on foreign aid." "I don't want my money spent over here." There is obviously no way you can manage that. That is always a hard letter to answer. But whether or not to participate in the support or not of a candidate for office is a fundamental right, and it is abrogated by the idea we are going to take your money and we are going to give it to all these candidates. Subjugation. We should not be engaged in subjugation.

We should not be engaged in mandates. We should not be engaged in mandates. This bill is loaded with mandates—mandates on citizens, mandates on candidates, mandates on States, mandates on any form of participation. Mandate, mandate, mandate. My heavens, if I have heard anything in the last 2 years, it has been stop doing that. Stop mandating. Stop ordering. Stop preempting States. Stop preempting my rights. Stop telling my company what to do. Stop mandating.

There must be four dozen bills in this Capitol as expressions of our concern, trying to respond to this electorate, saying you cannot mandate, you cannot mandate a local government. Mandates become part of every debate on this Senate floor. This is a $1 billion mandate, so we exempt it. Or it is a sense-of-the-Senate that we should not do this anymore.

Make the American people aware and they will make a proper decision. We do not have to micromanage this. We ought not to subjugate in the legislation, and we should not be extending the Federal mandates.

I heard part of it but I did not hear all of it so I asked to read, Madam President, the opening statement by the Senator from Massachusetts [Mr. KERRY]. It is interesting. He starts off:

> Pick up any newspaper in America today and you can read about the disrepute of this institution.

"This institution" means in this case, I think, the U.S. Congress, not just the U.S. Senate.

> I think anybody who understands what is happening in America must hear the roar of the oncoming tidal wave of dissatisfaction—

On that point, the Senator from Massachusetts and I are in total agreement. There is a roar, a thundering of dissatisfaction.

> that will hit the Congress if we do not respond to the felt need of citizens of this country to separate their public servants from money.

Mr. President, I suggest that what was causing the roar is our propensity to separate the money from our own citizens and try to manage it here. Money. Money is always a good question. The statement goes on to say:

> Money is polluting the entire trust, whatever is left of it, of the American people for the political process. After all, the first amendment is very clear about the rights of people to express their views.

And, indeed, Madam President, it is. It is absolutely clear about the rights of any citizen to express themselves and their views. It could not be more clear.

But he goes on to say:

> But this money should not be inserted directly into campaign after campaign.

Well, now, wait a minute. I did not see an addendum in the Constitution on that. I did not see an asterisk that dropped down and said, "But in the course of electing public servants, you are prohibited from expressing yourself."

Madam President, money is an expression of individual citizens, whether it is a 15-year-old who sends a campaign quarter or an individual business person who sends a Senate candidate $1,000. That is not what has alienated America.

We had a very interesting event that occurred just a couple of days ago. We had a 16-year incumbent in the House of Representatives who spent a quarter of a million dollars that had been donated to him, and he was defeated by a gentleman named Mr. Cooper who spent $19,000. We have a 16-year incumbent, a high profile Member of Congress, spends a quarter of a million dollars—that is a lot of money—and he was defeated by a man who spent $19,000. He is 71 years old, a retired school principal.

In my race, my opponent spent three times what I spent. But I got elected, he did not. Why is it the money—it says here that "* * * this money going into campaigns, and money is polluting the entire process."

The point I am making here, Madam President, is that the American people, given the facts, will know what to do. And you could have 3 times, or in this case 10 times, the money and you cannot thwart the knowledge and intelligence of the American people. They know what they are doing, in most cases. They make mistakes. Do not we all?

Why did not money pollute this process in Oklahoma, or why did it not happen in Georgia? This underlying premise that the American people do not know what they are doing and have to be told what to do is pretty arrogant. They do know what they are doing.

Disclosure. I opened with disclosure. You know, far more important than the money is just the knowledge of what is happening. We have a current event right here in Washington I wish to read. When you do not have disclosure, you have secrecy.

> The Clinton administration agreed last week to make—

This is from Tony Snow, a well-known syndicated columnist.

> public the full records of Hillary Rodham Clinton's health care task force, files it has tried to conceal for 15 months.

This is the kind of thing that bothers people. It is secrecy. It is lack of disclosure, something being held back from them so that they cannot make their own judgments. It is not campaign contributions. It is if something is being done that they do not know about. They want to know the facts.

> The White House said originally that about 500 people participated in the discussion sessions.

This is on another bill a lot like this one. But that was not right. There were 1,000 to 1,200 people there.

> The administration claimed that its consultants had been cleared as Government employees which meant that they had filed financial disclosure forms and conflict of interest documents and thus could talk in secret. But at least 357 participants never appeared on Federal payrolls. And only a handful completed the required financial documents.

This is the kind of thing that causes distrust. It is not people openly contributing, declaring what they have done, and filing what has been done. It is not the amount. It is whether something is fully disclosed or not.

I go back to my point. Disclosure is important. Management subjugation and the like, mandates are not.

Madam President, current analysis of this bill, I believe, if every American had a chance to review it, would be a revelation. As you go through it, you see the very thing that has been so upsetting to so many Americans. Let me just give you some examples. This attempts to set limits on spending because, as I said, it goes to the false premise that somehow the system has been polluted by the fact that people have been contributing to it.

Just as an aside, I had 11,000 contributors to my campaign—11,000. I thought they were honorable and honored citizens because everything I ever heard since I was about that high was you were supposed to participate; you were supposed to be active; you were supposed to be engaged; you were supposed to volunteer; you were supposed to work. That is the way I was trained. I was doing my duty. I remember walking up and down an alley as a 7-year-old kid carrying a sign for a political candidate.

This sets limits that would range, it says here—this is on the Senate side. Of course, since we do not have any idea what this secret document is, we do not know whether it is the Senate side or the House side or a third side. But it says as it left the Senate we had an $8.5 million level for a candidate from California which would range downward to $2 million, which would be a minimum for a small State. You do not have to be a rocket scientist. That means that per population in California the candidates could spend a quarter per average citizen but whereas in a small State you could spend $4.

Now, that is logical. That is the kind of thing that happens when you start trying to manage something that is too complicated and too diverse. But it goes on to say——

Mr. McCONNELL. Will the Senator just yield for a quick observation on that point?

Mr. COVERDELL. I certainly will.

Mr. McCONNELL. As a matter of fact, on a per capita basis, campaigns in California are rather inexpensive—on a per capita basis, as the Senator is pointing out.

Mr. COVERDELL. Well, this would put in cement an incongruous conclusion. Now, my guess is, Madam President—the Senator probably knows better than I—the reason they capped it at this $8 million figure was it would look bad. It would not look good, the figure would not look good if they made it the same as in the small States. I guess it would end up being something like $90 million or $60 million. So they could not do that. So they came up with this ratio that is totally illogical.

Mr. McCONNELL. If the Senator will yield, some pointy-headed campaign financial wonk—the Senator referred to a wonk a while ago—up here in Washington just decided what the level ought to be in California even though there are 30 million people to reach there. It is an arbitrary decision about, as the Senator indicated, what sounded like too much, which, of course, is patent nonsense.

Mr. COVERDELL. I am only on the first line. It goes on to say:

> Within those parameters, spending levels would be set by the following formula: 30 cents multiplied by the voting age population up to 4 million, and 25 cents multiplied by the voting age over 4 million.

Madam President, if this were not serious, this would be comical. I mean how in the world does one decide on a financial ratio that somehow says if you have over 4 million, you figure in 25 cents but for those under it is 30 cents.

It goes on, though:

> In New Jersey or any other State that has no more than 1 VHF television station, the formula would be 80 cents multiplied by the voting age population up to 4 million, 70 cents for each voting age person above that.

That must have come from MIT. I cannot imagine the intricacy that would have been necessary to conclude where you broke 30 cents to 25 cents, to 80 cents to 70 cents, if you are in New Jersey. If you are in New Jersey. I do not know if that means there are going to be more candidates running in New Jersey or not.

But it goes on:

> A primary election. The primary spending limit would be 67 percent of the general election limit or no more than $2.75 million. And in States that require a runoff—

I am familiar with that.

> where no candidate receives an absolute majority, the limit for the runoff would be 20 percent of the general election limit.

Whoever the wonk was that came up with this has never lived in a State where the primary election is the preeminent election, where you would reverse all these numbers, Madam President, and the substantial investment for the campaign ought to have occurred in the primary because that is where the real contest was going to occur.

Having been a product of a runoff, virtually just under half of our expenditures occurred in the runoff. Why is that? Because that is when the decision was going to be finally made. In the primaries there were five or seven candidates. And in the general election there were three. But in the runoff it was for keeps, and it was two. That is where the money was supposed to be.

According to this, the runoff was the least important. The primary in which I was almost defeated was the second least important. And the general election was the most important. How does anybody here know that? How in the world could anybody, any policymaker in this city, have determined that? We were right there.

We had three candidates that ended up in the primary that we had never known before. One of them got 25 percent of the vote. That was a big problem for us. Then a Libertarian got in who no one thought would get in. And to my predecessor's surprise, that meant there was going to be a runoff. I am sure it surprised him, too. Then we were in the real contest. I mean the big one. But according to this, it would be the little one.

Independent expenditures. I am still trying to figure out under current law how these operate. But this says that if an eligible candidate faced an adversarial independent campaign that spent $10,000 or more, his or her spending limit would rise dollar for dollar. I guess what they are trying to say here—I might have a question, if the Senator will yield, in just a moment—they are saying the limit, say, was $1 million and $1 million, and if somebody over here comes in from the side expressing themselves, as they have a right to do, then the campaign limit would change in order to allow the candidate room to respond to that.

Mr. McCONNELL. Not only the legislature, I say to my friend from Georgia, but the taxpayers would supply the money to the candidate to reply to the independent expenditure. The dilemma, of course, is determining whether the independent expenditure is for or against you. Let us assume that somebody came in as an independent expenditure and said, "We are here to thank Senator so and so for voting to increase taxes 10 times because it was in the best interest of the people of the State of Georgia." Is that an expenditure for or against that candidate? Somebody in Washington will have to decide who gets the dough to reply to this citizen's independent expression. Was it for or against the candidate? Somebody in Washington will have to determine.

Mr. COVERDELL. If the Senator will yield for a question, let us say a group of farmers in the southern part of my State suddenly got interested in something that a candidate was saying, and they decided they were going to run an ad. They were upset about it. In this case, it would probably be pretty clear whether it was for or against.

I agree with the Senator. Anything can happen in our country, and it will. And I cannot even imagine the process of deciding whether it was for or against with both candidates arguing both pro and con. But in this case it is clear. Are these farmers supposed to know that, if they participate in a campaign by running this ad, they have to get approval from Washington, that they have to file papers and bureaucratic apparatus in order to do what every American has been doing for the last 200 years?

Mr. McCONNELL. I say to my friend from Georgia, he is absolutely right. Under this bill they would have to, in effect, file a notification up here in advance, the net effect of which would be to ask the Government for permission to express themselves. After they expressed themselves, of course, they would be triggering tax dollars, certainly against their desire, for the candidate whom they spoke out against.

Mr. COVERDELL. Will the Senator yield? Let me see if the Senator from Kentucky will not agree. We are seeing this. I cannot tell the number of business people I meet that feel they are in an adversarial relationship with the Government. They cannot even keep up. There is no way for them to know. There is no way to know rules and regulations that we have been thrashing out of this city. The expectation that millions of Americans could understand that, to be a participant, they have suddenly fallen into this web of management and subjugation is almost beyond comprehension. Has the Senator from Kentucky seen in his discussions any proposed plan to give forewarning to the citizens of this country and the millions it would take to do that?

Mr. McCONNELL. I say, in response to the question, that I do not know how it could be possible to inform citizens that their free expression now can be exercised only after permission from Washington, and I think they would be astonished to know that the Government is going to subsidize the opponent of their views. The good news that I could give the Senator from Georgia is that this is blatantly unconstitutional.

Mr. COVERDELL. I have been trying to make the point.

Mr. McCONNELL. I have been listening very carefully to the Senator's speech, and I believe his principal point here is the arrogance of bureaucracy, the view that we know best.

Mr. COVERDELL. Absolutely.

Mr. McCONNELL. "Now, you people get out there and shut up, or if you insist on speaking, we are going to subsidize the person you are against." The arrogance of that is the point I believe the Senator from Georgia has been raising. I commend him for it. It is a truly outrageous and mercilessly unconstitutional proposal.

Mr. COVERDELL. It is the ultimate leading astray.

But there is a paragraph right behind this that I think is a clue to the thinking here.

Legal and accounting guidance. Spending for legal and accounting services to comply with Federal campaign laws would be exempt from Federal limits. In other words, there is already, even by the framers of this document, an understanding that you are going to have to have lawyers and accountants to defend you, to defend the citizen who is expressing himself, to unravel the reams of regulations that follow this that are already in existence. This is going to lead to an interesting premise because it is not going to be long before American business is up here saying that legal and accounting expenditures should be tax-exempt because they are fundamentally being forced upon them by the Federal Government. The acknowledgment is right here in black and white. You are going to have a whole lot of legal fees, and you are going to have a whole lot of accounting fees to unravel what we are doing to you.

This is interesting in the analysis. This is an interesting one, personal funds.

Personal funds. A complying candidate—that means a candidate who has been subjugated into this. Talk about if you want to be a noncomplying candidate, you are in for a real shock. But a complying candidate could contribute or lend his or her campaign no more than $25,000; contribute or lend no more than $25,000 during an election cycle. Contributions from family members would count against the limit, and candidates would be prohibited from raising money to pay off a personal loan after the election.

Madam President, I do not want to make a list, but there are a whole lot of people here that would not be here if there had been a curtailment of freedom of expression on an individual's decision on their own and their family to pursue public office.

Talk about a constitutional violation in terms of freedom of expression. We are now going to tell the individual—we are going to make up their minds for them on what they can and cannot contribute to their own campaign, the underlying premise here being—it is a pretty onerous thing here, because it suggests that somebody who has some means is probably evil in the first place, and they should be denied the ability to use their resources to express themselves as a candidate for public office.

I am reminded that years ago there was a dispute over zoning of an area in our State around a view of a river. All of the people that already lived there did not want anybody else to live there. So they wanted to zone it out so the only people that could live there were the ones who were already there. Here we go. A group of people here—dozens—who have contributed this or more, are now telling future candidates you cannot do that. We are going to change the rules. Lobbyists—we all know that is an evil word—would be prohibited—and who is a lobbyist? That gets into a long convoluted expression. A lobbyist would be prohibited from making contributions to or soliciting them from a candidate for a 1-year period from the date of contact with the Federal office holder.

Oh, my heavens, can you imagine trying to determine what that means? Does that mean they were on the same bus? Does it mean they had a discussion about a pertinent issue that affected their State or business? You could not contribute to that candidate if there had been contact with the candidate for the last year, or with an official, or staff assistant. You would now have to know of every contact that had been made almost between everybody, every person, and your staff—formal, professional, or social. We are going to have to have an army to police this.

Here is the important line, Madam President: "Contributors would be prohibited from lobbying the recipient of their contributions for 1 year after making the contribution." Contributors would be prohibited from lobbying the recipient of their contribution for 1 year after making the contribution.

So that means that a citizen who has contributed to the process—which we have all asked them to do—is then disenfranchised as a citizen for a year. They are no longer a citizen and they no longer have access. They are a citizen from Georgia, they are registered to vote and are told to participate in the campaign. They see good Government posters from the front to back of the State—public service announcements—that you need to participate and be engaged and contribute; but if you do, you are disenfranchised. You may no longer talk to that person for a year.

This is utter nonsense. It is reprehensible to disenfranchise somebody for participating, after we have fought and fought to cause them to be participants, trained them from the day they went into the first grade that it was their duty and honor to do so. But if you do, you have somehow become a vilified person.

We have made all these people who participate something less than good, and they ought not to be contacting their Government. I have never heard of such logic. I will read it one more time: "Contributors would be prohibited from lobbying"—now lobbying has become a vilified word, but it means discussing a matte—"the recipient of the contribution for a year * * *."

We have lost our bearings. A moment ago I was talking about the complying candidate and I said there is a real shocker if you are not a complying candidate. "Campaigns that do not agree to comply with spending limits and other Federal mandates"—mandates, subjugation—"will be required to pay the highest Federal corporate tax on all receipts."

Now the campaign poster will have bandit belts and bullets in the machine gun: You will comply, or else.

Does the Senator have a question? I would be pleased to yield.

Mr. McCONNELL. Yes, I have a question. Would the Senator not agree with the Senator from Kentucky that that is a tax on excess speech? If you speak too much, you have to pay the Government for permission, in effect, to speak too much, because spending is speech in this case. If you speak too much, you have to pay the Government—does the Senator agree—to speak beyond the Government-prescribed amount of speech?

Mr. COVERDELL. That is absolutely correct. Then they will take the money you paid them and use it against you. Mr. President, broadcast discounts. Television broadcasters will be required—not can, they are required, and we are back to the machine gun here—to sell advertising time to eligible candidates at 50 percent of the lowest rate for comparable time.

Madam President, this is unbelievable. Broadcasters will sell time to these candidates at half the rate for comparable time. Where are the printers? If I print the campaign brochures, should we not order them to do it for me for half price? What about the newspaper ads? Should they not be half price? What about the campaign buttons? The bumper stickers? The phone company? I do not know if any of you have been in one of these large Senate campaigns, but those phone bills are really big. There are hundreds of phones, and that is lots and lots of money. I think telephone companies should cut those rates in half. But, no, just the broadcasters. We can only think of this here. That is the thing we seem to see the most. So let us go after them. The broadcasters will sell it for half price, and we will ignore newspapers, printers, or any other vehicle of campaigns.

I talked about mandates and subjugation. This is both. They are mandating free enterprise to participate in the process whether they choose to or not. They are mandating the price at which it will be sold. And they are subjugating these institutions and the people they represent and their employees to a form whether they choose to participate or not.

This particular section goes against everything we know to be correct and right for our country. We do not order businesses what to do or when to do it or how to do it. We do not tell them what the prices ought to be. This is illogical.

In first grade, students would know this is not right if this were explained to them, that you could not pick one business out and leave the others alone. You pick broadcasters out but do not bother newspapers. You pick broadcasters out but not printers or telephone companies. Or what about the rent of the headquarters that you have across the State? Should you not get that at half price?

This is insanity and totally illogical, totally illogical.

Prohibitions read like something that ought to have been in the crime bill, Madam President. Prohibitions: The measure would specifically prohibit independent expenditures by the following—we have been talking a lot about constitutional protections and freedom of expressions. This measure would specifically prohibit an independent expenditure. That means an expression, a statement by an individual or group that made a contribution to a candidate for the same office.

In other words, if you had contributed to a candidate, if you had been part of the process, going back to what we have been trained to do, you forfeit outright, forfeit your constitutional right to express yourself if you chose to do so. It is gone. You are prohibited from doing that.

I do not believe this would stand up under constitutional law if this were ever to become law. Hopefully, it will not.

But what boggles my mind is that anybody in this Capital City would even write such language that would punish someone for having contributed, and because they contributed, you would deny them the constitutional right to express themselves. I cannot believe that language like that would be written into this Capitol.

You also lose your constitutional right to express yourself if you advised a candidate. I assume that would just include discussing or talking. I do not know what the definition of advise is, or how many bureaucrats or agents we have to have to determine what it is or how many court cases. That goes back to exempting lawyers and accountants. But if you advised a candidate or an agent of the candidate, what is that? Is that the family of the candidate? Is that Sunday church? Is that a staff member?

They met each other at a restaurant, sat down and had dinner, and talked about the campaign. They are an agent. They talked about the campaign. There goes your constitutional right; not his, but mine.

You then could not participate as an independent expression in that campaign.

You know, we have seen a number of charts about the health care bureaucracy. I believe when someone finally does a chart of a management of advice and consent, as embraced in this bill, they are going to have to outdo Senator SPECTER's charts.

I cannot imagine the process by which we would manage all these conversations. You know, in a campaign, in the heat of it, you are constantly in the presence of people advising you. In fact, one of the big tasks is to decide whose advice to take or whose to reject, because everybody knows how you ought to be doing it. Sorting it out is a major task.

You would have to carry a sign on your chest that says: Do not talk to me; you will lose your constitutional right.

Reporting requirements: Independent campaigns would be required to notify Federal and State officials within 48 hours of obligating to make expenditures aggregating more than $1,000 within 24 hours in the final 20 days.

Now, get this: First of all, you have to remember whether or not you had a conversation with the candidate, because if you did, you could not do this. But if you did not have a conversation with the candidate and you did do this, you would have to know that you have 48 hours to notify both State and Federal employees if it was over $1,000 and that occurred within 24 hours in the last 20 days of the campaign.

This is exactly what has caused revulsion across our land. We have done this to business. We have done this to counties. We have done it to cities. And now we are doing it to the election process.

You know what the bottom line is: People are going to say they cannot do anything in a campaign. They are going to be frightened by all this. They are going to say they cannot understand this. They could get in trouble just for participating, just for expressing themselves.

You will see some average citizens, before they get a campaign call, have to go talk to their lawyer to find out whether they can answer their phone.

Broadcasters—now this is an interesting one. An independent campaigner who has not talked to a candidate—or you could not be an independent campaigner—would have to notify a broadcaster of an intent to purchase advertising time. The station in turn would have to inform the other candidate, who would be permitted to purchase time to respond immediately afterwards.

So now the broadcaster is a referee. Not only does he have to sell the advertising for half what he thinks it is worth, but he has to have a monitoring device to find out whether he got a call from an independent candidate to assure the other candidate that he had the call to make sure that the other candidate could respond. This is a nightmare.

These are independent businesses; these are not extensions of Federal bureaucrats. These people, believe it or not, do not work for the Federal Government. They do not work for the Federal Government. They do not want to be referees of our campaigns, and ought not to be. The campaign has to determine what is happening out there.

The PRESIDING OFFICER (Ms. MIKULSKI). The time of the Senator from Georgia has expired.

The Senator from Kentucky.

Mr. McCONNELL. Madam President, I want to commend the Senator.

Mr. COVERDELL. I thank the Senator for the opportunity.

Mr. McCONNELL. I commend the Senator from Georgia for bringing a whole new perspective to this debate. It has been interesting today and instructive.

I doubt many colleagues on the other side of the aisle paid any attention. It would be instructive to them to have heard a number of speeches, particularly I think the speech of the Senator from Georgia outlining the obligation we are placing on the broadcasting industry to, in a sense, referee what is going on out there, in addition to helping pay for it by providing a deep discount, whether or not they are losing money. The station might well be losing money.

So I commend the Senator from Georgia for his speech. It was really outstanding, and I thank him again for his contribution.

Madam President, I see that the Senator from Montana is here, and I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Thank you, Madam President.

I appreciate the leadership and also the mentioning by our friend from Georgia about the radio and television broadcasters with regard to this issue. I come out of that business and it is tough enough making a living without the Government coming out and telling you what you can charge, the rates, or that you have to do certain things with regard to political campaigns.

Madam President, I welcome the opportunity to speak today on this issue of campaign finance reform. It seems like when we wind up in campaigns, everything is brought to light.

The last couple of months have been revealing to Americans, giving them a closeup look of how legislation is handled here. I think we tend to underestimate the American people when they start looking at the activity of Congress and how we handle legislation here. What they are seeing on C-SPAN today is very educational to America, and there are a lot more viewers of that than we tend to think there are. They have seen how Congress takes up 1,000-page bills that few have seen until they have been plopped on their desk and they say, "OK, we are going to start working on this legislation right now." One that comes to mind is the health care bill.

We have been through weekend marathon conferences trying to produce huge multibillion-dollar bills that Members then vote on with little or no time to consider what they are doing.

These last several weeks have driven home the saying that one really does not know how sausages or laws are made. Sometimes we are victims. Maybe we are standing too close to the sausage machine, because it has been said making laws is just like making sausage. Maybe the process is not too pretty, but the result sometimes is very good.

The health care bill that was forced upon the Senate this last August is a perfect example of how the system works. The bill that would have cost American taxpayers hundreds of billions of dollars, increased an already bloated bureaucracy, and let the Government choose your doctor, was thrown on my desk only after the Senate began debating it. I have been part of that task force for almost 3 years, studying this very issue of health care reform. It is not a very good way to do business, and one in which Congress has too often operated, in fact.

We have been challenged by those big bills from time to time. They say, "OK, we are going to vote right now." And, basically, that is what we do here.

The crime bill is another example of how we take responsible legislation and turn it into a Christmas tree adorned with ornaments, filled with huge sums of pork, a few goodies so we can get a few votes up and down the line.

I voted for the crime bill in the Senate, but opposed the conference report after the House conference added a little more, and we thought Christmas had come early. So, after all those provisions in the crime bill that we would have liked were stripped from the bill, it just made it so that it was impossible to support when the country really needed to address this business of crime.

Now, with little time left, Congress is taking up a bill that would have a dramatic impact on this country—more than you might guess—campaign finance.

Let me say from the beginning, Madam President, that this Senator wants to fix the system, but not on the backs of the taxpayer. For the nearly 6 years I have been in the Senate, I have been guided by a couple of principles. One, I have worked hard to fight against more repressive big Government, with its rules and regulations that stifle hard-working small businesses to provide jobs and economic opportunities for this country, because 98 percent of the businesses in this country are small businesses wanting to grow. And, two, I have worked very hard against Government spending and have opposed any and all tax increases because I think we are overly taxed—we just spend too much money—not because the people pay too little taxes, but because the Government really does spend it on some different things or different things as far as my priority list is concerned.

Madam President, the process has been flawed and the bills upon which the conference report has been modeled on are themselves flawed with shortcomings. The major components of this particular piece of legislation—spending limits and taxpayer financing—are flawed ideas with a proven record of failure in the Presidential system and, yes, even on the State level. Spending limits limit neither the total of spending nor the special interests. They do not take those folks out of the political arena.

I would like to quote a study by the Rockefeller Institute of Government.

> In every Presidential election since public funding, spending has gone up—with more and more of the money going off the books and underground. Off-the-book activities have become more prominent in every election since 1976. More importantly, all of these devices favor the well organized and the more powerful over smaller participants. What the limit seem to be doing, in other words, is encouraging the powerful to engage in subterfuge and legal gamesmanship. It is giving them an incentive to increase their influence in ways that are poorly disclosed. As a cure for cynicism or corruption, this really seems bizarre.

Those are not my words. Those are from the Rockefeller Institute of Government.

Madam President, majority party leaders in the Senate and House have been conferencing the campaign finance bills amongst themselves for the last 10 months. Most of the time, according to the reports, they were deadlocked among themselves. Over what? PAC limits; political action committee limits.

Evidently, after all its intraparty squabbling over PAC's, taxpayer financing, and the rest, majority party leaders have come to or are nearing an agreement, and now are ready to have a formal conference to ratify this fantastic product. There is no other explanation for waiting until the Congress is on the cusp of adjournment to appoint the conferees.

If the majority seriously wanted a bipartisan conference report, conferees would have been appointed months ago. These tactics are particularly unfortunate because they reinforce the perception that this campaign finance effort is not really about reform, but is, in fact, a partisan maneuver to rig the election laws to the majority party's advantage.

Not only that, but they want to go home after Congress adjourns and tell the American people how they have tried to reform the corrupt campaign system and take care of those big, bad special interests in Washington, but the Republicans would not let them. They are running scared, Madam President, because they know they know that to try and mitigate the losses they will occur this November, they have to go home with something that sounds good in a 30-second sound bite. They will try to tell the American people that the Republicans do not want to reform the system, they are beholden to special interest money, and they want politics as usual.

This may come as a shock to a lot of Americans, but if you have gone through these political campaigns before, you define special interests as those folks who support my opponent. It is on both sides.

Well, nothing could be further from the truth, as far as not wanting some reform. I, along with the rest of my colleagues, want to reform the system. But I will not do it at the expense of the taxpayers, the people who pull the wagon in my State of Montana. Montana money is better spent in Montana and not in Washington. I know my constituents do not want to see their hard-earned tax dollars going to elect folks that they know nothing about, or they are adamantly opposed to.

Bill Clinton went coast to coast in 1992 promising to "change welfare as we know it." Little did voters know that 2 years later that would mean expanding welfare to politicians through a brandnew entitlement program.

The Senate passed campaign finance bill, which I voted against, established taxpayer financial welfare for our political campaigns.

Both the House and Senate bills outline a set of conditions that, if met, would result in a host of goodies pouring in to a candidate. Let me name just a few: Communications vouchers—50 percent broadcast discount rates; mail discounts; matching funds to counteract independent expenditures; matching funds to counteract opponents who spend over the voluntary spending limit. After a nonparticipating candidate spends one penny over the imposed limit, their opponent would receive grants equal to one-third of the general election limit. If the nonparticipating candidate spent one cent over the limit, his or her opponent would receive another grant equal to one-third of the general election limit. The taxpayer-funded infusions to the eligible candidate would not cease if the nonparticipating candidate had spent twice the supposedly voluntary limit.

When you go through that in this piece of legislation—and the manager of this bill knows full well that it takes quite an attorney just to dig all this information out. Because if there was ever a bill where there is a lot of subterfuge, it is in this piece of legislation. It is very hard to understand.

This bill could be called The Field Of Dreams For Attorneys, when the campaign is all over, and we can see the flood of lawsuits that would come in with regard to that.

Mr. McCONNELL. Will the Senator yield for a question?

Mr. BURNS. I will yield for a question.

Mr. McCONNELL. The Senator was pointing out the new kinds of litigation created by this bill. It is almost reminiscent of the health care bill. I believe in the Clinton bill—correct me if I am wrong—were there not 16 causes of action in that bill, 16 new reasons to sue?

Mr. BURNS. That is correct. Also, I would say to my friend from Kentucky that under the penal code, the fines and forfeitures in that bill, if they were not dealt with by the patient or the provider, extends that much further as far as the legal exposure that one might have.

Mr. McCONNELL. Does it not seem to my friend from Montana that everything we are trying to do these days creates tons of new lawsuits so we can all go out and sue each other over every conceivable issue?

Mr. BURNS. I would remind my colleagues the law schools around the country are turning out a lot of folks right now. They have to find work. I, not being one—which I think at times is a disadvantage but most times it is an advantage—nonetheless, I think we are creating one of those fields of dreams here for that profession.

It is going to cost a lot of money. The American taxpayers will again have to foot the bill with regard to this piece of legislation. And, of course, with the program that Congress passes, the cost varies according to those who estimate it, and who do you believe when you are told about it? There are certainly a number of variables that need to be taken into consideration when trying to determine the cost. It is unclear because it depends on how many candidates there are and how many would choose to participate in the new entitlement program.

There are countless scenarios, when you look at it, all of which would change the price tag. Just think about a third party. For instance, look at what occurred at the Presidential level since 1966. Lyndon La Rouche has collected 2 million tax dollars as a Presidential candidate in elections since 1976. I just recently read that the Federal Election Commission, the FEC, has certified $568,435 in matching funds for the 1992 campaign Mr. LaRouche ran from prison. How about that? Surprised?

I have a great idea how to solve the problem of recurring crime in this country. Teach all the prisoners how to run for elected office as third-party candidates so they can qualify for matching funds. When they get out, they can collect their money, take a nice long vacation, take a little trip in the sun at the expense of the taxpayers of this country.

In congressional races, qualifying for taxpayer matching funds would be even easier, as support would need to be demonstrated in only a single State or district, rather than in 20 States as is required under the Presidential system. Does anyone doubt there will be an increase in third party or independent candidates, running with the aid of new taxpayer-funded entitlement programs? I do not think there is any question. I do not think that is even a fair question. The cost can and would be potentially astronomical.

It is difficult to predict how many candidates will be running for office in 1996 and in years to come. In 1992 there were 1,200 more congressional candidates running than there were in 1990, a tremendous increase that no one expected. If this trend continues, and it appears it might, many of these candidates would accept matching funds. I wonder how many of them would? How many independent or third party candidates would jump in because of the availability of tax dollars to fund campaigns?

All these are questions that have to be answered before you can go back home and look your constituents in the eye. When they say, "What have you done for me lately?" you can say I have developed another entitlement program for politicians.

The taxpayers are starting to catch on to the abuses and inadequacy of a taxpayer-funded Presidential system. That is why over the past two decades the vast majority of the American people chose not to say yes on their Federal tax return forms to designate $1 from taxes they already owe to go to the Presidential election campaign fund. I object to using tax dollars for campaigns, period. There is over $4.5 trillion in debt looming over this country, debt that our children will no doubt participate in paying off if they get the opportunity. It is unconscionable that Congress is seriously considering an entitlement program for politicians, spending hundreds of millions of dollars to prop up a loophole-laden spending limit system that would stifle political debate and competition.

If you do not think that can happen, I think it was 2 years ago—I have forgotten on what piece of legislation—but we know only 19 percent of the people in this country check off the dollar to go to the Presidential campaign pool. Only 19 percent. If this was such a good deal——

Mr. McCONNELL. Will the Senator yield?

Mr. BURNS. I will.

Mr. McCONNELL. It used to be 29. It is dropping steadily as people conclude they do not want to divert $1 of taxes they already owe to the Presidential campaign fund.

Mr. BURNS. The Senator makes a good point. But I think this continues to go down. In my State of Montana it is lower than that, it is under 15 percent. So I can already see what folks in my State think of the checkoff.

But I think there was some legislation—I have forgotten. I have a fantastic memory; it is just short. But a piece of legislation came through that would allow the FEC to borrow money—or at least owe against future collections—in order to shore up the Presidential pool. That sounds like deficit spending to me.

We see how it works in Government. I doubt it will work any better with the FEC, because I find those folks who are caretakers of somebody else's money are a little more careless than they would be if it was their own.

I can remember how brazen that was. I thought it was just absolutely an act of arrogance, and to think the American people would not complain about this and, of course, would never know anything about it.

Well, anyway, it did not happen. I think it would have been unconscionable if this body, if this U.S. Senate, had adopted it.

Last summer, just about every kind of tax one could imagine was floated by the President of the United States in his budget proposal—Btu tax, gas tax, value-added tax, national sales tax, Social Security benefits tax, higher inheritance tax, higher corporate tax, and even a health benefits tax. I do not know how many there are, but one of these days, they will come up with a new one.

Mr. BROWN. Will the distinguished Senator yield for a question?

Mr. BURNS. I will yield to my friend from Colorado for a question.

Mr. BROWN. I appreciate the Senator yielding some of his time for a question.

I just find myself amazed at the fact that this bill was passed, I believe, 10 months ago. In those 10 months—actually it is 15 months ago, I guess, by the Senate, that they have acted. Now, at the 11th hour of this session, it has been dragged out by months of periods when we have had no business on Mondays and Fridays, where we have not worked weekends, and it is brought forth by the leadership.

I wonder if my distinguished colleague thinks that after all these delays that it makes sense to bring this up at the 11th hour for the purpose of having the poor taxpayers subsidize the reelection of this Congress.

Mr. BURNS. I will tell my friend from Colorado that we know how much is in the hopper for legislation of every description, right? And that big hopper is like a funnel. Now it has to go through this last 2 weeks, which is the little end of the funnel. Every time we get into that—I sort of refer to it as the trading season. Under the passion of trying to get out of here, especially in an election year, it has a tendency to rush people to make sometimes a judgment that they would not ordinarily make under calmer conditions.

Mr. BROWN. That may be the reason for it. I just find myself amazed that we would be spending our time on this issue which the American people do not support; that is, subsidizing politicians and their campaigns, and we would not be debating the real issues of the day. I myself had an amendment with regard to Haiti that I wanted to offer. There apparently was no time to be allowed to offer that. I found, for example, this afternoon, that the Pentagon confirmed to my office that they had only issued 15 bullets to the service men and women from Fort Bragg that are stationed now in Haiti that are in harm's way, that are in a potential combat zone, they have only given each man and woman 15 rounds for their guns, some one-twelfth what the normal issue is. I find it incredible that at a point we have denied our military personnel the ability to defend themselves properly, that we would spend our time debating more subsidies to politicians.

Mr. BURNS. I think I would rather spend my time, Madam President, buying ammo for the protection of our fighting men and women in harm's way, rather than subsidizing campaigns.

There is no doubt about it—and given the choices, the American people—given the options and given the choices that they might have in this piece of legislation—will reject this. I think it is arrogance on our part to think they will not.

At no point in our Nation's history have we seen the level of zeal and creativity which this administration has dedicated itself to the question of taxing anything that breathes, moves or, yes, is even nailed down. Then the Senate put forth the ultimate tax, quite literally taxing the sound that came out of a campaign that resulted in spending over the campaign or spending over a campaign spending limit.

Under the speech tax, a campaign would have two choices: Be bound by voluntary spending limits or be taxed at the corporate rate, currently 35 percent, by the way, and everything takes on an all new meaning.

As always is the case, people will be asking how can you reform the system without placing additional burdens on the taxpayer. Last summer, I had an opportunity to vote on a number of provisions relating to campaign finance reform. Let me go over those, what we voted for.

I voted for amendments to the bill cutting the maximum amount of personal funds to a tenth of the previous limit. What did that do? That kept very wealthy people from buying a seat in the U.S. Senate or the House of Representatives. I supported applying the provisions of the bill to the upcoming election, which I myself am in right now, instead of the 1996 election. I supported the requirement that candidates who receive subsidies would undergo thorough audits.

I also supported capping out-of-State contributions tightly and limit taxpayer finance subsidies to $1 million, both of which were defeated. They were not defeated on this side of the aisle.

I am in a campaign now where I am sort of proud that I am setting all kinds of records with individual people in the State of Montana giving to my campaign. There are just a little over 800,000 people in the State of Montana; 9,000 of them have chosen to write a check to this campaign. There are only 475,000 voters. So it does not take a rocket scientist to figure out people will, individuals will, if limited or not limited.

I am one who says full disclosure does more to tell your constituents who you are than anything else. I mentioned earlier the Presidential system. Since 1976, there has been an increase in the amount of money spent that is off the books and goes underground. There, again, I am going by memory. I do not know when this system was reformed and the establishment of political action committees and the limits they were given, but it called for full disclosure. I think that kept some of this money in brown paper bags just coming over the transom. It was to stop that.

People wanted to know who was supporting our candidates. If you limit the amount the candidate can spend, let us say a total of a million dollars for a campaign, that independent expenditures would prove to be an even more attractive means for well-organized special interest organizations to elect the candidates of their choice. In fact, one interest could come into a State like Montana and almost buy themselves a seat.

Instead of letting individuals decide who is best to represent the spending limits, it would allow those groups we are trying to curtail to become really a predominant player in the election system.

That is right, under the majority party, spending limits gain while private citizens seeking to support candidates of their choice would be squeezed out of the process. And candidates would be constrained to spending limits. Labor unions and other special interests would be able to spend an unlimited amount to influence the outcome of elections.

It is sort of funny. I spent several years refereeing football. This time of the year I miss it. I often thought that some folks would challenge anybody for voluntary spending limits, for voluntarily raising money, without consideration that upon that agreement we would be operating out of two different kinds of rule books. I got to thinking about that. It would be just like the reason that 4 or 5 old fat guys wearing striped shirts can go on the field of play in football among 22 of the most hostile, mobile, heavily armored combatants and have very few problems in keeping civility on the field because of a rule book, and the rules are the same in every State—every State. That is why I can go to Wyoming or Idaho or Utah or Colorado and work that great sport and have very few problems, because they are the same everywhere.

So when we talk about just a State having a rule, maybe the outside influences do not play by those rules because they are not governed by those rules, and I think that is just as important for the challenger as it is for the incumbent to understand. That is, if you are going to do a good job in representing your constituency. Their activities would be the key to the success or failure of a particular candidate. They must be based on his personal character and how he represents his constituency rather than trying to explain what he had done as far as the FEC is concerned.

Furthermore, if the NAACP spent money to oppose David Duke in a campaign for Congress, the former Klansman could qualify under this bill for unlimited tax dollars to respond. Certainly better judgment could be used in other places.

Spending limits not only force campaign funds into independent expenditures and undisclosed and unregulated soft money—and we have heard that referred to sometimes as sewer money—they also impair the ability of challengers to successfully compete against incumbents. Proponents of spending limits cite statistics showing that incumbents usually outspend challengers. No argument there. That is a critical point. Thorough studies of election results and campaign spending over the last several cycles reveal that it is not necessary for challengers to spend more than or even as much as an incumbent in order to win.

The crucial point is that a challenger be able to spend enough to get his or her messages out and convince enough voters that it is time for a change. The amount a successful challenger must be able to spend is frequently more than the spending limits than the House or the Senate bills right now allow.

In 1992, the FEC-reported spending in congressional races was at $678 million. That comes out to about $3.63 per eligible voter across the country. That was a 52-percent increase in spending over 1990. That spending increase corresponded with a 68-percent increase in the number of candidates, just more people on the slate and in the field. There were 1,759 candidates for Congress in 1990 compared to 2,956 candidates in 1992. So some of these figures are kind of skewed because if you figure the cost per voter it was about the same.

So 1992 was an extraordinarily competitive year in politics— a cause and effect of increased campaign spending, a Presidential year. As any incumbent will tell you, 1994 is shaping up to be just as competitive this time around as any time in our recent history.

Most people would say that increased competition was a good thing. Understandably, many incumbents and the ruling majority may construe the same phenomenon as a bad thing especially when you talk about legislation such as we are looking at here in the Chamber.

So the campaign reform debate has focused on campaign spending. As has been stated, however, spending is not the problem. The fact is we spend far more on advertising yogurt in this country than on elections, yet there is a notion perpetuated that we are spending too much.

Funny, I am not a great fan of yogurt. Obviously, I am not a great fan of yogurt.

Implicit in the position is the assumption that spending is somehow corrupt, so we have for some years now seen a misguided drive for campaign spending limits.

Congressional campaign spending skyrocketed in 1992. So did voter turnout and congressional turnover. No other time in the history since I have been here, not since 1988 have we seen the turnover in the House of Representatives that we have seen in the last three cycles. So one would say maybe a factor that most people observe is that increased spending maybe brought out more voters and more turnover was made possible.

There are a couple of reasons for the opposition to spending limits. They limit free speech and they limit political participation and competition. Competition, that is what this country is based on, the free enterprise system. Should not, when a man or woman decides to run for political office, they be afforded the same rules? Because after all, it is probably not the person but it is the idea, the philosophy that folks are looking at that would best represent themselves and their views in their main halls of government, whether it be at the local level, State level, or Federal. I say it is pretty important at the local level, and if there is anybody in this body who understands the impact of local government it is my good friend from Kentucky, who is a product of local government. He understands unfunded mandates as well as anybody. And if there was one driving force why I got involved in national political office, it was because I was saying I was a county commissioner first.

We can stand on this floor of the Senate, television beaming down on us, everybody at home looking at you, but what we do here, we do not participate in the delivery of the services or what we do in legislation. Counties do. That is where the rubber hits the road. They administer the welfare. They build the roads. They provide the infrastructure of sewer and water and electricity. And yet we pass some silly laws we send down there that say you have to do it this way, and we do not send a check with it, knowing it costs a lot of money.

In my State of Montana, in 1986, we had a little initiative on the ballot called I.105. It prevented local government from increasing the mill levy or increasing taxes in order to cover the spending of local government. Of course, schools were affected by that. Schools grow. More kids come. The infrastructure of education is still controlled by the school board. Yet we could not levy more taxes so something had to give.

So what happens? You lay off people through attrition. You do a lot of imaginative things. There is one thing that you do not do. You do not go into your reserves. County government understands reserves because we only collect taxes—I do not know how it is in Kentucky. I would have to ask my friend from Kentucky. He probably only collected property taxes twice a year in order to carry through. Well, we collected it in Montana twice a year, and you had to have a reserve to get you from one to the other. You could only maintain a 30-percent reserve in each line item or each department. We did that in Yellowstone County, MT—I am proud of that—even under the conditions of I.105. But nonetheless, that is just as important there because in local government it is not so much a thing of philosophy. It is can you manage a fiscal budget of which you are the budgeteer and you are also the appropriator and you also sign the checks.

That is not a bad position. Given some thought, maybe we ought to go back to it. I do not know whether we can do that here or not. But when you talk about spending limits, particularly in this area that has the trappings of something a little undemocratic about it, involuntary or coerced spending limits are also unconstitutional because they are a de facto limit on free speech.

The big roadblock in limiting campaign spending is the first amendment which protects political speech. And the Supreme Court has determined that campaign spending, which is primarily for the purpose of communication, is analogous to speech.

The other roadblock in limiting spending is a reality that all Americans have a vested interest in the electoral process. There is nothing wrong with private citizens supporting candidates by contributing their hard earned dollars in accordance with the law in publicly disclosed and limited amounts.

What happens, Madam President, is that if we limit those things, those amounts, very imaginative and innovative folks will find ways to contribute to their candidate one way or the other ground or underground. This Senator prefers above ground and full disclosure. I think just about everybody else does too.

So a precise cost forecast is impossible because, first, there is no final bill; second, the variables—third party independent candidates, independent expenditures, and excessive spending counterbalancing—are unpredictable.

The Congressional Budget Office has estimated that it would cost $189 million in 1996 alone if both the House and Senate bills provided matching funds, and would increase to $203 million in 1998.

Proponents of reform have touted the Presidential Election Campaign Fund in place since 1976. However, a review of the Presidential system certainly does not argue in favor of a similar congressional system. The Presidential system has placed two major new burdens on taxpayers: FEC auditing enforcement, and fringe candidate proliferation.

So, Mr. President, the FEC audits of the 1988 campaigns were not completed until 1992. Enforcement proceedings rising out of those audits continue to this day. Of the 1992 Presidential campaigns, the FEC has not completed auditing five of them since 1992—the Bush, Clinton, Buchanan, Tsongas, and LaRouche campaigns.

To cope with the Senate and House-passed bills, FEC staff have estimated that the audit division would have to double in strength and the office of general counsel would have to increase by greater than 75 percent. Overall the FEC would need also a 50-percent budget increase.

I was around when Congress reregulated the cable industry. We thought there were some folks saying we have to regulate this thing. The rates are too high. Folks are a little arrogant out there. They do not service their customers very good. You do not have to take cable. It is sort of a voluntary thing. You can go out and buy it. You still have free over-the-air television and radio. But the rates were too high. Do you know what we did? We reregulated it.

Then I was here and I switched over and joined a committee called Appropriations. I never will forget when we came to the floor, when the FEC came to Congress, and said because you reregulated the cable industry we need $200 million more to write the rules and regulate it. So even the folks who did not want the cable, who did not want to pay for cable, the American taxpayer, are going to pay for cable anyway.

If that makes any common sense to you, then I guess I am riding the wrong horse, or something. But it seems like every time Congress tries to improve a system it costs more money. It costs more than it is worth. There is more work, and you are talking about the FEC, and a 50-percent increase in their budget. I just want the American people to think about that.

The majority proposals in both the Senate and House sought to model congressional elections on the Presidential system. The ultimate goal of the taxpayer spending limit proponents is to replicate the Presidential system for Congress 535 races; thousands of candidates. The only thing I can see out there on the horizon is more lawyers, more accountants, and more taxpayer auditors.

So, it will not require skilled lawyers to discover and exploit ways to get around the limits in the Senate or House-passed bill. There will be loopholes. They are there. Maybe we have not seen them yet. We have not found them. But I will tell you. They are there. They will be built in. They will render the limits meaningless for the well organized special interests. Just like I said before, special interests are defined as those folks who support my opponent.

The fact is these bills only selectively limit campaign spending. So to be fair, the Senate-passed bill is not exactly like the Presidential system of limits. Yes; like that system, the Senate bill would be expensive. And, like that system, the Senate bill will not work. It is unworkable. It will be a tangled mess of which we ourselves who serve in this body would not be able to sort it out on any given time plus the fact that it borders on being almost—and I am not real sure—unconstitutional.

So with the bill, the taxpayers not only would pay for the system that would not function as advertised, but they would pay for an assault on the first amendment of the Constitution.

So after years of pushing campaign finance bills designated as seizing the high ground on the reform issue while being secure in the knowledge that a Republican President would veto it, the majority party is now in the position of formulating a bill that they can live with.

Clearly, neither the House nor the Senate bills would reform the campaign finance system. Reform suggests improvement. If truth in labeling applied to this bill, I will tell you. We would have to take another look at it. Both of those bills would dramatically change the campaign finance system at a great cost to all taxpayers, even those who would choose not to participate in the political or the electoral process.

So, there is a bipartisan desire for campaign finance reform. Gridlock has stemmed from the majority party's insistence on roadblocks to reforms such as spending limits, taxpayer financing. In fact, the majority party itself has caused gridlock on this issue with the delay in resolving the PAC differences among its own Members. There is common ground on other campaign finance issues which could form as a basis of amicable reform, and as a basis of meaningful reform.

For the sake of the American people, for the restoration of some public esteem to this institution, I would hope that we would someday dispense with the taxpayer funded spending limits charade, and get on with the job of truly reforming campaign financing. Let us not put up a sham and call it a show.

I yield the floor.

Mr. McCONNELL. Madam President, I thank my distinguished friend from Montana for his important contribution to our effort to raise the public's awareness of what this bill is all about. He has made a significant contribution in that regard, and I commend him for taking the time to come over and give us his views on this legislation.

MEASURE READ FOR THE FIRST TIME—S. 2452

Mr. BOREN. Madam President, I understand that S. 2452, the Health Innovation Partnership Act, introduced earlier today by Senators GRAMM and HATFIELD is at the desk.

The PRESIDING OFFICER. The Senator is correct.

Mr. BOREN. I ask for its first reading.

The bill (S. 2452) was read for the first time.

Mr. BOREN. I now ask for its second reading.

Mr. McCONNELL. I Object.

The PRESIDING OFFICER. Objection is heard.

The bill will be read for the second time on the next legislative day.

RECESS UNTIL 10 P.M.

Mr. BOREN. Madam President, I ask unanimous consent that the Senate now stand in recess until the hour of 10 p.m. this evening, and that the time during the recess be charged against the 30 hours under rule XXII.

There being no objection, the Senate, at 7:02 p.m., recessed until 10 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. KERRY).

HOUSE OF REPRESENTATIVES CAMPAIGN SPENDING LIMIT AND ELECTION REFORM ACT OF 1993—MESSAGE FROM THE HOUSE

The Senate continued with the consideration of the message from the House.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. BOREN. Mr. President, I would like to briefly review the situation that confronts us and to explain to my colleagues how we came to this situation.

We have been working for some time in this body on the issue and question of campaign finance reform, a very important issue for the American people. The way that campaigns are financed has become a matter of increasing concern to the American people, affecting the trust that the people have in this institution as the costs of campaigns have continued to skyrocket.

Members of this body have had to spend more and more of their time raising money instead of dealing with the people's business. There is a perception that special interests have undue influence in a situation in which it requires so much money to run for public office in this country. And more and more of the money has not been coming from the people back home, the voters in the districts of those Members of Congress—the House Members and the Senators—but it has come from outside the boundaries even of the States which they represent. It has come more and more from political action committees, which give to incumbents in House races at the rate of 10 to 1, $10 to incumbents to every $1 to challengers and at the rate of 6 to 1 in Senate races, $6 to incumbents for every $1 to challengers. And every year the problem gets worse. In 1992, the amount of money spent on campaigns by candidates running for Congress, the House of Representatives and the Senate, in this country increased by 52 percent to $678 million.

This issue has not just been of concern recently, although I think concern continues to escalate as confidence in this institution continues to drop. Only 14 percent of the American people, according to the latest public opinion poll, now approve of the job that Congress is doing; 79 percent of the people when they look at the impact of money on the outcome of elections in this country, when they look at where the money is coming from, when they realize that the average American simply does not have the means to make large financial contributions to campaigns—79 percent look at these facts and say we do not believe that Congress represents or cares about people like us.

Earlier in the afternoon I listened to the debate and I restrained myself from entering this debate because I did not want to take up the time or to participate in a post-cloture filibuster, which is what is going on here; an effort to make it impossible, by stalling for time, for the Congress of the United States to have an opportunity to act on this important issue this year in spite of the fact that a bipartisan majority of 60 to 38 passed this bill in June of 1993. In spite of the fact that by a vote of 62 to 38 cloture was imposed on this legislation, allowing us to vote on it when it came through this body before with a bipartisan majority, we are now being prevented from voting because of a filibuster.

I restrained myself from entering into that debate because I think the American people need to know that this is not a debate. It is not being continued for the purpose of informing the American people or discussing the issue. This is a filibuster being staged for the purpose of preventing this Congress from acting on this important issue. But I do want to at least set one or two points in the record straight that have been made in the course of the debate today.

First of all, those on the other side who criticized the bill as it passed the Senate—there is not a bill yet to criticize in the conference because the conference committee has not even been allowed to meet, so the criticisms are of a hypothetical bill that is not yet even before us. It was said the effort to enact spending limits in campaigns was an "incumbents' protection plan." If there is any incumbents' protection plan, it is the law as it exists today, it is the current system. Why do I say that? This is not a matter for us to hypothesize about. The facts speak for themselves. In over 90 percent of the cases—and you can always find exceptions—in over 90 percent of the cases the candidate with the most money to spend in an election wins that election. Under the current system with no limits on spending, no limits on the amount of money that can be raised for campaigns, the average House Member raises five times as much as the average challenger and the average sitting Senator raises three times as much as the average challenger. As I mentioned, the PAC money flows in, not on a level playing field, not on an equal basis to incumbents and to challengers; it flows in to incumbents at a rate of 10 to 1.

If you ever had an unlevel playing field, if you ever had an incumbents' protection plan, it is the system which allows for no limits on the amount of money you can raise and spend in campaigns. Why? Because incumbents will always have an advantage when it comes to raising money. We are here. Incumbents chair the important committees and important subcommittees that affect the economic interests of large numbers of groups across this country who have formed political action committees and who pour money into campaigns by the tens and hundreds of millions of dollars.

So, as long as we have a system with no spending limits, the sky is the limit. The sky is the limit. We will have an incumbents' protection plan because of the advantages that incumbents have in raising unlimited amounts of money. Many incumbents would have been forced to have spent far less, millions of dollars less, in the last campaigns had the bill which passed the Senate been in place, a bill which puts on spending limits. Many incumbents would have been affected by the spending limits. Virtually no challengers were able to raise even the amount of money allowed under this law if passed.

So the idea that the bill we are presenting is an incumbents' protection plan simply will not stand the light of day. We are trying to give challengers a chance. As long as there is a system that puts no limit on spending and what the special interest groups can contribute to campaigns, challengers will never have an equal chance. And that is why it is so hard to get campaign finance reform passed, because the current system favors incumbents. Between 85 and 90 percent of all incumbents in the House and Senate were reelected in the last election cycle in spite of major discontent with the way that Congress had been conducting itself. And the reason is money, money, and more money—poured into the coffers of incumbents who use their large war chests to discourage and even frighten away challengers.

How often have we read those stories in the newspapers or seen them reported in the media: Sitting Senator, or sitting Congressman or Congresswoman, has a huge war chest; sitting on top of hundreds of thousands and even in some cases millions of dollars. And incumbents get out those stories in the media. They do it on purpose because they know it will frighten away challengers. And even if you have challengers who can perhaps match incumbents dollar for dollar inside the State where they live or inside the district they want to serve, they know that at the last minute hundreds of thousands of dollars can come pouring in from the political action committees from outside the State and overwhelm them. Why? Because they are new, they are trying to break into politics, they have new ideas, they want to come here to serve. And incumbents are already there; already with massive power in their own hands to affect the interest groups who pour in the money as a matter of insurance.

So the record speaks for itself. If the current plan does not favor incumbents when incumbents have five times as much money to spend on campaigns as challengers, if the current system does not favor incumbents when by a ratio of 10 to 1 the PAC money is going to incumbents, what in the world do we call a plan that favors incumbents?

The other thing I have to say is that I believe those who feel the expenditure of money is somehow the most important aspect of expression or free speech badly confuse what should be at the heart of the political debate. Yes, candidates should have sufficient access to the media to buy advertising, for example, to become well known. Yes, a challenger should have an opportunity to be able to advertise and present his or her views because incumbents have already had access, as has been said before, to the media—oftentimes using the perks that belong to sitting Members of Congress to gain access to the various media opportunities that we have here, the mass mailing privileges and other privileges.

But that does not mean that challengers are served by having no limits. Our bill does not limit in any unreasonable way the amount of access that people can have. But surely campaigns ought to be more about ideas. They ought to be more about qualifications than they are simply about which candidate has the most money. What have we come to in this country if we feel that campaigns should be decided on the basis of who can most effectively raise and spend money instead of on the basis of which candidate has the best ideas? The best concepts? The greatest vision? The strongest qualifications? The most ability? The strongest character to serve this country and to guide us into our future? We are not well served by a system which, in the eyes of more and more of the American people, is simply putting major offices under our political system on the auction block for sale to the highest bidder.

These are arguments that have not just been made today or this week. These are not arguments pro and con about the need to limit campaign spending—and that is at issue here. Those on the other side of the aisle who have criticized our proposal know full well that, because of a Supreme Court decision, we have to provide incentives in order to get candidates to voluntarily accept spending limits, to meet the standards set in the case of Buckley versus Valeo. This debate is not about whether or not we should have some incentives—for example, lower cost television time as we provide in this bill in order to keep any possible cost to the taxpayers to a minimum, or other incentives that are paid for by limiting deductions on lobbying and increasing lobby registration fees so we will not have any burden on the general taxpayers. That is not the issue in this bill.

The real issue is shall we put limits on overall campaign spending? How much spending is enough? Has the quality of American political life, has the functioning of this institution, has the performance of our duties as U.S. Senators improved because we increase the amount that we spend on campaigns each and every election cycle? I remember when I first came here we were spending an average of $600,000 per election for a victorious campaign for the U.S. Senate. Then it went to $2 million and then it went to $3 million and now it is almost at $4 million. And if you project out ahead 10 or 12 more years, it will be $8 million to $10 million to $12 million at the current rate of increase.

Often I speak at high school commencements. And when I urge those students to consider careers in public service because they are so satisfying, when I urge those students to invest their lives in a way that will help them make a difference, when I urge some of them to consider running for Congress or for U.S. Senator or for Governor, what I do not tell them—and I do not have the heart to tell them—is that along with preparing yourself, learning as much as you can, having a good heart, wanting to serve, having good ideas, having the energy to get out and campaign, you better start thinking about how you are going to raise the $6 million or $8 million or, by the time they are old enough to qualify to run for these offices, how they are going to raise the $12 million on the average they are going to need to run for the U.S. Senate.

I do not have the heart to tell them that. That is the issue. It must be stopped. This corrosive influence on our political system must be stopped. We can have adequate opportunity for candidates to have access to the media without requiring enormous amounts of money to run campaigns. We can allow more opportunities to challengers by having spending limits because it is the incumbents who are limited by spending limits, not the challengers. Most challengers do not have a hope of raising the amount of money allowed under this bill to run for office. Let us level the playing field.

So it is an important question. It is the question of restoring trust in this institution, trust in the Congress, a sense of trust and commitment between the people of our country and their own Government. It should belong to them. The debate has been going on now for a long, long time. As I indicated we do not need more time to debate this. Surely we do not need more time to debate before the conference committee has a chance to present a bill to us that we can debate. We do not know all the details of the bill which might come out of the conference because the conference committee is not now being allowed to meet. But we debated these same issues. I can almost repeat word for word like a catechism the arguments made on the other side and the arguments that many are going to make in response because we have been going through this now for at least 11 years that I know about.

In 1983 Senator Goldwater and I first introduced our bipartisan proposal to try to reduce campaign spending and the influence of political action committees on the American political process. In 1983, and every single year thereafter, that legislation or similar legislation has been reintroduced. It has passed one House or the other. We have had long debates in the night. We had a record number of cloture votes during the leadership of Senator BYRD who tried to bring the debate to a conclusion. We debated, and we debated, and debated. We have had filibuster after filibuster. When we finally passed a similar bill through both Houses it was vetoed by the President.

Now we have passed a similar bill again through both Houses of the Congress and now we are simply seeking the right for the House and Senate to sit down together and see if they can work out a bill that will be acceptable to a bipartisan majority of both Houses. And in our informal discussions with the House leadership those from the Senate have continuously said we do not want a partisan bill; we do not want a bill that will not keep faith with those Members of the other party who voted to send this bill forward. We want a bill that will keep faith with those amendments which they offered and those principles for which they stood and we do not seek a bill to give partisan advantage simply to either side.

Mr. President, since we have been debating these issues for 12 years, 11 or 12 years, since year after year after year we have spent many hours, hundreds of hours debating this subject. Why then are we here tonight at 10:20 in the evening poised to go all night long debating it again? Is it to inform the American people after 11 years of debate and hundreds of hours of talking and cloture vote after cloture vote and filibuster after filibuster? The American people have not been placed on some diet, some factual diet when it comes to information about this issue. If anything, they are suffering from indigestion from too much political rhetoric and too much arguing for too many years and not enough deciding.

The American people are fed up with this talking about things instead of doing something about the problems that we have. No, it is obviously not for debate. Then what is the purpose? Here is the situation we are in. Normally in the Senate, in almost every situation that I can remember during my 16 years here when we have a difference of opinion between the House and the Senate on a pending bill, the majority leader is given the authority on the basis of a unanimous-consent request—this has happened in 99.9 percent of the cases—to state to the House that we disagree with their amendments, that we want to have a conference with them and then to appoint conferees to see if they can work out a reasonable bill. If they cannot, when this conference committee report comes back over here, we have the right to debate it. We will have all the details before us then. We will know exactly what the conference committee decided. We will debate it then. That is when we should debate it. Those that are opposed to it have a right to filibuster at that point. Unless we can muster 60 votes to bring the debate to a conclusion it will never come to a vote. And even then there is a right of 30 hours of debate after cloture is imposed on a conference committee report.

Mr. President, clearly there will be a full and adequate opportunity to debate any bill that comes out of conference if any bill does come. Clearly there will be every right available to those who oppose this bill to oppose cloture. If they lose on cloture, then to debate every single aspect for at least 30 more hours of this bill so that the American people can follow it in great detail.

What is happening here, Mr. President, in a very unusual step, those who have opposed this measure, although they are in the minority, although they are not even 40, certainly there are 60 votes—there were 60 votes to pass this bill, and 62 votes to impose cloture when it first came through the Senator to the Senate—they are now filibustering the motion to disagree with the House amendments, the very amendments they themselves have criticized, amendments which allow PAC's to give more money, amendments which allow soft money, amendments which allow more public financing, amendments which allow incumbents to carry over war chests. If we were voting on the merits of whether or not we agree with the House amendments, I do not think there would be 10 people say they prefer the House bill to the Senate bill.

So what are we doing here? Why is there an attempt to block our opportunity to vote on a motion which says we do not like the House amendments? They are not popular on either side of the aisle in this body. There is an effort being made to prevent us from voting on that motion because of the feeling and the desire on the part of those who are making us debate at this moment and appearing on this filibuster that they do not want anything to pass. We had a vote. Well over 90 Senators voted for cloture. But now we are going to have a postcloture filibuster with 30 more hours of debate.

And those who have forced us into this 30 additional hours of debate know that next the majority leader must come forward and say he moves to request a conference with the House. And that is subject to filibuster. He will have to wait 2 days to file a motion for cloture on that motion. And then, if cloture is invoked by an overwhelming majority of this Senate, there is still the right for 30 more hours of debate after the majority have said we want to bring the debate to a close.

So we are up to 60 hours. And then there is another motion that has to be made under our rules. Mr. President, it is always done; nearly always done by unanimous consent with no debate, and no time wasted. That is the motion to authorize the appointment of conferees. So the Senate can be represented in a meeting with the House. And that motion is subject to being filibustered and a cloture motion has to be filed after 2 days. Then if cloture is invoked, there is a right for 30 more hours of debate.

So you have 30 hours, 60 hours, 90 hours, 48 more hours with 2 days in between, twice, 96 more hours, 186 hours. Then, Mr. President, after 186 hours or perhaps a few more added in for other procedural delays, maybe 190 hours, we will have the right, Mr. President, to sit down with the Members of the House of Representatives to see whether or not we can work out a bill acceptable to both Houses and to a bipartisan majority; 190 hours.

Mr. President, if we are then successful in working out a proposal that is fair and is just and deals with this problem on the massive amount of money being poured into campaigns, then we have to bring that proposal back to the Senate of the United States. And the motion to proceed to that conference report I believe can be filibustered. Then you have to have cloture. Then you have to have a vote. Then you vote on whether or not to pass the conference report. That is subject to filibuster, and that subject to the need to file a motion for cloture, and that is subject, even if you invoke cloture, to 30 more hours of debate on the conference report itself.

Mr. President, everyone here knows that the Senate plans to complete action hopefully on the 7th of October and adjourn for the year. You start adding up that 30 hours, 60 hours, 90 hours, 190 hours, 220 hours, another 24 hours to file a cloture motion, 250 hours, 260 hours.

Now, Mr. President, does anyone really believe that all of this is going on because there is a feeling after 11 long years of debate on this issue, 11 long years, does anyone really believe with a straight face that we are here tonight because of a desire for the American people to hear more debate on this subject? We are here tonight because of a determination of a minority of Members in this Senate to block the possibility that any action will occur on this bill this year. It is a filibuster, pure and simple.

When people go to a football game and it gets down to the final few minutes, and the team that is ahead has the ball, and they run out the clock by simply having the ball put into play and falling on it immediately in order to maximize the amount of time running on the clock, there is not anybody in the stands who believes that that team is trying to score. There is not anybody that knows the rule of football that does not know that team is running out the clock.

Now, Mr. President, we are all adults here. We know what is going on. There is an effort to run out the clock with procedural delays to prevent action on a bill. Why would anyone do that? Mr. President, it seems to be happening on a number of issues. It is very disturbing to me.

I do not make this comment as partisan. This Senator as everyone knows is not partisan. This Senator was one of two Democrats in this body that voted for the confirmation of Mr. Bork to be on the Supreme Court; severely criticized by his own party for doing so. This Senator was one of the handful of Senators on this side of the aisle that voted against the stimulus package, that voted against the budget proposed by this administration. Why? Because I did not think it was right. Time and time again I have been willing to break ranks with my own party to do what I thought was right.

I do not believe we are sent here to be Democrats or Republicans first. I greatly admired the late Speaker Sam Rayburn. I knew him as a child. He was a great Democrat. But he defined being a great Democrat by saying, "If you are going to be a great Democrat, you first have to be a great American." I would say if we are going to be a great Republican or a great Democrat we first have to be a great American. You have to love your country. You have to put it first.

We are not here for the purpose of scoring political points. We should not be. We should be here for the purpose of doing the Nation's business and allowing important issues to be decided, and thinking about what we are going to say to the next generation the next time we make a high school commencement address about how much money they are going to have to plan to raise from which interest groups in order to have a chance to render public service as Members of the U.S. Congress. That is what we ought to be concerned about, Mr. President. There is an effort here to run out the clock. Why? Why does there seem to be a pattern developing here of running out the clock on almost every important issue that is still before us?

Could it be, Mr. President, that there are those who for partisan advantage do not want the Congress to accomplish much this year, so that they can go to the people and say the Democratic Congress could not get much done in spite of the fact that they have a President and a majority in both Houses?

Well, if you wanted to make that argument, Mr. President, one of the things you might do is run out the clock on important issues so you cannot get them decided. I say this as perhaps one of the most nonpartisan people in this Senate, perhaps one of the most criticized Members of the Senate on this side of the aisle for not standing up for my party often enough. But let us call a spade a spade. They are running out the clock on this bill, and on the desert bill, and on every other bill you can think about so that this Congress will not have a record of positive accomplishment.

Well, Mr. President, I do not believe in that. I do not believe in strategies of running out the clock for partisan advantage, cheating the American people and the majority of the Congress of the right to decide important issues. I do not believe in playing those kinds of games.

And I will tell you something else, Mr. President. The American people are intelligent. The American people know what is going on. One of the reasons that too many politicians are in trouble today is they have underestimated the common sense, the understanding, and the patriotism of the American people. They are way ahead of us most of the time. We struggle to catch up with their good will, their common sense and their patriotism. And they do not like tactics of running out the clock.

Give us a chance, I would plead with my colleagues on the other side of the aisle, just give us a chance. This Senator will not bring a bill back here out of the conference committee, if we have a chance to meet in the conference committee, that breaks faith with those Members on the other side of the aisle who supported passage of this bill in this body in the first place. This Senator will not knowingly bring a bill back ever on a subject of this kind, on the subject of the electoral process of this country that seeks to provide advantage to my party over the other party. I will not do that. I do not believe in that. Nor do I believe my colleagues who have been working with me on this bill would do it either.

Give us a chance. That is all we are saying. Give us a chance. I asked today could we not just vote on these two motions to reject the House amendments which are clearly amendments that nobody agrees with on this side of the Capitol, in both parties, and then vote on the motion to request a conference. And then let us come before all of us and say, if we go to conference, here is what we think the general framework of the agreement might be. And then if those on the other side of the aisle and those who oppose this bill feel that that is totally unacceptable, if those Republican Senators, for example, who voted to send this bill forward in the process say it is unacceptable, the principles we believe in have not been followed, then they can vote against the motion to appoint conferees. They can even still block us from going to conference.

But why put us through 30 hours, 60 hours, 48 hours for 2 more days to lay down cloture motions. Why put us through over 100 hours of running out the clock? Why not let us have a chance to sit down on an important matter like this and see, see if we can work out a bill that will be fair. It is too important to play politics with it, too important to seek partisan advantage with it, and it should not happen that way.

Let the record reflect, let the record reflect that if it is reported that this Congress ends without the passage of a meaningful campaign finance reform bill, let it be clear where the responsibility rests. If we make a good-faith effort and we sit down in a conference committee and we cannot reach an agreement either between House Democrats and Senate Democrats or if we cannot reach an agreement after honest effort between Members of the House and Members of the Senate of both parties on this bill, then responsibility can rest with us; we tried but we fell short.

If we are not even given an opportunity to try, Mr. President, if we are not even given an opportunity to try because of the tactics of those who want to run out the clock, using every parliamentary trick in the book, then let the record show that the responsibility for the lack of success and the lack of action in this Congress on this major issue rests with those who use the tactic of running out the clock and only with those who use the tactic of running out the clock. They deserve the responsibility, and they deserve to be judged by it. They deserve to be judged on the basis that they would not even let us try, that they would not even let us have a vote on a product, on an effort to try to solve a serious problem at the heart of our political process.

So that is why we are here. For any of the American people who are watching us on C-SPAN, that is why we are here. We are here because of partisan politics. We are here playing political games. We are here using procedures to run out the clock at a time when only 14 percent of the American people have confidence in us in the first place, at a time when the American people are more nonpartisan than they have ever been, at a time when the American people say to us behave like adults, quit being Democrats and Republicans, work together, try to find common ground, be fair with each other.

In most places, most communities, when you have something to work out or a decision to make, you sit down. You debate it. You thrash it out. And finally you vote. You decide it. You do not go through cloture rules on motions to reject amendments and 30 hours of postcloture filibuster and 2 more days and more cloture votes and more filibusters and 30 more hours of postcloture filibuster and another motion and another 30 hours. The American people look at us and they ask, why cannot you people ever get anything done in Washington? Why do you just talk about things instead of solving problems?

Well, as usual, the people are not all wrong. And I know one thing about this. The people are not fooled. When they tune in 20 minutes to 11 and perhaps they will tune in again at 3 a.m. or 5 a.m.—I do not know how long it will take—or 6 o'clock tomorrow morning, or maybe they will sit with us all through the whole 30 hours of continuous session of the Senate as we try to run out the clock, those opposed to action try to run out the clock so we cannot have an opportunity to see if we can put something together, they will not be fooled. The American people will see through it. They will understand the strategy of filibusters and postcloture filibusters. They will understand what it means to run out the clock. They have seen it on ESPN. They see it nearly every football Saturday or Sunday. They know what it means to try to run out the clock and prevent anything from changing in the game.

Now, Mr. President, I am prepared to vote on this motion now. I do not know why we cannot go ahead and vote on this motion now, vote on the additional procedural motion now. Let us come back and in the light of day openly lay out what we think the framework of a conference might be, if we can get enough agreement to have a conference. If we cannot, that is our fault. Maybe we cannot. If we cannot, if we fail, that responsibility is ours. But give us the opportunity at least to try even if we fail.

Mr. President, I just simply want to say that if we are into a filibuster and therefore if the floor is left without those seeking to debate, the question will be put and the vote will be taken. If procedural attempts are made to kill time with quorum calls, those quorums will go live and we will have votes, not because we want to be unreasonable but simply because we think it is time to get on with the Nation's business and stop that old football strategy of running out the clock with postcloture filibusters so that those who want to criticize this Congress can go back at the end of it and say, see, I told you so; this Congress has no achievements. This Congress did not solve this problem.

Well, Mr. President, those who are trying to run out the clock will bear the responsibility and they will certainly have the clear understanding of the American people who know what is going on here.

I yield the floor.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. I thank my good friend from Oklahoma for coming over and using up 40 minutes of our time. At any point during the course of the evening, if he would like to join this debate, we would be happy to have him. Time is certainly available should he want to use any of it. And I would encourage him to enter the debate once again.

Senator GORTON has been waiting patiently in the Chamber. He like I, of course, know what this debate is about, about stopping taxpayer funding of elections. That is what is trying to be perpetrated here in the 11th hour of this Congress, and we are happy to discuss it tonight and at any other time.

Mr. President, seeing Senator GORTON here, I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, S. 3, the Senate version of changes in campaign laws, was passed by this body in June 1993, at least 15 months ago. The House proposal on this subject was passed in November 1993, 10 months ago—well over 1 day for every hour that this set of proposals may be debated.

Now, under normal processes in this Senate, on bills dealing with the substance of the law, a conference committee is appointed within hours, or at the most a few days after the second House of Congress has passed a bill on the same subject. The conference committee is appointed in order to attempt to reconcile the differences between those two bills. Generally, the composition of the conference committee reflects the party ratios in the two Houses. But this bill is not a bill of normal, ordinary substantive law. This is a bill about the way, the methods, the rules surrounding candidacy for office in the House of Representatives or the Senate. And as such it is of great interest to each Member, and it is, of course, most tempting on the part of any majority party to rewrite those rules to its own benefit.

Mr. President, I believe firmly that is the reason that for 10 months after the passage of the House version of this bill no attempt was made to appoint conferees from both parties to discuss the subject. The majority party in each House made a conscious decision that before a conference committee was appointed a handful of Members of each House from the majority party only, behind closed doors and informal rather than formal meetings, would determine what was best for that party in its attempt to change laws relating to elections. Unfortunately, unfortunately for that partisan process, members of the majority party in each House had profound differences as to what changes would be most advantageous to members of those parties in the two Houses of Congress.

But on one issue they were resolved. Members of the minority party would not be consulted in that process, and it is for that reason, and for that reason only, that we are here this evening. The distinguished junior Senator from Kentucky, who has not only spent countless hours, days, and months on this issue, but is clearly an acknowledged expert on the details of these bills and on their impact on the political process, was clearly not wanted in any of those discussions.

We are here now late in this session of Congress to appoint a conference committee for purely formal activities. That conference committee will be called upon to meet only once and only after the majority party in each House has determined to the last comma what is to be included in the bill presented to both Houses of Congress for final passage, and it is for that reason, and that reason only, that we are here.

Had the majority party been willing to consider the views of the great bulk of the Members of the minority party in either House, this conference committee would have been appointed 10 months ago and almost certainly would have completed its work in a relatively short period of time after that appointment.

The distinguished senior Senator from Oklahoma has spoken about not losing faith with his bipartisan majority. What that means is with a tiny handful of Members from this side of the aisle who, for one reason or another, were willing to agree with the original S. 3 that passed the Senate, no serious consultations have ever been undertaken with the leadership of this party or with the distinguished junior Senator from Kentucky.

It is the firm belief of this Senator that the greatly needed and intensely sought for appropriate neutral bipartisan reform of our election campaign laws will only occur when the effort is truly bipartisan in nature; that is to say, when it represents the considered views of the majority of Members of each party in each House of Congress and when the ultimate product imposes the same rules upon Members of both Houses of Congress, unlike the bizarre creature which is certain to result from the conference committee sought by the senior Senator from Oklahoma which will create radically different rules for elections conducted for Members of each of the two Houses of the Congress of the United States.

No such truly bipartisan consultations were undertaken in the last Congress. No such truly bipartisan consultations have taken place during the course of this Congress and, as a result, it is impossible to conceive that the conference committee sought here would deal fairly, dispassionately and in a bipartisan or nonpartisan fashion with the issue that is before us in the course of these bills.

Mr. President, I intend to return to this subject to discuss the blatant unconstitutionality of the bill which was passed some 15 months ago by the Senate, as well as its obvious unfairness during the course of the next number of minutes. But I do have one, two, three other subjects which I feel to be urgent and which I intend to speak to at the present time.

DISASTROUS FOREST FIRES

One of those concerns the disastrous forest fires in the States of Washington, Oregon, Idaho, and Montana during the course of a long, dry, hot summer.

Mr. President, during the course of this past summer, forest fires have burned more than 3 million acres of land in the Western United States, double the number of acres burned in the previous year. In Washington State alone, hundreds of thousands of acres of forest lands have burned. These fires created an emergency situation in my State of Washington and in the other three affected States as well.

Let me reiterate and reemphasize that this is an emergency situation, one which deserves an emergency response. You have only to talk to the people who live in the areas of my State destroyed by these fires to understand why the Federal Government must immediately begin to restore the health of our forests. Let me give you an example of how important this issue is to people in the State of Washington.

I received a letter from the Okanogan County commissioners recently, and it reads in part:

> The recent forest and range fires that burned thousands of acres in north central and central Washington have had a devastating effect on local economies. The Okanogan County board of commissioners urges a quick response to save the economic value of these fire-damaged timber stands. Deterioration of these damaged areas begins immediately, so timing is very important. We request fire damage timber be harvested on a select-cut basis and restoration begin as soon as reasonable.

Mr. President, these are the words of the Okanogan County commissioners. It is hard to miss the urgency of their message, and it is this message of urgency that I heard from community leaders across the fire-ravaged areas of my State of Washington. The message to the Federal Government is clear and cogent: Get in quickly, get up the fuel load, conduct the salvage operations, and restore the health of our forests.

I say with some gratification and relief that administration officials, especially those in the U.S. Forest Service itself, after touring burned areas in my State, publicly stated that the Forest Service itself must begin to address forest health issues, specifically thinning, salvaging, and prescribed burning.

I say this with relief because almost the total direction of the U.S. Forest Service in this administration has been to restrict, to cut back on, to eliminate harvesting, or even the salvage of dead and downed timber in the national forests of the State.

This summer, however, was a wakeup call to the Forest Service, just as it has been, most regrettably, to the people of the Northwest States.

In any event, Jim Lyons, Assistant Secretary of Agriculture for Natural Resources and Environment is quoted in an August 13, 1994, Seattle Post Intelligencer article as saying:

> Forest management, rather than being the evil as some would portray, can be used to improve forest health.

Lyons went on to say that he "is also pushing for increased thinning and salvaging of downed timber."

Forest Chief Jack Ward Thomas has echoed the statements made by Mr. Lyons.

Yesterday, in written response to a request from the Speaker of the House, TOM FOLEY, Assistant Secretary Lyons again spelled out the administration's strong commitment to conducting salvaging and thinning operations to restore forest health. And I wish to share that letter with the Senate:

> Dear Mr. Speaker, thank you for expressing your concern about the current condition of our western national forests. I share your concern and sense of urgency about this situation in the West. The wild fires affecting Eastern Washington and other Western States are symptomatic of the excessive fuels——

Mr. BOREN addressed the Chair.

Mr. GORTON. "In areas of the region"——

Mr. BOREN addressed the Chair.

The PRESIDING OFFICER. Will the Senator desist?

Mr. MCCONNELL. The Senator from Washington has the floor. Does the Senator from Washington yield the floor?

Mr. GORTON. I have not yielded the floor.

Mr. MCCONNELL. The Senator from Washington has the floor.

The PRESIDING OFFICER. The Senator from Washington has the floor.

Mr. GORTON. "I wanted to reassure you that I have taken aggressive actions to deal with the situation."

Mr. BOREN. Mr. President, I rise to call for the regular order of debate.

The PRESIDING OFFICER. The Senator from Oklahoma is correct for calling for the regular order of debate. Under the rules and precedents of the Senate, postcloture debate must be germane, and the Senator from Washington is not speaking to the subject of the debate.

The Senator from Washington does have the floor. But his comments must be, in the precedents of the Senate, on the subject of the debate.

Mr. GORTON. Mr. President, as I said just a few moments ago, the first and overwhelming objection to the proposals before us at the present time have to do with the blatant unconstitutionality, not only of S. 3 but of its House counterpart. And because we are discussing questions and issues related to the exercise of political debate, debate which is at the heart of the first amendment that guarantees freedom of speech, it seems to this Senator that we should start by examining the constitutional implications of the bills proposed and considered here this evening.

This issue is so central to myriad problems created by the bill passed by the majority party that it merits substantial and extended attention. I want my distinguished colleagues and the American people truly to understand all the abysmal and unconstitutional provisions that this body has already passed and which are undoubtedly to be included because they are central to the designs of the majority included in any future bill that comes before this Congress.

In 1976, the Supreme Court decided a case entitled Buckley versus Valeo. In that Buckley decision, the Supreme Court reviewed the constitutionality of the Federal Election Campaign Act under the constitutional portions under which we live today.

That act concerned the election of the President, the Vice President, and Members of both Houses of Congress. A large group of disparate plaintiffs attacked one or more portions of that law: The American Civil Liberties Union, the Conservative Union, the Libertarian Party, and a number of others.

Their principal challenges revolved around the mandated spending limits which were included in that bill. And it is, of course, the attempt by indirection to mandate spending limits which is at the heart of these present proposals and, certainly, is central to the arguments of the senior Senator from Oklahoma.

But, in 1976, the Supreme Court struck down the Presidential campaign system as unconstitutional and with it similar limits on spending for congressional races. The Supreme Court determined that campaign spending, which is primarily for the purpose of communication with constituents, is analogous to speech. The Supreme Court said that campaign spending is speech. This is a vitally important point.

Speech, as we all remember from elementary school on, is protected by the first amendment to the Constitution. The essential holding of the Supreme Court in Buckley versus Valeo was that mandated spending limits, limits on campaign spending, amounted to limiting speech. They restrict the total amount of speech available to candidates by limiting what each candidate can spend on communication. They ration speech. That was an attempt on the part of the Government of the United States to ration free speech.

The Court inevitably concluded that spending limits by themselves are unconstitutional. Congress cannot, the Court said, force candidates to spend—or rather to speak—in only rationed amounts. In that decision, however, the Court found it to be constitutional for the Government to entice candidates through the provision of subsidies into accepting spending limits. Notice the difference: Candidates cannot be forced into accepting rationed speech but can freely choose to limit their own spending. This is the basis for today's Presidential campaign system. In exchange for complying with truly voluntary spending limits, candidates can receive generous subsidies from the Federal Treasury. In essence, of course, for spending limits to be truly voluntary, the Government must use a carrot and not a stick. There must be incentives. Rather, the Government must give incentives, not dole out punishments. Under our present Presidential system, if a candidate chooses not to abide by the spending limits, he or she does not have to do so. That candidate will simply not get the benefits provided by the American taxpayer. But the candidate is not penalized in any other way. There is no stick, there is no Big Brother Government watching closely to dole out harsh punishments.

This situation has in fact taken place on a number of occasions. Ross Perot, John Connally, and Eugene McCarthy all decided not to abide by spending limits and not to use taxpayer dollars to fund their campaigns. They were not punished for their decisions. Their opponents simply were generously rewarded by providing taxpayer benefits in exchange for their decisions to comply with the spending limits.

But what does the majority party's bill do for congressional races in this connection? Is it structured like the Presidential system and does it, therefore, meet the constitutional tests set forth by the Supreme Court in Buckley versus Valeo? The answer is an overwhelming and resounding "no." No, the scheme imagined by this bill is not structured like the Presidential system. No, it does not meet the constitutional tests set forth by the Supreme Court. In the past, the majority party proposed what is known as "communications vouchers" as incentives. Communications vouchers equal to 50 percent of the general election limit would be given to candidates who agree to the spending limits. Candidates would use these vouchers—which are widely known as food stamps for politicians and are, on policy, undesirable but clearly not unconstitutional—to purchase advertising time. The broadcasters would then redeem these vouchers for their face value at the U.S. Treasury.

But, even the majority party was deeply concerned about the costs of such vouchers. Billions of dollars would be needed to pay for this new entitlement program over the course of just a few elections. And that is just what it is, an entitlement program, an entitlement program for politicians, just at the time at which voters are wondering when the administration is going to get around to changing welfare as we know it. A new welfare program for politicians is not what the voters have in mind. So, the value of the communications vouchers was shrunk, and shrunk, and shrunk, down from 50 percent of the general election limit all the way to 20 and 25 percent in succeeding proposals.

The majority party then faced a dilemma. As the value of the communications vouchers dropped, so did the incentive for candidates to comply with the spending limits. Unlike the Presidential system in which candidates receive a generous set of benefits, the congressional system would use small and relatively unattractive benefits to induce candidates to comply with the spending limits. And, of course, most candidates would refuse to do so.

So what to do? Well, here came the stick; out came the penalties. Under the next proposal, if a candidate chooses not to comply with spending limits, gone are the broadcast discounts and gone are the mailing discounts. But here to stay is a massive infusion of tax dollars to his opponent when the candidate exceeds his rationed speech level. Here to stay is tax money given to an opponent to counteract an independent expenditure. Here to stay are tag lines in commercials, required tag lines, stating "This candidate has not agreed to voluntary campaign spending limits." And here to stay are additional Federal Election Commission reporting requirements. These are some pretty heavy sticks.

What we have is a system under which, if a candidate chose not to comply with the rationed speech limits, he is to be penalized. Not only does his opponent receive communications vouchers, but the candidate himself is penalized first by losing his own benefits, and second by seeing his opponent flooded with even more taxpayer dollars. Even a casual observer will recognize that this is wholly unlike the Presidential system that the Supreme Court found to be constitutional.

But the bill gets worse. When S. 3 was under consideration on the Senate floor, conservatives in the Senate still demanded an end to most public funding of campaigns. They knew it would never fly with the American people. They knew that food stamps for politicians would so anger the American people that they had to back off. So in the proposal passed by this body last June, the communications vouchers were gone. The new entitlement that was created was gone. And so was the carrot. In place was an ingenious—as ingenious as it was outrageous—new tax; a tax on speech.

We had already been through a rather bruising battle on taxes. Last year Congress considered the biggest tax increase in the history of the country. Every imaginable tax was considered by the administration for inclusion in the tax bill. There did not seem to be any end of them—a Btu tax, a gas tax, a Social Security benefits tax, a payroll tax, inheritance taxes, higher corporate taxes, higher individual income taxes, even a national sales tax. The list goes on and on.

The imagination and the creativity of the majority party was astounding. But this time they came up with something that amazed everyone—a tax on the sound and the words of a political campaign, a tax on speech. Under this new law, under this proposal, a political campaign would have only two choices. First, to be bound by a so-called voluntary spending limit, or, second, to be taxed at the corporate rate, currently 35 percent. What happened to the carrot? What happened to the voluntariness of spending limits? Gone.

With the new speech tax, any semblance of the spending limits as voluntary and any slim chance that anyone would think this system constitutional were gone. Obliterated is a better word. The Senate's adoption of the speech tax dropped any pretense that the spending limits in the bill are voluntary. Gone are the carrots; out comes the stick. Oh, boy, what a stick.

Let us compare the Senate-passed version of S. 3 with the Presidential system. To restate the Supreme Court's position, campaign spending is indistinguishable from campaign speech. Campaign spending is speech. It is therefore unconstitutional to limit campaign spending just as it is unconstitutional to limit free speech. They are one and the same—inseparable.

Nevertheless, the Court held in Buckley versus Valeo that candidates could be enticed to limit their speech by a generous taxpayer-funded subsidy. The crucial point is that the limits had to be entirely voluntary. There could be enticements, but no coercion and no punishment for a failure to take those enticements.

That is how the Presidential system works. The public subsidy is so generous that most candidates agree to comply. But if they do not, they are not penalized and their opponents would receive no additional benefits above what they have already contracted for. Whether to give benefits to the opponent is solely determined by his or her own decision to live within the voluntary spending limits.

Applying those standards to the Senate-passed version of S. 3, and, in addition, to the House-passed H.R. 3, both bills are clearly unconstitutional. Punishment after punishment is imposed on any speech that is deemed to be excessive. Candidates are not enticed into compliance, they are taxed into submission. This is clearly and blatantly in conflict with the ruling as well as the spirit of Buckley versus Valeo.

But, if, indeed, the argument made by the majority party that this certainly meets a constitutional question, what is the logical conclusion? Why, instead of banning free speech, let us just tax it. If we can tax political speech, we can tax any kind of speech, anyplace and under any circumstances. Any type of speech that someone does not like, let us just impose a tax on it. Is it too much? Is it annoying? Is it on the wrong side of the political spectrum? Is it in a place where we would rather be free of speech? Do not worry about it, let us just tax it.

If Congress should pass this bill and should the President sign it, there is no doubt whatsoever that the Supreme Court will strike it down. I am amazed that even an argument has been made in this Chamber for its constitutionality.

I know the distinguished junior Senator from Kentucky will be a part of that challenge. But I suspect he will find himself a relatively small part of such a challenge, as there will be dozens of organizations interested in free speech, rivaling themselves in time to get into court with such a challenge.

Does the Senator from Kentucky wish to ask a question?

Mr. McCONNELL. If the Senator will just yield for an observation on the constitutional question? It is, of course, our fervent desire that we will not get to that point. But he is certainly correct. I commend him for making the observation that if this unfortunate monstrosity were to become the law of the land, it would not be the law of the land very long. Of course, that is not a good reason—I am sure my friend from Washington would agree—to vote for it, because we have sworn to uphold the Constitution and not to vote for things that clearly are unconstitutional. And that is certainly no argument for passing it. But the Senator from Washington is certainly correct that there would be a small army of coplaintiffs in any litigation challenging the constitutionality of this curious proposal.

Mr. GORTON. I thank the Senator from Kentucky for that observation, the most important portion of which, I think, is his statement that Members of the Congress of the United States do not fulfill their sworn duties simply by saying, "Let us pass whatever we would like under a given set of circumstances and let the courts take care of whether or not it is constitutional."

In the early days of the Republic some of the longest and most spirited debates in this body were on the constitutionality of a wide range of proposals. And when a majority of Members of the Senate of the United States determined after careful consideration and debate that a particular proposal did not meet with constitutional muster, they voted against the proposal and defeated it. As a consequence, I think far fewer acts of Congress were turned down by the courts of the United States because the Congress itself regarded that part of its duty as being paramount. I believe it to be so today. It is insufficient to say let the Supreme Court decide it. We need to decide that question for ourselves.

It seems to this Member at least, as it does to my friend from Kentucky, that a tax on free speech is so blatantly unconstitutional that it should not require our being here to debate it. It never should have been brought up in the first place.

Mr. President, I have another colleague ready to speak on this issue. So I will save the other of my remarks on this subject for a future time.

Mr. McCONNELL. Mr. President, let me thank my distinguished colleague from Washington for his contribution to this great debate, not only today, but at various intersections in the past. He has been a strong voice for adhering to the Constitution.

I see that our friend and colleague from Idaho is here.

Mr. President, I yield the floor.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Thank you very much, Mr. President.

Mr. President, during my recent visit to the State of Idaho the people of the State of Idaho convinced me that they were concerned about the nature of politics in this country. Likewise, the people of America are unhappy about the Congress of the United States. Only 25 percent of our constituents believe that we are doing a good job. They dislike the perception of the abuses of power that they see on Capitol Hill. And they feel that Washington, DC, has lost touch with America. They feel we have not sufficiently addressed the real issues facing America like spending, and the deficit, and real crime reform.

The people of Idaho did not once suggest to me that they should be taxed to contribute to campaigns across the country. As a matter of fact, I cannot remember a single incident where anybody asked me to tax them any more at all. But apparently Congress just does not get it. The message that I hear from America is a message of budget cutting, of reducing the deficit, not of increasing their debt to the Federal Government for the benefit of politicians. That is exactly the wrong message for this Congress to send to America. The people of America hate the idea of financing elections.

What is wrong with the majority's campaign finance reform legislation? Senate bill 3 was not a bill designed for the public good. But rather this bill was designed for the good of incumbents. We have all heard how this bill was designed to protect Democrat office holders. The name of this bill perhaps should not be the Campaign Finance Reform Act but rather the Incumbent Democrat Employment Act, or IDEA.

Mr. President, this bill is a bad idea—a bad idea for all of America. It is an idea whose time not only has not come but hopefully will never come to pass.

Have the American people really decided this bill was a good idea? It is being sold to the people of America as voluntary campaign finance reform? But where is the voluntariness in this? Are the contributions under this bill voluntary for the public? Do the people really want to spend their money on politicians rather than on reducing the deficit or improving the infrastructure or paying for the education of our children? What kind of cynical, self-serving legislation is being suggested here?

If I am not mistaken, it was Otto von Bismarck who said that "You should never watch laws or sausage being made." There is more pork sausage in this bill than in a meat market. I do not think the American taxpayer wants to provide food stamps for politicians.

This conference the majority would like to proceed to 15 months after the Senate passed this bill, 10 months after the House passed its bill, would be a sham. The minority will have no input. Its product will be presented as a fait accompli. That is precisely the idea. That is what is being designed.

The majority party leaders in the Senate and the House have been conferencing the campaign finance bills among themselves for the past 10 months. Most of the time, according to press reports, they were deadlocked among themselves over PAC moneys.

Evidently, after all the Democrat discussions over PAC's, taxpayer financing and the rest, the majority leadership has come to agreement on just how they are going to go about forever severely limiting the Republican Party's chances of bringing our message to the people. They have decided how to give special interests a voice and silence the American people. The majority party leaders have come to or are nearly in agreement. They now want a formal conference to ratify this product. There is no other explanation for waiting until Congress is just about to adjourn to appoint conferees 15 and 10 months after action has been taken in the respective bodies.

If a majority seriously wanted a bipartisan conference report, conferees would have been appointed months ago. These tactics are particularly unfortunate because they reinforce the perception that this campaign finance effort is not really about reform but is in fact a partisan maneuver to rig the election laws to the majority party's advantage. Perhaps we will need an "Operation Restore Democracy" right here.

Nonparty soft money is left virtually unscathed by the House bill. And only a last-minute amendment in the Senate even begins to address the issue in the Senate-passed bill. Corporations operating under section 501(c) of the Tax Code and labor unions would not only have their power to influence elections preserved under the Senate and House bill but their power would in fact be enhanced.

Under the majority party's spending limit schemes, while private citizens seeking to support candidates of their choice would be squeezed out of the process and candidates would be constrained by spending limits, special interests would be able to spend an unlimited amount to influence the outcome of elections. Spending limits not only force campaign funds in independent expenditures and undisclosed and unregulated soft money they also impair the ability of challengers to successfully compete against incumbents.

Proponents of spending limits cite statistics showing that incumbents usually outspend challengers. Comprehensive studies, however, of election results and campaign spending over the last several cycles reveal that it is not necessary for challengers to spend more than or even as much as an incumbent in order to win. What is imperative is that a challenger be able to spend enough to get his or her message out and convince enough voters that it is time for change. Studies show that the amount every successful challenger must be able to spend is frequently more than the spending limits in the House and Senate bills would allow. That is the key point, Mr. President. Studies show that the amount a successful challenger must be able to spend is frequently more than the spending limits in the House and Senate bills would allow.

Is that mere coincidence? I doubt it. If you really want to address the inequities inherent in the present system, a system that protects incumbents and stifles challengers, then we should have passed Senate bill 7, the Comprehensive Campaign Finance Reform Act introduced by the Republican leader and cosponsored by a majority of Senate Republicans which contained a challenger seed money provision. This provision would have permitted the national political party committees to use a special coordinated fund to match early in-State contributions to challengers up to a total of $100,000. But this approach, which would be real reform, was rejected by the majority party.

Clearly neither the House nor Senate bills would reform the campaign finance system. "Reform," the term itself, suggests improvement. If truth in labeling applied to bill titles, those bills would be known as the "Campaign Finance Deform Acts." Both of those bills would dramatically change the campaign finance system at great cost to taxpayers and at the price of constitutional freedoms and a competitive electoral process. Such change is not reform of the sort Americans would like to see us enact into law.

Mr. President, there is a bipartisan desire for campaign reform. The Republicans are constantly accused of gridlock. But refusing to preside over the destruction of the multiparty system is not gridlock. Gridlock stems from the majority party's insistence on spending limits and taxpayer financing. In fact, the majority party itself has caused gridlock on this issue with its delay in resolving the PAC differences among its own Members.

There is common ground in other campaign finance issues which could form the basis for a meaningful reform measure. For the sake of the American people and the restoration of public esteem of this institution, I would hope that we could someday dispense with the taxpayer-funded spending limits and get on with the job of truly reforming campaign finance.

If Americans feel that Congress does a poor job at representing them now, what makes this body feel that by lining our campaign pockets with the taxes of hard-working Americans will convince them that they are on the way to better representation in the future?

If advertising is the meat of modern politics, all we are doing is providing those food stamps for politicians. And if taxpayer funding of existing Federal Government programs are not bad enough, here comes taxpayer funding for funding of incumbent campaigns. With the name identification that an incumbent historically takes into an election, it is safe to say that the incumbent Congress is voting itself an almost automatic reelection and forcing all of the American people, Republican, Democrat, independent, to fund this scheme.

The use of taxpayer funds in Senate bill 3 is decidedly one-sided, and it is a bad idea. With a $4 trillion debt it boggles the mind that this Congress could seriously consider spending hundreds of millions of dollars on this bill.

Without question, any of the proposed taxpayer-funded spending limits bills will carry an enormous price tag. The cost varies according to whose estimate you believe. But they are all huge. It is important to consider an observation that the Congressional Budget Office made last year while trying to estimate the proposed Senate bill's cost. CBO observed that "the cost of providing benefits under the system is highly uncertain."

It is uncertain because it depends on how many candidates there are and how many would choose to participate in this new politicians' entitlement program. There are countless scenarios to consider, all of which would change the price tag. A conference report based on the Senate- and House-passed campaign finance reform bills would create an entitlement program for politicians. Candidates of a major party, third party, and independent candidates would agree to abide by spending limits and raise the minimal threshold amount and would be entitled to a host of benefits.

The cost of these benefits really is not foreseeable. Can anyone really predict how many candidates there will be in 1996 or 1998 or the year 2000? Do you realize that there were 1,200 more congressional candidates in 1992 than in 1990? A stunning increase that was not foreseen. Who can know how many would have accepted matching funds had they been available? Many might have been wary of using tax dollars to fund their campaigns. On the other hand, hundreds or even thousands of additional candidates might have run as independent or third-party candidates because of the availability of tax dollars to fund campaigns. There are so many variables to consider but even the lowest estimates entail hundreds of millions of dollars.

Mr. President, as I have noted, a precise cost forecast is impossible because, first, there is no final bill, and, second, the variables such as the third party or independent candidates, the independent expenditure and excessive spending counterbalancing are by their very nature unpredictable.

Nevertheless, several cost analyses have been done, each weighing the variables differently. Now, the Democrats have estimated that it would cost $90 million every election cycle just to provide matching funds, which would be $200,000 per general election cycle to each candidate in the House. It is not clear what rationale was used in arriving at the $90 million estimate, but the Republican Policy Committee has estimated a Government cost per 2-year election cycle ranging from a low of

$207 million to a high of just under $300 million, depending upon the variables. An additional $50 million expense is expected to be incurred by broadcasters due to the 50-percent broadcast discount.

The Congressional Budget Office has estimated that it would cost $189 million in 1996 alone if both the House and Senate bills provide matching funds and would increase to $203 million in 1998. CBO appears to make low-ball assumptions as to the variables, the candidates, et cetera.

Taxpayers are catching on to the abuses and inadequacies of the taxpayer-funded Presidential system. That is why over the past 2 decades the vast majority of the American people chose not to check the "Yes" box on their Federal tax forms to designate $1 from taxes that they already owed to the Federal Government to go to the Presidential election campaign fund.

The checkoff rate was so anemic that the fund was nearly bankrupted after the 1992 election, and that is why the budget bill last year tripled the checkoff figure from $1 to $3.

So what do people get for their tax dollars in the Presidential system? A veritable parade of nonpartisan and highly knowledgeable witnesses have testified before the Senate Rules Committee in the past few years stating that the Presidential system of spending limits does not work.

The majority party proposals in both the Senate and House sought to model Congressional elections on the Presidential debacle. The ultimate goal of taxpayer-funded spending limit proponents is to replicate the Presidential system for Congress for 535 races—thousands of candidates, more lawyers, more accountants, more auditors. One does not have to be a scholar or a lawyer or a constitutional genius to figure out that American taxpayers are not eager to pay for our campaigns. Eighty percent of taxpayers are not, are not checking off $1 or $3 from taxes that they already owe to go to the Presidential candidates, nor are they clamoring to pay for our Senate campaigns, yet the Senate and the House proposals would cost the taxpayers hundreds of millions of dollars.

Mr. President, virtually every reputable scholar who has studied the issue believes spending limits are bad policy. They do not work, and their intended effect is antidemocratic.

Mr. President, what is really bizarre is forcing taxpayers to pay for a proven disaster. Not only should we not force taxpayers to pay for Congressional campaigns, we should reconsider the system which forces taxpayers to pay for Presidential campaigns and those quadrennial extravaganzas known as the party conventions. As a taxpayer-funded spending limit proponent observed at the time, the campaign finance debate had shifted away from spending limits and now is centered on taxpayer financing. Taxpayer financing of campaigns.

If you want spending limits, then you are going to have to make the taxpayers pay for them. They will not voluntarily pay for it, so you are going to have to force them to pay for it. However, since taxpayers have become increasingly hostile to the whole idea of taxpayer financing of campaigns, the proponents of spending limits had to scramble to duck the taxpayer's ire. Ultimately, in the Senate-passed bill, they proposed repealing a so-called lobbying tax deduction as an offset and contended, with remarkably straight faces, that it somehow did not affect taxpayers, never mind that the revenue produced would come directly from the U.S. Treasury and be diverted away from other far more worthy causes such as deficit reduction or infrastructure or public health improvements.

Further, the proponents of spending limits planned to stick everyone who buys postage with the bill for the revenue forgone from the reduced mail rate that complying candidates will receive. But this story of taxpayer financing of political campaigns cannot really be told without the story of how they intended the public to pay for broadcast time in these campaigns.

A few years ago, the Democrat proponents of this new welfare system devised a mechanism to make sure that challengers could never get more broadcast time than incumbents. That is worth repeating. They devised a mechanism to make sure that challengers could never get more broadcast time than incumbents. They proposed communication vouchers for candidates instead of cash. These are the food stamps of politicians that have been talked about. The proponents of spending limits shifted a sizable chunk of the cost of this proposal to broadcasters by forcing them to sell advertising to complying candidates at half price. Many broadcasters would have to eat the loss, and some small broadcasters would not be able to, and they would go bankrupt.

Mr. McCONNELL. Will the Senator yield for a question?

Mr. KEMPTHORNE. I would yield.

Mr. McCONNELL. The Senator has been one of the great—actually, he is the originator of the whole unfunded mandates matter. I was listening carefully to the Senator's comments about what is required of the broadcasters. It strikes me as an unfunded mandate, very similar to things that the Senator from Idaho has been leading us to think more and more about, an unfunded mandate against the broadcast industry. Is the Senator from Kentucky correct in assuming the similarity is quite obvious?

Mr. KEMPTHORNE. Mr. President, the Senator from Kentucky is absolutely on target with his analysis. Unfunded Federal mandates. Hopefully this session, this Congress is going to finally come to terms with unfunded Federal mandates where Congress operates in a vacuum and determines that it wants to have something done and dictates that those things will be done but without any accountability as to Congress paying for them.

Mr. McCONNELL. Will the Senator yield further?

Mr. KEMPTHORNE. I would yield.

Mr. McCONNELL. Is the Senator from Kentucky correct that the bill of the Senator from Idaho on unfunded mandates has substantial Democratic support including the Democratic mayors from all across America?

Mr. KEMPTHORNE. Mr. President, I am very proud to say that the bill to stop unfunded Federal mandates has 63 Senate cosponsors, strong bipartisan support, including national associations such as the Governors, the mayors, county commissioners, the school boards, that are all bipartisan.

Mr. McCONNELL. Then the Senator from Kentucky is also correct, I assume, that many folks who think we ought to relieve unfunded mandates on State and local governments believe we ought to lay these unfunded mandates on the broadcast industry?

Mr. KEMPTHORNE. Mr. President, the Senator from Kentucky has raised a very valid point. It is the same principle. It is the same principle. We believe that we are within striking distance in doing something about this, and yet we are now dealing with another law that a number of our colleagues in this body are advocating become law which have unfunded Federal mandates. This time they are going to just single out and target the broadcasters of America.

Mr. McCONNELL. Will the Senator yield for a further question?

Mr. KEMPTHORNE. I would be happy to yield.

Mr. McCONNELL. Is there anything in the bill that would exempt the broadcaster from losing money from this unfunded mandate of the Federal Government to provide deeply discounted time to political candidates?

Mr. KEMPTHORNE. Well, as I say to my good friend from Kentucky, it would be passed on so that the commercial users of broadcasting that would go and pay the fees would have to pay more to help offset the cost that the broadcasters would lose. That is assuming that the small broadcasters can hang on. It may lead to their bankruptcy. But ultimately the consumer has to pay.

Mr. McCONNELL. It also assumes, does it not, I say to my friend from Idaho, that the consumer has nowhere to go? If it is a broadcaster who is in a lot of trouble and he does accommodate the market, who knows where that consumer goes? But in short, clearly it seems to me in listening to the Senator from Idaho that the exact sort of thing that he is fighting here to help State and local governments seems to me to apply to the broadcasting industry. Supporters of this do not want to pay for it directly. They want to pay for it indirectly. In other words, they want to have somebody else pay for it, stick the consumer with the tab.

Mr. KEMPTHORNE. Well, again, I say to my friend from Kentucky, the principle is the same. It is the same. We should not be doing that. We should not have unfunded Federal mandates. We should not operate in this vacuum. By what right do we point to some industry, and in this case the broadcasters, and determine that they will now in essence subsidize political candidates, incumbent candidates? The people that have been elected, the incumbents of Congress, turning to that industry and saying you will now subsidize our campaigns. Boy, if that is not Government overreaching its bounds, if that is not something that questions the basic premises upon which this Nation has been founded.

Mr. MCCONNELL. Will the Senator yield further?

Mr. KEMPTHORNE. I would be happy to.

Mr. MCCONNELL. On this very same point, the Senator from Georgia [Mr. COVERDELL] was here this afternoon, and he raised an interesting point I had not thought about, which was that the broadcasters have been sort of singled out for punishment here. There is nothing in the bill that the bumper strip company discount their product or the direct mail people discount their product. What about the telephone banks, quite expensive in a modern political campaign? Nothing to make them discount their product. So we are just going to decide up here—as Senator COVERDELL put it, some wonk decided in Washington to single out the broadcast industry to pay the freight and these other favored industries—the Government picking out the winners and the losers here--these other favored industries will not have to pay the freight.

Mainly, I wanted to take this opportunity to just thank the Senator from Idaho for his outstanding leadership on the unfunded mandate issue. And clearly under this bill we are at it again.

Mr. KEMPTHORNE. We are at it again, I say to the Senator from Kentucky. Think of this awesome power of Congress to single out an industry and to decree that you will now sell us your services at 50 percent discount. And where does it stop? How long will the American public abide by that? They see through that. They know it is wrong. The broadcasters, they have been diligent in pointing this out, to their credit. But that is why this whole thing is flawed. This is a bill that has been designed for the incumbents to keep the incumbents in power. And that is why, I say to my friend from Kentucky, we are seeing in election after election in this cycle that incumbents are getting a rough ride by the public because the public has had enough of this.

These proposed communication vouchers that we talk about, the concept itself, communication vouchers, meaning that they will then go to the Government and turn them in, you see why we call it food stamps? It is amazing. And forcing them to pay it at half price. The communication voucher system was cheaper than full funding would be, but still it came with an astounding price tag, and that was literally billions of dollars would have to be paid for this scheme that was being designed.

So the communication vouchers were ratcheted down in succeeding proposals to 20 percent of the general election limit. Still, we are talking hundreds of millions of dollars per election, and a problem for spending limit aficionados, the smaller the vouchers the smaller the incentive for candidates to then comply and agree to the spending limits. So we were shrinking the incentives. So clearly they had to do something; they had to reverse this.

Spending limit proponents figured they could put in the bill a 50-percent broadcast discount and a mail discount, which the Congressional Budget Office would not count as direct cost to the Treasury. Add in some additional taxpayer-funded penalties—the excessive spending and independent expenditure counterbalancing provisions—which only kick in when the spending limit was breached, and suddenly the incentive was being bolstered so that candidates would have no choice but to agree to the spending limits.

Sure enough, the CBO cost projections were not as appalling as they had been earlier. While taxpayers still would bear the brunt, much of the cost of the congressional spending limit system had been shifted to broadcasters and postal users who would make up the cost of the revenue foregone due to the new congressional campaign mail discount.

But then something very interesting happened. Conservatives, both Republican and Democrats, determined that this was not going to fly, and so as has been pointed out by other speakers—but it is absolutely worth repeating—it was determined that there is another way to do this, another way to accomplish the goal without this mechanism that we just outlined. In their place was a new tax, the ultimate penalty for choosing to exercise the freedom of speech: a tax on speech. Incredible as it sounds, but a tax on speech.

Mr. President, last summer, just about every kind of tax that one could imagine had been floated in this body: a Btu tax, a gas tax, a value-added tax, a national sales tax, a Social Security benefits tax, a payroll tax, higher inheritance tax, higher corporate tax, and even a health benefits tax—tax, tax, tax, tax. At no point in our Nation's history had we seen the level of zeal and creativity which has been dedicated to the quest of taxing anything that breathes.

And then the Senate put forth the ultimate tax: quite literally taxing the sound that came out of a campaign if it resulted in spending over a campaign spending limit. Under the speech tax, a campaign would have two choices: be bound by a voluntary spending limit or, two, be taxed at the corporate rate of 35 percent.

With the advent of that tax, any semblance of voluntarism or constitutionality disappeared. Can you imagine, think of our Founding Fathers and one of the themes that they had: no taxation without representation; freedom of speech. What would our Founding Fathers say today if they heard that we were now considering taxing speech? I cannot even believe that that is the proposal that we are discussing.

They also added in a free speech penalty provision. There is another kicker. If a candidate exceeds the spending limit by even $1, or if a group of citizens decides to interject its views independently during an election, the complying candidate, the candidate that complies with these spending limits, would be eligible to receive an unlimited infusion of taxpayer dollars. So if you exceed it by $1, your opponent gets an unlimited infusion of taxpayer dollars.

Let me take a minute to explain—as if it needed explaining—why it is unconstitutional to impose a discriminatory tax on free speech.

The Senator from Washington discussed the Supreme Court case of Buckley versus Valeo where they repeatedly held that campaign spending is indistinguishable from campaign speech, and, therefore, it is unconstitutional to limit campaign spending.

You see, if you pull the plug on a microphone, then you have pulled the plug on the speech for everyone who is not in the front row, and so you have limited free speech. Nevertheless, the Court held in the Buckley case that candidates could be enticed to limit their speech. You cannot prevent it, but you can offer an incentive for them to limit their speech.

The crucial point was that such speech limits had to be purely voluntary. There could be incentives but no coercion. That is how the Presidential system works, where the public subsidy is so generous that only extremely wealthy candidates can afford to turn down the money.

Applying the standards articulated in the Buckley decision, the Senate- and House-passed bills are clearly unconstitutional. It sets up layers upon layers of punishment for any speech which it deems to be excessive, in direct conflict with the ruling and opinion in that case. If it is unconstitutional, as the Supreme Court has said, to impose spending limits on candidates by law, then it is also unconstitutional to impose spending limits on candidates by discriminatory tax.

If, on the other hand, this body were to conclude that there is nothing improper about a discriminatory tax on speech, we may also want to consider the other speech taxes which might help to suppress unpleasant speech while raising revenues for deficit reduction. These other taxes could be aimed at pornography, television violence, independent expenditures and apply the revenues from these taxes to deficit reduction.

But who is going to determine where we draw the line once we begin this tax on the freedom of speech? This speech tax sets a new constitutional standard. If we do not like some form of speech, if it is inconvenient, we will not ban it, we will just tax it, and we will determine the rate of that tax. And guess who will do that? The incumbent Members of Congress, the very ones that are to be assisted most by this little program.

The Senate bill's discriminatory tax on speech is not merely indirect constraint on speech, it is a direct attack on the first amendment rights of candidates as articulated by the Supreme Court. Thus, the speech tax, passed by the Senate, taxes candidates into submission. We cannot afford to entice them, so we will use the Tax Code to pummel. What candidate would dare not comply with this bill when the gross receipts are going to be taxed at the full corporate rate?

On top of it all, as if all of the foregoing were not enough, not only do they seek to heap this indignity on us, but any politician who does not feel that he or she should take the taxpayer money for a campaign is labeled by this bill, which the minority report correctly classified as a scarlet letter, a statement that the candidate has not agreed to voluntary spending limits. That is how that candidate will be labeled. Instead, let me suggest that any candidate who takes this money should be required to state: "This candidate has chosen to be funded by the taxpayers and not by independent supporters."

Yet, with all of this designed as it is to promote a one-party system in America, the incumbent party, is there any doubt what would be left out in conference? Will my amendment requiring an audit of all campaigns receiving taxpayer funds, rather than just the 10 percent under the original bill, be retained? I think that is a very important point. The original bill said that they would only audit 10 percent of the campaigns that took the taxpayers' money. Now who is going to figure out which 10 percent are to be audited? That is amazing. I have an idea of how incumbents might determine who is audited.

My belief is, though, that if anybody is going to use the taxpayers' money, every one of us should be audited. Well, that was not passed in this body. While the Nation goes wanting with every dollar of critical revenue needed for the deficit, the Congress intends to take taxpayer money and hand it over to politicians at every election. But even with the micromanagement of campaigns that S. 3 proposed originally, it did not protect the taxpayer money that is so easily handed out.

It seems to me that if this body believes any Senator who receives more than $25 from a lobbyist will be corrupted, what makes him believe candidates will not take those odds that if only 10 percent of them are audited, do not worry about it? Do not worry about it. Do not worry about the taxpayers' money. The taxpayers already do not believe we have been careful with public trust. They do not believe we exercise enough control over their money.

Well, they are right. We have dismissed their objections to public financing, that public financing was a waste of money. We owe it to the people to ensure that their money is spent in accordance with the bill and all of the Federal election laws.

My amendment to S. 3 requiring audit of any candidate who took public campaign assistance was passed unanimously. But I do not believe that even that commonsense, practical approach to campaign finance would be retained in conference. In the words of a good friend, the Senator from South Carolina, who said, "You can't legislate common sense," to paraphrase, I guess, common sense has very little chance to survive the conference. It would be removed. I am sure that in the remaining days of this Congress, the majority party will, as it shuffles off to difficult days ahead with the American people, bring back a campaign finance bill conference report so one-sided that any chance for real reform will be lost. No, S. 3 is a politically one-sided bill in classic Democrat style. We are forcing a system on the people that they do not need, a system that will not work, and a system that denies them, the public, their participation. And on top of it all, it forces them to pay for it. The Republican alternative was a good commonsense approach to campaign finance reform. It was real reform without any of the funding, without any of the coercion.

S. 7, the Republican proposal, banned PAC contributions, eliminated all taxpayer-financed mass mailings, reduced out-of-State contributions by 50 percent and, best of all, there were no taxpayer funds used to fund the system.

Senate bill 7 allowed political parties to furnish seed money to political challengers rather than having the taxpayers provide funds.

These are simple and elegant reforms which go a long way to reforming the process without creating yet a new way to put politicians in the public's wallet before they are even elected.

Senate bill 3 is the incumbent Democrat election act. It is a bad idea for Congress and a bad idea for the American public.

Mr. President, our friend from Oklahoma had pointed out that this campaign reform effort has been 11 years in the making and yet it is one-sided. I will reiterate that there is bipartisan support for true campaign reform, bipartisan. A majority, I believe, if we could do what was right instead of what was politically motivated.

So I would like to just say I commend the Senator from Kentucky for his leadership on this whole effort and would encourage him to keep up his efforts because he is doing the right thing and, on behalf of the American taxpayer, let me thank the Senator from Kentucky.

With that, Mr. President, I yield the floor to the Senator from Kentucky.

The PRESIDING OFFICER (Mr. GRAHAM). The Senator from Kentucky is recognized.

Mr. McCONNELL. Mr. President, the Senator from Oklahoma is here but before the Senator from Idaho leaves the floor, I thank him for his wonderful speech, and again thank him for the work he is doing in the area of unfunded mandates and the interesting parallel he drew between the unfunded mandate legislation he is pushing, which would provide relief for State and local government supported by many people on the other side of the aisle. There are 63 cosponsors he has, who have no compunction whatsoever about socking the broadcast industry with massive discounts to subsidize campaigns.

So I think the parallel was very apt. I thank the Senator from Idaho for his statement and his leadership on this issue as well. And I sure hope he will have a good night's sleep.

Mr. KEMPTHORNE. I thank, too, my friend from Kentucky. I appreciate it.

Mr. McCONNELL. I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. I had the pleasure of listening to a great deal of the speech of the Senator from Idaho, Senator KEMPTHORNE. I tell you it is a breath of fresh air. I compliment the Senator from Idaho for his leadership. He has been an outstanding Member of the Senate, a new Member of the Senate from the State of Idaho. He was mayor of Boise, ID. But he is just a refreshing breath of fresh air, in my opinion, for the Senate and his work on trying to combat unfunded mandates. We hear so many people, as a matter of fact a majority of the Senate—I believe the Senator from Idaho said 63 cosponsors on his bill. That is a little over half, if my math is accurate. And it would make me think we should pass that bill.

Yet we see the bill before us having an enormous unfunded mandate. We are going to tell the broadcasters they have to offer politicians one-half the rate of anybody else. The Senator from Kentucky has been active and he is married to Elaine Chao, who is head of the United Way of America, an enormous charity that does great work, raises hundreds of millions of dollars. Yet politicians are going to get to use broadcast time at one-half the rate of that charity, of any charity, under this bill. I cannot believe it. We are going to mandate the broadcasters to do it. They do not have an option.

I compliment the Senator from Idaho for his speech, for his integrity, for the outstanding job he is doing in the Senate. I compliment him. He has talked to me and talked to the majority of Members in this body. I hope he is going to pass the unfunded mandates bill this year. I concur. That is what we should be debating. If we are going to be debating something at midnight I think that would be something worth debating. It would be worth fighting for. The piece of legislation we have before us tonight is worth killing. It is not worth passing. It is worth fighting, and we will stand here all night if necessary to make sure it does not pass. It is not worth the time to pass.

I will just make a couple of comments because my good friend, Senator BOREN, is the principal sponsor of this. We are good friends. I compliment him for his tenacity, for his persistence in trying to pass this piece of legislation.

Actually I go back in history for several years. His initial piece of legislation was not that bad. His initial piece of legislation, if I remember, did not have public financing. I may be incorrect. The Senator from Kentucky——

Mr. McCONNELL. If the Senator will yield, I believe the original Boren legislation had to do with reducing the influence of political action committees.

Mr. NICKLES. I think the Senator is correct. If I remember it did not have anything in it like vouchers. I know vouchers were taken out and we have massive subsidies in this bill. If people want to know why this Senator and most Republicans are opposed to S. 3, it is because we do not want to spend hundreds of millions of dollars subsidizing political campaigns, plain and simple. And our constituents do not want us to, either. So we are willing to spend a little time.

I want to touch just for a moment on the procedural situation because I have heard some people say this is just terrible. This shows the Senate does not work, the Senate cannot pass legislation and this is just an outrage.

Let us look at the procedural situation. I compliment the Senator from Kentucky because he has shown a great deal of courage. He said he is going to stand on the principle that we should not subsidize campaigns and he has been very outspoken on that. I happen to agree with him and I am going to stand with him. In the Senate we do have ways of trying to kill bills, particularly late in the session.

I might mention we are talking about appointing conferees. Some people say surely we can appoint conferees. Mr. President, we have 2 weeks left in this session, for all practical purposes, 2 weeks and maybe 2 days. I am on the Appropriations Committee. We have eight appropriations bills we have not passed. We have to pass those by the end of next week.

Mr. KERRY. Will the Senator yield?

Mr. NICKLES. We have no choice. We have to pass those bills by the end of next week or else we are going to have a continuing resolution which basically is admitting we have not done our job.

The PRESIDING OFFICER. Will the Senator yield to the Senator from Massachusetts?

Mr. NICKLES. I am happy to yield.

Mr. KERRY. Is the Senator suggesting we should not be allowed to go to conference and see if we cannot at least use those 2 weeks intelligently?

Mr. NICKLES. I will be happy to respond. Mr. President, we have had these bills and been working on these bills for a long time. This is the most absurd thing I can remember. I have been in the Senate for 14 years. The Senate bill was passed 15 months ago. The House bill was passed 10 months ago. And they are just now asking to appoint conferees.

Usually when you pass a bill in both Houses you ask for appointing conferees and you work out the differences. Basically, you work them out, and you try to do that shortly after the bill is passed because everybody is fresh on the issue. It has been 15 months.

I was kind of amazed, pulling out some of the old campaign finance stuff, because I spoke out at length against this bill in the first place because I thought it was a bad bill. But I cannot recall any time that we have passed a bill and waited 15 months to appoint conferees. Then the House, 10 months. So the conferees should have been appointed 10 months ago. Yet we waited that long. Why? Why in the world did it take so long for the majority party to announce they wanted to appoint conferees? They, the Democrats, control both the House and the Senate. They both passed bills they like that were supported overwhelmingly by the Democrats in the Senate and in the House, opposed overwhelmingly by the Republicans in both the House and the Senate. Why did it take so long to appoint conferees? Because a few people were negotiating the bill and they could not come to terms.

Mr. McCONNELL. Will the Senator yield?

Mr. NICKLES. I yield.

Mr. McCONNELL. The Senator is right on the mark. There was a conference going on all right, for 10 months. The majority has been conferring on this, sometimes with great passion and disagreement, for 10 months—gridlock.

Mr. NICKLES. The Senator is exactly right. It has been kind of fun, in a way, to watch the majority negotiate behind closed doors, not in a formal conference, but this way they could do it without any Republicans present and they could do it on little issues like whether or not we should ban PAC's, because a lot of people think this bill is about banning PAC's.

Mr. President, that is not the case. Republicans will vote for banning PAC's. We have already done it. Republicans voted to limiting PAC's to $1,000, same amount as individuals. That is my position. I do not know you can really ban PAC's constitutionally. If people want to get together and do it jointly, I do not think anything is wrong with that. But if we want to put that amount to the same as individuals, I think that is great. I support that and I will tell you overwhelming numbers of Republicans would support it, my guess is, in the Senate, because we have passed it in the Senate. So we can pass that.

So if people want to say this is about reducing the influence of PAC's, that bill can pass. But if you want to add public subsidies, if you want massive subsidies in the numbers of millions of dollars, that bill will not pass. For the majority leader to pull this bill up when we have 2 weeks and 2 days left and say this is the most important thing on our agenda, this is what we need to pass, that is ridiculous. That is laughable. It is almost kind of funny, except for some of us who know we still have legislation that we have to enact. We need to pass those appropriations bills. We have by the end of this month, September, by the end of September we have to pass the appropriations bills. We have passed a few. We still have eight. We have not passed the Department of Defense bill. I know the conference is still going on. We have not passed the Interior bill. We just finally passed the conference report today.

And on and on—several important appropriations conference reports have yet to be enacted and they have to go to the President's desk. He may or may not veto them, and if he vetoes them we still have some work to do. So I think we should be doing work that needs to be done, like appropriations bills, to meet our schedule. But I am almost amused that here are these bills that have been eligible to have the conferees appointed for the last 10 months and they do it 2 weeks before we go out.

And then with this urgent sense, the sense of urgency, we have to get this done now. Then I look at what is in the bill and I am thinking, wait a minute, what is so urgent about this bill? It reminds me a lot of the health bill. If you ask people, "Are you for campaign reform?" They say, "Sure." "Are you for health care reform?" You say, "Sure." But wait a minute, we are going to find out something about the health care bill. When they find out the health care bill will outlaw the health care plan they now have and replace it with a Government-designed benefit package that may cost $6,000 per family, they say, "Wait a minute, I am not quite so sure. I do not think I like that bill."

When they say, "Are you for campaign reform?" "Oh, yes, it costs too much for those campaigns, let us sock it to those politicians."

Then, "Do you want taxpayers to pay for those political campaigns?" They say, "Heck, no." Heck or something else. Maybe something else a lot stronger. They do not want their taxpayers' dollars used to subsidize congressional campaigns, Congressmen and Senators. They are outraged at that idea.

The Senator from Kentucky coined the term "food stamps for politicians." It maybe is worse than that, because in food stamps we have limits. There is almost no limit on how much this will cost. And that bothers me. Some of us happen to be really kind of concerned about how much money we are spending and the subsidies in this bill are almost laughable except it would be true if it became law. It is almost a joke except it could become law. And what a sad irony that would be.

I will just touch on a couple of these things. It has been some time since we looked at it. But when people find out how much the subsidies are, they are just shocked.

I could use my State of Oklahoma, I could use the State of Kentucky, maybe use the State of Florida. It might be kind of interesting to look at some of the figures, the amount of subsidies, because I think when people find out they are eligible for subsidies of that amount, they kind of cringe. And sometimes they say, "Wait a minute, I did not know that was in the bill." I will just give an example.

In the State of Florida there is about $3.4 million. That is a general election limit. That sounds kind of nice. And they say OK. Under the Exon-Danforth amendment we took out the voter communication vouchers. That was $1.4 million in subsidies that was in S. 3 as reported by the Democrats. It was taken out on the floor. So they say, "We took that out. We took the subsidies out."

Let me just give an example. If you had two people running in Florida, one complies and the other does not comply—I heard it is voluntary and we like that word voluntary. So if it is voluntary one complies and the other side is not to comply, if the one that does not comply spends more than the general election limit, then, whoa, if they spend more than $3.4 million—it sounds like a lot of money but I guess in Florida races Governors and Senators spend more than that nowadays, would be my guess—wow, if people spend over that, I see that if somebody spent, say twice that amount and says, "No I am not going to comply, I am not going to take any taxpayer money, I do not want to participate," if they do not participate their opponent could be eligible for $3.4 million in taxpayer money. Here is a check courtesy of Uncle Sam, $3.4 million. Wait a minute, I thought this was voluntary. But if you do not comply your opponent is going to get $3.4 million? That is a pretty big subsidy. Oh, and then we find you do not comply so you have to pay the going rate, whatever it is in broadcasting just like anybody else in America.

But wait a minute, I should take that back because political candidates already get the lowest rate that anybody else gets. But if you do not comply your opponent is going to get one-half of that rate. So your opponent—if the Presiding Officer decided not to comply and says, "It is costing me about $5 or $6 million, I am not going to comply, I do not need to."

I do not want public money. I have stated in the past that I will not take public money as a matter of principle. So you go ahead and raise your $6 million or $7 million as usual. Your opponent gets $3.4 million of taxpayers money, and then he gets to go out and buy twice as much media as you can because he buys it at half the rate. So he gets $3.4 million of which he is able to buy about $6.8 million of TV time. That is all you raised altogether. Then they get more subsidies in addition to that. They get the mail a lot cheaper than anybody else. They get mail cheaper than any charity in the country.

Why in the world should politicians be able to mail cheaper than United Way or Salvation Army? Why give politicians such a special mail discount? Then you might have an independent expenditure. As a matter of fact, I would estimate if this bill passes you would have a lot of independent expenditures because you are going to limit what people can spend in a general election.

I mentioned Florida. I will take another case in point. Maybe a smaller State like Idaho. The Senator from Idaho was speaking. In their general election they can spend about—this is 1998. No wonder the figure is so high. I have charts for each election year cycle. I will look at the year 1996, a little closer to home. And you take a State such as Arkansas. In the general election, the limit is about $1.2 million; actually $1.273 million. So if an individual wanted to spend that amount of money, he or she could do so. They would get one-half of the discount rate from the broadcasters. So they would have that subsidy. But since they are limited to $1.273 million, they may have some friends who say, "I want to do something for you. I will run an independent expenditure and try to help you a little bit." There is no limit on how much they can spend on that independent expenditure.

So they do it. Uncle Sam is going to have to come in on the other side and match it dollar for dollar. There is no limit. This thing could cost hundreds of thousands of dollars. You might say that is to discourage independent expenditures. But it might not stop there. So the taxpayers will be liable for the entire amount. Or somebody might do some Mickey Mouse independent expenditure on the other side to get matching funds.

You could milk this system for all it is worth. You could have a friend say, "Why don't you do an independent expenditure for my opponent? You could do a crummy job on it, and have one that would have no impact whatsoever, and then get taxpayers' funds of hundreds of thousands of dollars that you get to spend in any way you want to that might be effective.

Mr. McCONNELL. If the Senator will yield, how about the following independent expenditure? I would be interested in the reaction of my friend from Oklahoma to this. A group comes in and says, "We think you ought to vote for Senator DON NICKLES because he voted to raise your taxes 10 times to help public education."

Who should the tax dollars go to?

Mr. NICKLES. The Senator is exactly right. My point is that is just open for abuse. It is an invitation for abuse. You could have a group say, "I think you should vote for the Senator from X, Y, or Z State. This is a great Senator. He has voted for every tax increase in America. He has voted to give pay raises, and we think he should be reelected." Of course, that is going to hurt his reelection effort. Then the taxpayer is going to have to subsidize the other person's opponent. That is very possible under the legislation we are looking at. There is no limit to how much it could cost.

Mr. McCONNELL. How about this one? Maybe we are just getting a little punchy here late at night. How about, "Vote for Candidate Jones. He will stand up for the right of dead beat dads."

Mr. NICKLES. I do not doubt it. You mention people being creative. We both have seen a lot of creative ads. The Senator from Kentucky has had some creative ads at various times. But I am amazed at how open this particular procedure would be. I am amazed that the sponsors of this legislation can say that it is voluntary. Maybe to be a little bit serious, I do not think we should mislead the American people. And for anyone to say this bill has voluntary participation is misleading the American people.

It reminds me of the health care bill that we had before us earlier this year; actually just last month. Senator MITCHELL had actually three proposals, "Mitchell I", "Mitchell II," "Mitchell III." And I heard people say it does not have employer mandates in it, at least not initially. It is voluntary. So people can participate in it or not. We started reading the bill. We found there is a little section, if you do not offer the standard benefit package, an employer would be subjected to a fine of $10,000 per employee. That is not very voluntary. But yet the sponsors of the legislation says it is voluntary. That is just about the way this bill is.

I will give you another example. I will use my State. I do not want to participate. I will tell you steadfastly that I have no interest whatsoever in participating in a public financing scheme to finance my campaign. I think that is wrong. I will oppose it energetically. But if this bill passed and I still decide I do not want to participate in my State of Oklahoma, the general election limit is $1.27 million. Our State is probably about average. I notice in the State of Kentucky it is a little more, $1.3 million. This is for 1996. This is adjusted for inflation.

If I decide not to participate and my opponent does, I go ahead. My races have cost maybe up to $3 million. That is a lot of money. I do not make any bones about it. That is about what it has been. I notice the Governor had a race this last year. He spent about the same amount. I do not know how evil that is. Some people want to say that is very evil. I think it is less evil than having the taxpayers subsidize campaigns. But if I do not participate, my opponent, if I spend more than $1.2 million, is going to get $1.2 million of taxpayers' money. And he will be able to go down to the broadcasters and say, "I want one-half the rate." If my opponent does not participate, he does not get that half rate. So they can take $1.2 million, turn it into $2.4 million, a gift from Uncle Sam because Uncle Sam is going to say here is the $1.2 million. We are going to penalize somebody for not participating. Then they get a broadcast discount of 50 percent.

That is how this bill works. That is not voluntary. That means if I make an election not to participate, my opponent will get $2.4 million courtesy of this bill, not to mention the subsidies for lower mail and so on—massive subsidies, not to mention an open-ended subsidy for independent expenditures.

There is just no limit on how much this will cost. There is no limit whatsoever. I do not think that is funny. I do not think that is serious, and I do not think it is voluntary. There is nothing voluntary about it whatsoever.

So for the proponents to say this is voluntary, we have little incentives and little sticks for people. This is a gun at your head. They say if you do not participate, we will give your opponent millions of dollars of benefits.

Then I wonder if everybody knew. I would just love this. Again you go back to the people. "Do you favor campaign reform?" They say, "You bet." "Do you favor subsidizing campaigns?" If you ask them, "Do you think it should be voluntary?" they will say yes. You say, "Do you think Uncle Sam should use its force, power to say if you do not participate your opponent will get millions of dollars?" I think a lot of people would be saying, "No way. No. We don't want to do that."

I am also concerned. I will just mention that I kind of see something happening here. I have a feeling maybe I am wrong. Maybe the majority leader and others think this really has to pass this year. I do not doubt the sincerity of my colleague, Senator BOREN, because I know he would like for this thing to pass this year. But the way to wait all year long and then to bring this up with 2 weeks to go makes me think that they know that some of us are steadfast in our opposition and they know we are going to be steadfast in our opposition. They will say, "We will put it up and we will allow Senator MCCONNELL and Senator NICKLES and some of the other people who are really opposed to it to filibuster and after a day, 2, 3, 4, 5, whatever it takes, we are willing to stay as long as it takes." The majority leader will pull it down while the clock is running. "We did not have time to pass this. I regret it. This is the case of the Republicans. They have been obstructionist. They are not cooperating. We will therefore pull the bill down. The Republicans must be succumbing to special interest groups, and therefore it is regrettable but we cannot pass it. Therefore, we need to run against those Republicans."

I see that happening. Maybe I am wrong. I kind of have that feeling that is coming. I do not want to guess the intentions of the President of the United States. We might hear that from him. But I have to think, wait a minute. What is in the bill? I have a feeling we will hear the same thing on health care. At some point mercifully somebody is going to decide to pull the plug on the health care bill. We should. We do not have time to pass a health care bill this year.

My guess is somebody is going to come in and say, "Well, we did not pass a health care bill because all those special interests and contributions they made to those Republicans," probably. The fact is the bill will not stand up to scrutiny. The bill with 1,443 pages. The more people found out about the bill the less they liked it. When they found out the bill would replace the plan they have they are happy with, and they cannot keep it, then they started getting a little concerned. It was not the fact that Harry and Louise was on TV that killed the health care bill. It is the fact that the more and more people learned about it they did not want the bill. When people found out that there was an item in the bill that said you cannot keep your own plan, even if you want it, even if it is a good plan, you cannot keep it, we are going to replace it with a government plan, people became quite upset.

I announced I was going to have an amendment on the health care bill to allow people to keep their own plan. People started scurrying for cover. You are going to make us vote on that? President Clinton in a press conference on August 3 said you can keep your own plan. I held it up on a chart. That was in his quote, in his press conference, in his written statement in his press conference. He said you can keep your own plan. It turned out that was not true. That was not correct. It turned out that if you were self-insured, you could not keep your own plan. If you had less than 500 employees and you were self-insured, you could not keep your own plan.

I have exposed that. I have made that floor speech two or three times trying to let people know. You are going to lose your plan if we pass the Clinton-Mitchell bill. You are going to lose your plan. You cannot keep it if you are self-insured.

We found millions of people self-insured including the companies that I used to manage. Those plans are illegal. Yet President Clinton on August 3 said you can keep your own plan. When we exposed that was not correct, people started to say "Wait a minute. I am not sure we want to pass this plan." That was not the result of somebody writing a correction to DON NICKLES or MITCH MCCONNELL or BOB DOLE. In fact, that was in the bill.

So again, the bill needed a little more scrutiny. Now some people are still saying maybe we can put together a health care bill in the last couple of weeks in Congress, kind of run it through, and we think we will have a consensus, and it is estimated the bill is going to be over 1,000 pages. I do not think so. I do not think we can. I do not think we have the time. I do not think we should do that. I think we are risking doing serious harm and we should make a rule if we pass health care legislation that it would be good health care legislation, bipartisan health care legislation. I do not see that happening in the last 2 weeks of this Congress. I do not think so. I want to read the bill. I want to know what it is.

If we are going to impact the health care of all of our citizens in every State in the Union, we should know what is in the package. I do not see that happening if we try to cram a so-called package— I do not care if it is called mainstream, or what title is put on it, health care reform for all Americans or lower cost health care, you name it. I do not think we can do it in 2 weeks. Maybe that is regrettable. I know a lot of people have worked hard.

I know Senator MITCHELL would like to pass a health care bill before he leaves. I would like to give him a nice retirement gift. But I do not want to do something that will injure a quality health care system that we have today, nor do we want to pass legislation that would drive up the cost of health care premiums for countless Americans.

I noticed in looking at the health care plan that Senator MITCHELL—and just in looking at my own familiar circumstance, my daughter who is 22 years old purchased insurance through her college. She is getting a master's degree at the University of Oklahoma. She purchased health insurance for about $500 per year. Under Senator MITCHELL's bill the cost, because of the community rating he has—most people do not understand—that cost takes out the age differential and would cost over $2,000. Actually $2,200 was the estimate that CBO used. The health care plan that our employees have costs about $2,400 per year. I say "our employees." I am talking about Nickles Machine Corp.

Yet, the health care plan that Senator MITCHELL introduced and Senator KENNEDY introduced is estimated to cost about $6,000 per family. Wait a minute. Where is that money coming from?

So my point being that health care bill is not caused by special interest contributions killing the bill. What killed the health care bill was people found out what was in it. Then the more they found out the less they liked the bill.

When you started talking about cost, when you started talking about choices, when you started talking about can you keep your own plan, if you have a cafeteria plan that has health care, you cannot keep it; self-insured plan, you cannot keep it. When people found out these kinds of facts they started saying, "We don't want the health care bill to pass. It should not pass. This is going to take health care away from me or it is going to make me pay twice as much as we are paying today."

That is the reason why the health care bill is not passing. And really for the same reason this campaign bill will not pass. Maybe it will not pass because there are some of us who are pretty strident in our opposition. But if the American people find out what is in this bill, they will not want it to pass. They do not want millions of dollars of subsidies for individual Senators. If they find out that Senators are able to get broadcast time—and I am talking about broadcast time. Most people think that is NBC and ABC. Well, you are talking about TV stations. You are also talking about radio stations. I know originally, when it was introduced, it applied to radio stations. I know some people were talking about exempting radio stations because of some of the heat that was generated.

We are talking about giving discounts for politicians, but we are really talking about politicians as being Congressmen and Senators. What about county commissioners? If the broadcasters have to give discounts at one-half the rate they give anybody else to Congressmen and Senators, what are they going to do for county commissioners?

My guess is if they have to give it to Congressmen and Senators, who can afford probably more expensive campaigns, they are going to have to give it to a State senator; they are going to give it to a county official; they are going to have to give to a city councilman. They are going to have to give to anybody and everybody. They are going to have to be fair.

As a matter of fact, if they are going to give it to them, what about the charity that says, well, we are having our annual fundraiser to raise money for homeless children? No, sorry, we have to charge you twice as much as we charge politicians.

Be real. Yet that is what is in this bill. What about mailing? Why in the world should—when most people mail, they pay 29 cents. This allows politicians to mail at less than third class. So everybody else in the country is mailing at 29 cents. This bill says we are going to give a big discount even off third class mailing, a big discount. And guess what? Congress is supposed to appropriate money to take care of that subsidy. We are supposed to appropriate it to the Post Office.

Guess what if we do not? All the other ratepayers, all the other postal payers have to make up that subsidy. So their postal rates will go to help subsidize us so we get to mail at cheaper rates.

Thank you all very much to all the people who are mailing throughout the country because your postal rates are going up to help subsidize campaigns and probably help people get a lot of mail they may not even want. Not everybody wants all the campaign mail they might receive.

So the subsidies are massive, Mr. President. This bill is not voluntary. It may be well-intentioned. It started out I think in all honesty with the greatest and highest goals and expectations by my colleague and others. But that is not the bill that we have before us.

And then some people would say, kind of like let my people go. Well, let us let this go to conference and then let us just see if we can make a positive difference. How does it go to conference and get better? The Senate, because of concern about subsidies, did strike out the vouchers. That is in the House bill. So that is a conference item. And we happen to know that the sponsor of the legislation, the Democrat group that came up with this legislation wanted vouchers in it. It is in the House bill. They want it in the House bill. So we are going to be having vouchers, which is food stamps for politicians. We are going to give you so much money for participating. Both sides have big discounts, one-half of the rate to broadcasters, or I mean politicians pay one-half the rate to broadcasters. So that is not really an item in disagreement. It will be in the final package.

So you have massive subsidies. That is a massive subsidy the Senator from Idaho mentioned. Wow. Broadcasters, you have to offer one-half the rate to politicians. That is going to be in the final bill.

Both bills have lower mail rates for participating politicians. So that is a lot cheaper for us. So there is no question this bill is going to be, for most of us who do not want public financing the bill that comes out of conference is going to be a bad bill. So strategically we are saying let us oppose it now. Why waste the time? Why waste the time to go through this effort and have a bad bill? And people say, well, it is a conference report. You cannot even amend that now. Why not kill it now. Why not have the majority leader listen to us when we say we are not going to let this pass; it is a bad bill. It is laden with subsidies. So let us move to something else. Let us pass the appropriations bills. Let us do the business we have to do and go home.

Instead, we are here 12:35 at night debating a bill the taxpayers do not want, that our country can ill-afford, that would be starting a brand-new entitlement program. Mr. President, I do not think that makes any sense.

Mr. President, what can we do? If the authors of this legislation want to come up and say let us work with the Democrats and Republicans in a bipartisan fashion, I think a lot of us would be willing to listen, say what can we agree upon. If you want to limit PAC's to $1,000 per person, it would pass in a minute. If you want to do that, we can do it. But if you want to have a tax on free speech, which is in this legislation, it is not going to happen.

Right now we say, well, if you spend more than the so-called general election limit, in the general election, there is going to be a tax equal to the corporate rate on that excessive amount, a 34-percent tax or something like that. That is not constitutional but it is also not right. You are telling people if they want to participate in a Senator's campaign, they want to write a check for $100, you are going to say, no, we are going to a take a third of that, a fourth of it or something.

That is not right and that is not going to happen.

That is a serious mistake. If you want to say let us limit PAC's; can we agree on this in a bipartisan fashion? Yes.

Why did the conferees not get together? Why did they decide not to meet 10 months ago? Because the Democrats in both the House and Senate could not concur on whether or not we should restrict PAC's. Reports in the press for the last several months say, well, the House wants no restriction. The Senate wants some restriction. The reason why the Senate Democrats want restriction is because the House, or the Senate Republicans insisted upon it. So they agreed to our position to strike PAC's, or reduce them down to $1,000, the same amount that we have for individuals. That is not in the House bill.

So right now you have two different bills. The House says, oh, we want more PAC money. We want to have $5,000; we can continue receiving money. I think you could probably pass something that said, well, people have to raise the majority of their money at least in their home State or district or maybe raise three-fourths of their money in their home State or district. I think that would be a good-government amendment. I certainly would support it. Some people might contest it. Some people think that is wrong. I know we have in particular some House Members, maybe some Senators—I have not looked at the figure lately—maybe raise the majority of their money in Washington, DC, and do not go home to their States. We can change that. We can say you have to raise the major amounts of money in your home State or district, or 75 percent or whatever that figure would be. That would be fine.

I think we could pass legitimate reform. But I do not think that the solution is massive public funding of campaigns.

We could pass legislation that would restrict bundling. We could pass legislation that would regulate party soft money, or restrict special interest soft money. We could restrict the so-called millionaire's loophole. Right now a millionaire can put in any amount they want and somebody else cannot. You could say, well, if you have a millionaire who is going to put in a million dollars in their campaign and everybody else is limited to $1,000, you can say, well, if you have that, we will take the limit off. If you have somebody going to spend above a certain amount, well, we will let other people spend more to maybe equalize it. That is a possibility.

You can do the same thing for independent expenditures. If there is an independent expenditure and somebody is coming in and going to spend several hundred dollars to defeat the Senator from Florida, you can say, well, if somebody does that, well, they have to report it. And when they do report it, we can take the individual limits off or raise the individual limits so a person could raise at least a like amount. And you do not have to get the taxpayers involved. You do not have to have to write a check as now in S. 3.

Right now, in S. 3, if you have an independent expenditure a taxpayer is going to come in and match the difference. That does not make any sense. So it leaves taxpayers basically giving a credit card and saying charge it, use it, abuse it. The Senator from Kentucky used a little bit of humor, but it showed how easy it would be to abuse.

And I did not even mention third-party candidates who would also be eligible to receive massive subsidies, and would they not, though. They would have a lot of people lining up for subsidies, and they would be joining the fray. Maybe some people think that is good, but they would not be running for office; they would be running for dollars. They would not be running to win an office. They would be running to get Federal dollars to make their point. We have that happening right now on the Presidential side, where we have a lot of candidates who are jumping in not because they have any chance whatsoever to get involved and win a race but they have a message that they want to send and they appreciate the taxpayers helping to pay for it.

To give you an example, in the Presidential, Lyndon LaRouche has collected $2 million in tax dollars as a Presidential candidate in elections since 1976. He was recently paroled, and the FEC has certified $568,435 in matching funds for the 1992 campaign. Mr. LaRouche ran from prison, yet he was still certified for $568,000.

Ms. Fulani of the New Alliance Party has received over $3.5 million in matching funds as a candidate in the last three Presidential campaigns. In 1992, Ms. Fulani received $2 million in matching funds and was the first candidate to qualify that cycle. In 1992, John Hagland of the Natural Law Party received $353,000, and Larry Agron received $269,000—people who are running not for President. They are running for campaign dollars so they can send a signal, so they can get their message out, and they want to do it at taxpayers' expense.

Mr. President, if we pass this bill, you are going to have more candidates running for office, and they are going to be able to because they want to send a message, they want to send a signal, they want taxpayer funding of campaigns.

Mr. President, we can pass legislation to restrict gerrymandering. We can pass legislation that would restrict the abuse of franked mail during election cycles. We can pass some good legislation. But we need to do it in a bipartisan fashion.

I might mention this last 15 months when conferees could have been appointed, frankly, should have been appointed and would have been appointed in any normal cycle, they were not appointed because the Democrats who are primary negotiators on this issue wanted to negotiate a deal. And I might mention no Republicans, not one, that I know of—I believe no Republicans were involved in any way in those negotiations. So this has been an effort to craft a partisan package.

I know some of my colleagues say, "Oh, I don't want a partisan package." That is what we have. That is the reason why Republicans are objecting to it. We are objecting to it because of the substance, because the result is massive taxpayer subsidies and we philosophically are opposed to that.

Drop all public financing provisions of this bill, drop the tax on free speech, and then let us work on something we can pass. I think that would make sense. Let us do something worthwhile. But right now, if you look at S. 3 and you look at the House bill, there is no way, there is nothing common, there is nothing good that would come out of those bills.

It kind of reminds me of the health care bill. Somebody said, well, let us amend it. Let us fix it. Senator MITCHELL's bill was 1,443 pages.

Mr. President, I did not have one lobbyist—this is interesting because it keeps going back. I just had this sense that when the health care bill was going to be declared finally dead, they were going to say, well, the special interest groups killed it. I do not know one lobbyist who came to me and said, "Hey, I wish you would offer this amendment." It was my amendment that said I wish to protect everybody's right to keep their own health care plan. Some people said that if that amendment passed, it would have killed the bill. It may have because it would have killed this defined benefit which is kind of the core of some of these pages.

That did not come from any lobbyist. That came from me. No lobbyist told me to offer the amendment to kill the $10,000 fine if you did not have the Government standard benefit package. We found it when we read the bill, and we said what is that doing in there? No lobbyist brought that to my attention. No lobbyist brought to our attention that somebody in Senator MITCHELL's bill did not even have to pay premiums and they could not be canceled. We found that in the package. That was not brought to anybody's attention I know of from a lobbyist. We found it.

Other Senators reading the bill—several of us divided up the bill and started reading it, and the more we read it the more we disliked it and the more we found out it would not work. That was not special interest. That was Senators and their staffs doing some homework. That is what killed that bill.

This bill likewise, if people had a chance to read it and find out that it is so laden with subsidies and regulations and the fact that the FEC would just have to be multiplied in power and enforcement to carry this thing out, I think they would be appalled. I think there is no way in the world that they would allow this bill to pass. And so maybe that is the reason why we are obligated to be here in the middle of the night, maybe all night long to oppose this package.

Mr. President, the total amount of money that we are talking about as far as subsidies—I have mentioned it in some cases, but I will tell you the Republican Policy Committee, which I happen to be chairman of, estimates the cost of this bill in the hundreds of millions of dollars per cycle—hundreds of millions of dollars. So we are not talking about chicken feed.

I have been talking about individual States because I think it is easier for people to comprehend, but we are talking about hundreds of millions of dollars. And if you look at the Senate cycle as such, when you go through the entire Senate cycle, the full 6-year cycle, you are probably talking about $1 billion-plus. You add all the broadcast subsidies, taxpayer subsidies because people do not comply, because they have to match the excessive funds, communication vouchers if they are put in because they were in the House bill and they are in the Senate, you add these together and you are talking about hundreds of millions of dollars of subsidies.

I think that is unfortunate.

Finally, Mr. President, I also want to touch this for a second, on the influence of special interest. Again, I am kind of amused when somebody wants to come up and say health care was killed because of special interest or campaign reform was killed because of special interest, or campaign reform was killed because of special interest, lobbying, whatever. I see a lot of special interest legislation, and I see a lot of special interest involved in this legislation, some of which is kind of shocking and some of which—I do not know—some of which is just amazing to see that it has power to the degree it does.

I am talking about even impacting foreign policy. I recently read that there are individuals who are involved in representing the Haitian Government that are receiving hundreds of thousands of dollars from the Haitian Government. I say the Haitian Government, I am talking about Mr. Aristide in exile.

Mr. President, I have let it be known that I oppose the military occupation of Haiti, and I made two or three speeches opposing a military invasion of Haiti, and we have had a military invasion of Haiti. I am very pleased that it was one that was not hostilely received, at least to date. I am pleased, at least to date, that we have had no loss of American lives.

But you have to look at how we got in this position. We are pleased that it did not explode and we did not have Americans lose their lives, but we still now are in the process of putting 15,000 Americans in to occupy Haiti.

How did we get there? And what is happening? Mr. President, I tell you, I do not get bothered too much by different things I read, but when I read in the Wall Street Journal on June 16, 1994 from Port-au-Prince to Gucci gulch that lobbyists, paid by Mr. Aristide, received hundreds of thousands of dollars in just a few months, their basic retainer was $55,000 a month, that bothered me. Then when I see we basically have adopted what they were asking for as our policy and risking U.S. lives to implement that policy, that bothers me. It bothers me from a lot of standpoints.

Talk about a lobbying bill or talk about influence and special interest, is this a special interest? We have been risking American lives to put Mr. Aristide back in power. I do not think Mr. Aristide is a democrat in the sense of a George Washington, Abraham Lincoln, Thomas Jefferson, or a Democrat in our sense. I have read some of his speeches that were just a couple, 3 years old—1990, 1991—that were very much against democracy, that were even opposing elections.

I have also read his speeches where he is advocating murdering his opponents, talking about necklacing his opponents, where you put a tire around somebody's neck, fill it with gasoline, and set it on fire. I do not see that as a kind of democrat that I want to reinstate in power. That speech was made in 1991.

So why are we following this type of policy? Was it politics? Was it because of the lobbying firm that Mr. Aristide has been spending hundreds of thousands of dollars, maybe millions of dollars to influence American policy, the fact he has employed a former Congressman to be involved in this, has close connections with the White House—why have we adopted this as our policy? Why are we risking thousands of lives to put Mr. Aristide back in power when he has such an atrocious human rights record of his own? That bothers me. And it bothers me a lot. Yet now we are occupying Haiti. I know some people are doing high-fives: "Hey, the invasion went forward. We didn't lose lives. Isn't it great?" Now what do we have? We have the United States occupation of Haiti.

Then I hear people say we see rioting over there, we are going to stop that because we control Haiti. Do we really want to control Haiti? Does that mean that we have Haiti's problems? If Haiti has a police problem, that is now a United States problem? We have kind of assumed their problem? I question the wisdom of that. How long are we even going to be there to solve that problem? They had a riot a couple of days ago. The President said he is very bothered by it. I hated to see it. Somebody was clubbed. It was done right in front of us. It is a terrible thing, so we are going to stop that now. Are we going to stop that 10 years from now? Are we going to stop that 20 years from now? I just question that.

And I question, wait a minute, how did we get there? I read David Broder's article where he talks about using a little analogy. He said it is like somebody being on the sixth floor of a window and they jump and the firemen are there and they catch the individual and the safety net works and the individual is not harmed. So there is celebration: "Hey, this is great. The individual was in jeopardy, we saved him and everything is great."

But then after the individual is safe, you have to start asking the question, wait a minute, why was that individual there? You start shaking the individual: What in the world were you doing on the ledge? Why did you put yourself in such a precarious position?

Why have we put 15,000 American troops in such a precarious position to implement this so-called Haitian policy, which has vacillated from day one? Why should we risk those lives to put Mr. Aristide back in power? Mr. Aristide is not worth the life of one U.S. soldier, and yet we are risking lives of countless U.S. soldiers to put him back in power.

Then I see that Mr. Aristide, while he is in exile in the United States living high on the hog in New York and Washington, DC, is giving lobbyists thousands, hundreds of thousands of dollars, and yet Haiti is the poorest country in this hemisphere and people are hungry and people are starving and people are in a deplorable situation. The economy of Haiti is pathetic. Yet, he is spending $55,000 a month?

This firm, I think, in one 3-month period of time received something like $300,000. At least that is the report. Maybe this is incorrect. According to this report—I will just read it: "$303,000 for billings between September 29 and December 7 of 1993." That is only 2½ months, $300,000. That is a pretty good billing rate. Sounds to me like Mr. Aristide and some of his cohorts and friends are ripping off the Haitian people, spending their money over in the United States.

I wonder if some of those moneys end up in political campaigns? I do not know, but it is absurd to think that we have adopted Mr. Aristide's political policy and maybe that of this lobbying firm and maybe that of Mr. Robinson and maybe that of the Black Caucus and risk American lives to implement it.

Are American interests at stake? We have an interest. Is our national interest in jeopardy? Are the lives of the American people at risk because of the Haitian actions? I do not think so. Are there American lives in Haiti, are they at risk? I do not think so. As a matter of fact, they are probably put at greater risk because we were contemplating and moving forward with an invasion than there would be if there is no invasion.

There is no national security risk. This was not Grenada. This was not Panama. At least in Grenada we had the Cubans who were building an airfield, who were risking the lives of United Students students, who had murdered the leader in Grenada, and it was important to move and move quickly. We did it, the job was done and we were out.

In Panama, likewise, we had some national security interests and Mr. Noriega was doing a lot of things, plus we also had the Panama Canal which is very much a strategic national interest.

But in Haiti, the President said, "Well, we want to stem the flow of drugs." We have more drugs coming from the Bahamas and other countries than from Haiti. We want to stem the flow of the migrants coming from Haiti to the United States. That is primarily because the President has tightened the economic sanctions, which should be lifted, hurting the Haitian people a lot more than it has hurt the generals.

Then the President made a national televised speech to kind of whip up this hysteria, why we can justify this invasion, called Mr. Cedras and his cohorts murderous people who have plundered the country and responsible for raping the women and so on. And yet 2 days later we are talking about a partner in managing the country. I think, wait a minute, how could this be our policy?

And I keep going back to this article. Mr. Aristide spent hundreds of thousands of dollars, and I think he has been pretty successful in really getting the administration to adopt their line. Is this something that maybe should be covered in this campaign bill? Where is the money coming from? How did that influence our policy?

Mr. President, instead, no, we are talking about how can we subsidize campaigns. We are not talking about serious things, we are talking about how can we subsidize campaigns. We are not doing our business. We are not passing appropriations bills.

We have a Department of Defense appropriations bill that we really need to consider, that some of us want to talk about because that bill is going to come out and we are going to find out we are not buying any more planes, we are not buying any more tanks, we are not buying any more ships—a couple of ships. The number of ships has gone from 546 in the Navy a couple years ago to 346 in the next couple of years. That is the result of this 5-year plan the administration is trying to put forward.

It is an acceleration of the reduction of defense, dramatically, as proposed by President Bush and Secretary Cheney. I think we should talk about that. I think we should talk about the multinational commitments that we continue to make and the President is trying to make in Haiti and also in Yugoslavia, in Somalia, Rwanda and all these other places where we want to basically assign United States responsibility over multinational forces, to where the President gets a U.N. resolution to carry out an invasion of Haiti but cannot get a resolution through the United States Congress. I think we should talk about some things that are really current, really important.

No, we are talking about how we can subsidize campaigns. We are talking about how much more money we can have the taxpayers pay for Congressmen and Senators so they can get reelected. I find that to be absurd.

We have an Entitlements Commission that says we want to limit the growth of entitlements. Some of these are exploding, and yet we are trying to create a new one for politicians, entitlements for politicians. Food stamps for politicians? No, it is too kind of a term. You have to have income eligibility. This one you can be a multimillionaire candidate and can still get massive subsidies from Uncle Sam to help pay for your campaign. I find that to be absurd.

No, entitlements are growing as a percentage of our national budget and we want to start a brandnew one to make sure politicians are cut in on the deal. I find that to be absurd. I find it to be absurd that we are going to be taking up a bill where conferees were not appointed for 10 months, and now we are going to try to appoint them in the last 2 weeks and craft out a deal and run it through at the midnight hour and pass it. Mr. President, some of us just are not willing to let that happen. Some of us are willing to use procedural techniques that we have under the rules of the Senate to make sure we do not pass bad legislation. If it is a health care bill or if it is a campaign bill or if it is another bill where it is going to be passing really bad legislation, that is one of the reasons why we have unlimited debate in the Senate.

So I compliment the Senator from Kentucky. He has shown great courage, and I will tell you, it has not been easy. It is not easy to stand up on the floor and be willing to say, "Hey, I will stay here all night if necessary." He has been willing to do it. I think the taxpayers of this country owe Senator McConnell a great deal of gratitude because he has been willing to say we are not going to have taxpayers subsidizing campaigns.

We do not want it. Republicans do not want it. So if people want to say, is this a partisan issue? Yes, it is. Republicans are almost unanimous, I believe almost totally unanimous against having taxpayers subsidize campaigns, and the bill that we have before us and the House bill that we have that would both go to conference have massive, massive taxpayer subsidies, and we do not want it.

So we will use what procedural techniques that we have available under the rules of the Senate to make sure it does not happen. The majority leader has to recognize when we say we are serious about not letting this bill pass that we are serious. If he wants to go through the charade of making us enforce it, we are willing to do that. Hopefully he will recognize when we say we are serious, we are serious.

So I compliment the Senator from Kentucky for his tenacity, his courage, for his conviction, for his willingness, because the taxpayers owe you, particularly, a great debt of gratitude. I think by your efforts we have been able to stop a bill that would rip the taxpayers off and, for that, I just say thank you for your leadership.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Before the Senator from Oklahoma leaves the floor, I was listening to him for awhile here and then in the cloakroom. I was thinking about some of these battles we have had before. I know he was here consistently in a stalwart fashion every step of the way. I was thinking of 1988 when there were 8 cloture votes and people were being arrested and hauled to the floor. I was listening to the Senator finish up there.

They have had a hard time figuring out we do not like this bill. Maybe, here, after all these years, we are going to be able to finally make the point that this is not going to pass.

The Senator from Oklahoma, very skillfully, I thought, outlined once again the outrage the public feels about this. Obviously we are going to kill this bill. We are trying to kill this bill. We intend to kill this bill. We make no apologies for stopping bad legislation. The Senator from Oklahoma pointed out, in addition, extended debate of this subject is useful. We watched what happened as we discussed health care for a year and everybody learned a lot about it, including ourselves. Things that I thought at the beginning of the year I did not think at the end of the year. Certainly the public went through different phases in the course of that debate.

What we have not had, I think, in this area—particularly for the last year or so—is a good debate so the

American people could understand that this Congress in the 11th hour is thinking of setting up a new entitlement program at their expense to pay for our political campaigns. I think the public needs to understand that and we are going to make sure they do understand it.

I really appreciate the Senator from Oklahoma at every step along the way in this long, 7-year fight to try to finally drive a stake through the heart of this goofy proposal. I really want to thank the Senator from Oklahoma for always being here, always being articulate, and right on the mark. This time, of course, he had to do it in the middle of the night. So I really want to thank him.

Mr. President, I see the Senator from Utah is here and wide awake. I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I am here. I will not certify to the wide awake, but I will admit to being here and ready to go. I was interested to hear my friend from Oklahoma talk in the vein he did because I find I am in the same vein, at least with respect to the basic question of why we are here and why we are doing this.

The answer goes back to a reference in the press, where someone speculated about what the President would do with respect to the defeat of his health care proposal. According to this journalist, the President's response would be to push for congressional reform and campaign reform and then give, as his rationale for that, his conviction that it was the special interests that had killed health care. In other words, the reason we are here debating a bill that passed the Senate 15 months ago, and the House 10 months ago, and then has been available for conference ever since, is that the President has suddenly discovered an excuse that he can use for the failure of the democratically-controlled Congress to give him his health care proposal.

Like the Senator from Oklahoma, I applaud the Congress for its failure to give the President his health care proposal. I opposed it. I have spoken about it many times. I will not take the time or opportunity now to outline all of the reasons for my opposition because, as I say, the country now knows that a majority of the Congress in both Houses agrees with that opposition.

But we are here because, as I say, someone in the White House, some spin doctor has decided that resurrecting the campaign reform bill will somehow get the public's mind off of the health care issue and at the same time give the President two for one. It will push a bill that is basically an incumbent protection act, and since most of the incumbents in Congress are members of the President's own party, an incumbent protection act makes a whole lot of political sense. So that is why we are here. We have an opportunity to accomplish two purposes with one bill. As I say, No. 1 we get people's minds off why the health care bill did not succeed and, No. 2, we push an incumbent protection bill. What can be better than a two-for-one deal?

The Republicans have decided they do not want to let that happen and so we are here, opposing this even to the point of an all night session.

I want to talk about the first of these two, that is that we are here to get people's minds off why health care was defeated and make the point again, as the Senator from Oklahoma made, that health care was not defeated because of special interests. Rather than give you my brilliant reasoning on this, because at this hour it might not be that brilliant, I will read an article that appeared in the Wall Street Journal on Thursday, September 22, by Michael Rothschild. He is President of the Bionomics Institute in San Francisco. And he addresses this issue, of why the health care proposal by the President did not make it. Quoting, now, from the article he says:

> One year after President Clinton unveiled his health care plan to the nation, that plan—along with the slew of compromise versions it spawned—is dead and gone. But the blame game is just starting. Extreme partisanship, special-interest lobbying, Rush Limbaugh, negative advertising, administration bumbling, Whitewater, and the public's cynicism about Washington top the list of common excuses.
>
> But excuses are not explanations. Pinning the defeat on "Harry and Louise" or any other tactic is an act of self-delusion. With initial public support well above 60%, non-stop campaigning by Hillary Clinton, control of Congress, and overwhelming support from the national media, the president should have been able to pass any reasonable health care bill. But what is reasonable inside Washington is no longer reasonable to the American people.
>
> Oozing elitism, Beltway cognoscenti would have us believe that the American people were confused by campaign-style rhetoric and never understood the Clinton plan. But as the town meetings, newspaper analyses, talk shows and congressional debates wore on, the American people figured out this much: Though Mr. Clinton promised a "simple" plan that would guarantee choice along with security, he delivered a numbingly complicated 1,342 page plan that put another 14% of the economy under the control of federal bureaucrats.
>
> OLD CONCEPTS
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> This approach to social reform—widely accepted just 25 years ago—no longer makes sense to an American public whose daily lives have been radically transformed by the first decades of the Information Age. Top-down social engineering by Washington's central planners is now intuitively rejected as an anachronism, a hopelessly inefficient throwback to the bygone era of the Machine Age.
>
> Though camouflaged as state-of-the art social policy for an America entering the hyper-competitive 21st-century global economy, the Clinton plan merely extended concepts first enacted under Franklin Roosevelt in the 1930s. Consider Mr. Clinton's remarks to die-hard supporters greeting the health care bus tour in Independence, Mo., just days before the plan's final demise. "Sixty years ago this fight started," he said. "Fifty years ago, Truman tried it three times and failed. Twenty-nine years ago, President Johnson signed Medicare into law. . . . We're halfway home and we can go all the way."
>
> Need it be said that today's economy is unrecognizably different from Lyndon Johnson's '60s, not to mention the '40s or '30s? Back then, no one doubted that economic power would become ever more concentrated in massive, centralized hierarchies—from IBM and Sears to Washington and Moscow. Advanced technology meant bigger mainframes and more power for the bureaucracies that controlled them. The most optimistic outcome of the Cold War anyone could predict was a concordant between big capitalism and big socialism. Command-and-control hierarchies ruled the earth and put men on the moon.
>
> Then, in 1971, just two years after Apollo 11 reached Tranquility Bay, three young engineers at an unknown California start-up named. Intel invented the micro-processor and changed the world. By 1982, the computer-on-a-chip began showing up on desktops across America.

Mr. BOREN. Mr. President, I call for the regular order of debate.

Mr. BENNETT. Mr. President, I think I have the floor.

The PRESIDING OFFICER. The Senator is correct. The Senator from Oklahoma is correct. The Senator from Utah is required to speak on the business currently before the Senate.

Mr. BENNETT. Mr. President, the Senator from Oklahoma may not have been here when I introduced this particular topic. One of the reasons we are debating this topic, in my opinion, according to press reports is that the President is seeking a diversion from the failure of his health care proposal. And I am making the point that the failure of his health care proposal does not spring from the existence of undue pressure on Members of Congress by virtue of campaign reform. When I have finished making that point I will, indeed, return to my second point that I made in my introduction which was that this campaign reform bill is an incumbent protection bill.

So I simply intend to finish reading this editorial and then will go forward with the point I am making. But it is germane to the issue before us.

Mr. McCONNELL. Will the Senator yield for just an observation?

Mr. BENNETT. I will yield to the Senator from Kentucky for an observation.

Mr. McCONNELL. I have been here all day listening to the debate. The occupant of the chair has only been here for the last couple hours. There has been much discussion during the course of the debate today about how this issue fits in with the other issues as we go forward to the conclusion of this session. And, so, the observations of the Senator from Utah are not at all out of line with many that I have heard throughout the afternoon, to which no objection has been made.

Mr. BENNETT. Mr. President, I will as I stated, finish reading this editorial and then, as I said, return to my basic point about the bill before us. But I think the editorial is germane because, as I say, it makes the point that the loss of the health care bill is not due to improper pressures on Congress that could be fixed by this bill.

With that understanding, I go back to the editorial:

> By 1982, the computer-on-a-chip began showing up on desktops across America. From that moment on, real decision-making power began shifting from MIS directors to midnight hackers, from headquarters staffers to factory managers, from big-time CEOs to no-name entrepreneurs. Apple Computer's famous "1984" TV ad captured the spirit of this historical watershed.
>
> Over the past decade, relentless competitive pressure from Japan and Southeast Asia's Tigers compelled all but the most brain-dead U.S. companies to reinvent themselves. Using PCs, faxes, voicemail, e-mail, local area networks, cellular phones and satellite uplinks, they slashed costs, cut cycle time, boosted quality and accelerated responsiveness.
>
> To make it all work, centralized hierarchies were flattened into decentralized, horizontal networks where people stopped taking orders from bosses and started taking responsibility for results. And while the big firms downsized, an entrepreneurial army of Fortune 500 refugees—several million strong—launched their own small firms using the same microprocessor-based tools. Mikhail Gorbachev preached economic restructuring, while America practiced real perestroika.
>
> Almost overnight, what had once been the world's premier Machine Age economy became the world's first Information Age economy. The significance of this metamorphosis is only now being appreciated. Just this month, the world Economic Forum made official what many in the business community intuitively knew—the U.S. is once again the world's most competitive economy.
>
> From a policy-making standpoint, this transformation created an American economy vastly more complex than it used to be. Indeed, an information Age economy is more like an evolving ecosystem than a predictable "economic engine." Like an ecosystem, an Information Age economy is far too complex to be designed. It must evolve spontaneously. Who planned the rainforest? Who planned the personal computer industry? In both market economies and natural ecosystems, "unmanaged" competition and continuous adaptation yield bewilderingly complex, yet enormously productive, living systems.
>
> How did America's epochal transformation from a Machine Age to an Information Age economy affect the Clinton approach to health care reform? Apparently, not at all. The plan drafted by Hillary Clinton and Ira Magaziner, coordinator of Mrs. Clinton's Health Care Task Force, reflects classic Machine Age thinking: Centralize decisions through monopoly power, ensure stability through tight controls, insist on a "one size fits all" standard, and allow no room for local innovation. Plan everything out in advance—to the last nit-picking detail.
>
> Newly released secret task force documents show that Hillary and Ira only feigned interest in proposals offered by the public, Congress, and even administration officials. They had already made the crucial design decisions. This should come as no surprise. A complicated machine can't be designed by a democracy. To ensure that its parts will mesh, you hire the best engineer you can find, give him plenty of resources, let him work in secret, and announce the product when it's ready.
>
> I worked with Ira Magaziner years ago at the Boston Consulting Group. Like many others, I can attest to his intelligence, attention to detail, and maniacal work ethic. If you're looking for a social engineer, he's the best there is. But the era of the social engineer ended with the demise of the Machine Age. Ira is a mainframe in an age of networked PCs.
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> Years after IBM itself abandoned the mainframe ideology, Washington's policy wonks still don't get it. Think back to the opening line of President Clinton's healthcare speech. When he told the country, "This health care system is badly broken and we need to fix it," he revealed his own Machine Age mindset—government as repairman, the engineer that can redesign a busted "market mechanism."
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> FATAL ERROR
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> Instead of proposing an elegantly simple, market-based solution like Medical Savings Accounts supplemented with vouchers for the truly needy, Mr. Clinton's Machine Age technocrats believed that if enough really smart, really hard-working, really well-intentioned social engineers—say, 500 health care experts—worked under the right conditions, they'd come up with the ultimate policy contraption. Now, stunned by defeat, they're looking for scapegoats. Watch your back, Ira!

Parenthetically, Mr. President, that, as I have said, is what this is about. We are looking for scapegoats in congressional and campaign reform.

Back to the editorial. There are just two paragraphs left to read:

> In the '60s, Bill, Hillary, Ira & Co. dreamed wonderful undergraduate dreams about saving America from the depredations of big capitalism. Their fatal strategic error—the one destroying this presidency along with the health care plan—has been their failure to realize that Machine Age America no longer exists. Liberated by the microprocessor, the rest of us created a new American society, while the Clinton crowd made the long climb to power.
>
> Having learned from two decades of radical economic restructuring, the American people know what it takes to produce world-class results at globally competitive costs. Now they insist that their government perform as well as they do. From personal experience, they know that top-down, command-and-control bureaucracies are obsolete. The pundits may dismiss this hard-nosed realism as ornery cynicism, but the real story is a political/media elite utterly out of touch with the deeper forces remaking America's economy, society and politics.

Mr. President, that is the end of the editorial.

So I make the point, as I indicated at the opening of my statement, that an attempt to get our minds off why health reform died by now putting campaign reform and congressional reform at the top of the list of urgent things this Congress must do is an attempt that will fail. People properly examining the death of the health care plan will understand that it was not for lack of campaign reform that this happened.

Now, let us address specifically the question of campaign reform and why it will not, in fact, produce the results that are advertised for it by those who are pushing this particular bill.

Mr. President, I am a new Member of this body having served here less than 2 years. But I am not new to Washington, a fact that my opponent kept throwing at me during the campaign in Utah when he kept saying, "Bob is not an outsider." And he cited my experience here. My only defense against that attack was to say, "Well, I haven't been there for 18 years. So maybe I have been able to shed some of the taint that comes from being an insider, and by the way, you are an incumbent Congressman; therefore, a little bit more inside than I." But that was the debate that we had on that occasion.

When I was in Washington before, I was involved in campaigns. I was involved in President Nixon's first campaign in 1968. I was asked if I wanted to be involved in a serious way in his campaign in 1972. I declined for a variety of reasons. But the whole question of campaigns and how campaigns are financed is one with which I was very familiar. I remember the outcry that we had in this country when it was discovered that Clement Stone had given Richard Nixon over seven figures in contributions, over $1 million from one campaign contributor to the Presidential campaign of Richard Nixon. That is outrageous people said, that one man, one executive, one rich contributor could have that much influence.

Lest we think that this was confined to the Republicans, there was a young man who had inherited a great deal of money from his grandfather in General Motors stock. I believe his name was Mott, who gave more money to George McGovern. Again, the outcry that one contributor can give seven-figure contributions. What will that contributor demand in return, we were asked? On the floor here in the Senate, people took the floor and spoke from these same desks and attacked the corruption of a system that allowed one contributor to give seven figures, over $1 million, to a campaign. They talked darkly of buying ambassadorships, attacking all of the implications that came from those giant contributions.

What was to be the reform, the campaign contribution reform that would take care of all of this? Well, someone discovered the political action committee, the PAC, and said, "Here is the reform that will solve the problem." I remember it very well. One of my clients when I was conducting my own consulting firm was the Summa Corp., the corporate embodiment, if you will, of the American industrialist, Howard Hughes. Mr. Hughes was one of those who was attacked for improper political activity because of the size of his contributions. But at Hughes Aircraft Corp., the Hughes company had come up with the answer to these attacks, and it was the Hughes PAC, the political action committee.

This is how it worked. This was, as I say, the model that many people pointed to as the pure and the proper and the right way to finance campaigns. At the Hughes Aircraft Corp., the managers would circulate envelopes and information about the Hughes PAC to all of the employees. They would say, "If you will fill out this form and put in a check, $5, $10, $25, whatever, we will pool your money, your employee money, and deliver it to the candidates of your choice, the people you instruct us to. You can put on your form you want this to go to a Republican, you want this to go to a Democrat. You can put on your form you want this to go to candidate A, candidate B, whatever."

Since almost all of the Hughes employees participated in that, there was a substantial sum of money to be handed out by the Hughes political action committee. And at Hughes Aircraft, candidates for statewide office, Governor, Senator, attorney general, et cetera, would be told on such and such a day our employees will be given half an hour, some other period of time off, if you want to come and make your pitch.

So every state-wide candidate would look forward to the opportunity to go to Hughes Aircraft and give a speech to the employees, at the end of which the employees would fill out the forms, put in their contribution, whatever it was, and then 10 days later, or whatever, the Hughes political action committee would give that candidate a single check representing the sum of those individual contributions.

It could be quite substantial. It could be five figures. It could be six figures. But it was pure money because no one individual put in more than $25 or $30 into his or her envelopes, and the candidate would come to have an opportunity to speak before 1,000 potential voters. It was an essential stop on the road for every single candidate to make in California at the time.

So people said, "Let us take the political action committee concept and let us write it into Federal law. PAC's are the solution to the corruption represented in Clement Stone's seven-figure contribution to Richard Nixon."

What did we learn from that experience after we passed those campaign reform laws in the post-Watergate era? What we learned was that the American people are very inventive when it comes to finding ways around regulations they do not like. Instead of the Hughes Aircraft model being the model for political action committees, we began to get a circumstance where people would create multiple PAC's and get around the regulation that a PAC could only give $5,000 to a candidate. Pretty soon they were saying, "Well, there are two elections involved. There is a primary as well as a general election. So we give $10,000 per cycle if a candidate has a primary opponent."

In Utah, we have a convention as well as a primary, as well as a general election. I have received $15,000 from PAC's because I had an opponent three times. So we can do the cycle three times in Utah. Maybe I should not announce that. In other States they will now start creating a convention to go before the primary to thereby add 50 percent to the availability of PAC money.

But as we debate this issue on the floor now, we are hearing much of the same rhetoric we heard about Clement Stone. Only now the object of the abuse is the PAC which was created as the solution for the previous problem.

As I say, what we have learned from this experience is that the American people are very inventive, and they figure out ways to multiply the impact of the PAC.

So if a special interest group wants to, they will organize PAC A, which will give each candidate $10,000—$5,000 for the primary, $5,000 for the general. Then they will organize PAC B that will give the same candidate $10,000—$5,000 for the primary, $5,000 for the general. If that is not enough, they will create PAC C, and so on.

We have seen the multiplication of PAC's, and we have seen the outcry now that they are buying the Congress and corrupting us all and we must pass this legislation to do something about it.

Pardon me if I am a little bit jaded having lived through the circumstance that created the PAC. I am convinced that if we pass all of this tough legislation that abolishes them, what will we find? The inventive American mind will find ways around this just as they did last time, and we will be having the same debate in another 5 or 10 years or so. I cannot predict in what form that solution will come because I am not that inventive, but I am assured from history that someone will find a way around whatever restrictions we create.

I did discover in my own race the current way around PAC's, at least the way around the bad odor that attaches to PAC's in some areas. I discovered the process of bundling. Bundling did not exist when I was involved in Washington before. So there was a new discovery that came to me as I came back into political activity. I did it because one of my opponents made great political hay out of the fact that he would not accept PAC money. He said, "I am pure. I will not accept special interest money. I will not accept a dime from a single PAC." I thought, boy, that is pretty tough. I am not sure I can do that. I am not sure I can survive without accepting some PAC money. I was here in Washington on a trip from Utah talking to some PAC's, and they explained to me how it is possible to receive very substantial contributions from special interests and still not accept any PAC money. And that was my first introduction to bundling.

Now, Mr. President, on the assumption that there is someone out there who is awake and paying attention and would be interested, I will explain what bundling is as it was explained to me and as it happened in our campaign in Utah. Instead of going to contributors for $5, $10, or $25 contributions in the style of the Hughes Aircraft PAC, the head bundler goes to wealthy individuals and says, "I want $1,000, but do not make out your check to the ABC PAC. Make out your check to candidate ABC."

Well, the donor does not know candidate ABC at all, never heard of him. It does not matter. He trusts the individual who is doing the bundling. And so the donor makes out his check to candidate ABC. And the bundler goes to the next donor and to the next donor, and so on. And pretty soon, again using an example out of my own campaign, my opponent had $50,000 from a particular group but it consisted of 50 $1,000 checks. They had been bundled together and handed to him as if they were a single contribution, but he reported them very properly, very honestly and very openly on his FEC report as 50 $1,000 contributions from 50 individuals.

We wondered why these particular individuals would be supporting my opponent instead of me since not one of them lived in the State of Utah or seemed to have any interest in the State of Utah. So members of my campaign staff started calling them, their names and addresses duly available in the FEC report. In response to the phone call, the individuals would say, "I do not remember anybody by that name," when we would give them the name of my opponent. Then we would say, "Well, you made out a $1,000 check in a campaign contribution to that individual."

And they would say, "Oh, yes. Oh, yes. I remember now." And then they would say that so and so asked them to make their contribution in that fashion rather than in the usual fashion of making out the check to a PAC. And I suddenly realized this is a wonderful, legal way to avoid the $10,000 limit that a PAC has with respect to an individual. This individual, in one stop, in one city walked away with $50,000 from a PAC which, if it had channeled the money through the PAC, could only have given him at that point $5,000 because the second and third point in the cycle had not yet occurred.

I am not criticizing my opponent for doing this. I was delighted for the information that I received following up on his tracks because it was part of my education.

Now, I understand in the bill before us bundling is outlawed, just as PAC's are attacked, and I think that is an appropriate thing. But I also understand that there is one exception to that.

In the bill before us, bundling is outlawed for everyone except Emily's List. What is Emily's List, again, for those who may be watching, may still be suffering from insomnia? Emily's List is a PAC that gives money only to women who are Democrats. In other words, by saying that Emily's List is exempt from the prohibition on bundling, the Congress of the United States is going to say that women candidates who are Democrat also are a privileged class in this society receiving a privilege under the law which men who are Democrats cannot receive, or women who are Republicans cannot receive.

Indeed, one of the leaders of the group involved in Emily's List has publicly stated that the Senator from Texas [Mrs. HUTCHISON] is not an authentic woman because she does not endorse the political goals of Emily's List.

I find that a very interesting kind of comment by a political leader. In our society, we can say whatever we want about political candidates and political officeholders. I would dispute the charge that Senator HUTCHISON is not an authentic woman. But that is the debate that goes on here. But the people who hold that opinion, who say that the Senator from Texas [Mrs. HUTCHISON] is not an authentic woman because she is not a Democrat have under this bill a right that no other PAC, no other group has.

I think that is enormously hypocritical, Mr. President, to say we are going to purge ourselves of the evil nature of bundling and PAC's unless the people who are the beneficiaries of that happen to be women candidates who happen to be Democrats.

Well, this thing is filled with hypocrisy in many other ways, and I think the most serious hypocrisy comes from the debate that went on while it was passing here prior to the time when we started thinking about a conference report when many of my colleagues said this is a bill to level the playing field. By virtue of this campaign reform, we will take away the advantage that an incumbent has. The time has come to do something for the challenger. It reminds me of a line out of the musical that has been revived on Broadway called "Guys and Dolls."

Those of you who are familiar with that musical remember there is a point where one of the characters, Nathan Detroit, is trying to win some money off of another character, Sky Masterson by making him a bet, and Nathan Detroit has previously determined the facts that make it possible for him to know something that Sky Masterson would not know. So he is betting Sky Masterson in what is a sucker bet because Nathan Detroit already knows the outcome. And Sky Masterson, even though it looks like a very logical bet from his point of view, refuses to make it and then gives Nathan Detroit this piece of advice. He said when he was starting out as a gambler, he, Sky Masterson, was given this advice by his father, who said, "Son, somewhere along the road, somebody is going to show you a new deck of cards on which the seal has not been broken. And he is going to offer to bet you that he can make that deck of cards rise up by itself out of the box and squirt cider in your ear." And he said, "Son, do not take this bet because if you do, you are sure to get an earful of cider."

Well, do not take this bet on this bill, Mr. President, because if you do, and you are a challenger and you really think you are going to get a level field, you are going to end up with an earful of cider. This is a bill stacked as firmly as Nathan Detroit's bet against the challenger.

Now, some people would say to me, "Well, then, why are you opposed to it? You are now an incumbent. You should like this bill because it will make your reelection that much easier when the time comes."

That may be true, but I still have the memory of my experience as a challenger, and I think we have to tell the truth about this bill.

By putting spending limits on the challenger as well as the incumbent, it appears to level the playing field. But what it does not explain to the American public that might feel that this is a fair leveling of the playing field is that the incumbent has ways of saving money in a campaign that the challenger can never match, so that if you say we are going to put a limit on the cash expenditures, we are really saying we are going to allow the incumbent to spend his cash or her cash all for media and we are going to force you, the challenger, to spend your cash on other things and the media disparity will clearly tilt in favor of the incumbent.

Let me give you an example again from my own campaign, from my own experience.

Like all of us who run for office, I had the naive belief that everybody in the State of Utah knew who I was, that by announcing for the Senate I would automatically enter the race with people anxious to hear what I had to say and what position I would take.

The first poll that was taken after I announced for the race for the Republican nomination showed the following results. There were four of us in that race. One candidate who was first had 56 percent of the voters supporting him. I was fourth out of the four. I had 3 percent of the voters supporting me, and there was a 4-percent margin of error in the poll. So that statistically you might have argued that I was under water. How in the world am I going to close that gap? Nobody has heard of me.

The same poll showed that the incumbent Congressman from the Second Congressional District in Utah, who was the Democratic nominee, was known to more than 60, 70 percent of the voters in the State. He had been in Congress for 8 years. That meant for 8 years he had had his face on the television. He had had his name in the headlines of the newspapers. He had been to Kiwanis Clubs and Rotary Clubs and Lions Clubs. He had been on plant tours. He had an 8-year head start by virtue of his incumbency.

I do not begrudge him that coverage; that is appropriate coverage for a public official, but it is a very real political fact of life. I have discovered it myself since I have been elected.

While I was a candidate, I would kill for an invitation to a Rotary Club, and I would get invitations to Rotary Clubs in little tiny towns that were having a hard time getting speakers. Now that I am the Senator, I have all the invitations I can handle, and more. When I would hold a town meeting as a candidate, as a challenger, as an unknown, the only way I could get people to come would be to buy their dinner. The largest area of expense in my preconvention FEC filing was for food. And everybody wanted to know why is BOB BENNETT spending all that money for food? Is that not an improper campaign expenditure? Until I pointed out to them that the only way I could get delegates to the convention to come listen to me was to promise them a free dinner.

An incumbent does not have to expend money for dinners to get people to come listen to him. An incumbent has an enormous head start. If I had had to limit my total expenditures as a challenger to a certain dollar amount and my opponent, an incumbent Congressman, had had the same dollar amount, I would have gone up against him having to deduct from my total the cost of all of those dinners, the cost of all of the attempts on my part to in any way come close to the name identification that he had by virtue of his office. So there is one place where in legislation we cannot by dollar figures say we are creating a level playing field between challenger and incumbent.

A second area. As the race went along, by now in my narration I am the Republican nominee, so I am head to head with the Democratic Congressman, who is the Democratic nominee.

He decides that he is going to expose my past, and he holds a press conference in which he announces the nefarious things that I have done in my past. The press Secretary who wrote his press release was paid for by the Federal taxpayers because he was the Congressman's press secretary.

The apparatus that put together the copies of that press release and distributed it to every newspaper and television station throughout the State of Utah was paid for by the Federal taxpayers, because they were staffers for an incumbent Congressman and an incumbent Congressman was making a press release.

When we rushed to answer those charges with our own statements for the press, the press secretary that wrote that press release was paid for out of campaign funds because I had no other source with which to pay him. The people who went around to the various newspapers and television stations to deliver our answer to his charges were paid for by campaign funds because I had no other place to go for the funds that I used in that circumstance.

Once again, an incumbent has literally a million dollar staff. I come from one of the smallest States in the Union in terms of population. My staff budget is $1.5 million. I have a network of people across the State of Utah. I have offices in the four principal cities in the State of Utah where the population exists, with staffers paid by Federal dollars constantly staying in touch with the constituency. That is legitimate and proper, and I am not suggesting that it should not happen.

But what an enormous political advantage that is, and any challenger to me who would duplicate that network of staffers throughout the State would have to do that out of campaign funds. But if we put a limit on the amount of dollars the challenger can spend, we are saying the money you spend to duplicate or at least try to compete with Senator BENNETT's staff network throughout the State is money you cannot spend on media because there is a cap on the total number of dollars.

Finally, there is the question of soft dollars, money that does not show up on FEC reports but, nonetheless, redounds to the benefit of the candidates.

Many of my colleagues have talked about this in greater length and with greater expertise than I have, so I will pass over it, other than to point it out; that the incumbent has an opportunity for soft dollars that the challenger has a very difficult time matching. Soft dollars being get-out-the-vote campaigns by special interest groups, the kind that say, "OK, we have given you the maximum from our various PAC's, that shows up on your FEC reports. We will now go to our members"—say it is a labor union—"we will go to our union members with an independent mailing, with an independent get-out-the-vote activity." Say it is a group like the National Rifle Association. The National Rifle Association can come into a State and make a mailing to all of its members and endorse a candidate, and that never shows up on the candidate's FEC report. It happened in my State. The National Rifle Association happened to endorse my opponent. There I was with a mailing to some 50,000, 60,000 Utahans saying how wonderful my opponent was. If I were to match that with a mailing to all of those same people, I had to do it out of campaign funds. I did not have access to those soft dollars.

No, if we try to say to the American people that this bill will establish a level playing field between challenger and incumbent, we are squirting cider in their ear, Mr. President. This does not establish a level playing field. This says every dime that the incumbent raises can go to media, where the challenger is faced with all of these other costs. And in the name of establishing parity between challenger and incumbent we are, in fact, putting an enormous burden on the challenger, and this is, in fact, not a campaign reform bill but an incumbent protection bill.

Much has been made during this debate about the issue of public financing, and I want to talk about public financing for a little.

We have heard examples about Lyndon LaRouche drawing $2 million in Federal funds, running a campaign while in jail. I will not repeat all of those. I would go, instead, to another example with which the American people might be a little bit more familiar, although he has now faded from the scene considerably, and that is David Duke. David Duke, you will recall, was a member of the State legislature in Louisiana. He ran for Governor. He ran for the Senate against the distinguished senior Senator from Louisiana, Senator JOHNSTON, who chairs the Energy Committee on which I sit.

This is what I understand the pattern is in a David Duke campaign. If I am wrong, I would be happy to have someone point it out to me and I will apologize to Mr. Duke, but this is what I understand from the published reports about Mr. Duke, and it sets a pattern of what can happen with public financing of campaigns.

In a David Duke campaign, the campaign is run by a political consulting firm that draws a fee for its services out of the campaign contribution pool. That is not unusual. Most people have political consulting firms and they pay the fees out of their contribution pool. What is different about David Duke's campaign is the political consulting firm is owned and managed by David Duke, which means that he takes a percentage of the campaign contributions for himself in the form of salary as the President of his own political consulting firm.

He goes farther than that. The political consulting firm contracts with an advertising agency that places the advertising for Mr. Duke's campaigns. The president and owner of the advertising agency is David Duke, so that he gets another fee, another salary from the campaign contributions that he puts in his pocket.

There was an article in the Reader's Digest where someone who was close to Mr. Duke and working on his campaigns was horrified to hear him talk about his plans to run for President in terms of the amount of money he would make in Federal funds from the Presidential campaign.

We had a similar circumstance, again, back in the State of Utah, and I will not use the name of the individual, but I remember part of my political education when, as a young man, I was talking to an old hand in Utah about a candidate who kept running and losing. He had a fanatic following that would always fund his campaigns, but he never seemed to win anything.

I asked this old, experienced hand, "Why does so and so keep running and losing? It seems ridiculous to me." And he smiled with the indulgence of the informed when speaking to the uninformed. He said, "BOB, you don't understand. That is how he earns his living. Every 2 years he runs for something and he takes about $50,000 off the top of his campaign contributions and puts it in his pocket, and that is how he earns his living, running for office."

He finally got elected to something and that cut his income fairly significantly, because he had to live on the salary that came with that particular office.

What happens if we put Federal financing into congressional races? How many people will decide to earn their living running for office? I had an amendment to this bill on that point when it was on the floor of the Senate. I said if we really do believe what we say about helping the challenger, let us make this money available only to challengers. Let us only fund challengers. And then to make sure we do not encourage the David Duke phenomena, let us say it is good for two elections only; that is, if you are going to run for office and have the Federal Government pay your campaign expenses, you only get two bites of the apple. After that, if you have been rejected twice by the public, you are on your own and you have to raise your own money.

No, neither of those amendments passed, although some of them did attract some votes from the other side of the aisle because this bill is essentially an incumbent protection act and those amendments would have cut the heart out of the idea of protecting the incumbent against the possibility of a challenger.

Mr. President, if we want real congressional reform and campaign reform instead of reform that helps incumbents, there is an alternative available to us. I would suggest if the leadership of the Senate pays attention to any of this at this hour, that we talk about some alternatives that are available.

I am a member of the Governmental Affairs Committee, and this week we reported out the Congressional Accountability Act. That, in my opinion, is genuine congressional reform. It does not go nearly far enough for the kind of reform I would like, but it is a move in the direction of congressional reform and it is broadly supported across the board. Senator LIEBERMAN and Senator GRASSLEY are the two principal cosponsors of this act. I am proud to be one of the other cosponsors of the act.

Why are we not spending our time worrying about getting this bill to conference? It has passed the House. It has already passed the House, and broad bipartisan support in the Senate. If, indeed, the solution to our Nation's problems with respect to health care or anything else is cleaning up Congress, here is an opportunity to clean up Congress that has strong bipartisan support, passed the House, and is just waiting to go to the President's desk for signature.

We have no date for it to be brought to the Senate floor. We are being told the leadership is looking at it. We are told, "Well, that might not be what we want to do. Maybe we don't have time for that." We have time to address a bill that has been thoroughly discredited—the bill that is before us—but somehow we do not have time to address a bill that has strong bipartisan support that goes to the heart of congressional reform.

Mr. President, I hate to sound cynical. I still retain the optimism of a new Member. I came to this body with high hopes, and I retain those high hopes. I guess that shows the degree of immaturity on my part. No, I do not think so. I am delighted to be a U.S. Senator. It is a great honor to be a U.S. Senator, and I feel very good about this body, even when we are engaged in an exercise like the one we are engaged in at the moment.

But I do have, I think, enough realism to go with my altruism about this job to recognize, even as a freshman Member, what is going on. What is going on was outlined, as I said at the beginning of my statement, clearly in the press, clearly in statements from people connected with the administration.

Health care was the President's No. 1 priority. Health care was the issue on which he pegged his Presidency. Health care was the trophy that he planned to take to the voters in November 1994 and the engine that he thought would pull his Presidency into reelection in 1996. Now health care is in shambles, it is dead, and we need a diversion.

As members of the administration have been quoted in the press, their diversion is to reach out for a bill that has been available to them for a conference for 10 months and suddenly elevate it to the level of a major national priority.

It is a bad bill. The reason it has been lying dormant for 10 months is that everybody knows it is a bad bill. It is a bill dedicated to preserve the incumbents. It is a bill that will produce more mischief in our political dialog, rather than less. It is a bill that does not deserve to pass.

So let us push it, nonetheless, because it will get our minds off what happened on health care. It will be good for incumbents. Most of the incumbents are members of the President's party, and if we do not get it, we will be able to accuse the Republicans of gridlock. We will be able to accuse the Republicans of obstructionism. We will be able to accuse the Republicans of not wanting genuine reform.

Mr. President, as I say, this is a Republican who wants some genuine reform and has given some specific examples of how we can get it by passing the Congressional Accountability Act reported out of the Committee on Governmental Affairs last week. But this is a Senator who does not want the charade of saying that the solution to our health care problems in 1995 will come from passing this bill in 1994. That is a giant disconnect, and the American people know it.

So, to summarize: Once again, I do not want a full employment bill for the David Dukes of this world so the Federal Government pays their salaries year after year, election after election. I do not want Federal funding of congressional elections. I do not want to pass an incumbent protection bill. And I do not think the American people want us to do that.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. FAIRCLOTH. Mr. President, almost every candidate who ran in 1992 promised change and reform. Unfortunately the campaign finance reform bill on the floor today is a hoax when it comes to change and reform. By letting politicians spend taxpayers' money for their campaigns, the campaign spending bill, as it ought to be called, is a billion dollar raid on the taxpayers' pockets. The spending limits in the bill inevitably will favor incumbents.

Before coming to the Senate almost 2 years ago, I spent 45 years in the private sector, meeting a payroll as a businessman and as a farmer. This I did every Friday for 45 years. We will meet one again tomorrow—today that is, now.

I had never held an elective office until being elected to the Senate. I was running my own business, trying to make some money and create new jobs and wealth. All during this time I would watch as Congress went into session and adjourned, leaving it more and more difficult for me and all businessmen to run a business, to meet the payroll, to make the engine run. And they did this by passing new rules, new regulations. And I do not remember a time in the last 30 years that the Congress went into session and came out that they did not leave it more difficult for the average businessman to function.

It became apparent to me that most of the people in Congress either were ignorant of the effects of the laws that they passed on business, or they were actually hostile to the interests of business people. While I was running for the Senate I came to Washington to ask for the help of Republican Senators. I remember very clearly one of my first meetings was with my friend DON NICKLES of Oklahoma. He expressed enthusiasm for my campaign and told me that we desperately needed more business people in the Congress and that only six or seven Members of the Senate, including NICKLES, had ever been responsible for meeting a payroll.

Needless to say, I was surprised and shocked. But it made perfect sense, as I considered how all the rules, regulations, and redtape that the Congress has passed have gotten so out of control that they threaten to destroy the very basis upon which the country is built, and that is the free enterprise system.

We simply have made rules, regulated and passed laws until it is extremely difficult for a major segment of the business of this country to function. We continue to pass them every time we come into session, and this 103d session of Congress has been no exception. If we want real campaign reform, let us give the voters across the country what they overwhelmingly want, term limits. I think that term limits are a real solution and would bring about real change and real reform, unlike the campaign finance bill before us—rather the taxpayer's financing campaigns bill before us. I have already committed to serve no more than two terms in the Senate. I intend, when my term ends, to go back to my business and my farm, and I expect to live under the rules and laws that were passed while I was here.

For too many in Congress today, Government has become a career. We have what columnist George Will calls a political class of professional politicians who make Government and spending taxpayers' money their full-time business.

In addition to that, they have spawned a cadre—not a cadre, a multitude of bureaucrats in an overwhelming bureaucracy that is draining the lifeblood out of the country. The results of this are everywhere to be seen. Congress passes equal pay laws, civil rights laws, OSHA laws, all kinds of laws, and then exempts Congress from the laws that the private sector and the working people of this country have to live under. Professional politicians insulate themselves from a bad economy by the simple function of automatic pay raises and a salary that puts Members of the House and Senate in the top 1 or 2 percent of income for the Nation.

Congress has privileges not available to the average citizen, a pension plan that is more generous than any pension in the private sector or for that matter even in the Federal Government. Congress has a staff of 37,000 employees. More congressional staff members work on Capitol Hill than the entire population of 11 State capitals.

There is no faster growing bureaucracy in the world than the Congress itself. We have added staff, we have hired assistants, we have spread offices until, as I said earlier, we are simply bleeding the lifeblood out of the economy of the country, trying to support a Government that has grown far too big.

Some of these outrages are now being addressed, and I applaud Senators GRASSLEY and LIEBERMAN in their efforts to make Congress comply with the laws they pass and stop the current travesty of Congress being exempt from many of the laws that we make. It is my belief that Congress would pass fewer burdensome laws and regulations if they themselves were subject to the same laws. Of course, most Members of the Congress would understand this more directly if they had been in the private sector, trying to meet the payrolls, meet the necessities that any private sector businessman faces up to, to pay the taxes and live under the rules and regulations that we mandate and pass here.

I am reminded of a story of the former Senator, George McGovern. Senator McGovern was an absolute champion of most liberal causes and he spent practically all of his life in public service. When he left Government he purchased a very historic inn in Connecticut to run as a business. He got a rude awakening as to the impact of all the rules and regulations he had helped to pass while in the Senate. They hit him right cold between the pocketbooks. He found out very quickly that running a business with all of the various OSHA, EPA mandates, and equal pay laws, is no simple task. He found out that it is hard work that the Federal Government has been making steadily more difficult over the past 40 years.

Former Senator McGovern wrote in a column that if he had been aware of the difficulties of running a business while he was in the Senate he would have voted differently on many laws, rules, and regulations that he not only supported but helped to put into place. He simply said that he had no idea of the burden that he was thrusting upon the private sector.

Common sense is an uncommon thing in Washington. The people in the country, the working taxpayers, know that we have to cut spending. But Congress never even considers cutting spending. We simply raise taxes. I think the problem is that Congressmen and Senators find life in Washington too easy, and they do not want to give it up. This is certainly evidenced by the fact that we can all cite innumerable ex-Members of both branches of the Congress who have never gone home. They are right here today. They come to Washington with the full intent of doing good things. In many cases that is the sole purpose of running. But then, once here, they get plugged into a Washington bureaucratic system of "you scratch my back, I'll scratch yours," and "you vote for my boondoggle and I'll vote for yours; you support my bad legislation and when yours comes up, I'll support it."

In fact, former Budget Director James Miller, using the National Taxpayers Union's figures on how much tax money Members of Congress vote to spend, found that the longer people stay in Congress the more tax money they tend to vote for. The longer Members of Congress stay in Washington, the more out of touch they become with the people who sent them here. They become closer to lobbyists and the special interest groups. The longer they stay here the friendlier they become with those people who are out to use the taxpayers' dollars. And, most of all, the longer they stay in Washington the faster and faster they spend the money of the working people of this country.

I think it is time to bring common sense to Washington by opening up the system, not by closing down the system with a campaign spending bill like S. 3, the so-called campaign finance reform bill. The spending limits in this campaign spending bill will do one thing, it will protect incumbents even more.

Under this bill once a person is in the Congress it would be practically impossible to get them out because they simply would be running at the expense of the American taxpayers. The American people want term limits. The polls and the votes in the States prove it consistently over and over. We have seen it in recent elections. Congressional leaders who claim term limits are antidemocratic have so far refused to even bring up a constitutional amendment for term limits.

We desperately need a Congress with the courage to cut spending, and stop piling debt for our children, grandchildren, and great grandchildren to pay off. Term limits may be our last and best hope to stop the stealing, the purloining of our children's future. With term limits Members of Congress will know that they will only be able to serve a limited number of years. The incentive to buy reelection term after term by voting for more spending to pay off more groups will be gone. We will be more able to vote our true beliefs and our conscience.

Perhaps the Congress will have the courage to do what is right if we can ever pass term limits, and stop spending. It is our only answer. More taxes simply mean more spending, and the debt goes on and the interest rises. Term limits make common sense. If two terms were good enough for George Washington, they should be good enough for anyone in the Senate today.

Mr. President, in January of last year I came to Washington believing that our Nation faces grave problems which if not shortly addressed will lead us to the brink of an economic catastrophe. I told the people of North Carolina that I also believed that those problems could be averted by the application of common sense and a little common wisdom. But I have found common sense to be very, very rare in Washington. After nearly 2 years in office, I continue to believe that our time to correct these problems is rapidly running out. But I am more concerned than ever that the very leaders who were elected by the people to level with them are instead hoping that the day of reckoning will happen on someone else's watch, later after we are gone. Leadership has in many cases been replaced with glibness.

In Washington there are many fine orators. Some of them are my colleagues in the Senate. But by and large they excel in one thing—glibness, the triumph of style over substance, the victory of appearance over reality. Glibness is not a very high calling. In fact, it is a lowly gift.

As I said, I spent 45 years of my life in the private sector. In that time, I never met anyone who had made a career out of being glib, at least not until I came to Washington. Certainly I never met anyone who was able to succeed in business for any length of time when his sole attribute was glibness. In business, you usually survive by hard work, attention to detail, and brains. But, Mr. President, the time for glibness is past now in the Congress. The time has come for substance to triumph over style because when Americans are told the truth they will see that we are in what the Old Testament prophet Joel refers to as our "valley of decision."

The truth is that by almost every rational and objective measure America is a nation in decline. We have seen this decline in many, many areas. And as we compare it to other nations that have declined, we see a striking similarity. We have placed more burdens on the people who work and save and invest than ever before. Taxes have been raised and then raised again—some 28 times in the last 30 years. Yet, there is not a single Member of the U.S. Senate who will not privately tell you that Government spending is out of control; that we must do something about it; that our debt has climbed to dangerous levels, and there is no end in sight. Yet, we go on spending. Watch any bill that comes to the floor with more spending in it and it will overwhelmingly pass.

We have more crime and more violent criminals than ever before. Drug lords rule the streets in large parts of our major cities. They dominate the inner cities. The streets are filthy and crumbling. Our eroding value system has made life on these streets cheap. We do not have to go far to find it. The very city in which we now reside is a shining example of hoodlums taking control of vast areas of the city. We have more children born out of wedlock than ever before. In fact, some 50 percent of those born in most of the major cities of this Nation are born out of wedlock today. We have generation after generation who have known no life other than welfare checks and have known no business people other than prostitutes, drug dealers, cocaine dealers, and food stamp hustlers.

In fact, I spoke not long ago with a 40-year-old person who said she had never seen a check in her life of any kind except a Government welfare or subsidy check of some description. Those felons who finally are actually sentenced to do prison time—are ever actually caught, convicted and sentenced. But when one finally is, they demand and get air-conditioning, cable television, health care that is better than most law-abiding citizens can even hope to afford, and telephones. In other words, a luxurious lifestyle. And the problem is the courts have demanded that the States provide it, and that it cannot be taken away.

Mr. BOREN. Mr. President, I ask for regular order in the debate under postcloture rules. The debate should be directed to the subject under discussion.

Mr. FAIRCLOTH addressed the Chair.

The PRESIDING OFFICER. If the Senator will withhold, the debate must be germane under the germaneness rules.

Mr. FAIRCLOTH addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. FAIRCLOTH. If the Senator from Oklahoma will allow me to proceed, I will very quickly demonstrate to him how my statement is germane to campaign reform, and the bill under consideration. That is why I am here, to talk about campaign reform. I would like to proceed and plan to proceed. And if he will give me the courtesy of allowing me to finish my remarks, he will see how they are related to campaign reform.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. FAIRCLOTH. Mr. President, the bill before us is a perfect example of incumbents protecting their seats in Congress in the name of reducing the influence of money in politics. The majority has created a new Federal program designed to manipulate the election system of this country. For the first time in this country's history, we are raiding the treasury to fund political campaigns without the consent of the taxpayers, and that is absolutely wrong.

In 1992, Bill Clinton campaigned on the promise to end welfare as we know it. What voters did not know is that he and his majority party intended to create an entirely new class of welfare recipients, a new class of entitlements for politicians to manipulate to their own partisan advantage.

The campaign finance bill currently before the Senate will mean $1 billion of tax-paid welfare for politicians. That is $1 billion—that is $1 billion—of tax dollars, tax money, going straight to politicians to get in office, and to stay in office. I believe the last thing the American public wants is to give politicians money to spend on themselves. We are wasting enough of the taxpayers' money on every other possible program, including welfare, which desperately needs reform, and now this bill would create a special welfare program for the politicians themselves.

Last year's budget battle sent a clear message to the Congress. The American people want deficit reduction, and they want to cut wasteful Government spending. I cannot think of any greater waste of the taxpayers' money than politicians spending it to get reelected.

Mr. President, some have said this bill will cost the taxpayers $1 billion every election cycle. If it cost $1 billion the first election cycle, you can believe that for every election cycle thereafter it will increase substantially. We all know that Government estimates are inevitably low. Even the Congressional Budget Office said, and I quote: "The cost of providing benefits under the system that is proposed is highly uncertain." The Budget Office calls it "benefits." I call it "welfare."

Mr. President, it is uncertain because you cannot even tell how many candidates would qualify for political welfare under the new system. One likely outcome would be radical, third-party candidates coming out of the woodwork for the sole reason that they would receive political welfare benefits. In fact, I would suspect you would have a lot of people running that are receiving welfare under the current plan, and they could add political welfare benefits to that which they already have. We would have food stamps for politicians. Multiply candidates like Lyndon LaRouche, and Lenora Fulani by 535 congressional races, and you have a taxpayer's nightmare. If you put all of the oddballs, and all of the people that would come out of the woodwork to run, there would be polticial chaos all at the taxpayer's expense.

The New Alliance Party—whatever that is—has received over $3.5 million in matching funds as a candidate in the last three Presidential campaigns. And most people did not even know it existed. I daresay the average citizen has never heard of the New Alliance Party and could give you no idea of what it is. But yet, we have taken $3.5 million of taxpayer money and shuffled it into a worthless political organization. This woman is so far left she could not even get matching funds in Eastern Europe. LaRouche—a convicted felon—has collected $2 million as a Presidential candidate since 1976. Recently paroled, he received another $568,435 in matching funds for the 1992 campaign. He ran his campaign from prison with tax dollars—over a half a million of them. And he has announced his intention to carry his supporters on a rocket ship, to carry his supporters on a rocket ship, and establish a new society on the Moon. Now, this would not be a bad idea if he were doing it with his own money. But Mr. LaRouche has no right to be spending the taxpayers' money for anything. He is a lunatic, literally, and yet we are giving him taxpayers' money to, so-call, run for President.

That is what happens when the Democratic majority sets up run-amok Government welfare entitlements. We remove any and all common sense from the system. Common sense says you cannot give millions of dollars to crazy people to run for President. And yet that is exactly what this bill does. It gives them not only the authority to run for President but to run for Congress. There is no end to the ones that would be running. And the campaign spending bill multiplies the Presidential system thousands of times. More and more congressional candidates will pour out of the woodwork.

Mr. President, taxpayers do not want to pay for Lenora Fulani to further her lunatic agenda if she chooses to run for Congress under this proposal.

Taxpayers do not want to pay for any more fringe candidates. Taxpayers do not want their tax dollars to be furthering anyone's political career or personal agenda.

It is time we further the taxpayers' agenda, those people who have been responsible for paying the bills and making the country work. We can start by throwing the taxpayer-funded congressional campaign proposals on the junk heap of history.

Pure and simple, this law means welfare for politicians, money and privileges that normal citizens cannot have but people with connections to run for office will get for free. To get this money, all you have to do is agree to the arbitrary spending limits, and then you are entitled to take a dive into the public purse and come up with the taxpayers' dollars.

Mr. President, there is absolutely no way to tell just how much this new Government welfare program is going to cost. No one can reliably predict how many candidates there will be in 1996 or 1998 or any time into the future.

There were 1,200 more congressional candidates in 1992 than in 1990—a huge jump that nobody had anticipated happening. Can you in your wildest imagination imagine how many new candidates would have been more than happy to go to the public dole and accept hundreds of thousands of tax dollars if this ridiculous legislation we are talking about this morning were on the books? Hundreds or even thousands of additional candidates would have run as independent or third-party candidates, or not only third-party candidates but fourth- and fifth-party candidates. There would be no end to the people, so-called, running for office.

Let us talk for a minute about what all this tax money is going to buy. One entitlement granted politicians is something called voter communication vouchers. That is nothing more than a fancy word for food stamps for politicians. The candidates would take them down to the local television station or post office and redeem them, the vouchers for ads or postage. Can you imagine anything more ridiculous than the Federal Government providing a politician, no matter how wild or far out, a voucher, and he could go down and have ads run or use it for postage? Maybe if we let the Democrats have their way, the food stamp politicians could pick up a six-pack, a pack of cigarettes and a bag of chips on the way just like the rest of the food stamp crowd. I think the public has long since been fed up with paying for Congressional franked mail much less pay for the candidates' free political mail.

In addition, the American taxpayer is being made to pay for political television advertising. Political television advertising the American taxpayers are being asked to pay for.

Not only will they have to look at it but now we are asking them to pay for it. In fact, the bill mandates that television stations just give away time in the last 60 days of a campaign. Now, when I ran, we paid dearly for the television time we had in any day of the campaign.

Mr. President, what is it that makes the Congress so arrogant to think they are entitled to anything of value in the private sector? To me, forcing television stations to give away free time is like forcing sign shops to print free campaign signs. In fact, it is the same thing. Or to force the Government to hire people to nail up your signs. Or for that matter, to force a tailor to make you a suit to campaign in. It is nothing more than putting the total cost of running a campaign on the backs of the taxpayers.

Another provision of the bill gives out taxpayers' money to politicians when they are challenged by someone outside of the campaign who is making a so-called independent expenditure. Clearly, Mr. President, the Democrat majority must fear people speaking up against their leaders.

Right now, out in Washington State, effective ads are being run against the Speaker of the House. The ads challenge the Speaker's view that health care is best dispensed by big Government. I think we have clearly demonstrated that the American people do not think health care is best dispensed by big Government.

That is the very reason that there will not be a health care bill come out of this Congress during this session. Under the campaign spending bill, the Speaker would get to answer the ads at taxpayers' expense. As it is, he must at least answer them now, if he wishes to answer them and if he can answer them, at his own expense, or at least at the expense of those people who support him.

Mr. President, there are a lot of examples of welfare for politicians in the bill, but the final one I will mention is particularly bad. The bill says that if a politician is taking taxpayers' money to fund his political ambitions, and the opponent raises more than he does, then the politician gets another infusion of taxpayers' money to match the challenger.

Now, I am going through that again. That is the worst part. The bill says that if a politician is taking taxpayers' money to fund his political ambition, and his opponent happens to have worked, been successful, or have money or more support and raises more than he does because more people believe in what he is doing, then the politician that is on political welfare gets another infusion of the taxpayers' money to, so-call, level the field to meet the challenger. Clearly, the incentive is to keep challengers from spending their money and making their views known.

That bothers me, Mr. President, and it should bother any private American citizen who wants to challenge the status quo and the entrenched Washington political system. Under this bill, every dollar given by citizens above the arbitrary amount chosen by the majority will be matched by the Government with taxpayers' money. Nothing could be more wrong. In other words, we are saying that if a person has been successful in business and has decided to run for public office, then we will come forth with whatever of the taxpayers' money it takes to keep him on an equal footing with those who are using their own money.

Mr. President, as I have said, I came from the private sector, and it is a rare background in this body. But if I have learned anything in 45 years in business, it is that Government money corrupts whatever it touches. And I repeat that. Government money corrupts whatever it touches.

Dependence on Government welfare has destroyed millions of American families. It has robbed them of personal responsibility. It has eroded their integrity. It has destroyed their moral fiber. Federal dollars have ruined a once great system of public education. The Federal Government got into the education business in the early 1970's, and we have seen a constant decline in the quality of education in this country since the early 1970's. It has been brought about by Federal money. We have paid for the problem. Government money has fueled a steady increase in crime.

If you will look at the amount of money at an exact tracking and parallel of the money that we have put into welfare programs and the rate of crime in this country, they track exactly as they move upward. The more money we have put into social programs, we have seen a corresponding increase in crime.

Congress has manipulated and distorted the free market in virtually every industry in which it directs taxpayers' dollars. It has slowly eroded quality health care, and now we are threatened to completely destroy it.

In so many ways, the Federal dollar has taken away private decision, has distorted the private decisionmaking process and made the recipient dependent on the politicians of today.

Whether this was a planned policy or not, it has happened, and today so many people in office cater to and direct their decisions to more Federal spending, more welfare, and to those people dependent upon the taxpayers dollars. They give money to campaigns, and they become involved in the process to further erode the integrity of the Federal Government.

I do not believe a Government takeover of the Federal election system is likely to improve it or offer Americans a more clear opportunity to express their political beliefs. In fact, I am certain that Government-funded elections are going to mean Government-chosen candidates, and that clearly is wrong.

You do not want to work? Do not worry, you do not have to. We have public housing, food stamps and a welfare check waiting for you.

You are not married and want to have children you cannot afford? Do not worry, we will pay you to have as many as you would like. Most people have to wait and plan for more children, but under the welfare system we have set up today, you do not have to do that.

You do not want to name the father so he can be made to live up to his responsibility? Do not worry about that either, the taxpayers will pick up the tab, the father can walk free.

You want to live an unhealthy lifestyle or engage in unsafe personal practices? No worry. Make as many bad choices as you like, destroy your health, your body, your ability to function. The Government will come up with a new health care plan to take care of you.

We do not have personal responsibility anymore. For every possible malady that can befall an individual, there is a Government program to take care of it. We have with taxpayers' dollars encouraged people to be irresponsible. It all sounds so seductively good, but the result has been Government spending and debt that has grown so staggeringly large that its dead weight has pulled the Nation into a downward spiral, both our moral fiber and our fiscal responsibility.

If a brave business person dares to try to succeed despite the heavy burden of taxation and regulation, he or she can expect to run squarely into a wall of civil rights, gay rights, environmental rights, and labor union rights that have just about righted our country out of business. It is impossible to believe the mountains of rules and regulations that are thrust upon the average private businessman today. The paperwork itself is overburdensome, and yet the rights of various groups and fringe groups go on and on and we pass more laws to protect the fringe and nothing for the center that makes a country function.

Likewise, under the campaign finance reform bill, you will have the taxpayers put up the money for your campaign for office. You do not need any personal responsibility. The decision to run for office would then be an easy one to make because none of your funds would be used. You simply would be using OP money, and that is other people's. The taxpayers will pay the bill under the campaign finance reform legislation before us now, and the taxpayers should not be paying for anybody's campaign.

Our wealthy citizens go to sleep at night behind well-armed compounds. Our middle class activates alarm systems before going to bed. Our poor citizens are reduced to putting their children to sleep on the floor so they do not get killed by bullets flying through public housing projects. What started out as a series of Government programs to uplift people has had precisely the opposite effect. Like an alcoholic who begins to comprehend the devastation his addiction has wrought, America is grimly realizing that the easy way out really is not easy nor is it out. It continues to dig us in deeper.

Continuing on the same path only guarantees a bleaker future. Our Government has made vast, unfunded promises for the future. The promises that it made will have to be paid for by generations yet unborn and going into infinity if we do not stop the spending.

Bill Clinton's own budget calculates that these promises for future Social Security benefits, Medicare payments, Federal pension benefits, and others, will grow increasingly expensive as baby boomers reach retirement age. Unless changes are made, it calculates that the generation of Americans born today will face a lifetime tax rate of 82 percent. Such ruinous tax rates will grind the country to a halt and, obviously, cannot be sustained. Yet, the culture of society rather than personal responsibility has left us wholly unprepared for the dramatic cuts in these unfunded promises that must be made in order to keep the country running.

According to a Merrill Lynch study, even if somehow all of the Government's promises to baby boomers are kept and taxes miraculously do not rise, our Nation's low saving rate will leave 46 million baby boomers with retirement living standards that are lower than those enjoyed by today's average 65-year-old.

In fact, for the first time in our Nation, it has become glaringly evident that our children can expect a lower standard of living than that which we enjoyed and that their children can expect an even lower one. These two chilling sets of facts converge to guarantee that Americans will face a financial crisis. We have a limited amount of time to turn around this Nation. America has entered its valley of decision.

Mr. President, the central problem facing America today is runaway Government spending and the rising Federal debt that ultimately threatens to swallow and destroy all of us.

I have been very clear in my beliefs. I think Government is too big, it spends too much. I ran for the Senate with this as a sole theme. Congress should concentrate on three things and should devote its time to three things: Cut spending, cut spending and cut spending.

As a businessman, I know that Government does not create wealth. Government simply redistributes it, and it redistributes it, in many cases, from those who worked it out to those who refused to work. Government transfers jobs from the private sector to the Government payroll.

Mr. President, the Federal Government is like a family with a $30,000 a year income that is running up charge card bills that they cannot hope to pay. Sessions of Congress are like a family meeting where members of the family talk about changing their raise. What it really means is instead of continuing to charge $1,500 a month, as a session of Congress or as in a family meeting, instead of adding $1,500 a month to their credit cards with great gnashing of teeth, we agree that we are going to only add $1,400 a month charges to our credit cards, and then we come with a so-called tax increase budget deficit reduction and we decide to delay that for 4 years before we start it. We talk about deficit reduction and, yet, during the term of President Clinton's 4 years in office, we will see close to $1 trillion added to the national debt.

Mr. President, where will this lead us? If you want to see where this philosophy of tax and spend has been taken to the extreme, you need go no further than right where we are this morning, and that is the District of Columbia. There is no better example of high taxes, high government spending and more regulations than Washington, DC. The Nation's Capital has the highest local tax of any city in America. It also has the highest Federal spending per capita in the Nation. It has the toughest gun control laws and the highest crime rate. It has a government which has made business the whipping boy for every perceived inequality that exists.

And what is the result? Washington has the highest murder rate in America. Its streets are filthy and in disrepair. This is the Capital of the world's richest Nation. Its public housing complexes are junk and crime-ridden at best. Many of them look like bombed-out war zones. Law-abiding citizens cannot own a firearm of any kind, but drug lords rule over large parts of the District with submachineguns.

Marion Barry, who was imprisoned for graft and illegal drug use, is on the city council and it will appear on the verge of becoming mayor again. He is demanding that the disaster over which he presides be given two seats in the U.S. Senate. Yet, Mr. President, the Clinton administration comes before Congress and the American people and says the only problem with the Washington, DC's of the world is that Government needs more taxes and more spending to fuel more of the wealth of the country into these cities.

The taxers and spenders are destroying America. And not only do they not take responsibility for the damage they have done, they want more money so they can do it faster.

I have spoken at great length tonight about the role of Government and its relationship with the business community. I would like to speak now to the business community, about their role in financing campaigns. It used to be that business people stayed out of politics. But the time has long since passed where they can continue to do that. Congress is writing the rules, but most of the people writing the rules have never played the game. People, and especially business people, need to get active in political campaigns. That is the way campaigns should be financed.

We do not need public financing. It is not fair to the working people of this country. It is not fair to the business people of this country. Nor can we afford it. I simply do not see how those of us in the Senate can even be debating this so-called campaign finance bill.

When we are going into debt at the rate of some $700-million-plus dollars a day, how can we even be discussing spending $1 billion more to publicly finance campaigns when the working taxpayers of this country are already pushed to their wit's and money's end? These are people who work in all sorts of jobs, who get up at 3 in the morning to work.

The PRESIDING OFFICER. The Chair will inform the Senator he has spoken for 1 hour. Under the rule he has no more time.

Mr. FAIRCLOTH. Mr. President, I yield the floor to the Senator from Florida.

I thank the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Florida [Mr. MACK].

Mr. MACK. Mr. President, I appreciate the Senator from North Carolina yielding to me. I wonder if, before he leaves the floor, he would engage in a discussion for a moment?

Mr. FAIRCLOTH. Yes, I would.

Mr. MACK. I just got to the Senate floor about 15 minutes ago. I may find myself in a position, from time to time, talking about issues that I think are related to the overall discussion about campaign finance reform and what it will do to free speech in our country. As I was chatting with some who have been here for several hours, I understand we have a thought policeman, or a speech policeman who shows up from time to time on the floor of the Senate. Maybe the Senator from North Carolina was one of those who experienced that. Apparently he did not like what my colleague was saying or felt what the Senator was saying was apparently off the subject, from their point of view? Did that happen?

Mr. FAIRCLOTH. Oh, yes, this happens somewhat regularly. It has been going on all night. But the truth of it is when you are talking about cutting any sort of taxpayer spending it is germane to what we are talking about here. And campaign finance reform is simply another waste of the taxpayers' money. But there are certain elements in the Senate, when you start talking about cutting spending, who always get upset.

Mr. MACK. Could the Senator tell me what areas was he trying to make a point about? I did hear a moment ago the Senator was talking about Washington, DC. I assume, again, someone might come out and say you should not be talking about what happens here in Washington, DC, this is a debate about campaign finance reform?

Mr. FAIRCLOTH. What I was doing was comparing finance reform to welfare in general. I am saying finance reform, campaign reform, is nothing more than welfare for politicians. We would be given vouchers which would be comparable to food stamps, with which we could go to the local newspaper, the local television station, and demand they run our ads. We could take them to the post office. We could get stamps for them. It simply would be welfare for politicians, to sustain the status quo and guarantee that a challenger would have no possibility against an incumbent.

What I was saying was that it would bring fringe benefits. We had over 1,200 more congressional candidates in the last race than we had the previous 2 years. Can you imagine if we give free money, free ads, how many we would have the next time? It would be an infinite amount, and the cost of it, we have no idea. It is impossible to conceive how much money we would be talking about. No estimate has even been given.

Mr. MACK. I guess what struck me—again, maybe I will experience this a little bit later on so I can draw on my own personal conclusion—but I thought it was rather interesting that when we are out here, I assume others made the point the campaign finance reform proposals are an infringement on our free speech rights. That, as you were engaged in expressing your opinions, from time to time the doors would open and someone could come out and say you are really talking about the wrong thing. I guess what I am saying is I can visualize in my mind, as we move into the campaigns in 1996, should this pass and become effective in 1996, we would have just literally thousands of thought police around the country who would come charging in, in the middle of campaigns, and say, "Wait a minute, you were speaking about things you cannot speak about in this campaign."

Mr. FAIRCLOTH. I would think they would have that right to go tell you that because, see, you would be running on their money. The man who controls the leash says where the dog goes.

Mr. MACK. I believe I have heard the Senator use that phrase before.

Mr. FAIRCLOTH. If the Federal Government is going to give you the money to run on, then I certainly think they are entitled to have thought police to come tell you what you can say in your campaign and where you can say it and who can say it. If you pay the piper, then he sings your song. So I think if the Federal Government is going to put up the money for you to run for office, they should have the right to say what you can put on the campaign ad.

Mr. MACK. This discussion has added, in my mind, anyway, an additional cost I doubt anyone has considered and I have not seen anything to date that would indicate what the cost would be to police. I assume there is a major expansion, then, for the FEC to be able to analyze the expenditures on the part of individual candidates throughout that campaign making the determination about whether they are getting close to the limit, what things should be included in the expenditures.

Some candidates will claim the expenditures they made were in fact expenditures on the part of the party or by the party, and should be included in their total expenditure. So in addition to having somebody who is going to be trying to determine whether you spoke too much, there are those who are going to have to make a determination about who funded how much you had to say and whether that fits into your limit or it fits into somebody else's limit. So we are going to have a larger bureaucracy, then, that has to be involved to make a determination since you said a minute ago, since I am going to be funding your campaign I have a right to determine how much you speak, I am going to have to have the resources to determine whether you are complying with the law.

Mr. FAIRCLOTH. The nice thing about this bill is it is a typical free-spending Government bill. We are not worried about what it is going to cost because the taxpayers are going to foot the bill ultimately—your children, your grandchildren, your great grandchildren and generations yet unborn are going to pay for it. So why worry about the cost of it? Simply put it on the books because it sounds good and it will keep you in office and get you reelected. And the effect upon the American taxpayer really does not matter.

But going back, too, you are paying for your ads when you are running for reelection and you or your campaign staff determine what they say because it is your money or your supporters' money.

I certainly think if the Federal Government, going back, if they are going to pay for these ads, pay for your signs being painted, they have a perfect right to say what you put on the sign.

Mr. MACK. So you think it is a reasonable conclusion to come to, that if a law like this is passed, which places a limit on how much you can speak, it is reasonable to conclude that at some point in time someone may try to determine what it is you have to say?

Mr. FAIRCLOTH. Absolutely. Can you think of a Government program in which we have expended tremendous amounts of the taxpayers' money—education, are they not determining what books you could read? What the schools have to teach? Who can teach it and to whom they will teach it and where it will be taught?

Tell me a Government program, a Federal program that is being paid for by Federal tax dollars that they do not direct and totally control.

Mr. MACK. Let me give the Senator another example which just came to mind as we have been engaged in this little discussion. My colleague may be aware that HUD has been involved in the pursuit of lawsuits against individuals living in their neighborhoods who are being told a certain kind of project is going to be built in their community and they have voiced some concerns about whether an old building should be converted into a housing project for the homeless or for those who were recovering from drug addiction, those who are going to be trained how to overcome the drug addiction. It really is kind of startling, and I put it in this context because some people might be thinking we are kind of pressing the envelope here, that because we said there would be a limit on spending, someday somebody may try to limit what you have to say or limit what you say.

This group of people, relatively small, mom and pop type operations, started voicing these concerns about having HUD come in and build this particular project right in their community, raising the point, for example, did it make sense to remodel a facility for those addicted by alcohol, to rebuild that place a block or so away or right next-door to a liquor store? That seems a reasonable concern to raise, let alone what it might do to your community, to the value of your property. It seems people ought to have the right to express that.

Do you know they have been threatened with suits, saying that they are violating Federal law? I think that is a perfect example of how Government gets out of control and says: Oh, no, the intention is not that at all. But in the process they have chilled public speech. They have chilled the freedom of speech in this country, and that is the kind of thing that really worries me about this type of legislation.

Mr. FAIRCLOTH. People have been threatened with indictment, as you say, because they simply protested the building of what they consider undesirable types of facilities in their community. I think they have a perfect right to protest. They have worked hard all their lives to improve their lot in life. They saved. They have built houses, bought property in what they hoped would be a better section of town removed from that. And now I hear at HUD meetings that they want to bring these housing projects—which I just went through; unfortunately they do have a higher rate of crime and drug use in them—and they want to bring this throughout all middle class neighborhoods in this country. I asked at a meeting and they said the reason was, not that it would reduce crime—not by spreading these projects into the middle-class neighborhoods, not in any hope there would be less crime—but everybody would get some of it. We would spread it around.

Mr. MACK. Again, I thought it was, to me anyway, it struck me as kind of ironic to be over here talking about a piece of legislation to control how much, how long you can speak in public campaigns, political campaigns.

In the process of doing that, we have people who come through the doors who are in essence saying to you that you are speaking about the wrong thing. I think it is an excellent point to make. Maybe what we ought to do is just keep trying to speak about things we want to speak about and keep letting them come to the floor and say that you are talking about something you are not supposed to be talking about to make the point that in fact that is what they want to do, having thousands of people scattered around the country watching each individual campaign and at some point indicating that, "You have spoken too much, Mr. or Mrs. Candidate, and it is time for you to sit down." I just think that is fundamentally wrong.

I think when the American people understand what we are really talking about here is not only that they will be funding the political campaigns of politicians but, because of their funding, some Government entity will be able to tell a particular candidate that they talk too much. That again is fundamentally wrong.

Mr. FAIRCLOTH. This is a fundamental fact of life when someone puts up the money. When you accept the money, then where the money flows from will direct what is said. When the Federal Government starts financing campaigns and paying for it, if they pay for the billboard, they are going to say what goes on it. That is an inevitable happening. It for sure will happen if we pass this ridiculous legislation that we are sitting here at quarter after 3 in the morning talking about.

Mr. MACK. The last point I will make, then I will let my dear friend and colleague leave the floor of the Senate, one of the things that I will be reading into the RECORD a little bit later on is a piece by George Will on this subject about they say we talk too much. I am sure that there are times when there are conclusions drawn to the fact that we talk too much. I am sure those who are with us here tonight, not out of desire but out of requirement, probably feel that is the case right at this moment.

But one of the points that George Will makes in his article is that it is interesting during this debate that has been going on actually for several years now—it has its moments where it has drawn a fair amount of attention and then goes underground for months—is that no one in the press, or I should say very few of the journalists in America have raised serious concerns about the limit of free speech.

Normally, you would see them out there at every corner defending the right of free speech. So you have to ask yourself the question. Why are they so quiet on this issue? I mean when they defend—and thank God they do—there is probably nothing more fundamental to a free society and democracy than free speech. Thank God the press is there to keep an eye on the freedom of speech.

But yet on this issue, when there is no question that this is designed to limit an individual's ability to speak, the media in this country is basically silent. You have to ask yourself the question why? I say to my colleague that the reason they are silent is because, if we are limited in our speech but they are unlimited in the amount of their speech, who do you think wins the debate?

Mr. FAIRCLOTH. The press wins the debate. And, if this bill were in any way designed to limit the freedom of speech of the press, they would be up in arms. But since it limits the right of freedom of speech of the people, they simply sit quietly by and hope that it passes because if one group does not speak, then it gives more authority to those that do speak, that is, the press.

Mr. MACK. Again, I thank my colleague for indulging me in this kind of discussion. But I was really struck by what has occurred here earlier this evening, that there are those who want to control during the debate on free speech what it is my colleague is speaking about. I thank him for yielding me time and involving me in this discussion.

Mr. FAIRCLOTH. I thank the Senator from Florida. The Senator from Florida, I think, is going to be a little luckier than some of us were earlier this year in that I think the speech monitor has maybe gone to bed, and you will be free to speak. But he will be back early in the morning.

Mr. MACK. Maybe we can—if we have an opportunity to offer an amendment, we could have several people on our side of this issue who would be funded by Government to be monitors of those who were policing thought and speech so that we will know when they are not paying attention to it, and we can veer off in some direction that we are interested in.

Mr. FAIRCLOTH. I think the Senator is safe now.

Mr. MACK. I thank my colleague.

Mr. President, it is no wonder that the American people are cynical about Government. They see Government spending with wild abandon, wasting tax dollars and piling debt with no end in sight. They see Government regulating more and more aspects of their employers' businesses, threatening millions of jobs. They see Government interfering with their lives and property and basic constitutional freedoms. They are also cynical because politicians promise one thing and deliver another. They see politicians who promise honey and deliver vinegar. Most recently—let me say to my colleague that it is good to see him.

Mr. BOREN. It is good to see you.

Mr. MACK. If my colleague from North Carolina has not left the floor, I would say his earlier observation was probably incorrect.

Most recently they have seen the President and Democrats in Congress promise a new health care system that would provide health security for everyone. But when Americans looked closely, they saw a plan that would have taken away their right to choose which health care they want and place it in the hands of Government bureaucrats. They saw a plan which would have destroyed health care quality in this country and rationed health care. No wonder Americans have no confidence in their Government.

Now the Democrats want to hoodwink the American people again. They want to reform the financing of campaigns. But what they really are trying to do is provide an entitlement for politicians. They want to guarantee that politicians can soak taxpayers before they get elected as well as after they are elected. The proponents of the Senate- and House-passed bills base their arguments almost entirely on a contention that there is too much campaign spending. The presumption is that the act of a campaign spending money is and of itself a bad thing.

Mr. President, that premise is wrong. There is nothing inherently bad, evil or corrupting about a campaign spending money. The act of writing a check is not corrupting. The problem in campaign finance is not where the money goes. In fact, the money goes primarily to communicate with the voters.

The proponents of campaign finance reform argue that there is a conflict between campaign funds and ideas. They say that if you limit funds, then debates over ideas will emerge. I believe the opposite will happen, however. It takes money to communicate ideas. It takes money to tell potential voters what candidates believe in. This means that if campaign spending is limited, if the ability to communicate with voters is restricted, then free speech is effectively abridged. The result will be to limit debate over ideas and make the job of defeating incumbents even more difficult.

The fact is we spend far more on advertising hamburgers in this country than on elections. Yet there is a notion put forward by the press and self-anointed good-government groups that we are spending too much. Implicit in their position is the assumption that spending is somehow corrupt.

So we have for some years now been engaged in a misguided drive for campaign spending limits. Congressional campaign spending skyrocketed in 1992, and so did voter turnout and congressional turnover, factors most observers considered to be positive.

Most nonpartisan scholars and Republicans are opposed to spending limits. There are a number of reasons for their position. The facts are that spending limits: First, as we talked earlier, limit speech; second, they limit political participation and competition; and, third, they do not in fact limit special interest or total spending.

As a matter of fact, if you limit spending in one specific area, you are going to see the spending explode in another. It is natural for Americans to be involved in the debate about where their country is going. If you tell them they cannot play in this arena, they are going to construct and play in another arena.

Because spending limits help incumbents and hurt challengers, the GOP has some practical reasons for opposing spending limits. However, there are plenty of legitimate public policy concerns as well.

Republicans, scholars, and the American Civil Liberties Union share the belief that spending limits are a bad public policy because they limit speech and participation in the political process; spending limits are undemocratic, involuntary or coerced; spending limits are also unconstitutional because they are de facto limits on free speech.

The big roadblock to limiting campaign spending is in the first amendment, which protects political speech, and the Supreme Court has determined that campaign spending which is primarily for the purpose of communication is analogous to speech. The other roadblock to limiting campaign spending is the reality that all Americans have a vested interest in the electoral process and a 200-year-old tradition of participating in it.

To the dismay of some who would like to squeeze individuals out of the process, citizens are determined that they will be involved beyond just voting. Some citizens will volunteer on phone banks. Some will hand out letters. Others will go door to door. And still other citizens who are too busy to do these other things will make small, fully disclosed contributions to candidates they support to help pay for all these other activities, and there is nothing wrong with that. Mr. President, there is nothing wrong with private citizens supporting candidates by contributing their hard-earned dollars in accordance with the law in publicly disclosed and limited amounts.

Again, let me just take a moment to make another personal observation.

I have now been involved in politics for 12 years. I can remember when I began, in 1982. One of the first things I had to do to become a credible candidate, frankly, was to be able to raise a sufficient amount of money for people to take me seriously. I mean I had never been involved in politics. I left the banking business. I went to the board one morning and said, "I am resigning. I am going to resign my position as president of the bank. I am going to resign my membership on the board of directors. And I am going to go run for political office." I must say to you that their response that morning was one of somewhat disbelief and a feeling that I had lost my mind.

There are moments like maybe tonight at 3:30 when I think maybe they might have been right. But when I left that job, I knew that in order for me to be able to make a point that I was a valid candidate, a candidate capable of delivering a message to the people, that I had to have sufficient resources to get my message out. Anybody who has attempted to raise money for any reason knows how easy it is for someone to say "no."

The most significant campaign spending limits are the people that we go to say we need financial assistance to run the campaign. The easiest way to control is for an individual to say, "I do not want to help finance your campaign." They do not have to be that direct. Most of them can give a reason other than that as to why they do not support your candidacy.

But people generally do not give to campaigns of challengers unless they believe that that challenger is in a reasonable position to articulate views that they support and to get into this program where candidates are really going to base their decision about whether they are going to run or not on the issue of whether or not they are going to get public financing I think is just fundamentally wrong.

In fact, I remember making the comment after my first campaign was over, I have never seen any single requirement in the life that I have lived that tested me more than the campaign I ran in 1982. Every single aspect of who we are as individuals is tested through a campaign, and one of the most difficult in those early stages is to raise money.

The reason I believe that individuals can raise money as a challenger is because they can convince the people they are talking with that they are dedicated to ideas and principles and a philosophy that the person you are asking to support the campaign associates themselves with.

That is a significant challenge. And what we are going to start to do by eliminating the requirement and the necessity to sell yourself to be able to raise that money, and selling not in the sense of I have just given myself away but selling yourself in the sense that what you are talking about is something you believe in, and this idea that somehow or another we are going to make American politics more pure because we are now going to give the money to candidates through the Government is just fundamentally wrong.

A spending limit is a two-pronged restriction on speech. First, it restricts the total amount of speech available to the candidate, by cutting what the candidates can spend on communication. And, second, it restricts the total number of citizens who can participate in the process of making a donation, which really raises another point.

How many times have you heard people say, "Why aren't more people involved in this process? Why aren't more people willing to get involved in elections? Why aren't more people out here volunteering time?"

We are going to make it even more difficult for them as a result. We are going to send that message that the way you can participate is by sending your money to the Federal Government. So the next attitude that is going to develop in the country is, well, I do not need to do anything in political campaigns. After all, I pay taxes. And since I pay taxes, that is my method of being involved. It is just one more message to the American people you do not need to do it; just let Government do it for you. And again I think that that is just wrong.

Spending limits cut speech out of the process and cut people out of the process as well. That is why the Supreme Court in the Buckley versus Valeo decision said that spending limits by themselves were unconstitutional. The Court rightly said that the Congress cannot force candidates to spend or to speak a set amount. However, the Court said it is constitutional for the Government to entice candidates—I like the words entice candidates in this sentence—through generous subsidies into accepting spending limits.

That is why we have the current Presidential system where in return for complying with spending limits candidates receive generous subsidies courtesy of the taxpayers.

Mr. President, this entire campaign financing debate really is not about campaign spending. This debate is about the first amendment. It is about speech. It is about who will be allowed to speak in the electoral process and how much. The majority's proposal seeks to divy out speech in carefully restricted amounts to preserve their dominance in Government. A witness for the Justice Department testified before the Senate Rules Committee in 1991 as to what is really at stake in this debate, and I hope my colleagues would reflect on what he said. And I quote:

> It should never be forgotten that by protecting robust debate and broad criticism of competing candidates the first amendment was the most important electoral reform ever enacted.

Mr. President, the first amendment of the Constitution was, indeed, the most important electoral reform ever enacted. It guarantees that our democracy will forever be vibrant. It assures the American people that when they are unhappy with Government they have the right to speak and to get active in the electoral process so that they can change things. It assures that the press can honestly report on what is happening.

Mr. President, the first amendment of the Constitution guarantees that candidates can speak as much as they want. And it is pretty clear to me if you put spending limits in place, you have, in fact, limited how much a candidate can say. It guarantees—we are talking about the first amendment—it guarantees that candidates can spend as much as they want so that they can communicate as much as they want to voters. It guarantees that if Congress enacts a law that will effectively force candidates to limit their ability to communicate with the electorate, it will be struck down by the courts as an unconstitutional infringement of the freedom of speech.

Mr. President, opposition to spending limits is not just based on constitutional rights. Five elections and nearly three-quarters of a billion tax dollars later, the Presidential system of spending limits, which the Court has ruled is constitutional, is a disaster. The Presidential system propped up by the now $3 checkoff on Federal income tax forms has limited neither spending limits nor special interests.

I repeat, the Presidential system of spending limits which many would like to replicate for congressional elections does not limit either total campaign spending or special interest influence. Scholars know it. The participants know it. And the taxpayers know it. That is why fewer than 1 in 5 taxpayers now check off on their tax forms to designate $3 for taxes they already owe to the Presidential election campaign fund. Until the President's budget last tripled it, the checkoff was merely a dollar. But even the dollar checkoff rate had declined one-third from its high of 29 percent in the late 1970's. Consequently, the Presidential election fund was nearly bankrupt coming out of the 1992 election.

The Presidential system has not limited spending. Soft money, party and nonparty, has made the limits meaningless. The Presidential system provides the empirical proof that spending limits do not work. They do not limit total spending. They do not limit special interest money. Half the actual spending in Presidential elections is soft money, unlimited and undisclosed. And the point that I am making here is what I have said earlier. If you limit what the candidate for the office can say, it is almost by definition that spending is going to take place in other areas, and the spending will take place in areas that are uncontrolled and undisclosed.

And so once again what may be from one person's point of view a well-intended idea would backfire.

As Michael Malbin, of the Rockefeller Institute of Government, and a renowned expert on campaign financing testified before the Senate rules in 1991—and I am going to be quoting him now—said:

> In every Presidential election since public funding, spending has gone up—with more and more of the money going off the books and underground. If people care enough about an election, they will look for ways to get involved. If they are big and well organized, and cannot contribute directly, they will look at independent expenditures. Or delegate committees. Or registration and get-out-the-vote. Or communicating with Members. Or buying issue ads that publicize the position of an incumbent without directly advocating election or defeat. Or dozens of other devices—some of which have not even been thought of.

Off-the-book activities like these have become more prominent in every election since 1976. Some of them can be regulated, but there is no way they all can be eliminated without running roughshod over the first amendment. More important, all of these devices favor the well-organized and powerful over small participants. What the limit seems to be doing, in other words, is encouraging the powerful to engage in subterfuge and legal gamesmanship. It is giving them an incentive to increase their influence in ways that are poorly disclosed. As a cure for cynicism or corruption, this seems bizarre.

And the point that is trying to be made here is that again if you limit how much an individual campaign can spend, the area generally where you have at least in many campaigns a large number of small contributors, that when you limit how much that campaign can spend, you are going to find independent expenditures taking place throughout the Nation in various campaigns. And usually those independent expenditures are funded by large chunks of money. And so you have a situation where you are in fact discouraging, while others claim this to be opposite but you are in a situation where you are going to discourage the small contributor from being involved and you are going to enhance the effect of the independent expenditure usually funded by large contributions.

At this point I wish to read into the RECORD some comments from an op-ed piece that I wrote back in January 1992. It appeared in the Washington Times and was titled "Passing up the Dollar Checkoff." And I want to read this material in because again I am talking here about the funding of Presidential campaigns, and there are several points that I wish to make about that since there is a relationship. Even though the mechanisms may be different, I think that the mechanisms, or the effects will be somewhat the same.

[From the Washington Times, Feb. 12, 1992]

Passing Up the Dollar Checkoff

The American people have been told by liberals for years that public financing of political campaigns is good government. In 1971, Congress passed the $1 checkoff provision—available on income tax forms—which was supposed to clean up campaign finance irregularities at the presidential level.

But how many taxpayers ever wanted or suspected that David Duke, Lyndon LaRouche, or some ultra-liberal, would benefit from the checkoff system?

Why should a pro-life voter support a pro-choice candidate or vice versa, or a pro-taxer support an anti-taxer? For that matter, why should any voter be forced to support any candidate or ideas he rejects? Freedom is freedom; there's too much government intervention already.

David Duke running for president is his business. If any Americans want to contribute to his campaign, that's their business, too. But I'm sure people who use the check-off don't want to fund someone whose views they believe could tear apart the soul of America.

If taxpayers really knew where their $1 was going, they would demand their money back. Let's be honest with the taxpayers and tell them how bad public campaign funding can be. Taxpayer-funded campaigns would deter—or by some proposals prohibit—individual involvement in the political system and stifle free speech. That's not what America is about. Support for political campaigns is a form of free speech.

Our democracy must encourage individual responsibility and involvement. It's ludicrous to think that individuals can't make the right decision for themselves whether to support a candidate and that government must do it for them.

It's the "government knows best" attitude that is ripping apart the spirit of America. Let Americans as individuals support whomever they wish with their own money. Keep the government out of it; keep taxpayer financing out of it.

If I don't want to support David Duke, Lyndon LaRouche, or anyone else, the government shouldn't force me to with my tax dollars. Even liberals should understand that.

Under the current "voluntary" $1 tax checkoff, David Duke, for instance, could benefit in several ways:

In a primary election, taxpayer checkoff dollars could be used to match David Duke's contribution total. Mr. Duke could receive matching funds if he raises just $100,000 across 20 states in contributions of $250 or less. The government then matched that $100,000 and continues to match new individual contributions of up to $250.

During a general election, if Mr. Duke were to receive 5 percent of the general election vote or more, under a complex formula, Mr. Duke's share of the checkoff fund would be based on the percentage of his vote total applied to the amount of money the major party candidates received. For example, if David Duke captures 5 percent of the general election vote, he may well be entitled to over $5 million of your "voluntary" checkoff tax dollars to reimburse his campaign in 1992.

Under the law, if Mr. Duke then decided to mount a presidential campaign in 1996, after running and receiving at least 5 percent of the vote in 1992, he could qualify for upfront funds to hold a national political convention. This is an outrage. If people knew that their "voluntary" tax checkoff could be used to launch, say, the KKK Party or America Nazi Party, they would stop immediately.

Those who want to "fix" the way political campaigns are run have the same tired response: more tax dollars and more government. Taxpayer funding of campaigns is simply wrong. As usual, more freedom is the answer to our problems, not more spending and more government.

Earlier, I referred to George Will's column which appeared in Newsweek June 28, 1993, and is entitled, "So, We Talk Too Much?"

Washington's political class and its journalistic echoes are celebrating Senate passage, on a mostly party-line vote, of a "reform" that constitutes the boldest attack on freedom of speech since enactment of the Alien and Sedition Acts of 1798. The campaign finance bill would ration political speech. Fortunately, it is so flagrantly unconstitutional that the Supreme Court will fling it back across First Street, N.E., with a two word opinion: "Good grief."

The reformers begin, as their ilk usually does, with a thumping but unargued certitude: Campaigns involved "too much" money. (In 1992, congressional races involved a sum equal to 40 percent of what Americans spent on yogurt. Given the Government's increasing intrusiveness and capacity to do harm, it is arguable that we spend too little on the dissemination of political discourse.) But reformers eager to limit spending have a problem: Mandatory spending limits are unconstitutional. The Supreme Court acknowledges that the first amendment protects "the indispensable conditions for meaningful communication," which includes spending for the dissemination of speech. The reformers' impossible task is to gin up "incentives" powerful enough to coerce candidates into accepting limits that can be labeled "voluntary."

The Senate bill's original incentive was public financing, coupled with various punishments for privately financed candidates who chose not to sell their first amendment rights for taxpayers' dollars and who exceed the Government's stipulated ration of permissible spending/speech. Most taxpayers detest public financing." "Food stamps for politicians," says Senator Mitch McConnell, the Kentucky Republican who will lead the constitutional challenge if anything like this bill becomes law." So the bill was changed—and made even more grossly unconstitutional. Now it limits public funding to candidates who oppose whose opponents spend/speak in excess of Government limits. The funds for the subsidy are to come from taxing"—

Isn't this interesting? We are now going to tax free speech. We are now going to tax speech that is protected by the first amendment of the Constitution.

The funds for the subsidy are to come from taxing, at the top corporate rate, all contributions to the candidate who has chosen to exercise his free speech rights with private funding. So 35 percent of the people's contributions to a privately funded candidate would be expropriated and given to his opponent. This is part of the punishment system designed to produce "voluntary" acceptance of spending limits.

But the court says the Government cannot require people "to pay a tax for the exercise of that which the first amendment has made a high constitutional privilege." The court says that "the power to tax the exercise of the rights is the power to control or suppress the exercise of its enjoyment" and is "as potent as the power of censorship."

He goes on in the article to talk about Government micromanagement:

The Senate bill would ban or limit spending by political action committees. It would require privately funded candidates to say in their broadcast advertisements that "the candidate has not agreed to voluntary campaign limits." (This speech regulation is grossly unconstitutional because it favors a particular point of view, and because the Court has held that the first amendment protects the freedom to choose "both what to say and what not to say.") All this Government micromanagement of political speech is supposed to usher in the reign of "fairness" (as incumbents define it, of course.)

Incumbents can live happily with spending limits. Incumbents will write the limits, perhaps not altogether altruistically. And spending is the way challengers can combat incumbents' advantages such as name recognition, access to media and franked mail. Besides, the most important and plentiful money spent for political purposes is dispensed entirely by incumbents. It is called the Federal budget—$1.5 trillion this year and rising. Federal spending often is vote buying.

It is instructive that when the Senate voted to empower Government to ration political speech, and even endorse amending the first amendment"—

You may remember, there was an amendment offered by Senator HOLLINGS to change the Constitution so that, in fact, we could limit speech with respect to campaigns.

there was no outcry from the journalists. Most of them are liberals and so are disposed to like Government regulation (of other people's) lives. Besides, journalists know that Government rationing of political speech by candidates will enlarge the importance of journalists' unlimited speech.

And that was the point I was making earlier. It is a little bit surprising that those who have for over two centuries defended the right of free speech have been virtually silent on the issue of restricting free speech during this debate.

The Senate bill's premise is that there is "too much" political speech and some is by undesirable elements. So Government control is needed to make the Nation's political speech healthier. Our Government cannot balance their budgets or even suppress the gunfire in America's streets. It would be seemly if politicians would get on with such basic tasks, rather than with the mischief of making mincemeat out of the first amendment.

Mr. President, the Presidential system has not worked. In fact, as Mr. Malbin has observed it worsened the problems it was supposed to cure. Yet, there is a concerted effort to impose that failed system on Congress. With hundreds of races and thousands of candidates every other year, it would be a huge mistake.

Spending limits are a fraud, not reform. They do not work as advertised. They limit speech and citizen participation—that explains why constitutional scholars and the Supreme Court oppose them. And they stifle competition—which may explain why the majority party in Congress supports them.

Yet, the Democrats in Congress persist in their quest to impose spending limits on campaigns. Fortunately for the American people, spending limit proponents have been restrained by the constitutional stipulation that such limits be purely voluntary. The Presidential spending limit system, for all its shortcomings, is voluntary. And it is constitutional.

Under the Presidential system, if a candidate such as Ross Perot chose not to be bound by spending limits, he would not have to. He simply would forego the taxpayer-funded subsidies. Mr. Perot, Presidential candidate, would not be penalized in any way. He would not lose a broadcast discount. He would not lose a mailing discount. His opponents would not receive massive infusions of tax dollars when he exceeded the prescribed spending limit. Independent expenditures on his behalf would not be counterbalanced with tax dollars given to his opponent. His campaign would not be saddled with additional FEC reporting requirements.

In fact, Ross Perot, John Connally, and Eugene McCarthy all made a principled and strategic decision not to be bound by spending limits and not to use taxpayer dollars to fund their Presidential campaigns. They were not punished for their decision. Their opponents simply were generously rewarded for their own decisions to comply with spending limits.

There are some in this body who would like to replicate the Presidential system and apply it to congressional races. Unfortunately for them, the sheer number of congressional candidates—nearly 3,000 in 1992—make it cost-prohibitive. At the least, it would be cost-horrifying to taxpayers. In fact, it would be a huge new entitlement program. An entitlement program for politicians at a time when voters are wondering when we are going to get around to changing welfare as we know it. A new welfare program for politicians certainly was not what the voters had in mind when candidate Clinton was talking about welfare reform 2 years ago.

Faced with this problem—how to make a spending limit system constitutional without angering taxpayers—spending limit proponents had to move away from the Presidential model. A few years ago, they devised the mechanism of communication vouchers. One of the early proposals would have given to candidates who agree to spending limits, communication vouchers equal to 50 percent of the general election limit. Candidates would use these vouchers—also known as food stamps for politicians—to purchase advertising time. Broadcasters would in turn redeem the cash value of the vouchers from the Government.

This communication vouchers system was cheaper than full-funding would be but still it came with a huge price tag—literally billions over the course of a few elections. So the communication vouchers were ratcheted down in succeeding proposals from 20 to 25 percent of the general election limit. Still, we were talking hundreds of millions of dollars per election. And, a problem for the spending limit fans—the smaller the vouchers, the smaller the incentive for candidates to agree to the spending limits. The carrot kept shrinking, so out came the stick.

The stick approach was tempting in its cost projection. Spending limit proponents figured they could put a few penalties in the bill—50 percent broadcast discount and a mail discount—which the Congressional Budget Office would not count as a direct cost to the Treasury. Add in some additional taxpayer-funded penalties—the excessive spending and independent expenditure counterbalancing provisions—which only kick in when the spending limit was breached and the shrinking carrot would be sufficiently bolstered so that candidates would have no choice but to agree to the spending limits.

Sure enough, the CBO cost projections were not as appalling as they had been earlier. While taxpayers still would bear the brunt, much of the cost of the congressional spending limit system had been shifted to broadcasters and postal users who would make up the cost of the revenue foregone due to the new congressional campaign mail discount.

But even this was not enough. Even with all the new penalties, the communication vouchers were going to cost taxpayers hundreds of millions of dollars and that just was not going to fly with conservatives in the Senate—Democrat or Republican.

So, last June the communication vouchers were taken out of the Senate bill entirely. Now the political food stamps, the last remnants of constitutional up front entitlements were gone. In their place was a new tax, the ultimate penalty for choosing to exercise the freedom of speech is a tax on speech. Last summer, just about every kind of tax one can imagine had been floated by the President for use in his budget proposal: The Btu tax, a gas tax, a value added tax, a national sales tax, a Social Security benefits tax, a payroll tax, a higher inheritance tax, a higher corporate tax, and even a health benefits tax. And now what do we see? A tax proposed on free speech in America.

At no point in our Nation's history had we seen the level of zeal and creativity which this administration has dedicated to the quest for taxing anything that breathes. And then the Senate put forth the ultimate tax, quite literally taxing the sound that came out of a campaign if it resulted from spending over the campaign spending limit. Under the speech tax, a campaign would have two choices: First, be bound by a voluntary spending limit or, second, be taxed at the corporate rate, currently 35 percent. With the advent of the tax, any semblance of voluntariness, of constitutionality, disappeared.

Mr. President, the Senate's adoption of the speech tax dropped any pretense that spending limits in the underlying bill are voluntary. The windfall speech tax is the incendiary device that should guarantee that the entire bill blows up in the Supreme Court.

As a taxpayer funded spending limit proponent observed at the time, the campaign finance debate has shifted away from spending limits and is now centered on taxpayer financing. That should not have come as a surprise because spending limits and taxpayer funding are the Siamese twins of campaign finance.

The PRESIDING OFFICER. The time allocated to the Senator from Florida has now expired.

Mr. MACK. I thank the Chair.

The PRESIDING OFFICER. The Senator from Colorado [Mr. BROWN].

Mr. BROWN. Mr. President, I commend the distinguished Senator from Florida for his comments and remarks. I think his thoughtful concern for America's right of free speech is an important element in this discussion.

The Senator's commitment to making sure that opportunity remains for all generations of this country, I think strikes at the heart of this issue. The reality is, without a competitive atmosphere in campaigns, our very freedoms that we prize in this Nation are at stake. The Senator's thoughts and comments are deeply appreciated, I think by Coloradans, as well as, I know, his own Floridians.

How many are up tonight to hear them, I am not sure. It is 2 hours earlier in Colorado, so we have an opportunity to talk to those who are up at 2 in the morning rather than 4 in the morning. And I suspect those, the few who may be watching, must be wondering what in the world we are doing at this hour.

This issue came before the Senate some 15 months ago. The bill was passed and went on to the House and the House acted, I think as all Members know, some 10 months ago. So literally this discussion, this debate could have taken place any time in the last 10 months. The leadership of this body, pressed with many matters I know, had problems scheduling it, but literally did not bring it before the body for a conference for 10 months. It literally was held until the end of this legislative session, until the last minute to be brought up.

One wonders what the reason was for that timing. It is fair to say, I think, that there is opposition to the measure. I certainly am opposed to the measure. And so, perhaps it was because there was manifest opposition that it was delayed. But anyone who is considering this debate ought to understand that this was staged, this timing was picked to come up at the end of the legislative session to draw attention, just before the election was selected, by the majority leader who controls the timing of issues coming before this Chamber. In other words, if he were serious about passing the bill it could have been brought up a long time ago and this discussion had.

I, for one, welcome the debate. I, for one, welcome the contest of ideas. I, for one, believe that to take money away from people, as we do in our tax system, and force people in effect to have their funds that they have worked for and earned and produced given to candidates whose ideas and thoughts they may or may not like, is wrong. If the free choice we prize as Americans has any significance whatsoever, that free choice at least ought to involve who our money is spent on and what candidates we support. To force taxpayers to support candidates and pay for candidates that they strongly oppose is absurd. It is why, when you ask people, do you want additional subsidies to candidates, the polls indicate no.

Are there areas of electoral reform that they want? Of course there are. And there should be. I, for one, am concerned about the process that has taken place with political action committees. I know some who talk about this express concern about PAC's based on whether or not they receive PAC contributions; whether or not they take PAC contributions. But it seems to me there is a far deeper problem than that, and that is probably not the best way to judge that question. I am concerned about political action committees because the way I see many of them—not all of them but at least a significant number of them—allocate their resources.

The concept behind political action committees is that people should have the opportunity to join together to donate their money to make it more efficient, effective. Those are not bad motives. They are not bad reasons. But what has happened is a very disturbing thing. For some organizations, some political action committees, they have become the arm of a lobbyist. That is, the person who wants to lobby issues on the Hill uses the PAC donations not to donate and support the candidates they may support whose philosophy and ideas they want to encourage and advance, but the money is used to gain access.

How many times have we heard that expression from people who are associated with political action committees? What it means is that if you donate money to a candidate maybe it will be easier to get an appointment to talk to him about issues. I do not know whether that is valid thinking or not. I suspect with many Members it does not make a whit of difference. That is right. I believe with many Members that who they see is not directly related to who they get donations from at all. But there are some for whom it makes that difference. What concerns me about the process is not simply those who would make decisions about who they see based on that. What concerns me about the process is the violation of the trust. In any relationship where there is a legal trust or an empowering someone to act as your representative, as a political action committee does—that is empowering the chairman or the president of the political action committee to make decisions for you and to physically deliver donations for you implies that they will deliver those donations to people that individual trusts and likes and supports.

What has happened, I think far too often with our political action committees, is that they have been used to gain access or thought they gain access rather than assist a philosophy that the donor believes and holds.

I am the last one to suggest that every member of every political action committee shares a common philosophy. They do not. It is very unusual that you would have complete agreement on the primary issues in any political action committee. So it is understandable they would donate to both parties. It is understandable there would be some division or diversity in whom they would support. It is even understandable, although I think it stretches the point, that you could have a political action committee to donate to both sides. One such political action committee that I thought handled the issues very well was a defense contractor. I became familiar with the defense contractor because they had an operation in Colorado. They were fine people. They were supplying components for the B–1 bomber.

During the election process when I ran for the House I responded to their invitation to come talk to their members. But they had a different way of handling it. They had individuals put their money into the PAC and then individuals assign their money, where it was to go. The first time I ran, a number of members assigned some of their contributions to my campaign. And during my first term we voted on an item called the B–1 bomber. After reviewing it my view was that it was not a good expenditure of public money, it was not a cost-effective weapons system. And while it certainly had some value, my feeling was there were better ways to spend the limited dollars that we had available to defend our country.

Many members of that political action committee disagreed with that. They disagreed with it because they made parts for the B–1 bomber. They disagreed with it because they felt strongly it was cost effective. They disagreed with it because they felt it was a good focus. So the second time I ran they did not donate.

When you think about it, that is probably the way the system ought to work. If you find a candidate that you do not like or that you cannot support, who differs from you on issues, you ought to have the right to direct your campaign contributions to someone else and that is exactly what happened. And it happened because the donations were decided by them and they made a decision based on what was important to them. That seems to me to be fair and reasonable. I happened to not get the donations. I am sure, hopefully it works other ways with other groups. But the point is the system worked with them and it worked because the individual members who donated the money had a choice. But with most political action committees, those decisions are made by people in Washington who are involved in lobbying oftentimes, and not only allocate the money based on who they might agree with but donate the money based on who they might want access to.

In other words, the way the current system works, you may well have money donated from a political action committee to somebody you do not support and like at all. I guess you have a choice. I guess you can refuse to donate to the political action committee at all. But what we have done is tolerated and advanced and encouraged a system where the trust of people is not followed, where their will is not followed.

It seems to me the primary campaign reform we ought to be talking about with regard to political action committees is to find some way of encouraging them to do the will of their members. One way is to have the members allocate and decide where their money goes personally and individually. But no one can look at the system and not be concerned about the potential abuse that takes place in every election cycle. If we were talking about that kind of change it would have and does have my full support. But we are talking about something else. We are talking about forcing people to donate through U.S. tax systems to candidates they may not like, may not support, maybe do not want to help at all. If you are concerned about people's choice, you have to be horrified by what is included in this bill.

I remember a very bitter campaign that involved George McGovern, a Member of this body and candidate for President some years ago. How would Republicans feel, being forced to donate to George McGovern? Does that square with anybody's concept of what a democracy ought to be about? How would Democrats feel about being forced to donate to Richard Nixon? I think I have some idea. I cannot imagine that it fits anyone's concept of what a democracy ought to be.

One of the concerns I have is that this taxpayer supported subsidy is unlimited. You can stay in Congress forever. There is no limit to how long Federal money would be channeled into your campaign. It removes one of the things that requires you to go out to at least talk to people and communicate with people. Some say that is good because it means people do not have to go and raise money. They can spend this time on other more fruitful endeavors, and it means that there is a limit on how much is spent. So you are not going to have people buying elections, so to speak. To those concerns let me add a couple of observations.

Every incumbent enjoys an enormous name recognition advantage. That does not surprise anybody here. They all know it. They are all well aware of it. I suppose there could be some exceptions of someone who has built up an enormous name recognition from personal endeavors before they run. But absent a BILL BRADLEY from New Jersey who was well known and well thought of before he ran for office, absent that kind of situation, an incumbent enjoys an enormous advantage. They have the ability to answer correspondence paid for by the taxpayer. The incumbent has a name recognition that comes about in dealing with public issues and speaking out on them. The incumbent has the advantage of travel that is paid for by the Government to visit their constituents to respond to their inquiries. The incumbents have the advantage of working through the press on legitimate Government issues which the challenger may not have.

The simple fact is if you are looking for a fair fight, if that is what this is all about, if having the Government come in and finance all of this to make sure it is a fair fight, then we have tied one hand behind the back of every challenger. This is not a fair fight. If you had two people start off, one with a huge name advantage and another with very little, and you give them the same amount of money to spend, who is going to win? Well, of course, it is always possible, if the money involved is enough, that you can develop some identity on issues. It is always possible someone could be beat. But it is much less likely, if you limit what is spent, that you will have someone with lower name recognition come out on top. It is not impossible but much less likely.

This should be titled the "Incumbency Protection Act." It is not unusual. It is not new. Incumbents in jobs all around the world love to protect themselves. Self-preservation is a basic part of human nature. It does not surprise anyone that Members of Congress seek ways to rig the game. That is what this is. But these rules are not evenhanded. No one thinks they are. Campaign reform in the last decade has come down to a series of bills where Democrats try to make it illegal to donate to Republicans and Republicans try to make it illegal to donate to Democrats.

The only thing that is entertaining about it is the level of rhetoric. But this bill is not a serious effort at fair and evenhanded legislation. This bill before us is not that either. It is not evenhanded. It is meant to give advantage. It is meant to rig the rules so that one side wins and one side loses. It is not meant to make it fair and evenhanded and better for the electorate. It is meant to help one party win over the other. That is why you have partisan votes on this. Members on both sides who often demonstrate the ability to be independent and cross the party lines depending on the issues on this have tended to stay home partly because it is a partisan issue. It is an effort to gain a partisan advantage.

I for one am concerned about it for another reason. This bill also makes it more difficult to replace incumbents.

Americans' concept of democracy was revolutionary and for that matter is revolutionary. If you are going to oversimplify it, if you are going to generalize it, one of the aspects of American democracy is that we do not trust people very much. We have heard the adage that power corrupts and absolute power corrupts absolutely. Frankly, Americans believe it. Our experience was with King George, and it was not a pleasant one. It was with someone who had enormous powers as a monarch and he abused them. That is why this country, which had enormous ties to Great Britain and great affection in many areas, broke away because of the abuse of power.

But incorporated in our concept of democracy right from the start was an understanding of human nature. It was not just comments of the philosophers; it was a study of human history.

When you look at the enormous research that went on for those people who attended the Constitutional Convention, you marvel and awe. At a time when the breadth of knowledge in our population was not as widely shared as it is now, at a time when the number of books published was far less, at a time when public libraries were limited, and at a time when you did not have near as many educational institutions, assembled at that Constitutional Convention were philosophers and political scientists and local officials with the wisdom that has dazzled the ages. The reports are that at the Constitutional Convention a large number of topics were discussed and a large number of models were examined independently. The city states of Greece were reviewed in depth, and the lessons that the Greeks had learned were discussed in depth. The concern about excessive power and how the Greeks dealt with it was examined. The reports that we have on that Constitutional Convention indicate the Swiss Canons were examined. They at least at that point in history were one of the few examples of something close to our vision of a democracy.

As all Members know, this country not only is the longest lasting democratic republic in the history of mankind but it was one of the first.

They looked at the Roman experience, both under the republic and later on under the empire. As Members are well aware, because of the very thoughtful comments and review made by Senator BYRD over a number of years commenting upon the Roman Republic, the Romans had concerns about excessive concentration of power. And many feel that the development with regard to the Roman Republic where an emperor took over and usurped the power of the Senate and other legislative bodies was part of the reason for the downfall, the corruption that had come about through the concentration of power.

Originally, in the republic, there was a popular assembly in the Senate which limited terms for the executive officials who were elected, a division of power, and checks and balances. The thought was that by dividing the power and limiting the time in service, they could prevent the abuse; they could prevent an excessive concentration. They were familiar with the writings of Polybius and Cicero. Polybius had noted that the Greek city states demonstrated the phenomenon. The inevitable trend of concentrating power in the hands of a few, the democracy developing into an aristocracy that developed into a dictatorship, and that concentration of power ultimately resulted in chaos, a breakdown of the system, a wide dispersal of power and the beginnings of democracy again.

That concern over the cycle of governments, and more specifically over the concentration of powers, is what drove our Constitution to adopt the structure that it did. But fundamental to those ideas and fundamental to the approach Americans had was an insistence that we limit power, that we avoid a concentration, that we have checks and balances, that we offset the power of the Federal Government with the power of the State governments, and offset all of that with our commitment and our reservation of power to the people in this country.

We not only have checks and balances in the allocation of power between the people and the States and the Federal Government, but within the Federal Government, we made sure that the power was divided up, that no one could abuse the system. We divided the power between the executive and the legislative and the judicial. If that were not enough, we divided the power in the legislative branch between the House and the Senate. It was not simply a reflection of what was done in the past. It was a study, a plan, a commitment to restrict the concentration of power in this country in the hands of a few under a firm understanding that power could corrupt and absolute power could corrupt absolutely.

Limiting power is the essence of what the American experience was all about. It is the essence of how Americans came to understand these issues. It was the essence in protecting our freedom because it was understood that there are trends among mankind, a trend to greater and greater concentrations of power in the hands of a few. And it was an effort to stop that process. It was an effort to stop the concentration of power and keep it divided.

Mr. President, this measure endangers that very concept. Why would I say that? Because it makes it much more difficult to defeat an incumbent. By making sure that the challenger cannot spend more than the incumbent, by making sure that no matter how outrageous the incumbent's conduct is, the taxpayers have to finance his or her efforts whether they want to or not, we make it much more difficult to replace people.

Moreover, I am convinced that by allowing unlimited terms, as this bill would encourage, we foster and encourage what I think is a disastrous practice in legislative bodies; that is, logrolling. This is a simple process of saying, if you will vote for my bill, I will vote for yours; if you will appropriate money for something I like, I will vote for money for something you like.

It is at the foundation of what I have been concerned about with regards to the National Endowment for Democracy. NED is a danger because it gets the head of the Democratic Party and the head of the Republican Party together and tells them, "Look. If you will just support money for each other, we will give you money without Federal supervision." It is the ABC's in learning logrolling. That is what is wrong with the National Endowment for Democracy.

It is not that democracy is not a good idea. It is a great idea. But logrolling trains the parties in ways to raid and get money from the public Treasury. It is simply the signoff on the money that goes to the other party. That is one of the dangers that happens in a legislative body, the recognition that you can raid the public Treasury by not fighting each other and by cooperating with each other; that all it takes to get money out of the pockets of people is not to have good ideas or good concepts or good programs, but simply be willing to turn a blind eye to the money that goes to somebody else. They will in turn shut their eyes to the money that goes to you.

That system of logrolling is alive because people have unlimited terms. If you are in a powerful position to allocate money in a Chamber, and they are not only there now, but may be there for a long, long time to come, the ability to enforce and discipline members into logrolling becomes possible. But if you limit terms, if you limit terms, it changes the dynamics tremendously. If the people who control the levers of spending rotate and change, then the ability to force people to go along, to get along falls apart.

This measure, forcing taxpayers to give over their hard-earned money to fund politicians they may like or not like and to do it as long as that politician runs for office, regardless of what they have done and how they have served, is a tragic mistake. It is a violation of the freedom and the liberty of our citizens. But moreover, it fosters a practice that can lead to the corruption of the democracy that we enjoy.

It fosters a practice of professional politicians, of professional Members of this body and of the other body. What it does is foster a ruling class in America. We Americans, hopefully, have respect for people who are in office but never thought they were any better than we were. We never thought the fact that you had a title meant that you had any more rights than anyone else.

One recalls, with I think some sense of pleasure, Thomas Jefferson insisting that when he left office, the appropriate way to address him was "Mr. Jefferson," not Mr. President. One remembers with fondness that when George Washington was offered a crown as the new king of this country, he turned it down.

Americans are made of different stuff. It is never our intention to deify people in public service. One need only look at our journals and our newspapers to understand that far from deification, many members of the public have something else in mind for those who serve. To suggest that you are going to have a permanent ruling class that would occupy these halls without limit of time is as alien to the American concept of democracy. It is as false and as flawed and at odds with the very philosophy that was put in our Constitution and, more important, the wisdom of the ages which said too much power corrupts.

The very fiber of the way we have constructed our institutions from bottom to top and from top to bottom is to be concerned about and aware of the dangers of a professional ruling class and too much power. To keep people here whether people are willing to donate to their campaigns or not, fosters logrolling, fosters a professional ruling class and threatens the very fiber and foundation of the concepts that make this country so unique.

What do the American people think? It is a fair question. Here is the way they voted on term limits. In Arizona, 74 percent voted for term limits. In Arkansas, 60 percent voted for term limits. In California, 63 percent voted for term limits. Colorado was first State in the Nation to adopt term limits for Members of Congress. I recall the campaign well because I was cochairman of the campaign along with Eric Roth. Eric Roth was a long-time leader in Democratic politics in Colorado. He is still very widely respected.

He was a labor union leader and a person of great principle. It was unique, though, that we joined together in a ballot initiative in the State. We were not known as necessarily sharing the same ideas or always working on campaigns together but we agreed on term limits. In Colorado, we got 71 percent of the vote. In Florida, the State Senator MACK, our previous speaker, comes from, 77 percent of the Floridians voted for term limits, in Michigan 59 percent, in Missouri 70 percent, in Montana 67 percent, in Nebraska 68 percent, in North Dakota 55 percent, in Ohio 66 percent, in Oregon 69 percent, in South Dakota 63 percent, in Washington 52 percent, the State of the Speaker of the House of Representatives—the Speaker dramatically, strongly, vehemently, effectively opposed term limits and even in the State of the Speaker of the House the majority approved term limits; in Wyoming 77 percent approved term limits.

Mr. President, these States all approved term limits. Some have Democratic majorities, some have Republican majorities. That did not seem to matter. Some were liberal and some were conservative and that did not seem to matter. You see, the concern over a professional ruling class and professional politicians cuts across party lines and philosophic lines. It is American. Americans are concerned about excessive power. It is not just the founders of this Republic who were concerned about it. It is every American even to today. They somehow sense and understand that the more power we have to control them and their lives, the less power they will have. And term limits is a way to address it. Term limits is a way to impose controls and limitations.

That is the essence of what the founders of our Republic tried to do.

When I offered an amendment to this bill that would limit the number of terms somebody could be subsidized by the taxpayers to run for office, we got a new high in votes. But it did not pass. You see, there is a dramatic difference between the way legislators who are going to be subject to the term limits vote on the question and the way our citizens vote. But I do know one thing. There is a reason why it is so difficult to get the term limit measure out of committee. There is a reason why not once has the House Judiciary Committee allowed term limits to come out in the Chamber and not once has the Senate Judiciary Committee allowed term limits to come out in the Chamber for a vote. Members of the Senate and the House feel differently about term limits than the American people, than Democrats in America do and Republicans in America do because the voters in this country strongly favor it.

Mr. President, I believe within the next decade you are going to see term limits pass, and it is going to pass because Americans are concerned about the excessive concentration of power. A campaign finance reform bill that forces citizens to have their money spent by candidates that they may not like at all is outrageous. Who are we kidding? It is not a reform. It is a regression. It is a suggestion that the choice people have now of who they donate to and do not donate to is taken away from them; that we are going to tax the money away from them and allocate it the way we wish to. That does not surprise anybody. It does not surprise anybody that political leaders would want the money. But please do not pretend that denying people a choice about who their money goes to somehow reflects their will, or that is somehow favored by the American people, or that funding it with regard to perpetual terms for Members of Congress is somehow helping them out.

Mr. President, here is a poll. This was taken by the National Taxpayers Union Foundation. The question they asked Americans is: "Would you favor a constitutional amendment that would limit the number of terms a Member of Congress can serve?" And 75 percent said they favored it, 25 percent opposed. Even more interestingly, the period for which they proposed term limits indicates an even greater support for the concept. Let me give you the question: "If limitations were passed on the number of terms a Member of the House of Representatives could serve, do you think the maximum number of terms should be 2 terms, 4 years?" Thirty-four percent. Three terms, that is 6 years, 26 percent. Together, that was 60 percent of the American people favored not more than 6 years' service in the House. Obviously, that relates to one term in the U.S. Senate. And 19 percent said the maximum should be 4 terms.

Now, the measure that I have introduced in the Senate and we voted on on this very bill talked about 2 Senate terms or 12 years. But what we are looking at here is 79 percent of the Americans favored a maximum of 4 terms or 8 years or less. Another 8 percent favored the 6 terms. By the time you get through this poll, there are very few supporters of term limits beyond the 12 years that we propose. Ours is at the outer end of length of service and yet the bill that is before us would subsidize campaigns of people not for 4 years, as 34 percent wanted, not for 6 years, as 60 percent want, not for 8 years, as 79 percent want, not for 12 years, as 87 percent want. It would subsidize their campaigns forever, as long as the Member lives, regardless of how they perform, regardless of whether their constituents like them, regardless of whether the American people want their money taken away from them and given to the politicians or not.

Mr. President, the American people do not support this bill. They do not support the idea that you are going to forever keep people in office. They do not support the idea that you are going to rig the process so it is very difficult to defeat an incumbent. The American people favor term limits, and they favor them strongly. They favor them for a dramatically shorter period of time of service than any of the bills that we have before Congress.

Mr. President, the American people do not favor having their taxes raised to fund campaigns that they may not like or want. The reality is that we have a system that allows people to express their wishes. The last question that they asked in their poll was this: "Public dissatisfaction with the status quo was measured recently by a Wall Street Journal/NBC poll showing Americans strongly favor a limit on congressional terms. Do you favor a limit on congressional terms?"

Now, this is not the U.S. term limits poll, which one might suspect could have some lack of objectivity. Certainly they have as strong a feeling for those term limits as I do. That was one done by the Wall Street Journal and NBC News. The response they got to their poll showed 80 percent favor term limits and only 17 percent were opposed, even stronger than what the U.S. term limits found.

Now, it has been suggested that it is unconstitutional for States to vote in term limits, unconstitutional for the people in a fair referendum and a Democratic referendum to decide to put a limit on the length of time that their people serve. And so before the Supreme Court of the United States is a challenge to the referendum passed in Arkansas. It will surprise no one that the term limits initiatives have been primarily done by referendum in States where the people have made the decision, not the elected representatives.

In addressing this issue, Term Limits Outlook series has put out a series of papers that deal with this issue.

I want to quote from the first one that they put out in volume II. This is volume II, number 1. The headline is "Corporate Interests. Why big business hates term limits"—a fair title, I think. They say this:

> In 1991, Connecticut Gov. Lowell Weicker said that "Nowadays, its hard just to get someone to drop their bag of Doritos long enough to cross the street to vote." In November 1992, 21 million people in 14 States approved in a near-national referendum sweeping Federal and State-level term limits, sending a clear message to the 103d Congress of their desire for fundamental political reform. Term limits are an anathema to most elected officials, many of their staff members and to large sections of the professional special interest community. Their opposition to the 14 State initiatives was expected.
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> But also opposing term limits was a cross-section of big corporate America. Many corporations oppose term limits out of self-interest: they have a stake in status quo government and they don't want to lose it under term limits. But the extent to which large corporations will oppose term limits underlines the fact that, as government grows omniprovident, big business, too, has as much to fear from a change in the rules of incumbency as the incumbents themselves.
>
> Nationally, term limit opponents spent between $3 million and $4 million, not the $1 million anti-term limit consultant Victor Kamber asserted in an election day article in USA Today. On the books, spending against term limits looks small—around $1.5 million. But almost $2 million in soft money funneled through the California Democratic Party to stop term limits. Staffers close to one of the congressmen actively opposing California's Proposition 164 said that the money was available to the anti-term limit campaign, but that it was decided to use the funds for get-out the vote activities and slate mailings urging a "no" vote on Prop 164 rather than a direct assault.
>
> Term limit proponents, including national organizations like U.S. Term Limits, Americans to Limit Congressional Terms, Americans Back in Charge and the 14 individual state organizations spent close to $4 million on the campaign, far less than the $6 million Kamber estimated in USA Today. Expenses like advertising, legal fees and significant petition signature gathering costs translated into a cost-per-vote of roughly 17 cents. This compares to the $1.7 million Rep. Newt Gingrich spent to earn the votes of 158,000 people in Georgia's 6th congressional district ($10.76 per vote) and the $26 million spent to earn 18 million votes by the four major party candidates running for a U.S. Senate seat in California ($1.44 per vote).

Mr. President, I break in on the article here because of I want to emphasize the comparison. They are talking about 17 cent a vote versus a $10.76 cents a vote that Congressman GINGRICH spent. The article continues:

> For term limit supporters, a little money went a long way.
>
> Opponents concentrated their efforts primarily in a few states: California, Michigan, Washington, and Arkansas; all States with Democratic majorities, all home to powerful Members of Congress and all winnable. In general, term limit opponents waited until late in the campaign to organize and fund their efforts, in part, according to term limit backers, to avoid public scrutiny. This was not the case, though, in Michigan, where opponents aggressively campaigned against the term limit initiative, Proposal B, from almost the very beginning.
>
> Term limit opponents in Michigan were able to tap considerable corporate resources. Donations by General Motors, Ford, Chrysler, Upjohn, Blue Cross-Blue Shield of Michigan, Michigan Bell, Detroit Edison, Southern California Edison, Philip Morris, The Coastal Corporation, Kellogg, USX, Pacific Telesis, and General Dynamics enabled the Michigan Citizens Committee Against Term Limitation and its affiliated media-buying group, Michigan Citizens Alert, to wage a $500,000 ad campaign against Proposal B. It's ironic to note that former Chrysler Chairman Lee Iacocca is a term limit supporter, writing that "a $4 trillion national debt, a $3 trillion deficit since 1980, and $300 billion in red ink in just the past year is prima facie evidence that the 'professionals' have botched the job." His former company, and its automaker allies, spent $105,000 to try to stop the concept Iacocca endorses.
>
> This list of large corporate sponsors would seem to indicate that more was at stake in

the November 3d Michigan election than just term limits. Some of these companies had parochial interests involved: Kellogg, Ford, GM, Chrysler, Detroit Edison, Michigan Bell, and Upjohn are all Michigan-based corporations and they have a history of supporting Michigan's political establishment. They also have a history of supporting incumbent politicians.

Between 1979 and 1990, the primary PAC's of these seven companies donated an average of 16.5 times more money to congressional incumbents than they did to congressional challengers. Incumbent officeholders usually hold a PAC fundraising advantage, an average 12.5:1 for the 1992 House races.

This fact has given rise to repeated calls for campaign finance reform—in fact, to the birth of an entire campaign finance reform industry. Opponents of Michigan's Proposal B cloaked their arguments against term limits in the rhetoric of campaign finance reform. Ted Cooper, CEO of Upjohn and co-chairman of the Michigan Citizens Committee Against Term Limitations wrote, "Our campaign finance system virtually assures that no one gets elected to national office without massive campaign spending. Promising challengers are often taken out of races simply because they can't raise money as effectively as their opponents." Upjohn has donated nearly 22 times more money to incumbent officeholders since 1979 than it has to challengers. Further, Upjohn has not put any money into groups that actively work toward campaign reform. Upjohn's corporate foundations spend their money on charitable causes in the Kalamazoo area—where Upjohn is headquartered—and on such national groups as the United Negro College Fund, the Nature Conservancy, and the conservative Washington, DC think tank (and term limit supporter) the Heritage Foundation.

Similar sentiments were voiced by Ford Motor Company executive Susan Shackson: "Campaign finance reform may be a better response to incumbent fundraising advantages because it would increase fairness without diminishing choice." Ford has donated nearly 16 times more money to incumbents than to challengers since 1979.

But both Cooper and Shackson go to the heart of corporate opposition to term limits when they talk about the ramifications such limits might have on their vested congressional interests. Shackson writes that term limits "could make a career in politics less attainable, and more candidates could come from special interest groups—such as labor, education, or trial lawyers organizations—that are unsupportive or even hostile toward business and industry." Upjohn's Cooper noted that "The pharmaceutical industry, along with every other sector of manufacturing, commerce and policy has been called a special interest, and it has been suggested that we control legislators. If that were so * * * things would be quite different for us in Washington and in our state capitals. We work very hard to develop legislative allies, and the only way we can do this is to convince these people of the rightness of our cause."

Mr. President, the article goes on about U.S. term limits. But the point they try to make is the position of corporate leaders, of large corporations, who have a vested interest in the way things work right now. The kind of reform that is before this body is one that cements in the incumbents. It is not one that changes the system. It is one that makes sure it cannot be changed.

Stephen C. Ericson published an article in Policy Review. It is entitled "James Madison's Case for Term Limits." I want to just share a little bit of it because I think James Madison, in his wisdom, got right to the heart of the question.

The article starts off as follows:

In 1787 a French diplomat made a remarkable prediction about the American political system. Reporting to his home government, Louis Guillaume Otto pointed to what he believed was a critical flaw in the new American Constitution:

"It is true that the President will be elected for only four years, the Senators for only six, the Representatives for only two, but they will always be *eligible* [Otto's emphasis]; will not elections be for sale . . . especially when they will be able to command the public treasury at will?"

Anti-Federalist opponents of the Constitution had serious doubts about a lack of term limitation, fearing a distant government that would grow independent of its electors and become corrupted by centralized power.

Term limitation also had a backer within the ranks of the Federalists, the "Father of the Constitution" himself, James Madison. Madison's call for legislative term limitation was unique, in that he proposed to use the concept as a means to control special interests. It is his argument that speaks to us most forcefully today.

ROTATION OF OFFICES

The notion of restricting re-election is as old as the democracy of ancient Greece, where the practice of legislative term limitation found expression in the writings of Aristotle. The idea was adopted by English republicans, the most influential of whom was James Harrington. Harrington made "rotation of offices" a centerpiece of his mode Commonwealth of Oceana, a plan Madison probably studied when contemplating the design of an American republic.

Harrington's concept of rotation was passed down to generations of English and American republican thinkers, including the framers of the Articles of Confederation. A number of early American state constitutions also adopted the concept for a range of office holders, from governors to local sheriffs and coroners. Madison's colleague and fellow Virginian George Mason wrote term limitation into the influential Virginia Declaration of Rights, illustrating how re-election restrictions were commonly associated with the most essential constitutional guarantees against tyrannical government. Anti-Federalist's believed that legislators inevitably became corrupted when allowed to hold office for long periods of time, and that one way to ensure just laws was to compel legislators to live periodically as ordinary citizens under the laws of their own design.

Equally important, rotation of offices would educate large numbers of citizens in the art of governing through office holding, and thus make it more difficult for government to encroach on their liberties undetected. Many Americans of the founding generation saw rotation of offices through mandatory term limitation as a key to the maintenance of a selfless and politically astute citizenry, qualities known as public virtue, which were necessary if the republic was to survive.

Mr. President, the article goes on. I ask unanimous consent to have the entire article printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A BULWARK AGAINST FACTION—JAMES MADISON'S CASE FOR TERM LIMITS

(By Stephen C. Erickson)

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Anti-Federalist opponents of the Constitution had serious doubts about a lack of term limitation, fearing a distant government that would grow independent of its electors and become corrupted by centralized power.

Term limitation also had a backer within the ranks of the Federalists, the "Father of the Constitution" himself, James Madison. Madison's call for legislative term limitation was unique, in that he proposed to use the concept as a means to control special interests. It is his argument that speaks to us most forcefully today.

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Equally important, rotation of offices would educate large numbers of citizens in the art of governing through office holding, and thus make it more difficult for government to encroach on their liberties undetected. Many Americans of the founding generation saw rotation of offices through mandatory term limitation as a key to the maintenance of a selfless and politically astute citizenry, qualities known as public virtue, which were necessary if the republic was to survive.

POPULAR GOVERNMENT'S "MORTAL DISEASES"

Madison agreed that a measure of public virtue was required for the operation of republican government, but was more inclined to believe that man was essentially a self-interested creature and that public virtue alone was not enough to secure the republic. His great concern was that groups of people, or factions as he called them, would come to dominate government at the expense of the common good. Madison's idea of faction is nearly identical to the modern notion of special interest.

In his now-famous Federalist Number 10. Madison defined faction as a group of citizens "adverse to the rights of other citizens, or to the permanent and aggregate interests of the community." He pointed out that factions may derive from different moral and philosophical opinions, but are especially potent and determined when motivated by economic interests. They are "the mortal diseases under which popular governments have everywhere perished," said Madison. Because factions are endemic to free society, the central intellectual challenge in designing a constitution for the United States was to minimize the effects of special interests on government. The enslavement of modern American government to special interests and local constituencies at the expense of pressing national concerns indicates that something has gone drastically wrong with the Founders' strategy for controlling faction.

The system of checks and balances taught to every American school child is the Founders' first weapon against faction. Their plan gave the various branches of government not only different powers, but also contrasting temperaments.

To the executive they gave energy and to the judiciary independence. In keeping with the classical model, the Founders attempted to provide the two branches of Congress with the complementary characters of wisdom and virtue. Chosen by direct election, the House was designed to be immediately representative of the people, exercising republican government in its raw form. Madison argued that this lower branch would be most capable of reflecting the public virtue found in the body of the citizens, but might lack the wisdom to distinguish self-interests from broader community interests, become motivated by popular passions, and thus be prone to faction.

COOLNESS IN THE SENATE

To check the potentially narrow-minded perspective of the lower branch, Madison supported a Senate that would proceed "with more coolness, with more system, and with more wisdom than the popular branch." Popular passions were to be cooled through indirect election, a "refining process" whereby senators were elected by state legislatures—although Madison personally preferred indirect means other than state governments. Members of the upper house represented greater territories and would therefore possess a broader view, and hold office for six-year terms to give them more time to become acquainted with national concerns. While the upper house would be a constant check upon faction, its actions would in turn be monitored by the lower house to safeguard against the potential corruption of government bodies more distant from the oversight of the people. On paper, the House and Senate stuck an ideal balance.

But differences between the upper and lower houses of Congress disappeared in the 19th and early 20th centuries, as the indirect election process was gradually eliminated throughout the states. Today's senators are, in effect, representatives with longer terms, and are no more resistant to special interests than their counterparts in the House. Even if the Founders' "refining" mechanism were still in place, it is difficult to see how it would be an adequate defense against modern special interests, given the vast capability of modern government to serve those interests. Indeed, circumstances have rendered both houses of Congress identical in character and temperament.

ADVANTAGE OF LARGE REPUBLIC

Another way Madison hoped to discourage faction was in the creation of a large republic. While a small republic might easily split into two factions or interests, Madison believed that a large and populous territory like the United States, containing many conflicting interests, would be less prone to faction because in a large republic it would be difficult for any single interest to form a majority and serve itself at the expense of the common good; on the contrary; a host of conflicting interests would check each other. Madison's theory held as long as the federal government's power remained relatively limited. Yet limited federal power encouraged the rise and militant assertion of a minority Southern slave interest, which led to the Civil War—America's bloodiest battle with faction.

Ironically, the Civil War marked a major step in the growth of an increasingly powerful federal government that eventually undermined Madison's large-republic theory. Commanding enormous power and resources, modern government now serves thousands of special interests simultaneously in ways unimagined by Madison and his fellow Founding Fathers. Today special interests are banded together and served by their agents in government, principally congressmen, to form a collective majority. Modern politics have rendered national interests to be, in practice if not in reality, the sum of a vast number of special interests. The mechanisms the Founders incorporated into the Constitution are too feeble to address the threats posed by special interests to a modern state operating within an infinitely more complex society than that of 18th-century America.

MADISON CALLS TWICE FOR TERM LIMITS

Madison, however, proposed to deploy another weapon in the fight against special interests, and that weapon was legislative term limitation.

The idea was first raised at the Philadelphia Convention on May 29, 1787 in the Virginia Plan. Although introduced by Governor Edmund Randolph, the Virginia Plan had been outlined by Madison in letters to Randolph and George Washington prior to the convention, and served as the initial working draft of the Constitution itself. The plan declared that members of the lower house were to be ineligible to run for re-election after a single two-year term in office and would not be allowed to run again for an unspecified number of years thereafter. The upper house was to be elected by the lower house, incorporating Madison's preferred refining mechanism. As a result, term limitation could potentially affect the entire legislative branch. Here, in the Virginia Plan, Madison called for a radical application of legislative term limitation, mandating an entire new House of Representatives every two years and holding out the possibility for frequent and significant changes in the Senate.

Although term limitation was later struck from the Virginia Plan, Madison again raised the issue in a noteworthy speech on June 26 that encapsulated much of what he would later write in Federalist 10. The delegates had been discussing the creation of a Senate where Madison hoped to establish a bulwark against faction. Writing about himself in the third person in his notes from the convention, Madison stated:

"[He] did not conceive that the term of nine years could threaten any real danger; but in pursuing his particular ideas on the subject, he should require that the long term allowed to the second branch should not commence till such a period of life, as would render a perpetual disqualification to be re-elected."

Here Madison differentiated the House and Senate far more profoundly than did the final draft of the Constitution. As a result of short terms and the potential for re-election, the House would be sensitive to the changing needs and interests of the population. The Senate, on the other hand, comprised of the old and presumably wise, would take a long and more objective view and, without election pressures that result from short terms and re-elections, would be more capable of rising above narrow self-interests than members of the House. Such ideas, found in his convention speeches and in the Virginia Plan, reflect the true Madison even more than his famous writings in *The Federalist*, where he argued not necessarily for his own proposals, but in favor of a constitution that was the product of a great political compromise.

Madison's efforts on behalf of term limitation were modest and encountered almost no encouragement at the Philadelphia Convention. Arch-Federalists took strong objection to the prospect of a government of amateurs. Their argument is one that has always dogged the case for term limitation, and indeed their objections are frequently echoed by modern critics of the idea.

Madison also agreed that government must be wise, and he therefore could support a nine-year term in the Senate to ensure that one house of Congress was well experienced. Classical political theorists had advised the creation of upper houses comprised of aristocrats, reasoning that only a leisure class would have the time to read widely enough to govern wisely. In Harrington's republic, the upper house debated and proposed legislation, but it was the lower house that voted it up or down. Thus, government was divided into the higher function of debating and proposing carried out by an educated elite, and the lower function of choosing, performed by the representatives of more virtuous freeholders.

THE RISE OF CAREER POLITICIANS

But who actually proposes modern legislation? Today, laws and policies are developed by legions of legislative staffers, bureaucrats, and lobbyists, while the choosing is left to elected officials in both houses of Congress. In terms of the classical model, the brain trust has moved from the old aristocratic upper house to a professional class of public policy experts. Given the complexities of modern government and society, no other division of labor seems possible. The modern U.S. Congress is no smarter than the bureaucracy that supports it, and is therefore neither especially wise nor virtuous.

No doubt many of Madison's colleagues at the Philadelphia Convention would have joined him in support of legislative term limitation had they foreseen the possibility of the rise of a class of career politicians, all but unimaginable in 1787. Indeed, Madison acknowledged that "a few" members of the legislative branch would be "frequently re-elected" but that "new members would always form a large Proportion." The Anti-Federalists were less convinced, and their case for re-election restrictions based upon worries about corruption and the establishment of a detached ruling class is still relevant today.

But it is Madison's argument for term limitation that cuts to the heart of what is wrong with the present American political system. Unlike his Anti-Federalist critics who called for term limitation to prevent the rise of a government independent of the people. Madison sought to use the concept to give legislators more independence from their own narrow constituencies and self-interests. He attempted to create a system whereby legislators were not advocates for special groups, but impartial umpires for the national interest.

Madison understood that all legislative decisions are biased and attempted to minimize those biases by encouraging legislators to be less interested and more judicious through mechanisms like term limitation. Madison knew that the desire to be re-elected could make legislators pawns to special interests. And getting re-elected is naturally a primary concern of modern career politicians. Thus, the present system maximizes the influence of special interests at the expense of the common good, and turns Madison's vision of the American republic completely on its head.

Mr. BROWN. Mr. President, my time is drawing to a close, but I do not want the debate to end without noting this: The future of our country's democracy, the future of our independence, the viability of the separation of powers depends in large measure on making sure that we do not have the phenomenon occur in America which Cicero and Polybius talked about: The eventual concentration of power into the hands of a few people.

One cannot look at our economy and not be dazzled by the enormous concentration of power that we have given to Washington, DC. I defy anyone in this Chamber to tell me how it is possible to read 70,000 pages of new Federal regulations that this Government put out last year. We attempt to regulate the details and the daily lives of the American people. That is not what democracy is all about. It is not about having someone dictate to us how we are going to live our lives and the details of how we do our jobs. Democracy is about letting people make their own mistakes and make their own conclusions and live their own lives.

Yes, Government has a role. It is to protect the country and protect us from each other, but it is not to tell us what kind of plank to put down when we walk across a ditch. It is not to tell us to keep a logbook on how we use Joy dishwashing detergent, which someone in Florida a few years ago was fined $500 for not doing.

It is not to tell doctors to keep a long logbook every time they wash their hands. If Members think we are kidding, take a look at the blood pathogens regulation that this body voted for with only one negative vote.

We tell someone who has 4 years of college, 3 or 4 years of medical school, a couple years of interning, a couple years of specialization, when to wash their hands, when not to and how to keep a log on it. That is ludicrous.

What we have come to in this country is the kind of Government that thinks it is going to run the minute details of how we run our lives, and it is nuts.

The essence of this country is freedom of choice and, yes, even the ability to make mistakes. To suggest you are going to provide a growing, livable, functional, competitive economy, when the Government decides every minute detail of how we conduct our business, is ludicrous and absurd.

To enact a campaign reform bill that makes sure incumbents do not lose is not reform, it is an abuse. To say you are going to tax people and take their money, without their choice, and hand it to politicians they do not like to keep in office is wrong. It is not a reform, it is a self-serving preservation.

This country is strong and able and creative, but it is not going to stay that way if we do not leave the power of this country in the hands of the people who do the work, because the working men and women of this country are the ones who make it work and prosper and make it creative.

This Nation is going to survive just as long as we leave the power of our country in the hands of those people who make it strong.

The PRESIDING OFFICER (Mr. MATHEWS). The Senator's time has expired.

Mr. GREGG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I ask to speak to the Senate on this issue which is before us and to congratulate the Senator from Colorado for his superb comments on this point.

Before I begin, I also wish to thank the staff of the Senate and the staff of the Capitol for what has obviously been a strain on their lives to be here throughout the evening, into the evening and through the night and be here at this early hour. It is greatly appreciated by myself and I know other Members of the Senate. The dedication of staff that works within this body and works within the Capitol is extraordinary.

I was just downstairs and saw a gentleman who has to be in his late seventies who has worked here for many, many years and has been up all night, as a courtesy to the Senate, Members of the Senate, to make sure as we work through the night, the business of the Senate was done efficiently and well.

He is just one of many, obviously, but an example of the commitment of these people who surround us here and make the capacity to serve in this body so much better. So I wish to begin this statement by thanking them for their time and effort, energy and willingness to put forward and sacrifice, obviously, from their own lifestyles in order to serve and work in this body with us.

There has obviously been a great deal of discussion on the issue of campaign finance reform over the last 17 hours of this debate. It is my pleasure to put my oar in the water here at 5 a.m., which I guess is about 2 a.m. in California. But in England, it is prime time, I believe.

You learn many things when you begin to speak at this hour of the morning. I did learn—and I often wondered coming up Constitution Avenue—why you could never get from one stoplight to the next without the stoplights you are proceeding to going red. I discovered this morning that the stoplights are timed for 4 o'clock in the morning. Driving up Constitution Avenue from the Potomac River to the Capitol, at 4 o'clock in the morning, the stoplights are all perfectly timed. So you do learn things by having an opportunity to speak at this hour.

I do recall, having a chance to speak at this time, a fellow named Oscar Mason who lived down in New Hampshire and had been a farmer for many years. He was in his late sixties at the time this event happened.

One Sunday he got up and went down to church, and because there was another major function going on in town that day, and he had not learned of it, and there was going to be a service later on, the early morning service was rather sparsely attended. In fact, he was the only one who arrived there.

He walked into church, sat down in his pew and Minister Ephraim came in and noticed he was there, so he felt he should give him a service. Minister Ephraim was a person of considerable talents and abilities, and so he started the service off with a hymn, on to a prayer and then went to a few readings, explained the readings of the Old Testament and a few more readings, and explained the readings of the New Testament.

He went on to even give the children's sermon because he had a good one and thought Oscar might be interested in it. And he delivered the offertory and did a couple more hymns and did some responsive readings and gave what he felt was one of his best sermons. It went on for about 30, 40 minutes. He was of the old school ministry. He liked to talk a great deal in the church, and he gave good sermons.

Then he gave a couple more hymns, closed the service and went to the back of the church. Oscar got up slowly and walked down the aisle. Minister Ephraim, as was his custom, stood at the door at the rectory to shake his hand, the door to the exit of the church. Oscar shook his hand, and Minister Ephraim said, "What do you think of the service?"

Oscar thought for a minute. He said, "Well, if I go down in my field with some manure and I only find one stock of corn, I don't dump the whole load on it."

I think that is applicable today. I, unfortunately, want to absorb my whole hour. I have to put the whole load forward. There is an awful lot to talk about, and I have an opportunity to do that. It is an opportunity which I intend to take full account of.

The whole issue of finance reform is, of course, an issue that rises here fairly regularly. It is an issue that I find to be fascinating and one which I have been involved with myself over the years in my prior activities as Governor of New Hampshire. I had the chance to pass the first major campaign finance reform legislation in the State in over 20 years. And I believe that what we are dealing with here today originally started out to be a good-faith effort to improve the finance laws of the Federal Government relative to campaigning.

Unfortunately, it deteriorated, as is traditionally and typically, regrettably the case. Because when you are dealing with finance reform, I think we all understand that you are dealing with the lifeblood of the political process. Whether you like it or not, whether or not a person can get reelected or whether or not they can sense that they can get reelected or whether their campaign is going to be impacted by some action taken by this body on their reelection is about as close to the heart of a matter of what makes a Member of the Congress and people competing for the job of serving in the Congress.

So as you get from the theoretical discussion of what would be a good way to finance campaigns to the specific discussion of how to do it, you transition from good will and good intentions into the most aggressive and toughest street fighting in the area of politics that exists.

Campaign finance reform, as an initiative, has not been unusual. In fact, much of what we hear about today as being egregious in the area of campaign finance activity was the result of reform. I think we all recognize that political action committees which have become really the whipping boys, women or persons, if I may use that term, of the campaign financing debate to a large extent were actually developed as a reform mechanism.

It was an attempt, and I think it was an attempt that has, in many ways, succeeded, of making sure that we had full accountability in the political financing process.

The original concept in founding political action committees is that a group of people and individuals should be allowed, if they have an identity of interest, to gather together and to support candidates who agreed with their identity of interest or who they thought were going to be positive in influencing and affecting the way the Government functioned.

In gathering together, they should not only be able to gather together as individuals and vote and gather together as individuals and hold signs and pass out literature, but they also should be allowed as individuals to gather together and pool their funds—$25 here, $50 there, $100 there—from their memberships or from their groups, whether it was a labor union or whether it was a group of dentists or whether it was a group of florists or whether it was a group of people who wanted to advocate better mental health, or whatever the group was. They should be able to pool their funds, and then by having 50, 60, 100, 1,000 people who have the same interest, or thousands of people, in some instances, who have the same interest contributing small amounts of money into a basic fund, they would then take those funds and, with spending limits and with distribution limits in place of $5,000 per candidate in the election cycle, just be able to give those funds in larger sums to people who they felt would be supportive of the interest which they are also concerned about.

That is really coalition politics and participatory politics, and the concept was—and I think it was a good one—that it would get more people involved in Government, get more people committed to being involved in Government and, equally important, it would be full disclosure of who was involved in Government, who was participating.

I seriously doubt that in this country there is a race for Congress that does not at some point during that race discuss the issue of who contributed to whom and how much. Certainly in the area of PAC's, they discuss the issue of which PAC's gave to which candidate. There are ads in almost every campaign where PAC contributions are involved. John Jones, who is running for Congress, received money from the XYZ PAC, and XYZ stands for this and the ads of the opponent of John Jones says they would never take money from the XYZ PAC, and people who are voting should not agree with it either and it shows Mr. Jones is going to be influenced by that contribution.

The practical effect of those types of exchanges are exactly what the original reform law intended which was that there would be full disclosure of who gave these funds; that you would know the identity of the interest groups giving the funds; that you would know that interest group was limited in its amount of contribution to a fixed amount more than $5,000 per cycle; and that, if the electorate was fully informed, the electorate could make a decision. And it was the job of the candidate that was running for office to make those points and inform the public as to what was happening. To a large degree, that system has worked because you see it in every election. It is raised as an issue. But, unfortunately, there were more loopholes, there were problems in the process, and there has been a considerable effort to revisit the process and try to improve it. That brings us to this point.

But as I said earlier, when you transition from the theory of improving the process to the specifics of improving the process, you transition from the academic to the most intensely personal and intensely aggressively competed after issue of the political process. The problem is that when you get into the specifics, people try to get in the process.

What we have before us regrettably is a bill which when it was in discussion form was conceived of in theory as being a fair and honest and effective attempt to try to address the problems of campaign financing in this country. When it got into specifics and was delivered and produced, it became an extraordinarily partisan piece of legislation the purpose of which is to create a playing field which is not only not level, but it is more on the precipice. It has more of a geographic terrain of the side of a Mt. Everest. It is almost perpendicular.

That is unfortunate because we have some ideas floating around here for effective campaign reform which would have worked. But this bill clearly does not accomplish that. We have heard about 17 hours of the specifics of why it does not accomplish that. I hope to go into some more of those during this time that I have. But it is unfortunate that it did not work.

In New Hampshire, on the other hand, when we took up campaign finance reform, we tried to maintain a level playing field. We actually came out of some of the basic philosophy that is found in the original concept of this bill that was, unfortunately, bastardized in the process of developing.

When I was Governor we put in a clause that I mentioned earlier. There has been 20 years of reform of campaigns. And the basic law was driven by the belief that the problem was not in the raising of the money because the raising of the money was fully disclosed and the constituents, people who were interested and willing to receive contributions, had the opportunity through their opponents' disclosure and their own disclosure to find out exactly where the money had come from and make such conclusions as they would. That was effective.

The problem really was the fact that there was such pressure to spend so much money in the campaigns. It was really the pressure to spend the money that caused them to be forced to raise it. So we did in New Hampshire use the approach of a cap. But we did not use it in the context that this bill has used it and taken it and unfortunately perverted it. We used it in a fair and honest approach. And it has worked reasonably well. It is a voluntary cap. People can sign up for it or not. Then again it becomes an issue of disclosure.

People sign up for it. It is disclosed and becomes part of the campaign and people can respect candidates who are willing to live by the cap. If they do not sign up for it, then they do not receive that benefit. That is really the only plus or minus—to exceed the cap or sign up for it. In most instances, people running for major office in New Hampshire have signed up for the cap.

In fact, I have lived under a cap every time I run for office or attempted to, although regrettably in the last campaign we ended up exceeding it slightly. But we obviously if the cap had not be there would have spent a great deal more. Only one major candidate in the State or maybe two have consistently ignored the concept. But the concept was a fair one. It was done in a way that basically stuck it to the opposing party in the State.

It is I think an example of how you can do campaign finance reform fairly versus this bill which is clearly nothing more than a partisan attempt to basically gain dramatic advantage. So the party in the majority in the House and the Senate right now can maintain its majority status through the use of funds and campaign financing. It is ironic that in New Hampshire where it has been a fairly strong State that one party for many years with significant majorities in both Houses up until the last session, but still a majority now, did not pursue that sort of course. We pursued a much fairer and equitable course which gave everybody a reasonable chance.

Of course, in this process that opportunity was there, during the process the opportunity to be fair and equitable, to produce a bill that would have been effective and would have actually improved campaign financing and not have done it in a way of burdening one group of people of a political view over the other. That opportunity was there too. But it was abandoned, ignored, not only ignored, it was actually buried. Basically, a great big hole was dug and fairness was put in it and a lot of dirt was thrown on top of it. Instead, we see produced this bill which is such an atrocity of partisanship and a basic attack on the taxpayers of this country in the name of campaign finance.

If you were to ask citizens what they think Congress should focus on, I believe that, although it probably would not be at the top of the list, most would certainly mention campaign finance reform because there is clearly in this country and has been a significant discussion. But I also suspect that they would not want to pick up the tab of campaign finance reform.

That is what this issue is about, to a large extent, because the House and the Senate bills create a huge new entitlement for politicians. Here we are facing some very serious financial problems in this country most of which from the standpoint of fiscal policy of the Federal Government are tied to entitlement programs and their explosion of costs.

In fact, I had the good fortune of—maybe unfortunate good fortune—serving on a group called the Entitlement Commission appointed by the President, the purpose of which is to review how we can try to get some controls over entitlement costs.

One of the conclusions we have come to as the Commission, one of the many, is that if you look out in the future at where this country is going financially, the Federal Government is going financially, we see that by the early part of the next century four major entitlement programs will have absorbed the entire income of the Federal Government, which is an extraordinary situation because after those four major entitlement programs have used up all the income of the Federal Government—things such as national defense, education, research, road construction, bridge construction, buildings, capital activities of any kind, all of these various programs and many, many social programs, worker training programs, social programs for the needy—all these programs will be unable to be funded because four programs have used up the entire Treasury. The four programs are the health care entitlements, Medicare and Medicaid, Social Security, Federal retirement, and interest on the Federal debt.

Yet, with that staring us in the face, we as a Congress continue to consider putting on the books more and more entitlements. This is another one that we are considering. In the health care bill, which was recently proposed and which is now the pending regular order of this body, there is proposed in the Mitchell bill somewhere around seven new entitlements depending on how you define them. But they represent in the vicinity of $1 trillion of new spending over a period.

Now in addition to that huge explosion proposed in that bill, we see entitlement for politicians being proposed in this bill. How incredibly outrageous is that? I mean, at least the entitlements that are already on the books that are being proposed in some of these other plans are for citizens of this country who are in need in many instances or at least arguably deserve some help from the Federal Government in many instances, although in many instances we may not be able to afford it as much as we would like.

But an entitlement program for politicians really takes a great deal of brass on the part of our institution to be proposing. But we are doing it in this bill and the practical effect of it is a heck of a lot of money will be spent.

Mr. McCONNELL. Will the Senator yield?

Mr. GREGG. I am happy to yield to my friend and colleague from Kentucky.

Mr. McCONNELL. First, let me particularly thank my friend and colleague from New Hampshire. I believe yesterday was his anniversary.

Mr. GREGG. Yes; it ended at 12 o'clock. I left this morning at 4. I am not sure my wife understood that.

Mr. McCONNELL. Each speaker has brought his own sort of unique view of this issue. I noticed the expressions on the face of the Senator from New Hampshire as he referred to entitlement programs for politicians and how the public might feel about it. I thought I would share this. I may have mentioned it to my friend off the floor at some point. But I have seen some recent survey data on this.

Suffice it to say, that it would be more popular for a Member of this body to vote to raise its own pay substantially than to vote for this bill. Yet, the majority must I guess assume that this is a terrific idea to be trying to push through an entitlement program for us here at the 11th hour this year.

I can only conclude that we must see the world differently or live on two different planets. I am not quite sure. But I think the Senator from New Hampshire is right on the mark at this early hour raising his eyebrows that anyone could conclude in this 11th hour of this session right before this election this turkey would be greeted with gratification by our constituents.

So I thank him for pitching in. I think the other side may have had some doubt about whether we ought to kill this bill. I hope the doubt is waning. This is the first of three motions. I had completely forgotten the motion to proceed to the ultimate conference report.

So we will be here. I just wanted to really express my appreciation to the Senator from New Hampshire for taking one of the least pleasant hours of this 30-hour marathon. I thank him so much.

Mr. GREGG. I thank the Senator from Kentucky. I would like to especially express my appreciation for the effort he has done which has been extraordinary in focusing the light on this bill. The Senator from Kentucky made a superb point. If you explain this bill to anybody on the street who happens to be trying to do their job and get through their day, but obviously therefore is not focused on a piece of legislation like campaign finance reform in the Congress of the United States, but if you take the time and have the opportunity to explain it to them that this will have this huge entitlement for politicians which will come out of the taxpayers' pocket, they are stunned, they are shocked.

What the Senator from Kentucky has done through this process through orchestrating 30 hours of debate, which the Senator from Kentucky has personally been managing and has been willing to handle almost 7 hours of it personally and has done it brilliantly, has shined the light on the issue—by shining light on the issue I think he has shown the folly of it, the foolishness of it, and the crass political attempt to gain political advantage by this bill.

I certainly congratulate him for his extraordinary efforts. I am not only happy to participate in this cloture discussion, this period of post-cloture discussion, but as the Senator goes forward with his other three, I look forward to having the opportunity to do that also and feel very strongly that he is on the right track in trying to inform the American public of how ridiculous this is and the foolishness of this bill, and the fact that the bill is structured not to create effective campaign finance reform but the bill is basically structured for the purpose of gaining a political advantage and tilting the playing field as I said earlier of what amounts to about a 90-degree angle.

So I thank the Senator from Kentucky for going through this, and I am amazed the Senator is still awake considering the hours he has been putting in this evening, all night. And I am impressed, to say the least, by his ability to carry such a heavy and long day.

As I was saying, this entitlement program is just a shock. It is beyond comprehension how we can move down the road of a brand new entitlement at a time when pressure is being put on this Government so aggressively by other spending programs which we already have on the books and where we are putting ourselves as a Government in a position of essentially mortgaging, as has been said before, the future of the next generation, as we spend these huge amounts of dollars which we do not have in the Treasury of the Federal Government for the purposes of creating new programs, and in this instance a crass new program, the sole purpose of which is to reelect members of the party which is in the majority.

And, of course, it is equally ironic that not only will the taxpayers pay for this but the next generation will pay for this because the money to pay for the entitlement is not there, and so it is going to have to be borrowed or taxed, and in borrowing for that leaflet that is put out on the street that is printed that says I am the best person to elect, which is going to be paid for with taxpayers' funds, a little piece of paper that has a life span of maybe 2 seconds as it is handed to the person walking down the street, that piece of paper is going to incur a bill which is going to have to be paid by the children of the people who are voting. And what an outrage it is to put that sort of burden on the next generation for the purposes of creating a political fund from the taxpayers to take care of politicians.

These bills set conditions that if met will result in a variety of benefits to each candidate, and as has been mentioned a great deal of it cannot be mentioned too much in my opinion—benefits which are paid for by the taxpayer. The benefits include a communication voucher, a 50-percent broadcast discount, which by the way is a huge unfunded mandate.

At some point, we have to face up to the fact that we cannot as a Congress continue to pass on these unfunded mandates. We pass them on to local and State governments. We pass them on to private investors, the private sector. We pass them on to private employers and now here is a whole new idea. We are going to just pick one special industry and we are going to hit them with an unfunded mandate through a broadcast discount.

Why should a local radio station, which is probably, at least in New Hampshire—in many instances, most of our radio stations are small. We have some big ones, and we have some that are owned, some fairly large groups of stations, but the vast majority of radio stations in New Hampshire are just stations started by somebody who had a real interest in radio. Maybe they were a ham radio operator at one time or something but they started their radio stations because it had always been their dream, and it is no different than the local restaurant or grocery store. It is a business run by usually a small group of people and sometimes just one family. And it is a tough business sometimes. It is tough to sell the advertising and make the station work. It is difficult to do it especially in hard economic times. Sometimes advertising becomes the first thing cut in hard economic times.

Why should we say to that person who runs a small radio station, or any radio station for that matter, well, we, the politicians, have decided, we here in Congress have decided you are going to support us, that you are going to have to give us a 50-percent discount.

What right do we have to go to these people and tax them like that? Because that is what it is. An unfunded mandate is a tax. We are saying you specific class of people, you people who happen to be the owners of radio stations must bear the burden of our desire to have the capacity to use your airways that you are going to have to pay for—we are not going to have to pay for, you are going to have to pay, you who run the radio stations.

Well, the argument is it is public trust, public trust in receiving the license for the radio station or television station, and I do not argue with that, there is a public trust in that. But with that public trust should not come a huge unfunded mandate or new tax burden. There are clearly a lot of things which are required to be done of radio stations in the public interest, but this is an extraordinary one. The cost of this would be overwhelming to many stations, and they have to take the advertising. They do not have any choice under our laws. And as a result many of them would be, I suspect, confronted, small stations, with severe financial problems as a result of this unfunded mandate.

In addition, there is a mailing discount. There is a matching fund to counteract independent expenditures. There is matching funds to counteract proponents who spend over the voluntary spending limit. How much is all this going to cost?

Well, we really do not know. Nobody appears to have been willing to tell us what it is going to cost. But I have to presume it is going to be an extraordinary amount of money. And where is the money going to come from? Once again, it is going to come from unfunded mandates which are taxes. It is going to come from direct taxes, and it is going to come from taxes on the next generation because we are going to have to borrow a lot of it.

The effect of how we calculate this cost is hard to tell. But we have an estimate from the Democrats of $90 million to provide matching funds for House candidates, and $90 million seems rather low to me. The figure I believe comes closer to $174 million, if only Republican and Democratic nominees in the House races accept the funding. You have to remember in many States other people will be qualifying for these funds. In New Hampshire, for example, we have a qualified Libertarian Party, and I know that in New York they have a variety of parties. You can never keep track of how many different parties there are in New York.

Mr. McCONNELL. Will the Senator yield?

Mr. GREGG. I would be happy to yield to the Senator from Kentucky.

Mr. McCONNELL. We know in the Presidential, the enticement of the public subsidy has produced candidates with such well known names as Lenora Fulani and Lyndon LaRouche. I think it is reasonable to assume—Lyndon LaRouche, by the way, received tax funds for President while he was in prison. Lenora Fulani, a resident of New York—well, we do not call people Communists anymore in this country but she calls herself that—got a couple of million. I think it is reasonable to assume, as the Senator from New Hampshire is pointing out, that virtually anybody in America, once they discover, who may have looked at the mirror in the morning and said, gee, I think I see a Congressman or Congresswoman, when confronted with the potential of having the taxpayers fund that trip could find it incredibly enticing. So with regard to the estimate of what this might well cost, I think it will be a broad industry. And, of course, the flip side of that as all these tax dollars go out to all these candidates, of course, it is going to allow for a Federal Election Commission the size of the Veterans' Administration.

It is an interesting question the Senator raises, about just how much could this cost. We have a lot of experience with estimating the cost of Federal programs over the last quarter century, all of them for a much better cause than this one and all of them the estimates have dramatically been on the short side. So I think the Senator is raising an interesting question here. We speculate as to what the ultimate cost of this new entitlement program for us may be to our grandchildren.

Mr. GREGG. I thank the Senator from Kentucky for his comments. I think they are well taken, especially with regard to Lenora Fulani. I am not sure I am pronouncing her name correctly. That situation comes to mind because in New Hampshire where we have the first in the Nation primary, she qualified for the funds as a result of some of her activities up there, and there was no question but in my opinion she was involved in this election for the purposes of getting the campaign financing money. And where was it spent? How was it spent? One suspects—there are no limits on how it can be spent. Obviously, if she wanted to spend it on herself or on her staff in a very lavish way or on anything else—and I am not saying she did, but the implication is, or the opportunity for abuse here is extraordinary.

Mr. MCCONNELL. Will the Senator further yield about Ms. Fulani?

Mr. GREGG. I would be happy to yield.

Mr. MCCONNELL. As we attempt to keep ourselves awake at this time in the morning. This is the Washington City Paper. I am not quite sure what that is. It is one of the many entities in America using the first amendment, which will still be available to everyone except us after this bill passes. There is a whole article here called, Lenora and the Money-Go-Round or How the 1992 Presidential Campaign of Lenora Fulani and * * * Dr. Fred Newman Reaped $2 Million in Federal Election Commission Matching Funds, a whole article about the scam of Lenora Fulani under the Presidential system.

Just multiply that conservatively times 535, and I think the insomniacs who may be watching us at this time this morning may get the message of what kind of massive Federal program the Senator from New Hampshire is discussing.

Mr. GREGG. I thank the Senator from Kentucky. I did point out prior to the Senator's speaking that we are on prime time in New England right now so those folks, I am sure, are very sharp and on top of what we are saying. But the Senator is right. The opportunity to game this system once it is set up is extraordinary. And who is being gamed? The American taxpayer is the one who is going to get gamed here because every time somebody decides to pursue elective office, not so much to obtain the office because they do not have an opportunity to win but in order to obtain the additional funds that are available to them, it is the taxpayer that is going to pick up the tab.

And, of course, on top of that outrage is the fact that—and this has been discussed here a great deal—is the fact that you are compelling the taxpayer who works very hard for their money, the person working at—there may be a few people watching us right now, and I suppose some of them are folks working at all-night truck stops or early morning breakfast spots, and they are waitresses or they are cooks and a percentage of their wages is taken out every day for taxes. And those taxes are hard earned. And yet they are going to be asked to take those taxes by our estimates just in this one area of the match and end up funding people who they do not agree with, people who they vehemently disagree with. And what an outrage that is. How unconscionable is it for us as a government in our arrogance to say to somebody who is working hard and maybe just barely making it but still paying taxes from that hard earned dollar that they are making is going to fund somebody who they cannot stand politically or maybe personally or for any other reason.

That is to me unconscionable, that sort of compulsion to put on the American taxpayer but that is what we are doing here. We are saying that the taxpayers—we have already done it in the Federal election system unfortunately. The abuse there is obvious through this Lenora Fulani situation. I think there was also somebody who called himself Chief Red Cloud who may have qualified for Federal funds who was—I do not even think he was of Indian ancestry. He just used that term in order to get name recognition out there. But the concept is that our tax dollars, hard earned tax dollars, are going to be taken from most American citizens who pay their taxes because they believe in government. They believe in this country.

But the fact those taxes once taken are going to be allocated in this way is really outrageous. And when you talk about how much money is being spent here—try to put it in context—when we talk about millions of dollars or billions of dollars that we talk about around here—people cannot appreciate it.

But the amount of money, tax dollars, that will be spent on this one part of this campaign finance reform, tax dollars taken from the taxpayer and reallocated by the terms of the majority party in this Congress, that amount of money would almost run the State of New Hampshire for 6 months. You say New Hampshire is a small State. It is a small State, but still we could use that money to run the State of New Hampshire for 6 months and I am sure we could use it for a lot of other good things that would be positive throughout this country. Who knows, $200 million, which is one of the estimates here for one of these accounts? That is a lot of money. Think of what you could do just right here in the District of Columbia with $200 million in improving the school system, which is disastrous in this city, or getting more police on the street right here in the city of Washington.

So, there are so many more priorities that make so much more sense and which are so less contentious than taking people's money and allocating it to somebody who they totally disagree with politically. That is a very critical issue here.

The Senator from Kentucky has talked about it eloquently earlier—yesterday, I think it was. The issue of first amendment rights and the impact on the first amendment relative to this issue of taking from somebody and giving to somebody else and limiting the ability of people to participate in the process through this whole scam or scheme—actually it is a scam that has been put forward in this bill. So it is all tied together and it is an outrage that this would even be considered. But it is being considered.

Initially I was talking about costs and I think it is critical to understand that we are facing a $4.3 trillion debt right now which we cannot pay for. We are facing this year a budget deficit of $200 billion. And this is just more piling on, because not only will taxes be taken from the American taxpayer and inappropriately applied to people they do not support, but it will be taxes which I have mentioned we cannot afford. And it will be a new entitlement which we cannot afford.

I think it is also important as we discuss this to discuss the issue of PAC contributions. Because they are obviously a flash point for political activity. In my discussion I went into a little background on PAC contributions. But I think it is important to go into some more detail on them because, of course, they become the whipping boy. PAC's have become the whipping boy around here. And their usage has been unfortunate in many instances.

The Senate bill as it was passed would have banned all PAC contributions. I guess if you do not like PAC's you cannot ask for much more than that. This was a Republican amendment, this proposal, to ban all the PAC contributions. But the House rejected this. They rejected this and they included the $10,000 PAC contribution cycle which we presently have.

You wonder why they rejected it? Basically they rejected it because House campaigns live on PAC contributions. I suppose it is unfair for us to judge our colleagues in the House and say they should, they should not, pursue PAC contributions in so aggressive a way. But in 1992, 52 percent of the campaign receipts of the Democratic House Members were PAC contributions.

If you are going to talk about campaign finance reform, how can you talk about it and not address the PAC issue. Yet they have done that. I think it just shows how fallacious this bill is, how truly skewed this bill is. This is not an attempt to reform campaign financing. This is an attempt to use the Federal law to improve the capacity of the Democratic leadership and the Democratic membership—especially of the House—to maintain their position. As such, it is an extraordinarily partisan bill with very little fairness in it.

PAC's give an overwhelming advantage to incumbents. All you need to do is look at the statistics of that. PAC contributions—86 percent of PAC contributions go to incumbents running for reelection; $161 million in 1992 went to congressional candidates but of that, only 15 percent, $24 million went for candidates running for open seats. So you can see most of the PAC contributions are going to winners.

When you look at some of the funds that have been developed by some Members of the Congress who are in seats which are rarely if ever contested, you recognize that PAC contributions many times go to candidates who do not have any opposition to speak of to begin with. Yet they obtain huge amounts of funds because they are sure winners. And the American people are upset about that.

So, if you want to really reform the campaign situation then you ought to level the playing field and eliminate all the PAC's, which is what the Senate has proposed. But most important you need to address the issue of soft money because soft money is raised for and spent on activities conducted outside the Federal election laws. It is money spent on behalf of a specific campaign or slate of candidates or political party. Soft money is not subject to regulations or limits under Federal law. It is undisclosed and it is unlimited.

The problem is not with the activities that soft money supports, phone banks and "get-out-the-voter" efforts and bumper stickers. The problem is with the lack of disclosure and limits. If you shine light on the issue and show where the money is coming from and who is getting it and how it is coming out, then the public can make a decision on it, as they do to a large degree right now in the PAC area. But when you have the money coming in the back door and going through basically a number of different committees and being lost in the shuffle, it is impossible to adequately explain where it is coming from.

Basically there are two types of soft money. There is party money, which comes either from Republican or Democratic Party, and then there is nonparty money, which comes from labor unions and tax exempt 501(c) groups. The real problem is not the political party soft money, however, but the unregulated, unreported, unlimited, special interest soft money spent by the labor unions and other groups operating with a tax exempt status.

There is a fundamental difference between the two types of soft money. That is political parties, on the whole, do not have a legislative agenda. The only requirement for support is the candidate be a viable candidate for the party. There is no issue litmus test, usually.

This is not the case with sources of soft money. We have seen all sorts of litmus test soft money situations, whether it has been labor-union driven or tax-exempt special-interest-group driven. Again, that is fine except that nobody knows it is out there. Nobody can find it. Nobody can effectively trace it. And it comes in huge amounts.

If you do not support people who pour the soft money in, then you find Members of Congress being put under threats. These threats carry a lot of clout.

It has been estimated that more than $100 million in special interest money is spent in each election cycle. This money allows the groups to exert a tremendous influence on the electoral process. Labor union soft money comes mainly from compulsory labor union dues. The National Right To Work Committee estimates they receive $5 billion annually from compulsory union dues. This money subsidizes PAC overhead costs and allows 100 percent worth of contributions from union members to go directly to candidates.

On the Republican side—I know the Senator from Kentucky has been active on this issue, has led the fight to close this special interest soft money loophole by attempting to codify the Beck decision by requiring disclosure and limits in soft money. But does this bill do that? No, it does not do that. Why does it not do that? Because this bill is not meant to improve the situation. This bill is not meant to level the playing field or to make for greater disclosure or to make the issue of campaign finance fairer. This bill is meant to protect those things that work for one party and make sure that the other party does not have the plans to be on a level playing field with the party that is in the majority.

My colleagues may remember, and there has been a lot of discussion about this, that the Supreme Court held in the Beck case that Mr. Beck had the right to a refund for the portion of his dues to the Communications Workers of America used for political purposes. The Republicans were successful in adding amendments to address the soft money issue and to provide some disclosure of nonparty soft money. Democratic Members of the Congress accepted these provisions only to gain final passage of the bill. It is certain these positions will face a hostile environment in conference.

With regard to party soft money, both the Republican and Democratic National Committee raised money to support the Federal and State and local candidates. Money raised to support Federal candidates is hard money. Soft money is money raised to support State and local candidates but which indirectly benefits Federal candidates and may or may not be covered by State law but it is not covered by Federal law.

Many States have campaign laws that allow parties to spend considerably more money for voter registration and for their party building activities. Republicans have been successful in raising money and have benefited somewhat more from party soft money than Democrats. Democrats who traditionally benefit more from labor union soft money are also benefiting since the election of President Clinton, more than in the past, with party soft money.

Given these facts, it is not surprising the Democratic proposal is to restrict soft money and focus entirely on the party soft money while leaving the pro-Democratic soft money or labor money untouched.

Mr. McCONNELL. Will the Senator yield for a further observation?

Mr. GREGG. Yes, I will be happy to yield to the Senator from Kentucky.

Mr. McCONNELL. David Broder, whom I think we all agree is the premier political reporter of our time, opposes this turkey of a bill and the reason is what it does to the parties. He said what these people—I am paraphrasing his observations —but he said what these people ought to be doing is strengthening parties, not weakening parties. And the effort to get at so-called soft money in this bill is only party soft money. The other kind is nonparty soft money which I believe the Senator from New Hampshire has alluded to which is not touched at all by this bill. That is expenditures on behalf of labor unions or environmental groups or others on behalf of candidates. But the only point the Senator from Kentucky interjects to make is, by what good government standard do we weaken the American two-party system? What positive goal is achieved by crafting a piece of legislation that is dreaded, feared, and despised not just at the Republican National Committee but I am telling you they feel the same way over at the Democratic National Committee about this bill. And here we are trying to hurt the American two-party system. Maybe in addition to David Broder that is one possible explanation for the fact that virtually every political scientist in America thinks this bill is awful.

So, you have the academic community against it, you have the two parties against it. Although at the DNC they have the gag rule on and they cannot say it, we all know it. It is a fact. You have the premier political commentator of our time, David Broder, against it. Yet we persist in trying to do this.

So I just thank, again, my friend from New Hampshire for bringing up these issues, they are so important. And one of the reasons in addition to killing this bill—for which we make no apologies, that is what this is about—but it is also about making sure the public knows more about what folks were trying to do here at the 11th hour of this Congress.

Mr. GREGG. I thank the Senator from Kentucky, because he does, obviously, understand the nitty-gritty of what is really going on here better than anybody else. His initiative in undertaking this discussion has been, I think, to inform everybody else, not only the Senate, but in the country as to what is going on. I think he touches on a core point here. The support for this bill does not exist outside of the cadre of people in this Congress who want to be reelected and who are in the majority party.

When you cite people like Mr. Broder, who I have immense respect for, but who is clearly a gentleman who comes from a liberal persuasion and from the commentator ranks—and he is of enormous capabilities and I appreciate his ideas immensely—as being in opposition, when you cite the fact that people who have studied campaign finance reform across the country—and a variety of newspaper people beyond that have looked at this. Even Roll Call, which you would think might be inclined to support something like this because it is an institutional magazine, stated its severe reservations. I would like to read that editorial in a second.

It is clear that what is going on here is an attempt, in the last days of Congress when so much goes on that you cannot keep your eye on it, when so much legislation is passed, and a lot of it bad, that in the last days of Congress, they are trying to put through a bill that is essentially an attempt to take the playing field and tilt it dramatically, an abuse of the minority through the majority process.

The fact that the Senator from Kentucky decided to stand at the bridge and be the Horatio of this battle is something that deserves great credit. I expect he will be successful. I will certainly do all I can to support him in his efforts. Along with what he is saying, let me just read from the Roll Call editorial of August 16, because I think it is relevant to the concerns here:

> Speaking of Gridlock. You would think campaign finance reform would be a sure bet for passage this year. President Clinton listed it as a top priority. The Senate has actually passed a reform bill. House leaders say they want to enact a bill this year. Good Government groups demand reform, and Ross Perot insists on it.
>
> It is just a matter of time, right? Wrong. Just as it did in the last session, Congress is contriving to look busy on the subject of campaign finance reform while in fact getting nothing done. In the 1992 campaign for reform, public financing actually passed, but it will be a charade. Democrats knew President Bush would veto it and he did. This year, with a Democratic President, Congress must find other ways to avoid action. However, should a bill actually pass and be signed into law, it is likely to contain a poison pill—an unconstitutional provision that would induce candidates to accept voluntary spending limits by taxing their contribution if they do not. So that is what a veto delaying gridlock can accomplish as well.

So what this editorial is saying is they want campaign finance reform that is real, campaign finance reform that does not create a spending limit which would essentially end up taxing the American taxpayer and, more importantly, create a situation where you have basically tilted the playing field so unconscionably against one of the parties and against the basic right of free speech in the citizenry that you end up with a situation——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. GREGG. If I can finish that sentence.

Mr. McCONNELL. I want to, again, thank my friend from New Hampshire for getting up at this early hour and coming to the rescue, so to speak.

Senator BOND is here. He will be out momentarily.

I just want to say that this has been a most extraordinary experience. We have had more people seeking to participate in this effort than we have time. Who would have thought that we would even have backups in the morning. But for the first team that came in for the morning, my special gratitude. Go home and get some sleep, and we will use you in round two.

Mr. GREGG. I thank the Senator for organizing this. I hope he makes it clear that the support which he has for this is there because there is very strong, legitimate concerns amongst many Members of this Senate that this bill is a terrible bill and it should not be forced on the taxpayers of this country.

Mr. McCONNELL. I thank my friend.

I see the Senator from Missouri is up and bright-eyed this morning, ready to go to work.

Therefore, I yield the floor.

Mr. BOND. Mr. President, I thank my colleague from New Hampshire.

I express my deep appreciation to my colleague from Kentucky for his leadership role he provided to this body in assuring that when we deal with campaign finance reform or other types of reform, it is meaningful reform, real reform and not posturing.

Nor, as I say to my friend from Kentucky, if our friends are watching back in Kentucky or Missouri, this is normally the time they would be giving the farm reports and the weather—I was unable to pick those up as I came in. We appreciate those who have stayed with us, particularly the staff of the Senate, who have been faithful as always in performing their duties, and my special appreciation to the Chair.

Mr. President, the last couple of months have been very revealing to Americans, as they are getting a close-up look at how legislation is often handled around here. They have seen Congress take up thousand-page bills that few have seen until they are plopped down on our desks the day before the vote. They have seen weekend marathon conferences produce huge, multibillion dollar bills that Members are forced to vote on with little or no time to consider what they are doing. And they have watched with great dismay as provisions never before seen or voted on suddenly appear in a final bill.

A few years ago, I was involved in one of those activities when we found that we passed a highway bill and it turned up that it had a courthouse in it. It is a long story as to what happened with respect to that, but it was a classic example that the people in my State have remembered as an example of what happens when this body and the other body do not have adequate time to reflect upon and to be fully aware of all provisions in a measure.

I have been impressed by the movement around the country, seeking pledges that Members read the bill first before they vote. I have been besieged by people in my State who have stopped me on the street, who have stopped me at the shopping centers, to say do not pass anything you do not read.

Well, the fact of the matter is, up here, we have so many long, lengthy complicated bills that are put together at the last minute, even some that are put together after they have passed, that it is very difficult to get all of the bills read.

When I was Governor of Missouri, I served two terms, and I had to decide whether to put my signature on each bill that came to my desk. I have a great deal of sympathy with those who argue that Members of Congress should take the time to read and understand the bills which come before them. I found that while the bills were shorter, it may be that in the State legislatures, we did not have the staff, and that makes me think that perhaps if we cut back on the staff, there would not be the people to draft the lengthy bills. Nevertheless, I had the experience, as Governor, of pointing out to sponsors of legislation that drafting errors had caused significant problems in the measures that were passed by the legislative body there. On several occasions, at the request of the sponsor, I vetoed measures and formal signing ceremonies because they had contradictory, conflicting or totally unintended consequences.

Well, as we come down to the final days of the session and the time dwindles away, more and more bills are coming before this body in a shorter and shorter timeframe, and the possibility of mischief becomes greater and greater. This is, of course, where we find ourselves today. Campaign reform is a catchy title, and when anybody starts off by saying "I am for campaign reform," you always see the group you are speaking to smiling and thinking I am sure it needs to be reformed. But I caution my colleagues and friends to beware about those who wave the word "reform," because too many times it means just the opposite.

After all, it was some 15 months ago that the Senate passed a bill and 10 months ago that the House passed its bill. So why has it taken us so long to do anything? And now, with only days remaining in the session, why is this issue sprung back to life? Well, the easy answer is that the only way to get something like this passed is to ram it through at the end of the session, when people are actually afraid of being against quote "reform" and do not actually have the time to read the bill itself, which brings us to a basic question: What is campaign finance reform anyway?

To the casual observer, it is simply needed changes in the laws which govern how campaigns are run. Who can contribute? How much? And who and what must be disclosed? Should we require a sweet, older person who gives $5 to fill out a form, or should we just report contributions over $250? Can companies or corporations give? What about unions? What about a group of individuals who band together, can they give as a group? How about individuals or children? Should there be different limits for the amount people can give if they are in the State or the district of the person who is seeking that particular office? Or should there be a higher limit for them than for those who are not constituents, who come from outside the State, or who come from a different district in the State?

Reform also raises questions about how outside groups should be regulated. Should they and can they, under the Constitution, be regulated at all? Should labor unions or organizations like the NRA or the Abortion Rights League be able to spend huge sums for or against their favorite candidates, and what if anything should be disclosed? Should they be allowed unlimited expenditures as long as they do not coordinate with a candidate they support? What is coordination anyway? Does it mean you cannot use the same printers, or the same pollsters? Does it mean you cannot coordinate or plot strategy? How many overlapping people can there be between a campaign and a so-called independent expenditure? Is any kind of coordination possible or permissible? When does it become not an independent expenditure?

As we can see, the questions quickly outstrip the easy answers. Then when you add in a wild card in this case, unlike, unfortunately, most other pieces of legislation, Congress will actually be affected by the provisions of the bill. That is a rare and unusual circumstance—too rare, I might add. Well, you can understand why the issue never quite seems to be resolved as easily as it should be.

I want to touch on part of this issue in more detail. We have to remember that whenever Congress takes up campaign finance laws, not only are we affecting potential constituents and contributors, but we are literally changing the rules of our own reelection game. When this happens, our constituents, the people of America, better be watching very closely. Yes, this is when sunshine and full airing and full disclosure is particularly important. I do not shy away from the responsibility.

We are required to pass laws and, yes, in this case we are required to deal with legislation that affects us. I think the best way we can do that is to do so openly with full disclosure, so that our people, our constituents, voters from other States, the citizens of this country know full well what we are doing, then we can answer to them. We can say, yes, we handled your trust in a manner that is worthy of that trust, or they can say we do not like what you did but at least they ought to know what we are doing when we are changing the rules of our own reelection game. The leadership always tries to accomplish a political goal of not hurting themselves and their party. This means that Democrats have traditionally opposed changes which they view are hurting their reelection chances.

I would be the first to admit, and certainly no one would deny, that Republicans have done likewise.

Yes, there is always the temptation to deal with campaign finance reform in a way that will be beneficial to our party or to the situation in which we find ourselves. And that is one of the reasons we need some tests, some standards. Even the simplest of reforms is difficult to pass.

Now, a few years ago—and I thought this was one of the better things that our leadership has done on a joint basis—a bipartisan commission was set up to try to come up with changes that did not tilt the playing field toward one party or the other.

The campaign finance reform report to the majority leader and the minority leader of the U.S. Senate—which happened to be delivered on my birthday in 1990 by a campaign finance reform panel of Herbert Alexander, Jan Witold Baran, Robert Bauer, David Magleby, Richard Moe, and Larry Sabato—have, I think, some very, very important guidelines that this body should consider and that the people of America should consider when they are judging the effectiveness of campaign finance reform. Does it meet the tests that the people of America have a right to expect?

To quote a portion from this report delivered March 6, 1990, in the introduction they say—and I am going to select pieces of the report. I am not going to give the entire report but just the relevant portions of the report. In the introduction the group of distinguished outside observers said:

> You have asked us to consider the issues involved in campaign finance reform in an effort to "stimulate discussion and perhaps even break the legislative logjam in Congress."

I would add parenthetically that while they did an excellent job, I do not think that we have yet seen the legislative logjam broken, because their good advice was not followed, and as a result that is why we are in this situation early this beautiful morning.

But to return to the report, it said:

> Each member of this task force has devoted years to the issue of campaign finance, either in political or academic life or in law practices, and each has brought to our discussions strongly-held views on certain of these issues. On some of these issues, these views were very different. All of us, however, took seriously the charge contained in the letter to us dated February 8, 1990, which called upon our most creative efforts to consider alternatives to pending proposals for reform * * * all of us believe that the overall package of reforms is balanced and stakes out a constructive middle ground on many of the issues which have proven most divisive over the years.

Further on in the report they say—

> * * * readiness to make repeatedly changes in the laws invites a struggle for partisan advantage which is waged in the name of sound public policy but primarily in the interest of successful electoral competition.

The authors of the report go on to say:

> This is a dangerous trend. Because the law in question affects fundamental rights of political speech and participation, it should be amended only with great care to achieve narrowly, neutrally defined policy objectives.

And to that, Mr. President, I would add an amen. They have pointed out precisely the danger that we are dealing with in our discussions here today. They have warned us against legislation which seeks to gain narrow partisan advantage by continually changing election laws seeking to give one party or the other advantage at the polls, rather than seeking to ensure the effective operation of the political system and the selection of candidates.

Returning to the report, they say:

> Accordingly, throughout our deliberations, we made every effort to define the goals which are properly pursued in reform of the law at the present time. These are, in our view:

No. 1—

> Avoidance of substantial danger that political contributions and their solicitation will unduly influence the official conduct of elected officials.

No. 2—

> Allowing robust political debate and activity, but seeking, where possible and constitutional, to encourage the development of sources of funding which expand political participation and limit the potential of undue influence or corruption.

No. 3—

> Enhancing public confidence in campaign financing by structuring a system which is comprehensive, well-enforced and, perhaps above all else, characterized by timely and thorough public disclosure.

Mr. President, I highlight that word "disclosure." I will come back to it shortly, but I think they have hit on the ultimate means of assuring effective campaign finance reform, and that is through disclosure so that the people of America, the voters, our constituents, will know how Members of this body and the House have been elected and whether they have done so with any evidence or any impropriety suggested by the means of running their campaign.

The fourth principle is, according to this group of experts:

> Accounting for and neutralizing as much as possible disproportionate competitive impacts of any reform, such as impacts on challengers, independent candidates, minor political parties or between major parties.

Next.

> Structuring a system of enforcement which produces timely results on major issues, avoiding excessive or punitive attention to minor infractions and seeking as much to advise political participants on avoiding violations as to determining and pushing such violations.

I think those items provide a good test by which to judge proposed political campaign reform.

Yes, we do have to have a system of enforcement. I believe that most Members of this body on both sides of the aisle and in the other House want to • follow the law. For the occasional person who wants to get around the law, however, there has to be a system of enforcement. For the most part, I believe that the bodies that enforce these laws now are called on most frequently to interpret the law, so that there can be voluntary compliance which I believe occurs in a vast majority of cases.

Now, the report lists a number of items which I think are very important, and I will jump to page 41 of this report which includes a summary of recommendations. I want to point out that this body of experts sought out by the majority and minority leaders have proposed campaign finance reform that provides no new entitlement, no taxpayer-financed boondoggle, no Government takeover of the funding of campaigns. Here is what they recommended.

No. 1—

> Flexible spending limits, which are reasonably high, do not limit significant party support * * *

I think that is very important—

> Do not limit significant party support and limited donations from in-State contributors * * *

> Enhanced role for the political parties for research and certain defined types of voter registration and get-out-the-vote activity and for the acceptance of individual contributions.

I might note here parenthetically that in my State, in Missouri, there has been recently passed a measure which does significantly interfere with the ability of parties to make political contributions. You would ask, would that happen? Well, it happened in my State I believe because my party, in the minority in the Missouri General Assembly, has been very effective about encouraging party activity to assist and support candidates for local State and Federal offices. I think they have made the mistake of trying to cut parties out of the political process because it was to the partisan advantage of the party holding the majority in the legislative body to do so.

I would cite to my colleagues the work and the many writings of a gentleman I respect greatly, David Broder, who has written in the newspapers across the country and in books about the importance of maintaining parties as part of the political process. He has encouraged that we strengthen rather than weaken the role of political parties, and I believe that his writings, his conclusions reflect a well thought out view and a well reasoned view that parties can provide some cohesion to the political process.

Do they provide discipline? No, not much these days. But at least they provide a cohesive body of views and direction that can be very helpful to the citizens in determining what direction they want their Government to go, which party do they want to have in control.

But I digress. Let me return to the summaries of recommendations. The second recommendation of this body of distinguished observers of the political process was:

> Individual contribution limits increased modestly and the annual limit reexamined.

No. 1, they say:

> Political action committees may contribute up to a specified percentage of candidate's spending limit.

In this they recommend continuing political action committees. We have heard a lot of talks about political action committees, but frankly have been unwilling to say let us cut out political action committees. But let us remember that political action committees were set up as a means of campaign reform, they were set up because you did not want corporations, labor unions, and others, contributing directly from their resources. So they said if people want to band together in political action committees, so long as they meet the standards, then they can contribute. They can participate.

I think that we have seen, particularly in the other body, examples of how political action committees become dinosaurs, support those who are in the position of leadership and provide an uncompetitive means of reelecting incumbents by channeling all of their contributions to incumbents.

I am happy to yield to the Senator from Kentucky.

Mr. McCONNELL. Just to elaborate on the point my friend was making with regard to the PAC's and how they love incumbents. This is just for the majority party in the House.

In 1994, just picking out the majority party in the House. in the 1954 cycle, 52.3 percent of the moneys come from PAC's. In the 1992 cycle, 51.4 percent from PAC's. In 1990, 52 percent from PAC's. Clearly as the Senator indicates PAC's love incumbents.

Mr. BOND. Mr. President, I thank my friend from Kentucky for pointing that out. I would say that while those overall figures are high there will be particular candidates whom I believe—particular office holders—who receive even higher amounts. And I think that is cause for concern. I think voters ought to look to see who is supporting that particular candidate.

Is the officeholder, is the incumbent, who supposedly represents the constituents of his or her district or State, being financed by people in that district or State? Or are they receiving significant resources from outside their district or State?

To me, that is always a test to see how well the particular candidate, whether it be incumbent or challenger, is going to represent the views of the district. Who is providing the resources for that campaign? I think that is one test, one of many, certainly not the exclusive one, but that is one of many that the voters ought to apply when they take a look at the record and the total picture that each candidate presents prior to election time.

Now this group of independent observers goes on to propose:

> Free broadcast time to parties for use by congressional and other candidates.

Mr. President, I have some problem with that. Free broadcast time? There is no such thing as a free lunch. If you are requiring somebody to give away free broadcast time, are you taking property? Are you taking a valuable right? Where do we get off telling a for-profit business or even a not-for-profit business which normally sells its advertising time that they have to give it away? To me, that begins to smell a little bit of the heavy handedness that sometimes Congress exercises when it controls or directs or affects the rights of people in its jurisdiction.

Mr. McCONNELL. Will the Senator yield?

Mr. BOND. I am happy to yield.

Mr. McCONNELL. Both Senator KEMPTHORNE, earlier in the evening, and Senator GREGG, right before the Senator from Missouri, pointed out that that sounded an awful lot like unfunded mandates to them.

Here we are, Senator KEMPTHORNE particularly leading the fight to try to save State and local governments from unfunded mandates. Mandates are irresistible to us. And, as the Senator from Missouri pointed out, it is like a big, fat unfunded mandate on the broadcast industry.

Mr. BOND. Mr. President, I thank my friend from Kentucky, and he is quite correct, we have in this body a great need to take a look at unfunded mandates.

My friend from Kentucky pointed out that the Senator from Idaho has been very, very strong in his support on behalf of State and local governments of rolling back the tide of unfunded mandates.

I came to this body, as a former State officeholder, very much concerned about the burden of unfunded mandates passed on to the States in the 1970's and 1980's. My colleague from Kentucky and Senator KEMPTHORNE from Idaho have come from local governments where they also have the burden of unfunded mandates.

I believe there is an increasing awareness of the difficulties of unfunded mandates and the impropriety of those of us who represent the Federal Government of telling State and local governments what they must do with the money that they raise from their taxpayers.

But I would suggest that that concern over unfunded mandates not be limited just to Government. It ought to be applied to the mandates that we apply to the private sector. Are these controls warranted, necessary regulation? I think requiring operators of radio and television to give free broadcast time goes beyond that. If goes to the taking of property that should not be done on our Constitution without compensation.

Now let me go on to another recommendation of this group. It says:

> Bundling prohibited for corporate and labor PAC's, and other separate segregated funds established and financed by incorporated entities such as trade associations, and for registered lobbyists. Full disclosure and application of contribution limits required where practice is permitted.

Now, Mr. President, some of the most aggressive and active proponents of campaign financing reform happen, in my view, to be great practitioners of bundling. I have heard of—and I cannot say from firsthand knowledge—a number of candidates who have proudly beat upon their breasts and said, "I don't take any money from political action committees. I don't touch that kind of money."

Yet, you know, some people who participate in PAC's say: you know, the funny thing is, I heard so and so's speech on that and he said how much he opposed taking PAC money, but he came to me and said, "I can't take your PAC money, so I want you to go around and get checks from every person in your organization who can afford it. Have them make out the check directly to me and then you can just bring me the checks."

Talk about the height of hypocrisy. Talk about the height of hypocrisy. I mean, concentrated, concerted, and well-thought out demands for bundling.

Some say, "Hey, I don't want to touch any of your PAC money. I want to be pure. I am not going to take PAC money. But I am going to go to the people from whom I would normally get PAC money and say, 'Hey, while I can't take your PAC money, go around and make a little PAC for me, just a little PAC for me, and get checks and I will give you credit for the total of all the collection you bring in.'"

Now that smells to high heaven, and I believe it goes on. I believe that there has been bundling. And I would call upon those who have participated in it to come forth and say that when they talk about how bravely they have opposed taking any PAC money, have they taken bundled money? Are they going to exactly the same sources and just dressing it up by saying, "We are not going to take money through your PAC's. We are going to take it when you bundle it."

But I agree on this one that bundling ought to be prohibited. And if there is bundling, it ought to be disclosed, because it is no different from taking a PAC contribution.

Next, this group of experts say that: "Independent expenditures by PACs sponsored by corporations, unions and trade associations (i.e., separate segregated funds) barred and private lawsuits to enforce independence permitted."

Well, I have seen a lot of independent expenditures. Some of them appear truly to have been independent. But one wonders, in these instances, how they just sprang out of nowhere. Too often, independent expenditures are merely campaign directed expenditures with sufficient steps and sufficient individuals between those controlling the campaign and those controlling the so-called independent expenditure to make it a difficult trail to track. And I think that that ought to be closely watched and thoroughly regulated.

> "Soft money" defined, curtailed and subject to complete disclosure both of receipts and expenditures.

Well, Mr. President, I have seen where soft money has been used. In the 1986 campaign in which I was first elected, there were reports by a major force in politics that they were going to spend $1 million in soft money in each of 10 States, and it was going to be designed to defeat people in my party. From what I have seen, only one other candidate of my party in those 10 States who was targeted by those soft money expenditures was elected that year.

I think when soft money is used by an outside force, there needs to be full disclosure. We have never yet been able to track down the full amounts of those disclosures, the full amount of those soft money expenditures, or how they were spent or by whom they were spent and at whose direction they were spent.

Now I think that there is a separate issue when you come to political parties. Some people try to lump political parties into the soft money disclosure. No. 1, I think that political parties should be able to spend money, but it should be fully disclosed. Political parties have a right to build their party. They have to have the necessary organization and the necessary structure. We run on a party system, a partisan system, that I believe can help us build and strengthen the institutions for presenting the views of the two competing parties to the voters and carrying out the platforms, the general direction, that those parties have represented.

But I believe that once there is full disclosure, we should not seek to limit the amount of money that parties spend in those straight party-building activities.

Now the final suggestion of this commission was that:

> Federal Election Commission improved with specified procedural and enforcement reforms, including the setting of priorities and especially adequate funding to do its job.

That is the position recommended by the bipartisan commission. The report was delivered March 6, 1990. Here we are more than 4 years later. Unfortunately, Mr. President, I would have to say that the bipartisan commission's proposal was opposed by most Democrats and that is the reason it died a fairly quick death.

Instead, throughout the late 1980's and 1990's, Democrats in Congress refused to compromise with a Republican President in order to enact fair bipartisan reforms. Instead, they sent to the President bills that were designed to assist the election and reelection of Democratic office holders. No surprise, they were vetoed.

And now, we read in the Roll Call newspaper yesterday that some people are up to their old tricks. Let me quote:

> The threat of a Senate filibuster may actually lead to movement among House Democrats, aides say, since Members wouldn't mind having a pro-reform vote to take home if they didn't have to live with the legislation down the road.

Mr. McCONNELL. Will the Senator yield?

Mr. BOND. I am happy to yield to my friend from Kentucky.

Mr. McCONNELL. That brings up an astonishing thing to the Senator from Kentucky, which is that anybody elected to serve the people of his or her State or district would conclude that voting for this turkey would be good politics. I mean, why in the world would anybody conclude that setting up a new entitlement program at taxpayers' expense for our political campaigns would be a good political vote? It leads me to wonder how anybody would—no wonder this Congress is out of touch, would probably be a better way to put it, completely and totally out of touch.

No wonder the voters are angry that anybody would yearn to cast a vote for something like this. It really, it seems to this Senator, is beyond comprehension.

So I thank the Senator from Missouri for bringing up that point.

Mr. BOND. Mr. President, I thank my friend from Kentucky for his comments.

And let me reread the final part of that conclusion again.

> Members wouldn't mind having a pro-reform vote to take home if they didn't have to live with the legislation down the road.

Well, now, Mr. President, I concurred with my friend from Kentucky. This measure, this measure with its public financing, its spending limits, which I believe inhibit the first amendment, is not really reform.

I do not know how they would characterize a vote for this bill if they had to explain that they were going to reach into the taxpayers' pocket, another raid on the taxpayers, to finance their election.

Do these people really want to go home and say, "I have decided that I am going to reform the system. And, rather than going out and raising campaign funds, I am going to take it out of your pocket, involuntarily or not, I am going to take it out of your pocket"?

That, to me, is breathtaking. It is awesome in its arrogance.

But, for some people, this is what they would like to think is "reform." And, Mr. President, I just do not believe that.

No wonder, no wonder the public gets upset with posturing and finger pointing. No wonder Congress approval rating is down near—and I hate to pick on my good friends—used car dealers, perhaps lawyers, or even lower.

But, nevertheless, when Congress says "I'm going to do reform, I'm going to take money out of your pocket, or I'm going to require broadcasters to give me free time," hey, that, to me, is not reform. That is an arrogance that we can use somebody else's property better than they can.

At least under the system that we now have people have to decide to give voluntarily.

And I go back to that. Disclosure and voluntary contributions, within limits, I believe, is what we should be doing. But, Mr. President, we know now where we stand. Once again, our colleagues on the other side of the aisle are posturing. At this point, they are desperate enough to try to convince the public that they are for real reform; that is, getting into your pocket, taking your money for there campaigns, even as they cross their fingers and hope, hope, hope, that it just will not pass.

But, as I said earlier, what really amazes me is that anyone could believe that the public will support reform which at its heart is taxpayer financing of campaigns. I do not recall having run into one real live person.

Now, I want to exclude editorial boards, because editorial boards, in my view, do not represent real life people. They smoke something different or they drink different water. The editorial board sometimes comes up with wild and woolly ideas.

But I exclude editorial boards and I say I have not had one real, live person, one real, live constituent, come up to me and say, "Hey, I want to improve the campaign finance system, and I want you to take money from me by taxation to support your campaigns."

I think they would probably have to get some smelling salts to revive me if anybody did, because I just have no record, whatsoever, of people coming up in Missouri and saying, "I want to have my taxes finance your campaign."

That's what this proposal is all about. This is a raid on the Treasury. We have gotten into the habit of taking everything out of the Treasury, so why should we not get rid of the problems of having to raise money?

You know you have to explain yourself. You have to work at it. But you do not have to work at it nearly as hard as you have to work at gaining votes. Sure, it would make it a lot easier if you just went over and dipped into the Treasury and said, "Hmm, time for a campaign again. Let's see, I want to buy some time so I will just dip into the Treasury. I want to get some free time from broadcasters."

Let me repeat: The Democrat's vision of campaign financing reform is to create an entitlement for politicians, and have the taxpayers pay for campaigns. I just do not think that is what the public has in mind. We have got a lot of problems with entitlements.

There is an entitlement commission set up, and I wish them well. It is headed up by the Senator from Nebraska and my senior colleague, Senator DANFORTH, and they have dedicated Members of this body and others going around talking about entitlements. And everybody has come in to them and said, "We want to change the entitlements. We realize that entitlements are going to break this country. We can't have more entitlement spending."

But, according to the Senator from Wyoming, Senator SIMPSON, who serves on that committee, every single one of them said, "But, of course—but, of course—my particular area should not be considered an entitlement. Now I want you to crack down on everybody else's entitlements, and I know that entitlements are going to break this country."

Entitlement spending is mandated spending that does not go through the appropriations process. It is by law set aside and spent every year.

Entitlement programs are going to squeeze out all other spending, if we do not change the path we are on. Sometime in the early 21st century, there will not be room for any other spending in the budget, without significant tax increases, because all of the funds that we raise, all of the debt that we incur, is going to go directly to entitlement spending.

And at the same time we are talking about going out and reforming entitlements and finding out that everyone wants to limit entitlements—except their particular entitlement—Congress is talking about establishing its own entitlement for its incumbents and its challengers, so that we will have a special piece of that directed spending, and it will not have to come from appropriations.

Now, I do not think that is what the public has in mind. I have traveled around the State of Missouri these past few months, and if one thing is clear, people are getting more and more tired of having Government run things. They do not want Government running health care. They have talked about that. And as we have talked about the issues in recent months, they have talked about how they do not believe Government should come in and take over the health care system. When they found out what was in the massive Government-run health-care proposed system last year, they objected.

This presents two points: No. 1, they do not want to have Government running things, whether it be campaigns or health care.

And No. 2, they want full disclosure. They have a right to know what is in these bills. And that is what we are doing here today, explaining what is in this proposed legislation, because I believe in full disclosure. I think that sunshine is the healthiest disinfectant for the process around here, and I believe, through the good offices and the good work of the Senator from Kentucky, we have an opportunity to expose what is in this so-called campaign finance reform plan, to lay out for the people of America what is in the plan, what is being proposed as reform, and to say to the people of America, do you want it? Is this the way you want to go? Do you want to go with Government-run campaign finance reform?

They have said very clearly they do not want to go with Government-run health care. And I believe that the same judgment is coming down, very clearly, when they discover that the Democratic idea of campaign finance reform is to make taxpayers pay for the election, as well as their salaries and their offices. I think that is the time that it hits the fan. I think that is when we get a significant response from our voters, and people say, "This is not reform. This is not the direction we want to go."

Some say the Congress gets too many perks—parking, haircuts, free meals, travel. I think that some of those complaints may have been warranted in the past. I think we have taken steps to make sure that we pay for that which we would have to obtain in the private sector. But when we come down to asking the taxpayers for the ultimate perk of financing reelection from the Treasury, I think that is the ultimate perk.

Why is this being proposed? I think it is being proposed because it may help the incumbent get elected and stay elected. I think that once again the inside-the-beltway crowd who is pushing this so-called reform, is out of touch, out to lunch. If they think this is an idea that can be called reform, they are missing the boat.

What should be done? Are there not some reforms necessary?

Yes, let me say I believe there are reforms that are necessary. We need a bipartisan compromise that both sides agree to. And I cite the example of health care reform. A partisan solution is the wrong one. I think a bipartisan solution is the right one. We have concluded, and are about to conclude, over a year's worth of work on a bipartisan health reform. There may or may not be time this year to get it done, but I think it will lay the basis for a successful bill next year. I believe that we have come together on a bipartisan basis, and come up with responsible health care reform. And I think we need to do the same thing with campaign finance reform.

Now, my views are very simple. I think there are three basic principles that we ought to follow in campaign finance reform: Disclosure, disclosure, and disclosure. I think that is the best way of assuring that the people of America who are voting for the candidates, who are voting in the elections, know who is receiving support and from where they are receiving it.

When I first campaigned for Governor of Missouri in 1972, there was a system of campaign contributions that was mind-boggling. The paper sack was the favored campaign financing vehicle. I heard stories, and I think I saw some of those sacks. If they had fried chicken in them there would be grease on the sack. I saw sacks, paper sacks, that looked like they had something folded and crunchy in them. Well, I knew that there were things wrong. I took the highly unusual step—people called me crazy—volunteering to disclose my campaign contributions. People were astounded. I filled out reports. I said I am running for Governor as a reform candidate. I am going to lay out my contributions.

People did not know what to do with them. They had a field day. They got really excited, because we—unfortunately, the sums were not as great, I guess, as they might have been had they not been disclosed, but I told my contributors, "Hey, I am proud of it. I am going to disclose the contributions you make to me, because I think that people have a right to know who is supporting each candidate."

After I was elected, I worked to establish a campaign disclosure law. I was able to get the Missouri General Assembly to pass an open meetings law, and a lobbyist disclosure law. We had a little problem with campaign financing reform because some of my good friends in the Missouri General Assembly—and I had many of them—had thrived on that nondisclosure campaign finance system.

So I took the unusual step of joining in a citizens' petition drive to get campaign financing disclosure on the ballot. As Governor, I went to shopping centers, I went to county fairs, and got people to sign signatures—put their signatures on an initiative petition for campaign financing reform.

Well, we finally got campaign financing reform adopted by the voters. We had spending limits at the time. The court ruled these unconstitutional. I abided by those limits in 1976. Got 4 years to think about it, and had to come back again for reelection in 1980. But once we had finally passed the campaign financing disclosure, after the legislature fought against it and fought against it, they got the spending limits knocked out. They finally came back and passed campaign financing disclosure legislation.

I think they passed good legislation. The principles that we passed, after knocking out the spending limits, were disclosure, open government, coupled with limits on special interests. And I think those are the guiding principles that we should follow today.

I believe that soft money and independent expenditures should be disclosed fully. I would restrict and limit out-of-State funding, and PAC funding severely, or eliminate it completely, in order to enhance the importance of local support. And when you get right down to it, public financing entitlement from the campaign of an incumbent and challenger being funded from the Treasury, is just a plain old bad idea.

We have fought to get a number of reforms for many years in the campaign financing reform. I believe that Republicans have advocated zeroing out PAC contributions for Congressional candidates. The majority went along with it grudgingly, but when it gets to the House, that is when it runs into problems.

Well, Mr. President, we have been at loggerheads over what to do on PACs. The House Democrats have become quite accustomed, as I pointed out in my discussions with my colleague from Kentucky early on, to the heavy doses of PAC contributions in their campaigns. I think that we ought to apply the same limits to both parties. I believe that we can limit and restrict PAC contributions. We can limit out-of-State contributions. We can agree on these principles, if they apply to both parties. But I think the most important point, is to ensure full disclosure. I go back to that as the absolute central point in any campaign financing reform.

If you have soft money, or an independent expenditure, first, if it goes through the political party in the State—a local political party—it must be fully disclosed and the party has to be responsible for it. People have to know where it is going. It cannot be used in a Federal election in any way, but it can build the party and turn out voters. It should be disclosed.

If there is a soft money campaign, if an organization wants to come in and spend money to hire telephone callers, to put out precinct workers, if they are being paid, that needs to be disclosed and disclosed fully. I believe that is one of the greatest abuses we have today.

I hear rumors that there are major soft money campaigns being geared up in parts of the country because that has happened before. They come in and hire telephoners, they hire door-to-door workers. I have had them come into my hometown. People have come in and claimed they are representing some organization with a high sounding purpose and then they proceed to trash me and go door to door and say misleading things about my record. These people are a scourge on the body politic, if they are being hired and sent in by outside interests. I think, though, we at least need to know who is paying them, who is behind them, what the organization is that is providing this soft money effort. To me, that full disclosure is an absolutely essential element in campaign finance reform.

In conclusion, I ask my colleagues to join with us—particularly with the Senator from Kentucky—as we get about considering a real and meaningful campaign finance reform. Let us put it on the agenda for next year. I do not think there is time to put campaign financing reform to clean up what we have now and get anything through.

The time has come and passed when we can do campaign finance reform this year. But we can do real and meaningful campaign finance reform if we build on what I hope will be the information that is developed in these debates and the reaction that the public will give us to these debates.

I may be wrong and surprised, and I will come back to the floor and tell my colleagues if the people in Missouri say, "You are mistaken. I want to have your campaign reelection financed out of my tax dollars." I will be the first to tell you so. I will come back and say if there is a groundswell. If there is not, I suggest that we get about meaningful disclosure and real campaign finance reform.

I see my friend from Kentucky has risen. I commend him for his ability to stay with us for such a long period of time. Again, I thank him for his dedicated efforts. We owe him a great deal of gratitude. I commend him for his work on this issue, and I am proud to be associated with him in this task.

With that, Mr. President, I thank the Chair for his indulgences, and I yield the floor.

Mr. MCCONNELL. Mr. President, before my good friend leaves the floor, let me thank him for his important contribution to this discussion. Sometimes it takes a few years to kill a bad idea. But the Senator from Missouri has been an important part of this debate over the years as we have considered a variety of different alternatives. We tried to figure out what the right thing to do was. There is a difference of opinion about the direction in which we ought to go, but there is no difference of opinion about what ought to happen in this bill. It has been gratifying that not only have we had speakers constantly throughout the night, without a single quorum call, we have actually had more speakers than we could accommodate, enduring the graveyard shift earlier this evening.

So I think it is clear that there is a determined group here that is going to save the country from this ill-advised legislation.

I thank the Senator for his contribution and to welcome the bright-eyed, alert, senior Senator from New Hampshire who I see is ready to do battle. I thank him for his participation.

I yield the floor.

Mr. SMITH addressed the Chair.

The PRESIDING OFFICER (Mr. AKAKA). The Senator from New Hampshire is recognized.

Mr. SMITH. Mr. President, good morning. It is nice to see you here.

Mr. President, I rise this morning to continue a very vitally important effort here on the floor of the U.S. Senate to tell the American people the truth about the efforts of leading members of the majority party in this Congress to push through a very radical scheme for taxpayer-financed campaigns for the Senate and the House of Representatives.

What is this? It is a brandnew entitlement, a brandnew entitlement program for politicians. In the waning days of the Congress, it is a good time to slip something like that by. But thanks to the leadership of the Senator from Kentucky, this is not going to happen.

Before getting to the substance of my remarks, I commend the Senator, while he is still here and awake on the floor of the Senate, for his leadership and his expertise. In any meetings I have ever participated in in the past 4 years in the Senate, whenever this subject has come up, all eyes turn to Senator MCCONNELL to ask for his input and his knowledge on this issue. It is unparalleled. And I think the effort he has put forward here on behalf of the taxpayers of the United States of America and on behalf of true campaign finance reform is unparalleled. I commend him for it, for his leadership. He is tireless in this endeavor. He never hesitates to take this issue on in any meeting I have ever been at, to offer his opinion, advice, and counsel. As one Republican member, I am very grateful for his leadership.

Mr. President, candidate Bill Clinton went coast to coast during the 1992 Presidential campaign and promised "to change welfare as we know it." But little did the American voter know that scarcely 2 years later, this promise would mean expanding welfare, to include a brandnew entitlement program for the politicians of the United States of America—all politicians of both parties, any party, any third party, any politician.

Mr. President, the sad truth is that this Clinton-inspired Senate and House campaign finance reform bill on which the majority party wants to go to conference, would establish a brandnew taxpayer-financed welfare program for the Senate and the House Members' own political campaigns.

Both of the bills would establish a set of conditions—spending limits being the principal one—that, if met, would entitle congressional candidates to a rich package of taxpayer-financed benefits. What are these benefits? They include a 50-percent broadcast discount, a mail discount, matching funds to counteract independent expenditures, and matching funds to counteract opponents who spend more than the voluntary spending limit.

Frankly, Mr. President, I suspect that many Democrats in the House of Representatives who are facing tough reelection campaigns this fall, from what I read, are hoping we Senate Republicans block their campaign finance reform bill. They may not be saying it and I do not blame them, but I will bet they are thinking it. I suspect they do not want to be forced to vote on a new taxpayer-funded entitlement program for politicians. They know that such an outrageous scheme is bound to be very unpopular, to say the least, with the voters.

Mr. President, there is no question in my mind that any taxpayer-funded campaign finance reform bill that manages to emerge from the Congress is going to carry an enormous price tag. There is no question about that. It has to. We do not even know what the cost is. There is no way of estimating what the cost is because we do not know how many candidates are going to run for political office when they know it is going to be paid for by the taxpayers.

The total cost varies. It depends who you consult. But any way you look at it, no matter how you cut it or define it, no matter how you research it, the cost will be huge—hundreds of millions of dollars. As we think about the national debt, $4.5 trillion, deficits, which are going to be going up right after the Presidential elections in 1996—conveniently—when we look at that and think about adding another entitlement program onto the backs of the taxpayers of this country, I just do not know where the logic is to this.

I think about my own reelection campaigns, and I can name a lot of people in my State—I hear from them from time to time—who would probably just as soon not see me reelected. Fortunately, I think there are more who would like to see me reelected. But those that do not want to see me reelected, I am sure, do not relish the idea of participating in my campaign by having their hard-earned tax dollars go to reelect me. But that is what will happen under this legislation.

As one considers the cost of such a bill, it is very important to keep in mind the observation that the Congressional Budget Office made last year while trying to estimate the cost of Senate bill S. 3. The CBO observed: "The cost of providing benefits under the system is highly uncertain." That is the understatement of the year. It is highly uncertain. It is definitely uncertain. There is no way—no way. We may not be able to print ballots long enough for the names of the people who will run simply because they know their election will be paid for.

Mr. President, the reason that cost is uncertain, as I say, is that it depends on how many candidates there are running for the House and the Senate, and how many of them would choose to participate in this new politician's entitlement program. I submit there will be a whole bunch of them. There are countless scenarios to consider, any and all of which would change the total cost, not the least of which is the number of third party candidates who would be drawn to accept this new entitlement.

Let me be as clear as I possibly can about this, Mr. President. The conference report based on the Senate and House-passed campaign finance reform bills would create a taxpayer-financed entitlement program for the politicians in America—winners and losers, candidates, major party, third party, and independents—who agree to abide by a spending limit and raise the minimal threshold amount, would be entitled to a host of benefits.

The total cost of these benefits just cannot be foreseen. You just cannot know. Can anybody really predict just how many candidates for the Senate and the House there will be in 1996? In 1998? In 2000? Of course not. It is impossible. So if you cannot predict the number of candidates, how in the world are you going to predict how much it will cost the taxpayers?

But this is pretty common around here, is it not? How many times have you seen legislation come through here and nobody has the slightest idea what it is going to cost, or we do not know what the impact will be? But it sounds good. It is some program to do this or that and it has a nice ring to it, and people say, "How can you vote against that?" It sounds good and they have all kinds of names for them—usually anything that involves children or some disease or something—all you have to do is get that in there—or disaster relief. We love to load those bills up with pork. In the San Francisco earthquake bill, we had stuff in there for Chicago.

Well, this is the problem, and it is the same here. There were 1,200 more congressional candidates in 1992 than there were in 1990. I am not against people running for Congress. I think that is very healthy, but I am against making it a subsidy, to subsidize all of those candidates at the taxpayers' expense. This was a stunning increase. We did not foresee that. We did not know there were going to be 1,200 more candidates. Who can know? Who can know how many would have accepted matching funds had they been available: 4,400, 5,000, 10,000? Who knows? Many might have been wary of using taxpayer dollars to fund their campaigns, but I doubt it.

Hundreds, or even thousands, of additional candidates might have run as third party or independent candidates because of the availability of taxpayer dollars to run their campaigns.

The taxpayers should not fund our campaigns here. The people who support us, who like us, who want us to return, should fund our campaigns.

The people who do not like us should fund our opponents. That is free speech. That is the United States of America. That is what our country is all about.

Jefferson ran for President. He had opposition. So did Andrew Jackson and Abraham Lincoln.

Why are we any different? Why do we now want to stop that process, the process that has worked for over 200 years?

Can anyone really say how much independent expenditures we are going to spend? The answer is no. You cannot estimate it. You have no idea, no one has any idea. These numbers that are thrown around $200 million, $90 million, no one knows, absolutely no idea.

It is entirely reasonable to assume that as direct candidate campaign spending is subjected to limits, independent expenditures will appear even more attractive for groups to influence election outcomes than already is today. That will be the temptation.

Mr. President, who can predict with any precision just how many taxpayer dollars will be spent on the section of these bills that provide funding for one candidate to counteract the spending by his opponent that exceeds the spending limit. This is a critical point. Under the Senate bill if one candidate in a race exercises his constitutional right not to be bound by a spending limit, and spends even one penny over the voluntary limit, any complying opponent would receive a Government grant equal to one-third of the general election limit—one-third of the general election limit.

Let me repeat that. Under this bill if one candidate in a race exercises his constitutional right not to be bound by a spending limit, in other words, he says it is unconstitutional so he does not abide by it, the limit at all, and spent one penny—just a penny—over the voluntary limit, any opponent who complied with the limit would receive a Government grant equal to one-third of the general election limit. The complying candidate could receive additional installments up to a total of 100 percent of the general election limit.

There is no telling in how many instances this provision will kick in. You would absolutely have no idea—and in many cases, as most of us know who run for political office, you are not sure what your expenditures are until the election is over. You have bills come in weeks after the election. What do you do then? So someone violates the cap, wins the election, says have a nice day, I will pay my fine. But I am in the Senate.

There are many variables to consider here, but even the lowest of the estimates—the lowest—say that the cost of these bills will run into the hundreds of millions of dollars. I have never seen a entitlement program yet that went down in costs. Not one. And this one will not either.

A precise cost forecast is impossible because there is no final bill—there is no final bill. Second, the variables, as I have outlined, are inherently unpredictable. You cannot predict, you cannot predict with any definitiveness, this legislation and its impact.

Nevertheless, there have been cost analyses done. You can always get a cost analyses around here. Plenty of offices around here and plenty of bureaucrats are trained to do it. They are not always right, and you can always get more than one opinion, and they are never the same. But cost analyses have been done, each weighing the many variables differently, ironically.

Let us take a look at some of these estimates. Democrats have estimated that it would cost $90 million every 2-year cycle just to provide matching funds.

How much is that per election? Well at the rate of $200,000 per general election, per general election to the House candidates—that is the figure they use. The Senate-passed bill substitutes the Exon-Durenberger speech tax imposing the corporate tax rate of 34 percent on all receipts of those campaigns that exceed the spending limit, percent of matching funds. This is supposed to encourage candidates to agree to the voluntary spending limits in the Senate elections.

It is not clear what rationale was used in arriving at this $90 million estimate and it will never be clear because you will never know. I will point out that if only the Republican and Democrat nominees in each House election—not third-party candidates just the two nominees—accepted matching funds, then that provision alone would cost over $170 million. Just on that.

On the other hand, even on our side we are guilty of estimates. The Republicans say that it would cost about $200 million for each 2-year election cycle for House matching funds and to counter the expected increase in independent expenditures, since the Exon-Durenberger speech tax is widely believed to be unconstitutional, the final Senate campaign provisions may well include 20 percent, that is if the general election limit matching funds provision is as the 1992 conference report that was vetoed by President Bush. In that case, the Senate Republican policy committee has estimated a Government cost per 2-year election cycle ranging from a low of $207 million to a high of $296 million, depending again on the variables.

On the variables, there are so many variables. An additional $50 million expense is expected to be incurred due to the 50-percent broadcast discount. Sound complicated? It is. Sound unenforceable? It is. Sound chaotic? It is. Sound unconstitutional? It is.

Mr. President, the Congressional Budget Office has estimated that it would cost $189 million in 1996 alone—in 1996 alone—if both the Senate and the House bills provide matching funding, an amendment that would increase to $203 million in 1998. CBO, frankly, in my opinion, appears to be making lowball assumption with respect to variables, number of candidates, independent expenditures, and excessive spending. Thirty-nine million of the CBO figure is the annual cost of the House bills, FEC public awareness advertising campaign to promote make democracy work fund. CBO estimates that 95 percent of Senate candidates and 60 percent of House candidates would participate.

Were the Exon-Durenberger speech tax to be retained in conference, then CBO estimates that the Senate campaign part of the cost would run to $17 million in 1996 and $21 million in 1998. That figure appears to assume that no independent expenditures will trigger the bottomless counterbalancing provision.

My point in throwing out all these numbers, $90 million, $200 million, $196 million, $171 million, $21 million. Nobody has the slightest idea what this is going to cost, absolutely not the slightest idea. These so-called counterbalancing provisions. I do not know.

I see my colleague from Kentucky back on the floor.

I do not know where we got the idea whoever spends the most wins. I think we have seen recently that has not been true. Certainly in the case of my earlier election, I tell you I was outspent 4 to 1.

We saw a primary victory in Oklahoma. I believe he spent $17,000. His opponent spent—I do not know what his figure was.

Mr. McCONNELL. I believe it was $17,000 or $18,000.

Mr. SMITH. And the opponent spent?

Mr. McCONNELL. Well over $300,000.

Mr. SMITH. I thank the Senator. So $300,000 to $17,000. The individual was a 71-year-old retired school principal and he won the election.

The point is, it is not money that always makes the difference. Sure sometimes it does, but there are also times when the voters just get fed up. And when the voters get fed up money does not matter.

So maybe we are barking up the wrong tree.

Mr. McCONNELL. Will the Senator yield?

Mr. SMITH. Certainly.

Mr. McCONNELL. I was off the floor. As I was walking in I believe—correct me if I am wrong—the Senator was talking about the difficulty estimating how much this bill may cost?

Mr. SMITH. Yes.

Mr. McCONNELL. On that point it is tough because we know that under the Presidential system Lyndon LaRouche got tax dollars to run for President while he was in jail. We know that Lenora Fulani, a widely known American of left-wing views, got over $1 million to run for President, and it was interesting.

I was just pointing out to my friend from New Hampshire, in the paper that I never heard of called the Washington City Paper, Washington's free weekly, about Lenora Fulani. It says "Lenora and the Money Go Round," and the subtitle is, "Or How the 1992 Presidential Campaign of Lenora Fulani and Her"—it is a term here we are not quite familiar with—"Her Friend, Dr. Fred Newman, Reaped $2 Million in Federal Election Commission Matching Funds." And the article is about how they spent the money.

The only reason I raise that, even though under the Presidential system just imagine the number of candidates around America, potential candidates around America, look in the mirror in the morning and say "Gee, I think I see a Congressman or Congresswoman," whether or not they are Republicans or Democrats. It is almost impossible to estimate how many fringe candidates the taxpayers will have to subsidize under this.

Mr. SMITH. Exactly.

Mr. McCONNELL. To go out and exercise some ego trip, running for public office, and of course, the FEC will have to audit that, and soon it will be the size of the Veterans' Administration. We will have an army crawling over some fringe groups being funded by our tax dollars. I mean it is a Rube Goldberg proposal.

On the issue of spending, the Senator is perfectly correct. It is hard to anticipate. I think it is going to be a huge Federal entitlement.

Mr. SMITH. Absolutely. I appreciate the Senator's response.

I might say to the Senator from Kentucky that when you talk about these fringe candidates who step forth and accept the taxpayer moneys, would it not be better, indeed would it not be more American, if a similar number of candidates, be they fringe or serious, could step forward because they had support and interest in running, and had contributed dollars and volunteers who they have been able to motivate to join them? Is not that really what the political process should be rather than a subsidy saying why do not we just have everybody run, why do not we subsidize 200 million people and have them all run?

Mr. McCONNELL. The Senator is correct. There is nothing corrupting spending under this current system. It has to come from a lot people. One of the most maligned races in the history of American politics, Senator HELMS and I talked about it yesterday, was his 1984 election. People said, oh, my goodness, what an obscene amount of money was spent. Nobody said congratulations, Senator HELMS. You had over 400,000 contributors.

Mr. SMITH. Right.

Mr. McCONNELL. Four hundred thousand Americans participated in that campaign.

I mean, the truth of the matter is we know if you are able to spend a lot—unless you are wealthy, which I think is unfortunate, but the Supreme Court said you have a constitutional right to go out and spend everything you have if you want to on yourself or for or against someone else. But leaving that aside, for the rest of us mere mortals who do not have that kind of dough, if you are able to spend a lot of money you have a whole lot of support. And I scratch my head and, of course, nobody in the academic community believes that spending is corrupting because under this system it has to come from a whole lot of people.

In other words, the point the Senator is making is you have to have a lot of support to raise a lot of money and that is obviously not harmful.

Mr. SMITH. I would like to get into another area, the auditing of this kind of a program.

Mr. President, the FEC audit of the 1988 Presidential campaigns were not completed until 1992. And that was for what—half dozen, 12, maybe, candidates. Enforcement arising out of those audits still continues to this day, as we speak. Of the 1992 Presidential campaigns, the FEC has not yet completed auditing of five of them—the Bush, Clinton, Buchanan, Tsongas, and the LaRouche campaigns. They are still being audited.

We may have to turn over a very large building to the FEC if this legislation passes, because they are going to need a lot of room and a lot of employees in order to perform their obligation. Under the Senate- and House-passed bills, the Federal Election Commission staff has estimated that the agency's Audit Division would have to double in size. Its Office of General Counsel would have to increase in staff strength by more than 75 percent. Overall, the report estimates that the FEC would need a 50-percent budget increase. I think it would be more than that. From my perspective, I do not even think you can make a sensible judgment on that because it is going to depend on how many candidates run. So that is another estimate that is thrown out there. I think it would be substantially more than 50 percent and would continue to grow, because I think more and more candidates would be running with the taxpayer dollars.

Incidentally, Mr. President, the Republican members of the FEC refused to sign off on this staff estimate. I think with good reason. Because they believe its assumptions were too conservative. I repeat, Mr. President, Republican FEC Commissioners thought these already horrendous figures were too low. So a 50-percent increase, some of the Republicans believed, was too low. And I agree with that assessment.

As I mentioned earlier, another, not inconsiderable, factor here is fringe candidate proliferation. I know the Senator from Kentucky agrees with me. It is not that we are demeaning candidates. Any candidate has a right to run. But I think to be a meaningful candidate that candidate ought to generate support. And if the candidate does not generate support, why would the taxpayers fund the election when there is no support?

Multiply Lyndon LaRouche and Lenora Fulani by 535 congressional races, Mr. President, and you have a taxpayers' nightmare. Not that I believe they do not have enough nightmares as it is with their property taxes, their State taxes, their Federal taxes, the budget deficit, the national debt at $4.5 trillion. Every time they turn around, Congress is passing another entitlement program. We just knocked one down, the health care bill. Now we have got this one. Program after program.

I debate these things all the time in my State. I talk to my business leaders. I talk to average citizens every day and they say, "Senator, why does this happen? Why are these programs coming at us like this?"

The answer is very simple. There is nothing complicated about it. It is the numbers. There are enough people in the Senate and the House to do this to you by passing it. And if you feel that strongly about it, then it is time to get out at the polls and make some changes.

Lyndon LaRouche has collected $2 million in taxes as a Presidential candidate in elections since 1976. I can think of a lot of good things that we could do with that $2 million, and that is not one of them.

Recently paroled from prison, Mr. LaRouche has received another $568,435 in matching funds for the 1992 campaign that, as the Senator from Kentucky just said, Mr. LaRouche ran from his prison cell.

Ms. Fulani, who was the candidate of something called the New Alliance Party, has received over $3.5 million in matching funds as a candidate in the last three Presidential campaigns—1984, 1988, and 1992.

I would assume, and the Senator from Kentucky can correct me if I am wrong, that a prisoner, a murderer, convicted murderer, in prison, I suppose could conduct a campaign for the President of United States or the House of Representatives; or, let us stick to this bill, the House or the Senate; is that not correct?

Mr. McCONNELL. This will be an entitlement program that the courts, if it were otherwise constitutional, which it is not, but in this particular portion of the bill, the courts would not allow the Congress to distinguish between Republicans, Democrats, and anybody else. So if you have met the minimal standard and the court would require that the Congress not craft legislation that would only fund Republicans and Democrats, it is reasonable to assume that virtually any crackpot in America would be able to run for public office at our expense.

Mr. SMITH. Including a prisoner.

Mr. McCONNELL. Potentially, yes; potentially. We have seen that already with LaRouche. He was in fact in prison.

Mr. SMITH. So we may see Charles Manson running?

Mr. McCONNELL. It is an interesting hypothetical.

Mr. SMITH. A nut, somebody who just decides I am going to do this just to screw up the system, if you will. Obviously, it would not be serious. But, on the other hand, if he has money, it would be just like him to do something like that. What else does he have to do?

Mr. McCONNELL. I think that once you get into public funding, once you make a decision to cross that threshold, the courts would require us to make that reasonably accessible to any American, not just to people we would consider serious candidates, that is, Republicans or Democrats or some well-known Independent.

So I think it is perfectly reasonable to assume that there will be a proliferation of people with off-the-wall views who would have a tough time raising money and gaining support in the marketplace, as you have to do now, who would have those views enhanced by the Federal Treasury.

Mr. SMITH. As I understand—and the Senator from Kentucky certainly knows more about the law than I do, he being a very respected attorney—an individual who is convicted of a crime, a felony or higher is ineligible to vote but not ineligible to run for political office after his or her conviction.

Mr. McCONNELL. It depends on the State law. Some States are more permissive about that sort of thing than others. But in terms of the access to the entitlement, it is unclear to this Senator. But, obviously, from the experience with LaRouche, we would have to conclude that there would be no impediment to that kind of individual receiving a Federal subsidy to run for public office.

Mr. SMITH. I would submit to my colleague, to all of my colleagues and the American people, that is reason enough to defeat the legislation, if there are not enough other reasons, of course, which there are.

If this taxpayer-finance congressional campaign scheme does become law, qualifying for taxpayer matching funds to run for Congress would be even easier than it is for Presidential campaigns. That is because support would only be demonstrated in a single State or district, rather than 20 States as is required under the Presidential system. Does anybody really doubt that this would result in a vast proliferation of third party or Independent candidates running for Congress with the aid of this new taxpayer-funded entitlement program for politicians? I do not see how anyone could deny that.

Again, the issue is not that we are opposed to encouraging other candidates to run. It is encouraging them to run by providing them a subsidy.

The American taxpayer is catching on, frankly, to the abuses and the inadequacies of the taxpayer-funded Presidential financing system. That is why, over the past two decades, the vast majority of American people chose not to check "yes" on their Federal tax forms to designate $1 from taxes they already owed to go to the Presidential election campaign fund. And I am one of those who do not check that.

In fact, Mr. President, the checkoff rate was so anemic that the fund was nearly bankrupted after the 1992 election. That is why President Clinton's budget bill last year tripled the checkoff figure from $1 to $3.

Now, thanks to Mr. Clinton and the members of his party who control Congress, a dwindling minority who checked off "yes" will be able to spend three times as much now of the tax dollars of those who checked "no." So this is a very interesting situation that we find ourselves in.

There are very ingenious ways around here of circumventing the intent of the American taxpayer.

What, Mr. President, do the American people get for their tax dollars under the current Presidential election campaign funding system? What do they get? Numerous nonpartisan and highly knowledgeable witnesses have testified before the Senate Rules Committee in the last few years that the system of Presidential campaign spending limits simply does not work, period. The majority party's congressional campaign finance reform bills in the Senate and the House deliberately model themselves on the disastrous Presidential election campaign funding system. That is not working. People do not like it. Why then do we want to compound the problem?

The ultimate goal of the taxpayer-funded campaign spending limit proponents is to replicate the Presidential system—535 times we are going to replicate it. And actually that is not true. You are actually going to replicate it 535 times, times the number of candidates who will be running for those offices, which is unlimited. Thousands of candidates; 535 races, but thousands of candidates. Not to mention, let us not forget, this army that will be following along, auditors, lawyers—no offense to my colleague—accountants, oh, they will all be there. They will be following along to keep the books, make sure everything is done properly. Oh, it will be a fun time.

To be fair, Mr. President, the Senate-passed bill is not exactly like the Presidential system, I would agree. Like that system, the Senate bill would be expensive, and like that system, the Senate bill will not work. What distinguishes the Senate bill from the Presidential system, however, is—and it is a big difference—the Senate bill is unconstitutional. That is a pretty healthy difference. It does not seem to matter to a lot of people around here. We trample on the Constitution almost daily. But it is unconstitutional, let us face it. It is unconstitutional. It will be challenged if it passes. I have enough confidence in the courts to believe that they will strike it down.

Thus, with the Senate and the House campaign finance reform bills, the American taxpayer not only is being asked to pay for a system that would not function as advertised but he or she is also being asked to pay for an unprecedented assault on the first amendment to the Constitution of the United States.

I have heard a lot of my colleagues defend that first amendment with great gusto who are in favor of this bill. You do not have to be a constitutional lawyer or a scholar to figure out that the American taxpayer is not eager to pay for our political campaigns. That is a fact. Ask them. They do not want to pay for our campaigns. Eighty percent of the taxpayers already, 80 percent of the taxpayers, refuse the Presidential checkoff. And I would submit that they are hardly clamoring to pay for the Senate and the House campaigns. So why do we model this thing after that? Well, because it protects the incumbent. And who has the majority? End of story.

Let us look at the constitutional issue, though, Mr. President. Both Senator McCONNELL—himself a fine lawyer who served as a senior Justice Department official under the Ford administration—and the American Civil Liberties Union are united in their belief—I am little concerned about you being united with the American Civil Liberties Union—but they are united in their belief that campaign spending limits are bad public policy because they limit speech and participation in the political process, limit speech and political participation in the process. Why would anybody want to do that—limit speech and limit participation in the political process. That is what this bill does.

Spending limits are undemocratic. But Senator McCONNELL and the ACLU are also united in their belief that involuntary or coerced spending limits are also unconstitutional because they, in that case, are a de facto limit on free speech.

Mr. President, the biggest roadblock to limiting campaign spending is the first amendment, which protects political speech. The Supreme Court determined nearly 20 years ago in the case of Buckley versus Valeo that campaign spending, which is primarily for the purpose of communicating, is analogous to speech. The decision has already been rendered. There is nothing wrong with private citizens supporting candidates of their choice by contributing their hard-earned dollars. What is wrong with that, as long as it is reported, made public in accordance with the law.

But, an overall limit on spending by a campaign is a two-pronged restriction on speech. First, it restricts the total amount of speech available to the candidate by cutting what the candidates would spend on communication. Second, it restricts the total number of citizens who can participate in the process by making a donation. Thus, spending limits cut speech out of the process and cut people out of the process. So we have a spending limit.

If I reached the limit and my brother wants to donate $100 to my campaign, I cannot take my brother's $100.

It does not make sense to me.

That is why the Supreme Court did what it did, said what it said in Buckley versus Valeo. They said that spending limits by themselves are unconstitutional. The Court rightly said the Congress similarly cannot force candidates, that is, only a set amount. It is a restriction on free speech. The Constitution protects us from that. So not only are we limiting speech, we are then forcing the taxpayers to pay to pick up the slack—which compounds the problem.

In the Buckley case, however, the Court said that it is constitutional for the Government to entice candidates through generous subsidies and to accepting spending limits. Hence, we have the current Presidential campaign finance system wherein return for complying with spending limits, candidates receive generous subsidies courtesy of the taxpayers.

This entire campaign finance debate, it is not really about campaign spending. It is not about campaign spending. It is a debate about the first amendment to the Constitution of the United States. It is about the freedom of political speech that we hold dear. It is about who will be allowed to speak in the electoral process, and how much. The congressional majority's proposal seeks to parcel out speech in carefully calibrated amounts in order to preserve the control of both Houses of Congress. Let us call it like it is.

Senator McCONNELL, to his credit—and I have been involved in discussions with him on this—has said, it does not matter if our party is in control, it is the same issue. It is wrong. He knows, and I hope as he does in the very near future, that we will be in the majority party. He knows the impact that that will have on us as the majority party. But he also knows that the Constitution of the United States, specifically free speech, is more important than the success or failure of any political party. He deserves a lot of credit for having the courage to take this issue on on that basis.

Mr. President, an official of the U.S. Department of Justice testified before the Senate Rules Committee in 1992 as to what is really at stake in this debate about campaign finance reform. He said, "It should never be forgotten that by protecting robust debate and broad criticism of competing candidates, the first amendment was the most important electoral reform ever enacted."

I could not agree more, Mr. President. The first amendment to the Constitution, indeed, was the most important electoral reform ever enacted. It guarantees the American people that their democracy will always be vibrant—always. It assures the American people that when they are unhappy with their Government, they have the right to speak out and get active in the electoral process so they can change things. It assures that the press can honestly report on what is happening.

The first amendment to the Constitution guarantees that candidates can speak as much as they want, as long as they want, as often as they want. And it guarantees that candidates can spend as much as they want, so that they can communicate with the voters. And we report it, and it is public, and we can be judged on where we get those funds. It guarantees that if Congress enacts a law that effectively forces candidates to limit their ability to communicate with the electorate, it will be struck down in the courts as an unconstitutional infringement of the freedom of speech that is guaranteed by the first amendment.

We should give the voters of this country more credit. They are a lot smarter than we think they are, than we give them credit for being. They understand. That is why, time and time again, as we saw just last week, you will see a candidate who spends very little money come through and upset someone who spends 10, 15, 20 times as much money. Because money is only part of the process.

I have no doubt, Mr. President, that under the Supreme Court's decision in the Buckley case, the Senate and the House versus the campaign finance reform bills are blatantly unconstitutional and will be proven so if it gets that far. We have heard that case made eloquently by Senator McCONNELL over and over and over again during this debate.

Even the ACLU agrees. And I understand that Senator DANFORTH placed their legal memorandum on their subject in the RECORD yesterday.

Before I leave the subject of the unconstitutionality in the case of these bills, Mr. President, let me focus on the constitutionality on the Senate bill's free speech penalty provision. As I noted earlier, that provision says that if a candidate exceeds the spending limit even by $1, or if a group of citizens decides to interject its views independently during an election, then the complying candidate would be eligible to receive an unlimited infusion of taxpayer dollars.

Let me take a minute to explain why it is unconstitutional to impose a discriminatory tax on free speech. Starting with the Buckley case, the Supreme Court has repeatedly held that campaign spending is indistinguishable from campaign speech. That has been already determined. Therefore, it is unconstitutional to limit campaign spending just as it would be unconstitutional to limit campaign speech. They are one and the same says the Supreme Court. They are inseparable. If you pull the plug on the microphone, then you have pulled the plug on the speech for everyone who is not in the front row. That is what you have done.

Nevertheless, the Court held in the Buckley case that candidates can be enticed consistent with the Constitution to limit their speech by a generous taxpayer-funded subsidy. The crucial point was that such speech limits had to be purely voluntary. There could be incentives but no coercion. That is how the Presidential system works, where the public subsidy is so generous that only extremely wealthy candidates, like a Ross Perot, for example, could afford to turn down the money.

Applying the first amendment constitutional standards articulated by the Supreme Court in the Buckley decision, the Senate and House-passed bills are clearly unconstitutional. They would establish layer, upon layer, upon layer, upon layer of punishments—punishments—for any political speech that the bills deem to be excessive—in direct conflict with the rulings of the Buckley case.

What the Senate-passed speech tax, in particular, would do is to reduce the upfront costs by stripping out the direct taxpayer subsidies and replacing them with a tax assessed on the gross contributions of any candidate who exceeds the limits. It should be clear, Mr. President, to everyone, that those savings are generated at the incalculable cost of damaging the first amendment to the Constitution of the United States of America.

It is unconstitutional, as the Supreme Court has said, to impose spending limits on candidates by law. If it is, then it is also unconstitutional to impose spending limits on candidates by a discriminatory tax.

If it is somehow unconstitutional, Mr. President, to impose discriminatory taxes on speech, then maybe we should consider other speech taxes that might help to suppress unpleasant speech while raising revenues that could be used for, say, deficit reduction. These are other taxes might be aimed, hypothetically, to pornography, television violence, flag burning, independent expenditures, labor soft money, perhaps newspaper editorials. Wow. That would be controversial, would it not? It we did not like what was said in a newspaper article, or editorial, there would be a tax on it—put it toward cancer research. Who would make that determination?

Mr. President, this speech tax sets a new and bizarre constitutional standard. If we do not like some form of speech, if it is inconvenient, then we will not ban it. We will tax it. Wow. Who thought that one up? It is interesting when these bills get written, you never really find out who wrote the fine print in some of these. I do not know if anybody would stand up on the floor and take credit for that one.

The Senate bill discriminatory tax on speech is not merely an indirect constraint on speech, it is a direct attack on the first amendment rights of candidates as articulated by the Supreme Court. It taxes candidates into submission by placing this outrageous provision. The Senate said that it could not afford to entice candidates into abiding by the spending limits, so instead we will use a Tax Code to pummel them, beat them into submission, with the Tax Code. What candidate would dare not comply with this bill when their gross campaign receipts are going to be taxed at the full corporate tax rate if they do not?

Finally, Mr. President, George Will, Pulitzer Prize-winning columnist—and as Senator HELMS pointed out yesterday, former Senate aide, George Will, has written an outstanding article on this subject. It appeared in the June 2, 1993, issue of Newsweek and it is entitled, "So, We Talk Too Much?"

I know my time is close to ending here, but I will quote it briefly. I will submit it for the RECORD. I think it has been submitted for the RECORD, if I recall, so I will not ask that it be submitted for the RECORD. But while I have a few minutes left, let me make a couple of quotes from it.

> Washington's political class and its journalistic echoes are celebrating Senate passage, on a mostly party-line vote, of a "reform" that constitutes the boldest attack on freedom of speech since the enactment of the Alien and Sedition Acts of 1798. The campaign finance bill would ration political speech. Fortunately, it is so flagrantly unconstitutional that the Supreme Court will fling it back across First Street NE., with a two-word opinion: "Good grief!"

Wow. I cannot say it much better than that. Again, Will says:

> The reformers begin, as their ilk usually does, with a thumping but unargued certitude: campaigns involve "too much" money. (In 1992 congressional races involved a sum equal to 40 percent of what Americans spend on yogurt.

"On yogurt," says George Will.

Again, Will says:

> Given the government's increasing intrusiveness and capacity to do harm, it is arguable that we spend too little on the dissemination of the political discourse. But reformers eager to limit spending have a problem: mandatory spending limits are unconstitutional. The Supreme Court acknowledges that the First Amendment protects "the indispensable conditions for meaningful communication," which includes spending for the dissemination of speech. The reformers' impossible task is to gin up "incentives" powerful enough to coerce candidates into accepting limits that can be labeled "voluntary."

Still quoting from the same article from Will:

> Most taxpayers detest public financing. ("Food stamps for politicians," said Senator Mitch McConnell, the Kentucky Republican who will lead the constitutional challenge if anything like this bill becomes law.)

Again, still quoting from Will:

> But the court says the government cannot require people "to pay a tax for the exercise of that which the First Amendment has made high constitutional privilege." The Court says the "power to tax the exercise of a right is the power to control or suppress the exercise of its enjoyment" and is "as potent as the power of censorship."

Mr. President, this is very serious business that we are in here today. We are playing with the Constitution of the United States, specifically free speech. I think back a number of times in my own elections, as I indicated earlier, where I was outspent, not always, but in some of my earlier elections, outspent substantially. But when I was being outspent, I was out working—walking door to door, 18 hours a day, meeting voters. I was not criticizing my opponent for raising money—that is his privilege—but going out, meeting the voters, trying to do what I could with the limited resources that I had. That is it. That is the American way.

And, when that support came, you got support from your constituents, your would-be constituents, you began to build up this support base, and then you win your election, and you feel a lot better about it, frankly, because of the way you did it.

I want to finish on this Will quote.

> Incumbents can live happily with spending limits. Incumbents write the limit, perhaps not altogether altruistically. And spending is the way challengers can combat disadvantages, such as name recognition, access to media, and franked mail. Besides the most important and plentiful money spent for political purposes is dispensed entirely by incumbents. It is called the Federal budget—$1.5 trillion this year and rising. Federal spending (along with myriad regulations and subsidizing activities such as protectionist measures) often is vote-buying.
>
> It is instructive that when the Senate voted to empower Government to ration political speech, and even endorse amending the First Amendment, there was no outcry from journalists. Most of them are liberals and so are disposed to like Government regulation of (other people's) lives. Besides, journalists know that Government rationing of political speech by candidates will enlarge the importance of journalists' unlimited speech.

Again, I would equate Senator MCCONNELL with George Will, each in their own right. George Will is not afraid to take on his colleagues or brethren in the media for the sake of the Constitution. Senator MCCONNELL is prepared to debate even some in his own party, who may be in the majority in the near future, because of the predominant impact, that the Constitution must take precedence over the success of a political party. That takes a lot of courage. He is right. Senator MCCONNELL is right and George Will is right.

Let me just conclude on this last paragraph from the Will article:

> The Senate bill's premise is that there is "too much" political speech and some is by undesirable elements (PAC's), so Government control is needed to make the Nation's

> political speech healthier. Our governments cannot balance their budgets or even suppress the gunfire in America's (potholed) streets. It would be seemly if politicians would get on with the basic tasks, rather than with the mischief of making mincemeat of the First Amendment.

You cannot say it any better than that, Mr. President.

We realize the inconvenience that this imposes on staff around here, on the occupants of the chair, on our colleagues, as we involve ourselves in a filibuster like this. Many of our colleagues went through the night, and Senator McCONNELL was probably here all night. Every time I turned on the TV, he was there. We understand the inconveniences and, to some extent, we regret it. But the inconveniences that we all experience as we conduct this debate are minor, nebulous, compared to the Constitution of the United States and the free speech that we all cherish.

I cannot imagine the chaos that this bill would cause in the political system. I cannot imagine it—prisoners, nuts, lunatics, fringe people, taking taxpayer dollars to run for political office. We are not talking about solid candidates, who truly want to go out and solicit support, workers, and money, because they care about the country and want to run—whatever political party, or even if they are not a member of a political party and are truly independents. Those are not whom we are talking about. They will benefit, as we all will, but the process, or the country, or the Constitution will not benefit.

So I hope that the eloquent remarks and the leadership of Senator McCONNELL will be heeded and that we do not lose sight of the fact that this Constitution that we all swear to uphold will not be lost or diminished by passing a bill that would have this kind of impact on the American political process, and also on free speech. It would be a catastrophe, an absolute catastrophe.

Again, I thank my colleague for his leadership, and I mean that with every ounce of resolve in my body; how much we owe you for the courage and leadership you have displayed on this matter. It is unparalleled and unprecedented in all the years I have been here. I have never seen anything to equal the way and the intensity with which you have led this issue. We respect you very much for that, as you know.

I think it is pretty close to my time expiring. I yield to the Senator from Kentucky. How much time is remaining?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. McCONNELL. Mr. President, let me say to my good friend from New Hampshire that he has been overly generous in his kind comments about my work on this issue. I thank him for his support and contribution as well.

This issue has been a little bit like health care in the sense that it has been a learning experience. As we have each prepared to speak on the subject, everybody has learned a little bit more about this issue. It also has related the implications of this legislation to our own personal experiences, as the Senator has related so skillfully.

This is indeed about the first amendment, and we are certainly, as the Senator from New Hampshire skillfully pointed out, making no apologies for trying to stop this lousy piece of legislation. We are not apologetic. We are here gleefully pointing out to the public what was being attempted to sort of sneak through here at the 11th hour. We welcome the opportunity to discuss this at length with the American people.

So this debate serves two purposes. First, it helps bring about the demise of one of the worst pieces of legislation ever conceived by the mind of man. And it educates the public as to what this Congress may be contemplating on the way out the door—to set up a new entitlement program for us at the 11th hour when we know the entitlement commission, chaired by our colleagues from Nebraska and Missouri, are probably a month from now going to recommend that everybody else's entitlements be capped sometime in the future.

So it is extremely important to have this debate and, of course, we are prepared to have it two more times.

Mr. SMITH. I might say that the silence of the proponents is rather deafening in this debate, with the exception of our colleague, Senator BOREN.

Mr. McCONNELL. I expect their idea was to make us do all the talking during this 30 hours. That has been quite easily done. Who would have thought we would have had people backed up two deep to take the graveyard shift. There has not been one quorum call since yesterday, and there will not be until we finish this thing. A point we want to make quite clear is that this is lousy legislation. We are going to do everything we can within our power to stop it. I thank the Senator from New Hampshire for taking a rather early hour in participating in this effort.

I see our dear colleague from South Dakota on the floor to take his hour. Before he begins, I commend him for the role he has played in this. I recall, thinking back to June 1993, it was the Senator from South Dakota who said forcefully on the floor of the Senate that we should not let any bill out of the Senate that allows continued participation of political action committees because they are what is really wrong with the system and what the public thinks we ought to do something about.

The Senator from South Dakota offered the amendment to zero out PAC's for Senators and Congressmen. He made the case that if the public is so concerned about the so-called special interests—and we can have a big argument about what a special interest is. As several Senators said, a special interest is a group supporting my opponent in an election. Nevertheless, the perception is that special interests may have too much clout around here. It was the distinguished Senator from South Dakota who offered the amendment, who led the debate, and who provided the opportunity for the Senate version, at least, to zero out PAC's.

Of course, that has been the argument among Democrats for all this year. There has been a conference going on—kind of an unofficial conference of the majority here and in the House. They have been conferencing for 10 months. I expect at some point they may resolve their differences and try to drop something on us here at the end.

Let me say that but for the leadership of the Senator from South Dakota on the PAC issue, I think we would not be in nearly as good a shape as we are to stop this unfortunate legislation. I thank him for his outstanding contribution.

Mr. President, I yield the floor.

Mr. PRESSLER addressed the Chair.

The PRESIDING OFFICER. The chair recognizes the Senator from South Dakota.

Mr. PRESSLER. I thank my friend from Kentucky for his courage. His leadership here will long be remembered.

I did not speak during the graveyard shift, although I volunteered to do so. I have the relatively easy task of speaking at 8:10 in the morning. I thank him for such a civilized assignment. He has done a great job of fighting something that is hard to fight, because every Member of Congress and every Senator out on the campaign trail is for campaign reform. Everybody is for campaign reform of one sort or another. It is very hard for the public to know what is going on. I hope some people are listening to this debate because things are being explained here. It is very strange that none of the proponents, except one, has spoken. I think it is because they do not want to be identified with this piece of legislation.

Mr. FORD. Will the Senator yield?

Mr. PRESSLER. I prefer not to yield at this point. I will yield later on. The weight of what I have to say is so great, I would like to get it said and I will yield later.

The point I am making is that I think the proponents of this legislation are not proud of the piece of legislation as it has come back. That is why we just are hearing speeches from opponents at this time. I have material to present during my hour, and I will be glad to yield for questions at the end of my hour. But I am here this morning to present some ideas.

Let me say that in just looking at the clock, I see it is almost 8:15 here. It is about 6:15 in most of my constituency. I do not know how many people are up watching C-SPAN 2 yet. But if they are watching, I say that I think we need to look at the truth of this legislation. I think we need to look at what is really in it.

As happened with the crime bill, somehow across the country people found out what was in the crime bill. When I went home after voting against the crime bill, I was thanked by many of my constituents. I do not know if they got it from C-SPAN, or from Rush Limbaugh, or from the newspapers. But I was amazed at how much people knew about what we are doing down here. I am glad to see that. I hope they also look into this so-called campaign reform bill.

Mr. President, judging from press reports, the negotiations between majority party leaders in the House and Senate these past 10 months have centered on the matter of political action committees. More specifically, the question of whether to reduce the limits or eliminate them, as the Senate did when it adopted the amendment I sponsored last year, has tied House and Senate Democrats in knots.

Let me refresh your memory on the PAC issue for Members whose recollection of this issue may be a bit hazy. After all, 15 months have elapsed since the Senate passed its campaign finance bill and 10 months have passed since the House passed its campaign finance bill.

Members may recall that for several years now, Republicans have advocated eliminating PAC contributions for Senate and House candidates. Not the current $10,000 per election cycle under current law, not the $5,000 per cycle that Common Cause has proposed and admitted would have no effect.

We proposed zero dollars on this side of the aisle. We proposed eliminating PAC's entirely. That was my amendment so I know what it meant. I know the legislative history of it. We proposed that the practice the public most commonly views as an abuse would be eliminated. That legislation is a fact and it passed the Senate of these United States.

Many Members on both sides of the aisle voted for it. But then a funny thing happened over in the House. They changed it. They reinstituted PAC's. In fact, PAC's can be even stronger because you can just create more of them and they will contribute more. This is really an incumbents protection bill especially for Members of the House. It is not a reform bill at all.

No political action committee contributions to congressional candidates, period, that is what we suggested.

The majority grudgingly went along in 1990, inserting the Republican PAC-ban provision into this bill just before the Senate started debating campaign finance that year. The Senate again passed a campaign finance bill in 1991 which zeroed-out PAC contributions. When that bill was conferenced in 1992, the PAC's were back. President Bush vetoed that bill, so we revisited the matter in 1993. In June 1993, 15 months ago, the Senate passed a congressional campaign finance bill that zeroed-out PAC's. In November, 10 months ago, the House rejected the Senate's tough-on-PAC's provision and passed a bill that left the PAC contribution limit at the current $10,000 per election cycle limit.

Since then, according to press reports, House and Senate Democrats have been at loggerheads over what to do on PAC's. Senate Republicans believe very strongly that the political action committee contribution limit should be severely cut, even zeroed out all together. No bill is going to get past the Senate which does not eliminate PAC contributions. House Democrats, however, have become quite accustomed to heavy doses of PAC contributions in their campaigns, and do not care to give that up. Indeed, many House Democrats have as much as 90 percent of their total campaign receipts coming from PAC's, political action committees. That is why they do not want to give them up. The various business PAC's give mostly to Democrats because they are in charge around here. All the labor PAC's go to Democrats, liberal Democrats, and teachers' PAC's go to liberal Democrats. And that is a fact. It is very strange that Common Cause should be joined together—I shall talk more about that later—in the effort to preserve political action committees. We were ready to eliminate them. It was my amendment here in the Senate that abolished them.

Why can't we do that? That is real reform. Why don't we get it done today and then go on to do other things?

Mr. President, it was a formula for gridlock—among Senate and House Democrats. Senate Democrats wanted to do something on PAC's so that they could get their taxpayer-funded spending limits bill through the Senate. But, indeed, I think even the Senate Democrats will get much more PAC money had they known that their House counterparts were going to act in the fashion that they did. The House Democrats preferred to do nothing in regard to lowering the PAC contribution limit. Hence, the Washington Post headline last month: "Democrats Fail to Compromise on PAC Limits."

Common Cause was concerned that its taxpayer-funded spending limits bill was going to come crashing down because of the PAC issue. So Common Cause stepped into the breach with the unreform proposal: a $2,500 PAC limit. Common Cause proposed to House Democrats that they agree to split the difference with the Senate and lower the PAC contribution limit to $2,500. Still 2½ times more than an individual could give, but Common Cause believed this could get the campaign finance package through the Senate.

Despite the Senate's 86 to 11 vote last year on the Pressler amendment which zeroed-out PAC contributions for both Senate and House candidates, Common Cause thought the Senate would roll over and accede to a $2,500 per election, $5,000 per cycle PAC level.

Common Cause is urging House Democrats to swallow the $2,500 limit because it would not, in fact, be a bitter pill to swallow. As Common Cause's own communique to House Democrats dated June 29 states: "Adding a cut in the individual PAC limit to the bill would not have a significant impact on House Members."

Mr. President, I repeat: According to Common Cause, a $2,500 PAC limit would not have a significant impact. Moreover, Common Cause studied the House Democrats' PAC habit and found that "only 2 percent of House Democrats' total campaign receipts would have been cut" if the $2,500 limit were adopted.

We have the hypocracy of Common Cause and the Democrats in the House writing a letter saying: "This does not make any difference. You would only lose 2 percent of your money. Let us keep the PAC's anyway. More PAC's would be created with a 2-percent limit. You will have multiple PAC's. So what is the difference?"

In sum, Mr. President, Common Cause is urging House Democrats to go with the $2,500 limit because to do so would, in fact, be the same as doing nothing. It would be a ploy, the only purpose of which would be to fool the public into thinking that Congress was significantly reducing PAC influence when, in fact, it was not. That is what the whole campaign bill is a ploy to look like campaign reform but really it is an incumbents' protection bill, especially for House Democrats, and it is outrageous.

Now, I am not certain what House and Senate Democratic leaders finally agreed to on PAC's, but I just wanted to point out to colleagues that a $2,500 limit is not going to get a conference report out of the Senate.

Mr. President, for the information of viewers who probably have heard a lot about PAC's, I would like to provide some background. "Political action committee" is not a phrase found in Federal law. The phrase is used to refer to two legal expressions—"separate segregated fund" and "political committee"—depending on whether the entity is affiliated with a sponsoring organization.

Of the roughly 4,000 PAC's registered with the Federal Election Commission, nearly three-quarters of them are classified as separate segregated funds. Such PAC's are generally associated with organizations prohibited by law from making direct contributions to campaigns. However, these organizations—labor unions, corporations, and so forth—can pay for their PAC's administrative costs and overhead. These are also known as connected PAC's.

The PAC functions as a conduit for individual members of the organization to contribute to political campaigns. Members of labor unions, trade and health associations, and corporate employees are encouraged to make voluntary contributions to their group's PAC—separate segregated funds—which in turn makes contributions directly to political candidates.

The other one-quarter of PAC's are not affiliated with sponsoring organizations. These are "nonconnected" PAC's, defined by law as "political committees"—groups which raise or spend more than $1,000 in a calendar year. Whereas connected PAC's are required by law to limit their fundraising appeals to designated groups of people—that is, members or employers—nonconnected PAC's are not limited in whom they can solicit for funds.

Nonconnected PAC's typically are ideologically oriented and often single-issue groups.

Under current law, all PAC's are allowed to contribute to Federal candidates a maximum of $5,000 in primary elections and $5,000 in general elections.

Mr. President, speaking in a situation such as this, it is, indeed, unusual at this time of the day—let me say that when I was growing up I was a shy young man, and I would sometimes give my speeches with no audiences—and I look about the Senate and galleries I nearly achieved that. So you grow up to become a Senator where you can give your speeches with no audience, at least not in the Chamber, except for staff and probably at this hour of day even my mother is not listening, but I hope if citizens are listening they will understand PAC's and what is really going on here. Very few people understand campaign finance. Some people say that raising money for campaigns is a terrible business. Let me say it is a hard business. The part I least like about running for reelection is raising the money. I would rather not do that more than any other part of my job, and all jobs have some part of it that people do not like.

So, those of us in politics do not like to raise money. We do not get the money ourselves. It goes into our fund where it is regulated and reported and any reporter can write a story about any campaign report on any day of the week, and that is a fact of life.

But it is a sad fact. Somehow the women and men who run for office have got to raise money to communicate and to travel about their district. Even if you are just going to go around and give speeches, you have to drive from one town to another, you have to advertise where you will be to someone. You have to have someone to organize your meetings. You have to have some staff to help you do press releases. Even if you are going to run a bare bones campaign, you can spend a good deal of money.

There is also a lot of misunderstanding about campaign finance. For example, yesterday we had a nationwide story saying that a certain Congressman from Oklahoma was defeated and the person who ran against him only spent a few thousand dollars. But today I read in the morning paper that, in fact, if you counted the independent expenditures made against this Congressman, he probably did not spend as much in total as his opposition did. The independent expenditures are not counted in how much the candidate spends. So let us keep that in mind. There is a lot of falsity and a lot of misleading information floating around.

Now, the history of PAC's, which my amendment would eliminate:

While PAC's often are thought of as a recent phenomenon, in fact, they date back to the 1940's.

Labor unions, prohibited by law in 1943 from making direct contributions to candidates in Federal elections, began to establish separate segregated funds to conduct fundraising and contribution activities on behalf of their organizations.

Corporations did not follow labor's lead. Corporations had been prohibited since 1907 from making contributions to Federal election campaigns, and were reluctant to start PAC's.

In the early 1970's, a number of legal, judicial, and administrative actions occurred which resulted in exponential PAC-proliferation. Since passage of the Federal Election Campaign Act in 1974, the number of PAC's increased from 608 to 4,729 in 1992. Total PAC contributions to Federal election candidates increased from $8.5 million in 1974 to $189 million in 1992.

In 1992, PAC contributions comprised 24 percent of Senate campaign receipts and 38 percent of House campaign receipts. House incumbent Democrats' have been particularly reliant on PAC's to fund their campaigns. PAC's accounted for 52 percent of their campaign receipts in the 1992 election cycle, so House Democrats are understandably sensitive to the PAC issue.

INCUMBENT ADVANTAGE

PAC's are touted by their defenders as a means to allow individuals to get together and advance their collective interests in politics. Presumably, that would include supporting challengers. Yet, in 1992, in races where Members were up for reelection, incumbents received 86 percent of the PAC contributions—$126 million for incumbents versus $21 million for challengers.

Overall, PAC's distributed the sum of $161,095,460 to congressional candidates in 1992; $24,014,048—15 percent—went to candidates running for open seats. Thus the PAC's really just picked the incumbents they support. They do not care about ideology or anything. They just support whoever they think is going to win, and that is usually the incumbent in the House.

Since the 1970's, PAC's increasingly have funneled contributions to incumbents with little or no regard for ideology or voting records. Corporate and trade association PAC's give upward of 90 percent of their PAC contributions to incumbents. PAC's epitomize the perception of special interest influence that has eroded the American people's confidence in Government. That is why Republicans have led the fight to zero-out PAC contributions.

Mr. President, one of the reasons I voted last year for cloture and final passage of S. 3, the Senate's version of campaign finance reform, was the successful inclusion of my amendment which bans political action committees from participating in campaigns of candidates for Federal office. Unlike the original version S. 3, which only addressed PAC participation in Senate elections, my amendment banned PAC's from both Senate and House election campaigns. The original version of S. 3 was seriously flawed in my estimation because it banned PAC's only from Senate campaigns. I seriously questioned the merit of a bill that condemns a practice for Senators, but encourages it for House Members.

In the last several years, we have seen many bills in the Congress purporting to be campaign reform legislation. Simply because the media or some public interest group labels a bill campaign reform does not necessarily make it so. Often the use of this term involves considerable poetic license.

My amendment, which the Senate adopted, prohibited PAC's from participating in all campaigns for Federal office. The amendment provided that only an individual, or a candidate's committee, or a political party committee may make contributions, solicit or receive contributions, or make expenditures for the purpose of influencing an election for Federal office. PAC's would be outlawed from the business of political fundraising and contribution-making for Federal office.

I am convinced that when people say they want campaign reform, what they are saying is get rid of PAC's. PAC's are publicly perceived to be organizations with large amounts of money ready to be lavished on candidates for Federal office in return for access and influence with those receiving the contributions. PAC's are playing an increasingly larger role in the financing of campaigns for Federal office:

Since passage of the Federal Election Campaign Act [FECA] in 1974, the number of PAC's has increased from 608 to 4,729 in 1992; PAC contributions to

House and Senate candidates increased from $8.5 million in 1974 to $189 million in 1992; in 1974, 9 percent of winners in the House of Representatives received over half their funds from PAC's. In 1990, 55 percent of House winners received over half their funds from PAC's.

And, incidentally, those are almost all Democrats who run with the support of organized labor and the teachers unions and so forth.

PAC contributions as a percentage of congressional candidates' overall receipts in general elections has steadily increased every year since 1974, starting at 15.7 percent in that year to 33.8 percent in 1990.

In 1992, PAC's contributed 24 percent of Senate campaign receipts; In 1992, PAC's contributed 38 percent of House campaign receipts; In 1992, incumbents received 89 percent of all PAC contributions, $119,779,287 versus $17,302,125 for challengers; and corporate and trade association PAC's give over 90 percent of their money to incumbents.

With my amendment, all PAC's or segregated separate funds in the parlance of the Federal code, maintained by unions, corporations, trade and health associations, membership organizations, cooperatives, and corporations without capital stock—savings and loans/shareholder insurance companies—would no longer be able to participate in Federal elections. Also prohibited from participating in Federal elections would be nonconnected PAC's or those not affiliated with a sponsoring organization, such as Emily's List, the type of PAC which is comprised of ideological and single-issue interests.

So, Mr. President, what we are trying to eliminate is all these PAC's, and I have just gone through them. The Pressler amendment would have eliminated all PAC's. We passed it here in the Senate. The amendment's prohibitions included the segregated separate funds, in the parlance of the Federal Code, maintained by unions, corporations, trade and health associations, membership organizations, cooperatives, and corporations without capital stock, who can now have PAC's, savings and loans and shareholder insurance companies—all these entities would no longer be able to have their PAC's participate in Federal elections. Also included would be the unconnected PAC's, those not affiliated with a sponsor organization, such as Emily's List.

Let me say a word or two about this, another phenomena of this campaign reform bill. Regardless of what your position on abortion is, the proponents and opponents of abortion are treated differently in the Democrat's campaign reform bill. Let me tell you why.

There is an exemption for Emily's List from bundling. They can do as much bundling as they want. Emily's List is a feminist PAC or feminist organization, not necessarily, and it organizes bundling, that is checks are collected and gathered together and given to a candidate, but are reported as individual contributions.

Now the Right to Life organization, on the other hand, will be prohibited from bundling. They could go out and do that. And why is it that the extremely liberal Democrats are treating the proabortion forces in a more favorable way than they are the antiabortion forces? I would say that whether if you are for or against abortion, this Emily's List exemption is something that you should look into.

I have grown a bit weary of the liberal Democrats preaching morality and preaching campaign reform when in their own bill, they are doing something very unfair to a group that they do not agree with, namely, the Right to Life group. But Right to Life is treated exactly the opposite as Emily's List. Emily's List has the reputation as the most so-called feminist and so-called proabortion group in the United States. And that is all right. It has every right to exist.

But why is it treated at a different level than Right to Life? Can anyone tell me? I think the answer is because Emily's List propounds those beliefs that are held by the extreme left in the Senate of the United States. That is the truth of what is going on here. That is what I mean. This whole thing is a sham. This whole campaign reform bill is a lot of nonsense. It is an embarrassment to the Senate, and several newspaper editorials have said that. It is an embarrassment that we are standing here talking about this legislation because it is not a reform bill at all. It has been manufactured by the very liberal incumbers to protect themselves and their friends in the PAC community.

My amendment the Pressler amendment, redefined political committees so that only the campaign committees of candidates and National, State, and local political parties could make contributions or solicit or receive contributions or spend money to influence Federal elections.

The amendment contained a provision that should a ban on PAC's be determined to be unconstitutional, then PAC contributions of $1,000 would be allowed. This is the PAC contribution limit suggested by President Clinton during the campaign.

In the last Congress, this body passed a so-called campaign finance reform bill, S. 3, the Senate Election Ethics Act of 1991. It passed on a 56 to 42 vote. I voted for it. One of the reasons I did so was because it eliminated PAC's, using virtually the same language as my amendment. Unfortunately, when it returned to the Senate after the House and Senate conferees were done with it, the PAC elimination provision was dropped.

I am afraid history is about to repeat itself. The current House amendment to S. 3 guts the original Senate-passed language, which included the total ban on PAC's, and inserted its own language, which continues to recognize PAC's. President Bush vetoed campaign reform legislation that failed to ban PAC's, and I supported him in the Congress' unsuccessful attempt to override his veto.

The public is wary of the perceived influence generated by the large fundraising power of PAC's. Big financial contributors are suspect. My amendment called for us to do only that which this body did in the last Congress—get the PAC's out of elections and give back to the people their elected representatives. Let us give the American people the action they want—a complete and total PAC ban.

We have been on this issue for a long time now. My colleague, Senator McCONNELL, has been one of the great leaders on this issue over the years on this side of the aisle. I appreciated his assistance in developing the PAC ban amendment. I hope my Senate colleagues will continue to support elimination of political action committees, and hold out for a bill that does so.

DIVERGENT VIEWS

As I noted earlier, Senate Republicans have led the fight to ban PAC's. Democrats, recipients of two-thirds of the PAC money in congressional elections, did not address the issue until 3 days before the Senate debate on campaign finance reform was scheduled to commence in 1990. At that time a new Democratic reform bill, which included the Republican PAC-ban, was announced by the majority leader.

After years of pushing bills designed solely to seize the high ground on the reform issue—secure in the knowledge President Bush would veto taxpayer funding and spending limits—Democrats are now in the position of formulating a bill they can live with after Bill Clinton signs it into law. That may explain why, early in 1993, the PAC-ban provision Senate Democrats so belatedly included in 1990, had disappeared.

So the point is, in this whole charade that is going on, the Democrats said they were in favor of banning PAC's when they had a bill that they knew the President of the United States would veto. But now they have a President of the United States who will sign the bill so they have changed their position completely. It is such hypocrisy, and it should be exposed as such.

Just prior to the May-June 1993 Senate floor debate, Democrats included a flawed PAC contribution ban in their bill. My amendment, adopted before final passage of the bill, strengthened the provision.

After the bill passed the Senate, the Speaker of the House of Representatives announced that the PAC contribution ban was not acceptable, and

Senate and House Democrats have been squabbling about it ever since.

So suddenly the Democrats changed their position entirely. They said that a ban on PAC's is fine. They all voted for it. But, as soon as President Bush left office and was no longer there to veto the bill because of taxpayer financing and other things—and I will talk about taxpayer financing of campaigns—as soon as he was gone, they suddenly changed their position.

Mr. President, the Senate had better stand firm on the PAC ban issue or an already bad bill will be made a whole lot worse. I cannot support campaign finance reform legislation which does not take so basic a step as eliminating PAC's.

Another serious problem with the House-amended Senate bill is its creation of a loophole for Emily's List, a special type of PAC that specializes in bundling for a particular type of candidate. Emily—the acronym for "Early Money is Like Yeast"—List was founded by IBM heiress Ellen Malcolm, who also was a paid staffer for Common Cause from 1970–75.

According to the Almanac of American PACs: 1992, Emily's List only supports a candidate who can satisfy the following five conditions: Is female; is a Democrat; supports the equal rights amendment; supports abortion rights; and demonstrates a reasonable chance to win.

Now, to me that, as a white, middle-class male, if I may, if it is not politically incorrect to say that, I do not know if we have any rights left in this country, but that seems to me a very strange set of criterion for a group that calls themselves liberal.

The Almanac goes on to describe Emily's List as a "contribution bundling" operation. Bundling is a way for political contributors to magnify their clout by presenting a candidate with more contributions than they would be able to contribute on their own due to Federal campaign contribution limits on individuals—$1,000 per election—and PACs—$5,000 per election.

Bundlers, like Emily's List, solicit campaign contributors for donations and have the contributors make out their checks to the candidate, but instruct the contributors to send or deliver the checks to the bundler, so the bundler can present the checks to the candidate.

This bundling is what the very liberal Democrats are so good at. They do this with one hand while working for campaign reform with the other, and then they put an exemption for Emily's List in the campaign reform bill. It is absolutely amazing.

The Senate-passed campaign finance bill restricts bundling by requiring the bundler to count toward his applicable contribution limit any checks bundled for candidates. The House bill also contains the restriction, but makes an exemption for nonconnected PAC's. Nonconnected PAC's are PAC's that are not connected to a corporation or union. They usually are ideologically oriented.

The House campaign reform bill is nothing like the one the Senate passed. Both are bad, but there are big problems with the House bill. First, it does not get rid of PAC's like the Senate bill proposed because of the Senate's adoption of the Pressler PAC ban amendment. And second, it allows bundling by special PAC's like Emily's List. The Senate bill does not give Emily's List any special treatment when it cracks down on bundling.

Bundling, the practice of collecting a lot of campaign checks and delivering them to the candidate, is bad because it makes the bundler seem more influential than he, she, or it really is. Bundling buys more influence with the candidate, far more than the contribution limit the law puts on people and PAC's.

In other words, I can go out and get 40 checks for $1,000 for a certain candidate, put them in an envelope, take them and hand them to the candidate. This is bundling. And that is an immense potential power. And Emily's List is exempted. Whether bundling should or should not be right is not the point I am trying to make. I am trying to make the point that the very liberal Democrats preserve bundling rights for groups that support them the most, such as Emily's List, and eliminate, as I have said, other groups that do not support them, such as Right to Life. Whether you are for or against abortion, it is unfair to have the most proabortion group in the country free to bundle checks for their candidates while Right to Life if prohibited. Why so? Where is the sense of fairness here in this sham called the campaign reform bill?

The exception for Emily's List is hypocritical. Why is bundling bad for everyone except Emily's List? Apparently the Democrat liberals who control the House of Representatives like this group because it backs only Democrats, women, and candidates who are proabortion.

If this nonconnected PAC loophole survives the legislative process and is enacted into law, it would be a travesty in the campaign reform process. Connected PAC's might try to reorganize themselves as nonconnected PAC's so that they, like Emily's List, could remain in the business of contributing big amounts of money to political candidates.

The two major campaign reform watchdogs, Public Citizen and Common Cause, have come out against the Emily's List loophole, as has National Right to Life, the New York Times, the Washington Times, and the Washington Post. The Congress should not allow this loophole to stand in any campaign reform legislation it passes.

The last point I would like to raise at this time against the bill is the matter of public financing. The House proposes to provide communication vouchers to candidates who comply with voluntary spending limits. These communication vouchers would be reimbursed by taxpayer dollars from the U.S. Treasury. Even the Senate bill has some modest public finances in the form of postal rate subsidies.

Less than 20 percent of my fellow South Dakotans allow tax dollars to be used for public financing of Presidential campaigns. This money is designated when you check off on your income tax return tax money to be used for the Presidential campaign. In my State, only one-fifth of the people check the box on their returns. It is about the same around the Nation. That means people really do not believe in this business of taxpayer's money paying for campaigns.

We do not want Government-run campaigns. That would set up more Federal bureaucracy. The Federal bureaucrats decide who gets the money. That is what this is leading to. That is in this bill that is on the floor. You cannot convince me that expanding the taxpayers' subsidization of political campaigns to Senators and House Members will increase the sentiment of my constituents to underwrite the campaigns of politicians. Most likely the percentage will plummet further as the folly of spending scarce public resources on nonessential purposes is realized.

My mail from constituents does not tell me to spend more tax dollars to finance campaigns for politicians running for office. The letters say cut spending, pare back nonessential programs, and do not raise taxes. I am following my constituents' wishes by not supporting a campaign reform bill that would have precisely the opposite effect.

Let me say this. Basically, I believe in less Federal Government. If the States want to do more, fine. If local government wants to do more, maybe it is necessary. Indeed, I feel that the Federal Government is an intrusive presence on many of the activities of the daily lives of farmers and small businesses and teachers and citizens in my State.

Let me also say that I believe in taking care of people, helping those who need help, and I believe strongly in assisting the very poor and the disadvantaged. But most Federal programs do not do that. In fact we had all those war-on-poverty programs in the 1960's. And I remember them well, because I was one of those who was hopeful they would work. None of them have worked. There are just as many poor people now, on a percentage basis, probably more. We have just institutionalized the problem. And all of those programs were failures, if you really analyze them through to the end, because nothing has changed. It has aggravated the situation.

Now let me be perfectly clear. I will not support a final campaign reform bill that does not eliminate PAC's or one that contains public financing or establishes protections for certain groups like Emily's List. PAC dollars, tax dollars, and special favors are not campaign reform. They never will be. If a conference committee sends such a bill to the Senate, I will oppose it.

I am hopeful that we will be able to develop a bill that resembles real campaign reform, one that bans PAC's, does not rely on public financing, and is fair to all. We must do better than we are doing today.

Mr. President, let me make an observation here. Let me make a humorous observation, if I may. As I said earlier, when I was a little boy I was somewhat shy of public speaking, so I became a Senator where I could speak when nobody was listening—virtually nobody in the Chamber, or the press galleries. Maybe my mother is listening in South Dakota. It is now about 7 o'clock out there so she is probably awake. But I hope other people are listening, because this is a very important subject and nobody understands or wants to understand what is going on with campaign reform.

As I said, somehow the people of this country found out what was in that crime bill that we in this Chamber passed; but I voted against it, and people were aghast when they found out what was really in that bill.

Let me say that I am in a position to say that this campaign reform bill is in the same category.

Let me add some quotes from some articles and editorials that have come our way.

From Forbes magazine:

> The Senate-passed campaign finance reform bill is a fraud. It is nothing more than an incumbent protection act * * *.

That is from Forbes. Maybe we would expect that from Forbes. Somebody would say, well that is probably a business magazine.

Here we have the New York Times. A liberal paper. Unapologetic, politically correct. I could not criticize the Times. I read it every day. It is a fine paper. Its editorial page is unapologetically liberal and politically correct, as we say in our time. I think their publisher says that, or they are just very open about it. Good for them. At least they do not try to be in one place and say another thing in another place.

That is another aspect about this Chamber and about politics in America today: Everybody goes home and says they are for campaign reform. But here in Washington, DC, they support a bill that is not campaign reform. A lot of people talk differently in politics than they vote.

Now, for example, the best way to get elected and reelected to the House or the Senate is to vote extremely liberal, to stay close to interest groups that are very liberal. But back home, talk conservative.

That is the formula. It is very dangerous to remain a Member of this body, to vote conservative, and to talk conservative, because if you vote conservative you are going to lose the support of all of the PAC's and of all of the special interest groups. Your voting record is sent around during elections. They say you voted against everybody. You voted against the Government employees; you voted against building a new dam; you voted against these various things.

But conservatives are for a lot of things that are needed. Conservatives are not just against. We are positively for State and local government taking actions on needed projects that are recognized by the local people as needed. We are not for intrusive Federal Government. But that is the formula that is used. It is absolutely phenomenal.

The way to get elected and reelected to Congress, generally speaking, is to vote very liberally, deny it back home, talk conservative. That way you get the financial support of the special interests, and an amazing amount of money.

People assume you are pretty conservative from your speeches—that is exactly what is happening in this particular bill. People are talking about campaign reform back home, but they are supporting a bill here that has no reform in it, but just protection of incumbents. The New York Times wrote about Emily's loophole. I already talked about that here today, bundling. How they gave an exception to this proabortion group, while not allowing Right to Life to have it. I think we should be well aware of that.

Next, an editorial entitled "Emily's Lesson," the Washington Post. Another story of how the liberal Democrats want to exempt their groups, their favored groups, without allowing the more conservative groups to have the same exception. And by the way, I do not think either group should have that exemption. That is neither here nor there. "Partisan Campaign Finance Reform," another fine editorial from the Washington Times.

Next we come to the Chicago Tribune, "Campaign Finance Reform, No Friend of Democracy." It tells about how the U.S. Senate is in one of its periodic attempts to banish public cynicism about campaign financing without banishing any of the fortunate souls now installed in the U.S. Senate which has approved a bill. Majority Leader MITCHELL said we will reduce the money in Federal election campaigns, and so forth.

Next we have an editorial from "Roll Call" about ditching the spending limits. It goes on and on.

So, there are, across the country, some people catching on to what is going on here. There are some people who know what a sham this whole thing is. But I do not know if the general public does. And that is part of the purpose of this debate, to make an effort to cry out with some facts about how Emily's List is treated differently than Right to Life, for example. And about how public financing is coming in the door with this, while people are told back home that that is not the case. The business of saying one thing, in Washington, DC, and saying something else back home. That is what this is all about. So we are trying to say what it really is.

I have an editorial entitled "Common Gridlock." We talked a little bit about Common Cause and I want to say a few words about our good friends at Common Cause. They would purport to be a bipartisan, fair group. But they are extremely partisan. They support and are in collaboration with the liberal Democrats, and the liberal elements of the press. And they have become a fraud in this whole process.

I very much admire a Senator from North Carolina, a Democrat, who has now departed this body, but at one point he was chairman of a committee that had some dealings with Common Cause. Even he wrote them a letter and told them what a sham they were.

Now, people receive mail in my State from Common Cause. It says "Congress up for grabs to the highest spenders." "Congress for sale." "Special interests corrupting the U.S. Congress." "Flood of special interest money keeps Senate from solving pressing problems." This is the kind of terminology Common Cause mails out.

Those words and similar ones have been brought to your mailbox courtesy of Common Cause, the self-appointed, self-anointed citizens' lobby which is again seeking to scare and bludgeon Congress into passing its version of campaign finance reform. And now, for the fourth Congress in a row, the prospect is of that happening.

The point is, this article is an exposé of what Common Cause really is, an exposé that states it is not the public interest group that it claims to be, that in fact it is aligned with the very liberal Democrats, and that is all there is to it. And we should remember that as we go along.

We have a number of other editorials here. From the Chicago Tribune—the campaign finance ruse—which points out what a fraud this whole debate has become in the Congress. Where a bill is put up which will protect the incumbents, and which has nothing to do with reform, and how the citizens of this country are being fraudulently misled.

Larry Sabato, the leading political scientist in Virginia, says this about campaign reform: "Beware the election reformers." Starts out "fraudulent, deceitful, dangerous, nonsensical." These are a few of the printable words to describe the campaign reform package. That is an interesting article, because the academic community is starting to chime in a little bit, although I wouldn't be too hopeful about them.

Mr. McCONNELL. Would the Senator yield?

Mr. PRESSLER. Yes.

Mr. McCONNELL. Virtually everyone in the academic community shares our view of this bill. It is very, very, difficult to find any academic in support of this bill. So it is not an overstatement when the Senator says that the academic community is overwhelmingly in our corner on this issue.

Mr. PRESSLER. I thank my friend very much.

I think that is significant. The academic community is generally thought to be liberal Democrat, to put things bluntly, and even they say this bill is a sham. That is even further evidence that it is.

Of course, we have here George Will, we have a number of other people, and so forth.

So, Mr. President, I believe I will start winding up here, summarize a little bit. I know that the other Senator from Kentucky had asked me to yield for some questions, and I would be glad to yield to him for questions but not to give up the floor. I did not mean to be disrespectful. When another Member asks to yield for questions, I normally yield. But I did not because I wanted to make my presentation first.

Let me summarize by saying that I am in favor of campaign reform. But that is the same sentence every Member of the House and Senate will say. It is fine with me. The part of my job I like least is raising money. I yearn for the day when I can sign my last FEC report, and close my committee down. That is going to be one of the happiest days of my life when that comes, when I finally can stop my campaign committee, and when I no longer have to have a campaign fund to pay for legitimate expenses. I am absolutely tired of the FEC. I spend thousands of dollars a year meeting FEC regulations and requirements. At any minute, I could be sued by somebody, I suppose, for making some little mistake in my FEC reports. This is the most unpleasant part of my job. But I do not know what to substitute for it—certainly not this piece of legislation. Am I going to say the taxpayers should pay for my campaigns? No. That is what this bill says. Am I going to say PAC's should pay for my campaigns permanently? No. That is what this bill says. Am I going to say that some very liberal group such as Emily's List can be exempted from bundling? No.

So, Mr. President, that is where I stand. I repeat my offer to the other Senator from Kentucky, if he has questions. He came on the floor and tried to ask me a question earlier, but I was presenting some material and I wanted to finish it. I did not mean to be disrespectful to him. I would be happy to engage in questions and answers with anybody, provided that I do not have to yield the floor.

So, Mr. President, let us go forward and say in Washington, DC, the same thing that we say in our campaign speeches back home. I will be returning to my State in October—I am not up for reelection this year, but I am going to be about my State and having receptions for State legislative candidates, and I am going from county to county trying to help them. I hope I do not hurt them too much. I will campaign for members of my party in our State races. I spend time every 2 years volunteering my services to any county organization in my State. They usually invite me, but I emphasize that anybody who has Washington tags on them might be more harmful than helpful in terms of endorsing candidates.

Nevertheless, I will be holding open meetings in my State. We have a small population, compared to some other States and, therefore, citizens can directly speak with their Senator and can come to meetings and ask questions. Perhaps our meeting agenda and questions and answers is more exhaustive than some of those from larger States where it is almost impossible to reach a very big portion of the population. I shall be telling them the truth about this campaign reform bill. I will be telling them the truth about what is really going on here.

We have a phenomenon in my State in that the leading chain newspapers are extremely liberal. They praise liberal politicians and they praise liberal ideals. By "liberal," I mean in the partisan sense of it, because we are all liberals when it comes to human rights and some other things. It is in the modern political science sense that I am using the term. I do not know the reason for their liberalism. Maybe it sells more newspapers. But these papers do not tell the truth. They do not publish voting records on the Members of Congress because they want to protect liberal Democrats who are incumbents.

This campaign reform bill is yet another extension of that protection of the liberal Democrat incumbents. It is an extremely amazing thing how all these interest groups work together, such as Common Cause, the left-wing of the Democratic Party, and the interest groups that give them so much money. So we are in a situation where we are trying to use these speeches to educate anybody who will listen and to let them know what is really going on here in this Senate of the United States.

I will close by thanking my colleague from Kentucky for this effort. I think it is a very important event in our Nation's history that we work on campaign reform, real campaign reform. I do not believe there has ever been as skillful a parliamentary maneuver as the Senator from Kentucky has devised at present to allow us to use our time discussing in a concrete way the reforms we very much need.

I know my friend from Indiana is waiting to speak, so I will wrap up here. I thank the Senators who did the graveyard shift, because they contributed a great deal. I hope that the citizens of our country will hear us out. I know the national newspapers are going to all report and have headlines that the Republicans are blocking the campaign reform bill. We are not blocking a reform bill. We are blocking this bill which is not a campaign reform bill. The ban on PAC's came from the Republican side of the aisle. We sponsored a real campaign reform bill. But there is not one before us today.

(Mrs. BOXER assumed the chair.)

Mr. PRESSLER. Madam President, I yield to my friend from Kentucky.

Mr. McCONNELL. Madam President, before my friend from South Dakota leaves the floor, I thank him for his important contribution to this discussion, not just in the past hour but over the years. I will remind our colleagues once again that it was the Senator from South Dakota who offered the amendment that abolished political action committees. He has been our leader in attempting to abolish, or at least diminish significantly, the significance of PAC's, and I commend him for his statesmanship in that regard.

Of course, as the Senator from South Dakota commented at the end of his remarks, we are proud to be here today to let some light shine on this bill. We have two goals. One is to kill this unfortunate piece of legislation, to drive a stake through its heart for one last time after 7 long years. And also to inform the public what is being perpetrated here at the 11th hour—a new entitlement program for us, at taxpayer's expense, here at the 11th hour.

I see my friend and colleague from Indiana here. We welcome his participation. I say, as I yield the floor, that we have more speakers than we have time for. We are getting additional calls now that the sun has risen. We will try to accommodate as many as we can as we finish up the 30 hours.

I yield the floor.

Mr. COATS. Madam President, I want to repeat the phrase that has been deservedly given to the Senator from Kentucky for his prodigious efforts on this important piece of legislation. I doubt if there is an individual in America that is better versed in the entire subject of campaign finance than the Senator from Kentucky. He has displayed a mastery of this subject that is seldom seen on the Senate floor. He knows the intricacies, ins and outs, ups and downs, and he has been a persistent, tireless, champion of reform in the correct sense and a persistent, tireless, opponent of the so-called reform that I think he so aptly describes as a new entitlement program, which is for a very special class. It is an entitlement program not for a group of Americans perhaps suffering from some concern that Congress could address, but an entitlement for the 535 Members of the U.S. Congress, paid for by the American taxpayer.

I commend the Senator as he leaves the floor for his efforts in arranging this opportunity for Members of our party to stand and, at length, support his efforts and point out to the American people just what the U.S. Congress and Senate is attempting to do in the waning hours of this, the 103d Congress.

We only have a couple of weeks left, or so, before we adjourn for the campaign. There are important appropriations matters that need to be dealt with before we adjourn. Those are the items that we ought to be discussing here on this floor. But to bring this bill to this floor at this time, so that a claim can be made that the Congress has responded to the will of the people, the cry of the people for reform, I think is perpetrating something on them that they are going to find out is not what they had in mind when they asked for a change and reform in Congress.

Throughout our Nation's history, indeed throughout the entire course of human events there has been enthusiasm, moral fervor, and most of all, the passionate conviction that this program, or that program, or this policy, or that policy, is going to save the Nation, is going to save the world, is going to save and solve the problem that exists. And so it seems that every other major piece of legislation that comes before us has the word "reform" in it. Somehow, if we can just insert the word reform into the title of a bill, then it is viewed as good Government; it is viewed as Congress being responsive to the needs of the people; it is viewed as an effort to bring about a transformation of existing policies and imposing new policies, which new policy will right the wrongs of the past.

But as philosopher George Santayana said: "Ultimately, it is all fraud." In his famous work "The Life of Reason" he wrote:

> A thousand reforms have left the world as corrupt as ever. For each successful reform is founded a new institution, and this institution has bred its new and congenial abuses.

Around the turn of the century, reform movements in New York were so popular they led to the formation of what were called good government clubs. Later, however, after these so-called good government clubs were formed, and in themselves became institutions, they became better known by a different name, a slightly more disdainful name; they were referred to by New Yorkers as the Goo-goos, or the Goo-goo clubs.

Madam President, we have seen a lot of goo-goo reform come out of this session of Congress and so-called reform come out of this administration and its agenda, and the leadership of the Congress. We have had health care reform. We have had the promise but not the reality of welfare reform. And we have even seen, I believe, what could be characterized as foreign policy reform. In every instance, what may have been a good idea has been transformed into the kind of reform that Santayana says "simply breeds and founds a new institution which will in itself breed new abuses."

Usually when reform bills are presented, we find that once we get beyond the rhetoric, the promise of change, the promise of reform, we end up with a bill that not only corrupts its original intent but ultimately, and almost inevitably, increases the power and the authority of the Federal Government, threatens individual freedoms guaranteed by the Constitution, and drains from the American taxpayer millions of dollars in new subsidies to fund reform.

We spent a considerable amount of time this year discussing health care reform. The promise of health care reform and the rhetoric of health care reform was that every American would have a little plastic card to carry around in their pocket, and that plastic card would simplify their life; that plastic card would guarantee them better health care, and provide it in a more efficient manner, provide it in a more cost-effective manner; we would remove from current health care system all the abuses and all the inefficiencies and all of the inequities, and the provision of this little plastic card would give Americans a reform they have been looking for in health care.

So the rhetoric and goals, as outlined by the President in his address to the Congress, were goals which we all applauded. But then the reality hit. The reality was a monstrosity of a piece of legislation, weighing 14 pounds, containing 1,300-plus pages of what this so-called reform was supposed to be. As we examined that legislation and all of its variations, we discovered that Santayana's words were prophetic indeed, because that reform founded not only a new institution; that reform expanded the role of Government in the lives of American citizens and in directing the economy of this country in an unprecedented way, in a manner that has never been attempted before, 50-plus new Government bureaus and agencies, 270: some new duties and responsibilities mandated to the States, 870-some new duties and responsibilities for the Secretary of Health and Human Services, 71 new duties and responsibilities for the Secretary of Labor. It was almost incomprehensible to imagine the number of agencies, the number of new Government bureaucrats, the number of new Government functions that would have been created under this legislation all in the name of promising simplicity, all in the name of promising cost-effectiveness, all in the name of guaranteeing new rights, yet at the same time denying freedom for tens if not hundreds of millions of Americans.

So that so-called reform which came ironically at a time when there was a growing consensus among both liberals and conservatives, Democrats and Republicans, that the last great social reform experiment, welfare reform, was now a dismal, utter failure. Instead of promising freedom to individuals caught in the trap of poverty, welfare reform has created a whole new class of dependency.

I am not here this morning to talk about the failure of welfare. That is a program that has not lived up to its promise or produced the desired results and, in fact, created as many problems as it solved, and that is something this Congress will have to address.

Nor am I here really to talk about health care reform because we have spent a great deal of time doing that and I have tried to be outspoken in support of meaningful changes in our health care system that will bring efficiency of service and delivery of health care to 255 million Americans, but in opposition to the gargantuan monstrosity that was presented to us on this floor based upon the premise that somehow Government, the infusion of Government oversight, an infusion of Government bureaucracy, was going to bring about more efficiency in our economy; that we could carve out 15 percent of the current economy, market-based health care system that operates in this country—we could carve that out. And if we put Government bureaucrats and the Congress in an oversight position, in a regulatory position, we could make this system work better.

I raised the question to Mrs. Clinton when she came before our combined meeting with the Senate Finance Committee and Labor and Human Resources Committee. I said: Mrs. Clinton, what you presented here appears to me to be based upon some false premises. It is based on the premise that Government is more efficient than the private sector. Yet, I cannot think of one Government entity that performs a service for the American people more efficiently than the private sector when the two are in competition.

I said: Perhaps you can name one for me, but in my review of the services that are provided by this Government in comparison to a comparable service provided by the private sector, I cannot think of a comparable situation. Nor can I come up with a Government service that is more cost effective in delivering that service.

We have a history in this country of creating Government programs with a promise or a projection that the expenditure will be a certain amount and cost to the taxpayer, and yet the reality is that that expenditure generally exceeds the promise by a multiple of several times over what was anticipated.

I gave her some examples and suggested that perhaps she knows of a program where Government has met its goal of delivering that service and met and retained the cap on cost that it had promised to the American taxpayer. Every bill that comes before us, we get these projections from the Congressional Budget Office and the Office of Management and Budget that will say this will only cost the taxpayer x dollars. And yet, as we go back and review these programs, we find that the cost inevitably escalates far beyond our original projections.

The other problem that I pointed out to her is that Congress is a political body, and as a political body it is subject to the inevitable temptations of yielding to outside pressure, outside interests, of adding to what was originally intended because we love to say yes and it is difficult to say no. It is a lot more fun going back home to your constituents and saying: Yes, I heard your request and yes, I think we can deliver.

It is not fun at all to go home and say: Yes, I heard your request but I know we cannot deliver. We do not have the funding, so we will have to raise your taxes.

Because we have the ability to float debt, we are in the unique position, unlike any other institution in the world—the American family, American business, universities, any other institution—every other institution knows that when it goes into debt, it inevitably has to pay that debt, and that interest cost is going to mount, and too much debt will bring down the institution.

Only Government has the ability to go into the basement and print more money and float new debt and postpone a day of reckoning—beyond what? Beyond our political careers, beyond the next election. So now we stand at a $4.6 trillion national debt. That is going to have to be paid someday by our children or our children's children. And it is going to stifle and crimp and deny the ability of the American economy to be a vibrant, healthy, dynamic, growing economy as we become saddled more and more with debt and more and more with debt created by entitlement programs that this Congress enacts.

So now we are looking at a brand-new entitlement program, an entitlement program that seems to me to be the most outrageous use of all entitlement suggestions. This is not an entitlement program for a special class of American people, unless there is just one very unique special class that is going to benefit from this entitlement program, and that unique special class happens to be the 100 Members of the U.S. Senate and the 435 Members of the U.S. House of Representatives.

What a gift this would be to the Members of Congress, particularly the incumbents, who now will no longer have to take their case to the people that they represent to fund their elections, but can simply draw on the Federal Treasury of money extracted from the American taxpayer to finance their political careers.

Now, as we have learned with all other entitlement programs, once you create an entitlement, a lot of people want to take advantage of that entitlement, so there is going to be a proliferation of candidates running for office because there is a pot of gold waiting for those who put their names on the ballot. That pot of gold is a pot of gold created by the taxpayer, put into a fund, and then drawn on by those seeking office.

Of course, the beauty of it all is that the incumbents, those who are already well known, who have established their name identity with the people that they represent, will be matched with individuals who do not have that name recognition, who do not have the opportunity to be on the evening news and to be quoted and to have the taxpayers fund their visits back to the State and their meetings throughout the year with the Rotary Club and the PTA and the Good Government Club, and the various other functions that we attend.

So they have already a built-in advantage, and now the expenditures are going to be equalized between the candidates, and those whose salaries are paid by the American taxpayer are going to have their campaigns, their campaign expenses, paid as well. It is the ultimate in entitlements.

In 1991, in testimony before the Rules Committee, an official of Justice Department made the following point, which I believe should be the guiding principle of any bill that purports to reform campaign financing, and I quote him:

> It should never be forgotten that by protecting robust debate and broad criticism of competing candidates, the first amendment was the most important electoral reform ever enacted.

And yet, in the bill before us, the so-called reform contained in this bill desecrates the first amendment and every American's right to free speech. Under this bill, any candidate who chooses to exercise his right not to participate or to spend over the limit, any candidate who chooses the right to seek financing outside this system that exceeds the limit, that candidate would not only be deprived of the taxpayer financed benefits his opponent would receive—communications vouchers, reduced mail rates, super broadcast discounts—but that candidate would also be subject to a series of punitive provisions that I believe violate the first amendment. Let me name some of them:

The so-called scarlet letter disclaimer. Any candidate who declined to participate in the entitlement scheme of having the taxpayers finance their election would be forced to run a disclaimer at the end of every political ad, and that disclaimer would read: This candidate has not agreed to voluntary campaign spending limits.

The clear implication is that if you extracted from the taxpayers money to pay for your campaign, you are a model candidate, you are a good citizen, but if you paid for your campaign through legitimate donations from your contributors, you are somehow a shady character. Because at the end of every ad, you would have to say, and this would have to be stated: This candidate has not agreed to voluntary campaign spending limits.

Why not put a big "V" on their chest as they campaign throughout the district; "Violator, violator; this person decided to fund the campaign from contributions of the people who elect him instead of taking it from taxpayers all over the country."

If I hear one thing more than any other statement about the so-called campaign financing paid for by the taxpayer, it is people that come up to me and say: I will be darned if I am going to have my hard-earned money used to finance a campaign of Senator So-and-So or Congressman Such-and-Such. I do not agree with one thing that persons stands for. If I lived in his State, I would move. You mean to tell me that you are going to pass a bill that would require me, would force me, to take the money that I earn and give it to Candidate Such-and-such? I would rather go to jail than give that candidate money. I will give money to whomever I please, whomever I want to support, the person that I believe best reflects what I believe in that will carry my message to Washington. I will be darned if I am going to send my money to someone who is going to go there and speak exactly what I do not want to hear and stand for exactly what I do not want to believe and pass legislation that I do not support. That is my right as an American. How can you take that right away from me?

When all else is said and done on this legislation, when we finish talking about PAC's and about soft money and about everything else, it ultimately comes down to are we going to force the American taxpayer to pay for the campaign of someone that that person does not support, does not believe in, and does not think ought to be a Member of this Congress. That is what it ultimately comes down to. That is the fundamental question we are debating here.

That is why Republicans are staying up all night working graveyard shifts to use any possible device that we can to explain this to the American people and to say, "No, we, as a party, do not stand for the principle that the taxpayer is going to be forced to fund a candidate that they do not support."

That is the bottom line. That is what this is all about. That is why we are here and that is why we will stand here and talk until we absolutely have no other option, until it is taken away from us, until it is ended. We are going to talk and talk and talk, because this is an outrage that is being perpetrated on the American people, and the Republican Party does not support it and will not support it, and we will do everything we can to stop it, even if it kills the bill that sounds good—campaign finance reform. But is a rotten piece of legislation.

Well, I was talking about the desecration of first amendment rights. You know, this bill also directs the Federal Government to counteract those who exercise their own first amendment rights to speak out against a candidate that they do not support by underwriting their opponents response.

Yes, you heard me right. This bill requires that if a candidate does not abide by the provisions of this law and decides not to take taxpayer funds to fund his campaign, this bill provides that the taxpayer has to underwrite his opponent's response. It almost defies credulity here to think that not only are we going to require individuals to fund campaigns of individuals they do not support, but if the person they do support decides that he is not going to participate in this forced extortion of funds from the taxpayer to pay for Federal campaigns, that their money has to be used to pay for the response that the opponent gives to the ads or the campaigning of the person they do support.

This bill tramples on political speech protected by the first amendment. It tramples on the tenth amendment by proposing Federal regulations in virtually ever aspect of State party activity undertaken during a Federal election. This bill, like health care reform, like welfare reform, will not work because the bill accomplishes none of the stated objectives.

As former President Bush so aptly pointed out in his veto message in a previous attempt to pass this legislation, not only will it serve to perpetuate the corrupting influence of the special interests and the imbalance between challengers and incumbents and limit speech protected by the first amendment, but it will inevitably lead to a raid on the Treasury to pay for the act's elaborate scheme of public subsidies.

What are those subsidies? The subsidies provided for in this bill could amount to well over $100 million every election year cycle—you heard me right, well over $100 million every election cycle—drummed up from the taxpayer to fund our campaigns.

Yet, like other reforms, this bill is silent on how these Government subsidies would be financed. When is the last time grandiose promises were made but little, if anything, was said about how it was going to be paid for? Well, it happens routinely, regularly. But we are not that far removed from the health care debate.

Remember? Guaranteed, blue ribbon, Fortune 500-plus benefits for every American, including 37 million Americans that now are underinsured or uninsured. All those benefits guaranteed. And when you stood up and said, "Well, that would be nice, but how is it going to be paid for and who is going to pay?"—you are almost drummed off the floor because somehow you were not sensitive enough to the problems that existed.

Every time you ask a question about a Government program—how is it going to be paid for—it is almost like you are un-American. I mean, "We will finagle that later. We will finesse that. Don't worry about it."

What inevitably happens is one of two things: Either we go into deeper debt, which is what we used to do; or, once in a while, we are honest enough to go to the American taxpayers and say we are going to have to increase taxes to pay for it. If that is what you want, you are going to have to pay for it now because we cannot keep loading on this debt.

But, once again, we are looking at legislation where the question has to be raised and has to be asked: Who is going to pay for it? How much is it going to cost?

Despite all the evidence to the contrary, the President's party still seems to have a problem recognizing that entitlement programs inevitably cost more than what is originally projected and at the same time do not deliver what they promise. And as I earlier pointed out, the failure of welfare. Just at the time when there is a growing consensus that welfare is a dismal failure, along came healthfare, which was going to be the greatest entitlement of all, and now we have campaign finance reform. I think an argument could be made that we are even now entering a time when the administration is promoting a foreign entitlement program. The idea that every nation has the right to political democracy and, by George, if they do not achieve it, we are going to send in the Marines to make sure they achieve it.

Jeane Kirkpatrick recently wrote an interesting article entitled "Is Democracy an Entitlement?" I do not intend to spend much time on this subject. It is a little bit off the track of what we are talking about, but we are talking about entitlements.

Let me just quote a couple statements from her.

She said:

> Is there a "right" to be governed democratically by rulers chosen in free competitive elections? Does Haiti have such a right?
>
> The Clinton administration thinks so, and has tried hard for many months to rouse support in the "international community" for action that will depose the military government of Haiti and restore elected president Jean-Bertrand Aristide.

It is interesting. She says:

> No European ally of the United States will participate in the military phase of the Haitian operation. No major Government of this hemisphere will join in the invasion.

She says:

> The fundamental justification for the use of force is that democracy should be restored. But the case being made for intervention finally depends on a postulated "right to democratic government" of which the Haitians have been deprived.

She says:

> But the idea of a "right to democracy" that can be imposed by force is a dramatic departure from previous theory and practice * * *.
>
> This "democratic entitlement" is rich in implications. If political democracy is viewed as "a human right" shared by all persons and if the "world community" has an obligation to use force to protect those rights, then of course it is appropriate to use force to depose Haiti's military government—or any other government that achieves power by force and violates its citizens' rights.
>
> If we act against the government of Haiti on these grounds we should understand that it may be necessary to act again should President Aristide prove deficient in his respect for the right of Haitians.

And there is considerable evidence to suggest that, based on his past leadership in the nation of Haiti, so-called democratic leadership, those rights were trampled, and that is one of the reasons why he is now living in Georgetown instead of Port-au-Prince.

> And if we act against Haiti we should do so understanding that there are today 55 countries judged by the Freedom House analysis to be "not free" and another 63 judged to be "partly free" as compared with only 72 "free" countries.
>
> If the Clinton administration decides to use force against Haiti rather than against Cuba, China, or any of the other "non-free" illegitimate governments that deprive their citizens of demoractic rights, it must be prepared to explain why.

Why Haiti and not Cuba? Why Haiti and not China? Why Haiti and not some 100 other countries around the world which are not free, which are not democratically run?

> Freedom and democracy are great goods, but self-government and self-determination and prosperity and peace are also great goods.
>
> We want all these for ourselves and for others, even as we know that we will not be able to achieve them in the short run. * * *
>
> It is precisely the bridge Clinton and Christopher must cross on their way to "restore democracy" in Haiti. Before they set out on this mission in which no substantive U.S. national interest is at stake, they should ask

themselves what precisely they intend to do upon reaching the other side.

Because if the democracy is a legal entitlement, is a new foreign policy of this Nation, then we need to begin to prepare the occupation of over 100 countries in this globe.

I talked about the costs of this entitlement. I said it was going to cost at least $100 million a year per election cycle. But that is assuming that the number of candidates will stay the same as currently exists. But as we have learned from every other entitlement program this Nation has enacted, the number of recipients grows exponentially, because once you set out to provide a benefit without a corresponding cost, the number of recipients of that benefit grows. And we have seen that in every entitlement program and the Government has created. And why not, if you are going to get something for nothing, why not join up?

In 1992, there were 1,200 more congressional candidates than in 1990—a stunning increase that no one expected. But how many more candidates will we have in 1996 or 1998 if we provide an entitlement to those candidates for choosing to run for elective office? How many hundreds or thousands of additional independent or third party candidates will run if they believe that the taxpayer is going to pay for their campaigns?

If direct candidate campaign spending is subjected to limit, how much are independent expenditures going to grow? And how much will we spend on the provision to counteract candidates who exceed their spending limit?

This is not a small point because under the Senate bill, for every candidate who spends even one penny over the voluntary limit, any complying opponent will receive a Government grant equal to one-third the general election limit. So if you go one penny over, your opponent now becomes eligible to receive a Government grant paid for by the taxpayer equal to one-third of the general election limit as set by law. That opponent could also receive additional installments of up to a total of 100 percent of the general election money. And there is no telling how many instances this provision would kick in.

Madam President, there are many variables to consider but even the lowest estimates entail hundreds of millions of dollars of expenditures. And, again, like health care reform, no precise cost is available because there is no final bill and the variables are impossible to predict.

Democrats have estimated it would cost $90 million every cycle just to provide funds to House candidates, and $200,000 per election and yet we know—we know that the average cost of an election is growing dramatically every year. That $200,000 will soon be nowhere near the average cost. So that $90 million figure is a bottom line, a floor that reminds us of a lot of other floors and entitlement programs that seem so minute now by comparison, to the total cost of that time.

It is not certain how the Democrats have arrived at the $90 million estimate. If only the Republican and Democrat nominee in each House election, not a third party candidate—we are seeing a proliferation of third party candidates, people getting fed up with the system and want to run as an independent—if just of the Republican and Democrat nominees in each House, not Senate, each House election, accept matching funds, that would cost $174 million. My estimate is that it will cost at least $200 million for each 2-year cycle just for House matching funds, and to counter the expected increase in independent expenditures.

The Republican Policy Committee estimated that the Government cost for a 2-year year election cycle would range from a low of $207 million to a high of $296 million, depending on the variables.

The Congressional Budget Office's low-ball estimates predict $189 million in 1996 alone if both House and Senate bills provide matching funds. That will increase to $203 million in 1998.

So what we are told as to the cost of this legislation, is already grossly underestimated.

As evidenced by the anemic response that the IRS has witnessed lately, with regard to that little checkoff box on our Federal income tax return—you know the one that you look up on your tax return and there is a little box there that says if you would like to contribute a $1 donation to the Presidential election fund, put a little check in there? Well, there has been a dramatic decline in the number of taxpayers who have chosen to check that box.

This is just for Presidential elections. You could argue that a national election, there ought to be some national expression of support, at least on a voluntary basis. But it is clear the American taxpayer does not feel a very great need to have the Federal Government invest their campaign dollars for them.

Again, as in health care reform and welfare reform, the American people are catching on. They are smart enough to see reform when they see it. But they are also smart enough to recognize it when they do not see it. They no longer are fooled by a title of a bill that contains the word "reform". They are looking ascance—in fact it is like a red flag, "oh, oh, here comes another reform bill. Hold on to your wallet. Let's check this one out."

The American people have rejected phoney health care reform. They are leery of promised welfare reform. And I would wager that if we give them a chance to vote on it, they will reject campaign financing reform.

I would like to talk a little bit about this idea of soft money and hard money, because to date, the campaign finance debate has been based not on the, what I would call good government arguments, but more on good politics arguments, because the bill is not, in my opinion, about spending limits, it is about taxpayer financing, and it is about protecting incumbents.

I think a look at the whole issue of hard and soft money will tell us why proponents of the Senate and House bills loudly proclaim this bill will shut down soft money. But like so-called reform claims on other issues, this claim is far from accurate, because what both the House and Senate bills do is selectively regulate soft money—not shut it down—selectively regulate it, and I would contend regulate it for political advantage.

Now before I continue here, let me state the distinction between hard money and soft money. Hard honey is money raised and spent directly by a candidate's committee. It is listed in the candidate's Federal Election Commission reports, it is subject to Federal regulation of limits, and it is publicly disclosed. No individual can give more than $1,000 per election in a cycle. And no political action committee can give more than $5,000 per election in a cycle. That money has to be disclosed. The name, the occupation, and the address of the individual contributing the money has to go on a report and it is made available to the public. If the public is not aggressive in seeking that information, the candidate's opponents will make sure that the public is well aware of who is contributing to the campaign.

The press, particularly, is vigilant in disclosing the campaign contributions to individuals, so that the constituents know who is funding this campaign, who is giving how much. But all of that is regulated. All of that has a lid on it. But that is the money for which the candidate goes out and makes his pitch, calls together a group of people for a coffee or a reception in a home or in a banquet hall, says I am running for Congress, this is what I stand for, here is my experience and this is what I will do if elected and I urge your support, and if you see fit, I would like your help, I would like your financial support. That is how we raise our money, and we are supported by you.

Currently groups under what is called political action committee—those political action committees actually assemble money from members of their association or their group, and make contributions of up to $5,000 per election per cycle.

When I first ran in 1980, the Indiana Farm Bureau called me in and I sat down before a group of their representatives who had been elected and designated to represent each county of the 10 counties in the congressional district that I was seeking to represent. I spent about an hour with them. They asked me questions about my beliefs on farm policies, and agriculture, and they wanted to know my experience and my background, and what qualified me to run for office. They wanted to know, if elected, what kind of representative I would be, and how seriously I would treat agriculture issues, and what my understanding was of their livelihood.

Each candidate came in at a different time, back to back, and they evaluated it. I was fortunate enough, when a vote was taken, to receive a majority of their support. They said DAN COATS is the person that we are going to back in this congressional election.

They made a recommendation to their financial people, and those finance people had collected roughly $1 from each individual that chose to contribute to the Farm Bureau Political Action Committee. They gave me a check for, I believe it was $3,000 for my campaign. They said this represents contributions from 3,000 farmers across 10 counties, because it averages out to about $1 per recipient.

It is a way that the people involved in agriculture, farmers, could say, this is what we want out of a representative. We support you, because we believe you understand our issues and you will stand for what we believe in Washington.

It was not just agricultural issues. They wanted to know how I felt about the debt. "We have kids we are raising, we do not want to load this debt on them any more than you do. And we have got mortgages we have to pay off. We have equipment in debt. Lower interest rates are important to our future. So we want somebody that will carefully spend our hard-earned taxpayer dollars and won't go to Washington and waste it all or spend it all on those pork barrel, unnecessary expenditures we read about all of the time." I was proud to receive both their endorsement and their support.

But now, hard money and soft money.

Hard money, those are the contributions we receive. What people who support us, and are willing to reach into their pocketbook or wallet and write a check to us, that is what they are willing to put up. And to guard against abuse, they are limited in terms of how much they can give, and their names have to be disclosed to the public as to their contribution.

But soft money is not subject to those limitations and regulations. Soft money is undisclosed and unlimited under Federal election law. That is money that is used—it goes to State organizations, State parties, and other organizations that put out get-out-the-vote efforts. They print bumper stickers, they set up phone banks, but they are outside the direction of the candidate. It can be used for desirable purposes. It can be an indication of healthy political participation.

Proponents of both the Senate- and House-passed versions of the bill, however, would like us to believe that soft money is the sole province of the political parties. That no other entity outside of political parties utilize this soft money. And that since their proposal—because the proposal before us designates the political party's soft money ability, the proponents of this bill claim and maintain that this solves the soft money problem.

I am here to tell you today, it does not solve the problem, because the fact is, political parties are not the only players in the so-called soft money game. Labor unions and other groups are big, big, big players in this effort.

And that, Madam President, is where the problem lies. Not in the political party soft money, the party efforts that go on every election to register voters, to identify voters, to get the vote out on election day, to print the posters and to make the phone calls. In my opinion, those are legitimate activities. Those are volunteers working on behalf of either the Republican Party or Democratic Party, working down at headquarters, working in a phone bank, calling at night, doing the mailing. That is legitimate exercise.

The scandal lies not in the political party soft money, but in regulated, unreported, and unlimited special interest soft money, particularly that money spent by groups with tax-exempt status, and by some of the union groups. Fundamental difference, I would state, between political parties and other entities influencing the outcome of elections.

Now while it is true that the Democrat Senate Committee this year has spent a lot of money trying to influence the health care reform debate, political parties for the most part do not have a legislative agenda.

Generally, the Democratic National Committee, like the Republican National Committee, has a basic criteria for support, and that is that the candidate be a viable candidate of that particular party. And though it is true liberals tend to be Democrats and conservatives tend to be Republicans, and obviously there are exceptions to that, both the DNC and RNC support candidates of all philosophical stripes.

That is not the case, however, when it comes to other sources of soft money. According to most estimates, more than $100 million in special-interest soft money is spent in each election cycle. This nonparty soft money funds huge shadow campaigns which exert a tremendous influence on the electoral process.

Let me give an example. On the North American Free-Trade Agreement and on the striker replacement bill, which both Houses took up this year, various organizations stated flatly that there would be a quid pro quo for the vote of a particular Member. If they voted against the position of that organization on either of those two legislative items—voted the wrong way, against the one and for the other—that political support, soft money support, would be withheld in the next election. That is not an inconsequential threat for some candidates, because some candidates rely, to an extraordinary extent, not on contributions from constituents but on the soft money efforts of some of these organizations. They are very generous givers of soft money and receivers of soft money, and it has an enormous influence.

A lot of money has been raised this year by the administration from soft money efforts. In a passage of President Clinton's campaign book "Putting People First," he writes that "American politics is being held hostage to big money interests." Members of Congress now collect more than $2.5 million in campaign funds every week. While the industry lobbies in checks of $100,000, donors buy access to Congress and the White House.

Yet, ironically, even the liberal watchdog group Common Cause reported during the past 21 months that the DNC raised $40 million from corporations, labor unions, and wealthy individuals whose giving does not fall under Federal campaign finance spending laws. In other words, it is not regulated and not reported because it is soft money. That is $40 million in just the last 21 months, as reported by Common Cause.

An article in the Hartford Courant said:

> President Clinton has become the principal beneficiary of the corrupt campaign finance system that continues to thrive and prosper in Washington.

That was a quote from Fred Wertheimer of Common Cause.

Madam President, I have much more that I could say and that I would like to say, but I note that my colleague from Wyoming has arrived on the floor. I will conclude my time here by reiterating my compliments to the Senator from Kentucky [Mr. McCONNELL], who is directing this effort, to ensure that the American people understand what it is we are doing here, and to ensure that they understand that in the last waning hours of this Congress, the entitlement of all entitlements, the entitlement paid for by the American taxpayer to free up a pot of funds for 535 Members of the U.S. Congress, is attempting to be created.

We, as I said before, are going to take whatever time we can possibly use under the rules to make sure the American people understand what is attempting to be perpetrated by this Congress, by this bill placed before us in the waning hours of the Senate—the "Incumbent's Protection Entitlement Program." It is an outrage, and as Republicans, we will do anything we can to stop this from being perpetrated on the American taxpayer.

I yield to the Senator from Kentucky.

Mr. McCONNELL. Madam President, before the Senator from Indiana leaves, let me thank him for his spectacular contribution to this discussion. At the end, he certainly summed up what we are about here, which is killing bad legislation. And we do it proudly, to let the Sun shine in on what is in this piece of legislation, as the Senator pointed out. We want the American people to know about this legislation. I thank him for spending an hour of his time to help the American people learn more about the underlying bill.

I see that our distinguished Republican whip is here, bright-eyed, alert, and ready to do battle for an hour.

I yield the floor.

Mr. SIMPSON. Madam President, while certainly the manager of this measure is still looking very alert and dapper, the rest of us look rather haggard. But this effort is something we feel we must do. I have been legislating now for about 30 years. I was the majority leader of the Wyoming House of Representatives and would often keep the House in session late into the evening—like all night. It is something that the leader must sometimes do. I think that is a very important thing for the people of America to understand.

I greatly commend my friend from Kentucky. I have learned much about him. He is an extraordinary man of remarkable persistence and direction. When he zeros in, it is like a laser beam, a homing device, and he sticks with it. That is a trait I have always admired of those in either party—"stick-to-itiveness," sticking with your principles. If you feel strongly about something, do not just talk about it, do it.

There are a lot of people in this arena, in both the House and Senate, who talk a good game, or "talk the talk," but do not "walk the walk." That is not the case of my friend from Kentucky. He is superb. I admire him greatly.

Well, here we are again with campaign finance reform. I am opposed to moving this body further down the legislative road of enacting so-called campaign finance reform legislation, which is, in reality, simply an effort to maintain the very worst aspects of current law, and then pay for the changes proposed to the current law with taxpayer funds. Republican alternatives, which were rejected on party-line votes, were aimed at resolving some of the real problems with current campaign finance laws.

The real problems are the special interest PAC's that seek to buy access with their contributions—while abandoning any semblance of political ideology. They gave up their role, in my mind, many years ago. Now they just give to both parties. We have a word for that in the lexicon of social activities, but I shall leave it out. They just give to whoever they think is going to be the winning "horse." Long ago, they gave up giving on the basis of their ideology, their philosophy. They no longer give to a candidate because they agree with his or her philosophy.

No, they simply want to be players. It must be embarrassing to PAC directors from time to time to see their names listed both by the Republican and the Democrat after an election. And, as we in the West know, it is very difficult to ride a horse like that, with one leg on one and one leg on the other. Of course, speaking of that, you know the difference between a horse race and a political race. In a horse race, the entire horse runs. Sometimes that is not the case in political activity.

Another real problem which is not addressed by the Democrats is "soft money." Certain remarkable "worthies" set up their phone banks on the outskirts of the village, out by the parapets, beyond the village wall, and then engage in character assassination of candidates. They are funded by contributions that are not even required to be disclosed to the Federal Election Commission. The funds are called "soft money." Its use is a terrible abuse of the system. The New York Times was correct to call it "sewer money."

The New York Times is not always correct—not often enough, at least, with this loyal correspondent. Lately, they have even left a couple of letters out of their masthead motto. But that is another story. I will go into that at some future time.

Our proposal would have eliminated the nonparty "sewer money". And this conference report, if enacted, would not even touch it—would not even touch it. I have seen that little "sewer money" operation with phone banks. It will happen again this year. It hasn't started yet, but when it does, the antennae of those in our party will go up very swiftly. It is a very simple operation. You hire a bunch of near automatons who man the telephones. I've heard this one used against a Republican: "Do you know this is the jerk who would take away your Social Security?" That is a very interesting comment to come over the phone. It is designed to send a chill through you, and it does. They say: "You would not want that jerk as your Congressman. So we hope you will vote against that person."

It is a very clever device. It works. If it did not work, they would not do it. The unions love to play this game, especially in a small State like Wyoming, where they think they can buy an election "on the cheap." That offensive to the people of Wyoming. We are not "on the cheap." But I saw them try to do it to my friend, MALCOLM WALLOP, in his last election campaign in Wyoming. It was a crude exercise. They set up the phone banks, and ran last-minute ads in his election. And two election cycles before that, there was a remarkable ad. It was a woman in a tattered cotton dress, toddling down her walkway to open her mailbox, which she did wringing her hands in appropriately pathetic fashion. She opened the mailbox and looked inside and said, "My Social Security check is gone. I wonder what happened to it." And then the headline said: "MALCOLM WALLOP took it." It was one of the most remarkable ads. The woman was actually quite healthy and is still going strong. But, she looked pathetically frail in that particular scene. However, she was actually quite robust. It was an effective ad, and it went around the State of Wyoming very swiftly. MALCOLM WALLOP had picked that poor old lady's Social Security check right out of her mailbox, I guess, in the stealth of the morning hour.

That is the kind of thing that we get. And the phone bank people then use that, and parlay it into even more hysteria. Do not think that around October 20 of this year, or October 25, that these little operations will not be geared up all around America with gusto. They can sense what is coming, but it is going to come anyway, whether they set up the phone banks or not.

Another real problem with the current system is collecting huge sums of money from folks who live outside your State and cannot even vote for you, yet they try to seek influence with their contributions.

Our bill attempted to reduce that influence by reducing maximum contributions from individuals living out of a Member's State from $1,000 to $500.

Why in the world should one individual from my home State of Wyoming be entitled to contribute to my campaign, but another might be prohibited from contributing by virtue of an arbitrary limit?

Our proposal would not have limited participation of in-State contributors to a congressional campaign—other than current limits on maximum contributions of $1,000 per individual. It really makes no sense to provide a cap on the total contributions a candidate could receive from folks who he represents or wants to represent. We are not talking about PAC's. We are not talking about soft money. We are talking about our constituents. A bipartisan panel of experts appointed by Senator GEORGE MITCHELL and Senator BOB DOLE concluded in their report that the real evil in the system lies in the source, the source of the money. And our campaign finance reform bill attacked those sources which the bipartisan panel found suspect.

We would have eliminated nonparty soft money. We would have eliminated

PAC's. We tried to reduce the maximum amount of out-of-State individual contributions. In summary, we tried to closely track the proposals of the bipartisan panel by the Democrat and the Republican leader.

We provided for flexible fundraising targets. Exempted from those targets were in-State contributions and out-of-State contributions of $250 or less. Acceptance of those targets would have entitled the candidate for reduced broadcast rates and reduced postal rates.

We all know regardless of party what happens to us in the election cycle with broadcast rates. It is much like the West. When someone understands that the Federal Government is involved in purchasing something or purchasing land, then suddenly the price of sagebrush really goes up.

So they see us coming. We are like boys and girls on the "turnip truck" on the edge of town, and they nail us on the rates. The rate system can be confusing. I never have figured out the point system that they use, but you need to be an atomic scientist to figure it out. But whatever it is, it is designed to extract bucks from candidates. Someday Congress will do something with that issue, but it is very difficult to take on those who can hammer us flat. And we are not very good at even trying that.

Reduced postal rates is another issue which we will pursue that again at another time.

We also tried to encourage greater party participation. However, it should be noted that ultimately political parties disclose all their expenditures.

Unlike "sewer money" schemes concocted by associations, businesses, and unions, our proposal fully empowered the individual and the election process, particularly the in-State voter, eliminated PAC's and "sewer money." We reduced the clout of those who cannot even vote for us in our States.

What we did not do was foist the cost of congressional elections on the American taxpayer. What we did not do was to provide an incumbent protection plan by reducing the opportunities for challengers to beat entrenched incumbents. What we tried to do was to follow the guidance of experts selected by the leaders on both sides of the aisle to assist us in achieving a fair, reasonable, and sensible campaign finance reform bill—and we had such a bill. We offered various provisions from it during our debate in June 1993. Although we had some Democratic support, these efforts were rejected, substantially along strict party lines.

It is unfortunate that the bills which the Democrat majority submits each and every year in tedium ad nauseam on this issue are substantially the same and, of course, the philosophical objections which we raise to those bills are nothing new either. It is perplexing. These Democratic initiatives continue to contain the core elements of those measures year after year after year. The same litany—taxpayer financing, "food stamps for politicians," as our leader from Kentucky calls them; spending limits, inadequate control over "sewer money," because that is the lifeblood for some of them; and less than due diligence in trying to eliminate PAC money. That is the understatement of the century.

Despite the fact the Republicans have tried to follow what the bipartisan panel advised us to do on the issue, it is the height of irony in this annual affair that Republicans are characterized by the Democrats as being obstructionists. And many in the media sadly and unfortunately seem to buy that characterization hook, line, and sinker.

I believe in the principles which we incorporated in our bill, and we are going to stick together to support those principles.

We believe that the House and Senate must play by the same rules. Now hear that. We believe that. If we are going to do a congressional bill, then it should apply to both Houses of Congress equally.

If certain kinds of campaign practices are unacceptable for one body in Congress, they should not be permitted in the other. Nevertheless, some Democrat leaders believe we ought to have two different sets of rules, one for the House and one for the Senate. How absurd.

If Republicans are going to be called obstructionists by saying both Houses of the Congress of the United States of America should abide by the same rule or if we are going to be called the masters of gridlock because we do not agree that taxpayers should fund our campaigns, then I say so be it.

This is what we believe. Most Americans want us to do this. And we believe that and we believe we have tried and will continue to try to achieve real reform, and we have tried, and thoughtful Democrats have assisted.

The President and the Democrats in Congress ran for office and espoused certain views and principles. They have a right to feel that they have a compact with the voters to pursue those principles. What is curious, most curious, in the accusations leveled at Democrats by Republicans is that their compact is not unique. They do not have a monopoly. Congressional Republicans also ran for public office. We were elected based on our principles, too. The voters that sent us here are no less important than those who elected Democrats to office. We too have a compact with our constituents to stand by the principles on which we were elected. And we intend to stick by those principles. Even if our efforts are not adroitly enough portrayed by the national media, we are going to do that.

Republicans have very few checks on the Democratic majority in both Houses and the Democrat in the White House. I think they are finding out that we are here, and we do participate, as we should in any democracy. I believe that we have very prudently used our procedural rights to work in the best interests of our country.

For instance, we have reduced spending levels by billions of dollars in various bills, like the National Service Act and the so-called Competitiveness Act. We have made very positive changes in the motor-voter bill, which we referred to "auto fraudo." We made positive changes with the crime bill. We made positive changes in the Hatch Act. We have defeated the ill-conceived measures like the stimulus package, and rangeland reform. That was of grave interest to my State, maybe not to many others. It was a fascinating debate. You would have thought we would have solved the entire budget problems of the United States just by sticking it to the "cowboys" in the West. It was fascinating. The entire cost of grazing fees is $30 million. That is it.

I sit here and watch the farm bill roll through here and I believe that we do $3.2 billion of support for corn, $2.4 billion for wheat. And as to the old cowboys out in the West, if we said: "You guys are going to pay $5 an animal unit." We would only be talking about $30 million. Yet we spent days listening to the President, to the Secretary of the Interior, and we heard dramatic, hysterical hyperbole. And it was all for naught. Nothing came of it, because it was really about fairness.

If you are going to deal fairly on an issue that is just about money, then you deal fairly on the other issues that are just about money. But what that really was, very simply, was people who have been waiting in the wings for 12 years for George Bush and Ronald Reagan to depart. They have been in their warrens and burrows on K Street waiting to get people and animals off the public land. Nothing more. Nothing. Forget all the rest of it. It does not even ring.

That is the way it works in this town. There is a reason for everything but then there is a "real reason" for everything. One of my most pleasant experiences—and I enjoy it thoroughly—is to try to find out the "real reason" for something rather than the one that is in the paper or the one one's opponent is speaking of with great vigor. Finding the "real reason" is always an interesting quest.

We also used our procedural rights, with bipartisan help, to kill the striker replacement bill. Major media editorialists agreed that it was a bad bill, a very bad bill, and they commended our efforts. We appreciate that. Of course that was a bad policy which needed to be defeated. That was not Republican gridlock.

As an aside, the House Democrats Study Group recently advocated eliminating the right of the minority—any minority, regional or otherwise—to conduct a filibuster. I guess that organization felt that eliminating that procedural right is what American voters wanted. I disagree.

I do not mean any ill-will by this, but on Tuesday the chairman of that study group was defeated in a primary election. He and I did not always agree. But I can tell you I would rather do business with him than many because when he came at you, it was like a Mack truck with six headlights right down the highway. I like dealing with people like that. The ones I have difficulty with are those who smile and slip you the "slider." Fortunately there are not many of those.

Nevertheless, as I say, I did not agree with him on many issues including our right to use the filibuster. He was often vexatious to our people in the West, but he very deeply believed in what he was doing. And I admire that, just as I admire that trait in Senator McCONNELL.

I guess the point I make is that maybe, just maybe, the Republicans are not simply just a bunch of Cro-Magnons who have crept out of a cave in some prehistoric hillside, bent on disrupting great, lofty ideas, for an ever expanding role of the Federal Government in our lives.

Maybe we are sincere and, God forbid, even right—I know that is shocking—on issues every now and then. Maybe most Americans really do want us to provide a check on Government controlled by one party.

I think we are going to see a remarkable history lesson on that in the other body on November 8. I think it is going to be very much like what happened in Canada and Japan and Italy—great democracies, all—where they just swept people out in the snow with a big broom. Who would have "thunk" it? I think that will happen.

We passed a campaign finance bill in June 1993 right here. The House passed their version in November 1993. Republicans have not even been "in the loop" on this bill for nearly a year. Hear that; it is very important to hear that; we have not even been consulted.

The game here is played by the Democrats. The only gridlock that you really missed in the last 10 months with regard to this measure has been Democrats fighting with Democrats about the importance of PAC money. And, boy, they do not like to do that one in public. But they were even doing it yesterday in the subterranean halls, and they still cannot agree.

In fact, all the bills which have worked their way to this last gasp of Congress are similar in that if they had enjoyed the support of the Democratic majority in both Houses—remember who runs the shop; the Democrats run this shop and the Democrats run the House shop—if they had agreed, it would have been enacted into law by now regardless of what we wanted to do as Republicans. There is a story behind the twists and the turns each bill takes through the legislative process.

And I say to young participants who may be observing these proceedings, it is not quite like it is taught in the civics texts. It is not quite like that little flow chart of "here is how a bill gets started and here is where it goes and here is where it comes out." Not quite. No, no.

It is very similar to a play, a great Greek play or Shakespearean play. If you go backstage during this particular play, you will hear the sounds of Democrats grunting, mud wrestling, fighting with each other, fighting with fellow Democrats. And where are the Republicans? We are not even in the cast. We are not in the cast. We are lucky to even be in the theater. In fact, we are in what we used to call "the nickel seats"; in the old-time days of Vaudeville, they called them the "nickel seats."

We were not even part of this, ladies and gentlemen. This is all theirs and they cannot agree. Now they have dumped the dump truck right out here on the floor.

We have very little time left in Congress. What we are considering today is the possible passage of legislation which would finance Federal elections with taxpayer dollars. At a time when the focus of our Nation is on reducing the Federal deficit and Americans are telling us to cut spending, can the Democrats really be serious about reform if they are advocating a costly new entitlement program for politicians?

Senator McCONNELL, who has done such a superb job as our floor manager on this issue, calls these Federal subsidies "food stamps for politicians." That is really what they amount to. And the American people truly do not want them.

With the limited time we have in this Congress, why do we not use it wisely? We have a lot to do. The majority leader has given us his list. There are some things there that are critical.

I think one of the most critical is congressional reform; how we do our business; what we do with committees; how many are on committees. It is odd to me that when we get into that there are those in the House who are laying it on us, as to the use of the filibuster; that that somehow is totally un-American.

Well, the filibuster has been used more often in recent times for a very simple reason, and that is to prevent the minority from offering nongermane amendments which have merit but the other side would perfer not to vote on. Got it? If a bill is being considered by the Senate, under our rules you can generally add a nongermane amendment. So people on our side say, "Boy, here is my chance. The majority stiffed me in subcommittee. They stiffed me in committee. I never got to offer this. And here we go, I am going to offer it now."

And the leadership on the other side and the Members on the other side know the amendment will pass, because it has merit and it is right. And they know it. So then they file cloture very swiftly without waiting.

That is what you are seeing. You are not seeing the filibuster misused. You are seeing the filing of cloture misused. Get it. Hear it. Do not miss it. Because if you get cloture, then nongermane amendments cannot be offered. You have to stick with germane amendments.

So listen. Hear it. It is nothing you can cover in a talk show. And I think they are a detriment in some ways on both sides to the work of Congress, where they come on during the day and say, "Well, let's check in and see what the clowns in the circus are doing down in Washington." That is not a service to this country.

There are people here on both sides of the aisle who work like dogs; and there are some that do not, just like talk show people. But we do not solve things here with 30-second sound bites, even 2-minute sound bites. We solve things by camaraderie and comity, which is real. It is real today among our Members, and is a very important part of this place. You do not see that.

Surely it is never reported because things that work are never reported. When Congress works well and does its work—and we have done a lot of legislation this year, it doesn't get reported. You would never know it, because when we do it right, it is back on page 17 in the Metro section. When we do it wrong, it is above the "fold," as we say.

It is the old "toe test" of the newspaper, which is if you go out in the morning and you kick the newspaper and you find your name above the fold, you know you are in trouble.

So that is how it is reported here that we "do nothing." Yet we do a great deal. There are people who work and have dedicated themselves to this institution on both sides of the aisle. I am very proud to see them as they work.

So, why do we not get at some of these other things? Why do we not get at the congressional reform?

People are urging me to deal with immigration and refugee matters. And I, with a bipartisan group, am ready to proceed. I think we may have a little time that we did not think we had before.

Health care is now gone aglimmering, I think. I do not want to be gleeful about that. I worked very hard with Senator CHAFEE, Senator

DANFORTH, Senator NICKLES, Senator LOTT, and others, to try to do something that would be appropriate. We did not get there, and we will deal with it next time. Perhaps there is a framework we can use that the "mainstream group" is coming up with, a framework we can use next year. I do not know that. But certainly we will want to pursue it. There is the Rowland-Bilirakis bill in the House, a bipartisan effort. Let us pursue that, see where we go.

But we do know one thing. The President's proposal in any form is not acceptable to the American people. And the American public do know what employer mandates are, and they know more about employer contributions to health care. There are many things that were brought to the attention of the American people that had not been brought to their attention before.

I had an interesting experience. A chap came up to me on the street and said, "Don't you understand this is about personal responsibility?" He said, "If we just took care of ourselves, moderate lifestyle, drinking, smoking, preventive care, exercise." He said, "In fact, my grandmother started to walk 5 miles a day when she was 65 and now she is 97 and we have no idea where she is."

Now I do not know if that is a true story, but it certainly had an anecdotal semblance.

So why do we not get back to some of those things? Why do we not turn our attention to a bill that has 62 cosponsors which addresses the issue of unfunded mandates by the Federal Government which are imposed on State and local governments, which is sponsored by a fine bipartisan coalition? Senator KEMPTHORNE has been the leader in that effort. He has done a magnificent job, and is one of our finest new Members.

And we have Senator CAROL MOSELEY-BRAUN, who knows what these unfunded mandates do to State and local governments. Why not deal with that? Why not get into that? Well, I do not know.

But I do know this: Unfunded mandates is a critical issue and needs to be addressed.

But back to the original focus of my remarks, and an issue that concerns me greatly: How should PAC contributions be dealt with in a real reform bill? Judging from press reports, the negotiations between the Democrats in the House and the Senate these past 10 months have centered on the matter of political action committees.

Mr. FORD. Would my good friend from Wyoming yield?

Mr. SIMPSON. For a question?

Mr. FORD. For a question. That is all I wanted. I do not want any time.

Mr. SIMPSON. I certainly will.

Mr. FORD. He knows, and I think I know, that both the unfunded mandates and the coverage for Congress the same as others is on the list the majority leader has given to the Republican leader and so it is there to be done.

The question that bothers me, you have the same ability when this comes back from conference to do what you are doing now, and it will be 90 hours that will delay the ability to get to unfunded mandates, and would be 90 hours that would delay us to get to the coverage that many of our constituents want of Congress of the bills we pass. I wonder if there is any colloquy or comity that we might enter into that might let us get to that and not delay the Senate and not have to go around the clock?

Mr. SIMPSON. Madam President, I certainly would not want to have indicated anything that was erroneous. I was pleased to know from my colleague, who is my counterpart as whip, and someone that I enjoy very much, although he and I do not always agree, but I trust him implicitly when he tells me something.

I can only say that I hope we do get to unfunded mandates and congressional reform. I am sure the discussions can go on, and they probably will, as we draw toward the weekend and as we draw toward other things on the agenda.

But, at this particular juncture, we feel that this is the step that we must pursue.

I thank my friend from Kentucky.

Mr. FORD. I thank my friend for answering the question. We cannot even do work in committees.

Mr. SIMPSON. Madam President, as I was saying, the negotiations between the Democrats in the House and Senate these past 10 months have centered on this matter of political action committees. More specifically, the question has been whether to reduce the limits or to eliminate them as the Senate did. This issue, as I say, has tied the House and Senate Democrats in knots.

I should like to offer a refresher on the PAC issue for Members whose recollection of this subject may be a bit hazy, because 15 months have elapsed since the Senate passed its campaign finance bill and 10 months has passed since the House passed its campaign finance bill.

Members may recall that for several years, Republicans have advocated zeroing out PAC contributions for congressional candidates. No political action committee contributions to congressional candidates, period.

The majority in the Senate grudgingly went along in 1990, inserting the Republican PAC ban provision into their bill before the Senate started debating campaign finance that year. The Senate again passed a campaign finance bill in 1991 which zeroed out the PAC contributions. When that bill was conferenced in 1992, PAC's were back.

I mean, this stuff is like a werewolf or Count Dracula; it rises out of its wooden coffin each year in its same form, and then we drive a stake in its heart and back into the hole it goes. We will do that again.

So the real thing that is fascinating here is this—and you do not want to miss this—Democrats have loved to play with this issue, and they loved it during the years of Ronald Reagan and George Bush because they knew that they would just string together a real turkey of a bill and ship it to old George Bush. And guess what? George Bush is not here any more. No, President Bill Clinton is here. No more George Bush veto to have fun with. No more fun and games. No more "let's throw everything in it but the kitchen sink." They used to ship it to old George Bush and knew he would use his veto pen. Now that was a lot of fun. Ship it to George Bush and let him veto it.

And he did veto it. And then we saw the anguish, the crocodile tears running right down their cheeks. Spare us. How could George Bush have done this to America? We were trying to correct abuses in the system, and George Bush had vetoed this noble effort.

Well, we may try a few of those next year on the President.

So after George Bush vetoed the bill amid shrieks and cries that would have made Lewis Carroll giggle, they revisited the issue, again 15 months ago. We zeroed out the PAC's again. So here we go.

Then, in November, the House rejected the Senate's tough-on-PAC's provision and passed a bill that left the PAC contribution at the current $10,000 per election cycle limit.

And as I say, since then, according to press reports, House and Senate Democrats have been at loggerheads over what to do on PAC's. Senate Republicans believe very strongly that the political action committee contribution limit should be eliminated. House Democrats, however, have become quite accustomed to heavy doses of PAC contributions.

It is an addiction. The House Democrats are addicted to PAC money, and they do not care to give that up.

We have no methadone alternative for them, and they know it. They are going to find, I think, on November 8, no matter how much they might have amassed through their PAC moneys, it is not going to be enough. Remember November.

Madam President, Democrats fighting over PAC money was a formula for gridlock. A Washington Post headline last month read "Democrats Fail to Compromise on PAC Limits."

They got that right.

Common Cause, the self-proclaimed definers of what constitutes any reform in the world, was terribly worried that the taxpayer-funded spending limits bill was going to come crashing down because of PAC's. So they stepped into the breach and loaded themselves into the cannon with a proposal to allow a $2,500 PAC limit. Common Cause proposed to House Democrats that they agree to split the difference with the Senate and lower the PAC contribution limit to $2,500. This would still be 2½ times more than an individual could give, but Common Cause believed that this could get the campaign finance package through the Senate.

Despite the Senate's 86 to 11 vote last year to zero out PAC contributions—hear that; that was the vote, 86 to 11 to zero out PAC contributions—Common Cause thought the Senate would roll over and accede to a $2,500 per election, $5,000 per cycle PAC level.

Common Cause has urged House Democrats to swallow the $2,500 limit because it would in fact not be a bitter pill to swallow; it would be a sugar-coated pill. As Common Cause's own communique to House Democrats, dated June 29 stated:

> Adding a cut in the individual PAC limit to the bill would not have a significant impact on House Members.

How about that?

Further, Common Cause studied the House Democrats' PAC habit, this addictive habit, and found that "only 2 percent of House Democrats' total campaign receipts would have been cut" if the $2,500 limit were adopted. So now Common Cause is urging House Democrats to go with the $2,500 limit, because to do so would, in fact, be the same as doing nothing, I guess. That is the way I read it. It would make the public believe that something was being done to reduce PAC influence when, in fact, obviously, by their own commentaries, it was not.

I guess it really does not matter anyway. Even though we still find the $2,500 limit too high, the House Democrats are too tightly bound to PAC dollars to reduce the PAC contributions by as much as half.

Interesting work. A little more history.

While PAC's are often thought of as a recent phenomenon, in fact, they date back to the 1940's. Labor unions, prohibited by law in 1943 from making direct contributions to candidates in Federal elections, began to set aside separate segregated funds to conduct fundraising and contribution activities on behalf of their organizations. Corporations did not follow labor's lead. Corporations had been prohibited since 1907 from making contributions to Federal election campaigns, and were reluctant to start PAC's.

In the early 1970's, a number of legal, judicial, and administrative actions resulted in PAC proliferation. Since passage of the Federal Election Campaign Act in 1974, the number of PAC's increased from 608 to 4,729 in 1992. Total PAC contributions to Federal election candidates increased from $8.5 million in 1972 to $189 million in 1992.

In 1992, PAC contributions comprised 24 percent of Senate campaign receipts and 38 percent of House campaign receipts. House incumbent Democrats have been particularly reliant on PAC's to fund their campaigns. PAC's accounted for 52 percent of their campaign receipts in the 1992 election cycle, so House Democrats are understandably highly sensitive on this grave issue.

PAC's are touted by their defenders as a means to allow individuals to get together and advance their collective interest in politics. Presumably, that would include supporting challengers, you would think. Yet, in 1992, in races where Members were up for reelection, incumbents received 86 percent of the PAC contributions, amounting to $126 million for incumbents versus $21 million for challengers.

Overall, they laid the bread out and they have laid it on anyone who could do anything for them regardless of party, and regardless of their original philosophy. So they have done this, increasingly funneling contributions to incumbents, with little or no regard for ideology, philosophy, or voting records. Corporate PAC's are among the worst, giving upward of 90 percent of their PAC contributions to incumbents.

So they do not support candidates of like mind. They buy access to the powers that be and epitomize the special-interest influence that has eroded the American people's confidence in government. And that is why Republicans and some thoughtful Democrats have led the fight to zero out PAC contributions.

Democrats, recipients of two-thirds of the PAC money in congressional elections, did not address the issue until 3 days before the Senate debate on campaign finance reform was scheduled to commence in 1990. At that time, a new Democratic reform bill, which included the Republican PAC ban, was announced by the majority leader.

After years of pushing bills designed solely to seize the high ground on the reform issue, totally secure in the knowledge that President George Bush would veto taxpayer funding measures, Democrats are now in the position of formulating a bill they will have to live with after President Clinton signs it into law. That is what this is all about. This turkey is going to get signed, and they are in shock—the turkey being the Democrat-drafted conference report. So they are going to have to live with it after President Clinton signs it into law, and that may explain why, in early 1993, that the PAC ban provision Senate Democrats included in 1990 suddenly disappeared.

Just prior to the May and June 1993 floor debate, Democrats did include somewhat of a PAC contribution ban in their bill. A Republican amendment prior to final passage of the bill strengthened the provision. And after the bill passed the Senate, the Speaker of the House of Representatives announced that the PAC contribution ban was not acceptable, and Senate and House Democrats have been squabbling about it ever since.

Madam President, I urge the Senate to stand firm on the PAC ban issue, or an already bad bill will be made a great deal worse. And, of course, the real issue is that the drums are pounding out in the land, and incumbents are hearing that, and they want to do something, but they do not know what. So we are here to help them to know what.

Madam President, I am now nearly about to head to the Entitlements Commission meeting, which is an egregious exercise, because there are 32 of us who will head over there to do the Nation's business. We have outlined the horror of what is happening. In the year 2029, the Social Security System will be broke. Broke. Got it?

That is not Ronald Reagan speaking; that is not George Bush speaking; that is the Social Security trustees. That is Lloyd Bentsen, a very respected friend. Donna Shalala, Barbara Breach, and civilian trustees have told us that the Social Security System will be flat busted in the year 2029, and they moved the doomsday date up 7 years.

So we will go over and deal with that.

We also want you all to be aware that 32 of us, with one abstention, have agreed that unless we raise revenue—that is called taxes, got it?—that the present stream of revenue in the United States, in the year 2012 will only be sufficient to take care of Medicare, Medicaid, Social Security, and Federal retirement. There will be nothing—nothing—left for education, transportation, or defense. We will go over today, and hear every group in America howl and shriek and scream that we are so pleased we have presented these facts and have agreed to these facts. Then they will prattle and puff their feathers and tell us they want everything "on the table", and they will proceed to tell us they want everything off the table that has to do with their organization.

It is an exercise. And I hope all of you will read of our noble efforts as we do this on your behalf and touch the "third rail of politics—Social Security."

I yield the floor.

(Mr. FEINGOLD assumed the chair.)

Mr. McCONNELL. Mr. President, Senator KENNEDY has indicated he wanted to use a few moments, which I have no objection to, provided it is simply charged to the 30 hours we are in the process of using here. Consequently, I will yield the floor. But, first, I say to my friend that the Chair has been admonishing us all along that everything we say should be relevant to campaign finance. So it would not surprise me that in the name of fairness the Chair might admonish the Senator from Massachusetts, unless his observations are about campaign finance. I certainly have no objection to the Senator from Massachusetts using some of the 30 hours.

JERRY TINKER—FIGHTING THE WORLD'S FIGHT

Mr. KENNEDY. Mr. President, it is my sad duty to inform the Senate of the death last Friday of Jerry Tinker, the longtime staff director of the Judiciary Subcommittee on Immigration and Refugee Affairs. All of us who knew Jerry are deeply saddened by his sudden and tragic loss.

For 24 years, Jerry was part of my life, and I valued him greatly as an adviser and member of my staff. But most of all I cherished him as a friend and respected him as the unique and extraordinary humanitarian he was. For the quarter century that we worked together, he was the real voice of the Senate and the conscience of the world on issues relating to immigration and refugees.

He had a masterly understanding of the legislative process and how to move Congresses and administrations alike. He was the architect of the Commission on Immigration Reform in the 1970's that laid the groundwork for the achievements of the past decade, and of the new Commission that is counseling Congress today. Only last Wednesday, we were meeting in my office to go over current issues.

Jerry respected everyone. He had a special facility for reaching across the aisle and out to others, and for dealing with complex volatile issues in ways that calmed passions, minimized polarization, and maximized cooperation.

Democrats often thought I was eating out of AL SIMPSON's hand, and Republicans felt that AL was eating out of mine. But both of us knew that Jerry was the master chef.

It is often said that individuals can make a difference. But Jerry Tinker made a difference on a massive scale that I suspect few have ever equalled. Because of Jerry, millions of citizens from other countries have had the chance to seek a new life and pursue the golden dream and opportunity of America. America is a nation of immigrants.

Because of Jerry, that priceless aspect of our history and heritage, our immigrant heritage, has been renewed and revitalized for our own day and generation. His achievements are found not only on the pages of the statute books, but in the life of the Nation as well.

Through his able work and tireless dedication on behalf of refugees in every corner of the world, Jerry may well have been responsible for saving more lives than any other person of our time, and it is tragic that his own life has been so suddenly cut short.

He found his calling early, as a graduate student in India and in later research in the 1960's on the refugee crisis in Vietnam.

He felt deeply that action had to follow study. And year after year after year, from the day he joined staff, wherever on the planet people were suffering from the ravages of natural or manmade disasters, Jerry was always there to help in spirit—and often in the flesh.

The international relief community was accustomed to Jerry's arrival. As a friend of Jerry's once said, wherever and whenever the four horsemen of the apocalypse—symbolizing war, famine, pestilence, and death—touched down anywhere on Earth, another nobler rider symbolizing peace, food, health, and life was always close behind, and his name was Jerry Tinker.

Together, in the early 1970's in India and a few months later in Bangladesh, we witnessed one of the most appalling tides of human misery in modern times.

We saw tragedy in the devastation of the countryside, in the broken lives of refugee families, in the eyes of maimed children, in the whitened skeletons of mass graves, and in the faces of millions struggling desperately to begin life anew in the aftermath of that brutal civil war and violence and repression.

But on our second visit, we could also see the emerging triumph in the joy of a people relieved that their nightmare of fear and violence was coming to an end, and their gratitude for the help that Jerry demanded America provide. We saw the hope of a people who had courageously won a victory for self-determination, whose new nation was rising from devastation and misery. And Jerry Tinker, as much as any other American, was the one who made that triumph possible.

In his student days in India, Jerry had discovered the music of Ravi Shankar. I still remember the performance we attended one evening in the old music hall in Calcutta. Scheduled for 9, it began in 11:30 and lasted until 2:30 in the morning, and Jerry was on the edge of his seat for the whole performance. By understanding the music, he could understand the people better.

Earlier that day, we had visited the Salt Lake Refugee Camp outside Calcutta, where 300,000 refugees were struggling to survive. Ever afterwards, for both of us, that single day summed up the best and the worst of the human condition.

As a student in India, Jerry had also discovered the verse of Tagore, the great Bengali poet and philosopher. In preparing for our trips, Jerry gave me a book of Tagore's verse. One of the poems, "An Ode to Peace and Freedom," contains these lines:

> Where the mind is without fear and the head is held high;
> Where knowledge is free;
> Where the world has not been broken up into fragments by narrow domestic walls * * *
> Into that heaven of freedom, my Father, let my country awake.

That vision of peace and freedom and our common humanity was Jerry Tinker's vision too. He shared it with us all, and brought us closer to it.

I remember when the first reports came in during 1984 of the massive famine taking place in Ethiopia. Jerry had packed his bags, but he insisted that I should pack mine as well, so that we could do as much as possible to bring the world's attention to the magnitude of the crisis. And so we went there together, stayed in the tents alongside the relief workers, and joined in the relief effort. And Jerry was right, as always—our presence there helped to turn the tide.

A few years later, the Ethiopian Government's relief coordinator wrote a book about the famine. He was critical of most of the dignitaries who came, because they often failed to comprehend the gravity of the crisis or offer any concrete help. He said there were two visits to Ethiopia at the time that had made a significant difference—one was by Mother Theresa and the other was ours. It was Jerry's leadership and commitment which made that difference, and it was also probably the only time that Mother Theresa and I have been compared.

On his many trips, Jerry was known for traveling light. He could leave for a 2-week trip with a single suitcase, and usually it was only partly full. His secret weapon was a Jerry Tinker trademark—an indestructible tan safari suit.

He said he had discovered its miraculous qualities on a trip to India years ago. The suit could stand up to day after day of rugged wear in the Horn of Africa or the remotest areas of Indochina. While his traveling companions were hauling suitcases filled with tropical clothing and mounting piles of laundry, Jerry would simply rinse out his tan safari suit each night, and reappear each morning in a suit which was dry, fresh, and with a permanent press that never let him down.

Jerry liked to joke that NASA had once approached him in search of a new fabric for space suits for shuttle astronauts. The safari suit, like Jerry, was comfortable in the most destitute refugee camps in the world, and equally at home in the highest corridors of power in Washington.

We traveled together occasionally in this country, too. One December, during field hearings on poverty and hunger in America, we went to a farm community in rural Missouri. It was bitter cold, with snow and ice everywhere. Many farmers were facing bankruptcy at the time, and the television program

"Nightline" had asked to interview me in the home of one of the farmers.

But the TV crew had trouble getting their truck and satellite dish to the farm. The truck skidded on the ice and went into a ditch. Jerry, ever resourceful, was equal to the challenge. He mobilized the local farmers to find the nearest tractor to pull the truck out of the ditch. The farmers loved Jerry's light and skillful touch, and they stayed in touch with him for years afterward. They told and retold the tale of how Jerry made the show go on.

Jerry always had time for others. He was never too busy to offer a supportive word or write a caring letter to a friend in need. All of us who worked with him knew him as a man of great insight, wisdom and experience. He would generously share his knowledge, but he was always open to new ideas from others. Countless people over the years were inspired to public service and humanitarian careers by his example, and we will miss him all the more.

Friends also loved him for his colorful descriptions of the legislative process, and for his famous tours of the Capitol Building. He adored his daughters, Caroline and Katy, and he'd often take their classmates on tours. He could bring the Capitol to life for anyone, young or old, and make them feel a part of it and a part of our country's history.

He had a knack for running into Senators in his tours. They all knew Jerry. Senator DOLE would show them the fireplace where the British burned the books of the Library of Congress in the War of 1812. Senator SIMPSON would show them the statue of Esther Morris, the famous pioneer for woman's suffrage from Wyoming, and tell them how Wyoming gave women the right to vote in 1869.

Too often, it seems that the number of humanitarian emergencies in the world outweighs the world's and America's capacity to care. But Jerry Tinker stood against all that. Because he cared so intensely, so skillfully, and so compassionately, many others came to care as well. I suspect that in recent days there was a humanitarian emergency in heaven where they needed Jerry more.

Near the end of "Pilgrim's Progress," there is a passage that tells of the death of Valiant:

> Then, he said, I am going to my Father's; and though with great difficulty I am got hither, yet I do not regret me of all the trouble I have been at to arrive where I am. My sword I give to him that shall succeed me in my pilgrimage, and my courage and skill to him that can get it. My marks and scars I carry with me, to be a witness for me, that I have fought his battle who now will be my rewarder.
>
> When the day that he must go hence was come, many accompanied him to the riverside, into which as he went he said, 'Death, where is thy sting?' And as he went down deeper, he said, 'Grave, where is thy victory?' So he passed over, and all the trumpets sounded for him on the other side.

We miss you, Jerry, and we always will.

A TRIBUTE TO JERRY TINKER

Mr. SIMPSON. Mr. President, it was a great honor for me, and I think also for Senator KENNEDY, to give the eulogy at the services of Jerry Tinker. He was a splendid man. He had a love of politics and Government. He was fair. He was not partisan.

I cherish the years I have been the beneficiary of his counsel, direction, and good fellowship. My staff counsel, Dick Day, a wonderful friend, a dear friend, and Jerry Tinker, worked together unceasingly doing the work Senator KENNEDY and I would send them to do. Whether they went to the rain forests of Central America or to the refugee camps of Thailand, Ethiopia, and Bangladesh, they would come back and prepare a report that was lucid, intelligent, and readable. I will greatly miss Jerry.

When people say, "The system does not work," let me tell you it works in every way when the Senator from Massachusetts and the Senator from Wyoming can have staff support like Jerry Tinker and Dick Day. They were inseparable and a marvelously effective combination. I learned to completely trust Jerry Tinker. The Senate does work. Jerry is gone from us, but we thank God for having known him.

I ask unanimous consent that a eulogy I delivered for Jerry Tinker be included at this point in the RECORD.

There being no objection, the eulogy was ordered to be printed in the RECORD, as follows:

> It is my great personal honor and privilege to be present here this day honoring the life of this very special man. We gathered here all know of his successes, his trials, his honors, his accolades, his struggle—his fine reputation so well earned and honors received in a lifetime of service to others. The chronicles will properly reflect the extraordinary record of achievement of this man—that might be somewhat repetitive for those of us who are gathered here to honor him today. What the chronicles may not always reflect are some warm and intimate memories that I have of this departed friend.
>
> In the Christian experience, this is the day when we gather to celebrate the life of Jerry Tinker. We really must not mourn this unselfish life lived but that is very hard not to do so. Christianity teaches us to celebrate his life—his marvelous wit, his friendliness, his love of fellow man and woman, his love of politics and government, his intellect, his stout heart and his great courage. These attributes were part of the essence of his stewardship in his life here on Earth. I cherish the years I have been a beneficiary of that man's wise counsel and direction and good fellowship.
>
> I first met Jerry Tinker when I came to the United States Senate in 1979. I had no interest in immigration or refugee matters and yet was appointed to the Select Commission on Immigration and Refugee Policy, along with my senior contemporary, Senator Ted Kennedy. Then, in the election of 1980, Republicans controlled the Senate—a shocking upheaval indeed! Suddenly, I was the chairman of the Subcommittee on Immigration and Refugee Policy. Ted and Jerry Tinker had been involved in those burning issues for over 17 years.
>
> I was assigned this task—dealing with these issues that generate awesome amounts of emotion, fear, guilt and racism. I then drew upon friendship—friendship of a man I had known and admired for many years and urged him to come to Washington, DC, to help me in my duties. That man was Dick Day. And that man and Jerry Tinker were an inseparable and marvelously effective combination. He—and I—learned to completely trust Jerry Tinker. I have probably worked more closely with Jerry than with any other staff person outside of my own fine staff. The Senate does work. Government does work. And it works because persons as divergent and philosophically different as Ted Kennedy of Massachusetts and Al Simpson of Wyoming have selected people to work on our behalf—people of good faith, steady intellect, unselfish nature, compassion and a striving to "make a difference."
>
> Due in huge part to Jerry Tinker, the majority and minority staffs of the Immigration and Refugee Subcommittee worked together over the years—more closely and on a non-partisan basis—than perhaps any other staff in the United States Senate.
>
> As others have said— Jerry was the "conscience" of the subcommittee and he always had his own personal priorities and first among them was providing humanitarian assistance to refugee and displaced persons around this globe. At the same time, he had a very sensible and balanced view of immigration and refugee policy—he supported control as well as generosity in our Nation's policies and best interests.
>
> His historical grasp and knowledge of immigration and refugee policy and politics will be deeply missed by the United States Senate, by his mentor, Sentor Kennedy, by me and by this country.
>
> On many occasions in the course of our Senate life, I would visit with Jerry and say, "What's up? how are things going—how are you and Dick getting along in working with this or that intractable issue?" And there were always many. He was always very open and direct with me and with Dick. No tricks. Nothing up the sleeve. Lay the cards on the table.
>
> There were many occasions when Ted and I would authorize our two fine troubleshooters, Jerry Tinker and Dick Day to go off to some far flung part of the planet and come back and give us a report. They were professionals. Their reports were concise, factual, clear, unambiguous and because of our relationship with these two fine men—Ted and I—probably even allowed them to sign our name a time or two. Yes shocking, I know! They eased our burden, smoothed our work.
>
> This man was the "ultimate staffer." When Jerry went into the rain forests of Central America or the refugee camps of Thailand traveled to the deserts of Ethiopia or hiked upon the mountains of Pakistan, he was never on the junket—he was working. Proudly working. Always working. Sometimes, obviously in a manner detrimental to his own personal life and family. He was the "eyes and ears" of the United States Senate in the midst of the misery and heartbreak and suffering known so well to those of you in the voluntary agency community—those who toil daily in those fields of human endeavor. The people he cared so much about—the displaced and the dispossessed and those in need

of kindly help and refuge—those in the world will miss him greatly too. It is not trite to say that he gave his life for his country.

None of us were ready for this. We mourn his loss in our own lives—what he was to each of us. So personal, so special. It would have been much easier to celebrate his life with him here! But he is gone—irrevocably gone.

Jerry's dear family can be very proud of their father, son and brother. We, in the Senate most assuredly are.

We have all loosed our grip upon him, but will retain his memory always in our hearts. God has come now to take him back. We all knew one unknown day he would return to his God. Now, we give him up. We commend him to Your loving hands. Thank You for him. God rest his soul.

Mr. McCONNELL. Mr. President, I see that the distinguished Senator from Iowa is here to begin his hour. Therefore, I yield the floor.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, before I begin my primary discussion of this campaign finance bill, I want to first discuss an important related matter.

And this is a matter that I would ask my colleagues on the Senate Commerce Committee and Senate Finance Committee—particularly my Republican colleagues—to pay close attention.

By now it is well known that the heart of this campaign reform bill is aimed at funneling the hard-earned taxpayers money into the reelection campaigns of politicians.

We have seen polling that clearly underscores American taxpayers adamantly oppose being forced to bankroll political campaigns.

Polling which reveals 70 percent of Americans are ready to vote against any politicians that supports taxpayer funding of campaigns.

Regrettably, there are those in Congress who could care less what taxpayers want.

But there is already another travesty in the law that is allowing millions of dollars of taxpayers dollars to be funneled—or should I say laundered—into congressional campaigns right now without a new bill.

So my question is this. What in this bill prohibits maritime subsides to U.S. seafarer union members and U.S.-flag companies from being recirculated into the campaign coffers of incumbent politicians?

Mr. President, today, the Senate Commerce Committee is scheduled to mark up a bill, H.R. 4003, which will increase taxes on Americans by over $1 billion.

This $1.3 billion tax increase will be used primarily to pay the high-priced salaries and benefits of U.S. seafaring union members.

I warned my colleagues last year, that a final draft report from the Maritime Administration and MIT on maritime manning exposes that some seafarer captains are costing $44,000 per month in salary, benefits, and overtime.

Even a ship's cook was costing about $8,500 per month.

American taxpayers pay for about 80 percent of these seafarer billet costs.

And it is because of these incredibly large tax subsidies that seafarers are able to spend so much money on political action committee contributions. Seafarer PAC's have spent millions upon millions of dollars on political campaigns.

So, the Senate Commerce Committee, at the request and urging of President Clinton, is about to approve an additional $1.3 billion in tax increases—not only to maintain these lucrative salary and benefits for seafarers—but also to keep the taxpayer pipeline to campaigns alive and well.

Mr. President, do I have to remind my colleagues that President Clinton campaigned against special interests—and promised special interests would have no sway in his policies.

And remember Vice President GORE's National Performance Review? The transportation task force recommended eliminating all maritime subsidies.

The National Taxpayers Union, wrote the taxpayers friends, to the Vice President urging that these maritime subsidies be eliminated. Instead, the maritime special interests were able to kill these proposals. If President Clinton is against special interest, then why has he sent to Congress a bill to perpetuate lucrative subsidies for one of the most notorious special interests—the U.S.-flag companies and seafarers?

President Clinton campaigned on a promise of tax cuts. Yet, with the help of a Democrat controlled Congress, he pushed through the largest tax increase in history.

And today, he is expecting his Democrat colleagues in the Senate to push through another $1 billion tax increase to pay for special interests and to keep the seafarer campaign contribution pipeline going.

Taxpayers beware. It has become abundantly clear that when President Clinton and his Democrat controlled Congress promise tax cuts—what they are really talking about are the kind of tax cuts that bleed the taxpayer dry.

I urge my Republican colleagues not to let themselves fall into this trap by supporting this so-called maritime reform bill.

It is nothing more than a huge tax increase for special interests and their lucrative campaign war machine.

Has it ever occurred to anyone that no department or agency wants to pay for these subsidies?

U.S.-flag companies and seafarers like to call themselves the Fourth Arm of National Defense, yet the Defense Department doesn't want to pay for these subsidies, and in fact, have even gone on record 2 years ago stating that the question of Sealand and APL reflagging was not a defense problem.

If my colleagues really want maritime reform, they would be demanding that the Clinton administration publicly release this manning study which has been kept under wraps for over a year by the Maritime Administration.

This report shows that subsidies could be cut in half. It exposes incredibly lucrative salary and benefits thanks to the American taxpayer. It exposes featherbedding on U.S.-flag vessels. And it exposes the fact that seafarers, after working only a few months and collect more money and benefits than most Americans ever dream of—these seafarers even come home from the sea and collect unemployment benefits.

So, Mr. President, if our colleagues are against special interests, tax increases, and taxpayer funding of campaigns, they should join me in doing everything possible to stop H.R. 4003, this so-called maritime reform bill.

Now more pointedly to the bill before us, Mr. President, once again we are confronting the issue of so-called campaign finance reform. In a time when the American people are calling for reform in many areas, this is one area that needs dramatic change.

Unfortunately, the bill that passed the Senate last year is not the change we need. I continue to oppose its passage and believe it is the wrong medicine for the disease we need to treat. There is an unusual mix of people who agree with my appraisal. I have heard that politics makes for strange bedfellows; well, as much as ever before I realize the truth of that statement.

CONSTITUTIONALITY

During consideration of this bill last year, I noted with interest the testimony before the Senate Rules Committee given by Robert Peck, legislative counsel for the American Civil Liberties Union. Though I often do not agree with the ACLU, this time I believe they are right on target.

I quote from Mr. Peck's testimony:

> The ACLU opposes the President's campaign finance proposal because we conclude that it violates the first amendment's guarantee of freedom of speech in numerous ways.

He goes on to say:

> This proposal goes far beyond the provision of public financing and imposes a variety of constitutionally unjustifiable burdens on the free speech rights of candidates and noncandidates alike. It is for those reasons we oppose the proposal.

LIMITING SPENDING

While the proponents of this bill argue that the spending limits are strictly voluntary, there is nothing voluntary about them. When a candidate can be punished for not limiting his speech, this is an unacceptable first amendment violation of the worst kind.

Campaign speech is the essence of the speech for protection under the first amendment. It is political speech of the highest order. It should, therefore, receive the highest protection.

Some wonder how limiting spending is a form of limiting speech. In the 1976 decision, Buckley versus Valeo, the Supreme Court recognized that spending limits violate the first amendment by reducing the quantity of expression, including the number of issues, the depth of discussion, and the size of the audience that might be reached.

Expenditure limitations, the Court said, amount to "substantial and direct restrictions on the ability of candidates, citizens and associations to engage in protected political expression, restrictions that the first amendment cannot tolerate."

According to Ralph Winter of the American Enterprise Institute, "a limit on what a candidate may spend is a limit on his political speech as well as on the political speech of those who can no longer effectively contribute money to his campaign."

I am still quoting, Mr. President.

> In all of the debate surrounding the first amendment, one point is agreed upon by everyone. No matter what else the rights of free speech and association do, they protect explicit political activity. But limitations on campaign spending and contributing expressly set a maximum on the political activity in which persons may engage.

PUBLIC FINANCE: INCENTIVE TO LIMIT SPENDING

The Supreme Court further said in Buckley that the Government could offer candidates public money as an incentive to limit spending—provided that the system was completely voluntary. The Government could not force compliance.

It could not punish noncompliance, but it could reward voluntary compliance with a set campaign spending limit. That is the basis of the current Presidential system of spending limits and taxpayer financing.

As an example of the Presidential system, Bill Clinton and George Bush each received $55 million from the Federal Government during their 1992 campaigns.

Had Bush declined the grant and chosen to spend over the limit, Clinton would not have received any additional funds or benefits from the Government, nor would Bush have been penalized.

Unfortunately, the campaign finance bill before us which would control congressional races is not fashioned in the same manner as the Presidential system. While the measures in this bill are voluntary in form, they are mandatory and coercive in substance. Under the Senate bill, candidates who choose not to participate in the taxpayer financing scheme are harmed. It doesn't matter if their nonparticipation is on purely philosophical grounds, or because they prefer not to be bound by congressionally set spending limits.

Not only would they be deprived of various benefits provided in the bill to compliant candidates, they also would be subjected to a series of punitive provisions. To be punished for exercising your right to free political expression is patently unconstitutional.

Buckley made clear that Congress cannot cap spending directly; it must induce compliance through benefits. In the case of this bill, a compliant candidate is eligible for a number of financial benefits: reduced mailing rates, half-price broadcast advertising rates, independent expenditure and excess expenditure funds.

The independent expenditures amounts are particularly disturbing to me in terms of free speech. If a noncompliant candidate has support from a private, independent citizen exercising her free speech rights, the candidate's opponent will receive additional Government funds to answer what the private citizen says. This is a violation of the free speech rights of that private individual.

Why should the candidate who agrees to comply with spending limits get extra taxpayer funds just because his opponent has private support from a citizen? How is this consistent with the first amendment? How is this not simply a punishment for a noncompliant candidate? How can this be a voluntary system?

EFFECTS: LIMITED SPENDING AND CHALLENGERS

Buckley also recognized that limiting campaign expenditures could actually handicap a candidate who lacked substantial name recognition or exposure before the campaign. Limiting expenditures would only keep this lesser known candidate from competing with a better-known incumbent because of the expenses of running a modern campaign. Allowing this challenger to spend the same as her incumbent opponent is not providing a level playing field. It is the worst form of incumbency protection that could be guaranteed.

According to prof. Larry Sabato of the University of Virginia,

> The frequent calls for spending ceilings in congressional races is a bad reform idea that sounds good. On the surface it is undeniably an attractive proposal. If we are concerned about the "obscene" levels of expenditure in House and Senate races, say the reformers, then let us set a maximum amount that can be spent to win each post.
>
> But who would determine the ceilings? The Congress would, of course—a body composed of 535 incumbents who are fervently convinced of the worthiness of their own reelections. It is in their electoral interests to set the ceilings as low as possible. After all, incumbents already have high name recognition, purchased with lavish spending during previous campaigns, and also achieved over the years with hundreds of thousands of dollars of taxpayers' money—via congressional staffs, mobile offices, constituency services, et cetera. The average challenger, then begins his or her campaign perhaps millions of dollars behind the incumbent in overall real spending, and large challenger expenditures are necessary to compensate and compete. The fact is, therefore, expenditure ceilings, in most circumstances, will favor incumbents and make it even more difficult for challengers to defeat entrenched legislators.

Prof. Michael Malbin of the University of Maryland agrees with Professor Sabato's analysis.

He stated that:

> Equalizing campaign funds would do nothing to help the vast majority of seriously underfunded challengers, but limits would prevent the best challengers from making their case against incumbents who start off with more than a $1 million advantage in office account funds.

Another scholar has addressed this issue, Mr. President. Ralph Winter, of the American Enterprise Institute, commented that:

> Since the other inequalities are most frequently the result of incumbency, a limitation on spending will in the long run work to the disadvantage of challengers and skew the political process severely. A study in the field of advertising supports this conclusion. It found that advertising is most effective in introducing new brands and new products. Heavy advertising is thus closely associated with industries in which there is a high turnover of brands.
>
> This study has important implications for those contemplating limitations on political spending in the media and for those concerned with the problem of the electoral advantage of incumbents.

Winter goes on to state that—

> * * * Even if incumbents do not realize the potential benefit to themselves and even if they are men of good will seeking only to further the public interest, the fact is that the first amendment forbids such regulation and for a good reason. We cannot always count on having men of good will and honest intent in office.
>
> Systematic regulation of political campaigns by Congress must inevitably lead to those in power regulating in favor of themselves. The reason the first amendment takes matters of political speech and political activity out of the legislative process is precisely because we cannot rely on those in power to exercise that power on behalf of their political opponents.

I think the court in Buckley, Professors Sabato and Malbin, and Mr. Winter all hit the nail on the head, Mr. President. Congressional regulation of spending and speech inevitably will lead to greater incumbent protection. Based on their comments, it is easy to see the reason that our Democratic colleagues want this bill. They are currently in the majority in Congress and they want to do everything they can to keep it that way.

Buckley allowed public financing of campaigns because it would facilitate free speech, not limit it. The court made clear that if you are going to limit spending, thus limiting speech, you had to provide public financing.

NEW ENTITLEMENT FOR POLITICIANS IN TIME OF FISCAL CONSTRAINTS

While I understand what the court said, in this time of fiscal constraints, I cannot justify a proposal to provide a new entitlement for politicians. With the overwhelming debt of $4 trillion that faces our Nation, I think candidates should have to pay their own freight.

We are in Congress to be public servants. We should not be the recipient of a large, new entitlement benefit.

While the Senate eliminated the original taxpayer funding in the Senate-passed version last year, we substituted the Exon-Durenberger amendment. With all due respect to my colleagues, each of whom I respect greatly and have worked with on various issues, I think this result is just as bad. Under the Exon-Durenberger amendment, if a candidate spends too much under the requirements set by the bill, he is punished by being taxed at the corporate level for any spending over and above his expenditure limit. Now if that is not punishing free speech and thus a constitutional violation, I do not know what is. Unfortunately, it was because of this so-called compromise funding proposal that the bill had the votes to pass the Senate.

Any of these forms of financing are unacceptable. Our political lifeline should come from our constituents, who will volunteer to see that we are elected to represent their views. That is how representative government works best. Funding should not be forced from taxpayers, who are already overburdened with government demands.

COSTS OF NEW CAMPAIGN FINANCE SYSTEM

One of the biggest problems with this bill is that no one really knows what it will cost.

The Republican Policy Committee estimates the cost of this bill each 2-year election cycle to be between $207 and $296 million, depending on the specific variables in the final bill. Costs would be significantly higher because nonparticipating candidates would trigger the excess expenditure amounts to their opponents. An additional $50 million is expected to be incurred by broadcasters due to the 50 percent broadcast discount.

Democrats have estimated that it would cost $90 million every election cycle just to provide matching funds to House candidates. That doesn't count broadcast discount costs or independent expenditure expenses. Who knows how much that will add?

The CBO estimates the cost to be $189 million in 1996 if both the House and Senate bills provide matching funds, increasing to $203 million in 1998. CBO's estimates are conservative because they assume that 75 percent of Senate candidates and 60 percent of House candidates would participate. If they did not participate in these numbers, the punitive measures in the bills would kick in and raise costs in ways we cannot estimate.

As should be obvious from these diverse numbers, we have no way of accurately estimating the cost of this new system of financing campaigns. There are so many factors to consider. How many incumbents will comply? How many challengers will enter the system? In 1992 alone, there were 1,200 more congressional candidates than in 1990. Who can estimate how many more challengers will enter with the lure of Federal financing for anyone who reaches a minimal fundraising threshold? What about independent or third parties candidates? There is simply no way to accurately estimate the true cost of this proposed system.

Mr. President, as a Congress, we already cannot meet all of the diverse needs presented to us by our constituents. We still have not fully funded the WIC Program or special education. Families and children have needs which should come before those of politicians. In light of the ongoing deficit problems of our Nation, I cannot believe we are discussing giving this money in campaign funds to politicians.

The thing that makes this most contradictory to me is that we have recently appointed an entitlement commission to evaluate, analyze, and advise Congress on what we should do to address the ongoing issue of entitlements in our Nation. Yet, in spite of this commission, we are adding a whole new entitlement, for ourselves. The absurdity of this cannot be overstated.

PAC CONTRIBUTIONS

I am pleased that the Pressler amendment to eliminate PAC funding passed the Senate by an overwhelming vote of 86 to 11. I have consistently supported legislation that would eliminate PAC contributions completely. Not the $10,000 per election cycle allowed under current law; not the $5,000 encouraged as a compromise position with the House. Zero. Nothing.

Like the rest of my colleagues, raising funds for my campaign is not the most rewarding part of my job as a U.S. Senator. However, I have maintained two rules about all campaign contributions: They must be legal and ethical and they must come with no strings attached.

While I have consistently voted to eliminate PAC's, I have accepted PAC money in the past, since it has been legal. However, anyone who has followed my work in Congress knows what every PAC knows about CHUCK GRASSLEY: My vote is not for sale.

For example, the defense industry has offered me PAC support knowing my opposition to the bloated defense budget and my continuous investigation of wasteful government spending.

As I mentioned earlier, our political lifeline should come from our constituents, who will volunteer to see that we are elected to represent their views. That is how representative Government works best.

I am a strong believer in grassroots support and Iowans seem to agree. In fact, during my last senatorial campaign, more than 100 supporters joined the Grassley team every day with an average contribution of $40. This grassroots groundswell was comprised of over 85-percent Iowans.

They were the lifeline, energy, drive, and people-power so crucial for my ultimate victory with 72 percent of the vote. I would not be in the Senate today if it were not for such a broad spectrum of loyal supporters.

Mr. GRASSLEY. Mr. President, I should inquire, did you want me to stop for a moment?

The PRESIDING OFFICER. The Senator would withhold. Pursuant to the order of February 29, 1960, the Senate having been in continuous session, the Senate will suspend for a prayer from the Senate Chaplain.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Commit thy works unto the Lord, and thy thoughts shall be established.—Proverbs 16:3.

Omnipotent, eternal God, this is a place of power. Where there is power, there is pressure. Where there is pressure, there is friction. Where there is friction, there is heat. Under such pressure the Senators serve, added to which is personal tension between conscience and demands of public and private interests and political destiny. And always there is the tyranny of the urgent.

Father in Heaven, in the midst of the stress, grant the Senators Thy peace. Make them wise as they face choices that are rarely either/or, all right or all wrong, all good or all bad. Give them wisdom and sensitivity and the courage to act as conscience dictates, and peace in their hearts once the decisive moment is over.

In His name who is Truth Incarnate. Amen.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, parliamentary inquiry. The fact that we just had a prayer does not start us in a new legislative day, does it? I assume it is the same legislative day we have been in with this discussion.

The PRESIDING OFFICER. The Senator from Iowa is correct.

Mr. GRASSLEY. Also, Mr. President, did the manager of the bill want to speak? If he does, I will be glad to yield.

Mr. MCCONNELL. No. I just say to my friend that I think he was approaching the end of his hour. I will commend him when he finishes.

Mr. GRASSLEY. Do the rules provide that I must stop now? If not, I want to continue to speak.

Mr. MCCONNELL. Only if the Senator's hour has been used.

The PRESIDING OFFICER. The Senator from Iowa has 8 minutes remaining.

Mr. GRASSLEY. I believe strongly in representative government. I work hard to keep in touch with Iowans by returning to Iowa virtually every recess and weekend. Every year I make certain that I hold meetings with constituents from each of Iowa's 99 counties at least once. I also rely heavily on the letters and phone calls I receive to know the concerns and interests of my constituents on Federal issues. This kind of focus and constant communication is what helps develop such broad, grassroots campaign support. This is the way it should be.

Having consistently voted for the complete elimination of PAC contributions, I am pleased with the Pressler amendment in the bill. The elimination of PAC's is one of the measures of true campaign finance reform.

RECENT PROCESS AND WHAT IT SAYS

I think it is unfortunate and telling that our House Democratic colleagues can't agree on this most basic proposition to eliminate PAC's. At a time when we have passed gift ban and lobbying reform legislation, our Democratic House colleagues continue to cling to the most questionable form of gift politicians receive—PAC money. In fact, House Democrats have not even agreed to a proposed reduction in their PAC money. The inconsistency of this would be laughable if it were not so pathetic.

At a time when the Senate has eliminated a Members' ability to receive even a $20 gift from a constituent, many House Democrats are clinging to the right to receive a $10,000 contribution from some labor or corporate PAC.

PAC's personify special interest influence in the minds of Americans. PAC's are defended by their proponents as a way for individuals to get together and advance their shared interests in government. Presumably, those interests would include support of challengers; but, the facts do not bear that out. In the 1992 congressional races where Members were up for reelection, incumbents received over 86 percent of all PAC contributions: $126 million for incumbents and only $21 million for challengers.

In 1992, PAC's accounted for 52 percent of incumbent Democrats' campaign funds. No wonder the House Democrats will not agree to elimination of PAC funds. Clearly, PAC's have become a powerful incumbent protection mechanism in congressional elections.

Since the 1970's, PAC's increasingly have channeled contributions to incumbents with little or no regard for ideology, philosophy, or voting records. Corporate and trade association PAC's are among the worst in this regard, with almost 90 percent of their PAC contributions going to incumbents.

I think that the process we have been through in recent months reflects on the reality of what is happening with this bill. After all of the interparty squabbling among Democrats over PAC's, majority party leaders believe they are nearing an agreement.

So now, in the final days of a congressional session when many Members are tired and distracted by their upcoming elections, the democratic leadership wants to appoint conferees for a bill that passed the Senate 15 months ago and the House 10 months ago. The idea that we could possibly have a fair bipartisan agreement to come out of this attempted conference is laughable at best.

After seeing what the Democrats did on the crime bill, we are foolish to think that campaign finance reform would be different.

With the destruction of health care reform as the key issue for Democrats in the upcoming election, the President and party leaders have now decided that they have three priorities: GATT, campaign finance reform, and lobbying reform.

Where have they been all this time since campaign finance reform and lobbying reform passed? Fifteen months since campaign finance reform passed the Senate; 10 months since it passed the House. On lobbying reform, it has been 16 months since the bill passed the Senate and 6 months since it passed the House. Why the rush to action now at the end of a congressional session?

These circumstances simply reinforce the perception that partisan maneuvering is sought much more than genuine reform.

There are several other provisions besides the elimination of PAC's, reflecting genuine campaign finance reform, which I would like to see enacted into law. S. 7, the Comprehensive Campaign Finance Reform Act of 1993, has incorporated many of these provisions. As a cosponsor of the bill, I would support its approach to campaign finance reform.

It takes an aggressive approach to the elimination of PAC's and soft money.

SOFT MONEY

Mr. President, there has been a lot of talk about soft money. Proponents of the Senate and House bills loudly proclaim that their bill would shutdown soft money. Unfortunately, that is not an accurate claim. The fact is, the House and Senate bills very selectively regulate soft money.

Maybe it would be helpful to first explain what soft money is so that we all understand the terms. Soft money is different from other sources of funding primarily in terms of where it comes from and the degree of government regulation. Unlike soft money, hard money is raised and spent directly by a candidate's committee and is, therefore, covered in a campaign's Federal Election Commission reports. Hard money is subject to Federal regulation and limits, and it is publicly disclosed.

Soft money is raised for and spent on activities conducted outside of Federal election laws for the purpose of influencing elections. Soft money is not cash dollars given directly to a specific campaign. Soft money is spent on behalf of a specific campaign, group of candidates, or a political party.

Soft money is undisclosed and unlimited under Federal election law. It is not that campaign activities purchased with soft money are inherantly evil. The soft money problem is in the lack of disclosure and limits. One of the key issues to any reform is what is often called "sunlight." Just get it out where people can really look at it.

Proponents of these bills would have people believe that soft money is an issue only for political parties. That simply is not true. The political parties are not the only players in the soft money game. Labor unions and other groups are big players in the game.

Essentially, there are two kinds of soft money: Party—Republican and Democratic—and nonparty—labor unions and other groups. Both of these promote what most Republicans and nonpartisan scholars consider a good thing: citizen participation in the electoral process.

PARTY SOFT MONEY

The fundamental difference is that the political parties, on the whole, do not have a legislative agenda. I believe the DNC is like the RNC in that the only criteria for support is that a candidate be a viable candidate of that party.

The DNC supports Democrats of all philosophical perspectives. Likewise, the Republican National Committee supports candidates of all philosophical persuasians, so long as they are Republican.

OTHER SOFT MONEY

This is not true when it comes to other sources of soft money. Let us take labor unions, for example. Just in the last year we have had two major examples where the unions have linked votes on pending legislation with financial support in upcoming elections.

On the North American Free-Trade Agreement and on the striker replacement bill, various unions stated flatly that there would be a quid pro quo. If a Member voted against the union position on either of those two legislative initiatives, union support would be withheld. This is not an inconsequential threat for candidates accustomed to strong labor backing. Labor unions are very generous PAC-givers to their allies, and their use of "soft money" is unequaled.

The labor unions' soft money power derives largely from what the National Right to Work Committee estimates is $5 billion annually in compulsory union dues. FEC reports indicate that for every $1 spent by labor PAC's, unions spend 50 cents to subsidize PAC overhead.

REPUBLICAN APPROACH TO SOFT MONEY

Mr. President, Republicans have led the fight to close these special interest soft money loopholes by offering amendments to codify the Supreme Court's 1988 Beck decision and require disclosure and limits on soft money.

Members may recall that in the Beck decision, the court ruled that Harry Beck, a union member, could not be forced to pay for the extensive political operations of the Communication Workers of America. The court held that Mr. Beck had a right to a refund for the portion of his dues being used for political purposes. When Republicans have sought to codify that decision for the benefit of all union members, the majority party has refused to allow it.

Senator JEFFORDS addressed this issue last year during the debate over the campaign finance bill.

He successfully added amendments to provide some disclosure of nonparty soft money, and enable candidates additional latitude to respond to such expenditures under a spending limit system. Not surprisingly, the Jeffords amendment caused great discomfort among providers and recipients of such soft money. Fortunately, the majority wanted a bill to pass the Senate so they accepted the amendment on a voice vote. Nevertheless, the Jeffords amendments certainly would face a hostile environment in conference, or maybe a deal has already been cut in the Democratic Senate-House negotiations that have been occurring all year.

Concerning party money, both the Republican and Democratic National Committees raise money to support their Federal, State, and local candidates. Money raised to support Federal candidates is "hard" money—regulated by and reported to the FEC. Money raised ostensibly to support State and local candidates, but which indirectly benefits Federal candidates as well, is known as "soft" money—it may or may not be regulated by State law, but it is not covered by Federal law.

Each of the 50 States has its own set of laws governing the elections of State and local officials. Because Federal, State, and local candidates are on the same ballot, generic get-out-the-vote activities targeting one of these candidates benefits all of them. Again, the issue is not that the activities are inherently bad, but that accountability is crucial to ensure that the voters know that is really going on.

Republicans have benefited somewhat more from party soft money than have Democrats, because the Republican Party usually is more successful at raising money. In fact, the Republican Party always has been more successful at raising funds in small amounts—the average is around $30—from a lot of private citizens. These citizens contribute to the Republican Party because they want to participate in the political process as a Republican. On the other hand, Republicans have not fared well regarding labor soft money. In fact, Republicans receive almost no help from any labor unions.

Democrats since the election of President Clinton, have augmented their labor soft money windfall with a new enthusiasm.

President Clinton has been very successful at raising millions in so-called "soft money" to support his parties' campaign efforts. So, Democrats benefit from party soft money and nonparty soft money, principally from labor unions. It is not surprising then, that Democratic proposals to restrict soft money have focused entirely on party soft money while leaving pro-Democrat labor soft money untouched. The DNC traditionally is inferior to the RNC in terms of party soft money. Democrats reasonably conclude it still makes sense to shut down party soft money, knowing their labor soft money advantage is retained.

In contrast, the Republican Party soft money proposal set forth these past few years focuses on accurate accounting and disclosure. It would require the parties to maintain separate Federal and State accounts if they are participating in both types of elections. It would require complete disclosure. It would also require party committees to report all of their accounts—Federal, State, and building funds—to the FEC.

David Broder of the Washington Post has written at length on the need for strong and active political parties, stating in 1991 a sentiment that still applies today:

> But on neither side of the Capitol are the Democrats prepared to do the one thing that might really help challengers—ease the restrictions on fund-raising and spending by the political parties, the only institutions in America that have an intrinsic interest in electing nonincumbents to office.

Broder goes on to say:

> Indeed, the Senate bill—and likely the House version as well—threatens new restrictions on State parties, limiting the contributions they can accept for coordinated registration and get-out-the-vote campaigns. These efforts are at the heart of electoral democracy, but Congress is threatening to clamp down on them. To call this an improvement takes a greater leap of faith than I can muster.

Thus, the Republican approach to soft money focuses on that soft money that is linked to specific special interests—not to the parties, which, according to Broder, are the heart of electoral democracy.

The Republican alternative to campaign finance reform, S. 7, has other specific proposals which are needed. It requires candidates to declare upon filing if they intend to contribute personal funds over $250,000. And, it would prohibit them from recovering those funds from money raised after the election.

S. 7 provides challengers with seed money by allowing political parties to match early, instate contributions up to a total of $100,000. Finally, it would require all independently financed political communications to identity who provided financing.

These are the kinds of issues I would like to see addressed in genuine campaign finance reform. I think it is unfortunate that we can't get real reform in a time when it is so desperately needed. I think we should address this issue when we have a new Congress, which is more sensitive to the concerns I have raised.

Mr. MCCONNELL. Mr. President, I thank my distinguished colleague from Iowa for his excellent presentation. He has laid out the issue very skillfully.

Also, I will report that Senator MURKOWSKI is here for his hour, bright-eyed, and obviously one of those who got a good night's sleep. I will be happy to yield the floor.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, last night, I had the occasion of sitting in the chair for 2 hours, and I listened to a number of speeches. I am going to take a few minutes now to actually speak myself, even though I know my colleagues on the other side want to chew up as much time as they can and are waiting in line seriatim to do that.

I would like to comment for a moment on where we really are here. I listened to these speeches and I heard my colleagues come to the floor and give sham reasons for why they are trying to stop this bill. One reason I heard time and time again was that the bill deserves to be killed because the conference committee has not been appointed for 15 months. I think it is vital for Americans to understand what is really happening here.

We are constantly criticized in the U.S. Senate and in Congress for not getting things done. In broad and vague terms, the press consistently writes about, talks about, and spreads the word that the U.S. Congress lacks the ability to do its work. But when there is a clear and evident example of why we do not get our work done, the press seems to be absent and does not want to point the finger where it ought to be pointed.

This bill that is being filibustered here now has already been passed by this body. We passed this legislation, America. Sixty U.S. Senators voted for this legislation, and 62 U.S. Senators already voted to end the filibuster previously. And yet we are back here again, America, because our friends on the other side of the aisle are chewing up time, waiting for the countdown until the U.S. Congress goes home, so that this bill will die.

This is gridlock. This is gridlock in action. It is gridlock for every American to see. The same people who come to the floor and feign concern about the deficit are the people who forced extra police to stay here all last night, forced clerks and recorders and technicians and Senators to stay up for hours just to eat time on something that the U.S. Senate has already voted on. Sixty U.S. Senators have already voted on this, and all that the Democrats are trying to do now is get a passed bill to conference, which is just the next step in the legislative process, so that Democrats, Republicans, House and Senate, can sit at a table and do what the American people sent us here to do.

This is a disgrace. This is what makes the American people mad. This is a minority trying to dictate over the majority. Oh, yes, they are exercising their rights under the rules. Everybody can always find a rule that somehow makes the law look like an ass. Anybody who is familiar with law from school or even from TV knows that sometimes the law can be used for asinine purposes. But what is happening here right now in the U.S. Senate is the worst of what is happening in American politics today, and it is what every single American hates.

Our friends on the other side of the aisle will say, oh, we are just saving taxpayer dollars, we are preventing "foodstamps for politicians"—I have heard all of these erroneous arguments come out. I am amazed by the capacity of Members of this institution to use Orwellian doublespeak to their advantage.

They come out here, and they show us black and call it white, and folks out in the country say, "Oh, it is white," even though it is black. Then they will vote on it and make it white, and once it is white, if it suits their purposes, they will call it black once more.

We saw that on the crime bill. That is the game being played in Washington, DC, today. A majority of this House, this institution, voted for the crime bill. Many Republicans voted for the crime bill with more money in it than the bill that came back, yet they called the bill that came back "pork."

Doublespeak. It is all doublespeak.

Last night I heard people purporting to be constitutional lawyers, suggesting that on this bill we have a responsibility to make a constitutional determination—when bill after bill goes through here and these same Senators ride roughshod over any constitutional implications and happily allow the Supreme Court to do what it is supposed to do.

Senator GEORGE MITCHELL, who has sat as a Federal judge, who most people here would agree to be a shoo-in to sit on the U.S. Supreme Court, expresses a directly opposing view to that espoused by—frankly—lesser lawyers on the other side of the aisle. And yet, it is still so important to them this constitutional implication be decided here.

All you have to do is read the controlling case in this area, Buckley versus Valeo. Buckley versus Valeo is very clear in saying that there is plenty of discretion in this bill that fits under the voluntariness requirement of the Supreme Court.

We have heard talk about food stamps for politicians. I wish Americans could come and see the merry-go-round of fund raising that takes place here. If you want to see real food stamps, go to one of the parties in Washington where Congressmen rarely have to buy a meal. They go out and eat hors d'oeuvres from the hands of lobbyists. That is the food stamp first.

This bill is a liberation from the fundraising merry-go-round, and the same people who opposed it previously are back again to tie up the time of the U.S. Senate and prevent the majority from working their will. This is a game that is being played right in front of the eyes of Americans. It is time that the press and others in this country called it what it is.

This is gridlock; gridlock in the interest of status quo; gridlock that is reflective of a fear or our friends that campaign finance reform might actually create a level playing field, that it might actually do the exact opposite of what they say, that it might threaten incumbency, not aid it.

I ask any American to make a judgment. Do you have a fairer race for the U.S. Senate or House if people have equal amounts of money, or do you have a fairer race if an incumbent by virtue of the power of incumbency can raise unlimited sums of money and outspend the challenger by two to one or three to one? Any kid in grade school can answer that question.

Yet our friends come down here and try to suggest that this bill, which attempts to limit the amount of money that we raise and spend in campaigns, is somehow going to favor the incumbent. There is no incumbent politician in this country who does not understand that if a challenger can raise as much money as we can, we are in serious trouble. We are in serious trouble, that is, unless we have focused our efforts during our time in office compiling a good record to run on, unless we have been responsive to the public will, unless we have done something to earn our keep other than just raise a lot more money than our challengers can.

Do the American people know that the U.S. Congress was up all night last night, that people's salaries are being paid, that people were here doing nothing in the interest of delay, doing nothing in the interest of taking us right back over the same track we have already been down before?

The game here is very simple folks. Tie it up for 30 hours or so now, use up a few days of the week, then we come back and we have another motion to proceed. We chew up the time, another 30 hours, and all of sudden everybody is getting backed up into their campaigns they want to get out of here. And what happens, campaign finance reform fails.

If the Republicans were serious in saying they want reform then they should go sit down at the conference table and let the process work its will. Sit down at the conference table and allow people to work the measures out. But they do not want to do that, or if and when they do get to doing that, they want to make sure it is at the last possible minute so that nothing else can happen here—nothing else can get done.

Today in the Commerce Committee we got a letter making last-minute demands on the communications bill. This is a bill that has been worked on this whole year with bipartisan support, which passed out of committee supported by both sides of the aisle, 18 votes or so in support, and yet at the last minute Republican demands are put up which effectively have killed the Communications Reorganization Act for this year.

We are operating our entire communications structure in this country under an act that is 60 years old, yet because of this Republican willfulness and unwillingness to let majority rule work, an unwillingness to allow the legislative process to function, the entire bill has been killed.

Maritime reform. That was another measure that was on the schedule today. But maritime reform became the victim of a few Republican Senators who exploited a rule that allows them to object to a committee meeting for more than 2 hours when we are in session. So, gone is maritime reform, something we desperately need for this country, something which would have created jobs.

I want America to wake up. Wake up America. What is happening here is gridlock that is a reflection not of incompetence but of political strategy, pure and simple. What is happening is gridlock, part of a scorched-Earth policy to try to damage this institution so that everybody in America will believe that we cannot get something done. Then the public will look and see that Democrats are in the majority—"in the majority" though it takes 60 votes to do anything, so our "majority" is an illusion—the theory being that because it takes 60 votes to accomplish anything but the public doesn't understand this, as long as Republicans exploit the filibuster, nothing will happen, it will reflect badly on the Democrats and, by God, they will win at the election booth.

So America you are being taken on an incredible ride right now. You are being taken on an incredible ride, a calculated effort to create gridlock and chaos that reflects badly on the "party in power," even though the party in power cannot get anything done because it takes 60 votes to do something and the minority will not allow that something to happen. And here is the example of it right here in front of your eyes; campaign finance reform, a bill that the political system of our country desperately needs, is being killed by people coming to the floor of the Senate and filibustering on the hypocritical argument that, "Well, months ago we should have sent this to a conference committee."

We have been working on this for 10 years—10 years. It died when President Bush vetoed it. It dies when they filibuster it. Sixty Senators have already voted for this yet it may die again because now Republicans are determined to prevent the majority from having its way.

I hear complaints about how much this bill is going to cost—someone last night said it is a entitlement that it is going to create a new mandate for funding. Folks, if Americans were to stop and take a look at the unfunded mandate that they are paying for today by virtue of today's campaign finance system, they would be shocked. Billions upon billions of dollars in bills that come about because of the linkage of money to politics, elections; billions of dollars it cost you today compared to the few hundred million that would go in through taxpayer checkoff, through a system that would allow people to run for office free of all of this influence. Billions of dollars.

Let's speak with candor about what happens in this city. Little measures go into Ways and Means bills, measures go into the Finance Committee, big projects go through Appropriations, special measures for this entity or that entity or another, and everybody gets taken care of in the end. That is what campaign money does to democracy.

This current finance system is far and away more expensive than what this bill contemplates. I have heard people say this bill shuts off free speech. Mr. President, if a millionaire wants to run for office under this bill and spend his or her entire fortune, there is nothing to prevent him or her from doing so. There is no turning off of the spigot of free speech in this bill. You can speak as much as you want—but there is a price. And the price is democracy. The price is that someone on the other side also gets a chance to speak.

So we are saying we do not want our elections to be decided by money. We do not want Americans held prisoner to big, high-priced lobbyists and companies that can come in with scads of contributions and work their will. We want politicians listening to Americans. We want them out there in living rooms. We want them in the backyards. We want them at fairs. We want them in schools. We want them talking to people, raising small contributions, and not just sucking up to special interest money.

All we have done in the United States today is turn Congressmen and Senators into money collectors for broadcasters. That is what we do. We have highjacked the American political process and allowed it to be held hostage to a process of fundraising where we become the conduits for special interest money to go directly to the broadcasters.

Look at what happens in any campaign. We go out, we spend incredible amounts of time traveling. A Senator from New Hampshire or Ohio going to Indiana, Mississippi, Florida, California, New York, all over the country to raise money. For what purpose? To hand it over to a broadcaster. And in the process we create a whole series of priorities of access that dilute and pollute the political process of this country.

Now, if my friends disagree with this, why not just vote no. Just vote no and go home to your district and tell them how lousy this bill is. But, no, they smell blood in the water and they want to use their minority power of filibuster to kill reform. And the reason they want to kill reform is that they like the system the way it is because it advantages them, because they can go out and raise more money than anyone else because they have their fingers on the buttons and levers of power and nonincumbents obviously do not.

So the system will remain, with politicians playing to the people who operate the levers and the buttons. It is very simple stuff and most Americans understand it an awful lot better than most people in the U.S. Congress want to allow for.

What is happening here in the last 24 hours and will go on and on probably is the great reluctance of the minority to allow the majority to work its will. This is gridlock at its absolute worst, and Americans should wake up and focus or they will continue to get the kind of Government that they deserve if they are not paying attention.

America, we have been here before. We voted for this bill. It already passed. We already broke the filibuster, and now we are right back here chewing up the last days of the Senate of the United States in its action because a few people like the system the way it is. That is what is this is about. I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, before yielding the floor to Senator MURKOWSKI, who is waiting patiently for his turn, I want to thank Senator KERRY for using 30 or so minutes and telling him that he is right, in part. We make no apologies for trying to kill this horrible bill. It is clearly unconstitutional, and the lawyers we cite, as he knows, are from the American Civil Liberties Union.

It clearly is an entitlement program for politicians by any definition, and the American people, we believe, looking at the polls, are about to send some of the cavalry up here to rescue them from the kind of legislation this Congress is trying to pass. Certainly we are going to do everything we can in the waning hours of this session to make certain this kind of outrageous proposal does not become law.

Mr. President, I yield the floor.

Senator MURKOWSKI is here ready to proceed.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I note the presence of the majority leader and the minority leader. I believe that they wish to proceed. I yield the floor subject to being recognized after their completion.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate vote at 1:45 p.m. today on the motion to disagree to the House amendments on S. 3; that upon the disposition of that motion, the Senate vote immediately on the cloture vote on the motion to disagree to the House amendments on S. 21; that if cloture is invoked, the motion to disagree to the House amendments on S. 21 be agreed to; that regardless of the outcome of the cloture vote, the Senate resume consideration of the message on S. 3; that the motion to request a conference with the House be the pending business; and that a cloture vote—the motion having been filed when the Senate resumes consideration of S. 3—on that motion to request a conference occur at 10 a.m. on Tuesday, September 27, with the mandatory live quorum waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, as a result of this agreement, there are expected to be two rollcall votes at 1:45 p.m. today, the first on the motion to disagree regarding S. 3 and the second a cloture vote on the motion to disagree regarding S. 21, the California desert bill. That second vote will be the last vote today.

On Monday, the Senate will resume consideration of the amendments in disagreement to the D.C. appropriations bill.

Mr. President, I thank my colleagues.

Mr. MURKOWSKI. I thank the majority leader and the minority leader.

Mr. President, I too want to thank my colleague from Massachusetts for taking up some 30 minutes or thereabouts. Obviously, the position of many of our friends on the other side has been to move this to conference without debate. But the Senator from Massachusetts saw fit to take some time. So we are most appreciative on this side.

I think it is also appropriate to reflect a little bit on the allegation that this is gridlock, in effect, and the Senator from Alaska will concede it is a gridlock. But let us reflect on whose gridlock it is and why.

Among the Senate and House Democratic leadership, there is a gridlock. Senate Democrats have wanted to do something on PAC's so that they could get their taxpayer funded spending limit bill through the Senate. That is a fact. But House Democrats prefer to do nothing in regard to lowering the PAC contribution limit. Hence, it was interesting to note the Washington Post headline last month, and I quote: "Democrats Fail To Compromise on PAC Limits."

So, in reality, the gridlock that does exist and has existed for some time between the House and the Senate is with the Democratic leadership in the House and the Senate. Make no mistake, it is the Democrats who control both the Senate and the House. So when our colleague from Massachusetts refers to gridlock, I would encourage all my colleagues to reflect on the reality that gridlock does occur, is occurring, and has occurred, but it is within the House and Democratic leadership and their inability to resolve campaign reform.

Mr. President, I would also like to reflect on the comments of the Senator from Massachusetts relative to the aspects of just what this bill is all about.

This bill is about the disagreement over whether the American taxpayer should fund our elections or whether we ought to fund our own elections. It has been more than 15 months since the Senate passed its version of campaign finance legislation. I voted against this legislation because I genuinely believed that it was flawed. And I believe it is the height of political arrogance for Members of Congress to demand that the American people be taxed in order to finance our political campaigns.

I can tell you, in Alaska, what people think. They do not want their taxpayer dollars financing political campaigns in the U.S. House and the U.S. Senate.

And I think, Mr. President, that anyone who thinks we can pull the wool over the eyes of the American public by calling this an election reform bill is really out of touch with reality in the mainstream of America.

I do not think this is a reform bill. This is really a welfare bill, a welfare bill for politicians. It is going to create a new entitlement program. It is going to cost the American taxpayer roughly $200 million every 2 years. And that $200 million entitlement is going to grow as candidates for Congress proliferate, and they are going to proliferate at the expense of the American taxpayer.

So, as we reflect on the comments of the Senator from Massachusetts, I think we have to qualify, if you will, just what the issue is.

The majority of the American people do not want their tax dollars going to fund Senate and House elections. According to the Congressional Budget Office, this legislation would generate taxpayer-financed matching payments as high as $100 million for Senate candidates in 1996 and 1998. Senate candidates would be eligible for excess expenditure payments, voter communication vouchers, reduced broadcast rates, discounted third-class mailing rates, and all kinds of things that the average public would not even conceive of. But they are in here.

Now, let me describe some of these payments to you. Excess expenditure payments would kick in if a candidate's opponent exceeds the individual State spending limit. In that case, the candidate would receive a payment equal to one-third of the general election spending limits.

In addition, if the candidate's opponent exceeds the limit by more than 33 percent, the candidate would be entitled to receive another payment equal to one-third of the general election limit.

Now, if that is not complicated enough, in addition, if one's opponent exceeds the State spending limit by 67 percent, the candidate would be entitled to another 33 percent of the State spending limit. So it is going to take an accountant to keep track of the exceptions in this.

Somebody said there are more loose ends in this than a $10 hairpiece.

Well, Mr. President, according to CBO, these excess expenditure payments would cost the taxpayer $46 million in 1996 on top of the $57 million for general matching contributions. And that is just for this body, the U.S. Senate. We are not talking about the House.

But let us talk about the House. Candidates for the House would be entitled to receive $218,000 of Federal taxpayers' money—and I want to emphasize, Federal taxpayers' money—to help finance their campaigns.

But that is not all they are going to receive. If a candidate's opponent refuses to limit spending beyond the threshold amount of $436,000, the candidate would be entitled to unlimited matching funds—unlimited matching funds. If a candidate's opponent spent more than $273,000 of personal funds, the candidate would be entitled to a triple match, $3 of taxpayers' financing, for every $1 contribution. They are going to need a Philadelphia lawyer to figure that out.

In other words, this legislation will provide candidates for Congress with what amounts to an open-ended checkbook paid for by the U.S. taxpayer.

And that is why those on this side of the aisle are standing, around the clock, explaining to the American people the reality of just what is in here and what this so-called gridlock is all about.

One would ask, are we so swimming in excess cash in this Congress that we can afford to throw out some $200 million every 2 years to pay for our campaigns? We all know we cannot. We are $4.6 trillion in debt in this country.

Do you know what we are going to do if this proposal goes through? We are not going to fund it. We are going to fund it by deficit financing. Instead of $4.6 trillion in debt, it is going to be $4.8 trillion, or what have you. We are borrowing money to cover the cost of interest on our debt. Think about that. We are not paying down the principal, $4.6 trillion. We are borrowing money to cover the cost of the interest. So we are really adding interest to the assimilated debt.

I do not have to tell you, as a former banker, what that does. You are broke already, you just do not know it. Or, if you know it, you will not acknowledge it.

Yet, we have the audacity to demand that the American citizens ante up another $200 million every 2 years to pay for our reelection campaigns.

Mr. President, I can assure every Member of this body that if we pass any legislation that forces taxpayers to pay for our campaigns, there are going to be few of us, if any, who will be mounting successful reelection campaigns in the next few years.

I think every Member of this body should take note of the primary election campaign that was held this week in Oklahoma. An 8-term Congressman, MIKE SYNAR, spent $300,000 to defend his seat—$300,000, Mr. President. His opponent, Virgil Cooper, a 71-year-old former school principal, spent less than $17,000, passed out his business card around the State, and emphasized the fact that he was not an incumbent—$17,000 campaigning under a platform that he was not an incumbent. Cooper won.

Now, what does Cooper's victory suggest? It suggests to this Senator that people are even more fed up with politics as usual in Washington than they were in 1992, when they gave Ross Perot 19 percent of the vote. They are fed up with mandates, and that is what this would be. This would be a mandate that the taxpayer fund our House and Senate elections. They are fed up with high taxes and they are fed up with a broken welfare system that keeps people on welfare. They are fed up with illegal immigration. They are fed up with crime. And, most of all, they are fed up with our inability to seriously tackle—seriously tackle—that $4.6 trillion national debt and the yearly deficit. Because each year, we spend more than we take in.

But the dam of that frustration with Washington, I think, is going to break. It is going to break and flood when the taxpayers learn that we have now decided to finance our campaigns with their hard-earned tax money. Instead of reducing the deficit, instead of financing new prison construction, we have decided to use their money—their money—to pay for our 30-second spots or for our bumper stickers.

I would be interested to see how many of our colleagues are going to campaign this fall on a platform of taxing the American people to finance their own political campaigns. I will bet not one Member who is up for reelection this year is going to have this in their platform. When asked if they believe in it, they are going to say, "Well, you know, we are giving it study. It is under consideration. There is a good side and a bad side. There is one hand and another hand." And you are not going to get an answer because nobody is going to say: I want the American taxpayer to fund my reelection effort.

We all know that our colleagues are going to reflect on this reality. Our colleagues, none of them will dare raise the issue of taxpayer financing for congressional campaigns, as I have stated, because we know that the American people have already cast their ballot—think about this—they have cast their ballot on the idea of using taxpayer money to finance political campaigns.

Now, how have they done that? Let me tell you. They have done it by a resounding margin of more than 5 to 1. And they voted no, Mr. President.

We have a model for taxpayer financing of political campaigns right now, the Presidential Election Campaign Fund, that is financed by a taxpayer checkoff on the Federal income tax form. Do you remember that? It is there on every form. We all have an opportunity to check it off.

The Presidential fund paid out $174 million in 1992. Of that amount, nearly $43 million was paid to candidates who ran in the Presidential primaries.

President Clinton and former President Bush received more than $23 million of taxpayer funds. Pat Buchanan received $5.2 million; Jerry Brown, $4.2 million; Paul Tsongas, $3 million; Bob Kerrey, $2.2 million; Tom Harkin, a Senator from this body, $2.1 million.

But those were not the only Presidential candidates who benefited from taxpayer funding. There were others.

There were others. Some of the names are familiar.

Lyndon LaRouche received more than half a million dollars from the Federal taxpayers to help finance his 1992 campaign.

Where did he run that campaign, Mr. President? He ran it from a prison cell. What do you think of that? He ran his campaign, Lyndon LaRouche, his 1992 campaign, from his prison cell, with more than half a million dollars of taxpayer funding.

In fact, Mr. LaRouche has collected more than 2 million taxpayer dollars from his five, Mr. President—five—unsuccessful campaigns for President. Do you think the American taxpayer, given an opportunity, would approve of that kind of taxpayer financing?

Lenora Fulani—I am not sure of the pronunciation of that, because, frankly, I am not familiar with the person or the New Alliance Party—received $2 million in her unsuccessful campaign for the Presidency in 1992. And in her three—she has had three unsuccessful runs for the Presidency—she received more than $3.5 million of taxpayer money.

What do you think of that, Mr. President?

Well I know what I think of it.

I would note that John Hayden of the National Law Party—I have not heard too much of that party either—received more than $350,000 of taxpayer money in 1992 to finance his unsuccessful run for the Presidency.

Another one you may have heard of, common household name, Larry Agron, received more than a quarter of a million dollars that same year.

Now in the general election both candidates, Bush and Clinton, received $55.2 million in taxpayer funds. Some Americans may think this is an excessive amount of money for a general election campaign, but they would probably be even more shocked to learn that both the Democratic and the Republican Parties each received more than $11 million to produce their own political convention. Is the American public aware that the taxpayers' money is going to produce the political convention? Well, they are.

Mr. President, these excesses, you know you wonder, do they go unnoticed by the American taxpayer?

The very first question that appears on everyone's 1040 income tax form, and I will refer to that again, reads, and I quote "Presidential Election Campaign Fund. Do you want a dollar to go to this fund?" That is on everybody's 1040 income tax return.

Then it is noted that "checking yes, will not increase your tax, or reduce your refund." It will not increase your tax. It will not reduce your refund.

So, Mr. President, every year Americans exercise this right to vote, and they are voting. They vote for or against using taxpayers dollars to finance election campaigns. They know it will cost them nothing. They know it will not cost them anything extra in terms of their tax liability. And they know the only way they can vote in favor of public financing is to check the box that has the "yes" in it. If they leave the election checkoff box blank, well, you can draw your own conclusions. They are effectively voting no, because the only way the Presidential fund can be financed is from taxpayers' returns that have checked the "yes" box.

Mr. President, the results have long been in on this. I think it is an absurd idea of tax financing.

In 1980 more than 7 in 10 Americans, 72 percent, either checked "no" or left the boxes blank. That is a pretty good indication of public opinion. Only 28.7 percent of the American taxpayers checked yes on the presidential campaign fund. And I would note that that was the high watermark for taxpayer financing. That was 1980.

In 1985, only 23 percent checked yes.

In 1990, less than one in five, 19.5 percent of the taxpayers checked the "yes" box. Pretty good indication of public opinion on taxpayer financing. Four out of five voted no by checking the "no" box, or leaving the "no" box blank.

In the most recent Presidential election, 1992, the campaign checkoff had declined to nearly 17.7 percent. Eighty-three percent of Americans expressed their opinion, and that opinion was "no." So, the failure of the Presidential checkoff——

Mr. McCONNELL. Will the Senator yield for an observation?

Mr. MURKOWSKI. Yes.

Mr. McCONNELL. I happened to look up the State-by-State checkoff, and in his State of Alaska, it was only 14 percent in 1991; my State of Kentucky, only 10 percent. Our folks, the people we work for, hate it even more than the national average.

Further observation, as the Senator knows, last year because of this declining participation in the checkoff, they were afraid the whole thing would be broke by 1996, so they put it in the budget bill and now an individual gets to divert $3 instead of $1. Fewer and fewer people can divert greater and greater amounts of money. I thank the Senator for his observation.

Mr. MURKOWSKI. I thank my friend from Kentucky. I want to commend him on his extraordinary commitment to this issue, and the fact that he has been on the Senate floor virtually around the clock, communicating to American taxpayers the reality associated with this legislation.

I hope that my input today contributes to greater understanding of just what taxpayer financing is all about, and the ultimate attitude that seems to prevail among Americans with regard to the alternatives of supporting it by checking off on the 1040 form, or simply leaving it blank, which is a pretty good indication that they disapprove of it.

Mr. President, the failure of the Presidential checkoff has been so pervasive in the Senator from Alaska's opinion, that the campaign fund has been really verging on bankruptcy.

However, instead of abandoning this failing concept, our Democratic colleagues on the other side resurrected the fund last year, when they voted to raise the checkoff, as my friend from Kentucky has observed, from $1 to $3. I am pleased to remind the American people that not a single Republican voted to support that increase. Not one.

Earlier this year, I offered an amendment that would have switched the checkoff from a fund for subsidizing politicians, which is what this is all about, subsidizing our elections, to a trust fund for funding disaster relief. We do not know when it will occur, but we know it occurs. We have floods, disasters, hurricanes, typhoons, and we do not have the ability to meet, if you will, the significance of the obligation from a financial point of view.

We know when elections are going to occur. It is rather interesting, on nearly a party line vote, that amendment was defeated. And I think, Mr. President, the majority of taxpayers would rather check off a box for $3 for disaster relief, than for public financing for elections in the U.S. Senate and U.S. Congress. But nearly on a party line vote, that amendment was defeated.

Mr. President, with 83 percent of the American public refusing to support taxpayer financing of Presidential campaigns, it is clearly apparent that this is not a partisan issue with the American public. But our friends, on the other side of the aisle seem to think otherwise.

Now, the American public has indicated—Democrats, Republicans, Independents—an overall rejection of the idea of taxpayer financing.

And let us look a little bit at another area that is rather interesting, and that is the attitude of the President and Mrs. Clinton.

I would note that the President and Mrs. Clinton have demonstrated—and I will enter this into the RECORD with their 1040 tax forms—they have demonstrated a longstanding opposition to taxpayer financing of Presidential campaigns.

I have copies, Mr. President, of their returns, William J. Clinton and Hillary Rodham, Little Rock, AR. These returns go back as far as 1977. At that time, our President was serving as attorney general of Arkansas.

It is rather interesting. In both 1977, Mr. President, and 1978, both the President and the First Lady left the Presidential election campaign checkoff blank. Well, it is a "no" vote to me. In other words they voted "no" on financing Presidential elections with taxpayer funds.

For a reason not explained in this 1040 form, in 1979, there seemed to be a split in family opinion, and as a consequence, the President—he was then Governor Clinton—checked the "yes" box, but Mrs. Clinton, Hillary, checked the "no" box.

Well, you can draw your own conclusion to that. Obviously they had a difference of opinion, not uncommon. Nancy and I have differences of opinion from time to time.

Mr. McCONNELL. That was a difference in opinion one year. Some years for, some years against.

Mr. MURKOWSKI. The Senator from Kentucky is correct in his observation.

In every year through the decade of the 1980's, and I am going 1979, 1980, "no" box was checked, neither "yes" nor "no" on the joint return. In 1981, "no" box checked, neither "yes" nor "no." One assumes they did not support it.

In 1982, "no" box checked. Neither "yes" nor "no" for Hillary or Bill Clinton.

In 1983, "no" box checked.

In 1984, "no" box checked.

Clearly they were not too enthused about taxpayer funding for elections.

In 1985, "no" box checked.

In 1986, blank again, "no" box checked, neither "yes" or "no."

In 1987, getting closer, "no" box checked, neither "yes" or "no."

In 1988, "no" box checked. Still getting closer. At that time—let us see—another year, "no" box checked. No "yes" or "no."

But something curious happened in 1990. There was a change. There was family unanimity, and they both voted "no" in the sense of checking the "no" box. No contribution from either one. They did not leave it blank like they had the other 7 years. They simply said, "Do you want $1 to go into this fund?" The answer was "no." They have a joint return. "Does your spouse want $1 to go to this fund?" And the "no" box was checked.

Mr. McCONNELL. Will the Senator yield?

Mr. MURKOWSKI. Yes.

Mr. McCONNELL. Before he goes on to 1991, could 1990 have been the year the President was running for reelection as the Governor of Arkansas?

Mr. MURKOWSKI. It is my understanding that he was then running for reelection as Governor of Arkansas.

Mr. McCONNELL. So the Senator from Kentucky would be correct in concluding that in the previous years, there was a no designation, and we all interpret that not to be a no, but no affirmative declaration.

Mr. MURKOWSKI. With the exception of 1979 when there was a declaration on the part of, at that time, Mr. Clinton.

Mr. McCONNELL. But then in a 1990, the year in which he was reelected the last time as Governor, he and Mrs. Clinton both checked "no."

Mr. MURKOWSKI. Yes, they both checked "no" in 1990.

In 1991, on the joint return filed by Governor Clinton and Hillary Rodham, there was a rather curious change. It asks, "Do you want a dollar to go to this fund?" The answer was "yes." And in the joint return, "Does your spouse want the dollar to go to this fund?" The answer was "yes."

That is a rather curious thing. This was the 1991 return. However, it was filed April 14, 1992. By April 14, Governor Clinton was already receiving Federal funds for his Presidential campaign that he had probably begun receiving since February. So by the time the filing occurred, April 14, which is when the President and Mrs. Clinton would have checked the box off, because that is when you generally indicate your completion of our 1040 form, they had already been receiving Federal funds for his Presidential effort.

So it is quite easy to conclude why he would have had a change of heart, because he was receiving Federal funds then. But it is rather curious to reflect back on the 1990 return, when both he and Mrs. Clinton checked off the "no" box, that they did not want to make a contribution to Federal funding for elections. The next year when he was running for President, he felt a little differently.

Mr. President, I think that is a reflection, if you will, on public opinion over the period of 1977 through 1992 by our current President and his attitude over those years toward Federal funding of elections, from the standpoint of Presidential elections.

(Mr. DORGAN assumed the chair.)

Mr. MURKOWSKI. I think it is ironic that the President and First Lady, when they had the opportunity to cast those votes on public financing over that time period, they voted no in that 13-year period. I am told that a quick application of arithmetic would indicate that during that time the Clintons' joint return they could have checked off a total of $26 to finance the Presidential trust fund. But over that period they checked off only one single dollar for public financing.

Mr. President, I ask that the returns I have referred to be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

1977 RETURN

Presidential Election Campaign Fund

Do you want $1 to go to this fund?		Yes		No
If joint return, does your spouse want $1 to go to this fund		Yes		No

1978 RETURN

Do you want $1 to go to Presidential Election Campaign fund?		Yes		No

1978 RETURN—Continued

If joint return, does your spouse want $1 to go to this fund?		Yes		No

1979 RETURN

Do you want $1 to go to this fund?		Yes		No
If joint return, does your spouse want $1 to go to this fund?		Yes		No

1980 RETURN

Do you want $1 to go to this fund?		Yes		No
If joint return, does your spouse want $1 to go to this fund?		Yes		No

1981 RETURN

Do you want $1 to go to this fund?		Yes		No
If joint return, does your spouse want $1 to go to this fund?		Yes		No

1982 RETURN

Do you want $1 to go to this fund?		Yes		No
If joint return, does your spouse want $1 to go to this fund?		Yes		No

1983 RETURN

Do you want $1 to go to this fund?		Yes		No
If joint return, does your spouse want $1 to go to this fund?		Yes		No

1984 RETURN

Do you want $1 to go to this fund?		Yes		No
If joint return, does your spouse want $1 to go to this fund?		Yes		No

1985 RETURN

Do you want $1 to go to this fund?		Yes		No
If joint return, does your spouse want $1 to go to this fund?		Yes		No

1986 RETURN

Do you want $1 to go to this fund?		Yes		No
If joint return, does your spouse want $1 to go to this fund?		Yes		No

1987 RETURN

Do you want $1 to go to this fund?		Yes		No
If joint return, does your spouse want $1 to go to this fund?		Yes		No

1988 RETURN

Do you want $1 to go to this fund?		Yes		No
If joint return, does your spouse want $1 to go to this fund?		Yes		No

1989 RETURN

Do you want $1 to go to this fund?		Yes		No
If joint return, does your spouse want $1 to go to this fund?		Yes		No

1990 RETURN

Do you want $1 to go to this fund?		Yes		No
If joint return, does your spouse want $1 to go to this fund?		Yes		No

1991 RETURN

Do you want $1 to go to this fund?		Yes		No
If joint return, does your spouse want $1 to go to this fund?		Yes		No

1992 RETURN

Do you want $1 to go to this fund?		Yes		No
If joint return, does your spouse want $1 to go to this fund?		Yes		No

Mr. MURKOWSKI. I do not fault the President for this sudden change of heart in 1992. That is understandable. All of us know it is very difficult to run a campaign if you have to rely solely on private contributions. It is far easier to have the American taxpayer write a check—a blank check—than to have to attend these fundraisers where ordinary citizens can demand your accountability.

But this Senator is not willing to opt for simply the easy way out. I do not believe any of us are doing such a good job in this Congress that we have a right to pick the pockets of the American taxpayer and demand that they ante up campaign funds for our reelection through their taxes.

Moreover, Mr. President, it is incomprehensible at a time when our national debt, again, is more than $4.6 trillion, that we would even contemplate using Federal money, taxpayer money, to finance congressional campaigns. We are all aware that there are more pressing needs in our country than to hand over hard-earned taxpayers' money for politicians in the House and Senate to run their elections. I would venture to say that if we had a referendum on spending $200 million for congressional campaigns or using that money to reduce the deficit, the vote would overwhelmingly be in favor of reducing the deficit. And it would be a great investment because it would reduce the deficit and the carrying costs, or the interest.

I remind my colleagues that as we debate the idea of entitlements—and that is what this is, an entitlement for politicians—our fiscal house has seriously eroded over the last 7 months.

Let me just go into this for a minute, Mr. President, because at the end of July, the administration released its midsession review of the budget. The report contained revisions of the budget projections contained in the President's February budget, based on actual changes in the economy and technical re-estimates of Federal spending. There was some euphoria. At first glance, the midsession review seemed to bring good news with regard to the Federal deficit.

For the current fiscal year, the deficit is projected to come in at $220 billion, down from $234.8 billion. The good news is not that we do not have a deficit; it is that the deficit is less. It is $220 billion instead of $234 billion. Next year, the administration projects the deficit will be $167 billion, down from February's estimate of $176 billion. That is some more good news. If one can conclude that that downward trend continues, we can have some optimism about our capacity as a Government to rein in the deficit by reducing the rate of growth of the deficit. That sounds pretty encouraging.

Unfortunately, Mr. President, these projections mask the seriousness of the deficit and the debt problem that will continue to plague our Nation, unless we perform some radical surgery on Federal spending, especially entitlement spending.

Where are we reducing our spending? We are reducing it in our military capability. Our defense budget continues to drop. That is where the cuts are. In our Haiti effort, we had to call up volunteer reservists, or were prepared to, or to put them on notice. Haiti is pretty small in the sense of a major military effort.

So as we look at the deficit, we have to ask ourselves: Is the deficit declining because we have finally found a way to reduce Federal spending? With the exception of the defense budget, the answer is clearly "no." The administration's midsession review indicates that in this fiscal year Federal spending will be only $4 billion lower than it was projected in February. This, unfortunately, is not the result of changes in Federal policy, it results because States will not be spending as much as they anticipated on Medicaid. That means that Federal spending on Medicaid is going to drop.

Let no one be misled or mistaken. Overall Federal spending is not going down. It continues to spiral up. In this fiscal year alone, the Federal Government will spend $1.480 trillion. That is $72 billion more than was spent in 1993. Next year, and every year thereafter, Federal Government spending is going to continue to rise.

I remind my colleagues who has controlled both the House and Senate during those years, and that is where the funds are appropriated. It is not the executive branch that appropriates this money.

Mr. President, a close examination of the midsession review shows that the only reason the deficit is going to decline a little bit this year and next year is because tax revenues now are coming in at higher rates than were earlier projected. In other words, citizens and companies are paying more taxes—$75 billion more—over the next 5 years than were projected in February. So it is not coming from cuts. The differential in lowering the rate of growth of the deficit is coming from more tax revenues. Spending is not going down; revenues are merely rising because last year Congress passed the largest tax increase in the Nation's history.

So where is it coming from? You guessed it. It is coming from the taxpayers, and it is coming from the small business person. What is of even greater concern to this Senator from Alaska is that this year's and next year's reduction of the deficit is a temporary phenomenon.

Contrary to the administration's assertion in the midsession review that the deficit has now been placed on a downward path, the projections contained in that document indisputably show that the deficit is getting larger, not smaller. In every year after 1996, the deficit is projected to be larger than it was estimated in February.

For example, in February, the administration estimated that the fiscal year 1997 budget would rise to $181 billion. That deficit is projected 5 percent higher now. It is up to $190 billion.

Similar increases are shown for the next 2 years with the fiscal year 1999 deficit projected up at $207.4 billion.

The cumulative impact of these budget projections is that over the next 5 years the deficit will add more than $935 billion to the Nation's current $4.6 trillion national debt. Let me repeat that. The cumulative impact of current budget projections is that over the next 5 years the deficit will add more than $935 billion to the Nation's $4.6 trillion national debt.

How can anyone suggest or conclude that we are reducing the deficit or reducing the rate of growth of the deficit when one looks beyond 2 years and looks to 5 years?

What is more astonishing about the deficit forecast is that the major reason the deficit is being reestimated upward is not because health care costs are exploding, as the administration would like us to believe, but because the interest expense to service our national debt is consuming a larger and larger share of the Federal budget. People do not understand that when we have this deficit each year, and an accumulated debt of $4.6 trillion, we have to borrow that money—and pay interest on it. We do not get it for nothing.

In February, the administration assumed that 91-day Treasury bill rates would average 3.4 percent in 1994 and 3.8 percent in 1995; 10-year Treasury notes were assumed to return 5.8 percent between 1994 and 1999.

That is how the Government borrows its money to fund the deficit and, unfortunately, pays interest on the accumulated 4.6 trillion dollars' worth of debt which continues, as I have indicated, to grow.

Unfortunately, the administration did not anticipate that these historically low-interest rates could not continue indefinitely without threatening to ignite a new round of inflation. As every one knows, in the intervening 7 months since the February budget, the Federal Reserve has raised interest rates on five occasions. And many economists expect the Fed to hike rates another half point before the year is over, possibly as early as next week, next Tuesday.

As a consequence of these rate hikes, the administration has revised its interest rates computations and assumptions. It is kind of interesting. Now it projects 91-day T-bill rates to be 4 percent in 1994, 4.7 percent in 1995; 10-year notes are now projected to return 6.8 percent in 1994, and 7 percent in 1995 through 1999.

That sounds a little dry, perhaps, but as a result of these interest rate hikes, we are going to have to spend—we do not have a choice—an additional $124 billion over the next 5 years just to service our national debt.

That is something we are going to have to pay because the interest rate went up. That is the differential. That is the cost of interest. It is like I said time and time before, like having a horse that eats while you sleep. It goes on and on and on. It does not provide one job, it does not provide for an inventory, it does not provide for a payroll. It just goes on; it is like a creeping cancer. If you do not address it, it gets out of control.

That is $124 billion over the next 5 years just to service our national debt as a consequence of the increase in interest rate hikes. That is on top of the $1.173 trillion that the administration estimated would be our 5-year interest bill barely 5 months ago.

So just 5 months ago they said $1.173 trillion would be our 5-year interest bill and now they are acknowledging that we are putting on top of that, Mr. President, an additional $124 billion.

So there is the switch in 5 months. There is some food for thought.

In fact, if these interest rate assumptions hold up, by fiscal year 1997 interest costs, Mr. President, will exceed all costs in the Federal budget except Social Security. By 1997 interest costs to carry the debt will exceed all costs of the Federal budget except Social Security. And by 1999, our annual interest bill will be nearly $300 billion. Mr. President, that assumes that the administration's interest rate forecast is correct, the assumptions holds up, that interest will not go up.

I do not know how many of my colleagues recall the prime rate in this country in December 1980, 20½ percent, inflation was running at 11 percent. The prime rate today is somewhere 6¾ to 7 percent.

So, Mr. President, one can just visually project the horrors associated with where this country would be today if we saw interest rates move up and up and up and up beyond the 6 to 7 percent, up to where they were in December 1980 with the prime rate at 20½ percent. Small businessman, small businessperson cannot borrow, cannot pay it back.

The theory then was rather interesting. When I was in the banking business, many of my borrowers said, well, your interest rate is so high but inflation is 11 percent a year, I am going to pay you off with cheaper dollars. So it does not really make any difference.

Well, that is fine until the inflation slowed and then suddenly that person had to pay off his debt with very expensive and hard earned dollars. Unfortunately, many people did not make that transition. They went broke and a lot of people remember that.

So let us reflect on reality. The reality is we have $4.6 trillion in accumulated debt. Our deficits are continuing. The forecasts are for increased deficits, and, very frankly, our exposure for survival lies in something that is very difficult to control and that is interest rates that are low. We have already seen history remind us of the reality that interest rates can go up and they can go up very high and if they were anywhere near 20½ percent as they were in 1980 I venture to say that our government would be in paralysis.

Mr. President, over the next 5 years we are going to have to refinance the vast majority of our outstanding debt—82 percent of the debt. If interest rates were to rise just by 1 percent, the Government would have to pay out an additional $150 billion of interest on top of the $1.297 trillion projected in the most recent estimate. And I would note that based on the most recent market movements, 3-month bill rates currently are 5.78 percent and 10-year notes at 7.56 percent, significantly higher than the average projected for next year.

So, I would suggest to my colleagues that without a single stroke of the congressional pen, not a single action by us, neither the House or the Senate, without a fax machine, without a single change in the Federal program, we have in the past 7 months been forced to spend an additional $125 billion simply because interest rates rose. That is reality, Mr. President.

Can you imagine what type of a debate we would have had on the floor of this body this year if a Senator proposed increasing the Federal deficit by $125 billion over 5 years? We would have gone through an endless series of contortions, pay-go rules of audit to determine whether it should be spent. But when it comes to interest, we cannot do anything about it except pay the bill, whether $200 billion or $300 billion, there is nothing we can do to change that bill unless we do one thing, Mr. President, the only thing we can do and we are not very good at and that is reduce Federal spending.

Mr. President, I cite these dreadful numbers to remind my colleagues of what this debate is all about, that taxpayer financing of congressional campaigns is not only a bad substantive idea but that we simply cannot afford the luxury of adding to the deficit and create a new $200 million entitlement for Members of this body, and I use the $200 million figure with great caution because nobody, not even the Congressional Budget Office can accurately assess the cost of this proposal.

When we understand the sorry state of the Federal budget which I hope we have a better understanding of now as a consequence of my outline, we set up a brand new entitlement for politicians pushed at the 11th hour.

The cost of this entitlement program for politicians is really uncertain because it depends on how many candidates there are, how many would choose to participate in the new federally funded program under this proposal. This would include proposed candidates, major party candidates, third party candidates, independent candidates who agree to abide by a spending limit and raised a minimal threshold amount would be entitled to a host of benefits including broadcast discounts, matching funds to counteract independent expenditures, matching funds to counteract opponents who spend over the voluntary spending limit.

The cost of this new entitlement is not foreseeable simply because no one can of course predict how many candidates, how many parties there will be in 1996 or 1998 or 2000.

Mr. President, there were 1,200 more congressional candidates in 1992 than in 1990, a stunning increase that was foreseen. Who can know how many would have accepted matching funds had they been available? Although many candidates might have been wary of using tax dollars to fund their campaigns, hundreds, if not thousands, of additional candidates might have run as independents or third party candidates because of the availability of Federal taxpayer dollars to fund their campaigns.

We have already seen that in the Presidential candidates, some of which we never heard of, coming from organizations and committees that we do not recognize.

Mr. President, the election bureaucracy in Washington, the Federal Election Commission, would have to explode in size if we create taxpayer financing for congressional candidates. The FEC, as it stands now, has a tough time functioning. In fact, of the 1992 Presidential campaigns, the FEC has yet to complete auditing five of them. Here we are in 1994 and still 5 of them left. If we extend taxpayer financing to Congress, the FEC staff estimates that the audit division would have to double in strength and the Office of the General Counsel would have to increase by more than 75 percent. Overall, it is estimated that the FEC would need a 50-percent budget increase. And that is considered a low estimate.

Mr. President, the central tenet underlying taxpayer financing of elections is the idea that it will encourage candidates to limit the amount they spend on their campaign. Yet, where is the evidence that spending limits on campaigns are good public policy? They do not work and their effect is I think antidemocratic. Virtually every reputable scholar who has examined this issue believes spending limits are bad public policy. Let me quote one of the most notable of these scholars, Michael Malbin of the Rockefeller Institute of Government who said in testimony before the Senate Rules Committee:

> In every presidential election since public funding, spending has gone up—with more and more of the money going off the books and underground.
>
> If people care enough about an election, they will look for ways to get involved. If they are big and well organized, and cannot contribute directly, then they will look at independent expenditures. Or delegate committees. Or registration and get-out-the-vote. Or communicating with members. Or buying issue ads that publicize the position of an incumbent without directly advocating election or defeat. Or dozens of other devices—some of which have not even been thought up.
>
> Off-the-book activities like these have become more prominent in every election since 1976. Some of them can be regulated, but there is no way they can all be eliminated without running roughshod over the first amendment. More importantly, all of these devices favor the well organized and the powerful over smaller participants. What the limits seem to be doing, in other words, is encouraging the powerful to engage in subterfuge and legal gamesmanship. It is giving them an incentive to increase their influence in ways that are poorly disclosed. As a cure for cynicism or corruption, this seems bizarre.

Mr. President, what is really bizarre, really bizarre, is forcing the U.S. taxpayers to pay for what in reality is a proven disaster. It has not been able to fund itself from contributions. We have seen it increased on the 1040 from $1 to $3. We have seen the attitude of our President, who clearly has not seen fit to support it until he was a recipient of it.

Not only should we not force taxpayers to pay for congressional campaigns, we should reconsider the system which forces taxpayers to pay for Presidential campaigns and those quadrennial extravaganzas known as our political party conventions.

Mr. President, I hope it is clear to everyone in this Chamber that I have a fundamental aversion to requiring the taxpayers of this country to finance our political campaigns. I voted against this bill in June 1993 for the reasons I have stated. But a majority of Members of this body voted for public financing. And one of the reasons that they voted for this bill is because the Senate bill completely, Mr. President, completely eliminated contributions from political action committees or PAC's. The Senate bill eliminated them.

I believe that a ban on PAC contributions would do more to improve the public's perception of elections than any other single act.

Now, there can be no doubt that a majority on both sides of the aisle in the Senate wants to eliminate the influence of PAC's in elected politics.

In fact, just last May, the Senate voted 66 to 29 in favor of my amendment—this was in May—my amendment to prohibit the acceptance of any gifts to Members of Congress from a political action committee. That was my amendment. But the reality of why the campaign finance bill has failed to move for more than a year is simply the issue of political action committees. And we all know it.

For several years now, Republicans have advocated zeroing out political action committee contributions for congressional candidates. Not the current $10,000 per election cycle under current law, not the $5,000 per cycle that Common Cause has proposed and admitted would have no effect—zero. No political action committee contributions to congressional candidates. Period. That is, no political action committee, or PAC, contributions to congressional candidates. Period.

Now, on the other side, the Democratic majority grudgingly went along in 1990 inserting the Republican ban provision into their bill just before the Senate started debating campaign finance that year. The Senate again passed the campaign bill in 1991 which zeroed out PAC contributions. When that bill, however, was conferenced in 1992, the PAC's, of course, were back. President Bush vetoed the bill, so we revisited the matter again in 1993. In June 1993, the Senate passed the congressional campaign finance bill that again zeroed out our favorite PAC's. In November, 10 months ago, the House, however, rejected the Senate political action committee ban and passed a bill that left the PAC contribution limit at the current $10,000 per election cycle.

So when I point out and respond to the criticism of my friend from Massachusetts about gridlock; yes, there is gridlock. The gridlock is over the PAC issue. The issue is between the Democrats who control the House and Senate. They cannot agree. That is the gridlock. And we are being blamed for extending debate on an issue that the American public clearly does not support, and that is Federal funding of congressional elections. So we make no apologies, Mr. President. We are proud. We think we are doing a service. We think the American people agree with us.

So the House rejected the Senate's PAC ban and passed the bill that left the PAC contribution limit at the current $10,000 per election cycle, as I have said. Since November, the House and Senate Democrats, as I have said, again, deadlocked over PAC contributions. House Democrats refused to budge.

I remind everyone where Republicans stand on this issue: No campaign contributions for PAC's.

Why do the House Democrats refuse to give up their addiction to PAC money? Well, let us take a look at some of the numbers. They are going to give us the answer.

Since passage of the Federal Election Campaign Act of 1974, the number of PAC's increased from 608 to 4,729 in 1992. Total PAC contributions to Federal election candidates increased from $8.5 million in 1972 to $189 million in 1992.

In 1992, PAC contributions comprised 24 percent of Senate campaign receipts and 38 percent of House campaign receipts. House incumbent Democrats have been particularly reliant on PAC's to fund their campaigns. PAC's accounted for 52 percent of their campaign receipts in the 1992 election cycle, so House Democrats are understandably sensitive to this issue.

PAC's are touted by their defenders as a means to allow individuals to get together and advance their collective interests in politics. Presumably, that would include supporting challengers. Yet, in 1992, in races where Members were up for reelection, incumbents received 86 percent of the PAC contributions—$126 million for incumbents versus $21 million for challengers.

Overall, PAC's distributed $161,095,460 to congressional candidates in 1992—$24,014,048, 15 percent, went to candidates running for open seats. Since the 1970's, PAC's increasingly have funneled contributions to incumbents with little or no regard for ideology or voting records. Corporate and trade association PAC's are among the worst in this regard, giving upward of 90 percent of their PAC contributions to incumbents.

It is readily apparent to this Senator that the primary goal of PAC's has been not to support candidates of like mind, but to buy access to the powers that be. PAC's epitomize the special interest influence that has eroded the American public's confidence in Government. That is why Republicans have led the fight to zero out PAC contributions.

Mr. President, if we want to begin to restore faith in this institution of Government, if we want to regain the trust of the voters, let us return to legislating in the interest of the people. Let us terminate the endless mandates from Washington. Let us balance the budget of the United States. Let us adopt tough Federal crime rules without wasteful Federal spending. Let us reform those parts of the health care system that are in dire need of change. And let us get PAC money out of congressional elections.

But let no one deceive himself into believing that demanding that taxpayers finance our campaigns is going to restore faith in this institution. It will only feed the cynicism of the electorate and ensure that incumbents will become an endangered species.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. McCONNELL. Mr. President, I just want to thank the distinguished Senator from Alaska for his important contribution to this debate. In particular, I thought it was interesting to have a look at the tax returns of the President and First Lady and their own feelings over this issue over the years. I think that was extremely instructive.

Obviously, the President and First Lady were for many years either passive or active opponents of taxpayer-funded elections. Obviously, they have had a change of heart.

I thank the Senator for pointing that out.

Mr. MURKOWSKI. Again, I compliment my good friend from Kentucky for his diligence in ensuring that the American public understands the significance of this debate, and the fact that we on this side of the aisle are very proud that we are attempting to identify specifically what is in this proposed bill to provide Federal funding for House and Senate elections and the prevailing attitude of most Americans, including, obviously, the President and First Lady, over a 12-year period.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I want to apologize to my colleague from Minnesota. I thought we were going to have a little more time here.

But I want to reassure him that there is going to be adequate opportunity next week for him to express himself, as he does so articulately, on this issue. I look forward to engaging with the Senator from Minnesota next Tuesday afternoon and into the evening, if he would like, on the propriety of this legislation.

But, Mr. President, something, I am told by our cloakroom, rather unique has happened here in the last 24 hours. I just want to congratulate my colleagues and tell them what they did.

We have not had a quorum call in the Senate since 10:30 yesterday morning. We have had a steady stream of speakers, everybody here on time, ready.

And, as a matter of fact, I want to, in the remaining few minutes, apologize specifically to Senators DOMENICI, D'AMATO, LOTT, HATCH, CRAIG, and COCHRAN, who were anxious to speak, and unfortunately we were simply unable to accommodate them, frankly, even if we had gone the full 30 hours.

So I want to thank them, as well as the others that I did not mention who were clamoring to participate, including during the graveyard session last night. I have reassured them all that they will have an opportunity to decry the notion that we should begin an entitlement program with tax dollars for our political campaigns here in the waning moments of this session.

So there will be an opportunity, I want to reassure all my colleagues, to address this issue once again next Tuesday, at which point we will again use the opportunity to let the American people know what is being contemplated; what the majority, which has disagreed on this issue for the last 11 months, is seeking to cram through in the final waning moments of this Congress.

One of the senior people in our Cloakroom, Howard Greene, said that he had not seen, in the 28 years he has been working in the Senate, such a lengthy stretch of uninterrupted speeches on one point and without a quorum call. So I want to thank all of my colleagues.

What everybody should conclude from this is very clear, in case anybody missed it: We are trying to kill this bill. In case anybody missed it. We make no apologies about that. We are proud of that.

We think the American people are asking us not to pass taxpayer-funded elections. They are asking us not to set up a new entitlement program for each of us to run our political campaigns with their tax dollars.

And, in case anybody missed it the first time through, we are going to have an opportunity to express that message again as skillfully as each of us can do it next Tuesday.

So make no mistake about it. This is an effort to kill a terrible bill.

Now, when the American people talk about gridlock, they do not mean passive acquiescence to any crackpot scheme anybody may introduce. I do not think that is what the American people have in mind—just roll over and let any crackpot idea that anybody may come up with go slipping through the Congress and get signed by the President so you cannot be accused of gridlock. I do not think that is what they had in mind, Mr. President. In fact, I know that is not what they had in mind.

And, as a matter of fact, this Senator, and increasingly many other Senators, are convinced that this may end up being the big issue in the 1994 election.

So I am sure that the other side would just love to have an opportunity to vote on such a terrific issue. I am sure they are clamoring for the opportunity to go on record in support of taxpayer-funded elections, and I know that down deep inside, they are terribly upset that, quite possibly, they might not have that opportunity some time here before we adjourn.

But they should not worry. They are already on record supporting this in the House in November and in the Senate last June. So do not worry about it, anybody in the majority who is concerned about being punished by the voters. They already have you on record in favor of this kind of reform. So you will be able to go to the public; you will be able to take your case to the public this fall and brag about—brag about—supporting taxpayer-funded elections.

I am sure we will see commercials in the campaigns of those who voted for this dealing with this issue right up front, claiming credit for supporting this kind of reform. And the voters will have an opportunity, Mr. President, to reward those who feel that this is terrific reform of the American political system.

So I look forward to seeing those commercials, and we look forward to taking this issue to the American people.

Mr. President, I believe it is time for our vote; am I correct in that?

The PRESIDING OFFICER. The Senator is correct.

Mr. McCONNELL. Therefore, I yield the floor.

The PRESIDING OFFICER. The Senator yields the floor.

VOTE

The PRESIDING OFFICER. The hour of 1:45 p.m. having arrived, by a previous order, the question is on the motion to disagree to the amendments of the House to S. 3. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Massachusetts [Mr. KENNEDY] and the Senator from Nevada [Mr. REID] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Montana [Mr. BURNS], the Senator from North Carolina [Mr. HELMS], the Senator from Oklahoma [Mr. NICKLES], the Senator from Delaware [Mr. ROTH], and the Senator from Wyoming [Mr. WALLOP] are necessarily absent.

I further announce that, if present and voting, the Senator from Montana [Mr. BURNS] would vote "yea."

The result was announced—yeas 93, nays 0, as follows:

[Rollcall Vote No. 304 Leg.]

YEAS—93

Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boren
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Danforth
Daschle
DeConcini
Dodd
Dole
Domenici
Dorgan
Durenberger
Exon
Faircloth
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Gramm
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Hollings
Hutchison
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
Mathews
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murkowski
Murray
Nunn
Packwood
Pell
Pressler
Pryor
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Shelby
Simon
Simpson
Smith
Specter
Stevens
Thurmond
Warner
Wellstone
Wofford

NOT VOTING—7

Burns
Helms
Kennedy
Nickles
Reid
Roth
Wallop

So the motion was agreed to.

Mr. GORTON. Mr. President, I reluctantly voted in favor of S. 21 when it passed the Senate earlier this year. The bill has been significantly improved by the House. I support the important private property rights improvements made by the House, and want these provisions to be voted on and adopted by the Senate in the form of the Johnston-Wallop substitute. The only way to make this happen is to vote against cloture.

I will gladly lend my support to the Johnston-Wallop substitute to S. 21 because it includes the pro-private property rights provisions included in the House version of S. 21, and S. 455, the payment-in-lieu-of-taxes legislation passed by the Senate earlier this year.

A significant improvement to the Senate passed bill is the Tauzin amendment, adopted by the House by a vote of 281 to 148, which would require that lands purchased under the bill be appraised without regard to the presence of species listed as threatened or endangered under the ESA. The Tauzin amendment is similar to a provision included within S. 1521, the legislation which I have introduced to reform the Endangered Species Act. The Senate bill did not include this provision.

Also included within the Johnston-Wallop substitute is S. 455, the PILT bill, which will force the Federal Government to fulfill its commitment to communities across Washington State which are missing out on property tax dollars. S. 455 is important to counties like Okanogan, which includes 1.56 million acres of federally owned land. By increasing PILT payments, as required in S. 455, we are living up to a commitment made to these counties so that they can continue to provide important services to visitors on Federal lands without bankrupting our local counties.

I will support the Johnston-Wallop substitute because it will increase the likelihood of the inclusion of these provisions important to Washington State in the final conference report on S. 21.

• Mr. BURNS. Mr. President, I would like the RECORD to indicate that if I had been present, I would have voted against cloture on the California desert bill. I am greatly concerned by what this bill will do to the already tight fiscal constraints on our National Park System and the question of private property.

This bill will cause further fiscal hardships on Yellowstone and Glacier National Parks. These parks are already in need of repair, and we can't tighten our belts much more without jeopardizing the infrastructure and natural beauty of these parks. This bill adds millions of new acres—or three new Yellowstones—to our National Park System, and I don't know how we are going to pay for the 80 million acres we already have.

I would like to give two examples. This year, I am working to secure funding for the renovation of two chalets in Glacier National Park. These chalets are historic but are not in compliance with State environmental laws. Yet, the Park Service has not added these to their priority list—it doesn't rate high enough on their already long list. Our Nation's oldest park, Yellowstone National Park is in need of updated facilities to accommodate the growing use of the park in the winter. While millions of visitors come to the park in the summer, Yellowstone is increasingly attractive to visitors in the winter months, as well.

Where are we going to get the funds to pay for these new parks? To me it is simple, Yellowstone and Glacier National Parks are going to suffer by the creation of these new national parks in California.

Also, I am greatly concerned about the taking of private property by this bill. While these actions may be occurring in California, it does effect Montanans. Private property rights are protected by the fifth amendment of the Constitution which states "nor shall private property be taken for public use, without just compensation." Yet, many laws have been encroaching further and further on this right because people in Washington do not respect or understand the importance of maintaining this right.

This bill places 500,000 acres of private inholdings inside of Federal conservation units. This means that these private property owners will be greatly restricted on what actions they can engage in on their own land. This bill authorizes the purchase of these lands—but that still doesn't fully protect private property rights.

Last, the cost of this bill is too high. According to the Congressional Budget Office, the acquisition of private property alone which is authorized in this bill, would cost somewhere between $100 to $500 million. The administrative and construction costs over the next 5 years would cost $36 million, and $1 million lost in offsetting receipts for fiscal years from 1995–98.

Mr. President, I cannot support this bill. I would urge my colleagues to vote against this bill.●

CLOTURE MOTION

The PRESIDING OFFICER (Ms. MOSELEY-BRAUN). The clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

Cloture Motion

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the motion to disagree to the House amendments to S. 21, the California desert protection bill:

Byron L. Dorgan, Harry Reid, Barbara Boxer, Claiborne Pell, Dianne Feinstein, Max Baucus, Frank R. Lautenberg, Barbara A. Mikulski, David Pryor, Tom Daschle, Patrick Leahy, John Glenn, John Breaux, Harris Wofford, Don Riegle, Tom Harkin.

VOTE

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to disagree to the House amendments to the Senate bill, S. 21, the California Desert Protection Act of 1993, shall be brought to a close?

The yeas and nays are automatic under the rule and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Massachusetts [Mr. KENNEDY] and the Senator from Nevada [Mr. REID] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Montana [Mr. BURNS], the Senator from North Carolina [Mr. HELMS], the Senator from Mississippi [Mr. LOTT], the Senator from Oklahoma [Mr. NICKLES], and the Senator from Wyoming [Mr. WALLOP] are necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina [Mr. HELMS] and the Senator from Wyoming [Mr. WALLOP] would each vote "nay."

The yeas and nays resulted—yeas 73, nays 20, as follows:

[Rollcall Vote No. 305 Leg.]

YEAS—73

Akaka
Baucus
Biden
Bingaman
Bond
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Chafee
Coats
Cohen
Conrad
D'Amato
Danforth
Daschle
DeConcini
Dodd
Dole
Domenici
Dorgan
Durenberger
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Grassley
Gregg
Harkin
Hatfield
Heflin
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lugar
Mathews
McCain
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Shelby
Simon
Specter
Warner
Wellstone
Wofford

NAYS—20

Bennett
Brown
Cochran
Coverdell
Craig
Faircloth
Gorton
Gramm
Hatch
Hutchison
Kempthorne
Mack
McConnell
Murkowski
Packwood
Pressler
Simpson
Smith
Stevens
Thurmond

NOT VOTING—7

Burns
Helms
Kennedy
Lott
Nickles
Reid
Wallop

The PRESIDING OFFICER. On this vote, the yeas are 73, the nays are 20. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

CALIFORNIA DESERT PROTECTION ACT OF 1993; CALIFORNIA MILITARY LANDS WITHDRAWAL AND OVERFLIGHTS ACT OF 1991

The PRESIDING OFFICER. Under the previous order, the motion to disagree to the House amendment to S. 21 is agreed to.

HOUSE OF REPRESENTATIVES CAMPAIGN SPENDING LIMIT AND ELECTION REFORM ACT OF 1993—MESSAGE FROM THE HOUSE

The PRESIDING OFFICER. The clerk will report the message on S. 3.

The assistant legislative clerk read as follows:

Resolved, That the bill from the Senate (S. 3) entitled "An Act entitled the 'Congressional Spending Limit and Election Reform Act of 1992.'" do pass with amendments.

The PRESIDING OFFICER. Under the previous order, the motion to request a conference with the House is now the pending question.

CLOTURE MOTION

Mr. FORD. Madam President, pursuant to the previous order, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

Cloture Motion

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the motion to request a conference with the House on the disagreeing votes of the two Houses relative to S. 3, the Campaign Finance Reform Act:

David L. Boren, Byron L. Dorgan, Patty Murray, Chris Dodd, Wendell Ford, John Breaux, Paul Simon, Jeff Bingaman, Jay Rockefeller, Barbara Boxer, Edward M. Kennedy, Harris Wofford, Carl Levin, David Pryor, John F. Kerry, Pat Leahy.

The PRESIDING OFFICER. The Senator from Kentucky.

MORNING BUSINESS

Mr. FORD. Mr. President, I ask unanimous consent that there now be a period for morning business with Senators allowed to speak therein for up to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Vermont.

CAMPAIGN FINANCE REFORM

Mr. JEFFORDS. Madam President, I come to the floor today with mixed emotions. As someone who supports campaign finance reform, and as someone who has worked hard for its enactment, I suppose I should be glad that we are on the verge of appointing conferees who may be able to work out a bill that will pass both the House and Senate.

But I must say I have my doubts. If our goal were campaign finance reform that is fair to both parties, that is fair to incumbents and challengers, why has this issue been debated in closed-door, Democrats-only meetings for the past 10 months?

I hope my doubts are misplaced. But this process of excluding my party is hardly one that inspires confidence in me or my fellow Republicans.

I know full well that this is one of the most difficult and contentious issues we have to deal with for a number of reasons. People in this Senate, this Congress and the public we represent have very different ideas about what is necessary, what is possible, what will be effective and what is fair.

What is fair campaign reform for challengers? What is fair for Democrats, or Republicans? To Members of the House of Representatives, to Senators?

Last summer, we as a body debated these issues. We spent many, many hours on the floor and off trying to find the answers to these questions. What is fair. What is reasonable. What is possible. What is reform.

It was toward that end that a few of my colleagues and I tried to see if we could consolidate the many good ideas that had wide support from both sides of the aisle and both Houses of Congress. There were also a number of issues that were more difficult but had to be addressed for us to support campaign reform.

I believe the issues that my colleagues and I identified should be of concern to all people interested in true campaign reform. They are the issues that will determine my vote, and I suspect the fate of campaign finance reform. If the conference to come is to be more than a partisan charade, it must address at least three key issues:

Political action committee contributions must be eliminated or at least limited.

The House and Senate must play by the same rules.

And we must pay for it, in real dollars and not funny money.

There is a second set of issues that my colleagues and I have identified as well that must be resolved. They are:

Full and timely disclosure of all soft money, not just party soft money.

In-state contributions should be favored over out-of-State contributions.

Limiting fundraising to the election cycle.

Candidates cannot get personal loans paid back to them from their campaign.

Public financing should be avoided or, if this is not possible, the method of raising the money to pay for public financing must be part of the final bill.

These objectives are neither unreasonable nor impossible. Working with members of both sides of the aisle, we were able to achieve our goals and incorporate into the bill that passed the Senate. We were able to improve the legislation and make it a bill we could support.

The bill was not perfect. It was a compromise by all sides, and no doubt can be improved. But to this Senator, it was fair, reasonable, possible, and it was campaign reform.

Several months later, the House of Representatives passed its version of campaign reform. Unfortunately, the House bill seems more concerned with maintaining the status quo than securing reform.

To me, there are three major weaknesses in the House version of campaign reform.

First, the House wants to set up separate rules for itself. Some differences are obviously necessary to acknowledge the objective differences between the two bodies. But a PAC is a PAC. There is obviously no reason for establishing different limits than protecting incumbents.

To many, the squabble concerning the House of Representatives establishing their own campaign rules and the Senate following another set of rules seems to be unnecessary. I think it is important that we understand what is happening here.

This is not simply an issue of equality between the House and Senate. This is again, about fairness. One of the goals we hear touted all of the time about campaign reform is that it should help even the playing field for challengers.

I agree, and nowhere do the challengers need assistance in evening the playing field more than challengers seeking to be elected to the House of Representatives. Incumbents in the House receive 10 times more money from the political action committees than do challengers.

Yet, the House of Representatives is refusing to budge on the issues of reducing the amount of money a political action committee can contribute to a campaign.

The President clearly expressed his support for a reduction of PAC contributions from $5,000 per election to $2,500 per election in Congressional races. Senate Democrats have expressed their support for the same provision. The American people clearly want to reduce the influence of PAC's. But the House has held tightly to its insistence on no change in the amount of money a PAC can contribute to their campaign.

I do not believe PAC's are bad. I think they have an appropriate and important role to play in the process. But I do support lessening the role they play.

The second issue is how we pay for the system we establish. I know many of my colleagues vehemently oppose any public financing of campaigns. I myself want to do my best to avoid it. But in the wake of the Supreme Court's Buckley decision, and given the political demands of those that support such financing, some measure may be necessary to enact reform.

But we must not do so at the expense of the Federal deficit. This legislation must be paid for before we make the decision that the tradeoff is reasonable and necessary.

Last, but not least, we must insure full and timely disclosure all moneys used to influence elections. It makes no sense to just eliminate soft money going to political parties only to leave in place the ability for soft money to be spent in unlimited amounts and with absolutely no disclosure by other special interests.

I believe strongly that political parties should be able to raise and spend money to get out the vote and build the party, and it should be fully disclosed. But I also believe it is important that such disclosure be demanded of all groups who spend money to influence elections, such as labor unions and church groups.

These groups have every right to encourage their members to be active in elections, however, if they are going to spend substantial sums of money to activate this support, they should disclose this activity.

There are several other issues that I feel should be closely reviewed in conference. In particular, it is important this Congress not pick and choose which special interests might be excluded from whatever reforms are determined. Reform must be as fair as possible and should prevent loopholes that will just have us back here fighting these battles again in a year or two.

Madam President, I have long been a strong supporter of campaign reform. I have often been at odds with a number of my colleagues over the issue of campaign reform and my belief that it is in the best interest of the political process in this country that we have true, fair campaign reform.

I implore my colleagues from both Chambers to be fair and sincere in our efforts to bring forth a conference report we can stand behind and proudly support.

It will take a lot of hard work and some compromise on both sides but it is so very, very important that we complete what we have begun.

We need to let the American people know that we hear them, we agree with them, and we can respond to their call for action.

We need to show them that we can act in a way designed not to preserve partisan advantage, but to advance the public good.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. I thank the Chair.

(The remarks of Mr. CRAIG pertaining to the introduction of S. 2458 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BOREN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

CAMPAIGN FINANCE REFORM

Mr. BOREN. Madam President, I thank the Chair.

Many of us had the privilege of participating in the work of the greatest deliberative body in the world through the evening hours last night. I had the privilege of going home about 5:30 this morning, having participated in what might be at least euphemistically called a debate which lasted all through the night.

I wondered to myself this morning, when I came back out here after a quick shower and ready to come back in to the work of the Senate, what the American people must think about what is going on; or, more specifically, how they must be puzzled by what is going on here. They must be scratching their heads. And perhaps their puzzlement, which finally turns to anger when they understand what happens or does not happen as the U.S. Congress, might have something to do with why in the latest polls only 14 percent of the American people say they approved of the way the Congress is conducting its business.

What we have witnessed the last couple of days gives an indication, perhaps, as to why the American people feel this way and why they may not be all wrong to feel this way.

We, of course, have been working on a very important issue for the future of this country and the future of our political system for many, many years—11 years, to be exact—campaign finance reform.

We all know something is wrong drastically wrong with the way we finance campaigns in this country.

When I first ran for the U.S. Senate 16 years ago, on the average it took about $500,000 to $600,000 to successfully win an election to the U.S. Senate. Then it went to $1 million, then it went to $2 million, and then it went to $3 million, and now it is $4 million, which means that, in a 6-year period, the average sitting Senator must figure out how to raise $13,000 every single week on the average for 6 years to come up with that $4 million; which means that you do not have time to really solve the problems of the Nation because you have to worry about how to raise the campaign money; which means that you do not have the opportunity to go back home to your home State and hold town meetings and neighborhood meetings to listen to the people and their real problems, the people you are supposed to work for, because you have to fly around to the money centers of this country, large cities, New York, Los Angeles, and other places, trying to figure out how in the world you are going to raise the money; which means that when you are down to a period of time that is close to the election—and you know because you have seen the statistics that well over 90 percent of the candidates who raise the most money win the election, you are desperate to make sure you keep up with or overcome the amount of fundraising on the other side—when you only have a few minutes to spare and you are deciding which one of those 10 people in your reception room you are going to see and one of them is a PAC manager who can hold a fundraiser to raise $200,000 or $300,000 for you in one single night in a fundraiser in Washington DC, and another one is a student or a farmer or a teacher or a factory worker or small business person from back home, who do you see if you only have time to see one?

Then the American people look at that process and they say—79 percent of them say—Congress does not really care about people like me. Congress does not really represent people like me anymore. Congress represents the special interests instead.

The people are very wise. The people see more than, sometimes, I think, those who have been professional politicians think the people see and understand. Many times officeholders underestimate the intelligence and patriotism of the American people.

Thank God for that, the common sense of the people and their strong sense of commitment to this country, because that is what has kept this country going. That is the real strength of this country. Those of us who are here are simply privileged to be their representatives, to be concerned about them, to represent their points of view, to try to deal with their needs, to try to think about the future.

The people see the effect of a system in which there is no limit—no limit—the sky is the limit on how much money you can raise and spend in campaigns. In some States there will be as much as $20 million or more spent on Senate races this year. And we all know the effect of it.

Last night when I was talking there were several of our pages on the floor, and I reflected on how many times I have given high school commencement addresses and how many times I have said to those students: "I hope someday you will think about being a Congressman or Congresswoman or a Governor or Senator or President of the United States. I hope you will think about running for office. I hope you will serve your community—whether you dream to be President of the United States or a member of the local school board." But I do not have the heart to turn around and say, after I have said, "learn all you can, develop all the good ideas you can develop, be ready to give back, be ready to contribute," I do not have the heart to tell them that in addition to learning as much as they can, preparing themselves as much as they can, being committed to wanting to give back, having the right values, having the right sense of ethics, that they also have to figure out how to raise $4 million if they want to run for the U.S. Senate.

In fact, by the time they are eligible by age to run for the U.S. Senate, at the current rate of increase of campaign spending it will be more like $10 or $12 million they will have to raise in the average-size small State to run for the U.S. Senate. So you not only have to be the right kind of person, you not only have to learn all you can—you have to figure out how you are going to raise that $10 or $12 million, because, after all, it has escalated—a 52-percent increase in this last election cycle over the 2 years before; $678 million being poured into campaigns.

And over half the money, half the people elected to this Congress receive their contributions not from the people back home, not from people who had one thing to do with their home districts or home States. Many of these people probably never even set foot across the State line. But they, over half the people elected here, got over half their contributions from political action committees and groups that had very little or no connection with their home States.

To whom do those political action committees and groups, special interest groups, give their money; the new person who is trying to break into politics, who is running for the first time filled with idealism and a desire to serve? Or do they give to the incumbents, the people who are already here? That is an easy one. Of course they give to the incumbents, those Members of the Congress who are already here. They are already chairing the powerful committees or subcommittees, or they serve as ranking members. They can do something for you. They have power. They have the ability to influence your economic interest.

So in the last election cycle the political action committees gave at the rate of 10 to 1 to incumbents over challengers, $10 to incumbents over $1 they gave to challengers in the last election in the House, and 6 to 1 in the Senate.

Overall, because there are no spending limits—because you can pour money and money and more money from every kind of source imaginable into a campaign, if you are willing to make the promises to every group that might give you the money, incumbents have been able to raise, overall, five times as much as challengers.

So you have a system that is the incumbents' protection plan if there ever was one, the current system. And it cries out for reform. It is eating away at the heart and soul of the political process. It is eating away at the legitimacy of this institution. And it is eating away at the trust that the people have of this institution, when they know—when they know that money more often than not has played a deciding role or a commanding role in the outcome of the elections of people who come here.

And then they know that the time and attention of the Members, the men and women who serve in the House and Senate—too much of their time and attention has to be focused upon raising the money for the next campaign and pleasing those PAC directors and lobbyists and special interest groups and others who provide the volume of the money necessary to win.

So, we have been debating about something of vital importance to the future of this country. And those who have been opposing it have, as always, thrown up a smokescreen. They have used all sorts of phony rhetoric in attacking the proposals which we have already passed through this Senate earlier on a vote of 60 to 38, having imposed cloture with a vote of 62 to 37.

They have tried to say this is about public financing of campaigns. It is not about public financing. I heard figures tossed around on the floor last night; it made for very dramatic debate. It is very dramatic debate. If you are not constrained by the facts, you can really give interesting speeches. I heard some Members last night say we were trying to pass a bill that would cost the taxpayers $1 billion per election—$1 billion per election—to clean up the way the campaigns are now being run.

What are the facts? First of all, the bill that passed the Senate as it applies to elections to the U.S. Senate was estimated to cost, over a 5-year period—not in one election cycle but over a 5-year period—$23 million, according to the Congressional Budget Office, for the Senate provisions; $23 million, not $1 billion.

The taxpayers are well aware of the fact it seems like a lot of Members of Congress mix up millions and billions and thousands. That is the reason we are so capable in the way we put the budget together up here. We get a little confused. It is a mere Government error, I guess: $1 billion, and $23 million—close, for Government work.

It is not $1 billion; it is $23 million. And is any of it supposed to come from the general taxpayers? Not a penny. There is a provision in the bill passed by the Senate, "No funds required for this act shall come from the general taxpayers."

First of all, we all know that in order to have a bill that will be constitutional—because the Supreme Court, whether we like it or not, said about spending limits, to get spending under control we have to have a voluntary system. We have to give some incentive to Members of Congress in order to allow them to voluntarily accept the spending limits.

The PRESIDING OFFICER. The Senator is advised he has exceeded the 5-minute limit.

Mr. BOREN. Madam President, I ask unanimous consent I might be allowed sufficient time to complete my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOREN. Madam President, so, because of the Supreme Court decision, if we are going to have spending limits, which are so flatly needed, if we are going to put limits on the amount of PAC money forthcoming, limits on the amount spent in campaigns, we must offer some incentives. And what are the incentives that we offer?

The incentives that we offer are; one, lower cost television time provided by the stations for those candidates who will accept spending limits. If they are going to take this step for good Government, then they should be able to get their television time at less expense. That does not cost the taxpayers.

The second we provide says that on the advertisements, the citizens have a right to know is this a candidate who accepts spending limits? Or, is this a candidate who wants to raise all the money they can scoop in from whatever interest group they can get it? The people have the right to know that, and we say the people ought to be informed.

Finally, there are some very small incentives for lower postal rates for those candidates who will accept spending limits.

And there is a standby provision that says if the other candidate, your opponent, will not accept spending limits and then they go over the limit and they start spending massive amounts of money, you can get some funds out of a good-Government fund to offset what they are spending.

Where does that money come from? From the general taxpayers? No, it comes from a registration fee on PAC's, a registration fee on lobbyists, a compliance fee, and a registration fee on foreign agents who are coming here to lobby us for the interest of people in other countries.

Now, that is not putting a burden on the American taxpayer. We are making those who are part of the process, who are seeking to influence Congress, pay to cleanup the system. Now, Madam President, I submit, as close as it is for Government work, $23 million is not a billion dollars, and the burden on the taxpayers is not quite the same thing as making the PAC's and foreign agents who are lobbying pay registration fees in order to cleanup our system.

So a minor divergence of the facts, I guess we would have to say, but it sure made for interesting debate to hear talk of billions of dollars being picked out of the taxpayers' pockets.

Well, I have to say, the American people are smart enough to see what has happened here. That is part of it.

And new entitlement for politicians? Picking your pocket for a billion dollars? That is not what is going on. It is a debate about whether or not we are going to put limits on massive amounts of money flowing into campaigns, and whether or not we are going to stop so much of that money coming from the political action committees and have it raised from individual citizens and small contributions back home in reasonable amounts. That is what this is about. The people understand it.

The people also know they are paying through the nose. You talk about what the people are paying. They know that they are paying billions of dollars for the current system. Why? Well, all those special interest groups, all those political action committees that give all that money to campaigns expect something in return.

One Senator once said facetiously, in what was a humorous speech, thanking a group of people in a room together at a $1,000 a plate dinner: "Thank you all for coming. I know you expect good Government. We promise you good Government and a whole lot more." They expect something in return. When you look at the tax loopholes that the average working man and woman in this country cannot take advantage of that are there for others, and when you look at the pork barrel projects that cost hundreds of millions of dollars that serve the interest of those who give to campaigns, a high price is being paid by the American people—a high price—in addition to this fragile loss of trust in this country, something that we must all take to heart.

Let us set aside for a moment exactly the substance of the issue and let us talk about procedurally what happened. We stayed here all night. There was a threat to filibuster the motion. Do you know what the motion we were voting on was, Madam President? The motion was—I hope that some of the American people are watching so I can explain, because they find this place mysterious. So I want to make it rational and logical to the American people as to how we operate here.

We passed this campaign finance reform bill in June of 1993 by an overwhelming bipartisan vote. The House passed a bill, and they passed it in a different version. They allowed more PAC money than we did, and some other things that most of us would say they should not have done. We think our bill is better. The House would probably make the same argument.

We know from reading our civics books and taking American Government courses in high school and college that when the Senate passes a bill in one version, and the House passes another, you have to get together to have a conference committee to work out the differences. That is what is supposed to happen.

Automatically, nearly always automatically, the majority leader will get up and say, "I move that we disagree with the House amendments to our bill, and that we seek a conference with the House and appoint conferees," members of the committee to work out their differences. In my 16 years in the Senate, I have rarely seen that motion debated ever, debated at all. It is an automatic thing. You have two bills; two Houses have to work out the differences.

What has happened is that the opponents of this bill have said, even though it has passed the Senate, even though we had a version pass the House, even though it is so important to the American people, they have said, "No, no; we won't let that happen by unanimous consent." You do it in three motions. "We are going to filibuster the motion to disagree to the House amendments. We are going to make you file a cloture motion to stop the filibuster. And then, once that is over, we are going to filibuster the next motion, which is a motion to ask for a conference committee, and then we are going to filibuster the next motion which is the motion to appoint conferees."

This is all before the House and Senate can even sit down together and see if we can work out a good piece of legislation.

What happens when you do that? Well, under our rules, they started to filibuster, the majority leader filed cloture, we voted on cloture the day before yesterday. Only two people voted against cloture. Only two Senators, even after the threatened filibuster, voted against cloture.

Then once you get cloture, once 60-plus Members in the Senate say it is time to bring debate to a close, under our rules, you have a right to debate 30 more hours on that, 30 hours, after already deciding we talked about it long enough. We only talked about this subject 11 years. That is when Senator Goldwater and I introduced our bill, 11 years ago. I think the American people know what the debate is about.

Madam President, we stayed here all last night, around the clock, running out 30 hours of debate, and then a minute ago, we voted on the motion to disagree with the House amendments to our bill. And guess what? You would have thought that had been a very close vote. After all, we argued about it for 30 hours; we had to file cloture; there was a filibuster.

Guess what the vote was? Ninety-three to nothing; 93 to 0. Not a single Senator voted against the motion to disagree with the House amendments. Now, does that not make sense to the American people that we stayed here all night long; we had a filibuster lodged against this motion to disagree with the House amendments to our bill; we stayed here for 30 hours tying up the Nation's business, keeping people up all night long, and then it was a unanimous vote? About as clear as mud.

And now they say, "Well, we are going to filibuster the next motion. We are going to make you file cloture on the next motion to request a conference," and I expect we will have 30 more hours of debate then, and that will pass overwhelmingly.

Then they say, "We are going to filibuster again," and then there will be 30 more hours. By the way, you have to put in 2 days before you can vote on the motion to invoke cloture. I have been leaving that out: 30 hours, then 48 hours; 30 hours, then 48 hours.

Madam President, the American people watch all that. By the way, if we go to a conference committee and we work out a bill that would command a majority in both Houses, bipartisan majority, and we come back here, they have a right to filibuster the conference report itself. You file cloture on that, and then you have to wait 2 more days after to vote, then 30 more hours debate on that, all before you can ever get to the bill.

Why, Madam President? Why in the world would this be going on? Is this any way to conduct the people's business? No wonder 14 percent have confidence in us. When you look at what went on the last 24 to 48 hours, I said I think 14 percent is a higher rating than we deserve.

Madam President, it is pretty clear. I suppose some politicians think they can fool the American people. Any American who has ever watched a football game knows what is going on. We are supposed to adjourn for good—the people may be saying "thankfully" by now—on October 7 or October 8. So what is going on here?

Even though they are not going to vote against the motion to disagree with the House amendments, which everybody admits very few disagree with it, even though they are not going to oppose the motion to ask for a conference, or even though they are probably not going to oppose the motion to appoint conferees, they know if you take 30 hours, 48 hours, 30 hours more, 48 hours, 30 hours more, 48 hours more, just because of the procedures that are required, that you can run out the clock.

Anybody that has ever watched a football game knows what it means when a team decides to run out the clock. That is what is going on, Madam President, and they think we are fooling the American people? The American people know that. Then, when the clock has finally run out and we are unable to pass campaign finance reform, something that badly needs to be done in this country, to clean up the political system of this country, to restore the trust of the American people, which we so badly need—that is the first thing you have to do if you are going to work together to solve problems.

We have terrible problems in this country. What are we going to do about health care? How are we going to bring the budget deficits down? What are we going to do about educating and nurturing the next generation of people? Ten percent, 15 percent of children born in the 10 largest cities in this country every year have parents desert those children before they are 2 weeks of age. We have problems, Madam President.

If we are going to work together to solve problems, we have to trust each other. We have to respect each other. We have to stop playing political games. People back home say to me, "Why can't you people just act like Americans. Why can't you get together and be Americans. We don't care whether you are Democrats or Republicans. We are tired of hearing about whether you are a Democrat or a Republican. We are tired of hearing you all act like a bunch of children on the school ground fighting at recess over who's king of the mountain, who can embarrass the other side, who can force votes out here that will embarrass the other side, who can think up a vote that will make a good 30-second spot in the next election. Enough of it."

The people have said to us, "Enough of it. We are sick and tired of that kind of party politics. We want you to do something that solves the problems of this country. We can get together. We can get together in our neighborhood to solve problems. We expect you to be able to get together in the Congress of the United States and solve the problems."

Well, Madam President, I am afraid what is going on here—and I have crossed party lines many, many times, and I do not make accusations very often of a partisan nature, but I think there is a desire to be able to go out and say this Congress has failed on nearly everything. We have failed on many things, but one of the ways you can make sure that we will fail on nearly everything is keep things from even being able to come up for a vote.

Then you can say, "They couldn't act on campaign reform." Why? Was it because the majority of the Congress did not want to be for it? Was it because a majority did not want to cleanup the system, cleanup PAC's, stop runaway spending? A majority wants to do it. It will be because a determined group in the minority in the Congress decided to run out the clock. And then they can say, "Look at that do-nothing Congress that didn't deal with campaign reform, or other pressing issues." By running out the clock, they prevent us from being able to act on matters of great importance to this country.

So I appeal again to my colleagues from the other side of the aisle, as close as I know it is for Government work, let us not confuse $1 billion with $23 million. Let us not call it picking the pockets of the average American taxpayer when we know that all we have ever talked about is some registration fees on PAC's, lobbyists, and foreign agents. Let us not make that confusion any longer. Let us talk about the real issue. Do we think it is good to stop runaway campaign spending or not? Do we think it is good to put limits on what PAC's can pour into campaigns so people will start to get most of their contributions from the people back home instead of the power interest groups here in Washington, DC?

That is the issue. Let us talk about the issue. And then let us have a chance to resolve it once and for all, a chance to resolve it once and for all.

Let us not follow a strategy of just running out the clock to prevent a decision from being made. That is not right. That is letting down the American people. The American people deserve better from us.

I heard my colleague from Vermont speak a moment ago. He happens to be a Republican. I am a Democrat. He talked about what he hoped to see in campaign finance reform, what he hoped to see coming out of an agreement between the House and Senate. He made an excellent speech. I agreed with every single point he made. He wanted to make sure we started emphasizing instate contributions more, and that we had the same limits on what PAC's can give to House Members and Senate Members so we play by the same rules. He wants to make sure we do not convert campaign contributions to personal use. I agree with what he said.

As we have been talking with the leaders on the other side of the Capitol, on the House side, I and the majority leader and others have been working to uphold those very same principles that he spoke about here. He has made an enormous contribution. There are many people who are seeking across party lines to work together here to make something positive happen. I want to express my appreciation to those on the Republican side of the aisle as well as on this side of the aisle who have been working for a constructive solution.

To those who have been using the rules to simply run out the clock, to prevent us from acting on something of this importance, I appeal to them: Change your minds about that. Let us debate the issue. Let us have a chance to make a decision. If you think you are fooling the American people when they turn on their TV sets at 4 o'clock in the morning and they see a filibuster being staged, and they see us debating something, and they see us going on for hours and hours and hours, and then when they see a vote down here of 93 to 0 after all that sound and fury, if we think that we are outsmarting the American people by what is going on here, we are wrong.

Anyone who thinks that is wrong. Anyone who thinks that the American people have not been to a football game and do not know what it means to run out the clock is vastly underestimating the intelligence of the American people. But more importantly, we will be letting down the American people. If the American people lose faith in the Congress of the United States as being a body of men and women who will truly represent them, their thinking, and will truly try to grapple with their needs, and will truly try to prepare to help the next generation, their children and grandchildren, and keep this a great, strong Nation, if they lose their confidence in us, if they lose their confidence in this institution, the Congress of the United States, they will have lost their faith in the fundamental building block of the legitimacy of the whole system.

Have we forgotten that when this country was formed, it was formed on a cry of no taxation without representation—representation, a belief that the system represents us, the people at the grassroots; that the people, that we are really in charge, that we have some ability to effect our own destiny?

Madam President, there is great anger in this country, frustration in this country, cynicism about our Government in this country that has gone beyond the bounds of what is good or healthy for our society.

When are we going to wake up to what this breach of trust and confidence is doing to the heart and soul of this country and to the social fabric of this country?

How long, Madam President, how long are we going to wait to do our duty as trustees of this institution? How long? We have waited too long. We must not wait a day longer. We cannot afford all-night shenanigans. We cannot afford postcloture filibusters. We need to get on with doing the Nation's business and restoring the trust of the people in this institution and in the Government, and restoring their faith that they can make a difference, that they count for something, that their voices will be heard here, and not just the voices of those who have the money to buy a ticket to get into a $1,000 or a $5,000 or a $10,000 campaign fundraising event.

We are the trustees. No one else can pass this bill. If the people could pass it, they would have passed it a long time ago; 86 percent of the American people want spending limits, according to polling data. They cannot vote here. But we were sent here to represent them. We should do our duty as trustees. Until we do, we will have been derelict in our duty, and we will have brought on ourselves the tragic loss of trust of the American people.

Madam President, I hope that my colleagues will ponder these points over the weekend. I hope the procedural delays will stop. I hope those who might have very honest disagreements with me and those who are for this legislation will at least give us the opportunity, without a run-out-the-clock strategy, to see if we can put together—maybe we will fail, but give us the opportunity to at least try to put together—a bill that will be fair. And then I appeal to them, let us have some truth in debating. Let us at least make that correction of $1 billion to $23 million, and make it clear it is not coming from the average American taxpayer. Then perhaps we can talk about the main subject, and that is whether or not we should stop runaway campaign spending.

I thank the Chair and I yield the floor.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE HEALTH CARE DEBATE

Mr. HARKIN. Madam President, we have spent the better part of a year and three-quarters working together to try to find a solution to the health care crisis that we have in America. For the better part of that year and three-quarters, we have been intensely involved in trying to figure out and to work with one another to reach some kind of a consensus and compromise on this issue.

Certainly, not anyone in this country can say that they have not been involved in this debate. Mrs. Clinton opened the doors over a year ago. She opened the doors to let in everyone, whether it was insurance companies, providers, doctors, hospitals, no matter. Everyone had their input in this process. No one can say that they were left out.

Out of this process, the President and the administration fashioned a bill and sent it down to the Congress, as is their prerogative. It was a broad, comprehensive bill—very broad and very comprehensive. I supported that bill. I did not probably support every little bit of it. I would have supported some amendments to it to fashion it differently. But on the general concepts I supported it. After several months it looked as though that bill was not going to go anywhere.

Then our leader, Senator MITCHELL, introduced his bill, again after having worked with many people over long weeks and months of time on a scaled-down version, if you will, of the Clinton proposal. That bill was offered here on the Senate floor. We began debate on it in early August, before we recessed in August. It became clear that our friends on the other side of the aisle, the Republicans, decided that they were going to stretch this thing out, that we were not going to have any meaningful votes on Senator MITCHELL's health care bill. That was the situation we found when we went up to the August recess.

Majority Leader MITCHELL said he was going to keep us here until we had some action, until we got something done on health care. Well, it was obvious that after chewing up about 7 or 10 days of the August break that the Republicans simply were just going to talk it to death. They were going to offer amendments, talk on and on, and drag the whole process out and never reach any real, meaningful votes on Senator MITCHELL's bill.

After the August break—we came back almost 2 weeks ago now—there was an effort by a group of Democrats and Republicans to put together a bill they fashioned as the mainstream or rump group, or whatever you want to call it. And now it appears that that, too, cannot fly. Again, perhaps it is a little bit too big and it covers too many things that are a little too contentious here.

So we now find ourselves, at this point in time, having started with the broad concept, the broad Clinton approach to health care reform, and that was not acceptable. Then we had the scaled-down majority leader's bill, and that was not acceptable. We now have a scaled-down version of the mainstream group, and that is not acceptable either. Recent reports indicate that we are about to pull the plug on health care reform for this year.

It is interesting what some Members on the other side are saying. I do not know precisely what some of those words are. I can only report them as they were reported in the newspapers. The Senator from Oregon, Senator PACKWOOD, is reported as saying, "Now that we have killed health care reform, we just cannot leave our fingerprints on it." I am only repeating what I read in the newspaper as a direct quote. The newspaper went on to say that when Mr. PACKWOOD was asked about that later on, he said he did not remember what he said. He said, "I cannot remember from one day to the next what I said on it." That is just what I am reporting was said in the newspaper.

The leader of the Republican Campaign Committee, Senator GRAMM, has said, "Do not blame us, blame them"—meaning the Democrats—"for killing health care reform." Now he is playing the blame game and saying, "Well, the Democrats are to blame, and Clinton is to blame because we do not have health care reform." That is a most disingenuous argument, if I have ever heard one in my life, when the facts are entirely the opposite.

So we find ourselves coming to the close of this Congress, having spent a great deal of time and effort trying to get some health care reform through. I believe the American people are confused. There have been at least $140 million spent by special interests to confuse the American people. So while they do not understand what the broad concepts, perhaps, of a broad bill might be, the American people still want us to do something about health care. The bills are still too high. People still lack coverage. People lose their jobs and they lose their health care.

I had an individual in Iowa last weekend hand me a summary of their health care bills for her husband who had heart problems. The bill, for 8 days, was $54,000—for 8 days, not including $9,000 more in doctor bills. She handed me all of the receipts. If you walk through those, you begin to see why our health care bills are so high—three aspirins for $3.70, and things like that on the bill.

So the problems that were out there before are still there. The people that lacked coverage still lack coverage. But most important of all, Madam President, the most vulnerable in our society, who really needed this health care reform bill, who need something to give them coverage, and they have no voice, they have no vote, they have no money with which to try to influence campaigns, and we have forgotten about them, I am speaking about our children in America.

One-fourth of the Americans who do not have health care coverage are children. They are the most vulnerable in our society. They are the ones most apt—if they have an illness, or a disease, or injury—to have permanent disabilities, permanent repercussions from such illnesses or diseases, illnesses or diseases that may affect them for the remainder of their natural lives. Yet, we know that covering children is the cheapest thing we can do. We know it from an insurance standpoint. Insurance policies for children are cheaper than for adults. And whatever money is spent on insuring kids—and especially giving them preventive health care—is going to pay us back tenfold or one-hundredfold in the future. We know these things.

That is why about a month and a half ago, I joined with other Senators in trying to devise yet another scaled-down package for health care reform this year. Forget about purchasing cooperatives. Forget about all of the so-called reforms. Forget about all of the things that are very contentious. Strip it down and let us cover our kids. We provided three things. We wanted to do three things for three of the most vulnerable in our society in terms of health care—first, cover kids; and, second, provide a capped, home and community-based, long-term care for the elderly and disabled; third, to provide 100 percent deductibility for the self-employed so they can buy health insurance and deduct it just like the big businesses can do.

That is not asking very much. It is very small, very scaled down, and it is the cheapest plan of all. It comes in at about $130 billion less than the so-called mainstream proposal. Yet, now I am told that we cannot even bring this out, that there would not be any support for that because the Republicans would filibuster that, they would hold that up, and that Mr. GINGRICH has said they are going to stop any health care bill coming through.

So while I have refrained from thus far getting involved in the blame game and who is to blame, because I have always remained optimistic and hopeful that we can get something through—maybe not as much as we wanted, but at least something that would be a downpayment on health care reform—I thought surely when you talked about just covering kids and about providing deductibility for the self-employed, and a small home and community-based long-term care program, that surely no one could object to this. It would be done through the private sector, so the insurance companies would not object. They would just have to come up with a separate kids' policy. That is no problem. Certainly the business sector could not object to 100 percent deductibility for the self-employed. We do not have employer mandates or anything like that in there. And certainly those who might be opposed in any way to opening up new entitlements could not be opposed to a capped program of long-term care for the elderly and sick. So we wanted to bring this out.

I have worked with a number of Senators, including Senator WOFFORD from Pennsylvania, who has worked very hard on this, and Senator ROCKEFELLER, Senator LEVIN, and others. We have spent a lot of time on this.

I am hopeful that at least we can get a vote on covering our kids. But now I am told the Republicans would not even let us vote on that. That is what we are now up against. We are up against the leader of the Republican Senate Campaign Committee, and Mr. GRAMM of Texas who is saying, "Blame them, not us." After all they have done to slow down, stop, and stymie our efforts in health care reform, I ask could we have a meeting of the minds and we can all agree on one thing—let us cover our kids. If they will not even do that, then I think it is clear to the American people who has the keys to gridlock here in Washington; it is the Republicans who hold the keys to gridlock.

That lock is firmly on that door and behind that door is health care coverage for the children of America. Behind that locked door is 100 percent deductibility for self-employed. Behind that locked door is some long-term care for our elderly and disabled.

My friends on the other side of the aisle have the key to that padlock. They can choose to keep the lock on the door. And as I understand it, that is what they have chosen to do although I would wish and would hope with all of my heart that they would unlock that lock, that they would take that key and unlock it and open the door.

But they will not even do that. So now we go out of this Congress with no health care reform at all, without anything to help working Americans. And that is exactly what our bill is designed to do, to help working Americans. Obviously with Medicaid, if you are poor your kids are covered because you have Medicaid coverage. And obviously if you are well to do, or if you have a good job and you have a policy that your employer has for you, then your kids are probably covered. But if you are anywhere in between, if you are just above the poverty line, if you are working at a job that is just above the minimum wage, you are a single parent with a couple of children, you are trying to break out of welfare, you are trying to make it, you do not have any health care coverage for your kids.

Somewhere between 9 million and 11 million kids in this country do not have any health care coverage, and they are not children in poverty, they have Medicaid; they are not the children of Senators and Congressmen, we have full health care coverage.

It is the children of the working poor, people who are out there struggling day after day to make ends meet, they are the ones who do not have health care coverage for their kids. And that is who we are attempting to get covered, and the Republicans say no, we will not do that. We will not take the keys that we hold to gridlock and unlock that padlock and open the door and let these kids have some health care coverage.

I think it will become clear to the American people, to the hard-working people of America, just who it is that is keeping that door locked. Not us, we want to bring it out. Those on the other side of the aisle who have decided for whatever reason, and I question no one's motives, but for whatever reason they may have, will not even let us cover the kids of America.

Madam President, I have served in the Congress now for 20 years. I have seen a lot of fights in the House and in the Senate, some pretty tough ones; I have seen some pretty tough debates and pretty tough issues. I have been involved in a few myself. I have seen heated debates with tempers flaring and you would swear that the two antagonists or protagonists would never speak again, and then the next day you find you are just as friendly as you were before.

But in my 20 years in this Congress I have never seen anything like exists today. This attitude of gridlock, of stopping everything, the cynicism, the attitude that nothing can get through here because it might make President Clinton look good, that we have to stop things because perhaps the only way to take over is to tear it down. As Mr. GINGRICH said some 15 years ago, the only way we are going to take over is to tear it down. I see a tearing down, a tearing down of the structure of Congress.

No, I have never seen anything like this in 20 years; the sort of the mean spiritedness, the antagonisms, the inability to give either side their proper due and to let legislation move. There is nothing wrong with people to want to amend and change, everyone should have their viewpoint and they should be heard. When it gets to the point where people just adamantly block everything, then surely this Senate and this Congress has become something that our forefathers never envisioned.

I do not mean to get off on this, but something has to be done about these filibuster rules. If something is not done, then I am afraid this body, the Senate, of which I have been a Member now for 10 years, will just simply become irrelevant, will be a debating society. We get up and give fiery speeches like I am talking here, but nothing ever gets done. It might make us feel good and vent our frustrations perhaps. I am venting a few right now myself on a Friday afternoon with nobody else in the Chamber.

But this is not what our forefathers envisioned. They envisioned a legislative body that, yes, would debate and discuss and amend, but would do something and get something through. We now have a situation where the minority side will not permit that to happen.

So Madam President, I digressed a little bit, but the main point of what I wanted to say here today was that as this Congress draws to a close—we have 2 more weeks as I understand it—let us do something good. Let us do something that will permit all of us to hold our heads high, whether Republicans or Democrats, liberals or conservatives or whatever.

Let us bring up a measure that will at least insure the children of America and give them the health care that they need. If we cannot even do that, then God help us all. I am still hopeful that in the next 2 weeks those of good will around here will still work to try to at least get that through, make a downpayment on future health care reform, but at least cover the kids of America.

If we do not, it will not be those of us who tried to do something. We tried to get a bigger package through, not acceptable. We tried to get a slimmed down package through, not acceptable. Now we are down to kids. If that is not even acceptable to the Republicans, then I think it is clear to the American people that it is the Republicans who will not let us have any measure of health care reform in this country.

Madam President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. FORD). Without objection, it is so ordered.

The Senator from Massachusetts is recognized.

THE CREW OF THE HH-60J 6018 AIRCREW

Mr. KERRY. Mr. President, I want to pay tribute to the aircrew of Coast Guard Jayhawk Helicopter No. 6018 stationed on Cape Cod, MA. I would like to thank the brave men and women of this aircrew for their extraordinary actions to help save the life of Richard Picard of New Bedford, MA, on November 5, 1993.

Mr. Picard had been critically injured in a fishing boat accident 150 nautical miles east of Cape Cod. The Coast Guard called for helicopter No. 6018 to medevac the injured man to the hospital.

Because of the distance offshore, the helicopter had to add a 120-gallon external fuel tank. Despite terrible weather conditions which included thunderstorms and winds reaching 50 to 60 knots, the Jayhawk aircrew rescued Mr. Picard from the wildly pitching fishing boat and rushed him to the hospital.

Because of their bravery, the Coast Guard has selected the crew of the Jayhawk Helicopter No. 6018 for the Coast Guard Foundation Award. I believe that this award has been richly earned. I would like to express my thanks, appreciation to and my admiration for the aircrew for saving the life of Richard Picard that stormy night. I believe the fishermen of Massachusetts feel safer knowing that the Coast Guard and these fine men and women are serving and protecting our country and its citizens.

PAUL PATRICK DALEY

Mr. PRESSLER. Mr. President, on Saturday, September 24, Capt. Paul Patrick Daley will retire from the U.S. Navy during a ceremony aboard *Old Ironsides* at the Boston Navy Yard.

I met Paul Daley when we attended law school together at Harvard. Paul was born and raised in the Boston area and received his undergraduate degree from Boston College. I was fascinated to meet him. Not only did he talk like a Boston Irishman, but he was truly a son of Ireland. I was pleased to have gotten to know his parents, whom I believe were from Ireland.

In 1963, Paul made a decision which would make the Navy a part of his life for the next 31 years. He entered the Navy through Aviation Officer Candidate School at Pensacola, FL. He earned his wings with Fighter Squadron 121 at Miramar Naval Air Station, CA.

From 1965 through 1967, Paul made two combat tours to Vietnam with Fighter Squadron 96, the world-famous Fighting Falcon, aboard the U.S.S. *Enterprise*. During this period, he flew 212 combat missions in Vietnam for which he was awarded the Distinguished Flying Cross, the Vietnamese Air Gallantry Cross, 16 Air Medals, the Navy

Commendation Medal with Combat V, Vietnam Service Medal and the Navy Unit Commendation.

Apart from the rigors of law school, Paul and I shared a common bond of service as Lieutenants in Vietnam, although my service was in the Army and my experiences far more tame. At Harvard, both of us belonged to Lincoln's Inn, and we frequently ate lunch together. We also would appear occasionally on the social scene together. Paul would always have better luck with the girls with his stories of flying bomber missions over North Vietnam. On one occasion, he pulled out some film and showed actual footage of one of his Vietnam bombing missions to a group of young ladies which, of course, was the ultimate ace. I would hesitate to relate any of my Vietnam experiences in Paul's presence because they did not involve the equivalent element of risk. In fact, as some of my colleagues in the Senate have heard me say before, among the most dangerous weapons I was entrusted with in Vietnam was the occasional Jeep.

After Vietnam, Paul taught Naval History for 2 years as an assistant professor at Yale University, during which time he also served on the Commander of the Sixth Fleet's staff aboard the U.S.S. *Little Rock* in the Mediterranean.

In 1969, Paul left active duty and was assigned to the Naval Air Reserves at Naval Air Station South Weymouth. He has served as Commanding Officer of the U.S.S. *John F. Kennedy*, the NS *ROTA* on two occasions, and in 1991 assumed command of the VTU–9191. Not one to be satisfied with excelling only in Naval service, Paul received his parachutist wings from the Army Airborne School at Fort Benning, GA.

Paul Patrick Daley has also been successful in civilian life. After graduating in 1973 with a J.D. from Harvard Law and an M.B.A. from Harvard Business School, Paul joined the prestigious Boston law firm, Hale and Dorr. He is now senior partner of the firm and is chairman of Hale and Dorr's Bankruptcy and Commercial Department as well as a member of the Corporate and Litigation Departments. He has been named in every edition of Naifeh and Smith's "Best Lawyers in America" for his bankruptcy and commercial law expertise.

Captain Daley made a wise choice when he decided to marry his lovely wife Barbara who, with their son Patrick, live in Waban, MA. He is a trustee of the Massachusetts School of Professional Psychology and was formerly a director of the American Sail Training Association and a trustee of St. Sebastian's Country Day School.

I have enjoyed Paul Daley's friendship for 25 years. He has accomplished much in his life, both as a naval officer and as a civilian. While his naval career will come to an official end on September 24, I know the U.S. Navy will always be close to his heart.

Let me declare here today on the floor of the U.S. Senate: Paul Patrick Daley is a great American; a great patriot; and, a dear friend.

IS CONGRESS IRRESPONSIBLE? YOU BE THE JUDGE OF THAT

Mr. HELMS. Mr. President, as of the close of business on Thursday, September 22, the Federal debt stood at $4,666,416,745,637.56, meaning that on a per capita basis, every man, woman, and child in America owes $17,898.81 as his or her share of that debt.

HOLLINGS-DANFORTH TELECOMMUNICATIONS BILL (S. 1822)

Mr. DOLE. Mr. President, it is unfortunate that Senator HOLLINGS declared the telecommunications issue dead for this year. Many of my colleagues know that in the recent weeks both my staff and Senator HOLLINGS' staff have tried to iron out many contentious issues. Yesterday, we presented Senator HOLLINGS' staff with a specific proposal to make the bill less regulatory and more market-based. Although we did not hear back before Senator HOLLINGS made his announcement, it is now apparent that those talks have failed.

It seems to me that S. 1822's major problems included its approach to universal service, its excessive regulation, its protectionist domestic content provisions, and its outlandish, if not unconstitutional, 5 percent set-aside requirements. And these were only a handful of the problems. With so little time, these issues needed to be resolved before the bill reached the floor.

Opposition to S. 1822 grew for many reasons. It increased local phone bills, government regulation, and stifled innovation. It was opposed by major national groups that included the National Governors Association, U.S. Conference of Mayors, National League of Mayors, and by many industry groups. With so little time, and over 250 differences between the House and Senate bills, it would have been a major feat to enact this legislation this year.

No doubt about it, this is an important issue. The communications industry is one of our Nation's fastest growing and most vibrant industries. The best thing we could do for it is to adopt policies that allow competition, not government, to regulate it.

With that said, it is clear that the status quo is no longer acceptable. Of course, I have thought that for nearly a decade. Congress must assert its authority, and quickly, to resolve this issue. I am confident that a strong bipartisan proposal can be crafted and enacted into law early next year.

MORE MISTAKES ON BOSNIA

Mr. DECONCINI. Mr. President, on July 6, the five-nation contact group drew up a peace settlement plan for Bosnia and Herzegovina. While it was widely viewed as rewarding Serb aggression, it was at least offered to those engaged in the conflict on a take-it-or-leave-it basis, with a 2-week deadline for a clear response, and consequences suggested to those rejecting it. The Bosnians accepted the plan on time and unconditionally. The Bosnian Serbs effectively said "no," and subsequent attacks on U.N. personnel and the massive ethnic cleansing of non-Serbs in northeastern Bosnia have served as an exclamation point to that response. This crime against humanity is continuing as I speak.

The outcome of all of this? The July 6 plan is left open to the Serb militants to accept at their leisure. The arms embargo illegally imposed on legitimate Bosnian forces has not been lifted. The siege of Sarajevo has resumed, and utilities have been cut off for several days. Rather than take the action necessary to compel compliance with U.N. resolutions, however, U.N. Commander Rose has instead become enraged over Bosnian attempts to break the Serb stranglehold on the capital city, and has threatened airstrikes against Bosnian forces. Meanwhile, a United States general, Wesley Clark, recently held military-to-military talks with Ratko Mladic, the leader of the illegitimate, rogue Serb forces responsible for this siege. General Clark went as far as to exchange military caps and accept gifts from this war criminal.

The only consequence of Serb rejection of the July 6 plan was an agreement by contact group foreign ministers to tighten sanctions on the federation of Serbia and Montenegro. But now we are not even going to do that. Differences between Milosevic and Karadzic have shifted international attention away from tightening sanctions and toward isolating the Bosnian Serbs by rewarding Serbia. Once again, we are taking our Bosnia policy further and further into the realm of the surreal.

The contact group countries are willing to ease sanctions on Serbia if it cuts supplies to the Bosnian Serb militants. They have insisted on monitoring the border, but agreed to Serbian terms on the number and character of the monitors. Only 135 nonmilitary monitors will cover a 375-mile border with authority only to observe if a cross-border military supply exists, and not to stop it if it does. Lord Owen, the European envoy, admitted that he does not want to see these monitors be terribly visible. The Bosnian Vice President remarked that the effort is "like having 100 police officers to control New York City." Last week, the commander of the Bosnian Armed Forces also told me this will not work. He is probably right. There are reports that helicopters violating the no-fly zone may be a new delivery route, and pontoon bridges are reportedly being built as well.

There also seems to have been no attempt in this effort to get CSCE monitors back into Kosovo, Sandzak, or Vojvodina, or to get a commitment from Belgrade to cooperate with the international war crimes tribunal, as Representative TOM SAWYER of Ohio has recently suggested.

When news of this latest policy shift came out, I must admit that I was not shocked. In fact, given past performance, I almost expected it. But it really is objectionable that the administration argues the advantages of solidarity among the contact group countries, and then caves in to the Russian, British, and French time after time for the sake of maintaining that solidarity. They agreed on consequences for rejecting the plan, so where was the concern of these countries for contact group unity when they changed their minds? Once again, where is U.S. leadership on this issue?

Finally, it is important to note that this intra-Serb squabbling, which has done more to derail the international approach than to stop the war, only became manifest when the international community appeared to have some resolve, at least on the sanctions issue. Given the gaping holes in this monitoring effort, I would suggest that, if we really want to deny the Bosnian Serbs their supplies, we should take out their supply lines and supply depots with punitive airstrikes. As the Bosnian people prepare to enter their third winter of war, it would be the most humanitarian action we could take. All we need is the resolve to carry it out.

TRIBUTE TO FRANK FERNANDEZ, DEA AGENT: OPERATION SNOWCAP

Mr. D'AMATO. Mr. President, I rise today to commemorate the life of DEA Special Agent Frank Fernandez. Agent Fernandez was killed in the line of duty on August 27, 1994, while leading a highly specialized team of DEA agents into the jungles of Peru. The DEA plane carrying Frank and four other agents crashed while traveling from Santa Lucia, Peru under "Operation Snowcap". This intensely dangerous mission was necessary to dismantle cocaine trafficking organizations and their operations in Latin America.

Special Agent Fernandez was born and raised by his mother in a Brooklyn, NY, apartment. A graduate of John Jay College of Criminal Justice in New York, Frank began his Federal service on September 21, 1980, as a DEA agent assigned to the New York division. Frank moved up in the organization as a result of his dedication, hard work, and his intent drive to take down the international drug trade market.

Frank will be remembered as a leader in the fight against the murderous drug lords worldwide. The fact that to the end he fought to rid our world of the poison peddled by those callous murders, is a testament to his dedication and honor. He will be sorely missed. On behalf of all Americans, I offer my sincere condolences to the family and friends of Frank. This loss was one for all of us.

LOBBYING REFORM

Mr. LEVIN. Mr. President, my Governmental Affairs Subcommittee staff has responded to some inquiries about the so-called Levin-Bryant proposal that Congressman BRYANT and I are making to the House-Senate conference which is considering lobbying reform. My staff has also made available a summary of the proposal.

I ask unanimous consent that the summary of that proposal and the proposal itself be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. —

TITLE I—LOBBYING DISCLOSURE

SECTION 101. SHORT TITLE.

This title may be cited as the "Lobbying Disclosure Act of 1994."

SEC. 102. FINDINGS.

The Congress finds that—

(1) responsible representative Government requires public awareness of the efforts of paid lobbyists to influence the public decision making process in both the legislative and executive branches of the Federal Government;

(2) existing lobbying disclosure statutes have been ineffective because of unclear statutory language, weak administrative and enforcement provisions, and an absence of clear guidance as to who is required to register and what they are required to disclose; and

(3) the effective public disclosure of the identity and extent of the efforts of paid lobbyists to influence Federal officials in the conduct of Government actions will increase public confidence in the integrity of Government.

SEC. 103. DEFINITIONS.

As used in this title:

(1) AGENCY.—The term "agency" has the meaning given that term in section 551(1) of title 5, United States Code.

(2) CLIENT.—The term "client" means any person or entity that employs or retains another person for financial or other compensation to conduct lobbying activities on behalf of that person or entity. A person or entity whose employees act as lobbyists on its own behalf is both a client and an employer of such employees. In the case of a coalition or association that employees or retains other persons to conduct lobbying activities, the client is—

(A) the coalition or association and not its individual members when the lobbying activities are conducted on behalf of its membership and financed by the coalition's or association's dues and assessments; or

(B) an individual member or members, when the lobbying activities are conducted on behalf of, and financed separately by, 1 or more individual members and not by the coalition's or association's dues and assessments.

(3) COVERED EXECUTIVE BRANCH OFFICIAL.—The term "covered executive branch official" means—

(A) the President;

(B) the Vice President;

(C) any officer or employee, or any other individual functioning in the capacity of such an officer or employee, in the Executive Office of the President;

(D) any officer or employee serving in a position in level I, II, III, IV, or V of the Executive Schedule, as designated by statute or executive order;

(E) any officer or employee serving in a Senior Executive Service position, as defined in section 3132(a)(2) of title 5, United States Code;

(F) any member of the uniformed services whose pay grade is at or above O–7 under section 201 of title 37, United States Code; and

(G) any officer or employee serving in a position of a confidential, policy-determining, policy-making, or policy-advocating character described in section 7511(b)(2) of title 5, United States Code.

(4) COVERED LEGISLATIVE BRANCH OFFICIAL.—The term "covered legislative branch official" means—

(A) a Member of Congress;

(B) an elected officer of either House of Congress;

(C) any employee of, or any other individual functioning in the capacity of an employee of—

(i) a Member of Congress;

(ii) a committee of either House of Congress;

(iii) the leadership staff of the House of Representatives or the leadership staff of the Senate;

(iv) a joint committee of Congress; and

(v) a working group or caucus organized to provide legislative services or other assistance to Members of Congress; and

(D) any other legislative branch employee serving in a position described under section 109(13) of the Ethics in Government Act of 1978 (5 U.S.C. App.).

(5) DIRECTOR.—The term "Director" means the Director of the Office of Lobbying Registration and Public Disclosure.

(6) EMPLOYEE.—The term "employee" means any individual who is an officer, employee, partner, director, or proprietor of a person or entity, but does not include—

(A) independent contractors; or

(B) volunteers who receive no financial or other compensation from the person or entity for their services.

(7) FOREIGN ENTITY.—The term "foreign entity" means a foreign principle (as defined in section 1(b) of the Foreign Agents Registration Act of 1938 (22 U.S.C. 611(b)).

(8) GRASSROOTS LOBBYING COMMUNICATIONS.—The term "grassroots lobbying communications" means—

(A) any communication that attempts to influence a matter described in clause (i), (ii), (iii), or (iv) of section 103(10)(A) through an attempt to affect the opinions of the general public or any segment thereof;

(B) any communication between an organization and any bona fide member of such organization to directly encourage such member to make a communication to a covered executive branch official or a covered legislative branch official with regard to a matter described in clause (i), (ii), (iii), or (iv) of section 103(10(A); and

(C) any communication between an organization and any bona fide member of such organization to directly encourage such member to urge persons other than members to communicate as provided in either subparagraph (A) or subparagraph (B).

(9) LOBBYING ACTIVITIES.—

(A) DEFINITION.—The term "lobbying activities" means lobbying contacts and efforts in support of such contacts, including preparation and planning activities, research and other background work that is intended, at the time it is performed, for use in contacts, and coordination with the lobbying activities of others. Except as provided in subparagraph (B), lobbying activities also include grassroots lobbying communications to the extent that such communications are made in support of a lobbying contact. A communication in support of a lobbying contact is a lobbying activity even if the communication is excluded from the definition of "lobbying contact" under paragraph (10)(B).

(B) RELIGIOUS ORGANIZATIONS.—Lobbying activities do not include grass roots lobbying communications by churches, their integrated auxiliaries, conventions or associations of churches, and religious orders that are exempt from filing Federal income tax returns under paragraph (2)(A)(i) or (2)(A)(iii) of section 6033(a) of the Internal Revenue Code of 1986, unless such communications are made by an other registrant or any person or entity required to be identified under section 104(b)(5).

(10) LOBBYING CONTACT.—

(A) DEFINITION.—The term "lobbying contact" means any oral or written communication (including an electronic communication) to a covered executive branch official or a covered legislative branch official that is made on behalf of a client with regard to—

(i) the formulation, modification, or adoption of Federal legislation (including legislative proposals);

(ii) the formulation, modification, or adoption of a Federal rule, regulation, Executive order, or any other program, policy, or position of the United States Government;

(iii) the administration or execution of a Federal program or policy (including the negotiation, award, or administration of a Federal contract, grant, loan, permit, or license), except that this clause does not include communications that are made to any covered executive branch official—

(I) who is serving in a Senior Executive Service position described in paragraph (3)(E); or

(II) who is a member of the uniformed services whose pay grade is lower than O-9 under section 201 of title 37, United States Code,

in the agency responsible for taking such administrative or executive action; or

(iv) the nomination or confirmation of a person for a position subject to confirmation by the Senate.

(B) EXCEPTIONS.—The term "lobbying contact" does not include a communication that is—

(i) made by a public official acting in the public official's official capacity;

(ii) made by a representative of a media organization if the purpose of the communication is gathering and disseminating news and information to the public;

(iii) made in a speech, article, publication or other material that is widely distributed to the public, or through radio, television, cable television, or other medium of mass communication;

(iv) made on behalf of a government of a foreign country or a foreign political party and disclosed under the Foreign Agents Registration Act of 1938 (22 U.S.C. 611 et seq.);

(v) a request for a meeting, a request for the status of an action, or any other similar administrative request, if the request does not include an attempt to influence a covered executive branch official or a covered legislative branch official;

(vi) made in the course of participation in an advisory committee subject to the Federal Advisory Committee Act;

(vii) testimony given before a committee, subcommittee, or task force of the Congress, or submitted for inclusion in the public record of a hearing conducted by such committee, subcommittee, or task force;

(viii) information provided in writing in response to a written request by a covered executive branch official or a covered legislative branch official for specific information;

(ix) required by subpoena, civil investigative demand, or otherwise compelled by statute, regulation, or other action of the Congress or an agency;

(x) made in response to a notice in the Federal Register, Commerce Business Daily, or other similar publication soliciting communications from the public and directed to the agency official specifically designated in the notice to receive such communications;

(xi) not possible to report without disclosing information, the unauthorized disclosure of which is prohibited by law;

(xii) made to an official in an agency with regard to—

(I) a judicial proceeding or a criminal or civil law enforcement inquiry, investigation, or proceeding; or

(II) a filing or proceeding that the Government is specifically required by statute or regulation to maintain or conduct on a confidential basis.

if that agency is charged with responsibility for such proceeding, inquiry, investigation, or filing;

(xiii) made in compliance with written agency procedures regarding an adjudication conducted by the agency under section 554 of title 5, United States Code, or substantially similar provisions;

(xiv) a written comment filed in the course of a public proceeding or any other communication that is made on the record in a public proceeding;

(xv) a petition for agency action made in writing and required to be a matter of public record pursuant to established agency procedures;

(xvi) made on behalf of an individual with regard to that individual's benefits, employment, or other personal matters involving only that individual, except that this clause does not apply to any communication with—

(I) a covered executive branch official, or

(II) a covered legislative branch official (other than the individual's elected Members of Congress or employees who work under such Members' direct supervision),

with respect to the formulation, modification, or adoption of private legislation for the relief of that individual;

(xvii) a disclosure by an individual that is protected under the amendments made by the Whistleblower Protection Act of 1989, under the Inspector General Act of 1978, or under another provision of law;

(xviii) made by—

(I) a church, its integrated auxiliary, or a convention or association of churches that is exempt from filing a Federal income tax return under paragraph 2(A)(i) of section 6033(a) of the Internal Revenue Code of 1986, or

(II) a religious order that is exempt from filing a Federal income tax return under paragraph (2)(A)(iii) of such section 6033(a),

if the communication constitutes the free exercise of religion or is for the purpose of protecting the right to the free exercise of religion; and

(xix) between—

(I) officials of a self-regulatory organization (as defined in section 3(a)(26) of the Securities Exchange Act) that is registered with or established by the Securities and Exchange Commission as required by that Act; and

(II) the Securities and Exchange Commission,

relating to the regulatory responsibilities of such organization under that Act.

(11) LOBBYING FIRM.—The term "lobbying firm" means a person or entity that has 1 or more employees who are lobbyists on behalf of a client other than that person or entity. The term also includes a self-employed individual who is a lobbyist.

(12) LOBBYIST.—The term "lobbyist" means any individual who is employed or retained by a client for financial or other compensation for services that include one or more lobbying contracts, other than an individual whose lobbying activities constitute less than 10 percent of the time engaged in the services provided by such individual to that client.

(13) MEDIA ORGANIZATION.—The term "media organization" means a person or entity engaged in disseminating information to the general public through a newspaper, magazine, other publication, radio, television, cable television, or other medium of mass communication.

(14) MEMBER OF CONGRESS.—The term "Member of Congress" means a Senator or a Representative in, or Delegate or Resident Commissioner to, the Congress.

(15) ORGANIZATION.—The term "organization" means a person or entity other than an individual.

(16) PERSON OR ENTITY.—The term "person or entity" means any individual, corporation, company, foundation, association, labor organization, firm, partnership, society, joint stock company, group of organizations, or State or local government.

(17) PUBLIC OFFICIAL.—The term "public official" means any elected official, appointed official, or employee of—

(A) a Federal, State, or local unit of government in the United States other than—

(i) a college or university;

(ii) a government-sponsored enterprise (as defined in section 3(8) of the Congressional Budget and Impoundment Control Act of 1974);

(iii) a public utility that provides gas, electricity, water, or communications;

(iv) a guaranty agency (as defined in section 435(j) of the Higher Education Act of 1965 (20 U.S.C. 1085(j)), including any affiliate of such an agency; or

(v) any agency of any State functioning as a student loan secondary market pursuant to section 435(d)(1)(F) of the Higher Education Act of 1965 (20 U.S.C. 1085(d)(1)(F));

(B) a Government corporation (as defined in section 9101 of title 31, United States Code);

(C) an organization of State or local elected or appointed officials other than officials of an entity described in clause (i), (ii), (iii), (iv), or (v) of subparagraph (A);

(D) an Indian tribe (as defined in section 4(e) of the Indian Self-Determination and Education assistance Act (25 U.S.C. 450b(e));

(E) a national or State political party or any organizational unit thereof; or

(F) a national, regional, or local unit of any foreign government.

(18) STATE.—The term "State" means each of the several States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

SEC. 104. REGISTRATION OF LOBBYISTS.

(a) REGISTRATION.—

(1) GENERAL RULE.—No later than 30 days after a lobbyist first makes a lobbying contact or is employed or retained to make a

lobbying contact, whichever is earlier, such lobbyist (or, as provided under paragraph (2), the organization employing such lobbyist), shall register with the Office of Lobbying Registration and Public Disclosure.

(2) EMPLOYER FILING.—Any organization that has 1 or more employees who are lobbyists shall file a single registration under this section on behalf of such employees for each client on whose behalf the employees act as lobbyists.

(3) EXEMPTION.—

(A) GENERAL RULE.—Notwithstanding paragraphs (1) and (2), a person or entity whose—

(i) total income for matters related to lobbying activities on behalf of a particular client (in the case of a lobbying firm) does not exceed and is not expected to exceed $2,500; or

(ii) total expenses in connection with lobbying activities (in the case of an organization whose employees engage in lobbying activities on its own behalf) do not exceed or are not expected to exceed $5,000,

(as estimated under section 105) in the semiannual period described in section 105(a) during which the registration would be made is not required to register under subsection (a) with respect to such client.

(B) ADJUSTMENT.—The dollar amounts in subparagraphs (A) shall be adjusted—

(i) on January 1, 1997, to reflect changes in the Consumer Price Index (as determined by the Secretary of Labor) since the date of enactment of this title; and

(ii) on January 1 of each fourth year occurring after January 1, 1997, to reflect changes in the Consumer Price Index (as determined by the Secretary of Labor) during the preceding 4-year period,

rounded to the nearest $500.

(b) CONTENTS OF REGISTRATION.—Each registration under this section shall be in such form as the Director shall prescribe by regulation and shall contain—

(1) the name, address, business telephone number, and principal place of business of the registrant, and a general description of its business or activities;

(2) the name, address, and principal place of business of the registrant's client, and a general description of its business or activities (if different from paragraph (1));

(3) the name, address, and principal place of business of any organization, other than the client, that—

(A) contributes more than $5,000 toward the lobbying activities of the registrant in a semiannual period described in section 105(a); and

(B) participates significantly in the planning, supervision, or control of such lobbying activities;

(4) the name, address, principal place of business, amount of any contribution of more than $5,000 to the lobbying activities of the registrant, and approximate percentage of equitable ownership in the client (if any) of any foreign entity that—

(A) holds at least 20 percent equitable ownership in the client or any organization identified under paragraph (3);

(B) directly or indirectly, in whole or in major part, plans, supervises, controls, directs, finances, or subsidizes the activities of the client or any organization identified under paragraph (3); or

(C) is an affiliate of the client or any organization identified under paragraph (3) and has a direct interest in the outcome of the lobbying activity;

(5) the name, address, and principal place of business of any person or entity retained by the registrant to conduct grassroots lobbying communications on behalf of the registrant or the client (other than an employee of the registrant or a person or entity that is separately registered under this title in connection with such representation);

(6) a statement of—

(A) the general issue ares in which the registrant expects to engage in lobbying activities on behalf of the client; and

(B) to the extent practicable, specific issues that have (as of the date of the registration) already been addressed or are likely to be addressed in lobbying activities; and

(7) the name of each employee of the registrant who has acted or whom the registrant expects to act as a lobbyist on behalf of the client and, if any such employee has served as a covered executive branch official or a covered legislative branch official in the 2 years before the date on which such employee first acted (after the date of enactment of this Act) as a lobbyist on behalf of the client, the position in which such employee served.

(c) GUIDELINES FOR REGISTRATION.—

(1) MULTIPLE CLIENTS.—In the case of a registrant making lobbying contacts on behalf of more than 1 client, a separate registration under this section shall be filed for each such client.

(2) MULTIPLE CONTACTS.—A registrant who makes more than 1 lobbying contact for the same client shall file a single registration covering all such lobbying contacts.

(d) TERMINATION OF REGISTRATION.—A registrant who after registration—

(1) is no longer employed or retained by a client to conduct lobbying activities, and

(2) does not anticipate any additional lobbying activities for such client,

may so notify the Director and terminate its registration.

SEC. 105. REPORTS BY REGISTERED LOBBYISTS.

(a) SEMIANNUAL REPORT.—

(1) IN GENERAL.—No later than 30 days after the end of the semiannual period beginning on the first day of each January and the first day of July of each year in which a registrant is registered under section 104, each registrant shall file a report with the Office of Lobbying Registration and Public Disclosure on its lobbying activities during such semiannual period. A separate report shall be filed for each client of the registrant.

(2) EXEMPTION.—

(A) GENERAL RULE.—Any registrant whose—

(i) total income for a particular client for matters that are related to lobbying activities on behalf of that client (in the case of a lobbying firm), does not exceed and is not expected to exceed $2,500; or

(ii) total expenses in connection with lobbying activities (in the case of a registrant whose employees engage in lobbying activities on its own behalf) do not exceed and are not expected to exceed $5,000,

in a semiannual period (as estimated under paragraph (3) or (4) of subsection (b) or paragraph (4) of subsection (c), as applicable) is deemed to be inactive during such period and may comply with the reporting requirements of this section by so notifying the Director in such form as the Director may prescribe.

(B) ADJUSTMENT.—The dollar amounts in subparagraph (A) shall be adjusted as provided in section 104(a)(3)(B).

(b) CONTENTS OF REPORT.—Each semiannual report filed under subsection (a) shall be in such form as the Director shall prescribe by regulation and shall contain—

(1) the name of the registrant, the name of the client, and any changes or updates to the information provided in the initial registration;

(2) for each general issue area in which the registrant engaged in lobbying activities on behalf of the client during the semiannual filing period—

(A) a list of the specific issues upon which a lobbyist employed by the registrant engaged in lobbying activities, including, to the maximum extent practicable, a list of bill numbers and references to specific regulatory actions, programs, projects, contracts, grants and loans;

(B) a statement of the Houses and committees of Congress and the Federal agencies contacted by lobbyists employed by the registrant on behalf of the client;

(C) a list of the employees of the registrant who acted as lobbyists on behalf of the client;

(D) a description of the interest, if any, of any foreign entity identified under section 104(b)(4) in the specific issues listed under subparagraph (A); and

(E) a list of the specific issues on which any person or entity required to be identified under section 104(b)(5) has engaged in grass roots lobbying communications on behalf of the client;

(3) in the case of a lobbying firm, a good faith estimate of the total amount of all income from the client (including any payments to the registrant by any other person for lobbying activities on behalf of the client) during the semiannual period, other than income for matters that are unrelated to lobbying activities;

(4) in the case of a registrant engaged in lobbying activities on its own behalf, a good faith estimate of the total expenses that the registrant and its employees incurred in connection with lobbying activities during the semiannual filing period;

(5) the name, address, and principal place of business of any person or entity other than the client who paid the registrant to lobby on behalf of the client; and

(6) a good faith estimate of the total expenses that the registrant and its employees incurred in connection with grass roots lobbying communications on behalf of the client (including any amount paid, in connection with such communications, to a person or entity required to be identified under section 104(b)(5)).

(c) ESTIMATES OF INCOME OR EXPENSES.—For purposes of this section, estimates of income or expenses shall be made as follows:

(1) $100,000 or less.—Income or expenses of $100,000 or less shall be estimated in accordance with the following categories:

(A) $100,000 or less.

(B) More than $10,000 but not more than $20,000.

(C) More than $20,000 but not more than $50,000.

(D) More than $50,000 but not more than $100,000.

(2) MORE THAN $100,000 BUT NOT MORE THAN $500,000.—Income or expenses in excess of $100,000 but not more than $500,000 shall be estimated and rounded to the nearest $50,000.

(3) MORE THAN $500,000.—Income or expenses in excess of $500,000 shall be estimated and rounded to the nearest $100,000.

(4) ESTIMATES BASED ON TAX REPORTING SYSTEM.—In the case of any registrant that is required to report and does report lobbying expenditures as required by section 6033(b)(8) of the Internal Revenue Code of 1986, regulations prescribed under section 107 shall provide that the registrant may make a good faith estimate of applicable amounts that would be required to be disclosed under such section of the Internal Revenue Code of 1986 for the applicable semiannual period (by

category of dollar value) to meet the requirements of subsections (b)(4) and (b)(6), if each time the registrant makes such an estimate, the registrant informs the Director that the registrant is making such an estimate.

(5) CONSTRUCTION.—In estimating total income or expenses under this section, a registrant is not required to include—

(A) the value of contributed services for which no payment is made; or

(B) the expenses for services provided by an independent contractor of the registrant who is separately registered under this title.

(d) CONTACTS.—

(1) CONTACTS WITH COMMITTEES.—For purposes of subsection (b)(2), any contact with a member of a committee of Congress, an employee of a committee of Congress, or an employee of a member of a committee of Congress regarding a matter within the jurisdiction of such committee shall be considered to be a contact with the committee.

(2) CONTACTS WITH HOUSE OF CONGRESS.—For purposes of subsection (b)(2), any contact with a Member of Congress or an employee of a Member of Congress regarding a matter that is not within the jurisdiction of a committee of Congress of which that Member is a member shall be considered to be a contact with the House of Congress of that Member.

(3) CONTACTS WITH FEDERAL AGENCIES.—For purposes of subsection (b)(2), any contact with a covered executive branch official shall be considered to be a contact with the Federal agency that employs that official, except that a contact with a covered executive branch official who is detailed to another Federal agency or to the Congress shall be considered to be a contact with the Federal agency or with the committee of Congress or House of Congress to which the official is detailed.

(e) EXTENSION FOR FILING.—The Director may grant an extension of not more than 30 days for the filing of any report under this section, upon the request of the registrant, for good cause shown.

SEC. 106. PROHIBITION ON GIFTS BY LOBBYISTS, LOBBYING FIRMS, AND AGENTS OF FOREIGN PRINCIPALS.

(a) IN GENERAL.—

(1) PROHIBITION.—No lobbyist or lobbying firm registered under this title and no agent of a foreign principal registered under the Foreign Agents Registration Act may provide a gift, directly or indirectly, to any covered legislative branch official.

(2) DEFINITION.—For purposes of this section—

(A) the term 'gift' means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value and such term includes gifts of services, training, transportation, lodging, and meals, whether provided in kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred; and

(B) a gift to the spouse or dependent of a covered legislative branch official (or a gift to any other individual based on that individual's relationship with the covered legislative branch official) shall be considered a gift to the covered legislative branch official if it is given with the knowledge and acquiescence of the covered legislative branch official and is given because of the official position of the covered legislative branch official.

(b) GIFTS.—The prohibition in subsection (a) includes the following:

(1) Anything provided by a lobbyist or a foreign agent which is paid for, charged to, or reimbursed by a client or firm of such lobbyist or foreign agent.

(2) Anything provided by a lobbyist, a lobbying firm, or a foreign agent to an entity that is maintained or controlled by a covered legislative branch official.

(3) A charitable contribution (as defined in section 170(c) of the Internal Revenue Code of 1986) made by a lobbyist, a lobbying firm, or a foreign agent on the basis of a designation, recommendation, or other specification of a covered legislative branch official (not including a mass mailing or other solicitation directed to a broad category of persons or entities).

(4) A contribution or other payment by a lobbyist, a lobbying firm, or a foreign agent to a legal expense fund established for the benefit of a covered legislative branch official or a covered executive branch official.

(5) A charitable contribution (as defined in section 170(c) of the Internal Revenue Code of 1986) made by a lobbyist, a lobbying firm, or a foreign agent in lieu of an honorarium to a covered legislative branch official.

(6) A financial contribution or expenditure made by a lobbyist, a lobbying firm, or a foreign agent relating to a conference, retreat, or similar event, sponsored by or affiliated with an official congressional organization, for or on behalf of covered legislative branch officials.

(c) NOT GIFTS.—The following are not gifts subject to the prohibition in subsection (a):

(1) Anything for which the recipient pays the market value, or does not use and promptly returns to the donor.

(2) A contribution, as defined in the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) that is lawfully made under that Act, or attendance at a fundraising event sponsored by a political organization described in section 527(e) of the Internal Revenue Code of 1986.

(3) Food or refreshments of nominal value offered other than as part of a meal.

(4) Benefits resulting from the business, employment, or other outside activities of the spouse of a covered legislative branch official, if such benefits are customarily provided to others in similar circumstances.

(5) Pension and other benefits resulting from continued participation in an employee welfare and benefits plan maintained by a former employer.

(6) Informational materials that are sent to the office of a covered legislative branch official in the form of books, articles, periodicals, other written materials, audio tapes, videotapes, or other forms of communication.

(d) GIFTS GIVEN FOR A NONBUSINESS PURPOSE AND MOTIVATED BY FAMILY RELATIONSHIP OR CLOSE PERSONAL FRIENDSHIP.—

(1) IN GENERAL.—A gift given by an individual under circumstances which make it clear that the gift is given for a nonbusiness purpose and is motivated by a family relationship or close personal friendship and not by the position of the covered legislative branch official shall not be subject to the prohibition in subsection (a).

(2) NONBUSINESS PURPOSE.—A gift shall not be considered to be given for a nonbusiness purpose if the individual giving the gift seeks—

(A) to deduct the value of such gift as a business expense on the individual's Federal income tax return, or

(B) direct or indirect reimbursement or any other compensation for the value of the gift from a client or employer of such lobbyist or foreign agent.

(3) FAMILY RELATIONSHIP OR CLOSE PERSONAL FRIENDSHIP.—In determining if the giving of a gift is motivated by a family relationship or close personal friendship, at least the following factors shall be considered:

(A) The history of the relationship between the individual giving the gift and the recipient of the gift, including whether or not gifts have previously been exchanged by such individuals.

(B) Whether the gift was purchased by the individual who gave the item.

(C) Whether the individual who gave the gift also at the same time gave the same or similar gifts to other covered legislative branch officials.

SEC. 107. OFFICE OF LOBBYING REGISTRATION AND PUBLIC DISCLOSURE.

(a) ESTABLISHMENT AND DIRECTOR.—

(1) ESTABLISHMENT.—There is established an executive agency to be known as the Office of Lobbying Registration and Public Disclosure.

(2) DIRECTOR.—(A) The Office shall be headed by a Director, who shall be appointed by the President, by and with the advice and consent of the Senate.

(B) The Director shall be an individual who, by demonstrated ability, background, training, and experience, is qualified to carry out the functions of the position. The term of service of the Director shall be 5 years.

(C) Section 5316 of title 5, United States Code, is amended by adding at the end the following: "Director of the Office of Lobbying Registration and Public Disclosure".

(b) ADMINISTRATIVE POWERS.—The Director may—

(1) appoint officers and employees, including attorneys, in accordance with chapter 51 and subchapter III of chapter 53 of title 5, United States Code, define their duties and responsibilities, and direct and supervise their activities;

(2) contract for financial and administrative services (including those related to budget and accounting, financial reporting, personnel, and procurement) with the General Services Administration, or such Federal agency as the Director determines appropriate, for which payment shall be made in advance or by reimbursement from funds of the Office in such amounts as may be agreed upon by the Director and the head of the agency providing such services, but the contract authority under this paragraph shall be effective for any fiscal year only to the extent that appropriations are available for that purpose;

(3) request the head of any Federal department or agency (who is hereby so authorized) to detail to temporary duties with the Office such personnel within the agency head's administrative jurisdiction as the Office may need for carrying out its functions under this title, with our without reimbursement;

(4) request agency heads to provide information needed by the Office, which information shall be supplied to the extent permitted by law;

(5) utilize, with their consent, the services and facilities of Federal agencies with or without reimbursement;

(6) accept, use, and dispose of gifts or donations of services or property, real, personal, or mixed, tangible or intangible, for purposes of aiding or facilitating the work of the Office; and

(7) use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(c) COOPERATION WITH OTHER GOVERNMENTAL AGENCIES.—In order to avoid unnecessary expense and duplication of function among Government agencies, the Office may make such arrangements or agreements for cooperation or mutual assistance in the performance of its functions under this title as is practicable and consistent with law. The head of the General Services Administration and each department, agency, or establishment of the United States shall cooperate with the Office and, to the extent permitted by law, provide such information, services, personnel, and facilities as the Office may request for its assistance in the performance of its functions under this title.

(d) DUTIES.—The Director shall—

(1) after notice and a reasonable opportunity for public comment, and consultation with the Secretary of the Senate, the Clerk of the House of Representatives, and the Administrative Conference of the United States, prescribe such regulations, penalty guidelines, and forms as are necessary to carry out this title;

(2) provide guidance and assistance on the registration and reporting requirements of this title, including—

(A) providing information to all registrants at the time of registration about the obligations of registered lobbyists under this title, and

(B) issuing published decisions and advisory opinions;

(3) review the registrations and reports filed under this title and make such verifications or inquiries as are necessary to ensure the completeness, accuracy, and timeliness of the registrations and reports;

(4) develop filing, coding, and cross-indexing systems to carry out the purposes of this title, including—

(A) a publicly available list of all registered lobbyists and their clients; and

(B) computerized systems designed to minimize the burden of filing and maximize public access to materials filed under this title;

(5) ensure that the computer systems developed pursuant to paragraph (4)—

(A) allow the materials filed under this title to be accessed by the client name, lobbyist name, and registrant name;

(B) are compatible with computer systems developed and maintained by the Federal Election Commission, and that information filed in the two systems can be readily cross-referenced; and

(C) are compatible with computer systems developed and maintained by the Secretary of the Senate and the Clerk of the House of Representatives;

(6) make copies of each registration and report filed under this title available to the public, upon the payment of reasonable fees, not to exceed the cost of such copies, as determined by the Director, in written and electronic formats, as soon as practicable after the date on which such registration or report is received;

(7) preserve the originals or accurate reproduction of—

(A) registrations filed under this title for a period that ends not less than 3 years after the termination of the registration under section 104(d); and

(B) reports filed under the title for a period that ends not less than 3 years after the date on which the report is received;

(8) maintain a computer record of—

(A) the information contained in registrations for a period that ends not less than 5 years after the termination of the registration under section 104(d); and

(B) the information contained in reports filed under this title for a period that ends not less than 5 years after the date on which the reports are received;

(9) compile and summarize, with respect to each semiannual period, the information contained in registrations and reports filed with respect to such period in a manner which clearly presents the extent and nature of expenditures on lobbying activities during such period;

(10) make information compiled and summarized under paragraph (9) available to the public in electronic and hard copy formats as soon as practicable after the close of each semiannual filing period;

(11) provide, by computer telecommunication or other transmittal in a form accessible by computer, to the Secretary of the Senate and the Clerk of the House of Representatives copies of all registrations and reports received under sections 104 and 105 and all compilations, cross-indexes, and summaries of such registrations and reports, as soon as practicable (but not later than 3 working days) after such material is received or created;

(12) make available to the public a list of all persons whom the Director determines, under section 109 (after exhaustion of all appeals under section 111) to have committed a major or minor violation of this title and submit such list to the Congress as part of the report provided for under paragraph (13);

(13) make available to the public upon request and transmit to the President, the Secretary of the Senate, the Clerk of the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on the Judiciary of the House of Representatives a report, not later than March 31 of each year, describing the activities of the Office and the implementation of this title, including—

(A) a financial statement for the preceding fiscal year;

(B) a summary of the registrations and reports filed with the Office with respect to the preceding calendar year;

(C) a summary of the registrations and reports filed on behalf of foreign entities with respect to the preceding calendar year; and

(D) recommendations for such legislative or other action as the Director considers appropriate; and

(14) study the appropriateness of the definition of "public official" under section 103(17) and make recommendations for any change in such definition in the first report filed pursuant to paragraph (13).

SEC. 108. INITIAL PROCEDURE FOR ALLEGED VIOLATIONS.

(a) ALLEGATION OF A VIOLATION.—Whenever the Office of Lobbying Registration and Public Disclosure has reason to believe that a person or entity may be in violation of the requirements of this title, the Director shall notify the person or entity in writing of the nature of the alleged violation and provide an opportunity for the person or entity to respond in writing to the allegation within 30 days after the notification is sent or such longer period as the Director may determine appropriate in the circumstances.

(b) INITIAL DETERMINATION.—

(1) IN GENERAL.—If the person or entity responds within the period described in the notification under subsection (a), the Director shall—

(A) issue a written determination that the person or entity has not violated this title if the person or entity provides adequate information or explanation to make such determination; or

(B) make a formal request for information under subsection (c) or a notification under section 109(a), if the information or explanation provided is not adequate to make a determination under subparagraph (A).

(2) WRITTEN DECISION.—If the Director makes a determination under paragraph (1)(A), the Director shall issue a public written decision in accordance with section 110.

(c) FORMAL REQUEST FOR INFORMATION.—If a person or entity fails to respond in writing within the period described in the notification under subsection (a) or the response is not adequate to determine whether such person or entity has violated this title, the Director may make a formal request for specific additional written information (subject to applicable privileges) that is reasonably necessary for the Director to make such determination. Each such request shall be structured to minimize any burden imposed, consistent with the need to determine whether the person or entity is in compliance with this title, and shall—

(1) state the nature of the conduct constituting the alleged violation which is the basis for the inquiry and the provision of law applicable thereto;

(2) describe the class or classes of material to be produced pursuant to the request with such definiteness and certainty as to permit such material to be readily identified; and

(3) prescribe a return date or dates which provide a reasonable period of time within which the person or entity may assemble and make available for inspection and copying or reproduction the material so requested.

SEC. 109. DETERMINATIONS OF VIOLATIONS.

(a) NOTIFICATION AND HEARING.—If the information provided to the Director under section 108 indicates that a person or entity may have violated this title, the Director shall—

(1) notify the person or entity in writing of this finding and, if appropriate, a proposed penalty assessment and provide such person or entity with an opportunity to respond in writing within 30 days after the notice is sent; and

(2) if requested in writing by that person or entity within that 30-day period, afford the person or entity an opportunity for a hearing on the record under the provisions of section 554 of title 5, United States Code.

(b) DETERMINATION.—Upon the receipt of a written response under subsection (a)(1) when no hearing under subsection (a)(2) is requested, upon the completion of a hearing requested under subsection (a)(2), or upon the expiration of 30 days in a case in which no such written response is received, the Director shall review the information received under section 108 and this section (including evidence presented at any such hearing) and make a final determination whether there was a violation and a final determination of the penalty, if any. If no written response was received under this section within the 30-day period provided, the determination and penalty assessment shall constitute a final order not subject to appeal.

(c) WRITTEN DECISION.—

(1) DETERMINATION OF VIOLATION.—If the Director makes a final determination under subsection (b) that there was a violation, the Director shall issue a written decision in accordance with section 110—

(A) directing the person or entity to correct the violation; and

(B) assessing a civil monetary penalty—

(i) in the case of a minor violation, which shall be no more than $10,000, depending on the extent and gravity of the violation;

(ii) in the case of a major violation, which shall be more than $10,000, but no more than $200,000, depending on the extent and gravity of the violation;

(iii) in the case of a late registration or filing, which shall be $200 for each week by which the registration or filing was late, unless the Director determines that the failure to timely register or file constitutes a major violation (as defined under subsection (e)(2)) in which case the amount shall be as prescribed by clause (ii); or

(iv) in the case of a failure to provide information requested by the Director pursuant to section 108(c), which shall be no more than $10,000, depending on the extent and gravity of the violation, except that no penalty shall be assessed if the Director determines that the violation was the result of a good faith dispute over the validity or appropriate scope of a request for information.

(2) DETERMINATION OF NO VIOLATION OR INSUFFICIENT EVIDENCE.—If the Director determines that no violation occurred or there was not sufficient evidence that a violation occurred, the Director shall issue a written decision in accordance with section 110.

(d) CIVIL INJUNCTIVE RELIEF.—If a person or entity fails to comply with a directive to correct a violation under subsection (c), the Director shall refer the case to the Attorney General to seek civil injunctive relief in the appropriate court of the United States to compel such person or entity to comply with such directive.

(e) PENALTY ASSESSMENTS.—

(1) GENERAL RULE.—No penalty shall be assessed under this section unless the Director finds that the person or entity subject to the penalty knew or should have known that such person or entity was in violation of this title. In determining the amount of a penalty to be assessed, the Director shall take into account the totality of the circumstances, including the extent and gravity of the violation, whether the violation was voluntarily admitted and corrected, the extent to which the person or entity may have profited from the violation, the ability of the person or entity to pay, and such other matters as justice may require.

(2) REGULATIONS.—Regulations prescribed by the Director under section 107 shall define major and minor violations. Major violations shall be defined to include a failure to register and any other violation that is extensive or repeated, if the person or entity who failed to register or committed such other violation—

(A) had actual knowledge that the conduct constituted a violation;

(B) acted in deliberate ignorance of the provisions of this title or regulations related to the conduct constituting a violation; or

(C) acted in reckless disregard of the provisions of this title or regulations related to the conduct constituting a violation.

(f) LIMITATION.—No proceeding shall be initiated under section 108 of this section unless the Director notifies the person or entity who is to be the subject of the proceeding of the alleged violation within 3 years after the date on which the alleged violation occurred.

SEC. 110. DISCLOSURE OF INFORMATION; WRITTEN DECISIONS.

(a) DISCLOSURE OF INFORMATION.—Information provided to the Director pursuant to sections 108 and 109 shall not be made available to the public without the consent of the person or entity providing the information, except to the extent that such information may be included in—

(1) a new or amended report or registration filed under this title; or

(2) a written decision issued by the Director under this section.

(b) WRITTEN DECISIONS.—All written decisions issued by the Director under sections 108 and 109 shall be made available to the public. The Director may provide for the publication of a written decision if the Director determines that publication would provide useful guidance. Before making a written decision public, the Director—

(1) shall delete information that would identify a person or entity who was alleged to have violated this title if—

(A) there was insufficient evidence to determine that the person or entity violated this title or the Director found that person or entity did not violate this title, and

(B) the person or entity so requests; and

(2) shall delete information that would identify any other person or entity (other than a person or entity who was found to have violated this title), if the Director determines that such person or entity could reasonably be expected to be injured by the disclosure of such information.

SEC. 111. JUDICIAL REVIEW.

(a) FINAL DECISION.—A written decision issued by the Director under section 109 shall become final 60 days after the date on which the Director provides notice of the decision, unless such decision is appealed under subsection (b) of this section.

(b) APPEAL.—Any person or entity adversely affected by a written decision issued by the Director under section 109 may appeal such decision, except as provided under section 109(b), to the appropriate United States court of appeals. Such review may be obtained by filing a written notice of appeal in such court no later than 60 days after the date on which the Director provides notice of the Director's decision and by simultaneously sending a copy of such notice of appeal to the Director. The Director shall file in such court the record upon which the decision was issued, as provided under section 2112 of title 28, United States Code. The findings of fact of the Director shall be conclusive, unless found to be unsupported by substantial evidence, as provided under section 706(2)(E) of title 5, United States Code. Any penalty assessed or other action taken in the decision shall be stayed during the pendency of the appeal.

(c) RECOVERY OF PENALTY.—Any penalty assessed in a written decision which has become final under this title may be recovered in a civil action brought by the Attorney General in an appropriate United States district court. In any such action, no matter that was raised or that could have been raised before the Director or pursuant to judicial review under subsection (b) may be raised as a defense, and the determination of liability and the determination of amounts of penalties and assessments shall not be subject to review.

SEC. 112. RULES OF CONSTRUCTION.

(a) CONSTITUTIONAL RIGHTS.—Nothing in this title shall be construed to prohibit or interfere with—

(1) the right to petition the government for the redress of grievances;

(2) the right to express a personal opinion; or

(3) the right of association,

protected by the First Amendment to the Constitutions.

(b) PROHIBITION OF ACTIVITIES.—Nothing in this title shall be construed to prohibit, or to authorize the Director or any court to prohibit, lobbying activities or lobbying contacts by any person or entity, regardless of whether such person or entity is in compliance with the requirements of this title.

(c) AUDIT AND INVESTIGATIONS.—Nothing in this title shall be construed to grant general audit or investigative authority to the Director.

SEC. 113. AMENDMENTS TO THE FOREIGN AGENTS REGISTRATION ACT.

The Foreign Agents Registration Act of 1938 (22 U.S.C. 611 et seq.) is amended—

(1) in section 1—

(A) by striking subsection (j);

(B) in subsection (o) by striking "the dissemination of political propaganda and any other activity which the person engaging therein believes will, or which he intends to, prevail upon, indoctrinate, convert, induce, persuade, or in any other way influence" and inserting "any activity that the person engaging in believes will, or that the person intends to, in any way influence";

(C) in subsection (p) by striking the semicolon and inserting a period; and

(D) by striking subsection (q);

(2) in section 3(g) (22 U.S.C. 613(g)), by striking "established agency proceedings, whether formal or informal." and inserting "judicial proceedings, criminal or civil law enforcement inquiries, investigations, or proceedings, or agency proceedings required by statute or regulation to be conducted on the record.";

(3) in section 3 (22 U.S.C. 613) by adding at the end the following:

"(h) Any agent of a person described in section 1(b)(2) or an entity described in section 1(b)(3) if the agent is required to register and does register under the Lobbying Disclosure Act of 1994 in connection with the agent's representation of such person or entity.";

(4) in section 4(a) (22 U.S.C. 614(a))—

(A) by striking "political propaganda" and inserting "informational materials"; and

(B) by striking "and a statement, duly signed by or on behalf of such an agent, setting forth full information as to the places, times, and extent of such transmittal";

(5) in section 4(b) (22 U.S.C. 614(b))—

(A) in the matter preceding clause (i), by striking "political propaganda" and inserting "informational materials"; and

(B) by striking "(i) in the form of prints, or" and all that follows through the end of the subsection and inserting "without placing in such informational materials a conspicuous statement that the materials are distributed by the agent on behalf of the foreign principal, and that additional information is on file with the Department of Justice, Washington, District of Columbia. The Attorney General may by rule define what constitutes a conspicuous statement for the purposes of this subsection.";

(6) in section 4(c) (22 U.S.C. 614(c)), by striking "political propaganda" and inserting "informational materials";

(7) in section 6 (22 U.S.C. 616)—

(A) in subsection (a) by striking "and all statements concerning the distribution of political propaganda";

(B) in subsection (b) by striking ", and one copy of every item of political propaganda"; and

(C) in subsection (c) by striking "copies of political propaganda,";

(8) in section 8 (22 U.S.C. 618)—

(A) in subsection (a)(2) by striking "or in any statement under section 4(a) hereof concerning the distribution of political propaganda"; and

(B) by striking subsection (d); and

(9) in section 11 (22 U.S.C. 621) by striking ", including the nature, sources, and content of political propaganda disseminated or distributed".

SEC. 114. AMENDMENTS TO THE BYRD AMENDMENT.

(a) REVISED CERTIFICATION REQUIREMENTS.—Section 1352(b) of title 31, United States Code, is amended—

(1) in paragraph (2) by striking subparagraphs (A), (B), and (C) and inserting the following:

"(A) the name of any registrant under the Lobbying Disclosure Act of 1994 who has made lobbying contacts on behalf of the person with respect to that Federal contract, grant, loan, or cooperative agreement; and

"(B) a certification that the person making the declaration has not made, and will not make, any payment prohibited by subsection (a).";

(2) in paragraph (3) by striking all that follows "loan shall contain" and inserting "the name of any registrant under the Lobbying Disclosure Act of 1994 who has made lobbying contacts on behalf of the person in connection with that loan insurance or guarantee."; and

(3) by striking paragraph (6) and redesignating paragraph (7) as paragraph (6).

(b) REMOVAL OF OBSOLETE REPORTING REQUIREMENT.—Section 1352 of title 31, United States Code, is further amended—

(1) by striking subsection (d); and

(2) by redesignating subsections (e), (f), (g), and (h) as subsections (d), (e), (f), and (g), respectively.

SEC. 115. REPEAL OF CERTAIN LOBBYING PROVISIONS.

(a) REPEAL OF THE FEDERAL REGULATION OF LOBBYING ACT.—The Federal Regulation of Lobbying Act (2 U.S.C. 261 et seq.) is repealed.

(b) REPEAL OF PROVISIONS RELATING TO HOUSING LOBBYIST ACTIVITIES.—

(1) Section 13 of the Department of Housing and Urban Development Act (42 U.S.C. 3537b) is repealed.

(2) Section 536(d) of the Housing Act of 1949 (42 U.S.C. 1490p(d)) is repealed.

SEC. 116. CONFORMING AMENDMENTS TO OTHER STATUTES.

(a) AMENDMENT TO COMPETITIVENESS POLICY COUNCIL ACT.—Section 5206(e) of the Competitiveness Policy Council Act (15 U.S.C. 4804(e)) is amended by inserting "or a lobbyist for a foreign entity (as the terms 'lobbyist' and 'foreign entity' are defined under section 103 of the Lobbying Disclosure Act of 1994)" after "an agent for a foreign principal".

(b) AMENDMENTS TO TITLE 18, UNITED STATES CODE.—Section 219(a) of title 18, United States Code, is amended (1) by inserting "or a lobbyist required to register under the Lobbying Disclosure Act of 1994 in connection with the representation of a foreign entity, as defined in section 103(7) of that Act" after "an agent of a foreign principal required to register under the Foreign Agents Registration Act of 1938", and (2) by striking out ", as amended,".

(c) AMENDMENT TO FOREIGN SERVICE ACT OF 1980.—Section 602(c) of the Foreign Service Act of 1980 (22 U.S.C. 4002(c)) is amended by inserting "or a lobbyist for a foreign entity (as defined in section 103(7) of the Lobbying Disclosure Act of 1994)" after "an agent of a foreign principal (as defined by section 1(b) of the Foreign Agents Registration Act of 1938)".

SEC. 117. SEVERABILITY.

If any provision of this title, or the application thereof, is held invalid, the validity of the remainder of this title and the application of such provision to other persons and circumstances shall not be affected thereby.

SEC. 118. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for fiscal years 1995, 1996, 1997, 1998, and 1999 such sums as may be necessary to carry out this title.

SEC. 119. IDENTIFICATION OF CLIENTS AND COVERED OFFICIALS.

(a) ORAL LOBBYING CONTACTS.—Any person or entity that makes an oral lobbying contact with a covered legislative branch official or a covered executive branch official shall, on the request of the official at the time of the lobbying contact—

(1) state whether the person or entity is registered under this title and identify the client on whose behalf the lobbying contact is made; and

(2) state whether such client is a foreign entity and identify any foreign entity required to be disclosed under section 104(b)(4) that has a direct interest in the outcome of the lobbying activity.

(b) WRITTEN LOBBYING CONTACTS.—Any person or entity registered under this title that makes a written lobbying contact (including an electronic communication) with a covered legislative branch official or a covered executive branch official shall—

(1) if the client on whose behalf the lobbying contact was made is a foreign entity, identify such client, state that the client is considered a foreign entity under this title, and state whether the person making the lobbying contact is registered on behalf of that client under section 104; and

(2) identify any other foreign entity identified pursuant to section 104(b)(4) that has a direct interest in the outcome of the lobbying activity.

(c) IDENTIFICATION AS COVERED OFFICIAL.—Upon request by a person or entity making a lobbying contact, the individual who is contacted or the office employing that individual shall indicate whether or not the individual is a covered legislative branch official or a covered executive branch official.

SEC. 120. TRANSITIONAL FILING REQUIREMENT.

(a) SIMULTANEOUS FILING.—Subject to subsection (b), each registrant shall transmit simultaneously to the Secretary of the Senate and the Clerk of the House of Representatives an identical copy of each registration and report required to be filed under this title.

(b) SUNSET PROVISION.—The simultaneous filing requirement under subsection (a) shall be effective until such time as the Director, in consultation with the Secretary of the Senate and the Clerk of the House of Representatives, determines that the Office of Lobbying Registration and Public Disclosure is able to provide computer telecommunication or other transmittal of registrations and reports as required under section 107(b)(11).

(c) IMPLEMENTATION.—The Director, the Secretary of the Senate, and the Clerk of the House of Representatives shall take such actions as necessary to ensure that the Office of Lobbying Registration and Public Disclosure is able to provide computer telecommunication or other transmittal of registrations and reports as required under section 107(b)(11) on the effective date of this title, or as soon thereafter as reasonably practicable.

SEC. 121. EFFECTIVE DATES AND INTERIM RULES.

(a) IN GENERAL.—Except as otherwise provided in this section, this title and the amendments made by this title shall take effect January 1, 1996.

(b) EFFECTIVE DATE OF GIFT PROHIBITION.—Section 6 shall take effect on January 1, 1995. During calendar year 1995, such section shall apply to any gift provided by a lobbyist or an agent of a foreign principal registered under the Federal Regulation of Lobbying Act or the Foreign Agents Registration Act, including any person registered under such Acts as of July 1, 1994, or thereafter.

(c) ESTABLISHMENT OF OFFICE.—Sections 107 and 118 shall take effect on the date of enactment of this Act.

(d) REPEALS AND AMENDMENTS.—The repeals and amendments made under sections 113, 114, 115, and 116 shall take effect as provided under subsection (a), except that such repeals and amendments—

(1) shall not affect any proceeding or suit commenced before the effective date under subsection (a), and in all such proceedings or suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this title had not been enacted; and

(2) shall not affect the requirements of Federal agencies to compile, publish, and retain information filed or received before the effective date of such repeals and amendments.

(e) REGULATIONS.—Proposed regulations required to implement this title shall be published for public comment no later than 270 days after the date of the enactment of this Act. No later than 1 year after the date of the enactment of this Act, final regulations required to implement this title shall be published.

(f) PHASE-IN PERIOD.—No penalty shall be assessed by the Director under section 109(e) for a violation of this title, other than for a violation of section 106, which occurs during the first semiannual reporting period under section 105 after the effective date prescribed by subsection (a).

(g) INTERIM RULES.—

(1) REPORTING RULE.—A person or entity that is required to account for lobbying expenditures and does account for lobbying expenditures pursuant to section 162(e) of the Internal Revenue Code of 1986 may make a good faith estimate (by category of dollar value) of the amount that would not be deductible pursuant to that section for the applicable semi-annual period to meet the requirements of sections 104(a)(3), 105(a)(2), and 105(b)(4), if the person or entity—

(A) makes such an estimate to meet the requirements of each such section of this title for a given calendar year; and

(B) informs the Director that the person or entity is making such an estimate in any registration or report including such an estimate.

(2) DE MINIMUS RULE.—In determining whether its employees are lobbyists under section 103(12)—

(A) a person or entity that is required to report and does report lobbying expenditures pursuant to section 6033(b)(8) of the Internal Revenue Code of 1986, and makes an estimate of expenses pursuant to section 105(c)(4) of this title to meet the requirements of sections 104(a)(3), 105(a)(2), 105(b)(4), and 105(b)(6) of this title, shall, in lieu of using the definition of "lobbying activities" in section 103(9) of this title, consider as lobbying activities—

(i) activities that are influencing legislation as defined in section 4911(d) of the Internal Revenue Code of 1986;

(ii) activities described in section 4911(d)(2)(C) of the Internal Revenue Code of 1986; and

(iii) lobbying activities (as defined in section 103(9)) that are in support of a lobbying contact with a covered executive branch official; and

(B) a person or entity that is required to account for lobbying expenditures and does account for lobbying expenditures pursuant to section 162(e) of the Internal Revenue

Code of 1986, and makes an estimate of expenses pursuant to paragraph (1) of this subsection, shall, in lieu of using the definition of "lobbying activities" in section 103(9), consider as lobbying activities—

(i) activities that are influencing legislation within the meaning of section 162(e)(1)(A) of the Internal Revenue Code of 1986;

(ii) activities that are attempts to influence the general public, as described in section 162(e)(1)(C) of the Internal Revenue Code of 1986; and

(iii) lobbying activities (as defined in section 103(9)) that are in support of a lobbying contact with a covered executive branch official.

(3) STUDY.—Not later than March 31, 1997, the Comptroller General of the United States shall review reporting by registrants under paragraph (1) of this section and section 105(c)(4) and report to the Congress—

(A) the differences between the definition of "lobbying activities" in section 103(9) and the definitions of "lobbying expenditures", "influencing legislation", and related terms in sections 162(e) and 4911 of the Internal Revenue Code of 1986, as each are implemented by regulations;

(B) the impact that any such differences may have on filing and reporting under this title pursuant to this subsection; and

(C) any changes to this title or to the appropriate sections of the Internal Revenue Code of 1986 that the Comptroller General may recommend to harmonize the definitions.

(4) SUNSET PERIOD.—This subsection shall cease to be effective on December 31, 1998.

(h) INTERIM DIRECTOR.—Within 30 days after the date of the enactment of this Act, the President shall designate an interim Director of the Office of Lobbying Registration and Public Disclosure, who shall serve at the pleasure of the President until a Director of such Office has been nominated by the President and confirmed by the Senate. The interim Director may not promulgate final regulations pursuant to section 107(d) or initiate procedures for alleged violations pursuant to sections 108 and 109.

TITLE II—CONGRESSIONAL GIFT RULES

SEC. 201. AMENDMENTS TO SENATE RULES.

Rule XXXV of the Standing Rules of the Senate is amended to read as follows:

"1. No Member, officer, or employee of the Senate shall accept a gift, knowing that such gift is provided by a registered lobbyist, a lobbying firm, or an agent of a foreign principal in violation of the Lobbying Disclosure Act of 1994.

"2. (a) In addition to the restriction on receiving gifts from registered lobbyists, lobbying firms, and agents of foreign principals provided by paragraph 1 and except as provided in this Rule, no Member, officer, or employee of the Senate shall knowingly accept a gift from any other person.

"(b)(1) For the purpose of this Rule, the term 'gift' means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. The term includes gifts of services, training, transportation, lodging, and meals, whether provided in kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred.

"(2) A gift to the spouse or dependent of a Member, officer, or employee (or a gift to any other individual based on that individual's relationship with the Member, officer, or employee) shall be considered a gift to the Member, officer, or employee if it is given with the knowledge and acquiescence of the Member, officer, or employee and the Member, officer, or employee has reason to believe the gift was given because of the official position of the Member, officer, or employee.

"(c) The restrictions in subparagraph (a) shall not apply to the following:

"(1) Anything for which the Member, officer, or employee pays the market value, or does not use and promptly returns to the donor.

"(2) A contribution, as defined in the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) that is lawfully made under that Act, or attendance at a fundraising event sponsored by a political organization described in section 527(e) of the Internal Revenue Code of 1986.

"(3) Anything provided by an individual on the basis of a personal or family relationship unless the Member, officer, or employee has reason to believe that, under the circumstances, the gift was provided because of the official position of the Member, officer, or employee and not because of the personal or family relationship. The Select Committee on Ethics shall provide guidance on the applicability of this clause and examples of circumstances under which a gift may be accepted under this exception.

"(4) A contribution or other payment to a legal expense fund established for the benefit of a Member, officer, or employee that is otherwise lawfully made.

"(5) Any food or refreshments which the recipient reasonably believes to have a value of less than $20.

"(6) Any gift from another Member, officer, or employee of the Senate or the House of Representatives.

"(7) Food, refreshments, lodging, and other benefits—

"(A) resulting from the outside business or employment activities (or other outside activities that are not connected to the duties of the Member, officer, or employee as an officeholder) of the Member, officer, or employee, or the spouse of the Member, officer, or employee, if such benefits have not been offered or enhanced because of the official position of the Member, officer, or employee and are customarily provided to others in similar circumstances;

"(B) customarily provided by a prospective employer in connection with bona fide employment discussions; or

"(C) provided by a political organization described in section 527(e) of the Internal Revenue Code of 1986 in connection with a fund-raising or campaign event sponsored by such an organization.

"(8) Pension and other benefits resulting from continued participation in an employee welfare and benefits plan maintained by a former employer.

"(9) Informational materials that are sent to the office of the Member, officer, or employee in the form of books, articles, periodicals, other written materials, audio tapes, videotapes, or other forms of communication.

"(10) Awards or prizes which are given to competitors in contests or events open to the public, including random drawings.

"(11) Honorary degrees (and associated travel, food, refreshments, and entertainment) and other bona fide, nonmonetary awards presented in recognition of public service (and associated food, refreshments, and entertainment provided in the presentation of such degrees and awards).

"(12) Donations of products from the State that the Member represents that are intended primarily for promotional purposes, such as display or free distribution, and are of minimal value to any individual recipient.

"(13) Food, refreshments, and entertainment provided to a Member or an employee of a Member in the Member's home State, subject to reasonable limitations, to be established by the Committee on Rules and Administration.

"(14) An item of little intrinsic value such as a greeting card, baseball cap, or a T-shirt.

"(15) Training (including food and refreshments furnished to all attendees as an integral part of the training) provided to a Member, officer, or employee, if such training is in the interest of the Senate.

"(16) Bequests, inheritances, and other transfers at death.

"(17) Any item, the receipt of which is authorized by the Foreign Gifts and Decorations Act, the Mutual Educational and Cultural Exchange Act, or any other statute.

"(18) Anything which is paid for by the Federal Government, by a State or local government, or secured by the Government under a Government contract.

"(19) A gift of personal hospitality of an individual, as defined in section 109(14) of the Ethics in Government Act.

"(20) Free attendance at a widely attended event permitted pursuant to subparagraph (d).

"(21) Opportunities and benefits which are—

"(A) available to the public or to a class consisting of all Federal employees, whether or not restricted on the basis of geographic consideration;

"(B) offered to members of a group or class in which membership is unrelated to congressional employment;

"(C) offered to members of an organization, such as an employees' association or congressional credit union, in which membership is related to congressional employment and similar opportunities are available to large segments of the public through organizations of similar size;

"(D) offered to any group or class that is not defined in a manner that specifically discriminates among Government employees on the basis of branch of Government or type of responsibility, or on a basis that favors those of higher rank or rate of pay;

"(E) in the form of loans from banks and other financial institutions on terms generally available to the public; or

"(F) in the form of reduced membership or other fees for participation in organization activities offered to all Government employees by professional organizations if the only restrictions on membership relate to professional qualifications.

"(22) A plaque, trophy, or other memento of modest value.

"(23) Anything for which, in an unusual case, a waiver is granted by the Select Committee on Ethics.

"(d)(1) Except as prohibited by paragraph 1, a Member, officer, or employee may accept an offer of free attendance at a widely attended convention, conference, symposium, forum, panel discussion, dinner, viewing, reception, or similar event, provided by the sponsor of the event, if—

"(A) the Member, officer, or employee participates in the event as a speaker or a panel participant, by presenting information related to Congress or matters before Congress, or by performing a ceremonial function appropriate to the Member's, officer's, or employee's official position; or

"(B) attendance at the event is appropriate to the performance of the official duties or representative function of the Member, officer, or employee.

"(2) A Member, officer, or employee who attends an event described in clause (1) may accept a sponsor's unsolicited offer of free attendance at the event for an accompanying individual if others in attendance will generally be similarly accompanied or if such attendance is appropriate to assist in the representation of the Senate.

"(3) Except as prohibited by paragraph 1, a Member, officer, or employee, or the spouse or dependent thereof, may accept a sponsor's unsolicited offer of free attendance at a charity event, except that reimbursement for transportation and lodging may not be accepted in connection with the event.

"(4) for purposes of this paragraph, the term 'free attendance' may include waiver of all or part of a conference or other fee, the provision of local transportation, or the provision of food, refreshments, entertainment, and instructional materials furnished to all attendees as an integral part of the event. The term does not include entertainment collateral to the event, or food or refreshments taken other than in a group setting with all or substantially all other attendees.

"(e) No Member, officer, or employee may accept a gift the value of which exceeds $250 on the basis of the personal relationship exception in subparagraph (c)(3) or the close personal friendship exception in section 106(d) of the Lobbying Disclosure Act of 1994 unless the Select Committee on Ethics issues a written determination that one of such exceptions applies.

"(f)(1) The Committee on Rules and Administration is authorized to adjust the dollar amount referred to in subparagraph (c)(5) on a periodic basis, to the extent necessary to adjust for inflation.

"(2) The Select Committee on Ethics shall provide guidance setting forth reasonable steps that may be taken by Members, officers, and employees, with a minimum of paperwork and time, to prevent the acceptance of prohibited gifts from lobbyists.

"(3) When it is not practicable to return a tangible item because it is perishable, the item may, at the discretion of the recipient, be given to an appropriate charity or destroyed.

"3. (a)(1) Except as prohibited by paragraph 1, a reimbursement (including payment in kind) to a Member, officer, or employee for necessary transportation, lodging and related expenses for travel to a meeting, speaking engagement, factfinding trip or similar event in connection with the duties of the Member, officer, or employee as an officeholder shall be deemed to be a reimbursement to the Senate and not a gift prohibited by this rule, if the Member, officer, or employee—

"(A) in the case of an employee, receive advance authorization, from the Member or officer under whose direct supervision the employee works to accept reimbursement, and

"(B) discloses the expenses reimbursed or to be reimbursed and the authorization to the Secretary of the Senate within 30 days after travel is completed.

"(2) For purposes of clause (1), events, the activities of which are substantially recreational in nature, shall not be considered to be in connection with the duties of a Member, officer, or employee as an officeholder.

"(b) Each advance authorization to accept reimbursement shall be assigned by the Member or officer under whose direct supervision the employee works and shall include—

"(1) the name of the employee;

"(2) the name of the person who will make the reimbursement;

"(3) the time, place, and purpose of the travel; and

"(4) a determination that the travel is in connection with the duties of the employee as an officeholder and would not create the appearance that the employee is using public office for private gain.

"(c) Each disclosure made under subparagraph (a)(1) of expenses reimbursed or to be reimbursed shall be assigned by the Member or office (in the case of travel by the Member or officer) or by the Member or officer under whose direct supervision the employee works (in the case of travel by an employee) and shall include—

"(1) a good faith estimate of total transportation expenses reimbursed or to be reimbursed;

"(2) a good faith estimate of total lodging expenses reimbursed or to be reimbursed;

"(3) a good faith estimate of total meal expenses reimbursed or to be reimbursed;

"(4) a good faith estimate of the total of other expenses reimbursed or to be reimbursed;

"(5) a determination that all such expenses are necessary transportation, lodging, and related expenses as defined in this paragraph; and

"(6) in the case of a reimbursement to a Member or officer, a determination that the travel was in connection with the duties of the Member of officer as an officeholder and would not create the appearance that the Member or officer is using public office for private gain.

"(d) For the purposes of this paragraph, the term 'necessary transportation, lodging, and related expenses'—

"(1) includes reasonable expenses that are necessary for travel for a period not exceeding 3 days exclusive of traveltime within the United States or 7 days exclusive of traveltime outside of the United States unless approved in advance by the Select Committee on Ethics;

"(2) is limited to reasonable expenditures for transportation, lodging, conference fees and materials, and food and refreshments, including reimbursement for necessary transportation, whether or not such transportation occurs within the periods described in clause (1);

"(3) does not include expenditures for recreational activities, or entertainment other than that provided to all attendees as an integral part of the event; and

"(4) may include travel expenses incurred on behalf of either the spouse or a child of the Member, officer, or employee, subject to a determination signed by the Member or officer (or in the case of an employee, the Member or officer under whose direct supervision the employee works) that the attendance of the spouse or child is appropriate to assist in the representation of the Senate.

"(e) The Secretary of the Senate shall make available to the public all advance authorizations and disclosures of reimbursement filed pursuant to subparagraph (a) as soon as possible after they are received.".

SEC. 202. AMENDMENTS TO HOUSE RULES.

Clause 4 of rule XLIII of the Rules of the House of Representatives is amended to read as follows:

"4. (a) No Member, officer, or employee of the House of Representatives shall accept a gift, knowing that such gift is provided directly or indirectly by a registered lobbyist, a lobbying firm, or an agent of a foreign principal in violation of the Lobbying Disclosure Act of 1994.

"(b) In addition to the restriction on receiving gifts from registered lobbyists, lobbying firms, and agents of foreign principals provided by paragraph (a) and except as provided in this Rule, no Member, officer, or employee of the House of Representatives shall knowingly accept a gift from any other person.

"(c)(1) For the purpose of this clause, the term 'gift' means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. The term includes gifts of services, training, transportation, lodging, and meals, whether provided in kind, by purchase of a ticket payment in advance, or reimbursement after the expense has been incurred.

"(2) A gift to the spouse or dependent of a Member, officer, or employee (or a gift to any other individual based on that individual's relationship with the Member, officer, or employee) shall be considered a gift to the Member, officer, or employee if it is given with the knowledge and acquiescence of the Member, officer, or employee and the Member, officer, or employee has reason to believe the gift was given because of the official position of the Member, officer, or employee.

"(d) The restrictions in paragraph (b) shall not apply to the following:

"(1) Anything for which the Member, officer, or employee pays the market value, or does not use and promptly returns to the donor.

"(2) A contribution, as defined in the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) that is lawfully made under that Act, or attendance at a fundraising event sponsored by a political organization described in section 527(e) of the Internal Revenue Code of 1986.

"(3) Anything provided by an individual on the basis of a personal or family relationship unless the Member, officer, or employee has reason to believe that, under the circumstances, the gift was provided because of the official position of the Member, officer, or employee and not because of the personal or family relationship. The Committee on Standards of Official Conduct shall provide guidance on the applicability of this clause and examples of circumstances under which a gift may be accepted under this exception.

"(4) A contribution or other payment to a legal expense fund established for the benefit of a Member, officer, or employee that is otherwise lawfully made.

"(5) Any food or refreshments which the recipient reasonably believes to have a value of less than $20.

"(6) Any gift from another Member, officer, or employee of the Senate or the House of Representatives.

"(7) Food, refreshment, lodging, and other benefits—

"(A) resulting from the outside business or employment activities (or other outside activities that are not connected to the duties of the Member, officer, or employee as an officeholder) of the Member, officer, or employee, or the spouse of the Member, officer, or employee, if such benefits have not been offered or enhanced because of the official position of the Member, officer, or employee and are customarily provided to others in similar circumstances;

"(B) customarily provided by a prospective employer in connection with bona fide employment discussions; or

"(C) provided by a political organization described in section 527(e) of the Internal Revenue Code of 1986 in connection with a fund-raising or campaign event sponsored by such an organization.

"(8) Pension and other benefits resulting from continued participation in an employee welfare and benefits plan maintained by a former employer.

"(9) Informational materials that are sent to the office of the Member, officer, or employee in the form of books, articles, periodicals, other written materials, audio tapes, videotapes, or other forms of communication.

"(10) Awards or prizes which are given to competitors in contests or events open to the public, including random drawings.

"(11) Honorary degrees (and associated travel, food, refreshments, and entertainment) and other bona fide, nonmonetary awards presented in recognition of public service (and associated food, refreshments, and entertainment provided in the presentation of such degrees and awards).

"(12) Donations of products from the State that the Member represents that are intended primarily for promotional purposes, such as display or free distribution, and are of minimal value to any individual recipient.

"(13) Food, refreshments, and entertainment provided to a Member or an employee of a Member in the Member's home State, subject to reasonable limitations, to be established by the Committee on Standards of Official Conduct.

"(14) An item of little intrinsic value such as a greeting card, baseball cap, or a T-shirt.

"(15) Training (including food and refreshments furnished to all attendees as an integral part of the training) provided to a Member, officer, or employee, if such training is in the interest of the House of Representatives.

"(16) Bequests, inheritances, and other transfers at death.

"(17) Any item, the receipt of which is authorized by the Foreign Gifts and Decorations Act, the Mutual Educational and Cultural Exchange Act, or any other statute.

"(18) Anything which is paid for by the Federal Government, by a State or local government, or secured by the Government under a Government contract.

"(19) A gift of personal hospitality of an individual, as defined in section 109(14) of the Ethics in Government Act.

"(20) Free attendance at a widely attended event permitted pursuant to paragraph (e).

"(21) Opportunities and benefits which are—

"(A) available to the public or to a class consisting of all Federal employees, whether or not restricted on the basis of geographic consideration;

"(B) offered to members of a group or class in which membership is unrelated to congressional employment;

"(C) offered to members of an organization, such as an employees' association or congressional credit union, in which membership is related to congressional employment and similar opportunities are available to large segments of the public through organizations of similar size;

"(D) offered to any group or class that is not defined in a manner that specifically discriminates among Government employees on the basis of branch of Government or type of responsibility, or on a basis that favors those of higher rank or rate of pay;

"(E) in the form of loans from banks and other financial institutions on terms generally available to the public; or

"(F) in the form of reduced membership or other fees for participation in organization activities to all Government employees by professional organizations if the only restrictions on membership relate to professional qualifications.

"(22) A plaque, trophy, or other memento of modest value.

"(23) Anything for which, in exceptional circumstances, a waiver is granted by the Committee on Standards of Official Conduct.

"(e)(1) Except as prohibited by paragraph (a), a Member, officer, or employee may accept an offer of free attendance at a widely attended convention, conference, symposium, forum, panel discussion, dinner, viewing, reception, or similar event, provided by the sponsor of the event, if—

"(A) the Member, officer, or employee participates in the event as a speaker or a panel participant, by presenting information related to Congress or matters before Congress, or by performing a ceremonial function appropriate to the Member's, officer's, or employee's official position; or

"(B) attendance at the event is appropriate to the performance of the official duties or representative function of the Member, officer, or employee.

"(2) A Member, officer, or employee who attends an event described in subparagraph (1) may accept a sponsor's unsolicited offer of free attendance at the event for an accompanying individual if others in attendance will generally be similarly accompanied or if such attendance is appropriate to assist in the representation of the House of Representatives.

"(3) Except as prohibited by paragraph (a), a Member, officer, or employee, or the spouse or dependent thereof, may accept a sponsor's unsolicited offer of free attendance at a charity event, except that reimbursement for transportation and lodging may not be accepted in connection with the event.

"(4) For purposes of this paragraph, the term 'free attendance' may include waiver of all or part of a conference or other fee, the provision of local transportation, or the provision of food, refreshments, entertainment, and instructional materials furnished to all attendees as an integral part of the event. The term does not include entertainment collateral to the event, or food or refreshments taken other than in a group setting with all or substantially all other attendees.

"(f) No Member, officer, or employee may accept a gift the value of which exceeds $250 on the basis of the personal relationship exception in paragraph (d)(3) or the close personal friendship exception in section 106(d) of the Lobbying Disclosure Act of 1994 unless the Committee on Standards of Official Conduct issues a written determination that one of such exceptions applies.

"(g)(1) The Committee on Standards of Official Conduct is authorized to adjust the dollar amount referred to in paragraph (c)(5) on a periodic basis, to the extent necessary to adjust for inflation.

"(2) The Committee on Standards of Official Conduct shall provide guidance setting forth reasonable steps that may be taken by Members, officers, and employees, with a minimum of paperwork and time, to prevent the acceptance of prohibited gifts from lobbyists.

"(3) When it is not practicable to return a tangible item because it is perishable, the item may, at the discretion of the recipient, be given to an appropriate charity or destroyed.

"(h)(1)(A) Except as prohibited by paragraph (a), a reimbursement (including payment in kind) to a Member, officer, or employee for necessary transportation, lodging and related expenses for travel to a meeting, speaking engagement, factfinding trip or similar event in connection with the duties of the Member, officer, or employee as an officeholder shall be deemed to be a reimbursement to the House of Representatives and not a gift prohibited by this paragraph, if the Member, officer, or employee—

(i) in the case of an employee, receives advance authorization, from the Member or officer under whose direct supervision the employee works, to accept reimbursement, and

(ii) discloses the expenses reimbursed or to be reimbursed and the authorization to the Clerk of the House of Representatives within 30 days after the travel is completed.

"(B) For purposes of clause (A), events, the activities of which are substantially recreational in nature, shall not be considered to be in connection with the duties of a Member, officer, or employee as an officeholder.

"(2) Each advance authorization to accept reimbursement shall be signed by the Member or officer under whose direct supervision the employee works and shall include—

"(A) the name of the employee;

"(B) the name of the person who will make the reimbursement;

"(C) the time, place, and purpose of the travel; and

"(D) a determination that the travel is in connection with the duties of the employee as an officeholder and would not create the appearance that the employee is using public office for private gain.

"(3) Each disclosure made under subparagraph (1)(A) of expenses reimbursed or to be reimbursed shall be signed by the Member or officer (in the case of travel by that Member or officer) or by the Member or Officer under whose direct supervision the employee works (in the case of travel by an employee) and shall include—

"(A) a good faith estimate of total transportation expenses reimbursed or to be reimbursed;

"(B) a good faith estimate of total lodging expenses reimbursement or to be reimbursed;

"(C) a good faith estimate of total meal expenses reimbursed or to be reimbursed;

"(D) a good faith estimate of the total of other expenses reimbursed or to be reimbursed;

"(E) a determination that all such expenses are necessary transportation, lodging, and related expenses as defined in this paragraph; and

"(F) in the case of a reimbursement to a Member or officer, a determination that the travel was in connection with the duties of the Member or officer as an officeholder and would not create the appearance that the Member or officer is using public office for private gain.

"(4) For the purposes of this paragraph, the term 'necessary transportation, lodging, and related expenses'—

"(A) includes reasonable expenses that are necessary for travel—

"(i) for a period not exceeding 4 days including travel time within the United States or 7 days in addition to travel time outside the United States; and

"(ii) within 24 hours before or after participation in an event in the United States or within 48 hours before or after participation in an event outside the United States,

unless approved in advance by the Committee on Standards of Official Conduct;

"(B) is limited to reasonable expenditures for transportation, lodging, conference fees and materials, and food and refreshments, including reimbursement for necessary transportation, whether or not such transportation occurs within with periods described in clause (A);

"(C) does not include expenditures for recreational activities or entertainment other than that provided to all attendees as an integral part of the event; and

"(D) may include travel expenses incurred on behalf of either the spouse or a child of the Member, officer, or employee, subject to a determination signed by the Member or officer (or in the case of an employee, the Member or officer under whose direct supervision the officer or employee works) that the attendance of the spouse or child is appropriate to assist in the representation of the House of Representatives.

"(5) The Clerk of the House of Representatives shall make available to the public all advance authorizations and disclosures of reimbursement filed pursuant to subparagraph (1) as soon as possible after they are received.".

SEC. 203. MISCELLANEOUS PROVISIONS.

(a) Amendments to the Ethics in Government Act.—Section 102(a)(2)(B) of the Ethics in Government Act (5 U.S.C. 102, App. 6) is amended by adding at the end thereof the following: "Reimbursements accepted by a Federal agency pursuant to section 1353 of title 31, United States Code, or deemed accepted by the Senate or the House of Representatives pursuant to Rule XXXV of the Standing Rules of the Senate or clause 4 of Rule XLIII of the Rules of the House of Representatives shall be reported as required by such statute or rule and need not be reported under this section.".

(b) Repeal of Obsolete Provision.—Section 901 of the Ethics Reform Act of 1989 (2 U.S.C. 31-2) is repealed.

(c) Senate Provisions.—

(1) Authority of the committee on rules and administration.—The Senate Committee on Rules and Administration, on behalf of the Senate, may accept gifts provided they do not involve any duty, burden, or condition, or are not made dependent upon some future performance by the United States. The Committee on Rules and Administration is authorized to promulgate regulations to carry out this section.

(2) Food, refreshments, and entertainment.—The rules on acceptance of food, refreshments, and entertainment provided to a Member of the Senate or an employee of such a Member in the Member's home State before the adoption of reasonable limitations by the Committee on Rules and Administration shall be the rules in effect on the day before the effective date of this title.

(d) House Provision.—The rules on acceptance of food, refreshments, and entertainment provided to a Member of the House of Representatives or an employee of such a Member in the Member's home State before the adoption of reasonable limitations by the Committee on Standards of Official Conduct shall be the rules in effect on the day before the effective date of this title.

SEC. 204. EXERCISE OF CONGRESSIONAL RULEMAKING POWERS.

Sections 201, 202, 203(c), and 203(d) of this title are enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and pursuant to section 7353(b)(1) of title 5, United States Code, and accordingly, they shall be considered as part of the rules of each House, respectively, or of the House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (insofar as they relate to that House) at any time and in the same manner and to the same extent as in the case of any other rule of that House.

SEC. 205. EFFECTIVE DATE.

This title and the amendments made by this title shall take effect on January 1, 1995.

Summary of Levin-Bryant Proposal

I. LOBBYING DISCLOSURE

Closes loopholes in existing lobbying registration laws, including the Federal Regulation of Lobbying Act and the Foreign Agents Registration Act.

Covers all professional lobbyists, whether they are lawyers or non-lawyers, in-house or independent, and whether their clients are for-profit or non-profit.

Covers, for the first time, lobbying of policy-making officials in both Congress and the Executive Branch.

Requires disclosure of who is paying whom to lobby what federal agencies and congressional committees, on what issues.

Ensures, for the first time, disclosure of grass-roots lobbying expenses and issues.

Streamlines filing by consolidating reports in a single form and eliminating unnecessary paperwork requirements.

Provides, for the first time, effective administration and enforcement of disclosure requirements by an independent office.

II. GIFT RESTRICTIONS

Registered Lobbyists:

Bans virtually all gifts from registered lobbyists including meals, entertainment, travel, charitable contributions on Member's recommendation, contributions to legal expense funds, contributions to congressional retreats. Allows only food and refreshment of minimal value not offered as part of a meal, campaign contributions and attendance at political events, informational materials and gifts from close personal friends and family members.

Enforcement of gifts from registered lobbyists is by Office of Lobbying Registration and Public Disclosure, a new independent agency in the Executive Branch.

All Other Persons:

Signficantly restricts gifts from everyone other than registered lobbyists. Bans "hard" gifts and gifts of entertainment. Bans all other gifts except those of minimal value such as—food and refreshments less than $20; items of little intrinsic value; informational materials; plaques and mementos; home state products. Allows gifts based on personal and family relationship unless the Member has reason to believe that the gift was provided because of the Member's official position and not the relationship. Allows gifts of food, refreshment and entertainment in the Member's home state subject to reasonable limits set by the Rules Committee. Allows personal hospitality, attendance at the invitation of the sponsor at a widely-attended event, attendance at the invitation of the sponsor at a charity event, campaign contributions and attendance at political events, honorary degrees, gifts resulting from outside employment.

Enforcement is by the House and Senate Ethics Committee.

III. TRAVEL RULES

All travel that is "substantially recreational" is banned including all charitable golf, tennis, ski and other such trips.

Travel in connection with official duties is limited and disclosed within 30 days.

Members must approve staff travel in advance.

Mr. LEVIN. I thank the Chair and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

PROTOCOL TO THE TAX CONVENTION FOR THE STATE OF ISRAEL

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the Protocol to the Tax Convention with the State of Israel (Treaty Document No. 103-16); that the treaty be considered as having passed through its various parliamentary stages, up to and including the presentation of the resolution of ratification; that the understanding and declaration recommended by the Committee on Foreign Relations be considered as having been agreed to; that no other amendments, conditions, declarations, provisos, reservations, or understandings be in order; that any statements be inserted in the Congressional Record as if read; that when the resolution of ratification is agreed to, the motion to reconsider be laid upon the table; and that the President be notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution of ratification reads as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Second Protocol Amending the 1975 Convention Between the Government of the United States of America and the Government of the State of Israel with Respect to Taxes on Income (as amended by the Protocol signed on May 30, 1980), signed at Jerusalem on January 26, 1993 (Treaty Doc. 103-16), subject to the following:

(a) Understanding: That nothing in Article XVII of the Second Protocol, or the provisions of the Convention to which it refers, shall be construed to limit or otherwise affect the operation of the provisions of the Convention added by paragraph 3 of Article XIII of the Second Protocol; and

(b) Declaration: That, pursuant to the Second Protocol, appropriate Congressional committees, and the General Accounting Office, will be afforded access to the information exchanged under the Convention where such access is necessary to carry out their oversight responsibilities, subject only to the limitations and procedures of the Internal Revenue Code, thereby satisfying the understanding subject to which the Senate gave its advice and consent to ratification of the Convention and First Protocol.

Mr. MITCHELL. Mr. President, I ask for a division vote on the resolution of ratification.

The PRESIDING OFFICER. Senators in favor of the ratification of the treaty, please rise and stand until counted. (After a pause.) Those opposed will rise and stand until counted.

With two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

So the resolution of ratification was agreed to.

EXECUTIVE CALENDAR

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate consider the following nominations: Calendar Nos. 1101, 1133, 1141, 1168, 1169, 1170, 1229, 1230, 1231, 1232, 1233, 1234, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1246, 1247, 1248, 1249, 1250, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1265, 1266, 1267, 1268, 1269, 1270, and all nominations placed on the Secretary's desk in the Air Force, Army, Marine Corps, and Navy.

I further ask unanimous consent that the nominees be confirmed en bloc; that any statements appear in the RECORD as if read; that upon confirmation, the motions to reconsider be laid upon the table en bloc; that the President be immediately notified of the Senate's action; and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Kenneth Malerman Jarin, the Pennsylvania, to be a Member of the National Council of the Arts for a term expiring September 3, 1998.

FEDERAL EMERGENCY MANAGEMENT AGENCY

Kay Collett Goss, of Arkansas, to be an Associate Director of the Federal Emergency Management Agency.

DEPARTMENT OF DEFENSE

Judith A. Miller, of Ohio, to be General Council of the Department of Defense.

DEPARTMENT OF JUSTICE

Laurie O. Robinson, of the District of Columbia, to be an Assistant Attorney General.

Jeremy Travis, of New York, to be Director of the National Institute of Justice.

Nancy E. Gist, of Massachusetts to be Director of the Bureau of Justice Assistance. (New Position)

AIR FORCE

The following named officer for appointment in the United States Air Force to the grade of major general under the provisions of title 10, United States Code, section 624:

To be major general

Brig. Gen. Jeffrey G. Cliver, 147–34–8598, Regular Air Force

The following named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601:

To be lieutenant general

Maj. Gen. Ervin J. Rokke, 471–42–8254, United States Air Force.

The following named officer for appointment to the grade of lieutenant general on the retired list pursuant to the provisions of Title 10, United States Code, Section 1370:

To be lieutenant general

Lt. Gen. Robert M. Alexander, 418–48–3868, United States Air Force.

The following named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under Title 10, United States Code, Section 8036:

TO BE SURGEON GENERAL, UNITED STATES AIR FORCE

To be lieutenant general

Maj. Gen. Edgar R. Anderson, Jr., 433–60–4339, United States Air Force.

The following named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601:

To be lieutenant general

Maj. Gen. Lester L. Lyles, 577–62–8366, United States Air Force.

The following named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Edwin E. Tenoso, 550–52–0387, United States Air Force.

The following named officer for appointment to the grade of general on the retired list pursuant to the provisions of Title 10, United States Code, Section 1370:

To be general

Gen. Merrill A. McPeak, 554–44–2858, United States Air Force.

The following named officers for appointment in the Reserve of the Air Force, to the grade indicated, under the provisions of Sections 593, 8351 and 8374, Title 10, United States Code:

To be major general

Brig. Gen. Robert W. Barrow, 566–54–4179, Air National Guard of the United States.

Brig. Gen. Robert G. Chrisjohn, 478–50–3723, Air National Guard of the United States.

Brig. Gen. Steffen P. Christensen, III, 502–44–8266, Air National Guard of the United States.

Brig. Gen. Harris R. Henderson, 571–52–8740, Air National Guard of the United States.

Brig. Gen. Roberta V. Mills, 451–56–5780, Air National Guard of the United States.

Brig. Gen. Herbert J. Spier, Jr., 306–44–9089, Air National Guard of the United States.

Brig. Gen. William A. Treu, 512–34–3477, Air National Guard of the United States.

To be brigadier general

Col. Keith D. Bjerke, 501–44–3220, Air National Guard of the United States.

Col. Samuel G. DeGeneres, 437–62–1477, Air National Guard of the United States.

Col. William F. Doctor, 543–46–3174, Air National Guard of the United States.

Col. Robert S. Dutko, Sr., 144–28–6334, Air National Guard of the United States.

Col. Verna D. Fairchild, 303–40–1283, Air National Guard of the United States.

Col. Daniel J. Gibson, 066–34–9540, Air National Guard of the United States.

Col. Gary L. Hindoien, 516–40–0260, Air National Guard of the United States.

Col. Timothy J. Lowenberg, 483–50–7542, Air National Guard of the United States.

Col. William B. Lynch, 315–44–4375, Air National Guard of the United States.

Col. James R. McKinney, 444–35–9876, Air National Guard of the United States.

Col. John R. Metz, 226–42–8771, Air National Guard of the United States.

Col. Scott A. Mikkelsen, 265–74–9268, Air National Guard of the United States.

Col. Allan W. Ness, 525–90–5248, Air National Guard of the United States.

Col. Kenneth S. Peterson, 067–34–8017, Air National Guard of the United States.

Col. Austin P. Snyder, 314–36–6705, Air National Guard of the United States.

Col. Richard E. Spooner, 298–40–4100, Air National Guard of the United States.

Col. James E. Thomey, 431–62–2021, Air National Guard of the United States.

Col. Richard W. Tuttle, 006–34–6087, Air National Guard of the United States.

Col. Salvatore Vilano, Jr., 552–48–0719, Air National Guard of the United States.

Col. James E. Whinnery, 467–70–5760, Air National Guard of the United States.

The following named officer for appointment in the United States Air Force Reserve to the position and grade indicated, under the provisions of Title 10, United States Code, Section 8038:

To be chief of Air Force Reserve

Maj. Gen. Robert A. McIntosh, 271–40–7741, United States Air Force Reserve.

The following named officers for appointment in the Reserve of the Air Force, to the grade indicated, under the provisions of Title 10, United States Code, Sections 593, 8351 and 8374:

To be major general

Brig. Gen. Thomas W. Powers, 287–34–0118, Air National Guard of the United States.

Brig. Gen. David E.B. Ward, 543–38–2443, Air National Guard of the United States.

To be brigadier general

Col. Robert L. Biehunko, 454–56–6839, Air National Guard of the United States.

Col. Joseph L. Canady, III, 241–54–6741, Air National Guard of the United States.

Col. James H. Greshik, 501–44–6691, Air National Guard of the United States.

Col. Stanley P. May, 529–38–7909, Air National Guard of the United States.

Col. Kenneth W. McGill, 321–36–0765, Air National Guard of the United States.

Col. George F. Scoggins, Jr., 513–42–5952, Air National Guard of the United States.

Col. Miles B. Scribner, 564–62–2951, Air National Guard of the United States.

Col. Carol M. Thomas, 476–52–3879, Air National Guard of the United States.

The following named officer for appointment to the grade of general while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601:

To be general

Lt. Gen. John G. Lorber, 482–48–7661, United States Air Force.

The following named officer for reappointment to the grade of lieutenant general while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601:

To be lieutenant general

Lt. Gen. Howell M. Estes, III, 578–56–5497, United States Air Force.

The following named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601:

To be lieutenant general

Maj. Gen. Everett H. Pratt, Jr., 257–64–0526, United States Air Force.

The following named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601:

To be lieutenant general

Maj. Gen. Ronald W. Iverson, 518–46–6582, United States Air Force.

ARMY

The following named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601(a) and 3040(b):

TO BE CHIEF OF THE NATIONAL GUARD BUREAU

To be lieutenant general

Maj. Gen. Edward D. Baca, 525-74-2555, United States Army.

The following named United States Army National Guard officer for promotion to the grade indicated in the Reserve of the Army of the United States, under the provisions of Title 10, United States Code, sections 593(a), 3385 and 3392:

To be brigadier general

Col. Alex R. Garcia, 525-82-7472.

The following named officers for promotion in the Regular Army of the United States to the grade indicated, under the provisions of Title 10, United States Code, Sections 611(a) and 624:

To be permanent major general

Brig. Gen. Clair F. Gill, 110-34-9198.

Brig. Gen. George E. Friel, 232-68-3079.

Brig. Gen. Jan. A. Van Prooyen, 555-62-7782.

Brig. Gen. David L. Benton, III, 068-36-8645.

Brig. Gen. Edward G. Anderson, III, 537-42-2536.

Brig. Gen. Norman E. Williams, 219-42-0353.

Brig. Gen. Robert H. Scales, Jr., 094-36-8256.

Brig. Gen. John E. Longhouser, 321-36-3875.

Brig. Gen. William L. Nash, 070-34-9961.

Brig. Gen. Richard A. Chilcoat, 212-36-0462.

Brig. Gen. John A. Van Alstyne, 461-70-3328.

Brig. Gen. Arthur T. Dean, 238-68-2887.

Brig. Gen. Robert S. Coffey, 273-40-3824.

Brig. Gen. Larry R. Ellis, 213-44-0750.

Brig. Gen. Lawson W. Magruder, 224-70-0729.

Brig. Gen. Russell L. Fuhrman, 394-48-2780.

Brig. Gen. Montgomery C. Meigs, 084-36-3239.

Brig. Gen. Charles G. Sutten, Jr., 535-42-8285.

Brig. Gen. Billy K. Solomon, 465-74-4119.

Brig. Gen. Paul J. Kern, 154-34-5577.

Brig. Gen. Gerard P. Brohm, 149-34-3172.

Brig. Gen. Charles C. Cannon, Jr., 466-70-8286.

Brig. Gen. Roger G. Thompson, Jr., 404-56-5744.

Brig. Gen. James M. Link, 216-42-6041.

Brig. Gen. Randolph W. House, 458-80-7507.

Brig. Gen. John Costello, 220-54-9581.

Brig. Gen. Johnny M. Riggs, 494-48-1680.

Brig. Gen. Peter J. Schoomaker, 514-44-3788.

Brig. Gen. Jack P. Nix, Jr., 252-78-1547.

The following named officer to be placed on the retired list in the grade indicated under the provisions of Title 10, United States Code, Section 1370:

To be lieutenant general

Lt. Gen. Carmen J. Cavezza, 061-30-0777, United States Army.

The following named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601(a):

To be lieutenant general

Maj. Gen. Theodore G. Stroup, Jr., 262-58-8886, United States Army.

The following named officer to be placed on the retired list in the grade indicated under the provisions of Title 10, United States Code, Section 1370:

To be general

Gen. Frederick M. Franks, Jr., 190-26-5127, United States Army.

The following named officer for appointment to the grade of general while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601(a):

To be general

Lt. Gen. William W. Hartzog, 238-66-2179, United States Army.

The following named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601(a):

To be lieutenant general

Maj. Gen. David A. Bramlett, 561-58-9889, United States Army.

The following named officer to be placed on the retired list in the grade indicated under the provisions of Title 10, United States Code, Section 1370:

To be general

Gen. David M. Maddox, 150-32-5193, United States Army.

The following named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601(a):

To be lieutenant general

Maj. Gen. Richard F. Timmons, 231-56-0272, United States Army.

The following named officer for appointment to the grade of general while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601(a):

To be general

Lt. Gen. William W. Crouch, 530-26-4224, United States Army.

The following United States Army Reserve officers for promotion to the grades indicated in the Reserve of the Army of the United States, under the provisions of Section 593(a) and Section 3384, Title 10, United States Code:

To be major general

Brig. Gen. Max Guggenheimer, 231-42-2791.

Brig. Gen. George J. Steiner, 473-38-3427.

Brig. Gen. Thomas B. Murchie, 559-74-3488.

Brig. Gen. Billy F. Jester, 492-74-3553.

To be brigadier general

Col. James G. Browder, 230-58-1364.

Col. Daniel C. Balough, 572-74-0228.

Col. Roger P. Hand, 061-32-3380.

The following named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601(a):

To be lieutenant general

Maj. Gen. Thomas M. Montgomery, 311-38-3708, United States Army.

The following named officer for promotion in the Judge Advocate General's Corps, United States Army, and in the Regular Army of the United States to the grade of brigadier general under the provisions of Title 10, United States Code, Sections 611(a) and 624(c) and 3037:

To be permanent brigadier general

Col. John D. Altenburg, Jr., 268-40-6387, United States Army.

The following named officer for promotion in the Chaplain Branch, United States Army, and in the Regular Army of the United States to the grade of brigadier general under the provisions of Title 10, United States Code, Sections 611(a) and 624(c):

To be permanent brigadier general

Col. Gaylord T. Gunhus, 531-38-7632, United States Army.

The following named officer for promotion in the Dental Corps, United States Army, and in the Regular Army of the United States to the grade of brigadier general under the provisions of Title 10, United States Code, Sections 611(a) and 624(c):

To be permanent brigadier general

Col. Patrick D. Sculley, 067-40-5004, United States Army.

The following named officers for promotion in the Regular Army of the United States to the grade indicated, under the provisions of Title 10, United States Code, Sections 611(a) and 624:

To be permanent brigadier general

Col. John W. Mountcastle, 227-54-4018.

Col. John C. Reppert, 328-34-6190.

Col. John S. Caldwell, Jr., 419-58-8372.

Col. Albert J. Madora, 222-28-4210.

Col. Jerry L. Sinn, 501-46-7044.

Col. Joseph R. Inge, 226-66-8482.

Col. Julian A. Sullivan, Jr., 447-44-0245.

Col. Samuel S. Thompson III, 566-56-0225.

Col. Robert L. Nabors, 068-40-5042.

Col. Samuel L. Kindred, 424-60-1022.

Col. Warren C. Edwards, 228-62-4897.

Col. Burwell B. Bell III, 410-76-7158.

Col. James E. Mitchell, 214-44-3095.

Col. Evan R. Gaddis, 570-66-5455.

Col. Reginal G. Clemmons, 237-68-9649.

Col. Daniel A. Doherty, 261-72-9477.

Col. Dan K. McNeill, 245-74-4203.

Col. William S. Wallace, 402-68-1708.

Col. Thomas R. Dickinson, 248-72-4371.

Col. Robert L. Floyd II, 262-78-4565.

Col. John J. Marcello, 037-32-0589.

Col. Gilbert S. Harper, 144-40-7910.

Col. Paul T. Mikolashek, 276-42-2507.

Col. Mary E. Morgan, 004-50-3594.

Col. Edward Soriano, 565-62-3068.

Col. Phillip R. Anderson, 227-68-3613.

Col. Donald L. Kerrick, 267-78-7369.

Col. Geoffrey D. Miller, 280-44-7650.

Col. Roger W. Scearce, 096-38-1156.

Col. Robert A. Glacel, 206-38-8719.

Col. Robert J. St. Onge, Jr., 229-66-1736.

Col. Carl H. Freeman, 215-56-0411.

Col. Philip R. Kensinger, Jr., 175-36-0022.

Col. Stephen R. Smith, 522-58-5209.

Col. Bryan D. Brown, 243-80-2565.

Col. Benjamin S. Griffin, 223-56-5044.

Col. Bruce K. Scott, 224-76-8736.

Col. William E. Ward, 216-52-9000.

Col. James R. Snider, 460-84-6531.

The following-named Medical Corps Competitive Category officers for appointment in the Regular Army of the United States to the grade of brigadier general under the provisions of Title 10, United Stats Code, Sections 611(a) and 624(c):

To be permanent brigadier general

Col. Warren A. Todd, Jr., 426-82-6098, United States Army.

Col. Stephen N. Xenakis, 149-38-1499, United States Army.

Col. Harold L. Timboe, 569-58-9807, United States Army.

NAVY

The following-named rear admirals (lower half) in the line of the United States Navy for promotion to the permanent grade of rear admiral, pursuant to Title 10, United States Code, Section 624, subject to qualifications therefore as provided by law:

UNRESTRICTED LINE OFFICER

To be rear admiral

Rear Adm. (lh) David Spencer Bill III, 228-58-8134, U.S. Navy.

Rear Adm. (lh) Michael William Bordy, 287-32-5519, U.S. Navy.

Rear Adm. (lh) Frank Lee Bowman, 411-64-5146, U.S. Navy.

Rear Adm. (lh) Herbert Archibald Browne, Jr., 460-72-4815, U.S. Navy.

Rear Adm. (lh) Arthur Karl Cebrowski, 147-32-9746, U.S. Navy.

Rear Adm. (lh) Vernon Eugene Clark, 318-38-8489, U.S. Navy.

Rear Adm. (lh) Winford Gerald Ellis, 263-56-6240, U.S. Navy.

Rear Adm. (lh) Andrew Aloysius Granuzzo, 101-32-1738, U.S. Navy.

Rear Adm. (lh) Alexander Joseph Krekich, 157-32-9900, U.S. Navy.

Rear Adm. (lh) John Michael Luecke, 350-34-7015, U.S. Navy.

Rear Adm. (lh) John James Mazach, 410-70-0306, U.S. Navy.

Rear Adm. (lh) John Roy Ryan, 201-34-4509, U.S. Navy.

Rear Adm. (lh) John Francis Shipway, 069-34-8999, U.S. Navy.

Rear Adm. (lh) John Fleet Sigler, 006-42-7765, U.S. Navy.

Rear Adm. (lh) Bernard John Smith, 262-58-2097, U.S. Navy.

Rear Adm. (lh) George Francis Adolf Wagner, 125-32-3873, U.S. Navy.

Rear Adm. (lh) William Harry Wright, IV, 545-56-7540, U.S. Navy.

ENGINEERING DUTY OFFICER

To be rear admiral

Rear Adm. (lh) Michael Thomas Coyle, 141-34-3656, U.S. Navy.

SPECIAL DUTY OFFICER (PUBLIC AFFAIRS)

To be rear admiral

Rear Adm. (lh) Kendell Milford Pease, Jr., 018-34-3423, U.S. Navy.

The following named rear admirals (lower half) of the Reserve of the U.S. Navy for permanent promotion to the grade of rear admiral in the line, as indicated, pursuant to the provision of Title 10, United States Code, section 5912:

UNRESTRICTED LINE OFFICER

To be rear admiral

Rear Adm. (lh) James Paul Schear, 268-40-9371, U.S. Naval Reserve.

Rear Adm. (lh) John Earl Till, 257-68-3803, U.S. Naval Reserve.

Rear Adm. (lh) George Dennis Vaughan, 540-44-3917, U.S. Naval Reserve.

UNRESTRICTED LINE OFFICER (TRAINING AND ADMINISTRATION OF RESERVE)

To be rear admiral

Rear Adm. (lh) Francis William Harness, 397-38-8344, U.S. Naval Reserve.

SPECIAL DUTY OFFICER (INTELLIGENCE)

To be rear admiral

Rear Adm. (lh) Bruce Allen Black, 525-78-5807, U.S. Naval Reserve.

The following named officer for reappointment to the grade of Vice Admiral while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601:

To be vice admiral

Vice Adm. Arthur K. Cebrowski, U.S. Navy, 147-32-9746.

The following named captain of the Reserve of the U.S. Navy for permanent promotion to the grade of rear admiral (lower half) in the staff corps, as indicated, pursuant to the provisions of Title 10, United States Code, Section 5912:

CIVIL ENGINEER CORPS OFFICER

To be rear admiral (lower half)

Capt. Noah Halbrook Long, Jr., 236-66-7755, U.S. Naval Reserve.

The following named officer to be placed on the retired list in the grade indicated under the provisions of Title 10, United States Code, Section 1370:

To be admiral

Adm. Paul D. Miller, U.S. Navy, 224-54-1453.

The following named officer for appointment to the grade of Vice Admiral while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601:

To be vice admiral

Rear Adm. Walter J. Davis, Jr., U.S. Navy, 551-60-5581.

The following-named rear admiral (lower half) in the line of the navy for promotion to the permanent grade of rear admiral, pursuant to Title 10, United States Code, Section 624, subject to qualifications therefor as provided by law:

UNRESTRICTED LINE OFFICER

To be rear admiral

Rear Adm. (lh) William E. Newman, 347-30-6857, U.S. Navy.

The following named officer for appointment to the grade of rear admiral in accordance with Article II, Section 2, Clause 2, of the Constitution:

To be rear admiral

Capt. John F. Eisold, MC, U.S. Navy, 216-50-3976.

The following named officer for appointment to the grade of vice admiral while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601:

To be vice admiral

Rear Adm. (Selectee) Harold W Gehman, Jr., U.S. Navy, 214-42-3817.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE, ARMY, MARINE CORPS, NAVY

Air Force nominations beginning Jack S. Arnold, and ending Donald L. Noah, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of April 11, 1994.

Air Force nominations beginning Marilyn J. Lythgoe, 309-50-7262, and ending Rodger F. Seidel, 577-66-0792, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of July 12, 1994.

Air Force nominations beginning Major Roy L. Alsop, 434-70-5811, and ending Major Mary W. Wexler, 256-78-8125, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of July 1994.

Air Force nominations beginning Ines M. Agosto, and ending Katherine A. Zukor, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of August 9, 1994.

Air Force nominations beginning Angelita R. Gabatin, and ending Charles R. Myers, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of August 25, 1994.

Air Force nominations beginning James S. Dalrymple, and ending Danny J. Watson, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 12, 1994.

Army nomination of William C. Kirk, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of August 4, 1993.

Army nomination of Charles A. Jarnot, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of July 12, 1994.

Army nominations beginning Richard C. Adams, and ending Robert P. Zurcher, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of July 20, 1994.

Army nominations beginning Eric R. Abraham, and ending Maria D. Zamarripa, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of July 26, 1994.

Army nominations beginning Harold L. Abner, and ending Marian E. Yowler, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of July 26, 1994.

Army nominations beginning Robert G. Kowalski, and ending John D. Sharkey, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of August 5, 1994.

Army nominations beginning Alfred S. Gervin, and ending Jonathan Newmark, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of August 5, 1994.

Army nominations beginning Curtis G. Abate, and ending Anthony * Zydlewski, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of August 10, 1994.

Army nominations beginning Thomas J. Anderson, and ending Mark D. Marks, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of August 16, 1994.

Army nominations beginning Michael Foss, and ending Jose Uson, Jr., which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of August 16, 1994.

Army nominations beginning Michael Austin, and ending Thomas M. Byerly, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of August 25, 1994.

Army nominations beginning Irene F. Logan, and ending Stephen M. Smith, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of August 25, 1994.

Army nominations beginning Brian J. Donohoe, and ending William N. Greene, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of August 25, 1994.

Army nominations beginning William D. Geeslin, and ending Earnestine Beatty, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of August 25, 1994.

Marine Corps nomination of Truman W. Crawford, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of August 5, 1994.

Marine Corps nominations beginning Heidi A. Aloise, and ending David E. Hart, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 12, 1994.

Navy nominations beginning William E. Adkins, and ending James M. Smith, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of July 12, 1994.

Navy nominations beginning Nathaniel E. Adamson, II, and ending Joseph A. Schweigart, Jr., which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of July 12, 1994.

Navy nominations beginning Christopher Ja Altenhofen, and ending Byron Craig Williams, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 12, 1994.

Navy nomination of Nushin F. Todd, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of September 14, 1994.

STATEMENT ON THE NOMINATION OF COL. ROBERT D. RODEKOHR IN THE WYOMING AIR NATIONAL GUARD

Mr. SIMPSON. Mr. President, I rise today to make a statement regarding the promotion of a truly fine friend and very dedicated officer, to the rank of full colonel in the Wyoming Air National Guard.

It is truly an occasion for special recognition when a fellow Wyomingite achieves the rank of full colonel in the Wyoming Air National Guard. But, when he does it in such an exemplary fashion, well, that makes the event even more memorable.

In honor of this special event, I ask the Senate to recognize lieutenant colonel—promotable—Robert D. Rodekohr. We are very proud of Bob Rodekohr in Wyoming.

Bob Rodekohr also happens to be very fortunate to have a truly wonderful, bright, and unique mother—Diane Rodekohr—who is my State coordinator for the several field offices that make up my State staff. Indeed, I am most privileged to have this remarkably competent and capable lady working for me.

Bob is a Wyoming native, born, raised, and educated in the equality State. He grew up in Cheyenne—the "Magic City of the Plains," and graduated from the University of Wyoming, with degrees from Sheridan College and Eastern Wyoming College "to boot." A true son of Wyoming.

He has been actively involved in the Air Guard since 1971 when he first entered basic military training. It was his father Keith's 37-year professional and highly successful career coupled with his own sincere commitment to the guard, which had a great influence on Bob Rodekohr to pursue a flying career with the Guard. His father is a fine man. Steady, well-regarded professional. Bob's dedicated spirit and professional attitude toward his military service have always given others the goal to emulate him.

In earlier stages of his career Bob served in a unique variety of staff and command positions ranging from an instructor pilot to deputy commander. The highly successful completion of his duties in these positions led to his current position of air/commander 153d Airlift Group, Wyoming Air National Guard. He has always been a key factor in his unit's successful operations and a true team player, one who puts the unit's mission above his own personal goals and objectives. That is truly something to admire in this world today.

Bob is qualified in a myriad of specialties as diverse as maintenance of turbo prop aircraft, water survival, advanced airlift tactics, air guard safety matters, and C–130 pilot skills. He has been awarded the Air Medal, the Air Force Commendation Medal, the Air Reserve Meritorious Service Medal, and a host of other deserved commendations that are too numerous to mention here.

Truly, one can see why we in Wyoming are so very proud of Bob Rodekohr. His splendid accomplishments include an active civic life where he contributes to the community through his membership in many clubs and associations. Some of these include the Rotary Club, the National Guard Association, the Wyoming National Guard Association—of which he is the immediate past president, the Air Force Association, the Cheyenne Chamber of Commerce, and a graduate of the Chamber's Leadership Cheyenne Program, to name but a few.

Mr. President, on behalf of the people of Wyoming it is with a great sense of pride and sincere admiration that I will be voting to confirm Lieutenant Colonel Rodekohr's promotion to full colonel.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 4:04 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2866. An act to provide for the sound management and protection of Redwood forest areas in Humboldt County, California, by adding certain lands and waters to the Six Rivers National Forest and by including a portion of such lands in the national wilderness preservation system.

H.R. 5030. An act to amend the Foreign Assistance Act of 1961 to make certain corrections relating to international narcotics control activities, and for other purposes.

H.R. 5034. An act to make certain technical amendments relating to the State Department Basic Authorities Act of 1956, the United States Information and Educational Exchange Act of 1948, and other provisions of law.

The message also announced that the House insists upon its amendments to the bill (S. 2060) to amend the Small Business Act and the Small Business Investment Act of 1958, and for other purposes, and asks a conference with the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. LAFALCE, Mr. SMITH of Iowa, Mr. WYDEN, Mrs. MEYERS of Kansas, and Mr. BAKER as the manager of the conference on the part of the House.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4606), a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1995, and for other purposes, that the House recedes from its disagreement to the amendments of the Senate numbered 12, 13, 20, 32, 37, 66, 75, 78, 79, 80, 89, 91, 101, 108, and 124, and concurs therein; that the House recedes from its disagreement to the amendments of the Senate numbered 18, 26, 33, 35, 38, 51, 53, 54, 56, 63, 69, 70, 71, 73, 74, 81, 83, 86, 87, 88, 90, 93, 95, 96, 97, 98, 99, 100, 102, 103, 104, 107, 130, 135, 138, 139, 144, 148, 153, 154, 155, 156, and 157 to the bill, and has agreed thereto, each with an amendment, in which it requests the concurrence of the Senate.

MESSAGES FROM THE HOUSE RECEIVED DURING RECESS

Under the authority of the order of January 3, 1993, the Secretary of the Senate on September 22, 1994, during the recess of the Senate, received a message from the House of Representatives, announcing that the Speaker has signed the following enrolled bills and joint resolution:

H.R. 1779. An act to designate the facility of the United States Postal Service located at 401 South Washington Street in Chillicothe, Missouri, as the "Jerry L. Litton United States Post Office Building";

H.R. 3679. An act to authorize appropriations to expand implementation of the Junior Duck Stamp Conservation Program conducted by the United States Fish and Wildlife Service;

H.R. 4190. An act to designate the building at 41-42 Norre Gade in Saint Thomas, Virgin Islands, for the period of time during which it houses operations of the United States Postal Service, as the Alvaro de Lugo Post Office; and to amend title 39, United States Code, to make applicable with respect to the United States Postal Service exclusionary authority relating to the treatment of reemployed annuitants under the civil service retirement laws, and for other purposes;

H.R. 4647. An act to direct the Secretary of the Interior to convey to the City of Imperial Beach, California, approximately 1 acre of land in the Tijuana Slough National Wildlife Refuge; and

H.J. Res. 363. Joint resolution to designate October 1994 as "Crime Prevention Month."

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The following enrolled bills and joint resolution, previously signed by the Speaker of the House, were signed on today, September 23, 1994, by the President pro tempore (Mr. BYRD):

H.R. 1779. An act to designate the facility of the United States Postal Service located at 401 South Washington Street in Chillicothe, Missouri, as the "Jerry L. Litton United States Post Office Building";

H.R. 3679. An act to authorize appropriations to expand implementation of the Junior Duck Stamp Conservation Program conducted by the United States Fish and Wildlife Service;

H.R. 4190. An act to designate the building at 41–42 Norre Gade in Saint Thomas, Virgin Islands, for the period of time during which it houses operations of the United States Postal Service, as the Alvaro de Lugo Post Office; and to amend title 39, United States Code, to make applicable with respect to the United States Postal Service exclusionary authority relating to the treatment of reemployed annuitants under the civil service retirement laws, and for other purposes;

H.R. 4647. An act to direct the Secretary of the Interior to convey to the City of Imperial Beach, California, approximately 1 acre of land in the Tijuana Slough National Wildlife Refuge; and

H.J. Res. 363. Joint resolution to designate October 1994 as "Crime Prevention Month."

ENROLLED BILLS SIGNED

At 1:25 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 1406. An act to provide for the sound management and protection of Redwood forest areas in Humboldt County, California, by adding certain lands and waters to the Six Rivers National Forest and by including a portion of such lands in the national wilderness preservation system.

S. 1703. An act to expand the boundaries of the Piscataway National Park, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore (Mr. BYRD).

At 4:18 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4980. An act to designated the bridge on United States Route 231 which crosses the Ohio River between Maceo, Kentucky, and Rockport, Indiana, as the "William H. Natcher Bridge."

The message also announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 725. An act to amend the Public Health Service Act to provide for the conduct of expanded studies and the establishment of innovative programs with respect to traumatic brain injury, and for other purposes.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4554) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1995, and for other purposes; that the House recedes from its disagreement to the amendments of the Senate numbered 5, 18, 24, 29, 58, 83, 95, 96, and 101 to the bill, and concurs therein; that the House recedes from its disagreement to the amendments of the Senate numbered 11,15, 25, 26, 32, 33, 34, 37, 41, 42, 57, 70, 75, 76, 84, 89, 91, 94, 98, 100, and 102 to the bill, and has agreed thereto, each with an amendment, in which it requests the concurrence of the Senate.

MEASURES REFERRED

The following bills previously received from the House of Representatives, were read the first and second times by unanimous consent and referred as indicated:

H.R. 2866. An act to provide for the sound management and protection of Redwood forest areas in Humboldt County, California, by adding certain lands and waters to the Six Rivers National Forest and by including a portion of such lands in the national wilderness preservation system; to the Committee on Energy and Natural Resources.

H.R. 4361. An act to amend title 5, United States Code, to provide that an employee of the Federal Government may use sick leave to attend to the medical needs of a family member; to modify the voluntary leave transfer program with respect to employees who are members of the same family; and for other purposes; to the Committee on Governmental Affairs.

H.R. 4980. An act to designate the bridge on United States Route 231 which crosses the Ohio River between Maceo, Kentucky, and Rockport, Indiana, as the "William H. Natcher Bridge", to the Committee on Environment and Public Works.

The following concurrent resolution, previously received from the House of Representatives, was read and referred as indicated:

H. Con. Res. 290. Concurrent resolution commending the President and the special delegation to Haiti, and supporting the United States Armed Forces in Haiti; to the Committee on Foreign Relations.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–3343. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report on the transition to quieter airplanes; to the Committee on Commerce, Science, and Transportation.

EC–3344. A communication from the Secretary of Energy, transmitting, a draft of proposed legislation entitled "The Bonneville Power Administration Appropriations Refinancing Act"; to the Committee on Energy and Natural Resources.

EC–3345. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, a report of informational copies of lease prospectuses; to the Committee on Environment and Public Works.

EC–3346. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, notice of a Presidential determination relative to Cuban migrants; to the Committee on Foreign Relations.

EC–3347. A communication from the Commissioner of the Office of Educational Research and Improvement, Department of Education, transmitting, pursuant to law, the report entitled "Dropout Rates in the United States: 1993"; to the Committee on Labor and Human Resources.

EC–3348. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the cumulative report on rescissions and deferrals, dated September 1, 1994; pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, referred jointly to the Committee on Appropriations, the Committee on the Budget, the Committee on Agriculture, Nutrition and Forestry, the Committee on Armed Services, the Committee on Banking, Housing and Urban Affairs, the Committee on Commerce, Science and Transportation, the Committee on Energy and Natural Resources, the Committee on Environment and Public Works, the Committee on Finance, the Committee on Foreign Relations, the Committee on Governmental Affairs, the Committee on the Judiciary, and the Committee on Small Business.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 2373. A bill to authorize appropriations for fiscal year 1995 for the United States Coast Guard, and for other purposes (Rept. No. 103–372).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute and an amendment to the title:

H.R. 3433. A bill to provide for the management of portions of the Presidio under the jurisdiction of the Secretary of the Interior.

By Mr. PELL, from the Committee on Foreign Relations, without amendment:

S. 1225. A bill to authorize and encourage the President to conclude an agreement with Mexico to establish a United States-Mexico Border Health Commission.

By Mr. BIDEN, from the Committee on the Judiciary, without amendment:

S. 2403. A bill to grant the consent of the Congress to the Kansas and Missouri Metropolitan Culture District Compact.

By Mr. PELL, from the Committee on Foreign Relations, without amendment:

S. 2438. A bill to extend the authorities of the Overseas Private Investment Corporation through fiscal year 1995, and for other purposes.

By Mr. BIDEN, from the Committee on the Judiciary, without amendment:

S.J. Res. 205. A joint resolution granting the consent of Congress to the compact to provide for joint natural resource management and enforcement of laws and regulations pertaining to natural resources and boating at the Jennings Randolph Lake Project lying in Garrett County, Maryland, and Mineral County, West Virginia, entered into between the States of West Virginia and Maryland.

By Mr. PELL, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Con. Res. 74. A concurrent resolution concerning the ban on the use of U.S. passports in Lebanon.

By Mr. KENNEDY, from the Committee on Labor and Human Resources, with an amendment in the nature of a substitute:

S. 2433: A bill to amend title VIII of the Public Health Service Act to consolidate and reauthorize nursing education programs under such title, and for other purposes (Rept. No. 103-373).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PELL, from the Committee on Foreign Relations:

Hazel Rollins O'Leary, of Minnesota to be the Representative of the United States of America to the 38th Session of the General Conference of the International Atomic Energy Agency.

Ivan Selin, of the District of Columbia, to be an Alternate Representative of the United States of America to the 38th Session of the General Conference of the International Atomic Energy Agency.

Nelson F. Sievering, Jr., of Maryland, to be an Alternate Representative of the United States of America to the 38th Session of the General Conference of the International Atomic Energy Agency.

John B. Ritch III, of the District of Columbia, to be an Alternate Representative of the United States of America to the 38th Session of the General Conference of the International Atomic Energy Agency.

Kenneth Spencer Yalowitz, of Virginia, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Belarus.

Nominee: Kenneth Spencer Yalowitz.

Post: Ambassador to the Republic of Belarus.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, donee.

1. Self, none.

2. Spouse: Judith G. Yalowitz, none.

3. Children and spouses: Andrew S. Yalowitz, none.

4. Parents: Henry and Audrey Yalowitz, both deceased.

5. Grandparents: Abraham and Tillie Socol, both deceased; Mr. & Mrs. Edward Yalowitz, both deceased.

6. Brother and spouse: Edward and Nancy Yalowitz, $150, 3/1/90, $150, 9/4/90, Paul Simon, U.S. Senate: $100, 11/22/91, Douglas Wilder, for President; $125, 2/27/92, Al Hofeld, U.S. Senate; $100, 11/5/93, John J. Cullerton, U.S. Congress Primary; $200, 3/4/94, $200, 3/10/94, John J. Cullerton, U.S. Congress; $500; 5/4/94, Democratic National Committee.

7. Sister and spouse: Melvin and Geraldine Garbow, $225, 1/90, Arnold and Porter Partners; $225, 4/90, $225, 6/90, $225, 9/90, $225, 1/91, $225, 4/91, $225, 6/91, $225, 9/91, $225, 1/92, $200, 4/92, $200, 6/92, $200, 9/92, $200, 1/93, $125, 4/94, Political Action Committee.

Alfred H. Moses, of Virginia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Romania.

Nominee: Alfred H. Moses.

Post: U.S. Ambassador to Romania.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, Amount, Date, Donee.

1. Self 250, 5/90, Bill Bradley for Senate; 100, 6/90, Friends of C. Van Hollen; 250, 6/90, Comm./Re-elect Wayne Owens; 100, 9/90, Solarz for Congress; 100, 3/91, AIPAC; 500, 6/91, Brock Adams Sen. Comm.; 100, 10/91 Citizens for Wofford; 250, 11/91, DEMOPAC; 100, 7/92, Solarz for Congress; 500, 8/92, Solarz for Congress; 120, 9/92, AIPAC; 250, 10/92, Wayne Owens for Congress; 1,000, 5/93, Lieberman '94; 100, 10/93, AIPAC; 100, 12/93, Friends of Jerry Harris; 100, 5/94, Friends of C. Van Hollen.

2. Spouse: Carol W. Moses, None.

3. Children and spouses;

Barbara Moses, 100, 1991, Feinstein for Senate Comm.; 100, 1991, Barbara Boxer for US Senate; 100, 1992, Ferraro for US Senate; 100, 1992, Boxer for US Senate; 500, 1992, McCarthy for Congress; 250, 1992, Elaine Baxter for Congress; 500, 1992, McCarthy for Congress; 100, 1992, Eschoo for Congress; 250, 1992, Elaine Baxter for Congress; 100, 1993, English for Congress; 1,000, 1994, McCarthy for Congress.

Jennifer and Stuart Green, none.

David and Daphne Moses, none.

Amalie and William Reichblum, none.

4. Parents: Helene Moses, none; Leslie W. Moses, decreased.

5. Grandparents—deceased.

6. Brothers and spouses; none.

7. Sisters and spouse:

Amalie Kass, $750, 1990, John Kerry; 500, 2/92, Clinton for Pres. Comm. 500, 6/92, Clinton for President; 1000, 7/92, Democratic National Committee; 250, 8/92, DNC Victory Fund; 4,000, 9/92, DNC National Victory Campaign.

Claire and William Lovett, none.

Charles E. Redman, of Florida, a career member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal Republic of Germany.

Nominee: Charles E. Redman.

Post: Federal Republic of Germany.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, Amount, Date, Donee.

1. Self, none.

2. Spouse, none.

3. Children and Spouses: Melissa Redman, none; Vanessa Redman, none; Christina Redman, none.

4. Parents: Edgar B. Redman, none; Helen B. Redman, none.

5, Grandparents: Charles Baker, deceased; Shirley Baker, deceased; Charles Redman, deceased; Ada Redman, deceased.

6. Brothers and Spouses: Eric C. Redman, none; Mary Redman, none.

Marc Grossman, of Virginia, a career member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Turkey.

Nominee: Marc Grossman.

Post: Turkey.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, Amount, Date, Donee.

1. Self, none, except check off on taxes.

2. Spouse, none, except check off on taxes.

3. Children: Anne Demet Grossman, age 2, none.

4. Parents: Melvin and Estelle Grossman; $15, 6/90, Re-elect Packwood Committee; $10, 8/90, People for; Boschwitz; $10, 10/90, Harvey Gant Campaign; $10, 9/91 Boxer for Senate; $15, 8/92, Democratic National Committee.

5. Grandparents: Mrs. Samuel Fisher, None. Other grandparents deceased.

6. Brothers and spouses; Larry Tannenbaum, step-brother/no spouse, none; David Tannebaum, step-brother/no spouse, none.

7. Sisters and spouses: Amy Longionotti, sister, $10, 1992, Lenora Filani; Rick Longionotti, brother-in-law, $25, 1993, Billy Manning; Sharon Tannebaum, step-sister/no spouse, none.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. BIDEN, from the Committee on the Judiciary:

Stanwood R. Duval, Jr., of Louisiana, to be United States District Judge for the Eastern District of Louisiana.

Sarah S. Vance, of Louisiana, to be United States District Judge for the Eastern District of Louisiana.

William C. Bryson, of Maryland, to be United States Circuit Judge for the Federal Circuit.

Salvador E. Casellas, of Puerto Rico, to be United States District Judge for the District of Puerto Rico.

Daniel R. Dominguez, of Puerto Rico, to be United States District Judge for the District of Puerto Rico

Robert N. Chatigny, of Connecticut, to be United States District Judge for the District of Connecticut.

John Gleeson, of New York, to be United States District Judge for the Eastern District of New York.

Frederic Block, of New York, to be United States District Judge for the Eastern District of New York.

Thomasina V. Rogers, of Maryland, to be Chairman of the Administrative Conference of the United States for the term of 5 years.

Allyne R. Ross, of New York, to be United States District Judge for the Eastern District of New York.

Shira A. Scheindlin, of New York, to be United States District Judge for the Southern District of New York.

Dominic J. Squatrito, of Connecticut, to be United States District Judge for the District of Connecticut.

Lois Jane Schiffer, of the District of Columbia, to be Assistant Attorney General.

Edward Joseph Kelly, Jr., of New York, to be United States Marshal for the Northern District of New York for the term of 4 years.

Walter D. Sokolowski, of Pennsylvania, to be United States Marshal for the Middle District of Pennsylvania for the term of 4 years.

John Michael Bradford, of Texas, to be United States Attorney for the Eastern District of Texas for the term of 4 years.

Ronald Joseph Boudreaux, of Louisiana, to be United States Marshal for the Middle District of Louisiana for the term of 4 years.

Delissa A. Ridgway, of the District of Columbia, to be Chairman of the Foreign Claims Settlement Commission of the United States for a term expiring September 30, 1997.

John R. Lacey, of Connecticut, to be a Member of the Foreign Claims Settlement Commission of the United States for the term expiring September 30, 1995.

Aileen Catherine Adams, of California, to be Director of the Office for Victims of Crime.

John David Crews, Jr., of Mississippi, to be United States Marshal for the Northern District of Mississippi for the term of 4 years

Norris Batiste, Jr., of Texas to be United States Marshal for the Eastern District of Texas for the term of 4 years.

Michael Johnston Gaines, of Arkansas, to be a Commissioner of the United States Parole Commission for the remainder of the term expiring November 1, 1997.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. RIEGLE, from the Committee on Banking, Housing, and Urban Affairs:

Alan A. Diamonstein, of Virginia, to be a Member of the Board of Directors of the National Corporation for Housing Partnerships for the term expiring October 27, 1995.

Robert C. Larson, of Michigan, to be a Member of the Thrift Depositor Protection Oversight Board for a term of 3 years.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. NUNN, from the Committee on Armed Services:

Frederick F.Y. Pang, of Hawaii, to be an Assistant Secretary of Defense.

Paul G. Kaminski, of Virginia, to be Under Secretary of Defense for Acquisition and Technology.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. NUNN. Mr. President, for the Committee on Armed Services, I report favorably the attached listing of nominations.

Those identified with a single asterisk (*) are to be placed on the Executive Calendar. Those identified with a double asterisk (**) are to lie on the Secretary's desk for the information of any Senator since these names have already appeared in the CONGRESSIONAL RECORD of April 11, July 12, July 20, July 26, August 4, August 5, August 9, August 10, August 16, August 25, September 12, and September 14, 1994, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed in the RECORDS of April 11, July 12, 20, and 26, August 4, 5, 9, 10, 16, and 25, September 12 and 14, 1994 at the end of the Senate proceedings.)

*Colonel Alex R. Garcia, USANG to be brigadier general (Reference No. 1107).

*Brigadier General Jeffrey G. Cliver, USAF to be major general (Reference No. 1338).

*Lieutenant General Carmen J. Cavezza, USA to be placed on the retired list in the grade of lieutenant general (Reference No. 1538).

*In the Naval Reserve there are 5 promotions to the grade of rear admiral (list begins with James Paul Schear) (Reference No. 1407).

*Major General David A. Bramlett, USA to be lieutenant general (Reference No. 1582).

*In the Navy there are 19 promotions to the grade of rear admiral (list begins with David S. Bill) (Reference No. 1288).

*In the Army there are 29 promotions to the grade of major general (list begins with Clair F. Gill) (Reference No. 1520).

*In the Army Reserve there are 7 promotions to the grade of major general (list begins with Max Guggenheimer (Reference No. 1621).

*RADM (L) Harold W. Gehman, Jr., to be vice admiral (Reference No. 1767).

*In the Navy there is one promotion to the grade of rear admiral (Reference No. 1726).

**In the Air Force Reserve there are 98 promotions to the grade of colonel (list begins with Jack S. Arnold) (Reference No. 1265).

**In the Army there is 1 promotion to the grade of colonel (William C. Kirk) (Reference No. 529).

*Major General Ervin J. Rokke, USAF to be lieutenant general (Reference No. 1518).

*Vice Admiral Arthur K. Cebrowski, USN for reappointment to the grade of vice admiral (Reference No. 1519).

*Lieutenant General Robert M. Alexander, USAF to be placed on the retired list in the grade of lieutenant general (Reference No. 1536).

*Major General Theodore G. Stroup, Jr., USA to be lieutenant general (Reference No. 1562).

**In the Air Force Reserve there are 3 appointments to the grade of lieutenant colonel (list begins with Marilyn J. Lythgoe) (Reference No. 1563).

**In the Army there is 1 appointment to the grade of major (Charles A. Jarnot) (Reference No. 1564).

**In the Naval Reserve there are 195 promotions to the grade of captain (list begins with William E. Adkins) (Reference No. 1565).

**In the Naval Reserve there are 578 promotions to the grade of commander (list begins with Nathaniel E. Adamson, II) (Reference No. 1566).

*Major General Edgar R. Anderson, Jr., USAF to be Surgeon General, United States Air Force and to be lieutenant general (Reference No. 1575).

*Major General Lester L. Lyles, USAF to be lieutenant general (Reference No. 1578).

*General Frederick M. Franks, Jr., USA to be placed on the retired list in the grade of general (Reference No. 1579).

*Lieutenant General William W. Hartzog, USA to be general (Reference No. 1580).

**In the Air Force Reserve there are 21 promotions to the grade of lieutenant colonel (list begins with Roy L. Alsop) (Reference No. 1583).

**In the Army there are 183 promotions to the grade of lieutenant colonel (list begins with Richard C. Adams) (Reference No. 1584).

**In the Army there are 184 promotions to the grade of lieutenant colonel (list begins with Eric R. Abraham) (Reference No. 1603).

**In the Army there are 290 promotions to the grade of major (list begins with Harold L. Abner) (Reference No. 1604).

*General David M. Maddox, USA to be placed on the retired list in the grade of general (Reference No. 1614).

*Major General Richard F. Timmons, USA to be lieutenant general (Reference No. 1615).

*Lieutenant General William W. Crouch, USA to be general (Reference No. 1616).

**In the Army there are 2 promotions to the grade of lieutenant colonel (list begins with Robert G. Kowalski) (Reference No. 1624).

**In the Army Reserve there are 5 appointments to the grade of colonel and below (list begins with Alfred S. Gervin) (Reference No. 1625).

**In the Marine Corps there is 1 promotion to the grade of colonel (Truman W. Crawford) (Reference No. 1626).

**In the Air Force there are 132 appointments to the grade of second lieutenant (list begins with Ines M. Agosto) (Reference No. 1643).

**In the Army there are 425 promotions to the grade of major (list begins with Curtis G. Abate) (Reference No. 1647).

*Major General Edwin E. Tenoso, USAF, to be lieutenant general (Reference No. 1652).

**In the Army Reserve there are 38 promotions to the grade of colonel and below (list begins with Thomas J. Anderson) (Reference No. 1664).

**In the Army Reserve there are 22 promotions to the grade of colonel and below (list begins with Michael Foss) (Reference No. 1665).

*Major General Thomas M. Montgomery, USA to be lieutenant general (Reference No. 1668).

**In the Air Force and Air Force Reserve there are 20 appointments to the grade of colonel and below (list begins with Angelita R. Gabatin) (Reference No. 1695).

**In the Army Reserve there are 43 promotions to the grade of colonel and below (list begins with Michael Austin) (Reference No. 1696).

**In the Army there are 6 promotions to the grade of lieutenant colonel and below (list begins with Irene F. Logan) (Reference No. 1697).

**In the Army Reserve there are 18 promotions to the grade of colonel and below (list begins with Brian J. Donohoe) (Reference No. 1698).

**In the Army there are 4 promotions to the grade of lieutenant colonel and below (list begins with William D. Geeslin) (Reference No. 1699).

*General Merrill A. McPeak, USAF to be placed on the retired list in the grade of general (Reference No. 1703).

*In the Air Force Reserve there are 27 appointments to the grade of major general and below (list begins with Robert W. Barrow) (Reference No. 1706).

*Colonel John D. Altenburg, Jr., USA to be brigadier general (Reference No. 1707).

*Colonel Gaylord T. Gunhus, USA to be brigadier general (Reference No. 1708).

*Colonel Patrick D. Sculley, USA to be brigadier general (Reference No. 1709).

*In the Army there are 39 promotions to the grade of brigadier general (list begins with John W. Mountcastle) (Reference No. 1710).

*Admiral Stanley R. Arthur, USN to be placed on the retired list in the grade of admiral (Reference No. 1711).

*Captain Noah Halbrook Long, Jr., USNR, to be rear admiral (lower half) (Reference No. 1712).

*Major General Robert A. McIntosh, USAFR to be Chief of Air Force Reserve (Reference No. 1722).

*In the Air Force Reserve there are 10 appointments to the grade of major general and below (list begins with Thomas W. Powers) (Reference No. 1723).

*Admiral Paul D. Miller, USN to be placed on the retired list in the grade of admiral (Reference No. 1724).

*Rear Admiral Walter J. Davis, Jr., USN to be vice admiral (Reference No. 1725).

*Captain John F. Eisold, USN to be rear admiral (Reference No. 1727).

**In the Air Force there are 32 promotions to the grade of lieutenant colonel and below (list begins with James S. Dalrymple) (Reference No. 1729).

**In the Marine Corps there are 9 appointments to the grade of second lieutenant (list begins with Heidi A. Aloise) (Reference No. 1730).

**In the Navy there are 882 promotions to the grade of lieutenant commander (list begins with Christopher J. Altenhofen) (Reference No 1731).

*Lieutenant General John G. Lorber, USAF to be general (Reference No. 1741).

*Lieutenant General Howell M. Estes, III, USAF for reappointment to the grade of lieutenant general (Reference No. 1742).

*Major General Everett H. Pratt, Jr., USAF to be lieutenant general (Reference No. 1743).

*Major General Ronald W. Iverson, USAF to be lieutenant general (Reference No. 1744).

*In the Army there are 3 appointments to the grade of brigadier general (list begins with Warren A. Todd, Jr.,) (Reference No. 1745).

**In the Navy there is 1 promotion to the grade of lieutenant commander (Nushin F. Todd) (Reference No. 1758).

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation:

Gus A. Owen, of California, to be a Member of the Interstate Commerce Commission for the remainder of the term expiring December 31, 1997.

Thomas R. Carper, of Delaware, to be a Member of the Amtrak Board of Directors for a term of four years.

Anthony S. Earl, of Wisconsin, to be a Member of the Advisory Board of the Saint Lawrence Seaway Development Corporation.

Celeste Pinto McLain, of California, to be a Member of the Amtrak Board of Directors for the remainder of the term expiring March 20, 1995.

Celeste Pinto McLain, of California, to be a Member of the Amtrak Board of Directors for a term of 4 years.

Vincent J. Sorrentino, of New York, to be a Member of the Advisory Board of the Saint Lawrence Seaway Development Corporation.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. HOLLINGS. Mr. President, for the Committee on Commerce, Science, and Transportation, I also report favorably three nomination lists in the Coast Guard, which were printed in full in the Congressional Records of August 9, and September 12, 1994, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed in the Records of August 9, and September 12, 1994 at the end of the Senate proceedings.)

The following regular officers of the United States Coast Guard for promotion to the grade of rear admiral:

Gordon G. Piche.

Paul M. Blayney.

The following regular officers of the United States Coast Guard for promotion to the grade of rear admiral (lower half):

Fred L. Ames.

Richard M. Larrabee, III.

John T. Tozzi.

Thomas H. Collins.

Ernest R. Riutta.

By Mr. ROCKEFELLER, from the Committee on Veterans' Affairs:

Kenneth W. Kizer, of California, to be Under Secretary for Health of the Department of Veterans Affairs for a term of 4 years.

(The above nomination was reported with the recommendation that he be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated.

By Mr. LAUTENBERG:

S. 2450. A bill to prohibit delinquent taxpayers from receiving Federal benefits or employment, and for other purposes; to the Committee on Finance.

By Mrs. HUTCHISON (for herself and Mr. Gramm):

S. 2451. A bill to amend the Endangered Species Act of 1973 to ensure that constitutionally protected private property rights are not infringed until adequate protection is afforded by reauthorization of such Act, to protect against and compensate for economic losses from critical habitat designation, and for other purposes; to the Committee on Environment and Public Works.

By Mr. GRAHAM (for himself and Mr. Hatfield):

S. 2452. A bill to increase access to, control the costs associated with, and improve the quality of health care in States through health insurance reform, State innovation, public health and medical research, and for other purposes; read the first time.

By Mr. DASCHLE (for himself and Mr. Leahy):

S. 2453. A bill to amend the Federal Meat Inspection Act, the Poultry Products Inspection Act, and animal quarantine laws to provide for improved public health and food safety through the reduction of pathogens, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. MURRAY:

S. 2454. A bill to make technical corrections to an Act preempting State economic regulation of motor carriers; to the Committee on Environment and Public Works.

By Mr. KERRY (for himself and Mr. Stevens):

S. 2455. A bill to establish a system of licensing, reporting, and regulation for vessels of the United States fishing on the high seas; to the Committee on Commerce, Science, and Transportation.

By Mr. GORTON:

S. 2456. A bill to direct the Secretary of Agriculture to carry out activities on certain federally owned lands to address the adverse effects of 1994 wildfires in the western portion of the United States, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DANFORTH:

S. 2457. A bill for the relief of Benchmark Rail Group, Inc.; to the Committee on the Judiciary.

By Mr. CRAIG (for himself, Mr. Campbell, Mr. Lugar, Mr. Shelby, Mr. Grassley, Mr. Simpson, Mr. Brown, Mr. Roth, Mr. Kempthorne, Mrs. Kassebaum, Mr. Burns, Mr. Gorton, Mr. Lott, and Mr. Exon):

S. 2458. A bill to reform the concept of baseline budgeting, set forth strengthened procedures for the consideration of rescissions, provide a mechanism for dedicating savings from spending cuts to deficit reduction, and to ensure that only one emergency is included in any bill containing an emergency designation; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one committee reports, the other committee have thirty days to report or be discharged.

By Mr. JEFFORDS (for himself and Mr. Leahy):

S. 2459. A bill to provide a 1-year extension of the applicability of the authority to transfer funds under the programs for block grants regarding mental health and substance abuse; to the Committee on Labor and Human Resources.

By Mr. McCAIN (for himself and Mr. DeConcini):

S.J. Res. 221. A joint resolution to express the sense of the Congress in commemoration of the 75th anniversary of Grand Canyon National Park; considered and passed.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LAUTENBERG:

S. 2450. A bill to prohibit delinquent taxpayers from receiving Federal benefits or employment, and for other purposes; to the Committee on Finance.

TAX COMPLIANCE ENFORCEMENT ACT OF 1994

• Mr. LAUTENBERG. Mr. President, today I am introducing legislation, the Tax Compliance Enforcement Act of 1994, to improve compliance with Federal tax laws. The main purpose of the bill is to reduce the tax burden on the majority of honest Americans who comply with our tax laws, and who now must pay additional taxes because others are evading their responsibilities.

The Tax Compliance Enforcement Act of 1994 would improve compliance with our tax laws by making such compliance a condition of eligibility for certain Federal benefits, including grants, contracts, loans, commercial licenses, and professional licenses. Similarly, the bill would prohibit the Federal Government from hiring any person who is not in compliance with the tax laws. In addition, the bill would substantially increase criminal penalties for tax evasion and related offenses.

Mr. President, the level of noncompliance with our tax laws is a national scandal. About $100 billion of taxes owed is not collected each year. That is a huge figure—almost half of this year's budget deficit. Obviously, the existing system for enforcing our tax laws is not working as well as it should.

Current law already provides for penalties against those who fail to file a return, or who underpay their taxes. However, the probability of being prosecuted and convicted of a tax violation is relatively low. Neither the IRS nor prosecutors have the resources to identify and prosecute most offenders. As a result, many tax cheats have concluded that they can easily get away with either underpaying, or evading taxes altogether. All too often, they are right.

Mr. President, tax cheating may seem like a victimless crime to many Americans. But when people cheat on their taxes, they're not just cheating the government. They're cheating on their neighbors, their friends, and their family. They're cheating all American taxpayers. Because when one person fails to meet their responsibilities, it's left to everyone else to make up the difference. That's not fair. And the longer we let this unfairness continue, the worse the problem is likely to get.

Mr. President, we need to consider some new and innovative approaches to increasing tax compliance.

The premise of my legislation is simple: if you don't pay your Federal taxes, you will lose the opportunity for certain Federal benefits. Until you pay what is owed, you will not be hired as a new government employee. You will not win a government grant. You will not win a government contract. You will not get a government loan. Nor will you be awarded a commercial or professional license.

Mr. President, I want to make it clear that the prohibition on Federal employment would apply to new applicants only. Current Federal employees would not be affected.

Under my proposal, before any government agency provides any of these benefits, the agency would be required to ensure that the prospective beneficiary is in compliance with the tax laws. This information could be made available promptly by the Internal Revenue Service, so long as prospective beneficiaries authorize release of the information. This authorization could be provided as part of an application for a Federal benefit.

Mr. President, I developed this approach after consulting with experts in tax compliance, who believe that withholding Federal benefits could be a very useful mechanism for enhancing compliance. Many State tax officials also are enthusiastic about this approach. As these experts point out, many government contracts are very valuable, and, if forced to do so, prospective contractors will pay taxes owed in order to compete for them. Similarly, many job hunters will have a strong incentive to pay all back taxes in order to qualify for a government job.

Conditioning Federal benefits on tax compliance also makes sense as a matter of procurement and personnel policy. If a business or individual is unwilling to comply with our tax laws, there is every reason to fear that they lack the integrity necessary to be entrusted with important public responsibilities.

Mr. President, beyond establishing tax compliance as a condition of eligibility for Federal benefits, the legislation also includes provisions that would increase maximum criminal fines for tax evasion and related offenses. These fines have not increased for several years, so their real value has been reduced significantly. This bill simply would restore the real value of the penalties to account for inflation since they were last set by law. For example, the maximum fine for a corporation that attempts to evade taxes would be increased from $500,000 to $750,000. The corresponding maximum fine for tax evasion by an individual would increase from $250,000 to $325,000.

Mr. President, while the bill does not address tax-related civil penalties, I would support a corresponding increase in those penalties as well. Legislation to adjust a broad range of civil penalties, including tax penalties, already has been proposed by the administration as part of its Reinventing Government package, and currently is under consideration in the Congress.

Mr. President, I recognize that, given the lateness of the session, it may be difficult to move this legislation during the 103d Congress. However, I hope the Treasury Department and other interested parties will take a close look at the bill. The need to improve tax compliance is urgent, and I would like to see this legislation enacted as soon as possible.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2450

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Tax Compliance Enforcement Act of 1994".

SEC. 2. DEFINITIONS.

In this Act:

(1) The term "person" includes an individual, partnership, corporation, association, or public or private organization.

(2) The term "current in payment" means a person either has no outstanding Federal tax obligation owed to the United States Treasury (including any associated interest and penalties), or is in compliance with a payment schedule established by the Internal Revenue Service with respect to an outstanding Federal tax obligation.

(3) The term "current in filing" means a person is in compliance with all filing requirements under sections 6071, 6072, and 6075 of the Internal Revenue Code of 1986.

(4) The term "delinquent taxpayer" means any person who is not current in payment or current in filing with respect to any Federal tax obligation (including any associated interest and penalties).

(5) The term "Federal benefit"—

(A) means the issuance of any grant, contract, loan, professional license, or commercial license provided by an agency of the United States or as the result of appropriated funds of the United States; and

(B) does not include any retirement, welfare, social security, health, disability, veterans, public housing, or other similar benefit, or any other benefit for which payments or services are required for eligibility.

(6) The term "Federal tax obligation" means a tax obligation arising from a tax imposed under the Internal Revenue Code of 1986.

(6) The term "Commissioner" means the Commissioner of the Internal Revenue Service.

SEC. 3. PROHIBITION OF GOVERNMENT EMPLOYMENT OR FEDERAL BENEFITS PROVIDED TO DELINQUENT TAXPAYERS.

(a) IN GENERAL.—No person shall receive any Federal benefit, nor be hired as an officer or employee of the Government of the United States, if that person is a delinquent taxpayer.

(b) COVERAGE.—The prohibition in subsection (a) shall apply to any department, agency, or office of the Government of the United States, including—

(1) the Legislative Branch of the United States, and

(2) the Judicial Branch of the United States.

(c) SUBGRANTEES AND SUBCONTRACTORS INCLUDED.—The prohibition in subsection (a) shall apply to any subgrantee or subcontractor, subject to reasonable limitations to be established by the Administrator of the General Services Administration.

(d) EXCEPTIONS.—The prohibition in subsection (a) may be waived by the appropriate head of the entity described in subsection (b), if the waiver is necessary to meet a critical governmental need

(e) REGULATIONS.—The Commissioner shall promulgate such regulations as are necessary to carry out this Act.

(f) EFFECTIVE DATE.—This section shall be effective on and after the date which is one year after the date of enactment of this Act.

SEC. 4. INCREASES IN TAX-RELATED CRIMINAL FINES.

(a) ATTEMPT TO EVADE OR DEFEAT TAX.—Section 7201 of the Internal Revenue Code of

1986 (relating to attempt to evade or defeat tax) is amended by striking "$100,000 ($500,000 in the case of a corporation)" and inserting "$325,000 ($750,000 in the case of a corporation)".

(b) WILLFUL FAILURE TO FILE RETURN, SUPPLY INFORMATION, OR PAY TAX.—Section 7203 of the Internal Revenue Code of 1986 (relating to willful failure to file return, supply information, or pay tax) is amended—

(1) by striking "$25,000 ($100,000 in the case of a corporation)" in the first sentence and inserting "$125,000 ($250,000 in the case of a corporation)", and

(2) by inserting before the period at the end of the third sentence "and '$325,000 ($750,000 in the case of a corporation)' for '$125,000 ($250,000 in the case of a corporation)'".

(c) FRAUD AND FALSE STATEMENTS.—Section 7206 of the Internal Revenue Code of 1986 (relating to fraud and false statements) is amended by striking "$100,000 ($500,000 in the case of a corporation)" and inserting "$325,000 ($750,000 in the case of a corporation)".

(d) FRAUDULENT RETURNS, STATEMENTS, OR OTHER DOCUMENTS.—Section 7207 of the Internal Revenue Code of 1986 (relating to fraudulent returns statements, or other documents) is amended by striking "$10,000 ($50,000 in the case of a corporation)" both places it appears and inserting "$125,000 ($250,000 in the case of a corporation)".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to offenses committed after the date of the enactment of this Act.•

By Mrs. HUTCHISON (for herself and Mr. GRAMM):

S. 2451. A bill to amend the Endangered Species Act of 1973 to ensure that constitutionally protected private property rights are not infringed until adequate protection is afforded by reauthorization of such act, to protect against and compensate for economic losses from critical habitat designation, and for other purposes; to the Committee on Environment and Public Works.

ENDANGERED SPECIES ACT MORATORIUM

• Mrs. HUTCHISON. Mr. President, generations of farmers and ranchers in Texas and throughout the United States have tilled the soil and cleared the rangeland to support their families and feed and clothe America. From the raw earth, they have created some of the most productive farms and ranches in history. This land is their wealth—their property, which our government was formed to protect, just as it protects our homes from burglary and our money in banks from theft.

Our Founding Fathers knew the importance of private property. They fought foreign rulers to protect the fruits of their labors. The Constitution, drafted after that struggle, says that private property shall not be taken for public use, without just compensation.

This protection has been ignored by Congress and Washington rulemakers for too long. The U.S. Fish and Wildlife Service, which enforces the Endangered Species Act, is preparing to designate up to 800,000 acres from 33 Texas counties as critical habitat for the Golden-Cheeked Warbler. The Fish and Wildlife Service fought one family for over a year before they could build a home, costing the family almost $2,000, even though no warblers had ever been seen nearby.

Property owners should not have to fight the Government to build a new home on their land, or hire lawyers to convince bureaucrats that their farming is in compliance with regulations. Farmers in my State or yours should not live in fear of being treated like the farmer in California who was arrested in a Government raid for allegedly harming a kangaroo rat while he was plowing his field—a rat that is an endangered species for one reason—its feet are a millimeter longer than other, similar species. Instead of seizing land and arresting farmers, we should encourage private landowners to protect species and habitat with tax incentives, and whenever possible relocate threatened species to park lands.

Today Congressmen LAMAR SMITH, BILL ARCHER, DICK ARMEY, JOE BARTON, HENRY BONILLA, LARRY COMBEST, SAM JOHNSON, Senator GRAMM, and I are proposing legislation to stop this Government overreaching until we have the opportunity to revisit the Endangered Species Act. My bill puts a moratorium on the listing of new endangered and threatened species until reauthorization. It also puts a moratorium on the designation of critical habitat so that property owners will not lose control of their land.

Right now the Fish and Wildlife Service is proposing to list a species in the Panhandle of Texas—the Arkansas River shiner—that is used for fish bait. Water is scarce in the Panhandle; we cannot afford to give fish bait more protection than people. But once the shiner is designated, it will have more right to the water than the Panhandle farmers and ranchers and the people of Amarillo.

My bill puts a moratorium on critical habitat designation to prevent land from being pushed into second-class status. Designating critical habitat puts unjust limits on the use, market value, and transferability of property. The stigma of critical habitat should not be imposed by the Government that claims to protect property as a constitutional right. To prevent this theft from continuing, my bill requires compensation to landowners for the lost value of their land when it is designated critical habitat.

Opponents of compensation for takings of property argue that the Government cannot afford it. That is an unconstitutional argument I cannot understand. If we want to protect the critical habitat of endangered species, we have to pay for it. James Madison, in "The Federalist Papers," made it clear that the purpose of Government is to protect property. He said that "Government is instituted no less for protection of property than of the persons of individuals." If opponents of compensation are truly opposed to this principle, they can propose an amendment to the Constitution. But until it is passed, anything short of full compensation is to ignore the Constitution, which we are sworn to uphold.

The act currently requires all Federal agencies to consult with the Fish and Wildlife Service before taking actions, providing permits, or providing funding to insure that such actions do not jeopardize a species' existence. The Fish and Wildlife Service could use this authority to deny FHA or VA mortgages, farm erosion studies, or SBA loans. They have not done this yet; so far its only been used on large Government projects. But until this year they had not proposed to designate an area larger than some States as critical habitat. To prevent the Fish and Wildlife Service from expanding their powers even further, my bill limits the consultation requirement to Government actions and funding in excess of a half million dollars.

Mr. President, we need to make the real effect of the Endangered Species Act clear—not to farmers and ranchers in Texas, many of whom know too well what it means to them—but to rulemakers in Washington, most of whom have not set foot on a farm since their third-grade class field trip. It is no longer about protecting our treasured natural resources from harm; it is about Government and environmental programs taking control of our land. That is not only wrong; its unconstitutional We must put a stop to it until we have the opportunity to give the Fish and Wildlife Service a new direction.•

By Mr. GRAHAM (for himself and Mr. HATFIELD):

S. 2452. A bill to increase access to, control the costs associated with, and improve the quality of health care in States through health insurance reform, State innovation, public health, and medical research, and for other purposes; read the first time.

HEALTH INNOVATION PARTNERSHIP ACT OF 1994

Mr. GRAHAM. Mr. President, it is our purpose today to introduce the Health Innovation Partnership Act of 1994, and to offer these words of explanation in doing so.

Over the past year, there has been strong and persistent public sentiment in support of the goals of health care reform. Specifically, support has been strong for expanding health care coverage and access, cost containment, and improving the quality of health care. Unfortunately, Congress has been working tirelessly on national health care reform with the basic flawed premise that a consensus could be established on the means as well as the goals of health reform.

As a result, Congress has become fixed on thinking about health care reform from a single, centralized, one-size-fits-all, national model. This approach has taken a number of forms: managed competition, single payer, employer or individual mandate, pay or play, the expansion of Medicare or market reform. As I stated on the Senate floor back in July and August, this path to reform has been trampled by detail and controversy over the means to achieve the goals. The effect has almost buried the broad agreement on the necessity of achieving expanded health insurance coverage, cost containment, and healthier outcomes.

In fact, the most recent health reform effort seems to have abandoned the goals of health reform in an attempt to find the unattainable middle-ground reform mechanism. According to a statement by Senator DANIEL PATRICK MOYNIHAN in the September 14th CONGRESSIONAL RECORD, "The Mainstream Coalition proposal would be a step backward for New York and other progressive States that have already taken actions to expand coverage and contain costs."

In a nation as diverse as ours, one solution or means cannot be formulated for the wide range of health programs and needs in our country. Moreover, virtually all of these national health care reform proposal have as their centerpiece a variety of untested reform theories in American society.

As Yale professors Ted Marmor and Jerry Marshaw said in an editorial printed in the New York Times on June 12, 1994:

> If Congress adopts an unproven and untested . . . plan and it turns out to be the health care equivalent of a train wreck, it would be sensible to not have the country on the same train at the same time.

There is, Mr. President, a second path—a path which to date has almost been ignored but is the cornerstone of the legislation I am introducing with Senator HATFIELD today. That legislation, the Health Innovation Partnership Act, recognizes the primary and substantial experience of States in the organization, financing, and delivery of health services.

The case for a decentralized health care system is compelling. Our Nation has a wide and diverse range of health care problems that will require sensitivity to local culture, geographic and institutional variation in the creation of solutions. Our legislation, based on the principles of federalism, recognizes that what may work for one State may not work for another.

For example, Florida, Pennsylvania, Iowa, Rhode Island, and West Virginia have 50 percent more elderly per capita than do Alaska, Utah, Colorado, and Georgia. Addressing the long-term care needs and specific health care problems associated with aging would clearly be a greater point of emphasis in the former States than in the latter.

As former Governors and as Senators from States that have enacted substantial health reform plans, Senator HATFIELD and I believe the States have demonstrated creativity and ability to implement creative health care initiatives often in the face of stiff resistance from the Federal Government.

Our legislation would attempt to encourage and unleash State innovation through the provision of $50 billion in grant funding to States over a 5-year period to devise innovative health reform projects that would move toward the goals on increased health insurance coverage and access, cost containment, and improved health care quality.

As a result, our bill would attempt to change the Federal Government's role of being an impediment to State innovation to being a facilitator. At best, the Federal Government should provide technical assistance and enable States to be successful in achieving the goals of health reform. At the least, the Federal Government should remove some of the roadblocks to State reform and get out of the way.

The worst possible scenario is a situation where the Federal Government fails to enact any health care reform but maintains the roadblocks against States moving forward. In fact, if waivers are not granted to remove some of these barriers to reform in individual States, the entire or a large portion of these States' health reform programs would be placed in jeopardy. Doing nothing, as some are suggesting, would undoubtedly have negative health consequences.

Our legislation would authorize or reauthorize these waivers and remove other similar Federal obstacles for reforms in States such as Hawaii, New York, Maryland, Oregon, and Florida. For example, Florida needs Federal statutory changes that would enable the State to implement Governor Chiles's proposed Florida Health Security Act. The Florida initiative would allow 1.1 million previously uninsured lower-income Floridians to purchase quality, private coverage at discounted rates. For the people in these States and many other States contemplating reform, doing nothing is unacceptable.

In addition, the Graham-Hatfield bill would, at the end of the 5-year State innovation project period, require a report to Congress on the progress made by States with respect to expanding health insurance coverage and cost containment. This report would also include recommendations to Congress concerning any further action that should be taken regarding health care reform at either the Federal or State levels of government. Again, our emphasis is to focus on the goals of reform rather than the means.

As University of Pennsylvania scholar Dr. William Kissick said in his recent book "Medicine's Dilemmas," "The states are suitable ground for attempting innovations * * * and for struggling with their implementation, learning from their experience, and transmitting the lessons for the whole society." He adds, "The states represent manageable scale for health care reform, and each is at less risk for a major overreaction."

This Jeffersonian model or Federalist approach has long been recognized as an important mechanism to create what some refer to as a wellspring of innovation. James Madison recognized this in "Federalist 56" by anticipating how State laws might become models for Federal legislation.

Supreme Court Justice Louis Brandeis echoed this important founding principle in 1932 when he said, "It is one of the happy incidents of the federal system that a single courageous state may, if its citizens choose, serve as a laboratory; and try novel social and economic experiments without risk to the rest of the country."

As for the remaining sections of our bill, they also continue to focus on the goals of national health reform. These sections—insurance reform, public health improvement, and medical research—would collectively expand access to health care, control costs, and improve the quality of health care.

To briefly highlight the section on public health, this title would seek to promote prevention, public health, cost effective treatment and improved overall health through four distinct approaches: First, strengthening the partnership with and capacity of local and State public health departments to carry out core public health functions; second, expanding access to preventive and primary care services for vulnerable and medically underserved communities; third, supporting applied research on prevention and effective public health interventions; and fourth, addressing public health work force needs and access problems.

Dr. C. Everett Koop and other members of the Health Project Consortium published an article in the New England Journal of Medicine last year noting that 70 percent of all illness is preventable and that there are about one million deaths annually that are preventable. That amounts to in excess of $600 billion annually in costs. However, our Nation now invests less than 1 percent of our total health care costs on public health. This comes at a time when our Nation is witnessing a resurgence of tuberculosis and other infectious diseases. The waste of both lives and money is incomprehensible and should be addressed this year.

Rather than investing wisely in prevention, our health care system is focused on sickness and acute medical care. The result has been a systematic shift of public and private spending toward acute and institutional medical care and away from the critical role of keeping communities safe and healthy.

In fact, the debate in Washington has not been about or focused on the provision of health care. At no point in the debate have we discussed how to reduce infant mortality, how to address the AIDS epidemic, what to do about the resurgence of tuberculosis or what steps to take with respect to Alzheimer's. The debate has been about mechanisms, bureaucratic schemes, financing, providers, the health insurance industry, and the polls.

I urge the Congress to think about this during the waning days of this legislative session and to allow the consideration of the incremental, yet potentially innovative, approach to health reform offered by Senator HATFIELD and me.

Before surrendering the floor to my friend and colleague, Senator HATFIELD, I would like to thank him and his staff for the pleasant and productive collaboration we have had in putting this legislative proposal together. I would also like to acknowledge Congressman PETER DEFAZIO of Oregon for agreeing to be the lead House sponsor for the bill.

I would also like to thank Congressman JIM MORAN for all the hard work he has put into the public health sections of this bill. My prayers the prayers of our colleagues, and best wishes go out to him and his family as they struggle with a serious illness to his daughter.

In addition, I would like to express my appreciation to Yale professors Ted Marmor and Jerry Mashaw for their insight and guidance, the National Governors' Association, the National Conference of State Legislators, the National Association of Insurance Commissioners, the public health organizations and supporters of medical research that have all put in long hours helping get this bill together for introduction.

Finally, I acknowledge the outstanding leadership, commitment, and effort that the majority leader brought to the health care debate. He has committed a substantial amount of his distinguished senatorial service toward achieving health care reform for a health care system that would better serve all Americans. It is my hope that our mutual goal of universal coverage, cost control, and of a healthier America will soon be attained.

Mr. President, I ask unanimous consent to have printed in the RECORD the bill summary and other related materials.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

GRAHAM/HATFIELD HEALTH INNOVATION PARTNERSHIP ACT

Purpose: To proceed with health care reform that increases access, controls costs and improves the quality of health care in states through state innovation, public health, medical research and insurance reform.

States are making significant progress to reform their health care delivery systems. In light of the inability of Congress to enact comprehensive reform, this bill would provide the states with the flexibility to continue their reform efforts. It would also provide limited federal funding to assist states in this effort.

The bill includes the following provisions:

TITLE I—HEALTH INSURANCE REFORM

Establishment of National Minimum Standards—Congress would direct the National Association of Insurance Commissioners (NAIC) to develop national minimum standards with respect to renewability, portability, guaranteed issue, community rating, solvency and stop-loss. The Secretary of Health and Human Services (HHS) would review the standards developed by NAIC. Upon approval, these national minimum standards would be established for the states, but they would be given authority to enact and implement more progressive reforms than those specified. This is modeled after the Baucus Amendment to OBRA-90 relating to the development of Medicare Supplemental Insurance Standards or Medigap.

Medicare Select—The 1990 Medigap legislation created 10 standard Medicare supplemental benefit packages that could be offered nationwide. Managed care networks could offer these benefits to Medicare beneficiaries in 15 states. This program, Medicare Select, provides supplemental coverage to hundreds of thousands of Medicare beneficiaries, but the program would expire on December 31, 1994. This provision would reauthorize the program.

TITLE II—STATE INNOVATION

State Innovative Health Reform Projects—States interested in enacting health reform proposals that achieve the goals of increased health coverage and access, control costs and maintain or improve the quality of health care could submit their projects to the Secretary for Medicaid, Maternal Child Health Block Grant and Public Health Services Act waivers and approval. An approved State innovative project that can demonstrate the ability to meet the goals of health reform would receive grant monies from the Federal Government to encourage and help States fund the projects. $50 billion will be made available to states over a five-year period.

Limited State Health Care Waivers—States would also be allowed to pursue more limited State health care waivers that are likely to increase administrative efficiencies or provide guidance for the development of improved health delivery systems. The waiver application for both the comprehensive and limited waiver projects would be placed on an expedited approval process.

Evaluation, Monitoring and Compliance—The Secretary and an established State Health Reform Advisory Board would be responsible for monitoring the waiver projects. Waiver projects could be terminated by the Secretary for good cause and States would not be allowed to supplant State funding with grants received under this program.

Lessons from the States/Report to Congress—At the end of the five-year period, the Board would report to Congress on the progress made by States with respect to expanding health insurance coverage and cost containment. The Board would also make recommendations to Congress concerning any further action Congress should take concerning health care reform from the information and experiences drawn from the States.

Existing State Laws—Specific waivers would be granted to remove Federal obstacles to States for existing State laws, such as in Hawaii, Maryland, New York, Oregon, Florida and Washington. Without these waivers, the entire or a large portion of these States' health reform programs would be placed in jeopardy.

TITLE III—PUBLIC HEALTH, RURAL AND UNDERSERVED ACCESS IMPROVEMENT

Core Functions of Public Health—Core functions are those activities and programs that emphasize population-based health measures such as the investigation and control of threats to the health of communities such as communicable diseases (tuberculosis, HIV, measles, influenza), environmental hazards (air pollution, radon, radiation, waste and sewage disposal), toxic pollutants (lead-based paint, contaminated drinking water) and emerging patterns of acute and chronic disease and injury (food borne poisoning, cancer, heart disease).

Other Programs—Funding is also made available for comprehensive evaluation of disease prevention and health promotion programs, Schools of Public Health, Area Health Education Centers, Health Education Training Centers, Regional Poison Control Centers, school-related health services, Community and Migrant Health Centers, the National Health Service Corps, satellite primary care clinics and community health advisors.

Funding—This title is allocated $9 billion over a 5-year period.,

TITLE IV—MEDICAL RESEARCH

National Institute of Health (NIH) Funding—$6 billion are allocated over a 5-year period under this title to expand our national commitment to health research. Monies are allocated to the NIH Institutes and Centers on the same basis as annual appropriations. Five percent of the monies will be directed to extramural construction and renovation of research facilities, the National Library of Medicine and the Office of the Director.

TITLE V—FINANCING PROVISIONS

Tobacco Tax—The bill will be financed through a $1 tax on tobacco products. This tax is expected to raise $65 billion over five years.

[From the Wall Street Journal, Sept. 16, 1994]

SOME STATE HEALTH PLANS MAY BE STALLED IF CONGRESS FAILS TO PASS A BILL THIS FALL

(By George Anders)

Some ambitious health-reform plans in Oregon, Minnesota and Washington state may be stalled if Congress fails to pass federal health legislation this fall.

Oregon and Washington state legislatures already have passed laws that will require employers to pay much of the cost of health insurance for their workers. Minnesota, meanwhile, has begun taxing hospitals and other health-care providers to help finance coverage for the uninsured.

Opponents contend, however, that such measures exceed what states are allowed to do under existing federal laws.

Specifically, states aren't allowed to regulate health-insurance benefits provided by self-insured companies under the federal Employee Retirement Income Security Act, known as Erisa. Most big corporations choose to provide health coverage through such self-insured plans.

Until recently, state officials were confident that Congress this year would pass some sort of major federal health legislation to remove those obstacles. Now, though, that optimism has waned. "I'm not willing to give up totally, but it's looking less and less likely," says Mary Jo O'Brien, Minnesota's commissioner of health.

If the Erisa issue isn't resolved, says Carl Volpe, director of health policy legislation for the National Governors' Association in Washington, D.C., "it slows down the ability of states to move ahead with any comprehensive health-care reform."

Analysts say Washington state's initiatives are likely to be affected most. A new state law would require all employers of more than 500 workers to cover much of the costs of health insurance for their workers, starting July 1. But if the state can't make that provision apply to sell-insured companies, it's likely to have little impact—especially if employers who currently use outside insurers are free to switch to self-insurance to avoid the state mandate.

"Without an Erisa exemption, we can't fully implement our act," said Washington state's health services commissioner, Bernadette Dochnal, in an interview earlier this summer.

LESS URGENT IN OREGON

In Oregon, an employer mandate wouldn't start taking effect until 1997, making the Erisa issue less urgent. Even so, "We realize that Erisa is the thing that's going to stop us from moving forward," says Roger Auerbach, senior policy adviser to Oregon Gov. Barbara Roberts.

Minnesota's health initiatives don't require employers to pay for workers' health insurance. But Minnesota's provider tax has been challenged in court by opponents, who contend the tax runs afoul of Erisa provisions. The state has won in court, but the case is being appealed.

If Congress doesn't give states more latitude to enact health plans without worrying about Erisa conflicts, "it would make everything substantially more difficult," Minnesota's Ms. O'Brien says. She adds: "I hope we don't get into a big battle between self-insured companies and the states, because we all want to get to the same place."

Mr. Auerbach says Oregon plans to host a conference next week in which health-reform strategists from 20 states will discuss ways to deal with potential Erisa roadblocks.

Some reform-minded states have begun negotiations with business interests, seeing if they can agree on limited federal legislation that gives states more room to enact health plans without running afoul of Erisa. Some state strategists are hoping that such a measure could be grafted onto nonhealth legislation, or even passed on its own, if Congress doesn't approve a broad health bill.

Some big-business interests aren't especially eager to help out. Larry Atkins, coordinator of the Corporate Health Care Coalition, which represents 20 large companies, said: "Our first position is: We'd prefer that states do nothing." He says large companies believe health initiatives ought be federally coordinated.

As a fall-back position, Mr. Atkins said, his group would like a mechanism in which self-insured companies that operate in many states needn't contend separately with each state's health plan. There might be a way, he says, in which multistate employers could win a single federal certification as meeting national standards and be free from additional state oversight.

In a pro-state gesture this week, Sen. Daniel Patrick Moynihan (D., N.Y.), in remarks inserted into the Congressional Record, said: "The failure to enact national reform shouldn't be allowed to prevent states from moving ahead with their own reforms. In fact, in the absence of universal coverage you must allow state flexibility, fostered by Erisa waivers."

Many health-policy analysts question, though, whether a majority of Congress is likely to act on that sentiment before legislators adjourn next month.

[From the New York Times, Sept. 16, 1994]

STATES AGAIN TRY HEALTH CHANGES AS CONGRESS FAILS

(By Robert Pear)

WASHINGTON, Sept. 15.—Efforts by the states to provide health care and health insurance for their residents have taken on new importance now that the most ambitious Federal plans to remake the nation's health care system have fizzled.

The states have been a source of innovation in health policy for nearly a decade. While their interest in the issue never waned, some held back this year, waiting for Congress to define a standard package of health benefits that would be guaranteed to all Americans under Federal law.

"The failure of Federal health care reform will place new pressures on states because the problems are not going away," Ronald M. Hollander, executive vice president of the Massachusetts Hospital Association, said last week. "We still have the problems of the uninsured and rising health costs."

Indeed, many state officials suspected all along that they could not count on Washington to solve their problems, and moved ahead on their own with innovations that are just now paying dividends.

California, Florida and Texas, for instance, have enrolled thousands of people in health insurance alliances that pool the purchasing power of small businesses, enabling them to get coverage at prices far lower than what they would otherwise pay. President Clinton and Congress are still bickering over the details and merits of such alliances, but more than 20 states have begun experimenting with them.

In addition, almost every state has passed a law tightening the regulation of health insurance, requiring insurers to sell coverage to small businesses and limiting the variation in rates.

The Clinton Administration said today that it would allow Florida to conduct a Medicaid experiment aimed at providing coverage for 1.1 million Floridians with no health insurance. Gov. Lawton Chiles said he expected to save $3.2 billion in Federal Medicaid money over five years by enrolling all Medicaid recipients in some form of managed care. The money would be used to subsidize private coverage for people who are now uninsured and ineligible for Medicaid.

Hawaii, Oregon, Rhode Island, Tennessee and a handful of other states have expanded their Medicaid programs—with Federal permission—to provide subsidized health insurance to people who would ordinarily be ineligible for Medicaid. Typically, these states require patients to enroll in some form of managed care, which limits their freedom to choose doctors and hospitals.

The Tennessee program, which went into effect last Jan. 1, covers 803,800 people who were formerly on Medicaid and 335,300 who had no health insurance. Gov. Ned McWherter, a Democrat, said that 94 percent of the state's residents were now insured. He predicted, "Tennessee will cover at least 95 percent of its citizens with health insurance by the end of 1994, seven years faster than the most aggressive goal set for the nation under legislation being debated in Congress."

In Oregon, 91,000 poor people have been added to the Medicaid program since February. That is 65 percent more than the state had expected.

"We had assumed that most of the people coming in would be singles and childless couples," said Jean I. Thorne, the Medicaid director in Oregon. "But two-thirds of the people have a child in the family, and a majority of the families are two-parent families."

At the same time, states are learning the limits of what they can do. The biggest limit, by far, is a 1974 Federal law that prevents states from regulating, taxing or interfering with the health plans set up by companies that serve as their own insurers, using their own assets to pay claims.

Big multistate companies pioneered the use of such self-insurance arrangements, but many companies with fewer than 100 employees have followed suit. As a result, states are unable to supervise or regulate the health benefits of huge numbers of people who live and work within their borders.

Companies like to serve as their own insurers because they can avoid state insurance regulations and premium taxes, can tailor benefits to meet their employees' needs and can get discounts through direct negotiations with doctors, hospital and others who provide health care.

Under the 1974 law, the Employee Retirement Income Security Act, known as Erisa, states cannot require self-insured companies to provide any specific health benefits, to contribute any particular amount of money or even to report basic data on their spending for employee health benefits.

Last year, for example, Washington State passed a law requiring companies to offer health insurance and pay at least half of the premiums for full-time workers and their families. In Oregon, an employer mandate is supposed to take effect in 1997 and 1998. Neither requirement can be enforced unless Congress grants exemptions from Erisa.

Gov. Mike Lowry of Washington, a Democrat, said, "If Congress would just remove the obstacles caused by Erisa, we could reform the health care system."

In November, Californians will vote on a ballot measure to establish a publicly financed program of health insurance for legal residents of the state. The American Association of Retired Persons, labor unions and consumer groups support the proposal for a "single payer" health care system like the one in Canada. Insurance companies, some hospitals, many businesses and some taxpayer groups oppose it.

The state might need an exemption from Erisa to operate the program. Supporters of the proposal said they would have a strong case in seeking such an exemption from Congress if California voters approved the ballot measure.

John C. Rother, chief lobbyist for the A.A.R.P., said: "We still need health care reform. If we can't get it at the Federal level, we want it at the state level."

Even as some states plowed ahead with health care legislation, others were waiting for the Federal Government to act.

Carol H. Malone, who monitors state activity for the accounting firm Coopers & Lybrand, said: "The pace of health care reform at the state level slowed in the first six months of 1994. The possibility of Federal health care reform put the brakes on reform at the state level.

"Rather than adopting comprehensive legislation as they did in 1992 and 1993, states for the most part opted to restructure their health care delivery and financing systems in incremental stages, through regulation of the health insurance industry, particularly the small-group market, and through introduction of purchasing cooperatives."

A survey by the Blue Cross and Blue Shield Association concluded, "'Caution' is the byword in 1994, as states have overwhelmingly chosen incremental over broad-based reforms."

Last year Florida created 11 regional purchasing alliances for small businesses and self-employed people. Each alliance offers 100 to 150 health plans. But when Governor Chiles, a Democrat, tried to go further this year by proposing to provide subsidized coverage for uninsured people with incomes up to two and a half times the Federal poverty level, the proposal died in the Florida Legislature amid partisan conflict. Last year the Federal poverty level for a family of four was $14,764, and for an individual, $7,357.

Republicans denounced the proposal as welfare. Mr. Chiles, who is running for reelection, said Republicans had blocked the plan for political reasons. He will try again to win approval from the Legislature now that he has permission from the Federal Government.

In Vermont, efforts to guarantee health insurance for its residents collapsed earlier this year.

"We tried to do too much too quickly," said Sean P. Campbell, a Democrat who is majority leader of the State House of Representatives. "It was too big. We couldn't swallow it. We ended up spitting it out."

Massachusetts, like Vermont, was ahead of most states in trying to revamp its health care. In 1988, under Gov. Michael S. Dukakis, it passed a law requiring employers to insure their workers or pay a tax to finance a state insurance program.

The requirement became unpalatable when the state's economy foundered. It has repeatedly been delayed and is now scheduled to take effect in January, but will probably be changed or delayed again. Gov. William F. Weld, a Republican, opposes the requirement. He has proposed tax credits and subsidies to induce employers to provide health insurance.

In some states, officials can barely keep up with changes in the private health care market, where insurance companies, hospitals, clinics and drug companies are merging and devising all sorts of novel arrangements to control costs and promote the use of managed care.

[From the New York Times, Sept. 16, 1994]

THE STATES' APPROACH TO HEALTH CARE

Unwilling to wait for Federal action, many states are taking steps to expand health insurance coverage.

CALIFORNIA

In 1993, the state established a program to help businesses with fewer than 50 employees obtain health coverage for their employees through a voluntary purchasing pool. Employers who join the pool must agree to pay at least half the cost of the premium, and 70 percent of their employees must purchase coverage through the plan. A proposition is on the November ballot that would create a state-run health insurance system to provide care for all state residents.

FLORIDA

A 1993 law set up 11 health insurance purchasing alliances open to employers with fewer than 50 employees. This year an effort was made to expand coverage to one million uninsured people with incomes less than 2.5 times the Federal poverty level, but the proposal failed amid partisan wrangling in the State Legislature.

HAWAII

In 1974 the state enacted legislation requiring employers to offer full-time employees health insurance and pay at least 50 percent of an employee's premiums. In 1991 the State Health Insurance Program was established to cover part-time employees. Last year, the state set up a new program, Health Quest, to provide coverage for Medicaid recipients and other low-income people through a purchasing pool.

MINNESOTA

The state has set a goal of achieving universal coverage by July 1, 1997. In 1992, the state passed legislation to subsidize premiums for the uninsured and to let employers buy coverage from a state pool. A 1993 law encouraged competition by prodding doctors and hospitals to join together in networks offering standard benefit packages. The deadline for licensing the networks has been postponed until 1997, and the state has not figured out how to pay for all the changes.

NEW YORK

As part of a 1992 law, the state limits variations in health insurance premiums for individuals and small businesses. People with the same coverage who live in the same area are supposed to pay the same amounts without regard to age, sex, health status or occupation. Experts disagree on how well the law is working.

OREGON

In February, the state began a five-year experiment to expand eligibility for Medicaid to 120,000 low-income uninsured people. The state will pay only for services included on a list of 565 approved medical treatments and procedures. The state has also passed a law to require employers to provide basic health coverage to their workers or pay into a state insurance pool, but the employer mandate cannot be enforced unless Congress grants an exemption from Federal law.

TENNESSEE

The state's experimental health plan, known as TennCare, went into effect on Jan. 1. It covers former Medicaid recipients, people without insurance and those whose chronic illnesses make insurance unaffordable. Any Tennessean with income below the Federal poverty level may join at no cost. Other low-income people are expected to pay modest premiums and deductibles.

VERMONT

The state has been a leader in efforts to regulate health insurance and health spending. But the State Legislature deadlocked over proposals to guarantee coverage for all Vermonters this year, in part because the legislators could not agree on how to pay for new benefits.

WASHINGTON

Under a 1993 law, employers would be required to offer health insurance and to pay at least half of the premiums for full-time workers and their families. But the state needs permission from Congress to enforce such an employer mandate.

[From the Oregonian, Aug. 28, 1994]

FREE STATES TO ENACT HEALTH REFORM

IF CONGRESS FAILS TO ENACT HEALTH REFORM, IT SHOULD AT LEAST SMOOTH THE WAY FOR STATE EXPERIMENTS

If Congress does nothing else to fix America's ailing health care system this session—and it should do more—it should at least clear the path so that states can experiment with health care reform.

That requires removing the barrier that the 1974 Employee Retirement Income Security Act, or ERISA, poses to any substantial state health reform.

ERISA was intended primarily to impose federal oversight on large private pension funds. But it also makes it impossible for a state to require that companies help pay for their employees' insurance or that all companies offer insurance that meets at least a minimum level of benefits. Both elements are important features in the health plans of many states, including Oregon and Washington.

Each state that wants to enact significant health reform would need a special dispensation from Congress in order to pre-empt ERISA's requirements. Imagine this summer's contentious health care debate repeated five, six or seven times as states seek to try their own reforms. It's an ugly picture.

In fact, although health reform has been percolating in the states for years, only Hawaii, which has an employer mandate has an ERISA waiver, partly because its health plan was being instituted at the same time Congress was originally passing ERISA.

ERISA also has made it difficult to oversee the growing ranks of businesses that self-insure. By assuming risk themselves instead of paying private companies to insure risk, some companies are able to insure their employees more cheaply and respond better to employees' benefits needs.

But businesses also found themselves with a powerful incentive to hire young and healthy people. And some companies have used the ERISA shield to avoid paying health costs of very sick employees or to discriminate against certain kinds of illnesses.

Ideally, Congress would pass a bill this session bringing health coverage to all Americans. If Congress cannot achieve that goal, then it should at least remove the barriers that prevent Oregon and other states from fulfilling that promise for their residents.

[From the Los Angeles Times, July 7, 1994]

GIVE THE STATES A CRACK AT DEVISING REFORM

(By Theodore R. Marmor and Jerry L. Mashaw)

We have reached a point in the congressional struggle over health-care reform where there is enough opposition to defeat the Clinton Administration's plan but nothing like a firm majority for an alternative. With proposals emerging from the House Ways and Means Committee, Senate Finance Committee and three other committees, the press reports are confusing, the policy issues are unintelligible to most Americans and the chances of deadlock are considerable.

Can a workable version of national reform be enacted when no majority exists for any single plan? The answer is yes, but you'd never know it from the compromise proposals now making the rounds. The real challenge for reformers is to find a strategy that reflects whatever agreement there is on the goals of health reform and accommodate the disagreements on means. Instead, in the search for a plan that can pass, the compromisers focus on what seems doable politically rather than what is substantively desirable.

Three of these political compromises—which look appealing on the surface but are badly thought through—currently crowd the agenda:

Amending the definition of "universal coverage." Debates on this issue mask a substantive disagreement about how great a role public compulsion, of either individuals or businesses, should play in ensuring coverage. A group in the Senate Finance Committee including John Chafee (R-R.I.) and John Breaux (D-La.) suggests giving up President Clinton's nearly 100% goal and substituting a 95% coverage "target" by 2002. This approach is misguided because it fails to confront either the large scale insecurity or the cost escalation problems that have driven reform. Who will the 5% left uncovered turn out to be? You? Me? The chronically ill? The usually well? Only if we know the answers to these questions would we know whether reform was likely to achieve its major goals. The methods proposed to increase coverage if it falls below the target percentage may also be misaimed—either ineffective (another study of the problem) or pointed in the wrong direction (employer mandates, which would fizzle if the uninsured were not workers).

A continuing aversion to straight talk about paying for reform. This was evident in President Clinton's original proposal that employers pay for the health insurance of their employees, reinforcing the delusion that because employers write checks for health insurance, they bear the costs. Then and now, it is we citizens who bear the costs, whether it's through direct taxes, increased prices or forgone wages and employment. The only relevant questions—then or now—concern the fairness and sustainability of the distribution of the costs. We will keep paying a steep price in confusion and discord until this crucial matter is understood. Those who want to avoid all mandates—individual or employer—have given us a scheme that is truly illusory: Tax 40% of the most expensive health-insurance plans to provide subsidies for low- and moderate-income Americans. But people in expensive plans may be there because they are ill, not because they are rich. And the game-playing that will go on by people trying to stay below the 60th percentile ought to reemploy any insurance company personnel laid off by other reforms.

Forgetting about the cost-control problems that prompted the reform movement in the first place. The continuing escalation of health costs, which still threatens the affordability of health insurance, has dropped out of the vocabulary of compromise. Words like moderate or centrist typically appear in descriptions of senators like Breaux, Chafee, David Durenberger (R-Minn.), Kent Conrad (D-N.D.) David Boren (D-Okla.) and others, but they don't fit the reforms sponsored by them, because they contain no serious approaches to cost control. Just as it does not make sense to cross a chasm in two steps rather than a leap, it is impossible to have workable health reform without slowing the rate of expenditure increases.

Is there a compromise that builds on agreed goals but permits enough variation of means to assemble a majority for reform? One possibility is state-led reform (in this, California is a leader, with its modified single-payer health-reform initiative on the November ballot). Congress could pass legislation that provided federal assistance to states that enacted universal coverage, insurance law reform and reasonable controls on costs. This would leave states free to choose which administrative and health-delivery changes they wanted to implement. By mandating basic reform principles without imposing their administration, state-led reform builds on the reformers' consensus about goals while allowing for wide differences in the means of achieving them.

States already have a significant track record in health reform, including Hawaii's near-universal coverage and employer mandates. Given the diversity of states, their varied experience with health care and intense local preferences, why enact a single brand of national health reform, especially if it's the poorly considered compromise that we seem to be headed toward?

By moving compromise in the direction of preserving goals rather than defining means, we can allow states the further thought and experimentation that are needed for effective implementation.

[From the New York Times, June 12, 1994]

50 LABS FOR REFORM

(By Jerry L. Mashaw and Theodore R. Marmor)

NEW HAVEN.—The debate over health care reform has reached a critical juncture. There is significant opposition in Congress to the Clinton plan without anything like consensus on an alternative.

How can a workable version of national reform be enacted when there's no majority for any single plan? The challenge for reformers is to find a strategy that reflects the political agreement on the goals of health reform as well as the disagreements on solutions.

The reformers are split into factions favoring managed competition, a single-payer system, expansion of Medicare and various hybrids of these approaches. But these divisions should not obscure the broad agreement among reformers on fundamental principles: universal coverage, reliable cost containment and radical reform of health insurance practices.

If a legislative proposal can be developed that brings together all those serious-about health reform—no matter what option they favor—a majority can be created to overcome the resistance of reform's opponents. The trick, then, is to pursue legislation that builds on the reformers' common goals while recognizing their differences on how to achieve them administratively. One solution is the federalist option.

After all, the states have already achieved more on reform than Congress has. There is no reason to stop their progress, and every reason to encourage it. The federalist approach would set national standards for health insurance—that it be universal and portable (not based on residence or employment), cover all medical necessities and have effective cost-containment methods plus clear accountability for the quality of the overall system.

Having done that, the Government could promise to continue its current financial contributions to health care so long as the states met its conditions for acceptable plans. That would free states to experiment with any of the options the Administration has outlined—or any others, either existing or under development around the country.

In short, Mr. Clinton and Congress could acknowledge that medical organization and practices vary substantially in different geographical areas, as do demographics and political beliefs. They could develop a plan that motivated state experimentation, rather than mandating a single system for the entire country.

Mr. Clinton could insist that national legislation—Medicare, Medicaid, the Employee Retirement Income Security Act and the Internal Revenue Code—not get in the way of state innovation, but nonetheless impose sanctions on states that did not conform to broad national standards.

This approach recognizes that the nation does not yet know what works or will work everywhere. It would help the nation learn from successes and failures while avoiding the possible total failure of a plan imposed from Washington.

If Congress adopts an unproven and untested version of the Clinton plan and it turns out to be the health care equivalent of a train wreck, it would be sensible not to have the whole country on the same train at the same time.

Mr. HATFIELD. Mr. President, I would like to thank the Senator from Florida [Mr. GRAHAM] for his extraordinary effort that has helped bring about this moment when we can introduce what I think is a passable Health Care Reform Act.

The Senator from Florida has already outlined the simple five-point program—five points. It compares, of course, to the 1,400 page document that we have been wrestling with as representing the administration's proposal for health care reform. All of us, in our deep hearts, realize that it is almost impossible to comprehend, to define and to analyze every point of that comprehensive program.

I want to begin by commending the President, Mr. Clinton, and to Mrs. Clinton who, in this particular time of our history, have given the country a great deal to think about. They have elevated this issue to the highest level of public discussion and debate, which is fundamental for any important piece of legislation; that is, to have public understanding and public support.

I hear from my constituents a single theme, and that is: "We don't understand it." It is comprehensive. It is complex. They do not know how it is going to affect them personally and they do not know how it is going to play out in the long term.

Some of us who are burdened with age and also, thereby, with history, recall when we started the Medicare program many years ago with the Kerr-Mills bill. That was to set forth the first major step. In the Kerr-Mills bill, the States were authorized to move out and to make an assessment of need. I am proud to say that as Governor of Oregon, we were the first State to undertake that effort in that period of time.

But unlike the intent of the Kerr-Mills when it was first authorized and approved, there were those who could not wait for that data, for that State assessment to come in to the Federal institution of Congress in order to make and devise a comprehensive Medicare bill.

What happened? King-Anderson was introduced and that set the formulas, that set the criteria, that set the benefits, and it overrode and superseded the process started under Kerr-Mills. It was predicted at that time in the first 25 years of Medicare it would not cost more than $10 billion. Instead, it cost $65 billion, notwithstanding the fact that the process undertaken under Kerr-Mills could have produced a more reliable base upon which to build a Medicare program.

Let us understand then that this year has not been unproductive. It has been very productive in elevating the issue and debating comprehensive health reform. But what Senator GRAHAM of Florida and I are attempting to do is to reach back in history and prove the fact again that the States, under this great Federal system, have pioneered, have taken the lead on the most progressive, some of the finest legislation in the history of this Nation.

It was the States that expanded first the franchise in expanding the democracy of our country, where, in the first instance, it was the white male property owner 21 years or older under the franchise. The States moved ahead. I am proud to say that that whole area of civil rights was at the State level. Oregon was the second State to have a Fair Employment Practice Act. We were one of the first States to have civil rights legislation. We were one of the first States to have initiative referendum and recall, broadening the base of our democracy. We were the first State to have environmental legislation. We made all of our beaches public access in 1912. We are celebrating our 54th year anniversary of a comprehensive Forest Management Conservation Program. That is long before the idea of the Environmental Protection Agency arose on the Federal level.

Anywhere you look, you will find the States pioneering these great efforts. Now we are saying let us set up a framework to push the States that have been reluctant or to encourage those States to move into health care reform and demonstrate a track record of what will work and what will not work. Oregon is only one of the first, joined by New York, Washington, Hawaii, Connecticut—on and on—Minnesota.

Let us encourage other States and take off the inhibitions and the difficulties, the impediments the Federal Government now places on those States that want to move out into health care reform, and then come back after a period of time and say, "Let us assess that record, let us evaluate that experience, and, more precisely, let us define the Federal role based on the experience at the State level."

That is all we are asking for. The Federal Government has not been able to act and I doubt very much if, in the remaining days of this Congress, we will act on comprehensive health care reform. But let us free up the States that they may fill the vacuum, that they may move ahead, as they are trying to do now.

We fought for almost a year to get a HCFA waiver for the State of Oregon to implement the Oregon Health Plan. We are still faced with the ERISA question. And we have to deal with those impediments now in place in the Federal Government lexicon of laws and give the States that freedom to move out under goals established and agreed to with the Federal Government.

So I believe that this is a major contribution to the debate. I think it is also a significant first step that can be incrementally then assessed at the end of 5 years; $1 on tobacco tax, will produce $65 billion in the next 5 years to provide those grants to the States, to assist those States to move out. And at the same time, we are not forgetting the cornerstone of cost containment: Medical research, medical research that brings about cure, that brings about better treatment for those who are suffering from disease.

That is the long-term answer to cost containment of medical problems and medical care: Cure them. I do not think when you look back at the record so far that the administration even recognized initially in their proposals the role of medical research. It was not until the night before the Republican task force announced the Republican plan that we were able to get the Republican task force to understand the importance of medical research.

We are only funding about one-out-of-five medical research proposals today, 80 percent of them going unfunded. And yet we are on the threshold of many breakthroughs. Breast cancer gene isolation, Alzheimer's progress, heart disease, cancer, AIDS—all of these diseases have been moving with great rapidity, and now we are at a level where we are going to have to cut back; we are going to have to restrict that effort and that progress of research. It is criminal that when we can move these research projects to completion, that we are now faced with the question of funding. That is why we have made this a part of our package, one of the five points.

I take great pleasure in associating myself with the Senator from Florida, Senator GRAHAM, who has, like myself, been a Governor of a State. We know what the States are capable of doing. We have the history of what the States have contributed. Social Security was first tried in the States. The income tax was first tried in the States, and unemployment comp, and I could go on and repeat those many areas of our life today which were, first of all, proven at the State level, and the Federal Government's role was better defined as a partnership to expand those great experiments at the State level.

Let us repeat that kind of historic progress that we can cite, and I believe this is the way to move medical reform ahead more quickly, more sensibly, and certainly with far less costs than any of the bills that we are looking at today in the Congress. In our rush to federalize health care reform, we may well have overlooked the best opportunity we have—federalism.

By Mr. DASCHLE (for himself and Mr. LEAHY):

S. 2453. A bill to amend the Federal Meat Inspection Act, the Poultry Products Inspection Act, and animal quarantine laws to provide for improved public health and food safety through the reduction of pathogens, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

THE PATHOGEN REDUCTION ACT

• Mr. DASCHLE. Mr. President, today, along with Chairman LEAHY, I am introducing the Clinton administration's Pathogen Reduction Act of 1994. This act proposes important, concrete steps designed to enable the meat inspection system to address the incidence of human pathogens in our meat supply—such as E. coli 0157:H7 and salmonella. By creating the framework for a meat and poultry inspection system based upon sound science and technology, this legislation sets the stage for bringing our inspection program into the modern area.

Before turning to the content of the act, I would like to commend Senator LEAHY, chairman of the Senate Agriculture Committee for his longstanding leadership on food safety, which has been critical in bringing us to this point. The chairman's persistence on this issue has been responsible for keeping it at the top of the Agriculture Committee's agenda, and he will surely play a key role in securing the timely passage of this legislation.

Secretary Espy and the officials at USDA who prepared this legislation also deserve great credit. With this proposal, Secretary Espy is making good on his promise to modernize and improve the Nation's food safety inspection system. The Clinton administration has done more to modernize meat and poultry inspection in the last 2 years than any previous administration has done since the creation of the inspection system. This legislation is a continuation of the efforts made during the last 2 years.

The journey to this point began 1½ years ago with the outbreak of E. coli 0157:H7-related illnesses in Washington State, Idaho, and California. That outbreak caused over 500 people to become ill and 48 people to develop a potentially lethal hemolytic uremic syndrome. And, most tragically, it caused four young children to lose their lives. This painful catastrophe shocked the Nation and served as a warning that our meat and poultry inspection system contains dangerous flaws that we can no longer afford to ignore.

Since that date, as chairman of the Senate Agriculture Subcommittee on Conservation, Research, Forestry, and General Legislation, I have made evaluation and reform of the inspection system a priority. Over the past year and a half, the subcommittee has held four hearings to gather the input necessary to correct the problems in the present system. In the legislation we are introducing today, we see the promising culmination of that long and frequently disturbing process.

The Pathogen Reduction Act would give the Secretary the authority to trace food-borne illnesses to their source, to recall contaminated meat and poultry products, to impose civil penalties for those who do not follow proper procedures, to set acceptable pathogen standards for meat and poultry products, and to require that imported meat and poultry products live up to the same standards required of domestic products. It so doing, it delivers on Secretary Espy's pledge before my subcommittee in February 1993, 3 days after the E. coli 0157:H7 outbreak in the Pacific Northwest, to support creation of a farm-to-table meat and poultry inspection system that reassures the public that the meat and poultry products they consume are safe.

This proposal is good news for consumers. However, we should also not overlook the benefits it offers our Nation's livestock producers.

I have often said that a faulty and lax food safety inspection system creates no winners, only losers. The most visible losers are the victims of foodborne illness. However, livestock producers lose as well.

Outbreaks of foodborne pathogen related illness erode consumer confidence in meat and poultry products and encourage consumers to reduce their consumption of these wholesome and delicious products. Consequently, demand for meat and poultry products decreases, translating into lower prices at the marketplace and lower net farm income.

This legislation will help protect farmers' markets by reassuring consumers that we have done everything possible to ensure the safety of meat and poultry products free of human pathogens.

Now it is time for Congress to take this promising initiative, evaluate its details and craft a final package that can be sent to the President. If we do not move legislation this year, we are running the risk of continued outbreaks of foodborne disease caused by human pathogens such as E. coli 0157. I, for one, don't want to take that risk. And I don't think anyone else in this body or in the agricultural community does either.

I am pleased to note that an identical piece of legislation has already been introduced in the House by Representative CHARLIE STENHOLM, paving the way for rapid action by that body.

In the Senate, I intend to help Chairman LEAHY move this legislation quickly and hope we can complete our job before adjournment. The American people and the American farmer cannot afford further delays.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2453

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be cited as "The Pathogen Reduction Act of 1994".

TITLE I

LEGISLATIVE FINDINGS

SEC. 101. The Congress finds that:

(a) Pathogens are a significant source of foodborne illness associated with meat, meat food products, poultry, and poultry products.

(b) Proper handling of meat or products of cattle, sheep, swine, goats, horses, mules, or other equines, or poultry products which may bear or contain human pathogens is necessary to prevent foodborne illness.

(c) Livestock and poultry producers, handlers, processors, distributors, transporters, and retailers all share responsibility in handling livestock, meat, meat food products, poultry, and poultry products in such a way as to protect the public health.

(d) The distribution of meat, meat food products, poultry, or poultry products which could be injurious to the public health because they contain human pathogens, would impair the effective regulation of wholesome meat, meat food products, poultry, or poultry products in interstate and foreign commerce and would destroy markets for wholesome products.

(e) In order to reduce the risk of foodborne illnesses and protect public health, a concerted effort is required on the part of regulatory authorities and all parties involved in the production and handling of meat, meat food products, poultry, or poultry products to address the problem of microbial contamination using the best available scientific information and appropriate technology.

(f) All articles and other animals which are subject to this Act are either in interstate or foreign commerce or substantially affect such commerce, and regulation by the Secretary of Agriculture and cooperation by the States as contemplated by this Act are necessary to prevent or eliminate burdens upon such commerce and to protect the health and welfare of consumers.

AMENDMENTS TO THE FEDERAL MEAT INSPECTION ACT

SEC. 102. The Federal Meat Inspection Act (21 U.S.C. 601, et seq.) is amended:

(1) In section 1 (21 U.S.C. 601), by adding a definition of "official establishment" to read as follows:

"(w) The term 'official establishment' means any establishment as determined by the Secretary at which inspection of the slaughter of cattle, sheep, swine, goats, mules, and other equines, or the processing of meat and meat food products of such animals, is maintained under authority of this Act.";

(2) In section 3(a) (21 U.S.C. 603(a)), by inserting "on the basis of the best available scientific and technologic data, and evaluation of the risks posed to public health and safety," after the words "That hereafter,".

(3) In section 4 (21 U.S.C. 604), by inserting ", on the basis of the best available scientific and technologic data, and evaluation of the risks posed to public health and safety," after the words "That for the purposes hereinbefore set forth".

(4) In section 301(c)(1), (21 U.S.C. 661(c)(1)), by inserting "or by thirty days prior to the expiration of two years after enactment of the Pathogen Reduction Act of 1994," after the words "the Wholesome Meat Act,".

(5) In section 301(c), (21 U.S.C. 661(c)), by deleting "titles I and IV", "title I and title IV", and "title I and IV", wherever they appear and inserting in lieu thereof "titles I, IV, and V".

(6) By adding at the end thereof a new title V to read as follows:

"TITLE V—PATHOGEN REDUCTION

"SEC. 501. (a) The Secretary is directed upon the basis of the best available scientific and technologic data, as determined by the Secretary, to prescribe by regulation such actions as the Secretary deems necessary to—

"(1) limit the presence of human pathogens in cattle, sheep, swine, goats, horses, mules, or other equines at the time they are presented for slaughter;

"(2) ensure that appropriate measures are taken to control the presence and growth of human pathogens on carcasses and parts thereof and on meat or meat food products derived from such animals prepared in any official establishment;

"(3) ensure that all ready-to-eat meat or meat food products prepared in any official establishment preparing any such article for distribution in commerce are processed in such a manner as to destroy any human pathogens likely to cause foodborne illness; and

"(4) ensure that meat and meat food products other than those included in subsection (a)(3) of this section prepared any official establishment preparing any such article for distribution in commerce are labeled with instructions for handling and preparation for consumption which, when adhered to, destroy any human pathogens likely to cause foodborne illness.

"(b) Carcasses or parts thereof and meat or meat food products prepared at any official establishment preparing any such article for distribution in commerce which are found not to be in compliance with the regulations promulgated under subsection (a)(2), (a)(3), or (a)(4) of this section shall be considered adulterated and condemned and shall, if no appeal be taken from such determination of condemnation, be destroyed for human food purposes under the supervision of an inspector: *Provided*, That carcasses or parts thereof, and meat and meat food products which are not in compliance with subsection (a)(2), (a)(3), or (a)(4) of this section, but which may by processing, labeling, or both, as applicable, in accordance with subsection (a)(2), (a)(3), or (a)(4) of this section be made not adulterated need not be condemned and destroyed if so reprocessed, labeled, or both, as applicable and as determined by the Secretary, under the supervision of an inspector and thereafter inspected and found to be not adulterated. If an appeal be taken from such determination of condemnation, the carcasses or parts thereof, or meat and meat food products shall be appropriately marked, segregated and held by the official establishment pending completion of an appeal inspection. If the determination of condemnation is sustained the carcasses or parts thereof, and meat and meat food products if not so reprocessed, labeled, or both, as applicable, as to be made not adulterated shall be destroyed for human food purposes under the supervision of a duly authorized representative of the Secretary.

"(c) The Secretary shall, within two years of the enactment of this Act, issue regulations that—

"(1) require meat and meat food products prepared in any official establishment to be tested, in such manner and with such frequency as the Secretary deems necessary, to identify human disease-causing pathogens or markers for these pathogens in the meat and meat food products;

"(2) require that the results of any test conducted in accordance with subsection (c)(1) of this section be reported to the Secretary, in such manner and with such frequency as the Secretary deems necessary;

"(3) establish, to the maximum extent scientifically supportable, levels of human pathogens that, when found on meat or meat food products prepared in official establishments, constitute a threat to public health. When making decisions regarding specific human pathogen levels, the Secretary shall consider the risk to human health, including the risk to infants, the elderly, persons whose immune systems are compromised, and other population subgroups, posed by consumption of the meat or meat food products containing the human pathogen; and

"(4) prohibit or restrict the sale, transportation, offer for sale or transportation, or receipt for transportation of any meat or meat food products that—

"(A) are capable of use as human food, and

"(B) exceed the levels of human pathogens established in accordance with subsection (c)(3) of this section.

"(d)(1) The Secretary shall, as the Secretary deems necessary and feasible, conduct or support appropriate research regarding the establishment of levels of human pathogens that when found on meat and meat food products prepared in official establishments constitute a threat to public health and shall conduct studies to validate these levels.

"(2) The Secretary is directed to review, on a regular basis, all regulations, processes, procedures and methods designed to limit and control human pathogens on carcasses and parts thereof and on meat or meat food products. This on-gong review shall include, as necessary, epidemiologic and other scientific studies to ascertain the efficiency and efficacy of such regulations, processes, procedures and methods.

"(3) The Secretary shall consult with the Public Health Service, the Centers for Disease Control and Prevention, the Food and Drug Administration, and any other State or Federal public health agency the Secretary deems necessary in order to carry out subsections (c)(1), (c)(3), (d)(1), and (d)(2) of this section.

"NOTIFICATION, DISTRIBUTION, AND RECALL REGARDING NONCONFORMING ARTICLES

"SEC. 502. (a) Any person, firm, or corporation preparing carcasses or parts thereof, meat or meat food products for distribution in commerce which obtains knowledge providing a reasonable basis for believing that any carcasses or parts thereof or any meat or meat food products—

"(1) are adulterated, or not produced in compliance with section 501(a) of this Act or the regulations promulgated thereunder; or

"(2) are misbranded, shall immediately notify the Secretary, in such manner and by such means as the Secretary may by regulation prescribe, of the identity and location of such articles.

"(b) If the Secretary finds, upon such notification or otherwise, that any carcasses or parts thereof or any meat or meat food products—

"(1) are adulterated or not produced in compliance with section 501(a) of this Act or the regulations promulgated thereunder and that there is a reasonable probability that human consumption of such articles present a threat to the public health, as determined by the Secretary; or

"(2) are misbranded, the Secretary shall provide the appropriate person, firm, or corporation with an opportunity to cease distribution of such articles; notify all persons, firms, or corporations transporting or distributing such articles or to which such articles were shipped or sold to immediately cease distribution of such articles; and to recall the articles. If the person, firm, or corporation refuses to voluntarily cease distribution, make notification, and recall the articles or does not voluntarily cease distribution, make notification, and recall the articles within the time or in the manner prescribed by the Secretary, the Secretary shall immediately issue an order requiring the person, firm, or corporation (including the official establishment which prepared the articles), as the Secretary deems necessary to: immediately cease distribution of such articles; and immediately notify all persons, firms, or corporations transporting or distributing such articles or to which such articles were shipped or sold to immediately cease distribution of such articles. The order shall provide any person, firm, or corporation subject to the order with an opportunity for an informal hearing, to be held not later than 5 days after the date of the issuance of the order, on the actions required by the order and on whether the order should be amended to require recall of such articles. If, after providing an opportunity for such a hearing, the Secretary determines that inadequate grounds exist to support the actions required by the order, the Secretary shall vacate the order.

"(c) If, after providing an opportunity for an informal hearing under subsection (b) of this section, the Secretary determines that the articles that are the subject of an order under subsection (b) of this section must be recalled, the Secretary shall amend the order to require a recall. The Secretary shall—

"(1) specify a timetable in which the recall will occur;

"(2) require periodic reports to the Secretary describing the progress of the recall; and

"(3) provide for notice to consumers to whom such articles were, or may have been distributed as to how they should treat the article.

"LIVESTOCK TRACEBACK

"SEC. 503. (a) For the purpose of limiting the risk of foodborne illness from carcasses and parts thereof and meat and meat food products distributed in commerce, the Secretary shall, as the Secretary deems necessary, prescribe by regulation that cattle, sheep, swine, goats, horses, mules, and other equines presented for slaughter for human food purposes be identified in the manner prescribed by the Secretary to enable the Secretary to trace each animal to any premises at which it has been held for such period prior to slaughter that the Secretary deems necessary to effectuate the purposes of this Act. The Secretary may prohibit or restrict entry into any slaughtering establishment inspected under this Act of any cattle, sheep, swine, goats, horses, mules, or other equines not identified as prescribed by the Secretary.

"(b) The Secretary is authorized to require that all persons, firms, and corporations required to identify livestock pursuant to subsection (a) of this section maintain accurate records, as prescribed by the Secretary, regarding the purchase, sale, and identification such livestock; and all persons, firms, and corporations subject to such requirements shall, at all reasonable times, upon notice by a duly authorized representative of the Secretary, afford such representative access to their places of business and opportunity to examine the records thereof, and to copy any such records. Any such record required to be maintained by this section shall be maintained for such period of time as the Secretary prescribes.

"(c) No person, firm, or corporation shall falsify or misrepresent to any other person, firm, or corporation, or to the Secretary, any information as to any premises at which any cattle, sheep, swine, goats, horses, mules, or other equines, or carcasses thereof, were held.

"(d) No person, firm, or corporation shall, without authorization from the Secretary, alter, detach, or destroy any records or other means of identification prescribed by the Secretary for use in determining the premises at which were held any cattle, sheep, swine, goats, horses, mules, or other equines, or the carcasses thereof.

"(e)(1) If the Secretary finds any human pathogen or any residue in any cattle, sheep, swine, goats, horses, mules, or other equines at the time they are presented for slaughter or in any carcasses, parts of carcasses, meat, or meat food product prepared in an official establishment and the Secretary finds that there is a reasonable probability that human consumption of any meat or meat food product containing the human pathogen or residue presents a threat to public health, the Secretary may take such action as the Secretary deems necessary to determine the source of the human pathogen or residue.

"(2) If the Secretary identifies the source of any human pathogen or residue described in subsection (e)(1) of this section, the Secretary is authorized to prohibit or restrict the movement of any animals, carcasses, parts of carcasses, meat, meat food product, or any other article from any source of the human pathogen or residue until the Secretary determines that the human pathogen or residue at the source no longer presents a threat to public health.

"(f)(1) The Secretary shall use any means of identification and recordkeeping methods utilized by producers or handlers of cattle, sheep, swine, goats, horses, mules, or other equines whenever the Secretary determines that such means of identification and recordkeeping methods will enable the Secretary to carry out the purposes of this section.

"(2) The Secretary is authorized to cooperate with producers or handlers of cattle, sheep, swine, goats, horses, mules, or other equines, in which any human pathogen or residue described in subsection (e)(1) of this section is found, to develop and implement methods to limit or eliminate the human pathogen or residue at the source.

"REFUSAL OR WITHDRAWAL OF INSPECTION

"SEC. 504. (a) The Secretary may for such period, or indefinitely, as the Secretary deems necessary to effectuate the purposes of this Act, refuse to provide, or withdraw, inspection service under title I of this Act with respect to any official establishment if the Secretary determines, after opportunity for a hearing is accorded to the applicant for, or recipient of, such service, that the applicant or recipient, or any person responsibly connected with the applicant or recipient, has repeatedly failed to comply with the requirements of this Act or the regulations promulgated thereunder.

"(b) The Secretary may direct that, pending opportunity for an expedited hearing with respect to any refusal or withdrawal of inspection service and the final determination and order under subsection (a) of this section and any judicial review thereof, inspection service shall be denied or suspended if the Secretary deems such action necessary in the public interest in order to protect the health or welfare of consumers or to assure the safe and effective performance of official duties under this Act.

"(c) The determination and order of the Secretary with respect to withdrawal or refusal of inspection service under this section shall be final and conclusive unless the affected applicant for, or recipient of, inspection service files application for judicial review within 30 days after the effective date of the order; and inspection service shall be withdrawn or refused as of the effective date of the order pending any judicial review of the order unless the Secretary directs otherwise. Judicial review of any such order shall be in the United States Court of Appeals for the circuit in which the applicant for, or recipient of, inspection service has its principal place of business or in the United States Court of Appeals for the District of Columbia Circuit and shall be upon the record upon which the determination and order are based. The provisions of section 204 of the Packers and Stockyards Act, 1921 (42 Stat. 162, as amended; 7 U.S.C. 194), shall be applicable to appeals taken under this section.

"(d) The provisions of this section shall be in addition to and not derogate from any other provision of this Act for refusal, withdrawal, or suspension of inspection service under title I of this Act.

"CIVIL PENALTIES

"SEC. 505. (a) Any person, firm, or corporation which violates any provision of this Act, any regulation issued under this Act, or any order issued under section 502(b) or (c) of this Act may be assessed a civil penalty by the Secretary of not more than $100,000 per day of violation. Each offense shall be a separate violation. No penalty shall be assessed unless such person, firm, or corporation is given notice and opportunity for a hearing on the record before the Secretary in accordance with sections 554 and 556 of title 5, United States Code. The amount of such civil penalty shall be assessed by the Secretary by written order, taking into account the gravity of the violation, degree of culpability, and history of prior offenses; and may be reviewed only as provided in subsection (b) of this section.

"(b) Any person, firm, or corporation against whom such violation is found and a civil penalty assessed by order of the Secretary under subsection (a) of this section may obtain review in the Court of Appeals of the United States for the circuit in which such party resides or has a place of business or in the United States Court of Appeals for the District of Columbia Circuit by filing a notice of appeal in such Court within 30 days from the date of such order and by simultaneously sending a copy of such notice by certified mail to the Secretary. The Secretary shall promptly file in such Court a certified copy of the record upon which such violation was found and such penalty assessed. The findings of the Secretary shall be set aside only if found to be unsupported by substantial evidence on the record as a whole.

"(c) If any person, firm, or corporation fails to pay an assessment of a civil penalty after it has become a final and unappealable order, or after the appropriate Court of Appeals has entered final judgment in favor of the Secretary, the Secretary shall refer the matter to the Attorney General, who shall institute a civil action to recover the amount assessed in any appropriate district court of the United States. In such collection action, the validity and appropriateness of the Secretary's order imposing the civil penalty shall not be subject to review.

"(d) All penalties collected under authority of this section shall be paid into the Treasury of the United States.

"(e) Nothing in this Act shall be construed as requiring the Secretary to report for criminal prosecution or for the institution of libel or injunction proceedings, violations of this Act, whenever the Secretary believes that the public interest will be adequately served by assessment of civil penalties. Furthermore, the Secretary may, in the Secretary's discretion, compromise, modify, or remit, with or without conditions, any civil penalty assessed under this section.".

AMENDMENTS TO THE POULTRY PRODUCTS INSPECTION ACT

SEC. 103. THE POULTRY PRODUCTS INSPECTION ACT (21 U.S.C. 451 ET SEQ.) IS AMENDED:

(1) In section 5(c) (21 U.S.C. 454(c)), by deleting "and 12–22 of this Act" and inserting in lieu thereof "12–22, and 30–34 of this Act".

(2) In section 5(c)(1) (21 U.S.C. 454(c)(1)), by inserting "or by thirty days prior to the expiration of two years after enactment of the Pathogen Reduction Act of 1994," after the words "the Wholesome Poultry Products Act,".

(3) In section 6(a) (21 U.S.C. 455(a)), by inserting "on the basis of the best available scientific and technologic data, and evaluation of the risks posed to public health and safety," after the word "necessary".

(4) In section 6(b) (21 U.S.C. 455(b)), by inserting "on the basis of the best available scientific and technologic data, and evaluation of the risks posed to public health and safety," after the words "The Secretary,".

(5) By adding at the end thereof new sections 30 through 34 as follows:

"PATHOGEN REDUCTION

"SEC. 30. (a) The Secretary is directed upon the basis of the best available scientific and technologic data, as determined by the Secretary, to prescribe by regulation such actions as the Secretary deems necessary to—

"(1) limit the presence of human pathogens in poultry at the time they are presented for slaughter;

"(2) ensure the appropriate means are taken to control the presence and growth of human pathogens on poultry or poultry products prepared in any official establishment;

"(3) ensure that all ready-to-eat poultry and poultry products prepared in any official establishment preparing any such article for distribution in commerce are processed in such a manner as to destroy any human pathogens likely to cause foodborne illness; and

"(4) ensure that poultry and poultry products other than those included in subsection (a)(3) of this section prepared at any official establishment preparing any such article for distribution in commerce are labeled with instructions for handling and preparation for consumption which, when adhered to, destroy any human pathogens likely to cause foodborne illness.

"(b) Poultry or poultry products prepared at any official establishment preparing any such article for distribution in commerce which are found not to be in compliance with the regulations promulgated under subsection (a)(2), (a)(3), or (a)(4) of this section shall be considered adulterated and condemned and shall, if no appeal be taken from such determination of condemnation, be destroyed for human food purposes under the supervision of an inspector: *Provided*, That poultry and poultry products which are not in compliance with subsection (a)(2), (a)(3), or (a)(4) of this section but which may by reprocessing, labeling, or both, as applicable, in accordance with subsection (a)(2), (a)(3), or (a)(4) of this section be made not adulterated need not be condemned and destroyed if so reprocessed, labeled, or both, as applicable and as determined by the Secretary, under the supervision of an inspector and thereafter inspected and found to be not adulterated. If an appeal be taken from such determination of condemnation, the poultry or poultry products shall be appropriately marked, segregated, and held by the official establishment pending completion of an appeal inspection. If the determination of condemnation is sustained, the poultry and poultry products if not so reprocessed, labeled, or both, as applicable, as to be made not adulterated shall be destroyed for human food purposes under the supervision of a duly authorized representative of the Secretary.

"(c) The Secretary shall, within two years of the enactment of this Act, issue regulations that—

"(1) require poultry and poultry products prepared in any official establishment to be tested, in such manner and with such frequency as the Secretary deems necessary, to identify human disease-causing pathogens or markers for these pathogens in the poultry and poultry products;

"(2) require that the results of any test conducted in accordance with subsection (c)(1) of this section be reported to the Secretary, in such manner and with such frequency as the Secretary deems necessary;

"(3) establish, to the maximum extent scientifically supportable, levels of human pathogens that, when found on poultry and poultry products prepared in official establishments, constitute a threat to public health. When making decisions regarding specific human pathogen levels, the Secretary shall consider the risk to human health, including the risk to infants, the elderly, persons whose immune systems are compromised, and other population subgroups, posed by consumption of the poultry or poultry products containing the human pathogen; and

"(4) prohibit or restrict the sale, transportation, offer for sale or transportation, or receipt for transportation of any poultry or poultry products that—

"(A) are capable of use as human food, and

"(B) exceed the levels of human pathogens established in accordance with subsection (c)(3) of this section.

"(d)(1) The Secretary shall, as the Secretary deems necessary and feasible, conduct or support appropriate research regarding the establishment of levels of human pathogens that when found on poultry and poultry products prepared in official establishments constitute a threat to public health and shall conduct studies to validate these levels.

"(2) The Secretary is directed to review, on a regular basis, all regulations, processes, procedures and methods designed to limit and control human pathogens on poultry and poultry products. This ongoing review shall include, as necessary, epidemiologic and other scientific studies to ascertain the efficiency and efficacy of such regulations, processes, procedures and methods.

"(3) The Secretary shall consult with the Public Health Service, the Centers for Disease Control and Prevention, the Food and Drug Administration, and any other State or

Federal public health agency the Secretary deems necessary in order to carry out subsections (c)(1), (c)(3), (d)(1), and (d)(2) of this section.

"NOTIFICATION, DISTRIBUTION, AND RECALL REGARDING NONCONFORMING ARTICLES

"SEC. 31. (a) Any person preparing poultry or poultry products for distribution in commerce which obtains knowledge providing a reasonable basis for believing that any poultry or poultry products—

"(1) are adulterated or not produced in compliance with section 30(a) of this Act or the regulations promulgated thereunder; or

"(2) are misbranded, shall immediately notify the Secretary, in such manner and by such means as the Secretary may be regulation prescribe, of the identity and location of such poultry or poultry products.

"(b) If the Secretary finds, upon such notification or otherwise, that any poultry or poultry products—

"(1) are adulterated or not produced in compliance with section 30(a) of this Act or the regulations promulgated thereunder and that there is a reasonable probability that human consumption of such articles present to threat to the public health, as determined by the Secretary; or

"(2) are misbranded, the Secretary shall provide the appropriate person with an opportunity to cease distribution of such articles; notify all persons, firms, or corporations transporting or distributing such articles or to which such articles were shipped or sold to immediately cease distribution of such articles; and to recall the articles. If the person refuses to voluntarily cease distribution, make notification, and recall the articles or does not voluntarily cease distribution, make notification, and recall the articles within the time or in the manner prescribed by the Secretary, the Secretary shall immediately issue an order requiring the person (including the official establishment which prepared the articles), as the Secretary deems necessary to: immediately cease distribution of such articles; and immediately notify all persons, firms, or corporations transporting or distributing such articles or to which such articles were shipped or sold to immediately cease distribution of such articles. The order shall provide any person subject to the order with an opportunity for an informal hearing, to be held not later than 5 days after the date of the issuance of the order, on the actions required by the order and on whether the order should be amended to require recall of such articles. If, after providing an opportunity for such a hearing, the Secretary determines that inadequate grounds exist to support the actions required by the order, the Secretary shall vacate the order.

"(c) If, after providing an opportunity for an informal hearing under subsection (b) of this section, the Secretary determines that the articles that are the subject of an order under subsection (b) of this section must be recalled, the Secretary shall amend the order to require a recall. The Secretary shall—

"(1) specify a timetable in which the recall will occur;

"(2) require periodic reports to the Secretary describing the progress of the recall; and

"(3) provide for notice to consumers to whom such articles were, or may have been, distributed as to how they should treat the article.

"POULTRY TRACEBACK

"SEC. 32. (a) For the purpose of limiting the risk of foodborne illness from poultry and poultry products distributed in commerce, the Secretary shall, as the Secretary deems necessary, prescribe by regulation that poultry presented for slaughter for human food purposes be identified in the manner prescribed by the Secretary to enable the Secretary to trace each bird to any premises at which it has been held for such period prior to slaughter that the Secretary deems necessary to effectuate the purposes of this Act. The Secretary may prohibit or restrict entry into any slaughtering establishment inspected under this Act of any poultry not identified as prescribed by the Secretary.

"(b) The Secretary is authorized to require that all persons required to identify poultry pursuant to subsection (a) of this section, maintain accurate records, as prescribed by the Secretary, regarding the purchase, sale, and identification of such poultry; and all persons subject to such requirements shall, at all reasonable times, upon notice by a duly authorized representative of the Secretary, afford such representative access to their places of business and opportunity to examine the records thereof, and to copy any such records. Any such record required to be maintained by this section shall be maintained for such period of time as the Secretary prescribes.

"(c) No person shall falsify or misrepresent to any other person or to the Secretary, any information as to any premises at which any poultry, or the carcasses thereof, were held.

"(d) No person shall, without authorization from the Secretary, alter, detach, or destroy any records or other means of identification prescribed by the Secretary for use in determining the premises at which were held any poultry or carcasses thereof.

"(e)(1) If the Secretary finds any human pathogen or any residue in any poultry at the time they are presented for slaughter or in any poultry carcasses, parts of poultry carcasses, or poultry products prepared in an official establishment and the Secretary finds that there is a reasonable probability that human consumption of any poultry or poultry product containing the human pathogen or residue presents a threat to public health, the Secretary may take such action as the Secretary deems necessary to determine the source of the human pathogen or residue.

"(2) If the Secretary identifies the source of any human pathogen or residue described in subsection (e)(1) of this section, the Secretary is authorized to prohibit or restrict the movement of any poultry, poultry carcasses, parts of poultry carcasses, poultry product, or any other article from any source of the human pathogen or residue until the Secretary determines that the human pathogen or residue at the source no longer presents a threat to public health.

"(f)(1) The Secretary shall use any means of identification and record keeping methods utilized by producers or handlers of poultry whenever such means of identification and record keeping methods will enable the Secretary to carry out the purposes of this section.

"(2) The Secretary is authorized to cooperate with producers or handlers of poultry, in which any human pathogen or residue described in subsection (e)(1) of this section is found, to develop and implement methods to limit or eliminate the human pathogen or residue at the source.

"REFUSAL OR WITHDRAWAL OF INSPECTION

"SEC. 33. (a) The Secretary may for such period, or indefinitely, as the Secretary deems necessary to effectuate the purposes of this Act, refuse to provide, or withdraw, inspection service under this Act with respect to any official establishment if the Secretary determines, after opportunity for a hearing is accorded to the applicant for, or recipient of, such service, that the applicant or recipient, or any person responsibly connected with the applicant or recipient, has repeatedly failed to comply with the requirements of this Act or the regulations promulgated thereunder.

"(b) The Secretary may direct that, pending opportunity for an expedited hearing with respect to any refusal or withdrawal of inspection service and the final determination and order under subsection (a) of this section and any judicial review thereof, inspection service shall be denied or suspended if the Secretary deems such action necessary in the public interest in order to protect the health or welfare of consumers or to assure the safe and effective performance of official duties under this Act.

"(c) The determination and order of the Secretary with respect to withdrawal or refusal of inspection service under this section shall be final and conclusive unless the affected applicant for, or recipient of, inspection service files application for judicial review within 30 days after the effective date of the order; and inspection service shall be withdrawn or refused as of the effective date of the order pending any judicial review of the order unless the Secretary directs otherwise. Judicial review of any such order shall be in the United States Court of Appeals for the circuit in which the applicant for, or recipient of, inspection service has its principal place of business or in the United States Court of Appeals for the District of Columbia Circuit and shall be upon the record upon which the determination and order are based. The provisions of section 204 of the Packers and Stockyards Act, 1921 (42 Stat. 162, as amended; 7 U.S.C. 194), shall be applicable to appeals taken under this section.

"(d) The provisions of this section shall be in addition to and not derogate from any other provision of this Act for refusal, withdrawal, or suspension of inspection service under this Act.

"CIVIL PENALTIES

"SEC. 34. (a) Any person which violates any provision of this Act, any regulation issued under this Act, or any order issued under section 31(b) or (c) of this Act may be assessed a civil penalty by the Secretary of not more than $100,000 per day of violation. Each offense shall be a separate violation. No penalty shall be assessed unless such person is given notice and opportunity for a hearing on the record before the Secretary in accordance with sections 554 and 556 of title 5, United States Code. The amount of such civil penalty shall be assessed by the Secretary by written order, taking into account the gravity of the violation, degree of culpability, and history of prior offenses; and may be reviewed only as provided in subsection (b) of this section.

"(b) Any person against whom such violation is found and a civil penalty assessed by order of the Secretary under subsection (a) of this section may obtain review in the Court of Appeals of the United States for the circuit in which such party resides or has a place of business or in the United States Court of Appeals of the District of Columbia Circuit by filing a notice of appeal in such Court within 30 days from the date of such order and by simultaneously sending a copy of such notice by certified mail to the Secretary. The Secretary shall promptly file in such Court a certified copy of the record upon which such violation was found and such penalty assessed. The findings of the Secretary shall be set aside only if found to be unsupported by substantial evidence on the record as a whole.

"(c) If any person fails to pay an assessment of a civil penalty after if has become a final and unappealable order, or after the appropriate Court of Appeals has entered final judgment in favor of the Secretary, the Secretary shall refer the matter to the Attorney General, who shall institute a civil action to recover the amount assessed in any appropriate district court of the United States. In such collection action, the validity and appropriateness of the Secretary's order imposing the civil penalty shall not be subject to review.

"(d) All penalties collected under authority of this section shall be paid into the Treasury of the United States.

"(e) Nothing in this Act shall be construed as requiring the Secretary to report for criminal prosecution or for the institution of libel or injunction proceedings, violations of this Act, whenever the Secretary believes that the public interest will be adequately served by assessment of civil penalties. Furthermore, the Secretary may, in the Secretary's discretion, compromise, modify, or remit, with or without conditions, any civil penalty assessed under this section.

TITLE II

SEC. 201. Section 1 of the Act of July 2, 1962 (21 U.S.C. 134), is amended by adding a new subsection (e) to read:

"(e) The term 'disease' means any disease of livestock or poultry, both infectious and non-infectious, and any other health-related condition that may be transmitted by livestock or poultry or their products to other animals or humans.".

SEC. 202. Section 2(a) of the Act of July 2, 1962 (21 U.S.C. 134a(a)), is amended to read:

"(a) Whenever the Secretary deems it necessary in order to prevent the introduction or dissemination of a disease, the Secretary may seize, quarantine, and dispose of, in a reasonable manner taking into consideration the nature of the disease and the necessity of such action to protect the livestock or poultry of the United States, or the health of the people of the United States because the disease may be transmitted by livestock or poultry or their products: (1) any animals which the Secretary finds are moving or are being handled or have moved or have been handled in interstate or foreign commerce contrary to any law or regulation administered by the Secretary for the prevention of the introduction or dissemination of any disease; (2) any animals which the Secretary finds are moving into the United States, or interstate, and are affected with or have been exposed to any disease; and (3) any animals which the Secretary finds have moved into the United States, or interstate, and, at the time of such movement, were affected with or exposed to any disease.".

SEC. 203. Section 2(e) of the Act of July 2, 1962 (21 U.S.C. 134a(e)), is amended to read:

"(e) No such payment shall be made by the Secretary for any animal, carcass, product, or article which has been moved or handled by the owner thereof or the owner's agent in violation of a law or regulation administered by the Secretary for the prevention of the interstate dissemination of disease, for which the animal, carcass, product, or article was destroyed or a law or regulation for the enforcement of which the Secretary enters or has entered into a cooperative agreement for the control and eradication of disease, or for any animal which has moved into the United States contrary to such law or regulation administered by the Secretary for the prevention of the introduction of a disease.".

SEC. 204. Section 3 of the Act of July 2, 1962 (21 U.S.C. 134b), is amended to read: "The Secretary, in order to protect the health of the livestock or poultry of the United States, and the health of the people of the United States because the disease may be transmitted by livestock or poultry or their products, may promulgate regulations requiring that railway cars; vessels; airplanes; trucks; and other means of conveyance; stockyards; feed, water, and rest stations; and other facilities, used in connection with the movement of animals into or from the United States, or interstate, be maintained in a clean and sanitary condition, including requirements for inspection, cleaning, and disinfection.".

SEC. 205. Section 4 of the Act of July 2, 1962 (21 U.S.C. 134c), is amended to read: "The Secretary is authorized to promulgate regulations prohibiting or regulating the movement into the United States of any animals which are or have been affected with or exposed to any disease, or which have been vaccinated or otherwise treated for any disease, or which the Secretary finds would otherwise be likely to introduce or disseminate any disease, when the Secretary determines that such action is necessary to protect the livestock or poultry of the United States, or to protect the health of the people of the United States because the disease may be transmitted by livestock or poultry or their products.".

SEC. 206. Section 5 of the Act of July 2, 1962 (21 U.S.C. 134d), is amended to read: "Employees of the Department of Agriculture designated by the Secretary for the purpose, when properly identified, shall have authority: (1) to stop and inspect, without a warrant, any person or means of conveyance, moving into the United States from a foreign country, to determine whether such person or means of conveyance is carrying any animal, carcass, product, or article regulated or subject to disposal under any law or regulation administered by the Secretary for prevention of the introduction or dissemination of any disease; (2) to stop and inspect, without a warrant, any means of conveyance moving interstate upon probable cause to believe the means of conveyance is carrying any animal, carcass, product, or article regulated or subject to disposal under any law or regulation administered by the Secretary for the prevention of the introduction or dissemination of any disease; and (3) to enter upon, with a warrant, any premises for the purpose of making inspections and seizures necessary under any laws or regulation administered by the Secretary for the prevention of the introduction or dissemination of any disease. Any Federal judge, or any judge of a court of record in the United States, or any United States Commissioner, may, within such Commissioner's jurisdiction, upon proper oath or affirmation indicating probable cause to believe that there is on certain premises any animal, carcass, product, or article regulated or subject to disposal under any law or regulation administered by the Secretary for the prevention of the introduction or dissemination of any disease, issue warrants for the entry upon such premises and for inspections and seizures necessary under such laws and regulations. Warrants may be executed by any authorized employee of the Department of Agriculture.".

SEC. 207. Section 6 of the Act of August 30, 1890, as amended (21 U.S.C. 104), is amended to read:

"(a) The Secretary of Agriculture is authorized to prohibit or restrict the importation of animals which are affected with disease or which have been exposed to disease prior to their importation into the United States.

"(b) Any person who knowingly violates any provision of this section or sections 7 through 10 of this Act or any regulation prescribed by the Secretary of Agriculture under any such section shall be guilty of a misdemeanor and shall, on conviction, be punished by a fine not exceeding $5,000, by imprisonment not exceeding one year, or both. Any person who violates any such provision or any such regulation may be assessed a civil penalty by the Secretary of Agriculture not exceeding $1,000. The Secretary of Agriculture may issue an order assessing such civil penalty only after notice and an opportunity for an agency hearing on the record. The order shall be treated as a final order reviewable under chapter 158 of Title 28. The validity of the order may not be reviewed in an action to collect the civil penalty.

"(c) For the purposes of this Act the word 'disease' means any disease of livestock or poultry, both infectious and non-infectious, and any other health-related condition that may be transmitted by livestock or poultry or their products to other animals or humans.".

SEC. 208. Section 8 of the Act of August 30, 1890 (21 U.S.C. 103), is amended to read:

"(a) The Secretary of Agriculture is authorized to require animals to be imported into ports in the United States designated by the Secretary of Agriculture, with the approval of the Secretary of the Treasury, as quarantine stations. If any animals required by the Secretary of Agriculture to be imported into ports designated as quarantine stations are brought to any port of the United States where no quarantine station is established, the Secretary of Agriculture may require the animals to be moved to the nearest quarantine station at the expense of owner of the animals under such conditions as the Secretary of Agriculture determines necessary to prevent the spread of disease.

"(b) The Secretary of Agriculture may destroy animals which the Secretary of Agriculture finds to be affected with or exposed to a disease dangerous to other animals, or to the health of the people of the United States because the disease may be transmitted by livestock or poultry or their products.

"(c) Except as provided in subsection (d) of this section, the Secretary of Agriculture shall compensate the owner of animals destroyed in accordance with subsection (b) of this section which are exposed to disease, but not affected with disease. Such compensation shall be based upon the fair market value of the animal at the time of destruction as determined by the Secretary of Agriculture. Compensation paid any owner under this subsection shall not include anticipated profits and shall not exceed the difference between any compensation received by the owner of the animals from any other source and the fair market value of the animal at the time of destruction. Funds in the Treasury available for carrying out animal disease control activities of the Department of Agriculture shall be used to compensate owners of animals destroyed in accordance with subsection (b) of this section.

"(d) No payment shall be made by the Secretary of Agriculture for animals destroyed in accordance with subsection (b) of this section if the animal has been imported in violation of any law or regulation administered by the Secretary of Agriculture for the prevention of the introduction or dissemination of any disease.".

SEC. 209. Section 1 of the Act of February 2, 1903, as amended (21 U.S.C. 121), is amended to read:

"(a) Whenever the Secretary of Agriculture issues a certificate showing that the Secretary of Agriculture had inspected any livestock and/or live poultry which were about to be exported from the United States or moved interstate, and had found them free of any disease, such animals, so inspected and certified, may transported into and through any State, or they may be exported from the United States without further inspection or the exaction of fees of any kind, except such as may at anytime be ordered or exacted by the Secretary of Agriculture; and all such animals shall at all times be under control and supervision of the Secretary of Agriculture for the purposes of such inspection.

"(b) For the purposes of this Act, the word 'disease' means any disease of livestock or poultry, both infectious and non-infectious, and any other health-related condition that may be transmitted by livestock or poultry or their products to other animals or humans.

"(c) for the purposes of this Act, the word 'State' means any of the several States of the United States, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, the District of Columbia, Guam, the Virgin Islands of the United States, or any other territory or possession of the United States.".

SEC. 210. Section 2 of the Act of February 2, 1903, as amended (21 U.S.C. 111), is amended to read:

"(a) The Secretary of Agriculture is authorized to make such regulations and take such measures as the Secretary of Agriculture deems necessary to prevent the introduction or dissemination of any disease from a foreign country into the United States or from one State to another.

"(b) The Secretary of Agriculture is authorized to seize, quarantine, and dispose of any hay, straw, forage, or similar material, or any meats, hides, or other animal products coming from a foreign country in which disease exists to the United States, or from one State in which disease exists to another State, whenever in the Secretary of Agriculture's judgment such action is advisable in order to prevent the introduction or spread of disease.".

SEC. 211. Section 3 of the Act of May 29, 1884, as amended (21 U.S.C. 114), is amended to read:

"(a) The Secretary of Agriculture is authorized to prepare regulations for the speedy and effectual suppression and eradication of diseases, and to certify such regulations to the executive authority of each State, and invite these executive authorities to cooperate in the execution and enforcement of this Act and section 2 of the Act of February 2, 1903. Whenever the plans and methods of the Secretary of Agriculture shall be accepted by any State in which a disease is declared to exist, or any State shall have adopted plans and methods for the suppression and eradication of diseases, and the State plans and methods are accepted by the Secretary of Agriculture, and whenever the Governor of a State or other properly constituted authorities signify their readiness to cooperate for the suppression or eradication of any disease in conformity with this Act and section 2 of the Act of February 2, 1903, the Secretary of Agriculture is authorized to expend so much of the money appropriated for carrying out this Act and section 2 of the Act of February 2, 1903, as may be necessary in such investigations, and in such disinfection and quarantine measures as may be necessary to prevent the spread of the disease from one state into another.

"(b) For the purposes of this Act, the word 'disease' means any disease of livestock or poultry, both infectious and non-infectious, and any other health-related condition that may be transmitted by livestock or poultry or their products to other animals or humans."

"(c) For the purposes of this section, the word 'State' means any of the several States of the United States, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, the District of Columbia, Guam, the Virgin Islands of the United States, or any other territory or possession of the United States.".

SEC. 212. Section 4 of the Act of May 29, 1884, as amended (21 U.S.C. 112), is amended to read: "In order to promote the exportation of livestock and/or live poultry from the United States, the Secretary of Agriculture is authorized to investigate the existence of any disease, along the dividing lines between the United States and foreign countries, and along the lines of transportation from all parts of the United States to ports from which livestock and/or live poultry are exported, and may establish regulations concerning the exportation and transportation of livestock and/or live poultry as the results of the investigations may require.".

SEC. 213. Section 5 of the Act of May 29, 1884, as amended (21 U.S.C. 113), is amended to read: "In order to prevent the exportation from the United States to any foreign country of livestock and/or live poultry affected with disease or exposed to disease, the Secretary of Agriculture is authorized to take such steps and adopt such measures, as the Secretary of Agriculture may deem necessary.".

SEC. 214. Sections 4 and 5 of the Act of May 29, 1884, as amended (21 U.S.C. 120), are amended to read:

"(a) In order to enable the Secretary of Agriculture to effectually suppress and eradicate diseases, and to prevent the spread of diseases, the Secretary of Agriculture is authorized to establish such regulations concerning the exportation and transportation of livestock and/or live poultry from any place within the United States where the Secretary of Agriculture may have reason to believe diseases may exist into and through any state and to foreign countries as the Secretary of Agriculture may deem necessary.

"(b) For the purposes of these sections, the word "State" means any of the several States of the United States, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, the District of Columbia, Guam, the Virgin Islands of the United States, or any other territory or possession of the United States.".

SEC. 215. Section 6 of the Act of May 29, 1884, as amended (21 U.S.C. 115), is amended to read:

"(a) No person, company, or corporation shall transport, receive for transportation, deliver for transportation, move, or cause to be moved from one State to another any livestock and/or live poultry affected with any disease except in accordance with regulations prescribed by the Secretary of Agriculture to protect the livestock and poultry of the United States and the health of the people of the United States.

"(b) For the purposes of this section, the word 'State' means any of the several States of the United States, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, the District of Columbia, Guam, the Virgin Islands of the United States, or any other territory or possession of the United States.".

SEC. 216. Section 11 of the Act of May 29, 1884, as amended (21 U.S.C. 114a), is amended to read:

(a) The Secretary of Agriculture, either independently or in cooperation with States or political subdivisions of States, farmers' associations and similar organizations, and individuals, is authorized to: (1) control and eradicate any diseases which in the opinion of the Secretary of Agriculture constitute an emergency and threaten the livestock industry or poultry industry of the United States, or the health of the people of the United States because the disease may be transmitted by livestock or poultry or their products; and (2) pay claims growing out of destruction of animals (including poultry), and of materials, affected by or exposed to any communicable disease, in accordance with such regulations as the Secretary of Agriculture may prescribe.

"(b) The Secretary of Agriculture is authorized to prescribe and collect fees to recover the costs of carrying out this section which relate to veterinary diagnostics.

"(c) For the purposes of this section, the word 'State' means any of the several States of the United States, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, the District of Columbia, Guam, the Virgin Islands of the United States, or any other territory or possession of the United States.".

SEC. 217. Section 1 of the Act of March 3, 1905, as amended (21 U.S.C. 123), is amended to read:

"(a) The Secretary of Agriculture is authorized to quarantine by regulation any State, or any portion of any State, when the Secretary of Agriculture shall determine the fact that any animals or live poultry in such State are affected with any disease or that the contagion of any disease exists or that vectors which may disseminate any disease exist in such State.

"(b) For the purposes of this Act, the word 'disease' means any disease of livestock or poultry, both infectious and non-infectious, and any other health-related condition that may be transmitted by livestock or poultry or their products to other animals or humans.

"(c) For the purposes of this section, the word 'State' means any of the several States of the United States, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, the District of Columbia, Guam, the Virgin Islands of the United States, or any other territory or possession of the United States.".

SEC. 218. Section 1 of the Act of May 6, 1970, (21 U.S.C. 135), is amended by designating the current section as subsection "(a)"; by deleting the words "livestock or poultry disease or pests" and by inserting in lieu thereof "diseases or livestock or poultry pests"; by deleting "livestock or poultry diseases or pests" and by inserting in lieu thereof "diseases or livestock or poultry pests"; and by adding a new subsection (b) to read:

"(b) For the purposes of this Act, the word "diseases" means any diseases of livestock or poultry, both infectious and non-infectious, and any other health-related condition that may be transmitted by livestock or poultry or their products to other animals or humans.".

Sec. 219. Section 12 of the Act of March 4, 1907, as amended (21 U.S.C. 612), is amended to read:

"(a) The Secretary is authorized to inspect all cattle, sheep, swine, goats, horses, mules, and other equines intended and offered for export to foreign countries at such times and places, and in such manner as the Secretary may deem proper, to ascertain whether such cattle, sheep, swine, goats, horses, mules, and other equines are free from disease.

"(b) For the purpose of this section, the word 'disease' means any disease of cattle, sheep, swine, goats, horse, mules, and other equines, both infectious and non-infectious, and any other health-related condition that may be transmitted by cattle, sheep, swine, goats, horses, mules, and other equines or their products to other animals or humans."

Sec. 220. The Act of September 28, 1962 (7 U.S.C. 450), is amended to read:

"(a) In order to avoid duplication of functions, facilities, and personnel, and to attain closer coordination and greater effectiveness and economy in administration of Federal and State laws and regulations relating to the production and marketing of agricultural products and to the control or eradication of plant diseases, plant pests, animal diseases, and animal pests, the Secretary of Agriculture is authorized, in the administration and enforcement of such Federal laws within the Secretary of Agriculture's area of responsibility, whenever the Secretary of Agriculture deems it feasible and in the public interest, to enter into cooperative arrangements with State departments of agriculture and other State agencies charged with the administration and enforcement of such State laws and regulations and to provide that any such State agency which has adequate facilities, personnel, and procedures, as determined by the Secretary of Agriculture, may assist the Secretary of Agriculture in the administration and enforcement of such Federal laws and regulations to the extent and in the manner the Secretary of Agriculture deems appropriate in the public interest.

"(b) The Secretary is authorized to coordinate the administration of such Federal laws and regulations with such State laws and regulations wherever feasible. However, nothing in this Act shall affect the jurisdiction of the Secretary of Agriculture under any Federal law, or any authority to cooperate with State agencies or other agencies or persons under existing provisions of law, or affect any restrictions of law upon such cooperation.

"(c) For the purposes of this Act the term 'animal diseases' means any diseases of animals, both infectious and non-infectious, and any other health-related condition that may be transmitted by animals or their products to other animals or humans.".

Sec. 221. Section 101(d) of the Act of September 21, 1944 (7 U.S.C. 430), is amended to read:

"(a) The Secretary of Agriculture may purchase in the open market from applicable appropriations samples of all tuberculin, serums, antitoxins, or other products, of foreign or domestic manufacture, which are sold in the United States, for the detection, prevention, treatment, or cure of diseases of domestic animals, test the same, and disseminate the results of the tests in such manner as the Secretary of Agriculture may deem best.".

"(b) For the purposes of this section, the word 'diseases'; means any diseases of domestic animals, both infectious and non-infectious, and any other health-related condition that may be transmitted by domestic animals or their products to other animals or humans.".•

By Mrs. MURRAY:

S. 2454. A bill to make technical corrections to an act preempting State economic regulation of motor carriers; to the Committee on Environment and Public Works.

INTRASTATE MOTOR CARRIER TRANSPORTATION TECHNICAL CORRECTIONS ACT

• Mrs. MURRAY. Mr. President, I am pleased to introduce legislation today to clarify that it is not Congress' intent to preempt State or local regulations dealing with the operation of garbage collection, curbside recycling, or tow trucks. Last month Congress passed H.R. 2739, the Federal Aviation Administration Authorization Act of 1994, which included a provision in section 601 to preempt State and local regulations of intrastate trucking pertaining to prices, routes, and services.

I have been apprised by cities and organizations in Washington State that H.R. 2739 could impair curbside residential recycling programs and tow truck services. Recycling is taken very seriously in Washington State, which has some of the most successful programs in the country. My bill only clarifies that Congress did not intend to stop these type of activities when it enacted section 601.

The bill I am introducing today is almost identical to a bill introduced by Representatives Cantwell and Rahall in the House of Representatives. I look forward to working with my colleagues in both Chambers to support this or other legislation that will resolve the possible problems with preemption that I just mentioned.

I ask unanimous consent that the full text of the bill be printed into the Record as if read, immediately following this statement.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2454

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Intrastate Motor Carrier Transportation Technical Corrections Act of 1994".

SEC. 2. TECHNICAL CORRECTION.

Section 11501(h)(2) of title 49, United States Code, is amended—

(1) by striking out "and" at the end of subparagraph (A);

(2) by striking out the the period at the end of subparagraph (B) and insert in lieu thereof a semicolon; and

(3) by adding at the end the following:

"(C) does not apply to the transportation of garbage and refuse;

"(D) does not apply to the transportation of recyclable materials, as defined under section 10733(b), pursuant to programs conducted under the auspices of any unit of government; and

"(E) does not apply to motor carriers providing tow or wrecker services.".•

By Mr. KERRY (for himself and Mr. Stevens):

S. 2455. A bill to establish a system of licensing, reporting, and regulation for vessels of the United States fishing on the high seas; to the Committee on Commerce, Science, and Transportation.

HIGH SEAS FISHERIES LICENSING ACT

• Mr. KERRY. Mr. President, on a number of occasions in recent weeks, I have expressed by concerns regarding fisheries crises that seem to be arising with increasing frequency in many parts of the globe. Today, I am introducing the High Seas Fisheries Licensing Act of 1994—legislation to reinforce the U.S. commitment to international efforts to conserve and manage world fisheries.

The bill implements an international agreement adopted by consensus in Rome by the Conference of the United Nations Food and Agriculture Organization [FAO] on November 24, 1993, entitled "The Agreement to Promote Compliance with International Convention and Management Measures by Fishing Vessels on the High Seas" [Agreement]. This agreement establishes international requirements for the licensing, reporting, and regulation of fishing vessels that operate on the high seas. Earlier today, the Senate Foreign Relations Committee ordered the agreement reported to the full Senate for its approval. Prompt enactment of the High Seas Fisheries Licensing Act is essential for the United States to complete ratification of the agreement, and demonstrate U.S. leadership in promoting global fisheries conservation.

The oceans' supplies of fish were once thought to be inexhaustible. World harvests of fish and seafood have risen steadily over the past five decades, peaking in 1989 at a record 100 million metric tons. Since then, however, landings have begun to decline and FAO recently estimated that 13 of 17 major ocean fisheries may be in trouble. The problem of too many boats chasing too few fish has become familiar in far too many locations around the world.

Responding to this growing problem, the United States has pressed for international efforts to bring high sea fisheries under greater control. In September 1992, at an FAO technical conference on high seas fishing, the U.S. delegation proposed that a treaty be prepared under FAO auspices to address one problem plaguing efforts to manage fisheries on the high seas. The concern was that vessels belonging to a member nation of a regional fisheries organization would reflag to a nonmember nation, for the purpose of continuing to fish in the management area unconstrained by rules set by the organization and its members. For example, the effectiveness of the International Commission for the Conservation of Atlantic Tunas [ICCAT] has been undermined by vessels registered in and possibly reflagged in nations that are not ICCAT members. Flying "flags of convenience," these vessels then fish for tuna in the North Atlantic in defiance of ICCAT rules.

The FAO technical conference recommended that a reflagging agreement be developed as quickly as possible, as part of an International Code of Conduct for Responsible Fishing. In February 1993, a group of experts was convened to help prepare the first draft, and, after several negotiating sessions, the FAO conference adopted the final text of the treaty in November, 1993. On April 15, 1994, the President transmitted the agreement to the Senate for advice and consent.

Although the FAO agreement has been popularly referred to as the "flagging agreement," it does not deal directly with the flagging of fishing vessels, in part because FAO negotiators did not wish to deter legitimate transfers of vessels and flags. The primary tenet of the FAO agreement is the obligation of a nation to require specific authorization for vessels carrying its flag in order to fish on the high seas. In addition, the nation is responsible for ensuring that its authorized vessels do not undermine conservation and management measures that have been adopted by global or regional fishery management organizations.

The United States has vessels fishing on the high seas in many parts of the world, but has no general law governing such fishing. The High Seas Fisheries Licensing Act of 1994 would provide that statutory authority, establishing a system of licensing, reporting, and regulation for American vessels fishing on the high seas.

Provisions of the High Seas Fisheries Licensing Act would: First, require publication of a list of international conservation and management measures recognized by the United States and with which U.S. high seas fishing vessels are required to comply; second, require all U.S. fishing vessels operating on the high seas to have on board a valid license issued by the Secretary of Commerce, and prevent vessels from obtaining a U.S. license to avoid punishment for violation of international measures; third, require the Secretary to maintain a register of vessels licensed under the statute and to report to the FAO information on those vessels and their activities; and fourth, establish enforcement procedures, civil and criminal penalties, forfeitures, and license sanctions consistent with the Magnuson Fishery Conservation and Management Act.

There is widespread support for the agreement and the legislation, both in the United States and internationally, from environmental organizations and the fishing industry. This is a pragmatic first step toward improving the conservation and management of international fisheries and I encourage my colleagues to join with me to ensure prompt action by the Senate. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2455

Be it enacted by the Senate and House of Representatives of the United States of American in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "High Seas Fisheries Licensing Act of 1994".

SEC. 2. PURPOSE.

It is the purpose of this Act—

(1) to implement the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas, adopted by the Conference of the Food and Agriculture Organization of the United Nations on November 24, 1993; and

(2) to establish a system of licensing, reporting, and regulation for vessels of the United States fishing on the high seas.

SEC. 3. DEFINITIONS.

As used in this Act—

(1) The term "Agreement" means the Agreement to promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas, adopted by the Conference of the Food and Agriculture Organization of the United Nations on November 24, 1993.

(2) The term "FAO" means the Food and Agriculture Organization of the United Nations.

(3) The term "high seas" means the waters beyond the territorial sea or exclusive economic zone (or the equivalent) of any nation, to the extent that such territorial sea or exclusive economic zone (or the equivalent) is recognized by the United States.

(4) The term "high seas fishing vessel" means any vessel of the United States used or intended for use—

(A) on the high seas;

(B) for the purpose of the commercial exploitation of living marine resources; and

(C) as a harvesting vessel, as a mother ship, or as any other support vessel directly engaged in a fishing operation.

(5) The term "International conservation and management measures" means measures to conserve or manage one or more species of living marine resources that are adopted and applied in accordance with the relevant rules of international law as reflected in the 1982 United Nations Convention on the Law of the Sea and recognized by the United States. Such measures may be adopted by global, regional, or sub-regional fisheries organizations, subject to the rights and obligations of their members, or by treaties or other international agreements.

(6) The term "length" means—

(A) for any high seas fishing vessel built after July 18, 1982, 96 percent of the total length on a waterline at 85 percent of the least molded depth measured from the top of the keel, or the length from the foreside of the stem to the axis of the rudder stock on that waterline, if that is greater. In ships designed with a rake of keel the waterline on which this length is measured shall be parallel to the designed waterline;

(B) for any high seas fishing vessel built before July 18, 1982, registered length as entered on the vessel's documentation.

(7) The term "person" means any individual (whether or not a citizen of or national of the United States), any corporation, partnership, association, or other entity (whether or not organized or existing under the laws of any State), and any Federal, State, local, or foreign government or any entity of any such government.

(8) The term "Secretary" means the Secretary of Commerce or a designee.

(9) The term "vessel of the United States" means—

(A) a vessel documented under chapter 121 of title 46 or numbered in accordance with chapter 123 of title 46;

(B) a vessel owned in whole or part by—

(i) the United States or a territory, commonwealth, or possession of the United States;

(ii) a State or political subdivision thereof;

(iii) a citizen or national of the United States; or

(iv) a corporation created under the laws of the United States or any State, the District of Columbia, or any territory, commonwealth, or possession of the United States; unless the vessel has been granted the nationality of a foreign nation in accordance with article 92 of the 1982 United Nations Convention on the Law of the Sea and a claim of nationality or registry for the vessel is made by the master or individual in charge at the time of the enforcement action by an officer or employee of the United States authorized to enforce applicable provisions of the United States law; and

(C) a vessel that was once documented under the laws of the United States and, in violation of the laws of the United States, was either sold to a person not a citizen of the United States or placed under foreign registry or a foreign flag, whether or not the vessel has been granted the nationality of a foreign nation.

(10) The terms "vessel subject to the jurisdiction of the United States" and "vessel without nationality" have the same meaning as in 46 U.S.C. App. 1903(c).

SEC. 4. LICENSING.

(a) IN GENERAL.—No high seas fishing vessel shall engage in harvesting operations on the high seas unless the vessel has on board a valid license issued under this section.

(b) ELIGIBILITY.—

(1) Any vessel of the United States is eligible to receive a license under this section, unless the vessel was previously authorized to be used for fishing on the high seas by a foreign nation, and

(A) the foreign nation suspended such authorization because the vessel undermined the effectiveness of international conservation and management measures, and the suspension has not expired; or

(B) the foreign nation, within the last three years preceding application for a license under this section, withdrew such authorization because the vessel undermined the effectiveness of international conservation and management measures.

(2) The restriction in paragraph (1) does not apply where ownership of the vessel has changed since the vessel undermined the effectiveness of international conservation and management measures, and the new owner has provided sufficient evidence to the Secretary demonstrating that the previous owner or operator has no further legal, beneficial or financial interest in, or control of, the vessel.

(3) The restriction in paragraph (1) does not apply where the Secretary makes a determination that issuing a license would not subvert the purposes of the Agreement.

(4) The Secretary may not issue a license to a vessel unless he or she is satisfied that the United States will be able to exercise effectively its responsibilities under the Agreement with respect to that vessel.

(c) APPLICATION.—

(1) The owner or operator of a high seas fishing vessel may apply for a license under this section by completing an application form prescribed by the Secretary.

(2) The application form shall contain—

(A) the vessel's name, previous names (if known), official numbers, and port of record;

(B) previous flag (if any);

(C) International Radio Call Sign (if any);

(D) names and addresses of owners and operators;

(E) where and when built;

(F) type of vessel;

(G) length; and

(H) any other information the Secretary requires.

(d) CONDITIONS.—The Secretary shall establish such conditions and restrictions on each license issued under this section as are necessary and appropriate to carry out the obligations of the United States under the Agreement, including but not limited to the following:

(1) The vessel shall be marked in accordance with the FAO Standard Specifications for the Marking and Identification of Fishing Vessels, or with regulations issued under section 305 of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1855);

(2) The license holder shall report such information as the Secretary by regulation requires, including area of fishing operations and catch statistics. The Secretary shall promulgate regulations concerning conditions under which information submitted under this subsection may be released.

(e) FEES.—

(1) The Secretary may by regulation establish the level of fees to be charged for licenses issued under this section. The level of fees charged under this paragraph shall not exceed the administrative costs incurred in issuing such licenses. The licensing fee shall be in addition to any fee required under any regional licensing regime applicable to high seas fishing vessels.

(2) The fees authorized by paragraph (1) shall be collected and credited to the Operations, Research and Facilities account of the National Oceanic and Atmospheric Administration. Any fees collected shall be available until expended for the purpose of implementing this Act, to the extent and in the amounts provided in advance in appropriations acts.

(f) DURATION.—A license issued under this section is valid for the period specified in regulations issued under section 5(d). A license issued under this section is void in the event the vessel is no longer eligible for U.S. documentation, such documentation is revoked or denied, or the vessel is deleted from such documentation.

SEC. 5. RESPONSIBILITIES OF THE SECRETARY.

(a) RECORD.—The Secretary shall maintain an automated file or record of high seas fishing vessels issued licenses under section 4, including all information submitted under section 4(c)(2).

(b) INFORMATION TO FAO.—The Secretary, in cooperation with the Secretaries of State and Transportation, shall—

(1) make available to FAO information contained in the record maintained under subsection (a);

(b) promptly notify FAO of changes in such information;

(3) promptly notify FAO of additions to or deletions from the record, and the reason for any deletions;

(4) convey to FAO information relating to any license granted under section 4(b)(3), including the vessel's identity, owner or operator, and factors relevant to the Secretary's determination to issue the license;

(5) report promptly to FAO all relevant information regarding any activities of high seas fishing vessels that undermine the effectiveness of international conservation and management measures, including the identity of the vessels and sanctions imposed; and

(6) provide the FAO a summary of evidence regarding any activities of foreign vessels that undermine the effectiveness of international conservation and management measures.

(c) INFORMATION TO FLAG STATES.—The Secretary, in cooperation with the Secretary of State and the Secretary of Transportation, shall, where he or she has reasonable grounds to believe that a foreign high seas fishing vessel has engaged in activities undermining the effectiveness of international conservation and management measures—

(1) provide to the flag State information, including appropriate evidentiary material, relating to those activities; and

(2) when such foreign high seas fishing vessel is voluntarily in a United States port, the Secretary shall promptly notify the flag State. If requested by the flag State, the Secretary shall make arrangements to undertake such lawful investigatory measures as may be considered necessary to establish whether the high seas fishing vessel has been used contrary to the provisions of the Agreement.

(d) REGULATIONS.—The Secretary, after consultation with the Secretary of State and the Secretary of Transportation, may promulgate such regulations, in accordance with section 553 of title 5, United States Code, as may be necessary to carry out the purposes of the Agreement and this Act. The Secretary shall coordinate such regulations with any other entities regulating high seas fishing vessels, to minimize duplication of license application and reporting requirements. To the extent practicable, such regulations shall also be consistent with regulations implementing fishery management plans under the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

(e) NOTICE OF INTERNATIONAL CONSERVATION AND MANAGEMENT MEASURES.—The Secretary, in consultation with the Secretary of State, shall publish in the Federal Register, from time to time, a notice listing international conservation and management measures recognized by the United States.

SEC. 6. UNLAWFUL ACTIVITIES.

It is unlawful for any person subject to the jurisdiction of the United States—

(1) to use a high seas fishing vessel on the high seas in contravention of international conservation and management measures described in section 5(e);

(2) to use a high seas fishing vessel on the high seas, unless the vessel has on board a valid license issued under section 4;

(3) to use a high seas fishing vessel in violation of the conditions or restrictions of a license issued under section 4;

(4) to falsify any information required to be reported, communicated, or recorded pursuant to this Act or any regulation issued under this Act, or to fail to submit in a timely fashion any required information, or to fail to report to the Secretary immediately any change in circumstances that has the effect of rendering any such information false, incomplete, or misleading;

(5) to refuse to permit an authorized officer to board a high seas fishing vessel subject to such person's control for purposes of conducting any search or inspection in connection with the enforcement of this Act or any regulation issued under this Act;

(6) to forcibly assault, resist, oppose, impede, intimidate, or interfere with an authorized officer in the conduct of any search or inspection described in paragraph (5);

(7) to resist a lawful arrest or detention for any act prohibited by this section;

(8) to interfere with, delay, or prevent, by any means, the apprehension, arrest, or detection of another person, knowing that such person has committed any act prohibited by this section;

(9) to ship, transport, offer for sale, sell, purchase, import, export, or have custody, control, or possession of, any living marine resource taken or retained in violation of this Act or any regulation or license issued under this Act; or

(10) to violate any provision of this Act or any regulation or license issued under this Act.

SEC. 7. ENFORCEMENT PROVISIONS.

(a) DUTIES OF SECRETARIES OF COMMERCE AND TRANSPORTATION.—This Act shall be enforced by the Secretary of Commerce and the Secretary of Transportation. Such Secretaries may by agreement utilize, on a reimbursable basis or otherwise, the personnel, services, equipment (including aircraft and vessels), and facilities of any other Federal agency, or of any State agency, in the performance of such duties. Such Secretaries shall, and the head of any Federal or State agency that has entered into an agreement with either such Secretary under this section may (if the agreement so provides), authorize officers to enforce the provisions of this Act or any regulation or license issued under this Act.

(b) DISTRICT COURT JURISDICTION.—The district courts of the United States shall have exclusive jurisdiction over any case or controversy arising under the provisions of this Act. In the case of Guam, and any Commonwealth, territory, or possession of the United States in the Pacific Ocean, the appropriate court is the United States District Court for the District of Guam, except that in the case of American Samoa, the appropriate court is the United States District Court for the District of Hawaii.

(c) POWERS OF ENFORCEMENT OFFICERS.—

(1) Any officer who is authorized (by the Secretary, the Secretary of Transportation, or the head of any Federal or State agency that has entered into an agreement with such Secretaries under subsection (a)) to enforce the provisions of this Act may—

(A) with or without a warrant or other process—

(i) arrest any person, if the officer has reasonable cause to believe that such person has committed an act prohibited by section 9(a);

(ii) board, and search or inspect, any high seas fishing vessel;

(iii) seize any high seas fishing vessel (together with its fishing gear, furniture, appurtenances, stores, and cargo) used or employed in, or with repect to which it reasonably appears that such vessel was used or employed in, the violation of any provision of this Act or any regulation or license issued under this Act;

(iv) seize any living marine resource (wherever found) taken or retained, in any manner, in connection with or as a result of the commission of any act prohibited by section 6;

(v) seize any other evidence related to any violation of any provision of this Act or any regulation or license issued under this Act;

(B) execute any warrant or other process issued by any court of competent jurisdiction; and

(C) exercise any other lawful authority.

(2) Subject to the direction of the Secretary, a person charged with law enforcement responsbilities by the Secretary who is performing a duty related to enforcement of a law regarding fisheries or other marine resources may make an arrest without a warrant for an offense against the United States committed in his presence, or for a felony cognizable under the laws of the United States, if he has reasonable grounds to believe that the person to be arrested has committed or is committing a felony.

(d) Issuance of Citations.—If any authorized officer finds that a high seas fishing vessel is operating or has been operated in violation of any provision of this Act, such officer may issue a citation to the owner or operator of such vessel in lieu of proceeding under subsection (c). If a permit has been issued pursuant to this Act for such vessel, such officer shall note the issuance of any citation under this subsection, including the date thereof and the reason therefore, on the permit. The Secretary shall maintain a record of all citations issued pursuant to this subsection.

SEC. 8. CIVIL PENALTIES AND LICENSE SANCTIONS.

(a) Civil Penalties.—

(1) Any person who is found by the Secretary, after notice and opportunity for a hearing in accordance with section 554 of title 5, United States Code, to have committed an act prohibited by section 6 shall be liable to the United States for a civil penalty. The amount of the civil penalty shall not exceed $100,000 for each violation. Each day of a continuing violation shall constitute a separate offense. The amount of such civil penalty shall be assessed by the Secretary by written notice. In determining the amount of such penalty, the Secretary shall take into account the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the violation, the degree of culpability, any history of prior offenses, and such other matters as justice may require.

(2) The Secretary may compromise, modify, or remit, with or without conditions, any civil penalty that is subject to imposition or that has been imposed under this section.

(b) License Sanctions.—

(1) In any case in which—

(A) a vessel of the United States have been used in the commission of an act prohibited under section 6;

(B) the owner or operator of a vessel or any other person who has been issued or has applied for a license under section 4 has acted in violation of section 6; or

(C) any amount in settlement of a civil forfeiture imposed on a vessel or other property, or any civil penalty or criminal fine imposed on a vessel or owner or operator of a vessel of the United States or any other person who has been issued or has applied for a license under any fishery resource statute enforced by the Secretary, has not been paid and is overdue, the Secretary may—

(i) revoke any license issued with respect to such vessel or person, with or without prejudice to the issuance of subsequent licenses;

(ii) suspend such license for a period of time considered by the Secretary to be appropriate;

(iii) deny such license; or

(iv) impose additional conditions and restrictions on any license issued to or applied for by such vessel or person under this Act.

(2) In imposing a sanction under this subsection, the Secretary shall take into account—

(A) the nature, circumstances, extent, and gravity of the prohibited acts for which the sanction is imposed; and

(B) with respect to the violator, the degree of culpability, any history of prior offenses, and such other matters as justice may require.

(3) Transfer of ownership of a vessel, by sale or otherwise, shall not extinguish any license sanction that is in effect or is pending at the time of transfer of ownership. Before executing the transfer of ownership of a vessel, by sale or otherwise, the owner shall disclose in writing to the prospective transferee the existence of any license sanction that will be in effect or pending with respect to the vessel at the time of the transfer. The Secretary may waive or compromise a sanction in the case of a transfer pursuant to court order.

(4) In the case of any license that is suspended under this subsection for nonpayment of a civil penalty or criminal fine, the Secretary shall reinstate the license upon payment of the penalty or fine and interest thereon at the prevailing rate.

(5) No sanctions shall be imposed under this subsection unless there has been prior opportunity for a hearing on the facts underlying the violation for which the sanction is imposed, either in conjunction with a civil penalty proceeding under this section or otherwise.

(c) Hearing.—For the purposes of conducting any hearing under this section, the Secretary may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, any may administer oaths. Witnesses summoned shall be paid the same fees and mileage that are paid to witnesses in the courts of the United States. In cases of contempt or refusal to obey a subpoena served upon any person pursuant to this subsection, the district court of the United States for any district in which such person is found, resides, or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the Secretary or to appear and produce documents before the Secretary, or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(d) Judicial Review.—Any person against whom a civil penalty is assessed under subsection (a) or against whose vessel a license sanction is imposed under subsection (b) (other than a license suspension for nonpayment of penalty or fine) may obtain review thereof in the United States district court for the appropriate district by filing a complaint against the Secretary in such court within 30 days from the date of such penalty or sanction. The Secretary shall promptly file in such court a certified copy of the record upon which such penalty or sanction was imposed, as provided in section 2112 of title 28, United States Code. The findings and order of the Secretary shall be set aside by such court if they are not found to be supported by substantial evidence, as provided in section 706(2) of title 5, United States Code.

(e) Collection.—

(1) If any person fails to pay an assessment of a civil penalty after it has become a final and unappealable order, or after the appropriate court has entered final judgment in favor of the Secretary, the matter shall be referred to the Attorney General, who shall recover the amount assessed in any appropriate district court of the United States. In such action, the validity and appropriateness of the final order imposing the civil penalty shall not be subject to review.

(2) A high seas fishing vessel (including its fishing gear, furniture, appurtenances, stores, and cargo) used in the commission of an act prohibited by section 6 shall be liable in rem for any civil penalty assessed for such violation under subsection (a) and may be proceeded against in any district court of the United States having jurisdiction thereof. Such penalty shall constitute a maritime lien on such vessel that may be recovered in an action in rem in the district court of the United States having jurisdiction over the vessel.

SEC. 9. CRIMINAL OFFENSES.

(a) Offenses.—A person is guilty of an offense if the person commits any act prohibited by section 6 (6), (7), (8), or (9).

(b) Punishment.—Any offense described in subsection (a) is a class A misdemeanor punishable by a fine under title 18, United States Code, or imprisonment for not more than one year, or both; except that if in the commission of any offense the person uses a dangerous weapon, engages in conduct that causes bodily injury to any authorized officer, or places any such officer in fear of imminent bodily injury, the offense is a felony punishable by a fine under title 18, United States Code, or imprisonment for not more than 10 years, or both.

SEC. 10. FORFEITURES.

(a) In General.—Any high seas fishing vessel (including its fishing gear, furniture, appurtenances, stores, and cargo), used, and any living marine resources (or a fair market value thereof) taken or retained, in any manner, in connection with or as a result of the commission of any act prohibited by section 6 shall be subject to forfeiture to the United States. All or part of such vessel may, and all such living marine resources shall, be forfeited to the United States pursuant to a civil proceeding under this section.

(b) Jurisdiction of District Courts.—Any district court of the United States shall have jurisdiction, upon application of the Attorney General on behalf of the United States, to order any forfeiture authorized under subsection (a) and any action provided for under subsection (d).

(b) Judgment.—If a judgment is entered for the United States in a civil forfeiture proceeding under this section, the Attorney General may seize any property or other interest declared forfeited to the United States, which has not previously been seized pursuant to this Act or for which security has not previously been obtained. The provisions of the customs laws relating to—

(1) the seizure, forfeiture, and condemnation of property for violation of the customs law;

(2) the disposition of such property or the proceeds from the sale thereof; and

(3) the remission or mitigation of any such forfeiture; shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this Act, unless such provisions are inconsistent with the purposes, policy, and provisions of this Act.

(d) Procedure.—

(1) Any officer authorized to serve any process in rem that is issued by a court under section 7(b) shall—

(A) stay the execution of such process; or

(B) discharge any living marine resources seized pursuant to such process;

upon receipt of a satisfactory bond or other security from any person claiming such property. Such bond or other security shall be conditioned upon such person delivering such property to the appropriate court upon order thereof, without any impairment of its value, or paying the monetary value of such property pursuant to an order of such court. Judgment shall be recoverable on such bond or other security against both the principal and any sureties in the event that any condition thereof is breached, as determined by such court.

(2) Any living marine resources seized pursuant to this Act may be sold, subject to the approval of the appropriate court, for not less than the fair market value thereof. The proceeds of any such sale shall be deposited with such court pending the disposition of the matter involved.

(e) REBUTTABLE PRESUMPTION.—For purposes of this section, all living marine resources found on board a high seas fishing vessel and which are seized in connection with an act prohibited by section 6 are presumed to have been taken or retained in violation of this Act, but the presumption can be rebutted by an appropriate showing of evidence to the contrary.

SEC. 11. EFFECTIVE DATE.

This Act shall take effect 6 months after the entry into force of the Agreement, or 6 months after the date of enactment of this Act, whichever is later.●

By Mr. GORTON:

S. 2456. A bill to direct the Secretary of Agriculture to carry out activities on certain federally owned lands to address the adverse effects of 1994 wildfires in the Western portion of the United States, and for other purposes; to the Committee on Energy and Natural Resources.

FOREST HEALTH ACT OF 1994

Mr. GORTON. Mr. President, this summer forest fires have burned nearly 3 million acres of land in the Western United States—double the amount which burned last year. In Washington State alone, hundreds of thousands of acres have burned. These fires have created an emergency situation in my State, and States across the West.

Let me reiterate, this is an emergency situation—one which deserves an emergency response. You only have to talk to the people who live in the areas in my State destroyed by these fires to understand why the Federal Government must immediately begin to restore the health of our forests.

Let me give you an example of how important this issue is to people in my State. I received a letter from the Okanogan County Commissioners, and it reads in part:

> The recent forest and range fires that burned thousands of acres in North Central and Central Washington have had a devastating effect on local economies. The Okanogan County Board of Commissioners urge a quick response to save the economic value of these fire damaged timber stands. Deterioration of these damaged areas begins immediately, so timing is very important. . . . We request fire damaged timber be harvested on a select cut basis and restoration begin as soon as reasonable.

Mr. President, these are the words of the Okanogan County Commissioners—it is hard to miss the urgency of their message. And it is this message of urgency which I heard from community leaders across the fire-ravaged areas of my State. The message to the Federal Government is clear—get in quickly, get up the fuel load, conduct the salvage operations, and restore the health of our forests.

Administration officials, after touring burned areas in my State, publicly stated that the Forest Service must begin to address forest health issues—specifically thinning, salvaging, and prescribed burning. Jim Lyons, Assistant Secretary of Agriculture for Natural Resources and Environment, is quoted as saying in an August 13, 1994 Seattle Post-Intelligence article:

> Forest management, rather than being the evil as some would portray, can be used to improve forest health.

Lyons went on to state that "He is also pushing for increased thinning and salvaging of downed timber." Forest Chief, Jack Ward Thomas, has echoed the statements made by Mr. Lyons.

Mr. President, today I introduce legislation which will give these administration officials the ability to give more than lipservice to this issue. The bill I introduce today will allow the administration to follow through on its promise to restore the health of our forests burned by summer wildfires.

My legislation—the Forest Health Act of 1994—was developed after listening to the concerns of communities in eastern Washington which have been devastated by wildfires. Community leaders, commissioners, landowners, and the people who live and work in eastern Washington have made clear to me that the administration must follow through on their promises and begin to conduct salvaging operations.

Yesterday, during the House-Senate conference on the 1995 Interior appropriations bill, I offered my Forest Health Act of 1994 as an amendment to the conference report. Prior to conference, I shared this language with the Washington congressional delegation and I had hoped to have their support in conference. When the time came for me to offer my language, however, I was told that they would not support my efforts to protect the administration's activities to conduct salvaging operations from frivolous lawsuits.

I was deeply disappointed that even this modest effort in response to an extreme emergency in my State was so easily dismissed.

Yesterday, in written response to a request from Speaker FOLEY, Assistant Secretary Lyons again spelled out the administration's strong commitment to conducting salvaging and thinning operations to restore forest health.

I fully support the efforts of the Forest Service and Mr. Lyons. Unfortunately, even a strongly worded commitment from the administration will not fend off frivolous lawsuits. The minute the Forest Service initiates salvage operations, the frivolous and obstructionist lawsuits will be filed, effectively stopping any true salvage efforts for years. Simply put, a letter from the administration will not stand up in a court of law.

Mr. President, I sincerely hope that the administration is able to follow through on its promise to conduct salvage operations in the areas hit hard by forest fires in my State without excessive appeals and endless delays. I remain doubtful, however, and believe that my legislation would avoid the frivolous lawsuits and endless appeals and enable us to restore the health of our forests far more quickly.

I ask unanimous consent that a copy of the Forest Health Act of 1994 and a letter from the Department of Agriculture be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2456

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Forest Health Act of 1994".

SEC. 2 ACTIVITIES TO ADDRESS THE ADVERSE EFFECTS OF WILDFIRES.

(a) IN GENERAL.—Notwithstanding any other provision of law, immediately after the date of enactment of this Act, the Secretary of Agriculture, acting through the Chief of the Forest Service and in consultation with the Secretary of the Interior, shall carry out the following activities on Federally owned lands that were adversely affected by the 1994 wildfires in the western portion of the United States:

(1) Thinning and salvaging dead, dying, bug infested, and burnt timber to remove existing fuel loads and improve the health of forests.

(2) Seeding with grass seeds, conducting tree planting operations, and carrying out other forms of revegetation for the purposes of flood prevention and the prevention of landslides.

(b) EMPLOYMENT.—Notwithstanding any other provision of law, to the maximum extent practicable, the Secretary of Agriculture shall employ dislocated timber workers to carry out the activities specified in subsection (a).

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, DC, September 21, 1994.
Hon. THOMAS S. FOLEY,
Speaker of the House, House of Representatives, Longworth House Office Building, Washington, DC.

DEAR MR. SPEAKER: Thank you for expressing your concern about the current condition of our western national forests. I share your concern and sense of urgency about the situation in the West. The wildfires affecting eastern Washington and other western States are symptomatic of the excessive fuels and poor condition of many forested areas in the region. I want to reassure you that I am taking aggressive actions to deal with the situation.

On July 23, 1994, I directed Chief Jack Ward Thomas to develop a proposal for a forest health initiative for the national forests in the West. This initiative will (1) determine the nature and extent of forest health problems on the western national forests, and (2) recommend measures for improving the health of these forest ecosystems through the appropriate use of salvage logging, thinning, prescribed burning, and other silvicultural tools. The term will also identify administrative barriers to achieving our overall forest health goals, in a manner that is consistent with existing statutory requirements and legal authorities.

The team that will develop this initiative is comprised of a select group of individuals with diverse knowledge and expertise and extensive field experience. They are based here in Washington, D.C., enabling them to have direct communications with the Department and appropriate Capital Hill offices. The team will submit their final report to Chief Thomas by September 30, 1994.

The report will identify the specific actions and resources needed in support of these activities to promote forest health on National Forest System lands in the West in the context of our overall ecosystem management goals. I am confident that the forest health initiative will enable us to intensify efforts to deal effectively with these serious forest health problems by reducing heavy fuels, capturing mortality, thinning overly dense stands, and other measures recommended by this team. I intend to move expeditiously to implement the team recommendations as appropriate.

I should also note that this initiative is likely to identify opportunities for employing local residents to aid in conducting those silvicultural activities deemed appropriate for restoring ecosystem health. Where possible, I would hope that local residents would be given the opportunity to engage in these activities so that they might benefit from any employment opportunities that result.

I appreciate your interest and the assistance you have provided in helping us address this issue. We must move aggressively to reduce the risk of this situation in the future.

If I can be of further assistance, please do not hesitate to contact me.

Best personal regards.

Sincerely,

JAMES R. LYONS,
Assistant Secretary,
Natural Resources and Environment.

By Mr. CRAIG (for himself, Mr. CAMPBELL, Mr. LUGAR, Mr. SHELBY, Mr. GRASSLEY, Mr. SIMPSON, Mr. BROWN, Mr. ROTH, Mr. KEMPTHORNE, Mrs. KASSEBAUM, Mr. BURNS, Mr. GORTON, Mr. LOTT, and Mr. EXON):

S. 2458. A bill to reform the concept of baseline budgeting, set forth strengthened procedures for the consideration of rescissions, provide a mechanism for dedicating savings from spending cuts to deficit reduction, and to ensure that only one emergency is included in any bill containing an emergency designation; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

THE COMMON CENTS BUDGET REFORM ACT OF 1994

Mr. CRAIG. Madam President, today, I and my colleague, BEN NIGHTHORSE CAMPBELL of Colorado, introduce a package of budget reform measures that we hope the Budget Committee will begin to look at as early as October 5, when the chairman of that committee had agreed to hold hearings on the budget reform process here in the U.S. Senate and the Congress as a whole.

Yesterday, I had the privilege of meeting with three of our colleagues from the House, Congressman CHARLES STENHOLM of Texas; Congressman JOHN KASICH; and Congressman TIM PENNY.

At that time, they presented to me a letter that they had sent to our leader, Senator MITCHELL, including three provisions that the House has passed by overwhelming numbers in the course of the last several months:

Expedited rescission, where the Congress would require a vote promptly by a majority on a proposal that would be rescinded by the President in budget matters brought before him. That passed on July 14 in the House by 342 votes.

A provision maintaining the integrity of emergency appropriations where they do not get wrapped into other appropriations but are dealt with separately and timely as relates to emergencies that occur in this country and need the Congress and their Government to respond to them.

And the simple matter of baseline budgeting.

Madam President, that is an issue that has been around for a long time; that we do not constantly roll into our budget's inflation and natural growth and then cut a portion of that and say our budgets have been cut, but actually look at rock-solid baseline budgeting and talk about if we want to increase it over last year. We think that is responsible.

Those three items are a part of a package that Senator CAMPBELL and I are introducing.

We have also introduced another measure guaranteeing that a cut is a cut. Amendments to cut appropriation bills would apply savings directly to deficit reduction rather than to be spun off into other spending as it oftentimes the case.

I think the American people have recognized that something is clearly wrong here with the Congress of the United States that cannot deal with its budgets.

Since the Budget Impoundment Act of now well over two decades ago, when we said to the American people we were going to bring to the budget process strong and decisive action that would control our budgets and control our deficits, well, two decades later and trillions of dollars added to our national debt, the American people no longer believe us.

Clearly, if we are to get our budget under control, it is us here in the Senate and in the U.S. House of Representatives that are going to have to deal with it. We cannot ask for magic and we cannot wish it away. We are going to have to make the tough decisions and the provisions that we have brought about in what we are calling the Common Cents Budget Reform Act of 1994, puts before the Congress a process that, if implemented in law, both for the House and the Senate would bring these kinds of tough tests and measures to the budget process.

And I think the American people could observe us in our actions and say, "Yes, cuts are cuts. There is not any funny inflationary business inside budgets." Every year, we consciously decide that a budget is going to be increased or decreased, that we would also provide for the integrity of emergency appropriations, and that we would have a line-item veto in a modified rescission form in it. Those are the combination of real reform that I think most Americans expect and want to deal with and that will be found in our Common Cents Budget Reform Act that we introduce today.

I would encourage all of my colleagues, in the "Dear Colleague" letter that both Senator CAMPBELL and I sent out this week, to look at it and to join with us. Because the Budget Committee will on the 5th hold hearings and we know that this is an issue whose time is coming.

Next year we will be back before the Budget Committee dealing with a very responsible process of budget reform measures. I have talked with the ranking Republican, PETE DOMENICI, who has time and time again brought to this floor with his colleagues responsible reform measures. It is now time we get it done.

We are going to be back next year debating one of the issues that I have championed now for over a decade here in the Congress and that is a balanced budget amendment to the Constitution. If we pass that—and I think we will—next year, we are also going to have to follow it up with a process that brings the budget down to balance within a 4- to 5-year period.

So it is going to take provisions of the kind that I am introducing today, along with my colleague from Colorado, in this Common Cents Budget Reform Act.

We can no longer hide, Madam President. The American people are demanding that we get the budget under control, that we deal with deficits and that we be responsible with bringing our debt under control, and the bill that we introduce today that we will hopefully be able to have heard before the Budget Committee on the 5th and will reintroduce it again next year; a bill that three of the four provisions have already passed the House by almost unanimous votes, is the kind of issue that is a bipartisan balance to a very difficult process.

I hope my colleagues will join in cosponsoring this legislation to build the bipartisan momentum that we will need to push it into law.

Mr. President, the 103d Congress, the "Reform Congress" came in like a lion and is about to go out like a lamb.

Even out of the few surviving proposals of the Joint Committee on the Organization of Congress, we may see no more than congressional coverage considered in the Senate—if that.

The most important reforms that Congress could enact would be budget reforms.

In the two decades since the Budget and Impoundment Control Act was enacted, Congress progressively has lost control of Federal spending. This repeated failure to manage the taxpayers' money has become a threat not only to our Nation's economic future and our children's standard of living, but also to the credibility of Congress. We must act to help restore a sense of order, discipline, and accountability to the process by which spending decisions are made.

Yet, earlier this year, both Houses of Congress failed by narrow margins to pass the balanced budget amendment to the Constitution. In both bodies, reforms have remained buried in committee.

Finally, some of our House colleagues have broken through the logjam in that body and created the opportunity for the Senate, as well, to pass meaningful budget reforms.

In May of this year, Representatives STENHOLM, PENNY, and KASICH introduced the Common Cents Budget Reform Act, H.R. 4434, which included budget reforms in four major areas. These are:

Baseline budgeting reform: Presidential and congressional budgets and CBO cost estimates would compare proposed spending to current actual spending, not an inflated baseline.

Guaranteeing a cut is a cut: Amendments to cut appropriations bills could apply savings directly to deficit reduction, rather than to other spending; discretionary spending caps would be adjusted to reflect the savings in spending-cut amendments. This would be carried out by creation of a deficit reduction account, or lockbox, in each appropriations bill.

Modified line-item veto expedited rescissions: Congress would be required to vote promptly on Presidential proposals to rescind appropriations or strike narrowly targeted tax benefits.

Maintaining the integrity of emergency appropriations: Action on genuine emergencies would be expedited by barring the addition of nonemergency items.

In recent weeks, under growing pressure from deficit hawks, the House leadership allowed three bills to come to the floor: H.R. 4600, dealing with expedited rescissions; H.R. 4907, concerning budget baselines; and H.R. 4906, concerning the emergency appropriations process.

In all three cases, the House passed the stronger of the proposals before it, by large, bipartisan majorities.

On final passage, the House voted by a margin of 342 to 69 to pass the stronger expedited rescission language, by voice vote to create a static spending baseline, and by 406 to 6 to keep extraneous matters out of appropriations bills.

Today, along with my colleague from Colorado, Senator BEN NIGHTHORSE CAMPBELL, and a number of other Senators, I am introducing the Senate companion to the Common Cents Budget Reform Act. Our bill includes technical revisions that were made when three-fourths of these provisions passed the other body.

While the introduction of this latest version of these reforms comes late in the current session, I want to stress that all of these ideas have been around for a long time.

For example, the mechanics of the modified line-item veto/expedited rescission title of the common cents bill is very similar to the bill S. 690, that Senators KEMPTHORNE, COHEN, and I introduced last year. That bill, in turn, the result of conversations we had with then-Representative Tom Carper and other House colleagues who successfully pushed a different version through the other body in 1992.

Five times during the 103d Congress, the Senate took votes on versions of a line-item veto. Three times these proposals received the support of a majority of Senators. Twice, large, bipartisan majorities in the Senate passed sense-of-the-Senate amendments in favor of some version of a line-item veto or expedited rescission process. Three times in 3 years, the House has passed the actual statutory reforms. Now is the time for the Senate to act.

Similarly, changes in computing and presenting a budget baseline and in the process for passing emergency appropriations bill have been debated for about as long as baselines and emergency appropriations themselves have existed. More than a year ago, I testified in favor of baseline reforms before the Joint Committee on the Organization of Congress.

Finally the need for a cut-is-a-cut rule, also called a deficit-reduction lockbox, has become evident from our experience under the discretionary spending caps created under the 1990 budget agreement.

Many times, we have seen Members in both bodies offer spending cuts in specific programs, invoking the worthy goal of deficit reduction. Whether we agreed or disagreed with any particular cut, most of us were frustrated by the fact that any such cut could not be required to apply to deficit reduction unless we overcame a 60-vote point of order in the Budget Act.

I opposed the 1990 budget agreement. I agree that the domestic spending caps are about the only part of that agreement that has worked. I cannot imagine that anyone who was involved in the 1990 budget agreement for the purpose of reducing the deficit could have intended that a 60-vote point of order should be available to thwart additional deficit reduction.

Therefore, last year, Senator SHELBY and I introduced the Deficit Reduction Assurance Act, which would lower the caps on outyear spending when Congress makes a current cut in an appropriations bill. Senator KEMPTHORNE and Representative CRAPO introduced similar lockbox bills at about the same time. The common cents bill includes a refined version of these proposals.

All of this I point out to stress that our bill does not raise new issues. It merely contains the newest refined, bipartisan solutions to familiar problems.

Yesterday, a letter was hand-delivered to the Senate majority leader from no less than 114 Members of the House, 57 Democrats and 57 Republicans, asking him to allow the Senate to vote on the three House-passed common cents reforms, without procedural obstacles.

I rise today to make that same request on the Senate floor, on behalf of the many Senators who support these reforms and support having a fair vote on them before the Congress goes home this year.

These are not radical reforms. The issues are familiar. It is not precipitous or premature to request that we be allowed up-or-down votes on them this year. It would not be a rush to judgement to pass them and see them signed into law this year. It would be reform to do so, real reform.

Between 342 and 435 Members of the other body have final come to the realization that these are the types of reforms the American people want. Now is the time for the Senate to wake up to the same reality.

I ask unanimous consent that I may include additional materials in the RECORD, including a summary of the Craig-Campbell common cents bill, the text of the bill, and a copy of the letter of the majority leader from 114 House Members.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2458

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Common Cents Budget Reform Act of 1994".

TITLE I—REFORM OF BASELINE BUDGETING

SEC. 100. SHORT TITLE.

This title may be cited as the "Baseline Budgeting Reform Act of 1994".

SEC. 101. THE BASELINE.

Except for purposes of adjusting the discretionary spending limits set forth in section 601(a)(2) of the Congressional Budget Act of 1974, section 257(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended—

(1) in the second sentence of paragraph (1), by striking "sequentially and cumulatively" and by striking "for inflation as specified in paragraph (5),"; and

(2) and by redesignating paragraph (6) as paragraph (5).

SEC. 102. THE PRESIDENT'S BUDGET.

(a) Paragraph (5) of section 1105(a) of title 31, United States Code, is amended to read as follows:

"(5) except as provided in subsection (b) of this section, estimated expenditures and appropriations for the current year and estimated expenditures and proposed appropriations the President decides are necessary to support the Government in the fiscal year for which the budget is submitted and the 4 fiscal years following that year;".

(b) Section 1105(a)(6) of title 31, United States Code, is amended by inserting "current fiscal year and the" before "fiscal year".

(c) Section 1105(a)(12) of title 31, United States Code, is amended by striking "and" at the end of subparagraph (A), by striking the period and inserting "; and" at the end of subparagraph (B), and by adding at the end the following new subparagraph:

"(C) the estimated amount for the same activity (if any) in the current fiscal year.".

(d) Section 1105(a)(18) of title 31, United States Code, is amended by inserting "new budget authority and" before "budget outlays".

(e) Section 1105(a) of title 31, United States Code, is amended by adding at the end the following new paragraph:

"(30) a comparison of levels of estimated expenditures and proposed appropriations for each function and subfunction in the current fiscal year and the fiscal year for which the budget is submitted, along with the proposed increase or decrease of spending in percentage terms for each function and subfunction.".

(f) Section 1109(a) of title 31, United States Code, is amended by adding after the first sentence the following new sentence: "These estimates shall not include an adjustment for inflation for programs and activities subject to discretionary appropriations.".

SEC. 103. CONGRESSIONAL BUDGET.

Section 301(e) of the Congressional Budget Act of 1974 is amended by—

(1) inserting after the second sentence the following: "The starting point for any deliberations in the Committee on the Budget of each House on the concurrent resolution on the budget for the next fiscal year shall be the estimated level of outlays for the current year in each function and subfunction. Any increases or decreases in the Congressional budget for the next fiscal year shall be from such estimated levels."; and

(2) striking paragraph (8) and redesignating paragraphs (9) and (10) as paragraphs (10) and (11), respectively, and by inserting after paragraph (7) the following new paragraphs:

"(8) a comparison of levels for the current fiscal year with proposed spending and revenue levels for the subsequent fiscal years along with the proposed increase or decrease of spending in percentage terms for each function and subfunction; and

"(9) information, data, and comparisons indicating the manner in which and the basis on which, the committee determined each of the matters set forth in the concurrent resolution, including information on outlays for the current fiscal year and the decisions reached to set funding for the subsequent fiscal years;".

SEC. 104. CONGRESSIONAL BUDGET OFFICE REPORT TO COMMITTEES.

(a) The first sentence of section 202(f)(1) of the Congressional Budget Act of 1974 is amended to read as follows: "On or before February 15 of each year, the Director shall submit to the Committees on the Budget of the House of Representatives and the Senate a report for the fiscal year commencing on October 1 of that year with respect to fiscal policy, including (A) alternative levels of total revenues, total new budget authority, and total outlays (including related surpluses and deficits) compared to comparable levels for the current year and (B) the levels of tax expenditures under existing law, taking into account projected economic factors and any changes in such levels based on proposals in the budget submitted by the President for such fiscal year.".

(b) Section 202(f)(1) of the Congressional Budget Act of 1974 is amended by inserting after the first sentence the following new sentence: "That report shall also include a table on sources of spending growth under current law in total mandatory spending for the budget year and the ensuing 4 fiscal years, which shall include changes in outlays attributable to the following: cost-of-living adjustments; changes in the number of program recipients; increases in medical care prices, utilization and intensity of medical care; and residual factors.".

(c) Section 202(f)(3) of the Congressional Budget Act of 1974 is amended by striking "and" before "(B)" and inserting a comma, and by inserting before the period at the end the following: ", and (C) all programs and activities with permanent or indefinite spending authority or that fall within section 401(c)(2)(C)".

(d) Section 308(a)(1) of the Congressional Budget Act of 1974 is amended—

(1) in subparagraph (C), by inserting ", and shall include a comparison of those levels to comparable levels for the current fiscal year" before "if timely submitted"; and

(2) by striking "and" at the end of subparagraph (C), by striking the period and inserting "; and" at the end of subparagraph (D), and by adding at the end the following new subparagraph:

"(E) comparing the levels in existing programs in such measure to the estimated levels for the current fiscal year.".

TITLE II—CHANGES IN DISCRETIONARY SPENDING LIMITS

SEC. 200. SHORT TITLE.

This title may be cited as the "Guaranteed Spending Cut Act of 1994".

SEC. 201. DOWNWARD ADJUSTMENTS OF DISCRETIONARY SPENDING LIMITS.

(a) DOWNWARD ADJUSTMENTS.—The discretionary spending limit for new budget authority for any fiscal year set forth in section 601(a)(2) of the Congressional Budget Act of 1974, as adjusted in strict conformance with section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985, shall be reduced by the amount in the Deficit Reduction Account set forth in each appropriation bill (or changed in the case of a rescission bill pursuant to section 1012 of the Congressional Budget Act of 1974), as calculated by the Director of the Office of Management and Budget. The adjusted discretionary spending limit for outlays for that fiscal year and each outyear as set forth in such section 601(a)(2) shall be reduced as a result of the reduction of such budget authority, as calculated by the Director of the Office of Management and Budget based upon programmatic and other assumptions set forth in the joint explanatory statement of managers accompanying the conference report on that bill. Reductions (if any) shall occur on the day that each such appropriation bill is enacted into law. For purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 and the Congressional Budget Act of 1974, amounts in Deficit Reduction Accounts shall only be used to make the adjustments specified in this subsection.

(b) DEFINITION.—As used in this section, the term "appropriation bill" means any general or special appropriation bill, and any bill or joint resolution making supplemental, deficiency, or continuing appropriations.

SEC. 202. DEFICIT REDUCTION ACCOUNTS IN APPROPRIATION MEASURES AND IN RESCISSION BILLS.

(a) DEFICIT REDUCTION ACCOUNTS.—Title III of the Congressional Budget Act of 1974 is amended by adding at the end the following new section:

"DEFICIT REDUCTION ACCOUNTS IN
APPROPRIATION BILLS AND RESCISSION BILLS

"SEC. 314. (a) Any appropriation bill or rescission bill that is being marked up by the Committee on Appropriations (or a subcommittee thereof) of either House shall contain a line item entitled 'Deficit Reduction Account'.

"(b) Whenever the Committee on Appropriations of either House reports an appropriation bill, that bill shall contain a line item entitled 'Deficit Reduction Account' comprised of the following:

"(1) Only in the case of any general appropriation bill containing the appropriations for Treasury and Postal Service (or resolution making continuing appropriations (if applicable)), an amount equal to the amounts by which the discretionary spending limit for new budget authority and outlays set forth in the most recent OMB sequestration preview report pursuant to section 601(a)(2) exceed the section 602(a) allocation for the fiscal year covered by that bill.

"(2) Only in the case of any general appropriation bill (or resolution making continuing appropriations (if applicable)), an amount not to exceed the amount by which the appropriate section 602(b) allocation of new budget authority exceeds the amount of new budget authority provided by that bill (as reported by that committee).

"(3) Only in the case of any bill making supplemental appropriations following enactment of all general appropriation bills for the same fiscal year, an amount not to exceed the amount by which the section 602(a) allocation of new budget authority exceeds the sum of all new budget authority provided by appropriation bills enacted for that fiscal year plus that supplemental appropriation bill (as reported by that committee).

"(c)(1) Any amendment which is offered to reduce budget authority to an appropriation bill during its consideration by the Committee on Appropriations (or any subcommittee thereof) of either House of Congress or by either House may increase the amount placed in the Deficit Reduction Account by an amount which does not exceed the reduction in budget authority contained in the amendment. Any amendment to rescind budget authority during consideration of any bill by the Committee on Appropriations (or any subcommittee thereof) of either House of Congress or by either House may increase the amount placed in the Deficit Reduction

Account by an amount which does not exceed the increase in the rescission contained in the amendment.

"(2) Whenever any amendment referred to in paragraph (1) is agreed to increasing the amount contained in the Deficit Reduction Account, then the line item entitled 'Deficit Reduction Account' shall be increased by that amount.

"(3) Any amendment referred to in paragraph (1) shall identify the program, project, or account which is to be reduced in order to increase the Deficit Reduction Account by the amount set forth in that amendment.

"(d)(1) Any amendment pursuant to subsection (c)(1) shall be in order even if amending portions of the bill not yet read for amendment with respect to the Deficit Reduction Account and shall not be subject to a demand for a division of the question in the House of Representatives (or in the Committee of the Whole) or in the Senate. It shall be in order to further amend the amount placed in the Deficit Reduction Account after that amount has been changed by amendment. It shall not be in order to reduce the amount placed in the Deficit Reduction Account unless it is pursuant to a motion to strike any proposed rescission under section 1012(c)(1)(C) or section 1012(c)(3)(B). It shall not be in order to offer an amendment increasing a Deficit Reduction Account unless the amendment increases rescissions or reduces appropriations by an equivalent amount.

"(2) During consideration of such an amendment to an appropriation bill in the House of Representatives, if the original motion offered by the floor manager proposed to place an amount in the Deficit Reduction Account that is less than the lower of the level in the House or Senate bill, then pending such original motion and before debate thereon, a motion to insist on disagreement to the amendment proposed by the Senate shall be preferential to any other motion to dispose of that amendment. Such a preferential motion shall be separately debatable for one hour equally divided between its opponents and the proponents of the original motion. The previous question shall be considered as ordered on such a preferential motion to its adoption without an intervening motion.

"(3) The committee report accompanying any appropriation bill or rescission bill in the House of Representatives or Senate and the joint statement of the managers accompanying the conference report on that bill shall set forth—

"(A) for any general appropriation bill, the amount of new budget authority and outlays derived from the difference between the section 602(b) allocations and the appropriation bills;

"(B) for any appropriation bill (except a general appropriation bill) but only if all 13 general appropriation bills have been enacted for that fiscal year, the amount of new budget authority and outlays to be derived from the difference between the section 602(a) allocations and the sum of appropriation bills for the current year and that bill; and

"(C) for any amendment described in subsection (c)(1) changing the amount in a Deficit Reduction Account, the program, project, or account assumptions;

for amounts in the Deficit Reduction Account.

"(e) As used in this section—

"(1) the term 'appropriation bill' means any general or special appropriation bill, and any bill or joint resolution making supplemental, deficiency, or continuing appropriations; and

"(2) the term 'rescission bill' means any bill which rescinds budget authority, including a bill referred to by section 1012.".

(b) CONFORMING AMENDMENT.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting after the item relating to section 313 the following new item:

"Sec. 314. Deficit reduction accounts in appropriation bills and rescission bills.".

TITLE III—EXPEDITED RESCISSIONS AND TARGETED TAX BENEFITS

SEC. 300. SHORT TITLE.

This title may be cited as the "Modified Line Item Veto/Expedited Rescission Act of 1994".

SEC. 301. EXPEDITED CONSIDERATION OF CERTAIN PROPOSED RESCISSIONS AND TARGETED TAX BENEFITS.

(a) IN GENERAL.—Section 1012 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 683) is amended to read as follows:

"EXPEDITED CONSIDERATION OF CERTAIN PROPOSED RESCISSIONS

"SEC. 1012. (a) PROPOSED RESCISSION OF BUDGET AUTHORITY OR REPEAL OF TARGETED TAX BENEFITS.—The President may propose, at the time and in the manner provided in subsection (b), the rescission of any budget authority provided in an appropriation Act or repeal of any targeted tax benefit provided in any revenue Act. Funds made available for obligation under this procedure may not be proposed for rescission again under this section.

"(b) TRANSMITTAL OF SPECIAL MESSAGE.—

"(1) The President may transmit to Congress a special message proposing to rescind amounts of budget authority or to repeal any targeted tax benefit and include with that special message a draft bill that, if enacted, would only rescind that budget authority or repeal that targeted tax benefit. That bill shall clearly identify the amount of budget authority that is proposed to be rescinded for each program, project, or activity to which that budget authority relates or the targeted tax benefit proposed to be repealed, as the case may be. It shall include a Deficit Reduction Account. The President may place in the Deficit Reduction Account an amount not to exceed the total rescissions in that bill. A targeted tax benefit may only be proposed to be repealed under this section during the 20-legislative-day period (excluding Saturdays, Sundays, and legal holidays) commencing on the day after the date of enactment of the provision proposed to be repealed.

"(2) In the case of an appropriation Act that includes accounts within the jurisdiction of more than one subcommittee of the Committee on Appropriations, the President in proposing to rescind budget authority under this section shall send a separate special message and accompanying draft bill for accounts within the jurisdiction of each such subcommittee.

"(3) Each special message shall specify, with respect to the budget authority proposed to be rescinded, the following—

"(A) the amount of budget authority which he proposes to be rescinded;

"(B) any account, department, or establishment of the Government to which such budget authority is available for obligation, and the specific project or governmental functions involved;

"(C) the reasons why the budget authority should be rescinded;

"(D) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect (including the effect on outlays and receipts in each fiscal year) of the proposed rescission; and

"(E) all facts, circumstances, and considerations relating to or bearing upon the proposed rescission and the decision to effect the proposed rescission, and to the maximum extent practicable, the estimated effect of the proposed rescission upon the objects, purposes, and programs for which the budget authority is provided.

Each special message shall specify, with respect to the proposed repeal of targeted tax benefits, the information required by subparagraphs (C), (D), and (E), as it relates to the proposed repeal.

"(c) PROCEDURES FOR EXPEDITED CONSIDERATION.—

"(1)(A) Before the close of the second legislative day of the House of Representatives after the date of receipt of a special message transmitted to Congress under subsection (b), the majority leader or minority leader of the House of Representatives shall introduce (by request) the draft bill accompanying that special message. If the bill is not introduced as provided in the preceding sentence, then, on the third legislative day of the House of Representatives after the date of receipt of that special message, any Member of that House may introduce the bill.

"(B) The bill shall be referred to the Committee on Appropriations or the Committee on Ways and Means of the House of Representatives, as applicable. The committee shall report the bill without substantive revision and with or without recommendation. The bill shall be reported not later than the seventh legislative day of that House after the date of receipt of that special message. If that committee fails to report the bill within that period, that committee shall be automatically discharged from consideration of the bill, and the bill shall be placed on the appropriate calendar.

"(C)(i) During consideration under this paragraph, any Member of the House of Representatives may move to strike any proposed rescission or rescissions of budget authority or any proposed repeal of a targeted tax benefit, as applicable, if supported by 49 other Members.

"(ii) It shall not be in order for a Member of the House of Representatives to move to strike any proposed rescission under clause (i) unless the amendment reduces the appropriate Deficit Reduction Account if the program, project, or account to which the proposed rescission applies was identified in the Deficit Reduction Account in the special message under subsection (b).

"(D) A vote on final passage of the bill shall be taken in the House of Representatives on or before the close of the 10th legislative day of that House after the date of the introduction of the bill in that House. If the bill is passed, the Clerk of the House of Representatives shall cause the bill to be engrossed, certified, and transmitted to the Senate within one calendar day of the day on which the bill is passed.

"(2)(A) A motion in the House of Representatives to proceed to the consideration of a bill under this section shall be highly privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(B) Debate in the House of Representatives on a bill under this section shall not exceed 4 hours, which shall be divided equally between those favoring and those opposing the bill. A motion further to limit debate shall not be debatable. It shall not be in order to move to recommit a bill under this section or to move to reconsider the vote by which the bill is agreed to or disagreed to.

"(C) Appeals from decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to a bill under this section shall be decided without debate.

"(D) Except to the extent specifically provided in the preceding provisions of this subsection, consideration of a bill under this section shall be governed by the Rules of the House of Representatives. It shall not be in order in the House of Representatives to consider any rescission bill introduced pursuant to the provisions of this section under a suspension of the rules or under a special rule.

"(3)(A) A bill transmitted to the Senate pursuant to paragraph (1)(D) shall be referred to its Committee on Appropriations or Committee on Finance, as applicable. That committee shall report the bill without substantive revision and with or without recommendation. The bill shall be reported not later than the seventh legislative day of the Senate after it receives the bill. A committee failing to report the bill within such period shall be automatically discharged from consideration of the bill, and the bill shall be placed upon the appropriate calendar.

"(B)(i) During consideration under this paragraph, any Member of the Senate may move to strike any proposed rescission or rescissions of budget authority or any proposed repeal of a targeted tax benefit, as applicable, if supported by 14 other Members.

"(ii) It shall not be in order for a Member of the House of Senate to move to strike any proposed rescission under clause (i) unless the amendment reduces the appropriate Deficit Reduction Account if the program, project, or account to which the proposed rescission applies was identified in the Deficit Reduction Account in the special message under subsection (b).

"(4)(A) A motion in the Senate to proceed to the consideration of a bill under this section shall be privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(B) Debate in the Senate on a bill under this section, and all debatable motions and appeals in connection therewith (including debate pursuant to subparagraph (C)), shall not exceed 10 hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

"(C) Debate in the Senate on any debatable motion or appeal in connection with a bill under this section shall be limited to not more than 1 hour, to be equally divided between, and controlled by, the mover and the manager of the bill, except that in the event the manager of the bill is in favor of any such motion or appeal, the time in opposition thereto, shall be controlled by the minority leader or his designee. Such leaders, or either of them, may, from time under their control on the passage of a bill, allot additional time to any Senator during the consideration of any debatable motion or appeal.

"(D) A motion in the Senate to further limit debate on a bill under this section is not debatable. A motion to recommit a bill under this section is not in order.

"(d) Amendments and Divisions Prohibited.—Except as otherwise provided by this section, no amendment to a bill considered under this section shall be in order in either the House of Representatives or the Senate. It shall not be in order to demand a division of the question in the House of Representatives (or in a Committee of the Whole) or in the Senate. No motion to suspend the application of this subsection shall be in order in either House, nor shall it be in order in either House to suspend the application of this subsection by unanimous consent.

"(e) Requirement To Make Available for Obligation.—(1) Any amount of budget authority proposed to be rescinded in a special message transmitted to Congress under subsection (b) shall be made available for obligation on the day after the date on which either House rejects the bill transmitted with that special message.

"(2) Any targeted tax benefit proposed to be repealed under this section as set forth in a special message transmitted to Congress under subsection (b) shall be deemed repealed, unless either House rejects the bill transmitted with that special message.

"(f) Definitions.—For purposes of this section—

"(1) the term 'appropriation Act' means any general or special appropriation Act, and any Act or joint resolution making supplemental, deficiency, or continuing appropriations;

"(2) the term 'legislative day' means, with respect to either House of Congress, any day of session; and

"(3) The term "targeted tax benefit" means any provision which has the practical effect of providing a benefit in the form of a differential treatment to a particular taxpayer or a limited class of taxpayers, whether or not such provision is limited by its terms to a particular taxpayer or a class of taxpayers. Such term does not include any benefit provided to a class of taxpayers distinguished on the basis of general demographic conditions such as income, number of dependents, or marital status.".

(b) Exercise of Rulemaking Powers.—Section 904 of the Congressional Budget Act of 1974 (2 U.S.C. 621 note) is amended—

(1) in subsection (a), by striking "and 1017" and inserting "1012, and 1017"; and

(2) in subsection (d), by striking "section 1017" and inserting "sections 1012 and 1017"; and

(c) Conforming Amendments.—

(1) Section 1011 of the Congressional Budget Act of 1974 (2 U.S.C. 682(5)) is amended by repealing paragraphs (3) and (5) and by redesignating paragraph (4) as paragraph (3).

(2) Section 1014 of such Act (2 U.S.C. 685) is amended—

(A) in subsection (b)(1), by striking "or the reservation"; and

(B) in subsection (e)(1), by striking "or a reservation" and by striking "or each such reservation".

(3) Section 1015(a) of such Act (2 U.S.C. 686) is amended by striking "is to establish a reserve or", by striking "the establishment of such a reserve or", and by striking "reserve or" each other place it appears.

(4) Section 1017 of such Act (2 U.S.C. 687) is amended—

(A) in subsection (a), by striking "rescission bill introduced with respect to a special message or";

(B) in subsection (b)(1), by striking "rescission bill or", by striking "bill or" the second place it appears, by striking "rescission bill with respect to the same special message or", and by striking ", and the case may be,";

(C) in subsection (b)(2), by striking "bill or" each place it appears;

(D) in subsection (c), by striking "rescission" each place it appears and by striking "bill or" each place it appears;

(E) in subsection (d)(1), by striking "rescission bill or" and by striking ", and all amendments thereto (in the case of a rescission bill)";

(F) in subsection (d)(2)—

(i) by striking the first sentence;

(ii) by amending the second sentence to read as follows: "Debate on any debatable motion or appeal in connection with an impoundment resolution shall be limited to 1 hour, to be equally divided between, and controlled by, the mover and the manager of the resolution, except that in the event that the manager of the resolution is in favor of any such motion or appeal, the time in opposition thereto shall be controlled by the minority leader or his designee.";

(iii) by striking the third sentence; and

(iv) in the fourth sentence, by striking "rescission bill or" and by striking "amendment, debatable motion," and by inserting "debatable motion";

(G) in paragraph (d)(3), by striking the second and third sentences; and

(H) by striking paragraphs (4), (5), (6), and (7) of paragraph (d).

(d) Clerical Amendments.—The item relating to section 1012 in the table of sections for subpart B of title X of the Congressional Budget and Impoundment Control Act of 1974 is amended to read as follows:

"Sec. 1012. Expedited consideration of certain proposed rescissions.".

TITLE IV—TREATMENT OF EMERGENCY SPENDING

SEC. 400. SHORT TITLE.

This title may be cited as the "Emergency Appropriations Integrity Act of 1994".

SEC. 401. TREATMENT OF EMERGENCY SPENDING.

(a) Emergency Appropriations.—Section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by adding at the end the following new sentence: "However, OMB shall not adjust any discretionary spending limit under this clause for any statute that designates appropriations as emergency requirements if that statute contains an appropriation for any other matter, event, or occurrence, but that statute may contain rescissions of budget authority.".

(b) Emergency Legislation.—Section 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by adding at the end the following new sentence: "However, OMB shall not designate any such amounts of new budget authority, outlays, or receipts as emergency requirements in the report required under subsection (d) if that statute contains any other provisions that are not so designated, but that statute may contain provisions that reduce direct spending.".

(c) New Point of Order.—Title IV of the Congressional Budget Act of 1974 is amended by adding at the end the following new section:

"POINT OF ORDER REGARDING EMERGENCIES

"Sec. 408. It shall not be in order in the House of Representatives or the Senate to consider any bill or joint resolution, or amendment thereto or conference report thereon, containing an emergency designation for purposes of section 251(b)(2)(D) or 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985 if it also provides an appropriation or direct spending for any other item or contains any other matter, but that bill or joint resolution, amendment, or conference report may contain rescissions of budget authority or reductions of direct spending, or that amendment may reduce amounts for that emergency.''.

(d) CONFORMING AMENDMENT.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting after the item relating to section 313 the following new item:

``Sec. 408. Point of order regarding emergencies.''.

THE COMMON CENTS BUDGET REFORM ACT OF 1994—SUMMARY

The existing federal budget process suffers from a growing crisis of confidence among the American people. Families that pay their bills and live within their means cannot understand the reports that come out of Washington, DC, about ``spending cut'' bills that result in more spending, program terminations that do not reduce spending or the budget deficit, and narrow-interest ``pork'' that withstands all efforts to isolate and strip it out of huge, omnibus spending and tax bills.

The Common Cents Budget Reform Act is a bipartisan effort to reverse the bias in the existing budget process toward higher spending and abusive, ``special interest'' favors. The Act would do so by making the process more honest, understandable, disciplined, and accountable. It contains four basic reforms:

TITLE I. BASELINE BUDGETING REFORM ACT—COMPARING SPENDING INCREASES/CUTS TO ACTUAL SPENDING LEVELS

When a government program funded at $25 million this year says it needs $29 million next year and receives $27 million, Congress takes credit for a $2 million ``*spending cut*.'' This is because current law requires budget proposals to be measured against a ``baseline''—which includes automatic adjustments for inflation, legislated changes scheduled to take effect, and projected caseload increases.

While such adjustments may provide useful information to policy makers who want to know how much it would cost to maintain current services and benefits, they also result in programs growing in size and cost after supposedly being ``cut.'' At best, ordinary Americans have come to believe that the government is overrun with budget wonks using surreal arithmetic. At worst, they believe their government is lying to them.

The decision of whether a government program should grow or shrink, whether due to economic, demographic, or policy reasons, is one that should be faced squarely by elected officials and reported to the public in clear, straightforward terms. To this end, the Common Cents Budget Reform Act would:

Require both the President and Congress to compare their budget proposals to amounts actually spent in the prior year, rather than against an inflated baseline.

Stipulate that Congressional Budget Office (CBO) cost estimates of pending legislation must include a comparison with the prior year's actual spending level.

Amend the legal definition of the official baseline so that it no longer assumes automatic growth in discretionary spending.

Instruct CBO to enumerate all the programs funded on an automatic, open-ended basis rather than subject to annual Congressional review (i.e., entitlement programs) and identify the reasons behind their projected growth.

TITLE II. GUARANTEED SPENDING CUT ACT—ENSURING THAT A CUT IS A CUT

Members of the Senate and House, as well as their constituents, have become all to familiar with the frustration that results when Members adopt an amendment to cut specific spending items out of appropriations bills, only to see that money re-routed to other spending programs, instead of deficit reduction. This practice both leads to spending-cut amendments being taken less seriously and gives opponents of a given cut the argument that the money will still be spent, anyway. To ensure that spending-cut amendments have their intended effect, the Common Cents Budget Reform Act would:

Allow Members of Congress to designate that all or some of the savings from any floor amendment to an appropriations bill be directed to deficit reduction.

Ensure that the proceedings from spending cuts actually go to deficit-reduction by automatically adjusting the overall discretionary spending caps by the amount of the savings.

Reduce the cap on discretionary spending if the budget resolution establishes a lower limit on such spending than that allowed under the cap.

Preserve the Appropriations Committees' prerogative to maintain reserve funds for future needs.

TITLE III. MODIFIED LINE ITEM VETO/EXPEDITED RESCISSION ACT—COMPELLING ACTION ON SPENDING CUTS AND TARGETED TAX BREAKS

Under current law, Congress is free to ignore any rescission of spending proposed by the President. Some have argued that this fact can allow a president to appear fiscally responsible while proposing rescissions he/she knows will never be accepted. On the other hand, a President unwilling to shut down vital government functions by vetoing an entire appropriations bill has no effective means of singling out objectionable items that never would stand scrutiny on their own, individual merits. As common as this complaint has become about spending bills, increasing attention also has been called to similar ``pork'' in tax bills, in the form of special breaks narrowly targeted to one or a few beneficiaries. To increase accountability, the Common Cents Reform Act would:

Enable the President to strike excessive or low-priority spending items without vetoing an entire appropriations bill; rescissions may be submitted at any time.

Enable the President to strike special-interest, narrowly-targeted, tax benefits in a similar fashion, within 10 days of enactment of the bill containing the provisions.

Allow the President to earmark savings for deficit reduction.

Require Congress to consider the spending rescission or targeted tax benefit items submitted by the President on an expedited basis.

Allow Congress to vote on individual items within the President's package.

Preserve the Appropriations Committees' prerogative to move their own rescission bills.

TITLE IV. EMERGENCY APPROPRIATIONS INTEGRITY ACT—KEEPING NON-EMERGENCY ITEMS OUT OF EMERGENCY SPENDING BILLS

Items that would not pass on their own merits often are added to bills that were introduced to provide appropriations in response to emergencies. This approach has become more popular under the Budget Enforcement Act of 1990, which exempts emergencies from the caps on discretionary spending. For example, in February, the President's request for $6.2 billion in Budget Authority for the victims of the California earthquake grew to more than $11 billion, with add-ons for everything from the design of a new Amtrak station to copies of White House electronic mail. To halt this practice, the Common Cents Budget Reform Act would:

Bar non-emergency items from being added to emergency appropriations bills.

Expedite Congressional action on genuine emergencies by preventing emergency bills from being made controversial by the addition of non-emergency items.

Prevent using ``emergency'' spending bills as the vehicles that carry additional spending on ``pork,'' pet projects, or items that should be addressed through the regular legislative process.

Prohibit conferees from dropping cuts included in both House and Senate bills.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 21, 1994.

Hon. GEORGE MITCHELL,
Senate Majority Leader, Russell SOB.

DEAR SENATOR MITCHELL: As you know, the House of Representatives has approved several budget process reform bills over the last few weeks. We are writing to strongly encourage you to work with the committees of jurisdiction to bring these bills to the Senate floor for an up or down vote as soon as possible.

The legislation passed by the House would make three reasonable reforms to restore honesty and accountability in the budget process:

Expedited Rescissions (H.R. 4600).—Congress would be required to vote promptly by majority vote on Presidential proposals to rescind spending or strike narrowly targeted tax benefits. H.R. 4600 was passed on July 14 by a vote of 342–69.

Maintaining the Integrity of Emergency Appropriations (H.R. 4906).—The integrity of the emergency spending process would be protected by preventing extraneous, non-emergency items from being added to emergency spending legislation. The Emergency Spending Control Act of 1994 was approved by a vote of 406–6 on August 17.

Baseline Budgeting Reform (H.R. 4907).—The President's budget, the budget resolution, and the Congressional Budget Office would be required to compare spending levels to the previous year's spending instead of an inflated baseline. The Full Budget Disclosure Act was passed by a voice vote on August 12.

Given the strong, bi-partisan support for these bills in the House, they deserve serious consideration by the Senate. Legislation incorporating provisions identical to the bills passed by the House has been introduced in the Senate. We are concerned about press reports that the Senate will allow these bills to die through inaction. Therefore, we respectfully urge you to allow the Senate to vote on the merits of these proposals without procedural hurdles before the end of the 103rd Congress.

We look forward to working with you in enacting these common sense reforms of the budget process. Thank you for your consideration.

Sincerely,

CHARLES STENHOLM,
JOHN R. KASICH,
TIM PENNY.

DEMOCRATS SIGNING BUDGET PROCESS REFORMS LETTER TO SENATOR MITCHELL

Robert Andrews, Peter Barca, Tom Barrett, Bill Brewster, Glen Browder, Leslie

Byrne, Maria Cantwell, Ben Cardin, Bob Clement, Gary Condit.

Jim Cooper, Sam Coppersmith, Pat Danner, Nathan Deal, Peter DeFazio, Kika de la Garza, Calvin Dooley, Karan English, Eric Fingerhut, Elizabeth Furse.

Pete Geren, Dan Glickman, Ralph Hall, Lee Hamilton, Jane Harman, Jimmy Hayes, Tim Holden, Earl Hutto, Andy Jacobs.

Tim Johnson, Herb Klein, Greg Laughlin, Larry LaRocco, Marilyn Lloyd, David Mann, Marty Meehan, David Minge, Bill Orton, Mike Parker.

L.F. Payne, Tim Penny, Collin Peterson, Owen Pickett, Glenn Poshard, Tim Roemer, J. Roy Rowland, Lynn Schenk, Karen Shepherd, Norm Sisisky.

John Spratt, Charlie Stenholm, Dick Swett, Billy Tauzin, Gene Taylor, Karen Thurman, Tim Valentine, Harold Volkmer.

REPUBLICANS SIGNING BUDGET PROCESS REFORMS LETTER TO SENATOR MITCHELL

Dick Armey, Wayne Allard, Herbert Batemen, John Boehner, Dan Burton, Sonny Callahan, Charles Canady, Mike Castle, Larry Combest, Chris Cox.

Michael Crapo, David Dreier, Jennifer Dunn, Bill Emerson, Harris Fawell, Bob Franks, Elton Gallegly, Jim Greenwood, Wally Herger.

David Hobson, Martin Hoke, Bob Inglis, Nancy Johnson, John Kasich, Scott Klug, Jim Kolbe, Rick Lazio, Jim Leach, Al McCandless.

Bill McCollum, Jim McCrery, John McHugh, Alex McMillan, Jan Meyers, Dan Miller, Susan Molinari, Jim Nussle, John Porter, Rob Portman.

Deborah Pryce, Jack Quinn, Jim Ramstad, Ralph Regula, Rick Santorum, Chris Shays, Lamar Smith, Nick Smith, Olympia Snowe, Gerald Solomon.

Floyd Spence, Charles Taylor, Craig Thomas, Fred Upton, Bob Walker, Don Young, Bill Zeliff, Dick Zimmer.

• Mr. ROTH. Madam President, I am proud to join Senator CRAIG and others today in introducing a package of budget process reform measures that are critical to help curb Federal spending. Federal spending has grown dramatically over the past several years, and this package contains four essential reform measures that Congress should pass before its adjournment this fall.

I am particularly enthusiastic about two reform measures that would guarantee that a vote for a spending cut would actually cut spending overall, and not allow that pot of money to be spent on other discretionary programs. The first reform would require that any successful amendment to reduce spending in an appropriations bill could not be spent for other programs. The enforcement mechanism would require that the overall discretionary spending cap would be adjusted downward to reflect the savings in a spending cut amendment.

For example, earlier this summer, I along with Senator SMITH of New Hampshire proposed an amendment to the fiscal year 1995 Commerce, State, Justice appropriations bill to scale back all noncrime fighting funding for fiscal year 1995 to the current, or enacted level for this fiscal year 1994. This amendment would have saved over $2.5 billion over the next year. However, even if the Senate adopted our amendment, this $2.5 billion could have still been spent on other discretionary programs. This loophole must be closed to ensure that a vote to cut spending actually translates into a vote to directly reduce the deficit.

The second reform would restore the integrity of the emergency designation reserved for emergency appropriations that address true natural disasters. In recent years Americans have faced devastating floods, hurricanes, and earthquakes. Yes, I believe that Federal government does have a legitimate role in assisting affected communities. But, it has become commonplace to attach nonemergency funds to an emergency appropriations bill that is exempt from the overall discretionary cap spending limits. This practice must be stopped. This reform would also prohibit conferees from dropping spending cuts included in both House and Senate bills.

The third reform would require Presidential and congressional budgets and CBO cost estimates to be compared to current actual spending, not an inflated baseline that automatically increases spending year after year. This reform would also instruct the Congressional Budget Office to enumerate all Federal programs funded on an automatic basis rather than subject to congressional review and identify the reasons behind their projected growth.

The final budget process reform would require Congress to consider all Presidentially proposed spending rescissions or targeted tax benefit items on an expedited schedule. The reform would also enable the President to strike excessive or low-priority spending items without vetoing an entire appropriations bill. This modified line item veto-expedited rescission measure is critical to reduce Federal expenditures.

As you know, Mr. President, the House has already approved on a bipartisan basis, three of the four reform proposals contained in this bill. There is still time for the Senate to take action on this package, and I therefore urge that it be considered before our fall adjournment.

Mr. President, I am proud to be an original cosponsor of this bill to reform four critical flaws in our current budget process. The Common Cents Budget Reform Act of 1994 is a good first step to curb Federal expenditures. Budget process reform, however, will not take the place of the hard choices that face Senators when casting votes to reduce Federal expenditures, but, in my opinion they are necessary reforms that are long overdue.•

ADDITIONAL COSPONSORS

S. 1013

At the request of Mr. CHAFEE, the name of the Senator from Pennsylvania [Mr. SPECTER] was added as a cosponsor of S. 1013, a bill to amend the Internal Revenue Code of 1986 to provide an election to exclude from the gross estate the value of land subject to a qualified conservation easement if certain conditions are satisfied, to permit a qualified conservation contribution where the probability of surface mining is remote, and to make technical changes to the alternative valuation rules.

S. 1887

At the request of Mr. BAUCUS, the name of the Senator from Nevada [Mr. BRYAN] was added as a cosponsor of S. 1887, a bill to amend title 23, United States Code, to provide for the designation of the National Highway System, and for other purposes.

S. 2070

At the request of Mr. KOHL, the name of the Senator from Alabama [Mr. HEFLIN] was added as a cosponsor of S. 2070, a bill to amend the Internal Revenue Code of 1986 to increase the deductibility of business meal expenses for individuals who are subject to Federal hours of limitations.

S. 2071

At the request of Mr. LIEBERMAN, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of S. 2071, a bill to provide for the application of certain employment protection and information laws to the Congress, and for other purposes.

S. 2171

At the request of Mr. CONRAD, the name of the Senator from North Dakota [Mr. DORGAN] was added as a cosponsor of S. 2171, a bill to amend the Immigration and Nationality Act to waive the foreign country residence requirement with respect to foreign medical graduates.

S. 2234

At the request of Mr. BREAUX, the name of the Senator from Tennessee [Mr. MATHEWS] was added as a cosponsor of S. 2234, a bill to amend the Mississippi River Corridor Study Commission Act of 1989 to extend the term of the commission established under that Act.

S. 2246

At the request of Mr. DORGAN, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of S. 2246, a bill to require the Secretary of the Treasury to include organ donation information with individual income tax refund payments.

S. 2305

At the request of Mr. AKAKA, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cosponsor of S. 2305, a bill to provide that members of the Board of Veterans' Appeals be referred to as veterans law judges, to provide for the pay of such members, and for other purposes.

S. 2310

At the request of Mr. CONRAD, the names of the Senator from South Dakota [Mr. DASCHLE] and the Senator from North Dakota [Mr. DORGAN] were added as cosponsors of S. 2310, a bill to direct the Secretary of Health and Human Services to revise existing regulations concerning the conditions of payment under part B of the Medicare Program relating to anesthesia services furnished by certified registered nurse anesthetists, and for other purposes.

S. 2325

At the request of Mr. ROCKEFELLER, the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of S. 2325, a bill to amend certain laws under the jurisdiction of the Secretary of Veterans Affairs to reauthorize programs relating to substance abuse and homeless assistance for veterans, to authorize a demonstration program to provide assistance to homeless veterans, and for other purposes.

S. 2410

At the request of Mr. GRAMM, the name of the Senator from Texas [Mrs. HUTCHISON] was added as a cosponsor of S. 2410, a bill to provide appropriate protection for the constitutional guarantee of private property rights, and for other purposes.

S. 2411

At the request of Mr. DOLE, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 2411, a bill to amend title 10, United States Code, to establish procedures for determining the status of certain missing members of the Armed Forces and certain civilians, and for other purposes.

S. 2448

At the request of Mr. SHELBY, the name of the Senator from North Carolina [Mr. FAIRCLOTH] was added as a cosponsor of S. 2448, a bill to impose a moratorium on immigration by aliens other than refugees, certain priority and skilled workers, and immediate relatives of United States citizens and permanent resident aliens.

SENATE JOINT RESOLUTION 107

At the request of Mr. BINGAMAN, the name of the Senator from Delaware [Mr. BIDEN] was added as a cosponsor of Senate Joint Resolution 107, a joint resolution to designate the first Monday in October of each year as "Child Health Day."

SENATE JOINT RESOLUTION 184

At the request of Mr. THURMOND, the names of the Senator from Minnesota [Mr. DURENBERGER], the Senator from Massachusetts [Mr. KERRY], and the Senator from Georgia [Mr. NUNN] were added as cosponsors of Senate Joint Resolution 184, a joint resolution designating September 18, 1994, through September 24, 1994, as "Iron Overload Diseases Awareness Week."

SENATE JOINT RESOLUTION 186

At the request of Mr. PACKWOOD, the names of the Senator from Delaware [Mr. BIDEN] and the Senator from California [Mrs. BOXER] were added as cosponsors of Senate Joint Resolution 186, a joint resolution to designate February 2, 1995, and February 1, 1996, as "National Women and Girls in Sports Day."

SENATE JOINT RESOLUTION 219

At the request of Mr. LEAHY, the names of the Senator from Georgia [Mr. COVERDELL] and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of Senate Joint Resolution 219, a joint resolution to commend the U.S. rice industry, and for other purposes.

SENATE CONCURRENT RESOLUTION 69

At the request of Mr. METZENBAUM, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of Senate Concurrent Resolution 69, a concurrent resolution expressing the sense of the Congress that any legislation that is enacted to provide for national health care reform should provide for compensation for poison control center services, and that a commission should be established to study the delivery and funding for poison control services.

SENATE RESOLUTION 257

At the request of Mrs. KASSEBAUM, the names of the Senator from Texas [Mrs. HUTCHISON] and the Senator from Tennessee [Mr. SASSER] were added as cosponsors of Senate Resolution 257, a resolution to express the sense of the Senate regarding the appropriate portrayal of men and women of the Armed Forces in the upcoming National Air and Space Museum's exhibit on the *Enola Gay*.

SENATE RESOLUTION 262

At the request of Mr. FEINGOLD, the name of the Senator from Colorado [Mr. BROWN] was added as a cosponsor of Senate Resolution 262, a resolution concerning the use of United States forces and military operations in Haiti.

SENATE RESOLUTION 264

At the request of Mr. MCCAIN, the names of the Senator from Montana [Mr. BURNS] and the Senator from Alaska [Mr. MURKOWSKI] were added as cosponsors of Senate Resolution 264, a resolution expressing the sense of the Senate that the President should issue an Executive order to promote and expand Federal assistance for Indian institutions of higher education and foster the advancement of the National Education Goals for Indians.

S. 1208

At the request of Mr. WOFFORD, the name of the Senator from Maine [Mr. MITCHELL] was added as a cosponsor of S. 1208, a bill to authorize the minting of coins to commemorate the historic buildings in which the Constitution of the United States was written.

S. 1570

At the request of Mr. WELLSTONE, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 1570, a bill to amend title 18, United States Code, to prevent persons who have committed domestic abuse from obtaining a firearm.

S. 2007

At the request of Mr. WOFFORD, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 2007, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the end of World War II and General George C. Marshall's service therein.

S. 2101

At the request of Mr. BRADLEY, the name of the Senator from Pennsylvania [Mr. SPECTER] was added as a cosponsor of S. 2101, a bill to provide for the establishment of mandatory State-operated comprehensive one-call systems to protect all underground facilities from being damaged by any excavations, and for other purposes.

S. 2337

At the request of Mr. LOTT, the name of the Senator from Nebraska [Mr. EXON] was added as a cosponsor of S. 2337, a bill to extend benefits for qualified service to certain merchant mariners who served during World War II, and for other purposes.

S. 2347

At the request of Mr. SASSER, the names of the Senator from Maine [Mr. MITCHELL], the Senator from Michigan [Mr. LEVIN], and the Senator from Nevada [Mr. REID] were added as cosponsors of S. 2347, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 150th anniversary of the founding of the Smithsonian Institution.

S. 2411

At the request of Mr. DOLE, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of S. 2411, a bill to amend title 10, United States Code, to establish procedures for determining the status of certain missing members of the Armed Forces and certain civilians, and for other purposes.

S. 2416

At the request of Mr. BRADLEY, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 2416, a bill to authorize the Secretary of Health and Human Services to award grants and contracts to establish community response teams and a technical assistance center to address the development and support of community response teams.

SENATE JOINT RESOLUTION 206

At the request of Mr. WOFFORD, the names of the Senator from New Jersey [Mr. BRADLEY] and the Senator from West Virginia [Mr. ROCKEFELLER] were added as cosponsors of Senate Joint

Resolution 206, a joint resolution designating September 17, 1994, as "Constitution Day."

SENATE JOINT RESOLUTION 208

At the request of Mr. WOFFORD, the names of the Senator from New Mexico [Mr. BINGAMAN], the Senator from Arizona [Mr. MCCAIN], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Alaska [Mr. MURKOWSKI], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Illinois [Mr. SIMON], the Senator from Michigan [Mr. LEVIN], the Senator from Kansas [Mr. DOLE], and the Senator from New Mexico [Mr. DOMENICI] were added as cosponsors of Senate Joint Resolution 208, a joint resolution designating the week of November 6, 1994, through November 12, 1994, "National Health Information Management Week."

SENATE JOINT RESOLUTION 218

At the request of Mr. WARNER, the names of the Senator from Oklahoma [Mr. NICKLES], the Senator from Louisiana [Mr. BREAUX], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Minnesota [Mr. DURENBERGER] the Senator from New Mexico [Mr. BINGAMAN], and the Senator from Michigan [Mr. RIEGLE] were added as cosponsors of Senate Joint Resolution 218, a joint resolution designating January 16, 1995, as "Religious Freedom Day."

SENATE RESOLUTION 257

At the request of Mrs. KASSEBAUM, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of Senate Resolution 257, a resolution to express the sense of the Senate regarding the appropriate portrayal of men and women of the Armed Forces in the upcoming National Air and Space Museum's exhibit on the *Enola Gay*.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for the public that a hearing has been scheduled before the full Committee on Energy and Natural Resources.

The hearing will take place Wednesday, September 28, 1994 at 9:30 a.m. in room 366 of the Senate Dirksen Office Building in Washington, DC.

The purpose of the hearing is to receive testimony from Rhea L. Graham, nominee to be Director of the U.S. Bureau of Mines, Department of the Interior.

For further information, please contact Rebecca Murphy at (202) 224-7562.

SPECIAL COMMITTEE ON AGING

Mr. PRYOR. Mr. President, I would like to announce for the public that the Senate Special Committee on Aging has scheduled a hearing titled "Uninsured Bank Products: Risky Business for Seniors?" to examine the sale of uninsured bank products to older Americans.

The hearing will take place on Thursday, September 29, 1994, at 9:30 a.m. in room 628 of the Dirksen Senate Office Building in Washington, DC.

For further information, please contact Theresa Forster, Staff Director, at (202) 224-5364.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON COURTS AND ADMINISTRATIVE PRACTICE

Mr. BOREN. Mr. President, I ask unanimous consent that the Subcommittee on Courts and Administrative Practice of the Committee on the Judiciary, be authorized to meet during the session of the Senate on Thursday, September 22, 1994, at 2 p.m., to hold a markup.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON MINERAL RESOURCES DEVELOPMENT AND PRODUCTION

Mr. BOREN. Mr. President, I ask unanimous consent that the Subcommittee on Mineral Resources Development and Production of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 2 p.m., September 22, 1994, to receive testimony on the question of immigration in the Commonwealth of the Northern Mariana Islands.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. BOREN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 9:30 a.m. on Thursday September 22, 1994, in closed session, to receive a briefing on results of the nuclear posture review.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. BOREN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Thursday, September 22, 1994, at 2 p.m. in executive session, to vote on the nomination of Lt. Gen. Buster C. Glosson, USAF to be placed on the retired list in the grade of Lieutenant General and to vote on other pending military and civilian nominations on which the committee has been briefed.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BOREN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, September 22, beginning at 10 a.m. to conduct a hearing on the condition of the banking and thrift industries and a markup of Robert Larson, to be a member of the Thrift Depositor Protection Oversight Board; and Alan Diamonstein, to be a member of the board of directors of the National Corporation for Housing Partnerships.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BOREN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on September 22, 1994, at 2:30 p.m. on S. 1991—Professional Boxing Safety Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BOREN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, September 22, 1994, at 10 a.m. to hold a business meeting to vote on pending items.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. BOREN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, September 22, 1994, at 10 a.m. to hold a closed conference with the House Intelligence Committee on the fiscal year 1995 intelligence authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on September 23, 1994, at 9:30 a.m. on pending committee business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent to hold a markup on the nomination of Kenneth W. Kizer, M.D., to be Under Secretary for Health at the Department of Veterans Affairs, and on pending legislation at 11 a.m. on Friday, September 23, 1994. The markup will be held in room 418 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

ACQUISITION MANAGEMENT PROBLEMS IN THE NAVY

• Mr. ROTH. Mr. President, yesterday I released a General Accounting Office report that details how the Navy circumvented important procedures in the development of its new attack jet. Two years ago, I asked the General Accounting Office to determine whether the F-18 E/F is an upgrade of the existing F-18 aircraft or a new program stealthily hidden from standard oversight. The GAO's findings should be of concern to the Congress, the taxpayers, and to F-18 aircrews who may fly the new aircraft in combat.

Mr. President, the Navy maintains that the F-18 E/F will be only a larger, more capable version of today's F-18. But, the E/F version will have significantly different wings, fuselage, avionics, weapons stations, and engines. Moreover, the baseline cost estimates of about $95 billion for the E/F version dwarfs the $13 billion program baseline for today's F-18. Now, the GAO is reporting that the changes are so significant that the existing aircraft cannot be upgraded to the E/F version. In addition, a completely new and separate production line will be required.

Mr. President, the GAO report says that the Defense Department acquisition bureaucracy determined the F-18 E/F to be only a modification, and that it did so within the scope of existing regulations. There is no precedent for this. What concerns me is the GAO's finding that: "By treating this as a modification, some steps normally followed for new acquisitions have been skipped." Included in the steps waived, were live fire testing, definition of operational needs, and cost-effectiveness analysis. It is disturbing that the bureaucracy wastes its innovations on procedural shenanigans, instead of saving money or developing better capabilities.

Some of the problems with the Navy's approach are already starting to become visible. For example, the cost to develop the F-18 E/F was estimated at $2.5 billion, but the official estimate has now doubled to $5 billion and independent analysts suggest that the actual development cost will be $7 billion to $8 billion. This dwarfs the costs of developing and procuring most new weapons, let alone the costs for developing the upgrade to existing equipment.

Mr. President, the decision to waive the live fire testing laws is particularly troubling. Live fire and operational testing are the keys to the Congress' fly-before-buy policy. The policy states that a weapon should not be produced until testing shows that it works. In a system where bureaucratic interests carry more weight than results, realistic tests are vital to make sure weapons work before they are given to those who must depend on them in battle. I am particularly concerned about the Pentagon's attempt to dodge the live fire testing process on the F-18 E/F, since the Defense Department told the General Accounting Office that survivability of aircraft is a critical reason for the F-18 E/F. The Pentagon's own live fire testing director determined that full live fire testing was required, but was overruled.

Mr. President, the GAO has found that the Navy has uncovered a new way to circumvent good management procedures; simply define a new program to be an upgrade of an existing system. I find this to be totally consistent with the Defense Department's management problems that leave it incapable of fielding technology in an affordable manner and when needed. The vast majority of weapon acquisition programs are experiencing serious cost and schedule problems, and the GAO has said that cost overruns of 20 to 40 percent are to be expected. The cost-overrun on today's F-18 is 56 percent.

Mr. President, for many years, I have maintained that major cultural and structural reforms are needed in the Pentagon's buying system. Until the buying system is changed, the results won't change. I support the notion of streamlining the acquisition process, but in doing so the process must focus on results. But, the Navy's approach on the F-18 will not demonstrate results.

On Tuesday, the House passed the Federal Acquisition Streamlining Act, and I am hopeful that it will yield needed changes. But, until the bill is properly implemented, the GAO's report highlights the fact that it's still business as usual in the Pentagon.●

CONGRESSIONAL ACCOUNTABILITY ACT—S. 2071

● Mr. LIEBERMAN. Mr. President, I rise to ask that it be noted in the RECORD that although Senator PATTY MURRAY was added yesterday as a cosponsor of S. 2071, the Congressional Accountability Act, it was the clear intention of Senator MURRAY to be an original cosponsor of S. 2071 when Senator GRASSLEY and I introduced the bill on May 4, 1994. I would also like to note that Senator MURRAY was a cosponsor of S. 1439, an earlier version of the Congressional Accountability Act, which I introduced in 1993. Senator MURRAY's support of this legislative effort has been unwavering, and it is only due to simple oversight that her name was not included in the list of original cosponsors of S. 2071 as printed. I thank Senator MURRAY for her strong commitment to enactment of this legislation.●

SUPER 301 AND UNITED STATES-JAPAN NEGOTIATIONS

● Mr. BAUCUS. Mr. President, a week from today, on September 30, we will reach the deadline for naming unfair trade practices under Super 301. With that on the horizon, I rise today to express my concern that time is running out on the framework talks with Japan.

FRAMEWORK NEGOTIATIONS

The framework talks have now continued for 14 months. They began after President Clinton's meeting with then-Prime Minister Miyazawa at the 1993 G-7 meeting in Tokyo. At that time, we agreed on three major points. The President and Prime Minister pledged to: No. 1, open Japan's market in the insurance, auto, and autoparts sectors; make Japan's Government procurement policies in telecommunications and medical equipment more open and fair; No. 2, stimulate consumer demand in Japan through macroeconomic policy reforms; and No. 3, make the United States more competitive through deficit cutting and responsible fiscal policy.

RESULTS OF THESE COMMITMENTS

The third of these areas received the least attention. But it has been by far the most successful. The United States has lived up to its commitment. Last year's budget reduced the Federal deficit by $480 billion over 5 years, created a stronger base for American economic growth without inflation, and created about 2 million new jobs. It is no exaggeration to say that every prediction its opponents made about this budget has been proven wrong.

We have seen much less in the other areas of the framework agreement. The talks have dragged on month after month. Mexico has passed Japan as our second largest government. Three Japanese Governments have come and gone. But through it all, two things have remained constant: the Japanese bureaucracy's determination to avoid deregulation and market-opening measures, and the rise in Japan's trade surplus.

Now, however, we have reached a moment of truth. Either Japan will agree to market-opening measures in insurance, government procurement, and automobiles—areas in which the collusive practices and barriers to access are blatant—or the United States must proceed under the President's Super 301 Executive Order toward possible sanctions.

This is not inevitable. Over the last few weeks, the United States and Japan have made significant progress on reaching agreements on insurance and government procurement. Japanese Foreign Minister Kono met the President yesterday. Negotiations are continuing. And I would hope that deals can be reached in these two areas.

In the auto and autoparts sector, however, the picture is still grim. The Japanese auto industry has threatened to stop its "cooperation" with American auto companies if the United States stands firm. I respectfully submit that is a threat so hollow as to be ridiculous. It is like the lion threatening to stop lying down with the lamb. In any case, in this area as others, I look forward to and hope for progress.

ASSESSMENT OF SUPER 301

We have a lot of work to do in the next week. And if this framework succeeds, we will still have a lot of work to do. Unless the Japanese Government fulfills its commitment to deregulation and economic reform nationwide, we will have a long, difficult task of sector-by-sector market opening ahead. But it is clear to me that we would not have gotten even this far without the market-opening leverage Super 301 has provided the administration over the past months.

This builds on a strong previous record of success compiled in 1989 and 1990, when the United States had a statutory Super 301 process under the 1988 Trade Act. In that period, Super 301 helped open the Japanese Government market for United States supercomputers and satellites, and cut tariffs on processed wood products. The simple prospect of identification under Super 301 convinced several of our trading partners, such as Korea and Taiwan, to conclude major market opening agreements with the United States.

Super 301 is a tough and successful trade tool. By setting finite periods for negotiations to eliminate foreign trade barriers; backing up those talks with the possibility of trade sanctions; and holding out countries with blatant market barriers up to the world as unfair traders, Super 301 gets results.

And we can see those results in higher exports and more jobs. The most negative recent evaluation of Super 301, in fact, concludes that Super 301 has raised American exports by $4 to $5 billion a year, thus creating about 80,000 high-paying export jobs.

The study called that relatively insignificant. But I can guarantee you, the mill workers who now hold some of those jobs do not find it insignificant at all. That would be the last word they use.

SUPER 301 SHOULD BE PART OF THE GATT BILL

This record of success is why it is so important to extend Super 301 for 5 years as part of the GATT implementing bill. Statutorily extending Super 301 would send a strong message to the rest of the world—especially Japan—that both the U.S. Congress and the administration is serious about market opening. It would also make sure future administrations continue their commitment to open markets around the world for U.S. companies and U.S. products.

Last month, the Senate Finance Committee overwhelmingly passed an amendment that I cosponsored with Senators DANFORTH, DASCHLE, and RIEGLE, which would reinstall Super 301 for 5 years. Our amendment parallels the language we passed in the 1988 Trade Act. It requires the U.S. Government to continue its practice of annually naming the worst obstacles to free trade. Countries would be given 180 days to negotiate the removal of their trade barriers or face possible retaliation.

Including Super 301 in the implementing bill will be especially important for the United States in the new post-Uruguay round trading system. Under Super 301, the United States will be able to identify key violations of our new GATT rights and initiate WTO dispute settlement to redress those rights. Super 301 will help make sure that improvements in the dispute settlement procedures result in the most possible benefit to our country's citizens and companies.

CONCLUSION

We will see the final GATT bill within the next week. I strongly believe Super 301 should be part of it. And I believe the United States should stand by its position on the framework talks. We do not ask anything from Japan beyond fairness, reciprocity, and open markets. We have met the commitments we made to Japan on our side of the framework. It is time for Japan to do the same.•

INFORMATION SECURITY AND PRIVACY ON COMPUTER NETWORKS

• Mr. ROTH. Mr. President, our society is rapidly becoming a world of instant communications, with huge amounts of information being passed from computer to computer and available in countless data banks. Telecommunications now reach far beyond the telephone. Governments at all levels, corporate America, many American families, and academia rely on computer networks to conduct their business.

Every day, more entities are linked to one another via computer networks. The world's largest data network is the Internet, which is funded by the Federal Government and connects virtually every commercial computer network used by Americans at home and work. The Office of Technology Assessment estimates that as many as 30 million people can use the Internet.

The Internet has truly become the backbone of the business community, and access to it is considered vital. It increases productivity by allowing researchers, scientists, and engineers to collaborate. Projects can be completed faster and with fewer people simply because the same information can be shared electronically across States and continents. Vendors can provide their customers with a higher level of service and support because problems can now be solved electronically, over the Internet.

Time and money can be saved by choosing from the thousands of free software packages. Small American companies are able to sell products overseas at a fraction of the cost of hiring a sales staff and sending it overseas.

Last fall, the New York Times and the Wall Street Journal reported a major incident—a broad scale electronic break-in of these databanks and the companies that rely on them.

An organization, named Panix, that provides access to the Internet for many New York companies put out the following message:

> * * * a security incident of very large proportion has occurred * * *. If your site appears on this list, you should be particularly worried.

Panix provided a list of over 100 companies affected. Soon after these reports, it became clear that the University of Delaware was affected. Last February, the Washington Post reported that a rash of break-ins was underway. Corporate secrets, confidential personal data, academic research, and financial information were at risk.

As the Internet has grown, so too have the problems of information security and privacy, increasing 50 percent per year. The teenage hacker who tested the system for fun in the 1980's has grown up. Now, a hacker is called a cracker and FBI agents believe that a typical cracker is in it for monetary gain. Today, I am releasing a report by the Office of Technology Assessment that evaluates this situation and makes recommendations for action by the Congress and administration.

There is a fine line between Government's place in encouraging and providing a fertile environment and the need to actively control the flow of personal and corporate information. There are some obvious areas of Government involvement. For example, the Internal Revenue Service is among those agencies who rely increasingly on computer networks for such things as filing tax returns. This report points out that anyone who pays Federal taxes has to wonder about who is browsing through their financial data.

Our Nation's economic competitiveness and American jobs rely on how well technical data can be protected. Laws and enforcement were uncomplicated when trade secrets were kept on paper. In the age of computers, trade secrets can be stolen without the knowledge of any other than those who benefit. As the report points out, such acts affect the jobs, well-being, and livelihood of millions of Americans.

We need to recognize the potential danger and act accordingly. Last year, I asked the Office of Technology Assessment to look at such problems and recommend changes. Its report notes that the Government is not doing a good job here. The report warns that:

> * * * without careful planning, understanding security concerns, and adequate training, the prospect of plagiarism, fraud, corruption or loss of data, and improper use of networked information could affect the privacy, well-being, and livelihoods of millions of people.

The Office of Technology Advancement report that I am releasing today underscores the fact that much work remains to be done in the area of information security. First, Mr. President, I am very concerned over how the administration is developing and deploying to industry the technology to safeguard information. Instead of being on the forefront of this rapidly developing field, the administration has chosen a path independent of industry. The report finds the administration's approach to be laden with bureaucratic infighting and lacking direction.

It has haphazardly promulgated a technology which the Office of Technology Assessment questions will even work, is unpopular with industry, and will ultimately retard other technologies.

Second, the situation is no better within the Federal Government. The Computer Security Act of 1987 required that the National Institute for Standards and Technology develop information security standards. Instead, multiple bureaucracies have been fighting over proposed standards. The report found little evidence that any real progress is being made toward safeguarding information within the Federal Government, as required by the Computer Security Act.

Third, there are major policy issues that the Congress must address. Perhaps the most important issue is whether Government should have access to private encrypted data? The Government should not be using a computer chip to become Big Brother. If agencies need access to network data for a criminal investigation, they should go to court as they do today. In addition, the report notes that there is a real question as to whether technologies exist that can really make networks secure. I believe that this is a technology question that the marketplace should answer, not the Government.

Mr. President, the Office of Technology Assessment report underscores the fact that much more work must be done. I encourage my colleagues to read this important report. It provides necessary knowledge that Congress must have if it is to make laws and undertake other actions needed to take government into the 21st century. I intend to pursue hearings on the report early next year. On the basis of those hearings, I intend to develop amendments to the Computer Security Act.•

FACES OF THE HEALTH CRISIS

• Mr. RIEGLE. Mr. President, I rise today to continue my effort to put a face on the health care crisis. Today I would like to share the story of Estella Armstrong from Kalamazoo, MI.

Estella will be 54 years old in November. She was divorced in 1972 and since that time has tried to support herself as best she can. Her five children are all grown, some of them have moved far away from Kalamazoo, and like most Americans they struggle to make ends meet.

Estella had worked for over 10 years at one Michigan bank as a mail teller until she lost her job in 1983. The bank was experiencing a takeover so it cut full-time employees to reduce their costs. Estella had to start her career over at the age of 43. Luckily, in 1984 she was able to get a job as a teller at another bank, where she had very comprehensive health insurance coverage. However, after only 1 year her position was transferred to Jackson, a city 2 hours from her home. Without savings, Estella could not afford the cost of relocating to follow the job. Once again she had no job and no health care.

Although she applied for many positions, the job market for middle-aged women like herself was small. And in 1986, while still unemployed and uninsured, disaster struck Estella. She was diagnosed with advanced colon cancer and had surgery 3 days later. The operation successfully removed all of the cancerous tissue. Since Estella had no insurance or savings, the hospital wrote off the $8,000 surgical charge, as well as the home nursing she needed to recover.

After her cancer scare, Estella's doctors advised her to have a colonoscopy regularly, at the least every 3 years. Estella is a noninsulin dependent diabetic, so she also should have had her blood sugar checked monthly, a procedure that costs $150. But without coverage, she could not afford to take either of these preventive measures.

Unable to find full-time work, Estella began working part-time at a Sears department store in 1987 for $3.75 an hour. Clearly, on these low wages she was still not able to purchase health insurance or pay for care on her own.

Then in 1988 Estella began experiencing strong stomach pains. Because she did not have a regular doctor, she waited several days before finally going to the hospital emergency room. After being told nothing was wrong with her, Estella went home and suffered for a week before rushing back to the hospital. This time she was taken into emergency surgery to correct a bowel obstruction. The condition was so far advanced that her intestines were pushed up into her stomach. Although her $18,000 surgery was provided by the hospital as charity care, Estella was still left with the $900 charge for anesthesia, which she continues to pay on installment.

In 1992, she finally moved into a full-time position at Sears, which meant that she could apply for health insurance that would be paid for by the company. After years without regular medical care Estella was eager for coverage, but the health insurance company refused to cover her because of her diabetes and experience with colon cancer.

Estella now works full-time at $6 per hour. A monthly blood test to monitor her diabetes would take one-quarter of her paycheck, so she is forced to forego medical testing. Her children are not in a position to help her, so Estella is on her own. She tells me that if Sears paid for her health insurance she could afford to make the copayments that would be required. But she does not earn enough to purchase health insurance on her own.

Estella is especially afraid for her future now that she knows she cannot get insurance at all because of her preexisting conditions. For the past year her feet have been burning at work, so she takes aspirin and soaks her feet daily. She thinks it may be a result of uncontrolled diabetes. Her mother lost a limb and eventually died from this disease, and Estella is afraid that her own condition could worsen as well.

Estella is one of the millions of people in this country who do not have insurance and desperately need health care. These individuals do not have access to preventive care and end up in hospital emergency rooms, facing shorter lives filled with physical and emotional suffering. Estella just wants the health insurance most people take for granted. It is for people like Estella Armstrong that we must continue our battle for health care reform, despite the many obstacles that we still face in Congress. Mr. President, it is for Estella that we need to pass health reform legislation.•

PRESIDENT CLINTON'S HAITI POLICY

• Mr. ROTH. Mr. President, on Wednesday, September 21, this body voted in favor of Senate Resolution 259, a nonbinding resolution concerning President Clinton's decision to send United States forces into Haiti. I wish to state my personal opinion of how that resolution should and should not be understood.

I supported Senate Resolution 259 because I wished both to commend our troops, who now are in Haiti in a most difficult situation and to express my gratitude to the Carter-Nunn-Powell delegation which pulled us back from the brink of open conflict. That vote should not be thought, in any sense, to demonstrate approval either for the Clinton decision to send our forces into Haiti or for the peculiar diplomacy which brought about this situation.

I most certainly commend the work of former President Carter, Senator NUNN, and General Powell in forestalling our military invasion of Haiti. On the other hand, I firmly believe that the United States has absolutely no security or economic interests in Haiti. Consequently, I do not believe that we should ever have been contemplating an invasion and the activities of these three worthy gentleman should never have been called for.

But President Clinton was determined to expand the lexicon of our national security interests. According to the White House, humanitarian concerns would now suffice to legitimate

U.S. military intervention, particularly in our hemisphere. Of course, such criteria could easily be used to legitimate an invasion of Guatemala or even Cuba, but the White House seems to have little concern for the implications of its policies.

Now we have gone into Haiti in order to halt the human rights abuses practices by the nation's military and police forces. Already, the inherent weaknesses of this policy are manifest. The three leaders of the Haitian military have agreed to resign, but General Cedras, for one, has already declared that he will not leave Haiti. The Haitian military and police forces, the instruments of repression we went in to remove from power are now, according to the head of the Joint Chiefs of Staff, responsible for the maintenance of law and order in Haiti. Given the fact that these were the responsibilities by held before the invasion, we can certainly question the value of that action, even on humanitarian grounds.

Now we discover—irony of ironies—that the repressive policy/military machine which we went in to remove from power is, according to published reports, going to be put on the U.S. payroll. I find it utterly horrendous that one day our President can condemn these individuals as the Western Hemisphere's worst human rights abusers and then, on the next day, he can place them on the Federal payroll. I trust that when the Senate considers the necessary appropriation measures, we will put an end to this nonsense.

I note, once again with some irony, that Senate Resolution 259 commends the prompt withdrawal of United States forces from Haiti. We can commend such a move every day of this session, but it appears that it is not going to happen. At this moment, the Clinton administration is planning to maintain a United States military presence in Haiti through January 1996, when Haiti's next Presidential elections will be held. At some stage we will witness a fig leaf transfer of the U.S. operation over to the United Nations, but the fact remains that by far the largest contribution to the U.N. force will come from the United States. In short, we are going to be in Haiti for some time. The administration knows it and plans for it, but it does not enjoy the support of the American public or the Congress.●

NATIONAL OPTICIANS MONTH

● Mr. GLENN. Mr. President, January 1995 will be celebrated throughout the United States as National Opticians Month. The Opticians Association of America and its member State societies sponsor this observance, and I am pleased to note that one of my constituents, R. Emil Hagman of Columbus, is president of the national association.

Mr. Hagman, his wife Karla and his father, Bob, and their colleagues nationwide are part of a system that assures our citizens the best in spectacles, contact lenses and low vision aids. As opticians, they have made it their life's work to bring technological advances to bear on the problem of seeing well while looking good. At some point in our lives, almost every American will need help to make the best use of our eyesight, and technology has brought us literally thousands of possible combinations of eyeglass frames and lenses, and a wide variety of contact lenses and low vision aids to make that possible.

Dispensing opticians are eyewear experts, specializing in fitting eyeglasses, contact lenses and other aids to good vision. Through formal education programs, voluntary national certification and mandatory licensing in many States, including Ohio, dispensing opticians acquire the skills and competence to guide eyewear consumers in their choices and to correctly, efficiently, and effectively fill the eyewear prescriptions written by eye doctors. As important members of our Nation's small business community, retail dispensing opticians are the competitive balance that keeps good vision within the reach of all.

I am glad to have this opportunity to recognize the work of dispensing opticians in the cause of good vision for all Americans. I applaud their efforts and congratulate Emil Hagman and his members on their successes.●

NATIONAL HIGHWAY SYSTEM DESIGNATION ACT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 598, S. 1887, the National Highway System Designation Act of 1994; that the bill be read three times, passed, and the motion to reconsider laid upon the table; that any statements relating to this item be placed in the RECORD at the appropriate place as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I am pleased that today the Senate is considering S. 1887, the National Highway System Designation Act of 1994. This bill was recently reported out of the Environment and Public Works Committee on a unanimous vote and I thank my colleagues for their support of this measure.

When Congress passed the Intermodal Surface Transportation Efficiency Act, or ISTEA, in 1991, there was a recognition that we were moving out of the Interstate era and into the era of the National Highway System, or NHS.

ISTEA requires the Transportation Department and the States to identify, and Congress to approve, this successor to the Interstate System.

The National Highway System, in brief, is the network of critical roads that carry the bulk of our commerce. State governments have cooperated with us in developing it, by identifying more than 159,000 miles of roads as the backbone of our transportation system.

These roads make up only 4 percent of the nearly 4 million miles of public roads. But as time passes, they will carry over 40 percent of the highway traffic and 70 percent of commercial truck traffic. Given our budget deficit, we need to use our funds to maintain and improve the most important roads. By identifying the NHS routes, States will be able to target their money to make sure the highways that get the most use are also the safest and most efficient.

That is exactly what we need to stay competitive. The National Highway System's importance to a successful North American Free-Trade Agreement is one obvious example. Almost three-fifths of the United States-Canada freight and four-fifths of the United States-Mexico freight moves by truck. If we let our key roads deteriorate, we lose much of what we hoped to get through the NAFTA last year.

The NHS is the foundation of a seamless transportation network that incorporates all modes of transportation—using roads to link airports, seaports, transit stations, and railyards. It will make our businesses more competitive in a global economy. And by identifying the most important roads, it assists States in determining the appropriate uses of their scarce resources.

While we can no longer afford to view our transportation system as a collection of unconnected rail, water, and road networks, we also need to keep a focus on the needs of rural areas.

The National Highway System is especially vital to rural areas of the country—areas where highways often are the only method of transportation.

For Western States like Montana, immediate attention to the National Highway System is crucial, because we have no alternative to roads. We do not have the mass transit and water transport systems that a lot of other States depend on. We never will have them—we are a large State with no big cities. Because we are a rural State, highways are critical to our economy, our way of life, and the travel and tourism revenue we depend on.

In Montana, the bill includes nearly 4,000 miles of roads. That is 23 percent, or about 800 miles more than the Bush administration's original proposal. The additional routes include:

Highway 200 between Great Falls and Missoula, and from Lewistown going west to Winnett, Jordan, Circle, Sidney, and Fairview.

Highway 12 from Helena to Garrison Junction. Highway 59 from Miles City to Broadus.

Highway 87 between Billings, Roundup, and Grassrange.

Highway 212 from the Crow Agency to Lame Deer, and Alzada.

That is good news for Montana. And the other roads in the bill mean just as much for the entire region, across the Great Plains and down the Rocky Mountains.

All of these roads are included in the bill the Senate is considering today. Congress must approve the National Highway System by September 30, 1995 or funds for the NHS and interstate maintenance will be withheld from the States.

That means a loss to the States of $6.5 billion annually. And this translates into the loss of hundreds of thousands of jobs.

Furthermore, the earlier Congress acts, the greater funding stability there is for the States and the less disruption there will be to the States' complicated transportation planning process.

S. 1887 is a clean bill. It is a short, simple bill. It only deals with designation of the National Highway System. It does not address other extraneous matters. A clean bill is our best chance of enacting of the NHS this year. Loading up the bill with controversial matters will only delay action, bringing us closer to the deadline and increasing the uncertainty for all States.

Mr. President, this is a very important bill. It will serve as a framework for future transportation planning. I thank my colleagues again for their interest and support for this legislation.

Mr. President, I ask unanimous consent that a brief section-by-section description of S. 1887 be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS OF S. 1887

Section 1.—The bill is titled "The National Highway System Designation Act of 1994."

Section 2.—This section approves the most recent National Highway System submitted to Congress by the Secretary of Transportation. The section also specifies the procedure for future changes and modifications to the NHS after the initial system has been adopted by Congress. At the request of a State, the Secretary may add a new route segment to the NHS or delete an existing route segment and any connection to the route segment, as long as the segment or connection is within the jurisdiction of the requesting State and the total mileage of the NHS (including any route segment or connection proposed to be added) does not exceed 165,000 miles.

If a State requests a modification to the NHS as adopted by Congress, the State must establish that each change in a route segment or connection has been identified by the State in cooperation with local officials. This cooperative process between the State and local officials must be carried out under the existing transportation planning activities for metropolitan areas and the statewide planning processes established under ISTEA.

Congress will not approve or disapprove any subsequent modifications. The cooperative planning process between State and local officials, along with the approval of the Secretary, is the appropriate forum for considering modifications to the NHS following enactment of this legislation.

Mr. RIEGLE. Mr. President, I would like to ask a question of the chairman of the Environment and Public Works Committee. The bill the Senate is considering today, S. 1887—The National Highway System Designation Act of 1994—deals only with designation of the National Highway System or NHS. That is a matter within the jurisdiction of the Environment and Public Works Committee.

However, while the Senate bill only designates the NHS, the House-passed bill makes several changes in this Nation's transit system programs. Transit-related programs are within the jurisdiction of the Senate Committee on Banking, Housing and Urban Affairs. Is it the Senator's intent to include members of the Banking, Housing and Urban Affairs Committee as conferees should a conference on S. 1887 include transit-related matters?

Mr. BAUCUS. I thank the distinguished chairman of the Banking, Housing, and Urban Affairs Committee for his question. I want to make it very clear that the Senate is considering only S. 1887, not H.R. 4385. The sole purpose of the Senate bill is to designate the National Highway System, as required by the Intermodal Surface Transportation Efficiency Act of 1991. Let me assure my good friend that S. 1887 contains no provisions related to transit programs. Should the House of Representatives amend S. 1887 to include items within the jurisdiction of the Senate Banking, Housing and Urban Affairs Committee, it would certainly be my intention to discuss the matter with the distinguished chairman and other appropriate members of the committee to determine how best to proceed at that point, and include the Banking Committee on a conference of that bill if one is necessary.

Mr. RIEGLE. I thank the chairman of the Environment and Public Works Committee for his cooperation.

So the bill (S. 1887) was passed, as follows:

S. 1887

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Highway System Designation Act of 1994".

SEC. 2. NATIONAL HIGHWAY SYSTEM DESIGNATION.

Section 103 of title 23, United States Code, is amended by inserting after subsection (b) the following new subsection:

"(c) NATIONAL HIGHWAY SYSTEM DESIGNATION.—

"(1) DESIGNATION.—The most recent National Highway System as submitted by the Secretary of Transportation pursuant to this section is hereby designated to be the National Highway System.

"(2) MODIFICATIONS.—

"(A) IN GENERAL.—At the request of a State, the Secretary may—

"(i) add a new route segment to the National Highway System, including a new intermodal connection; or

"(ii) delete a then existing route segment and any connection to the route segment,

if the total mileage of the National Highway System (including any route segment or connection proposed to be added under this subparagraph) does not exceed 165,000 miles (265,542 kilometers).

"(B) PROCEDURES FOR CHANGES REQUESTED BY STATES.—Each State that makes a request for a change in the National Highway System pursuant to subparagraph (A) shall establish that each change in a route segment or connection referred to in such subparagraph has been identified by the State, in cooperation with local officials, pursuant to applicable transportation planning activities for metropolitan areas carried out under section 134 and statewide planning processes carried out under section 135.

"(3) APPROVAL BY THE SECRETARY.—The Secretary may approve a request made by a State for a change in the National Highway System pursuant to paragraph (2) if the Secretary determines that the change—

"(A) meets the criteria established for the National Highway System under this title; and

"(B) enhances the national transportation characteristics of the National Highway System.".

CORRECTION IN THE ENROLLMENT OF S. 1587

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of House Concurrent Resolution 291, a concurrent resolution to correct the enrollment of the conference report accompanying S. 1587, the Federal Acquisition Streamlining Act just received from the House; that the concurrent resolution be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the concurrent resolution (H. Con. Res. 291) was agreed to.

APPROPRIATE PORTRAYAL OF MEN AND WOMEN IN THE ARMED FORCES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Rules Committee be discharged from future consideration of Senate Resolution 257, a resolution regarding the appropriate portrayal of men and women in the Armed Forces in the upcoming National Air and Space Museum exhibit on the *Enola Gay*; that the Senate proceed to its immediate consideration, that the resolution and its preamble be agreed to en bloc; that the motions to reconsider be laid upon the table en bloc; and that any statements appear in the RECORD as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the resolution was agreed to.

The preamble was agreed to.

The resolution (S. Res. 257) and its preamble are as follows:

S. RES. 257

Whereas the role of the Enola Gay during World War II was momentous in helping to bring World War II to a merciful end, which resulted in saving the lives of Americans and Japanese;

Whereas the current script for the National Air and Space Museum's exhibit on the Enola Gay is revisionist and offensive to many World War II veterans;

Whereas the Federal law states that "the Smithsonian Institute shall commemorate and display the contributions made by the military forces of the Nation toward creating, developing, and maintaining a free, peaceful, and independent society and culture in the United States";

Whereas the Federal law also states that "the valor and sacrificial service of the men and women of the Armed Forces shall be portrayed as an inspiration to the present and future generations of America"; and

Whereas, in memorializing the role of the United States in armed conflict, the National Air and Space Museum has an obligation under the Federal law to portray history in the proper context of the times: Now, therefore, be it

Resolved, That it is the sense of the Senate that any exhibit displayed by the National Air and Space Museum with respect to the Enola Gay should reflect appropriate sensitivity toward the men and women who faithfully and selflessly served the United States during World War II and should avoid impugning the memory of those who gave their lives for freedom.

TREATMENT OF THE CENTENNIAL BRIDGE, ROCK ISLAND, IL

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 613, S. 1555, a bill to clarify the treatment of the Centennial Bridge, Rock Island, IL; that the bill be read three times, passed, and the motion to reconsider be laid upon the table; that any statements relating to this item be placed in the RECORD at the appropriate place as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (S. 1555) was passed, as follows:

S. 1555

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TREATMENT OF CENTENNIAL BRIDGE, ROCK ISLAND, ILLINOIS, AGREEMENT.

For purposes of section 129(a)(6) of title 23, United States Code, the agreement concerning the Centennial Bridge, Rock Island, Illinois, entered into under the Act entitled "An Act authorizing the city of Rock Island, Illinois, or its assigns, to construct, maintain, and operate a toll bridge across the Mississippi River at or near Rock Island, Illinois, and to a place at or near the city of Davenport, Iowa", approved March 18, 1938 (52 Stat. 110, chapter 48), shall be treated as if the agreement had been entered into under section 129 of title 23, United States Code, as in effect on December 17, 1991, and may be modified in accordance with section 129(a)(6) of such title.

THE 75TH ANNIVERSARY OF THE GRAND CANYON NATIONAL PARK

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Joint Resolution 221, a joint resolution commemorating the 75th anniversary of the Grand Canyon National Park, introduced earlier today by Senators McCAIN and DECONCINI; that the resolution be read three times, passed, the motion to reconsider be laid upon the table; that the preamble be agreed to, and that any statements appear at the appropriate place in the RECORD as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. I rise today on behalf of myself and Senator DECONCINI to introduce a Senate joint resolution commemorating the 75th anniversary of the Grand Canyon National Park.

This historic anniversary is important to people throughout the world but it's especially significant to the people of Arizona. As citizens of the Grand Canyon State, we take immense pride in the park and appreciate the awesome stewardship responsibility with which we, today's caretakers of the canyon, have been vested.

Senator DECONCINI and I have introduced this resolution to enable Congress to mark this important occasion. The resolution celebrates the unique natural heritage of the canyon. It also acknowledges the natural and cultural resources which make the canyon the crown jewel of the National Park Service.

I hope my colleagues will join me in supporting this resolution which commemorates 75 years of our efforts to meet the challenge made by President Roosevelt "To keep the canyon for our children and our children's children, and for all who come after us, as one of the great sights every American if he can travel at all should see."

So the joint resolution was passed.

The preamble was agreed to.

The joint resolution (S.J. Res. 221) and its preamble are as follows:

S.J. RES. 221

Whereas the Grand Canyon of the Colorado River is a feature of enormous scientific interest and significance, whose unique geological, biological and cultural resources represent a natural laboratory of unparalleled diversity;

Whereas Grand Canyon National Park represents an integral part of the greater Colorado Plateau Ecosystem whose significance to the health of the natural systems of the American West increases with time;

Whereas the Grand Canyon of the Colorado River is one of the most spectacular examples of arid-land erosion anywhere in the world and reveals a geologic record whose significance is unparalleled;

Whereas Grand Canyon is a world Heritage Site and a natural feature of international significance whose aesthetic beauty reflects the aspirations of a free and independent people;

Whereas Grand Canyon National Park has received over 100,000,000 visitors since its establishment in 1919 and continues to serve the people of the United States and the world in their need for a place of outstanding natural beauty and refuge; and

Whereas Grand Canyon National Park was established by Act of Congress on February 26, 1919: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress of the United States of America on this date salutes Grand Canyon National Park and its custodians, the employees of the National Park Service, in honor of the park's 75th anniversary year.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR MONDAY, SEPTEMBER 26, 1994

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 3 p.m. on Monday, September 26; that following the prayer the Journal of proceedings be deemed approved to date, and the time for the two leaders reserved for their use later in the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

VA AND HUD APPROPRIATIONS ACT FOR FISCAL YEAR 1995—CONFERENCE REPORT

Mr. MITCHELL. Mr. President, I move to proceed to the conference report accompanying H.R. 4624, the Veterans Affairs-HUD appropriations bill.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4624) having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

(The conference report is printed in the House proceedings of the RECORD of August 26, 1994.)

PROGRAM

Mr. MITCHELL. Mr. President, the Senate will return to session at 3 p.m.

on Monday to take up the VA-HUD appropriations bill.

Under an agreement reached between myself and the distinguished Republican leader, all amendments which are to be offered to that bill must be offered on Monday and fully debated on Monday. Any votes that are required, both with respect to amendments and final passage, will occur on Tuesday. So there will be no rollcall votes on Monday. However, I repeat, all amendments which are to be offered to that bill must be offered on Monday, and we will remain in session as long as is necessary to consider such amendments. But no amendment will be in order after Monday. The bill will be closed as of close of business on Monday, and the votes will occur on Tuesday at a time to be determined and announced prior to then.

Mr. President, we are approaching the end of this legislative session. Nearly a year ago when announcing the schedule for this second session of the 103d Congress, I designated October 7 of this year as the target date for final adjournment of the Senate. I hope that we can complete the important business before the Senate in time to meet that target date. But whether or not we are able to do so will depend almost entirely upon the actions of Senators themselves.

Over the past few days, we have witnessed in the Senate unprecedented obstructionist actions. I have asked the Senate Historian, the Senate Parliamentarian, and others with knowledge of the history and practices of the Senate, and no one can recall nor can anyone find any record of a similar series of events as have occurred in the Senate this week.

We have had unprecedented increasing use of the filibuster in the Senate by the Republican minority to prevent action on legislation. But not ever before, to the knowledge of those familiar with the history of the Senate, in the more than 200 years of our Nation's history, have we had filibusters on trying to go to conference on a bill as we are now facing here.

Mr. President, it makes completing action in the Senate extremely difficult, if not impossible. I recognize that is the objective of those who are engaging in such unprecedented actions. But one of the effects of such actions is to make it impossible for the Senate to conduct any business, even that business which is required by law and which all Senators want to accomplish, and also makes it extremely difficult, if not impossible, to meet the target date or any other date for final adjournment.

Senators have shown an increasing willingness to exploit the rules to maximum political and partisan advantage with virtually no concern for the effects on the institution itself. The constant disparagement of this institution by word and deed by those who are Members of the institution brings discredit upon the Senate, and I believe upon those themselves who engage in such tactics and practices.

We simply have to get to a point where there can be some degree of comity and some degree of cooperation and some willingness to refrain from trying to gain maximum political advantage through use of the Senate rules.

There was a time in American life when political campaigns were conducted at limited and designated times and in limited and designated places.

All limitations on time have vanished, as political campaigns are now conducted around the clock, 365 days a year, year in, year out; and it appears that all limitations on place have vanished, as the Senate increasingly itself becomes a forum for political campaigns. Over and over again, we get amendments and other actions that are offered not with any legislative purpose of any kind, but blatantly, openly acknowledged by people who are involved in the process as being done for political purposes, to get people on record so that 30-second spots can be run against them.

We only have a few weeks left. We have only a few bills left to pass, and they are important. I hope our colleagues will join in restoring a sense of purpose that is positive to this institution, but more important, I hope that they will join in restoring a sense of meaning and commitment to the institution itself.

The Senate is larger than any individual Member, larger than any bill, larger than any cause of the moment. And yet, the direction in which the Senate is heading as a result of the actions of some of its Members is, I fear, the wrong one.

So I hope that at the very least we can begin to adopt practices which are positive and refrain from the unprecedented obstruction which is occurring. It is one thing if Senators do not like a bill; that happens to all of us every day. It is one thing if we debate a bill and offer alternatives and have a vote and accept the result. It is even one thing if a Senator wants to filibuster a bill, or even if a Senator wants to filibuster taking up a bill. But when we now reach the point where we are having filibusters on going to conference with a bill, we are reaching a point that has never before been reached in the history of this Senate. I believe that is unfortunate and, more than that, I believe that those who engage in these tactics will themselves come to rue them.

I hope very much that we can reach agreement on a narrow but important agenda and on an end to obstructionist tactics and complete our business on or close to the target date for final adjournment. I think we will serve not only ourselves and our constituents well, but also something seems little in the minds of the Senators these days, we will serve well the Senate itself.

Mr. President, I am advised that the distinguished Senator from Ohio is on his way to the Senate and wants to address the Senate. There are no other requests for speakers. Therefore, I ask unanimous consent that when he arrives and is recognized, the Senator from Ohio be permitted to address the Senate as in morning business, and upon the completion his remarks, the Senate stand in recess as previously ordered.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GLENN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT OF SENATE MAJORITY LEADER GEORGE J. MITCHELL AT THE SENATE SPOUSES AND RETIRING MEMBERS DINNER

Mr. GLENN. Mr. President, it has been my honor and my pleasure on three occasions, following the election in 1988, the election in 1990, and the election in 1992, to nominate Senator GEORGE MITCHELL to be our majority leader. And I have never for 1 minute regretted those nominations.

To my mind, GEORGE has been an exemplary majority leader and the Senate is going to be the loser when he leaves at the end of this term, with, of course, his decision not to run again.

He has served with courage and legislative skill, with tenacity, with judgment, with fairness, and with a really true concern for the people of this country. That has been his guiding motive.

I will have more to say later in the session about this, because I know I, along with all of my colleagues, regret that GEORGE is going to be leaving the Senate.

Last evening, there was a dinner that was held here on Capitol Hill for the retiring Senators. GEORGE made some remarks at that dinner that I thought were particularly apropos. He briefly addressed the fact that we have a lot of cynicism in this country today—some deserved, of course; but much of it not—but this Government goes on—and we have had our trials and tribulations in the past—because of the people who are willing to come here and serve, at some sacrifice. And their reward is normally in the satisfaction they get for seeing that this country moves ahead and that our people have more opportunities in the future than the previous generations had.

I thought that our majority leader spoke very eloquently last evening. I asked, although he spoke mainly from notes, that there be a transcript of his remarks prepared, which was done today. I wanted to make certain that his remarks got a wider audience than just the group of Senators and Senators' spouses who were at the function last evening. So that transcript has been prepared.

As I say, I will have a lot more to say about GEORGE later on before the end of this session, but I ask unanimous consent that the statement of Senate Majority Leader GEORGE MITCHELL at the Senate spouses and retiring Members dinner of last evening be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATE MAJORITY LEADER GEORGE J. MITCHELL AT THE SENATE SPOUSES AND RETIRING MEMBERS DINNER, SEPTEMBER 22, 1994

I am one of the Senators who will not be returning in January. I will miss the retiring Senators and all of our colleagues. Each is leaving for different reasons.

I will leave because of my personal concept of public service. Unfortunately, some have speculated that I'm leaving because of the difficulties of serving in Congress.

That speculation is not accurate. Of course there are difficulties and frustrations. We all know that. But I'm proud to be a member of the United States Senate. It's a great honor, the greatest of my life.

Criticism of the Congress is frequent today. But that's not new.

Most Americans cherish the view that during World War II—a time when the nation was unified in the fight against fascism—all of us pulled together, and cheerfully shared sacrifice and hardship.

But history tell us otherwise. In reality, throughout the War, the Congress was under intense attack for the wartime hardships.

Members of Congress were touchy and defensive. Speaker Rayburn said he was "damned tired of having Congress made the goat for everything." Senator Walter George said he was tired of "indiscriminate sniping and yowling."

It's still fashionable to criticize Congress. The criticism so resonates with the American people that some members of Congress are themselves among the leading voices in disparaging this institution.

But it's important to keep it in perspective. There never was a time when the Congress was a loved institution. Americans, members of the first truly egalitarian society, have always been skeptical of those who are set apart, whether by wealth, by election, or for any other reason.

That's a good thing; a healthy thing. It keeps our feet on the ground.

But when skepticism turns to cynicism, as it lately has, we risk undermining democracy.

Every system of government, by definition, has an executive. Throughout most of human history, that's all most governments have had: A dominant executive, usually in the form of an elected monarch.

Individual freedom, the liberty that we Americans have come to take for granted, largely came about when independent legislatures came into existence.

Across the sweep of human history, the institution most responsible for the preservation of individual liberty has been the independent legislature.

The men who wrote the Constitution had as their central objective the prevention of tyranny in America.

They had lived under a British King. They did not want there ever to be an American King.

They were brilliantly successful. In two centuries, we've had 42 presidents and no kings.

Because power is so widely dispersed in our system, the Congress, like parliaments in other democracies, often looks chaotic, and disorganized. We often earn the criticism we get.

Every society includes inpatient people who want to see rapid change, swift progress, sometimes even revolution. Every society also includes people secure with things as they are, who resist change.

The tensions created by such competing pressures are what drive us. How much change does a society need to stay vibrant? How much must a society conserve to remain orderly?

The critics think we get the answers wrong. And they question our motives and our values.

But what the critics miss is that public service gives work a value and meaning greater than mere personal ambition and private goals.

I've been in the private sector, then in public office, and I'm returning to the private sector. I take nothing away from private life when I say that I don't think anything can ever give the deep and meaningful satisfaction that comes from public service.

Public service must be and is its own reward, for it guarantees neither wealth nor popularity. And, to paraphrase Rodney Dangerfield, you don't get no respect, either.

It's often frustrating. But when you do something that will change the lives of people for the better, then it's worth all the frustrations.

Ours is virtually the only government in history dedicated to opening doors, not closing them.

In America today, I believe anyone can go as far and reach as high as work, talent, and education allow. We can't equalize effort or talent. But we can equalize opportunity—the promise of a fair chance to succeed.

It's because of the promise of America that I, the son of an uneducated, immigrant factory worker from a small town in Maine, was able to become the Majority Leader of the United States Senate.

It's why Robert Byrd, our friend and mentor, could rise from the hard coal fields of West Virginia to serve as Leader in his time.

It's why my friend and colleague, Bob Dole, could come out of Russell, Kansas and be Leader in his time.

Whatever new problems arise, whatever unforeseeable challenges come, if we can keep that promise alive for our children and theirs, America will never lose her way. For me, that's the purpose of public service, its inspiration and finally, its reward. We are among a very fortunate few to have been able to reap that reward.

Thank you for the privilege of serving with you.

RECESS UNTIL 3 P.M., MONDAY, SEPTEMBER 26, 1994

The PRESIDING OFFICER. Under the previous order, the Senate now stands in recess until 3 p.m., September 26, 1994.

Thereupon, at 4:41 p.m., the Senate recessed until Monday, September 26, 1994, at 3 p.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 23, 1994:

FEDERAL EMERGENCY MANAGEMENT AGENCY

KAY COLLETT GOSS, OF ARKANSAS, TO BE AN ASSOCIATE DIRECTOR OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

KENNETH MALERMAN JARIN, OF PENNSYLVANIA, TO BE A MEMBER OF THE NATIONAL COUNCIL OF THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 1998.

DEPARTMENT OF DEFENSE

JUDITH A. MILLER, OF OHIO, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF JUSTICE

LAURIE O. ROBINSON, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT ATTORNEY GENERAL.

JEREMY TRAVIS, OF NEW YORK, TO BE DIRECTOR OF THE NATIONAL INSTITUTE OF JUSTICE.

NANCY E. GIST, OF MASSACHUSETTS, TO BE DIRECTOR OF THE BUREAU OF JUSTICE ASSISTANCE.

AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. AIR FORCE TO THE GRADE OF MAJOR GENERAL UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 624:

To be major general

BRIG. GEN. JEFFREY G. CLIVER, 147-34-8598, REGULAR AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. ERVIN J. ROKKE, 471-42-8254, U.S. AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. ROBERT M. ALEXANDER, 418-48-3868, U.S. AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 8036:

TO BE SURGEON GENERAL, U.S. AIR FORCE

To be lieutenant general

MAJ. GEN. EDGAR R. ANDERSON, JR., 433-60-4339, U.S. AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. LESTER L. LYLES, 577-62-8366, U.S. AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. EDWIN E. TENOSO, 550-52-0387, U.S. AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be general

GEN. MERRILL A. MCPEAK, 554-44-2858, U.S. AIR FORCE

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE, TO THE GRADE INDICATED, UNDER THE PROVISIONS OF SECTIONS 593, 8351 AND 8374, TITLE 10, UNITED STATES CODE:

To be major general

BRIG. GEN. ROBERT W. BARROW, 566-54-4179, AIR NATIONAL GUARD OF THE UNITED STATES
BRIG. GEN. ROBERT G. CHRISJOHN, 478-50-3723, AIR NATIONAL GUARD OF THE UNITED STATES
BRIG. GEN. STEFFEN P. CHRISTENSEN III, 502-44-8266, AIR NATIONAL GUARD OF THE UNITED STATES
BRIG. GEN. HARRIS R. HENDERSON, 571-52-8740, AIR NATIONAL GUARD OF THE UNITED STATES
BRIG. GEN. ROBERTA V. MILLS, 451-56-5780, AIR NATIONAL GUARD OF THE UNITED STATES
BRIG. GEN. HERBERT J. SPIER, JR., 306-44-9089, AIR NATIONAL GUARD OF THE UNITED STATES
BRIG. GEN. WILLIAM A. TREU, 512-34-3477, AIR NATIONAL GUARD OF THE UNITED STATES

To be brigadier general

COL. KEITH D. BJERKE, 501-44-3220, AIR NATIONAL GUARD OF THE UNITED STATES
COL. SAMUEL G. DEGENERES, 437-62-1477, AIR NATIONAL GUARD OF THE UNITED STATES
COL. WILLIAM F. DOCTOR, 543-46-3174, AIR NATIONAL GUARD OF THE UNITED STATES
COL. ROBERT S. DUTKO, SR., 144-28-6334, AIR NATIONAL GUARD OF THE UNITED STATES
COL. VERNA D. FAIRCHILD, 303-40-1283, AIR NATIONAL GUARD OF THE UNITED STATES
COL. DANIEL J. GIBSON, 066-34-9540, AIR NATIONAL GUARD OF THE UNITED STATES
COL. GARY L. HINDOIEN, 516-40-0260, AIR NATIONAL GUARD OF THE UNITED STATES
COL. TIMOTHY J. LOWENBERG, 438-50-7542, AIR NATIONAL GUARD OF THE UNITED STATES
COL. WILLIAM B. LYNCH, 315-44-4375, AIR NATIONAL GUARD OF THE UNITED STATES
COL. JAMES R. MCKINNEY, 444-36-9876, AIR NATIONAL GUARD OF THE UNITED STATES
COL. JOHN R. METZ, 226-42-8771, AIR NATIONAL GUARD OF THE UNITED STATES
COL. SCOTT A. MIKKELSEN, 265-74-9268, AIR NATIONAL GUARD OF THE UNITED STATES
COL. ALLAN W. NESS, 525-90-5428, AIR NATIONAL GUARD OF THE UNITED STATES
COL. KENNETH S. PETERSON, 067-34-8017, AIR NATIONAL GUARD OF THE UNITED STATES
COL. AUSTIN P. SNYDER, 314-36-6705, AIR NATIONAL GUARD OF THE UNITED STATES
COL. RICHARD E. SPOONER, 298-40-4100, AIR NATIONAL GUARD OF THE UNITED STATES
COL. JAMES E. THOMEY, 431-62-2021, AIR NATIONAL GUARD OF THE UNITED STATES
COL. RICHARD W. TUTTLE, 006-34-6087, AIR NATIONAL GUARD OF THE UNITED STATES
COL. SALVATORE VILLANO, JR., 522-48-0719, AIR NATIONAL GUARD OF THE UNITED STATES
COL. JAMES E. WHINNERY, 467-70-5760, AIR NATIONAL GUARD OF THE UNITED STATES

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE RESERVE TO THE POSITION AND GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 8038:

To be chief of Air Force Reserve

MAJ. GEN. ROBERT A. MCINTOSH, 271-40-7741, UNITED STATES AIR FORCE RESERVE

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE, TO THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 593, 8351 AND 8374:

To be major general

BRIG. GEN. THOMAS W. POWERS, 287-34-0118, AIR NATIONAL GUARD OF THE UNITED STATES
BRIG. GEN. DAVID E. B. WARD, 543-38-2443, AIR NATIONAL GUARD OF THE UNITED STATES

To be brigadier general

COL. ROBERT L. BIEHUNKO, 454-56-6839, AIR NATIONAL GUARD OF THE UNITED STATES
COL. JOSEPH L. CANADY III, 241-54-6741, AIR NATIONAL GUARD OF THE UNITED STATES
COL. JAMES H. GRESHIK, 501-44-6691, AIR NATIONAL GUARD OF THE UNITED STATES
COL. STANLEY P. MAY, 529-38-7909, AIR NATIONAL GUARD OF THE UNITED STATES
COL. KENNETH W. MCGILL, 321-36-0765, AIR NATIONAL GUARD OF THE UNITED STATES
COL. GEORGE F. SCOGGINS, JR., 513-42-5952, AIR NATIONAL GUARD OF THE UNITED STATES
COL. MILES B. SCRIBNER, 564-62-2851, AIR NATIONAL GUARD OF THE UNITED STATES
COL. CAROL M. THOMAS, 476-52-3879, AIR NATIONAL GUARD OF THE UNITED STATES

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be general

LT. GEN. JOHN G. LORBER, 482-48-7661, U.S. AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

LT. GEN. HOWELL M. ESTES III, 578-56-5497, U.S. AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lietenant general

MAJ. GEN. EVERETT H. PRATT, JR., 257-64-0526, U.S. AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENTS TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. RONALD W. IVERSON, 518-46-6582, U.S. AIR FORCE

ARMY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTIONS 601(A) AND 304(B):

TO BE CHIEF OF THE NATIONAL GUARD BUREAU

To be lieutenant general

MAJ. GEN. EDWARD D. BACA, 525-74-2555, U.S. ARMY

THE FOLLOWING U.S. ARMY NATIONAL GUARD OFFICER FOR PROMOTION TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 593(A), 3385 AND 3392:

To be brigadier general

COL. ALEX R. GARCIA, 525-82-7472

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE REGULAR ARMY OF THE UNITED STATES TO THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 611(A) AND 624:

To be permanent major general

BRIG. GEN. CLAIR F. GILL, 110-34-9198
BRIG. GEN. GEORGE E. FRIEL, 232-68-3079
BRIG. GEN. JAN A. VAN PROOYEN, 555-62-7782
BRIG. GEN. DAVID L. BENTON III, 068-36-8645
BRIG. GEN. EDWARD G. ANDERSON III, 537-42-2536
BRIG. GEN. NORMAN E. WILLIAMS, 219-42-0353
BRIG. GEN. ROBERT H. SCALES, JR., 094-36-8256
BRIG. GEN. JOHN E. LONGHOUSER, 321-36-3875
BRIG. GEN. WILLIAM L. NASH, 070-34-9961
BRIG. GEN. RICHARD A. CHILCOAT, 212-36-0462
BRIG. GEN. JOHN A. VAN ALSTYNE, 461-70-3328
BRIG. GEN. ARTHUR T. DEAN, 238-68-2887
BRIG. GEN. ROBERT S. COFFEY, 273-40-3824
BRIG. GEN. LARRY R. ELLIS, 213-44-0750
BRIG. GEN. LAWSON W. MAGRUDER, 224-70-0729
BRIG. GEN. RUSSELL L. FUHRMAN, 394-48-2780
BRIG. GEN. MONTGOMERY C. MEIGS, 084-36-3239
BRIG. GEN. CHARLES G. SUTTEN, JR., 535-42-8285
BRIG. GEN. BILLY K. SOLOMON, 465-74-4119
BRIG. GEN. PAUL J. KERN, 154-34-5577
BRIG. GEN. GERARD P. BROHM, 149-34-3172
BRIG. GEN. CHARLES C. CANNON, JR., 466-70-8286
BRIG. GEN. ROGER G. THOMPSON, JR., 404-56-5744
BRIG. GEN. JAMES M. LINK, 216-42-6041
BRIG. GEN. RANDOLPH W. HOUSE, 458-80-7507
BRIG. GEN. JOHN COSTELLO, 220-54-9581
BRIG. GEN. JOHNNY M. RIGGS, 494-48-1680
BRIG. GEN. PETER J. SCHOOMAKER, 514-44-3788
BRIG. GEN. JACK P. NIX, JR., 252-78-1547

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. CARMEN J. CAVEZZA, 061-30-0777, U.S. ARMY.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. THEODORE G. STROUP, JR., 262-58-8886, U.S. ARMY

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be general

GEN. FREDERICK M. FRANKS, JR., 190-26-5127, U.S. ARMY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODES, SECTION 601(A):

To be general

LT. GEN. WILLIAM W. HARTZOG, 238-66-2179, U.S. ARMY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. DAVID A. BRAMLETT, 561-58-9889, U.S. ARMY

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be general

GEN. DAVID M. MADDOX, 150-32-5193, U.S. ARMY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. RICHARD F. TIMMONS, 231-56-0272, U.S. ARMY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be general

LT. GEN. WILLIAM W. CROUCH, 530-26-4224, U.S. ARMY

THE FOLLOWING U.S. ARMY RESERVE OFFICERS FOR PROMOTION TO THE GRADES INDICATED IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF SECTION 593(A) AND SECTION 3384, TITLE 10, UNITED STATES CODE.

To be major general

BRIG. GEN. MAX GUGGENHEIMER, 231-42-2791
BRIG. GEN. GEORGE J. STEINER, 473-38-3427
BRIG. GEN. THOMAS B MURCHIE, 559-74-3488
BRIG. GEN. BILLY F. JESTER, 492-74-3553

To be brigadier general

COL. JAMES G. BROWDER, 230-58-1364
COL. DANIEL C. BALOUGH, 572-74-0228
COL. ROGER P. HAND, 061-32-3380

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. THOMAS M. MONTGOMERY, 311-38-3708, U.S. ARMY

THE FOLLOWING-NAMED OFFICER FOR PROMOTION IN THE JUDGE ADVOCATE GENERAL'S CORPS, U.S. ARMY, AND IN THE REGULAR ARMY OF THE UNITED STATES TO THE GRADE OF BRIGADIER GENERAL UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 611(A) AND 624(C) AND 3037:

To be permanent brigadier general

COL. JOHN D. ALTENBURG, JR., 268-40-6387, U.S. ARMY

THE FOLLOWING-NAMED OFFICER FOR PROMOTION IN THE CHAPLAIN BRANCH, U.S. ARMY, AND IN THE REGULAR ARMY OF THE UNITED STATES TO THE GRADE OF BRIGADIER GENERAL UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 611(A) AND 624(C):

To be permanent brigadier general

COL. GAYLORD T. GUNHUS, 531-38-7632, U.S. ARMY

THE FOLLOWING-NAMED OFFICER FOR PROMOTION IN THE DENTAL CORPS, U.S. ARMY, AND IN THE REGULAR ARMY OF THE UNITED STATES TO THE GRADE OF BRIGADIER GENERAL UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 611(A) AND 624(C):

To be permanent brigadier general

COL. PATRICK D. SCULLEY, 067-40-5004, U.S. ARMY

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE REGULAR ARMY OF THE UNITED STATES TO THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 611(A) AND 624:

To be permanent brigadier general

COL. JOHN W. MOUNTCASTLE, 227-54-4018
COL. JOHN C. REPPERT, 328-34-6190
COL. JOHN S. CALDWELL, JR., 419-58-8372
COL. ALBERT J. MADORA, 222-28-4210
COL. JERRY L. SINN, 501-46-7044
COL. JOSEPH R. INGE, 226-66-8482
COL. JULIAN A. SULLIVAN, JR., 447-44-0245
COL. SAMUEL S. THOMPSON, III, 566-56-0225
COL. ROBERT L. NABORS, 068-40-5042
COL. SAMUEL L. KINDRED, 424-60-1022
COL. WARREN C. EDWARDS, 228-62-4897
COL. BURWELL B. BELL, III, 410-76-7158
COL. JAMES E. MITCHELL, 214-44-3095
COL. EVAN R. GADDIS, 570-66-5455
COL. REGIONAL G. CLEMMONS, 237-68-9649
COL. DANIEL A. DOHERTY, 261-72-9477
COL. DAN K. MCNEILL, 245-74-4203
COL. WILLIAM S. WALLACE, 402-68-1708
COL. THOMAS R. DICKINSON, 248-72-4371

COL. ROBERT L. FLOYD, II, 262-78-4565
COL. JOHN J. MARCELLO, 037-32-0589
COL. GILBERT S. HARPER, 144-40-7910
COL. PAUL T. MIKOLASHEK, 276-42-2507
COL. MARY E. MORGAN, 004-50-3594
COL. EDWARD SORIANO, 565-62-3068
COL. PHILLIP R. ANDERSON, 227-68-3613
COL. DONALD L. KERRICK, 267-78-7369
COL. GEOFFREY D. MILLER, 280-44-7650
COL. ROGER W. SCEARCE, 096-38-1156
COL. ROBERT A. GLACEL, 206-38-8719
COL. ROBERT J. ST. ONGE, JR., 229-66-1736
COL. CARL H. FREEMAN, 215-56-0411
COL. PHILIP R. KENSINGER, JR., 175-36-0022
COL. STEPHEN R. SMITH, 522-58-5209
COL. BRYAN D. BROWN, 243-80-2565
COL. BENJAMIN S. GRIFFIN, 223-56-5044
COL. BRUCE K. SCOTT, 224-76-8736
COL. WILLIAM E. WARD, 216-52-9000
COL. JAMES R. SNIDER, 460-84-6531

THE FOLLOWING-NAMED MEDICAL CORPS COMPETITIVE CATEGORY OFFICERS FOR APPOINTMENT IN THE REGULAR ARMY OF THE UNITED STATES TO THE GRADE OF BRIGADIER GENERAL UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 611(A) AND 624(C):

To be permanent brigadier general

COL. WARREN A. TODD, JR., 426-82-6098, U.S. ARMY
COL. STEPHEN N. XENAKIS, 149-38-1499, U.S. ARMY
COL. HAROLD L. TIMBOE, 569-58-9807, U.S. ARMY

NAVY

THE FOLLOWING-NAMED REAR ADMIRALS (LOWER HALF) IN THE LINE OF THE U.S. NAVY FOR PROMOTION TO THE PERMANENT GRADE OF REAR ADMIRAL, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFORE AS PROVIDED BY LAW:

UNRESTRICTED LINE OFFICER

To be rear admiral

REAR ADM. (LH) DAVID SPENCER BILL III, 228-58-8134, U.S. NAVY
REAR ADM. (LH) MICHAEL WILLIAM BORDY, 287-32-5519, U.S. NAVY
REAR ADM. (LH) FRANK LEE BOWMAN, 411-64-5146, U.S. NAVY
REAR ADM. (LH) HERBERT ARCHIBALD BROWNE, JR. II, 460-72-4815, U.S. NAVY
REAR ADM. (LH) ARTHUR KARL CEBROWSKI, 147-32-9746, U.S. NAVY
REAR ADM. (LH) VERNON EUGENE CLARK, 318-38-8489, U.S. NAVY
REAR ADM. (LH) WINFORD GERALD ELLIS, 263-56-6240, U.S. NAVY
REAR ADM. (LH) ANDREW ALOYSIUS GRANUZZO, 101-32-1738, U.S. NAVY
REAR ADM. (LH) ALEXANDER JOSEPH KREKICH, 157-32-9900, U.S. NAVY
REAR ADM. (LH) JOHN MICHAEL LUECKE, 350-34-7015, U.S. NAVY
REAR ADM. (LH) JOHN JAMES MAZACH, 410-70-0306, U.S. NAVY
REAR ADM. (LH) JOHN ROY RYAN, 201-34-4509, U.S. NAVY
REAR ADM. (LH) JOHN FRANCIS SHIPWAY, 069-34-8999, U.S. NAVY
REAR ADM. (LH) JOHN FLEET SIGLER, 006-42-7765, U.S. NAVY
REAR ADM. (LH) BERNARD JOHN SMITH, 262-58-2097, U.S. NAVY
REAR ADM. (LH) GEORGE FRANCIS ADOLF WAGNER, 125-32-3873, U.S. NAVY
REAR ADM. (LH) WILLIAM HARRY WRIGHT IV, 545-56-7540, U.S. NAVY

ENGINEERING DUTY OFFICER

To be rear admiral

REAR ADM. (LH) MICHAEL THOMAS COYLE, 141-34-3656, U.S. NAVY

SPECIAL DUTY OFFICER (PUBLIC AFFAIRS)

To be rear admiral

REAR ADM. (LH) KENDELL MILFORD PEASE, JR., 018-34-3423, U.S. NAVY

THE FOLLOWING-NAMED REAR ADMIRALS (LOWER HALF) OF THE RESERVE OF THE U.S. NAVY FOR PERMANENT PROMOTION TO THE GRADE OF REAR ADMIRAL IN THE LINE, AS INDICATED, PURSUANT TO THE PROVISION OF TITLE 10, UNITED STATES CODE, SECTION 5912:

UNRESTRICTED LINE OFFICER

To be rear admiral

REAR ADM. (LH) JAMES PAUL SCHEAR, 268-40-9371, U.S. NAVAL RESERVE
REAR ADM. (LH) JOHN EARL TILL, 257-68-3803, U.S. NAVAL RESERVE
REAR ADM. (LH) GEORGE DENNIS VAUGHAN, 540-44-3917, U.S. NAVAL RESERVE

UNRESTRICTED LINE OFFICER (TRAINING AND ADMINISTRATION OF RESERVE)

To be rear admiral

REAR ADM. (LH) FRANCIS WILLIAM HARNESS, 397-38-8344, U.S. NAVAL RESERVE

SPECIAL DUTY OFFICER (INTELLIGENCE)

To be rear admiral

REAR ADM. (LH) BRUCE ALLEN BLACK, 525-78-5807, U.S. NAVAL RESERVE

THE FOLLOWING-NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

VICE ADM. ARTHUR K. CEBROWSKI, U.S. NAVY, 147-32-9746

THE FOLLOWING-NAMED CAPTAIN OF THE RESERVE OF THE U.S. NAVY FOR PERMANENT PROMOTION TO THE GRADE OF REAR ADMIRAL (LOWER HALF) IN THE STAFF CORPS, AS INDICATED, PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 5912:

CIVIL ENGINEER CORPS OFFICER

To be rear admiral (lower half)

CAPT. NOAH HALBROOK LONG, JR., 263-66-7755, U.S. NAVAL RESERVE

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be admiral

ADM. PAUL D. MILLER, U.S. NAVY, 224-54-1453

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. WALTER J. DAVIS, JR., U.S. NAVY, 551-60-5581

THE FOLLOWING-NAMED REAR ADMIRAL (LOWER HALF) IN THE LINE OF THE NAVY FOR PROMOTION TO THE PERMANENT GRADE OF REAR ADMIRAL, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

UNRESTRICTED LINE OFFICER

To be rear admiral

REAR ADM. (LH) WILLIAM E. NEWMAN, 347-30-6857, U.S. NAVY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF REAR ADMIRAL IN ACCORDANCE WITH ARTICLE II, SECTION 2, CLAUSE 2, OF THE CONSTITUTION:

To be rear admiral

CAPT. JOHN F. EISOLD, MC, U.S. NAVY, 216-50-3976

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. (SELECTEE) HAROLD W GEHMAN, JR., U.S. NAVY, 214-42-3817

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING JACK S ARNOLD, AND ENDING DONALD L NOAH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF APRIL 11, 1994

AIR FORCE NOMINATIONS BEGINNING MARILYN J. LYTHGOE, 309-50-7262, AND ENDING RODGER F. SEIDEL, 577-66-0792, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JULY 12, 1994

AIR FORCE NOMINATIONS BEGINNING MAJ. ROY L. ALSOP, 434-70-5811, AND ENDING MAJ. MARY W. WEXLER, 256-78-8125, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JULY 20, 1994

AIR FORCE NOMINATIONS BEGINNING INES M AGOSTO, AND ENDING KATHERINE A ZUKOR, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF AUGUST 9, 1994

AIR FORCE NOMINATIONS BEGINNING ANGELITA R GABATIN, AND ENDING CHARLES R. MYERS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF AUGUST 25, 1994

AIR FORCE NOMINATIONS BEGINNING JAMES S DALRYMPLE, AND ENDING DANNY J WATSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 12, 1994

IN THE ARMY

ARMY NOMINATION OF WILLIAM C. KIRK, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF AUGUST 4, 1993

ARMY NOMINATION OF CHARLES A. JARNOT, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JULY 12, 1994

ARMY NOMINATIONS BEGINNING RICHARD C * ADAMS, AND ENDING ROBERT P * ZURCHER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JULY 20, 1994

ARMY NOMINATIONS BEGINNING ERIC R ABRAHAM, AND ENDING * MARIA D ZAMARRIPA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JULY 26, 1994

ARMY NOMINATIONS BEGINNING HAROLD L ABNER, AND ENDING * MARIAN E YOWLER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JULY 26, 1994

ARMY NOMINATIONS BEGINNING ROBERT G. KOWALSKI, AND ENDING JOHN D. SHARKEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF AUGUST 5, 1994

ARMY NOMINATIONS BEGINNING ALFRED S. GERVIN, AND ENDING JONATHAN NEWMARK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF AUGUST 5, 1994

ARMY NOMINATIONS BEGINNING * CURTIS G ABATE, AND ENDING * ANTHONY ZYDLEWSKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF AUGUST 10, 1994

ARMY NOMINATIONS BEGINNING THOMAS J. ANDERSON, AND ENDING MARK D. MARKS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF AUGUST 16, 1994

ARMY NOMINATIONS BEGINNING MICHAEL FOSS, AND ENDING JOSE USON, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF AUGUST 16, 1994

ARMY NOMINATIONS BEGINNING MICHAEL AUSTIN, AND ENDING THOMAS M. BYERLY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF AUGUST 25, 1994

ARMY NOMINATIONS BEGINNING * IRENE F. LOGAN, AND ENDING STEPHEN M. SMITH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF AUGUST 25, 1994

ARMY NOMINATIONS BEGINNING BRIAN J. DONOHOE, AND ENDING WILLIAM N. GREENE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF AUGUST 25, 1994

ARMY NOMINATIONS BEGINNING * WILLIAM D. GEESLIN, AND ENDING EARNESTINE BEATTY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF AUGUST 25, 1994

IN THE MARINE CORPS

MARINE CORPS NOMINATION OF TRUMAN W. CRAWFORD, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF AUGUST 5, 1994

MARINE CORPS NOMINATIONS BEGINNING HEIDI A. ALOISE, AND ENDING DAVID E. HART, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 12, 1994

IN THE NAVY

NAVY NOMINATIONS BEGINNING WILLIAM E. ADKINS, AND ENDING JAMES M. SMITH WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JULY 12, 1994

NAVY NOMINATIONS BEGINNING NATHANIEL E. ADAMSON II, AND ENDING JOSEPH A. SCHWEIGART, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JULY 12, 1994

NAVY NOMINATIONS BEGINNING CHRISTOPHER JA ALTENHOFEN, AND ENDING BYRON CRAIG WILLIAMS WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 12, 1994

NAVY NOMINATION OF NUSHIN F. TODD, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 14, 1994 •

EXTENSIONS OF REMARKS

CURRENT LEGISLATIVE TRENDS OUT OF TOUCH WITH PEOPLE OF WESTERN NORTH CAROLINA

HON. CHARLES H. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1994

Mr. TAYLOR of North Carolina. Mr. Speaker, results of the biannual issues questionnaire sent to households in western North Carolina's 11th Congressional District underscore the traditional attitudes of WNC residents, and demonstrate how out of touch Washington is with WNC citizens and their needs.

The 15,000 completed surveys offer a good portrait of western North Carolina's attitudes toward many issues currently being debated in Congress. As the elected representative of WNC, these surveys are invaluable, especially as the fall session of Congress convenes.

HIGHLIGHTS OF SURVEY

Although the proposal has been languishing for years in Washington, 65.8 percent support a line-item Presidential veto as a means to trim the fat in Washington.

The region's strong work ethic and attitude of self-reliance is demonstrated in the finding that 84.2 percent support at 2-year limit on welfare benefits.

Traditional values are highly esteemed in western North Carolina. Abortion coverage in any national health care system is opposed by 69.9 percent of survey respondents.

WNC citizens do not believe crime will be reduced by taking guns from law-abiding citizens—69.8 percent say that gun control will not reduce crime.

Reducing the tax burden for families and the middle class receives high marks, 61.5 percent favor a tax cut for the middle class.

Western North Carolina is deeply divided over the proposed 75-cent-per-pack tax to fund health care reform. Support for and opposition to a cigarette tax was split nearly 50/50.

In region that has often suffered severe economic downturns, 65.4 percent favor a reduction in the capital gains tax, thus offering incentives for business investment and jobs creation.

Individualism and the desire for personal choice are demonstrated in the overwhelming opposition to Government-controlled health care, 91.0 percent oppose a national health plan that restricts their choice of physicians.

Social Security is a vital program that should not be used by the Federal Government to solve budgetary problems elsewhere, 87.7 percent oppose additional Social Security taxes and COLA cuts.

These survey results, coupled with direct citizen input I received at townhall meetings in 16 counties, send clear messages.

Being a Member of Congress is about representation, which isn't possible without listening. The people of western North Carolina have spoken regarding these issues and it is my responsibility to bring their opinions to Washington.

MAY DUGAN CENTER HAS ITS 25TH ANNIVERSARY

HON. MARTIN R. HOKE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1994

Mr. HOKE. Mr. Speaker, I rise to congratulate the May Dugan Center on its 25th anniversary and join the community in recognizing the center's dedication and commitment to helping people move forward with their lives through an effective and creative social assistance program.

The May Dugan Center is a not-for-profit social services agency specializing in basic needs such as family, homes, education, jobs, and community participation. The staff and volunteers at May Dugan work to provide stability to over 10,000 individuals annually who face poverty, unemployment, and other similar problematic situations.

The May Dugan Center's successful social programs, which are designed to encourage a sense of self-worth and independence, have repeatedly resulted in improved lifestyles. In 1993, the Trustees' Core Services assisted a total of 2,668 families and placed 221 families in low-cost housing. The staff and volunteers also helped 747 people find employment through an established jobs bank including 293 employer participants. The center was responsible for finding jobs for 97 people within the public and private sector.

In honor of its 25th year of service, the May Dugan Center is sponsoring an anniversary campaign, a community open house, and a benefit to allow area supporters, benefactors, and trustees to contribute to its worthy cause. As part of the celebration, the members of the center aim to strengthen and improve a system that has been successfully maintained by the neighborhood board of trustees.

Please join me in congratulating the staff, volunteers, and trustees at the May Dugan Center for their continuing efforts to assist our inner-city and near West Side families and individuals. The May Dugan Center represents a fine example of people helping people in the 10th Congressional District.

CONGRATULATIONS ALBERTA E. DANIELS ON YOUR RETIREMENT

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1994

Mr. PAYNE of New Jersey. Mr. Speaker, I would like to bring to the attention of my colleagues the retirement of Alberta E. Daniels of East Orange, NJ.

Ms. Daniels will soon retire as a senior correctional officer with the State of New Jersey's Department of Corrections. She also has been an Essex County Sheriff's officer. Prior to her employment with the Essex County Sheriff, she was an electronics operator with Radio Corporation of America [RCA].

Ms. Daniels has been long active in civic and political affairs. She is the former chairperson of the East Orange Democratic County Committee, where she has the distinction of being the only woman to serve in that position. She has been affiliated with the PBA Local 105, the Child Placement Review Board, and the East Orange Board of Fire Commissioners.

Ms. Daniel's life has been filled with firsts. As previously mentioned, she was the first woman to serve as chair of the East Orange Democratic County Committee. She was one of the first women to ever serve on the East Orange Board of Fire Commissioners. She was also one of the first officers to work in a coed halfway house in New Jersey. Ms. Daniels is an example of a first-rate citizen and community activist.

Mr. Speaker, I am sure my colleagues will want to join me as I congratulate her on her retirement and offer my best wishes for the future.

WE SHOULD EXAMINE OUR DEFENSE POLICIES

HON. JON KYL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1994

Mr. KYL. Mr. Speaker, we often debate the defense budget and foreign policy as abstract topics which do not relate to the lives of the people in our districts. However, the relevance of these topics to at least one family in Arizona was reported Monday night in Phoenix by Alisa Becerra of the channel 10 news. In that report, the mother of Pvt. Christopher Donahue recounted the emotional rollercoaster ridden by her family while her son was deployed to Somalia in May 1993, and then returned to the United States in March, and has now left for the mission in Haiti.

In response to this repeated call to arms for her son and thousands of other young Americans, Mrs. Donahue asked, "Is there no other army to pull from in this whole world? They have to have the same boys that were just in Somalia?"

Unfortunately, when we repeatedly fail to adequately fund our national security requirements, while at the same time expanding our commitments abroad, we are not just threatening our defense capabilities, we are placing an

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

excessive and unnecessary burden on the courageous men and women who volunteer to serve us in the U.S. military. In fact, we're so short on manpower that Secretary Perry had to place on alert 1,600 reservists.

Before we send thousands of our finest young troops on yet another ill-defined mission, we should give the needs of our personnel more complete consideration.

DELAURO HONORS ROBERT J. LEENEY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1994

Ms. DELAURO. Mr. Speaker, on Thursday, September 22, 1994, the New Haven Colony Historical Society will present its annual Seal of the City Award. This award is given to those whose activities or ideas have significantly added to the quality of life, the prosperity or the general improvement of the south central Connecticut region. The Seal of the City Award was inspired by the lost publique seale which was presented to the general court of the colony of New Haven by Governor Theophilus Eaton in 1656. That seal was replaced by the one designed in 1784 by some of New Haven's forefathers, Ezra Stiles, James Hillhouse, and Josiah Meigs. I am honored to pay tribute to this year's recipient, Robert J. Leeney.

From the time he began working for the New Haven Register 30 years ago, first as a theatre critic, then as an editor, and now editor emeritus, Bob has touched many lives and captured the spirit of our community with his writing. His columns for the Register were marked by an intimate understanding of New Haven's unique personality and local history. As editor emeritus, he currently writes a weekly column that touches on many different subjects, from the New Haven he knew as a boy to local politics and world events.

In addition to his gifts as a writer, Bob's tremendous leadership talents have had a lasting and positive impact on our community. Bob has played a leadership role on the board of directors of many local institutions, including the Hospital of St. Raphael and Albertus Magnus College. He is a past director of the Arts Council of Greater New Haven, former president of the Kiwanis Club, and a past director and vice-president of the Greater New Haven Chamber of Commerce. At every opportunity, in his professional and personal life, Bob has made a real difference for the people of New Haven.

Bob Leeney is an outstanding individual who is caring and compassionate, and through his involvement in the community, he is making life better for us all. I commend the New Haven Colony Historical Society for recognizing his extraordinary contributions, and I congratulate him for receiving this well-deserved award.

TRIBUTE TO BENJAMIN ESTOCK

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1994

Mr. REED. Mr. Speaker, I rise today to salute a distinguished young man from Rhode Island who has attained the rank of Eagle Scout in the Boy Scouts of America. He is Benjamin Estock of Troop 7 in Scituate, RI, and he is honored this week for his noteworthy achievement.

Not every young American who joins the Boy Scouts earns the prestigious Eagle Scout Award. In fact, only 2.5 percent of all Boy Scouts do. To earn the award, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. He must earn 21 Merit Badges, 11 of which are required from areas such as citizenship in the community, citizenship in the Nation, citizenship in the world, safety, environmental science, and first aid.

As he progresses through the Boy Scout ranks, a Scout must demonstrate participation in increasingly more responsible service projects. He must also demonstrate leadership skills by holding one or more specific youth leadership positions in his patrol and/or troop. This young man has distinguished himself in accordance with these criteria.

For his Eagle Scout project, Ben organized a work crew and cleared an established trail near Cucumber Hill Road.

Mr. Speaker, I ask you and my colleagues to join me in saluting Eagle Scout Benjamin Estock. In turn, we must duly recognize the Boy Scouts of America for establishing the Eagle Scout Award and the strenuous criteria its aspirants must meet. This program has through its 84 years honed and enhanced the leadership skills and commitment to public service of many outstanding Americans, two dozen of whom now serve in the House.

It is my sincere belief that Benjamin Estock will continue his public service and in so doing will further distinguish himself and consequently better his community. I join friends, colleagues, and family who this week salute him.

WEATHERMAN WEBSTER WEATHERS 30 YEARS WITH WEWS

HON. MARTIN R. HOKE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1994

Mr. HOKE. Mr. Speaker, I rise today to recognize Mr. Don Webster, a good friend and valued constituent, but more notably a charismatic and successful weatherman known throughout northeast Ohio by area television viewers, fellow broadcasters, and media producers.

Don Webster began his career as a writer and a reporter at CKPC radio in Ontario, Canada, and also spread his unique talents across Hamilton with CKOC and Montreal with CKGM. His first on-air appearance was at CHCH television in Hamilton/Toronto.

In 1964, Don became a naturalized American citizen and joined WEWS TV5 in Cleveland, OH. A versatile television personality, Don starred as the host of several local programs including the nationally syndicated rock-and-roll show "Upbeat."

Mr. Webster's wide range of outside interests have found him engaging in everything from flying airplanes to sailing the Great Lakes. His favorite pastimes led him to pursue extensive training in meteorology, which ultimately helped him land an on-air position as weathercaster for WEWS channel 5 from 1971 to 1982.

While Don was forecasting the Cleveland area weather, he was busy hosting "The Ohio Lottery Show" and "Academic Challenge" as well. In addition, he found the time to create and cohost "Live on Five," an early evening news program which aired for the first time in 1973.

In 1984, the well-known weatherman switched gears and became the executive assistant to the general manager for WEWS, and later assumed the position of station manager. After mastering all aspects of media production and broadcast management, Don was wooed back to the small screen in April 1989 as the weatherman emeritus.

Aside from his television stardom and tornado watching, the enthusiastic and caring weatherman has volunteered countless hours to charitable organizations throughout greater Cleveland. He is a member of the Lutheran Medical Center Foundation Board and has been consistently active with the Red Cross, the American Cancer Society, the Special Olympics, and the Juvenile Diabetes Foundation, to name only a few.

I am proud to join the city of Cleveland in honoring one of northeastern Ohio's favorite television personalities as he celebrates his 30th anniversary at WEWS channel 5.

JEANETTE SHELL—A LOCAL INSTITUTION

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1994

Mr. PAYNE of New Jersey. Mr. Speaker, I would like to bring to the attention of my colleagues a celebration that will be held on Sunday, September 25 in Union Township, NJ. Three generations of township residents and visitors to the public library will pay tribute to Jeanette Shell who retired in July, 1994 with 45 years of service to the public library system.

Mrs. Shell began her employment with the Township of Union Free Public Library on January 3, 1949 as a junior library assistant. Over the years she was promoted to senior library assistant, supervising library assistant, and supervisor at the Vauxhall Branch. She also handled scheduling at the main library and assisted in the reference department.

The role of the librarian can be critical to the utilization of the facility. Mrs. Shell was a devoted and conscientious employee who always served the public in a courteous and friendly manner. Her services truly will be missed.

Mr. Speaker, I am sure my colleagues will want to join me and the three generations of New Jerseyans that will gather on Sunday to express thanks and appreciation for the services Mrs. Shell rendered.

ARTS AND HUMANITIES

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1994

Mr. WILLIAMS. Mr. Speaker, on Monday of this week President Clinton once again indicated his strong interest and support for the arts and humanities by appointing a number of prominent Americans to the President's Committee on the Arts and Humanities. I want to commend the President for this, and to thank him for his continued efforts to advance and maintain our Nation's cultural traditions.

President Clinton's actions yesterday will hopefully revitalize the 12-year-old citizens arts and humanities support group. I especially want to applaud the appointment of John Brademas to chair the committee. Throughout his distinguished career, John Brademas has been a champion for the arts and humanities. I am confident he will provide the knowledge and vision that the committee will need if it is to successfully perform the important job before it.

The committee has not been particularly active in the recent past, however its charge to promote the arts and humanities and increase private support for them is truly needed now, perhaps more so than ever before. No one sector can provide all of the support that the arts and humanities need to flourish. We must have partnerships, not only between different levels of government, but also with the private sector. The new President's Committee can be of assistance in fostering these partnerships.

As chair of the committee having jurisdiction over the Arts and Humanities endowments, I hope the President's Committee will see itself as a resource, not only to the endowments but also to our committee as we begin the process of reauthorizing the NEA, the NEH, and the IMS. This may well be the most important reauthorization these agencies have ever undergone. There are many issues that have to be explored and many questions to be asked and answered regarding the direction of Federal support for the arts and humanities. Although the President's Committee has no official legislative authority or responsibility with respect to these agencies, I'll be looking to the committee for appropriate guidance and counsel as my committee reviews the NEA, the NEH and IMS. The new members to the President's Committee have years of wisdom, experience, and knowledge in the arts and humanities, and I'll be calling on them to share their thoughts and comments with me and my committee.

NATIONAL FAMILY LITERACY DAY

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1994

Mr. GOODLING. Mr. Speaker, today Congressman TOM SAWYER and I are introducing a joint resolution declaring November 1, 1994 as National Family Literacy Day.

As we look to reforming our Nation's schools, one fact has become evident—there is a strong relationship between the literacy skills of a parent and the educational achievement of their children.

Unfortunately, millions of Americans are trapped in a cycle of poverty, dependency, and undereducation—and it impacts heavily on the ability of their children to do well in school. Family literacy programs open a door for such families, allowing them to work together to create a better future.

Family literacy programs not only provide parents with the literacy skills they need to obtain employment and help their children with their homework, they provide children with the skills they need to start school ready to learn—and to keep learning.

Several years ago I introduced, and Congress enacted, the Even Start Program, a family literacy program which provides parents with education and job skills and their children with a quality preschool program. In addition, it provides parents with the skills they need to truly be their child's first and most important teacher. This program has been very successful.

Family literacy programs such as Even Start can also increase parental involvement in education. They encourage parents to read to their children and to become active participants in their child's education. Secretary of Education, Richard Riley, in outlining his new parental involvement effort, cited an Even Start family literacy program as a good example of an effective parental involvement program.

I encourage you to join Congressman SAWYER and I in paying tribute to family literacy programs by declaring November 1, 1994 as National Family Literacy Day. These programs play an important role in school reform, welfare reform, and can even play a role in a reduction in crime. They deserve our support.

TRIBUTE TO ROBERTA JANE MATHENEY LEBLANC

HON. PETE GEREN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1994

Mr. PETE GEREN of Texas. Mr. Speaker, today I rise to pay tribute to Mrs. Roberta Jane Matheney LeBlanc, a remarkable individual and a citizen of the 12th Congressional District of Texas.

Mrs. LeBlanc is being honored as the 1994 Private Sector Blind Employee of the Year. This prestigious award is issued by the National Industries for the Blind, a not for profit organization dedicated to the employment and personal empowerment of individuals who are visually impaired. Mrs. LeBlanc personifies all that this award represents to people who are blind and who aspire to earn an independent living for themselves and their families through meaningful employment.

Following her graduation from the Alabama Institute for the Deaf and Blind where she was valedictorian of her class, Mrs. LeBlanc was hired by the Lighthouse for the Blind in Fort Worth, TX. There she successfully mastered a variety of assembly and packaging skills, and testing soon demonstrated that she was ready for the private sector.

Today, Mrs. LeBlanc works for Tandy Electronics Wire and Cable, a division of the Tandy Corp. of Fort Worth. Mrs. LeBlanc works alongside 240 other employees packaging products such as shrink tubing and telephone cords. She also assembles connectors to cable assemblies for CB radio systems. Mrs. LeBlanc communicates with her fellow employees through the use of a Tele-Brailler, a device that translates typed words into braille.

On October 3, 1994, Mrs. LeBlanc will be officially honored at the annual conference of the National Industries for the Blind. Please join me in applauding this courageous woman for her perseverance in meeting so many difficult challenges, living her life to the fullest and setting an example for others.

THE ALLIANCE OF POLES OF AMERICA HOSTS ITS 38TH QUADRENNIAL CONVENTION

HON. MARTIN R. HOKE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1994

Mr. HOKE. Mr. Speaker, I rise today to recognize the members of the Alliance of Poles of America and commemorate the 38th Annual Quadrennial Convention held on September 3–5, 1994 at the Alliance of Poles of America Auditorium in Cleveland, OH.

The Alliance of Poles represents a strong union of Poles, Americans of Polish descent, brethren of Slavic heritage, and individuals whose ancestry is traceable prior to the partition of Poland. Established in 1895, the organization seeks to uphold Polish ethnicity among its members as well as assist those who are unfamiliar with American laws, culture, and traditions.

The members of the Alliance of Poles receive financial support through the organization's Federal credit union. The alliance maintains a scholarship program, offers Polish and English language classes, sponsors educational seminars and promotes recreational and social activities for its members.

In addition to contributing to the well-being of its members, the Alliance of Poles actively supports several charitable organizations, including veterans groups, blind children in Poland, churches, and civic groups throughout Greater Cleveland.

I am proud to commend the Alliance of Poles of America's 38th Quadrennial Convention in honor of its continued success in offering fraternal benefits to its ethnically cohesive membership and maintaining the great Polish traditions.

JOHN CURRIE, A CONSUMMATE LEADER

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1994

Mr. PAYNE of New Jersey. Mr. Speaker, I would like to bring to the attention of my colleagues a testimonial banquet that will be held in New Jersey tomorrow where John Currie will be honored amongst others.

John Currie, who was born in North Carolina, has been a distinguished resident of Passaic County for many years. He is a proud graduate of the Paterson public school system. After graduating from Central High School, John attended Rutgers University where he pursued studies in business administration.

John Currie is the only African-American county chairman of the New Jersey State Democratic Party. He is serving his fifth year as chairman of the Passaic County Democratic Party.

He has been employed for 26 years at Hawthorne Chevrolet, where he is the Corvette manager. He also serves as director of the Rahway Motor Vehicle Agency in Rahway, NJ.

John's commitment to his hometown of Paterson has been exemplified by his work for the silk city. He has served as commissioner on the Paterson Board of Recreation and as an executive board member of the Savio Association of St. Gerard's Church. He has also served as president of Eastside/Central/Kennedy High Schools Alumni Association, commissioner of the Boy Scouts of America, and is a past member of the Paterson Jaycees. He is an active member of the NAACP.

John's efforts have not been limited to Paterson. He is an active member, contributor, advisor, and supporter of numerous civic organizations and committees. As founder of the Hawthorne Corvette Association, John was instrumental in raising over $50,000 for leukemia patients and the needy in Passaic County. He has received numerous awards and citations for his community involvement. John also serves as a member of the board of directors of the United Way of Passaic Valley.

Mr. Speaker, I know my colleagues will want to join me as I congratulate John on his accomplishments and extend best wishes to him, his wife, Iris LeDuc-Currie, and their three children, Devaughn, Deric, and Samuel. I would also like to congratulate John's fellow honorees, Carnie Bragg, Elain Harrington, and Venice Harvey.

INTRODUCTION OF THE INSURANCE SALES AND UNDERWRITING CONSUMER PROTECTION ACT OF 1994

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1994

Mr. DINGELL. Mr. Speaker, today I am introducing the "Insurance Sales and Underwriting Consumer Protection Act of 1994." Joining me in introducing this bill is Chairwoman CARDISS COLLINS, who chairs the Energy and Commerce Subcommittee on Commerce, Consumer Protection, and Competitiveness.

This legislation requires that anyone who provides insurance, whether or not they are an insurance agent or company, will have to comply with the same State consumer protections imposed on those in the business of insurance.

It may seem unnecessary to have a Federal law saying that those in the insurance business must comply with State insurance laws, but I assure my colleagues that it is very necessary. Hearings in the Energy and Commerce Committee, in both its Oversight and Investigations Subcommittee and its Commerce, Consumer Protection, and Competitiveness Subcommittee, as well as recent actions of the Comptroller of the Currency, demonstrate that this legislation is sorely needed.

First, during Energy and Commerce oversight hearings on the problems faced by financial services providers as a result of savings and loan failures, we discovered that a number of failed savings and loans had sold insurance products to their customers, and that they had done so without disclosing to these customers that the insurance products were not insured by the Federal Government. When the savings and loans failed—and the insurance company that had underwritten many of these policies also failed—customers were stunned to discover that the FDIC did not cover their insurance. As a result, they suffered both emotional and financial losses.

A second example became evident in the aftermath of the Los Angeles riots following the Rodney King trial. Many of the small business people devastated by the riots claims with their insurance companies, only to find out that these companies had violated California law by selling insurance in California without authorization. Many of these companies would not or could not pay these valid claims. Many of these businesses were forced to close and others suffered extreme financial difficulties because the "insurance" they purchased was no insurance at all.

Finally, there is the so-called retirement CD. This is a product offered by the Blackfeet National Bank which is designed to obtain FDIC insurance protection for an annuity, that is, insurance, product. The promoters of this product have described it as free from taxes on inside buildup, as is true of life insurance; as insured by the FDIC; and as free from all State insurance regulation, whether these regulations apply to underwriting financial requirements to protect the safety and soundness of the bank or to consumers protection requirements. The Comptroller of the Currency has approved this product for bank sales subject to certain conditions, and appears to agree with the idea that Federal banking laws preempt State insurance laws, and that banks may provide insurance. Not only is it absolutely clear that Congress has never preempted States insurance laws as to banks providing insurance, it is also a clear misreading of the laws Congress has passed. The National Bank Act has been interpreted to prohibit national banks from engaging in the business of insurance. In addition, the Glass-Steagall Act prohibits banks from engaging in commerce.

It is well known that the Energy and Commerce Committee has had many hearings on the inadequacy of the current State insurance regulatory system, and that I believe that there should be Federal regulation of this interstate and international industry. At the same time, Federal regulation has not yet been established. The State insurance regulatory system is all that currently exists to protect insurance consumers and to ensure the financial stability and safe operations of insurance providers. I believe that it is imperative, for the protection of consumers, and to ensure the financial soundness of the insurance products, that at the very least the existing State insurance standards and protections are met by anyone selling or underwiring insurance, whether they are a bank, foreign company, or insurance company.

The bill I am introducing today does not impose any new substantive requirements on anyone who provides insurance. It simply says that if you provide insurance in interstate commerce, regardless of who you are, you must comply with the insurance sales, licensing, and financial requirements of the State in which you are providing the insurance. If you violate these requirements, and the State does not or for some reason cannot enforce these requirements, the Department of Justice is authorized to bring a civil action to stop you from continuing to provide insurance and to fine you for violating those States requirements. The bill contemplates that the State insurance regulators will remain the primary, frontline regulators in their own States, with the Federal Government in a backup role. This avoids dual regulation.

There is an urgent need for this bill to be introduced today, even though it is very near the end of the legislative session. We need to give notice that we will act to protect consumers. This is particularly necessary as to the retirement CD which I have described. The promoters of this product and the Federal banking regulators appear to believe that their willful disregard of Federal statutes and congressional intent will allow the proliferation of the sales of this product—and will force Congress to allow the continued sale of this product even if Congress otherwise continues to prohibit banks from providing insurance simply because so many banks will be providing the product by the time we enact the legislation. This bill sends a very clear message to these promoters and to the banking regulators that anyone marketing this product does so at its own peril.

This is a simple bill and a simple concept, if you enter the insurance business, you must follow State insurance laws. These State laws are the minimums needed to ensure that consumers are protected and that those underwriting insurance are adequately and safely financed and invested.

I urge my colleagues to support this legislation.

PROTECTION FOR INSURANCE CONSUMERS

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1994

Mrs. COLLINS of Illinois. Mr. Speaker, I am pleased to join with the distinguished chairman of the Energy and Commerce Committee as an original cosponsor of this important consumer protection legislation, the Insurance Sales and Underwriting Consumer Protection Act of 1994.

This legislation stands for a very simple principle—anyone who sells or underwrites insurance in a State should comply with the insurance regulatory requirements of the State, specifically including the consumer protection requirements.

While this is a simple principle which should be obvious to all, it is necessary to restate it as Federal law for two reasons. First, some institutions that sell or underwrite insurance have claimed they are above the law when it comes to selling or underwriting insurance. These institutions claim that because they are not insurance companies, they don't have to comply with the same regulatory requirements that insurance companies or insurance agents have to comply with. This is unfair and leaves consumers without critical protections.

Second, recent revelations regarding the deceptive sale of life insurance products have indicated that some insurance companies also ignore these crucial State consumer protection requirements. While the legislation contemplates that States would continue to have the authority to enforce their own requirements, this Federal legislation would be a backstop if States fail to take action to protect consumers.

I am not necessarily satisfied that current State requirements are adequate to protect consumers, and this is an issue that Congress will continue to pursue. However, at a minimum, I think all should agree, those who sell or underwrite insurance should comply with the State requirements.

This bill is an attempt to put this simple principle into law and improve the protections for insurance consumers.

This legislation is supported by a broad coalition including insurance companies, insurance agents, and the Consumer Federation of America, and I urge my colleagues to support it.

IT'S TIME TO TAKE A SECOND LOOK AT PAKISTAN

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1994

Mr. McDERMOTT. Mr. Speaker, today I am introducing a sense-of-the-House resolution regarding several recent troubling developments in Pakistan. As our colleagues know, in 1992 Pakistan was placed on the State Department's "Watch List" of countries suspected of exporting terrorism. In 1993, however, the State Department dropped Pakistan from its "Watch List." Since the State Department took this action, there have been several startling revelations which suggest our State Department needs to reexamine its decision to drop Pakistan from its "Watch List."

First, the Washington Post recently reported that former Pakistan Prime Minister Nawaz Sharif stated publicly that his former Chief of Staff and the former head of the Inter Services Intelligence Agency [ISI] informed him while he was Prime Minister that they had several covert actions in other countries in dire need of funding and they wanted to pay for these activities from the profits of large-scale narcotics transactions.

Second, a suspect recently was arrested in the March 1993, terrorist bombings of the Bombay Stock Exchange and other sites in that city. Killed in one of the most terrible acts of violence ever were 317 innocent people. The suspect has implicated the ISI in the bombings, claiming the ISI provided his associates and him with money, weapons, and explosives, as well as directions on where to place the bombs. The suspect, an Indian citizen, possessed a number of incriminating items, including a Pakistan passport and identity card. The suspect's brother and family now reside in a lavish residence in Pakistan.

Third, Indian security forces in Kashmir in recent months have arrested numerous Pakistani, Afghani, and Libyan nationals in Kashmir. Those arrested have said they were trained, funded, and armed by ISI-backed elements in Pakistan.

Finally, and most disturbing, former Prime Minister Sharif recently told the world that Pakistan has for some time possessed nuclear weapons. This admission comes after more than 7 years of assurances to the contrary by Pakistan to the United States Government.

Mr. Speaker, these developments come at a time of heightened concern about terrorism, narcotics trafficking, and nuclear proliferation throughout the world. The Government of the United States has spent many billions of taxpayer dollars during the past decade fighting each of these menaces. In light of these four developments, it is vital for the Congress to go on record in favor of a review of the State Department's decision last year to drop Pakistan from the "Watch List" of nations suspected of supporting terrorism. It is also important for Congress to reaffirm the validity of the Pressler amendment, which Congress adopted in 1987. The Pressler amendment states that Pakistan will not receive foreign aid from the United States unless the President of the United States can certify that Pakistan does not have a nuclear device.

I urge my colleagues to join me in cosponsoring this important resolution. The questions raised by the recent developments on the Asian subcontinent simply are too important for our Government to ignore.

Whereas the United States Government has longstanding policies opposing the spread of terrorism and advocating the destruction caused by narcotics trafficking;

Whereas the United States Government has devoted tens of billions of United States taxpayer dollars during the past decade fighting terrorism and drugs both within our borders and throughout the world;

Whereas, in 1992, Pakistan was placed on the State Department's Watch List of nations suspected of supporting terrorism;

Whereas, in 1993, the State Department dropped Pakistan from its watch list;

Whereas former Pakistani Prime Minister Narwaz Sharif recently publicly admitted that his Chief of Staff, General Beg, and his head of the Inter Service Intelligence (ISI) Agency informed him while he was Prime Minister that the Pakistani Army and ISI planned to conduct covert acts of terrorism in other countries and fund these activities through large scale narcotics sales;

Whereas 317 Indian citizens were killed in March, 1993, in a series of bombings of the Bombay Stock Exchange and other sites in Bombay in one of the worst acts of terrorism in the twentieth century;

Whereas a leading suspect in the bombing, Yakub Memon, has publicly implicated the ISI in the bombings by accusing the ISI of providing arms, money, and explosives for the attack, and directing Mr. Memon, his brother and their associates on where to place the bombs and by providing Mr. Memon and his brother with transportation to and from Pakistan and a large and lavish house in Pakistan for his brother and his family;

Whereas Indian Security forces in Kashmir have arrested numerous foreign nationals in Kashmir who have confessed to having been trained, funded, supported, and armed by ISI-backed elements across the border in Pakistan;

Whereas former Pakistani Prime Minister Sharif has recently stated publicly that the Government of Pakistan, for several years, has possessed nuclear weapons in direct contradiction to repeated assurances to the United States Government that Pakistan does not possess and is not attempting to develop nuclear weapons;

Whereas in 1987 the United States Congress enacted and President Reagan signed into law the Pressler Amendment banning foreign aid to Pakistan until the President certifies that Pakistan does not possess a nuclear weapon; and

Whereas President Bush and President Clinton have been unable to certify that Pakistan does not possess a nuclear weapon: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) the United States, condemns the involvement of Pakistan in acts of terrorism in other countries;

(2) the United States condemns any involvement by Pakistan in the illegal manufacture, sale, transportation, or distribution of any narcotic substance;

(3) the United States urges Pakistan to cooperate with law enforcement authorities in the United States to reduce and eliminate the growing heroin trade in Pakistan, which currently accounts for 20 percent of all the heroin sold in the United States;

(4) the United States urges the Administration to review the State Department decision in 1993 to drop Pakistan from the Watch

List of nations which are suspected of supporting terrorism; and

(5) the United States reaffirms the validity and wisdom of the Pressler Amendment prohibiting foreign assistance to Pakistan in light of Prime Minister Sharif's public admission that Pakistan has possessed nuclear weapons for several years despite repeated assurances to the contrary to the United States.

PRESERVING THE WEST

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1994

Mr. MILLER of California. Mr. Speaker, in this body, there is much that we can—and do—disagree on. But I think that one thing upon which we can all agree is that the West is settled.

This simple fact should be central to something which is long overdue—a review of the complex, interlocking web of subsidies which the Federal Government has long provided to industries and users of our natural resources.

Last month, the majority staff of the Oversight and Investigations Subcommittee of the Committee on Natural Resources finished a report looking at those subsidies.

Today, I'm inserting into the RECORD an editorial from the St. Louis Post-Dispatch from last August 30 which is about that report.

This editorial raises a number of questions about our natural resource policies. These questions should be debated and answered as we review these increasingly outdated policies.

PRESERVING THE WEST

No region of the United States quite captures the American spirit or mythos as the West. When Americans think of the heart and soul of the American identity, they think of the rugged individualism of the cowboy and the lure of the frontier. They think of the heroism, courage and just plain fortitude it took to "tame" the Wild West.

The country's attachment to the West continues today. Indeed, it is at the root of the burgeoning national debate over the proper stewardship of the West's natural resources, especially those located on public lands. Under the Clinton administration, Secretary of the Interior Bruce Babbitt has begun a painstaking process of re-examining public policy regarding mining, logging and grazing—and met thunderous opposition from Republican legislators.

Still, the premise underlying Mr. Babbitt's efforts is dead-on right: The laws governing the extraction of resources, many of which were written in the past century, have outlived their purpose. In the spirit of Manifest Destiny, they were meant to promote the settlement and development of the West, and they have succeeded gloriously.

In some sense, they have succeeded all too well and left a despoiled environment of overgrazed, clearcut, contaminated or eroded land. It is no longer necessary for the government—the taxpayer—to subsidize the West's exploitation. New principles and new policies must replace the old.

The framework of a new public policy can be found in a report, "Taking from the Taxpayer: Public Subsidies for Natural Resource Development," prepared for the House Committee on Natural Resources, chaired by Rep. George Miller of California.

Any revisions in law or policy must start from the recognition that public land belongs to the public. That may seem patently obvious, but much of current law and policy is oblivious to that fact. Policies regarding public land should benefit the public first and foremost. Currently, as Mr. Miller notes, that is far from the case; taxpayer handouts to private companies amount to "hundreds and millions, sometimes billions of dollars." At a time of fiscal crisis, such massive subsidies are irresponsible.

The first step in ending these government giveaways is to require profit-making companies to join the free market. Why should mining companies, particularly foreign-owned companies, be able to buy or "patent" public land for $2.50 or $5 an acre—and then owe the American taxpayer not a penny in royalties for minerals worth millions of dollars? Why should the government charge but a fraction of what private landowners charge for grazing fees, especially when the proceeds don't cover running the program?

Why should timber companies help decide the price they pay for the timber from public land? And, finally, why should the American taxpayer be responsible for paying for the environmental damage done by mining, grazing or logging?

Something like fair-market value should govern the pricing of fees, leases or royalties. At the very least, they should cover the government's cost in providing these resources. None of this means that all subsidies should be ended. Public policy goals may warrant the use of targeted subsidies.

What kind of goals? Republicans argue that charging market value would put small companies or ranches out of business. If preserving smaller enterprises is a worthy goal, and many would argue it is, means testing might be needed to ensure that those who need the subsidy get it. The public may also believe that companies or ranches deserve subsidies to encourage higher environmental standards.

The battle to win the West is over. Now, we must ensure that the battle to save the West is not lost.

CONGRATULATIONS GRADY HOLMES

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1994

Mr. BARCIA of Michigan. Mr. Speaker, I want to pay tribute to the outstanding achievements of Mr. Grady Holmes, manager of the Buena Vista Charter Township in Saginaw, MI. In the spirit of international good will, Grady was recently selected by the International City/County Management Association to participate in the 1994 International Management Exchange Program.

Jointly sponsored by the New Zealand Society of Local Government Managers and International City Managers Association, this program introduces participants from different countries, communities, and backgrounds to the effective treatment of shared problems, including housing, economic development, unemployment, and race relations.

While in New Zealand, Grady was the guest of Mr. Darryl Griffin, district manager and chief executive officer of the Bullar District Council. Like Grady, Mr. Griffin must ensure the council of quality and timely policy advice as well as a keen sense of leadership. The accomplishments of Mr. Griffin are, however, equally matched by the reputation of Grady Holmes.

Having worked with Grady for several years, it is easy to see why his selection comes as little surprise to any of us who know him. Grady is a consummate professional whose commitment to family, friends, and our community is second to none. It is with a great sense of pride that I recognize Grady as that entity chosen to represent our Saginaw community on the world's stage.

TRIBUTE TO THREE LEADERS OF THE INDIAN-AMERICAN COMMUNITY

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1994

Mr. PALLONE. Mr. Speaker, I rise to pay tribute to three leaders of the Indian-American community who have been selected for the India Tribune Awards in a ceremony to be held in New York City on Saturday, September 24, 1994. India Tribune Night is attended by more than 600 prominent members of the Indian-American community from the tristate area of New York, New Jersey, and Connecticut.

The Mahatma Gandhi Award will be presented to Dr. Navin Mehta, a renowned ENT specialist and head and neck facial cosmetic surgery specialist. Dr. Mehta is a strong believer in the Gandhian philosophy.

The India Tribune Award for the Best Businessman of the Year will go to Mr. H.R. Shah, both for his highly successful business ventures and his support for community activities, religious events, and the annual India Day Parade.

The Woman of the Year Award will be given to Mrs. Sneh Mehtani, a successful entrepreneur and social activist, who is popularly known as the tigress of the hotel industry.

Mr. Speaker, it is a great honor for me to pay tribute to these three leaders in the Indian-American community. This growing, vibrant community is truly making its mark on the American economy, culture and society. It was in recognition of the contribution of this increasingly important community that I formed the Congressional Caucus on India and Indian-Americans. At the outset, in February 1993, we had eight founding members. Today, the Caucus has 41 members, from both parties and all regions of the Nation. Clearly, many of our colleagues recognize the importance of the Indian-American constituency and the importance of improving Indo-U.S. relations. The India Tribune, this year's three honorees and many of the other leaders of the Indian-American community, especially Mr. Satish Mehtani and Mr. Prakash Shah, deserve tremendous praise for its success in the time-honored American tradition of involvement in the economic and political life of our country.

TRIBUTE TO FINIS E. HENDERSON, JR.

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1994

Mr. RUSH. Mr. Speaker, I rise today to honor the life and legacy of Finis E. Henderson, Jr. who passed from this life on Easter Sunday, April 3, 1994.

A Chicago native, Mr. Henderson was born September 21, 1919 to the union of Mary Lessie Clarke and Finis E. Henderson, Sr. A graduate of DuSable High School, he later attended Wilson Junior College. Mr. Henderson entered the U.S. Marine Corps in 1942, where he served his country admirably, rising to the rank of gunnery sergeant.

As a young man, Finis loved the entertainment industry. He worked as a professional promoter, manager, and dancer. Among his many clients were such entertainment giants as Sammy Davis, Jr., Redd Roxx, George Kirby, Brook Benton, Godfrey Cambridge, Jerry "Iceman" Butler, and the Dells. Mr. Henderson also served as the director of entertainment at the internationally renown Mill Run Theatre

Active in his community, Mr. Henderson was a member of the Sixth Grace Presbyterian Church and president of the Montfort Point Marine Corps Alumni Group. He also was employed with the Cook County Sheriff Department.

Finis was a devoted family man, he was married for nearly 44 years to the former Thelma S. Noble. To this union were born a daughter, Henreene B. Hyler, and son, Finis E. Henderson III.

Mr. Speaker, Finis E. Henderson, Jr. was a very dear friend and neighbor. I was touched by his intelligence, humor, and sensitivity to those he knew. He touched the lives of so many men and women who aspired to entertain. I am privileged that in my life our paths crossed. I am proud to have known Finis Henderson, Jr. and honored to enter these words into the RECORD.

SUPPORT OF WOMEN'S HEALTH CENTERS

HON. MARJORIE MARGOLIES-MEZVINSKY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1994

Ms. MARGOLIES-MEZVINSKY. Mr. Speaker, I rise today to introduce the Women's Health Regional Centers Act. The intent of this legislation is to address one of the greatest challenges in medicine today: the neglected area of women's health. For centuries, as midwives, mothers, nurses, and doctors, women have been the primary caregivers in their communities. Yet despite the crucial role of women as health care providers, their own health has not received the attention it deserves. Traditionally, medicine and health research has not focused on the fact that women react differently from men to many diseases and treatments. Until recently, women were excluded from most clinical trials of treatments for cancer, heart disease, and stroke, which are the leading causes of death in both women and men.

This legislation will assist in the delivery of state-of-the-art medical care to the women of the United States by ensuring that doctors are trained during medical school to diagnose and treat diseases prevalent among women and other medical conditions as they affect women. A major barrier to change in women's health care delivery systems has been the absence of an appropriate curriculum on women's health in teaching the physicians, nurses, and other health professionals of today and tomorrow. New models of providing clinical care are needed to give women comprehensive, accessible health care that takes into consideration their socioeconomic as well as medical needs. New information from medical research must be rapidly translated into educational programs and improved health care. New programs for identifying and fostering women leaders in the health profession need to be developed.

This legislation will address these critically important areas of women's health with an emphasis on providing leadership training for women in medical school. Currently, fewer than 2 percent of the deans of American medical schools are women. I believe that if women had been better represented in leadership positions in medicine, many of the traditional problems of inadequate research and insufficient clinical care for women would never have developed.

Our goal through our legislation is to ensure that future generations of American physicians receive their medical training from institutions led by a greater number of women deans and department chairs. This single provision will ensure that women's health concerns are addressed in the future.

As I reflect on the status of quality health care to women in the 1990's, I can point with pride to the Medical College of Pennsylvania [MCP] in my own district, which is the first and the longest surviving medical school devoted to the education of female physicians. Founded in 1850 as the "Female Medical College of Pennsylvania," MCP remains deeply committed to its roots as a pioneer in educating women in the medical profession and fostering critically needed education in those areas effecting women's health. MCP is the first medical school in the country to have undertaken women's health education at the undergraduate, graduate, and faculty levels.

The establishment of regional women's health centers is a significant step forward in correcting the imbalance that is inherent in every aspect of medical care today. I am pleased that this legislation will develop model demonstration programs which will focus on the coordination of research and the provision of education and training, and services in women's health.

Under my proposal, the Office of Research on Women's Health at the National Institutes of Health [NIH] will designate five institutions across the country as regional centers on women's health. By locating these centers in every major region of the United States, NIH will ensure that young doctors from all over the country will learn about the special health needs of women and girls. In addition, these regional centers will share their information with both these centers and the NIH clearinghouse. My goal is to disseminate research and medical training as widely as possible so that women all over America can benefit from advances in medical care.

It is fitting today, as we continue the debate on health care reform, that I introduce legislation geared to unifying research, clinical care, and medical initiatives for women. It is essential that Congress recognizes and includes funding for the adequate health care services of women as well as improving programs on women's health in the teaching of health professionals. The legislation will help to promote basic research for diseases unique to women, as well as providing effective health care delivery systems for women.

In summary, Mr. Speaker, I appreciate the opportunity to highlight this critical issue.

EARLY DETECTION METHODS IN AIDS NEED TO BE IMPROVED

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1994

Ms. VELÁZQUEZ. Mr. Speaker, as a Member of Congress from a State with one of the highest incidences of reported AIDS cases—nearly 52,000 in 1992—I see a definite need for improvement in our early detection methods. Many people are afraid to go to a clinic or doctor's office to be tested, either because they do not trust the doctor, or fear that if their test is positive, the information would be given to unauthorized persons. We can help remove that burden of fear through home access to HIV testing. As a strong advocate of education, prevention, and improved resources for treatment, I respectfully submit this editorial to the CONGRESSIONAL RECORD.

The following editorial appeared in El Diario La Prensa of New York City on July 21, 1994.

> Last month, the New York State Department of Health took a great step forward in deciding to support new test options for the detection of AIDS. Specifically, it agreed to provide AIDS testing and counseling in the privacy of their home for the individuals who request it.
>
> Unfortunately, the Federal Drug Administration [FDA] has yet not approved this plan, even after 7 years of consideration. On June 22, the FDA conducted yet another study on the plan and decided to create an advisory committee to consider if they should approve the initiative.
>
> Acceso Directo al Diagnóstico [Direct Access to Diagnosis], a New Jersey-based group, is trying to get this initiative approved to facilitate commercialization of tests and counseling services that will allow people to obtain the results of their AIDS tests immediately, at a lower cost and in the privacy of their own homes.
>
> At the June 22 FDA hearing, a group of medical experts, activist's, politicians and AIDS patients, asked the Food and Drug Administration for the immediate approval of AIDS home testing. Some of the witnesses asserted that home testing will reduce costs. Most importantly and according to the majority of witnesses, most of the people that

are tested for AIDS, take the test too late. If the home testing is approved, the fear of discrimination and the loss of privacy would be eliminated. These are the main reasons for which the general public is not being tested for AIDS. Dr. Glenn Tynan, policy director for the AIDS Institute of New York, represented the State at the public hearings in Washington, DC, and voiced his support for the FDA to approve home testing.

This is an issue of vital importance for the Hispanic community. While the Nation may think that this is a homosexual problem, the truth of the matter is that AIDS is the principal cause of death for Hispanic women between 25 and 34 years old in New York and New Jersey. One of the Puerto Rican leaders commented in the hearing:

> While politicians are talking about crime and violence in our streets, AIDS is underhandedly stealing a generation of Puerto Rican women and children.

Each day we lose at least a dozen people in the Hispanic community. Since there is no cure for the disease, the home testing is one of our most effective weapons.

It seems like a simple decision.

I ask Doctor David Kessler, Commissioner of the FDA, to approve home testing for the detection of the AIDS virus without further delay. In the Hispanic communities throughout the Nation, this is a matter of life or death.

FEDERAL NUCLEAR WASTE RESPONSIBILITY ACT OF 1994

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1994

Mr. UPTON. Mr. Speaker, the congressional district I represent runs along Lake Michigan's Sunset Coast in western Michigan. It is an area of uncommon beauty, made up of farms and small towns nestled among rolling hills.

This is a prosperous area, for the most part, and much of its prosperity is based upon the availability of energy for heating during our cold winters, cooling during our warm summers and for powering our farms, factories and homes. A large fraction of this energy is provided by nuclear power. There are two nuclear powerplants in my district, several more elsewhere in Michigan. The Palisades plant is operated by Consumers Power while the D.C. Cook plant is operated by American Electric Power.

On the whole, these plants operate reliably and safely. If I didn't think so, the people I love most in this world wouldn't be living near them. No member of the general public has ever been injured by a nuclear powerplant.

The greatest problem facing nuclear power is the high-level radioactive waste produced at every powerplant. This didn't come as a surprise long after nuclear power was developed. Waste was seen as a problem from the earliest days of the nuclear era, when President Roosevelt established the Manhattan project to develop the atomic bombs that ended World War II.

It soon became evident to people of vision that the peaceful use of nuclear power offered great promise. The Biblical allusion to "beating swords into plowshares" was used often and, in his first term, President Eisenhower launched an Atoms for Peace Program to advance development of the peaceful uses of nuclear energy.

The enormous potential that nuclear power offered in the production of electricity was recognized early and first harnessed in Adm. Hyman Rickover's famous submarines. The heat from fissionable nuclear materials was used to boil water; the resulting steam was used to turn turbines to make electricity. There have been refinements, but this fundamental technology is used throughout America and the world to make electricity today. Fully one-fifth of America's electricity is produced by nuclear powerplants.

Hundreds of tons of high-level wastes are created over a reactor's lifetime. Most of these wastes are spent fuel, the residue of electrical production. These wastes are dangerous and must be isolated. Thousands of tons of such waste are piling up at powerplants throughout the Nation. At most such locations, the waste is stored in pools of water. At a small but growing number of sites, it is stored outdoors in so-called dry cask storage.

It is accumulating in these pools and dry casks because there is no other place to put it. Despite years of promises, the Federal Government has yet to live up to its commitments to provide a final resting place for nuclear waste.

In the Nuclear Waste Policy Act of 1982 and its 1987 amendments, Congress directed the Department of Energy to have such a facility available by January 31, 1998. We authorized a special tax electricity to support this facility and about $9 billion has been raised through this tax. Every dime of this money came from electricity consumers.

Strange though it may seem, Mr. Speaker, the Department of Energy has made little progress in developing a waste facility beyond a half-hearted drilling program in Nevada. The Department has admitted that it probably won't be able to accept waste before the year 2010, if not later. Federal officials have no current plans to accept post-reactor waste by 1998 and recently suggested that they had no real obligation to do so.

This is unacceptable to the dozens of communities and thousands of people living in the vicinity of nuclear power plants. While most perceive no immediate threat to public health from either pool or dry cask storage, they would prefer that the waste be stored somewhere else. I share this view and this is why I have introduced the Federal Nuclear Waste Responsibility Act of 1994, H.R. 5057.

Before explaining my bill, however, I want to emphasize that the lack of progress by the Federal Government can be laid on the doorstep of both political parties and many Presidential administrations. The current leadership didn't create this problem, but I hope they will help us to solve it.

My bill makes clear that the Federal Government is obligated to take title to these wastes and to begin taking possession of such wastes by the originally agreed upon date: January 31, 1998. If a permanent repository does not exist by then, and there's little chance it will, the Secretary is directed to establish a program for the interim storage of the wastes on Federal property. Lastly, my bill stipulates that no new power plants be licensed until the Secretary of Energy certifies that there is a facility licensed by the Federal Government to handle the wastes such a facility could be expected to generate.

These are the final days of the 103d Congress, Mr. Speaker, and even a lifelong Chicago Cubs fan like me cannot expect this legislation to be enacted before we adjourn next month. I decided to go ahead and offer this bill, however, as a means of generating and focusing debate on this critical issue. I invite all interested parties to contact me if they have proposals for making this legislation better. Through this process, I hope to introduce an even better bill early in the next Congress.

H.R. 5057

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Nuclear Waste Responsibility Act of 1994".

SEC. 2. CONGRESSIONAL FINDINGS.

The Congress finds the following:

(1) The transportation, storage, and disposal of high-level radioactive waste and spent nuclear fuel is a matter of national urgency that is the responsibility of this generation.

(2) The utility generators and owners of high-level radioactive waste and spent nuclear fuel, together with their customers, have met their obligations under the Nuclear Waste Policy Act of 1982 to provide for the cost of siting, licensing, construction, and operation of a Federal waste management system for the transportation, storage, and disposal of high-level radioactive waste and spent nuclear fuel.

(3) Some utilities have now exhausted their spent nuclear fuel pool storage capacity, a total of 26 nuclear power reactors will reach their spent nuclear fuel pool storage capacity by the end of 1998, and approximately 80 nuclear power reactors will be without spent nuclear fuel pool storage capacity by 2010. As a result, utility rate payers face significant costs associated with expanding storage capacity at reactor sites, and continued delay is unacceptable.

(4) Federal efforts to site, license, construct, and operate disposal facilities in accordance with the provisions of the Nuclear Waste Policy Act of 1982 have not met the timetables contemplated by such Act.

(5) The Secretary of Energy has an obligation to take title to and possession of high-level radioactive waste and spent nuclear fuel beginning not later than January 31, 1998.

(6) Notwithstanding the passage of 12 years since enactment of the Nuclear Waste Policy Act of 1982, the payment of more than $8,400,000,000 into the Nuclear Waste Fund during such period, and the additional programmatic direction provided by the Congress in the 1987 amendments to such Act, the projected date of commencement of operations at a repository is, under the most optimistic of assumptions, 2010.

(7) Until a repository is operational, interim storage will continue to be required for high-level radioactive waste and spent nuclear fuel.

SEC. 3. FEDERAL OBLIGATIONS REGARDING HIGH-LEVEL RADIOACTIVE WASTE AND SPENT NUCLEAR FUEL.

Section 302(a) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)) is amended by adding at the end the following new paragraph:

"(7)(A) Notwithstanding any other provision of this Act or other law, the terms of the contracts entered into pursuant to this section, or the commencement of operations of a repository, the Secretary shall, by not later than January 31, 1998—

"(i) take title to the high-level radioactive waste and spent nuclear fuel covered by such contracts;

"(ii) begin taking possession of such waste and spent fuel in accordance with the Federal Integrated Spent Nuclear Fuel Management Program established in section 162; and

"(iii) establish an interim spent nuclear fuel storage facility at 1 or more Federal sites.

"(B) The Secretary shall provide not less than 30 days advance notification to the Congress of any inability of the Secretary to meet any deadline specified in subparagraph (A).".

SEC. 4. PERMIT AND LICENSING REQUIREMENTS.

Section 185 of the Atomic Energy Act of 1954 (42 U.S.C. 2235) is amended by adding at the end the following new subsection:

"c. (1) Notwithstanding any other law, no construction permit or combined construction and operating license may be issued for a utilization facility used for the generation of electricity for commercial sale until—

"(A) there is a facility licensed by the Federal Government for the interim storage or permanent disposal of high-level radioactive waste and spent nuclear fuel generated by the utilization facility; and

"(B) the Secretary of Energy certifies that the storage or disposal facility has, or is reasonably expected to have, an adequate volume of capacity to accept all of the high-level radioactive waste and spent nuclear fuel that will be generated by the utilization facility during the reasonably foreseeable operational lifetime of the utilization facility.

"(2) Paragraph (1) shall not apply to any construction permit or combined construction and operating license for which an application is filed before the date of the enactment of this subsection.".

BEST OF AMERICA AWARDS WON BY THE DELSTAR GROUP OF PHOENIX

HON. JON KYL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1994

Mr. KYL. Mr. Speaker, I am proud to announce that the Delstar Group of Phoenix, a women-owned and operated enterprise of specialty shops throughout the United States, has been named the national winner of the Best of America Awards, sponsored by the National Federation of Independent Business [NFIB] and Dun & Bradstreet.

The Delstar Group is a 22-year-old company that owns and operates 18 retail specialty shops in airports and resorts throughout the United States. Pam Del Duca, Delstar's founder, CEO and president, started the business as a one-person gift and accessory store using money saved working as a school teacher by day and waitress at night. Today, the company employs 157 people, 47 percent of whom are minorities and 67 percent women. In addition, Delstar has forged partnerships with three community-based organizations: The Phoenix Urban League, Chicanos Por La Causa and the Phoenix Indian Center. These partner organizations recruit potential job candidates for Delstar organizations and receive a percentage of the stores' gross sales.

Former President Bush once said, "Americans will do great things, if you only set them free." So will small business, if we free them from the excess burdens of taxation, regulation and litigation. Small businesses employ 60 percent of the private workforce, contribute 44 percent of all sales in the United States and are responsible for 38 percent of gross national product. The fastest growing segment of the small business market is women-owned small business.

I am very proud of the fact that a women-owned small business headquartered in Phoenix has earned recognition as the best small business in America. The Delstar Group is a shining example of the positive relationship a business and community can have. Under the leadership of Pam Del Duca, as the Delstar Group has prospered, it has spent time and money investing in the community and reaching out to minorities and generally being a good neighbor. I applaud her efforts and wish her continued success.

Dun & Bradstreet and the NFIB Education Foundation created the Best of America Awards in 1993 to recognize excellence in small business, especially in the areas of growth, innovation, and community service. This year, the awards program attracted more than 5,000 calls for nominations and accepted approximately 500 applications, representing every State in the Nation, as well as Puerto Rico.

AMENDING STEWART B. MCKINNEY HOMELESS ACT

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1994

Ms. HARMAN. Mr. Speaker, I am introducing legislation today to provide for greater community involvement under the Stewart B. McKinney Homeless Act.

More specifically, my bill seeks to amend the McKinney Act to ensure that local residents are fully notified and engaged in the process of meeting the needs of a community's homeless population. Equally important, it requires the Department of Health and Human Services to monitor whether approved providers maintain the necessary financial resources to deliver the services they have promised to offer.

Mr. Speaker, before proceeding further let me note that this legislation is based on the recommendations of the California Military Base Task Force appointed by Gov. Pete Wilson and the San Pedro Area Reuse Committee, a volunteer task force consisting of 36 residents in the San Pedro community. I want to acknowledge both of these groups for their tireless efforts to identify solutions to some very troubling issues that have arisen at the Navy's surplus housing site on Taper Avenue and at military sites throughout the Nation.

This legislation, I should note, has been endorsed by Los Angeles Mayor Richard Riordan as well as Governor Wilson.

On July 22, the House of Representatives passed legislation that makes a community's redevelopment authority the driving force in developing an operation plan for surplus housing at a military facility. I was proud to support that legislation, and I hope the Senate will move quickly on its housing reauthorization bill and adopt similar language.

The House language provides for the Department of Defense to complete a Federal screening process of properties. DOD then notifies the local redevelopment authority of the remaining properties and publishes that list in the Federal Register. The local redevelopment authority has 1 year to develop a reuse plan that must address the needs of the homeless in that community. At this point, the redevelopment authority submits its plan to DOD and the Department of Housing and Urban Development. DOD uses this plan as the preferred alternative for disposal of property unless HUD—within 30 days—determines that the plan does not meet the needs of the homeless. If HUD deems the plan unsuitable for the homeless, it must provide a written explanation to both DOD and the local reuse authority. In this case, the local reuse committee is granted an additional 6 months to address HUD's concerns. If the final plan is again found inadequate, HUD begins screening the properties under the McKinney Act guidelines.

Mr. Speaker, my legislation builds on this process in two ways. First, it improves the process by which communities are notified that military housing has been listed in the Federal Register. Residents in my district learned that an 18-acre Navy housing parcel in San Pedro had been listed as surplus only after HHS had approved an application to take over the site.

Under my bill, such a scenario would not be repeated. My bill provides that HUD notify local, State, and congressional representatives by registered mail that a property in their area has been listed in the Federal Register. Notice also must be printed in those newspapers that maintain a sizable readership in the vicinity of a surplus housing facility.

My legislation also ensures that important safeguards occur in the event that HUD determines that military surplus housing is required to meet the needs of a community's homeless population.

Under current law, once the McKinney law takes effect, HHS is under no obligation to certify that an approved provider maintains the necessary financial resources to implement its homeless housing program. This lack of regulatory oversight is a serious problem and one that can result in an unqualified and under-financed provider being awarded a surplus housing contract.

Mr. Speaker, my legislation addresses this problem by insisting that applications for a facility include the following information:

Evidence that use of the building or property is intended to meet the needs of the homeless in the region in which the installation is located;

A description of the homeless in the region who might reasonably be expected to use the building or property;

Certification that the building or property requested is the minimum necessary to meet the needs of the homeless in the region;

A description of the types and cost of any building upgrades that are necessary to use the building or property as proposed and the source of funding for such upgrades; and

A demonstration of the financial capability of the applicant to carry out its proposal through proof of adequate resource availability and evidence of previous successful experience with comparable programs.

Finally, my legislation insists that if competing applications are received for the same building or property located at the military installation to be closed, the Secretary of Health and Human Services shall approve the application that proposes the longer term use of the building or property. This provision, I believe, will promote more adequate investment and facility renovation.

Mr. Speaker, I believe my legislation builds on the process that the House of Representatives has begun of ensuring greater community involvement with the McKinney process. It does not lose sight of the central goal of the McKinney process: addressing the plight of America's homeless. But it insists that this end is best achieved by gaining community consensus and ensuring that the groups charged with homeless care are able to meet their responsibilities.

WALTER FAUNTROY, FORMER CHAIR OF THE CONGRESSIONAL TASK FORCE ON HAITI, PRAISES PRESIDENT CLINTON FOR HIS LEADERSHIP ON HAITI, URGES SUPPORT FOR THE AGREEMENT FASHIONED BY CARTER, POWELL, AND NUNN

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1994

Mr. JACOBS. Mr. Speaker, Walter Fauntroy is one of the finest people who ever served in this House. Here is an example of why.

The Honorable Walter E. Fauntroy, chairman of a bipartisan task force on Haiti for 15 of the 20 years that he served in the United States House of Representatives, today praised President Clinton for the leadership which he gave in the "eleventh hour" to save thousands of lives, and to make democracy and a lasting peace in Haiti possible. Mr. Fauntroy released the contents of a letter he has written to President Clinton both commending him and outlining his views as to "where we go from here."

In a statement released today, the former member of the Congressional Black Caucus and present chairman of the board of directors of the Southern Christian Leadership Conference said:

> The Carter Team, in my judgement, has established the framework for not only restoring President Jean-Bertrand Aristide and democratic government to Haiti but also providing the necessary economic recovery assistance that Haiti will need from the international community to place it on the path to ecomonic stability. What is required of us with soon to be 15,000 troops on the ground there, and what is required of Haitians who are serious about bringing about an enduring democracy with justice for all, is one thing: discipline. U.S. leadership must be disciplined to do two things: (1) Support and protect those Haitians who are committed to abiding by the Haitian Constitution while punishing those who by their actions demonstrate that they are not; and (2) Implement an "intelligence gathering" operation by which to determine and arrest those who, by their actions, indicate that they are not committed to democracy as defined in the Haitian Constitution.
>
> Haitian nationals who say they support constitutional democracy must be disciplined to do as President Aristide has suggested: seek reconciliation, not revenge within the frame work of that Constitution. A lot of people on all sides of the dispute in Haiti say they are for constitutional democracy in Haiti; the Carter, Powell, Nunn Agreement gives them an opportunity to do it!
>
> POSITIVE FEATURES OF THE AGREEMENT
>
> The agreement has the following positive features:
>
> (1) Lt. General Cedras, Brigadier General Biamby, and Lt. Colonel Francois will leave power on October 15, 1994.
>
> (2) President Aristide will exercise his constitutional authority to appoint their successors who will have the power to implement the long-desired separation of the functions of the military and the Police, reforming both institutions and retraining those who are willing to submit to the new disciplines.
>
> (3) With 15,000 troops on the ground and adequate intelligence capacity, the U.S. will have the raw, naked power to identify, arrest and remove any police officer, any army officer or enlisted man who violates the constitutionally mandated directives of the commanders appointed by President Aristide. And that includes Lt. General Cedras, Brigadier General Biamby, Lt. Colonel Francois, and any other private citizen found to be acting to undermine the constitutional authority of the Aristide Government. It also includes any supporters of President Aristide who violate the constitutional rights of others in defiance of his exhortation to reconciliation, not revenge.
>
> (4) Millions of Haiti's poor will get speedy humanitarian food and medical relief from the suffering inflicted by the embargo, and we will thus buy the time necessary to place the country firmly back on the road to democracy and the economic stability without which no democracy can survive.
>
> (5) International donor nations and the world's multinational development institutions will have the opportunity to put up or shut up in terms of their commitment to create in Haiti the stable development, trade, and investment environment without which democracy simply cannot flourish. Both I and others have suggested to President Clinton and the international community the level of economic assistance to Haiti that is required in the short term to allow the agreement fashioned by President Carter, General Powell, and Senator Nunn a chance to succeed.
>
> (6) The major benefit to American families is that we got 15,000 of our troops on the ground and in position to support the restoration of democracy without the loss of a single life. If that is to continue, the two disciplines that I have identified for both our leadership and that of President Aristide must be exercised.
>
> It should be noted that a test of the commitment to constitutional government in Haiti for all sides, will be their willingness to abide by Article 41 of the Haitian Constitution, crafted in 1987 by true Haitian patriots upon the departure of Jean Claude Duvalier. For very practical and historical reasons, Article 41 dealing with the Right to Security states in clear and unequivocal terms:
>
> "No person of Haitian nationality may be deported or forced to leave the national territory for any reason. No one may be deprived for political reasons of his legal capacity and his nationality."
>
> In other words, those with contrary views will not be told "love what we do to you or leave." Minority views will be tolerated so long as those who hold them act in a constitutional manner. With that formula, not only were President Carter, General Powell, and Senator Nunn right in allowing the three commanders the option of remaining in Haiti, but we also have the context now for testing and judging everyone's commitment to constitutional government—including both these commanders and pro-Aristide supporters.
>
> Finally, we in the United States must lead by example. We must have the leadership, discipline, and guts to stand by the accord negotiated by President Carter, General Powell, and Senator Nunn and endorsed to the American people by President Clinton. The accord called for lifting without delay the economic embargo that has devastated Haiti, especially the poor. I am concerned by statements by key administration officials that would revise, and therefore, violate the accord reached by President Clinton's negotiating team.

INTRODUCTION OF CENTENNIAL OF FLIGHT COMMEMORATION ACT

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1994

Mr. HALL of Ohio. Mr. Speaker, the conquest of flight was one of history's greatest triumphs of technology. The first flight by Wilbur and Orville Wright on December 17, 1903, was the fulfillment of man's ages-old dream to fly. Since that time, the world has never been the same. As much as any other invention in the industrial era, the airplane has changed the course of transportation, commerce, communication, and warfare.

Aviation represents a significant segment of the U.S. economy. According to a study conducted by Wilbur Smith Associates, civil aviation contributed $692.9 billion to the economy in 1991. This sector generated 8.4 million jobs with an annual payroll of $206.6 billion. In addition, aerospace-related spending by the Department of Defense and the National Aeronautics and Space Administration is more than $1 billion annually.

Few inventions have directly touched the lives of Americans as has the airplane. An estimated 77 percent of all Americans have flown on an airplane at least once.

The year 2003 will mark the 100th anniversary of the first flight. It will be a time to mark that historic event and reflect on how aerospace technology has affected our lives. Our Nation can celebrate what the Wright brothers' achievement represents: American ingenuity, inventiveness, and diligence in developing new technologies. It will also be a time to draw inspiration from the Wright brothers and to nenew their values of creativity and daring which are so critical to the future of the Nation.

Because of the significance of aerospace to our economy and way of life, the centennial of the first flight will be celebrated with widespread interest and fanfare. National and international celebrations could be planned by a wide range of aerospace-related organizations, companies, governmental bodies, and educational institutions.

Today, I join my colleague, MARTIN LANCASTER, and a majority of the members of the Ohio and North Carolina congressional delegations in introducing legislation creating the Centennial of Flight Commission to help plan and coordinate the national celebration of the centennial of the first flight. The legislation is similar to laws enacted to help plan major commemorative celebrations connected with other milestones in our Nation's history.

Ohio and North Carolina have a special stake in ensuring a successful national celebration of the Wright brothers' achievement. It was in Ohio that the Wright brothers grew up and constructed the airplane and it was in North Carolina that the first flight occurred.

The Centennial of Flight Commission would be charged with planning, developing, and coordinating programs and activities commemorating the 100th anniversary of the first flight. It would also help coordinate the U.S. participation in international centennial celebrations. The commission would be composed of 25 members, including experts, Federal officials, and private citizens. It would terminate in 2004, the year after the celebration.

In 2003 and the years leading up to it, our Nation will have the opportunity to celebrate one of our great achievements. It will be a time to reaffirm our faith in the Nation's ability to solve nearly impossible problems and fulfill dreams of mankind. The Centennial of Flight Commission is intended to make the best of that celebration.

The text of the legislation follows:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Centennial of Flight Commemoration Act".

SEC. 2. CONGRESSIONAL FINDINGS.

The Congress finds that—

(1) December 17, 2003, is the 100th anniversary of the 1st successful manned, controlled, heavier-than-air, powered flight;

(2) The First Flight by Orville and Wilbur Wright represents the fulfillment of the age-old dream of flying;

(3) the airplane has dramatically changed the course of transportation, commerce, communication, and warfare throughout the world;

(4) the achievement by the Wright brothers was a triumph of American ingenuity, inventiveness, and diligence in developing new technologies, and remains an inspiration for all Americans;

(5) it is appropriate to remember and renew the legacy of the Wright brothers at a time when the values of creativity and daring represented by the Wright brothers are critical to the future of the Nation; and

(6) as the Nation approaches the 100th anniversary of the First Flight, it is appropriate to celebrate and commemorate the anniversary through local, national, and international observances and activities.

SEC. 3. ESTABLISHMENT.

There is established a commission to be known as the Centennial of Flight Commission.

SEC. 4. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—

(1) IN GENERAL.—The Commission shall be composed of 25 members, as follows:

(A) The Librarian of Congress, or a designee.

(B) The Archivist of the United States, or a designee.

(C) The Secretary of the Interior, or a designee.

(D) The Director of the National Air and Space Museum, or a designee.

(E) The Secretary of Education, or a designee.

(F) The Secretary of Defense, or a designee.

(G) The Secretary of Transportation, or a designee.

(H) The Governor of the State of North Carolina, or a designee.

(I) The Governor of the State of Ohio, or a designee.

(J) The Executive Director of the 2003 Committee, or a designee.

(K) The President of the First Flight Society, or a designee.

(L) The Mayor of Kill Devil Hills, North Carolina.

(M) The Mayor of Dayton, Ohio.

(N) 12 citizens of the United States, appointed by the President, who are not officers or employees of any government, except to the extent that they are considered to be such officers or employees by virtue of their membership on the Commission.

(2) APPOINTMENTS BY PRESIDENT.—Of the individuals referred to in paragraph (1)(N)—

(1) 2 shall be chosen from among persons recommended by the majority leader of the Senate in consultation with the minority leader of the Senate;

(2) 2 shall be chosen from among persons recommended by the Speaker of the House of Representatives in consultation with the minority leader of the House of Representatives; and

(3) 8 shall be chosen based on qualifications or experience in the field of history, aerospace science or industry, or any other profession that would enhance the work of the Commission and assist in commemorating the accomplishments of the Wright brothers.

(b) TIME OF APPOINTMENT.—Each member of the Commission shall be appointed not later than 90 days after the date of the enactment of this Act.

(c) TERMS.—Each member of the Commission shall be appointed for the life of the Commission.

(d) VACANCIES.—Any vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

(e) COMPENSATION.—

(1) PROHIBITION OF PAY.—Except as provided in paragraph (2), members of the Commission shall serve without pay.

(2) TRAVEL EXPENSES.—Each member of the Commission may receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(f) QUORUM.—13 members of the Commission shall constitute a quorum.

(g) CHAIRPERSON.—The President shall designate 1 of the individuals appointed under subsection (a)(1)(N) as the chairperson of the Commission.

(h) MEETINGS.—The Commission shall meet at the call of its chairperson or a majority of its members.

SEC. 5. DUTIES.

(a) IN GENERAL.—The Commission shall—

(1) plan and develop, in coordination with the First Flight Society, the 2003 Committee, the First Flight Centennial Commission of North Carolina, and the Ohio Wright-Dunbar State Heritage Commission, programs and activities that are appropriate to commemorate the 100th anniversary of the First Flight;

(2) maintain a calendar or register of programs and projects concerning, and provide a central clearinghouse for information and coordination regarding, dates, events, places, documents, artifacts, and personalities of historical and commemorative significance regarding aviation history in general and the First Flight in particular;

(3) coordinate activities with other countries regarding aviation history in general and the First Flight in particular, and promote participation by the United States in such activities;

(4) encourage participation in commemoration of the First Flight by persons and entities including—

(A) aerospace manufacturing companies;

(B) aerospace-related military organizations;

(C) workers employed in aerospace-related industries;

(D) commercial aviation companies;

(E) general aviation owners and pilots;

(F) aerospace researchers, instructors, and enthusiasts;

(G) elementary, secondary, and higher educational institutions;

(H) civil, patriotic, educational, sporting, arts, cultural, and historical organizations and technical societies;

(I) aerospace-related museums; and

(J) State and local governments;

(5) assist in conducting educational, civic, and commemorative activities relating to the First Flight throughout the United States, especially activities that occur in the States of North Carolina and Ohio and that highlight the activities of the Wright brothers in such States; and

(6) develop and coordinate any other activities that the Commission determines to be appropriate relating to the anniversary of the First Flight, which may include the preparation, distribution, dissemination, exhibition, or sale of historical, commemorative, or informative materials or objects, produced by the Commission, that will contribute to public awareness of and interest in the centennial of the First Flight.

(b) NONDUPLICATION OF ACTIVITIES.—The Commission shall attempt to plan and conduct its activities in such a manner that activities conducted pursuant to this Act enhance, but do not duplicate, traditional and established activities of the 2003 Committee, the First Flight Society, the First Flight Centennial Commission of North Carolina, and the Ohio Wright-Dunbar State Heritage Commission.

SEC. 6. POWERS.

(a) ADVISORY COMMITTEES.—

(1) IN GENERAL.—The Commission may appoint any advisory committee that it determines to be necessary to carry out this Act.

(2) PROHIBITION OF PAY OTHER THAN TRAVEL EXPENSES.—Members of an advisory committee authorized by paragraph (1) may receive

pay and travel expenses to the same extent that members of the Commission may receive pay and travel expenses under section (4)(e).

(b) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Commission may, if authorized by the Commission, take any action that the Commission is authorized to take under this Act.

(c) AUTHORITY TO PROCURE AND TO MAKE LEGAL AGREEMENTS.—

(1) IN GENERAL.—The Commission may procure supplies, services, and property, and make or enter into leases and other legal agreements, in order to carry out this Act.

(2) RESTRICTION.—A contract, lease, or other legal agreement made or entered into by the Commission may not extend beyond the date of the termination of the Commission.

(3) SUPPLIES AND PROPERTY POSSESSED BY COMMISSION AT TERMINATION.—Any supplies and property, except historically significant items, that are acquired by the Commission under this Act and remain in the possession of the Commission on the date of the termination of the Commission shall become the property of the General Services Administration upon the date of the termination.

(d) REQUESTS FOR OFFICIAL INFORMATION.—The Commission may request from any Federal department or agency information necessary to enable the Commission to carry out this Act. The head of the Federal department or agency shall furnish the information to the Commission unless the release of the information by the department or agency to the public is prohibited by law.

(e) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as any other Federal agency.

SEC. 7. STAFF AND SUPPORT SERVICES.

(a) EXECUTIVE DIRECTOR.—The chairperson of the Commission, with the advice of the Commission, shall appoint an executive director of the Commission. The executive director may be paid at a rate not to exceed the maximum rate of basic pay payable for the Senior Executive Service.

(b) STAFF.—The Commission may appoint and fix the pay of any additional personnel that it considers appropriate, except that an individual appointed under this subsection may not receive pay in excess of the maximum rate of basic pay payable for GS-14 of the General Schedule.

(c) INAPPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The executive director and staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates, except as provided in subsections (a) and (b) of this section.

(d) STAFF OF FEDERAL AGENCIES.—Upon request by the chairperson of the Commission, the head of any Federal department or agency may detail, on a nonreimbursable basis, any of the personnel of the department or agency to the Commission to assist the Commission to carry out its duties under this Act.

(e) EXPERTS AND CONSULTANTS.—The chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at a rate that does not exceed the daily equivalent of the annual rate of basic pay payable under Level V of the Executive Schedule under section 5316 of such title.

(f) ADMINISTRATIVE SUPPORT SERVICES.—The Administrator of General Services shall provide to the Commission, on a reimbursable basis, any administrative support services that are necessary to enable the Commission to carry out this Act.

SEC. 8. CONTRIBUTIONS.

(a) DONATIONS.—

(1) IN GENERAL.—The Commission may accept donations of money, personal services, and real or personal property, including books, manuscripts, memorabilia, relics, objects, and other materials that are related to the Wright brothers or the history of aviation.

(2) DONATED FUNDS.—Any funds donated to the Commission may be used by the Commission to carry out this Act. Funds donated to and accepted by the Commission pursuant to this section shall not be considered to be appropriated funds and shall not be subject to any requirements or restrictions applicable to appropriated funds.

(b) VOLUNTEER SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Commission may accept and use voluntary and uncompensated services as the Commission determines necessary.

(c) REMAINING FUNDS.—Any donated funds remaining to the Commission on the date of the termination of the Commission may be used to ensure the proper disposition, as specified in the final report required by section 10(b), of historically significant property donated to or acquired by the Commission. Any such donated funds remaining after such disposition shall be transferred to the Secretary of the Treasury for deposit into the general fund of the Treasury of the United States.

SEC. 9. EXCLUSIVE RIGHT TO NAME, LOGOS, EMBLEMS, SEALS, AND MARKS.

(a) IN GENERAL.—The Commission may devise any logo, emblem, seal, or descriptive or designating mark that is required to carry out its duties or that it determines is appropriate for use in connection with the commemoration of the First Flight. The Commission shall have the sole and exclusive right to use, or to allow or refuse the use of, the name "Centennial of Flight Commission" or any logo, emblem, seal, or descriptive or designating mark that the Commission lawfully adopts.

(b) EFFECT ON OTHER RIGHTS.—No provision of this section may be construed to conflict or interfere with established or vested rights.

SEC. 10. REPORTS.

(a) ANNUAL REPORT.—In each fiscal year in which the Commission is in existence, the Commission shall prepare and submit to the Congress a report describing the activities of the Commission during the fiscal year. Each annual report shall also include—

(1) recommendations regarding appropriate activities to commemorate the centennial of the First Flight, including—

(A) the production, publication, and distribution of books, pamphlets, films, and other educational materials;

(B) bibliographical and documentary projects and publications;

(C) conferences, convocations, lectures, seminars, and other similar programs;

(D) the development of exhibits for libraries, museums, and other appropriate institutions;

(E) ceremonies and celebrations commemorating specific events that relate to the history of aviation;

(F) programs focusing on the history of aviation and its benefits to the United States and humankind; and

(G) competitions, commissions, and awards regarding historical, scholarly, artistic, literary, musical, and other works, programs, and projects related to the centennial of the First Flight;

(2) recommendations to appropriate agencies or advisory bodies regarding the issuance of commemorative coins, medals, and stamps by the United States relating to aviation or the First Flight;

(3) recommendations for any legislation or administrative action that the Commission determines to be appropriate regarding the commemoration of the First Flight; and

(4) an accounting of funds received and expended by the Commission in the fiscal year that the report concerns, including a detailed description of the source and amount of any funds donated to the Commission in the fiscal year.

(b) FINAL REPORT.—Not later than June 30, 2004, the Commission shall submit to the President and the Congress a final report. The final report shall contain—

(1) a summary of the activities of the Commission;

(2) a final accounting of funds received and expended by the Commission;

(3) any findings and conclusions of the Commission; and

(4) specific recommendations concerning the final disposition of any historically significant items acquired by the Commission, including items donated to the Commission under section 8(a)(1).

SEC. 11. AUDIT OF FINANCIAL TRANSACTIONS.

(a) IN GENERAL.—The Inspector General of the General Services Administration shall audit the financial transactions of the Commission, including financial transactions involving donated funds, in accordance with generally accepted auditing standards. In conducting an audit pursuant to this section, the Inspector General shall have access to all books, accounts, financial records, reports, files, and other papers, items, or property in use by the Commission, as necessary to facilitate the audit, and shall be afforded full facilities for verifying the financial transactions of the Commission, including access to any financial records or securities held for the Commission by depositories, fiscal agents, or custodians.

(b) REPORT.—Not later than September 31, 2004, the Inspector General of the General Services Administration shall submit to the President and to the Congress a report detailing the results of any audit of the financial transactions of the Commission conducted by the Inspector General.

SEC. 12. DEFINITIONS.

For purposes of this Act:

(1) The term "Commission" means the Centennial of Flight Commission.

(2) The term "First Flight" means the 1st successful manned, controlled, heavier-than-air, powered flight, which was accomplished by Orville and Wilbur Wright on December 17, 1903.

SEC. 13. TERMINATION.

The Commission shall terminate not later than 60 days after the submission of the final report required by section 10(b).

SEC. 14. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this Act $500,000 for each of the fiscal years 1995 through 2004.

HUD AND THE FIRST AMENDMENT

HON. JAMES A. LEACH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1994

Mr. LEACH. Mr. Speaker, from time to time a governmental policy is promoted which is well-intended but which is so constitutionally unseemly as to demand reconsideration. Such has classically become the case when the Department of Housing and Urban Development implemented a policy to investigate individual and group efforts to organize and petition their local governments in hopes of halting decisions or developments supported by HUD that citizens believed may have an adverse impact on their neighborhood and community. In one case, HUD threatened members of a community group with $100,000 fines and a year in jail unless they turned over everything they have ever written about a proposed project including files, minutes of meetings, and membership lists.

James Madison's thoughts are as appropriate and important today as they were during his time when he stated: "The censorial power is in the people over the Government, and not in the Government over the people."

Because of concerns that HUD overstepped a critical constitutional line by interfering with citizens rights to protest developments that occur in their neighborhoods, I sent a letter to HUD Secretary Henry Cisneros on August 17, 1994, questioning the Department's rationale and the legality of HUD's action.

Given expressed media and congressional skepticism regarding this HUD practice, I felt confident that the Department would recognize the need for corrective action to ensure that proper protection of first amendment rights will be maintained. In fact, HUD dropped the complaint in question and issued "guidelines" designed to protect individuals from certain constitutional infringements

Unfortunately, HUD's loophole-laden efforts do not go far enough in ensuring adequate protection of citizen rights under the first amendment. The new guidelines suggest that HUD will in some instances continue to investigate individuals or groups who take their protests to court or participate in activities before public agencies. And, in an ironic twist, HUD's guidelines suggest the possibility that HUD could hold a local government liable for citizen protest. As one protester commented: "We can now speak, but the city can't listen to us."

Accordingly, I am today introducing a concurrent resolution making clear that no agency of the Government, such as HUD, has the right or power to compromise, suppress, or interfere with the exercise of first amendment rights to freedom of speech, association, and redress of grievances.

Although I realize that there may not be enough time for Congress to consider this concurrent resolution during this session, I would expect the issue to be revisited early in the next Congress if HUD does not appropriately respond.

The oath of office all public officials take is to defend the Constitution, not zealously advance any particular policy, no matter how meritorious. In America process is our most important product. How objectives are obtained is usually as, if not more, important than the objective itself.

While HUD may believe its actions are appropriate and warranted to achieve a given objective, and while the majority in Congress may share that objective and pass statutes seeking same, no part of our Government has the right to divorce regulatory or legislative ends from constitutional means.

Below is the legislation I have introduced today, the above cited letter to Secretary Cisneros, and recent articles from the Wall Street Journal and Washington Post.

H. CON. RES. ——

Whereas the freedom of speech protected under the first amendment to the Constitution of the United States is one of the guiding principles of this Nation: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the Department of Housing and Urban Development should not take any action that compromises, suppresses, or interferes with the exercise by any individual of the right of free speech, the right of free association, or the right to petition the Government for a redress of grievances through the legislative, executive, or judicial process.

COMMITTEE ON BANKING,
FINANCE AND URBAN AFFAIRS,
Washington, DC, August 17, 1994.

Hon. HENRY CISNEROS,
Secretary, Department of Housing and Urban Development, Washington, DC.

DEAR MR. SECRETARY: I am writing regarding media reports that the Department of Housing and Urban Development is investigating citizens who oppose the creation of housing for the homeless in their neighborhoods.

The enclosed August 8, 1994, Wall Street Journal indicates that HUD, under the authority of the Fair Housing Act Amendments of 1988, is investigating individuals in Berkeley, California, who protested the location of a homeless shelter near their home. This despite the fact, according to the article, that the protest was made through petitioning a local zoning board.

While I appreciate HUD's obligation to investigate any alleged violation of the Fair Housing Act, I am concerned that the Department's interpretation of the law may in this case be inconsistent with congressional intent. Further, investigations of this sort could potentially have a chilling effect on the willingness of citizens to exercise their constitutionally protected right to petition their government. Accordingly, I would appreciate being provided with HUD's summary of this investigation, information as to whether other similar investigations are now underway, as well as the Department's legal analysis of the appropriateness of such investigations under the Fair Housing Act Amendments of 1988.

Thank you for your attention to this matter.

Sincerely,

JAMES A. LEACH,
Ranking Member.

[From the Wall Street Journal, Sept. 14, 1994]

HUD CONTINUES ITS ASSAULT ON FREE SPEECH

RULE OF LAW

(By Heather MacDonald)

The Department of Housing and Urban Development still doesn't get it. This summer, a national outcry erupted over the agency's investigation of three Berkeley, Calif., residents who had peacefully protested the siting of homeless housing in their neighborhood. Now HUD has issued a set of guidelines intended to avoid such flagrant violations of the First Amendment. Though the new rules correct some of the agency's policies, they contain a loophole large enough to drive a homeless shelter through, as well as other exceptions that suggest that HUD's reign of terror is not over yet.

As reported on the Journal's editorial page on Aug. 8 and Aug. 23, HUD has been investigating individuals and community groups under the Fair Housing Act Amendments of 1938. Organized opposition to homeless shelters, drug-treatment centers and residences for the mentally ill—the theory went—constitutes "housing discrimination" against the disabled. The FHAA defines disability to include recovering addicts, alcoholics, the mentally ill and AIDS patients—in other words, most of the homeless population.

HUD's new guidelines prohibit the investigation of all "public activities that are directed toward achieving action by a governmental entity or official." Such activities include distributing pamphlets, holding open community meetings and testifying at public hearings. If an FHAA complaint alleges only such activities, HUD will not accept it for filing.

HUD will continue to investigate, however, groups or individuals who have taken their protest to court. This loophole eviscerates citizens' last line of defense against local governments that have been captured by the social-service industry. Under pressure from homeless advocates, cities routinely violate their own zoning rules regarding the siting of group homes for alcoholics, addicts and the mentally ill. Citizen challenges to such violations have been a mainstay of HUD's FHAA investigations to date.

For example, Seattle until recently prohibited the placement of social-service facilities within a quarter-mile of each other. Yet in 1992 the city approved the construction of five group homes for addicts and the mentally ill within a single city block. A local neighborhood group sued, charging a violation of the city's dispersion criteria. As a result, HUD has been investigating the group for the last year and could continue to do so under the new guidelines.

Richmond, Va., requires that medical facilities be located in areas zoned for apartment buildings and duplexes. Nevertheless, the city approved the siting of two medical hospices for AIDS patients—funded with a $2 million grant from HUD—in a single-family zone. Neighbors tried to enjoin construction of the hospices. The individuals are now under investigation by Virginia's Office of Fair Housing. HUD's new guidelines would allow the complaining organization to go directly to the federal government for relief.

Ironically, the investigation that caused HUD's recent public-relations fiasco and led to the current guidelines was itself predicated on a zoning suit. The three Berkeley residents argued in court that their local zoning board's approval of a homeless housing project in their neighborhood was marred by an egregious conflict of interest: The developer's director sat on the zoning board, and though she abstained from the project decision, she argued in its favor before her colleagues. HUD dropped its investigation of the Berkeley residents under public pressure. The next group of litigants may not be so lucky.

Incestuous relations between nonprofit developers and their government overseers have become the norm in cities across the country. And as local governments—often under pressure from HUD—embrace the philosophy of "mainstreaming" dysfunctional individuals into middle-class communities, violations of zoning rules will become more common. HUD's legal-action exception will continue to discourage challenges to municipalities that bend or break the law.

HUD's new guidelines carve out another exception to protected speech: Should citizens carry their activities beyond public agencies, they risk liability under the Fair Housing Act. In New York City, HUD investigated a group of neighbors in Manhattan's Gramercy Park who had allegedly tried to outbid a homeless-housing developer for a private property. The developer recently dropped his complaint against the neighbors, but the theory that free-market competition may violate the Fair Housing Act Amendments remains viable under HUD's new rules.

Third, HUD will continue to investigate individuals and organizations who protest housing decisions if "the facts available to the Department do not reasonably indicate the precise applicability of the First Amendment." In other words, if an advocacy group writes a muddy enough complaint, it can continue to tap into the government's vast coercive power until the "precise applicability of the First Amendment" is determined. HUD's assurance that it will "carefully tailor" such investigations so as to "not unduly chill the exercise of free speech" is ludicrous. The very existence of such investigations, no matter how "tailored," can scare citizens into silence.

Finally, even if HUD formally ceases investigating individuals, it retains a potent tool of indirect censorship: holding a city liable for statements made by its residents. Though HUD has dropped its investigation of the Berkeley Three, it continues to investigate the city itself for their housing protest. Says Joseph Derlinger, one of the three protesters: "We can now speak, but the city can't listen to us."

Shortly before HUD released its new guidelines, Roberta Achtenberg, assistant secretary for fair housing and equal employment, published an article declaring the agency's respect for the First Amendment. She concluded, however, with the prediction that "we can expect more cases" in the future like the investigation in Berkeley. Ms. Achtenberg's assumption that free speech remains in potential conflict with "fair housing" dashes any hope that HUD will interpret its guidelines broadly. Indeed, the new rules have resulted in dismissals of only 11 of HUD's 34 pending investigations against individuals and community groups. HUD Secretary Henry Cisneros should close all loopholes in the guidelines immediately and declare that all neighborhood political activity remains safe from government penalty.

[From the Washington Post, Sept. 14, 1994]

HUD's ATTACK ON THE FIRST AMENDMENT

(By Nat Hentoff)

I am grateful to Housing and Urban Development Secretary Henry Cisneros and Roberta Achtenberg, his assistant secretary for fair housing and equal opportunity. Every fall, preparing for talks with school kids about the Bill of Rights, I look for a fresh, powerful example of James Madison's legacy to the nation:

"The censorial power is in the people over the Government, and not in the Government over the people."

From time to time in our history, the government has forgotten its place in our constitutional scheme of things, but never in recent years has an agency of the government—HUD—actually canceled the First Amendment right "to petition the Government for a redress of grievances" as well as other forms of free speech.

HUD's purpose was noble, just as Cisneros's motivation was well-intentioned when he proposed last spring that public housing tenants include in their leases a clause allowing the police to break into their apartment without a warrant in a search for guns and hoodlums. The secretary did not understand how anyone could oppose strengthened security in a trade for that technicality, the Fourth Amendment.

This time, he and Achtenberg wanted to make sure that the Fair Housing Act was firmly implemented—over any dissent. Accordingly, when, for example, federally subsidized housing projects for people with histories of substance abuse or mental disorders were proposed for various neighborhoods, HUD rode shotgun on those projects. If some neighbors objected and filed court actions, or wrote letters to public officials, they were rigorously investigated by HUD for discrimination. Membership lists of their organizations were seized, as were copies of correspondence, and all other notes concerning their conspiracy against the government and the Sermon on the Mount.

HUD made clear that the First Amendment would not be allowed to stand in the way of government good deeds in New York, Seattle, New Haven and other cities.

When talking to students, I shall point out that it doesn't matter whether an administration is Republican or Democratic. The urge to keep the people in their place can seize a public official at any time. Also, however, the end of all this—if it has ended—may give the school kids a more bracing view of the free press than they have been getting from adults. If the press had not covered HUD's attempt to revoke the First Amendment, I expect that protesting neighborhood groups would still be having their records subpoenaed—and would still be threatened with heavy fines simply for trying to get a hearing.

I also have a surprise for the students. In Richmond, Va., a neighborhood association objected to the placement of two facilities for AIDS patients in the middle of their neighborhood. The association questioned the legality of the zoning of those facilities. That led to an extensive investigation of that association by the Fair Housing Office of HUD.

The surprise is that—as Mary Ann Hirtz, president of the targeted neighborhood association notes—"the local ACLU, acting in behalf of the Richmond AIDS Ministry, filed a discrimination complaint demanding the investigation."

I have a copy of the complaint to HUD by Stephen Pershing, legal director of the Virginia affiliate of the ACLU. The complaint is that the neighborhood association had the unlawful temerity to file suit in state court to block construction of the residence.

The Virginia affiliate of the ACLU was also exercised over the fact that the opponents of the project "had made public statements designed to foster opposition to the . . . home . . . based on irrational prejudice, fear and animus toward those who will reside there."

Only benign speech has the imprimatur of the Virginia ACLU.

Worse yet, says the ACLU, opponents of the residence "have made statements to the press."

The lesson for the school kids is that not even an ACLU affiliate can be depended on to defend the First Amendment in the face of higher purposes. The national ACLU did, to be sure, tell Ciseros that he had lost his constitutional bearings. But so had the Virginia ACLU.

One large question remains. How did Cisneros and Achtenberg go so dangerously astray, for so long? Did no one else in government slip them a copy of the First Amendment? This was more than a minor attack on the Bill of Rights. Yet Cisneros and Achtenberg acted without public objection from anyone in the entire Clinton administration—including the White House and the Justice Department.

HOUSE OF REPRESENTATIVES—*Friday, September 23, 1994*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We remember with gratitude, O God, those who answer the Nation's call and who are willing to serve with honor and distinction. We remember this day the women and men of our Armed Forces who respond with a good spirit, with courage, and with a devotion to their tasks. May the duty and honor of serving their country ever enable them to take pride in their calling and make them faithful in Your service. This is our earnest prayer. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from West Virginia [Mr. WISE] come forward and lead the House in the Pledge of Allegiance.

Mr. WISE led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

THE GOP CONTRACT—NOT A CONTRACT FOR AMERICA BUT A CONTRACT ON AMERICA

(Mr. WISE asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. WISE. Mr. Speaker, we are going to hear a lot about a contract for America that our friends on the other side are going to be offering. It is a contract that David Stockman would be proud of. Remember supply-side economics? Remember 3.5 trillion dollars' worth of debt because of the promise of tax cuts and spending increases?

Let us read the fine print in the contract, because as I say, "I don't call this a contract for America, I call this a contract on America," because it is a hit job.

Talk to the Social Security recipient. They are going to cut Social Security. The only way they can make their deficit reduction figures, they are going to cut Medicare. The only way they can make their deficit figures, they are going to cut veterans. The only way they are going to do it is to add $1 trillion to the deficit.

I say, Mr. Speaker, read history. This is a contract on America.

Remember those who want to suddenly do something for you in the future would not vote for you in the past because they would not vote for the tax cuts for working Americans; they would not vote for the deficit reduction that passed here. They would not vote for the burgeoning economy that we now have, and that was just a year and a half ago.

Mr. Speaker, this is not a contract for America; it is a contract on America.

REPUBLICANS WOULD SEEK VOTES ON 10 CONTRACT POINTS UNDER OPEN RULES

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Mr. Speaker, it is amusing to listen to the whiners on the Democratic Party side of the aisle about the contract. I can understand why they do not want to make promises that they agree that they are actually going to keep and they are asking the American people to hold us to it.

They talk about this costing $1 trillion. Most of what is in that cost figure is giving back to the people who earned the money, the money they earn to use any way they want. Only liberals could construe that as a cost. I would challenge the Members to read the contract.

The other thing is not to pass it but to consider these items and to consider them under an open rule. The contract is not that all these things are going to pass but for a change we are going to discuss the items that the people say in every single poll they want to happen, that we are going to consider these things on the floor of the House with their Representatives, consider them under an open rule that can be amended and decide the 10 items that the American people want. Their Representatives should at least debate these things which we have been denied in the past and have a chance to vote on these things. That is something denied under the present leadership of the House of Representatives.

Mr. Speaker, I ask the Members to go back and explain to the taxpayers not why they do not want to pass these things but why they do not even want to consider these things on the House floor.

THE REPUBLICAN PARTY CONTRACT WITH AMERICA

(Mr. DERRICK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DERRICK. Mr. Speaker, Americans expect their local Congressmen to represent their local interests. They want them to stay attuned to their local needs and concerns and represent them as best they can to Congress.

Americans do not want their local representatives pledged to the ambitions of congressional leaders. Next week Republican candidates will stand on the House steps and sign their independence away to NEWT GINGRICH and the ideology of the Republican leadership.

Instead of telling Congress what the people want, they will go home and tell the people what their Republican bosses want. For their allegiance they will collect a check provided by the big-money interests that back the Republican leadership's hungry drive for power.

The only pact Republicans will make next week is a contract with GINGRICH. Never mind a contract with the people back home—they do not have the big-money clout of the Republican Party bosses.

HEARINGS SOUGHT ON DEPLOYMENT OF UNITED STATES FORCES TO HAITI

(Mr. ZIMMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ZIMMER. Mr. Speaker, as a member of the Government Operations Subcommittee on Legislation and National Security, I asked our chairman this week to hold hearings as soon as possible to ascertain what national security interests, if any, justify the deployment of American military personnel to Haiti.

President Clinton failed to secure congressional authorization prior to ordering that deployment. As a coequal branch of Government, we have a constitutional obligation to hold hearings on this matter now.

Because the administration vigorously asserts that its actions in Haiti are justified, I assume it will welcome a formal inquiry.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

It obviously is too late to avoid military involvement in Haiti. But for the sake of our military men and women there, it is vital that they and their families clearly understand why they are there, how the decision was made to send them, and when they will be returning home.

THE GOP CONTRACT—REAGANOMICS II

(Mr. SKAGGS asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. SKAGGS. Mr. Speaker, the silly season is here. Most Representatives, and especially aspiring Representatives, spend time at home listening to what their people want them to do. Next week the GOP's candidates will come here to Washington to get their marching orders, to sign up for Reaganomics II, the contract.

It is a preposterous set of proposals that again tries to dupe the American public with a have-your-cake-and-eat-it-too lunch of fiscal nonsense.

The proposal? Cut taxes, mainly for upper income people, and increase defense spending, for a total increase in the deficit over the next 7 years of close to a half trillion dollars. Then, claim you are going to balance the budget. Well, either that means major, huge cuts in Social Security and Medicare, or not balancing the budget. It is the sort of ripe demagoguery that gives deceit a bad name.

As a recent Wall Street Journal piece said, "The Republicans are offering more of the same—tax cuts for the affluent, budget promises that don't add up, and political reforms they don't mean. Voters ought to demand a money-or-Representative-back guarantee."

☐ 1010

COMMENTS ON THE CITADEL

(Mr. BUYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BUYER. Mr. Speaker, this week's Army Times quotes administration officials who think that the ROTC units at the Citadel, the military college of South Carolina are so hostile to women that graduates will be unable to adapt to today's military.

This is outrageous and preposterous.

The Citadel and Virginia Military Institute offer a unique, military liberal arts education in a single gender environment. The concept of duty, honor, country is stressed in the classroom, on the people field, in the barracks, and on the athletic fields.

The mission of the Citadel is to prepare citizen-soldiers, a concept that dates back to Cincinnatus. By requiring all Citadel cadets to enroll in ROTC, regardless of whether they pursue a commission or not, guarantees that all Citadel graduates are prepared to serve their country if called upon to do so.

Since 1842, the Citadel has produced citizen-soldiers who have served this Nation gallantly in peace and war. There have been 112 general and flag officers who were Citadel graduates. These include 2 four star generals and 15 lieutenant generals. There are two Citadel graduates in this House, and one in the Senate. Alvah Chapman, Citadel Class of 1942, chairman of the board for Knight-Ridder News Service, was asked by former President George Bush to lead the cleanup effort following Hurricane Andrew. Service is a way of life for Citadel graduates.

This past summer, Army ROTC cadets from the Citadel excelled at ROTC advanced camp. Citadel cadets surpassed the national average for basic rifle marksmanship, land navigation, the Army physical fitness test, and peer evaluations. Five Air Force cadets from the Citadel were named distinguished graduates, the most from any school. All 31 Navy midshipmen from the Citadel were rated in the top 5 percent of Naval ROTC midshipmen.

The Citadel commissions approximately 30 percent of its graduating class each year. The Citadel is the third largest source of ROTC commissions in the United States.

Performance, not political correctness, should be the measure of military officers. Those who value true diversity understand that some young men flourish under the unique, all-male military environment that the Citadel provides. To destroy the option of single-gender military education would be a loss to U.S. military and the Nation.

THE REPUBLICAN CONTRACT WITH AMERICA

(Mr. VISCLOSKY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VISCLOSKY. Mr. Speaker, like a twisted version of Robin Hood, the Republican leadership is bringing their merry men to Washington to sign on to a plan that steals from the elderly and the middle class and gives to the rich.

In a most undemocratic fashion, Republican candidates are being called to Washington to sign a contract written by the Republican leadership and their special interest contributors. Instead of taking a made in America message to Washington, these candidates are receiving the lobbyist stamp of approval.

The plan is the same tired, trickle-down economics that tripled our national debt in just 12 years. The rich get big tax breaks and the middle class get stuck with the bill. Albert Hunt, of the Wall Street Journal, said, "the political and policy centerpieces of the Republican plan are frauds." It is estimated that the plan would blow a $1 billion hole in the budget.

Mr. Speaker, the Republican strategy is all too clear: Ignore the people, do the special interests' bidding, and let your grandchildren pick up the tab.

THE CITADEL: AN ICON OF EXCELLENCE IN A SEA OF INCREASING MEDIOCRITY

(Mr. RAVENEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RAVENEL. Mr. Speaker, recently the New Yorker magazine, through its hired feminist, Susan Faludi, launched a vicious attack on The Citadel, the prestigious military college of South Carolina. In an article, Ms. Faludi not only resurrects old fictitious tales of excessive hazing and racism, but she also makes perverse assertions about the character of the all-male corps of cadets. Her story attempts to discredit The Citadel by portraying its students as insecure misogynists facing identity crises of epic proportions.

The truth is that the "Citadel Men," as its graduates are known, epitomizes honor, duty, self-discipline, and achievement. The Citadel succeeds because of its single-gender educational program and its philosophy, building fine and productive citizens from young men who accept the challenge of a demanding fourth-class system. Today, I salute The Citadel, that rare institution, as an icon of excellence in a sea of increasing mediocrity.

GOP COUNTERATTACK

(Mr. CLYBURN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLYBURN. Mr. Speaker, the 103d Congress is near adjournment, the campaign season is about to begin, and next Tuesday we are to be stampeded by a herd of elephants lobbing criticisms at our accomplishments.

I say let the elephants come in, but the stampede will not be enough to crush one of the most productive legislative records in recent memory.

I thought elephants were supposed to have good memories, but these seem to need some reminding.

Mr. Speaker, we have passed the largest deficit reduction package in U.S. history.

Our economy has been infused by over 4 million new jobs.

We have put family and medical leave into law and the National Service Program we passed is making it possible for deserving youth to gain work experience and afford college educations.

And over 15 million American families received a tax break through the earned income tax credit.

And let us not forget the crime bill, which bans 19 assault weapons, puts more cops on the streets, and protects battered women.

Need I say more? There is much more, but Mr. Speaker, 1 minute allows for only so much reminding.

PAYING FOR OUR AGENDA

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, although we have just unveiled our plan, our Democrat rivals have launched a desperate attack. They simply cannot believe that we can ease the tax burden on families and senior citizens and reduce deficit spending at the same time. That is because they cannot imagine a government that would be smaller and less intrusive in American's lives. Yet we Republicans have shown, in specific, credible budget proposals, that we can pay for every initiative we intend to propose and still shrink the budget deficit.

The Democrat's effort to question our numbers reflect a weak attempt to deflect attention from the fundamental policy issues raised in our contract. We will propose the largest change in size, scope, and direction of the Federal Government since the 1930's. We will demonstrate how Republicans would bring sense to our national security policy, limit congressional terms, reform the legal system, substantially reduce Federal regulation, and, at the same time, allow working American families to keep more of their own money.

LESSON TO BE LEARNED FROM SINGAPORE DRUG PENALTIES

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, a Dutch businessman was executed in Singapore. His crime: Possession, possession, of nine pounds of heroine.

Now, many in America are stunned. Quite frankly, I am not. Singapore does not tolerate narcotics. The bottom line is Singapore does not have a major drug problem, and America is a stone-cold shooting gallery. There is a very simple reason, folks. In Singapore, they not only walk the walk, they hang the pushers. In America, we simply talk the talk.

Think about it. There are very few drug smugglers that want to visit Singapore. There is one hell of a message there.

THE SITUATION IN HAITI

(Mr. WALSH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALSH. Mr. Speaker, I was opposed to a United States invasion of Haiti and I am opposed to an occupation. There are no vital United States interests in Haiti and the cause of democracy is not served by putting United States troops on the line, with an unclear mission, and changing rules of engagement.

While I commend former President Carter for his humanitarian concern, I cannot condone the idea of bargaining with criminals.

We got a bad deal. The evil dispensers of hate, rape, torture, and other violence quoted by President Clinton are not removed; they are not departing—and I remind my colleagues that President Clinton told the American people the Carter delegation was going to Haiti for one thing: To discuss the terms of the junta's departure.

And what did we get for risking American lives? Mr. Aristide's belated and begrudging thanks.

Many of us thought the days of Americans installing regimes is over. If Mr. Aristide can only come to power because of American cajoling and promising, then he only retains power as long as America backs him with force.

He loses credibility with his people. And when the troops leave, his future is again in doubt.

Now that we have landed, I have written to the President asking that he clarify our mission. I look forward to a response.

God bless our troops and keep them safe.

CALL FOR INVESTIGATION OF TOOELE, UT, CHEMICAL WEAPONS DISPOSAL PLANT

(Mr. BROWDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWDER. Mr. Speaker, I am today calling on the House of Representatives to begin an immediate investigation of allegations of safety violations at the Army's chemical weapons disposal plant at Tooele, UT. These allegations were made by a former safety manager who was recently fired by the plant contractor.

As the elected representative of the area where the next chemical weapons destruction facility is scheduled, I believe it is imperative that the Congress quickly determine the facts. Yesterday, I wrote to House Armed Services Committee chairman, RON DELLUMS, asking for such an investigation.

Safety has been the preeminent issue surrounding the destruction of our chemical weapons stockpile, which is mandated by Federal law and international agreements. The House must act now to ensure the safety of stockpile workers and citizens living in surrounding communities.

DESPERATE DEMOCRATS

(Mr. HUTCHINSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUTCHINSON. Mr. Speaker, the liberals are desperate. Floundering in the polls, the public is poised to throw them out of Congress in November. So what do they do? They try to distort the Republican record. Instead of a program for more spending, more government, more taxes, and broken promises, Republicans have not just a plan, not just a promise, but a contract with America, that will cut the government, cut redtape, cut the taxes, with a $500 per child tax credit, a promise of a vote on a balanced budget amendment, and a term limitation proposal, and next Tuesday we will unveil our contract with America to America.

But before we can unveil it, the liberals assail it.

And because a big lie seems easier for them to tell than a little one, they claim that it will do the opposite of what it promises it will.

If we had a plan that would increase spending as much as they said ours does, they would be for it.

In the war of ideas, our contract with America will prove that Republicans are armed to the teeth. The Democrats' carping criticism shows that they are unarmed and proud of it.

□ 1020

TRIBUTE TO DONA FELISA RINCON DE GAUTIER, "WOMAN OF THE AMERICAS"

(Mr. MENENDEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MENENDEZ. Mr. Speaker, today I join the Puerto Rican community of New Jersey and throughout the United States and Puerto Rico in mourning the death last Friday of Dona Felisa Rincon de Gautier. Dona Fela, as she was affectionately known to her fellow Puerto Ricans, was one of Puerto Rico's most distinguished citizens of the 20th century.

On Monday, thousands of residents of the beautiful city of San Juan, where she was the only woman mayor for 22 years, lined the streets to pay final respects to their beloved Dona Fela. They tossed flowers at her funeral procession as it wound its way down the streets of old San Juan to her burial at Rio Piedras cemetery.

Mr. Speaker, the people of Puerto Rico loved Dona Fela. They loved her because she loved them. Her love for all of them, but especially for the poor, was manifest in a lifetime of deeds: getting electricity for those who had no light, water for those who were thirsty or could not bathe, paying bills for those who could not make ends meet, or buying shoes for those who could not afford them.

Dona Fela was loved because she was a true public servant. In 1932, Puerto Rican women won the right to vote because Dona Fela led that fight. She entered politics that year and never ceased to fight the good fight: for child care, legal aid for the poor, senior citizens' centers, and Head Start. So great was her popularity and so vast her power that many have compared her to Franklin Roosevelt.

Mr. Speaker, Puerto Rico may have lost a political giant, but her legacy lives on. It is only fitting that we remember this "Woman of the Americas" in the U.S. Congress.

A CALL FOR REMOVAL OF TROOPS FROM HAITI

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, I urge all of my colleagues to look at page A16 of the Washington Post this morning. In an article entitled "Money Shortage Forces Navy to Curtail Training of Reserve Forces," the subhead says, "This is the first time the Navy has so acted."

The opening paragraph says, "The Navy has canceled training and drills for thousands of reservists for the rest of the month because the Naval Reserve ran out of money."

I will introduce next week a resolution, and I will ask the Democratic leadership to make it in order, to order the immediate withdrawal from Haiti. When we cannot pay to keep our Reserve forces trained, when we cannot pay to keep our troops equipped, when we cannot do the things that matter to protect Americans, it is madness to be spending a billion or more dollars on a country of no national security interest to the United States. I think we should withdraw, and I think the President should rethink his budget to defend America.

INTRODUCTION OF THE MILITARY SERVICE ACADEMY HONOR CODE ACT

(Mr. UNDERWOOD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. UNDERWOOD. Mr. Speaker, I rise today to call attention to the honor codes in use at the military service academies. The Naval Academy at Annapolis, the Air Force Academy, and the Military Academy at West Point all strive to set a high standard of honor for our Nation's future officers.

We have been hearing story after story about the future military officers corps, which can only cause a great deal of concern.

Recent negative publicity concerning honor code violations calls into question how the honor codes are administered. While the Nation expects one honor standard, each academy's code is stated differently from the other two.

To address the current honor code problems, I have introduced legislation, H.R. 5047, the Military Service Academy Honor Code Act.

This act would authorize the Secretary of Defense to appoint a commission to review whether there should be a standardized honor code for all three service academies, and if this standard code should also apply to officer candidates in the ROTC and OCS commissioning programs.

There should be one honor standard for all.

Mr. Speaker, I urge my colleagues to cosponsor the Military Service Academy Honor Code Act, H.R. 5047.

CONTRACT WITH AMERICA

(Mr. LINDER asked and was given permission to address the House for 1 minute.)

Mr. LINDER. Mr. Speaker, this contract with America seems to have struck a raw nerve on the other side. I do not know why. Maybe Tuesday's election exacerbated that problem.

The contract with America is a set of ideas that will change the way Congress does business.

The plan will be unveiled next Tuesday, yet somehow the Democrat leadership has scored all 10 bills and they claim the contract will be costly. I must say it is incredible that the Democrat leadership could not get a cost analysis of their health care bills after 18 months, but they are able to appraise 10 bills they have not even seen.

The Democrat leadership is launching these desperate attacks because, the fact is, they are on the wrong side of each of the issues enumerated in the contract.

These ideas were not handed down from on high. We have asked Americans across the country what they would do to fix Congress. The contract with America is their recommendation.

The Democrats' inflated price tag is a lame attempt to take the wind out of the sails of congressional change. It will not work. The American people know the Democrats have been at the helm too long and have charted a course of big Government and bigger taxes.

FAT CAT CONTRACT

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, it is all starting to come together now, if Members watched the other body stay up all night with Republicans filibustering spending limits that were in the campaign reform bill. Why?

Well, this morning we heard a lot about the contract with America. Well, let me tell my colleagues, that is a fat cat contract with America, because, if they paid enough, they got to help write the contract. And then if they signed the contract, they get the money the fat cats paid in to help write the contract.

What we want is a contract for all America, not a contract by fat cat America.

UNSTACKING THE STACKED DECK

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, most people know that 9 against 4 is a heavily stacked deck. Around here, 9 against 4 is the ratio of majority to minority members in the House Rules Committee, the ultimate stacked deck, designed to ensure that the Democrat majority retains ironfisted control over the legislative agenda of this House. If you want to know why proposals that a majority of Americans want us to debate—like term limits, a true balanced budget amendment, repeal of the Social Security earnings test or rollback of capital gains taxes—seldom come to the floor for a vote, look no further than the Rules Committee, where good ideas like these often go to die. For 40 years we have tried it the Democrats' way. It is time to make a change—and that is what the Republican contract with America is all about. Change the balance of power in this House, unstack the stacked deck, and bring the people's agenda forward.

STATE AS LABORATORIES FOR HEALTH CARE REFORM

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEFAZIO. Mr. Speaker, 1 year ago the President challenged us to provide lifetime health care security to every American.

Congress has been engaged in a nonstop health care debate over which model will work best, which will meet the goals of universal access, consumer choice, cost containment, and improve the quality of care.

The Congress is deeply divided over which approach will work best: Single payer, health care alliances, managed care, insurance market reform. No single approach is supported by anything near a majority. I fear the next Congress will do no better. Yet while we dither, a number of States have worked to expand access and improve health care services, with no help from the Federal Government.

Is it now time we got out of the way and let the States become the laboratories of health care reform, each testing their own approach until we can approve which reforms work best? Or better still, the Federal Government should help the States and encourage their innovation, with insurance reform, waivers and modest levels of Federal funding to support State efforts, to expand access, control costs, and improve care.

□ 1030

I am introducing a companion bill to one introduced yesterday in the Senate which will do just that. I urge my colleagues to drop the divisive debate and join us in passing this reform.

HAITI'S PRICE TAG? WHO KNOWS?

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, for the past few days, my staff and I have been trying to find out just how much Operation Uphold Democracy will cost the American taxpayers.

We have heard the President throw out numbers ranging from as low as $250 million. At our briefing the other day, Secretary of State Christopher said the figure was closer to $350 million. Now, officials at both the State and Defense Departments tell me that this figure could be upward of $2 to $3 billion.

I find it alarming that this figure keeps increasing day by day. And then yesterday, Secretary Perry told us that he will have to come to us for additional moneys—who knows what dollar figure that will be.

Regardless, I believe it would be financially irresponsible for us to not only closely examine where this money is being spent, but also where it is coming from.

I do not believe that any additional moneys for an operation such as this should come at the expense for our already deeply cut Defense Department.

We have all heard the stories of soldiers on food stamps and maintenance depots having to resort to cannibalism. As a veteran, I find this truly disgusting.

We must pay our bills and do everything in our power to support our troops. But I will not sit idly by and let us pass the buck for Operation Uphold Democracy at the expense of those brave men and women serving in our military.

CHILD CARE CENTERS

(Ms. FURSE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FURSE. Mr. Speaker, I rise to commend 3 Oregon companies for being among the 100 best companies for working mothers, as selected by Working Mother magazine.

Mentor Graphics, Nike, and Hanna Andersson have all been named to this prestigious list because of their commitment to our Nation's most precious resource—our children.

All three of these companies recognize that worker productivity, job satisfaction, and employee morale can all be helped simply by doing the right thing—whether it is providing on-site child care centers, subsidizing child care costs for lower paid workers, reimbursement for child care expenses for business travel, or providing paternity leave.

What these Oregon companies realize is that not only is it right, it is profitable for them to be a child-friendly company. Mentor Graphics, which has made the list for the second year in a row, has an excellent on-site child care center, and that plays a big factor in retention rates of 92 percent of the parents who use it. Theirs is not a fair weather commitment. Even when, some years ago, Mentor Graphics had a dip in earnings, it expanded its family-friendly benefits.

Nike is also on the list for the second year in a row. They also provide on-site day care, scholarships for employees' children, and this year offered to subsidize child care for those employees with a family income of less than $60,000.

Hanna Andersson realized that fathers should also be given leave when a child is born or adopted, and so they have instituted up to 4 weeks of paid paternity leave. Their innovative child-friendly policies have earned them a spot on the Working Mothers' list 4 years running.

Mr. Speaker, I am proud of all three of these companies. They are a shining example for all businesses.

A HIP-POCKET CONGRESS—A DISSERVICE TO THE AMERICAN PEOPLE

(Ms. McKINNEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. McKINNEY. Mr. Speaker, on September 27 several members of the Republican Party, candidates and incumbents alike, are going to assemble on the steps of the Capitol. There they will sign a blood oath of loyalty, not to their constituents back home, but to the Republican leadership's inner circle.

When fair-minded Republicans wanted to act on health care reform, the Republican inner circle said "no."

When right-thinking Republicans wanted to stand with the American people on the assault weapon ban, the inner circle again said "no."

We have seen it once, we have seen it twice. A hip-pocket Congress is a disservice to the American people. Reject this charade of more Republican dirty tricks and let's continue our Democratic agenda of protecting seniors, fighting crime, and creating jobs.

TIME FOR A RATIONAL, RESPONSIBLE POLICY IN TRAINING AMERICA'S RESERVISTS

(Mr. SAXTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAXTON. Mr. Speaker, on Wednesday the Navy was forced to cancel all the reserve drills for the remainder of this fiscal year, affecting the drill for over 20,000 Navy reservists. We called the Navy this morning to ask them why, and they gave us two reasons:

One, this House appropriated, this year, $160 million less than we appropriated last year, and two, they said:

> We have been asked to go to Rwanda and we went. We have been asked to go to Bosnia and we went. We have been asked to go to Somalia and we went. Now we have been asked to go to Haiti, and we are there, too.

Mr. Speaker, the question is not, perhaps, whether those places are places for our reserves to be. The question is are we going to let our forces go there undertrained. We did that once before. It was in the late 1970's, when we had a hollow force. Today's Washington Post points out once again that we are not even able to train our forces to do the jobs that we ask them to do at this level of training.

Mr. Speaker, it is time for this House to look at a rational, responsible policy toward training of our reservists.

IMPROBABLE REPUBLICAN PROMISES JEOPARDIZE THE NATION'S ECONOMY

(Mr. TORRICELLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TORRICELLI. Mr. Speaker, in 1981 Ronald Reagan called it supply side economics. In 1994, NEWT GINGRICH calls it his contract with America. For this country, the mathematics is the same: Increase defense spending, lower taxes on the wealthy, and promise a lower deficit. That improbable combination almost bankrupted this Nation a decade ago. In the 1990's, we promised things were going to be different.

Mr. Speaker, through the Democratic deficit reduction plan we have reduced the Federal deficit by 40 percent, put this Nation on sound economic footing by creating 4 million jobs in 18 months. Now they promise to take us back to the future. We learned then. We cannot make the same mistake again.

The Republican Party should learn to be responsible with its mathematics, be part of being honest with the American people about our future, and get this country again into deficit reduction, job creation, without jeopardizing the welfare of our own people.

SUPPORT OUR TROOPS IN HAITI: BRING THEM HOME

(Mr. LAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAZIO. Mr. Speaker, while all Americans are thankful that our troops have not suffered any casualties, our presence in Haiti has done little to end the violence aimed at pro-Aristide Haitians and to bring democracy to that country. That leaves me with one question: Why are we there?

The problem we face in Haiti is symptomatic of this administration. It has an amorphous undefined foreign policy. Mr. Speaker, there is a lack of coordination between military and foreign policy. President Clinton has targeted the military for deep cuts, while at the same time expended their role throughout the world. Mr. Speaker, he cannot have it both ways.

Once again, our troops have been placed in harm's way in the role of peacekeepers, policemen, and social workers; their mission remains undefined; and they have no idea when they will be coming home.

Mr. Speaker, our Haitian policy is misguided and out of control. We should begin bringing our troops home as soon as possible, and if the President will not do it, Congress should do it for him before we lose any American lives.

Support our troops in Haiti. Bring them home.

□ 1040

CONTRACT WITH AMERICA: LET'S GET SERIOUS

(Mr. TORRES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TORRES. Mr. Speaker, next Tuesday, House Republican incumbents and Republican candidates for Congress will climb the Capitol steps to sign a contract with the Republican leadership. Led by our colleagues on the other side, Republicans will promise to wage a holy war by fighting for a balanced budget amendment.

I look forward to this spectacle. The last time the Republicans made a promise to the American people, they said "Read my lips." At least this time we will get it in writing.

If they are going to balance the budget, why do they not offer the American people something new and different.

Why do they not give out cash rebates. That is right, rebates. Why do they not give back to the American people all the tax dollars they took away during the Reagan-Bush years. It was their spend-and-borrow economics that gave us the enormous deficits all Americans are paying off today.

Let us give cash rebates. That is better than making massive cuts in aid to children, to the elderly, to the infirmed. That is better than making massive cuts in aid to depressed neighborhoods in our cities and farming communities ravaged by natural disaster.

A balanced budget amendment is an empty promise. At least rebates would mean something. Or, we could pass real legislation like the Democratic deficit-cutting package we approved last year which cut the deficit in half.

I appeal to NEWT GINGRICH and DICK ARMEY.

Let us get serious. Let us make a bipartisan contract with the American people.

Let us get to work.

A SHADOW ON THE CONGRESS

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Mr. Speaker, yesterday a shadow was cast upon the Congress and I think each Member should be aware of it.

America has a heart as big as all outdoors and Americans are generous to a fault, both to the less fortunate around the world and to those whom misfortune has befallen here at home. But there is only so much in the cupboard. So we must try to be good stewards of the American pursestrings.

But some grow greedy and some become powerful, perhaps too powerful, and perhaps too greedy. That is the shame, the shame and the shadow that was cast on this Congress yesterday.

The transportation appropriations conferees deliberated all day to approption $352 million to meet America's highway needs and they did a lot of good. But when they finished, one State, West Virginia, with less than 1 percent of America's population walked away with nearly 30 percent of the cash. Three House Members represent this area receiving $100 million while the remaining 432 Members came up short.

How come? How did this happen? Power, greed, and perhaps a little fear, fear of retribution, fear of rocking the boat, fellow Members. This is a shame. A shadow has been cast on this Congress and it is a shadow that we must remove.

THE REPUBLICAN CONTRACT WITH AMERICA

(Mrs. MEEK of Florida asked and was given permission to address the House for 1 minute.)

Mrs. MEEK of Florida. Mr. Speaker, next week 156 Republican candidates for Congress and all Republican incumbents will gather in Washington to sign a contract with America. It is a one-sided contract which only the Republican leadership had a hand in drafting.

The so-called contract spells out a series of steps that Republicans promise voters to take if they gain control of the House. They promise to pass a balanced budget amendment to the Constitution.

At the same time they pledge to bring to the floor and work for enactment of enormous tax cuts. The last time we heard Republicans saying they could balance the budget while cutting taxes was in 1981. The contradiction in policy more than tripled the national debt in just 12 years; the interest payments are now a seventh of the budget whose size the tax-cutters so regularly deplore.

As usual, the Republicans are talking out of both sides of their mouths—offering us false promises of tax cuts, reduced deficits, and balanced budgets.

Well, I do not know who is advising all these Republican candidates—who all claim to be agents of change—to come to Washington and sign a contract written by the Republican leadership, but I sure hope it has a sanity clause.

By the way, it is no secret that there is a huge Republican fundraiser in Washington later that night. Which is probably the real reason these Republican candidates are coming.

HEALTH CARE REFORM FOR THE SELF-EMPLOYED

(Mrs. MEYERS asked and was given permission to address the House for 1 minute.)

Mrs. MEYERS of Kansas. Mr. Speaker, on Tuesday of this week I introduced H.R. 5062, a bill to make permanent the 25-percent deduction for health costs of the self-employed. The deduction expired in December, but small business owners have been promised for over a year that health care reform would preserve this health insurance deduction and even perhaps increase it. Now that a larger health care reform package does not appear viable, we must continue to offer this minimal health care deduction to our small businesses.

Over 100 cosponsors, from both sides of the aisle, have already gone on record supporting small business and the self-employed through this permanent extension of the 25-percent deduction. The National Association of the Self-Employed and the National Federation for Independent Business both support this extension. I expect to have well over 200 cosponsors by the end of next week. Please be sure to support the small entrepreneurs in your district by cosponsoring H.R. 5062.

CONTRACT WITH AMERICA CALLED A CONTRACT FOR FAILURE

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, yesterday, I joined my Democratic colleagues in shedding some light on the latest publicity stunt from the Republican leadership in the House. This time, the minority whip and company are inviting candidates to come to Washington and sign their allegiance to the GOP agenda—a blood oath to support an array of feel-good proposals. Election-year gimmickry aside, the problem with the Republicans' so-called contract with America is that it is a contract for failure.

An article in yesterday's Wall Street Journal points out the problems. It is the same old thing from Republicans: tax breaks for the wealthy and budget smoke and mirrors.

The GOP promises a balanced-budget and $200 billion in tax cuts. How can they do that? They cannot. Even the most regressive budget legislation comes up $700 billion short. The only way to pay for this budget boondoggle is by cutting Social Security, Medicare or raising taxes. That is not what the American people want and that is not a contract any hardworking American would sign.

The American people want us to fight crime, expand student loans, create jobs, and retrain our workers. That is what Democrats have delivered. The choice is clear in this election: A record of achievement or a contract for failure.

GLIDE PATH TO A HOLLOW FORCE?

(Mr. KASICH asked and was given permission to address the House for 1 minute.)

Mr. KASICH. Mr. Speaker, the Washington Post reports today that the Navy has announced it is canceling paid drill for Navy reservists for at least the remainder of the month. Why did they cancel the training? There is no money left in the training budget. This situation is especially ironic because of our current occupation of Haiti, an action that the American people do not feel is in our national interest. That occupation will cost this country at least a quarter of a billion dollars by the end of this year with more costs into the future.

The President has done nothing to allay the suspicion that his administration is starving the military of funds while at the same time sending them on risky, costly missions that are not relevant to the national security needs of our Nation. This is a prescription for a hollow military force. If the present trends continue, training will deteriorate, combat readiness will decline, and the willingness to reenlist will dwindle.

In Desert Storm, our forces defeated the fourth largest army in the world in 100 hours. Why? Because they had the equipment, because they were trained to peak combat readiness, and they were given a clear mission.

A little more than 3 years later, we are seeing the fabric of readiness begin to shred as a result of the administration's misguided defense cuts and a confused foreign policy. They better straighten it out.

AMERICA'S TRADE DEFICIT

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, let me point out to my friends that the free traders who brought us $100 billion trade deficits over the past decade, that have decimated good-paying jobs in America, 3.2 million manufacturing jobs lost since 1979; the folks who brought us NAFTA which has led to a 32-percent decrease in our trade advantage with Mexico coupled with a 32-percent increase in United States investment, over 8,000 more jobs lost; and the very same free traders who idly talk for partial agreements with Japan even as the United States racked up one of its worst monthly trade deficits with Japan—$5.7 billion in July, or using the administration's own calculation of 20,000 jobs for every billion dollars of trade, in stark terms, over 100,000 United States jobs lost because of our trade deficit with one country in July—well, this same group now wants to sell you GATT.

They want to give GATT to you like a fast ball, with no amendment, with no real hearings, and they want to take their stealth bill of 1994 and pass it in the wee hours before this session ends.

Just remember, I told you so. As reported by the Washington Post, the United States could wind up with its worst trade year in history. This after oh so many years of trade agreements like GATT. When are we going to wake up and sign trade agreements that benefit America for a change?

□ 1050

DEMOCRATS SCARED OF LOSING ELECTION

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, what is wrong with making a contract with the American people to bring a balanced budget amendment to the Constitution to the floor of the House? What is wrong with bringing a line-item veto bill to the floor of the House? What is wrong about bringing welfare reform legislation to the House floor? What is wrong with bringing tax fairness for senior citizens legislation to the floor of the House?

That is what the contract we are going to make with the American people next week will promise. We are going to promise in the first 100 days of a Republican Congress we will vote on this kind of legislation.

So why are the Democrats screaming to high heaven—because they are scared to death? They lost election after election after election. The Speaker of this House this week only got 35 percent of the vote in the State of Washington. They are terrified that for the first time in 40 years the Republicans are going to take control of this House.

My friends, wake up. You are out of touch with America. The people want change. They want a contract, not a promise.

PASS GATT NOW

(Mrs. KENNELLY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. KENNELLY. Mr. Speaker, I heard the gentleman's remarks and I am not scared this morning. I just wanted you to know that. But I am a little nervous about one thing, and the one thing I am just a little nervous about is that we will not have an opportunity to pass the Guaranteed Agreement on Tariffs and Trade. GATT is very, very important not only to this body, not only to this country, but internationally as well. How the world looks at us is going to be very dependent on passing GATT before we adjourn.

GATT also has incredible economic ramifications. There is no doubt in my mind that the next 10 to 20 years will be impacted greatly by this agreement. The future of this country is tied to our trade situation and passage will help us prosper and expand jobs in this country. We should pass GATT before we adjourn. Hopefully we will pass it by a good margin and hopefully we will be able to go into the next century as a strong trading country.

VOTE REPUBLICAN FOR CHANGE

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, I have heard my friends on this side of the aisle, the Democrats, complain about the contract that the Republicans are offering. In a nutshell, it comes down to one thing. If you think this Government is too big, spends too much money, and there is no accountability, then you should vote Republican. If you think we need government spending then you should vote Democrat. And if you believe we need accountability after 42 years of one party running this place and would like to see an outside accounting firm tell you how the dollars have been spent then you should vote Republican, because the contract the Republicans have is going to do many many things, including real reform.

The Democrats provided in the first 100 days of this Congress the largest tax increase in American history, increased Government spending, taxing Social Security recipients, and drastically cutting the defense budget.

I ask my colleagues, think about this: Are you happy with the status quo? Then vote Democrat. If you are not, vote for real change: Republican.

FEHBP COVERAGE OF BONE MARROW TRANSPLANTS AS TREATMENT FOR BREAST CANCER

(Mr. LEHMAN asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. LEHMAN. Mr. Speaker, Rebecca Perez-Ford is a 39-year-old mother of three small children who is suffering from stage III inflammatory breast cancer. Ms. Ford has literally been fighting for her life, fighting for the opportunity to raise the young children who need her. Her struggle against cancer, however, has by no means been her biggest challenge. Rather, her greatest obstacle has been a Federal insurance plan which has denied her the means to survive her disease.

I recently testified before the Subcommittee on Compensation and Employee Benefits after learning that the Federal Employees Health Benefits Program [FEHBP] has excluded countless women like Ms. Ford from scientifically advanced, effective treatment for breast cancer. While many FEHBP policies have covered bone marrow transplants for testicular cancer and other diseases, OPM and the insurance companies have claimed that for breast cancer, this procedure is too experimental to be covered. Many noted oncologists, however, maintain that the evidence supporting the use of bone marrow transplants to treat breast cancer is far superior to the evidence supporting the same treatment for testicular cancer.

I was so pleased to read in Wednesday's Washington Post that starting immediately, all FEHBP plans will be required to cover high-dose chemotherapy with autologous bone marrow transplantation in the treatment of breast cancer. This disease is itself a horrendous proposition, and without insurance reimbursement, women are left to bargain for lifesaving treatment.

FEHBP's reluctance to cover bone marrow transplants for breast cancer patients was clearly inconsistent and discriminatory—the revamping of OPM's policy on this issue is a welcome change which is long overdue.

HIDDEN RIPOFFS IN GATT

(Mr. ROHRABACHER asked and was given permission to address the House for 1 minute.)

Mr. ROHRABACHER. Mr. Speaker, this administration is about to push through Congress one of the worst special interest ripoffs of the American people ever to come through this body and that is saying a lot.

Hidden in the GATT implementation legislation are provisions like the one that will dramatically reduce the patent protection now enjoyed by the American people.

Let me repeat that, the GATT implementation legislation secretly contains a major reduction in the patent protection enjoyed by Americans; 90 percent of the rest of our Members do not even know this. Billions in royalties that would be going to Americans will end up in the bank accounts of Japanese and multinational corporations.

I supported NAFTA strongly. I say let us not pass GATT until the hidden ripoffs are taken out. What are we in such a hurry about? Members are going to hear, oh, we have to do it immediately. They are afraid that this body and the American people are going to find out what is in GATT, hidden in there.

We need to look at this legislation. It should be shelved until next year so the American people and this body will be able to find all of the secret provisions.

Get those ripoffs out of GATT or I am not going to support it.

DEMOCRATS SCARED OF REPUBLICAN CONTRACT WITH AMERICA

(Mr. BOEHNER asked and was given permission to address the House for 1 minute.)

Mr. BOEHNER. Mr. Speaker, next week on September 27, Republicans from around the country and the incumbents here will stand on the steps of the Capitol and propose a contract with the American people. Last week the President came out and attacked this contract. This week our colleagues on the Democrat side here in the House have attacked it. I am really wondering why. This has not even been unveiled yet.

What Republicans want to do is bring real congressional reform to the House of Representatives. We want to guarantee to the American people that within the first 100 days of a Republican House that 10 bills will be brought to the floor for a full vote, commonsense reforms like a balanced budget amendment, a line-item veto, real welfare reform, a bill to stimulate economic growth, another bill to try to ease the regulatory burdens on the American people.

Yet, our colleagues on the Democrat side who have run this House for 40 years are complaining. Yes, I think they are scared. I think they are scared of losing their election. I think they are really more scared about losing their control over this institution.

Remember, this is not a campaign promise, this is a contract, and if we do not live up to our end of this deal, throw us out.

REPUBLICAN CONTRACT WITH THE AMERICAN PEOPLE

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, the foreign policy of this country is in shambles and yet Democrats come to the floor of the House of Representatives today largely in fear that the Republicans are going to go out and talk to the American people with a contract, a signed contract to do some real things in the next Congress.

The trade deficit of this country is ballooning but Democrats come to the floor today most worried about the fact that the Republicans might actually make a contract with the American people that will fix our economic competitiveness problems.

We are beginning to see signs of the collapse of the economy and yet Democrats are worried that the Republicans might actually sign a contract with the American people to balance the budget, reform welfare, and provide for some tax fairness.

It seems to me that the reasons why they are most worried about this contract is that they realize that the kinds of things that we are going to talk to the American people about are exactly what the American people have decided are in the best interests of this country. The American middle class is fearful that the economic collapse, trade deficit, the collapse of our defense, the foreign policy shambles are in fact a downward turn for America. They want people with a sense of hope for our future. The Republican contract is that sense of hope.

□ 1100

GENERAL LEAVE

Mr. DURBIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report on the bill (H.R. 4554) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1995, and for other purposes, as well as the Senate amendments reported in disagreement, and that I may include extraneous material and tables.

The SPEAKER pro tempore (Mr. MAZZOLI). Is there objection to the request of the gentleman from Illinois?

There was no objection.

CONFERENCE REPORT ON H.R. 4554, AGRICULTURAL, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1995

Mr. DURBIN. Mr. Speaker, I call up the conference report on the bill (H.R. 4554) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1995, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement see proceedings of the House of September 20, 1994, at page 24968.)

The SPEAKER pro tempore. The gentleman from Illinois [Mr. DURBIN] will be recognized for 30 minutes, and the gentleman from New Mexico [Mr. SKEEN] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me say at the outset the consideration of this conference committee report marks the end of an era on this important subcommittee of the House of Representatives. We are all painfully aware of the fact that our cherished colleague, the gentleman from Mississippi [Mr. WHITTEN], has announced his retirement.

The gentleman from Mississippi [Mr. WHITTEN] is literally a legend in the history of the U.S. House of Representatives, and for this particular Agriculture Subcommittee, it has been Mr. WHITTEN's world for so many years that the mind of man runneth not to the contrary on Capitol Hill. In fact, for 46 years, JAMIE WHITTEN of Mississippi has had a steady hand on the rudder for this important agency, the U.S. Department of Agriculture.

His legacy has been noted in speeches on this floor many times, but I will tell you that we can give him credit, a large measure of credit, for the fact that America, through this almost half century, has remained a country well fed with the most efficient agricultural production in the world.

He has fought long and hard for these programs and for many other programs for which he has not received credit. There is an orphan-drug program in the Food and Drug Administration which provides drugs for families which have a member suffering from rare diseases. These are not drugs that are really profitable on a market basis, but we invest in these drugs so these families have hope that the family member suffering from the disease may find some comfort, relief, or cure. The gentleman from Mississippi [Mr. WHITTEN] initiated this program on his own and did it with little or no fanfare.

I can tell you that literally thousands of American families owe a great deal of gratitude to him. In fact, all of us across this country do. We are going to miss him. He is a great institution.

For those who give long speeches about term limits, let me tell you, if we had lost the service of JAMIE WHITTEN after he had been here for 6 years, this Nation would have lost a great treasure and a great resource. He career and his contribution are unparalleled in the U.S. House of Representatives.

At the staff level, we also have a changing of the guard here which is a painful one for many of us. Bob Foster has been one of the very best members of the Committee on Appropriations staff over the years. He was appointed to the Committee on Appropriations by Chairman George Mahon in May 1969. He was assigned to the Defense Subcommittee, but came to his senses and moved over to the Agriculture Committee in 1972. He became clerk of the subcommittee in 1975.

Most folks do not understand the huge job which our staff members have in dealing with these budgets. This year this total budget is in the neighborhood of $68 billion. We literally have the hard work and good services of our three direct staff members, Bob Foster, Tim Sanders, and Carol Murphy, who are attempting to deal with this budget and to make some sense of it, find savings, and make certain that what we do is consistent.

Bob Foster has led this effort now since 1975. He has been my strong right hand for the last 2 years. He has announced his retirement. We are certainly going to miss his service. Like the gentleman from Mississippi [Mr. WHITTEN], he has made an incredible contribution to this country, one which most people will never know.

Those of us who have the responsibility of standing before the microphones and cameras realize how critically important their contribution has been. I want to personally thank Bob and, of course, thank all of the staff for the work that they have done.

I am blessed on the subcommittee to have the very best minority spokesman in the gentleman from New Mexico [Mr. SKEEN]. They just do not get any better. JOE and I have worked closely over the years. We have worked closely on this conference committee report.

There were some delicate moments, some tough moments, but we worked through them together on a bipartisan basis.

I could read the names of all the members of the subcommittee, and I could say that without exception these men and women have worked hard, have earned their pay, and have done a good job for the American people.

But let me speak to this bill, because I know it is a Friday, and people are anxious to go home and get back to their districts. This is known as the agriculture bill, and many people dismiss it as just an agriculture bill. If it were only that, it would be a very, very important bill.

In fact, it does provide for agricultural production programs to guarantee a reliable food supply for our country, and that is no mean feat. We have done that consistently throughout our Nation's history because of the foresight of planners in Washington and also because of the initiative and hard work of farmers and producers across America.

But this bill does so much more. It provides school lunches for 25 million American kids. It provides prenatal care nutrition for 40 percent of America's infants; some 6.5 million American mothers and infants and children work through the WIC Program to make sure they get adequate nutrition. This bill provides commodities to food banks, and food stamps for low-income and unemployed Americans; it provides for safe and nutritious food inspection so the families know they can be confident the food products reaching our tables are safe for their families; it protects our Nation's water resources; it preserves our soil; it builds homes, waterworks, and sewage treatment plants in small-town America; it provides disaster funds when floods, droughts, hurricanes, and other natural calamities occur. It also funds the Food and Drug Administration, which is the little giant of the Federal Government.

With less than $1 billion to approve our new drugs and medical devices, inspect our foods, monitor our Nation's blood banks, mammography clinics, and medical laboratories, this critically important agency is funded by this bill, and it serves each and every American family.

This bill passed the House on June 17, the Senate on July 20, it returned to the Senate August 12, and our conferees met September 19 and 20 and filed this report on September 20 after many hours of hard work by our staff people.

The conference agreement totals $68 billion. It is $2.8 billion less than last year. It is below the President's request by some $461 million. It is $1.2

billion below last year's spending in discretionary areas.

There is a lot of talk on this floor about cutting spending on Capitol Hill. We have just heard a long series of speeches on both sides of the aisle about the wisdom of a balanced budget. I will tell my colleagues that this is the first step, if you want to know what the balanced-budget process is all about. We literally had to sit down and take good and valuable programs, in some cases eliminate them, in many other cases reduce spending. I wish that we did not have to do that. Some of these programs really are necessary.

But in order to bring our deficit under control and keep our economy moving, it must be done.

Now, when we left the House, we had hoped the House Committee on Agriculture would establish a user fee for meat and poultry inspection in the United States. We assumed that they would and that we would derive some $100 million plus from that user fee that the industry would pay for overtime inspection, and that these funds could be used for other purposes. No legislation has been enacted, so we had to reduce the bill in conference in order to fund it, and with that suffering a shortfall of over $100 million. As a result, several programs were reduced below the mark which left the House.

We have funded the Food Safety Inspection Service of the U.S. Department of Agriculture at last year's level. We have given the Food and Drug Administration only $6 million more than last year, and with this level of funding they will be forced, I am afraid, to reduce the number of employees doing this important work.

In the major items of this bill, we have increased WIC by $260 million, which moves us toward full funding, a goal which I believe Democrats and Republicans share.

We have funded the TEFAP Program at $25 million for commodities. That is above the President's budget request.

We have provided funds for the Commodity Supplemental Food Program at $84 million, and we have also addressed a very contentious issue on the cashout of the Food Stamp Program. At this moment, 18 cashout projects have been approved by the U.S. Department of Agriculture and are in operation.

In this bill we provide that a total of 25 projects, including the 18 presently operating, can be approved by the Secretary, so long as the total of such projects does not exceed 3 percent of the total number of caseloads in the program.

I think this is an important step forward toward welfare reform. It gives the local units of government some flexibility in trying ideas to break the welfare cycle. I do not know of a single Member of Congress, Democrat or Republican, who endorses today's welfare system. We know it needs to be changed. We want to make sure the important mission of food stamps, to make certain America's people are well fed, is not compromised in the process. I think what we propose in this conference report meets that goal.

For the Soil Conservation Service, conservation operations account, we provide funding of $556 million, but allow unobligated, unneeded 1994 CRP and WRP balances to be transferred to the account.

We also provide watershed and flood-prevention operations at $70 million to continue the program.

We have our export programs funded, EEP at $800 million, MPP at $84.5 million, SOAP and COAP at $25.6 million.

☐ 1110

There is money, $905 million, for water and sewer loans, and $500 million for water and sewer grants in the Farmers Home Administration. One item we debated long and hard was section 515 rural rental housing. We maintained the same level as it left the House at $220 million. This is a dramatic cut from last year's spending.

I hope everyone involved takes very seriously the debate that took place in the committee and on the floor about the future of this program. We need Federal help to continue to build housing in rural areas for the elderly and low-income families. But we certainly need a better and more cost-efficient program. I hope this appropriation bill is a signal to the industry and to everyone involved to take this very seriously. If this program does not change when we come back next year, this Member, if he is reelected, will make certain that the message is delivered in even more forceful terms.

This conference committee report also includes disaster funding, funding necessary for 1994 crop losses, particularly in areas like Georgia and Florida, which have been hard hit, to provide this disaster assistance.

At this point I reserve the balance of my time.

I yield to the gentleman from New Mexico, my friend and colleague, JOE SKEEN, and again I want to thank JOE for the fine work he has put into this bill and that of his staff, as well.

Mr. Speaker, I reserve the balance of my time.

Mr. SKEEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to begin by saying to my chairman, the gentleman from Illinois [DICK DURBIN], that it has been to me one of the most pleasant associations and fruitful associations that I have ever experienced because, when you talk about respect and dignity, that is the way in which this chairman has led this group from the very beginning. I think it is in the best traditions of the gentleman from Mississippi [Mr. WHITTEN] whom we honor today.

I also want to speak about the staff. Bob Foster, Tim Sanders, Carol Murphy, all those folks who work so hard.

Now, Mr. Speaker, I do not know why Bob Foster wants to retire. He has been only giving us about 95 percent of his time for a long time, and I do not know why he wants to expand the 5 percent so as to have some enjoyable time on the golf course. But I am sure he is going to find some other pursuits. I have never seen a group so dedicated in my entire life to the furtherance of the work of this subcommittee to make sure that it is right, that it is accurate, that we are well informed.

Thank God nobody brought up the idea of term limitations for professional staff in the Congress of the United States because otherwise this place would never function as well as it does because there is an institutional memory and these folks should be given the kind of credit they deserve because day in and day out around the clock every season they are here, and we appreciate it very, very much.

It is also, I think, to the credit of our chairman that he is wise enough to keep that counsel going and to extend that tradition.

Now let me talk about the bill. I think the chairman has done a good job of covering it. This bill provides about $68 billion in new budget authority, approximately, for mandatory and discretionary USDA, FDA, and other related agency programs for fiscal year 1995.

This represents a reduction, a reduction of $2.8 billion, less than the amount enacted in 1994 and $461 million dollars below the President's 1995 budget request. Only $13.4 billion of the total is allocated for discretionary spending. That is a cut of almost $1.2 billion below 1994 and $457 million dollars under the budget request.

The discretionary spending makes up less than 20 percent of the total spending, meaning that mandated programs represent 80 percent of our spending, meaning that these, year in and year out, the mandatory spending programs require 80 percent of our funding there by law, and you must obey the law.

The mandatory entitlement programs continue to increase at an out-of-control rate. This bill's mandatory spending continues to gobble up more of the discretionary programs, including WIC, Agricultural Research, export and conservation programs, which is why Congress and the administration need to fight for expeditious consideration of entitlement reform.

The major differences: This conference report deleted the controversial user fees totaling more than $250 million from the Food and Safety Inspection Service and the Food and Drug Administration. This conference deleted this controversial user fee section. While deleting these user fees was a popular decision, we had to make a number of difficult choices about which program would be cut in order to make up the shortfall. The committee made sure that the Food and Safety Inspection Service, Agriculture Research Service, Food and Nutrition Service, and the Animal and Plant Health Inspection Service were among the agencies that were virtually fully funded. These are for the protection of the consumers of this country and for the entire world, for that matter, because we are a provider of foodstuffs to almost the entire world.

WIC, Agriculture Research, Federal Crop Insurance Corporation, and disaster assistance payments were also given high priority. On the other hand we were forced to cut some very popular programs. Farmers Home Administration section 502 and 515 loan programs on housing were necessary for us to cut. The Food and Drug Administration, temporary emergency food assistance program [TEFAP] is a very popular program among the some 26 nutritional programs that we deal in year in and year out, and the export programs, including the market promotion program, were cut in order to get below our budgetary caps. While the spending for those programs is lean, it is also responsible under these tough budget times and the parameters under which we have to work on the money situation.

This conference report makes sure that Federal spending will continue to insure that our food is the safest, healthiest, and cheapest food in the world. Spending for research helps our farmers compete and remain the most productive anywhere in the world. We are going to continue to feed the hungry here at home and abroad as we have done consistently throughout our history. This is what this conference report is all about. This is responsible Federal spending, but it is getting tougher and tougher as the discretionary money continues to decline. I urge you to vote for this conference report. It is a product worthy of final passage.

Mr. Speaker, at this time, if I may, I would like to engage the chairman in a colloquy.

There has been considerable interest in the disposition of amendment No. 81. This was a provision that has been in the appropriation bill annually since fiscal year 1986. Would the chairman please explain the impact of dropping this provision?

Mr. DURBIN. Mr. Speaker, will the gentleman yield?

Mr. SKEEN. I yield to the chairman.

Mr. DURBIN. I thank the gentleman for yielding.

Mr. Speaker, yes. I would be glad to discuss it. Since the early 1980's different administrations have continually proposed user fees for the Food and Drug Administration. At one point several years ago, the FDA claimed it had authority to collect generic user fees. It cited "31 U.S.C. 9701" as its authority to establish and collect such user fees. This particular law is very general in nature and provides that as one of the criteria of consideration is public policy. Congress has steadfastly explained to the FDA that due to the significant change in public policy for FDA to charge user fees it must come to the Congress, testify to any specifics, and have Congress address the issues. While the Appropriations Committee has not taken a position on the appropriateness of user fees, it firmly believes that such a significant change in FDA policy for user fees must be explicitly approved by the authorizing committees and the Congress. The FDA currently charges user fees for many activities but I know of no case where they charge without specific statutory authority. The conference decision to delete the language contained in amendment No. 81 in no way gives authority to FDA to charge generic user fees. Interested parties should know that if the FDA were to try to use 31 U.S.C. 9701 as user fee, authority that Congress would step in and take action.

Mr. SKEEN. I thank the chairman for the explanation and assurances. I, too, want to voice my support for what the chairman has said. I want to reiterate that the conference position did not in anyway give the FDA any generic user fee authority.

☐ 1120

Mr. Speaker, I reserve the balance of my time.

Mr. DURBIN. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona [Mr. PASTOR], a member of the subcommittee.

Mr. PASTOR. Mr. Speaker, today we are considering an important piece of legislation. It is one which will impact many American households by providing some of the most valuable and basic assistance contained in the U.S. budget. Funds provided here will help supplement the inadequate diets of too many of our children and senior citizens and help expand housing choices for many low-income citizens. I am pleased to be associated with the efforts that have produced this legislative proposal. It was a difficult process but one in which fairness and genuine interest in balancing competing interests prevailed.

Still, I would be remiss if I did not emphasize that some truly painful choices had to be made in the fashioning of this appropriations bill. Funds have fallen far short of the levels needed to adequately fund not only nutrition and housing programs, but also many important conservation initiatives.

I feel it is most appropriate to stress at this point that the budget cuts implemented in last year's budget agreement are real and will be felt through the country; the 1995 Agriculture budget clearly reflects a genuine effort to reduce the budget deficit. While I agree many cuts to the Federal budget are necessary in this context, I think some valuable programs have been reduced to the point where important initiatives will be virtually canceled. To illustrate, funding for The Emergency Food Assistance Program, or TEFAP, will not come close to filling the gaps many families face as they work to put food on their tables.

I worry about the choices which lie ahead for us, and hope that we will continue to work assidiously to preserve any progress we have made toward the goal of helping the neediest and most disadvantaged in our society.

Mr. Speaker, I also would like to thank the chairman of the subcommittee, the ranking minority member, and the staff for the fine work they have done.

Mr. SKEEN. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. WALSH], a member of the committee.

Mr. WALSH. Mr. Speaker, I thank my distinguished colleague, the gentleman from New Mexico [Mr. SKEEN], the ranking member of the subcommittee, for yielding me the time.

Mr. Speaker, I rise in strong support of H.R. 4554, the Agriculture Appropriations Conference Report, and I would like to thank and praise our subcommittee chairman, the gentleman from Illinois [Mr. DURBIN], the gentleman from New Mexico [Mr. SKEEN], and the staff for all their leadership and hard work in crafting this bill. I would also like to thank my colleagues on the subcommittee for the courtesies they have extended me. I have enjoyed working with them very much through this bill.

I would also like to say, Mr. Speaker, that I have been very proud to serve with Chairman WHITTEN over the past 2 years on this committee, and when I grow old, I can tell my grandchildren that I served with Chairman WHITTEN, as did my father, William Walsh, who has asked me to extend his regards also to Chairman WHITTEN.

Mr. Speaker, this conference report makes the best of a bad situation, as budget pressures caused us to cut many important programs, including Soil Conservation. We had tough decisions to make. But we were able to maintain $25 million in the Commodity Purchase Program for TEFAP and $40 million for administrative costs. This program has more volunteer activists involved than any other program I can think of within our jurisdiction. It does a good job. It helps people who do not receive public assistance, are too proud to receive public assistance, but are willing to go into a food pantry for some assistance.

Mr. Speaker, we were able to pass a bill that did not impose FSAS user fees for meat and poultry producers and did not impose user fees for the FDA.

I would like to thank the ranking member and the subcommittee chairman for their clarification of amendment No. 81 regarding user fees and state that I remain strongly opposed to additional user fees. We do not want to send a signal to the FDA, the OMB, or the Clinton administration that in any way could be seen as an encouragement for them to establish user fees. In fact, we need to be sending the opposite message to the administration, that is, that they need to stop submitting to Congress budget requests that contain unauthorized user fees.

I support the increase in the WIC program. It has broad, strong bipartisan support.

I would also like to praise Chairman DURBIN's compromise on the food stamps cash-out demonstration projects, limiting the total number of the projects to 25. While I question the good sense of this program, others do not. Others have faith in it. My feeling is that we should strongly support the EBT, the Electronic Benefit Transfer program, the use of debit cards for food stamps. I think we should be getting away from anything that is negotiable, as are food stamps and certainly cash. But there is some support for these demonstration projects. I think we should run the course with them and then eliminate them and get straight to the Electronic Benefit Transfer Program.

The conference agreement is $68 billion. It is almost $3 billion less than last year, and only 20 percent of this is for discretionary. It shows clearly that we on the Agriculture Appropriations Subcommittee are doing our fair share to meet deficit needs.

Last, Mr. Speaker, I would urge that the Members support the conference report.

Mr. Speaker, under permission to include extraneous matter, I submit into the RECORD clarifying language concerning an Agricultural Research Service project related to alternatives to chemicals on apples, as follows:

AGRICULTURE RESEARCH SERVICE

The conference agreement contains $300,000 for research on identifying practical alternatives to pesticides on apples. Apple growers are anxious to lessen their use of pesticides in the growing, handling, storing, and processing of apples to reduce production costs and environmental exposure. Alternative control approaches are important to identify as 35 or more diseases, insects, and other pests attack apples. It is expected that these funds will be allocated to ARS research projects and facilities in New York State (Geneva, Cornell) and California and that research and funding priorities should be done in consultation with the apple industry through the International Apple Institute.

Mr. DURBIN. Mr. Speaker, I yield 3 minutes to another member of the subcommittee, the gentleman from Iowa [Mr. SMITH].

Mr. Speaker, I would like to say, before the gentleman is recognized, that Mr. SMITH makes an extraordinary contribution to this subcommittee. His practical knowledge and firsthand experience in agricultural issues has been invaluable to us as we have debated this matter. He makes a positive contribution to this subcommittee and to the Committee on Appropriations, and I am just glad that we have him here.

Mr. SMITH of Iowa. Mr. Speaker, I first of all want to thank the gentleman from Illinois for those remarks, and I want to say that this subcommittee has done a very good job this year with a very tight budget. I want to give my accolades to the chairman of the subcommittee and the ranking minority member of the subcommittee and all the members and the staff.

As was indicated a while ago, we have a professional staff. I hear this talk on the floor all the time about congressional reform. They talk about what percentage should go to the majority and what percentage to the minority. We should not even be talking about that. We have a professional staff, and that is the way it ought to operate, and it operates well in this case.

Mr. Speaker, I rise in support of the conference agreement.

I wish to commend Chairman DURBIN, Ranking Member SKEEN, the members of the subcommittee and the staff for the hard work needed to bring this bill within the tight budget limits.

The conference report provides $68 billion in budget authority for fiscal year 1995, $1.2 billion less than what was available in fiscal year 1994 for discretionary programs, but all that is available under the allocations to the various subcommittees within which we stay to meet deficit reduction goals.

I believe that nearly all of the members of the subcommittee agree that we did the best we could with the allocated funds available. We could have fully justified additional funds for export programs, conservation, nutrition, food safety, rural development, and several other programs in this bill.

We could not do all we wanted to do, but we accomplished as much as possible through a judicious use of the funds that were available.

One thing that we accomplished which did not cost any money was to impose some limits on food stamp cashouts. There has been a recent rash of proposals by States wanting to pay for what they call welfare reform by securing cash from the Department instead of food stamps for low-income families. It is sure to result in many children's food allowance being used for other purposes. I vigorously oppose these cashouts and believe they must be stopped.

Under the conference agreement, the Department may not approve more than 25 cash-out projects at any one time. The limit is on the number of projects, not States. Some States have more than one project. At present, the Department has approved 18 projects. Some of these projects focus on AFDC recipients, others have the elderly and others cash-out food stamps for the first month or two to certain new applicants.

The conference agreement would also limit cash-out projects to a total of not more than 3 percent of the national household participation level for the Food Stamp Program.

I do not favor any cash-out programs that would take food out of the mouths of needy children and families. The conference agreement allows the current cash-out projects to continue until I believe they will be proven a bad experiment and provides an adequate opportunity to approve some spending applications for additional projects.

I urge your support of the conference agreement.

□ 1130

Mr. SKEEN. Mr. Speaker, I yield 5 minutes to the gentleman from Indiana [Mr. MYERS], another fine member of the subcommittee, a longtime member, one of the longest in tenure.

Mr. MYERS of Indiana. Mr. Speaker, I thank the gentleman for yielding.

I rise first to say this committee is going to be quite different next year. We knew that the gentleman from Mississippi, Chairman WHITTEN, was going to leave our committee, and it is going to be a tremendous loss to this committee, because I do not think there is anyone in this Congress that knows more about agriculture, knows more about the experience of the various programs, how they came about, how they have been funded, than our colleague JAMIE WHITTEN. So we are going to miss the gentleman from Mississippi very much.

I was surprised this morning to learn one of our staff members now is also joining those ranks. Is there a message coming across here we do not know about? Bob Foster, who has helped both Democrat and Republican, ignoring politics, as has already been mentioned by Mr. SMITH of Iowa. This committee has always been nonpartisan, not bipartisan. In the interests of helping agriculture and helping farmers, we cannot afford to be partisan. We have to put our best foot forward at all times.

Yes, I guess next to the gentleman from Iowa [Mr. SMITH], I will be the longest serving member then of the Committee on Agriculture next year.

Certainly the gentleman from Iowa [Mr. SMITH], being a practicing farmer like myself, knows something about the problems of a producer today.

This is where I have concern today with this agriculture appropriation bill. Realizing that it is not the fault of any member of this committee, and I commend every member of this committee, and the staff, for the hard work. The 602(b) allocations that were given to us earlier in the year dealt us a severe blow. And I certainly support reducing spending. But we reduced it here on the backs of the wrong people, the people that can least afford to be cut.

I believe in a balanced budget, but we cut agriculture research in this bill. If there is any place where a farmer can be helped today, it is finding better production methods, more use for agricultural products, so we can get a better price for the product we produce. And this is being cut in this bill. This is not the fault of the committee, but the fault of the allocation system.

In the committee, the mandates are 80 percent of the bill today, and the discretionary, where we have an opportunity to play with some money, to put it where it best can be served, down to 20 percent, and both of those figures are moving in opposite directions. Next session we must do something about this. We simply have to cut down the mandated section, so we will have more opportunity to help the farm producer out there who is suffering today. When those figures are 80–20, it is way out of proportion. When we look at the allocations in title I, the farm programs, the programs that go directly to a farmer to help him, where the research money is, we find a reduction of 11 percent this year from last year. A reduction of 11 percent in research and farm programs that help the farmer produce.

Using one comparison of where we also had to meet cuts to meet the budget that our chairman spoke about, the National Endowment for the Arts. I do not think many people here find a whole lot of favor, and our constituents certainly do not, we cut the national Endowment for the Arts only 2 percent, leaving all that money in for pornography and all of these social programs that most taxpayers could care less about. We cut that only 2 percent, while we cut farm production, helping farmers to be competitive, in not only our own market but the world market, we cut it 11 percent. So again, it is not the criticism about this committee, but the procedure we are using today. The only thing we can do about it is next year start to do something about these mandates versus discretionary funding. I hope the next session of Congress, we all get our heads together and start doing something about this.

So again, it is the best bill I think that could be produced, but it comes far short of what we should be doing to help farm producers, meeting agribusiness, meeting world competition, where most of the export surplus can be exported. I hope next year we can do better.

Mr. DURBIN. Mr. Speaker, I yield such time as he may consume to the gentleman from American Samoa [Mr. FALEOMAVAEGA].

Mr. FALEOMAVAEGA. Mr. Speaker, I lend full support to the conference committee report on H.R. 4554, and I commend the chairman, the gentleman from Illinois [Mr. DURBIN], and the ranking minority member, the gentleman from New Mexico [Mr. SKEEN], and members of the conference for the outstanding job they have done in this important legislation now under consideration in the House.

Mr. Speaker, thank you for giving me the opportunity to submit a statement on this very important bill. I stand in strong support of H.R. 4554, Agriculture appropriations for fiscal year 1995. With my colleagues I would like to express my appreciation for all the hard work and time that members and their staff, of both House and Senate subcommittees, have put in to crafting a comprehensive and well thought-out bill.

As the bill progressed through both the House and Senate my attention lay with the treatment of funding for the American Samoa Food Stamp Program—slightly modified to provide nutritional assistance only to the elderly, blind, and disabled persons. I was pleased to see that this program gathered a lot of support especially when there was the possibility of underfunding.

I support the conference report in that future appropriations for this program should be funded under the proper food stamp account and not the discretionary account of food donations. Because of the unique nature of this program we can not afford to play with nutritional assistance appropriations, especially to the needy.

I ask my colleagues to work with me on this and ensure that American Samoa's Food Stamp Program is properly authorized in the 1995 farm bill. Let us apply equal treatment to this program as we have done to other nutrition assistance programs.

Once again the combined efforts of key members and staffers ensured that American Samoa's program would not be left in the cold. I especially would like to thank the following people for their assistance in this matter: Representatives RICHARD DURBIN, JOE SKEEN, and staffer Carol Murphy; Senators J. BENNETT JOHNSTON, DANIEL INOUYE, PATRICK LEAHY, and their staffers, Laura Hudson, Margaret Cummisky, Mark Fox, and Edward Barron; from American Samoa, Governor Lutali and director of ASNAP John Suisala, and last but not least USDA Secretary Mike Espy and his staff at Food Nutrition Services. Thank you so much for your help.

DEPARTMENT OF AGRICULTURE,
Washington, DC, September 1, 1994.

Hon. ENI F.H. FALEOMAVAEGA,
House of Representatives,
Washington, DC.

DEAR ENI: This is in response to your letter of July 27, 1994, requesting support for the future funding of the American Samoa Nutrition Assistance Program (ASNAP) for the low-income elderly, blind, and disabled in American Samoa. I want to assure you of the Department of Agriculture's (USDA) support for this program.

USDA has requested $5.3 million in funding for ASNAP for fiscal year (FY) 1995 which should be more than adequate considering the initial participation. I assure you that USDA is committed to securing appropriate funding for the program. As you know, the House of Representatives deleted funding for ASNAP in H.R. 4554, the FY 1995 USDA Appropriations Bill, but the Senate included ASNAP funding as the Administration had requested. We will urge the House and Senate conferees to provide appropriate funding for ASNAP so that future operation of ASNAP is not in jeopardy. We also support your efforts to help resolve this problem.

I was pleased to be able to support ASNAP by sending Food and Nutrition Service (FNS) staff from the national office, the Western Regional Office, and the Honolulu field office to American Samoa in June and July to provide technical assistance for the opening of the program on July 1, 1994. I also plan to send FNS staff to American Samoa in September to provide further assistance.

Once again, I assure you of USDA's commitment for securing funding for ASNAP and we will work with you toward that goal.

Sincerely,

MIKE ESPY,
Secretary.

Mr. DURBIN. Mr. Speaker, I yield 5 minutes to the gentlewoman from Ohio [Ms. KAPTUR], a very valuable member of the subcommittee, one of my colleagues who came to Congress with me.

Ms. KAPTUR. Mr. Speaker, I rise today in full support of this agriculture appropriations conference report, and want to especially compliment our chairman, the gentleman from Illinois [Mr. DURBIN], for his stellar leadership, along with our ranking member, the gentleman from New Mexico [Mr. SKEEN]. I also want to thank Bob Foster for his dedicated years of service, not just to this committee, but to the American farmer and American agriculture. It is that type of professionalism which has kept America the most productive nation in the world.

I could not stand here today and not acknowledge the presence of our chairman, the gentleman from Mississippi, JAMIE WHITTEN, for his years of service and lessons to all of us, especially teaching us that there is a difference between money and wealth. Our job on the Committee on Agriculture is to help create the wealth of America through the investments that we make through this department.

Mr. Speaker, the bill appropriates $68 billion in fiscal year 1995 spending. This is $2.8 billion less than the fiscal year 1994 bill, $461 million less than the President's request, and $1.2 billion less than fiscal year 1994 discretionary spending.

To call this an agriculture bill is a bit misleading. Nearly 60 percent of the programs funded by our subcommittee are nutrition programs, primarily food stamps. The bill also funds rural development, food assistance, and export programs as well as the Food and Drug Administration.

Mandatory spending not under the jurisdiction of this subcommittee accounts for a majority of the appropriations in this bill. Discretionary spending in this bill amounts to $13.4 billion in budget authority.

I would like to commend the chairman and the members of the subcommittee for putting together a fiscally responsible bill. We were faced with tight budget constraints that forced us to cut over 70 programs including: rural rental housing, emergency food assistance, agricultural research, and conservation programs.

Tough choices had to be made. Yet while faced with tight budget constraints we were still able to shift resources to priority programs. I am especially pleased we were able to extend $1 billion in emergency disaster assistance to those communities who suffered through the severe weather conditions of this past year. In my own district, the nursery industry suffered losses as a result of ice storms and the extreme cold this past winter. This bill will assist these vital small businesses in their recovery.

Our subcommittee worked hard to see that TEFAP, the Emergency Food Assistance Program, receives funding for commodity purchases in spite of the administration's recommendation to zero out this program. This program will receive $65 million for fiscal year 1995; $25 million for commodity purchases and $40 million for administrative expenses.

The Women Infants and Children Feeding Program receives an 8-percent increase over last year's funding and is intended to move the program to the administration's goal of full funding for WIC by the end of 1996. WIC decreases infant mortality rates and investments in WIC are offset by decreases in long term Federal Medicaid expenditures.

Traditional farm programs however continue to receive a decreasing portion of our spending. With the upcoming debate on the 1995 farm bill, it is my hope that we can reverse this trend.

In the decade of the 1980's we have slowly eroded the basis of American agriculture—the family farmer—and are moving in the direction of large corporate farms. I will be looking to next year's farm bill to ensure that prices are maintained at a level high enough to compensate for costs of production and to maintain standards of living in order to attract and retain individuals in farm production. We must also negotiate trade agreements which encourage and enhance the ability of family farmers to compete in world markets.

In agriculture trade, we must also work to recapture lost markets and increase exports. As American agricultural exports grow, foreign agriculture exports are being shipped to the United States in greater magnitude. Since 1981, our agricultural exports have declined from $43.8 billion to a low of $26.2 billion in 1986 and back to $37.6 billion for 1991. Under the USDA programs, the profit has gone to the exporter but the cost is charged to the farmer. Since 1981 agricultural imports have increased from $10.8 billion to $22.6 billion in 1991, a 100-percent increase, in many cases these are products our own farmers could be selling.

In closing, I want to again commend the chairman and the ranking member for putting together a good bill. I urge the Members to support this fiscally responsible measure.

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Mr. DURBIN. Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. PETERSON], a member of the subcommittee and hard-working contributor to this important conference report.

Mr. PETERSON of Florida. Mr. Chairman, I rise in strong support of this bill, a very tough bill. I think we did the best job we could with the constraints that we had. I also want to commend the gentleman from Mississippi [Mr. WHITTEN], for all of his service to this committee.

It has been absolutely magnificent. He will be sorely missed.

I, too, was surprised to hear that Bob was going to move out on us next year. I just wanted him to know that he taught me a lot in the last 2 years. His process that he gave to me will be used in ongoing years as we go ahead.

This is a very austere bill. I am very concerned with the fact that we did not do what I felt we should do, be able to do in conservation programs, emergency feeding programs, and certainly in the rural housing programs. Those are issues that are very dear to America and certainly to rural America.

We have got to look at this as we get into the next year. I strongly support, in closing, the electronic transfer card as we get into the food stamp program. We have got to expand this process. We have to look at this as America demands greater accountability as we look at the expenditures as food stamps grow in ensuing years.

I appreciate the good works of the gentleman and the ranking member as we worked on this very difficult bill.

Mr. DURBIN. Mr. Speaker, I yield 2 minutes to the gentlewoman from North Carolina [Mrs. CLAYTON].

Mrs. CLAYTON. Mr. Speaker, I rise in strong support of this conference report and urge my colleagues to support its passage. I commend the gentleman from Illinois for his dedication, leadership, and diligent work in drafting this legislation. I applaud the conference committee's efforts in supporting American agriculture and the U.S. Department of Agriculture's food and nutrition programs which are so important to millions of Americans.

Mr. Speaker, we should not overlook the difficulty which the Appropriations Committee faced in putting together this crucial legislation. Despite this difficulty, this bill manages to put a premium on the needs of families and children while maintaining the U.S. Department of Agriculture's commitment to our Nation's farmers and rural communities.

I applaud the conference committee's resolve in maintaining the funding level which the House passed originally increasing the Women, Infants, and Children [WIC] Program by $260 million for fiscal year 1995. This increase guarantees that the administration's goal of full funding for WIC by the end of 1996 is right on schedule. Thousands of families with young children across this Nation will benefit from this effective program.

Furthermore, I applaud the chairman for his continued support for the section 515 Rural Housing Program. The funding level in this legislation will enable scores of poor rural families in this Nation to have decent and affordable housing.

This conference report is both fiscally responsible and good for rural America. I urge my colleagues to support passage of this conference report.

Mr. DURBIN. Mr. Speaker, I yield 1 minute to the gentleman from Arkansas [Mr. THORNTON], a member of the subcommittee.

Mr. THORNTON. Mr. Speaker, I want to rise to express my deep appreciation to the gentleman for his leadership in this subcommittee and to express my appreciation and that of the entire State of Arkansas, and, indeed, our Nation for the leadership of the gentleman from Mississippi [Mr. WHITTEN].

In 1972, when I was elected to my first term in Congress, the gentleman from Mississippi [Mr. WHITTEN] was already a legend. He has conducted himself in a manner that is exemplary of what all of us should aspire to be.

Additionally, the gentleman from New Mexico [Mr. SKEEN] has shown the kind of bipartisan support that has made this difficult bill possible.

Mr. Speaker, in Arkansas we have a saying that when the going gets tough, the tough get going. This was a year in agriculture where the going got tough. Thanks to the leadership of the chairman, the tough got going.

We worked on programs to continue the support for education. As a former president of a land grant institution, I know the importance of that program in support of rural housing in section 515.

I just want to congratulate the gentleman for his leadership and rise in strong support of this conference report.

Mr. DURBIN. Mr. Speaker, I thank the gentleman from Arkansas. If the going gets any tougher, I am going to give this back.

Mr. Speaker, I yield 2 minutes to the gentleman from North Dakota [Mr. POMEROY].

Mr. POMEROY. Mr. Speaker, I rise to engage the distinguished chairman of the Appropriations Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and related agencies in a colloquy about a matter of great importance to the State of North Dakota that I represent.

As the chairman and I have discussed, North Dakota has been excluded from participation in the Wetlands Reserve Program because our State law limits Federal wetlands easements to 30 years. The Department of Agriculture issued regulations for the Wetlands Reserve Program so that only States with permanent easements could participate. As a result, North Dakota, a State comprised of a major portion of the Prairie Pothole Region with highly valuable wetlands has never been permitted to participate in this valuable program.

Mr. Speaker, the gentleman and I have worked together to include report language in this year's agriculture appropriations bill to clarify the intent of the Wetlands Reserve Program. When Congress passed the law in 1985, it created a method to prioritize with the highest value and the longest term easements being most attractive for participation in the program.

Mr. Chairman, I ask the gentleman, is it the intent of the committee to include North Dakota in the Wetlands Reserve Program and to compensate producers for the high value wetlands?

Mr. DURBIN. Mr. Speaker, will the gentleman yield?

Mr. POMEROY. I yield to the gentleman from Illinois.

Mr. DURBIN. Mr. Speaker, before addressing the question directly, let me thank the gentleman for his contribution. Agriculture is so critically important to the economy and future of the State of North Dakota as well as our Nation. The gentleman from North Dakota [Mr. POMEROY] has made a valuable contribution to this Congress. I have enjoyed working with him.

I am happy to rise to participate in this colloquy to clarify a very important point. It is, indeed, the intent of the committee to include States covered by the Water Bank Program in the Wetlands Reserve Program. North Dakota is one such State. The Wetlands Reserve Program is an important program to preserve, protect, and restore wetlands, improve wildlife habitat, and protect migratory bird habitat. Established criteria for the program ensures that the highest priority wetlands are accepted in the program.

Mr. POMEROY. Mr. Speaker, is it further the intent of the committee that the U.S. Department of Agriculture, in its administration of this program, create a fair compensation scheme for high-value wetlands with less than permanent easements?

Mr. DURBIN. Mr. Speaker, if the gentleman will continue to yield, while the committee believes that permanent easements are the most cost-effective and environmentally beneficial, it is the intent of the committee that the Department recognize that States such as North Dakota have State laws regarding easement limitations and adjust the regulations accordingly.

Mr. POMEROY. Mr. Speaker, I thank the gentleman for yielding time to me, and I congratulate the Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and related agencies for their very good work.

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Mr. SKEEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just want to say one more time what a distinct honor, privilege, and pleasure it is to serve with the people who have served on this committee under the leadership of our chairman, who has done an outstanding job and very innovative.

I want to say, also, members of this subcommittee are outstanding men and women, each and every one of them. It is a real pleasure and privilege. About all we get out of life is the friends that we make and the acquaintances that we make. I really treasure those of you who have served on this committee with us, because you have made it a real pleasure to do it. I think it has been a very effective job.

A lot of times, Mr. Speaker, we think we have to apologize to the public for what we do. In this case, we do not even have to apologize, because we have given it our all and done our very best.

Mr. BEREUTER. Mr. Speaker, this Member is pleased that this conference report includes $1 million to fund a 50-project demonstration program to provide Federal loan guarantees for the development of multifamily rental rural housing. This Member thanks the distinguished gentleman from Illinois [Mr. DURBIN], chairman of the Agriculture Appropriations Subcommittee, the gentleman from New Mexico [Mr. SKEEN], the ranking member of the subcommittee, and all of the conferees for their cooperation in funding this program.

Mr. Speaker, this demonstration program is included in H.R. 3838 which passed the Banking Committee on June 15, 1994. The conference report specifies that the $1 million transfer would become available only upon the enactment of the authorizing legislation. This would leverage up to more than $30 million in loan value, and probably far more than that figure.

The demonstration being funded will finance 25 projects in each of fiscal years 1995 and 1996 and will provide a 90-percent guarantee on loans made by private lenders to the developers of rental housing for five or more families in rural areas.

Current law provides direct loans for the development of rental housing for low to moderate income families. The demonstration program will provide for additional housing for low and moderate income families at a limited cost to the Federal Government. Unlike direct loans, which require appropriations of the whole amount of a loan, loan guarantees only cost the Federal Government the amount of defaults on private loans. For example, the current FmHA 502 Middle Income Loan Guarantee Program for single-family housing development in rural areas began similarly as a demonstration program, which this Member also advocated. It is currently operating with great success, in fact the 502 Program's default rate is only 2.33 percent.

Funding this new demonstration program will allow us to move forward to provide a cost effective innovative method for financing rural rental housing.

In addition, Mr. Speaker, this Member is pleased that the committee has agreed to provide $423,000 in agricultural research funding for the Midwest Food Manufacturing Alliance. The alliance is an association of 12 leading research universities whose purpose is to develop and facilitate the transfer of new food manufacturing and processing technologies.

Mr. Speaker, the future viability and competitiveness of the U.S. agricultural industry depends on its ability to adapt to increasing worldwide demands for U.S. exports of intermediate and consumer good exports. In order to meet these changing worldwide demands, agricultural research must also adapt to provide more emphasis on adding value to our basic farm commodities. The Midwest Advanced Food Manufacturing Alliance provides the necessary cooperative link between universities and industries for the development of competitive food manufacturing and processing technologies. This will, in turn, ensure that the U.S. agricultural industry remains competitive in a increasingly competitive global economy.

Mr. Speaker, this Member is also pleased that the conference committee has agreed to adopt Senate recommended funding levels for all but one of the following ongoing Cooperative State Research Service [CSRS] and Extension projects at the University of Nebraska-Lincoln:

CSRS:	
Food processing center	$42,000
Nonfood agricultural products	93,000
Sustainable agricultural systems	59,000
Rural housing policy	68,000
Rural Policy Research Institute (Consortium)	644,000
Drought mitigation	200,000
Extension:	
Rural development	392,000
Chinch bug, Russian wheat aphid	67,000
Agricultural communications	1,221,000

However, Mr. Speaker, this Member is extremely concerned that the huge growth of entitlement spending in the agriculture appropriations conference report, which now accounts for more than two-thirds of all agricultural spending, is crowding out the normal and necessary appropriations for crucial agricultural research, soil and water conservation, and agricultural lending and export promotion programs.

Unfortunately, this entitlement spending does not represent an investment in the future of the agricultural industry. Instead, Mr. Speaker, cuts in discretionary spending programs like basic agricultural research at universities across the country, watershed and flood prevention operations, and agricultural export promotion represent a serious lack of investment in the future of the agricultural industry. For example, this years appropriations bill cuts agricultural export programs below levels the United States agreed to in the Uruguay round trade agreement negotiations. This unilateral reduction in export subsidies is naive and will only enable foreign competitors to continue to gobble the United States' rapidly declining share of world agricultural trade, while seriously jeopardizing our annual $18 billion trade surplus in this important industry.

Moreover, Mr. Speaker, this appropriations bill cuts Farmers Home Administration agricultural lending programs at a time when it is increasingly difficult for young farmers to get started and when cattle and hog prices have reached dangerous lows, and it drastically reduces funding for the Soil Conservation Service and many other important soil and water conservation programs including: Flood Prevention, cut from fiscal year 1994 $221 million to $70 million; Agriculture Conservation Program, cut from fiscal year 1994 $195 million to $100 million; and Water Quality Incentive Program, cut from fiscal year 1994 $18.5 million to $15 million.

Nevertheless, Mr. Speaker, despite severe spending cuts in nearly all discretionary agricultural spending programs, this Member reluctantly supports this legislation because defeat of the bill could, in fact, expose the agricultural industry to even greater cuts.

Again, Mr. Speaker, this Member would like to thank the distinguished gentleman from Illinois [Mr. DURBIN], chairman of the Agriculture Appropriations Subcommittee, the gentleman from New Mexico [Mr. SKEEN], the ranking member of the subcommittee for their work in bringing this conference report before the House.

Mr. WHITTEN. Mr. Speaker, I would first like to say that I greatly appreciate the work of Chairman DURBIN and our colleagues on this bill, the last rural development and agriculture appropriations bill I will have a chance to vote for.

I am sorry to hear, also, that the subcommittee is losing the services of my friend and colleague, Bob Foster. Bob and I have worked closely throughout the years and I have found him to be invaluable. I know the subcommittee will greatly miss his expertise and advice. I wish he and his wife Jean every success in whatever the future holds for them.

As you know, this marks my final vote for a rural development appropriations bill, and I do so with a great sense of pride in what we have been able to accomplish over the years for rural communities. While this year there were several disappointments about the level of cuts we faced under the current deficit reduction program, this year's bill does continue to provide for worthwhile Federal programs such as rural housing, water and sewer programs, rural electricity and all the rest that mean so much to agriculture and rural America.

Along with the many national programs provided for in this bill, the conference committee also provided for many programs of vital interest to my State of Mississippi. The bill included funds for the National Center for Physical Acoustics and for the School Food Service Management Institute at the University of Mississippi. It provided for continued research on Kenaf, a new fiber plant being grown in the delta and processed in Charleston.

Funds were also included for the Natural Products Center at Ole Miss, for the Polymer Institute at the University of Southern Mississippi, for program grants at Mississippi Valley State University, and for numerous agriculture research programs at Mississippi State University.

The conference approved funding over and above the budget request for the Soil Conservation Service's watershed and flood prevention operations.

Research funds were also provided to continue aquaculture programs, both in the delta and on the gulf coast. Continued funding was included for the National Sedimentation Lab at Oxford and the Pesticide Research Unit at Stoneville.

Mr. Speaker, these are all programs that benefit my State, but also the Nation as a whole. As I have pointed out many times, agriculture is the basis for all the rest of our economy.

Mr. HUGHES. Mr. Speaker, I rise today in strong support of H.R. 4554, the conference report on the 1995 Department of Agriculture and related agencies appropriations bill.

I would like to start out by applauding the members of the Agriculture Appropriations Committee for their excellent work in producing a fine piece of legislation. I commend the chairman, Mr. DURBIN, and my colleagues for their worthy efforts and cost consciousness in keeping the USDA fiscal year 1995 budget down to $68 million by distributing these limited funds among important projects for our Nation's farmers. This funding level is well below budgetary limits set by the administration as well as last year's appropriations legislation.

Our country is one of the leading agricultural industries of the world. H.R. 4554 provides funding for a wide variety of agricultural programs which help us to maintain our renowned status. I am particularly encouraged by efforts to fund research and development, soil conservation, domestic food assistance, and disaster relief programs which benefit the entire country, including the State of New Jersey.

The research and development activities undertaken at the Agricultural Experiment Station at Rutgers University are vital to agricultural development. These activities include the interregional research project No. 4 [IR–4], the Agricultural Biotechnology Center, and the ARS Station. H.R. 4554 allocates $5.711 million to continue IR–4, a national research program to clear pest control agents for use on minor crops. IR–4 produces research data on pest control products in minor, food crops and ornamental commodities. IR–4 services every State and is headquartered at the New Jersey Agricultural Experiment Station. In addition, Rutgers University's Cook/Douglas Campus houses a plant bioscience and biotechnology center whose purpose is to propel plant sciences and agricultural biotechnology to premier national status. This center is earmarked to receive $3.785 million to help complete construction of the second phase of this chief test sight.

Furthermore, a leading agriculture research station, located in Chatsworth, NJ, ranks top in blueberry and cranberry production as it works to develop technology to reduce pesticide use and its impact on the environment. I am pleased by the decision of the conferees to allocate $220,000 for additional research at this site, as well as restoring $510,000 in funding for continued operation of the Chatsworth ARS Station.

I am sure that my colleagues agree that we could not maintain strong R&D activities and a viable farming industry without the commitment to preserving the land. H.R. 4554 seeks to conserve our soil, water, and other precious resources through a balanced cooperative program. While I am concerned that the $556 million appropriated for soil conservation operations conducted through the Agricultural Stabilization and Conservation Service and the Soil Conservation Service will not allow our farmers to benefit from the technical assistance provided in years passed, I do understand that we are experiencing difficult fiscal times which include having to make tough decisions about sensitive funding issues.

H.R. 4554 also provides $40.25 billion for domestic food programs. Among the many important programs include the Emergency Food Assistance Program [TEFAP] and the Women's Infant and Children [WIC], Farmer's Market Nutrition Program, which will enable States like New Jersey to provide access to a more nutritious diet for persons with low incomes.

New Jersey's TEFAP Program currently services nearly 523,000 needy recipients including families, individuals with disabilities, and senior citizens. Currently as many as 15 different foods and supplemental commodities, are being distributed through more than 1,100 local public distribution sites. I applaud my colleagues on the conference committee for continuing to provide funds to administer and purchase foods for the TEFAP Program. Furthermore, I am delighted to report that in fiscal year 1995 New Jersey will be among several States participating in the WIC Program. H.R. 4554 allows for New Jersey to receive $153,149 in Federal funds to administer WIC for the first time since its inception. Approximately 40 percent of the children born this year will go through the WIC Program and the committee's decision to continue its funding is a worthwhile investment for our future.

Finally, I realize that the Members of this Chamber are all sensitive to the devastating effects that mother nature has inflicted this past year. From the winter freeze, to ravaging floods and the engulfing flames of wildfires, our Nation's farmers have been faced with the ultimate challenge. H.R. 4554 provides much needed funds to qualifying growers, such as those in New Jersey who have experienced severe weather conditions such as icing, heavy snow, frost, hail, high winds, and rain, and even a tornado. Farmers in my State and around the country will soon be able to apply for disaster payments to help them recover and replant lost crops.

The fiscal year 1995 Agriculture appropriations bill is a promising funding measure for the agricultural industry. In these tough economic times, it is difficult to establish a funding bill to satisfy all. However, I feel that H.R. 4554 provides sufficient means for many important programs. Therefore, I strongly encourage my colleagues to join with me in supporting this bill.

Mr. MCDADE. Mr. Speaker, I rise in support of the conference report. The fiscal year 1995 appropriations conference report continues our support for the important and diverse agricultural production and food assistance programs. Our agriculture sector contributes a major and important portion to the vitality of our Nation's economic health. More than $40 billion in export trade and millions of jobs depend upon the hard work and productivity of our farmers and ranchers. Our core Agriculture programs, especially cooperative research, soil conservation, export trade assistance, and other price and income assistance work in tandem with American agriculture to maintain our abundance of wholesome and healthy food. It is easy to forget and often take for granted the truisim that America enjoys the very best food, and at the most affordable prices in the world.

For most of our history this appropriation bill has effectively maintained a good balance and ratio of Federal support for farm production programs and food assistance for the poor. But today, unfortunately, due to our budget deficit problems, we find ourselves with dwindling and scarce budgetary resources, especially for the discretionary agriculture production and support programs.

This imbalance is evidenced, rather dramatically by this conference report. Over 80 percent of the proposed spending, or a little more than $54.6 billion is allocated for spending on social welfare and mandatory programs, while only about $13.6 billion of the total is available for the traditional farm programs. This imbalance was also further compounded by the Clinton budget cuts of over $2 billion for this years agriculture spending below 1994 levels. And the fact that only the WIC Program with an increase of $260 million and Food and Drug Administration salaries and expenses are funded at significantly higher levels than last year.

Mandatory spending on food stamps is increased by $600 million for a total of $28.9 billion over 1994.

Despite the bad hand dealt us by the President's budget and our lowered 602b allocations, our distinguished and creative subcommittee chairman, DICK DURBIN and our dedicated ranking Republican, JOE SKEEN, performed true miracles to bring us an improved product. They and all of the other good members of this subcommittee were forced to make enormously difficult choices, and I have nothing but the greatest respect for the work they have performed.

Mr. Speaker, I am pleased that $1.0 billion in rural housing loan guarantees are made available for the section 502 FMHA program, up $250 million over last year. This cost effective homeownership program will assure that more than 25,000 rural families will achieve homeownership. I am proud that this program which I introduced in 1987 is achieving it's goals. I also commend Chairman DURBIN and my good friend from New Mexico, JOE SKEEN, for their continued fight to preserve vital agriculture research funding. Where for such a small dollar investment of under a billion dollars in Federal spending the returns for higher quality and disease and insect reductions for crops is more than three times the pay back benefit.

Again, Mr. Speaker, I wish to thank my colleagues on their effort and I strongly recommend approval of the conference report.

Ms. LAMBERT. Mr. Speaker, I rise today in support of H.R. 4554, the fiscal year 1995 Agriculture appropriations bill. Chairman DURBIN and the members of the Agriculture Appropriations Subcommittee, as well as Chairman BUMPERS and his colleagues in the Senate have done a remarkable job with limited resources, and they are to be commended for their tireless efforts on behalf of America's farmers.

This bill comes to us today costing $461 million less than the administration's request, and $2.8 billion less than was appropriated for fiscal year 1994. Shrinking appropriations bills are a sign of the times and a trend that must continue. The Federal Government must spend less and deliver better service if the American people are to retain faith in our Government. I have been a strong supporter of increased fiscal responsibility and tough spending controls. Although I support this bill and the important programs that it funds, I come to the floor today more than a little frustrated with yet another decrease in funding for American agriculture.

I would like to remind this body of a few facts that I and my colleagues on the House Agriculture Committee have been pointing out during the entirety of the 103d Congress: agriculture programs account for less than 1 percent of the Federal budget and yet agriculture is the only sector of our economy that has a trade surplus. With that relatively small investment, we not only feed this country, but much of the entire world. That statistic alone is remarkable. But consider the fact that all of this has been accomplished while agriculture programs have been cut over $52 billion during the last 12 years, and the cuts keep coming. The Agriculture Appropriations Subcommittee had one of the smallest 602b allocations of any subcommittee and the administration cut USDA's budget more than any other agency. In addition, in the spirit of "Reinventing Government"—of which we have all heard so much and seen so little—USDA was the only department to submit a reorganization proposal. One would think that American agriculture would be held as the model for reform, but instead we are continually used as a political target for budget cuts—as if the budget could be balanced on less than 1 percent of its entirety.

I don't attribute these cuts to any malevolent intention but rather to a lack of understanding from a country—and a Congress—that has grown increasingly urban and disassociated with agriculture. As each generation gets further and further from the farm, our farmers have been increasingly taken for granted.

We as Americans have the luxury of the most affordable, safest, and most abundant food supply in the world. That fact must not be lost on the American public. It seems that people have come to believe that the food they enjoy magically produced itself on the shelf of the local grocery store, forgetting that it was once part of a crop that was nurtured by a farm family who faced incredible adversity from the weather, increased cost of production, and burdensome regulations. We must reverse this trend of public opinion and hold the American farmer as a model of the principles that this country was founded on rather than as a scapegoat for budgetary and environmental problems.

Mr. Speaker, we are about to enter a farm bill year in 1995 and I want to take this opportunity to serve notice that I intend to vigorously support and defend our farmers from self-appointed economists who would cut farm programs while our competitor countries subsidize at much higher levels—leaving our farmers at a global disadvantage; I intend to defend them from attacks from radical environmentalists who seek to place the environmental problems of the country on the back of the farmer, and who want to regulate them out of existence. I intend to remind them that our farmers are the original best stewards of the land and have a direct stake in its health.

Again I want to commend Chairman DURBIN for his hard work and support of American agriculture, and I urge my colleagues to support this bill.

Mr. GUNDERSON. Mr. Speaker, it takes a lot for a farm State Representative to rise in opposition to agricultural appropriations legislation; however, given the contents of the conference report presented to us here today, we simply have no choice.

For centuries, farmers have had to face great adversaries—climate, weather, predators, and pests. Today, those adversaries pale in comparison to the unholy duo of the Uruguay round of GATT and unfunded mandates. Legislation that we are about to consider in this body will forever change the world our agricultural producers will face.

From the beginning of my congressional career I have said that change is inevitable. However, what you do in response to change makes all the difference. If you let change happen to you, that is deterioration. If you mold change to your advantage, that is progress.

That's why I have encouraged this body to equip our Nation's farmers with the tools they need to face the environmental challenges of the future while carving out a permanent place in the world agricultural market. Regrettably, the appropriations legislation before us today does not do that. In fact, in many respects it cuts our farmers off at the knees.

In the area of environmental funding, financing for the Agricultural Conservation Program is cut from $90 to $46 million, conservation operations funding is reduced from $544 to $510 million, watershed and flood prevention operations—so vital in our recovery from the devastating midwestern floods and east coast hurricanes of the past few years—is slashed from $128 to $39 million, and funding for our resource conservation and development councils is reduced from $20 to $16 million. Soon, agricultural conservation will simply become another item on the long list of unfunded Federal mandates.

In response to the Uruguay round, we should be fully funding our export enhancement programs like EEP, SOAP, and COAP as well as our so-called Green Box programs like the Market Promotion Program. Instead, this bill makes total cuts in these programs of almost $60 million.

Further, this legislation does not resolve the problem that the gentleman from Minnesota [Mr. PENNY] and I brought to the floor of the House during the debate on crop insurance reform and that is the underfunding of the crop insurance program in the upcoming fiscal year. Indeed, with the funds provided in this bill, we are still $200 million short of the funding we require to have a crop insurance program in 1995.

Finally, the issue of meat inspection user fees remains unresolved. While there appears to be no user fees outlays assumed in the upcoming year, there is a line item for user fees under budget authority. It is time to simply remove any reference to user fees in this area.

I know that the conferees worked hard, Mr. Speaker, and I certainly do not impugn their efforts. However, on behalf of the multitude of my constituents who rely on the farm economy for their incomes and financial livelihoods, I simply say "we can and must do better." I, therefore, urge my colleagues in voting no on this bill.

Mr. GOODLING. Mr. Speaker, I want to take this opportunity to comment on those sections of the agriculture appropriations conference report (H.R. 4554), which deal with our Nation's child nutrition programs. The Federal child nutrition programs are authorized by the Education and Labor Committee, of which I am the ranking Republican member.

As a former educator, I am well aware of the link between proper nutrition and a child's ability to achieve in school. For this reason, I am very pleased that the conference agreement provides $4.1 billion for the School Lunch Program and over $1 billion for the School Breakfast Program. These two programs provide many of our Nation's poor children with the only nutritious meals they receive each day. They do, therefore, play a major role in education reform and in our ability to raise the educational achievement of our Nation's children.

Likewise, the Summer Food Program provides meals to children in low-income areas during the summer months when the School Lunch and Breakfast Programs are not available to meet their nutritional needs. In this way, we prevent any nutritional-related health problems which could impact on their ability to do well in the next school year.

Of course, one of the most important nutrition programs is WIC, the Special Supplemental Food Program for Women, Infants and Children. I am pleased to note that the conference agreement contains an increase which allows for growth in this successful program. WIC also plays a major role in the ability of children to do well in school. When mothers receive appropriate prenatal health care and nutrition, there is a reduced likelihood that they will give birth to children with low birth weight and related disabilities. WIC then provides supplements to mothers after their children are born to insure that their nutritional needs are met during their first few years of life, thus assuring they come to school ready to learn.

Finally, I would like to thank the conferees for agreeing to spend $6.7 million for the Farmer's Market Coupon Program. This program not only increases the use of fresh fruits and vegetables among WIC participants, it provides another outlet through which our Nation's farmers can sell their fresh produce. As we attempt to improve the eating habits of our Nation's families to assist them in meeting the dietary guidelines, it is important that we increase consumption of fresh fruits and vegetables among WIC participants. The Farmer's Market Coupon Program has been successful in accomplishing this goal since many of the WIC participants come back to purchase additional produce once they have used their WIC coupons.

Mr. Speaker, we are in the midst of reauthorizing these important nutrition programs. I want to commend the conferees for providing these programs with the necessary funding to meet the needs of the participants.

Mr. Speaker, I yield back the balance of my time.

Mr. DURBIN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SKEEN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 287, noes 107. not voting 40, as follows:

[Roll No. 438]

AYES—287

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Barton
Bateman
Becerra
Beilenson
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Bonilla
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Callahan
Camp
Cantwell
Cardin
Chapman
Clayton
Clement
Clyburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Derrick
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English
Eshoo
Evans
Everett
Ewing
Farr
Fazio
Fields (LA)
Filner
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Franks (CT)
Frost
Furse
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gillmor
Gilman
Gonzalez
Gordon
Green
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastert
Hastings
Hefner
Hilliard
Hoagland
Hochbrueckner
Holden
Horn
Houghton
Hoyer
Hughes
Hunter
Hutto
Hyde
Inslee
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
LaRocco
Laughlin
Leach
Lehman
Levin
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Lipinski
Livingston
Long
Lowey
Lucas
Maloney
Mann
Margolies-Mezvinsky
Markey
Martinez
Mazzoli
McCloskey
McCrery
McDade
McDermott
McHale
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Mfume
Michel
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Morella
Murtha
Nadler
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Rahall
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roemer
Rogers
Ros-Lehtinen
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (IA)
Smith (NJ)
Smith (TX)
Snowe
Spratt
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tauzin
Taylor (MS)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Waters
Watt
Waxman
Whitten
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)

NOES—107

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Ballenger
Bartlett
Boehner
Bunning
Burton
Buyer
Canady
Castle
Clinger
Coble
Cox
Crane
Crapo
Cunningham
DeLay
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Fawell
Fields (TX)
Fingerhut
Fowler
Franks (NJ)
Gilchrest
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Gunderson
Hancock
Hansen
Hefley
Hobson
Hoekstra
Hoke
Huffington
Hutchinson
Inglis
Istook
Jacobs
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kyl
Lazio
Levy
Lewis (KY)
Manzullo
McCandless
McCollum
McHugh
McInnis
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Myers
Oxley
Packard
Paxon
Petri
Pombo
Porter
Portman
Pryce (OH)
Quinn
Ramstad
Roberts
Rohrabacher
Roth
Roukema
Royce
Saxton
Schaefer
Sensenbrenner
Shaw
Shays
Shuster
Smith (MI)
Smith (OR)
Solomon
Spence
Stearns
Stump
Talent
Taylor (NC)
Torkildsen
Walker
Weldon
Zeliff
Zimmer

NOT VOTING—40

Applegate
Baker (LA)
Berman
Blackwell
Bonior
Byrne
Calvert
Carr
Clay
Cooper
Dellums
Dooley
Frank (MA)
Gallegly
Gallo
Glickman
Hayes
Herger
Hinchey
Inhofe
Johnson (CT)
Kolbe
Lantos
Lewis (GA)
Lloyd
Machtley
Manton
Matsui
McCurdy
McKeon

Moran
Murphy
Quillen
Rangel
Slattery
Stark
Sundquist
Tanner
Washington
Wheat

☐ 1213

The Clerk announced the following pairs:

On this vote:

Mrs. Byrne for, with Mr. Herger against.
Mr. Dellums for, McKeon against.

Messrs. McCANDLESS, LAZIO, HUTCHINSON, DICKEY, and GILCHREST changed their vote from "aye" to "no."

Mr. LINDER changed his vote from "no" to "aye."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. GALLEGLY. Mr. Speaker, I was unavoidably not present for the vote today on H.R. 4554, the conference report on Agriculture appropriations for fiscal year 1995. Had I been present I would have voted "aye."

DIRECTING SECRETARY OF THE SENATE TO MAKE TECHNICAL CORRECTIONS IN ENROLLMENT OF S. 2182, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1995

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the concurrent resolution (H. Con. Res. 285) directing the Secretary of the Senate to make technical corrections in the enrollment of S. 2182, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Senate amendment: Page 1, after line 11, insert:

(3) In section 132(a)(1)(C), strike out "(described in subsection (i))" and insert in lieu thereof "(described in subsection (h))".

(4) In section 924, strike out "Court of Military Criminal Appeals" each place it appears and insert in lieu thereof "Court of Criminal Appeals".

(5) In section 1661(b)(4)—

(A) strike out "by adding at the end" in subparagraph (A) and insert in lieu thereof "by inserting after section 3020"; and

(B) strike out "by adding at the end" in subparagraph (B) and insert in lieu thereof "by inserting after section 8020".

(6) In section 2832, strike out "Authority" each place it appears (other than in the caption of subsection (b)) and insert in lieu thereof "Agency".

Mr. MONTGOMERY (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore (Mr. HASTINGS). Is there objection to the request of the gentleman from Mississippi?

Is there objection to the original request of the gentleman from Mississippi?

There was no objection.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4008, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION AUTHORIZATION ACT, FISCAL YEARS 1994 AND 1995

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103–742) on the resolution (H. Res. 542) providing for consideration of the bill (H.R. 4008) to authorize appropriations for the National Oceanic and Atmospheric Administration for fiscal years 1994 and 1995, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3171, DEPARTMENT OF AGRICULTURE REORGANIZATION ACT

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103–744) on the resolution (H. Res. 544) providing for consideration of the bill (H.R. 3171) to authorize the Secretary of Agriculture to reorganize the Department of Agriculture, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4926, NATIONAL TREATMENT IN BANKING ACT

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept, No. 103–743) on the resolution (H. Res. 543) providing for consideration of the bill (H.R. 4926) to require the Secretary of the Treasury to identify foreign countries which may be denying national treatment to U.S. banking organizations and to assess whether any such denial may be having a significant adverse effect on such organizations, and to require Federal banking agencies to take such assessments into account in considering applications by foreign banks under the International Banking Act of 1978 and the Bank Holding Company Act of 1956, which was referred to the House Calendar and ordered to be printed.

CONFERENCE REPORT ON H.R. 4554, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1995

AMENDMENTS IN DISAGREEMENT

The SPEAKER pro tempore. Pursuant to the rule, the amendments in disagreement are considered as having been read.

Mr. DURBIN. Mr. Speaker, I ask unanimous consent that each of the motions printed in the joint explanatory statement of the managers be considered as read when offered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DURBIN. Mr. Speaker, I ask unanimous consent that Senate amendments numbered 5, 18, 24, 29, 58, 83, 95, 96, and 101 be considered en bloc and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER pro tempore. The Clerk will designate the amendments in disagreement.

The texts of the various Senate amendments referred to in the unanimous-consent request are as follows:

Senate amendment No. 5: Page 12, line 2, after "California" insert ", Beckley, West Virginia".

Senate amendment No. 18: Page 17, line 3, after "$10,147,000" insert ", of which up to $125,000 may be transferred to the Cooperative State Research Service".

Senate amendment No. 24: Page 19, line 3, after "improvements" insert ": *:Provided further*, That $462,000 shall be available for a grant pursuant to section 1472 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3818), in addition to other funds available in this appropriation for grants under this section".

Senate amendment No. 29: Page 25, after line 21 insert:

In fiscal year 1996, section 32 funds shall be used to promote sunflower and cottonseed oil exports to the full extent authorized by section 1541 of Public Law 101–624 (7 U.S.C. 1464 note), and such funds shall be used to facilitate additional sales of such oils in world markets.

Senate amendment No. 58: Page 51, line 5, after "$47,500,000," insert "of which $1,000,000 shall be available to carry out the Northern Great Plains Rural Development Act (if enacted); and".

Senate amendment No. 83: Page 70, after line 6 insert:

Notwithstanding any other provision of law, no employee of the United States Department of Agriculture shall be peremptorily removed without a hearing from his or her position because of remarks made during personal time regarding Departmental policies or proposed policies.

Senate amendment No. 95: Page 80, strike out lines 1 to 16 and insert:

SEC. 723. PROHIBITION ON USE OF FUNDS FOR HONEY PAYMENTS OR LOAN FORFEITURES.—Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act shall be used by the Secretary of Agriculture to provide for a total amount of payments and/or total amount of loan forfeitures to a person to support the price of honey under section 207 of the Agriculture Act of 1949 (7 U.S.C. 1446h) and section 405A of such Act (7 U.S.C. 1425a) is excess of zero dollars in the 1994 and 1995 crop years.

Senate amendment No. 96: Page 80, strike out all after line 16 over to and including line 2 on page 81 and insert:

SEC. 724. No funds shall be available in fiscal year 1995 and thereafter for payments under the Act of August 30, 1890 and the tenth and eleventh paragraphs under the heading "Emergency Appropriations" of the Act of March 4, 1907 (7 U.S.C. 321 et seq.).

Senate amendment No. 101: Page 83, after line 18 insert:

SEC. 744. (a) In addition to funds made available elsewhere in this Act, there are hereby appropriated as of the date of enactment of this Act the following, to remain available through September 30, 1995:

Emergency Community Water Assistance Grants, $10,000,000

Very Low-Income Housing Repair Grants, $15,000,000

Agricultural Credit Insurance Fund Program account: For the cost of direct loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, as follows: emergency loans, $7,670,000.

(b) Of the amount appropriated in the Emergency Supplemental Appropriations Act of 1994, Public Law 103-211, for Watershed and Flood Prevention Operations, $23,000,000 is transferred to the Emergency Conservation Program.

(c) These amounts are designated by Congress as emergency requirements pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, and that such amounts shall be available only to the extent the President designates such use as emergency requirements pursuant to such Act.

MOTION OFFERED BY MR. DURBIN

Mr. DURBIN. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. DURBIN moves that the House recede from its disagreement to the amendments of the Senate numbered 5, 18, 24, 29, 58, 83, 95, 96, and 101 and concur therein.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. DURBIN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 11: Page 14, line 15, strike out all after "expended;" down to and including "amended;" in line 18.

MOTION OFFERED BY MR. DURBIN

Mr. DURBIN. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. DURBIN moves that the House recede from its disagreement to the amendment of the Senate numbered 11 and concur therein with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows: "$475,000 for rangeland research grants as authorized by subtitle M of the National Agriculture Research, Extension, and Teaching Policy Act of 1977, as amended; $8,990,000 for contracts and grants for agricultural research under the Act of August 4, 1965, as amended (7 U.S.C. 450i(c));".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. DURBIN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 15: Page 16, line 2, strike out "$413,960,000" and insert "$423,083,000".

MOTION OFFERED BY MR. DURBIN

Mr. DURBIN. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. DURBIN moves that the House recede from its disagreement to the amendment of the Senate numbered 15 and concur therein with an amendment, as follows:

In lieu of the sum proposed by said amendment insert "$433,438,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. DURBIN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate Amendment No. 25: Page 19, line 24, strike out "438,651,000" and insert "$438,901,000".

MOTION OFFERED BY MR. DURBIN

Mr. DURBIN. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. DURBIN moves that the House recede from its disagreement to the amendment of the Senate numbered 25 and concur therein with an amendment, as follows:

In lieu of the sum proposed by said amendment insert "$443,651,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. DURBIN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate Amendment No. 26: Page 21, strike out all after line 18 over to and including line 2 on page 22.

MOTION OFFERED BY MR. DURBIN

Mr. DURBIN. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. DURBIN moves that the House recede from its disagreement to the amendment of the Senate numbered 26 and concur therein with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows:

In fiscal year 1995, the agency is authorized to collect fees to cover the total costs of providing technical assistance, goods, or services requested by States, other political subdivisions, domestic and international organizations, foreign governments, or individuals, provided that such fees are structured such that any entity's liability for such fees is reasonably based on the technical assistance, goods, or services provided to the entity by the agency, and such fees shall be credited to this account, to remain available until expended, without further appropriation, for providing such assistance, goods, or services.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. DURBIN].

The motion was agreed to.

The SPEAKER pro tempore (Mr. HASTINGS). The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate Amendment No. 32: Page 29, line 22, strike out all after "$62,796,000" down to and including "Service" in line 24.

MOTION OFFERED BY MR. DURBIN

Mr. DURBIN. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The clerk will designate the motion.

The text of the motion is as follows:

Mr. DURBIN moves that the House recede from its disagreement to the amendment of the Senate numbered 32 and concur therein with an amendment, as follows:

In lieu of the matter stricken by said amendment insert: *Provided*, That until October 1, 1995, the Secretary of Agriculture may collect and use such sums as may be necessary for the delivery of catastrophic risk protection under subsections (b) and (c) of section 508 of the Federal Crop Insurance Act, as that Act would be amended by section 6(a)(3) of H.R. 4217 as passed by the House on August 5, 1994, if such provision or similar provision is enacted into law: *Provided further*, That in addition to amounts otherwise appropriated in this Act, there are hereby appropriated such sums as may be necessary to carry out the purposes of the crop insurance fund established under section 516 of the Federal Crop Insurance Act, as that Act would be amended by sections 8 (b) and (c) of H.R. 4217, if such provision or similar provision is enacted into law.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. DURBIN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate Amendment No. 33: Page 32, after line 3 insert:

DISASTER ASSISTANCE

Such sums as may be necessary from the Commodity Credit Corporation shall be available, through July 15, 1995, to producers under the same terms and conditions authorized in chapter 3, subtitle B, title XXII of Public Law 101–624 for 1994 crops, including aquaculture and excluding ornamental fish, affected by natural disasters: Provided, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, and that such funds shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That these funds shall be made available upon enactment of this Act: Provided further, That such funds shall also be available for payments to producers for 1995 through 1998 orchard crop losses, if the losses are due to freezing conditions incurred between January 1, 1994, and March 31, 1994, and Federal Crop Insurance is not available for affected orchard crop producers; Provided further, That the use of funds for this purpose is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, and that such use shall be available only to the extent the President designates such use an emergency requirement pursuant to such Act: Provided further, That such funds made available from the Commodity Credit Corporation shall be available to fund the costs of replanting, reseeding, or repairing damage to commercial trees (regardless of the age of the damaged trees), including orchard and nursery inventory, as a result of 1994 weather-related damages: Provided further, That the use of funds for these purposes is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, and that such use shall be available only to the extent the President designates such use an emergency requirement pursuant to such Act: Provided further, That the terms and conditions of section 521, paragraphs (a) (3) and (4), paragraph (b)(3), subparagraph (c)(2)(C), and subsections (d) and (e), as amended in section 201 S. 2095 (as reported by the Committee on Agriculture, Nutrition, and Forestry on June 22, 1994) shall apply to all claims for assistance made under this paragraph.

MOTION OFFERED BY MR. DURBIN

Mr. DURBIN. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. DURBIN moves that the House recede from its disagreement to the amendment of the Senate numbered 33 and concur therein with an amendment, as follows:

In lieu of the matter proposed by said amendment insert:

DISASTER ASSISTANCE

Such sums as may be necessary from the Commodity Credit Corporation shall be available, through July 15, 1995, to producers under the same terms and conditions authorized in chapter 3, subtitle B, title XXII of Public Law 101–624 for 1994 crops, including aquaculture and excluding ornamental fish, affected by natural disasters: *Provided*, That these funds shall be made available upon enactment of this Act: *Provided further*, That such funds shall also be available for payments to producers for 1995 through 1996 orchard crop losses, if the losses are due to freezing conditions incurred between January 1, 1994 and March 31, 1994, and Federal crop insurance is not available for affected orchard crop producers: *Provided further*, That such funds shall also be available to fund the costs of replanting, reseeding, or repairing damage to commercial trees, including orchard and nursery inventory, as a result of 1994 weather-related damages: *Provided further*, That the terms and conditions of section 521, paragraphs (a)(3) and (4), paragraph (b)(3), subparagraph (c)(2)(C), and subsections (d) and (e), as amended in section 201 of S. 2095 (as reported by the Committee on Agriculture, Nutrition, and Forestry on June 22, 1994) shall apply to all claims for assistance made under this paragraph: *Provided further*, That such amounts and uses of funds made available under this paragraph are designated by Congress as emergency requirements pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, and that such funds and uses shall be available only to the extent and official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. DURBIN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate Amendment No. 34: Page 33, line 2, strike out "$576,562,000" and insert "$591,049,000".

MOTION OFFERED BY MR. DURBIN

Mr. DURBIN. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. DURBIN moves that the House recede from its disagreement to the amendment of the Senate numbered 34 and concur therein with an amendment, as follows:

In lieu of the matter proposed by said amendment insert: "$556,062,000, and the unobligated and uncommitted portion of the fiscal year 1994 appropriation for the Conservation Reserve Program shall be transferred to this account".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. DURBIN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate Amendment No. 37: Page 35, line 14, strike out all after "2209b)" down to and including "State" in line 19.

MOTION OFFERED BY MR. DURBIN

Mr. DURBIN. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. DURBIN moves that the House recede from its disagreement to the amendment of the Senate numbered 37 and concur therein with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows:

"(of which $10,000,000 shall be available for the watersheds authorized under the Flood Control Act approved June 22, 1936 (33 U.S.C. 701, 16 U.S.C. 1006a), as amended and supplemented): *Provided*, That, for fiscal year 1995 only, not to exceed 10 per centum of the foregoing amounts shall be available for allocation to any one State".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. DURBIN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate Amendment No. 41: Page 42, line 25, strike out "$2,323,339,000" and insert "$2,400,000,000".

MOTION OFFERED BY MR. DURBIN

Mr. DURBIN. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. DURBIN moves that the House recede from its disagreement to the amendment of the Senate numbered 41 and concur therein with an amendment, as follows:

In lieu of the sum proposed by said amendment insert "$2,200,000,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. DURBIN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate Amendment No. 42: Page 43, line 11, strike "$268,105,000" and insert "$282,640,000".

MOTION OFFERED BY MR. DURBIN

Mr. DURBIN. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. DURBIN moves that the House recede from its disagreement to the amendment of the Senate numbered 42 and concur therein with an amendment, as follows:

In lieu of the sum proposed by said amendment insert "$244,720,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. DURBIN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate Amendment No. 57: Page 50, strike out lines 8 to 11.

MOTION OFFERED BY MR. DURBIN

Mr. DURBIN. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. DURBIN moves that the House recede from its disagreement to the amendment of the Senate numbered 57 and concur therein with an amendment, as follows:

In lieu of the matter stricken by said amendment insert:

RURAL WATER AND WASTE DISPOSAL GRANTS

Notwithstanding any other provision of law, the Secretary may use 1980 or 1990 census information for grant eligibility of projects submitted to the agency prior to the availability of 1990 census information in amounts not to exceed total project cost overruns.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. DURBIN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate Amendment No. 70: Page 59, line 25, after "Institute" insert: *Provided further*, That $859,000 shall be available to provide grants to States for non-recurring costs in providing for the special dietary needs of children with disabilities".

MOTION OFFERED BY MR. DURBIN

Mr. DURBIN. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. DURBIN moves that the House recede from its disagreement to the amendment of the Senate numbered 70 and concur therein with an amendment, as follows:

In lieu of the sum named in said amendment insert "$500,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. DURBIN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate Amendment No. 75: Page 61, line 19, strike out "$28,817,457,000" and insert "$28,830,710,000".

MOTION OFFERED BY MR. DURBIN

Mr. DURBIN. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. DURBIN moves that the House recede from its disagreement to the amendment of the Senate numbered 75 and concur therein with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert "and section 601 of Public Law 96-597 (48 U.S.C. 1469d), $28,830,710,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. DURBIN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 76: Page 62, line 9, strike out all after "Project" down to and including "1994" in line 13.

MOTION OFFERED BY MR. DURBIN

Mr. DURBIN. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. DURBIN moves that the House recede from its disagreement to the amendment of the Senate numbered 76 and concur therein with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows: ": *Provided further*, That none of the funds in this Act shall be used to cash out food stamp benefits beyond a total of 25 projects and the total participation in such projects shall not exceed 3 per centum of the estimated national household level participating in the Food Stamp Program".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. DURBIN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate Amendment No. 84: Page 70, after line 6 insert:

None of the funds in this Act may be used to enforce the permitted levels and conditions of use for the nutrient selenium, as revised in the Federal Register for September 13, 1993. The permitted levels and conditions of use for the nutrient selenium are deemed to be the levels and conditions set forth in section 573.920 of title 21, Code of Federal Regulations, prior to September 13, 1993, unless and until the Commissioner determines that the use of selenium at those levels results in a direct and significant adverse effect on the quality of the environment.

MOTION OFFERED BY MR. DURBIN

Mr. DURBIN. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. DURBIN moves that the House recede from its disagreement to the amendment of the Senate numbered 84 and concur therein with an amendment, as follows:

In lieu of the matter inserted by said amendment insert:

The stay (published at 58 Fed. Reg. 47962) of the 1987 food additive regulation relating to selenium (21 Code of Federal Regulations 573.920) is suspended until December 31, 1995.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. DURBIN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate Amendment No. 89: Page 72, line 3, strike out all after "expenses" down to and including "appropriation" in line 8.

MOTION OFFERED BY MR. DURBIN

Mr. DURBIN. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. DURBIN moves that the House recede from its disagreement to the amendment of the Senate numbered 89 and concur therein with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows: ": *Provided*, That the Commission is authorized to charge reasonable fees to attendees of Commission sponsored educational events and symposia to cover the Commission's costs of providing those events and symposia, and notwithstanding 31 U.S.C. 3302, said fees shall be credited to this account, to be available without further appropriation".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. DURBIN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 91: Page 77, line 14, after "3837" insert ", unless additional acres in excess of the 100,000 acre limitation can be enrolled without exceeding $93,200,000: *Provided*, That the unused portion of the fiscal year 1994 appropriation shall be used in addition to the $93,200,000".

MOTION OFFERED BY MR. DURBIN

Mr. DURBIN. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. DURBIN moves that the House recede from its disagreement to the amendment of the Senate numbered 91 and concur therein with an amendment, as follows:

In lieu of the matter proposed by said amendment insert: ", unless additional acres in excess of the 100,000 acre limitation can be enrolled without exceeding $93,200,000: *Provided*, That the unobligated portion of the fiscal year 1994 appropriation shall be transferred to and merged with the appropriation for the Soil Conservation Service, Conservation Operations".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. DURBIN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 94: Page 79, strike out lines 19 to 25.

MOTION OFFERED BY MR. DURBIN

Mr. DURBIN. Mr. Speaker, I offer a motion.

The Speaker pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. DURBIN moves that the House recede from its disagreement to the amendment of the Senate numbered 94 and concur therein with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of the sum named in said amendment insert "$25,650,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. DURBIN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 98: Page 83, after line 18 insert:

SEC. 741. Notwithstanding section 715 of this Act, none of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries of personnel who carry out a Market Promotion Program pursuant to section 203 (7 U.S.C. 5623) of the Agricultural Trade Act of 1978, with respect to tobacco or if the aggregate amount of funds and/or commodities under such program exceeds $90,000,000: *Provided*, That the appropriated levels provided in this Act for the following accounts shall be reduced by 1.5 percent:

Office of the Secretary.
Office of Budget and Program Analysis.
Chief Financial Officer.
Office of the Assistant Secretary for Administration.
Advisory Committees (USDA).
Departmental Administration.
Office of the Assistant Secretary for Congressional Relations.
Office of Communications.
Office of the Inspector General.
Office of the Assistant Secretary for Economics.
Economic Research Service.
National Agricultural Statistics Service.
World Agricultural Outlook Board.
Office of the Assistant Secretary for Science and Education.
Office of the Assistant Secretary for Marketing and Inspection Services.
Animal and Plant Health Inspection Service, Salaries and Expenses.
Agricultural Stabilization and Conservation Service, Salaries and Expenses.
Soil Conservation Service, Conservation Operations.
Rural Housing Insurance Fund Program Account, Administrative Expenses.
Agricultural Credit Insurance Fund Program Account, Administrative Expenses.
Rural Development Insurance Fund Program Account, Administrative Expenses.
Rural Development Loan Fund Program Account, Administrative Expenses.
Farmers Home Administration, Salaries and Expenses.
Rural Electrification and Telephone Loans Program Account, Administrative Expenses.
Rural Telephone Bank Program Account, Administrative Expenses.
Office of the Assistant Secretary for Food and Consumer Services.
Food and Drug Administration, Salaries and Expenses.

MOTION OFFERED BY MR. DURBIN

Mr. DURBIN. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. DURBIN moves that the House recede from its disagreement to the amendment of the Senate numbered 98 and concur therein with an amendment, as follows:

Delete the matter inserted by said amendment, and on page 61, line 12, of the House engrossed bill strike "$94,500,000" and insert in lieu thereof "$84,500,000", and on page 79, line 18, of the House engrossed bill strike "$850,000,000" and insert in lieu thereof "$800,000,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. DURBIN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 100: Page 83, after line 18, insert:

SEC. 743. (a) None of the funds made available in this Act may be used to provide any Federal benefit or assistance to any individual or entity in the United States unless the Federal entity or official to which the funds are made available takes reasonable actions to determine whether the individual is in a lawful immigration status in the United States.

(b) In no case may a Federal entity, official or their agent discriminate against any individual with respect to filing, inquiry, or adjudication of an application for funding made available in this Act on the basis of race, color, creed, handicap, religion, sex, sexual orientation, national origin, citizenship status or form of lawful immigration status.

(c) For purposes of this section, the term "Federal benefit or assistance" does not include search and rescue; emergency medical care; emergency mass care; emergency shelter; clearance of roads and construction of temporary bridges necessary to the performance of emergency tasks and essential community services; warning of further risks or hazards; dissemination of public information and assistance regarding health and safety measures; the provision on an emergency basis of food, water, medicine, and other essential needs, including movement of supplies or persons; reduction of immediate threats to life, property and public health and safety; and programs funded under title IV of this Act.

MOTION OFFERED BY MR. DURBIN

Mr. DURBIN. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. DURBIN moves that the House recede from its disagreement to the amendment of the Senate numbered 100 and concur therein with an amendment, as follows:

In lieu of the matter inserted by said amendment insert:

SEC. 725. The Secretary shall take reasonable steps to ensure that no funds made available under this Act be used to provide any direct individual Federal benefit or assistance to any individual applying for such benefit or assistance unless said individual meets all eligibility criteria for the benefit or assistance.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. DURBIN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 102: Page 83, after line 18 insert:

SEC. 745. REPAYMENT OF DEFICIENCY PAYMENTS.—In any case in which the Secretary of Agriculture finds that the farming, ranching, or aquaculture operations of producers on a farm have been substantially affected by a natural disaster in the United States or by a major disaster or emergency designated by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) during the 1994 crop year, the Secretary of Agriculture shall not require any repayment under subparagraph (G) or (H) of section 114(a)(2) of the Agricultural Act of 1949 (7 U.S.C. 1445j(a)(2)) for the 1994 crop of a commodity prior to January 1, 1995.

MOTION OFFERED BY MR. DURBIN

Mr. DURBIN. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. DURBIN moves that the House recede from its disagreement to the amendment of the Senate numbered 102 and concur therein with an amendment, as follows:

In lieu of the matter inserted by said amendment insert:

SEC. 727. REPAYMENT OF DEFICIENCY PAYMENTS.—In any case in which the Secretary of Agriculture finds that the farming, ranching, or aquaculture operations of producers on a farm have been substantially affected by a natural disaster in the United States or by a major disaster or emergency designated by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Secretary of Agriculture shall not require any repayment under subparagraph (G) or (H) of section 114(a)(2) of the Agricultural Act of 1949 (7 U.S.C. 1445j(a)(2)) for the 1993 crop of a commodity prior to March 1, 1995.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. DURBIN].

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the conference report and on the several motions was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3222

Mr. WALSH. Mr. Speaker, I ask unanimous consent that my name be removed from the list of cosponsors of H.R. 3222.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. MICHEL asked and was given permission to address the House for 1 minute.)

Mr. MICHEL. Mr. Speaker, I ask for this time in order that I might inquire of the distinguished majority leader the program for next week.

Mr. GEPHARDT. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I am happy to yield to my distinguished friend, the gentleman from Missouri.

Mr. GEPHARDT. Mr. Speaker, I thank the gentleman for yielding.

There are no more votes today.

On Monday, September 26, the House will meet at 10:30 a.m. for morning business. The House will meet at noon for suspensions. There will be two bills on suspension which are listed on the schedule, tentative 4: H.R. 4448, the Lowell National Historical Park; H.R. 4008, National Oceanic and Atmospheric Administration Authorization Act; and H.R. 4539, Treasury, Postal and Certain Independent Agencies conference report. I will say to the gentleman there will not be votes until 5 p.m.

On Tuesday, September 27, and the balance of the week, we will meet at 10:30 a.m. for morning hour Tuesday; at noon on Tuesday, the House will meet. The House will meet at 10 a.m. Wednesday, Thursday, and Friday.

There will be a variety of suspensions on Tuesday which are listed on the gentleman's schedule, and then we have a set of bills that will be taken up during the week: Lobbying Disclosure Act conference report, Department of Agriculture Reorganization Act, National Treatment in Banking Act.

Members can expect votes on Friday as that is the last day of the fiscal year, and obviously we have to finish the appropriation bills if at all possible.

Mr. MICHEL. Mr. Speaker, I do not see on the program congressional reform.

Is there any intelligence on that issue before we get out of here?

Mr. GEPHARDT. If the gentleman will yield further, it is my understanding that the Commiteee on Rules is still considering that legislation, and I am not altogether sure at this point exactly when it might come forward, but they are still working on it.

Mr. MICHEL. Let me also make the observation that last evening the Speaker and I had a private conversation in which he assured me that before we do adjourn the Members will have an opportunity to vote on Haitian policy, and I guess after it wends its way through the Committee on Foreign Affairs, and I have to take the Speaker, certainly, at his word, and it is probably good that it be reaffirmed by the distinguished majority leader for those who might have an interest, a burning interest, in the issue, and if the assurance is there, I think it helps us in programming.

Mr. GEPHARDT. If the gentleman will yield further, that is correct. The Speaker did communicate the fact, as I understand it, that a bill is being prepared in the Committee on Foreign Affairs, and that will be coming to the floor either next week or the week after that, but certainly before we leave.

Mr. MICHEL. I thank the distinguished gentleman.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I am happy to yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, I just had a question for the majority leader with regard to the lobbying disclosure bill. I have had a chance to look over a summary of what is going to be contained in that bill. It appears to be something where Members are going to want to be fairly well educated about the nature of some of the very big changes that are suggested there.

I am wondering if we are going to have sufficient time to get Members properly briefed before that bill gets to the floor. I had heard some talk that it might come up as early as next Tuesday. It is going to make it very difficult for us to get Members fully informed about the details of that bill if, in fact, it is run out here on Tuesday.

Mr. GEPHARDT. If the gentleman will yield further, first, it will be filed today, so it will be in the RECORD, and Members can look through it over the weekend. We will be trying to do it probably on Tuesday. We will be back here Monday afternoon, and we will get to it Tuesday afternoon, so Members I think, will have adequate time.

□ 1230

Finally, the bill, as I understand it, is a lot like the House-passed bill. There are a few differences, but frankly not that many. So there is not a lot of new material to look through.

Mr. WALKER. If the gentleman will yield further, the question that comes up, as you read through the briefing materials that I have seen so far, is not so much the details but what some of the interpretations of this are going to be. And I think Members are going to want to be very, very aware of how some of this fairly general language may be spelled out in terms of Ethics Committee rulings. And that is not clear from any of the briefing material I have seen so far. And there were questions raised at the time the House bill passed about those questions that had never been resolved. I would at least be hopeful that we would have answers to some of those specifics before the bill comes to the floor for consideration.

Mr. GEPHARDT. If the gentleman will yield further, we would be happy to try to have Representative BRYANT and others who worked on this and their staff available on Monday to answer questions, or someone else from the committee who is conversant with it. But we will try to make them available to any Member who wants to ask questions.

Mr. MICHEL. I simply want to underscore the concern of the gentleman from Pennsylvania [Mr. WALKER] because from what I have been able to gather just preliminarily, some real drastic changes relative to how this place will operate next year, concerned Members, particularly what they can or cannot do, being subject to penalties and all the rest. It is one of those things affecting Members' lives as closely as it does and as far-reaching as it does, we really ought to have a good briefing what they are signing onto if they end up voting for it. My inclination right now, from what I have heard, I just do not think it is the proper approach to take. But then that is always a debatable item in this particular body.

I yield to the gentleman.

Mr. WALKER. I thank the gentleman for yielding. I am glad the gentleman made the statement.

The other concern I think I would have is that I think Members are going to be held accountable for beginning to do these things right now as soon as it is passed.

In the public's eyes, waiting until next January, when we have already passed the bill, is not going to be good enough. My guess is that various groups are going to begin holding Members accountable for this in the campaign season that we are now engaged in. I would think that Members are going to want to know exactly what is going to be asked of them as they are out in the countryside with regard to this law.

Mr. MICHEL. I yield to my friend from California.

Mr. DREIER. I thank the Republican leader for yielding.

I would like to inquire of the distinguished majority leader on the issue of reform, I wanted to get back to congressional reform. I did not hear the colloquy on the floor here, but I understand there was discussion about what is being taken up in the Rules Committee.

Having served on the joint committee, thanks to the great appointment I got from our Republican leader, Mr. MICHEL, I have been very frustrated in the nature of H.R. 3801, the bill that was reported out, passed by the joint committee last November before Thanksgiving. That is not the legislation that we are marking up in the Rules Committee. I am hoping very much that we will be able to get back to that initial piece of legislation as it was reported out, having gone through a year of hearings and very elaborate markup of the legislation. It seems to me that as we look at this, that is the way we should proceed. I hope very much we will be able to do that.

I wonder if the majority leader might have any comments on that issue of where we are headed on the issue of congressional reform, which was a key issue back in the 1992 election. I had many people asking me when are you going to do it.

Mr. GEPHARDT. If the gentleman will yield, it is my understanding, and I am not entirely conversant with all of the details, but it is my understanding that the Rules Committee is working very industriously to pull the bill together and to bring it to the floor. That is their jurisdiction and their job, and they are going to do it as quickly as they can. We intend to bring it up.

Mr. DREIER. We have been doing it upstairs, as I said, but the thing that concerns me is that we are not actually marking up the legislation that was reported out of our joint committee. There have been some major changes made by the chairman of the committee. It seems to me it is very unfortunate we have proceeded with a bill which is much different than that which we worked on for such a long period of time.

Mr. GEPHARDT. I understand the gentleman's concern. The committee has to act on this. It is their jurisdiction. It is a job they have to perform. Obviously, when it gets to the floor, Members can vote for changes or vote against the bill.

Mr. DREIER. I am hoping very much we will be able to get an open amendment, an open rule, so that we will be able to make the kinds of changes that I think the majority of this House and the American people want us to put into place.

Mr. GEPHARDT. We are certainly concerned, with the minority, about how this will be brought up, and as the gentleman knows, the minority has certain rights about bringing up alternatives and motions to recommit and other ways. I am sure that will occur.

Mr. DREIER. I thank my friend.

Mr. MICHEL. Mr. Speaker, I yield back the balance of any time I may have.

ADJOURNMENT TO MONDAY, SEPTEMBER 26, 1994

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10:30 a.m. on Monday next.

The SPEAKER pro tempore (Mr. HASTINGS). Is there objection to the request of the gentleman from Missouri?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

NOTIFICATION OF INTENTION TO OFFER A PRIVILEGED RESOLUTION

Mr. COX. Mr. Speaker, under rule IX of the House, I announce my intention to offer a privileged resolution.

The SPEAKER pro tempore (Mr. HASTINGS). The gentleman will state the form of the resolution.

PARLIAMENTARY INQUIRY

Mr. COX. Mr. Speaker, before I state the form of the resolution, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. COX. Mr. Speaker, my understanding is, under rule IX there is a 2-legislative-day period during which the Speaker may schedule calling up the resolution. It would be my intention to call it up no later than Tuesday of next week. Is that the Speaker's understanding?

The SPEAKER pro tempore. The gentleman is correct.

Mr. COX. I thank the Chair.

Mr. Speaker, the form of the resolution is as follows:

HOUSE RESOLUTION CALLING FOR CONGRESSIONAL DEBATE AND AUTHORIZATION FOR U.S. OCCUPATION OF HAITI

Whereas for months prior to the September 19, 1994 occupation of Haiti by U.S. military forces, President Clinton and members of his Administration publicly and repeatedly threatened a military occupation of Haiti; and

Whereas the Speaker's refusal to schedule floor debate on the impending occupation of Haiti led to the occupation of Haiti without Congressional consideration or authorization; and

Whereas the need for immediate Congressional consideration of Haiti policy is clear, inasmuch as the thousands of U.S. troops in Haiti without Congressional authorization could be required to defend themselves at any moment, without notice, thus initiating hostilities; and

Whereas immediate Congressional consideration of Haiti policy is further required by the impending October 15 deadlines for the departure of the Haitian military leaders, inasmuch as noncompliance would in all likelihood prompt the thousands of U.S. troops now in Haiti to immediately commence offensive military operations; and

Whereas the continued refusal of the Speaker to schedule floor debate to consider the scope of, and authorization for, U.S. military operations in Haiti deprives the House collectively of its prerogatives under Article I of the Constitution; and

Whereas the continued refusal of the Speaker to schedule floor debate to consider the scope of, and authorization for, U.S. military operations in Haiti deprives the House collectively of its authority to speak on such important questions of policy; and

Whereas the refusal of the Speaker to consider the scope of, and authorization for, U.S. military operations in Haiti effectively requires each Member of this body to abdicate his or her responsibility to debate and vote upon such important questions of policy, and therefore has brought scorn and ridicule on the House collectively; and

Whereas there are no exigencies of secrecy or surprise that would prevent the House from considering these issues; and

Whereas the House is scheduled to adjourn in a matter of weeks, and failure of the Speaker to schedule floor debate to consider the scope of, and authorization for, the U.S. military occupation of Haiti will effectively commit our Nation to occupy Haiti for nine months or more without Congressional authorization; and

Whereas the extraordinary and heroic commitment of U.S. servicemen and women in the current military operation requires from the U.S. Congress a high level of responsibility and attentiveness in policymaking towards Haiti; and

Whereas Rule IX of the House of Representatives provides that a privileged motion shall be in order to protect the rights and dignity of the House collectively and of members individually,

Resolved, That the Speaker should immediately schedule a debate and vote upon the scope of, and authorization for, the U.S. military occupation of Haiti.

TRIBUTE TO HEATHER WHITESTONE, MISS AMERICA

(Mr. EVERETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. EVERETT. Mr. Speaker, some say miracles don't happen and some even claim that dreams can no longer come true. But, I am proud to say that an extraordinary young lady from my congressional district has gracefully proven them wrong.

Last Saturday evening before a national television audience, Dothan, AL, native, Heather Whitestone defied personal challenges and traditional odds by becoming the first deaf woman to be crowned Miss America.

Heather's story is more than just a first for the national pageant. It is a shining example of what one can accomplish if only they put their mind to it. In Heather's words, "The most handicapped person in the world is a negative thinker."

She is the embodiment of personal achievement, observing that as a child her mother told her the last four letters of "American" spell "i can."

If the beauty and talent of this young lady were sufficient enough to wow the American public, her grace and bravery against a seemingly insurmountable obstacle surely won their hearts.

Heather is proof positive that belief in oneself coupled with a strong faith in our creator are still sufficient to achieve the greatest of triumphs. Heather's father Bill, and her grandparents, Herb and Colley Whitestone, reside in Dothan while grandparents, Jim and June Gray, and her mother, Daphne Gray, live in Birmingham and Pelham, respectively.

Heather, we are so very proud of you. Alabama is much richer because of your presence and the Nation will be wiser for your gifted inspiration.

Congratulations to the new Miss America.

[From the Dothan Eagle, Sept. 19, 1994]

Dothan Native Heather Whitestone the New Miss America

When Heather Whitestone finished her walk down the runway as the new Miss America Saturday night, the other contestants were eager to crowd around her.

They didn't seem disappointed that another woman had won the title they all wanted. In fact, some of them were celebrating as much as she was.

Some people say Miss Whitestone was destined to win. She won the Miss Alabama Pageant on her third try, and one of the state organizers said that in the 74 years of the Miss America pageants, "there has never been a contestant like this."

The judges felt the same way. But the road to the Miss America title was not a cakewalk for the 21-year-old Dothan native.

Miss Whitestone was born with normal hearing, but suffered nerve damage in both ears as the result of a reaction to a diphtheria-pertussis-rubella vaccine when she was 18 months old.

Doctors classify her as "profoundly deaf." She can hear virtually nothing without a hearing aid.

She says had her parents not enrolled her in dance classes so she would have a form of expression, she probably would not have been in the pageant. Her ballet teacher in Birmingham says Miss Whitestone "dances for God, that it's her way of expressing her gratefulness for giving her something special."

Her ballet, performed to the song "Via Dolorosa," enchanted the judges Saturday. In preliminary competition, the crowd in the Atlantic City Convention Center gave her three thunderous ovations before she was finished and another at the end.

She also won the swimsuit competition, becoming the 28th woman in pageant history to win two preliminary events. She was the 14th to go on to win the crown.

Miss Whitestone is the first Miss America with a physical disability. At least one past contestant had a hearing impairment and others have had cancer, Bell's palsy and other ailments.

Beauty pageants were criticized in the 1960s and 1970s for being sexist, racist and demeaning. The Miss America Pageant responded by erasing the word "beauty" from the title, crowning a black winner, dropping the scoring significance of the swimsuit competition and encouraging contestants to speak out on issues.

The junior accounting major at Jacksonville State University wants to become a CPA and a dance teacher, but is considering switching to a career in counseling.

Her goal is to inspire people to overcome their obstacles and achieve their dreams. We can think of no better ambassador.

We know a winner when we see one, and her name is Heather Whitestone.

□ 1240

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. HASTINGS). Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

HAITI IS A HEMISPHERIC RESPONSIBILITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. FARR] is recognized for 5 minutes.

Mr. FARR of California. I rise under special orders, Mr. Speaker, to express my concern for our committee in Haiti. As of last night, Mr. Speaker, we had 10,000 troops in Haiti. Fourteen thousand troops will be assembled shortly. These troops will remain in Haiti at least through December.

Reports put the cost of maintaining the troops at least an additional $250 million, which will require a supplemental appropriation. The Secretary of Defense, Mr. Perry, said yesterday it is unlikely that we would lessen that force before the December elections. At some unspecified point 2,000 troops from 23 other nations will also become involved. After this, once the President determines that Haiti is safe and secure, the responsibility will be firmly transferred to the United Nations peacekeeping forces. The operation will then become a U.N. mission in Haiti. The force will then be 6,000 strong. The United States is expected to contribute half of this number.

My concern with our commitment in Haiti is this: We do not need to put in more than our fair share of manpower or payment. I believe that Haiti is a hemispheric responsibility.

No single nation in this hemisphere should be forced to bear the brunt of the responsibility. I believe that all nations should help pay for the operations—the peacekeeping operations—in Haiti. It just makes sense that our payment levels should coincide with the manpower levels that we contribute.

Therefore, Mr. Speaker, I will be introducing next week a resolution which will support this sense of equity. It will resolve that the United States should, while acting in a multinational U.N. mission in Haiti, commit a troop level not to exceed the level of funding we are contributing to the peacekeeping effort.

DAY FIVE OF THE OCCUPATION OF HAITI

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. GOSS] is recognized for 5 minutes.

Mr. GOSS. Mr. Speaker, I note that it is day five of the occupation of Haiti and, as our colleague who has spoken just before me pointed out, the costs are mounting. Fortunately, so far we have been pretty much able to avoid any fatalities among our American troops, and that, of course, is the main aim, and the easiest way to solve that problem and that worry is in bringing our troops home as soon as possible, and today would not be too soon in my view.

The second problem that seems to be creeping in as we, fortunately, have avoided fatalities, is that we are now getting a chance to take a look at what this ill-advised foreign policy has finally led us to.

I heard on National Public Radio this morning as I got up that suddenly our reserve training fund for the Navy had run out, and part of that is because we have spent moneys on misadventures like Haiti that are draining our resources apparently.

Here we are confronted with the fact that we cannot go with a normal business as usual for our military because we do not have the funds. You ask why, and apparently part of the answer is because of these unforeseen expenditures on places like Haiti.

It is a little tough to accept that, but then, when you go on to the next part of your day and read the newspaper in the morning after listening to the radio for a minute, you find in the Washington Post a statement that says the toughest task in Haiti is going to be reviving the economy. Now I do not know where it says that the U.S. taxpayers are supposed to revive the economy of a country that for 200 years has been the poorest in this hemisphere on an increasing scale.

But one thing is very clear: The Haitians expect that we are going to rebuild their country for them. They understand that the sanctions, the embargo that has been put on their country, has been a U.S. embargo even though it is paraded under a U.N. flag, and they are expecting the United States to come in there once the situation settles down a little bit, and presumably President Aristide is returned, and rebuild the country and pay for all the damages that have taken place.

Now let me tell you that may be an expectation that the Haitians have, but I do not think it is an expectation that the United States taxpayers have because we are talking in excess of billions—and that is "b," billions—of dollars, to get that country to a point where it even can be slightly self-sustaining at this point given the total shambles of the economy, the infrastructure, and any form or semblance of government that exists in that country today.

So if, indeed, those colleagues who felt that the Clinton administration's policy was good to keep this embargo going, then those colleagues are going to be the ones that are going to have to explain to the Haitians or the United States taxpayers why either anticipation is going to fall short.

The curious part of all this is that part of the accord that President Carter signed on behalf of President Clinton with provisional President Jonassaint last Sunday which did accomplish the objective of avoiding an armed hostile conflict, for which we are all grateful; nevertheless one of those provisions was that the sanctions, the embargo, would be lifted immediately.

Here it is, the fifth day of the occupation, and we are still squabbling, apparently in the United Nations, about whether or not that embargo should be lifted, and maybe it should not be lifted until President Aristide returns.

Now a problem here is very clear. We have got two separate agreements now that bind the United States, one signed by President Carter on behalf of President Clinton and the other the Governors Island accord a few years ago, and unfortunately they are not consistent. They promise different things, that do not work, to different people.

For example, the Governors Island accord says that General Cedras will leave Haiti. The accord signed by President Carter on behalf of President Clinton says that General Cedras may stay in Haiti as long as he is no longer in the military. This has created different expectations and severe problems, and this is the kind of thing that comes about when you have an ill-advised, poorly thought out, little-understood, lack of experience team of people giving you foreign policy.

We have got now a situation where the amnesty question is very much up in the air. Who is going to grant the amnesty? Is it the Parliament that is there today that the Aristide followers say is illegal and cannot grant amnesty, whereas the Cedras people are saying, "But the other Parliament is no longer in the country, and they won't come back to grant amnesty, and we aren't leaving until amnesty is granted?" So we have got another catch-22 on the amnesty problem.

☐ 1250

Everywhere you look in this Haitian policy, there is a problem. There are anticipations that cannot be met. Of course, the most important responsibility we have in Congress is the concern of the well-being of our troops. The second concern right after that is the question of how we are using or abusing the taxpayers' dollars in this situation.

It is clearly time, as the gentleman from California [Mr. COX] has said, for this debate to come to the Halls of the U.S. Congress. We have been forestalled in having this debate by the Democratic leadership. They are stonewalling to protect the President on this.

The American people want some accountability; they want to know what is going on, and we have got to have this debate before we adjourn sine die, which is coming very soon. I cannot conceive of going home to my district, leaving those troops in harm's way, all of those costs mounting, and looking my voters in the eye and saying, yeah, we are in control of the situation. We know what is going on. That would not be being truthful.

Mr. Speaker, I urge my colleagues to join me in this quest to get this on the floor.

GOP CONTRACT WITH AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. HORN] is recognized for 5 minutes.

Mr. HORN. Mr. Speaker, next Tuesday, over 300 Republican Members of Congress and candidates for the House will come together on the Capitol steps to lay out a contract, a contract with the American people. Its premise is simple: Should the American people give the Republican Party a majority in the House of Representatives, we will guarantee by contract that within the first 100 days, January through March, 1995, certain bills will come to the House floor for an up or down vote.

With other Republicans, I will sign my name on that contract, for all to see. Its terms are nonnegotiable. The commitments made will happen, if we are a majority. The bills that we commit to bring to the floor for a vote will demonstrate what this party stands for.

We represent a commitment for reform, a commitment to change, a commitment to action. On opening day we will start with changing the rules, and, among other things, we will abolish proxies in committees. If one is to register one's vote in committee, one will have to show up in person, listen to the discussion line by line on the bill, and cast his or her vote as the matter comes up.

Right now a chair and his Republican counterpart can hold batches of proxies of absent Members and direct them in any direction they want, unless they have been instructed. We want people to be active participants in committees.

We will also work to adopt the rule we adopted in the Republican Conference at the beginning of the 103d Congress, and that is to rotate the principal party member, the chairman or ranking member for the minority, every 6 years. That will be the beginning of bringing some democracy to this House.

Besides that commitment of action on opening day, what we will do in the first 100 days is bring up some long-buried items, or some long-weakened and softened items when they come before us. That is term limits, the balanced budget, the line-item veto, welfare reform, and a number of other matters that have been buried in committee by the Democratic Party for a number of years.

For example, our colleague, the gentleman from Florida [Mr. MCCOLLUM], introduced a term limits constitutional amendment in 1981 when he was first sworn into this body. It has been buried in the Committee on the Judiciary since 1981. For a dozen years, it was not even given the benefit of a hearing on the merits or demerits. When it finally was given a hearing, in the fall of 1993, guess what? Only those opposed were allowed to testify.

Mr. Speaker, this House has to hear from parties on both sides of the issue. This House has to bring before the House what the American people expect them to bring before the House, which are those issues of burning concern to our citizens, be they Democrats, Republicans, libertarians, peace or freedom, independent. The people want action out of this body, and we represent that commitment to action.

Unfortunately, the majority party, including the White House media machine, has started a sniping campaign of this idea, that one political party will sign on the dotted line to make a contract with America to get before this body, without a lot of shenanigans of the Committee on Rules, the measures that count and that the people want decided one way or the other.

The question is, why are they sniping at this? What can possibly be wrong with writing a contract with the American people? Some might not like every item on the contract agenda. Fine. Let us vote. Let us vote "yea" or "nay". As always, we will debate.

We will not be closed down hopefully by the Committee on Rules in a majority Republican Conference, as we have been in recent years in this body, limited in the amendments we can bring before it, 100 percent closed rules between January and May 1993, which meant you could not freely amend the bills on this floor. The average was, I believe, 79 percent last year. Closed rules, that denies democracy.

But the days of gridlock and the days of buried proposals and the days and months and years of false promises by the current majority will be over. We will see votes on the House floor. Remember, it is a contract with America.

PTO SPECIAL DEALS PUT PATENT SYSTEM IN JEOPARDY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 5 minutes.

Mrs. BENTLEY. Mr. Speaker, American inventors are upset over being zapped in the pending GATT agreement. Patent and Trademark Office officials are contacting congressional offices in an effort to assure members and staff alike that changing the patent term in the GATT enabling legislation to a firm 20 years from filing date is in the public interest. If you believe that, you also believe in the "good tooth fairy." So it is for good reason that American inventors are upset over the change in the patent term.

The objections range from inventors working in a garage to big companies with millions of dollars invested in research in developing a patent.

They wonder how the public interest is served if inventors are unable to capitalize their inventions because of a shorter patent life? Patents mean jobs and a robust commerce, so how can shortening the patent life possibly benefit American workers—or for that matter—the American Government which depends upon taxes from business transactions?

In an article entitled "GATT Provisions Could Hurt Biotech Patents" the Genetic Engineering News of September 1 reports the harm of changing the patent term for the $7 billion biotech industry.

The story quoted James A. Forstner, corporate counsel for Dupont—Wilmington, DE—and international committee chair of the American Bar Association, Intellectual Property Law Section that changing the term to 20 years from filing would result in a shortened patent life for biotech.

Mr. Forstner explained that the average patent takes 2 years to issue, but in biotechnology it can run to 7 years. He stated, "Thus, the average biotech patent could lose 3 to 4 years of protection."

That certainly can be a substantial loss to a company as well as to the competitive stand of U.S. industry.

This potential loss was explained in a letter from the Biotechnology Industry Organization by Charles Ludlam, Vice President for Government Relations. He pointed out that "Without patent protection the potential to recoup our investment and generate a reasonable rate of return is negligible. If our patent terms are reduced, even by a few years, funding for research will be reduced."

In the same letter Ludlam pointed out that "GATT does not require patent terms to be limited to 20 years from application. It requires only that they be at least 20 years from application." So, why is the administration attempting to change the term from what was negotiated in GATT?

The answer is that Patent Commissioner, Bruce Lehman, signed an agreement with the Japanese to change our patent term to match the Japanese system in exchange for a 2-month period to allow for American firms to file patents in Japan in English instead of Japanese. This was done without congressional hearings. I am not belittling the value of filing in English, but I do question Mr. Lehman's methods. I do believe that inadequate consideration was given to the results of such changes. And if I do say so, Mr. Speaker, once again the U.S. side of the negotiating table has been bam-boozled.

Perhaps he is unaware that Japan has targeted the American patent system first in the late 1800's, again in the early 1900's and again as late as 10 years ago.

Years ago, Japan sent a committee to the United States to determine what made this country an industrial power. The report concluded that the patent system was the secret of U.S. industrial might. if Japan could understand the secret then, it is surprising that our present own Government officials and trade negotiators do not understand the same fact.

We need congressional hearings involving a wide range of small inventors before we fundamentally alter the U.S. system. These changes will give up the technological lead of the United States for the next 100 years. Perhaps you want to explain this in your States in terms of jobs and opportunities. Let us stop this nonsense and keep the Lehman/Japan changes to our patent system out of GATT.

□ 1300

MILITARY SPENDING

The SPEAKER pro tempore (Mr. FARR of California). Under a previous order of the House, the gentleman from Ohio [Mr. KASICH] is recognized for 5 minutes.

Mr. KASICH. Mr. Speaker, this morning's Washington Post contained some headlines that truly are troubling about the future and, for that matter, current state of affairs in regard to the funding difficulties that our U.S. military is beginning to experience.

On the headlines in the Washington Post today, "Money Shortage Forces Navy to Curtail Training of Reserve Forces."

I would like to read the first paragraph.

> The Navy has canceled training and drills for thousands of reservists for the rest of this month because the naval reserve ran out of money, the Navy announced yesterday.

Well, Mr. Speaker, when it comes to the funding levels of the Pentagon and when it comes to the execution of foreign policy, that is clearly the time to put aside partisan differences and to operate in this Congress with an America first policy. But I must say that over the course of the last several years, there has been a debate about whether we do, in fact, have adequate resources planned for the effective operation of our U.S. forces.

Two years ago, during the debate on the budget, members of the Budget Committee, Republican members of the Budget Committee argued vociferously that the level of funding over the 5 years, as illustrated in the 5-year defense plan of the President's, simply was not going to be enough, that in fact we would find ourselves in a situation where systems would be jeopardized, systems that would be necessary for enabling our soldiers to effectively carry out their mission, that difficulties with pay would begin to arise. And, in fact, the goal of a ready military could be brought into question.

We have begun to see events unfold over the period of the last couple months that begin to underscore our problems.

Just several months ago, Mr. Deutch, from the Pentagon, put out a memo where he began to think out loud about the difficulties we are going to have being able to acquire some of the advanced weapons systems that the Congress, on a bipartisan basis, felt we needed to acquire in order to have an effective and strong military.

Now, we cannot say that those systems are going to be canceled, but that memo is particularly troubling because it begins to indicate that systems like the F-22, the new advanced fighter program that clearly is necessary if we are going to maintain air superiority, programs like that are being brought into question.

One of the things that the Congress likes to do, whenever it finds itself in a shortage of money, is to essentially stretch out programs. And when you stretch out programs, you create great turbulence in those programs. You drive up the cost of those programs, and we begin to go back to the debate that started all the way back in the 1960's and 1970's about programs that do not work, that cost too much in the Department of Defense.

The Congress always figures out a way to stretch these programs out when there are money shortages, but clearly that is not the solution to our financial problems as they relate to the Department of Defense. But equally troubling is the idea that we will begin to raid the readiness accounts of this country.

One of the reasons why weapons systems tend to be spread out rather than canceled, if necessary, is because there is always a constituency for the funding of weapons systems. There are always money to be made in the area of weapons systems. But when it comes to the area of readiness, it is kind of a nebulous area.

Is the soldier getting enough flying hours? Is the soldier getting enough steaming hours? Is there enough ammunition? This readiness is the building block of an effective military. But all too many times it is easy to cut the readiness accounts, to save money quickly, to do it on the cheap. And without a constituency howling out there about the negative impact of reducing readiness, readiness tends to be cut; systems tend to survive, although they are stretched out. And we find ourselves in a situation of developing a hollow military force.

When Ronald Reagan was elected in 1980 and came to town in 1981, he declared the military to be on the edge of being hollow. And on a bipartisan basis the Congress moved to try to restore the cuts that had been made to the military, with dramatic increases in spending. And whether it is the military or whether it is any other part of a problem that the Federal Government wants to address, if you throw massive amounts of money at any program, we all know that there is inevitably waste.

So what we have been arguing about here during this Clinton administration, these boom and bust cycles of pumping up defense and then cutting it to the bone is not the way to do it. It lends itself to waste. It also means that we begin to enter a phase where our military is simply not as effective and as efficient as it ought to be.

MORE ON MILITARY SPENDING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. EHLERS] is recognized for 5 minutes.

Mr. EHLERS. Mr. Speaker, I yield to the gentleman from Ohio [Mr. KASICH].

Mr. KASICH. Mr. Speaker, the difficulty that we have found ourselves in, is entering this stage of deep cuts in the Department of Defense budget. And while this debate has gone on up here in the Congress, there has been a constant fight about whether the level of funding will be adequate or whether we find ourselves in this position of having shortages in money for either effective weapons systems or the readiness of our forces.

That is why, Mr. Speaker, this morning, when we read an article that says that money shortages forces the Navy to curtail the training of reserve forces and that the Navy has canceled training and drills for thousands of reservists for the rest of this month, it begins to raise this issue one more time.

What I would suggest, Mr. Speaker, is that as we enter the next budget cycle, that we be very careful to make sure that we make good assessments of the kind of moneys we want to spend on our military; that we, in fact, Mr. Speaker, not slash and burn and cut the Department of Defense budget to feed the other programs of the Federal Government, leaving our Pentagon in a position of where our soldiers will not get the kind of training that they want or that we will not be able to afford the kind of systems that we need for our soldiers to be able to be victorious.

□ 1310

We should guarantee them a commitment through committing enough resources to the Department of Defense so that our soldiers are adequately prepared, and at the same time, they have got the most modern equipment to carry out the mission.

Mr. Speaker, I would direct all of the Members of this House to pay attention to this article this morning, and to think about what the implications of this would be. We do not want to continue to slash and burn defense, while at the same time we take that money and use it to run many inefficient programs in the Federal Government. We owe more to the men and women in our Armed Forces, and I would suggest that, Mr. Speaker, on a bipartisan basis we go back, we begin to restore some of the spending reductions that the White House has insisted upon, and we do what we need to do to avoid the boom and bust cycles of defense, and that we stop the consistent movement in this body towards hollowing out the U.S. Armed Forces and making sure we are as ready and as prepared as this Nation deserves to be.

GENERAL LEAVE

Mr. KASICH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order.

The SPEAKER pro tempore (Mr. FARR of California). Is there objection to the request of the gentleman from Ohio?

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 1 o'clock and 11 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1549

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BRYANT) at 3 o'clock and 49 minutes p.m.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HERGER (at the request of Mr. MICHEL), from 3:45 p.m. on Thursday, September 22, 1994, through today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. BENTLEY) to revise and extend their remarks and include extraneous material:)

Mr. HORN, for 5 minutes, today.

Mrs. BENTLEY, for 5 minutes, today.

Mr. KASICH, for 5 minutes, today.

(The following Members (at the request of Mr. FARR of California) to revise and extend their remarks and include extraneous matter:)

Mr. FARR of California, for 5 minutes, today.

Mr. OWENS, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mrs. BENTLEY) and to include extraneous matter:)

Mr. MICHEL.

Mrs. VUCANOVICH.

Mr. GUNDERSON.

Mrs. BENTLEY.

Mr. DOOLITTLE.

(The following Members (at the request of Mr. FARR of California) and to include extraneous material:)

Mr. MILLER of California.

Mr. JACOBS.

Mr. FRANK of Massachusetts.

Mr. SAWYER.

Mr. KLEIN in three instances.

Ms. DELAURO.

Mr. MANTON.

Mr. PAYNE of New Jersey in three instances.

Mr. REED.

Mr. DEUTSCH.

Mr. FOGLIETTA.

(The following Members (at the request of Mr. GEKAS) and to include extraneous matter:)

Mr. FRANKS of Connecticut.

Mr. SCHAEFER.

Mr. KANJORSKI.

Mr. FILNER.

Ms. CANTWELL.

Mr. PASTOR.

Mr. HORN.

Mr. SMITH of Oregon.

Mr. COPPERSMITH.

Mr. VENTO.

Mr. MANTON.

Mr. CRANE.

Mr. ROHRABACHER.

Mr. WILLIAMS.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1406. An act to amend the Plant Variety Protection Act to make such act consistent with the International Convention for the Protection of New Varieties of Plants of March 19, 1991, to which the United States is a signatory, and for other purposes; and

S. 1703. An act to expand the boundaries of Piscataway Park, and for other purposes.

ADJOURNMENT

Mr. GEKAS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 50 minutes p.m.) under its previous order the House adjourned until Monday, September 26, 1994, at 10:30 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3864. A letter from the Department of Defense, transmitting notification that the Secretary has invoked the authority granted by 41 U.S.C. 3732 to authorize the military departments to incur obligations in excess of available appropriations for clothing, subsistence, forage, fuel, quarters, transportation, or medical and hospital supplies, pursuant to 41 U.S.C. 11; to the Committee on Armed Services.

3865. A letter from the Secretary, Department of Health and Human Services, transmitting a CDC plan for preventing birth defects, pursuant to Public Law 102–531, section 306(a) (106 Stat. 3495); to the Committee on Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MOAKLEY: Committee on Rules. House Resolution 542. Resolution providing for consideration of the bill (H.R. 4008) to authorize appropriations for the National Oceanic and Atmospheric Administration for fiscal years 1994 and 1995, and for other purposes (Rept. 103–742). Referred to the House Calendar.

Ms. SLAUGHTER: Committee on Rules. House Resolution 543. Resolution providing for consideration of the bill (H.R. 4926) to require the Secretary of the Treasury to identify foreign countries which may be denying national treatment to United States banking organizations and to assess whether any such denial may be having a significant adverse effect on such organizations, and to require Federal banking agencies to take such assessments into account in considering applications by foreign banks under the International Banking Act of 1978 and the Bank Holding Company Act of 1956 (Rept. 103–743). Referred to the House Calendar.

Mr. DERRICK: Committee on Rules. House Resolution 544. Resolution providing for consideration of the bill (H.R. 3171) to authorize the Secretary of Agriculture to reorganize the Department of Agriculture, and for other purposes (Rept. 103–744). Referred to the House Calendar.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. DINGELL: Committee on Energy and Commerce. H.R. 3392. A bill to amend the Safe Drinking Water Act to assure the safety of public water systems, with an amendment; referred to the following committees for a period ending not later than September 26, 1994: to the Committee on Science, Space, and Technology for consideration of such provisions contained in the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(r), rule X; and to the Committee on the Judiciary for consideration of such portions of sections 15 and 17 of the amendment recommended by the Committee on Energy and Commerce as fall within the jurisdiction of that committee pursuant to clause 1(l), rule X. (Rept 103–745, Pt. 1). Ordered to be printed.

SUBSEQUENT ACTION ON A REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of rule X the following action was taken by the Speaker:

The Committee on Government Operations discharged from further consideration of H.R. 2680; H.R. 2680 referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. SAWYER (for himself, Mr. PETRI, Miss. COLLINS of Michigan, and Mr. MCCLOSKEY):

H.R. 5084. A bill to amend title 13, United States Code, to improve the accuracy of census address lists, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. BRYANT:

H.R. 5085. A bill to provide for the disclosure of lobbying activities to influence the Federal Government, and for other purposes; to the Committee on the Judiciary.

By Mr. BAESLER:

H.R. 5086. A bill to authorize the Secretary of Agriculture to establish a pilot program to evaluate the feasibility of county-based rural development boards, develop a strategy for adoption of national rural development goals and objectives, establish a training program for local county board leaders, providing roles and responsibilities for State rural development councils, substate regional organizations, and 1862 and 1890 land grant institutions, and establish a grant program for financing various rural and small community development initiatives, and for other purposes; to the Committee on Agriculture.

By Mr. FRANKS of Connecticut:

H.R. 5087. A bill to maintain funding and staffing for the Office of National Drug Control Policy for fiscal year 1995; to the Committee on Government Operations.

By Ms. KAPTUR (for herself and Mr. BRYANT):

H.R. 5088. A bill to recognize and grant a Federal charter to the National Alliance for the Mentally Ill; to the Committee on the Judiciary.

By Mr. KLINK:

H.R. 5089. A. bill to amend the Internal Revenue Code of 1986 to allow a deduction for contributions to an individual training account; to the Committee on Ways and Means.

By Mr. MCCLOSKEY (for himself and Mrs. MORELLA):

H.R. 5090. A bill to authorize noncompetitive, career, or career-conditional appointments for temporary and term employees of the Federal Deposit Insurance Corporation, including those assigned to the Resolution Trust Corporation, who are separated due to downsizing and office closures or due to the termination of the Resolution Trust Corporation; to the Committee on Post Office and Civil Service.

By Mr. OBEY (for himself, Mr. FILNER, Mr. BONIOR, Mr. HAMILTON, Mr. HINCHEY, Mrs. MEEK of Florida, Mr. RUSH, Mr. RICHARDSON, Mr. CLAY, Mr. BRYANT, Mr. VENTO, Mr. SERRANO, Mr. ANDREWS of Maine, Mr. WILSON, and Ms. PELOSI):

H.R. 5091. A bill to provide for tax relief in the case of low economic growth; to the Committee on Ways and Means.

By Mr. PASTOR (for himself, Mr. KYL, Mr. BOEHLERT, Mr. CANADY, Mrs. MEEK of Florida, Mr. SERRANO, and Mr. MCCLOSKEY):

H.R. 5092. A bill to establish rules governing product liability actions against raw materials and bulk component suppliers to medical device manufacturers, and for other purposes; jointly, to the Committees on the Judiciary and Energy and Commerce.

By. Mr. SANDERS:

H.R. 5093. A bill to amend the Public Health Service Act to provide a 1-year extension of the applicability of certain provisions in the programs for block grants regarding mental health and substance abuse, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SANDERS:

H.R. 5094. A bill to provide a 1-year extension of the applicability of the authority to transfer funds under the programs for block grants regarding mental health and substance abuse; to the Committee on Energy and Commerce.

By Mr. WILLIAMS:

H.R. 5095. A bill to apply arbitration to major league baseball and for other purposes; to the Committee on Education and Labor.

By Mr. VENTO:

H.R. 5096. A bill to amend the Pennsylvania Avenue Development Corporation Act of 1972 to authorize appropriations for fiscal year 1995 for operating and administrative expenses and to require a plan for the orderly dissolution of the Corporation; to the Committee on Public Works and Transportation.

By Mrs. VUCANOVICH:

H.R. 5097. A bill to require the identification of certain high-fire-risk Federal forest lands in the State of Nevada, the clearing of forest fuels in such areas, and the submission of a fire prevention plan and budget; jointly, to the Committee on Natural Resources and Agriculture.

By Mr. WILLIAMS:

H.R. 5098. A bill to ratify a compact between the Assiniboine and Sioux Indian Tribes of the Fort Peek Reservation and the State of Montana; to the Committee on Natural Resources.

By Mr. MCMILLAN:

H.J. Res. 414. Joint resolution to authorize and encourage States to adopt interstate compacts for the regulation of interstate insurance; jointly, to the Committees on the Judiciary and Energy and Commerce.

By Mr. GEPHARDT (for himself, Mr. TORRICELLI, Mr. ACKERMAN, and Mr. BROWN of Ohio):

H. Con. Res. 296. Concurrent resolution commemorating the 125th anniversary of the birth of Mahatma Gandhi; to the Committee on Foreign Affairs.

By Mr. CRANE (for himself, Mr. DOOLITTLE, Mr. BAKER of Louisiana, Mr.

HEFLEY, Mr. SMITH of New Jersey, Mr. ROTH, Mr. STUMP, Mr. BACHUS of Alabama, Mr. SOLOMON, Mr. ARCHER, Mrs. BENTLEY, Mr. HANCOCK, Mr. SAM JOHNSON of Texas, Mr. DORNAN, Mr. BUNNING, and Mr. STEARNS):

H. Res. 545. Resolution expressing the sense of the House of Representatives that Dr. Joycelyn Elders be called upon to resign her position as Surgeon General of the United States; to the Committee on Energy and Commerce.

By Mr. DOOLITTLE (for himself, Mr. SOLOMON, Mr. THOMAS of Wyoming, Mr. MCINNIS, Mr. ROHRABACHER, Mr. DUNCAN, Mr. RAMSTAD, Mr. COBLE, Mr. SAM JOHNSON of Texas, Mr. SCHAEFER, Mrs. VUCANOVICH, Mr. MOORHEAD, Ms. DUNN, Mr. BALLENGER, Mr. BURTON of Indiana, Mr. KIM, Mr. SPENCE, Mr. MYERS of Indiana, Mr. STEARNS, Mr. SANTORUM, Mr. PAXON, Mr. ALLARD, Mr. WALKER, Mr. BAKER of California, Mr. BARTON of Texas, Mr. POMBO, Mr. HANSEN, Mr. CONDIT, Mr. HASTERT, Mr. KASICH, Mr. ARMEY, Mr. CRAPO, Mr. CRANE, Mr. EMERSON, Mr. DELAY, Mr. LEWIS of Kentucky, Mr. ROBERTS, Mr. KINGSTON, and Mr. SAXTON):

H. Res. 546. Resolution expressing the sense of the House of Representatives relating to United States Armed Forces in Haiti; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

493. By the SPEAKER: Memorial of the Legislature of Guam, relative to the golden anniversary salute of Guam's liberation; jointly, to the Committees on Post Office and Civil Service and Natural Resources.

494. Also, Memorial of the Legislature of Guam, relative to urging the United States of America to adopt appropriate measures to improve the living conditions of Federal retirees living in the Philippines; jointly, to the Committees on Education and Labor, Energy and Commerce, Ways and Means, and Post Office and Civil Service.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 133: Mr. SCHIFF.

H.R. 559: Mr. EVANS and Mr. ROSE.

H.R. 692: Mr. EVANS, Mr. TORRES, and Mr. SERRANO.

H.R. 702: Mr. GOODLATTE.

H.R. 1276: Mr. QUILLEN.

H.R. 1381: Mr. SABO.

H.R. 2648: Mr. EDWARDS of California and Mr. LEWIS of Georgia.

H.R. 2863: Mr. WYNN, Mr. KENNEDY, Mr. HINCHEY, Mr. GOODLING, Mr. SCHUMER, Mr. MENENDEZ, Mr. PALLONE, and Mr. SHAYS.

H.R. 2873: Mr. ORTON.

H.R. 2959: Mr. ENGEL and Ms. SCHENK.

H.R. 3182: Mr. LEWIS of Georgia.

H.R. 3251: Mr. HAYES, Mr. PETRI, Mr. MANZULLO, Mr. SKEEN, Mr. HOEKSTRA, Ms. PRYCE of Ohio, Mr. POMEROY, Mr. GALLEGLY, and Mr. POSHARD.

H.R. 3546: Mrs. VUCANOVICH, Mr. KLUG, and Mrs. CLAYTON.

H.R. 3712: Mr. GORDON, Mr. KLECZKA, Mrs. MEYERS of Kansas, Mr. JEFFERSON, Mr. FLAKE, Mr. THOMPSON, Mr. WILLIAMS, Mr. LANCASTER, and Mr. SOLOMON.

H.R. 3713: Mr. JACOBS.

H.R. 3722: Mr. BACHUS of Alabama.

H.R. 4303: Mr. HYDE, Mr. KINGSTON, Mr. BEREUTER, Mr. GINGRICH, Mr. KOLBE, Mr. STUMP, and Mr. INSLEE.

H.R. 4370: Mr. PALLONE and Mr. MENENDEZ.

H.R. 4393: Mr. MCMILLAN.

H.R. 4474: Mr. SCHIFF.

H.R. 4610: Mr. MOLLOHAN, Mr. OLVER, Mr. SERRANO, Mr. ORTIZ, and Mr. WILSON.

H.R. 4618: Mr. LEWIS of Georgia.

H.R. 4669: Mr. LEWIS of Georgia.

H.R. 4708: Mr. LEWIS of Georgia.

H.R. 4830: Mr. SHUSTER.

H.R. 4861: Mr. TALENT and Mr. GINGRICH.

H.R. 4912: Mr. FIELDS of Louisiana, Mr. THOMPSON, Mr. BARCIA of Michigan, Mr. PASTOR, Mr. WILSON, Mr. LANCASTER, Ms. SLAUGHTER, and Mr. PARKER.

H.R. 4936: Mr. SCHIFF.

H.R. 4946: Mr. LIPINSKI, Mr. DURBIN, Mr. POSHARD, Mr. COSTELLO, Mr. EVANS, Mr. MANZULLO, Mr. REYNOLDS, Mr. FAWELL, Mr. HASTERT, and Mr. RUSH.

H.R. 4953: Mr. ROHRABACHER.

H.R. 4957: Ms. CANTWELL and Mr. BOEHLERT.

H.R. 4971: Mr. LEWIS of Georgia.

H.R. 4977: Mr. LEWIS of Georgia.

H.R. 4978: Mr. LEWIS of Georgia.

H.R. 4979: Mr. LEWIS of Georgia.

H.R. 4982: Mr. EMERSON, Ms. PRYCE of Ohio, Mr. NEAL of Massachusetts, and Mr. MEEHAN.

H.R. 5028: Mr. DEFAZIO and Mr. BILBRAY.

H.R. 5062: Mr. ROHRABACHER, Mr. KYL, Mr. MOORHEAD, Mr. EMERSON, Ms. HARMAN, Mr. SMITH of New Jersey, Mr. CLINGER, Mr. BILIRAKIS, Mr. YOUNG of Florida, Mr. LEWIS of Florida, Mr. WALSH, Mr. GILCHREST, Mr. DUNCAN, Mr. DOOLITTLE, Mr. PACKARD, Mrs. FOWLER, Mr. MICA, Ms. SHEPHERD, Mrs. CLAYTON, Mr. JACOBS, Mr. ANDREWS of New Jersey, Mr. APPLEGATE, Mr. OXLEY, Mr. PORTER, Mr. BEREUTER, Mr. HUTCHINSON, Mr. CANADY, Mr. KIM, Mr. GILLMOR, Mr. INHOFE, Mr. HALL of Ohio, Mr. MANZULLO, and Mr. ROTH.

H.R. 5064: Mr. DELLUMS and Mr. HALL of Ohio.

H.J. Res. 44: Mr. PAYNE of Virginia.

H.J. Res. 311: Mr. BARCA of Wisconsin, Mr. DEAL, Mr. GILMAN, Mr. HAMBURG, Mr. HAMILTON, Mr. MCCLOSKEY, and Mr. VISCLOSKY.

H.J. Res. 385: Mr. KENNEDY, Mr. MEEHAN, Mr. NEAL of Massachusetts, Mr. TANNER, Mr. MCNUTLY, and Mr. KLEIN.

H.J. Res. 391: Mr. EMERSON, Mr. FLAKE, Mr. HUTTO, Mr. KLEIN, Mr. LIPINSKI, Mr. MARTINEZ, Mr. PASTOR, Mr. WATT, and Mr. WAXMAN.

H.J. Res. 398: Mr. ROGERS, Mr. KIM, Mr. CRAMER, Mr. COPPERSMITH, Mr. FAZIO, Mr. FAWELL, Mr. MARKEY, Mr. CALVERT, Mr. ROSE, Mr. BORSKI, Mr. FIELDS of Texas, Mr. SCHIFF, Mr. MAZZOLI, Mr. PALLONE, Mr. HANSEN, Mr. WYNN, Mr. SWETT, Mr. DE LA GARZA, Mr. HASTERT, Mr. PETERSON of Florida, Mr. PRICE of North Carolina, Mr. MCCRERY, Mr. MOORHEAD, Mr. RAHALL, Mr. HUNTER, Mr. SKEEN, Mr. YOUNG of Florida, Mr. STENHOLM, Mr. MFUME, Mr. SHARP, Mr. TAUZIN, Mr. PAYNE of New Jersey, Mr. MACHTLEY, Mr. MENENDEZ, Mr. BATEMAN, and Mr. VALENTINE.

H.J. Res. 400: Mr. MEEHAN, Mr. BLACKWELL, Mr. JEFFERSON, Mr. SAXTON, Mr. GINGRICH, Mr. EMERSON, Mr. FROST, Mr. LIPINSKI, and Mr. MANTON.

H.J. Res. 403: Mr. MORAN and Mr. WYNN.

H. Con. Res. 35: Mr. EDWARDS of California, Mr. LANTOS, Mr. COSTELLO, Mr. EVANS, Mr. STUDDS, Mr. WHEAT, Mr. MANTON, Mr. KOPETSKI, Mr. KREIDLER, Mr. WISE, Mr. KLECZKA, Mr. ZIMMER, Mr. EHLERS, Ms. ENGLISH of Arizona, Mr. MAZZOLI, Mr. MCNULTY, Mr. TANNER, Mr. DE LA GARZA, Mr. MCDERMOTT, Mr. DE LUGO, Mr. PETERSON of Minnesota, Mr. SYNAR, and Ms. MOLINARI.

H. Con. Res. 192: Mr. MOAKLEY.

H. Con. Res. 217: Mr. DELLUMS.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3222: Mr. WALSH.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 12 by Mr. TRAFICANT on H.R. 3261: Carlos J. Moorhead and John Linder.

Petition 15 by Mr. BILIRAKIS on House Resolution 382: Deborah Pryce.

Petition 18 by Mr. HASTERT on House Resolution 402: Curt Weldon, Joe Barton, and Deborah Pryce.

Petition 25 by Mr. CONDIT on House Resolution 489: Jim Cooper and John Edward Porter.

EXTENSIONS OF REMARKS

IN SUPPORT OF JOBS THROUGH TRADE EXPANSION ACT OF 1994

HON. MARIA CANTWELL

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 1994

Ms. CANTWELL. Mr. Speaker, I rise today in strong support of H.R. 4950, the Jobs Through Trade Expansion Act of 1994.

Mr. Speaker, I commend the honorable member of the Foreign Affairs Committee, Mr. HAMILTON, for bringing this bill to the floor, and want to thank the sponsor of this bill, Chairman GEJDENSON, for his outstanding, bipartisan work on this measure. I also want to thank my good friend, the ranking member of the Subcommittee on Economic Policy, Trade, and the Environment, Mr. ROTH, for his hard work and bipartisan support of this measure.

This is an important bill that will create at least 100,000 new jobs for American workers and is another step in the right direction toward boosting export promotion abroad.

The Jobs Through Trade Expansion Act will expand the financing and insurance available to the Overseas Private Investment Corp., which has been extraordinarily successful in helping U.S. companies find overseas markets and investment opportunities. This bill also expands the Trade and Development Agency, which helps American companies get in on the ground floor of overseas construction projects. TDA estimates conservatively that for every dollar disbursed, $25 is returned to the U.S. economy.

H.R. 4590 also strengthens environmental export promotion by including language identical to Chairman GEJDENSON's Environmental Export Promotion Act. Given that the worldwide environmental technologies market is expected to grow from approximately $270 billion today to as much as $600 billion by the year 2000. Unless an intelligent and aggressive export strategy is developed, American strength in the environmental sector could be eroded by international competitors. This legislation will make it easier and more efficient for small- and medium-sized businesses to export environmental technology overseas.

Finally, this legislation will help U.S. exporters with intellectual property problems in overseas markets. By establishing a training and technical assistance program, H.R. 4950 will target countries who have expressed a willingness to improve enforcement of intellectual property rights, but which lack the expertise or resources to do so.

Mr. Speaker, H.R. 4950 is a progressive, cooperative government program that will result in increased U.S. exports, strengthen our competitive position in the world, and create more high-wage jobs for American workers. I again commend the chairman for his hard work on this bill and strongly urge my colleagues to vote in favor of this important legislation.

THE THERESA NANCE MINISTRIES, INC.

HON. HERB KLEIN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 1994

Mr. KLEIN. Mr. Speaker, I rise today to congratulate Theresa Nance on the opening of the Theresa Nance Ministries, Inc. Theresa has relentlessly worked in the urban neighborhoods of the Eighth Congressional District of New Jersey, bringing the needed support to the underserved as they strive to succeed in today's competitive world.

I believe the creation of the Theresa Nance Ministries, Inc. is the fruit of Theresa's hard work and will be an instrumental organization in the movement to uplift our community.

It is with great pleasure that I ask my colleagues to honor Theresa Nance on the opening of her new ministry. With her guidance and perseverance, this ministry will be a successful endeavor.

A BILL TO RATIFY A COMPACT BETWEEN THE ASSINIBOINE AND SIOUX INDIAN TRIBES OF THE FORT PECK RESERVATION AND THE STATE OF MONTANA

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 1994

Mr. WILLIAMS. Mr. Speaker, today I am please to introduce a bill to ratify the water rights compact between Montana and the Fort Peck Tribes.

The compact was finalized more than 9 years ago to settle the tribes' water rights, which had been the subject of litigation for more than a decade in Montana. It has been ratified by the tribes and the Montana Legislature and approved by the Secretary of Interior and the Attorney General.

This compact provides final quantification of the water rights of the Assiniboine and Sioux Tribes of the Fort Peck Reservation in northeastern Montana. It also protects the rights of non-Indian water users existing in 1985, establishes a joint tribal-State board to resolve disputes, and allows for water marketing outside of the reservation subject to certain conditions.

My bill differs, in several important respects, from legislation introduced by Senators BAUCUS, BURNS, and INOUYE in this Congress as well as the 102d by prohibiting use of the tribal water right outside of the Missouri River basin, providing a waiver of all water rights claims by the tribes against the United States and establishment of an economic development fund for the tribes.

The restriction on exercise of the tribal water right outside of the basin addresses concerns raised by several States downstream from Montana, which have previously resulted in holds being placed on the compact in the Senate. Section 3(e) alleviates the basis of those objections.

This bill also provides for the waiver of all tribal water rights claims against the United States in section 3(g). In the compact, the tribes agreed to protect the irrigation rights on approximately 32,500 acres of non-Indian landowners, both on and off the reservation. Although Indian lands had a senior priority date, the U.S. Government allowed these non-Indian landowners to develop virtually all the flow of surface streams plus all of the area's ground water resources. The protection of these uses in the compact was a major legal and economic concession by the tribes. Section 3(g) precludes the tribes from making any claim against the United States because of the Government's errors.

To compensate the tribes for major economic and legal concessions this legislation establishes a tribal economic recovery fund of $50 million to be built up out of appropriated funds over a period of several years. The fund would be permanent and the principal could not be invaded, beginning in fiscal year 1999 the tribes could use the interest for economic development and land acquisition within the reservation as approved by the Secretary of the Interior. The payments into the fund would be measured as a percentage of power revenues of the Pick-Sloan Eastern Division. However payments would be by appropriation and the legislation specifically provides that power rates would never be affected by the settlement.

The United States benefits from the prohibition of out-of-basin water marketing since this ensures that Federal hydroelectric dams downstream from the reservation will have the benefit of the full flow of the Missouri River. In 1983 the Western Area Power Administration [WAPA] estimated that if the tribes marketed 50,000 acre-feet out of the basin, downstream power production would diminish by $3,500,000 to $4,000,000 annually—in 1983 dollars.

In the 1980's there was a large demand for Missouri River water for coal slurry pipelines, at one time the tribes were offered $3.6 million for 20,000 acre-feet annually. As negotiated the compact quantifies the reserved winters rights of the tribes at 1,050,000 acre-feet per year and authorizes the marketing of at least 50,000 acre-feet of water per year.

There is precedent for measuring Indian water settlements by Federal power revenues. For example, in 1992 the Three Affiliated Tribes and Standing Rock Sioux Tribe in North and South Dakota received settlement funds in connection with construction of the dams and reservoirs built on the Missouri River in the 1940's and 1950's. The act required the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

United States to deposit appropriated money into economic development funds equal to 25 percent of the receipt from the programs of the Eastern Division of the Pick-Sloan Missouri River project over a number of years until a ceiling was reached.

Mr. Speaker, this legislation is an important final step in the tribes' effort to secure their water rights and realize the benefit of the bargain of the compact that they negotiated in good faith with the State of Montana and the United States. I urge expedited action of this important matter.

DELAURO HONORS MARGARET AND JOHN SMITH

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 1994

Ms. DELAURO. Mr. Speaker, on Friday, September 23, Margaret Coyne Smith and John Edward Smith of New Haven, CT, will mark their 50th wedding anniversary. Over the years, the Smiths have devoted themselves to the needs of their family and community. I feel privileged to be able to congratulate them on this milestone in their lives.

When the Smiths were first married, John was a fledgling member of the New Haven Fire Department. Fifty years later, at the age of 75, John continues to serve the citizens of New Haven as chief of the fire department. His devotion to his work and to his city have only grown over the years.

During a time when many families have left the city for the suburbs, the Smiths have committed themselves to supporting and enriching their community. John and Margaret were born and raised in the Newhallville section of New Haven and chose to make the city their lifelong home. Three of their four children also reside in the New Haven area.

On September 25, the Smiths will be celebrating 50 years of marriage, surrounded by their family and the many friends they have made over the years. Mr. Speaker, I am proud to acknowledge them for their commitment to each other and their community.

CONGRATULATIONS TO FLIGHT TIME INTERNATIONAL

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 1994

Mr. FRANK of Massachusetts. Mr. Speaker, I was very pleased to learn that Flight Time International, an air charter service headquartered in Brookline, MA, was named the best in the Northeast region in the Best of America Awards.

These awards are sponsored by Dunn & Bradstreet Information Services, and the National Federation of Independent Business Education Foundation. The sponsors created these awards last year, in their words "to recognize excellence in small business, especially in areas of growth, innovation, and community service." Thousands of businesses were nominated, and hundreds were accepted as applicants for this award.

Flight Time International, which has been in existence for 9 years, began with only $30,000 in personal savings of the founders, three very energetic, creative, and dedicated women. Jane McBride, Dara Zapata, and Patricia Zinkowski drew on their experience in the airline business and their own inherent skills to create a successful independent air charter firm. I am pleased they were given the recognition they deserve, and I was grateful to have a chance to meet with them and talk with them when they came to Washington to receive this honor.

This sort of entrepreneurial success is very important for all of us, and I am proud to have the Northeast winners come from within my district.

H.R. 5064: THE INSURANCE TAX FAIRNESS ACT REINTRODUCTION

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 1994

Mr. FILNER. Mr. Speaker, I have reintroduced legislation that I first introduced as H.R. 4510 on May 26, 1994, to amend the Internal Revenue Code of 1986.

The legislation, the Insurance Tax Fairness Act of 1994, remains exactly the same in text and purpose with a small, though significant, addition. In section 4, the Sense of Congress Relating To Use of Increased Revenues, "additional health benefits" was added. Since there is such a tremendous need in this Nation for a caring and sharing health program, this addition would make the goals of the legislation more comprehensive and inclusive.

Mr. Speaker, my cosponsors and I reintroduce this legislation with a renewed sense of purpose and commitment. This has been underscored by the dramatic cuts of programs in several appropriations bills affecting the lives of many Americans who are struggling daily to make ends meet. This was emphasized when Hunger Caucus Chairman TONY HALL hosted a briefing on my legislation. This briefing dramatized the major obligation we have as legislators to find new ways to fund programs that we know work and which our constituents so strongly support.

My legislation will close an unjust loophole that has been enjoyed by the very largest mutual insurance companies. Since the mid-1980's, this loophole has cost the U.S. taxpayers about $2 billion annually, a staggering amount of money when compared to the needs in our communities. I include, Mr. Speaker, just the headline of a recent item from a small regional newspaper which, unfortunately, speaks volumes: "Meals on Wheels to Hold Yard Sale to Offset Lost Funding."

Mr. Speaker, it is difficult to tell my constituents in San Diego that we cannot provide funding for such programs that provide food to our senior citizens while the Tax Code provides extraordinary advantages to those who know how to "game" the system.

It remains a tragedy of large proportions that a nation of our stature does not provide the revenues sufficient to meet the needs of hungry children, the elderly poor, and others. This is particularly true while a few privileged corporations continue to receive favored tax treatment.

My legislation is designed to do away with section 809 of the Tax Code that both the U.S. Treasury and the GAO have termed as flawed and unworkable and contrary to what Congress intended.

In fact, Mr. Speaker, certain large mutual insurance companies have been paying no tax on earnings from business activity since approximately 1986. By being able to modulate the sale of assets, the few giant mutuals were able to increase or decrease taxes on business activities under the terms of section 809. Obviously, this was contrary to congressional intent. Congress asked the insurance industry 5 years ago to come up with a solution to the shortfall. Our request is still valid, Mr. Speaker, and we can no longer wait for a response.

We must get to the bottom of this matter by having a congressional hearing that lays all of the facts on the table and presents all sides of the issue. This legislation will lead to full disclosure of all relevant material—and settle what the U.S. Treasury and other tax experts agree is the fundamental fairness involved.

Since May 26, there has been considerable interest in my legislation, including national columns supporting the goals of the legislation. The national Coalition to Close the Loophole and Put Our Kids First has grown to approximately 160 members, and is increasing its efforts on many fronts.

In short, this is an issue which is not going away. Our constituents demand our attention to business here in the Nation's Capital. Our overwhelming obligation as Representatives is to ensure that all entities pay their fair share of taxes. By closing this loophole we can fund the programs endorsed by the Hunger Caucus and others without a general tax increase.

Hubert Humphrey challenged us to fulfill the "moral text of government" which he described as "how that government treats those who are in the dawn of life; those who are in the twilight of life; and those who are in the shadows of life." Mr. Speaker, we have no greater calling before us.

THE CENSUS ADDRESS LIST IMPROVEMENT ACT OF 1994

HON. THOMAS C. SAWYER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 1994

Mr. SAWYER. Mr. Speaker, today I am introducing, along with my colleague, Congressman TIM PETRI, the Census Address List Improvement Act of 1994. This legislation is an important step in preparing for the 2000 census, which is coming more quickly than many of us might imagine.

If a household is not on the Census Bureau's address list, it probably won't be counted in the census. Therefore an accurate address list is critical. This legislation will help the Census Bureau improve its address operation in order to take a more accurate and less costly census in the year 2000. In addition, it provides for a more efficient use of local expertise and allows local officials to see that their involvement is a worthwhile part of census-taking.

In preparation for the 1990 census, the Census Bureau spent $300 million to develop an address list. However, the final product missed millions of housing units and contained millions of nonexistent or incorrectly placed housing units. The process did not allow for substantive involvement of local governments, many of whom have a great deal of local address information. In the process, many local officials grew to distrust the Bureau and the results of its efforts.

Local government involvement in prior address list development has been minimal. Today, however, we have the potential to expand that involvement significantly. In addition, we have at our disposal a comprehensive address list from the U.S. Postal Service. Combining those two sources can substantially replace the need for costly and marginally accurate field operations used by the Bureau in the past.

The legislation creates a way for the Bureau to receive standardized address information from local governments, many of whom are investing currently in modern geographic information systems. The bill also provides an efficient way for the Bureau and local governments to resolve discrepancies and verify the accuracy of census information. The bill creates a fair process for local governments to dispute the Bureau's final address list. Finally, the bill requires the Postal Service to provide address information to the Bureau, eliminating any uncertainty in current law.

It is important to emphasize that none of the address lists will contain names or other identifying information. As an extra precaution, the address information can only be shared with individuals designated by local officials as special liaisons. Those liaisons can only view the census information for the purpose of verifying its accuracy. They would be subject to heavy penalties for unauthorized disclosures.

In drafting this legislation, Mr. PETRI and I enjoyed close and constructive consultation with a wide variety of local government representatives, several organizations concerned about individual privacy, the Census Bureau, the Postal Service, and numerous independent experts.

I encourage my colleagues to support this legislation.

POLISH PEOPLES HOME, INC., 85TH ANNIVERSARY CELEBRATION

HON. HERB KLEIN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 1994

Mr. KLEIN. Mr. Speaker, I rise today to pay tribute to the 85th anniversary celebration of the Polish Peoples Home, Inc., to be held September 24, 1994, in Passaic, NJ.

I am delighted to be given this opportunity to let my colleagues know of the development of this organization. The Poles were one of many groups that came to Passaic in the first decade of the 20th century. On October 9, 1909, 15 of these individuals formed the Polish Peoples Home. The goal of the corporation was to establish and maintain a home for Polish cultural and social organizations in the city of Passaic and surrounding areas.

The first home was a small building located at 1–3 Monroe Street. Because of the growing prosperity of the home, later in 1922 the board of directors decided that a larger building was needed. Despite financial concerns, support came from several benefactors who pledged their personal assets to back the venture. This new building was dedicated on April 8, 1923, and included a large ballroom, classrooms, and meeting rooms.

Polonians continued to patronize the home in increasing numbers, so the board of directors decided to expand again in 1932. Many groups and individuals supported this development because of the needed financial assistance.

The most successful period of the Polish Peoples Home was in the 1940's and 1950's. In 1946, the home burned the mortgage and retired the preferred stock, and in the 1950's two additional parcels of land were purchased for parking. It was during this era that Polonians came and listened to the great bands, such as Tommy Dorsey, Glenn Miller, and Bobby Sherwood. Other musicians also came to the home, including polka band greats Frank Wojnarowski, Bernie Witkowski, and Ray Henry.

In the 1960's and 1970's, numerous structural repairs and improvements were made through a large mortgage. In 1979, the Chopin Singing Society brought new excitement to the Polish Peoples Home when it purchased 1,000 shares. It initiated an active role in the management and administration of the home. Moreover, new people came and brought with them changes and ideas that have renewed a remarkable interest in the home.

For 85 years, the Polish Peoples Home, Inc., has been the foundation of the Polish community in Passaic. It is with great pleasure that I ask my colleagues to join me in honoring this organization.

PLAY BASEBALL IN 1995

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 1994

Mr. WILLIAMS. Mr. Speaker, I rise today to introduce a bill designed to encourage a settlement between the baseball players and owners. This bill addresses the inability of the owners and players to collectively bargain effectively given the antitrust exemption for baseball. The bill provides for mandatory and binding arbitration to preserve the 1995 season if the parties fail to reach agreement on their own by February 1, 1995.

Collective bargaining in this country works very well. Government should intervene in that process only at times of crises, and then only when it is clear that continued voluntary negotiations will not succeed. My legislation is introduced in that spirit.

The current strike is the eighth work stoppage since 1972. One hundred and seventy-three days of play have been lost to strikes within the last 24 years. If the current impasse goes on, only 120 major league players will remain under contract for the next season. It is time for a change.

The bill provides both a carrot and stick to encourage serious negotiations between the two sides. It gives the owners and players plenty of bargaining time to reach a settlement on their own. Only if bargaining does not result in an agreement would binding arbitration be imposed.

My bill sets a target date of February 1, 1995, for the parties to reach an agreement on their own prior to the imposition of arbitration. This will ensure adequate time for the parties to negotiate on their own, while maintaining a backstop so that a decision will be reached in time to preserve baseball as we know it in 1995. The legislation provides for the establishment of an arbitration board by February 1, 1995, which will render a final, binding decision based on choosing between the final offer of each party. This decision will occur by March 15, 1995.

Again, the primary purpose of this bill is to promote an early settlement between the parties and have the 1995 baseball season begin on time.

Play ball.

JOBS THROUGH TRADE EXPANSION ACT

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 1994

Mr. HAMILTON. Mr. Speaker, as Members are aware, the House adopted H.R. 4950, the Jobs Through Trade Expansion Act of 1994, on Monday, September 19.

That bill extends and rewrites the authorities of the Overseas Private Investment Corporation. One provision of the bill falls within the jurisdiction of the Committee on Ways and Means.

I would like to include in the RECORD at this point my correspondence with the Committee on Ways and Means on this provision.

COMMITTEE ON WAYS AND MEANS,
Washington, DC, September 22, 1994.

Hon. LEE H. HAMILTON,
Chairman, Committee on Foreign Affairs, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I write to you today regarding H.R. 4950, a bill to extend the authorities of the Overseas Private Investment Corporation (OPIC). It has come to my attention that one provision in the bill, as reported by the Committee on Foreign Affairs, is within the jurisdiction of the Committee on Ways and Means. I refer specifically to section 235(f) regarding the issuance of obligations.

Section 235(f) would authorize OPIC to borrow from the Department of the Treasury up to a maximum amount of $100 million of obligations outstanding at any one time. The section would require the Treasury to lend such amounts to OPIC, using for this purpose the proceeds of public debt transactions under Chapter 31 of title 31 of the United States Code.

As you know, the issuance of bonded public debt of the United States is in the exclusive jurisdiction of the Committee on Ways and Means. In this instance, I realize that this provision has been in law since 1974 and that H.R. 4950 simply extends the applicability of that provision.

I assure you that the Committee on Ways and Means has no substantive policy interest in other aspects of the bill and does not intend to delay its progress through the legislative process. In this case, the Committee on Ways and Means will not exercise its right to a sequential referral of H.R. 4950, with the understanding that this does not in any way prejudice its jurisdictional interests.

However, I take very seriously my responsibility with regard to the jurisdiction of the Committee on Ways and Means; therefore, I felt obliged to bring to your attention this aspect of H.R. 4950. I trust that you understand my concerns in this regard. I hope that our committees can work together on this matter when similar legislation is considered in the future.

Thank you for your consideration of this matter.

Sincerely yours,

SAM M. GIBBONS,
Acting Chairman.

COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, September 22, 1994.

Hon. SAM GIBBONS,
Acting Chairman, Committee on Ways and Means, Longworth House Office Building, Washington, DC.

DEAR SAM: I write in response to your letter regarding H.R. 4950, the Jobs Through Trade Expansion Act of 1994.

As you noted, new section 235(f) of the Foreign Assistance Act, as added by H.R. 4950, does involve the use by the Treasury of bonded public debt for OPIC. I agree that this issue falls within the jurisdiction of your committee. It was not my intention in moving this legislation to in any way impinge on your committee's jurisdiction.

Section 235(f) of H.R. 4950 restates a provision of current law, enacted in 1974. Please be assured that if the Committee on Foreign Affairs is faced with any modifications of this language during Senate consideration, I will support fully any request by the Committee on Ways and Means to be conferees on this section. In addition, if the Committee on Foreign Affairs needs to address this issue in the future in any other way, I will not hesitate to contact you.

Thank you for your cooperation to date on this matter. I look forward to continuing to work with you on this and other issues of mutual concern to our two committees.

With best regards,

Sincerely,

LEE H. HAMILTON,
Chairman.

FORMER PAKISTANI LEADER RAISES SERIOUS QUESTIONS ABOUT NARCOTERRORISM BY PAKISTAN

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 1994

Mr. MANTON. Mr. Speaker, I would like to call to the attention of my colleagues an article which appeared in the September 12 edition of the Washington Post. In this article, former Pakistani Prime Minister Nawaz Sharif is quoted as saying that former Army Chief of Staff, Gen. Mirza Aslam Beg, and Gen. Asad Durrani, the former head of Pakistani Inter Services Intelligence Bureau [ISI] informed him that the army and ISI wanted to conduct covert activities in other countries and wanted to use the proceeds from large scale drug transactions to finance these activities. While Mr. Sharif says he assumed the plan was never carried out, there is growing evidence to the contrary.

In March 1993 the city of Bombay was shaken by a series of bombings which killed 317 innocent people in one of the most horrible acts of terrorism ever. The main bomb destroyed the Bombay Stock Exchange, the center of commerce in India. A suspect recently was arrested in this case. Yakub Memon has implicated the ISI in this act of terrorism saying the ISI provided his brother, several associates and him with explosives, arms and funds to carry out these acts of destruction. Mr. Memon said the ISI instructed his party where to place the bomb before they carried out the killings. Mr. Memon is an Indian citizen yet he was found to possess a Pakistani passport and identity card. He said the ISI provided him with travel to and from Pakistan. His brother and family, also Indian citizens, now live in a fancy home in Karachi, which Yakub Memon said also was paid for by the ISI.

Mr. Speaker, there have been other deeply disturbing developments regarding terrorism and ISI. During the past year, Indian security forces in Kashmir have arrested Pakistani, Afghani, and Libyan nationalists who admit to having been trained, funded, and armed by ISI elements in nearby Pakistan. These arrests have occurred as a result of continued acts of violence carried out by terrorist troops which have infiltrated the Indian border from camps in Pakistan.

Mr. Speaker, Pakistan currently is the source of more than 20 percent of all the heroin sold in the United States. Our Government has spent tens of billions of dollars during the past decade fighting terrorism and narcotics. The Post article raises serious questions about the activities of the Government of Pakistan at a time when terrorism is on the rise not only inside the borders of its neighbor, India, but also around the world. The issues raised by former Prime Minister Sharif demand the immediate attention of our State Department and the world community. I urge my colleagues to read the Post article and ask that it be included in the RECORD at this point.

[From the Washington Post, Sept. 12, 1994]

HEROIN PLAN BY TOP PAKISTANIS ALLEGED

FORMER PRIME MINISTER SAYS DRUG DEALS WERE TO PAY FOR COVERT MILITARY OPERATIONS

(By John Ward Anderson and Kamran Khan)

KARACHI, PAKISTAN.—Pakistan's army chief and the head of its intelligence agency proposed a detailed "blueprint" for selling heroin to pay for the country's covert military operations in early 1991, according to former prime minister, Nawaz Sharif.

In an interview, Sharif claimed that three months after his election as prime minister in November 1990, Gen. Aslam Beg, then army chief of staff, and Gen. Asad Durrani, then head of the military's Inter-Services Intelligence Bureau (ISI), told him the armed forces needed more money for covert foreign operations and wanted to raise it through large-scale drug deals.

"General Durrani told me, 'We have a blueprint ready for your approval,'" said Sharif, who lost to Benazir Bhutto in elections last October, and is now leader of the opposition in parliament.

"I was totally flabbergasted," Sharif said, adding that he called Beg a few days later to order the army officially not to launch the drug trafficking plan.

Beg, who retired in August 1991, denied Sharif's allegation, saying, "We have never been so irresponsible at any stage. Our politicians, when they're not in office and in the opposition, they say so many things. There's just no truth to it."

Durrani, now Pakistan's ambassador to Germany, said: "This is a preposterous thing for a former prime minister to say. I know nothing about it. We never ever talked on this subject at all."

Brig. Gen. S.M.A. Iqbal, a spokesman for the armed forces, said, "It's inconceivable and highly derogatory; such a thing could not happen."

The interview with Sharif, conducted at his home in Lahore in May, was part of a broad investigation into narcotics trafficking in Pakistan. It marked the first time a senior Pakistani official has publicly accused the country's military of having contingency plans to pay for covert operations through drug smuggling.

Officials with the U.S. State Department and the Drug Enforcement Administration said they have no evidence that Pakistan's military is or ever has been involved in drug trafficking. But U.S. and other officials have often complained about the country's weak efforts to curtail the spread of guns, money laundering, official corruption and other elements of the deep-rooted drug culture in Pakistan, which along with Afghanistan and Iran lies along the so-called Golden Crescent, one of the world's biggest drug-producing regions.

In a scathing report two years ago, a consultant hired by the CIA warned that drug corruption had permeated virtually all segments of Pakistani society and that drug kingpins were closely connected to the country's key institutions of power, including the president and military intelligence agencies.

About 70 tons of heroin is produced annually in Pakistan, a third of which is smuggled abroad, mostly to the West, according to the State Department's 1994 report on international drug trafficking. About 20 percent of all heroin consumed in the United States comes from Pakistan and its northern neighbor, Afghanistan, the second largest opium producer in the world after Burma. The United Nations says that as much as 80 percent of the heroin in Europe comes from the region.

It has been rumored for years that Pakistan's military has been involved in the drug trade. Pakistan's army, and particularly its intelligence agency—the equivalent of the CIA—is immensely powerful and is known for pursuing its own agenda. Over the years, civilian political leaders have accused the military—which has run Pakistan for more than half its 47 years of independence—of developing the country's nuclear technology and arming insurgents in India and other countries without their knowledge or approval and sometimes in direct violation of civilian orders. Historically, the army's chief of staff has been the most powerful person in the country.

According to military sources, the intelligence agency has been pinched for funds since the war in Afghanistan ended in 1989 and foreign governments—chiefly the United States—stopped funneling money and arms through the ISI to Afghan mujaheddin guerrillas fighting the Soviet-backed Kabul government. Without the foreign funds, the sources said, it has been difficult for the agency to continue the same level of operations in other areas, including aiding militants fighting Indian troops across the border in Kashmir. Such operations are increasingly being financed through money raised by such private organizations as the Jamiat-i-Islami, a leading fundamentalist political party.

A Western diplomat who was based in Islamabad at the time of the purported meeting and who had occasional dealings with Beg and Durani, said, "It's not inconceivable that they could come up with a plan like this."

"There were constant rumors that ISI was involved in rogue drug operations with the Afghans—not so much for ISI funding, but to help the Afghans raise money for their operations," the diplomat said.

In the interview, Sharif, claimed that the meeting between him and the generals occurred at the prime minister's official residence in Islamabad after Beg called one morning and asked to brief him personally on a sensitive matter.

"Both Beg and Durrani insisted that Pakistan's name would not be cited at any place because the whole operation would be carried out by trustworthy third parties," Sharif said. "Durrani then went on to list a series of covert military operations in desperate need of money."

Sharif, in the interview, would not discuss operational details of the proposal and refused to disclose what covert plans the intelligence agency wanted to fund with the drug money.

Sharif said he had "no sources" to verify that the ISI had obeyed his orders to abandon the plan but that he assumed the agency had complied.

"I told them categorically not to initiate any such operation, and a few days later I called Beg again to tell that I have disapproved the ISI plan to back heroin smuggling."

Embittered that his political enemies cut short his term as prime minister last year and helped engineer the return of Bhutto, Sharif has gone on an intense political offensive to destabilize her 10-month-old government. He claimed recently that Pakistan has a nuclear bomb and said he made the information public to prevent Bhutto from dismantling the program under pressure from the West. The government has denied possessing a nuclear bomb but repeated previous statements that it has the ability to build one.

Calling Sharif a "loose cannon," a second Western diplomatic source said, "I'd have a hard time believing" his allegations about the military's drug trafficking proposal. The official suggested that Sharif's disclosure might be designed to keep Bhutto and Pakistan-India relations off balance. "If anything should bring these two countries together, it is their common war against the drug problem, but this seems to fly in the face of that," he said.

PETER TORRIERI'S TRIBUTE TO OUR IMMIGRANT FOREFATHERS

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 1994

Mrs. BENTLEY. Mr. Speaker, I rise today to recognize the talents of one of my constituents, Peter Torrieri, whose poem entitled "To My Father," honors not only his own Italian-American heritage, but also the legacy of all our immigrant forefathers who gave up so much in the fulfillment of the American dream.

Mr. Torrieri's father, Domenico, was one of a number of immigrants who came to America in the early 1900's in search of a better life. Just 16 and all alone, the young man from Abruzzo worked numerous jobs—from gardener to munitions factory laborer—sending his paychecks home to his parents in Italy. Indeed, after his marriage in the States, his wife then with three children and pregnant with the fourth, was sent back to his homeland so that they, too, would benefit from his toil. For 13 years, the young Peter, as well as his family, were separated from his father. In that time, Domenico's money was used to educate each and every one of them. His devotion and work ethic made it possible for the Torrieris to return to America so that they could prosper in the land of opportunity.

Domenico Torrieri was one of many immigrants who beat the odds and paved a path for his children to follow. His son, Peter, shows the pride and respect that he holds for his father's legacy and for all our other countrymen who did the same in the following eulogy.

As the daughter of immigrant parents and one who also remains dedicated to my heritage, I invite my fellow colleagues to read and enjoy Peter Torrieri's poem.

TO MY FATHER

I praise you, my father, and all your brothers a million strong.
You, dauntless ones who crossed the ocean vast at the early dawn of the century,
Came from distant lands, and gained free access to our friendly shores,
You, challengers of water and wind and the unknown in search of bread and honest toil.
I praise you, Domenico, my father, who shared
Your scant bread with me and gave me the sweat of your brow.
I praise you and your brothers a million strong.
You, anonymous, unrecognized, unsung ones,
The laborers, the toilers, the workers, the builders of America.
I honor you, my father, and all your brothers a million strong,
You, amorphous neglected masses who slept on the earth bare,
Tamed the sooty demons in the coal mines, pushed the plows in the furrows,
Made the deserts bloom, and the stingy soils yield copious crops,
Hammered the spikes that held the rails that span the continent,
And raised the skyscrapers that flirt with the sky.
I honor you, my father, and all your brothers a million strong,
The laborers, the toilers, the workers, the builders of America.
I acclaim you, my father, and all your brothers a million strong,
You, red-eyed-from-soot-and-sweat, bare-chested smiths
Who wrought the steel that forged the spine and backbone of our mighty cities
And powerful industries and ships that sailed the seven seas;
Who dug the subways and laid the roadbeds of the spacious highways;
Who quarried the stones that raised the monuments, the cathedrals, and museums,
And the schools that taught brawn and brain, races and creeds to amalgamate.
I acclaim you, my father, and all your brothers a million strong.
The laborers, the toilers, the workers, the builders of America.
I bow before you, my father, in both humility and pride.
You were just sixteen when your mother, crying,
Gave you her blessing and kissed you good-bye.
Good-bye. You never saw your mother again alive.
You were still a boy when you waved farewell
To the seagulls on the Adriatic shores of Abruzzo,
A boy unbearded, unschooled, unskilled,
But unafraid of the heights and depths,
Driven only by unbending will to find your place in the sun.
I'll always remember you with love, my father,
The barrel-chested, broad-shouldered, five-foot-five
With thick, callus-gloved hands and sinewy biceps,
Face scorched by fierce summer suns and winter icy winds,
But face that greeted friends as well as strangers with a smile.
You, my father, and all your brothers a million strong
May have passed by unnoticed, unrecognized, unappreciated, and anonymous,
But in the juster spheres above, your names are carved on immortal granite.
Millions of you have come and gone
But Someone keeps making you and growing you by the millions more,
Because that Someone loves you, my father,
All all your brothers a million strong.

PUBLIC OUTRAGED OVER GOLD GIVEAWAY

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 1994

Mr. MILLER of California. Mr. Speaker, last May, the American public was outraged—and rightly so—when the Federal Government signed away public land containing gold worth an estimated $10 billion to a foreign-owned mining company—and received less than $10,000 for the taxpayers.

This indefensible giveaway was the result of one of the most outdated and outrageous laws still on the books, the 1872 mining law.

This law was designed to help settle the West, a largely unpopulated region in the 19th century. What it has turned into is one of the worst examples of fleecing the taxpayer that anyone can imagine.

No one in Congress would dare propose such a law today. But the 1872 law endures, defended by the mining companies—who get something-for-nothing—and their powerful friends in Congress.

I am inserting into the RECORD an editorial from the St. Louis Post-Dispatch from August 31 which provides still more details about this continuing ripoff.

[From the St. Louis Post-Dispatch, Aug. 31, 1994]

THE NEW GOLD RUSH

If Interior Secretary Bruce Babbitt could make but one reform in the management of the West's natural resources, he would need only a nanosecond to decide: Repeal the 1872 mining law, an open-ended invitation to fleece the taxpayer.

Mr. Babbitt said as much in May, when under court order, he reluctantly gave Canadian-owned American Barrick Resources Corp. title to 1,949 acres of public land in Nevada to mine $10 billion worth of gold for the shamefully low price of $9,765. He called it "the biggest gold heist since the days of Butch Cassidy."

Change is on the horizon—but how much? Republican senators from the West have blocked a bill, which the House passed, to protect taxpayers and the environment. In its place, they've offered one that amounts to an industry-protection bill.

The 1872 Mining Law, a relic from the days of the homesteading act and giveaways to the railroads, governs hard-rock mining—the extraction of metals such as gold, copper, silver and zinc on public lands. It has three features that have cost the taxpayer and the environment dearly.

This relic allows mining companies to "patent," or purchase, public lands with mineral deposits for the paltry sum of, at most, $5 an acre. That may have been the market value in 1872; today it's a government-subsidized bonanza to private enterprise. Once patented, the land is private property.

Sometimes, patented land isn't even mined. Here is one example from the congressional report. "Taking From the Taxpayer: Public Subsidies for Natural Resource Development": In 1970, a developer from Arizona patented 61 acres of land. Then he sold the land to a hotel developer for $400,000 and an 11 percent share of future profits. The cagey businessman from Arizona has made about $6 million in profit so far; the American taxpayer earned a whopping $153.50 from the patent.

As a 1994 report from the Mineral Policy Center points out, the Bureau of Land Management, which handles patents, has closed off the process to public input and participation, although it is public land that's being sold off. That's unconscionable.

Right now, fearing even the most minimal reform, mining companies are rushing to patent land. Unless the government imposes a moratorium taxpayers stand to lose $34 billion worth of minerals, according to the Mineral Policy Center. Ideally, patenting should be abolished, as recommended in a House reform bill. The Senate version would retain patenting, although it would increase the price.

Under the 1872 law, mining companies do not pay a penny in royalties to the American taxpayer. Hard-rock mining companies argue that they invest millions in selecting and preparing sites and then, of course, extracting the minerals. And that is true. But oil, gas and coal companies also invest millions—and pay royalties as well.

Oil, gas and coal companies were originally covered by the 1872 law. But because the federal government wanted to maintain some control over resources crucial to national defense and economic development, the Mineral Leasing Act of 1920 was passed. It abolished patenting and substituted long-term leases of the land and imposed a 12.5 percent royalty on oil and gas; a 12.5 percent royalty on above-ground coal; and 8 percent on below-ground coal. Why should mining for gold, copper or silver be any different?

The House bill would impose an 8 percent gross royalty on hard-rock minerals. The Mineral Policy Center estimates that would produce $30 for an average ounce of gold. In April, gold sold for $375 an ounce. The Senate version would apply a 2 percent net royalty to yield about 22 cents an ounce.

The worst travesty of the 1872 mining law is that it makes no provision for land reclamation from the environmental damage caused by mining. That means that taxpayers, who get a pittance for a patent and zilch for a royalty, get stuck with the tab for environmental cleanup. Right now, the government will spend between $32.7 billion and $71.5 million to clean up 557,650 abandoned mines.

The environmental damage alone is reason enough to repeal the 1872 law. A system of leasing, instead of "patenting," would allow the government to set environmental standards as a condition of the lease; a system of royalties would provide money for reclamation. Without substantial reform, American taxpayers stand to lose the West—and their shirts.

CELEBRATING THE 15TH ANNIVERSARY OF SERENITY BAPTIST CHURCH

HON. HERB KLEIN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 1994

Mr. KLEIN. Mr. Speaker, on Saturday, September 24, 1994, I will have the honor of joining the Serenity Baptist Church as it celebrates its 15th anniversary. I am delighted to have the opportunity to pay tribute to the church by entering the complete history of Serenity Baptist Church provided to me by Pastor Newsome in today's CONGRESSIONAL RECORD.

Serenity Baptist Church is an American Baptist Congregation of approximately 200 members that was established fifteen years ago on September 29, 1979 at an organizational meeting in the home of the Reverend J. Worthem, the church's first pastor.

Until the church could purchase its present edifice at 142 North First Street in Paterson, services, meetings, and choir rehearsals were held in several locations throughout the Paterson area such as: Star Hope Mission, Riverside Baptist Church, and the home of Mr. and Mrs. Earl Morgan.

The Church was blessed to acquire the edifice in which it now meets for worship in 1981. Then in 1986, due to hard work and the faithfulness of the membership, God bestowed a special blessing upon this congregation and enabled it to retire the mortgage of the church in only five years.

Serenity became affiliated with the American Baptist Churches of New Jersey (ABCNJ), Paterson Pastor's Workshop, the NAACP, the Passaic County Black Caucus, the North Jersey Clergy Association, and the Progressive Baptist Convention.

Over the past fifteen years, Serenity has assisted in the needs of community based organizations such as Habitat for Humanity in providing them the use of church facilities in support of their annual walk for the homeless; supported the Paterson Partnership Community Programs by providing meeting space for the Riverside Neighborhood Coalition. Serenity continues to assist in providing service to the community through its outreach programs such as S.H.A.R.E. and a food give-away program at the church. The church's concern for the plight of the youth is met in part by IMANI, a rites of passage program that addresses the issues concerning young black males in the City of Paterson.

On April 5, 1990 Serenity Baptist Church called Reverend Newsome into service as Pastoral leader.

Serenity is a church that stresses biblical study, Christian fellowship, and spiritual service to our fellowman and to each other.

It is with great pleasure that I ask my colleagues to commemorate Serenity Baptist Church on the distinguished occasion of its 15th anniversary.

TRIBUTE TO JON ANDREW

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 1994

Mr. DEUTSCH. Mr. Speaker, I rise today to commend Mr. Jon Andrew, an honorable man and a great public servant. Jon Andrew has been promoted to coordinator and reviewer of environmental impact statements for the Department of Interior's Southeast Regional Fish and Wildlife Office in Atlanta, GA.

Mr. Andrew's longstanding commitment to the Nation's natural environment is well-documented. After graduation with an environmental science degree from Unity College in 1978, Mr. Andrew went on to attain a master's degree in wildlife management from Frostburg State College. From his service as refuge manager at the Lower Rio Grande Valley National Wildlife Refuge in Alamo, TX, to his 5-year tenure as wildlife biologist at the U.S. Fish and Wildlife Service, Jon Andrew has dedicated his life to the preservation of the U.S. natural resources.

Throughout his career Mr. Andrew's immanently reasonable nature and conservation ethic have provided him with the tools to disarm the often heated controversies inherent in U.S. environmental policies. Most recently, Jon Andrew accepted one of the most precarious positions in resource management, Refuge manager of the Florida Keys National Wildlife Refuges. As refuge manager, Jon Andrew was embroiled in some of the most contentious battles over resource protection in the Nation, with developers and environmentalists clashing over differing development expectations of the area under his jurisdiction.

The Florida Keys, an archipelago extending over 100 miles into the Caribbean, represents a unique and diverse tropical ecology that has evolved over thousands of years to include such national treasures as the endangered Florida Key deer and the only living coral reef in the continental United States. Federal initiatives have recognized the national significance of the Keys' natural resources and the U.S. Fish and Wildlife Service has sought to balance the detrimental impacts of growth rates which exceeded 90 percent over the last decade with the needs of federally listed endangered species.

Although the Keys' community was bitterly divided over these issues, Mr. Andrew's intelligence, grace, and wit were effective in easing tensions and building coalitions between the development and conservation communities. He enlisted the cooperation of former adversaries in crafting creative solutions to complex management challenges.

In particular, he implemented the Florida Keys' "Bad Country" Management Plan, which seeks to resolve conflicts of incompatible uses among jet skis, air boats, and inappropriate use of offshore islands and shallow water flats within the Great White Heron and Florida Keys national heritages.

Effective implementation of sound resource management practices and an improved level of cooperation within the community are the result of Jon Andrew's laborious efforts to protect the natural heritage of the Florida Keys. His will-considered approach to resource management and his humanitarian concern for the environment and habitat will enrich the natural resources under the management of the Southeast Regional Fish and Wildlife Office.

Jon Andrew's contribution to the State of Florida and the Nation demonstrate his commitment to serve in public good. He is to be congratulated and commended.

TRIBUTE TO NEAL AND BOBBI KURN

HON. SAM COPPERSMITH

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 1994

Mr. COPPERSMITH. Mr. Speaker, I rise today to recognize two friends of Arizona, Bobbi and Neal Kurn. On October 9, the Jewish National Fund will present their Tree of Life Award to the Kurns in honor of their lifetime of philanthropic and community service. To quote Theodore Roosevelt, the Kurns have led lives of strenuous endeavor. They have identified problems and brought people together to solve them. Their energy and leadership have helped others understand both the power and importance of individuals acting to do what is right.

Bobbi already has received the Lee Amanda Young Women's Award, the Golda Meir Award, and the Medal of Honor, the community's most prestigious honor, for her work with the Jewish Federation of Greater Phoenix. She has served Beth El Congregation, the Bureau of Jewish Education, and Jewish Family and Children's Services. As the chair of the Wish Granting Committee of the Make-A-Wish Organization, she has helped fulfill over 2,100 wishes for their wish children.

For his part, Neal has served on the Board of Governors of the State Bar of Arizona and on the board of directors and as president of the Arizona Bar Foundation. He is a fellow of the American College of Tax Counsel, the American College of Trust and Estate Counsel, and the Arizona Bar Foundation. He is also past president of the Jewish Federation of Greater Phoenix and of the Phoenix Chapter of the American Jewish Committee, and has served as the general campaign chairman of the United Jewish Welfare Fund. He has been a member of the board of directors and the vice chair of the Arizona Community Foundation, and a member of the board of directors of the Children's Action Alliance and the National Law Center for Inter-American Free Trade. The Jewish Federation of Greater Phoenix also awarded Neal the Medal of Honor, making the Kurns a rare two medal couple.

This laundry list of boards, commissions, and awards does not, of course, tell the whole story. This list cannot reveal Neal and Bobbi Kurn's depth of caring and commitment to the community.

As a friend of both Neal and Bobbi, I am honored to speak of some of their accomplishments as they receive the Tree of Life Award from the Jewish National Fund.

INSTALLATION OF HARLAN MILLER AS PRESIDENT OF THE INDEPENDENT INSURANCE AGENTS OF AMERICA

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 1994

Mr. HORN. Mr. Speaker, I rise today to commend a fellow Californian and friend, Harlan Miller of Long Beach, who will be installed as president of the Independent Insurance Agents of America [IIAA] next month in Orlando. Mr. Miller is president of Hamman-Miller-Beauchamp-Deeble, Inc., an independent insurance agency located in Long Beach.

Harlan has enjoyed a long and distinguished career as an independent insurance agent. His service to both his national and State association, the Independent Insurance Agents and Brokers of California [IIABC], is equally long and impressive. Harlan held several elective offices in the California association including secretary-treasurer, vice president, and president. He began his commitment to the national organization by serving as the State association's representative to IIAA's board of directors.

Harlan was elected to IIAA's executive committee in Los Angles in 1989. In the time since then he has exhibited a spirit of dedication and concern for his 300,000 colleagues around the country.

Harlan's selfless attitude is also evident in the depth of his involvement in Long Beach-area community activities. He is a past president of the Kiwanis Club, Community Volunteer Office, the International City Club and the Long Beach Boy Scout Council and has worked with numerous other Long Beach civic groups. During my presidency of California State University, Long Beach, Harlan was a very active member of the President's Associates. Currently, he sits on the board of the Memorial Medical Center, Memorial Heart Institute and the Advisory Council Junior League of Long Beach.

I have worked closely with the Independent Insurance Agents and Brokers of California and IIAA's Capitol Hill office, and it will be a distinct pleasure for me to work with fellow Californian Harlan Miller over the coming year as he serves as president of the Nation's largest insurance association.

I have complete confidence that Harlan will serve with distinction as president of the Independent Insurance Agents of America and I wish him all the best in his new role.

HONORING THE REPUBLIC OF CHINA'S 83D NATIONAL DAY

HON. ROBERT F. (BOB) SMITH

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 1994

Mr. SMITH of Oregon. Mr. Speaker, I rise today to honor the Republic of China's 83d National Day on October 10, 1994. Taiwan is a full democracy and its people enjoy a high standard of living. I wish Republic of China's leaders—President Li Teng-hui and Vice President Li Yuan-zu—good luck and good fortune in the years ahead as they campaign for greater international recognition and U.N. membership.

At the same time, I wish to take this occasion to bid a fond farewell to Ambassador Mou-shih Ding, who has returned to Taipei as the Secretary General of the Republic of China's National Security Council. His successor, Ambassador Benjamin Lu, a seasoned diplomat, will certainly continue to strengthen the good relations between Taipei and Washington.

SALUTING ENGLEWOOD PUBLIC SCHOOLS

HON. DAN SCHAEFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 1994

Mr. SCHAEFER. Mr. Speaker, I have held a number of constituent conferences over the years on topics ranging from senior health care to education. My most recent conference was held on Saturday, September 17, and dealt with veterans' issues. The common thread throughout all these conferences was that they were held at Sinclair Middle School in Englewood, CO.

During each and every one of my conferences at Sinclair, I and my staff have been treated with courtesy, professionalism, and efficiency by the entire staff. I thank the principal of Sinclair, Robert Cady, for making possible the use of his school. I also want to salute his custodial staff, especially Larry Case and Juvie DeHerrera, for their superb work in making our veterans' conference a success. Larry was polite and thorough as we made preparations in the days leading up to the conference, while Juvie was equally efficient and helpful on the conference day itself. Without such fine help from these two employees, our conference would not have been so successful.

I believe that the excellence we found at Sinclair Middle School is a reflection of the entire Englewood, CO, public school system. Comprised of 4,388 students, the Englewood public school system has a tradition of excellence. For example, the recently released Iowa Test of Basic Skills scores shows all levels of Englewood students scoring above the 60th percentile in this important test. This is an increase of up to 30 points over last year and is testament to the leadership of Dr. Roscoe Davidson, superintendent of the Englewood public school system.

In short, Mr. Speaker, Colorado should be proud of Englewood's public schools, while Englewood should be proud of Sinclair and its fine staff.

WYOMING SEMINARY CELEBRATES 150TH ANNIVERSARY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 1994

Mr. KANJORSKI. Mr. Speaker, as a proud alumnus of Wyoming Seminary Preparatory School in Kingston, PA, I am pleased to bring to the attention of my colleagues the celebration of the school's sesquicentennial anniversary on September 25, 1994.

One hundred and fifty years ago, 14 girls and 17 boys formed the first class at Wyoming Seminary. In 1844, little did the school's founders know that 150 years later the school would be considered one of the area's most prestigious institutions of college preparatory education. Founded by Methodist clergy and community leaders, the original buildings stood on farmland among the orchards. One of America's first coeducational boarding schools, Wyoming Seminary's earliest students came from all over Pennsylvania and New York.

During its 150 years, Wyoming Seminary, or Sem as it is affectionately called by all, became a mirror of a changing America. The student population reflected the change from a nation of farmers and pioneers, to industry, to an international economy dependent on the information highway.

Today, the student body of more than 700 is diverse, with students from throughout the United States, as well as Europe, Asia, the Middle East, and Central and South America. Sem is the only regional independent school to offer a complete education from nursery school through secondary school. Its graduates go on to attend our Nation's finest colleges and universities.

It has been my pleasure to work closely with Sem's outstanding presidents over the years. Dr. Wallace Stettler served as president for 23 years. Beloved by all, Dr. Stettler helped set the standard of excellence for which Wyoming Seminary is known. In 1990, H. Jeremy Packard became Seminary's new president, charged with leading the school into the 21st century.

Three generations of my family have been a part of Seminary's history and have benefited from its curriculum. My mother, uncle, brother and sisters, nieces and nephews, and most recently my daughter, have all graduated from Seminary.

Mr. Speaker, I won't reveal just how long ago I attended Sem, but let me just say that the knowledge and the experiences I gained there are ones I carry with me today. I wish the faculty, staff, and students of Wyoming Seminary the very best for many, many years to come.

PACIFIC REGION YOUTH OF THE YEAR

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 1994

Mr. PASTOR. Mr. Speaker, I would like to congratulate Lawrence "Torry" Winn for being selected as one of five finalists in the Boys and Girls Clubs of America's 1994–95 National Youth of the Year Program. Torry has already been chosen Youth of the Year for the Boys and Girls Clubs of Metropolitan Phoenix, State of Arizona Youth of the Year, and Pacific Region Youth of the Year.

Growing up in a single parent home in a South Phoenix housing development, Torry helped his mother raise his younger brother and nephew. This 17-year-old senior is working his way through Brophy College Preparatory in Phoenix, AZ, and is able to maintain a 3.5 GPA. He is a member of the varsity basketball team, participates in the Brophy Christian Service Project, tutors young students at St. Thomas Elementary School, and works with the Foothills Housing Project's "Get-Up and Clean-Up" Project.

For 13 years, Torry has been involved with the Kieckhefer Boys and Girls Club in Phoenix, AZ. He participates in the Torch Club Teen Leadership Group, the Reading Club, basketball, the members' Speakers Bureau, and the Summer Work Program. For the last 4 years, Torry has worked as a supervisor where he helps organize activities for the kids. He credits the Boys and Girls Club with helping to develop his confidence in his abilities.

Mr. Speaker, Torry Winn is an outstanding individual of whom we can all be proud. He is devoted to his family, understands the importance of education and makes it a priority and is dedicated to improving his community and the people around him. He has risen above difficult circumstances and has become an example for other youths to follow.

Again, I would like to take this opportunity to send my sincerest congratulations to Torry Winn for his exemplary achievements.

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 1994

Mr. VENTO. Mr. Speaker, today I am introducing legislation to extend for 1 year only the Pennsylvania Avenue Development Corporation's [PADC] authorization for appropriations, and to require the development of a plan to phase out the Corporation. Because of a history of difficulties in obtaining information from the Corporation the bill would make the funding for the second half of fiscal year 1995 contingent on the delivery to Congress of a plan for the orderly shutdown of the Corporation.

The PADC has contributed much to the development of Washington, DC, since its creation in 1972. The genesis of this organization is said to go back to President John F. Kennedy's inaugural ride from the Capitol to the White House. Seeing the shabby condition of what should be a grand, monumental avenue, Kennedy resolved to revitalize the neighborhood. In the end Congress took up Kennedy's task and enacted legislation to create the PADC.

Since its inception, PADC has completed almost all of what was an ambitious master plan. Today, Pennsylvania Avenue is a proud Capital City corridor, brought to life by sensitive development and architectural masterpieces. On the list of PADC's accomplishments are the Willard Hotel, the Canadian Embassy, Market Square, the Landsburgh Complex, Freedom Plaza, and the International Trade Center at Federal Triangle. Only one parcel on Pennsylvania Avenue remains undeveloped; three other parcels north of Pennsylvania Avenue by several blocks but included in the original master plan are also undeveloped.

At this time, with the majority of the work completed, the PADC should be moving toward a shutting down of its activities, as envisioned in the Corporation's Organic Act. Ongoing work, such as maintenance of street scapes, can be delegated to appropriate Federal agencies.

The intent of the bill that I am introducing today is an orderly shutdown of the Corporation with no negative impact on any important work in progress. The bill requires the PADC to present to Congress no later than March 31, 1995, a plan that provides for such a transition.

Mr. Speaker, this provision reflects the fact that, while PADC has had considerable success creating new establishments on Pennsylvania Avenue, it has shown a less than adequate appreciation for its accountability, as a congressionally created and funded entity, to the body occupying this end of Pennsylvania Avenue. Congress has repeatedly requested that PADC submit a plan for a successor entity, but PADC only provided this in June and only under threat of losing its authorization. The proposal we received was entirely inadequate and would have, in effect, simply recreated PADC to continue on in perpetuity.

The PADC Organic Act contains a provision calling for the ultimate sunsetting of PADC. In 1991, PADC was authorized for only 1 year, instead of the 3 requested, and the Natural Resources Committee stated in its report that the reason for this was to provide the committee with the chance to review a successor entity plan in the next year.

The next year, PADC once again requested a 3-year extension of its authorization, but did not provide the requested successor plan. Congress approved an additional 2-year authorization, noting that the administration stated that it needed more time to prepare the successor entity plan. Three years later, PADC finally submitted a proposal, but its idea of a successor entity was to recreate itself in its own image, with all the powers to borrow, condemn, develop, and so forth that it currently has.

Clearly, PADC and the administration require firm direction from Congress in order to move on to the next phase. For this reason, I am introducing this legislation today to bring about the transition toward the shutting down of PADC. The Corporation has all but completed its mission, and done so in a superior manner.

After all, PADC was formed to help bring something to life; just because we no longer require the services of the midwife or doctor does not mean we are unhappy with the baby.

SALUTE TO MRS. MARIAN MURTHA

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 1994

Mr. FOGLIETTA. Mr. Speaker, I rise to salute Mrs. Marian Murtha whose 100th birthday will be celebrated on October 2 at the Trinity Methodist Church in Chester, PA. Born on October 6, 1894, Mrs. Murtha, a current resident of the Belvedere in Chester, PA, has lived through a century of productivity and change. Mr. Speaker, I join with Mrs. Jean Colby, the congregation of Trinity Methodist Church, and the friends of Mrs. Murtha in wishing her a very happy 100th birthday.

BOB MICHEL SALUTES HENRY HYDE

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 1994

Mr. MICHEL. Mr. Speaker, one of the great pleasures of these past 2 years has been working with HENRY HYDE as a Member of the House Republican leadership. Of course, HENRY and I have been working side by side, not just as colleagues but as close friends, since he first came to the Congress. Over two decades and under five Presidents, we have stood together to advance the interests of our State and of the Nation.

But during this last Congress, we've worked more closely than ever. For at the very start of the 103d Congress, HENRY was unanimously chosen by his colleagues as chairman of their policy committee. That brought him officially into the ranks of the House leadership, where he had long held an unofficial place by virtue of his achievements in both foreign and domestic policy.

In his new role, HENRY energized the policy committee as never before, building consensus positions with common sense and a good dose of his famous wit. Under his auspices, House Republicans exchanged views with the heavyweights of international affairs: Jeane Kirkpatrick, Dick Cheney, Jim Baker, Cap Weinberger, as well as a host of lesser luminaries. He regularly brought together our freshman class, the largest group of newcomers in memory, with their most senior and experienced colleagues. Both groups have benefited enormously from that two-way exposure.

From the prolific Hyde pen has come a steady stream of articles, op eds, policy letters, and speeches. Whether you agree or disagree with what he has to say, a Hyde product becomes must reading in top policy circles.

You probably know that I'm leaving the Congress this year after 38 years as a Member of the House. I love this institution, for all its faults, but I want to spend more time with Corinne and with our grandchildren. As I leave, it's good to know we have Members like HENRY HYDE to keep on leading, and to keep on working for the better country we all want America to be.

NATIONAL DAY OF THE REPUBLIC OF CHINA

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 1994

Mr. ROHRABACHER. Mr. Speaker, a few days ago I attended a farewell reception for Ambassador Mou-shih Ding of the Taipei Economic and Cultural Representative Office. Ambassador Ding has ably served his country, the Republic of China, for the last 6 years. He has brought our two peoples closer together. And I believe, his successor, Ambassador Benjamin Lu, will further strengthen the ties between the Republic of China on Taiwan and the United States.

In the meantime, I wish to offer my congratulations to our ally in the Pacific—the Republic of China on Taiwan—on the occasion of its 83d National Day. It is my hope that the Republic of China will soon be able to return to the United Nations and other international organizations.

THE NEVADA FOREST PROTECTION ACT

HON. BARBARA F. VUCANOVICH

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 1994

Mrs. VUCANOVICH, Mr. Speaker, 6 years of drought has produced large areas of dead and dying trees and other accumulated fuels in Nevada's forests. This has made 1994 the most severe wildfire season in modern history. Extreme wildfire danger exists in many of the forest lands in Nevada, including the Lake Tahoe area which, in addition to the drought, has suffered years of insect infestation, resulting in a forest that is even more dangerously overloaded with fuels.

Already this year, over 780 wildfires have occurred throughout the State, involving more than 215,000 acres affecting areas near Caliente, Hallelujah Junction, Panaca, Lone Mountain, Bull Run, Mahogany Springs, Holbrook Junction, and Verdi. Both Federal and State resources have been stretched to the limit fighting fires across Nevada as well as helping out in other States.

The risk of intense wildfires threatening the safety of people and property, like the ones that have already flared across Nevada and other Western States, can be significantly reduced by removing excessive fuels accumulations including slash piles and dead trees that become fuels ladders.

Today I am introducing the Nevada Forest Protection Act to preserve the health of Nevada's forests and to protect the lives and property of those who live in or near forests. This legislation requires the U.S. Forest Service and the Interior Department, working with State officials, to identify high-fire-risk Federal forest lands in Nevada and to clear the forest fuels in those areas. My bill also calls for a long-term fire prevention plan by the Forest Service and Interior Department, so that the dangerous build up of fuels will no longer continue unchecked.

Preemptive action now will be highly cost effective since the cost of fighting fires as they occur is significant. This legislation is vital in the process of preventing wildfires and improving the health of our Federal forest lands. I hope all my colleagues will support this effort.

CONCERNS WITH SYSTEMIC EDUCATION

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 1994

Mr. CRANE. Mr. Speaker, one of the most important issues facing parents and lawmakers today is that of education. Providing for the proper education of our Nation's youth is of the utmost importance to maintaining a stable, effective democratic society. I feel that the Goals 2000 Program poses a serious threat to the pillars of our educational system: Choice and diversity.

Under the Goals 2000 Program, the Federal Government would assume a role more properly filled by parents, not bureaucrats. Instead of educating the student, this outcome-based education [OBE] would mold our youth into homogenous workers indoctrinated with OBE's political correctness. This Nation needs highly motivated and literate individuals, not politically correct students being told what to think and how to feel.

Those concerned with education desire choice and variety in academics. Systemic reform is just the opposite, and if passed will surely spark an uproar among those trying to provide for truly helpful reform.

I urge my fellow Members of Congress to read the following article, written by Robert Holland and published in the August 3 issue of the Richmond Times-Dispatch. In order to avoid harming the future of our educational system, I believe that systemic reform must be avoided.

[From the Richmond Times-Dispatch, Aug. 3, 1994]

"SYSTEMIC" EDUCATION PLANS RUN ROUGHSHOD OVER FREE INDIVIDUALS

(By Robert Holland)

The Allen administration has been giving thought to rejecting $14 million in biennial Goals 2000 money being dangled by the feds as an inducement to sign on to a totalitarian form of school reform accurately called systemic by its advocates.

Unfortunately, the decision is more complicated than that. The pending reauthorization of the Elementary and Secondary Education Act (now running to more than 900 dreary pages) could cut Virginia out of another $140 million in aid, largely to high-poverty schools, if it balks at buying into Goals 2000—national school board, national curriculum, and all.

Meanwhile, there is the question of Virginia's participation in the federal School-to-Work Opportunities Act, which Congress quietly passed last spring. Millions more will be at stake. School to Work constitutes the third leg of the triad of national systemic reform; indeed, all three of these measures are cross-referenced and tightly wired together.

An example: Goals 2000 sets up a National Skills Standards Board whereby Robert Reich's Labor functionaries can define the skills necessary for every job in the country. School to Work will specify how the schools are to inculcate and certify those workplace skills (like the notorious SCANS "competencies" of self-esteem and sociability) in children and will begin tracking them early on (through "career majors") toward employment in specific industries. Counseling would begin "at the earliest possible age, but not later than the seventh grade." (Title I, Sec. 101).

The Allen administration has accepted a $330,000 School-to-Work planning grant, and Cynthia Taylor, a Wilder holdover who heads this initiative, has announced a series of 10 community meetings in September. She plans to hire "professional facilitators" to conduct the sessions, which are to help develop a plan she says will reflect Virginia's own "interests and needs." But the Labor Department already has volumes of specific School to Work guidelines for Virginia and other states. It is possible to tap into those plans via computer by dialing 800-767-0806 with a modem.

Were this simply an effort to keep education abreast of workplace changes in a technological era and to enhance students' career options (as a product of their own free will), then there would be much to commend in School to Work. Unfortunately, however, a strong element of government coercion permeates Labor's files. A 1991 Virginia proposal, for instance, envisioned that persons under 18 who had left school without "establishing their competencies" under the Virginia Assessment of Critical Knowledge and Skills would be required to enter government Youth Work-Learning Centers. They would not be allowed to hold a job until they had mastered the so-called competencies.

Philosophically, School to Work resolves by fiat a long-running debate between the liberal arts and applied education. Workplace know-how would replace Cardinal Newman's idea of knowledge as a valuable end in itself. No longer would education be about producing well-rounded individuals; instead it would be about well-socialized workers for the global economy.

Governor Allen, who won election as an opponent of state-mandated Outcome-Based Education, has tried to keep faith with concerned citizens who want choice, variety, and strong academics—not one-size-fits-all systemic reform. In a recent letter, he explained to them that while a Governor who believes in local control cannot zap by decree all remnants of OBE-style affective education in certain localities, he stands by their right as parents to have an impact on local policies.

That such everyday parents and taxpayers—the army OBE created—are winning battles not only in Virginia but across the nation greatly offends the powerful establishment that deems its systemic reform the one model for all. Any doubt about that should have been erased by a recent alarm from the Alexandria-based National Association of State Boards of Education.

NASBE director Brenda Welburn lamented that "systemic education reform" is experiencing "setbacks in many states due to the well-organized opposition which has waged a relentless campaign of rallies and soundbites." She said the Business Roundtable, the organization of big biz CEOs, is organizing a coalition of "national education associations and businesses" to thwart this opposition.

Interestingly enough, one of the touted benefits of joining the coalition will be "tool kits" including "materials on opponents." Totalitarian reform, totalitarian methods.

Among the groups joining so far: the Council of Chief State School Officers, National Alliance of Business, National Association of Secondary School Principals, National Association of State Directors of Special Education, National Middle School Association, National School Public Relations Association, and the New American Schools Development Corporation. These worthies plan to pool their money—ours?—to hire a fancy political campaign consultant to turn public opinion their way.

These elitist pooh-bahs just don't get it. The problem is that their statist scheme stinks, and all the PR in the world won't make it smell sweeter.

In the 1980s, the idea of "outcomes" in education appealed to bottom-line business thinking, as well it should. Solid results should be expected, indeed demanded, from government schools. But as Bruno Manno points out in a trenchant briefing paper on OBE for the Hudson Institute, the outcomes concept was "hijacked" by the education bureaucracy, and the process turned on its head. With outcomes now expressed in the old progressivist mumbo-jumbo about feelings and attitudes, accountability becomes impossible. Jeanne Allen of the pro-choice Center for Education Reform believes that well-meaning business executives have been misled by their staffers and education bureaucrats.

It would be grand if Governor Allen struck a blow for liberty by making Virginia the first state to reject all aid related to the federalization of education. But that's expecting a lot, given the hue and cry sure to arise about, "shortchanging" Virginia pupils.

What's more likely is that systemic reform on the current model will be imposed in every district in the land—and as a result we will see a parents' revolt in this country that will make the current uprising seem tame. Maybe then will come true reform—not of the systemic variety, mind you, but rather one that replaces the corrupt, monopolistic system with true diversity and choice.

KEY DOCUMENTS PROVE INNOCENCE OF JOSEPH OCCHIPINTI

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 23, 1994

Mr. TRAFICANT. Mr. Speaker, as part of my continuing efforts to bring to light all the facts in the case of former Immigration and Naturalization Service agent Joseph Occhipinti, I submit into the RECORD the transcript of an interview my chief of staff, Paul Marcone, conducted with New York City Police Department [NYPD] Sgt. Lenny Lemer. Present during the interview was NYPD Sgt. Robert Kwalwasser of the NYPD Legal Bureau.

INTERVIEW WITH NYPD SGT. LENNY LEMER, JULY 15, 1994

Mr. MARCONE. The first question I have is are you currently a member of the New York City Drug Enforcement Agency Task Force?

Mr. LEMER. Yes, I am.

Mr. MARCONE. Okay. During your official duties with the task force, did you at any time independently uncover evidence that you would consider to be credible that there may have been a conspiracy on the part of Dominican drug lords in Manhattan to set up former Immigration and Naturalization Service Agent Joseph Occhipinti?

Mr. LEMER. Well, I uncovered some credible evidence that there were some groups out there.

Mr. MARCONE. Dominicans?

Mr. LEMER. Dominicans or Dominican descent, and there were actually organized groups of I guess drug dealers in the sense that had influenced, attempted to influence people in the regard of Joseph Occhipinti.

Mr. MARCONE. Sgt. Lemer?

Mr. LEMER. Yes.

Mr. MARCONE. When you make reference to credible evidence, be more specific, okay?

Mr. LEMER. Basically, I received information or we received information about different, and organization that may have been involved in having something to do with framing Joe Occhipinti as well as several——

Mr. MARCONE. Excuse me. Is that the Federation of Dominican Merchants and Industrialists?

Mr. LEMER. It was the Federation of Dominican Businessmen and Industrialists, right.

Mr. MARCONE. And these were witnesses that you were using as informants?

Mr. LEMER. Well, the original information that was relayed to me actually came from what I believe at the time was a source of information of an individual who apparently had information who didn't want to be signed up as an informant.

I later on, much later on, learned his identity after an FBI investigation apparently involving myself and the detective who had gotten the information, so at that point I was told his name.

At the time I received the information, first verbally and then it was put in writing in a report dated July 10th of 1992, just subsequent to the riots up in Washington Heights.

Mr. MARCONE. What was the nature of the information that you had?

Mr. LEMER. The information that we had listed a number of different grocery stores that were said to be run by people selling drugs, as well as an organization, a corporation by the name of Seacrest Trading.

Mr. KWALASSER. Excuse me. At this point, we had talked earlier, Mr. Marcone, that certain issues that were going to be under investigation were not going to be discussed.

Mr. MARCONE. Right.

So I can assume that Seacrest Trading is an entity that is currently under investigation by NYPD?

Mr. KWALASSER. Affirmative.

Mr. MARCONE. Okay. I want to focus in on Occhipinti. Did you, at any time through your investigations, as part of the task force, receive any information that any of the complainants against Occhipinti were coerced or bribed to testify, to offer testimony against him?

Mr. LEMER. Well, I did receive information, it turned out to be what we call a blacklisted informant, a Dominican informant who approached us, and when I did debrief him, said to me that he had proof that Occhipinti had been in fact framed and that the proof that he told me he had was that he had taped apparently a couple of the witnesses who had testified who had admitted that they had perjured themselves.

Mr. MARCONE. Were these the actual complainants, the Bodega owners?

Mr. LEMER. No. I don't recall if he was one of the Bodega owners. He had mentioned one or two names of people who had in fact apparently testified in the Occhipinti trial, and subsequently he said that he had gotten together with them and taped them and at which time they admitted to him that they had received money from an individual by the name of Jose Liberato, who owns numerous grocery stores in the Washington Heights and Bronx area.

Subsequently, we did look into Jose Liberato to a certain extent, as well as some other grocery stores of whom apparently there was a female who had testified in Occhipinti's trial and ironically enough, thereafter, I found out through checking with the Archives, the Journalist Archives, that she apparently had given an interview to Newsday regarding Occhipinti and I the quote was that he had raided her store back in August of '89.

A subsequent investigation by me as to who the owner was in August of '89 came back to an individual by the name of Freddie Then, who was, at that time, and actually who is currently apparently a federal fugitive, having been convicted, I believe, in the Southern District for cocaine distribution.

Mr. MARCONE. Was he convicted in absentia?

Mr. LEMER. Yes, he was.

Mr. MARCONE. What happened?

Mr. LEMER. What happened was apparently, in the last day of the trial, just prior to the jury coming back, he jumped bail. So that in effect the store changed names in October of '89. However, that was my preliminary check.

Mr. MARCONE. Was there any indication that the 1989 raid that Occhipinti made violated any laws?

Were there any civil rights violations that she alluded to in the Newsday article?

Mr. LEMER. Apparently, we—I didn't, it was impossible for me at that time to look into that actual raid or that arrest. From the information that I was able to see, it appears that the store was involved in some narcotics trafficking and as a result, Freddie Then was arrested.

The connection there being that when she admittedly says that it's her store in '89, although officially the store changes hands in October of '89 to I believe it's her husband, Filo Crucey. And I wouldn't have known that had it not been because she mentioned to that reporter that it was her store in August of '89, which would have associated her with Freddie Then, an obviously known drug dealer.

Mr. MARCONE. Is it safe to say then that you received information from more than one source that Mr. Occhipinti may have been set up by Dominican drug lords? Is that correct to say?

Mr. LEMER. Well, I received information from several different sources, a lot of who were just informants or actually not informants, sources who did say that he had been set up because he was doing a lot of harm to the economic business of the—well not so much necessarily only the drug dealers but me experience with what we call the Bodegas, which are the small grocery stores up in the Washington Heights area is that in order to survive economically, they have to rely on—a lot of times; I'm not going to say that all of them but a good part of them rely on illegal gambling, the Dominican lottery, the Dominican numbers, as well as other means to subsist because if anybody were to go up there and physically take a look at these places, one would realize that it's impossible for four Bodegas to exist on each corner of a particular block without having to augment—I mean, you're looking at an area that's economically deprived to a certain extent, and one would say, well, they're doing these illegal activities to augment their income, which is evident and has been evident since I worked up there in 1982.

So, I mean, when somebody, when a source of information——

Mr. MARCONE. Could you just kind of elaborate more on the source. Are these confidential CIs that have been registered by the department, or are they people that just talked to you during the course of an investigation?

Mr. LEMER. Most of them were just people that we spoke to who we didn't really, who we didn't sign up.

Mr. MARCONE. Well, what were the circumstances for which you were speaking to them? Was it in your office or was it on the street?

Mr. LEMER. No, no. Most of the time we would meet them up in the Washington Heights area.

Mr. MARCONE. At what types of locations?

Mr. LEMER. We'd—you know, on a street corner, we'd put them in a car.

Mr. MARCONE. And talk to them?

Mr. LEMER. Just talk to them.

You see, we weren't really, I wasn't investigating whether or not Occhipinti was or was not set up. I was investigating other matters.

Mr. MARCONE. Related to drugs?

Mr. LEMER. Foremost yes, related to drugs and whether or not the information that we had been receiving that the riots that occurred up there were in fact an organized venture by a group of narcotics dealers who were trying to get the police presence out of there.

Mr. MARCONE. Okay. Was there any, did you ever come across evidence that, in connection to the riots, that the federation was involved in any way in trying to organize the riots?

Mr. LEMER. No, I did not. I didn't come up with any concise information.

Mr. MARCONE. Relating to information that you uncovered through these informants and discussions relative to a possible set up of Occhipinti, did you report your findings to anyone at NYPD or DEA and through the chain of command, through officials reports?

Mr. LEMER. No. Actually, the only report that actually mentions the fact that Occhipinti may have been set up or something to that effect was the original reported, dated July 12th—July 10th, excuse me, 1992, which was the basis for my group being formed, and which made a correlation between, from the source of information between what had happened to Joseph Occhipinti and what was being perceived at that time as to what they were trying to do, or was being tried to have done to Michael O'Keefe, who was the police officer at the 34th Precinct who had shot the drug dealer and basically supposedly precipitated the riots.

But that was the only report that was ever written. You know, we——

Mr. MARCONE. But Occhipinti's name was mentioned in that report.

Mr. LEMER. Yes, it was. His name was mentioned as it related to the similarities between what had happened there in his case and what was apparently happening in the Michael O'Keefe case.

Mr. MARCONE. Who compiled the report? Was it an NYPD report or was it a joint NYPD/DEA report?

Mr. LEMER. It's a DEA report. We, working under the auspices of the DEA task force, do DEA reports.

Mr. MARCONE. So it's considered a federal document?

Mr. LEMER. That is correct.

Mr. MARCONE. To your knowledge, is the document considered classified?

Mr. KWALASSER. Do you normally—I just want to interrupt one second—Sgt. Lemer, do you normally classify the documents there? Or is that done by DEA analysts?

Mr. LEMER. We would just write the report.

Mr. MARCONE. Who was the report written to?

Mr. LEMER. The report is written actually to a general file. It's just a report of information. It's actually, I think it was titled "The debriefing of a source of information," I believe it was an eight-page report that Detective Garrido wrote at my request.

Mr. MARCONE. And that report emotions Occhipinti?

Mr. LEMER. Yes, it does.

Mr. MARCONE. So you wouldn't play any role in tagging the report as classified? You just submit the report and it will be up to your superiors to determine whether or not a report of that nature will be considered classified?

Mr. LEMER. That is correct.

Mr. MARCONE. Because we, I want to state for the record that we sent a Freedom of Information request to the DEA for all files they had during that time period that you mentioned that related to the Occhipinti case. And we did not get that particular document.

They did state that there were certain documents that they had that they were not providing to us for security reasons.

Is there anything in that report——

Mr. KWALASSER. For the record, Mr. Marcone?

Mr. MARCONE. Yes?

Mr. KWALASSER. Sgt. Lemer, when, in the normal course of DEA Drug Enforcement Task Force business, there are times when Sgt. Lemer has to answer—in other words, a Freedom of Information request is made to the agency. Then the agency will reach out to the various units within that. This is my understanding, not being in the Drug Enforcement Administration.

This is the way it's been explained to me. The agency will reach out to the field units to gather documents, and then the agency records officer down in Washington makes the final determination as to whether——

Mr. MARCONE. Right. I'm not questioning whether or not, I have every confidence that all relevant documents are forwarded to Washington.

I just want to get, from Sgt. Lemer, his feelings as to whether or not anything in the report, at this time frame, will be considered classified or would it involve any ongoing——

Mr. KWALASSER. You're asking for an opinion, you're asking Sgt. Lemer as to what someone else would determine.

Mr. MARCONE. How about this.

Sgt. Lemer, was there anything in the report that made reference to investigations that the NYPD DEA Task Force is still currently engaged in?

Mr. LEMER. Well, the reports referred to—I gathered the reports. There were many reports that I did send to Washington. Actually, the whole case file as well as the memo that I discovered relating to Occhipinti.

Mr. MARCONE. But that was not provided. So a determination must have been made at a higher level not to provide that?

Mr. LEMER. It has to be made—I'd imagine I sent it to the—at—Washington. They may be, I guess the final determination as to what they would release.

I did send whatever materials I had available.

Mr. MARCONE. Okay.

Let's move on.

In terms of the Occhipinti case, at any time, were you ever told by a superior or any member of the task force to stop or not to investigate any aspect of the Occhipinti case?

Were you ever told by anyone not to investigate any further on Occhipinti or any other matters that related to Occhipinti?

Mr. LEMER. Well, let me just clear this up probably from its inception.

I wasn't investigating Occhipinti.

Mr. MARCONE. Okay, I understand that, but at any point when you mentioned Occhipinti in your reports, did anyone ever come to you and say anything to you about the Occhipinti case in terms of don't investigate this, or you're not supposed to be investigating the Occhipinti case?

Mr. LEMER. Well, a matter of course, when we first started, okay, the thrust and my mandate was really to investigate whether or not the allegations that were made initially regarding all the criminal activity in the Washington Heights area was in fact credible. And actually the idea was to stay away from a direct investigation of whether or not Joseph Occhipinti was guilty or not guilty.

Mr. MARCONE. Who made that determination?

Mr. LEMER. That was made at the initial inception by the powers that be, I guess the boss, you know, because of the fact——

Mr. KWALASSER. Mr. Marcone?

Mr. MARCONE. Yes?

Mr. KWALASSER. Sgt. Lemer's task force was formed for a specific purpose, okay? And while during the course of an investigation, the task force might uncover other information, but there are only a limited number of individuals in the group, and they have to stay focused on the mission, which was to investigate one item, and not to go off in different directions.

Mr. MARCONE. I understand that.

As a matter of practice, though, if, in the course of an investigation that's focused on one issue, they uncover evidence on another case, would it be normal practice for them to turn over their findings to the relevant, either federal, state, or local law enforcement entity to handle that, or is that something that you would turn over to the U.S. Attorney's office and say, we uncovered this evidence?

Mr. LEMER. Let me say, as it related to the Joseph Occhipinti situation, there was in reality no—I uncovered no direct—well, at the time, let's say, because subsequent to that in the earlier part of this year, I did uncover a DEA memo which, in my estimation, shows a gross, well, shows that something wasn't right as far as the investigation in the Southern District as it related to a DEA agent who worked among them.

Mr. MARCONE. Right. Now was that finding simply turned over to DEA, or did you refer that to the U.S. Attorney's office or the Office of Professional Responsibility inside the Justice Department?

Mr. LEMER. When I found this particular memo, which had been written by a DEA special agent, after having spoken to him verbally where he recounted to me what had happened in 1991, I really didn't know, to be honest with you, I didn't know who to turn to because of the fact that the main focus of the memo was the, well, I can't call it anything else, apparent misconduct on the part of the Southern District of New York.

Mr. KWALASSER. Let's go back into perspective. If this is a memo written by a DEA agent, it's already been filed. This is part of the DEA's record. Sgt. Lemer just uncovered something that he's assuming that DEA knew about also.

Mr. MARCONE. Right. So the memo was written from a DEA agent to his superior?

Mr. LEMER. That's correct.

Mr. MARCONE. If the DEA was aware of, let me just, I want to focus for the record on what exactly, at the time, 1992, is when you uncovered informants mentioning Occhipinti and the fact that he may have been set up.

At that time, what was the focus of the task force and what were you exactly investigating, and what was the mission of the task force, just so I know what your mission was.

Mr. LEMER. My mission, or our mission was to investigate if in fact the allegations that organized groups of narcotics dealers were in fact responsible for fueling the riots, and that was our primary focus.

And what we tried to do was, as it related to the original report of July 10th, which Detective Garrido wrote, which had—the idea at the time was we needed to find out whether or not the source of information was in fact credible. And in order to do that, what we set out to do was take apart the report, piece by piece, and see if in fact the allegations against certain either businesses or individuals were legitimate.

And the way to do that was, and this is what we discussed and the way to go about it, was to isolate each allegation and see if in fact that person or place or corporation had been or should have been a target of an investigation.

And so that's what we—you know, we never looked into the—the Occhipinti situation was something that was nebulous to us because there was no way for us to really look into whether or not he was set up from what we were doing.

In actuality, that was not our focus at all. We were staying away from that because we needed to find out whether or not a source of information was credible or legitimate.

Mr. MARCONE. On the riots?

Mr. LEMER. On the riots because what happens is, if we were able to determine that the allegations he made about different companies or different people were in fact legitimate, then one could surmise that the rest of his information was also credible. That was the only way to actually do that.

We couldn't——

Mr. MARCONE. You and the task force, other members of the task force would, as a matter of course, work very closely with prosecutors, correct, in formulating a case?

Mr. LEMER. Yes, that is correct.

Mr. MARCONE. Okay. In formulating a case, let's say you found a pattern that there was an organized group that was in fact responsible for the riots.

Would you try to enter into evidence the fact that the same group was responsible for organizing another type of effort to frame a federal agent? And that would indicate a pattern of illegal behavior? Or would that be considered inadmissible?

I know you're not a lawyer and you can't make that determination, but is that something that you would try to collect information of that nature and that would certainly help your case?

Mr. LEMER. Yes.

You've got to realize, Mr. Marcone, a lot of the information that you're getting is hearsay. You're getting people's statements with no real factual corroborating evidence.

Mr. MARCONE. What if you had sworn affidavits from individuals?

Mr. LEMER. I never had any, I never got any affidavits.

Mr. MARCONE. Were you aware of the fact that the Staten Island Borought President's office did collect numerous sworn affidavits from individuals that attest to the fact that there was in fact a conspiracy to frame Mr. Occhipinti?

Were you made aware of that fact?

Mr. LEMER. Well, I became aware of that after our investigation was pretty much coming to an end, and I was apprised by Robert Knapp and Valerie Caproni.

Let me just give you a little background.

When it became apparent to me that a lot of the individuals who I was looking at from an investigative perspective were—I became aware that the FBI had been tasked by apparently the president, President Bush, at the time, to look into whether or not there was wrongdoing in Occhipinit's situation.

When I became aware of that, I said to myself, and continued in that mode, that I needed to speak to those agents so that they would know that I myself was doing an investigation in which these people had been named and I might in fact be looking at them from the drug aspect.

In other words, were they in fact narcotics dealers, are they in fact laundering narcotics money.

And I went to the FBI because I didn't want to step on their toes.

Mr. MARCONE. Are you talking about the investigation that was initiated in July of '92 by the FBI?

Mr. LEMER. Yes. Yes.

Mr. MARCONE. Okay, go ahead.

Mr. LEMER. So I went to them and said to them that I had, myself and the ASAC, my boss, and we had a meeting with the agent who was running the investigation out in Queens, and basically we explained our position, that we don't want to step on their toes, and at the same time, I didn't want them scaring my subjects into going underground.

And at that point, I became aware that—this is subsequent to speaking to that blacklisted informant—and then I became aware that apparently there were tapes, and

I was told by the FBI that they had polygraphed the informant and that the informant had failed the poly.

And basically my answer to that was well, you know, I haven't dealt with too many informants who could pass a poly.

But the agent in charge of the organization did say to me, because we were going to use this blacklisted informant at the time, said to me that I could in fact use it. He'd failed the poly but as far as he was concerned, I could go ahead and use him.

Mr. KWALASSER. Why don't you explain to Mr. Marcone what a blacklisted informant really is.

Mr. LEMER. A blacklisted informant is an informant that has been registered prior and for any one of many reasons has been deactivated for negative reasons.

In this particular instance, the informant who contacted us, and after relating his story, had said that he had been blacklisted by the DEA, I looked at his file to see exactly what the reasoning was, and spoke to the agents who had controlled him.

And from doing that little line, I found out that he had been blacklisted for, you know, non—what I would consider not a real serious reason. There are no real—in one instance, apparently, was for failure to tell a U.S. Attorney about somebody, a defendant. However, he had, once on the stand had actually told the judge that what he'd done and was found to be a credible witness and in fact the defendant was convicted.

Mr. MARCONE. You had confidence in the witness?

Mr. LEMER. Yes. I found him to be credible. I looked at his file.

Mr. KWALASSER. Just in total perspective, while the witness might be credible and we might believe what he's saying, the evidentiary value is very minimal because——

Mr. MARCONE. It's hearsay.

Mr. KWALASSER. No. Even the witness, should he ever be called to testify, is going to be shredded.

Mr. MARCONE. Is this the same witness who had information about Occhipinti?

Mr. LEMER. Yes. Right. It's the same one. And he had been doing work for Mr. Molinari. So that's—and we were going to utilize him because he was in fact going to be a good informant for us.

But then there was a problem where Mr. Molinari made a phone call to Mr. Fox about—there was apparently a misunderstanding that this particular informant had related back to Mr. Molinari that the FBI was precluding us from using him, which was not in fact the case.

The FBI, after our meeting, had said, listen, he failed the polygraph, we don't believe him, but if you want to use him, go ahead and use him.

But in total retrospect, that's telling you, we don't believe him and, by the way, anything that he gives you, you have to tell everyone that the FBI was going to use him but——

Mr. MARCONE. So when you go to court, you really can't use him?

Mr. LEMER. You can't use him.

Mr. MARCONE. Although you could use him to get information about other, other——

Mr. LEMER. But you're risking people's lives with someone that's not—would have been especially with the CI that has been—in the past, would have been to corroborate and investigate anything he said prior to us taking any kind of proactive action.

Mr. MARCONE. And you can use an informant like that for leads that would lead you to other informants who might be more credible?

Mr. LEMER. We had decided, at the time, and confirmed with my bosses that we were in fact going to use him. It was only that when it became apparent to us that the CI was going back and reporting to Mr. Molinari and this particular instance, it was not true, therefore we said it was more trouble than it needed to be, and in fact we might end up hurting our own credibility.

Mr. MARCONE. Let me ask you one more question about this informant.

In your opinion, did the FBI make a determination that the said informant was not credible based entirely on the fact that that informant failed a polygraph test?

Or as far as you know?

Mr. LEMER. My impression was that after he failed the polygraph, they felt that he was lying.

Mr. MARCONE. So their impression of the informant was based, was framed on—very heavily by the fact that he failed the polygraph?

Mr. LEMER. Yes. I don't know that, I mean——

Mr. MARCONE. But that was your impression, though?

Mr. LEMER. That seemed to be, you know, and my question then was, well, if I were to try to determine whether or not a particular person was telling the truth, especially as it related to audio tapes, as an investigator, the first thing I would do would be, instead of giving him the poly, would be to get an expert to do what we call a voice exemplar and match and say, if this informant is saying that this Witness X who testified in a trial told me that he lied, or that he made it up because he was paid money, what I would do to check the authenticity would be to have an expert say is this in fact Witness X.

I don't believe that that——

Mr. MARCONE. All right. One more question.

In July 1992, the FBI——

Is Sgt. Lemer there?

Mr. LEMER. Yes, this is me.

Mr. MARCONE. I want to pick on something. Your initial investigation in '92 was investigating whether or not there were any organized groups behind the riots?

Mr. LEMER. That was the primary thing.

Mr. MARCONE. Was that investigation ever concluded, and did it result in any indictments?

Mr. LEMER. No, it resulted in no indictments. We did get information from an informant at the time that he was aware of knowing what he considered drug dealers to him or paying young street guys a hundred dollars to burn cars and continue to fuel the riots.

We never got any concrete proof of that, either from an informant or on anybody, but that was what we determined. But there wasn't enough to make any arrests or indict anybody.

Mr. MARCONE. You didn't have enough evidence to go to indictment?

Mr. LEMER. That's correct.

Mr. MARCONE. Okay. At any point, did any other law enforcement officers, from 1992 to the present, have any other current active law enforcement officers ever come to you and told you that they were either influenced or intimidated by federal prosecutors not to investigate the Occhipinti case?

Mr. LEMER. Well, Detective Garrido, who worked for me, who had authored the original report and gotten the information, was called down to the Eastern District of New York and questioned by the U.S. Attorney and the FBI, as well as myself.

And at the time, he was one defendant out of I believe what was seven or eight in a civil case brought about by three convicted drug dealers who were alleging that they were beaten at the time of their arrest, I believe in 1988, and the case was being handled by the U.S. Attorney's office in the Southern District.

He was, had prepared the case with the U.S. Attorney for two years. We first became aware that the FBI and the Eastern District was looking at any of this was, I believe it was the beginning of '93, January of '93, when he was informed by the U.S. Attorney handling his case that she could no longer represent him because of a possible conflict of interest.

She said that, when queried by him, she said she couldn't divulge anything further because it was an ethical question.

So I—through the records of DEA made attempts to find out what was going on, and it became apparent that Frank Garrido, Detective Garrido might be the subject of an investigation.

Mr. MARCONE. Related to Occhipinti?

Mr. LEMER. Related to, related to what we had been doing and what we had probably, I don't know for sure, what we had been doing as it related to the FBI investigation.

What happened then was that the Department of Justice authorized private counsel for Detective Garrido. However, what happened was, obviously, if you're the only defendant in one of these cases, sitting by yourself with private counsel and everybody else has got the U.S. Attorney, one would look around and say, there might be a problem.

Mr. MARCONE. Right.

Mr. LEMER. So ultimately, the case was decided in about 48 minutes, I think, because the people making the lawsuit, the convicted drug dealers apparently had—the injuries that they claimed were proven to be from the high school. So there was no merit to that case.

Mr. MARCONE. Okay, but were there any law enforcement officers that ever came to you and told you that they were either intimidated or influenced not to investigate the Occhipinti case, any law enforcement officer that you are aware of?

Mr. LEMER. No, besides Frank Garrido and——

Mr. MARCONE. Was Detective Garrido, did he tell you that he was intimidated or someone told him not to, I'm talking about the Occhipinti case, do not investigate or push this case further or maybe you shouldn't investigate this case?

Mr. LEMER. Well, we both discussed what was going on, you know, in relationship to their situation and my being called down there, and we sat there and discussed it openly and we looked at it and said, obviously, you know, if we continue with this, nobody came out and said, nobody ever came out and said, don't investigate this. The FBI didn't say it to me. The U.S. Attorney for the Eastern District who was handling it, the assistant didn't say it to me.

However, I mean, we're not dumb either, and, you know, when you see there's passive intimidation such that if you hit your head against the wall long enough, maybe, you know, you stop going in that direction.

So we looked at it and said, if we want to be on the hot seat, we'll continue to push this issue, and if we don't——

Mr. MARCONE. When you say on the hot seat, what do you mean by that?

Mr. LEMER. Well, to be scrutinized, to be called down to the U.S. Attorney's office.

Mr. MARCONE. And when you're called down there, they actually ask you questions about Occhipinti or was it?

Mr. LEMER. They asked questions about Occhipinti, they asked questions about——

Mr. MARCONE. They did ask questions about Occhipinti?

Mr. LEMER. Yes, yes.

Mr. MARCONE. And Molinari?

Mr. LEMER. And Molinari.

Mr. MARCONE. What kind of questions did they ask you?

Mr. KWALASSER. One second.

Detective Lemer, was any of this information ever put before a grand jury?

Mr. LEMER. No, it was not. As far as I know.

Mr. KWALASSER. Mr. Marcone, I'm just making sure that there's no other violations.

Mr. LEMER. As far as I know, it was never put into the grand jury, but we were asked whether or not we knew Mr. Molinari, whether or not—well, I can only attest to what I was questioned about—whether or not I knew Joe Occhipinti.

Mr. MARCONE. And this was in when, in 1992?

Mr. LEMER. Early 1993.

Mr. MARCONE. After the FBI completed its report?

Mr. LEMER. Yes, yes.

Mr. MARCONE. Okay, so this was in early 1993, and they're asking you if you knew Joseph Occhipinti?

Mr. LEMER. They asked me if I knew Joseph Occhipinti, they asked me if I knew Guy Molinari, and originally we went down there, I went down there voluntarily, and they didn't subpoena me or anything.

I thought, my big thing was, plus the agent who was investigating the case, Steve Jarrett, was the same agent who was assigned to the original investigation back in July or June of '92.

Mr. MARCONE. Getting back to Jarrett, we understand the FBI began investigating the Occhipinti case in July of '92 to determine whether or not Mr. Occhipinti's allegations had any validity.

You went to the FBI, or did they come to you?

Mr. LEMER. They wouldn't have found me. I went to them.

Mr. MARCONE. Okay. And were you interviewed by Special Agent Jarrett during that investigation?

Mr. LEMER. No, he was not present.

It wasn't an interview actually. At that time, myself and the——

Mr. MARCONE. What time frame is this?

Mr. LEMER. This is in August.

Mr. MARCONE. Of '92?

Mr. LEMER. Of '92.

Mr. MARCONE. Okay.

Mr. LEMER. When I found out that the FBI had been tasked with this investigation, I went to the Special Agent in charge of DEA at the time, Mr. Bryden, who was familiar with what I was doing there because he authorized my reassignment to the task force on a temporary basis to investigate this.

I spoke to him and asked him to call his counterpart in the FBI and see if, you know, we could have a meeting because I did not want to interfere with their investigation and at the same time, I didn't want them interfering with my investigation.

Well, subsequently, we were given, I received a call from Bob Knapp who is the agent in charge of the investigation and we set up a meeting. It was a meeting, it wasn't an interview, it was a meeting where I went there with my boss, and Jarrett wasn't present that day.

And he and I discussed what we were doing and at that time was when he mentioned to me about this informant having failed the polygraph.

So I went to them in an open manner to say, listen, I'm looking at these people for drugs, for narcotic and money laundering violations.

Mr. MARCONE. Okay. When you initially went to the FBI then, Jarrett was not there?

Mr. LEMER. No. He was assigned to the case because he——

Mr. MARCONE. Who did you meet with?

Mr. LEMER. I met with Bob Knapp, Robert Knapp who was the agent in charge of the case.

Mr. MARCONE. Okay. And how did he react to the information? You gave him obviously information you had about Occhipinti?

Mr. LEMER. Right.

Mr. MARCONE. What was his initial reaction?

Mr. LEMER. He was very open-minded. He looked at it, and he said—I explained to him as I explained to you earlier about the grocery stores and how I've known that they conduct illegal activities for years because of the economic situation, and he said he wasn't from New York but, you know, he could understand it, et cetera. He was very open.

He said, as a matter of fact, he asked me, he said do you want the transcripts of the trial. He says you can take a look at them, and maybe that can help you. I said, and to this date, I've never seen the transcripts of the trial nor do I even know who exactly testified in that trial, other than one or two people that I've learned about subsequently, and one of them in particular related to this memo that this DEA agent wrote.

And I want to state for the record, Robert Knapp was a gentleman and, you know, he was very open about everything, and——

Mr. MARCONE. He was unbiased.

Mr. LEMER. Unbiased.

Mr. MARCONE. You got the impression that he was simply collecting information?

Mr. LEMER. He was simply doing a case that he had been tasked to do and nothing more and nothing less.

Mr. MARCONE. Okay. Now under what circumstances did you speak with FBI Special Agent Jarrett?

Mr. LEMER. Shortly, I guess this was January, when I found out——

Mr. MARCONE. January of '93?

Mr. LEMER. '93.

Mr. MARCONE. And what were the circumstances that you ended up speaking with him?

Mr. LEMER. I called him to find out what exactly was going on with Detective Garrido and also to tell him that I thought we were doing a semi- a joint gentlemen's investigation. In other words, we were doing ours and he was doing his, but it was——

Mr. MARCONE. Were you aware in January of '93 that the FBI concluded its investigation of the Occhipinti matter?

Mr. LEMER. No, no.

Mr. MARCONE. So you were not aware that the investigation had been completed?

Mr. LEMER. I don't think so. I remember when I did find out, it was because in the press they stated about the report, that they wouldn't release the report. I don't know when that was exactly.

Mr. MARCONE. It was December of '92.

Mr. LEMER. All right, so I may have been aware of it.

Mr. MARCONE. Okay, now when you went with Jarrett?

Mr. LEMER. I called Jarrett. He asked me to go to the Eastern District.

Mr. MARCONE. Did you do that?

Mr. LEMER. Yes, I went down there basically voluntarily.

Mr. MARCONE. And who did you meet with?

Mr. LEMER. I met with Steve Jarrett and Valerie Caproni, the Assistant who at that time was handling the case.

Mr. MARCONE. Who is Ms. Caproni? Was she with the U.S. Attorney's office?

Mr. LEMER. She was with the U.S. Attorney's office in the Eastern District.

Mr. MARCONE. And at that meeting, did you discuss the Occhipinti case?

Mr. LEMER. Yes. We discussed, I gave them the background. Initially, I thought there was some sort of misunderstanding. I said, obviously there's got to be a misunderstanding because we're on the same side, at least I thought we were on the same side.

And at that, you know, and I started, I gave them a review of the case. In other words, I told them how we were formed.

They told me that they thought we were acting on our own and I explained to them, I said, no, you know, I said Mr. Bryden and we were put together by the Commissioner and we were sanctioned by the Commissioner, at the time, Lee Brown.

I said we don't just walk into the DEA and set up shop. I said this was, and this was a legitimate investigation into the events that occurred during the riots and them being narcotics-related.

Mr. MARCONE. At any time, did Special Agent Jarrett, at that meeting, pressure you in any way or try to intimidate you by threatening an IAD investigation to terminate your Occhipinti investigation?

Mr. LEMER. No.

Mr. MARCONE. Or intimidate you or press you not to press any further with the Occhipinti matter?

Mr. LEMER. As I said, he never, he nor did Valerie Caproni say anything that we should cease the investigation.

They did ask me if I was still conducting the investigation and at the time, we were in a lull because one of the main witnesses had gotten killed.

So I answered their questions and said——

Mr. MARCONE. One of your main witnesses in the—investigation?

Mr. LEMER. No, one of the targets of our original. I guess I'm not allowed to talk about it. There was a reason——

Mr. MARCONE. But the murder of the witness was not related to the Occhipinti case?

Mr. KWALASSER. No. I think it was related to an on-going investigation.

Mr. MARCONE. So you were at a lull at that point.

Mr. LEMER. Yes, I explained to him I was at a lull.

Mr. MARCONE. And did you explain, did you tell them, when they asked you, did they ask you directly, are you still investigating the Occhipinti case?

Mr. LEMER. No. They asked me if I was still investigating the Seacrest case.

Mr. MARCONE. Okay, but at any point, did either Jarrett or Caproni ever mention Occhipinti at that meeting in January?

Mr. LEMER. Yes. They asked me, I think they asked me if I knew Occhipinti. As a matter of fact, they made some comments about Occhipinti during, just at the end of the interview.

Mr. MARCONE. What kind of comments did they make about Occhipinti?

Mr. LEMER. Very derogatory comments.

At one point, towards the end, my attorney, my SBA, Sergeant's Benevolent Association Union Attorney, who was present with me, George Cerrone, I was giving them a background basically as I said to you, and I said to Bob Knapp at the time, I said, you know, have you been up to the Heights, have you ever been up there to look around, and about the economic situation.

So my lawyer turned and said, well, I guess you can see, plus I've worked in the Washington Heights area since 1982 on patrol, and in narcotics as well. And I went back there as a sergeant when I got promoted in June of 1992 and then was reassigned after that back to the DEA to do this investigation.

But, so my lawyer turned to them and said, well, I guess you can see, Sgt. Lemer is very well versed in the narcotics goings on up in the Washington Heights area, and then Jarrett turned around and said, no, he's not. Our number one expert is Occhipinti.

So then she turned around and said, well, the number one expert that hasn't been indicted, you know, so to me, I took offense at that.

We were there as professionals, number one. Number two, I was there voluntarily.

Mr. MARCONE. Did you construe that statement by Caproni as trying to intimidate you not to, to lay off the Occhipinti investigation?

Did the impression that you get was that if you continue to press, that these two would not be cooperative and that they would cause problems for you?

Mr. LEMER. Oh, definitely, definitely.

Mr. MARCONE. That was the impression that you got personally?

Mr. LEMER. Definitely. My personal impression was that they were going to make my life as miserable as possible if I kept pushing with this issue.

And, you know, and the idea was that having, you know, they, from the questions that they gave me, it became apparent to me that they thought that I had something to do with Mr. Molinari or that I was doing his—they had a copy of the original report in their hand.

Mr. MARCONE. The 1992 report?

Mr. LEMER. July 10th, 1992, in which Detective Garrido had delineated all those allegations. They had a copy that was unsigned and they kept asking questions about it, and I gave them the explanation.

So the fact that they had an unsigned copy meant, you know, I realized that they had gotten that from the Southern District because the only person I knew who had that unsigned copy or was given an unsigned copy was Otto Obbermeier, who was the U.S. Attorney for the district, and he was given a copy of it by Bob Bryden who was the SAC, you know, so he could see what was going on.

Mr. MARCONE. Did Special Agent Jarrett, either at that meeting or any other meetings you might have had with him or conversations that you had with him, make any derogatory statements about either Mr. Occhipinti or Mr. Molinari?

Mr. LEMER. He didn't make any derogatory about Mr. Molinari. Occhipinti, as I said, it became evident to me, I'm trying to think if I recall any other statements. That was the first meeting.

I had a second meeting and some things came up again. Caproni was saying something about how, you know, Occhipinti was a liar and how she had such disgust for—she even mentioned some cops who would knock down doors illegally, etcetera, etcetera, which I found, number one, quite unprofessional, and number two, I was taken aback, because I said, I was there to explain. I thought there was a perfect explanation, and once they realized that this was——

Apparently, they thought that this was something that was not sanctioned and that we had been formed to get Joe Occhipinti out of jail at the time, or to create some sort of evidence that would show that Occhipinti was in fact framed.

And I explained it to them that that was not the case. But they didn't want to hear it.

Let me put it to you this way. Probably the most succinct way that I can do it, and that is as an investigator, having done many hundreds of investigations, I know that when I and other prosecutors, you gather facts, okay. You gather facts and the idea being that sometimes the facts are going to be good for your case and sometimes they're going to be bad for your case.

It became evident to me that what they were doing in this thing was that they had a predetermined theory or let's say a puzzle all right, that they were filling in, and whatever I said to them that didn't fit their puzzle, they just disregarded.

In other words, when I was giving them all this information, I could look—they could care less, they weren't even taking notes half the time.

Mr. MARCONE. When you mentioned things that could be construed as exculpatory for Occhipinti, they did not take notes?

Mr. LEMER. Well, exculpatory for us, for me, in the sense of that validated our investigation and therefore whatever we had come up with. It became evident that they didn't want to hear whatever facts, and there were facts.

As a matter of fact, at one point, I had mentioned to them that there was some evidence about—I looked at that July 10th report on the whole. As I said, there were many allegations about many different people and companies that were involved in illegal activity.

And as I said, if nine out of ten allegations are fact-founded, one would surmise that the tenth is also founded, okay.

However, when I told them about one particular case, a part of that report, where an allegation I found to be totally correct, and it had been substantiated by the fact that DEA in Bogota had executed search warrants on Columbian money launderers and come up with hard evidence, paper work that related back to this company, I explained that to them.

They looked at me like I might as well have been talking to the wall. And I said to them, I said, geez, they continued as if this hadn't been documented. Apparently, they couldn't find the file. They asked me if there was a file on this case. I said there was.

And they told me they couldn't find it. And I said, why didn't you just ask me? I had no problem showing it to them.

As a matter of fact, after the second meeting, I made arrangements with Steve Jarrett and did show him the file with the IAB lieutenant as well as showed him in the computer system where the date of the entries, so that he would know that the date of the entries were back in September of '92, because I said to him that I didn't want him to think that I back-dated any kind of report, all right.

So it became evident to me that, I thought when I gave them this concrete evidence, that they would say, my question was, you're the FBI, there's a case here that begs to be——

Mr. MARCONE. When you say concrete evidence, concrete evidence of what?

Mr. LEMER. That this particular company was involved in money laundering due to the fact that this information had come out of Bogota, Colombia.

Mr. MARCONE. You did not give them any concrete evidence relative to Occhipinti?

Mr. LEMER. No, no.

Mr. MARCONE. What you had on Occhipinti was basically hearsay?

Mr. LEMER. Correct.

Mr. MARCONE. But the hearsay could have been enough—in other words, let's say you're conducting an investigation.

Let me ask you a hypothetical.

What if you superior said, I want you to go in an investigate whether or not there was a conspiracy to indict Occhipinti.

You start investigating and you come back and say, well, I have four or five witnesses who have hearsay evidence, but would that be enough for you to investigate further, or would they say, shut it down, you don't have enough?

Mr. LEMER. Well, if you have four or five witnesses who independently are telling you that something's going on, one would continue. I mean, you'd be remiss if you walked away.

Mr. MARCONE. All right. A question here about the U.S. Attorney's office.

Mr. LEMER. Well, if I could just mention one thing?

Mr. MARCONE. Okay, good.

Mr. LEMER. I asked, regarding this particular company that was the subject of a big party of it, I wondered, why the FBI wasn't investigating it. It seemed like to me it was tailor made for an FBI investigation.

Mr. KWALASSER. I think we're touching on something that we probably should not really go into.

Mr. MARCONE. Is that because of the ongoing investigation of Seacrest?

Mr. LEMER. Well, this is something about, you know, I guess you could say that, that either relates to why they aren't looking at it. Why is that Capronia and Jarrett never looked at that company?

Mr. MARCONE. Right.

Mr. LEMER. I asked that question, I mean——

Mr. MARCONE. What did they say?

Mr. LEMER. No, I ask that question. I never asked them.

I got a call from an FBI agent regarding Seacrest who told me it was the best case he ever saw cross his desk, asking if he could see my file.

I got permission from DEA to show it to him. The next thing you know, he never called me again. He disappeared off the face of the earth.

Mr. MARCONE. For the record, I'm aware of the fact that there is an on-going investigation of Seacrest. I'm also aware of the fact that there have been several investigations at several levels that we terminated, and my purpose here today is not Seacrest. I may be in the future, but I'm here on Occhipinti and I'd like to focus in on that.

I understand what you're saying about Seacrest.

Were you, subsequent to your January '93 meeting with Special Agent Jarrett and Attorney Caproni, since that time, have you ever had any discussions or meetings with anyone from the U.S. Attorney's office, either of the Southern District or the Eastern District, regarding Occhipinti?

Mr. LEMER. I believe, I have it written down too, later on in '93, I was called and asked to go back down to the Eastern District.

Mr. MARCONE. Who called you?

Mr. LEMER. Steve Jarrett called me, the agent.

Mr. MARCONE. And this was regarding Occhipinti?

Mr. LEMER. Regarding the whole situation, and there was a new U.S. Attorney assigned to the case. Faith Gaye was her name.

And let me see, I have——

Mr. MARCONE. Did you actually go down to the Eastern District and meet with them?

Mr. LEMER. Yes, I went down there and met with Faith Gaye and Steve Jarrett again.

Mr. MARCONE. What was the nature of the—what was discussed at the meeting relative to Occhipinti?

Mr. LEMER. Well, they wanted to know, one of the things that came up was, Jarrett had said that, asked me if I had, you know, since I had spoken to him last, if I had met with or met either Molinari or Occhipinti.

So my answer to that was that, yes, I had.

And so then they asked me—okay, hold on a second——

(Pause.) I'm looking at some notes. My date was wrong on the first meeting. It's actually March 3rd of '93 that I met with Caproni and Jarrett for the first time.

Mr. MARCONE. Okay. So this is a good three months after they had issued their final report?

Mr. LEMER. Right.

Mr. MARCONE. When did this second meeting take place?

Mr. LEMER. August 23rd.

Mr. MARCONE. Of '93?

Mr. LEMER. Of '93—excuse me—'93, correct.

Mr. MARCONE. Of '93.

And at that point, they asked you questions about whether or not you had met with Molinari and Occhipinti?

Mr. LEMER. Right.

Mr. MARCONE. What else did they ask you?

Mr. LEMER. Well, they asked me whether I was still investigating the case or not. And I told them, no, that at that time that I——

Mr. MARCONE. Whether or not you were investigating the Occhipinti case?

Mr. LEMER. No, Seacrest.

Mr. MARCONE. Did they ever mention Occhipinti?

Mr. LEMER. No, no. They never actually came out and said that they thought I was investigating Occhipinti.

Mr. MARCONE. At the August '93 meeting, did they mention Occhipinti at all?

Mr. LEMER. Yes. They asked me, they asked me if I met with them, and I said that I met him at a foundation, Michael Buczek Foundation dinner, which was in early May. When I told them, then Jarrett said, oh, you mean the Joseph Occhipinti legal defense fund?

And I said, no, I don't mean that. I said, I know exactly what I mean. I said I was introduced to Joseph Occhipinti at the Michael Buczek Foundation dinner. He was there and so was Mrs. Molinari. I met both of them.

So then he says, well, the Joseph Occhipinti Fund Dinner was maybe like a week later. And I said, no, I was——

And he says, did you attend that?

I said, no, I didn't, you know, but everything was, you know, as if I was in bed with Joe Occhipinti, you know, and——

Mr. MARCONE. In terms of when the conversation turned to the Occhipinti matter, did you feel that they were, that Jarrett was being coercive or intimidating to you relative to that particular matter?

Mr. LEMER. Yes, oh, yes.

He was——

Mr. MARCONE. Was he hostile?

Mr. LEMER. Not really. He's not that type. He was just, you know, he wasn't hostile, you know, he just asked me—the way he put it, making comments. You made a comment at the first meeting about the riots when I had said that I was assigned to investigate the thing about the riots, he says, oh, he was trying to pinpoint the date, he said, oh, was that the day the Lieutenant threw the guy off the roof?

And I looked at him and said, what are you talking about? I said it was, you know, as a matter of fact, you know, it was made clear that that wasn't the case in that particular instance, and as a matter of fact, the FBI was the one they rappelled off the roof because Bob Knapp told me that when I first met him. I mean, Bob Knapp was a gentleman.

You know, so when he made that comment to me, it became obvious that they were being hostile. That was when we sat down. So I said, obviously, you know, this is not a meeting of fellow professionals, that's for sure.

Mr. MARCONE. What else did they ask you at the August 1993 meeting about Occhipinti, other than whether or not you had met with Occhipinti and Molinari, did they ask you any other questions?

Did they ask you if you were still investigating the Occhipinti case?

Mr. LEMER. They asked me if my group, if I still had my group, and I told them no, that my group had been disbanded.

So they said you're doing regular work now?

I said, yes, I'm assigned to the DEA task force in a regular group doing regular narcotics cases.

Mr. MARCONE. Okay. Did they say anything further about the Occhipinti case at that meeting?

Mr. LEMER. About the Occhipinti case?

Mr. MARCONE. Yes.

Mr. LEMER. They just went over some things about how my group was formed and all that, and then they asked me, I said to them that, you know, Lee Brown had sanctioned it, that then Commissioner Ray Kelly was the first Deputy at that time, and then the U.S. Attorney said well, I should put you all in the Grand Jury.

And I said, whatever, that's your prerogative, whatever you wish.

I was trying to explain to them that this was, you know, that we were doing a legitimate investigation and we weren't there, we were not there to investigate Joseph Occhipinti as to whether or not he was clean or not. That was not our function, and that's not what we did.

You know, if something had come up, and I told him that, if something had come up that showed any kind of exculpatory type of factual evidence, we would have, you know, done something or we would have passed it along, but that was not our objective, and it definitely wasn't our mission.

Mr. MARCONE. I only have two more questions. This question has to do with the Federation of Dominican Businessmen and Industrialists.

In the course of your work with the task force, have you ever come across credible evidence that key members of the Federation—and by key members, I would mean Board members—were involved in drug distribution and money laundering?

Mr. LEMER. In December of '92, I interviewed a defendant, okay, who was cooperating who was a past president of the Federation of Dominican Businessmen and Industrialists.

At that time, he was out on the street wearing an ankle bracelet and he was going to become a witness for the prosecution in a major drug case.

At that time, I asked him about Seacrest Trading. I asked him about the Federation and what they did, et cetera. He had said that he was a past president, that he wasn't involved any longer, et cetera.

I never specifically asked him about the Federation. I did basically ask him whether or not they were legitimate, okay. And he said that he wasn't involved with them any longer, that he'd had some sort of a falling out—well, it seemed to point, substantiated that one of the original companies that I was investigating in the original report was in fact loan sharking. And he explained to me precisely how they went about it.

And at that point, I couldn't speak to him any longer because he hadn't signed a cooperation agreement and the U.S. Attorney said she didn't want to get into a position where he would later on not sign the agreement but yet go to the judge and say, I did this and I did this.

So we held off and two weeks later, he was shot and killed in front of his office.

Mr. MARCONE. Okay. Are you saying that, yes, you did have evidence, credible evidence that members of the Federation were involved in——

Mr. LEMER. Well, no, I didn't. He never came out specifically and said it, but I was going to leave that for another time and there was no other time.

Mr. MARCONE. Did you ever indict—were indictments ever handed down against any Federation members?

Mr. LEMER. No, there weren't.

Mr. MARCONE. Did you ever come across any evidence that any of the complainants in the Occhipinti case were engaged in illegal activity?

I'll give you one specific name and maybe make it easier.

Did you ever come across any credible evidence, or are you aware of any indictments that were made against one Jose Liberato?

Mr. LEMER. No. No, there were none.

Mr. MARCONE. Never indicted?

Mr. LEMER. No, he was never indicted. A close family member was for narcotics and I believe it was narcotics. I don't think it was money laundering. It was definitely narcotics. His brother was and his other brother apparently was arrested for gambling.

Mr. MARCONE. Have you ever spoken to any law enforcement officials at any level that believed or told you that they had evidence that there was in fact a conspiracy by the Dominican drug cartel to frame Mr. Occhipinti?

Mr. LEMER. I spoke to one DEA agent who provided me verbally with information that in 1991, he became aware that the Southern District of New York, while conducting their grand jury investigation, had a witness testify, who had in fact perjured himself, and to that end, he notified them having been at a particular incident, he was in prison when it was alleged that Occhipinti had searched both the person's store, this guy Richard Knipping, or Nipping, Richard's store and his home.

And the DEA agent said when he——

Mr. MARCONE. Was the DEA agent's name John Dowd?

Mr. LEMER. Yes.

Mr. MARCONE. Okay.

Mr. LEMER. Yes. When he was present at the Southern District and he read the indictment, this post-indictment, he saw these two counts which related to this particular date and these particular events, he told the two investigators that that did not in fact occur.

And they apparently said to him that, how did he know, he wasn't there.

He then informed them that he was in fact there along with an IRS agent as well, and that not only had they received permission to search the individual's store and that they hadn't searched the individual's apartment because he had invited them to get his passport and at no time had they searched his apartment.

Their answer to him was, well, are you sure you were there.

He said did something happen in the elevator, and the agent, John Dowd, said, yes, there was some powder on the floor, soap powder, and I made the comment that, Geez, look at the building you live in, there's even stuff on the floor. And they all chuckled about it.

And then they responded, oh, you were there, in total amazement, and so he said, yes. He said, and none of this is true.

Mr. MARCONE. As far as you know, were the charges against Mr. Knipping dropped, the charges that that particular part of the indictment, was that subsequently dropped?

Mr. LEMER. Those two counts of the indictment were dropped and John Dowd to this date, asked me, he said, if they were dropped, number one, why wasn't he charged with perjury? It's obvious he lied to the grand jury.

And number two, was anybody informed about this? Dowd kept saying he expected somebody to call him because he had gone on a couple of these things with them and he realized that if this one individual had perjured himself, and nobody had bothered to check, you know, as a matter of fact, John Dowd mentioned to me that he had said to the two investigators, why don't you check with the people who are present at these things.

And they said, their answer to him was something to the effect well, you know the blue wall of silence we get. We can't count on that.

Mr. MARCONE. How long have you been a law enforcement officer?

Mr. LEMER. Twelve and a half years.

Mr. MARCONE. Prior to Mr. Occhipinti's indictment, were you ever aware of an instance where a law enforcement officer was indicted and tried on charges related to illegal search and seizure?

Mr. LEMER. No. As a matter of fact, it's my understanding that this is the first law enforcement officer ever brought up on those charges.

Mr. KWALASSER. Let's qualify that to remain that it's Sgt. Lemer's knowledge, not——

Mr. LEMER. Right.

Mr. MARCONE. Okay, that should be recorded.

In your experience, how normally is a charge of illegal search handled?

Is it handled administratively, and within the New York City Police Department, how would they, if they had evidence that an officer had illegally obtained information in a search, how is that normally handled, in your experience?

Mr. KWALASSER. Well, I don't think Sgt. Lemer's in a position to answer that.

Mr. MARCONE. Well, I'll withdraw that.

I have a question about this—have you been contacted by a superior or any official who told you not to cooperate with this particular Congressional investigation?

Mr. LEMER. No.

Mr. MARCONE. No. Okay.

The only other question I have is have you ever been involved in an instance where you worked closely with the U.S. Attorney's office on an indictment of an individual?

Mr. LEMER. Yes. In the course of my normal business, I normally either work closely with a U.S. Attorney, an Assistant U.S. Attorney or a district attorney.

Mr. MARCONE. And is it your experience in investigations of illegal activity by an individual that it is standard practice, before an indictment is handed down, for the U.S. Attorney's office to interview all potential witnesses who may have actually witnessed an illegal act?

In other words, let me pose a hypothetical.

Let's say you're investigating someone for dealing drugs and this person has dealt drugs on 20 different occasions.

Would it be standard procedure for the U.S. Attorney's office, in your experience, for them to interview any witnesses that they are made aware of, prior to the indictment, that may have witnessed the individual performing the illegal act?

Mr. LEMER. Yes, that's standard procedure.

Mr. MARCONE. They would interview every witness that they were aware of?

Mr. KWALASSER. Now you're asking Sgt. Lemer in his own experience.

Mr. LEMER. I can only say that I would interview.

Mr. MARCONE. But you would consider that to be good law enforcement?

Mr. LEMER. Yes.

As an investigator, I would interview everybody that I felt had information.

Mr. MARCONE. And according to DEA Agent Dowd, that was not done in the Occhipinti case?

Mr. LEMER. No. According to John Dowd, as a matter of fact, he made mention of it to me specifically that he made mention of it to them, that that hadn't been done obviously in this case.

Mr. MARCONE. That law enforcement officers who accompanied Mr. Occhipinti on many of these searches in question, that were direct eye witnesses to the incident, were never interviewed by the U.S. Attorney's office?

Mr. LEMER. That is correct.

Mr. MARCONE. Okay. At this point, this is all the questions I have. Okay?

Mr. LEMER. Okay.

Mr. MARCONE. All right. I appreciate your time, and like I said, I will make a transcript of this entire interview, and I will send both you and Sgt. Kawlasser a draft of it, and ask you to make any corrections, and to look at it before we actually make it a final copy of the transcript.

Mr. LEMER. Okay, fine.

Mr. KWALASSER. Is this going to be edited into the record?

Mr. MARCONE. We don't know yet. Certainly we'd like to take a look at the transcript and I would say that there's a good chance that we might insert this into the Congressional Record.

Mr. LEMER. Mr. Marcone, I just want to make it clear that we were in fact not investigating Occhipinti.

Mr. MARCONE. Right.

Mr. LEMER. And so, and we never came up with any concrete information or evidence that he was in fact framed. Just that, you know, through different sources who now a lot of them are not available, and then all the other instances, as I've delineated them to you.

Mr. MARCONE. But from what I gather, from what you've told me today, that in the course of your investigation, which had nothing to do with the Occhipinti case, some of the people you spoke to voluntarily offered information concerning the Occhipinti case and the information they offered me was hearsay evidence, but nonetheless they voluntarily came forward with evidence and information that Occhipinti may have been the victim of a Dominican drug cartel conspiracy?

Is that correct?

Mr. LEMER. That is correct, yes.

Mr. MARCONE. Okay, that's all I have.

Thank you very much.

Mr. LEMER. Okay, Mr. Marcone.

(Whereupon, the interview with Mr. Lemer was concluded.)

SENATE—*Monday, September 26, 1994*

(Legislative day of Monday, September 12, 1994)

The Senate met at 3 p.m., on the expiration of the recess, and was called to order by the Honorable HARLAN MATHEWS, a Senator from the State of Tennessee.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Trust in the Lord with all thine heart; and lean not unto thine own understanding. In all thy ways acknowledge him, and he shall direct thy paths.—Proverbs 3:5, 6.

Lord God Jehovah, Father of us all, Creator, sustainer, and consummator of history, we ask for Your special blessing upon the Senators, their families, and their staffs in these strenuous days as adjournment sine die approaches. Make real the wisdom of Solomon in the proverb with which we began this prayer. Help them realize there is divine wisdom and support available for the difficult task of legislation.

Guide Your servants in these pressure days to a satisfactory conclusion of the 103d Congress.

In His name who is the way, the truth, and the life. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 26, 1994.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HARLAN MATHEWS, a Senator from the State of Tennessee, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. MATHEWS thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order the leadership time is reserved.

VA AND HUD APPROPRIATIONS ACT FOR FISCAL YEAR 1995—CONFERENCE REPORT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of the pending business, the conference report accompanying H.R. 4624, which the clerk will report.

The assistant legislative clerk read as follows:

Conference report to accompany H.R. 4624, an act making appropriations for the Department of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1995, and for other purposes.

The Senate resumed consideration of the conference report.

PRIVILEGE OF THE FLOOR—H.R. 4624, CONFERENCE REPORT

Ms. MIKULSKI. Mr. President, I also ask unanimous consent that Chris Gabriel of my staff be granted the privilege of the floor during the consideration of the conference report to H.R. 4624.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, this afternoon I am pleased to present the conference report accompanying the fiscal year 1995 VA, HUD, and independent agencies appropriations bill to the Senate.

This conference report is a finely crafted compromise between the positions of the two Houses on spending decisions for fiscal year 1995 for the agencies funded through this bill.

It balances the competing interests and priorities in this bill and accomplishes the key goals which we set out to achieve at the beginning of this year:

Meet our commitments to veterans;

Fund a balanced U.S. space program;

Address the highest priority housing areas;

Continue our investments in science and technology to generate new ideas that will lead to new jobs;

Preserve the environment of the United States and around the globe;

Keep our commitment to national service and opportunity for young people to draw down their college debt while giving back to their community.

In doing this, we faced a number of major hurdles which had to be overcome:

First, a 602(b) allocation that fell nearly $600 million in outlays below that requested for the subcommittee in the President's budget;

Second, shortfalls in the proposed administration budgets for veterans medical care, veterans medical research, and housing for the elderly;

And third, pressure for increases in key areas like science and technology, the environment, national service, and community development banks.

These competing pressures forced us to make very tough choices. Spending increases in some areas were less than we would have preferred and spending cuts in some areas were deeper than we would have liked.

I would like to briefly highlight our efforts in some key areas.

Mr. President, I use the terms "we" and "our" because it has been the tradition of this subcommittee to work on a bipartisan basis. We have done so, with my ranking minority, Senator PHIL GRAMM. Joining me today, I know, is the ranking Republican on the full committee, Senator MARK HATFIELD.

What we would like to talk about is veterans. We have provided a total VA appropriation of nearly $37.6 billion, about $900 million higher than 1994, and $460 million above the President's budget.

This includes an additional $111 million for medical care above the budget request, an increase of more than $610 million above the 1994 level.

The agreement also includes an additional $41 million to the budget request for veterans medical and prosthetic research, providing a total of $252 million.

We have also added $47 million to the budget request to address the serious backlog in the processing of veterans pension and disability claims. Our American veterans should not have to stand in line to get their disability claims adjudicated.

In the area of housing, for HUD we have recommended $25.4 billion in new budget authority. This level will enable us to address the most pressing needs in community development, housing for the elderly, fighting crime in federally assisted housing, and reducing the problems of homelessness.

It includes an increase of $200 million for the CDBG program, a total of $4.6 billion. It also contains $1.3 billion for elderly housing, restoring the administration's proposed budget cut, and providing funds for 9,700 new units in 1995.

We have also added $125 million for the HOME program, for a total of $1.4 billion.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

And for the homeless, we have provided the full budget request of $1.25 billion, the cornerstone of the administration's strategy to end homelessness.

In the area of space, for NASA, the bill proposes almost $14.4 billion, more than $125 million above the budget request.

Included in this recommendation is $2.1 billion for the space station, full funding for all major NASA space science initiatives, including the Cassini planetary mission to Saturn and the mission to planet Earth.

In addition to NASA's core program, we have added $400 million for a new wind tunnel initiative in aeronautics. This effort is a must if we are to keep our domestic aeronautics industry competitive into the 21st century.

In the area of the environment, for EPA we are providing a substantial increase. The conferees approved an appropriation of more than $7.2 billion for it, more than $600 million over last year and $250 million above the budget request.

EPA's operating programs would grow by almost 7 percent over 1994. This includes important initiatives for States and localities to implement the Clean Air and Clean Water acts, as well as address environmental risks caused by lead, toxic waste, and other potentially harmful substances.

We have also restored the Superfund program to a level of more than $1.4 billion, and have included almost $3 billion for water infrastructure activities.

In science, for the National Science Foundation, we are recommending just under $3.4 billion. This is $343 million above last year and $162 million above the budget request.

During the past year, the Foundation has willingly accepted the challenges in strategic research which the committee set out for it last year. We believe that those efforts should therefore be encouraged and so have recommended the increases for NSF in this bill.

These appropriations include nearly $2.3 billion for basic research, $606 million for science education, and $250 for research facilities modernization.

For national service, we are providing $577 million, just $34 million less than the full budget request, but 58 percent more than the 1994 level.

In the area of community development banks, we have included $125 million to initiate the President's Community Development Bank Program to help revitalize underserved areas.

In summary, our efforts were made easier this year because, once again, we worked in a bicameral, bipartisan fashion in shaping this conference agreement. I am grateful for the cooperation I received from the subcommittee's ranking minority, Senator PHIL GRAMM, and for his help and support in this process. And I am also deeply appreciative of the cooperation I received from the full committee chairman, Senator BYRD, and his staff, as well as the committee's ranking member, Senator HATFIELD, and his staff.

We have not provided for all the needs for which requests were made, and many will be unhappy that our wallet was not as large as the wish list for those who sought funds to the VA-HUD Subcommittee. On balance, however, I think it addresses the high priority matters in a way that is fair and balanced, and I urge all of my colleagues to support the adoption of this conference report.

Mr. HATFIELD addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

Mr. HATFIELD. Mr. President, first, let me make an observation as the ranking member of the Senate Appropriations Committee. I am happy to report that as of last night, the conference on defense completed its work. So now we have this particular status with the 13 appropriations bills:

We have five bills signed into law; we have four bills—their conference reports—that are awaiting Senate action; we have four more bills—their conference reports—that are awaiting both House and Senate action.

So, in effect, as of today, the Committees on Appropriations of the Senate and the House have discharged their responsibilities. The leadership now is in the position of scheduling these conference reports as they may be approved by both the House and the Senate, and I also would like to say that the fiscal year ends this Friday night at midnight. So, in effect, this is the first of eight unfinished conference reports that we will, hopefully, complete today.

Mr. President, I am substituting for Senator GRAMM, of Texas, in offering a few comments on behalf of the minority.

Needless to say, I am in agreement with the outline of this report as given by the Senator from Maryland, and I have frequently had the opportunity to recommend to the Senate a bill from the Appropriations Committee over my 20 years, or such, in the appropriations role. But seldom in my experience can I describe such a major piece of legislation as the product of any individual Member. But this one is. I am privileged to congratulate the distinguished Senator from Maryland [Ms. MIKULSKI] for not only authoring this bill, but masterfully shepherding its consideration.

Often we have been guilty at one point or another of being overly generous in our praise for a colleague. It is difficult, however, to be so today in reference to Senator MIKULSKI. Mr. President, when we began considering this measure this year, assessments of this bill were uniformly grim. Previously enacted constraints on discretionary spending of the Deficit Reduction Act, augmented by further cuts in the budget resolution and the 602(b) allocation, represented a reduction of more than $1 billion from the subcommittee's baseline.

Let me underscore that by saying, in effect, that we had $1 billion less this year to appropriate to our various accounts than we had in the current fiscal year of 1994. Critical basic research, as well as math and science education initiatives of the National Science Foundation and technology development activities of the National Aeronautics and Space Administration were threatened by ongoing requirements for maintaining low-income housing assistance, veterans' benefits, and help to States and localities for environmental compliance and economic development. We had to balance all of these claims of need and of maintaining our levels of service.

I am delighted, and, frankly, I am surprised that despite these dismal assessments, the measure we have before us today avoided sacrificing investments in our Nation's technological future. This bill firmly grapples with the spiraling costs of housing subsidies by reforming annual inflationary adjustments for section 8 contracts to eliminate excessive payments to landlords and providing for a more diverse eligibility mix of both working as well as welfare-dependent families in subsidized housing.

These program improvements generated the savings necessary to sustain critical programs in space and basic research and also to accommodate major new initiatives in aeronautical research and development and in academic facility modernization. These two initiatives will help maintain our global competitive position in commercial aircraft development and will redress years of neglect in the research facility infrastructure of our universities.

The leadership and diligence of the Senator from Maryland has been remarkable, and this good conference agreement is a testament to her hard work. However, as in any compromise agreement, some issues were settled in a fashion that any one of us individually might do differently. Frankly, I can only say that with respect to those issues that I have brought to the attention of the Senator from Maryland, she respected my assessment, the merits of each item, and conscientiously considered these needs in the context of a very constrained budget. I deeply appreciate her efforts to accommodate these proposals which help the people of my State and other parts of this Nation as well.

It is very easy to be critical of congressional earmarks, and I appreciate the arguments of those who would choose a different mechanism to evaluate such items. I can only say that certainly with the projects that I recommended, and, I know, of other members of the minority as well we can say we are pleased to have been approved, they stand on their individual merits and are fully justified for funding.

For these reasons, I strongly support this conference agreement and, again, wish to commend the Senator from Maryland for her outstanding work on this measure and the tremendous assistance she had from the majority staff, headed by Kevin Kelly, Carrie Apostolu, Juanita Griffen, Chris Gabriel, and by minority staff, Stephen Kohashi and Dona Pate.

So, Mr. President, I urge the Members of this body on both sides to support this conference report.

Ms. MIKULSKI. Mr. President, I thank the Senator from Oregon, the ranking member of the Appropriations Committee, for those kind remarks.

I now ask unanimous consent that the conference report be temporarily laid aside and that it be in order to proceed to the consideration of the remaining amendments in disagreement.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

Ms. MIKULSKI. I note that there were some Senators who had concern about some of these amendments. I would like to just proceed down each amendment.

Mr. HATFIELD. That is fine with us.

Ms. MIKULSKI. Mr. President, what is the pending business?

AMENDMENT IN DISAGREEMENT TO THE AMENDMENT OF THE SENATE NO. 5

The ACTING PRESIDENT pro tempore. The clerk will report the first amendment in disagreement.

The assistant legislative clerk read as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 5 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: "$355,612,000".

AMENDMENT IN DISAGREEMENT TO SENATE AMENDMENT NO. 14

The ACTING PRESIDENT pro tempore. The clerk will report. The legislative clerk read as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate No. 14 and concur therein with an amendment:

In lieu of the matter proposed by said amendment, insert: "to be added to and merged with the foregoing amounts there shall be up to $400,000,000 of amounts of budget authority (and contract authority) reserved or obligated in prior years for the development or acquisition costs of public housing (including public housing for Indian families), for modernization of existing public housing projects (including such projects for Indian families), and, except as herein provided, for programs under section 8 of the Act (42 U.S.C. 1437f), which are recaptured during fiscal year 1995 or are unobligated as of September 30, 1994; and up to $100,000,000 of transfers of unobligated balances from the Urban Development Action Grants program:".

Ms. MIKULSKI. I move that the Senate concur in the House amendment to Senate amendment No. 14.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion.

The motion was agreed to.

Ms. MIKULSKI. Mr. President, I move to reconsider the vote.

Mr. HATFIELD. I move to lay that motion on the table. The motion to lay on the table was agreed to.

AMENDMENT IN DISAGREEMENT TO SENATE AMENDMENT NO. 19

The ACTING PRESIDENT pro tempore. The clerk will report the next amendment.

The assistant legislative clerk read as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 19 and concur therein with an amendment:

In lieu of the sum proposed by said amendment, insert: "$2,785,582,000".

Ms. MIKULSKI. I move that the Senate concur in the House amendment to Senate amendment No. 19.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion.

The motion was agreed to.

Ms. MIKULSKI. Mr. President, I move to reconsider the vote.

Mr. HATFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT IN DISAGREEMENT TO SENATE AMENDMENT NO. 20

The ACTING PRESIDENT pro tempore. The clerk will report the next amendment.

The assistant legislative clerk read as follows.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 20 and concur therein with an amendment:

In lieu of the matter proposed in said amendment, insert: ": *Provided further*, That of the total amount provided for rental assistance, a total of up to $400,000,000 may be made available for new programs subject to enactment into law of applicable authorizing legislation".

Ms. MIKULSKI. I move that the Senate concur in the House amendment to Senate amendment No. 20.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion.

The motion was agreed to.

Ms. MIKULSKI. Mr. President, I move to reconsider the vote.

Mr. HATFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT IN DISAGREEMENT TO SENATE AMENDMENT NO. 28

The ACTING PRESIDENT pro tempore. The clerk will report the next amendment.

The assistant legislative clerk read as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 28 and concur therein with an amendment:

In lieu of the matter proposed by said amendment, insert: ": *Provided further*, That notwithstanding the language preceding the first proviso of this paragraph $289,500,000 shall be used for special purpose grants in accordance with the terms and conditions specified for such grants in the committee of conference report and statement of the managers (H. Rept. 103–715) accompanying H.R. 4624, except for the grant of $500,000 for the Earth Conservatory for the acquisition of land near Wilkes Barre, PA".

Ms. MIKULSKI. I would note the absence of a quorum.

The ACTING PRESIDENT pro tempore. A quorum has been questioned. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, I ask that consideration of amendment 28 as a freestanding item be withdrawn.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENTS IN DISAGREEMENT TO SENATE AMENDMENTS NO. 30, 51, 56, 58, 60, 64, 71, 72, 98, 100, 111, AND 117

Ms. MIKULSKI. I now ask unanimous consent that the remaining amendments of the House to the amendments of the Senate in disagreement be considered and agreed to en bloc with the exception of amendments 28, 84, and 123.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

The amendments in disagreement considered and agreed to en bloc are as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 30 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed in said amendment, insert: "$2,536,000,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 51 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

The United States Housing Act of 1937 is amended in each of sections 6(c)(4)(A)(ii) and 8(d)(1)(A)(ii), by striking "and (V)" and inserting in lieu thereof the following: "(V) assisting families that include one or more adult members who are employed; and (VI)"; and in sections 6(c)(4)(A)(ii) and 8(d)(1)(A)(ii), by inserting after the final semicolon in each the following: "subclause (V) shall be effective only during fiscal year 1995;".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 56 to the aforesaid bill, and concur therein with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows:

(RESCISSION)

Of the funds made available under this heading in Public Law 103–124, $1,730,000 are rescinded immediately upon enactment of this Act.

Resoloved, That the House recede from its disagreement to the amendment of the Senate numbered 58 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND

PROGRAM ACCOUNT

For grants, loans, and technical assistance to qualifying community development lenders, and administrative expenses of the Fund, $125,000,000, to remain available until September 30, 1996: *Provided*, That of the funds made available under this heading, up to $10,000,000 may be used for the cost of direct loans, and up to $1,000,000 may be used for administrative expenses to carry out the direct loan program: *Provided further*, That the cost of direct loans, including the cost of modifying such loans, shall be defined as in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $75,815,000: *Provided further*, That not more than $39,000,000 of the funds made available under this heading may be used for programs and activities authorized in section 114 of the Community Development Banking and Financial Institutions Act of 1994.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 60 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter stricken and proposed by said amendment, insert: "$575,000,000, of which $386,212,000 is available for obligation for the period September 1, 1995 through August 31, 1996".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 64 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert: ": *Provided further*, That not more than $14,175,000 of the $145,900,000 for the National Service Trust shall be for educational awards authorized under section 129(b) of the subtitle C of title I of the Act".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 71 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

RESEARCH AND DEVELOPMENT

For research and development activities, including procurement of laboratory equipment and supplies; other operating expenses in support of research and development; and construction, alteration, repair, rehabilitation and renovation of facilities, not to exceed $75,000 per project; $350,000,000, to remain available until September 30, 1996: *Provided*, That not more than $55,000,000 of these funds shall be available for procurement of laboratory equipment, supplies, and other operating expenses in support of research and development.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 72 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

ABATEMENT, CONTROL, AND COMPLIANCE

For abatement, control, and compliance activities, including hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project; and not to exceed $6,000 for official reception and representation expenses; $1,417,000,000, to remain available until September 30, 1996: *Provided*, That not more than $304,722,500 of these funds shall be available for operating expenses: *Provided further*, That none of the funds appropriated under this head shall be available to the National Oceanic and Atmospheric Administration pursuant to section 118(h)(3) of the Federal water Pollution Control Act, as amended: *Provided further*, That from funds appropriated under this heading, the Administrator may make grants to federally recognized Indian governments for the development of multimedia environmental programs.

Resolved, that the House recede from its disagreement to the amendment of the Senate numbered 98 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

National Aeronautical Facilities

(INCLUDING RESCISSION)

For construction of new national wind tunnel facilities, including final design, modification of existing facilities, necessary equipment, and for acquisition or condemnation of real property as authorized by law, for the National Aeronautics and Space Administration, $400,000,000, to remain available until March 31, 1997: *Provided*, That the funds made available under this heading shall be rescinded on July 15, 1995, unless the President requests at least $400,000,000 in the fiscal year 1996 budget request for the National Aeronautics and Space Administration for continuation of this wind tunnel initiative.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 100 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert: ", to remain available until September 30, 1996: *Provided*, That of the amounts made available under the heading "Research and program management" in Public Law 103–211, $18,000,000 are rescinded immediately upon enactment of this Act: *Provided further*, That an additional $18,000,000, to remain available until September 30, 1995, shall be immediately available for research and program management activities, contingent upon the enactment of the rescission in the preceding proviso before October 1, 1994".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 111 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert: ": *Provided further*, That $131,867,000 of the funds under this heading are available for obligation for the period September 1, 1995 through August 31, 1996: *Provided further*, That the funds made available in the preceding proviso shall be rescinded on July 15, 1995, unless the President requests at least $250,000,000 in the fiscal year 1996 budget request for the National Science Foundation for academic research infrastructure activities".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 117 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

SEC. 518. None of the funds appropriated in this Act may be used to implement any cap on reimbursements to grantees for indirect costs, except as published in Office of Management and Budget Circular A–21.

Ms. MIKULSKI. I move to reconsider the vote.

Mr. HATFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Ms. MIKULSKI. As I understand it, 28 is the pending business.

The ACTING PRESIDENT pro tempore. The Senator is correct.

Ms. MIKULSKI. I note that the Senator from New Hampshire would prefer that the Senator from Arizona go forth first on his amendment to 84, so that I ask that amendment 28 be laid aside and that we proceed to amendment 84.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

AMENDMENT IN DISAGREEMENT TO SENATE AMENDMENT NO. 84

The ACTING PRESIDENT pro tempore. The clerk will report the next amendment in disagreement.

The assistant legislative clerk read as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 84 and concur therein with an amendment:

In lieu of the matter proposed by said amendment, insert:

WATER INFRASTRUCTURE/STATE REVOLVING FUND

For necessary expenses for capitalization grants for State revolving funds to support water infrastructure financing, and to carry out the purposes of the Federal Water Pollution Control Act, as amended, and the Water Quality Act of 1987, $2,962,000,000, to remain available until expended, of which $22,500,000 shall be for making grants under section 104(b)(3) of the Federal Water Pollution Control Act, as amended; $100,000,000 shall be for making grants under section 319 of the Federal Water Pollution Control Act, as amended, and shall be available only upon enactment of clean water authorizing legislation, but if no such legislation is enacted by November 1, 1994, these funds shall immediately be available; $52,500,000 shall be for section 510 of the Water Quality Act of 1987; $70,000,000 shall be for making grants under section 1443(a) of the Public Health Service Act; and, notwithstanding any other provision of law, $781,800,000 shall be available upon enactment of clean water authorizing legislation, but if no such legislation is enacted by November 1, 1994, the funds shall then be available for making grants for the construction of wastewater treatment facilities in accordance with the terms and conditions specified for such grants in House Report 103–715: *Provided*, That notwithstanding any other provision of law, $500,000,000 made available under this heading in Public Law 103–124, and earmarked to not become available until May 31, 1994, which date was extended to September 30, 1994, in Public Law 103–211, shall be available upon enactment of clean water authorizing legislation, but if no such legislation is enacted by September 30, 1994, these funds shall then be available for making grants for the construction of wastewater treatment facilities in accordance with the terms and conditions specified for such grants in House Report 103–715: *Provided further*, That notwithstanding any other provision of law, $1,235,200,000 shall be available upon enactment of clean water state revolving fund authorizing legislation, but if no such legislation is enacted by November 1, 1994, these funds shall immediately be available for making capitalization grants under title VI of the Federal Water Pollution Control Act, as amended: *Provided further*, That the grant awarded from funds appropriated under the paragraph with the heading "Construction grants" in title III of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1990 (103 Stat. 858), for construction of wastewater treatment facilities for the towns of Ware Shoals and Honea Path, South Carolina, and would include, but would not be limited to, the construction of a connector sewer line, consisting of a main trunk line and four pump stations for the town of Honea Path, South Carolina, to the wastewater treatment facility in the town of Ware Shoals, South Carolina, the upgrade and expansion of the Ware Shoals wastewater treatment plant, and the demolition of the Chiquala Mill Lagoon, the Clatworthy Lagoon, the Corner Creek Lagoon, and the Still Branch Lagoon.

AMENDMENT NO. 2587 TO THE AMENDMENT IN DISAGREEMENT TO SENATE AMENDMENT NO. 84

(Purpose: To prohibit the expenditure of appropriated amounts to carry out certain programs and projects)

The ACTING PRESIDENT pro tempore. The Senator from Arizona is recognized.

Mr. McCAIN. Mr. President, I send an amendment to amendment No. 84 to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. McCAIN] proposes an amendment numbered 2587 to the amendment of the House to the amendment of the Senate numbered 84.

Mr. McCAIN. Mr. President, I ask unanimous consent that reading for the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

At the end of the matter proposed to be inserted, add the following:

SEC. . PROHIBITION ON THE EXPENDITURE OF APPROPRIATED AMOUNTS FOR CERTAIN PROGRAMS AND PROJECTS.

Notwithstanding any other provision of this Act—

(1) no amounts appropriated under this Act shall be expended for a program or project that has not been—

(A) specifically, authorized by law prior to the date of enactment of this Act; or

(B) funded under—

(i) H.R. 4624, as passed by the House of Representatives on June 29, 1994; or

(ii) H.R. 4624, as passed by the Senate on August 4, 1994; and

(2) any amounts appropriated under this Act for a program or project that does not meet the requirements of paragraph (1) shall be distributed by the agency designated under this Act to administer the funds according to an applicable formula or an appropriate merit-based selection procedure.

Mr. McCAIN. Mr. President, I rise in opposition to this legislation. I am surprised and deeply disappointed that this body today is considering a bill that contains hundreds of millions of dollars for specific projects that were not approved in either the House bill or the Senate bill but were inserted in conference behind closed doors by a few select members of the committee without the input, and advice, or the consent of the Members of this body.

Mr. President, last week, a very interesting poll was published, and it was done by Times Mirror, a very respected organization, and among many interesting statistics that this poll showed is that 20 percent of the American people believe we are on the right track. A very small percentage approve of Congress. In fact, the public, and I quote now, "is more supportive of a third major party today than it was a decade ago." Today, 53 percent of the American people would rather see a different party than the two that they have today.

I just came back from visiting a neighboring State of mine. I traveled also around my State. I have recently visited many States giving talks, meeting with people, having discussions, and doing a lot of campaigning. Do you know what the common theme is which I hear from everybody I talk to in my State, and also in many Western States where I have been primarily spending my time? It is an anger, a disgust with the way Congress does business. Mr. President, they are tired of the pork-barreling that goes on and on and on, and it has to stop. It must stop.

This bill before us has the unique quality that there is more money, hundreds of millions of dollars, $155 million in new special purpose grants, for example, that were not in the House bill, were not in the Senate bill, were never proposed, debated on the floor of this Senate. Now we find them coming out of the conference in the bill.

Mr. President, I say to the members of the Appropriations Committee, do you know what you do when you do that? You deprive me of my vote and you deprive the citizens of Arizona of their representation because Members of Congress who were not on the Appropriations Committee were not able to fully consider these appropriations. All of the Members of this body and from the House that were sent here by their constituents were not able to review these projects. The only people who knew about it were the people from the Appropriations Committee. And astonishingly enough, guess what? Most of the money goes to the States and the districts of the members of the committee. Is that not a coincidence?

Mr. President, I am going to detail some of these projects. Some of them may be good, some of them may be bad, some of them may be worthwhile, and some of them may not be worthwhile. But the fact is, this is the first time that the Senate, the overall 100 Members of the Senate, have had the opportunity to consider them when we really have little option. The only option we have is to amend an amendment in disagreement.

I do not know if $155 million in new special purpose grants, which includes $300,000 to rehabilitate uninsured buildings damaged by fire and provide residential and commercial use in Auburn, NY, is something that is so critical because I have not had a chance to review it, or other Members of this body. I do not know if $450,000 for the construction of the Center for Political Participation at the University of Maryland is a worthwhile project. This is the first time I have seen it. I am all for political participation. But do we really need to spend $450,000 for the construction of that center at College Park, MD, without this body having considered it?

How about $750,000 for the SciTrek Science Museum to create a mezzanine level in its building to increase exhibit space in downtown Atlanta? That may be crucial. It may be that the citizens of Arizona say, "Please, Senator McCAIN. Give them $750,000 to construct a mezzanine level in their building." But where is the competition? Where is the judgment here? Who said that we needed it?

What about $2.6 million to the city of Houston for community development activities? I believe that the city of Houston needs community activities. I have not been to Houston lately. But I think it is probably something that is very nice. Why could we not have considered an amendment for $2.6 million for the city of Houston on that bill?

Mr. President, you know, one of the things that we spend the taxpayers' money on, which we do a lot of around here, is to print pamphlets. These are very important to educate the American people. I think that some of them are very worthwhile. One of them that, I have used and sent to my constituents when they have asked for it is, of course, "How Our Laws Are Made." It is an excellent publication. Do you know what it says in "How Our Laws

Are Made"? It says that the conference cannot add any extraneous or additional amendments that were not included in either the House or the Senate bill.

So what we need to do, in my view, is either stop sending out this book or correct it and tell the American people the truth. Tell them what is going on here. In this case, hundreds of millions of dollars were added in conference which were neither in the House nor the Senate bill.

I want to repeat. These may be good projects. In fact, there is a project included in this for my own state of Arizona which is an important project. I would like to see that project funded. But I do not believe it should be funded in this manner. I cannot stand before you and seek approval for a project in Arizona and disapprove of others throughout the country.

The conference committee added more than $250 million in new earmarked wastewater treatment plants projects to the bill. I remind my colleagues that this was in addition to the more than $529 million in earmarks that were already in the bill. The money being directed to these special projects would otherwise be distributed equally to all States. I want to repeat. This $529 million was already approved, and then add on $250 million, and these are earmarked wastewater treatment projects that are going to go to specific States and districts. If they were not earmarked, then that money would go equally to all other States. So what we are doing is showing favoritism to some States over others in this legislation.

It should come as no surprise that most of this money went to the home States of Members on the Appropriations Committee or in leadership positions. Estimates indicate that half the special purpose grants went to seven States represented by a dozen members of the conference committee. All of the State revolving fund earmarks went to States represented by either members of the Appropriations Committee or congressional leadership.

Congressman FAWELL in the House estimates that only $7 million of the special purpose grants had been properly authorized; $7 million of the $250 million. I ask my colleagues, in times of shrinking budgets and increasing demands, is this the proper way to do the Nation's business?

I want to make it clear again that I am not opposed to any individual project included in this conference report. The amendment that I am offering is not about any one project. In fact, I am certain, as I said, that many of these projects are very worthy and may merit support. But the fact is that we have a limited amount of Federal resources to address pressing needs. A $4 trillion debt and the interest of good government demand that these resources be distributed favorably and according to our true priorities.

The amendment which I have introduced today speaks directly to the practice by striking funding for any projects added in conference that has not been authorized. It is crucial that the Senate be heard on this issue. The conference report before the Senate contains millions of dollars in earmarks, as I said, that were added during the conference. This practice is having a damaging effect on the budget process.

Mr. President, I realize this amendment will probably fail. The budget crisis affecting the Nation is a sickness requiring strong medicine. Unfortunately, when I or my colleagues have offered strong medicine, we have been rebuffed. During the appropriations process, several amendments were offered to either curb or eliminate these types of earmarks, and each time the Senate voted to keep it.

One of the best examples of this was an amendment offered by the Senator from New Hampshire to take money for special purpose grants and place it into the Community Development Block Grant Program. The Community Development Block Program is one of the best examples of community empowerment within the Federal Government. This program allows for competition between and among projects. How do I know that an Arizona project is not more worthy than ones receiving earmarks. Unfortunately, under this bill, there is no opportunity for competitiveness.

My amendment, I believe, will restore some fairness. As I said, I realize that one of the projects added in conference would benefit my home State of Arizona. The conference report contains $5 million for a regional water quality research project in Pima County, AZ. I believe it is a worthwhile project, and one that I would fully support. But its inclusion in the conference report, without consideration by either House or Senate, is not proper. I am sure that the more political response may be to say that we should go ahead with this. But I cannot.

The practice of earmarking funds is seriously affecting the ability of Congress to set and fund our Nation's priorities. The process is skewed even further when the earmarks are added in conference. I want to repeat: This amendment would strike any earmark that was not included in either the House or the Senate bill and was not authorized.

I do this, Mr. President, because I believe that the people of my State sent me here to have a voice in what this body does. They sent Members of the House of Representatives, the other body, so that they would have a voice. They do not have a voice when conferees join together in a room somewhere and put in projects that were not in the Senate bill, were not in the House bill, and the first time we see it is when a conference report comes out, which we know is very difficult to amend, if not impossible, and to debate.

This practice must stop, Mr. President.

The reason why the crime bill, which passed the Congress, was so strongly opposed by the American people was not because of the issue of the ban on assault weapons. In fact, the first time the crime bill passed this body by a vote of about 94 to 5. The reason why the American people—by the last poll I saw, 55 percent of them opposed the crime bill for the reason that they thought it was full of pork. They are right. This bill has many very important and vital projects in it.

So instead of having a bill we can show the American people that we are proud of and which will address many of the pressing needs of our veterans and our housing needs throughout this Nation, instead we are now putting in these projects which may or may not be necessary. If they are necessary, let us go through the proper process that "How Our Laws Are Made" describes as to how this Congress should work. The American people want us to go back to legislating in a manner in which all of the Members of both bodies can participate. When we do it this way, we are being unfair to the American people.

As I say, I do not believe this amendment will carry. We have lost other amendments. But I would like to say again to my colleagues that I will continue to fight unauthorized appropriations in a conference report every time it comes up. Maybe I will not prevail the first time or the second time or the fifth time or the tenth time. But I know the American people do not want this, just like several other issues I have been involved in. They do not want it. They do not believe that the majority of these projects should be earmarked for members of the committee or the congressional leadership. They believe there should be a fair and honest and open competition for projects using their hard-earned tax dollars. Maybe we need a mezzanine, a science museum mezzanine, and maybe the city of Houston needs $2.6 million for community development activities. But we will never know because it has not been open to competition.

Mr. President, I ask for the yeas and nays on this amendment, and I ask unanimous consent that the vote be held tomorrow at a time set by the majority leader.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Without objection, the time for the vote will be set by the majority leader.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. Mr. President, thank you very much. I rise in opposition to the amendment offered by the Senator from Arizona.

First, I am going to deal with an issue raised by the Senator in his debate. The sponsor of this amendment inferred that because some projects were added in conference, that this is somehow an underhanded process that was not subject to full and open disclosure. That is simply not true.

In the first instance, adding projects in conference does not violate Senate rules and is not subject to any points of order.

Second, our conference was open to the public and held during normal business hours. I repeat that. Our conference was open to the public and held during normal business hours. Anyone could have attended. Anyone could have sent their staff. We received no notes that came in in opposition to what we were doing. Copies of the conference committee's annotated conference notes with the disposition of all items in disagreement—which really ran 88 pages of single-spaced type for the entire bill—were given to all members of the conference committee on both sides of the aisle.

Our conference report was filed on September 1. Members of the Senate and their staffs have had more than 3 weeks to review the decisions made by the conferees. We were bipartisan, and we were bicameral in our approach to projects. There were no sharp elbows. There were no efforts to exclude or preclude members on the Republican side of the aisle from this process. In fact, during the meetings held in conference, the ranking minority member of the subcommittee, the Senator from Texas, was present at all times. His staff was involved.

So this is not like something that was done in the middle of the night. This is not where someone held a conference from 3 in the morning to 5:30 in the morning to be cute or to be tricky, and so on. Nor is it characteristic of this Chair of the subcommittee to do anything underhanded, behind the scenes, or in a backhanded, underhanded way. I think we need to realize that. We followed the rules, and we met during normal business hours. The Senate has had the time to review these projects.

Let me go into the projects. None of the projects we added were done in an arbitrary way by this Appropriations Committee. Every item proposed by the House was requested by a Member of the House. Every item proposed by the House was requested by a Member of the House, and most of them had a Member of the Senate requesting them as well.

I received 1,100 requests for projects in this bill. I received 1,100 requests for projects in this bill, with a total dollar amount of $96 billion. Shocking, is it not? But that is what we on the Appropriations Committee do. We say "no" more often than we say "yes." It is not like these are just a few items that have come to us; 1,100 requests came to me and, I know, to the distinguished Senator from Texas, and it totaled $96 billion just on individual projects in a variety of things.

You have no idea of the number of outpatient clinics people wanted to build, how many wings on art museums they wanted to build, and how many other items, where we felt we were going to not do wings on our museums, but we were going to come in on a wing and a prayer. This list, compared to what we have, is skimpy. The criterion we used was that it had to meet a real need to have the concurrence of a House or Senate Member.

I will note that the Senator from Arizona made no request of the 1,100. But what we did do, when we talk about authorizing, is that we have done things for Arizona that were not authorized, and we went ahead and did them knowing they were going to be authorized. There is a much-needed VA facility in Arizona due to the changing population there that was requested by the other Senator from Arizona. We knew it was pending in VA authorization. We were not sure when the VA authorization would move forth, but we knew it had been requested by the Veterans' Administration, that it met a need, and by the other Senator from Arizona, and that it was in the VA authorizing bill. We went ahead and moved it. It has subsequently been authorized. But we did not wait for it to be authorized because we would not have been able to meet that need in this fiscal year.

The compelling subject of the colonias that both Senators from New Mexico have spoken to me about, both Senators from Texas have spoken to me about, is also in Arizona. We know the issue of colonias. We helped with the colonias bill in another fiscal year. It was not authorized but it sure met that need.

Also we have the request then from both Senators from New Mexico, one a member of the party not mine.

So we have tried to work together in anticipation of what has been authorized, but I think we need to face facts. There has been a collapse of the authorizing process for a variety of reasons which we will not discuss in this debate to it, and then it falls on the Appropriations Committee to do that and then we are taken to the woodshed because of the fact that there is gridlock in the authorizing committees.

I just wanted to bring to the attention of my colleagues and perhaps now when we return to it next after this year's election perhaps the distinguished Senator who offers this amendment would like to join the Appropriations Committee because I know the Senator from Arizona knows currently the appropriation is not there.

It is a very tough job being on the Appropriations Committee, and we wish that the authorizing committees could get their legislation done.

Let me just give you an example of the HUD projects. Everybody says it is going to only the members of the Appropriations Committee or to the leadership of the Appropriations Committee. In the HUD projects in this bill they go to 45 States. We do not focus on projects which will benefit just for members of the Appropriations Committee. In this bill we funded HUD projects in 19 States that have no members of the Appropriations Committee. Among those States that have no members of the Appropriations Committee are: Kansas, Alabama, Connecticut, Illinois, Georgia, Indiana—where both Senators are from a different party so it does not tilt to one party—Massachusetts, Michigan, Maine, Minnesota, North Carolina, North Dakota, Utah, Virginia, and Wyoming.

I want to bring that to the attention of my colleagues. This subject was considered for debate in the Senate's original consideration of the VA-HUD bill. I know the Senator from New Hampshire offered an amendment to strike the projects and we had I felt a very civil and rational debate. The Senate voted 71 to 27 to support the inclusion of HUD projects in this legislation and then voted by a vote of 60 to 37 to include EPA wastewater projects in this bill.

In terms of the HUD projects, as the sponsors of the amendment know, the Senate Banking Committee reported out comprehensive housing legislation on July 13, more than 2 months ago. But the leaders of that committee have not been allowed to bring that bill to the floor for either a vote or amendments.

There will be little likelihood to get any projects authorized on that vehicle. The House, therefore, felt that it should bring those items to the VA-HUD conference, and they were added there.

These projects were the subject of full and vigorous debate when the VA-HUD conference report was considered on the House floor. The House approved those projects by a vote of 189 to 180 on September 12.

So each body has voted on these items at least once and approved them.

This procedure for accommodating House HUD special purpose grants is nothing new. In fact, it is the exact same approach which was used on the last three VA-HUD bills that had HUD special projects, fiscal years 1993, 1992, and 1991.

This not a new procedure. We have done it this way in the past and the Senate has approved this approach.

We should then also turn to the VA construction projects. When the House and Senate initially passed the VA-HUD bill, there was still the chance that a substantial health care insurance reform bill would pass.

The projects added in conference for VA facility construction were all requested by the administration as part of the veterans' component of health care legislation.

Since the decision to postpone comprehensive health care reform was made after Senate action on the VA-HUD bill, the conferees believed that we should permit the VA to proceed with these four additional ambulatory care additions which were requested.

We did not want to penalize the veterans of the four places where these projects will be located—Florida, Virginia Connecticut, and Puerto Rico—simply because health insurance reform was not passed.

Each project has been included in the VA-HUD construction authorization bill that passed the Senate prior to the August recess.

Lastly, I would like to address the EPA wastewater projects. These are projects focused on so-called called needy cities, areas with severe water pollution problems which cannot afford to bear the entire cost of the facilities needed to correct these problems under the Clean Water Act.

As I said, the Senate voted in favor of including EPA wastewater projects by a vote of 60 to 37 on August 4.

The House approved the conferees action on them just 2 weeks ago.

Many might wonder why we waited until conference to add some projects in EPA. The answer is simple—out of deference to the authorization process. Could they do it? The answer is no, they could not. That is a no-fault comment of mine. There are a variety of reasons why, but they could not. We know that both in the House and the Senate the authorizers could not move a bill and we waited and we waited and we waited.

EPA's Clean Water Act programs have not been authorized since fiscal year 1992. For the last 3 years we have waited to see if the clean water bill would pass the Congress.

So, you can see that is where these items arise.

I would just like to then say in summary if we adopt the amendment offered by the Senator from Arizona we will run the risk of delaying the enactment of this important legislation until after October 1 and force the amendment to go back to the House for a separate vote, and it probably means we would not get this bill passed before the start of the fiscal year at midnight on Friday. And this kind of delay will have negative cost consequences for VA funding, the space program. The committee included a provision that allow VA to use $50 million in 1994 for veterans' medical care that otherwise lapses on October 1.

Delaying action on this bill is not simply making a $50 million cut in VA. It would cut it and its effect would be 9,800 veterans will be denied medical care, and 83,000 outpatient visits to doctors will not take place, and it would have a very serious impact.

I could go through the impact on other items but let me say this: For many years we went into something called the continuing resolution, and for those colleagues who did not serve in the House—I know the Senator from Idaho has and the Senator from New Hampshire has—but I say this to the Senator from Arizona. It was awful here. We would be here until after October 1. The Appropriations Committee moved at a different pace than now.

Now really we have stepped up to the responsibility of meeting our responsibilities in a way that meets the times. I have been waiting since we came back from the so-called August break to move my bill, but we worked very hard to be able to make sure that we were ready to go for the fiscal year and we worked hard, as I said, in public meetings, regular business hours, and so on.

So I know that the Senator has concerns, and I think that there is some merit to his concerns. But I think to pass this amendment, send it back on October 1, place this bill in a continuing resolution, really would jeopardize some of the things related to the core programs and really hurt, actually hurt people in terms of things like veterans' medical care, and housing for the elderly, and other things, and so forth.

I know we could debate this at length. I just wanted to bring some of these items to my colleagues' attention. And of course I am prepared to discuss this further but for now I will yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. McCAIN. Mr. President, I shall make a couple brief remarks.

One is "How Our Laws Are Made." I would hope that we could run another printing. Because how our laws are made under authority of conferees it says:

> The conferees are strictly limited in their consideration to matters in disagreement between the two Houses. Consequently, they may not strike out or amend any portion of the bill not amended by the Senate. Furthermore they may not insert new matter that is not germane to the differences between the two Houses.

Clearly we are misinforming the American people very badly, and I think we ought to have a reprint of this because we are deceiving them because what actually happens is that we spend hours of debate on a bill here in the Senate. They do not in the other body because of the difference in rules. And the hundreds of requests for special projects that the Senator from Maryland mentioned should be considered I would hope rather than stuffed in this in a conference which is not in keeping with the law as we know it but more importantly deprives the rest of us from any input into it.

I would also repeat that this amendment says that it will strike only those appropriations which are not authorized. The Senator from Maryland mentioned that there is money for 9 VA ambulatory care additions at the VA medical center in Phoenix. That is an authorized project and would not be subject to this amendment. Whether it was or not, it is the process that we are trying to change here not the individual projects.

I note that the proponents of doing business this way do not address the process, but they address the virtues of some of the projects themselves. I do not intend to get into that debate. The virtues of those projects should be addressed when we are considering the legislation originally, not having the 80-some other Members of this body that are not members of the Appropriations Committee presented a fait accompli into which we have had no input.

And it is wrong. Everybody knows that it is wrong. The outside watchdog groups that observe the legislature in action, the National Taxpayers Union, the Citizens Against Government Waste, the Citizens for a Sound Economy, every objective observer knows this process is wrong.

As I said, sooner or later, if we ever hope to obtain a modicum of confidence from the people we represent, it has to stop. It just has to stop.

Mr. President, I ask unanimous consent that the time for the yeas and nays on this amendment be set by the majority leader at some later time today or later tomorrow.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER (Mr. REID). The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, I thought it would be an opportune time this afternoon, with the debate of the Senator from Arizona, to present to the Senate, to the chairman from Maryland, the ranking member from Oregon and all that are interested in this process, as we all are, an editorial that appeared in Investor's Business Daily today that I thought was very fitting to the debate in the context of the amendment offered by the Senator from Arizona. The title of the editorial is "Putting Principle First."

The reason I thought it was appropriate is because it places in context the jeopardy—I use the word "jeopardy"—that I believe both political parties are placing themselves in the business-as-usual attitude that we constantly work at here, failing to recognize what I believe the American people are beginning to say very loudly about that business-as-usual attitude.

Let me for a few moments refer to portions of the editorial.

And I also ask unanimous consent that the full text of the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

PUTTING PRINCIPLE FIRST

> Voter anger and cynicism continue to grow because our political leaders refuse to change anything but their rhetoric. Their talk shifts with the wind, but Washington goes on as usual.
>
> Until the parties put forth policies based on principles—and actually follow them—anti-incumbent fever will continue to rage.
>
> The failure to comprehend this is most obvious at the White House, where President Clinton blames his declining popularity on poor communications and fears fanned by special interests that oppose his policies.
>
> In fact, Clinton is unpopular because he has changed little in Washington in two years.
>
> Expert and popular opinion agree, for example, that the just-passed crime bill won't reduce crime—let alone put 100,000 more cops on the street.
>
> The declining budget deficit is mainly the result of defense cuts and accounting tricks. The entitlement-spending time-bomb guarantees the deficit will boom again before the end of the decade.
>
> Clinton's biggest initiative by far was his health-care reform plan—an audacious bid to increase government power while talking up market reform.
>
> His chief allies in this battle were the Democratic congressional leadership—reactionaries hoping to recover the glories of the New Deal and the Great Society.
>
> The same alliance has led him to put off welfare reform, oppose term limits and gut potentially beneficial measures like "reinventing government" and proposals on education and job-training.
>
> Washington's Republicans are no better. They collude in ignoring the entitlement mess, shy away from specific spending cuts and secretly fear term limits. Above all else, they are scared to admit to the voters that government can't cure all ills, even under Republicans.
>
> The GOP faces a choice between the Reaganauts and the Nixonites. Nixon perfected the art of channeling voter anger at his opponents during campaigns, but he exacerbated the root causes of that anger while in office.
>
> Nixon first nationalized the crime issue but did nothing about it. He appealed to concerns over moral decline and economic insecurity, but expanded the welfare state and instituted wage and price controls.
>
> Reagan, an American optimist, said the federal government was the problem, not the solution, and did his best to govern by that philosophy. It is no coincidence that public distrust of government fell as Reagan tamed an ambitious bureaucracy.
>
> Bush wrapped himself in Reagan's aura, but soon showed he lacked guiding principles. He successfully exposed Michael Dukakis' liberalism, but in office offered only a watered-down version of the same. Taxes, spending and regulation all boomed as the economy sank.
>
> On Tuesday, House Republicans will unveil an agenda for the next Congress, including such goodies as modest welfare reform and a cut in the tax on capital gains. GOP Senate candidates have already endorsed a similar list.
>
> But as Jack Kemp has already pointed out, there's no grand vision—no serious income-tax cut, no challenge to the perverse incentives of the welfare-entitlement state.
>
> In other words, it's hard to see how big Republican gains in November will bring any more change to Washington than did the arrival of Bill Clinton.
>
> Both U.S. political parties should look at what's happened to their counterparts throughout the West. Recent elections have crippled or destroyed parties in Japan, Canada, Italy, France and Australia. Britain's Tories are on the ropes, saved only by the sorry state of England's Left.
>
> The same fate may await the Democrats this fall.
>
> Republicans may benefit short-term from Clinton's failure. But they will have to elaborate some closely held beliefs and craft policies to reflect them or they will be the next.

Mr. CRAIG. The editorial starts out by talking about:

> Voter anger and cynicism continue to go grow because our political leaders refuse to change anything but their rhetoric. Their talk shifts with the wind, but Washington goes on as usual.
>
> Until the parties put forth policies based on principles—and actually follow them—anti-incumbent fever will continue to rage.
>
> The failure to comprehend this is most obvious with the White House, where President Clinton blames his declining popularity on poor communications and fears fanned by special interests that oppose his policies.
>
> In fact, Clinton is unpopular because he has changed little in Washington in 2 years.

We have changed little in the budget process in the last 2 years. We have talked about budget control and deficit control and yet the deficit continues to grow and the debt becomes even larger and the American people become increasingly angry.

The editorial goes on:

Expert and popular opinion agree, for example, that the just-passed crime bill won't reduce crime—let alone put 100,000 more cops on the street.

"The declining budget deficit"—while it is declining a little bit—"is mainly the result of defense cuts and a few accounting tricks. The entitlement-spending time bomb guarantees the deficit will boom again before the end of the decade."

While the editorial goes on to be critical of President Clinton and the process, I would not be fair to the editorial or the premise of my argument if I did not drop down and read this. It says: "Washington's Republicans are no better. They collude in ignoring the entitlement mess, shy away from specific spending cuts"—of the kind we are talking here today—"and secretly fear term limits. Above all else, they are scared to admit to the voters that Government can't cure all ills, even under Republicans."

In other words, the article was critical of both parties. And it was critical of both parties because we will not stand for reform, we will not talk about the principles on which we believe better Government could run. And so for the next few moments I would like to tell you that there are some who are trying to do that.

Just this week, PHIL GRAMM and those who are running for the Senate here—Senate challengers—brought out seven principles that they say will be key to the debate if another party, my party, is in the majority in the U.S. Senate: Enactment of a balanced budget amendment. Is that a principle? You are darn right it is a principle that many of us have been debating for and agreeing on for many years but never get the two-thirds majority necessary.

Now, I will tell you, if we had a balanced budget amendment to the Constitution, I doubt that the Senator from Arizona would be on the floor today offering an amendment to cut nonauthorized provisions out of an appropriations bill. And the reason is that would not be allowed. There would not be any margins of hundreds of millions of dollars laying around inside a budget because we would have to adhere to the very strict guidelines of a budgetary process that would probably come if we enacted a balanced budget amendment.

Those Senators or candidates who stood before a podium last week on Capitol Hill to talk about the seven principles that would guide a Republican Senate talked about doubling the income tax exemption for children. In other words, shifting away from Government and shifting back to families and allowing them to have a greater priority of the use of their own money instead of the Federal Government taking it away from them and reprioritizing its spending outside of what a family believes is best for themselves and their children. That is a principle. That is a principle that we used to adhere to years and years ago, until we, in a very creeping and methodical way, decided that Government could do more for people than the people themselves and especially the family unit. And we starved that unit down so that now it is almost impossible for it to operate in the context that we once believed a family unit in American society could operate.

Well, we have debated health care and health care reform, and we will get back to that in another year, hopefully guided by principles of a marketplace in which real people make real decisions about their health instead of a Federal bureaucracy built on making decisions of what is good for people.

I hope we get there. That is a principle that this Government and this

Congress ought to be geared toward and that we ought to debate. And it is something that the Investor's Business Daily spoke of today as principles in Government that Americans want to see their two-party system talk about instead of what we have been currently involved in.

There were other issues involved, but let me, in closing, talk about another approach that I and Senator BEN CAMPBELL in a bipartisan way this last week, now signed on by nearly 10 Members of the Senate, believe is part of why we ought to be talking about principle.

We offered for this Senate to review what we call a Common Cents Budget Reform Act. And I think the Budget Committee will begin to look at this next year. The Budget Committee chairman has talked about a hearing on October 5. Well, that is just a few days before adjournment, and I would not expect that we could enact any of these policies this year, but it begins to move us toward principle again.

Baseline budget reform. In other words, look at the budgets as they are each year and decide on what we add or want to add to them, not this automatic escalator that is built into our system when we cut $200 billion out of a budget and somebody says it is a real cut when in fact it is only a reduction in the rates of increase, a 4- or 5-percent increase instead of a 10- or 12-percent increase. My goodness, that confuses the American people. They do not understand what we are talking about.

We tell them that the budget is cut, and yet the budget is more than it was the year before and they say, "Where are the principles in budgeting? Why are we here talking about projects that were unauthorized to the tune of hundreds of millions of dollars?"

I am not condemning the chairman or the ranking member, because that is the way it has been done. That is the way the process has worked. Is it right or is it wrong? I will not judge it, but the American people are judging it. They are confused. They are growing angry. And as the editorial spoke of today, there is a growing malaise of cynicism across this country that says something is wrong in Washington and nobody wants to fix it. We know what happens when nobody here fixes it. Those folks outside the beltway fix it because they send new faces with new messages and a new idea.

In that Common Cents Budget Reform Act that we introduced last Friday, we talked also about guaranteeing that a cut is a cut. In other words, when you cut a budget it does not go over somewhere else and get spent, it actually goes against the deficit. Is that not an exciting idea?

I have served on a few conferences when I would be willing to cut something, only to find another Member grabbing it and adding it to another program. And the American people say then why do you cut? The reason that goes on is because for years the way you got elected was who could deliver the greatest amount of pork to their district or their State. It was a test of their ability as a governing politician. And, thank goodness, the American people are beginning to say, "No, no, that is not going to be a test anymore."

The crime bill, "How much pork can I deliver to my urban area?" The American people, by a poll of now nearly 60 percent said, "Wrong, you misjudged us. We did not want a pork bill. We wanted a crime bill. We wanted criminals off the street. We did not want midnight basketball. We did not want a lot of other things that belonged to the responsibility of the municipality or the State where law enforcement has always been the primary responsibility."

In other words, "Washington, you really cannot judge us very well as a citizenry, as a community. Let us do for ourselves what we think is best. But pass some national laws that get tough on criminals and keep them off the streets. That is what will make America safer." That is part of this debate.

Has it anything to do with the amendment of the Senator from Arizona? Yes, it does in some way, because it is clearly part of that growing cynicism, as I mentioned, that the editorial in that newspaper talked about.

I also, along with Senator CAMPBELL, introduced the modified line-item veto expedited rescission approach. I trust this President or any President to have the right to pull out his pen and walk across an appropriations bill and say, "No, that does not fit my agenda, my spending priorities."

I might happen to disagree with it. But I do, then, believe it is the responsibility of this Senate and the House to be able to vote up or down and say, "Yes, the President is right," or, "No, the President is wrong." It gives an opportunity to air, maybe, some of these special items the Senator from Arizona is talking about today that somehow creep into a budget because it is a special project for a special politician who serves on the right committee. It is now in the RECORD, and I commend to my colleagues' reading, this editorial from Investors Business Daily called "Putting Principle First." It is really something we ought to be about and, hopefully, in the new year and for years ahead we will get to the business of being about.

It comes in the form of budget reform, the balanced budget amendment, the responsibility to stay within the spending limits, willingness of the taxpayers to pay for it instead of borrowing ourselves into nearly $5 trillion worth of debt that is costing nearly 40 percent of the American taxpayers' tax dollars just to pay interest on principal.

Those are important issues that ought to be debated. When we cannot debate them and when we cannot guide ourselves in those kinds of straight lines, then my guess is we will see, year after year, amendments like that of the Senator from Arizona that in just some little way, tries to pull back a few hundred million dollars and allow it not to be spent, drop the deficit down a little bit, and hopefully get ourselves to a sense of fiscal responsibility so the American citizenry will begin to say: You know, for the first time in decades the Senate of the United States is starting to put principle first and taxpayers first, over the idea of a little more Federal program for a few more people.

Mr. SMITH addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH. Mr. President, I rise in very strong support. I am an original cosponsor of the amendment of the Senator from Arizona, Senator McCAIN. The list of these projects is extremely lengthy. I have counted the ones in just the HUD section of the bill and there are 159. There is also a long list under the EPA projects.

The question again goes to whether or not this is right. I cannot recall who said it, but whoever said it makes a very valid point when he or she, whoever it was, said that if one could see how laws and sausages are made, they would probably be sick.

I think that is very accurate. The Senator from Arizona mentioned this booklet, "How Our Laws Are Made." I used to teach civics in high school for a number of years and, frankly, I did not teach it the way we are doing it today. I took these books to mean what they said. Unfortunately, I was wrong. With some humor I say that. I do not have any personal animosity. I think my colleagues know this, the Senator from Oregon and the Senator from Maryland. This is a process issue. It is a question of whether it is right or whether it is wrong. I could add more. Here is the book called "How Our Laws Are Made." Senator McCAIN has already pointed out that we, in essence, have violated that.

This is the Senate manual. It is in the desk of every Member. It has my name inscribed on it. It says: Senate Manual, Standing Rules. . .of the United States Senate, 1993 * * * . Constitution of the United States of America.

I would turn to page 52, paragraph 28.2. It says:

> Conferees shall not insert in their report matter not committed to them by either House, nor shall they strike from the bill matter agreed to by both Houses. If new matter is inserted in the report or if matter which was agreed to by both Houses is stricken from the bill, a point of order may be made against the report.

So, you see, we are not only violating in essence the booklets that we put out in this Congress which tell the American people how laws are made, or explain how laws are made, on top of that we are violating the rules that we use right here in this great, big, thick book—which I am sure all Senators have read.

We have violated the rules of the U.S. Senate. We are violating them right now. It is a process. It has been going on—certainly it is not the fault of the Senator from Maryland per se. My goodness, this process has been going on—it went on when the Republicans had the Senate. The same thing happened then. So we are talking about process.

I think the Senator from Arizona has tried to point out the question: Is this right? He was honest about it when he said there may be projects from Arizona here, there may be projects from New Hampshire. The point is that is not the issue. The issue is whether it is right to add in conference by conferees, projects and expenditures that were not in the report when it came through the House, that were not in it when it came through the Senate. So, what happens—if I could put on my civics teacher hat for 30 seconds, as I used to explain to my classes, I used to say: "Whatever goes into the House bill is then sent to conference. Whatever is in the Senate bill is then sent to conference. In the conference, differences are resolved."

There is nothing in the Senate manual, and there is nothing in this document, and there was nothing that I taught in my civic classes about adding things that the conferees feel ought to be added that the rest of the Senate or the House never had an opportunity to look at.

So I say to the American people who are watching this debate, listen very carefully to what is happening. Do you want to know why the national debt is $4.7 trillion? Do you want to know why we cannot balance the budget? This is why. Because we do not play by our own rules. We spend money like water. It is your money, the taxpayers' money. It is not authorized. It is added by a select few group of people, and I will tell you—and Senator MCCAIN has said it and I will repeat it—many of those projects are good projects. I do not want to get into that. That is not the issue. If they are good, then they should stand the scrutiny of the light of day and the light of day says that they ought to be debated on the floor of the House or at least provided in the bill when it runs through the House and the same thing in the Senate, and whatever those differences are should be resolved. But adding new projects, good or bad, that have nothing to do with what was in the original bill is wrong.

We have had this debate before, and I am not going to prolong it. But I just say to you, there is a certain amount of attitude, I guess for want of a better word, around here, where everybody says, "Well, we'll get through this." All of those who are on the Appropriations Committee and all of those who are afraid to take on the Appropriations Committee for fear they may lose something, will say, "Well, OK, they'll have the debate. We'll lose and we will move on and we will keep things the way it has always gone."

Change is very difficult to make happen around here. But if you want to know why the American people rank us way down there, low on their list in terms of how we get the job done, or do not get it done, this is one of the reasons.

This is a very interesting debate that we are having here, and we have had it before. We are violating the manuals that we pass out on how laws are made. We are violating the Senate manual, our own rules. We are adding hundreds of millions of dollars in projects—some good, admittedly, some bad—but nobody approved them except the conferees. That is not to say that the conferees who did it are bad people. That is not the issue, either. The process is bad. It should not happen.

Every Senator who is not on that committee, every House Member who is not on the conference committee, should be upset by this process. And the reason the debt is going to continue to rise and the reason the deficits are going to continue and the budget is not going to be balanced is because of things like this. Until the American people understand it fully and realize what is being done and pass judgment on those of us in here who do it, it is going to continue year after year after year.

Who determines that a project in Oregon or any other place is better than a project in New Jersey or New Hampshire or Massachusetts, or any other place? Who determines that? Twenty people. Was it voted on in the House? No. Was it voted on in the Senate? No. Did it violate the rules of the House and the Senate? Yes. But it is there, and this debate will go on tomorrow. There will be a recorded vote, and we will lose, probably 75 to 25, if we are lucky, and everything will just roll along. And we will be the naysayers, the troublemakers.

Let me tell you, it is going to catch up. It is going to happen one of these days. One of these days, the American people are going to get control of the people that they elect and it is going to stop and it is going to come crashing down real hard, and rightfully so.

This is a very serious debate. I want to compliment the Senator from Arizona. He has taken a lot of heat for it. He takes a lot of heat for standing up here and taking these positions. It is not pleasant to have to do this. Sometimes you lose a project in your own State. So be it. It is not right.

How can anybody say it is right to add hundreds of millions of dollars in a conference committee without any authorization from the Senate or the House? How can that be right? How is that fair? You say, "Well, there is a wonderful project in Texas that gets this money." Sure, and there are probably 100 wonderful projects in Montana that deserve some money, too, but they did not get a chance.

I will conclude on this point, not to belabor it. What really baffles me as a civics teacher now, not just as a U.S. Senator, but as a former civics teacher: I do not understand how others in good conscience can approve this. How can you in good conscience do this when you know that there are many things in your own State that are getting cheated by this process? You have no say in it, none whatsoever, unless you met privately with one of the conferees and said, "Here, put this in." Maybe that happens. It could be. I do not know. We do not know.

It is true, the meetings are open, but it happens. Everybody is busy around here, and trying to attend all the conference committee meetings that go on around here—it is hard enough to attend the ones you are required to attend that you know about. It is not exactly a highly publicized matter.

So I hope that some day, somehow, some way, we will win a vote on one of these things and stop this terrible process. I am going to talk a little more about it on my amendment, No. 28, which will follow the amendment of the Senator from Arizona.

At this point, I yield the floor.

Ms. MIKULSKI addressed the Chair.

The PRESIDING OFFICER. The manager of the bill, the Senator from Maryland.

Ms. MIKULSKI. Mr. President, I believe we have had a good debate on this amendment. I now ask that amendment No. 84 be temporarily laid aside, and we now take up amendment No. 28. I believe the Senator from New Hampshire has an amendment on that one.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from New Hampshire is recognized.

AMENDMENT NO. 2588 TO THE AMENDMENT IN DISAGREEMENT TO SENATE AMENDMENT NO. 28

(Purpose: To require that the joint explanatory statement of the conference committee on an appropriations bill specify whether earmarked expenditures in the conference report or joint explanatory statement were contained in the House bill or committee report, the Senate bill or committee report, or added by the conferees.)

Mr. SMITH. Mr. President, I have amendment No. 28 that I send to the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. SMITH] proposes an amendment numbered 2588 to the amendment of the House to the amendment of the Senate numbered 28.

At the end, add the following:

SEC. . IDENTIFYING THE ORIGIN OF APPROPRIATIONS EARMARKS.

It shall not be in order in the Senate or the House of Representatives to consider a conference report on an appropriations bill unless the joint explanatory statement of the conference committee on an appropriations bill specifies whether earmarked expenditures in the conference report or joint explanatory statement were contained in the House bill or committee report, the Senate bill or committee report, or added by the conferees.

Mr. SMITH. Mr. President, this is really a very simple amendment. It simply requires—and I want everyone of the 75 or so who voted the last time against what Senator MCCAIN and I are trying to do to listen very carefully. Maybe we can win a couple of votes here. This amendment is very simple. It requires only—only—that the conference reports on appropriations bills label the earmarks.

This is going to be a very interesting vote tomorrow. That is all I am asking, is that we say in the report when we get it at the desk—and we have to debate this—it says this is what the House passed, it is listed; this is what the Senate passed, listed; and here is what was added, listed. It is simply listed so that we do not have to go through this thing and figure out what was in the House and what was in the Senate.

I would like to offer my colleagues a little quiz since I am a former teacher. I hope I can have your indulgence. We have in this special purpose grant quiz that I have here, over on the left-hand side, the House bill funding—this is in this bill we are talking about—was zero. The House put no projects in their bill. Over on the right, it says the Senate bill funding, and we have $135 million worth of projects in there.

So we have on the House side, zero. They did not put any in, to their credit. On the Senate side, it is $135 million. Now, as I used to say when I was teaching civics, the House bill, the Senate bill comes in to conference. How much was appropriated in the conference report?

All of you out there who are following along and taking this test—I hope some of the civics teachers out there are taking this test along with me: A, was it zero? B, was it $67.5 million, which is half of the $135 million? C, was it $135 million, which was in the Senate, contrasted to the zero in the House? Or D, was it $290 million?

I will give you a chance to think about it for a minute. It seems logical. But here is the answer: $290 million of your tax dollars. It was not the zero figure that the House had. It was not the $135 million that the Senate had. It was not half of the difference. It was $155 million more; 155 plus 135 equals $290 million.

So again, as I said in the last amendment, you violated this one in our civics books with which we teach throughout colleges and high schools and elementary schools in America, and we violated the Senate rules which, as I said, and I will repeat it for the purpose of debate on this issue, "Conferees shall not"—that is n-o-t—"insert in their report matter not committed to them by either House."

Now, if I could have that placard put back up there one more time. Shall not put—shall not put—something in there that was not committed to them by either House.

Well, here is the zero and here is the 135. Those are the only two things that were committed. Since the answer is $290 million, we have obviously violated the Senate rules.

We have obviously, as Senator MCCAIN already pointed out, violated the civics handbooks and textbooks that are used throughout America. I hope that some of the teachers and students who might be listening to this debate would read how a bill becomes a law or how our laws are made, or civics in America, whatever the name of your textbook, read the section on the part where two bills come together from the House and Senate and see if it does not say essentially the same thing and then perhaps as a classroom project you could take a look at this and see if it works the way your civics book says it works.

If you do not think it does, take a look at the recorded vote on this amendment tomorrow and look at the 75 or so people who are going to vote against me. Why not write them a letter and ask them why they voted against this? It might be interesting to hear how they explain the vote. I would like to hear it. As a matter of fact, if you get a response from them, I would appreciate it if you would send it back and share it with me because I would like to hear their rationale because I have not heard anything that makes any sense yet.

So this is a very simple amendment here that I have. I am not asking you to cut anything in this amendment. I am not asking you to do a thing except write it down.

I want, in addition to this column zero, which would be a list—and since there is a zero there, there is no list—and this column 135, I am asking in the report, in the Senate bill funding, to list those projects. And then I am asking that the other $155 million that was added by the conferees, I am asking that you list those projects without us having to pull them all out and figure out which ones were added and which ones were not added.

That is all I am asking. That is my amendment. That is it, pure and simple. It does not say you cannot add them. We just debated that issue on the McCain amendment. I think we should. But this amendment simply says write it down so we can see it.

Now, it does not even say that you should not add an item in the conference committee, although my colleagues know where I stand on that issue. So if you are going to add items, let us print it in a readable manner—not so that we have to go through each one.

See, that is the difficulty. They are all there. We have the report. It is right here. There are about 14 pages of projects in this report, all outlined. The difficulty, I would say to my colleagues and to the American people, and especially the civics teachers out there, is that we have to go through them and figure out which ones were added in conference that were not originally authorized. And they do it on purpose. They do it on purpose, believe me, because it makes it easier to sell them. So the American taxpayers should not have to get a copy of the House report and then a copy of the Senate report, and then trace the line items back and forth and see if they made the conference report.

This is simply a public disclosure amendment. I am going to be watching very carefully on this because, again, the issue is not whether you put in the money or whether you do not put in the money. The issue is, if you put it in, are you willing to write it down in the conference report so that all of us can understand it and see it? That is all we are asking to do.

So it will be very interesting to see what happens. It does not attack the worthiness of one project. If there is a project in there for Kentucky or Maryland or New Hampshire, Massachusetts, wherever it is, it does not attack it. It does not say a word about it. Nothing.

So by my estimate this special purpose grant section of this bill under my rules, if my amendment were to pass, would include 159 earmarks that were added in the conference committee. So over here on the right would be earmarks added, and there would be $155 million listed and over here a little bit to the left of that would be $135 million worth of projects, whatever number of projects that was totaling up to, be listed.

So here we are. I would ask my colleagues, tomorrow, before casting your vote, to simply ask yourself if it would be reasonable and honest to list the add-ons and identify them as add-ons. That is all I am asking.

We know from past experience and past votes here in the Chamber that because of the pressure put on many members, frankly, by the appropriators, who have a lot of power—they are the most powerful committee in the Senate. With all due respect to everybody else, the Appropriations Committee is the number one power over here. They supersede the authorizing committee all the time. They control the purse strings, and it is tough to take them on. You pay the price sometimes when you do it. We know that.

But the issue is, are you willing to simply not take them on, not say no on projects, not cut any money but simply write it down, right here, so all of us can see it? It is going to be fascinating. I cannot wait for the vote tomorrow just to find out how many will break into that 75 who voted against this when we tried to cut them or when we tried to redistribute them, which we have tried to do. I tried to do that; redistributing the projects based on the formula, the accepted formula. That did not work. That went down to big defeat, 75 to 25, something like that, maybe worse. Senator McCAIN now has one which says we ought to cut them. We had one in the past, and that went down big. Now we will see if you are willing to write them down and show them to your colleagues and list them.

That is all my amendment does. So it is basically a truth in conferencing amendment. That is what I am going to label it, truth in conferencing. We have truth in labeling. We have truth in everything around here. But this is a truth in conferencing amendment which simply requires that those reports be printed in a clear, understandable fashion so all can see. I am not going to hold my breath hoping there might be unanimous consent to approve this amendment, but I am really looking forward to the vote because I wish to see if even the appropriators and the friends of the appropriators—and there are many—are willing to just write it down so all of us can see it and understand it. Those 80 of us who do not have the opportunity, for whatever reason, to sit in on the conference committee and see what goes on in the conference committee, if you just write it down for us so we can better understand it, so we can explain it to our constituents and to the American people.

So I am looking forward to it tomorrow.

Mr. President, excepting whatever unanimous consent as been agreed to or will be agreed to to have this vote tomorrow by the majority leader, under that heading I would ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

Ms. MIKULSKI addressed the Chair.

The PRESIDING OFFICER. The manager of the bill.

Ms. MIKULSKI. Mr. President, I rise in opposition to the Smith amendment. This amendment seeks to change the Senate rules and set new terms for consideration of the conference report. Essentially, with the changing of the Senate rules, really, this amendment could border on legislating on appropriations. That is why I know the Senator from Kentucky, who chairs the Rules Committee, will be talking about that.

Much has been said in this discussion, both on the previous amendment and on this amendment, about the Senate rules. Well, this amendment changes the Senate rules, and it changes them by setting new terms for the consideration of conference reports.

If we want to change the rules of the Senate, then we need to do it by going through the regular authorizing process for Senate rules change. I would recommend that for those who would support the direction that the Senator from New Hampshire wishes to go in with his amendment that they do it through an authorizing process and not parachute this now on this particular Senate appropriations.

Both during this debate and on the previous amendment, much has been said about principles and much has been said about process. I acknowledge what my colleagues have said. There is the discussion on principles, and there are many points that they have made on principles that I would support. However, as we talk about the cynicism of the American people, let me tell you what I think is the root of the cynicism of American people.

First of all, they want the U.S. Senate to be able to go by the same rules as the private sector. They want us to be accountable under ADA, under OSHA, under every other kind of rule for personnel and other practices that we put on the private sector. I support that initiative. I would always support it. I believe in the McConnell and Lieberman initiative on that as well as the one by Senator NICKLES of Oklahoma. I support that because they feel that we have one set of rules for ourselves and one set of rules for them. So if we are going to talk about changing the rules, that is where we should focus the rules—on that reform package.

The other thing that I think I believe the American people are cynical about is campaign financing. They really believe that one of the things that we need to change in this country is campaign financing. That is why I have been a strong supporter of campaign finance reform. The American people have to believe that we are un-bought and un-bossed and the way we can begin to make the important steps to convince them of that is by the campaign finance reform legislation that was debated for 30 hours the other day, which was ably represented by another Senator from Oklahoma, Senator BOREN. We cannot get to really being able to vote on campaign finance reform because of the use of the techniques of the Senate. We are now into a rolling gridlock on campaign finance reform.

So if we want to talk about process, if we want to talk about principle, and if we want to talk about restoring confidence of the American people in this institution, let us show them we are un-bought, un-bossed, not up for hire except to them, and we are not for rent because of any particular amendment. Let us pass campaign finance reform.

While we are at it, I think we need to pass the lobbying reform bill. I believe that by passing the lobbying reform bill we once again say to the American people it is not special interests that are out here determining the course of action on the floor of the U.S. Senate, that it is not the course of action being determined by those who are high-paid lobbyists with golden letterheads and great expense accounts, that it is the U.S. Senate interacting with our constituents, listening to the American people as I know my colleagues do on the other side of the aisle.

So I believe if we want to restore confidence in the U.S. Senate, let us pass campaign finance reform, let us pass lobbying reform, let us pass gift reform, and let us also pass the reform that enables us to go by the same rules that we ask the private sector.

On to this conference committee. Much has been said about the environment in which we did the conference committee. I will come back. What we did was in open, public session, during regular business hours, with both political parties in the room from both the House of Representatives and the U.S. Senate. This was not some midnight appropriations basketball where we were slam dunking these projects in the dark of the night with no supervision. We had supervision. We had a lot of supervision in doing that. We as I said met under the rules of the Senate, and we moved this legislation.

So, when we look at this, let us be very clear how this legislation occurred.

Let us look at the consequences of the Senator's amendment. It is not only on content, which I think is worthy of debate, and it is worthy of debate. If the Senate passed that under the authorizing committee after hearings on the consequences, after hearings of pros and cons, the debate on the Senate floor and so on, we would go by those rules. But we have operated under them.

If the Smith amendment is adopted, this will put us in disagreement with the House of Representatives. The American people can say, "So what? More gridlock." Well, we do not want that because the consequences of not passing an appropriations bill by October 1 is that we will go into a continuing resolution, meaning that we will have, with the fiscal year beginning October 1, things in this bill that need compelling human needs to not be there.

I will come back and remind my colleagues that if we are not passing this legislation by October 1, the VA medical care will stand to lose $50 million because of the way we are bridging it, and it cannot be accommodated in a continuing resolution. It will have the effect of a $50 million cut. That means 8,800 veterans will be denied care next year. That means that 3,800 vets who need in-patient care will not get it, and thousands of outpatient visits to VA doctors will not take place. So I would really say let us look at the consequences of what we do.

This amendment will cause delays in the space program. We would be permitting NASA to use $18 million in civil service funds that would otherwise lapse on October 1—meaning just evaporate—to be able to bridge it so that we can make wiser use of dollars in fiscal years. Without these funds we will force NASA to RIF people, as many as 600 people working in the space program.

So when we vote on this amendment tomorrow, I strongly urge my colleagues to not legislate on appropriations, No. 1, on this bill with this amendment; not cause the October 1 delay by the Senator from New Hampshire who has made some very excellent points over this as part of the authorizing.

Mr. SMITH addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH. Mr. President, I will be very brief. I see the Senator from Massachusetts. I will only be a minute.

I have a freestanding bill, I say to the Senator from Maryland, which I have introduced to provide that Members of Congress live under the same rules as others. There are not a heck of a lot of cosponsors on it at this point. I do not believe the Senator from Maryland is on it. But she may want to take a look at the bill because it does exactly what she expressed would be her interest. I also intend to offer a freestanding bill along the lines of this same issue. I would hope that I would have the Senator's support on that to make the changes.

In conclusion, the third point I want to make is it is unbelievable as we listen to the debate, the response from the Senator from Maryland was that somehow, with all due respect, simply taking this report and having it published with the list of the added projects is somehow now going to take away $50 million in VA benefits, and it is going to interrupt the space station and NASA—I mean, my goodness. Where does all that come from? All I am asking is that this simply be written down so that we know what the projects are. I will be happy to write it down at no cost to the Government if that is a problem. I am not trying to stop VA benefits or the space station. I support both, as a matter of fact, wholeheartedly. So I am amazed that that logic would be used. That is not my intention. All I am trying to do is to be fair to the Members of the Senate who have to vote on this thing.

All I am asking is that these add-ons be so listed and so indicated along with the other items from the House and Senate, and that is all. That is all I am requesting. I think that it does not violate any rules to do that, in my opinion, and that we are violating rules by not doing it, in my opinion.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. FORD. Mr. President, the arguments of the Senator from New Hampshire are interesting. He said all he wants to do is this and all he wants to do is that. If we pass his amendment, or any other amendment, this bill goes back to the House. And underlying here is delay, trying to delay everything this Congress is trying to do. Whatever piece of legislation comes up, there is delay. We stayed here all night the other night, and he was one of those that spoke trying to delay the operation of this institution.

Mr. President, this is legislation on an appropriations bill, pure and simple. It violates the process; therefore, it violates the rules. If you want to change the rules of the Senate, apply a rule. But the essence of this amendment is to delay this piece of legislation, delay this conference report, and send it back to the House. That is, pure and simple, what it is.

I can stand here and say it is just 159 items that we have to list, and I have a halo—you know, it is wonderful. Sometimes they get tarnished, and tarnishing the halo here is to delay the conference report and delay the help to the veterans and delay the help to housing in order to send it back to the House and delay it a few days longer and try to show that we cannot get anything out of here. Well, I understand the rules of the Senate about as well as most—not as well as some but as well as most. So this approach is, first, change the rules—and they make it sound so simple, so easy, you know, it is all you have to do—second, delay the conference report. What is new about a conference report? What is new about what is going on here? For 6 years we watched you all do it. We watched the other side of the aisle do it. Then all of a sudden, it is wrong. We have been doing this process for the 20 years I have been here. I think it has worked very well.

I think the integrity of the conferees was above reproach. I think the integrity of both parties, both Democrat and Republican, who sat at the table in daylight, was above reproach. And now we are trying to condemn them on this floor by amendment, saying that the conferees were somehow misusing the taxpayers' funds. We have to account for those the same as everybody else. We have to account for this. Our vote on the Senate floor is recorded. Our vote on these items and what is in this legislation, we are accountable for that. I do not think you or anybody else makes me accountable for anything. So I want to be careful in what I say. The Senator does not have to make me accountable for my constituency. I am already there.

I think the underlying process here is wrong. It is as wrong as it can be. I hope the vote is 75–25. In fact, I hope it is 80–20, or 90–10 to prove to our colleagues that our conferees on the Appropriations Committee did it right. They were aboveboard and they were there during daylight. There was nothing sinister, as is being implied here.

I hope my colleagues, first, will not allow them to, by any other name, change the rules; second, not allow legislation on an appropriations bill; and third, support the conferees of both parties who signed this conference report and thinks that the Senate ought to pass it and send it on to the President.

I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, if the Senator wanted to make a brief comment in response, I would be willing to yield for that purpose.

Mr. SMITH. Yes; I thank the Senator for his courtesy. I will make a brief response to the Senator from Kentucky. I want to make it very clear—and I do not think the Senator was on the floor at the time, but I made it very clear that this process had been ongoing when the Republicans were in power as well. I did not say it was a partisan issue at all. I made that very clear that this was an ongoing issue that took place when we were in the majority. That is No. 1.

Also, for the Senator to imply that somehow this thing has to be delayed for days and days because I am asking that something be written down for all to see is preposterous. Maybe it indicates that I have scored a point or two, since the chairman of the Rules Committee saw fit to come to the floor and challenge me. I am hopeful we may go a little better than the 75. The truth of the matter is that it would take about 15 minutes for the House and Senate to say, OK, we are going to write these things down. Why is that going to delay veterans' benefits.

Mr. FORD. Will the Senator yield for a question?

Mr. SMITH. I am taking the time of the Senator from Massachusetts.

Mr. FORD. But this is an amendment on a conference bill and it has to go back.

Mr. SMITH. That is true, but we can do it quickly.

I thank the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, we are not under a time agreement, are we?

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. I thank the Chair.

HEALTH CARE

Mr. KENNEDY. Mr. President, I am disappointed that the Senate will not vote on major health care legislation this year. We made substantial progress this year with Senators CHAFEE and BREAUX and their bipartisan coalition. We were in striking distance of a significant bipartisan compromise. But Republican opposition has prevented us from moving forward. The sad fact is that too many of our Republican colleagues are more interested in the health of the Republican Party than in the health of the American people.

It is regrettable that because of election year politics, Republican leaders are bent upon preventing anything that President Clinton can claim as a victory, no matter what the cost is to the American people. While our failure to enact legislation this year is deeply disappointing, we take pride that we have come farther than ever before. We have laid a solid foundation for renewed action next year.

Health care continues to be a top priority for the American people, and it will be a top priority for the new Congress. In recent weeks, many of us have persisted in the hope that we might still reach an agreement that could obtain bipartisan support. I have worked closely with Senators MITCHELL, CHAFEE, BREAUX, LIEBERMAN, KERREY, and others on a compromise measure, and we have made great progress in our negotiation. These efforts will help to lay a foundation for health reform legislation next year. Possibly, some parts of this proposal can still be enacted this year, but time is clearly running out.

Some have suggested that health reform has been halted in this Congress because it is no longer an important national issue. That is what the special interests would like us to believe. But that is not what the American people think.

There is a health care crisis, and providing health insurance for every American is very important. The health care crisis has not disappeared. The situation is worse than it was a year ago when President Clinton called on Congress to enact health reform—and it will continue to worsen as long as we fail to act.

The debate may be about to end in Congress for now, but it will go on in the homes and around the dinner tables of families across America.

Today, like last year, Americans still have to worry about losing their insurance coverage if they change their job or lose their job. Today, like last year, Americans still have to worry that they will lose their coverage or pay higher premiums if they are sick and actually need to use the insurance they have been paying for.

Today, like last year, Americans still have to worry that they will not be able to get coverage if they have a preexisting condition.

Today, like last year, we are still the only major industrialized nation in the world, apart from South Africa, that does not guarantee insurance for all citizens.

Fifty-one Americans lose their health insurance every minute. All of them are at risk of physical and financial disaster if illness or accident strikes. We all know friends and acquaintances who have no insurance and face unpayable bills.

Today, even for those families fortunate enough to have health insurance, the costs of care are often staggering—and the costs will continue to worsen without reform.

If we do nothing, the average family will be spending 18 cents out of every dollar earned on health care by the year 2000—double the percentage of family income paid for health costs in 1980.

Some have suggested that health reform failed because we insisted on the goal of universal coverage. But the American people want affordable health insurance for all, and they deserve it. And universal coverage is the only way to achieve that goal.

Without universal coverage, we will never avoid the tragedies that too often result when uninsured persons fall ill with no means to pay for treatment.

Without universal coverage, we will never be able to control costs and end the unfair cost-shifting that plagues our current system.

Some have claimed that comprehensive health reform failed this year because the proposals were too complex and would take away choice. But a major part of the problem is the private insurance bureaucracies that are proliferating today. According to one report, they are exerting more influence over day-to-day medical decisions than President Clinton ever proposed giving the Federal Government. They are second-guessing physicians. Doctors and medical executives call them the health police.

Compare this with the recent announcement from the Federal Employees Health Benefits Program, which insures the Members of Congress and offers choices from a large range of health plans. That program has just added benefits and lowered premiums.

The fact is that our Democratic proposals would have assured more choice and less bureaucracy than under the current system.

Some have said that Democrats should have been more willing to compromise with Republicans. That's exactly what we have been working to achieve the last several weeks.

I commend Senator CHAFEE and those of his colleagues on the other side of the aisle who were willing to join in seeking a bipartisan bill.

But the sad fact is that too many of our Republican colleagues refused to join in that commitment. They have carried out a policy of gridlock for political gain, while pointing the finger of blame at others. As one Republican Senator reportedly told his colleagues, "We've killed health care reform. Now we've got to make sure our fingerprints aren't on it."

Our Republican opponents filibustered the Mitchell bill when it was on the floor in August. They threatened to kill GATT if we tried to push for health reform.

Our Republican opponents have slowed down essential appropriations bills. They are blocking campaign finance reform. They have blocked telecommunications reform. And now they are blocking health reform.

They say we are too far apart to reach agreement this year. But in fact, Republicans and Democrats were never that far apart on many of the most basic issues.

Some of the most adamant opponents of health reform today have supported nearly every basic element of the plans proposed by Democrats in the Senate and included in the bipartisan compromise being prepared by Senator MITCHELL and Senator CHAFEE.

The Democratic bills and the bipartisan compromise would have provided basic insurance reforms, to prevent companies from denying coverage for preexisting conditions, or dropping coverage just when people need it most. These reforms also would have guaranteed that Americans could carry their insurance coverage with them from one job to another.

Senator DOLE wrote or cosponsored three different bills that included similar steps.

Our Democratic bills and the bipartisan compromise would have reformed the insurance market to increase coverage and choice and lower costs, by grouping the purchasing power of individuals and small businesses who are at a disadvantage in the current system. These bills would also have opened the Federal Employees Health Benefits Program to give individuals and small businesses the same access to coverage that Members of Congress have. These bills would have guaranteed large numbers of Americans a much greater choice of health plans than they have today.

In addition, the leading Democratic and Republican bills would have reformed malpractice litigation, simplified the administration of the health-care system, ensured the privacy of individual health information, provided fair tax treatment for the self-employed, subsidized insurance premiums for the poorest Americans, given emphasis to coverage for pregnant women and children, and provided needed support for research and training.

But now, as we have sought to reach out to our Republican colleagues, they have backed away from the positions they once held. The more we move toward them, the further they retreat.

Our opponents' principal allies in this battle against reform have been the health and insurance industries. While some companies and organizations have acted responsibly and worked with us to develop effective proposals, the opponents of reform have spent millions of dollars to confuse and scare the public and undermine reform.

According to one study, special interest groups opposed to health care reform spent $46 million on campaign contributions to candidates for Congress in the first 19 months of this election cycle. Another $60 million has been spent on health care advertising, mostly to oppose reform.

The compromise measure that Senator MITCHELL and Senator CHAFEE were negotiating offered the chance to make a real difference in the lives of millions of Americans. While many of us still had concerns about some aspects of this bill, it offered the opportunity for significant progress this year, and I regret that we are no longer able to move forward on it.

We had a historic opportunity this year to make a real difference in the lives of all Americans. We could have covered more than 8 million children who have no health insurance. We could have guaranteed that all expectant mothers have access to comprehensive prenatal care.

We could have helped senior citizens and people with disabilities pay for long-term care. We could have freed all Americans from the fear that they will lose their health insurance when they are sick or unemployed. We could have taken each of these long overdue steps—but we were blocked by our Republican opponents and their special interest allies.

But let us not lose sight of what we did accomplish. Thanks to the leadership of the President and Mrs. Clinton, Congress faced up to the issue of comprehensive health reform as it never has before.

We finally began to seek solutions to the extreme gaps in coverage and the endlessly rising costs that plague our health care system.

We held extensive hearings on health reform, including 46 hearings in the Senate Committee on Labor and Human Resources alone. Four committees reported major health care legislation. We debated a comprehensive reform bill on the Senate floor. That achievement is unprecedented in the history of Congress.

As a result of this debate and in spite of all the disagreements, we have moved closer to agreement on several key points that will serve as the basis for a health reform bill next year.

First, we agree on the need for insurance industry reform. Companies should not be allowed to drop coverage or raise premiums when a person falls ill. They must not be permitted to refuse insurance to applicants who have a preexisting condition. Employees should not be in danger of losing their insurance when they lose their job, or change their job—they should have the right to continue their coverage.

Second, we should be able to agree on the importance of insuring children and pregnant women. Nearly 1 in 10 expectant mothers has no health insurance, and one in every four babies is born to a mother who does not receive adequate prenatal care.

The advantages of guaranteeing coverage for these mothers and their infants far outweigh the costs. Every dollar invested in early, comprehensive prenatal care saves $3 in later costs. A visit to a doctor to treat a child's strep throat costs about $20, but hospitalization for a child whose untreated strep throat has developed into rheumatic fever can cost thousands of dollars.

Third, we agree on greater assistance for low-income Americans of all ages. Today, families on welfare have health coverage, but many working parents can't afford to buy insurance for their families. That's absurd. Every major bill, both Republican and Democrat, has included expanded subsidies to help low-income families purchase insurance.

Finally, we should be able to agree on improved coverage for the Nation's senior citizens. People who have worked hard all their lives should not have to worry about losing their life savings to pay for long-term care. They shouldn't have to choose between buying food and buying the prescription drugs they need. Any reform should include steps to increase health security for older Americans.

When Congress returns next year, I intend to begin work immediately on a bill that will bring these basic protections to the American people as soon as possible.

Our underlying goal is and must remain universal coverage. I will continue to fight in every possible way to guarantee affordable health insurance for every American. Any measure that we adopt must be a stepping stone, and not a barrier, to that goal.

Many Senators deserve credit for the progress that we have made. Senator DASCHLE, Senator ROCKEFELLER, Senator WOFFORD, and I see Senator HARKIN in the Chamber, and Senator WELLSTONE, and my colleagues in the universal coverage coalition worked tirelessly effectively for our goal.

Above all, Majority Leader MITCHELL deserves the gratitude of all Americans for his outstanding leadership on health reform throughout these past 2 difficult years. No Member of this body has worked harder or achieved more to try to make health security a reality for the American people. I deeply regret that we were not able to win this battle this year. But he has put us squarely on the road to real reform, and because of him, there will be no turning back.

As we carry on this fight, we renew our pledge to see the battle through. Parents across America desire to be secure in the knowledge that, whatever happens, they will be able to afford the care their children need. I will never give up the fight for health reform until senior citizens no longer have to worry about how to pay for long-term care. I will never give up the fight until the working men and women of this country know that years of effort and hard-won savings cannot be wiped out by a sudden illness. The drive for comprehensive health reform will begin again next year. We are closer than ever to our goal, and I am confident that we will prevail.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, several of my colleagues are here and I will defer to them, but I would just like to say one thing for now.

I have been in the U.S. Senate for a little bit over 4 years. I do not have very much to add, because I believe from the bottom of my heart that we have just heard from a giant. While I am really saddened and maybe a little angry about what has happened, that we cannot move this reform bill through, when I hear Senator KENNEDY from Massachusetts finish up by saying that he will never, never, never stop until we make sure that we respond to people's lives and move forward in health care reform, it just gives me a great deal of heart.

I just cannot begin to tell you, from my point of view, what it is about being in the U.S. Senate and having a chance to serve with the Senator from Massachusetts. I could go on and on and on.

I think what I will do is, it is my understanding Senator HARKIN has to leave. If not, I will take a few minutes only.

Would the Senator like to have a few minutes now? Maybe I could follow him. I do not want to stop him from leaving. I just wanted to respond to the Senator from Massachusetts. I have more to say, but the Senator can go ahead.

Mr. HARKIN. I appreciate that.

The PRESIDING OFFICER (Mr. GRAHAM). The Senator from Iowa.

Mr. HARKIN. Mr. President, I thank the Senator for yielding to me. I do have to be down at a swearing-in ceremony for Marca Bristo at the White House very shortly.

But I wanted join my colleague and friend from Minnesota in again saying a great big thank you to Senator KENNEDY for his many years of leadership, especially in the health care reform area. I, too, am heartened by what he just said; that, in fact, we will be back again next year.

I, along with Senator WELLSTONE, serve on Senator KENNEDY's Committee on Labor and Human Resources. I just want Senator KENNEDY to know that we are going to be there behind him. We will help him in every way next year to once again make sure that the hopes and dreams of so many millions of Americans—that they, too, will have the same kind of health care coverage that we have here in the Congress—will become a reality.

The announcement this afternoon by Senator MITCHELL that we will not be taking up health care this year comes as a tragic blow to millions of Americans.

I, too, want to join Senator KENNEDY in complimenting our leader, Senator MITCHELL, for all of the effort that he has put into it last year and this year to try to get something through the Senate. But it has all come to naught. And one really has to ask why.

Mr. President, I think Senator MCCONNELL said it earlier this year when he said that gridlock was back in Washington. And he said it is a good thing, because there are some things the American people do not want to get through here.

Senator GRAMM, the head of the Republican Senate Campaign Committee, also said it. He said we are going to use every procedural tool that we have to stop health care reform.

Last week, it was reported in the paper that Senator PACKWOOD said that he was quoted as telling his colleagues at a lunch on Tuesday that, "We have killed health care reform. Now we have to make sure our fingerprints are not on it."

William Kristol, the sort of ideological parent of the Republican Party, in his newsletter, said their No. 1 goal was to kill health care reform. Well, it has happened. It is dead for this year.

But I want Mr. Kristol, Senator GRAMM, Congressman GINGRICH, Senator DOLE and everyone else who has tried to stop and stymie and block and kill health care reform to know that we are going to be back, and we are going to be back next year. We are going to get our guidance and direction from Senator KENNEDY. We are going to give him every possible support to make sure that next year we are going to bring it back to the American people with full force and fury. We have not given up.

And I stand behind Senator KENNEDY. We will not give up. The American people demand this of us. It is the least we can do. It is a tragedy that we did not get it done this year, and put it off for yet another year.

But I know that President Clinton will be here next year, Senator KENNEDY will be here next year, and we are going to be here next year. We are going to pick this fight up again next year. We are going to make sure that the American people get the health care they deserve.

I can just only speak for myself, Mr. President, in saying that it is a shame that we did not do it.

I am going to ask to have printed in the RECORD a letter that was sent out today from Senator HARRIS WOFFORD of Pennsylvania in which he pointed out there were seven areas of agreement to which we have all agreed in the Labor Committee, the Finance Committee, the Dole bill, the mainstream group all agreed on seven different areas.

Senator WOFFORD asked in this plan, "Why can't we pass the things that we agree upon and fight about the things we don't agree on?"

Mr. President, I ask unanimous consent to have this letter printed in the RECORD, because it is right on point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, September 26, 1994.

Hon. GEORGE MITCHELL,
Majority Leader, U.S. Senate, Washington, DC.

Hon. ROBERT DOLE,
Minority Leader, U.S. Senate, Washington, DC.

DEAR SENATORS MITCHELL AND DOLE: Even though there is broad agreement on many elements of health reform, it now appears that Congress may recess without passing any health reform legislation. To adjourn without enacting those measures upon which we agree would be a scandal. It is hard for me—and more importantly hard for the American people—to understand why we would leave so many significant agreements on the table.

We have seen how baseball owners and players, by emphasizing their disagreements, ruined a wonderful season for everyone. Let's choose the opposite course. Let's emphasize our common ground, and act on it. That would be a victory for everyone, most significantly for the American people who would find health insurance more accessible and more secure.

As you, Senator Dole, have suggested on numerous occasions, there are clear areas of agreement on health reform that can still pass with overwhelming support in the Senate and the House of Representatives. Specifically, I propose a bill that includes the following provisions, which you and many Republicans and Democrats have supported. (I have noted how each item has already been included in existing proposals.)

1. Insurance market reforms. Strengthen private health insurance by eliminating preexisting condition exclusions and enacting other widely agreed upon changes in insurance industry practices. (Mitchell, Dole, Labor Committee, Finance Committee, Mainstream Group)

2. Federal Employees Health Benefits Program (FEHBP). Open to individuals and small businesses the program that we and millions of Americans use to get health insurance. (Mitchell, Dole, Labor Committee, Finance Committee, Mainstream Group)

3. Expanded coverage of children. Provide subsidies for low and moderate income children. Virtually all health reform proposals include subsidies for individuals and families with low and moderate income. This approach would focus subsidies on expanding coverage for children. (Mitchell, Labor Committee, Finance Committee, Mainstream Group)

4. Long-term home and community-based care. Make a start on long-term care by creating a capped state grant program to provide assistance to the elderly and disabled for the cost of home and community-based care. (Mitchell, Dole, Labor Committee, Finance Committee, Mainstream Group)

5. Deductibility for the self-employed. Permit farmers, sole proprietors, and other self-employed persons to deduct 100 percent of their health care costs. Virtually all health reform proposals include an expansion of the deductibility for the self-employed. (Mitchell, Dole, Labor Committee, Finance Committee, Mainstream Group)

6. Administrative simplification. Reduce the cost and frustration caused by the mass of paperwork that plagues the current health care system by moving to a uniform electronic system for medical records and claims, building on private sector, not government initiatives. (Mitchell, Dole, Labor Committee, Finance Committee, Mainstream Group)

7. Anti-fraud and abuse. Enhanced investigation and enforcement of fraud and abuse laws. (Mitchell, Dole, Labor Committee, Finance Committee, Mainstream Group)

This "Seven-Point Common Ground Plan" is made up entirely of provisions that we have all supported. I believe the American people would understand and support such a bill if we could agree to move it through Congress. To be sure, such a bill would not include many reforms that I support, as well as provisions that others favor. But I suggest that we leave those disagreements for another day. Now is the time for us to come together to work for what we agree is the common good.

With warm regards,

HARRIS WOFFORD.

Mr. HARKIN. Finally, Mr. President, and I can only speak for myself, we still have 2 weeks here. There are a lot of bills floating around here. I still think we ought to make one last stab at it. I do not think we ought to go home until we at least have a vote on whether or not we will cover the children of America, on whether we will have at least something out here on which we can get a down payment, a small first step. How can we possibly go home this year without at least having tried to extend health care to the most vulnerable of our society, and that is our children?

It may not be possible, under the arcane rules that we sometimes operate under here in the Senate, but I will be on the lookout for any possibility that may arise in which such a bill or an amendment can be offered to try to cover the kids of America. Hopefully, that will not be blocked. Hopefully, we might be able to at least move that small portion of health care reform.

So, Mr. President, I feel badly that the leader saw fit to announce today that we could not take it up this year. I understand fully why he cannot, because of the gridlock that is here because of all the opposition from the other side.

I commend and compliment Senator KENNEDY for his many years of leadership on this, and tell him that we will be here with him next year fighting to make sure that we get health care reform next year.

With that, I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

HEALTH CARE REFORM

Mr. WELLSTONE. Mr. President, I rise just to speak for a few moments and to do it very informally. I want to pick up on what Senator HARKIN said. I think one of the things that has puzzled me the most about the journey that health care reform has taken through the Senate is the position that some Senators have taken, which is a sort of "no" to everything.

I started out as a single-payer supporter. I believe that is the most desirable policy. And then, much like you, Mr. President, I thought—this came out of Senator KENNEDY's committee, the Labor and Human Resources Committee. It was not pure single-payer, but I liked the language that would enable States to have the flexibility. It seems to me almost outrageous that, for example, we could not even give States the kind of flexibility they need in terms of how they might finance and deliver health care. Let the country be a grassroots political culture. Let us make the States laboratories of reform. That is your piece of legislation. I am proud to be a cosponsor. Then the majority leader had a bill and so on and so on and so on.

I just want to make two arguments. One, I do not know of a better case to be made for campaign finance reform than what has happened to health care. The sad thing is the campaign finance reform bill that is now on the floor of the Senate is essentially being filibustered, delayed and blocked. But to me the most unconscionable part of this is that even those of us who are not about to see the kind of sweeping reform that we hoped for were willing to at least take some pieces and move those forward. Senator HARKIN talked about covering children. Senator KENNEDY talked about women expecting children, covering children. Senator KENNEDY spoke with a great deal of passion based upon a quarter of a century of struggle by one man in the United States, that we think about older people, people with disabilities, home-based health care.

Then there was a proposal to make sure that maybe, at least with the self-employed people, if we were not going to have comprehensive coverage that they would be able to fully deduct their medical expenses.

Then, finally, once again the idea of let us let States move forward.

But now it just becomes crystal clear that there are some Senators—it is one thing to disagree substantively. I did not agree with a number of the proposals of the mainstream group. But I never said—in fact I always said the opposite—I would come out here and filibuster it; I would introduce 1,000 amendments; I would kill it. What you have had happen here is there is a group of Senators who have essentially said we will filibuster anything. We will add a thousand amendments. We will just stop it cold. And what is sad about that—I did not even use the word, by the way, Republican or Democrat, when I said that, because there are some Republican Senators who want to move forward on health care reform. But what is sad about this great strategy, and I put "great strategy" in quotes, is it just loses sight of one thing: people's lives.

I have anger but I think I have more sadness, because I cannot get the voices of the people I have heard, and their faces, out. They are just with me. All these conversations—I am sure the Senator from Maryland has heard them over and over again. Both of us love to be in cafes.

> You know, Senator, I lost my job. I don't have any health insurance. What is going to happen to me?
>
> Senator, my mother has Alzheimer's. What is going to happen to me? I'm afraid my family is going to go under.
>
> Senator, what is going to happen to my family? My child has diabetes, and as soon my child is 21, it is not covered under my company health care plan, and I do not have any coverage and I am afraid my child will not be covered. Or business will not hire my child because their rates will go up.

And it goes on and on and on. That is the one thing that has been lost by the people who have this strategy of just block, "Just say no." All these problems continue, they grow deeper, they grow more serious.

So, we will be back.

Finally, let me simply say one more time that I think there is one other thing going on here and I conclude with these words. I hate saying this, but I believe it so I will say it. I do not think it is just health care. It is campaign finance reform, it is just about everything. There seems to be a strategy at play that the best thing you can do—at least some Senators think—is you bring this process to a grinding halt, you block everything, you essentially just stop the Senate and then you go around the country, fanning the flames of discontent and you make people angry and you say: Government can do nothing, the Senate can do nothing, people in the Congress can do nothing.

It is like what the Senator KERRY from Massachusetts last week referred to as a "scorched Earth policy." I think it is deeply cynical. And I think it is profoundly wrong. I do believe we are here to try to respond to people's lives, the problems that people have and trying to do well for people.

I do not see how, if we are going to block every single thing and bring this whole process to a screeching halt, that we will be able to do that. I hope people will sort out what has happened with health care, will sort out what is happening with campaign finance reform, will sort out what is happening on every piece of legislation over the last several weeks, and try to hold Senators accountable. Because there needs to be some accountability for what has happened here.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

HEALTH CARE REFORM

Mr. RIEGLE. Mr. President, let me say to the Presiding Officer from Florida, I appreciate his recognition.

This is one of those days when the country unfortunately comes to the moment regarding a major problem that needs attention when it is clear that a solution is not going to happen. With respect to health care reform, there are a lot of different ideas as to how to do it. There are all kinds of bases for give and take to work out some of the changes and adjustments in health care policy that would be good for the country, good for people. But, unfortunately, now that has been prevented and will not happen.

In particular I feel very badly that we are not going to at least extend coverage to children in this country who now do not have health insurance, as well as to expectant women who do not have health insurance. Every shred of information we have—and common sense and decency and good economics—all argue for making sure that at least those groups in our society are covered with health care insurance, so they get good preventive care, so kids have a chance when they get sick to get well, or to prevent illnesses, and then grow up and have a chance for a full life, as we all want for our families and for our children.

The fact that we are not going to accomplish this now will also have the effect of putting a worsening economic squeeze on the middle class. The middle class is shrinking all the time. A lot of people understand why, when unemployment statistics look more favorable, there is still unease across the country on economic questions. It is because so many working families are finding, while they may be working, maybe in either part-time jobs or jobs that are not far from the minimum wage, that today it takes both a mother and father working two jobs each—in other words between them having four jobs—to make enough money to support a family and try to set a little money aside for emergencies or maybe to build up a small nest egg for a downpayment on a house.

So there is a great uncertainty in people in the middle class because so many are sliding backwards. The cost of health care continues to go up for most of them. Many of them, in fact, in that group who are working every day, do not have any health care coverage, or in some cases the father or the mother might have partial coverage for themselves through the workplace but will not have coverage for the children in the other spouse or for the children in the family. So this is a very serious problem in this country.

It is one we can solve. It takes bipartisan goodwill to do that. We have to have the two parties working together to come up with changes that are improvements overall for the whole system. Unfortunately, the other party decided that they do not want to participate at this point, so they backed away from it and we are left in a situation where we are not going to be able to proceed with any kind of improvements in the system. That is a matter of the deepest regret for me.

I want to say to the Senator from Massachusetts, Senator KENNEDY, who spoke earlier: There is nobody here who has fought harder and fought longer to try to accomplish sensible health care reform than TED KENNEDY has. I am so struck by the fact that he serves here as a Senator in a family tradition starting out with his brother Jack Kennedy, our President, who stood here before that as a U.S. Senator himself, fighting for constructive changes in our national life, then moved on to the Presidency where we lost him to assassination, we lost him 1,000 days or so into his Presidency. Then another brother from that same family, Robert Kennedy, came here to the U.S. Senate and fought for these same kinds of things to try to help people, to especially try to help the little people who need it. Robert Kennedy came here to try to see to it that people have a chance in life, not guaranteed outcomes, but just a decent chance, to be well and healthy, to have the kind of health care protection that people need, as well as educational opportunity and job opportunity and other things of that kind.

As we all know, Robert Kennedy, as well, ran for the Presidency and was also cut down by an assassin's bullet. And even before that, there was still another brother, Joseph Kennedy, who was killed in the war, in World War II.

As I listen to TED KENNEDY following in that family legacy, I ask myself the question: How many people are there in this country who would have the character and the strength in light of that family history, of others in the family coming forward and being cut down one way or the other, to come forward themselves and to pick up the flag and to carry that flag ahead? To not just carry it ahead as a matter of family trust and legacy, but for the country, to stand for things that count year in and year out, decade in and decade out, to fight for things that are good for people, just plain everyday American citizens who have problems that we need to understand and to try to help them manage.

If you are a family overwhelmed with a medical problem and costs you cannot pay and sick children that need care, then you need health care protection, and you need to be able to work and earn that in the normal course of events. We can see that that can happen here in America. It is happening in every other advanced country in the world. They have all managed to find a way to provide health care protection. We do not have to accept the notion that it cannot be done here. It can be done here. It can be worked out. Yes, there are differences of opinion. We work out differences of opinion all the time around here. That is why we are here, to work out differences of opinion, not to shut the door on these issues, not to hide from, not to pretend that they do not exist, but to face up to them and to do something about it.

Every single one of us in this Chamber have had medical crisis situations in our own families, and we have all, each of us here, been fortunate enough to have medical protection and health care protection to see our family members through those crisis problems. It happened even to the Senator from Massachusetts who had a son who lost a leg to cancer. I have seen it in my family circle. I have seen it in most of the cases of Members whose personal histories I know well.

But it is true all across the State of Michigan that families have crises without health care protection. I have come to the floor to present over 50 different individual family cases in Michigan, desperate situations of people struggling with health care problems, not having coverage, losing all their money, not being able to care for their children. Is that good for America? Do we have to leave it that way? I do not think so. I think we can do something about it, and we ought to do something about it. That is why we are here.

The Senator from Massachusetts, to his credit, offered a health care reform proposal 24 years ago, in 1970, to try to move this issue ahead. In fact, in 1991, Senator KENNEDY, Senator MITCHELL, Senator ROCKEFELLER, and I produced a health care plan called Health America. It was a good plan. It was a workable plan. I would like to see something like that enacted. It was not written in stone. We were prepared to change it. I wanted to hear constructive ideas from my friends on the other side of the aisle.

But we need to put something in place for those who do not have any coverage. We are spending money all around the world to help other people. Why can we not help our own people? We are down in Haiti right now. We have been in other places around the world to help other people. What about sick people in America? What about senior citizens in America who need care to stay in their homes and not have to go into a nursing home that they cannot afford? Or what about the seniors who need prescription drugs; who cannot afford them, who are not eating properly because they are spending all their money on prescription medicine? We can do something about that problem.

What about the children in America who do not have health care protection and need it? What about the children that are born with problems? It happens every single day in families up and down the scale.

I remember one day, I went to give a commencement address at the Michigan School for the Deaf. It was one of the most powerful things that ever happened to me. As I went to give the commencement address to the deaf students that were gathered there, I looked out in the audience and I saw something that you seldom see in America in a group. I saw the entire face of America, because deafness does not know color, does not know religion, does not know economic status, does not know ethnic background. It touches all families.

And in that auditorium where I was to speak to these graduating deaf students, I saw this wonderful mixture of all of our country in one room at the same time—black and white, Hispanic people, wealthy people, middle-income people, poor people—all there because they had this in common: A son or a daughter unable to hear properly but who had gotten the education they needed so they were able to graduate. It was one of the most powerful and affirming things I had ever seen. It made me love my country, to see in one room, in a sense, the whole cross-section of our society rallying around to do something good to help these students be everything that God intended.

If we can do it there, why can we not do it in terms of health care needs? Why do we have to look the other way when we know these people out in our society have these terrible health problems and cannot cope with them by themselves?

I have often thought about this question; what happens when we are driving down the highway and we come upon the scene of an accident that happened just ahead of us? Where by the side of the road are people who had been hurt in the accident and they are out on the ground and they need care. Do we stop and help? Do we stop our own car and get out and help that person and perhaps save their lives, or do we just roll up the windows and drive right on by?

Well, we are driving right on by right now with respect to health care reform. We can work this out. There is enough genius here to do this. If the Republicans are willing to sit down with those of us on the Democratic side, we can work out the answers to these problems. We do not have to settle for a status quo that is so hideously expensive and does not provide what so many people need. We can do better than that, and that is why we are here.

So I say to those who have led this fight for such a long time, to the Senator from Massachusetts, Senator KENNEDY, I appreciate his leadership. I appreciate the fact that he is following in the footsteps of the brothers that came ahead of him, to fight for things that are good for people.

And I say to my other colleagues who are willing to fight for this issue: There are answers to be found here, not to be postponed indefinitely to still another day. In fact, I remember a time when I served in Congress nearly three decades ago, when, to his credit, we had a Republican President who came forward and suggested that we should have health care reform, and that was Richard Nixon, and he was right.

Now his party, for the most part, has backed away from that. That is regrettable in this timeframe, and it is loaded with politics. I know there is a lot of politics in it, everybody can see it, so that President Clinton cannot take credit for accomplishing something positive, so let us shut down the process. Well, that is not fair and it is not right and it is not good for America. It is not what America needs.

When we lose track of the people out there in our society who are anonymous, particularly the children, who need this health care help and who are not getting it, or the senior citizens who need it and are not getting it, I do not think we are living up to either our responsibility in the Senate or to what we hold out as a vision for our country as a whole.

I think we have to think of our Nation as a family of people, and that if there are people out there in desperate need that we are not responding to, then in the end that is going to pull the whole country down, and we all will suffer. We all suffer in that kind of a situation.

But there are answers to this problem. We have to be willing to work those answers out.

I will just finish by saying this. To his great credit, Senator CHAFEE, on our Finance Committee, and some others, worked very hard on the Republican side to reach across to those of us on the Democratic side to try to craft a compromise package on health care reform so we could get the positive things done and avoid negative, unintended consequences.

He worked very hard, but he was ridiculed by many in his own party. He was isolated for that effort. Interestingly, if you look at polling data from his own home State, the people of his State have a very high opinion of him because they appreciate his courage and his independence of mind, his being willing to fight hard on this issue, which matters so much in the end to everybody in this country.

So there were a few people on the other side with the daring and the courage to try to workout a bipartisan answer. And when I offered an amendment in the Finance Committee to extend coverage to poor children in this country, and to pregnant women who now do not have health care coverage, Senator CHAFEE, to his great credit, voted for it, and we were able to put it in the bill on the basis of bipartisan support.

But it cannot just be Senator CHAFEE, my friends on the other side of the aisle. We need some other people on that side to care about health care reform now, not after the election, not after the politics, but care about it now when people's lives and well-being are at stake. But, unfortunately, politics seems to be ruling the day, and the decision has been made that there will be no health care reform of any sort for anybody at this time.

That is a terrible tragedy for this country because we know much of what needs to be done, and we can do it. It is a failure of will; it is a triumph of partisan politics, but the country is a loser for it. The people out there who need this help need to understand that they have to hang in there as best they can because those of us who will retain the sound of our voice and our ability to fight for these issues intend to continue to do so.

I very much respect and appreciate the difficulty of getting this done in the future. But the country has to face and solve this problem, and we can. My hope is that we will do so on a bipartisan basis next year.

I thank the Chair.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

THE DEMISE OF HEALTH CARE REFORM LEGISLATION THIS YEAR

Mr. PELL. Mr. President, it is with sadness and deep regret that I have absorbed the remarks of the majority leader indicating that the Senate will abandon efforts to pass health care reform legislation this year. And yet, as we speak on this Senate floor, millions of Americans have no health insurance, millions fear losing what they have, and millions more may lose their insurance before the Congress revisits this issue, hopefully next year.

Mr. President, I was prepared to vote on health care reform legislation. I was prepared both to fight for the best plan that we could get, and to compromise—if necessary—on a middle ground that would leave me, and many of my colleagues, yearning for more. But I was ready to vote, and to let the people of Rhode Island hold me accountable for the votes that I took and the positions that I have long advocated.

Indeed, voting on health care reform legislation would have been the best way for the American people to judge what has gone on behind closed doors for too long. It would have exposed to public scrutiny those who delivered ultimatums on the issue of health care—those who said privately but never publicly that they would not vote for any health reform if their pet provision wasn't included, or if their preferred bill wasn't the bill that was considered. That intransigence, much of it borne of close ties to special interests, is ultimately what defeated health care reform this year.

Now the blame game begins. Health care reform clearly fell victim to partisan politics of the most acrimonious kind. But while others may stand to tell the American people whom they believe is to blame, let me tell the American people who is not to blame.

Not to blame is the average American who, in poll after poll, expressed support for health care reform that included universal coverage but fear of what the Government might do to achieve this objective. With the barrage of advertising—much of it inflammatory and plain inaccurate—by those who profit from the status quo, it is no wonder that many Americans were confused and frightened about the legislative efforts that were underway.

Not to blame is the majority leader, who not only made passage of health care reform a legislative priority, but also made passage of health care reform legislation a personal crusade. His untiring efforts to pass the best bill that we could, to negotiate differences, and to lead the Senate down a path that would make the Nation proud, could not be more admirable. No one could have had more patience, more determination, or more strength during these difficult days than the majority leader, and as he prepares for his final days as leader, I note his role in this important debate with the deepest of respect and with the greatest of appreciation.

Also not to blame in the defeat of health care reform legislation is the chairman of the Senate Labor and Human Resources Committee. Chairman KENNEDY has, in a way unequalled by any other Senator, led the fight for comprehensive health care reform throughout his tenure here in the U.S. Senate. For the last 32 years, Senator KENNEDY has fought for health care for every American, long before the issue became known, understood, or cared about. Only a handful of people were willing to take on the complex world of health care to seek fairness for the working people of this country, and to seek compassion for the unemployed, underprivileged, and underserved. All throughout our committee's deliberations, Chairman KENNEDY led with a firm hand, a wise eye, and an open ear. His leadership on this issue will be even more important in the future, since the American people will not abandon the goal of universal health coverage, even if the Senate must.

And not to blame in the defeat of health care reform legislation are the millions of people all across this country who wrote to or called their Senators, Members of Congress, Governors, and other legislators, urging political courage and demanding that their elected officials be responsive to their concerns. The outpouring of interest and citizenry from these individuals is nothing short of inspiring, and a clear indication that, in spite of record-breaking spending by special interests, the cornerstone of democracy—petitioning one's government—has not been lost.

Mr. President, two other Members of the Senate deserve special recognition for their important roles in promoting health care reform legislation: Senator TOM DASCHLE, who chaired a group called the universal coverage coalition, of which I was a member, which fought not just for universal coverage but for the best bill that we could negotiate; and Senator HARRIS WOFFORD, for understanding and bringing to the Nation's attention what his constituents' in Pennsylvania want—quality health care reform.

Finally, Mr. President, not to blame in the defeat of health care legislation this year are the President and Mrs. Clinton. President Clinton deserves enormous praise for bringing to Congress a plan to provide quality, comprehensive health care reform for every American. And Mrs. Clinton deserves our thanks and respect for the hard work that she did as head of the President's Task Force on National Health Reform, which was charged with crafting a plan for the President's consideration. And while there is no doubt that the Clinton plan, once introduced in the Congress, was much criticized by friend and foe, it was up to us in Congress to make it better, or vote it down, or provide an alternative. This, very unfortunately, we were unable to do. But it does not lessen the extraordinary work, effort, and commitment of this administration to an issue that is crucial to so many Americans. As history shows, this is neither the first President to propose nor the first President to fail in passing health care reform legislation. But no President has tried harder, and for that this President and this administration deserve our respect.

Mr. President, as I stand here acknowledging the legislative defeat of health care reform this year, I am reminded of the thousands of Rhode Islanders who looked to me to make sure that health care reform legislation would in fact pass this year. And I feel their pain, and their frustration, and their anger. And I say to them that I will continue to fight for health care reform legislation that provides high-quality care to every American until it passes. The fight is not over. The battle may be lost but the war has only begun. Next year, I believe, we must and we will start again.

For all these reasons, I share real regret at the decision not to go ahead but see the reasoning why it must be done.

I thank the Chair.

VA AND HUD APPROPRIATIONS ACT FOR FISCAL YEAR 1995—CONFERENCE REPORT

The Senate continued with consideration of the conference report.

AMENDMENT IS DISAGREEMENT TO SENATE AMENDMENT NO. 123

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, I ask that the pending amendments be temporarily laid aside so that I may offer an amendment to amendment No. 123.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The clerk will report the amendment in disagreement.

The assistant legislative clerk read as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 123 and concur therein with an amendment:

TITLE VI—EMERGENCY SUPPLEMENTAL APPROPRIATIONS

Department of Housing and Urban Development

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT GRANTS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Community development grants", as authorized under title I of the Housing and Community Development Act of 1974, for emergency expenses resulting from the January 1994 earthquake in Southern California, $225,000,000, to remain available until September 30, 1996, of which $50,000,000 shall be derived by transfer from funds provided under the head "Department of Education, Impact aid" in the Emergency Supplemental Appropriations Act of 1994 (Public Law 103–211) *Provided*, That of the foregoing amount, $200,000,000 and $25,000,000 shall be for the cities of Los Angeles and Santa Monica, California, respectively: *Provided further*, That in administering these funds, the Secretary may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or any use by the recipient of these funds, except for statutory requirements relating to fair housing and nondiscrimination, the environment, and labor standards, upon finding that such waiver is required to facilitate the obligation and use of such funds, and would not be inconsistent with the overall purpose of the statute or regulation: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

For additional amount for "Community development grants", for grants to States and units of general local government and for related expenses, not otherwise provided for, necessary for carrying out a community development program as authorized by title I of the Housing and Community Development Act of 1974, to be used to assist States, local communities, and businesses in recovering from the flooding and damage caused by Tropical Storm Alberto and other disasters, $180,000,000, to remain available until expended: *Provided*, That the Secretary of Housing and Urban Development may waive any provision of law (except for provisions relating to fair housing, the environment, or labor standards) if the Secretary determines such waiver is necessary to facilitate the obligation of the entire amount: *Provided further*, That the Secretary of Housing and Urban Development may transfer up to $50,000,000 to the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act, to be used for purposes related to flooding and damage caused by Tropical Storm Alberto and other disasters: *Provided further*, That the entire amount, including transfers, is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That the entire amount, including transfers, shall be available only to the extent of an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement, as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted to the Congress.

INDEPENDENT AGENCY

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

For an additional amount for "Disaster assistance direct loan program account" for the cost of direct loans, $12,500,000, as authorized by section 417 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act to be used to assist local governments in recovering from flooding and damage caused by Tropical Storm Alberto and other disasters: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidized gross obligations for the principal amount of direct loans not to exceed $50,000,000 under section 417 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act: *Provided further*, That any unused portion of the direct loan limitation and subsidy shall be available until expended: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That the entire amount shall be available only to the extent of an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement, as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted to the Congress.

DEPARTMENT OF TRANSPORTATION

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL-AID HIGHWAYS

EMERGENCY RELIEF PROGRAM

(HIGHWAY TRUST FUND)

The matter under the heading in the Emergency Supplemental Appropriations Act of 1994 (Public Law 103–211) is amended by deleting "$950,000,000" and inserting in lieu thereof "$775,000,000".

AMENDMENT NO. 2589

(Purpose: To amend the Fair Housing Act, and for other purposes)

Mr. GORTON. I send the amendment to the desk and ask that it be considered.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mr. GORTON] proposes an amendment numbered 2589 to the amendment of the House to the amendment of the Senate numbered 123.

Mr. GORTON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the matter proposed to be inserted, insert the following:

SEC. 518. FAIR HOUSING ACT ENFORCEMENT.

(a) ACTIONS AGAINST PRINTERS AND PUBLISHERS.—

(1) DONATIONS TO PRIVATE ADVOCACY ORGANIZATIONS.—Section 810(b) of the Fair Housing Act (42 U.S.C. 3610(b)) is amended by adding at the end the following new paragraph:

"(6) DONATIONS.—In carrying out this subsection, the Secretary shall not propose or approve any conciliation agreement that requires any respondent to provide funding to any private advocacy organization.".

(2) LIMITATION ON MONETARY DAMAGES AND CIVIL PENALTIES.—Section 804(c) of the Fair Housing Act (42 U.S.C. 3604(c)) is amended by inserting before the period the following: ", except that a printer or publisher of a notice, statement, or advertisement described in this subsection shall not be liable for monetary damages or civil penalties for violation of this subsection if such violation was unintentional".

(b) ACTIONS AGAINST INDIVIDUALS.—

(1) COMPLAINTS AND INVESTIGATIONS.—Section 810(a) of the Fair Housing Act (42 U.S.C. 3610(a)) is amended—

(A) in paragraph (1)—

(i) in subparagraph (A), by adding at the end the following new clause:

"(iv) No complaint involving speech or any other activity that may be protected by the First Amendment to the Constitution shall be accepted for filing without the prior written approval of the Secretary."; and

(ii) in subparagraph (B)(iv), by inserting "in accordance with the requirements of paragraph (4)" after "housing practice"; and

(B) by adding at the end the following new paragraphs:

"(3) PROTECTED ACTIVITIES.—

"(A) IN GENERAL.—In carrying out this subsection, other than in cases involving a clear violation of the rights of an individual or group under this Act, the Secretary shall not file, accept for filing, or investigate any complaint involving public activities that are directed toward achieving or preventing action by a governmental entity or official.

"(B) ACTIVITIES INCLUDED.—For purposes of subparagraph (A), the term 'public activities that are directed toward achieving or preventing action by a governmental entity or official' includes—

"(i) distributing fliers, pamphlets, brochures, posters, or other written materials to the public;

"(ii) holding open community and neighborhood meetings;

"(iii) writing articles or letters to the editor or making statements in a newspaper or other publication;

"(iv) conducting peaceful demonstrations;

"(v) testifying at public hearings; and

"(vi) communication directly with a governmental entity concerning official governmental matters within the jurisdiction of such entity.

"(4) INVESTIGATIONS.—

"(A) INVESTIGATIVE PLAN.—

"(i) IN GENERAL.—Prior to the commencement of an investigation under paragraph (1)(B)(iv), the Secretary shall require the submission of an investigative plan for approval by the Secretary.

"(ii) REQUIREMENTS.—Each investigative plan submitted under clause (i) shall contain provisions to ensure that the investigation will be—

"(I) prompt;

"(II) narrowly tailored to determine whether or not the First Amendment is applicable; and

"(III) conducted in close consultation with legal counsel.

"(iii) APPROVAL.—The Secretary shall not approve an investigation plan if an investigation conducted pursuant to such plan will, in the determination of the Secretary, violate the First Amendment rights of any party.

"(B) INVESTIGATION.—In conducting investigations under paragraph (1)(B)(iv), the Secretary—

"(i) shall not subpoena or otherwise seek membership lists, fundraising information, or financial data from organizations that are or may be engaging in protected political activities under the First Amendment; and

"(ii) shall, to the maximum extent practicable, review public records and interview public officials, rather than reviewing private correspondence or interviewing respondents.".

(2) CONCILIATION AGREEMENTS.—Section 810(b) of the Fair Housing Act (42 U.S.C. 3610(b)), as amended by subsection (a), is amended by adding at the end the following new paragraph:

"(7) FIRST AMENDMENT RIGHTS.—In carrying out this subsection, the Secretary shall not approve any conciliation agreement that would limit the First Amendment rights of any party.".

(3) ATTORNEY'S FEES.—Section 812(p) of the Fair Housing Act (42 U.S.C. 3612(p)) is amended by adding at the end the following: "Notwithstanding the preceding provisions of this subsection, if in any administrative proceeding brought under this section, any court proceeding arising therefrom, or any civil action under this section, the administrative law judge or the court, as the case may be, makes a determination that is or becomes final that any proposal, offer, order, or demand made by the Secretary during the conciliation process conducted pursuant to section 810(b) violated the respondent's rights under the First Amendment to the Constitution, the administrative law judge or the court shall require the Secretary to pay all reasonable attorney's fees and costs incurred by the respondent in connection with such proceeding or action.".

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, in recent months, many individuals who have chosen to speak out, to exercise their first amendment rights in connection with housing and zoning issues in their own communities and neighborhoods have been subjects of a campaign of fear and intimidation on the part of the Department of Housing and Urban Development.

I find it absolutely incomprehensible that certain officials of the Federal Government, whose duty it is to uphold the Constitution, have determined themselves to be above the supreme law of the land.

There have been a series of recent attacks launched by the Office of Fair Housing and Equal Opportunity, under the direction of Assistant Secretary Roberta Achtenburg, against individuals who dare question the propriety of the Department's agenda.

Mr. President, I want to make it clear that I am not speaking in criticism of the Fair Housing Act but clearly against the Department's method of enforcing it. I believe the Fair Housing Act to be a good law, intended to protect individuals from housing discrimination based on race, religion, disability, or familial status. It is only over the past year or so, under the direction of Assistant Secretary Achtenburg, that the Department of Housing and Urban Development has used the law to harass those who did not agree with the Department's agenda and to make examples of those who unintentionally publish housing advertisements found to be discriminatory by radical advocacy organizations.

As many Americans are now aware, in November 1993, the Department of Housing and Urban Development launched an investigation into a group of Berkeley, CA, homeowners who spoke out against the Department's proposal to construct a homeless shelter for drug addicts and the mentally ill in their neighborhood. The subjects of the investigation were doing nothing more than exercising their first amendment rights to protest a Federal Government proposal with which they did not agree. HUD's Office of Fair Housing and Equal Opportunity, however, responded to a complaint that the protest amounted to discrimination against the disabled.

Before any finding of discrimination, HUD threatened the Berkeley group with fines of $100,000 each and a year in jail for speaking out against the shelter. The Department demanded membership lists, copies of all written material related to the protest, and fundraising records from those individuals.

Mr. President, not only did the Department's actions violate first amendment rights of the subjects of the investigation, but they were designed to silence would-be protesters around the Nation with this campaign of intimidation.

That same Department recently took action against protesters in the State of Washington, a group of residents from the Capitol Hill area of Seattle. The Capitol Hill Association for Parity, or CHAP, has also faced the wrath of Ms. Achtenburg's office. The members of the Capitol Hill Association for

Parity did not agree with a plan to use five buildings in their neighborhood to house drug addicts and the mentally ill.

Their peaceful campaign against the Department's plans made them subject to the same scare tactics and threats used in the Berkeley, CA, case. Again, before any finding of discrimination, the Department offered a so-called conciliation agreement to CHAP. This agreement would have required CHAP to host a fundraising block party for the new shelter and inform housing advocacy groups of any scheduled meetings or protests.

Mr. President, this kind of action on the part of the Department of Housing and Urban Development was clearly in violation of the first amendment. Not only were the tactics and demands of the Office of Fair Housing an outrageous violation of the first amendment, but they were clearly intended to prevent other groups from protesting or questioning the Department's plans. As such, the Department's actions were entirely unacceptable.

Not until the press picked up on these stories and criticized the Department for its actions, did HUD decide to drop both investigations. The public outrage generated by editorials in the Wall Street Journal, the Washington Post, and other prominent publications was enormous. Even the ACLU, a strong supporter of equal housing opportunity, reprimanded the Department for what it deemed to be a clear violation of the first amendment.

Unfortunately, HUD's harassment does not stop with protestors. The Department has also been on the attack against publishers and newspapers across the country. Newspaper publishers now live in fear of publishing housing advertisements that are deemed to be discriminatory by radical fair housing groups. Several newspapers have already been sued or subject to large fines for publishing housing advertisements which use words or phrases which may be offensive to certain minority groups.

Over the past few years, HUD has taken extensive actions against several newspapers. A chain of weekly papers in suburban Los Angeles was forced into bankruptcy over legal fees related to a fair housing complaint. Three New York weeklies and a weekly paper in New Jersey have all been fined $50,000, and Pennsylvania newspapers have been sued for $1 million.

The Department's actions have generated fear among newspaper publishers across the Nation. Many are afraid to print housing advertisements at all. Thus, it seems, HUD's actions are hurting rather than helping the cause of equal housing rights.

In my home State, HUD recently filed a fair housing claim against David Pinkham, editor of the Stanwood-Camano News—a weekly publication with a circulation of 4,500. The newspaper unintentionally published an advertisement including the phrase "no children" which HUD found to be discriminatory. HUD pursued its case against the paper by offering a number of conciliation agreement which was not only unacceptable to Dave Pinkham, but bordered on being ridiculous. The paper admitted that the advertisement in question was in fact discriminatory, but inadvertently made it through the paper's screening process unchecked. HUD's first offer to the paper was a penalty of some $7,500 to be turned over to advocacy groups, they very advocacy groups that make these complaints in the first place, together with an agreement to print articles in the paper espousing the importance of the Fair Housing Act and recordkeeping requirements that would be next to impossible for a small weekly newspaper to carry through.

Only after this demand came to the attention of my office in the last 2 or 3 months and only after the amendment which is now on the desk was threatened to this appropriations bill, did the Department of Housing and Urban Development suddenly determine that it could back off and levy a reasonable penalty against Mr. Pinkham and his newspaper.

Today, as a result of my inquiries into this case and into HUD's actions against protestors, I received a personal letter from Secretary Cisneros urging me not to introduce the amendment which is at the desk. The Secretary's letter emphasizes the Department's commitment to the Constitution and the freedom of speech granted by the first amendment. He has assured me that the Department will conduct its investigations into violations of the Fair Housing Act "with the utmost sensitivity to first amendment values." I sincerely hope the Secretary will stand by his word and that the Department will strictly enforce the new guidelines it established on September 2 when investigating fair housing claims.

Mr. President, I think it important enough that I ask that a copy of the Secretary's letter be printed in the RECORD as if read in full at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF HOUSING
AND URBAN DEVELOPMENT,
Washington, DC, September 26, 1994.

Hon. SLADE GORTON,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR GORTON: I am told that you are very interested in several issues concerning HUD's enforcement of the Fair Housing Act, and that you may, in fact, consider introducing legislation which would amend the Act. I believe, as I know you do, that HUD must be ever vigilant to protect First Amendment rights. That is why Assistant Secretary Achtenberg and I developed guidelines to govern the conduct of HUD employees in the field when issues arise that may have First Amendment implications.

HUD issued these guidelines to its fair housing enforcement staff on September 2, 1994. The purpose of the guidelines is to ensure that no HUD investigation interferes with or chills speech protected by the First Amendment. They instruct staff not to accept for filing or investigate any complaint involving public activities that are directed toward achieving action by a governmental entity or official, other than cases involving force, physical harm, or a clear threat of force or physical harm. They further instruct staff that they may not accept for filing any complaint involving speech that may be protected by the First Amendment without prior written approval from Headquarters.

The guidelines assure that HUD will fulfill its obligation to enforce the Fair Housing Act in a manner that fully and faithfully protects the rights of all Americans to speak freely on issues of public concern. The guidelines, which went into effect September 2, 1994, are binding on all HUD personnel involved in the investigation of fair housing complaints. By applying the new guidelines, HUD has identified 23 cases nationwide that were based on protected free speech. In each of those cases, HUD dismissed the complaint as without cause, or the complaint was withdrawn.

No further legislation is needed to assure that the Department will conduct its investigations with utmost sensitivity to First Amendment values. The HUD guidelines soon will be issued in Notice form. Accordingly, any HUD employee who fails to comply with the procedures set forth in the guidelines will be subject to disciplinary action. It is my belief that additional action by the Congress is unnecessary, and may in fact prove harmful.

By codifying the guidelines, the Congress takes the risk that First Amendment jurisprudence might change. While the guidelines accurately reflect the state of the law at this point, they are relatively easy to change should the courts expand the scope of the First Amendment in this area. A statutory codification could place the Act in conflict with developing First Amendment jurisprudence.

In addition, the guidelines speak to the process to be followed by HUD staff in the field and in the Office of Fair Housing and Equal Opportunity in Washington. While we at HUD believe this process will be effective in the short term, we cannot know if it will prove to be the best procedural mechanism in the long term. For instance, a reorganization of the staffing structure may make the procedural rules of the guidelines obsolete.

I also understand that you have taken a particular interest in a Fair Housing Act case involving one of your constituents, David Pinkham, the owner and publisher of the Stanwood-Camano *News*. The case concerns the publication of certain advertisements in the newspaper's real estate listings. I am happy to report that HUD and the publisher have successfully resolved the complaint. A conciliation agreement was signed this morning.

I hope you will agree with me that there is no need for legislative action concerning these issues at this time. Please contact me or my staff should you require further consultation or assistance. I would be very happy to work further with you on these matters.

Sincerely,

HENRY G. CISNEROS,
Secretary.

Mr. GORTON. Mr. President, HUD's recent actions have made a mockery of our Nation's Constitution by placing the Department's own agenda above the protections granted by the Bill of Rights. No cause, no matter how worthy, is more important than the maintenance of the basic rights granted every American by the U.S. Constitution. I cannot stand idly by and allow a radical arm of this administration to trample on the Constitution in the name of fair housing. That is why, Mr. President, I stand today to urge the Department of Housing and Urban Development to act on its commitment to uphold the U.S. Constitution and the first amendment.

Mr. President, I wish to give notice that I intend to offer this amendment or an amendment similar to it to the next substantive bill on housing which comes before the Senate of the United States. The reason I wish this amendment to be printed here today is that I hope that people who are concerned on both sides of this issue, fair housing and protection of first amendment rights and the rights of newspaper publishers, will have an opportunity to review and critique this proposal.

I am delighted that the Secretary of the Department of Housing and Urban Development has finally responded and has responded in the forthright manner expressed in his letter. But I am not at all certain, given the history of this Department, that we are going to be able to depend on that without explicitly and by law limiting the kind of activities which have been so disruptive in the past.

Mr. President, I withdraw the amendment at this point. I want to thank the distinguished chairman of the subcommittee who is managing this bill for her tolerance while I have done the speech and held the bill up to this extent. She has done a very good job in this respect. I want her appropriations bill to get to the President and be signed. But I could not forsake this opportunity to speak out on behalf of the first amendment rights of Americans and to give notice that this is not the end of this debate.

Ms. MIKULSKI. Mr. President, I thank the Senator for bringing this issue to the attention of the U.S. Senate. I thank him also for withdrawing his amendment to the amendment because it could have derailed us again in meeting our debt to try to get to the October 1 deadline. However, the Senator does raise excellent points. I urge him to continue to stand sentry on these issues that he has raised that, under the guise of enforcing the fair housing legislation, there is a small group of people who have their own ideological agenda.

To the Senator from the State of Washington, who has administered a State, has been an attorney general, I believe he knows the Constitution. I believe he has worked to enforce the Constitution. Knowing also the Senator's background, he has also been a supporter of fair housing legislation.

I also note that the Senator believes that dissent is allowed under the Constitution whether one agrees with any particular administrative philosophy or not. I agree with that. I believe that the fair housing law should be enforced as law and that the Assistant Secretary should focus on the mission of enforcing the legislation rather than ideological groupings looking to push their own agenda on what is right or what is wrong.

It has been my observation that the ideologs do not acknowledge the validity of the concerns of the neighborhoods. As someone who marched for fair housing, supported fair housing, whether it was on the Baltimore City Council, the House of Representatives, or the Senate of the United States, I acknowledge that there is value to protest. When one wants to open some of the facilities, neighborhoods have concern. What they have concern about is that the whole HUD preference rules and others create problems. They actually create problems in neighborhoods and we do not look at what the problems are. We blame the people who are raising the problems. I do not know if the Senator is aware that among some of the HUD preference rules, like for disabilities, there are people who are both drug addicts and alcoholics who qualify as handicapped. Well, that is not the inhibition of the activities of daily living. For a chronic illness like manic depressiveness, which is under the supervision of an appropriate clinical team, that is what handicapped is.

I hope that if and when we get to an authorizing bill on HUD, we can begin to deal with those issues that raise citizens' concerns and enable us to meet the compelling human needs that HUD is designed to meet, advocate a fair housing agenda, and advocate free and fair speech. And if people raise an issue, let us deal with the issue and not blame the dissenter, like we do not want the right wing ideologues to blame the victim.

I think the Senator has done a great deed in bringing this to our attention. We have a letter from Secretary Cisneros. I presume we will live by the intent offered by that. We look forward to the research of the Senator from Washington on these issues.

Mr. President, I believe we have now, for today, completed our discussion on the VA-HUD bill.

I ask unanimous consent that the Senate concur in the House amendment to Senate amendment No. 123.

I ask further unanimous consent that no further amendments be in order to the Smith amendment to the amendment No. 28, or the McCain amendment to Senate amendment No. 84.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

PORTLAND, OR, VETERANS MEDICAL CENTER

Mr. HATFIELD. Mr. President with the assistance of the Senator from Maryland, the Senate approved funding requested by the Department of Veterans Affairs for the construction of an addition to the Portland, OR, veterans medical center. While the conference report does not specifically mention the Portland addition in the statement of managers, by approving the budget request, Portland is funded.

Ms. MIKULSKI. The Senator is correct. As a conferee, he knows that the conference committee endorsed the VA major construction budget request and thereby approved funding for the Portland project. Let there be no mistake, the conferees' intent is clear. Portland funding is approved.

The research program at the Portland VAMC now consists of over 80 investigators with a yearly peer reviewed budget of over $11 million. The service continues to grow and remains the single most valuable inducement for the recruitment and retention of physicians involved in patient care. During the spring of 1994 round of merit review grant submissions, 57 percent of the grants from this medical center were funded compared to a national average of 25 percent. Given this track record, I agree with Secretary Brown that "this addition will enhance a program that contributes directly to improving the quality of care of patients."

TAOS COUNTY COMMUNITY DEVELOPMENT

Mr. BINGAMAN. Mr. President, within the VA, HUD, and independent agencies conference report, there is $900,000 earmarked for Taos County, NM, to provide basic community services. Taos County contains municipalities that are having difficulty with infrastructure development. If I may pose a question to the Senator from Maryland. Was the conference committee's intent for the $900,000 to alleviate the most pressing infrastructure needs within Taos County, including municipalities?

Ms. MIKULSKI. Yes.

Mr. BINGAMAN. Thank you.

NEW YORK CITY WASTEWATER TREATMENT

Mr. D'AMATO. Would the chairwoman yield in order that I might seek some clarification with regard to one of the conference report's provisions?

Ms. MIKULSKI. Certainly.

Mr. D'AMATO. I thank the Senator. Mr. President, included within this bill is grant funding for some much needed improvements to New York City's wastewater treatment capabilities. The conference report describes these funds as being available "for a grant to the city of New York for the construction of a wastewater reclamation facility."

Ms. MIKULSKI. Mr. President, the Senator is correct. That is the language in the conference report.

Mr. D'AMATO. I would appreciate the chairwoman's clarification that the words "construction of a wastewater reclamation facility" are intended to convey the availability of these grant funds for the construction and improvement of any of the City's various wastewater treatment facilities, including combined sewer overflow facilities.

Ms. MIKULSKI. I appreciate the Senator from New York's inquiry. What the Senator is seeking, if I am not mistaken, is to provide some more explicit direction to the Environmental Protection Agency, which will disseminate these grant funds, regarding the types of activities that would be eligible for this grant funding.

Mr. D'AMATO. Mr. President, the chairwoman is correct.

Ms. MIKULSKI. In that case, I concur with the clarification being offered by the Senator from New York.

Mr. D'AMATO. I thank the chairwoman, and I appreciate her consideration of this matter.

REGARDING THE NATIONAL CENTER FOR APPROPRIATE TECHNOLOGY

Mr. BAUCUS. Mr. President, I wonder if the distinguished manager would engage me in a short colloquy regarding Department of Housing and Urban Development appropriations?

Ms. MIKULSKI. I would be happy to.

Mr. BAUCUS. I am very pleased that the conferees have included funding under the special purpose grant account for the National Center for Appropriate Technology [NCAT] in Butte, MT, to assist HUD in the application of low cost conservation technologies in publicly assisted housing. Is it the understanding of the distinguished Senator that these funds are to be used by NCAT at selected demonstration sites around the country?

Ms. MIKULSKI. The Senator from Montana is correct. The committee intended those funds to be used by NCAT in projects throughout the country.

Mr. BAUCUS. I thank the Senator for that clarification and for her assistance in providing this important funding.

BUFFALO'S CENTRAL TERMINAL

Mr. MOYNIHAN. Mr. President, I wonder if I might enter into a colloquy with my friend from Maryland, the distinguished chair of the Subcommittee on VA, HUD, and Independent Agencies, concerning a small item in her bill?

Ms. MIKULSKI. I would be happy to do so with the distinguished Senator from New York.

Mr. MOYNIHAN. Last spring the mayor of Buffalo came to my office and told me of his plans to renovate Buffalo's central terminal, an art deco train station and formerly one of Buffalo's architectural landmarks. Sadly this one was not maintained or preserved and it now sits in great disrepair, even though it is listed on the National Register of Historic Places. Mayor Massiello asked me for help in making it a useable, useful building once again. I then asked for help from the Senator from Maryland, and she was good enough to include $1.5 million in her bill to do so.

Regrettably, it now seems that the time has not yet come to restore the terminal. I wonder if the distinguished Senator would entertain the idea of reallocating these funds at the next opportunity to another Buffalo landmark that is on the road to restoration, the Darwin Martin House. It is a Frank Lloyd Wright masterpiece, the rejuvenation of which is under the guidance of the Martin House Restoration Corp., a private, nonprofit group that has already raised $1.5 million toward the $9 million cost.

The Martin House is also on the National Register, and an internationally recognized example of Wright's Prairie School. When the Darwin Martin House reopens people will come from across the country just to see it, as they do other Wright masterpieces. The Martin House is but one of Buffalo's architectural jewels that comprise an untapped source of tourist revenue for this city in great need of revenue.

Ms. MIKULSKI. To my friend from New York I say that I will do my best to reassign this money to the Darwin Martin House at the next opportunity, which will likely be a supplemental appropriations bill early next year.

Mr. MOYNIHAN. I thank the distinguished Senator from Maryland, and I invite her to tour the Martin House at her next opportunity.

NSF ARCTIC RESEARCH

Mr. MURKOWSKI. Mr. President, I would like to ask my colleague, the Senator from Maryland, what action will be taken in fiscal year 1995 by the National Science Foundation to balance the funding between its Arctic and Antarctic research programs? As the Senator will recall, I offered an amendment on this subject during the Senate floor debate on this appropriations bill.

I have been frustrated for many years at the clear bias the Foundation has demonstrated toward the Antarctic at the expense of the Arctic, even though our national economic interests, our strategic interests, and our environmental concerns are much greater in the Arctic. Without further delay, the Foundation should put into place a logistics support program for Arctic research, and it should increase the fraction of its funding that goes for Arctic research.

During floor debate, I received the Senator's assurance that my concerns would be taken into account, and so I withdrew my amendment. Now I ask the Senator what plans the Foundation has made to improve its performance for funding research in the Arctic?

Ms. MIKULSKI. Mr. President, I thank the Senator from Alaska for his question. I agree with him that we need more emphasis on research in the Arctic. This fall, after the enactment of this appropriation, legislation, the National Science Foundation will submit its operating plan for fiscal year 1995 to the Congress. This document will include a new structure for a more balanced set of polar programs, including a logistics support program for the Arctic, that recognizes the importance of the Arctic to our national interests. I expect real improvements in the NSF Arctic program with a greater allocation of resources to Arctic research. We do not simply want to see the same level of activity within a revamped organizational structure. And we will communicate with the Senator to be sure that the Foundation's plan properly addresses the concerns expressed by the Senator.

Mr. MURKOWSKI. I thank the Senator.

THE TWIN CITIES OPPORTUNITIES INDUSTRIALIZATION CENTER

Mr. WELLSTONE. Mr. President, I rise today to speak in support of one of the special purpose grants contained in title II of H.R. 4624. Two million dollars has been allocated under provisions of the bill for the Twin Cities Opportunities Industrialization Center [TCOIC] in Minneapolis, MN.

The Twin Cities Opportunities Industrialization Center is a private, nonprofit organization that came into existence back in 1966 to provide employment and training services to at-risk and disadvantaged populations in the Twin Cities. Its services include providing literacy and basic training skills, technical and vocational education, job counseling, and placement services.

Since its inception the TCOIC has served some 20,000 individuals with effective programs that have resulted in long-term economic self-sufficiency for program graduates. TCOIC places a special emphasis on serving populations that cannot be served by other training institutions. Its 650 per year student population consists of large numbers of welfare recipients, ex-offenders, single parents, non-English speakers, the desperately poor, and the chronically unemployed. Additionally, TCOIC believes in a holistic approach to serving its clients which includes addressing personal, family, and social problems to ensure that clients find meaningful and sustainable employment.

TCOIC also maintains a program called STRIDE—success through reaching individual development and employment. This is a Minnesota State initiative to assist eligible AFDC recipients to become self-sufficient.

TCOIC takes pride in the fact that it has never turned any client away because of a lack of financial resources, but it is also proud of its cautious spending of taxpayer dollars in providing services. In 1993, TCOIC conducted a return on investment analysis with respect to a group of 70 program graduates to determine how cost effective their programs were. This analysis revealed that during the first year after graduation these individuals, through Federal and State taxes, and through salaries spent into the economy, yielded an average return of 308 percent on the investment of services from the TCOIC Program.

The Opportunities Industrialization Centers of America [OIC], the parent organization of the TCOIC, has served over 1½ million disadvantaged Americans. In 1989 a study commissioned by the OIC estimated that the first million clients produced more than $150 billion in earnings for the U.S. economy, generating some $22 billion in taxes and $35 billion in savings of welfare payments.

TCOIC has been and is working in partnership with a number of corporations to facilitate program development, including IBM, 3M, General Mills, and Honeywell. Additionally, TCOIC has developed a network of links to other community groups, including the United Way, the Minneapolis Public Schools, the Hennepin County Department of Economic Assistance, the Minneapolis Public Housing Authority, and the Minneapolis Chamber of Commerce. The TCOIC facility also houses such organizations as the Red Cross, the Urban League, an adult basic education program, a GED program, and a literacy training program—for over 10 year—and has a collaborative partnership with the JTPA—(Job Training Partnership Act)—program.

In short, the Twin Cities Opportunities Industrialization Center has contributed significantly to the Minneapolis-St. Paul community and to the lives of individuals by delivering market-driven job training, job placement and employer recruitment programs, human and social services and educational support services.

The current TCOIC facility was constructed some 35 years ago and though the building has been renovated, it is rapidly deteriorating. Cost for repairs are estimated at $5 million, and therefore construction of a new facility is a much more cost effective option.

Providing a $2 million special purpose grant for the construction of a multi-purpose training, commercial and community center for this organization is a long-term investment in the human capital of some of the most disadvantaged of the American people. This investment yields a phenomenal return by reducing the welfare rolls as well as crime and drug abuse among this population. It gives them hope and a real opportunity to achieve the American dream. I hope we will take the time to reflect upon how well the money we appropriate is spent. TCOIC's commitment to employment and its devotion to improving the human economic and social condition of individuals warrants the respect, encouragement and assistance of policymakers in this body.

HEALTH CARE

Ms. MIKULSKI. Mr. President, before I leave the podium, I would like to also, as a Senator who has worked very hard on health insurance reform, tell you the rather melancholy feeling that I have about today. There are many of us in the Senate on both sides of the aisle who try to work very hard to make health insurance available so that there would be no discrimination on previous conditions, that it would be portable, and that we wanted to make insurance affordable by reforming the way people could buy insurance, through purchasing co-ops, and by moving toward universal coverage.

Obviously, that is not going to happen this year, and I believe this is a sad day for the United States of America. I know, as I travel through my own State, the misinformation and disinformation that prevailed has made my constituents say that no bill was better than a bad bill. But what they really did not know, because we could not get through the clutter of the naysayers, was that we had a good bill. The Mitchell bill was a good bill, and we were making very steady progress, reaching out to other Members of the Senate on either side of the aisle who also had other ideas. We have our colleague, Senator HARKIN, and others, who were advocating an approach and at least a core benefit package for children and elderly.

I am so sorry that as of today, we have lost the opportunity to provide a prescription drug benefit for the senior citizens of the United States of America, whose pharmaceutical bills are now higher than their utilities. For them, the pharmaceuticals they take every day are as important as their utilities. They may be able to live without their telephone, but they cannot live without insulin. They need gas and electric, and they need their heart patch, their angina medicine, and they need the kind of pharmaceuticals that are a lifeline.

But, no, the naysayers have derailed the ability for us to have a prescription drug benefit. The naysayers have derailed the fact that we were ready to make a downpayment on long-term care, and everyone in America knows that the cost of long-term care bankrupts many families. This Senator believes in family responsibility, yes, but family bankruptcy, no. And that is why in the Clinton bill and in the Mitchell bill, we were moving toward a downpayment on long-term care.

As someone who has advocated the cause of women's health care, we were going to have a series of preventive benefits in here that would have screened for those cancers unique to women. But it would also have screened for those cancers unique to the men we love. We have lost an opportunity for preventive services for both men and women in this country, and it is indeed a great tragedy. So for the kids who might not have immunization, for the men and women who will not have screening for cancers and other illnesses, where we could do preventive care, and for those senior citizens who are going to wonder how they are going to pay for their gas and electric bill as well as their insulin, this is a sad day.

So I hope the naysayers go out with their Gucci lobbyists, drink a couple of things that Gucci lobbyists like to. I think maybe we will stop the ad campaigns that cluttered the airwaves and confused the American people.

Mr. President, though the legislative debate comes to an end on health care for this year, it will not come to an end. We will be here next year, day after day, month after month, and we will reform health insurance in this country.

I salute both the President and First Lady. Had they not been such a vigorous voice for change, the private sector would not have taken the modest steps that they have to reform themselves. Change is here, and we either need to embrace it or be rolled over by it. I believe we need to embrace it, and we will next year, again, come forth for a way to reform health insurance in an orderly, rational, cost-conscious way that meets the compelling needs of our American people. I believe that will be the way to do it.

MORNING BUSINESS

TRIBUTE TO JOHN E. KOEHN

Mrs. FEINSTEIN. Mr. President, today I regret to announce that a man well known to all the members of the California delegation, and a very good friend to many of us, Jack Koehn, is leaving his post as the vice president of governmental relations for the Pacific Gas and Electric Co., due to a serious illness.

I think I can safely speak for officials at all levels of government in California when I congratulate Jack for 35 years of service and for a job well done. Many if not most of us in California had had occasion to work closely with PG&E, either in furthering community goals or in times of recovery from various disasters. Through thick and thin, we have always been able to count on Jack Koehn to deal with us in a forthright and candid manner—and with the steady courage and integrity we would expect from an ex-Marine.

While Jack earned our trust and respect for professionalism in his work at PG&E, he also earned the trust and respect of an entire community, where he has dedicated years in an effort to better the lives of many in San Francisco and the bay area. Jack Koehn has been active in the Boy Scouts, the California Business Roundtable, the United Way, the Public Affairs Council, the California Foundation on the Environment and the Economy, the California Taxpayers Association, and the San Francisco Chamber of Commerce, to name a few. Jack Koehn is the kind of citizen we should all hope to be.

Jack is a native of North Dakota and a graduate of the University of California. He and his wife Elaine have four grown children, and presently live in San Leandro. I wish them all well at this difficult time in their lives, and I expect Jack to call upon that indomitable fighting-Marine spirit of his to make the days ahead a time of triumph.

BOB PASTOR'S ROLE IN HAITI NEGOTIATIONS

Mr. NUNN. Mr. President, I would like to take a moment today to pay tribute to one of the unsung heros who assisted President Carter, General Powell, and me throughout our long weekend in Port-au-Prince, Haiti. That person is Dr. Robert Pastor of Emory University. Bob Pastor accompanied President Carter, General Powell, and me to Port-au-Prince at President Carter's urging. General Powell and I were thankful that Bob agreed to join us.

Bob Pastor was the one person, besides the three of us, who attended all meetings and took complete notes of the proceedings. He was unfailingly energetic, creative, and diplomatic. Bob Pastor deserves a large measure of credit for the agreement we reached.

Mr. President, Bob Pastor's contribution did not end upon the signing of the agreement Sunday evening. At President Carter's urging, seconded by General Powell and myself, Bob agreed to stay in Port-au-Prince to convey the spirit and the background of our agreement to Ambassador Swing and General Bates and later to General Shelton and General Meade. For obvious reasons, United States military forces initially deployed to and around Haiti were operating on a set of assumptions that did not foresee agreement between the United States and the Haitian military and de facto civilian authorities.

So while President Carter, General Powell, and I returned to Washington to brief President Clinton in person, Bob Pastor agreed with President Carter's request that he remain in Port-au-Prince to brief U.S. authorities there. Bob in effect served as the bridge between our delegation, de facto Haitian authorities, our Embassy, and our military forces during the critical, initial phase of our military deployment in Port-au-Prince. I believe Bob played an important role in ensuring that our deployment proceeded smoothly, without untoward incident—and most importantly, without loss of life or even serious injury.

Mr. President, I have worked with Bob Pastor for almost a decade on numerous issues relating to Central and Latin American. He has distinguished academic credentials as well as a distinguished academic credentials as well as a distinguished record of public service. He was Director of the Linowitz Commission on United States-Latin American Relations. He was Director of the Office of Latin American and Caribbean Affairs on the National Security Council during the Carter Administration. Currently, he is professor or political science at Emory, and also director of the Latin American and Caribbean Program at Emory's Carter Center.

Mr. President, Bob Pastor played a very important role in our success in Haiti. I am pleased to commend him from the floor of the U.S. Senate for his service to our delegation and to our country.

"OUT OF HAITI—FAST"

Mr. BOREN. Mr. President, Sunday's Washington Post included an excellent article on the situation in Haiti by former Secretary of State Henry Kissinger. Dr. Kissinger is right on target about past failures of our policy and what needs to be done from this point forward. It merits thoughtful consideration by all Members of Congress and the administration. I ask unanimous consent that the full text of the article be reprinted in the CONGRESSIONAL RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

OUT OF HAITI—FAST

The ink was barely dry on the agreement negotiated by President Carter's team in Haiti when second-guessing developed. It came as a shock to many that the administration postponed its proclaimed goal of over-throwing the junta and that the landing in Haiti was brought about with the cooperation of leaders described by President Clinton as mass murderers only 72 hours earlier.

But the criticism should focus not so much on the culmination of the crisis as on the policy that left no other option except military invasion by a high-tech superpower of a practically unarmed country and the poorest nation of the Western Hemisphere. The agreement negotiated by the Carter team saves American and Haitian lives, removes the Haitian junta, albeit with a slight delay, and returns the deposed elected leader, Jean-Bertrand Aristide, to power, sacrificing only grandiloquent statements that should never have been made. Most important, the brief interval in which these changes take place provides an opportunity for sober reflection about just how deeply America should launch itself into the Haitian morass.

In my view, any prolonged military occupation must be avoided; another attempt at nation-building will trap us in an endless enterprise before it ends in a fiasco. Too much has already been staked; some relationship between means and ends must be reestablished.

The basic dilemmas of postwar American foreign policy have been the result of enterprises undertaken lightly, with little if any opposition, and from which extrication proved hellishly difficult. The Carter mission has eased the entry of American troops—a success that is also an admission ticket to the far more complex danger of American forces finding themselves engulfed in the passions and conflicts of Haitian factions much more practiced in violence than in pluralism and which may yet undermine the agreement. A prolonged U.S. military occupation of Haiti would almost guarantee that the hatreds accumulated over decades would overwhelm the purposes for which we entered.

I have always had grave doubts about military intervention to restore Aristide. That America should favor an elected president over the murderous junta was inherent in our values, and justified diplomatic pressure and embargoes of the kind that had, after all, contributed to the overthrow of the Duvalier dictatorship. But American lives should be risked only when there is a demonstrable threat to the national security, on behalf of clearly defined objectives and with forces proportionate to the objective.

The administration policy failed all three tests. Haiti posed no conceivable direct threat. Contrary to administration statements, the junta represented no model any Western Hemisphere nation might be tempted to follow. The stated objectives were vague, and the force deployed was disproportionate to any sensible goal. When CNN shows daily briefings by the press officer of the American Embassy in Port-au-Prince describing locations from which to view the planned invasion of the country to which he was accredited and promising the arrival of additional personnel to handle the overflow demand for invasion coverage, the argument that the threat represented by Haiti cannot wait for the operation of less drastic measures becomes hardly plausible. (Moreover, it raises the question of how to curb public relations efforts whose proconsular character undermines America's relations with the other nations of this hemisphere.)

Ambassador Madeleine Albright's invocation of moral absolutes that transcend all practical considerations is belied by the actual record. The administration did not intervene in Bosnia or Rwanda, where the atrocities were far greater; in Rwanda, President Clinton stood apart from genocide with the argument that America could not serve as the world's policeman and that it had no national interest in that part of Africa. The current administration, like any other, cannot escape the need for selectivity.

Thus the principal achievement of the Carter mission is that it provides a graceful exit from becoming engulfed in the vortex of Haitian domestic politics. It is senseless to talk of the "restoration" of democracy in a country that has never known democracy, or to equate the fact that Aristide was elected with a certificate of democratic practices—as Sen. Nunn has wisely pointed out. To turn Haiti into a pluralistic society may take a decade or more and cannot be achieved by military occupation.

Even the limited task of disarming Haiti's armed forces implies difficult decisions: How, when and by whom is the army to be disarmed or restrained? To whom do we provide protection once Aristide is back in power? What precisely are the terms of the amnesty and which parliament approves it—the existing one or that emerging from future elections? Will Aristide abide by the amnesty despite his opposition, and what is America's obligation to enforce the Carter agreement?

Nor can the dilemmas of a prolonged military operation be avoided by turning nation-building over to the United Nations. I hope that President Clinton was speaking euphemistically when he presented America's policy on Haiti as reflecting some kind of international political consensus. For the international support we elicited was a tribute to America's power, not to its purposes. With the exception of Argentina, it included not a single major country of Latin America. Most of the nations participating from outside the hemisphere do so because of the economic strength of the United States, as a quid pro quo for past or future American security assistance, or to gain some influence over actions they far from approve. Neither Bangladesh nor Israel has heretofore exhibited any major political and security interests in the Caribbean. Thus there is no other group to which this assignment can be turned over. International support of a military occupation may provide a few auxiliaries and a modicum of financial help. But in the real world, the military occupation of Haiti will remain America's problem.

The artificial nature of this international support has already levied an exorbitant toll. One of the most hallowed principles of American foreign policy has been to keep the military power of other continents out of the Western Hemisphere. From the Monroe Doctrine to the 1947 Rio Treaty setting up a collective security system for the Western Hemisphere and in the decades since, every U.S. administration has insisted that hemispheric problems be settled by the nations of this hemisphere. Yet the administration recoiled from involving the institution specifically designed for that purpose—the Organization of American States—because it realized that our partners in this hemisphere would never approve military intervention, though they would and did support diplomatic and economic measures short of it. Appealing for the military assistance of nations outside the hemisphere on an inter-American issue sets a precedent that future American administrations may well come to regret.

Another such booby trap inherent in the Security Council resolution authorizing the use of force for the purpose of replacing the Haitian junta, a resolution that passed with Russian support. The precedent for Moscow's ambitions in what Russia calls the "near abroad" is hard to miss—the worrisome policy of forcing the republics of the former Soviet Union to return to the imperial fold. That this tacit quid pro quo is understood in Washington is reflected in pronouncements by Ambassador Albright and President Clinton stating that each major power has a special responsibility for peace-keeping and stability in "its own back yard."

It is a dangerous doctrine. America's actions in Haiti, however ill-advised, do not affect overall security. America's interventions in this hemisphere have been short-lived; Russia's military advances have tended to be permanent. They are certain to rekindle ancient fears and tensions. Three conclusions follow.

America's military presence in Haiti ought to be brought to a rapid conclusion, preferably by the end of this year. We will have restored an elected president. By then, we will have disarmed or neutralized those Haitian armed forces threatening his rule. Aristide should be able to maintain himself after that by his own efforts, helped by generous American economic aid.

If our armed forces stay beyond this mandate, they will either become spectators in a bloody spectacle or participants in struggles where it may not be easy to tell which side to back—rebellious crowds or forces appearing in the guise of law and order. In the end, even Aristide will turn on the United States, if only to demonstrate that he is a genuine nationalist and not America's instrument—a tendency already implicit in his conduct.

Once American forces—except for a small training mission—are withdrawn, the remaining tasks can be assigned to inter-American institutions, which, when freed of the Latin American fear of U.S. military intervention, could prove quite effective. Governmental reform could be assigned to the OAS, economic assistance to the inter-American financial institutions—backed up, of course, by a continuing U.S. interest.

The Haitian crisis provides an occasion for the administration to review the practices that have produced such stark alternatives and such an obsession with public relations. Symbolic of these tendencies is the decision to launch the 82nd Airborne Division while American emissaries were still on the ground in Haiti. Given the possibility of glitches in any military operation, which was the hurry? What if the Haitian junta had not yielded, the attack had proceeded, and Carter's plane had blown a tire on takeoff? What if the junta, learning of the launch—as it is said to have done—had taken the American delegation as hostages? Surely there was no need for surprise when the projected landing sites could be seen on television. If the purpose was to land before Congress could pass a resolution of disapproval the next day, the enterprise marked an astonishing disintegration of the executive-congressional relationship.

It is painful to come to such conclusions while a military operation is underway. But the greatest risk we now face is an open-ended commitment of military forces to tasks for which they are not designed. The greatest need is a bipartisan reassessment of our foreign policy and above all a prudent definition of the circumstances in which American power is to be engaged.

CONGRATULATING DOUGLAS D. HULTBERG—1994 DISTINGUISHED PRINCIPAL

Mr. CONRAD. Mr. President, it is my great pleasure today to offer my congratulations to Douglas D. Hultberg, principal of Dakota Elementary School at the Minot Air Force Base in North Dakota. Douglas Hultberg has been selected by the U.S. Department of Education and the National Association of Elementary School Principals as one of the 1994 National Distinguished Principals.

Each year, the National Distinguished Principals Program honors principals from each of the 50 States who have shown a strong commitment to quality and community in their schools. The program understands the crucial role a principal plays in creating an environment in which teachers and students can thrive and everyone can live up to their fullest potential. In selecting Douglas Hultberg, I believe the program pays tribute to not only his leadership and outstanding work, but also to all those associated with Dakota Elementary School. His energy and commitment helped shape the school and the community with which it interacts.

As the principal of a school located on a U.S. Air Force base, Douglas Hultberg faces a unique set of challenges. In addition to the financial demands schools on Federal properties face, the changing school and community populations commonly found on Air Force bases pose particular challenges to principals trying to forge strong ties between school and community. Douglas Hultberg has risen to this challenge.

Mr. President, I have often spoken proudly of the fine schools found in North Dakota. The hard work of our schools is evident in the fact that North Dakota has one of the highest graduation rates in the country. Clearly, North Dakotans recognize the value of a good education. I am pleased today to congratulate Douglas Hultberg and to thank him for his hard work and his dedication, and to wish him continued success. Though I am sure everyone associated with Dakota Elementary School is already aware that Douglas Hultberg is truly outstanding in his field, they have even more cause to be proud of their principal today.

CYNTHIA SILLERS

Mr. DURENBERGER. Mr. President, I rise today to pay tribute to Cynthia Sillers.

Cynthia is like many people of my State who take their part as community leaders and problem solvers. She comes by this because, for several generations, her family has set the example of community service. Her father, Doug Sillers, served in the State Senate. Her brother Hal is a leader in agricultural groups throughout the State. They all farm together in the great Red River Valley of northwestern Minnesota.

As a teacher, Cynthia Sillers believes that the well-being and education of children serves as the foundation of a better life. She believes this fervently, not only for the children of Moorhead, but also for the children of migrant workers who reside in the community. With candor and hard work, she took on a most difficult job as migrant issues coordinator for the city of Moorhead, its school district, and for Clay County.

Cynthia has done a remarkable job. But, like those rare citizens who are willing to work at the intersection of State and Federal bureaucracies, cultural and ethnic diversity, longheld misperceptions, and volatile emotions, she has carried the brunt of criticism from every side.

Last month, when Cynthia Sillers indicated an interest in a different position, the Fargo Forum published an editorial that put into context the work that she has carried out. Excerpts from that editorial follow:

> Her [Cynthia Sillers'] moderate voice has been a sane note in the otherwise droning chorus of rancor and recrimination that too often dominates discussions of cultural and ethnic diversity, racism and other issues of importance to migrant laborers, the city's growing permanent Hispanic population and the community in general.
>
> With compassion and diplomacy, Sillers has tried to represent the complex interests of migrant workers, the sugar beet industry, resident Hispanics who feel unaccepted, and a larger community struggling to adjust to change.
>
> In all arenas she has honestly discussed the strengths and failings to those constituencies, even if doing so made her unpopular with those she aimed to serve. And it has.
>
> Not long ago, she candidly discussed the political divisions among Hispanics in Minnesota and was branded a racist by the newsletter of the state's Spanish Speaking Affairs Council.
>
> Then, in an act of profound moral hypocrisy, the newsletter suggested that since Sillers is white, she is incapable of representing the interests of Hispanics. Had such a sentiment been expressed about a Hispanic in any other taxpayer-funded publication, Minnesota's human rights gestapo would have been on the doorstep the next day.
>
> The chief complaint among Sillers' detractors is that she was not an advocate for Hispanics. If by that they mean she was not a confrontational jerk who portrayed Hispanics as perpetual victims—whether true or not—or who was not willing to lie for "the cause," they are right.
>
> She was, however, tirelessly dedicated to her job—and to the idea that quiet, earnest work succeeds where inflammatory rhetoric and political posturing fails. That's what Sillers was all about and so was her staff—Hispanic staff, Anglo staff.
>
> There are in the community countless numbers of men and women—black, white, Hispanic, Native American—whose only concern is that children are educated and that families are functional and happy.
>
> Advice to the Joint Powers Commission: Find them, use them all. Fire the mavericks. Moorhead doesn't need self-anointed messiahs. It needs sincere, effective workers.
>
> As for Cynthia Sillers, the community owes her a debt.

Mr. President, all of us who serve the public owe Cynthia Sillers a debt of gratitude as well. Our gratitude is also extended to the family that nurtured her on the importance of public service. We need to underscore the fact that our communities and our Nation function at the highest level when people offer their hearts and their minds to serving others at home.

IS CONGRESS IRRESPONSIBLE? YOU BE THE JUDGE OF THAT

Mr. HELMS. Mr. President, the incredibly enormous Federal debt is like the weather—everybody talks about the weather but nobody does anything about it. Many politicians talk a good game when they are back home about bringing Federal deficits and the Federal debt under control. But take a look at how so many of them regularly vote in support of bloated spending bills that roll through the Senate.

As of Friday, September 23, at the close of business, the Federal debt stood—down to the penny—at exactly $4,667,471,330,077.67. This debt, don't forget, was run up by the Congress of the United States.

The Founding Fathers decreed that the big-spending bureaucrats in the executive branch of the U.S. Government should never be able to spend even a dime unless and until it had been authorized and appropriated by the U.S. Congress.

The U.S. Constitution is quite specific about that, as every schoolboy is supposed to know.

And do not be misled by declarations by politicians that the Federal debt was run up by some previous President or another, depending on party affiliation. Sometimes you hear false claims that Ronald Reagan ran it up; sometimes they play hit-and-run with George Bush.

These buck-passing declarations are false, as I said earlier, because the Congress of the United States is the culprit. The Senate and the House of Representatives are the big spenders.

Mr. President, most citizens cannot conceive of a billion of anything, let alone a trillion. It may provide a bit of perspective to bear in mind that a billion seconds ago, Mr. President, the Cuban missile crisis was in progress. A billion minutes ago, the crucifixion of Jesus Christ had occurred not long before.

Which sort of puts it in perspective, does it not, that Congress has run up this incredible Federal debt totaling 4,667 of those billions—of dollars. In other words, the Federal debt, as I said earlier, stood this morning at 4 trillion, 667 billion, 471 million, 330 thousand, 77 dollars and 67 cents. It'll be even greater at closing time today.

RECOGNIZING SHIRLEY D. COLETTI

Mr. MACK. Mr. President, I have the pleasure today of recognizing the achievements of a truly outstanding Florida citizen.

Shirley D. Coletti is the president of Operation PAR, an organization in the Tampa Bay area that seeks to help others build a better life for themselves. But her responsibilities as president have extended far beyond the scope of the Tampa Bay area. In 1986, Shirley was appointed by President Reagan to the U.S. Senate Caucus on International Narcotics Control and in 1991 she served on the bipartisan President's Commission of Model State Drug Laws. She has also served as a Special Representative on behalf of the State Department, traveling to several countries including Australia, Thailand, Trinidad, and Nepal.

Shirley continues to dedicate her life to serving her fellow Americans. As the president of Operation PAR, Shirley has moved the organization from a grassroots parent movement to one of the largest and most comprehensive nonprofit substance abuse prevention and treatment agencies in North America.

The board of directors of Operation PAR, has chosen to recognize her 25 years of service by renaming the Academy for Behavioral Change for Adolescents and Their Families to the Shirley D. Coletti Academy.

The Shirley D. Coletti Academy will provide troubled young people ages 11–17 hope for a better life. Through a combination of strong academics with results-oriented emotional growth, it will seek to address the gaps created due to the abuse of drugs and alcohol. It will provide vocational, educational, and recreational services to our youth, and focus on the treatment of the individual and the family to help them both find healing.

Mr. President, Shirley D. Coletti is truly a champion of youth, adults, and families fighting the disease of drug addiction. She is a pioneer in the prevention and treatment field and an advocate in the fight against illegal drug use. Florida is fortunate to have her working for such a worthy cause.

TRIBUTE TO ROSE M. SANDERS

Mr. HEFLIN. Mr. President, it is my pleasure to pay tribute today to Selma, AL attorney Rose M. Sanders upon the occasion of "Rose Sanders Day" to be held this Saturday, October 1, in Selma. Ms. Sanders is a community activist and leader, and she has consistently given 100 percent of her energy, talents, and wisdom to her community and State over the years.

Rose Sanders graduated summa cum laude from Johnson C. Smith University with a double major in political science and economics. She went on to graduate from Harvard Law School in 1969. That same year, she was awarded a Reginald Herbert Smith Fellowship award and assigned to the National Welfare Rights Organization and Columbia Center on Social Welfare Policy and Law. She has served as a partner with the law firm of Chestnut, Sanders, Sanders, and Pettaway since 1972, and is a past municipal judge of Uniontown, AL. She was the first black female judge in the State of Alabama.

One of the hallmarks of Rose Sanders' career has been her work to better the lives of children and young people from disadvantaged backgrounds. She has conducted extensive research on the status of youth leadership development, and has served as president and volunteer director of the 21st Century

Youth Leadership project and as a member of Central Alabama Youth Services. She was the founder of McRae Learning Center, a preschool successful in teaching children to read; Saturday University, an after-school tutorial set up to motivate youth; MOM's [Mothers of Many], an organization dedicated to uplifting children and low-income women; B.E.S.T. [Best Education Support Team], an organization of parents and students formed to end racial tracking in public education; and the Dare to Dream project, a project designed to prepare and encourage youth to attend college or trade school. She was the State youth coordinator for the Jesse Jackson for President Campaign.

Rose Sanders has authored, directed, and presented 15 musicals on issues impacting African American youth and their communities. Her plays have been performed around the Nation at colleges, churches, festivals, community gatherings, and at the World's Fair in New Orleans. She has authored several articles on youth leadership and over 100 musical compositions, 16 of which were performed by the Children of Selma for an album produced by Rounder Records. She has received the Gloria Steiner Award for Service to Youth and the Lewis Hines Child Labor Award.

Incredibly, while Ms. Sanders has worked extensively on behalf of children, she has also managed to give great energy and leadership to the civil rights movement in a number of capacities. She has served as a cooperating attorney with the NAACP Legal Defense Fund; as president and volunteer director of the National Voting Rights Museum; and president of the Campaign for a New South. She has been recognized by the National Bar Association for her leadership on the cutting edge of law for civil, social, and economic justice and by the Bannerman Fellowship for her community activism.

Attorney Sanders' special legal cases have included the successful representation of the Blackbelt Eight, a case involving voter fraud prosecution by the Federal Government and her achievement of a settlement in a title VII case that resulted in $1 million in grants to black colleges and the minority vendors program.

Rose Sanders is truly an exceptional woman who has earned her day of recognition many times over. She is one of those rare individuals who give themselves fully not only to their professions, but to their communities as well. Her remarkable career and projects on behalf of youth and civil rights have provided her a vital role in ongoing efforts to secure social justice for all. I extend my congratulations to Ms. Sanders for her remarkable accomplishments, and my best wishes for a memorable Rose Sanders Day. I hope the people of her community and State enjoy the benefits of her services and talents for many years to come.

UNDER SECRETARY GENERAL FOR INTERNAL OVERSIGHT SERVICES AT THE UNITED NATIONS

Mr. GLENN. Mr. President, I rise today to once again applaud the efforts of the United Nations in their long, hard effort to create a position for an office of inspector general to be known as the Under Secretary General for Internal Oversight Services at the United Nations.

I have long advocated such an office as an essential element to restoring trust in the administration of U.N. matters, and met at the United Nations last spring with Ambassador Albright, U.N. Secretary General Boutros Boutros-Ghali, and a number of other interested Ambassadors from around the world.

A few weeks ago I spoke about the final resolution to create this office which passed the General Assembly on July 29. I had asked the General Accounting Office [GAO] to take a look at it, and they found that, while it went a long way in setting up the office, questions remained regarding important issues such as funding, staffing and hiring authority, and whistleblower protection. At that point GAO determined, and I agreed, that the way these issues would be handled in the implementing regulations, as they should be, would be key.

I am pleased to say that these concerns were fully addressed to my satisfaction in the implementing regulations released by the Secretary General on Thursday, September 8. Again, I asked GAO to take a look at those regulations to confirm this. They agreed that these binding regulations will foster the operational independence that an office such as this requires to be able to function effectively.

That element of independence, of reporting not only to the Secretary General, but also to the members of the General Assembly, is crucial to a successful IG operation, as we have found in our own U.S. Government in reporting not only to an agency or department head, but also to the appropriate committee of jurisdiction in the Congress.

Also, there will be a separate line item in the Secretary General's budget for this office. While the current request is for $11.4 million for 2 years, there is general agreement that this is totally inadequate to fund such an office. Therefore, the Secretary General has asked for a 21 percent increase in funding for the next biennium. This is the largest increase requested for any section of the budget.

Additionally, the IG will have independent authority to hire and fire his staff. In fact, Ambassador Karl Theodor Paschke, who will take his position as the first Undersecretary General for Internal Oversight Services on November 15, is already in the process of reviewing the contracts of the current employees of the Office of Inspections and Investigations [OII], the young predecessor office to the Office of Internal Oversight Services [OIOS]. I was pleased to learn that Ambassador Paschke does not feel obligated to retain staff with whom he is not comfortable, thereby giving him the authority to create his own staffing table. It is also my understanding that our own GAO will be involved in the training of the new staff of this office.

Finally, the issue of whistleblower protection has been resolved favorably; if a U.N. employee makes an accusation of improper conduct, his or her confidentiality will be protected. False accusations made willfully or knowingly will be treated as cases of misconduct themselves. Such matters will be dealt with through the administrative process already in place at the United Nations; however, this process is currently undergoing intense revision to deal with broader situations and sanctions for misconduct.

The only reservation raised by GAO was the possible reluctance of U.N. employees to come forward with allegations of misconduct if "willful disregard of the truth" is not clearly defined. While this is a valid point, this office is still in its infancy, and I am willing to give it a chance to get up and running before further scrutinizing procedures and safeguards. However, this is one of the items I will keep on my checklist for that time.

In accordance with the provisions of Public Law 103–236, the Foreign Relations Authorization Act for fiscal year 1994 and 1995, the certification to release the remaining 10 percent of the U.S. contribution to the United Nations has been made. I am pleased to say that I wholeheartedly support the certification.

I look forward to watching this office as it develops into one as effective as those of our own, and I further anticipate the beginning of the term of Ambassador Paschke.

Mr. President, I ask unanimous consent that the 2-page letter from GAO be placed in the RECORD following my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

GENERAL ACCOUNTING OFFICE, NATIONAL SECURITY AND INTERNATIONAL AFFAIRS DIVISION,
Washington, DC, September 23, 1994.

Hon. John Glenn,
U.S. Senate.

DEAR SENATOR GLENN: This letter responds to your request that we evaluate the U.N. Secretary-General's September 7, 1994, procedures for implementing the Office of Internal Oversight Services (OIOS). You asked that we determine whether the procedures address gaps in the July 29, 1994, General Assembly's resolution establishing the Office.

We previously provided you with our comments on that resolution in a letter dated August 8, 1994. We had concluded that if properly implemented, the resolution allows OIOS the operational independence to perform functions similar to those performed by Inspectors General, as established under the Inspector General Act of 1978, as amended.

Our letter also noted that the President could not certify that requirements of section 401(b) of the Foreign Relations Authorization Act for Fiscal Years 1994 and 1995 had been met unless several of actions required in the resolution were completed before September 30, 1994. These included (1) the appointment of an Under Secretary General for Internal Oversight Services with requisite qualifications and approval by the General Assembly; (2) the issuance of procedures to ensure compliance with recommendations of the Office; and (3) the issuance of procedures to protect the identity of, and to prevent reprisals against, any staff members making a complaint or disclosing information, or cooperating in any investigation or inspection by the Office.

The appointment process was completed on July 29, 1994, when the U.N. General Assembly approved the appointment of Ambassador Karl Paschke, a German national, as Under Secretary General for Internal Oversight Services. According to the State Department, Ambassador Paschke has the requisite credentials to fulfill the legislative requirement. We found that the Secretary-General's implementing procedures provide regulations to ensure that OIOS is operationally independent. The Secretary-General's procedures address compliance with OIOS recommendations under the section entitled "Implementation of Recommendations." Program managers are instructed to ensure prompt compliance with final recommendations and report to OIOS, on a quarterly basis, on the status of implementation. The Under-Secretary General responsible for the program area is to monitor the program manger's implementation of corrective action. In addition the procedures require investigations to be conducted with respect for the individual rights of staff and strict regard for fairness and due process. Further, confidential suggestions and/or information may be used only in official reports, without directly or indirectly naming people involved or implicated. The procedures also enhance the operational independence of the Office by including controls that enable the Under Secretary-General to hire and fire personnel and a separately identified line item for the OIOS budget.

Finally, we note one area of the procedures that may have an unintended consequence. Since the procedures do not clearly define "willful disregard of the truth" people with information about possible waste, fraud, or abuse may be inhibited from coming forward lest they be accused of making false reports. This cautionary note may prove unnecessary; however, we believe the process should be revisited in the future to determine whether changes are called for.

If you have any questions concerning this letter, please do not hesitate to call me on (202) 512-2800.

Sincerely yours,

NEAL CURTIN,
(for Frank C. Conahan,
Assistant Comptroller General).

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a treaty which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 3:04 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4422. An Act to authorize appropriations for fiscal year 1995 for the Coast Guard, and for other purposes.

The message also announced that the House agrees to the amendment of the Senate to the resolution (H. Con. Res. 285) concurrent resolution directing the Secretary of the Senate to make technical corrections in the enrollment of S. 2182.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times, by unanimous consent, and placed on the calendar:

H.R. 4422. An Act to authorize appropriations for fiscal year 1995 for the Coast Guard, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3349. A communication from the Chief of Legislative Affairs, Department of the Navy, transmitting, pursuant to law, a report relative to the lease of the ALBERT DAVID; to the Committee on Armed Services.

EC-3350. A communication from the Secretary of Energy, transmitting, pursuant to law, a five year transportation program plan; to the Committee on Energy and Natural Resources.

EC-3351. A communication from the Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting, pursuant to law, the fiscal year 1992 Federal Sector Report on EEO Complaints and Appeals; to the Committee on Labor and Human Resources.

EC-3352. A communication from the Director of the Congressional Budget Office, the Secretary of the Treasury, the Chairman of the Securities and Exchange Commission, and the Small Business Administration, transmitting, pursuant to law, a report relative to developing a secondary market for small business loans; to the Committee on Small Business.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INOUYE, from the Committee on Indian Affairs, with an amendment in the nature of a substitute:

S. 2036. A bill to specify the terms of contracts entered into by the United States and Indian tribal organizations under the Indian Self-Determination and Education Assistance Act, and for other purposes (Rept. No. 103-374).

By Mr. GLENN, from the Committee on Governmental Affairs, with an amendment in the nature of a substitute:

S. 2156. A bill to provide for the elimination and modification of reports by Federal departments and agencies to the Congress, and for other purposes (Rept. No. 103-375).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 1786. A bill to increase the authorization of appropriations for the Belle Fourche Irrigation Project, and for other purposes. (Rept. No. 103-376).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with an amendment:

S. 1988. A bill to authorize the transfer of a certain loan contract to the Upper Yampa Water Conservancy Project, and for other purposes (Rept. No. 103-377).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with amendments:

S. 2066. A bill to expand the Mni Wiconi Rural Water Supply Project, and for other purposes (Rept. No. 103-378).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, without amendment:

S. 2124. A bill to provide development of power at the Mancos Project and for other purposes (Rept. No. 103-379).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with an amendment:

S. 2213. A bill to make applicable the provisions of the Act commonly known as the "Warren Act" to the Central Utah Project, Utah, and for other purposes (Rept. No. 103-380).

S. 2253. A bill to modify the Mountain Park Project in Oklahoma, and for other purposes (Rept. No. 103-381).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 2266. A bill to amend the Recreation Management Act of 1992, and for other purposes (Rept. No. 103-382).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with amendments:

S. 2319. A bill to amend the Colorado River Basin Salinity Control Act to authorize additional measures to carry out the control of salinity upstream of Imperial Dam in a cost-effective manner (Rept. No. 103-383).

By Mr. GLENN, from the Committee on Governmental Affairs, without amendment:

H.R. 3839. A bill to designate the United States Post Office located at 220 South 40th Avenue in Hattiesburg, Mississippi, as the "Roy M. Wheat Post Office."

H.R. 4191. A bill to designate the United States Post Office located at 9630 Estate

Thomas in Saint Thomas, Virgin Islands, as the "Aubrey C. Ottley United States Post Office."

H.R. 4596. A bill to designate the building located at 2200 North Highway 67 in Florissant, Missouri, for the period of time during which it houses operations of the United States Postal Service, as the "John L. Lawler, Jr. Post Office."

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. BIDEN, from the Committee on the Judiciary:

Delissa A. Ridgway, of the District of Columbia, to be Chairman of the Foreign Claims Settlement Commission of the United States for the remainder of the term expiring September 30, 1994.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. CHAFEE (for himself and Mr. DURENBERGER):

S. 2460. A bill to extend for an additional two years the period during which medicare select policies may be issued; to the Committee on Finance.

By Mr. JOHNSTON:

S. 2461. A bill to amend the Energy Policy and Conservation Act to manage the Strategic Petroleum Reserve more effectively, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. COHEN:

S. 2462. A bill to amend section 1956 of title 18, United States Code to include equity skimming as a predicate offense, to amend section 1516 of title 18, United States Code to curtail delays in the performance of audits, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CRAIG:

S. Res. 268. A resolution to refer S. 890 entitled "A bill for the relief of Matt Clawson," to the chief judge of the United States Court of Federal Claims for a report thereon; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CHAFEE (for himself and Mr. DURENBERGER):

S. 2460. A bill to extend for an additional 2 years the period during which Medicare select policies may be issued; to the Committee on Finance.

EXTENSION OF THE MEDICARE SELECT PROGRAM

● Mr. CHAFEE. Mr. President, I am pleased to join with Senator DURENBERGER today in introducing legislation to extend for 2 years the Medicare Select Program.

Based on legislation which I introduced in 1990, Medicare select is a demonstration project operating in 15 States with more than 400,000 participants. Under this program, Medicare beneficiaries have the option to purchase Medicare supplemental insurance policies—often referred to as Medigap policies—through managed care networks.

The program has been a huge success. Recent data show that Medicare beneficiaries who purchase Medicare select products pay premiums which are 10 to 37 percent less expensive than traditional Medigap products. Moreover, consumer satisfaction with these products is extremely high. Of the top 15 Medigap products ranked by Consumer Reports in its August 1994 issue, 8 were Medicare select policies. Unfortunately, under current law, Medicare select carriers will have to halt enrollment on December 31, 1994.

Almost all the major health care reform plans introduced during this session of Congress included provisions to expand the Medicare Select Program to all 50 States. Unfortunately, health care reform is beginning to look like a long shot. Therefore, at the very least, we should enact legislation which will allow the current 15-State demonstration project, which has been such a success, to continue. This bill will do just that, and I urge my colleagues to support it.●

By Mr. JOHNSTON:

S. 2461. A bill to amend the Energy Policy and Conservation Act to manage the strategic petroleum reserve more effectively, and for other purposes; to the Committee on Energy and Natural Resources.

ENERGY POLICY AND CONSERVATION ACT AMENDMENTS

● Mr. JOHNSTON. Mr. President, the purpose of this bill is to amend the Energy Policy and Conservation Act to extend the President's basic authorities for dealing with energy emergencies. The authority of the President to maintain, manage and withdraw oil from our strategic petroleum reserves expires on September 30, 1994. In addition, key authorities essential for the United States to meet its obligations under programs of the International Energy Agency also expire on September 30, 1994. We need to extend these authorities before Congress adjourns. This legislation provides extensions of those authorities through June 30, 1996.●

By Mr. COHEN:

S. 2462. A bill to amend section 1956 of title 18, United States Code to include equity skimming as a predicate offense, to amend section 1516 of title 18, United States Code to curtail delays in the performance of audits, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

LEGISLATION TO PREVENT "EQUITY SKIMMING"

● Mr. COHEN. Mr. President, confidence in the Federal Government's ability to use scarce Federal resources wisely is quite low. Examples of wasteful and fraudulent spending confronts us whenever we pick up the newspaper or turn on the television.

As the ranking member of the Governmental Affairs Subcommittee on Oversight, I have investigated a disturbing number of instances of fraud.

In recent months, I have been looking at the Department of Housing and Urban Development's [HUD] subsidy and mortgage insurance programs. This investigation has focused on an outrageous practice known as equity skimming.

Equity skimming is the term used to describe a particular type of housing fraud. It occurs when an owner of HUD-insured projects take money intended to be used to pay the mortgage and provide maintenance and upkeep of the project and divert it for his or her own use. This diversion of funds causes the owner to default on their mortgage, forcing HUD—which guaranteed the loans—to pay the private lender the balance of the mortgage. At this point, HUD assumes the mortgage and the owner is required to make mortgage payments to HUD. Regrettably, however, the owner often continues to divert funds for personal use rather than meet mortgage and other expenses. As a result, these projects often fall into disrepair, forcing the tenants to endure intolerable living conditions.

The term "equity skimming" is somewhat of a misnomer in that the actual equity that the owner invests in the project is relatively small compared to the amount skimmed by the owner.

The HUD IG estimates that equity skimming has cost taxpayers approximately $6 billion to date. HUD has approximately 20,000 total projects in its insured mortgage portfolio, totalling over $40 billion. HUD holds another $10 billion in mortgages already in default. An additional $10 billion worth of HUD-insured mortgages are estimated to be at risk of default and in fiscal year 1993 alone HUD paid $965 million in multifamily housing mortgage insurance claims to private lenders. While not all of these mortgages are in default because of equity skimming, I concur with HUD's IG that a significant amount of the defaults are a result of equity skimming.

The tragedy of this fraud goes beyond the waste of taxpayer dollars. As a result of equity skimming, tenants have been forced to live in horrible conditions because needed repairs go unattended to. At the same time, the owners of these projects live the high life while HUD is stuck with the cost of insuring the mortgage and rehabilitating the deteriorated project.

Let me give a couple of examples of how this shoddy practice has worked.

In upstate New York, partners in a nursing home claimed to be broke and failed to make payments on a $5.1 million HUD-insured mortgage. While they were defaulting on the mortgage and sticking the taxpayers with the bill, the partners used various guises to divert some $500,000 to personal use and paid themselves another $1.7 million in fees for unverified services. While these partners were lining their own pockets, nursing home residents were going without appropriate care.

Another case of equity skimming involved a company in Texas, which managed approximately 86 HUD insured and/or subsidized multifamily projects. Results of a HUD IG audit revealed that $19.6 million of the expenses were either ineligible or questionable because of insufficient support or evidence. The management company inadequately documented $1.2 million in maintenance expenses and lacked documentation of some $5.6 million in contracting expenses. The management company also diverted $500,000 in project funds. The projects deteriorated at the expense of HUD, the taxpayers and the tenants who lived in seriously substandard housing. Due to the management company's lack of cooperation with HUD's auditors, HUD was unable to identify all the diversions and unsupported expenses.

In yet another case of equity skimming, the owner of four projects in Tennessee, diverted some $4.7 million for personal benefit after defaulting on the HUD-insured mortgages. The owner also diverted almost $800,000 to his wife rather than pay the mortgage. $1.2 million was diverted to other companies operated by the owner. The owner also used another $1 million to pay another loan.

Because of improper diversion of project funds, a project in Kansas, deteriorated leaving the tenants, who were receiving Federal rent subsidies, living in deplorable conditions. Apartments were roach infested, ceilings were falling down, and doors and windows provided neither security nor protection from the weather. The cost to rehabilitate the project came to an estimated $1.4 million on a property worth $1.8 million.

Two other recent cases of equity skimming in Minnesota cost the Government almost $600,000. In one case, two partners collected rent and Government subsidies while failing to make full mortgage payments on their federally insured mortgages. The total cost to the taxpayers in this case was about $425,000. In the other case, two owners of five subsidized buildings collected more than $173,000 in rent while neglecting to make mortgage payments.

HUD is taking some positive steps to crack down on the owners engaged in equity skimming. Nicholas Retsinas, the Assistant Secretary for Housing and Federal Housing Commissioner at HUD, testified at a recent governmental affairs hearing to some efforts that are under way. He testified that HUD is working to prevent the diversions from happening in the first place but if this fails, HUD intends to step up the efforts to recover the diverted monies. Also, the Housing Choice and Community Investment Act of 1994, contains some provisions to address the issue. Specifically, the act imposes civil money penalties against general partners and certain managing agents of multifamily housing projects for knowingly failing to properly maintain the projects in good condition and for failure to maintain the project. But, more needs to be done to effectively deter equity skimming.

Mr. President, today I am introducing legislation that will help to curb equity skimming. My legislation has three parts. The first part would allow equity skimming to fall under provisions of the Federal money laundering statute. Under current law, when the Federal Government sues project owners who steal or misappropriate money from federally insured housing projects, owners are able to protect their ill-gotten gains by transferring these assets to other individuals or parties during the lengthy litigation process. Making equity skimming as a violation of the Federal money laundering statute will allow the Government to seize those assets before the owner can hide them.

The second part would make HUD programs subject to the statute which makes it unlawful to obstruct Federal auditors. Unfortunately, there has been some question as to whether this statute applies to owners of low-income housing because the owners receive no direct Federal payment. Because the mortgages are insured and no money goes directly to the owner from the Government, owners are able to use the ambiguity in the law to stonewall Federal auditors. My bill would make clear that owners of housing projects financed with Government-insured mortgages are subject to the audit obstruction statute. Perpetrators of equity skimming would no longer be able to hide their books from Federal auditors.

The third provision in the bill requires HUD to provide in its agreements with borrowers that HUD could recover from project owners any funds paid out by HUD as a result of equity skimming. Under this new provision if an owner is convicted of equity skimming, the owner will be responsible for HUD's entire loss. Currently, HUD is unable to recover any funds it used to pay off the balance of the defaulted mortgage even if the borrowers are found guilty of equity skimming. Current law limits recovery to double the amount skimmed. For example, if an owner defaults on a $500,000 mortgage insured by HUD because the owner skimmed $50,000 worth of equity, HUD would still be required to pay the balance of the $500,000 mortgage. The owner would be liable for $100,000, but escapes any additional liability for funds paid by HUD. My legislation would make the owner liable for any funds paid out by HUD as part of its insurance agreement with the lender.

Mr. President, this legislation should go far in slamming the door on fraudulent owners and managers who take advantage of both taxpayers and tenants to line their own pockets.

I would like to ask unanimous consent that a letter from the inspector general at HUD, Susan Gaffney, in support of this legislation, and the text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2462

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress finds that—

(1) the Federal Government makes available mortgage insurance and other assistance to encourage investors and lending institutions to provide housing to low-income individuals and families;

(2) in general, this current system functions well;

(3) some unscrupulous owners of federally assisted housing, however, have diverted Federal housing subsidies and other funds to personal and other improper uses, while failing to make payments on their insured mortgages or maintain the assisted housing;

(4) this practice of diverting funds, known as equity skimming, has cost the Nation's taxpayers an estimated $6,000,000,000; and

(5) current law is inadequate to deter or prevent the practice of equity skimming.

SEC. 2. INCLUSION OF EQUITY SKIMMING AS A LAUNDERING OFFENSE.

Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting "section 254 of the National Housing Act (relating to equity skimming)," before "or any felony violation of the Foreign Corrupt Practices Act".

SEC. 3. OBSTRUCTION OF FEDERAL AUDIT.

Section 1516(a) of title 18, United States Code, is amended by inserting "or relating to any property that is security for a mortgage note that is insured, guaranteed, acquired, or held by the Secretary of the Department of Housing and Urban Development pursuant to section 203, 207, 213, 220, 221, 223, 231, 232, 236, 238, 241, 242, 244, 608, or 810 of the National Housing Act," after "under a contract or subcontract,".

SEC. 4. EFFECT OF EQUITY SKIMMING ON MORTGAGE INSURANCE.

Section 254 of the National Housing Act (12 U.S.C. 1715z–19) is amended—

(1) by inserting "(a)" before "Whoever"; and

(2) by adding at the end the following new subsection:

"(b) EFFECT OF VIOLATION.—Each contract for insurance under any provision of law listed in subsection (a) shall provide that if an owner, agent, manager, or other person who is otherwise in custody, control, or possession of any property described in subsection (a) is convicted of a violation of this subsection (a), the Secretary may recover from such owner, agent, manager, or other person an amount equal to the sum of—

"(1) any benefit of insurance conferred on the mortgagee by the Secretary with respect to such property; and

"(2) any other losses incurred by the Secretary in connection with such property;

to the extent that such benefit was conferred or loss was incurred as a result of the violation.".

U.S. DEPARTMENT OF HOUSING
AND URBAN DEVELOPMENT,
Washington, DC, September 19, 1994.

Hon. BILL COHEN,
U.S. Senate, Washington, DC.

DEAR SENATOR COHEN: I am writing to express my appreciation for your efforts in combatting equity skimming in HUD multifamily housing projects by promoting legislation for more effective enforcement authority.

As part of Operation Safe Home, HUD initiated an aggressive proactive effort to pursue project owners who misuse project operating funds through the criminal and civil courts. The overall goal is to deter these major abuses that cause unacceptable living conditions for low-income residents and cost taxpayers millions of dollars.

One of the keys in these efforts is to change statutes, HUD regulations, and contracts with HUD program participants to facilitate enforcement actions. Your efforts to improve statutory authority by making equity skimming a predicate for money laundering offenses, holding owners personally liable for losses to the Federal Government caused by equity skimming, and improving the obstruction of a Federal audit provisions are significant. Such statutes will better arm HUD to ensure that HUD insured multifamily housing projects are maintained in a decent and safe manner for all those who rely on HUD for housing.

I and my staff would be delighted to assist in any way we can. Again, thank you for your efforts in addressing these important enforcement issues.

Sincerely,

SUSAN GAFFNEY,
Inspector General.●

ADDITIONAL COSPONSORS

S. 1955

At the request of Mr. LOTT, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 1955, a bill to amend the Congressional Budget and Impoundment Control Act of 1974 to reform the budget process, and for other purposes.

S. 2091

At the request of Mr. SARBANES, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of S. 2091, a bill to amend certain provisions of title 5, United States Code, in order to ensure equality between Federal firefighters and other employees in the civil service and other public sector firefighters, and for other purposes.

S. 2120

At the request of Mr. INOUYE, the name of the Senator from Utah [Mr. BENNETT] was added as a cosponsor of S. 2120, a bill to amend and extend the authorization of appropriations for public broadcasting, and for other purposes.

S. 2330

At the request of Mr. ROCKEFELLER, the names of the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Missouri [Mr. BOND], and the Senator from Illinois [Mr. SIMON] were added as cosponsors of S. 2330, a bill to amend title 38, United States Code, to provide that undiagnosed illnesses constitute diseases for purposes of entitlement of veterans to disability compensation for service-connected diseases, and for other purposes.

S. 2411

At the request of Mr. DOLE, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 2411, a bill to amend title 10, United States Code, to establish procedures for determining the status of certain missing members of the Armed Forces and certain civilians, and for other purposes.

S. 2452

At the request of Mr. GRAHAM, the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of S. 2452, a bill to increase access to, control the costs associated with, and improve the quality of health care in States through health insurance reform, State innovation, public health and medical research, and for other purposes.

SENATE JOINT RESOLUTION 169

At the request of Mr. WARNER, the names of the Senator from Hawaii [Mr. INOUYE] and the Senator from West Virginia [Mr. ROCKEFELLER] were added as cosponsors of Senate Joint Resolution 169, a joint resolution to designate July 27 of each year as "National Korean War Veterans Armistice Day."

SENATE CONCURRENT RESOLUTION 66

At the request of Ms. MIKULSKI, the names of the Senator from California [Mrs. BOXER] and the Senator from South Carolina [Mr. HOLLINGS] were added as cosponsors of Senate Concurrent Resolution 66, a concurrent resolution to recognize and encourage the convening of a National Silver Haired Congress.

SENATE RESOLUTION 243

At the request of Mr. LOTT, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of Senate Resolution 243, a resolution recognizing the Realtors Land Institute on the occasion of its 50th Anniversary.

SENATE RESOLUTION 264

At the request of Mr. MCCAIN, the names of the Senator from Nevada [Mr. REID] and the Senator from California [Mrs. BOXER] were added as cosponsors of Senate Resolution 264, a resolution expressing the sense of the Senate that the President should issue an Executive order to promote and expand Federal assistance for Indian institutions of higher education and foster the advancement of the National Education Goals for Indians.

SENATE RESOLUTION 268—FOR THE RELIEF OF MATT CLAWSON

Mr. CRAIG submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 268

Resolved, That the bill S. 890 entitled "A bill for the relief of Matt Clawson." now pending in the Senate, together with all the accompanying papers, is referred to the chief judge of the United States Court of Federal Claims. The chief judge shall proceed with the same in accordance with the provisions of sections 1492 and 2509 of title 28, United States Code, and report thereon to the Senate, at the earliest practicable date, giving such findings of fact and conclusions thereon as shall be sufficient to inform the Congress of the nature and character of the demand as a claim, legal or equitable, against the United States or a gratuity and the amount, if any, legally or equitably due to the claimants from the United States. In complying with this resolution, the United States Court of Federal Claims is requested to consider the records of any previous trial of the issues in this case, including the records of *Mathew Clawson v. United States* (24 Cl. Ct. 366; 1991).

AMENDMENTS SUBMITTED

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1995

MCCAIN AMENDMENT NO. 2587

Mr. MCCAIN (for himself, Mr. BROWN, and Mr. SMITH) proposed an amendment to the amendment to the House to the amendment of the Senate numbered 84, to the bill (H.R. 4624) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1995, and for other purposes; as follows:

At the end of the matter proposed to be inserted, add the following:

SEC. . PROHIBITION ON THE EXPENDITURE OF APPROPRIATED AMOUNTS FOR CERTAIN PROGRAMS AND PROJECTS.

Notwithstanding any other provision of this Act—

(1) no amount appropriated under this Act shall be expended for a program or project that has not been—

(A) specifically, authorized by law prior to the date of enactment of this Act; or

(B) funded under—

(i) H.R. 4624, as passed by the House of Representatives on June 29, 1994; or

(ii) H.R. 4624, as passed by the Senate on August 4, 1994; and

(2) any amounts appropriated under this Act for a program or project that does not meet the requirements of paragraph (1) shall be distributed by the agency designated under this Act to administer the funds according to an applicable formula or an appropriate merit-based selection procedure.

SMITH AMENDMENT NO. 2588

Mr. SMITH proposed an amendment to the amendment of the House to the amendment of the Senate numbered 28 to the bill H.R. 4624, supra; as follows:

At the end, add the following:

SEC. . IDENTIFYING THE ORIGIN OF APPROPRIATIONS EARMARKS.

It shall not be in order in the Senate or the House of Representatives to consider a conference report on an appropriations bill unless the joint explanatory statement of the conference committee on an appropriations bill specifies whether earmarked expenditures in the conference report or joint explanatory statement were contained in the House bill or committee report, the Senate bill or committee report, or added by the conferees.

GORTON AMENDMENT NO. 2589

Mr. GORTON proposed an amendment to the amendment of the House to the amendment of the Senate numbered 123 to the bill, H.R. 4624, supra; as follows:

At the end of the matter proposed to be inserted, insert the following:

SEC. 518. FAIR HOUSING ACT ENFORCEMENT.

(a) ACTIONS AGAINST PRINTERS AND PUBLISHERS.—

(1) DONATIONS TO PRIVATE ADVOCACY ORGANIZATIONS.—Section 810(b) of the Fair Housing Act (42 U.S.C. 3610(b)) is amended by adding at the end the following new paragraph:

"(6) DONATIONS.—In carrying out this subsection, the Secretary shall not propose or approve any conciliation agreement that requires any respondent to provide funding to any private advocacy organization.".

(2) LIMITATION ON MONETARY DAMAGES AND CIVIL PENALTIES.—Section 804(c) of the Fair Housing Act (42 U.S.C. 3604(c)) is amended by inserting before the period the following: ", except that a printer or publisher of a notice, statement, or advertisement described in this subsection shall not be liable for monetary damages or civil penalties for violation of this subsection if such violation was unintentional".

(b) ACTIONS AGAINST INDIVIDUALS.—

(1) COMPLAINTS AND INVESTIGATIONS.—Section 810(a) of the Fair Housing Act (42 U.S.C. 3610(a)) is amended—

(A) in paragraph (1)—

(i) in subparagraph (A), by adding at the end the following new clause:

"(iv) No complaint involving speech or any other activity that may be protected by the First Amendment to the Constitution shall be accepted for filing without the prior written approval of the Secretary."; and

(ii) in subparagraph (B)(iv), by inserting "in accordance with the requirements of paragraph (4)" after "housing practice"; and

(B) by adding at the end the following new paragraphs:

"(3) PROTECTED ACTIVITIES.—

"(A) IN GENERAL.—In carrying out this subsection, other than in cases involving a clear violation of the rights of an individual or group under this Act, the Secretary shall not file, accept for filing, or investigate any complaint involving public activities that are directed toward achieving or preventing action by a governmental entity or official.

"(B) ACTIVITIES INCLUDED.—For purposes of subparagraph (A), the term 'public activities that are directed toward achieving or preventing action by a governmental entity or official' includes—

"(i) distributing fliers, pamphlets, brochures, posters, or other written materials to the public;

"(ii) holding open community and neighborhood meetings;

"(iii) writing articles or letters to the editor or making statements in a newspaper or other publication;

"(iv) conducting peaceful demonstrations;

"(v) testifying at public hearings; and

"(vi) communication directly with a governmental entity concerning official governmental matters within the jurisdiction of such entity.

"(4) INVESTIGATIONS.—

"(A) INVESTIGATIVE PLAN.—

"(i) IN GENERAL.—Prior to the commencement of an investigation under paragraph (1)(B)(iv), the Secretary shall require the submission of an investigative plan for approval by the Secretary.

"(ii) REQUIREMENTS.—Each investigative plan submitted under clause (i) shall contain provisions to ensure that the investigation will be—

"(I) prompt;

"(II) narrowly tailored to determine whether or not the First Amendment is applicable; and

"(III) conducted in close consultation with legal counsel.

"(iii) APPROVAL.—The Secretary shall not approve an investigation plan if an investigation conducted pursuant to such plan will, in the determination of the Secretary, violate the First Amendment rights of any party.

"(B) INVESTIGATION.—In conducting investigations under paragraph (1)(B)(iv), the Secretary—

"(i) shall not subpoena or otherwise seek membership lists, fundraising information, or financial data from organizations that are or may be engaging in protected political activities under the First Amendment; and

"(ii) shall, to the maximum extent practicable, review public records and interview public officials, rather than reviewing private correspondence or interviewing respondents.".

(2) CONCILIATION AGREEMENTS.—Section 810(b) of the Fair Housing Act (42 U.S.C. 3610(b)), as amended by subsection (a), is amended by adding at the end the following new paragraph:

"(7) FIRST AMENDMENT RIGHTS.—In carrying out this subsection, the Secretary shall not approve any conciliation agreement that would limit the First Amendment rights of any party.".

(3) ATTORNEY'S FEES.—Section 812(p) of the Fair Housing Act (42 U.S.C. 3612(p)) is amended by adding at the end the following: "Notwithstanding the preceding provisions of this subsection, if in any administrative proceeding brought under this section, any court proceeding arising therefrom, or any civil action under this section, the administrative law judge or the court, as the case may be, makes a determination that is or becomes final that any proposal, offer, order, or demand made by the Secretary during the conciliation process conducted pursuant to section 810(b) violated the respondent's rights under the First Amendment to the Constitution, the administrative law judge or the court shall require the Secretary to pay all reasonable attorney's fees and costs incurred by the respondent in connection with such proceeding or action.".

ADDITIONAL STATEMENTS

THE HEALTH INNOVATION PARTNERSHIP ACT OF 1994

• Mr. GRAHAM. Mr. President, on September 22, 1994, I introduced S. 2452, the Health Innovation Partnership Act of 1994. My floor statement, a summary of the bill, and various articles on State innovation were included in the RECORD. I would ask that the bill be printed in its entirety in today's RECORD.

The text of the bill follows:

S. 2452

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Health Innovation Partnership Act of 1994".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Americans support universal coverage. The people of this country agree that all Americans, rich and poor, should be guaranteed access to affordable, high-quality health care.

(2) Although there is common agreement on the goal of universal coverage, there are many different ways to achieve this goal. The States can play an important role in achieving universal coverage for our population, demonstrating additional health reforms that may be needed on a national level to enhance access to affordable, high-quality health care. The States can also serve as testing grounds to identify effective alternatives for making the transition to universal coverage, while maintaining the strengths of the current health care system.

(3) Maintaining the high quality of health care Americans expect and controlling costs are also important goals of health care reform. As payers of health care, the States have a strong incentive to ensure that such States purchase high-quality, cost-effective services for the residents of such States. The States can develop and test alternative payment and delivery systems to ensure that these goals are achieved.

(4) There are many health-related issues that should be addressed at the State level before their implementation on the national level. As with social security and child labor protections, States can lead the way in testing ideas for national application.

(5) The States should have the flexibility to test alternative health reforms with the objectives of increasing access to care, controlling health care costs, and maintaining or improving the quality of health care.

TITLE I—HEALTH INSURANCE REFORM

SEC. 1001. ESTABLISHMENT OF STANDARDS.

(a) IN GENERAL.—The Secretary of Health and Human Services (hereafter referred to in this section as the "Secretary") shall request that the National Association of Insurance Commissioners (hereafter referred to in this section as the "Association") develop, not later than 6 months after the date of enactment of this Act, standards for health insurance plans with respect to—

(1) the renewability of coverage under such plans;

(2) the portability of coverage under such plans, including—

(A) limitations on the use of pre-existing conditions;

(B) the concept of an "amnesty period" during which limitations on pre-existing conditions would be suspended; and

(C) the advisability of open enrollment periods;

(3) guaranteed issue with respect to all health insurance coverage products;

(4) the establishment of an adjusted community rating system with adjustment factors limited to age (with no more than a 2:1

variation in premiums based on age) and geography;

(5) solvency standards for health insurance plans regulations under Federal and State law, including the development of risk-based capital standards for health plans, solvency standards for health plans, self-funded employer-sponsored health plans, and multi-employer welfare arrangements and association plans;

(6) stop-loss standards for self-funded health insurance plans and multi-employer welfare arrangements and association plans;

(7) the identification of minimum employer size for self-funding and the inter-relationship between self-funding and the community-rated pool of enrollees; and

(8) any other areas determined appropriate by the Secretary.

(b) REVIEW.—Not later than 30 days after receipt of the standards developed by the Association under subsection (a), the Secretary shall complete a review of such standards. If the Secretary, based on such review, approves such standards, such standards shall apply with respect to all health insurance plans offered or operating in a State on and after the date specified in subsection (d) herein.

(c) FAILURE TO DEVELOP STANDARDS OR FAILURE TO APPROVE.—If the Association fails to develop standards within the 6-month period referred to in subsection (a), or the Secretary fails to approve any standards developed under such subsection, the Secretary shall develop, not later than 15 months after the date of enactment of this Act, standards applicable to health insurance plans, including standards related to the matter described in paragraphs (1) through (7) of subsection (a) ("Federal standards") and such standards shall apply with respect to all health insurance plans offered or operating in a State on and after the date specified in subsection (d) herein.

(d)(1) Subject to clause (2), the date specified in this subparagraph for a State is the date the State adopts the NAIC standards or the Federal standards or 1 year after the date the Association or the Secretary first adopts such standards, whichever is earlier.

(2) In the case of a State which the Secretary identifies, in consultation with the Association, as—

(A) requiring State legislation (other than legislation appropriating funds) in order for health insurance policies to meet the NAIC or Federal standards, but

(B) having a legislature which is not scheduled to meet in 1992 in a legislative session in which such legislation may be considered, the date specified in this subparagraph is the first day of the first calendar quarter beginning after the close of the first legislative session of the State legislature that begins on or after January 1, 1992. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

(e) In promulgating standards under this paragraph, the Association or Secretary shall consult with a working group composed or representatives of issuers of health insurance policies, consumer groups, health insurance beneficiaries, and other qualified individuals. Such representatives shall be selected in a manner so as to assure balanced representation among the interested groups.

(f) EFFECT ON STATE LAW.—Nothing in this section shall be construed to preempt any State law to the extent that such State law implements more progressive reforms than those implemented under the standards developed under this section, as determined by the Secretary.

SEC. 1002. MEDICARE SELECT.

(a) AMENDMENTS TO PROVISIONS RELATING TO MEDICARE SELECT POLICIES.—

(1) PERMITTING MEDICARE SELECT POLICIES IN ALL STATES.—Subsection (c) of section 4358 of the Omnibus Budget Reconciliation Act of 1990 is hereby repealed.

(2) REQUIREMENTS OF MEDICARE SELECT POLICIES.—Section 1882(t)(1) (42 U.S.C. 1395ss(t)(1)) is amended to read as follows:

"(1)(A) If a medicare supplemental policy meets the requirements of the 1991 NAIC Model Regulation or 1991 Federal Regulation and otherwise complies with the requirements of this section except that—

"(i) the benefits under such policy are restricted to items and services furnished by certain entities (or reduced benefits are provided when items or services are furnished by other entities), and

"(ii) in the case of a policy described in subparagraph (C)(i)—

"(I) the benefits under such policy are not one of the groups or packages of benefits described in subsection (p)(2)(A),

"(II) except for nominal copayments imposed for services covered under part B of this title, such benefits include at least the core group of basic benefits described in subsection (p)(2)(B), and

"(III) an enrollee's liability under such policy for physician's services covered under part B of this title is limited to the nominal copayments described in subclause (II),

the policy shall nevertheless be treated as meeting those requirements if the policy meets the requirements of subparagraph (B).

"(B) A policy meets the requirements of this subparagraph if—

"(i) full benefits are provided for items and services furnished through a network of entities which have entered into contracts or agreements with the issuer of the policy,

"(ii) full benefits are provided for items and services furnished by other entities if the services are medically necessary and immediately required because of an unforeseen illness, injury, or condition and it is not reasonable given the circumstances to obtain the services through the network,

"(iii) the network offers sufficient access,

"(iv) the issuer of the policy has arrangements for an ongoing quality assurance program for items and services furnished through the network,

"(v)(I) the issuer of the policy provides to each enrollee at the time of enrollment an explanation of—

"(aa) the restrictions on payment under the policy for services furnished other than by or through the network,

"(bb) out of area coverage under the policy,

"(cc) the policy's coverage of emergency services and urgently needed care, and

"(dd) the availability of a policy through the entity that meets the 1991 Model NAIC Regulation or 1991 Federal Regulation without regard to this subsection and the premium charged for such policy, and

"(II) each enrollee prior to enrollment acknowledges receipt of the explanation provided under subclause (I), and

"(vi) the issuer of the policy makes available to individuals, in addition to the policy described in this subsection, any policy (otherwise offered by the issuer to individuals in the State) that meets the 1991 Model NAIC Regulation or 1991 Federal Regulation and other requirements of this section without regard to this subsection.

"(C)(i) A policy described in this subparagraph—

"(I) is offered by an eligible organization (as defined in section 1876(b)),

"(II) is not a policy or plan providing benefits pursuant to a contract under section 1876 or an approved demonstration project described in section 603(c) of the Social Security Amendments of 1983, section 2355 of the Deficit Reduction Act of 1984, or section 9412(b) of the Omnibus Budget Reconciliation Act of 1986, and

"(III) provides benefits which, when combined with benefits which are available under this title, are substantially similar to benefits under policies offered to individuals who are not entitled to benefits under this title.

"(ii) In making a determination under subclause (III) of clause (i) as to whether certain benefits are substantially similar, there shall not be taken into account, except in the case of preventive services, benefits provided under policies offered to individuals who are not entitled to benefits under this title which are in addition to the benefits covered by this title and which are benefits an entity must provide in order to meet the definition of an eligible organization under section 1876(b)(1).".

(b) RENEWABILITY OF MEDICARE SELECT POLICIES.—Section 1882(q)(1) (42 U.S.C. 1395ss(q)(1)) is amended—

(1) by striking "(1) Each" and inserting "(1)(A) Except as provided in subparagraph (B), each";

(2) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively; and

(3) by adding at the end the following new subparagraph:

"(B)(i) In the case of a policy that meets the requirements of subsection (t), an issuer may cancel or nonrenew such policy with respect to an individual who leaves the service area of such policy; except that, if such individual moves to a geographic area where such issuer, or where an affiliate of such issuer, is issuing medicare supplemental policies, such individual must be permitted to enroll in any medicare supplemental policy offered by such issuer or affiliate that provides benefits comparable to or less than the benefits provided in the policy being canceled or nonrenewed. An individual whose coverage is canceled or nonrenewed under this subparagraph shall, as part of the notice of termination or nonrenewal, be notified of the right to enroll in other medicare supplemental policies offered by the issuer or its affiliates.

"(ii) For purposes of this subparagraph, the term 'affiliate' shall have the meaning given such term by the 1991 NAIC Model Regulation.".

(c) CIVIL PENALTY.—Section 1882(t)(2) (42 U.S.C. 1395ss(t)(2)) is amended—

(1) by striking "(2)" and inserting "(2)(A)";

(2) by redesignating subparagraphs (A), (B), (C), and (D) as clauses (i), (ii), (iii), and (iv), respectively;

(3) in clause (iv), as redesignated—

(A) by striking "paragraph (1)(E)(i)" and inserting "paragraph (1)(B)(v)(I); and

(B) by striking "paragraph (1)(E)(ii)" and inserting "paragraph (1)(B)(v)(II)";

(4) by striking "the previous sentence" and inserting "this subparagraph"; and

(5) by adding at the end the following new subparagraph:

"(B) If the Secretary determines that an issuer of a policy approved under paragraph (1) has made a misrepresentation to the Secretary or has provided the Secretary with false information regarding such policy, the issuer is subject to a civil money penalty in an amount not to exceed $100,000 for each such determination. The provisions of section 1128A (other than the first sentence of subsection (a) and other than subsection (b)) shall apply to a civil money penalty under this subparagraph in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a).".

(d) EFFECTIVE DATES.—

(1) NAIC STANDARDS.—If, within 9 months after the date of the enactment of this Act, the National Association of Insurance Commissioners (hereafter in this subsection referred to as the "NAIC") makes changes in the 1991 NAIC Model Regulation (as defined in section 1882(p)(1)(A) of the Social Security Act) to incorporate the additional requirements imposed by the amendments made by this section, section 1882(g)(2)(A) of such Act shall be applied in each State, effective for policies issued to policyholders on and after the date specified in paragraph (3), as if the reference to the Model Regulation adopted on June 6, 1979, were a reference to the 1991 NAIC Model Regulation (as so defined) as changed under this paragraph (such changed Regulation referred to in this subsection as the "1995 NAIC Model Regulation").

(2) SECRETARY STANDARDS.—If the NAIC does not make changes in the 1991 NAIC Model Regulation (as so defined) within the 9-month period specified in paragraph (1), the Secretary of Health and Human Services (hereafter in this subsection referred to as the "Secretary") shall promulgate a regulation and section 1882(g)(2)(A) of the Social Security Act shall be applied in each State, effective for policies issued to policyholders on and after the date specified in paragraph (3), as if the reference to the Model Regulation adopted on June 6, 1979, were a reference to the 1991 NAIC Model Regulation (as so defined) as changed by the Secretary under this paragraph (such changed Regulation referred to in this subsection as the "1995 Federal Regulation").

(3) DATE SPECIFIED.—

(A) IN GENERAL.—Subject to subparagraph (B), the date specified in this paragraph for a State is the earlier of—

(i) the date the State adopts the 1995 NAIC Model Regulation or the 1995 Federal Regulation, or

(ii) 1 year after the date the NAIC or the Secretary first adopts such regulations.

(B) ADDITIONAL LEGISLATIVE ACTION REQUIRED.—In the case of a State which the Secretary identifies, in consultation with the NAIC, as—

(i) requiring State legislation (other than legislation appropriating funds) in order for medicare supplemental policies to meet the 1995 NAIC Model Regulation or the 1995 Federal Regulation, but

(ii) having a legislature which is not scheduled to meet in 1995 in a legislative session in which such legislation may be considered,

the date specified in this paragraph is the first day of the first calendar quarter beginning after the close of the first legislative session of the State legislature that begins on or after January 1, 1996. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

TITLE II—STATE INNOVATION

Subtitle A—State Waiver Authority

SEC. 2001. STATE HEALTH REFORM PROJECTS.

(a) OBJECTIVES.—The objectives of the waiver programs approved under this section shall include, but not be limited to—

(1) achieving the goals of increased health coverage and access;

(2) containing the annual rate of growth in public and private health care expenditures;

(3) ensuring that patients receive high-quality, appropriate health care; and

(4) testing alternative reforms, such as building on the private health insurance system or creating new systems, to achieve the objectives of this Act.

(b) STATE HEALTH REFORM APPLICATIONS.—

(1) IN GENERAL.—A State may apply for—

(A) an alternative State health program waiver under paragraph (2); or

(B) a limited State health care waiver under paragraph (3).

(2) ALTERNATIVE STATE HEALTH PROGRAM WAIVERS.—

(A) IN GENERAL.—In accordance with this paragraph, each State desiring to implement an alternative State health program may submit an application for waiver to the Secretary for approval.

(B) WAIVER REQUIREMENTS SPECIFIED.—A State that desires to receive a program waiver under this paragraph shall prepare and submit to the Secretary, as part of the application, a State health care plan that shall—

(i) provide and describe the manner in which the State will ensure that individuals residing within the State have expanded access to health care coverage;

(ii) describe the number and percentage of current uninsured individuals who will achieve coverage under the alternative State health program;

(iii) describe the benefits package that will be provided to all classes of beneficiaries under the alternative State health program;

(iv) identify Federal, State, or local programs that currently provide health care services in the State and describe how such programs could be incorporated into or coordinated with the alternative State health program, to the extent practicable;

(v) provide that the State will develop and implement health care cost containment procedures;

(vi) describe the public and private sector financing to be provided for the alternative State health program;

(vii) estimate the amount of Federal, State, and local expenditures, as well as, the costs to business and individuals under the alternative State health program;

(viii) describe how the State plan will ensure the financial solvency of the alternative State health program;

(ix) describe any changes in eligibility for public subsidies;

(x) provide assurances that Federal expenditures under the alternative State health program shall not exceed the Federal expenditures which would otherwise be made in the aggregate for the entire program period;

(xi) provide quality control assurances and agreements as required by the Secretary;

(xii) provide for the development and implementation of a State health care delivery system that provides increased access to care in areas of the State where there is an inadequate supply of health care providers;

(xiii) identify all Federal law waivers required to implement the alternative State health program, including such waivers necessary to achieve the access, cost containment, and quality goals of this Act and the alternative State health program; and

(xiv) provide that the State will prepare and submit the Secretary such reports as the Secretary may require to carry out program evaluations.

(C) PROJECT WAIVERS.—

(i) CRITERIA FOR SELECTION.—In selecting from among the applications for alternative State health program waivers, the Secretary shall be satisfied that each approved State alternative State health program—

(I) will not have a negative effect on quality of care;

(II) increase coverage of or access for the State's population; and

(III) will—

(aa) provide quality of care and premium comparisons directly to employers and individuals in an easy-to-use format,

(bb) contract with an external peer review organization to monitor the quality of health care plans, and

(cc) establish a mechanism within the State's grievance process that allows members of a health plan to disenroll at any time if it can be shown that such members were provided erroneous information that biased their health plan selection.

(ii) WAIVER APPROVAL.—The Secretary shall approve applications submitted by States that meet the access, cost containment, and quality goals established in this Act and shall waive to the extent necessary to conduct each alternative State health program any of the requirements of this Act, including, but not limited to, eligibility requirements; alternative data collection systems and sampling designs that focus on measuring health status, patient treatment outcomes, and patient satisfaction with health plans, rather than on the collection of 100 percent of patient encounters; and benefit designs; and any provisions of Federal law contained in the following:

(I) Titles V, XVIII, XIX, and XX of the Social Security Act.

(II) The Public Health Service Act.

(III) Any other Federal law authorizing a Federal health care program that the Secretary identifies as providing health care services to qualified recipients.

(3) LIMITED STATE HEALTH CARE WAIVERS.—Each State which does not receive an approved application under paragraph (2) may apply for a limited State health care waiver. The Secretary shall award limited State health care waivers to ensure State demonstrations of health reforms that could address, but are not limited to addressing, the following issues that are likely to provide guidance for the development of additional national health reforms:

(A) Integration of acute and long-term care systems, including delivery and financing systems.

(B) Establishment of methodologies that limit expenditures or establish global budgets, including rate setting and provider reimbursements.

(C) Implementation of a quality management and improvement system.

(D) Strategies to improve the proper speciality and geographic distribution of the health care work force.

(E) Initiatives to improve the population's health status.

(F) Development of uniform health data sets that emphasize the measurement of patient satisfaction, treatment outcomes, and health status.

(G) Methods for coordinating or integrating State-funded programs that provide services for low-income individuals, including programs authorized by this Act.

(H) Programs to improve public health.

(I) Reforms intended to reduce health care fraud and abuse.

(J) Reforms to reduce the incidence of defensive medicine and practitioner liability costs associated with medical malpractice.

(K) Development of a uniform billing system.

(c) ADDITIONAL RULES REGARDING APPLICATIONS.—

(1) TECHNICAL ASSISTANCE.—The Secretary shall, if requested, provide technical assistance to States to assist such States in developing waiver applications under this section.

(2) INITIAL REVIEW.—The Secretary shall complete an initial review of each State application for a waiver under paragraph (2) or (3) of subsection (b) within 40 days of the receipt of such application, analyze the scope of the proposal, and determine whether additional information is needed from the State. The Secretary shall issue a preliminary opinion concerning the likelihood that the application will be approved within such 40-day period and shall advise the State within such period of the need to submit additional information.

(3) FINAL DECISION.—The Secretary shall, within 90 days of the later of—

(A) the receipt of a State application for a waiver under paragraph (2) or (3) of subsection (b), or

(B) the date on which the Secretary receives additional information requested from a State under paragraph (1),

issue a final decision concerning such application.

(4) WAIVER PERIOD.—A State waiver may be approved for a period of 5 years and may be extended for subsequent 5-year periods upon approval by the Secretary, except that a shorter period may be requested by a State and granted by the Secretary.

(d) QUALIFICATION FOR FEDERAL FUNDS.—For purposes of this Act, a State with an approved alternative health care system under subsection (b)(2) shall be considered a participating State and shall maintain such status if such State meets the requirements established by the Secretary in the waiver approval and in this section.

(e) EVALUATION, MONITORING, AND COMPLIANCE.—

(1) STATE HEALTH REFORM ADVISORY BOARD.—Within 90 days after the date of the enactment of this Act, the Secretary shall establish a 7-member State Health Reform Advisory Board (hereafter in this subsection referred to as the "Board") that will be responsible for monitoring the status and progress achieved under waivers granted under this section and promoting information exchange between States and the Federal Government. The Board shall be comprised of members representing relevant participants in State programs, including representatives of State government, employers, consumers, providers, and insurers. The Board shall also be responsible for making recommendations to the Secretary, using equivalency or minimum standards, for minimizing the negative effect of State waivers on national employer groups, provider organizations, and insurers because of differing State requirements under the waivers.

(2) ANNUAL REPORTS BY STATES.—Each State that has received a waiver approval shall submit to the Secretary an annual report based on the period representing the respective State's fiscal year, detailing compliance with the requirements established by the Secretary in the waiver approval and in this section.

(3) CORRECTIVE ACTION PLANS.—If a State is not in compliance, the Secretary shall develop, in conjunction with all the approved States, a corrective action plan.

(4) TERMINATION.—For good cause, the Secretary may revoke any waiver of Federal law granted under this section, and if necessary, may terminate any alternative State health program. Such decisions shall be subject to a petition for reconsideration and appeal pursuant to regulations established by the Secretary.

(5) EVALUATIONS BY SECRETARY.—The Secretary shall prepare and submit to the Committee on Finance and the Committee on Labor and Human Resources of the Senate and the Committee on Energy and Commerce and the Committee on Ways and Means of the House of Representatives annual reports that shall contain—

(A) a description of the effects of the reforms undertaken in States receiving waiver approvals under this section;

(B) an evaluation of the effectiveness of such reforms in—

(i) expanding health care coverage for State residents;

(ii) providing health care to State residents with special needs;

(iii) reducing or containing health care costs in the States; and

(iv) improving the quality of health care provided in the States; and

(C) recommendations regarding the advisability of increasing Federal financial assistance for State alternative State health program initiatives, including the amount and source of such assistance.

(f) FUNDING.—

(1) IN GENERAL.—The Secretary may provide a grant to a State that has an application for a waiver approved under this section to enable such State to carry out an alternative State health program in the State.

(2) AMOUNT OF GRANT.—The amount of a grant provided to a State under paragraph (1) shall be determined pursuant to an allocation formula established by the Secretary.

(3) PRIORITY.—In awarding grants under paragraph (1), the Secretary shall give priority to those State projects that the Secretary determines have the greatest opportunity to succeed in providing expanded health insurance coverage and in providing children and youth with access to health care items and services.

(4) MAINTENANCE OF EFFORT.—A State, in utilizing the proceeds of a grant received under paragraph (1), shall maintain the expenditures of the State for health care coverage purposes at a level equal to not less than the level of such expenditures maintained by the State for the fiscal year preceding the fiscal year for which the grant is received. The requirement of this paragraph shall not apply in the case of a State that desires to alter health care coverage funding levels within the scope of the State's alternative health program.

(5) REPORT.—At the end of the 5-year period beginning on the date on which the Secretary awards the first grant under paragraph (1), the State Health Reform Advisory Board established under subsection (e)(1) shall prepare and submit to the appropriate committees of Congress, a report on the progress made by States receiving grants under paragraph (1) in achieving universal health care coverage in such States during the 5-year period of the grant. Such report shall contain the recommendation of the Board concerning any future action that Congress should take concerning health care reform, including whether or not to extend the program established under this subsection.

(g) AVAILABILITY OF FUNDS.—With respect to each of the calendar years 1996 through 2000, $10,000,000,000 shall be available for a calendar year to carry out this section from the Health Care Reform Trust Fund established under section 9551(a)(2)(A) of the Internal Revenue Code of 1986. Amounts made available in a calendar year under this paragraph and not expended may be used in subsequent calendar years to carry out this section.

(h) AMENDMENT TO CRIMINAL PENALTIES FOR ACTS INVOLVING MEDICARE OR STATE HEALTH CARE PROGRAMS.—Section 1128B(b) of the Social Security Act (42 U.S.C. 1320a-7b(b)) is amended by adding at the end the following new paragraph:

"(4) Paragraphs (1) and (2) shall not apply to—

"(A) any payment to a health insurer or health maintenance organization for which the premium is paid in whole or in part by a State health care program; and

"(B) any payment made by a health insurer or a health maintenance organization to a sales representative or a licensed insurance agent as compensation for the services of the representative or agent in marketing and enrolling an individual in a health plan for which the premium is paid in whole or in part by a State health care program.".

Subtitle B—Existing State Laws

SEC. 2101. CONTINUANCE OF EXISTING FEDERAL LAW WAIVERS.

Nothing in this Act shall preempt any feature of a State health care system operating under a waiver granted before the date of the enactment of this Act under titles XVIII or XIX of the Social Security Act (42 U.S.C. 1395 et seq. or 1396 et seq.) or the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.).

SEC. 2102. HAWAII PREPAID HEALTH CARE ACT.

(a) ERISA WAIVER.—

(1) IN GENERAL.—Section 514(b)(5) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1144(b)(5)) is amended to read as follows:

"(5)(A) Except as provided in subparagraphs (B) and (C), subsection (a) shall not apply to the Hawaii Prepaid Health Care Act (Haw. Rev. Stat. §§393-1 through 393-51).

"(B) Nothing in subparagraph (A) shall be construed to exempt from subsection (a) any State tax law relating to employee benefits plans.

"(C) If the Secretary of Labor notifies the Governor of the State of Hawaii that as the result of an amendment to the Hawaii Prepaid Health Care Act enacted after the date of the enactment of this paragraph—

"(i) the proportion of the population with health care coverage under such Act is less than such proportion on such date, or

"(ii) the level of benefit coverage provided under such Act is less than the actuarial equivalent of such level of coverage on such date,

subparagraph (A) shall not apply with respect to the application of such amendment to such Act after the date of such notification.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act.

(b) HSA WAIVER.—

(1) IN GENERAL.—The Secretary shall, at the request of the Governor of the State of Hawaii and in accordance with this section, grant a waiver to the State from the requirements of this Act (other than the requirements specified in paragraph (3)).

(2) SCOPE OF WAIVER.—The waiver granted under paragraph (1) shall exempt—

(A) the State of Hawaii;

(B) health plans offered within the State; and

(C) health plan participants, including employers, employees, residents, and health plan sponsors within the State.

from requirements otherwise applicable to the State and such plans and participants.

(3) REQUIRED COMPLIANCE OF OTHER REQUIREMENTS.—The waiver shall initially be granted under paragraph (1) if the State of Hawaii demonstrates to the Secretary that the State maintains—

(A) a requirement that employers make premium contributions in accordance with the requirements of title I;

(B) a comprehensive benefit package (including cost sharing) that is comparable with the requirements of title I;

(C) a percentage of State population with health care coverage that is not less than the national average;

(D) a quality control mechanism and data system; and

(E) health care cost containment consistent with the provisions of title I.

(4) WAIVER PERIOD.—The waiver initially granted under paragraph (1) shall extend for the period during which the State of Hawaii continues to comply with the requirements specified in paragraph (3). The Secretary may require the State, every 5 years, to demonstrate to the Secretary the State's continued compliance with such requirements.

(5) PROCEDURE IN THE EVENT OF NON-COMPLIANCE.—

(A) NOTICE.—If, at any time after granting a waiver under paragraph (1), the Secretary finds that the State of Hawaii is not meeting the requirements specified in paragraph (3), the Secretary shall notify the State of the Secretary's findings.

(B) OPPORTUNITY TO CONTEST.—The State may contest the Secretary's findings.

(C) OPPORTUNITY FOR CORRECTION.—

(i) FINDINGS NOT CONTESTED.—If the State does not contest the Secretary's findings within the 30-day period beginning on the date of receipt of a notice of such findings, the State shall have—

(I) a 90-day period beginning on such date to show a good faith effort to remedy the non-compliance, and

(II) an additional 12-month period to take such actions as may be required to bring the State into compliance with the requirements specified in paragraph (3).

(ii) CONTESTED FINDINGS.—If the State contests the Secretary's findings within such 30-day period but such findings are upheld, the State shall have—

(I) a 90-day period beginning on the date of final adjudication to show a good faith effort to remedy the non-compliance, and

(II) an additional 12-month period to take such actions as may be required to bring the State into compliance with the requirements specified in paragraph (3).

(D) TERMINATION.—If the State fails to demonstrate a good faith effort under subparagraph (C)(i)(I) or (C)(ii)(I) or to take actions under subparagraph (C)(i)(II) or (C)(ii)(II) within the time period specified, the Secretary may revoke the waiver granted in paragraph (1).

(6) COOPERATIVE AGREEMENT WITH THE SECRETARY.—The Secretary shall enter into cooperative agreements with appropriate officials of the State of Hawaii—

(A) to develop standards and reporting requirements necessary for the issuance and maintenance of the State's waiver under paragraph (1); and

(B) otherwise to effectuate the provisions of this subsection.

(7) ELIGIBILITY FOR FEDERAL FUNDS PROVIDED TO PARTICIPATING STATES.—Nothing in this subsection shall preclude the eligibility of the State of Hawaii to participate in any public health initiative, grant, or financial aid program under this Act (including the medicaid program under title XIX of the Social Security Act), designed to implement the purpose of this Act. The Secretary shall work with appropriate officials of the State of Hawaii to develop comparable, alternative standards to govern the State's entitlement under title XI.

SEC. 2103. ALTERNATIVE STATE PROVIDER PAYMENT SYSTEMS.

Notwithstanding any other provision of law, if a hospital reimbursement system operated by a State meets the requirements of section 1814(b) of the Social Security Act (42 U.S.C. 1395f(b)) and has been approved by the Secretary and in continuous operation since July 1, 1977, the payment rates and methodologies required under the system for services provided in the State shall apply to all purchasers and payers, including those under employee welfare benefit plans authorized under the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.), workers' compensation programs under State law, the Federal Employees' Compensation Act under chapter 81 of title 5, United States Code, and Federal employee health benefit plans under chapter 89 of title 5, United States Code.

SEC. 2104. ALTERNATIVE STATE HOSPITAL SERVICES PAYMENT SYSTEMS.

(a) IN GENERAL.—No State shall be prevented from enforcing—

(1) a State system described in subsection (b), or

(2) a State system described in subsection (c),

by any provision of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.) or chapter 81 or 89 of title 5, United States Code.

(b) REIMBURSEMENT CONTROL SYSTEM.—A State system is described in this subsection if it is a State reimbursement control system in operation before the date of the enactment of this Act which—

(1) applies to substantially all non-Federal acute care hospitals in the State, and

(2) regulates substantially all rates of payment (including maximum charges) in the State for inpatient hospital services, except payments made under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(c) HEALTH INSURANCE REFORM SYSTEM.—A State system is described in this subsection if it is a State health insurance reform system in operation before the date of the enactment of this Act which requires any insurer (including a health maintenance organization) to comply with requirements governing open enrollment and community rating, including premium adjustments or other health care assessments for the purpose of risk adjustment.

(d) EFFECTIVE DATES.—

(1) SUBSECTION (b).—In the case of a State system described in subsection (b), the provisions of this section shall apply before, on, and after the date of the enactment of this Act.

(2) SUBSECTION (c).—In the case of a State system described in subsection (c), the provisions of this section shall apply before, on, and after the date of the enactment of this Act, and before the date of enactment of this Act.

SEC. 2105. EXEMPTION FROM ERISA PREEMPTION OF CERTAIN PROVISIONS OF THE LAW OF THE STATE OF OREGON RELATING TO HEALTH PLANS.

(a) IN GENERAL.—Section 514(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1144(b)) is amended by adding at the end the following new paragraph:

"(9)(A) Subject to subparagraph (B), subsection (a) shall not apply to the following provisions of the law of the State of Oregon as applied to a group health plan:

"(i) Chapter 838, Oregon Laws 1989 (relating to the creation and operation of a high-risk insurance pool).

"(ii) Chapter 591, Oregon Laws 1987, chapter 381, Oregon Laws 1989, and chapter 916, Oregon Laws 1991 (relating to employer-based health plan coverage reforms).

"(iii) Chapter 470, Oregon Laws 1991 (relating to health care cost containment and technology assessment).

"(iv) Chapter 836, Oregon Laws 1989 and chapter 753, Oregon Laws 1991 (relating to prioritization and medical assistance reforms).

"(v) Chapter 815, Oregon Laws 1993 (relating to phasing in of employer coverage and other revisions of the Oregon Health Plan).

"(vi) Any other provision of the law of the State of Oregon, to the extent that such provision is necessary to achieve universal coverage under the Oregon Health Plan.

"(B) Subparagraph (A) shall apply with respect to any provision of the law of the State of Oregon which provides, directly or indirectly, for taxation of employers or group health plans only if under such provision the assessment of the tax is under a uniform schedule, applicable to all employers and group health plans, and does not discriminate on the basis of the extent to which a group health plan is insured.

"(C) For purposes of this paragraph, the term 'group health plan' has the meaning provided in section 607(1).".

(b) APPLICABILITY OF FEDERAL HEALTH REFORM LEGISLATION.—The State of Oregon shall not be treated as failing to comply with applicable requirements of any Federal health reform law, which is enacted on or after the date of the enactment of this Act and which provides for coverage of individuals under a comprehensive benefit package, before the first day of the first calendar year following the calendar year in which all other States have in effect plans under which individuals are eligible for coverage under a comprehensive benefit package in compliance with such law.

SEC. 2106. EXEMPTION FROM ERISA PREEMPTION OF CERTAIN PROVISIONS OF THE LAW OF THE STATE OF MINNESOTA RELATING TO HEALTH PLANS.

(a) ERISA WAIVER.—

(1) IN GENERAL.—Section 514(b)(5) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1144(b)(5)) is amended to read as follows:

"(5)(A)(i) Except as provided in clauses (ii) and (iii), subsection (a) shall not apply to the following provisions of the law of the State of Minnesota:

"(I) Sections 295.50 through 295.59 Minnesota Statutes relating to gross revenues, hospitals and health care surgical centers and pass through of such tax.

"(II) Sections 62J.30 through 62.J.45 Minnesota Statutes relating to data to the extent those provisions authorize or require submission of data by health care providers, health insurers, health maintenance organizations, or third party administrators.

"(ii) Nothing in clause (i) shall be construed to exempt from subsection (a)—

"(I) any State tax law relating to employee benefit plans (other than a provision described in clause (i)), and

"(II) any amendment of any provision referred to in clause (i) enacted on or after May 31, 1994; to the extent it provides for more than the effective administration of such provision as in effect on such date.

"(iii) Notwithstanding clause (i), parts 1 and 4 of this subtitle, and the preceding sections of this part to the extent they govern matters which are governed by the provisions of such parts 1 and 4, shall supersede the provisions described in clause (i) (as in effect on or after May 31, 1994), but the Secretary may enter into cooperative arrangements under this subparagraph and section 506 with officials of the State of Minnesota to assist them in effectuating the policies of such provisions which are superseded by such parts 1 and 4 and the preceding sections of this part.".

SEC. 2107. EXEMPTION FROM ERISA PREEMPTION OF CERTAIN PROVISIONS OF THE LAW OF THE STATE OF WASHINGTON RELATING TO HEALTH PLANS.

Section 514(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1144(b)) is amended by adding at the end of the following new paragraph:

"(9) Subsection (a) of this section shall not apply to the following provisions of the law of the State of Washington—

"(A) section 212 of Chapter 492, Laws of 1993 (relating to enrollment of certain employees in the Washington basic health plan);

"(B) sections 301 and 304 of Chapter 492, Laws of 1993 (relating to taxation of premiums and hospitals);

"(C) sections 406(7) and 454 of Chapter 492, Laws of 1993 (relating to medical risk adjustment mechanisms);

"(D) section 427 of Chapter 492, Laws of 1993 (relating to benefits required to be offered by registered employer health plans);

"(E) section 430 of Chapter 492, Laws of 1993 (relating to requirements applicable to registered employer health plans); and

"(F) section 464 of Chapter 492, Laws of 1993, as amended by section 3 of Chapter 494, Laws of 1993 (relating to requirements that employers offer and pay a portion of the costs of employee health care coverage).".

SEC. 2108. EXEMPTION FROM ERISA PREEMPTION OF CERTAIN PROVISIONS OF THE LAW OF THE STATE OF CONNECTICUT RELATING TO HEALTH PLANS.

Section 514(b) of the Employee Retirement Income Security Act (29 U.S.C. 1144(b)) is amended by adding at the end of the following new subsection:

"(9) Subsection (a) of this section shall not apply to any State law enacted in the State of Connecticut in accordance with Public Law 102–234 which taxes or otherwise assesses short-term acute care hospitals for the purpose of providing funds to be used to pay for the cost of uncompensated care. This subsection shall take effect January 1, 1992.".

TITLE III—PUBLIC HEALTH AND RURAL AND UNDERSERVED ACCESS IMPROVEMENT

SEC. 3001. SHORT TITLE.

This title may be cited as the "Public Health and Rural and Underserved Access Improvement Act of 1994".

SEC. 3002. ESTABLISHMENT OF NEW TITLE XXVII REGARDING PUBLIC HEALTH PROGRAMS.

The Public Health Service Act (42 U.S.C. 201 et seq.) is amended by adding at the end the following title:

"TITLE XXVII—PUBLIC HEALTH PROGRAMS IMPROVEMENT

"Subtitle A—Core Functions of Public Health Programs

"PART 1—FORMULA GRANTS TO STATES

"SEC. 2711. AUTHORIZATIONS OF APPROPRIATIONS FROM FUND.

"For the purpose of carrying out this subtitle, there are authorized to be appropriated from the Health Care Reform Trust Fund established under section 9551(a)(2)(A) of the Internal Revenue Code of 1986 (hereafter referred to in this title as the "Fund"), $200,000,000 for fiscal year 1996, $350,000,000 for fiscal year 1997, $500,000,000 for fiscal year 1998, $650,000,000 for fiscal year 1999, and $700,000,000 for fiscal year 2000.

"SEC. 2712. FORMULA GRANTS TO STATES FOR CORE HEALTH FUNCTIONS.

"(a) IN GENERAL.—In the case of each State that submits to the Secretary an application in accordance with section 2715 for a fiscal year, the Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention, shall make a grant to the State for carrying out the activities described in subsection (c). The award shall consist of the allotment determined under section 2716 for the State.

"(b) GENERAL PURPOSE.—The purpose of this subtitle is to provide for improvements in the health status of the public through carrying out the activities described in subsection (b) toward attaining the Healthy People 2000 Objectives (as defined in section 2799). A funding agreement for a grant under subsection (a) is that—

"(1) the grant will be expended for such activities; and

"(2) the activities will be carried out by the State in collaboration with local public health departments, health education and training centers, neighborhood health centers, and other community health providers.

"(c) CORE FUNCTIONS OF PUBLIC HEALTH PROGRAMS.—Subject to the purpose described in subsection (b), the activities referred to in subsection (a) are the following:

"(1) Data collection, and analytical activities, related to population-based status and outcomes monitoring, including the following:

"(A) The regular collection and analysis of public health data (including the 10 leading causes of death and their costs to society).

"(B) Vital statistics.

"(C) Personal health services data.

"(D) The supply and distribution of health professionals.

"(2) Activities to reduce environmental risk and to assure the safety of housing, schools, workplaces, day-care centers, food and water, including the following activities:

"(A) Monitoring the overall public health status and safety of communities.

"(B) Assessing exposure to high lead levels and other environmental contaminants; and activities for abatement of toxicant hazards, including lead-related hazards.

"(C) Monitoring the quality of community water supplies used for consumption or for recreational purposes.

"(D) Monitoring sewage and solid waste disposal, radiation exposure, radon exposure, and noise levels.

"(E) Monitoring indoor and ambient air quality and related risks to vulnerable populations.

"(F) Assuring recreation, worker, and school safety.

"(G) Enforcing public health safety and sanitary codes.

"(H) Monitoring community access to appropriate health services.

"(I) Other activities relating to promoting and protecting the public health of communities.

"(3) Investigation, control, and public-awareness activities regarding adverse health conditions (such as emergency treatment preparedness, community efforts to reduce violence, outbreaks of communicable diseases within communities, chronic disease and dysfunction exposure-related conditions, toxic environmental pollutants, occupational and recreational hazards, motor vehicle accidents, and other threats to the health status of individuals).

"(4) Public information and education programs to reduce risks to health (such as use of tobacco;, alcohol and other drugs; unintentional injury from accidents, including motor vehicle accidents; sexual activities that increase the risk to HIV transmission and sexually transmitted diseases; poor diet; physical inactivity; stress-related illness; mental health problems; genetic disorders; and low childhood immunization levels).

"(5) Provision of public health laboratory services to complement private clinical laboratory services and that screen for diseases and conditions (such as metabolic diseases in newborns, provide assessments of blood lead levels and other environmental toxicants, diagnose and contact tracing of sexually transmitted diseases, tuberculosis and other diseases requiring partner notification, test for infectious and food-borne diseases, and monitor the safety of water and food supplies).

"(6) Training and education of new and existing health professionals in the field of public health, with special emphasis on epidemiology, biostatistics, health education, public health administration, public health nursing and dentistry, environmental and occupational health sciences, public health nutrition, social and behavioral health sciences, operations research, and laboratory technology.

"(7) Leadership, policy development and administration activities, including assessing needs and the supply and distribution of health professionals; the setting of public health standards; the development of community public health policies; and the development of community public health coalitions.

"(d) RESTRICTIONS ON USE OF GRANT.—

"(1) IN GENERAL.—A funding agreement for a grant under subsection (a) for a State is that the grant will not be expended—

"(A) to provide inpatient services;

"(B) to make cash payments to intended recipients of health services;

"(C) to purchase or improve land, purchase, construct, or permanently improve (other than minor remodeling) any building or other facility, or purchase major medical equipment;

"(D) to satisfy any requirement for the expenditure of non-Federal funds as a condition for the receipt of Federal funds; or

"(E) to provide financial assistance to any entity other than a public or nonprofit private entity.

"(2) LIMITATION ON ADMINISTRATIVE EXPENSES.—A funding agreement for a grant under subsection (a) is that the State involved will not expend more than 20 percent of the grant for administrative expenses with respect to the grant.

"(e) MAINTENANCE OF EFFORT.—A funding agreement for a grant under subsection (a) is that the State involved will maintain expenditures of non-Federal amounts for core health functions at a level that is not less than the level of such expenditures maintained by the State for the fiscal year preceding the first fiscal year for which the State receives such a grant.

"SEC. 2713. NUMBER OF FUNCTIONS; PLANNING.

"(a) NUMBER OF FUNCTIONS.—Subject to subsection (b), a funding agreement for a grant under section 2712 is that the State involved will carry out each of the activities described in subsection (c) of such section.

"(b) PLANNING.—In making grants under section 2712, the Secretary shall for each

State designate a period during which the State is to engage in planning to meet the responsibilities of the State under subsection (a). The period so designated may not exceed 18 months. With respect to such period for a State, a funding agreement for a grant under section 2712 for any fiscal year containing any portion of the period is that, during the period, the State will expend the grant only for such planning.

“SEC. 2714. SUBMISSION OF INFORMATION; REPORTS.

“(a) SUBMISSION OF INFORMATION.—The Secretary may make a grant under section 2712 only if the State involved submits to the Secretary the following information:

“(1) A description of the relationship between community health providers, public and private health plans, and the public health system of the State.

“(2) A description of existing deficiencies in the public health system at the State level and the local level, using standards under the Healthy People 2000 Objectives.

“(3) A description of public health priorities identified at the State level and local levels, including the 10 leading causes of death and their respective direct and indirect costs to the State and the Federal Government.

“(4) Measurable outcomes and process objectives (using criteria under the Healthy People 2000 Objectives) which indicate improvements in health status as a result of the activities carried out under section 2712(c).

“(5) Information regarding each such activity, which—

“(A) identifies the amount of State and local funding expended on each such activity for the fiscal year preceding the fiscal year for which the grant is sought; and

“(B) provides a detailed description of how additional Federal funding will improve each such activity by both the State and local public health agencies.

“(6) A description of activities under section 2712(c) to be carried out at the local level, and a specification for each such activity of—

“(A) the communities in which the activity will be carried out and any collaborating agencies; and

“(B) the amount of the grant to be expended for the activity in each community so specified.

“(7) A description of how such activities have been coordinated with activities supported under title V of the Social Security Act (relating to maternal and child health).

“(b) REPORTS.—A funding agreement for a grant under section 2712 is that the States involved will, not later than the date specified by the Secretary, submit to the Secretary a report describing—

“(1) the purposes for which the grant was expended;

“(2) the health status of the population of the State, as measured by criteria under the Healthy People 2000 Objectives; and

“(3) the progress achieved and obstacles encountered in using uniform data sets under such Objectives.

“SEC. 2715. APPLICATION FOR GRANT.

“The Secretary may make a grant under section 2712 only if an application for the grant is submitted to the Secretary, the application contains each agreement described in this part, the application contains the information required in section 2712(c), and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this part.

“SEC. 2716. DETERMINATION OF AMOUNT OF ALLOTMENT.

“For purposes of section 2712, the allotment under this section for a State for a fiscal year shall be determined through a formula established by the Secretary on the basis of the population, economic indicators, and health status of each State. Such allotment shall be the product of—

“(1) a percentage determined under the formula; and

“(2) the amount appropriated under section 2711 for the fiscal year, less any amounts reserved under section 2717.

“SEC. 2717. ALLOCATIONS FOR CERTAIN ACTIVITIES.

“Of the amounts made available under section 2711 for a fiscal year for carrying out this part, the Secretary may reserve not more than 15 percent for carrying out the following activities:

“(1) Technical assistance with respect to planning, development, and operation of activities under section 2712(b), including provision of biostatistical and epidemiological expertise, provision of laboratory expertise, and the development of uniform data sets under the Health People 2000 Objectives.

“(2) Development and operation of a national information network among State and local health agencies for utilizing such uniform data sets.

“(3) Program monitoring and evaluation of activities carried out under section 2712(b).

“(4) Development of a unified electronic reporting mechanism to improve the efficiency of administrative management requirements regarding the provision of Federal grants to State public health agencies.

“PART 2—COMPREHENSIVE EVALUATION OF DISEASE PREVENTION AND HEALTH PROMOTION PROGRAMS

“SEC. 2718. AUTHORIZATIONS OF APPROPRIATIONS FROM FUND.

“For the purpose of carrying out this part, there are authorized to be appropriated from the Fund, $100,000,000 for fiscal year 1996, and $150,000,000 for each of the fiscal years 1997 through 2000.

“SEC. 2719. EVALUATION OF PROGRAMS.

“(a) GRANTS.—The Secretary may make grants to, or enter into cooperative agreements or contracts with, eligible entities for the purpose of enabling such entities to carry out evaluations of the type described in subsection (c). The Secretary shall carry out this section acting through the Director of the Centers for Disease Control and Prevention, subject to subsection (g).

“(b) REQUIREMENTS.—

“(1) ELIGIBLE ENTITIES.—To be eligible to receive an award of a grant, cooperative agreement, or contract under subsection (a), an entity must—

“(A) be a public, nonprofit, or private entity or a university;

“(B) prepare and submit to the Secretary an application at such time, in such form, and containing such information as the Secretary may require, including a plan for the conduct of the evaluation under the grant;

“(C) provide assurances that any information collected while conducting evaluations under this section will be maintained in a confidential manner with respect to the identities of the individuals from which such information is obtained; and

“(D) meet any other requirements that the Secretary determines to be appropriate.

“(2) TYPES OF ENTITIES.—In making awards under subsection (a), the Secretary shall consider applications from entities proposing to conduct evaluations using community programs, managed care programs, State and county health departments, public education campaigns, school programs, and other appropriate programs. The Secretary shall ensure that not less than 25 percent of the amounts appropriated under section 2718 for a fiscal year are used for making such awards to entities that will use the amounts to conduct evaluations in the workplace.

“(c) USE OF FUNDS.—

“(1) EVALUATIONS.—An award under subsection (a) shall be used to—

“(A) conduct evaluations to determine the extent to which clinical preventive services, health promotion and unintentional injury prevention activities, and interpersonal and community violence prevention activities, achieve short-term and long-term health care cost reductions and health status improvement with respect to the Healthy People 2000 Objectives; and

“(B) evaluate other areas determined appropriate by the Secretary.

“(2) INCLUSION OF CERTAIN POPULATION GROUPS.—In carrying out this section, the Secretary shall ensure that data concerning women, children, minorities, older individuals with different income levels, retirees, and individuals from diverse geographical backgrounds, are obtained.

“(3) MINIMUM SERVICES.—The evaluations that the Secretary may provide for under this section include (but are not limited to) evaluations of programs that provide one or more of the following services:

“(A) Blood pressure screening and control (to detect and control hypertension and coronary health disease).

“(B) Early cancer screening.

“(C) Blood cholesterol screening and control.

“(D) Smoking cessation programs.

“(E) Substance abuse programs.

“(F) Dietary and nutrition counseling, including nutrition.

“(G) Physical fitness counseling.

“(H) Stress management.

“(I) Diabetes education and screening.

“(J) Intraocular pressure screening.

“(K) Monitoring of prescription drug use.

“(L) Violence and injury prevention programs.

“(M) Health education.

“(N) Immunization rates.

“(4) ENVIRONMENTAL DATA.—Evaluations conducted under this section may consider the health effects and cost-effectiveness of certain environmental programs, including fluoridation programs, traffic safety programs, pollution control programs, accident prevention programs, and antismoking programs.

“(5) PUBLIC POLICIES.—Evaluations conducted under this section may consider the effects of prevention-oriented social and economic policies on improvement of health status and their long-term cost effectiveness.

“(6) USE OF EXISTING DATA.—In conducting evaluations under this section, entities shall use existing data and health promotion and screening programs where practicable.

“(7) COOPERATION.—In providing for an evaluation under this section, the Secretary shall encourage the recipient of the award and public and private entities with relevant expertise (including State and local agencies) to collaborate for purposes of conducting the evaluation.

“(d) SITES.—Recipients of awards under subsection (a) shall select evaluation sites under the award that present the greatest potential for new and relevant knowledge. Such recipients, in selecting such sites, shall ensure that—

"(1) the sites provide evidence of pilot testing, process evaluation, formative evaluation, availability assessment strategies and results;

"(2) the sites provide evidence of a clear definition of the program and protocols for the implementation of the evaluation; and

"(3) the sites provide evidence of valid, appropriate and feasible assessment methods and tools and a willingness to use common data items and instruments across such sites.

"(e) Reporting Requirements.—Not later than 1 year after an entity first receives an award under subsection (a), and not less than once during each 1-year period thereafter for which such an award is made to the entity, the entity shall prepare and submit to the Secretary a report containing a description of the activities under this section conducted during the period for which the report is prepared, and the findings derived as a result of such activities.

"(f) Term of Evaluations.—Evaluations conducted under this section shall be for a period of not less than 3 years and may continue as necessary to permit the grantee to adequately measure the full benefit of the evaluations.

"(g) Dissemination and Guidelines.—

"(1) Consultation.—The Secretary shall carry out this subsection acting through the Director of the Centers for Disease Control and Prevention and the Administrator for Health Care Policy and Research.

"(2) Guidelines.—The Secretary shall, where feasible and practical, develop and issue practice guidelines that are based on the results of evaluations conducted under this section. The practice guidelines shall be developed by the Secretary utilizing expert practitioners to assist in the development and implementation of these guidelines.

"(3) Data.—

"(A) In general.—The Secretary shall collect, store, analyze, and make available data related to the formulation of the guidelines that is provided to the Centers for Disease Control and Prevention by entities conducting evaluations under this section.

"(B) Use of data.—The Secretary shall—

"(i) identify activities that prevent disease, illness, injury and disability, and promote good health practices; ascertain their cost-effectiveness; and identify their potential to overall health status with respect to Healthy People 2000 Objectives;

"(ii) disseminate practice guidelines to State and county health departments, State insurance departments, insurance companies, employers, professional medical organizations, and others determined appropriate by the Secretary; and

"(iii) provide information with respect to recidivism rates of participation in the evaluations.

"(4) Dissemination.—The Secretary may disseminate information collected from evaluations under this section.

"(h) Limitation.—Amounts appropriated for carrying out this section shall not be utilized to provide services.

"Subtitle B—Opportunities for Education and Training in Public Health

"PART 1—SCHOLARSHIP AND LOAN REPAYMENT PROGRAMS REGARDING SERVICE IN PUBLIC HEALTH POSITIONS

"SEC. 2721. AUTHORIZATIONS OF APPROPRIATIONS FROM FUND.

"For the purpose of carrying out this part, there are authorized to be appropriated from the Fund, $50,000,000 for each of the fiscal years 1996 through 2000.

"SEC. 2722. SCHOLARSHIP PROGRAM.

"(a) In General.—The Secretary, acting through the Administrator of the Health Resources and Services Administration and in consultation with the Director of the Centers for Disease Control and Prevention, shall carry out a program under which the Secretary awards scholarships to individuals described in subsection (b) for the purpose of assisting the individuals with the costs of attending public and nonprofit private schools of public health (or other public or nonprofit private institutions providing graduate or specialized training in public health).

"(b) Eligible Individuals.—An individual referred to in subsection (a) is any individual meeting the following conditions:

"(1) The individual is enrolled (or accepted for enrollment) at a school or other institution referred to in subsection (a) as a full-time or part-time student in a program providing training in a health profession in a field of public health (including the fields of epidemiology, biostatistics, environmental health, health administration and planning, behavioral sciences, maternal and child health, occupational safety, public health nursing, nutrition, and toxicology).

"(2) The individual enters into the contract required pursuant to subsection (d) as a condition of receiving the scholarship (relating to an agreement to provide services in approved public health positions, as defined in section 2724).

"(c) Eligible Schools.—For fiscal year 1996 and subsequent fiscal years, the Secretary may make an award of a scholarship under subsection (a) only if the Secretary determines that—

"(1) the school or other institution with respect to which the award is to be provided has coordinated the activities of the school or institution with relevant activities of the Health Resources and Services Administration and the Centers for Disease Control and Prevention; and

"(2) not fewer than 60 percent of the graduates of the school or institution are in public health positions determined by the Secretary to be consistent with the needs of the United States regarding such professionals.

"(d) Applicability of Certain Provisions.—Except as inconsistent with this section or section 2724, the provisions of subpart III of part D of title III (relating to the Scholarship and Loan Repayment Programs of the National Health Service Corps) apply to an award of a scholarship under subsection (a) to the same extent and in the same manner as such provisions apply to an award of a scholarship under section 338A.

"SEC. 2723. LOAN REPAYMENT PROGRAM.

"(a) In General.—The Secretary, acting through the Administrator of the Health Resources and Services Administration and in consultation with the Director of the Centers for Disease Control and Prevention, shall carry out a program under which the Federal Government enters into agreements to repay all or part of the educational loans of individuals meeting the following conditions:

"(1) The individual involved is a graduate of a school or other institution described in section 2722(a).

"(2) The individual meets the applicable legal requirements to provide services as a public health professional (including a professional in any of the fields specified in section 2722(b)(1)).

"(3) The individual enters into the contract required pursuant to subsection (b) as a condition of the Federal Government repaying such loans (relating to an agreement to provide services in approved public health positions, as defined in section 2724).

"(b) Applicability of Certain Provisions.—Except as inconsistent with this section or section 2724, the provisions of subpart III of part D of title III (relating to the Scholarship and Loan Repayment Programs of the National Health Service Corps) apply to an agreement regarding repayment under subsection (a) to the same extent and in the same manner as such provisions apply to an agreement regarding repayment under section 338B.

"(c) Amount of Repayments.—For each year for which an individual contracts to serve in an approved public health position pursuant to subsection (b), the Secretary may repay not more than $20,000 of the principal and interest of the educational loans of the individual.

"SEC. 2724. APPROVED PUBLIC HEALTH POSITIONS.

"(a) Position Regarding Populations With Significant Need for Services.—

"(1) In general.—With respect to the programs under this part, the obligated service of a program participant pursuant to sections 2722(d) and 2723(b) shall be provided through an assignment, to an entity described in subsection (b), for a position in which the participant provides services as a public health professional to a population determined by the Secretary to have a significant unmet need for the services of such a professional.

"(2) Period of service.—For purposes of sections 2722(d) and 2723(d), the period of obligated service is the following, as applicable to the program participant involved:

"(A) In the case of scholarships under section 2722 for full-time students, the greater of—

"(i) 1 year for each year for which such a scholarship is provided; or

"(ii) 2 years.

"(B) In the case of scholarships under section 2722 for part-time students, a period determined by the Secretary on the basis of the number of hours of education or training received under the scholarship, considering the percentage constituted by the ratio of such number to the number of hours for a full-time student in the program involved.

"(C) In the case of the loan repayments under section 2723, such period as the Secretary and the participant may agree, except that the period may not be less than 2 years.

"(b) Approval of Entities for Assignment of Program Participants.—The entities referred to in subsection (a) are public and nonprofit private entities approved by the Secretary as meeting such requirements for the assignment of a program participant as the Secretary may establish. The entities that the Secretary may so approve include State and local departments of health, public hospitals, community and neighborhood health clinics, migrant health clinics, community-based health-related organizations, certified regional poison control centers, purchasing cooperatives regarding health insurance, and any other public or nonprofit private entity.

"(c) Definitions.—For purposes of this part:

"(1) The term 'approved public health position', with respect to a program participant, means a position to which the participant is assigned pursuant to subsection (a).

"(2) The term 'program participant' means an individual who enters into a contract pursuant to section 2722(b)(2) or 2723(a)(3).

"SEC. 2725. ALLOCATION OF FUNDS; SPECIAL CONSIDERATIONS.

"(a) ALLOCATIONS REGARDING NEW PARTICIPANTS IN SCHOLARSHIP PROGRAM.—Of the amounts appropriated under section 2721 for a fiscal year, the Secretary shall obligate not less than 30 percent for the purpose of providing awards for scholarships under section 2722 to individuals who have not previously received such scholarships.

"(b) SPECIAL CONSIDERATION FOR CERTAIN INDIVIDUALS.—In making awards of scholarships under section 2722 and making repayments under section 2723, the Secretary shall give special consideration to individuals who are in the armed forces of the United States or who are veterans of the armed forces.

"PART 2—EDUCATIONAL INSTITUTIONS REGARDING PUBLIC HEALTH

"SEC. 2731. AUTHORIZATIONS OF APPROPRIATIONS FROM FUND.

"For the purpose of carrying out this part from the Fund, there are authorized to be appropriated from the Fund, $100,000,000 for each of the fiscal years 1996 through 2000.

"SEC. 2732. GRANTS FOR EXPANDING CAPACITY OF INSTITUTIONS.

"(a) IN GENERAL.—The Secretary may make grants to institutions described in subsection (b) for the purpose of expanding the educational capacities of the institutions through recruiting and retaining faculty, curriculum development, and coordinating the activities of the institutions regarding education, training, and field placements.

"(b) RELEVANT INSTITUTIONS.—The institutions referred to in subsection (a) are public and nonprofit private—

"(1) schools of public health;

"(2) departments of community and preventive medicine that—

"(A) are within schools of medicine and schools of osteopathic medicine; and

"(B) have established formal arrangements with schools of public health in order to award joint degrees in public health and another health profession; and

"(3) schools of nursing or dentistry that have established formal arrangements with schools of public health in order to carry out educational programs in public health at the schools of nursing or dentistry, respectively.

"(c) REQUIREMENTS REGARDING CURRICULUM DEVELOPMENT.—A funding agreement for a grant under subsection (a) for an institution is that, to the extent determined to be appropriate by the Secretary, the curriculum of institution will include the following:

"(1) Subject to subsection (d)(1), part-time nondegree programs for public health professionals who need further training in fields of public health.

"(2) With respect to the program of community health advisors established in part 5 of subtitle E, a program to train individuals to serve as supervisors under such part (including training and evaluating the community health advisors), which program is carried out in collaboration with local public health departments and health education and training centers.

"(3) A program under which the institution collaborates with health departments and elementary and secondary schools to develop a health education curriculum for use in the program established under subtitle B of the Public Health Improvement Act of 1994.

"(d) ADDITIONAL REQUIREMENTS.—Funding agreements for a grant under subsection (a) for an institution are as follows:

"(1) In developing the curriculum under the grant, the institution will consult with the health departments in the State involved, and will follow the relevant priorities of such departments.

"(2) The institution will, as appropriate in the determination of the Secretary, coordinate the activities of the institution under the grant with relevant activities of the Health Resources and Services Administration and the Centers for Disease Control and Prevention.

"SEC. 2733. COORDINATION OF GRANT ACTIVITIES WITH NATIONAL PRIORITIES.

"The Secretary shall—

"(1) determine the needs of the United States regarding the education and geographic distribution of public health professionals;

"(2) determine priorities among such needs; and

"(3) in making grants under section 2732, ensure that the curricula developed under such section, and the expertise of the faculty recruited and retained under such section, are consistent with such priorities.

"SEC. 2734. CERTAIN REQUIREMENTS FOR GRANTS.

"For fiscal year 1997 and subsequent fiscal years, the Secretary may make a grant under section 2732 only if the institution involved is in compliance with the following:

"(1) The institution has coordinated the activities of the school or institution with relevant activities of the Health Resources and Services Administration and the Centers for Disease Control and Prevention.

"(2) A significant number of the faculty of the institution has served as practitioners in public health.

"(3) The institution has consulted with public health departments and public hospital systems in the State involved in order to develop a curriculum that reflects the needs and priorities of the State regarding the public health.

"(4) The institution has coordinated the activities of the institution with the activities of the health departments and of community groups.

"(5) The institution carries out a program for part-time students to receive training in fields of public health.

"(6) Not less than 60 percent of the graduates of the school or institution are in public health positions determined by the Secretary to be consistent with the needs of the United States regarding such professionals.

"PART 3—EXPANSION OF COMPETENCY IN PUBLIC HEALTH

"SEC. 2736. AUTHORIZATIONS OF APPROPRIATIONS FROM FUND.

"For the purpose of carrying out this section, there is authorized to be appropriated from the Fund, $60,000,000 for each of the fiscal years 1996 through 2000.

"SEC. 2737. GRANTS TO STATES.

"(a) STATES LACKING ADEQUATE TRAINING PROGRAMS.—

"(1) IN GENERAL.—The Secretary may make grants to States in which there is one or no program of training in a field of public health but in which there are 1 or more schools of medicine, osteopathic medicine, nursing, dentistry, social work, pharmacy, or health administration. A funding agreement for such a grant is that the purpose of the grant is for the State involved to assist 1 or more of such schools in developing and integrating public health curricula for the schools.

"(2) SPECIAL CONSIDERATIONS IN MAKING GRANTS.—In making grants under paragraph (1), the Secretary shall give special consideration to States that agree to consult with 1 or more schools of public health in carrying out the purpose described in such subsection.

"(b) STATES WITH NONACCREDITED SCHOOLS.—The Secretary may make grants to States in which there are 1 or more nonaccredited schools of public health. A funding agreement for such a grant is that the purpose of the grant is for the State involved to assist 1 or more of such schools in improving the schools.

"(c) AMOUNT OF GRANT; LIMITATION REGARDING INDIVIDUAL EDUCATIONAL ENTITIES.—

"(1) AMOUNT.—The amount of a grant under this section to a State may not exceed $6,000,000.

"(2) LIMITATION.—A funding agreement for a grant under this section for a State is that, with respect to the school involved, the State will not provide more than 2 years of assistance to the school from grants under this section.

"PART 4—AREA HEALTH EDUCATION CENTERS

"SEC. 2738. AUTHORIZATIONS OF APPROPRIATIONS FROM FUND.

"(a) ADDITIONAL FUNDING.—For the purpose of carrying out programs under section 746, there are authorized to be appropriated from the Fund, $35,000,000 for each of the fiscal years 1996 through 2000.

"(b) RELATION TO OTHER FUNDS.—The authorizations of appropriations established in subsection (a) are in addition to any other authorizations of appropriations that are available for the purpose described in such subsection.

"PART 5—HEALTH EDUCATION TRAINING CENTER

"SEC. 2739. AUTHORIZATIONS OF APPROPRIATIONS FROM FUND.

"(a) ADDITIONAL FUNDING.—For the purpose of carrying out Health Education Training Center programs, there are authorized to be appropriated from the Fund, $20,000,000 for each of the fiscal years 1996 through 2000.

"(b) RELATION TO OTHER FUNDS.—The authorizations of appropriations established in subsection (a) are in addition to any other authorizations of appropriations that are available for the purpose described in such subsection.

"Subtitle C—Regional Poison Control Centers

"SEC. 2741. AUTHORIZATIONS OF APPROPRIATIONS FROM FUND.

"For the purpose of carrying out this subtitle, there is authorized to be appropriated from the Fund, $50,000,000 for each of the fiscal years 1996 through 2000.

"SEC. 2742. GRANTS FOR REGIONAL CENTERS.

"(a) IN GENERAL.—The Secretary may make grants to public and nonprofit private entities for centers to carry out activities regarding—

"(1) the prevention and treatment of poisoning; and

"(2) such other activities regarding the control of poisons as the Secretary determines to be appropriate.

"(b) REGIONAL CONSIDERATIONS.—In making grants under subsection (a), the Secretary shall determine the need in each of the principal geographic regions of the United States for a center under such subsection, and shall make the grants according to priorities established by the Secretary on the basis of the extent of such need in each of the regions. In carrying out the preceding sentence, the Secretary shall ensure that no two centers receive grants for the same geographic service area.

"(c) MATCHING FUNDS.—

"(1) IN GENERAL.—With respect to the costs of an entity in providing for centers under subsection (a), the Secretary may make a grant under such subsection only if the State in which the center is to operate, or other public entities in the State, agree to make available (directly or through donations from public or private entities) non-Federal contributions toward such costs in an amount determined by the Secretary.

"(2) DETERMINATION OF AMOUNT CONTRIBUTED.—Non-Federal contributions required under paragraph (1) may be in cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

"SEC. 2743. REQUIREMENTS REGARDING CERTIFICATION.

"(a) IN GENERAL.—Subject to subsection (b), the Secretary may make a grant under section 2742 only if the center involved has been certified by a professional organization in the field of poison control, and the Secretary has approved the organization as having in effect standards for certification that reasonably provide for the protection of the public health with respect to poisoning. In carrying out the preceding sentence, the Secretary shall consider the standards established by the American Association of Poison Control Centers.

"(b) TEMPORARY WAIVER.—The Secretary may waive the requirement of subsection (a) for a center for a period not exceeding 1 year.

"SEC. 2744. GENERAL PROVISIONS.

"(a) DURATION OF GRANT.—The period during which payments are made under a grant under section 2742 may not exceed 3 years. The provision of such payments is subject to annual approval by the Secretary of the payments and subject to the availability of appropriations for the fiscal year involved to make the payments. The preceding sentence may not be construed as establishing a limitation on the number of such grants that may be made to an entity.

"(b) STUDY REGARDING NEED FOR CENTERS.—

"(1) IN GENERAL.—The Secretary shall conduct a study of each of the centers for which a grant under section 2742 has been provided. The purpose of the study shall be to determine the effectiveness of the centers in carrying out the activities described in such section and the extent to which the activities have been carried out in a cost-effective manner.

"(2) ALTERNATIVES TO CENTERS.—In carrying out the study under paragraph (1), the Secretary shall determine the extent to which the activities described in section 2742 can be effectively carried out through means other than centers under such section. The alternative means considered by the Secretary under the preceding sentence shall include the alternative of requiring public and private health plans to carry out such activities.

"(3) DATE CERTAIN FOR COMPLETION.—Not later than November 1, 1996, the Secretary shall submit to the Congress a report describing the findings made in the study under paragraph (1).

"(4) NOTICE TO CENTERS.—Not later than February 1, 1997, the Secretary shall notify each grantee under section 2742 whether the Secretary considers the continued operation of the center involved to be necessary in meeting the needs of the geographic region involved for the activities described in such section.

"Subtitle D—School-Related Health Services

"SEC. 2746. AUTHORIZATION OF APPROPRIATIONS FROM FUND.

"(a) FUNDING FOR SCHOOL-RELATED HEALTH SERVICES.—For the purpose of carrying out this subtitle, there are authorized to be appropriated from the Fund, $100,000,000 for fiscal year 1996, $200,000,000 for fiscal year 1997, $300,000,000 for fiscal year 1998, $400,000,000 for fiscal year 1999, and $500,000,000 for fiscal year 2000.

"(b) FUNDING FOR PLANNING AND DEVELOPMENT GRANTS.—Of amounts made available under this section, not to exceed $10,000,000 for each of fiscal years 1996 and 1997 may be utilized to carry out section 2749.

"SEC. 2747. ELIGIBILITY FOR GRANTS.

"(a) IN GENERAL.—

"(1) PLANNING AND DEVELOPMENT GRANTS.—Entities eligible to apply for and receive grants under section 2749 are—

"(A) State health agencies that apply on behalf of local community partnerships; or

"(B) local community partnerships in States in which health agencies have not successfully applied.

"(2) OPERATIONAL GRANTS.—Entities eligible to apply for and receive grants under section 2750 are—

"(A) a qualified State as designated under subsection (c) that apply on behalf of local community partnerships; or

"(B) local community partnerships in States that are not designated under subparagraph (A).

"(b) LOCAL COMMUNITY PARTNERSHIPS.—

"(1) IN GENERAL.—A local community partnership under subsection (a)(1)(B) and (a)(2)(B) is an entity that, at a minimum includes—

"(A) a local health care provider, which may be a local public health department, with experience in delivering services to children and youth or medically underserved populations;

"(B) local educational agency on behalf of one or more public schools; and

"(C) one community based organization located in the community to be served that has a history of providing services to at-risk children and youth.

"(2) RURAL COMMUNITIES.—In rural communities, local partnerships should seek to include, to the fullest extent practicable, providers and community based organizations with experience in serving the target population.

"(3) PARENT AND COMMUNITY PARTICIPATION.—An applicant described in subsection (a) shall, to the maximum extent feasible, involve broad-based community participation (including parents of the youth to be served).

"(c) QUALIFIED STATE.—A qualified State under subsection (a)(2)(A) is a State that, at a minimum—

"(1) demonstrates an organizational commitment (including a strategic plan) to providing a broad range of health, health education and support services to at-risk youth; and

"(2) has a memorandum of understanding or cooperative agreement jointly entered into by the State agencies responsible for health and education regarding the planned delivery of health and support services in school-based or school-linked centers.

"SEC. 2748. PREFERENCES.

"In making grants under sections 2749 and 2750, the Secretary shall give priority to applicants whose communities to be served show the most substantial level of need for health services among children and youth.

"SEC. 2749. PLANNING AND DEVELOPMENT GRANTS.

"(a) IN GENERAL.—The Secretary may make grants during fiscal years 1996 and 1997 to entities eligible under section 2747 to develop school-based or school-linked health service sites.

"(b) USE OF FUNDS.—Amounts provided under a grant under this section may be used for the following:

"(1) Planning for the provision of school health services, including—

"(A) an assessment of the need for health services among youth in the communities to be served;

"(B) the health services to be provided and how new services will be integrated with existing services;

"(C) assessing and planning for the modernization and expansion of existing facilities and equipment to accommodate such services; and

"(D) an affiliation with relevant health plans.

"(2) Recruitment and training of staff for the administration and delivery of school health services.

"(3) The establishment of local community partnerships as described in section 2747(b).

"(4) In the case of States, the development of memorandums of understanding or cooperative agreements for the coordinated delivery of health and support services through school health service sites.

"(5) Other activities necessary to assume operational status.

"(c) APPLICATION FOR GRANTS.—To be eligible to receive a grant under this section an entity described in section 2747(a) shall submit an application in a form and manner prescribed by the Secretary.

"(d) NUMBER OF GRANTS.—Not more than one planning grant may be made to a single applicant. A planning grant may not exceed 2 years in duration.

"(e) AMOUNT AVAILABLE FOR DEVELOPMENT GRANT.—The Secretary may award not to exceed—

"(1) $150,000 to entities under section 2747(a)(1)(A) and to localities planning for a citywide or countywide school health services delivery system; and

"(2) $50,000 to entities under section 2747(a)(1)(B).

"SEC. 2759. GRANTS FOR OPERATION OF SCHOOL HEALTH SERVICES.

"(a) IN GENERAL.—The Secretary may make grants to eligible entities described in section 2747(a)(2) that submit applications consistent with the requirements of this section, to pay the cost of operating school-based or school-linked health service sites.

"(b) USE OF GRANT.—Amounts provided under a grant under this section may be used for the following—

"(1) health services, including diagnosis and treatment of simple illnesses and minor injuries;

"(2) preventive health services, including health screenings follow-up health care, mental health, and preventive health education;

"(3) enabling services and other necessary support services;

"(4) training, recruitment, and compensation of health professionals and other staff necessary for the administration and delivery of school health services; and

"(5) referral services, including the linkage of individuals to health plans, and community-based health and social service providers.

"(c) APPLICATION FOR GRANT.—To be eligible to receive a grant under this section an entity described in section 2747(a)(2) shall submit an application in a form and manner prescribed by the Secretary. In order to receive a grant under this section, an applicant must include in the application the following information—

"(1) a description of the services to be furnished by the applicant;

"(2) the amounts and sources of funding that the applicant will expend, including estimates of the amount of payments the applicant will receive from health plans and other sources;

"(3) a description of local community partnerships, including parent and community participation;

"(4) a description of the linkages with other health and social service providers; and

"(5) such other information as the Secretary determines to be appropriate.

"(d) ASSURANCES.—In order to receive a grant under this section, an applicant must meet the following conditions—

"(1) school health service sites will, directly or indirectly, provide a broad range of health services, in accordance with the determinations of the local community partnership, that may include—

"(A) diagnosis and treatment of simple illnesses and minor injuries;

"(B) preventive health services, including health screenings and follow-up health care, mental health and preventive health education;

"(C) enabling services; and

"(D) referrals (including referrals regarding mental health and substance abuse) with follow-up to ensure that needed services are received;

"(2) the applicant provides services recommended by the health provider, in consultation with the local community partnership, and with the approval of the local education agency;

"(3) the applicant provides the services under this subsection to adolescents, and other school age children and their families as deemed appropriate by the local partnership;

"(4) the applicant maintains agreements with community-based health care providers with a history of providing services to such populations for the provision of health care services not otherwise provided directly or during the hours when school health services are unavailable;

"(5) the applicant establishes an affiliation with relevant health plans and will establish reimbursement procedures and will make every reasonable effort to collect appropriate reimbursement for services provided;

"(6) the applicant agrees to supplement and not supplant the level of State or local funds under the direct control of the applying State or participating local education or health authority expended for school health services as defined by this Act;

"(7) services funded under this Act will be coordinated with existing school health services provided at a participating school; and

"(8) for applicants in rural areas, the assurances required under paragraph (4) shall be fulfilled to the maximum extent possible.

"(e) STATE LAWS.—Notwithstanding any other provision in this subtitle, no school based health clinic may provide services, to any minor, when to do so is a violation of State laws or regulations pertaining to informed consent for medical services to minors.

"(f) LIMITATION ON ADMINISTRATIVE FUNDS.—In the case of a State applying on behalf of local educational partnerships, the applicant may retain not more than 5 percent of grants awarded under this subpart for administrative costs.

"(g) DURATION OF GRANT.—A grant under this section shall be for a period determined appropriate by the Secretary.

"(h) AMOUNT OF GRANT.—The annual amount of a grant awarded under this section shall not be more than $200,000 per school-based or school-linked health service site.

"(i) FEDERAL SHARE.—

"(1) IN GENERAL.—Subject to paragraph (3), a grant for services awarded under this section may not exceed—

"(A) 90 percent of the non-reimbursed cost of the activities to be funded under the program for the first 2 fiscal years for which the program receives assistance under this section; and

"(B) 75 percent of the non-reimbursed cost of such activities for subsequent years for which the program receives assistance under this section.

The remainder of such costs shall be made available as provided in paragraph (2).

"(2) FORM OF NON-FEDERAL SHARE.—The non-Federal share required by paragraph (1) may be in cash or in-kind, fairly evaluated, including facilities, equipment, personnel, or services, but may not include amounts provided by the Federal Government. In-kind contributions may include space within school facilities, school personnel, program use of school transportation systems, outposted health personnel, and extension of health provider medical liability insurance.

"(3) WAIVER.—The Secretary may waive the requirements of paragraph (1) for any year in accordance with criteria established by regulation. Such criteria shall include a documented need for the services provided under this section and an inability of the grantee to meet the requirements of paragraph (1) despite a good faith effort.

"(j) TRAINING AND TECHNICAL ASSISTANCE.—Entities that receive assistance under this section may not exceed 10 percent of the amount of such assistance to provide staff training and to secure necessary technical assistance. To the maximum extent feasible, technical assistance should be sought through local community-based entities. The limitation contained in this subsection shall apply to individuals employed to assist in obtaining funds under this subtitle. Staff training should include the training of teachers and other school personnel necessary to ensure appropriate referral and utilization of services, and appropriate linkages between class-room activities and services offered.

"(k) REPORT AND MONITORING.—The Secretary will submit to the Committee on Labor and Human Resources in the Senate and the Committee on Energy and Commerce in the House of Representatives a biennial report on the activities funded under this Act, consistent with the ongoing monitoring activities of the Department. Such reports are intended to advise the relevant Committees of the availability and utilization of services, and other relevant information about program activities.

"Subtitle E—Expansion of Rural and Underserved Areas Access to Health Services

"PART 1—COMMUNITY AND MIGRANT HEALTH CENTERS

"SEC. 2756. AUTHORIZATIONS OF APPROPRIATIONS FROM FUND.

"(a) IN GENERAL.—For the purpose of carrying out this part, there is authorized to be appropriated from the Fund, $100,000,000 for each of the fiscal years 1996 through 2000.

"(b) RELATION TO OTHER FUNDS.—The authorizations of appropriations established in subsection (a) for the purpose described in such subsection are in addition to any other authorizations of appropriations that are available for such purpose.

"SEC. 2757. GRANTS TO COMMUNITY AND MIGRANT HEALTH CENTERS.

"(a) IN GENERAL.—The Secretary shall make grants in accordance with this section to migrant health centers and community health centers.

"(b) USE OF FUNDS.—

"(1) DEVELOPMENT, OPERATION, AND OTHER PURPOSES REGARDING CENTERS.—Subject to paragraph (2), grants under subsection (a) to migrant health centers and community health centers may be made only in accordance with the conditions upon which grants are made under sections 329 and 330, respectively.

"(2) REQUIRED FINANCIAL RESERVES.—The Secretary may authorize migrant health centers and community health centers to expend a grant under subsection (a) to establish and maintain financial reserves required for purposes of health plans.

"(c) DEFINITIONS.—For purposes of this subtitle, the terms 'migrant health center' and 'community health center' have the meanings given such terms in sections 329(a)(1) and 330(a), respectively.

"PART 2—NATIONAL HEALTH SERVICE CORPS

"SEC. 2781. AUTHORIZATIONS OF APPROPRIATIONS FROM FUND.

"(a) ADDITIONAL FUNDING; GENERAL CORPS PROGRAM; ALLOCATIONS REGARDING NURSES.—For the purpose of carrying out subpart II of part D of title III, and for the purpose of carrying out subsection (c), there are authorized to be appropriated from the Fund, $100,000,000 for each of the fiscal years 1996 through 2000.

"(b) RELATION TO OTHER FUNDS.—The authorizations of appropriations established in subsection (a) are in addition to any other authorizations of appropriations that are available for the purpose described in such subsection.

"(c) ALLOCATION FOR PARTICIPATION OF NURSES IN SCHOLARSHIP AND LOAN REPAYMENT PROGRAMS.—Of the amounts appropriated under subsection (a), the Secretary shall reserve such amounts as may be necessary to ensure that, of the aggregate number of individuals who are participants in the Scholarship Program under section 338A, or in the Loan Repayment Program under section 338B, the total number who are being educated as nurses or are serving as nurses, respectively, is increased to 30 percent.

"(d) AVAILABILITY OF FUNDS.—An appropriation under this section for any fiscal year may be made at any time before that fiscal year and may be included in an Act making an appropriation under an authorization under subsection (a) for another fiscal year; but no funds may be made available from any appropriation under this section for obligation under sections 331 through 335, section 336A, and section 337 before the fiscal year involved.

"PART 3—SATELLITE CLINICS REGARDING PRIMARY HEALTH CARE

"SEC. 2783. AUTHORIZATION OF APPROPRIATIONS FROM FUND.

"For the purpose of carrying out this part, there is authorized to be appropriated from the Fund, $50,000,000 for each of the fiscal years 1996 through 2000.

"SEC. 2783A. GRANTS TO STATES FOR DEVELOPMENT AND OPERATION OF SATELLITE CLINICS.

"(a) IN GENERAL.—With respect to outpatient health centers that are providers of comprehensive health services, the Secretary may make grants to States for the purpose of assisting such centers in developing or operating facilities that—

“(1) provide clinical preventive services, treatment of minor illnesses and injuries, family planning services, and referrals for health services, mental health services, and health-related social services; and

“(2) are located at a distance from the center sufficient to increase the extent to which individuals in the geographic area involved have access to the services specified in paragraph (1).

“(b) Certain Requirements.—The Secretary may make a grant under subsection (a) only if the State agrees that the health facility for which the grant is made, once in operation, will meet the following conditions:

“(1) The clinical preventive services provided by the facility will include routine preventive services, including family planning services, for pregnant and postpartum women and for children, including health screenings and immunizations.

“(2) The principal providers of health services at the facility, and the principal managers of the facility, will be nurse practitioners, physician assistants, or nurse clinicians, subject to applicable law.

“(3) The outpatient health center operating the facility will serve as a referral center for physician services and will provide for the ongoing monitoring of the activities of the facility.

“(c) Matching Funds.—The Secretary may make a grant under subsection (a) only if the State involved agrees to make non-Federal contributions toward the costs of developing and operating the health facilities involved.

“(d) Application for Grant.—The Secretary may make a grant under subsection (a) only if an application for the grant is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this part.

“(e) Limitation on Amount of Assistance Per Facility.—With respect to a health facility for which one or more grants under subsection (a) are made, the Secretary may not provide more than an aggregate $250,000 for the development and operation of the facility.

“PART 4—COMMUNITY HEALTH ADVISORS

“SEC. 2784. AUTHORIZATION OF APPROPRIATIONS FROM FUND.

“For the purpose of carrying out this part, there is authorized to be appropriated from the Fund, $100,000,000 for each of the fiscal years 1996 through 2000.

“SEC. 2785. FORMULA GRANTS REGARDING COMMUNITY HEALTH ADVISOR PROGRAMS.

“(a) Formula Grants.—

“(1) In general.—In the case of each State (or entity designated by a State under subsection (b)) that submits to the Secretary an application in accordance with section 2788 for a fiscal year, the Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention and in coordination with the heads of the agencies specified in paragraph (2), shall make an award of financial assistance to the State or entity for the development and operation of community health advisor programs under section 2786(b). The award shall consist of the allotment determined under section 2789 with respect to the State, subject to section 2794.

“(2) Coordination with other agencies.—The agencies referred to in paragraph (1) regarding coordination are the Health Resources and Services Administration, the National Institutes of Health, the Substance Abuse and Mental Health Services Administration, and the Health Education and Training Center.

“(b) Designated Entities.—With respect to the State involved, an entity other than the State may receive an award under subsection (a) only if the entity—

“(1) is a public or nonprofit private academic organization (or other public or nonprofit private entity); and

“(2) has been designated by the State to carry out the purpose described in such subsection in the State and to receive amounts under such subsection in lieu of the State.

“(c) Role of State Agency for Public Health.—A funding agreement for an award under subsection (a) is that—

“(1) if the applicant is a State, the award will be administered by the State agency with the principal responsibility for carrying out public health programs; and

“(2) if the applicant is an entity designated under subsection (b), the award will be administered in consultation with such State agency.

“(d) Statewide Responsibilities; Limitation on Expenditures.—

“(1) Statewide responsibilities.—A funding agreement for an award under subsection (a) is that the applicant involved will—

“(A) operate a clearinghouse to maintain and disseminate information on community health advisor programs (and similar programs) in the State, including information on developing and operating such programs, on training individuals to participate in the programs, and on evaluation of the programs;

“(B) collaborate with schools of public health to provide to community health advisor programs in the State technical assistance in training and supervising community health advisors under section 2787(g)(1); and

“(C) coordinate the activities carried out in the State under the award, including coordination between the various community health advisor programs and coordination between such programs and related activities of the State and of other public or private entities.

“(2) Limitation.—A funding agreement for an award under subsection (a) is that the applicant involved will not expend more than 15 percent of the award in the aggregate for carrying out paragraph (1) and for the expenses of administering the award with respect to the State involved, including the process of receiving payments from the Secretary under the award, allocating the payments among the entities that are to develop and operate the community health advisor programs involved, and monitoring compliance with the funding agreements made under this subtitle by the applicant.

“SEC. 2786. REQUIREMENTS REGARDING COMMUNITY HEALTH ADVISOR PROGRAMS.

“(a) Purpose of Award; Healthy People 2000 Objectives.—

“(1) In general.—Subject to paragraph (2), a funding agreement for an award under section 2785 for an applicant is that the purpose of the award is, through community health advisor programs under subsection (b), to assist the State involved in attaining the Healthy People 2000 Objectives.

“(2) Authority regarding selection of priority objectives.—With respect to compliance with the agreement made under paragraph (1), an applicant receiving an award under section 2785 may, from among the various Healthy People 2000 Objectives, select one or more Objectives to be given priority in the operation of a community health advisor program of the applicant, subject to the applicant selecting such priorities in consultation with the entity that is to carry out the program and the local health department involved.

“(b) Requirements for Programs.—

“(1) In general.—A funding agreement for an award under section 2785 for an applicant is that, in expending the award, the purpose described in subsection (a)(1) will be carried out in accordance with the following:

“(A) For each community for which the purpose is to be carried out, the applicant will establish a program in accordance with this subsection.

“(B) The program will be carried out in a community only if the applicant has, under section 2787(a), identified the community as having a significant need for the program.

“(C) The program will be operated by a public or nonprofit private entity with experience in providing health or health-related social services to individuals who are underserved with respect to such services.

“(D) The services of the program, as specified in paragraph (2), will be provided principally by community health advisors (as defined in subsection (d)).

“(2) Authorized program services.—For purposes of paragraph (1)(D), the services specified in this paragraph for a program are as follows:

“(A) The program will collaborate with health care providers and related entities in order to facilitate the provision of health services and health-related social services (including collaborating with local health departments, community health centers, public hospital systems, migrant health centers, rural health clinics, hospitals, physicians and nurses, providers of health education, pre-school facilities for children, elementary and secondary schools, and providers of social services).

“(B) The program will provide public education on health promotion and on the prevention of diseases, illnesses, injuries, and disabilities, and will facilitate the appropriate use of available health services and health-related social services.

“(C) The program will provide health-related counseling.

“(D) The program will provide referrals for available health services and health-related social services.

“(E) For the purpose of increasing the capacity of individuals to utilize health services and health-related social services under Federal, State, and local programs, the following conditions will be met:

“(i) The program will assist individuals in establishing eligibility under the programs and in receiving the services or other benefits of the programs.

“(ii) The program will provide such other services as the Secretary determines to be appropriate, which services may include (but are not limited to) transportation and translation services.

“(F) The program will provide outreach services to inform the community of the availability of the services of the program.

“(c) Priority for Medically Underserved Communities.—A funding agreement for an award under section 2785 is that the applicant involved will give priority to developing and operating community health advisor programs for medically underserved communities.

“(d) Definition of Community Health Advisor.—For purposes of this part, the term ‘community health advisor’ means an individual—

“(1) who has demonstrated the capacity to carry out one or more of the authorized program services;

"(2) who, for not less than 1 year, has been a resident of the community in which the community health advisor program involved is to be operated; and

"(3) is a member of a socioeconomic group to be served by the program.

"SEC. 2787. ADDITIONAL AGREEMENTS.

"(a) IDENTIFICATION OF COMMUNITY NEEDS.—A funding agreement for an award under section 2785 is that the applicant involved will—

"(1) identify the needs of the community involved for the authorized program services, including the identifying the resources of the community that are available for carrying out the program;

"(2) in identifying such needs, consult with members of the community, with individuals and programs that provide health services in the community, and with individuals and programs that provide health-related social services in the community; and

"(3) consider such needs in carrying out a community health advisor program for the community.

"(b) MATCHING FUNDS.—

"(1) IN GENERAL.—With respect to the cost of carrying out a community health advisor program, a funding agreement for an award under section 2785 is that the applicant involved will make available (directly or through donations from public or private entities) non-Federal contributions toward such cost in an amount that is not less than 25 percent of such cost.

"(2) DETERMINATION OF AMOUNT CONTRIBUTED.—

"(A) Non-Federal contributions required in paragraph (1) may be in cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

"(B) With respect to the State in which the community health advisor program involved is to be carried out, amounts provided by the State in compliance with subsection (c) shall be included in determining the amount of non-Federal contributions under paragraph (1).

"(c) MAINTENANCE OF EFFORT.—With respect to the purposes for which an award under section 2785 is authorized in this subtitle to be expended, the Secretary may make such an award only if the State involved agrees to maintain expenditures of non-Federal amounts for such purposes at a level that is not less than the level of such expenditures maintained by the State for the fiscal year preceding the first fiscal year for which such an award is made with respect to the State.

"(d) CULTURAL CONTEXT OF SERVICES.—A funding agreement for an award under section 2785 for an applicant is that the services of the community health advisor program involved will be provided in the language and cultural context most appropriate for the individuals served by the program, and that for such purpose the community health advisors of the program will include an appropriate number of advisors who are fluent in both English and not less than one of the other relevant languages.

"(e) NUMBER OF PROGRAMS PER AWARD; PROGRAMS FOR URBAN AND RURAL AREAS.—A funding agreement for an award under section 2785 for an applicant is that the number of community health advisor programs operated in the State with the award will be determined by the Secretary, except that (subject to section 2786(b)(1)(B)) such a program will be carried out in not less than one urban area of the State, and in not less than one rural area of the State.

"(f) ONGOING SUPERVISION OF ADVISORS.—A funding agreement for an award under section 2785 is that the applicant involved will ensure that each community health advisor program operated with the award provides for the ongoing supervision of the community health advisors of the program, and that the individuals serving as supervisors in the program will include 1 or more public health nurses with field experience and managerial experience.

"(g) CERTAIN EXPENDITURES.—

"(1) TRAINING; CONTINUING EDUCATION.—Funding agreements for an award under section 2785 include the following:

"(A) The applicant involved will ensure that, for each community health advisor program operated with the award, a program is carried out to train community health advisors to provide the authorized program services, including practical experiences in providing services for health promotion and disease prevention.

"(B) The program of training will provide for the continuing education of the community health advisors.

"(C) Not more than 15 percent of the award will be expended for the program of training.

"(2) COMPENSATION.—With respect to compliance with the agreements made under this subtitle, the purposes for which an award under section 2785 may be expended include providing compensation for the services of community health advisors.

"(h) REPORTS TO SECRETARY; ASSESSMENT OF EFFECTIVENESS.—Funding agreements for an award under section 2785 for an applicant include the following:

"(1) The applicant will ensure that, for each fiscal year for which a community health advisor program receives amounts from the award, the program will prepare a report describing the activities of the program for such year, including—

"(A) a specification of the number of individuals served by the program;

"(B) a specification of the entities with which the program has collaborated in carrying out the purpose described in section 2786(a)(1); and

"(C) an assessment of the extent of the effectiveness of the program in carrying out such purpose.

"(2) Such reports will include such additional information regarding the applicant and the programs as the Secretary may require.

"(3) The applicant will prepare the reports as a single document and will submit the document to the Secretary not later than February 1 of the fiscal year following the fiscal year for which the reports were prepared.

"SEC. 2788. APPLICATION FOR ASSISTANCE; STATE PLAN.

"For purposes of section 2785, an application is in accordance with this section if—

"(1) the application is submitted not later than the date specified by the Secretary;

"(2) the application contains each funding agreement described in this subtitle;

"(3) the application contains a State plan describing the purposes for which the award is to be expended in the State, including a description of the manner in which the applicant will comply with each such funding agreement; and

"(4) the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this subtitle.

"SEC. 2789. DETERMINATION OF AMOUNT OF ALLOTMENT.

"(a) IN GENERAL.—For purposes of section 2785, the allotment under this section with respect to a State for a fiscal year is the sum of the respective amounts determined for the State under subsection (b) and subsection (c).

"(b) AMOUNT RELATING TO POPULATION.—For purposes of subsection (a), the amount determined under this subsection is the product of—

"(1) an amount equal to 50 percent of the amount appropriated under section 2784 for the fiscal year and available for awards under section 2785; and

"(2) the percentage constituted by the ratio of—

"(A) the number of individuals residing in the State involved; to

"(B) the sum of the respective amounts determined for each State under subparagraph (A).

"(c) AMOUNT RELATING TO POVERTY LEVEL.—For purposes of subsection (a), the amount determined under this subsection is the product of—

"(1) the amount determined under subsection (b)(1); and

"(2) the percentage constituted by the ratio of—

"(A) the number of individuals residing in the State whose income is at or below an amount equal to 200 percent of the official poverty line; to

"(B) the sum of the respective amounts determined for each State under subparagraph (A).

"SEC. 2790. QUALITY ASSURANCE; COST-EFFECTIVENESS.

"The Secretary shall establish guidelines for assuring the quality of community health advisor programs (including quality in the training of community health advisors) and for assuring the cost-effectiveness of the programs. A funding agreement for an award under section 2785 is that the applicant involved will carry out such programs in accordance with the guidelines.

"SEC. 2791. EVALUATIONS; TECHNICAL ASSISTANCE.

"(a) EVALUATIONS.—The Secretary shall conduct evaluations of community health advisor programs and disseminate information developed as result of the evaluations to the States. In conducting such evaluations, the Secretary shall determine whether the programs are in compliance with the guidelines established under section 2790.

"(b) TECHNICAL ASSISTANCE.—The Secretary may provide technical assistance to recipients of awards under section 2785 with respect to the planning, development, and operation of community health advisor programs.

"(c) GRANTS AND CONTRACTS.—The Secretary may carry out this section directly or through grants, cooperative agreements, or contracts.

"(d) LIMITATION ON EXPENDITURES.—Of the amounts appropriated under section 2784 for a fiscal year, the Secretary may reserve not more than 10 percent for carrying out this section.

"SEC. 2792. RULE OF CONSTRUCTION REGARDING PROGRAMS OF INDIAN HEALTH SERVICE.

"This subtitle may not be construed as requiring the Secretary to modify or terminate the program carried out by the Director of the Indian Health Service and designated by such Director as the Community Health Representative Program. The Secretary shall ensure that support for such Program is not supplanted by awards under section 2785. In communities in which both such Program and a community health advisor program are being carried out, the Secretary shall ensure that the community health advisor program works in cooperation with, and as a complement to, the Community Health Representative Program.

"SEC. 2793. DEFINITIONS.

"For purposes of this subtitle:

"(1) The term 'authorized program services', with respect to a community health advisor program, means the services specified in section 2786(b)(2).

"(2) The term 'community health advisor' has the meaning given such term in section 2786(d).

"(3) The term 'community health advisor program' means a program carried out under section 2786(b).

"(4) The term 'financial assistance', with respect to an award under section 2785, means a grant, cooperative agreement, or a contract.

"(5) The term 'funding agreement' means an agreement required as a condition of receiving an award under section 2785.

"(6) The term 'official poverty line' means the official poverty line established by the Director of the Office of Management and Budget and revised by the Secretary in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981, which poverty line is applicable the size of the family involved.

"(7) The term 'State involved', with respect to an applicant for an award under section 2785, means the State in which the applicant is to carry out a community health advisor program.

"SEC. 2794. EFFECT OF INSUFFICIENT APPROPRIATIONS FOR MINIMUM ALLOTMENTS.

"(a) In General.—If the amounts made available under section 2784 for a fiscal year are insufficient for providing each State (or entity designated by the State pursuant to section 2785, as the case may be) with an award under section 2785 in an amount equal to or greater than the amount specified in section 2789(a)(2), the Secretary shall, from such amounts as are made available under subsection (a), make such awards on a discretionary basis.

"(b) Rule of Construction.—For purposes of subsection (a), awards under section 2785 are made on a discretionary basis if the Secretary determines which States (or entities designated by States pursuant to such section, as the case may be) are to receive such awards, subject to meeting the requirements of this subtitle for such an award, and the Secretary determines the amount of such awards.

"Subtitle F—General Provisions

"SEC. 2798. REQUIREMENT REGARDING ACCREDITATION OF SCHOOLS, DEPARTMENTS, AND PROGRAMS.

"Except as indicated otherwise in this title:

"(1) A reference in this title to a school of public health, a school of nursing, or any other entity providing education or training in a health profession (whether a school, department, program, or other entity) is a reference to the entity as defined under section 799 or 853.

"(2) If an entity is not defined in either of such sections, the reference in this title to the entity has the meaning provided by the Secretary, except that the Secretary shall require for purposes of this title that the entity be accredited for the provision of the education or training involved.

"SEC. 2799. RELATION TO OTHER FUNDS.

"Notwithstanding any other provision of law, the authorizations of appropriations established in this title are in addition to any other authorizations of appropriations that are available for the purposes described with respect to such appropriations in this title.

"SEC. 2799A. DEFINITIONS.

"(a) In General.—For purposes of this title:

"(1) The term 'Healthy People 2000 Objectives' means the objectives established by the Secretary toward the goals of increasing the span of healthy life, reducing health disparities among various populations, and providing access to preventive services, which objectives apply to the health status of the population of the United States for the year 2000.

"(2) The term 'medically underserved community' means—

"(A) a community that has a substantial number of individuals who are members of a medically underserved population, as defined in section 330; or

"(B) a community a significant portion of which is a health professional shortage area designated under section 332.".

TITLE IV—MEDICAL RESEARCH

SEC. 4001. FINDINGS.

The Congress finds the following:

(1) Nearly 4 of 5 peer reviewed research projects deemed worthy of funding by the National Institutes of Health are not funded.

(2) Less than 2 percent of the nearly one trillion dollars our Nation spends on health care is devoted to health research, while the defense industry spends 15 percent of its budget on research.

(3) Public opinion surveys have shown that Americans want more Federal resources put into health research and support by having a portion of their health insurance premiums set aside for this purpose.

(4) Ample evidence exists to demonstrate that health research has improved the quality of health care in the United States. Advances such as the development of vaccines, the cure of many childhood cancers, drugs that effectively treat a host of diseases and disorders, a process to protect our Nation's blood supply from the HIV virus, progress against cardiovasculor disease including heart attack and stroke, and new strategies for the early detection and treatment of diseases such as colon, breast, and prostate cancer clearly demonstrates the benefits of health research.

(5) Among the most effective methods to control health care costs are prevention and cure of disease and disability, thus, health research which holds the promise of cure and prevention of disease and disability is a critical component of any comprehensive health care reform plan.

(6) The state of our Nation's research facilities at the National Institutes of Health and at universities is deteriorating significantly. Renovation and repair of these facilities are badly needed to maintain and improve the quality of research.

(7) Because the Omnibus Budget Reconciliation Act of 1993 freezes discretionary spending for the next 5 years, the Nation's investment in health research through the National Institutes of Health is likely to decline in real terms unless corrective legislative action is taken.

(8) A health research fund is needed to maintain our Nation's commitment to health research and to increase the percentage of approved projects which receive funding at the National Institutes of Health to at least 33 percent.

SEC. 4002. NATIONAL FUND FOR HEALTH RESEARCH.

(a) Establishment.—There is established in the Treasury of the United States an account, to be known as the "National Fund for Health Research" (hereafter referred to in this section as the "Fund"), consisting of such amounts as are transferred to the Fund under subsection (b) and any interest earned on investment of amounts in the Fund.

(b) Transfers to Fund.—

(1) In general.—With respect to each of the 5 full calendar years beginning after the date of enactment of this Act, the Secretary of the Treasury shall transfer to the Fund an amount equal to the applicable amount under paragraph (2).

(2) Applicable amount.—The applicable amount under this paragraph is—

(A) with respect to amounts in the Health Care Reform Trust Fund established under section 9551(a)(2)(A) of the Internal Revenue Code of 1986, $1,200,000,000 for each calendar year described in paragraph (1); and

(B) with respect to amounts received in the Treasury under section 6097 of the Internal Revenue Code of 1986, 100 percent of the amounts received under such section in each calendar year described in paragraph (1).

(3) Designation of overpayments and contributions.—

(A) In general.—Subchapter A of chapter 61 of the Internal Revenue Code of 1986 (relating to returns and records) is amended by adding at the end the following new part:

"PART IX—DESIGNATION OF OVERPAYMENTS AND CONTRIBUTIONS FOR THE NATIONAL FUND FOR HEALTH RESEARCH

"Sec. 6097. Amounts for the National Fund for Health Research.

"SEC. 6097. AMOUNTS FOR THE NATIONAL FUND FOR HEALTH RESEARCH.

"(a) In General.—Every individual (other than a nonresident alien) may designate that—

"(1) a portion (not less than $1) of any overpayment of the tax imposed by chapter 1 for the taxable year, and

"(2) a cash contribution (not less than $1),

be paid over to the National Fund for Health Research established under section 4002 of the Health Innovation Partnership Act of 1994. In the case of a joint return of a husband and wife, each spouse may designate one-half of any such overpayment of tax (not less than $2).

"(b) Manner and Time of Designation.—Any designation under subsection (a) may be made with respect to any taxable year only at the time of filing the original return of the tax imposed by chapter 1 for such taxable year. Such designation shall be made either on the 1st page of the return or on the page bearing the taxpayer's signature.

"(c) Overpayments Treated as Refunded.—For purposes of this section, any overpayment of tax designated under subsection (a) shall be treated as being refunded to the taxpayer as of the last day prescribed for filing the return of tax imposed by chapter 1 (determined with regard to extensions) or, if later, the date the return is filed.

"(d) Designated Amounts Not Deductible.—No amount designated pursuant to subsection (a) shall be allowed as a deduction under section 170 or any other section for any taxable year.

"(e) Termination.—This section shall not apply to taxable years beginning in a calendar year after a determination by the Secretary that the sum of all designations under subsection (a) for taxable years beginning in the second and third calendar years preceding the calendar year is less than $5,000,000.".

(B) Clerical amendment.—The table of parts for subchapter A of chapter 61 of such Code is amended by adding at the end the following new item:

"Part IX. Designation of overpayments and contributions for the National Fund for Health Research.".

(C) Effective date.—The amendments made by this paragraph shall apply to taxable years beginning after December 31, 1994.

(c) Expenditures From Fund.—

(1) In general.—The Secretary of the Treasury shall pay annually, within 30 days after the President signs an appropriations Act for the Departments of Labor, Health and Human Services, and Education and related agencies, or by the end of the first quarter of the fiscal year, to the Secretary of Health and Human Services on behalf of the National Institutes of Health, an amount equal to the amount in the National Fund for Health Research at the time of such payment, to enable the Secretary to carry out the purpose of section 404F of the Public Health Service Act, less any administrative expenses which may be paid under paragraph (3).

(2) Purposes for expenditures from fund.—Part A of title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended by adding at the end the following new section:

"SEC. 404F. EXPENDITURES FROM THE NATIONAL FUND FOR HEALTH RESEARCH.

"(a) In General.—From amounts received for any fiscal year from the National Fund for Health Research, the Secretary of Health and Human Services shall distribute—

"(1) 2 percent of such amounts during any fiscal year to the Office of the Director of the National Institutes of Health to be allocated at the Director's discretion for the following activities:

"(A) for carrying out the responsibilities of the Office of the Director, National Institutes of Health, including the Office of Research on Women's Health and the Office of Research on Minority Health, the Office of the Alternative Medicine and the Office of Rare Diseases Research; and

"(B) for construction and acquisition of equipment for or facilities of or used by the National Institutes of Health;

"(2) 2 percent of such amounts for transfer to the National Center for Research Resources to carry out section 1502 of the National Institutes of Health Revitalization Act of 1993 concerning Biomedical and Behavioral Research Facilities;

"(3) 1 percent of such amounts during any fiscal year for carrying out section 301 and part D of title IV with respect to health information communications; and

"(4) the remainder of such amounts during any fiscal year to member institutes of the National Institutes of Health and centers in the same proportion to the total amount received under this section, as the amount of annual appropriations under appropriations Acts for each member institute and center for the fiscal year bears to the total amount of appropriations under appropriations Acts for all member institutes and centers of the National Institutes of Health for the fiscal year.

"(b) Plans of Allocation.—The amounts transferred under subsection (a) shall be allocated by the Director of NIH or the various directors of the institutes and centers, as the case may be, pursuant to allocation plans developed by the various advisory councils to such directors, after consultation with such directors.".

(3) Administrative expenses.—Amounts in the National Fund for Health Research shall be available to pay the administrative expenses of the Department of the Treasury directly allocable to—

(A) modifying the individual income tax return forms to carry out section 6097 of the Internal Revenue Code of 1986;

(B) carrying out this section with respect to such Fund; and

(C) processing amounts received under this section and transferring such amounts to such Fund.

(4) Trigger and release of fund monies.—No expenditures shall be made pursuant to section 4002(c) during any fiscal year in which the annual amount appropriated for the National Institutes of Health is less than the amount so appropriated for the prior fiscal year.

(d) Budget Enforcement.—Amounts contained in the National Fund for Health Research shall be excluded from, and shall not be taken into account for purposes of, any budget enforcement procedures under the Congressional Budget Act of 1974 or the Balanced Budget Emergency Deficit Control Act of 1985.

TITLE V—REVENUE PROVISIONS

SEC. 5000. AMENDMENT OF 1986 CODE.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

Subtitle A—Financing Provisions

PART I—INCREASE IN TAX ON TOBACCO PRODUCTS

SEC. 5001. INCREASE IN EXCISE TAXES ON TOBACCO PRODUCTS.

(a) Cigarettes.—Subsection (b) of section 5701 is amended—

(1) by striking "$12 per thousand ($10 per thousand on cigarettes removed during 1991 or 1992)" in paragraph (1) and inserting "$62 per thousand", and

(2) by striking "$25.20 per thousand ($21 per thousand on cigarettes removed during 1991 or 1992)" in paragraph (2) and inserting "$130.20 per thousand".

(b) Cigars.—Subsection (a) of section 5701 is amended—

(1) by striking "$1.125 cents per thousand (93.75 cents per thousand on cigars removed during 1991 or 1992)" in paragraph (1) and inserting "$51.13 per thousand", and

(2) by striking "equal to" and all that follows in paragraph (2) and inserting "equal to 66 percent of the price for which sold but not more than $155 per thousand."

(c) Cigarette Papers.—Subsection (c) of section 5701 is amended by striking "0.75 cent (0.625 cent on cigarette papers removed during 1991 or 1992)" and inserting "3.88 cents".

(d) Cigarette Tubes.—Subsection (d) of section 5701 is amended by striking "1.5 cents (1.25 cents on cigarette tubes removed during 1991 or 1992)" and inserting "7.76 cents".

(e) Smokeless Tobacco.—Subsection (e) of section 5701 is amended—

(1) by striking "36 cents (30 cents on snuff removed during 1991 or 1992)" in paragraph (1) and inserting "$13.69", and

(2) by striking "12 cents (10 cents on chewing tobacco removed during 1991 or 1992)" in paragraph (2) and inserting "$5.45".

(f) Pipe Tobacco.—Subsection (f) of section 5701 is amended by striking "67.5 cents (56.25 cents on pipe tobacco removed during 1991 or 1992)" and inserting "$17.35".

(g) Application of Tax Increase to Puerto Rico.—Section 5701 is amended by adding at the end the following new subsection:

"(h) Application to Taxes to Puerto Rico.—Notwithstanding subsections (b) and (c) of section 7653 and any other provision of law—

"(1) In general.—On tobacco products and cigarette papers and tubes, manufactured or imported into the Commonwealth of Puerto Rico, there is hereby imposed a tax at the rate equal to the excess of—

"(A) the rate of tax applicable under this section to like articles manufactured in the United States, over

"(B) the rate referred to in subparagraph (A) as in effect on the day before the date of the enactment of the Health Innovation Partnership Act of 1994.

"(2) Shipments to puerto rico from the united states.—Only the rates of tax in effect on the day before the date of the enactment of this subsection shall be taken into account in determining the amount of any exemption from, or credit or drawback of, any tax imposed by this section on any article shipped to the Commonwealth of Puerto Rico from the United States.

"(3) Shipments from puerto rico to the united states.—The rates of tax taken into account under section 7652(a) with respect to tobacco products and cigarette papers and tubes coming into the United States from the Commonwealth of Puerto Rico shall be the rates of tax in effect on the day before the date of the enactment of the Health Innovation Partnership Act of 1994.

"(4) Disposition of revenues.—The provisions of section 7652(a)(3) shall not apply to any tax imposed by reason of this subsection."

(h) Effective Date.—The amendments made by this section shall apply to articles removed (as defined in section 5702(k) of the Internal Revenue Code of 1986, as amended by this Act) after December 31, 1994.

(i) Floor Stocks Taxes.—

(1) Imposition of tax.—On tobacco products and cigarette papers and tubes manufactured in or imported into the United States or the Commonwealth of Puerto Rico which are removed before any tax-increase date, and held on such date for sale by any person, there is hereby imposed a tax in an amount equal to the excess of—

(A) the tax which would be imposed under section 5701 of the Internal Revenue Code of 1986 on the article if the article had been removed on such date, over

(B) the prior tax (if any) imposed under section 5701 or 7652 of such Code on such article.

(2) Authority to exempt cigarettes held in vending machines.—To the extent provided in regulations prescribed by the Secretary, no tax shall be imposed by paragraph (1) on cigarettes held for retail sale on any tax-increase date, by any person in any vending machine. If the Secretary provides such a benefit with respect to any person, the Secretary may reduce the $500 amount in paragraph (3) with respect to such person.

(3) Credit against tax.—Each person shall be allowed as a credit against the taxes imposed by paragraph (1) an amount equal to $500. Such credit shall not exceed the amount of taxes imposed by paragraph (1) on each tax-increase date for which such person is liable.

(4) Liability for tax and method of payment.—

(A) Liability for tax.—A person holding cigarettes on any tax-increase date, to which any tax imposed by paragraph (1) applies shall be liable for such tax.

(B) METHOD OF PAYMENT.—The tax imposed by paragraph (1) shall be paid in such manner as the Secretary shall prescribe by regulations.

(C) TIME FOR PAYMENT.—The tax imposed by paragraph (1) shall be paid on or before the date which is 3 months after the tax-increase date.

(5) ARTICLES IN FOREIGN TRADE ZONES.—Notwithstanding the Act of June 18, 1934 (48 Stat. 998, 19 U.S.C. 81a) and any other provision of law, any article which is located in a foreign trade zone on any tax-increase date shall be subject to the tax imposed by paragraph (1) if—

(A) internal revenue taxes have been determined, or customs duties liquidated, with respect to such article before such date pursuant to a request made under the 1st proviso of section 3(a) of such Act, or

(B) such article is held on such date under the supervision of a customs officer pursuant to the 2d proviso of such section 3(a).

(6) DEFINITIONS.—For purposes of this subsection—

(A) IN GENERAL.—Terms used in this subsection which are also used in section 5702 of the Internal Revenue Code of 1986 shall have the respective meanings such terms have in such section, as amended by this Act.

(B) SECRETARY.—The term "Secretary" means the Secretary of the Treasury or his delegate.

(C) TAX-INCREASE DATE.—The term "tax-increase date" means January 1, 1995, and July 1, 1996.

(7) CONTROLLED GROUPS.—Rules similar to the rules of section 5061(e)(3) of such Code shall apply for purposes of this subsection.

(8) OTHER LAWS APPLICABLE.—All provisions of law, including penalties, applicable with respect to the taxes imposed by section 5701 of such Code shall, insofar as applicable and not inconsistent with the provisions of this subsection, apply to the floor stocks taxes imposed by paragraph (1), to the same extent as if such taxes were imposed by such section 5701. The Secretary may treat any person who bore the ultimate burden of the tax imposed by paragraph (1) as the person to whom a credit or refund under such provisions may be allowed or made.

SEC. 5002. MODIFICATIONS OF CERTAIN TOBACCO TAX PROVISIONS.

(a) EXEMPTION FOR EXPORTED TOBACCO PRODUCTS AND CIGARETTE PAPERS AND TUBES TO APPLY ONLY TO ARTICLES MARKED FOR EXPORT.—

(1) Subsection (b) of section 5704 is amended by adding at the end the following new sentence: "Tobacco products and cigarette papers and tubes may not be transferred or removed under this subsection unless such products or papers and tubes bear such marks, labels, or notices as the Secretary shall by regulations prescribe."

(2) Section 5761 is amended by redesignating subsections (c) and (d) as subsections (d) and (e), respectively, and by inserting after subsection (b) the following new subsection:

"(c) SALE OF TOBACCO PRODUCTS AND CIGARETTE PAPERS AND TUBES FOR EXPORT.—Except as provided in subsections (b) and (d) of section 5704—

"(1) every person who sells, relands, or receives within the jurisdiction of the United States any tobacco products or cigarette papers or tubes which have been labeled or shipped for exportation under this chapter,

"(2) every person who sells or receives such relanded tobacco products or cigarette papers or tubes, and

"(3) every person who aids or abets in such selling, relanding, or receiving, shall, in addition to the tax and any other penalty provided in this title, be liable for a penalty equal to the greater of $1,000 or 5 times the amount of the tax imposed by this chapter. All tobacco products and cigarette papers and tubes relanded within the jurisdiction of the United States, and all vessels, vehicles, and aircraft used in such relanding or in removing such products, papers, and tubes from the place where relanded, shall be forfeited to the United States.".

(3) Subsection (a) of section 5761 is amended by striking "subsection (b)" and inserting "subsection (b) or (c)".

(4) Subsection (d) of section 5761, as redesignated by paragraph (2), is amended by striking "The penalty imposed by subsection (b)" and inserting "The penalties imposed by subsections (b) and (c)".

(5)(A) Subpart F of chapter 52 is amended by adding at the end the following new section:

"SEC. 5754. RESTRICTION ON IMPORTATION OF PREVIOUSLY EXPORTED TOBACCO PRODUCTS.

"(a) IN GENERAL.—Tobacco products and cigarette papers and tubes previously exported from the United States may be imported or brought into the United States only as provided in section 5704(d). For purposes of this section, section 5704(d), section 5761, and such other provisions as the Secretary may specify by regulations, references to exportation shall be treated as including a reference to shipment to the Commonwealth of Puerto Rico.

"(b) CROSS REFERENCE.—

"For penalty for the sale of tobacco products and cigarette papers and tubes in the United States which are labeled for export, see section 5761(c).".

(B) The table of sections for subpart F of chapter 52 is amended by adding at the end the following new item:

"Sec. 5754. Restriction on importation of previously exported tobacco products.".

(b) IMPORTERS REQUIRED TO BE QUALIFIED.—

(1) Sections 5712, 5713(a), 5721, 5722, 5762(a)(1), and 5763(b) and (c) are each amended by inserting "or importer" after "manufacturer".

(2) The heading of subsection (b) of section 5763 is amended by inserting "QUALIFIED IMPORTERS," after "MANUFACTURERS,".

(3) The heading for subchapter B of chapter 52 is amended by inserting "**and Importers**" after "**Manufacturers**".

(4) The item relating to subchapter B in the table of subchapters for chapter 52 is amended by inserting "and importers" after "manufacturers".

(c) REPEAL OF TAX-EXEMPT SALES TO EMPLOYEES OF CIGARETTE MANUFACTURERS.—

(1) Subsection (a) of section 5704 is amended—

(A) by striking "EMPLOYEE USE OR" in the heading, and

(B) by striking "for use or consumption by employees or" in the text.

(2) Subsection (e) of section 5723 is amended by striking "for use or consumption by their employees, or for experimental purposes" and inserting "for experimental purposes".

(d) REPEAL OF TAX-EXEMPT SALES TO UNITED STATES.—Subsection (b) of section 5704 is amended by striking "and manufacturers may similarly remove such articles for use of the United States;".

(e) BOOKS OF 25 OR FEWER CIGARETTE PAPERS SUBJECT TO TAX.—Subsection (c) of section 5701 is amended by striking "On each book or set of cigarette papers containing more than 25 papers," and inserting "On cigarette papers,".

(f) STORAGE OF TOBACCO PRODUCTS.—Subsection (k) of section 5702 is amended by inserting "under section 5704" after "internal revenue bond".

(g) AUTHORITY TO PRESCRIBE MINIMUM MANUFACTURING ACTIVITY REQUIREMENTS.—Section 5712 is amended by striking "or" at the end of paragraph (1), by redesignating paragraph (2) as paragraph (3), and by inserting after paragraph (1) the following new paragraph:

"(2) the activity proposed to be carried out at such premises does not meet such minimum capacity or activity requirements as the Secretary may prescribe, or".

(h) SPECIAL RULES RELATING TO PUERTO RICO AND THE VIRGIN ISLANDS.—Section 7652 is amended by adding at the end the following new subsection:

"(h) LIMITATION ON COVER OVER OF TAX ON TOBACCO PRODUCTS.—For purposes of this section, with respect to taxes imposed under section 5701 or this section on any tobacco product or cigarette paper or tube, the amount covered into the treasuries of Puerto Rico and the Virgin Islands shall not exceed the rate of tax under section 5701 in effect on the article on the day before the date of the enactment of the Health Innovation Partnership Act of 1994.".

(i) EFFECTIVE DATE.—The amendments made by this section shall apply to articles removed (as defined in section 5702(k) of the Internal Revenue Code of 1986, as amended by this Act) after December 31, 1994.

SEC. 5003. IMPOSITION OF EXCISE TAX ON MANUFACTURE OR IMPORTATION OF ROLL-YOUR-OWN TOBACCO.

(a) IN GENERAL.—Section 5701 (relating to rate of tax), as amended by section 701, is amended by redesignating subsections (g) and (h) as subsections (h) and (i) and by inserting after subsection (f) the following new subsection:

"(g) ROLL-YOUR-OWN TOBACCO.—On roll-your-own tobacco, manufactured in or imported into the United States, there shall be imposed a tax of $17.35 per pound (and a proportionate tax at the like rate on all fractional parts of a pound).".

(b) ROLL-YOUR-OWN TOBACCO.—Section 5702 (relating to definitions) is amended by adding at the end the following new subsection:

"(p) ROLL-YOUR-OWN TOBACCO.—The term 'roll-your-own tobacco' means any tobacco which, because of its appearance, type, packaging, or labeling, is suitable for use and likely to be offered to, or purchased by, consumers as tobacco for making cigarettes.".

(c) TECHNICAL AMENDMENTS.—

(1) Subsection (c) of section 5702 is amended by striking "and pipe tobacco" and inserting "pipe tobacco, and roll-your-own tobacco".

(2) Subsection (d) of section 5702 is amended—

(A) in the material preceding paragraph (1), by striking "or pipe tobacco" and inserting "pipe tobacco, or roll-your-own tobacco", and

(B) by striking paragraph (1) and inserting the following new paragraph:

"(1) a person who produces cigars, cigarettes, smokeless tobacco, pipe tobacco, or roll-your-own tobacco solely for the person's own personal consumption or use, and".

(3) The chapter heading for chapter 52 is amended to read as follows:

"CHAPTER 52—TOBACCO PRODUCTS AND CIGARETTE PAPERS AND TUBES".

(4) The table of chapters for subtitle E is amended by striking the item relating to

chapter 52 and inserting the following new item:

"CHAPTER 52. Tobacco products and cigarette papers and tubes.".

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to roll-your-own tobacco removed (as defined in section 5702(k) of the Internal Revenue Code of 1986, as amended by this Act) after December 31, 1994.

(2) TRANSITIONAL RULE.—Any person who—

(A) on the date of the enactment of this Act is engaged in business as a manufacturer of roll-your-own tobacco or as an importer of tobacco products or cigarette papers and tubes, and

(B) before January 1, 1995, submits an application under subchapter B of chapter 52 of such Code to engage in such business,

may, notwithstanding such subchapter B, continue to engage in such business pending final action on such application. Pending such final action, all provisions of such chapter 52 shall apply to such applicant in the same manner and to the same extent as if such applicant were a holder of a permit under such chapter 52 to engage in such business.

Subtitle B—Health Care Reform Trust Fund

SEC. 5101. ESTABLISHMENT OF GRADUATE MEDICAL EDUCATION AND ACADEMIC HEALTH CENTERS TRUST FUND.

(a) IN GENERAL.—Subchapter A of chapter 98 (relating to establishment of trust funds) is amended by adding at the end the following new part:

"PART II—HEALTH CARE TRUST FUNDS

"Sec. 9551. Health Care Reform Trust Fund

"SEC. 9551. HEALTH CARE REFORM TRUST FUND.

"(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the 'Health Care Reform Trust Fund', consisting of such amounts as may be appropriated or credited to the Health Care Reform Trust Fund as provided in this section.

"(b) TRANSFERS TO THE TRUST FUND.—There are hereby appropriated to the Health Care Reform Trust Fund amounts received in the Treasury under section 5701 (relating to taxes on tobacco products) to the extent attributable to the increases in such taxes as the result of the enactment of section 5001 of the Health Innovation Partnership Act of 1994.

"(c) EXPENDITURES.—Amounts in the Health Care Reform Trust Fund are appropriated as provided for in sections 1001 and 4002 of the Health Innovation Partnership Act of 1994, and title XXVII of the Public Health Service Act, and to the extent any such amount is not expended during any fiscal year, such amount shall be available for such purpose for subsequent fiscal years.

"(d) OTHER RULES.—

"(1) INSUFFICIENT FUNDS.—If, for any fiscal year, the sum of the amounts required to be allocated under subsection (c) exceeds the amounts received in the Health Care Reform Trust Fund, then each of such amounts required to be so allocated shall be reduced to an amount which bears the same ratio to such amount as the amounts received in the trust fund bear to the amounts required to be so allocated (without regard to this paragraph).

"(2) ALLOCATION OF EXCESS FUNDS AND INTEREST.—Amounts received in the Health Care Reform Trust Fund in excess of the amounts required to be allocated under subsection (c), for any fiscal year shall be allocated ratably on the basis of the amounts allocated for the fiscal year (without regard to this paragraph).".

(b) CONFORMING AMENDMENT.—Subchapter A of chapter 98 is amended by inserting after the subchapter heading the following new items:

"Part I. General trust funds.

"Part II. Health care trust fund.

"PART I—GENERAL TRUST FUNDS".●

AZERBAIJAN'S OIL DEAL

● Mr. DECONCINI. Mr. President, this week, President Heydar Aliev of Azerbaijan signed a very important contract with a consortium of Western companies to extract and sell Azerbaijan's oil. I am pleased that a deal has finally been struck, which will benefit both United States firms and the people of Azerbaijan. At the same time, this agreement involves the United States much more deeply than before in the region and its conflicts, which has many implications.

A critical undecided matter is how to transport Caspian Sea oil to the West. Moscow has already pressured Azerbaijan into ceding to Lukoil, the Russian oil company, 10 percent of Azerbaijan's share, but Moscow also demands that Azerbaijan's oil reach Europe through Russia's oil pipeline, as opposed to proposed alternative routes through Turkey, Iran, or Armenia. Even more problematic, Russia considers the legal status of the Caspian Sea to be in question, thus challenging Azerbaijan's right to sell its oil, and has also announced that no country along the Caspian can dispose of the region's natural resources without the consent of neighboring states. This, in effect, would give Russia a veto, which can be used to intensify pressure on Azerbaijan.

Russia can also influence Azerbaijan in other ways—Moscow's position on the oil deal is closely connected to prospects for peace in the Nagorno-Karabakh conflict. While this dispute has roots that are deep and local, Russian involvement has prolonged and exacerbated the hostilities. If Moscow feels its economic and strategic interests are not satisfied, its ability to step up military operations and undermine the current ceasefire, CSCE arbitration and future peace talks is considerable. Certain Russian agencies could also try to destabilize Azerbaijan and place someone more pliable than Aliev in power.

The new American economic stake in Azerbaijan translates into more resolute support for Azerbaijan's efforts to keep Russian troops out of the country and remain sovereign and independent. This means pushing even more energetically the CSCE peace plan for Nagorno-Karabakh, which envisions an international contingent of ceasefire monitors; Russia's plan, by contrast, would place Russian/CIS peacekeeping troops in Azerbaijan. With the oil deal now linking Azerbaijan and the United States, the struggle between these duelling peace plans may now become a more open and tense confrontation between Washington and Moscow.

With respect to Azerbaijani domestic politics, the oil deal strengthens the position of President Aliev; even the opposition Popular Front fully supports both the agreement and Aliev's resistance to Russian pressure. It is therefore all the more peculiar that security forces have recently intensified attacks on opposition parties. On September 11, police attacked an opposition rally in Baku, where scores of people were injured and 77 arrested. In August, the Popular Front reported that secret government agents had confessed to an attempt to assassinate Abulfaz Elchibey, the Popular Front president ousted in June 1993. President Aliev is presumably clamping down on an opposition that shares his strategic goals in order to halt the political liberalization begun under the Popular Front regime and to ensure that Azerbaijan's political system and prospective wealth remain firmly in his hands.

The United States can back President Aliev in resisting Russian pressure and consolidating mutually profitable economic ties without acquiescing in his intimidation and suppression of a peaceful political opposition. We must emphasize to him that no oil deal absolves him of his responsibility to observe CSCE commitments, and to implement his own stated agenda of promoting democratization in Azerbaijan.●

UNANIMOUS-CONSENT AGREEMENT

Ms. MIKULSKI. Mr. President, I ask unanimous consent that at 11 a.m. on Tuesday, September 27, there be a total of 90 minutes remaining for debate on the conference report accompanying H.R. 4624, the VA-HUD appropriations bill and the remaining amendments in disagreement, with the time divided and controlled in the usual form, with no other amendments in order; that at 2:15 p.m., the Senate vote on adoption of the conference report; that upon the disposition of the conference report, the Senate vote on or in relation to the McCain amendment No. 2587 to amendment 84; that upon disposition of the McCain amendment, the Senate concur in the House amendment to the Senate amendment No. 84; that upon disposition of amendment No. 84, the Senate then vote on or in relation to the Smith amendment No. 2588 to amendment No. 28; that upon disposition of the Smith amendment, the Senate concur in the House amendment to Senate amendment No. 28; that upon disposition of amendment No. 28, the Senate vote on the motion to invoke cloture on the motion to request a conference with the House on the disagreeing votes of the two Houses relative to S. 3, Campaign Finance Reform; that if cloture is invoked, there be 26 hours remaining for debate under rule 22, with the above occurring without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, I now ask for the yeas and nays on the adoption of the conference report.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Ms. MIKULSKI. I yield the floor.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER (Mr. ROCKEFELLER). The Senator from Illinois is recognized.

HEALTH CARE

Mr. SIMON. Mr. President, I would like to speak briefly—and I assure my friend from Pennsylvania that I will speak briefly—on the topic that Senator MIKULSKI spoke on at the end of her remarks, and that is health care.

What has happened in this Nation today is sad. We have seen health care in a coma for the last few weeks, and today health care died for 1994.

I think of the woman who testified before the Labor and Human Resources Committee—I would guess she is 55 years old—working part time at the minimum wage. She cannot afford both her heart medicine and food. So she is not getting any heart medicine. The news from the U.S. Congress today is you are going to continue without heart medicine. You are going to risk your life.

I think of the story my secretary told me just 2 weeks ago. She and two friends, one of whom the Presiding Officer and I know, who has been active in Democratic fundraising, and she was with these two friends and the woman you and I know started to get pale, have chest pains, started to perspire, and she had all the symptoms of a heart attack. She would not let them take her to a hospital. They took her in a taxi to her apartment and on the way they had to stop the taxi because she had nausea. She got home and then got hold of her physician. And it turned out she had food poisoning. But she had all the symptoms of a heart attack. She was not willing to go to a hospital because she did not have any insurance.

How many Americans die because of that? Or the woman today at O'Hare Airport who came up to me with a heavy Hispanic accent, and said she has a son seriously ill and she has to spend $1,400 a month for health care insurance. She said, "We just can't keep it up." And there was agony in her voice.

The U.S. Congress today has said to her tough luck, tough luck, lady. We are not going to help you.

If that woman was working part time, if that woman that you and I know, if that woman at O'Hare Airport lived in Canada, Italy, France, Germany, Great Britain, or Japan they would be covered. But the richest nation in the world cannot do it.

And why did we lose this battle to protect people? Newsweek magazine last week said $400 million was spent to defeat it—that totals more than the amount spent by the Republican and Democratic candidates for President in the last two elections combined—to confuse people, to stop something. People who are profiting from the present system in collusion with those marvelous benefactors of humanity, the cigarette manufacturers, got together and prevented 38 million Americans from having health insurance. And the number is growing by 2 million more a year.

I heard Senator PAUL WELLSTONE on the floor earlier say this is a powerful argument for campaign finance reform, real reform. He is right. Something is wrong.

And let me tell you if I lived in California I would be voting on that ballot for a single payer system. I think one of the messages today is do not count on the Federal Government to help you. The powerful special interests have too much power and you may have to go the way of the States to get something like the single payer system.

I hear all these tales spread about what is happening in Canada. It is very interesting. The last poll that I saw showed 3 percent of the people in Canada would like to have the United States health care system. And yesterday's or the day before—I think it was yesterday's—New York Times had this—these U.N. statistics in there: Canada's longevity is seventh among the nations of the world; the United States 18th. Canada spends far less for health care than we do. We spend more than any other nation and yet 38 million Americans are without health care.

I would like to pay tributes. Some reporter just a little bit ago said this is not going to hurt the President. I do not know why it should hurt President Clinton. To his great credit, and to the great credit of Hillary Clinton, they surfaced this issue. To the credit of Senator JAY ROCKEFELLER, to the credit of GEORGE MITCHELL, to the credit of Senator KENNEDY, you have led on this issue, and I am proud of you for leading on this issue.

This is not a defeat for Bill Clinton or Hillary Clinton or JAY ROCKEFELLER or GEORGE MITCHELL or TED KENNEDY. This is a defeat for the American people. The people who profit from the present system have prevailed, and it is a sad day for this Nation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

ORDER OF PROCEDURE

Mr. FORD. Mr. President, I understand that the distinguished Senator from Pennsylvania wishes to speak. I would like to go ahead and order the recess and let him speak as long as he wants to and then we go out after his remarks.

Would that be all right if I do that?

Mr. SPECTER. It certainly will be.

Mr. FORD. Fine.

We are just about ready.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT BY THE REPUBLICAN LEADER

The PRESIDING OFFICER. The Chair, on behalf of the Republican leader and in consultation with the ranking minority member of the Finance Committee, pursuant to Public Law 103–296, appoints Carolyn L. Weaver of Virginia for a 3-year term to the Social Security Advisory Board.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT 103–36

Mr. FORD. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from a treaty transmitted to the Senate on September 23, 1994, by the President of the United States:

Treaty Between the United States of America and the Republic of Belarus Concerning the Encouragement and Reciprocal Protection of Investment, with Annex, Protocol, and related exchange of letters, signed at Minsk on January 15, 1994. (Treaty Document 103–36);

I also ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty Between the United States of America and the Republic of Belarus Concerning the Encouragement and Reciprocal Protection of Investment, with Annex, Protocol, and related exchange of letters, signed at Minsk on January 15,

1994. Also transmitted for the information of the Senate is the report of the Department of State with respect to this Treaty.

This bilateral investment Treaty with Belarus is the sixth such Treaty between the United States and a newly independent state of the former Soviet Union. This Treaty will protect U.S. investors and assist the Republic of Belarus in its efforts to develop its economy by creating conditions more favorable for U.S. private investment and thus strengthening the development of the private sector.

The Treaty is fully consistent with U.S. policy toward international and domestic investment. A specific tenet of U.S. policy, reflected in this Treaty, is that U.S. investment abroad and foreign investment in the United States should receive national treatment. Under this Treaty, the Parties also agree to international law standards for expropriation and compensation for expropriation; free transfer of funds associated with investments; freedom of investments from performance requirements; fair, equitable and most-favored-nation treatment; and the investor or investment's freedom to choose to resolve disputes with the host government through international arbitration.

I recommend that the Senate consider this Treaty as soon as possible, and give its advice and consent to ratification of the Treaty, with Annex, Protocol, and related exchange of letters, at an early date.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 23, 1994*.

ORDERS FOR TOMORROW

Mr. FORD. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 a.m., Tuesday, September 27; that following the prayer, the Journal of proceedings be deemed approved to date and the time for the two leaders reserved for their use later in the day; that there then be a period for morning business, not to extend beyond 11 a.m., with Senators permitted to speak therein for up to 5 minutes each, with Senators DORGAN and KERREY recognized for up to 15 minutes each, and the time from 10:30 to 11 under the control of Senator DASCHLE; and that on Tuesday, the Senate stand in recess from 12:30 to 2:15 p.m. in order to accommodate the respective party conferences.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. FORD. Mr. President, I ask unanimous consent that, at the conclusion of Senator SPECTER's remarks, the Senate stand in recess, as previously ordered.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FORD. Mr. President, I want to thank the distinguished Senator from Pennsylvania for allowing us to interrupt his time. I appreciate it very much.

I yield the floor.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

HEALTH CARE

Mr. SPECTER. Mr. President, earlier this afternoon, Senator MITCHELL, the majority leader, made a statement about health care, concluding with the sentence: "It is clear that health insurance reform cannot be enacted this year."

That is a very sad day for the American people on the substantive subject of health care, and it is a very sad day for the legislative process in the U.S. Congress.

I believe that no Republican has taken the floor to comment on this statement by the majority leader, but a number of Democrats have spoken and have blamed the Republicans and the special interest groups.

I would suggest, Mr. President, that the American people are going to blame all of us in Washington, DC, for this conclusion. The American people are really fed up with fingerpointing in the Congress, with everyone blaming everyone else, when the reality is that there is enough blame to go around for everyone, and that it is not, as Senator MITCHELL has said in this statement, the responsibility of the Republicans.

I do not seek at this time to blame the Democrats. But I think that it is important to review the bidding on what has happened here, because I think that it is a failure of our system which we have an obligation, as elected Senators and elected Members of Congress, to correct. That responsibility rests largely on the Congress and rests in part on the executive branch for what has occurred here, so that we are concluding the 103d session of the Congress without health care legislation having been enacted.

Permit me to start first with what Senator MITCHELL said in his statement today, on page 2:

> Under the rules of the Senate, a minority can obstruct the majority. This is what happened to comprehensive health insurance reform.

And on page 3:

> Even though Republicans are a minority in Congress, in the Senate, they are a minority with a veto. They have the ability to block legislation and they have chosen to do so on health care reform.

I suggest this is not in accordance with the facts. When health care legislation was finally brought to the floor a few weeks ago by the majority leader, there was no objection to proceeding to the consideration of Senator MITCHELL's bill. There was never a vote to stop debate because debate did not proceed to any extent before the majority leader took the bill down. The majority leader withdrew the bill because, after he introduced it on the first occasion, he changed it to a second bill, and then he changed it to a third bill. It was obvious that there was not support for the bill either on the Democratic side of the aisle or on the Republican side of the aisle because of the enormous bureaucratic substance of the bill.

Like the bill introduced at the request of President Clinton on October 27, 1993, the bill introduced by Senator MITCHELL had more than 100 new agencies, boards, and commissions and had assigned new jobs to about 50 existing agencies. So that it was a massive bureaucracy making revolutionary changes in the health care system which were unpalatable to the American people and unpalatable to the Congress. There was never a cloture vote taken where the Republicans amassed the necessary votes to defeat cloture.

So that I believe it is factually incorrect for the statement to be made that the Republicans obstructed the bill.

Senator MITCHELL went on to say:

> I had hoped that agreement with the mainstream group would produce the 60 votes needed to defeat a filibuster.

I do not know about the 60 votes. There was never a cloture vote taken. The majority leader goes on to say, "Regrettably, very few Senate Republicans took this view. The overwhelming majority opposed any health care legislation, even a modest bill to extend health care insurance to children and reform some industry practices."

Mr. President, a reform bill was offered by the Republican leader, sponsored by 40 Republican Senators, in an effort to have some reform this year. There were bills introduced by other Senators, including myself. There were sincere efforts, and I will speak about the efforts that I personally made on this subject. So I think it is just not in accordance with the facts for the Democrats to point the finger at the Republicans and to say the Republicans killed this legislation.

I am not going to reciprocate in kind by saying the Democrats are at fault because I think the American people are fed up, sick and tired of hearing blame assessed, always on the other side; finger pointing, always at the other side. But I think if we review the history of what has happened on health care reform, we can find a way to handle this job next year.

The issue of health care and the need for reform has long been evident, at least for 4 years, going back to 1990 when Senator CHAFEE led a task force to consider legislation. It was apparent in 1992 that this was a pressing issue on the minds of the American people. And in the 102d Congress, in 1992, there were some 1,500 health care bills pending in the U.S. Congress.

I took the floor on January 29, 1992, to offer health care reform legislation as a starting point. The core of what I offered on that day had been agreed to by all parties. No. 1: Full deductibility for the self-employed and, second, insurance market reform. The majority leader came to the floor that day and said this amendment does not belong on this bill. I responded and agreed with the majority leader that if he would give me a date certain for health care legislation to be taken up I would withdraw the amendment. The majority leader, Senator MITCHELL, declined to do that saying he could not give a date certain. I reminded the majority leader he had given a date certain, the day after Labor Day, to take up product liability, which was on the calendar and was taken up on the date certain. But the majority leader declined to give a date certain and my amendments were defeated, largely along party lines.

Then President Clinton was elected, and in the early days of his administration he announced he would have health care legislation on the floor within 100 days. Soon it became apparent that commitment could not be fulfilled because of the complexity of the subject.

I am not attaching any blame. The statement was made, the goal of 100 days; too complicated, could not be done. First Chairman ROSTENKOWSKI, then-chairman of the House Ways and Means Committee, said we were not even going to have health care legislation in 1993. Then the House majority leader, Mr. GEPHARDT, said we were not going to have health care legislation in 1993. And each time there was a slip in the days, as the CONGRESSIONAL RECORD will show; I came to the floor and said we ought to move ahead at this time. Finally, on April 27, 1993—I should not say "finally" because that was pretty early in the process—I offered health care legislation which was a combination of legislation which had been prepared by Senator COHEN, Senator KASSEBAUM, Senator BOND, Senator McCAIN, and myself.

On the first legislative day of the 103d Congress, the day after the State of the Union speech on January 21, 1993, I introduced Senate bill 18, which I believe was a reform package leaving intact the essence of the current system, which covers 86.1 percent of the American people. It had been targeted to specific problems: targeted coverage for the 37 to 40 million people now not covered; targeted the problem of portability, when people change jobs; targeted the issue of coverage for preexisting conditions; and dealt with the spiraling health care costs by looking at terminal health care costs and by looking at low-birthweight babies and a comprehensive reform plan.

President Clinton introduced, or submitted, his bill on October 27, 1993. We in the Senate were ripe to take up the bill at the beginning of 1994, but we awaited committee action. There were enormous problems in the House of Representatives. The distinguished chairman of a major House committee, Congressman DINGELL, could not get the report out of committee and finally abandoned an effort in that committee.

In the Senate, finally, laboriously late, a bill was produced by the Senate Committee on Labor and Human Resources. And also late, a bill was produced by the Finance Committee. And then much later, a bill was produced by the majority leader and submitted a few weeks ago.

The legislation that was submitted, Mr. President, was so cumbersome, along the lines of bureaucracy, that it simply could not gather much support and was abandoned.

There has been an effort in the last few days by a number of Senators, this Senator included—and I worked with the mainstream group where representatives were present for both the Democratic and Republican parties—trying to find a bill that would make sense, and then more limited bills were proposed by a number of Senators trying to work it out. Finally, it became apparent when Senator MITCHELL, the majority leader, made his announcement today that health care legislation was dead for this year.

There are many ways to point the finger of blame at many, many people all along the process. When I introduced the legislation in 1992, the conclusion was by those who wanted broader reform, "We are not going to take piecemeal reform now because that will defeat an effort for broader reform." Then when I introduced legislation from five Republican Senators, it was defeated again largely along party lines: "Too early, let's await the President's bill."

Finally, when the President's bill came, it was not introduced; we had to have hearings on it. The Presiding Officer, the distinguished Senator from West Virginia, has been heard to say we have had hearings until they come out our ears, maybe not those exact words—the Presiding Officer is smiling—but we have had hearings in sufficient number to know what we are going to do.

But the necessity has always been, I submit, to bring the bill to the floor and to offer amendments. Then to deal with mandates to see if it is the will of the Senate to pass them, to deal with the issue of caps on coverage, to deal with the issue of preexisting conditions, to deal with the issue of portability, and let the Senate vote and let us see where we are going.

It is my firm conviction that we are only going to achieve health care reform if we take it a step at a time, to see what the consequences are, and that there is confidence in the current system by most people and, I think, most of the American people and, I think, most of the Members of Congress, but recognizing that there are areas which have to be corrected.

If we had passed tax reform to give full deductibility to the self-employed, we would have picked up additional coverage. How much? Well, nobody knows for sure—3, 4, 5 million people? If we had insurance market reform to allow small businesses to get together to cut the cost, we would have picked up additional coverage. How much—7, 8, 9, 10, 11, 12 million people?

We could have picked up very significant coverage taking it a step at a time. And through managed care, which is an element of my bill, Senate bill 18, there were substantial savings that could have been achieved. We have a tremendous problem of people getting health care at emergency wards. We could have taken steps to try to deal with that problem, which involves a great deal of cost shifting.

I believe that when we have a health care delivery system in America which approximates $1 trillion there is evidence to support significant savings for managed health care without destroying choice—my wife recently enrolled us in a managed care system, with a little trepidation on my part, but there is an option to pay more if we are not satisfied—managed health care can produce savings. Substantial savings are available also if we deal with terminal health care costs and low birthweight babies and emergency care service if we take it a step at a time.

So it is my hope, Mr. President, that we do not conclude this session and this work on health care by pointing the finger of blame. I think that a long, detailed speech could be made pointing the finger of blame in every direction, but that when you take a look at the hard facts, we did not get far enough on Senator MITCHELL's bill to have a cloture vote or even to consider the legislation which was forthcoming. And in the context where the Republicans had offered legislation with 40 cosponsors and no inquiry was made about who was going to vote how—at least nobody asked me how I was going to vote—and no cloture vote was sought, it is simply not correct to point the finger of blame at Republicans on this side of the aisle when there is a pending bill with 40 Republican cosponsors. I am not saying it goes far enough. I think additions were needed to it, but if you started with that bill, you could have votes to see how far we could go.

So it is my hope, Mr. President, that next year this is the first item of business, whether we have a Senate controlled by the Democrats or Republicans. So that we can say to the American people that when you elect Senator ROCKEFELLER, from West Virginia, who is presiding now, who has done a tremendous amount of work on health care, and when you elect Senator ARLEN SPECTER, from Pennsylvania, and 98 other Senators—they will have elected Senator ROCKEFELLER and me because we are not up this time, and so we know, God willing, considering our health this year, we will be back next year so we can sit down and work this out in the interest of the American people and essentially learn from the mistakes of the past 2 years at least; that it is not realistic to have a massive bureaucracy, illustrated by the chart which I have shown so often on the Senate floor that I will not bring back, with the Clinton plan with 105 new agencies, boards, and commissions and 47 existing agencies with new jobs, and Senator MITCHELL's plan with even more new agencies and more jobs for existing agencies.

But the lesson is we know how to take it a step at a time, and I call it trial and correction, not trial and error, because it is not error to see how we do with it but take it a step at a time to see how it will progress, and that we work in a bipartisan way and stop the finger pointing. I think we can craft health care reform which will meet the objective of health care for all Americans and will meet the objective of holding down the costs.

I thank the Chair. I thank the staff which has waited this extra few minutes for my presentation.

I yield the floor.

RECESS UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER. The Senate, under the previous order, stands in recess until 10 a.m. Tuesday, September 27.

Thereupon, at 6:40 p.m., the Senate recessed until Tuesday, September 27, 1994, at 10 a.m.

NOMINATIONS

Executive nominations omitted from the RECORD of September 22, 1994:

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

BARBARA BLUM, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT FOR THE REMAINDER OF THE TERM EXPIRING MAY 19, 1996, VICE WILEY T. BUCHANAN, RESIGNED.

LA DONNA HARRIS, OF NEW MEXICO, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT FOR A TERM EXPIRING MAY 19, 2000, VICE GAIL BIRD, TERM EXPIRED.

LOREN KIEVE, OF NEW MEXICO, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT FOR THE REMAINDER OF THE TERM EXPIRING MAY 19, 1996, VICE WILLIAM STEWART JOHNSON, RESIGNED.

CATHERINE BAKER STETSON, OF NEW MEXICO, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT FOR A TERM EXPIRING MAY 19, 2000, VICE JAMES D. SANTINI, TERM EXPIRED.

UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY

WALTER R. ROBERTS, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY FOR A TERM EXPIRING APRIL 6, 1997. (REAPPOINTMENT.)

IN THE FOREIGN SERVICE

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED, AND ALSO FOR THE OTHER APPOINTMENTS INDICATED HEREWITH:

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS THREE, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

THEODORE ALLEGRA, OF COLORADO
JESSE I. CORONADA, OF CALIFORNIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS FOUR, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

MARJORIE A. AMES, OF OHIO
DEBORAH J. BARRASS, OF VIRGINIA
VALERIE LOUISE BELON, OF ALASKA
CHARLES ODEN BLAHA, OF VIRGINIA
LAURA G. BYERGO, OF MISSOURI
LISA MARIE CARLE, OF CALIFORNIA
SHAWN P. CROWLEY, OF FLORIDA
JEFFREY F. DE LAURENTIS, OF NEW YORK
JILL DERDERIAN, OF FLORIDA
JEFF AUGUST ELZINGA, OF WISCONSIN
LAURA A. FARNSWORTH, OF TEXAS
JULIA KATHLEEN FULLER, OF MARYLAND
SUSAN PATRICIA GARRO, OF THE DISTRICT OF COLUMBIA
ERIC V. GAUDIOSI, OF PENNSYLVANIA
LAURA ANN GRIESMER, OF OHIO
MARILYNN GURIAN, OF CALIFORNIA
JAN ERIK HALL, OF NEW YORK
PETER MARK HAYMOND, OF VIRGINIA
GREGORY NATHAN HICKS, OF OREGON
COLLEEN ANNE HOEY, OF CALIFORNIA
JASON H. HOROWITZ, OF CALIFORNIA
CHARLES J. JESS, OF COLORADO
DEBRA A. JUNCKER, OF INDIANA
EDGARD DANIEL KAGAN, OF ILLINOIS
HENRY KAMINSKI, OF CONNECTICUT
JULIE LYNN KAVANAGH, OF OHIO
CYNTHIA A. KIERSCHT, OF NORTH DAKOTA
JAMES ALCORN KNIGHT, OF ALABAMA
ALEXANDER MARK LASKARIS, OF THE DISTRICT OF COLUMBIA
JAMES WERNER LEAF, OF WASHINGTON
ALFRED REED MAGLEBY, OF UTAH
BRIAN DAVID MC FEETERS, OF NEW MEXICO
TIMOTHY MICHAEL MONAHAN, OF WEST VIRGINIA
LYNN ELIZABETH MUNN, OF CALIFORNIA
VIRGINIA E. MURRAY, OF NEW JERSEY
REGINA HART NASSEN, OF TEXAS
JONATHAN ERIC OWEN NUSSBAUM, OF VIRGINIA
RICHARD WILLIAM O'BRIEN, OF MARYLAND
ELISE PATTERSON, OF TEXAS
MARTHA E. PATTERSON, OF NEW YORK
J. ANDREW PLOWMAN, OF TEXAS
ALLISON PUGH, OF NEW YORK
MICHAEL ALAN RATNEY, OF VIRGINIA
JOSEPH M. RIPLEY, OF TEXAS
MORRIS WILLIAM ROBERTS, OF OHIO
DAVID CLINTON RODEARMEL, OF WASHINGTON
ANDREW I. RUDMAN, OF THE DISTRICT OF COLUMBIA
ELAINE MARIE SAMSON, OF CALIFORNIA
DOROTHY KREBS SARRO, OF NEW YORK
JULIE LYN SCHECHTER, OF MASSACHUSETTS
ANDREW J. SCHOFER, OF PENNSYLVANIA
JAMES PATRICK SEEVERS, OF NEW YORK
MARK WAYNE SEIBEL, OF KANSAS
JONATHAN SHAKES, OF CALIFORNIA
LYNN M. SICADE, OF CALIFORNIA
THOMAS D. SMITHAM, OF CALIFORNIA
ANDREW SNOW, OF NEW YORK
CLIFFORD TEUNIS GERRITT SORENSEN, OF CALIFORNIA
EDWARD GEORGE STAFFORD, OF TENNESSEE
HARRY ROBERT SULLIVAN, OF FLORIDA
REBECCA L. TAGGART, OF FLORIDA
MARY JANE TEIRLYNCK, OF CALIFORNIA
SEAN TERRY, OF CALIFORNIA
OTTO HANS VAN MAERSSEN, OF ARIZONA
PETER HENDRICK VROOMAN, OF NEW YORK
JOHN ANDREW WECKER, OF CALIFORNIA
SIMONE WHITTEMORE, OF WASHINGTON
WHITNEY JOHN WITTEMAN, OF CALIFORNIA
ANDREW ROBERT YOUNG, OF CALIFORNIA
STAURT A. ZIMMER, JR., OF WASHINGTON

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENT OF COMMERCE TO BE CONSULAR OFFICERS AND/OR SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, AS INDICATED:

CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

NANCY CHARLES-PARKER, OF VIRGINIA
TIMOTHY G. GILMAN, OF NEW HAMPSHIRE
REBECCA L. MANN, OF FLORIDA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED, EFFECTIVE OCTOBER 18, 1992:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

JOAN ELLEN CORBETT, OF VIRGINIA
JUDITH RODES JOHNSON, OF TEXAS
SYLVIA G. STANFIELD, OF TEXAS
MARY ELIZABETH SWOPE, OF VIRGINIA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED, EFFECTIVE OCTOBER 18, 1992:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

JEAN ANNE LOUIS, OF VIRGINIA
CHRISTINE DEBORAH SHELLY, OF FLORIDA
RUTH H. VAN HEUVEN, OF CONNECTICUT
ROBIN LANE WHITE, OF MASSACHUSETTS

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENT OF STATE, PREVIOUSLY PROMOTED INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED ON NOVEMBER 24, 1993, NOW TO BE EFFECTIVE OCTOBER 18, 1992:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

SHARON K. MERCURIO, OF CALIFORNIA
MARY C. PENDLETON, OF VIRGINIA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED, EFFECTIVE OCTOBER 20, 1991:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

JOAN E. GARNER, OF RHODE ISLAND

THE FOLLOWING-NAMED CAREER MEMBER OF THE FOREIGN SERVICE OF THE DEPARTMENT OF STATE, PREVIOUSLY PROMOTED INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED ON OCTOBER 8, 1992, NOW TO BE EFFECTIVE OCTOBER 20, 1991:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

AMELIA ELLEN SHIPPY, OF WASHINGTON

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED, EFFECTIVE NOVEMBER 6, 1988:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

ELIZABETH B. BOLLMANN, OF MISSOURI
THERESE ANN KLEINKAUF, OF NEW YORK
MARSHA D. VON DUERCHKHEIM, OF CALIFORNIA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENT OF STATE, PREVIOUSLY PROMOTED INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED RESPECTIVELY ON NOVEMBER 6, 1989, MARCH 25, 1991, OCTOBER 8, 1992 AND OCTOBER 3, 1991, NOW TO BE EFFECTIVE NOVEMBER 6, 1988:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

JOAN ELLEN CORBETT, OF VIRGINIA
JUDITH RODES JOHNSON, OF TEXAS
SYLVIA G. STANFIELD, OF TEXAS
MARY ELIZABETH SWOPE, OF VIRGINIA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF CAREER MINISTER:

GEORGE E. MOOSE, OF MARYLAND

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

JOHN W. ALDIS, M.D., OF FLORIDA
JOSEPH F. BECELIA, OF NEW YORK
GARY D. BOBBITT, OF KENTUCKY
MICHAEL A. BOORSTEIN, OF VIRGINIA
KENNETH C. BRILL, OF CALIFORNIA
RICHARD A. BRUNO, OF VIRGINIA
CHARLES O. CECIL, OF CALIFORNIA
VICTOR D. COMRAS, OF FLORIDA
RALPH FRANK, OF WASHINGTON
MARC I. GROSSMAN, OF VIRGINIA
JAMES HENRY HALL, OF TEXAS
JAMES H. HOLMES, OF VIRGINIA
J. AUBREY HOOKS, OF VIRGINIA
JOANN M. JENKINS, OF VIRGINIA
DAVID L. LYON, OF CALIFORNIA
PHYLLIS ELLIOTT OAKLEY, OF LOUISIANA
PHILLIP M. TINNEY, OF VIRGINIA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE, AND FOR APPOINTMENT, AS CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE, AS INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

ROLAND W. BULLEN, OF CALIFORNIA
SUZANNE S. BUTCHER, OF VIRGINIA
GEOFFREY W. CHAPMAN, OF VIRGINIA
STEVEN JAMES COFFEY, OF VIRGINIA
GLYN TOWNSEND DAVIES, OF WYOMING
ALAN W. EASTHAM, JR., OF ARKANSAS
GREGORY WILLIAM ENGLE, OF VIRGINIA
BRIAN M. FLORA, OF FLORIDA
THOMAS PATRICK FUREY, JR., OF OREGON
BARBARA J. GRIFFITHS, OF VIRGINIA
RENO LEON HARNISH III, OF VIRGINIA
MAURA MARTY, OF FLORIDA
JOHN E. HERBST, OF VIRGINIA
HEATHER M. HODGES, OF VIRGINIA
DAVID T. HOPPER, OF VIRGINIA
VICKI J. HUDDLESTON, OF MARYLAND
WILLIAM IMBRIE III, OF MARYLAND
DAVID TIMOTHY JOHNSON, OF TEXAS
CHARLES F. FEIL, OF TEXAS
KRISTIE ANNE KENNEY, OF VIRGINIA
JAMES V. LEDESMA, OF CALIFORNIA
MICHAEL CRAIG LEMMON, OF VIRGINIA
STEVEN R. MANN, OF PENNSYLVANIA
JOSEPH ROBERT MANZANARES, OF COLORADO
KENNETH R. MC KUNE, OF MARYLAND
BRIAN J. MOHLER, OF VIRGINIA
JOHN J. MUTH, OF VIRGINIA
RONALD J. NEITZKE, OF MINNESOTA
EDWARD B. O'DONNELL, JR., OF TEXAS
KENNETH W. PARENT, OF ILLINOIS
MICHAEL CHRISTIAN POLT, OF TENNESSEE
NANCY J. POWELL, OF IOWA
WILLIAM E. PRIMOSCH, OF THE DISTRICT OF COLUMBIA
MICHAEL E. RANNEBERGER, OF VIRGINIA
FRANCIS JOSEPH RICCIARDONE, JR., OF NEW HAMPSHIRE
TIMOTHY E. RODDY, OF VIRGINIA
RICHARD ALLAN ROTH, OF MICHIGAN
EDWARD BRYAN SAMUEL, OF FLORIDA
THOMAS C. TIGHE, OF FLORIDA
LINDA E. WATT, OF VIRGINIA
ROSS LEE WILSON, OF MARYLAND
JOHN C. ZIMMERMAN, OF TEXAS

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, AND CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

GEORGE A. BARTSIOTAS, OF MARYLAND
JOHN E. BLANTON, JR., M.D., OF WASHINGTON
ROY E. BUCHHOLZ, OF MISSOURI
JOHN MICHAEL CROW, OF CALIFORNIA
SEYMOUR C. DEWITT, OF FLORIDA
TIMOTHY J. DIXON, OF WASHINGTON
CEDRIC E. DUMONT, M.D., OF MARYLAND
LSWRENCE A. HARTNETT, JR., OF FLORIDA
WAYNE E. JULIAN, M.D., OF TEXAS
MICHAEL NESEMANN, M.D., OF VIRGINIA
GARY DEAN PENNER, M.D., OF NEBRASKA
ROBERT J. SURPRISE, OF VIRGINIA
EDWARD B. WILSON, OF KENTUCKY

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF CAREER MINISTER:

CHARLES E. COSTELLO, OF CALIFORNIA

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

ROGER D. CARLSON, OF CONNECTICUT
CHRISTOPHER D. CROWLEY, OF CALIFORNIA
EDWARD J. SPRIGGS, OF MARYLAND
ANNE E.M. WILLIAMS, OF OREGON

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE, AND FOR APPOINTMENT AS CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE, AS INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

TONI CHRISTIANSEN-WAGNER, OF COLORADO
THOMAS FENELON CORNELL, OF COLORADO
GERALDINE M. DONNELLY, OF MARYLAND
KIMBERLY ANN FINAN, OF MARYLAND
RICHARD W. LAYTON, OF FLORIDA
DAWN M. LIBERI, OF FLORIDA
WILLIAM D. MC KINNEY, OF WASHINGTON
THOMAS J. NICASTRO, OF MISSOURI
CARLOS E. PASCUAL, OF THE DISTRICT OF COLUMBIA
RICHARD P. ROSENBERG, OF VIRGINIA
CAROLE SCHERRER-PALMA, OF TEXAS
LUCRETIA D. TAYLOR, OF VIRGINIA
KIERTISAK TOH, OF VIRGINIA

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, AND CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

JAMES A. HRADSKY, OF THE DISTRICT OF COLUMBIA
EUGENE MORRIS, JR., OF CALIFORNIA

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED, AND ALSO FOR THE OTHER APPOINTMENTS INDICATED HEREWITH:

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS ONE, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF COMMERCE

THOMAS J. QUINN, JR., OF CALIFORNIA

AGENCY FOR INTERNATIONAL DEVELOPMENT

RASHMIKANT B. AMIN, OF CALIFORNIA

UNITED STATES INFORMATION AGENCY

MIRIAM E. GUICHARD, OF CALIFORNIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS TWO, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

AGENCY FOR INTERNATIONAL DEVELOPMENT

JOHN R. ANANIA, OF FLORIDA
MERRITT PEDERSEN BROADY, OF VIRGINIA
MICHAEL A. HAER, OF VIRGINIA
CHARLES MOFFETT MOHAN, OF VIRGINIA
NED VAN STEENWYK, OF WASHINGTON

FOR REAPPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS THREE, CONSULAR OFFICER AND A SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

CHRISTOPHER J. DATTA, OF THE DISTRICT OF COLUMBIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS THREE, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

WILLIAM S. MURPHY, OF PENNSYLVANIA
ROBERT R. RUEL, OF FLORIDA
MARION GLENN RUTANEN-WHALEY, OF VIRGINIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS FOUR, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

SHEILA ANN BELEW, OF TENNESSEE
BEVERLY J. BERG, OF CALIFORNIA
NANCY F. BERRY, OF VIRGINIA
ANDREW NORBU BOWEN, OF TEXAS
MARGARET SHARPS CATON, OF CONNECTICUT
TODD C. CHAPMAN, OF TEXAS
JOHN WILLIAM CROWLEY, OF CALIFORNIA
BRIAN P. DOHERTY, OF FLORIDA
LISA CATHERINE ERRION, OF NEW YORK
ANNETTE P. FEELEY, OF NEW YORK
TARA FERET, OF CALIFORNIA
JAMES VIEBROCK GEARHART, OF WASHINGTON
NICHOLAS JOHN GREANIS, OF ILLINOIS
MARGARET HAWLEY-YOUNG, OF CALIFORNIA
JAMES BAXTER HUNT III, OF CONNECTICUT
CHRIS H. JONES, OF VIRGINIA
APRIL SAMARA KANNE, OF VIRGINIA
PRABHI GUPTARA KAVALER, OF FLORIDA
SAMUEL C. LAEUCHLI, OF WEST VIRGINIA
MARK BAXTER LAMBERT, OF OREGON
LAURA JEANNINE LANE, OF ILLINOIS
MARK ANTHONY LEONI, OF CALIFORNIA
RICHARD LEE LEVISON, OF FLORIDA
EILEEN FAITH LEWISON, OF MASSACHUSETTS
PHILLIP LINDERMAN, OF VIRGINIA
TERESA L. MANZI, OF VIRGINIA
JOHN CARL MARIZ, OF CALIFORNIA
T. KIRK MC BRIDE, OF CALIFORNIA
MICHAEL A. MC CARTHY, OF MARYLAND
MARGARET BERNARD MC KEAN, OF PENNSYLVANIA
F. MIKE MILES, OF COLORADO
VIRGINIA HUTCHINSON MILHOUS, OF FLORIDA
JOSEPH P. MURPHY, OF SOUTH CAROLINA
DIANA PREUTHUN PAGE, OF VIRGINIA
EVAN G. READE, OF CALIFORNIA
KATHERINE KENT SIMONDS, OF CALIFORNIA
ALDO JAMES SIROTIC, OF NEW YORK
SCOTT A. SMITH, OF VIRGINIA
ADAM H. STERLING, OF NEW YORK
UZRA SHAHMIN ZEYA, OF FLORIDA

UNITED STATES INFORMATION AGENCY

MARTHA ELIZABETH ESTELL, OF VIRGINIA
JAMES HUGH GEOGHAEGAN, OF NEW HAMPSHIRE
JULIANNE JOHNSON PAUNESCU, OF MISSISSIPPI
KATHRYN META SCHALOW, OF WISCONSIN
JAMES WESLEY SEWARD, OF WASHINGTON
JEAN HELEN VANDER WOUDE, OF TEXAS

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENTS OF STATE AND COMMERCE AND THE UNITED STATES INFORMATION AGENCY TO BE CONSULAR OFFICERS AND/OR SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, AS INDICATED:

CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

RONALD BRADLY ALLEN, OF VIRGINIA
THOMAS E. BARBIERI-SAUREN, OF VIRGINIA
JENNIFER K. BERGERON, OF VIRGINIA
JENNIFER E. BLAND, OF VIRGINIA
JUDITH M. BUCKLEY, OF VIRGINIA
WILLIAM A. BURCK, OF MASSACHUSETTS
KEVIN JOHN CALLINAN, OF VIRGINIA
WILLIAM W. CHOI, OF MARYLAND
MARGERY ANN GILLUM, OF VIRGINIA
MALVIN MAGNUS HELGESEN, OF VIRGINIA
KATHRYN HOFFMAN, OF VIRGINIA
ERIK HUNT, OF CALIFORNIA
JEFFREY FORREST JACOBS, OF VIRGINIA
LAURA L. JORDAN, OF MICHIGAN
NICHOLAS SPYRIDON KASS, OF VIRGINIA
TYE M. LAGEMAN, OF VIRGINIA
EDWIN J. LAMPITT, OF VIRGINIA
KENNETH E. LEAHMAN, OF VIRGINIA
JOEL E. LUNDI, OF MARYLAND
COLIN C. MC DUFFIE, OF VIRGINIA
KATHLEEN E. NAEHER, OF MARYLAND
FREDERICK ROBERT NAGAI, OF VIRGINIA
JOHN MICHAEL OTT, OF VIRGINIA
MARC A. OWENS, OF VIRGINIA
SANFORD N. OWENS, OF WASHINGTON
ROGER L. QUALHEIM, OF NORTH CAROLINA
MARTIN W. ROEBER, OF VIRGINIA
EDGAR L. ROJAS, OF SOUTH CAROLINA
BARBARA SHIH, OF VIRGINIA
GREGORY P. SIMS, OF VIRGINIA
JOHN H. STEUBER, JR., OF MISSOURI
ROBERT H. STROTMAN, OF OHIO
PAUL STEPHEN TRIOLO, OF MARYLAND
DONALD N. VAN DUYN, OF MARYLAND
HENRY JOHN VERGILIO, OF VIRGINIA
TIMOTHY STUART WADE, OF VIRGINIA
DONNELL L. WILLIAMS, OF MARYLAND
ERIC ALLAN ZEBOLD, OF CALIFORNIA

THE FOLLOWING-NAMED CAREER MEMBER OF THE FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED, AND A CONSULAR OFFICER AND A SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, EFFECTIVE OCTOBER 6, 1991:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

PAUL W. BROADBENT, OF WASHINGTON

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED, EFFECTIVE OCTOBER 18, 1992:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

ROBERT STEVEN BUCKLER, OF NEW HAMPSHIRE
THOMAS L. RANDALL, OF CALIFORNIA

THE JUDICIARY

SVEN E. HOLMES, OF OKLAHOMA, TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF OKLAHOMA, VICE JAMES OLIVER ELLISON.

VICKI MILES-LA GRANGE, OF OKLAHOMA, TO BE U.S. DISTRICT JUDGE FOR THE WESTERN DISTRICT OF OKLAHOMA, VICE LEE R. WEST.

JOHN D. SNODGRASS, OF ALABAMA, TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ALABAMA, VICE E.B. HALTOM, JR., RETIRED.

NATIONAL INSTITUTE OF BUILDING SCIENCES

MARY ELLEN R. FISE, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL INSTITUTE OF BUILDING SCIENCES FOR A TERM EXPIRING SEPTEMBER 7, 1996, VICE VIRGINIA STANLEY DOUGLAS, TERM EXPIRED.

FEDERAL EMERGENCY MANAGEMENT AGENCY

GEORGE J. OPFER, OF VIRGINIA, TO BE INSPECTOR GENERAL, FEDERAL EMERGENCY MANAGEMENT AGENCY, VICE RUSSELL FLYNN MILLER.

DEPARTMENT OF DEFENSE

BERNARD DANIEL ROSTKER, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE NAVY, VICE FREDERICK F.Y. PANG.

Executive nominations received by the Secretary of the Senate September 23, 1994, under authority of the order of the Senate of January 5, 1993:

THE JUDICIARY

PATRICK J. TOOLE, JR., OF PENNSYLVANIA, TO BE U.S. DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF PENNSYLVANIA, VICE RICHARD P. CONABOY, RETIRED.

Executive nominations received by the Senate September 26, 1994:

DEPARTMENT OF STATE

MADELEINE KORBEL ALBRIGHT, OF THE DISTRICT OF COLUMBIA, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FORTY-NINTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

EDWARD WILLIAM GNEHM, JR., OF GEORGIA, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FORTH-NINTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

DAVID ELIAS BIERENBAUM, OF THE DISTRICT OF COLUMBIA, TO BE AN ALTERNATIVE REPRESENTATIVE OF

THE UNITED STATES OF AMERICA TO THE FORTY-NINTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

KARL FREDERICK INDERFURTH, OF NORTH CAROLINA, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FORTY-NINTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

Victor Marrero, of New York, to be an Alternate Representative of the United States of America to the Forty-ninth Session of the General Assembly of the United Nations.

Patrick J. Leahy, of Vermont, to be a Representative of the United States of America to the Forty-ninth Session of the General Assembly of the United Nations.

Frank H. Murkowski, of Alaska, to be a Representative of the United States of America to the Forty-ninth Session of the General Assembly of the United Nations.

UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY

Lori Esposito Murray, of Connecticut, to be an Assistant Director of the United States Arms Control and Disarmament Agency, vice Michael Lorne Moodie, resigned.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

J. Timothy O'Neill, of Virginia, to be a Director of the Federal Housing Finance Board for the remainder of the term expiring February 27, 1997, vice Marilyn R. Seymann, resigned.

NATIONAL TRANSPORTATION SAFETY BOARD

James E. Hall, of Tennessee, to be Chairman of the National Transportation Safety Board for a term of 2 years, vice Carl W. Vogt, term expired.

DEPARTMENT OF JUSTICE

Steven Scott Alm of Hawaii, to be U.S. Attorney for the District of Hawaii for the term of 4 years, vice Daniel A. Bent, resigned.

CALTON WINDLEY BLAND, OF NORTH CAROLINA, TO BE U.S. MARSHAL FOR THE EASTERN DISTRICT OF NORTH CAROLINA FOR THE TERM OF 4 YEARS, VICE WILLIAM I. BERRYHILL, JR.

MICHAEL D. CARRINGTON, OF INDIANA, TO BE U.S. MARSHAL FOR THE NORTHERN DISTRICT OF INDIANA FOR THE TERM OF 4 YEARS, VICE J. JEROME PERKINS.

ROBERT BRADFORD ENGLISH, OF MISSOURI, TO BE U.S. MARSHAL FOR THE WESTERN DISTRICT OF MISSOURI FOR THE TERM OF 4 YEARS, VICE LARRY J. JOINER.

JOHN R. MURPHY, OF ALASKA, TO BE U.S. MARSHAL FOR THE DISTRICT OF ALASKA FOR THE TERM OF 4 YEARS, VICE JOHN A. MCKAY.

JOHN EDWARD ROUILLE, OF VERMONT, TO BE U.S. MARSHAL FOR THE DISTRICT OF VERMONT FOR THE TERM OF 4 YEARS, VICE CHRISTIAN J. HANSEN.

HERBERT M. RUTHERFORD III, OF THE DISTRICT OF COLUMBIA, TO BE U.S. MARSHAL FOR THE DISTR5ICT OF COLUMBIA FOR THE TERM OF 4 YEARS. (REAPPOINTMENT.)

IN THE COAST GUARD

THE FOLLOWING REGULAR OFFICERS OF THE U.S. COAST GUARD FOR PROMOTION TO THE GRADE OF LIEUTENANT COMMANDER IN THE COAST GUARD:

To be lieutenant commander

MICHAEL S. SWEGLES
MARGARET E. JONES
JOHN ZANTEK, JR.
BRIAN D. PERKINS
HARRY P. LEEPER III
LEROY P. SMART
DAVID M. HAWES
DAVID C. RESSEL
STEVEN G. WOOD
KEVIN M. LYON
MICHAEL D. TOSATTO
DAVID A. COOLIDGE
GARY W. MERRICK
RAYMOND W. MARTIN
MICHAEL B. CERNE
RICHARD M. KENIN
WILLIAM J. COFFEY
DOUGLAS R. MENDERS
LUANN BARDNT
JAMES C. LARKIN
DAVID A. MCBRIDE
JOSEPH W. BILLY
WILLIAM T. DOUGLAS
DAVID A. HOOVER
MATTHEW P. REID
CRAIG A. CORL
ANDREW P. WHITE
BRAD W. FABLING
ROBERT D. RAYHILL
JOHN T. HARDIN
JOHN J. SANTUCCI
ROBERT C. BAXTER
DONALD G. BRUZDZINSKI
RICHARD A. BUTTON
MICHAEL D. DRIEU
PETER M. SKILLINGS
BURTON L. DESHAYES
DAVID A. CINALLI
EDWARD W. PARSONS
KEITH A. MACKENZIE
RICHARD KERMOND
GAIL P. KULISCH
DAVID C. STALFORT
BROOKS A. MINNICK
JAMES P. SOMMER
CRAIG B. LLOYD
DAVID R. ALT
LYNN M. HENDERSON
BRIAN G. BUBAR
GEORGE H. BURNS III
JAMES S. ARMSTRONG
SCOTT C. SMID
WILLIAM C. DEAL III
MARCUS E. WOODRING
DREW W. PEARSON
HERBERT M. HAMILTON III
ELISABETH A. PEPPER
MICHAEL S. GARDINER
NORMAN S. SCHWEIZER
JAMES F. MCKELL
KENNETH B. HERTZLER, JR.
DOUGLAS E. KAUP
MICHAEL R. BURNS
BRADLEY W. BEAN
JOHN E. PADUKIEWICZ
ROBERT W. FOSTER
JOAN E. DEWITT
MICHAEL ZACK
PETER N. TROEDSSON
FRANK E. PILE, JR.
DON G. ROBISON
TIMOTHY M. O'LEARY
JAMES A. WIERZBICKI
EUGENE A. LORENZO
OBERT M. BRADY
EDUARDO PINO
KEVIN P. MCCARTHY
BRIAN L. KRENZIEN
PATRICK L. CAYLOR
JOSEPH S. PARADIS
JUNE E. RYAN
SMITH W. KALITA
PATRICK R. DOWDEN
SHARON D. DONALD
ARA YANIKIAN
JOSEPH T. BAKER
LOUIS J. CYGANEK
ROBER6 W. STEINER
CRIS A. MEAD
BERTRAM BRASZ
RAY R. ERNE
NATHAN J. DERR
ANGELO ANTIGNANO III
LARRY D. MCBEE
JOHN D. FREDELLA
DALE W. GARVIN
MICHAEL M. BRADLEY
MARK V. KASPER
LUKE B. ZHARDEN
SCOTT E. WILLIAMS
DENISE L. MATTHEWS
TIMOTHY J. ATKIN
DEAN C. BRUCKNER
PAUL E. DEVEAU
EDGAR B. WENDLANDT
PAUL F. THOMAS
CHARLES D. MICHEL
MICHAEL J. LODGE
JOHN A. FURMAN
SAVID S. KLIPP
PETER J. BROWN
FREDERICK J. SOMMER
ROBERT P. WAGNER
DOUGLAS J. HENKE
JOSEPH M. VOJVODICH
CHRIS P. REILLY
JAMES L. MCCAULEY
TODD A. SOKALZUK
CHRISTOPHER J. LUTAT
CARL B. FRANK
PAUL J. BRABHAM
PETER G. BASIL
MICHAEL J. HAYCOCK
DANIEL C. BURBANK
DONALD P. COFFELT, JR.
DAVID G. THROOP
JOHN F. PRINCE
BRADLEY D. NELSON
GERALD W. WILSON
MICHAEL J. SCULLY
THOMAS P. WYMAN
TIMOTHY J. QUIRAM
STEVEN J. ANDERSEN
MICHAEL P. MCKENNA
DAVID W. NEWTON
JOHN M. KNOX
MICHELLE L. LANE
JOHN J. HICKEY
LISA M. FESTA
CHARLES W. MELLO
MICHAEL W. STANLEY
JAMES M. MONTGOMERY
ROBERT S. SCHUDA
MARK E. MOONEY
WILLIAM D. GITTLER
MICHAEL J. ROER
EDWARD N. ENG
WAYNE A. MUILENBURG
WILLIAM S. KREWSKY
VINCENT D. DELAURENTIS
MARK J. HUEBSCHMAN
TODD P. SEAMAN
ROBERT J. PAULISON
JERRY C. TOROK
GARY S. SPENIK
JOHN P. SIFLING
KELLY L. HATFIELD
JOHN R. PASCH
JEFFREY C. ROBERTSON
CHRISTOPHER D. ALEXANDER
JOHN D. SWEENEY IV
CHRISTOPHER A. MARTINO
CRAIG A. MEYER
GREGORY T. NELSON
JOSEPH M. RE
JEFFREY R. BRANDT
LINDA L. FAGAN
JEFFREY D. LOFTUS
TIMOTHY AGUIRRE
RICHARD T. LEITNER
JAMES B. DONOVAN

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. JAMES E. CHAMBERS, 320-28-2492

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT AS RESERVE OF THE AIR FORCE (ANGUS) IN THE GRADE INDICATED UNDER THE PROVISIONS OF SECTIONS 593 AND 8351(A), TITLE 10, UNITED STATES CODE WITH DATES OF RANK AS INDICATED. (EFFECTIVE DATE FOLLOWS SERIAL NUMBER.)

To be lieutenant colonel

THOMAS O. WILDES, 388-44-3677, 4/10/94
JUDITH E. MCGHEE, 446-58-5486M 5.29.93
THOMAS E. SAWNER II, 432-02-9455, 1/7/91

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR PROMOTION IN THE RESERVE OF THE AIR FORCE UNDER THE PROVISIONS OF SECTIONS 593 AND 8379, TITLE 10, UNITED STATES CODE. PROMOTIONS MADE UNDER SECTION 8379 AND CONFIRMED BY THE SENATE UNDER SECTION 593 SHALL BEAR AN EFFECTIVE DATE ESTABLISHED IN ACCORDANCE WITH SECTION 8374, TITLE 10 OF THE UNITED STATES CODE. (EFFECTIVE DATE FOLLOWS SERIAL NUMBER.)

LINE OF THE AIR FORCE

To be lieutenant colonel

MAJ. TOMMIE S. ALSABROOK, 420-76-8875, 6/4/94
MAJ. THOMAS V. BANKSTAHL, 374-50-3189, 5/20/94
MAJ. ERIC F. BONDSHU, 549-84-6560, 5/19/94
MAJ. MARK L. BOOTS, 512-68-9706, 6/12/94
MAJ. ARMAND GABRIELE, 062-38-8535, 5/14/94
MAJ. DAVID E. HOLMAN, 501-54-5666, 6/4/94
MAJ. THOMAS F. HULSEY, 487-58-3601, 6/8/94
MAJ. SAMUEL KEYES, JR., 426-96-0002, 6/4/94
MAJ. STEPHEN KRIKORIAN, 571-96-6118, 6/12/94
MAJ. JAMES J. KRZYZANOWSKI, 222-40-1997, 6/29/94
MAJ. GEORGE T. MCCLAIN, 382-60-1976, 6/8/94
MAJ. RICHARD J. MOEN, 398-54-6127, 6/7/94
MAJ. ROBERT W. RANSON, 135, 44-6606, 5/5/94
MAJ. RICHARD L. REHMEIER, 492-48-7212, 11/17/93
MAJ. WILLIAM F. RILEY, 427-96-6632, 6/4/94
MAJ. JEFFREY A. SOLDNER, 308-48-1548, 5/26/94
MAJ. THOMAS A. TAKAI, 383-68-5862, 6/4/94

JUDGE ADVOCATE GENERAL DEPARTMENT

To be lieutenant colonel

MAJ. MIRIAM O. VICTORIAN, 222-52-3419, 6/16/94

CHAPLAIN CORPS

To be lieutenant colonel

MAJ. BILLY L. VANGERPEN, 504-60-3170, 5/13/94

BIOMEDICAL SERVICES CORPS

To be lieutenant colonel

MAJ. CLAIR R. PALMER, 519-50-3513, 5/14/94

MEDICAL CORPS

To be lieutenant colonel

MAJ. DAVID M. HALLBERT, 574-24-6962, 5/15/94

DENTAL CORPS

To be lieutenant colonel

MAJ. GARY D. DAVIS, 410-90-4281, 6/14/94
MAJ. RONALD K. GIRLINGHOUSE, 438-80-3172, 6/4/94
MAJ. WILLIAM E. MARCHANT, 536-56-7854, 6/5/94
MAJ. DONALD W. TIPPLE, 397-60-0027, 6/11/94

THE FOLLOWING OFFICERS, U.S. AIR FORCE OFFICER TRAINING SCHOOL, FOR APPOINTMENT AS SECOND LIEUTENANTS IN THE REGULAR AIR FORCE, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 531, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE.

LINE OF THE AIR FORCE

BRET D. ANDERSON, 261-79-8034
MICHAEL L. BARNETT, 328-58-8362
XAVIER F. BOZA, 594-46-4942
ROBERT R. CADWALLADER II, 571-17-2688
PAUL S. CAPES, 259-29-4744
MARK D. CINNAMON, 531-82-1940
CURTIS G. DAVIS, 224-19-3683
ANTHONY FISICHELLA, JR., 066-54-9270
CHRISTOPHER J. FOGLE, 467-17-0758
ERIC W. FRISCO, 177-46-6497
BRYAN M. GILLESPIE, 462-11-5767
GREGORY M. GILLINGER, 548-59-9844
BRIAN A. HINSVARK, 557-61-1297
GEORGE A. HUTCHINSON, 577-02-3672
TIMOTHY G. IMDIEKE, 473-88-9282
MICHAEL E. KENSICK, 324-72-9589
PAUL E. NEIDHARDT, 188-48-8047
BRIAN R. NOLA, 266-69-7382
STEVEN C. OIMOEN, 399-76-9831
WILLIAM T. PATRICK, 248-59-4802
ANTHONY W. PAYAUYS, 300-58-1867
VINCENT M. RYDER, 486-76-0272
DONALD A. SCHMIDT, 484-80-9833
ROGER A. SCOTT, 307-80-7441
MICHAEL P. TERNUS, 454-53-9309
GEOFFREY F. WEISS, 230-15-0853
SARAH H. YANG, 270-80-5990

IN THE ARMY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE REGULAR ARMY AND PROMOTION TO THE GRADES OF MAJOR AND LIEUTENANT COLONEL IN THE U.S. ARMY IN ACCORDANCE WITH SECTION 1552, TITLE 10, UNITED STATES CODE. THE SECRETARY OF THE ARMY WILL DETERMINE THE DATES OF RANK.

BRIAN M. MCWILLIAMS, 498-44-2637

IN THE AIR FORCE

THE FOLLOWING OFFICERS FOR PROMOTION AS RESERVES OF THE AIR FORCE, UNDER THE PROVISIONS OF SECTIONS 593,8366, AND 8372, OF TITLE 10, UNITED STATES CODE. PROMOTIONS MADE UNDER SECTION 8372 AND CONFIRMED BY THE SENATE UNDER SECTION 593 SHALL BEAR AN EFFECTIVE DATE OF 16 JUNE 1994 AND PROMOTIONS MADE UNDER SECTION 8366 SHALL BE EFFECTIVE UPON COMPLETION OF SEVEN YEARS OF PROMOTION SERVICE AND 21 YEARS OF TOTAL SERVICE, UNLESS A LATER PROMOTION EFFECTIVE DATE IS REQUIRED BY SECTION 8372(C), OR THE PROMOTION EFFECTIVE DATE IS DELAYED IN ACCORDANCE WITH SECTION 8380(B) OF TITLE 10.

LINE OF THE AIR FORCE

To be lieutenant colonel

ABAD, FRANCIS L., JR., 344-385-5119
ACQUARO, PETER F., 052-40-89227
ACREE, RICHARD A., 247-80-3767
ADAMCIK, JAMES P., 298-52-7714
ADAMS, DONALD H., 249-92-8215
ADAMS, JOHN W., 396-48-2609
ADAMS, KENT R., 474-62-6868
ADAMS, MICHAEL W., 296-44-4311
AMAN, RICHARD R., 543-62-10224
ANDERSON BERNARD, 495-48-0640
ANDERSON, ELIZABETH Z., 044-54-9441
ANDERSON, KENNETH V., 098-38-7403
ANDERSON, MARVIN D., 477-58-0484
ANDERSON, MATTHEW T., 485-58-8186
ANDERT, MICHAEL J., 490-62-5349
ANDREWS, CALVIN A., 258-72-4374
ANSLEY, GREGORY W., 254-72-1499
AOKI, MILES H., 576-42-3290

ARCHIE, JAMES R., 247–74–6192
ARGONTI, JOHN J., 201–38–0598
ARNETT, ROBERT G., 333–30–0139
ATTARIAN, HOWARD W., 513–48–5465
AUGUSTYN, MICHAEL J., 508–66–0007
BACA, PATRICK, JR., 585–64–2089
BACON, CATHERINE T., 464–94–1026
BACON, ROBERT R., 117–42–0666
BAESLACK, WILLIAM A, III, 277–52–9959
BAHLER, GEORGE M., 187–40–1721
BAILEY, PAUL L., 266–17–7184
BAKER, GREGORY M., 403–82–1197
BAKER, THOMAS F., 250–76–2615
BALDWIN, DICK B., 548–80–3106
BALDY, THOMAS F., 348–40–3845
BANKS, SANDRA J., 231–70–7258
BARKER, ALAN G., 039–30–8944
BARNES, THOMAS L., 445–54–1847
BATEMAN, WILLIAM W., 391–52–2684
BATH, WILLIAM A., 100–38–3900
BATTAGLIOLA, JOHN W., 119–42–4498
BAUER, SPENCER J., 196–38–3811
BEAL, WILLIAM D., 443–50–7698
BEBEE, RICHARD C., 326–36–1979
BECKLES, BENITA H., 337–44–0911
BEEBE, GARY E., 291–46–6627
BEERS, ROBERT A., 165–38–1201
BELKEN, RICHARD J., 248–78–1306
BELLINGER, JOHN N., JR., 250–92–2605
BENDER, GEORGE A., 281–42–4237
BERGSTROM, OMA S., 449–74–9068
BERNSTEIN, LEWIS A., 060–32–4247
BIANCA, FRANK P., 324–44–8651
BIDDLE, ALAN P., 424–70–2095
BITELY TANIA R., 055–40–9413
BLACK, MICHAEL B., 238–76–9359
BLAKELY, RONALD E., 247–90–5994
BLAKENEY, CHARLES W., 418–74–3782
BLEEKER, RAYMOND H., 532–38–2744
BOCK, GREGORY F., 231–68–5354
BOGGS, ROBER L., 284–54–8430
BOGOWITZ, ROBERT A., 557–60–0581
BOHN, GARY P., 107–46–4669
BOIVIN, CHARLES F., II, 085–38–9569
BOLINGER, CLAYTON D., 415–76–4879
BOLTON, RICHARD B., 719–16–9420
BONA, JERRY, 575–44–8710
BOONE, LLOYD D., 267–92–1525
BORDEN, SCOTT A., 542–52–5502
BORRENPOHL, CHARLES W., 324–40–0647
BOSSERMAN, DAVID N., 048–38–3563
BOTTENFIELD, MARK T., 272–44–8060
BOUNDS, FREDERICK W., 227–70–3067
BOYD, JAMES A., 514–50–9364
BRADFORD, WILLIAM B., 001–36–6499
BRADLEY, GORDON L., JR., 263–13–7493
BRANDT, LEE E., 502–68–5475
BRATLIEN, MICHAEL D., 474–62–4159
BRAUN, CONRAD R., 351–40–8159
BREMMER, ROBERT B., 182–44–5518
BRESHER, PAUL S., 316–48–4364
BREZOVIC, JOSEPH L., JR., 187–38–1702
BRIDGERS, LUTHER B., III, 256–74–7698
BRIDGES, LARRY J., 258–80–8660
BRIONES, CARLOS C., 054–40–9544
BROADNAX, EANEST G., 257–80–5675
BROCK, ROBERT D., 312–56–1354
BROOKS, CHARLES D., 433–86–5228
BROOKS, ROBERT M., 421–66–9491
BROWN, GREGORY R., 516–64–2145
BROWN, LARRY, 548–82–3028
BROWN, MERRITT J., 503–60–6143
BROWN, PAUL D., JR., 424–74–4649
BROWN, RONALD J., 486–58–5006
BROWN, SCOTT H., 234–88–1653
BROWNING, ROBERT W., 249–90–8042
BUDDENHAGEN, WILLIAM W., 089–38–8262
BUGGAGE, LAMART J., 436–78–5998
BULLOCK, MARTIN, 228–60–8812
BURCHBY, DALE D., 354–42–9702
BURKE, KAREN L., 172–38–6548
BURKLEY, RODGER E., 554–98–3407
BURN, WILLIAM A., III, 248–88–7436
BURRISS, LARRY L., 275–50–6381
BURSON, NORMAN L., 430–88–3538
BURTON, JERRY L., 276–40–8254
BUSAM, KENNETH F., 335–40–9561
BUSLER, SUSAN T., 233–94–6011
CADDELL, JOSEPH W., 244–74–5283
CAISSIE, PAUL A., 018–36–6906
CALLE, ELLEN J., 451–94–9756
CALORIO, JAMES J., 021–40–9849
CALVINO, HARRY S., 152–38–1183
CAMPBELL, CRAIG E., 010–44–3178
CANDELARIO, BUDDY W., 582–98–1935
CANNON, JAMES A., 427–68–4349
CARTER, HORLIN SR., 236–66–8723
CARTER, OLIVER C., 347–36–0300
CATT, JAMES L., JR., 427–84–6439
CHADDERDON, MICHAEL N., 434–86–2313
CHAG, GARY S., 001–40–9482
CHAMPION, JEFFREY M., 466–74–0274
CHAPMAN, GARY H., 254–80–1626
CHRISTIAN, TERRY E., 258–88–9139
CHRISTIANSEN, SCOTT M., 544–62–5425
CIESZKOWSKI, CHESTER E., 371–52–9252
CLAGGETT, ELLWOOD T., JR., 219–46–2678
CLARK, JOHN C., 463–92–6563
CLARK, RITA F., 452–84–8861
CLARK, WALTER J., 546–52–3320
CLARY, ALBERT T., 260–74–1410
CLEMENT, JAMES L., JR., 430–92–4602
CLEMENT, PAUL P., 382–46–6115
CLEMONS, LEONA M., 555–82–9893
CLENDENING, THOMAS L., 274–50–6152
CLOUSE, MARJORIE E., 470–56–2106
COFFMAN, ROBERT D., JR., 263–96–1803
COLELLO, DEAN A., 129–40–3593
COLN, BARRY K., 247–94–9046
COMPTON, MARTIN B., 585–50–5680
CONARRO, MICHAEL L., 212–56–7688
CONAWAY, RICHARD LEAN, 540–62–5229
CONARD, JAMES D., 300–54–6297
CONREY, WILLIAM M., JR., 412–86–7062
COOK, GARY L., 534–54–7568
COOK, GEORGE G., 419–68–9855
COPE, JANICE B., 552–82–2795
COPE, WILLIAM H., JR., 226–76–3839
CORDIO, STEPHEN, M., 318–42–0661
CORNETT, JOHN P., 467–82–7949
CORONADO, ALEXANDER R., 526–94–5258
CORRIGAN, PATRICK J., 313–58–3913
COUDEN, TOMMY J., 452–92–2991
COUTINHO, ALAN D., 086–42–2465
COWELL, ROBERT A., 48–62–9754
CRABTREE, ERIC W., 069–46–0505
CRABTREE, ROGER D., 462–76–6274
CREMO, LAWRENCE 219–52–9501
CRISLIP, SCOTT A., 288–54–5122
CRONIN, CHRISTOPHER J., 075–40–6353
CROSBY, DENNIS P., 542–54–6185
CROW, ROBERT P., JR., 266–66–4414
CUMMINGS, JAMES R., 529–56–4046
CUNNINGHAM, HOWARD S., 182–52–5578
CURTIS, JIMMY C., 416–72–6680
DABNEY, JAMES B., 449–02–2749
DAHLE, DAVID S., 551–76–7392
DAMICO, THOMAS X., 186–40–1282
DANGELO, JUSTIN E., 071–46–6186
DANIELSON, RONALD C., 482–70–5998
DAVENPORT, MICHAEL A., 467–88–9340
DAVINGNON, RICHARD H., 509–50–8262
DAVILA, HENRY JR., 460–70–9876
DAVIS, MICHAEL E., 547–82–8438
DAVIS, WILFRED 587–58–5151
DAYTON, EDWIN M., 216–58–4978
DEENER, LARRY C., 402–64–9965
DEKLE, BRENT C., 256–84–6627
DELUCA, VICTOR C., 555–74–0104
DENARD, LELAND D., 429–06–7333
DENESIA, THOMAS E., 507–68–3515
DENNIS, MICHAEL F., 433–70–9790
DESMOND, CHRISTINE 104–40–8975
DEVRIES, JAMES M., 369–44–4946
DICKINSON, JAMES C., 565–88–8461
DOERR, ROBERT L., 539–58–7411
DOUGHERTY, DONNA K., 238–04–3013
DOUGHERTY, KEVIN R., 553–82–5289
DOUVILLE, WILLIAM J., 265–04–8833
DOWNEY, WILLIAM R., 230–76–6712
DOYLE, PADDY B., 518–58–6248
DUBNICEK, JOHN F., 346–42–0671
DUBOIS, STEVEN R., 471–60–3081
DUDZIK, MICHAEL C., 384–56–8866
DUNBAR, WILLIAM L., III, 196–38–3924
DUNN, JAMES J., 118–42–9731
DURYEA, EDWARD E., 464–84–8024
EADLINE, SHIRLEY L., 292–46–5792
EFFINGER, JOSEPH T., 305–56–3481
EISENHART, JOHN A., 569–78–4234
ELLENBERGER, MICHAEL L., 162–46–7137
ELLERBEE, EMORY E., JR., 258–88–7399
ELLINGSON, GERALD R., 507–62–6754
ELLIOTT, RICHARD G., 240–82–5998
ELLIS, MARK F., 017–38–7325
ENGBLOM, ROBERT J., 486–54–8854
EPPLEMAN, HERBERT B., 136–38–2564
ERWIN, JAMES R., 444–50–0228
ESCAMILLA, ROJELIO C., 467–72–6359
ESHIMA, NEAL H., 576–50–3221
ESHLEMAN, JOSEPH H., JR., 195–38–9003
ESTEY, WILLIAM H., 003–36–9536
EVORS, RICHARD A., 264–56–0070
EWART, JOHN C., 314–52–8439
EZZY, PETER J., 005–38–0621
FABLINGER, JOHN D., 264–86–4822
FALCON, RANDALL G., 435–84–6530
FARRIS WALLACE W., JR., 422–78–0582
FASS, ANDREW C., 130–46–4071
FEDORS, RICHARD G., 469–46–4189
FEHRENBACK, ROBERT J., 149–36–0822
FERRELL, THOMAS G., 184–38–4177
FICKLER, JOHN M., 142–46–8210
FINKE, RICHARD A., 306–56–5862
FINNEGAN, LAWRENCE J., JR., 471–62–5636
FINNEGAN, TERRENCE J., 524–80–1682
FIRESTONE, KENNETH T., 455–68–2247
FISCHER, JOHN M., 386–56–4143
FITZGERALD, HENRY L., 565–64–2935
FLETCHER, DONALD E., JR., 355–40–4979
FLINN, DONALD P., 185–38–5486
FLINN, LYNDA T., 569–96–5132
FLINT, ROBERT B., 004–56–4820
FLOCK, CHARLES V., 267–96–1498
FLOWERS, LEWIS D., 462–88–1293
FLOYD, WILLIAM M., 425–94–2297
FOBIAN, JOHN C., 528–88–0618
FOGLER, STEPHEN H., 524–68–5372
FONG, MATTHEW K., 546–72–6138
FOSTER, DOUGLAS G., 542–58–5397
FOX, PETER E., 031–34–6105
FOY, LESLIE E., 435–76–4661
FRANKENBERRY, ROBERT H., 232–78–1777
FREEMAN, DALE E., 456–98–5634
FRERICHS, JOHN R., 553–74–3269
FRESE, NORMAN A., 166–42–4651
FRIESENHAHN, CHUCK R., 462–98–5661
FUDALA, JOAN C., 300–44–1469
FULLER, ROGER P., 585–07–8477
FULLER, STANLEY G., 524–74–0436
FURBUSH, ROBERT M., 154–40–6464
GALLAWAY, CHARLES R., 454–04–1745
GALLEGOS, WILLIAM C., 528–74–8563
GANDER, WILLIAM F., JR., 089–44–1402
GANO, RICHARD A., 457–78–1826
GARLAND, FRANK S., 458–84–5275
GARLAND, THOMAS E., 466–76–2137
GARNER, DENNIS W., 415–78–4070
GEISER, ROBERT E., 549–82–2229
GERIMONTE, JAMES A., 543–46–8925
GERING, VIRGIL E., 531–42–4180
GETLEY, EDWARD, 201–36–5244
GIEFER, EUGENE B., 514–50–8930
GILBERT, JIMMIE, 430–68–1557
GILBERT, MALLORY N., 043–46–7022
GILBRIDE, RICHARD L., 139–46–2778
GILL, CHARLES S., 436–88–2057
GILREATH, CALVIN E., JR., 445–52–7004
GOLTZ, GARY R., 473–62–8976
GONG, MELVIN K., 564–68–1071
GONZALES, ANTHONY, 460–56–6467
GOODHEAD, WILLIAM S. III, 219–58–2143
GOOTEE, KEVIN J., 252–80–2888
GRABULIS, MARY J., 015–48–7490
GRAVELLE, THOMAS J., 287–42–7006
GRAY, MILLARD H., JR., 453–96–5373
GRICKIS, RONALD G., 184–42–9475
GRIFFIN, HERMAN O., JR., 251–78–5888
GROPPER, DAVID L., 507–72–1038
GRUNZKE, PAUL M., 585–16–2710
GRYWATCH, THOMAS A., 355–46–9729
GUSTAFSON, JAMES A., 501–64–2100
GUTIERREZ, MARTIN D., 554–94–0019
HALE, HOLBERT R., 529–60–1347
HALL, HERBERT, 253–70–7486
HALL, RICHARD S., 265–02–5081
HALL, WALTER G., 414–74–5743
HALLEY, JACKIE R., 542–58–9798
HAMEL, DANA R., 293–40–8179
HAMMERMASTER, DENNIS L., 533–46–0763
HANCHETT, THEODORE L., 510–44–7794
HANDLIN, MARY C., 545–66–4670
HANDY, REDMOND H., 511–50–6769
HANNA, BRUCE F., 357–46–5583
HANSON, CHARLES M., 535–48–1137
HARRITT, THOMAS E., 261–15–0206
HARTLING, LYLE T., 480–60–0898
HARTMANN, VIRGINIA P., 157–42–4363
HASLAM, RONALD P., 166–36–9138
HATTABAUGH, MELVIN D., 308–56–7440
HAYDEL, CRAIG D., 434–72–1022
HAYDEN, JOHN S., 265–90–5871
HAYES, DONALD C., 262–82–2036
HAYNIE, RICHARD A., 492–62–1713
HAZLETT, WALTER I., 058–42–6500
HEAVEY, WILLIAM T., 207–44–1577
HENRY, MICHAEL 285–54–5203
HERBEL, CHARLES A., 447–48–0096
HERREL, TIMOTHY J., 349–36–5674
HERRICK, RICHARD B., 020–38–5349
HERRMAN, DAVID P., 387–60–2834
HERVE, KEITH E., 150–46–2680
HIDLEY, ROBERT W, JR., 069–40–9994
HIDY, JOSEPH W., 444–54–1769
HIEMSTRA, JOHN M., 519–62–3306
HIGGS, STEPHAN D., 467–94–0620
HILLEBRAND, EVAN E., 547–68–4921
HINKLE, JOHN A., 561–74–8024
HINOJOSA, VIRGIL R., 454–98–5911
HINSON, GERALD T., 249–72–2902
HIRAI, WALLACE T., 576–58–5444
HISLEY, ALBERT P., 218–44–3288
HIXSON, KEVIN E., 269–44–1878
HODGES, HUGH L. JR., 353–42–5401
HOELSCHER, JAMES F., 322–36–4262
HOLLING, MARCUS W., 531–48–3263
HOLLOWAY, JAMES E. JR., 250–86–6213
HOLMES, THOMAS C., 195–40–2571
HOLMSTROM, DARRELL D., 482–58–3820
HORNUNG, EDWARD R., 129–44–5075
HOWELL, JOHN W., 266–86–1487
HOWERTON, JIMMY D., 448–44–7582
HOWLETT, JOHN M., 228–66–8450
HUDSON, GARY E., 521–74–2165
HUMKE, FREDERICK Q., III, 466–74–6994
HUNT, HOWARD P., III, 405–60–2619
HUNTINGTON, RICHARD E., 168–42–2959
HUTCHISON, WILLIAM T., 520–42–5297
HUTZEL, ROBERT F., 526–70–2731
IPPOLITO, JEFFREY W., 293–52–0567
IRVING, ROBERT T., 229–62–4304
IRWIN, WILLIAM C., 474–48–5072
JACKSON, EARL, 253–58–6808
JACKSON, GARRY C., 256–86–6934
JACKSON, LARRY A., 294–48–4885
JACOBS, CHARLES D., 510–42–7966
JACOBS, ROBERT W., 186–42–4660
JAMES, LARRY A., 473–58–6185
JANUSKIEWICZ, ROY M., 022–30–8527
JASKEY, ARMAS J. JR., 266–96–0734
JAY, JEFFERY J., 250–94–2072
JENKINS, TILLUS B., 433–72–0086
JENNINGS, LEE, 585–16–4747
JINKS, WILLIAM G., 079–44–4417
JOHNSON, BRADLEY N., 570–68–6364
JOHNSON, JENNIFER A., 572–72–4234

JOHNSON, WILLIAM W., 260-76-4107
JONDAHL, THOMAS K., 469-62-3940
JONES, ANTHONY L., 212-56-2250
JONES, BILLY F., 467-82-5090
JONES, JOHN P., 340-44-9383
JONES, RICHARD L., 223-72-4698
KAISER, CHARLES E., 585-10-3440
KEATING, CHRISTOPHER B., 081-38-2105
KECK, GREGORY L., 461-78-1306
KEGLEY, WINSTON P., 227-56-6380
KENDRICK, PAUL J., 291-42-4755
KERLEY, DONALD J., 046-38-4633
KERPAN, ALLEN M., 166-42-6545
KEUSSEYAN, JOHN A., 566-88-2754
KEY, ROBERT L., 435-70-0792
KEYES, JOHN W., 554-78-5976
KIGHT, MARY J., 566-76-8947
KIMPEL, GORDON P., 109-44-3081
KINCAID, JOE W., 544-62-5383
KINCAID, PHILIP E., 547-80-9553
KLEIN, DANIEL P., 323-44-5731
KNAPP, RAYMOND F., 220-46-5545
KNIGHT, MICHAEL E., 432-96-0979
KOHLHAAS, KAREN D., 508-66-5944
KOLESAR, CHARLES M., 363-52-0107
KONVALINKA, MICHAEL J., 415-84-1662
KOOGLER, SAMUEL M., 227-82-5365
KOSINSKI, GARY R., 305-58-7773
KRAYSETS, STEPHEN J., 288-48-1692
KRNAVEK, RONALD L., 464-92-4478
KROHN, KENNETH W., 483-50-7772
KRUMMEL, DENNIS W., 544-64-4233
KUCHTA, JOSEPH D., 212-64-4075
KUHLMAN, FREDERICK B. JR., 409-78-2814
KULIBERT, ARTHUR F. JR., 388-56-9629
KUMABE, BERT T., 576-52-3268
KURAKAZU, EDWIN K., 572-82-7943
KWIATKOWSKI, PAUL H., 013-40-0811
KYLE, WALTER G., III, 302-44-8079
LADD, STEPHEN R., 341-42-5275
LAEVASTU, EVA K., 548-94-5914
LAMAR, DAVID S., 267-90-8562
LANDER, DAVID M., III, 466-74-6917
LANGE, FREDERICK K., 538-52-5298
LARAMEEWENTZELL, SUSAN J. 029-44-6378
LAWRENSON, LEO J., 491-52-4645
LEMOI, WAYNE T., 035-34-9453
LEMON, ZANE J., 333-40-7809
LENZ, ROBERT A., 356-40-4220
LEONARD, CHARLES R., 543-62-0300
LESS, JAMES E., 062-40-3303
LEVERSON, BRUCE N., 516-54-6441
LEWIS, DELBERT D. JR., 553-78-3723
LEYSATH, TERENCE L., 225-64-7863
LINDSEY, WALTON T., 404-64-6075
LIPSCOMB, GEORGE M., 524-78-2862
LITTLE, ROBERT D. JR., 223-76-2100
LIVINGSTON, THADDEUS A., 134-42-5402
LOFQUEST, CHARLES A., 501-56-5881
LONG, JAMES R. JR., 026-40-0181
LONG, LYNN I., 512-54-0034
LONG, RICHARD D., 255-84-4636
LONGTINE, JAMES P., 382-50-5285
LOUGH, DAVID A., 226-68-5321
LOUGHNANE, JOHN P., 321-36-3086
LOUMA, JOSEPH M., 156-38-5479
LUBEAN, HENRY E., 529-72-0238
LUEDERS, CHARLES R., 495-50-9009
LUNDBERG, CHARLES L., 371-54-8325
LUNDELL, TERRY F., 528-70-6828
LUTENBACHER, JOHN E., 438-70-1712
LUYSTER, LEWIS H., 355-44-2110
MAHON, MICHAEL T. JR., 296-48-2894
MAIDELIS, TALIVALDIS I., 043-44-3476
MALONE, ALAN L., 508-70-7723
MALOUSEK, RONALD E., 508-60-4851
MANCINI, JAMES 063-44-5287
MANCUSO, DONALD R., 186-42-2107
MANNING, WILLIAM T., 156-38-9532
MANTEL, HANS F., 342-38-6250
MAQUET, MICHAEL L., 355-42-0150
MARCHAND, ALEXANDER J., 437-68-6455
MARCUZZO, PETER L., 507-74-3375
MARLOW, JOHN H., 585-16-5853
MARTIN, ROBERT W., 575-56-3145
MASON, JOSEPH W., 528-68-9971
MASSENGALE, ALFORD E., 462-74-7050
MASTERS, LAWRENCE R., 513-50-3076
MATECKO, ALAN J., 231-68-9410
MATHES, ROBERT S., 566-74-5294
MATTHEW, DEBRA L., 520-64-0495
MATURE, ROGER A., 250-02-9422
MATUSZAK, LEO W. JR., 045-44-0052
MAUZAKA, THOMAS A., 041-48-6136
MAYNARD, TERRY E., 526-88-0708
MAZUROWSKI, WALTER J., 078-42-8388
MCCAMPBELL, SUZANNE B., 519-62-6649
MCCARTER, HARRY L., 419-60-2287
MCCLAIN, RICHARD E., 031-40-7623
MCCOLLAM, MICHAEL L., 444-48-8180
MCDONALD, FLOYD T., 575-48-2052
MCGINLEY, GERALD L., 533-54-0992
MCGUCKIN, GERRY A., 099-34-5809
MCHAN, STEPHEN D., 414-78-1551
MCKENZIE, WILLIAM A., 560-82-3694
MCKINNELL, KENT B., 213-48-6231
MCKNIGHT, JOHN H., 420-72-3749
MCMAHON, ROGER F., 143-36-3355
MEEKER, JAMES R., 538-52-8999
MEIER, DOUGLAS C., 469-50-8072
MEIER, KENNETH R., 388-56-8377
MEIERS, GREGORY A., 179-42-811
MELLITZ, NELSON L., 162-45-544
MENTAVLOS, JOHN G., 243-76-7164
MERRILL, DAVID P., 423-68-6450
MEYER, MORGAN K., 309-50-7038
MILLER, GARY W., 439-80-6268
MILLER, JIMMY W., 421-58-3837
MILLER, LLOYD H., 430-76-2452
MILLER, WILLIAM J., 140-46-8578
MILLIGAN, JOHN C., 529-68-7473
MILLS, MAXINE N., 237-86-1801
MINISSALE, VINCENT, 102-44-1133
MOFFATT, HOWARD W., JR., 012-44-7814
MORALES, JOHN C., 565-72-1759
MORRIS, ROBERT W., 359-42-1649
MORRISON, KATHERINE R., 546-76-5373
MORRISON, LINDA C., 562-68-7003
MORRISON, ROBERT J., II, 051-48-5056
MORROW, JEFFREY R., 565-76-6480
MORTON, SIDNEY G., JR., 226-72-7338
MOSQUERA, JOSE A., JR., 583-47-7485
MUNRO, JAMES S., 146-46-9352
MUNROE, BECKY C., 419-70-5141
MUNDAUGH, JAMES T., 261-17-2502
MURPHY, CHRISTOPHER P., 017-44-1351
MURPHY, JOHN T., 089-36-2755
MURPHY, SCOTT J., 448-50-1368
MURPHY, KEVIN A., 091-44-9889
MYERS, EUGENE D., 266-78-2297
NALLEY, STANLEY G., 587-30-1727
NEFF, PETER S., 048-40-8852
NUE, RUSSELL C., JR., 253-88-6346
NEWMAN, ROBERT B., JR., 075-44-1651
NEWTON, MICHAEL B., 277-54-3635
NICKERSON, MARK D., 585-64-4197
NUDO, RUDOLPH JR., 265-94-8413
OAKLEY, TONY M., 239-90-2159
OBRIEN, THOMAS W., 027-36-5651
OLSEN, ALLAN R., 475-64-5685
OLSEN, JAMES J., 561-64-3748
ORELLANA, RICHARD C., 286-48-4313
OWEN, RONNY C., 430-90-0118
OWENS, WILLIAM R., 474-48-0539
PAIGE, DAVID A., 356-42-2734
PARKER, ALLEN D., 389-44-9826
PARKER, THOMAS J., 544-62-3639
PAULSON, CHRISTOPHER M., 531-56-7313
PAWLIKOWSKI, JOSEPH B., 323-42-8553
PEARSON, DAVID R., 231-74-7933
PEFLEY, MICHAEL D., 345-44-5498
PEGUES, JUTTA C., 282-50-9168
PEMBERTON, ROBERT H., 230-60-1874
PETTET, DENNIS C., 526-74-5835
PHILLIPS, SHARON L., 271-44-6992
PIATT, DARRELL G., 261-62-4428
PICKETT, DAVID A., 455-80-2453
POINTER, BEVERLY A.P., 174-48-4076
POMERENKE, WILLIAM C., 542-66-5666
POON, AMOS C., 585-84-0919
PORTER, RILEY P., 431-96-8822
PRATT, GARY A., 510-46-9230
PRAWDZIK, VICTOR S., III, 585-46-5184
PREHER, JANELLE, 310-56-6522
QUANBECK, GORDON H., 085-42-0447
QUIROZ, DAVID R., 526-66-3711
RAGAN, ELMER W., 585-30-9785
RAGSAC, BEN Q., 558-68-8373
RAMSAUR, JACK W., II, 438-84-8374
RAMSEY, CHARLES E., 197-36-6773
RANDBY, JAMES E., 411-86-1301
RATKEWICZ, ARTHUR G., 355-46-4176
RATTAN, TRAVIS P., 448-54-0783
RAWLINGS, STEPHEN H., 585-64-3348
RAY, SHERRY A., 311-58-5215
REED, JOHN D., 554-94-5658
REEVES, WAYNE C., 439-62-6260
REMISZEWSKI, JAMES F., 044-48-4918
RENTZELL, RUTH F., 413-84-3567
REPAK, PAUL L., 078-44-9922
REYNARD, ROGER W., 296-48-5524
RHOADS, WILLIAM T., 517-52-5860
RIDLEY, PAUL R., JR., 089-38-2303
RIEDL, CHARLES A., 397-46-5343
RIGAZIO, MARIO A., JR., 027-34-0937
RISNER, GARY D., 431-90-1237
RISSMILLER, RALPH W., JR., 557-72-3340
ROACH, SAMUEL L., 442-50-8305
ROBBINS, DENNIS L., 445-52-4145
ROBERTS, JAMES B., JR., 248-02-5240
ROBERTSON, WILLIAM D., 415-82-5935
ROBIE, JAMES G., 524-76-2615
ROBINSON, MELVIN R., JR., 248-94-0497
ROLBECK, MICHAEL H., 567-70-9613
ROLLIN, WILLIAM F., 296-44-8918
ROSE, JAMES C., 261-13-2263
ROSE, JAMES L., 021-36-6230
ROSS, LAWRENCE J., 076-36-1574
ROWELL, PHILLIP V., 247-80-5602
RUDICEL, KENTON E., 514-48-8739
RUEHRMUND, JAMES C., JR., 227-68-5495
RUSSELL, HOWARD A., 558-78-1281
RUTH, STEVEN L., 572-76-0569
RYNERSON, EARL B., JR., 405-74-7115
SAAB, DENNIS E., 440-56-2268
SAATZER, PATRICK M., 475-52-5574
SAFFORD, SHARON E., 169-40-2265
SALVATORE, ANTHONY,' 293-46-4486
SAMSIL, DORRIS M., JR., 415-72-3966
SANCHEZ, DAVID H., 583-22-4236
SANOCKI, JACK M., 017-34-1691
SARGENT, RICHARD L., JR., 575-62-8442
SAUCEDO, JOE R., JR., 466-92-6643
SAWEY, THOMAS J., 151-42-9446
SAYLOR, GREGORY C., 239-96-0033
SCADDEN, GLENN S., 529-70-7676
SCHAADT, HARRIET S., 288-44-1854
SCHISLER, GARY H., 279-42-8468
SCHLASNER, STEVEN M., 474-64-2210
SCHLEIDEN, ROBERT R., 161-42-6702
SCHMID, MICHAEL J., 390-58-1567
SCHMIDLKOFER, JILL G., 234-78-3252
SCHMIDT, TIMOTHY A., 191-40-3352
SCHMITT, JAMES K., 430-92-6052
SCHMITT, THOMAS J., 346-46-1425
SCHOENFELD, ROBERT W., 143-46-9747
SCHWAAB, DOUGLAS G., 490-60-5092
SCHWARTZ, MARK R., 278-42-3302
SCOTT, CATHERINE L., 240-92-9394
SCOTT, MARK D., 305-50-3691
SCOTT, MICHAEL P., 432-04-3942
SCOTT, ROBERT H., 270-38-2315
SEE, RONALD R., 292-38-2175
SERB, JOHN H., 277-52-7460
SETTLE, KENNETH R., 442-50-7763
SEXTON, PAMELA A., 453-98-8288
SHARP, DOUGLAS F., 089-38-7953
SHARP, ERIC W., 523-84-6140
SHAW, MICHAEL D., 222-38-4382
SHEPROW, MARK E., 136-44-7430
SHNOWSKE, JOHN R., 393-48-7454
SIEGERSMA, LARRY C., 474-46-2385
SIGLER, WALTER G., 455-82-3887
SIMS, WILLIAM J., III, 568-88-5132
SITTINGER, ROBERT G., JR., 154-44-4920
SKILLERN, HENRY R., 461-86-9445
SKINNER, CARL M., 554-84-4165
SLYTER, RONALD C., 524-68-3985
SMALL, TERRY W., 234-84-5169
SMERCHEK, DANA M., 509-48-4707
SMITH, HYMAN D., JR., 249-98-4398
SMITH, RAY E., 570-66-3119
SNELL, WARREN D., 508-70-1814
SNEYD, JAMES C., JR., 033-38-5189
SORG, DANIEL A., 314-44-4809
SOSBE, KEVIN B., 273-42-6364
SOVICH, JOSEPH A., 155-44-5249
SPEER, ROBERT G., 521-72-7226
SPENCE, ROBERT D., 497-60-7514
SPIEKER, GERRIT K., 096-34-5845
SPINGER, RONALD, 395-32-6292
STEIN, DAVID E., 264-80-0126
STEIN, GARY L., 530-40-7018
STEINHILPERT, GREGG P., 526-96-7463
STERRETT, JAMES L., 418-68-7617
STEVENS, RILEY R., 217-58-4702
STEVENS, WILLIAM T., 515-52-1691
STEWART, DAVID L., 217-46-5226
STEWART, KARIN G., 450-92-6613
STEWART, KENNETH D., 450-78-6107
STOCKY, CLAUDE F., 057-44-0839
STOKES, CLYDE M., JR., 319-46-3982
STONE, THOMAS J., 559-72-4504
STRAUB, HENRY L., 151-38-3264
STRAUP, MICHAEL J., 365-46-9136
STRAUSS, ROBERT W., 069-36-6759
STUCKERT, ROBERT I., 391-52-4038
SUMMERLIN, JIMMIE M., 266-68-5525
SUMNER, WILLIAM H., JR., 449-02-9387
SUOMINEN, KENNETH A., 468-62-5368
SUSNIK, JAMES A., 476-60-4934
SWANSON, DAVID V., 320-42-0327
SWINNEY, BRADY W., JR., 459-88-3743
SYKES, PAUL J., 250-78-2643
SZAROWICZ, EUGENE S., JR., 216-52-7013
TANNER, WILLIAM W., 528-60-0319
TAYLOR, ANN S., 296-52-1248
TAYLOR, BARRY W., 542-58-0011
TAYLOR, LEWIS A., III, 121-38-9490
TENNANT, JOHN E., 275-54-2561
THOMAS, DANIEL B., 350-38-4702
THOMAS, RUSSELL K., 270-48-7879
THOMPSEN, DAVID W., 519-54-0484
THOMPSON, LARRY W., 465-90-0810
THOMPSON, ROBERT W., 545-66-5807
THORNHILL, DOUGLAS H., 410-66-9681
TIGNER, GEORGE T., 415-74-7150
TILTON, ROBERT M., 003-36-3670
TODD, MICHAEL C., 435-74-0702
TOMANEK, JIM, JR., 463-90-9705
TOPLISS, HARRY, III, 260-74-7809
TORGERSON, RAYMOND B., 517-50-9268
TOW, SHEILA L., 105-48-5312
TOWLE, RICHARD A., 190-40-1470
TRAINOR, THOMAS D., 031-44-5133
TRIMBLE, CRAIG A., 189-44-9004
TROEGNER, PHILIP S., 145-46-0829
TROMLEY, STEVEN P., 266-04-1161
TUCKER, MICHAEL R., 226-80-7598
TURNER, COLLEEN, 562-84-3847
TURRICIANO, ALBERT J., 559-62-8575
TYLSKI, CRAIG A., 505-62-4110
TYNES, EDWARD R., 373-50-4350
UNDEM, HALVOR A., 503-66-2145
UNICE, CHARLES J., III, 572-84-5053
UTZ, BRADLEY W., 170-38-4121
VACCARO, MAUREEN A., 538-64-1327
VALENTINE, DAVID S., 188-42-2425
VANDEUSEN, FREDERICK, I., 080-40-3421
VANHORN, WILLIAM H., 478-58-0421
VANRITE, ROBERT R., 458-96-2000
VANVLIET, BRIAN W., 272-42-5453
VARNER, ROGER W., 424-72-0733
VAZQUEZ, LUIS A., 584-20-9627
VEGDAHL, EDWARD J., 476-62-6991
VELLER, ROBERT H., II, 231-54-9422

VISOSKIS, GEORGE E., JR., 192-42-3970
WADDY, GEORGE M., 253-84-7102
WADE, CHARLENE F., 007-46-8286
WAGNER, LESTER A., 493-48-8664
WAGNER, OKEY B., 463-76-8024
WAINWRIGHT, MACK M., JR., 417-62-4917
WAKEMAN, WAYNE P., 575-52-7735
WALLACE, JAMES A., III, 526-76-7940
WALLS, DAVID D., JR., 261-02-7650
WALRAVEN, JAMES L., 585-50-7547
WALSH, SUSAN A., 096-40-1830
WALTHER, WOLFGANG, 144-40-5818
WALTON, BRUCE A., 510-58-5865
WARD, LAWRENCE D., 454-82-5805
WARD, THOMAS B., 462-88-7519
WASEM, MARCIA E., 533-54-1839
WATSCHKE, JOHN S., 476-65-2726
WEBER, MICHAEL H., 072-40-8499
WELCH, DAVID L., 524-70-4767
WELCH, DESMOND R., 559-90-1953
WENGER, ROBERT G., 521-66-3617
WEYERMAN, WAYNE S., 545-82-7983
WHITE, THOMAS G., 246-68-4894
WHITESIDE, JOHN M., III, 421-64-6978
WHITING, GREGORY L., 528-70-2686
WHITLEY, JULIAN L., 344-46-1207
WIDAUF, DAVID P., 555-70-4986
WILBURN, DORIT G., 449-84-1883
WILHELMSON, RONALD L., 523-68-9614
WILKERSON, SUSAN M., 572-72-0967
WILLIAMS, JOHN H., 193-42-0544
WILSON, JAMES I., 414-76-0542
WISNOM, SUSAN J., 255-78-5264
WITHERSPOON, ROBERT M., 249-84-9649
WOMBLE, DAVID L., 256-76-2968
WONG, STEVEN K., 576-56-4993
WOOD, JEFFREY C., 568-80-1571
WRIGHT, RICHARD L., 226-80-3225
YANNER, MICHAEL L., 310-50-0281
YOUMANS, CLIFTON C., 461-96-4551
YUH, PETER, JR., 575-62-6468
ZAGAR, GREGORY J., 080-38-2301
ZEMKE, LINDA H., 409-86-7482
ZMORA, JOSEPH P., 344-46-4194
ZYLWITIS, JOSEPH D., 170-42-4598

DENTAL CORPS

BEEHNER, MARK E., 378-50-9600
COBB, RONALD M., 237-94-7078
DALLISON, NOBLE S., 429-96-7987
EPSTEIN, GARY F., 059-40-5078
FULLER, MICHAEL F., 552-82-2538
GRELLNER, THEODORE J., 492-58-9116
HIGGINS, TIMOTHY, 388-54-4814
HOYE, STEPHEN R., 012-36-7362
KELEHER, THOMAS A., 522-80-7673
KELLEY, HARVEY E., 267-76-9982
KLEIN, RAYMOND M., 061-38-8188
MURZYN, MICHAEL E., 359-46-5668
PAUNOVICH, ELEONORE, 314-60-1057
SCHOONMAKER, RICHARD J., 546-90-1575
SHAPIRO, SHERRY D., 109-40-4340

MEDICAL CORPS

ALDAY, MICHAEL A., 309-58-1964
ALVARADO, PASTOR, 466-53-1681
ASHBY, KERMIT B., 226-80-1458
BAILEY, WILLIAM H., 456-80-1908
BLOCK, DENNIS W., 482-70-6049
BOERSMA, RICHARD W., 313-54-2542
BREITENBACH, RAY A., 174-36-2488
BRIDEWELL, BRUCE M., 059-42-5271
CRUZ, EDWIN, 130-42-6024
DAVIDSON, RICHARD S., 528-76-5126
FRANZ, JOSEPH C., 233-74-0954
GIBSON, DESMOND D., 568-64-9026
GILBIRDS, WILLIAM M., II, 486-72-6128
GROBERG, GEORGE H., 518-54-7439
HABERER, PAUL A., 481-48-6965
HAUSER, JOHN R., 171-38-6395
HURD, WILLIAM W., 424-72-1199
JOHNSTON, EUSTACE A., III, 454-64-2624
LEONARD, STEPHEN D., 032-36-8815
MILUM, STEVE A., 453-88-2981
NEACE, LEWIS D., 538-44-0766
POLLAN, WILLIAM A., 460-84-5385
REINHARD, RONALD N., 392-30-8339
SHAIKH, HAROON A., 275-64-7046
TORRES, MICHAEL A., 267-27-5019
UMAKANTHA, KAGGAL V., 321-60-6801
WYMBS, HENRY M., 096-42-4116

NURSE CORPS

ALLEN, VICKY A., 489-52-7423
ALLENBAUGH, SANDRA L., 189-44-0523
ARNSDORF, LINDA K., 331-42-1153
BARTGIS, ELIZABETH D., 216-62-9163
BATES, AMY J., 451-90-7891
BEINBORN, DEAN M., 399-54-8566
BENEFIELD, NANCY S., 131-36-6848
BIALA, GERALD E., 324-46-2927
BUSHUE, DWIGHT F., 358-36-6650
CAMERON, SHIRLEY B., 543-54-5987
CHAPMAN, LYNNE O., 482-52-1335
COLEMAN, SYLVIA L., 430-92-6138
COOK, JODY C., 237-80-7533
CRAWFORD, KAREN L., 215-58-7014
CURRIEBROWN, MARGO K., 463-06-6206
DAVIS, DONNA M., 242-90-8174
DAVIS, JUNE J., 045-44-2693
DAVITT, ROBIN L., 211-36-1497
DOWLING, PAULA J., 026-38-5901
ECKHARDT, KATRINKA M., 532-62-7296
FANT, CATHERINE T., 154-38-2407
FINK, BEVERLY J., 268-54-4927
FLEISCHMAN, ANN E., 048-48-8782
FLOYD, OZENA, 545-76-1176
GALAVIZ, MARIA G. C., 457-90-1899
GRAY, ADRIENNE E., 328-44-1484
GRIES, CAROL E., 182-38-9793
GUERIN, GERALDINE M., 392-46-0328
GUMMERSALL, VARENE T., 418-64-4538
HACKNEY, FRANCES A., 154-38-8565
HAMILTON, ANNE F., 123-46-7083
HARRIS, PATRICIA A., 213-44-3993
HARTER, DEBRA J., 414-80-5094
HARVEY, DENNIS L., 414-92-4435
HECKMAN, THERESA S., 190-42-9526
HELFRICH, RANDALL J., 523-54-0052
HELTON, KAREN K., 367-56-4365
HILL, BERYL J., 212-48-2934
HILL, ELSA M., 059-40-4837
HOBBS, VIRGINIA R., 348-42-3443
JACKSON, ANN G., 085-38-1218
JACKSON, CORA M., 415-88-5301
JOHNSTON, DAVID P., 470-64-2325
KIGHT, EVELYN E., 564-78-2672
LENARTZ, NORA J., 543-64-0289
LONDON, ERVING W., 475-64-5029
MARTIN, BARBARA A., 102-44-4982
MAY, SHERYL M., 376-56-3542
MAZICK, MARYJO, 501-74-0016
MCCOY, BETTY C., 457-96-5842
MCLEAN, WILLIAM M., 136-40-0086
MEISETSCHLEAGER, KATHY S., 436-98-5827
MILLER, ROBYNE N., 508-74-3569
MITCHELL, PHYLLIS M., 367-60-1097
MORRONE, BELINDA R., 034-44-9394
MULZET, MARYJANE., 209-42-2454
NOBLE, IRENE A., 504-62-8776
NORMAN, ROBERT T., 495-52-7236
OLSEN, ERNEST L., JR., 529-68-4244
OMALLEY, MAUREEN, 146-48-4319
PAGE, LOUANNE G., 469-64-0456
PEARCE, LINDA K., 563-80-8623
PEPSIN, PAMELA J., 142-36-7813
PERCZYNSKI, DANIEL S., 078-42-5252
PETROVICH, KIM S., 300-50-9369
POUNDS, JERI E., 485-70-1041
PRATHER, DALA B., 587-56-7360
PRUDEN, LINDA E.M., 585-52-5487
QUINN, JOHN P., JR., 106-34-5061
RAFTER, KATHLEEN M., 532-42-2264
RAUSCH, SANDRA B., 040-54-4547
REMINGTON, KENNETH J., 115-42-1924
ROSSER, JUDITH M., 384-56-3893
RYAN, CHRISTINE M., 029-40-5177
RYAN, MARYGENE, 048-50-5328
SAMUELS, LINDA L., 227-70-2243
SCHNICK, BEVERLY P., 254-78-3166
SCHULZE, MARTIN D., 007-48-6000
SEARCY, GWENDOLYN L., 408-82-4753
SEDLAK, DIANE K., 326-40-3835
SEIBERT, PENELOPE S., 448-48-7993
SHERMAN, PAULA JAN PEYRE, 249-02-7806
SMITH, GAIL D.H., 120-42-8500
SMITHSON, CARL W., 420-58-9081
SMOTRILA, CATHERINE J., 271-54-5323
SODBINOW, ELIZABETH, 139-44-9018
STEPHENS, KIMBERLY, 306-62-6509
STEPLER, JUDY M., 503-52-1353
STONEKING, WILLIAM T., 398-46-4011
STRINGER, OLIVIA Y., 429-90-9933
TALBOT, LAURA A., 467-02-4789
WALLER, NELLIE J., 096-46-5975
WEAVER, JANE D., 383-46-6063
WHEELER, PEGGY H., 523-74-6890
WILDER, ANN A., 567-94-9494
WILLIAMSON, SUSAN J., 259-86-7854
WOTRING, JOAN K., 089-48-2421
WYSE, LINDA J., 559-76-8392
YOSKO, HELENE R., 195-36-8133

MEDICAL SERVICE CORPS

BUSBEE, BENTON L., 424-80-0099
BUSHEY, GARY J., 033-32-8106
CRANE, THOMAS R., 446-44-1148
DEBNER, ROBERT C., JR., 454-82-5390
FOSTER, STEPHEN T., 571-64-2638
HANUS, JAMES I., 349-46-6861
HUNOLT, DORIS E., 456-11-3534
KORDYAK, DENNIS, 193-34-3327
MCFARLAND, BARBARA P., 269-42-4766
MESCHKAT, LARRY P., 251-82-3873
MORRISON, GEOFFREY C., 449-98-1760
OBRIEN, KATHERINE E., 362-38-6276
OSWALD, MICHAEL J., 281-46-3715
RHOTEHAMEL, DALE S., 538-48-0217
SHANNON, DOUGLAS H., 457-78-2252
WEDGE, ROY D. JR., 365-46-4021
WHITCHURCH, JOHN D., 529-68-0832

BIOMEDICAL SERVICE CORPS

ARENSTEIN, RONALD B., 272-46-6160
BILLQUIST, JERRY L., 517-64-9711
BRAJDICH, ALBERT M., 469-60-9053
BRANDT, JANET E., 523-64-6607
COOPER, KAROL A., 460-04-0491
CROOKS, NORMA F., 523-66-3757
CURTIS, WILLIE M. J., 423-52-1733
DELAGARZA, JUDITH A., 193-38-7064
DOBSON, DEBBIE L., 510-64-7639
FENN, WILLIAM H., 370-54-8484
GREGORY, LYNN A., 565-98-8646
HAMPTON, JOANN M., 153-46-9886
HARRELL, LYNDA P., 263-98-7108
JACOBS, CANDACE A., 506-60-0715
JONES, ROGER I., 402-78-4384
KAHN, RONALD J., 141-40-4423
MECK, DONALD S., 553-78-3432
MOTT, RICHARD C., 528-60-4015
PERRENOD, DOUGLAS A., 139-42-0805
PHELPS, JOHN A., 502-58-5323
POOLE, LAURA A., 326-42-4616
POTTER, SUSAN J., 141-38-7747
RAMOS, LISA A., 308-60-6437
TUPYI, BASIL, 518-66-6782

HOUSE OF REPRESENTATIVES—*Monday, September 26, 1994*

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore [Mr. POMEROY].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 26, 1994.

I hereby designate the Honorable EARL POMEROY to act as Speaker pro tempore on this day.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

MORNING BUSINESS

The SPEAKER pro tempore. Pursuant to the order of the House of February 11, 1994, and June 10, 1994, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each member except the majority and minority leader limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Florida [Mr. GOSS] for 5 minutes.

SITUATION IN HAITI

Mr. GOSS. Mr. Speaker, here we are on the 8th day of the occupation of a friendly neighboring country to our south, Haiti, and the word of policymakers in Washington in the Clinton administration seems to be improvisation. Improvise.

The Washington Post describes how little communication there has actually been to our troops on what the exact rules of engagement should be, what should they do while they are standing there in the middle of all that violence and potential violence.

They have got their instructions written on small cards, they have been distributed by the commanders down there, and our troops have these little cards to consult if something happens about what they should do. The problem is that these cards have been changed three times so far.

First we went in there telling our soldiers, don't shoot anyone. Now we have gone along to say if you have to referee a situation and things are getting out of hand and you have to use force, then you can use that, you can use your weapon, but that is your judgment.

Now we are going on to say that we must inject ourselves into the Haitian justice system by prosecuting the thugs who inflict violence.

What is happening is we are asking our soldiers, who are not trained, to be the prosecutor, the judge, and the jury of these many, many incidents of violence that are going on in Haiti. Inevitably there are going to be more conflicts, more shooting situations, and more damage. We are in fact just sliding further and further into the quagmire.

The presence of our 15,000-plus troops is supposed to create order and allow for peace and rebuilding in Haiti, but so far we have seen the bitter resentment among Haitians extremes, and that is what is prevalent in our country today, has not abated at all.

We have got extremists on one side, extremists on the other, who want to do bodily harm to each other, and, in the middle, we have our U.S. troops with somewhat fuzzy understanding of just how they are supposed to react to every kind of situation that comes along.

We even have reports from Haiti over this weekend of a spirit of "vengeance," and I use that word in quotes, a spirit of vengeance sweeping across the island. Despite what the leaders on both sides are saying, now it seems that there is a new spirit of getting even.

A firefight this weekend involving U.S. troops on Saturday night left 10 Haitians dead and 1 American wounded, fortunately no fatalities on our side. But following the shooting, the Haitian supporters of President Aristide, who are very much emboldened by all of this activity and the shooting of the hated military and police, they went and they looted and ransacked the police stations in the central military headquarters in Cap-Haitien.

This does not bode well for what will happen every time we have to exert pressure. I suspect we are going to see a lot more of this getting even.

So when are we going to get our troops out of there? Madeline Albright, our ambassador to the United Nations, said yesterday in New York it will be at least 4 to 6 months before the United Nations can take over our mission in Haiti. Secretary of Defense Perry has said U.S. Troops will be in Haiti until early 1995 to ensure fair parliamentary elections, and then presumably presidential at the end of 1995.

How do you restore democracy in a country that has never really known democracy? The last time the United States occupied Haiti, from 1915 to 1934, 19 years, we finally pulled out in frustration that we could not effect lasting change in a Haitian society because we did not understand it. A Federal commission studying the failed policy, which was called the Forbes Commission, concluded as follows:

> The failure of the occupation to understand the social problems of Haiti, its brusque attempt to plant democracy there by drill and harrow, its determination to set up a middle class, however wise and necessary it may seem to Americans, all these explain why, in part, the high hopes of our good works in this land have not been realized.

That was after 19 years of effort to stabilize Haiti and bring democracy there earlier this century.

Then, as now, American policymakers failed to understand that the fundamental deep-seated problems in Haiti cannot be solved by external solutions.

By this time, the American people and their representatives in Congress understand, and we will continue our call for immediate withdrawal of our troops. Troops are not the answer to the problem in Haiti. We need to go forward, make sure that the embargo is pulled off immediately, to make sure that our troops are withdrawn, now, taken out of harm's way, that we reduce the polarization in the country, that we promote the moderate elements that are there working in the Parliament, and we begin our time of humanitarian aid and investment with others in nationbuilding in a democratic nation that still has its future to realize.

TIME TO CALL TO ACCOUNT WRITERS OF BASELESS NEWS EDITORIALS

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentleman from West Virginia [Mr. WISE] is recognized during morning business for 5 minutes.

Mr. WISE. Mr. Speaker, today, the Washington Post began another editorial attacking a major West Virginia project and West Virginia's senior Senator, and I think it is time to start calling to account those who want to make these kind of accusations, these type of statements, and they are not backed up by facts or solid judgment.

The gist of the Washington Post editorial is that because the Senate included in its part of the transportation

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

appropriation bill dealing with discretionary highway projects a certain amount of money, I believe $90 million for Corridor H in West Virginia, most of which, yes, runs through my district, that this is somehow infringing possible House Members.

Let us look at the reality of the situation. When the transportation appropriation bill left the House, there was $299 million of highway projects in it, about 108 projects I believe for House Members. The Senate had added to its bill $352 million. When the conferees got together, they had $299 million of House projects, and $352 million of Senate projects, roughly $600 million. They compromised and took the higher Senate number, $352 million, and then divided up and said all right the Senate will take 52 percent of the projects, and the House will take 48 percent.

Now, some might say that sounds unfair, because should not the House get at least as much? But if you look at other parts of the bill, and yes, it is a much bigger bill than this one section, if you look at other parts of the bill, for instance, the House received 58 percent of all mass transit projects.

□ 1040

Incidentally, we do not do a lot of mass transit in West Virginia, whereas the Senate received 42 percent. And so there are different shares throughout the bill. So then the Senate allocated for its portion, $90 million toward Corridor H, and the House Members, the House conferees allocated their share. Someway this is unfair. I ask Members to look at what the alternative is.

Do they want the Senate making decisions on House projects first of all? That is question No. 1. It was House conferees that allocated the share that they agreed to in the conference.

The second is that even if we took all $90 million out of the Senate's portion, that does not guarantee one extra nickel for a House Member. Because what happens then, I presume, is that the Senate then allocates its share somewhere else.

Yes, I have had Members come up to me and say, did I get nicked, did my project suffer because of this. The answer is that in every conference they divide up the application. Here the House Members, the House conferees worked out the House allocation, and the Senate worked out its allocation. So I would submit that not one extra nickel is going to a House Member, even if something should happen to that $90 million.

I do resent greatly the Post somehow claiming that this is a change and that the $90 million is more than could even be obligated in 1 year for the West Virginia project. The fact of the matter is, we do not build too many projects around here by simply appropriating what we obligate in 1 year: Houston Transit System, a recent example; a highway project in Dallas, another recent example.

If you simply appropriated each year what could be obligated each year for a massive project, you would have a number of projects coming in at one time for massive amounts of funding, this spreads it out and permits us to take care of one project one time and another project another time.

I also point out, I wish the Post would get this straight, we in West Virginia think that, yes, we are entitled to our fair share, and we want everyone else to have theirs. We have stood up and voted for $9 billion, not million, billion for the Washington, DC, suburban Maryland, and Virginia metro system, the subway system. It is a nice subway system. I like tunnels. We have lots of tunnels in West Virginia. They are called coal mines. Not one train runs through them. Our transit system is much lower cost and it is called highways, but they are vitally important to us as a transit system is important to an urban area.

I might point out there has been a lot of discussion about this. The gentleman from Virginia [Mr. WOLF] has been named several times in these editorials, taking 1 minutes on the floor. I just point out that the metro serves his constituents, $9 billion, Dulles Airport in northern Virginia in that district and, lo and behold, a CIA center for $300 million popped up unannounced on the front pages of the Washington Post. Where did that come from? We know about $300 million projects and where they are located in West Virginia. When the Post was looking around they said, oh, my, this is a surprise to all of us. So these things work out.

I would urge my colleagues to look at the conference report, such as the appropriations report, remembering that there may be one section in here, we are talking about a massive bill, and that other States get their allocations in different ways throughout that bill.

I urge my colleagues to consider this carefully as this matter comes to the floor.

CONTRACT WITH AMERICA

The SPEAKER pro tempore. (Mr. POMEROY). Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentlewoman from Colorado [Mrs. SCHROEDER] is recognized during morning business for 5 minutes.

Mrs. SCHROEDER. Mr. Speaker, I wanted to talk a bit more about the contract that we are going to see made tomorrow on the House steps by the Republican leadership and many people who are running for office and also those who are in it.

When we get more details about this contract, for them to make that contract, we are going to have to break contracts that I think are fairly sacrosanct.

One of the things we did these last 2 years has been very important, and that is for the first time we got an earned income credit that was high enough so it really made it profitable to work, much better to work than be on welfare. That is the kind of handout we want for people.

Yet if Members read this contract, it talks about, they are not going to give any credits that are refundable, that are refundable. Therefore, the earned income credit will disappear.

In my district in Colorado, over 30 percent of the young working families qualify for this earned income credit. They have been able to use it to make down payments on homes, to get caught up on bills, to do all sorts of things. It gave them a little breathing space for the very first time, so it will be the shortest-lived handout in a long time or hand-up, because it is going to be taken away if this were to pass.

Also, when we look at the numbers, the numbers really do not quite figure. If we add up the numbers, we are not going to have a balanced budget. We do not know how it is going to be paid for. So we start looking for what else is in the budget that would give us the numbers to pay for it.

Well, there is only two major areas: Medicare and Social Security. So to make this contract, they are going to have to break a contract with the seniors that are out there. So first we break a contract with the working poor, and then we break a contract with America's seniors who are out there.

Again, the beneficiaries of this are going to be the very wealthy people, because it almost does away totally with income tax on capital gains.

Now, there is not a lot of people working at minimum wage who have capital gains, and we know that one has to be in a fairly high income bracket to be able to put money away and be doing capital gains. So that is one other area where we see the rewards are going to the people who have already been rewarded, being rewarded very, very well.

I think one of the things that has concerned me the most in the last 5 years is to watch this continuing breaking of our society into a two-class society, with the rich getting richer and the poor getting poorer. I think that is a lot of what is causing the anxiety that we all sense out there among the voters, that the middle class is all becoming panicked that they are going to fall down, not climb up, that it is getting harder and harder to be rich because they keep finding ways to make their money go further, and they are going to have a lock on most of the capital. So everybody in the middle class wants to stay in the middle class and does now want to descend into the lower income strata. Yet they have all known a lot of people who have, and that anxiety builds anxiety about change, builds anxiety about every other such thing that is out there.

If we see this contract enacted, it will only exacerbate and accelerate that division between two classes in our society.

Prior to my coming here, there was a gentleman on the floor talking about building a middle class in Haiti. That is right. We have to build a middle class in Haiti. But in so doing, let us not destroy the middle class in the United States. It has been very clear, this has been a citizen government. This is a government by, for, and of the people. It has been a government that has tried to bring community. Yes, we all came here with ancestors that came from boats, from different places, but we got here. We were on the same boat.

The idea is, how do we say to people, work pays. You work, you get ahead.

We started to find a way in many of these different areas, and this contract would take them all away.

I think people should have a real sober second thought about signing that contract, about where that contract would really lead us. What is the vision that that contract will project for the next generation. Is that the division that we want for our young people. I do not think so.

RECESS

The SPEAKER pro tempore. There being no further requests for morning business, pursuant to clause 12, rule I, the Chair declares the House in recess until 12 noon.

Accordingly (at 10 o'clock and 48 minutes p.m.) the House stood in recess until 12 noon.

☐ 1200

AFTER RECESS

The recess being expired, the House was called to order by the Speaker pro tempore [Mr. MONTGOMERY] at 12 noon.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

With all Your gifts, O God, that You have so bountifully given, we treasure the gifts of thanksgiving and gratitude and appreciation. No matter what our place in life or responsibility, we stand together on the same ground with similar hopes and fears, with similar ambitions and apprehensions, and yet above all our feelings and ambitions is our eternal spirit of gratitude for the gift of creation, thanksgiving for the opportunities of life and appreciation for Your abiding spirit. May our recognition of these gifts ever enable us to take pride in our calling and make us faithful in Your service. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore (Mr. MONTGOMERY). The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Nebraska [Mr. BARRETT] come forward and lead the House in the Pledge of Allegiance.

Mr. BARRETT of Nebraska led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a concurrent resolution of the House of the following titles:

> H. Con. Res. 291. Concurrent resolution directing the Secretary of the Senate to make corrections in the enrollment of S. 1587.

The message also announced that the Senate had passed bills and a joint resolution of the following titles, in which the concurrence of the House is requested:

> S. 1555. An act to clarify the treatment of the Centennial Bridge, Rock Island, Illinois, under title 23, United States Code, and for other purposes;
>
> S. 1887. An act to amend title 23, United States Code, to provide for the designation of the National Highway System, and for other purposes; and
>
> S.J. Res. 221. Joint resolution to express the sense of the Congress in commemoration of the 75th anniversary of Grand Canyon National Park.

ON SAMMY THE BULL GRAVANO

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, Sammy the Bull Gravano is a mobster, and he is a mobster that killed 20 people. But Sammy the Bull turned faint for the Federal Government. That is just street language. He helped convict about 30 people. The Government said because he was so good they might consider the 4 years he spent in prison as enough penalty for helping them convict these 30 people.

My colleagues, Sammy the Bull Gravano is a mobster that killed 20 people. He deserves the death penalty and we do not even know if he is telling the truth about these other people who may not even be as bad as he is. But in America, what is the message we send here, folks? In America you can murder; you can loan shark; you can pimp; you can push drugs. But if you cut a deal with Uncle Sam, you could go scot-fee. Unbelievable.

Members, Sammy the Bull Gravano should be put to death. After the Kennedy assassination, I am one Member that is not so sure who the real mob is anymore. It may be the Government.

DEMOCRAT DESPERATION

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, Democrat desperation has led them from exasperation to exaggeration. The Democrat leadership has started an orchestrated attack on Republicans' contract with America, which will be unveiled tomorrow.

Our contract is a real response to America's demand for change. In it we lay out our vision for smaller, smarter, less expensive government.

The Democrats' mindset does not allow them to even comprehend change, much less believe that "change" can mean "less government."

So they are charging us with their sins by claiming our plan will cost too much.

Our plan's can be paid for more than twice over with either of the last two budgets House Republicans have proposed.

Many parts of the contract, such as welfare reform and the balanced budget amendment, cut spending. Furthermore, the contract will give back far more than it takes from America's taxpayers.

The problem is not with what the contract does or with what America wants done—these are in sync. The problem is with the Democrats who cannot, will not, and have not done what is in the contract.

ENTITLEMENT COMMISSION: SERIOUS BUSINESS

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise extend his remarks.)

Mr. GOSS. Mr. Speaker, when President Clinton was doing desperate deals to win passage of his 1993 budget, he accidentally stumbled onto something good. In seeking the vote of one reluctant Member of the other body, the President promised a commission to study our Nation's ballooning entitlement programs. White House spin-doctor advisors no doubt viewed that promise as a gimmick unlikely to lead to anything but a short-term political win. They were wrong. The entitlement commission is fully engaged in a serious, substantive review of all entitlement programs that will lead to concrete proposals for reform by the end of this year. It is well staffed and well constructed of hard-working members. We have to acknowledge that government cannot forever be all things to all people—yes, we should honor our commitments but we have got to stop making promises we cannot afford to keep. The entitlement commission is serious business—I urge my colleagues to read findings and get involved, and to join in this crucial debate.

Sooner or later, we are going to have to face up to the fact that we are spending much more than we have.

HIGHWAY ROBBERY

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Mr. Speaker, today, I want to discuss the 1995 Transportation appropriations bill that went to conference late last week. The highway demonstration projects account of the bill is particularly troubling.

Before the bill went to conference, Chairmen CARR and LAUTENBERG agreed to share the highway funding between the Chambers at a 52–48 percent split. The House's share of the $352 million was about $170 million which Chairman CARR and the subcommittee handled fairly. The Senate's share, on the other hand, about $183 million, was highway robbery.

Of the $183 million in the Senate, one State, West Virginia, got $95 million, or 53 percent, for two projects—$90 million for the controversial Corridor H and another $5 million for Route 52 improvements. To put it in terms that everyone can easily understand, West Virginia got more Senate money for highway demonstration projects than the rest of the country combined—1.8 million people got $95 million while the rest of the country, about 254 million, splits $88 million. And let me just say for the record, the people of West Virginia are good people, but this is unfair, unjust, and inequitable. This is just plain wrong. It is exactly why the American people are fed up with Congress. When the power of a few is stronger than the power of the people, something has got to change.

What makes matters worse is, in addition to the $90 million in this bill, Corridor H got $75 million in the energy and water spending bill earlier this year bringing the total for this road project to $165 million. I checked with the Federal Highway Administration and they told me West Virginia can only obligate $82 million for this project in fiscal year 1995. West Virginia has gotten twice as much money as it can spend, while the rest of the country does not have enough. This money could be going to needed projects to help congested areas like Los Angeles and Miami, where moms and dads are sitting in traffic while they could be at home spending time with their kids. California and Florida both got $0 in Senate funding.

To put it in perspective, if you add up the Senate funding for the 20 most populated States, they get a total of $39 million, California gets nothing, Florida gets nothing, Illinois gets nothing, New York gets only $1 million and on and on and on. Each of you has been provided with a chart which clearly shows these figures. And West Virginia gets $95 million? How can this be?

In 1988, Senator ROBERT BYRD of West Virginia announced that he was going to trade in his post of Senate majority leader to take the chairmanship of the Senate Appropriations Committee with the intent of bringing to West Virginia $1 billion by 1995. At a 1990 dedication ceremony in Beckley, WV, Senator BYRD commented on his pledge, "I'm trying to get the money as fast as the State can keep up with it." By 1990, 4 years ahead of schedule, Senator BYRD's goal of $1 billion for West Virginia had been reached.

Just look at the last five transportation spending bills.

In the fiscal year 1991 Transportation appropriations bill, Senator BYRD hijacked $137 million, or 30 percent, of the $459 million for highway projects for West Virginia.

In the fiscal year 1992 Transportation appropriations bill, Senator BYRD took $162 million, almost 30 percent, of the $589 million available. Of the $162 million, $148 million was for the Corridor G project which received an additional $58 million in the Energy and Water appropriations bill. The next closest State in highway receipts was Michigan with $46 million. West Virginia got $162 million. Twenty-three States, including California and Texas, got nothing.

In fiscal year 1993, West Virginia got $104 million for two projects, Corridor L at $24 million, which was second only to Corridor G at $80 million. These two projects in West Virginia amounted to one third of all highway demonstration project dollars.

In fiscal year 1994, Corridor L got another $54 million which amounted to 43 percent of the country's highway dollars.

And in fiscal year 1995, you know the story, West Virginia, for two projects, got 52 percent of the Senate's money or 27 percent of the nation's highway money for demonstration projects.

Another part of the story is, the figures I have just gone over are basically transportation bills only. They do not take into account the relocations of parts of several governmental agencies like the FBI, the Bureau of Public Debt, the Fish and Wildlife Service, the Coast Guard, and so on.

The message here is, and the Washington Post, Orlando Sentinel, Houston Chronicle, and others have recognized it, there is a pattern of greed and abuse of power here and until it changes, the attitude toward this body with the American people will not improve.

Again, thank you for your time. I'll take questions.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12, rule I, the Chair declares the House in recess until 4:30 p.m. today.

Accordingly, at 12 o'clock and 8 minutes p.m., the House stood in recess until 4:30 p.m.

☐ 1630

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. MONTGOMERY] at 4 o'clock and 30 minutes p.m.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2182) "An act to authorize appropriations for fiscal year 1995 for military activities of the Department of Defense, for military construction, and for defense programs on the Department of Energy to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes."

CONFERENCE REPORT ON H.R. 4650, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1995

Mr. HEFNER submitted the following conference report and statement on the bill (H.R. 4650) making appropriations for the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes:

CONFERENCE REPORT (H. REPT. 103–747)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4650) making appropriations for the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 25, 47, 56, 69, 71, 75, 88, 95, 98, 102, 103, 106, 109, 117, 130, 132, 133, 139, 140, 142, 148, 149, 164, and 215.

That the House recede from its disagreement to the amendments of the Senate numbered 12, 15, 20, 22, 23, 27, 29, 31, 33, 35, 39, 40, 41, 45, 51, 53, 55, 59, 61, 63, 64, 65, 66, 67, 74, 78, 83, 85, 87, 90, 92, 99, 119, 120, 121, 122, 123, 124, 126, 128, 136, 137, 146, 150, 151, 153, 154, 156, 166, 170, 171, 173, 180, 181, 182, 184, 185, 186, 187, 191, 196, 197, 203, 205, 206, and 209, and agree to the same.

Amendment numbered 1:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert: *$20,609,770,000*; and the Senate agree to the same.

Amendment numbered 2:

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$17,569,137,000*; and the Senate agree to the same.

Amendment numbered 3:

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$5,774,871,000*; and the Senate agree to the same.

Amendment numbered 4:

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$17,181,479,000*; and the Senate agree to the same.

Amendment numbered 5:

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$2,161,620,000*; and the Senate agree to the same.

Amendment numbered 6:

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$1,401,809,000*; and the Senate agree to the same.

Amendment numbered 7:

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$348,748,000*; and the Senate agree to the same.

Amendment numbered 8:

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$768,834,000*; and the Senate agree to the same.

Amendment numbered 9:

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$3,339,505,000*; and the Senate agree to the same.

Amendment numbered 10:

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$1,233,429,000*; and the Senate agree to the same.

Amendment numbered 11:

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$17,507,088,000*; and the Senate agree to the same.

Amendment numbered 13:

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert: *: Provided, That of the funds appropriated in this paragraph, not less than $388,599,000 shall be made available only for conventional ammunition care and maintenance: Provided further, That of the funds appropriated in this paragraph, $5,800,000 shall be made available only for the removal of equipment and the repair and restoration of structures at the National Center for Toxicological Research, Jefferson, Arkansas: Provided further, That of the funds appropriated under this heading, not less than $5,000,000 shall be made available only for payment to the DoD 50th Anniversary of World War II Commemoration Appropriati on: Provided further, That of the funds appropriated under this heading, $9,500,000 shall be made available only to purchase an easement for use by the Army's Schofield Barracks Military Reservation for the purpose of waste water disposal: Provided further, That notwithstanding Army Regulation 200-1, the Secretary of the Army may obligate not to exceed $2,000,000 through the Army Corps of Engineers to contribute to a multi-party remediation effort at the Alaska Roundhouse site at Cordova, Alaska: Provided further, That such funds may only be obligated to match contributions made by other private, State or Municipal authorities to the remediation effort*; and the Senate agree to the same.

Amendment numbered 14:

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$21,054,470,000*; and the Senate agree to the same.

Amendment numbered 16:

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment, as follows:

Delete the matter stricken and delete the matter inserted by said amendment.

And the Senate agree to the same.

Amendment numbered 17:

That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment, as follows:

After the word "Provided" named in said amendment delete the word "further" and in lieu of the sum named in said amendment insert: *$45,874,000*; and the Senate agree to the same.

Amendment numbered 18:

That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment, as follows:

In lieu of the matter inserted by said amendment insert: *: Provided further, That of the funds appropriated under this heading, $46,300,000* shall be made available only for naval shipyard modernization projects to remain available for obligation until September 30, 1996; and the Senate agree to the same.

Amendment numbered 19:

That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$1,988,215,000*; and the Senate agree to the same.

Amendment numbered 21:

That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$18,763,427,000*; and the Senate agree to the same.

Amendment numbered 24:

That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment, as follows:

In lieu of the matter inserted by said amendment insert: *: Provided, That the Secretary of the Air Force may acquire all right, title and interest of any party in and to two parcels of real property, including improvements thereon, consisting of approximately 27 acres, located near King Salmon Air Force Station: Provided further, That this authority may be exercised only for the purpose of conducting a response action in accordance with the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601-9675) and the Air Force Installation Restoration Program*; and the Senate agree to the same.

Amendment numbered 26:

That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert: *$10,500,104,000*; and the Senate agree to the same.

Amendment numbered 28:

That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$1,243,209,000*; and the Senate agree to the same.

Amendment numbered 30:

That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$831,219,000*; and the Senate agree to the same.

Amendment numbered 32:

That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$81,862,000*; and the Senate agree to the same.

Amendment numbered 34:

That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$1,471,505,000*; and the Senate agree to the same.

Amendment numbered 36:

That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$2,440,288,000*; and the Senate agree to the same.

Amendment numbered 37:

That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows: *: Provided, That of the funds appropriated in this paragraph, $10,000,000 shall be made available only for a National Guard Outreach Program in the Los Angeles School District*; and the Senate agree to the same.

Amendment numbered 38:

That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$2,772,928,000*; and the Senate agree to the same.

Amendment numbered 42:

That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$1,780,200,000*; and the Senate agree to the same.

Amendment numbered 43:

That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert:

SUMMER OLYMPICS

For logistical support and personnel services (other than pay and non-travel-related allowances of members of the Armed Forces of the United States, except for members of the reserve components thereof called or ordered to active duty to provide support for the 1996 Games of the XXVI Olympiad and the X Paralympiad to be held in Atlanta, Georgia) provided by any component of the Department of Defense to the 1996 Games of the XXVI Olympiad and the X Paralympiad; $14,400,000: Provided, That funds appropriated under this heading shall remain available for obligation until September 30, 1997.

1995 SPECIAL OLYMPICS WORLD GAMES

For logistical support and personnel services (other than pay and non-travel-related allowances of members of the Armed Forces of the United States, except for members of the reserve components thereof called or ordered to active duty to provide support for the 1995 Special Olympics World Games to be held in New Haven, Connecticut) provided by any component of the Department of Defense to the 1995 Special Olympics World Games; $3,000,000.

And the Senate agree to the same.

Amendment numbered 44:

That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$65,000*,000; and the Senate agree to the same.

Amendment numbered 46:

That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment, as follows:

In lieu of the matter inserted by said amendment insert:

FORMER SOVIET UNION THREAT REDUCTION

For assistance to the republics of the former Soviet Union, including assistance provided by contract or by grants, for facilitating the elimination and the safe and secure transportation and storage of nuclear, chemical and other weapons; for providing incentives for demilitarization; for establishing programs to prevent the proliferation of weapons, weapons components, and weapons-related technology and expertise; for programs relating to the training and support of defense and military personnel for demilitarization and protection of weapons, weapons components and weapons technology and expertise; for supporting the demilitarization of military technologies and production infrastructure; $400,000,000 to remain available until expended: Provided, That of the funds appropriated under this heading, $10,000,000 shall be made available only for the continuing study, assessment, and identification of nuclear waste disposal by the former Soviet Union in the Arctic and North Pacific regions.

And the Senate agree to the same.

Amendment numbered 48:

That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$1,063,164,000*; and the Senate agree to the same.

Amendment numbered 49:

That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment, as follows:

In lieu of the matter inserted by said amendment insert: *: Provided, That the Secretary of the Army will report to the House and Senate Committees on Appropriations on the concept, organization, requirements, and mission need documents for the High Capacity Air Ambulance, utilizing low cost fixed wing aircraft, no later than April 15, 1995*; and the Senate agree to the same.

Amendment numbered 50:

That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$813,795,000*; and the Senate agree to the same.

Amendment numbered 52:

That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$1,151,914,000*; and the Senate agree to the same.

Amendment numbered 54:

That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$1,181,221,000*; and the Senate agree to the same.

Amendment numbered 57:

That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$2,673,148,000*; and the Senate agree to the same.

Amendment numbered 58:

That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$4,627,645,000*; and the Senate agree to the same.

Amendment numbered 60:

That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$2,159,080,000*; and the Senate agree to the same.

Amendment numbered 62:

That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert: *$417,779,000*; and the Senate agree to the same.

Amendment numbered 68:

That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows:

Nuclear submarine main steam condenser industrial base, $1,000,000; ; and the Senate agree to the same.

Amendment numbered 70:

That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$377,521,000* ; and the Senate agree to the same.

Amendment numbered 72:

That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$5,412,464,000*; and the Senate agree to the same.

Amendment numbered 73:

That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$3,329,171,000*; and the Senate agree to the same.

Amendment numbered 76:

That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment, as follows:

In lieu of the sum named in said amendment insert: *$23,900,000*; and the Senate agree to the same.

Amendment numbered 77:

That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$422,410,000*; and the Senate agree to the same.

Amendment numbered 79:

That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$6,379,962,000* ; and the Senate agree to the same.

Amendment numbered 80:

That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows: *Provided, That the Department of the Air Force shall initiate procurement of non-developmental airlift aircraft no later than September 30, 1995*; and the Senate agree to the same.

Amendment numbered 81:

That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$3,650,262,000*; and the Senate agree to the same.

Amendment numbered 82:

That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$288,401,000*; and the Senate agree to the same.

Amendment numbered 84:

That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$6,965,201,000*; and the Senate agree to the same.

Amendment numbered 86:

That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$2,088,230,000*; and the Senate agree to the same.

Amendment numbered 89:

That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$800,000,000*; and the Senate agree to the same.

Amendment numbered 91:

That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$5,521,413,000*; and the Senate agree to the same.

Amendment numbered 93:

That the House recede from its disagreement to the amendment of the Senate numbered 93, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$8,796,168,000*; and the Senate agree to the same.

Amendment numbered 94:

That the House recede from its disagreement to the amendment of the Senate numbered 94, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows: *: Provided, That for continued research and development programs at the National Center for Physical Acoustics, centering on the ocean acoustics as it applies to advanced antisubmarine warfare acoustics issues with focus on ocean bottom acoustics, seismic coupling, sea-surface and bottom scattering, oceanic ambient noise, acoustically active surfaces, machinery noise, propagation physics, solid state acoustics, electrorheological fluids, transducer development, ultrasonic sensors, and other such projects as may be agreed upon, $1,000,000 shall be made available, as a grant, to the Mississippi Resource Development Corporation, of which not to exceed $250,000 of such sum may be used to provide special equipment as may be required for particular projects: Provided further, That none of the funds appropriated in this paragraph may be obligated or expended to develop or purchase equipment for an Aegis destroyer variant (commonly known as "Flight IIA") whose initial operating capability is budgeted to be achieved prior to the initial operating capability of the Ship Self-Defense program, nor to develop sensor, processor, or display capabilities which duplicate in any way those being developed in the Ship Self-Defense program: Provided further, That funds appropriated in this paragraph for development of the LPD-17 ship may not be obligated unless the baseline design of the ship includes cooperative engagement capability and sufficient own-ship self-defense capability against advanced sea-skimming antiship cruise missiles in the baseline design to achieve an estimated probability of survival from attack by such missiles at a level no less than any other Navy ship*; and the Senate agree to the same.

Amendment numbered 96:

That the House recede from its disagreement to the amendment of the Senate numbered 96, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$12,202,572,000*; and the Senate agree to the same.

Amendment numbered 97:

That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert: *: Provided, That not less than $12,000,000 of the funds appropriated in this paragraph shall be made available only for the Joint Seismic Program and Global Seismic Network administered by the Incorporated Research Institutions for Seismology: Provided further, That not less than $20,000,000 of the funds appropriated in this paragraph shall be made available only for the National Center for Manufacturing Sciences: Provided further, That not less than $13,000,000* of the funds appropriated in this paragraph shall be made available only to continue the establishment and operation of an image information processing center supporting the Air Force Maui Space Surveillance Site; and the Senate agree to the same.

Amendment numbered 100:

That the House recede from its disagreement to the amendment of the Senate numbered 100, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$9,099,387,000*; and the Senate agree to the same.

Amendment numbered 101:

That the House recede from its disagreement to the amendment of the Senate numbered 101, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert: *: Provided, That not less than $75,000,000 of the funds appropriated in this paragraph shall be made available only for the Sea-Based Wide Area Defense (Navy Upper-Tier) program: Provided further, That $50,000,000 shall be made available only to cover the costs (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5))) of loan guarantees issued pursuant to subsection (b) (3) of such section: Provided further, That of the funds appropriated in this paragraph, $15,000,*000 shall be transferred to the Department of Energy to address environmental restoration and management needs through the Center for Bioenvironmental Research: Provided further, That not less than $20,000,000 of the funds appropriated in this paragraph shall be made available only for an Experimental Program to Stimulate Competitive Research (EPSCOR) in the Department of Defense which shall include all States eligible as of the date of enactment of this Act for the National Science Foundation Experimental Program to Stimulate Competitive Research; and the Senate agree to the same.

Amendment numbered 104:

That the House recede from its disagreement to the amendment of the Senate numbered 104, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$238,003,000*; and the Senate agree to the same.

Amendment numbered 105:

That the House recede from its disagreement to the amendment of the Senate numbered 105, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$945,238,000*; and the Senate agree to the same.

Amendment numbered 107:

That the House recede from its disagreement to the amendment of the Senate numbered 107, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$724,400,000*; and the Senate agree to the same.

Amendment numbered 108:

That the House recede from its disagreement to the amendment of the Senate numbered 108, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert: . *Provided, That $25,000,000 shall be transferred to the Secretary of Transportation for title XI loan guarantees: Provided further, That none of the funds provided in this paragraph shall be used to award a new contract that provides for the acquisition of any of the following major components unless such components are manufactured in the United States: auxiliary equipment, including pumps, for all ship-board services; propulsion system components (that is; engines, reduction gears, and propellers); shipboard cranes; and spreaders for shipboard cranes: Provided further, That the exercise of an option in a contract awarded through the obligation of previously appropriated funds shall not be considered to be the award of a new contract: Provided further, That the Secretary of the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to aquire capability for national security purposes: Provided further, That not to exceed $43,000,000 may be used for the purchase or construction of vessels for the Ready Reserve Force component of the National Defense Reserve Fleet, as established by section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744): Provided further, That $110,000,*000 may be used for the acquisition and conversion of one maritime prepositioning ship for use by the Marine Corps MPS Enhancement Program, and notwithstanding any other provision of law, that such conversion shall be performed in a United States shipyard; and the Senate agree to the same.

Amendment numbered 110:

That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$9,930,759,000*; and the Senate agree to the same.

Amendment numbered 111:

That the House recede from its disagreement to the amendment of the Senate numbered 111, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$9,601,170,000*; and the Senate agree to the same.

Amendment numbered 112:

That the House recede from its disagreement to the amendment of the Senate numbered 112, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$329,589,000*; and the Senate agree to the same.

Amendment numbered 113:

That the House recede from its disagreement to the amendment of the Senate numbered 113, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert: *: Provided further, That of the funds appropriated under this heading, $5,000,000 shall be made available only for nursing research: Provided further, That of the funds appropriated under this heading, $14,500,000 shall be made available for obtaining emergency communications services for members of the Armed Forces and their families from the American National Red Cross as authorized by law: Provided further, That until the end of September 30, 1995, the Secretary of the Air Force shall, through contract or otherwise, continue to provide health care in the base hospital at Plattsburgh Air Force Base, New York, to persons entitled to health care in facilities of the uniformed services: Provided further, That of the funds appropriated under this heading, not more than $3,400,000 shall be made available to permit private sector or non-federal physicians, who have used and will use the antibacterial treatment method based upon the excretion of dead and decaying spherical bacteria, to work in conjunction with the Walter Reed Army Medical Center on a treatment protocol and related studies for Desert Storm Syndrome-affected veterans*; and the Senate agree to the same.

Amendment numbered 114:

That the House recede from its disagreement to the amendment of the Senate numbered 114, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$575,449,000*; and the Senate agree to the same.

Amendment numbered 115:

That the House recede from its disagreement to the amendment of the Senate numbered 115, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$355,784,000*; and the Senate agree to the same.

Amendment numbered 116:

That the House recede from its disagreement to the amendment of the Senate numbered 116, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$198,965,000*; and the Senate agree to the same.

Amendment numbered 118:

That the House recede from its disagreement to the amendment of the Senate numbered 118, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert: *$721,266,000, of which $10,000,000 is hereby transferred to the "Military Construction, Navy" appropriation for construction of a Relocatable Over-the-Horizon Radar in Puerto Rico: Provided, That section 9136 of Public Law 102–396 is amended by adding the words "purchasing or" before the word "leasing" and by changing the designation "T-47" to "OT-47B"*; and the Senate agree to the same.

Amendment numbered 125:

That the House recede from its disagreement to the amendment of the Senate numbered 125, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$92,684,000*; and the Senate agree to the same.

Amendment numbered 127:

That the House recede from its disagreement to the amendment of the Senate numbered 127, and agree to the same with an amendment, as follows:

In lieu of the matter inserted by said amendment insert:

Funds appropriated in title III of this Act may be used for multiyear procurement contracts as follows:

MK19-3 grenade machine guns;
M16A2 rifles;
M249 Squad Automatic Weapons;
M4 carbine rifles.

And the Senate agree to the same.

Amendment numbered 129:

That the House recede from its disagreement to the amendment of the Senate numbered 129, and agree to the same with an amendment, as follows:

Restore the matter stricken and retain the matter inserted by said amendment, amended as follows:

Amend the matter retained by said amendment as follows:

In lieu of the section number named in said retained matter insert: *8013A*; and the Senate agree to the same.

Amendment numbered 131:

That the House recede from its disagreement to the amendment of the Senate numbered 131, and agree to the same with an amendment, as follows:

Restore the matter stricken and retain the matter inserted by said amendment, amended as follows:

In lieu of the matter restored by said amendment insert:

SEC. 8021. All new Department of Defense procurements shall separately identify software costs in the work breakdown structure defined by MIL-STD-881 in those instances where software is considered to be a major category of cost.

And further

Amend the matter retained by said amendment as follows:

In lieu of section number "8021" named in said retained matter insert: *8021A*; and the Senate agree to the same.

Amendment numbered 134:

That the House recede from its disagreement to the amendment of the Senate numbered 134, and agree to the same with an amendment, as follows:

Restore the matter stricken and retain the matter inserted by said amendment, amended as follows:

Amend the matter restored by said amendment as follows:

In lieu of the sum named in said restored matter insert: *$203,736,000*; and further

Amend the matter retained by said amendment as follows:

In lieu of section number "8025" named in said retained matter insert: *8025A*; and the Senate agree to the same.

Amendment numbered 135:

That the House recede from its disagreement to the amendment of the Senate numbered 135, and agree to the same with an amendment, as follows:

Restore the matter stricken and retain the matter inserted by said amendment, amended as follows:

Amend the matter retained by said amendment as follows:

In lieu of the section number named in said retained matter insert: *8026A*.

After the words "not apply to handguns" named in said retained matter insert: *and ammunition*; and the Senate agree to the same.

Amendment numbered 138:

That the House recede from its disagreement to the amendment of the Senate numbered 138, and agree to the same with an amendment, as follows:

Restore the matter stricken and retain the matter inserted by said amendment, amended as follows:

Amend the matter retained by said amendment as follows:

In lieu of the section number named in said retained matter insert: *8041A*; and the Senate agree to the same.

Amendment numbered 141:

That the House recede from its disagreement to the amendment of the Senate numbered 141, and agree to the same with an amendment, as follows:

Restore the matter stricken and retain the matter inserted by said amendment, amended as follows:

Amend the matter retained by said amendment as follows:

In lieu of the section number named in said retained matter insert: *8050A*; and the Senate agree to the same.

Amendment numbered 143:

That the House recede from its disagreement to the amendment of the Senate numbered 143, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert:

SEC. 8054. (a) Funds appropriated in this Act to finance activities of Department of Defense (DoD) Federally Funded Research and Development Centers (FFRDCs) may not be obligated or expended for a FFRDC if a member of its Board of Directors or Trustees simultaneously serves on the Board of Directors or Trustees of a profit-making company under contract to the Department of Defense unless the FFRDC has a DoD approved conflict of interest policy for its members.

(b) None of the funds appropriated in this Act are available to establish a new FFRDC, either as a new entity, or as a separate entity administered by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other nonprofit entities.

(c) The Secretary of Defense may not obligate more than one-half of the funds available for each defense FFRDC, and more than one-half of the total amount available for defense FFRDCs, until the congressional defense committees receive the annual funding ceilings for fiscal year 1995 for each defense FFRDC and each subcomponent of a defense FFRDC identified as a separate sub-entity due to the significantly unique nature of its functions.

(d) Limitation on Compensation. No employee or executive officer of a defense FFRDC may be compensated at a rate exceeding Executive Schedule Level I by that FFRDC: Provided, That the restriction contained in this subsection shall not take effect until July 1, 1995.

(e) Limitation on Compensation. No member of a Board of Directors, Trustees, Overseers, Advisory Group, Special Issues Panel, Visiting Committee, or any similar entity of a defense FFRDC may be compensated for his or her services as a member of such entity except under the same conditions, and to the same extent, as members of the Defense Science Board: Provided, That a member of any such entity shall be allowed travel expenses and per diem as authorized under the Federal Joint Travel Regulations, when engaged in the performance of membership duties: Provided further, That the restriction contained in this subsection shall not take effect until July 1, 1995.

(f) Notwithstanding any other provision of law, none of the funds available to the Department of Defense from any source during fiscal year 1995 may be used by a defense FFRDC, through a fee or other payment mechanism, for

charitable contributions, for construction of new buildings, for payment of cost sharing for projects funded by government grants, or for absorption of contract overruns.

(g) Notwithstanding any other provision of law, of the amounts available to the Department of Defense during fiscal year 1995, not more than $1,252,650,000 may be obligated for financing activities of FFRDCs: Provided, That the total amount appropriated in title IV of this Act is hereby reduced by $100,000,000 to reflect the funding ceiling contained in this subsection.

(h) The total amount appropriated to or for the use of the Department of Defense in title IV of this Act is reduced by an additional $251,534,000 to reflect savings from the decreased use of non-FFRDC consulting services by the Department of Defense.

(i) The total amount appropriated to or for the use of the Department of Defense in title IV of this Act is reduced by an additional $19,055,000 to reflect savings from the decreased use of major non-profit federally-funded research institutions and university-affiliated research centers by the Department of Defense.

And the Senate agree to the same.

Amendment numbered 144:

That the House recede from its disagreement to the amendment of the Senate numbered 144, and agree to the same with an amendment, as follows:

Restore the matter stricken and retain the matter inserted by said amendment, amended as follows:

Amend the matter retained by said amendment as follows:

In lieu of the section number named in said retained matter insert: *8055A*; and the Senate agree to the same.

Amendment numbered 145:

That the House recede from its disagreement to the amendment of the Senate numbered 145, and agree to the same with an amendment, as follows:

Restore the matter stricken and retain the matter inserted by said amendment, amended as follows:

Amend the matter retained by said amendment as follows:

In lieu of the section number named in said retained matter insert: *8058A*, and further

On page 77, line 12, of the House engrossed bill, H.R. 4650, strike out "$2,000,000" and insert in lieu thereof: *$1,000,000*; and the Senate agree to the same.

Amendment numbered 147:

That the House recede from its disagreement to the amendment of the Senate numbered 147, and agree to the same with an amendment, as follows:

Restore the matter stricken and retain the matter inserted by said amendment, amended as follows:

Amend the matter retained by said amendment as follows:

In lieu of the section number named in said retained matter insert: *8064A*; and the Senate agree to the same.

Amendment numbered 152:

That the House recede from its disagreement to the amendment of the Senate numbered 152, and agree to the same with an amendment, as follows:

Restore the matter stricken and retain the matter inserted by said amendment, amended as follows:

Amend the matter retained by said amendment as follows:

In lieu of the section number named in said retained matter insert: *8075A*; and the Senate agree to the same.

Amendment numbered 155:

That the House recede from its disagreement to the amendment of the Senate numbered 155, and agree to the same with an amendment, as follows:

Restore the matter stricken and retain the matter inserted by said amendment, amended as follows:

In lieu of the matter retained by said amendment insert:

SEC. 8081A. In addition to amounts appropriated or otherwise made available by this Act, $67,000,000 is hereby appropriated and shall be made available only for liquidating deficiencies in the amounts specified in the appropriations "National Guard Personnel, Army, 1993", $55,000,000; and "Reserve Personnel, Army, 1993", $12,000,000.

And the Senate agree to the same.

Amendment numbered 157:

That the House recede from its disagreement to the amendment of the Senate numbered 157, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert:

SEC. 8090. Notwithstanding any other provision of law, funds appropriated in this Act for the High Performance Computing Modernization Program shall be made available only for the upgrade, purchase, or modernization of supercomputing capability and capacity at Department of Defense (DoD) science and technology sites under the cognizance of the Director of Defense Research and Engineering and DoD test and evaluation facilities under the Director of Test and Evaluation, OUSD (A&T): Provided, That the contracts, contract modifications, contract options, or other agreements are awarded as the result of full and open competition based upon the requirements of the user.

And the Senate agree to the same.

Amendment numbered 158:

That the House recede from its disagreement to the amendment of the Senate numbered 158, and agree to the same with an amendment, as follows:

Restore the matter stricken and retain the matter inserted by said amendment, amended as follows:

Amend the matter restored by said amendment as follows:

In lieu of the number "75" named in said restored matter in two instances insert: *50* , and further

Amend the matter retained by said amendment as follows:

In lieu of the section number named in said retained matter insert: *8093A*; and the Senate agree to the same.

Amendment numbered 159:

That the House recede from its disagreement to the amendment of the Senate numbered 159, and agree to the same with an amendment, as follows:

Restore the matter stricken and retain the matter inserted by said amendment, amended as follows:

Amend the matter retained by said amendment as follows:

In lieu of the section number named in said retained matter insert: *8094A*; and the Senate agree to the same.

Amendment numbered 160:

That the House recede from its disagreement to the amendment of the Senate numbered 160, and agree to the same with an amendment, as follows:

In lieu of the sum named in said amendment insert: *$75,000,000*; and the Senate agree to the same.

Amendment numbered 161:

That the House recede from its disagreement to the amendment of the Senate numbered 161, and agree to the same with an amendment, as follows:

Restore the matter stricken and retain the matter inserted by said amendment, amended as follows:

Amend the matter retained by said amendment as follows:

In lieu of the section number named in said retained matter insert: *8097A*; and the Senate agree to the same.

Amendment numbered 162:

That the House recede from its disagreement to the amendment of the Senate numbered 162, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert:

(TRANSFER OF FUNDS)

Sec. 8099. Upon enactment of this Act, the Secretary of Defense shall make the following transfers of funds: Provided, That the amounts transferred shall be available for the same purposes as the appropriations to which transferred, and for the same time period as the appropriation from which transferred: Provided further, That the amounts shall be transferred between the following appropriations in the amounts specified:

From:

Under the heading, "Shipbuilding and Conversion, Navy, 1986/1990":

CG–47 cruiser program, $6,000.000;

LSD–41 landing ship dock program, $1,700,000;

T–AGOS ocean surveillance ship program, $5,000,000;

For craft, outfitting, post delivery, and cost growth, $2,438,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1986/1990":

SSN–688 attack submarine program, $11,719,000;

MSH coastal mine hunter program, $3,419,000;

From:

Under the heading, "Shipbuilding and Conversion, Navy, 1987/1991":

Trident ballistic missile submarine program, $650,000;

DDG–51 destroyer program, $633,000;

CG–47 cruiser program, $283,000;

T–AO fleet oiler program, $2,800,000;

AO conversion program, $400,000;

For craft, outfitting, and post delivery, $5,900,000;

Weapons Procurement, Navy, 1993/1995, $18,069,000;

National Guard and Reserve Equipment, 1994/1996, $5,145,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1987/1991":

SSN–688 attack submarine program, $18,496,000;

AOE fast combat support ship program, $15,384,000;

From:

Under the heading, "Shipbuilding and Conversion, Navy, 1988/1992":

CG–47 cruiser program, $15,351,000;

LSD–41 cargo variant ship program, $4,773,000;

LHD–1 amphibious assault ship program, $7,028,000;

AO conversion program, $1,900,000;

Aircraft Procurement, Navy, 1993/1995, $100,642,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1988/1992":

TRIDENT ballistic missile submarine program, $6,035,000;

SSN–688 attack submarine program, $19,659,000;

CVN nuclear aircraft carrier program, $104,000,000;

From:

Under the heading, "Shipbuilding and Conversion, Navy, 1989/1993":

LHD-41 amphibious assault ship program, $3,400,000;

T-AO fleet oiler program, $3,488,000;

T-AGOS surveillance ship program, $3,197,000;

AO conversion program, $1,300,000;

Weapons Procurement, Navy, 1993/1995, $178,000;

Other Procurement, Navy, 1993/1995, $22,400,000;

Research, Development, Test and Evaluation, Navy, 1994/1995, $41,700,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1989/1993":

SSN-688 attack submarine program, $18,939,000;

SSN-21 attack submarine program, $37,123,000;

MHC coastal mine hunter program, $1,700,000;

AOE combat support ship program, $17,901,000;

From:

Under the heading, "Shipbuilding and Conversion, Navy, 1990/1994":

TRIDENT ballistic submarine program, $2,400,000;

Aircraft carrier service life extension program, $346,000;

MCM mine countermeasures program, $657,000;

Oceanographic ship program, $3,964,000;

LCAC landing craft air cushion program, $1,188,000;

Aircraft Procurement, Navy, 1993/1995, $6,000,000;

Weapons Procurement, Navy, 1993/1995, $6,753,000;

Other Procurement, Navy, 1994/1996, $1,297,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1990/1994":

SSN-688 attack submarine program, $9,046,000;

MHC coastal mine hunter program, $3,575,000;

AOE combat support ship program, $9,984,000;

From:

Under the heading, "Shipbuilding and Conversion, Navy, 1991/1995":

TRIDENT ballistic missile submarine program, $39,500,000;

DDG-51 destroyer program, $8,200,000;

LSD-41 dock landing ship cargo variant ship program, $22,427,000;

Aircraft Procurement, Navy, 1994/1996, $17,000,000;

Other Procurement, Navy, 1994/1996, $666,000;

Procurement, Marine Corps, 1993/1995, $6,600,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1991/1995":

SSN-21 attack submarine program, $48,240,000;

LHD-1 amphibious assault ship program, $43,600,000;

MHC coastal mine hunter program, $2,553,000;

From:

Aircraft Procurement, Navy, 1993/1995, $42,000,000;

Other Procurement, Navy, 1994/1996, $29,261,000;

National Guard and Reserve Equipment, 1994/1996, $5,183,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1992/1996":

DDG-51 destroyer program, $64,958,000;

MHC coastal mine hunter program, $11,486,000;

From:

Weapons Procurement, Navy, 1993/1995, $30,000,000;

Other Procurement, Navy, 1994/1996, $38,438,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1993/1997":

DDG-51 destroyer program, $26,894,000;

LSD-41 cargo variant ship program, $5,663,000;

MHC coastal mine hunter program, $7,615,000;

AOE combat support ship program, $28,266,000;

From:

Weapons Procurement, Navy, 1994/1996, $14,000,000;

Other Procurement, Navy, 1994/1996, $763,000;

National Guard and Reserve Equipment, 1994/1996, $4,672,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1994/1998":

LHD-1 amphibious assault ship program, $15,131,000;

Oceanographic ship program, $4,304,000.

And the Senate agree to the same.

Amendment numbered 163:

That the House recede from its disagreement to the amendment of the Senate numbered 163, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert:

SEC. 8101. Not later than May 1, 1995, the Secretary of Defense shall submit to the Committees on Appropriations of the House and Senate an independent cost effectiveness study of Air Force bomber programs: Provided, That of the total amounts available to the Department of Defense for financing the activities of defense federally funded research and development centers during fiscal year 1995, $4,500,000 shall be made available within 30 days after the enactment of this Act for the purposes of the aforementioned study.

And the Senate agree to the same.

Amendment numbered 165:

That the House recede from its disagreement to the amendment of the Senate numbered 165, and agree to the same with an amendment, as follows:

Restore the matter stricken and retain the matter inserted by said amendment, amended as follows:

In lieu of the matter restored by said amendment insert:

(INCLUDING TRANSFER OF FUNDS)

SEC. 8104. Balances of the funds appropriated in Public Laws 102-172, 102-396, and 103-139, under the headings "World University Games", "Summer Olympics", and "World Cup USA 1994" in title II of those Acts shall be merged with the appropriation heading entitled "Summer Olympics" appearing under title II of this Act and shall be available only for purposes described under that heading.

And further

Amend the matter retained by said amendment as follows:

In lieu of the section number named in said retained matter insert: *8104A*; and the Senate agree to the same.

Amendment numbered 167:

That the House recede from its disagreement to the amendment of the Senate numbered 167, and agree to the same with an amendment, as follows:

Restore the matter stricken and retain the matter inserted by said amendment, amended as follows:

In lieu of the matter restored by said amendment insert:

SEC. 8106. (a) None of the funds made available by this Act may be obligated for design, development, acquisition, or operation of more than 47 Titan IV expendable launch vehicles, or for satellite mission-model planning for a Titan IV requirement beyond 47 vehicles.

(b) Of the funds provided in the Department of Defense Appropriations Act, 1994 (Public Law 103-139), the Secretary of Defense shall transfer a total of $60,000,000 to the National Aeronautics and Space Administration (NASA): Provided, That of that amount, $25,000,000 shall be transferred from Procurement, Defense-Wide, 1994/1996, and shall only be used for LANDSAT 7: Provided further, That of that amount, $35,000,000 shall be transferred from Research, Development, Test and Evaluation, Defense-Wide, 1994/1995, and shall only be used for Single-Stage-to-Orbit research and development at Phillips Laboratory, Albuquerque, New Mexico and, pursuant to the President's call for a supporting role for DOD in this technology, the funds shall be used in activities to support NASA-led construction of an Advanced Technology Demonstrator X-vehicle and to finish the original flight test program of the DC-X1 test vehicle.

(c) $30,000,000 made available in this Act for Research, Development, Test and Evaluation, Air Force and $10,000,000 made available in the Department of Defense Appropriations Act, 1994 (Public Law 103-139) for Research, Development, Test and Evaluation, Defense-Wide, 1994/1995, may only be obligated for development of a new family of medium-lift and heavy-lift expendable launch vehicles evolved from existing technologies: Provided, That the $30,000,000 in fiscal year 1995 funds shall not be available for obligation until the Secretary of Defense submits a detailed plan describing the proposed development program for the new family of expendable launch vehicles.

And further

Amend the matter retained by said amendment as follows:

In lieu of section number "8106" named in said retained matter insert: *8106A*.

After the words "(10 U.S.C. Sec. 1175) payments if rehired" named in said retained matter insert: *in a civilian position*; and the Senate agree to the same.

Amendment numbered 168:

That the House recede from its disagreement to the amendment of the Senate numbered 168, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert:

Sec. 8107. Notwithstanding any other provision of law, of the funds appropriated to the Department of the Navy for Operation and Maintenance, not less than $4,500,000 shall be obligated and expended only for operation and maintenance, automatic data processing equipment, transition assistance or in-house central design development and activities for the Naval Reserve Force Information Systems Office, the Naval Reserve Personnel Center, the Enlisted Personnel Management Center, and the collocated Naval Computer and Telecommunications Station: Provided, That notwithstanding any other provision of law, of the funds appropriated to the Department of Defense for Procurement and Operation and Maintenance, Defense-Wide not less than $18,000,000 shall be obligated and expended only for automatic data processing equipment or software, in-house central design development and activities, and transition assistance for the Naval Reserve Force Information Systems Office, the Naval Reserve Personnel Center, the Enlisted Personnel Management Center and the collocated Naval Computer and Telecommunications Station, of which $8,000,000 shall be available in procurement funds and $5,000,000 shall be available in operation and maintenance funds only for the establishment of a Continuity of Operations (COOP) center that shall be collocated with the Naval Reserve Force Information Systems Office, the Enlisted Personnel Management Center, and the collocated Naval Computer and Telecommunications Station for the contingency *preservation of computer data for the Department of Defense Data and Megacenter consolidation initiative: Provided further, That the Secretary of the Navy shall establish the Naval Reserve Force Information Systems Office and the Enlisted Personnel Management Center, supported by the collocated Naval Computer and Telecommunications Station, as the central design activities for development, integration, coding, documentation, and system management for the software development and maintenance of the Naval active and reserve single Source Data Collection System: Provided further, That the Bureau of Naval Personnel shall remain as the Program Manager for definition of functional requirements and priorities: Provided further, That the last provision of Section 8023 of Public Law 103-139, is hereby repealed.*

(TRANSFER OF FUNDS)

Sec. 8107A. In addition to amounts appropriated or otherwise made available in this Act, $8,000,000 shall be made available for pay and allowances for the Office of the Assistant Secretary of Defense for Reserve Affairs to be available only for support of Civil-Military Cooperation program operations, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code: Provided, That the funds made available by this paragraph shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: Provided further, That the transfer authority provided in this paragraph is in addition to any transfer authority contained elsewhere in this Act.

And the Senate agree to the same.

Amendment numbered 169:

That the House recede from its disagreement to the amendment of the Senate numbered 169, and agree to the same with an amendment, as follows:

Restore the matter stricken and retain the matter inserted by said amendment, amended as follows:

In lieu of the matter restored by said amendment insert:

SEC. 8108. No funds available to the Department of Defense in this Act may be used to establish additional field operating agencies of any element of the Department during fiscal year 1995, except for field operating agencies funded within the National Foreign Intelligence Program.

And further

Amend the matter retained by said amendment as follows:

In lieu of the section number named in said retained matter insert: *8108A*; and the Senate agree to the same.

Amendment numbered 172:

That the House recede from its disagreement to the amendment of the Senate numbered 172, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert:

SEC. 8111. Funds made available to the Department of the Navy for the EA-6B program in this Act and prior Department of Defense Appropriations Acts may be used to procure any lower cost alternative to the ADVCAP upgrade program considered by the Department of the Navy to be appropriate and cost effective.

And the Senate agree to the same.

Amendment numbered 174:

That the House recede from its disagreement to the amendment of the Senate numbered 174, and agree to the same with an amendment, as follows:

Restore the matter stricken and retain the matter inserted by said amendment, amended as follows:

Amend the matter restored by said amendment as follows:

Delete the words "January 1" named in said restored matter and insert in lieu thereof: *April 1*

In lieu of the sum "$30,000,000" named in said restored matter insert: *$20,000,000*

And further

In lieu of the matter retained by said amendment insert:

SEC. 8114A. (a) FISCAL YEAR 1995 COST-OF-LIVING ADJUSTMENT FOR MILITARY RETIREES.—(1) The fiscal year 1995 increase in military retired pay shall (notwithstanding subparagraph (B) of section 1401a(b)(2) of title 10, United States Code) first be payable as part of such retired pay for the month of March 1995.

(2) For the purposes of subsection (a):

(A) The term "fiscal year 1995 increase in military retired pay" means the increase in retired pay that, pursuant to paragraph (1) of section 1401a(b) of title 10, United States Code, becomes effective on December 1, 1994.

(B) The term "retired pay" includes retainer pay.

(b) FUTURE COST-OF-LIVING ADJUSTMENTS FOR MILITARY RETIREES.—

(1) Subject to paragraph (2), subparagraph (B) of section 1401a(b)(2) of title 10, United States Code, is amended—

(A) in the heading, by striking out "THROUGH 1998" and inserting in lieu thereof "THROUGH 1996"; and

(B) in clause (ii)—

(i) by striking out "THROUGH 1998" and inserting in lieu thereof "AND 1996";

(ii) by striking out "of 1994, 1995, 1996, or 1997" and inserting in lieu thereof "of 1994 or 1995"; and

(iii) by striking out "September" and inserting in lieu thereof "March".

(2) Paragraph (1) shall be effective only if—

(A) the President, in the budget of the President for fiscal year 1996, proposes legislation which if enacted would be qualifying offsetting legislation; and

(B) there is enacted during the first session of the 104th Congress qualifying offsetting legislation.

(3) If the conditions in paragraph (2) are met, then the amendments by paragraph (1) shall take effect on January 1, 1996.

(4) For purposes of this subsection:

(A) The term "qualifying offsetting legislation" means legislation (other than an appropriations Act) that includes provisions that—

(i) offset fully the increased outlays for each of fiscal years 1996, 1997, and 1998 to be made from the Department of Defense Military Retirement Fund by reason of the amendment made by paragraph (1);

(ii) expressly state that they are enacted for the purpose of the offset described in clause (i); and

(iii) are included in full on the PayGo scorecard.

(B) The term "PayGo scorecard" means the estimates that are made with respect to fiscal years through fiscal year 1998 by the Director of the Congressional Budget Office and the Director of the Office of Management and Budget under section 252(d) of the Balanced Budget and Emergency Deficit Control Act of 1985.

And the Senate agree to the same.

Amendment numbered 175:

That the House recede from its disagreement to the amendment of the Senate numbered 175, and agree to the same with an amendment, as follows:

Restore the matter stricken and retain the matter inserted by said amendment, amended as follows:

Amend the matter retained by said amendment as follows:

In lieu of the section number named in said retained matter insert: *8115A*; and the Senate agree to the same.

Amendment numbered 176:

That the House recede from its disagreement to the amendment of the Senate numbered 176, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert:

SEC. 8116. Such additional sums as may be necessary for fiscal year 1995 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

And the Senate agree to the same.

Amendment numbered 177:

That the House recede from its disagreement to the amendment of the Senate numbered 177, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert:

SEC. 8117. After April 15, 1995, none of the funds provided in this Act may be obligated for payment on new contracts on which allowable costs charged to the government include payments for individual compensation at a rate in excess of $250,000 per year.

And the Senate agree to the same.

Amendment numbered 178:

That the House recede from its disagreement to the amendment of the Senate numbered 178, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment amended to read as follows:

SEC. 8118. None of the funds available in this Act may be used to reduce the authorized positions for military (civilian) technicians of the Army National Guard, the Air National Guard, Army Reserve and Air Force Reserve for the purpose of applying any administratively imposed civilian personnel ceiling, freeze, or reduction on military (civilian) technicians, unless such reductions are a direct result of a reduction in military force structure: Provided, That the Department of Defense shall prepare and submit to the Congressional defense committees a report on reductions of civilian technicians which may be required to align civilian technician positions with force structure changes in the Reserve component.

And the Senate agree to the same.

Amendment numbered 179:

That the House recede from its disagreement to the amendment of the Senate numbered 179, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment amended to read as follows:

SEC. 8119. During the current fiscal year and hereafter, the Department of State and the Department of Defense are authorized to provide interagency courier service on a non-reimbursable basis.

And the Senate agree to the same.

Amendment numbered 183:

That the House recede from its disagreement to the amendment of the Senate numbered 183, and agree to the same with an amendment, as follows:

In lieu of the matter inserted by said amendment insert:

SEC. 8123. During the current fiscal year, funds appropriated in this Act are available to compensate members of the National Guard for duty performed pursuant to a plan submitted by a Governor of a State and approved by the Secretary of Defense under section 112 of title 32, United States Code: Provided, That during the performance of such duty, the members of the National Guard shall be under state command and control: Provided further, That such duty shall be treated as full-time National Guard *duty for purposes of sections 3686 (2) and 8686 (2) of title 10, United States Code.*

And the Senate agree to the same.

Amendment numbered 188:

That the House recede from its disagreement to the amendment of the Senate numbered 188, and agree to the same with an amendment, as follows:

In lieu of the matter inserted by said amendment insert:

SEC. 8128. The Secretary of Defense shall report to the congressional defense committees the existing standards for the provision of concurrent retirement and disability benefits to members of the Armed Forces with not less than twenty years of service: Provided, That this evaluation will address the number of individuals retired from the Armed Forces under conditions of total disability; the cost of extending concurrent benefits to these individuals; the comparability of the policy to Office of Personnel Management guidelines for civilian federal employees; the comparability of this policy to prevailing private sector standards; the number of individuals potentially eligible for concurrent benefits who now receive other forms of federal assistance and the cost of that assistance: Provided further, That the Secretary shall submit this report not later than March 15, 1995.

And the Senate agree to the same.

Amendment numbered 189:

That the House recede from its disagreement to the amendment of the Senate numbered 189, and agree to the same with an amendment, as follows:

Delete all the matter in said amendment appearing after "or rank in grade of the member." down to and including "preceding calendar quarter." and insert in lieu thereof:

(c) REPORTS.—Not later than April 15 and October 15 of each calendar year while the off-site agreement is in effect, the Secretary of the Army shall submit to the congressional defense committees a semi-annual report on the number of members of the Armed Forces who were reassigned under subsection (b)(1) during the preceding six months.

And the Senate agree to the same.

Amendment numbered 190:

That the House recede from its disagreement to the amendment of the Senate numbered 190, and agree to the same with an amendment, as follows:

In lieu of the matter inserted by said amendment insert:

SEC. 8130. Funds appropriated in this Act for operation and maintenance of the Military Departments, Unified and Specified Commands and Defense Agencies shall be available for reimbursement of pay, allowances and other expenses which would otherwise be incurred against appropriations for the National Guard and Reserve when members of the National Guard and Reserve provide intelligence support to Unified Commands, Defense Agencies and Joint Intelligence Activities, including the activities and programs included within the General Defense Intelligence Program and the Consolidated Cryptologic Program: Provided, That nothing in this section authorizes deviation from established Reserve and National Guard personnel and training procedures.

And the Senate agree to the same.

Amendment numbered 192:

That the House recede from its disagreement to the amendment of the Senate numbered 192, and agree to the same with an amendment, as follows:

In lieu of the matter inserted by said amendment insert:

SEC. 8132. The Secretary of Defense, from within funds provided in this Act, may obligate not to exceed $75,000 to fulfill Department of Defense obligations under the Educational Loan Repayment Programs for state-sponsored student loan programs not covered under Title IV, Part B or E of the Higher Education Act of 1965 (Title 20 U.S.C. 1071–1087).

And the Senate agree to the same.

Amendment numbered 193:

That the House recede from its disagreement to the amendment of the Senate numbered 193, and agree to the same with an amendment, as follows:

In lieu of the matter inserted by said amendment insert:

SEC. 8133. Notwithstanding any other provision of law, the Secretary of the Navy shall obligate, within sixty days of this Act becoming law, not less than $39,750,000 from the funds appropriated in this Act or previous Acts under the heading "Aircraft Procurement, Navy", solely to procure, integrate, and install, on an urgent basis, AN/USH-42 mission recorders modified for use in S–3B aircraft.

And the Senate agree to the same.

Amendment numbered 194:

That the House recede from its disagreement to the amendment of the Senate numbered 194, and agree to the same with an amendment, as follows:

In lieu of the matter inserted by said amendment insert:

SEC. 8134. Subparagraph (B) of section 7306(d)(1) of title 10, United States Code, shall not apply with respect to the transfer by the Secretary of the Navy under section 7306(a) of such title of the aircraft carrier U.S.S. Saratoga (CV–60) to the U.S.S. Saratoga Museum Foundation, Inc., a foundation organized under the laws of the State of Florida.

And the Senate agree to the same.

Amendment numbered 195:

That the House recede from its disagreement to the amendment of the Senate numbered 195, and agree to the same with an amendment, as follows:

In lieu of the matter inserted by said amendment insert:

RESTRICTION ON FUNDING UNITED STATES MILITARY PERSONNEL IN SOMALIA

SEC. 8135. None of the funds appropriated by this Act may be used for the continuous presence in Somalia of United States military personnel, except for the protection of United States personnel, after September 30, 1994.

And the Senate agree to the same.

Amendment numbered 198:

That the House recede from its disagreement to the amendment of the Senate numbered 198, and agree to the same with an amendment, as follows:

Delete the word "Congress" named in said amendment in four instances and insert in lieu thereof: *Senate*; and the Senate agree to the same.

Amendment numbered 199:

That the House recede from its disagreement to the amendment of the Senate numbered 199, and agree to the same with an amendment, as follows:

In lieu of the matter inserted by said amendment insert:

SEC. 8139. Notwithstanding any other provision of law, the Secretary of a military department may enter into a contract for use of commercial or proprietary credit card services for augmenting or replacing any in-house account receivable system in use by a nonappropriated fund instrumentality under the jurisdiction of that Secretary if the Secretary determines that such contract is in the best interest of that department: Provided, That any Department of Defense initiative to contract for credit card services shall require full and open competitive procedures and be based on the program concepts determined by the military department(s) morale, welfare and recreation (MWR) and service division(s) affected by such initiative.

And the Senate agree to the same.

Amendment numbered 200:

That the House recede from its disagreement to the amendment of the Senate numbered 200, and agree to the same with an amendment, as follows:

In lieu of the matter inserted by said amendment insert:

SEC. 8140. It is the sense of the Congress that the Secretary of Defense should name the new research facility under construction to house the Walter Reed Army Institute of Research, in honor of Senator Daniel K. Inouye.

And the Senate agree to the same.

Amendment numbered 201:

That the House recede from its disagreement to the amendment of the Senate numbered 201, and agree to the same with an amendment, as follows:

Delete the word "availability" named in said amendment and insert in lieu thereof: *available*; and the Senate agree to the same.

Amendment numbered 202:

That the House recede from its disagreement to the amendment of the Senate numbered 202, and agree to the same with an amendment, as follows:

Delete the word "Senate" named in said amendment and insert in lieu thereof: *Congress*; and the Senate agree to the same.

Amendment numbered 204:

That the House recede from its disagreement to the amendment of the Senate numbered 204, and agree to the same with an amendment, as follows:

In lieu of the matter inserted by said amendment insert:

SEC. 8144. All refunds or other amounts collected in the administration of the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) shall be credited to current year appropriations.

And the Senate agree to the same.

Amendment numbered 207:

That the House recede from its disagreement to the amendment of the Senate numbered 207, and agree to the same with an amendment, as follows:

In lieu of the matter inserted by said amendment insert:

SEC. 8147. Of the funds appropriated by title VIII of Public Law 102-396 (106 Stat. 1899) for defense reinvestment for economic growth, the unobligated balance of the funds made available by such title for military service members occupational conversion and training shall remain available for obligation until September 30, 1995.

And the Senate agree to the same.

Amendment numbered 208:

That the House recede from its disagreement to the amendment of the Senate numbered 208, and agree to the same with an amendment, as follows:

In lieu of the matter inserted by said amendment insert:

SEC. 8148. Under the heading "Humanitarian Assistance" in title II of this Act, on line one, strike "For transportation for" and insert in lieu thereof "For": Provided, That the proviso contained under this heading in the Department of Defense Appropriations Act for 1994 (Public Law 103-139) is hereby repealed.

And the Senate agree to the same.

Amendment numbered 210:

That the House recede from its disagreement to the amendment of the Senate numbered 210, and agree to the same with an amendment, as follows:

In lieu of the matter inserted by said amendment insert:

SEC. 8150. In addition to amounts appropriated elsewhere in this Act to the Department of Defense, $14,200,000 is authorized and appropriated only for the Utility Reconfiguration Project at the Philadelphia Naval Complex.

And the Senate agree to the same.

Amendment numbered 211:

That the House recede from its disagreement to the amendment of the Senate numbered 211, and agree to the same with an amendment, as follows:

In lieu of the matter inserted by said amendment insert:

SEC. 8151. Notwithstanding section 303(a) (5) and (6) of the Defense Production Act, or any other provision of law, the Department of Defense will negotiate and award an appropriate contract to the sole domestic producer of nuclear steam generator tubing for aircraft carriers, in an amount not to exceed $17,500,000 from funds provided in Public Law 103-139 for Defense Production Act Purchases.

And the Senate agree to the same.

Amendment numbered 212:

That the House recede from its disagreement to the amendment of the Senate numbered 212, and agree to the same with an amendment, as follows:

In lieu of the sum "$78,265,000" named in said amendment insert: *$93,265,000*; and the Senate agree to the same.

Amendment numbered 213:

That the House recede from its disagreement to the amendment of the Senate numbered 213, and agree to the same with an amendment, as follows:

In lieu of the matter inserted by said amendment insert:

SEC. 8153. No funds appropriated by this Act may be obligated or expended during fiscal year 1995 for retiring, or preparing to retire, any B-52H, B-1B, or F-111 bomber aircraft.

SEC. 8154. (a) None of the funds available to the Department of Defense for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(b) None of the funds available to the Central Intelligence Agency for any fiscal year for drug interdiction and counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

SEC. 8155. Amendments to Public Law 103-317 (including rescission).

(a) Of the funds appropriated under the heading, "Contributions to International Organizations" in Public Law 103-317, $4,561,000 are rescinded. In addition, under this heading in said Public Law, delete ", of which not to exceed $4,000,000 is available to pay arrearages, the payment of which" and substitute ": Provided, That any payment of arrearages made from these funds".

(b) Under the heading, "Payment to the Asia Foundation" in Public Law 103-317, delete "$10,000,000" and substitute "$15,000,000".

(c) Under the heading "Securities and Exchange Commission", "Salaries and Expenses", in Public Law 103-317, insert the following:

"For an additional amount for 'Salaries and Expenses', $192,000,000: Provided, That such amount is available only upon enactment of legislation that continues for fiscal year 1995 the rate of fees collected under section 6(b) of the Securities Act of 1933 (15 U.S.C. 77f(b)), as provided by Public Law 103-121 (107 Stat. 1168), at 1/29th of one percent and that deposits the difference in such fees (between 1/50th of one percent and 1/29th of one percent) as an offsetting collection to this appropriation: Provided further, That the total amount appropriated for fiscal year 1995 under this heading shall be reduced as such fees are deposited to this appropriation so as to result in a final total fiscal year 1995 appropriation from the General Fund estimated at not more than $74,856,000: Provided further, That any such fees collected in excess of $192,000,000 in fiscal year 1995 shall remain available until expended, but shall not be available for obligation until October 1, 1995.".

SEC. 8156. Of the amounts provided in title III of this Act, $304,900,000 are permanently canceled: Provided, That the Secretary of Defense shall allocate the amount of budgetary resources canceled by this section in an equal percentage to each program, project and activity funded in title III of this Act.

(RESCISSION)

SEC. 8157. Of the funds provided in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following account in the specified amount:

"Aircraft Procurement, Navy, 1993/1995", $200,000,000.

(TRANSFER OF FUNDS)

SEC. 8158. Of the funds provided in Title II of this Act under the heading "Operation and Maintenance, Defense-Wide", $500,000,000 shall be transferred to the following accounts in the specified amounts:

"Operation and Maintenance, Army", $140,000,000;

"Operation and Maintenance, Navy", $140,000,000;

"Operation and Maintenance, Marine Corps", $80,000,000;

"Operation and Maintenance, Air Force", $140,000,000.

And the Senate agree to the same.

Amendment numbered 214:

That the House recede from its disagreement to the amendment of the Senate numbered 214, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert:

Titles I through VIII of this Act may be cited as the "Department of Defense Appropriations Act, 1995".

TITLE IX—FISCAL YEAR 1994 SUPPLEMENTAL APPROPRIATION

The following sum is appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1994, namely:

DEPARTMENT OF DEFENSE

MANAGEMENT FUNDS

EMERGENCY RESPONSE FUND

For the "Emergency Response Fund", $299,300,000: Provided, That these funds may be used to reimburse other appropriations of the Department of Defense available during fiscal year 1994 for costs incurred before the date of the enactment of this Act for emergency relief for Rwanda and for emergency migrant processing and safe haven costs in or around Cuba and may be used to reimburse other appropriations available to the Department of Defense for costs incurred for the same purposes: Provided further, That the entire amount under this heading is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That any change in the United States mission in Rwanda from one of strict refugee relief to security, peace-enforcing, or nation-building or any other substantive role shall not be implemented without the further approval of the Congress: Provided further, That no funds provided in this Act are available for United States military participation to continue Operation Support Hope in or around Rwanda after October 7, 1994, except for any action that is necessary to protect the lives of United States citizens.

And the Senate agree to the same.

JOHN P. MURTHA,
NORMAN D. DICKS,
CHARLES WILSON,
W.G. (BILL) HEFNER,
MARTIN OLAV SABO,
JULIAN C. DIXON,
PETER J. VISCLOSKY,
GEORGE (BUDDY) DARDEN,
DAVID R. OBEY,
JOSEPH M. MCDADE,
C.W. BILL YOUNG,
BOB LIVINGSTON,
JERRY LEWIS,
JOE SKEEN,
Managers on the Part of the House.

DANIEL K. INOUYE,
FRITZ HOLLINGS,
J. BENNETT JOHNSTON,
ROBERT BYRD,
PATRICK J. LEAHY,
JIM SASSER,
DENNIS DECONCINI,
DALE BUMPERS,
FRANK R. LAUTENBERG,
TOM HARKIN,
TED STEVENS,
ALFONSE D'AMATO,
THAD COCHRAN,
ARLEN SPECTER,
PETE V. DOMENICI,
DON NICKLES,
PHIL GRAMM,
CHRISTOPHER S. BOND,
MARK O. HATFIELD,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4650), making appropriations for the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

The conference agreement on the Department of Defense Appropriations Act, 1995, incorporates some of the provisions of both the House and Senate versions of the bill. The language and allocations set forth in House Report 103-562 and Senate Report 103-321 should be complied with unless specifically addressed in the accompanying bill and statement of the managers to the contrary.

TITLE I—MILITARY PERSONNEL

The conferees agree to the following amounts and end strength totals for the Military Personnel accounts as follows:

[In thousands of dollars]

	Budget	House	Senate	Conference
Active personnel:				
Army	20,601,170	20,737,470	20,629,770	20,609,770
Navy	17,580,983	17,692,537	17,638,483	17,569,137
Marine Corps	5,778,571	5,816,671	5,806,471	5,774,871
Air Force	17,218,579	17,311,379	17,031,179	17,181,479

[In thousands of dollars]

	Budget	House	Senate	Conference
Reserve personnel:				
Army	2,174,520	2,183,620	2,178,620	2,161,620
Navy	1,392,409	1,398,609	1,418,723	1,401,809
Marine Corps	353,948	354,048	351,098	348,748
Air Force	781,383	782,434	774,834	768,834
National Guard personnel:				
Army	3,360,505	3,378,705	3,371,605	3,339,505
Air Force	1,233,239	1,238,029	1,244,729	1,233,429
Total, Military Personnel	70,475,397	70,893,502	70,445,512	70,389,202

ACTIVE END STRENGTH

[Fiscal year 1995]

	Budget	Conference	Conference verses budget
Army	510,000	510,000	---
Navy	441,641	441,641	---
Marine Corps	174,000	174,000	---
Air Force	400,051	400,051	---
Total	1,525,692	1,525,692	---

PAY RAISE ABSORPTION

The fiscal year 1995 budget request provided a 1.6 percent pay raise for military personnel. The conferees agreed to an increase of 2.6 percent as authorized and have provided an additional $185,900,000 in the military personnel accounts. The conferees intend that the Department absorb the remaining cost within the funds made available in this Act.

MEDAL FOR AMERICAN SERVICEMEMBERS

On April 14, 1994, two U.S. F-15C fighter plane pilots enforcing the United Nations-mandated "no fly" zone in northern Iraq accidently shot down two U.S. UH-60 Black Hawk helicopters which were carrying fourteen American members of the Armed Forces, one American civilian, and eleven foreigners. These individuals were engaged in a United Nations peacekeeping mission in northern Iraq's "no fly" zone, and all of them were killed. The conferees believe that the fourteen members of the Armed Forces should be awarded posthumously the Purple Heart or other medal of distinction for their distinguished service to their country. The conferees direct the Secretaries of the Army and the Air Force to review this matter, and report back to the Committees no later than March 31, 1995.

Military Personnel, Army

Amendment No. 1: Appropriates $20,609,770,000 instead of $20,737,470,000 as proposed by the House and $20,629,770,000 as proposed by the Senate. Deletes Senate language concerning visas for officials of Taiwan and limitation on the use of funds for the Sandinista popular Army and security forces of Nicaragua.

The conference agreement on items addressed by either the House or the Senate is as follows:

[In thousands of dollars]

	House	Senate	Conference
Pay Increase	136,300	136,300	54,500
Officer Work-years	0	−43,200	0
Officer Average Rank	0	−31,600	−31,600
Retired Pay Accrual/Social Security Contributions	0	−32,200	−13,600
Disability Severance Pay	0	−3,500	−3,500
Nurse Anesthetist Pay	0	2,800	2,800
Total, Military Personnel, Army	+136,300	+28,600	+8,600

VISAS FOR OFFICIALS OF TAIWAN

The Senate recedes from its language concerning the provision of visas for officials of Taiwan. The conferees agree that appropriate officials of Taiwan should be permitted entry to the United States for the conduct of official business. Amendment of the Taiwan Relations Act falls outside the jurisdiction of the Appropriations Committees. The conferees defer action on this matter to the House Foreign Affairs and Senate Foreign Relations Committees.

Military Personnel, Navy

Amendment No. 2: Appropriates $17,569,137,000 instead of $17,692,537,000 as proposed by the House and $17,638,483,000 as proposed by the Senate.

The conference agreement on items addressed by either the House or the Senate is as follows:

[In thousands of dollars]

	House	Senate	Conference
Pay Increase	113,700	113,700	45,500
Aviation Continuation Pay	−1,000	0	0
Responsibility Pay	−1,146	0	−1,146
Officer Average Rank	0	−38,200	−38,200
Retired Pay Accrual/Social Security Contributions	0	−16,400	−16,400
Disability Severance Pay	0	−1,600	−1,600
Total, Military Personnel, Navy	+111,554	+57,500	−11,846

Military Personnel, Marine Corps

Amendment No. 3: Appropriates $5,774,871,000 instead of $5,816,671,000 as proposed by the House and $5,806,471,000 as proposed by the Senate.

The conference agreement on items addressed by either the House or the Senate is as follows:

[In thousands of dollars]

	House	Senate	Conference
Pay Increase	38,700	38,700	15,500
Aviation Continuation Pay	−600	0	0
Officer Work-years	0	−3,900	0
Retired Pay Accrual/Social Security Contributions	0	−1,700	0
Disability Severance Pay	0	−1,200	−1,200
Unemployment Compensation	0	14,000	0
Special Separation Bonus	0	−18,000	−18,000
Total, Military Personnel, Marine Corps	+38,100	+27,900	−3,700

UNEMPLOYMENT COMPENSATION

Prior to fiscal year 1984, the Department of Labor budgeted and paid the individual states for the Federal Government's share of applicable unemployment compensation for ex-servicemembers. Beginning in fiscal year 1984, the Department of Defense was required to budget for the costs of regular and extended unemployment benefits. P.L. 102-164 changed benefits, starting in FY 1992, from thirteen weeks after a four week waiting period, to twenty-six weeks with a one week waiting period.

The conferees are concerned that the Marine Corps budgeted for only thirteen weeks of unemployment compensation while the other Services budgeted for twenty-six weeks, consistent with existing legislation. If unemployment compensation costs accrue as expected, the conferees are amenable to considering a reprogramming request from the Department of Defense during fiscal year 1995 to meet the unbudgeted portion of the Marine Corps requirement. The Department is directed to ensure that the full twenty-six week unemployment compensation requirement is budgeted by each Service in future fiscal year military personnel budget submissions.

Military Personnel, Air Force

Amendment No. 4: Appropriates $17,181,479,000 instead of $17,311,379,000 as proposed by the House and $17,031,179,000 as proposed by the Senate.

The conference agreement on items addressed by either the House or the Senate is as follows:

[In thousands of dollars]

	House	Senate	Conference
Pay Increase	117,300	117,300	46,900
Aviation Continuation Pay	−9,600	0	0
Aviation Career Incentive Pay	−500	0	−500
B–52 Cost Savings	−14,400	0	−14,400
Officer Work-years	0	−43,600	0
Retired Pay Accrual/Social Security Contributions	0	−18,800	0
Disability Severance Pay	0	−100	−100
Enlisted Basic Allowance for Quarters	0	−20,800	−20,800
Incentivized Losses	0	−223,200	−50,000
Nurse Anesthetist Pay	0	2,300	2,300
Flight Duty Pay	0	−500	−500
Total, Military Personnel, Air Force	+92,700	−187,400	−37,100

National Guard and Reserve Forces

The conferees agree to provide $9,253,945,000 in Reserve personnel appropriations, $8,841,011,000 in Operation and maintenance appropriations, and $800,000,000 in the National Guard and Reserve Equipment appropriation. These funds support a Selected Reserve strength of 979,254 as shown below.

RESERVE STRENGTHS

[Fiscal year 1995]

	Budget	Conference	Conference versus budget
Selected Reserve:			
Army Reserve	242,000	242,000	0
Navy Reserve	100,710	100,902	+192
Marine Corps Reserve	42,000	42,000	0
Air Force Reserve	78,706	78,771	+65
Army National Guard	400,000	400,000	0
Air National Guard	115,581	115,581	0
Total	978,997	979,254	+257
AGR/TARS:			
Army Reserve	11,940	11,940	0
Navy Reserve	17,510	17,794	+284
Marine Corps Reserve	2,285	2,285	0
Air Force Reserve	648	648	0
Army National Guard	23,650	23,650	0
Air National Guard	9,098	9,098	0
Total	65,131	65,415	+284
Technicians:			
Army Reserve	7,004	7,004	0
Air Force Reserve	10,295	10,423	+128
Army National Guard	27,394	27,394	0
Air National Guard	24,210	24,210	0
Total	58,903	69,031	+128

MILITARY TECHNICIANS

The conferees have included a new provision (Section 8118) which prohibits funds to be used to reduce military (civilian) technicians of the Reserve components for the purpose of applying any administratively imposed civilian personnel ceiling, freeze or reduction on military (civilian) technicians, unless such reductions are a direct result of a reduction in military force structure.

The conferees are concerned that the phased reductions planned for civilian technicians will have a significant impact on the full-time support program of the Reserve components and on the readiness of Reserve units. The conferees direct that the report requested in this Section be submitted to the Congressional defense committees no later than March 15, 1995.

RESERVE PERSONNEL, ARMY

Amendment No. 5: Appropriates $2,161,620,000 instead of $2,183,620,000 as proposed by the House and $2,178,620,000 as proposed by the Senate.

The conference agreement on items addressed by either the House or the Senate is as follows:

[In thousands of dollars]

	House	Senate	Conference
Pay Increase	12,900	12,900	5,100
Personnel Understrength	−3,800	−8,800	−18,000
Total, Reserve Personnel, Army	+9,100	+4,100	−12,900

RESERVE PERSONNEL, NAVY

Amendment No. 6: Appropriates $1,401,809,000 instead of $1,398,609,000 as proposed by the House and $1,418,723,000 as proposed by the Senate.

The conference agreement on items addressed by either the House or the Senate is as follows:

[In thousands of dollars]

	House	Senate	Conference
Pay Increase	8,400	8,400	3,400
Personnel Understrength	−2,200	−1,500	−4,000
LST ships	0	19,414	10,000
Total, Reserve Personnel, Navy	+6,200	+26,314	+9,400

TRANSFER OF LSTS

The conferees agree that a robust lift capability must be maintained and believe that one way of assuring this capability is to transfer two excess LSTs to the Naval Reserve for homeporting at Pearl Harbor. These LSTs will provide a cost effective means of transporting Army and Marine troops and equipment from the island of Oahu to the island of Hawaii, as required, for training purposes. The conferees emphasize that these ships and their crews are to be considered a part of the Navy's lift capability and that the crews of these ships are to be trained accordingly. Funding and personnel needed to accomplish this mission have been provided within the appropriate accounts. Reporting requirements contained in Senate Report 103–321 are to be adhered to.

RESERVE PERSONNEL, MARINE CORPS

Amendment No. 7: Appropriates $348,748,000 instead of $354,048,000 as proposed by the House, and $351,098,000 as proposed by the Senate.

The conference agreement on items addressed by either the House or the Senate is as follows:

[In thousands of dollars]

	House	Senate	Conference
Pay Increase	2,100	2,100	800
Personnel Understrength	−2,000	−4,950	−6,000
Total, Reserve Personnel, Marine Corps	+100	−2,850	−5,200

RESERVE PERSONNEL, AIR FORCE

Amendment No. 8: Appropriates $768,834,000 instead of $782,434,000 as proposed by the House and $774,834,000 as proposed by the Senate.

The conference agreement on items addressed by either the House or the Senate is as follows:

[In thousands of dollars]

	House	Senate	Conference
Pay Increase	4,600	4,600	1,800
Personnel Understrength	−4,200	−11,800	−15,000
WC–130 Weather Reconn	651	651	651
Total, Reserve Personnel, Air Force	+1,051	−6,549	−12,549

NATIONAL GUARD PERSONNEL, ARMY

Amendment No. 9: Appropriates $3,339,505,000 instead of $3,378,705,000 as proposed by the House and $3,371,605,000 as proposed by the Senate.

The conference agreement on items addressed by either the House or the Senate is as follows:

[In thousands of dollars]

	House	Senate	Conference
Pay Increase	22,600	22,600	9,000
Personnel Understrength	−4,400	−11,500	−30,000
Total, National Guard Personnel, Army	+18,200	+11,100	−21,000

THEATER AVIATION

The conferees agree with the Army in fielding the Theater Aviation Company to satisfy the remaining tactical fixed wing requirements. In completing this requirement, the Army is directed to adhere to the specific language on procurement adopted in the 1994 Act. Additionally, the Army is directed to reconsider the allocation of the Theater Aviation Company from COMPO 4 to the Army National Guard.

NATIONAL GUARD PERSONNEL, AIR FORCE

Amendment No. 10: Appropriates $1,233,429,000 instead of $1,238,029,000 as proposed by the House and $1,244,729,000 as proposed by the Senate.

The conference agreement on items addressed by either the House or the Senate is as follows:

[In thousands of dollars]

	House	Senate	Conference
Pay Increase	8,400	8,400	3,400
Personnel Understrength	−3,700	−8,800	−10,000
C–130 Units	0	5,600	3,600
Transfer of Defense Mission	0	6,200	3,100
Total, National Guard Personnel, Air Force	+4,700	+11,400	+100

TITLE II—OPERATION AND MAINTENANCE

A summary of the conference agreement is as follows:

[In thousands of dollars]

		Budget	House	Senate	Conference
23700	RECAPITULATION				
23750	O&M, ARMY	17,766,814	17,836,504	17,475,806	17,507,088
23850	TRANSFER—STOCKPILE	(50,000)	(50,000)	(50,000)	(50,000)
23900	O&M, NAVY	21,176,570	21,316,555	21,275,770	21,054,470
24000	TRANSFER—STOCKPILE	(50,000)	(50,000)	(50,000)	(50,000)
23050	O&M, MARINE CORPS	1,918,395	2,097,395	1,968,965	1,988,215
24150	O&M, AIR FORCE	19,026,623	18,913,050	18,786,243	18,763,427
24250	TRANSFER—STOCKPILE	(50,000)	(50,000)	(50,000)	(50,000)
24300	O&M, DEFENSEWIDE	10,208,413	8,945,266	9,986,654	10,500,104
24310	TRANSFER—STOCKPILE			(100,000)	
24350	O&M, ARMY RESERVE	1,253,709	1,240,109	1,253,709	1,243,209
24400	O&M, NAVY RESERVE	827,819	834,119	827,819	831,219
24450	O&M, MARINE CORPS RESERVE	81,462	83,542	80,562	81,862
24500	O&M, AIR FORCE RESERVE	1,478,990	1,486,805	1,455,872	1,471,505
24550	O&M, ARMY NATIONAL GUARD	2,447,148	2,498,868	2,424,135	2,440,288
24600	O&M, AIR NATIONAL GUARD	2,780,178	2,797,978	2,780,178	2,772,928
24650	NATL BOARD FOR THE PROMOTION OF RIFLE PRACTICE, ARMY	2,544	2,544	2,544	2,544
24700	COURT OF MILITARY APPEALS, DEFENSE	6,126	6,126	6,126	6,126
24725	ENVIRONMENTAL RESTORATION, DEFENSE	2,180,200	1,880,200	2,034,075	1,780,200
24750	SUMMER OLYMPICS			10,000	14,400
24850	SPECIAL OLYMPICS			3,000	3,000
24900	SUPPORT FOR INTERNATL SPORTING COMPETITION, DEFENSE		7,900		
25000	HUMANITARIAN ASSISTANCE	71,900	60,000	71,900	65,000
25100	FORMER SOVIET UNION THREAT REDUCTION	400,000		400,000	400,000
25200	INTERNATIONAL PEACEKEEPING	300,000			
25255	REAL PROPERTY MAINTENANCE, DEFENSE			500,000	
25300	GRANT TOTAL, O&M	81,926,891	80,006,961	81,361,358	80,925,585
25350	TRANSFER	(150,000)	(150,000)	(250,000)	(150,000)
25400	TOTAL FUNDS AVAILABLE, O&M	82,076,891	80,156,961	81,611,358	81,075,585

JUSTIFICATION MATERIALS AND REPROGRAMMING PROCEDURES

The conferees agree that proposed transfers of funds between 0-1 budget activity funding categories in excess of $20,000,000 are subject to normal reprogramming procedures. Moreover, due to continuing concerns about military force readiness, the conferees also agree that the Department shall notify the Congressional defense committees prior to transfers in excess of $20,000,000 from the following subactivity group categories:

O&M, Army

Operating forces: Combat units; Tactical support; Force related training/special activities; Depot maintenance.

O&M, Navy

Operating forces: Mission and other flight operations; Aircraft depot maintenance; mission and other ship operations; ship depot maintenance.

O&M, Marine Corps

Operating forces: Operational forces.

O&M, Air Force

Operating forces: Primary combat forces; Primary combat weapons; Air operations training. Mobilization: Airlift operations.

In order to improve Congressional oversight and understanding of the Department's operation and maintenance program execution, the Department of Defense and military services are directed to adopt the following guidelines as they prepare the FY 1996 operation and maintenance budget justification materials:

For each subactivity group category, the justification materials must show dollar amounts for the most recent actual, the current year estimates, and the budget request estimate.

The current year estimates should be arrayed in columns which reflect the budget request, the appropriation amount, and a current execution estimate.

The current year appropriation amount for each subactivity group *must be the same figure as reflected in the 0-1 tables included in this Conference Report and Statement of Managers.*

A description of the difference between the current year appropriation and the current execution estimate must be supplied as part of the traditional reconciliation of increases and decreases.

Finally, the conferees agree that the current execution estimate reflected in the justification materials (at the budget activity group level) shall serve as the base for reprogramming except in those special cases noted above.

The conferees direct the Department to submit a Mid-Year Operation and Maintenance Execution Review, not later than April 1, 1995, to the Committees on Appropriations and Armed Services of the House and Senate.

DEPOT MAINTENANCE

Both the House and Senate reports raised serious concerns regarding the DoD's policy on the public/private share of depot maintenance and competition for depot maintenance workloads. The reports directed by the House on these issues are to be provided to the Committees on Appropriations by February 15, 1995.

The conferees agree that public/private competition for depot maintenance workloads shall be reinstituted. Regarding public/private competition, the conferees believe interservicing common commodity workloads to "Centers of Excellence," as conceptually proposed by the Department, will result in greater long-term savings and efficiencies than periodic public/private competitions and should be given precedence in the immediate future. The conferees are concerned the military services are failing to submit interservicing candidates to the Office of the Secretary of Defense (OSD) for consideration, and fully expect the Department to propose specific depot interservicing proposals in conjunction with next year's budget submission and base closure and realignment recommendations.

Further, the conferees agree that a robust depot maintenance program should be considered fundamental to preserving military readiness. Thus, the conferees direct the military services to allocate funding for depot maintenance programs requested in its annual budget submissions at levels equal to or greater than 80 percent of the annual requirements for airframes and aircraft engines, combat vehicles, ships, and ground communications and electronic equipment.

Finally, the conferees agree with the concerns cited in the House report regarding the role of DoD depot maintenance activities in providing non-defense services to entities outside the Department of Defense. The conferees direct the Department to specifically exclude from consideration during the base closure and realignment decision process any facility's actual or potential provision of non-defense services (including revenues and workload resulting from non-defense activity), and to follow the reporting requirements in the House report.

FAMILY ADVOCACY AND CHILD DEVELOPMENT

A summary of the conference agreement with respect to the Department's child development and family advocacy programs is provided in the table below:

[In millions of dollars]

	Army	Navy	Marine Corps	Air Force	Defense wide	Total
Child development	5.0	5.0	2.5	5.0		17.5
Family support		8.6	4.7			13.3
At-risk youth programs					8.0	8.0
New parent support					20.0	20.0
Family advocacy/program					26.0	26.0
Total	5.0	13.6	7.2	5.0	54.0	84.8

The conferees direct the Secretary of Defense to provide a report—not later than December 15, 1994—to the congressional defense committees detailing the allocation and proposed use of all funds provided by these recommendations. Moreover, the conferees direct that at least $15,000,000 of these additional funds be allocated to forces and installations located in the Pacific region.

FAMILY ADVOCACY PROGRAM JUSTIFICATION

The conferees direct the Department of Defense and the military services to revamp their 0-1 justification breakout so that programs associated with child development and family advocacy and support are grouped into a single subactivity category.

OUTSOURCING CHILD CARE

The Department of Defense (DoD) is urged to investigate child care alternatives that provide appropriate services at lower costs. The conferees have been made aware of innovative private sector child care proposals that would obviate or reduce the need for construction of on-base Child Development Centers at some locations. The Pacific theater proposals that have been brought to our attention would yield significant savings in operating cost as well as cost avoidance in the military construction appropriation, while providing child care that meets or exceeds military standards. DoD is encouraged to solicit proposals and conduct one or more demonstration projects to test the viability of outsourcing child care at locations where this approach is practical.

RECRUITING AND ADVERTISING

The conferees agree to provide an increase totalling $88,700,000 for Department of Defense and military service recruiting and advertising programs. In a related matter, research has determined that national advertising is a cost-effective method to attract young people into the military. However, there has been no research to investigate the relative cost-effectiveness of local versus national advertising. Accordingly, the conferees direct the Department of Defense to conduct a study to determine the comparative effectiveness of national versus local advertising. A report documenting the study results should be forwarded to the House and Senate Committees on Appropriations and Armed Services by May 1, 1995.

CIVILIAN PERSONNEL

The conference agreement reflects several adjustments affecting the Department's civilian personnel programs. Funds have been added to various operation and maintenance, research and development, and other accounts to partially cover the civilian personnel pay raise and locality pay increases. Also, funding has been provided to cover the anticipated civilian separation costs engendered by passage of the Federal Workforce Restructuring Act. These increases are more than offset by reductions made to reflect lower-than-planned civilian personnel levels at the start of fiscal year 1995.

WAR COLLEGES

In the fiscal year 1994 Appropriations Conference report (H. Report 103-339), the conferees requested that the Department provide a study on consolidation of command and staff colleges, war colleges, and their administration. A report was provided as requested; however, it appears that the selection of study panel members with duties and responsibilities that would be directly affected by the study's conclusions resulted in a report with little objectivity and recommendations determined in advance of analysis. In particular, the recommendation supporting the retention of all war colleges is based on a specious argument that the war colleges must train greater numbers of future leaders in these times of relative peace to prepare for future threats. This rationale is inconsistent with testimony from Department witnesses who claim that there are theaters in conflict all over the globe involving U.S. forces and that today's threats are more diverse and challenging than in the past. Additionally, the conferees are disturbed that the services are not applying this rationale to the training of the senior non-commissioned officer (NCO) corps. Professional development training for senior NCOs has been reduced in recent years.

The conferees are not convinced that student loads at the war colleges need to increase. Unfortunately, classes that will be in attendance during fiscal year 1995 have already begun and a student load reduction at this time would be disruptive. The timing of a reduction in the student population should precede permanent change of station moves and the beginning of the academic year. Thus, the conferees agree to make no reductions to the Department's war college appropriation requests for fiscal year 1995. However, the conferees direct the Department to reduce fiscal year 1996 war college student loads consistent with the force structure reductions so that the number of graduates each year will be the same percentage of the total force as before the drawdown. The conferees will revisit this issue if the Department fails to comply with this direction.

Finally, the conferees are convinced that the joint education program and broad-based curriculum of the National Defense University should serve as a model for all Department of Defense graduate military educational institutions. Likewise, the Naval War College's efforts to vertically integrate the Navy's graduate education infrastructure are viewed by the conferees as having important lessons for the other military services. The conferees intend to continue to work with each of the services and the Office of the Secretary of Defense to chart a course of DoD graduate military education that meets both the changing military and fiscal imperatives facing our forces.

REVOLVING FUND REBATES

The conferees agree to funding reductions approved by the Senate based on changes in Military Sealift Command price rates and expected supply operation productivity enhancements. In doing so, the conferees expect the Department to "rebate" savings from the appropriate Department of Defense revolving fund to exactly offset the related reductions made to the various operation and maintenance accounts. These rebates should be made no later than March 1, 1995.

MAINTENANCE OF MILITARY TURBINE (JET) ENGINES

The Department of Defense can earn substantial savings by expanding competition for depot maintenance of equipment common to the military and industry, specifically commercially developed airline turbine (jet) engines. The conferees note that two engines in particular offer substantial opportunities for savings: 1) the military F108 which is the CFM56-2 airline engine, and 2) the military TF33 engine, which is the JT3D airline engine.

Commercial jet engines operated by the military, as well as other commercial "variants", provide significant opportunities for private maintenance. Expanding such support meets the letter and spirit of Vice President Gore's "National Performance Review" for reinventing government to increase efficiency and save money. Thus, the conferees direct the Department to submit a report to the Committees on Appropriations of the House and Senate detailing a proposal for expanding competition for commercial jet engines no later than January 15, 1995. The conferees intend to work with the Department to clearly establish the scope and direction of this proposal.

SUPPORT TO NON-GOVERNMENTAL ORGANIZATIONS

The conferees share the concerns of the House on the issue of the Department of Defense's participation in conventions, conferences, seminars and symposia sponsored by non-governmental organizations, especially national military associations and professional and technical organizations. The conferees are concerned that at a time when training funds are limited and basic proficiency training for junior military personnel is being rationed, too much of the Department's discretionary training and educational resources may be used by senior military and civilian personnel to attend conventions of questionable content in terms of professional development.

The conferees understand that commanders currently monitor the expenditures related to support of and participation in conventions, conferences, seminars and symposia. Therefore, creating and maintaining a tracking system is unnecessary at this time. Instead, the conferees believe the Secretary of Defense should take a fresh look at the process by which the Department determines the value of such activities to the Department.

The conferees direct the Secretary to establish an independent panel to: (1) review current certification procedures for events sponsored by non-governmental organizations; (2) survey as comprehensively as possible the professional development content of such conventions, conferences, seminars and symposia during the past year; and (3) outline a process for monitoring the professional development content of such conventions, conferences, seminars and symposia. The conferees believe the Department should consider an evaluative scale to measure the professional development content of such events. The Secretary should provide the results of this survey not later than June 1, 1995.

The conferees wish to emphasize that non-governmental associations perform a valuable function. For example, the Department needs to have the means to discuss resource priorities and program objectives with private citizens and companies without giving one company an unfair advantage. Nonetheless, the conferees believe closer attention is needed on the true professional content of these events.

STU-III PROGRAM

The conferees provide $3,000,000 to DOD for the procurement of STU-III's. The additional funds are appropriated to the following operation and maintenance accounts: Army, $1,000,000; Navy, $1,000,000; and Air Force, $1,000,000. DOD is currently reallocating funds for STE, a follow-on program to the STU-III program. Currently the STE program does not have an executable budget. Therefore, the conferees direct that the Secretary of Defense report no later than thirty days after enactment of this bill, the total dollars in the fiscal year 1995 request for STE development. Furthermore, the conferees direct that no funds budgeted in fiscal year 1995 for STE development may be executed without prior approval from the Appropriations Committees. The conferees direct the Secretary of Defense to submit by February 15, 1995 a subsequent report which includes the following: 1) a technical definition of the proposed STE system and 2) a five year plan outlining research and development milestones and 3) a five year procurement schedule. Funds appropriated for STE may not be spent for any other purpose but secure communications; however, the conferees will consider a request to reprogram fiscal year 1995 funds for STE development. Furthermore, the conferees direct that DOD breakout all STE funding in their fiscal year 1996 budget request.

OPERATION AND MAINTENANCE, ARMY

Amendment No. 11: Appropriates $17,507,088,000 instead of $17,836,504,000 as proposed by the House and $17,475,806,000 as proposed by the Senate.

Amendment No. 12: Deletes House language making $150,000,000 for real property maintenance available for obligation until September 30, 1996.

Amendment No. 13: Restores House language making $388,599,000 available only for conventional ammunition care and maintenance; amends House language making $5,800,000 available only for removal of equipment and the repair and restoration of structures at the National Center for Toxicological Research in Jefferson, Arkansas; deletes House language prohibiting obligation of $473,763,000 until authorized; inserts Senate language making available not less than $5,000,000 only for payment to the DOD 50th Anniversary of World War II Commemoration Appropriation; inserts language making $9,500,000 available only to purchase an easement for use by the Army at Schofield Barracks Military Reservation; and inserts language allowing the Army to obligate not to exceed $2,000,000, if matched by contributions from other parties, for a remediation effort at Cordova, Alaska.

The conference agreement is as follows:

[In thousands of dollars]

		Budget	House	Senate	Conference
100	OPERATION AND MAINTENANCE, ARMY				
150	BUDGET ACTIVITY 1: OPERATING FORCES				
200	LAND FORCES				
250	COMBAT UNITS	1,783,474	1,934,174	1,793,474	1,890,024
300	TACTICAL SUPPORT	1,178,297	1,178,297	1,178,297	1,178,297
350	THEATER DEFENSE FORCES	208,141	208,141	208,141	208,141
400	FORCE RELATED TRAINING/SPECIAL ACTIVITIES	1,186,444	1,186,444	1,186,444	1,186,444
450	FORCE COMMUNICATIONS	61,496	61,496	61,496	61,496
500	DEPOT MAINTENANCE	1,037,338	1,337,338	1,133,638	1,168,638
550	JCS EXERCISES	66,412	66,412	66,412	66,412
600	BASE SUPPORT	3,197,534	3,307,534	3,228,984	3,127,984
675	LAND OPERATIONS SUPPORT				
700	COMBAT DEVELOPMENTS	222,405	222,405	222,405	222,405
750	UNIFIED COMMANDS	74,246	65,000	74,246	74,246

[In thousands of dollars]

		Budget	House	Senate	Conference
825	TOTAL, BUDGET ACTIVITY 1: OPERATING FORCES	9,015,787	9,567,241	9,153,537	9,184,087
850	BUDGET ACTIVITY 2: MOBILIZATION				
900	MOBILITY OPERATIONS				
950	POMCUS	142,299	142,299	142,299	142,299
1000	STRATEGIC MOBILIZATION	284,647	284,647	284,647	284,647
1050	WAR RESERVE ACTIVITIES	54,718	54,718	54,718	54,718
1100	INDUSTRIAL PREPAREDNESS	89,728	89,728	89,728	89,728
1175	TOTAL, BUDGET ACTIVITY 2: MOBILIZATION	571,392	571,392	571,392	571,392
1200	BUDGET ACTIVITY 3: TRAINING AND RECRUITING				
1250	ACCESSION TRAINING				
1300	OFFICER ACQUISITION	51,184	51,184	51,184	51,184
1350	RECRUIT TRAINING	12,173	12,173	12,173	12,173
1400	ONE STATION UNIT TRAINING	16,733	16,733	16,733	16,733
1450	RESERVE OFFICER TRAINING CORPS (ROTC)	108,642	108,642	108,642	108,642
1500	BASE SUPPORT (ACADEMY ONLY)	115,300	113,000	114,900	112,600
1550	BASIC SKILL/ADVANCE TRAINING				
1600	SPECIALIZED SKILL TRAINING	244,356	249,356	244,356	249,356
1610	FRIENDLY FIRE/SAFETY TRAINING	....	....	....	....
1650	FLIGHT TRAINING	258,167	258,167	258,167	258,167
1660	TOSS	....	....	....	....
1700	PROFESSIONAL DEVELOPMENT EDUCATION	87,296	81,000	76,696	87,296
1750	TRAINING SUPPORT	390,778	399,578	382,668	384,178
1800	BASE SUPPORT (OTHER TRAINING)	1,062,203	1,113,203	998,203	1,029,203
1875	RECRUITING/OTHER TRAINING				
1900	RECRUITING AND ADVERTISING	159,959	159,959	206,059	192,959
1950	EXAMINING	66,133	66,133	66,133	66,133
2000	OFF-DUTY AND VOLUNTARY EDUCATION	110,633	110,633	110,633	110,633
2050	CIVILIAN EDUCATION AND TRAINING	92,000	89,000	88,200	88,200
2100	JUNIOR ROTC	65,387	65,387	65,387	65,387
2150	BASE SUPPORT (RECRUITING LEASES)	155,075	155,075	154,675	154,675
2225	TOTAL, BUDGET ACTIVITY 3: TRAINING AND RECRUITING	2,996,019	3,049,223	2,954,809	2,987,519
2250	BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES				
2300	SECURITY PROGRAMS				
2350	SECURITY PROGRAMS	400,696	386,696	400,696	400,696
2360	CLASSIFIED	....	....	....	....
2400	LOGISTICS OPERATIONS				
2450	SERVICEWIDE TRANSPORTATION	544,832	544,832	559,472	559,472
2500	CENTRAL SUPPLY ACTIVITIES	478,524	478,524	478,524	478,524
2550	LOGISTIC SUPPORT ACTIVITIES	342,751	353,251	342,751	352,451
2600	AMMUNITION MANAGEMENT	388,599	388,599	388,599	388,599
2650	SERVICEWIDE SUPPORT				
2700	ADMINISTRATION	316,751	301,101	310,551	327,835
2750	SERVICEWIDE COMMUNICATIONS	805,494	805,494	726,294	773,644
2800	MANPOWER MANAGEMENT	81,413	74,200	81,413	81,413
2850	OTHER PERSONNEL SUPPORT	174,934	174,934	174,934	174,934
2900	OTHER SERVICE SUPPORT	541,957	541,957	522,569	536,457
2950	ARMY CLAIMS ACTIVITIES	177,564	177,564	177,564	177,564
3000	REAL ESTATE MANAGEMENT	98,209	98,209	98,709	98,709
3100	BASE SUPPORT	600,280	600,280	530,380	529,980
3190	SUPPORT OF OTHER NATIONS				
3200	INTERNATIONAL MILITARY HEADQUARTERS	265,525	235,640	250,925	250,925
3250	MISC SUPPORT OF OTHER NATIONS	20,267	20,267	20,267	20,267
3310	TOTAL, BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACT	5,237,796	5,181,548	5,063,648	5,151,470
3330	CLASSIFIED PROGRAMS UNDISTRIBUTED	....	−5,377	−7,100	−8,100
3460	RENTAL PAYMENTS	−4,180	−4,180	−4,180	−4,180
3470	TRANSFERS TO DEFENSE CONVERSION & REINVESTMENT ACCOUNT	....	−101,400	....	....
3480	CIVILIAN PERS PAY RAISE & LOCALITY PAY	....	114,000	....	21,400
3605	CIVILIAN PERSONNEL UNDERSTRENGTH	....	−196,200	−290,400	−236,300
3607	CIVILIAN SEPARATION INCENTIVES	....	....	84,100	17,800
3620	CONTRACTOR & CONSULTING SERVICES	....	−156,000	....	−78,000
3625	INFORMATION TECHNOLOGY	....	−133,743	....	−50,000
3685	GENERAL REDUCTION, NATIONAL DEFENSE STOCKPILE FUND	−50,000	−50,000	−50,000	−50,000
3690	TOTAL, OPERATION AND MAINTENANCE, ARMY	17,766,814	17,836,504	17,475,806	17,507,088
3700	(BY TRANSFER—NATIONAL DEFENSE STOCKPILE FUND)	(50,000)	(50,000)	(50,000)	(50,000)
3750	TOTAL FUNDS AVAILABLE	(17,816,814)	(17,886,504)	(17,525,806)	(17,557,088)

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustments to the budget activities are as follows:

[In thousands of dollars]

Budget Activity 1—Operating Forces:	
250 War reserve spares	45,350
Supplemental Fuel Tank	1,000
Helicopter Training, Israel	9,000
Attack Aviation Bn (EUSA)	9,200
Patriot Bn (EUSA)	42,000
500 C-E maint Backlog	35,000
Aircraft Maintenance Backlog	85,500
Vehicle Maintenance Backlog	10,800
600 National Training Center/George AFB Airhead	2,000
Hamilton AFB Cleanup	1,000
Travel	(12,000)
European Drawdown/USAREUR baseops	47,000
Supply operations	(25,000)
Joint Agency Task Force	750
Army conservation	5,700
Schofield Barracks easement	9,500
Wild horses roundup, White Sands Missile Range	1,500
RPM general reduction	(100,000)
Budget Activity 3—Training and Recruiting:	
1500 Base Support	(2,300)
Travel	(400)
1600 Specialized Skills Training	5,000
1750 TNET	10,000
Schoolhouse training	(16,600)
1800 Ft Bliss Ordnance Cleanup	1,000
Travel	(4,000)
Supply operations	(25,000)
Base operations (non-combat)	(5,000)
1900 Recruiting and advertising	33,000
2050 Civilian Education and Training	(3,800)
2150 Travel	(400)
Budget Acitivity 4—Admin & Servicewide Activities	
2450 MSC rate change	(16,300)
RetroEur	40,000
MTMC pricing	(9,060)
2550 Aberdeen PG Asbestos removal	2,000
Equipment at Nat'l Ctr for Toxicological Research	5,800
OSCAR Project, Letterkenny Army Depot	1,900
2700 Pentagon, MACOM Hq & admin overhead	(6,200)
Memorial Day & July 4th Concerts	950
Eau Claire (Presto Ind) Cleanup	2,334
Army Environmental Institute	4,000
Presidio of SF infrastructure improvements	10,000
2750 Base communications infrastructure	(16,350)
Administrative workyears	(16,500)
SBIS	1,000
2900 Child development	5,000

Life Science Equipment Laboratory	500
Administrative workyears	(11,000)
3000 Real estate planning	500
3100 Travel	(2,300)
Arms control	(6,000)
Administrative workyears	(12,300)
Supply operations	(14,700)
Base operations (noncombat)	(35,000)
3200 International Mil Hq	(14,600)
3300 Classified Prog	(8,100)
Other Adjustments:	
3480 Civ Pers pay raise & Locality Pay	21,400
3605 Civilian Personnel Understrength	(236,300)
3607 Workforce Restruct Act	17,800
3620 Contractor and consulting services	(78,000)
3625 Information Technology (General reduction)	(50,000)
Total Adjustments	(259,726)

CORDOVA ROUNDHOUSE CLEANUP

Of the funds provided for Base Support (0-1 line 600), the conferees provide $2,000,000 and statutory authority for the Secretary of the Army to contribute up to $2,000,000 to efforts to clean up the Army Round House oil pit at Cordova, Alaska. This site was utilized by the Army during World War II, and subsequently by other commercial ventures. Local authorities are seeking to arrange a multiparty solution to this contamination hazard, where private sector entities with responsibility will contribute to the cleanup effort, without engaging in litigation. The Secretary may only obligate these funds to the extent the private sector parties contribute to this effort.

CONSERVATION PROGRAMS

The conferees have provided an increase of $5,700,000 in the "Operation and Maintenance, Army" account only to proceed with the proposed ecosystem management program in the State of Hawaii as defined by the Senate.

WASTE WATER TREATMENT

The conferees agree with the Senate's concerns regarding waste water disposal at military installations in the State of Hawaii. To this end, the conferees have provided an increase of $9,500,000 in the "Operation and Maintenance, Army" account to purchase a seven year easement from the Waialua Sugar Company on the Island of Oahu for the discharge of waste water produced by military activities. The conferees have included bill language to implement this recommendation. The conferees further agree to provide an increase of $750,000, as recommended by the Senate, to continue the analysis and planning efforts of the joint agency waste water task force which has been established by the Army.

ARMY HIGH PERFORMANCE COMPUTING RESEARCH CENTER

The conferees direct that the Army High Performance Computing Research Center shall not be moved from its current location unless analyses, which consider the costs of relocating the Center, indicate it is cost effective to do so.

MILITARY ENTRANCE PROCESSING COMMAND

The conferees are concerned that examining costs per accession are increasing beyond expected rates. The Army is directed to review examining costs and take appropriate action—should it be warranted—to keep examining costs per accession at the prior year level plus inflation only. The conferees estimate that $3,400,000 could be made available to meet other efforts, such as automation upgrades required at the Military Entrance Processing Stations (MEPS) and recommend that any savings identified be reapplied to this effort. Application of these funds to automation will yield future savings by improving the efficiency of the current records management system.

OPERATION AND MAINTENANCE, NAVY

Amendment No. 14: Appropriates $21,054,470,000 instead of $21,316,555,000 as proposed by the House and $21,275,770,000 as proposed by the Senate.

Amendment No. 15: Deletes House language making $200,000,000 for real property maintenance available for obligation until September 30, 1996.

Amendment No. 16: Deletes House language prohibiting obligation of $1,206,359,000 until authorized and deletes Senate language making not less than $2,436,700,000 available for depot maintenance, repair and overhaul of Navy ships prior to September 30, 1995.

Amendment No. 17: Inserts Senate language making $45,874,000 available only for the Pacific Missile Range Facility, Hawaii.

Amendment No. 18: Deletes Senate language making available $1,000,000 for environmental activities at the Derecktor Shipyard and inserts language making $46,300,000 for shipyard modernization available for obligation until September 30, 1996.

The conference agreement is as follows:

[In thousands of dollars]

		Budget	House	Senate	Conference
3800	OPERATION AND MAINTENANCE, NAVY.				
3850	BUDGET ACTIVITY 1: OPERATING FORCES.				
3900	AIR OPERATIONS.				
3950	MISSION AND OTHER FLIGHT OPERATIONS	1,922,587	1,993,987	1,922,587	1,922,587
4000	FLEET AIR TRAINING	737,877	737,877	737,877	737,877
4050	INTERMEDIATE MAINTENANCE	67,154	67,154	67,154	67,154
4100	AIR OPERATIONS AND SAFETY SUPPORT	82,359	82,359	82,359	82,359
4150	AIRCRAFT DEPOT MAINTENANCE	659,511	709,511	683,111	683,111
4200	AIRCRAFT DEPOT OPERATIONS SUPPORT	34,001	34,001	34,001	34,001
4250	BASE SUPPORT	1,129,192	1,235,192	1,102,192	1,009,692
4325	SHIP OPERATIONS				
4350	MISSION AND OTHER SHIP OPERATIONS	1,891,202	1,891,202	1,891,202	1,891,202
4360	INVENTORIES	....	....	....	....
4400	SHIP OPERATIONAL SUPPORT AND TRAININNG	501,771	550,771	501,771	524,771
4450	INTERMEDIATE MAINTENANCE	425,116	425,116	425,116	425,116
4500	SHIP DEPOT MAINTENANCE	2,337,433	2,387,433	2,415,433	2,365,433
4550	SHIP DEPOT OPERATIONS SUPPORT	867,204	867,204	867,204	867,204
4600	BASE SUPPORT	1,009,960	1,109,960	1,077,060	1,041,260
4675	COMBAT OPERATIONS/SUPPORT				
4700	COMBAT COMMUNICATIONS	213,237	213,237	213,237	213,237
4750	ELECTRONIC WARFARE	8,625	8,625	8,625	8,625
4800	SPACE SYSTEMS AND SURVEILLANCE	116,807	116,807	116,807	116,807
4850	WARFARE TACTICS	134,275	134,275	134,275	134,275
4900	OPERATIONAL METEOROLOGY AND OCEANOGRAPHY	188,699	188,699	188,699	188,699
4950	COMBAT SUPPORT FORCES	280,874	283,374	280,874	280,874
5000	EQUIPMENT MAINTENANCE	168,179	168,179	168,179	168,179
5050	DEPOT OPERATIONS SUPPORT	1,262	1,262	1,262	1,262
5100	BASE SUPPORT	461,296	461,296	461,296	461,296
5175	WEAPONS SUPPORT				
5200	CRUISE MISSILE	130,964	130,964	130,964	130,964
5250	FLEET BALLISTIC MISSILE	780,849	780,849	780,849	780,849
5300	IN-SERVICE WEAPONS SYSTEMS SUPPORT	30,546	30,546	30,546	30,546
5350	WEAPONS MAINTENANCE	475,942	475,942	475,942	475,942
5400	BASE SUPPORT	92,322	92,322	92,322	92,322
5475	TOTAL, BUDGET ACTIVITY 1: OPERATING FORCES	14,749,244	15,178,144	14,890,944	14,735,644
5500	BUDGET ACTIVITY 2: MOBILIZATION.				
5550	READY RESERVE AND PREPOSITIONING FORCES.				
5600	SHIP PREPOSITIONING AND SURGE	455,123	455,123	455,123	455,123
5650	ACTIVATIONS/INACTIVATIONS				
5700	AIRCRAFT ACTIVATIONS/INACTIVATIONS	12,921	42,521	12,921	12,921
5750	SHIP ACTIVATIONS/INACTIVATIONS	811,129	811,129	811,129	811,129
5800	MOBILIZATION PREPAREDNESS.				
5850	FLEET HOSPITAL PROGRAM	16,473	16,473	16,473	16,473
5900	INDUSTRIAL READINESS	58,785	58,785	58,785	58,785
5950	COAST GUARD SUPPORT	18,308	18,308	18,308	18,308
6000	TOTAL, BUDGET ACTIVITY 2: MOBILIZATION	1,372,739	1,402,339	1,372,739	1,372,739
6050	BUDGET ACTIVITY 3: TRAINING AND RECRUITING				
6100	ACCESSION TRAINING				

[In thousands of dollars]

		Budget	House	Senate	Conference
6150	OFFICER ACQUISITION	58,637	58,637	58,637	58,637
6200	RECRUIT TRAINING	4,436	4,436	4,436	4,436
6250	RESERVE OFFICERS TRAINING CORPS (ROTC)	51,323	51,323	51,323	51,323
6300	BASE SUPPORT	129,170	129,170	129,170	129,170
6350	BASIC SKILLS AND ADVANCED TRAINING				
6400	SPECIALIZED SKILL TRAINING	216,554	221,554	216,554	221,554
6450	FLIGHT TRAINING	325,683	325,683	320,683	320,683
6500	PROFESSIONAL DEVELOPMENT EDUCATION	54,442	54,442	54,442	54,442
6550	TRAINING SUPPORT	137,174	137,174	134,074	137,174
6600	BASE SUPPORT	454,375	454,375	446,775	446,775
6675	RECRUITING, AND OTHER TRAINING AND EDUCATION				
6700	RECRUITING AND ADVERTISING	89,849	89,849	129,049	120,849
6750	OFF-DUTY AND VOLUNTARY EDUCATION	61,798	61,798	61,798	61,798
6800	CIVILIAN EDUCATION AND TRAINING	24,362	24,362	24,362	24,362
6850	JUNIOR ROTC	21,171	21,171	21,171	21,171
6900	BASE SUPPORT	1,496	1,496	1,496	1,496
6950	TOTAL, BUDGET ACTIVITY 3: TRAINING AND RECRUITING	1,630,470	1,635,470	1,653,970	1,653,870
7000	BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES				
7050	SERVICEWIDE SUPPORT				
7100	ADMINISTRATION	382,299	357,299	346,199	361,499
7150	EXTERNAL RELATIONS	18,241	18,241	18,241	18,241
7200	CIVILIAN MANPOWER AND PERSON MANAGEMENT	55,571	52,000	55,571	55,571
7250	MILITARY MANPOWER AND PERSON MANAGEMENT	143,406	132,000	143,406	143,406
7300	OTHER PERSONNEL SUPPORT	386,950	386,950	415,550	400,550
7350	SERVICEWIDE COMMUNICATIONS	216,189	216,189	191,589	203,889
7400	BASE SUPPORT	291,873	291,873	289,173	289,173
7475	LOGISTICS OPERATIONS AND TECHNICAL SUPPORT				
7500	SERVICEWIDE TRANSPORTATION	142,315	142,315	137,015	137,015
7550	PLANNING, ENGINEERING AND DESIGN	243,258	243,258	243,258	243,258
7600	ACQUISITION AND PROGRAM MANAGEMENT	393,047	393,047	363,047	393,047
7650	AIR SYSTEMS SUPPORT	375,095	338,000	375,095	344,095
7700	HULL, MECHANICAL AND ELECTRICAL SUPPORT	54,079	54,079	54,079	54,079
7750	COMBAT/WEAPONS SYSTEMS	37,879	37,879	37,879	37,879
7800	SPACE AND ELECTRONIC WARFARE SYSTEMS	73,660	73,660	73,660	73,660
7850	BASE SUPPORT	131,959	131,959	128,959	128,959
7950	SECURITY PROGRAMS	508,727	496,727	508,727	508,727
7975	SECURITY PROGRAMS				
8000	BASE SUPPORT	12,805	12,805	12,805	12,805
8050	SUPPORT OF OTHER NATIONS				
8100	INTERNATIONAL HEADQUARTERS AND AGENCIES	7,433	7,433	7,433	7,433
8150	TOTAL, BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACT	3,474,786	3,385,714	3,401,686	3,413,286
8180	CLASSIFIED PROGRAMS UNDISTRIBUTED		−5,000	−4,700	−3,200
8260	RENTAL PAYMENTS	−669	−669	−669	−669
8270	TRANSFERS TO DEFENSE CONVERSION & REINVESTMENT ACCOUNT		−154,300		
8280	CIVILIAN PERS PAY RAISE & LOCALITY PAY		142,600		10,800
8390	FOREIGN CURRENCY				
8405	CONTRACTOR & CONSULTING SERVICES		−84,000		−42,000
8417	CIVILIAN SEPARATION INCENTIVES			11,800	9,500
8420	INFORMATION TECHNOLOGY		−133,743		−45,500
8485	GENERAL REDUCTION, NATIONAL DEFENSE STOCKPILE FUND	−50,000	−50,000	−50,000	−50,000
8490	TOTAL, OPERATION AND MAINTENANCE, NAVY	21,176,570	21,316,555	21,275,770	21,054,470
8500	(BY TRANSFER—NATIONAL DEFENSE STOCKPILE FUND)	(50,000)	(50,000)	(50,000)	(50,000)
8550	TOTAL FUNDS AVAILABLE	(21,226,570)	(21,366,555)	(21,325,770)	(21,104,470)

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustments to the budget activities are as follows:

[In thousands of dollars]

Budget Activity 1—Operating Forces:	
4150 Aircraft depot maintenance backlog	23,600
4250 New Orleans NAS & NSA RPM backlog	6,000
Travel	(2,000)
Supply operations	(25,000)
RPM general reduction	(100,000)
NPGS Joint Warfare Analysis	1,500
4400 Ships supplies & equipage	23,000
4500 Ship maintenance backlog	50,000
SSNB maintenance delay	(23,000)
CONSTELLATION & INTREPID Survey	1,000
4600 Travel	(2,000)
Supply operations	(20,000)
Charleston Naval Complex	6,000
Shipyard modernization	46,300
Environmental activities, Derecktor Shipyard	1,000
Budget Activity 3—Training and Recruiting:	
6400 Friendly Fire/Safety Tng	5,000
6450 Schoolhouse training	(5,000)
6600 Travel	(2,000)
Supply operations	(5,600)
6700 Recruiting and advertising	31,000
Budget Activity 4—Admin & Servicewide Activities:	
7100 Pentagon, Maj Comds & admin overhead	(12,500)
Workyear pricing	(8,300)
7300 Child development	5,000
Family support centers	8,600
7350 Base communications infrastructure	(12,300)
7400 Travel	(600)
Nimitz Center	3,000
Alcohol rehabilitation	1,000
Environmental technologies	(6,100)
7500 MSC rate change	(5,300)
7650 Logistics & technical spt	(31,000)
7850 Arms control	(3,000)
8180 Classified Programs	(3,200)
Other Adjustments:	
8280 Civ Pers pay raise & Locality Pay	10,800
8405 Contractor and consulting services	(42,000)
8417 Workforce Restruct Act	9,500
8420 Section 8107	4,500
Information Technology (general reduction)	(50,000)
Total adjustments	(122,100)

PACIFIC MISSILE RANGE FACILITY

The conferees agree with the Senate initiative to improve the capabilities of the Navy's Pacific Missile Range Facility and have provided an additional $21,500,000 in the "Other Procurement, Navy" appropriations account and an additional $6,200,000 in the "Operation and Maintenance, Navy" appropriations account for these purposes. The additional funds provided in the "Operation and Maintenance, Navy" account—for a $5,400,000 communications project and for an $800,000 range resources effort—must be used for the same purposes for which the Senate originally recommended their inclusion in the "Other Procurement, Navy" account.

NAVAL ACADEMY

The conferees agree to provide the full amount requested for the Naval Academy's Bancroft Hall renovation and the Shore Life Extension Program.

NIMITZ CENTER

As proposed by the Senate, the conferees direct the Department of the Navy, in cooperation with the Office of the Secretary of Defense, to establish a Chester W. Nimitz Center. This center is to be modelled after the Marshall Center program recently established in the European theater. The conference agreement provides $3,000,000 for this purpose.

JOINT WARFARE ANALYSIS

The conferees agree to provide $1,500,000 to support the establishment of a Joint Warfare Analysis program at the Naval Post Graduate School. These funds are intended to be in addition to the amount proposed for the

Naval Post Graduate School in the President's Fiscal Year 1995 budget request.

LCU TRANSPORTATION

The conferees direct that the Department of the Navy use up to $850,000, from within funds made available under this heading, to transport an LCU ship to American Samoa, per the conferees instruction in the Fiscal Year 1994 Defense Appropriations Act.

FLOATING DRYDOCK LEASE

The conferees note that the Navy continues to ignore Congressional directions included in prior Authorization and Appropriations bills to re-lease the floating drydock (AFDM–3) to a ship and repair firm in the area of Mobile, Alabama. The Navy approved the lease for a full term of its five-year option, the original lease terms expired in July and have been extended through a series of 3-month extensions since that time. The conferees direct the Secretary of the Navy to comply with previous Congressional direction and to report to the Committees on Appropriations and Armed Services of the House and Senate by December 1, 1994 on actions taken to re-lease the floating drydock.

DERECKTOR SHIPYARD

The conferees have provided an increase of $1,000,000 in the Operation and Maintenance, Navy account. The conferees direct that these funds shall only be available for environmental hazard response and remediation activities at facilities owned by the Department of the Navy at the Derecktor Shipyard, Newport, Rhode Island.

OPERATION AND MAINTENANCE, MARINE CORPS

Amendment No. 19: Appropriates $1,988,215,000 instead of $2,097,395,000 as proposed by the House and $1,968,965,000 as proposed by the Senate.

Amendment No. 20: Deletes House language making $60,000,000 for real property maintenance available for obligation until September 30, 1996 and deletes House language prohibiting obligation of $100,300,000 until authorized.

The conference agreement is as follows:

[In thousands of dollars]

		Budget	House	Senate	Conference
8600	OPERATION AND MAINTENANCE, MARINE CORPS				
8650	BUDGET ACTIVITY 1: OPERATING FORCES				
8700	EXPEDITIONARY FORCES				
8750	OPERATIONAL FORCES	296,897	322,797	320,897	324,897
8800	FIELD LOGISTICS	153,233	153,733	153,233	153,233
8850	DEPOT MAINTENANCE	114,749	171,749	128,049	168,749
8900	BASE SUPPORT	700,146	783,846	692,146	653,996
8975	USMC PREPOSITIONING				
9000	MARITIME PREPOSITIONING	70,866	70,866	70,866	70,866
9050	NORWAY PREPOSITIONING	7,868	7,868	7,868	7,868
9125	TOTAL, BUDGET ACTIVITY 1: OPERATING FORCES	1,343,759	1,510,859	1,373,059	1,379,609
9150	BUDGET ACTIVITY 3: TRAINING AND RECRUITING				
9200	ACCESSION TRAINING				
9250	RECRUIT TRAINING	6,265	6,265	6,265	6,265
9300	OFFICER ACQUISITION	258	258	258	258
9350	BASE SUPPORT	55,466	55,466	55,466	55,466
9425	BASIC SKILLS AND ADVANCED TRAINING				
9450	SPECIALIZED SKILLS TRAINING	19,486	43,486	19,486	33,486
9500	FLIGHT TRAINING	151	151	151	151
9550	PROFESSIONAL DEVELOPMENT EDUCATION	7,654	7,654	7,654	7,654
9600	TRAINING SUPPORT	53,022	53,022	53,022	53,022
9650	BASE SUPPORT	56,647	56,647	56,647	56,647
9725	RECRUITING AND OTHER TRAINING EDUCATION				
9750	RECRUITING AND ADVERTISING	54,608	54,608	65,308	61,208
9800	OFF-DUTY AND VOLUNTARY EDUCATION	11,080	11,080	11,080	11,080
9850	JUNIOR ROTC	7,491	7,491	7,491	7,491
9900	BASE SUPPORT	9,326	9,326	9,326	9,326
10010	TOTAL, BUDGET ACTIVITY 3: TRAINING AND RECRUITING	281,454	305,454	292,154	302,054
10025	BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES				
10050	SERVICEWIDE SUPPORT				
10100	LOGISTICS SUPPORT	101,705	101,705	101,705	101,705
10110	INVENTORIES				
10150	SPECIAL SUPPORT	121,415	134,415	135,115	128,615
10200	SERVICEWIDE TRANSPORTATION	35,447	35,447	34,147	34,147
10250	ADMINISTRATION	25,491	25,491	19,261	24,661
10300	BASE SUPPORT	9,124	9,124	9,124	9,124
10310	FAMILY SUPPORT PROGRAM				
10365	TOTAL, BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACT	293,182	306,182	299,352	298,252
10375	TRANSFERS TO DEFENSE CONVERSION & REINVESTMENT ACCOUNT		−32,000		
10400	CIVILIAN PERS PAY RAISE & LOCALITY PAY		6,900		3,900
10405	CLASSIFIED PROGRAM			4,400	4,400
10550	TOTAL, OPERATION AND MAINTENANCE, MARINE CORPS	1,918,395	2,097,395	1,968,965	1,988,215

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustments to the budget activities are as follows:

[In thousands of dollars]

Budget Activity 1—Operating Forces:	
8750 Unit Training	12,000
III MEF Training	4,000
Unit maintenance	12,000
8850 Depot maintenance backlog	57,000
Ammunition rework	(3,000)
8900 Cp Pendleton Underground Storage Tanks	8,000
Cp Pendleton Environ Compl	3,850
Supply operations	(7,000)
Environmental technology	(1,000)
RPM general reduction	(50,000)
Budget Activity 3—Training and Recruiting:	
9450 Skill Progression Training	9,000
Friendly Fire/Safety Training	5,000
9750 Recruiting and advertising	6,600
Budget Activity 4—Admin & Servicewide Activities:	
10150 Child development	2,500
Family support centers	4,700
10200 MSC rate change	(1,300)
10250 Civilian workyear adjustment	(830)
Other Adjustments:	
10400 Civ Pers pay raise & Locality Pay	
Workforce Restruct Act	2,000
10405 Classified programs	4,400
Total adjustments	69,820

OPERATION AND MAINTENANCE, AIR FORCE

Amendment No. 21: Appropriates $18,763,427,000 instead of $18,913,050,000 as proposed by the House and $18,786,243,000 as proposed by the Senate.

Amendment No. 22: Deletes House language making $84,000,000 for real property maintenance available for obligation until September 30, 1996.

Amendment No. 23: Deletes House language prohibiting obligation of $179,592,000 until authorized.

Amendment No. 24: Deletes Senate language providing $8,000,000 for the upgrading of CAMS/REMIS and inserts language allowing the Secretary of the Air Force to acquire real property near King Salmon Air Force Station.

The conference agreement is as follows:

[In thousands of dollars]

		Budget	House	Senate	Conference
10700	OPERATION AND MAINTENANCE, AIR FORCE				
10750	BUDGET ACTIVITY 1: OPERATING FORCES				
10800	AIR OPERATIONS				
10850	PRIMARY COMBAT FORCES	2,697,173	2,926,873	2,816,433	2,868,073
10900	PRIMARY COMBAT WEAPONS	542,628	542,628	507,728	542,628
10950	COMBAT ENHANCEMENT FORCES	404,060	404,060	404,060	404,060
11000	AIR OPERATIONS TRAINING	567,551	567,551	564,321	583,551
11010	DEPOT MAINTENANCE	....	....	....	....
11050	COMBAT COMMUNICATIONS	844,372	844,372	844,372	844,372
11100	BASE SUPPORT	2,136,096	2,202,296	2,055,396	1,963,280
11150	COMBAT RELATED OPERATIONS	....	....	....	....
11200	GLOBAL C31 AND EARLY WARNING	799,634	757,134	798,634	757,134
11250	NAVIGATION/WEATHER SUPPORT	138,501	138,501	138,501	138,501
11300	OTHER COMBAT OPS SUPPORT PROGRAMS	222,618	222,618	222,618	222,618
11350	JCS EXERCISES	29,265	29,265	41,265	41,265
11400	MANAGEMENT/OPERATIONAL HEADQUARTERS	106,417	106,417	106,417	106,417
11450	TACTICAL INTEL AND OTHER SPECIAL ACTIVITIES	180,564	180,564	180,564	180,564
11500	SPACE OPERATIONS				
11550	LAUNCH FACILITIES	275,346	275,346	275,346	275,346
11600	LAUNCH VEHICLES	111,203	79,203	111,203	111,203
11650	SPACE CONTROL SYSTEMS	397,026	252,307	397,026	397,026
11700	SATELLITE SYSTEMS	37,146	37,146	37,146	37,146
11750	OTHER SPACE OPERATIONS	85,740	85,740	85,740	85,740
11800	BASE SUPPORT	348,385	348,385	346,385	346,385
11850	TOTAL, BUDGET ACTIVITY 1: OPERATING FORCES	9,922,725	10,000,406	9,933,155	9,905,309
11900	BUDGET ACTIVITY 2: MOBILIZATION				
11950	MOBILITY OPERATIONS				
12000	AIRLIFT OPERATIONS	1,182,631	1,242,631	1,182,631	1,182,631
12050	AIRLIFT OPERATIONS C31	15,783	15,783	15,783	15,783
12100	MOBILIZATION PREPAREDNESS	175,871	175,871	175,871	175,871
12150	PAYMENTS TO TRANSPORTATION BUSINESS AREA	1,364,200	1,364,200	1,364,200	1,364,200
12200	BASE SUPPORT	569,236	569,236	564,236	564,236
12250	TOTAL, BUDGET ACTIVITY 2: MOBILIZATION	3,307,721	3,367,721	3,302,721	3,302,721
12300	BUDGET ACTIVITY 3: TRAINING AND RECRUITING				
12350	ACCESSION TRAINING				
12400	OFFICER ACQUISITION	46,561	46,561	46,561	46,561
12450	RECRUIT TRAINING	4,398	4,398	4,398	4,398
12500	RESERVE OFFICER TRAINING CORPS (ROTC)	37,529	37,529	37,529	37,529
12550	BASE SUPPORT (ACADEMIES ONLY)	90,478	82,000	90,478	90,478
12600	BASIC SKILLS AND ADVANCED TRAINING				
12650	SPECIALIZED SKILL TRAINING	200,365	200,365	191,565	191,565
12700	FLIGHT TRAINING	333,228	333,228	333,228	333,228
12750	PROFESSIONAL DEVELOPMENT EDUCATION	80,042	77,000	79,042	80,042
12800	TRAINING SUPPORT	68,293	68,293	68,293	68,293
12850	BASE SUPPORT (OTHER TRAINING)	529,177	549,177	489,247	489,247
12900	RECRUITING, AND OTHER TRAINING AND EDUCATION				
12950	RECRUITING AND ADVERTISING	41,885	41,885	45,885	42,985
13000	EXAMINING	3,435	3,435	3,435	3,435
13060	OFF DUTY AND VOLUNTARY EDUCATION	78,086	78,086	63,086	63,086
13100	CIVILIAN EDUCATION AND TRAINING	77,856	77,856	74,906	74,906
13150	JUNIOR ROTC	20,908	20,908	20,908	20,908
13200	TOTAL, BUDGET ACTIVITY 3: TRAINING AND RECRUITING	1,612,241	1,620,721	1,548,561	1,546,661
13250	BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES				
13300	LOGISTICS OPERATIONS				
13350	LOGISTICS OPERATIONS	884,155	884,155	884,155	896,355
13360	INVENTORIES	....	....	....	....
13400	TECHNICAL SUPPORT ACTIVITIES	349,512	349,512	349,512	349,512
13450	SERVICEWIDE TRANSPORTATION	246,084	216,000	238,484	238,484
13500	BASE SUPPORT	741,932	741,932	725,732	725,732
13510	MWR/STARS & STRIPES	....	....	....	....
13550	SERVICEWIDE ACTIVITIES				
13600	ADMINISTRATION	112,608	87,608	112,608	100,108
13650	SERVICEWIDE COMMUNICATIONS	357,116	357,116	339,516	349,516
13700	PERSONNEL PROGRAMS	75,366	75,366	75,366	75,366
13750	RESCUE AND RECOVERY SERVICES	32,446	32,446	32,446	32,446
13800	SUBSISTENCE-IN-KIND	53,717	53,717	53,717	53,717
13850	ARMS CONTROL	32,620	32,620	28,620	28,620
13900	OTHER SERVICEWIDE ACTIVITIES	684,814	644,907	682,914	689,814
13950	OTHER PERSONNEL SUPPORT	38,160	38,160	38,160	38,160
14000	CIVIL AIR PATROL CORPORATION	4,481	8,281	8,281	8,281
14050	BASE SUPPORT	159,432	159,432	159,432	159,432
14100	SECURITY PROGRAMS				
14150	SECURITY PROGRAMS	454,840	441,300	454,840	454,840
14200	SUPPORT TO OTHER NATIONS				
14250	INTERNATIONAL SUPPORT	7,071	7,071	7,071	7,071
14300	TOTAL, BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACT	4,234,354	4,129,623	4,190,854	4,207,454
14330	CLASSIFIED PROGRAMS UNDISTRIBUTED	....	−17,803	−42,300	12,300
14350	RENTAL PAYMENTS	−418	−418	−418	−418
14360	TRANSFERS TO DEFENSE CONVERSION & REINVESTMENT ACCOUNT	....	−3,000	....	....
14370	CIVILIAN PERS PAY RAISE & LOCALITY PAY	....	81,400	....	13,600
14465	CIVILIAN PERSONNEL UNDERSTRENGTH	....	−166,600	−170,530	−113,700
14470	CONTRACTOR & CONSULTING SERVICES	....	−39,000	....	−19,500
14477	CIVILIAN SEPARATION INCENTIVES	....	....	74,200	9,000
14480	INFORMATION TECHNOLOGY	....	−10,000	....	−50,000
14545	GENERAL REDUCTION, NATIONAL DEFENSE STOCKPILE FUND	−50,000	−50,000	−50,000	−50,000
14640	TOTAL, OPERATION AND MAINTENANCE, AIR FORCE	19,025,623	18,913,050	18,786,243	18,763,427
14650	(BY TRANSFER—NATIONAL DEFENSE STOCKPILE FUND)	(50,000)	(50,000)	(50,000)	(50,000)
14700	TOTAL FUNDS AVAILABLE	(19,076,623)	(18,963,050)	(18,836,243)	(18,813,427)

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustments to the budget activities are as follows:

[In thousands of dollars]

Budget Activity 1—Operating Forces:

10850 Increase B-52 acft to 74	60,100
Depot level reparables	129,000
B-1 conventional upgrades	(18,200)
11000 AWACS training	16,000
11100 Upgrade storage tanks, Scott AFB	734

European drawdown/USAFE BOS	5,000
Travel	(5,000)
Supply operations	(10,000)
F-16 DT&E/ICS/PGSE transfer	(70,700)
MacDill airfield operations	5,500
Elec Svcs Upgrade, McClellan AFB	1,650
RPM general reduction	(100,000)
11200 Cheyenne Mtn transfer to R&D	(41,500)
11350 Joint exercises	9,000
COPE THUNDER exercise	3,000
11800 Travel	(1,000)
Supply operations	(1,000)
Budget Activity 2—Mobilization:	
12200 Travel	(2,000)
Supply operations	(3,000)
Budget Activity 3—Training and Recruiting:	
12650 Schoolhouse training	(8,800)
12850 Travel	(3,000)
Supply operations	(1,000)
Non-combat base operations	(35,930)
12950 Recruiting and advertising	1,100
13050 Voluntary education	(15,000)
13100 Civilian education	(2,950)
Budget Activity 4—Admin & Servicewide Activities:	
13350 2.5 ton truck transfer to Procurement	(10,800)
CAMS/REMIS	8,000
TICARRS	15,000
13450 Servicewide Transportation	(1,300)
MSC rate change	(6,300)
13500 Travel	(2,200)
Supply operations	(3,300)
Air National Guard transfer	(6,200)
Regional centers transfer	(4,500)
13600 Pentagon, MAJCOM Hq, Admin overhead	(12,500)
13650 Base communications infrastructure	(7,600)
13850 Arms control	(4,000)
13900 Child development	5,000
14000 Civil Air Patrol	3,800
14330 Classified Programs	12,300
Other Adjustments:	
14370 Civ Pers pay raise & Locality Pay	13,600
14465 Civilian Personnel Understrength	(113,700)
14470 Contractor and consulting services	(19,500)
14477 Workforce Restructure Act	9,000
14480 Information technology (general reduction)	(50,000)
Total adjustments	(263,196)

B-26 AIRCRAFT

The Secretary of the Air Force is directed to transfer all rights, title, and interest of the Air Force to one of the World War II, Korean, or Vietnam era B-26 type aircraft at the United States Air Force Museum, Wright-Patterson Air Force Base, to the Louisiana National Guard, unless the Air Force Museum or Secretary of the Air Force can execute the direct exchange of a B-26 from the Chilean National Aviation Museum to the Louisiana National Guard by January 15, 1995. The Air Force Museum is directed to ensure that the Chilean B-26 provided to the Louisiana National Guard is in display condition. The conferees direct the Air Force to provide a status report on the progress of this exchange to the Committees on Appropriations within 35 days of the enactment of this Act.

MACDILL AFB AIRFIELD OPERATIONS

Based on a recent decision by the Office of the Secretary of Defense that the Air Force budget shall fund the operations of the MacDill AFB airfield to support CENTOM and USSOCOM, the conferees agree to provide an additional $5.5 million for airfield operations at MacDill AFB.

CONTRACTOR OPERATED PARTS STORES (COPARS)

The conferees direct the General Accounting Office (GAO) to conduct a cost comparison study of the COPARS program and alternative programs the Air Force is considering to replace COPARS. The GAO shall report its findings to the Committees on Appropriations and Armed Services of the House and Senate no later than May 1, 1995. The conferees intend to work with the GAO to determine the scope of this study.

IDAHO TRAINING RANGE

The conferees direct that no funds appropriated in this Act be obligated for acquiring equipment for or operating the Air Force's proposed Idaho training range until the Secretary of Defense provides the Congressional defense committees with a long-term land-use plan for the proposed expansion and explains why existing facilities are unable to be used in lieu of the new acquisitions. Also, the conferees direct that the Secretaries of Defense and Interior jointly provide an explanation of how the Engie Act applies to this land transfer and what has been done to resolve the issue of aboriginal rights to the land in question.

AIR FORCE PLANT #3

The conferees support section 2307 of the National Defense Authorization Act for Fiscal Year 1995. This section makes up to $10,000,000 available to proceed with the modification of Air Force Plant #3, Tulsa, Oklahoma. The conferees direct the Department of the Air Force to proceed with this authorized modification with the conditions set forth in the authorization act.

ENVIRONMENTAL REMEDIATION AT KING SALMON AFS

The conferees include new bill language providing the Secretary of the Air Force authority to acquire additional property adjacent to King Salmon Air Force Station only for the purpose of completing an on-going environmental response action in accordance with C.E.R.C.L.A. and the Air Force Installation Restoration Program.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

Amendment No. 25: Deletes Senate language "(including transfer of funds)".

Amendment No. 26: Appropriates $10,500,104,000 instead of $8,945,266,000 as proposed by the House and $9,986,654,000 as proposed by the Senate and deletes Senate language transferring $100,000,000 from the National Defense Stockpile Transaction Fund.

Amendment No. 27: Inserts Senate language making available $20,000,000 for repair and maintenance of federally owned education facilities located on military installations.

The conference agreement is as follows:

[In thousands of dollars]

		Budget	House	Senate	Conference
14750	OPERATION AND MAINTENANCE, DEFENSEWIDE AGENCIES				
14800	BUDGET ACTIVITY 1: OPERATING FORCES				
14850	JOINT CHIEFS OF STAFF	400,752	361,552	389,452	369,452
14900	SPECIAL OPERATIONS COMMAND	996,943	1,006,743	985,143	996,943
14850	TOTAL, BUDGET ACTIVITY 1: OPERATING FORCES	1,397,695	1,368,295	1,374,595	1,386,395
15000	BUDGET ACTIVITY2: MOBILIZATION				
15050	DEFENSE LOGISTICS AGENCY	67,800	67,800	67,800	67,800
15150	WASHINGTON HEADQUARTERS SERVICES	46,311	46,311	46,311	46,311
15175	TOTAL, BUDGET ACTIVITY 2: MOBILIZATION	114,111	114,111	114,111	114,111
15200	BUDGET ACTIVITY 3: TRAINING AND RECRUITING				
15250	DEFENSE ACQUISITION UNIVERSITY	111,624	94,024	111,624	94,024
15300	DEFENSE BUSINESS MANAGEMENT UNIVERSITY	3,947	3,947	3,947	3,947
15350	TOTAL, BUDGET ACTIVITY 3: TRAINING AND RECRUITING	115,624	97,971	115,571	97,971
15400	BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES				
15450	AMERICAN FORCES INFORMATION SERVICE	83,183	74,183	83,183	83,183
15550	CORPORATE INFORMATION MANAGEMENT	130,318	130,318	86,818	130,318
15600	CLASSIFIED AND INTELLIGENCE	3,176,380	3,087,043	3,028,980	3,015,281
15620	DEFENSE CIVILIAN PERSONNEL MANAGEMENT SERVICE	36,479	29,479	36,479	36,479
15650	DEFENSE CONTRACT AUDIT AGENCY	337,910	237,910	337,910	337,910
15750	DEFENSE INVESTIGATIVE SERVICE	196,169	190,169	196,169	190,169
15800	DEFENSE LOGISTICS AGENCY	1,233,209	815,709	1,187,809	1,183,609
15850	DEFENSE LEGAL SERVICES AGENCY	7,142	7,142	7,142	7,142
15900	DEFENSE MAPPING AGENCY	698,357	694,357	698,357	696,357
16000	DEFENSE NUCLEAR AGENCY	88,693	88,693	88,693	88,693
16020	DEFENSE POW/MIA OFFICE	13,581	14,581	13,681	14,581
16050	FEDERAL ENERGY MANAGEMENT PROGRAM	171,223	171,223	171,223	171,223
16100	DEPARTMENT OF DEFENSE DEPENDENTS EDUCATION	1,189,102	1,189,102	1,249,102	1,243,102
16150	DEFENSE SUPPORT ACTIVITIES	63,109	17,009	63,109	17,009
16160	DOCUMENT STORAGE				
16200	DEFENSE TECHNOLOGY SECURITY ADMINISTRATION	10,386	10,386	10,386	10,386
16250	JOINT CHIEFS OF STAFF	105,058	105,058	105,058	105,058
16300	OFFICE OF ECONOMIC ADJUSTMENT	39,127		39,127	39,127
16350	OFFICE OF THE SECRETARY OF DEFENSE	376,243	433,943	520,494	1,050,043
16400	ON SITE INSPECTION AGENCY	99,947	99,947	92,947	92,947

[In thousands of dollars]

		Budget	House	Senate	Conference
16450	WASHINGTON HEADQUARTERS SERVICES	540,122	503,263	509,812	487,612
16475	TOTAL, BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACT	8,595,738	7,899,515	8,526,379	9,000,229
16490	TRANSFERS TO DEFENSE CONVERSION & REINVESTMENT ACCOUNT		−368,800		
16495	CIVILIAN PERS PAY RAISE & LOCALITY PAY		54,600		20,200
16505	RENTAL PAYMENTS	−14,702	−14,702	−14,702	−14,702
16560	CIVILIAN PERSONNEL UNDERSTRENGTH		−73,500	−36,700	−28,600
16570	CONTRACTOR & CONSULTING SERVICES		−71,000		−35,500
16580	INFORMATION TECHNOLOGY		−76,224		−40,000
16590	PROJECT PEACE		15,000		
16605	CIVILIAN SEPARATION INCENTIVES			7,400	
16740	TRANSFER FROM NATIONAL DEFENSE STOCKPILE FUND			−100,000	
16745	TOTAL, OPERATION & MAINTENANCE, DEFENSE-WIDE	10,208,413	8,945,265	9,986,654	10,500,104
16747	(BY TRANSFER—NATIONAL DEFENSE STOCKPILE FUNDO			(100,000)	
16748	TOTAL FUNDS AVAILABLE	(10,208,413)	(8,945,266)	(10,086,654)	(10,500,104)

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustments to the budget activities are as follows:

[In thousands of dollars]

Budget Activity 1—Operating Forces:	
14850 Mil-to-Mil Program	(46,300)
Partnership for Peace	30,000
NORTHERN EDGE Exercise	5,000
14900 OPTEMPO	4,200
Schoolhouse training	(4,200)
Budget Activity 3—Training & Recruiting:	
15250 Students, Courses & Demo Proj	(17,600)
Budget Activity 4—Admin & Servicewide Activities:	
15600 Classified & Intel Prog	(161,099)
15750 Defense Investigative Service	(6,000)
15800 PTAP	12,000
Acquisition Tng & Field Offices	(15,000)
Commercial Catalog System	1,000
Def Contract Management Comd	(36,500)
Travel	(2,200)
MSC rate change	(8,900)
15900 Travel	(2,000)
16020 Def POW/MIA Office	1,000
16100 Family advocacy programs	54,000
16150 Def Mpwr Data Ctr Transfer to OSD	(39,500
DITRA Transfer to OSD	(4,000)
Management Systems Support Office	(2,600)
16350 DMDC Transfer	39,500
DITRA transfer	4,000
Force restructuring studies & analyses	(6,500)
JRAP/JMRP	17,000
Nat Gas Study & Infrastructure Plng	2,200
Strategic mobility enhancements	50,000
Defense Conversion "Other Initiatives"	(39,000)
PACOM Environmental compliance	20,000
Military school maintenance	20,000
Travel	(4,000)
Security locks	20,000
Anchorage fuel center	500
Real property maintenance backlog	500,000
Medical supplies transport	5,000
LEGACY	40,000
Land Management Training Center	2,500
Washington Square, Phila, renovation	2,600
16400 Arms control	(7,000)
16450 Admin & Central Svcs	(6,700)
Counterproliferation Initiatives	(30,310)
Travel	(2,000)
JEDMICS	(13,500)
Other Adjustments:	
16495 Civ Pers pay raise & locality pay	9,800
Worforce Restruct Act	10,400
16560 Civilian personnel understrength	(28,600)
16670 Contractor & consulting services	(35,500)
16580 Information Technology (general reduction)	(50,000)
Section 8107	10,000
Total Adjustments	291,691

REAL PROPERTY MAINTENANCE

The conferees agree to provide $500,000,000 to reduce the military services' real property maintenance backlog. These funds are to be allocated in the following manner, as prescribed in Title VIII, Section 8158:

Army	$140,000,000
Navy	140,000,000
Marine Corps	80,000,000
Air Force	140,000,000

The conferees intend for these funds to be used first to offset repair backlogs engendered by general reductions to the Services' operation and maintenance accounts. Once this is done, the conferees direct the Department to make reducing the backlog of maintenance and repair of enlisted servicemembers' barracks its top priority. It is the conferees' intent that these funds shall be used for repair and maintenance projects of the same type and under the same dollar limitations as found in all other accounts in title II of this Act.

Of the funds provided for the Army, $1.4 million shall be used for the Ft. Bragg Water Quality Compliance project.

Of the funds provided for the Air Force, $2.2 million shall be used to repair dormitories and runways at Cannon AFB.

AUDITORS AND CONTRACT ADMINISTRATION PERSONNEL

The conferees agree that reductions proposed by the House to reduce the number of auditors and contract administration personnel assigned to the Defense Contract Audit Agency and Defense Contract Management Command would have adversely affected the operations of these two agencies. Thus, the conferees agree to reduce the Defense Contract Management Command's budget request by $36,500,000, as recommended by the Senate. However, the conferees are convinced that additional savings can be achieved, in light of the decline in government procurement and implementation of DOD acquisition reforms, by consolidating field offices and reducing and frequent of visits to defense plants.

The conferees agree with the House proposal that the Department conduct a comprehensive manpower survey of auditing and contract administration functions. Additionally, the conferees direct the Defense Logistics Agency to establish a task force to review Federal Acquisition Regulation requirements levied on DCAA and DCMC and that the DCAA reduce its incurred cost audit backlog to one year by 1997.

FEDERAL ENERGY MANAGEMENT PROGRAM

The conferees direct that within funds provided for the Federal Energy Management Program, $2,500,000 be reserved for energy improvements involving two wheel super high efficiency desiccant dehumidification and cooling systems.

LEGACY

The conferees have provided $50,000,000 to continue the Legacy program, an increase of $40,000,000 to the budget request. The conferees direct the Department of Defense to submit a report providing an allocation of the fiscal year 1995 funds by project, a short description of each effort, and the projected total cost of each effort.

The conferees further agree with the Senate view that research and development efforts should be funded within the research, development, test and evaluation accounts. The conferees direct that no Legacy funds may be obligated for technology projects.

The conferees further restate the direction, previously approved by Congress, that a resident coordinator for the Pacific Environmental Leadership Effort (PELE), funded within the Legacy program, should be selected and based in the Pacific region.

LAND MANAGEMENT

The conferees direct that $2,500,000 of the funds available for environmental compliance activities within the "Operation and Maintenance, Defensewide" account shall be made available only to establish a land management training center as recommended by the Senate.

DEFENSE MAPPING AGENCY

The conferees direct that of the funds available $1,000,000 is only for surveying, data base compilation and maintenance to support the digitization and improvement of navigational charts for the Lower Mississippi River (Gulf of Mexico to mile 223) to ensure strategic access.

MEDICAL SUPPLIES TRANSPORTATION

The conferees agree to provide $5,000,000 in the Operation and Maintenance, Defensewide account to sustain the Department's efforts to return excess military medical supplies and equipment from Europe to the United States for use by native Americans, local governments, and other deserving groups.

PROJECT PEACE

The conferees direct the Department to provide an assessment to the congressional defense committees by February 1, 1995 on the cost-effectiveness of scrapping and recycling Soviet naval vessels and other equipment at U.S. shipyards and facilities.

OPERATION AND MAINTENANCE, ARMY RESERVE

Amendment No. 28: Appropriates $1,243,209,000 instead of $1,240,109,000 as proposed by the House and $1,253,709,000 as proposed by the Senate.

Amendment No. 29: Inserts Senate language directing the Undersecretary of Defense for policy to transmit the Rand Corporation Study on The United States Role in Possible Middle East Peace Settlements to the congressional defense, intelligence and foreign affairs committees.

The conference agreement is as follows:

[In thousands of dollars]

		Budget	House	Senate	Conference
16750	OPERATION AND MAINTENANCE, ARMY RESERVE				
16800	BUDGET ACTIVITY 1: OPERATING FORCES				
16850	MISSION OPERATIONS				
16900	BASE SUPPORT	306,084	308.084	303,784	305,084
16950	DEPOT MAINTENANCE	91,026	91,026	91,026	91,026
17000	RECRUITING AND RETENTION	33,200	33,200	33,200	33,200
17050	TRAINING OPERATIONS	706,475	706,475	708,775	707,675
17100	TOTAL, BUDGET ACTIVITY 1: OPERATING FORCES	1,136,785	1,138,785	1,136,785	1,136,985
17150	BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES				
17200	ADMINISTRATION AND SERVICEWIDE ACTIVITIES				
17250	INFORMATION MANAGEMENT	25,338	15,338	25,338	25,338
17300	PUBLIC AFFAIRS	416	416	416	416
17350	PERSONNEL ADMINISTRATION	58,106	58,106	58,106	58,106
17400	STAFF MANAGEMENT	33,099	33,099	33,099	33,099
17450	TOTAL, BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACT	116,959	106,959	116,959	116,959
17500	RENTAL PAYMENTS	−35	−35	−35	−35
17550	CIVILIAN PERS PAY RAISE & LOCALITY PAY		4,700		2,100
17570	CIVILIAN PERSONNEL UNDERSTRENGTH		−10,300		−12,800
17650	TOTAL, OPERATION AND MAINTENANCE, ARMY RESERVE	1,253,709	1,240,109	1,253,709	1,243,209

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustments to the budget activities are as follows:

[In thousands of dollars]

Budget Activity 1: Operating Forces:	
16900 Reserve Ctrs Repairs	1,000
RPM for Res Ctrs, Cambria & Indiana Cos, PA	300
Reserve understrength	(2,300)
17050 Professtional military training	1,200
Other Adjustments:	
17550 Civ Pers pay raise & Locality Pay	1,000
Workforce Restruct Act	1,100
17570 Civ Pers understrength	(12,800)
Total adjustments	(10,500)

OPERATION AND MAINTENANCE, NAVY RESERVE

Amendment No. 30: Appropriates $831,219,000 instead of $834,119,000 as proposed by the House and $827,819,000 as proposed by the Senate.

Amendment No. 31: Deletes House language prohibiting obligation of $6,300,000 until authorized.

The conference agreement is as follows:

[In thousands of dollars]

		Budget	House	Senate	Conference
17700	OPERATION AND MAINTENANCE, NAVY RESERVE				
17750	BUDGET ACTIVITY 1: OPERATING FORCES				
17800	RESERVE AIR OPERATIONS				
17850	MISSION AND OTHER FLIGHT OPERATIONS	275,287	275,287	275,287	275,287
17900	FLEET AIR TRAINING	—	—	—	—
17950	INTERMEDIATE MAINTENANCE	20,298	20,298	20,298	20,298
18000	AIR OPERATION AND SAFETY SUPPORT	1,681	1,681	1,681	1,681
18050	AIRCRAFT DEPOT MAINTENANCE	90,542	90,542	90,542	90,542
18100	AIRCRAFT DEPOT OPS SUPPORT	521	521	521	521
18150	BASE SUPPORT	134,281	135,281	134,281	133,281
18225	RESERVE SHIP OPERATIONS				
18250	MISSION AND OTHER SHIP OPERATIONS	45,948	45,948	50,948	52,948
18260	SHIP OPERATIONAL SUPPORT AND TRAINING	658	658	658	658
18300	INTERMEDIATE MAINTENANCE	18,675	18,675	18,675	18,675
18350	SHIP DEPOT MAINTENANCE	52,712	52,712	52,712	52,712
18360	SHIP DEPOT OPERATIONS SUPPORT	1,570	1,570	1,570	1,570
18425	RESERVE COMBAT OPERATIONS SUPPORT				
18450	COMBAT COMMUNICATIONS	648	648	648	648
18500	COMBAT SUPPORT FORCES	27,274	27,274	27,274	27,274
18550	BASE SUPPORT	57,836	58,836	57,836	56,836
18600	RESERVE WEAPONS SUPPORT				
18650	WEAPONS MAINTENANCE	10,572	10,572	10,572	10,572
18700	TOTAL, BUDGET ACTIVITY 1: OPERATING FORCES	738,503	740,503	743,503	743,503
18750	BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES				
18800	ADMINISTRATION AND SERVICEWIDE ACTIVITIES				
18850	ADMINISTRATION	8,014	8,014	7,014	7,014
18900	CIVILIAN MANPOWER AND PERSONNEL MANAGEMENT	2,995	2,995	2,995	2,995
18950	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	30,493	33,493	28,493	30,493
19000	OTHER PERSONNEL SUPPORT	2,725	2,725	2,725	2,725
19050	SERVICEWIDE COMMUNICATIONS	18,379	18,379	18,379	18,379
19100	BASE SUPPORT	23,748	23,748	21,748	22,748
19150	COMBAT/WEAPONS SYSTEMS	2,962	2,962	2,962	2,962
19200	TOTAL, BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACT	89,316	92,316	84,316	87,316
19250	CIVILIAN PERS PAY RAISE & LOCALITY PAY	—	1,300	—	400
19350	TOTAL, OPERATION AND MAINTENANCE, NAVY RESERVE	827,819	834,119	827,819	831,219

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustments to the budget activities are as follows:

[In thousands of dollars]

Budget Activity 1: Operating Forces:	
18150 Administrative expenses	(1,000)
18250 Navy LSTS	7,000
18550 Administrative expenses	(1,000)
Budget Activity 4: Admin & Servicewide Activities	
18850 Administrative expenses	(1,000)

Other Adjustments:

19100 Administrative expenses	(1,000)
19250 Civ Pers pay raise & Locality Pay	300
Workforce Restructure Act	100
Total adjustments	3,400

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

Amendment No. 32: Appropriates $81,862,000 instead of $83,542,000 as proposed by the House and $80,562,000 as proposed by the Senate.

Amendment No. 33: Deletes House language prohibiting obligation of $2,080,000 until authorized.

The conference agreement is as follows:

[In thousands of dollars]

		Budget	House	Senate	Conference
19400	OPERATION AND MAINTENANCE, MARINE CORPS RESERVE				
19450	BUDGET ACTIVITY 1: OPERATING FORCES				
19500	MISSION FORCES				
19550	TRAINING	12,301	12,301	12,301	12,301
19610	OPERATING FORCES	21,401	21,401	21,401	21,401
19650	BASE SUPPORT	18,275	20,275	17,375	18,375
19700	DEPOT MAINTENANCE	2,812	2,812	2,812	2,812
19775	TOTAL, BUDGET ACTIVITY 1: OPERATING FORCES	54,789	56,789	53,889	54,889
19800	BUDGET ACTIVITY 4: ADMIN. & SERVICEWIDE ACTIVITIES				
19850	AMMINISTRATION AND SERVICEWIDE ACTIVITIES				
19900	RECRUITING AND ADVERTISING	7,388	7,388	7,388	7,388
19950	SPECIAL SUPPORT	6,462	6,462	6,462	6,462
20000	SERVICEWIDE TRANSPORTATION	4,936	4,936	4,936	4,936
20050	ADMINISTRATION	5,493	5,493	5,493	5,493
20100	BASE SUPPORT	2,394	2,394	2,394	2,394
20150	TOTAL, BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACT	26,673	26,673	26,673	26,673
20200	CIVILIAN PERS PAY RAISE & LOCALITY PAY		80		300
20300	TOTAL, OPERATION AND MAINT, MARINE CORPS RESERVE	81,462	83,542	80,562	81,862

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustments to the budget activities are as follows:

[In thousands of dollars]

Budget Activity 1: Operating Forces:	
19650 Reserve Ctrs Repairs	1,000
Reserve understrength	(900)
Other Adjustments:	
20200 Civ Pers pay raise & Locality Pay	100
Workforce Restruct Act	200
Total adjustments	400

MARINE CORPS RESERVE AVIATION

The conferees agree with the Senate's concerns that Marine expeditionary forces may not have enough dedicated airborne power. In addition to the reporting requirement expressed in the Senate report, the conferees direct that the deactivation of the two Marine Reserve jet squadrons be delayed until the formal review and the requested report is received by the Committees on Appropriations and Armed Services of the House and Senate.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

Amendment No. 34: Appropriates $1,471,505,000 instead of $1,486,805,000 as proposed by the House and $1,455,872,000 as proposed by the Senate.

Amendment No. 35: Deletes House language prohibiting obligation of $5,473,000 until authorized.

The conference agreement is as follows:

[In thousands of dollars]

		Budget	House	Senate	Conference
20350	OPERATION AND MAINTENANCE, AIR FORCE RESERVE				
20400	BUDGET ACTIVITY 1: OPERATING FORCES				
20450	AIR OPERATIONS				
20500	AIRCRAFT OPERATIONS	1,081,423	1,093,438	1,081,423	1,093,438
20550	MISSION SUPPORT OPERATIONS	40,666	40,666	43,008	40,666
20600	BASE SUPPORT	294,464	295,464	284,664	284,664
20725	TOTAL, BUDGET ACTIVITY 1: OPERATING FORCES	1,416,553	1,429,568	1,409,095	1,418,768
20750	BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES				
20800	ADMINISTRATION AND SERVICEWIDE ACTIVITIES				
20850	ADMINISTRATION	26,085	26,085	26,085	26,085
20900	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	22,070	22,070	22,070	22,070
20950	RECRUITING AND ADVERTISING	7,844	7,844	7,844	7,844
21000	OTHER PERSONNEL SUPPORT	5,762	5,762	5,762	5,762
21050	AUDIOVISUAL	676	676	676	675
21125	TOTAL, BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACT	62,437	62,437	62,437	62,437
21150	CIVILIAN PERS PAY RAISE & LOCALITY PAY		8,800		3,300
21160	CIVILIAN PERSONNEL UNDERSTRENGTH		−14,000	−15,660	−13,000
21250	TOTAL, OPERATION AND MAINTENANCE, AIR FORCE RESERVE	1,478,990	1,486,805	1,455,872	1,471,505

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustments to the budget activities are as follows:

[In thousands of dollars]

Budget Activity 1—Operating Forces:	
20500 C–130s Operational support, Ohio	10,000
WC–130 Weather Recon	2,015
20600 Reserve understrength	(9,400)
Travel	(400)
Other Adjustments:	
21150 Civ Pers pay raise & Locality Pay	1,900
Workforce Restruct Act	1,400
21160 Civ Pers Understrength	(13,000)
Total adjustments	(7,485)

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

Amendment No. 36: Appropriates $2,440,288,000 instead of $2,498,868,000 as proposed by the House and $2,442,135,000 as proposed by the Senate.

Amendment No. 37: Restores House language earmarking $10,000,000 for a National Guard Outreach Program in the Los Angeles School District and deletes House language prohibiting obligation of $50,253,000 until authorized.

The conference agreement is as follows:

[In thousands of dollars]

		Budget	House	Senate	Conference
21300	OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD				
21350	BUDGET ACTIVITY 1: OPERATING FORCES				
21400	MISSION OPERATIONS				
21450	TRAINING OPERATIONS	1,799,704	1,832,804	1,805,171	1,789,654
21500	RECRUITING AND RETENTION	19,316	19,316	19,316	19,316
21550	MEDICAL SUPPORT	23,070	23,070	28,070	28,070
21600	DEPOT MAINTENANCE	113,557	113,557	113,557	113,557
21650	BASE SUPPORT	298,661	302,681	290,161	292,931
21725	TOTAL, BUDGET ACTIVITY 1: OPERATING FORCES	2,254,308	2,291,428	2,256,275	2,243,528
21750	BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES				
21800	ADMINISTRATION AND SERVICEWIDE ACTIVITIES				
21850	INFORMATION MANAGEMENT	62,182	66,682	58,382	66,682
21900	PUBLIC AFFAIRS	1,717	1,717	1,717	1,717
21950	PERSONNEL ADMINISTRATION	84,197	84,197	84,197	84,197
22000	STAFF MANAGEMENT	44,744	41,644	41,564	38,464
22050	TOTAL, BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACT	192,840	194,240	185,860	191,060
22100	CIVILIAN PERS PAY RAISE & LOCALITY PAY		13,200		5,700
22200	TOTAL, OPERATION AND MAINT, ARMY NATIONAL GUARD	2,447,148	2,498,868	2,442,135	2,440,288

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustments to the budget activities are as follows:

[In thousands of dollars]

Budget Activity 1—Operating Forces:	
21450 LA School District Youth Prog	10,000
Organizational Clothing & Equip	12,550
Civilian personnel underexecution	(32,600)
21550 Guard care	5,000
21650 Calumet, MI, Armory repairs	120
Armories Repairs: Valparaiso, Gary & Hammond, IN	400
28th Div Training Range	1,500
Administrative expenses	(1,450)
Aviation training and facilities	1,900
California armories repairs	1,200
National Guard understrength	(1,900)
Travel	(7,500)
Budget Activity 4—Admin & Servicewide Activities:	
21850 Information Technology	(3,000)
Distance learning	7,500
22000 National Guard Bureau	(3,100)
Staff management	(3,180)
Other Adjustments:	
22100 Civ Pers pay raise & Locality Pay	2,900
Workforce Restructure Act	2,800
Total adjustments	(6,860)

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

Amendment No. 38: Appropriates $2,772,928,000 instead of $2,797,978,000 as proposed by the House and $2,780,178,000 as proposed by the Senate.

Amendment No. 39: Earmarks $9,200,000 as proposed by the Senate instead of $1,500,000 as proposed by the House for C–130 operational aircraft of the 159th Air National Guard Fighter Group.

Amendment No. 40: Inserts Senate language to include the 146th Airlift Wing and the South Caroiina Air National Guard 169th Fighter Group unit.

Amendment No. 41: Deletes House language prohibiting obligation of $17,800,000 until authorized.

The conference agreement is as follows:

[In thousands of dollars]

		Budget	House	Senate	Conference
22250	OPERATION AND MAINTENANCE, AIR NATIONAL GUARD				
22300	BUDGET ACTIVITY 1: OPERATING FORCES				
22350	AIR OPERATIONS				
22400	AIRCRAFT OPERATIONS	2,072,651	2,074,151	2,102,751	2,102,751
22450	MISSION SUPPORT OPERATIONS	352,283	352,283	352,283	352,283
22500	BASE SUPPORT	324,292	326,292	302,242	302,242
22550	DEPOT MAINTENANCE	22,781	22,781	22,781	22,781
22625	TOTAL, BUDGET ACTIVITY 1: OPERATING FORCES	2,772,007	2,775,507	2,780,057	2,780,057
22650	BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES				
22700	SERVICEWIDE ACTIVITIES				
22750	ADMINISTRATION	3,338	3,338	3,338	3,338
22800	RECRUITING AND ADVERTISING	4,833	4,833	4,833	4,833
22875	TOTAL, BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACT	8,171	8,171	8,171	8,171
22885	CIVILIAN PERS PAY RAISE & LOCALITY PAY		14,300		5,500
22887	CIVILIAN PERSONNEL UNDERSTRENGTH			−8,050	−20,800
23000	TOTAL, OPERATION AND MAINT, AIR NATIONAL GUARD	2,780,178	2,797,978	2,780,178	2,772,928

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustments to the budget activities are as follows:

[In thousands of dollars]

Budget Activity 1—Operating Forces:	
22400 C–130H Operational Spt, 159th FWG	1,500
176th Airlift Squadron	5,000
C–130s Operational support	23,600
22500 Administrative expenses	(16,950)
Guard understrength	(4,600)
Travel	(500)
Other Adjustments:	
22885 Civ Pers Pay Raise & Locality Pay	3,300
Workforce Restructure Act	2,200
22887 Civilian personnel underexecution	(20,800)
Total adjustments	(7,250)

CONTRACTED FLIGHT TRAINING SERVICE (CFTS)

The conferees are aware of the savings associated with Contracted Flight Training Service (CFTS) for the Air Force and the Air National Guard. Accordingly, the Air Force and the Air National Guard are directed to include funding for the CFTS in the fiscal year 1996 budget request. In addition, the conferees discourage the Department from any attempts to reprogram fiscal year 1995 funds from CFTS.

C–130 OPERATIONS/EAST COAST TANKER TASK FORCE

The conferees agree to provide $21,600,000 to continue certain Air Guard C–130 aircraft operations. These funds will be used to sustain current aircraft operations in Louisiana and South Carolina ($1,500,000 for each unit); support an increase in aircraft assigned to Air Guard units located at Nashville, TN ($4,300,000), Martinsburg, WV ($5,000,000), and Louisville, Kentucky ($4,300,000); and maintain C–130 operating levels of the 146th Airlift Wing in California ($5,000,000).

The conferees also provide $2,000,000 to begin ramp-up activities connected with the transfer of the East Coast Tanker Task Force mission from the Air Force to the Air National Guard in fiscal year 1996. The conferees authorize 50 additional military technicians for fiscal year 1995 in support of activities associated with the Air National Guard assuming this mission.

ENVIRONMENTAL RESTORATION, DEFENSE

Amendment No. 42: Appropriates $1,780,200,000 instead of $1,880,200,000 as proposed by the House and $2,034,075,000 as proposed by the Senate.

SUPPORT FOR INTERNATIONAL SPORTING COMPETITIONS, DEFENSE

Amendment No. 43: Deletes House language making funds available for Support for International Sporting Competitions, Defense, and inserts and amends Senate language appropriating $14,400,000 for the Summer Olympics and $3,000,000 for the Special Olympics.

In addition, the conferees agree to House report language directing the Department to include in the fiscal year 1996 budget request an exhibit showing obligations and expenditures for these games. The conferees also agree to insert Section 8104 which extends the availability of prior year funds.

HUMANITARIAN ASSISTANCE

Amendment No. 44: Appropriates $65,000,000 instead of $60,000,000 as proposed by the House and $71,900,000 as proposed by the Senate.

Amendment No. 45: Earmarks $10,000,000 as proposed by the Senate instead of $12,000,000 as proposed by the House for clearing of landmines for humanitarian purposes.

FORMER SOVIET UNION THREAT REDUCTION

Amendment No. 46: Appropriates $400,000,000 for Former Soviet Union Threat Reduction as proposed by the Senate and amends Senate language concerning demilitarization and protection of weapons, components, technology, and production infrastructure.

REAL PROPERTY MAINTENANCE, DEFENSE

Amendment No. 47: Deletes Senate language making $500,000,000 available for obligation until September 30, 1996.

INFORMATION TECHNOLOGY RESOURCES

[In thousands of dollars]

Appropriations and programs	House bill	Senate bill	Conference agreement
O&M, Army:			
SBIS	−23,899	0	+1,000
Standard Theater C2 System	−14,399	0	0
MEPCOM Integrated Resource System	−5,675	0	0
Personnel Enterprise System	−4,966	0	0
General Reduction	−89,804	−30,000	−50,000
Keyboard Proficiency	+5,000	0	0
Total, Army O&M	−133,743	−30,000	−49,000
O&M, Navy:			
EMPRS	−11,229	0	0
Excessive Budget Growth	−36,000	0	0
General Reduction	−91,514	−30,000	−50,000
Keyboard Proficiency	+5,000	0	0
Section 8107	0	0	+4,500
Total, Navy O&M	−133,743	−30,000	−45,500
O&M, Air Force:			
LAN Management	−33,529	0	0
CAMS/REMIS	+5,000	+5,000	+8,000
TICARRS	+15,000	+15,000	+15,000
ARMS	−1,471	0	0
Keyboard Proficiency	+5,000	0	0
General Reduction	0	−30,000	−50,000
Total, Air Force O&M	−10,000	−10,000	−27,000
O&M, Defense-Wide:			
General Reduction	−50,000	−30,000	−50,000
DISA use of SBIS contract	−1,9424	0	0
Transfer AJPO to RDT&E	−10,800	0	−10,800
JEDMICS	−13,500	−13,500	−13,500
Section 8107	0	0	+10,000
Total, Defense-wide O&M	−76,224	−43,500	−64,300
O&M, Army Reserve:			
PERMS	−3,000	0	0
General Reduction, not RCAS	−7,000	0	0
Total, O&M Army Reserve	−10,000	0	0
O&M, Army National Guard:			
RCAS	−3,000	0	−3,000
Distance Learning	+7,500	+6,214	+7,500
Total, O&M Army National Guard	+4,500	+6,214	+4,500
O&M, Navy Reserve:			
Naval Reserve Information Technology Modernization	+3,000	0	0
Total, DOD O&M	−356,210	−107,286	−181,300
Other Procurement, Army:			
Information Systems	−11,000	+6,200	+500
Local Area Network	0	0	+5,700
STAMIS Tactical computers	−21,850	0	0
ADPE	−56,032	−12,000	−38,054
SBIS	(−35,254)	0	(−35,254)
General Reduction	(−15,000)	0	0
Strategic Logistics System	(−2,800)	0	(−2,800)
ADPE, ARMS	(−2,978)	0	0
RCAS	+66,900	0	+46,900
Total, Army other procurement	−21,892	−5,800	+15,046
Other Procurement, Navy:			
EMPRS	−31,800	0	0
Other Procurement, Air Force:			
ADPE	−4,189	+4,500	+4,500
AFC2S	−4,200	−4,189	−4,189
Base Level Data Automation	0	−3,000	−3,000
Total, Air Force other procurement	−8,389	−2,689	−2,689
Procurement, Defense Agencies:			
Major Equipment, OSD/WHS	+21,500	−13,500	+14,500
JEDMICS	(−13,500)	(−13,500)	(−13,500)
Naval Reserve Information Technology Modernization	(+10,000)	(0)	(0)
Automatic Document Conversion System	(+30,000)	(0)	(+20,000)
AIS Equipment	(−5,000)	(0)	(0)
Section 8107	(0)	(0)	(+8,000)
High Performance Computer Modernization	+130,000	0	+90,000
Total, Defense Agencies procurement	+151,500	−13,500	+104,500
Total, DOD IT procurement	+89,329	−21,989	+116,847
Grand total, all appropriations	−266,881	−129,275	−64,443

O&M INFORMATION TECHNOLOGY REDUCTIONS

The conferees agree to $50,000,000 in general reductions in each of the services and Defense-Wide accounts. These reductions shall be allocated at the discretion of each of the services' and Defense-Wide designated resource manager only within automatic data processing accounts, and shall not be allocated to any congressional interest item.

DISTANCE LEARNING

The conferees provide $7,500,000 for the initiation of a distance learning regional training network demonstration project. The conferees direct that this funding is provided only for a distance learning regional training demonstration project for Pennsylvania, West Virginia, Virginia, Maryland, and the District of Columbia. The Chief, National Guard Bureau will be the executive agent for executing this project, in coordination with the Chief of Army Reserve, and the Defense Information Systems Agency (DISA). The Executive Agent is required to report on the status of the project to the Congress by April 1, 1995. No reprogramming of these funds shall be done without prior approval of the Congress. The conferees are also aware of the Advanced Technology Regional Battle Training Center initiative for the Reserve Components and encourage the Army to include this program in its fiscal year 1996 budget submittal.

SUSTAINING BASE INFORMATION SYSTEM

The conferees do not agree to the O&M funding reduction recommended by the House, but do agree to deny funds for SBIS procurement in fiscal year 1995. The conferees do not agree to bill language proposed by the House requiring completion of a comprehensive functional description for the system. The conferees instead direct that the Assistant Secretary of Defense for Command, Control, Communications, and Intelligence submit a report to the Congressional defense committees by April 1, 1995 which certifies that the Army has a detailed definition of the total program, the associated life cycle cost, a system of metrics in place to ensure that SBIS program cost objectives are attained, and a current return-on-investment analysis for the life cycle of the program.

AUTOMATED DOCUMENT CONVERSION

The conferees agree to the House proposal on automated document conversions and have provided $20,000,000. The conferees agree that DoD should submit a master plan as proposed by the House, to be submitted by April 1, 1995. The conferees also understand that there are many sites which have the need to convert logistics, acquisition, education and training, and personnel documents. The conferees encourage DoD to share the results of the ADCS-JEDMICS integration project with other DoD communities which have a need for automated document conversion. The conferees do not intend that DoD withhold obligation of the $20,000,000 provided in this Act until the master plan is submitted. The conferees direct that the Defense Department establish standards for future automated document conversion systems and processes.

HIGH PERFORMANCE COMPUTING MODERNIZATION

The conferees agree to provide $163,048,000 for high performance computing modernization, of which $73,048,000 is in the RDT&E, Defensewide appropriation and $90,000,000 is in the Procurement, Defensewide appropriation. The conferees support expansion of the Department's High Performance Computing Modernization Plan. The conferees recommend a general provision requiring only a modest program expansion during fiscal year 1995. The conferees also applaud completion of the Updated High Performance Computing Modernization Plan, but wish to express concern over an important issue. The plan measures system performance using theoretical peak speed. The Department is directed to also include actual, deliverable, and sustained performance in evaluating competing systems.

DEFENSE-WIDE AND NAVAL INFORMATION TECHNOLOGY MODERNIZATION

The conferees have provided $22,500,000 in additional funds in the Navy Operation and Maintenance and Defense-Wide procurement accounts for information technology modernization and other improvements, and for Naval and DoD activities as described in section 8107. The conferees adopted House language regarding the development and maintenance of the Naval active and reserve single Source Data Collection system except that the Naval Bureau of Personnel shall remain the Program Manager for definition of functional requirement and priorities. To meet an important Department requirement and request, the conferees have provided additional funding for the establishment of a continuity of operations (COOP) center to avert the disruption of operations and provide for the preservation of computer data for the DoD data center consolidation and megacenter initiative. The conferees direct DoD to establish this center in fiscal year 1995. Of the funds appropriated under section 8107 for these activities, the conferees have provided $8,000,000 in Defense-Wide procurement and $5,000,000 in Defense-Wide operation and maintenance funds for the establishment of the COOP center. The remaining

$5,000,000 in Defense-Wide operation and maintenance funding under section 8107 shall be used for DoD requirements for central design activity software and development for DoD finance and accounting activities as well as occupational conversion, training, and transition assistance for DoD and Naval activities at the Naval Support Activity and F. Edward Herbert Complex, New Orleans. These funds should also be used to initiate a prototype for using National Finance Center cross servicing functions for some financial management and personnel services at DoD as recommended by Military Department Comptrollers early this year. The $4,500,000 in Navy operation and maintenance funds shall also be used at the Naval and DoD facilities and activities just described above and as directed in section 8107 except that $2,000,000 is only for single Source Data Collection system activities. The conferees concur with the House report direction, pages 59–60, regarding CIRIMS and certain reserve personnel, training and financial management systems remaining under the operational control of Naval Reserve activities. The conferees expect this direction to be followed.

The conferees have not included language restricting certain DoD information technology, central design activity, data processing, and personnel function consolidation or realignment plans pending cost justification and mission impact reports from DoD. The conferees believe some serious efforts are being made to weigh future information technology, personnel or DoD function consolidations in terms of operational readiness, customer satisfaction, and which plans are the most cost effective from a business standpoint. The conferees will carefully monitor this situation in the event that such issues need to be addressed next year.

TITLE III—PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

Amendment No. 48: Appropriates $1,063,164,000 for Aircraft Procurement, Army, instead of $1,264,198,000 as proposed by the House and $1,062,581,000 as proposed by the Senate.

The conference agreement on items in conference is as follows:

[In thousands of dollars]

	Budget	House	Senate	Qty	Conference
AIRCRAFT PROCUREMENT, ARMY					
ARL (TIARA)	39,200	39,200	39,200		
GUARDRAIL COMMON SENSOR (TIARA)	4,991	4,991	4,991		
C–XX AIRCRAFT		4,000	23,000	2	11,000
AH–64 ATTACK HELICOPTER (APACHE)	5,611	5,611	77,611	6	77,611
UH–60 BLACKHAWK (MYP) (AP–CY)	140,200	140,200	140,200		70,000
GUARDRAIL MODS (TIARA)	26,938	26,938	26,938		
LONGBOW	117,588	117,588	45,588		80,000
KIOWA WARRIOR	111,767	110,467	98,767		98,767
AHIP		225,000		17	120,000
SPARES AND REPAIR PARTS	47,242	47,242	47,242		47,242
AIRCRAFT SURVIVABILITY EQUIPMENT	29,583	29,000	44,583		44,583

ARMY AVIATION

The Senate report expressed concern with the lack of effective Army management of its aviation investment programs, noting the apparent absence of Army leadership support for these programs and an unwillingness to invest sufficient resources to provide for efficient transition between production of ongoing and follow-on programs. Noting that the Army was apparently unable to resolve this problem, the Senate directed the Army to recompete the Comanche and Apache Longbow programs to lower long term costs, and allow Army funding to match its plans. The House did not address the issue.

The conferees share the concerns of the Senate regarding the unwillingness of the Army to provide sufficient investment funding to support what the Army stipulates are its highest priorities. This concern is underscored by the Army's plans to cancel the UH–60 program and to underfund the FY 1996 requirement for Comanche. However, the conferees have reserved judgment on the Senate's approach. The Army believes it can bridge the self-imposed production gaps within the funding it has available. The conferees have agreed to let the Army demonstrate this capability. Therefore, the Senate recedes from its direction to mandate a recompetition.

The conferees remain concerned with the long term viability of the helicopter industrial base, given the reduced number of production programs. the conferees urge the Army to work with the private sector to determine how to preserve needed industrial capability, while reducing the overhead cost of duplicative organizations and infrastructure. The consolidation of the tactical fixed-wing aircraft and space launch industrial bases may serve as a useful model for the changes that are inevitable in the rotary wing sector.

SPARES AND REPAIR PARTS

The conference agreement includes $47,242,000 for spares and repair parts as proposed by the House instead of $47,742,000 as proposed by the Senate. The conferees agree that within the funds provided, $500,000 shall be used for procurement and fielding of one CH–47 maintenance tool and equipment set for the Army National Guard.

Amendment No. 49: Inserts and amends Senate proviso, requiring the Secretary of the Army to report on the concept, organization, requirements, and mission need documents for the High Capacity Air Ambulance, utilizing low cost fixed wing aircraft no later than April 15, 1995.

MISSILE PROCUREMENT, ARMY

Amendment No. 50: Appropriates $813,795,000 for Missile Procurement, Army instead of $728,095,000 as proposed by the House and $707,895,000 as proposed by the Senate.

The conference agreement on items in conference is as follows:

[In thousands of dollars]

	Budget	House	Senate	Qty	Conference
MISSILE PROCUREMENT, ARMY:					
STINGER SYSTEM SUMMARY		5,000			
TOW 2 SYSTEM SUMMARY	27,808	37,508	27,808	1,000	37,508
MLRS ROCKET		24,400			26,100
MLRS LAUNCHER	60,123	60,123	44,023		144,123
SADARM			30,000		
STINGER MODS			5,000	5,000	

MLRS ROCKETS

The conference agreement includes $26,100,000 for the MLRS rocket program. The conferees agree that this amount includes $16,100,000 for production facilities for the self-destruct fuze for the rocket bomblets. The remainder of the funds, together with available prior year appropriations, supports production at 500 rockets per month until the extended range version of the rocket enters production. The conferees direct the Army to provide prior notification to the Committees on Appropriations and Armed Services if the production rate is expected to exceed 500 per month during this bridge period.

Amendment No. 51: Deletes House language making a portion of the appropriation available for obligation only after enactment of authorizing legislation.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

Amendment No. 52: Appropriates $1,151,914,000 for Procurement of Weapons and Tracked Combat Vehicles, Army instead of $1,001,873,000 as proposed by the House and $1,129,514,000 as proposed by the Senate.

The conference agreement on items in conference is as follows:

[In thousands of dollars]

	Budget	House	Senate	Qty	Conference
PROCUREMENT OF W&TCV, ARMY:					
BFVS SERIES (MOD)	72,512	65,012	80,112		82,812
HOWITZER, MED SP FT 155MM M109A6 (MO	237,603	237,603	217,603		227,603
IMPROVED RECOVERY VEHICLE (M88 MOD)	17,141	42,500	17,141	15	37,141
TANK ENGINE INDUSTRIAL BASE		15,000	35,000		35,000
ABRAMS UPGRADE PROGRAM (MCR)			108,000	24	108,000
SPARES AND REPAIR PARTS		5,100			5,100
MACHINE GUN, 5.56MM (SAW)	1,816	28,616	24,016		22,616
GRENADE LAUNCHER, AUTO, 40MM, MK19–3	12,302	13,302	38,902	1,500	33,902
MORTAR, 120MM	6,248	7,248	15,948	274	13,948
5.56 CARBINE M4	4,865	7,865	13,165	15,892	11,165
M–16A2 RIFLE		13,000	13,000		10,000
PERSONAL DEFENSE WEAPON, 9MM		9,500	9,500		7,500

BRADLEY FIGHTING VEHICLE MODIFICATIONS

The conference agreement includes $82,812,000 for Bradley Fighting Vehicle modifications. Included in this amount is $7,500,000 for armor tiles, as proposed by the Senate, and $13,100,000 for procurement of three battalion sets of interchangeable spares kits for Bradley A0 vehicles to give them the capability to fire and guide the TOW 2 family of missiles, as proposed by the House. The remainder of the funds represent a reduction of $10,300,000 below the budget and are to be used for fully funded procurement of modification kits.

TANK ENGINE INDUSTRIAL BASE

The conference agreement includes $35,000,000 for the tank engine industrial base program as proposed by the Senate instead of $15,000,000 as proposed by the House. The conferees agree that $6,000,000 of this amount shall be used for plant downsizing. In addition, $9,000,000 shall be used for system technical support and engine durability upgrade efforts. Finally, $20,000,000, combined with $12,500,000 of unobligated funds from the fiscal year 1994 program (a total of $32,500,000) shall be used for engine overhaul/upgrade/service life extension/spare parts in a program to be jointly developed by the Army and the contractor. Prior to obligation of these overhaul/upgrade/service life extension/spare parts funds, the Army shall report to the Committees on Appropriations of the House and Senate on the specific details of the program that has been developed and show future costs by category for the entire tank engine industrial base effort.

The conferees agree that none of the funds appropriated for this effort may be used for procurement of new engines.

ABRAMS TANK UPGRADE PROGRAMS

Both the House and the Senate supported the budget request for the Abrams tank upgrade program. This included $122,156,000 for 34 upgrades and $52,973,000 for advance procurement for fiscal year 1996. The fiscal year 1996 procurement will begin Phase II of the upgrade program which is intended to support the upgrade of 792 tanks at a rate of 120 per year. In addition, the conference agreement supports an increase of $108,000,000 for the conversion of an additional 24 tanks in fiscal year 1995, to be offset by a transfer of the same number of M1A1 tanks to the Marine Corps reserve at no cost to the Army. The conferees agree with Senate direction that the army shall report prior to obligation if these additional funds are insufficient to support upgrade of 24 tanks.

The House report encouraged the Army to consider multiyear procurement for the Phase II tank upgrade program and the authorization conference action authorizes such an approach. The conferees note, however, that section 8010 of this Act does not provide the necessary authorization to use funds in this Act to initiate multiyear procurement for the M1 tank upgrade program in fiscal year 1995. Neither House nor Senate appropriations bill supported such authorization this year.

The conferees agree that multiyear procurement for Phase II continues to be worthy of consideration. However, the Army's reported "defunding" of the upgrade program in fiscal year 1996 and the Congressional correction of this action by providing an additional $108 million in fiscal year 1995 refute the contention that this is now a stable program. Furthermore, no production upgrade tanks have yet been delivered; the six prototypes have just recently begun tests. Program maturity may therefore also be lacking. These are considerations that should be addressed if the Department elects to propose multiyear procurement in the 1996 budget. In addition, the Department must demonstrate that a multiyear proposal meets all the requirements of law, including substantial cost savings and other requirements in the recently enacted Federal Acquisition Streamlining Act. The conferees expect a multiyear proposal to be supported with the standard multiyear procurement budget justification material. In addition, the conferees expect that such a proposal/program be funded and structured like other multiyear programs. In this regard, the multiyear procurement of the M1A1 tank should not be taken as an example.

The conferees note that, while a multiyear contract my not be executed without additional legislation and funding, a long lead contract for a single year procurement with an option to convert later to a multiyear contract, is a possibility that can be considered.

Amendment No. 53: Deletes House language making a portion of the appropriation available for obligation only after enactment of authorizing legislation.

PROCUREMENT OF AMMUNITION, ARMY

Amendment No. 54: Appropriates $1,181,221,000 for Procurement of Ammunition, Army instead of $1,274,644,000 as proposed by the House and $877,761,000 as proposed by the Senate.

The conference agreement on items in conference is as follows:

[In thousands of dollars]

	Budget	House	Senate	Qty	Conference
PROCUREMENT OF AMMUNITION, ARMY:					
CTG, 5.56MM, ALL TYPES	73,605	84,105	83,105		82,105
CTG, 7.62MM, ALL TYPES	12,108	27,108	12,108		25,108
CTG, 25MM, ALL TYPES	21,935	46,935	46,935		44,935
CTG, 30MM, ALL TYPES	16,577	20,277	16,577		20,277
CTG, 40MM, ALL TYPES	13,441	38,441	17,741		33,141
CTG MORTAR 60MM 1/10 PRAC M840	305	5,805	3,305	20	3,305
CTG MORTAR 60MM ILLUM M721	6,276	10,676	6,276	14	10,676
CTG, MORTAR, 120MM, HE		30,000		50	30,000
CTG, MORTAR, 81MM, 1/10 TNG		6,400			3,900
CTG 120MM HEAT—MP–T M830A1	34,596	44,596	52,774	13	44,596
CTG ARTY 105MM HERA M913		25,000	21,400	7	21,400
PROJ. ARTY 155MM M795		69,000		120	54,000
PROJ. 155MM SADARM		30,000			25,000
BUNKER DEFEATING MUNITION (BDM)	7,761	7,761			7,761
DEMOLITION MUNITIONS, ALL TYPES	23,356	93,356	23,356		40,000
GRENADES, ALL TYPES	4,167	15,167	4,167		5,000
GENERAL REDUCTION—PRIOR YEAR SAVINGS			−48,000		
PROVISION OF INDUSTRIAL FACILITIES	44,429	60,000	44,429		60,000
LAYAWAY OF INDUSTRIAL FACILITIES	26,774	86,172	26,774		86,172
CONVENTIONAL AMMO DEMILITARIZATION	95,469	110,000	102,969		110,000
ARTY MPTS FLEX MANUF					10,000

CONVENTIONAL AMMUNITION WORKING CAPITAL FUND

Both the House and the Senate criticized the operation of the Conventional Ammunition Working Capital Fund, the Fund through which most conventional ammunition is procured for the Department of Defense. The House report directed that the Fund be closed and that ammunition be procured using procedures which had been in place before the Fund was created in 1982. The Senate report allowed the Fund to operate for one more year while making certain reforms and required the submission a plan/proposal by March 15, 1995.

The conferees agree with the Senate approach to the future of the Fund. However, the conferees direct that the following changes be made in addition to those directed by the Senate:

The restructured Fund must have an independent inventory capability, compatible with but divorced from, the Commodity

Command Standard System (CCSS). This inventory file is needed to maintain visibility of CAWCF inventory at all locations, including at work-in-progress. A delivery tracking capability is also desired.

The system must be capable of handling both standard price and non-standard price orders and be capable of generating an accurate balance sheet and income and expense statement.

The system must provide customers with timely and accurate status of their orders.

ARTILLERY METAL PARTS INDUSTRIAL BASE

The conferees are concerned about the industrial base for production of artillery metal parts and the ability of this base to respond to requirements, both now and in the future. They are therefore requesting the General Accounting Office to conduct a thorough inventory of all artillery projectiles, to include not only the quantity but also the condition and suitability for training and combat. The GAO investigation shall also include a report on future plans for the procurement of advanced artillery projectiles, to include type and quantities that may be required, and plans to produce the metal parts required for these items.

M795 ARTILLERY PROJECTILE

The conference agreement includes $54,000,000 for initial procurement of the M795 projectile. The conferees agree with House direction that the Army provide a cost breakout, procurement/production strategy, and funding profile for this item prior to obligating the funds. The conferees also agree that the projectile metal parts be competitively procured from the existing government-owned production base.

ARTILLERY METAL PARTS FLEXIBLE MANUFACTURING

The conference agreement includes $10,000,000 for the continued development of flexible manufacturing capabilities at Army ammunition facilities. Of this amount, $5,000,000 is to be used at the Louisiana Army Ammunition Plant and $5,000,000 at the Scranton Army Ammunition Plant.

In addition, the conferees direct that the $25,000,000 provided in the fiscal year 1994 Defense Appropriations Act for a M483 to M864 projectile conversion program shall be used for prove-out of the flexible manufacturing capabilities at the Louisiana and Scranton Army Ammunition Plants.

Amendment No. 55: Deletes House language making a portion of the appropriation available for obligation only after enactment of authorizing legislation.

Amendment No. 56: Deletes Senate proviso earmarking certain funds for the William Langer Plant.

OTHER PROCUREMENT, ARMY

Amendment No. 57: Appropriates $2,673,148,000 for Other Procurement, Army, instead of $2,348,806,000 as proposed by the House and $2,646,048,000 as proposed by the Senate.

The conference agreement on items in conference is as follows:

[In thousands of dollars]

	Budget	House	Senate	Quantity	Conference
OTHER PROCUREMENT, ARMY:					
TACTICAL TRAILERS/DOLLY SETS	25,301	25,301	35,301		35,301
FAMILY OF MEDIUM TACTICAL VEH (MYP)	382,739	364,639	372,839	3,535	372,839
DEFENSE SATELLITE COMMUNCIATIONS SYSTEM	104,536		104,536		104,536
MOD OF IN-SVC EQUIP (TAC SAT)	5,375	6,375	5,375		6,375
SINCGARS FAMILY	367,382	301,782	367,382		367,382
EAC COMMUNICATIONS	12,067	12,067	49,867		49,867
INFORMATION SYSTEMS	22,000	11,000	28,200		22,500
LOCAL AREA NETWORK (LAN)	16,954	16,954	16,954		22,654
ALL SOURCE ANALYSIS SYS (ASAS) (TIARA)	28,247	18,247	23,547		23,547
COMMANDERS TACTICAL TERM (CTT) (TIARA)	8,228	8,228	8,228	24	11,728
DIGITAL TOPOGRAPHIC SPT SYS (DTSS) (TIARA)	12,835		12,835		7,835
NIGHT VISION DEVICES	78,362	77,362	80,612		80,612
INTEGRATED MET SYS SENSORS (IMETS)	7,004	5,000	7,004		7,004
ADV FIELD ARTILLERY TACT DATA SYS (AFATDS)	32,610	9,810	8,200		8,200
FIRE SUPPORT ADA CONVERSION	13,212	11,612	10,912	142	11,612
STAMIS TACTICAL COMPUTERS (STACOMP)	21,850		21,850		21,850
STANDARD INTEGRATED CMD POST SYSTEM	25,085	3,600	25,085		9,600
AUTOMATED DATA PROCESSING EQUP	122,419	66,387	110,419		84,365
RESERVE COMPONENT AUTOMATION SYS (RCAS)	101,546	168,446	101,546		148,446
INTEGRATED FAMILY OF TEST EQUP (IFTE)	58,216	58,216	62,716		62,716
PRODUCTION BASE SUPPORT (C–E)	849	12,849	849		12,849
IMPROVED CHEMICAL AGENT MONITOR	2,778	2,778	1,179		1,179
AUTO CHEMICAL AGENT ALARM (ACADA), XM22	13,046	13,046	5,494	250	5,494
CHEM/BIO PROTECTIVE SHELTER	9,539	7,539		51	7,039
REFRIGERATION EQUIPMENT	4,788	1,900	1,888		1,888
COMBAT SUPPORT MEDICAL	16,574	16,574	19,348		19,348
CAUSEWAY SYSTEMS	14,309		1,000		1,000
COMBAT TRAINING CENTERS SUPPORT	20,138	20,138	21,238		21,238
TRAINING DEVICES, NONSYSTEM	99,339	71,739	85,939		85,939
SIMNET/CLOSE COMBAT TACTICAL TRAINER	32,038		32,038		32,038
OPA INITIAL SPARES	75,650	71,500	68,450		68,450
NATURAL GAS UTILIZATION		5,000			2,500
BATTLEFIELD COMBAT IDENTIFICATION		5,500			

INFORMATION SYSTEMS

The conferees agree to provide $22,500,000 for the Information Systems program, an addition of $500,000 to the budget request. The additional funding provided is available only for switch expansion to the existing system at Schofield Barracks. The conferees direct the Army to start the Schofield Barracks upgrade project in fiscal year 1995.

LOCAL AREA NETWORK (LAN)

The conferees agree to provide $22,654,000 for the Local Area Network program, an increase of $5,700,000 over the budget request. The conferees direct that the additional funding be used only to improve and upgrade the telephone cable network and backbone LAN at Schofield Barracks starting in fiscal year 1995.

ADVANCED FIELD ARTILLERY TACTICAL DATA SYSTEM (AFATDS)

The conferees agree to provide $8,200,000 for the Advanced Field Artillery Tactical Data System, a reduction of $24,410,000 from the budget request. The Army agreed to the reduction and requested the conferees consider reallocating the $24,410,000 to other specified programs to meet shortfalls; however, due to budgetary constraints the Army's request could not be met. The conferees recommend that the Army submit a formal reprogramming request in fiscal year 1995.

AUTOMATIC DATA PROCESSING EQUIPMENT

The conference agreement on the Automatic Data Processing Equipment program appears in the Information Technology Systems section of this report.

RESERVE COMPONENT AUTOMATION SYSTEM

The conference agreement on the Reserve Component Automation System program appears in the Information Systems Technology section of this report.

INTEGRATED FAMILY OF TEST EQUIPMENT

The conferees agree to provide $62,716,000, an increase of $4,500,000 to the request. The Conferees direct that the $4,500,000 for procurement of DSESTS–TOW, as directed by the Senate report, as well as the $5,000,000 provided in fiscal year 1994 in the Bradley fighting vehicle appropriation for DSESTS–TOW, are subject to the requirements stated in the statement of managers accompanying the fiscal year 1994 Defense Appropriations Act. The conferees are disturbed the Army has failed to initiate the DSESTS–TOW operational test directed in last year's conference report, and expect this test to be completed and the results published not later than July 1, 1995. The conferees further expect any request for an extension will be denied. The conferees agree the Army is to maintain its existing policy regarding automatic test equipment and the use of waiver authority, when necessary, in making procurements. The Army is directed to finalize the development of its future "Fix Forward" strategy and decide whether DSESTS, IFTE, or some combination of the two is the most cost-effective way to meet this policy's goals.

PRODUCTION BASE SUPPORT (C–E)

The conferees agree to provide $12,849,000 for Production Base Support (C–E), an increase of $12,000,000 to the budget request. The additional funds are only for the procurement of industrial process and information systems equipment for the Industrial Operations Facility at the Tobyhanna Army Depot.

COMBAT SUPPORT MEDICAL

The conference agreement provides $19,348,000 for the Combat Support Medical program, an increase of $2,744,000 over the budget request. Of the amount appropriated,

$6,750,000 is available only for the procurement of Field Medical Oxygen Generating and Distribution System (FMOGDS), provided that the Army certifies to the Congressional Defense Committees that FMOGDS has successfully passed production testing and has received milestone III approval. If the FMOGDS fails to receive milestone III approval due to test failure, the conferees recommend that the available funds be used to competitively procure the Liquid Oxygen Production, Storage and Distribution System (LOPSDS). The conferees also agree with the House recommendation that the Army competitively procure additional LOPSDS equipment within the Combat Support Medical program's fiscal year 1995 allocation for items less than $2 million. Also, $2,500,000 of the amount allocated is available only for the procurement of man portable medical ventilators. Congress considers the FMOGDS, LOPSDS, and portable medical ventilator as items of special interest, and the Army shall annotate the DD Form 1414 accordingly.

TRAINING DEVICES, NONSYSTEM

The conferees recommend $85,939,000 for the Training Devices, Nonsystem program, a reduction of $13,400,000 from the budget request. The reduction is made without prejudice and is not earmarked for any specific subprogram.

SIMNET/CLOSE COMBAT TACTICAL TRAINER

The conferees agree to provide the budget request of $32,038,000 for the Close Combat Tactical Trainer (CCTT). The conferees are advised that fiscal year 1995 funds are required to accelerate the CCTT Quickstart program in advance of the CCTT system level initial operational test and evaluation. The conferees direct that the fiscal year 1995 funds appropriated for this program are available only for the procurement of CCTT Quickstart, and are not available for reprogramming.

WATER PURIFICATION EQUIPMENT

In order to meet the Army's water purification equipment requirements, the conferees recommend that consideration be given to procuring a new high tech Reverse Osmosis Water Purification Unit (ROWPU) prototype which incorporates the newest concepts and technologies available to the water purification industry.

IMPROVED MOVING TARGET SIMULATOR

The fiscal year 1994 Defense Appropriations bill provided $5,000,000 to procure an Improved Moving Target Simulator for the North Dakota National Guard.

The conferees reaffirm their clear intent that these funds be spent as directed. Further, the Army is directed to report to the Congressional defense committees within 90 days regarding the status of the IMTS procurement.

AIRCRAFT PROCUREMENT, NAVY

Amendment No. 58: Appropriates $4,627,645,000 for Aircraft Procurement, Navy instead of $4,820,442,000 as proposed by the House and $4,531,789,000 as proposed by the Senate.

The conference agreement on items in conference is as follows:

[In thousands of dollars]

	Budget	House	Senate	Quantity	Conference
Aircraft Procurement, Navy:					
AV–8B (V/STOL) Harrier	130,216	130,216	110,216	4	123,216
F/A–18C/D (Fighter) Hornet (MYP)	1,032,368	933,968	875,776	24	933,968
AH–1W (Helicopter) Sea Cobra	141,721	216,721	141,721	18	141,721
SH–60B (ASW Helicopter) Seahawk	....	214,000	....	....	....
E–2C (Early warning) Hawkeye	285,759	256,159	228,759	4	242,759
T–45TS (Trainer) Goshawk	214,220	214,220	206,000	12	206,000
HH–60H (Helicopter)	39,895	34,895	39,895	....	34,895
F–14 Series	158,326	27,503	158,326	....	133,326
H–1 Series	95,874	105,874	95,874	....	105,874
S–3 Series	40,891	40,891	40,891	....	50,891
E–6 Series	90,482	81,482	90,482	....	90,482
Common ECM Equipment	12,664	20,664	....	....	20,664

CH–53E SUPER STALLION

The Senate approved the Department's request of $41,084,000 in the Aircraft Procurement, Navy account and provided the Marine Corps the flexibility to procure two additional helicopters in lieu of using the requested amount to close the line as proposed. The House approved the requested amount. The conferees agree with the direction contained in Senate report 103–321.

E–2C HAWKEYE

The conferees agree to provide $242,759,000 for acquisition of four aircraft in fiscal year 1995. The amount provided reflects agreement with cost containment measures proposed by the Navy subsequent to submission of the budget.

The conferees note that the Navy's financial plan for acquisition assumed approval of advance procurement with the 1994 omnibus reprogramming. The defense committees of the Congress, in the reprogramming, approved the requested increase in E–2C advance procurement and an offsetting decrease in the E–2C full funding line, but the Department of Defense did not apply these resources to satisfy the requested increase. The conferees understand the Navy has identified additional sources to cover the advance procurement shortfall and the conferees encourage the Navy to submit a reprogramming in time to protect the acquisition schedule.

F–14 SERIES MODIFICATIONS

The conferees agree to provide $133,326,000 for F–14 modifications, a reduction of $25,000,000 from the budget request. The reduction reflects a change in the Navy's schedule for accomplishment of the planned A/B upgrade. The conferees agree with the direction contained in Senate report 103–321.

S–3 SERIES MODIFICATIONS

The conferees agree to provide $50,891,000 for S–3 series modifications. The amount provided is $10,000,000 above the budget request. The increased funding is to be used for procurement and installation of AN/USH–42 mission recorders.

Amendment No. 59: Deletes House language making a portion of the appropriation available for obligation only after enactment of authorizing legislation.

WEAPONS PROCUREMENT, NAVY

Amendment No. 60: Appropriates $2,159,080,000 for Weapons Procurement, Navy, instead of $1,969,336,000 as proposed by the House and $1,858,200,000 as proposed by the Senate.

The conference agreement on items in conference is as follows:

[In thousands of dollars]

	Budget	House	Senate	Quantity	Conference
WEAPONS PROCUREMENT, NAVY:					
TRIDENT II	641,318	641,318	384,818	18	616,318
STANDARD MISSILE	258,072	249,072	258,072	202	249,072
DRONES AND DECOYS	....	2,000	10,000	....	10,000
SPARROW MODS	26,797	26,797	12,897	....	12,897
WEAPONS INDUSTRIAL FACILITIES	22,855	....	51,355	....	51,355
FLEET SATELLITE COMM (MYP)	125,480	....	125,480	....	125,480
VERTICAL LAUNCHED ASROC (VLA)	....	32,000	....	40	22,000
MK–46 TORPEDO MODS	2,571	2,571	....	....	2,571
SPARES AND REPAIR PARTS	53,809	....	....	....	53,809

TRIDENT II D–5 MISSILE

The conferees agree to provide $616,318,000 for the Trident II missile program in fiscal year 1995, a reduction of $25,000,000 from the budget request. The conferees direct the Department of the Navy to submit to the Committees on Appropriations and Armed Services a Cost and Operational Effectiveness Analysis (COEA) for possible D–5 missile backfit into four Trident I submarines. The COEA should address at a minimum:

(1) the cost to accomplish the backfit (missiles, missile guidance, submarine navigation system, submarine fire control system, DASO launches, etc.) versus the cost of maintaining C–4 missiles in the inventory;

(2) the expected service life of the Trident submarine fleet and the service life of the C–4 and D–5 missiles and;

(3) the operational effectiveness in terms of targeting and survivability of a mixed C–4/D–5 fleet of submarines versus a fleet carrying only D–5 missiles.

The conferees further direct that the completed COEA shall be transmitted to the appropriate congressional committees not later than July 1, 1995.

Amendment No. 61: Deletes a House provision making a portion of the appropriation subject to authorization and inserts Senate language permitting appropriations to be available to liquidate deficiencies in prior appropriations acts.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

Amendment No. 62: Appropriates $417,779,000 for Procurement of Ammunition, Navy and Marine Corps instead of $493,810,000 as proposed by the House and $432,815,000 as proposed by the Senate. The conference agreement also deletes the earmarking for Navy and the Marine Corps as proposed by the Senate.

The conference agreement on items in conference is as follows:

[In thousands of dollars]

	Budget	House	Senate	Quantity	Conference
PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS:					
PRACTICE BOMBS	2,827	12,827	2,827	....	12,827
AIR EXPENDABLE COUNTERMEASURES	12,088	14,088	12,088	....	14,088
5 INCH/54 GUN AMMUNITION	52,965	68,965	52,965	....	68,965
SPARES AND REPAIR PARTS	....	53,809	53,809	....	....
81MM ILLUMINATION (M853)	3,227	24,227	3,227	....	14,000
155MM CHG. PROP. RED BAG	11,995	11,995	....	....	....

5 INCH/54 GUN AMMUNITION

The conferees agree to provide $68,695,000 for 5 inch/54 gun ammunition. The conferees note the Navy's fiscal year 1995 budget submission failed to correct a flawed requirements process. For the past two years the Navy itself has conceded this process has resulted in budget requests which shortchange minimum fleet training requirements by 25 percent. This situation is intolerable. In order to sustain fleet readiness, the conferees have decided to correct the fiscal year 1995 shortfall with an increase of $16,000,000 over the request, offset by reductions to other Navy programs. The conferees direct the Navy to correct this problem with the fiscal year 1996 budget and further direct the Secretary of the Navy to certify to the Committees on Appropriations by February 15, 1995, that the requirements and budgeting process for 5 inch/54 ammunition has been corrected to realistically represent those procurements needed to meet fleet commanders' training and war reserve requirements. The conferees will not accept any methodology which continues to force commanders to cut training solely because of the Department of the Navy's failure to make common sense adjustments to the requirements and budgeting process.

MARINE CORPS .50 CALIBER AMMUNITION

The conferees agree that the $5,000,000 over the budget provided by both the House and the Senate for procurement of .50 caliber ammunition for the Marine Corps shall be used for procurement of sabot-light armor penetrator (SLAP) ammunition.

Amendment No. 63: Deletes House language making a portion of the appropriation available for obligation only after enactment of authorizing legislation.

SHIPBUILDING AND CONVERSION, NAVY

Amendment No. 64: Appropriates $2,284,925,000 for the carrier replacement program as proposed by the Senate instead of $2,446,958,000 as proposed by the House.

Amendment No. 65: Appropriates $38,328,000 for CVN refueling as proposed by the Senate.

Amendment No. 66: Appropriates $2,660,690,000 for the DDG–51 destroyer program as proposed by the Senate instead of $2,607,690,000 as proposed by the House.

Amendment No. 67: Inserts Senate language relating to obligation and availability of funds for the LHD–7 amphibious assault ship and directing the Secretary of the Navy to extend the existing contract option.

Amendment No. 68: Appropriates $1,000,000 for nuclear submarine main steam condenser industrial base as proposed by the House and deletes House earmark of $8,200,000 for the cost growth in prior years' programs.

Amendment No. 69: Restores House language to include conversions along with craft, outfitting, post delivery, and first destination transportation.

Amendment No. 70: Appropriates $377,521,000 for craft, outfitting, post delivery, conversions, and first destination transportation instead of $357,521,000 as proposed by the Senate.

Amendment No. 71: Appropriates no funding for escalation instead of $146,000,000 as proposed by the Senate.

Amendment No. 72: Appropriates a total of $5,412,464,000 instead of $5,471,369,000 as proposed by the House and $5,528,974,000 as proposed by the Senate.

The conference agreement on items in conference is as follows:

[In thousands of dollars]

	Budget	House	Senate	Quantity	Conference
SHIPBUILDING & CONVERSION NAVY:					
CARRIER REPLACEMENT PROGRAM	2,446,958	2,446,958	2,284,925	1	2,284,925
CVN REFUELING OVERHAULS	38,328	....	38,328	....	38,328
DDG–51	2,697,690	2,607,690	2,660,690	3	2,660,690
AE(C)	30,553	30,553	....	1	30,553
SERVICE CRAFT	....	5,600	....	....	5,600
OUTFITTING	178,154	138,154	178,154	....	158,154
POST DELIVERY	166,937	156,437	166,937	....	156,437
AFS (C)	22,837	22,837	....	1	22,837
NUCLEAR SUBMARINE MAIN STEAM CONDENSERS	....	1,000	....	....	1,000
PRIOR YEARS' PROGRAMS	....	8,200	....	....	....
ESCALATION	....	....	146,000	....	....

NEW ATTACK SUBMARINE

Both the House and Senate expressed concern with the Navy's current plan for the New Attack Submarine (NAS). The House reduced funding for the program by $200 million and mandated that the follow-ship procurement costs not exceed $1.2 billion. The Senate noted that force structure requirements do not necessitate proceeding with the NAS for nearly 10 years, and that the costs of the NAS make it more expensive than continuing to produce a limited number of Seawolf submarines during that period. The conferees agree to provide full funding for NAS, but maintain strong reservations with the current program.

Over the next five years, the Navy wants to spend nearly $7.1 billion for continued development and to initiate production of the NAS. The conferees do not believe the Navy's budget will sustain this level of investment. As evidence, the conferees cite apparent decisions by the Defense Department to slip the production of the second NAS from the year 2000 to 2001 to reduce near term funding requirements. The conferees believe this and other likely funding reductions will increase costs above the Navy's current prediction.

The conferees note that the first NAS will cost $3.4 billion to procure, nearly $1 billion more than the price of the Seawolf, a program the Navy canceled because it was too expensive. While the Navy argues that it expects to reduce subsequent NAS costs to $1.54 billion per ship based on buying two submarines per year, the conferees are aware of no cost saving techniques or innovative manufacturing processes which can be expected to reduce follow-on submarine costs from $3.4 billion to $1.54 billion. On the contrary, the conferees point out that NAS will be called upon to sustain the full cost of the submarine industrial base, which should lead to still higher costs unless proactive steps are taken by the Navy to reduce costs.

The conferees continue to believe that the Navy should seek ways to reduce costs below the $1.54 billion plan with a goal of producing a $1.2 billion submarine. The conferees are not convinced that the Congress will support the purchase of $1.5 billion attack submarines should that price be achieved. In order to remain informed of all developments related to the cost and schedule of the NAS, the House and Senate Committees on Appropriations expect quarterly reports from the Navy on the program addressing planned cost and schedule, and detailed explanations of any deviation from the plan.

The costs of the nuclear reactor represent 35% of the production costs. The conferees believe the Navy should seriously consider designing a more cost effective reactor and making other non-mission changes to lower the overall cost of the submarine. The NAS has been designed around the nuclear reactor, the conferees believe mission requirements ought to govern design, not the reactor plant.

In its FY 1996 budget, the Navy will be seeking nearly $1.2 billion for the NAS program. The conferees do not anticipate providing this amount unless the Navy has demonstrated a commitment to reduce costs and can cite concrete evidence of its ability to produce the NAS program in a streamlined, efficient and cost effective manner. The Navy can expect the Committees on Appropriations to propose alternatives in conjunction with the FY 1996 budget if the Navy ignores this guidance.

MK-45 GUN INDUSTRIAL BASE

The conferees understand the Navy is debating the merits of procuring new MK-45 guns for DDG-51 destroyers, versus refurbishing guns from ships being retired. It is not yet clear that refurbishment will be cost effective in the long run, considering the likely requirement to restart the production line in the future. The conferees direct the Navy to ensure that the naval gun industrial base is maintained cost effectively as it decides between new procurement and refurbishment.

SERVICE CRAFT

The conferees agree to provide $5,600,000 for procurement of at least two double-hulled fuel barges (YON's) in fiscal year 1995.

The conferees note the recent decision by the Assistant Secretary of the Navy for Research, Development and Acquisition to proceed to acquire living barges consistent with commercial specifications and standards, thereby significantly reducing costs compared to purchasing craft under excessive military specifications. The conferees commend this initiative, and restate the position maintained previously that the Navy should first evaluate available commercial living barges, and determine their suitability to meet the Navy's requirement prior to the obligation of any funds for the construction of new living barges.

SHIP COST ADJUSTMENT

The conferees have included a general provision (section 8099) which transfers $535,690,000 in prior year funds to cover cost increases in various ship programs. The following table lists the adjustments by appropriations.

	Amount
Appropriations to which transfer is made:	
Shipbuilding and Conversion, Navy 1986/1990	$15,138,000
Shipbuilding and Conversion, Navy 1987/1991	33,880,000
Shipbuilding and Conversion, Navy 1988/1992	129,694,000
Shipbuilding and Conversion, Navy 1989/1993	75,663,000
Shipbuilding and Conversion, Navy 1990/1994	22,605,000
Shipbuilding and Conversion, Navy 1991/1995	94,393,000
Shipbuilding and Conversion, Navy 1992/1996	76,444,000
Shipbuilding and Conversion, Navy 1993/1997	68,438,000
Shipbuilding and Conversion, Navy 1994/1998	19,435,000
Total	535,690,000
Appropriations from which transfer is made:	
Shipbuilding and Conversion, Navy 1986/1990	15,138,000
Shipbuilding and Conversion, Navy 1987/1991	10,666,000
Shipbuilding and Conversion, Navy 1988/1992	29,052,000
Shipbuilding and Conversion, Navy 1989/1993	11,385,000
Shipbuilding and Conversion, Navy 1990/1994	8,555,000
Shipbuilding and Conversion, Navy 1991/1995	70,127,000
Aircraft Procurement, Navy 1993/1995	148,642,000
Aircraft Procurement, Navy 1994/1996	17,000,000
Weapons Procurement, Navy 1993/1995	55,000,000
Weapons Procurement, Navy 1994/1996	14,000,000
Other Procurement, Navy 1993/1995	22,400,000
Other Procurement, Navy 1994/1996	70,425,000
Research, Development, Test and Evaluation, Navy 1994/1995	41,700,000
Procurement, Marine Corps 1993/1995	6,600,000
National Guard and Reserve Equipment 1994/1996 Air National Guard	15,000,000
Total	535,690,000

OTHER PROCUREMENT, NAVY

Amendment No. 73: Appropriates $3,329,171,000 for Other Procurement, Navy, instead of $3,271,088,000 as proposed by the House and $3,309,698,000 as proposed by the Senate.

The conference agreement on items in conference is as follows:

[In thousands of dollars]

	Budget	House	Senate	Quantity	Conference
OTHER PROCUREMENT, NAVY:					
ALLISON 501K GAS TURBINE	8,188	7,000	8,188		7,000
OTHER GENERATORS	9,013	8,013	9,013		8,013
SUBMARINE PUMP RETROFIT KITS		1,000			1,000
SUBMARINE PROPELLERS	2,422	2,422	1,902		1,902
OTHER PROPELLERS AND SHAFTS	2,480	4,480	2,480		2,480
OTHER NAVIGATION EQUIPMENT	22,852	19,852	22,852		21,352
UNDERWAY REPLENISHMENT EQUIPMENT	22,465	20,000	22,465		20,000
POLLUTION CONTROL EQUIPMENT	65,867	63,867	62,867		62,867
REACTOR COMPONENTS	194,673	180,000	194,673		180,000
STANDARD BOATS	5,623	9,623	5,623		9,623
NUCLEAR ALTERATIONS	156,804	130,000	156,804		146,804
AN/SPS-48	630	9,630	630		9,630
RADAR SUPPORT	8,446	12,946	8,446		12,946
SURFACE SONAR WINDOWS AND DOME	3,217	10,117	3,217		10,117
SUBMARINE ACOUSTIC WARFARE SYSTEM	10,684	10,684	10,684		22,684
SSTD	31,889	30,889	31,889		31,889
C-3 COUNTERMEASURES	26,317	41,317	26,317		41,317
LINK 16 HARDWARE	41,911	41,911	37,911		41,911
SATCOM SHIP TERMINALS	126,363	106,363	126,363		116,363
WEAPONS RANGE SUPPORT EQUIPMENT	41,606	41,606	69,306		63,106
EXPEDITIONARY AIRFIELDS	5,561	4,561	5,561		4,561
AVIATION LIFE SUPPORT	7,873	7,873	7,873		10,873
DARP	4,001	4,001	4,001		
TARTAR SUPPORT EQUIPMENT	36,267	36,267	38,667		38,667
SURFACE TOMAHAWK SUPPORT EQUIPMENT	63,970	60,670	63,970		60,670
LASER ARTICULATING ROBOTIC SYSTEM, PHILADELPHIA NAVAL SHIPYARD		9,500			6,900
NATURAL GAS UTILIZATION EQUIPMENT		8,000			8,000
INTELLIGENCE SUPPORT EQUIPMENT	33,284	33,284	34,484		34,484
COMPUTER ACQUISITION PROGRAM	41,807	10,007	41,807		41,807
SPARES AND REPAIR PARTS	314,571	314,571	291,071		291,071
INSTALLATION OF MODIFICATIONS			−10,000		−20,000
JOINT TRAINING ANALYSIS & SIMULATION CENTER					10,500

OTHER NAVIGATION EQUIPMENT

The conferees agree to provide $21,352,000 for Other Navigation Equipment, a reduction of $1,500,000. The reduction is without prejudice and is not directed at any subprogram within the Other Navigation Equipment program.

REACTOR COMPONENTS

The conferees agree to provide $180,000,000 for the Reactor Component program. The reduction of $14,673,000 is made without prejudice.

NUCLEAR ALTERATIONS

The conferees agree to provide $146,804,000, for the Nuclear Alterations program, a decrease of $10,000,000 from the budget request. This adjustment is made without prejudice.

AN/SPS-48

The conferees agree to provide $9,630,000 for the AN/SPS-48 radar program. The additional funding of $9,000,000 is available only for non-recurring costs associated with the AN/SPS-48E radar Pulse Doppler Upgrade (PDU) program. The conferees have been concerned over the need to improve ship self defense, and have been advised that the PDU program will significantly enhance ship self defense in littoral waters. The conferees are concerned by the Navy's delay of this program, which has prolonged an operational deficiency. The conferees direct that all

Other Procurement, Navy funds intended for PDU, including fiscal years 1993 and 1994 funding, be released immediately for accelerated implementation of the PDU program. This program is a Congressional interest item.

SUBMARINE ACOUSTIC WARFARE

The conferees agree to provide $22,684,000 for the Submarine Acoustic Warfare program. The increase of $12,000,000 is only for procurement of the Acoustic Device Countermeasure Mark 4.

SURFACE SHIP TORPEDO DEFENSE (SSTD)

The conferees agree to provide $31,889,000 for the Surface Ship Torpedo Defense (SSTD) system, the amount of the fiscal year 1995 budget request. Of the funds provided, the conferees direct that none of the $10,500,000 identified for AN/SLR-24 procurement in fiscal year 1995 may be obligated until the Assistant Secretary of Navy (RD&A) certifies to the Congressional Defense Committees that the phase II SSTD system has successfully passed operational test and evaluation.

SONOBUOY PROCUREMENT

The April, 1994 Sonobuoy Inventory Analysis Report submitted to the Committees on Appropriations by the Navy provided timely information on revised sonobuoy requirements which guided the Committees during their consideration of sonobuoy funding for fiscal years 1994 and 1995. In this connection, the conferees agree with the House reallocation of fiscal year 1994 sonobuoy funding, and urge the Secretary of the Navy to reflect in the budget request for fiscal years 1996 and 1997 the sonobuoy funding requirements for those years identified in the Report. Sonobuoy acquisition remains a matter of special interest to the conferees.

WEAPONS RANGE SUPPORT EQUIPMENT

The conferees agree to provide $63,106,000 for the Weapons Range Support Equipment program as discussed in the Operations and Maintenance, Navy section of this report.

AVIATION LIFE SUPPORT

The conferees agree to provide $10,873,000 for the Aviation Life Support program, an increase of $3,000,000 to the budget request. The additional funds are available only for manual reverse osmosis disalinators, including $2,500,000 for the Navy and $500,000 for the Marine Corps.

LASER ARTICULATING ROBOTIC SYSTEM, PHILADELPHIA NAVAL SHIPYARD

The conferees provide $6,900,000 for the acquisition of the Laser Articulating Robotic System for use in the Philadelphia Naval Shipyard. The propeller shop, as well as the foundry which supports the shop will continue to operate at the Navy Yard after its scheduled closure. The two existing LARS Systems are to be modified to the latest production configuration within these funds.

DARP

The conference agreement on the DARP program appears in the Defense-Wide Procurement section of this report.

JOINT TRAINING, ANALYSIS, AND SIMULATION CENTER

The conferees agree to provide $10,500,000 for the procurement of command, control, communications, and computer equipment for a Joint Training, Analysis and Simulation Center for the United States Atlantic Command.

Amendment No. 74: Deletes a House provision making a portion of the appropriations subject to authorization.

Amendment No. 75: Deletes language proposed by the Senate to establish a Joint Training, Analysis and Simulation Center.

Amendment No. 76: Inserts and amends Senate language providing funds for the Pacific Missile Range Facility, Hawaii.

PROCUREMENT, MARINE CORPS

Amendment No. 77: Appropriates $422,410,000 for Procurement, Marine Corps instead of $452,178,000 as proposed by the House and $403,410,000 as proposed by the Senate.

The conference agreement on items in conference is as follows:

[In thousands of dollars]

	Budget	House	Senate	Quantity	Conference
PROCUREMENT, MARINE CORPS:					
LAV THERMAL SIGHTS		3,000			3,000
SINGLE CHAN GRD 7 AIR RADIO	49,030	57,030	49,030		57,030
DARP	28,768	28,768			
NIGHT VISION EQUIPMENT	29,647	37,647	39,647		39,647
MARINE ENHANCEMENT PROGRAM		3,000			
INDOOR SIMULATED MARKSMANSHIP TRAINER		8,000			8,000

Amendment No. 78: Deletes House language making a portion of the appropriation available for obligation only after enactment of authorizing legislation.

AIRCRAFT PROCUREMENT, AIR FORCE

Amendment No. 79: Appropriates $6,379,962,000 for Aircraft Procurement Air Force instead of $6,182,199,000 as proposed by the House and $6,571,524,000 as proposed by the Senate.

The conference agreement on items in conference is as follows:

[In thousands of dollars]

	Budget	House	Senate	Quantity	Conference
AIRCRAFT PROCUREMENT, AIR FORCE:					
B–1B (MYP)	154,254	144,254	119,000	—	139,254
B–2A (MYP)	384,384	384,384	384,384	—	339,384
BOMBER INDUSTRIAL BASE	—	—	150,000	—	125,000
F–16 C/D (MYP)	100,549	100,549	—	—	75,549
C–17 (MYP)	2,472,914	1,007,314	2,472,914	6	2,168,614
C–130H	49,975	49,975	31,575	—	31,575
NON DEVELOPMENT AIRLIFT AIRCRAFT	103,707	103,707	—	—	—
JPATS	123,265	108,265	78,265	3	93,265
TANKER, TRANSPORT, TRAINER SYSTEM	155,163	145,163	155,163	32	155,163
E–8B	445,339	445,339	440,539	2	440,539
E–8B (AP–CY)	118,900	118,900	218,800	—	218,800
B–1B	45,583	30,583	45,583	—	40,583
B–52	25,800	32,800	25,800	—	32,800
F–15	201,100	186,100	201,100	—	186,100
F–16	157,227	157,227	98,227	—	110,727
C–141	14,506	14,506	10,471	—	14,506
C–130	77,041	77,041	73,541	—	77,041
C–135	103,440	77,640	71,740	—	77,640
E–4	35,230	25,230	35,230	—	35,230
DARP MODS	3,665	3,665	3,665	—	68,665
DEPLOYABLE HYDRAULIC TEST AND REPAIR FACILITY	—	2,000	—	—	2,000
WAR CONSUMABLES	26,587	18,587	205,587	—	18,587
OTHER PRODUCTION CHARGES	259,467	259,467	239,437	—	239,437
DARP SUPPORT EQUIPMENT	196,886	196,886	17,886	—	196,886

ENHANCED BOMBER CAPABILITY FUND/BOMBER INDUSTRIAL BASE

The conferees remain very concerned about the current long range bomber force structure, and the means by which to improve its overall size, composition, and capability. As such, the conferees provide $125,000,000 to help sustain the bomber industrial base.

Given the demonstrated requirement for U.S. bombers in the rapidly changing national security environment, the conferees are worried that the last remaining U.S. bomber production capability, the B–2 industrial base, is being dismantled before adequate analysis has been completed to determine the proper long range, heavy bomber force structure. Independent studies have concluded that the 20 B–2 aircraft now on order are simply not enough to provide a militarily significant and cost effective long range conventional bomber force. The conferees regard the initiative to protect the option to produce additional B–2 bombers for one more year as critically important to U.S. national security.

Accordingly, the appropriation of these funds is intended to demonstrate to the Department the importance the conferees attach to the preservation of our only remaining bomber production capability. Upon the enactment of this Act, the Secretary of Defense shall utilize this $125,000,000 to ensure the B-2 production base remains a viable option for at least one more year.

The Commission on Roles and Missions, as established by the Congress last year, is one vehicle for providing the Congress with a considered opinion on the proper B-2 stealth bomber inventory that the Air Force should maintain. Therefore, the conferees direct the Commission to specifically address this issue in its report, not only in the context of the preservation of the industrial base, but for the critical capability the B-2 provides to our national security. The Commission is directed to report its findings to the Congressional defense committees. If warranted by the findings of the Commission, the Secretary of Defense shall also develop an acquisition plan for sustained low rate production of additional B-2 bombers as a force modernization option and submit it to the defense committees.

The conferees note that the Congress has previously established a cost cap of $44.4 billion on the original 20 B-2 bomber program. It is the judgment of the conferees that, because the expenditure of the $125,000,000 is for studies, analysis and other efforts to preserve the B-2 industrial base and to improve the size and composition of our long range, heavy bomber force required to meet two MRCs, these funds are unrelated to the orderly conclusion of the ongoing 20 B-2 aircraft program. Therefore, the funds provided herein for this purpose will not be counted against the statutory cost cap.

The 1995 National Defense Authorization Act provides funds for these purposes in the Enhanced Bomber Capability Fund. The conferees believe that the terms Enhanced Bomber Capability Fund and Bomber Industrial Base are interchangeable and should be viewed by the Defense Department as the same program.

C–17

The conferees agree to provide $2,168,614,000 for the C–17 program, a reduction of $304,300,000 to the budget request and the same amount as the authorization total. The conferees agree to the deletion of House language requiring the Air Force to qualify a second source producer for the C–17 engine. The conferees are cautiously optimistic that the present producer of the engine will take the necessary actions to reduce the engine's unit cost. If such unit cost reduction does not occur the conferees reserve the right to revisit the issue of developing a second source for the C–17 engine. The conferees direct that no funds provided herein may be obligated to support the contract award of the C–17 engine in fiscal year 1995 until a report has been submitted to the congressional defense committees detailing the specific actions to be taken to reduce the unit cost of the engine.

F–15 MODIFICATIONS

The conferees concur with the recommendation of the House to reduce funding for F–15 modifications by $15,000,000 because of low obligations. The conferees note that the Air Force had obligated less than one-third of the fiscal year 1994 funds provided for global positioning system (GPS) modifications through July and was unable to provide a monthly obligation plan for GPS delineating when the remaining funds would be obligated.

F–16 MODIFICATIONS

The conferees recommend $110,727,000 for F–16 modifications. The agreement reduces funds for the ALE–47 and digital engine control modifications, as recommended by the Senate. The conferees agree to restore $12,500,000 of the $30,000,000 reduced by the Senate for the Advanced Radar Warning Receiver. Information provided to the conferees indicates that a portion of the Advanced RWR funds are required to continue the program from June of 1995 until the beginning of fiscal year 1996.

C–135

The conferees agree to provide $77,640,000 for modifications to C–135 aircraft, $25,800,000 below the budget request and the same level as recommended by the House. The reduction is made without prejudice to any specific C–135 modification. It is the conferees' belief that top priority should be given to the upgrade of the KC–135 radar system and the conferees urge the Air Force to proceed with this program utilizing funds provided herein.

Amendment No. 80: Restores and amends House language requiring the Air Force to initiate procurement of non-developmental airlift alternative aircraft in fiscal year 1995; deletes House language requiring the Air Force to qualify a second source producer of the C–17 engine and deletes a House provision making a portion of the appropriation subject to authorization.

MISSILE PROCUREMENT, AIR FORCE

Amendment No. 81: Appropriates $3,650,262,000 for Missile Procurement, Air Force, instead of $2,758,285,000 as proposed by the House and $3,620,055,000 as proposed by the Senate.

[In thousands of dollars]

	Budget	House	Senate	Quantity	Conference
MISSILE PROCUREMENT, AIR FORCE:					
HAVE NAP		8,600	26,000	36	26,000
GAMS			40,000		25,000
AMRAAM	309,462	299,462	277,855	413	289,462
AGM–130 POWERED GBU–15	71,756	69,256	71,756	102	69,256
TARGET DRONES	29,043	17,043	29,043	48	23,043
NONE	5,731	5,731	5,731		8,931
CALCM		29,400			29,400
SPARES AND REPAIR PARTS	68,332	68,332	65,149		65,149
SPACEBORNE EQUIP (COMSEC)	2,092		2,092		2,092
GLOBAL POSITIONING (MYP)	134,831		134,831	5	134,831
GLOBAL POSITIONING (MYP) (AP–CY)	55,352		55,352		55,352
SPACE SHUTTLE OPERATIONS	103,518		103,518		103,518
SPACE BOOSTERS	381,817		381,817		381,817
MEDIUM LAUNCH VEHICLE	120,480		107,480	3	107,480
MEDIUM LAUNCH VEHICLE (AP–CY)	28,564		28,564		28,564
DEF METEOROLOGICAL SAT PROG	29,159		29,159		29,159
DEFENSE SUPPORT PROGRAM (MYP)	363,959		363,959		363,959
DEFENSE SATELLITE COMM SYSTEM	20,185		20,185		20,185
IONDS (MYP)	35,649		35,649	5	35,649
IONDS (MYP) (AP–CY)	9,954		9,954		9,954
SPECIAL PROGRAMS	1,619,032	1,960,532	1,532,032		1,541,532

PROCUREMENT OF AMMUNITION, AIR FORCE

Amendment No. 82: Appropriates $288,401,000 for Procurement of Ammunition, Air Force instead of $278,681,000 as proposed by the House and $283,173,000 as proposed by the Senate.

The conference agreement on items in conference is as follows:

[In thousands of dollars]

	Budget	House	Senate	Quantity	Conference
PROCUREMENT OF AMMUNITION, AIR FORCE:					
20MM TRAINING	18,295	39,295	38,295	3,307	39,295
30 MM TRAINING	23,672	15,500	11,272	1,700	15,500
FLARE, IR MJU–7B	16,260	6,540	16,260	766,563	16,260

20MM AMMUNITION

The conference agreement includes $39,295,000 for 20mm ammunition, as proposed by the House. The increase of $21,000,000 above the budget is for the procurement of PGU–28B combat ammunition.

Amendment No. 83: Deletes House language making a portion of the appropriation available for obligation only after enactment of authorizing legislation.

OTHER PROCUREMENT, AIR FORCE

Amendment No. 84: Appropriates $6,965,201,000 for Other Procurement, Air Force, instead of $6,886,613,000 as proposed by the House and $6,897,696,000 as proposed by the Senate.

The conference agreement on items in conference is as follows:

[In thousands of dollars]

	Budget	House	Senate	Quantity	Conference
OTHER PROCUREMENT, AIR FORCE:					
2.5 TON SLEP	---	10,800	---	200	10,800
60K A/C LOADER	29,329	29,329	15,500	27	29,329
GENERAL REDUCTION, MMII	---	−20,900	---	--	---
AIR TRAFFIC CTRL/LAND SYS (ATCALS)	2,423	1,000	2,423	--	1,000
THEATER AIR CONTROL SYS IMPROVEMENT	78,774	71,174	64,634	--	71,174
ASOS	---	5,000	---	--	5,000
DEFENSE SUPPORT PROGRAM	15,102	---	24,094	--	24,094
SPACETRACK	918	918	---	--	---
DEFENSE METEOROLOGICAL SAT PROG	16,081	---	16,081	--	15,000
AUTOMATIC DATA PROCESSING EQUIP	39,121	34,932	43,621	--	43,621
WMMCCS/GLOBAL COMMAND & CONTROL SYSTEM	12,623	8,423	8,434	--	8,434
MOBILITY COMMAND AND CONTROL	16,276	16,276	16,276	--	8,118
COMBAT TRAINING RANGES	16,989	16,989	11,689	--	11,689
BASE LEVEL DATA AUTO PROGRAM	34,093	34,093	31,093	--	31,093
AIR FORCE SATELLITE CONTROL NETWORK	25,810	---	25,810	--	25,810
THEATER BATTLE MGT C2 SYS	45,547	32,400	45,547	--	32,400
AUTOMATED TELECOMMUNICATIONS PRG	29,558	12,000	29,558	--	29,558
ANTI JAM VOICE	390	---	390	--	---
COMM ELECT MODS	18,850	18,100	18,850	--	18,100
NEWARK AFB CALIBRATION PACKAGE	1,601	1,601	---	--	1,601
ITEMS LESS THAN $2,000,000	11,667	10,667	11,667	--	11,667
CHEMICAL/BIOLOGICAL DEF PROG	7,736	7,000	7,736	--	7,000
ITEMS LESS THAN $2,000,000	4,304	3,304	4,304	--	4,304
NATURAL GAS UTILIZATION EQUIPMENT	---	5,000	---	--	2,500
PALLET AIR CARGO	3,618	3,618	---	4,000	3,618
MOBILITY EQUIPMENT	12,807	8,507	12,807	--	12,807
WARTIME HOST NATION SUPPORT	1,447	1,447	---	--	---
SPARES AND REPAIR PARTS	61,026	61,026	34,824	--	36,026
ITEMS LESS THAN $2,000,000	18,244	12,144	15,908	--	15,908
INTELLIGENCE PRODUCTION ACTIVITY	58,050	56,265	53,550	--	54,550
DARP	65,306	65,306	28,006	--	65,306
SELECTED ACTIVITIES	5,620,346	5,550,446	5,545,146	--	5,554,946

THEATER AIR CONTROL SYSTEMS IMPROVEMENT (TACSI)

The conferees agree to provide $71,174,000 for the Theater Air Control Systems Improvement program. The reduction of $7,600,000 is without prejudice and is not earmarked against any specific subprogram within the TACSI program.

MOBILITY COMMAND AND CONTROL

The conferees agree to provide $8,118,000 for the Mobility Command and Control program, a reduction of $8,158,000 from the budget request. The conferees are advised that the reduction can be made because requirements will be satisfied through the defense business operating fund.

Amendment No. 85: Deletes a House provision making a portion of the appropriation subject to authorization.

PROCUREMENT, DEFENSE-WIDE

Amendment No. 86: Appropriates $2,088,230,000 for Procurement, Defense-Wide instead of $3,020,616,000 as proposed by the House and $1,894,916,000 as proposed by the Senate.

The conference agreement on items in conference is as follows:

[In thousands of dollars]

	Budget	House	Senate	Quantity	Conference
PROCUREMENT, DEFENSE-WIDE:					
MAJOR EQUIPMENT, OSD/WHS	77,780	104,280	64,280		92,280
DARP	250,660	250,660	236,960		335,058
SUPERCOMPUTERS		130,000			90,000
ITEMS LESS THAN $2 MILLION	74,010	24,010	74,010		74,010
AUTOMATED INFORMATION SYSTEM EQUIPMENT	15,402	10,402	15,402		15,402
OTHER CAPITAL EQUIPMENT	28,531	23,531	28,531		28,531
ITEMS LESS THAN $2 MILLION	4,000	2,000	4,000		4,000
JOINT BIOLOGICAL DEFENSE PROGRAM			3,000		20,416
NAVY TMD	14,496		14,496		14,496
C–130 MODIFICATIONS	65,661	58,361	65,661		58,361
MH–47/MH–60 MODIFICATIONS	10,666	5,966	10,666		10,666
PC, CYCLONE CLASS	12,380	18,180	12,380		34,280
CLASSIFIED PROGRAMS	379,561	374,596	488,761		443,961
MENTOR-PROTEGE PROGRAM			40,000		30,000
DEFENSE SATELLITE COMMUNICATIONS SYSTEMS (ARMY)		104,536			
FLEET SATELLITE COMM (MYP)		125,480			
SPACEBORN EQUIP (COMSEC)		2,092			
GLOBAL POSITIONING (MYP)		134,831			
GLOBAL POSITIONING (MYP) (AP–CY)		55,352			
SPACE SHUTTLE OPERATIONS		103,518			
SPACE BOOSTERS		29,000			
MEDIUM LAUNCH VEHICLE		120,480			
MEDIUM LAUNCH VEHICLE (AP–CY)		28,564			
DEF METEOROLOGICAL SAT PROG		29,159			
DEFENSE SUPPORT PROGRAM (MYP)		363,959			
DEFENSE SATELLITE COMM SYSTEM		20,185			
IONDS (MYP)		30,649			
IONDS (MYP) (AP–CY)		9,954			
DEFENSE SUPPORT PROGRAM		24,102			
DEFENSE METEOROLOGICAL SAT PROG		15,000			
NATURAL GAS VEHICLES		10,000			10,000
ELECTRIC VEHICLES AND NATURAL GAS CONVERSION			25,000		
ELECTRIC VEHICLES					15,000

SPECIAL OPERATIONS COMMAND

The adjustments to SOCOM's budget request are shown on the table above. Additional funds provided under Patrol Craft, Cyclone Class include $7,900,000 for the MK 96 weapon system and $14,000,000 for settlement of claims.

The conferees agree to the House restrictions regarding the MC–130H Combat Talon II modification and the MH–47/MH–60 modification programs.

DEFENSE AIRBORNE RECONNAISSANCE PROGRAM

The conferees agree to the following specific program adjustments:

[In thousands of dollars]

	Budget	HAC	SAC	Conference
DARP	250,660	250,660	236,950	335,058
Air Reconnaissance Low	0	0	0	39,200
Guardrail Common Sensor	0	0	0	4,991
Guardrail/Mods	0	0	0	26,938
DARP Navy	0	0	0	4,001
DARP-USMC	0	0	0	28,768
Joint Tactical UAV	0	0	0	−14,500
Joint Tactical UAV—Spares	0	0	0	−5,000

The conferees direct that of the funds provided, $8,400,000 is only for the Common Automatic Recovery System.

NATURAL GAS VEHICLES

The conferees direct that not less than $500,000 of the funds provided for natural gas vehicles in the Procurement, Defense-wide appropriation is available only to test and evaluate a natural gas dispensing system with quick coupling components with multiple, back-to-back, no freeze short duration characteristics, including special sealing and safety design capabilities.

Amendment No. 87: Deletes House language making a portion of the appropriation available for obligation only after enactment of authorizing legislation.

Amendment No. 88: Deletes Senate bill language for the Pioneer Unmanned Aerial Vehicle System.

DEFENSE PRODUCTION ACT PURCHASES

The conferees agree with House report language concerning a Defense Production Act project, with some changes. Specifically, the conferees agree that the capability to manufacture radiation resistant electronics (RRE) is essential to national security. The Department could stabilize costs and reliable supply sources by encouraging commercialization of the domestic RRE industry. Accordingly, the conferees recommend that $7,000,000 from funds appropriated in fiscal year 1994 be provided to competitively establish domestic RRE capacity consistent with critical defense needs, including a qualified manufacturing line with a demonstrated capability to produce 256K SOI static RAMs (with growth to 1M SOI RAMs), 300K gate arrays, and nonvolatile memory.

The conference agreement includes a general provision to ensure the viability of the domestic production base for nuclear steam generator tubing for aircraft carriers. The conferees expect that in return for this funding the Department of Defense will obtain a commitment from the producer to remain a source of supply of Navy nuclear reactor tubing at a reasonable price through the year 2005.

NATIONAL GUARD AND RESERVE EQUIPMENT

Amendment No. 89: Appropriates $800,000,000 for National Guard and Reserve Equipment instead of $796,200,000 as proposed by the House and $952,000,000 as proposed by the Senate.

The conference agreement on items in conference is as follows:

[In thousands of dollars]

	Budget	House	Senate	Quantity	Conference
NATIONAL GUARD & RESERVE EQUIPMENT					
RESERVE EQUIPMENT					
ARMY RESERVE					
MISCELLANEOUS EQUIPMENT	....	129,000	90,000	....	90,000
ENGR. EQPT	....	15,,000	....	....	....
AUTOMATIC BUILDING MACHINES	....	2,500	....	....	....
M915/M916/HEAVY DUMP TRUCKS	....	7,500	....	....	....
5 TON FLATBED TRAILERS	....	4,300	....	....	....
NAVY RESERVE					
MISCELLANEOUS EQUIPMENT	....	....	80,000	....	45,000
C–130 AIRCRAFT	....	67,800	....	....	....
P–3 UPGRADES	....	42,000	....	....	....
MIUW VAN UPGRADE	....	10,000	....	....	....
MARINE CORPS RESERVE					
MISCELLANEOUS EQUIPMENT	....	40,000	52,000	....	25,000
AIR FORCE RESERVE					
MISCELLANEOUS EQUIPMENT	....	....	75,000	....	25,000
SMALL ARMS SIMULATOR	....	5,000	....	....	....
C–130H AIRCRAFT	....	67,800	....	....	....
KC–135 REENGINING	....	24,000	....	....	....
NATIONAL GUARD EQUIPMENT					
ARMY NATIONAL GUARD					
MISCELLANEOUS EQUIPMENT	....	....	125,000	....	70,000
UH–60Q HELICOPTER UPGRADE KITS	....	25,000	....	....	....
NIGHT VISION DEVICES & DRIVERS NIGHT VIEWER	....	17,000	....	....	....
M109A5	....	12,000	....	....	....
FAASV	....	42,000	....	....	....
ACE	....	40,000	....	....	....
EXTERNAL AUX FUEL TANKS	....	2,000	....	....	....
HUEY SLEP	....	3,000	....	....	....
M915/M916/HEAVY DUMP TRUCKS	....	7,500	....	....	....
AIR NATIONAL GUARD					
MISCELLANEOUS EQUIPMENT	....	....	55,000	....	40,000
NATIONAL GUARD AIRCRAFT					
C–130H AIRCRAFT	....	203,400	....	....	....
KC–135 REENGINING	....	24,000	....	....	....
KC135 RADAR MODS	....	5,000	....	....	....
NATIONAL GUARD AND RESERVE AIRCRAFT	....	....	475,000	....	505,000

MISCELLANEOUS EQUIPMENT

The conferees agree that this program shall be executed by the heads of the guard and reserve components with priority consideration for miscellaneous equipment appropriations given to the following items:

Engineering equipment including hydraulic elevators, automatic building machines, M915/916 heavy dump trucks, 5 ton flatbed trailers, Army Reserve logistics support vessel, P–3 Update III modifications, MIUW van upgrades, SQQ–T1 trainer, C–9 Naval Reserve aircraft, Marine Corps Reserve AH–1W helicopters, small arms simulators, KC–135 reengining, UH–60Q helicopter upgrades, night vision devices and drivers' night viewers, M109A5 howitzer upgrades, CH–47 FADEC, Army National Guard external auxiliary fuel tanks, Huey SLEP, Modular airborne fire fighting systems, high mobility multipurpose wheeled vehicles, M9 armored combat earthmovers, field artillery ammunition support vehicles, new generation radar for the RC–135 fleet, and AN/AQS–14 airborne MCM trainers.

NATIONAL GUARD AND RESERVE AIRCRAFT

The conferees agree to provide $505,000,000 for the acquisition of aircraft to support Reserve and National Guard missions.

Amendment No. 90: Deletes House language making a portion of the appropriation available for obligation only after enactment of authorizing legislation.

TITLE IV—RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

Amendment No. 91: Appropriates $5,521,413,000 instead of $5,456,498,000 as proposed by the House and $5,304,329,000 as proposed by the Senate.

The conference agreement on items addressed by either the House or the Senate is as follows:

[In thousands of dollars]

	Budget	House	Senate	Conference
RESEARCH, DEVELOPMENT, TEST & EVAL.—ARMY				
DEFENSE RESEARCH SCIENCES	195,346	205,996	181,501	206,171
ELECTROMECHANICS AND HYPERVELOCITY PHYSICS	5,050	8,700	5,050	8,700
MATERIALS TECHNOLOGY	11,083	21,083	15,083	25,083
ELECTRONIC SURVIVABILITY AND FUZING TECHNOLOGY	26,036	29,036	26,036	27,536
LASER WEAPONS TECHNOLOGY		4,000		4,000
MODELING AND SIMULATION	51,517	32,517	54,517	54,517
COMBAT VEHICLE AND AUTOMOTIVE TECHNOLOGY	28,330	34,330	28,330	34,330
CHEMICAL, SMOKE AND EQUIPMENT DEFEATING TECHNOLOGY	29,657	42,157	18,957	31,857
JOINT SERVICE SMALL ARMS PROGRAM	5,325	5,326	5,826	5,826
WEAPONS AND MUNITIONS TECHNOLOGY	28,163	38,163	28,163	36,163
ELECTRONICS AND ELECTRONIC DEVICES	21,222	23,222	21,222	24,222
ENVIRONMENTAL QUALITY TECHNOLOGY	25,887	40,887	31,287	46,954
LOGISTICS TECHNOLOGY	31,825	35,325	31,825	34,325
MEDICAL TECHNOLOGY	87,529	89,029	95,279	95,279
PROJECTS PLOWSHARES			5,000	5,000
LOGISTICS ADVANCED TECHNOLOGY	14,386	15,386	14,386	15,386
MEDICAL ADVANCED TECHNOLOGY	41,028	258,208	143,028	258,028
AVIATION ADVANCED TECHNOLOGY	51,350	54,350	49,913	52,913
WEAPONS AND MUNITIONS ADVANCED TECHNOLOGY	25,562	32,562	25,562	32,562
COMBAT VEHICLE AND AUTOMOTIVE ADVANCED TECHNOLOGY	59,414	62,414	59,414	62,414
TRACTOR ROSE	3,240	6,440	3,240	6,440
ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS) RESEARCH	3,185	23,185	33,410	33,410
MISSILE AND ROCKET ADVANCED TECHNOLOGY	94,602	62,824	98,502	78,502
LANDMINE WARFARE AND BARRIER ADVANCED TECHNOLOGY	11,950	21,950	11,950	21,950
JOINT SERVICE SMALL ARMS PROGRAM	5,746	5,746	7,246	7,246
ADVANCED TACTICAL COMPUTER SCIENCE AND TECHNOLOGY	34,995	39,995	34,995	34,995
ARTILLERY PROPELLANT DEVELOPMENT	8,137	9,137	25,937	25,937
ENGINEER MOBILITY EQUIPMENT ADVANCED DEVELOPMENT	11,339	11,339	15,929	15,929
ADVANCED TANK ARMAMENT SYSTEM (ATAS)	10,075		10,075	5,000
DISTRIBUTIVE INTERACTIVE SIMULATION—ADV DEV	11,787	6,000	11,787	8,500
TACTICAL ELECTRONIC SURVEILLANCE SYSTEM—ADV DEV	15,008	10,008	15,008	15,008
AVIATION—ADV DEV	9,367	15,867	11,367	16,867
WEAPONS AND MUNITIONS—ADV DEV	663	1,263	663	1,263
LOGISTICS AND ENGINEER EQUIPMENT—ADV DEV	5,581	6,881	11,581	14,881
NBC DEFENSE SYSTEM-ADV DEV	13,778	22,078	13,778	15,278
COMANCHE	525,182	525,182	525,182	495,182
EW DEVELOPMENT	89,122	93,122	89,122	93,122
TRI-SERVICE STANDOFF ATTACK MISSILE	82,458		19,671	19,671
ALL SOURCE ANALYSIS SYSTEM	42,891	35,891	42,891	42,891
JAVELIN	31,337	31,337	34,737	34,737
ARMORED SYSTEMS MODERNIZATION (ASM)–ENG. DEV	51,097	51,097	63,097	63,097
ENGINEER MOBILITY EQUIPMENT DEVELOPMENT	16,856	12,271	16,865	12,271
AIR DEFENSE COMMAND, CONTROL AND INTELLIGENCE—ENG DEVELOPMENT	26,494	28,494	26,494	28,494
AUTOMATIC TEST EQUIPMENT DEVELOPMENT	7,201	15,701	7,201	15,701
DISTRIBUTIVE INTERACTIVE SIMULATION—ENG	8,041	4,000	8,041	6,500
TRACTOR BAT	109,011	109,011	119,111	119,111
WEAPONS AND MUNITIONS—ENG DEVELOPMENT	9,130	18,930	6,530	17,130
LOGISTICS AND ENGINEER EQUIPMENT—ENG DEVELOPMENT	21,171	22,271	21,171	22,271
NBC DEFENSE SYSTEM-ENG DEVELOPMENT	13,474	48,274	13,474	29,774
LONGBOW—ENG DIV	191,303	191,303	191,303	171,303
NON-COOPERATIVE TARGET RECOGNITION—ENG DEVELOPMENT	13,666	13,666	13,666	18,666
MAJOR T&E INVESTMENT	55,536	55,536	50,536	50,536
LOS ALAMOS MESON PHYSICS FACILITY			20,000	20,000
ARMY TECHNICAL TEST INSTRUMENTATION AND TARGETS	41,895	41,895	33,895	31,895
DOD HIGH ENERGY LASER TEST FACILITY		24,808	20,000	24,808
PROGRAMWIDE ACTIVITIES	103,262	102,044	103,262	93,262
MUNITIONS STANDARDIZATION, EFFECTIVENESS AND SAFETY	7,038	7,038	7,038	14,538
ENVIRONMENTAL COMPLIANCE	49,907	51,907	49,907	51,574
MAINTENANCE AND REPAIR (RPM)—RDT&E	91,970	91,970	81,970	81,970
MANAGEMENT HEADQUARTERS (RESEARCH AND DEVELOPMENT)	11,679	11,679	23,679	23,679
MLRS PRODUCT IMPROVEMENT PROGRAM	55,699	58,699	55,699	58,699
COMBAT VEHICLE IMPROVEMENT PROGRAMS	111,279	131,779	111,279	111,279
AIRCRAFT MODIFICATION/PRODUCT IMPROVEMENT PROGRAMS	9,564	9,564	5,040	5,140
AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM	3,035	3,035	3,035	7,535
DIGITIZATION	75,857	115,857	75,857	83,857
MISSILE/AIR DEFENSE PRODUCT IMPROVEMENT PROGRAM	24,610	29,610	29,610	37,610
OTHER MISSILE PRODUCT IMPROVEMENT PROGRAMS	74,380	78,380	64,280	68,280
JOINT BIOLOGICAL DEFENSE PROGRAM	52,895	52,895		
SATCOM GROUND ENVIRONMENT	95,191		95,191	68,191
AIRBORNE RECONNAISSANCE LOW	11,429	11,429	11,429	
END ITEM INDUSTRIAL PREPAREDNESS ACTIVITIES		45,000	29,420	35,820
FEDERAL WORKFORCE RESTRUCTURING ACT			2,500	2,500
CLASSIFIED PROGRAMS	20,858	29,358	20,858	37,858
GENERAL REDUCTION, UNIVERSITY RESEARCH		−68,000		−13,752
CIVILIAN PERS PAY RAISE & LOCALITY PAY		17,400		9,600
CIVILIAN PERSONNEL UNDERSTRENGTH		−35,000	−48,400	−39,700

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

Army	*Conference Agreement*
Defense Research Sciences	206,171
Medical-Nutrition	+250
Environmental technology	+10,000
Trauma care	+150
Medical-Serum cholesterol	+425
University Reduction	0
Materials Technology	25,083
Ductile iron	+10,000
Hardened materials	+4,000
Electronic Survivability and Fuzing Technology	27,536
Passive microwave camera	+1,500
Chemical, Smoke and Equipment Defeating Tech	31,857
General increase	+2,200
Joint Service Small Arms Program	5,826

Army	*Conference Agreement*
Weapons and Munitions Technology	36,163
Longhorn AAP-advanced materials	+4,000
Longhorn AAP-black powder substitute	4,000
Environmental Technologies	0
Electronics and Electronic Devices	24,222
Battery technology	+3,000
Environmental Quality Technology	46,954
Naval Surface Warfare Center, Crane Division	+167
Jefferson Proving Ground—Unexploded Ordnance	+5,000
Joint Agriculture/DOD Project	+4,500
Facility Environmental Management and Monitoring System (FEMMS)	+5,000

Army	*Conference Agreement*
Hawaii Small Business Development Center	+5,400
Saltsburg Remediation Technology	+1,000
Logistics Technology	34,325
Cold Pasteurization/Sterilization Techniques	+2,000
Air Beam tents	+500
Project Plowshares	5,000
Aviation Advanced Technology	52,913
Starstreak air to air missile	+3,000
National Rotocraft Technology Center	−1,437
Rotocraft Pilot's Associate	(20,996)
Weapons and Munitions Advanced Technology	32,562
MX-982 155mm ER Projectile	+6,000
ER Fluid Recoil	+1,000
Cannon Caliber Electromagnetic Gun	(4,500)

Army	*Conference Agreement*
Missile and Rocket Advanced Technology	78,502
NLOS Demonstration	−20,000
EFOG–M	0
MPIM	0
Accelerate SRAW/MPIM	+3,900
Landmine Warfare and Barrier Advanced Technology	21,950
Demining OOTW	+10,000
Joint Service Small Arms Program	7,246
Artillery Propellant Development	25,937
52 Caliber XM297; bolt-in, bolt-out for Paladin and XM230 for the 39 caliber cannon	+17,800
Aviation—Adv Dev	16,867
Advanced Boresight Equipment	+2,000
Aircrew integrated ensemble	+3,900
Integrated common helmet	+1,600
Aviation life support equipment	(4,628)
Logistics and Engineer Equipment—Adv Dev	14,881
Laser vibration sensing system	+4,000
Heavy tactical bridge	+1,300
Medium assault bridge	+4,000
NBC Defense System—Adv Dev	15,278
General increase	+1,500
EW Development	93,122
AD/EXJAM	+4,000
All Source Analysis System	45,891
Single source processor	(3,000)
Armored system modernization (ASM)–ENG DEV	63,097
AGS vehicles and IOT&E Spares	12,000
Air Defense Command, Control and Intelligence	28,494
NDI, passive sensor	+2,000
Automatic Test Equipment Development	15,701
Integrated family of test equipment	+8,500
Weapons and Munitions—Eng Dev	17,130
Mortar systems	(3,317)
120mm mortar ammunition	+8,000
Bunker defeat munition	0
NBC Defense System—Eng Dev	19,774
General increase	+6,300
Non-Cooperative Target Recognition—Eng Dev	18,666
Battlefield combat identification system	+5,000
LAMPF/LANSCE	20,000
DOD High Energy Laser Test Facility	24,808
Munitions Standardization, Effectiveness and Safety	14,538
Plasma furnace technology	+7,500
Environmental Compliance	51,574
Low emission natural gas boiler	+1,667
Aircraft Engine Component Improvement Program	7,535
Full authority digital electronic control [Note: Utilizes and upgrades the existing T53 series engine hydomechanical unit.]	+4,500
Digitization	83,857
Missile/Air Defense Product Improvement Program	37,610
Complementary missile w/ Avenger system	+8,000
Accelerate Stinger Block II	+5,000
Other Missile Product Improvement Program	68,280
BAT reduction	−10,100
Hellfire training round	+4,000
End Item Industrial Preparedness Activities	35,820
Advanced Non-Metallic Rechargeable Battery	+3,000
Center for Optics Manufacturing	(4,900)
Instrumented Factory for Gears	(8,500)
Classified	37,858
X–ROD	+17,000

WEAPONS AND MUNITIONS TECHNOLOGY

The conferees agree to provide $36,163,000, of which $8,000,000 is only for two programs at the Longhorn Army Ammunition Plant. The conferees also encourage the Department of the Army to utilize the capabilities of the Armament Research, Development and Engineering Center (ARDEC), Picatinny Arsenal in the development of life-cycle environmental technologies for use in the production of Army weapon systems.

ELECTRONICS AND ELECTRONIC DEVICES

The conferees agree to provide $24,222,000, of which $1,000,000 shall only be for the development of a low cost reusable alkaline battery for the SINCGARS family of radios, $500,000 only for the development of a high rate "AA" lithium carbon monofluouride battery, $1,000,000 only for the development of a "AA" zinc air battery, and $500,000 only for a no lead added zinc carbon cell.

LANDMINE WARFARE AND BARRIER ADVANCED TECHNOLOGY

The conferees agree to provide $21,950,000, of which $10,000,000 is provided to detect and neutralize landmines. The purpose of these funds is to develop new and improved technologies specifically for use in demining in operations other than war (OOTW) and humanitarian situations. The conferees note that the Office of the Assistant Secretary of Defense (Special Operations and Low Intensity Conflict) is overseeing the management of funds for demining in humanitarian situations, and the conferees therefore intend that SOLIC will also oversee the use of these additional research and development funds.

CLASSIFIED PROGRAMS

The conferees agree to provide $37,858,000, of which $17,000,000 is only for the continued development of the 120mm rocket-boosted kinetic energy tank round, also known as the X-rod. The Conferees direct that the additional funds provided within this program element shall be equally divided between the two X-rod development contractors.

ARTILLERY PROPELLANT DEVELOPMENT

The conferees continue to support the development of the XM46 liquid propellant as the preferred alternative for the Advanced Field Artillery System (AFAS). In addition, the conferees agree to provide $25,937,000, of which $17,800,000 is to continue to strongly support the development of the XM-297 cannon, the XM-194 bolt-in/bolt-out gun mount for the M109 series cannon, and for the type classification of the XM-230 unicharge propellant for the 39-caliber cannon.

LOGISTICS AND ENGINEER EQUIPMENT—ADVANCED DEVELOPMENT

The conferees have provided $14,881,000, an increase of $9,300,000 above the budget request. Of the additional funds provided, $4,000,000 shall be obligated only for the evaluation of candidate Medium Assault Bridges, $4,000,000 only for the continuation of the two phased program for structural integrity research using advanced lasers, and $1,300,000 only for the Army's program to improve its tactical bridging capabilities.

COMANCHE/LONGBOW

The conferees agree to recede from the direction in the Senate report that $20,000,000 each in the Comanche and Longbow program elements be made available to support a consolidation of the helicopter production base.

AUTOMATIC TEST EQUIPMENT DEVELOPMENT

The conferees agree to provide $15,701,000, an increase of $8,500,000 to the budget request for Projects DL59 and D537 as proposed by the House. The conferees agree that these additional funds are to be used only for the development of base shop test facility (BSTF) test program sets for Army aviation and missile systems. However, funds may be used for armored system BSTF development only if the Army's analysis of armored systems electronics repair requirements determines this workload should be transitioned from DSESTS to IFTE in the near term. The Army is directed to provide the Committees on Appropriations its planned allocation of these funds not later than March 15, 1995.

SENSE AND DESTROY ARMAMENT MISSILE—ENGINEERING DEVELOPMENT

The conferees agree to provide $42,000,000 for this program element. The conferees interpose no objection to the Army's fiscal year 1995 reprogramming request for the SADARM research and development program, FY 94-8 PA (Rev.).

LOS ALAMOS MESON PHYSICS FACILITY (LAMPF) AND LOS ALAMOS NEUTRON SCATTERING CENTER (LANSCE)

The conferees agree to provide $20,000,000 only to upgrade the accelerator at the LAMPF/LANSCE facility. The conferees direct that none of these funds may be obligated until the Secretary of the Army certifies to the Congressional defense committees that the Energy Department budget request for fiscal year 1996 contains sufficient funding for LAMPF/LANSCE operations. This certification must be submitted no later than April 1, 1995.

HIGH ENERGY LASER SYSTEM TEST FACILITY (HELSTF)

The conferees agree to provide $24,808,000 for this program element. The conferees agree with the Senate report language with respect to HELSTF with two exceptions. The conferees agree that the restrictions imposed by the Senate shall not apply to the Joint U.S.-Israel Lethality Test (Nautilus) project. The conferees agree that this project within the scope of the usual lethality testing activities conducted at HELSTF. However, they also agree that any follow-on tactical laser development program arising from the Nautilus project would be subject to the Senate's requirements. The conferees further agree that any certification regarding a tactical high energy laser program should identify, to the extent practicable, the direct financial contributions of any foreign nation participating in such an activity.

MUNITIONS STANDARDIZATION, EFFECTIVENESS, AND SAFETY

The conferees agree to provide $14,538,000, of which $7,500,000 is only to continue development of the plasma furnace technology for the U.S. Army Construction Engineer Research Laboratory (CERL).

AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM

The Conferees agree to provide $7,535,000, of which $4,500,000 is provided only for the development of a full authority digital electronic control (FADEC) which utilizes and upgrades the existing T53 series engine hydromechanical unit.

MISSILE/AIR DEFENSE PRODUCT IMPROVEMENT PROGRAM

The Conferees agree to provide $37,610,000, of which $8,000,000 is provided only for the continued operational testing and evaluation of the ground to air Starstreak missile system and $5,000,000 only for the acceleration of the development of the Stinger Block II retrofit program.

SATCOM GROUND ENVIRONMENT

The conferees agree to delete a total of $27,000,000 from Satcom Ground Environment to reflect schedule delays and technical problems in SMART-T and SCAMP Milstar terminals.

LOW ALTITUDE FLIGHT SENSOR FOR THE ARMY

Frequent instances of military helicopters striking power lines and other flight hazards highlight the need to enhance the Army's capabilities to address these hazards. The conferees direct the Army to report to the Committee on Appropriations, no later than May 1, 1995, on its plans and activities to develop a viable program to provide helicopters with obstacle avoidance capabilities.

Amendment No. 92: Deletes language proposed by the House which restricts the obligation or expenditure of funds until authorized by law.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

Amendment No. 93: Appropriates $8,796,168,000 for Research, Development, Test and Evaluation, Navy instead of $8,598,958,000 as proposed by the House and $8,790,331,000 as proposed by the Senate.

The conference agreement on items in conference is as follows:

[In thousands of dollars]

	Budget	House	Senate	Conference
RESEARCH DEVELOPMENT TEST & EVAL NAVY:				
DEFENSE RESEARCH SCIENCES	407,971	420,971	400,422	420,971
SURFACE/AEROSPACE SURVEILLANCE AND WEAPONS TECHNOLOGY	75,088	80,088	75,088	78,122
AIRCRAFT TECHNOLOGY	24,691	25,145	24,691	30,145
READINESS, TRAINING, AND ENVIRONMENTAL QUALITY TECHNOLOGY	42,753	50,753	50,453	52,453
MATERIALS, ELECTRONICS AND COMPUTER TECHNOLOGY	80,867	98,617	78,784	96,534
UNDERSEA SURVEILLANCE WEAPON TECHNOLOGY	92,765	92,765	92,765	93,765
SUBMARINE TECHNOLOGY	19,557	19,557	14,557	14,557
OCEANOGRAPHIC AND ATMOSPHERIC TECHNOLOGY	44,965	56,065	44,965	56,065
AIR SYSTEMS AND WEAPONS ADVANCED TECHNOLOGY	30,293	33,572	7,881	27,381
PRECISION STRIKE AND AIR DEFENSE	32,961	40,061	32,961	40,061
SEA CONTROL AND LITTORAL WARFARE TECHNOLOGY DEMONSTRAT	82,134	62,134	74,533	74,533
MEDICAL DEVELOPMENT	17,820	59,520	17,820	59,520
ENVIRONMENTAL QUALITY AND LOGISTICS ADVANCED TECHNOLOGY	21,024	23,024	21,024	23,024
UNDERSEA WARFARE ADVANCED TECHNOLOGY	47,330	49,830	47,330	49,830
ADVANCED TECHNOLOGY TRANSITION	79,863	87,363	66,633	75,210
C3 ADVANCED TECHNOLOGY	26,556	21,456	26,556	21,456
AVIATION SURVIVABILITY	9,992	16,192	9,992	16,192
TACTICAL AIRBORNE RECONNAISSANCE	59,372	59,372	39,772	47,272
SURFACE AND SHALLOW WATER MINE COUNTERMEASURES	51,879	51,879	42,254	44,254
ADVANCED SUBMARINE COMBAT SYSTEMS DEVELOPMENT	20,564	24,564	20,564	23,864
SURFACE SHIP TORPEDO DEFENSE	30,247	30,247	20,947	20,947
CARRIER SYSTEMS DEVELOPMENT	15,878	15,878	15,378	15,378
ADVANCED SUBMARINE SYSTEM DEVELOPMENT	86,005	186,005	86,005	86,005
ADVANCED NUCLEAR POWER SYSTEMS	141,586	141,586	141,586	126,586
ADVANCED SURFACE MACHINERY SYSTEMS	72,355	79,755	80,755	80,755
MARINE CORPS ASSAULT VEHICLES	26,399	35,499	26,399	35,499
MARINE CORPS GROUND COMBAT/SUPPORT SYSTEM	11,416	23,916	26,416	23,916
ENVIRONMENTAL PROTECTION	51,101	51,101	49,811	49,811
NAVY ENERGY PROGRAM	4,468	4,468	9,168	9,168
RETRACT ELM	39,472	39,472	33,094	39,472
SHIP SELF DEFENSE	192,269	229,469	203,469	229,469
GUN WEAPON SYSTEM TECHNOLOGY	24,849	30,849	13,349	19,349
JOINT ADVANCED STRIKE TECHNOLOGY PROGRAM	100,037	100,037	140,037	100,037
ASW AND OTHER HELO DEVELOPMENT	86,547	97,547	77,153	90,947
AV–8B AIRCRAFT—ENG DEV	10,203	11,203	10,203	11,203
V–22A	496,930	496,930	496,930	466,930
AIR CREW SYSTEMS DEVELOPMENT	12,157	15,157	12,157	15,157
EW DEVELOPMENT	79,980	79,980	104,980	104,980
TRI-SERVICE STANDOFF ATTACK MISSILE	66,662		116,662	66,662
STANDARD MISSILE IMPROVEMENTS	11,811	11,811	17,811	17,811
NEW DESIGN SSN	266,155	203,477	266,155	236,155
SHIP CONTRACT DESIGN/LIVE FIRE T&E	160,092	22,770	160,092	160,092
NAVY TACTICAL COMPUTER RESOURCES	15,774	18,774	15,774	18,774
LIGHTWEIGHT TORPEDO DEVELOPMENT	10,284	13,284	10,284	11,284
JOINT DIRECT ATTACK MUNITION	25,173	26,673	25,173	26,673
JOINT STANDOFF WEAPON SYSTEMS	111,127	111,127	126,127	116,127
SHIP SELF DEFENSE	181,501	224,501	199,501	228,501
INTELLIGENCE ENGINEERING	4,033		4,033	4,033
TARGET SYSTEMS DEVELOPMENT	28,042	28,042	14,208	27,392
STUDIES AND ANALYSIS SUPPORT—NAVY	6,058	4,041	6,058	6,058
TECHNICAL INFORMATION SERVICES	1,776	4,776	1,776	4,776
STRATEGIC SUB & WEAPONS SYSTEM SUPPORT	52,361	37,361	29,223	29,223
F/A–18 SQUADRONS	1,411,875	1,423,875	1,411,875	1,343,875
E–2 SQUADRONS	58,760	58,760	53,760	53,760
INTEGRATED SURVEILLANCE SYSTEM	28,805	43,605	28,805	42,905
CONSOLIDATED TRAINING SYSTEMS DEVELOPMENT	46,779	49,779	71,779	60,779
F–14 UPGRADE	171,689	171,689	31,027	41,700
MARINE CORPS GROUND COMBAT/SUPPORTING ARMS SYSTEMS	13,051	13,051	23,051	23,051
MARINE CORPS COMBAT SERVICES SUPPORT	6,173	2,628	6,173	2,628
ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM)	27,913	27,913	27,913	16,213
SATELLITE COMMUNICATIONS	47,115		47,115	47,115
DEFENSE METEOROLOGICAL SATELLITE PROGRAM (DMSP)	14,639		13,960	13,960
INDUSTRIAL PREPAREDNESS	20,164	112,164	45,584	87,818
FEDERAL WORKFORCE RESTRUCTURING ACT			200	200
CLASSIFIED PROGRAMS	567,056	542,056	566,556	567,056
STRATEGIC SEALIFT TECHNOLOGY DEV PROGRAMS			19,200	19,200
GENERAL REDUCTION, UNIVERSITY RESEARCH		−310,000		−62,245
CIVILIAN PERS PAY RAISE & LOCALITY PAY		1,200		200

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

The conferees agree to the following specific program adjustments:

[In thousands of dollars]

Research, Development, Test, and Evaluation, Navy	*Conference agreement*
Defense Research Sciences	420,971
Molecular design	10,000
Magnetohydrodynamics	3,000
University Research	0
Surface/Aerospace Surveillance and Weapons Technology	78,122
Multi-Spectral Shipboard Surveillance	3,034
Surface Ship Technology	22,684
Air Circuit Breaker Standardization	2,800
Aircraft Technology	30,145
Canard Rotor/Wing	454
Vectored Thrust Combat Agility Demo	5,000
Readiness, Training, and Environmental Quality Technology	52,435
Air Life Support Prototype	2,000
Marine Environmental Res	5,000
Crash Resistant Troop Seat	2,700
Materials, Electronics and Computer Technology	96,534
Distributed Manf. Demo	2,000
High Thermal Conductivity	15,000
Optics Center	750
Hybrid Signal Processing	−2,083
Undersea Surveillance Weapon Technology	93,765
Batteries	1,000

Research, Development, Test, and Evaluation, Navy	Conference agreement
Mine Countermeasures, Mining, and Special Warfare	37,710
RAMICS	3,000
Power Blade Technology	(600)
Submarine Technology	14,557
Preplanned Product Improvement	−5,000
Oceanographic and Atmospheric Technology	56,065
National Oceanographic Tech	10,100
National Center for Acoustics	1,000
Air Systems and Weapons Technology	27,381
ASTOVL	−8,721
Navy Avionics Research	7,000
Advanced Avionics	3,000
AARGM	4,500
Strapdown Seeker	−6,000
Short-Range Missiles	−2,691
Moving Spherical Convergent Flap Nozzle	
Precision Strike and Air Defense	40,061
Airship-UHF Radar Demonstration	7,100
Sea Control and Littoral Warfare Technology Demonstration	74,533
General Reduction	
Lightweight Variable Depth Sonar	−7,601
Medical Development	59,520
Center for Breast Cancer	5,000
Bone Marrow Registry	34,000
Mammogram Technology	2,000
Naval Biodynamics Lab	700
Environmental Quality and Logistics Advanced Tech	23,024
Imaging Technologies	2,000
Undersea Warfare Advanced Technology	49,830
Low-Low Frequency Active	2,500
Advanced Technology Trans	75,210
Enhanced Communications	1,667
Freeze Dried Blood	2,500
Long Endurance UUV	−4,500
Shallow-Water Torpedo	0
Intell. Damage Adaptive Flight Control	−4,320
Anti Submarine Warfare Receiver	(3,300)
C3 Advanced Technology	21,456
General Reduction	−5,100
Aviation Survivability	16,192
Aviation Survivability	5,500
Naval Biodynamics Lab	700
Tectical Airborne Reconn	47,272
EO–LOROPS	−12,100
Surface and Shallow Water Mine Countermeasures	44,254
SAM-II	−1,886
Unmanned Underwater Vehicles	−4,950
NMRS	−789
Advanced Submarine Combat Systems Development	23,864
Fiber Optic Sensors	3,300
Surface Ship Torpedo Defense	20,947
Anti-Torpedo Torpedo	−9,300
Carrier Systems Development	15,378
EMALS	1,500
New Start Project Denial	−2,000
Non-Acoustic Anti-Submarine Warfare	0
Transfer to Def. Agencies	−4,756
Advanced Submarine System Development	86,005
NAS Program Restructure	
Advanced Nuclear Power Systems	126,586
Advanced Surface Machinery System	80,755
Intercooled Recuperator	7,400
Water Intake Grates	1,000
Marine Corps Assault Vehicles	35,499
General Increase	5,000
Rotary Engine Technology	4,100
Marine Corps Ground Combat/Support System	23,916
Predator/SRAW	6,000
Lightweight 155mm Howitzer	6,500
Environmental Protection	49,811
Ordnance Reclamation	−1,290
Plasma Electric Waste Converter	(1,800)
Navy Energy Program	9,168
Fuel Specifications	4,700
Retract Elm	39,472
Classified	
Ship Self Defense	229,469
Self-Defense Test Ship	11,200
Gun Weapon System Technology	19,349
Electric Gun Technology	6,000
Program Delay	−8,500
Missile Demonstration	−3,000
Joint Advanced Strike Technology Program	100,037
General Increase	
ASW and other Helo Devel	90,947
Airborne Low Frequency Sonar	8,400
Bol Chaff	1,000
CH/MH–53 Mid-Life Upgrade	0
AH–1W Integrated Weapon Sys	−5,000
AV–8B Aircraft—Eng. Dev	11,203
Bol Chaff	1,000
V–22A	466,930
General Reduction	−30,000
Air Crew Systems Development	15,157
Navy Combat Edge	1,300
Crew Helmet Vision Sys	1,700
EW Development	104,980
ADVCAP Replacement	25,000
Tri-Service Standoff Attack Missile	66,662
Program Termination	
Program Restructure	
Standard Missile Improvements	17,811
Terrier Missile Target Mod. Dev	6,000
New Design SSN	236,155
NAS Program Restructure	
General Reduction	−30,000
Ship Contract Design/Live Fire T&E	160,092
NAS Program Restructure	
Navy Tactical Computer Resources	18,774
AN/UYS–16	3,000
Lightweight Torpedo Devel	11,284
Alternative Fuel Boiler	1,000
Joint Direct Attack Munition	26,673
FMU–143 Fuse Improvement	1,500
Joint Standoff Weapon Syst	116,127
BLU–108 Integration	
Ejector Racks	5,000
Ship Self Defense	228,501
Advanced Display System	25,000
Land Based Test Site	10,000
Sea Sparrow Integration	4,000
NULKA	8,000
Intelligence Engineering	4,033
General Reduction	
Target Systems Development	27,392
QF–4N/QF–4S Target Drones	−650
Studies and Analysis Support—Navy	6,058
Naval Warfare Studies	
Technical Information Serv	4,776
Advanced Tech. Info. Support	3,000
Strategic Sub & Weapons System Support	29,223
Reentry Vehicle Ind. Base	−15,000
Trident Ownership	−6,038
Propellant Program	−2,100
F/A–18 Squadrons	1,343,875
Bol Chaff	2,000
USH–42 Recorder	
General Reduction (F/A–18 E/F)	−70,000
E–2 Squadrons	53,760
General Reduction	−5,000
Integrated Surveillance Sys	42,905
Fiber Optics	6,100
Passive Automation	8,000
Consolidated Training Systems Development	60,779
OUTBOARD	3,000
PMRF Shallow Water Range	11,000
F–14 Upgrade	41,700
Block I Strike Upgrade	−171,689
PDU	29,500
DFCS	1,700
OPEVAL	4,500
JDAM Preparations	6,000
Marine Corps Ground Combat/Supporting Arms Systems	23,051
LAV Air Defense	10,000
Marine Corps Combat Services Support	2,628
Medium Tact. Veh. Repl	−1,545
Breacher Vehicle	−2,000
Advanced Medium Range Air-to Air Missile	16,213
AMRAAM Propulsion	−11,700
Satellite Communications	47,115
Program Restructure	
Defense Meteorological Satellite Program (DMSP)	13,960
Program Restructure	
Navy Unique DMSP	−679
Industrial Preparedness	87,818
Fiber Optic Acoustic Sensors	(1,600)
Cast Ductile Iron	(6,000)
Center of Excellence—Ship Hull	(1,000)
Center of Excellence—Composites Manufacturing	(25,500)
Joining Center	(4,000)
Gulf Coast Maritime Tech Center	(5,400)
EMPF	(12,000)
Manufacturing Producibility Center, Kentucky	(334)
Center of Excellence, Metalworking Technology	(20,164)
Center for Best Manufacturing Practices	(4,000)
Federal Workforce Restructuring Act	200
Classified Programs	567,056
Strategic Sealift Technology Development Programs	19,200
General Reduction, University Research	−62,245
Civilian Personnel Pay Raise and Locality Pay	200

PACIFIC MISSILE RANGE FACILITY

The conferees agree with the Senate direction and guidance with respect to the Navy's Pacific Missile Range Facility and its inclusion in the Defense Department's Major Range and Test Facility Base on its role in testing the Navy's ballistic missile defense systems.

ADVANCED MARINE BIOLOGICAL SYSTEM

The conferees are aware that the Navy has employed marine mammals in various operational and research programs for more than twenty-five years and that some of these animals are no longer required for the Navy's program.

As directed by the Congress in fiscal year 1993, the Navy provided a long range plan for its marine mammals and budgeted for long term care and maintenance. The Joint Explanatory Statement of the Committee of Conference on the Department of Defense Appropriations Act, 1994, gave the Navy flexibility to transfer animals no longer required for Navy operations to alternative protective captive environments as an alternative to returning dolphins into the wild. It was the intent of the conferees that this language did not preclude the Navy from retaining marine mammals which were not suitable release candidates or could not be transferred to alternative protective captive environments.

The conferees are aware of the animal protection community's interest in requiring that all dolphins identified as "suitable release candidates" be rehabilitated and released.

The conferees are informed that there are no scientifically established or accepted protocols for such releases. Moreover, documented success of previous attempts to reintroduce captive marine mammals to the wild is sparse.

Accordingly, the conferees believe that any attempts at releasing Navy marine mammals to the wild should be pursued cautiously and on an experimental basis until scientifically sound protocols have been developed an reintroductions have proven successful. The conferees recognize that the Department of Defense does not have the authority to allow the return of once-captive Navy marine mammals into the wild. This authority rests with the Department of Commerce, through the National Marine Fisheries Service. Accordingly, the conferees direct the Navy to cooperate with the Secretary of Commerce and the Marine Mammal Commission in developing rigorous scientific protocols for experimental releases. Given the potential for "takes" under the Marine Mammal Protection Act or the Endangered Species Act, the conferees direct that in no case shall any release be attempted unless authorized by a scientific research permit issued by the Secretary of Commerce under the appropriate statutory authority.

The conferees are aware that the Navy will transfer a number of its dolphins to a private facility in Florida subject to approval by the National Marine Fisheries Service and Animal and Plant Health Inspection Service. The conferees are aware that the facility intends to work toward the reintroduction of these dolphins to the wild if the National Marine Fisheries Service approves a scientific research permit. The conferees are pleased to learn that the efforts to work toward the reintroduction of these dolphins will be financed through private funds and that no federal funds are required for this activity. Therefore, the conferees do not recommend any federal funding for this effort.

The conferees direct the Navy to continue to notify the Congressional defense committees in advance of any proposed transfers of marine mammals no longer required by the Navy. The conferees further direct the Navy to report to the committees every six months on the progress of its efforts relating to marine mammals no longer required by the Navy.

MULTI-PURPOSE AMMUNITION LICENSING AGREEMENT

Multi-purpose (MP) ammunition technology has demonstrated increased range and lethality for small and medium caliber ammunition. Through an international licensing agreement with the Government of Norway, DAAK10-80-C-0814, the United States Government has had access to this technology for the past fourteen years. This licensing agreement is due to expire in June, 1995. The enhanced capabilities of MP technology have only recently been realized and subsequently qualified by the Navy and the Air Force for use in our front line fighter aircraft. Additionally, the Marine Corps may be interested in qualifying MP ammunition for ground requirements.

The conferees recognize that while the Army, as single item manager of all ammunition, does not have a current requirement for MP technology, it is in the best interests of the United States Government to have continued access to MP technology advancements. Therefore, the conferees direct the Department of Defense (DOD) to negotiate an appropriate agreement for the necessary support for DOD MP requirements beyond the term of the present licensing agreement, and to designate the Navy as executive agent for MP technology programs.

SURFACE TARGET GUN

The Congress in fiscal year 1994 appropriated $2,500,000 within Ship Self Defense for the Navy to conduct a prompt test and evaluation of an off-the-shelf 25mm or 30mm stabilized gun mount with an associated fire control system. To date, the Navy has not obligated any funds for this effort. In addition, as a part of the Navy's early effort on the Advanced Minor Caliber Gun System program, the Navy bought a 30mm cannon chain gun with its associated GAU-8 ammunition. This chain gun and ammunition have not been tested. The conferees direct the Navy to use the $2,500,000 that was previously appropriated to test these stabilized gun assets on an available off-the-shelf stabilized gun mount of U.S. origin having remote local day/night fire control which is capable of accepting either the 25mm or 30mm gun. The testing and evaluation must be completed by the end of fiscal year 1995. The Navy is expected to include in its fiscal year 1996 budget submission adequate funds for a planned program as requirements demand.

RADIO COMMUNICATIONS SYSTEMS FOR LPD-17 CLASS SHIPS

The LPD-17 class ship has the mission to transport expeditionary Marine brigades. To ensure an effective, reliable, secure, quick and cost effective external communications system for this class of ships, the Navy has determined that the external Radio Communications Systems (RCS) program will use a land-based test facility and a turnkey approach.

The Navy facility at St. Inigoes, Maryland has been responsible for the procurement, integration, testing, and installation of 41 AEGIS RCS's, all on time and within budget. St. Inigoes also initiated the quality control enhancing, cost saving RCS turnkey approach. With its extensive RCS test-beds and engineering/integration team, St. Inigoes clearly has the capability to meet the Navy RCS requirements well into the 21st century. To ensure state-of-the-art RCS's at the lowest cost, the conferees direct the Navy to use St. Inigoes for the RCS engineering, production, integration, testing, and training for the LPD-17 class and future combat ships.

ENVIRONMENTAL PROTECTION

The conferees are aware of efforts being made by the Battery Metrics Lab in Portland, Oregon to expand the life of batteries and lessen the environmental impact of long term use of batteries and the challenges posed by disposal. The conferees encourage the Navy to work with this Lab in exploring new innovations to address battery life and disposal.

GENERIC LOGISTICS

The fiscal year 1994 conference report on Department of Defense appropriations included $2,000,000 in P.E. 0603712N. The conferees reiterate that this funding is intended to enhance the Advanced Schematic Capture Automation Navy program by implementing a modular architecture and developing technologies which will increase functionality and reliability of the system and its production.

UNDERSEA SURVEILLANCE WEAPON TECHNOLOGY

The conferees agree to provide $500,000 only for the continued development of a safe rechargeable battery for the SEAL Delivery Vehicle and $500,000 only for the development of a low rate "AA" lithium carbon monofloride battery for Navy applications.

SEA CONTROL AND LITTORAL WARFARE TECHNOLOGY DEMONSTRATION

The conferees agree to deny funds to begin the lightweight variable depth sonar technology demonstration project. The conferees suggest that any future request for funding, if submitted, be accompanied by a more convincing demonstration about how this project relates to other ongoing programs to improve surface ship anti-submarine warfare in shallow water environments.

C3 ADVANCED TECHNOLOGY

The conferees agree that the funding reduction approved for this program element is made without prejudice.

SURFACE AND SHALLOW WATER MINE COUNTERMEASURES

The conferees have provided $2,000,000 only to complete the ongoing Phase One of the Swedish-American Minesweeper (SAM II) project and to terminate the project, as requested by the Navy. No other use of the funds is permissible.

COMMERCIAL GAS TURBINE GENERATOR STUDY

The conferees direct the Navy to conduct an analysis of potential cost savings from application of commercial gas turbine generator technology for Navy ship service power generation. This analysis should focus on U.S.-developed equipment that offers emissions reduction and significantly higher efficiencies over a full operating range compared with gas turbines designed to military specifications. The Navy shall conduct appropriate technical evaluations, and the Secretary of the Navy shall report the results of the study to the Congressional defense committees by March 31, 1995.

GUN WEAPON SYSTEM TECHNOLOGY

The conferees agree to provide $30,849,000 in Gun Weapon System Technology for the Navy's ship fire support improvement program, of which not less than $6,000,000 is only for the MK45 high performance upgrade program. In addition, the conferees agree that the Navy should include the electrothermal-chemical gun technology program in the integrated plan to be submitted to the congressional defense committees by March 1, 1995. The conferees also agree with the Senate directions and guidance for this program element.

ASW AND OTHER HELICOPTER DEVELOPMENT

The conferees have provided $30,501,000 only to continue development of the Airborne Low Frequency Sonar (ALFS). This amount includes an increase of $8,400,000 to the budget request to accelerate development of shallow water performance enhancements for the ALFS system.

V-22

The conferees agree to provide $466,930,000 for the continued development of the V-22 and reaffirm their strong support for this unique aircraft. Now that the V-22 program has successfully completed reviews by the Joint Requirements Oversight Council and the Defense Acquisition Board, the conferees expect the Department of Defense to provide sufficient long lead procurement funds in the fiscal year 1996 budget request to commence low rate initial production of the V-22 in fiscal year 1997. These long lead procurement funds are required to satisfy the Marine Corps' urgent need for a V-22 initial operational capability in fiscal year 2001.

EA-6B

The conferees agree with the Senate position to provide $25,000,000 in research, development, test and evaluation funds in the Electronic Warfare Development program element for development of a follow-on program to the Advanced Capability (ADVCAP) program terminated by the Defense Department. The conferees direct that the development plan required by the Senate for this follow-on program be submitted not later than December 31, 1994, along with the results of the ongoing Joint Tactical Air Electronic Warfare requirements study.

The conferees have approved bill language which permits the use of prior year, appropriated funds to begin non-developmental engineering changes and to procure a lower-cost follow-on system and associated aircraft upgrades.

The conferees direct the Navy to give high priority consideration to incorporating already developed systems, or systems already under development, into any follow-up system to the ADVCAP.

The conferees remain concerned about delays in defining and beginning a follow-on program to the ADVCAP for meeting tactical jamming requirements. The Navy and the Office of the Secretary of Defense are urged to complete these actions without further delay. The conferees also urge that, if it is necessary to reallocate funds between appropriations accounts to execute a follow-on program, the Defense Department expeditiously submit such a reprogramming request.

NEW ATTACK SUBMARINE COMBAT SYSTEM

The conferees agree with the Senate directions and report language regarding development of the combat system for the new attack submarine, with the further clarification that the competition urged for a combat system integrator refers to a competition for a prime contractor which will assume overall responsibility for the system and its integration. The funding restriction and reporting requirements mandated for the Assistant Secretary of the Navy with respect to the revised competition strategy also are based on a competition for a prime contractor with full combat system integration responsibilities.

SHIP SELF-DEFENSE

The conferees agree with the House-recommend bill language with respect to incorporating own ship self-defense capability—including cooperative engagement capability—on the new LPD-17 amphibious ship. In approving this requirement, the conferees do not believe that the Navy will find it necessary to install on the ship the SPY-1 radar system and associated Standard missile launch capabilities to provide the required self-defense.

The conferees' goal is approving this statutory provision is to address the requirement for the LPD-17 to defend against sea skimming cruise missiles in the final phases of flight, not to address the need for area defenses against theater ballistic missiles and other air threats.

The conferees direct the Navy to report to the Committees on Appropriations no later than May 5, 1995, on its plans and activities related to developing infrared search and track systems for ship self-defense.

The conferees also agree to provide additional funding of $25,000,000 to be made available to the Naval Sea Systems Command, for use by the AN/UYQ-70 Advanced Display System (ADS) program office only for adaptation of the Ads for shipboard deployment in support of cooperative engagement capability, future AEGIS baselines, advanced combat director system block I, and ship self-dense system Mk 2, as well for the demonstration of emerging COTS/NDI technology for future deployment.

TARGET SYSTEMS DEVELOPMENT

The conferees agree to provide $27,392,000 for this program element. The conferees note that the Navy continued to develop the QF-4S full-scale aerial target contrary to Congressional direction. As a result, the conferees have approved only 50% of the budget request for this activity in fiscal year 1995. In addition, the conferees direct that the Navy and the Air Force provide a report to the Committee on Appropriations, by February 1, 1995, on the development plans and project costs for both the joint DOD full-scale aerial target and the next generation target control system. The conferees further direct the Navy to provide the committees with a signed memorandum of agreement with the Air Force that defined the Navy's complete transition to the joint program.

CONSOLIDATED TRAINING SYSTEMS DEVELOPMENT

The conferees agree with the Senate direction and recommendation to add funds to establish a shallow water range capability off the Navy's Pacific Missile Range Facility (PMRF), Barking Sands, Kauai, or at another appropriate location in the Hawaiian Island chain. The conferees have added $11,000,000, based on a revised Navy estimate of the amount which can be effectively and efficiently executed during fiscal year 1995 for the first year of this project. The conferees have been informed that the preliminary total cost for the project is about $28,500,000. The conferees also agree with the Senate's direction with respect to compliance with all the appropriate State and Federal environmental protection regulations and statutes.

F-14 UPGRADE

The conferees have included $6,000,000 for efforts related to providing the F-14 interceptor with the capabilities to carry and launch the Joint Direct Attack Munition. The conferees direct that not more than $2,500,000 may be obligated until the Navy reports to the Committees on Appropriations on the programmatic objectives, schedule, technical risks, and annual programmatic objectives, schedule, technical risks, and annual and total costs of the project. Until the report is submitted, the unrestricted funds may be used, if needed, to develop the information required by the conferees.

MARINE CORPS COMBAT/SUPPORTING ARMS SYSTEMS

The conferees have agreed to provide an additional $10,000,000 above the budget request for the continued development and testing of LAV-AD.

Amendment No. 94: Restores House language stricken by the Senate which provides $1,000,000 as a grant for the National Center for Physical Acoustics, provides for limitations on the Aegis destroyer variant and development of the LPD-17 ship class. Deletes House language which provided for limitation on E-2C-aircraft language upgrades.

Amendment No. 95: Deletes Senate language appropriating $5,000,000, for the Vectored Thrust Combat Agility Demonstrator.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

Amendment No. 96: Appropriates $12,202,572,000 instead of $10,728,533,000 as proposed by the House and $12,011,000 as proposed by the Senate.

The conference agreement on items addressed by either the House or Senate is as follows:

[In thousands of dollars]

	Budget	House	Senate	Conference
RESEARCH DEVELOPMENT TEST & EVAL AF:				
DEFENSE RESEARCH SCIENCES	235,805	247,805	201,000	247,805
AEROSPACE FLIGHT DYNAMICS	64,046	60,000	60,946	60,946
HUMAN SYSTEMS TECHNOLOGY	52,518	49,000	48,302	48,302
AEROSPACE PROPULSION	77,506	80,506	73,406	74,406
AEROSPACE AVIONICS	74,673	67,000	66,977	67,957
PERSONNEL, TRAINING AND SIMULATION	29,848	29,848	33,748	33,748
CIVIL ENGINEERING AND ENVIRONMENTAL QUALITY	7,045	6,500	7,045	6,500
HYPERSONIC FLIGHT TECHNOLOGY	45,000	45,000	10,000	45,000
ADVANCED WEAPONS	125,202	140,202	148,202	159,502
COMMAND CONTROL AND COMMUNICATIONS	95,444	85,444	95,444	95,444
LOGISTICS SYSTEMS TECHNOLOGY	18,200	15,000	18,200	15,000
ADVANCED MATERIALS FOR WEAPON SYSTEMS	19,900	21,400	19,900	20,400
AEROSPACE PROPULSION SUBSYSTEMS INTEGRATION	29,941	21,941	29,941	29,941
ADVANCED AVIONICS FOR AEROSPACE VEHICLES	34,500	37,500	23,298	28,500
AEROSPACE VEHICLE TECHNOLOGY	14,339	13,500	6,718	6,718
AEROSPACE STRUCTURES	12,300	12,300	300	12,300
AEROSPACE PROPULSION AND POWER TECHNOLOGY	40,662	30,662	32,421	37,345
PERSONNEL, TRAINING AND SIMULATION TECHNOLOGY	9,241	9,000	9,241	9,000
CREW SYSTEMS AND PERSONNEL PROTECTION TECHNOLOGY	16,600	17,700	16,600	17,700
GLOBAL SURVEILLANCE	14,500	14,500	2,000	2,000
ADVANCED FIGHTER TECHNOLOGY INTEGRATION	18,100	18,100	4,000	9,100
LINCOLN LABORATORY	15,000	15,000		15,000
ADVANCED AVIONICS INTEGRATION	24,500	25,500	8,684	17,205
EW TECHNOLOGY	27,700	24,000	18,299	18,299
SPACE AND MISSILE ROCKET PROPULSION	11,800	14,300	8,630	16,800
ADVANCED SPACECRAFT TECHNOLOGY	24,200		19,400	19,400

[In thousands of dollars]

	Budget	House	Senate	Conference
SPACE SYSTEMS ENVIRONMENTAL INTERACTIONS TECHNOLOGY	4,200		4,200	4,200
SPACE SUBSYSTEMS TECHNOLOGY		8,000		8,000
CONVENTIONAL WEAPONS TECHNOLOGY	35,100	35,100	17,464	31,250
ADVANCED RADIATION TECHNOLOGY (EXCIMER LASER IMAGING)	59,500	79,500	86,500	96,500
C3 ADVANCED DEVELOPMENT	9,925	10,925	9,925	10,925
STRATEGIC MISSILE MODERNIZATION	36,018	35,018		
AIRBORNE LASER TECHNOLOGY	20,000	20,000		20,000
SPACE TEST PROGRAM	62,084		67,998	67,998
ADVANCED MILSATCOM	22,095		22,095	22,095
DEFENSE METEOROLOGICAL SATELLITE PROGRAM BLOCK 6	7,601		7,601	7,601
SATELLITE SYSTEMS SURVIVABILITY	8,531		2,131	2,131
JOINT ADVANCED STRIKE TECHNOLOGY PROGRAM	101,354	101,354	101,354	86,354
ICBM—DEM/VAL			43,206	43,206
NUCLEAR WEAPONS SUPPORT	5,637	3,637	5,637	5,637
C–17 PROGRAM	221,454	105,154	210,154	190,154
SPECIALIZED UNDERGRADUATE PILOT TRAINING	41,633	20,000	37,433	37,433
F–22 EMD	2,461,149	2,443,439	2,399,849	2,351,000
B–2 ADVANCED TECHNOLOGY BOMBER	408,543	408,543	408,543	388,543
NIGHT/PRECISION ATTACK	21,672	4,672	21,672	21,672
AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM	97,399	95,399	97,399	95,399
EW DEVELOPMENT	88,774	88,774	118,275	119,275
MILSTAR LDR/MDR SAT COMM	607,248		607,248	607,248
ARMAMENT/ORDNANCE DEVELOPMENT	10,853	18,853	10,853	18,853
SUBMUNITIONS	26,680	12,680	28,680	28,680
AIR BASE OPERABILITY	9,580	5,606	9,580	5,606
JOINT DIRECT ATTACK MUNITION	84,995	84,995	84,995	67,583
SYSTEMS SURVIVABILITY (NUCLEAR EFFECTS)	2,786		2,786	
JOINT STANDOFF WEAPONS SYSTEMS	48,966	48,966	80,966	55,966
RANGE IMPROVEMENT	18,301	18,301	5,101	14,101
COMPUTER RESOURCE TECHNOLOGY TRANSITION (CRITT)	6,621	21,121	15,121	21,121
JOINT SURVEILLANCE/TARGET ATTACK RADAR SYSTEM (JSTART)	190,408	190,408	191,908	175,408
UHF SATELLITE COMMUNICATIONS	20,879		20,879	20,879
C–130J		5,000		5,000
ICBM—EMD			148,048	138,048
THREAT SIMULATOR DEVELOPMENT	40,075	45,075	45,664	41,075
MAJOR T&E INVESTMENT	53,544	53,544	52,530	52,530
NAVIGATION/RADAR/SLED TEST SUPPORT	26,023	30,023	29,123	30,023
TEST AND EVALUATION SUPPORT	373,376	373,376	370,300	370,300
DEVELOPMENT PLANNING	9,959	7,500		7,500
MINUTEMAN SQUADRONS	151,675	151,675		
DISTANT EARLY WARNING (DEW) RADAR STATIONS	2,068	2,068	−1,932	2,068
F–111 SQUADRONS	11,019	11,019	1,504	4,671
F–16 SQUADRONS	93,157	56,057	138,657	138,657
F–15E SQUADRONS	116,562	116,562	108,562	108,562
MANNED DESTRUCTIVE SUPPRESSION	38,422	38,422	37,422	37,422
TRI-SERVICE STANDOFF ATTACK MISSILE	81,063		218,600	135,600
ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM)	70,715	70,715	59,015	70,715
AF TENCAP	21,183	13,402	21,183	21,183
THEATER BATTLE MANAGEMENT (TBM) C41	33,957	33,957	25,957	29,957
ADVANCED PROGRAM EVALUATION	105,077	105,077	109,507	114,416
USAF WARGAMING AND SIMULATION	19,110	14,110	19,110	14,110
MISSION PLANNING SYSTEMS	14,483	9,483	14,483	14,483
THEATER MISSILE DEFENSES	79,302	27,302	17,002	27,302
DEFENSE SATELLITE COMMUNICATIONS SYSTEM	30,876		30,876	14,876
MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (ME)	40,795	35,795	34,195	34,195
INFORMATION SYSTEMS SECURITY PROGRAM	10,293	11,793	10,293	11,793
SATELLITE CONTROL NETWORK	101,146	15,000	101,146	83,000
AIR TRAFFIC CONTROL, APPROACH, AND LANDING SYSTEM (ATC)	7,566	7,566		7,566
MEDIUM LAUNCH VEHICLES	21,042		21,042	21,042
NATIONAL AIRSPACE SYSTEM (NAS) PLAN	30,980	20,980	30,980	30,980
UPPER STAGE SPACE VEHICLES	3,663		3,663	3,663
TITAN SPACE LAUNCH VEHICLES	161,096		153,396	153,396
ARMS CONTROL IMPLEMENTATION	6,456	6,456	3,456	3,456
DEFENSE METEOROLOGICAL SATELLITE PROGRAM (DMSP)	21,135		21,135	21,135
NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE AND CONTROL S)	51,125		36,425	36,425
NCMC—TW/AA SYSTEM	100,520	133,200	100,520	133,020
SPACETRACK	34,396	37,396	53,196	54,896
DEFENSE SUPPORT PROGRAM	76,351		67,359	67,359
NUDET DETECTION SYSTEM	10,140		10,140	10,140
KC–135S	5,160	5,160	17,160	23,260
INDUSTRIAL PREPAREDNESS		96,000	48,260	84,317
INTERNATIONAL ACTIVITIES	3,436	3,436	1,910	1,910
FEDERAL WORKFORCE RESTRUCTURING ACT			900	900
CLASSIFIED PROGRAMS	2,822,472	2,930,972	2,809,512	2,646,512
ALARM DEM/VAL PROTOTYPE			22,500	
SPECIAL ACTIVITIES			−115,900	
FOREST GREEN			−500	
GENERAL REDUCTION, UNIVERSITY RESEARCH		−92,000		−18,456
CIVILIAN PERS PAY RAISE & LOCALITY PAY		7,700		4,300
CIVILIAN PERSONNEL UNDERSTRENGTH		−15,400	−5,972	−9,100
EVOLVED ELV FAMILY				30,000
REUSABLE LAUNCH VEHICLE TECHNOLOGY				30,000
SPACE-BASED INFRA-RED ARCHITECTURE				221,000

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

	Conference Agreement
Air Force:	
Aerospace Propulsion	74,406
Coal based jet fuel	+1,000
SCRAMJET propulsion	−4,100
Aerospace Avionics	67,957
Budget execution	0
Laser based jamming	−1,287
Laser power source	−650
Advanced processor	−3,642
Inertial sensor	0
Low cost radar	−592
Laser radar	−545
Advanced Weapons	159,202
Thermionics	+10,000
Integrated HP rocket	+5,000
Maui supercomputer	+13,000
HAARP	+5,000
AEOS spectograph	(1,300)
Advanced Materials for Weapons Systems	20,400
NCIC	+500
Advanced Avionics for Aerospace Vehicles	28,500
AARGM	+1,500
Target attack/recognition	−7,500
Aerospace Propulsion/Power	37,345
Transfer to JAST	0
Aerospace Power Technology (to JAST)	−3,317
VFDR propulsion	0
Advanced Fighter Technology Integration	9,100
Common mobility aircraft cockpit	−5,000
WVR VISTA upgrade	0
Innovative aero controls (to JAST)	−4,000
Advanced Avionics Integration	17,205
Passive non-coop ID (background acoustics)	+334
Avionics integration technology	0

	Conference Agreement
Modular avionics subsystems	−7,629
Space/Missile Rocket Propulsion	16,800
Edwards AFB tech demo	+2,500
Cryogenic propulsion	0
Environmentally acceptable propellants	+2,500
Conventional Weapons Technology	31,250
Advanced Munitions Control	−500
Counterproliferation Ordnance	−250
LOCASS/LORISK	0
Velocity Augmented Munition [Note: The conferees deny funds for the velocity augmented munitions and counterproliferation ordnance projects and suggest that these efforts be considered for funding in the counterproliferation initiative recommended in the Defense-wide RDT&E appropriations account.]	−3,100
Advanced Radiation Technology	96,500
Excimer laser	+20,000
Field laser radar demonstration	+17,000
F–22	2,351,000
Award fees	−17,800
ECO allowance	−61,300
General Reduction	−31,049
Aircraft Engine CIP	95,399
B–2	−1,000
F–111	−1,000
C–130 propeller	(0)
EW Development	119,275
EF–111 SIP	+6,400
MAWS	+3,440
OBEWS	+20,661
JSOW	55,966
SFW integration	0
SMART ejection racks	+5,000
1760 protocols	+2,000
Computer Resource Technology Transition	21,121
CARDS	+6,000
IMIS–CAMS/REMIS/TICARRS	+8,500
JSTARS	175,408
NATO JSTARS	0
General reduction [Note: The conferees direct that no funds available to the Defense Department from any source during fiscal year 1995 may be obligated for NATO JSTARS development activities without prior consultation with, and notification to, the Committees on Appropriations.]	−15,000
Threat Simulator Development	41,075
REDCAP Upgrade	+5,000
AFEWES	−4,000
HAVE NOTE	(912)
ROME AMF	(2,000)
Spaced-Base Infrared Architecture	221,000
Heritage Sensor	+111,000
Brilliant Eyes	+120,000
Cobra Brass	+5,000
General Reduction	−15,000
F–111 Squadrons	4,671
Stores Management	−9,765
Safety Modifications	3,417
Digital Flight Control System	(2,500)
Back Injury Reduction Program	(50)
TBM C41	29,957
CTAPS	−2,000
C2IPS	−2,000
Theater Missile Defense	27,302
BPI	−52,000
Transfer from ARPA	0
High Gear	0
TACCSF	(5,500)
Information Systems Security Prgm	11,793
Relational Database Mgt. Sys	+1,500
Spacetrack	54,896
HAVE STARE	+3,000
AEOS development	+12,100
AEOS instrumentation	+5,200
Transfer to NASA	+200
KC–135	23,260
Multipoint development	15,100
Transfer from APAF/Receptacles	+3,000
Industrial Preparedness	84,317
NCMS	(20,000)
Computer Assisted Technology Transfer—Oklahoma City ALC	(7,600)
Repair Technology	(1,000)
Ductile Iron	(2,000)
Blade Tip Repair	(2,500)
Spare Parts/Procurement	(1,500)
PDES STEP for composites (PAS–C)	(2,200)

AIR FORCE STRIKE AIRPOWER REQUIREMENTS

The conferees agree with the Senate's direction that the Institute for Defense Analysis conduct a comprehensive review of Air Force strike airpower requirements, plans, and alternatives. The conferees further direct that the focus of the required study include: (1) The impact of the eventual retirement of F–111 aircraft on the Air Force's ability to conduct interdiction missions; (2) the outlook for the interdiction force, assuming an eventual F–111 retirement and the expected attrition of F–15E and F–117 aircraft, and the ability of that force to meet planned requirements; (3) the ability of existing aircraft (F–117, F–15E, F–16) to perform the mission currently being performed by the F–111—that is, the delivery of precision-guided munitions in the long-range interdiction role; (4) the costs and operational effectiveness of continuing to operate the F–111 aircraft for the long-range interdiction role through the end of their expected service life; and (5) the possible need for additional aircraft to fulfill the interdiction role.

HIGH GEAR

The conferees do not agree with the Senate's direction regarding High Gear projects. However, the conferees direct that the Air Force comply strictly with all congressional directions and guidance, including reprogramming procedures, with respect to new starts and funding reallocations.

SOFTWARE DESIGN FOR RELIABILITY AND REUSE (SDRR)

The conferees are concerned with the delay in release of funds appropriated in fiscal year 1994 for the Air Force's ongoing Software Design for Reliability and Reuse program initiated in fiscal year 1993 through funds provided in the service's Computer Resources and Management Technology program element. The conferees direct the Air Force to release the fiscal year 1994 funds to continue this program under contract F19628–93–C–0069 as originally intended. The conferees expect this release to occur not later than November 1, 1994.

AEROSPACE FLIGHT DYNAMICS

The conferees agree to provide $60,946,000 for Aerospace Flight Dynamics as recommended by the Senate. An increase of $1,500,000 has been provided for a joint Air Force/Advanced Research Projects Agency project to develop approaches for improving the Air Force's ability to accurately drop sensors and cargo from aircraft. The conferees direct that the $1,500,000 increase shall be transferred to the appropriate program office at Eglin Air Force Base within 30 days of enactment of this Act.

HYPERSONIC FLIGHT TECHNOLOGY

The conferees agree to provide $45,000,000 for the new Air Force hypersonic flight technology program. The conferees direct that $35,000,000 of these funds may not be obligated until the Secretary of the Air Force certifies that the proposed Hypersonic Systems Technology (HySTP) program is fully funded in the Future Years Defense Program (FYDP) for fiscal years 1996–2001. Furthermore, the conferees agree with the Senate direction to provide a plan outlining the Air Force's objectives for FY 1995 and future years hypersonic funds, certifying that future budgets will sustain the defined program, and providing a detailed breakdown of the annual and total cost of the FY 1995 activities.

AEROSPACE PROPULSION AND POWER TECHNOLOGY

The conferees agree to provide $37,345,000 for Aerospace Propulsion and Power Technology. Within that amount, the conferees agree to allocate $4,914,000 for the variable flow ducted rocket (VFDR) propulsion project. However, the conferees direct that none of the funds may be obligated until 30 days after the results of the ongoing cost-and-operational effectiveness analysis (COEA) for the advanced medium-range air-to-air missile (AMRAAM) pre-planned product improvement (P3I) program Phase 3 have been reported to the Committees on Appropriations.

The conferees further direct that the funds also may not be obligated until the Secretary of the Air Force certifies that continuation of the VFDR project is required for successful achievement of the objectives of the AMRAAM P3I Phase 3. Any certification, if submitted, should include the results of the COEA. The conferees also direct that the COEA consider updated information about threats validated by the intelligence community.

C3 ADVANCED DEVELOPMENT

The conferees agree to provide $10,925,000 for C3 Advanced Development, an increase of $1,000,000 only for a decision support technology demonstration to be conducted by the Rome Laboratory. The conferees have also allocated $6,000,000 within the ARPA High Performance Computing (HPC) project to provide the total funds necessary for this activity.

JOINT ADVANCED STRIKE TECHNOLOGY (JAST)

The conferees agree to provide $186,391,000, of which $86,354,000 is in the Air Force appropriation and $100,037,000 is in the Navy appropriation. Within the total program amount, $38,735,000 is only for the ASTOVL program, and within that amount $10,000,000 is only for the direct lift project.

ICBM MODERNIZATION (DEMONSTRATION/VALIDATION)

The conferees agree that the expenditure of the funds approved for the Reentry System Launch Program (RSLP) project shall be limited to suborbital purposes. It is the conferees' expectation that these funds shall be utilized in a manner consistent with the National Space Transportation Policy (PDO/NSTC–4) of August 5, 1994.

C–17

The conferees agree to provide $190,154,000 for C–17, a reduction of $31,300,000 to the budget request. The conferees direct that no research and development funds may be obligated to expand the C–17 flight test program beyond the number of presently programmed flight test months unless the prior approval of the Appropriations Committees is obtained by the Department of the Air Force.

F–22 EMD

The conferees agree to provide $2,351,000,000 for the F–22. The conferees do not agree to the Senate recommendation to restrict obligation of funds until a report on the Test and Evaluation Master Plan is submitted to Congress. However, the conferees direct that the report mandated by the Senate be submitted by March 1, 1995.

The conferees believe that the Air Force should undertake an evaluation of new, cost-effective techniques and systems to improve RCS testing technologies, utilizing ultra wide band holographic radar imaging unit systems. The conferees direct that the Air Force submit a report on this evaluation to the Committees on Appropriations by March 1, 1995.

ELECTRONIC WARFARE DEVELOPMENT

The conferees agree with the Senate recommendations with respect to fiscal year 1994 and fiscal year 1995 funds for the EF–111 System Improvement Program (SIP). In addition to the Senate recommendations, the conferees have provided the following additional funds to the fiscal year 1995 budget request for the EF–111 SIP project: +$700,000 to begin acquisition of a system integration test station (SITS) trouble-shooting capability and +$300,000 for installation, integration, and test of a radio frequency (RF) scenario generator. The conferees further direct that $500,000 of fiscal year 1994 funds be used to acquire the RF scenario generator for the EF–111 SIP.

The conferees also strongly support the Senate's recommendations with respect to the on-board electronic warfare simulator (OBEWS) project.

ARMAMENT/ORDNANCE DEVELOPMENT

The conferees direct that none of the funds provided for the conventional air-launched cruise missile (CALCM) anti-armor variant may be obligated until the Air Force reports to the Committees on Appropriations on the programmatic objectives, schedule, technical risks, annual and total costs of the project, and whether a validated military requirement exists for the weapon.

KC–135'S

The conferees strongly support the Senate's recommendations with respect to the multi-point refueling project and the refueling receptacles project. The conferees have added $6,100,000 more to the multi-point activity to fully fund the revised budget estimate. As with the multi-point project, the conferees direct the Air Force that funds provided for the receptacles project also are available for no other purpose, and the service is directed not to reprogram any of these funds away from the receptacles activity. The conferees further direct that the Defense Department include full funding for development, procurement, and deployment of the receptacles capability in the fiscal years 1996–2001 Future Years Defense Program. Due to the high priority which they place on both the multi-point and receptacles projects, the conferees also relieve the Secretary of the Air Force from the obligation to comply with the certification requirement included in the Joint Explanatory Statement of the Committee of Conference on the Department of Defense Appropriations Act, 1994. The conferees direct the Air Force to execute both programs without any delay.

The conferees also are aware of alternative proposals for meeting the multi-point requirements. The conferees understand that these alternatives, if operationally and technically suitable and able to meet schedule and military requirements, may be considered, should the Air Force hold a full and open competition for the project.

RANGE IMPROVEMENT

The conferees agree to provide $14,101,000 for Range Improvement, specifically only for the Nellis Air Combat Training System (NACTS). Within this amount, the conferees direct that the computer upgrades receive first priority. The conferees direct that funds provided for activities other than the computer upgrades may not be obligated until the Air Force submits an implementation plan to the Congressional defense committees. The plan should identify all procurement and development activities, provide the associated costs of each activity, clearly identify all NACTS components and efforts that will not be compatible with the Joint Tactical Combat Training System (JTCTS), and provide the rationale in each case for developing incompatible systems which will become obsolete when the joint program, JTCTS, is fielded.

DEVELOPMENT PLANNING

The conferees direct that none of the funds provided may be used for the proposed Counterair, Future Electronic Warfare, and Space Control studies. The conferees note that a study on Cheyenne Mountain architecture is a more urgent requirement than any of these. The conferees further agree that the Air Force should not—without prior consultation with, and notification to, the Committees on Appropriations—reprogram any funds into this program element, reallocate funds between studies, or begin any new study.

F–15 MANNED DESTRUCTIVE SUPPRESSION OF ENEMY AIR DEFENSES (MDSEAD)

The Conferees recommend, $37,422,000 only to continue the development of systems for follow-on MDSEAD. The Air Force's SEAD Cost and Operational Effectiveness Analysis and the F–15 SEAD Demonstration/Validation and HARM Integration programs all provide substantial objective data for the Congress and the Defense Department to consider in planning and budgeting for future SEAD programs. The Conferees direct the Air Force to execute the MDSEAD Demonstration/Validation program that was planned in the fiscal year 1995 budget request.

TRI-SERVICE STANDOFF ATTACK MISSILE (TSSAM)

The conferees recognize the unique, potential war-fighting capabilities of TSSAM as the Defense Department's most sophisticated stealthy, conventional standoff weapon. Accordingly, the conferees approve the budget request for the Navy's continued participation in the program. Funds also are provided for Army costs to terminate its efforts in the program.

The conferees also agree to provide $135,600,000 for the Air Force's TSSAM activities. That amount does not include $43,000,000 sought for a possible request for equitable adjustment (REA) from the contractor which the Air Force does not think is owed and does not know when or whether such a request will be submitted. Another $40,000,000 proposed by the Air Force for a cost reduction initiative is not provided since the results of a new, special TSSAM affordability review now underway are not available and need to first be communicated to the Congressional defense committees. The affordability review is intended to identify major costs savings for the program.

The conferees strongly support the objective of achieving significant cost reductions in the TSSAM program, and understand the requirement for the payment of any valid, fully adjudicated request for equitable adjustment. Therefore, the conferees direct that the $86,184,000 in excess, fiscal year 1994 TSSAM procurement funds be retained only as possible reprogramming sources for these TSSAM program purposes. The Defense Department is encouraged to submit any such reprogramming requests expeditiously after the Air Force receives the results of the affordability review and after agreement is reached on any validated, adjudicated REA.

The conferees direct that the results of the special affordability review be submitted not later than February 1, 1995, along with any recommendations by the Under Secretary of Defense (Acquisition and Technology) as to which specific cost reduction actions will be implemented.

AIRBORNE WARNING AND CONTROL SYSTEM (AWACS)

The conferees agree with the Senate's recommendations with respect to upgrades for the U.S. and NATO AWACS aircraft. However, the conferees agree that these restrictions do not apply to non-major, low cost activities, such as reliability and maintainability efforts and man-machine interface (MMI) improvements. The restrictions do apply to the initiation of any major development project, including the beginning of contractor risk reduction studies for such purposes.

The conferees also do not agree to the restriction on obligations proposed by the House for cooperative engagement. The conferees direct the Chief of the Joint Chiefs and Staff to submit a report to the Congressional Defense Committees by February 1, 1995 on the Defense Department's plan to incorporate cooperative engagement capability on the AWACS fleet.

SPACETRACK

The conferees agree with the Senate direction requiring a review led by the National Aeronautics and Space Administration of the Advanced Electro-Optical System (AEOS) telescope. The conferees have provided an increase of $200,000 in this program element only to fund this review and direct that these funds shall be transferred to NASA within thirty days of enactment of this Act.

SPACE PROGRAMS

The conferees agree: (a) to fully fund the STEP–3 satellite attack warning and assessment flight experiment in the Space Test Program; (b) to delete $16,000,000 from the Defense Satellite Communications System due to termination by DOD of the beam forming network modifications; (c) that the prior approval of the Committees on Appropriations must be obtained before obligating any funds for enhancements or modernization of the Air Force Satellite Control Network, that $60,000,000 be withheld from obligation pending receipt of that approval, and that none of the reduction to the AFSCN shall be assessed against any activities or upgrades associated with SCN installations in the state of Hawaii; (d) not to close one Titan IV launch pad on the east coast in fiscal year 1995 as proposed by the House; (e) that $100,000,000 provided for the space-based infra-red Heritage Sensor satellite program not be obligated until the Space Acquisition Executive presents a detailed plan addressing requirements, cost, schedule, and technical risks, and consults with and notifies the Committees on Appropriations; (f) that the $30,000,000 provided for reusable space launch vehicle technology should be included in program element 0603401F; and (g) that the funds provided for the Have Gaze project may only be used for continuing the basic technology efforts and may not be used for initiating or conducting any flight test program.

SPACE-BASED INFRARED ARCHITECTURE

The conferees also direct the Department of Defense to conduct an independent assessment of areas evaluated under the Space-Based Infrared Review panel. The review should provide a detailed assessment of the Heritage sensors ability to meet the current and objective tactical warning and attack assessment (TW/AA) operational requirements; the Heritage sensor modifications required and the associated technical risk; the cost of the associated heritage sensor modification efforts; the estimated cost of an early warning satellite based on the Heritage sensor; and the merits, alternate approaches, and schedule impacts of conducting a demonstration or prototyping effort for the modified Heritage sensor. The conferees believe that this review should be conducted by a party without excessive linkages to the Air Force; the Intelligence community; the Alert, Locate and Report Missiles (ALARM) program; or the Brilliant Eyes program. The conferees direct all elements of the DOD to cooperate fully and provide all information necessary to conduct this review. The conferees further direct that this review be completed by February 15, 1995.

HAVE YAK

Have Yak addresses a serious deficiency in countering the proliferating cruise missile threat. The conferees urge the Air Force, under the USAF Theater Air Defense program, to move forward to complete the design, build, acceptance testing, and demonstration of the Have Yak systems.

Amendment No. 97: Restores language proposed by the House and stricken by the Senate which provides funds for seismic research; restores language proposed by the House and stricken by the Senate which provides funds for the National Center for Manufacturing Sciences; and inserts language proposed by the Senate on the Air Force Maui Space Surveillance Site.

Amendment No. 98: Deletes language proposed by the Senate providing funds for the F-111 program.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

Amendment No. 99: Inserts a header "(Including Transfer of Funds)" proposed by the Senate.

Amendment No. 100: Appropriates $9,099,387,000 instead of $9,419,955,000 as proposed by the House and $8,922,649,000 as proposed by the Senate.

The conference agreement on items addressed by either the House or the Senate is as follows:

[In thousands of dollars]

	Budget	House	Senate	Conference
Research Development Test & Eval Defwide:				
In-House Laboratory Independent Research			2,368	2,368
Defense Research Sciences	87,706	87,706	90,706	90,706
University Research Initiatives	232,492	234,992	227,492	253,326
Focused Research Initiatives	20,000	12,000		6,000
Computing Systems and Communications Technology	419,608	425,608	383,558	400,912
Tactical Technology	111,343	126,343	101,243	128,343
Integrated Command and Control Technology	67,950	92,950	67,950	82,950
Materials and Electronics Technology	224,828	241,828	242,853	260,853
Defense Nuclear Agency	231,978	230,978	221,978	225,978
National Missile Defense			400,000	400,000
PAC-3 Risk Reduction				74,000
Navy Upper Tier				75,000
Corps Sam				15,000
Boost Phase Intercept				40,000
Follow on Technology			297,737	225,037
Follow on TMD Systems			436,814	381,931
Ballistic Missile Defense Technology	769,993	444,283		
Theater Missile Defenses	479,131	581,381		
Management and Support			197,996	197,996
Ter Missile Defense (DEM/VAL)	(1,071,283)	976,050		
Ground Based Radar	173,200		193,200	173,200
Patriot	69,240		378,440	286,440
Thaad	495,690		465,690	470,000
Navy Lower Tier			149,056	140,000
Hawk System BM/C3	26,800		26,800	26,800
BM/C3I	33,500		13,122	21,231
Ballistic Missile Defense Technology	106,460	73,460		
Theater Missile Defenses	217,755	217,755		
Research and Support Activities	215,233	198,833		
Counterterror Technical Support	6,321	6,321	6,321	8,321
Joint DOD-DOE Munitions Technology Development	14,415	24,415	19,496	24,415
Experimental Evaluation of Major Innovative Technology	609,331	649,817	493,164	683,971
Advanced Submarine Technology	25,261	38,761	25,261	37,428
Small Business Defense Conversion Guaranteed Loans			27,400	
Counter Proliferation			80,000	60,000
Defense Reinvestment	106,600			73,700
Defense Reinvestment	625,000		625,000	550,000
Manufacturing Technology	97,057		21,900	
Verification Technology Demonstration	41,063	41,063	41,063	36,063
Strategic Environmental Research Program	111,907	96,907	111,907	61,907
Biological Defense—Advanced Development				52,895
Computer Aided Logistics Support	13,090	15,590	13,090	15,590
Cooperative DOD/VA Medical Research		30,000	20,000	50,000
Manufacturing Technology	346,129	411,229	333,154	382,629
Advanced Simulation	20,937	20,937	30,937	30,937
Maritime Technology Office		12,000		12,000
Electric Vehicles		10,000	15,000	15,000
Advanced Concepts Technology Demonstration	50,000		19,000	32,100
High Performance Computing Modernization Program	183,048	53,048	183,048	73,048
Consolidated DOD Software Initiative		27,500		27,500
Joint Wargaming Simulation Management Office	68,117	28,117	55,003	55,003
Physical Security Equipment	21,409	24,888	19,809	24,888
NATO Research and Development	60,240	20,240	35,290	35,290
Innovative Environmental Security Technology Systems P	15,000	15,000	35,000	44,500
Joint Tactical Information Distribution System (JTIDS)	84,409	11,100	84,409	84,409
Technical Studies, Support and Analysis	40,501	30,501	24,647	24,647
Foreign Material Acquisition and Exploitation	49,900	49,900	199,900	104,900
Defense Support Activities	15,234	17,734	12,234	14,734
Commercial Communications		10,000		10,000
Industrial Preparedness		25,000		19,650
WWMCCS/Global Command and Control System	6,766	6,766		
DMA Mapping, Charting, and Geodesy (MC&G) Production S	67,008	57,008	58,565	57,008
Defense Airborne Reconnaissance Program	528,290	609,290	544,980	663,609
C3I Intelligence Programs	22,515	22,515	6,515	16,515
Special Operations Technology Development	7,560	5,560	6,160	5,560
Special Operations Advanced Technology Development	15,549	13,549	15,549	13,549
Special Operations Tactical Systems Development	167,356	164,766	153,286	153,484
Cryptologic Activities			13,700	
General Defense Intell Program			2,000	
Classified Programs	1,139,099	1,059,287	1,139,099	1,154,099
Satcom Ground Environment		95,191		
Satellite Communications		47,115		

[In thousands of dollars]

	Budget	House	Senate	Conference
Defense Meteorological Satellite Program (DMSP)		14,639		
Advanced Spacecraft Technology		64,200		
Space Systems Environmental Interactions Technology		4,200		
Space Test Program		62,084		
Advanced Milsatcom		35,000		
Defense Meteorological Satellite Program Block 6		7,601		
Satellite Systems Survivability		8,531		
Brilliant Eyes		120,000		
Advanced Space Based TW/AA (DEM/VAL)		330,000		
Milstar LDR/MDR Satellite Communications		607,248		
UHF Satellite Communications		20,879		
Defense Satellite Communications System		30,876		
Medium Launch Vehicles		21,042		
Upper Stage Space Vehicles		3,663		
Titan Space Launch Vehicles		4,000		
Defense Meteorological Satellite Program (DMSP)		21,135		
Navstar Global Positioning System (Space and Control S)		51,125		
Defense Support Program		47,351		
Nudet Detection System		10,140		
Space Launch Initiative		140,000		
Disaster Planning and Preparedness			5,000	
General Reduction, University Research		430,000		86,492
Civilian Pers Pay Raise & Locality Pay		1,100		500
Civilian Personnel Understrength		700	1,800	2,600
Travel				50,000
Director of Test & Eval Defense:				
Central Test and Evaluation Investment Development (CT&EID)	115,318	115,318	88,176	101,826

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

	Conference agreement
Defense-wide:	
University research initiatives	253,326
Adaptive optics	+834
EPSCOR	+20,000
University reduction	0
Computing systems and communications technology	400,912
Intelligent metacomputing	+6,000
Simulation based training	−3,900
Maui HPCC	+7,000
Rome Lab	(6,000)
RTAP	0
Counter proliferation	−25,400
ASSET	+1,750
MADE	−7,000
Hybrid signal processing	(2,083)
Test ban verification	−3,000
Existing ARPA Nuclear Non-Proliferation Technology Initiatives	+5,854
Tactical technology	128,343
Simulation based design	+10,000
CEROS	+7,000
Demining	−10,000
Law Enforcement Technology	+10,000
Integrated command and control technology	82,950
General increase	+15,000
High definition camera	(4,000)
Dry etching equipment	(3,500)
TFEL/AMEL	(15,000)
Materials and electronics technology	260,853
Aluminum beryllium alloys	+2,000
Infrared materials producibility	+14,000
Metal matrix	+17,000
Process synthesis	−11,100
Microballoon	+4,125
CVD diamond materials	+5,000
Hi-temp superconducting materials	+5,000
Defense nuclear agency	225,978
General reduction	−10,000
Arms control	0
ETC gun	−4,000
LP, HP microwave	+2,000
Bioenvironmental hazards	+3,000
NTS tech transfer	+3,000
Joint DoD-DOE munitions technology development	24,415
Neutron generators	+10,000
Lethality enhancement studies	0
Experimental evaluation of major innovative technology	683,971
ASTOVL to JAST	−20,014
UVA reprogramming request	0
Carbonate fuel cells	+5,000
MSAG generic antennae	+6,000
Tactical support satellite	+55,000
IFSAR	+7,000
Phosphoric acid fuel bus prototype	+12,000
Mobile offshore basing and Quay causeway development	+15,000
Ocean reconfigurable craft, advanced (ORCA)	+2,000
Low emission boiler demonstration project Note: funded in another line	0
System for Effective Control of Urban Environmental Security (SECURES)	+2,000
Deep ocean relocation	+1,667
Integrated process/product design	−600
Mountain Top	+6,000
GPS guidance	−3,750
Common grid	−3,000
Battle management	−4,000
Instrumented real systems	−6,000
Synthetic forces	0
Synthetic environments	0
C2 info	−8,500
Low cost radar	−10,000
IUGS	−4,800
Warbreaker CMT	−8,000
MUSTRS	0
Classified	0
Virtual brigade	+19,000
Classified	−20,463
LMT	+4,000
Casting emissions	+12,000
Military IDs/digital imaging	+1,000
Law enforcement	+20,000
Thermovoltaics (TPV)	+2,000
Speakeasy multifunction radio [Note: The conferees direct the Army and the Navy to fully fund their speakeasy activities at the respective budget request amounts]	(7,000)
General Reduction	−1,500
Advanced submarine technology	37,428
Automated welding	+667
Active structural control	+7,500
Drug reduction research	+3,000
Submarine surface tomography	+1,000
Manufacturing technology	382,629
Lithography	+50,000
Coronary angiography	(2,200)
UAV reprogramming	0
MEMS	5,000
MAFET	0
Institute for Advanced Flexible Manufacturing Systems	+4,000
Reconfigurable factory	−12,300
IF fiber optic gyro	−1,700
MCM fabrication	+1,500
Consolidated DoD software initiative	27,500
ADA 9x	+5,000
Software reuse	+7,500
Transfer from O&M	+10,800
General increase	+4,200
Innovative Environmental Security Technology Systems	44,500
Demonstration programs	−4,500
Climate change fuel cell	+18,000
Bioremediation	+4,000
Terra-vit	+3,500
Natural gas liquifier	+3,500
Plasma energy waste disposal system	+5,000
Defense support activities	14,734
Budget execution	−3,000
Expert system/logistics info	+2,500
Industrial preparedness (DLA)	+19,650
Generalized emulation of microcircuits	(5,000)
Military sewn products	(10,000)
Combat ration CRAMTD)	(1,400)
Center for tooling/precision pilot	(1,250)
Defense airborne reconnaissance program	663,609
Air Reconnaissance Low Transfer	+11,429
COBRA BALL	+13,600
TIER II [Note: Procures 5 aircraft and one groundstation.]	+20,000
Remotely operated sensor system	+3,000
Electro-optical framing sensor	+8,000
Multispectral imagery	+10,000
ATARS datalink transfer [Note: The DARO is directed to develop a datalink capability for the USMC's manned tactical airborne reconnaissance program.]	+9,700
Joint Tactical UAV Transfer	+14,500
Joint Tactical UAV Test and Engineering Support	−3,410
Commonality and interoperability	−3,500
TIER III [Note: Transfer from ARPA]	+37,000
MTI	+15,000
Special operations technology development	5,560
Counter proliferation	−1,400
General reduction	−600
Special operations tactical systems development	153,484
Quite knight	+7,000
JASORS Adv. radio	−4,700
Special warfare combo craft	−3,800
Gunships Avionics Trainer	−2,500
Studies	−828
SWPS	−7,900
Avionics Architectures	−1,144
Ballistic missile defense:	2,526,635
Patriot	286,440
Patriot PAC–3	69,240
ERINT	0
Patriot	217,200
ERINT/patriot risk reduction	74,000
THAAD	470,000
Navy lower tier	140,000
Navy upper tier	75,000
Boost phase intercept program	40,000
GBR–T	173,200
Corps SAM	15,000
HAWK upgrades	26,800
Battle Mgt and C41 for TMD	21,231
Battle Mgt and C41 for TMD	20,676
C4I & Concepts Ops Anal	555
National missile defense	400,000
Passive sensors	24,500
Radar	0
Signal processing	7,100
Discrimination	29,382
Sensor studies and experiments	45,130
Interceptor component technology	8,210
KKV technology	120,000
Computer engineering tech	2,500
Communications engineering tech	500
Survivability	0
Materials and structure	5,000
Ground-Based Radar	8,000
BM/C3 technology	24,438
Engineering/integration support	18,977
Operations interface	1,530
Test & Evaluation support	93,697
Operational support	11,036
Brilliant eyes	0
Undistributed reduction to NMD	0
Follow-on TMD	381,931
Discrimination	58,119
Sensor studies and experiments	22,471
Interceptor component technology	0
Sea based wide area (Navy upper tier)	0
Surviability	3,000
Lethality & target hardening	15,761
ARROW/ACES	47,400
Corps SAM	0
Engineering/integration support	22,628
Architecture & studies	39,031
Operations interface	666
Test & evaluation support	163,855
Kauai test facility	4,000
Operational support	0
Arrow deployability [Note: The conferees provide a total of $15,000,000 only for the Arrow Deployability Program.]	5,000
Follow-on Technologies	225,037
Adv sensor tech	10,000
Boost phase intercept—KE	0

	Conference agreement
Chemical laser technology	30,000
Combined BPI program	0
ATP/FC Demo	12,500
Power & power conditioning	10,000
Materials and structure	2,000
Innovative science & technology (IS&T)	41,510
SBIR	39,896
Undist reduction—IS&T, SBIR	0
Environment, siting & facilities	5,606
Architecture & studies	8,000
Intelligence threat development	8,050
Countermeasures integration	18,303
System threat	6,890
Test & evaluation support	9,400
Operational support	16,020
Technology transfer	2,862
Russian-American observational satellites (RAMOS)	1,000
U.S.-Israel Boost Phase Intercept	3,000
Management and support	197,996
Operational support	163,146
Test & evaluation support	34,850

HISTORICALLY BLACK COLLEGES AND UNIVERSITIES AND MINORITY INSTITUTIONS

The conferees agree to provide $25,000,000, an increase of $10,000,000 to the budget request. The conferees direct that these funds be made available to historically black colleges and universities and minority institutions, including minority women's institutions specializing in science, math, and engineering, and tribal colleges.

UNIVERSITY RESEARCH

The conferees agree to provide a total reduction of $200,000,000, rather than $900,000,000 as proposed by the House. This reduction is distributed as follows: $13,752,000 is in the Army appropriation, $62,245,000 is in the Navy appropriation, $18,456,000 is in the Air Force appropriation, $86,492,000 is in the Defense-Wide appropriation, and $19,055,000 associated with university laboratories is in section 8054 of the bill.

The conferees are concerned about overhead charged by universities to Defense research contracts, particularly the amount that DOD must pay annually to universities for overhead (about $500,000,000) and the variability of overhead rates applied to each institution's research projects. The conferees direct the Secretary of Defense to submit a report to the Congressional defense committees by February 1, 1995 which outlines the actions the Defense Department plans to take to address these concerns.

COMPUTING SYSTEMS AND COMMUNICATIONS TECHNOLOGY

The conferees agree to provide $400,912,000 for Computing Systems and Communications Technology. The conferees direct that up to $3,000,000 within the High Performance Computing program be allocated to the computing architecture, data management, automation and visualization efforts previously budgeted under the Comprehensive Test Ban Verification Readiness program. The conferees also urge DOD to fund the proposal by the National High Performance Distributed Computing Consortium to an existing major shared resource center of this program in order to develop a network of smaller computers that can perform as a single large supercomputer. Such a project will accelerate the investigation and usage of clustered, distributed high performance computing systems as collocated, cost-effective, useful supplements to the large scale HPC systems being funded under this program.

HIGH DEFINITION DISPLAY SYSTEMS

The conferees agree to the House language on dry etching equipment using reactive ion etch technology in a cluster tool manufacturing format.

BALLISTIC MISSILE DEFENSE

The conferees agree to provide a total of $2,800,025,000 for the Ballistic Missile Defense Program which includes $2,526,635,000 for research, development, test and evaluation programs. This amount does not include funds for the Brilliant Eyes program, which is funded in the "RDT&E, Air Force" account. The conferees agree to provide funds for ballistic missile defense programs in fiscal year 1995, as reflected in the preceding table which made funding allocations for RDT&E, Defense-Wide

The conferees have agreed to provide $74,000,000 for PAC–3 risk reduction/mitigation efforts, of which $8,500,000 is only for enhanced Army participation in the Navy Mountain Top Demonstrations. The conferees further agree that the funding for risk reduction/mitigation efforts will not be used for further launches of the integrated multi-mode missile or the seeker; however, this will not preclude multi-mode component testing which is directly transferable to the PAC–3 missile selected, ERINT, on board aircraft. Finally, the conferees agree that the funds provided for the Mountain Top Demonstrations are not to be used for testing of either the multi-mode missile or seeker.

The conferees agree to provide $75,000,000 for the Sea-Based Wide Area Defense program (Navy-Upper Tier), and direct that none of the funds may be spent on activities that prejudge the outcome of the ongoing cost and operational effectiveness analysis of Navy ballistic missile defense programs.

The conferees have provided an increase of $3,000,000 only to pursue activities under a joint United States-Israel Boost Phase Intercept program. The conferees agree that these funds may be used once the Secretary of Defense provides the following certifications to the congressional defense committees: (a) the United States and Israel have entered into a contractual effort; and (b) the projects will have specific, direct benefits for the United States.

The conferees direct that prior to any agreement being signed or initialed in the Standing Consultative Commission regarding modifications to the 1972 Anti-Ballistic Missile Treaty that impose restrictions on the development or testing of Department of Defense theater missile defense systems, the Secretary of Defense shall notify and provide a report on such restrictions to the Committees on Armed Forces and the Committees on Appropriations of the Senate and House of Representatives.

EXPERIMENTAL EVALUATION OF MAJOR INNOVATIVE TECHNOLOGIES

The conferees agree to provide $683,971,000 and have restored funds for the Dragnet, Clipping Service, and Monitor projects. The conferees are encouraged by the Advanced Research Projects Agency's (ARPA) plans to use existing radar systems in these development efforts. The conferees direct ARPA to continue to work in conjunction with the services on these programs.

The conferees have provided $3,750,000 for the Global Positioning System (GPS) Guidance Package (GGP). The conferees direct that no funds may be spent on GGP Phase II efforts until the controlled field demonstration of the Phase I GGP as an integrated Fire Support Team (FIST) Mission Equipment (FME) subsystem is completed.

The conferees agree to provide $12,000,000 only to continue the casting emissions project, which is a joint project including The Advanced Manufacturing Technology Center at McClellan Air Force Base, the Far West Federal Technology Centers, and the U.S. auto industry. Within this amount, $10,000,000 is only for the development of emissions measurement devices.

The conferees agree to provide an additional $7,000,000 only to continue the development, application, and testing of IFSAR technology by continuing the GEOSAR program, which is an airborne, radar based foliage penetration/terrain mapping system with an emphasis on both defense and civil applications.

The conferees agree to provide an additional $12,000,000 only for continuation of an ARPA/Defense Sciences Office phosphoric acid fuel cell transit bus research and development program.

The conferees agree to provide, $2,000,000 only to continue development and demonstration of competing thermophotovoltaic electric power generator technologies. The conferees urge NASA and ARPA to work cooperatively to minimize developmental costs and to evaluate the full range of potential applications.

The conferees agree to provide $6,000,000 only for multi-function self-aligned gate technology and agree to the House language except that the testing should be done on a medium altitude/endurance UAV. The conferees direct that ARPA allot both the fiscal year 1994 and 1995 funds for the MSAG project to the Medium Altitude Endurance UAV office no later than November 1, 1994.

The conferees agree to provide $1,000,000 only to implement a digital imaging identification system using a closed loop color correction system with a computerized data base.

COUNTERPROLIFERATION

The conferees agree to provide $60,000,000 for a new Department of Defense counterproliferation initiative. The conferees agree with the Senate and direct that these funds shall only be obligated for projects specifically approved by the Joint Committee for the Review of Counterproliferation Programs. The counterproliferation programs proposed by the Advanced Research Projects Agency, the Air Force, and the Special Operations Command should receive full consideration for funding within this appropriation. Finally, the conferees direct that the Department of Defense provide the congressional defense committees with a plan outlining the use of these monies prior to obligation of any funds.

ADVANCED SUBMARINE TECHNOLOGY

The conferees agree to provide $37,428,000 for Advanced Submarine Technology. The conferees direct ARPA to execute the transfer process necessary to bring the United States the technology for actively controlling machinery rafts which has been demonstrated in the ARPA Project "M". The conferees also agree to provide $9,600,000 only for continuation of the active structural control projects applying active vibration control technology to high speed precision machining and milling operations and to reduction and isolation of vibration in gas turbine engines.

ELECTRIC VEHICLES

The conferees are aware of the National Cooperative Transportation Alliance initiative in Knox County, Tennessee, which seeks to bring together the ongoing research and technology development deployment efforts of Oak Ridge National Laboratory, the Tennessee Department of Transportation, the University of Tennessee, Oak Ridge Centers for Manufacturing Technologies, industry and others to further transportation research. The Alliance will emphasize 6 areas of research which are of substantial concern to the Department of Defense, Energy, and Transportation: vehicle and fuel technologies, defense logistics systems, intermodal and international issues, transportation systems and planning, transportation infrastructure, and HAZMAT transportation. The Alliance will capture the benefit of past federal, state, and commercial transportation investments, including existing expertise. The conferees direct the Advanced Research Projects Agency to cooperate with the Oak Ridge National Laboratory, the University of Tennessee, and other members of the Alliance on development of this initiative, and urge ARPA to consider the program for funding under the vehicle technology development program, and other dual use initiatives such as the Technology Reinvestment Program.

MANUFACTURING TECHNOLOGY

The conferees agree to provide $382,629,000. The conferees are aware of a recently announced Cooperative Research and Development Agreement between the Department of Energy's Office of Technology Transfer, Lawrence Livermore National Laboratory, Los Alamos National Laboratory, and ICON Industrial Controls Corporation to develop and test a software based open-architecture machine tool controller. This technology, which enables new approaches to flexible, agile manufacturing and promises increased quality and decreased costs, may be even more crucial to U.S. defense production than to commercial manufacturing. The conferees believe that the Secretary of Defense should develop a plan to leverage this initiative by maximizing its applicability to the specific needs of defense contractors and ensuring thorough evaluation of the technology.

Concerning advanced lithography, the conferees also urge ARPA to allocate the funds necessary to fully fund the Microlithographic Mask Development program provided that the program meets or exceeds technical milestones. In addition to following the funding allocations cited in the House report, the conferees urge ARPA to allocate a portion of these funds to ion beam research.

The conferees agree with the House language concerning the CALS shared resource center (CSRC) program, except for the following: (1) the CSRC operated by Concurrent Technologies Corporation shall be the National CSRC and (2) the Orange, Texas Regional CSRC shall be reestablished and operated only by an educational or other nonprofit institution located in Orange, Texas, with the National CSRC serving as the integrator for this Regional CSRC. In order to realize the full benefit of the CSRC program, the conferees direct ARPA to implement this program in accordance with the terms and conditions stipulated in the fiscal year 1994 Department of Defense Appropriations Act and accompanying conference and committee reports.

ADVANCED CONCEPT TECHNOLOGY DEMONSTRATIONS (ACTD'S)

The conferees agree to provide $32,100,000 for ACTD's during fiscal year 1995. These ACTD's include those initially recommended by the Senate and the countermine ACTD. The conferees agree not to impose a prohibition against the initiation of any other ACTD's during fiscal year 1995, but direct that no new ACTD may begin without prior consultation with, and notification to, the Committees on Appropriations. The conferees direct that any notification contain a full description of the programmatic objectives, schedule, technical risks, and annual and total costs of the proposed ACTD.

INNOVATIVE ENVIRONMENTAL SECURITY TECHNOLOGY SYSTEMS

The conferees agree to provide $18,000,000 only to the Office of the Assistant Secretary for Economic Security in consultation with the Office of Environmental Security for a competitive, cost-shared, near-term Climate Change Fuel Cell Program, and direct that procurement, program management, contract administration responsibility and these funds be delegated to the Department of Energy, Morgantown Energy Technology Center, in coordination with the National Defense Center for Environmental Excellence (NDCEE). The conferees direct the DoD to field one of the 200 kW phosphoric acid fuel cells funded for procurement in fiscal year 1994 at NDCEE to facilitate its role in providing manufacturing technology, environmental, and testing expertise in support of this program.

To achieve a workable cost-shared program that ensures significant private sector participation, the conferees direct that the Federal contribution be $1,000 per kW, that the Federal share of the program not exceed one third of total program costs, which includes unit cost, installation, and precommercial operation; that eligible power plants must be manufactured in the United States; and that priority consideration be given to power plants planned for DoD installations.

The conferees understand that DoD users in the field are ready to receive, install, and operate the energy efficient and environmentally benign 200 kW phosphoric acid fuel cells funded in fiscal years 1993 and 1994. Moreover, utilities have expressed strong interest in providing private sector support to initiate this program. The conferees are therefore distressed that administrative delays have denied the benefits of this equipment to users in the field, and have not permitted the vast majority of program funds to even reach the stage of obligation.

The conferees intend that the 200 kW phosphoric acid fuel cell procurement programs funded in fiscal years 1993 and 1994 be implemented expeditiously. The conferees, therefore, direct the Secretary of Defense to submit to the Committees on Appropriations by December 15, 1994 a milestone plan providing for contract award for the fuel cells funded in those years no later than April 1, 1995.

MANAGEMENT HEADQUARTERS

The ARPA management headquarters program was not in conference. However, the conferees are aware that ARPA may require additional funds to administer its growing workload. The conferees direct that ARPA may reprogram up to an additional $1,600,000 into the management headquarters program element from excess funds in the EEMIT program without prior Congressional approval.

SPECIAL OPERATIONS TACTICAL SYSTEMS DEVELOPMENT

The budget request for this program element included $9,598,000 for development of the stabilized weapons platform system (SWPS). The conferees have transferred $7,900,000 of these funds to the "Procurement, Defensewide" account, as requested by the Special Operations Command (SOCOM). SOCOM intends to spend the remaining $1,698,000 to pursue development of a Special Operations Forces version of the Enhanced Fiber Optic Guided Missile (EFOG-M). The conferees direct that these funds may not be obligated until SOCOM provides a plan to the Congressional defense committees outlining the efforts to be completed, specifying the cost of each effort and the total program cost, and certifying that the fiscal years 1996-2001 Future Years Defense Plan (FYDP) contains the funds necessary to proceed with this development effort.

COMMUNICATIONS PROGRAMS

The conferees agree: (a) to provide $10,000,000 to the Defense Information Systems Agency for the Commercial Satellite Communications Initiative to continue to build the network and management infrastructure necessary to shift additional users onto the network, to provide cost efficient surge capability, to support new user requirements for the Air National Guard, and for the development of communications reachback support for Korean surge capability; (b) that, because there appears to be no comprehensive plan for tactical military communications, the Assistant Secretary of Defense (C3I) is directed to provide no later than March 31, 1995 to the Committees on Appropriations a detailed architecture for tactical military communications that includes commonality, interoperability, reduced production costs, and streamlined logistics support; and (c) to request the Assistant Secretary of Defense (C3I) to review the NASA TDRSS communications system, determine its technical and economic suitability for supporting DOD tactical and strategic communications, and report the results of this review to the Committees on Appropriations no later than March 1, 1995.

DEFENSE AIRBORNE RECONNAISSANCE PROGRAM

The conferees direct that the Defense Airborne Reconnaissance Office (DARO) must obtain written approval from the appropriate committees prior to transferring funds equal to or greater than $2,000,000. This requirement also applies to all program and project terminations. Furthermore, the DARO must notify the Appropriations Committees prior to transferring funds greater than $1,000,000.

The conferees provide $31,000,000 to develop a shipboard capability for the Joint Tactical Unmanned Aerial Vehicle Program. The conferees direct the DARO to conduct a study considering the TIER I and TIER II systems as possible candidates to satisfy projected tactical and endurance maritime reconnaissance requirements and report to the appropriate committees by April 1995.

The conferees recognize the necessity for U.S. Forces in Korea to have daily Indications and Warning (I&W) coverage. Currently, I&W is provide by OV-1 aircraft. If the OV-1 is retired, U.S. Forces Korea must have an interim I&W capability until the Joint Surveillance Target Attack Radar System (JSTARS) can be deployed. The conferees understand that the interim Moving Target Indicator (MTI) system will have significantly less capability than JSTARS. The conferees direct the Secretary of Defense and the Chairman of the Joint Chiefs of Staff to evaluate a potential interim solution for I&W in Korea and report to the appropriate committees no later than November 30, 1994. The report must include (1) platform and sensor capabilities; (2) sensor and ground station integration costs; (3) integration schedule; and (4) outyear costs. The conferees direct that deploying two JSTARS aircraft must be studied as a potential option. The report must also include the cost, schedule and impact a JSTARS operation would have on the current JSTARS program. Furthermore, the conferees direct funds provided for an interim MTI solution may not be used to procure aircraft.

The conferees agree that manned airborne reconnaissance will continue to have an important role in future contingencies. Therefore, the conferees direct the DARO to submit no later than December 1994, a milestone and cost schedule for RC-135 and U-2 reengining programs. The conferees understand that funds budgeted by the Air Force for RC-135 and U-2 reengining have been decreased by the DARO in support of advanced development programs. The conferees will consider a reprogramming request if the DARO determines it is cost effective to begin the RC-135 or accelerate the U-2 reengining programs in fiscal year 1995.

The conferees direct the DARO to reevaluate the SOUTHCOM requirement for the Air Reconnaissance Low Aircraft (ARL). The DARO is to report its finding to the appropriate committees no later than February 1995. The report should include (1) SOUTHCOM's requirements; (2) existing assets to satisfy those requirements; (3) operational concept for ARL; and (4) ARL acquisition and implementation plan.

RAPIDLY DEPLOYABLE HOSPITAL MODULE

The conferees recognize the potential military benefits of employing a rapidly deployable hospital module to meet the combat casualty care and day-to-day medical needs of military forces deployed in locations which are remote or lack adequate medical facilities. The conferees are aware of a proposed module which contains all the systems and support necessary to provide hospital-type treatment capabilities including: (1) an airlock to maintain a sterile environment; (2) a liquid oxygen system; (3) compatibility with emerging telemedicine concepts currently being developed under the Tripler Army Medical Center's Akamai program; and (4) compatibility with field medical technological advances, including smart battlefield stretchers and wrist-watch medical alert indicators. The conferees direct ARPR to fully evaluate the utility of these modules and to define a plan for developing a prototype system which will permit full evaluation of this concept.

GEOPHYSICAL TECHNOLOGY

The conferees are aware that ARPA has taken an interest in the Geophysical Technology Transfer Initiative, a program currently involved in a proposed United States-Russia commercial project called the Commercial Electromagnetic Silencing Program. The program seeks to transfer military technology to peaceful use in the protection of shipping against sea-based explosive mines. The conferees encourage ARPA to continue assessing the desirability of participating in the CESP program, including potential reprogramming of funds to support the project. The conferees direct ARPA to provide a report on this initiative to the Appropriations Committee by June 1, 1995.

TRAVEL

The conferees agree to provide a $50,000,000 general reduction to travel financed in the RDT&E appropriations. While the reduction has been included only in the Defense-wide appropriation, it is the conferees' intent that the reduction be allocated on a fair-share basis through the reprogramming process once the exact allocation is determined by the Comptroller of the Defense Department.

Amendment No. 101: Restores and amends language proposed by the House providing funds for the Sea-Based Wide Area Defense program; deletes House language concerning authorization of funds; deletes House language regarding the Tier II Plus and Tier III Minus Vehicles; inserts and amends language proposed by the Senate regarding small business loan guarantees; inserts language transferring funds to the Department of Energy for the Center for Bioenvironmental Research; and inserts language providing funds for the Experimental Program to Stimulate Competitive Research.

Amendment No. 102: Deletes language proposed by the Senate on the integrated product and process development program.

Amendment No. 103: Deletes language proposed by the Senate providing funds for the international cooperative projects.

DEVELOPMENTAL TEST AND EVALUATION, DEFENSE

Amendment No. 104: Appropriates $238,003,000 instead of $251,495,000 proposed by the House and $224,353,000 proposed by the Senate.

The conference agreement on items addressed by either the House or the Senate is as follows:

[In thousands of dollars]

	Budget	House	Senate	Conference
Director of Test & Eval Defense				
Central Test and Evaluation Investment Development (CT)	115,318	115,318	88,176	101,826

CENTRAL TEST AND EVALUATION INVESTMENT PROGRAM

The conferees agree to provide $101,826,000 for the Central Test and Evaluation Investment Program, of which $13,650,000 is only to proceed with the Joint Air Force/Navy Installed System Test Facility Projects. These projects are required to test the advanced avionics systems of the F-22, F-18, and other weapon systems. The conferees direct that $5,300,000 be allocated without delay to the Air Force and that $8,350,000 be allocated to the Navy. These funds may only be used for the Joint Air Force/Navy ISTF projects. The conferees direct that not more than 50 percent of the CTEIP fiscal year 1995 funding may be obligated until the Joint ISTF funds are allocated to the Services as directed. The conferees also agree that $13,650,000 be designated as a Congressional interest item. The conferees further direct that the Congressional defense committees be provided a report on the content, schedule, and cost of these projects not later than January 1, 1995.

The conferees agree to provide $3,463,000 only to fund the development of a real-time data link between the Air Combat Environment Test and Evaluation Facility and the Real-time Electromagnetic Digitally Controlled Analyzer and Processor. By this action, the conferees do not intend to affect any other Defense Department long term plans to develop a common architecture to link all its ranges.

C3I INTELLIGENCE PROGRAMS

The conferees have provided an increase of $5,000,000 only for disaster planning and preparedness activities as approved by the Senate. The conferees are aware of a proposal to develop a prototype center in the State of Hawaii to permit evaluation and refinement of the concept of regional disaster centers. The conferees direct that a portion of the funds shall only be available for this regional prototype center as part of this effort to define a national strategy to improve disaster planning. The conferees agree to provide an additional $5,000,000 only for the National Drug Intelligence Center as discussed in the classified report accompanying the statement of the managers. The conferees agree to a $16,000,000 reduction as proposed by the Senate.

TITLE V—REVOLVING FUNDS

DEFENSE BUSINESS OPERATIONS FUND

Amendment No. 105: Appropriates $945,238,000 instead of $1,090,438,000 as proposed by the House and $789,400,000 as proposed by the Senate.

DEFENSE BUSINESS OPERATIONS FUND

The conferees agree to provide a total of $945,238,000 for the Defense Business Operations Fund (DBOF). This figure results from the following adjustments to the DBOF fiscal year 1995 budget request approved by the conferees:

A reduction of $126,000,000 is approved, accounting for a change in the number of civilian personnel expected to remain on the DBOF payroll in fiscal year 1995 compared to the budget request;

A reduction of $200,000,000 to the budget request is approved, reflecting direction in the National Defense Authorization Act for Fiscal Year 1995 to reduce capital purchases by the DBOF;

An increase of $42,100,000 is approved to partially cover the additional costs of a civilian pay raise/locality pay adjustment higher than what was assumed in the president's request;

An increase of $30,000,000 is provided to cover the anticipated costs of the civilian separation payment plan approved with passage of the Federal Workforce Restructuring Act;

A $30,000,000 increase is approved to sustain Commissary operations at current levels.

The conferees direct that funds be transferred from DBOF cash balances to the Defense Commissary Agency (DeCA) so that DeCA operations are not adversely affected by the adjustments described above.

DBOF CAPITAL EQUIPMENT

The Army is directed to proceed with the acquisition and installation of depot maintenance plan equipment for Tobyhanna Army Depot as identified in the fiscal year 1995 budget submission.

NATIONAL DEFENSE SEALIFT FUND

Amendment No. 106: Restores the House center heading.

Amendment No. 107: Appropriates $724,400,000 for the National Defense Sealift Fund instead of $858,600,000 as proposed by the House and $828,600,000 as proposed by the Senate.

Amendment No. 108: Restores language proposed by the House and stricken by the Senate which provides for the transfer of Title XI loan guarantee funds and restricts use of sealift funds for acquisition for certain equipment for sealift ships. Deletes a House provision making a portion of the appropriation subject to authorizing legislation. Retains Senate language making a portion of the appropriation available for acquisition of Ready Reserve Force ships. Adds a provision which provides $110,000,000 and restricts to United States shipyards the conversion of one Marine Corps prepositioning ship acquired through this appropriation.

Amendment No. 109: Deletes language proposed by the Senate requesting loan guarantee recommendations from the Secretary of Defense.

NATIONAL DEFENSE SEALIFT FUND

The conferees agree to provide $724,400,000 for the National Defense Sealift Fund. This amount includes $546,400,000 for the construction of two sealift ships, $25,000,000 for shipbuilding loan guarantees, $43,000,000 for ready reserve fleet acquisitions and $110,000,000 to acquire and convert one ship for the Marine Corps maritime prepositioning ship enhancement program. The conferees have agreed to language which stipulates that the MPS ship must be converted in a U.S. shipyard. Funding responsibility for research and development sealift programs has been transferred to Title IV of this Act as proposed by the Senate.

TITLE VI—OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

Amendment No. 110: Appropriates $9,930,759,000 instead of $9,895,159,000 as proposed by the House and $9,808,239,000 as proposed by the Senate.

Amendment No. 111: Earmarks $9,601,170,000 for operation and maintenance instead of $9,577,770,000 as proposed by the House and $9,499,350,000 as proposed by the Senate.

Amendment No. 112: Earmarks $329,589,000 for procurement instead of $317,389,000 as proposed by the House and $308,889,000 as proposed by the Senate.

The conference agreement on items in conference is as follows:

[In thousands of dollars]

	Conference
Operation and Maintenance:	
All Other Programs	9,607,170
Neck and Head Injury	7,000
Gulf War Syndrome	2,200
Civilian Pay Increase	300
Civilian Understrength	−67,600
CAMIS	6,000
Uncompensated care	2,000
Zinc Cadmium Sulfide	1,000
Nurse Practitioner Prog	2,000
Renal Institute of the Pacific	2,000
Pacific Island Referral Proj	2,500
Disaster Mgmt Training Prog	1,000
American Red Cross	14,500
Pediatric Emergency Med	(350)
Military Nursing Research	5,000
Brown Tree Snakes	1,000
Hospital Maintenance	5,000
Plattsburgh AFB Hospital	3,000
Overseas Dental Program	7,000
USUHS	610
HPSP Scholarships	−510
Subtotal	9,601,170
Procurement:	
All Other Programs	308,889
CAMIS	4,000
William Beaumont ADP	3,200
Dewitt Army Comm. Hospital	2,500
PACMEDNET	11,000
Subtotal	329,589
Total—Defense Health Program	9,930,759

RENAL INSTITUTE OF THE PACIFIC

The conferees agree to provide $2,000,000 to fund the design for a state-of-the-art dialysis facility which will improve the ability of the Renal Institute of the Pacific to provide renal dialysis services to military health system beneficiaries. The conferees are aware of the services that the Renal Institute of the Pacific has provided to military beneficiaries and their families, and believes that this facility is necessary to preserve the quality of and access to state-of-the-art renal dialysis services in an environment that is designed to reduce costs to the military health system.

PLATTSBURGH AFB HOSPITAL

The conferees have provided $3,000,000 to ensure the continuation of medical care at Plattsburgh AFB until September 30, 1995. The conferees agree that this action is in no way intended to contravene the direction of the Base Realignment and Closure Commission recommendations with regard to the Plattsburgh AFB Hospital.

POINT-OF-CARE BLOOD TESTING

The conferees agree to require the Department of Defense to conduct a study of the feasibility and cost effectiveness of using point-of-care blood testing in military medical facilities and direct that this report shall be submitted to the Congressional Defense Committees no later than February 15, 1995.

POSITRON EMISSION TOMOGRAPHY

The conferees direct that the Assistant Secretary of Defense (Health Affairs) conduct a test of Positron Emission Tomography (PETSCAN) technology at three Department of Defense medical centers. The conferees note that PETSCAN diagnosis has already been approved for CHAMPUS reimbursement for Department of Defense medical beneficiaries.

The conferees expect the Assistant Secretary to provide his test plan to the House and Senate Committees on Appropriations not later than December 15, 1994. A full report of the results of employing PETSCAN technology as a diagnostic tool at these medical centers shall be provided to the Congress, the Secretary of Health and Human Services, the Health Care Finance Agency and the Food and Drug Administration, to permit full review of the potential benefits of this system by relevant federal authorities.

ZINC CADMIUM SULFIDE

The conferees agree with the House position adding $1,000,000 for a study by the National Academy of Sciences of the potential adverse health effects of Army spraying of zinc cadmium sulfide in Minneapolis, St. Louis, and other cities in 1953. The National Academy of Sciences is urged to cooperate with relevant agencies in the states where spraying took place and to allow a representative of the affected individuals to participate in preparation of the study to the fullest extent possible.

MENTAL HEALTH

The conferees are pleased with the success of the Tidewater, Virginia Demonstration CHAMPUS contract for mental health services to Department of Defense beneficiaries. The conferees, therefore, continue with its directive of fiscal year 1994 for the Department to apply this model to two other high-cost, high-utilization, high-population areas.

The conferees, however, note the importance of ensuring that all mental health programs under CHAMPUS, including the residential treatment center (RTC) initiative, allow each of the core mental health disciplines to continue to function to the fullest extent of their state licensing authority.

CHAMPUS REFORM INITIATIVE

The Department has recently demonstrated a willingness to give the California-Hawaii and Washington-Oregon CHAMPUS reform initiative procurements to high priority and to adhere to the applicable procurement schedules to the extent practicable. The conferees urge the Department to continue to act in this manner so that CHAMPUS contracts can be awarded expeditiously but without any sacrifice in procedures designed to provide full protection for competition in contracting.

CHAMPUS REFORM INITIATIVE—NEW ORLEANS

The conferees concur in the language in House Report 103-562, pages 268-269, except that this direction does not pertain to beneficiaries in the Carswell and Bergstrom Air Force Base areas which are part of the CHAMPUS Region VI solicitation.

PEDIATRIC EMERGENCY MEDICAL SERVICES

From within available funds, the conferees agree to provide $350,000 to the Civilian External Peer Review Program (CEPRP) budget to expand the study on Pediatric Emergency Medical Services from the pilot test phase to systemwide evaluation. The results should be integrated with the TRICARE regional plans and the Department's continuous clinical quality improvement efforts.

RESERVE OFFICER TRAINING CORPS SCHOLARSHIP PROGRAMS FOR NURSES

The conferees applaud the military services for their very effective use of the Reserve Officer Training Corps (ROTC) Scholarship Programs to acquire Nurse Corps Officers. These cost-effective programs are assuming greater importance as the American Nurses Association (ANA)—predicted nursing shortage (1999) looms ever nearer. The services' sound commitment to augmenting the national inventory of health care personnel is both noteworthy and appreciated.

DESERT STORM SYNDROME

The conferees have recommended an additional $3,400,000 and bill language directing the Walter Reed Army Medical Center to work with private sector physicians on a treatment protocol and related studies for Desert Storm affected veterans, that only use the anti-bacterial treatment method based upon the excretion of dead and decaying spherical bacteria, that has already been found to be a successful treatment for some Desert Storm veterans. The conferees intend and direct that the obligation of funds for this treatment protocol and related studies be made through the Walter Reed Medical Center only as directed in House Report 103–339, page 112, except that funds are provided through the Defense Health program. This treatment method has been successful in treating at least 10 veterans or dependents with the Desert Storm syndrome. The conferees direct this action so that the treatment described in this report can be statistically validated in the hope that it may provide relief for Desert Storm veterans.

MEDICAL INFORMATION INFRASTRUCTURE AND COMPOSITE HEALTH CARE SYSTEM

The conferees remain committed to completion of the planned deployment and operation of the Department's Composite Health Care System. In addition, the conferees believe the Department should begin regional networking of facilities and development of a computer-based patient records system. Therefore, the conferees direct the Department to undertake demonstration projects to test the value of these initiatives.

Accordingly, the conference agreement provides not less than $187,129,000 for the Composite Health Care system and the two demonstration projects. Further, the demonstration projects shall be subject to full and open competition.

PACMEDNET

The conferees agree to provide $11,000,000 to initiate a two-year automation and telecommunication project in the Pacific Region to be known as PACMEDNET. Of the amount provided, $8,000,000 shall be used to develop a computer-based patient record enhancement to the Composite Health Care System. The remaining funds ($3,000,000) shall be used for telecommunications enhancements and upgrades to support a regionalization testbed.

The conferees direct that, prior to the obligation of these funds, the Assistant Secretary of Defense for Health Affairs must certify in writing to the congressional defense committees that implementing this program will in no way duplicate other Defense Health Program automation efforts, such as the AKAMAI or Seahawk projects. In any case, the conferees direct that the Assistant Secretary of Defense for Health Affairs report to the congressional defense committees on plans to implement the PACMEDNET program no later than January 15, 1995.

MILITARY HEALTH CARE ADVISORY COUNCIL, COMMITTEE, OR FORUM

Because health care issues are so vitally important to the Department of Defense and the nation as a whole, the conferees believe that there must be more coordination and cooperation between the military health care system and its private sector counterpart. Increasing costs and technological changes in the health care environment make it imperative for these medical care systems to increase efficiency and effectiveness. And, as the Department's managed care support program evolves, new and creative means must be established to identify and implement advancements in health care delivery systems.

Recognizing this, the conferees agree with the Senate proposal to establish a military health care advisory council or forum. This body should serve as a unique mechanism for transmitting ideas, identifying problems, and/or developing regularized and productive communications between the military health services system, the private sector, and other interested third parties.

At a minimum, this body should incorporate the following principles:

A representation scheme which guarantees both equal opportunity for all interested parties and a diverse mix of participants.

An advisory function only—one that has no part to play in the technical procurement structure—so as to minimize both the perception and the reality of influencing the contractor selection process.

The conferees are willing to provide the Department of Defense with considerable discretion as it goes about meeting the intent of the Congress with respect to this matter. But, in no case, will the conferees accept unreasonable delay or stonewalling by the Department in the implementation of this program. Thus, the conferees look forward to working with the Department of Defense and, in particular, the Assistant Secretary of Defense for Health Affairs to determine the exact details of this advisory body over the coming months.

CLEFT LIP AND PALATE SURGERY

The conferees endorse the U.S. government program which provides cleft lip and palate surgery for children in Honduras. The conferees agree that necessary travel expenses incurred by military doctors should be paid from within the program funds as in the past.

MEDICAL RESEARCH

The conferees recommend a number of adjustments to medical research and development. The table below highlights those medical program elements to which there has been an adjustment.

Research, development, test and evaluation

[In thousands of dollars]

P.E. title, and program	*Conf.*
Army:	
0601102A—Def. Res. Sciences:	
Trauma Care	150
Nutrition	250
Serum Cholesterol	425
0602787A—Medical Technology:	
Nutrition	750
Tissue Rep.	5,000
Dengue Fever	1,000
Epidermolysis Bullosa	1,000
0603002A—Medical Adv. Tech.:	
Breast Cancer	150,000
Prostate Cancer	4,250
Women's Health	40,000
Ovarian Cancer	7,500
Cell Regulation	2,000
Mammography	2,000
Spinal/Brain Res.	0
Lyme Disease	500
Coastal Cancer Control Program	5,000
Osteoporosis	5,000
Nutrition	750
0603105A—AIDS: AIDS Research	33,410
0605898A—Management Headquarters (Research and Development): Akamai	12,000
Navy:	
0603216N—Aviation Surv: Naval Biodynamics Lab.	700
0603706N—Medical Dev:	
Naval Biodynamics Lab.	700
Bone Marrow	34,000
Mammography Dev.	2,000
Breast Cancer Center	5,000
Defense-wide:	
50603706D—Cooperative DOD/VA Cooperative Research:	
General Research	20,000
Spinal/Brain Res.	15,000
Prostate Cancer	10,000
Gulf War Syndrome	5,000
Total	363,385

MEDICAL ADVANCED TECHNOLOGY

The conferees have provided $150,000,000 to continue the Army's breast cancer research program. The conferees have allocated $20,000,000 for mammography efforts as approved by the House. The conferees are aware of a new application of military technology, relying on optical correlators, which can enable automated mammography screening. The conferees urge the Army to consider such applications of military technology within this program.

A portion of the increase, $15,000,000, is provided for institutions with dedicated breast cancer centers as described in House Report 103-254 which accompanied the Department of Defense Appropriations Act, 1994. The remaining funds shall be used to continue ongoing and initiate new breast cancer research under a solicitation developed by the Department of the Army in conjunction with a Breast Cancer Research Program Integration Panel similar to the fiscal year (FY) 1993 panel process. The conferees urge the Army and the panels to solicit research proposals in the Institute of Medicine (IOM) strategy that were not well represented in the FY 1993 DOD program.

COASTAL CANCER CONTROL PROGRAM

The conferees provide $5,000,000 to the Charleston Naval Hospital only to support the development and implementation of a Coastal Cancer Control Program in conjunction with a State-owned comprehensive cancer center serving coastal South Carolina. The conferees recognize that upon the closure of the Myrtle Beach Air Force Base and the Charleston Naval facilities, access to critical preventive health care services for military dependents along coastal South Carolina has become more difficult. The Coastal Cancer Control program will address this reduced access to care and resulting increased cancer mortality by providing mobile screening, education, preventive intervention, and follow-up care to military dependents and other medically underserved citizens of coastal South Carolina.

OSTEOPOROSIS RESEARCH

The conferees agree to provide $5,000,000 for research into osteoporosis and related bone diseases. This work should be done in close coordination with the National Institute for Arthritis and Musculoskeletal and Skin Diseases, the lead institute for bone disease research.

TEAM COORDINATION IN EMERGENCY MEDICINE

The conferees support The Army research transferring lessons learned from aviation crew coordination training to emergency medicine. This research will reduce patient risk and increase efficiency through improved hospital emergency care. The conferees direct that funds be made available within the Medical Advanced Technology program [PE 603002A] for the demonstration of this program at Madigan Army Medical Center by the Army Research Lab in coordination with Rhode Island Hospital. The conferees encourage the Department of Defense to consider deploying this program at all of its military treatment facilities.

BRAIN AND SPINE RESEARCH

The conferees agree to provide $15,000,000 in Cooperative DOD/VA Medical Research funding only for the continuation of the DOD Military Medical Personnel Collaborative Spinal Cord Injury, Paralysis, Neuroscience Research, Education and Training program initiated in 1992.

TRANSURETHRAL HYPERTHERMIA

The conferees are aware of the promising preliminary results of work being done to develop prostate treatments which do not require surgery. However, it is necessary to conduct randomized trials to more clearly understand the benefits of non-surgical procedures such as transurethral hyperthermia. Therefore, the conferees direct the Department to use a portion of this funding to finance a well defined scientific study comparing the surgical treatment for benign prostatic hyperplasia with hyperthermia. The multi-year trial shall be conducted at a university medical center with a National Medical Technology Test Bed affiliated with a veterans hospital in California.

GULF WAR SYNDROME

The conferees have provided $5,000,000 within the Cooperative DoD/VA Medical Research program element for competitively-awarded independent research on Gulf War Syndrome.

Amendment No. 113: Deletes a House provision making a portion of the appropriation subject to authorizing legislation. Adds Senate language providing for nursing research and communications services for members of the Armed Forces from the American Red Cross. Amends Senate language regarding the Plattsburgh AFB Hospital.

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE

Amendment No. 114: Appropriates a total of $575,449,000 for Chemical Agents and Munitions Destruction, Defense instead of $562,949,000 as proposed by the House and $590,149,000 as proposed by the Senate.

OPERATION AND MAINTENANCE

Amendment No. 115: Earmarks $355,784,000 for operation and maintenance instead of $345,784,000 as proposed by the House and $363,584,000 as proposed by the Senate. The conference agreement includes the following specific increases above the budget:

Outreach	$2,000,000
Risk Analysis	3,000,000
Surveillance	4,500,000
JACADS Storm Recovery	10,000,000

The conference agreement also incorporates the three specific reductions, totalling $19,300,000, included in the House bill.

PROCUREMENT

Amendment No. 116: Earmarks $198,965,000 for procurement instead of $196,465,000 as proposed by the House and $215,265,000 as proposed by the Senate. The conference agreement includes the following increases and decreases from the budget:

Activated Carbon Filters:	
Equipment Modification Design	+$9,200,000
Tooele facility	+18,200,000
Anniston facility	+15,000,000
Umatilla facility	+20,800,000
Equipment, Pueblo facility	−24,700,000
Equipment, Pine Bluff facility	−32,300,000
Equipment, Umatilla facility	−15,700,000

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

Amendment No. 117: Earmarks $20,700,000 for research, development, test and evaluation as proposed by the House instead of $11,300,000 as proposed by the Senate.

Both the House and the Senate provided funds for the Army to evaluate alternatives to incineration. The conferees want to emphasize that the Army is not constrained to use those funds to pursue only those technologies contained in its recommendations submitted to Congress. It is the intent of the conferees that these funds be used to pursue the most promising approaches and, as new information becomes available, the Army should take full advantage of it to redirect its efforts as appropriate.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES

Amendment No. 118: Appropriates $721,266,000 instead of $713,053,000 as proposed by the House and $700,100,000 as proposed by the Senate and inserts and amends Senate language which transfers $10,000,000 to the Military Construction, Navy appropriation account and amends Public Law 102-396, Section 9136 to clarify the authority of the Defense Department to acquire counterdrug radar tracker aircraft.

The conference agreement on items in conference is as follows:

[In thousands of dollars]

	Fiscal year 1995 President budget	HAC	SAC	Conference
Military Personnel:				
Army Reserve	5,850	5,850	5,850	5,850
Army National Guard	103,100	103,100	103,100	103,100
Navy Reserve	2,716	2,716	2,716	2,716
Marine Corps Reserve	2,088	2,088	2,088	2,088
Air Force	5,700	5,700	5,700	5,700
Air Force Reserve	6,160	6,160	6,160	6,160
Air National Guard	25,805	25,805	25,805	25,805
SOC	135	135	135	135
Subtotal, Military Personnel	151,554	151,554	151,554	151,554
Operation and Maintenance				
Army	88,268	88,268	89,268	88,268
Navy	94,174	94,174	94,374	94,174
Marine Corps	5,655	5,655	6,155	5,655
Air Force	123,607	123,607	123,807	123,607
Defense Agencies	106,327	106,327	94,327	106,327
Army Reserve	4,298	4,298	4,298	4,298
Navy Reserve	1,095	1,095	1,095	1,095
Marine Corps Reserve	1,576	1,576	1,576	1,576
Air Force Reserve	1,160	1,160	1,160	1,160
Army National Guard	22,273	22,273	32,673	22,273
Air National Guard	7,302	7,302	11,302	7,302
SOC	10,395	10,395	10,395	10,395
Classified Adjustment	....	(15,493)	0	(21,000)
Community Outreach Program	....	3,000	0	3,000
Section 1004 Contingency Support	....	27,000	0	10,000
Defense Mapping Agency	....	2,000	0	2,000
CMS	....	(1,500)	0	(1,500)
ROTH—R	....	(5,000)	0	(5,000)
Air Force Tracker Aircraft	....	(2,000)	0	(2,000)
Criminal Justice Substance Abuse Training Center	....	1,000	0	1,000
Gulf States Initiative	....	3,000	3,000	3,000
Multi-jurisdictional Task Force Training Program	....	1,246	0	600
Military Drug Rehabilitation Facility	....	3,500	0	3,500
State Plans, Army National Guard	0	0	7,000	4,500
State Plans, Air National Guard	0	0	4,000	2,500
Police Research Institute	0	0	0	1,000
Southwestern Oregon Narcotics Task Force	0	0	0	1,000
Other SAC Adjustments	0	0	(14,000)	0
Subtotal, O&M	466,130	482,883	449,430	468,730
Procurement:				
Procurement, Army	3,992	3,992	3,992	3,992
Procurement, Navy	10,393	10,393	10,393	10,393
Procurement, MC	800	800	800	800
Procurement, AF	60	60	60	60
Procurement, Def Ags	13,932	13,932	11,932	13,932
National Guard/Reserve	8,720	8,720	9,320	8,720
Procurement, SOC	1,351	1,351	1,351	1,351
Air Force Reserve	850	850	850	850
Classified Adjustment	....	(5,000)	0	0
Gulf States Initiative	....	600	600	600
Multi-jurisdictional Task Force Training Program	0	0	0	646
Lake County Task Force Drug Interdiction Equipment	0	0	0	220
Other SAC Adjustments	0	0	(600)	0
Subtotal, Procurement	40,098	35,698	38,698	41,564
Research, Development, Test and Evaluation:				
Defense Agencies	46,418	46,418	46,418	46,418

[In thousands of dollars]

	Fiscal year 1995 President budget	HAC	SAC	Conference
Classified Adjustment		3,000	0	0
Counter-drug R&D		(3,000)	4,000	2,000
P–3/UAV Demonstration	0	0	0	1,000
Subtotal, RDT&E	46,418	46,418	50,418	49,418
Military Construction, Navy	10,000	0	10,000	10,000
Total, Drug Interdiction	714,200	713,053	700,100	721,266

TRANSIT ZONE INTERDICTION ACTIVITIES

The conferees recognize the importance of transit zone interdiction activities and the role such activities play in denying drug traffickers an open avenue directly into our country. While the conferees recognizes the many requirements within the counter-drug effort, it is the conferees' expectation that the Department of Defense will use the monies provided for transit zone interdiction activities expressly for this purpose.

NATIONAL GUARD PARTICIPATION IN COUNTERDRUG ACTIVITIES

The conferees have been advised that there is some concern within the Department of Defense regarding the participation of the National Guard in counterdrug activities while in title 32 U.S.C. status rather than in state active duty status and the possibility of a violation of the Antideficiency Act (31 U.S.C. 1341(a)) has been suggested. The intent of Congress in providing funds for the counterdrug effort under section 112 of title 32 U.S.C. has been that the National Guard may utilize those funds while conducting such operations in either a title 32 U.S.C. status or state active duty status (both of which are considered non-federal military service), but not in a title 10 federal active duty status and not as a substitute for annual training under section 502 of title 32 U.S.C. The conferees are convinced that the current provisions of section 112 of title 32 U.S.C. provide sufficient guidance to continue such operations as have been approved within the Department of Defense for the past six years and that no violation of the Antideficiency Act has occurred.

The conferees have included a provision, Section 8123 to ensure that there is no confusion in continuing the program in fiscal year 1995. If the Department believes that current provisions in law are inadequate, a legislative proposal to further clarify section 112 of title 32 U.S.C. should be submitted with the fiscal year 1996 defense budget submission.

MULTI-JURISDICTIONAL TASK FORCE TRAINING

The conferees agree to provide an additional $1,246,000 for this program as described in House Report 103–562 and agree that $646,000 of the funds provided shall be available for acquisition of equipment to include distance learning modules.

AIR FORCE RESERVE HC–130 AIRCRAFT

The conferees urge the Air Force Reserve to continue their procurement of commercially available, off-the-shelf navigation thermal imaging systems and related support equipment for use on the Reserve's HC–130N and HC–130P aircraft. It is the intention of the conferees that within the funds made available that procurement of these systems occur. Furthermore, the conferees expect that the Department will request additional funds for this program in the fiscal year 1996 budget submission.

SOUTHWESTERN OREGON NARCOTICS TASK FORCE

In order to combat increasing drug production on federal lands, the conferees direct that $1,000,000 in available funding for counterdrug activities be designated for the Southwestern Oregon Narcotics Task Force.

P–3 AEW DRUG INTERDICTION

The conferees concur that the P–3 is an effective tool for use in the drug interdiction effort and support the goal of providing suitable assets for use in the war on drugs by all parts of the law enforcement community. The conferees direct the Navy to transfer to the Customs Service two currently retired and previously identified heavyweight P–3 B "Bravo" aircraft and 2 APS 138 radars, including rotodomes and pedestals as they become available upon the retirement of Navy E–2C aircraft. It shall be the responsibility of the Customs Service to take control of and modify the aircraft by September 30, 1997. If the Customs Service has not taken control of the aircraft, or has chosen not to modify one or both of the aircraft by that date, the aircraft will be returned to the Navy for proper disposal.

The conferees further direct that $1,000,000 be made available only for a demonstration program which evaluates the potential benefits of unmanned air vehicles (UAVs) operating in support of P–3 AEW aircraft. It is the conferees' intent that the test should utilize an endurance class off-the-shelf UAV system capable of extended duration deployments. Test and evaluation results should be reported to the appropriations committees by May 1, 1996.

NATIONAL DRUG INTELLIGENCE CENTER (NDIC)

The conferees agree to restore the $12,000,000 reduction by the Senate, but also agree that by September 30, 1995, the NDIC Washington Office shall not exceed 10 end strength positions. Additional guidance is provided in the accompanying classified statement of the managers.

OFFICE OF THE INSPECTOR GENERAL

Amendment No. 119: Appropriates $140,872,000 as proposed by the Senate instead of $142,098,000 as proposed by the House.

Amendment No. 120: Earmarks $139,872,000 as proposed by the Senate instead of $141,098,000 as proposed by the House for operation and maintenance.

DEFENSE CRIMINAL INVESTIGATIVE FUNCTIONS

The conferees agree that none of the additional funds made available to the Office of the Inspector General shall be used for the Office of Investigations.

DEFENSE CONVERSION AND REINVESTMENT

Amendment No. 121: Deletes House Language establishing a "Defense Conversion and Reinvestment" transfer account.

The conferees strongly support the objectives of the Defense Conversion, Reinvestment, and Transition Act of 1992. To help accomplish the goals of that legislation the conferees have included at least $3,297,000,000 in the fiscal year 1995 Defense Appropriations Act as follows:

Defense conversion and reinvestment

[In millions of dollars]

Title I:	
Temporary Early Retirement	391.2
Guard and Reserve Transition Initiatives	139.5
Subtotal, Title I	530.7
Title II:	
Separation Pay and Civilian Health Benefits	301.7
Transition Assistance/Relocation Assistance	72.4
National Guard Youth Opportunity Pilot Program	71.4
Office of Economic Adjustment	39.1
Troops to Teachers	65.0
Troops to Cops	15.0
Junior ROTC Expansion	59.8
Other Conversion Initiatives	55.8
Subtotal, Title II	680.2
Title IV:	
Technology Reinvestment Program (TRP)	550.0
Other Defense Reinvestment	73.7
Electronics and Materials Initiatives	260.9
Manufacturing Technology Initiatives	382.6
Computing Systems and Communication Technology	400.9
SEMATECH	90.0
Basic Research	87.7
Advanced Simulation	79.3
SBIR Refocused to Dual Use	161.0
Subtotal, Title IV	2,086.1
Grand Total, Defense Conversion	3,297.0

DEFENSE TECHNOLOGY REINVESTMENT PROGRAMS

The conferees have provided for the following projects as specified:

Defense Reinvestment (PE 6357OE)	550.0
Defense Reinvestment Program (PE 6357OD)	
Loan Guarantees	50.0
Law Enforcement Technology	7.5
Other Reinvestment Initiatives	16.2
Tactical Technology (PE 0602702E)	
Law Enforcement Technology	10.0
EEMIT (PE0603226E)	
Law Enforcement Technology	20.0
Total, Technology Reinvestment Programs	653.7

TECHNOLOGY REINVESTMENT PROGRAM (TRP)

The conferees have provided $550,000,000 for the Advanced Research Projects Agency to continue this program, more commonly known as the Technology Reinvestment Program (TRF). The recommended amount reflects a reduction of $75,000,000 based on fiscal constraints. The conferees agree to consider a reprogramming during the course of fiscal year 1995. The conferees direct that the Department of Defense shall allocate all of these funds among the projects established by the relevant statutes.

The conferees have included a general provision which provides a greater role for the services in the TRP program. Under this provision, the appropriated funds may not be obligated until the Secretary of Defense ensures that the assistant secretaries for research, development, and acquisition of each of the military services are full members of the Defense Technology Conversion Council (DTCC). Furthermore, ARPA is required to hold a competition and to choose TRP projects in focus areas selected by the acquisition executives of the Army, Navy and Air Force. The conferees are convinced that these steps will ensure that TRP funds address defense needs while moving the military services toward greater reliance on dual use technologies.

JOB CREATION/RETENTION

The conferees strongly encourage the Department to make job creation and retention a selection criterion as a condition of the TRP award process; to make unions explicitly and directly eligible to apply for funds; and also to include union representatives among the list of eligible applicants for TRP grants in the next round of proposals.

OTHER CONVERSION INITIATIVES

The conferees suggest that the Defense Department consider funding the following conversion projects during the course of fiscal year 1995:

1. American Legion/International Labor Union Veteran's Training	$1,400,000
2. Georgia Tech Center for International Defense Conversion	400,000
3. Berkshire County Regional Employment Board	100,000
4. Non-Proliferation Institute at the Monterey Institute of International Studies	4,000,000
5. San Diego State University Conversion Center	10,000,000
6. Vietnam Veteran's Leadership Program	280,000
7. San Gabriel Valley Community Development Corporation (ADVANCE)	1,250,000
8. Center for Commercial Deployment of Transportation Technologies	1,667,000
9. Hunters Point Civilian Job Training in Environmental Remediation	500,000
10. Southeast Regional College Network Florida	3,000,000
11. Teacher Training for Children with Learning Disabilities	334,000
12. Southwest Virginia Advanced Mfg. Technology System	364,000
13. Domestic Fuel Cell Manufacturing	200,000
14. Georgia Tech Plasma Arc Remediation	4,000,000
15. Great Lakes Environmental Manufacturing Technology Center	8,000,000
16. California Goldstrike Program (Regional Technology Alliance)	3,500,000
17. Free Electron Laser User Facility	9,000,000
18. Ft. Ord/California State University System	14,000,000
19. Torque Converter Project, Michigan State University	500,000
20. Naval Air Development Center Defense Technology Transfer Program	1,500,000
21. Southeastern, PA Regional Employment and Training Center	2,000,000
22. University of California Defense Cleanup Technology Project at Ft. Ord	1,000,000
23. Magnetic Levitation Transportation Technology	2,000,000
24. California Information Infrastructure	
25. California Environmental Sensor Deployment Project	
26. Methanol Plantship Technology	3,000,000
Total	71,955,000

DOMESTIC FUEL CELL MANUFACTURING

The conferees are encouraged by efforts to develop Collapsible Intermodal Containers (CICs) that will be used for the transport of waste by-products from the Coal Fired Utilities (Flyash) and the bio-solids from Water Treatment Plants to serve as nutrients to replenish strip mined lands.

PHILADELPHIA NAVAL SHIPYARD CONVERSION

The conferees urge the Department to obligate prior year appropriations for conversion of the Philadelphia Naval Shipyard. The Defense Department should provide a plan for program execution to the appropriations committees no later than March 15, 1995.

KOREAN ENHANCED READINESS ACCOUNT

Amendment No. 122: Deletes the House language which appropriated $250,000,000 for the enhanced readiness of United States Forces for Korea.

The conferees agree not to establish a separate Korean Readiness Enhancement account. However, the conferees have increased funding to improve the readiness of troops deployed to Korea. These increases include $51,200,000 in the Operation and Maintenance Army account, to support the Patriot Battalion recently deployed to South Korea and the Attack Aviation Battalion which also was recently deployed. Additionally the conferees have included $15,000,000 to provide a Moving Target Indicator (MTI) capability for U.S. and South Korean forces. More details on these initiatives appear in other sections of this report.

TITLE VII—RELATED AGENCIES

Amendment No. 123: Deletes House language "NATIONAL FOREIGN INTELLIGENCE PROGRAM" and inserts Senate language "RELATED AGENCIES."

Amendment No. 124: Appropriates $8,500,000 from the National Security Trust Fund as proposed by the Senate.

Amendment No. 125: Appropriates $92,684,000 for the Community Management Account, instead of $83,084,000 as proposed by the House and $105,084,000 as proposed by the Senate.

KAHO'OLAWE ISLAND CONVEYANCE, REMEDIATION, AND ENVIRONMENTAL RESTORATION TRUST FUND

Amendment No. 126: Inserts Senate language which earmarks $50,000,000 for payment to the Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration Trust Fund.

TITLE VIII—GENERAL PROVISIONS

Amendment No. 127: Inserts and amends Senate language which allows funds to be used for specific multiyear procurement contracts.

Amendment No. 128: Deletes House language concerning Native American governments and disposition of property in base closures, and inserts Senate language on Native American corporations contracting.

Amendment No. 129: Restores House language on civilian personnel ceilings, and inserts Senate language which limits the number of civilian work-years that DoD may funds overseas.

Amendment No. 130: Deletes House language which would have made permanent the provision allowing the proceeds from the Fisher House Investment Trust Fund to be used to support the operation and maintenance of the Army's Fisher Houses.

Amendment No. 131: Restores and amends House language which provides that all new DoD procurements shall separately identify software costs in those instances where software is considered to be a major category of cost, and inserts Senate language on the Pilot Mentor-Protege program.

Amendment No. 131: Deletes Senate language prohibiting disestablishing the Navy's Craft of Opportunity Program.

Amendment No. 133: Restores House language to fund facilities at the U.S. Army Engineer's Waterways and Experiment Station.

Amendment No. 134: Restores and amends House language that provides funds for the Reserve Component Automation System, and inserts Senate language on Indian Financing Act incentive payments.

Amendment No. 135. Restores House language which prohibits the purchase of certain shipboard anchor and mooring chains outside the United States, and inserts and amends Senate language on 9mm handguns and ammunition.

Amendment No. 136: Deletes House language which required that operational control of the Naval Reserve Personnel Center be under the command and control of the Commander, Naval Reserve Command, and inserts Senate language directing the Department to replace old locks on safes or security containers.

SECURITY LOCKS

The conferees agree to include the general provision proposed by the Senate requiring that security locks purchased by the Department meet current GSA and Department of Defense standards. Purchase of such security locks should be accomplished only through full and open competitive procedures.

Amendment No. 137: Deletes House language prohibiting consolidation or relocation of several ADP installations, and inserts Senate language to provide for transportation of medical supplies to American Samoa and for Native Americans.

Amendment No. 138: Restores House language which limits funds for relocation of an organization, activity, or function within the National Capital Region, and inserts Senate language regarding local hire in noncontiguous States.

Amendment No. 139: Provides $24,565,000 as proposed by the House for Civil Air Patrol instead of $19,917,000 as proposed by the Senate.

Amendment No. 140: Provides $13,105,000 as proposed by the House for operation and maintenance funding for the Civil Air Patrol instead of $10,410,000 as proposed by the Senate.

Amendment No. 141: Restores House language which directs that certain T-AGS ships must utilize remanufactured SASS multibeam sonars, and inserts Senate language which restricts obligation of funds for the AN/ALR-67(V)3 Advanced Special Receiver until certain conditions are met.

Amendment No. 142: Restores House language which makes the provision permanent regarding eligibility requirements for CHAMPUS disabled care.

Amendment No. 143: Deletes House language and inserts and amends Senate language on Federally Funded Research and Development Centers (FFRDCs), RDT&E consultants, and non-profit research institutions. Inserts Senate language intended to eliminate possible conflicts of interest for members of FFRDC Boards of Directors or Trustees and to prevent the establishment of new FFRDCs; inserts and amends Senate language which restricts the use of FFRDC funds until the Congressional defense committees receive the FFRDC funding ceilings for fiscal year 1995; inserts Senate language which limits compensation for FFRDC employees, executive officers, board members and other advisory or governing panels; inserts and amends Senate language which would prohibit the use of fees or other federal funds paid to defense FFRDCs from being used for certain purposes; inserts and amends Senate language establishing a funding ceiling of $1,252,650,000 for defense FFRDCs for fiscal year 1995; inserts and amends Senate language reducing by $251,534,000 the amount of RDT&E funds to be made available for the non-FFRDC consultants; and inserts Senate language adopting the Senate-recommended funding reduction for major non-profit and university-affiliated research centers.

The conferees also direct the Secretary of Defense to conduct a special, comprehensive review of the fee-granting process for FFRDCs and of the use of fees by FFRDCs, with the objective of further limiting this use. The Secretary's review also should address the apparent contradiction between the claimed need for fees for some FFRDCs, and the lack of a fee requirement for other FFRDCs. The Secretary is directed to submit the results of his review not later than April 1, 1995, to the Congressional defense committees, along with any recommendations for changing the FFRDC fee structure.

Amendment No. 144: Restores House language prohibiting funds to procure carbon, alloy or armor steel plate which were not melted and rolled in the United States or Canada, and inserts Senate language which prevents use of unobligated balances in the Stockpile Transaction Fund to finance research and development efforts.

Amendment No. 145: Restores House language requiring the Secretary of Defense to rescind the service Secretary's authority to waive the Buy American Act when a foreign country has discriminated against certain types of products in the United States, and inserts Senate language which requires DoD activities to procure alcoholic beverages locally in noncontiguous states, and amends Section 8059 to provide $1,000,000 for the clean-up of a sale parcel at Hamilton Air Force Base.

Amendment No. 146: Deletes House language which would have made permanent the provision granting the authority which allows DoD to make voluntary separation incentives payable from the Voluntary Separation Incentive Fund.

Amendment No. 147: Restores House language directing the Department to provide that disposal of chrome and manganese ore from the Stockpile be limited to domestic sources, and inserts Senate language concerning actions addressed in the analysis of the impacts of Defense reductions to the Defense technology and industrial base. manganese

Amendment No. 148: Provides $329,000,000 as proposed by the House for Uniformed Services Treatment Facilities instead of $296,000,000 as proposed by the Senate.

Amendment No. 149: Provides that $300,000,000 as proposed by the House may be provided for Uniformed Services Treatment Facilities from funds appropriated in this Act instead of $270,000,000 as proposed by the Senate.

Amendment No. 150: Deletes House language which would have made permanent the provision granting the authority that provides that retired pay of Reserve personnel retiring under the temporary early retirement authority be paid from the military personnel accounts.

Amendment No. 151: Deletes House language prohibiting the relocation of the 116th Fighter Wing of the Air National Guard and inserts Senate language which sets a ceiling of $119,200,000 on U.S. funding for NATO Headquarters operations.

Amendment No. 152: Restores House language which prohibits funds to procure aircraft fuel cells unless they are produced or manufactured in the United States and inserts Senate language which denies funds to establish or support organic depot maintenance activities in DoD for the B-2 bomber until a report is provided to Congress.

Amendment No. 153: Deletes House language which would have made permanent the provision granting the authority that provides that retired pay of active duty personnel retiring under the temporary early retirement authority be paid from the military personnel accounts.

Amendment No. 154: Amends House language regarding restrictions on modifications and changes the word "country" to "United States".

Amendment No. 155: Restores House language on intelligence personnel compensation and reductions, and insets and amends Senate language which appropriates $67,000,000 to prior year appropriations to liquidate outstanding bills of the Army Guard and Army Reserve.

Amendment No. 156: Deletes House language prohibiting funds for the movement of the Defense Mapping Agency Aerospace Center annex from St. Louis, Missouri, and inserts Senate language which establishes payment criteria for CHAMPUS Peer Review Organization.

Amendment No. 157: Deletes House language on high performance computing, and amends Senate language requiring competition for supercomputers.

Amendment No. 158: Restores and amends House language which places restrictions on funds for the purchase of a totally enclosed lifeboat survival system, and inserts Senate language which requires military medical commanders to have administrative experience.

Amendment No. 159: Restores House language concerning compliance with Buy American Act laws, and inserts Senate language which provides funds for the mitigation of environmental impacts resulting from military operations on or near Indian lands.

Amendment No. 160: Inserts and amends Senate language which restricts obligation of funds for the Defense reinvestment program until the assistant secretaries for research, development and acquisition of each of the military services are full members of the Defense Technology Conversion Council, and earmarks $75,000,000 for technology reinvestment program projects in focus areas selected by the acquisition executives of the military services.

Amendment No. 161: Restores House language which denies funds for the development of bi-static active capability unless the acoustic signal processor is hosted on the AN/UYS-2, and inserts Senate language which requires the submission of a master plan for major nonprofit non-FFRDC laboratories engaged in defense research and development.

Amendment No. 162: Deletes House language which required the Secretary of the Navy to purchase USH-42 mission recorders for S-3 aircraft, and inserts Senate language which reallocates prior year shipbuilding funds to cover unanticipated cost increases.

Amendment No. 163: Deletes House language which allowed Operation and Maintenance funds for increasing energy and water efficiency in Federal buildings to be transferred to other appropriations, and inserts and amends Senate language requiring a cost and operational effectiveness analysis for Air Force bomber programs.

BOMBER COST EFFECTIVENESS STUDY

The conferees recommend a general provision earmarking $4,500,000 for the independent study of Air Force Bomber programs. The conferees direct that this study shall be conducted by an independent entity, such as the Institute for Defense Analysis, to ensure a completely unbiased review. Furthermore, the conferees direct that the results of the study shall be provided to the Committees on Appropriations in unclassified and classified form without any delay upon the completion of the internal review process of the independent organization accomplishing the study. The study should cover the specific guidance as proposed by the Senate to include a consideration of the cost, affordability and time required to implement any changes in the bomber force.

Amendment No. 164: Restores House language concerning consultation with the Congress prior to the deployment of United States Armed Forces for international peace-keeping or peace-enforcement operations, and deletes Senate language concerning reimbursement for inspection costs of certain States which are parties to the Treaty on the Elimination of Intermediate-Range and Shorter-Range Missiles and the Treaty on the Reduction and Limitation of Strategic Offensive Arms.

ARMS CONTROL TREATY INSPECTION COSTS

The conferees agree not to include in the final Act the language proposed by the Senate regarding the use of fiscal year 1995 funds to reimburse certain states for costs allocated to those nations under the Treaty on the Elimination of Intermediate-Range and Shorter-Range Missiles (INF) and the Treaty on the Reduction and Limitation of Strategic Offensive Arms (START). In so doing, the conferees recognize the need, at this time, to preserve the inspection regimes contained in these treaties which the Executive Branch and the Congress resolve whether additional statutory authority is required on this matter.

The conferees direct that these payments may be made only for fiscal year 1995, and that no payment may be made without prior consultation with, and notification to, the appropriate Congressional committees, including the defense committees.

The conferees strongly disapprove of the Executive Branch's efforts, thus far, to obtain further statutory authority for these reimbursements, and of the lack of consultation with the appropriate Congressional committees before a policy on these reimbursements was adopted. The conferees will be compelled to consider future funding limitations should such conditions reoccur.

The conferees also are aware of commitments made by the Secretary of Defense that the current Administration in the Executive Branch would not consider the reimbursement policy to be a precedent for any other area of INF or START treaty implementation. The conferees will assess the requirement for future funding limitations based on the Executive Branch's ability to keep these commitments.

Amendment No. 165: Restores and amends House language which extends the availability of prior year funds for sporting competitions, and inserts Senate language which requires the Secretary of Defense to ensure that travel to Hawaii or Alaska require no higher levels of approval or stricter controls than other domestic travel.

Amendment No. 166: Deletes House language which allowed acquisition of Ready Reserve Force ships using the National Defense Sealift fund, and inserts Senate language concerning relocation of the P–3 squadrons stations at Barbers Point, Hawaii.

Amendment No. 167: Restores and amends House language prohibiting the acquisition of more than 47 Titan IV heavy-lift expendable launch vehicles; transferring a total of $60,000,000 to NASA, including $25,000,000 to be used only for LANDSAT 7 and $35,000,000 to be used only at Phillips Laboratory, Albuquerque, New Mexico for an Advanced Technology Demonstrator X-vehicle and to finish the original flight test program of the DC–X1 test vehicle; providing a total of $40,000,000 to begin development of a new family of medium-lift and heavy-lift launch vehicles; and inserts and amends Senate language that places restrictions on military and civilian personnel who separate under an incentive program.

SPACE PROGRAMS

The conferees agree: (a) not to centralize space acquisition funding into two appropriations or to transfer to the National Reconnaissance Office funding for the fixed costs of the Titan IV program as proposed by the House; (b) that no later than March 31, 1995, the Secretary of Defense and Director of Central Intelligence shall combine all DOD and intelligence space acquisition responsibilities into one joint office under a single Space Acquisition Executive; (c) that only $10,000,000 in fiscal year 1994 Research, Development, Text and Evaluation, Defense-wide is available to be obligated for the new family of expendable launch vehicles until the new Space Acquisition Executive presents a detailed acquisition plan for the new family of launch vehicles, including annual and total costs, schedule, and technical risks; and (d) not to require the launch of Defense Support Program satellites on the space shuttle as proposed by the House.

Amendment No. 168: Restores and amends House language concerning Naval Reserve programs, and inserts and amends Senate language which provides funds to support the Civil-Military Cooperation program.

Amendment No. 169: Restores and amends House language which prohibits the establishment of new field operating agencies and inserts Senate language that requires war colleges resident classes to include not less than 20 percent of U.S. military students from other than the hosting military department.

The conferees agree to prohibit the establishment of new field operating agencies of the Department of Defense, except for field operating agencies funded within the National Foreign Intelligence Program. Additionally, the conferees expect the Department of Defense to make sizable reductions in its Headquarters and numerous Defense Support and Field Activities. The expected reductions are exclusive of Department plans for the Department of Defense Dependents Schools (DODDS). The conferees understand the Secretary of Defense intends to make reductions in these areas and direct a report on such initiative. The report should provide a roadmap that details future plans and goals of the reductions and certify that the roadmap is consistent with future Department budget plans. The study shall be submitted to the Congressional defense committees no later than June 30, 1995.

Amendment No. 170: Deletes House language which restricted DDG–51 and LHD–1 obligations pending obligation of sealift ship options, and inserts Senate language requiring the Secretary of the Air Force to compete maintenance workload on M61 Gatling Guns.

Amendment No. 171: Deletes House language which restricted procurement of ceramic products to those produced or manufactured in the United States and inserts Senate language that prohibits the sale of zinc from the national defense stockpile under certain conditions.

Amendment No. 172: Restores and amends House language which directs the Secretary of Navy to procure low cost alternatives to the EA–6B ADVCAP program and deletes Senate language concerning claims submitted by the Muckleshoot Indian tribe.

Amendment No. 173: Deletes House language prohibiting use of funds for the sustaining base information system, and inserts Senate language on closure and community reuse activities at Cameron Station military base in Virginia.

Amendment No. 174: Restores and amends House language prohibiting the use of funds for automated document conversion systems which are not part of a DoD master plan and provides $20,000,000 for the Automated Document Conversion system.

COST-OF-LIVING ADJUSTMENT FOR MILITARY RETIREES

The conference agreement also retains Senate language accelerating the 1995 cost-of-living adjustment for military retirees from October to April and adds a new provision to accelerate 1996–1998 military retiree COLA payments to conform to the civilian COLA schedule contingent on enactment of financing legislation. The House bill contains no similar provisions.

The conferees strongly endorse the concept of eliminating the current disparity between military and civilian retiree COLA payment dates. This disparity is the result of modifications made to payment schedules in the Omnibus Budget Reconciliation Act of 1993.

Under the rules of the Congressional Budget Act, correction of this disparity should be authorized in a manner that causes the increased cost to be borne through offsetting savings in other mandatory or entitlement programs. Instead, the 1995 Defense Authorization Act required the 1995 payment for military retirees to be accelerated only if paid for in the 1995 Defense Appropriations Act via reductions in other Department of Defense discretionary programs. This financing mechanism is unfortunate and unwise. It subverts the pay-as-you-go principle for mandatory and entitlement programs while hurting important defense readiness and modernization efforts.

The conferees have reluctantly agreed to fund the acceleration of the 1995 military COLA payment because the disparity between military and civilian retirees is fundamentally unfair, and other committees have refused to pay for it under the proper procedure.

However, the conferees fully expect that the continuing disparity that exists in 1996–1998 be paid for in the normal PAYGO process for mandatory and entitlement programs. The conference agreement, therefore, includes a provision which conforms the 1996–1998 military and civilian COLA payment dates contingent upon:

(1) the President, in his 1996 budget, proposing legislation to expressly pay for this provision under normal PAYGO rules; and

(2) enactment of authorizing legislation which expressly offsets this cost on the PAYGO scorecard.

ACTUARIAL GAINS

The conferees also wish to bring to the Secretary's attention the need to modernize the treatment of actuarial gains (or losses) realized in the Military Retirement Fund. The current treatment requires significant sums of discretionary funds appropriated for accrual retirement payments for the active force to be shifted to reduce required mandatory payments for other liabilities. These shifts could exceed $1 billion a year in the years ahead.

The conferees note the independent Department of Defense Retirement Board of Actuaries has recommended legislation to allocate future actuarial gains to DOD discretionary accounts when they are attributable to service performed since 1984. The conferees expect the Secretary to give this proposal priority consideration for inclusion in the FY 1996 request.

Amendment No. 175: Restores House language which restricts procurement of propellers and ship shafts to those produced in the United States, and inserts Senate language appropriating funds for the Coast Guard pay raise.

Amendment No. 176: Deletes House language concerning the SPS–48E radar program, deletes Senate language appropriating funds for the Impact Aid program, and inserts a new provision which allows the Department to absorb costs for the military personnel pay raise.

Amendment No. 177: Deletes House language which specifies contract award dates for CHAMPUS Reform Initiative, and inserts and amends Senate language limiting executive compensation.

EXECUTIVE COMPENSATION

The conferees agree to modify Senate language added on executive compensation. The agreement limits the rate of individual compensation that industry can charge the Defense Department on new contracts entered into after April 15, 1995. The Senate had proposed limiting the rate to the salary of Cabinet officials; the conferees agree to an annual rate of $250,000. The conferees note that this provision does not limit the amount that the private sector can pay employees, but only limits allowable cost reimbursements from the Defense Department for such payments to an annual rate of up to $250,000 per individual.

Amendment No. 178: Deletes House language which denies funds for enrollment of new students at the Uniformed Services University of the Health Sciences, and inserts a new provision which prohibits funds to be used to reduce military technician levels in the Reserve component.

Amendment No. 179: Deletes House language prohibiting use of funds to procure active matrix liquid crystal displays, and inserts a new provision which authorizes interagency courier services on a non-reimbursable basis.

Amendment No. 180: Deletes House language which reduced funds for research, development, test and evaluation for management support.

Amendment No. 181: Inserts Senate language which requires a study of the number of military personnel receiving food stamp benefits.

Amendment No. 182: Inserts Senate language which directs the Department to report all costs incurred by DoD, in implementing or supporting resolutions of the United Nations Security Council.

Amendment No. 183: Deletes Senate language which makes certain countries eligible for allied defense cooperation with NATO countries, and inserts a new provision which compensates members of the National Guard for participation in counterdrug activities.

Amendment No. 184: Inserts Senate language concerning the progress of reform in Bulgaria.

Amendment No. 185: Inserts Senate language that directs the Department to report on a master stationing plan for C–130 aircraft.

Amendment No. 186: Inserts Senate language that prohibits the deactivation of any Army ROTC unit until an evaluation has been completed by the Secretary of the Army.

Amendment No. 187: Inserts Senate language that requires a preference for the use of local and small businesses for environmental restoration of Kaho'olawe Island, Hawaii.

Amendment No. 188: Inserts and amends Senate language which requires the Department to report on concurrent receipt of disability compensation and retired pay by former military personnel.

Amendment No. 189: Inserts and amends Senate language which directs the Department to report on its efforts to retain and reassign Army National Guard and Army Reserve personnel.

Amendment No. 190: Deletes Senate language prohibiting the establishment of the Antler Military Operations Area, and inserts a new provision which reimburses Reserve components when providing support to Intelligence activities.

Amendment No. 191: Inserts Senate language which requires identification in the budget request for construction projects for intelligence facilities.

Amendment No. 192: Deletes Senate language that prohibits funds for construction of the headquarters buildings of the National Reconnaissance Office until a review of that project was completed, and inserts a new provision for repayment of guaranteed student loans promised to new recruits.

The conferees understand that some individuals recruited to the Armed Forces were informed that repayment of outstanding guaranteed student loans would be part of their incentive package. In a limited number of cases, certain State guaranteed loans were assumed to be eligible under this program, and were subsequently determined to fall outside the scope of the existing statute. Section 8132 permits the Secretary to expend up to $75,000 total to settle these loans.

Amendment No. 193: Inserts and amends Senate language that earmarks funds to procure mission recorders for use in S–3B aircraft.

Amendment No. 194: Deletes Senate language that directed the President to report on criteria required to gain admission to NATO, and inserts a new provision which transfers the U.S.S. Saratoga to the U.S.S. Saratoga Foundation, State of Florida.

REPORT ON NATO ADMISSION STANDARDS

The conferees direct the Secretary of Defense to submit a report to the congressional defense committees defining the specific military, economic and political criteria for admission to the North Atlantic Treaty Organization (NATO). This report shall address measures that would be necessary to ensure full military cooperation and interoperability of potential new entrants with NATO. The Secretary shall submit this report not later than December 15, 1994.

Amendment No. 195: Inserts and amends Senate language that prohibits funds to be used for the continuous military presence in Somalia after September 30, 1994.

Amendment No. 196: Inserts Senate language that requires Senate advice and consent on changes in the obligations under the CFE Treaty.

Amendment No. 197: Inserts Senate language that requires the Department to develop a plan for establishing and implementing a requirement to match disbursements to obligations before making the disbursements.

Amendment No. 198: Inserts and amends Senate language to express the Sense of the Senate on negotiation of limitations on nuclear weapons testing.

Amendment No. 199: Inserts and amends Senate language that authorizes the Department to contract for commercial or proprietary credit card services for use by nonappropriated fund instrumentalities.

Amendment No. 200: Deletes Senate language that prohibited funds for North Korea until the President certified to Congress that certain conditions about North Korea's nuclear weapons program were met, and inserts a new provision to express the sense of the Congress in naming the Walter Reed Army Institute of Research facility.

Amendment No. 201: Inserts and amends Senate language to provide for the payment of the Aviation Continuation Pay bonus to survivors of persons under certain conditions.

Amendment No. 202: Inserts and amends Senate language to express the sense of the Congress that the Department shall provide all documents relating to biological warfare tests involving the use of zinc cadmium sulfide.

Amendment No. 203: Inserts Senate language that prohibits funds for the relocation or reduction of the functions at Fort Chaffee, Arkansas as specified in the 1991 and 1993 Base Closure and Realignment Reports.

Amendment No. 204: Deletes Senate language which prohibited funds for the development of an advanced threat radar jammer for combat helicopters, and inserts a new provision allowing the Department to apply refunds to current year CHAMPUS requirements.

ADVANCED THREAT RADAR JAMMER

The conferees direct that none of the funds available to the Department of Defense during fiscal year 1995 may be used for negotiating or entering into any agreement with, nor for accepting funds from, a foreign government or an entity controlled by a foreign government for a joint program for the development of an advanced threat radar jammer for combat helicopters until 30 days after the Secretary of Defense, in consultation with the Secretary of State, the Secretary of the Army, and the Director of the Defense Security Assistance Agency, conducts a comprehensive review of the program and submits a report, not later than January 1, 1995, on the results of that review to the congressional defense committees.

This direction does not apply with respect to a major ally of the United States. The term "entity controlled by a foreign government" includes: (a) any domestic or foreign organization or corporation that is effectively owned or controlled by a foreign government; and (b) any individual acting on behalf of a foreign government, as determined by the Secretary of Defense. Such term does not include an organization or corporation that is owned, but is not controlled, either directly or indirectly, by a foreign government if the ownership of that organization or corporation by that foreign government was effective before October 23, 1992. The term "major ally of the United States" has the meaning given such term in section 2350a(i)(2) of title 10, United States Code.

The conferees further direct that the required report include the following:

(a) The legal basis for seeking for the program funds that are neither authorized to be appropriated nor appropriated;

(b) The consistency of the program with the Department of Defense policy that no foreign military sale of a defense system, and no commitment to foreign military sale of a defense system, be made before operational test and evaluation of the system is successfully completed and the Under Secretary of Defense for Acquisition and Technology has specifically approved the system for sale to a foreign government;

(c) The mission requirement for an advanced threat radar jammer for combat helicopters;

(d) An assessment of each threat for which an advanced threat radar jammer would be developed, particularly with regard to each threat to a foreign country with which the United States would jointly develop an advanced threat radar jammer;

(e) The potential for sensitive electronic warfare technology to be made available to potential adversaries of the United States as a result of United States participation in the program;

(f) The availability of other nondevelopmental items and less sophisticated technologies for countering the emerging radar detection threats to United States allies; and

(g) A capability assessment of similar technologies available from other foreign countries and the consequences of proliferation of such technology.

Amendment No. 205: Inserts Senate language to express the sense of the Senate on the redevelopment plan for Lowry Air Force Base.

Amendment No. 206: Inserts Senate language establishing criteria for the second low rate production of the Hunter Unmanned Aerial Vehicle.

Amendment No. 207: Inserts and amends Senate language which extends the availability of funds through fiscal year 1995 for the Service Members Occupational Conversion and Training Act program.

Amendment No. 208: Deletes Senate language concerning Japan fulfilling its commitments under the Host Nation Support Agreement, and inserts a new provision which corrects restrictions placed on funds appropriated under the Humanitarian Assistance appropriation, and repeals the fiscal year 1994 provision regarding winterization activities for the Kurdish relief program.

Amendment No. 209: Inserts Senate language that prohibits funds to be transferred from the Pentagon Reservation Maintenance Revolving Fund until certification by the Department.

Amendment No. 210: Deletes Senate language concerning efforts to end the conflict in Bosnia and Hercegovina, and inserts a new provision which provides $14,200,000 for the Philadelphia Naval Complex Utility Reconfiguration Project.

PHILADELPHIA NAVAL COMPLEX UTILITIES UPGRADE

The conferees note that, in fiscal year 1994, $16.3 million was made available for the Utilities Reconfiguration Project at the Philadelphia Naval Complex. However, execution of the Utilities Reconfiguration Project as currently defined does not provide a functioning utility system for all portions of the naval base. The conferees direct the Navy to design and implement the project so as to provide a functioning utility system for the entire base. The conferees agree to provide an additional $14.2 million so that the Philadelphia Naval Complex Utility Reconfiguration Project can be completed without cessation of utilities for any site in the Complex.

Amendment No. 211: Deletes Senate language which terminated the U.S. arms embargo of Bosnia and Hercegovina no later than November 15, 1994, and inserts a new provision that requires the Secretary of Defense to award the contract under the Defense Production Act Purchases program for nuclear steam generator tubing for aircraft carriers.

Amendment No. 212: Inserts and amends Senate language that provides funds for the Joint Primary Aircraft Training System program.

Amendment No. 213: Inserts Senate language that prohibits the use of funds to retire any B-52H, B-1B or F-111 bomber aircraft, inserts a new provision prohibiting the transfer of funds available to the Department of Defense and the Central Intelligence Agency for drug interdiction or counter-drug activities to any other department or agency of the United States except as specifically provided in an appropriations law, inserts a new provision to provide additional funds to the Asia Foundation, rescinds funds for the Department of State's Contributions to International Organization account and appropriates $192,000,000 for salaries and expenses for the Securities and Exchange Commission contingent upon the enactment of legislation regarding fee collections, inserts a new provision on procurement reform reductions, inserts a new provision rescinding funds from "Aircraft Procurement, Navy, 1993/1995" account, and inserts a new provision providing for the transfer of $500,000,000 from "Operation and Maintenance, Defense-wide" to other operation and maintenance accounts.

PUBLIC LAW 103-317

The conference agreement rescinds $4,561,000 of the $877,222,000 provided in Public Law 103-317 for the Department of State's Contributions to International Organizations account. The conference agreement rescinds funds provided primarily for the payment of arrearages in the Contributions to International Organizations account. The conference agreement also includes some technical language changes concerning the availability of the remaining funds for the payment of arrearages.

The conference agreement also amends Public Law 103-317 to provide an appropriation of $15,000,000 instead of $10,000,000 for the Asia Foundation. This increase is offset by the rescission for the Contributions to International Organizations account included in this conference agreement.

The conference agreement also amends Public Law 103-317 to provide an additional appropriation of $192,000,000 for the Securities and Exchange Commission, to be offset by the collection of a like amount of section 6(b) registration fees to be deposited to this appropriation. The conference agreement provides that both this appropriation and the offsetting fee collections are available only upon enactment of legislation that continues in fiscal year 1995 the fiscal year 1994 rate of fees collected under 6(b) of the Securities Act of 1933 (15 U.S.C. 77f(b)). The Committee on Ways and Means has reported legislation (H.R. 5060) which continues the section 6(b) fee at a rate of 1/29th of one percent for fiscal year 1995 and deposits as an offsetting collection to this appropriation any fee collections attributable to a rate in excess of 1/50th of one percent. The $192,000,000 included in the conference agreement, when added to the enacted appropriation of $74,856,000, investment adviser fees of $8,595,000 and anticipated prior year carryover amounts of $30,549,000, provide the SEC with total budget (obligational) authority of $306,000,000 for fiscal year 1995—its full budget request.

PROCUREMENT REFORM

The conferees agree to a general provision which reduces procurement funds by $304,900,000. The Administration proposed a budget amendment to reduce Defense Department funds by this amount in anticipation of savings resulting from procurement reform. Noting the enactment of procurement reform legislation, the conferees have agreed to reduce funds in Title III accordingly. The conferees direct that the reduction shall be made proportionately to each individual procurement program.

Amendment No. 214: Inserts and amends Senate language which appropriates $299,300,000 for Rwanda relief operations and for emergency migrant processing and safe haven costs in and around Cuba.

Amendment No. 215: Deletes Senate language which added a new Title X for the Megan Kanka Sexually Violent Predators Act.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1995 recommended by the committee of conference, with comparisons to the fiscal year 1994 amount, the 1995 budget estimates, and the House and Senate bills for 1995 follow:

New budget (obligational) authority, fiscal year 1994	$240,079,645,000
Budget estimates of new (obligational) authority fiscal year 1995	244,449,979,000
House bill, fiscal year 1995	243,573,092,000
Senate bill, fiscal year 1995	243,628,029,000
Conference agreement, fiscal year 1995	243,628,127,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1994	+3,548,482,000
Budget estimates of new (obligational) authority fiscal year 1995	−821,852,000
House bill, fiscal year 1995	+55,035,000
Senate bill, fiscal year 1995	+98,000

John P. Murtha,
Norman D. Dicks,
Charles Wilson,
W.G. (Bill) Hefner,
Martin Olav Sabo,
Julian C. Dixon,
Peter J. Visclosky,
George (Buddy) Darden,
David R. Obey,
Joseph M. McDade,
C.W. Bill Young,
Bob Livingston,
Jerry Lewis,
Joe Skeen,
Managers on the part of the House.

Daniel K. Inouye,
Fritz Hollings,
J. Bennett Johnston,
Robert Byrd,
Patrick J. Leahy,
Jim Sasser,
Dennis DeConcini,
Dale Bumpers
Frank R. Lautenberg,
Tom Harkin,
Ted Stevens,
Alfonse D'Amato,
Thad Cochran,
Arlen Specter,
Pete V. Domenici,
Don Nickles,
Phil Gramm,
Christopher S. Bond,
Mark O. Hatfield,
Mangers on the part of the Senate.

PROVIDING FOR CONSIDERATION OF H.R. 4448, LOWELL NATIONAL HISTORICAL PARK

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 532 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 532

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4448) to amend the Act establishing Lowell National Historical Park, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Natural Resources. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. Points of order against the committee amendment in the nature of a substitute for failure to comply with clause 5(a) of rule XXI are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. MOAKLEY] is recognized for 1 hour.

Mr. MOAKLEY. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Florida [Mr. GOSS], pending which I yield myself such time as I may consume.

Mr. Speaker, during consideration of this resolution, all time yielded is for purposes of debate only.

Mr. Speaker, House Resolution 532 is an open rule providing for the consideration of H.R. 4448, a bill to amend the act establishing the Lowell National Historic Park.

The rule provides 1 hour of general debate, equally divided and controlled by the chairman and ranking minority member of the Natural Resources Committee. The rule makes in order the Natural Resources Committee amendment in the nature of a substitute now printed in the bill as an original bill for the purpose of amendment. The substitute is considered as read and clause 5(a) of rule XXI is waived against the substitute. Finally, the rule provides one motion to recommit with or without instruction.

Mr. Speaker, recently a motion was offered to suspend the rules and pass the bill (H.R. 4448). Although supported by a large majority, the motion failed the requisite two-thirds vote. I believe there was general agreement to the concept of the bill although there was some controversy. The resolution recommended by the Rules Committee will adequately protect the right of any Member to address their concerns by amendment.

Mr. Speaker, I carried the rule for the bill that established the Lowell National Historical Park back in 1978. As a native of Massachusetts, I can say with great pride that today Lowell, MA, remains a dramatic illustration of 19th century industrial America thanks to the work that has gone forth to restore and preserve this heritage site since 1978. This effort to restore the historical core of the city is a prime example of what can be accomplished when Federal, State, and local governments work with the private sector to achieve a common goal. In fact, the Lowell National Historical Park has become a model of the partnership necessary for the development of other community-based parks.

Lowell, which was founded in 1822, was the first American city built expressly for mass production and shaped by the new social order that factory work imposed. Lowell's nationally significant resources include the 5.6-mile power canal system, several original mill complexes, 19th century commercial and municipal buildings, social, labor, and educational institutions, mill residences, and early transportation facilities.

The city's industrial mill buildings, canal system, and other historic buildings serve as an important educational tool. Historical Lowell embodies superb examples of the most advanced power generation, manufacturing, and transportation technologies available in America during the Industrial Revolution.

Mr. Speaker, H.R. 4448 will allow for the orderly termination of the Lowell National Historical Park Commission which was established by the 1978 act and for the completion of the restoration work at the park.

Even though much has been accomplished since the park was created, some work remains to be completed. H.R. 4448 will extend the Park Commission for 5 more years and authorize an additional $10.3 million so that the restoration work can be finished. The funding authorized in the bill will be used to complete the restoration of the canal system and to fund the Commission's historic preservation loan program.

We, in Congress, must make certain that all the work is completed before the Commission is terminated and its authorities and responsibilities are turned over to the National Park Service. Passage of H.R. 4448 will ensure that.

Mr. Speaker, I urge adoption of the rule and passage of the bill.

□ 1640

Mr. Speaker, I reserve the balance of my time.

Mr. GOSS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in considering this bill today we have exactly the opposite situation we were given last month when the subject of the Lowell National Historical Park came to the floor. As my colleagues may remember, on August 1, this House was asked to suspend the rules to pass this bill, H.R. 4448—a process that is tantamount to a completely closed rule, since bills under suspension are not allowed to be amended on the floor. At that time, so many Members raised concerns about this bill, its merits and its costs, that the legislation failed to receive enough votes to pass the suspension test. I am grateful that the Rules Committee, acting on a request from Chairman VENTO, acknowledged the concerns of this House and has returned H.R. 4448 to the floor under a completely open rule. What a difference a few weeks makes. Under today's rule, all Members will have the chance to raise concerns about this bill and to offer germane amendments if they have ideas for improving the legislation. As always, I must assert that—except in cases of highly complex or technical bills—the open rule process should be the normal order of business in this House. I know my colleagues on the other side of the aisle get tired of hearing this, but I must remind all Members that open rules are much less frequent in this Congress than years past, and when it comes to rally controversial or major legislation, we almost never see an open rule. As always, I hope that trend will turn around. Although I support this rule, I would like to alert my colleagues to one small wrinkle—and I emphasize small—involving the waiver of clause 5(a) of rule XXI, which prohibits appropriating in a legislative bill. I wish to clarify for my colleagues that staff has assured us that this waiver only protects the ability of the Park Commission to use lease revenues for operating expenses, if the necessary appropriation is not passed. We have been assured that the bulk of the money discussed in this bill—which CBO estimates could amount to about $15 million over 5 years—is only an authorization and must be subject to the annual appropriations process just like most other projects.

Mr. Speaker, I expect we will have a lively debate about the merits of this bill and whether this project deserves to be singled out for special authorization at this time and for this amount of money. I am grateful for the open rule but I must say I am puzzled about why we are using our limited floor time near the end of the session to discuss this bill, which has little prospect of being completed by the other body prior to adjournment of this Congress and whose passage is clearly not crucial this year. I wonder about the priorities of the leadership, which seems to have decided that the Lowell Park project is more deserving of House attention than congressional reform, lobby reform, campaign reform, responsible health care reform, and a whole host of other measures that are waiting in the wings. To me that suggests that we may have our priorities a bit out of line with those of the American people. Nevertheless, the docket says today we will do this bill, and so I again wish to thank the majority for this open rule.

Mr. Speaker, I include data on open versus restrictive rules for the RECORD, as follows:

OPEN VERSUS RESTRICTIVE RULES 95TH–103D CONG.

Congress (years)	Total rules granted[1]	Open rules		Restrictive rules	
		Number	Percent[2]	Number	Percent[3]
95th (1977–78)	211	179	85	32	15
96th (1979–80)	214	161	75	53	25
97th (1981–82)	120	90	75	30	25
98th (1983–84)	155	105	68	50	32
99th (1985–86)	115	65	57	50	43
100th (1987–88)	123	66	54	57	46
101st (1989–90)	104	47	45	57	55
102d (1991–92)	109	37	34	72	66
103d (1993–94)	97	30	31	67	69

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[1] Total rules counted are all order of business resolutions reported from the Rules Committee which provide for the initial consideration of legislation, except rules on appropriations bills which only waive points of order. Original jurisdiction measures reported as privileged are also not counted.

[2] Open rules are those which permit any Member to offer any germane amendment to a measure so long as it is otherwise in compliance with the rules of the House. The parenthetical percentages are open rules as a percent of total rules granted.

[3] Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules, as well as completely closed rule, and rules providing for consideration in the House as opposed to the Committee of the Whole. The parenthetical percentages are restrictive rules as a percent of total rules granted.

Sources: "Rules Committee Calendars & Surveys of Activities," 95th–102d Cong.; "Notices of Action Taken," Committee on Rules, 103d Cong., through Sept. 23, 1994.

OPEN VERSUS RESTRICTIVE RULES: 103D CONG.

Rule number date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 58, Feb. 2, 1993	MC	H.R. 1: Family and medical leave	30 (D–5; R–25)	3 (D–0; R–3)	PQ: 246–176. A: 259–164. (Feb. 3, 1993).
H. Res. 59, Feb. 3, 1993	MC	H.R. 2: National Voter Registration Act	19 (D–1; R–18)	1 (D–0; R–1)	PQ: 248–171. A: 249–170. (Feb. 4, 1993).
H. Res. 103, Feb. 23, 1993	C	H.R. 920: Unemployment compensation	7 (D–2; R–5)	0 (D–0; R–0)	PQ: 243–172. A: 237–178. (Feb. 24, 1993).
H. Res. 106, Mar. 2, 1993	MC	H.R. 20: Hatch Act amendments	9 (D–1; R–8)	3 (D–0; R–3)	PQ: 248–166. A: 249–163. (Mar. 3, 1993).
H. Res. 119, Mar. 9, 1993	MC	H.R. 4: NIH Revitalization Act of 1993	13 (d–4; R–9)	8 (D–3; R–5)	PQ: 247–170. A: 248–170. (Mar. 10, 1993).
H. Res. 132, Mar. 17, 1993	MC	H.R. 1335: Emergency supplemental Appropriations	37 (D–8; R–29)	1(not submitted) (D–1; R–0)	A: 240–185. (Mar. 18, 1993).
H. Res. 133, Mar. 17, 1993	MC	H. Con. Res. 64: Budget resolution	14 (D–2; R–12)	4 (1-D not submitted) (D–2, R–2)	PQ: 250–172. A: 251–172. (Mar. 18, 1993).
H. Res. 138, Mar. 23, 1993	MC	H.R. 670: Family planning amendments	20 (D–8; R–12)	9 (D–4; R–5)	PQ: 252–164. A: 247–169. (Mar. 24, 1993).
H. Res. 147, Mar. 31, 1993	C	H.R. 1430: Increase Public debt limit	6 (D–1; R–5)	0 (D–0; R–0)	PQ: 244–168. A: 242–170. (Apr. 1, 1993).
H. Res. 149 Apr. 1, 1993	MC	H.R. 1578: Expedited Rescission Act of 1993	8 (D–1; R–7)	3 (D–1; R–2)	A: 212–208. (Apr. 28, 1993).
H. Res. 164, May 4, 1993	O	H.R. 820: Nate Competitiveness Act	NA	NA	A: Voice Vote. (May 5, 1993).
H. Res. 171, May 18, 1993	O	H.R. 873: Gallatin Range Act of 1993	NA	NA	A: Voice Vote. (May 20, 1993).
H. Res. 172, May 18, 1993	O	H.R. 1159: Passenger Vessel Safety Act	NA	NA	A: 308–0 (May 24, 1993).
H. Res. 173 May 18, 1993	MC	S.J. Res. 45: United States forces in Somalia	6 (D–1; R–5)	6 (D–1; R–5)	A: Voice Vote (May 20, 1993)
H. Res. 183, May 25, 1993	O	H.R. 2244: 2d supplemental appropriations	NA	NA	A: 251–174. (May 26, 1993).
H. Res. 186, May 27, 1993	MC	H.R. 2264: Omnibus budget reconciliation	51 (D–19; R–32)	8 (D–7; R–1)	PQ: 252–178. A: 236–194 (May 27, 1993).
H. Res. 192, June 9, 1993	MC	H.R. 2348: Legislative branch appropriations	50 (D–6; R–44)	6 (D–3; R–3)	PQ: 240–177. A: 226–185. (June 10, 1993).
H. Res. 193, June 10, 1993	O	H.R. 2200: NASA authorization	NA	NA	A: Voice Vote. (June 14, 1993).
H. Res. 195, June 14, 1993	MC	H.R. 5: Striker replacement	7 (D–4; R–3)	2 (D–1; R–1)	A: 244–176.. (June 15, 1993).
H. Res. 197, June 15, 1993	MO	H.R. 2333: State Department. H.R. 2404: Foreign aid	53 (D–20; R–33)	27 (D–12; R–15)	A: 294–129. (June 16, 1993).
H. Res. 199, June 16, 1993	C	H.R. 1876: Ext. of "Fast Track"	NA	NA	A: Voice Vote. (June 22, 1993).
H. Res. 200, June 16, 1993	MC	H.R. 2295: Foreign operations appropriations	33 (D–11; R–22)	5 (D–1; R–4)	A: 263–160. (June 17, 1993).
H. Res. 201, June 17, 1993	O	H.R. 2403: Treasury-postal appropriations	NA	NA	A: Voice Vote. (June 17, 1993).
H. Res. 203, June 22, 1993	MO	H.R. 2445: Energy and Water appropriations	NA	NA	A: Voice Vote. (June 23, 1993).
H. Res. 206, June 23, 1993	O	H.R. 2150: Coast Guard authorization	NA	NA	A: 401–0. (July 30, 1993).
H. Res. 217, July 14, 1993	MO	H.R. 2010: National Service Trust Act	NA	NA	A: 261–164. (July 21, 1993).
H. Res. 220, July 21, 1993	MC	H.R. 2667: Disaster assistance supplemental	14 (D–8; R–6)	2 (D–2; R–0)	PQ: 245–178. F: 205–216. (July 22, 1993).
H. Res. 226, July 23, 1993	MC	H.R. 2667: Disaster assistance supplemental	15 (D–8; R–7)	2 (D–2; R–0)	A: 224–205. (July 27, 1993).
H. Res. 229, July 28, 1993	MO	H.R. 2330: Intelligence Authority Act, fiscal year 1994	NA	NA	A: Voice Vote. (Aug. 3, 1993).
H. Res. 230, July 28, 1993	O	H.R. 1964: Maritime Administration authority	NA	NA	A: Voice Vote. (July 29, 1993).
H. Res. 246, Aug. 6, 1993	MO	H.R. 2401: National Defense authority	149 (D–109; R–40)		A: 246–172. (Sept. 8, 1993).
H. Res. 248, Sept. 9, 1993	MO	H.R. 2401: National defense authorization			PQ: 237–169. A: 234–169. (Sept. 13, 1993).
H. Res. 250, Sept. 13, 1993	MC	H.R. 1340: RTC Completion Act	12 (D–3; R–9)	1 (D–1; R–0)	A: 213–191–1. (Sept. 14, 1993).
H. Res. 254, Sept. 22, 1993	MO	H.R. 2401: National Defense authorization		91 (D–67; R–24)	A: 241–182. (Sept. 28, 1993).
H. Res. 262, Sept. 28, 1993	O	H.R. 1845: National Biological Survey Act	NA	NA	A: 238–188 (10/06/93).
H. Res. 264, Sept. 28, 1993	MC	H.R. 2351: Arts, humanities, museums	7 (D–0; R–7)	3 (D–0; R–3)	PQ: 240–185. A: 225–195. (Oct. 14, 1993).
H. Res. 265, Sept. 29, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D–1; R–2)	2 (D–1; R–1)	A: 239–150. (Oct. 15, 1993).
H. Res. 269, Oct. 6, 1993	MO	H.R. 2739: Aviation infrastructure investment	N/A	N/A	A: Voice Vote. (Oct. 7, 1993).
H. Res. 273, Oct. 12, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D–1; R–2)	2 (D–1; R–1)	PQ: 235–187. F: 149–254. (Oct. 14, 1993).
H. Res. 274, Oct. 12, 1993	MC	H.R. 1804: Goals 2000 Educate America Act	15 (D–7; R–7; I–1)	10 (D–7; R–3)	A: Voice Vote. (Oct. 13, 1993).
H. Res. 282, Oct. 20, 1993	C	H.J. Res. 281: Continuing appropriations through Oct. 28, 1993	N/A	N/A	A: Voice Vote. (Oct. 21, 1993).
H. Res. 286, Oct. 27, 1993	O	H.R. 334: Lumbee Recognition Act	N/A	N/A	A: Voice Vote. (Oct. 28, 1993).
H. Res. 287, Oct. 27, 1993	C	H.J. Res. 283: Continuing appropriations resolution	1 (D–0; R–0)	0	A: 252–170. (Oct. 28, 1993).
H. Res. 289, Oct. 28, 1993	O	H.R. 2151: Maritime Security Act of 1993	N/A	N/A	A: Voice Vote. (Nov. 3, 1993).
H. Res. 293, Nov. 4, 1993	MC	H. Con. Res. 170: Troop withdrawal Somalia	N/A	N/A	A: 390–8. (Nov. 8, 1993).
H. Res. 299, Nov. 8, 1993	MO	H.R. 1036: Employee Retirement Act–1993	2 (D–1; R–1)	N/A	A: Voice Vote. (Nov. 9, 1993).
H. Res. 302, Nov. 9, 1993	MC	H.R. 1025: Brady handgun bill	17 (D–6; R–11)	4 (D–1; R–3)	A: 238–182. (Nov. 10, 1993).
H. Res. 303, Nov. 9, 1993	O	H.R. 322: Mineral exploration	N/A	N/A	A: Voice Vote. (Nov. 16, 1993).
H. Res. 304, Nov. 9, 1993	C	H.J. Res. 288: Further CR, FY 1994	N/A	N/A	
H. Res. 312, Nov. 17, 1993	MC	H.R. 3425: EPA Cabinet Status	27 (D–8; R–19)	9 (D–1; R–8)	F: 191–227. (Feb. 2, 1994).
H. Res. 313, Nov. 17, 1993	MC	H.R. 796: Freedom Access to Clinics	15 (D–9; R–6)	4 (D–1; R–3)	A: 233–192. (Nov. 18, 1993).
H. Res. 314, Nov. 17, 1993	MC	H.R. 3351: Alt Methods Young Offenders	21 (D–7; R–14)	6 (D–3; R–3)	A: 238–179. (Nov. 19, 1993).
H. Res. 316, Nov. 19, 1993	C	H.R. 51: D.C. statehood bill	1 (D–1; R–0)	N/A	A: 252–172. (Nov. 20, 1993).
H. Res. 319, Nov. 20, 1993	MC	H.R. 3: Campaign Finance Reform	35 (D–6; R–29)	1 (D–0; R–1)	A: 220–207. (Nov. 21, 1993).
H. Res. 320, Nov. 20, 1993	MC	H.R. 3400: Reinventing Government	34 (D–15; R–19)	3 (D–3; R–0)	A: 247–183. (Nov. 22, 1993).
H. Res. 336, Feb. 2, 1994	MC	H.R. 3759: Emergency Supplemental Appropriations	14 (D–8; R–5; I–1)	5 (D–3; R–2)	PQ: 244–168. A: 342–65. (Feb. 3, 1994).
H. Res. 352, Feb. 8, 1994	MC	H.R. 811: Independent Counsel Act	27 (D–8; R–19)	10 (D–4; R–6)	PQ: 249–174. A: 242–174. (Feb. 9, 1994).
H. Res. 357, Feb. 9, 1994	MC	H.R. 3345: Federal Workforce Restructuring	3 (D–2; R–1)	2 (D–2; R–0)	A: VV (Feb. 10, 1994).
H. Res. 366, Feb. 23, 1994	MO	H.R. 6: Improving America's Schools	NA	NA	A: VV (Feb. 24, 1994).
H. Res. 384, Mar. 9, 1994	MC	H. Con. Res. 218: Budget Resolution FY 1995–99	14 (D–5; R–9)	5 (D–3; R–2)	A; 245–171 (Mar. 10, 1994).
H. Res. 401, Apr. 12, 1994	MO	H.R. 4092: Violent Crime Control	180 (D–98; R–82)	68 (D–47; R–21)	A: 244–176 (Apr. 13, 1994).
H. Res. 410, Apr. 21, 1994	MO	H.R. 3221: Iraqi Claims Act	N/A	N/A	A: Voice Vote (Apr. 28, 1994).
H. Res. 414, Apr. 28, 1994	O	H.R. 3254: NSF Auth. Act	N/A	N/A	A: Voice Vote (May 3, 1994).
H. Res. 416, May 4, 1994	C	H.R. 4296: Assault Weapons Ban Act	7 (D–5; R–2)	0 (D–0; R–0)	A: 220–209 (May 5, 1994).
H. Res. 420, May 5, 1994	O	H.R. 2442: EDA Reauthorization	N/A	N/A	A: Voice Vote (May 10, 1994).
H. Res. 422, May 11, 1994	MO	H.R. 518: California Desert Protection	N/A	N/A	PQ: 245–172 A: 248–165 (May 17, 1994).
H. Res. 423, May 11, 1994	O	H.R. 2473: Montana Wilderness Act	N/A	N/A	A: Voice Vote (May 12, 1994).
H. Res. 428, May 17, 1994	MO	H.R. 2108: Black Lung Benefits Act	4 (D–1; R–3)	N/A	A: VV (May 19, 1994).
H. Res. 429, May 17, 1994	MO	H.R. 4301: Defense Auth., FY 1995	173 (D–115; R–58)		A: 369–49 (May 18, 1994).
H. Res. 431, May 20, 1994	MO	H.R. 4301: Defense Auth., FY 1995		100 (D–80; R–20)	A: Voice Vote (May 23, 1994).
H. Res. 440, May 24, 1994	MC	H.R. 4385: Natl Hiway System Designation	16 (D–10; R–6)	5 (D–5; R–0)	A: Voice Vote (May 25, 1994).
H. Res. 443, May 25, 1994	MC	H.R. 4426: For. Ops. Approps, FY 1995	39 (D–11; R–28)	8 (D–3; R–5)	PQ: 233–191 A: 244–181 (May 25, 1994).
H. Res. 444, May 25, 1994	MC	H.R. 4454: Leg Branch Approp, FY 1995	43 (D–10; R–33)	12 (D–8; R–4)	A: 249–177 (May 26, 1994).
H. Res. 447, June 8, 1994	O	H.R. 4539: Treasury/Postal Approps 1995	N/A	N/A	A: 236–177 (June 9, 1994).
H. Res. 467, June 28, 1994	MC	H.R. 4600: Expedited Rescissions Act	N/A	N/A	PQ: 240–185 A:Voice Vote (July 14, 1994).
H. Res. 468, June 28, 1994	MO	H.R. 4299: Intelligence Auth., FY 1995	N/A	N/A	A: Voice Vote (July 19, 1994).
H. Res. 474, July 12, 1994	MO	H.R. 3937: Export Admin. Act of 1994	N/A	N/A	A: Voice Vote (July 14, 1994).
H. Res. 475, July 12, 1994	O	H.R. 1188: Anti. Redlining in Ins	N/A	N/A	A: Voice Vote (July 20, 1994).
H. Res. 482, July 20, 1994	O	H.R. 3838: Housing & Comm. Dev. Act	N/A	N/A	A: Voice Vote (July 21, 1994).
H. Res. 483, July 20, 1994	O	H.R. 3870: Environ. Tech. Act of 1994	N/A	N/A	A: Voice Vote (July 26, 1994).
H. Res. 484, July 20, 1994	MC	H.R. 4604: Budget Control Act of 1994	3 (D–2; R–1)	3 (D–2; R–1)	PQ: 245–180 A: Voice Vote (July 21, 1994).
H. Res. 491, July 27, 1994	O	H.R. 2448: Radon Disclosure Act	N/A	N/A	A: Voice Vote (July 28, 1994).
H. Res. 492, July 27, 1994	O	S. 208: NPS Concession Policy	N/A	N/A	A: Voice Vote (July 28, 1994).
H. Res. 494, July 28, 1994	MC	H.R. 4801: SBA Reauth & Amdmts. Act	10 (D–5; R–5)	6 (D–4; R–2)	PQ: 215–169 A: 221–161 (July 29, 1994).
H. Res. 500, Aug. 1, 1994	MO	H.R. 4003: Maritime Admin. Reauth.	N/A	N/A	A: 336–77 (Aug. 2, 1994).
H. Res. 501, Aug. 1, 1994	O	S. 1357: Little Traverse Bay Bands	N/A	N/A	A: Voice Vote (Aug. 3, 1994).
H. Res. 502, Aug. 1, 1994	O	H.R. 1066: Pokagon Band of Potawatomi	N/A	N/A	A: Voice Vote (Aug. 3, 1994).
H. Res. 507, Aug. 4, 1994	O	H.R. 4217: Federal Crop Insurance	N/A	N/A	A: Voice Vote (Aug. 5, 1994).
H. Res. 509, Aug. 5, 1994	MC	H.J. Res. 373/H.R. 4590: MFN China Policy	N/A	N/A	A: Voice Vote (Aug. 9, 1994).

OPEN VERSUS RESTRICTIVE RULES: 103D CONG.—Continued

Rule number date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 513, Aug. 9, 1994	MC	H.R. 4906: Emergency Spending Control Act	N/A	N/A	A: Voice Vote (Aug. 17, 1994).
H. Res. 512, Aug. 9, 1994	MC	H.R. 4907: Full Budget Disclosure Act	N/A	N/A	A: 255–178 (Aug. 11, 1994).
H. Res. 514, Aug. 9, 1994	MC	H.R. 4822: Cong. Accountability	33 (D–16; R–17)	16 (D–10; R–6)	PQ: 247–185 A: Voice Vote (Aug. 10, 1994).
H. Res. 515, Aug. 10, 1994	O	H.R. 4908: Hydrogen Etc. Research Act	N/A	N/A	A: Voice Vote (Aug. 19, 1994).
H. Res. 516, Aug. 10, 1994	MC	H.R. 3433: Presidio Management	12 (D–2; R–10)	N/A	A: Voice Vote (Aug. 19, 1994).
H. Res. 532, Sept. 20, 1994	O	H.R. 4448: Lowell Natl. Park	N/A	N/A	
H. Res. 535, Sept. 20, 1994	O	H.R. 4422: Coast Guard Authorization	N/A	N/A	A: Voice Vote (Sept. 22, 1994).
H. Res. 536, Sept. 20, 1994	MC	H.R. 2866: Headwaters Forest Act	16 (D–5; R–11)	9 (D–3; R–6)	PQ: 245–175 A: 246–174 (Sept. 21, 1994).
H. Res. 542, Sept. 23, 1994	O	H.R. 4008: NOAA Auth. Act	N/A	N/A	
H. Res. 543, Sept. 23, 1994	O	H.R. 4926: Natl. Treatment in Banking	N/A	N/A	
H. Res. 544, Sept. 23, 1994	O	H.R. 3171: Ag. Dept. Reorganization	N/A	N/A	

Note.—Code: C-Closed; MC-Modified closed; MO-Modified open; O-Open; D-Democrat; R-Republican; PQ: Previous question; A-Adopted; F-Failed.

Mr. Speaker, I yield back the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION AUTHORIZATION ACT OF 1994

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 542 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 542

Resolved, That at any time after the adoption of this resolution the Speaker, may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4008) to authorize appropriations for the National Oceanic and Atmospheric Administration for fiscal years 1994 and 1995, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour, with thirty minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Merchant Marine and Fisheries and thirty minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Science, Space, and Technology. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the committee amendments now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule an amendment in the nature of a substitute consisting of the text of H.R. 5046. That amendment in the nature of a substitute shall be considered by title rather than by section. Each title shall considered as read. All points of order against that amendment in the nature of a substitute are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. HASTINGS). The gentleman from Massachusetts [Mr. MOAKLEY] is recognized for 1 hour.

Mr. MOAKLEY. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Tennessee [Mr. QUILLEN], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 542 is an open rule providing for 1 hour of general debate with 30 minutes equally divided between the chairman and ranking minority member of the Merchant Marine and Fisheries Committee and 30 minutes equally divided between the chairman and ranking minority member of the Committee on Science, Space, and Technology.

Mr. Speaker, House Resolution 542 waives all points of order against the bill and the committee substitute, H.R. 5046, which this resolution makes in order as original text for the purposes of amendment.

Finally, Mr. Speaker, this resolution provides one motion to recommit with or without instructions.

Mr. Speaker, H.R. 5046 reflects the agreement reached between the two committees that have jurisdiction over NOAA, the Science, Space, and Technology Committee and the Merchant Marine and Fisheries Committee.

This bill authorizes $459 million for fiscal year 1995 and $469 million for fiscal year 1996 for the National Oceanic and Atmospheric Administration.

The programs administered by NOAA help improve the global environment, provide maps and charts of our oceans, and protect many of our most precious natural resources.

This legislation contains many provisions which impact the management of NOAA and improve upon its research and operational capabilities.

Mr. Speaker, our oceans and waterways represent one of the world's greatest natural resources. For centuries man has used the sea for food, for travel and for trade. As a result, protection and conservation of our oceans is one of the priorities of the global community.

Mr. Speaker, the dedicated men and women of the NOAA corps administer programs such as the National Undersea Research Program and the Saltonsall-Kennedy Grant Program which are designed to protect and conserve the world's oceans and their bountiful resources.

Mr. Speaker, H.R. 4008 also authorizes funding for a new initiative, the Global Learning and Observations to Benefit the Environment Program.

This program is designed to promote environmental awareness to the children of the world while providing environmental data for use in the scientific community.

Although Federal funds are authorized for funding this worthwhile project, the global program will rely heavily on funding from the private sector for its continued operation.

Mr. Speaker, this program is an excellent investment in the future. It is hoped that by establishing this program for the children of today, that they will grow to be adults who are environmentally aware and better educated and prepared to protect and conserve the world's natural resources.

Mr. Speaker, in closing I would like to commend the chairmen and ranking minority members of both the Merchant Marine and Fisheries Committee and the Science, Space, and Technology Committee.

Chairman STUDDS, Chairman BROWN, and Mr. FIELDS and Mr. WALKER have once again worked in a bipartisan fashion to bring to the House a compromise bill which should pass the House with little opposition.

I urge adoption of this resolution and adoption of the bill.

□ 1650

Mr. Speaker, I reserve the balance of my time.

Mr. QUILLEN. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, the gentleman from Massachusetts [Mr. MOAKLEY] has thoroughly explained the provisions of this rule, and while it may appear to be without controversy, I strongly object to the blanket waiver provided under the rule and I urge my colleagues to vote against it.

Mr. Speaker, when the chairman of the Merchant Marine and Fisheries

Committee, Mr. STUDDS, appeared before the Rules Committee last week, he was specifically asked what waivers, if any, the bill required. Mr. STUDDS responded that a waiver of rule XXI, clause 5(a), prohibiting appropriations in a legislative bill, was required for sections 401 and 408 of the bill and the substitute. An explanation of the need for those waivers was furnished to the members of the Rules Committee. They are minor and noncontroversial and I am not opposed to the granting of these waivers. However, I have just been informed that there is a possible Budget Act violations in this measure as well.

The committees of jurisdiction did an outstanding job in working together to bring forth this important bipartisan measure, and they did their job thoroughly by informing the Rules Committee of its waiver requirements. The Rules Committee, however, did not do its job thoroughly when it reported this rule. During consideration of this matter in the Rules Committee, a motion was made by Mr. SOLOMON to replace the blanket waiver with the specific waivers needed. This motion was defeated on a party-line vote.

Mr. Speaker, I strongly feel that the Rules Committee has an obligation to report out rules which specifically outline which waivers, if any, are being granted whenever this is feasible. This is one of those instances—the waivers should be printed in this rule and not be left up to the rule managers to outline them during floor debate.

Mr. Speaker, I again strongly urge my colleagues to vote down this rule and send a message to the Rules Committee that the House expects the committee to do its job thoroughly by providing full and open disclosure in the rules it reports.

Mr. Speaker, I include for the RECORD statistics on rollcall votes in the Committee on Rules as follows:

ROLL CALL VOTE IN THE RULES COMMITTEE ON H.R. 4008, NOAA AUTHORIZATION ACT, FRIDAY, SEPTEMBER 23, 1994

1. Solomon Motion on Blanket Waivers—A motion to replace the waivers of all points of order against the bill and substitute with specific waivers and to provide Rules Committee members with an explanation of each. Rejected: 3–4. Yeas: Solomon, Dreier, Goss. Nays: Moakley, Derrick, Frost, Slaughter. Not Voting: Beilenson, Bonior, Hall, Wheat, Gordon, Quillen.

2. Derrick Motion to Report Rule—A one-hour, open rule, waiving all points of order against the bill and substitute. Adopted: 4–3. Yeas: Moakley, Derrick, Frost, Slaughter. Nays: Solomon, Dreier, Goss. Not Voting: Beilenson, Bonior, Hall, Wheat, Gordon, Quillen.

OPEN VERSUS RESTRICTIVE RULES 95TH–103D CONG.

Congress (years)	Total rules granted [1]	Open rules		Restrictive rules	
		Number	Percent [2]	Number	Percent [3]
95th (1977–78)	211	179	85	32	15
96th (1979–80)	214	161	75	53	25
97th (1981–82)	120	90	75	30	25
98th (1983–84)	155	105	68	50	32
99th (1985–86)	115	65	57	50	43
100th (1987–88)	123	66	54	57	46
101st (1989–90)	104	47	45	57	55
102d (1991–92)	109	37	34	72	66
103d (1993–94)	97	30	31	67	69

[1] Total rules counted are all order of business resolutions reported from the Rules Committee which provide for the initial consideration of legislation, except rules on appropriations bills which only waive points of order. Original jurisdiction measures reported as privileged are also not counted.

[2] Open rules are those which permit any Member to offer any germane amendment to a measure so long as it is otherwise in compliance with the rules of the House. The parenthetical percentages are open rules as a percent of total rules granted.

[3] Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules, as well as completely closed rule, and rules providing for consideration in the House as opposed to the Committee of the Whole. The parenthetical percentages are restrictive rules as a percent of total rules granted.

Sources: "Rules Committee Calendars & Surveys of Activities," 95th–102d Cong.; "Notices of Action Taken," Committee on Rules, 103d Cong., through Sept. 23, 1994.

OPEN VERSUS RESTRICTIVE RULES: 103D CONG.

Rule number date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 58, Feb. 2, 1993	MC	H.R. 1: Family and medical leave	30 (D–5; R–25)	3 (D–0; R–3)	PQ: 246–176. A: 259–164. (Feb. 3, 1993).
H. Res. 59, Feb. 3, 1993	MC	H.R. 2: National Voter Registration Act	19 (D–1; R–18)	1 (D–0; R–1)	PQ: 248–171. A: 249–170. (Feb. 4, 1993).
H. Res. 103, Feb. 23, 1993	C	H.R. 920: Unemployment compensation	7 (D–2; R–5)	0 (D–0; R–0)	PQ: 243–172. A: 237–178. (Feb. 24, 1993).
H. Res. 106, Mar. 2, 1993	MC	H.R. 20: Hatch Act amendments	9 (D–1; R–8)	3 (D–0; R–3)	PQ: 248–166. A: 249–163. (Mar. 3, 1993).
H. Res. 119, Mar. 9, 1993	MC	H.R. 4: NIH Revitalization Act of 1993	13 (d–4; R–9)	8 (D–3; R–5)	PQ: 247–170. A: 248–170. (Mar. 10, 1993).
H. Res. 132, Mar. 17, 1993	MC	H.R. 1335: Emergency supplemental Appropriations	37 (D–8; R–29)	1(not submitted) (D–1; R–0)	A: 240–185. (Mar. 18, 1993).
H. Res. 133, Mar. 17, 1993	MC	H. Con. Res. 64: Budget resolution	14 (D–2; R–12)	4 (1-D not submitted) (D–2; R–2)	PQ: 250–172. A: 251–172. (Mar. 18, 1993).
H. Res. 138, Mar. 23, 1993	MC	H.R. 670: Family planning amendments	20 (D–8; R–12)	9 (D–4; R–5)	PQ: 252–164. A: 247–169. (Mar. 24, 1993).
H. Res. 147, Mar. 31, 1993	C	H.R. 1430: Increase Public debt limit	6 (D–1; R–5)	0 (D–0; R–0)	PQ: 244–168. A: 242–170. (Apr. 1, 1993).
H. Res. 149 Apr. 1, 1993	MC	H.R. 1578: Expedited Rescission Act of 1993	8 (D–1; R–7)	3 (D–1; R–2)	A: 212–208. (Apr. 28, 1993).
H. Res. 164, May 4, 1993	O	H.R. 820: Nate Competitiveness Act	NA	NA	A: Voice Vote. (May 5, 1993).
H. Res. 171, May 18, 1993	O	H.R. 873: Gallatin Range Act of 1993	NA	NA	A: Voice Vote. (May 20, 1993).
H. Res. 172, May 18, 1993	O	H.R. 1159: Passenger Vessel Safety Act	NA	NA	A: 308–0 (May 24, 1993).
H. Res. 173 May 18, 1993	MC	S.J. Res. 45: United States forces in Somalia	6 (D–1; R–5)	6 (D–1; R–5)	A: Voice Vote (May 20, 1993)
H. Res. 183, May 25, 1993	O	H.R. 2244: 2d supplemental appropriations	NA	NA	A: 251–174. (May 26, 1993).
H. Res. 186, May 27, 1993	MC	H.R. 2264: Omnibus budget reconciliation	51 (D–19; R–32)	8 (D–7; R–1)	PQ: 252–178. A: 236–194 (May 27, 1993).
H. Res. 192, June 9, 1993	MC	H.R. 2348: Legislative branch appropriations	50 (D–6; R–44)	6 (D–3; R–3)	PQ: 240–177. A: 226–185. (June 10, 1993).
H. Res. 193, June 10, 1993	O	H.R. 2200: NASA authorization	NA	NA	A: Voice Vote. (June 14, 1993).
H. Res. 195, June 14, 1993	MC	H.R. 5: Striker replacement	7 (D–4; R–3)	2 (D–1; R–1)	A: 244–176.. (June 15, 1993).
H. Res. 197, June 15, 1993	MO	H.R. 2333: State Department. H.R. 2404: Foreign aid	53 (D–20; R–33)	27 (D–12; R–15)	A: 294–129. (June 16, 1993).
H. Res. 199, June 16, 1993	C	H.R. 1876: Ext. of "Fast Track"	NA	NA	A: Voice Vote. (June 22, 1993).
H. Res. 200, June 16, 1993	MC	H.R. 2295: Foreign operations appropriations	33 (D–11; R–22)	5 (D–1; R–4)	A: 263–160. (June 17, 1993).
H. Res. 201, June 17, 1993	O	H.R. 2403: Treasury-postal appropriations	NA	NA	A: Voice Vote. (June 17, 1993).
H. Res. 203, June 22, 1993	MO	H.R. 2445: Energy and Water appropriations	NA	NA	A: Voice Vote. (June 23, 1993).
H. Res. 206, June 23, 1993	O	H.R. 2150: Coast Guard authorization	NA	NA	A: 401–0. (July 30, 1993).
H. Res. 217, July 14, 1993	MO	H.R. 2010: National Service Trust Act	NA	NA	A: 261–164. (July 21, 1993).
H. Res. 220, July 21, 1993	MC	H.R. 2667: Disaster assistance supplemental	14 (D–8; R–6)	2 (D–2; R–0)	PQ: 245–178. F: 205–216. (July 22, 1993).
H. Res. 226, July 23, 1993	MC	H.R. 2667: Disaster assistance supplemental	15 (D–8; R–7)	2 (D–2; R–0)	A: 224–205. (July 27, 1993).
H. Res. 229, July 28, 1993	MO	H.R. 2330: Intelligence Authority Act, fiscal year 1994	NA	NA	A: Voice Vote. (Aug. 3, 1993).
H. Res. 230, July 28, 1993	O	H.R. 1964: Maritime Administration authority	NA	NA	A: Voice Vote. (July 29, 1993).
H. Res. 246, Aug. 6, 1993	MO	H.R. 2401: National Defense authority	149 (D–109; R–40)		A: 246–172. (Sept. 8, 1993).
H. Res. 248, Sept. 9, 1993	MO	H.R. 2401: National defense authorization			PQ: 237–169. A: 234–169. (Sept. 13, 1993).
H. Res. 250, Sept. 13, 1993	MC	H.R. 1340: RTC Completion Act	12 (D–3; R–9)	1 (D–1; R–0)	A: 213–191–1. (Sept. 14, 1993).
H. Res. 254, Sept. 22, 1993	MO	H.R. 2401: National Defense authorization		91 (D–67; R–24)	A: 241–182. (Sept. 28, 1993).
H. Res. 262, Sept. 28, 1993	O	H.R. 1845: National Biological Survey Act	NA	NA	A: 238–188 (10/06/93).
H. Res. 264, Sept. 28, 1993	MC	H.R. 2351: Arts, humanities, museums	7 (D–0; R–7)	3 (D–0; R–3)	PQ: 240–185. A: 225–195. (Oct. 14, 1993).
H. Res. 265, Sept. 29, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D–1; R–2)	2 (D–1; R–1)	A: 239–150. (Oct. 15, 1993).
H. Res. 269, Oct. 6, 1993	MO	H.R. 2739: Aviation infrastructure investment	N/A	N/A	A: Voice Vote. (Oct. 7, 1993).
H. Res. 273, Oct. 12, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D–1; R–2)	2 (D–1; R–1)	PQ: 235–187. F: 149–254. (Oct. 14, 1993).
H. Res. 274, Oct. 12, 1993	MC	H.R. 1804: Goals 2000 Educate America Act	15 (D–7; R–7; I–1)	10 (D–7; R–3)	A: Voice Vote. (Oct. 13, 1993).
H. Res. 282, Oct. 20, 1993	C	H.J. Res. 281: Continuing appropriations through Oct. 28, 1993	N/A	N/A	A: Voice Vote. (Oct. 21, 1993).
H. Res. 286, Oct. 27, 1993	O	H.R. 334: Lumbee Recognition Act	N/A	N/A	A: Voice Vote. (Oct. 28, 1993).
H. Res. 287, Oct. 27, 1993	C	H.J. Res. 283: Continuing appropriations resolution	1 (D–0; R–0)	0	A: 252–170. (Oct. 28, 1993).
H. Res. 289, Oct. 28, 1993	O	H.R. 2151: Maritime Security Act of 1993	N/A	N/A	A: Voice Vote. (Nov. 3, 1993).
H. Res. 293, Nov. 4, 1993	MC	H. Con. Res. 170: Troop withdrawal Somalia	N/A	N/A	A: 390–8. (Nov. 8, 1993).
H. Res. 299, Nov. 8, 1993	MO	H.R. 1036: Employee Retirement Act–1993	2 (D–1; R–1)	N/A	A: Voice Vote. (Nov. 9, 1993).
H. Res. 302, Nov. 9, 1993	MC	H.R. 1025: Brady handgun bill	17 (D–6; R–11)	4 (D–1; R–3)	A: 238–182. (Nov. 10, 1993).
H. Res. 303, Nov. 9, 1993	O	H.R. 322: Mineral exploration	N/A	N/A	A: Voice Vote. (Nov. 16, 1993).
H. Res. 304, Nov. 9, 1993	C	H.J. Res. 288: Further CR, FY 1994	N/A	N/A	
H. Res. 312, Nov. 17, 1993	MC	H.R. 3425: EPA Cabinet Status	27 (D–8; R–19)	9 (D–1; R–8)	F: 191–227. (Feb. 2, 1994).
H. Res. 313, Nov. 17, 1993	MC	H.R. 796: Freedom Access to Clinics	15 (D–9; R–6)	4 (D–1; R–3)	A: 233–192. (Nov. 18, 1993).
H. Res. 314, Nov. 17, 1993	MC	H.R. 3351: Alt Methods Young Offenders	21 (D–7; R–14)	6 (D–3; R–3)	A: 238–179. (Nov. 19, 1993).
H. Res. 316, Nov. 19, 1993	C	H.R. 51: D.C. statehood bill	1 (D–1; R–0)	N/A	A: 252–172. (Nov. 20, 1993).
H. Res. 319, Nov. 20, 1993	MC	H.R. 3: Campaign Finance Reform	35 (D–6; R–29)	1 (D–0; R–1)	A: 220–207. (Nov. 21, 1993).
H. Res. 320, Nov. 20, 1993	MC	H.R. 3400: Reinventing Government	34 (D–15; R–19)	3 (D–3; R–0)	A: 247–183. (Nov. 22, 1993).
H. Res. 336, Feb. 2, 1994	MC	H.R. 3759: Emergency Supplemental Appropriations	14 (D–8; R–5; I–1)	5 (D–3; R–2)	PQ: 244–168. A: 342–65. (Feb. 3, 1994).

OPEN VERSUS RESTRICTIVE RULES: 103D CONG.—Continued

Rule number date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 352, Feb. 8, 1994	MC	H.R. 811: Independent Counsel Act	27 (D–8; R–19)	10 (D–4; R–6)	PQ: 249–174. A: 242–174. (Feb. 9, 1994).
H. Res. 357, Feb. 9, 1994	MC	H.R. 3345: Federal Workforce Restructuring	3 (D–2; R–1)	2 (D–2; R–0)	A: VV (Feb. 10, 1994).
H. Res. 366, Feb. 23, 1994	MO	H.R. 6: Improving America's Schools	NA	NA	A: VV (Feb. 24, 1994).
H. Res. 384, Mar. 9, 1994	MC	H. Con. Res. 218: Budget Resolution FY 1995–99	14 (D–5; R–9)	5 (D–3; R–2)	A: 245–171 (Mar. 10, 1994).
H. Res. 401, Apr. 12, 1994	MO	H.R. 4092: Violent Crime Control	180 (D–98; R–82)	68 (D–47; R–21)	A: 244–176 (Apr. 13, 1994).
H. Res. 410, Apr. 21, 1994	MO	H.R. 3221: Iraqi Claims Act	N/A	N/A	A: Voice Vote (Apr. 28, 1994).
H. Res. 414, Apr. 28, 1994	O	H.R. 3254: NSF Auth. Act	N/A	N/A	A: Voice Vote (May 3, 1994).
H. Res. 416, May 4, 1994	C	H.R. 4296: Assault Weapons Ban Act	7 (D–5; R–2)	0 (D–0; R–0)	A: 220–209 (May 5, 1994).
H. Res. 420, May 5, 1994	O	H.R. 2442: EDA Reauthorization	N/A	N/A	A: Voice Vote (May 10, 1994).
H. Res. 422, May 11, 1994	MO	H.R. 518: California Desert Protection	N/A	N/A	PQ: 245–172 A: 248–165 (May 17, 1994).
H. Res. 423, May 11, 1994	O	H.R. 2473: Montana Wilderness Act	N/A	N/A	A: Voice Vote (May 12, 1994).
H. Res. 428, May 17, 1994	MO	H.R. 2108: Black Lung Benefits Act	4 (D–1; R–3)	N/A	A: VV (May 19, 1994).
H. Res. 429, May 17, 1994	MO	H.R. 4301: Defense Auth., FY 1995	173 (D–115; R–58)		A: 369–49 (May 18, 1994).
H. Res. 431, May 20, 1994	MO	H.R. 4301: Defense Auth., FY 1995		100 (D–80; R–20)	A: Voice Vote (May 23, 1994).
H. Res. 440, May 24, 1994	MC	H.R. 4385: Natl Hiway System Designation	16 (D–10; R–6)	5 (D–5; R–0)	A: Voice Vote (May 25, 1994).
H. Res. 443, May 25, 1994	MC	H.R. 4426: For. Ops. Approps, FY 1995	39 (D–11; R–28)	8 (D–3; R–5)	PQ: 233–191 A: 244–181 (May 25, 1994).
H. Res. 444, May 25, 1994	MC	H.R. 4454: Leg Branch Approp, FY 1995	43 (D–10; R–33)	12 (D–8; R–4)	A: 249–177 (May 26, 1994).
H. Res. 447, June 8, 1994	O	H.R. 4539: Treasury/Postal Approps 1995	N/A	N/A	A: 236–177 (June 9, 1994).
H. Res. 467, June 28, 1994	MC	H.R. 4600: Expedited Rescissions Act	N/A	N/A	PQ: 240–185 A:Voice Vote (July 14, 1994).
H. Res. 468, June 28, 1994	MO	H.R. 4299: Intelligence Auth., FY 1995	N/A	N/A	A: Voice Vote (July 19, 1994).
H. Res. 474, July 12, 1994	MO	H.R. 3937: Export Admin. Act of 1994	N/A	N/A	A: Voice Vote (July 14, 1994).
H. Res. 475, July 12, 1994	O	H.R. 1188: Anti. Redlining in Ins	N/A	N/A	A: Voice Vote (July 20, 1994).
H Res. 482, July 20, 1994	O	H.R. 3838: Housing & Comm. Dev. Act	N/A	N/A	A: Voice Vote (July 21, 1994).
H. Res. 483, July 20, 1994	O	H.R. 3870: Environ. Tech. Act of 1994	N/A	N/A	A: Voice Vote (July 26, 1994).
H. Res. 484, July 20, 1994	MC	H.R. 4604: Budget Control Act of 1994	3 (D–2; R–1)	3 (D–2; R–1)	PQ: 245–180 A: Voice Vote (July 21, 1994).
H. Res. 491, July 27, 1994	O	H.R. 2448: Radon Disclosure Act	N/A	N/A	A: Voice Vote (July 28, 1994).
H. Res. 492, July 27, 1994	O	S. 208: NPS Concession Policy	N/A	N/A	A: Voice Vote (July 28, 1994).
H. Res. 494, July 28, 1994	MC	H.R. 4801: SBA Reauth & Amdmts. Act	10 (D–5; R–5)	6 (D–4; R–2)	PQ: 215–169 A: 221–161 (July 29, 1994).
H. Res. 500, Aug. 1, 1994	MO	H.R. 4003: Maritime Admin. Reauth.	N/A	N/A	A: 336–77 (Aug. 2, 1994).
H. Res. 501, Aug. 1, 1994	O	S. 1357: Little Traverse Bay Bands	N/A	N/A	A: Voice Vote (Aug. 3, 1994).
H. Res. 502, Aug. 1, 1994	O	H.R. 1066: Pokagon Band of Potawatomi	N/A	N/A	A: Voice Vote (Aug. 3, 1994).
H. Res. 507, Aug. 4, 1994	O	H.R. 4217: Federal Crop Insurance	N/A	N/A	A: Voice Vote (Aug. 5, 1994).
H. Res. 509, Aug. 5, 1994	MC	H.J. Res. 373/H.R. 4590: MFN China Policy	N/A	N/A	A: Voice Vote (Aug. 9, 1994).
H. Res. 513, Aug. 9, 1994	MC	H.R. 4906: Emergency Spending Control Act	N/A	N/A	A: Voice Vote (Aug. 17, 1994).
H. Res. 512, Aug. 9, 1994	MC	H.R. 4907: Full Budget Disclosure Act	N/A	N/A	A: 255–178 (Aug. 11, 1994).
H. Res. 514, Aug. 9, 1994	MC	H.R. 4822: Cong. Accountability	33 (D–16; R–17)	16 (D–10; R–6)	PQ: 247–185 A: Voice Vote (Aug. 10, 1994).
H. Res. 515, Aug. 10, 1994	O	H.R. 4908: Hydrogen Etc. Research Act	N/A	N/A	A: Voice Vote (Aug. 19, 1994).
H. Res. 516, Aug. 10, 1994	MC	H.R. 3433: Presidio Management	12 (D–2; R–10)	N/A	A: Voice Vote (Aug. 19, 1994).
H. Res. 532, Sept. 20, 1994	O	H.R. 4448: Lowell Natl. Park	N/A	N/A	
H. Res. 535, Sept. 20, 1994	O	H.R. 4422: Coast Guard Authorization	N/A	N/A	A: Voice Vote (Sept. 22, 1994).
H. Res. 536, Sept. 20, 1994	MC	H.R. 2866: Headwaters Forest Act	16 (D–5; R–11)	9 (D–3; R–6)	PQ: 245–175 A: 246–174 (Sept. 21, 1994).
H. Res. 542, Sept. 23, 1994	O	H.R. 4008: NOAA Auth. Act	N/A	N/A	
H. Res. 543, Sept. 23, 1994	O	H.R. 4926: Natl. Treatment in Banking	N/A	N/A	
H. Res. 544, Sept. 23, 1994	O	H.R. 3171: Ag. Dept. Reorganization	N/A	N/A	

Note.—Code: C-Closed; MC-Modified closed; MO-Modified open; O-Open; D-Democrat; R-Republican; PQ: Previous question; A-Adopted; F-Failed.

Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. SOLOMON], ranking member of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, we are not going to ask for a recorded vote on this. I understand there are severe problems out there with Members trying to return to Washington this afternoon. Therefore, we will not inconvenience the body.

But as the gentleman from Tennessee [Mr. QUILLEN] stated, I did make a motion to substitute the rule that we had upstairs that would specify the waivers that were being asked for. Every Member that comes to floor needs to know whether we are waiving the Budget Act or what rules we are waiving. I think that in the future it would be easy for committee chairmen and subcommittee chairmen when they come before the Committee on Rules to specify which rules are being waived so that Members are aware of it. We are entitled to it as Members of the House.

Mr. Speaker, I will not ask for a recorded vote, but let it be known that we do stand in opposition to this kind of rule.

Mr. QUILLEN. Mr. Speaker, I thank the gentleman from New York for his comments.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I have no requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. HASTINGS). Pursuant to House Resolution 542 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4008.

☐ 1657

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4008) to authorize appropriations for the National Oceanic and Atmospheric Administration for fiscal years 1994 and 1995, and for other purposes, with Mr. VENTO in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Massachusetts [Mr. STUDDS] will be recognized for 15 minutes, the gentleman from Texas [Mr. FIELDS] will be recognized for 15 minutes, the gentleman from California [Mr. BROWN] will be recognized for 15 minutes, and the gentleman from Pennsylvania [Mr. WALKER] will be recognized for 15 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. STUDDS].

Mr. STUDDS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Speaker, by way of an aside, may I acknowledge what I suspect to be the proxy here for my ranking member, the gentleman from Texas, who has changed dramatically in appearance, but I am sure not in good will and camaraderie. Also I had meant when there was time under the rule to acknowledge the remarks of the gentleman from New York [Mr. SOLOMON] with his Committee on Rules. I think he is entirely correct in his observation. It was my intention and effort and desire in the Committee on Rules to accommodate that procedure that he spoke of, and I acknowledge the validity of what he said.

Mr. Chairman, H.R. 4008 provides a comprehensive authorization for NOAA's ocean, coastal, and fisheries programs for fiscal years 1995 and 1996. These programs are vital for rebuilding our Nation's fisheries, providing nautical charts and other services for safe navigation, managing our coastal zone, and conducting basic and applied research in marine and coastal waters.

The bill was introduced by Mr. ORTIZ, chairman of the Subcommittee on Oceanography, and referred to the Committee on Merchant Marine and Fisheries and sequentially to the Committee on Science, Space, and Technology. The two committees reported somewhat different versions of the bill, but I am pleased to report that we have worked out a compromise text on a bipartisan basis. Under the rule, the compromise is the bill that is before the House today.

The bill authorizes $444.2 million for fiscal year 1995, $463.4 million for fiscal year 1996, and some $22 million per year for additional fiscal years for a few programs. The compromise authorizes substantially less than the bill originally reported by the Merchant Marine and Fisheries Committee.

I would like to thank the chairman and ranking member of the Oceanography Subcommittee for their hard work in bringing this bill before the House. I would also like to thank the ranking member of the full committee, Mr. FIELDS, for his support on this bill. Lastly, I would like to thank the leadership of the Science Committee for its cooperation in bringing this legislation to the Floor.

Mr. Chairman, NOAA is a relatively unknown Federal agency that has important responsibilities for managing our marine resources and providing services that enhance the safety of life and property on both land and sea. This bill will help to ensure that these important activities continue. I ask my colleagues to support its passage.

□ 1700

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. SOLOMON] on behalf of the Committee on Merchant Marine and Fisheries.

Mr. SOLOMON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I have never served on the Committee on Merchant Marine and Fisheries, but I guess having served in the U.S. Marine Corps, perhaps that might qualify me here today. I am pinch-hitting because of the inclement weather. Members are having trouble getting back here to the floor.

Let me say a couple of words on behalf of the chairman of the committee, the gentleman from Massachusetts [Mr. STUDDS], and the ranking member, the gentleman from Texas [Mr. FIELDS]. These are two outstanding Members who have done an outstanding job on the Committee on Merchant Marine and Fisheries.

This is a bill which I think we all should support.

Mr. Chairman, I reserve the balance of our time.

Mr. STUDDS. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Texas [Mr. ORTIZ], the chairman of the Subcommittee on Oceanography, Gulf of Mexico, and the Outer Continental Shelf.

Mr. ORTIZ. Mr. Chairman, as chairman of the Oceanography Subcommittee and sponsor of H.R. 4008, I rise in strong support of the bill before the House today.

H.R. 4008 provides a comprehensive authorization of all of the ocean and coastal programs of the National Oceanic and Atmospheric Administration for fiscal years 1995 and 1996, including mapping and charting, ocean observation and prediction, estuarine and coastal assessment, ocean and coastal management, ocean and Great Lakes research, including the National Undersea Research Program, and the Climate and Global Change Research Program.

The bill also includes requirements for several reports and studies which we think are important to help define NOAA's future direction.

Passage of this legislation is crucial to the future direction of NOAA, and with the Senate actively working on their own NOAA authorization bill, I am hopeful that we will be able to get a bill enacted into law before Congress adjourns.

As Chairman STUDDS has indicated, the bill we bring before you today is a consensus document that is without controversy.

It is the product of numerous hours of bipartisan negotiation between the members and staff on the Merchant Marine and Fisheries and the Science, Space, and Technology Committees, and I want to thank everyone involved for their help in putting this bill together.

I particularly want to thank my chairman, Mr. STUDDS, the ranking member, Mr. FIELDS, and the ranking member of the subcommittee, Mr. WELDON, for all their help, cooperation, and leadership over the last year and a half as we have put together this legislation before you today.

In addition, I want to express my appreciation and thanks to Science Committee Chairman BROWN, the Space Subcommittee chairman, Mr. HALL, and to the respective ranking members, Mr. WALKER and Mr. SENSENBRENNER, for all their cooperation during the negotiations on this bill.

Mr. Chairman, this bill is an important statement by this Congress about the future direction and mission of NOAA, and I urge the Members to support passage of the bill.

Mr. STUDDS. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. SOLOMON. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. BROWN], the distinguished chairman of the Committee on Science, Space, and Technology, for 15 minutes.

Mr. BROWN of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am going to follow the excellent example of the preceding speakers here. Our committee had a peripheral referral on this bill, and we enjoyed a great deal of constructive cooperation with the leadership of the Committee on Merchant Marine and Fisheries.

I think we made some small helpful additions to the bill, and I obviously rise in strong support of it.

Mr. Chairman, I rise in support of H.R. 4008, authorizing the oceanic, coastal, and environmental research, and marine resource programs of the National Oceanic and Atmospheric Administration for fiscal years 1995 and 1996.

Mr. Speaker, the National Oceanic and Atmospheric Administration [NOAA] was established 24 years ago as a science-based agency with the responsibility of predicting changes in the oceanic and atmospheric environments; predicting changes in our living marine resources, and with providing related information and services to the public, industry, the research community, and other government agencies.

The Earth is naturally a place of change, often with severe impacts on society. From the day-to-day changes in our weather to the seasonal changes of floods and droughts to the decadal changes of dust bowls, natural climatic swings will undoubtedly be a part of our future.

More recently, human-induced changes are being observed on decadal time scales. Atmospheric pollution, the thinning ozone layer, and greenhouse gasses are a few of the manmade problems which could greatly affect the future of our global climate.

NOAA is committed to providing science-based advice to policy makers by detecting and assessing decadal to centennial changes in the global environment—with special emphasis on climate change and greenhouse warming, ozone layer depletion, and air quality improvement.

Mr. Chairman, H.R. 4008 provides the funding authorization for NOAA's participation in the U.S. Global Climate Change Research Program. The key to understanding the world's climate may well be found in the interactions between the oceans and the atmosphere.

H.R. 4008 also includes authorization for the GLOBE Program, the Global Learning and Observations to Benefit the Environment Program. NOAA will be the host agency for GLOBE, an international science and education partnership that will establish a network of students throughout the world involved in making environmental observations. In testimony before the Committee on Science, Space, and Technology, Dr. Baker, the NOAA Administrator, expressed his confidence that the use of carefully selected measurements and measurement procedures, and a comprehensive data quality control system will assure that success of the science objective of GLOBE. H.R. 4008 includes a bipartisan agreement limiting the funding authorization for GLOBE through the requirement of matching nongovernment funding resources. I would like to thank Mr. SENSENBRENNER and Mr. HALL for their hard work in crafting this agreement.

I would like to thank the gentleman from Massachusetts [Mr. STUDDS] chairman of the Committee on Merchant Marine and Fisheries, and the gentleman from Texas [Mr. FIELDS] the ranking member of the Merchant Marine and Fisheries Committee, for their efforts on this important legislation.

I would also like to commend Mr. ORTIZ and Mr. WELDON, the chairman and ranking minority member of the Subcommittee on Oceanography, Gulf of Mexico, and Outer Continental Shelf, BOB WALKER, the ranking minority member of the Committee on Science, Space, and Technology, and Mr. HALL and Mr. SENSENBRENNER, the chairman and ranking minority member on the Subcommittee on Space, for their hard work and cooperation in bringing this bill to the floor today.

I urge my colleagues to support this important legislation.

Mr. GEJDENSON. Mr. Chairman, I rise in support of H.R. 5046. I want to commend the gentleman from Massachusetts [Mr. STUDDS] and the gentleman from Texas [Mr. ORTIZ] for their hard work in bringing this bill to the floor. I also want to thank Mr. BROWN of California for his support.

H.R. 5046 authorizes several programs which are important to coastal States across the country. I am especially pleased that it includes title VI, which authorizes the National Undersea Research Program [NURP]. As many of my colleagues know, we have been working for several years to authorize this important research program. Title VI includes comprehensive authorization language negotiated by the NURP Center Directors and the Science and Merchant Marine Committees. Importantly, it provides clear guidance to the NOAA about how the program should be structured.

This program is carried in about six centers across the country, including one at the University of Connecticut Avery Point campus. The centers conduct research on global climate change, movement of contaminants in the ocean environment, and a wide range of other research with important economic implications. The centers use some of the most sophisticated technology, including manned and unmanned underwater submersibles. I want my colleagues to know that these six centers conduct research in the Atlantic and Pacific Oceans, the Gulf of Mexico, the Caribbean, and the Great Lakes.

H.R. 5046 matches existing centers to the undersea regions for which they are currently responsible. It includes a process for establishing new centers at institutions of higher learning in coastal areas. Importantly, section 605(a) of the bill protects existing centers by prohibiting the establishment of new centers if that will result in reductions in expenditures for any existing center. This is vitally important because the current centers, including Avery Point, operate under very tight budgetary circumstances. In fact, funding provided in fiscal year 1995 is less than in fiscal 1994. H.R. 5046 also provides for a review of existing centers and regions every 6 years to ensure that research continues to be pertinent. The grant review process established by the bill includes a strong peer review component. Finally, the bill includes a very modest authorization of appropriations to support the existing centers, any new centers and for the national office. I am pleased that the bill prohibits the national office from using funds appropriated for the centers for administration and other purposes. Research is carried out by the centers and they should receive the full amount of funds appropriated for that purpose.

Mr. Chairman, this is a balanced bill and this particular title is the result of several months of negotiations between many parties. It is vitally important that we authorize NURP and I urge my colleagues to support this bill.

Mr. HALL of Texas. Mr. Chairman, I rise in support of H.R. 4008, the NOAA Authorization Act of 1994.

I would like to commend the author of this legislation, my colleague from Texas, Mr. ORTIZ, the chairman of the Subcommittee on Oceanography, Gulf of Mexico, and Outer Continental Shelf, for bringing this important bill to the House floor.

I would also like to acknowledge the hard work of the subcommittee's ranking minority member, Mr. WELDON, the chairman of the Committee on Merchant Marine and Fisheries, Mr. STUDDS, and the other gentleman from Texas, Mr. FIELDS, the ranking member of the Merchant Marine and Fisheries Committee, my chairman, the gentleman from California, Mr. GEORGE BROWN, chairman of the Committee on Science, Space, and Technology, Mr. WALKER, the ranking minority member of the committee, and Mr. SENSENBRENNER, the ranking minority member on the Subcommittee on Space, for their hard work and cooperation in bringing this bill to the floor today.

Mr. Chairman, H.R. 4008 authorizes appropriations for the ocean and coastal programs of the National Oceanic and Atmospheric Administration for fiscal years 1995 and 1996. It is the companion bill to H.R. 2811, the NOAA Atmospheric and Satellite Program Authorization Act that was approved by the House of Representatives last year and S. 2432 which may be considered by the Senate in the near future.

Mr. Chairman, the Science Committee shares jurisdiction with the Merchant Marine and Fisheries Committee on a few NOAA programs contained in H.R. 4008, including: Global Climate Change Research; the National Undersea Research Program [NURP]; and NOAA's program support and administrative activities.

We have reached agreements on all of these important programs and support the compromise language.

I would particularly like to acknowledge the hard work of Chairman ORTIZ and his staff in crafting a solid compromise on the National Undersea Research Program [NURP]. The NURP Program can make a valuable contribution to our knowledge of the ocean environment, and I would like to express my support for Mr. ORTIZ' efforts in this regard.

I believe this bill is bipartisan and noncontroversial. I urge my colleagues to support this important legislation.

Mr. BROWN of California. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Does the gentleman from New York [Mr. SOLOMON] claim the time for the Committee on Science, Space, and Technology?

Mr. SOLOMON. Mr. Chairman, I would claim the time. We were waiting for the ranking Republican on the committee to come, but I think he has been delayed by inclement weather as well.

Mr. Chairman, I yield back the remainder of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute, consisting of the text of H.R. 5046, shall be considered by titles as an original bill for the purposes of amendment, and each title is considered as read.

The Clerk will designate section 1.

The text of section 1 is as follows:

H.R. 5046

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Oceanic and Atmospheric Administration Authorization Act of 1994".

The CHAIRMAN. Are there amendments to section 1?

Mr. STUDDS. Mr. Chairman, I ask unanimous consent that the amendment in the nature of a substitute made in order by the rule be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The text of the remainder of the amendment in the nature of a substitute is as follows:

SEC. 2. DEFINITIONS.

For the purposes of this Act, the term—

(1) "Act of 1890" means the Act entitled "An Act to increase the efficiency and reduce the expenses of the Signal Corps of the Army, and to transfer the Weather Bureau to the Department of Agriculture", approved October 1, 1890 (26 Stat. 653);

(2) "Act of 1947" means the Act entitled "An Act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes", approved August 6, 1947 (33 U.S.C. 883a et seq.); and

(3) "Act of 1970" means the Act entitled "An Act to clarify the status and benefits of commissioned officers of the National Oceanic and Atmospheric Administration, and for other purposes", approved December 31, 1970 (33 U.S.C. 857–1 et seq.).

TITLE I—NOAA OCEAN AND COASTAL PROGRAMS

SEC. 101. NATIONAL OCEAN SERVICE.

(a) MAPPING AND CHARTING.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary of Commerce, to enable the National Oceanic and Atmospheric Administration to carry out mapping and charting activities under the Act of 1947 and any other law involving those activities, $29,005,000 for fiscal year 1995 and $30,049,000 for fiscal year 1996.

(2) AUTOMATED NAUTICAL CHARTING.—In addition to amounts authorized under paragraph (1), there are authorized to be appropriated to the Secretary of Commerce, to enable the National Oceanic and Atmospheric Administration to develop and implement an automated nautical charting system, $1,300,000 for fiscal year 1995 and $1,347,000 for fiscal year 1996.

(b) GEODESY.—There are authorized to be appropriated to the Secretary of Commerce, to enable the National Oceanic and Atmospheric Administration to carry out geodesy activities under the Act of 1947 and any other law involving those activities, $19,332,000 for fiscal year 1995 and $20,028,000 for fiscal year 1996.

(c) Observation and Prediction.—

(1) In general.—There are authorized to be appropriated to the Secretary of Commerce, to enable the National Oceanic and Atmospheric Administration to carry out observation and prediction activities under the Act of 1947 and any other law involving those activities, $12,429,000 for fiscal year 1995 and $12,876,000 for fiscal year 1996.

(2) Circulatory survey program.—In addition to amounts authorized under paragraph (1), there are authorized to be appropriated to the Secretary of Commerce, to enable the National Oceanic and Atmospheric Administration to carry out the Circulatory Survey Program, $700,000 for fiscal year 1995 and $725,000 for fiscal year 1996.

(3) Ocean and earth sciences.—In addition to amounts authorized under paragraph (1), there are authorized to be appropriated to the Secretary of Commerce, to enable the National Oceanic and Atmospheric Administration to carry out ocean and earth science activities, $4,442,000 for fiscal year 1995 and $4,602,000 for fiscal year 1996.

(4) Center for ocean analysis and prediction.—In addition to amounts authorized under paragraph (1), there are authorized to be appropriated to the Secretary of Commerce, to enable the National Oceanic and Atmospheric Administration to continue the activities of the Center for Ocean Analysis and Prediction, $400,000 for fiscal year 1995 and $414,000 for fiscal year 1996.

(5) Observation buoys.—In addition to amounts authorized under paragraph (1), there are authorized to be appropriated to the Secretary of Commerce, to enable the National Oceanic and Atmospheric Administration to operate and maintain observation buoys in the Chesapeake Bay, $400,000 for fiscal year 1995 and $414,000 for fiscal year 1996.

(d) Estuarine and Coastal Assessment.—

(1) In general.—There are authorized to be appropriated to the Secretary of Commerce, to enable the National Oceanic and Atmospheric Administration to support estuarine and coastal assessment activities under the Act of 1947 and any other law involving those activities, $2,420,000 for fiscal year 1995 and $2,507,000 for fiscal year 1996.

(2) Ocean assessment.—In addition to amounts authorized under paragraph (1), there are authorized to be appropriated to the Secretary of Commerce, to enable the National Oceanic and Atmospheric Administration to carry out the National Status and Trends Program, the Strategic Environmental Assessment Program, and the Hazardous Materials Response Program, $18,945,000 for fiscal year 1995 and $19,627,000 for fiscal year 1996.

(3) Damage assessment program.—In addition to amounts authorized under paragraph (1), there are authorized to be appropriated to the Secretary of Commerce, to enable the National Oceanic and Atmospheric Administration to carry out the Damage Assessment Program, $1,500,000 for fiscal year 1995 and $1,554,000 for fiscal year 1996.

(4) Coastal ocean program.—In addition to amounts authorized under paragraph (1), there are authorized to be appropriated to the Secretary of Commerce, to enable the National Oceanic and Atmospheric Administration to carry out the Coastal Ocean Program, $11,433,000 for fiscal year 1995 and $11,845,000 for fiscal year 1996. Of the amounts authorized under this paragraph for fiscal years 1995 and 1996, a total of $120,000 is available until expended to study the use of oceanographic data obtained from satellite imagery and other sources to determine and predict the presence of endangered sea turtles in the Gulf of Mexico.

(e) Ocean Management.—There are authorized to be appropriated to the Secretary of Commerce, to enable the National Oceanic and Atmospheric Administration to carry out deep ocean mineral and ocean energy activities, $500,000 for each of fiscal years 1995 and 1996.

SEC. 102. OCEAN AND GREAT LAKES RESEARCH.

(a) Marine Prediction Research.—

(1) In general.—There are authorized to be appropriated to the Secretary of Commerce, to enable the National Oceanic and Atmospheric Administration to carry out marine prediction research activities under the Act of 1947, the Act of 1890, and any other law involving those activities, $10,000,000 for fiscal year 1995 and $10,360,000 for fiscal year 1996.

(2) Great lakes environmental research laboratory.—

(A) In general.—There are authorized to be appropriated to the Secretary of Commerce, for the operation and maintenance of the Great Lakes Environmental Research Laboratory, $4,558,000 for fiscal year 1995 and $4,722,000 for fiscal year 1996.

(B) Great lakes nearshore research.—There are authorized to be appropriated to the Secretary of Commerce, to enable the National Oceanic and Atmospheric Administration to carry out nearshore research activities of the Great Lakes Environmental Research Laboratory, $500,000 for each of fiscal years 1995 and 1996.

(C) Zebra mussel research.—In addition to amounts authorized under subparagraph (A), there are authorized to be appropriated to the Secretary of Commerce, to enable the National Oceanic and Atmospheric Administration to carry out zebra mussel research activities of the Great Lakes Environmental Research Laboratory under the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4701 et seq.), $911,000 for fiscal year 1995 and $1,125,000 for fiscal year 1996.

(3) Southeast florida and caribbean recruitment program.—In addition to amounts authorized under paragraph (1), there are authorized to be appropriated to the Secretary of Commerce a total of $2,000,000 for fiscal years 1995 and 1996 to enable the National Oceanic and Atmospheric Administration to carry out, through the Cooperative Institute for Marine and Atmospheric Studies, collaborative investigations to examine the physical and biological processes which—

(A) occur in tropical marine environments in coastal waters of the United States, Florida, and the Caribbean; and

(B) impact variability and development of fisheries resources.

(b) Climate and Global Change Research.—

(1) In general.—There are authorized to be appropriated to the Secretary of Commerce, to enable the National Oceanic and Atmospheric Administration to carry out climate and global change research activities, $71,000,000 for fiscal year 1995 and $84,012,000 for fiscal year 1996. Of sums appropriated under this subsection, sufficient funds should be made available by the Secretary of Commerce to initiate and support research on the effects of climate and global change on the Nation's major freshwater systems, including the Great Lakes and the Mississippi River.

(2) Environmental observations.—In addition to the amounts authorized to be appropriated under paragraph (1), there is authorized to be appropriated to the Secretary of Commerce $7,000,000 for each of fiscal years 1995 and 1996 for a program to increase scientific understanding of the earth by using a network of schools to collect environmental observations. Beginning in fiscal year 1996, amounts appropriated for such program may be obligated only to the extent that an equal or greater amount of non-Federal funding is provided for such program.

(3) Implementation of landsat agreement.—Section 103 of the Land Remote Sensing Policy Act of 1992 is amended by adding at the end the following new subsection:

"(c) Implementation of Agreement.—If negotiations under subsection (a) result in an agreement that the Landsat Program Management determines generally achieves the goals stated in subsection (a) (1) through (8), the Landsat Program Management shall award an extension, until the practical demise of Landsat 4 or Landsat 5, whichever occurs later, of the existing contract with the Landsat 6 contractor incorporating the terms of such agreement.".

TITLE II—NOAA MARINE FISHERY PROGRAMS

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

The National Oceanic and Atmospheric Administration Marine Fisheries Program Authorization Act (Public Law 98-210; 97 Stat. 1409) is amended—

(1) in section 2(a) by—

(A) striking "1992 and" and inserting "1992,"; and

(B) inserting after "1993" the following: ", $51,092,000 for fiscal year 1995, and $52,931,000 for fiscal year 1996";

(2) in section 3(a) by—

(A) striking "1992 and" and inserting "1992,"; and

(B) inserting after "1993" the following: ", $14,198,000 for fiscal year 1995, and $14,709,000 for fiscal year 1996"; and

(3) in section 4(a) by—

(A) striking "1992 and" and inserting "1992,"; and

(B) inserting after "1993" the following: ", $17,089,000 for fiscal year 1995, and $17,704,000 for fiscal year 1996".

SEC. 202. AMENDMENTS TO THE MERCHANT MARINE ACT, 1936.

Section 1104A(b)(2) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1274(b)(2)), is amended in the third proviso by striking ", except that no debt may be placed under this proviso through the Federal Financing Bank".

SEC. 203. SCALLOP RESTORATION PROGRAM.

There are authorized to be appropriated to the Secretary of Commerce $200,000 for each of fiscal years 1995 and 1996, for the establishment and maintenance of a scallop restoration program for Long Island Sound.

SEC. 204. SALTONSTALL-KENNEDY PROGRAM AMENDMENTS.

(a) In General.—Section 2 of the Act of August 11, 1939 (15 U.S.C. 713c-3), popularly known as the "Saltonstall-Kennedy Act", is amended—

(1) by striking "Sec. 2." the second place it appears;

(2) in subsection (b)(1) by—

(A) striking subparagraph (B);

(B) striking "only for—" and all that follows through "the Secretary—" and inserting "only for use by the Secretary—";

(C) redesignating clauses (i), (ii), and (iii) in order as subparagraphs (A), (B), and (C); and

(D) moving subparagraphs (A), (B), and (C), as redesignated by subparagraph (C) of this paragraph, 2 ems to the left so that the left margin of those subparagraphs is aligned with the left margin of section 2(a)(5) of that Act (15 U.S.C. 713c-3(a)(5)); and

(3) by striking the designation and heading for subsection (c) and all that follows through paragraph (4) of that subsection, and inserting the following:

"(c) FISHERIES RESEARCH AND DEVELOPMENT PROJECTS.—

"(1) IN GENERAL.—The Secretary shall make grants from the fund established under subsection (b) for the purpose of assisting persons in carrying out research and development projects to promote the sustainable use and development of United States fisheries, including harvesting, processing, aquaculture, marketing, and associated infrastructures.

"(2) SECRETARY'S DUTIES.—The Secretary shall each fiscal year—

"(A) receive at least once, during a 60-day period specified by the Secretary, applications for grants under this subsection pursuant to a Request for Proposals published in the Federal Register;

"(B) prescribe in that Request for Proposals the form and manner in which applications for grants under this subsection must be made, including the specification of the information which must accompany applications to ensure that the proposed projects comply with Federal law and can be properly evaluated under paragraph (3);

"(C) include in that Request for Proposals a list of priorities for grants under this subsection that is based on the priorities recommended for the fiscal year under paragraph (3)(F); and

"(D) approve or disapprove each such application—

"(i) based primarily on the recommendations of the grants review panel established under paragraph (3) for the fiscal year; and

"(ii) before the end of the 90-day period beginning on the day after the last day of the application period specified in the Request for Proposals under subparagraph (A); and

"(E) to the extent amounts are available, obligate funds for grants for approved applications before the end of the fiscal year for which the funds are available, except that up to 10 percent of funds available for a fiscal year may be obligated in the next fiscal year.

"(3) EVALUATION AND APPROVAL OF PROPOSALS.—

"(A) SUITABILITY FOR EVALUATION.—For each application received under paragraph (2) in a fiscal year, the Secretary shall—

"(i) make a determination whether the project proposed in the application meets the requirements of this subsection and is consistent with the priorities recommended for the fiscal year under subparagraph (F); and

"(ii) if so, forward the proposal to the grants review panel established for the fiscal year under subparagraph (B).

"(B) GRANTS REVIEW PANEL.—Each fiscal year, the Secretary shall establish a grants review panel that consists of individuals with expertise in fisheries research, development, or management, that represents a balance among those disciplines, that is balanced in the representation of those disciplines, and that is balanced in the representation of the geographic regions of the United States. Each grants review panel shall review each proposal forwarded by the Secretary under subparagraph (A)(ii) and make recommendations to the Secretary for awarding grants under this subsection among those proposals for the fiscal year, subject to the criteria described in subparagraph (C) and consistent with the funding available for the fiscal year.

"(C) CRITERIA FOR EVALUATION OF PROPOSALS.—Each grants review panel shall evaluate each proposal as to—

"(i) the value of the proposal in promoting the purpose described in paragraph (1) in general and in fulfilling the applicable regional priorities recommended under subparagraph (F);

"(ii) the soundness of its design (including the likelihood of securing useful results, and the organization and management of the proposal);

"(iii) the minimization of duplication within fisheries research and development activities; and

"(iv) based on the criteria in clauses (i), (ii) and (iii), the overall quality and rank of the proposal relative to the other proposals under review.

"(D) INDUSTRIAL PARTNERS.—In evaluating and ranking proposals under this subsection that are of equivalent overall quality and rank based on the criteria set forth in subparagraph (C), a grants review panel and the Secretary shall give preference to proposals in which at least 1 of the persons that would be a principal grantee under the proposal receives a substantial portion of income from seafood harvesting, processing, marketing, or propagation.

"(E) NOTICE OF DECISION BY THE SECRETARY.—If the Secretary approves or disapproves an application for a proposal contrary to the recommendations of a grants review panel, the Secretary shall notify the panel, the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate in writing of that decision, including the reasons for that decision.

"(F) RECOMMENDATIONS FOR FUTURE FUNDING PRIORITIES.—Each grants review panel shall, after evaluating proposals and making grants recommendations, and after consulting with interested parties, recommend to the Secretary for the next fiscal year national and regional priorities for grants under this subsection.

"(4) TERMS AND CONDITIONS.—Each grant made under this subsection shall be subject to such terms and conditions as the Secretary may require to protect the interests of the United States, including the following:

"(A) RECORDS.—The recipient of the grant—

"(i) must keep such records as the Secretary shall require as being necessary and appropriate for disclosing the use made of grant funds; and

"(ii) shall allow the Secretary and the Comptroller General of the United States, or any of their authorized representatives, access to such records for purposes of audit and examination.

"(B) AMOUNT OF GRANT.—The amount of a grant may not be less than 50 percent of the estimated cost of the project.

"(C) PERIOD OF GRANT.—A grant may not provide funding for more than 2 years from the date of the release of the funds to the grantee.

"(D) STATUS REPORT.—The recipient of a grant shall submit annually to the Secretary a project status report. The Secretary may not release funds to the recipient for any subsequent period of funding for that grant or for any other grant to that recipient made by the Secretary under this subsection until the Secretary receives that report.".

(b) APPLICATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section apply to fiscal years beginning after the date of the enactment of this Act.

(2) LIST OF REGIONAL PRIORITIES.—Notwithstanding section 2(c)(2)(C) of the Act of August 11, 1939, as amended by subsection (a)(2) of this section, the list of priorities referred to in that section for the first fiscal year beginning after the date of the enactment of this Act is not required to be based on priorities recommended under paragraph (3)(F) of that section.

TITLE III—ADMINISTRATION AND OTHER ACCOUNTS

SEC. 301. PROGRAM SUPPORT.

(a) EXECUTIVE DIRECTION AND ADMINISTRATIVE ACTIVITIES.—There are authorized to be appropriated to the Secretary of Commerce, to enable the National Oceanic and Atmospheric Administration to carry out executive direction and administrative activities under the Act of 1970 and any other law involving those activities, $25,000,000 for fiscal year 1995 and $25,900,000 for fiscal year 1996.

(b) SYSTEMS ACQUISITION OFFICE.—There are authorized to be appropriated to the Secretary of Commerce, to enable the National Oceanic and Atmospheric Administration to operate and maintain the Systems Acquisition Office under the Act of 1970, $1,100,000 for fiscal year 1995 and $1,140,000 for fiscal year 1996.

(c) CENTRAL ADMINISTRATIVE SUPPORT.—There are authorized to be appropriated to the Secretary of Commerce, to enable the National Oceanic and Atmospheric Administration to carry out central administrative support activities under the Act of 1970 and any other law involving those activities, $38,000,000 for fiscal year 1995 and $39,368,000 for fiscal year 1996.

(d) RETIRED PAY.—There are authorized to be appropriated to the Secretary of Commerce, for retired pay for retired commissioned officers of the National Oceanic and Atmospheric Administration under the Act of 1970, $7,706,000 for fiscal year 1995 and $7,983,000 for fiscal year 1996.

(e) MARINE SERVICES.—There are authorized to be appropriated to the Secretary of Commerce, to enable the National Oceanic and Atmospheric Administration to carry out marine services activities (including ship operations, maintenance, and support) under the Act of 1947 and any other law involving those activities, $63,508,000 for fiscal year 1995 and $65,794,000 for fiscal year 1996.

TITLE IV—MISCELLANEOUS NOAA PROGRAMS

SEC. 401. NAUTICAL PRODUCTS.

(a) DEPOSIT AND USE OF RECEIPTS FROM NAUTICAL PRODUCTS.—Notwithstanding section 1307(b) of title 44, United States Code, one-sixth of the fees collected each fiscal year from the sale of nautical products by the National Oceanic and Atmospheric Administration and from any licensing of those products by the National Oceanic and Atmospheric Administration which is authorized by law—

(1) shall be deposited into the Operations, Research, and Facilities account of the National Oceanic and Atmospheric Administration; and

(2) shall be available to the Secretary of Commerce, in the manner provided for under section 312(d) of the National Marine Sanctuaries Act, only for the acquisition and installation of Physical Ocean Real-Time Systems, the acquisition and maintenance of upgraded hydrographic survey equipment, and other National Ocean Service activities directly related to the modernization and improvement of maritime safety.

(b) Budgetary Treatment of Receipts from Nautical Products.—Amounts deposited and available to the Secretary of Commerce under subsection (a) (1) and (2)—

(1) shall not be considered to be offsetting receipts of the National Oceanic and Atmospheric Administration or the Department of Commerce; and

(2) shall not be available for administrative costs of the National Oceanic and Atmospheric Administration or the Department of Commerce.

(c) Deployment of Physical Ocean Real Time System.—No later than 270 days after the date of enactment of this Act, the Secretary of Commerce shall deploy, in Galveston Bay and the Houston Ship Channel a Physical Ocean Real Time System consisting, at a minimum, of current, wind, tide, salinity, and water level measuring devices and necessary computer links.

SEC. 402. USE OF OCEAN RESEARCH RESOURCES OF OTHER FEDERAL AGENCIES.

(a) Findings.—The Congress finds the following:

(1) Changes in the defense needs of the United States have redefined the status of many defense- related assets.

(2) Observing, monitoring, and predicting the ocean environment has been a high priority for the defense community to support ocean operations.

(3) Many advances in ocean research have been made by the defense community which could be shared with civilian researchers.

(4) The National Oceanic and Atmospheric Administration's missions to describe and predict the ocean environment, manage the Nation's ocean and coastal resources, and promote stewardship of the world's oceans would benefit from increased cooperation with defense agencies.

(b) Sense of Congress.—It is the sense of the Congress that the National Oceanic and Atmospheric Administration should expand its efforts to develop interagency agreements to further the use of defense-related technologies, data, and other resources to support its oceanic missions.

(c) Report.—

(1) In general.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Commerce shall submit to the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the feasibility of expanding the use of defense-related technologies, data, and other resources to support and enhance the oceanic missions of the National Oceanic and Atmospheric Administration.

(2) Contents.—The report required under paragraph (1) shall include—

(A) a detailed listing of defense-related resources currently available to the National Oceanic and Atmospheric Administration and the National Oceanic and Atmospheric Administration missions which utilize those resources;

(B) detailed findings and recommendations, including funding requirements, on the potential for expanding the use of available defense-related resources;

(C) a detailed listing and funding history of the National Oceanic and Atmospheric Administration resources, including data and technology, which could be supplemented by defense-related resources;

(D) a listing of currently unavailable defense-related resources, including data and technology, which if made available would enhance the National Oceanic and Atmospheric Administration mission performance;

(E) recommendations on the regulatory and legislative structures needed to maximize the use of defense-related resources;

(F) an assessment of the respective roles in the use of defense-related resources of the Corps, data centers, operational centers, and research facilities of the National Oceanic and Atmospheric Administration; and

(G) recommendations on how to provide access to relevant defense-related data for non-Federal scientific users.

SEC. 403. NAUTICAL CHARTING MODERNIZATION AND IMPROVEMENT.

(a) Study.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Commerce shall submit to the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the status of National Oceanic and Atmospheric Administration programs related to marine navigation safety.

(b) Contents.—The study under subsection (a) shall include the funding history of navigation-related programs of the National Oceanic and Atmospheric Administration, adjusted for inflation, over at least the last 10 fiscal years, and detailed findings and recommendations on the following:

(1) The missions and objectives of National Oceanic and Atmospheric Administration's navigation-related programs, including regarding the statutory or other authorities that enable or require the National Oceanic and Atmospheric Administration to conduct those programs.

(2) The technological, financial, or other factors that limit the National Oceanic and Atmospheric Administration's ability to modernize its navigation-related programs.

(3) Near-term actions, without regard to financial constraints, that are required to enable National Oceanic and Atmospheric Administration to address critical deficiencies in its navigation-related programs.

(4) Actions that need to be taken to allow the National Oceanic and Atmospheric Administration to fulfill its navigation-related responsibilities into the 21st century.

(5) A comparison of the resources and activities of National Oceanic and Atmospheric Administration's navigation-related programs with those of other Federal agencies supporting the United States maritime infrastructure.

(6) Past organizational changes within the National Oceanic and Atmospheric Administration and foreseeable future organizational changes that have affected, or would affect, the ability of the National Oceanic and Atmospheric Administration to provide navigation-related services.

SEC. 404. WEST COAST GROUNDFISH LABORATORY.

In selecting a site for placement of a replacement for the National Marine Fisheries Service Lab at Tiburon, California, the Secretary of Commerce shall take into account the following factors:

(1) The proximity of sites considered to—

(A) groundfish fisheries, salmon fisheries, and other unique marine study areas;

(B) academic and private research institutions which conduct relevant marine habitat and environmental research;

(C) other National Oceanic and Atmospheric Administration research and management elements; and

(D) other Federal, State, and private marine related research facilities.

(2) The ability of the National Oceanic and Atmospheric Administration to retain current staff.

(3) The relative construction and operation costs, including the potential for collocation with other Federal facilities.

SEC. 405. MARINE SANCTUARIES FACILITIES.

Not later than 120 days after the date of the enactment of this Act, the Secretary of Commerce shall report to the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on needs of the Department of Commerce for facilities (including real property for facilities) for the National Marine Sanctuary Program established under the National Marine Sanctuaries Act (16 U.S.C. 1431 et seq.).

SEC. 406. SAN FRANCISCO BAY PORT SYSTEM.

(a) In General.—The Secretary of Commerce (hereinafter in this section referred to as the "Secretary") shall establish for San Francisco Bay in accordance with this section the safe navigation system known as the Physical Ocean Real Time System (known, and hereinafter in this section referred to, as the "PORT System"), after completion of implementation of section 401(c).

(b) Study.—After completion of implementation of section 401(c), and not later than 1 year after the date of that completion, the Secretary shall conduct a hydrodynamics modeling study of San Francisco Bay to determine the appropriate technology and equipment and the effective placement of instruments for the establishment of the PORT System for San Francisco Bay.

(c) Implementation.—

(1) In general.—Not later than 1 year after the completion of the study under subsection (b), the Secretary, in consultation with the State of California Office of Oil Spill Prevention and Response and subject to paragraph (2), shall acquire, install, and activate appropriate equipment to establish an operational PORT System for the San Francisco Bay.

(2) Condition.—The Secretary may not take any action under paragraph (1) unless the State of California Office has provided to the Secretary adequate assurances that the State will fund the operation and maintenance of the PORT System for San Francisco Bay after its installation.

(d) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary to carry out this section $4,200,000 for fiscal years 1995 and 1996.

SEC. 407. CONVEYANCE OF NATIONAL MARINE FISHERIES SERVICE LABORATORY AT GLOUCESTER, MASSACHUSETTS.

(a) Conveyance Required.—

(1) In general.—The Secretary of Commerce shall convey to the Commonwealth of Massachusetts, all right, title, and interest of the United States in and to the property comprising the National Marine Fisheries Service laboratory located on Emerson Avenue in Gloucester, Massachusetts.

(2) Terms.—A conveyance of property under paragraph (1) shall be made—

(A) without payment of consideration; and

(B) subject to the terms and conditions specified under subsections (b) and (c).

(b) Conditions for Transfer.—

(1) In general.—As a condition of any conveyance of property under this section, the Commonwealth of Massachusetts shall assume full responsibility for maintenance of the property for as long as the Commonwealth retains the right and title to that property.

(2) Continued use of property by NMFS.—The Secretary may enter into a memorandum of understanding with the Commonwealth of Massachusetts under which the National Marine Fisheries Service is authorized

to occupy existing laboratory space on the property conveyed under this section, if—

(A) the term of the memorandum of understanding is for a period of not longer than 5 years beginning on the date of enactment of this Act; and

(B) the square footage of the space to be occupied by the National Marine Fisheries Service does not conflict with the needs of, and is agreeable to, the Commonwealth of Massachusetts.

(c) Reversionary Interest.—All right, title, and interest in and to all property conveyed under this section shall revert to the United States on the date on which the Commonwealth of Massachusetts uses any of the property for any purpose other than the Commonwealth of Massachusetts Division of Marine Fisheries resource management program.

SEC. 408. REIMBURSEMENT OF EXPENSES.

(a) In General.—Notwithstanding section 3302 (b) and (c) of title 31, United States Code, and subject to subsection (b) of this section, all amounts received by the United States in settlement of, or judgment for, damage claims arising from the October 9, 1992, collision of the vessel ZACHERY into the National Oceanic and Atmospheric Administration research vessel DISCOVERER—

(1) shall be retained as an offsetting collection in the Fleet Modernization, Shipbuilding, and Conversion account of the National Oceanic and Atmospheric Administration;

(2) shall be deposited in that account upon receipt by the United States Government; and

(3) shall be available only for obligation for National Oceanic and Atmospheric Administration vessel repairs.

(b) Limitation.—Not more than $518,757.09 of the amounts referred to in subsection (a) may be deposited into the Fleet Modernization, Shipbuilding, and Conversion account pursuant to subsection (a).

SEC. 409. NOAA FLEET MODERNIZATION.

(a) Authority To Contract.—

(1) In general.—The Secretary may enter into only the following contracts in fiscal years 1995 and 1996 to implement the Plan:

(A) Repairs to extend the service life of the R/V DISCOVERER.

(B) Construction of a medium endurance oceanographic research vessel.

(C) A service life extension of the R/V DELAWARE II.

(D) Conversion of a T-AGOS vessel for oceanographic research.

(E) Construction of a coastal/low endurance vessel for living marine research.

(F) Leasing to fulfill any NOAA mission requirements.

(G) Necessary repairs to and maintenance of any vessel in the NOAA fleet, subject to subsection (b).

(H) Necessary requirements, designs, and specifications for future vessel repair, conversion, construction, or lease.

(2) Contract defined.—Section 602 of the NOAA Fleet Modernization Act (33 U.S.C. 891) is amended by adding at the end the following:

"(6) 'contract' means any contract or other agreement for the construction, conversion, lease, chartering, service life extension, or repair or maintenance of any vessel of the NOAA fleet, and provision of related equipment, including the development of any necessary requirement, design, or specification. The term includes contracts entered into on behalf of the Secretary by another Federal department, agency, or instrumentality, if the vessel which is the subject of the contract will be operated by or for the benefit of the Department of Commerce.".

(b) Limitation on Expenditures for Repairs and Maintenance.—Notwithstanding any other law, of the total amount appropriated for fiscal years 1991 through 1996 to the Fleet Modernization, Shipbuilding, and Conversion account of the National Oceanic and Atmospheric Administration, not more than 20 percent may be expended by the Secretary for repairs and maintenance of vessels in the NOAA fleet.

(c) Leasing and Contracts.—

(1) In general.—The Secretary shall for each of fiscal years 1995 and 1996, enter into contracts or service contracts under the NOAA Fleet Modernization Act (33 U.S.C. 891 et seq.) to use University-National Oceanographic Laboratory System or non-Federal vessels.

(2) Amount subject to obligation.—Amounts subject to obligation under paragraph (1) shall be, for each fiscal year, the greater of $6,000,000 or 10 percent of the amounts appropriated to the Fleet Modernization, Shipbuilding, and Conversion account for fiscal years 1995 and 1996.

(d) Definitions.—In this section each of the terms "contract", "NOAA", "NOAA fleet", "Plan", and "Secretary" has the meaning given to that term in section 602 of the NOAA Fleet Modernization Act (33 U.S.C. 891), as amended by this section.

SEC. 410. STUDY OF NOAA CORPS.

(a) Study.—The Secretary of Commerce shall, subject to the availability of appropriations, contract with the Marine Board of the National Research Council to examine and report to the Secretary on the appropriate role of the National Oceanic and Atmospheric Administration Corps in supporting NOAA missions. In particular, the Marine Board shall—

(1) examine whether there is a continued need for a uniformed service to operate the NOAA fleet, fly weather observations, conduct hydrographic surveys, manage national marine sanctuaries, conduct NOAA research, and participate in other NOAA activities;

(2) examine the role of the NOAA Corps in modernizing the NOAA fleet and the involvement of the NOAA Corps in obtaining efficient, effective, low-cost ship support of NOAA missions;

(3) compare the full costs of utilizing the services of the NOAA Corps compared to civilian employees in similar positions; and

(4) determine whether adequately trained civilian employees are available to fill NOAA Corps positions.

(b) Deadline.—No later than 1 year after the date of enactment of this Act, the Secretary of Commerce shall submit the report of the Marine Board under subsection (a) to the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(c) Definitions.—In this section, the definitions in section 409(d) apply.

(d) Authorization of Appropriations.—There is authorized to be appropriated to the Secretary of Commerce to carry out this section a total of $100,000 for fiscal years 1995 and 1996, to remain available until expended.

SEC. 411. REPORT ON RESEARCH AND EFFECTS OF CLIMATE AND GLOBAL CHANGE ON FRESHWATER SYSTEMS.

Within 60 days after the date of submission of the President's budget request for each of fiscal years 1996 and 1997, the Secretary of Commerce shall submit a report to the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, on—

(1) the amount of funds allocated and the activities supported for research on the effects of climate and global change on the Nation's major freshwater systems, including international commitments;

(2) the criteria used in determining those allocations and in selecting those activities; and

(3) specific proposed agency plans for implementing research programs and activities to evaluate the effects of climate and global change on the Nation's major freshwater systems.

SEC. 412. PROMOTION AND COORDINATION OF NATIONAL ESTUARINE RESEARCH RESERVES.

The Secretary of Commerce shall take such action as is necessary and reasonable to promote and coordinate the use of National Estuarine Research Reserves for research, monitoring, and education purposes. Such action may include consulting with Federal agencies, States, local governments, regional agencies, interstate agencies, or other persons to promote use of one or more such reserves for research, monitoring, and education, including coordination with the National Marine Sanctuaries Program.

SEC. 413. STUDY ON EFFECTS OF DOLPHIN FEEDING.

(a) Study.—The Secretary of Commerce shall conduct a study on the effects of feeding noncaptive dolphins in the Gulf of Mexico and Southern Atlantic Ocean. The study shall consider the potential impacts on the behavior or general health of wild populations of dolphins resulting from this feeding.

(b) Use of the Study.—The Secretary of Commerce shall use the results of the study required under subsection (a) in determining whether and under what conditions feeding noncaptive dolphins may be authorized.

(c) Report.—Within 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

SEC. 414. FLOWER GARDEN BANKS BOUNDARY MODIFICATION.

(a) Modification.—Notwithstanding section 304 of the National Marine Sanctuaries Act (16 U.S.C. 1434), the boundaries of the Flower Garden Banks National Marine Sanctuary, as designated by Public Law 102-251, are amended to include the area described in subsection (d), popularly known as Stetson Bank. This area shall be part of the Flower Garden Banks National Marine Sanctuary and shall be managed and regulated as though it had been designated by the Secretary of Commerce under the National Marine Sanctuaries Act.

(b) Depiction of Sanctuary Boundaries.—The Secretary of Commerce shall—

(1) prepare a chart depicting the boundaries of the Flower Garden Banks National Marine Sanctuary, as modified by this section; and

(2) submit copies of this chart to the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(c) Application of Regulations.—Regulations issued by the Secretary of Commerce to implement the designation of the Flower Garden Banks National Marine Sanctuary shall apply to the area described in subsection (d), unless modified by the Secretary. This subsection shall take effect 45 days after the date of enactment of this Act.

(d) Area Described.—

(1) In general.—Except as provided in paragraph (2), the area referred to in subsections (a), (b), and (c) is the area that is—

(A) generally depicted on the Department of the Interior, Minerals Management Service map titled "Western Gulf of Mexico, Lease Sale 143, September 1993, Biologically Sensitive Areas, Map 3 of 3, Final";

(B) labeled "Stetson" on the High Island Area South Addition diagram on that map; and

(C) within the 52 meter isobath.

(2) Minor boundary adjustments.—The Secretary of Commerce may make minor adjustments to the boundaries of the area described in paragraph (1) as necessary to protect the living coral resources of Stetson Bank or to simplify administration of the Flower Garden Banks National Marine Sanctuary.

(e) Publication of Notice.—

(1) In general.—The Secretary of Commerce shall, as soon as practicable after the date of the enactment of this Act, publish in the Federal Register a notice describing—

(A) the boundaries of the Flower Garden Banks National Marine Sanctuary, as modified by this section, and

(B) any modification of regulations applicable to that Sanctuary that are necessary to implement that modification of the boundaries of the Sanctuary.

(2) Treatment as notice required under national marine sanctuaries act.—A notice published under paragraph (1) shall be considered to be the notice required to be published under section 304(b)(1) of the National Marine Sanctuaries Act (16 U.S.C. 1434).

SEC. 415. AMENDMENTS RELATING TO NATIONAL COASTAL RESOURCES RESEARCH AND DEVELOPMENT INSTITUTE.

(a) Administration of Institute.—Section 201(a) of the Act entitled "An Act to authorize appropriations to carry out the Marine Mammal Protection Act of 1972, for fiscal years 1985 through 1988, and for other purposes" (16 U.S.C. 1463b(a)) is amended by striking "by the Oregon State Marine Science Center" and inserting "by the Oregon State System of Higher Education".

(b) Functions of Institute.—Section 201(b) of such Act (16 U.S.C. 1463b(b)) is amended to read as follows:

"(b) The Institute shall promote the economic growth and prosperity of the United States by transferring research and technology into applications to improve the economic, environmental, and social well-being of the Nation's coastal communities and the competitiveness of coastal businesses.".

(c) Membership of Board of Governors.—Section 201(c)(1) of such Act (16 U.S.C. 1463b(c)(1)) is amended to read as follows:

"(c)(1) The policies of the Institute shall be determined by a Board of Governors composed of—

"(A) 1 representative appointed by the Chancellor of the Oregon State System of Higher Education; and

"(B) 1 representative of each of the following regions, appointed jointly by Governors of the States comprising that region:

"(i) The Alaska region, consisting of Alaska.

"(ii) The Northwest Pacific Coast region, consisting of Oregon and Washington.

"(iii) The Southwest Pacific Coast region, consisting of California.

"(iv) The Pacific Islands region, consisting of Hawaii, American Samoa, and Guam.

"(v) The Great Lakes region, consisting of Pennsylvania, Ohio, Michigan, Indiana, Illinois, Wisconsin, and Minnesota.

"(vi) The Gulf Coast region, consisting of Texas, Louisiana, Mississippi, and Alabama.

"(vii) The South Atlantic and Caribbean region, consisting of South Carolina, Georgia, Florida, Puerto Rico, and the U.S. Virgin Islands.

"(viii) The Mid-Atlantic region, consisting of Delaware, Maryland, Virginia, and North Carolina.

"(ix) The North Atlantic region, consisting of New Jersey, New York, Connecticut, Rhode Island, Massachusetts, New Hampshire, and Maine.".

(d) Advisory Council.—Section 201(d)(1) of such Act (16 U.S.C. 1463b(d)(1)) is amended by inserting "and leaders in coastal communities and businesses" after "community".

(e) Conforming Amendment.—Section 201(e) of such Act (16 U.S.C. 1463b(e)) is amended by striking "Oregon Board of Higher Education" and inserting "Oregon State System of Higher Education".

(f) Reports.—Section 201(g) of such Act (16 U.S.C. 1463b(g)) is amended to read as follows:

"(g) The Institute shall report to the Congress on its activities annually, and shall report to the Secretary of Commerce in a like manner biennially.".

SEC. 416. SENSE OF CONGRESS REGARDING PROMOTION OF MINORITIES AND WOMEN IN COASTAL AND OCEAN PROGRAMS.

It is the sense of the Congress that the National Oceanic and Atmospheric Administration should develop and promote programs that reach out to and recruit minorities and women for education in the sciences and take actions to increase the direct involvement of underrepresented minorities in coastal and ocean resource stewardship programs carried out directly by the National Oceanic and Atmospheric Administration and in partnership with State and local governments, universities, and other entities. To this end, the National Oceanic and Atmospheric Administration should create minority internship programs to develop a pool of professionals in coastal and ocean science and management, and to make these programs an eligible use of grant and program funds distributed by the National Oceanic and Atmospheric Administration to States, universities, and other entities.

SEC. 417. CHESAPEAKE BAY.

(a) Repeal.—If by December 1, 1994, the Secretary of Commerce fails to obligate all funds appropriated to the Secretary of Commerce by Public Law 103–121 for oyster disease research, section 307 of the National Oceanic and Atmospheric Administration Act of 1992 (15 U.S.C. 1511d), requiring the establishment of a National Oceanic and Atmospheric Administration Chesapeake Bay Estuarine Resources Office, is repealed.

(b) Assignment of Functions.—If section 307 of the National Oceanic and Atmospheric Administration Act of 1992 (15 U.S.C. 1511d) is repealed by subsection (a), the Secretary of Commerce shall immediately—

(1) enter into a cooperative agreement with the directors of the Maryland and Virginia Sea Grant colleges to administer all funds appropriated to the Secretary of Commerce under any law for oyster disease research and Chesapeake Bay studies; and

(2) transfer the functions of the former National Oceanic and Atmospheric Administration Chesapeake Bay Estuarine Resources Office to the Director of the Coastal Ocean Program.

The Director may delegate any of the functions transferred under paragraph (2) to the directors of the Maryland and Virginia Sea Grant colleges under the cooperative agreement required under paragraph (1).

(c) Repeal and Authorization of Appropriations.—

(1) Repeal.—Section 2(e) of the National Oceanic and Atmospheric Administration Marine Fisheries Program Authorization Act (Public Law 98–210, 97 Stat. 1409) is repealed.

(2) Authorization.—There is authorized to be appropriated to the Secretary of Commerce to implement section 307 of the National Oceanic and Atmospheric Administration Act of 1992 (15 U.S.C. 1511d) and this section, $2,500,000 for each of fiscal years 1995 and 1996, to remain available until expended.

SEC. 418. WEATHER REPORTING STATIONS FOR PRINCE WILLIAM SOUND.

(a) Installation.—To provide more comprehensive weather information to ensure the safety of fishermen and tank vessels and to protect the resources of Prince William Sound from potential oil spills, the Secretary of Commerce may expend $340,000 to acquire, construct, and install weather reporting stations in Prince William Sound, Alaska, as follows:

(1) In the vicinity of Seal Rocks, to acquire and install a weather buoy capable of measuring and reporting wind speed and direction, barometric pressure, wave height and period, and air temperature.

(2) On the existing tower at Bligh Reef, to acquire and install a weather instrument capable of measuring and reporting wind speed and direction.

(3) At Potato Point, to relocate the existing anemometer to a more exposed location in order to provide more accurate information.

(4) At the Hinchinbrook Lighthouse site, to acquire and install an anemometer.

(b) Maintenance.—The Secretary of Commerce may expend $160,000 in each of fiscal years 1995 and 1996 to maintain the equipment identified in subsection (a).

SEC. 419. PURCHASE OF REMOTELY SENSED SCIENCE DATA.

(a) In General.—To the maximum extent possible, the Secretary of Commerce shall purchase from the private sector remotely sensed science data. Examples of such data include scientific data concerning the impact of oceans worldwide on global climate change and concerning the condition of the oceans.

(b) Competitive Bidding.—(1) Contracts for the purchase of remotely sensed data under this section shall be awarded in a process of full, fair, and open competitive bidding.

(2) Submission of cost data, either for the purposes of supporting the bid or fulfillment of the contract, shall not be required of bidders.

(3) Conformance with military specifications (Milspec) or Department of Commerce specifications systems with respect to the design, construction, or operation of equipment used in obtaining remotely sensed data under contracts entered into under this section shall not be a requirement for a commercial provider bidding to provide such services.

(4) Contracts under this section shall not provide for the Federal Government to obtain ownership of data not specifically sought by the Federal Government.

SEC. 420. PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.

(a) Sense of Congress.—It is the sense of Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) Notice Requirement.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

TITLE V—GREAT LAKES IMPROVEMENTS

SEC. 501. SHORT TITLE.

This title may be cited as the "National Oceanic and Atmospheric Administration Great Lakes Improvements Act".

SEC. 502. GREAT LAKES OFFICE.

(a) ESTABLISHMENT.—The Under Secretary may establish and maintain within the Administration a Great Lakes Office in the Washington, District of Columbia area.

(b) PURPOSE.—The purpose of the Great Lakes Office shall be to promote and coordinate Administration research, monitoring, and assessment work in the Great Lakes region consistent with the goals of the Great Lakes Water Quality Agreement.

(c) DIRECTOR.—The Director of the Great Lakes Office shall be an individual with extensive knowledge and expertise in the Great Lakes ecosystem, and with appropriate administrative experience.

SEC. 503. GREAT LAKES REPORT.

(a) CONTENTS.—Subject to the availability of appropriations under section 505, the Under Secretary, in consultation with the Director of the Great Lakes Office if established, shall prepare and submit to Congress an annual Great Lakes Report in accordance with this section. The Report shall provide information relating to Great Lakes ecosystem research, monitoring, and assessment, including—

(1) the individual activities, projects, or proposals conducted by the Administration in the previous fiscal year, including a summary of funds expended in support of these activities, projects, or proposals;

(2) the amount of funds received from the Administration by each State or local government unit bordering the Great Lakes;

(3) the amount of funds received by individuals or institutions residing or located within a State bordering the Great Lakes;

(4) an inventory of Administration facilities and personnel located in a State bordering the Great Lakes or in the Great Lakes used to conduct or support Administration-funded activities, projects, or proposals in the Great Lakes, including vessels;

(5) the proposed Administration activities, projects, and proposals to benefit the Great Lakes ecosystem for the current fiscal year, including requested funds; and

(6) a proposal for increasing the presence of the Administration in the Great Lakes, and improving the coordination of research within the Administration and with other entities, including the Government of Canada.

(b) DEADLINE.—Subject to the availability of appropriations under section 505, the Under Secretary shall submit the Great Lakes Report to the Congress by October 1 of 1995, 1996, 1997, and 1998.

SEC. 504. DEFINITIONS.

In this title—

(1) the term "Administration" means the National Oceanic and Atmospheric Administration;

(2) the term "Great Lakes" means—

(A) Lake Erie, Lake Huron, Lake Michigan, Lake Ontario, and Lake Superior;

(B) their connecting waters, including the St. Marys River, the St. Clair River, Lake St. Clair, the Detroit River, and the Niagara River; and

(C) the St. Lawrence River;

(3) the term "Great Lakes Water Quality Agreement" means the bilateral agreement between the United States and Canada which was signed in 1978 and amended by the Protocol of 1987; and

(4) the term "Under Secretary" means the Under Secretary of Commerce for Oceans and Atmosphere.

SEC. 505. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Under Secretary to carry out this title $100,000 for each of fiscal years 1995, 1996, 1997, and 1998.

TITLE VI—NATIONAL UNDERSEA RESEARCH PROGRAM

SEC. 601. SHORT TITLE.

This title may be cited as the "National Undersea Research Program Act of 1994".

SEC. 602. DEFINITIONS.

For the purposes of this title, the term—

(1) "Administration" means the National Oceanic and Atmospheric Administration;

(2) "Center" means any National Undersea Research Center in existence on the day before the date of enactment of this Act or established under section 605;

(3) "Center Director" means the Director of any National Undersea Research Center;

(4) "Committee" means the National Undersea Research Advisory Committee established under section 604;

(5) "Office" means the Office of Undersea Research established by section 603(d)(1);

(6) "priority research area" means any of the priority research areas set forth in section 603(f)(1), as those areas may be revised by the Under Secretary under section 603(f)(2);

(7) "Program" means the National Undersea Research Program established under section 603;

(8) "Program Director" means the Director of the National Undersea Research Program appointed pursuant to section 603(d)(2);

(9) "undersea region" means each of—

(A) the United States Northern Atlantic region, comprised of the coastal and oceanic waters and seabed north of Montauk, New York, and off Maine, New Hampshire, Massachusetts, Rhode Island, and Connecticut;

(B) the Mid-Atlantic Bight region, comprised of the coastal and oceanic waters and seabed south of Montauk, New York, and off New York, New Jersey, Pennsylvania, Delaware, Maryland, and Virginia;

(C) the United States Southern Atlantic region, comprised of the coastal and oceanic waters and seabed off North Carolina, South Carolina, Georgia, and the Atlantic coast of Florida (including the Florida Keys);

(D) the Gulf of Mexico region, comprised of the coastal and oceanic waters and seabed of the Gulf of Mexico off Florida, Alabama, Mississippi, Louisiana, and Texas;

(E) the Great Lakes region, comprised of the waters and lake beds of the Great Lakes;

(F) the California region, comprised of the coastal and oceanic waters and seabed off California;

(G) the United States Northeast Pacific region, comprised of the coastal and oceanic waters and seabed off Oregon, Washington, and Alaska;

(H) the Western Pacific region, comprised of the coastal and oceanic waters and seabed off Hawaii, Johnston Island, Guam, American Samoa, and the Northern Mariana Islands, and other Western Pacific waters and seabed relevant to the purpose of the Program;

(I) the Caribbean region, comprised of the coastal and oceanic waters and seabed off Puerto Rico, the United States Virgin Islands, and other tropical and subtropical waters and seabed relevant to the purposes of the Program; and

(J) any other undersea region resulting from a modification under section 603(e)(5);

(10) "undersea research" means scientific research carried out in the oceans or large lakes of the world, using advanced underwater technology including diving, underwater observatories and laboratories, research submersibles, remotely operated vehicles, autonomous vehicles, and any other research techniques necessary to carry out the provisions of this title; and

(11) "Under Secretary" means the Under Secretary of Commerce for Oceans and Atmosphere.

SEC. 603. ESTABLISHMENT AND ADMINISTRATION OF NATIONAL UNDERSEA RESEARCH PROGRAM.

(a) PROGRAM ESTABLISHMENT AND MAINTENANCE.—The Under Secretary shall establish and maintain in the Administration a program to be known as the "National Undersea Research Program".

(b) PROGRAM PURPOSE.—The purpose of the Program shall be to enhance scientific understanding of processes in the oceans and large lakes of the world, by—

(1) developing, maintaining, and carrying out undersea research programs;

(2) investigating, developing, and applying technology for undersea research; and

(3) developing new approaches to undersea technology transfer and marine science education.

(c) NATIONAL UNDERSEA RESEARCH CENTERS.—The Program shall be conducted by the National Undersea Research Centers established pursuant to section 605(a).

(d) OFFICE OF UNDERSEA RESEARCH.—

(1) ESTABLISHMENT.—There is established in the Administration the Office of Undersea Research.

(2) PROGRAM DIRECTOR.—The head of the Office and Program Officer of the National Undersea Research Program is the Director of the National Undersea Research Program, who shall be appointed by the Under Secretary from among individuals with extensive knowledge and expertise in undersea research and having appropriate administrative experience.

(e) DUTIES OF PROGRAM DIRECTOR.—Subject to the supervision of the Under Secretary, the Program Director shall carry out the following duties:

(1) Facilitate and support the activities of Centers.

(2) Establish guidelines for the submission and review of proposals from the Centers and proposals from individual researchers that are submitted to the Centers for research under the Program.

(3) Make grants and enter into contracts and cooperative agreements under section 608 to advance knowledge in the priority research areas through the Centers.

(4) Support the Memorandum of Agreement Concerning Support of a National Academic Deep Submergence Facility for Scientific Use.

(5) Modify undersea regions as necessary and appropriate.

(6) Carry out any other duty assigned to the Program Director by this title.

(f) PRIORITY RESEARCH AREAS.—

(1) IN GENERAL.—The Under Secretary may use amounts appropriated for the Program to fund research, including long-term studies, within the following priority research areas:

(A) Oceanic, coastal, estuarine, and limnological processes.

(B) Pathways and fates of materials in the oceans and large lakes.

(C) Diversity, distribution, productivity, and recruitment of organisms, including commercially valuable species, with respect to habitat characteristics in the oceans and large lakes.

(D) Global change processes.

(E) Ocean lithosphere processes and mineral resources.

(F) Undersea research platform and instrument technology.

(G) Diving safety, physiology, and technology.

(H) Studies under section 21(e) of the Outer Continental Shelf Lands Act (43 U.S.C. 1347(e)).

(2) Revision of priority areas.—Upon the recommendation of the Committee, the Under Secretary may, after public comment, revise the priority research areas under paragraph (1).

SEC. 604. ADVISORY COMMITTEE.

(a) Establishment of Committee.—The Under Secretary shall establish an independent advisory committee to be known as the "National Undersea Research Advisory Committee".

(b) Composition.—

(1) In general.—The Committee shall consist of 9 members appointed by the Under Secretary from individuals who are eminent professional scientists or engineers and active in at least one priority research area, of whom 2 members shall be appointed from individuals nominated by Center Directors. The Under Secretary shall complete appointments under this paragraph by not later than 6 months after the date of the enactment of this Act.

(2) Balance.—In appointing members of the Committee, the Under Secretary shall seek to ensure balanced representation of—

(A) priority research areas,

(B) disciplines related to priority research areas, and

(C) geographic regions of the United States.

(3) Prohibition on appointments.—Except as provided in paragraph (4), no member of the Committee may be an employee of a Center or of the Administration.

(4) Ex officio members of the committee.—The Chief Scientist of the Administration shall be a nonvoting ex officio member of the Committee.

(c) Duties.—The Committee shall—

(1) advise the Under Secretary and the Program Director concerning—

(A) the quality of research performed with grants awarded under this title, the applicability of such research to the priority research areas;

(B) the designation, establishment, and operation of Centers;

(C) the modification of undersea regions;

(D) the need to revise the priority research areas; and

(E) any other matters that the Under Secretary refers to the Committee for review and advice, or that the Committee considers appropriate; and

(2) carry out any other duty specifically assigned to the Committee by this title.

(d) Term of Membership.—

(1) In general.—Subject to paragraph (2), the term of membership on the Committee shall be 3 years.

(2) Initial appointments.—Of the members first appointed to the Committee—

(A) 3 members shall serve a term of 1 year;

(B) 3 members shall serve a term of 2 years; and

(C) 3 members shall serve a term of 3 years;

as specified by the Under Secretary at the time of appointment.

(3) Term limitation.—No individual may serve consecutive terms as a member of the Committee.

(e) Compensation.—Members of the Committee, while performing official duties as members of the Committee, are entitled to receive compensation for travel and transportation expenses under section 5703 of title 5, United States Code.

(f) Chairperson.—The members of the Committee shall select annually from among the voting members of the Committee an individual who shall serve as Chairperson of the Committee. No member of the Committee may serve more than 2 annual terms as Chairperson.

(g) Conduct of Business.—The Committee shall conduct its business according to the majority vote of those members present at a meeting of the Committee.

(h) Public Participation.—The following guidelines apply to the conduct of business by the Committee:

(1) Each meeting shall be open to the public, and interested persons shall be permitted an opportunity to present oral or written statements on items on the agenda.

(2) Timely notice of each meeting, including the time, place, and agenda, shall be published in the Federal Register and copies sent to all Center Directors.

(i) Exemption.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Committee.

SEC. 605. ESTABLISHMENT OF NATIONAL UNDERSEA RESEARCH CENTERS.

(a) Assignment of Existing Regions and Establishment of New Centers.—

(1) Assignment of regions to existing centers.—There are assigned to the Centers in existence on the day before the date of the enactment of this Act undersea regions, as follows:

(A) The Western Pacific region is assigned to the Hawaii Undersea Research Laboratory.

(B) The United States Northeast Pacific and Californian regions are assigned to the West Coast National Undersea Research Center at the University of Alaska-Fairbanks.

(C) The United States Northern Atlantic and Great Lakes regions are assigned to the National Undersea Research Center at the University of Connecticut at Avery Point.

(D) The Mid-Atlantic Bight region is assigned to the New York Bight National Undersea Research Center.

(E) The United States Southern Atlantic region is assigned to the National Undersea Research Center at the University of North Carolina at Wilmington.

(F) The Caribbean region is assigned to the National Undersea Research Center at the Caribbean Marine Research Center.

(G) The Gulf of Mexico region is assigned to a new center to be established pursuant to subsection (f).

(2) Establishment of new centers.—The Under Secretary may establish a new Center to implement the Program for any undersea region at an institution of higher education or oceanographic research located in a State bordering the region—

(A) if there is a clearly demonstrated, scientific need for such a Center;

(B) if there are adequate funds available for the establishment of the Center;

(C) after reviewing each proposal submitted under subsection (b) with respect to that region; and

(D) if the Committee concurs in the selection of that institution.

(3) Limitation.—The Under Secretary may not establish a new Center for an undersea region if the expenditure of amounts for that Center would result in any reduction of amounts available for expenditure for any other Center.

(b) Solicitation of Proposals for New Centers.—

(1) In general.—The Under Secretary may solicit proposals for the establishment of a new Center under subsection (a)(2) from institutions of higher education or oceanographic research.

(2) Proposal requirements.—A proposal under this subsection shall consist of—

(A) a proposed science program;

(B) a program management plan;

(C) a description of the facilities of the institution at which the new Center is proposed to be established;

(D) a description of relevant capabilities of that institution;

(E) an operational safety plan;

(F) mechanisms for information transfer;

(G) a budget for the proposed Center; and

(H) any other information the Under Secretary considers necessary.

(c) Review of Proposals.—The Under Secretary and the Committee shall review each proposal submitted under subsection (b) on the basis of—

(1) relevance of the proposal to priority research areas; and

(2) the capability of the applicant institution to administer and direct research in those areas.

(d) Center Director.—Each institution at which a Center is established under this section may select, in consultation with the Office, an individual who shall be the Center Director of that Center.

(e) 6-Year Review of Centers and Regions.—

(1) In general.—Every 6 years the Under Secretary and the Committee shall jointly review—

(A) the operation of each Center, except that in the case of a Center in existence on the day before the date of the enactment of this Act, the first review of the Center shall be completed by not later than the date which is 5 years after that date of enactment; and

(B) the configuration of undersea regions to determine whether those regions meet scientific needs for research in priority research areas.

(2) Content of review.—A review under this subsection shall consist of—

(A) an evaluation of the quality of the research conducted at the Center under the Program and the applicability of the research to the priority research areas, including consideration of the reviews conducted under section 606(c);

(B) recommendations for changes in the scientific research program and the operation of the Center, that are considered beneficial by the Committee and the Under Secretary;

(C) a determination of whether the continued operation of the Center will increase knowledge in the priority research areas; and

(D) recommendations for the modification of the undersea regions of the Center.

(3) Establishment of new center at different institution.—If the Under Secretary and the Committee determine as a result of a review under this subsection that continued operation of a Center is not warranted, the Under Secretary—

(A) shall provide notification of that determination to the Center, including a description of any changes in the operations of the Center the Under Secretary considers necessary for continued operation of the Center;

(B) shall after 18 months after providing that notice, and not later than 2 years after providing that notice, review the implementation of those changes by the Center; and

(C) may establish, at a different institution of higher education or oceanographic research, a new Center for the same undersea region in accordance with this section, if the Under Secretary determines as a result of the review under subparagraph (B) that those changes are not implemented.

(f) New Center.—

(1) Gulf of Mexico.—

(A) Establishment.—Notwithstanding subsection (a)(2) and (a)(3), the Under Secretary shall establish at a qualified public institution a Center to conduct the Program for the Gulf of Mexico undersea region, which shall be known as the "Gulf of Mexico National Undersea Research Center". The Under Secretary shall establish that Center no later than 60 days after the date of enactment of this Act.

(B) Definition.—For the purposes of this paragraph, the term "qualified public institution" means a public institution or consortium of public institutions of higher education—

(i) located directly on the coastline of, or having direct access to, the Gulf of Mexico;

(ii) with strong undergraduate and graduate programs in engineering, science, and technology as they may apply to undersea research;

(iii) with nationally recognized programs in marine science and maritime studies, with strong consideration given to any institution with a degree granting maritime academy;

(iv) with facilities for maintaining and operating research and other vessels appropriate for deployment of equipment necessary to conduct undersea research;

(v) with faculty and other personnel with expertise in undersea research;

(vi) capable of fully utilizing and working closely with the National Marine Sanctuary System in the Gulf of Mexico; and

(vii) capable of developing and maintaining cooperative undersea research programs with Mexico.

(2) Limitation.—In carrying out this subsection, the Under Secretary shall not reduce amounts available for carrying out the Memorandum of Agreement Concerning Support of a National Academic Deep Submergence Facility for Scientific Use.

SEC. 606. NATIONAL UNDERSEA RESEARCH CENTER RESEARCH PROGRAMS.

(a) Individual Research Proposals.—

(1) Solicitation.—Each Center Director shall annually solicit individual proposals from the scientific community for research to advance the priority research areas of the Program. Research under each proposal shall be primarily conducted within the undersea region of the Center, but may be conducted in another undersea region in cooperation with the Center for that region, or other geographic areas with the approval of the Program Director. Individual proposals shall adhere to guidelines established by the Program Director pursuant to section 603(e)(2). Proposals under this paragraph may be for multiyear research.

(2) Individual proposal review process.—

(A) In general.—Each individual proposal shall be reviewed by an independent review panel and by not less than 3 anonymous mail reviewers. Each independent review panel shall be composed of not less than 4 individuals with experience in undersea research appointed by the Program Director, at least one of whom shall be a member of the Committee.

(B) Panel review.—Each review by an independent review panel shall—

(i) assess the scientific merit of the individual research proposal;

(ii) assess the ability of the Center to carry out the proposed research; and

(iii) the applicability of the proposal to the priority research areas.

(C) Mail reviews.—Each mail review shall consider—

(i) the scientific merit of the proposal; and

(ii) the capability of the principal investigator to carry out or support the proposed research.

(3) Allowance for response.—

(A) In general.—Subject to any regulation that is issued by the Program Director, a Center Director shall—

(i) provide to each person who submits to the Center a proposal under this section blinded copies of all mail reviews of the proposal conducted under paragraph (2), and

(ii) give the person not more than 14 days to respond to those reviews before rendering any final decision regarding funding for the proposal.

(B) Review of process by committee.—Not later than 3 years after the date of the enactment of this Act, the Committee shall—

(i) whether all Centers are implementing subparagraph (A);

(ii) determine whether the opportunity of persons who submit proposals to respond to reviews pursuant to subparagraph (A) has been utilized by those persons;

(iii) determine whether those responses have been effective in ensuring full and fair consideration of those proposals; and

(iv) recommend to the Program Director that the procedures established by subparagraph (A) be continued, terminated, or modified (including the specific modifications which should be made).

(C) Regulations implementing recommendations.—The Program Director may issue regulations implementing any recommendation made by the Committee under subparagraph (B)(iv).

(b) Proposed Center Program.—Each fiscal year each Center Director shall submit to the Program Director—

(1) a proposed program for the Center for the upcoming fiscal year, which shall adhere to guidelines established by the Program Director pursuant to section 603(e)(2) and shall include—

(A) a description of the activities performed and research funded by the Center in the previous fiscal year;

(B) those individual research proposals submitted under subsection (a) that the Center Director determines to be meritorious based on reviews conducted under that subsection;

(C) a proposed budget for the operation of the Center for the current fiscal year;

(D) any other materials requested by the Program Director to clarify the proposed program; and

(E) an annually revised long-range research and operations plan; and

(2) reviews, and responses thereto, of all individual research proposals submitted to the Center Director for the upcoming fiscal year.

(c) Review of Proposed Center Programs.—The Program Director shall review the proposed programs submitted by each Center Director under subsection (b) and make recommendations to the Under Secretary for funding allocations under section 608(b).

(d) Gifts, Devises, and Bequests.—Each Center may accept, solicit, and use the services of volunteers, and may accept, receive, hold, administer, and use gifts, devises, and bequests, to carry out the research program of the Center.

SEC. 607. PROCEDURES FOR JOINT REVIEW OF RESEARCH PROPOSALS.

The Under Secretary, in consultation with the Program Director and the Committee and jointly with the Director of the National Science Foundation and the Secretary of the Navy, shall—

(1) develop procedures for the submittal and joint review of proposals for research in priority research areas to be carried out with assistance from 2 or more agencies within the Department of Commerce, the National Science Foundation, or the Department of Defense; and

(2) issue final rules establishing those procedures by not later than 1 year after the date of the enactment of this Act.

SEC. 608. GRANTS AND CONTRACTS FOR NATIONAL UNDERSEA RESEARCH CENTERS.

(a) Authorization.—The Under Secretary may make grants and enter into contracts and cooperative agreements under this section to fund any Center program if the Under Secretary finds that the program will advance knowledge in the priority research areas.

(b) Allocation of Funding.—

(1) In general.—Based on the reviews under section 606(c) of proposed Center programs, the Under Secretary shall—

(A) allocate among the Centers, in such manner as will best advance knowledge in the priority research areas, all amounts available for the current fiscal year for research to be conducted by the Centers and administration of the Centers, consistent with each Center's long-term responsibilities to conduct priority research; and

(B) notify each Center Director of the amount allocated to that Center under subparagraph (A).

(c) Terms and Conditions.—

(1) In general.—Any grant made or contract entered into under this section shall be subject to paragraphs (2) and (3) and to any other terms, conditions, and requirements the Under Secretary considers necessary.

(2) Limitations on use for land and buildings.—Amounts provided under any grant or contract under this section may not be used for—

(A) the purchase of any land; or

(B) the purchase or construction of any building.

(3) Maintenance of records.—Any person who receives or utilizes any proceeds of any grant of contract under this section shall keep any records the Under Secretary prescribes as necessary to facilitate effective audit and evaluation, including reports which full disclose the amount and disposition of funds received under this title, the total cost of activities for which those funds were used, and the amount, if any, of costs which were provided through other sources. The records shall be maintained for 6 years after the completion of the activity. The Under Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access, for the purpose of audit and evaluation, to any books, documents, papers, and records of receipts, which in the opinion of the Under Secretary or of the Comptroller General may be related or pertinent to the grants and contracts.

SEC. 609. FINANCIAL ASSISTANCE REVIEW BOARD.

After the date of the enactment of this Act, grants and contracts under the Program shall not be subject to review by the board in the Department of Commerce known as the Financial Assistance Review Board.

SEC. 610. AUTHORIZATION OF APPROPRIATIONS.

(a) CENTER PROGRAM FUNDING.—There is authorized to be appropriated to the Under Secretary for use for grants and contracts under section 608, to remain available until expended, $18,000,000 for fiscal year 1995, $18,540,000 for fiscal year 1996, $19,100,000 for fiscal year 1997, $19,670,000 for fiscal year 1998, and $20,260,000 for fiscal year 1999.

(b) OFFICE OF UNDERSEA RESEARCH.—There is authorized to be appropriated to the Under Secretary for the administration of the Office of Undersea Research and support of the Memorandum of Agreement Concerning Support of a National Academic Deep Submergence Facility for Scientific Use, to remain available until expended, $2,100,000 for fiscal year 1995, $2,200,000 for fiscal year 1996, $2,300,000 for fiscal year 1997, $2,400,000 for fiscal year 1998, and $2,500,000 for fiscal year 1999.

(c) REVERSION OF UNOBLIGATED AMOUNTS.—The amount of any grant, contract, or portion of a grant or contract, made under section 603 or 608 that is not obligated before the end of the third fiscal year in which it is authorized to be obligated—

(1) shall revert to the Under Secretary; and

(2) shall remain available for grants or contracts under that section.

(d) LIMITATIONS ON USE.—Amounts appropriated under the authority of subsection (a) shall not be available for administration of this title by the Office, or for program or administrative expenses of the Administration or the Department of Commerce.

AMENDMENT OFFERED BY MR. STUDDS

Mr. STUDDS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STUDDS: At the appropriate place in the bill, insert the following:

SEC. . HYDROGRAPHIC SURVEYING AND MAPPING SERVICES.

The Secretary of Commerce may award contracts for hydrographic surveying and mapping services in accordance with Title IX of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 541 et seq.).

Mr. STUDDS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. STUDDS. Mr. Chairman, let me begin by saying to the distinguished gentlemen from Texas, Pennsylvania, and New York, the extraordinarily talented, multiroled manager of this bill on the minority side, that so far as I know, certainly, the amendment I now offer, and I will let him know if something arises to the contrary, but we have worked out with many of the people whom you are impersonating at the moment the amendments that are to be offered. I give you my word at this early stage that in the event an amendment is offered that is not on that list to which both sides agree, that I would make that crystal-clear, that is the case.

This is a simple and noncontroversial amendment that provides NOAA with needed flexibility to award contracts for charting responsibilities. It is supported by the administration. It tracks authority given to the Corps of Engineers where it has worked extremely well. It is, as far as I know, without controversy.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The gentleman from New York [Mr. SOLOMON] is recognized for 5 minutes.

Mr. SOLOMON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me, on behalf of the gentleman from Texas [Mr. FIELDS], rise in support of this amendment.

The amendment will likely result in more hydrographic contracts saving the Government money, I like to hear those words, "saving the Government money," and making desperately needed navigational data available sooner.

The committee, the National Academy of Sciences, the Commerce Department, the Inspector General, and Vice President GORE's National Performance Review have been urging NOAA to contract out more of this work, because that agency has neither the resources nor the funds to do it inhouse.

I think it is a good amendment, and we support it.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. STUDDS].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments?

AMENDMENT OFFERED BY MR. ORTIZ

Mr. ORTIZ. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ORTIZ: At the appropriate place in the bill insert the following:

SEC. FEASIBILITY STUDY.

No later than 180 days after the date of enactment of this Act, the Secretary of Commerce shall submit to the Committee on Merchant Marine and Fisheries and the Committee on Natural Resources of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, a study on the feasibility and desirability of converting the offshore gas production platform known as High Island A389A, owned by Mobil Exploration and Production U.S., Inc., to a marine research station for the purpose of supporting investigations of the northern Gulf of Mexico and for use as a field laboratory for training students and marine science professionals in technologies related to the exploration and study of the Gulf of Mexico. The study shall include—

(1) an assessment of the need for such a research platform, including consultations with National Oceanic and Atmospheric Administration line and program offices, other relevant Federal and State agencies with research and management responsibilities in the Gulf of Mexico, and academic institutions involved in the study of the Gulf of Mexico ecosystem;

(2) an assessment of the financial feasibility of converting the platform, including the cost of conversion from a gas production facility to a marine science research station, the cost of operation of the platform as a marine science field station, the cost of removal of the platform at the end of its functional life span, and the potential costs to users of the platform; and

(3) a description of potential users of the platform, potential funding strategies, permit requirements, and time schedules and constraints.

Mr. ORTIZ (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. ORTIZ. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment requests NOAA to do a feasibility study on converting an operating offshore gas production platform located within the Flower Garden Banks Marine Sanctuary in the Gulf of Mexico to a marine research station.

Researchers currently use this platform as a base to conduct research in the sanctuary and the surrounding ecosystem. It is estimated that within 12 to 18 months, production at the platform will cease and, according to law, the platform must be dismantled and removed, unless the Federal Government indicates otherwise.

There has been a high level of interest by academic and research institutions and a number of Federal agencies in converting this platform into a dedicated marine research station.

This amendment would require NOAA to conduct a study on the feasibility, cost, and need for this proposed conversion within 180 days of the bill's enactment, in order to ensure that a decision on this matter can be reached before the platform would have to be dismantled and removed.

Mr. Chairman, I believe that the amendment is without controversy, and is supported by both sides of the aisle, and I urge its adoption.

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Mr. STUDDS. Mr. Chairman, will the gentleman yield?

Mr. ORTIZ. I yield to the chairman of the committee.

Mr. STUDDS. I thank the gentleman for yielding.

Mr. Chairman, we have had an opportunity to examine the amendment offered by the gentleman, and we support it. I am delighted, Mr. Chairman, that the weather appears to have cleared in at least in one quadrant; we have our distinguished ranking minority member back with us.

Mr. FIELDS of Texas. Mr. Chairman, will the gentleman yield?

Mr. ORTIZ. I yield to the ranking minority member, the gentleman from Texas.

Mr. FIELDS of Texas. I thank the gentleman for yielding.

Mr. Chairman, as I understand it, under this amendment Mobil may save money, the sanctuary will have a permanent base for research. In fact, as I understand it, Texas A&M will be doing the research.

Mr. Chairman, this is an excellent amendment. We find no problem with it. I urge its passage.

Mr. ORTIZ. I thank the chairman of the committee and the ranking member.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. ORTIZ].

The amendment was agreed to.

AMENDMENT OFFERED BY MRS. UNSOELD

Mrs. UNSOELD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. UNSOELD: Add at the end the following new section—

SEC. . COORDINATED EFFORTS TO CONSERVE, PROTECT, AND REBUILD PACIFIC SALMON STOCKS.

(a) The Secretary of Commerce, in cooperation with other federal agencies, the states of Washington, Oregon, and California and tribal and local fisheries and natural resource management agencies, shall develop and implement an inter-agency and intergovernmental cooperative plan to protect, restore and enhance pacific salmons and their habitats in those states. The plan shall be based on existing Pacific salmon restoration efforts and shall include, but not be limited to—

(1) developing and implementing watershed plans to rebuild targeted stocks of Pacific salmon in those states, and

(2) other actions needed to restore and conserve stocks of Pacific salmon and their habitats in those states.

(b) Not later than January 1, 1996, and annually thereafter until the Secretary of Commerce determines that Pacific salmon stocks have recovered, the Secretary shall prepare and submit to the Committee on Merchant Marine and Fisheries in the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on progress made under this section to conserve, protect, and rebuild Pacific salmon stocks.

Mrs. UNSOELD (during the reading). Mr. Chairman, I ask unanimous consent the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Washington?

There was no objection.

Mrs. UNSOELD. Mr. Chairman, one of the most important issues facing the Pacific Northwest is restoration of our Pacific salmon. Our stocks have collapsed and our commercial and recreational fishing industries are at the bottom of a downward spiral that has nearly eliminated a billion dollar industry and tens of thousands of family wage jobs.

The magnitude of the salmon crisis mandates a comprehensive solution that reforms hydropower operations as well as hatchery, habitat and harvest management practices. Unfortunately, the lack of coordination among resource management agencies has been an obstacle to developing such a response. At one time, I counted over 10 Federal agencies involved: The National Marine Fisheries Service, the Fish and Wildlife Service, the Forest Service, the Bureau of Land Management, the Army Corps of Engineers, the Bureau of Reclamation, the Bureau of Indian Affairs, the Bonneville Power Administration, the Federal Emergency Management Agency, and the EPA.

Now add the agencies from five States along with numerous tribal and local governments and you begin to get a sense of what has to come together for the recovery of Pacific salmon.

The purpose of this amendment is to break through the bureaucratic morass that inevitably results when such myriad government agencies all try to solve the problem as they see fit—with little regard to how all of the pieces of them fit together. Specifically, it requires the Secretary of Commerce—the agency mandated to recover those stocks already listed under the Endangered Species Act—to work cooperatively with the other resource authorities to develop and implement a single coastwide initiative to protect, restore and enhance Pacific salmon.

Mr. Chairman, the salmon resource is the economic, cultural, and recreational fabric of the Pacific Northwest. Within my lifetime, I have seen some salmon runs in the Columbia River—arguably the greatest salmon river on the planet—reduced to where they can be counted on the fingers of one hand. Each day that passes without comprehensive, coordinated response puts our once-mighty salmon runs—as well as a way of life that has defined the Pacific Northwest and our people—a step closer to extinction.

Mr. Chairman, it's time to get some Federal accountability and focus on rebuilding weak stocks. I urge my colleague's support of this amendment.

Mr. STUDDS. Mr. Chairman, will the gentlewoman yield?

Mrs. UNSOELD. I yield to the chairman of the committee.

Mr. STUDDS. I thank the gentlewoman for yielding.

Mr. Chairman, I wholeheartedly support the gentlewoman's amendment. It is a very necessary and logical first step toward the crisis of the Pacific salmon.

Mr. Chairman, we are all against bureaucratic morasses; anything that we can do to reduce them is in the public interest. The gentlewoman has taken leadership in this area, and I am happy to support her amendment.

Mr. FIELDS of Texas. Mr. Chairman, will the gentlewoman yield?

Mrs. UNSOELD. I yield to the gentleman from Texas.

Mr. FIELDS of Texas. I thank the gentlewoman for yielding.

Mr. Chairman, we have had an opportunity to examine this amendment. As I understand, it was the subject of debate at the subcommittee level. We think it is a good amendment. I urge its passage by the Members.

Mrs. UNSOELD. I thank the gentlemen for their comments and urge my colleagues to support this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Washington [Mrs. UNSOELD].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. TAUZIN

Mr. TAUZIN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TAUZIN: On page—add the following:

SEC. . EDUCATION PROGRAM TO REDUCE THE RISK ASSOCIATED WITH CONSUMING RAW MOLLUSCAN SHELLFISH.

(a) IN GENERAL.—Of amounts available under section 713c-3(d) of the Saltonstall-Kennedy Act of 1954, as amended, (15 U.S.C. Sec. 713c-3), the Secretary of Commerce is authorized to use $500,000 for a comprehensive education program to reduce and prevent illnesses and deaths associated with the consumption of raw molluscan shellfish.

(b) TRANSFER AUTHORITY.—The Secretary of Commerce is authorized to transfer up to $500,000 of amounts authorized to be expended under subsection (a) to another federal agency to carry out the purposes of this section.

(c) LIMITATION.—The Secretary of Commerce, or the head of a federal agency to which the Secretary transfers funds under this section, may not use more than 5 percent of amounts authorized to be expended under this section for administrative expenses.

Mr. TAUZIN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. TAUZIN. Mr. Chairman, this amendment would add to the authorization bill language that has already actually been adopted in the Commerce agency appropriations conference report that allows the transfer of $500,000 of Saltonstall-Kennedy moneys to the program to educate at-risk populations about the risk of eating raw mulloscan shellfish. The agency NMFS is in favor of doing this. It is obviously a necessary and very vital ingredient of making sure that at-risk populations have information with reference to the risks associated with eating raw shellfish so that in fact we can lower the incidence of any problems with those populations and the consumption of raw shellfish. This is, as I said, an amendment that will conform to already passed language in the appropriations bill.

Mr. STUDDS. Mr. Chairman, will the gentleman yield?

Mr. TAUZIN. I yield to the chairman of the committee.

Mr. STUDDS. I thank the gentleman for yielding.

Mr. Chairman, we fully support the amendment offered by the gentleman and commend him on it and on his tie.

Mr. TAUZIN. I try to emulate the chairman of the committee.

Mr. FIELDS of Texas. Mr. Chairman, will the gentleman yield?

Mr. TAUZIN. I yield to the gentleman from Texas.

Mr. FIELDS of Texas. I thank the gentleman for yielding.

Mr. Chairman, I have had a chance to review this amendment, plenty of time to look at it, and we feel comfortable with what this amendment does, and we support it and urge our Members to support it.

Mr. TAUZIN. I very much appreciate the support of my friend from Texas. In fact, anytime my friend from Texas supports me, I appreciate it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana [Mr. TAUZIN].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. FARR OF CALIFORNIA

Mr. FARR of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FARR of California. In the text of section 404 (page 27, line 19), insert "(a) SITE SELECTION FACTORS.—" before "In selecting".

At the end of section 404 (page 28, after line 13), add the following:

(b) AUTHORIZATION FOR ARCHITECTURE AND ENGINEERING STUDIES.—In addition to amounts otherwise authorized by this Act, there are authorized to be appropriated to the Secretary of Commerce, for architecture and engineering studies regarding the replacement for the National Marine Fisheries Service Lab at Tiburon, California.—

(1) $1,500,000 for fiscal year 1995;

Mr. FARR of California (during the reading). Mr. Chairman, I ask unanimous consent the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. FARR of California. Mr. Chairman, the money has been inserted in the fiscal year 1995 appropriations bill. The Department of Commerce appropriations bill conference report stated that the "committee expects NOAA to use up to $1.5 million from its construction account to conduct architectural and engineering studies for the relocation of the NMFS Tiburon laboratory to Santa Cruz-Monterrey Bay."

Mr. Chairman, the amendment is supported by the subcommittee Chair, the gentleman from California [Mr. ORTIZ], the ranking minority member, the chairman of the full committee and the ranking minority member of the full committee.

Mr. STUDDS. Mr. Chairman, will the gentleman yield?

Mr. FARR of California. I yield to the chairman of the committee.

Mr. STUDDS. I thank the gentleman for yielding.

Mr. Chairman, we are strongly in support of the amendment offered by the gentleman, we are happy to support it.

Mr. FIELDS of Texas. Mr. Chairman, will the gentleman yield?

Mr. FARR of California. I yield to the gentleman from Texas.

Mr. FIELDS of Texas. I thank the gentleman for yielding.

Mr. Chairman, we have had an opportunity to review the amendment. I urge my colleagues to support it. We find no problem with it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. FARR].

The amendment was agreed to.

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AMENDMENT OFFERED BY MR. FARR OF CALIFORNIA

Mr. FARR of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FARR of California. At the end of title Iv, add the following:

SEC. . AUTHORIZATION FOR ENFORCEMENT ACTIVITIES IN MONTEREY BAY NATIONAL MARINE SANCTUARY.

Of amounts provided hereafter in appropriations Acts for the National Marine Sanctuaries Program, up to $150,000 may be expended in each of fiscal years 1995 and 1996, on a 1-to-1 matching basis with non-federal funds, for operation and maintenance of an enforcement vessel for the Monterey Bay National Marine Sanctuary.

Mr. FARR of California. Mr. Chairman, in fiscal year 1994, an agreement was worked out between NOAA and the California Department of Fish and Game to jointly operate an enforcement vessel in the National Marine Sanctuary. One hundred twenty-five thousand dollars was appropriated to do that. This language is to ensure that the funds are authorized for this activity for subsequent years, in 1995 and 1996. I note that the funds will be matched on a one-to-one basis with non-Federal funds.

Mr. Chairman, this amendment, again, is supported by the gentleman from Texas [Mr. ORTIZ], chairman of the Subcommittee on Oceanography, Gulf of Mexico, and the Outer Continental Shelf, the gentleman from Pennsylvania [Mr. WELDON], the gentleman from Massachusetts [Mr. STUDDS], the chairman of the Committee on Merchant Marine and Fisheries, and also the ranking minority member, the gentleman from Texas [Mr. FIELDS].

Mr. STUDDS. Mr. Chairman, will the gentleman yield?

Mr. FARR of California. I yield to the gentleman from Massachusetts.

Mr. STUDDS. Mr. Chairman, the gentleman said it all. This should be supported by anyone who knows anything at all about the situation.

Mr. FIELDS of Texas. Mr. Chairman, will the gentleman yield?

Mr. FARR of California. I yield to the gentleman from Texas.

Mr. FIELDS of Texas. Mr. Chairman, I have also had the opportunity to look at this particular amendment. On this side of the aisle we find no problem, and I urge its passage.

Mr. FARR of California. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. FARR].

The amendment was agreed to.

Mr. WELDON. Mr. Chairman, I move to strike the last word

Mr. Chairman, I rise in strong support of H.R. 4008, the National Oceanic and Atmospheric Administration authorization, and to commend the chairman of the full committee, the gentleman from Massachusetts [Mr. STUDDS], and our ranking member, the gentleman from Texas [Mr. FIELDS], the chairman of the subcommittee and my good friend, the gentleman from Texas [Mr. ORTIZ]. I am sorry that I am late for this debate. I was tied up in traffic on I–95 getting down here, but I do want to take a moment to discuss a couple of the highlights to this legislation and discuss the importance of NOAA's programs. The authorization levels are adequate for NOAA, and it is important that we sustain these funding levels to allow NOAA's programs to continue uninterrupted.

Historically though, Mr. Chairman, the United States has spent relatively little on understanding the marine environment, while at the same time we have expended billions of dollars on the exploration of space. The irony is that we probably have spent more money searching for water bodies on other planets than we have on understanding the Earth's oceans right here in our own backyard.

The end of the cold war has made previously classified military data and technology available to civilian scientists. The potential for using these formerly secret technologies to expand our knowledge of the marine environment is significant.

Already, civilian marine biologists have been given access to data from the Integrated Undersea Surveillance System [IUSS] to conduct research on whales and study hydrothermal activity on the ocean floor. IUSS was originally designed to track enemy submarines and warships, but these recent cooperative ventures have demonstrated the system's great potential as a civilian scientific resource.

This new role for military technology has become known as dual use. Unfortunately, just as the full research potential of these previously classified technologies is being recognized, Department of Defense budgetary cuts are threatening to close down these resources.

We need a coordinated strategy to make sure that this cooperation happens, and this legislation contains the text that will allow that cooperation.

Mr. Chairman, we have been working, not just in the committee, but in the Congress, to expand the cooperation between nations in terms of undersea research and marine ecosystem cooperation, and in fact the international community for GLOBE, Global Legislators for a Balanced Environment, have agreed to a task force report the gentleman from Texas [Mr. ORTIZ] and I put together to have a major international conference on the oceans here in Washington on February 8. Senator KERRY of the other body has been involved in this effort. We expect to have Jacques Cousteau as our keynote speaker. At that conference, which will be attended by legislators from Japan, the European Community, the United States, and Russia, we will discuss major issues affecting the oceans. One of the three major issues that will be discussed will be better cooperation in terms of sharing information and sharing science especially as it can relate to dual use technologies and to help us improve the quality of life for everyone on the face of this Earth.

Mr. Chairman, this bill allows us to continue that cooperation within the limitations of NOAA's budget. It is important that we keep the funding for NOAA at a decent level, and hopefully in future years we can actually increase our commitment to undersea research and marine ecosystem cooperation between the friendly countries of the world.

Mr. Chairman, I am very happy to be a strong supporter and cosponsor of this legislation. Again I thank my colleagues for carrying the day and those who improved the legislation through the amendment process here on the House floor.

The CHAIRMAN. Are there further amendments to the bill?

Mr. FIELDS of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise very briefly in support of the bill, and, Mr. Chairman, I will not take the entire 5 minutes.

Mr. Chairman, earlier my statement was placed in the RECORD, and I would ask unanimous consent that a letter to me from Vice President GORE be included.

The CHAIRMAN. The gentleman's statement was not placed in the RECORD. The gentleman's statement will have to be placed under general leave. The gentleman can now request to put his statement in the RECORD at this time.

Mr. FIELDS of Texas. Mr. Chairman, I would ask unanimous consent.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. Without objection, the gentleman's statement will be placed in the RECORD. In terms of the other, under general leave, the statement that the gentleman has, the letter that he would like, will fall under general leave in terms of being placed in the RECORD.

Mr. FIELDS of Texas. I would like the letter attached to my statement.

Mr. STUDDS. Mr. Chairman, will the gentleman yield?

Mr. FIELDS of Texas. I yield to the gentleman from Massachusetts.

Mr. STUDDS. Mr. Chairman, let me assure the gentleman we will join him in moving heaven and earth to get the Vice President's letter in the RECORD. On all those occasions in which the Vice President and the gentleman from Texas have kind words to say about one another, Mr. Chairman, it belongs in the RECORD.

The statement and letter referred to is as follows:

Mr. FIELDS of Texas. Mr. Chairman, I rise in support of H.R. 4008, the National Oceanic and Atmospheric Administration Authorization Act.

This legislation is the product of many months of hard work and dedicated effort by a number of distinguished Members of both the Merchant Marine and Fisheries and the Science, Space, and Technology Committees. Working together, we have crafted a proposal that incorporates the best features of our two versions.

The fundamental purpose of H.R. 4008 is to authorize NOAA's important ocean and coastal programs for the next two fiscal years. These include: mapping and charting, observation and prediction, estuarine and coastal assessment, the Great Lakes Environmental Research Laboratory, global climate change, the Saltonstall-Kennedy fishery program, and various marine services. In addition, title four of the bill includes miscellaneous provisions which authorize various reports concerning NOAA's nautical charting, fleet modernization, and research programs.

The bill also includes the text of three bills which passed the House in March—H.R. 3886, H.R. 2063, and H.R. 1394—dealing with the Flower Garden Banks National Marine Sanctuary, the National Coastal Resources Research and Development Institute and a NOAA Great Lakes office. Finally, the bill incorporates a slightly modified text of H.R. 4236, a comprehensive National Undersea Research Program authorization reported by the Merchant Marine Committee on May 11, 1994.

While I generally support most of the programs authorized in this legislation, the bill authorizes a total of $14 million over 2 years for the Global Learning and Observation to Benefit the Environment [GLOBE] Program. As you may remember, when the House considered the Commerce, Justice, State and Judiciary appropriations bill this year, I offered an amendment eliminating funding for GLOBE. The amendment was defeated on a tie vote. I also sought to strike the authorization for the program, when H.R. 4008 was before the Merchant Marine and Fisheries Committee.

GLOBE is the brainchild of Vice President GORE. While I have great respect for the Vice President, it is legitimate to question whether the United States should be spending $7 million in NOAA funds to have schoolchildren from around the world take environmental measurements of questionable scientific value. I objected to this program based on my concerns that there seemed to be no clear focus; that funding was projected to grow at an alarming rate; that funds would flow to foreign countries like Bahrain, Croatia, and Papua New Guinea; and that NOAA had reprogrammed a half million dollars to establish an eight-person GLOBE office without proper notice or authorization by the Congress.

However, I have been assured by the Vice President that the administration does not intend to have the taxpayers of this Nation finance the GLOBE program at a substantially higher rate in the future. In fact, NOAA's share of the program will be limited to the $7 million authorized in fiscal year 1995 and fiscal year 1996, rising eventually to $12 million in later years. In addition, I was pleased to see that the Administrator of NOAA, in his testimony before the Subcommittee on Space on July 19 announced that all U.S. dollars appropriated to the program would remain in the United States. Foreign countries who wish to participate in the GLOBE program will have to bear their own costs.

The Vice President also indicated that GLOBE would take advantage of existing technologies and programs to minimize the costs of the program. One of these is the Mickey Leland Satellite Program, established in honor of the late congressman from Houston, TX, who gave his life fighting hunger and poverty in Africa. The Leland satellite network, to be funded by AID to provide health and agricultural information to African nations, can also serve as a conduit for the types of environmental information collected under GLOBE. I am pleased that Mickey's legacy will be expanded and I thank the Vice President for his commitment to fund the Leland Satellite Network.

I have also been informed that a small advisory committee is being formed to help shape the program and give it some direction. I hope that the advisory committee will represent a cross-section of interest groups and that all efforts will be made to minimize its costs. I urge the committee to examine other Federal programs involving the scientific education of young children and build on their foundation. For example, the National Science Foundation already has a GLOBE-type program in place in the United States and many American school districts participate in weather observation programs in conjunction with local weather stations.

Finally, the provision authored by the gentleman from Wisconsin, [Mr. SENSENBRENNER], which requires a minimum dollar-for-dollar non-Federal match before any GLOBE monies can be obligated beginning in fiscal year 1996, goes a long way in ensuring that the program will truly incorporate a private/governmental partnership. By requiring a funding match, the intent here is to force a commitment of dollars or equipment up front, and not the types of soft matching requirements of administrative overhead allowed under other Federal research programs. On July 19, the NOAA Administrator stated that the private investment in GLOBE would be "orders of magnitude" greater than the public investment; if this is true, then the matching requirement will not be a hardship and should eventually negate the need for further Federal funding. NOAA plans to establish a private foundation to seek funds for the programs as early as this year. This is a sound idea and I hope the foundation functions well.

Mr. Chairman, if I could direct $7 million of Federal funds, GLOBE would not be my choice. However, the funds have been appropriated for fiscal year 1995 and the program seems to be evolving away from the bloated, foreign aid giveaway I and many of my colleagues had feared. Therefore, I do not plan to offer any amendments to kill the GLOBE program. However, I will be monitoring the situation very carefully and I will request oversight hearings on this program early in the 104th Congress.

Other than this one concern, Mr. Chairman, I urge my colleagues to support this bill. NOAA may not be the largest Federal agency, but it represents the lion's share of the Department of Commerce's budget and personnel. Many NOAA programs are critical to maintaining the health and wise use of our ocean resources, and they deserve our support.

Again, I want to compliment Chairmen GERRY STUDDS, SOLOMON ORTIZ, GEORGE BROWN, and RALPH HALL and our ranking minority members BOB WALKER, CURT WELDON, and JIM SENSENBRENNER for their leadership in crafting this fine piece of legislation.

I urge an "aye" vote on H.R. 4008.

THE VICE PRESIDENT,
Washington, September 22, 1994.

Hon. JACK FIELDS,
House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR REPRESENTATIVE FIELDS: Thank you for your assistance in developing the "Leland Initiative," a program designed to bolster Africa's connectivity to the emerging Global Information Infrastructure Access to the Internet will enable African countries to develop distance learning programs, access databases on agricultural and rural development and environmental issues, and increase communication among scientists, engineers, doctors, and policy-makers both within Africa and throughout the developed world. Africa is the only region in the world without widespread Internet connectivity and we are very pleased to help make them part of the Internet network. We are very excited about adding this cost-effective and multi-faceted capacity to the GLOBE program. Not only will the "Leland Initiative" make it possible for African schools to participate in the GLOBE program from the outset, but it will also support a wide variety of development applications.

As you know, the GLOBE program is managed by an interagency Leadership Council and will receive guidance from a Presidentially-appointed Advisory Committee. The Committee members will be selected from the highest ranks of education, government, science, and technology, and will provide advice to the President and the Vice-President regarding the implementation and development of the GLOBE program. We would of course very much appreciate the names of individuals you believe are well-qualified to sit on the Advisory Committee and could offer expertise on issues relevant to GLOBE.

In order to initiate the GLOBE program we sought $15 million in U.S. Government funding for FY95: NOAA-$7 million; NASA-$5 million; NSF-$2 million and EPA-$1 million. We expect to seek a slightly higher appropriation in FY96. Over the long term, however, U.S. Government funding will pay for only a small part of the costs of the GLOBE program. The majority of GLOBE expenditures will be funded by the private sector and foreign governments. Program growth will depend necessarily on available funding from these sources.

Toward that end we plan to enter into a joint project agreement with a non-profit organization to manage fundraising for the GLOBE program. We expect that financial and in-kind contributions to GLOBE from other nations and the private sector will begin in FY95, and will increase steadily over the coming years.

Thank you again for your interest in and contributions to the GLOBE program. I look forward to working with you in the future on this and other programs of mutual interest.

Sincerely,

AL GORE.

Mr. FIELDS of Texas. Mr. Chairman, at this point I yield back, and I will ask my colleagues to support the legislation.

Mr. STUDDS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am unaware of any further amendments to the bill, so this will be the final word.

I want to take the usual 10 seconds to make the usual accommodation to my ranking member, the gentleman from Texas [Mr. FIELDS]. The Members will note that a bill of substantial substance and consequence has just gone through here with the bipartisan tranquility associated with our committee, and I am proud, again, to associate myself with the gentleman and his leadership there.

Mr. FIELDS of Texas. I thank the gentleman, and, Mr. Chairman, I also commend the chairman of the full committee, the gentleman from Massachusetts [Mr. STUDDS], and also the chairman of the Subcommittee on Oceanography, Gulf of Mexico, and the Outer Continental Shelf, the gentleman from Texas [Mr. ORTIZ], and also our ranking minority member, the gentleman from Pennsylvania [Mr. WELDON].

Mr. STUDDS. Indeed.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. There being no further amendments, the question is on the amendment in the nature of a substitute, as amended.

The amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. COLEMAN) having assumed the chair, Mr. VENTO, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4008) to authorize appropriations for the National Oceanic and Atmospheric Administration for fiscal years 1994 and 1995, and for other purposes, pursuant to House Resolution 542, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment in the nature of a substitute adopted by the Committee of the Whole?

If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title of the bill was amended so as to read: "A bill to authorize appropriations for the National Oceanic and Atmospheric Administration for fiscal years 1995 and 1996, and for other purposes."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. STUDDS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

LOWELL NATIONAL HISTORICAL PARK

The SPEAKER pro tempore (Mr. COLEMAN). Pursuant to House Resolution 532 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4448.

☐ 1730

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4448) to amend the act establishing Lowell National Historical Park, and for other purposes, with Mr. HASTINGS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 30 minutes, and the gentleman from Colorado [Mr. ALLARD] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 4448, would amend the act establishing the Lowell National Historical Park. Lowell National Historical Park was established in 1978 to preserve and interpret the nationally significant historical and cultural sites, structures and districts in Lowell, MA. At that time, Congress established the Lowell National Historical Park Commission to complement and coordinate the efforts of the park and various other State, local and private entities in developing and managing the historic and cultural resources of Lowell. While several projects remain to be completed, the Commission is scheduled to terminate on June 5, 1995, and the limit on authorized development funds has been reached.

H.R. 4448, introduced by Representative MEEHAN on May 18, 1994, extends the Commission for an additional 5 years, and increases the authorization level for the park. The legislation also provides for the transfer of the Commission's authorities to the National Park Service, and authorizes any revenues or assets acquired to be used for park purposes. The bill requires the Lowell Development and Financial Corporation to repay to the Secretary of the Treasury loans and interest from a low-interest loan fund established in 1978, except for any losses taken after all reasonable efforts at collection have been completed. Finally, the legislation establishes an advisory committee, following termination of the Commission, to provide input on the operation, maintenance, development, and programming of the park and preservation district.

The Committee on Natural Resources amended the bill as introduced to strengthen the language authorizing the National Park Service to assume the Commission's responsibilities for loan and grant agreements and to retain the revenues from leasing properties currently administered by the Commission for park use. This section reflects the committee's concern that such action be governed by appropriate regulation, and institutes reporting requirements on the financial records related to these provisions.

In response to concerns raised by OMB, the committee also included additional language regarding the loan fund that would exempt the corporation from repaying principal and interest losses due to defaults to make it acceptable under the Credit Reform Act.

Finally, the committee limited the advisory committee established in the bill to 10 years. I believe the establishment of an advisory committee to be appropriate in this instance, where partnerships and community involvement play such an important role in the operation of the park. However, I also believe that such committees should not be open-ended, and in fact should be reviewed periodically to determine if their activities and membership continue to be appropriate. The 10-year sunset seems adequate for this purpose.

Mr. Chairman, Lowell is in many ways a model for the kind of partnerships and community-based parks we are trying to encourage. The private investment in the area has far outstripped Federal funding for the park. Neglected and deteriorating resources have been restored, and the park has been developed with the support and cooperation of local public and private entities. Without this legislation, however, the National Park Service would be required to assume responsibility for incomplete projects and would be left without the necessary authority to manage properties and programs currently under the jurisdiction of the Commission.

This legislation provides for the completion of projects already underway and provides for the orderly and cost-effective transition from management by the community-based commission to the National Park Service. This is an existing unit of the National Park Service, and the authorities contained in H.R. 4448 are necessary for its continued operation.

Mr. Chairman, I yield 8 minutes to the gentleman from Massachusetts [Mr. MEEHAN], who has been the principal architect of this bill, and has worked very, very hard as a new Member. I have seen few that have developed his understanding and expertise with regard to projects in their districts, especially with regard to the Park Service. I want to praise Mr. MEEHAN for his effort, scholarship, and determination to see this bill enacted in this session of Congress.

Mr. MEEHAN. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I thank my colleague for yielding.

Mr. Chairman, I rise today to ask my colleagues to support H.R. 4448, a bill to amend the act establishing Lowell National Historic Park.

I greatly appreciate the assistance of Chairman VENTO. His efforts and support have improved the bill, and I am grateful for his help and guidance.

In 1978, Congress created the Lowell National Historic Park and in doing so, recognized the critical role that Lowell played in the American Industrial Revolution. On the banks of the Merrimack River our Nation's industrial history began in Lowell, MA, the first planned industrial community in the United States. Lowell is the first place where the mass production of goods, in this case textiles, occurred on a large scale. My ancestors immigrated to Lowell, and along with many other immigrant families, set out to make a life for themselves in America. Lowell is as much a story about immigration and ethnic diversity, as it is about industry. Lowell's historic buildings and canal system are monuments to those immigrants who came here, and through their hard labor and desire for opportunity, sparked the Industrial Revolution. Lowell National Historical Park is a testament to the spirit of the people who shaped that pivotal period in American History, and it warrants preservation.

The city's industrial mill buildings, historic structures, and the canal system document America's transition from an agrarian to an industrial economy. Congress acknowledged these assets to be nationally significant and made the Lowell National Historic Park a unit of the National Park Service.

The original legislation, crafted by former Congressman and then Senator Paul Tsongas, created the Lowell Historic Preservation Commission in 1978. The Commission membership consists of 15 representatives of the local, State, and Federal Government, as well as the private sector. This unique partnership is charged with preserving and interpreting Lowell's cultural and historic assets. Seven years ago, Congress reauthorized the Lowell Historic Preservation Commission. Today, I am asking the House to support the orderly phaseout of the Commission so that it may complete its tasks in accordance with the intent of the original law.

Opponents of the bill have argued that too much money has already been spent at the park by the National Park Service. I would like to emphasize that this park was first authorized 16 years ago, and that it has received less than $4 million a year. The park is seven-eighths of the way finished and, if we authorize the additional $10 million to complete the park, the cost to the taxpayer for a living example of 19th century industrial history is only $2 million a year. Mr. Chairman, this is a modest investment to preserve a unique segment of American history that once lost can never be recaptured.

Currently, the Commission is scheduled to terminate in June 1995. However, if we fail to approve H.R. 4448, we saddle the National Park Service with an unfinished park that will cost the taxpayer more to complete than if we approve the bill currently under consideration.

H.R. 4448 extends the Commission for 5 years to allow adequate time for it to complete its responsibilities. It also provides authorization of the necessary funds, $10.3 million, to complete the physical restoration of the canal system and to preserve certain nationally significant historic structures. Simply put, the authorization is the quickest and most efficient means for the park to be completed.

I would like to explain the reasons for requesting the 5-year extension and the additional budget authority. In 1987, the Commission asked for a 10-year reauthorization and $15 million. This request was reduced to 7 years and $12 million. Based upon experience, the Commission's original estimates were more accurate as to what is required to complete a complex historic preservation project in an urban setting.

The Commission's inability to complete the job within the 7 years is due to conditions beyond the Commission's control. Hazardous waste was found on one site, structural conditions in major sections of the canal system were substantially worse than anticipated, adding to construction expense, and the acquisition of an essential parcel was delayed due to owner bankruptcy and RTC receivership. I have asked for and received assurance that with the passage of H.R. 4448, the Commission will be able to complete its work within the requested time and budget.

When the Commission ends, the oversight and administrative functions for loan programs, leases and ownership of property and easements will revert to the National Park Service. After the Commission terminates, an unpaid advisory Committee to the Park Service will be established for 5 additional years.

Mr. Chairman, the Lowell Commission is a model for Government cooperation and effectiveness. The Commission has achieved successes which the Federal Government could not accomplish on its own. Through its loan and grant programs, the Commission helped to preserve and restore 63 privately owned buildings, leveraging over $9 of private investment for every Commission dollar. The Commission has been cost-conscious as well. Ninety-five percent of the land for the canal system was acquired through donations. Project engineering and design costs were reduced by 60 percent through the elimination of outside consultants. Interior Secretary Bruce Babbitt and Park Service Director Kennedy were supportive of the Commission when they visited Lowell Park last year. The bill is supported by the National Park Service, the city of Lowell, MA, Republican Governor Bill Weld, the Massachusetts Historic Commission, Historic Massachusetts, Inc., Preservation Action Inc., the National Trust for Historic Preservation and the National Parks and Conservation Association.

Some have expressed the view that the Commission should not be extended. But, this legislation makes every effort to strike a responsible balance.

It seeks the minimum amount of resources required to protect the public investment that has already been made in Lowell. It does not expand the park or authorize any new project initiatives. It only allows the Commission to complete the type of projects which the Congress has already approved. And, it permits the orderly and efficient transition of the Commission's functions to the private sector and the Park Service. In fact, the Commission has already transferred its cultural programs to nonprofit sponsors.

The national significance of Lowell's historic resources and the quality and importance of its interpretive programs are well established. Lowell National Historical Park has won international acclaim as a model partnership where Government and the private sector have worked together to preserve a place which dignifies the history of average Americans: Industrial workers, immigrants, builders of canals and railroads. National publications, such as Time magazine, Yankee magazine, the New York Times, and the Washington Post, have all written significant articles about the historical importance of Lowell Park.

The Lowell Commission was the first of its kind to be created within the Department of the Interior, and with the passage of this bill, it will be the first to go out of business. Without the Lowell Historic Preservation Commission, the National Park Service would be forced to contract out for design and construction management for unfinished projects if the funding is ever provided.

The bottom line, Mr. Chairman, is that voting to cut the commission and transferring these responsibilities to the Park Service would result in more expense to the taxpayer, because the work would still have to be done. The Park Service would have to assume the responsibility and farm the work out to contractors. That would take more money and more time. Allow the Commission to finish the job. Their considerable experience and expertise ensures a cost-effective transition process.

Mr. Chairman, I urge my colleagues to support H.R. 4448, and to oppose any weakening amendments or motions to recommit.

□ 1740

Mr. ALLARD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, although I understand there has been a remarkable effort to restore the historical values at Lowell and excellent cooperation between the Federal Government, State government, and the private sector, I must strongly oppose H.R. 4448 as I did when the House defeated this legislation nearly 2 months ago.

This legislation effectively authorizes $14 million for Lowell National Historical Park and its historic preservation commission. This is on top of the $53.4 million already spent at the park by the National Park Service. This figure does not include millions spent for park operations and the Commission's administrative expenses.

This park has a long and controversial history. The first attempt to authorize it in 1978 resulted in a defeat on the House floor. Members were concerned about its $40 million cost and fears this money might be spent on urban renewal efforts.

Opponents of this legislation in 1978 included such distinguished alumni as AL GORE and Dan Quayle. They were joined by current members of the leadership as Way and Means Chairman SAM GIBBONS, Intelligence Committee Chairman DAN GLICKMAN, and Veterans Committee Chairman SONNY MONTGOMERY. Distinguished subcommittee chairman BILL HEFNER, ANDY JACOBS, and TOM BEVILL joined in their opposition.

Although then-ranking member of the Subcommittee on National Parks and Recreation Keith Sebelius supported the original authorization, he wrote in the 1978 committee report that, "This legislation, in its implementation must not be permitted to be a bottomless goodie bag of financing assistance."

Unfortunately, Mr. Sebelius' fears were well-founded because 9 years later in 1987, Congress increased the authorization for Lowell by $13.4 million and extended the life of the Commission by 7 years. Today's legislation effectively increases that authorization by $14 million. Examples of this Federal largesse to date include $9.5 million for canal construction and design and $3.6 million for a trolley system.

H.R. 4448 increases the park's development ceiling by $10.33 million. Of this total, $5.1 million will be spent to complete the canalway system. It also extends the life of the Lowell Historic Preservation Commission for 5 additional years.

In fiscal year 1993 this Commission spent $726,000 in administration expenses which has taken the National Park Service's annual budget dollars. Extending it by 5 years, assuming current spending levels are frozen, which will cost taxpayers an additional $3.63 million. The fact that Congress never intended this Commission to have such a long and active life is demonstrated by the Senate Interior Committee's report on H.R. 11622 in 1978 which stated, "The role of the Commission will, in all likelihood, be very minimal by 1988."

This legislation represents the second time in 7 years that Congress has been asked to increase the development ceiling for Lowell and extend the life of the Commission.

Mr. Chairman, I believe the $53.4 million already spent by the National Park Service at Lowell is more than enough. Moreover, because of the National Park Service's massive backlog of between $7.4 to $9.4 billion and our $4.5 trillion national debt, I am astounded this legislation is before us.

My understanding is that the majority will accept my amendment to begin a GAO report detailing how Federal money has been spent at Lowell Park since it was established. I also plan on offering an amendment to reduce this authorization by 50 percent.

Mr. Chairman, I reserve the balance of my time.

Mr. VENTO. Mr. Chairman, I yield 3 minutes to the gentleman from Minnesota [Mr. PENNY].

Mr. PENNY. Mr. Chairman, as many of my colleagues are aware, I have been a strong advocate of reduced Federal spending. At the same time, however, I recognize the responsibility of the Federal Government to preserve the remaining vestiges of American history for future generations. That is what this bill that is before us today seeks to do.

As a unit of the National Park Service, the Lowell Park depicts a significant aspect of America's Industrial Revolution—the history of the textile industry in America. This era in our history is rich in cultural and ethnic diversity and initiated the transformation of our society from an agrarian-based economy to one based on commercial goods and products.

What the Lowell National Historical Park provides the Nation is a living example of 19 century industry and how the textile mill workers—most of whom immigrants—actually lived and worked. The Commission preservation efforts have been exhaustive and visitors to the park can read original letters from many of the mill workers to their families, view the dormitories and living quarter the mill owners provided for the workers, and see the actual weaving of various textiles on the original mill floors.

The success of this award-winning project is well documented by publications such as Time magazine, the New York Times, and praised by international publications including the London Observer. The historical integrity that has been preserved in Lowell is widely acknowledged by the National Trust for Historic Preservation, Historic Massachusetts, the Massachusetts Historical Commission, and enjoys the endorsement of Republican Governor William Weld.

The opponents of H.R. 4448 try to portray the Federal investment in Lowell as pork. As a deficit hawk, I would be the first to oppose this bill if it were not for the facts, which I would like to briefly cite for my colleagues.

The $54 million investment in the Lowell National Historic Park represents less than 8 percent of the total cost of the park.

For every $1 of public funds spent by the Commission, $9.60 has been generated in private funds.

For every $1 appropriated by Congress to the Commission, $4.50 in State and local funds has been invested.

Ninety-two percent of the moneys invested in Lowell Park are from private or State funds.

For those who question why the National Park Service doesn't complete the park, the simple answer is that it will be more cost effective for the Commission to complete park development. If we fail to pass H.R. 4448, the NPS is still obligated to complete the park and will rely on more costly outside contractors and may not be as successful in leveraging private investment.

In sum, the Federal Government has provided seed money for the preservation of a unique historical resource—the Lowell National Historical Park—and established a model of cost efficiency and cost cooperation between the public and private sector that should be replicated in other Federal programs if we are serious about reducing the Federal deficit.

I thank the gentleman from Massachusetts for allowing me to set the record straight on H.R. 4448.

□ 1750

Mr. Chairman, I would ask the gentleman if he would enter into a colloquy.

Mr. MEEHAN. Mr. Chairman, will the gentleman yield?

Mr. PENNY. I yield to the gentleman from Massachusetts.

Mr. MEEHAN. Mr. Chairman, I am pleased to enter into a colloquy with my colleague, the gentleman from Minnesota.

Mr. PENNY. Mr. Chairman, it is my understanding that the intent of this bill is to provide the necessary authorization to allow the Lowell Historic Preservation Commission to complete only those park development projects already authorized by Congress. Is that correct?

Mr. MEEHAN. Mr. Chairman, the gentleman is correct. H.R. 4448 contains no new boundary expansions and no new project initiatives.

Mr. PENNY. Mr. Chairman, can the gentleman confirm for us that H.R. 4448 will terminate the commission within 5 years without any further legislative action?

Mr. MEEHAN. If the gentleman will continue to yield, Mr. Chairman, that is absolutely correct. The Lowell Historic Preservation Commission will phase out no later than June 5 in the year 2000. The Commission's rights and assets will be transferred in an orderly process to the National Park Service.

Mr. PENNY. Mr. Chairman, I thank the gentleman from Massachusetts for providing us with the assurances that no further authorization will be needed for the Lowell Historic Preservation Commission. I urge support for the bill.

Mr. ALLARD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would just point out in the debate, the same thing was said that we just now heard on the floor in 1978. Again, we heard it in 1987.

Mr. Chairman, I yield 4 minutes to my esteemed colleague, the gentleman from Utah [Mr. HANSEN], who does a great job, and one whom I admire and enjoy working with on the issues.

Mr. HANSEN. Mr. Chairman, I appreciate the gentleman yielding time to me.

Mr. Chairman, I rise in opposition to H.R. 4448. I have serious reservations about this expansion of Lowell National Historical Park, which would also increase the development ceiling for the park by $10.33 million.

This is the fifth time the House has considered legislation related to the Lowell Park. When the park was created in 1978 it had an acquisition and development ceiling of $18.5 million. In 1987, this was increased to $33.6 million and today we are trying to increase that to $43.9 million.

If this legislation is enacted, how many years must pass before these folks ask us to raise this ceiling for a third time.

The $33.5 million already spent at Lowell by the National Park System includes $5.1 million for a cultural center and over $6 million to design and construct a canal. Nearly half of the $10.3 million in this bill would also go to canal construction.

The Lowell project reconfirms my worst suspicions that the National Park Service is increasingly being transformed into a public works agency. At a time when the Park Service cannot take care of basic services, such as roads, sanitation facilities and campgrounds, we today will give them another $5 million to complete a canalway. Mr. Chairman, this is hard to explain outside the beltway.

I urge my colleagues to oppose this legislation. The $33.6 million already spent at Lowell by the Park Service is more than adequate. Let us reject this attempt to spend another $10 million there.

Mr. ALLARD. Mr. Chairman, I reserve the balance of my time.

Mr. VENTO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would just point out to my distinguished colleague that the numbers that we have indicate that between the private sector and the State and local government, that they have invested about $600 million in terms of Lowell National Historical Park in Lowell, MA. While the costs have gone up from the initial estimates that existed substantially since 1978, when the park was designated, the fact is the basic projects that are being undertaken were anticipated to be the ones that are in place today. There has not been a great expansion of the mission here. It is simply that the costs associated with some of the delays in terms of Federal funding, State funding, local funding, some other problems that have been more severe, have, of course, caused these types of delays.

Mr. Chairman, we, I think, from time to time have to respond to that. I would point out that Lowell, unlike many of our parks, does have a development ceiling on it. Many parks do not have. When we have development ceilings, then we have to come back and adjust that. We at least have some voice and some say with regard to Lowell. It had to jump through the hoops, run the gauntlet, so to speak, of the House and Senate, and have a law signed in place. Mr. Chairman, I am confident that the numbers we have today are as accurate as they can be; that they are a true statement of the accounting and the needs of this particular park.

Mr. Chairman, I would again point out to my colleagues the tremendous investment, and that this has been a successful park. I wish that the costs had been more consistent with the initial estimates, but I think they have come back to Congress, and I am certain they do not relish the type of analysis that they receive and reviews that they receive on this floor with regard to their efforts.

Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts [Mr. MARKEY], a long-time serving and able member of the committee.

Mr. MARKEY. Mr. Chairman, I thank the gentleman from Minnesota for yielding time to me.

Mr. Chairman, I rise in support of this park and the continuation of its thriving existence. That is what is at stake in the debate here today.

For the last 20 years now, Mr. Chairman, since Senator Paul Tsongas, then Congressman Paul Tsongas, in fact, then City Counselor Paul Tsongas, up in Lowell, came up with this innovative, fascinating concept of taking the urban parks, urban areas of the country, and trying to preserve some of that culture, some of that heritage in our country, I have been on the Committee on Natural Resources and here on the floor working in support of the Lowell National Park.

Mr. Chairman, if we cut off the support which is necessary for its continuation, then we essentially send a knife to the heart of a concept which has worked, which has helped to revivify not only downtown Lowell, but the entire greater Lowell area, and in many ways we give sustenance to those that argue that communities of that nature, that the history of communities like that in this country, do not deserve recognition.

Mr. Chairman, in fact, just the opposite is the case. Lowell and Lawrence, MA, along with Manchester, NH, they are the golden triangle of the Industrial Revolution of this country.

For us to turn our backs upon that as not being deserving of support, of recognition, and of continued nurturing, denies to those in the eastern part of the country their heritage, their national park.

Mr. Chairman, there is a kind of a sense that only Yosemite or Yellowstone or the Grand Canyon National Park are part of the land in this country that is deserving of recognition and support and continued nurturing. The truth of the matter is that Lowell was the frontier, as was Lawrence, as was Manchester, and going across this country at any particular point in time, that was the frontier. For the people in that community who take such pride, for the businessmen and the ordinary citizens in that community who have taken this program and turned Lowell into a flourishing example of what the National Park Service, in combination with local community leaders, can do to leverage 9 and 10 times the investment in that area as the Federal Government has put up, to turn an area of the country that had basically been thought of as the past, looking at it in a rear view mirror, into a past that is as current today as it was when it was thriving, I think is an essential part of what the Committee on Natural Resources and what this Congress should be nurturing. I would hope that we would find support for the Lowell National Historical Park out here on the floor today.

☐ 1800

Mr. ALLARD. Mr. Chairman, I just make the observation before I yield time to the gentleman from Massachusetts [Mr. TORKILDSEN] that the Golden Triangle seems to be getting more golden with each authorization.

With that, I yield 1 minute to the gentleman from Massachusetts [Mr. TORKILDSEN].

Mr. TORKILDSEN. Mr. Chairman, I thank the gentleman from Colorado for yielding me the time, even though we have differing opinions on this particular issue.

Mr. Chairman, I rise in strong support of H.R. 4448, to complete the work of the Lowell National Historic Park Commission. Urban parks are an important part of our Nation's heritage.

The Lowell National Historic Park is a tribute to our Nation's industrial heritage. Local, State, and private funding have supported the efforts of the Federal Government to make this park a successful addition to the Park Service.

Opponents of this bill state that the Federal Government is more involved than it can afford to be in protecting historical resources. They argue these national treasures should be run at a more local level for a lower cost.

I could not agree more. H.R. 4448 phases out the national Commission in 5 years, simply allowing for completion of the work already begun. Moreover, H.R. 4448 saves taxpayers the cost of having the Park Service hire contractors and consultants to complete that work. H.R. 4448 does not authorize any new projects or expand the park.

The Lowell National Park has been a model of private, State and Federal commitment to historical preservation. I urge my colleagues to support this bill which saves taxpayer money, phases out a National Park Commission, and allows current projects to be completed.

Mr. ALLARD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I have one other comment and some information I would like to share with the body before I yield back my time.

I have some information here where I am looking at the line-item construction project funding that has been appropriated to selected parks over the years. This happens to be a 10-year total. I am looking at what some of these figures are.

Over this same more-than-10-year period, we have seen more than $54 million gone to Lowell. Yet I see the Everglades National Park has just had $22 million; Denali, $20 million; Glacier has not even made the million yet. Grand Canyon, $45 million. Zero to the Great Smoky Mountains, zero to Olympic, zero to Shenandoah, Rocky Mountain Park has had about $1.2 million, Yellowstone $31 million. Yet it seems to me when I look at these figures, Lowell has had more than its fair share of appropriations.

Mr. Chairman, I reserve the balance of my time.

Mr. VENTO. Mr. Chairman, I yield myself such time as I may consume.

I would just ask the gentleman, and I would yield to him, that obviously in coming to the total, the sum total, the gentleman has added in the operation and maintenance of the park during the 16 years, is that correct? I would yield to the gentleman to answer if that is correct.

Mr. ALLARD. Mr. Chairman, my understanding is that these are construction dollars compared to construction dollars.

Mr. VENTO. Of course the authorized ceiling, I do not know how the gentleman got there, because the authorized number is $33 million, so did the gentleman misspeak, because I thought he said $54 million. I was trying to determine how he got to the number $54 million. I would yield to the gentleman to explain that to me.

Mr. ALLARD. My information is that we have $22 million at the park and then $34 million to the Commission. When you add those together, then you come up with the total dollars.

Mr. VENTO. I think obviously there are some loan programs that are involved that is a revolving fund that do not necessarily represent the same dollars. The number of dollars, as I understand, in terms of the authorization is $33 million, which the ceiling may or may not have been breached but will be in terms of completing what is done. I would further point out to the gentleman and to the Members that, of course, Glacier, the Great Smokies, some of the other parks the gentleman articulated of course have been long parks. They have been in the park system for 30, 40, 50 years. Of course, they have no development ceiling on them, so they, of course, can compete for dollars. If their development has been completed, then it is not necessary for them to in fact have. But Lowell is very much a park that was designated in 1978. These parks, the gentleman would concede, were in fact designated decades ago. Is that correct?

I would yield to the gentleman.

Mr. ALLARD. Certainly they are pearls that the gentleman mentioned. They have been there for some time. Those parks have all been an important part of our Park Service. My point I want to make is that in the parks we are running short on dollars for construction, we are running short on dollars for maintenance and operation. If we extend too much towards one park, such as Lowell, for example, there is not enough to continue to enhance and even acquire other parks that might be serving the goal of enhancing our national beauty and preservation.

Mr. VENTO. I appreciate the gentleman's observations. I certainly join with him in trying to attain adequate budgets to maintain these. I would just point out that there may be some shortfall in terms of adequate construction and other types of resources for parks. But I do not know that it had to do necessarily with this particular park. This is a park that is designated. I would hope that we could develop innovative means, of course, to in fact designate in the future.

I would say in regards to Lowell, Mr. Chairman, that, of course, this embraces an entire town. This is really a more aggressive design than much of what we might be doing today. It has been a great success, I think, just the portrayal of the numbers, the $600 million that has been invested by the entities that are working with the Park Service, with the Commission here, is evidence, I think ample evidence of the great success of this particular project. The fact that it is costing and will necessitate an additional $10 million in authorization in the years ahead because of some of the costs attributed to it are of course of concern, something we have gone over very carefully and which I understand we are going to have further debate under the general debate.

Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY. Mr. Chairman, I rise today in strong support of the efforts of the gentleman from Massachusetts [Mr. MEEHAN] to continue the tremendous national park that has existed largely because of Senator Paul Tsongas' efforts in Lowell, MA. The efforts that we are talking about trying to incorporate today really just complete a park which is ⅘ completed. It attracts over 1 million visitors a year, and it really, I think, commemorates one of the most important aspects of the history of this country. We talk long and hard in the Chamber of this Congress about how the United States is the richest and most powerful Nation on Earth, how we have such a strong military presence, how we have such tremendous productivity increases. The fact is that a lot of those efforts are only made possible because of the people in Lowell, MA, and other Lowell, Massachusettses all across the country that were part of the industrial revolution, that enabled America to have the tremendous economic growth that we have witnessed over the course of the last 150 years. Those people in Lowell, MA, and I think the history of that city, deserve the completion that this bill talks about.

I have heard the gentleman from Colorado [Mr. ALLARD] talk about the fact that this is additional millions of dollars. The fact is that it is $10 million. It is capped after a 5-year period. Do we really want to be saying to people from all over the United States that come and visit Lowell, MA, that the wonderful park that they see that commemorates the tremendous economic changes that the United States has gone through is only ⅘ completed, that we cannot somehow at this stage after all the contributions that the people of Lowell have made say "We're sorry, we just can't complete the job."

The fact is we do have the resources to complete it, it is an important part of our history, and I commend the gentleman from Lowell, MA, for getting the job done.

Mr. ALLARD. Mr. Chairman, I yield back the balance of my time.

Mr. VENTO. Mr. Chairman, I have no further requests for time, and I yielded back the balance of my time.

□ 1810

The CHAIRMAN. Pursuant to the rule, the committee amendment is in the nature of a substitute now printed in the bill is considered as an original bill for the purpose of amendment and is considered as read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 4448

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENTS.

The Act entitled "An Act to provide for the establishment of the Lowell National Historical Park in the Commonwealth of Massachusetts, and for other purposes" approved June 5, 1978 (92 Stat. 290; 16 U.S.C. 410cc et seq.), is amended as follows:

(1) In section 103(a)(2), by striking "$33,600,000" and inserting "$43,930,000". The amendment made by this paragraph shall take effect on October 1, 1994.

(2) In section 203, by adding at the end thereof the following new subsection:

"(c) LOAN AND GRANT AGREEMENTS.—Upon termination of the Commission, the Secretary, acting through the National Park Service, shall assume all responsibilities of the Commission for administration and oversight of the loan and grant agreements under section 303.".

(3) In section 205, by adding at the end thereof the following new subsection:

"(e) LEASING AUTHORITY.—(1) In addition to other available authorities, the Secretary may, in his discretion, negotiate and enter into leases, as appropriate, with any person, firm, association, organization, corporation or governmental entity for the use of any property within the Park and Preservation District in accordance with the General Management Plan and any of the purposes set forth in section 1 of this Act.

"(2) Any leases entered into under this subsection shall be subject to such procedures, terms, conditions and restrictions as the Secretary deems necessary. The Secretary is authorized to negotiate and enter into leases or other agreements, at fair market value and without regard to section 321 of chapter 314 of the Act of June 30, 1932 (40 U.S.C. 303b). For purposes of any such lease or other agreements, the Secretary may adjust the rental by taking into account any amounts to be expended by the lessee for preservation, maintenance, restoration, improvement, repair and related expenses with respect to the leased properties.

"(3) The proceeds from leases under this subsection shall be retained by the Secretary, be available without further appropriation, remain available until expended, and be used to offset the costs of preservation, interpretation, restoration, maintenance, improvement, repair, and related expenses, including administration related to such expenses, incurred by the Secretary with respect to properties within the Park and Preservation District, with the balance used to offset other costs incurred by the Secretary in the administration of the Park.

"(4) Each lessee of a lease entered into under this subsection shall keep such records as the Secretary may prescribe to enable the Secretary to determine that all terms of the lease have been, and are being, faithfully performed.

"(5) The Secretary shall annually prepare and submit to Congress a report on property leased under this subsection.".

(4) In section 301(i), by striking "seventeen" and inserting "22".

(5) In section 303(a), by amending paragraph (1) to read as follows:

"(1) The loan to the corporation shall have a maturity of 35 years. At the end of such period, the corporation shall repay to the Secretary of the Treasury (in a lump sum) for deposit in the general fund of the Treasury the full amount of the loan and any additional amounts accruing to the corporation pursuant to this subsection excepting principal and interest losses occasioned by loan defaults after all reasonable efforts at collection have been completed plus those amounts expended by the Corporation for reasonable administrative expenses. The Commission is further authorized to renegotiate the terms and conditions respecting loan repayment of the agreement dated December 8, 1980, with the Lowell Development and Financial Corporation. The authority provided in this paragraph shall be available only to the extent that appropriations for a subsidy cost, as defined in section 502 of the Congressional Budget Act of 1974, are made in advance.".

(6) In section 305(g), by inserting before the period at the end thereof "for administration by the National Park Service in accordance with the general management plan".

(7) By adding after section 307 the following:

"SEC. 308. ADVISORY COMMITTEE.

"(a) ESTABLISHMENT OF ADVISORY COMMITTEE.—Upon the termination of the Commission,

the Secretary shall establish a committee to be known as the Lowell National Historical Park Advisory Committee (hereinafter in this section referred to as the 'Advisory Committee').

"(b) MEMBERSHIP.—The Advisory Committee shall be composed of 15 members appointed by the Secretary.

"(c) CHAIRPERSON.—The Advisory Committee shall designate one of its members as Chairperson.

"(d) QUORUM.—Eight members of the Advisory Committee shall constitute a quorum. The Advisory Committee shall act and advise by affirmative vote of a majority of the members voting at a meeting at which a quorum is present. The Advisory Committee shall meet on a regular basis. Notice of meetings and agenda shall be published in local newspapers which have a distribution which generally covers the area affected by the park and preservation district. Advisory Committee meetings shall be held at locations and in such a manner as to ensure adequate public involvement.

"(e) FUNCTIONS.—The Advisory Committee shall advise the Secretary on the operation, maintenance, development, and programming of the park and preservation district.

"(f) SUPPORT AND TECHNICAL SERVICES.—In order to provide staff support and technical services to assist the Advisory Committee in carrying out its duties under this Act, upon request of the Advisory Committee, the Secretary is authorized to detail any personnel of the National Park Service to the Advisory Committee.

"(g) PER DIEM.—Members of the Advisory Committee shall serve without compensation but shall be entitled to travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government service under section 5703 of title 5, United States Code.

"(h) FACA.—The provisions of section 14(b) of the Federal Advisory Committee Act (5 U.S.C. Appendix; 86 Stat. 776), are hereby waived with respect to the Advisory Committee.

"(i) VACANCIES.—Any vacancy in the Advisory Committee shall be filled in the same manner in which the original appointment was made. Any member may serve after the expiration of his term until his successor is appointed.

"(j) TERMINATION.—The Advisory Committee shall terminate on June 5, 2010.".

The CHAIRMAN. Are there amendments to the bill?

AMENDMENT OFFERED BY MR. VENTO

Mr. VENTO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. VENTO: Page 3, strike line 12 and all that follows through line 14 and insert the following:

"(3) Surplus proceeds from leases entered into under section 111 of the National Historic Preservation Act (16 U.S.C. 470h-3) with respect to property in the Park and Preservation District, and all proceeds from all other leases entered into under this subsection, shall be retained by the Secretary, remain available until expended, and, subject to appropriation,

Mr. VENTO (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Chairman, this amendment has been worked out with the distinguished chairman of the Interior Appropriations Subcommittee, Mr. YATES, who had indicated some concerns about granting the Secretary the authority to retain and expend funds generated by leasing buildings now administered and leased by the Lowell Preservation Commission.

Under section 111(b) of the Historic Preservation Act, the Secretary is authorized to lease historic properties and retain those revenues needed to directly defray the costs of administration, maintenance, repair and related expenses incurred as the result of such leases. However, revenues from leases of properties not listed on the National Register, or revenues exceeding the costs described above are to be returned to the U.S. Treasury.

Currently, the Preservation Commission leases three properties and retains the revenues from such leases to offset the costs of administering those properties. When the Commission terminates, the National Park Service will assume responsibility for those properties. Without the authority to retain such revenues, the NPS will require an additional $250,000 to $300,000 annually in operating funds to offset the loss of the lease revenues.

While the Secretary's retention of lease revenues may be acceptable, there was some concern that the expenditure of such funds should be directed and regulated by appropriation acts. Accordingly, my amendment provides that any revenues not covered by section 111(b) of the Historic preservation act may, subject to appropriation, be retained by the Secretary and expended for authorized purposes.

Mr. ALLARD. Mr. Chairman, will the gentleman yield?

Mr. VENTO. I yield to the gentleman from Colorado so he can give me some advice as to his support for my amendment.

Mr. ALLARD. Mr. Chairman, I do not have any objection, and I will give my support to the gentleman's amendment.

Mr. VENTO. Mr. Chairman, I appreciate the gentleman's support.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. VENTO].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT: At the end of the bill (page 7, after line 4), add the following:

(8) By adding at the end the following:

TITLE IV—BUY AMERICAN

SEC. 401. PURCHASE OF AMERICAN MADE EQUIPMENT AND PRODUCTS.

(a) SENSE OF CONGRESS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available pursuant to this Act should be American made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available pursuant to this Act, the Commission, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

Mr. TRAFICANT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TRAFICANT. Mr. Chairman, this is the standard Buy American amendment.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the distinguished gentleman from Minnesota [Mr. VENTO], chairman of the subcommittee.

Mr. VENTO. Mr. Chairman, I thank the gentleman for yielding. I have no objection to this amendment. It has I think merit and certainly the products and supplies and dollars spent, paid for by U.S. taxpayers and spent in Lowell, MA could and should be on a Buy American basis. I commend the gentleman and thank him for his amendment.

Mr. TRAFICANT. I appreciate the chairman's support.

Mr. ALLARD. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Colorado, the distinguished ranking member.

Mr. ALLARD. Mr. Chairman, I thank the gentleman for yielding. I also stand in support of the gentleman's amendment.

Mr. TRAFICANT. I appreciate the gentleman's support.

Mr. PENNY. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the distinguished gentleman from Minnesota, a Member known for his frugality in the House and a leader in that, and I will be sorry to see him leave. He is a dear friend, and I want to say to the gentleman from Minnesota [Mr. PENNY], you are going to be missed in the House of Representatives. I do not know if I will have another chance to say that. The gentleman does a good job.

Mr. PENNY. Mr. Chairman, I thank the gentleman for yielding. I want the gentleman to know I will miss working with him and I applaud his leadership over the years in promoting American products. I rise today in support of the gentleman's amendment.

Mr. TRAFICANT. I appreciate it very much, believe me.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. ALLARD

Mr. ALLARD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ALLARD: Page 7, line 4, strike the closing quotation marks and period.

Page 7, after line 4, add the following:

"SEC. 309. COMPTROLLER GENERAL REVIEW.

"(a) DEADLINE.—No later than January 1, 1996, the Comptroller General of the United States shall conduct the audit described in subsection (b) and submit to Congress a report concerning the results of such audit.

"(h) AUDIT.—The audit required by subsection (a) shall deal only with those activities and expenditures authorized by this Act and shall—

"(1) review the authorities of the National Park Service and the Lowell Historic Park Advisory Commission and compare them with those of similar units of the National Park System;

"(2) undertake a detailed assessment of all major Federal expenditures made by the National Park Service and the Lowell Historic Park Advisory Commission;

Mr. ALLARD (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. ALLARD. Mr. Chairman, Congress spends a great deal of time expanding the boundaries of existing parks and establishing new units of the National Park System. Unfortunately, we do not spend nearly as much time and effort conducting oversight of existing park units.

The Lowell National Historic Park is a very complicated creature. Aside from the park there is an accompanying historic district, a very powerful Park Commission, State and private funding and loan authority through the Lowell Development and Financial Corporation.

As a result, it is very difficult to account for how the $50 plus million of Interior Department money has been spent there since the park was established in 1978.

Since this bill was defeated 2 months ago, I have received several letters from citizens in Lowell, who prefer to remain anonymous, which have brought to my attention some serious allegations about questionable spending practices at the Lowell Park. One involves several hundred thousand dollars being spent to renovate the Nesmith House—a job I am told was never completed yet the building was sold for $33,000.

On the other hand, bill proponents assert that for every dollar the commission has spent since 1978, $9.60 has been generated in private funding and $4.50 in State and local government funds.

I believe these allegations and others deserve to be investigated by a fair and impartial body. Consequently, I am offering an amendment which authorizes the General Accounting Office and the Interior Department's inspector general to do a complete and thorough audit of all major Interior Department spending at the Lowell Park since 1978.

This audit will also examine all loans made by the Lowell Development and Financial Corporation related to the park and document the status of those loans which have not been fully repaid.

This Congress and the Nation's taxpayers deserve to know how this park is administered. Although this bill represents the third time Congress has authorized money for the park, my amendment is the first meaningful attempt to force some meaningful oversight of the millions we have spent there since 1978.

Some may claim that this amendment is unnecessary since any Member can request a GAO or inspector general investigation. I would point out that the type of joint audit my amendment authorizes would be hard to direct my sending a letter to a Federal agency. Moreover, my approach elevates this important discussion to the House floor where it belongs.

I urge my colleagues to support this amendment which will provide the Congress and the taxpayers with real oversight on how Federal money has been spent at the Lowell National Historic Park.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. ALLARD. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I thank the gentleman for yielding. I rise to speak in support of the amendment. I do not think there is any disagreement on this amendment and I thank the gentleman for his cooperation. As Members know, we had had some concerns about the inspector general and the GAO doing the same sort of audit, but I think it probably would be helpful in terms of what analysis or auditing of the numbers will show with regards to the GAO analysis of this. I have confidence that the Park Service numbers, the commission numbers would be good, and obviously that is the basis for my support of the broader authorization.

But I think it would be salutary for the GAO amendment the gentleman is offering, and I rise to support it.

Mr. ALLARD. Mr. Chairman, I thank the gentleman for his support.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado [Mr. ALLARD].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. ALLARD

Mr. ALLARD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ALLARD: Page 2, line 5, strike "$43,930,000" and insert "38,765,000".

Mr. ALLARD. Mr. Chairman, as I pointed out earlier the Interior Department has spent at least $54 million at the Lowell National Historic Park since it was established in 1978. This legislation represents the second legislative attempt to increase that park's authorization ceiling.

I believe the Federal Government has spent enough at Lowell and I am troubled by the massive shortfall at our crown jewels like Rocky Mountain, Yellowstone, and Yosemite. These shortfalls will only be exacerbated if we spend an additional $10.33 million at Lowell as H.R. 4448 authorizes.

Because of the $7.4 to $9.4 billion shortfall at existing national parks and our current national debt of $4.5 trillion, we must make a reasonable effort to trim this authorization.

My amendment would reduce the bill's $10.33 million authorization by 50 percent to a more realistic level of $5.165 million. If bill proponents are accurate that every Federal dollar spent at Lowell generates $14 in State, local and private spending, then there is probably no need for any increased authorization. At the very least, this $5.1 million cut would hardly be felt if other parties are as effective as they claim in generating money to the Lowell project.

Last week 240 Members of the House voted for a similar amendment to the headwaters forest bill which reduced that authorization from potentially $1.5 billion to $200 million. Hopefully, we will show the same prudence today.

I urge my colleagues to support this amendment to save taxpayers $5.1 million.

Mr. VENTO. Mr. Chairman, I rise in opposition to the amendment. I understand the concerns of the gentleman from Colorado with regards to the general Park Service, but the issue, as I stated previously under general debate, Mr. Chairman, this is an amendment that really closes its eyes to the information in the hearing process that has been developed within the subcommittee and within the Committee on Natural Resources, Subcommittee on Parks, Forests and Public Lands.

The fact is this is an arbitrary amendment simply to cut the funds which would prevent the fulfillment of the basic plan that has long existed with regards to Lowell National Historic Park.

□ 1820

As has been pointed out by my colleague, this is one of the most outstanding resources. We made a commitment in 1978. It has been more expensive to fulfill that commitment both for the Federal Government and the National Park Service, but also for the private sector and for the State and for the local government which has contributed far and away the greater share of this.

In other words, the funding has been, as have been indicated, nearly $600 million invested by those entities. They are behind this park. They are pouring their treasure and their support into it, and it is being rewarded. It is a magnificent park. It is a park that does reflect the industrial, the labor history, the cultural history of the Northeastern part of the United States, one that we all share in as part of our legacy and as part of what makes America and this Nation what it has become today.

This amendment is completely arbitrary. It simply strikes the dollars out, assuming that less is going to accomplish the task. The Park Service and the Commission have specifically pointed out the costs here. The costs are the completion of the canal and development program, over $5 million; the targeted preservation grants which are necessary to leverage the completion of warehouses and other types of shops which are in difficult shape, $1.7 million; stabilization of the endangered industrial structures, over $3 million; a trolley system for handicapped access, $330 thousand. The total, of course, is the $10.3 million that is incorporated in this bill.

Does the gentleman propose to cut out the completion of the canal system only to have further deterioration to slow down the development of these construction projects? These are some pieces and projects that cannot be done in a piecemeal manner. The fact is they need the targeted preservation grants. We need to incentivize the private sector. The commission has been a great success. I regret that things cost more than they were anticipated to cost in 1978. That is 16 years ago, and the fact is that I think, based on the fact that we can look at what has been done here and that Members have the testimony and the information before them, I think it is really incorrect and bad judgment to come back and just arbitrarily cut the appropriation in half because you oppose this or because there are problems with other parks.

We are not going to solve the problems by doing a halfway job with Lowell or with the other parks. We need to get the proper resources to the National Park Service.

We talked about a $5 billion backlog in terms of construction and maintenance. The Park Service budget is only $1.3 billion or $1.4 billion a year for the entire budget. That gives the Members some idea of the magnitude of the problems we face. This has not been caused by the addition of new units or by Lowell. This has been caused by a misallocation of the resources on a broad, broad basis that need to go to preserve the parks. They just do not get along on their own. They need our support. They need our effort. The American people overwhelmingly support the park system. I would hope, and I would think, they would support this, and I would, therefore, ask the Members to reject the Allard amendment. It is unrealistic. It throws out the facts simply for a quick fix in terms of cutting the budget there. That is not going to do it.

This has to go through the appropriations process. This is only the first step. The Members, on a yearly basis, will be scrutinizing these dollars very carefully. We know how carefully our colleagues on the appropriation and interior agency committees go through the budget and the Senate and to be signed.

We need to permit them to compete for the dollars available so this important historic resource can be preserved.

Mr. Chairman, I would ask Members to reject the amendment.

Mr. HANSEN. Mr. Chairman, I rise in strong support of the amendment offered by my good friend, the gentleman from Colorado [Mr. ALLARD]. At a time when our constituents are demanding that Federal spending be cut dramatically, this is an excellent place to start.

My colleagues who support this bill claim that for every Federal dollar spent at Lowell, $14 dollars are generated by the private sector and State and local governments. If this is correct, then I am baffled why this bill is before us today at all. Why would the sponsor want to go through the grueling schedule of the suspension calendar, a Rules Committee hearing and another appearance on the House floor if the Federal contribution at Lowell is only 6 percent of the total revenue?

If this calculation is correct, then the Allard amendment will have virtually no impact on operations at the Lowell National Historic Park. I urge my colleagues to support the Allard amendment.

Mr. MEEHAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the amendment is arbitrary: The amount authorized by H.R. 4448 is based on cost estimates by historic preservation specialists and professional engineers. The amount cut by the Allard amendment is based on what sounds good to the gentleman from Colorado. The committee relied on experts to decide how much is needed to finish the ongoing preservation work.

The amendment is also inefficient: Lopping off half the authorized funding will drag out the work already underway, forcing the commission to spend more time and money than necessary. Cutting the authorization for the commission only shifts the burden of completing whatever is left over to the Park Service. The work will still have to be done, but it will be done by outside contractors hired by the Park Service at greater cost.

Last, the amendment is counterproductive: Opponents of the bill say too much has been spent on the Lowell Park. But the more visitors to the park, the more the taxpayers get out of their investment in Lowell. Completion of the canal system will make the park a more interesting and attractive place to visit.

I urge rejection of the Allard amendment. It is an ill-conceived, feel-good cut that would gut the bill.

If the gentleman from Colorado has a study, an expert, or anything at all that shows the work could be done for half the money, he has not told anyone about it up to this point. It should be obvious that he picked a number out of a hat. That might be a good way to score feel-good political points, but it is no way to make policy.

Mr. Chairman, if the gentleman from Colorado is opposed to the bill, then he should just vote against the bill, not cut it in half. If we cut it in half, that is a waste of half of the money. This amendment should be rejected, and I urge my colleagues to reject the amendment. It is ill conceived. It is a feel-good cut that actually would cut this bill, and we do not need to cut this bill. We need to finish the job that we started in Lowell.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado [Mr. ALLARD].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. ALLARD. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 165, noes 215, not voting 59, as follows:

[Roll No. 439]

AYES—165

Allard
Andrews (NJ)
Archer
Armey
Bachus (AL)
Baker (CA)
Ballenger
Barcia
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Gekas
Gilchrest
Gilman
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hall (TX)
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Hunter
Hutchinson
Hutto
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kasich
Kim
Kingston
Knollenberg
Kolbe
Lambert
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Livingston
Long
Lucas
Machtley
Manzullo
McCandless
McCollum
McCrery
McDade
McHugh
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Minge
Molinari
Moorhead
Myers
Nussle
Orton
Oxley
Packard
Peterson (MN)
Petri
Pombo
Porter
Portman
Poshard
Pryce (OH)

Quillen
Ramstad
Ravenel
Regula
Roberts
Rogers
Rohrabacher
Roth
Roukema
Royce
Santorum
Sarpalius
Saxton
Schaefer

Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stenholm
Stump

Talent
Tauzin
Taylor (MS)
Thomas (WY)
Upton
Volkmer
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zimmer

NOES—215

Abercrombie
Ackerman
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (MI)
Condit
Conyers
Coppersmith
Costello
Coyne
Cramer
Danner
de la Garza
Deal
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dixon
Dooley
Durbin
Edwards (TX)
Engel
Eshoo
Evans
Faleomavaega (AS)
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Foglietta
Ford (MI)
Frank (MA)
Franks (NJ)
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gillmor

Glickman
Gonzalez
Gordon
Green
Gutierrez
Hamburg
Hamilton
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Inslee
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
King
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lancaster
Lantos
LaRocco
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mink
Moakley
Montgomery
Moran
Morella
Murphy
Murtha
Norton (DC)
Obey
Olver
Ortiz

Pallone
Parker
Pastor
Paxon
Payne (VA)
Pelosi
Penny
Peterson (FL)
Pickett
Pickle
Pomeroy
Price (NC)
Quinn
Rangel
Reed
Reynolds
Richardson
Roemer
Rose
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Shepherd
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tejeda
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Underwood (GU)
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Waters
Watt
Waxman
Williams
Wise
Woolsey
Wynn
Yates
Zeliff

NOT VOTING—59

Andrews (ME)
Baker (LA)
Blackwell
Blute

Callahan
Calvert
Carr
Collins (IL)

Cooper
Darden
de Lugo (VI)
Derrick

Dingell
Dornan
Edwards (CA)
English
Flake
Ford (TN)
Frost
Gallegly
Gallo
Gingrich
Hall (OH)
Harman
Houghton
Huffington
Inhofe
Johnston
Klug

Kyl
Laughlin
McCurdy
McInnis
Mineta
Mollohan
Nadler
Neal (MA)
Neal (NC)
Oberstar
Owens
Payne (NJ)
Rahall
Ridge
Romero-Barcelo (PR)
Ros-Lehtinen

Rostenkowski
Sharp
Slattery
Smith (IA)
Smith (MI)
Stearns
Sundquist
Taylor (NC)
Thomas (CA)
Washington
Wheat
Whitten
Wilson
Wyden

☐ 1849

The Clerk announced the following pairs:

On this vote:

Mr. Dornan for, with Mrs. Collins of Illinois, against.

Mr. Thomas of California for, with Mr. Mineta against.

Messrs. EDWARDS of Texas, BAESLER, and WISE changed their vote from "aye" to "no."

Ms. MOLINARI and Mr. EVERETT changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. STEARNS. Mr. Speaker, I was unavoidably detained for rollcall 439, the Allard amendment. Had I been here, I would have voted "yes".

The CHAIRMAN. Are there further amendments to the bill?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. PENNY) having assumed the chair, Mr. HASTINGS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill, (H.R. 4448) to amend the act establishing Lowell National Historical Park, and for other purposes, pursuant to House Resolution 532, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER, pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on passage of the bill.

The question was taken, and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. ALLARD. Mr. Chairman, I demand a recorded vote.

I recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 237, noes 145, not voting 52, as follows:

[Roll No. 440]

AYES—237

Abercrombie
Ackerman
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Boehlert
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Castle
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (MI)
Conyers
Coppersmith
Costello
Coyne
Cramer
Danner
de la Garza
Deal
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dixon
Dooley
Durbin
Edwards (TX)
Engel
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Foglietta
Ford (MI)
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gillmor
Gilman
Glickman

Gonzalez
Gordon
Green
Gunderson
Gutierrez
Hamburg
Hamilton
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Horn
Hoyer
Hughes
Hutto
Inslee
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
King
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Lehman
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCrery
McDade
McDermott
McHale
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mink
Moakley
Montgomery
Moran
Morella

Murphy
Murtha
Obey
Olver
Ortiz
Pallone
Parker
Pastor
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Porter
Price (NC)
Quillen
Quinn
Rangel
Reed
Regula
Reynolds
Richardson
Roemer
Rose
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Shepherd
Sisisky
Skaggs
Skelton
Slaughter
Smith (NJ)
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Tejeda
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman

Weldon
Williams
Wise
Woolsey
Wynn
Yates
Zeliff

NOES—145

Allard
Andrews (NJ)
Archer
Armey
Bachus (AL)
Baker (CA)
Ballenger
Barcia
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Boehner
Bonilla
Bunning
Burton
Buyer
Camp
Canady
Clinger
Coble
Collins (GA)
Combest
Condit
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fowler
Gekas
Gilchrest
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Hall (TX)
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kasich
Kim
Kingston
Knollenberg
Kolbe
Lazio
Leach
Levy
Lewis (FL)
Lewis (KY)
Lightfoot
Linder
Livingston
Lucas
Manzullo
McCollum
McHugh
McInnis
McKeon
Meyers
Mica
Michel
Miller (FL)
Minge
Molinari
Moorhead
Myers
Nussle
Orton
Oxley
Packard
Paxon
Petri
Pombo
Portman
Poshard
Pryce (OH)
Ramstad
Ravenel
Roberts
Rogers
Rohrabacher
Roth
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Stump
Talent
Taylor (MS)
Taylor (NC)
Thomas (WY)
Upton
Vucanovich
Walker
Walsh
Wolf
Young (AK)
Young (FL)
Zimmer

NOT VOTING—52

Andrews (ME)
Baker (LA)
Blackwell
Blute
Callahan
Calvert
Carr
Collins (IL)
Cooper
Darden
Derrick
Dingell
Dornan
Edwards (CA)
English
Flake
Ford (TN)
Gallegly
Gallo
Gingrich
Hall (OH)
Harman
Houghton
Huffington
Inhofe
Johnston
Klug
Kyl
Laughlin
McCurdy
Mineta
Mollohan
Nadler
Neal (MA)
Neal (NC)
Oberstar
Owens
Payne (NJ)
Rahall
Ridge
Ros-Lehtinen
Rostenkowski
Sharp
Slattery
Smith (IA)
Sundquist
Thomas (CA)
Washington
Wheat
Whitten
Wilson
Wyden

□ 1909

The Clerk announced the following pairs:

On this vote:

Mr. Dingell for with Mr. Dornan against.

Ms. English for with Mr. Thomas of California against.

Mr. CONDIT changed his vote from "aye" to "no."

Mr. LEWIS of California changed his vote from "no" to "aye."

So the bill was passed.

The result of the vote was announced as above recorded a motion to reconsider.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. TAYLOR of North Carolina. Mr. Speaker, I was unavoidably detained during roll no. 439, the vote on the Allard amendment to H.R. 4448, establishing the Lowell National Historic Park. Had I been present, I would have voted "yea."

This is consistent with my "no" vote on the bill on August 1, 1994, when it came before the House on the suspension calendar and failed to garner the necessary two-thirds vote for passage. It also is consistent with my vote against its final passage later that afternoon.

The Allard amendment would have reduced the authorized ceiling for awarding grants and loans and acquiring loans by $5.2 million, from $43,930,000 to $38,765,000. This was a common sense amendment, one that considered our current financial burdens.

$53.4 million has already been spent by the National Park Service at Lowell since 1978. I feel strongly that we must work to ensure that the legislation does not continue to be a bottomless goody bag of financial assistance.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 4556, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1995

Mr. DURBIN. Mr. Speaker, the following request has been cleared with the majority and minority.

Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight, Monday, September 26, 1994, to file a conference report on the bill (H.R. 4556) making appropriations for the Department of Transportation and related agencies, for the fiscal year ending September 30, 1995, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois [Mr. DURBIN]?

There was no objection.

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous matter, on the bill just passed.

The SPEAKER pro tempore (Mr. PENNY). Is there objection to the request of the gentleman from Minnesota?

There was no objection.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 4602, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1995

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103–749) on the resolution (H. Res. 547) waiving points of order against the bill (H.R. 4602) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1995, and for other purposes, which was referred to the House Calendar and ordered to be printed.

CONFERENCE REPORT ON S. 349 LOBBYING DISCLOSURE ACT OF 1994

Mr. BRYANT submitted the following conference report and statement on the Senate bill (S. 349) to provide for the disclosure of lobbying activities to influence the Federal Government, and for other purposes:

CONFERENCE REPORT (H. REPT. 103–750)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 349), to provide for the disclosure of lobbying activities to influence the Federal Government, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendments, insert the following:

TITLE I—LOBBYING DISCLOSURE

SECTION 101. SHORT TITLE.

This title may be cited as the "Lobbying Disclosure Act of 1994".

SEC. 102. FINDINGS.

The Congress finds that—

(1) responsible representative Government requires public awareness of the efforts of paid lobbyists to influence the public decision making process in both the legislative and executive branches of the Federal Government;

(2) existing lobbying disclosure statutes have been ineffective because of unclear statutory language, weak administrative and enforcement provisions, and an absence of clear guidance as to who is required to register and what they are required to disclose; and

(3) the effective public disclosure of the identity and extent of the efforts of paid lobbyists to influence Federal officials in the conduct of Government actions will increase public confidence in the integrity of Government.

SEC. 103. DEFINITIONS.

As used in this title:

(1) AGENCY.—The term "agency" has the meaning given that term in section 551(1) of title 5, United States Code.

(2) CLIENT.—The term "client" means any person or entity that employs or retains another person for financial or other compensation to conduct lobbying activities on behalf of that person or entity. A person or entity whose employees act as lobbyists on its own behalf is both a client and an employer of such employees. In the case of a coalition or association that employs or retains other persons to conduct lobbying activities, the client is—

(A) the coalition or association and not its individual members when the lobbying activities are conducted on behalf of its membership and financed by the coalition's or association's dues and assessments; or

(B) an individual member or members, when the lobbying activities are conducted on behalf of, and financed separately by, 1 or more individual members and not by the coalition's or association's dues and assessments.

(3) COVERED EXECUTIVE BRANCH OFFICIAL.—The term "covered executive branch official" means—

(A) the President;

(B) the Vice President;

(C) any officer or employee, or any other individual functioning in the capacity of such an officer or employee, in the Executive Office of the President;

(D) any officer or employee serving in a position in level I, II, III, IV, or V of the Executive Schedule, as designated by statute or executive order;

(E) any officer or employee serving in a Senior Executive Service position, as defined in section 3132(a)(2) of title 5, United States Code;

(F) any member of the uniformed services whose pay grade is at or above O-7 under section 201 of title 37, United States Code; and

(G) any officer or employee serving in a position of a confidential, policy-determining, policy-making, or policy-advocating character described in section 7511(b)(2) of title 5, United States Code.

(4) COVERED LEGISLATIVE BRANCH OFFICIAL.—The term "covered legislative branch official" means—

(A) a Member of Congress;

(B) an elected officer of either House of Congress;

(C) any employee of, or any other individual functioning in the capacity of an employee of—

(i) a Member of Congress;

(ii) a committee of either House of Congress;

(iii) the leadership staff of the House of Representatives or the leadership staff of the Senate;

(iv) a joint committee of Congress; and

(v) a working group or caucus organized to provide legislative services or other assistance to Members of Congress; and

(D) any other legislative branch employee serving in a position described under section 109(13) of the Ethics in Government Act of 1978 (5 U.S.C. App.).

(5) DIRECTOR.—The term "Director" means the Director of the Office of Lobbying Registration and Public Disclosure.

(6) EMPLOYEE.—The term "employee" means any individual who is an officer, employee, partner, director, or proprietor of a person or entity, but does not include—

(A) independent contractors; or

(B) volunteers who receive no financial or other compensation from the person or entity for their services.

(7) FOREIGN ENTITY.—The term "foreign entity" means a foreign principal (as defined in section 1(b) of the Foreign Agents Registration Act of 1938 (22 U.S.C. 611(b)).

(8) GRASSROOTS LOBBYING COMMUNICATIONS.—The term "grassroots lobbying communications" means—

(A) any communication that attempts to influence a matter described in clause (i), (ii), (iii), or (iv) of section 103(10)(A) through an attempt to affect the opinions of the general public or any segment thereof;

(B) any communication between an organization and any bona fide member of such organization to directly encourage such member to make a communication to a covered executive branch official or a covered legislative branch official with regard to a matter described in clause (i), (ii), (iii), or (iv) of section 103(10)(A); and

(C) any communication between an organization and any bona fide member of such organization to directly encourage such member to urge persons other than members to communicate as provided in either subparagraph (A) or subparagraph (B).

(9) LOBBYING ACTIVITIES.—

(A) DEFINITION.—The term "lobbying activities" means lobbying contacts and efforts in support of such contacts, including preparation and planning activities, research and other background work that is intended, at the time it is performed, for use in contacts, and coordination with the lobbying activities of others. Except as provided in subparagraph (B), lobbying activities also include grassroots lobbying communications to the extent that such communications are made in support of a lobbying contact. A communication in support of a lobbying contact is a lobbying activity even if the communication is excluded from the definition of "lobbying contact" under paragraph (10)(B).

(B) RELIGIOUS ORGANIZATIONS.—Lobbying activities do not include grassroots lobbying communications by churches, their integrated auxiliaries, conventions or associations of churches, and religious orders that are exempt from filing Federal income tax returns under paragraph (2)(A)(i) or (2)(A)(iii) of section 6033(a) of the Internal Revenue Code of 1986, unless such communications are made by another registrant or any person or entity required to be identified under section 104(b)(5).

(10) LOBBYING CONTACT.—

(A) DEFINITION.—The term "lobbying contact" means any oral or written communication (including an electronic communication) to a covered executive branch official or a covered legislative branch official that is made on behalf of a client with regard to—

(i) the formulation, modification, or adoption of Federal legislation (including legislative proposals);

(ii) the formulation, modification, or adoption of a Federal rule, regulation, Executive order, or any other program, policy, or position of the United States Government;

(iii) the administration or execution of a Federal program or policy (including the negotiation, award, or administration of a Federal contract, grant, loan, permit, or license), except that this clause does not include communications that are made to any covered executive branch official—

(I) who is serving in a Senior Executive Service position described in paragraph (3)(E); or

(II) who is a member of the uniformed services whose pay grade is lower than O-9 under section 201 of title 37, United States Code,

in the agency responsible for taking such administrative or executive action; or

(iv) the nomination or confirmation of a person for a position subject to confirmation by the Senate.

(B) EXCEPTIONS.—The term "lobbying contact" does not include a communication that is—

(i) made by a public official acting in the public official's official capacity;

(ii) made by a representative of a media organization if the purpose of the communication is gathering and disseminating news and information to the public;

(iii) made in a speech, article, publication or other material that is widely distributed to the public, or through radio, television, cable television, or other medium of mass communication;

(iv) made on behalf of a government of a foreign country or a foreign political party and disclosed under the Foreign Agents Registration Act of 1938 (22 U.S.C. 611 et seq.);

(v) a request for a meeting, a request for the status of an action, or any other similar administrative request, if the request does not include an attempt to influence a covered executive branch official or a covered legislative branch official;

(vi) made in the course of participation in an advisory committee subject to the Federal Advisory Committee Act;

(vii) testimony given before a committee, subcommittee, or task force of the Congress, or submitted for inclusion in the public record of a hearing conducted by such committee, subcommittee, or task force;

(viii) information provided in writing in response to a written request by a covered executive branch official or a covered legislative branch official for specific information;

(ix) required by subpoena, civil investigative demand, or otherwise compelled by statute, regulation, or other action of the Congress or an agency;

(x) made in response to a notice in the Federal Register, Commerce Business Daily, or other similar publication soliciting communications from the public and directed to the agency official specifically designated in the notice to receive such communications;

(xi) not possible to report without disclosing information, the unauthorized disclosure of which is prohibited by law;

(xii) made to an official in an agency with regard to—

(I) a judicial proceeding or a criminal or civil law enforcement inquiry, investigation, or proceeding; or

(II) a filing or proceeding that the Government is specifically required by statute or regulation to maintain or conduct on a confidential basis,

if that agency is charged with responsibility for such proceeding, inquiry, investigation, or filing;

(xiii) made in compliance with written agency procedures regarding an adjudication conducted by the agency under section 554 of title 5, United States Code, or substantially similar provisions;

(xiv) a written comment filed in the course of a public proceeding or any other communication that is made on the record in a public proceeding;

(xv) a petition for agency action made in writing and required to be a matter of public record pursuant to established agency procedures;

(xvi) made on behalf of an individual with regard to that individual's benefits, employment, or other personal matters involving only that individual, except that this clause does not apply to any communication with—

(I) a covered executive branch official, or

(II) a covered legislative branch official (other than the individual's elected Members of Congress or employees who work under such Members' direct supervision),

with respect to the formulation, modification, or adoption of private legislation for the relief of that individual;

(xvii) a disclosure by an individual that is protected under the amendments made by the Whistleblower Protection Act of 1989, under the Inspector General Act of 1978, or under another provision of law;

(xviii) made by—

(I) a church, its integrated auxiliary, or a convention or association of churches that is exempt from filing a Federal income tax return under paragraph 2(A)(i) of section 6033(a) of the Internal Revenue Code of 1986, or

(II) a religious order that is exempt from filing a Federal income tax return under paragraph (2)(A)(iii) of such section 6033(a),

if the communication constitutes the free exercise of religion or is for the purpose of protecting the right to the free exercise of religion; and

(xix) between—

(I) officials of a self-regulatory organization (as defined in section 3(a)(26) of the Securities Exchange Act) that is registered with or established by the Securities and Exchange Commission as required by that Act; and

(II) the Securities and Exchange Commission,

relating to the regulatory responsibilities of such organization under that Act.

(11) LOBBYING FIRM.—The term "lobbying firm" means a person or entity that has 1 or

more employees who are lobbyists on behalf of a client other than that person or entity. The term also includes a self-employed individual who is a lobbyist.

(12) LOBBYIST.—The term "lobbyist" means any individual who is employed or retained by a client for financial or other compensation for services that include one or more lobbying contacts, other than an individual whose lobbying activities constitute less than 10 percent of the time engaged in the services provided by such individual to that client.

(13) MEDIA ORGANIZATION.—The term "media organization" means a person or entity engaged in disseminating information to the general public through a newspaper, magazine, other publication, radio, television, cable television, or other medium of mass communication.

(14) MEMBER OF CONGRESS.—The term "Member of Congress" means a Senator or a Representative in, or Delegate or Resident Commissioner to, the Congress.

(15) ORGANIZATION.—The term "organization" means a person or entity other than an individual.

(16) PERSON OR ENTITY.—The term "person or entity" means any individual, corporation, company, foundation, association, labor organization, firm, partnership, society, joint stock company, group of organizations, or State or local government.

(17) PUBLIC OFFICIAL.—The term "public official" means any elected official, appointed official, or employee of—

(A) a Federal, State, or local unit of government in the United States other than—

(i) a college or university;

(ii) a government-sponsored enterprise (as defined in section 3(8) of the Congressional Budget and Impoundment Control Act of 1974);

(iii) a public utility that provides gas, electricity, water, or communications;

(iv) a guaranty agency (as defined in section 435(j) of the Higher Education Act of 1965 (20 U.S.C. 1085(j))), including any affiliate of such an agency; or

(v) an agency of any State functioning as a student loan secondary market pursuant to section 435(d)(1)(F) of the Higher Education Act of 1965 (20 U.S.C. 1085(d)(1)(F));

(B) a Government corporation (as defined in section 9101 of title 31, United States Code);

(C) an organization of State or local elected or appointed officials other than officials of an entity described in clause (i), (ii), (iii), (iv), or (v) of subparagraph (A);

(D) an Indian tribe (as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e));

(E) a national or State political party or any organizational unit thereof; or

(F) a national, regional, or local unit of any foreign government.

(18) STATE.—The term "State" means each of the several States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

SEC. 104. REGISTRATION OF LOBBYISTS.

(a) REGISTRATION.—

(1) GENERAL RULE.—No later than 30 days after a lobbyist first makes a lobbying contact or is employed or retained to make a lobbying contact, whichever is earlier, such lobbyist (or, as provided under paragraph (2), the organization employing such lobbyist), shall register with the Office of Lobbying Registration and Public Disclosure.

(2) EMPLOYER FILING.—Any organization that has 1 or more employees who are lobbyists shall file a single registration under this section on behalf of such employees for each client on whose behalf the employees act as lobbyists.

(3) EXEMPTION.—

(A) GENERAL RULE.—Notwithstanding paragraphs (1) and (2), a person or entity whose—

(i) total income for matters related to lobbying activities on behalf of a particular client (in the case of a lobbying firm) does not exceed and is not expected to exceed $2,500; or

(ii) total expenses in connection with lobbying activities (in the case of an organization whose employees engage in lobbying activities on its own behalf) do not exceed or are not expected to exceed $5,000,

(as estimated under section 105) in the semiannual period described in section 105(a) during which the registration would be made is not required to register under subsection (a) with respect to such client.

(B) ADJUSTMENT.—The dollar amounts in subparagraph (A) shall be adjusted—

(i) on January 1, 1997, to reflect changes in the Consumer Price Index (as determined by the Secretary of Labor) since the date of enactment of this title; and

(ii) on January 1 of each fourth year occurring after January 1, 1997, to reflect changes in the Consumer Price Index (as determined by the Secretary of Labor) during the preceding 4-year period,

rounded to the nearest $500.

(b) CONTENTS OF REGISTRATION.—Each registration under this section shall be in such form as the Director shall prescribe by regulation and shall contain—

(1) the name, address, business telephone number, and principal place of business of the registrant, and a general description of its business or activities;

(2) the name, address, and principal place of business of the registrant's client, and a general description of its business or activities (if different from paragraph (1));

(3) the name, address, and principal place of business of any organization, other than the client, that—

(A) contributes more than $5,000 toward the lobbying activities of the registrant in a semiannual period described in section 105(a); and

(B) participates significantly in the planning, supervision, or control of such lobbying activities;

(4) the name, address, principal place of business, amount of any contribution of more than $5,000 to the lobbying activities of the registrant, and approximate percentage of equitable ownership in the client (if any) of any foreign entity that—

(A) holds at least 20 percent equitable ownership in the client or any organization identified under paragraph (3);

(B) directly or indirectly, in whole or in major part, plans, supervises, controls, directs, finances, or subsidizes the activities of the client or any organization identified under paragraph (3); or

(C) is an affiliate of the client or any organization identified under paragraph (3) and has a direct interest in the outcome of the lobbying activity;

(5) the name, address, and principal place of business of any person or entity retained by the registrant to conduct grassroots lobbying communications on behalf of the registrant or the client (other than an employee of the registrant or a person or entity that is separately registered under this title in connection with such representation);

(6) a statement of—

(A) the general issue areas in which the registrant expects to engage in lobbying activities on behalf of the client; and

(B) to the extent practicable, specific issues that have (as of the date of the registration) already been addressed or are likely to be addressed in lobbying activities; and

(7) the name of each employee of the registrant who has acted or whom the registrant expects to act as a lobbyist on behalf of the client and, if any such employee has served as a covered executive branch official or a covered legislative branch official in the 2 years before the date on which such employee first acted (after the date of enactment of this Act) as a lobbyist on behalf of the client, the position in which such employee served.

(c) GUIDELINES FOR REGISTRATION.—

(1) MULTIPLE CLIENTS.—In the case of a registrant making lobbying contacts on behalf of more than 1 client, a separate registration under this section shall be filed for each such client.

(2) MULTIPLE CONTACTS.—A registrant who makes more than 1 lobbying contact for the same client shall file a single registration covering all such lobbying contacts.

(d) TERMINATION OF REGISTRATION.—A registrant who after registration—

(1) is no longer employed or retained by a client to conduct lobbying activities, and

(2) does not anticipate any additional lobbying activities for such client,

may so notify the Director and terminate its registration.

SEC. 105. REPORTS BY REGISTERED LOBBYISTS.

(a) SEMIANNUAL REPORT.—

(1) IN GENERAL.—No later than 30 days after the end of the semiannual period beginning on the first day of each January and the first day of July of each year in which a registrant is registered under section 104, each registrant shall file a report with the Office of Lobbying Registration and Public Disclosure on its lobbying activities during such semiannual period. A separate report shall be filed for each client of the registrant.

(2) EXEMPTION.—

(A) GENERAL RULE.—Any registrant whose—

(i) total income for a particular client for matters that are related to lobbying activities on behalf of that client (in the case of a lobbying firm), does not exceed and is not expected to exceed $2,500; or

(ii) total expenses in connection with lobbying activities (in the case of a registrant whose employees engage in lobbying activities on its own behalf) do not exceed and are not expected to exceed $5,000,

in a semiannual period (as estimated under paragraph (3) or (4) of subsection (b) or paragraph (4) of subsection (c), as applicable) is deemed to be inactive during such period and may comply with the reporting requirements of this section by so notifying the Director in such form as the Director may prescribe.

(B) ADJUSTMENT.—The dollar amounts in subparagraph (A) shall be adjusted as provided in section 104(a)(3)(B).

(b) CONTENTS OF REPORT.—Each semiannual report filed under subsection (a) shall be in such form as the Director shall prescribe by regulation and shall contain—

(1) the name of the registrant, the name of the client, and any changes or updates to the information provided in the initial registration;

(2) for each general issue area in which the registrant engaged in lobbying activities on behalf of the client during the semiannual filing period—

(A) a list of the specific issues upon which a lobbyist employed by the registrant engaged in lobbying activities, including, to the maximum extent practicable, a list of bill numbers and references to specific regulatory actions, programs, projects, contracts, grants and loans;

(B) a statement of the Houses and committees of Congress and the Federal agencies contacted by lobbyists employed by the registrant on behalf of the client;

(C) a list of the employees of the registrant who acted as lobbyists on behalf of the client;

(D) a description of the interest, if any, of any foreign entity identified under section 104(b)(4) in the specific issues listed under subparagraph (A); and

(E) a list of the specific issues on which any person or entity required to be identified under section 104(b)(5) has engaged in grassroots lobbying communications on behalf of the client;

(3) in the case of a lobbying firm, a good faith estimate of the total amount of all income from the client (including any payments to the registrant by any other person for lobbying activities on behalf of the client) during the semiannual period, other than income for matters that are unrelated to lobbying activities;

(4) in the case of a registrant engaged in lobbying activities on its own behalf, a good faith estimate of the total expenses that the registrant and its employees incurred in connection with lobbying activities during the semiannual filing period;

(5) the name, address, and principal place of business of any person or entity other than the client who paid the registrant to lobby on behalf of the client; and

(6) a good faith estimate of the total expenses that the registrant and its employees incurred in connection with grassroots lobbying communications on behalf of the client (including any amount paid, in connection with such communications, to a person or entity required to be identified under section 104(b)(5)).

(c) ESTIMATES OF INCOME OR EXPENSES.—For purposes of this section, estimates of income or expenses shall be made as follows:

(1) $100,000 OR LESS.—Income or expenses of $100,000 or less shall be estimated in accordance with the following categories:

(A) $10,000 or less.

(B) More than $10,000 but not more than $20,000.

(C) More than $20,000 but not more than $50,000.

(D) More than $50,000 but not more than $100,000.

(2) MORE THAN $100,000 BUT NOT MORE THAN $500,000.—Income or expenses in excess of $100,000 but not more than $500,000 shall be estimated and rounded to the nearest $50,000.

(3) MORE THAN $500,000.—Income or expenses in excess of $500,000 shall be estimated and rounded to the nearest $100,000.

(4) ESTIMATES BASED ON TAX REPORTING SYSTEM.—In the case of any registrant that is required to report and does report lobbying expenditures as required by section 6033(b)(8) of the Internal Revenue Code of 1986, regulations prescribed under section 107 shall provide that the registrant may make a good faith estimate of applicable amounts that would be required to be disclosed under such section of the Internal Revenue Code of 1986 for the applicable semiannual period (by category of dollar value) to meet the requirements of subsections (b)(4) and (b)(6), if each time the registrant makes such an estimate, the registrant informs the Director that the registrant is making such an estimate.

(5) CONSTRUCTION.—In estimating total income or expenses under this section, a registrant is not required to include—

(A) the value of contributed services for which no payment is made; or

(B) the expenses for services provided by an independent contractor of the registrant who is separately registered under this title.

(d) CONTACTS.—

(1) CONTACTS WITH COMMITTEES.—For purposes of subsection (b)(2), any contact with a member of a committee of Congress, an employee of a committee of Congress, or an employee of a member of a committee of Congress regarding a matter within the jurisdiction of such committee shall be considered to be a contact with the committee.

(2) CONTACTS WITH HOUSE OF CONGRESS.—For purposes of subsection (b)(2), any contact with a Member of Congress or an employee of a Member of Congress regarding a matter that is not within the jurisdiction of a committee of Congress of which that Member is a member shall be considered to be a contact with the House of Congress of that Member.

(3) CONTACTS WITH FEDERAL AGENCIES.—For purposes of subsection (b)(2), any contact with a covered executive branch official shall be considered to be a contact with the Federal agency that employs that official, except that a contact with a covered executive branch official who is detailed to another Federal agency or to the Congress shall be considered to be a contact with the Federal agency or with the committee of Congress or House of Congress to which the official is detailed.

(e) EXTENSION FOR FILING.—The Director may grant an extension of time of not more than 30 days for the filing of any report under this section, upon the request of the registrant, for good cause shown.

SEC. 106. PROHIBITION ON GIFTS BY LOBBYISTS, LOBBYING FIRMS, AND AGENTS OF FOREIGN PRINCIPALS.

(a) IN GENERAL.—

(1) PROHIBITION.—No lobbyist or lobbying firm registered under this title and no agent of a foreign principal registered under the Foreign Agents Registration Act may provide a gift, directly or indirectly, to any covered legislative branch official.

(2) DEFINITION.—For purposes of this section—

(A) the term 'gift' means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value and such term includes gifts of services, training, transportation, lodging, and meals, whether provided in kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred; and

(B) a gift to the spouse or dependent of a covered legislative branch official (or a gift to any other individual based on that individual's relationship with the covered legislative branch official) shall be considered a gift to the covered legislative branch official if it is given with the knowledge and acquiescence of the covered legislative branch official and is given because of the official position of the covered legislative branch official.

(b) GIFTS.—The prohibition in subsection (a) includes the following:

(1) Anything provided by a lobbyist or a foreign agent which is paid for, charged to, or reimbursed by a client or firm of such lobbyist or foreign agent.

(2) Anything provided by a lobbyist, a lobbying firm, or a foreign agent to an entity that is maintained or controlled by a covered legislative branch official.

(3) A charitable contribution (as defined in section 170(c) of the Internal Revenue Code of 1986) made by a lobbyist, a lobbying firm, or a foreign agent on the basis of a designation, recommendation, or other specification of a covered legislative branch official (not including a mass mailing or other solicitation directed to a broad category of persons or entities).

(4) A contribution or other payment by a lobbyist, a lobbying firm, or a foreign agent to a legal expense fund established for the benefit of a covered legislative branch official or a covered executive branch official.

(5) A charitable contribution (as defined in section 170(c) of the Internal Revenue Code of 1986) made by a lobbyist, a lobbying firm, or a foreign agent in lieu of an honorarium to a covered legislative branch official.

(6) A financial contribution or expenditure made by a lobbyist, a lobbying firm, or a foreign agent relating to a conference, retreat, or similar event, sponsored by or affiliated with an official congressional organization, for or on behalf of covered legislative branch officials.

(c) NOT GIFTS.—The following are not gifts subject to the prohibition in subsection (a):

(1) Anything for which the recipient pays the market value, or does not use and promptly returns to the donor.

(2) A contribution, as defined in the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) that is lawfully made under that Act, or attendance at a fundraising event sponsored by a political organization described in section 527(e) of the Internal Revenue Code of 1986.

(3) Food or refreshments of nominal value offered other than as part of a meal.

(4) Benefits resulting from the business, employment, or other outside activities of the spouse of a covered legislative branch official, if such benefits are customarily provided to others in similar circumstances.

(5) Pension and other benefits resulting from continued participation in an employee welfare and benefits plan maintained by a former employer.

(6) Informational materials that are sent to the office of a covered legislative branch official in the form of books, articles, periodicals, other written materials, audio tapes, videotapes, or other forms of communication.

(d) GIFTS GIVEN FOR A NONBUSINESS PURPOSE AND MOTIVATED BY FAMILY RELATIONSHIP OR CLOSE PERSONAL FRIENDSHIP.—

(1) IN GENERAL.—A gift given by an individual under circumstances which make it clear that the gift is given for a nonbusiness purpose and is motivated by a family relationship or close personal friendship and not by the position of the covered legislative branch official shall not be subject to the prohibition in subsection (a).

(2) NONBUSINESS PURPOSE.—A gift shall not be considered to be given for a nonbusiness purpose if the individual giving the gift seeks—

(A) to deduct the value of such gift as a business expense on the individual's Federal income tax return, or

(B) direct or indirect reimbursement or any other compensation for the value of the gift from a client or employer of such lobbyist or foreign agent.

(3) FAMILY RELATIONSHIP OR CLOSE PERSONAL FRIENDSHIP.—In determining if the giving of a gift is motivated by a family relationship or close personal friendship, at least the following factors shall be considered:

(A) The history of the relationship between the individual giving the gift and the recipient of the gift, including whether or not gifts have previously been exchanged by such individuals.

(B) Whether the gift was purchased by the individual who gave the item.

(C) Whether the individual who gave the gift also at the same time gave the same or similar gifts to other covered legislative branch officials.

SEC. 107. OFFICE OF LOBBYING REGISTRATION AND PUBLIC DISCLOSURE.

(a) ESTABLISHMENT AND DIRECTOR.—

(1) ESTABLISHMENT.—There is established an executive agency to be known as the Office of Lobbying Registration and Public Disclosure.

(2) DIRECTOR.—(A) The Office shall be headed by a Director, who shall be appointed by the President, by and with the advice and consent of the Senate.

(B) The Director shall be an individual who, by demonstrated ability, background, training, and experience, is qualified to carry out the functions of the position. The term of service of the Director shall be 5 years. The Director may be removed for cause.

(C) Section 5316 of title 5, United States Code, is amended by adding at the end the following: "Director of the Office of Lobbying Registration and Public Disclosure".

(b) ADMINISTRATIVE POWERS.—The Director may—

(1) appoint officers and employees, including attorneys, in accordance with chapter 51 and

subchapter III of chapter 53 of title 5, United States Code, define their duties and responsibilities, and direct and supervise their activities;

(2) contract for financial and administrative services (including those related to budget and accounting, financial reporting, personnel, and procurement) with the General Services Administration, or such Federal agency as the Director determines appropriate, for which payment shall be made in advance or by reimbursement from funds of the Office in such amounts as may be agreed upon by the Director and the head of the agency providing such services, but the contract authority under this paragraph shall be effective for any fiscal year only to the extent that appropriations are available for that purpose;

(3) request the head of any Federal department or agency (who is hereby so authorized) to detail to temporary duties with the Office such personnel within the agency head's administrative jurisdiction as the Office may need for carrying out its functions under this title, with or without reimbursement;

(4) request agency heads to provide information needed by the Office, which information shall be supplied to the extent permitted by law;

(5) utilize, with their consent, the services and facilities of Federal agencies with or without reimbursement;

(6) accept, use, and dispose of gifts or donations of services or property, real, personal, or mixed, tangible or intangible, for purposes of aiding or facilitating the work of the Office; and

(7) use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(c) COOPERATION WITH OTHER GOVERNMENTAL AGENCIES.—In order to avoid unnecessary expense and duplication of function among Government agencies, the Office may make such arrangements or agreements for cooperation or mutual assistance in the performance of its functions under this title as is practicable and consistent with law. The head of the General Services Administration and each department, agency, or establishment of the United States shall cooperate with the Office and, to the extent permitted by law, provide such information, services, personnel, and facilities as the Office may request for its assistance in the performance of its functions under this title.

(d) DUTIES.—The Director shall—

(1) after notice and a reasonable opportunity for public comment, and consultation with the Secretary of the Senate, the Clerk of the House of Representatives, and the Administrative Conference of the United States, prescribe such regulations, penalty guidelines, and forms as are necessary to carry out this title;

(2) provide guidance and assistance on the registration and reporting requirements of this title, including—

(A) providing information to all registrants at the time of registration about the obligations of registered lobbyists under this title, and

(B) issuing published decisions and advisory opinions;

(3) review the registrations and reports filed under this title and make such verifications or inquiries as are necessary to ensure the completeness, accuracy, and timeliness of the registrations and reports;

(4) develop filing, coding, and cross-indexing systems to carry out the purposes of this title, including—

(A) a publicly available list of all registered lobbyists and their clients; and

(B) computerized systems designed to minimize the burden of filing and maximize public access to materials filed under this title;

(5) ensure that the computer systems developed pursuant to paragraph (4)—

(A) allow the materials filed under this title to be accessed by the client name, lobbyist name, and registrant name;

(B) are compatible with computer systems developed and maintained by the Federal Election Commission, and that information filed in the two systems can be readily cross-referenced; and

(C) are compatible with computer systems developed and maintained by the Secretary of the Senate and the Clerk of the House of Representatives;

(6) make copies of each registration and report filed under this title available to the public, upon the payment of reasonable fees, not to exceed the cost of such copies, as determined by the Director, in written and electronic formats, as soon as practicable after the date on which such registration or report is received;

(7) preserve the originals or accurate reproduction of—

(A) registrations filed under this title for a period that ends not less than 3 years after the termination of the registration under section 104(d); and

(B) reports filed under this title for a period that ends not less than 3 years after the date on which the report is received;

(8) maintain a computer record of—

(A) the information contained in registrations for a period that ends not less than 5 years after the termination of the registration under section 104(d); and

(B) the information contained in reports filed under this title for a period that ends not less than 5 years after the date on which the reports are received;

(9) compile and summarize, with respect to each semiannual period, the information contained in registrations and reports filed with respect to such period in a manner which clearly presents the extent and nature of expenditures on lobbying activities during such period;

(10) make information compiled and summarized under paragraph (9) available to the public in electronic and hard copy formats as soon as practicable after the close of each semiannual filing period;

(11) provide, by computer telecommunication or other transmittal in a form accessible by computer, to the Secretary of the Senate and the Clerk of the House of Representatives copies of all registrations and reports received under sections 104 and 105 and all compilations, cross-indexes, and summaries of such registrations and reports, as soon as practicable (but not later than 3 working days) after such material is received or created;

(12) make available to the public a list of all persons whom the Director determines, under section 109 (after exhaustion of all appeals under section 111) to have committed a major or minor violation of this title and submit such list to the Congress as part of the report provided for under paragraph (13);

(13) make available to the public upon request and transmit to the President, the Secretary of the Senate, the Clerk of the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on the Judiciary of the House of Representatives a report, not later than March 31 of each year, describing the activities of the Office and the implementation of this title, including—

(A) a financial statement for the preceding fiscal year;

(B) a summary of the registrations and reports filed with the Office with respect to the preceding calendar year;

(C) a summary of the registrations and reports filed on behalf of foreign entities with respect to the preceding calendar year; and

(D) recommendations for such legislative or other action as the Director considers appropriate; and

(14) study the appropriateness of the definition of "public official" under section 103(17) and make recommendations for any change in such definition in the first report filed pursuant to paragraph (13).

SEC. 108. INITIAL PROCEDURE FOR ALLEGED VIOLATIONS.

(a) ALLEGATION OF A VIOLATION.—Whenever the Office of Lobbying Registration and Public Disclosure has reason to believe that a person or entity may be in violation of the requirements of this title, the Director shall notify the person or entity in writing of the nature of the alleged violation and provide an opportunity for the person or entity to respond in writing to the allegation within 30 days after the notification is sent or such longer period as the Director may determine appropriate in the circumstances.

(b) INITIAL DETERMINATION.—

(1) IN GENERAL.—If the person or entity responds within the period described in the notification under subsection (a), the Director shall—

(A) issue a written determination that the person or entity has not violated this title if the person or entity provides adequate information or explanation to make such determination; or

(B) make a formal request for information under subsection (c) or a notification under section 109(a), if the information or explanation provided is not adequate to make a determination under subparagraph (A).

(2) WRITTEN DECISION.—If the Director makes a determination under paragraph (1)(A), the Director shall issue a public written decision in accordance with section 110.

(c) FORMAL REQUEST FOR INFORMATION.—If a person or entity fails to respond in writing within the period described in the notification under subsection (a) or the response is not adequate to determine whether such person or entity has violated this title, the Director may make a formal request for specific additional written information (subject to applicable privileges) that is reasonably necessary for the Director to make such determination. Each such request shall be structured to minimize any burden imposed, consistent with the need to determine whether the person or entity is in compliance with this title, and shall—

(1) state the nature of the conduct constituting the alleged violation which is the basis for the inquiry and the provision of law applicable thereto;

(2) describe the class or classes of material to be produced pursuant to the request with such definiteness and certainty as to permit such material to be readily identified; and

(3) prescribe a return date or dates which provide a reasonable period of time within which the person or entity may assemble and make available for inspection and copying or reproduction the material so requested.

SEC. 109. DETERMINATIONS OF VIOLATIONS.

(a) NOTIFICATION AND HEARING.—If the information provided to the Director under section 108 indicates that a person or entity may have violated this title, the Director shall—

(1) notify the person or entity in writing of this finding and, if appropriate, a proposed penalty assessment and provide such person or entity with an opportunity to respond in writing within 30 days after the notice is sent; and

(2) if requested in writing by that person or entity within that 30-day period, afford the person or entity an opportunity for a hearing on the record under the provisions of section 554 of title 5, United States Code.

(b) DETERMINATION.—Upon the receipt of a written response under subsection (a)(1) when no hearing under subsection (a)(2) is requested, upon the completion of a hearing requested under subsection (a)(2), or upon the expiration of 30 days in a case in which no such written response is received, the Director shall review the information received under section 108 and this section (including evidence presented at any such hearing) and make a final determination

whether there was a violation and a final determination of the penalty, if any. If no written response was received under this section within the 30-day period provided, the determination and penalty assessment shall constitute a final order not subject to appeal.

(c) WRITTEN DECISION.—

(1) DETERMINATION OF VIOLATION.—If the Director makes a final determination under subsection (b) that there was a violation, the Director shall issue a written decision in accordance with section 110—

(A) directing the person or entity to correct the violation; and

(B) assessing a civil monetary penalty—

(i) in the case of a minor violation, which shall be no more than $10,000, depending on the extent and gravity of the violation;

(ii) in the case of a major violation, which shall be more than $10,000, but no more than $200,000, depending on the extent and gravity of the violation;

(iii) in the case of a late registration or filing, which shall be $200 for each week by which the registration or filing was late, unless the Director determines that the failure to timely register or file constitutes a major violation (as defined under subsection (e)(2)) in which case the amount shall be as prescribed by clause (ii); or

(iv) in the case of a failure to provide information requested by the Director pursuant to section 108(c), which shall be no more than $10,000, depending on the extent and gravity of the violation, except that no penalty shall be assessed if the Director determines that the violation was the result of a good faith dispute over the validity or appropriate scope of a request for information.

(2) DETERMINATION OF NO VIOLATION OR INSUFFICIENT EVIDENCE.—If the Director determines that no violation occurred or there was not sufficient evidence that a violation occurred, the Director shall issue a written decision in accordance with section 110.

(d) CIVIL INJUNCTIVE RELIEF.—If a person or entity fails to comply with a directive to correct a violation under subsection (c), the Director shall refer the case to the Attorney General to seek civil injunctive relief in the appropriate court of the United States to compel such person or entity to comply with such directive.

(e) PENALTY ASSESSMENTS.—

(1) GENERAL RULE.—No penalty shall be assessed under this section unless the Director finds that the person or entity subject to the penalty knew or should have known that such person or entity was in violation of this title. In determining the amount of a penalty to be assessed, the Director shall take into account the totality of the circumstances, including the extent and gravity of the violation, whether the violation was voluntarily admitted and corrected, the extent to which the person or entity may have profited from the violation, the ability of the person or entity to pay, and such other matters as justice may require.

(2) REGULATIONS.—Regulations prescribed by the Director under section 107 shall define major and minor violations. Major violations shall be defined to include a failure to register and any other violation that is extensive or repeated, if the person or entity who failed to register or committed such other violation—

(A) had actual knowledge that the conduct constituted a violation;

(B) acted in deliberate ignorance of the provisions of this title or regulations related to the conduct constituting a violation; or

(C) acted in reckless disregard of the provisions of this title or regulations related to the conduct constituting a violation.

(f) LIMITATION.—No proceeding shall be initiated under section 108 or this section unless the Director notifies the person or entity who is to be the subject of the proceeding of the alleged violation within 3 years after the date on which the alleged violation occurred.

SEC. 110. DISCLOSURE OF INFORMATION; WRITTEN DECISIONS.

(a) DISCLOSURE OF INFORMATION.—Information provided to the Director pursuant to sections 108 and 109 shall not be made available to the public without the consent of the person or entity providing the information, except to the extent that such information may be included in—

(1) a new or amended report or registration filed under this title; or

(2) a written decision issued by the Director under this section.

(b) WRITTEN DECISIONS.—All written decisions issued by the Director under sections 108 and 109 shall be made available to the public. The Director may provide for the publication of a written decision if the Director determines that publication would provide useful guidance. Before making a written decision public, the Director—

(1) shall delete information that would identify a person or entity who was alleged to have violated this title if—

(A) there was insufficient evidence to determine that the person or entity violated this title or the Director found that person or entity did not violate this title, and

(B) the person or entity so requests; and

(2) shall delete information that would identify any other person or entity (other than a person or entity who was found to have violated this title), if the Director determines that such person or entity could reasonably be expected to be injured by the disclosure of such information.

SEC. 111. JUDICIAL REVIEW.

(a) FINAL DECISION.—A written decision issued by the Director under section 109 shall become final 60 days after the date on which the Director provides notice of the decision, unless such decision is appealed under subsection (b) of this section.

(b) APPEAL.—Any person or entity adversely affected by a written decision issued by the Director under section 109 may appeal such decision, except as provided under section 109(b), to the appropriate United States court of appeals. Such review may be obtained by filing a written notice of appeal in such court no later than 60 days after the date on which the Director provides notice of the Director's decision and by simultaneously sending a copy of such notice of appeal to the Director. The Director shall file in such court the record upon which the decision was issued, as provided under section 2112 of title 28, United States Code. The findings of fact of the Director shall be conclusive, unless found to be unsupported by substantial evidence, as provided under section 706(2)(E) of title 5, United States Code. Any penalty assessed or other action taken in the decision shall be stayed during the pendency of the appeal.

(c) RECOVERY OF PENALTY.—Any penalty assessed in a written decision which has become final under this title may be recovered in a civil action brought by the Attorney General in an appropriate United States district court. In any such action, no matter that was raised or that could have been raised before the Director or pursuant to judicial review under subsection (b) may be raised as a defense, and the determination of liability and the determination of amounts of penalties and assessments shall not be subject to review.

SEC. 112. RULES OF CONSTRUCTION.

(a) CONSTITUTIONAL RIGHTS.—Nothing in this title shall be construed to prohibit or interfere with—

(1) the right to petition the government for the redress of grievances;

(2) the right to express a personal opinion; or

(3) the right of association,

protected by the First Amendment to the Constitution.

(b) PROHIBITION OF ACTIVITIES.—Nothing in this title shall be construed to prohibit, or to authorize the Director or any court to prohibit, lobbying activities or lobbying contacts by any person or entity, regardless of whether such person or entity is in compliance with the requirements of this title.

(c) AUDIT AND INVESTIGATIONS.—Nothing in this title shall be construed to grant general audit or investigative authority to the Director.

SEC. 113. AMENDMENTS TO THE FOREIGN AGENTS REGISTRATION ACT.

The Foreign Agents Registration Act of 1938 (22 U.S.C. 611 et seq.) is amended—

(1) in section 1—

(A) by striking subsection (j);

(B) in subsection (o) by striking "the dissemination of political propaganda and any other activity which the person engaging therein believes will, or which he intends to, prevail upon, indoctrinate, convert, induce, persuade, or in any other way influence" and inserting "any activity that the person engaging in believes will, or that the person intends to, in any way influence";

(C) in subsection (p) by striking the semicolon and inserting a period; and

(D) by striking subsection (q);

(2) in section 3(g) (22 U.S.C. 613(g)), by striking "established agency proceedings, whether formal or informal." and inserting "judicial proceedings, criminal or civil law enforcement inquiries, investigations, or proceedings, or agency proceedings required by statute or regulation to be conducted on the record.";

(3) in section 3 (22 U.S.C. 613) by adding at the end the following:

"(h) Any agent of a person described in section 1(b)(2) or an entity described in section 1(b)(3) if the agent is required to register and does register under the Lobbying Disclosure Act of 1994 in connection with the agent's representation of such person or entity.";

(4) in section 4(a) (22 U.S.C. 614(a))—

(A) by striking "political propaganda" and inserting "informational materials"; and

(B) by striking "and a statement, duly signed by or on behalf of such an agent, setting forth full information as to the places, times, and extent of such transmittal";

(5) in section 4(b) (22 U.S.C. 614(b))—

(A) in the matter preceding clause (i), by striking "political propaganda" and inserting "informational materials"; and

(B) by striking "(i) in the form of prints, or" and all that follows through the end of the subsection and inserting "without placing in such informational materials a conspicuous statement that the materials are distributed by the agent on behalf of the foreign principal, and that additional information is on file with the Department of Justice, Washington, District of Columbia. The Attorney General may by rule define what constitutes a conspicuous statement for the purposes of this subsection.";

(6) in section 4(c) (22 U.S.C. 614(c)), by striking "political propaganda" and inserting "informational materials";

(7) in section 6 (22 U.S.C. 616)—

(A) in subsection (a) by striking "and all statements concerning the distribution of political propaganda";

(B) in subsection (b) by striking ", and one copy of every item of political propaganda"; and

(C) in subsection (c) by striking "copies of political propaganda,";

(8) in section 8 (22 U.S.C. 618)—

(A) in subsection (a)(2) by striking "or in any statement under section 4(a) hereof concerning the distribution of political propaganda"; and

(B) by striking subsection (d); and

(9) in section 11 (22 U.S.C. 621) by striking ", including the nature, sources, and content of political propaganda disseminated or distributed".

SEC. 114. AMENDMENTS TO THE BYRD AMENDMENT.

(a) REVISED CERTIFICATION REQUIREMENTS.—Section 1352(b) of title 31, United States Code, is amended—

(1) in paragraph (2) by striking subparagraphs (A), (B), and (C) and inserting the following:

"(A) the name of any registrant under the Lobbying Disclosure Act of 1994 who has made lobbying contacts on behalf of the person with respect to that Federal contract, grant, loan, or cooperative agreement; and

"(B) a certification that the person making the declaration has not made, and will not make, any payment prohibited by subsection (a).";

(2) in paragraph (3) by striking all that follows "loan shall contain" and inserting "the name of any registrant under the Lobbying Disclosure Act of 1994 who has made lobbying contacts on behalf of the person in connection with that loan insurance or guarantee."; and

(3) by striking paragraph (6) and redesignating paragraph (7) as paragraph (6).

(b) REMOVAL OF OBSOLETE REPORTING REQUIREMENT.—Section 1352 of title 31, United States Code, is further amended—

(1) by striking subsection (d); and

(2) by redesignating subsections (e), (f), (g), and (h) as subsections (d), (e), (f), and (g), respectively.

SEC. 115. REPEAL OF CERTAIN LOBBYING PROVISIONS.

(a) REPEAL OF THE FEDERAL REGULATION OF LOBBYING ACT.—The Federal Regulation of Lobbying Act (2 U.S.C. 261 et seq.) is repealed.

(b) REPEAL OF PROVISIONS RELATING TO HOUSING LOBBYIST ACTIVITIES.—

(1) Section 13 of the Department of Housing and Urban Development Act (42 U.S.C. 3537b) is repealed.

(2) Section 536(d) of the Housing Act of 1949 (42 U.S.C. 1490p(d)) is repealed.

SEC. 116. CONFORMING AMENDMENTS TO OTHER STATUTES.

(a) AMENDMENT TO COMPETITIVENESS POLICY COUNCIL ACT.—Section 5206(e) of the Competitiveness Policy Council Act (15 U.S.C. 4804(e)) is amended by inserting "or a lobbyist for a foreign entity (as the terms 'lobbyist' and 'foreign entity' are defined under section 103 of the Lobbying Disclosure Act of 1994)" after "an agent for a foreign principal".

(b) AMENDMENTS TO TITLE 18, UNITED STATES CODE.—Section 219(a) of title 18, United States Code, is amended (1) by inserting "or a lobbyist required to register under the Lobbying Disclosure Act of 1994 in connection with the representation of a foreign entity, as defined in section 103(7) of that Act" after "an agent of a foreign principal required to register under the Foreign Agents Registration Act of 1938", and (2) by striking out ", as amended,".

(c) AMENDMENT TO FOREIGN SERVICE ACT OF 1980.—Section 602(c) of the Foreign Service Act of 1980 (22 U.S.C. 4002(c)) is amended by inserting "or a lobbyist for a foreign entity (as defined in section 103(7) of the Lobbying Disclosure Act of 1994)" after "an agent of a foreign principal (as defined by section 1(b) of the Foreign Agents Registration Act of 1938)".

SEC. 117. SEVERABILITY.

If any provision of this title, or the application thereof, is held invalid, the validity of the remainder of this title and the application of such provision to other persons and circumstances shall not be affected thereby.

SEC. 118. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for fiscal years 1995, 1996, 1997, 1998, and 1999 such sums as may be necessary to carry out this title.

SEC. 119. IDENTIFICATION OF CLIENTS AND COVERED OFFICIALS.

(a) ORAL LOBBYING CONTACTS.—Any person or entity that makes an oral lobbying contact with a covered legislative branch official or a covered executive branch official shall, on the request of the official at the time of the lobbying contact—

(1) state whether the person or entity is registered under this title and identify the client on whose behalf the lobbying contact is made; and

(2) state whether such client is a foreign entity and identify any foreign entity required to be disclosed under section 104(b)(4) that has a direct interest in the outcome of the lobbying activity.

(b) WRITTEN LOBBYING CONTACTS.—Any person or entity registered under this title that makes a written lobbying contact (including an electronic communication) with a covered legislative branch official or a covered executive branch official shall—

(1) if the client on whose behalf the lobbying contact was made is a foreign entity, identify such client, state that the client is considered a foreign entity under this title, and state whether the person making the lobbying contact is registered on behalf of that client under section 104; and

(2) identify any other foreign entity identified pursuant to section 104(b)(4) that has a direct interest in the outcome of the lobbying activity.

(c) IDENTIFICATION AS COVERED OFFICIAL.—Upon request by a person or entity making a lobbying contact, the individual who is contacted or the office employing that individual shall indicate whether or not the individual is a covered legislative branch official or a covered executive branch official.

SEC. 120. TRANSITIONAL FILING REQUIREMENT.

(a) SIMULTANEOUS FILING.—Subject to subsection (b), each registrant shall transmit simultaneously to the Secretary of the Senate and the Clerk of the House of Representatives an identical copy of each registration and report required to be filed under this title.

(b) SUNSET PROVISION.—The simultaneous filing requirement under subsection (a) shall be effective until such time as the Director, in consultation with the Secretary of the Senate and the Clerk of the House of Representatives, determines that the Office of Lobbying Registration and Public Disclosure is able to provide computer telecommunication or other transmittal of registrations and reports as required under section 107(b)(11).

(c) IMPLEMENTATION.—The Director, the Secretary of the Senate, and the Clerk of the House of Representatives shall take such actions as necessary to ensure that the Office of Lobbying Registration and Public Disclosure is able to provide computer telecommunication or other transmittal of registrations and reports as required under section 107(b)(11) on the effective date of this title, or as soon thereafter as reasonably practicable.

SEC. 121. EFFECTIVE DATES AND INTERIM RULES.

(a) IN GENERAL.—Except as otherwise provided in this section, this title and the amendments made by this title shall take effect January 1, 1996.

(b) EFFECTIVE DATE OF GIFT PROHIBITION.—Section 106 shall take effect on January 3, 1995. Beginning on that date, and for the remainder of calendar year 1995, such section shall apply to any gift provided by a lobbyist or an agent of a foreign principal registered under the Federal Regulation of Lobbying Act or the Foreign Agents Registration Act, including any person registered under such Acts as of July 1, 1994, or thereafter.

(c) ESTABLISHMENT OF OFFICE.—Sections 107 and 118 shall take effect on the date of enactment of this Act.

(d) REPEALS AND AMENDMENTS.—The repeals and amendments made under sections 113, 114, 115, and 116 shall take effect as provided under subsection (a), except that such repeals and amendments—

(1) shall not affect any proceeding or suit commenced before the effective date under subsection (a), and in all such proceedings or suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this title had not been enacted; and

(2) shall not affect the requirements of Federal agencies to compile, publish, and retain information filed or received before the effective date of such repeals and amendments.

(e) REGULATIONS.—Proposed regulations required to implement this title shall be published for public comment no later than 270 days after the date of the enactment of this Act. No later than 1 year after the date of the enactment of this Act, final regulations required to implement this title shall be published.

(f) PHASE-IN PERIOD.—No penalty shall be assessed by the Director under section 109(e) for a violation of this title, other than for a violation of section 106, which occurs during the first semiannual reporting period under section 105 after the effective date prescribed by subsection (a).

(g) INTERIM RULES.—

(1) REPORTING RULE.—A person or entity that is required to account for lobbying expenditures and does account for lobbying expenditures pursuant to section 162(e) of the Internal Revenue Code of 1986 may make a good faith estimate (by category of dollar value) of the amount that would not be deductible pursuant to that section for the applicable semiannual period to meet the requirements of sections 104(a)(3), 105(a)(2), and 105(b)(4), if the person or entity—

(A) makes such an estimate to meet the requirements of each such section of this title for a given calendar year; and

(B) informs the Director that the person or entity is making such an estimate in any registration or report including such an estimate.

(2) DE MINIMUS RULE.—In determining whether its employees are lobbyists under section 103(12)—

(A) a person or entity that is required to report and does report lobbying expenditures pursuant to section 6033(b)(8) of the Internal Revenue Code of 1986, and makes an estimate of expenses pursuant to section 105(c)(4) of this title to meet the requirements of sections 104(a)(3), 105(a)(2), 105(b)(4), and 105(b)(6) of this title, shall, in lieu of using the definition of "lobbying activities" in section 103(9) of this title, consider as lobbying activities—

(i) activities that are influencing legislation as defined in section 4911(d) of the Internal Revenue Code of 1986;

(ii) activities described in section 4911(d)(2)(C) of the Internal Revenue Code of 1986; and

(iii) lobbying activities (as defined in section 103(9)) that are in support of a lobbying contact with a covered executive branch official; and

(B) a person or entity that is required to account for lobbying expenditures and does account for lobbying expenditures pursuant to section 162(e) of the Internal Revenue Code of 1986, and makes an estimate of expenses pursuant to paragraph (1) of this subsection, shall, in lieu of using the definition of "lobbying activities" in section 103(9), consider as lobbying activities—

(i) activities that are influencing legislation within the meaning of section 162(e)(1)(A) of the Internal Revenue Code of 1986;

(ii) activities that are attempts to influence the general public, as described in section

162(e)(1)(C) of the Internal Revenue Code of 1986; and

(iii) lobbying activities (as defined in section 103(9)) that are in support of a lobbying contact with a covered executive branch official.

(3) STUDY.—Not later than March 31, 1997, the Comptroller General of the United States shall review reporting by registrants under paragraph (1) of this section and section 105(c)(4) and report to the Congress—

(A) the differences between the definition of "lobbying activities" in section 103(9) and the definitions of "lobbying expenditures", "influencing legislation", and related terms in sections 162(e) and 4911 of the Internal Revenue Code of 1986, as each are implemented by regulations;

(B) the impact that any such differences may have on filing and reporting under this title pursuant to this subsection; and

(C) any changes to this title or to the appropriate sections of the Internal Revenue Code of 1986 that the Comptroller General may recommend to harmonize the definitions.

(4) SUNSET PERIOD.—This subsection shall cease to be effective on December 31, 1998.

(h) INTERIM DIRECTOR.—Within 30 days after the date of the enactment of this Act, the President shall designate an interim Director of the Office of Lobbying Registration and Public Disclosure, who shall serve at the pleasure of the President until a Director of such Office has been nominated by the President and confirmed by the Senate. The interim Director may not promulgate final regulations pursuant to section 107(d) or initiate procedures for alleged violations pursuant to sections 108 and 109.

TITLE II—CONGRESSIONAL GIFT RULES

SEC. 201. AMENDMENTS TO SENATE RULES.

Rule XXXV of the Standing Rules of the Senate is amended to read as follows:

"1. No Member, officer, or employee of the Senate shall accept a gift, knowing that such gift is provided by a registered lobbyist, a lobbying firm, or an agent of a foreign principal in violation of the Lobbying Disclosure Act of 1994.

"2. (a) In addition to the restriction on receiving gifts from registered lobbyists, lobbying firms, and agents of foreign principals provided by paragraph 1 and except as provided in this Rule, no Member, officer, or employee of the Senate shall knowingly accept a gift from any other person.

"(b)(1) For the purpose of this Rule, the term 'gift' means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. The term includes gifts of services, training, transportation, lodging, and meals, whether provided in kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred.

"(2) A gift to the spouse or dependent of a Member, officer, or employee (or a gift to any other individual based on that individual's relationship with the Member, officer, or employee) shall be considered a gift to the Member, officer, or employee if it is given with the knowledge and acquiescence of the Member, officer, or employee and the Member, officer, or employee has reason to believe the gift was given because of the official position of the Member, officer, or employee.

"(c) The restrictions in subparagraph (a) shall not apply to the following:

"(1) Anything for which the Member, officer, or employee pays the market value, or does not use and promptly returns to the donor.

"(2) A contribution, as defined in the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) that is lawfully made under that Act, or attendance at a fundraising event sponsored by a political organization described in section 527(e) of the Internal Revenue Code of 1986.

"(3) Anything provided by an individual on the basis of a personal or family relationship unless the Member, officer, or employee has reason to believe that, under the circumstances, the gift was provided because of the official position of the Member, officer, or employee and not because of the personal or family relationship. The Select Committee on Ethics shall provide guidance on the applicability of this clause and examples of circumstances under which a gift may be accepted under this exception.

"(4) A contribution or other payment to a legal expense fund established for the benefit of a Member, officer, or employee, that is otherwise lawfully made, if the person making the contribution or payment is identified for the Select Committee on Ethics.

"(5) Any food or refreshments which the recipient reasonably believes to have a value of less than $20.

"(6) Any gift from another Member, officer, or employee of the Senate or the House of Representatives.

"(7) Food, refreshments, lodging, and other benefits—

"(A) resulting from the outside business or employment activities (or other outside activities that are not connected to the duties of the Member, officer, or employee as an officeholder) of the Member, officer, or employee, or the spouse of the Member, officer, or employee, if such benefits have not been offered or enhanced because of the official position of the Member, officer, or employee and are customarily provided to others in similar circumstances;

"(B) customarily provided by a prospective employer in connection with bona fide employment discussions; or

"(C) provided by a political organization described in section 527(e) of the Internal Revenue Code of 1986 in connection with a fundraising or campaign event sponsored by such an organization.

"(8) Pension and other benefits resulting from continued participation in an employee welfare and benefits plan maintained by a former employer.

"(9) Informational materials that are sent to the office of the Member, officer, or employee in the form of books, articles, periodicals, other written materials, audio tapes, videotapes, or other forms of communication.

"(10) Awards or prizes which are given to competitors in contests or events open to the public, including random drawings.

"(11) Honorary degrees (and associated travel, food, refreshments, and entertainment) and other bona fide, nonmonetary awards presented in recognition of public service (and associated food, refreshments, and entertainment provided in the presentation of such degrees and awards).

"(12) Donations of products from the State that the Member represents that are intended primarily for promotional purposes, such as display or free distribution, and are of minimal value to any individual recipient.

"(13) Food, refreshments, and entertainment provided to a Member or an employee of a Member in the Member's home State, subject to reasonable limitations, to be established by the Committee on Rules and Administration.

"(14) An item of little intrinsic value such as a greeting card, baseball cap, or a T shirt.

"(15) Training (including food and refreshments furnished to all attendees as an integral part of the training) provided to a Member, officer, or employee, if such training is in the interest of the Senate.

"(16) Bequests, inheritances, and other transfers at death.

"(17) Any item, the receipt of which is authorized by the Foreign Gifts and Decorations Act, the Mutual Educational and Cultural Exchange Act, or any other statute.

"(18) Anything which is paid for by the Federal Government, by a State or local government, or secured by the Government under a Government contract.

"(19) A gift of personal hospitality of an individual, as defined in section 109(14) of the Ethics in Government Act.

"(20) Free attendance at a widely attended event permitted pursuant to subparagraph (d).

"(21) Opportunities and benefits which are—

"(A) available to the public or to a class consisting of all Federal employees, whether or not restricted on the basis of geographic consideration;

"(B) offered to members of a group or class in which membership is unrelated to congressional employment;

"(C) offered to members of an organization, such as an employees' association or congressional credit union, in which membership is related to congressional employment and similar opportunities are available to large segments of the public through organizations of similar size;

"(D) offered to any group or class that is not defined in a manner that specifically discriminates among Government employees on the basis of branch of Government or type of responsibility, or on a basis that favors those of higher rank or rate of pay;

"(E) in the form of loans from banks and other financial institutions on terms generally available to the public; or

"(F) in the form of reduced membership or other fees for participation in organization activities offered to all Government employees by professional organizations if the only restrictions on membership relate to professional qualifications.

"(22) A plaque, trophy, or other memento of modest value.

"(23) Anything for which, in an unusual case, a waiver is granted by the Select Committee on Ethics.

"(d)(1) Except as prohibited by paragraph 1, a Member, officer, or employee may accept an offer of free attendance at a widely attended convention, conference, symposium, forum, panel discussion, dinner, viewing, reception, or similar event, provided by the sponsor of the event, if—

"(A) the Member, officer, or employee participates in the event as a speaker or a panel participant, by presenting information related to Congress or matters before Congress, or by performing a ceremonial function appropriate to the Member's, officer's, or employee's official position; or

"(B) attendance at the event is appropriate to the performance of the official duties or representative function of the Member, officer, or employee.

"(2) A Member, officer, or employee who attends an event described in clause (1) may accept a sponsor's unsolicited offer of free attendance at the event for an accompanying individual if others in attendance will generally be similarly accompanied or if such attendance is appropriate to assist in the representation of the Senate.

"(3) Except as prohibited by paragraph 1, a Member, officer, or employee, or the spouse or dependent thereof, may accept a sponsor's unsolicited offer of free attendance at a charity event, except that reimbursement for transportation and lodging may not be accepted in connection with the event.

"(4) For purposes of this paragraph, the term 'free attendance' may include waiver of all or part of a conference or other fee, the provision of local transportation, or the provision of food, refreshments, entertainment, and instructional materials furnished to all attendees as an integral part of the event. The term does not include entertainment collateral to the event, or food or

refreshments taken other than in a group setting with all or substantially all other attendees.

''(e) No Member, officer, or employee may accept a gift the value of which exceeds $250 on the basis of the personal relationship exception in subparagraph (c)(3) or the close personal friendship exception in section 106(d) of the Lobbying Disclosure Act of 1994 unless the Select Committee on Ethics issues a written determination that one of such exceptions applies.

''(f)(1) The Committee on Rules and Administration is authorized to adjust the dollar amount referred to in subparagraph (c)(5) on a periodic basis, to the extent necessary to adjust for inflation.

''(2) The Select Committee on Ethics shall provide guidance setting forth reasonable steps that may be taken by Members, officers, and employees, with a minimum of paperwork and time, to prevent the acceptance of prohibited gifts from lobbyists.

''(3) When it is not practicable to return a tangible item because it is perishable, the item may, at the discretion of the recipient, be given to an appropriate charity or destroyed.

''3. (a)(1) Except as prohibited by paragraph 1, a reimbursement (including payment in kind) to a Member, officer, or employee for necessary transportation, lodging and related expenses for travel to a meeting, speaking engagement, factfinding trip or similar event in connection with the duties of the Member, officer, or employee as an officeholder shall be deemed to be a reimbursement to the Senate and not a gift prohibited by this rule, if the Member, officer, or employee—

''(A) in the case of an employee, receives advance authorization, from the Member or officer under whose direct supervision the employee works, to accept reimbursement, and

''(B) discloses the expenses reimbursed or to be reimbursed and the authorization to the Secretary of the Senate within 30 days after the travel is completed.

''(2) For purposes of clause (1), events, the activities of which are substantially recreational in nature, shall not be considered to be in connection with the duties of a Member, officer, or employee as an officeholder.

''(b) Each advance authorization to accept reimbursement shall be signed by the Member or officer under whose direct supervision the employee works and shall include—

''(1) the name of the employee;

''(2) the name of the person who will make the reimbursement;

''(3) the time, place, and purpose of the travel; and

''(4) a determination that the travel is in connection with the duties of the employee as an officeholder and would not create the appearance that the employee is using public office for private gain.

''(c) Each disclosure made under subparagraph (a)(1) of expenses reimbursed or to be reimbursed shall be signed by the Member or officer (in the case of travel by that Member or officer) or by the Member or officer under whose direct supervision the employee works (in the case of travel by an employee) and shall include—

''(1) a good faith estimate of total transportation expenses reimbursed or to be reimbursed;

''(2) a good faith estimate of total lodging expenses reimbursed or to be reimbursed;

''(3) a good faith estimate of total meal expenses reimbursed or to be reimbursed;

''(4) a good faith estimate of the total of other expenses reimbursed or to be reimbursed;

''(5) a determination that all such expenses are necessary transportation, lodging, and related expenses as defined in this paragraph; and

''(6) in the case of a reimbursement to a Member or officer, a determination that the travel was in connection with the duties of the Member or officer as an officeholder and would not create the appearance that the Member or officer is using public office for private gain.

''(d) For the purposes of this paragraph, the term 'necessary transportation, lodging, and related expenses'—

''(1) includes reasonable expenses that are necessary for travel for a period not exceeding 3 days exclusive of traveltime within the United States or 7 days exclusive of traveltime outside of the United States unless approved in advance by the Select Committee on Ethics;

''(2) is limited to reasonable expenditures for transportation, lodging, conference fees and materials, and food and refreshments, including reimbursement for necessary transportation, whether or not such transportation occurs within the periods described in clause (1);

''(3) does not include expenditures for recreational activities, or entertainment other than that provided to all attendees as an integral part of the event; and

''(4) may include travel expenses incurred on behalf of either the spouse or a child of the Member, officer, or employee, subject to a determination signed by the Member or officer (or in the case of an employee, the Member or officer under whose direct supervision the employee works) that the attendance of the spouse or child is appropriate to assist in the representation of the Senate.

''(e) The Secretary of the Senate shall make available to the public all advance authorizations and disclosures of reimbursement filed pursuant to subparagraph (a) as soon as possible after they are received.''.

SEC. 202. AMENDMENTS TO HOUSE RULES.

Clause 4 of rule XLIII of the Rules of the House of Representatives is amended read as follows:

''4. (a) No Member, officer, or employee of the House of Representatives shall accept a gift, knowing that such gift is provided directly or indirectly by a registered lobbyist, a lobbying firm, or an agent of a foreign principal in violation of the Lobbying Disclosure Act of 1994.

''(b) In addition to the restriction on receiving gifts from registered lobbyists, lobbying firms, and agents of foreign principals provided by paragraph (a) and except as provided in this Rule, no Member, officer, or employee of the House of Representatives shall knowingly accept a gift from any other person.

''(c)(1) For the purpose of this clause, the term 'gift' means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. The term includes gifts of services, training, transportation, lodging, and meals, whether provided in kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred.

''(2) A gift to the spouse or dependent of a Member, officer, or employee (or a gift to any other individual based on that individual's relationship with the Member, officer, or employee) shall be considered a gift to the Member, officer, or employee if it is given with the knowledge and acquiescence of the Member, officer, or employee and the Member, officer, or employee has reason to believe the gift was given because of the official position of the Member, officer, or employee.

''(d) The restrictions in paragraph (b) shall not apply to the following:

''(1) Anything for which the Member, officer, or employee pays the market value, or does not use and promptly returns to the donor.

''(2) A contribution, as defined in the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) that is lawfully made under that Act, or attendance at a fundraising event sponsored by a political organization described in section 527(e) of the Internal Revenue Code of 1986.

''(3) Anything provided by an individual on the basis of a personal or family relationship unless the Member, officer, or employee has reason to believe that, under the circumstances, the gift was provided because of the official position of the Member, officer, or employee and not because of the personal or family relationship. The Committee on Standards of Official Conduct shall provide guidance on the applicability of this clause and examples of circumstances under which a gift may be accepted under this exception.

''(4) A contribution or other payment to a legal expense fund established for the benefit of a Member, officer, or employee, that is otherwise lawfully made, if the person making the contribution or payment is identified for the Committee on Standards of Official Conduct.

''(5) Any food or refreshments which the recipient reasonably believes to have a value of less than $20.

''(6) Any gift from another Member, officer, or employee of the Senate or the House of Representatives.

''(7) Food, refreshments, lodging, and other benefits—

''(A) resulting from the outside business or employment activities (or other outside activities that are not connected to the duties of the Member, officer, or employee as an officeholder) of the Member, officer, or employee, or the spouse of the Member, officer, or employee, if such benefits have not been offered or enhanced because of the official position of the Member, officer, or employee and are customarily provided to others in similar circumstances;

''(B) customarily provided by a prospective employer in connection with bona fide employment discussions; or

''(C) provided by a political organization described in section 527(e) of the Internal Revenue Code of 1986 in connection with a fundraising or campaign event sponsored by such an organization.

''(8) Pension and other benefits resulting from continued participation in an employee welfare and benefits plan maintained by a former employer.

''(9) Informational materials that are sent to the office of the Member, officer, or employee in the form of books, articles, periodicals, other written materials, audio tapes, videotapes, or other forms of communication.

''(10) Awards or prizes which are given to competitors in contests or events open to the public, including random drawings.

''(11) Honorary degrees (and associated travel, food, refreshments, and entertainment) and other bona fide, nonmonetary awards presented in recognition of public service (and associated food, refreshments, and entertainment provided in the presentation of such degrees and awards).

''(12) Donations of products from the State that the Member represents that are intended primarily for promotional purposes, such as display or free distribution, and are of minimal value to any individual recipient.

''(13) Food, refreshments, and entertainment provided to a Member or an employee of a Member in the Member's home State, subject to reasonable limitations, to be established by the Committee on Standards of Official Conduct.

''(14) An item of little intrinsic value such as a greeting card, baseball cap, or a T shirt.

''(15) Training (including food and refreshments furnished to all attendees as an integral part of the training) provided to a Member, officer, or employee, if such training is in the interest of the House of Representatives.

''(16) Bequests, inheritances, and other transfers at death.

''(17) Any item, the receipt of which is authorized by the Foreign Gifts and Decorations Act,

the Mutual Educational and Cultural Exchange Act, or any other statute.

"(18) Anything which is paid for by the Federal Government, by a State or local government, or secured by the Government under a Government contract.

"(19) A gift of personal hospitality of an individual, as defined in section 109(14) of the Ethics in Government Act.

"(20) Free attendance at a widely attended event permitted pursuant to paragraph (e).

"(21) Opportunities and benefits which are—

"(A) available to the public or to a class consisting of all Federal employees, whether or not restricted on the basis of geographic consideration;

"(B) offered to members of a group or class in which membership is unrelated to congressional employment;

"(C) offered to members of an organization, such as an employees' association or congressional credit union, in which membership is related to congressional employment and similar opportunities are available to large segments of the public through organizations of similar size;

"(D) offered to any group or class that is not defined in a manner that specifically discriminates among Government employees on the basis of branch of Government or type of responsibility, or on a basis that favors those of higher rank or rate of pay;

"(E) in the form of loans from banks and other financial institutions on terms generally available to the public; or

"(F) in the form of reduced membership or other fees for participation in organization activities offered to all Government employees by professional organizations if the only restrictions on membership relate to professional qualifications.

"(22) A plaque, trophy, or other memento of modest value.

"(23) Anything for which, in exceptional circumstances, a waiver is granted by the Committee on Standards of Official Conduct.

"(e)(1) Except as prohibited by paragraph (a), a Member, officer, or employee may accept an offer of free attendance at a widely attended convention, conference, symposium, forum, panel discussion, dinner, viewing, reception, or similar event, provided by the sponsor of the event, if—

"(A) the Member, officer, or employee participates in the event as a speaker or a panel participant, by presenting information related to Congress or matters before Congress, or by performing a ceremonial function appropriate to the Member's, officer's, or employee's official position; or

"(B) attendance at the event is appropriate to the performance of the official duties or representative function of the Member, officer, or employee.

"(2) A Member, officer, or employee who attends an event described in subparagraph (1) may accept a sponsor's unsolicited offer of free attendance at the event for an accompanying individual if others in attendance will generally be similarly accompanied or if such attendance is appropriate to assist in the representation of the House of Representatives.

"(3) Except as prohibited by paragraph (a), a Member, officer, or employee, or the spouse or dependent thereof, may accept a sponsor's unsolicited offer of free attendance at a charity event, except that reimbursement for transportation and lodging may not be accepted in connection with the event.

"(4) For purposes of this paragraph, the term 'free attendance' may include waiver of all or part of a conference or other fee, the provision of local transportation, or the provision of food, refreshments, entertainment, and instructional materials furnished to all attendees as an integral part of the event. The term does not include entertainment collateral to the event, or food or refreshments taken other than in a group setting with all or substantially all other attendees.

"(f) No Member, officer, or employee may accept a gift the value of which exceeds $250 on the basis of the personal relationship exception in paragraph (d)(3) or the close personal friendship exception in section 106(d) of the Lobbying Disclosure Act of 1994 unless the Committee on Standards of Official Conduct issues a written determination that one of such exceptions applies.

"(g)(1) The Committee on Standards of Official Conduct is authorized to adjust the dollar amount referred to in paragraph (c)(5) on a periodic basis, to the extent necessary to adjust for inflation.

"(2) The Committee on Standards of Official Conduct shall provide guidance setting forth reasonable steps that may be taken by Members, officers, and employees, with a minimum of paperwork and time, to prevent the acceptance of prohibited gifts from lobbyists.

"(3) When it is not practicable to return a tangible item because it is perishable, the item may, at the discretion of the recipient, be given to an appropriate charity or destroyed.

"(h)(1)(A) Except as prohibited by paragraph (a), a reimbursement (including payment in kind) to a Member, officer, or employee for necessary transportation, lodging and related expenses for travel to a meeting, speaking engagement, factfinding trip or similar event in connection with the duties of the Member, officer, or employee as an officeholder shall be deemed to be a reimbursement to the House of Representatives and not a gift prohibited by this paragraph, if the Member, officer, or employee—

"(i) in the case of an employee, receives advance authorization, from the Member or officer under whose direct supervision the employee works, to accept reimbursement, and

"(ii) discloses the expenses reimbursed or to be reimbursed and the authorization to the Clerk of the House of Representatives within 30 days after the travel is completed.

"(B) For purposes of clause (A), events, the activities of which are substantially recreational in nature, shall not be considered to be in connection with the duties of a Member, officer, or employee as an officeholder.

"(2) Each advance authorization to accept reimbursement shall be signed by the Member or officer under whose direct supervision the employee works and shall include—

"(A) the name of the employee;

"(B) the name of the person who will make the reimbursement;

"(C) the time, place, and purpose of the travel; and

"(D) a determination that the travel is in connection with the duties of the employee as an officeholder and would not create the appearance that the employee is using public office for private gain.

"(3) Each disclosure made under subparagraph (1)(A) of expenses reimbursed or to be reimbursed shall be signed by the Member or officer (in the case of travel by that Member or officer) or by the Member or officer under whose direct supervision the employee works (in the case of travel by an employee) and shall include—

"(A) a good faith estimate of total transportation expenses reimbursed or to be reimbursed;

"(B) a good faith estimate of total lodging expenses reimbursed or to be reimbursed;

"(C) a good faith estimate of total meal expenses reimbursed or to be reimbursed;

"(D) a good faith estimate of the total of other expenses reimbursed or to be reimbursed;

"(E) a determination that all such expenses are necessary transportation, lodging, and related expenses as defined in this paragraph; and

"(F) in the case of a reimbursement to a Member or officer, a determination that the travel was in connection with the duties of the Member or officer as an officeholder and would not create the appearance that the Member or officer is using public office for private gain.

"(4) For the purposes of this paragraph, the term 'necessary transportation, lodging, and related expenses'—

"(A) includes reasonable expenses that are necessary for travel—

"(i) for a period not exceeding 4 days including travel time within the United States or 7 days in addition to travel time outside the United States; and

"(ii) within 24 hours before or after participation in an event in the United States or within 48 hours before or after participation in an event outside the United States,

unless approved in advance by the Committee on Standards of Official Conduct;

"(B) is limited to reasonable expenditures for transportation, lodging, conference fees and materials, and food and refreshments, including reimbursement for necessary transportation, whether or not such transportation occurs within the periods described in clause (A);

"(C) does not include expenditures for recreational activities or entertainment other than that provided to all attendees as an integral part of the event; and

"(D) may include travel expenses incurred on behalf of either the spouse or a child of the Member, officer, or employee, subject to a determination signed by the Member or officer (or in the case of an employee, the Member or officer under whose direct supervision the officer or employee works) that the attendance of the spouse or child is appropriate to assist in the representation of the House of Representatives.

"(5) The Clerk of the House of Representatives shall make available to the public all advance authorizations and disclosures of reimbursement filed pursuant to subparagraph (1) as soon as possible after they are received.".

SEC. 203. MISCELLANEOUS PROVISIONS.

(a) AMENDMENTS TO THE ETHICS IN GOVERNMENT ACT.—Section 102(a)(2)(B) of the Ethics in Government Act (5 U.S.C. 102, App. 6) is amended by adding at the end thereof the following: "Reimbursements accepted by a Federal agency pursuant to section 1353 of title 31, United States Code, or deemed accepted by the Senate or the House of Representatives pursuant to Rule XXXV of the Standing Rules of the Senate or clause 4 of Rule XLIII of the Rules of the House of Representatives shall be reported as required by such statute or rule and need not be reported under this section.".

(b) REPEAL OF OBSOLETE PROVISION.—Section 901 of the Ethics Reform Act of 1989 (2 U.S.C. 31–2) is repealed.

(c) SENATE PROVISIONS.—

(1) AUTHORITY OF THE COMMITTEE ON RULES AND ADMINISTRATION.—The Senate Committee on Rules and Administration, on behalf of the Senate, may accept gifts provided they do not involve any duty, burden, or condition, or are not made dependent upon some future performance by the United States. The Committee on Rules and Administration is authorized to promulgate regulations to carry out this section.

(2) FOOD, REFRESHMENTS, AND ENTERTAINMENT.—The rules on acceptance of food, refreshments, and entertainment provided to a Member of the Senate or an employee of such a Member in the Member's home State before the adoption of reasonable limitations by the Committee on Rules and Administration shall be the rules in effect on the day before the effective date of this title.

(d) HOUSE PROVISION.—The rules on acceptance of food, refreshments, and entertainment provided to a Member of the House of Representatives or an employee of such a Member in

the Member's home State before the adoption of reasonable limitations by the Committee on Standards of Official Conduct shall be the rules in effect on the day before the effective date of this title.

SEC. 204. EXERCISE OF CONGRESSIONAL RULEMAKING POWERS.

Sections 201, 202, 203(c), and 203(d) of this title are enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and pursuant to section 7353(b)(1) of title 5, United States Code, and accordingly, they shall be considered as part of the rules of each House, respectively, or of the House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (insofar as they relate to that House) at any time and in the same manner and to the same extent as in the case of any other rule of that House.

SEC. 205. EFFECTIVE DATE.

This title and the amendments made by this title shall take effect on May 31, 1995.

And the House agree to the same.

JOHN BRYAN,
DAN GLICKMAN,
MIKE SYNAR,
Managers on the Part of the House.

JOHN GLENN,
CARL LEVIN,
DANIEL K. AKAKA,
BILL COHEN,
TED STEVENS,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 349), to provide for the disclosure of lobbying activities to influence the Federal Government, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendment struck all of the Senate bill after the enacting clause and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment that is a substitute for the Senate bill and the House amendment. The differences between the Senate bill, the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clerical changes.

The House amendment to the text of S. 349 struck out all of the Senate bill after the enacting clause and inserted a substitute text. The Senate recedes from its disagreement to the amendment of the House with a further amendment which is a substitute for the Senate bill and the House amendment. The differences between the Senate bill, House amendment, and substitute agreed to in conference are noted below, except for clerical corrections, structural changes, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

TITLE I.—LOBBYING DISCLOSURE

Section 101. Short Title.—Section 1 of the Senate bill and the House amendment contain the short title of the bill. Section 101 of the conference amendment would provide that Title I of the bill may be referred to as the "Lobbying Disclosure Act of 1994".

Section 102. Findings.—Section 2 of the Senate bill contains a statement of findings and purpose for the legislation. Section 2 of the House amendment would retain the statement of findings from the Senate bill, but delete the statement of purpose. The conference amendment would adopt the House provision.

Section 103. Definitions.—Section 3 of the Senate bill and the House amendment contain definitions of key terms used in the bill. Section 103 of the conference amendment would resolve the differences between the Senate bill and the House amendment as follows.

Section 103(1): Definition of "Agency".—Section 3(1) of the Senate bill and the House amendment would define the term "agency" to have the meaning given that term in Title 5 of the U.S. Code. The conferees agree to this provision.

Section 103(2): Definition of "Client".—The Senate bill would define the term "client" to mean any person who employs or retains another person for financial or other compensation to conduct lobbying activities on its own behalf. The House amendment contains a similar definition, which differs from the Senate bill in that it would: (1) expressly include entities such as State and local governments in the definition of the term; (2) include a person who pays a lobbyist to conduct lobbying activities on behalf of another person; and (3) provide that, in the case where a coalition or association employs or retains a lobbyist, the client is (a) the coalition or association if the lobbying is conducted on behalf of the membership generally and paid for out of general dues or assessments; and (b) an individual member or members, if the lobbying is financed separately by such member or members.

On the first issue, the conference amendment would expressly include State and local governments in the definition of clients. This would be done through a new definition of the term "person or entity" in section 103(16), which would include State and local governments. This means that when a State or local government employs or retains an outside lobbyist or lobbying firm, the outside lobbyist or lobbying firm would be required to register. Officers or employees of a State or local government who engage in lobbying activities on behalf of that government in their official capacity would remain exempt from coverage under the public official exception in section 103(10(B)(1) of the bill.

On the second issue, the conference amendment would adopt the Senate approach, with a clarifying amendment. As under the Senate bill, a separate provision (section 104(b)(5)) would require registrants to disclose the identity of a third party who pays for lobbying activities on behalf of the client, but such a third party would not be included in the definition of the term "client." Unlike the Senate bill, this disclosure requirement would apply to both in-house lobbyists and lobbying firms.

On the third issue, the conference amendment would adopt the House approach, with an amendment clarifying that the client would be a member or members of a coalition or association if the lobbying is conducted on behalf of and paid for by just a few members. This provision should prevent the use of coalitions or associations as fronts for lobbying that is really conducted on behalf of and paid for by just a few of their members.

Section 103(3): Definition of "Covered Executive Branch Official".—The Senate bill would define the term "covered executive branch official" to include, the President and Vice President; any officer or employee in the Executive Office of the President; any officer or employee serving in an Executive level position or in the Senior Executive Service; any member of the uniformed services as a pay grade of 0–7 or higher; and any Schedule C employee. The House amendment contains a similar definition, which differs from the Senate bill in that it would: (1) include the President-elect and the Vice President-elect in the definition; (2) include "any individual functioning in the capacity of officer or employee or an unpaid basis"; and (3) clarify that the term "covered legislative branch official" would include all Schedule C employees.

The conference amendment would adopt a compromise approach. On the first point the conference amendment would not include the President-elect or the Vice President-elect in the definition.

On the second point, the conference amendment would include in the definition of covered executive branch officials any officer or employee in the Executive Office of the President and any other individual functioning in the capacity of such an officer or employee. This term would include a special government employee and any other individual (including the spouse of an elected official) who is retained, designated, appointed or employed to perform duties like those of an employee without compensation.

On the third point, the conference amendment would adopt a compromise approach. The phrase "position of a confidential, policy-determing, policy-making, or policy-advocating character" includes Schedule C employees. Positions described in section 7511(b)(2) of title 5 include, among others, Schedule C employees. It is the intent of the conferees that all Schedule C employees be included in the definition of "covered executive branch officials".

Section 103(4): Definition of "Covered Legislative Branch Official".—The Senate bill would define the term "covered legislative branch official" to include Members, officers and employees of the House, the Senate, and joint Committees of the House and Senate. The House amendment contains a similar definition, which differed from the Senate bill in that it would include: (1) Members-elect of the Congress; (2) employees of any working group or caucus organized to provide legislative services to Members of Congress; and (3) "any individual funtioning in the capacity of an employee" of Congress on an unpaid basis.

The conference amendment would adopt a compromise approach. On the first point the conference amendment would not include Members-elect in the definition.

On the second point, the conference amendment would adopt the House language covering employees of a working group or caucus. This provision would cover any employee of an official congressional working group or caucus whose salary is paid out of legislative branch funds.

On the third point, the conference amendment would include in the definition of covered legislative branch officials any employee of the Congress and any other individual functioning in the capacity of such an employee. The term would include any individual (including the spouse of an elected official) who is retained, designated, appointed or employed to perform duties like those of an employee with or without compensation.

Section 103(5): Definition of "Director".—The Senate bill and the House amendment would define the term "director" to mean the Director of the Office of Lobbying Registration and Public Disclosure. The conferees agree to this provision.

Section 103(6): Definition of "Employee".—The Senate bill would define the term employee broadly to include any individual who is an officer, employee, partner, director, or proprietor of a person or entity. The definition would expressly exclude independent contractors and other agents who are not regular employees and volunteers who receive no financial compensation. The House amendment differs from the Senate bill in that: (1) it would include persons acting in the capacity of government employees in the definition of the term; and (2) it would not include any reference to "other agents who are not regular employees".

On the first point, the conference amendment would adopt the Senate language. The conferees determined that the House language is unnecessary because persons acting in the capacity of government employees would be specifically included in the definitions of covered legislative branch officials and covered executive branch officials under sections 103(3) and 103(4).

On the second point, the conference amendment would adopt the House language. The conferees concluded that the phrase "agents who are not regular employees" is unnecessary, as such individuals would be covered by the exclusion of independent contractors.

Section 103(7): Definition of "Foreign Entity".—The Senate bill would define a foreign entity in the same terms currently used in the Foreign Agents Registration Act to define the term "foreign principal". The House amendment would directly cross-reference the definition of "foreign principal" in the Foreign Agents Registration Act, without repeating the language of that Act. The conference amendment would adopt the House language.

Section 103(8): Definition of "Grass Roots Lobbying Communications".—The Senate bill refers to grass roots lobbying communications "as defined under section 4911(d)(1)(A) and (d)(3) of the Internal Revenue Code of 1986 and the regulations implementing such provisions", but contains no separate definition of the term. The House amendment would define "grass roots lobbying communications" to include communications that attempt to influence legislation through communications with the general public; communications between organizations and their members with an intent to influence such members to contact public officials on matters of public policy; and communications between organizations and their members with an intent to encourage such members to urge other persons to attempt to influence legislation.

The conference amendment would adopt the House definition of the term "grass roots lobbying communications" with a further amendment to clarify that the definition includes communications intended to influence executive branch officials and executive branch actions in addition to communications intended to influence legislative branch officials and legislative branch actions. Nothing in the conference amendment would require a person or entity to register as a lobbyist because the person or entity engages in grass roots lobbying communications, unless the person or entity also makes one or more lobbying contacts and otherwise qualifies as a "lobbyist".

The term "bona fide member" of an organization, as used in this paragraph, would have the same scope that term is given in the related contexts covered by section 4911 of the Internal Revenue Code (see C.F.R. 56.4911-5(f)) and by the Federal Election Campaign Act (see 11 C.F.R. 114.1(e)). In particular, the term is intended to include any person who: (a) pays dues or makes more than a nominal contribution to the organization; (b) contributes more than a nominal amount of time to the organization; (c) is one of a limited number of "honorary" or "life" members of an organization; or (d) is a member of another organization that is an affiliate of the organization (for example, members of the local chapter of an organization may be considered to be members of the national or international organization of which the local organization is a chapter).

Section 103(9): Definition of "Lobbying Activities".—The Senate bill would define the term "lobbying activities" to mean lobbying contacts and efforts in support of such contacts, including preparation and planning activities, research and other background work that is intended for use in contacts, and coordination with the lobbying activities of others. The Senate bill would expressly include grass roots lobbying communications in the definition of lobbying activities. The House amendment contained a similar definition, which differed from the Senate bill in that it would: (1) clarify that research and other background work is included in the definition of lobbying activities only if intended at the time of its preparation for use in a lobbying contact; (2) provide a specific list of activities which are excluded from the definition of "lobbying contact", but may be lobbying activities, if performed in support of a lobbying contact; and (3) provide that grass roots lobbying communications by churches, their integrated auxiliaries, conventions or associations of churches, and religious orders are exempt from the definition of lobbying activities.

On the first issue, the conference amendment would adopt the House language, clarifying that research and other background work is included in the definition of lobbying activities only if it is intended for use in a lobbying contact at the time of its preparation.

On the second issue, the House amendment would provide a specific list of activities which are excluded from the definition of a "lobbying contact", but would be a lobbying activity, if performed in support of a lobbying contact. It is the intent of the conferees that such communications be considered to be lobbying activities. For this reason, the conference amendment would provide that communications in support of a lobbying contact are included as lobbying activities, even if those communications are of a type expressly excluded from the definition of "lobbying contact". As provided in the House bill, such communications would include the following, if they are made in support of a lobbying contact:

A communication made in a speech, article, publication or other material which is widely distributed to the public or through the media (section 103(10)(b)(iii));

A request for a meeting, a request for the status of an action, and any other similar administrative request (section 103(10)(b)(v));

Congressional testimony (section 103(10)(b)(vii)); and

Information provided in writing in response to a written request for specific information (section 103(10)(b)(viii)).

Other types of communications that are expressly excluded from the definition of lobbying contacts would also be lobbying activities if they are made in support of a lobbying contact. For example, if a person makes a lobbying contact by seeking private relief legislation on behalf of an individual, communications in support of that effort would be considered to be lobbying activities, even if they otherwise would be excluded from the definition of lobbying contacts because they pertain to benefits for an individual.

On the third issue, the conference amendment would adopt the House language with a further amendment clarifying that grass roots lobbying communications of churches are included in the definition of lobbying activities if they are conducted by an outside lobbyist, outside lobbying firm, or other outside firm making grass roots lobbying communications on behalf of a church. The exemption for grass roots lobbying communications is intended to avoid excessive regulatory entanglement in the internal affairs of churches; for this reason, the exemption would extend only to officers and employees of such churches and not to outside lobbyists who may be engaged to represent the interests of churches.

The exemption for grass roots lobbying communications would apply only to churches, their integrated auxiliaries, conventions or associations of churches, and religious orders that are exempt from filing a Federal income tax return under paragraph 2(a)(i) or 2(a)(iii) of section 6033(a) of the Internal Revenue Code of 1986. The conferees intend for "integrated auxiliaries" to include "internally supported church organizations", as more fully described in the Internal Revenue Service's Rev. Proc. 86–23, 1986–1 C.B. 564.

Section 103(10): Definition of "Lobbying Contact".—The Senate bill would define the term "lobbying contact" to mean any oral or written communication with a covered legislative or executive branch official that is made on behalf of a client with regard to matters of public policy. The Senate bill contains sixteen listed exclusions from this definition.

The House amendment contains a similar definition, which differs from the Senate bill in that it would: (1) expressly include in the definition of lobbying contact lobbying on the nomination or confirmation of a person subject to confirmation by the Senate; (2) modify the exclusion for contacts that are disclosed under the Foreign Agents Registration Act; (3) clarify the exclusion for a communication made with regard to judicial proceedings and filings that are specifically required by statute or regulation to be maintained or conducted on a confidential basis; (4) clarify that a contact with regard to private relief legislation is considered to be a lobbying contact; (5) use a different formulation to refer to contacts on routine administrative matters that are exempt from the definition of lobbying contacts; and (6) modify the Senate provision excluding "a formal petition for agency action" from the definition of lobbying contacts, by dropping the word "formal".

On the first point, the conference amendment would adopt the House language expressly including lobbying on nominations and confirmations.

On the second point, the conference amendment would adopt the House language modifying the exclusion for contacts on behalf of foreign governments or political parties that are disclosed under FARA.

On the third point, the conference amendment would also adopt the House language. The conferees do not intend to interfere with the conduct of judicial proceedings or civil or criminal law enforcement matters, or to require the disclosure of communications regarding filings or proceedings that are required by law or regulation to be conducted by the government on a confidential basis. For this reason, the conference amendment would not require disclosure of communications regarding such proceedings, filings, or matters (whether made by an attorney or by anybody else), as long as there is no effort to lobby officials outside the agency responsible for handling the matter. While this exemption would cover many agency proceedings in which private parties are customarily represented by attorneys, it would not cover all such proceedings (only those which are required by law or regulation to be conducted by the government on a confidential basis), nor would it make any distinction between attorneys and non-attorneys.

The conferees intend that the Office of Lobbying Registration and Public Disclosure should develop and include in implementing regulations a list of specific types of filings and proceedings that fall into this category, with specific citation to the statute or regulation that requires confidentiality. In developing this list, the Director should consider the views of the American Bar Association and other interested parties.

On the fourth point, the conference amendment would adopt a compromise approach, providing that a contact with regard to private relief legislation is considered to be a lobbying contact, unless such contact is made to the individual's own elected Members of Congress or employees who work under such Members' direct supervision. For the purpose of this provision, an individual's elected Members of Congress would be the two Senators representing the State and the Member of the House of Representatives representing the congressional district in which the individual resides.

On the fifth point, the conference amendment would exclude from the definition of lobbying contacts requests for meetings, requests for status of an action, or other similar administrative requests, as long as there is no attempt to influence a covered official. The phrase "other similar administrative requests", as used in this paragraph, means routine requests, such as requests for transcripts or hearing records, requests for copies of forms or regulations, requests for a room number or the location of an event, and requests for the time and place of a public meeting.

On the sixth point, the conference amendment would adopt a compromise approach, excluding from the definition of lobbying contacts a petition for agency action that is made in writing and required to be a matter of public record pursuant to established agency procedures. Under this provision, applicable agency procedures must require both that the petition be made in writing and that it be a matter of public record. For the purpose of this provision, a document would be "a matter of public record" if it is maintained in a public docket or other files open to the public. A document would not be "a matter of public record" merely because it may be subject to disclosure under the Freedom of Information Act.

In addition, the House amendment contains two exclusions to the definition of lobbying contact which are not included in the Senate bill:

An exclusion for a contact by a church, its integrated auxiliaries, a convention or association of churches, or a religious order, if the contact constitutes the free exercise of religion or is for the purpose of protecting the right to the free exercise of religion; and

An exclusion for contacts between officials of self-regulatory organizations and the responsible Federal regulatory agency, which would apply to contacts relating to the regulatory responsibilities of the organization.

The conference amendment would adopt the House provisions, with minor modifications to clarify the language of the House amendment. The conferees understand that the two new exclusions adopted from the House bill would apply only to contacts by officers and employees; neither exclusion would apply to contacts that may be made by outside lobbyists or lobbying firms. Outside lobbyists and lobbying firms would be required to register in connection with such contacts in the same manner as they register in connection with contacts that are made on behalf of other clients.

The exclusion for certain communications by a church, its integrated auxiliary, or a convention or association of churches would apply only to such an organization that is exempt from filing a Federal income tax return under paragraph 2(a)(i) of section 6033(a) of the Internal Revenue Code of 1986. The conferees intend for an "integrated auxiliary" to include "internally supported church organizations" as more fully described in the Internal Revenue Service's Rev. Proc. 86–23, 1986–1 C.B. 564. The exclusion for certain communications by a religious order would apply only to a religious order that is exempt from filing a Federal income tax return under paragraph 2(a)(iii) of section 6033(a) of the Internal Revenue Code of 1986.

The self-regulatory organizations covered by the second exemption would be those recognized by the Securities and Exchange Commission. These are the American Stock Exchange, the Boston Stock Exchange, the Chicago Board Options Exchange, the Chicago Stock Exchange, the Pacific Stock Exchange, the Philadelphia Stock Exchange, the National Association of Securities Dealers, the Boston Stock Exchange Clearing Corporation, the Delta Government Options Corporation, the Depository Trust Corporation, the Government Securities Clearing Corporation, the Intermarket Clearing Corporation, the International Securities Clearing Corporation, the MBS Clearing Corporation, the Midwest Clearing Corporation, the Midwest Securities Trust Corporation, the National Securities Clearing Corporation, the Pacific Clearing Corporation, the Pacific Securities Trust Company, the Participants Trust Company, the Philadelphia Depository Trust Company, the Stock Clearing Corporation of Philadelphia, and the Municipal Securities Rulemaking Board.

Under the conference amendment, these organizations would not be required to register in connection with communications made by their employees to officials of the Security and Exchange Commission, with respect to the self-regulatory duties and responsibilities of the organizations. Communications with other agencies or with Congress, and communications with the SEC with regard to other matters, would require registration to the extent that the other provisions of the bill apply.

Section 103(11): Definition of "Lobbying Firm".—The Senate bill would place certain requirements on a registrant that engages in lobbying activities on behalf of a client other than the registrant. The House amendment contains similar requirements. However, neither the Senate bill nor the House amendment would provide a name for such an entity. The conference amendment would clarify the bill by defining such an entity as a "lobbying firm". Under the conference amendment, any entity that has one or more employees who are lobbyists on behalf of a client other than that person or entity would be a lobbying firm. A self-employed individual who is a lobbyist would also be a lobbying firm.

Section 103(12): Definition of "Lobbyist".—The Senate bill would define the term "lobbyist" to mean any individual who is employed or retained by a client for financial or other compensation to perform services that include lobbying contacts, other than an individual whose lobbying activities are only incidental to, and are not a significant part of the services provided by such individual to the client. The Senate report explains that, as a rule of thumb, "any individual whose lobbying activities constitute less than 10% of the services he or she provides to his or her client is engaged only in incidental and insignificant lobbying activities and would not be covered by the bill." The House amendment would expressly exclude any individual whose lobbying activities "constitute less than 10 percent of the time engaged in the services provided by such individual to that client."

The conference amendment would adopt the House language, with a further amendment (in section 120(f)), providing that organizations reporting lobbying expenditures to the Internal Revenue Code under 26 U.S.C. may use the accounting systems set up to comply with IRS regulations to determine whether the 10% threshold has been met. Under this provision, the 10% test would work on a client-by-client basis. The percentage to be used in the test would be the amount of time an individual spends on lobbying activities for a client, as a percentage of the total amount of time the individual spends working for that same client.

The conferees intend that the 10% test, like the other standards in the bill, may be met on the basis of a good faith estimate. However, potential registrants should use the best information available to them in making a determination whether the 10% test is met. For example, individuals who are required to keep time records for tax, billing, or other purposes should rely upon those records in making their estimates.

The conferees note that this definition would cover only lobbying contacts that are "made on behalf of a client". It would not cover lobbying contacts of an individual acting on the individual's own behalf. For this reason, the bill would have no applicability to an employee of an educational institution, such as a faculty member, who tries to influence government decisions by expressing his or her own personal opinions about an issue of public policy. Like any other individual who chooses to express his or her own personal views to government officials, the faculty member would not be included in the definition of the term "lobbyist". The only case in which faculty lobbying would be covered is where the faculty member acts on behalf of the institution—for example, by seeking to obtain increased federal funding or other special treatment for the institution.

Section 103(13): Definition of "Media Organization".—The Senate report states that the term "media organization" was intended to have the same meaning as the term "representative of the news media" in the Administrative Procedure Act. However, the Senate bill does not contain a definition of the term. The House amendment includes such a definition as a subparagraph in the definition of the term "lobbying contract". The conference amendment would adopt the House definition as a free-standing provision.

Section 103(14): Definition of "Member of Congress".—The House amendment includes a definition of the term "Member of Congress" as a subparagraph in the definition of the term "covered legislative branch official". The conference amendment would adopt the House definition as a free-standing provision.

Section 103(15): Definition of "Organization".—The Senate bill would define the term "organization" to mean any corporation (excluding a government corporation), company, foundation, association, labor organization, firm, partnership, society, joint stock company, or group of organizations, excluding Federal, State and local governments. The House amendment contains a similar definition, but would not exclude government corporations or Federal, State and local governments. Neither the Senate bill nor the House amendment contains a definition of the term "person or entity".

The conference amendment would clarify the language of both the Senate bill and the House amendment by including a new definition of the term "person or entity". The term "organization" would be defined as any person or entity other than an individual.

Section 103(16): Definition of "Person or Entity".—Section 103(16) would add a new definition of the term "person or entity". The term person or entity would mean any individual, corporation, company, foundation, association, labor organization, firm, partnership, society, joint stock company, group of organizations, or State or local government. The inclusion of State and local governments in the definition in the term "person or entity" would mean that although public officials acting in their official capacity are exempt from registration as lobbyists, State and local governments may be clients. Consequently, outside lobbyists and lobbying firms representing such entities would be required to register in connection with such representation.

Section 103(17): Definition of "Public Official". The Senate bill would define the term "public official" to mean any elected or appointed official who is a regular employee of a Federal, State or local unit of government (other than a State college or university), an organization of State or local elected officials, an Indian tribe, a national or State political party, or a national, regional or local unit of a foreign government. The House amendment contains a similar definition, which differs from the Senate bill in that it would expressly exclude employees of government-sponsored enterprises and public utilities that provide gas, electricity, water, or communications from the definition of public officials. The term "public official" would also include an elected or appointed official who is a regular employee of a public entity formed by two or more federal, state, or local units of government (other than units of government described in clause (i), (ii), (iii), (iv), or (v) of paragraph (A)).

The conference amendment would adopt the House language, with a further amendment clarifying that employees of state student loan secondary markets and guaranty agencies, like employees of GSE's and public utilities, are excluded from the definition of public officials and would be required to register in connection with their lobbying activities (if they meet the other tests in the bill).

Section 104. Registration of Lobbyists.—Section 4 of the Senate bill and the House amendment contain requirements for the registration of lobbyists. Section 104 of the conference amendment would resolve the differences between the Senate bill and the House amendment as follows.

Section 104(a): Requirement to Register.—Section 4(a) of the Senate bill would require lobbyists to register within 30 days after making a lobbying contact or agreeing to make a lobbying contact. (A separate provision of the Senate bill, section 4(c)(2), would require organizations employing lobbyists to register on behalf of the lobbyists that they employ). This section would exclude from the registration requirement any organization whose total lobbying expenses did not exceed $1,000 in a semi-annual period on behalf of a particular client, or $5,000 in a semi-annual period on behalf of all clients, and would provide for inflation adjustments to be made to these dollar amounts every five years.

Section 4(a) of the House amendment contains a similar registration requirement, which differs from the Senate bill, in that it would—(1) move the requirement for organizations to register on behalf of all of their employees who are lobbyists to section 4(a)(2); (2) set the threshold for registration at $2,500 in a semi-annual period; and (3) require inflation adjustments to be made every four years, instead of every five years, as in the Senate bill.

On the first issue, the conference amendment would adopt the House approach, with a clarifying amendment. Under the conference amendment, any organization having one or more employees who are lobbyists must file a single registration for each client, covering all lobbying contacts made by the registrant and its employees on behalf of the client. The conferees believe that the bill is clarified by placing the requirement that organizations register on behalf of all of their individual employees who are lobbyists in the registration paragraph itself.

On the second issue, the conference amendment would take the Senate approach, with the threshold set at $5,000 for organizations that lobby on their own behalf and at $2,500 per client for lobbying firms. As in both the Senate bill and the House amendment, these dollar thresholds would apply to the lobbying income or expenditures (as applicable) or an entire organization—not to the income or expenditures of an individual lobbyist for the organization.

On the third issue, the conference amendment would provide for inflation adjustments to be made every four years and rounded to the nearest $500.

Section 104(b): Contents of Registration.—Section 4(b) of the Senate bill would require that each registration include:

The name, address, and principal place of business of the registrant and the client;

The name, address, and principal place of business of any organization which is similar to a client, in that it—(a) contributes more than $5,000 toward the lobbying activities; (b) significantly participates in the planning, supervision or control of such lobbying activities; and (c) has a direct financial interest in the outcome of the lobbying activities;

The name, address, and principal place of business of any foreign entity that has an interest in the outcome of the lobbying activity;

A statement of the general issue areas in which the registrant expects to engage in lobbying activities; and

The name of each employee whom the registrant expects to act as a lobbyist on behalf of the client (and any covered legislative branch or covered executive branch position in which any such lobbyist has served in the previous two years).

The House amendment contains similar requirements for the contents of a registration, but differs from the Senate bill in that: (1) the requirement to identify organizations that are similar to clients would be modified to (a) include organizations that have agreed to contribute to the lobbying activities, but have not yet done so; and (b) delete the requirement that the organization have a direct financial interest in the outcome of the lobbying activities; (2) a new requirement would be added to disclose the dollar amount of any contribution in excess of $5,000 to the lobbying activities of the registrant by a foreign entity; and (3) a new requirement would be added to disclose the name, address, and principal place of business of any outside firm retained by the registrant to conduct grass roots lobbying activities.

On the first issue, the conference amendment would strike a compromise between the Senate bill and the House amendment. Under the conference amendment, as under the Senate bill, only organizations that have actually contributed to lobbying activities (and not those that have merely agreed to do so) would be disclosed. As in the case of disclosure of lobbying income and expenses (see page 22 of the Senate report), this language would give the Director flexibility to determine whether a contribution is made at the time an obligation is incurred (rather than the time a payment is made), to the extent necessary to preclude evasion.

Like the House amendment, the conference amendment would drop the requirement that the organization have a direct financial interest in the outcome of the lobbying activities. This change would place coalitions and associations of non-profit entities (which are unlikely to have a direct financial stake in the outcome of their lobbying activities) on the same footing as coalitions and associations of for-profit entities (which are more likely to have such a stake).

In many situations, organizational members of a trade association, a labor federation, or another multi-tiered membership organization may be represented on the organization's governing board. So long as the board consists of a large number of members, none of whom has a disproportionate vote in the decisions of the board, such representation, standing alone, would not be enough to bring the constituent organization within the "significant participation" test in paragraph (3)(B).

On the second issue, the conference amendment would adopt the House approach. For the purpose of disclosing contributions in excess of $5,000 under this section, a contribution by a foreign entity to a client that is not specifically earmarked or designated for the lobbying activities of the registrant should be allocated in a reasonable manner to the lobbying and non-lobbying activities of the client. The IRS regulations on allocation of costs to lobbying activities for the purposes of section 162(e) of the Internal Revenue Code (26 C.F.R. 1.162–28) provide useful guidance as to how such allocations may be made. A person or entity that is required to make such an allocation for IRS purposes may reasonably allocate contributions from foreign entities in the same manner and the same percentages for the purposes of this requirement.

The conference amendment would also modify the paragraph on disclosure of foreign entities to require the disclosure of any foreign entity that directly or indirectly, in whole or in major part plans, supervises, controls, directs, finances, or subsidizes the activities of the client or any organization identified under paragraph (3). For the purposes of this paragraph, any foreign entity that provides more than 20% of the funding of a client would be considered to have financed or subsidized the activities of the client in whole or in major part for the purposes of this paragraph.

On the third issue, the conference amendment would adopt the House language. This provision would require the disclosure of any outside firm that is retained by a registrant to conduct grass roots lobbying activities.

Section 104(c): Guidelines for Registration.—Section 4(c) of the Senate bill contains (a) a rule on multiple clients, which would require that a registrant representing more than one client register separately in connection with each client represented and (b) a rule on multiple lobbyists, which would require that each organization having one or more employees who are lobbyists file a single registration on behalf of all such employees. The House amendment contains similar provisions and adds a rule on multiple contacts, which provides that a registrant whose employees make multiple lobbying contacts on behalf of the same client would be required to file a single registration in connection with such contacts.

The conference amendment would delete from section 104(c) the rule on multiple lobbyists, as a similar provision is included in section 104(a) of the conference amendment. The conference amendment would adopt the House provision on multiple lobbying contacts, with a further amendment clarifying the language of the provision.

Section 104(d): Termination of Registration.—The Senate bill contains no provision for the termination of a registration. The House bill contains a provision, section 4(d), which would require registrants that do not anticipate engaging in additional lobbying activities to notify the Office of Lobbying Registration and Public Disclosure that they have terminated their lobbying activities. The conference amendment would authorize (but not require) a registrant to terminate its registration by notifying the Office, if the registrant is no longer employed or retained by the client to conduct lobbying activities and does not anticipate any additional lobbying activities for the client in the future.

Section 105. Reports by Registered Lobbyists.—Section 5 of the Senate bill and the House amendment provide for reports by registered lobbyists. Section 105 of the conference amendment would resolve the differences between the Senate bill and the House amendment as follows.

Section 105(a): Reporting Requirement.—Section 5(a) of the Senate bill would require registrants to file semi-annual reports on their lobbying activities in January and July of each year in which they are registered. A separate provision in section 105(c)(3) would exempt from this requirement any registrant whose total lobbying expenses do not exceed $1,000 in a semi-annual period on behalf of a particular client, or $5,000 in a semi-annual period on behalf of all clients. The House amendment contains a similar provision, which differs from the Senate bill, in that the House amendment would: (1) expressly provide for a separate report to be filed for each client of the registrant; and (2) set the threshold for reporting at $2,500 per client.

On the first issue, the conference amendment would adopt the House language requiring a separate report for each client of the registrant. The conferees understand that there may be some cases in which several members of a coalition or association jointly sponsor a single lobbying effort. In this case, the client, as defined in section 103(2) of the bill, would be those members, collectively. Because section 103(2) uses the singular "client" to refer to these members, only a single report (naming as the client those members of the coalition or association on whose behalf the lobbying is conducted) would be required.

On the second issue, the conference amendment would take the Senate approach, with the threshold set at $5,000 for registrants that lobby on their own behalf and at $2,500 per client for lobbying firms.

Section 105(b): Contents of Reports.—Section 5(b) of the Senate bill would require that each lobbying report contain—

The name of the registrant, the name of the client, and any changes or updates to the information provided in the initial registration;

For each general issue area in which the registrant engaged in lobbying activities: (a) a list of specific issues on which the registrant engaged in significant lobbying activities; (b) a statement of the Houses and committees of Congress and the Federal agencies contacted by the registrant's lobbyists; (c) a list of the employees of the registrant who acted as lobbyists during the period; and (d) a description of the interest, if any, of any foreign affiliate or contributor in each of the specific issues on which the registrant lobbied;

In the case of a lobbying firm, a good faith estimate, by category of dollar value, of all income from the client, other than income for matters that are clearly unrelated to lobbying activities;

In the case of in-house lobbying, a good faith estimate, by category of dollar value, of all expenses incurred by the registrant and its employees in connection with lobbying activities; and

In the case of a lobbying firm, the name, address and principle place of business of any person other than the client who paid the registrant to lobby on behalf of the client.

Section 5(b) of the House amendment contains similar reporting requirements, which differ from the Senate bill, in that the House amendment would: (1) require a list of all specific issues upon which the registrant engaged in lobbying activities; (2) require the identification of the specific issues on which an outside firm retained by the registrant engaged in grass roots lobbying communications on behalf of the client; (3) require a separate good faith estimate, by category of dollar value, of the total expenses that the registrant and its employees incurred in connection with grass roots lobbying communications (including any amounts paid to an outside firm retained to make such communications); and (4) delete the requirement in the Senate bill to identify any person other than the client who paid for the lobbying activities (while adding such persons to the definition of "client").

On the first issue, the conference amendment would strike a compromise between the Senate bill and the House amendment. The conference amendment, like the House amendment, would require a listing of all specific issues that were the subject of lobbying activities; unlike the House amendment, however, the conference amendment would limit this list to issues on which lobbyists employed by the registrant engaged in lobbying activities. Under this compromise approach, lobbyists would be required to identify all of the issues on which they lobbied, but registrants would not be required to list the issues on which employees other than lobbyists may have engaged in incidental lobbying activities.

On the second and third issues, the conference amendment would adopt the House language, requiring the disclosure of grass roots lobbying issues and expenses.

On the fourth issue, the conference amendment would adopt the Senate language with a clarifying amendment. Under the conference amendment, all registrants (regardless whether they are lobbying firms or use in-house lobbyists) would be required to identify any person other than the client who paid the registrant to lobby on behalf of the client.

Section 105(c): Estimates of Income or Expenses.—Section 5(d) of the Senate bill would establish the categories of dollar value for estimates of income or expenses; authorize registrants that are required to report lobbying expenses to the Internal Revenue Service under section 6033 of the Internal Revenue Code to report the same amounts to the Office of Lobbying Registration and Public Disclosure; and provide that estimates of lobbying income or expenses need not include the value of volunteer services or expenses provided by independent contractors who are separately registered and separately report such income. Section 5(c) of the House bill contains similar provisions, with minor clarifying changes. The conference amendment would adopt the language of the House amendment, with a further amendment to clarify the treatment of registrants that report lobbying expenses to the IRS under section 6033 and minor modifications to the categories of dollar value to be used for estimates of income or expenses.

As explained in the Senate report (pp. 33-34), the purpose of disclosing lobbying expenditures is to establish the scope of a lobbying effort. For this reason, as long as a registrant has a reasonable estimating system in place and complies in good faith with that system, the requirements of this provision would be met.

For example, an organization could make a good faith estimate of the total expenses that the organization and its employees incurred in connection with lobbying activities during a filing period if: (1) the organization has its professional employees make a regular periodic estimate of the percentage of time the employee spends on lobbying activities and uses that percentage to compute both its salary costs and general overhead costs (e.g., rent, utilities, salaries of nonprofessional support staff, etc.) assignable to lobbying activities; and then (2) adds to that figure an estimate of the direct costs attributable to lobbying activities (i.e., third-party reimbursements for media, printing, postage, expense reimbursements and other costs directly associated with the organization's lobbying activities). In other words, where an organization follows such a system and where the professional staff's estimates are done carefully and in good faith, the only major obligation imposed by this reporting requirement will be the preparation of those estimates.

Similarly, an organization could make a "good faith estimate" of the total expenses that the organization and its employees incurred in connection with grassroots lobbying communications if (1) the organization has its professional employees make a regular periodic estimate of the percentage of time the employee spends on grassroots lobbying communications and uses that percentage to compute both its salary costs and the general overhead costs assignable to such activity; and (2) then adds to that figure an estimate of the direct costs attributable to grassroots lobbying communications (e.g., third-party payments for media, printing, mailings, postage and other costs directly associated with grassroots lobbying communications).

Some concern has been expressed about over-reporting being considered a violation of the Lobbying Disclosure Act. The conferees agree that unintentional over-reporting, resulting from a good faith effort to report all lobbying contacts and expenses related to lobbying activities, should not be considered a violation of the Act.

Section 105(d): Contacts.—Section 5(e) of the Senate bill would provide that any contact with a member or employee of a Congressional Committee regarding a matter within the jurisdiction of the Committee is considered a contact with the Committee. Section 5(d) of the House bill contains similar language, with additional provisions which would define contacts with a House of Congress and contacts with federal agencies.

The conference amendment would adopt the language of the House amendment with a further amendment clarifying that a contact with a covered executive branch official who has been detailed to another Federal agency or to the Congress is considered to be a contact with the federal agency, committee of Congress, or House of Congress to which the official has been detailed and not a contact with the home agency of the official. An executive branch official who is detailed to the Congress, but is not a covered executive branch official would be included in the definition of the term covered legislative branch employee (because he or she functions in the capacity of an employee of the Congress). A contact with the person would be a contact with the committee or House of Congress to which the individual has been detailed.

The language in the conference amendment would pertain to details of executive branch employees under sections 3341 through 3349 of Title 5; section 112 of Title 3; section 202(f) of the Legislative Reorganization Act of 1946; section 81a of Title 2; and other statutes or rules that authorize details from one agency or branch to another agency or branch of the federal government.

Section 106. Prohibition of Gifts by Lobbyists, Lobbying Firms, and Agents of Foreign Principals.—Section 5(c) of the Senate bill would require lobbyists to disclose certain gifts to covered legislative branch officials. Section 6 of the House amendment would prohibit most gifts from lobbyists and their clients to covered legislative branch officials and require the disclosure of other gifts. In addition, a separate bill passed by the Senate, S. 1935, would prohibit members of Congress and congressional staff from accepting most gifts from lobbyists or from any other sources.

The conference amendment would adopt a compromise approach to these proposals. Section 106 of the conference amendment would prohibit virtually all gifts from lobbyists to covered legislative branch officials. A separate title of the bill would amend the Standing Rules of the Senate and the Rules of the House of Representatives to address gifts from all sources.

Under section 106 of the conference amendment, registered lobbyists, lobbying firms, and foreign agents would be prohibited from providing any gift, directly or indirectly, to a covered legislative branch official, with certain narrow exceptions.

A gift to a spouse or dependent of a covered legislative branch official (or a gift to any other individual based on that individual's relationship with the covered legislative branch official), would be considered a gift to the covered legislative branch official if it is given, with the knowledge and acquiescence of the official, because of the official position of the recipient. A gift (such as a wedding gift) with is given jointly to both a covered legislative branch official and the spouse of that covered legislative branch official and that would not be appropriate under the circumstances to give to only one of the two recipients by an individual who has a family relationship or close personal friendship with only one of the two recipients would be considered a gift to the recipient who has the relationship with the donor. Such a gift may be accepted under the family relationship or close personal friendship exception if the gift otherwise meets the requirements of that provision.

This section also would prohibit—

Anything provided by a registered lobbyist or a foreign agent which is paid for, charged to, or reimbursed by a client or firm of the lobbyist or foreign agent;

Anything provided by a registered lobbyist, firm, or foreign agent to an entity that is maintained or controlled by a covered legislative branch official;

A charitable contribution made by a registered lobbyists, lobbying firm, or foreign agent on the basis of a designation, recommendation, or other specification by a covered legislative branch official;

A contribution or other payment by a registered lobbyist, lobbying firm, or foreign agent too a legal expense fund established for the benefit of a covered legislative branch official or a covered executive branch official; and

A charitable contribution made by a registered lobbyist, lobbying firm, or foreign agent in lieu of an honorarium to a covered legislative branch official.

A contribution or expenditure by a registered lobbyist, lobbying firm, or foreign agent relating to a congressional conference, retreat, or similar event.

The following exceptions would apply: Anything for which the recipient pays the market value or does not use and promptly returns, any lawful campaign contribution or attendance at a political fundraising event; food or refreshment of nominal value offered other than as part of a meal; benefits resulting from outside business, employment or other activities of the spouse of the covered legislative branch official; pension and other benefits resulting from former employment; and informational materials that are sent to the office of a covered legislative branch official.

Finally, a gift from an individual would be permitted under circumstances which make it clear that the gift is given for a nonbusiness purpose and is motivated by a family relationship or close personal friendship and not by the covered legislative branch official. The conference amendment would establish narrow limits on the circumstances under which gifts of this type would be permitted.

Section 107. The Office of Lobbying Registration and Public Disclosure.—Section 6 of the Senate bill and section 7 of the House amendment would establish a new Office of Lobbying Registration and Public Disclosure and set forth the duties of the Office. Section 107 of the conference amendment would resolve the differences between the Senate bill and the House amendment as follows.

Section 107(a): Establishment.—Section 6(a) of the Senate bill would establish an Office of Lobbying Registration and Public Disclosure in the Department of Justice, to be headed by a Director. Section 7(a) of the House amendment contains a similar provision, which differs from the Senate bill, in that it would: (1) provide for the Office of Lobbying Registration and Public Disclosure to be an independent agency in the executive branch, rather than an office within the Justice Department; (2) provide a fixed, five-year term for the Director; and (3) authorize the Director to appoint officers and employees and to contract with the General Services Administration and other Federal agencies for financial and administrative services.

On the first point, the conference amendment would adopt the House approach and provides for the Office of Lobbying Registration and Public Disclosure to be an independent agency in the executive branch. Congressional oversight of this office would be assured by limiting the authorization of appropriations to five years (as provided in section 118 of the bill).

On the second point the conference amendment would provide a fixed, five-year term for the Director.

On the third point, the conference amendment would adopt the House provision and would: (a) provide additional administrative powers for the Director; and (b) require other agencies to cooperate with the Director by supplying needed personnel and services (subject to reimbursement).

Section 107(b): Duties.—Section 6(b) of the Senate bill would establish the duties of the Director of the Office of Lobbying Registration and Public Disclosure. Section 7(b) of the House amendment contains a similar provision, which differs from the Senate bill in that it would: (1) provide for the payment of reasonable copying fees for registrations and reports made available to the public; (2) require that copies and electronic records of registrations be retained in perpetuity; (3) require that copies of reports be retained for 3 years instead of 2; and (4) require the Director, upon request, to determine whether an individual is a covered executive branch official or a covered legislative branch official.

On the first issue, the conference amendment would adopt the language of the House amendment.

On the second issue, the conference amendment would provide that copies of registrations be retained for at least three years after the termination of a registration and that electronic records of registrations be retained for at least five years after the termination of a registration.

On the third issue, the conference amendment would adopt the language of the House amendment.

On the fourth issue, the conference amendment would adopt a compromise approach, under which an individual who is contacted by a lobbyist (or the office employing such individual), rather than the Director, would be required to state whether the individual is a covered official. This requirement would be placed in section 119(c) of the conference amendment.

The conference amendment would also require the Director to study the definition of the term "public official" and make recommendations for any changes to this definition which might be necessary to ensure appropriate disclosure of lobbying activities and equitable treatment of public and quasi-public entities. The Director's recommendations would be included in the first annual report required by the bill.

Section 108. Initial Procedure for Alleged Violations.—Section 7 of the Senate bill and section 8 of the House amendment contain the initial procedures for resolution of alleged violations. Section 108 of the conference amendment would resolve the differences between the Senate bill and the House amendment as follows.

Section 108(a): Allegation of a Violation.—Under section 7(a) of the Senate bill and section 8(a) of the House amendment, whenever the Director has reason to believe that a person may be in violation of the Act, the Director is required to notify the person and provide the person an opportunity to respond in writing to the allegation. The conferees agree to this provision.

Section 108(b): Initial Determination.—Section 7(b) of the Senate bill would provide that, upon receipt of a response to a notification under section (7), the Director would: (a) take no further action, if it appeared unlikely that the Act had been violated; (b) provide an automatic reduction of penalty for a major violation (and no penalty at all, for a minor violation) if the violation was admitted and corrected; and (c) make a formal request for information if the information or explanation provided indicated that the person might be in violation of the Act.

Section 8(b) of the House amendment differs from the Senate bill in that it: (1) would authorize the Director to avoid further proceedings only if the information or explanation provided was adequate to issue a written determination that the person had not violated the Act (and not if it merely appeared that a violation was unlikely); (2) would not provide for any reduction in penalty if a violation was admitted and corrected; and (3) would authorize the Director to either request additional information or proceed directly to a hearing, if the information or explanation provided indicated that the person may be in violation of the Act.

On the first issue, the conference amendment would adopt the language of the House amendment. On the second issue, the conference amendment would drop the requirement for an automatic reduction in penalty if a violation is admitted or corrected, but would provide (in section 108(e)(1)) that whether or not a violation is voluntarily admitted and corrected is a factor to be considered by the Director in determining the amount of a penalty under the Act. On the third issue, the conference amendment would adopt the language of the House amendment, with minor clarifying changes.

Section 108(c): Formal Request for Information.—Section 7(c) of the Senate bill would provide for the Director to make formal requests for specific "documentary information" that is reasonably necessary to make a determination whether a person has violated the Act. Section 8(c) of the House amendment contains a similar provision, which differs from the Senate bill, in that it would authorize requests for specific "written information". The conference amendment would adopt the language of the House amendment, authorizing requests for written information. The conferees understand that the term "written information" is broader than the term "documentary information" and may include interrogatories calling for an answer in writing, in addition to requests for documents.

Section 109. Determinations of Violations.—Section 8 of the Senate bill and section 9 of the House bill would establish procedures for hearings and determination of violations. Section 109 of the conference amendment would resolve the differences between the Senate bill and the House amendment as follows.

Section 109(a): Notification and Hearing.—Section 8(a) of the Senate bill would provide for notification and hearing in cases in which the Director finds that the Act may have been violated. This subsection would provide for an informal hearing in the case of a minor violation and a full hearing under the Administrative Procedure Act in the case of a significant violation. Section 9(a) of the House amendment contains a similar provision, but would provide for a full APA hearing for either a minor violation or a significant violation. The conference amendment would adopt the language of the House amendment.

Section 109(b): Determinations.—Section 8(b) of the Senate bill and section 9(b) of the House amendment would provide for determinations by the Director in substantially similar terms. The conferees agree to this provision.

Section 109(c): Written Decision.—Section 8(c) of the Senate bill and section 9(c) of the House amendment would provide for the issuance of written decisions by the Director in substantially similar terms. The conferees agree to this provision.

Section 109(d): Civil Injunctive Relief.—Section 8(d) of the Senate bill and section 9(d) of the House amendment would provide for referral to the Attorney General to seek civil injunctive relief in substantially similar terms. The conferees agree to this provision.

Section 109(e): Penalty Assessments.—Section 8(e) of the Senate bill would provide guidelines for penalty assessments and would define major violations as knowing failure to register and other knowing violations that are extensive or repeated. Section 9(e) of the House amendment contains similar language, but differs from the Senate bill in that it would: (1) delete a provision of the Senate bill, which prohibited the Director from assessing a penalty in an amount greater than that recommended by an Administrative Law Judge; and (2) extend the definition of major violations to include actions which a person "should have known" violated the Act.

On the first point, the conference amendment would adopt the language of the House amendment. On the second point, the conference amendment would adopt a compromise approach. Under this approach, a person may be penalized for a minor violation if he or she "knew or should have known" that he or she was in violation of the Act. A person may be penalized for a major violation only if he or she fails to register or commits another violation that is extensive or repeated and: (a) had actual knowledge that the conduct constituted a violation; (b) acted in deliberate ignorance of the provisions of the Act or implementing regulations; or (c) acted in reckless disregard of the Act or implementing regulations.

In addition, the conference amendment would require the Director, in determining the amount of a penalty to be assessed, to consider: (a) whether a violation was voluntarily admitted and corrected; (b) the extent to which the person or entity may have profited from the violation; (c) the ability of the penalized person or entity to pay; and (d) such other matters as justice may require.

Section 9 of the Senate bill and section 10 of the House amendment contain provisions regarding penalties for late registration or filing and failure to provide information. The conference amendment would add these provisions to section 109 of the bill, addressing determinations of violations generally.

Under the conference amendment, as under the House and Senate bills, a $200 penalty would be assessed for each week by which a filing is late. For the purpose of this provision, the term "each week" would include a portion of a week. If the Director determines, however, that a late filing was extensive or repeated and that the person committing the violation acted with actual knowledge, deliberate ignorance, or reckless disregard of the relevant law, a larger penalty would be assessed under the paragraph providing penalties for major violations. For example, a late filing would be penalized as a major violation if it were a part of a deliberate pattern of late filings with intent to evade the disclosure requirements of the Act.

Section 110: Disclosure of Information.—Section 7(d) of the Senate bill would prohibit the Director from disclosing information obtained in the dispute resolution process to the public, or outside the Office of Lobbying Registration and Public Disclosure, without the consent of the person providing the information, with specific exceptions. Section 8(d) of the House amendment contains a similar provision, which differs from the Senate bill in that it would not limit the disclosure of information to other federal officials. In addition, the House bill contains several provisions that would address the publication of written decisions by the Director.

Section 110 of the conference amendment would consolidate these provisions in a new section. Under section 110, the Director would make information provided to the Director in the dispute resolution process available to the public only through a report or registration filed by the registrant, or in a written decision issued by the Director. This section would provide that all written decisions shall be available to the public, and any decision may be published if the Director determines that publication would provide useful guidance.

Information that would identify a person or entity would be deleted from a written decision before the decision is made public, under circumstances described in the provision. A person who is a party to the proceeding and is not found to have violated the Act may have identifying information deleted, upon request. Information that would identify a person who is not a party to the proceeding must be deleted if the Director determines that such person or entity could reasonably be expected to be injured by the disclosure of such information. No request for redaction by a non-party would be required, as a person who is not a party to the proceeding may not be aware of the proceeding or in a position to make such a request.

The conferees intend that if the Director finds that there has been a violation of Section 106 and has reason to believe that a covered legislative branch official may have knowingly participated in such violation, the Director shall refer the matter to the Senate Select Committee on Ethics or the House Committee on Standards of Official Conduct, as appropriate.

Section 111. Judicial Review.—Section 10 of the Senate bill and section 11 of the House amendment would provide in substantially similar terms for judicial review of written decisions of the Director. The Senate bill would provide that any person who prevails on the merits would be entitled to recover attorneys' fees from the United States; the House amendment contained no such provision. The conference amendment would not include the attorneys' fees provision. The conferees note that such fees may be available, in appropriate cases, in accordance with the terms of the Equal Access to Justice Act.

Section 112. Rules of Construction.—Section 11 of the Senate bill contains two rules of construction, which would provide that nothing in the Act may be construed to prohibit lobbying activities or to grant general audit or investigative authority to the Director. Section 12 of the House amendment contains a similar provision, but adds a third rule of construction, which would state that nothing in the Act may be construed to interfere with the exercise of rights protected by the First Amendment to the Constitution. The conference amendment would adopt all three rules of construction, including the third rule added by the House amendment. The conferees note that the authorities granted to the Director under sections 7, 8 and 9 of the Act do not include general audit or investigative authority.

Section 113. Amendments to the Foreign Agents Registration Act.—The Senate bill would amend the Foreign Agents Registration Act (FARA) to limit the definition of the term "foreign principal" to the government of a foreign country or a foreign political party. The bill would provide for disclosure of lobbying by representatives of foreign corporations, organizations and individuals under the Lobbying Disclosure Act, rather than FARA.

The House amendment would retain the current definition of "foreign principal" in FARA, including foreign corporations, organizations and individuals as well as foreign governments and political parties. The House amendment would add a new provision to FARA, exempting from registration any person who is required to register and does register under the Lobbying Disclosure Act. Lobbying contacts for foreign corporations, organizations and individuals would trigger a requirement to register under the Lobbying Disclosure Act, but lobbying contacts for foreign governments and political parties would not. Contacts on behalf of foreign governments and political parties would continue to be disclosed under FARA.

The conference amendment would adopt the language of the House amendment. The result is that, while lobbyists for foreign corporations, organizations and individuals would generally be required to register under the Lobbying Disclosure Act (and not under FARA), any representative of a foreign corporation, organization or individual who is not required to register as a lobbyist (such as a representative of a foreign corporation which engages only in public relations activities and does no lobbying in the United States), or fails to do so, would still be required to register under FARA. The conferees note that FARA does not and would not apply to an organization whose activities are entirely supervised, directed, controlled, financed and subsidized by citizens of the United States, even if the agenda of such an organization includes issues affecting the foreign policy of the United States.

Section 114. Amendments to the Byrd Amendment.—Section 13 of the Senate bill and section 14 of the House amendment would amend the so-called Byrd amendment to eliminate separate lobbying disclosure provisions and harmonize that provision with the requirements of the Lobbying Disclosure Act. The conferees agree to this provision.

Section 115. Repeal of Certain Lobbying Provisions.—Section 14 of the Senate bill would repeal certain obsolete and redundant lobbying disclosure provisions. Section 15 of the House amendment contains similar repealers, but would not repeal the lobbying registration requirement in the Public Utility Holding Company Act of 1935 (PUHCA).

The conferees have been assured that the Securities and Exchange Commission and the relevant Committees of jurisdiction intend to review the PUCHA registration requirement and will seek its repeal if the provision is no longer needed. On this basis, the conference amendment would adopt the House approach and leave the repeal of the PUCHA registration requirement to consideration by the appropriate committees.

Section 116. Conforming Amendments to Other Statutes.—Section 15 of the Senate bill contains conforming amendments to other statutes. Section 16 of the House amendment contains similar conforming amendments and would also amend section 201(c)(1) of Title 18 to address the relationship between the criminal gratuity statute and the congressional gift rules. The conference amendment would not amend section 201 because the conferees determined that such an amendment was unnecessary. In fact, a federal district court specifically determined that the Ethics Reform Act of 1989 "was enacted to limit the liability of public officials under the gratuities statute by permitting the ethics offices in each branch of government to establish rules for the acceptance of gifts. *See* 827 F. Supp. 1153, 1173 (1993). Title II of the conference amendment would establish such rules.

Section 117. Severability.—Section 16 of the Senate bill and section 17 of the House amendment would provide that if any provision of the Act is found to be unconstitutional, such provision would be treated as severable and the remainder of the Act would remain in effect. The conferees agree to this provision.

Section 118. Authorization of Appropriations.—Section 17 of the Senate bill and section 18 of the House amendment would authorize appropriations. Section 118 of the conference amendment would authorize appropriations for a period of five years, to ensure effective congressional oversight of the Office of Lobbying Registration and Public Disclosure.

Section 119. Identification of Clients and Covered Officials.—Section 19 of the Senate bill would require any person who makes a lobbying contact to identify, on request of the individual contacted, the client on whose behalf the contact is made. Section 20 of the House amendment would require any person who makes a lobbying contact on behalf of a foreign client to identify, on request of the individual contacted, the client on whose behalf the contact is made and to confirm the information provided in writing. The House provision would also require all written lobbying contacts on behalf of foreign clients to identify the client on whose behalf the contact is made, and would provide a definition of the term "foreign client".

The conference amendment would adopt a compromise approach. Under the conference amendment, any person who makes an oral lobbying contact would be required, on request of the individual contacted, to identify the client on whose behalf the contact is made, state whether the client is a foreign entity, and identify any foreign entity subject to disclosure under the registration provisions of the bill which has a direct interest in the outcome of the lobbying activity. A lobbyist who make a written lobbying contact would be required to identify any foreign entity that is a client or an entity subject to disclosure under the registration provisions of the bill that has a direct interest in the outcome of the lobbying activity.

In addition, section 119 of the conference amendment would require an individual who is contacted by a lobbyist (or the office employing such individual) to state whether or not the individual contacted is a covered executive branch official or a covered legislative branch official.

Section 120. Transitional Filing Requirement.—Section 19 of the Senate bill section 20 of the House amendment contain a transitional filing requirement, to apply until such time as the Office of Lobbying Registration and Public Disclosure is able to make computer transmittal of registrations and reports to the Senate and the House of Representatives. The conferees agree to this provision.

Government-Sponsored Enterprises—Report to Congress. Section 20 of the Senate bill would require government-sponsored enterprises to file special annual reports with the Congress on their lobbying activities. The House amendment contains no parallel provision. The conference amendment would not include the Senate provision. Under the conference amendment, lobbying for government-sponsored enterprises would be reported in the same manner, and to the same extent, as lobbying for other entities.

Section 121. Effective Dates and Interim Rule.—Section 23 of the Senate bill would provide effective dates for the Act and implementing regulations. Section 20 of the House amendment contains similar language on effective dates and would add a new interim reporting rule for organizations that are required to track their lobbying expenditures under the new provision in the Internal Revenue Code addressing the non-deductibility of lobbying expenses. Section 121 of the conference amendment would address the differences between the Senate bill and the House amendment as follows:

Subsection 121(a): In General.—Section 121(a) of the conference amendment would provide that the Lobbying Disclosure Act (Title I of the bill) and the amendments made by the Lobbying Disclosure Act shall take effect on January 1, 1996.

Subsection 121(b): Interim Gift Prohibition.—Section 121(b) of the conference amendment would provide that section 106 of the bill, prohibiting gifts from registered lobbyists, lobbying firms and foreign agents to covered legislative branch officials, would take effect on January 3, 1995. During calendar year 1995, before the effective date of the balance of the Lobbying Disclosure Act, this prohibition would apply to lobbyists and foreign agents registered under the existing Federal Regulation of Lobbying Act and Foreign Agents Registration Act. The provision would preclude evasion through termination of registrations under these Acts by covering any lobbyist or foreign agent registered under existing law as of July 1, 1994 or thereafter.

Subsection 121(c): Establishment of Office.—Section 121(c) of the conference amendment, like the Senate bill and the House amendment, would provide that the provisions establishing the office of Lobbying Registration and Public Disclosure, and authorizing appropriations for that office, would take effect upon enactment.

Subsection 121(d): Repeals and Amendments.—Section 121(d) of the conference amendment, like the Senate bill and the House amendment, would provide for the continued effectiveness of existing lobbying registration laws during the interim period prior to the effective date of the Lobbying Disclosure Act.

Subsection 121(e): Regulations—Section 121(e) of the conference amendment, like the Senate bill and the House amendment, would provide a timetable for the issuance of proposed and final regulations implementing the Act.

Subsection 121(f): Phase-in period—Section 121(f) of the conference amendment, like the Senate bill and the House amendment, would provide a phase-in period during which no penalties would be assessed for violations of the Act. As in the House bill, this subsection would provide that violations of the gift prohibition in section 106 of the bill during the phase-in period, unlike violations of other provisions of this title, would be subject to penalties.

Subsection 121(g): Interim Rules.—Section 121(g) of the conference amendment contains an interim reporting rule similar to the provision contained in the House amendment. Under the interim reporting rule, entities that are required to account for their lobbying expenditures pursuant to the non-deductibility rules would be permitted to use the same accounting system to account for the report lobbying expenses under the Lobbying Disclosure Act. This provision would apply to in-house lobbyists who are covered by the non-deductibility provision, and not to lobbying firms which are not covered by the non-deductibility provision of the Internal Revenue Code.

In addition, the conference amendment would modify the interim rule to provide that organizations reporting lobbying expenditures under the Internal Revenue Code may use certain definitions in the Internal Revenue Code in making the determination whether an individual is a "lobbyist" under this Act. Each entity covered by this provision must choose whether to use the lobbying Disclosure Act Definitions or the IRS definitions in a particular calendar year and notify the Office of Lobbying Registration and Public Disclosure of this choice. This provision would apply to the in-house employees of organizations that are required to account for lobbying expenditures pursuant to section 162(e) or section 6033(b)(8) of the Internal Revenue Code; it would not apply to employees of outside lobbying firms representing such organizations which are not covered by the non-deductibility provisions of the Internal Revenue Code.

The provision would expire on December 31, 1998 and would provide for a GAO report to Congress on differences between the definition of lobbying activities in the Lobbying Disclosure Act and definitions of "lobbying expenditures", "influencing legislation", and related terms in sections 162(e) and 4911 of the Internal Revenue Code. The GAO report would also address the impact that any such differences may have on filing and reporting under the Lobbying Disclosure Act (including the interim reporting rule). The conferees expect this study to lead to recommendations for appropriate adjustments to harmonize the definitions.

Subsection 121(h): Interim Director.—Section 121(h) of the conference amendment would authorize the President to appoint an interim Director of the Office of Lobbying Registration and Public Disclosure until the first Director after enactment of this Act has been nominated by the President and confirmed by the Senate. This provision is intended to avoid unnecessary delays in the implementation of this Act and ensure that the Office of Lobbying Registration and Public Disclosure will be up and running in a timely manner. The provision would prohibit the interim Director from promulgating final regulations or initiating enforcement actions; these authorities would be reserved for the Director.

TITLE II.—CONGRESSIONAL GIFT RULES

Section 5(c) of the Senate bill would require lobbyists to disclose certain gifts to covered legislative branch officials. Section 6 of the House amendment would prohibit most gifts from lobbyists and their client to covered legislative branch officials and require the disclosure of other gifts. In addition, a separate bill passed by the Senate, S. 1935, would prohibit Members of Congress and congressional staff from accepting most gifts from lobbyists or from any other sources.

The conference amendment would adopt a compromise approach to these proposals. Section 106 of the conference amendment would prohibit lobbyists from making virtually any gift to covered legislative branch officials. Title II of the conference amendment would amend the Standing Rules of the Senate and the Rules of the House of Representatives to address the acceptance of gifts by Members, officers and employees of both bodies. However, the rules cannot anticipate every situation that a Member, officer, or employee will confront. The Senate Select Committee on Ethics and the House Committee on Standards of Official Conduct would provide guidance and further regulation to assure that the rules are fairly construed.

Section 201. Amendment to Senate Rules.—Section 201 of the conference amendment would amend Rule XXXV of the Standing Rules of the Senate to provide tight, new restrictions on the acceptance of gifts by Members, officers, and employees of the Senate.

Paragraph 1 of the new Rule XXXV would prohibit Members, officers, and employees from accepting any gift from a registered lobbyist, lobbying firm, or foreign agent, knowing that such gift is provided in violation of the Lobbying Disclosure Act of 1994.

Paragraph 2 of the new rule XXXV would address gifts from other sources.

Subparagraph 2(a) would prohibit Members, officers, and employees from knowingly accepting a gift from any other person (in addition to the restriction on receiving gifts from registered lobbyists, lobbying firms, and foreign agents), except as otherwise provided in the Rule.

Subparagraph 2(b) would define the term "gift" to include any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. The term would include gifts of services, training, transportation, lodging, and meals—whether provided in kind, by purchase of ticket, payment in advance, or reimbursement after the expense has been incurred. This definition is the same as the definition of "gift" in the executive branch gift rules.

This subparagraph would also provide that a gift to the spouse or dependent of a Member, officer, or employee (or a gift to any other individual based on that individual's relationship with the Member, officer, or employee) would be considered a gift to the Member, officer, or employee if it is given with the knowledge and acquiescence of the Member, officer, or employee, and the Member, officer or employee has reason to believe the gift was given because of his or her official position. Something of value that is provided by one person to both a Member, officer, or employee and the spouse or dependent of that Member, officer, or employee, may be considered two separate gifts, depending on the nature of what is provided and the time and manner in which it is provided. A gift (such as a wedding gift) which is given jointly to both a Member, officer or employee and the spouse of that Member, officer or employee and that would not be appropriate under the circumstances to give to only one of the two recipients by an individual who has a family or personal relationship with only one of the two recipients would be considered a gift to the recipient who has the relationship with the donor. Such a gift may be accepted under the family or personal relationship exception if the gift otherwise meets the requirements of that provision.

Subparagraph 2(c) would except certain items from the prohibitions on gifts from persons other than registered lobbyists, lobbying firms, and foreign agents. These exceptions are similar to those contained in S. 1935 and in the House amendment to S. 349.

Excepted items would include: anything for which the recipient pays the market value or does not use and promptly returns; lawfully made campaign contributions and attendance at political fundraising events; gifts that are provided on the basis of personal or family relationships; an otherwise lawful contribution to a legal expense fund; food or refreshment of minimal value; a gift from another Member, officer, or employee of the Senate or the House of Representatives; food and lodging provided in connection with a job interview, a fundraising or campaign event, or resulting from outside business, employment, or other outside activities of a Member, officer, or employee (or the spouse thereof); pension and other benefits resulting from prior employment; informational materials that are sent to the office of the Member, officer, or employee; awards and prizes given to competitors in contests open to the public; honorary degrees and other bona fide awards; donations of home State products for promotional purposes; food, refreshments, and entertainment provided in a Member's home State (subject to reasonable limitations to be established by the Rules Committee); training provided in the interest of the Senate; bequests, inheritances, and other transfers at death; gifts expressly permitted by statute; anything which is paid for by the Federal Government, by a State or local government, or secured by the Government under a Government contract; a gift of personal hospitality; free attendance at widely attended events; opportunities and benefits available to all of an appropriate class of the general public; and a plaque, trophy, or other memento of modest value. The rule would provide for waiver by the Select Committee on Ethics only in unusual cases.

This subparagraph would establish an exception for gifts based on personal or family relationships. This exception would not apply where the Member, officer, or employee has reason to believe that, under the circumstances, the gift was provided because of his or her official position and not because of the personal or family relationship. For example, a gift would not be considered to be based on a personal or family relationship if the Member, officer, or employee has reason to believe that the individual providing the item intends to deduct the value of the item as a business expense on the individual's tax return or to accept direct or indirect reimbursement or compensation for the item from a client or a firm of which the individual is a member or employee. The provision would direct the Select Committee on Ethics to provide guidance on the applicability of this paragraph and examples of circumstances under which a gift may be accepted under this exception.

Subparagraph 2(d) would provide for participation in widely attended events, such as conventions, conferences, symposia, forums, panel discussions, dinners, viewings, and receptions, by Members, officers and employees. Under this provision, a Member, officer or employee would be permitted to accept a sponsor's offer of free attendance at such an event, if he or she were participating in the event as a speaker, or if attendance were otherwise appropriate to the performance of his or her official duties or representational function. In appropriate circumstances, Members, officers and employees would also be permitted to accept an offer of free attendance for an accompanying individual. Free attendance would be defined to include waiver of all or part of a fee or the provision of food, refreshment, entertainment, and instructional materials furnished as an integral part of the event.

In addition to widely attended events, subparagraph 2(d) would permit a Member, officer, or employee to accept a sponsor's unsolicited offer of free attendance at a charity event—such as a charity dinner or a charitable golf or tennis tournament. However, the provision would not permit the acceptance of transportation or lodging in connection with participation in such an event. The references to "the sponsor" of an event in this subsection are intended to refer to the person, entity, or entities that are primarily responsible for organizing the event.

Subparagraph 2(e) would prohibit the acceptance of a gift in excess of $250 on the basis of a personal relationship or personal friendship exception, unless the Select Committee on Ethics makes a written determination that one of the exceptions applies.

Subparagraph 2(f) would authorize the Committee on Rules and Administration to adjust the $20 limit for food and refreshments to the extent necessary to adjust for inflation; authorize the Select Committee on Ethics to provide guidance to Members, officers and employees on reasonable steps that they can take to prevent the acceptance of prohibited gifts from lobbyists; and permit the recipient of a perishable gift that may not be accepted under the new Rule to throw away the gift or give it to an appropriate charity.

Paragraph 3 of the new Rule XXXV would address the rules on reimbursement of officially connected travel by private sources. Under this provision, Members, officers and employees would be prohibited from accepting travel reimbursement from registered lobbyists, lobbying firms and foreign agents. Members, officers and employees would be permitted to accept reimbursement for travel expenses from other sources for necessary expenses in appropriate circumstances, as set forth in the paragraph. Any such reimbursements would be deemed to be a reimbursement to the Senate and not a gift prohibited by the Rule.

Under subparagraph (a) of Paragraph 3, a Member, officer or employee would be permitted to accept reimbursement, from sources other than registered lobbyists and foreign agents, for necessary travel expenses incurred in connection with a meeting, speaking engagement, factfinding trip or similar event in connection with the duties of the Member, officer or employee as an officeholder. Events, the activities of which are substantially recreational in nature, would not be considered to be in connection with the duties of a Member, officer, or employee as an officeholder. Accordingly, private reimbursement of travel expenses incurred in connection with charitable golf, tennis or ski tournaments, or similar recreational events, would be prohibited.

Subparagraph (b) of Paragraph 3 would set forth the requirements for advance authorization of privately reimbursed travel for congressional staff. Under this provision, each advance authorization would be signed by the Member or officer under whose direct supervision the employee works and would include: the name of the Member, officer or employee; the name of the person making the reimbursement; the time, place and purpose of the travel; and a determination that the travel is in connection with the duties of the employee as an officeholder and would not create the appearance that the employee is using public office for private gain.

Subparagraph (c) would set forth the requirements for disclosure of expenses reimbursed. Under this provision, each such disclosure would be signed by the appropriate Member or officer and would include: a good faith estimate of total transportation expenses reimbursed; a good faith estimate of total lodging expenses reimbursed; a good faith estimate of total food and refreshment expenses reimbursed; a good faith estimate of any other expenses reimbursed; a determination that all such expenses are necessary transportation, lodging, and related expenses; and in the case of reimbursement to a Member or officer, a determination that the travel is in connection with the duties of the Member of officer as an officeholder and would not create the appearance that the Member or officer is using public office for private gain.

Subparagraph (d) would define the term "necessary transportation, lodging, and related expenses". Under this provision, necessary expenses would be limited to expenses necessary for a period not exceeding 3 days exclusive of travel time within the United States or 7 days exclusive of travel time outside of the United States. A Member, officer or employee would be permitted to extend his or her stay beyond these periods only if approved in advance by the Select Committee on Ethics or at his or her own expenses. (As under the current rule, travel to Alaska, Hawaii, and U.S. Territories and possessions would be treated as travel outside the United States.)

Necessary expenses would be limited to expenditures for transportation, lodging, conference fees and materials, and food or refreshment. Necessary expenses would not include expenditures for recreational activities, or entertainment other than that provided to all attendees as an integral part of the event. Reimbursement for travel expenses incurred on behalf of either the spouse or a child of a Member, officer, or employee could be accepted, subject to a determination that the attendance of the spouse or child is appropriate to assist in the representation of the Senate.

Subparagraph (e) would require the Secretary of the Senate to make available to the public all advance authorizations and disclosures of reimbursement filed under this paragraph as soon as possible after they are filed.

Section 202. Amendment to House Rules.—Section 202 of the conference amendment would amend clause 4 of rule XLIII of the Rules of the House of Representatives to provide tight, new restrictions on the acceptance of gifts by Members, officers, and employees of the House of Representatives.

Paragraph (a) any gift from a registered lobbyist, lobbying firm, or foreign agent, knowing that such gift is provided in violation of the Lobbying Disclosure Act of 1994.

Paragraph (b) would prohibit Members, officers, and employees from knowingly accepting a gift from any other person (in addition to the restriction on receiving gifts from registered lobbyists, lobbying firms, and foreign agents), except as otherwise provided in the Rule.

Paragraph (c) would define the term "gift" to include any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. The term would include gifts of services, training, transportation, lodging, and meals—whether provided in kind, by purchase of ticket, payment in advance, or reimbursement after the expense has been incurred. This definition is the same as the definition of "gift" in the executive branch gift rules.

This paragraph would also provide that a gift to the spouse or dependent of a Member, officer, or employee (or a gift to any other individual based on that individual's relationship with the Member, officer, or employee) would be considered a gift to the Member, officer or employee if it is given with the knowledge and acquiescence of the Member, officer, or employee, and the Member, officer or employee has reason to believe the gift was given because of his or her official position. Something of value that is provided by one person to both a Member, officer, or employee and the spouse or dependent of that Member, officer, or employee may be considered two separate gifts, depending on the nature of what is provided and the time and manner in which it is provided. A gift (such as a wedding gift) which is given jointly to both a Member, officer or employee and the spouse of that Member, officer or employee and that would not be appropriate under the circumstances to given to only one of the two recipients by an individual who has a family or personal relationship with only one of the two recipients would be considered a gift to the recipient who has the relationship with the donor. Such a gift may be accepted under the family or personal relationship exception if the gift otherwise meets the requirements of that provision.

Paragraph (d) would except certain items from the prohibitions on gifts from persons other than registered lobbyists, lobbying firms, and foreign agents. These exceptions are similar to those contained in S. 1935 and in the House amendment to S. 349.

Excepted items would include: anything for which the recipient pays the market value or does not use and promptly returns; lawfully made campaign contributions and attendance at political fundraising events; gifts that are provided on the basis of personal or family relationships; an otherwise lawful contribution to a legal expense fund; food or refreshment of minimal value; a gift from another Member, officer, or employee of the Senate or the House of Representatives; food and lodging provided in connection with a job interview, a fundraising or campaign event, or resulting from outside business, employment, or other outside activities of a Member, officer, or employee (or the spouse thereof); pension and other benefits resulting from prior employment; informational materials that are sent to the office of the Member, officer, or employee; awards and prizes given to competitors in contests open to the public; honorary degrees and other bona fide awards; donations of home State products for promotional purposes; food, refreshments, and entertainment provided in a Member's home State (subject to reasonable limitations to be established by the Committee on Standards of Official Conduct); training provided in the interest of the House of Representatives; bequests, inheritances, and other transfers at death;

gifts expressly permitted by statute; anything which is paid for by the Federal Government, by a State or local government, or secured by the Government under a Government contract; a gift of personal hospitality; free attendance at widely attended events; opportunities and benefits available to all of an appropriate class of the general public; and a plaque, trophy, or other memento of modest value. The rule would provide for waiver by the Committee on Standards of Official Conduct only in exceptional circumstances.

This paragraph would establish an exception for gifts based on personal or family relationships. This exception would not apply where the Member, officer, or employee has reason to believe that, under the circumstances, the gift was provided because of his or her official position and not because of the personal or family relationship. For example, a gift would not be considered to be based on a personal or family relationship if the Member, officer, or employee has reason to believe that the individual providing the item intends to deduct the value of the items as a business expense on the individual's tax return or to accept direct or indirect reimbursement or compensation for the item from a client or a firm of which the individual is a member or employee. The provision would direct the Committee on Standards of Official Conduct to provide guidance on the applicability of this paragraph and examples of circumstances under which a gift may be accepted under this exception.

Paragraph (e) would provide for participation in widely attended events, such as conventions, conferences, symposia, forums, panel discussions, dinners, viewings, and receptions, by Members, officers and employees. Under this provision, a Member, officer or employee would be permitted to accept a sponsor's offer of free attendance at such an event, if he or she were participating in the event as a speaker, or if attendance were otherwise appropriate to the performance of his or her official duties or representational function. In appropriate circumstances, Members, officers and employees would also be permitted to accept an offer of free attendance for an accompanying individual. Free attendance would be defined to include waiver of all or part of a fee or the provision of food, refreshment, entertainment, and instructional materials furnished as an integral part of the event.

In addition to widely attended events, paragraph (e) would permit a Member, officer, or employee to accept a sponsor's unsolicited offer of free attendance at a charity event—such as a charity dinner or a charitable golf or tennis tournament. However, the provision would not permit the acceptance of transportation or lodging in connection with participation in such an event. The references to "the sponsor" of an event in this subsection are intended to refer to the person, entity, or entities that are primarily responsible for organizing the event.

Paragraph (f) would prohibit the acceptance of a gift in excess of $250 on the basis of a personal relationship or personal friendship exception, unless the Committee on Standards of Official Conduct makes a written determination that one of the exceptions applies.

Paragraph (g) would authorize the Committee on Standards of Official Conduct to adjust the $20 limit for food and refreshments to the extent necessary to adjust for inflation; authorize the Committee to provide guidance to Members, officers and employees on reasonable steps that they can take to prevent the acceptance of prohibited gifts from lobbyists; and permit the recipient of a perishable gift that may not be accepted under the new Rule to throw away the gift or give it to an appropriate charity.

Paragraph (h) would address the rules on reimbursement of officially connected travel by private sources. Under this provision, Members, officers and employees would be prohibited from accepting travel reimbursement from registered lobbyists, lobbying firms and foreign agents. Members, officers and employees would be permitted to accept reimbursement for travel expenses from other sources for necessary expenses in appropriate circumstances, as set forth in the paragraph. Any such reimbursements would be deemed to be a reimbursement to the House of Representatives and not a gift prohibited by the Rule.

Under subparagraph (1), a Member, officer or employee would be permitted to accept reimbursement, from sources other than registered lobbyists and foreign agents, for necessary travel expenses incurred in connection with a meeting, speaking engagement, factfinding trip or similar event in connection with the duties of the Member, officer or employee as an officeholder. Events, the activities of which are substantially recreational in nature, would not be considered to be in connection with the duties of a Member, officer, or employee as an officeholder. Accordingly, private reimbursement of travel expenses incurred in connection with charitable golf, tennis or ski tournaments, or similar recreational events, would be prohibited.

Subparagraph (2) would set forth the requirements for advance authorization of privately reimbursed travel for congressional staff. Under this provision, each advance authorization would be signed by the Member or officer under whose direct supervision the employee works and would include: the name of the Member, officer or employee; the name of the person making the reimbursement; the time, place and purpose of the travel; and a determination that the travel is in connection with the duties of the employee as an officer holder and would not create the appearance that the employee is using public office for private gain.

Subparagraph (3) would set forth the requirements for disclosure of expenses reimbursed. Under this provision, each such disclosure would be signed by the appropriate Member or officer and would include: a good faith estimate of total transportation expenses reimbursed; a good faith estimate of total lodging expenses reimbursed; a good faith estimate of total food and refreshment expenses reimbursed; a good faith estimate of any other expenses reimbursed; a determination that all such expenses are necessary transportation, lodging, and related expenses; and in the case of reimbursement to a Member or officer, a determination that the travel is in connection with the duties of the Member or officer as an office holder and would not create the appearance that the Member or officer is using public office for private gain.

Subparagraph (4) would define the term "necessary transportation, lodging, and related expenses". Under this provision, necessary expenses would be limited to expenses necessary for a period not exceeding 4 days including travel time within the United States or 7 days exclusive of travel time outside of the United States and within 24 hours before or after participation in an event in the United States or within 48 hours before or after participation in an event outside the United States. A Member, officer or employee would be permitted to extend his or her stay beyond these periods only if approved in advance by the Committee on Standards of Official Conduct or at his or her own expense. (As under the current rule, travel to Alaska, Hawaii, and U.S. territories and possessions would be treated as travel outside the United States.)

Necessary expenses would be limited to expenditures for transportation, lodging, conference fees and materials, and food or refreshment. Necessary expenses would not include expenditures for recreational activities or entertainment other than that provided to all attendees as an integral part of the event. Reimbursement for travel expenses incurred on behalf of either the spouse or a child of a Member, officer, or employee could be accepted, subject to a determination that the attendance of the spouse or child is appropriate to assist in the representation of the House of Representatives.

Subparagraph (5) would require the Clerk of the House to make available to the public all advance authorizations and disclosures of reimbursement filed under this paragraph as soon as possible after they are filed.

Section 203. Miscellaneous Provisions.—Section 203 of the conference amendment contains certain miscellaneous provisions relative to the acceptance of gifts.

Subsection 203(a): Amendments to the Ethics in Government Act.—Section 203(e) would amend the Ethics in Government Act to provide that travel reimbursements properly reported under the new Senate and House gift rules do not also have to be reported in personal financial disclosure statements.

Subsection 203(b): Repeal of Obsolete Provision.—Section 203(b) would repeal Section 901 of the Ethics Reform Act of 1989, which contains the current Senate gift rules and would be superseded by the enactment of this bill.

Subsection 203(c): Senate Provisions.—Subsection 203(c) contains miscellaneous provisions applicable to the Senate. Paragraph (1) would authorize the Committee on Rules and Administration to accept gifts on behalf of the Senate, in appropriate circumstances. Nothing in this paragraph would restrict any authority that any other Committee or office of the Congress may have under existing law. Paragraph (2) would provide that the rules on acceptance of food, refreshments, and entertainment provided to a Member or an employee of a Member in the Member's home State prior to the adoption of reasonable limitations by the Committee on Rules and Administration shall be the rules in effect on the day before the effective date of the new gift rules.

Subsection 203(d): House Provisions.—Subsection 204(d) would provide that the rules on acceptance of food, refreshments, and entertainment provided to a Member or an employee of a Member in the Member's home State prior to the adoption of reasonable limitations by the Committee on Standards of Official Conduct shall be the rules in effect on the day before the effective date of the new gift rules.

Subsection 204. Exercise of Congressional Rulemaking Powers.—Section 204 of the conference amendment would provide that the sections of this Title amending the congressional gift rules are an exercise of the congressional rulemaking power.

Section 205. Effective Date.—Section 205 of the conference amendment would provide that Title II of the conference amendment shall become effective on May 31, 1995. The conferees agreed to this date to provide time for the Senate Select Committee on Ethics and the House Committee on Standards of Official Conduct to develop guidance, as required by the bill.

John Bryant,
Dan Glickman,
Mike Synar,
Managers on the Part of the House.

John Glenn,
Carl Levin,
Daniel Akaka,
Bill Cohen,
Ted Stevens,
Managers on the Part of the Senate.

MODIFICATION IN APPOINTMENT OF CONFEREES ON S. 1569, DISADVANTAGED MINORITY HEALTH IMPROVEMENT ACT OF 1994

The SPEAKER pro tempore. Without objection, the Chair announces that under the authority granted in clause 6 of rule X, the Speaker hereby modifies the appointment of conferees on the bill (S. 1569), Disadvantaged Minority Health Improvement Act of 1994, to amend the Public Health Service Act to establish, reauthorize and revise provisions to improve the health of individuals from disadvantaged backgrounds, and for other purposes, as follows:

As additional conferees from the Committee on Ways and Means for consideration of titles VI and VII of the Senate bill, and modifications committed to conference:

Messrs. Gibbons, Ford of Tennessee, and Archer.

There was no objection.

COMMUNICATION FROM CHAIRMAN OF SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS OF THE COMMITTEE ON ENERGY AND COMMERCE

The SPEAKER pro tempore laid before the House the following communication from the Honorable John D. Dingell, chairman of the Subcommittee on Oversight and Investigations of the Committee on Energy and Commerce:

U.S. House of Representatives,
Committee on Energy and Commerce,
Washington, DC, September 22, 1994.

Hon. Thomas S. Foley,
Speaker, U.S. House of Representatives, Washington, DC.

Dear Mr. Speaker: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that I have received a subpoena for testimony issued by the United States District Court for the District of Columbia.

After appropriate consultation, I have determined that compliance with the subpoena is inconsistent with the privileges and precedents of the House.

Sincerely,

John D. Dingell,
Chairman, Subcommittee on Oversight and Investigations.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4912

Mr. MFUME. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 4912. While I have no objection to this legislation, my name was added as a cosponsor by error.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, June 10, 1994, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

EXPRESSING APPRECIATION TO HON. ALFRED A. McCANDLESS ON HIS RETIREMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. Lewis] is recognized for 60 minutes as the designee of the minority leader.

Mr. LEWIS of California. Mr. Speaker, it is my privilege to rise this evening and take the time of the House to join with a number of my colleagues to express our appreciation to one of our colleagues who has decided to do some other things with his life. My friend, the gentleman from California, Al McCandless, is going to be, at the end of this session, returning to the beautiful California desert. He and his lovely bride, Gail, will enjoy many days without the pressures of roll call votes and sometimes crazy schedules such as we experience around this place.

Over the years, Mr. Speaker, Al McCandless and I have developed a very, very close personal friendship.

We have worked together on countless numbers of issues. You have all experienced desert protection with us, maybe for longer than you might have liked; questions of flood control, endangered species, just to name a few.

While most people know of our friendship, Mr. Speaker, a lot of people are not aware of the fact that our friendship was not early in the making. Al McCandless and Jerry Lewis from time to time have done battle themselves. When I was a member of the State legislature, Mr. Speaker, and Al McCandless was the supervisor in Riverside County, I was involved in an item relating to air quality that would reorganize the way air quality standards and regulations were developed in southern California.

I would be less than accurate if I suggested that Al McCandless was in total agreement with my position. As a matter of fact, Mr. Speaker, his position did not relate to the fact that he was a car dealer, for he was concerned about smong as well. The reality was that we had a fundamental disagreement about the way that process should go forward in southern California. Those discussions led to public debate. It was an interesting exchange. I still did not know Al McCandless very well.

Mr. Speaker, as an aside, I might mention that while he continued to serve on the board of supervisors, Al McCandless served on that very air quality management district board, and served with great distinction; indeed, to such a level of accomplishment that upon his retirement, and his coming to Washington, they decided to name their new building where the public now holds forth on air quality issues after my colleague Al McCandless.

Years later, Mr. Speaker, following those debates in the early 1970's, Al and I found overselves serving together here in the Congress from adjacent counties. Riverside and San Bernardino County are among the most rapidly growing areas in the entire United States. There is little question, Mr. Speaker, that few people have had the privilege of representing so many in such a short period of time. Once Al decided to come to the Congress, his district continued this explosion of growth. At the time of our last redistricting, his own district involved almost 1 million people.

□ 1920

Al represented the diversity of his district and those vary large numbers extremely well.

It is no small amount of irony that in spite of huge population growth, Al has continued to focus upon the very special problems of the desert. Literally, Mr. Speaker, there is no one in the House, no one in either body, who begins to understand the desert as well as Al McCandless does. He was born in Brawley with sand in his shoes, or at least between his toes. He is a fellow who is very very sensitive to the value of open spaces and the interests of people who love and understand the desert. He is sensitive to making sure that they can continue to use it while we all work together to preserve it.

It has been said by more than a few of his friends that you can take Al McCandless out of the desert but absolutely no way you can ever take the desert and the spirit of those wonderful people out of Al McCandless.

People may not know about our good friend's amazing array of impressions that he continues to leave with us. He is a guy with a dry sense of humor who jokes all the time.

One of his more interesting impressions on the House floor, reflects that. I will never forget during the debate on the desert bill, Al giving us his own impression of a cow foraging for food in the California desert. It caused our staff to almost die of laughter on the House floor as he munched away. Tears came to their eyes, but they know one more time it was vintage AL MCCANDLESS.

In all seriousness, Mr. Speaker, all of us who live and work in the desert and love it most owe AL MCCANDLESS an enormous debt of gratitude for his work on our behalf. AL, the citizens of my district, the people of San Bernardino and Inyo Counties thank you sincerely for the hard work you have done. It will not be forgotten by those of us who share these interests with you, my friend.

There is another side of AL—the warm and cuddly side. Her name is Gail and she is his bride who is with us up in the gallery this evening. Gail is a very, very special friend as well as a fantastic lady. She is, beyond being beautiful, a person who has had an enormous effect on our friend AL MCCANDLESS. In the old days we used to call him Old Stone Face, because you could never tell what the guy was thinking. He was always serious about issues, but you could never quite penetrate that brick wall. Gail showed us that he really does under that surface have more than just a sense of humor. Beyond doing that with AL, she also taught him a lot. Back in the days when he was kicking tires, AL MCCANDLESS was not used to work around the house. Since that, has taught him that a husband's responsibility may be much broader than just the cars or the work on the House floor. There is work to be done around the home as well.

Not so long ago, I think it was on a Saturday, Gail was out shopping. She left AL with a list of chores. Among other things, he was to wash the huge window that overlooks the area of the cathedral in their home in Washington, DC. He took a pail of water, went out on the balcony with appropriate rags and slid the door shut. Surprising to him, the door locked. This is on the sixth floor where their condo is located. It was cold outside.

So after 15 or 20 minutes, AL started to yell and he could not get anybody's attention. More and more time went by. Finally there was a retired colonel the next floor up who is hearing this ruckus. He came out, looked over the balcony and heard AL, and handed him a blanket to stay warm.

As it turned out, this guy went out to try to find the manager who was somewhere across town.

Eventually, they got AL off the balcony. But, Gail, in spite of that incident has been a great contribution to putting cracks in that stone face that I talked about.

AL is a phenomenal guy with an amazing sense of humor. He is one of the few people I know in our business who with great regularity finds that he can laugh at himself, something all of us need to remember in the more serious and contentious moments of this place.

There are any number of other items that I might mention regarding AL MCCANDLESS and I may continue at another point in this discussion.

In the meantime, Mr. Speaker, I think I should yield to some of my colleagues.

GENERAL LEAVE

Mr. LEWIS of California. As I go about doing that, Mr. Speaker, I would ask unanimous consent that all the Members have 5 legislative days in which to revise and extend their remarks and include extraneous material in the RECORD regarding this special order.

The SPEAKER pro tempore (Mr. PENNY). Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LEWIS of California. Mr. Speaker, I would like to call on my colleague, a member of the Democratic leadership from northern California, Mr. VIC FAZIO.

Mr. FAZIO. Mr. Speaker, I want to thank my colleague for yielding. I do not want to destroy his confidence, he is doing so well, but he has yet to crack the stone face of the gentleman from California [Mr. MCCANDLESS] in the back. All the efforts so far employed have not. I think we finally saw the corner of his mouth went up there for a second.

It is worth every effort to make the gentleman from California [Mr. MCCANDLESS] smile, but it is that wry, dry sense of humor that we have all come to appreciate and to enjoy. I particularly applaud the gentleman's effort to make this a Sayonara for both AL and the Gail. This is a couple who have enjoyed Washington, and we have enjoyed them.

Mr. LEWIS. I am not sure we would have done it if it were not for Gail.

Mr. FAZIO. I am not sure if we want to go that far. That might get under AL's skin. But there is no question we do want to say good-bye to both of them because they truly have been important to the California delegation and to our presence in this town. AL is someone who came here as a public servant from local government, a small businessman, and auto dealer, who enjoyed serving his community. I think he has taken the time he has put in Washington in perspective. Some of us never quite get the proper perspective, but he has had it. He understood that he was not here for a career. He had one of those. He understood he was here to make a continuing contribution to the people of Riverside County. He has done it consistently, he has done it with a great deal of grace, and I think he has done it in the classic way that has really made him an important element of our delegation. We are renowned for our differences, north and south, conservative and liberal, Democratic and Republican, coastal and mountain and desert. I think despite all of our divisions, we do occasionally get together, and when we do, it is usually people like AL MCCANDLESS who are integral to that, part of the effort to bring us together around the fact that we come from a very large, unique and diverse State.

I have enjoyed the fact that AL's contribution has been whenever possible bipartisan. We have worked together on all kinds of issues for the communities he represents. He has been good to those of us from my end of the State. We have not fought about water. We have figured out how we could make the best use of what we had. I applaud his effort, and I think it is the kind of model that our delegation needs to cite for the future. He is the kind of person, the way he has performed his job, that probably ought to be a guidance to the younger Members joining us here who sometimes think all we do is sharpen our partisan knives. I think we will miss AL for that perspective. I certainly hope that he will stay in touch with us. I really believe that the people of Riverside County could not have had better, more effective representation in the time that he has served them here. I think he is wise to take the opportunity to go back to La Quinta to enjoy not only his district but his family and the opportunity to look back on a career that really includes a tremendous amount of public service and good work done for the people who had the confidence to elect him to so many offices for such a long period of time.

I want to thank the gentleman from California [Mr. LEWIS] for letting our delegation from California get together and other Members of Congress who work with AL. I thank the gentleman for letting me be part of this effort.

□ 1930

Mr. LEWIS of California. I thank very much VIC FAZIO. I agree with you that our delegation has learned a lot by the service of AL MCCANDLESS. Many of our problems are not just purely partisan, and I think AL reflects what policymaking is all about in that connection.

Mr. Speaker, I yield to a classmate, the gentleman from Indiana, Mr. DAN BURTON.

Mr. BURTON of Indiana. Mr. Speaker, I would like to say as VIC has shaken hands with AL, that is one of the rare occasions where VIC FAZIO and I agree 100 percent, and it is kind of nice to know that on Indo-American relations he is I think the only classmate of AL's that is in attendance tonight. Just let me just say we were elected together back in 1982 and we took office in 1983 together and there were 26 of us, and that number has dwindled dramatically. And that was one of the nicest groups of people that I ever had the pleasure to work with, and AL MCCANDLESS was one of the outstanding Members of that 1983 Congress class, and we are certainly going to miss him. and we are going to miss his lovely wife, Gail. I know she is going to keep you under wraps out there in California and try and get your arm back in shape and to get your golf game rehoned and get you back on the links.

On behalf of all of the Members of the 1983 class, we are going to miss you, AL.

Mr. LEWIS of California. Mr. Speaker, I thank the gentleman from Indiana and I very much appreciate his participation.

Mr. Speaker, I yield to the gentleman from Massachusetts [Mr. KENNEDY], a good friend of AL's who works with him on the Committee on Banking, Finance and Urban Affairs.

Mr. KENNEDY. Mr. Speaker, I thank the gentleman very much for yielding. And let me thank JERRY LEWIS and BOB WISE and so many others for putting this together for a good friend and a fine colleague, AL MCCANDLESS. It has been a great pleasure serving with AL MCCANDLESS for the last 8 years on the Committee on Banking, Finance and Urban Affairs, including the past 2 years as both chairman and ranking member of the Consumer Credit Subcommittee.

AL and I do not see eye to eye on a lot of issues. In fact, I was trying to think of one in which I actually see eye to eye, and I was stumped. But he has a great guidepost because every time AL votes no, I know to vote yes and, every time he votes yes, I vote no. So it has been a wonderful channel marker to be able to mark our service together.

But despite the fact that we might not agree on a lot of the issues, I have always found AL MCCANDLESS to be truly one of the most honorable and decent individuals that I have ever worked with. He is a man of his word. He has a fine staff, and he has a heart of gold. He is always looking out after the interests of the people.

But I would just like to point out that AL brings a tremendous and unique quality to much of the debate on the Banking Committee by being able to cut through so much of the jargon and all of the complicated issues that we deal with and AL has the interest of cutting through the paperwork, cutting through the bureaucracy, trying to make certain that we find ways to get businesses, small businesses in particular the loans they need, and he calls upon the experience that he has had in starting his own business and making it grow into great prosperity and brings those skills to the Banking Committee.

I honestly believe that, and I say that it was with great regret that I heard that AL was going to retire, because I think that he does in fact bring a very healthy perspective to the Congress, and particularly to that committee. He does a fine job. I hope that he considers me a friend because I certainly consider him to be one, and I think that he has made a great contribution to business, but a more important contribution to his country. I wish more Americans had the same sense of obligation, of giving back something to this country that AL MCCANDLESS has.

Although I do not think we have met Mrs. McCandless, I wish you all of the best. I hope you take good care of AL and that he takes good care of you back in California. Thank you, AL, for the years together.

Mr. LEWIS of California. Mr. Speaker, while you and I are going to be working away here, he and Gail are going to be having a good time enjoying his retirement.

Mr. Speaker, I yield to the gentleman from Pennsylvania, Congressman BILL CLINGER, who works with AL on the Committee on Government Operations.

Mr. CLINGER. Mr. Speaker, I want to thank the gentleman from California and the gentleman from West Virginia, Mr. BOB WISE, for calling this special order to honor a gentleman who has made an incredible contribution to the body, and as the ranking member on the Committee on Government Operations where I have been privileged to serve with AL for all of these many years. I want to just get in the RECORD the really major contributions that he has made to the work of the Committee on Government Operations over the years.

He has been a valued and very hardworking member of the committee for 12 years, and during that time I have come to know him as a good friend and an absolutely reliable colleague, somebody when he told you what he was going to do, he did it. There was never any question of where AL stood on anything because he was absolutely reliable.

He first served as ranking member on the Government Operations old Subcommittee on Government Activities and Transportation. During his time there, he took on very effectively GSA's occasionally unwise public building conveyances and forced the General Services Administration to rethink its Federal real estate disposal process. And as the ranking member on the Subcommittee on Government Information, Justice and Agriculture, he worked with the subcommittee chairman, BOB WISE, who is the cosponsor of this special order, to examine our national drug control policies. Together they really challenged the Departments of Justice, State and Defense to fulfill their roles in protecting America's youth by curbing our children's exposure to dangerous drugs.

AL has also fought long and hard to improve coordination and reduce duplication in the Department of Agriculture's massive bureaucracy, an effort which I think is even now bearing fruit, a challenge which has since been taken up and followed and hopefully will be followed by this administration.

Finally, as the current ranking member on the Government Operations really flagship Subcommittee on Legislation and National Security, AL MCCANDLESS has been able to focus on the issues which concern him most, and those issues are the Federal budget process and our burgeoning national debt, and also to focus on our international security and the effectiveness of our national defense, and yet again this country's ongoing battle with illegal narcotics.

He has earned the respect and admiration of the committees he has served with. He has been persistent in pursuing these issues and bringing many things to light that otherwise might not have occurred.

Even though he has taken on the challenges of major national issues, he has never forgotten the oft-cited adage of Tip O'Neill's that all politics are local, and some of AL's biggest fights were on matters closest to home.

Certainly there are few of us who can easily forget the bill that would not die, the bill from hell, if you will, the California Desert Protection Act. After 4 weeks of listening to AL and JERRY LEWIS and others expounding on tortoise rights-of-way, big sheep watering holes and desert mining technologies, I for one was glad to be an Easterner and did not have to deal with that.

So even though AL is retiring he is not going to be settling down to a life of leisure. I know he and Gail, and mention has been made of Gail, and she has been a real partner in this effort. I might tell that she has been an example to my wife. On a recent occasion my wife badly sprained her ankle on a trip that we were on recently, and years ago when we were on a trip with the McCandlesses and Gail sprained her ankle rather badly, yet she carried on like the trooper that she is and attended all of the official functions, hobbling around, and when my wife sprained her ankle on this trip she said. "If Gail McCandless can do it, I can do it." And she carried through. So Gail made a great contribution. But they are going to be spending time with their grandchildren, and I think are looking forward to building a new desert home, to which I am sure they will invite all of us when it is completed. I am positive that AL's wood shop is going to be busier than ever, and I have even heard that he plans to open the world's first Jiffy Lube for golf carts on his own back patio.

But whatever he chooses to do I know both AL and Gail are going to be very much missed here, and the many contributions that they have made are greatly appreciated by all of us. Again I thank the gentleman for yielding to me.

□ 1940

Mr. LEWIS of California. I thank the gentleman very much. It is a pleasure to call upon California's Representative from our side of the aisle on the Committee on Rules, a good friend of AL McCANDLESS and Gail's, the gentleman from California [Mr. DREIER].

Mr. DREIER. I thank the gentleman very much.

Let me say that I appreciate the fact that my colleague, the gentleman from California [Mr. LEWIS], and the gentleman from West Virginia [Mr. WISE], have taken this time out for what is clearly an important but a difficult moment.

More than 2 years ago I had a conversation with AL's wife, Gail, about the prospect of his not running for reelection. After several rather lengthy conversations, Gail and I were both finally able to get from AL the fact that he decided then to run for reelection, and we were very gratified by his decision then.

But it was with a great deal of sadness when I did hear that AL made his decision not to seek reelection, because he has been, as VIC said, as BILL CLINGER has said, as my colleague STEVE HORN is saying in remarks that he is submitting for the RECORD, as JERRY has said, and I know others will say, a great friend, and he has brought, because of his vast experience in local government, a very important, less than partisan perspective. His work on the South Coast Air Quality Management District did, as JERRY pointed out, raise this issue to a very important level and, in fact, got AL's name on the building.

I have testified there several times and had more than a few meetings as we have been in the midst of that battle. He has, with that local government experience, been able to, on the Committee on Banking, Finance and Urban Affairs and on the Committee on Government Operations, as has been said, bring this spirit that is needed to deal with some very controversial issues, but as he has worked diligently to maintain a degree of nonpartisanship and bipartisanship, he has never, in any way, moved from the principles on which he has stood since I assume he first got elective office at the local level, and certainly since he has come to the Congress.

When I think of AL McCANDLESS, I am often reminded of the father of conservatism, Edmond Burke, who in 1794 had a quote which is often used around here which I believe describes the way AL approached the issue of representation. Burke said:

> Your representative owes you not his industry only but his judgment as well, and he betrays, rather than serves, if he sacrifices it to your opinion.

Now, that does not mean that AL has not regularly listened to his constituents, because he has, but he has known very well that he will have to live with his conscience longer than he will be living with the hundreds of thousands of people he has represented in southern California. So as he has looked at issues, he has not simply been the weather vane that often we see around this place; he has stood for principle. He has taken input from a wide range of people, but he has not in any way moved from those basic goals that he outlined as a candidate.

The gentleman from California [Mr. LEWIS] talked about the stone face of AL McCANDLESS, and I see a great likeness between AL McCANDLESS and my father. My father was a Marine Corps drill instructor. As has been noted, AL was a Marine. The similarities to me are very great. AL, I am sure, is much, much younger than my father, but I should say that I often do think of AL and my father in the same light, and that is why, when I look at him, and he has provided me all kinds of sage advice; one time he told me rather than running down the hill that I should go down the hill and get all of them; I think that is the way the story went. I will not elaborate on it from there.

He has provided me with friendship, advice, and counsel over the past several years. And I hope that when he does leave the House at the end of the 103d Congress that he will still let those of us who rely on him continue to do so in the future.

I wish both Gail and AL McCANDLESS well and look forward to many more years of friendship. We will miss them here in the Congress.

I thank the gentleman, my friend, for yielding.

Mr. LEWIS of California. I thank the gentleman very much for participating.

AL may remind you of your father, but, unfortunately, AL does not remind me of my father.

Next it is my privilege to call upon my colleague, the gentleman from New Mexico [Mr. SCHIFF]. I thank the gentleman for being with us.

Mr. SCHIFF. I thank the gentleman very much for inviting me to this special order.

It is my privilege to be here. I want to explain particularly why.

I was elected to the U.S. House of Representatives from the First District of New Mexico 6 years ago, in 1988. When I arrived here in 1989, my first committee assignment was on the Committee on Government Operations.

And, you know, we all know something about the Congress of the United States simply from high school civics, but high school civics teaches you the Congress from the philosophical point of view and from the legal point of view; in other words, two Houses of Congress and checks and balances and so forth. But every legislative body, from city council to State legislature to, especially, the Congress of the United States, has its own special history, its own special way of doing business, its own method of getting things done, and that is something they do not just teach you in any civics course. They do not teach you what committees have what jurisdiction, how do they operate with each other, and, frankly, from time to time who are the personalities, who are the senior members of those committees and how do they prefer to get business done. That you have to learn when you get here.

When I got here in 1989, we were the smallest new class, called freshman class, for many, many years. There were only 33 new Members of the House of Representatives elected in 1988, and that includes Democrats and Republicans together. That is not just Republicans; that is everybody.

So when there is that small of a brand new freshman class, to say the least, there is not a lot of attention paid to the new Members.

If ever there was a situation they wanted you to be seen and not heard, that was it. They did not altogether always want to see you, to tell you the truth.

Nevertheless, the 33 of us had to begin our learning curve. The person I went to oftentimes when I had questions about what was before us and how it was being handled was a fellow and senior member of the Committee on Government Operations, AL McCANDLESS from California, and no matter how often I wanted to bring something up, AL would always take the time to sit down and go over it and make sure that I understood. My questions were answered.

The significance of that, of course, is that there are no special points in doing that. That is not something that you see done on C-SPAN. It is not something that aids you with your constituents back home. It is just something AL did just to be a generous and down-to-earth person.

And, of course, times do change. In the last Congress, 1992, there were 110 freshmen, and I have now moved to the back row of the Committee on Government Operations where AL and I practically sit next to each other. I have never forgotten that experience. I have never forgotten that lesson.

Now people who come in after me have the questions that I had. I remember a senior member took the time to help me out, and I try to take the time to help out those who have questions that I can answer.

I just want to say to AL, I am very grateful for the counseling and mentorship that you gave me, and I wish you and Gail a happy, I hate to use the word retirement, because I do not think you are going to retire; I wish you a happy return to the State of California.

Mr. LEWIS of California. I thank the gentleman very much for his comments. The gentleman's comments regarding AL's work on the committee very much reflect his work in the House. Indeed, AL constantly has a handle on details. Most important, he uses them to help people for whom he cares.

I would like next to call upon my cosponsor of this resolution, a great friend in the House, a Member who is not just helpful in this process, but is very helpful in reaching across the aisle in a fashion that makes the place work, the gentleman from West Virginia [Mr. WISE].

Mr. WISE. I thank the gentleman from California [Mr. LEWIS]. He is the one, of course, who did the work in putting this together. It was a pleasure, when you requested, to be able to cosign and come to the well and recognize all AL has done.

Everything said about him, of course, including the great stone face is true. I can say, as one who served with AL 4 years, I was nominally the Chair and AL was nominally the ranking Member of our Subcommittee on Government Operations, Government Information, Justice, and Agriculture, but I think we ran it as a team, and I got to know AL very, very well.

What I appreciate about AL is AL was really the only one crazy enough to go to the Upper Huallaga Valley in Peru not once but twice with me when we decided to go and see how some of our efforts to interdict drugs and to stop the growing of coca were going.

We really had not had too many, I think we took them by surprise; they had not had too many Members show up in that particular area, and so what I appreciated about AL was the first thing, I think it is the former marine, as we flew over the Andes in an old plane and then flew up into the Upper Huallaga Valley, AL noticed the condition of the equipment, which was pretty bad, and he got pretty upset about that, and when he returned to the United States, AL personally made it his personal mission to get the equipment upgraded, including the helicopters, the communications equipment, and some of the other stuff which was pretty shabby, and not only with the Peruvians' military using it and the Peruvian police but our own drug enforcement agents as well as other United States employees.

□ 1950

And so AL succeeded.

When we went back a year later, that equipment was significantly updated. I think a lot of the tribute goes to AL MCCANDLESS. AL and I were an incredible team.

We went into Bolivia on one of our missions and the DEA and the Bolivian army had saved up all the coca paste that they had been able to get in their raids for, I think, at least several weeks. It was pretty impressive. They packed it together, they called all the world's press together. They were going to give AL and me the opportunity to set this ablaze, to show what coordination could do.

Well, we coordinated very well. I forget whether we had one torch or two. The torch was soaked in gasoline and other flammable fuel, as was the interdicted contraband. The only thing we managed to set ablaze was ourselves.

The entire footage for CNN and the Bolivian national television is AL and I trying to run out of this ring of flame that we had set all around ourselves. They actually had soldiers come in to get the rest of it going. That was the kind of teamwork AL and I put together.

We made two trips. That was something else that impressed me so much about AL. Just for the record, because it is so important that the record shows that some people think these were junkets, we flew 12 hours in the hold of a C–130. The only person I could talk into going again was AL MCCANDLESS, knowing the conditions and all. But AL went. We landed, we went to Peru twice that way and flew back twice that way.

I like to say—and I hope Gail understands—that AL and I used to dine by candlelight because in Lima the Shining Path guerillas had a custom, a routine. They always blew the electric pylons up early in the morning, usually about 5:30 or 6:00, and again in the evening. Just like clockwork you could count on losing electric power.

I remember several breakfasts and dinners that AL and I had by candlelight as a tribute to the Shining Path guerillas' effectiveness.

There are a couple of things that I do want to call specific attention to concerning AL. I think he knows this, but if not, I really want him to. What impressed me about AL was he called it straight about everybody. We one time had a situation with one of the Government agencies, under the previous administration, under the Republican administration. We thought we had caught them doing less than they should. I forgot the details of it. I do remember that there were some glaring errors.

So rather than—we thought it would be best, AL and I agreed that it would be best to invite the administrator of that particular division in to talk with them and see what could be worked out. To be honest with you, I thought, well, this would be kind of a dicey thing, I wonder if some punches would get pulled on the minority side.

When the guy walked out, he asked who was the Democrat and who was the Republican, because it was AL MCCANDLESS who had held him to account in tougher language than I had been using. What I said was there is something wrong here. AL made sure it was addressed.

That is what gained AL, I know on our side of the aisle, the affection, the true affection and loyalty of the staff and Members alike. I saw that repeated time after time, whether it was trips to Peru, in hearings or in questions asked, whether it was in dealing with administration officials.

Finally, in closing, I would say I do not know anyone who worked harder to make things right, no matter where the chips fell.

I can remember another situation, a tragedy in AL's district, where a death was caused by a high-speed chase of some Federal officials. AL pulled no punches, he wanted to get to the bottom of it. More importantly, he wanted to make sure that kind of thing did not happen again.

I consider the 4 years that I had working with AL some of the highlights of my time in the House. I will miss the opportunity very, very much to work with him.

I wish AL and Gail the very best. I just want to say to the gentleman from California [Mr. LEWIS] that I thank him for this opportunity so that I have an opportunity on the record to thank AL for all that he did.

Mr. LEWIS of California. I thank the gentleman from West Virginia, and we appreciate his participation this evening.

There are other notable items about AL that have not been mentioned. Just recently, for example, he was received and honored by the commandant of the Marine Corps here in Washington, DC for his service in the U.S. Marine Corps.

When AL first arrived here, he was a part of the largest class that had come in for a long, long time. AL expected there would be all kinds of red carpet rolled out, as all of us do, of course. Well, suddenly he found himself with no space available whatsoever for an incoming Member. So AL set up shop in the Longworth cafeteria near the pay phone where he could have ready access to the telephone.

He told me and others shortly thereafter that maybe he had gotten off the wrong plane at the wrong airport rather than the Nation's capital.

Mr. Speaker, it is now my privilege to call upon a fellow who shows that AL does not just reach across generations, he reaches the whole panoply of this House. As the president of the freshman class of the 103d Congress, it is my privilege to call upon BUCK MCKEON.

Mr. MCKEON. I thank the gentleman from California for taking this special order.

I want to commend him for putting this on and honoring our colleague, AL MCCANDLESS. I think it shows again the gentleman's leadership and ability to think of others.

I think we spend a lot of time here beating up on each other, and it is nice to spend some time honoring our colleagues for some of the things that they have done well.

I come from a similar background. I was not a Marine—and I just learned that about AL, just learned about that tonight, that he was a Marine. I should have known, just from his demeanor and the way he is. I think he would just be picked out as a Marine.

So it fits.

But I think we both come from business backgrounds. One of the concerns I had when I entered this arena and ran for office was what kind of people I would be associating with back here. I had met some politicians while serving on city council, and I was not overly impressed.

And I think that back here, the Members of the House that I associate with are really high-quality individuals and I would put AL right up at the top. The things that stand out in my mind about him are his plain-spokenness, his no-nonsense attitude, and yet he has a real wry, keen sense of humor. I have had a chance to work with him on a number of things.

I know he approached me at one time with a friend who needed some help. He came and approached me. The friend lived in my district, so it was something that I could try to help on. I was really happy to be able to do that.

I know that AL was not content to let it go until it was done. I think it is good to be one of his friends because I know he goes out of his way to help people that need help.

I just think that it was good to do this.

I want to commend those who have taken their time to come down here and talk about AL. We will miss AL.

AL has been here 12 years, and that is the term limits that I am supporting. I think he imposed this term limit on himself. If I am able to win a few elections, that is all I would want to be here, about 8 or 10, maybe.

It was interesting to me to look through and see some of the things that he has done. I remember we went and helped KEN CALVERT do a fundraiser in his district last year in the Mission Inn in the city of Riverside. After that event, the owner of that hotel took us on a tour. I could not believe that building.

The heritage there. I see that without his efforts that building would have been lost. I think all of these other—there are pages here of things he has accomplished. But that one alone I think would be worth a career because that building has a heritage that the people in Riverside and others from around the world—President Nixon was married there—I think the tremendous historical significance of that building, if it had been lost, would be something that would be a real loss, I think, to mankind. And that, and all of the other things that have been mentioned tonight, I would just like to add my voice to, to those who have thanked you for your service to your community and to your country, and I consider it a real pleasure to be numbered, I hope, as a friend of AL McCANDLESS.

□ 2000

Mr. LEWIS of California. Certainly not the least in this process is one of our colleagues who worked so hard on our effort to make sure that the House understood the problems of the California desert. I speak of my friend, the gentleman from San Diego, CA, Mr. HUNTER.

I say to the gentleman, "DUNCAN, welcome."

Mr. HUNTER. Mr. Speaker, I thank the gentleman from California, and thank all my colleagues, and I thank AL McCANDLESS for making this night possible.

Incidentally, Mr. Speaker, I understood initially that the reason AL worked so hard to save the Mission Inn was because he owned it, but I know that is not true. It could not possibly be true.

As my colleagues know, the gentleman from California [Mr. LEWIS] has the honor of representing the area to the west and somewhat, or the east and somewhat, north of AL's district, and I have the privilege of representing an area to the south of AL's district, that desert area to the south and, as my colleagues know, when you talked about AL initially as being a man of the desert, I say, "JERRY, I had to think of the great lifestyle that we developed in southern California and the enormous prosperity because of a lot of people like AL McCANDLESS. They were people who rolled up their sleeves and went to work in that southern California area that we have built up, and they did it with appreciation for everything that God gave us here, the great weather, the great topography, in AL's district. You can go literally from the desert floor just above sea level. You can take a tram and go up to 7,000, 8,000 feet in the San Jacinto Mountains."

We have an area that has an enormous diversity, and the people who built that area were people that had good common sense, had AL McCANDLESS good common sense, and they realized that we had to take care of all of our natural life and species. But they also realized, like AL does, that you have take care of that other species; that is people, and you have to try to accommodate their needs in the way that young folks are going to be able to build houses, and have a good lifestyle, send their kids to school, and pay mortgages, and all those kinds of things and, because of that, I thought it was an interesting partnership that we formed, the five so-called desert Congressmen, the people that the L.A. Times called the diehards.

When the desert bill came up, and I can recall that; in fact, this is really a nice editorial, calls us the diehards, and it said, Mr. Speaker, would we please pack it in, meaning would we stop this fight against the so-called desert bill, what I call the desert lockout bill because this bill did something that AL McCANDLESS has never liked, and that is locking up 7,000,000 acres of California land, public land, that heretofore had been used by working people in California, whether they were off-road families who went under that same Palos Verdes tree every year for the last 30 years, and we had constituents like that, or miners who went out, and mined a little claim, and had that as kind of their life's occupation——

Mr. LEWIS of California. Or whether they want swimming in those guzzlers——

Mr. HUNTER. That's right, went to those, or the Desert Unlimited, the Wildlife Unlimited, the people that AL loves so much, the sportsmen who go out there and dig those waterholes for what the gentleman from Pennsylvania [Mr. CLINGER], an easterner, erroneously referred to as big sheep. I say to my colleague, "No BILL, we don't build those for big sheep. It's bighorn sheep. The size has nothing to do with it."

But because a lot of other people had the same idea of conservation that AL does; that is, that when you use the desert, you take care of it, private people went out there and built those waterholes to bring back the wildlife species, and did so successfully, and yet they were in danger in this so-called desert plan for being locked out so that we could not maintain those waterholes.

So, the same fuzzy-headed environmentalists thought they were helping wildlife. In fact they were not helping wildlife. But commonsense people like AL McCANDLESS knew we had to keep some vehicular access to that desert. Because of that he cosponsored the amendment with you, and I, and the gentleman from California [Mr. McKEON], and others that allowed the wildlife groups and our fish and game department to come into the desert, maintain the watering holes.

He sponsored the amendment that allowed our law enforcement agents, like Border Patrol, to be able to come into the desert with vehicles because Lord knows those new desert areas abut the Mexican-American international line, and of course the smugglers are not going to read the fine print in the desert bill. They are going to be going through with four-wheel drives, and those wilderness areas will become havens for drug smugglers and smugglers of illegal aliens. Well, AL McCANDLESS realized that, so he cosponsored the amendment that successfully passed the House, I might add, that at least allowed our law enforcement officers to use vehicles in that area. AL MCCANDLESS fought a great battle.

Mr. Speaker, I mean this was like I just got finished reading Jeb Stuart in the defense of Richmond. As the Confederate Army was forced further and further south, we fought a great battle along with you, and the gentleman from California [Mr. THOMAS], another guy with a great sense of humor, and the gentleman from California [Mr. MCKEON].

I really like these pictures of us in this L.A. Times editorial. I think this is the only picture I have ever seen of AL MCCANDLESS smiling, so it is quite a picture. Actually we are all smiling because we are all diehards.

So, I want to say, "You know, we're accused of a lot of things in this body. We're accused sometimes of gridlock. Congressmen aren't supposed to be for gridlock. You're supposed to pass tons of bills, and incidentally I saw the new regulations on small business that was passed this year, and, if you stacked them one on top of one another, they would reach over the head of any small businessman in America. Those are new regulations on small business that were created by language that came out of this Congress."

So, Mr. Speaker, some people that measure what Congress has done for the country by volume, I say, "You don't want diehards. You want people who will just pass stuff voluminously so the American people will never be able to read all the laws they're supposed to comply with."

But, as my colleagues know, sometimes it is important to have diehards, and because of a guy, because of AL MCCANDLESS and his hard work, maybe those Americans, millions of Americans that use the California desert, will not be locked out. At least maybe they will not be locked out this year. Maybe they will be able to utilize those 7,000,000 acres, and the small miners and the off-road folks who go to the same place to camp every year, and the hunters, and all the people who know that those people who built California did it with the sense of balance, and we lost that sense of balance with that particular bill.

So I just want to say sometimes it is good to be a diehard, and a number of us, realizing that being a diehard is important sometimes when you are a diehard for good strong values and conservatism have gotten just a little token of our esteem for AL's battle to save the desert for people, and we have that in this box here. A lot of people say, "What's in the box, HUNTER?" Well——

Mr. LEWIS of California. It's a bighorn sheep.

Mr. HUNTER. Well, AL this is your Die Hard battery, and incidentally the gentleman from California [Mr. THOMAS] has put on the top—you see the orange part that says "plus"? That is the positive side, AL.

It says, "AL, always be," and there is a little arrow toward the positive.

It is signed "BILL THOMAS," but it is signed by all the desert diehards, and we want to thank the gentleman, our fellow diehard, AL MCCANDLESS, for his steadfast, tenacious resistance and opposition to the California desert lockout bill, and can my compadres, the gentleman from California [Mr. MCKEON], the gentleman from California [Mr. LEWIS] come up here and help me present this?

This is real heavy, and AL, can you come up here, and, AL, catch.

Let us all hand this to AL.

Mr. LEWIS of California. Here you go, AL.

Mr. MCCANDLESS. I say to my colleagues, "Thank you."

Mr. LEWIS of California. It is filled with gold.

Mr. MCCANDLESS. Is this charged?

Mr. LEWIS of California. It is charged; be careful.

As my colleagues know, ofttimes in our desert country we hear people say, "Why don't we get more people with common sense in government?

Our problem is that it is awfully hard to attract people of diverse backgrounds who reflect the common sense of this country.

□ 2010

Some people suggest maybe we have too many lawyers or we have too many people that come directly out of college and all they want to do is run for public office and run government. It is much more difficult to find people who have everyday, practical experience, and success, working in America's private economy. AL MCCANDLESS is a reflection of that. I said he used to pound tires and was a car dealer. He was a very successful small businessman in the desert country in California. It is very important for all of us to recognize that it was that common sense that made him so successful here as a Member of the House.

I know when he had that responsibility in his dealership, he developed some traits that he has used with his own staff that involved how he would screen people. I hear that in the old days, when he was looking to determine the special qualifications of people who were applying for work, he did a variety of things. Among them, he asked a potential employee, "if you were a car, what kind of a car would you be?"

The answers obviously were always very thoughtful and revealing, and sometimes even made the difference between two closely qualified candidates. Did his technique work, you may ask? Apparently it did. Because AL traditionally had an office with very, very little staff turnover, even in those days. Occasionally some cranking and starting problems, but very little turnover.

In connection with that, sharing this evening with us is a reflection of the best of AL'S success, for in the gallery this evening, starting to my left looking up there, is Monty Tripp. If you would stand, Monty. Behind Monty is Don Wolfsenberger.

The SPEAKER pro tempore (Mr. PENNY). I would caution the gentleman about references to the gallery.

Mr. LEWIS of California. I will put these names in the RECORD. I will not mention Don's wife next. On the other hand, we did mention Gail. The rest of you folks, you know we love you, and you will be in the RECORD anyway.

In all my years in public affairs and public life, one of the constant challenges was to find people like AL who reflect the best of our country.

AL MCCANDLESS is among the most outstanding of all the individuals I have even dealt with in public affairs. I am reminded of a great building in Sacramento, where it was my privilege to serve for some years. And on the face of the building it says, "Bring us men to match our mountains." If there was meaning to that statement, it is reflected in the fact that we have been able to attract the likes of AL MCCANDLESS to public affairs. AL MCCANDLESS is a guy who I consider to be more than a friend, a person who has made a great difference for all of us in the best of nonpartisan sense in the House. He is a wonderful individual who has made a difference because he chose to make a difference.

AL, you know that Arlene and I love not only you and your wife, but all that you represent. We will miss you. We do not intend to let you get very far away.

One promise we will make is that one of these days we are going to visit that special spot on that island that you talk about a lot. But, most importantly, as you enjoy scenes like that together, I hope that you will remember all of us, your friends here, and those of us who love public affairs as you do.

Let me yield to AL MCCANDLESS.

Mr. MCCANDLESS. Has the hour expired yet, Mr. Speaker? Two minutes?

Boy, it has been a long hour.

Mr. LEWIS of California. Maybe 30 seconds.

Mr. MCCANDLESS. You want 30 seconds?

Mr. LEWIS of California. I would be happy to yield to my colleague.

Mr. MCCANDLESS. This is quite a surprise, or at least it was until I walked in just prior to the last vote this evening, and I began to get, "Oh, AL, I can't make it, but I am going to enter this into the RECORD," and I made a few inquiries and found out that my colleague, the gentleman from California [Mr. LEWIS], had kind of loaded the dice, so-to-speak, for a special order this evening.

The gentleman from Minnesota [Mr. PENNY], the Speaker pro tempore, is retiring also. We have taken a plane back and forth together from Minneapolis on a number of occasions, and I hope they do not do this to you.

On a serious note though, I would say to the gentleman from West Virginia [Mr. WISE] thank you very much. The Huaga Valley, the Chapare, the snakes and so forth. It was an experience, but it had a purpose. We were not joyriding, obviously.

To my other colleagues, I appreciate the time that you have taken to share with me your thoughts, all of which have been positive this evening. I could assure you, some of you, back in 1990, when I was running against "Pa" Walton. But we made that by 5 points.

I guess one of the highlights of my political career was the election process that got me here, to the gentleman from California [Mr. LEWIS] and the gentleman from California [Mr. HUNTER] and the rest who are still here. I was looking for a campaign finance chairman, and this kind of thing is somewhat difficult to come by. The sum total of which was I had a breakfast and we had a lot of my friends and business people there, and one person by the name of Gail Glass. And so these fellows all looked at me when I said "I need a finance chairman," and they looked at Gail, and she mistakenly, or unmistakenly, or however she wished to interpret it, agreed to be the finance chairman of the McCandless campaign. We had 10 Republicans and 9 Democrats in the primary, and, obviously, I was successful. But she had a great deal to play in that, and collected quite a bit of money, and did an awful lot of work.

Now that we are through with the November election, and we are about to be gaveled down here, I would conclude by saying I liked this campaign finance chairman so much, that I asked her to marry me, and she, after a great deal of thought, agreed. And then we came to Washington and we got married in the Chapel here, I might add, by Rev. Chaplain Ford.

That began a wonderful career, a wonderful relationship with some outstanding people here in Washington, my colleagues in the House, even the gentleman from California [Mr. LEWIS] who used to be a life insurance salesman, and he calls me a reformed used car dealer who became a politician.

And these people are genuine in that they came here to serve, they came here to try to do a job, as I have attempted to do, and serve their country. We cannot take away from the importance of the House of Representatives, this body in which we serve, and what it does for not only the Nation, but the world.

I cannot overemphasize that. The words gridlock, you name it, have been on many occasions, attributed to us. These are honest differences of opinion in the way to proceed down a given path.

When we talk about going down a given path, you really cannot do an awful lot, as I learned in the Marine Corps as a platoon sergeant and then a platoon leader, without a lot of help from a lot of people. I must say in all candidness, I have had probably, if not the finest, one of the finest staffs here in our good District of Columbia, as well as the State of California.

Mr. LEWIS of California. If the gentleman would yield, by chance was Darlene Jones one of those people who helped you?

Mr. McCANDLESS. The name is very familiar. Yes, she is.

Mr. LEWIS of California. By chance, is Signy Ellerton Cale one of those people?

Mr. McCANDLESS. I vaguely remember this young lady 12 years ago when I hired her, yes.

Mr. LEWIS of California. You have heard of Jayne Gillenwaters?

Mr. McCANDLESS. Jayne Gillenwaters? Everybody has heard of Jayne Gillenwaters, yes.

Mr. LEWIS of California. How about Pat Rinaldi?

Mr. McCANDLESS. Pat Rinaldi, no one ever forgets.

Mr. LEWIS of California. Ready. How about Mike Riith?

Mr. McCANDLESS. Mike Riith? Mike is pretty good people, yes.

☐ 2020

Travels a long way to work but nice person.

Mr. LEWIS of California. How about Dave Schroeder?

Mr. McCANDLESS. Good hometown boy from Palm Springs.

Let me conclude by saying this: This has been a frustrating 12 years; it has been a rewarding 12 years.

The frustration and the reward are far outweighed by the fact that I have been honored, and I mean that sincerely, have been honored by my colleagues here this evening. I have been honored by the constituency of 44th district and the previous district to that and in serving this House as their Representative.

I want to thank all of my colleagues for the effort that they have devoted this evening, particularly those on the other side of the aisle, not that they are any different than we are. They put their trousers on one leg at a time. But particularly Mr. WISE and Mr. FAZIO and Mr. KENNEDY. And I thank you, Mr. LEWIS, and thank all of my colleagues.

The SPEAKER pro tempore (Mr. PENNY). If the Chair may use the Speaker's prerogative to add as well my best wishes to the gentleman from California.

Mr. HORN. Mr. Speaker, I have had the pleasure of serving with AL MCCANDLESS on the Committee on Government Operations as well as being a colleague in the California delegation.

There is an old saying about legislators: "There are workhorses and there are showhorses." AL is a workhorse that has his showy moments. I have sat with him in committee and watched him patiently tolerate some of the nonsense by both questioners and witnesses. When his turn comes, he quietly asks a series of questions that brings the hearing back to its focus and clarifies the record so a legislative judgment can properly be made. He always shows that he has done his homework with great care. He gets to the core of the problem.

His colleagues and I hold AL in great affection because he is a gentleman and he is civil. He has conducted himself in the highest traditions of the House of Representatives.

Few Members have come to this Chamber with such a record of public service. A Marine who fought in the Second World War and the Korean War, a successful businessman, AL served his community in many ways including appointed and elected public service. A member of the Riverside County Board of Supervisors, he was elected its chairman; a founding member of the South Coast Air Quality Management District in 1975, he was elected its chairman at the beginning and served in that role for 7 years. In brief, if you wanted to accomplish something, you elected AL MCCANDLESS chairman and the job would get done.

That experience and his way of doing the business of the people will be sorely missed. Good wishes always. You are a true role model for those of us less senior.

Mr. ZELIFF. Mr. Speaker, I rise this evening to pay special tribute to my friend and colleague, AL MCCANDLESS. AL will be leaving the House of Representatives after 12 years of dedicated public service in this institution.

In fact, public service pretty well sums up AL's life. Prior to coming to Congress, AL served for 12 years as the elected supervisor in Riverside County's 4th District. During that time, he served as chairman of the Board of Supervisors. He was also a founding member and chairman of the South Coast Air Quality Management District, chairman of the Riverside County Housing Authority, a founding member of the Sunline Transit Agency, and a member of numerous civic associations.

AL is a former Marine who served his country in the Pacific and in Korea. Following his military service, AL went to work building a business, McCandless Motors, a GM auto, truck, and bus dealership.

I had the pleasure of traveling with AL to Mexico last year as part of a fact-finding delegation to explore the issues related to the debate over NAFTA. At that fine, we were two lonely voices in a delegation that was blind to the virtues of free trade. But AL and I knew better, and we saw first hand great opportunity for this country through an expanded trade relationship with Mexico.

Congress is often judged by the misdeeds of a few, but seldom by the virtues of outstanding public servants who truly make a difference. AL MCCANDLESS is such a man. This institution has been a better place because of AL's service, and he will be missed.

I want to close by offering my heartfelt thanks to AL for the guidance and help he gave to me as a new Member of Congress. I wish him and his wife Gail, and their family, my very best wishes for the future.

Mr. THOMAS of California. Mr. Speaker, a native Californian, which is about as rare as a native Washingtonian, AL MCCANDLESS has served the people of Riverside County for over a quarter of a century—first as a Riverside county supervisor, then as a Member of the House. Before that AL served his country in not one but two wars, in the Pacific during World War II and then again in Korea. In all these years of public service, AL MCCANDLESS has left an impeccable and distinguished record.

AL's career in the House is marked by a steady and understated dedication to service. While never flashy, he was most importantly always ready to fight the good fight. And fight AL did. Before AL came to Congress, he had already been battling for 12 years to bring balance to protection of the California desert. So when he arrived in 1982, desert dwellers gained a knowledgeable and dedicated proponent of fair desert legislation.

Throughout his career AL showed wise judgment in how taxpayers' money should be spent. He was also one of the first Republican Members of Congress to raise a red flag regarding the savings and loan crisis. In fact, he joined the Banking Committee just because he was so alarmed at the state of affairs in that industry. Recent achievements include working for reform of the National Flood Insurance Program and prohibiting high cost, home equity funding.

And, AL MCCANDLESS is a nice man. While he goes about his job in a no nonsense way, he also takes the time to know and talk with all those around him—the policemen, doorkeepers, cloakroom staff, subway and elevator operators as well as staff. He knew them by name and took the time to chat and share a joke.

Besides the obvious of being Republicans from California, AL and I have another commonality—cars. While I truly enjoy my cars, my level of fascination doesn't go quite as far as AL's. I don't name my cars the way AL does—but then I don't know anyone who names their cars the way AL does, or refers to them in such loving terms. For which, I pass on a special salute to his wife Gail—a truly understanding woman.

I will miss AL. His dedication to the institution will be hard to replace. He came here with honor and leaves here with honor. On his retirement I wish he and Gail well.

Mr. PACKARD. Mr. Speaker, I rise to pay a farewell tribute to my colleague and good friend, Mr. AL MCCANDLESS. I have had the distinct pleasure of being both a classmate and personal friend of Mr. MCCANDLESS.

We both came together as freshmen 12 years ago as members of the class of 1982 and have served together since. Mr. MCCANDLESS and I have worked together hand-in-hand over the years to serve the people of California. Our comraderie is reflected in our adjacent districts as well as in our political views. Mr. MCCANDLESS and I have supported and encouraged one another over the years on various issues. Politically and personally, Mr. MCCANDLESS and I hail from essentially the same mold.

Over the years my wife Jean and I have become close friends with Mr. MCCANDLESS and his wife Gail. We wish them the best in their future endeavors. While I look forward to working closely with his successor, as a colleague and friend Mr. MCCANDLESS will be sorely missed in the Capitol region.

Mrs. MORELLA. Mr. Speaker, it is a pleasure to join in the tribute to our colleague, AL MCCANDLESS, who is retiring after a long and distinguished career in public service, the last 12 years of which have been as a Member of this House.

Since he was elected in 1982 to represent the Riverside County area of California, Congressman MCCANDLESS has made his mark as a fervent defender of free enterprise and as a champion of the Social Security system.

Most recently, he has played key roles on the Banking, Finance and Urban Affairs, and Government Operations Committees. He has been vice chairman of the Consumer Credit and Insurance Subcommittee on the Banking Committee, and vice chairman of Government Operations' Subcommittee on Government Information, Justice and Agriculture.

AL MCCANDLESS has had the distinction of representing the fastest growing congressional district in the country. In the 1980s, he represented the burgeoning 37th District, but, in 1990, he had 500,000 constituents shifted to another district. He now represents the 44th, which reaches from Moreno Valley eastward to Blythe, on the Colorado River.

Before becoming a Member of Congress, AL served as supervisor in Riverside County's Fourth District for 12 years, 4 of them as chairman of the Board of Supervisors. He has held a variety of other positions in public life as well.

A former Marine, he served in the Pacific Theater in 1945–46 and in Korea from 1950 to 1952.

For nearly a quarter-century, he operated an auto dealership in Indio, selling the business in 1975.

As AL concludes his notable career in Washington, I want to join with my colleagues in thanking him for his great service, and in wishing him and his family well for the future. May he enjoy his new post-Congress adventure.

Mr. QUILLEN. Mr. Speaker, I rise at this time to bid a fond farewell to my good friend and colleague, AL MCCANDLESS, who is retiring from the Congress to return to California at the end of this session. I have known AL ever since he left La Quinta to come to Congress in 1982. Even though I am from the mountains and he is from the desert, we hit it off quite well. He has always been the kind of business-oriented, real-world conservative that we need more of in the House. Whenever we feel pressured to respond to a problem with a quick legislative fix, AL is one to stand up and make his colleagues see what unforeseen problems the legislation could cause.

AL loves to talk about the beauty of the southern California desert that comprises most of his district. AL has fought ceaselessly to stop a bill that would turn this land into a national park and deny much of its use to those who now enjoy it. When AL believes that something is not right, he pulls out all the stops to oppose it, as everyone who made it through the California desert debate can attest.

Courage, tenacity, and common sense have been hallmarks of AL MCCANDLESS' service to his country over the last 40 years. In the Marines Corps, in local government in Riverside County, and here in the House of Representatives, AL has given much to the people of his State and his country. It is fitting that we take time tonight to salute him and to wish both he and Gail a happy and fulfilling retirement. I hope that they keep in touch, and while I will sorely miss AL, I will try to keep my continued service in the House up to the standard that he has set.

Mr. MOORHEAD. Mr. Speaker, for many years now, AL MCCANDLESS has been a respected and effective Member of the House of Representatives and the California congressional delegation.

Since he arrived here in January 1983, he has done an outstanding job of representing the interests of the residents of his congressional district. He has never sacrificed the common good for short-term, self-interest. He is a man of honor and wit, traditional values, and sound politics. He is and will always be a very good friend to many of us who continue to serve in the House.

Mr. Speaker, I sincerely wish AL MCCANDLESS the very best as he departs the Congress and seek new goals and activities.

Mr. KNOLLENBERG. Mr. Speaker, it is with mixed emotions that I rise this evening to recognize our colleague from California, the Honorable ALFRED A. MCCANDLESS.

He will be leaving us at the end of this term, returning to the beautiful California desert with his wife Gail. AL and I served together, not only as Members of this esteemed body, but much more closely as members of the House Banking Committee.

Over the past 2 years, AL has become a good friend and mentor on Capitol Hill. As a freshman, he took me under his wing, and helped foster my growth as a true citizen legislator.

On the committee, he recognized our abilities—our true strengths and weaknesses. But more importantly to me, he allowed me the opportunity to use my expertise for the benefit of this Congress, regardless of my seniority.

And thanks to his tutoring and kind words, I was not only able to author and coauthor several amendments, but also gain in confidence in my abilities.

So with that Mr. Speaker, I extend a heartfelt thank you to my friend and colleague AL MCCANDLESS, and wish him well in all his future endeavors.

Mr. LEWIS of California. Mr. Speaker, as you know, the House paid tribute several days ago to our good friend and colleague, AL MCCANDLESS, who is returning to the California desert upon the adjournment of the 103d Congress. At this time, I would like to also recognize the many fine men and women have served on his staff in Washington and in California. They, too, deserve recognition for the outstanding work for our colleague, Mr. MCCANDLESS.

AL MCCANDLESS' staff includes: Signy Ellerton-Cale, Chief of Staff and Administrative

Assistant; Jayne Gillenwaters, Executive Assistant; Patricia Rinaldi, Appointments Scheduler and Director of Constituent Relations; David Schroeder, Legislative Director; Barbara Beyer, Research Assistant; Michael Riith, Legislative Assistant; M.Darlene Jones, Congressional Systems Manager; Monty Tripp, Counsel, Subcommittee on Legislation and National Security, Government Operations Committee; Stephan Vincze, Counsel, Subcommittee on Legislation and National Security, Government Operations Committee; Sean Cassidy, Counsel, Subcommittee on Consumer Credit and Insurance, Banking Committee; Patricia Cross, 44th Congressional District Director; Anita Carey, Senior Staff Assistant, Palm Desert Office; Kimberly Estock, 44th Congressional District Scheduler; D. Jann Foley, Field Representative and Office Administrator, Moreno Valley Office; Carol Park, Senior Staff Assistant, Moreno Valley office; Nancy Rios, Staff Assistant, Moreno Valley office.

Mr. DREIER. Mr. Speaker, I have had the distinct honor of serving 13 years in Congress with the distinguished gentleman, Congressman AL MCCANDLESS. Throughout his years in the U.S. House of Representatives, he served tirelessly and with dedication for the betterment of our society.

In his tenure with the House, Congressman MCCANDLESS was a consistent fiscal conservative who never buckled under pressure. He voted against the Tax Reform Act of 1986, even after being lobbied personally by President Reagan. Although he had opposition in his home district by the media and AARP, he voted against the catastrophic health care bill because it did not include long-term care.

AL was one of the first Members of Congress to raise a red flag regarding an impending Savings and Loan crisis. He introduced legislation that specifically addressed the lack of oversight of S&L's and spent many hours in committee meetings covering every aspect of the various proposals to help save victims of the S&L crisis. Although he was unable to get action from the committee chairman, he continued to be an outspoken critic of the way Congress handled the S&L crisis.

Several of AL's many successes include developing projects in his district aimed at protecting and enhancing the lives of his constituents. A major concern in his desert district, AL helped to fund major flood-control construction projects such as the Lake Elsinore stabilization project, the Eastern Municipal Water District's futuristic water reclamation project, and a host of others. AL also fought for and got Federal highway funds for a new interstate interchange. The March Air Force Base was saved from being completely shut down by the Base Closure Commission and instead remains open today as a reserve base. He was also instrumental in having 200,000 acres in the Santa Rosa and San Jacinto Mountains designated as a National Scenic Area.

Congressman AL MCCANDLESS' character can be measured in more ways than one: His tireless attention to detail, maintaining a voting record above the 90th percentile for his congressional career, never bouncing a check, and donating his pay increase after taxes to several charities in his district.

I know that I am joined by my colleagues in saying that Congressman AL MCCANDLESS has served this body with dedication, virtue, and dignity. His leadership and commitment to his constituents and this Congress will be remembered fondly.

CONFERENCE REPORT ON H.R. 4556

Mr. CARR submitted the following conference report and statement on the bill (H.R. 4556) making appropriations for the Department of Transportation and related agencies, for the fiscal year ending September 30, 1995, and for other purposes:

CONFERENCE REPORT (H. REPT. 103-752)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4556) "making appropriations for the Department of Transportation and related agencies, for the fiscal year ending September 30, 1995, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 20, 41, 49, 64, 65, 69, 70, 79, 85, 96, 97, 98, 99, 109, 113, 128, 130, 132, 134, 135, 144, 145, 147, 155, 156, 158, 181, and 182.

That the House recede from its disagreement to the amendments of the Senate numbered 18, 19, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 34, 37, 42, 44, 45, 46, 50, 53, 54, 56, 60, 63, 66, 68, 73, 76, 80, 81, 82, 86, 87, 90, 91, 92, 94, 127, 131, 146, 149, 150, 152, 153, 166, 167, 168, 171, and 174, and agree to the same.

Amendment numbered 1:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows:

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary, $58,094,000, of which $3,962,000 shall remain available until expended; and of which not to exceed $40,000 shall be available as the Secretary may determine for allocation within the Department for official reception and representation expenses: Provided, That in addition to this amount and notwithstanding any other provision of law, of the funds provided in this or any other Act for the Department of Transportation, the Secretary may transfer not to exceed $5,376,000 from accounts otherwise available for carrying out civil rights functions within the Department of Transportation to this account for carrying out internal civil rights functions through a consolidated departmental Office of Civil Rights within the Office of the Secretary: Provided further, That in addition, for transfer of civil rights and legal support activities related to the Federal Highway Administration, $809,000 to be derived from "Federal-aid Highways" subject to the "Limitation on General Operating Expenses": Provided further, That notwithstanding any other provision of law, funds available for the purposes of the Minority Business Resource Center in this Act may be used for business opportunities related to any mode of transportation.

Amendment numbered 21:

That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment, as follows:

In lieu of the sum proposed in said amendment insert: *$93,000,000*; and the Senate agree to the same.

Amendment numbered 33:

That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment, as follows:

In lieu of the sum proposed in said amendment insert: *$2,598,000,000*; and the Senate agree to the same.

Amendment numbered 35:

That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment, as follows:

In lieu of the sum proposed in said amendment insert: *$362,950,000*; and the Senate agree to the same.

Amendment numbered 36:

That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment, as follows:

In lieu of the sum proposed in said amendment insert: *$187,900,000*; and the Senate agree to the same.

Amendment numbered 38:

That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment, as follows:

In lieu of the sum proposed in said amendment insert: *$29,700,000*; and the Senate agree to the same.

Amendment numbered 39:

That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment, as follows:

In lieu of the sum proposed in said amendment insert: *$89,350,000*; and the Senate agree to the same.

Amendment numbered 40:

That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment, as follows:

In lieu of the sum proposed in said amendment insert: *$44,200,000*; and the Senate agree to the same.

Amendment numbered 43:

That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment, as follows:

In lieu of the sum proposed in said amendment insert: *$23,500,000*; and the Senate agree to the same.

Amendment numbered 47:

That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment, as follows:

In lieu of the sum proposed in said amendment insert: *$4,595,394,000*; and the Senate agree to the same.

Amendment numbered 48:

That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows: *Provided further, That, of the funds available under this head, $17,500,000 is available only for permanent change of station moves for members of the air traffic workforce*; and the Senate agree to the same.

Amendment numbered 51:

That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment, as follows:

In lieu of the sum proposed in said amendment insert: *$2,087,489,000*; and the Senate agree to the same.

Amendment numbered 52:

That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment, as follows:

In lieu of the sum proposed in said amendment insert: *$1,878,989,000*; and the Senate agree to the same.

Amendment numbered 55:

That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment, as follows:

In lieu of the sum proposed in said amendment insert: *$259,192,000* ; and the Senate agree to the same.

Amendment numbered 57:

That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

AIRCRAFT PURCHASE LOAN GUARANTEE PROGRAM

None of the funds in this Act shall be available for activities under this head the obligations for which are in excess of $9,970,000 during fiscal year 1995.

And the Senate agree to the same.

Amendment numbered 58:

That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment, as follows;

In lieu of the sum proposed in said amendment insert: *$525,341,000*; and the Senate agree to the same.

Amendment numbered 59:

That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment, as follows:

In lieu of the sum proposed in said amendment insert: *$218,158,000*; and the Senate agree to the same.

Amendment numbered 61:

That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment, as follows:

In lieu of the sum proposed in said amendment insert: *$10,800,000*; and the Senate agree to the same.

Amendment numbered 62:

That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment, as follows;

In lieu of the sum proposed in said amendment insert: *$10,800,000*; and the Senate agree to the same.

Amendment numbered 67:

That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follow:

OPERATIONS AND RESEARCH

For expenses necessary to discharge the functions of the Secretary with respect to traffic and highway safety under the Motor Vehicle Information and Cost Savings Act (Public Law 92–513, as amended) and the National Traffic and Motor Vehicle Safety Act (Public Law 89–563, as amended), $79,556,000, of which $42,965,000 shall remain available until September 30, 1997.

And the Senate agree to the same.

Amendment numbered 71:

That the House recede from its disagreement to the amendment of the Senate numbered 71, and agree to the same with an amendment, as follows:

In lieu of the sum proposed in said amendment insert: *$30,310,000*; and the Senate agree to the same.

Amendment numbered 72:

That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment, as follows:

In lieu of the sum proposed in said amendment insert: *$13,090,000*; and the Senate agree to the same.

Amendment numbered 74:

That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment, as follows:

In lieu of the sum proposed in said amendment insert: *$47,729,000*; and the Senate agree to the same.

Amendment numbered 75:

That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment, as follows:

In lieu of the sum proposed in said amendment insert: *$2,600,000*; and the Senate agree to the same.

Amendment numbered 77:

That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment, as follows:

In lieu of the sum proposed in said amendment insert: $20,500,000; and the Senate agree to the same.

Amendment numbered 78:

That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment, as follows:

In lieu of the sum proposed in said amendment insert: *$200,000,000*; and the Senate agree to the same.

Amendment numbered 83:

That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment, as follows:

In lieu of the sum proposed in said amendment insert: *$772,000,000*; and the Senate agree to the same.

Amendment numbered 84:

That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment, as follows:

In lieu of the sum proposed in said amendment insert: *$542,000,000*; and the Senate agree to the same.

Amendment numbered 88:

That the House recede from its disagreement to the amendment of the Senate numbered 88, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

RHODE ISLAND RAIL DEVELOPMENT

For the costs associated with construction of a third track on the Northeast Corridor between Davisville and Central Falls, Rhode Island, with sufficient clearance to accommodate double stack freight cars, $5,000,000, to be matched by the State of Rhode Island or its designee on a dollar for dollar basis and to remain available until expended: Provided, That as a condition of accepting such funds, the Providence and Worcester (P&W) Railroad shall enter into an agreement with the Secretary to reimburse Amtrak and/or the Federal Railroad Administration, on a dollar for dollar basis, up to the first $5,000,000 in damages resulting from any legal action initiated by the P&W Railroad under its existing contracts with Amtrak relating to the provision of vertical clearances between Davisville and Central Falls in excess of those required for present freight operations.

And the Senate agree to the same.

Amendment numbered 89:

That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

PENNSYLVANIA STATION REDEVELOPMENT PROJECT

For grants to the National Railroad Passenger Corporation, $40,000,000, to remain available until expended, for engineering, design and construction activities to enable the James A. Farley Post Office in New York City to be used as a train station and commercial center: Provided, That the Secretary may retain from these funds such amounts as the Secretary shall deem appropriate to undertake the environmental and historic preservation analyses associated with this project: Provided further, That none of these funds may be expended for construction activities (except for emergency and short-term and related repairs and environmental restoration) until the participants have entered into a binding agreement satisfactory to the Secretary that contains financial and related commitments from the participants sufficient to ensure the completion of the project: Provided further, That no funds provided under this head shall be available until authorized by law.

And the Senate agree to the same.

Amendment numbered 93:

That the House recede from its disagreement to the amendment of the Senate numbered 93, and agree to the same with an amendment, as follows:

In lieu of the sum proposed in said amendment insert: *$710,000,000*; and the Senate agree to the same.

Amendment numbered 95:

That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment, as follows:

In lieu of the sum named in said amendment insert: *$8,000,000*; and the Senate agree to the same.

Amendment numbered 100:

That the House recede from its disagreement to the amendment of the Senate numbered 100, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of the sum named in said amendment insert: *$24,000,000*; and the Senate agree to the same.

Amendment numbered 101:

That the House recede from its disagreement to the amendment of the Senate numbered 101, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of the sum named in said amendment insert: *$25,000,000*; and the Senate agree to the same.

Amendment numbered 102:

That the House recede from its disagreement to the amendment of the Senate numbered 102, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of the sum named in said amendment insert: *$16,925,000*; and the Senate agree to the same.

Amendment numbered 103:

That the House recede from its disagreement to the amendment of the Senate numbered 103, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of the sum named in said amendment insert: *$2,500,000*; and the Senate agree to the same.

Amendment numbered 104:

That the House recede from its disagreement to the amendment of the Senate numbered 104, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of the sum named in said amendment insert: *$3,000,000*; and the Senate agree to the same.

Amendment numbered 105:

That the House recede from its disagreement to the amendment of the Senate numbered 105, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of the sum named in said amendment insert: *$10,000,000*; and the Senate agree to the same.

Amendment numbered 106:

That the House recede from its disagreement to the amendment of the Senate numbered 106, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of the sum named in said amendment insert: *$30,000,000*; and the Senate agree to the same.

Amendment numbered 107:

That the House recede from its disagreement to the amendment of the Senate numbered 107, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of the sum named in said amendment insert: *$1,000,000*; and the Senate agree to the same.

Amendment numbered 108:

That the House recede from its disagreement to the amendment of the Senate numbered 108, and agree to the same with an amendment, as follows:

In lieu of the sum proposed in said amendment insert: *$107,000,000*; and the Senate agree to the same.

Amendment numbered 110:

That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment, as follows:

In lieu of the sum proposed in said amendment insert: *$55,000,000*; and the Senate agree to the same.

Amendment numbered 111:

That the House recede from its disagreement to the amendment of the Senate numbered 111, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of the sum named in said amendment insert: *$1,200,000*; and the Senate agree to the same.

Amendment numbered 112:

That the House recede from its disagreement to the amendment of the Senate numbered 112, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of the sum named in said amendment insert: *$5,000,000*; and the Senate agree to the same.

Amendment numbered 114:

That the House recede from its disagreement to the amendment of the Senate numbered 114, and agree to the same with an amendment, as follows:

In lieu of the sum proposed in said amendment insert: *$98,000,000*; and the Senate agree to the same.

Amendment numbered 115:

That the House recede from its disagreement to the amendment of the Senate numbered 115, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of the sum named in said amendment insert: *$5,000,000*; and the Senate agree to the same.

Amendment numbered 116:

That the House recede from its disagreement to the amendment of the Senate numbered 116, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of the sum named in said amendment insert: *$20,150,000*; and the Senate agree to the same.

Amendment numbered 117:

That the House recede from its disagreement to the amendment of the Senate numbered 117, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of the sum named in said amendment insert: *$5,000,000*; and the Senate agree to the same.

Amendment numbered 118:

That the House recede from its disagreement to the amendment of the Senate numbered 118, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of the sum named in said amendment insert: *$2,350,000*; and the Senate agree to the same.

Amendment numbered 119:

That the House recede from its disagreement to the amendment of the Senate numbered 119, and agree to the same with an amendment, as follows:

In lieu of the sum proposed in said amendment insert: *$12,095,000*; and the Senate agree to the same.

Amendment numbered 120:

That the House recede from its disagreement to the amendment of the Senate numbered 120, and agree to the same with an amendment, as follows:

In lieu of the sum named in said amendment insert: *$3,000,000*; and the Senate agree to the same.

Amendment numbered 121:

That the House recede from its disagreement to the amendment of the Senate numbered 121, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert: *$3,600,000 for the Boston, Massachusetts to Portland, Maine Transportation Corridor Program*; and the Senate agree to the same.

Amendment numbered 122:

That the House recede from its disagreement to the amendment of the Senate numbered 122, and agree to the same with an amendment, as follows:

In lieu of the sum named in said amendment insert: *$14,000,000*; and the Senate agree to the same.

Amendment numbered 123:

That the House recede from its disagreement to the amendment of the Senate numbered 123, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of the sum named in said amendment insert: *$500,000*; and the Senate agree to the same.

Amendment numbered 124:

That the House recede from its disagreement to the amendment of the Senate numbered 124, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of the sum named in said amendment insert: *$5,000,000*; and the Senate agree to the same.

Amendment numbered 125:

That the House recede from its disagreement to the amendment of the Senate numbered 125, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of the sum named in said amendment insert: *$2,500,000*; and the Senate agree to the same.

Amendment numbered 126:

That the House recede from its disagreement to the amendment of the Senate numbered 126, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of the sum named in said amendment insert: *$2,500,000*; and the Senate agree to the same.

Amendment numbered 129:

That the House recede from its disagreement to the amendment of the Senate numbered 129, and agree to the same with an amendment, as follows:

In lieu of the sum named in said amendment insert: *$1,500,000*; and the Senate agree to the same.

Amendment numbered 133:

That the House recede from its disagreement to the amendment of the Senate numbered 133, and agree to the same with an amendment, as follows:

In lieu of the sum named in said amendment insert: *$4,000,000*; and the Senate agree to the same.

Amendment numbered 136:

That the House recede from its disagreement to the amendment of the Senate numbered 136, and agree to the same with an amendment, as follows:

In lieu of the sum proposed in said amendment insert: *$10,251,000*; and the Senate agree to the same.

Amendment numbered 137:

That the House recede from its disagreement to the amendment of the Senate numbered 137, and agree to the same with an amendment, as follows:

In lieu of the sum proposed in said amendment insert: *$26,238,000*; and the Senate agree to the same.

Amendment numbered 138:

That the House recede from its disagreement to the amendment of the Senate numbered 138, and agree to the same with an amendment, as follows:

In lieu of the sum proposed in said amendment insert: *$37,424,000*; and the Senate agree to the same.

Amendment numbered 139:

That the House recede from its disagreement to the amendment of the Senate numbered 139, and agree to the same with an amendment, as follows:

In lieu of the sum proposed in said amendment insert: *$34,991,500*; and the Senate agree to the same.

Amendment numbered 140:

That the House recede from its disagreement to the amendment of the Senate numbered 140, and agree to the same with an amendment, as follows:

In lieu of the sum proposed in said amendment insert: *$16,317,500*; and the Senate agree to the same.

Amendment numbered 141:

That the House recede from its disagreement to the amendment of the Senate numbered 141, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert: *: Provided, That from amounts made available herein from the Pipeline Safety Fund, not to exceed $750,000 shall be available for grants to States for the development and establishment of one-call notification systems*; and the Senate agree to the same.

Amendment numbered 142:

That the House recede from its disagreement to the amendment of the Senate numbered 142, and agree to the same with an amendment, as follows:

In lieu of the sum proposed in said amendment insert: *$10,800,000*; and the Senate agree to the same.

Amendment numbered 143:

That the House recede from its disagreement to the amendment of the Senate numbered 143, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *That no such funds shall be made available for obligation by individuals other than the Secretary of Transportation, the Director of the National Institute of Environmental Health Sciences, or their designees*; and the Senate agree to the same.

Amendment numbered 148:

That the House recede from its disagreement to the amendment of the Senate numbered 148, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

For necessary expenses of the Interstate Commerce Commission, including services as authorized by 5 U.S.C. 3109 and hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b), $30,302,000: Provided, That; and the Senate agree to the same.

Amendment numbered 151:

That the House recede from its disagreement for the amendment of the Senate numbered 151, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert: *: Provided further, That employment at the Center shall not exceed 550 full time equivalent staff years in fiscal year 1995*; and the Senate agree to the same.

Amendment numbered 154:

That the House recede from its disagreement to the amendment of the Senate numbered 154, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

SEC. 314. None of the funds in this Act shall be used to implement section 404 of title 23, United States Code.

SEC. 314A. For the purpose of carrying out a demonstration of the construction of highways in high priority corridors, authorized by section 1105(f) of Public Law 102-240, there is hereby appropriated $6,000,000 for the Secretary to enter into an agreement to make a loan or loans not to exceed $40,000,000 to the public entity or entities with the statutory duty to construct such facilities: Provided, That such loan or loans shall be repaid by direct repayment no later than the fifth Federal fiscal year following the year in which a loan was made. Funds made available by this section shall not be subject to any limitation.

And the Senate agree to the same.

Amendment numbered 157:

That the House recede from its disagreement to the amendment of the Senate numbered 157, and agree to the same with an amendment, as follows;

Restore the matter stricken by said amendment and insert the matter proposed by said amendment, amended as follows:

In lieu of the second "SEC. 324." proposed in said amendment, insert: *SEC. 324A.*; and the Senate agree to the same.

Amendment numbered 159:

That the House recede from its disagreement to the amendment of the Senate numbered 159, and agree to the same with an amendment, as follows;

In lieu of the matter stricken and inserted by said amendment, insert:

SEC. 327. None of the funds made available by this Act may be obligated or expended to design, construct, erect, modify or otherwise place any sign in any State relating to any speed limit, distance, or other measurement on any highway if such sign establishes such speed limit, distance, or other measurement using the metric system.

SEC. 327A. Notwithstanding any other provisions of law, tolls collected for motor vehicles on any bridge connecting the boroughs of Brooklyn, New York, and Staten Island, New York, shall continue to be collected for only those vehicles exiting from such bridge in Staten Island.

And the Senate agree to the same.

Amendment numbered 160:

The the House recede from its disagreement to the amendment of the Senate numbered 160, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

SEC. 329. None of the funds in this Act may be used to compensate in excess of 335 technical staff years under the federally-funded research and development center contract between the Federal Aviation Administration and the Center for Advanced Aviation Systems Development during fiscal year 1995.

SEC. 329A. The Secretary of Transportation may enter into grants, cooperative agreements, and other transactions with any person, agency, or instrumentality of the United States, any unit of State or local government, any educational institution, and any other entity in execution of the Technology Reinvestment Project authorized under the Defense Conversion, Reinvestment and Transition Assistance Act of 1992 and related legislation: Provided, That the authority provided in this section may be exercised without regard to section 3324 of title 31, United States Code.

And the Senate agree to the same.

Amendment numbered 161:

That the House recede from its disagreement to the amendment of the Senate numbered 161, and agree to the same with an amendment, as follows:

In lieu of the sum proposed in said amendment insert: *$7,000,000*; and the Senate agree to the same.

Amendment numbered 162:

That the House recede from its disagreement to the amendment of the Senate numbered 162, and agree to the same with an amendment, as follows:

In lieu of the sum proposed in said amendment insert: *$93,000,000*; and the Senate agree to the same.

Amendment numbered 163:

That the House recede from its disagreement to the amendment of the Senate numbered 163, and agree to the same with an amendment, as follows:

In lieu of the sum proposed in said amendment insert: *$5,590,000*; and the Senate agree to the same.

Amendment numbered 164:

That the House recede from its disagreement to the amendment of the Senate numbered 164, and agree to the same with an amendment, as follows:

In lieu of the sum proposed in said amendment insert: *$25,922,000*; and the Senate agree to the same.

Amendment numbered 165:

That the House recede from its disagreement to the amendment of the Senate numbered 165, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

SEC. 332. Section 127(a) of title 23, United States Code, is amended by adding at the end the following: "With respect to the State of Maryland, laws and regulations in effect on June 1, 1993, shall be applicable for the purposes of this subsection.".

SEC. 332A. The Federal Aviation Administration is directed to install a Terminal Doppler Weather Radar at Charlotte, North Carolina in fiscal year 1995, and to commission that radar no later than December 31, 1995.

And the Senate agree to the same.

Amendment numbered 169:

That the House recede from its disagreement to the amendment of the Senate numbered 169, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment and insert the matter proposed by said amendment, amended to read as follows:

SEC. 335A. Section 5302(a)(1) of title 49, United States Code, is amended by inserting "payments for the capital portions of rail trackage rights agreements," after "rights-of-way,".

And the Senate agree to the same.

Amendment numbered 170:

That the House recede from its disagreement to the amendment of the Senate numbered 170, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

SEC. 337. In addition to amounts otherwise provided by this Act, $2,900,000 shall be available for "Interstate Commerce Commission, Salaries and Expenses" for the discharge of liabilities, including severance pay, under title 5 of the United States Code to employees separated from the Interstate Commerce Commission on or after October 1, 1994.

And the Senate agree to the same.

Amendment numbered 172:

That the House recede from its disagreement to the amendment of the Senate numbered 172, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

SEC. 340. The unspent balance of funds previously appropriated for the Meadowbrook Parkway project shall be available for the Loop Parkway Bridge rehabilitation project.

And the Senate agree to the same.

Amendment numbered 173:

That the House recede from its disagreement to the amendment of the Senate numbered 173, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

SEC. 341. Amounts not to exceed $3,000,000 available in the obligation guarantee fund established under section 511 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94-210), as amended, and received from the Delaware and Hudson Railroad, shall be transferred to the Federal Railroad Administration, "Office of the administrator" for necessary expenses of the Federal Railroad Administration.

And the Senate agree to the same.

Amendment numbered 175:

That the House recede from its disagreement to the amendment of the Senate numbered 175, and agree to the same with an amendment, as follows:

Delete the matter proposed by said amendment, and on page 16, line 21 of the House engrossed bill, H.R. 4556, insert *or as specified in authorizing legislation,* after *percent;* and the Senate agree to the same.

Amendment numbered 176:

That the House recede from its disagreement to the amendment of the Senate numbered 176, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

SEC. 343. Section 30308(a) of title 49, United States Code, is amended by inserting after "1994" "and $2,550,000 for fiscal year 1995".

And the Senate agree to the same.

Amendment numbered 177:

That the House recede from its disagreement to the amendment of the Senate numbered 177, and agree to the same with an amendment, as follows:

In lieu of the section designation of said amendment, insert: *SEC. 344.* ; and the Senate agree to the same.

Amendment numbered 178:

That the House recede from its disagreement to the amendment of the Senate numbered 178, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

SEC. 345. None of the funds appropriated by this Act may be used for planning, engineering, design, or construction of a sixth runway at the new Denver International Airport, Denver, Colorado: Provided, That this provision shall not apply in any case where the Administrator of the Federal Aviation Administration determines, in writing, that safety conditions warrant obligation of such funds.

And the Senate agree to the same.

Amendment numbered 179:

That the House recede from its disagreement to the amendment of the Senate numbered 179, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

SEC. 346. (a) UNIFORM HOV—2 DEMONSTRATION PROJECT ON I-66 IN VIRGINIA—Notwithstanding any other law or any prior decision of the Secretary of Transportation, the Governor of Virginia shall have the authority to carry out a 1-year demonstration project on Interstate Highway 66 (I-66) inside the Capital Beltway, to determine the impact of applying a uniform high-occupancy vehicle restriction to the portion of I-66 that is between the District of Columbia and Interstate Highway 495 (I-495) and the portion of I-66 that is west of I-495.

(b) PROJECT REQUIREMENTS—

(1) UNIFORM HOV RESTRICTION—Except as provided in paragraph (2), under the demonstration project established under this section, the uniform high-occupancy vehicle restriction applied to the two portions of I-66 described in subsection (a) shall be vehicles carrying two or more persons.

(2) AUTHORITY OF GOVERNOR OF VIRGINIA—During the 1-year demonstration period under this section, the Governor of Virginia shall retain the flexibility to return the high-occupancy vehicle restriction applicable to the portion of I-66 that is between the District of Columbia and I-495 to vehicles carrying three or more persons, or to make any other revisions in the demonstration project that the Governor determines are necessary.

(3) APPROVAL—The 1-year demonstration shall begin after approval by the Virginia delegation of the National Capital Region Transportation Planning Board, based on a one-member, one-vote process with the allowance for authorized alternates if necessary and inclusion of the general manager of the Washington Metropolitan Area Transit Authority, but not before January 1, 1995.

(c) STUDY AND REPORT—If the Governor of Virginia makes use of the authority granted in subsection (a), the Governor shall—

(1) consult with interested parties to develop level of service standards, enforcement standards and assessment criteria;

(2) carry out an assessment of the effects of the uniform high-occupancy vehicle restriction under the demonstration project established under this section;

(3) carry out a study and assessment of the enforcement of the modified high-occupancy vehicle restriction under the demonstration project established under this section;

(4) within 6 months from beginning the demonstration project provide an interim assessment of the effects of the demonstration project to interested parties;

(5) upon completion of the assessment, submit to the Congress and to the Secretary of Transportation a report setting forth the results of the assessment and the demonstration project.

(d) UNIFORM HOV-2 RESTRICTION—Upon completion of the assessment described in subsection (c), the Governor of Virginia shall have the authority to apply a uniform HOV-2 restriction to Interstate 66 on a permanent basis following the formal approval process.

And the Senate agree to the same.

Amendment numbered 180:

That the House recede from its disagreement to the amendment of the Senate numbered 180, and agree to the same with an amendment, as follows:

In lieu of the section designation of said amendment, insert: *SEC. 347.*; and the Senate agree to the same.

Bob Carr,
Richard J. Durbin,
Martin Olav Sabo,
David E. Price,
Ronald D. Coleman,
Thomas M. Foglietta,
Dave Obey,
Frank R. Wolf
(except amendment 66, corridor H),
Tom DeLay
(except amendment 66, corridor H),
Ralph Regula,
Joseph M. McDade,
Managers on the Part of the House.

Frank R. Lautenberg,
Robert C. Byrd,
Tom Harkin,
Jim Sasser,
Barbara A. Mikulski,
Alfonse M. D'Amato,
Pete V. Domenici,
Mark O. Hatfield,
Arlen Specter,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on amendments of the Senate to the bill (H.R. 4556) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1995, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

CONGRESSIONAL DIRECTIVES

The conferees agree that Executive Branch propensities cannot substitute for Congress' own statements concerning the best evidence of Congressional intentions—that is, the official reports of the Congress. Report language included by the House that is not changed by the report of the Senate, and Senate report language that is not changed by the conference is approved by the committee of conference. The statement of the managers, while repeating some report language for emphasis, is not intended to negate the language referred to above unless expressly provided herein.

PROGRAM, PROJECT AND ACTIVITY

During fiscal year 1995, for the purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended, with respect to funds provided for the Department of Transportation and related agencies, the terms "program, project and activity" shall mean any item for which a dollar amount is contained in an appropriation Act (including joint resolutions providing continuing appropriations) or accompanying reports of the House and Senate Committees on Appropriations, or accompanying conference reports and joint explanatory statements of the committee of conference. In addition, the reductions made pursuant to any sequestration order to funds appropriated for "Federal Aviation Administration, facilities and equipment" and for "Coast Guard, Acquisition, construction, and improvements" shall be applied equally to each "budget item" that is listed under said accounts in the budget justifications submitted to the House and Senate Committees on Appropriations as modified by subsequent appropriation Acts and accompanying committee reports, conference reports, or joint explanatory statements of the committee of conference. The conferees recognize that adjustments to the above allocations may be required due to changing program requirements or priorities. The conferees expect any such adjustment, if required, to be accomplished only through the normal reprogramming process.

STAFFING INCREASES PROVIDED BY CONGRESS

The conferees direct the Department of Transportation to fill expeditiously any positions added in this bill, without regard to agency-specific staffing targets which may have been previously established to meet the mandated government-wide staffing reductions. The conferees support the overall staffing reductions, and have made reductions in the bill which more than offset staffing increases provided for a small number of specific activities.

TITLE I—DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

Amendment No. 1: Appropriates $58,094,000 for salaries and expenses of the office of the secretary as proposed by the House instead of individual appropriations as proposed by the Senate. In addition, the conference agreement provides $40,000 for official reception and representation expenses, instead of $25,000 as proposed by the House and $50,000 as proposed by the Senate, and provides that funds available for the Minority Business Resource Center may be used for business opportunities related to any mode of transportation.

The conference agreement distributes funds among the various offices of the office of the secretary as follows:

Immediate office of the secretary	$1,220,000
Immediate office of the deputy secretary	583,000
Office of the general counsel	7,876,000
Office of the assistant secretary for transportation policy	2,309,000
Office of the assistant secretary for aviation and international affairs	7,887,000
Office of the assistant secretary for budget and programs	4,400,000
Office of the assistant secretary for governmental affairs	2,250,000
Office of the assistant secretary for administration	22,425,000
Office of public affairs	1,380,000
Executive secretariat	932,000
Contract appeals board	630,000
Office of civil rights	1,779,000
Office of small and disadvantaged business utilization	936,000
Minority business resource center	4,000,000
Office of intelligence and security	800,000
Office of intermodalism	1,000,000
Undistributed reduction	−2,313,000
Total appropriation	58,094,000

The conference agreement provides a consolidated appropriation in order to give the office of the secretary more flexibility in management of its resources. However, should the department decide to deviate from the above allocations by more than 10 percent, it is expected that the House and Senate Appropriations Committees will be notified through the regular reprogramming process.

Immediate office of the secretary.—The conference agreement provides the office of the secretary with the discretion to allocate the reduction of $177,000 for the immediate office of the secretary. However, it is expected that the reduction will be focused on the areas of travel and employee benefits, as recommended by the Senate.

Travel, office of the assistant secretary for budget and programs.—The conference agreement includes $5,000 for the travel of the office of the assistant secretary for budget and programs, as proposed by the House, instead of $32,000 as proposed by the Senate. The conferees agree that Congressional directives in this area need to be followed more stringently by this office in the future. The conferees direct that no funds be reprogrammed above the level provided, as proposed by the House.

Other reductions, office of the assistant secretary for budget and programs.—In addition to the travel reduction, the conference agreement includes reductions of $20,000 in reception and representation expenses and $669,000 in staffing. The House proposed reductions of $35,000 and $1,100,000, respectively.

Office of the assistant secretary for administration.—The conference agreement allocates $22,425,000 for the office of the assistant secretary for administration instead of $23,385,000 as proposed by the Senate and $21,470,000 as proposed by the House in a consolidated appropriation.

The conference agreement includes the following changes to the budget request for this office:

Hold travel to the fiscal year 1994 level	−$8,000
Reduce staffing in office of management planning (−8 FTP)	−600,000
Delete position of special assistant to the asst. secretary	−106,000
Delete personnel management specialist and 2 employee development specialists, office of personnel	−246,000

Office of management planning.—The conferees agree to reduce this office by 8 full-time positions (FTP) and $600,000 instead of eliminating the office (−17 FTP and −$1,200,000) as proposed by the House and no reduction as proposed by the Senate. The conferees have been presented with little or no useful product resulting from the work of this office, and note that several recent management analyses commissioned by OST have not been requested of this office, but instead by the office of the inspector general.

Procurement reform.—The conference agreement restores $80,000 in reductions proposed by the House which were budgeted for support of the transportation systems acquisition resource council (TSARC). However, the conferees agree that the office of the secretary and the TSARC need to be more active and aggressive in making procurement reform a reality in the department.

Civil rights consolidation.—The conferees agree to consolidate internal civil rights activities within the department into a single office within the office of the secretary. The Senate bill included language providing the authority to consolidate all civil rights activities. The House bill contained no consolidation authority. The conferees are aware of significant concerns regarding the potential consolidation of external civil rights activities, including those related to disadvantaged business enterprises. Because of these concerns, the conferees have eliminated these activities from the consolidation. In contrast, there is general consensus that consolidation of internal activities will result in more effective handling of civil rights complaints within DOT. The agreement therefore results in total transfer authority of $6,185,000 compared to $11,387,000 in the Senate bill. In addition, language in the Senate bill allocating a specific amount of transferred resources to the office of general counsel has been deleted.

The conferees understand that, in advance of Congressional approval, DOT took certain steps to begin consolidation activities during fiscal year 1994. The conferees wish to make it clear that only internal civil rights activities are to be consolidated, and direct the department to take no actions to reorganize, redirect funding, or otherwise affect changes to the current civil rights programs of the department which are inconsistent with this Congressional intent.

IMMEDIATE OFFICE OF THE SECRETARY

Amendment No. 2: Provides no separate appropriation for this office, as proposed by the House, instead of $1,280,000 as proposed by the Senate. Funds for this office are included under amendment number 1.

IMMEDIATE OFFICE OF THE DEPUTY SECRETARY

Amendment No. 3: Provides no separate appropriation for this office, as proposed by the House, instead of $583,000 as proposed by the Senate. Funds for this office are included under amendment number 1.

OFFICE OF THE GENERAL COUNSEL

Amendment No. 4: Provides no separate appropriation for this office, as proposed by the House, instead of $7,876,000 as proposed by the Senate. Funds for this office are included under amendment number 1.

OFFICE OF THE ASSISTANT SECRETARY FOR TRANSPORTATION POLICY

Amendment No. 5: Provides no separate appropriation for this office, as proposed by the House, instead of $2,309,000 as proposed by the Senate. Funds for this office are included under amendment number 1.

OFFICE OF THE ASSISTANT SECRETARY FOR AVIATION AND INTERNATIONAL AFFAIRS

Amendment No. 6: Provides no separate appropriation for this office, as proposed by the House, instead of $7,887,000 as proposed by the Senate. Funds for this office are included under amendment number 1.

OFFICE OF THE ASSISTANT SECRETARY FOR BUDGET AND PROGRAMS

Amendment No. 7: Provides no separate appropriation for this office, as proposed by the House, instead of $5,100,000 as proposed by the Senate. Funds for this office are included under amendment number 1. Funds specified in the Senate bill for official reception and representation expenses are also included, at a reduced level, under amendment number 1.

OFFICE OF THE ASSISTANT SECRETARY FOR GOVERNMENTAL AFFAIRS

Amendment No. 8: Provides no separate appropriation for this office, as proposed by the House, instead of $2,284,000 as proposed by the Senate. Funds for this office are included under amendment number 1.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

Amendment No. 9: Provides no separate appropriation for this office, as proposed by the House, instead of $23,385,000 as proposed by the Senate. Funds for this office are included under amendment number 1.

OFFICE OF PUBLIC AFFAIRS

Amendment No. 10: Provides no separate appropriation for this office, as proposed by the House, instead of $1,458,000 as proposed by the Senate. Funds for this office are included under amendment number 1.

EXECUTIVE SECRETARIAT

Amendment No. 11: Provides no separate appropriation for this office, as proposed by the House, instead of $932,000 as proposed by the Senate. Funds for this office are included under amendment number 1.

CONTRACT APPEALS BOARD

Amendment No. 12: Provides no separate appropriation for this office, as proposed by the House, instead of $630,000 as proposed by the Senate. Funds for this office are included under amendment number 1.

OFFICE OF CIVIL RIGHTS

Amendment No. 13: Provides no separate appropriation for this office, as proposed by the House, instead of $1,779,000 as proposed by the Senate. Funds for this office are included under amendment number 1. As described more fully under amendment number 1, the conference agreement amends language proposed by the Senate regarding the consolidation of departmental civil rights activities.

OFFICE OF SMALL AND DISADVANTAGED BUSINESS UTILIZATION

Amendment No. 14: Provides no separate appropriation for this office, as proposed by the House, instead of $936,000 as proposed by the Senate. Funds for this office are included under amendment number 1.

MINORITY BUSINESS RESOURCE CENTER

Amendment No. 15: Provides no separate appropriation for this office, as proposed by the House, instead of $4,000,000 as proposed by the Senate. Funds and bill language for this office are included under amendment number 1.

OFFICE OF INTELLIGENCE AND SECURITY

Amendment No. 16: Provides no separate appropriation for this office, as proposed by the House, instead of $1,000,000 as proposed by the Senate. Funds for this office are included under amendment number 1.

OFFICE OF INTERMODALISM

Amendment No. 17: Provides no separate appropriation for this office, as proposed by the House, instead of $1,050,000 as proposed by the Senate. Funds for this office are included under amendment number 1.

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

Amendment No. 18: Appropriates $8,293,000 for transportation planning, research, and development as proposed by the Senate instead of $2,693,000 as proposed by the House.

OFFICE OF COMMERCIAL SPACE TRANSPORTATION

OPERATIONS AND RESEARCH

Amendment No. 19: Provides $3,833,000 available until expended as proposed by the Senate instead of $2,000,000 as proposed by the House.

Amendment No. 20: Deletes language proposed by the Senate which would have allowed up to $200,000 in user fees established for commercial space transportation regulatory services to be credited to this appropriation. The House bill contained no similar provision. Current legislation specifies that such fees may only be collected if authorized by law.

WORKING CAPITAL FUND

Amendment No. 21: Limits obligations for the working capital fund to $93,000,000 instead of $88,750,000 as proposed by the House and $94,855,000 as proposed by the Senate.

The conference agreement includes the following changes to the budget request:

Reduction in WCF-funded travel	−$350,000
Disallowance of transfers from OST	−11,629,000
Defer survey of accounting system users (FMFIA)	−719,000
Reduction in executive training and development	−250,000
Administrative streamlining	−305,000
Additional reduction due to budget constraints	−1,106,000

Disallowance of transfers from OST.—The conferees direct the office of the secretary not to sign reimbursable agreements with any element of the department which would result in the financing of $11,629,000 in activities included in the WCF budget request for fiscal year 1995, and for which funds are being denied in the appropriations process.

PAYMENTS TO AIR CARRIERS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(AIRPORT AND AIRWAY TRUST FUND)

(INCLUDING RESCISSION OF CONTRACT AUTHORIZATION)

Amendment No. 22: Appropriates $33,423,000 for payments to air carriers as proposed by the Senate instead of $25,600,000 as proposed by the House.

Amendment No. 23: Limits obligations for payments to air carriers to $33,423,000 as proposed by the Senate instead of $25,600,000 as proposed by the House.

Amendment No. 24: Deletes language proposed by the House which would have applied program criteria specified in the bill to the State of Hawaii.

Amendment No. 25: Includes language proposed by the Senate which restricts program mileage criteria to distances from the nearest large or medium hub airport. The House bill proposed that the mileage criteria be based upon the distance to any (small, medium, or large) hub airport.

Amendment No. 26: Includes language proposed by the Senate which excludes from the per passenger subsidy criteria essential air service points greater than two hundred and ten miles from the nearest large or medium hub airport. The House bill included no similar language.

Amendment No. 27: Rescinds $4,000,000 in contract authority from the payments to air carriers program as proposed by the Senate instead of $13,000,000 as proposed by the House. The agreement removes contract authority which is not available for obligation due to annual limits on obligations. A similar rescission of $10,067,000 was made in fiscal year 1994.

RENTAL PAYMENTS

Amendment No. 28: Provides $1,976,000 in rental payments from the highway trust fund as proposed by the Senate instead of $1,872,000 as proposed by the House.

Amendment No. 29: Provides $39,426,000 in rental payments from the airport and airway trust fund as proposed by the Senate instead of $38,728,000 as proposed by the House.

Amendment No. 30: Provides $713,000 in rental payments from the pipeline safety fund as proposed by the Senate instead of $678,000 as proposed by the House.

Amendment No. 31: Provides $181,000 in rental payments from the harbor maintenance trust fund as proposed by the Senate instead of $172,000 as proposed by the House.

Amendment No. 32: Provides $18,044,000 in rental payments from Federal-aid highways "Limitation on general operating expenses" as proposed by the Senate instead of $17,688,000 as proposed by the House.

The conference agreement for amendments number 28 through 32 reflects updated estimates from the Department of Transportation, and included in the Senate bill, of the most accurate allocation of rental payments among the various trust funds administered by the department.

COAST GUARD

OPERATING EXPENSES

Amendment No. 33: Appropriates $2,598,000,000 for Coast Guard operating expenses instead of $2,580,000,000 as proposed by the House and $2,600,000,000 as proposed by the Senate.

The following table summarizes the budget estimate, House and Senate recommendations, and the conference agreement by budget activity:

Coast Guard Operating Expenses
Conference Agreement
Fiscal Year 1995

	House Bill	Senate Bill	Conference Agreement
Pay and Allowances:			
Budget estimate:	1,587,524,000	1,587,524,000	1,587,524,000
Adjustments to the budget estimate:			
Reduce transition benefits	-2,142,000	0	0
Workforce management tools	0	-270,000	-270,000
Reduce general detail	-10,842,000	0	-3,205,000
Reduce base for excess flight pay	-900,000	0	0
Delete flight pays where VSI/SSBs are made available	-1,100,000	0	0
Delete responsibility pay	-141,000	0	-141,000
Reduce increase for HAZMAT training and management	-704,000	0	-704,000
Delete increase for health care costs	-7,671,000	-11,070,000	-11,070,000
Staff downsizing - accelerate transition	-10,500,000	-4,797,000	-10,500,000
Transfer funds for AR&SC	18,700,000	0	0
Housing management efficiencies	0	-775,000	-775,000
Marine safety initiatives	0	2,762,000	2,762,000
SAR station retentions	0	926,000	926,000
Maintenance augmentation team, 140 foot WTGB	0	0	-322,000
Amount recommended	*1,572,224,000*	*1,574,300,000*	*1,564,225,000*
Depot Level Maintenance:			
Budget estimate:	363,991,000	363,991,000	363,991,000
Adjustments to the budget estimate:			
Transfer funds for AR&SC	-18,700,000	0	0
Excess aircraft spares	-1,000,000	0	0
Excess ship spares	-390,000	0	-390,000
Shore facility construction follow-on	0	-262,000	-262,000
Excess HU-25 storage preparation costs	0	0	-200,000
Amount recommended	*343,901,000*	*363,729,000*	*363,139,000*
Operations and Support:			
Budget estimate:	421,102,000	421,102,000	421,102,000
Adjustments to the budget estimate:			
Base restoration adjustment, 210-foot cutter MMA	-1,100,000	0	0
Housing utilization, Support Center Boston	-328,000	0	0
Base St. Louis/Group Keokuk	-375,000	-375,000	-375,000
Cutter Mackinaw	3,700,000	0	3,700,000
Reduce funds for VTS operations	-1,621,000	0	-234,000
Hold ammunition and small arms to FY 1994 level	-134,000	0	-134,000
SAR station retentions	0	-235,000	-235,000
Austere logistics aircraft (VC-4)	0	550,000	0
Marine safety initiatives	0	316,000	316,000

Coast Guard Operating Expenses
Conference Agreement
Fiscal Year 1995

Maintenance augmentation team, 140 foot WTGB	0	0	-50,000
Amount recommended	*421,244,000*	*421,358,000*	*424,090,000*
Recruiting and Training:			
Budget estimate:	74,423,000	74,423,000	74,423,000
Adjustments to the budget estimate:			
Transfer from headquarters administration	2,560,000	0	2,560,000
Student pay, Naval Academy Preparatory School	-60,000	-60,000	-60,000
Coast Guard Academy operating support	-1,000,000	-85,000	-500,000
Hold professional training/education to FY 1994 level	-1,402,000	0	-1,402,000
Recruit training base adjustment	-2,000,000	0	-500,000
Housing utilization, Training Center Cape May	-125,000	0	0
Recruiting	0	-200,000	0
Amount recommended	*72,396,000*	*74,078,000*	*74,521,000*
Coast Guard-Wide Centralized Services and Support:			
Budget estimate:	183,465,000	183,465,000	183,465,000
Adjustments to the budget estimate:			
Strike teams	-366,000	0	-150,000
Excess ship spares	0	-390,000	0
Move recruiting funds under "headquarters" to "recruiting"	-2,560,000	0	-2,560,000
Standard workstation	0	-17,000,000	-2,000,000
Persian Gulf operational support	0	460,000	374,000
Amount recommended	*180,539,000*	*166,535,000*	*179,129,000*
Account-Wide Adjustments:			
Budget estimate	0	0	0
Adjustments to the budget estimate:			
Re-estimate of fuel and energy requirements	-4,500,000	0	-4,000,000
Hold printing/reproduction costs to FY 1994 level	-329,000	0	-329,000
Defer Joint Maritime Combat Information System	-2,500,000	0	0
Information resource management follow-on	-1,150,000	0	-350,000
Defer additional funds for HAZMAT management	-1,725,000	0	-1,725,000
Delete daily SORTS report	-100,000	0	0
Headquarters downsizing	0	0	-700,000
Amount recommended	*-10,304,000*	*0*	*-7,104,000*
TOTAL APPROPRIATION	*2,580,000,000*	*2,600,000,000*	*2,598,000,000*

Responsibility pay.—The conferees agree to delete the $141,000 budgeted for "responsibility pay", as proposed by the House, and direct the Coast Guard not to reprogram any funds to finance this special pay during fiscal year 1995. The conferees note that this is a discretionary special pay not uniformly used among the military services. The conferees see no evidence that the lack of such pay would hinder the recruitment of officers into top command positions, and believe that in these austere budgetary times, only the most justifiable special pays should be continued.

Workforce management tools.—The conference agreement reduces the request for new "workforce management tools" by $270,000, as proposed by the Senate instead of $2,142,000 as proposed by the House. The conferees direct the Coast Guard not to pay new benefits authorized under 58 U.S.C. to officers who will be separated from the Coast Guard for failure to be promoted. Such payments would contribute nothing toward better management of the workforce.

Hazardous materials disposal, training and management.—The conference agreement deletes the increase of $2,429,000 for hazardous materials disposal, training and management, as proposed by the House. The conferees believe that the highest priority activities can be conducted without a budgetary increase. Additional funds for similar activities are provided under "Environmental compliance and restoration". This appropriation is increased by $900,000 over the fiscal year 1994 level.

Ballast water management program.—The conferees direct the Coast Guard to allocate $1,000,000 of the funds provided herein to the ballast water management program, as proposed by the House. This is an increase of $300,000 above the $700,000 included in the budget request.

Great Lakes icebreaking needs.—The conferees direct the Coast Guard to conduct a comprehensive analysis regarding a long-term solution to icebreaking needs on the Great Lakes, as proposed by the House.

Chicago/Glenview air facility.—The conferees urge the Coast Guard to provide adequate helicopter search and rescue capability at the Chicago/Glenview air facility during the peak season between April 1 and November 15 of each year. The House urged the Coast Guard to station at least one helicopter at the Chicago/Glenview facility during that time period. The Senate did not concur with that provision.

Coast Guard cutter Tackle.—The conferees urge the Coast Guard to provide adequate icebreaking assets for the lower Chesapeake Bay if a final decision is made to decommission the Coast Guard icebreaking cutter *Tackle*. The Senate urged the Coast Guard to reconsider its planned decommissioning of the *Tackle*. The House did not concur with that provision.

Standard workstation III.—The conference agreement has reduced the level of funding available for the standard workstation III contract by $2,000,000. The conferees direct that, prior to the obligation of any funds for this contract, the Secretary will submit a report to the House and Senate Committees on Appropriations providing a detailed analysis of the technical, cost and other factors that justify the Coast Guard's procurement plan, as opposed to acquiring the workstation and related software and support through the office automation services contract already in place throughout the department.

Marine safety initiatives.—The conference agreement includes the entire $3,078,000 provided in the Senate bill above the President's request for marine safety initiatives. These funds are intended to enhance personnel resources available for the targeted boarding program and other marine safety resources available for the targeted board program and other marine safety initiatives discussed in the Senate report. None of these funds shall be used to restore funding to those budget reductions called for under the Commandant's fiscal year 1995 budget request.

Consistent with the provision included in the Senate bill, no funds are included in the conference agreement for the inspection of Department of Defense vessels except vessels under the Ready Reserve Force and the National Defense Reserve Fleet. The conferees direct that the Coast Guard may inspect other DOD vessels only if the fully allocated personnel and operating costs of such inspection activities are covered through reimbursable agreements with the Department of Defense.

Amendment No. 34: Deletes House language prohibiting funds for flight pay to any member of the Coast Guard who is also provided voluntary separation incentives (VSIs) or special separation benefits. The conferees understand that the Coast Guard no longer plans to offer VSIs or special separation benefits during fiscal year 1995, making the House language unnecessary. However, the conferees direct that, if those plans change during fiscal year 1995 and the Coast Guard decides to offer VSIs or special separation benefits, they may not pay special and incentive pay under section 301 of title 37, United States Code to any member of the Coast Guard assigned to a skill, or specialty to which VSIs or special separation benefits are to be paid.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

Amendment No. 35: Appropriates $362,950,000 for Acquisition, construction, and improvements instead of $385,200,000 as proposed by the House and $370,400,000 as proposed by the Senate. The conferees also approve reprogrammings totaling $7,514,000, resulting in overall program resources of $370,464,000 for fiscal year 1995.

A table showing the distribution of this appropriation by project as included in the fiscal year 1995 budget estimate, House bill, Senate bill, and the conference agreement follows:

		COAST	GUARD	
		FISCAL YEAR	1995	
	ACQUISITION,	CONSTRUCTION	& IMPROVEMENTS	
		(Dollars	in thousands)	
	BUDGET ESTIMATE	HOUSE BILL	SENATE BILL	CONFERENCE
I. VESSELS				
A. ACQUIRE VESSELS AND EQUIPMENT:				
1. Survey and design-cutters and boats	$750	$750	$750	$750
2. Seagoing buoy tender (WLB) replacement	34,500	34,500	34,500	36,000
3. Coastal buoy tender (WLM) replacement	56,000	56,000	56,000	56,000
4. 47-ft. motor lifeboat (MLB) replacement	31,000	31,000	31,000	31,000
5. Buoy boat (BUSL) replacement	18,500	10,000	10,000	10,000
6. Polar icebreaker follow-on	10,400	10,400	7,900	7,900
7. 378-foot shipboard command and control	6,000	6,000	4,000	5,000
8. 82-foot coastal patrol boat replacement	10,000	10,000	10,000	10,000
9. Norwegian crew search and rescue boat	2,000	....	....	....
10. Self propelled barge replacement	2,500	2,500	2,500	2,500
B. REPAIR, RENOVATE OR IMPROVE EXISTING VESSELS AND SMALL BOATS:				
1. 210-ft, medium endurance cutter (WMEC)--Major maintenance availability (MMA)	25,000	25,000	25,000	25,000
2. Polar class icebreaker reliability improvement project	11,600	9,600	....	....
3. Stalwart class conversion	6,000	6,000	3,750	3750
Total	214,250	201,750	185,400	187,900
II. AIRCRAFT				
1. Traffic alert and collision avoidance system (TCAS)-Phase II	7,000	7,000	3,900	3,900
2. Global positioning system installation-Phase V	2,300	2,300	2,300	2,300
3. HU-25B aireye system replacement	1,600	1,600	1,600	1,600
4. HH-65 helicopter--transmission gearbox upgrade-phase II	2,000	2,000	2,000	2,000
5. HU-25C modification	2,000	2,000	2,000	2,000
Subtotal	14,900	14,900	11,800	11,800

	BUDGET ESTIMATE	HOUSE BILL	SENATE BILL	CONFERENCE
III. OTHER EQUIPMENT				
1. Systems to automate and integrate logistics (SAIL)	8,800	8,800	....	....
2. Resource information system for health services program	3,000	3,000	3,000	3,000
3. Vessel traffic services (VTS) 2000	32,000	2,000	2,000	2,000
4. Vessel traffic services (VTS) equipment replacement project	3,000	3,000	3,000	3,000
5. Oil spill response equipment	2,500	2,500	2,500	2,500
6. Search and rescue management information system	900	900	900	900
7. Global maritime distress and safety system-phase III	1,800	1,800	1,800	1,800
8. Conversion of software applications-phase II	3000	3000	2,750	2,750
9. Communication station Honolulu transmitters	1,900	1,900	1,900	1,900
10. Finance center information system replacement	1,000	1,000	....	1,000
11. Replace aircraft repair and supply computer-phase IV	2,000	2,000	2,000	2,000
12. Vessel traffic services upgrade and expansion projects	1,600	1,600	1,600	1,600
13. Supply center computer replacement	....	....	1,000	6,000
14. Oilspill training simulator	....	....	1,250	1,250
15. Standard workstation III	....	....	17,000	....
TOTAL	61,500	31,500	40,700	29,700
IV. SHORE FACILITIES AND AIDS TO NAVIGATION				
A. SHORE-GENERAL:				
1. Survey and design of various shore projects	10,000	10,000	10,000	10,000
2. Minor AC&I shore construction projects	6,000	6,000	6,000	6,000
B. SHORE-AIR STATIONS:				
Air Station Miami, Florida upgrade--Phase II	8,400	8,400	8,400	8,400
C. SHORE-SUPPLY CENTERS/SUPPORT CENTERS/COAST GUARD YARD:				
1. Support Center New York-construct ET/ANT shops	3,250	3,250	3,250	3,250
2. Support center Seattle, Washington--reconstruct pier 37	10,300	10,300	10,300	10,300
D. SHORE-PERSONNEL SUPPORT FACILITIES:				
Public family quarters	18,200	18,200	10,000	12,000

	BUDGET ESTIMATE	HOUSE BILL	SENATE BILL	CONFERENCE
E. SHORE-GROUPS/BASES/STATIONS/MSOs:				
1. Station Provincetown, Massachusetts--replace wave barrier	1,300	1,300	....	1,300
2. Base San Juan-reconstruction-phase I	10,750	10,750	10,750	10,750
3. Base St. Louis flood recovery	9,000	....	....	....
4. Base Honolulu-electrical sytem	1,950	1,950	1,950	1,950
5. Atlantic strike team-construct maintenance and equipment storage facility	5,000	5,000	5,000	5,000
F. AIDS TO NAVIGATION FACILITIES:				
1. Waterways short range aids projects	5,500	4,000	8,250	6,500
2. Overseas loran closure	13,900	13,900	13,900	13,900
TOTAL	103,550	93,050	87,800	89,350
V. PERSONNEL AND RELATED SUPPORT				
Personnel and related support	45,000	44,000	44,700	44,200
SUBTOTAL (new budget authority)	439,200	385,200	370,400	362,950
REPROGRAMMINGS:				
1. TALON helicopter tie-down project			2,509	2,509
2. Air interdiction systems/airborne early warning project			605	605
3. Coast Guard Cutter Yacona reengining project			4,400	4,400
TOTAL (new program level)	439,200	385,200	377,914	370,464

Amendment No. 36: Provides $187,900,000 to acquire, repair, renovate or improve vessels, small boats and related equipment instead of $201,750,000 as proposed by the House and $185,400,000 as proposed by the Senate.

The conference agreement requires $4,400,000 originally appropriated for reengining the *Yacona* be applied to the polar icebreaker reliability improvement project. Including these funds, the total available for vessels in fiscal year 1995 is $192,300,000.

The conferees recommend a total of $36,000,000 for the seagoing buoy tender (WLB) replacement program, including $1,500,000 above the budget request. The additional funds are to be used only for expenses related to increasing the ice breaking capability of the seagoing buoy tenders. The additional funds should first be applied to strengthening the buoy tender's hull. If sufficient funding remains, the Coast Guard should then consider other alternatives for increasing the buoy tender's ice breaking capability, including increasing engine power, adding a moveable ballast or heeling system, and installing a bubbler.

Amendment No. 37: Provides $11,800,000 to acquire new aircraft and increase aviation capability as proposed by the Senate instead of $14,900,000 as proposed by the House.

The conference agreement requires $3,114,000 originally appropriated for the TALON helicopter tie-down project and the air interdiction systems/airborne early warning project be applied to the traffic alert and collision avoidance system phase II project. Including these funds, the total available for aircraft and aviation capability in fiscal year 1995 is $14,914,000.

Amendment No. 38: Provides $29,700,000 for other equipment instead of $31,500,000 as proposed by the House and $40,700,000 as proposed by the Senate.

The budget submission included a single request of $8,000,000 for the system to automate and integrate logistics (SAIL). Previously, the Coast Guard had budgeted for the SAIL effort in four separate activities. The conferees do not agree with the proposed new budget portrayal and direct the Coast Guard to budget for the SAIL subcomponents in fiscal year 1996 and future years as separate line items.

Accordingly, the conference provides no funding for the unified SAIL program. However, the conferees have provided $6,000,000 for the supply center computer replacement project, the amount assumed in the SAIL budget estimate for that effort. Repeated delays in the defense logistics modernization effort will result in $4,248,000 in unobligated funds at the end of fiscal year 1994. Some of these funds could be available for other purposes. If submitted by the Coast Guard, the Committees on Appropriations will consider a reprogramming of some defense logistics modernization funds for configuration management activities in fiscal year 1995.

Amendment No. 39: Provides $89,350,000 for shore facilities and aids to navigation facilities instead of $93,050,000 as proposed by the House and $87,800,000 as proposed by the Senate.

The conferees agree that within the $12,000,000 provided for public family quarters, $2,000,000 shall be available only for new construction expenses to replace the existing Buxton Woods and Navy Annex housing facilities at Cape Hatteras, North Carolina. The conferees support the revised priority and phased construction plan of the Coast Guard regarding housing at Cape Hatteras, and expect the Coast Guard to request funding for the plan in fiscal year 1996 and future years.

The conferees recommend a total of $6,500,000 for waterways short range aids projects. The conferees expect that the amount provided will be sufficent to support the necessary repairs to the range lights and navigational aids in the upper Chesapeake Bay that were damaged as a result of this past year's severe winter.

Amendment No. 40: Provides $44,200,000 for personnel compensation and benefits and related costs instead of $44,000,000 as proposed by the House and $44,700,000 as proposed by the Senate.

Amendment No. 41: Provides that funds appropriated for personnel compensation and benefits and related costs remain available until September 30, 1995 as proposed by the Senate.

Amendment No. 42 Permits the Coast Guard to credit the funds received from the sale of VC–11A and HU–25 aircraft to the aircraft subaccount of the acquisition, construction, and improvements account as proposed by the Senate. The House provided only that proceeds from the sale of VC–11A aircraft be credited to this subaccount.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

Amendment No. 43: Appropriates $23,500,000 for environmental compliance and restoration instead of $22,000,000 as proposed by the House and $24,000,000 as proposed by the Senate.

Use of funds.—The conferees agree that funds in this appropriation may be used for program-related training and course development and for pollution prevention and waste minimization activities, as proposed in the budget and in the Senate bill. The House directed that funds not be used for these types of activities, and instead should focus on site-specific compliance and restoration projects. In addition, hazardous materials management, disposal, oversight, and training activities not funded under the "Operating expenses" appropriation may be funded at the Coast Guard's discretion from this appropriation.

RESERVE TRAINING

Amendment No. 44: Appropriates $64,981,000 for reserve training as proposed by the Senate instead of $66,000,000 as proposed by the House. The conferees agree that the allocation of funds is to be as stated in the Senate report.

Amendment No. 45: Provides that funds under this head shall support a selected reserve force of 8,000 members, as proposed by the Senate. The House bill contained no similar provision, but provided a funding level which assumed a force strength of 8,000.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

Amendment No. 46: Deletes language proposed by the House which would allow appropriations under this head to be used for the Aircraft Purchase Loan Guarantee program. The Senate bill, and the conference agreement, include such funds in a separate appropriation discussed under amendment number 57.

Amendment No. 47: Appropriates $4,595,394,000 for operating expenses of the Federal Aviation Administration instead of $4,585,000,000 as proposed by the House and $4,591,440,000 as proposed by the Senate. The following table summarizes the House and Senate recommendations and the conference agreement by budget activity:

FAA Operations
Conference Agreement
Fiscal Year 1995

	House Bill	Senate Bill	Conference Agreement
Operation of Air Traffic Control System			
Budget estimate	2,167,301,000	2,167,301,000	2,167,301,000
Adjustments to the budget estimate:			
Sunday premium pay	-6,000,000	-6,000,000	-6,000,000
Grand Prairie, TX ATCT (contract tower)	250,000	250,000	250,000
PCS moves	15,000,000	0	9,500,000
Staffing	7,000,000	0	3,500,000
AT staffing & PCS moves	0	9,000,000	0
Anoka, MN. ATCT (contract tower)	0	250,000	250,000
Weather observers-Alaska	0	1,000,000	1,000,000
Pay demonstration project	0	13,000,000	13,900,000
Undistributed	0	4,504,000	0
Alaska FSS/ATCT rotational staffing	0	0	4,000,000
Amount recommended	*2,183,551,000*	*2,184,801,000*	*2,193,701,000*
NAS Logistics Support			
Budget estimate	183,434,000	183,434,000	183,434,000
Adjustments to the budget estimate:			
Reduction to growth	0	-3,393,000	-3,393,000
Rental vehicles (IG report)	0	-1,000,000	-1,000,000
Amount recommended	*183,434,000*	*179,041,000*	*179,041,000*
Maintenance of Air Traffic Control System			
Budget estimate	848,113,000	848,113,000	848,113,000
Adjustments to the budget estimate:			
Contract maintenance	-2,602,000	0	-2,600,000
Pay demonstration project	0	2,597,000	2,900,000
Amount recommended	*845,511,000*	*850,710,000*	*848,413,000*
Leased Telecommunications Services			
Budget estimate	316,987,000	316,987,000	316,987,000
Adjustments to the budget estimate:			
General reduction	-250,000	0	0
Direct user access terminal (DUATS)	7,000,000	10,000,000	9,000,000
Amount recommended	*323,737,000*	*326,987,000*	*325,987,000*
Aviation Regulation and Certification			
Budget estimate	359,965,000	359,965,000	359,965,000
Adjustments to the budget estimate:			
Flight stds/certification staff inc.	-15,000,000	0	-5,000,000
Flight stds/ PCS moves inc.	-2,000,000	0	0
General reduction	0	-1,965,000	0
Pay demonstration project	0	0	850,000
Amount recommended	*342,965,000*	*358,000,000*	*355,815,000*
Aviation Standards			
Budget estimate	111,942,000	111,942,000	111,942,000
Adjustments to the budget estimate:			
Amount recommended	*111,942,000*	*111,942,000*	*111,942,000*

FAA Operations
Conference Agreement
Fiscal Year 1995

Civil Aviation Security			
Budget estimate	65,088,000	65,088,000	65,088,000
Adjustments to the budget estimate:			
Amount recommended	*65,088,000*	*65,088,000*	*65,088,000*
NAS Design and Management			
Budget estimate	55,745,000	55,745,000	54,200,000
Adjustments to the budget estimate:			
Amount recommended	*55,745,000*	*55,745,000*	*54,200,000*
Administration of Airports			
Budget estimate	40,477,000	40,477,000	40,477,000
Adjustments to the budget estimate:			
General reduction	-1,500,000	-1,544,000	-2,544,000
Amount recommended	*38,977,000*	*38,933,000*	*37,933,000*
Direction, Staff and Supporting Services			
Budget estimate	141,077,000	141,077,000	141,077,000
Adjustments to the budget estimate:			
General reduction	-1,000,000	-1,007,000	-1,007,000
Amount recommended	*140,077,000*	*140,070,000*	*140,070,000*
Human Resource Management			
Budget estimate	243,819,000	243,819,000	243,819,000
Adjustments to the budget estimate:			
General reduction	-1,746,000	0	-1,746,000
PATCO recruitment/training/hiring	0	500,000	0
Administrative cost controls, CMD	0	-819,000	-819,000
Amount recommended	*242,073,000*	*243,500,000*	*241,254,000*
Headquarters Administration			
Budget estimate	46,952,000	46,952,000	46,952,000
Adjustments to the budget estimate:			
Headquarters staffing reductions	-1,000,000	-1,002,000	-1,000,000
Amount recommended	*45,952,000*	*45,950,000*	*45,950,000*
Accountwide adjustments			
Budget estimate	0	0	0
Adjustments to the budget estimate:			
Pay demonstration project	17,500,000	0	0
Ctr for Management Dev.	-5,700,000	0	0
"Other services"	-5,000,000	0	-4,000,000
Rental vehicles reduction	-1,000,000	0	0
Aircraft purchase loan guarantee	148,000	0	0
Bonuses and awards	0	-4,823,000	0
Amount recommended	*5,948,000*	*-4,823,000*	*-4,000,000*
Total Appropriation	4,585,000,000	4,591,440,000	4,595,394,000

Control Tower streamlining project.—The conferees do not agree with the House's direction regarding the reassignment of air traffic controllers from low-activity towers as a result of the tower streamlining program. However, the FAA should seek to match such reassignments with higher-level towers needing additional staffing to the maximum extent feasible.

Center for management development.—The conferees do not agree with the House direction requiring the closure of FAA's center for management development, and have restored the House's proposed reduction of $5,700,000 to affect the closure. The conferees have received new evidence demonstrating the cost-effectiveness of this facility, and are impressed with the new FAA management team recently put into place to address past deficiencies.

TCAS implementation.—The conferees do not agree with House direction extending the deadline for implementation of the traffic collision avoidance system (TCAS). Recent actions by the FAA have made such direction unnecessary.

Rehire of former controller work force.—The conferees do not agree with the Senate's proposal to give priority to qualifying, training, and rehiring former controllers fired as a result of the 1981 PATCO strike.

Arapahoe County Centennial Airport.—The conferees do not agree with the Senate's direction regarding the Arapahoe County Centennial Airport in Colorado.

Bonuses and awards.—The conferees do not agree with the Senate's specific reduction of $4,823,000 in FAA bonuses and awards. However, the bill includes a general provision which limits department-wide expenses for bonuses and awards. It is expected that the FAA will be allocated a reduction of approximately $4,800,000 due to the application of this provision.

Amendment No. 48: Provides $17,500,000 for permanent change of station moves for members of the air traffic workforce, instead of $23,000,000 as proposed by the House and no specific allocation as proposed by the Senate. There is significant evidence that the FAA's air traffic operations are hampered by lack of adequate funding for permanent change of station moves. Some facilities are understaffed, and others are overstaffed, simply due to a lack of funds to move employees and their families to where their services are needed most. In addition, moral suffers because employees are not always assigned to those facilities where their skills and abilities are put to their highest use. For these reasons, the conferees agree with the House that additional funds are needed, and a specific allocation of funds in the bill is required to ensure adequate funding for this important activity. The $17,500,000 in the bill represents an increase of $9,500,000 over the budget request.

Amendment No. 49: Retains prohibition in both bills on paying Sunday premium pay to FAA employees unless such employee actually performed work during the time corresponding to such pay, and deletes additional categories of premium pay proposed by the Senate to be subject to the prohibition.

Amendment No. 50: Deletes language proposed by the House which would limit obligations for the Aircraft Purchase Loan Guarantee Program to $9,970,000 in fiscal year 1995. The Senate bill, and the conference agreement, includes a similar limitation under amendment number 57.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

Amendment No. 51: Appropriates $2,087,489,000 for facilities and equipment instead of $2,176,700,000 as proposed by the House and $2,086,941,000 as proposed by the Senate.

The following table summarizes the fiscal year 1995 budget estimate, House and Senate recommended levels, and the conference agreement by budget activity:

FACILITIES AND EQUIPMENT
Conference Agreement
(In thousands of dollars)

FY94 ENACTED	FY95 BUDGET	TITLE	FY 1995 ESTIMATE	FY 1995 HOUSE	FY 1995 SENATE	CONFERENCE AGREEMENT
ACTIVITY 1, ENGINEERING, DEVELOPMENT, TEST, AND EVALUATION						
A. EN ROUTE ROGRAMS						
1A01	1A01	AVIATION WEATHER SERVICES IMPROVEMENTS	23,500.0	23,500.0	23,500.0	23,500.0
1A02	1A02	ADVANCED AUTOMATION SYSTEM (AAS) - E,D,T&E	473,500.0	425,000.0	409,500.0	409,500.0
1A03		AUTOMATIC DEPENDENT SURVEILLANCE (ADS)	0.0	0.0	0.0	0.0
1A04		AERONAUTICAL DATA LINK (ADL)	0.0	0.0	0.0	0.0
1A05		VOICE SWITCHING AND CONTROL SYSTEM (VSCS) - EDT&E	0.0	24,000.0	24,000.0	24,000.0
		OCEANIC AUTOMATION SYSTEM	0.0	41,600.0	36,300.0	36,300.0
2A09		AERONAUTICAL DATA LINK (ADL) APPLICATIONS	15,000.0	27,000.0	23,000.0	23,800.0
		SUBTOTAL - EN ROUTE PROGRAMS	**497,000.0**	**541,100.0**	**516,300.0**	**517,100.0**
B. TERMINAL PROGRAMS						
1B01	1B01	AIRPORT SURVEILLANCE RADAR (ASR)	3,000.0	3,000.0	3,000.0	3,000.0
1B02		RUNWAY STATUS LIGHT SYSTEM (FY 1995. 2B14)	0.0	0.0	0.0	0.0
1B03		TERMINAL ATC AUTOMATION (TATCA)	0.0	0.0	0.0	0.0
		TRANSIENT CREW SECURITY SYSTEM	0.0	0.0	0.0	0.0
		SUBTOTAL - TERMINAL PROGRAMS	**3,000.0**	**3,000.0**	**3,000.0**	**3,000.0**
C. FLIGHT SERVICE PROGRAMS			*0.0*	*0.0*	*0.0*	*0.0*
D. LANDING AND NAVIGATIONAL AIDS PROGRAMS						
1D01	1D01	MICROWAVE LANDING SYSTEM (MLS)	23,300.0	0.0	0.0	0.0
		SUBTOTAL - LANDING AND NAVIGATIONAL AIDS PROGRAMS	**23,300.0**	**0.0**	**0.0**	**0.0**
E. RESEARCH, TEST AND EVALUATION EQUIPMENT AND FACILITIES						
1E02	1E01	FAA TECHNICAL CENTER FACILITY - TECHNICAL BUILDING LEASE	5,290.0	5,290.0	5,290.0	5,290.0
1E03	1E02	UTILITY PLANT MODIFICATIONS	1,200.0	1,200.0	1,200.0	1,200.0
1E04	1E03	NAS IMPROVEMENT OF SYSTEM SUPPORT LABORATORY	4,500.0	4,500.0	4,500.0	4,500.0
1E05	1E04	TECHNICAL CENTER FACILITIES	9,000.0	9,000.0	9,000.0	9,000.0
---	1E05	TECHNICAL CENTER TEST EQUIPMENT	300.0	300.0	300.0	300.0
1E08	1E06	PRECISION AUTOMATED TRACKING SYSTEM	1,400.0	1,400.0	1,400.0	1,400.0
1E07	1E07	CAMI INFRASTRUCTURE - MODERNIZATION	2,900.0	2,900.0	2,000.0	2,900.0
1E01	---	INDEPENDENT OPERATIONAL TEST AND EVALUATION (IOT&E) SUPPORT	0.0	0.0	0.0	0.0
1E06	---	TECHNICAL CENTER R&D LABORATORY - ESTABLISH	0.0	0.0	0.0	0.0
		SUBTOTAL, RDT&E EQUIPMENT AND FACILITIES	**24,590.0**	**24,590.0**	**23,690.0**	**24,590.0**
		TOTAL ACTIVITY 1	***547,890.0***	***568,690.0***	***542,990.0***	***544,690.0***
ACTIVITY 2. AIR TRAFFIC CONTROL FACILITIES AND EQUIPMENT						
A. EN ROUTE PROGRAMS						
2A01	2A01	LONG RANGE RADAR (LRR) PROGRAM - REPLACE/ESTABLISH	21,100.0	14,100.0	14,100.0	14,100.0
2A02	2A02	ARSR-3 LEAP FROG PROGRAM	2,000.0	0.0	0.0	0.0
2A03	2A03	RADAR MICROWAVE LINK (RML) SYSTEM REPLACEMENT/EXPANSION	8,000.0	12,000.0	8,000.0	8,000.0
2A04	2A04	NEXT GENERATION WEATHER RADAR (NEXRAD) - PROVIDE	62,000.0	62,000.0	62,000.0	62,000.0
2A05	2A05	AIR TRAFFIC CONTROL EN ROUTE RADAR FACILITIES IMPROVEMENTS	8,898.0	8,898.0	7,400.0	8,898.0
2A06	2A06	ADVANCED AUTOMATION SYSTEM (AAS) - CENTER MODERNIZATION	36,400.0	0.0	8,800.0	8,800.0
2A07	2A07	EN ROUTE SOFTWARE DEVELOPMENT AND INTEGRATION SUPPORT	10,300.0	10,300.0	10,300.0	10,300.0
2A08	2A08	WEATHER AND RADAR PROCESSOR (WARP)	4,700.0	0.0	4,700.0	0.0
2A09	2A09	AERONAUTICAL DATA LINK (ADL) APPLICATIONS	15,000.0	0.0	0.0	0.0
2A10	2A10	EN ROUTE AUTOMATION EQUIPMENT - IMPROVE	4,000.0	4,000.0	4,000.0	4,000.0
2A11	2A11	OCEANIC AUTOMATION SYSTEM	16,400.0	0.0	0.0	0.0
2A12	2A12	ARTCC BUILDING IMPROVEMENTS/PLANT IMPROVEMENTS	59,128.0	32,828.0	21,000.0	21,000.0
2A14	2A13	VOICE SWITCHING AND CONTROL SYSTEM (VSCS)	231,200.0	184,500.0	193,500.0	184,500.0
2A15	2A14	REMOTE COMMUNICATIONS FACILITIES (RCF) - EXPAND/RELOCATE	5,400.0	5,400.0	5,400.0	5,400.0
2A16	2A15	TRAFFIC MANAGEMENT SYSTEM (TMS) - UPGRADE	10,800.0	10,800.0	8,800.0	8,800.0
2A17	2A16	DATA MULTIPLEXING NETWORK (DMN)	5,500.0	5,500.0	5,500.0	5,500.0
2A18	2A17	CRITICAL COMMUNICATIONS SUPPORT	12,700.0	12,700.0	10,700.0	10,700.0
2A19	2A18	EN ROUTE COMMUNICATIONS AND CONTROL FACILITIES IMPROVEMENT	7,189.0	7,189.0	6,689.0	6,689.0
2A13	2A19	NADIN II ENHANCEMENTS - PROVIDE	3,800.0	3,800.0	3,800.0	3,800.0
---	2A20	SATELLITE COMMUNICATIONS CIRCUIT BACK-UP	1,500.0	1,500.0	1,500.0	1,500.0
2A25	2A21	DOD BASE CLOSURE - FACILITY TRANSFER	10,700.0	10,700.0	6,700.0	5,000.0
2A22	2A22	CENTRAL ALTITUDE RESERVATION FUNCTION (CARF)	1,500.0	1,500.0	1,500.0	1,500.0
2A23	2A23	DISPLAY CHANNEL COMPLEX REHOST	2,000.0	2,000.0	2,000.0	2,000.0
	2A24	EN ROUTE ANALYSIS AND REPORTING SYSTEM	2,000.0	0.0	500.0	500.0
2A26	2A25	PERFORMANCE MONITORING ANALYSIS SYSTEM	1,000.0	1,000.0	1,000.0	1,000.0
	2A26	BACK-UP EMERGENCY COMMUNICATIONS (BUEC) - INTERIM	3,000.0	3,000.0	2,000.0	2,000.0
2A20		CENTRAL FLOW CONTROL FACILITY - RELOCATE	0.0	0.0	0.0	0.0
2A21		AIR/GROUND COMMUNICATION RFI ELIMINATION	0.0	0.0	0.0	0.0
2A24		LONG RANGE RADAR (LRR) PROGRAM - ESTABLISH	0.0	0.0	0.0	0.0
		ATC FACILITIES CONSOLIDATION	0.0	40,000.0	0.0	0.0
		SUBTOTAL - EN ROUTE PROGRAMS	**546,215.0**	**433,715.0**	**389,889.0**	**375,987.0**

FACILITIES AND EQUIPMENT
Conference Agreement
(In thousands of dollars)

FY94 ENACTED	FY95 BUDGET	TITLE	FY 1995 ESTIMATE	FY 1995 HOUSE	FY 1995 SENATE	CONFERENCE AGREEMENT
B. TERMINAL PROGRAMS						
2B01	2B01	AIRPORT SURVEILLANCE RADAR (ASR)	20,500.0	18,000.0	18,000.0	18,000.0
2B02	2B02	TERMINAL DOPPLER WEATHER RADAR (TDWR) - PROVIDE	25,000.0	25,000.0	25,000.0	25,000.0
2B03	2B03	MODE S - PROVIDE	24,900.0	24,900.0	24,900.0	24,900.0
2B04	2B04	DIGITAL BRITE RADAR INDICATOR TOWER EQUIPMENT (DBRITE)	2,700.0	2,700.0	2,700.0	2,700.0
2B10	2B05	TERMINAL SOFTWARE DEVELOPMENT SUPPORT	4,000.0	4,000.0	4,000.0	4,000.0
2B11	2B06	CHICAGO TERMINAL RADAR APPROACH CONTROL (TRACON) RELOCATION	2,400.0	2,400.0	2,400.0	2,400.0
2B12	2B07	ARTS IIIE UPGRADES FOR SELECTED AIR TRAFFIC FACILITIES - PROVIDE	10,000.0	8,000.0	15,000.0	15,000.0
2B13	2B08	REMOTE MAINTENANCE MONITORING SYSTEM (RMMS) - PROVIDE	10,000.0	10,000.0	10,000.0	10,000.0
2B14	2B09	TERMINAL AIR TRAFFIC CONTROL FACILITIES - REPLACE	54,500.0	55,500.0	35,500.0	40,250.0
2B15	2B10	AIR TRAFFIC CONTROL TOWER (ATCT)/TRACON FACILITIES - IMPROVE	16,433.0	14,433.0	14,400.0	14,400.0
2B16	2B11	EMERGENCY TRANSCEIVERS - REPLACEMENT	3,000.0	3,000.0	3,000.0	3,000.0
2B18	2B12	TERMINAL VOICE SWITCH REPLACEMENT (TVSR)	15,500.0	15,500.0	15,500.0	15,500.0
2B19	2B13	RADIO CONTROL EQUIPMENT (RCE) - PROVIDE	9,600.0	9,600.0	9,600.0	9,600.0
	2B14	RUNWAY STATUS LIGHT SYSTEM (FY 1994: 1B02)	4,000.0	4,000.0	4,000.0	4,000.0
2B22	2B15	AIRPORT SURFACE DETECTION EQUIPMENT (ASDE-3) - ESTABLISHMENT	7,000.0	7,000.0	7,000.0	7,000.0
2B23	2B16	ARTS IIA MODE C INTRUDER CAPABILITY AND VIDEO COMPRESSION	9,400.0	9,400.0	9,400.0	9,400.0
1B03	2B17	TERMINAL AIR TRAFFIC CONTROL AUTOMATION (TATCA)	13,000.0	16,000.0	13,000.0	13,000.0
2B24	2B18	TERMINAL RADAR (ASR) - IMPROVE	3,898.0	3,898.0	3,898.0	3,898.0
2B09	2B19	DALLAS/FORT WORTH METROPLEX PROGRAM	5,500.0	5,500.0	5,500.0	5,500.0
	2B20	POTOMAC PROJECT METROPLEX	2,800.0	2,800.0	2,800.0	2,800.0
	2B21	NORTHERN CALIFORNIA METROPLEX	1,500.0	1,500.0	1,500.0	1,500.0
	2B22	ATLANTA METROPLEX	1,500.0	1,500.0	1,500.0	1,500.0
2B21	2B23	EMPLOYEE SAFETY/OSHA AND ENVIRONMENTAL COMPLIANCE STANDARDS	31,300.0	31,300.0	31,300.0	31,300.0
	2B24	TERMINAL COMMUNICATIONS - IMPROVE	2,677.0	2,677.0	2,677.0	2,677.0
2B05	2B25	PRECISION RUNWAY MONITORS	1,000.0	14,000.0	16,000.0	15,000.0
	2B26	SOUTHERN CALIFORNIA METROPLEX	17,000.0	0.0	0.0	0.0
	2B27	NEW AUSTIN AIRPORT AT BERGSTROM	20,000.0	18,500.0	18,500.0	18,500.0
2B06		AIRPORT MOVEMENT AREA SAFETY SYSTEM (AMASS)	0.0	10,000.0	0.0	10,000.0
2B07		MODE C INTRUDER (MCI) EXPAND ARTS IIIA CAPACITY	0.0	0.0	0.0	0.0
2B08		SOUTHERN CALIFORNIA TRACON CONSOLIDATION/PROGRAM SUPPORT	0.0	0.0	0.0	0.0
2B17		NEW DENVER AIRPORT	0.0	0.0	0.0	0.0
2B20		TERMINAL COMMUNICATIONS IMPROVEMENTS	0.0	0.0	0.0	0.0
2B25		ATC TOWER STREAMLINING PROJECT	0.0	0.0	0.0	0.0
		SUBTOTAL - TERMINAL PROGRAMS	**319,108.0**	**321,108.0**	**297,075.0**	**310,825.0**
C. FLIGHT SERVICE PROGRAMS						
2C01	2C01	FLIGHT SERVICE STATION (FSS) AUTOMATION	8,000.0	8,000.0	8,000.0	8,000.0
2C03	2C02	AUTOMATED SURFACE OBSERVING SYSTEM (ASOS)	37,200.0	37,200.0	37,200.0	37,200.0
	2C03	WIDE AREA AUGMENTATION SYSTEM FOR GPS	25,900.0	70,000.0	67,900.0	67,900.0
2C06	2C04	FSAS OPERATIONAL AND SUPPORTABILITY IMPLEMENTATION SYSTEM (OASIS	2,000.0	2,000.0	2,000.0	2,000.0
2C07	2C05	FLIGHT SERVICE FACILITIES IMPROVEMENT	2,289.0	2,289.0	2,289.0	2,289.0
2C02		VERY HIGH FREQUENCY DIRECTION FINDER (DF) NETWORK PROGRAM	0.0	0.0	0.0	0.0
2C05		DIGITAL ALTIMETER SETTING INDICATORS (DASI) - REPLACE	0.0	0.0	0.0	0.0
2C04		WEATHER MESSAGE SWITCHING CENTER REPLACEMENT (WMSCR)	0.0	0.0	0.0	0.0
		SUBTOTAL - FLIGHT SERVICE PROGRAMS	**75,389.0**	**119,489.0**	**117,389.0**	**117,389.0**
D. LANDING AND NAVIGATIONAL AIDS PROGRAM						
2D01	2D01	VOR/DME/TACAN NETWORK PLAN	623.0	623.0	623.0	623.0
2D02	2D02	APPROACH LIGHTING SYSTEM IMPROVEMENT PROGRAM (ALSIP)	2,000.0	2,000.0	2,000.0	2,000.0
2D03	2D03	ILS - REPLACE MARK 1A, 1B, AND 1C	6,000.0	6,000.0	6,000.0	6,000.0
2D04	2D04	INSTRUMENT LANDING SYSTEM (ILS) - ESTABLISH/UPGRADE	18,600.0	18,600.0	20,100.0	20,100.0
2D05	2D05	VISUAL NAVAIDS - ESTABLISH/EXPAND	2,565.0	2,565.0	2,565.0	2,565.0
2D07	2D06	RUNWAY VISUAL RANGE (RVR)	2,500.0	2,500.0	2,500.0	2,500.0
	2D07	ILS - REPLACE WILCOX CAT II/III	11,600.0	11,600.0	11,600.0	11,600.0
	2D08	INSTRUMENT APPROACH PROCEDURES AUTOMATION (IAPA)	1,000.0	1,000.0	1,000.0	1,000.0
	2D09	GULF OF MEXICO OFFSHORE PROGRAM	5,400.0	12,700.0	5,400.0	8,500.0
2D08		ILS AND VISUAL NAVAID COMPONENT SPARING	0.0	0.0	0.0	0.0
2D09		ILS - FAA ASSUMPTION OF AIRCRAFT IMPROVEMENT PROGRAM FUNDING ILS'S	0.0	0.0	0.0	0.0
2D10		NAVIGATIONAL AND LANDING AIDS - IMPROVE	0.0	0.0	0.0	0.0
		SUBTOTAL - LANDING AND NAVIGATIONAL AIDS	**50,288.0**	**57,588.0**	**51,788.0**	**54,888.0**
E. OTHER ATC FACILITIES PROGRAMS						
2E01	2E01	ALASKAN NAS INTERFACILITY COMMUNICATIONS SYSTEM (ANICS)	5,000.0	5,000.0	5,000.0	5,000.0
2E02	2E02	FUEL STORAGE TANK REPLACEMENT AND MONITORING	10,500.0	10,500.0	10,500.0	10,500.0
2E03	2E03	FAA BUILDINGS AND EQUIPMENT - IMPROVE/MODERNIZE	11,645.0	11,645.0	11,645.0	11,645.0
2E04	2E04	ELECTRICAL POWER SYSTEMS - SUSTAIN/SUPPORT	7,000.0	7,000.0	3,500.0	5,000.0
2E05	2E05	AIR NAVIGATIONAL AIDS AND ATC FACILITIES (LOCAL PROJECTS)	6,000.0	6,000.0	6,000.0	6,000.0
2E06	2E06	AIR NAVIGATION FACILITY/ATC SYSTEM SUPPORT - PROVIDE	9,000.0	9,000.0	9,000.0	9,000.0
2E07	2E07	PURCHASE LAND OR EASEMENT FOR EXISTING FACILITIES	1,500.0	1,500.0	1,500.0	1,500.0
2E08	2E08	AIRCRAFT RELATED EQUIPMENT PROGRAM	6,000.0	6,000.0	6,000.0	6,000.0

FACILITIES AND EQUIPMENT

Conference Agreement

(In thousands of dollars)

FY94 ENACTED	FY95 BUDGET	TITLE	FY 1995 ESTIMATE	FY 1995 HOUSE	FY 1995 SENATE	CONFERENCE AGREEMENT
2E09	2E09	AIRCRAFT FLEET MODERNIZATION	50,000.0	50,000.0	50,000.0	50,000.0
	2E10	AIR TRAFFIC CONTROLLER CHAIRS - REPLACE	1,000.0	1,000.0	1,000.0	1,000.0
2E10	2E11	AIRPORT CABLE LOOP SYSTEMS - SUSTAINED SUPPORT	6,113.0	6,113.0	6,113.0	6,113.0
2E11	2E12	COMPUTER AIDED ENGINEERING GRAPHICS (CAEG) REPLACEMENT	1,000.0	1,000.0	1,000.0	1,000.0
2E12		SPECIAL USE AIRSPACE MANAGEMENT SYSTEM (SAMS)	0.0	0.0	0.0	0.0
		SUBTOTAL - OTHER ATC FACILITIES	**114,758.0**	**114,758.0**	**111,258.0**	**112,758.0**
		TOTAL ACTIVITY 2	***1,105,758.0***	***1,046,658.0***	***967,399.0***	***971,847.0***
ACTIVITY 3. NON-ATC FACILITIES AND EQUIPMENT						
A. SUPPORT EQUIPMENT						
3A01	3A01	AUTOMATED DATA PROCESSING (ADP) FACILITIES MANAGEMENT (CORN)	20,600.0	15,000.0	20,600.0	20,600.0
3A04	3A02	NAS MANAGEMENT AUTOMATION PROGRAM (NASMAP)	4,500.0	4,500.0	4,500.0	4,500.0
3A05	3A03	HAZARDOUS MATERIALS MANAGEMENT	15,000.0	15,000.0	15,000.0	15,000.0
3A06	3A04	AVIATION SAFETY ANALYSIS SYSTEM (ASAS)	15,392.0	15,392.0	15,392.0	15,392.0
3A07	3A05	OPERATIONAL DATA MANAGEMENT SYSTEM (ODMS)	5,000.0	5,000.0	5,000.0	5,000.0
3A12	3A06	CHILD CARE FACILITIES	4,400.0	4,400.0	4,000.0	4,400.0
3A08	3A07	FAA EMPLOYEE HOUSING - PROVIDE	8,000.0	8,000.0	8,000.0	8,000.0
3A09	3A08	LOGISTICS SUPPORT SYSTEM AND FACILITIES	5,000.0	5,000.0	5,000.0	5,000.0
3A10	3A09	TEST EQUIPMENT - MAINTENANCE SUPPORT FOR REPLACEMENT	4,000.0	4,000.0	4,000.0	4,000.0
3A11	3A10	RADIO FREQUENCY INTERFERENCE (RFI) VANS	2,300.0	2,300.0	2,300.0	2,300.0
3A13	3A11	INTEGRATED FLIGHT QUALITY ASSURANCE	2,500.0	2,500.0	2,500.0	2,500.0
	3A12	SAFETY PERFORMANCE ANALYSIS SUBSYSTEM (SPAS)	7,400.0	7,400.0	7,400.0	7,400.0
	3A13	PORTABLE PERFORMANCE SUPPORT SYS PEN-BASED TECHNOLOGY	2,543.0	2,543.0	2,543.0	2,543.0
3A16	3A14	NATIONAL AVIATION SAFETY DATA CENTER (ASAAP)	4,000.0	4,000.0	4,000.0	4,000.0
3A02	3A15	AIRPORT DATUM MONUMENT PROGRAM	1,500.0	1,500.0	1,500.0	1,500.0
3A03		NATIONAL AIRSPACE SYSTEM (NAS) RECOVERY COMMUNICATIONS (RCOM)	0.0	0.0	0.0	0.0
3A14		EXPLOSIVE DETECTION SYSTEM - INSTALL, OPERATE AND MAINTAIN	0.0	0.0	0.0	0.0
3A15		AIRMEN AND AIRCRAFT REGISTRY REPORTING SYSTEMS - RENOVATION	0.0	0.0	0.0	0.0
		SUBTOTAL - SUPPORT EQUIPMENT	**102,135.0**	**96,535.0**	**101,735.0**	**102,135.0**
B. TRAINING, EQUIPMENT AND FACILITIES						
3B02	3B01	COMPUTER BASED INSTRUCTION (CBI) - EXPAND/IMPROVE	4,500.0	4,500.0	4,500.0	4,500.0
3B03	3B02	AERONAUTICAL CENTER TRAINING AND SUPPORT FACILITIES	13,900.0	7,500.0	10,900.0	7,500.0
3B04	3B03	NATIONAL AIRSPACE SYSTEM (NAS) TRAINING FACILITIES	6,000.0	6,000.0	6,000.0	6,000.0
3B01		SIMULATION BASED TRAINING SYSTEMS	0.0	0.0	0.0	0.0
		SUBTOTAL - TRAINING, EQUIPMENT AND FACILITIES	**24,400.0**	**18,000.0**	**21,400.0**	**18,000.0**
		TOTAL ACTIVITY 3	***126,535.0***	***114,535.0***	***123,135.0***	***120,135.0***
ACTIVITY 4. MISSION SUPPORT						
4A01	4A01	SYSTEM ENGINEERING AND TECHNICAL ASSISTANCE (SETA)	95,200.0	70,000.0	77,600.0	74,000.0
4A02	4A02	LOGISTICS SUPPORT SERVICES	8,000.0	8,000.0	6,000.0	8,000.0
4A04	4A03	MIKE MONRONEY AERONAUTICAL CENTER - LEASE	14,800.0	14,800.0	14,800.0	14,800.0
4A05	4A04	IN-PLANT NAS CONTRACT SUPPORT SERVICES	5,700.0	5,700.0	5,700.0	5,700.0
4A06	4A05	TRANSITION ENGINEERING SUPPORT	52,000.0	52,000.0	50,000.0	50,000.0
4A07	4A06	NATIONAL AIRSPACE LOGISTICS SUPPORT (NAILS)	5,000.0	5,000.0	5,000.0	5,000.0
4A08	4A07	FREQUENCY AND SPECTRUM ENGINEERING - PROVIDE	1,600.0	1,600.0	1,600.0	1,600.0
4A09	4A08	ACQUISITION OVERSIGHT	2,000.0	0.0	1,000.0	0.0
4A11	4A09	FAA SYSTEM ARCHITECTURE	3,000.0	0.0	2,000.0	2,000.0
4A10	4A10	TECHNICAL SERVICES SUPPORT CONTRACT (TSSC)	62,000.0	62,000.0	61,000.0	61,000.0
	4A11	PROGRAM SUPPORT SERVICES	5,000.0	0.0	1,000.0	1,000.0
	4A12	PROGRAM SUPPORT LEASES	19,217.0	19,217.0	19,217.0	19,217.0
4A03		HUMAN RESOURCE MGMT. PLAN FOR NAS TRANSITION/IMPLEMENTATION	0.0	0.0	0.0	0.0
		TOTAL ACTIVITY 4	***273,517.0***	***238,317.0***	***244,917.0***	***242,317.0***
ACTIVITY 5. PERSONNEL AND RELATED EXPENSES						
		PERSONNEL AND RELATED EXPENSES	215,400.0	208,500.0	208,500.0	208,500.0
		TOTAL ACTIVITY 5	***215,400.0***	***208,500.0***	***208,500.0***	***208,500.0***
		TOTAL	***2,269,100.0***	***2,176,700.0***	***2,086,941.0***	***2,087,489.0***

Reprogramming to cover disaster-related expenses.—The conferees understand that the FAA is still incurring obligations for several natural disasters such as the California earthquake, the midwest floods, and Hurricane Andrew. These obligations have exceeded the $17,000,000 in total supplemental funds provided. Therefore, the conferees have no objection to the FAA reprogramming expiring fiscal year 1990 and fiscal year 1992 unobligated balances to cover unfunded natural disaster requirements. Specific allocation of this reprogramming should be footnoted by the FAA in its September 30, 1994 status report of reprogramming actions.

ARTS IIIE upgrades.—The conference agreement provides $15,000,000 for this program, as proposed by the Senate. The conference agreement allows the FAA to use some of the additional $5,000,000 provided for the ARTS IIIE program to accelerate the stand-alone terminal radar system (STARS) program, at the discretion of the FAA administrator.

Terminal air traffic control facilities-replacement.—The conference agreement provides $40,250,000 for this program instead of $55,500,000 as proposed by the House and $35,500,000 as proposed by the Senate. The conference agreement reflects the reduction of funds due to schedule delays, except for Bangor, Maine, as stated in the Senate report, and reflects the addition of $5,000,000 for a replacement tower in Birmingham, Alabama, as proposed by the House. The $350,000 included in the budget estimate for a replacement tower in Roanoke, Virginia is included in the conference agreement. The conference agreement also provides the funds requested for construction of a new air traffic control tower at the Portland, Oregon International Airport. The conferees are concerned with further delays in construction given the large increase in activity at this airport and the projection of a doubling of air traffic in the near future. The conferees expect the department to let a contract for construction in the first half of the fiscal year or as soon as consolidation plans are finalized.

Use of computer simulation technology in airport planning.—The conferees encourage the Secretary of Transportation to assess the commercial application of computer simulation technology in airport planning. The Department of Defense has made extensive use of interactive computer simulation technology to provide real-time manipulation of facilities, equipment, and manpower is wartime situations. The FAA has acknowledged the benefit of computer simulation technology in the specific area of noise abatement. The conferees would request that the Secretary accelerate the practical application of this technology in civilian aviation facility design and management. It is the conferees' belief that computer simulation may better communicate complex design options early in the planning process, thereby decreasing design costs and approval delays.

FSAS operational and support implementation system (OASIS).—The conferees have been made aware of a briefing prepared by the General Accounting Office on the FSAS operational and support implementation system (OASIS) program The GAO conducted a preliminary review to compare the FAA's current acquisition strategy for OASIS, with an alternative approach of using current contracts to upgrade the existing system. The GAO concluded that proceeding with OASIS is the best course of action. The conferees support the OASIS program, and have provided the $2,000,000 requested by the FAA to continue the program. The conferees direct the FAA to accelerate the program, with the goal of contract award by mid-1995 and first deployment in 1996. Such a schedule is achievable given the current emphasis on, and availability of, commercial off-the-shelf technology.

Instrument landing system establishment.—The conference agreement provides sufficient funds to procure and install an instrument landing system (ILS) at the Greater Peoria Airport in Illinois and a glide slope indicator at Owl's Head, Maine Airport. The conferees understand that the extension of runway 4/22 in Peoria is nearing completion and installation of the ILS is necessary at this time to complete rehabilitation of the runway and improve airfield operations and safety. The conferees recognize the special safety and economic development needs of the Knox County Airport located at Owl's Head, Maine, and direct the FAA to schedule installation of a glide slope to be coordinated with other airport improvements planned for construction in fiscal year 1995.

Roswell TRACON.—The conferees understand that the expeditious completion and operational utilization of the stand-alone TRACON in Roswell, New Mexico referred to in the Senate report means October 1997.

Amendment No. 52: Provides $1,878,989,000 available until September 30, 1997 instead of $1,968,200,000 as proposed by the House and $1,878,441,000 as proposed by the Senate.

Amendment No. 53: Provides that the $208,500,000 appropriated for personnel and related expenses shall be available for two years as proposed by the Senate instead of one year as proposed by the House. The conferees believe that personnel expenses should normally be subject to one-year availability, and most large personnel accounts in this bill are available for only one year. The conferees agree to keep this portion of facilities and equipment funding available for two years because some permanent change of station (PCS) funds are included in the account, and require two years of availability. However, the conferees request the FAA to include PCS funds in another part of the budget for fiscal year 1996, in order to allow one-year availability for the other personnel-related expenses.

(RESCISSION)

(AIRPORT AND AIRWAY TRUST FUND)

Amendment No. 54: Rescinds no funds as proposed by the Senate. The House bill included a rescission of $51,700,000.

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

Amendment No. 55: Appropriates $259,192,000 for FAA research, engineering, and development instead of $254,000,000 as proposed by the House and $264,440,000 as proposed by the Senate. The following table summarizes the fiscal year 1995 budget estimate, House and Senate recommended levels, and the conference agreement:

RESEARCH, ENGINEERING, AND DEVELOPMENT
Conference Agreement
(In thousands of dollars)

	FY 1995 Estimate	House Bill	Senate Bill	Conference Agreement
Management and Infrastructure				
R,E&D Plans and Programs	3,873,000	3,623,000	3,873,000	3,623,000
Technical Laboratory Facility	5,800,000	3,500,000	5,800,000	5,800,000
Mitre Technical Support	0	-6,000,000	-2,000,000	-3,000,000
Subtotal	*9,673,000*	*1,123,000*	*7,673,000*	*6,423,000*
Capacity & Air Traffic Management Technology				
Air Traffic Management Technology	11,063,000	6,372,000	11,063,000	9,500,000
Oceanic Automation Program	10,910,000	12,910,000	10,910,000	10,910,000
Terminal ATC Automation (TATCA)	17,242,000	17,242,000	17,242,000	17,242,000
Runway Incursion Reduction/Tower Automation	8,135,000	8,135,000	8,135,000	8,135,000
System Capacity, Planning & Improvements	12,330,000	13,330,000	12,330,000	12,330,000
Cockpit Technology	7,613,000	4,110,000	6,613,000	5,000,000
Vertical Flight Program	3,663,000	5,663,000	3,663,000	4,860,000
Modeling and Simulation	9,915,000	9,915,000	9,915,000	9,915,000
Future Airway Facilities Maintenance Technology	1,030,000	500,000	1,030,000	800,000
Subtotal	*81,901,000*	*78,177,000*	*80,901,000*	*78,692,000*
Communications, Navigation & Surveillance				
Communications	19,333,000	19,333,000	19,333,000	19,333,000
Navigation	14,922,000	17,922,000	14,922,000	14,922,000
Surveillance	5,217,000	0	4,000,000	4,000,000
Subtotal	*39,472,000*	*37,255,000*	*38,255,000*	*38,255,000*
Weather	*2,909,000*	*2,909,000*	*2,909,000*	*2,909,000*
Airport Technology	*9,443,000*	*7,800,000*	*8,600,000*	*8,200,000*
Aircraft Safety Technology				
Aircraft Systems Fire Safety	5,337,000	700,000	5,337,000	1,200,000
Advanced Materials/Structural Safety	5,245,000	5,245,000	5,245,000	5,245,000
Propulsion and Fuel Systems	4,436,000	3,436,000	3,936,000	3,436,000
Flight Safety/Atmospheric Hazards Research	5,296,000	4,296,000	5,296,000	5,000,000
Aging Aircraft	22,957,000	22,957,000	25,957,000	25,000,000
Aircraft Catastrophic Failure Prevention Research	2,705,000	2,705,000	2,705,000	2,705,000
Fire Research	5,028,000	5,028,000	5,028,000	4,500,000
Subtotal	*51,004,000*	*44,367,000*	*53,504,000*	*47,086,000*
System Security Technology				
Explosives/Weapons Detection	23,675,000	23,675,000	23,675,000	23,675,000
NAS Security	1,977,000	0	1,977,000	1,000,000
Aviation Security Human Factors	3,124,000	3,124,000	3,124,000	3,124,000
Aircraft Hardening	7,828,000	7,828,000	7,828,000	7,828,000
Subtotal	*36,604,000*	*34,627,000*	*36,604,000*	*35,627,000*
Human Factors/Aviation Medicine				
Flightdeck Human Factors	6,890,000	7,430,000	6,890,000	8,000,000
ATC Human Factors	6,198,000	6,398,000	6,398,000	7,800,000
Airway Facilities Maint. Human Factors	2,333,000	3,459,000	2,333,000	3,459,000
Flightdeck/ATC Sysem Integration	2,199,000	4,342,000	2,199,000	6,524,000
Aircraft Maintenance Human Factors	1,579,000	1,984,000	1,579,000	1,984,000
Aeromedical Research	6,130,000	4,233,000	6,130,000	4,233,000
Undistributed Human Factors Increase	0	10,500,000	0	0
Subtotal	*25,329,000*	*38,346,000*	*25,529,000*	*32,000,000*
Environment and Energy	*5,429,000*	*4,896,000*	*5,429,000*	*5,200,000*
Innovative/Cooperative Research	*5,036,000*	*4,500,000*	*5,036,000*	*4,800,000*
TOTAL, R,E&D	***266,800,000***	***254,000,000***	***264,440,000***	***259,192,000***

Vertical flight program.—Of the funds provided for the vertical flight program, $1,200,000 is only for further research and development of the civil tiltrotor aircraft.

Aging aircraft.—Of the funds provided for the aging aircraft program, the Aging Aircraft Nondestructive Inspection Validation Center, the Center for Aviation System Reliability, and the Titanium Research Consortium are each to be allocated $1,000,000, as proposed by the Senate.

Manhattan heliport study.—The conferees do not agree with Senate direction to conduct a study, in cooperation with the Intrepid Museum Foundation and the City of New York, of the need for a new heliport in downtown Manhattan. Funds for this project have been provided under amendment number 56.

Wind shear protection for New York City airports.—The conferees are aware of significant problems encountered by the FAA in finding effective sites for terminal doppler weather radar (TDWR) coverage in New York City which address the concerns of surrounding communities. In response to these concerns, the FAA discontinued further planning for New York City TDWR sites covering JFK International and LaGuardia International airports in 1993. The conferees believe that a solution is needed which provides enhanced wind shear detection capability for these airports as soon as possible while addressing the concerns of local residents over the siting of large radar systems in residential areas. Therefore, the conferees direct the FAA to provide wind shear and microburst protection for these two airports by siting a TDWR at an appropriate location, as well as by installing a low-level wind shear alert system (LLWAS) at LaGuardia International Airport. The conferees believe this provides the best balance of radar coverage and community acceptability of all feasible options for the New York City area.

The FAA has announced that TDWRs will not be sited in North Bellmore or Roslyn, Long Island, due to the concerns of local residents over these sites' close proximity to residential neighborhoods. The conferees firmly support these decisions.

The conferees do not agree with the Senate direction regarding testing and installation of microburst prediction radar (MPR) equipment at New York City airports until the Memphis testing is complete. The conferees agree that while this equipment may have some potential as a low-cost alternative for airports not scheduled to receive a TDWR system, only further testing can determine its feasibility at such high density airports as JFK and LaGuardia. The conferees understand that the FAA looks forward to evaluating the MPR's performance at the New York City area airports. Therefore, the conferees direct the FAA to continue ongoing tests of the MPR system at Memphis and report the results to the House and Senate Committees on Appropriations.

GRANTS-IN-AID FOR AIRPORTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(AIRPORT AND AIRWAY TRUST FUND)

Amendment No. 56: Limits obligations under the grants-in-aid for airports program to $1,450,000,000 as proposed by the Senate instead of $1,500,000,000 as proposed by the House.

Specific projects.—Of the funds provided, the conferees direct that the following airports receive the corresponding allocations of fiscal year 1995 discretionary funds for planned or ongoing capital development projects:

Orlando International (runway 18L/36R rehabilitation)	$10,000,000
Philadelphia International (third runway)	10,000,000
Detroit City (runway extension)	2,000,000
San Juan (Luis Muoñoz Marin) International (crossfield taxiway)	7,000,000
New Manhattan heliport	2,000,000

AIRCRAFT PURCHASE LOAN GUARANTEE PROGRAM

Amendment No. 57: Includes, with amendments, language proposed by the Senate which finances the aircraft purchase loan guarantee program. The House had proposed to finance this program from the FAA operations appropriation. The conference agreement makes technical changes, including a deletion of bill language which is no longer needed due to codification in permanent law. The provisions previously and regularly enacted were identical from year to year, except for an annual limitation on obligations. Because the provisions constituted substantive law and contained the term "hereafter", they are considered to be permanent law. Accordingly, these provisions (other than the limitation on obligations) are no longer necessary in annual appropriations Acts.

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON GENERAL OPERATING EXPENSES

Amendment No. 58: Limits general operating expenses of the Federal Highway Administration to $525,341,000 instead of $524,021,000 as proposed by the House and $539,798,000 as proposed by the Senate. Recommended funding distribution by program and activity is as follows:

Program/Activity	Conference
Administrative expenses	$307,183,000
Contract programs:	
Research & technology:	
Highway R&D	55,153,000
IVHS	114,500,000
Technology development	13,000,000
Long term pavement perf.	9,000,000
Local rural technical assist.	3,105,000
National Highway Institute	4,500,000
Disadvantaged business enterp.	10,000,000
International transportation	500,000
OJT support services	5,000,000
Rehabilitation of TFHRC	3,000,000
Technical assistance for Russia	400,000
Total	525,341,000
The highway R&D and IVHS programs by activity are as follows:	
Highway Research & Development:	
Safety	8,000,000
Materials	5,614,000
Pavements	7,700,000
Structures	6,500,000
Environment	5,760,000
Right-of-Way	442,000
Policy	6,881,000
Planning	6,250,000
Motor carrier	8,006,000
Total, Highway R&D	55,153,000
Intelligent Vehicle Highway System:	
Research & development	35,000,000
Operational tests	22,500,000
Commercial vehicle operations	10,700,000
Automated highway system	10,000,000
Advanced technology applications	15,000,000
Priority corridors	10,000,000
Deployment support	....
Program & systems support	11,300,000
Total IVHS	114,500,000

Office of Motor Carriers.—The conference agreement provides funding for the Office of Motor Carriers' administrative expenses within the limitation on general operating expenses as proposed by the House. The Senate bill included a specific designation of funds for the Office of Motor Carriers within the Federal Highway Administration's limitation on general operating expenses. The conferees agree that the Office of Motor Carriers should absorb the same proportional reduction in funding for its administrative expenses as applied to other FHWA operating units funded under the limitation on general operating expenses account.

Motor carrier safety research and development.—The conference agreement includes $8,006,000 for motor carrier safety research and development. Within this amount, $2,500,000 shall be used for research to (1) test the feasibility of a smart card system to enhance the security and utility of the commercial driver's license and enforcement of hours-of-service regulations, (2) evaluate the medical requirements necessary to operate commercial motor vehicles safely and (3) develop a national electronic information truck and intermodal freight planning information service. Within the funds provided for motor carrier safety research and development, the conferees expect that $300,000 will be used to support the pilot project on hazardous materials registration and permits as directed by the Senate.

Pavements research and development.—The conferees agree that within the total of $7,700,000 provided for pavements is $600,000 for the evaluation of crumb rubber modified asphalts.

IVHS/Commercial vehicle operations.—Within the amounts provided for IVHS/commercial vehicle operations, the conferees agree that $3,900,000 be made available to design and implement an on-line motor carrier safety fitness system at no less than 200 MCSAP sites by mid-1997. The conference agreement also includes $500,000 for the hazardous materials incident notification pilot projects, $250,000 for fleet management activities, and $250,000 for outreach and deployment activities. The conferees do not agree with the Senate directive that at least $2,000,000 be made available for the design and initial development of an advanced vehicle and driver identification/information system. Instead, the conferees reiterate the Senate's directive that a report be submitted to the House and Senate Committees on Appropriations which describes the objectives of such a system and provides a complete plan describing how much a system might be implemented in the future.

Advantage I-75.—The conferees do not agree with the Senate bill which includes no funds under the commercial vehicle operations component of the IVHS program for operational tests. The conference agreement includes $1,300,000 to continue through fiscal year 1995 the on-going Advantage I-75 operational test and parallel evaluation activities that will include equipping and electronically linking each weigh station along I-75. The conferees believe, however, that the funds requested for the commercial vehicle operations component of the IVHS program should be reserved for higher-risk research and development activities that may not yet be ready for larger-scale deployment. Therefore, the conferees agree that funds for operational tests of this nature should be requested under the operational tests component of the program for fiscal year 1996 and beyond.

Intelligent vehicle/highway systems program.—Within the intelligent vehicle/highway systems program, the conferees recommend that not more than $7,500,000 of the $15,000,000 provided for advanced technology applications be transferred to the National Highway Traffic Safety Administration.

Amendment No. 59: Provides for the extended availability until September 30, 1997 of $218,158,000 in contract funds for the Federal Highway Administration instead of

$216,805,000 as proposed by the House and $232,615,000 as proposed by the Senate.

Border regions infrastructure issues.—The conferees agree with the House language recognizing the great need to develop further the infrastructure along the United States' border regions with Mexico and Canada, especially as these countries implement the North American Free Trade Agreement. The conferees have received a report prepared by the Federal Highway Administration entitled Assessment of Border Crossings and Transportation Corridors for North American Trade, and are concerned about its findings, including that "border states, in distributing federal highway funds, seem not to have allocated sufficient funds to border communities. * * *" The conferees reaffirm the House directive to the Federal Highway Administration to review its distribution of funds to border regions, including a reexamination of a dedicated border infrastructure investment program; to develop and report recommendations to improve the distribution of such funds; and to give high priority to the transportation needs of border regions. Finally the conferees direct the FHWA to work with state and local governments in border regions, including requests for information about funding distribution, to assist them with planning.

HIGHWAY-RELATED SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

(INCLUDING RESCISSION AND TRANSFER OF FUNDS)

Amendment No. 60: Insert the words "Rescission and" into the center heading for the Highway-related safety grants program as proposed by the Senate.

Amendment No. 61: Provides liquidating cash of $10,800,000 for Highway-related safety grants instead of $10,000,000 as proposed by the House and $11,500,000 as proposed by the Senate.

Amendment No. 62: Limits obligations for the Highway-Related safety grants programs to $10,800,000 instead of $10,000,000 as proposed by the House and $11,500,000 as proposed by the Senate.

The conferees agree that the total recommended includes not less than $500,000 for the development and implementation of safety management systems and not less than $300,000 for improved traffic engineering directed toward reducing deaths and injuries occurring in school bus loading/unloading zones.

Amendment No. 63: Rescinds $20,000,000 in unobligated contract authority from the section 402 highway safety programs as proposed by the Senate. The House bill contained no similar provision.

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

Amendment No. 64: Limits obligations for the Federal-aid highway program to $17,160,000,000 as proposed by the House instead of $17,543,150,000 as proposed by the Senate.

The conferees agree with all of the project specific priorities listed in the House and Senate reports accompanying the bill for the discretionary bridge program, the federal lands highways program, and for ferry boats and ferry facilities funding.

The conferees direct that within the total provided for the intelligent vehicle/highway system program, funding shall be made available for the following projects in the amounts specified:

Project	*Amount*
Minnesota (GuideStar)	$6,825,000
Oakland County, MI (Fast-Trac)	15,000,000
Charlotte, North Carolina (CARAT)	4,500,000
Houston, Texas	2,250,000
Lower Hudson Valley, New York	1,500,000
I-95 Corridor	7,500,000
Bronx-Northern Manhattan	2,250,000
University of North Dakota	750,000
Hazardous material trans. safety	1,500,000
Detroit, Michigan (SMART)	7,500,000
Santa Teresa, New Mexico crossing	1,680,000
Johnson City, Tennessee	3,750,000
TRANSCOM, New York/New Jersey	2,625,000
Syracuse, New York congestion mgmt	1,500,000
Brooklyn/Bronx/Queens signalization	3,750,000
National Trans. Center, Oakdale, NY	1,870,000
Advanced railroad/highway crossings	2,625,000
New Jersey Turnpike	2,625,000
Green light CVO project, Oregon	6,000,000

IVHS and the environment.—The conferees are aware of the recent findings of the National Conference on IVHS and the Environment, which highlighted the need to involve a wide range of public interest groups in the IVHS decision making process. The conferees agree with the finding of a related University of Minnesota study, that calls for the expansion of IVHS early deployment studies to include greater environmental group participation at the local level. The conferees also encourage the University of Minnesota to continue its efforts to initiate a research network on sustainable transportation technologies, and to keep the House and Senate Committees on Appropriations informed of progress in this area.

North Dakota infrastructure problems.—The conferees recognize the State of North Dakota is experiencing urgent and unique infrastructure problems. Significant flooding this spring, following an extremely severe winter and the historic floods of 1993 have created a serious situation.

The conferees also recognize that some of the road damage in North Dakota may not meet the Federal Highway Administration's strict definition of "sudden damage" that is crucial in determining eligibility for the emergency relief program. It is noted that Devils Lake, located in north-central North Dakota, has experienced a 650 percent increase in water inflow compared to average levels. The total volume of Devils Lake has doubled, and the lake has risen by eight feet in the past fifteen months, to a 100-year high level. While the increase may not be sudden by the FHWA's normal standard, the damage is very real and relief is needed.

The conferees further note that the Federal Emergency Management Agency has recognized the unusual nature of the circumstances in North Dakota, and has amended its criteria for certain disaster assistance. Therefore, the committee of conference urges the Federal Highway Administration to examine North Dakota's request for emergency funding very carefully and give special consideration to the unique and catastrophic circumstances that have already resulted in more than $10,000,000 in damage to federal-aid roads in the state.

RIGHT-OF-WAY REVOLVING FUND

(LIMITATION ON DIRECT LOANS)

(HIGHWAY TRUST FUND)

The conference agreement provides the budget request limiting loans in the right-of-way revolving fund to $42,500,000. Within that amount, the Federal Highway Administration is directed to make available $1,000,000 for the Yuba City, California bridge project.

MOTOR CARRIER SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

Amendment No. 65: Appropriates $74,000,000 for motor carrier safety grants as proposed by the House instead of $75,000,000 as proposed by the Senate.

The conference agreement distributes the appropriation as follows:

Activity	*Budget authority*
Basic grants to states	$55,550,000
Traffic enforcement	6,375,000
Commercial driver's license enforcement	1,000,000
Hazardous materials training	1,500,000
Truck and bus accidents	1,500,000
Research and development	500,000
Public education	850,000
Uniformity grants	3,450,000
Uniformity working groups	450,000
Commercial vehicle information system	1,500,000
Drug interdiction assistance	500,000
Administrative expenses	825,000
Total	74,000,000

The conferees agree that at least $600,000 of the funds provided for public education about sharing the road with the motor carrier industry should be distributed among the states and that not less than $300,000 of funds provided for traffic enforcement should be used to encourage state agencies that are not now writing the DOT number on traffic tickets to do so.

Covert verification activities.—The conferees agree that, within the funds provided, not less than $1,000,000 shall be used to conduct additional covert verification activities. These funds should be used to supplement covert verification activities in each state's enforcement plan and should be allocated on a priority basis to those states most in need of improving their covert verification activities.

Assistance to border states.—The conferees agree that not less than $750,000 of MCSAP funds available for redistribution in fiscal year 1995 be provided to border states that will be affected by increased trade with Mexico and Canada. These states face special problems associated with a projected concentration of trade-related commercial vehicle traffic at international border crossings.

Drug interdiction assistance.—The conference agreement includes $500,000 for special drug interdiction assistance grants to address extraordinary drug interdiction problems and needs. The conferees direct that the Federal Highway Administration's Office of Motor Carriers develop grant award criteria which consider a state's need for additional drug interdiction assistance over and beyond those activities that can be supported through the basic MCSAP grant. The FHWA shall advise the House and Senate Appropriations Committees of these award criteria prior to making grants to the states.

SURFACE TRANSPORTATION PROJECTS

Amendment No. 66: Appropriates $352,055,000 for surface transportation projects as proposed by the Senate instead of $299,862,000 as proposed by the House. The conferees agree to the following distribution of the funding provided:

Project	*Amount*
State Route 4 freeway expansion, Pittsburg, CA	$1,000,000
I–10/I–12 Baton Rouge bypass, Louisiana	500,000
Coleman Bridge expansion, Virginia	1,000,000
Jasper, Alabama Bypass	1,650,000
Spring Mountain/I–15 interchange, Nevada	2,475,000
I–15 widening, Victorville to Barstow, CA	1,667,000
M–59 corridor, Michigan	11,000,000
U.S. 58, Cumberland Gap, Virginia	3,300,000
Fuller Warren Bridge, Jacksonville, FL	5,000,000
Airport access road, Jacksonville, FL	1,000,000
96th Street upgrade, Indianapolis, IN	1,000,000
State Road 305 improvements, Bainbridge Is, WA	672,000
Border highway extension, El Paso, TX	5,000,000
State Road 61 connector with I–20, Georgia	2,000,000
NASA road 1, Houston, TX	2,500,000
U.S. 71 upgrade, Alma, Arkansas to Louisiana	1,650,000
Airport access road, Detroit, MI	14,000,000
Rail consolidation project, Monroe, MI	5,000,000
Bristol St. improvement project, Santa Ana, CA	1,000,000
WA 18, 312th Way to Maple Valley, Washington	1,000,000
U.S.67/IL 267 improvements, Illinois	800,000
M–6 South Beltline, Grand Rapids, MI	1,000,000
CA 113 railroad grade separation, California	668,000
CA 113/I–5 improvements, California	500,000
CA 905, congestion mitigation border facility	668,000
Pier 98, Philadelphia, PA	60,000
U.S. 12 improvements, Washington	1,336,000
U.S. 395 improvements, Washington	3,300,000
Transportation center, Norwich, CT	668,000
State Highway 21 upgrade, Missouri	668,000
I–255/Mo 231 intersection, Missouri	535,000
Old Nashville Highway bridge, Tennessee	1,000,000
I–265 extension, Indiana	500,000
State Road 7/U.S. 441 widening, Florida	668,000
U.S. 220 construction, North Carolina	1,000,000
U.S. 22/U.S. 33 Lancaster bypass, Ohio	1,958,000
Baltimore-Washington Parkway, Maryland	8,000,000
Missouri R. bridge, Vermillion, SD–Newcastle, NE	2,000,000
Missouri R. bridge, Springfield-Niobrara, NE/SD	2,000,000
Intermodal terminal, Fearing Blvd., Toledo, OH	668,000
Highway safety improvements, Michigan	10,500,000
State Route 71, planning/design, Riverside Co, CA	1,000,000
Sidney Lanier Bridge, Brunswick, GA	1,850,000
M–102/Grand River interchange, Michigan	1,313,000
U.S. 93, upgrade, Kingman-Lake Mead, AZ	1,000,000
Delaware Street reconstruction, Tonawanda, NY	700,000
NY 531 extension study, Ogden-Sweden, NY	150,000
Highway 41 expansion, California	1,000,000
Highway 330, Marshalltown to Des Moines, IA	1,240,000
I–10, St. Charles Parish line to Tulane Ave., LA	1,000,000
Hoosier Heartland Corridor, Indiana	2,475,000
Arden Garden connector, Sacramento, CA	1,000,000
Evansville-Bloomington corridor, Indiana	1,500,000
PA 14 improvements, Bradford County, PA	1,000,000
PA 3011 improvements, Scranton, PA	1,000,000
U.S. 15, Steam Valley-Sebring, Pennsylvania	1,500,000
CA 138: CA 14 to 50th St., E., California	1,000,000
I–4 Greeneway interchange, Orlando, FL	1,000,000
Veterans Parkway, Springfield, IL	1,000,000
Peoria-Chicago highway, Illinois	1,000,000
Mare Island access study, California	500,000
Riverside Expressway, Fairmont, WV	4,000,000
Fairfax County expressway, Virginia	1,000,000
U.S. 22, Section B07 reconstruction, PA	1,000,000
Blairsville Bridge, Pennsylvania	1,069,000
U.S. 22/PA 217 bridge, Pennsylvania	600,000
Six points road interchange at I–70, Indiana	1,500,000
Railroad relocation, Lafayette, Indiana	4,450,000
6th & 7th Sts. improvements, Brownsville, TX	500,000
I–15/University Avenue interchange, Utah	1,500,000
Veterans Memorial Overpass, Arizona	1,000,000
Pinners point connector, Virginia	1,000,000
U.S. 64 improvements, North Carolina	3,000,000
Southern Charlotte outer loop, North Carolina	3,000,000
Peace Street, Thomasville, North Carolina	625,000
Unity Street, Thomasville, North Carolina	625,000
U.S. 17 bridge replacement (Neuse River), NC	3,000,000
U.S. 30 widening, Wooster to Riceland, OH	2,500,000
Santa Fe relief route, New Mexico	1,500,000
U.S. 27, Kentucky	750,000
KY 114 widening: Salyersville to U.S. 23, KY	1,000,000
77th Street improvements, Minneapolis, MN	4,125,000
City of Columbus "Front Door", Indiana	800,000
State Road 67 improvements, Indiana	500,000
Port of Palm Beach intermodal facility, Florida	500,000
I–15 corridor improvements, Salt Lake City, UT	1,500,000
U.S. 70 frontage road, Las Cruces, NM	1,000,000
State Highway 5 relocation, Iowa	2,636,000
State Road 124/7, Ravenswood connector, Ohio	1,336,000
McLellan Avenue, Marquette, MI	2,000,000
State Highway 58 upgrade, Bakersfield, CA	500,000
Bypass study and design, Conway, AR	500,000
I–5 capacity enhancement, California	1,000,000
U.S. 31 upgrade, Berrien County, Michigan	1,650,000
Wabasha Street bridge replacement, St. Paul, MN	500,000
Lake Shore Drive extension study, Whiting, IN	600,000
Marina access road, East Chicago, IN	800,000
U.S. 36 Hannibal bridge, Missouri-Illinois	1,250,000
Chouteau bridge replacement, Missouri	500,000
14th Street bridge lane addition, Virginia	1,000,000
U.S. 101 congestion relief, Sonoma County, CA	500,000
U.S. 101 HOV lanes, Marin County, CA	500,000
Orange Beach evacuation route, Alabama	4,000,000
Lock & dam No. 4, Pine Bluff, AR	8,000,000
Saddle Road, Hawaii	1,000,000
Kihei Road, Maui, HI	2,500,000
Des Moines/Burlington corridor, Iowa	8,000,000
Des Moines inner loop, Iowa	5,500,000
I–70/110th Street interchange, Kansas City, KS	3,600,000
Natcher Bridge, Owensboro, KY	15,800,000
I–10/I–610 intersection, New Orleans, LA	10,000,000
Corridor O, Maryland	5,000,000
Pearl River Bridge, Jackson, MS	400,000
River bridge, Greenville, MS	2,500,000
I–90 interchange, Belgrade, MT	500,000
Pyramid interchange, I–80, Nevada	5,500,000
Route 21/McCarter Highway, Newark, NJ	4,500,000
I–280 connector, Newark, NJ	4,500,000
Routes 4 & 17, Bergen County, New Jersey	15,000,000
Sunport Boulevard, Albuquerque, NM	4,600,000
Point of entry, Santa Teresa, NM	3,200,000
Exit 26 bridge, Schenectady, NY	3,200,000
Columbia Gorge Highway, Oregon	2,500,000
Busway, Pittsburgh, PA	15,800,000
Railroad relocation, Brownsville, TX	6,000,000
Corridor H, West Virginia	35,000,000
Mercer/McDowell Counties, Route 52, West Virginia	5,000,000

M–59 corridor, Michigan.—The conferees agree that of the funds provided for the M–59 corridor in Michigan, $2,000,000 shall be made available to the White Lake Road portion of the project, $2,000,000 shall be made available for the continued right-of-way acquisition on the Rochester Road portion of the project, $2,000,000 shall be made available for the right-of-way acquisition at the M-59/U.S. 23 interchange, $1,000,000 shall be made available for the bike path portion of the project in Washington and Shelby Townships, $750,000 shall be made available for the construction of a timber bridge on Little Road over the Clinton River in Clinton Township, and $300,000 shall be made available for improvements at the intersection of Tilch and 21-Mile Roads.

Highway safety improvement project, Michigan.—The conferees agree that of the funds provided for the highway safety improvement project in Michigan, $5,000,000 shall be made available for Walton Boulevard construction from Clintonville Road to Dixie Highway, $1,000,000 shall be made available for Baldwin Road right-of-way acquisition, $400,000 shall be made available for design of Trowbridge Road and $200,000 shall be made available for completion of the Saginaw Street project within the Lansing Area Mobility Project, $1,500,000 shall be made available for improved access to I-75 in Auburn Hills, $1,000,000 shall be made available for design and right-of-way acquisition at the Grand River/I-96 interchange, and $1,400,000 shall be made available for engineering, right-of-way acquisition and construction between Walton Boulevard and Dixie Highway.

Fuller Warren Bridge, Jacksonville, Florida.—The conferees remain concerned about the serious state of disrepair of the Fuller Warren Bridge and direct the Federal Highway Administration to work with the Florida Department of Transportation to identify additional resources to replace the bridge.

Corridor H, West Virginia.—The conferees have provided $35,000,000 for corridor H for fiscal year 1995 to continue right-of-way acquisition, preliminary engineering and construction. Corridor H is part of the Appalachian Regional Corridor System first authorized in 1965 and reauthorized in the Intermodal Surface Transportation Efficiency Act of 1991. The conferees recognize that for fiscal year 1996 and beyond, substantially more funds will be required in order to complete corridor H in the most expeditious and cost-effective manner. The conferees wish to avoid construction delays and the increased costs that would result therefrom in the funding of this important corridor and, therefore, agree that Congress should make every effort to consider favorably these increased funding needs for fiscal year 1996 and beyond.

East-West Transamerica corridor.—The conferees support a request to the Federal Highway Administration from the State of Kentucky for feasibility study funds authorized by section 1105(h) of the Intermodal Surface Transportation Efficiency Act of 1991 for the Kentucky segment of the East-West Transamerica corridor (I-66). The conferees believe the funding requested is necessary to further pursue this important project.

I-24/I-40 high occupancy vehicle lanes.—The conferees are familiar with the sustained population growth in Rutherford County, Tennessee, and the increasing need for congestion mitigation projects including the construction of high occupancy vehicle lanes on Interstate 24 and Interstate 40 from Rutherford County into Nashville. The conferees encourage the Tennessee Department of Transportation to establish congestion mitigation programs including construction of HOV lanes on I-24 and I-40. The conferees believe the highest priority should be given to I-24 in Davidson and Rutherford Counties.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

OPERATIONS AND RESEARCH

Amendment No. 67: Appropriates $79,556,000 for the general fund portion of the operations and research activities of the National Highway Traffic Safety Administration, of which $42,965,000 shall remain available until September 30, 1997. The House bill proposed a general fund appropriation of $74,352,000 of which $38,327,000 shall remain available until September 30, 1997. The Senate bill included no appropriation from the general fund.

(RESCISSIONS)

Amendment No. 68: Deletes House rescissions of $3,372,629 in unobligated balances previously made available for the national advanced driving simulator. The Senate bill included no similar rescissions.

OPERATIONS AND RESEARCH

(HIGHWAY TRUST FUND)

Amendment No. 69: Deletes Senate language which provides that activities authorized by the Motor Vehicle Information and Cost Savings Act and the National Traffic and Motor Vehicle Safety Act shall be financed out of the highway trust fund. The House bill included provisions to finance these activities from the general fund.

Amendment No. 70: Appropriates $46,997,000 for the highway trust fund portion of operations and research activities of the National Highway Traffic Safety Administration as proposed by the House instead of $128,887,000 as proposed by the Senate.

Amendment No. 71: Provides that $30,310,000 for operations and research activities shall be available until September 30, 1997 instead of $29,891,000 as proposed by the House and $70,000,000 as proposed by the Senate.

The conference agreement for operations and research (general fund and highway trust fund combined) includes the following adjustments to the President's budget request:

Rulemaking:	
New car assessment program side impact tests	−$620,000
New car assessment program promotional activities	−100,000
Fuel economy studies	−365,000
Automobile theft prevention program	+100,000
Travel expenses	−4,000
Enforcement: Odometer fraud program (+7 FTP/FTE)	+510,000
Highway safety:	
Pedestrian demonstrations	−341,000
Pedestrian/speed research initiatives	−342,000
Emergency medical services	−100,000
Older driver research	+56,000
Regional operations staff (−5FTP/5FTE)	−423,000
Research and analysis:	
Traffic injury studies	+300,000
National accident sampling system	+1,041,000
Data analysis program	−324,000
Vehicle safety systems	+1,000,000
Biomechanics research	
0,000	
General administration:	
NAS study on motor vehicle safety labeling	+300,000
Strategic planning studies	−100,000
Accountwide adjustments:	
Administrative reductions	−670,000

Fuel economy studies.—The conference agreement includes $360,000 for the fuel economy program instead of $300,000 as proposed by the House and $725,000 as proposed by the Senate. The conferees agree that within this amount, $300,000 shall be used for a study on light truck fuel economy in accordance with the House directive and $60,000 shall be used to maintain the plants, lines and financial database.

Domestic content labeling.—As a result of the passage of the American Automobile Labeling Act (AALA) of 1992, each new passenger motor vehicle manufactured on or after October 1, 1994 must be labeled to indicate the origin of its contents and location of assembly. The conferees note that NHTSA did not publish a final rule implementing this Act until July 21, 1994, despite the direction of Congress that the rule be published promptly so that manufacturers would have adequate lead time to comply.

The conferees are pleased that NHTSA has included a provision in the final rule that excuses manufacturers and suppliers from the requirement that they use the detailed data calculation procedures of the regulation for car lines first offered for sale to ultimate purchasers before June 1, 1995, if they use procedures that they expect, in good faith, to yield similar results.

The conferees are aware that several petitions for reconsideration have been submitted to NHTSA since the publication of the final rule. Among the issues raised in the petitions are whether it is consistent with the Act that the final rule requires that a first-tier supplier of equipment produced or assembled in the U.S. or Canada must consider material used in that equipment to have zero U.S./Canadian content unless the material's U.S./Canadian value has been verified by full tracing to its origin, and that a manufacturer or supplier that does not receive information from its suppliers concerning the U.S./Canadian content of equipment must consider the U.S./Canadian value of the equipment to be zero.

These provisions of the final rule will not ensure that the most accurate, understandable, and cost-effective information is provided to consumers, and thus contradict the expressed intent of Congress in passing the AALA. Therefore, the conferees direct NHTSA to amend the final rule to permit first-tier suppliers to use other methods, such as country-of-origin marking, substantial transformation, or other customs data in their records, to determine the U.S./Canadian content of equipment, and manufacturers and allied suppliers to use other methods to determine U.S./Canadian content of equipment when suppliers fail to provide adequate information.

Furthermore, to ensure that the final rule does not impose costly and unnecessary burdens on manufacturers, the conferees also direct NHTSA to amend the rule to allow manufacturers to propose alternative procedures for determining domestic content if such procedure produce reliable results.

Tire labeling program.—The managers are aware that NHTSA has requested comments on a tire labeling program to help consumers identify tires that have low rolling resistance and hence save fuel. The managers applaud this action and direct NHTSA to promulgate to rule to implement this program no later than June 1, 1995.

Odometer fraud program.—The conference agreement includes $510,000 in personnel compensation and benefits funds to restore seven positions and seven full-time equivalent staff-years for odometer fraud enforcement has proposed by the Senate.

Regional operations staff.—The conference agreement reduces staffing for NHTSA's office of regional operations by five positions and five full-time equivalent staff years below the budget request. The conferees wish to clarify that regional staff reductions may be made in headquarters and/or field operations, and that the conferees to not concur in the directive of the Senate which would have required that NHTSA's regional operations staff be placed under the associate administrator for traffic safety programs. The conferees understand that NHTSA currently has underway an assessment of NHTSA's relationship with the states and look forward to receiving a report from the NHTSA administrator regarding any actions he plans to take regarding organization, staffing policy and procedures to ensure that NHTSA's highway safety program is delivered in the most effective and efficient manner possible.

Federal grant administration.—The conferees agree that $6,043,000 may be made available to the highway safety program for federal grant administration costs.

Alcohol impairment survey.—The conferees agree that, within the amounts made available for traffic safety programs, $200,000 shall be made available for a roadside alcohol impairment survey to be conducted jointly by the North Carolina Transportation Department and the North Carolina Highway Safety Research Center.

National advanced driving simulator.—The conference agreement provides $2,000,000 for the national advanced driving simulator (NADS) as proposed by the Senate. The House bill included no appropriation for this project. When former Secretary of Transportation Samuel Skinner approved the NADS project on January 16, 1992, it was with the proviso that NHTSA obtain a total of $11,000,000 in cost-sharing contributions from non-DOT sources, approximately one third of the anticipated total $32,000,000 cost of developing the driving simulator. In addition, the March 19, 1993 cooperative agreement between NHTSA and the University of Iowa regarding the development of the NADS specifies that two thirds of any costs for the facility in excess of $32,000,000 will be borne by DOT with the remainder from non-DOT sources. Pursuant to these stipulations, the conferees direct that no funds are to be obligated for the construction of NADS unless the following conditions are met:

(1) NHTSA provides to the House and Senate Committees on Appropriations a new estimate of the expected total cost of the NADS project that reflects its evaluation of the work of the competing NADS design contractors;

(2) At least $11,000,000 in non-DOT matching contributions/commitments to the NADS project, of which $6,000,000 shall be cash contributions/commitments from nonfederal sources, are secured by June 1, 1995;

(3) The Transportation Research Board (TRB) makes a determination that, if the driving simulator is built, it is highly likely that NADS will be used to at least 80 percent of full capacity, as defined by the TRB, after a start-up period of two years; provided that for the purposes of the TRB determination, no more than 50 percent of capacity usage is attributable to NHTSA; and

(4) The General Accounting Office certifies to the House and Senate Committees on Appropriations that the $11,000,000 in matching contributions/commitments to the driving simulator has been secured, as stipulated above.

The conferees agree that if the General Accounting Office certifies that the $11,000,000 in matching contributions/commitments to the NADS project has not been secured as stipulated above, then the unobligated balances for the NADS project will be rescinded in the fiscal year 1996 transportation appropriations bill. However, if these conditions are met, the conferees expect to provide construction funds for the driving simulator in the fiscal year 1996 transportation appropriations bill. The conferees further agree that they have no objection to private contributors sharing in the use of the NADS software for their purposes.

National Academy of Sciences study on automobile labeling.—The conference agreement includes $300,000 for a study to be conducted by the National Academy of Sciences (NAS) of motor vehicle safety consumer information needs and the most cost effective methods of communicating this information, as proposed by the House. The conferees request that the NAS study include participation from a wide array of experts in marketing, advertising, consumer attitudes, vehicle safety, vehicle product development and manufacturing, as well as consumer representatives and safety advocates. The conferees further request that, as part of its study, the NAS review information gathered by NHTSA through public meetings held in 1994 on the topic of consumer information, and any information gathered by the agency through surveys of occupant protection attitudes, knowledge and behavior. The study should be submitted to the House and Senate Committees on Appropriations no later than March 31, 1996. In order to ensure that the results of the study are considered in the rulemaking process, the conferees agree that NHTSA shall not issue a final regulation concerning motor vehicle safety labeling requirements until after the NAS study is completed.

FEDERAL RAILROAD ADMINISTRATION

OFFICE OF THE ADMINISTRATOR

Amendment No. 72: Appropriates $13,090,000 for the office of the administrator instead of $13,650,000 as proposed by the House and $16,421,000 as proposed by the Senate.

Amendment No. 73: Provides $1,508,000 available until expended as proposed by the Senate instead of $1,300,000 as proposed by the House.

The conference agreement includes the following adjustments to the budget estimate:

Reduce increase for administrative law judges	−$125,000
Delete new position in public affairs office	−33,000
Hold travel to fiscal year 1994 level	−100,000
Delete funds for passenger rail oversight	−300,000
Administrative system upgrades	−65,000
Delete funds for rail trespasser profile study	−82,000
Reduction of 4 staff years ..	−286,000
Scranton-Wilkes-Barre rail study	+350,000
Metairie, LA rail crossing study	+250,000
Offset to account for unobligated balance	−2,000,000
Offset from Delaware & Hudson recoveries	−3,000,000

Scranton to Wilkes-Barre, PA rail study.—The conference agreement includes $350,000 and directs the FRA to use these funds for a comprehensive feasibility study of re-establishing passenger and freight service between Scranton and Wilkes-Barre, Pennsylvania. The FRA is directed to work with the Lackawanna County Railroad Authority to determine the economic viability, ridership and freight potential, and operational aspects of the proposed line.

Delaware & Hudson offset.—The conference agreement includes a new general provision (amendment number 173) which transfers $3,000,000 from the section 511 loan guarantee fund to this appropriation to offset regular operating expenses of the office of the administrator. These funds have been recovered from the Delaware and Hudson Railroad, and are not otherwise available for obligation.

RAILROAD SAFETY

Amendment No. 74: Appropriates $47,729,000 for railroad safety instead of $47,067,000 as proposed by the House and $48,079,000 as proposed by the Senate.

Amendment No. 75: Provides $2,600,000 available until expended instead of $2,500,000 as proposed by the House and $2,623,000 as proposed by the Senate.

The conference agreement includes the following adjustments to the budget estimate:

Reduce funding for corridor risk analytical model development	−100,000
Reduce increase in training-related travel	−50,000
Increase for rail-highway crossings safety	+200,000
Overtime	−60,000

RAILROAD RESEARCH AND DEVELOPMENT

Amendment No. 76: Includes language proposed by the Senate which allows the FRA to issue grants using funds from this appropriation. The House bill contained no similar language.

Amendment No. 77: Appropriates $20,500,000 for railroad research and development instead of $17,145,000 as proposed by the House and $20,985,000 as proposed by the Senate.

The conference agreement includes the following adjustments to the budget estimate:

Reduce maglev systems evaluation	−1,200,000
Defer further funding for TTC environmental cleanup	−200,000
Safety training for certified locomotive engineers	+350,000
Centralized positive train control/hazard sensing	+1,000,000

Centralized positive train control/hazard sensing.—The conferees provide $1,000,000 for this project, as proposed by the Senate, and direct that such funding must be matched by non-Federal sources on a dollar-for-dollar basis with a cash match.

NORTHEAST CORRIDOR IMPROVEMENT PROGRAM

Amendment No. 78: Appropriates $200,000,000 for the northeast corridor improvement program (NECIP) instead of $165,000,000 as proposed by the House and $230,000,000 as proposed by the Senate. Amtrak is requested to notify the House and Senate Committees on Appropriations of their final allocation of these funds.

Amendment No. 79: Provides three year availability for this appropriation as proposed by the House instead of availability until expended as proposed by the Senate.

Market and ridership survey.—The conferees agree that Amtrak is to conduct a detailed market and ridership survey of the proposed high speed service between New York and Boston, as proposed by the House. As stated in the House report, this is to include modal preference interviews and surveys with traveler dispersion data.

Rhode Island rail development.—The conferees do not agree with the House direction that $10,000,000 of NECIP funds be used for design and construction of a third rail line between Providence and Davisville, Rhode Island. Funding for this project has been provided under amendment number 88.

Connecticut rail sidings.—The conferees do not agree with the House direction that $5,000,000 of NECIP funds be used for the construction of specific rail sidings in Connecticut. While the conferees support the need for these sidings, it is the conferees' understanding that such construction will be included in the final environmental impact statement for this project as a required mitigation measure which Amtrak will be required to finance.

RAILROAD REHABILITATION AND IMPROVEMENT PROGRAM

Amendment No. 80: Makes a technical change in the reference to the authorizing legislation for this program, as proposed by the Senate.

NEXT GENERATION HIGH SPEED RAIL

Amendment No. 81: Deletes the word "and" as proposed by the Senate.

Amendment No. 82: Includes language allowing funds to be used for track and signal improvements, as proposed by the Senate. The House bill included no similar language.

The conference agreement provides total funding (appropriation plus limitation on obligations) of $25,000,000 for the next generation high speed rail program. These funds are to be allocated as follows:

National transportation plan	$2,500,000
Defense conversion/technology development:	
Lightweight materials	500,000
Non-electric locomotive	3,000,000
Signal, grade crossing, and other technologies	8,500,000
Other innovative technologies	1,500,000
Administrative expenses	500,000
Corridor-specific planning and development:	
Alton, IL to St. Louis, MO	3,000,000
Charlotte, NC to Richmond, VA	1,000,000
State of Oregon	1,000,000
High speed trainset testing (TTC)	3,500,000

GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

Amendment No. 83: Appropriates $772,000,000 in total funding for grants to the National Railroad Passenger Corporation (Amtrak), instead of $771,700,000 as proposed by the House and $622,000,000 as proposed by the Senate.

Amendment No. 84: Provides $542,000,000 for Amtrak operating losses instead of $526,700,000 as proposed by the House and $392,000,000 as proposed by the Senate. The conference agreement reflects the inclusion of $150,000,000 in mandatory passenger rail service payments under this head instead of in a separate appropriation as discussed under amendment number 88.

Amendment No. 85: Provides that funds under this head may be used for mandatory passenger rail service payments, as proposed by the House. The Senate included such funds under a separate appropriation.

Amendment No. 86: Provides $230,000,000 for capital grants to Amtrak as proposed by the Senate instead of $245,000,000 as proposed by the House.

Rehabilitation of maintenance facilities.—The conferees agree with the House direction and allocations regarding funding for certain Amtrak maintenance facilities specified in the House report.

North Carolina section 403(b) service.—The conferees concur in the direction provided by the Senate Committee requiring Amtrak to carry over unexpended balances into fiscal year 1995 for the costs associated with expanded 403(b) service in the state of North Carolina.

Repair of damaged rolling stock.—The conferees agree that Amtrak may use federal capital funds for the extraordinary repair or replacement of damaged rolling stock.

Amendment No. 87: Makes a technical change that allows funds to be used to cover Amtrak's "losses" related to state-supported rail services, as proposed by the Senate.

RHODE ISLAND RAIL DEVELOPMENT

Amendment No. 88: Deletes appropriation of $150,000,000 in the Senate bill for Amtrak's mandatory passenger rail service payments. The conference agreement includes $150,000,000 for such payments under amendment number 83, "Grants to the National Passenger Railroad Corporation". In addition, the conferees agree to provide $5,000,000 to the Federal Railroad Administration (FRA) for construction of a third rail line between Davisville and Central Falls, Rhode Island, and specify that, as a condition of receiving such funds, the Providence and Worcester (P&W) Railroad shall enter into an agreement with the Secretary of Transportation to reimburse Amtrak and/or the FRA for up to the first $5,000,000 of any damages that the FRA and/or Amtrak may incur as a result of legal actions initiated by the P&W Railroad against Amtrak or the FRA to recover damages under certain existing contracts. The conferees wish to make it clear that in providing such funding, it is expected that the railroad will not seek to augment funds for this project through judicial remedies. If federal funds are provided in the future for this project, it is the conferees' firm intent that this limitation would be carried for any federal funds provided in those bills as well. The conferees also wish to make it clear that, in providing the above limitation related to potential legal action against Amtrak, they in no way intend to speak to the substance or the merits of any potential legal action. It is the intent of the conferees that the funds provided under this appropriation shall be used for activities other than those which Amtrak currently plans to undertake as part of the Northeast High Speed Rail Improvement Project.

PENNSYLVANIA STATION REDEVELOPMENT PROJECT

Amendment No. 89: Appropriates $40,000,000, to remain available until expended, for engineering, design and construction activities to enable the James A. Farley post office in New York City to be used as a train station and commercial center, as proposed by the Senate. The House proposed no similar appropriation. The conference agreement also includes language proposed by the Senate which: (a) allows the Secretary to use such funds for environmental and historic preservation analyses associated with this project, and (b) requires the participants to enter into an agreement satisfactory to the Secretary containing financial commitments from the participants sufficient to ensure completion of the project prior to the obligation of most construction funds. The agreement further requires that none of the funds provided herein may be obligated until authorized by law. Language proposed by the Senate requiring a report on this project has been deleted because such report has been submitted to the Congress since consideration of the Senate bill.

FEDERAL TRANSIT ADMINISTRATION

FORMULA GRANTS

(INCLUDING TRANSFER OF FUNDS)

Amendment No. 90: Inserts the center heading "Including transfer of funds" as proposed by the Senate.

Amendment No. 91: Appropriates $1,350,000,000 from the general fund for formula grants for the Federal Transit Administration as proposed by the Senate instead of $1,356,050,000 as proposed by the House.

Amendment No. 92: Provides for a total program level, including appropriations and limitations on obligations for transit formula grants, of $2,500,000,000 as proposed by the Senate instead of $2,506,050,000 as proposed by the House.

Section 13(c) processing.—The conferees agree that a review of the processing of grants by the Department of Labor under section 13(c) of the Federal Transit Act reveals that the majority of transit grants are processed without delay and funds obligated in a timely manner. When delays have occurred, they have often been attributable to difficulties the parties involved have experienced in negotiating appropriate arrangements in accordance with long-standing policy and program standards reflecting the intent of the provisions of section 13(c). The conferees believe that mediation and policy guidance expeditiously provided by the Department of Labor can best serve to facilitate negotiated solutions and, thus, the timely obligation of funds the Congress provides for transit improvements.

Amendment No. 93: Provides $710,000,000 for transit operating assistance instead of $700,000,000 as proposed by the House and $730,000,000 as proposed by the Senate.

Amendment No. 94: Deletes House language that would have delayed expenditure of funds made available for the XXVth Olympiad and the Xth Paralympiad for the Disabled until October 1, 1995, as proposed by the Senate.

Amendment No. 95: Provides that $8,000,000 of formula grants funding shall be transferred to the Transit planning and research account and be administered under the provisions of section 26(b) of the Federal Transit Act. The Senate had proposed a transfer of $10,000,000 while the House had not proposed any transfer. The conferees direct that within the total funding level provided for transit planning and research, the Federal Transit Administration shall make available a sufficient amount of funds for each of the programs and activities specifically mentioned in the House and Senate reports accompanying the bill.

National Cooperative Transportation Alliance.—The conferees are aware of the National Cooperative Transportation Alliance, a new transportation research center initiative in Knox County, Tennessee, which seeks to bring together the ongoing research and technology development efforts of the Oak Ridge National Laboratory, the Tennessee Department of Transportation, the University of Tennessee, the Oak Ridge Centers for Manufacturing Technologies, industry and others to further transportation research applications and commercialization. The Alliance will emphasize six areas of research which are of substantial concern to the federal government including vehicle and fuel technologies, logistics systems, intermodal and international issues, transportation system planning, transportation infrastructure, and hazardous materials transportation. The Alliance will reap the benefit of past federal, state, and commercial research, development and deployment investments, including existing expertise. The conferees support this initiative, and urge the Federal Transit Administration to provide consultative support to members of the Alliance in development of the center.

Amendment No. 96: Deletes language proposed by the Senate which would have provided that ten percent of the funds apportioned to each grantee under section 9 of the Federal Transit Act be available for obligation only after the grantee certifies that the funding will be used only for projects that will contribute to reduced traffic congestion. The House bill contained no similar provision.

DISCRETIONARY GRANTS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

Amendment No. 97: Provides $725,000,000 for fixed guideway modernization as proposed by the House instead of $760,000,000 as proposed by the Senate.

Amendment No. 98: Provides $353,330,000 for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus related facilities as proposed by the House instead of $370,000,000 as proposed by the Senate. The conferees agree that the recommended funding should be distributed as follows:

Location and Purpose	*Amount*
Albany, New York, buses	$1,000,000
Albuquerque, New Mexico, intermodal center	3,750,000
Atlanta, Georgia, buses	4,000,000
Atlantic City, New Jersey, bus terminal	4,000,000
Atlantic City, New Jersey, rural buses	150,000
Beaver County, Pennsylvania, bus garage	500,000
Bronx, New York, buses	1,000,000
Buffalo, New York, transit station	800,000
Camden, New Jersey, shuttle buses	150,000
Cedar Rapids, Iowa, electric hybrid buses	3,000,000
Central Ohio, buses	3,000,000
Clallam, Washington, bus facility	1,600,000
Cleveland, Ohio, bus garage	1,500,000
Cleveland, Ohio, tower city intermodal hub	1,000,000
Corvallis, Oregon, et. al., buses	920,000
Cumberland County, NJ, buses	480,000
Detroit, Michigan, passenger intermodal center	4,000,000
Eagle County, Colorado, buses	1,000,000
Edmonds, Washington, intermodal center	400,000
El Paso, Texas, alternatively fueled buses	7,500,000
El Paso, Texas, transit terminal	1,500,000
Fitchburg, Massachusetts, intermodal center	1,000,000
Flint, Michigan, ground transportation center	170,000
Greenfield-Montague, MA, buses	540,000
Herndon-Reston, Virginia, park-n-ride	7,500,000
Johnson County, Kansas, wheelchair lift vans & buses	1,030,000
Kansas City, Missouri, Union Station facility	5,000,000
Kauai, Hawaii, Iniki Express operations	1,500,000
King County/Seattle, WA, buses	3,000,000
Lansing, Michigan, intermodal center	4,000,000
Las Vegas, New Mexico, intermodal center	220,000
Las Vegas/Clark County, NV, buses and bus facility	6,000,000
Little Rock, Arkansas, transit transfer facility	1,000,000
Long Beach, California, buses	1,000,000
Long Island, New York, buses, paratransit, & equip.	7,300,000
Los Angeles, California, Gateway intermodal center	7,000,000
Marine trans. sys., Alaska, ferry system	2,000,000
Memphis, Shelby County, TN, Central Station inter. facility	8,700,000
Miami, Florida, buses	2,000,000
Milwaukee, Wisconsin, multi-modal transit platform	1,000,000
MTC, Minnesota, buses	6,000,000
New Jersey transit, buses	13,000,000
New Orleans, Louisiana, buses	8,280,000
New Orleans, Louisiana, Union Passenger Terminal	2,000,000
Northern Virginia-Dulles, corridor express bus	950,000
Norwich, Connecticut, bus transfer/parking facility	2,000,000
Orlando, Florida, OSCAR	6,500,000
Orlando, Florida-Lynx, buses	500,000
Palm Beach County, Florida, buses & bus facility	5,000,000
Philadelphia-Erie Avenue, intermodal center	2,500,000
Philadelphia-Midvale, bus garage	7,500,000
Phoenix, Arizona, alternative fuel buses	6,500,000
Pittsburgh, Pennsylvania, busway	10,000,000
Pierce County, Washington, Tacoma Dome Station	3,000,000
Rutland, Vermont, intermodal facility	1,500,000
Salem, Oregon, bus facility	1,000,000
San Francisco, ferry building facility	1,000,000
San Francisco Bay Area, buses	7,000,000
Santa Barbara, California, buses	1,000,000
Santa Cruz, California, bus facility	1,000,000
Santa Fe, New Mexico, buses & center improvement	1,010,000
Sioux Falls, South Dakota, buses	1,200,000
Southeast Michigan, SMART/DDOT merger	9,000,000
Southeastern Pennsylvania, buses	6,000,000
State of Delaware, bus replacement	6,000,000
State of Illinois, buses & bus facilities	17,000,000
State of Iowa, buses and bus facilities	7,000,000
State of Maryland, buses and bus facilities	9,700,000
State of Michigan (DDOT), buses	7,000,000
State of Missouri, buses and bus facilities	1,500,000
State of North Carolina, buses & vans	16,000,000
State of Ohio, buses and bus facilities	15,000,000
State of Tennessee, buses	4,000,000
State of Utah, buses and bus facilities	4,000,000
State of Wisconsin, buses	12,000,000
Syracuse, New York, bus garage	700,000
Tri-state Authority, WV, buses & vans	3,400,000
Tucson, Arizona, paratransit o&m facility	1,890,000
Tucson, Arizona, alternatively fueled buses	1,890,000
Vineland, New Jersey, bus terminal	1,000,000
Wenatchee, Washington, intermodal facility	2,000,000
Westchester County, NY, buses	1,500,000
Wichita, Kansas, transit maintenance facility	2,600,000
Worcester, Massachusetts, intermodal center	3,000,000
Yolo County, CA, bus facility	1,500,000
Unallocated.	30,000,000

State of Illinois bus and bus related facilities.—The conference agreement provides $17,000,000 to the Illinois Department of Transportation for replacement buses and transit facilities. The committee of conference expects the Illinois Department of Transportation to fund the projects identified in the House report.

Sacramento, California section 3 projects.—The fiscal year 1994 Transportation Appropriations Act provided for an electric trolley in Sacramento available for a bus system in that city.

Suburban Mobility Authority for Regional Transportation.—The fiscal year 1994 Transportation Appropriations Act provided $5,000,000 in section 3 bus funds for the Suburban Mobility Authority for Regional Transportation (SMART). The conferees hereby approve the use of these funds under section 4(c) of title 49, United States Code, to utilize state of the art intelligent vehicle highway system/advanced vehicle locator technologies to enable SMART to integrate and optimize its fixed route paratransit services.

Amendment No. 99: Provides $646,670,000 for new fixed guideway systems as proposed by the House instead of $595,000,000 as proposed by the Senate. The conference agreement provides for the distribution for the recommended funding as follows:

Project	*Amount*
Boston, South Boston piers Transitway	$24,000,000
Chicago Central Area Circulator	25,000,000
Dallas South Oak Cliff light rail project	16,925,000
DART North Central light rail extension	2,500,000
Dallas-Ft. Worth RAILTRAN	3,000,000

Project	*Amount*
Florida Tri-County Commuter	10,000,000
Houston Regional Bus Plan Program	30,000,000
Los Angeles MOS-2 & MOS-3	165,000,000
Miami, Metrorail North Corridor Extension	1,000,000
New Jersey Urban Core	107,000,000
New Orleans Canal Street Corridor	10,000,000
New York Queens Connection	55,000,000
Cincinnati Northeast/Northern KY Rail	1,200,000
Orange County Transitway	5,000,000
Pittsburgh Busway projects	10,000,000
Portland Westside LRT Project	98,000,000
Salt Lake City light rail project	5,000,000
S.F. BART Extension/Tasman Corridor	20,150,000
San Juan, PR Tren Urbano	5,000,000
Seattle-Renton-Tacoma commuter rail	2,350,000
St. Louis METRO Link LRT Project	12,095,000
Maryland Central Corridor LRT project	3,000,000
Boston-Portland transportation corridor	3,600,000
MARC Commuter Rail project	14,000,000
Tampa to Lakeland, Florida commuter rail	500,000
Twin Cities Central Corridor	5,000,000
Wisconsin Central Commuter (Metra)	2,500,000
Whitehall ferry terminal, New York	2,500,000
Boston metropolitan "Urban Ring" project	1,100,000
Burlington to Gloucester, New Jersey line	1,500,000
New Bedford & Fall River, MA commuter rail	750,000
West Shore Line, New Jersey	4,000,000

Amendment No. 100: Provides $24,000,000 for the South Boston Piers transitway project instead of $48,000,000 as proposed by the House and no funding as proposed by the Senate.

Amendment No. 101: Provides $25,000,000 for the Chicago central area circulator project instead of $50,000,000 as proposed by the House and no funding as proposed by the Senate.

Amendment No. 102: Provides $16,925,000 for the Dallas South Oak Cliff LRT project instead of $33,770,000 as proposed by the House and no funding as proposed by the Senate.

Amendment No. 103: Provides $2,500,000 for the DART North Central light rail extension project instead of $5,000,000 as proposed by the House and no funding as proposed by the Senate.

Amendment No. 104: Provides $3,000,000 for the Dallas-Fort Worth RAILTRAN project instead of $6,000,000 as proposed by the House and no funding as proposed by the Senate.

Amendment No. 105: Provides $10,000,000 for the Florida Tri-County commuter rail project instead of $20,000,000 as proposed by the House and no funding as proposed by the Senate.

Amendment No. 106: Provides $30,000,000 for the Houston Regional Bus Plan program instead of $60,000,000 as proposed by the House and no funding as proposed by the Senate. The entirety of the regional computerized traffic signal system project, as described in Houston Metro's grant application to the Federal Transit Administration for the first annual capital construction program, is fully eligible to receive the funding provided herein.

Amendment No. 107: Provides $1,000,000 for the Miami Metrorail north corridor extension project instead of $2,000,000 as proposed by the House and no funding as proposed by the Senate.

Amendment No. 108: Provides $107,000,000 for the New Jersey Urban Core project instead of $500,000 as proposed by the House and $146,000,000 as proposed by the Senate. Consistent with the provisions of the Intermodal Surface Transportation Efficiency Act, Public Law 102–240, the funds provided for the Urban Core may be used for any project authorized under the Urban Core program of projects.

Amendment No. 109: Provides $10,000,000 for the New Orleans Canal Street Corridor project as proposed by the House. The Senate proposed no funding for this project.

Amendment No. 110: Provides $55,000,000 for the New York Queens Connection project instead of $45,000,000 as proposed by the House and $62,540,000 as proposed by the Senate.

Amendment No. 111: Provides $1,200,000 for the Cincinnati Northeast/Northern Kentucky rail line project instead of $2,400,000 as proposed by the House and no funding as proposed by the Senate.

Amendment No. 112: Provides $5,000,000 for the Orange County Transitway project instead of $10,000,000 as proposed by the House and no funding as proposed by the Senate.

Amendment No. 113: Provides $10,000,000 for the Pittsburgh Busway projects as proposed by the House instead of no funding as proposed by the Senate.

Amendment No. 114: Provides $98,000,000 for the Portland Westside LRT project instead of $73,500.000 as proposed by the House and $111,700,000 as proposed by the Senate.

Amendment No. 115: Provides $5,000,000 for the Salt Lake City light rail project instead of $10,000,000 as proposed by the House and no funding as proposed by the Senate. The conference agreement also permits the funding to be made available for related high-occupancy vehicle lane and intermodal corridor design costs as proposed by the House. The Senate bill contained no similar provision.

Amendment No. 116: Provides $20,150,000 for the San Francisco BART Extension/Tasman corridor project instead of $40,300,000 as proposed by the House and no funding as proposed by the Senate.

Amendment No. 117: Provides $5,000,000 for the San Juan, Puerto Rico Tren Urbano project instead of $10,000,000 as proposed by the House and no funding as proposed by the Senate.

Amendment No. 118: Provides $2,350,000 for the Seattle-Renton-Tacoma commuter rail project instead of $4,700,000 as proposed by the House and no funding as proposed by the Senate. The conferees agree that of the funds provided for the Seattle-Renton-Tacoma commuter rail project, up to $1,000,000 may be used for the capital costs of a commuter rail demonstration project in the Tacoma-Seattle-Everett corridor.

Amendment No. 119: Provides $12,095,000 for the St. Louis Metro Link LRT project instead of $19,500,000 as proposed by the House and $4,690,000 as proposed by the Senate. The total recommended includes $6,095,000 to complete phase I construction and $6,000,000 to initiate acquisition of vehicles for the Illinois extension.

Amendment No. 120: Provides $3,000,000 for the Maryland Central Corridor LRT project instead of $10,000,000 as proposed by the Senate and no funding as proposed by the House.

Amendment No. 121: Provides $3,600,000 for the Boston to Portland element of the Boston to Portland transportation corridor program instead of $37,300,000 for the program, including $3,600,000 for the Boston to Portland element and $33,700,000 for the Central Artery Rail Link element as proposed by the Senate and no funding as proposed by the House.

Amendment No. 122: Provides $14,000,000 for the MARC commuter rail project instead of $24,000,000 as proposed by the Senate and no funding as proposed by the House.

Amendment No. 123: Provides $500,000 for the Tampa to Lakeland commuter rail project instead of $1,000,000 as proposed by the House and no funding as proposed by the Senate.

Amendment No. 124: Provides $5,000,000 for the Twin Cities central corridor project instead of $10,000,000 as proposed by the House and no funding as proposed by the Senate.

Amendment No. 125: Provides $2,500,000 for the Wisconsin central commuter project instead of $5,000,000 as proposed by the House and no funding as proposed by the Senate.

Amendment No. 126: Provides $2,500,000 for the Whitehall ferry terminal, New York, instead of $5,000,000 as proposed by the House and no funding as proposed by the Senate.

Amendment No. 127: Provides $1,100,000 for the Boston metropolitan "Urban Ring" project as proposed by the Senate instead of no funding as proposed by the House.

Amendment No. 128: Provides no funding for the Burlington to Charlotte, Vermont commuter rail project as proposed by the House instead of $8,320,000 as proposed by the Senate. Although the conference agreement does not include funding for the Burlington to Charlotte, Vermont commuter rail project, funding will be reconsidered after the ongoing ridership and cost studies associated with the project have been fully evaluated.

Amendment No. 129: Provides $1,500,000 for the Burlington to Gloucester, New Jersey line project instead of $2,500,000 as proposed by the Senate and no funding as proposed by the House.

Amendment No. 130: Provides no funding for the Dulles Corridor rail project as proposed by the House instead of $6,000,000 as proposed by the Senate.

Amendment No. 131: Provides $750,000 for the New Bedford and Fall River, Massachusetts commuter rail extensions as proposed by the Senate instead of no funding as proposed by the House.

Amendment No. 132: Provides no funding for the New Orleans Riverfront LRT downriver extension as proposed by the House instead of $10,000,000 as proposed by the Senate.

Amendment No. 133: Provides $4,000,000 for the West Shore Line, New Jersey project instead of $5,100,000 as proposed by the Senate and no funding as proposed by the House.

INTERSTATE TRANSFER GRANTS—TRANSIT

Amendment No. 134: Appropriates $48,030,000 for interstate transfer grants—transit as proposed by the House instead of $38,530,000 as proposed by the Senate. The conferees do not concur with the language in the Senate report requiring that interstate transfer funds made available in the bill for Portland, Oregon, be used for preliminary engineering and environmental impact studies for the North/South corridor project.

Amendment No. 135: Restores language proposed by the House and stricken by the Senate that provides that of the funds made available for interstate transfer grants—transit, only $9,500,000 shall be available for the substitute transit project approved under section 1045 of Public Law 102–240.

Saint Lawrence Seaway Development Corporation

OPERATIONS AND MAINTENANCE

(HARBOR MAINTENANCE TRUST FUND)

Amendment No. 136: Appropriates $10,251,000 for operations and maintenance of the United States' portion of the Saint Lawrence Seaway Development Corporation instead of $10,271,000 as proposed by the House and $10,150,000 as proposed by the Senate.

The conferees agree that the recommended amount reflects a reduction of $20,000 resulting from savings associated with the cessation of collection of U.S. tolls. This issue is also addressed in amendment number 171.

The conferees direct that the Seaway Development Corporation provide specific information in future budget submissions for "travel and transportation of persons", including a breakdown of the amount of travel funds budgeted for headquarters and field office travel. Within the breakdown for each office, the Corporation's budget should display "trade missions" costs, as well as other sub-categories of travel.

Research and Special Programs Administration

RESEARCH AND SPECIAL PROGRAMS

Amendment No. 137: Appropriates $26,238,000 for research and special programs instead of $26,074,000 as proposed by the House and $26,738,000 as proposed by the Senate.

The conference agreement includes the following adjustments to the President's budget request:

Hazardous materials safety:	
Information systems	−$50,000
Internship program	−10,000
Emergency response support	−60,000
HAZMAT registration administration	−50,000
Operating expenses	−7,000
Sanitary Food Transportation Act staff (2FTP/2FTE)	+75,000
Aviation information management: Operating expenses	−1,000
Emergency transportation: Operating expenses	−1,000
Research and technology:	
Radionavigation plan coordination	−100,000
R&D studies/coordination	−170,000
Operating expenses	−1,000
Program and administrative support:	
Electronic bulletin board	−45,000
Operating expenses	−22,000
Administrative expenses	−302,000

Sanitary Food Transportation Act implementation.—The conference agreement provides $75,000 and two full-time positions for implementation of the Sanitary Food Transportation Act (SFTA). The conferees have approved funding for two positions to enable the Department of Transportation to continue work associated with implementing SFTA. At the same time, however, the conferees are concerned that full implementation of the existing law could result in an entirely new food safety inspection bureaucracy with its concomitant costs within the Department of Transportation, when the requisite technical experience, operational framework, and inspection personnel already exist within the Departments of Health and Human Services and Agriculture. The conferees direct the Department of Transportation to move expeditiously, in consultation with the Departments of Agriculture and Health and Human Services, to resolve how the intent of SFTA can best be met and how enforcement responsibilities for the safe transportation of food should be distributed among the three agencies. Further, the conferees urge the authorizing committees to take prompt action on any legislation needed to implement a shared enforcement arrangement.

PIPELINE SAFETY

(PIPELINE SAFETY FUND)

Amendment No. 138: Appropriates $37,424,000 for pipeline safety instead of $32,967,000 as proposed by the House and $38,877,000 as proposed by the Senate.

The conference agreement includes the following adjustments to the President's budget request:

Federal and state pipeline inspector training	+$54,000
Research on new pipeline technologies	−358,000
New Jersey pipeline office	+304,000

Pipeline safety positions.—The conference agreement includes funding to support an additional 33 full-time permanent positions and 18 full-time equivalent staff in fiscal year 1995 for pipeline safety. The conferees have provided approximately half of the funds needed to support fully in fiscal year 1995 an additional 33 positions for the pipeline safety office in recognition that the time required to recruit new pipeline inspectors and to bring these employees on board will require less than full-year support for these positions. The conferees urge the Research and Special Programs Administration to accelerate to the extent practicable the hiring process for these additional safety personnel.

The conference agreement also provides the $4,500,000 requested in the President's budget to put qualified contract engineers in the field quickly to assess the integrity and safety of existing and new pipelines and to develop remedial strategies. Although it is nearly twice as costly to perform pipeline inspections utilizing contract personnel than federal inspectors, the conferees have approved the administration's request on a one-time basis in order to expedite safety inspections of high-risk pipelines. However, the conferees expect the Department of Transportation to budget for full-year funding for the additional 33 full-time permanent positions recommended for the office of pipeline safety in its fiscal year 1996 budget request. The conferees believe that providing support for full-time federal pipeline inspectors is a more efficient mechanism for addressing ongoing priority pipeline inspection requirements than utilizing more costly contract personnel.

Permanent New Jersey inspection office.—The conferees agree that $304,000 shall be allocated to establish in New Jersey a permanent pipeline safety regional office within the Office of Pipeline Safety.

Amendment No. 139: Provides that $34,991,500 shall be derived from the pipeline safety fund instead of $30,534,500 as proposed by the House and $36,445,500 as proposed by the Senate.

Amendment No. 140: Provides that $16,317,500 of funds derived from the pipeline safety fund shall remain available until September 30, 1997 instead of $14,323,000 as provided by the House and $17,876,000 as proposed by the Senate.

Amendment No. 141: Provides that not to exceed $750,000 shall be available from the pipeline safety fund for grants to states for the development and establishment of one-call notification systems. The Senate bill specified that not to exceed $1,500,000 shall be available from the pipeline safety funds for grants to state, one-call notification system operators and non-profit organizations for the development, establishment and promotion of pipeline damage prevention programs and one-call notification systems. The House bill assumed the availability of $1,000,000 from the pipeline safety fund for state grants for one-call notification activities.

Pipeline safety state grants.—The conference agreement includes $12,000,000 for pipeline safety state grants. The conferees agree that $11,250,000 of this amount shall be distributed based on the Senate direction.

EMERGENCY PREPAREDNESS GRANTS

(EMERGENCY PREPAREDNESS FUND)

Amendment No. 142: Limits obligational authority for emergency preparedness grants to $10,800,000 instead of $10,550,000 as proposed by the House and $11,200,000 as proposed by the Senate.

The conference agreement includes the following allocations for emergency preparedness activities:

Activity	*Budget authority*
Training and planning grants	$9,650,000
Technical assistance	400,000
Administration	500,000
National Institute of Environmental Health Sciences	250,000
Total	10,000,000

Amendment No. 143: Provides that only the Secretary of Transportation, the Director of the National Institute of Environmental Health Sciences, or their designees shall obligate emergency preparedness grant funds. The House bill provided that only the Secretary of Transportation or his designee shall obligate such funds. The Senate bill provided that such funds be made available only to the Secretary of Transportation and the National Institute of Environmental Health Sciences.

Alaska Pipeline Task Force

(RESCISSION)

(OIL SPILL LIABILITY TRUST FUND)

Amendment No. 144: Rescinds $544,000 as proposed by the House. The Senate bill included no similar rescission.

The conference agreement rescinds $544,000 in unobligated balances for the Presidential Task Force on the Trans-Alaska Pipeline System. The conferees agree that the funds, appropriated in fiscal year 1993, are no longer needed.

Office of the Inspector General

SALARIES AND EXPENSES

Amendment No. 145: Appropriates $40,000,000 for salaries and expenses of the office of the inspector general as proposed by the House instead of $40,500,000 as proposed by the Senate. The conferees wish to emphasize to the Inspector General that the additional resources provided should be focused on the priority areas specified in the Senate report to the maximum extent possible. These include acquisition audits, motor fuel tax evasion investigations, and departmentwide audits.

Odometer fraud investigations.—The conferees do not agree with House direction requiring the Inspector General to assume responsibility for conducting odometer fraud investigations. The conference agreement restores that function to the National Highway Traffic Safety Administration.

Amendment No. 146: Includes language proposed by the Senate which provides $180,000 for the Inspector General to hire independent legal counsel. The House bill contained no similar provision.

TITLE II—RELATED AGENCIES

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

Amendment No. 147: Appropriates $37,392,000 as proposed by the House instead of $37,046,000 as proposed by the Senate.

The conferences agreement provides for the following distribution of the appropriation and full-time equivalent staff:

Office	Staff years	Budget authority
Policy and direction	50	$6,041,000
Aviation safety	122	13,079,000
Surface transportation	91	9,883,000
Research and engineering	51	5,116,000
Administration	32	2,454,000
Administrative law judges	4	819,000
Total	350	37,392,000

INTERSTATE COMMERCE COMMISSION

SALARIES AND EXPENSES

Amendment No. 148: Appropriates $30,302,000, with technical modifications, for necessary expenses of the Interstate Commerce Commission (ICC) as proposed by the Senate. The House bill included no similar appropriation. However, the House bill (amendment number 170) provided $18,000,000 to the office of the secretary for severance pay for ICC employees and activities currently performed by the ICC.

Staffing allocation.—The conference agreement includes funding to support not more than 428 staff years as proposed by the Senate. This will result in a staffing reduction of 194 staff years below the Commission's fiscal year 1994 ceiling of 622 staff years. On August 26, 1994, the President signed into law the Trucking Industry Regulatory Reform Act of 1994. This law removes the requirement that motor carriers file tariffs with the Interstate Commerce Commission and, thereby, eliminates the need for certain ICC motor carrier regulations and enforcement activities. The streamlining of ICC motor carrier regulatory responsibilities will enable the ICC to refocus on significant remaining responsibilities including the enforcement of motor carrier safety and insurance requirements and the oversight of railroad mergers. Consistent with its reduced staffing requirements, the Commission notified employees on August 30, 1994 of its intent to implement involuntary separations on October 2, 1994. The conferees commend the Commission for promptly taking the necessary steps to immediately downsize in anticipation of fewer staff resources in fiscal year 1995. Funding for employee separation expenses has been provided in a separate account in amendment number 170.

The conferees agree on the staff-year allocation listed below which implements staff reductions throughout the Commission, particularly for administrative services and motor carrier workload. In recognition of the significant restructuring of the Commission's internal operations, the conferees agree that the Commission may need additional flexibility in fiscal year 1995 to realign operating funds in order to ensure that its resources are appropriately allocated to correspond with the Commission's diminishing motor carrier workload and increasing rail workload. While the conferees believe that the staff years provided are sufficient to address the Commission's ongoing rail workload, the conferees direct the Commission to notify promptly the House and Senate Committees on Appropriations should staff resources need to be reallocated to process rail merger proceedings expeditiously. Further, the conferees agree that the Commission shall advise the House and Senate Committees on Appropriations if it proposes to deviate by more than five percent from the staff-year or funding allocations listed below. Within the staff-year distribution listed below, the conferees direct that no fewer than three staff years shall be allocated to the Inspector General; not to exceed four staff years (including the commissioner) shall be allocated for each commissioner's office with the exception of the chairman who shall be allocated not to exceed 4.5 staff years; and not to exceed five staff years shall be allocated to the office of Congressional and press services.

Office	Staff years	Budget authority
Commissioners and their offices	25.5	$2,903,000
General counsel	15.5	1,775,000
Proceedings	60	5,947,000
Public services	14	1,425,000
Economics	53	5,446,000
Compliance and enforcement	166	13,605,000
Managing director	94	7,501,000
Offsetting collections	...	−8,300,000
Total	428	30,302,000

Reception and representation expenses.—The conferees direct that not more than $1,500 be used for official reception and representation expenses.

PANAMA CANAL COMMISSION

PANAMA CANAL REVOLVING FUND

Amendment No. 149: Corrects a technical error in the House bill. The House bill inadvertently made the obligation limitation applicable to fiscal year 1994. The conference agreement correctly cites fiscal year 1995, as proposed by the Senate.

DEPARTMENT OF THE TREASURY

REBATE OF SAINT LAWRENCE SEAWAY TOLLS

(HARBOR MAINTENANCE TRUST FUND)

Amendment No. 150: Deletes language proposed by the House and stricken by the Senate which would have appropriated $9,319,000 for the rebate of the United States' portion of tolls paid for the use of the Saint Lawrence Seaway. In a separate provision of the bill (section 339) the conferees agree to waive the requirement to collect tolls on the United States' portion of the Saint Lawrence Seaway. That action eliminates the need to appropriate toll rebates in this account.

TITLE III—GENERAL PROVISIONS

(INCLUDING TRANSFERS OF FUNDS)

Amendment No. 151: Provides that full-time equivalent staff years at the Volpe National Transportation Systems Center shall not exceed 550 in fiscal year 1995 instead of 536 as proposed by the Senate. The House bill had no similar provision, but funding levels assumed 559.5 full-time equivalent staff years.

Amendment No. 152: Deletes House language which provides for an exception to section 104(b)(5)(A) of title 23, United States Code, as proposed by the Senate.

Amendment No. 153: Provides for a technical modification to House language to amend "Interstate Discretionary" to read "Interstate Construction Discretionary" as proposed by the Senate.

Amendment No. 154: Restores House language deleted by the Senate which prohibits the use of funds in the Act to establish a highway safety advisory committee; and includes language proposed by the Senate which provides $6,000,000 in new budget authority for the Secretary to make loans not to exceed $40,000,000 for the construction of highways in high-priority corridors authorized by section 1105(f) of Public Law 102–240. Of the new budget authority provided, the conferees expect that at least $1,600,000 will be applied to the innovative financing plan anticipated for the U.S. 71 upgrade I–40 to Fayetteville, Arkansas, project.

Amendment No. 155: Deletes Senate language which provides that available unobligated balances may be used to support fiscal year 1995 pay raises for programs funded in this Act. The House bill included no similar provision.

Amendment No. 156: Restores House language deleted by the Senate which prohibits the use of funds in the Act for the implementation, administration or enforcement of section 1038(d) of Public Law 102–240 pertaining to crumb rubber modified asphalt; and deletes Senate language allowing the transfer of funds with the Office of the Secretary of Transportation.

Amendment No. 157: Restores House language deleted by the Senate which provides for the use of certain railroad-highway crossings project funds made available in Public Law 103–122, and transfer of unobligated balances from funds made available in Public Law 94–387 to a rail relocation project in Lafayette, Indiana; and includes language proposed by the Senate which provided $100,000 for a scenic byway pilot project.

Amendment No. 158: Restores House language deleted by the Senate which prohibits the use of funds in the Act for grants to entities that divert airport revenue to non airport uses in violation of the Airport and Airway Improvement Act of 1982, and deletes Senate language which prohibits the use of Coast Guard funds in the Act for the inspection of certain Department of Defense vessels. While deleting the statutory language, the conferees concur in the policy articulated by the Senate amendment as discussed under amendment number 33.

Amendment No. 159: Restores House language deleted by the Senate which prohibits the use of funds for the creation of highway signs using the metric system, and includes language proposed by the Senate which prescribes certain conditions under which tolls may be collected on any bridge connecting Brooklyn and Staten Island.

Amendment No. 160: Modifies House language deleted by the Senate by allowing continuation of the existing federally-funded research and development center (FFRDC) relationship between FAA and the Mitre Corporation's Center for Advanced Aviation Systems Development, but caps the scope of work to no more than 335 technical staff years during fiscal year 1995. The conference agreement also includes language proposed by the Senate allowing the Secretary of Transportation to enter into grants and other transactions in execution of the Technology Reinvestment Project.

The conferees understand that the FAA has completed its comprehensive review of the FFRDC relationship, as required by section 35.017 of the Federal Acquisition Regulations, and intends to make significant changes. The conferees applaud senior management at the FAA for expediting this review in order for the results to be considered at this time. The conferees believe that if the FFRDC relationship with Mitre is to continue over the long term, the FAA must provide greatly increased day-to-day oversight, a more precise definition of what support is expected of the FFRDC relative to other contractors, and a reduction in the scope of the FFRDC contract to eliminate low value activities similar to those cited in the House report.

The conferees are pleased that the FAA appears to be moving toward such improvements. To ensure their implementation, the conferees direct the FAA to conduct an in-depth review of the existing Mitre contract, eliminate any activities which are not appropriate for an FFRDC, and subject all such activities to a full and open competition. In anticipation of this review, the conferees agree to bill language which limits technical staff years at the FFRDC to 335 during fiscal year 1995, which is 25 percent below the estimated fiscal year 1994 level. The conference agreement also reduces the RE&D appropriation by $3,000,000 for Mitre technical support, which reflects the lower level of effort. The FAA is also directed to provide a report to the House and Senate Committees on Appropriations, by March 1, 1995, describing in detail the FAA's plan for improved FFRDC oversight and the specific timing, scope and amount of work to be completed.

Amendment No. 161: Reduces the working capital fund for Department of Transportation programs funded in this Act by $7,000,000 instead of $13,253,000 as proposed by the House and $6,105,000 as proposed by the Senate.

Amendment No. 162: Limits working capital fund obligational authority for Department of Transportation programs funded in this Act to $93,000,000 instead of $88,750,000 as proposed by the House and $94,855,000 as proposed by the Senate.

Amendment No. 163: Reduces bonuses and cash awards for Department of Transportation employees by $5,590,000 instead of $6,012,680 as proposed by the House and $5,169,000 as proposed by the Senate. The reduction shall be allocated department wide as the Secretary determines appropriate. However, the conferees direct the Secretary to report to the Committees on Appropriations concerning the application of the limitation in light of the expiration of "merit pay" as previously authorized in chapter 54 of title 5, United States Code.

Amendment No. 164: Limits obligational authority for bonuses and cash awards for Department of Transportation employees to $25,922,000 instead of $25,500,000 as proposed by the House and $26,344,000 as proposed by the Senate.

Amendment No. 165: Restores House language deleted by the Senate which amends section 127(a) of title 23, United States Code, relating to vehicle weight limitations on the interstate highway system in the state of Maryland; and includes Senate language which directs the Federal Aviation Administration to install terminal doppler weather radar in Charlotte, North Carolina and to commission such radar by a certain date.

Amendment No. 166: Provides for a technical modification to House language to specify the Research and Special Programs Administration's account, as proposed by the Senate.

Amendment No. 167: Provides for a technical modification to House language to specify three Department of Transportation operating accounts, as proposed by the Senate.

Amendment No. 168: Provides for a technical modification to House language to specify a method of distribution of credited funds by account as proposed by the Senate.

Amendment No. 169: Restores House language deleted by the Senate which amends section 1045 of Public Law 102-240 regarding an interstate substitute project in the state of Wisconsin; and includes Senate language with technical modifications which provides that the capital portion of rail trackage rights agreements shall be an eligible capital expense under section 9 of the transit formula grant program.

Amendment No. 170: Provides $2,900,000 for employee severance pay expenses incurred by the Interstate Commerce Commission instead of $5,425 000 as proposed by the Senate. The House bill provided $26,300,000 to the Office of the Secretary of the Department of Transportation for severance pay and residual ICC related functions. The conferees agree that these funds are not available to support the Commission's ongoing operational requirements.

Amendment No. 171: Provides for the waiver of the collection and rebate of St. Lawrence Seaway tolls from commercial vessels as proposed by the Senate. The House bill included no similar provision.

Amendment No. 172: Provides that funds previously appropriated for the Meadowbrook Parkway project shall be available for the Loop Parkway Bridge rehabilitation project as proposed by the Senate with modification. The House bill included no similar provision.

Amendment No. 173: Deletes Senate language which limits the amount of Coast Guard operating funds available for certain kinds of pay and benefits, and includes language which provides for the transfer of up to $3,000,000 from the obligation fund established under section 511 of Public Law 94-210 to the Federal Railroad Administration, Office of the Administrator.

Amendment No. 174: Provides for the transfer of funds made available in Public Law 103-122 for the domestic fuel cell bus development program as proposed by the Senate. The House bill included no similar provision.

Amendment No. 175: Provides for federal matching shares for certain highway projects as specified in authorizing legislation; and deletes Senate language which allows certain funding for the Portland to Boston Transportation Corridor Program to be used for a rail link connection between North and South Stations, Boston. The House bill included no similar provision.

Amendment No. 176: Includes Senate language, with technical modifications, extending the availability of contract authority for the National Driver Register under the existing authorization for the section 402 highway safety program. The House bill included no similar provision.

Amendment No. 177: Includes Senate language which provides for a full and open competition for the Coast Guard acquisition of 47-foot motor life boats for fiscal year 1995 through 2000. The House bill included no similar provision.

Amendment No. 178: Provides that no funds in the Act shall be used to finance a sixth runway at the new Denver International airport, and deletes Senate language which allows funds available for certain highway research and development activities to be used for a follow-up study to a 1992 vision waiver study program. The House bill included no similar provision.

Amendment No. 179: Provides for a project to demonstrate two person high occupancy vehicle lanes on a portion of Interstate 66 in Virginia, and deletes Senate language which allows $486,000 in unobligated balances to be made available for a rail relocation project in Lafayette, Indiana.

Amendment No. 180: Includes Senate language which provides that the Eastport Port Authority facility in Eastport, Maine is eligible for funding under section 1064 of Public Law 102-240. The House bill included no similar provision.

Amendment No. 181: Deletes language proposed by the Senate which would have prohibited the use of funds in the Act to regulate overflights of public lands in Alaska. However, the conferees expect the Administration to abide by the letter and intent of the Alaska National Interest Lands Conservation Act.

Amendment No. 182: Deletes Senate language which prohibits the use of funds to implement recommendations of the Federal Aviation Administration's flight service modernization program to close or reduce services in flight service stations in the State of Alaska. The House bill included no similar provision.

The conference agreement recognizes and endorses a recently completed consensus agreement among the Alaskan aviation community and the FAA which addresses long-standing concerns over the provision of flight services in Alaska as well as quality of life concerns for FAA employees residing in remote locations of that state. The agreement is subject to certain important conditions with which the conferees agree and which FAA has indicated its willingness to satisfy. As part of this approach, the FAA has proposed a unique "rotational plan" for staffing the remote air traffic locations in Alaska. The conferees support the rotational plan, and the conference agreement provides $4,000,000 for initial implementation of that program. In addition, there have been concerns expressed about the closing of the Bettles, Alaska flight service station. There are no other stations within hundreds of miles of Bettles. The Committee understands that the FAA Administrator already has the authority to open that station on a seasonal basis if safety considerations warrant such action.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1995 recommended by the Committee of Conference, with comparisons to the fiscal year 1994 amount, the 1995 budget estimates, and the House and Senate bills for 1995 follow:

New budget (obligational) authority, fiscal year 1994	$13,589,113,194
Budget estimates of new (obligational) authority, fiscal year 1995	13,813,438,000
House bill, fiscal year 1995	14,169,353,371
Senate bill, fiscal year 1995	14,330,109,000
Conference agreement, fiscal year 1995	14,290,468,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1994	+701,354,806
Budget estimates of new (obligational) authority, fiscal year 1995	+477,030,000
House bill, fiscal year 1995	+121,114,629
Senate bill, fiscal year 1995	−39,641,000

	FY 1994 Enacted	FY 1995 Estimate	House	Senate	Conference	Conference compared with enacted
TITLE I - DEPARTMENT OF TRANSPORTATION						
Office of the Secretary						
Salaries and expenses	...	61,811,000	76,094,000	...	58,094,000	...
Immediate Office of the Secretary	1,173,000	(1,397,000)	(1,220,000)	1,280,000	(1,220,000)	+47,000
Immediate Office of the Deputy Secretary	481,000	(603,000)	(583,000)	583,000	(583,000)	+102,000
Office of the General Counsel	7,817,000	(7,876,000)	(7,876,000)	7,876,000	(7,876,000)	+59,000
Office of the Assistant Secretary for Transportation Policy	2,410,000	(2,309,000)	(2,309,000)	2,309,000	(2,309,000)	-101,000
Office of the Assistant Secretary for Aviation and International Affairs	8,000,000	(7,887,000)	(7,887,000)	7,887,000	(7,887,000)	-113,000
Office of the Assistant Secretary for Budget and Programs	2,826,000	(5,106,000)	(3,954,000)	5,100,000	(4,400,000)	+1,574,000
Office of the Assistant Secretary for Governmental Affairs	2,100,000	(2,284,000)	(2,150,000)	2,284,000	(2,250,000)	+150,000
Office of the Assistant Secretary for Administration	27,066,000	(23,385,000)	(21,470,000)	23,385,000	(22,425,000)	-4,641,000
Office of Public Affairs	1,355,000	(1,458,000)	(1,368,000)	1,458,000	(1,380,000)	+25,000
Executive Secretariat	900,000	(935,000)	(932,000)	932,000	(932,000)	+32,000
Contract Appeals Board	602,000	(630,000)	(630,000)	630,000	(630,000)	+28,000
Office of Civil Rights	1,430,000	(1,788,000)	(1,779,000)	1,779,000	(1,779,000)	+349,000
Office of Small and Disadvantaged Business Utilization	934,000	(936,000)	(936,000)	936,000	(936,000)	+2,000
Minority Business Resource Center	...	(4,000,000)	(4,000,000)	4,000,000	(4,000,000)	+4,000,000
Office of Intelligence and Security	1,000,000	(1,217,000)	...	1,000,000	(800,000)	-200,000
Office of Intermodalism [1]	...	...	(1,000,000)	1,050,000	(1,000,000)	+1,000,000
Undistributed	...	...	(18,000,000)	...	(-2,313,000)	-2,313,000
Subtotal, Salaries and expenses	58,094,000	61,811,000	76,094,000	62,489,000	58,094,000	...
Transportation planning, research, and development	9,232,000	9,665,000	2,693,000	8,293,000	8,293,000	-939,000
Office of Commercial Space Transportation: Operations and Research	4,700,000	6,541,000	6,060,000	6,060,000	6,060,000	+1,360,000
Working capital fund	(93,000,000)	(107,359,000)	(88,750,000)	(94,855,000)	(93,000,000)	...
Payments to air carriers (Airport and Airway Trust Fund):						
(Liquidation of contract authorization)	(33,423,077)	(25,600,000)	(25,600,000)	(33,423,000)	(33,423,000)	(-77)
(Limitation on obligations)	(33,423,077)	(25,600,000)	(25,600,000)	(33,423,000)	(33,423,000)	(-77)
Rescission of contract authority	(-10,067,000)	(-13,000,000)	(-13,000,000)	(-4,000,000)	(-4,000,000)	(+6,067,000)
Rental payments	149,605,000	144,419,000	144,419,000	144,419,000	144,419,000	-5,186,000
Rescission	(-1,781,000)	...	...	...	...	(+1,781,000)

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[1] Comparable FY94: 1,050,000 and FY95: 1,69[illegible]00.

	FY 1994 Enacted	FY 1995 Estimate	House	Senate	Conference	Conference compared with enacted
Minority business resource center program	400,000	1,900,000	1,900,000	1,900,000	1,900,000	+1,500,000
(Limitation on direct loans)	(7,500,000)	(15,000,000)	(15,000,000)	(15,000,000)	(15,000,000)	(+7,500,000)
Total, Office of the Secretary	222,031,000	224,336,000	231,166,000	223,161,000	218,766,000	-3,265,000
(Limitations on obligations)	(33,423,077)	(25,600,000)	(25,600,000)	(33,423,000)	(33,423,000)	(-77)
Total budgetary resources	(255,454,077)	(249,936,000)	(256,766,000)	(256,584,000)	(252,189,000)	(-3,265,077)
Coast Guard						
Operating expenses	2,570,000,000	2,630,505,000	2,580,000,000	2,600,000,000	2,598,000,000	+28,000,000
(Transfer from DoD)	(21,770,000)					(-21,770,000)
Acquisition, construction, and improvements:						
Vessels	95,300,000	214,250,000	201,750,000	185,400,000	187,900,000	+92,600,000
Aircraft	49,685,000	14,900,000	14,900,000	11,800,000	11,800,000	-37,885,000
Other equipment	44,500,000	61,500,000	31,500,000	40,700,000	29,700,000	-14,800,000
Shore facilities and aids to navigation	96,400,000	103,550,000	93,050,000	87,800,000	89,350,000	-7,050,000
Personnel and related support	41,615,000	45,000,000	44,000,000	44,700,000	44,200,000	+2,585,000
Rescission	(-20,000,000)					(+20,000,000)
Subtotal, A C and I	327,500,000	439,200,000	385,200,000	370,400,000	362,950,000	+35,450,000
Environmental compliance and restoration	22,600,000	25,000,000	22,000,000	24,000,000	23,500,000	+900,000
Alteration of bridges	12,940,000					-12,940,000
Retired pay	548,774,000	562,585,000	562,585,000	562,585,000	562,585,000	+13,811,000
Reserve training	64,000,000	65,032,000	66,000,000	64,981,000	64,981,000	+981,000
Research, development, test, and evaluation	22,500,000	20,310,000	20,310,000	20,310,000	20,310,000	-2,190,000
Boat safety (Aquatic Resources Trust Fund)	32,250,000		25,000,000	25,000,000	25,000,000	-7,250,000
Total, Coast Guard	3,600,564,000	3,742,632,000	3,661,095,000	3,667,276,000	3,657,326,000	+56,762,000
(Transfer from DoD)	(21,770,000)					(-21,770,000)
Total budgetary resources	(3,622,334,000)	(3,742,632,000)	(3,661,095,000)	(3,667,276,000)	(3,657,326,000)	(+34,992,000)
Federal Aviation Administration						
Operations	4,580,518,000	4,580,900,000	4,585,000,000	4,591,440,000	4,595,394,000	+14,876,000
Rescission	(-750,000)					(+750,000)

	FY 1994 Enacted	FY 1995 Estimate	House	Senate	Conference	Conference compared with enacted
Facilities and equipment (Airport and Airway Trust Fund)	2,120,104,000	2,269,100,000	2,176,700,000	2,086,941,000	2,087,489,000	-32,615,000
Rescission	(-65,380,300)		(-51,700,000)			(+65,380,300)
Research, engineering, and development (Airport and Airway Trust Fund)	254,000,000	266,800,000	254,000,000	264,440,000	259,192,000	+5,192,000
Grants-in-aid for airports (Airport and Airway Trust Fund):						
(Liquidation of contract authorization)	(2,200,000,000)	(1,500,000,000)	(1,500,000,000)	(1,500,000,000)	(1,500,000,000)	(-700,000,000)
(Limitation on obligations)	(1,690,000,000)	(1,690,000,000)	(1,500,000,000)	(1,450,000,000)	(1,450,000,000)	(-240,000,000)
Aircraft purchase loan guarantee program	150,000	148,000		148,000	148,000	-2,000
(Limitation on borrowing authority)	(9,970,000)	(9,970,000)		(9,970,000)	(9,970,000)	
Total, Federal Aviation Administration	6,954,772,000	7,116,948,000	7,015,700,000	6,942,969,000	6,942,223,000	-12,549,000
(Limitations on obligations)	(1,690,000,000)	(1,690,000,000)	(1,500,000,000)	(1,450,000,000)	(1,450,000,000)	(-240,000,000)
Total budgetary resources	(8,644,772,000)	(8,806,948,000)	(8,515,700,000)	(8,392,969,000)	(8,392,223,000)	(-252,549,000)
Federal Highway Administration						
Limitation on general operating expenses	(468,856,000)	(598,339,000)	(524,021,000)	(539,798,000)	(525,341,000)	(+56,485,000)
Highway-related safety grants (Highway Trust Fund):						
(Liquidation of contract authorization)	(10,000,000)	(10,000,000)	(10,000,000)	(11,500,000)	(10,800,000)	(+800,000)
(Limitation on obligations)	(10,000,000)	(10,000,000)	(10,000,000)	(11,500,000)	(10,800,000)	(+800,000)
Rescission of contract authority		(-20,000,000)		(-20,000,000)	(-20,000,000)	(-20,000,000)
Railroad-highway crossings projects	30,262,000					-30,262,000
Federal-aid highways (Highway Trust Fund):						
(Limitation on obligations)	(17,590,000,000)	(19,968,872,000)	(17,160,000,000)	(17,543,150,000)	(17,160,000,000)	(-430,000,000)
Rescissions	(-3,624,140)					(+3,624,140)
(Exempt obligations)	(2,117,008,750)	(100,000,000)	(2,267,701,000)	(2,267,701,000)	(2,267,701,000)	(+150,692,250)
(Liquidation of contract authorization)	(18,000,000,000)	(17,000,000,000)	(17,000,000,000)	(17,000,000,000)	(17,000,000,000)	(-1,000,000,000)
Emergency relief	(1,265,000,000)					(-1,265,000,000)
Emergency relief (subject to budget request)	(400,000,000)					(-400,000,000)
Right-of-way Revolving Fund (Highway Trust Fund) (limitation on direct loans)	(42,500,000)	(42,500,000)	(42,500,000)	(42,500,000)	(42,500,000)	
Motor carrier safety grants (Highway Trust Fund):						
(Liquidation of contract authorization)	(68,000,000)	(73,000,000)	(73,000,000)	(73,000,000)	(73,000,000)	(+5,000,000)
(Limitation on obligations)	(65,000,000)	(83,000,000)	(74,000,000)	(75,000,000)	(74,000,000)	(+9,000,000)
Surface transportation projects			299,862,000	352,055,000	352,055,000	+352,055,000
Baltimore-Washington Parkway	12,800,000					-12,800,000
Kentucky bridge project	12,000,000					-12,000,000

	FY 1994 Enacted	FY 1995 Estimate	House	Senate	Conference	Conference compared with enacted
Border highway project	6,400,000					-6,400,000
Appalachian corridor improvement project	57,000,000					-57,000,000
Cumberland Gap tunnel project	6,000,000					-6,000,000
Lock and Dam No. 4	4,000,000					-4,000,000
Mineola grade crossing (Highway Trust Fund)	7,800,000					-7,800,000
Congestion mitigation	1,600,000					-1,600,000
Cross Westchester expressway	9,800,000					-9,800,000
Schenectady bridge	3,200,000					-3,200,000
Columbia Gorge highway	2,500,000					-2,500,000
Manassas Battlefield bypass	3,000,000					-3,000,000
Rescission of contract authority [1]		(-816,966,000)				
Total, Federal Highway Administration	156,362,000		299,862,000	352,055,000	352,055,000	+195,693,000
(Limitations on obligations)	(17,665,000,000)	(20,061,872,000)	(17,244,000,000)	(17,629,650,000)	(17,244,800,000)	(-420,200,000)
(Exempt obligations)	(2,117,008,750)	(100,000,000)	(2,267,701,000)	(2,267,701,000)	(2,267,701,000)	(+150,692,250)
Total budgetary resources	(19,938,370,750)	(20,161,872,000)	(19,811,563,000)	(20,249,406,000)	(19,864,556,000)	(-73,814,750)
National Highway Traffic Safety Administration						
Operations and research	75,909,000	77,743,000	74,352,000		79,556,000	+3,647,000
Rescission			(-3,372,629)			
Operations and research (Highway Trust Fund)	48,236,000	48,092,000	46,997,000	128,887,000	46,997,000	-1,239,000
Subtotal, Operations and research	124,145,000	125,835,000	121,349,000	128,887,000	126,553,000	+2,408,000
Highway traffic safety grants (Highway Trust Fund):						
(Liquidation of contract authorization)	(138,550,000)	(151,000,000)	(151,000,000)	(151,000,000)	(151,000,000)	(+12,450,000)
State and community highway safety grants (Sec. 402) (limitation on obligations)	(123,000,000)	(123,000,000)	(123,000,000)	(123,000,000)	(123,000,000)	
Safety belt and motorcycle helmet use grants (Sec. 153) (limitation on obligations)	(12,000,000)					(-12,000,000)
National Driver Register (Sec. 402) (limitation on obligations)	(3,500,000)	(3,400,000)	(3,400,000)	(3,400,000)	(3,400,000)	(-100,000)
Alcohol safety incentive grants (Sec. 408) (limitation on obligations)	(10,500,000)					(-10,500,000)
Alcohol - impaired driving countermeasures program (Sec. 410) (limitation on obligations)	(25,000,000)	(25,000,000)	(25,000,000)	(25,000,000)	(25,000,000)	

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[1] FY 1994 comparable rescissions of -$2,209,716,000. FY 1995 rescission proposed in budget, but not officially submitted.

	FY 1994 Enacted	FY 1995 Estimate	House	Senate	Conference	Conference compared with enacted
Education grants (Sec. 209) (cumulative limitation on obligations)	(4,750,000)	(4,750,000)				(-4,750,000)
Rescission	(-219,750,000)					(+219,750,000)
Total, National Highway Traffic Safety Administration	124,145,000	125,835,000	121,349,000	128,887,000	126,553,000	+2,408,000
(Limitations on obligations)	(174,000,000)	(151,400,000)	(151,400,000)	(151,400,000)	(151,400,000)	(-22,600,000)
Total budgetary resources	(298,145,000)	(277,235,000)	(272,749,000)	(280,287,000)	(277,953,000)	(-20,192,000)
Federal Railroad Administration						
Office of the Administrator	12,011,000	18,481,000	13,650,000	16,421,000	13,090,000	+1,079,000
Local rail freight assistance	17,000,000		17,000,000	17,000,000	17,000,000	
Railroad safety	44,420,000	47,739,000	47,067,000	48,079,000	47,729,000	+3,309,000
Railroad research and development	37,613,000	20,550,000	17,145,000	20,985,000	20,500,000	-17,113,000
Rescission	(-17,000,000)					(+17,000,000)
Northeast corridor improvement program	225,000,000	199,600,000	165,000,000	230,000,000	200,000,000	-25,000,000
Mandatory Passenger Rail Service Payments	137,000,000			150,000,000		-137,000,000
Rhode Island Rail Development					5,000,000	+5,000,000
Railroad Rehabilitation and Improvement Financing Fund:						
Loan guarantee program (limitation on borrowing authority)	(5,000,000)					(-5,000,000)
Subsidy amount	250,000					-250,000
Next generation high speed rail program		27,500,000	20,000,000	20,000,000	20,000,000	+20,000,000
High-speed ground transportation (Highway Trust Fund):						
(Liquidation of contract authorization)	(4,000,000)	(3,400,000)	(3,400,000)	(3,400,000)	(3,400,000)	(-600,000)
(Limitation on obligations)	(7,952,000)	(5,000,000)	(5,000,000)	(5,000,000)	(5,000,000)	(-2,952,000)
Grants to the National Railroad Passenger Corporation:						
Operations	351,700,000	536,000,000	526,700,000	392,000,000	542,000,000	+190,300,000
Capital	195,000,000	252,000,000	245,000,000	230,000,000	230,000,000	+35,000,000
Pennsylvania station redevelopment project	10,000,000	90,000,000		40,000,000	40,000,000	+30,000,000
Total, Grants to the National Railroad Passenger Corporation	556,700,000	878,000,000	771,700,000	662,000,000	812,000,000	+255,300,000
Total, Federal Railroad Administration	1,029,994,000	1,191,870,000	1,051,562,000	1,164,485,000	1,135,319,000	+105,325,000
(Limitations on obligations)	(7,952,000)	(5,000,000)	(5,000,000)	(5,000,000)	(5,000,000)	(-2,952,000)
Total budgetary resources	(1,037,946,000)	(1,196,870,000)	(1,056,562,000)	(1,169,485,000)	(1,140,319,000)	(+102,373,000)

	FY 1994 Enacted	FY 1995 Estimate	House	Senate	Conference	Conference compared with enacted
Federal Transit Administration						
Administrative expenses	21,295,000	43,060,000	43,060,000	43,060,000	43,060,000	+21,765,000
Administrative expenses (Highway Trust Fund) (limitation on obligations)	(18,162,000)					(-18,162,000)
Formula grants	482,638,000	1,131,050,000	656,050,000	620,000,000	640,000,000	+157,362,000
Operating grants	802,278,000	600,000,000	700,000,000	730,000,000	710,000,000	-92,278,000
Formula grants (Highway Trust Fund) (limitation on obligations)	(1,129,951,000)	(1,150,000,000)	(1,150,000,000)	(1,150,000,000)	(1,150,000,000)	(+20,049,000)
University transportation centers	3,238,000	6,000,000	6,000,000	6,000,000	6,000,000	+2,762,000
University transportation centers (Highway Trust Fund) (limitation on obligations)	(2,762,000)					(-2,762,000)
Transit planning and research	48,125,000	92,250,000	92,250,000	92,250,000	92,250,000	+44,125,000
Transit planning and research (Highway Trust Fund) (limitation on obligations)	(44,125,000)					(-44,125,000)
Trust fund share of transit programs (Highway Trust Fund) (liquidation of contract authorization)	(1,195,000,000)	(1,150,000,000)	(1,150,000,000)	(1,150,000,000)	(1,150,000,000)	(-45,000,000)
Discretionary grants (Highway Trust Fund) (limitation on obligations)	(1,785,000,000)	(1,501,000,000)	(1,725,000,000)	(1,725,000,000)	(1,725,000,000)	(-60,000,000)
Rescission	(-3,308,935)					(+3,308,935)
Mass transit capital fund (Highway Trust Fund) (liquidation of contract authorization)	(1,000,000,000)	(1,500,000,000)	(1,500,000,000)	(1,500,000,000)	(1,500,000,000)	(+500,000,000)
Interstate transfer grants - transit	45,000,000	38,530,000	48,030,000	38,530,000	48,030,000	+3,030,000
Washington Metropolitan Area Transit Authority	200,000,000	200,000,000	200,000,000	200,000,000	200,000,000	
Total, Federal Transit Administration	1,602,574,000	2,110,890,000	1,745,390,000	1,729,840,000	1,739,340,000	+136,766,000
(Limitations on obligations)	(2,980,000,000)	(2,651,000,000)	(2,875,000,000)	(2,875,000,000)	(2,875,000,000)	(-105,000,000)
Total budgetary resources	(4,582,574,000)	(4,761,890,000)	(4,620,390,000)	(4,604,840,000)	(4,614,340,000)	(+31,766,000)
Saint Lawrence Seaway Development Corporation						
Operations and maintenance (Harbor Maintenance Trust Fund)	10,765,000	10,271,000	10,271,000	10,150,000	10,251,000	-514,000
Research and Special Programs Administration						
Research and special programs	24,008,000	26,982,000	26,074,000	26,738,000	26,238,000	+2,230,000
Hazardous materials safety	(12,600,000)	(12,999,000)	(12,600,000)	(13,449,000)	(12,897,000)	(+297,000)
Aviation information management	(2,521,000)	(2,454,000)	(2,453,000)	(2,454,000)	(2,453,000)	(-68,000)
Emergency transportation	(842,000)	(1,327,000)	(1,097,000)	(1,327,000)	(1,326,000)	(+484,000)

	FY 1994 Enacted	FY 1995 Estimate	House	Senate	Conference	Conference compared with enacted
Research and technology	(1,766,000)	(2,801,000)	(2,590,000)	(2,476,000)	(2,530,000)	(+764,000)
Program and administrative support	(6,279,000)	(7,401,000)	(7,334,000)	(7,032,000)	(7,032,000)	(+753,000)
Subtotal, research and special programs	(24,008,000)	(26,982,000)	(26,074,000)	(26,738,000)	(26,238,000)	(+2,230,000)
Pipeline safety (Pipeline Safety Fund)	19,376,000	37,424,000	32,967,000	38,877,000	37,424,000	+18,048,000
Alaska Pipeline Task Force (Oil Spill Liability Trust Fund) (rescission)	....	....	(-544,000)	....	(-544,000)	(-544,000)
Emergency preparedness grants:						
(Emergency preparedness fund)	400,000	400,000	400,000	400,000	400,000	....
(Limitation on obligations)	(11,000,000)	(11,350,000)	(10,550,000)	(11,200,000)	(10,800,000)	(-200,000)
Total, Research and Special Programs Administration	43,784,000	64,806,000	59,441,000	66,015,000	64,062,000	+20,278,000
(Limitations on obligations)	(11,000,000)	(11,350,000)	(10,550,000)	(11,200,000)	(10,800,000)	(-200,000)
Total budgetary resources	(54,784,000)	(76,156,000)	(69,991,000)	(77,215,000)	(74,862,000)	(+20,078,000)
Office of the Inspector General						
Salaries and expenses	39,000,000	38,319,000	40,000,000	40,500,000	40,000,000	+1,000,000
Administrative provision: Procurement	....	-65,120,000	-65,120,000	-65,120,000	-65,120,000	-65,120,000
Total, title I, Department of Transportation (net)	13,442,329,625	13,710,821,000	14,102,099,371	14,236,218,000	14,196,231,000	+753,901,375
Appropriations	(13,783,991,000)	(14,560,787,000)	(14,170,716,000)	(14,260,218,000)	(14,220,775,000)	(+436,784,000)
Rescissions	(-341,661,375)	(-849,966,000)	(-68,616,629)	(-24,000,000)	(-24,544,000)	(+317,117,375)
(Limitations on obligations)	(22,561,375,077)	(24,596,222,000)	(21,811,550,000)	(22,155,673,000)	(21,770,423,000)	(-790,952,077)
(Exempt obligations)	(2,117,008,750)	(100,000,000)	(2,267,701,000)	(2,267,701,000)	(2,267,701,000)	(+150,692,250)
Total budgetary resources including (limitations on obligations) and (exempt obligations)	(38,120,713,452)	(38,407,043,000)	(38,181,350,371)	(38,659,592,000)	(38,234,355,000)	(+113,641,548)

	FY 1994 Enacted	FY 1995 Estimate	House	Senate	Conference	Conference compared with enacted
TITLE II - RELATED AGENCIES						
Architectural and Transportation Barriers Compliance Board						
Salaries and expenses	3,348,000	3,232,000	3,350,000	3,350,000	3,350,000	+2,000
National Transportation Safety Board						
Salaries and expenses	37,105,000	37,046,000	37,392,000	37,046,000	37,392,000	+287,000
Interstate Commerce Commission						
Salaries and expenses	44,960,000	43,827,000		30,302,000	30,302,000	-14,658,000
Payments for directed rail service (limitation on obligations)	(475,000)	(475,000)	(475,000)	(475,000)	(475,000)	
Total, Interstate Commerce Commission	(45,435,000)	(44,302,000)	(475,000)	(30,777,000)	(30,777,000)	(-14,658,000)
Panama Canal Commission						
Panama Canal Revolving Fund:						
(Administrative expenses)	(51,742,000)	(50,030,000)	(50,030,000)	(50,030,000)	(50,030,000)	(-1,712,000)
(Limitation on operating and capital expenses)	(540,000,000)	(540,000,000)	(540,000,000)	(540,000,000)	(540,000,000)	
Department of the Treasury						
Rebate of Saint Lawrence Seaway Tolls (Harbor Maintenance Trust Fund)	9,707,000	9,319,000	9,319,000			-9,707,000
Washington Metropolitan Area Transit Authority						
Interest payments	51,663,569	9,193,000	9,193,000	9,193,000	9,193,000	-42,470,569
Total, title II, Related Agencies	146,783,569	102,617,000	59,254,000	79,891,000	80,237,000	-66,546,569
(Limitation on obligations)	(475,000)	(475,000)	(475,000)	(475,000)	(475,000)	
Total budgetary resources	(147,[illegible]58,569)	(103,092,000)	(59,729,000)	(80,366,000)	(80,[illegible]12,000)	(-66,546,569)

	FY 1994 Enacted	FY 1995 Estimate	House	Senate	Conference	Conference compared with enacted
GENERAL PROVISIONS						
Orange County, CA toll road	....	....	8,000,000	8,000,000	8,000,000	+8,000,000
High priority corridor	....	....	....	6,000,000	6,000,000	+6,000,000
Grand total (net)	13,589,113,194	13,813,438,000	14,169,353,371	14,330,109,000	14,290,468,000	+701,354,806
Appropriations	(13,930,774,569)	(14,663,404,000)	(14,237,970,000)	(14,354,109,000)	(14,315,012,000)	(+384,237,431)
Rescissions	(-341,661,375)	(-849,966,000)	(-68,616,629)	(-24,000,000)	(-24,544,000)	(+317,117,375)
(Limitations on obligations)	(22,561,850,077)	(24,596,697,000)	(21,812,025,000)	(22,156,148,000)	(21,770,898,000)	(-790,952,077)
(Exempt obligations)	(2,117,008,750)	(100,000,000)	(2,267,701,000)	(2,267,701,000)	(2,267,701,000)	(+150,692,250)
Grand total budgetary resources including (limitations on obligations) and (exempt obligations)	(38,267,972,021)	(38,510,135,000)	(38,249,079,371)	(38,753,958,000)	(38,329,067,000)	(+61,094,979)
CONGRESSIONAL BUDGET RECAP						
Total in this bill	13,589,113,194	13,813,438,000	14,169,353,371	14,330,109,000	14,290,468,000	+701,354,806
Scorekeeping adjustments	-553,563,455	-29,975,000	-19,718,000	-24,183,000	-24,334,000	+529,229,455
Total mandatory and discretionary	13,035,549,739	13,783,463,000	14,149,635,371	14,305,926,000	14,266,134,000	+1,230,584,261
Mandatory	600,587,569	571,926,000	571,926,000	571,926,000	571,926,000	-28,661,569
Discretionary	12,434,962,170	13,211,537,000	13,577,709,371	13,734,000,000	13,694,208,000	+1,259,245,830

BOB CARR,
RICHARD J. DURBIN,
MARTIN OLAV SABO
DAVID E. PRICE,
RONALD D. COLEMAN,
THOMAS M. FOGLIETTA,
DAVE OBEY,
FRANK R. WOLF
(except amendment 66, corridor H),
TOM DELAY
(except amendment 66, corridor H),
RALPH REGULA,
JOSEPH M. MCDADE,
Managers on the Part of the House.

FRANK R. LAUTENBERG,
ROBERT C. BYRD,
TOM HARKIN,
JIM SASSER,
BARBARA A. MIKULSKI,
ALFONSE M. D'AMATO,
PETE V. DOMENICI,
MARK O. HATFIELD,
ARLEN SPECTER,
Managers on the Part of the Senate.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MINETA (at the request of Mr. GEPHARDT) for today, on account of personal business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SCHIFF) to revise and extend their remarks and include extraneous matter:)

Mr. GOSS, for 5 minutes each day, on September 27, 28, 29, and 30.

Mr. EHLERS, for 5 minutes each day, on September 27, 28, 29, and 30.

(The following Members (at the request of Mr. WISE) to revise and extend their remarks and include extraneous material:)

Mr. OWENS, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. SCHIFF) and to include extraneous matter:)

Mr. BURTON of Indiana.
Ms. ROS-LEHTINEN.
Mr. GILMAN.

(The following Members (at the request of Mr. WISE) and to include extraneous matter:)

Mr. PICKETT.
Mr. GEJDENSON in two instances.
Mr. MORAN.
Mr. EDWARDS of California.
Ms. NORTON.
Mr. BRYANT.
Mr. ROMERO-BARCELO.
Mr. ROEMER.
Mr. MILLER of California.
Mrs. MALONEY.
Mr. MAZZOLI.
Mr. TOWNS.
Mrs. MEEK of Florida.

(The following Members (at the request of Mr. LEWIS of California) and to include extraneous matter:)

Mr. GILLMOR.
Mr. LAROCCO.
Mrs. SCHROEDER.

SENATE JOINT RESOLUTION REFERRED

A joint resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 221. Joint resolution to express the sense of the Congress in commemoration of the 75th anniversary of Grand Canyon National Park; to the Committee on Natural Resources.

ADJOURNMENT

Mr. LEWIS of California. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 21 minutes p.m.) under its previous order the House adjourned until Tuesday, September 27, 1994, at 10:30 a.m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DINGELL: Committee on Energy and Commerce, H.R. 4865. A bill to amend the Federal Food, Drug, and Cosmetic Act, the Public Health Service Act, and the Orphan Drug Act to revise the provisions of such acts relating to orphan drugs; with an amendment (Rept. 103–746). Referred to the Committee of the Whole House on the State of the Union.

Mr. MURTHA: Committee of Conference. Conference report on H.R. 4650. A bill making appropriations for the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes (Rept. 103–747). Ordered to be printed.

Mr. STUDDS: Committee on Merchant Marine and Fisheries. H.R. 4924. A bill to assist in the conservation of rhinoceros and tigers by supporting and providing financial resources for the conservation programs of nations whose activities directly or indirectly affect rhinoceros and tiger populations, and of the CITES Secretariat (Rept. 103–748). Referred to the Committee of the Whole House on the State of the Union.

Mr. GORDON: Committee on Rules. House Resolution 547. Resolution waiving points of order against the conference report to accompany the bill (H.R. 4602) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1995, and for other purposes (Rept. 103–749). Referred to the House Calendar.

Mr. BRYANT: Committee of Conference. Conference report on S. 349. An act to provide for the disclosure of lobbying activities to influence the Federal Government, and for other purposes (Rept. 103–750). Ordered to be printed.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 4864. A bill to amend the Federal Food, Drug, and Cosmetic Act to authorize a device application fee, and for other purposes, with an amendment; (Rept. 103–751). Referred to the Committee of the Whole House on the State of the Union.

Mr. CARR: Committee of Conference. Conference report on H.R. 4556. A bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1995, and for other purposes (Rept. 103–752). Ordered to be printed.

SUBSEQUENT ACTION ON A REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of rule X the following action was taken by the Speaker:

The Committees on Science, Space, and Technology and the Judiciary discharged from further consideration of H.R. 3392; H.R. 3392 referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. LEHMAN:

H.R. 5099. A bill to amend the Reclamation States Emergency Drought Relief Act of 1991 to provide a loan to the Madera-Chowchilla Power Authority; to the Committee on Natural Resources.

By Mr. CHAPMAN (for himself, Mr. MCCLOSKEY, Mr. MONTGOMERY, Mr. SKELTON, Mr. HALL of Texas, Mr. THOMAS of Wyoming, Mr. KOLBE, Mr. CLINGER, Mr. WILSON, Mr. HOLDEN, Mr. TAUZIN, Mr. VOLKMER, Mr. BREWSTER, Mr. WISE, Mrs. UNSOELD, and Mr. GENE GREEN of Texas):

H.R. 5100. A bill to repeal the ban on semiautomatic assault weapons and the ban on large capacity ammunition feeding devices; to the Committee on the Judiciary.

By Mr. LIVINGSTON:

H.R. 5101. A bill to amend title 28, United States Code, to provide that a reasonable attorney's fee shall be awarded as a part of the cost to prevailing plaintiffs in Federal civil actions; to the Committee on the Judiciary.

By Mr. MCCANDLESS (for himself and Mr. FISH):

H.R. 5102. A bill to amend title 18, United States Code, with respect to certain crimes relating to Congressional Medals of Honor; to the Committee on the Judiciary.

By Mr. MCCLOSKEY:

H.R. 5103. A bill to amend title 31, United States Code, to provide for an Executive Director of the General Accounting Office Personnel Appeals Board, and for other purposes; to the Committee on Post Office and Civil Service.

By Mrs. MEEK of Florida:

H.R. 5104. A bill to amend title XIX of the Social Security Act to require each State plan for medical assistance under such title to impose nondiscrimination requirements on hospitals and nursing facilities receiving funds under the plan; to the Committee on Energy and Commerce.

H.R. 5105. A bill to amend title XVIII of the Social Security Act to impose nondiscrimination requirements on hospitals and skilled nursing facilities as a condition of participation in the Medicare Program; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. SAXTON:

H.R. 5106. A bill to amend the Internal Revenue Code of 1986 to provide an exclusion from gross income for amounts contributed by an employer to medical incentives accounts of employees; to the Committee on Ways and Means.

By Mr. WILLIAMS:

H.R. 5107. A bill to amend the Wild and Scenic Rivers Act to provide for the study of Rock Creek in the State of Montana for potential addition to the national wild and scenic rivers system, and for other purposes; to the Committee on Natural Resources.

By Mr. STEARNS:

H. Con. Res. 297. Concurrent resolution expressing the sense of the Congress that President Clinton should ask for the resignation of Joycelyn Elders as Surgeon General of the Public Health Service; to the Committee on Energy and Commerce.

H. Res. 548. Resolution expressing the sense of the House of Representatives that aviators who meet the qualification standards of the Air Forces Escape and Evasion Society should be granted recognition for meritorious service by the Department of Defense; to the Committee on Armed Services.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 9: Mr. Dellums.

H.R. 326: Ms. Schenk, Mr. Sisisky, Mr. Becerra, Mr. Johnson of Georgia, Mr. McHale, Mr. Orton, Mr. Rowland, Mr. Johnson of South Dakota, Mrs. Byrne, Mr. Laughlin, Mr. Matsui, and Mr. Watt.

H.R. 559: Mr. Miller of California.

H.R. 1366: Mr. Chapman.

H.R. 1517: Mr. McCloskey.

H.R. 1671: Mr. Filner.

H.R. 1843: Mr. DeFazio and Mr. Stump.

H.R. 2638: Mr. Torres and Ms. Margolies-Mezvinsky.

H.R. 2790: Mr. Swett.

H.R. 3179: Mr. Jefferson.

H.R. 3283: Mr. Jacobs.

H.R. 3500: Mr. Lewis of Kentucky.

H.R. 3906: Mr. Ridge, Mr. Andrews of New Jersey, Mr. Kopetski, and Mr. Lucas.

H.R. 4051: Mr. Holden.

H.R. 4091: Mr. Vento and Mr. Gibbons.

H.R. 4300: Mr. Lewis of Georgia.

H.R. 4491: Mr. McInnis, Mr. Taylor of North Carolina, Ms. Pryce of Ohio, Mr. Doolittle, and Mr. Ridge.

H.R. 4531: Mr. Deutsch.

H.R. 4557: Mr. Zimmer.

H.R. 4789: Mr. Andrews of New Jersey.

H.R. 4805: Mr. Vento.

H.R. 4831: Mr. Parker and Mr. Kolbe.

H.R. 4897: Mr. Holden and Mr. Parker.

H.R. 4898: Mr. Holden and Mr. Parker.

H.R. 4934: Mr. Duncan, Mr. Calvert, Mr. Fields of Texas, Mr. Sensenbrenner, Mr. Sam Johnson, and Mr. Moorhead.

H.R. 4994: Mr. Williams and Mr. Gordon.

H.R. 4997: Mr. Gutierrez, Mr. Waxman, Mr. Dellums, Mr. Lewis of California, Mr. Valentine, Mr. Johnston of Florida, Mr. Lewis of Georgia, Mr. Lipinski, Mr. Hamburg, and Mr. Berman.

H.R. 5005: Mr. Serrano.

H.R. 5062: Mr. Bachus of Alabama, Mr. Bilbray, Ms. Snowe, Mr. McCollum, Mr. Fingerhut, Mr. Saxton, Mr. McKeon, Mr. Schaefer, Mr. Slattery, Mr. Dixon, Mr. Kildee, and Ms. Slaughter.

H.J. Res. 44: Mr. Callahan.

H.J. Res. 332: Mrs. Unsoeld, Mr. Klug, Mr. Paxon, Mr. Ortiz, Mr. Rose, Mr. LaRocco, Mr. Barca of Wisconsin, Mr. Browder, Mr. Calvert, Mr. Richardson, Mr. Ford of Tennessee, Mr. Andrews of Maine, and Mr. Schumer.

H.J. Res. 385: Mr. Lewis of Georgia and Mr. Hastert.

H.J. Res. 389: Mr. Diaz-Balart, Ms. Danner, Mr. Hoyer, Ms. Roybal-Allard, Ms. Lowey, Mr. Stenholm, Mr. Glickman, Mr. Moakley, Ms. Molinari, Mr. Markey, Mr. Wise, Mr. Mollohan, Mr. Levin, Mr. McCollum, Mr. Hyde, Mr. Livingston, Mr. Brown of California, Mr. Fazio, Mr. Gutierrez, Mr. Machtley, Mr. Kildee, Mr. Fields of Texas, Mr. Wheat, Mr. Menendez, Mr. Murphy, Mr. Myers of Indiana, Mr. Conyers, Mr. Pallone, Mr. Wolf, Mr. Gilman, Mr. Synar, Mr. Nadler, Mr. Fields of Louisiana, Mrs. Fowler, Mr. Washington, Mr. Royce, Ms. Pryce of Ohio, and Mrs. Mink of Hawaii.

H.J. Res. 401: Mr. Boucher, Mr. Coble, Mr. Gallo, Mr. Gene Green of Texas, Mr. Hochbrueckner, Mr. Kanjorski, Mr. Murphy, Mr. Price of North Carolina, Mr. Reed, Mr. Shays, Mr. Skeen, and Mr. Smith of New Jersey.

H.J. Res. 409: Mrs. Clayton.

H. Con. Res. 210: Ms. Pryce of Ohio.

H. Con. Res. 262: Mr. Pallone, Mr. Roth, Mr. Rohrabacher, Mr. Evans, Mr. Schumer, and Mr. Pomeroy.

H. Con. Res. 269: Mr. Bateman.

H. Res. 432: Mr. Lewis of Georgia.

H. Res. 473: Mr. Coleman, Mr. Dellums, Mr. Fingerhut, Mr. Jacobs, Mr. Kildee, Mr. McDermott, Mrs. Maloney, Ms. Pelosi, Mr. Quinn, Mr. Swett, Mr. Torricelli, and Mrs. Unsoeld.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 4912: Mr. Mfume.

EXTENSIONS OF REMARKS

THE FOREST AND THE TREES

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 26, 1994

Mr. MILLER of California. Mr. Speaker, in recent years, the debate over the spotted owl and its forest habitats has overshadowed a deeper problem—the continuing web of Federal subsidies and policies which is leading toward destruction of American's forests.

These are strong words—but not to anyone who has flown over an area which has been clearcut, or listened to fishermen who have discovered their streams and rivers filled with silt from careless logging.

I am inserting into the RECORD an editorial from the September 2 St. Louis Post-Dispatch which accurately lays out the problems with our subsidies for forest destruction.

One of the questions we need to ask ourselves is why should the Federal Government continue 19th century-subsidies which lose money? Why should these Western extractive industries be given benefits withheld from other businesses.

Why can't we all agree that the 19th century is over and it's time to change?

[From the St. Louis Post-Dispatch, Sept. 2, 1994]

THE FOREST AND THE TREES

Charles F. Wilkinson, an attorney who specializes in natural resource law, called the destructive logging of American forests throughout the 1980s "nothing less than the plundering of an extraordinary public asset."

Unfortunately, the damage to the American wilderness has been obscured by narrowing the focus to the controversy over the spotted owl. This casts the debate in unfairly simplified terms: jobs vs. the environment; the preservation of a way of life vs. the preservation of a species of life. In fact, the issue of logging in national forests, on public lands, is far more complex than that.

The decline in jobs in the timber industry can be attributed in part to factors unrelated to the environment. Changes in the industry itself—increasing worker productivity and exporting unprocessed logs—account for substantial job loss, a loss that wouldn't be halted even if every inch of old-growth forest in the Northwest could be chopped down.

In some areas, the priority given to logging by the Forest Service pits jobs against jobs. Ranchers and farmers who rely on water sources on public land for irrigation are upset with clearcutting by timber companies because of erosion and disruptions in the seasonal flow of water—all of which jeopardize their way of life. The fishing industry is threatened by careless logging that leaves streams and rivers clogged with silt. The tourism industry, which sells wilderness adventures, skiing and passive outdoor recreation, can also be hurt by the ugly scars left by logging.

So why should taxpayers care? Because they subsidize the timber industry. Below-cost sales of timber from public land plus other policies favorable to the logging industry contribute to the overcutting of the nation's forest to a level beyond what some environmentalists say, is sustainable.

Federal policy actually directs the Forest Service and the Bureau of Land Management to collect market value on timber cut from federal land. But as pointed out in "Taking From the Taxpayer: Public Subsidies for Natural Resources Development," a report of the House Committee on Natural Resources, that's easier said than done.

Establishing market-value prices is difficult, given the variation in types and quality of timber and market fluctuations. And, as the House committee's report also makes clear, certain accounting procedures used by the Forest Service tend to under-count below-cost sales.

That can lead to some absurdities. The House report cites one egregious example of the government's underpricing its resources: "More than half the costs of timber roads are now never counted as expenses of the timber sales. * * * Building roads into roadless areas for the sole purpose of taking out timber is deemed a capital improvement that benefits the forest in general, not the timber purchaser."

Whether it's subsidies for logging, grazing and mining, the taxpayer is faced with the same questions: Do these giveaways, generally to major corporations, make financial sense at a time when the government has such a large deficit? Shouldn't business have to play by the rules of the free market?

Certain subsidies may be justifiable, but any gift from the taxpayer ought to serve some public policy purpose. For example, subsidies may be needed to keep small businesses or small communities alive or to encourage environmental restoration.

Most of all, subsidies should never underwrite violations of public policy of the public trust. Increasingly, Americans look at the West and see in it more than resources to be extracted and private profits to be made.

They also deeply value the preservation of the West's majestic beauty and the integrity of its complex ecosystems. These ends are not necessarily antithetical. No side has to get out of Dodge City by sundown.

TRIBUTE TO DON JORGE LUIS CÓRDOVA DÍAZ

HON. CARLOS A. ROMERO-BARCELÓ

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 26, 1994

Mr. ROMERO-BARCELÓ. Mr. Speaker, last weekend the Nation lost a formidable citizen, Don Jorge Luis Córdova Díaz, a former Member of Congress who, as Resident Commissioner from 1968 through 1972, epitomized the virtues of a dedicated public servant. During his tenure in Washington, Don Jorge helped and struggled to pave the way toward equality for the American citizens in Puerto Rico. He was instrumental in achieving the right of Delegates to vote in committees. Further, Don Jorge championed the applicability of food stamps for the poor on the island and was instrumental in the inclusion of Puerto Rico in food assistance programs for the poor.

He was a distinguished leader and a man of profound religious conviction and moral values. In fact, Don Jorge was a member of the congressional prayer breakfast, a refreshing informal weekly gathering of Members which I have found to be extremely beneficial, as it fosters human and spiritual values in a bipartisan and ecumenical environment of collegiality and friendship.

I join my colleagues in extending to Don Jorge's widow, Mrs. Dora Rodríguez and their children—Jorge Luis, Jr., Elvira, Irene, and Fernando—to his siblings—Enrique, Félix, and Elsie—our most profound condolences and expressions of sympathy. We share their grief during this difficult time and thank them for having shared with us the great persona of Don Jorge. He was, and I borrow the words from the editorial of a local newspaper, "a man with a sharp sense of history, a sharper sense of Puerto Rico's destiny, and, always, a gentleman." May God bless his soul and many our dear friend rest in peace.

AN AMERICAN ORIGINAL

HON. TIM ROEMER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 26, 1994

Mr. ROEMER. Mr. Speaker, today I rise to pay special tribute to a familiar Washington figure on the occasion of his retirement. Norval E. Carey has been with the General Atomics Corp. in the Washington office since 1964, and has been promoted to Washington office manager, vice president and finally, in 1987, senior vice president.

In 1976, Mr. Carey helped to form the American Nuclear Energy Council and was the secretary and treasurer for several years. His many activities include memberships in the American Nuclear Society, the American Defense Preparedness Association, the National Security Industrial Association, the Air Force Association, the U.S. Army Association, and the Navy League.

Better known as "Norv" to his friends and colleagues, this gentleman has made his mark on the Nation's Capital in working for positive solutions to national problems. The centerpiece to his mission is in the creation of peaceful uses for nuclear power sources. What has made his mark indelible is his approach to his work.

Mr. Carey is thoroughly versed in the issues of the day, and presents his work with style, flair, and energy. He adds a touch of class to the business end of government, and is known across Capitol Hill for his luminous wit. He is truly an "American original."

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mr. Speaker, it is as much for these personal qualities as for his quality work that we will miss him. But we know that our friend will still be active around town, and hopefully we won't have to miss him much.

It is a pleasure to wish Norv well, and to share the pride of his wife Claire, their 5 children, 14 grandchildren, and their great-grandchild. We wish him well.

CANNED HUNTS—LIKE SHOOTING A PUPPY DOG

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 26, 1994

Mr. EDWARDS of California. Mr. Speaker, I encourage you to read the editorial below from the Tampa Tribune, September 5, 1994, which suggests that canned hunts are the antithesis of true hunting.

Canned hunts must be stopped. H.R. 4997, the Captive Exotic Animal Protection Act of 1994 has been introduced to do just that. H.R. 4997 would prohibit the killing or injuring of exotic animals—animals not indigenous to the United States—held in captivity, for entertainment or trophy collection.

The editorial follows.

SEALING THE LID ON "CANNED" HUNTS

"Canned" hunts are the antithesis of true hunting and no responsible sportsman would have anything to do with them. These bloody ventures drew attention recently when it was discovered that surplus animals from Lowry Park Zoo and Busch Gardens may have been sold inadvertently to dealers who provide animals for such activities.

In canned hunts, wealthy louts pay a fee to kill exotic animals kept in fenced areas. Often the animals are hand-fed so they lose their fear of people. All the skill, toil and expertise that makes hunting a challenge is absent. So are hunting ethics, which demand that hunters observe the rules of "fair chase." In canned hunts, there is only killing.

Lowry Park Zoo officials were furious when they discovered a dealer who bought three Persian gazelles and an Arabian oryx apparently violated the park's contract, which specified that the animals could not be used for hunting, research or any inhumane purpose. Busch Gardens officials also say they were duped.

Lowry Park officials quickly adopted more stringent safeguards. Under the new policy, before dealers can purchase an animal from the zoo, they must provide references from the American Zoo and Aquarium Association and sign a document that requires them to notify the zoo when the animal dies. Dealers also must promise to allow Lowry Park officials to approve any future sale of the animal or the animal will be returned to the zoo at the owner's expense.

This prudent step should make it even more difficult for unscrupulous dealers to buy zoo animals for canned hunts.

But what is also needed is federal legislation that would ban such hunts. A proposal exists. The "Captive Exotic Animal Protection Act" is not an anti-hunting measure. It would not affect game preserves that feature wild native game animals in natural habitat or birdhunting preserves, where game birds are released into the wild and then hunted.

It would not even prohibit the hunting of exotic mammals on preserves—if they were genuinely wild. The legislation would prohibit only the hunting of a creature that had been held in captivity either for a year or "the greater part of the animal's life."

In other words, no hunting a docile, captive animal that will offer the shooter about as much challenge as a puppy dog.

Hunting is a legitimate endeavor and hunters are the backbone of the conservation movement, working—and paying—to protect wildlife and wilderness. But taking an animal out of the zoo, putting it in a fenced area and then shooting it is not hunting. It's commercial cruelty and should be outlawed. Hunters, whose good name is being sullied, should lead the campaign against this immoral practice.

HOMETOWN HERO, TOM DOLAN, BREAKS WORLD RECORD

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 26, 1994

Mr. MORAN. Mr. Speaker, I rise to pay special tribute to an exemplary athlete, Tom Dolan, who recently broke a swimming world record for the 400 meter at the world championships in Rome, an event second only to the Olympics. Dolan achieved this victory by finishing the race in 4 minutes, 12.3 seconds, shaving .06 seconds off of the previous 400 meter record, set in 1987.

Dolan began his record setting trend at Yorktown High School in Arlington, VA, where he broke every existing record. Now a rising sophomore at the University of Michigan, Dolan has spent the past 2 years training with the Wolverines. It is through the rigors of training and his admirable determination that Dolan achieved his world-class record.

The Dolan name has become familiar to us in northern Virginia, not only because of Tom's athletic prowess, but also because of his father's recent campaign for attorney general. I am grateful to the Dolan's for adding so much to our community, and honor Tom as our true hometown hero.

I am confident that this is not the last we'll hear of Tom Dolan. There is no doubt that he will do his best for our country, and for the Commonwealth of Virginia in 1996 at the Olympic Games. We look forward to watching you claim another victory Tom.

VICENTE, ON HIS 18TH BIRTHDAY

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 26, 1994

Mrs. SCHROEDER. Mr. Speaker, Denver Post columnist Tomás Romero recently shared his thoughts on the occasion of his son's 18th birthday. A father's love for his son has rarely been so well expressed.

[From the Hispanic Link, Mar. 21, 1994]

VICENTE, ON HIS 18TH BIRTHDAY

(By Tomás Romero)

As I write this, my son Vicente is turning 18 years old, the age at which young men begin to consider even more the world and opportunities before them. It is a time for them to take their dreams and begin to forge them into reality.

My son has a separate reality. As much as his family and father love him, and as much as he is a part of our lives, he will never completely be a part of our universe.

When Vicente was born something happened. Because of careless medical error, a perfectly health child suffered severe loss of oxygen and his brain was damaged. My son cannot walk or talk. He remains, and will remain for the duration of his life, an infant. His face is strikingly beautiful, with well-formed features, and he has a head of thick, soft hair. His stiffened limbs, which should at this age be muscular and powerful, are so thin that I can encircle his calves with my fingers. We have to carry him. His eyes—large, dark, luminous brown eyes much resembling those of a Keene child painting—gaze at what we can only imagine. He can't tell us.

I LOVE TO HEAR MY SON SING HIS SONGS

Yet, my son has taught me more about communication than any Joseph Campbell book, or hundreds of "how to" seminars,

My son Vicente is my teacher.

I can tell by the way he cries whether he is cold, sick, hungry, or needs to be held. My son has taught me how to listen; when I fail at life it is because I neglect to practice the lessons he has given me.

He has never hurt anyone or raised his voice in anger. He is not selfish. Sometimes, when he is happy, he will coo cheerfully, it is a pure sweet sound, and to me it seems like a mysterious, joyous alleluia chant known only to him and to God. I love to hear my son sing his songs.

What happened to my son made me angry. For years I let rage dominate me, consume me, and in the process I wounded myself and those who meant the most to me. I gave myself twice the pain. I gave myself a heart filled with regret and an excuse to shut myself away from those who offered me their caring. I lost twice because I didn't listen to my teacher. Instead, I immersed myself in causes and in ambitions.

I HAVE ACCEPTED WHAT IS, AND WHAT IS NOT

Finally, one day, too late for some dreams to be resurrected, I looked at my son Vicente, and the thought came to me that the only thing worse than what had happened to him would be for me not to have him. At that moment felt again the unencumbered-by-fear love I had for those brief 24 hours after his birth, before the seizures started and before the desperate Flight For Life trip to The Childrens Hospital and the torturous 30 days of waiting and watching him struggle for life.

I have always loved my son, and even when I see others his age playing and being what they are, I have accepted what is, and what is not, without resentment toward him. Now, I love him even more, to the point where the thought of ever losing him frightens me.

HE WILL NOT TAKE PART IN A RITE OF PASSAGE

I find comfort in admitting this because it means that I have given myself permission to feel, and to want, and to be part of life—not just an observer, a voyeur or a man who doesn't want to be a part of the spiritual universe or committed to someone.

My son is a gift, a wondrous gift given to me to help me find humility and to know how to understand and appreciate the power of the powerless.

This day, on his birthday, my Vicente will not take part in a rite of passage. He will not leave a village to undertake a walkabout or sip tequila con su papi. But he will know, without a doubt, how much he is loved by all who are favored and blessed by being able to bask in incredible light.

Feliz cumpleaños, mi hijo. Te amo. ¡Cómo te amo!

TRIBUTE TO JAMES ROSS MACKAY

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, September 26, 1994

Mr. GEJDENSON. Mr. Speaker, it is with great sadness that I note the death of James Ross MacKay on September 9, 1994. At the time of his death, at the all too early age of 50, Mr. MacKay was Chief of the Program Coordination Branch in the Program Development and Coordination Division of the Federal Emergency Management Agency in Washington, DC.

In a day and age where it has become popular to be overly critical of those who serve in Government, it is an honor to call to the attention of the Congress the unselfish and dedicated public service of Ross MacKay.

His was a 20-year dedication to the National Flood Insurance Program, working to help communities understand and comply with the sometimes confusing and complex laws and regulations which govern this program. Most recently he had a leading role working with the insurance industry on an innovative program to reduce flood insurance rates in those communities which exceeded the standards set by the National Flood Insurance Program.

Ross MacKay understood the promise for a better future inherent in good public policy. Thus, he was drawn to this challenging area of work because he believed things could be better. As a key member of the Interagency flood plain management task force, he participated in producing the first major national assessment of flood plain management in the United States in 1992. He reached a capstone of his career with the development of the Unified National Program for Flood Plain Management. These achievements involved working with hundreds of Federal, State, and local officials, known for voicing different and often conflicting views. Perhaps no greater compliment can be paid than that voiced by a colleague who said, "Ross, always a careful listener, sought the common ground in all that he heard. When he spoke, his was the voice of reason that prevailed." He was good at his craft and artfully assembled disparate views into meaningful national policy.

He knew what mattered most in life. He was devoted to and immensely proud of his wife, Kathleen, a judge of the Fairfax County Juvenile and Domestic Relations Court and his two sons, Gideon and Patrick. He cherished his relationship with his two brothers, John and David. He will be remembered also by what he gave to the youth of his neighborhood in Fairfax, VA. He spent endless hours on the soccer field coaching, motivating, and inspiring young boys, including his own sons, in a sport that only recently became popular in this country.

Service was a lifestyle for Ross MacKay. He quietly went about caring for the needs of others in all that he did whether it be in the home, community, or workplace. He was generous of spirit and heart. It is this giving of himself that will endure and be long remembered by his family, friends, and colleagues.

HONORING ZACHARY AND ELIZABETH FISHER

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 26, 1994

Mrs. MALONEY. Mr. Speaker, I rise today to bring to the attention of my colleagues an important event which will take place this evening, Monday, September 26, 1994, at Andrews Air Force Base. This ceremony will mark a very special dedication of the 18th Zachary and Elizabeth M. Fisher House, as well as a celebration of Mr. Fisher's birthday.

Zachary and Elizabeth Fisher have amassed an extensive list of accomplishments and charitable endeavors. Their many educational and benevolent services distinguish the Fishers as truly extraordinary citizens with a deep-seated dedication to helping others. Their contributions include the creation of the Fisher House Program which provides comfortable homes on military bases for families of hospitalized military personnel. Over 10,000 people stay in Fisher Houses each year, and by the end of next year, the Fishers hope to have 25 Fisher Houses open. These houses enable families of hospitalized servicemen and servicewomen to stay near the medical facility, free of charge, in order to be near their loved ones during difficult times.

The Fishers have also established the Intrepid Museum Foundation and Intrepid Sea Air Space Museum in New York City, as well as the Zachary and Elizabeth M. Fisher Medical Foundation, which funds research in the fight against Alzheimer's disease. Furthermore, Zachary and Elizabeth Fisher have provided great support for our military personnel through the Zachary and Elizabeth M. Fisher Armed Services Foundation, offers of scholarship funds for U.S. armed services personnel and their dependents, and personal financial help for families of military personnel lost in defense of our Nation. For these, we are certainly all indebted.

To include every contribution Zachary and Elizabeth Fisher have made during their impressive careers would be impossible in just one speech in the CONGRESSIONAL RECORD. Without a doubt, they have demonstrated substantial contributions to our community and our Nation, and I applaud their efforts. The Fisher House dedication on September 26 will represent a small way in which to show our support and appreciation for their remarkable efforts and achievements.

RETIREMENT OF HON. HAL J. BONNEY, JR.

HON. OWEN B. PICKETT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 26, 1994

Mr. PICKETT. Mr. Speaker, I wish to pay tribute to the Honorable Hal. J. Bonney, Jr., who has dedicated 25 years of distinguished service as a Federal judge to the U.S. Bankruptcy Court for the Eastern District of Virginia. Judge Bonney's retirement will be effective February 28, 1995.

Judge Bonney is to be commended for the exemplary wisdom and dispassionate judgment that he has exercised from his honorable position as a Federal Judge to this Nation.

STATEMENT OF HON. HAL J. BONNEY, JR., UPON ANNOUNCING HIS RETIREMENT

With deep inner feelings of awe and appreciation for the privilege of serving as a Federal Judge, but with equal enthusiasm and anticipation for the future, I announce my retirement as a Judge of the United States Bankruptcy Court for the Eastern District of Virginia.

I became eligible for retirement last month and will exercise this effective at midnight on February 28, 1995, in the 25th year of my service which dates from January 1, 1971.

One does not write the history or evaluation of one's own work or life—that must speak for itself and is usually buried in the minutes, hours, days and years of that labor—yet in leaving there are thoughts of the past and of the future which this occasion provides an opportunity to express.

(1) As the sole U.S. Bankruptcy Judge in the Norfolk and Newport News Divisions during most of the twenty-five years, I have witnessed and presided over cases which grew from 1200 a year to 11,000 and in this have participated in an extraordinary quarter-century of Tidewater economic history, most of this for the better as thousands found a fresh start in life and many businesses were successfully reorganized. This is to say, I have been here during the most significant era of the Bankruptcy Court's history.

Even now the Eastern District of Virginia ranks 9th among the nation's Federal District in number of cases filed and when alone I carried the 4th heaviest caseload among the Bankruptcy Judges of the nation. The Chairman of the House Judiciary Committee, Congressman Jack Brooks, recently observed that more Americans come in contact with the bankruptcy court system than any other branch of the judiciary.

Chief Judge Sherman G. Finesilver of the Colorado U.S. District Court in addressing all of the Bankruptcy Judges of the nation in Denver in 1993 said, "The economy of the nation would collapse were it not for the Bankruptcy Judges." This is, I suppose, flattering, but it does reflect the seriousness of the judicial load we all carry.

(2) As President of the National Conference of Bankruptcy Judges in 1983–84, from the White House to walking the halls of Congress I became aware as I have never before of the national scale on which all of this operates. It was a time of struggle for the very survival of the U.S. Bankruptcy Court, but a court handling (in 1983) $92 billion in assets on any given day could not be ignored.

(3) All who leave a post are tempted to comment on the future. The Court will obviously continue and flourish in capable hands.

I would observe the presence (nationally) of certain trends which need to be addressed by those who remain after me, both legislators and judges. The Bankruptcy Code serves useful and beneficial purposes which require no defense; however, (1) the system has witnessed more and more dishonest people utilizing bankruptcy over the past ten years and the system must be more alert to this. (2) Unfortunately, for some bankruptcy has become another form of welfare. The fact bankruptcy is a privilege the Congress grants and not a Constitutional right has become obscured. This leads to "tinkering" with it and expecting from bankruptcy what was never intended.

Above all, above all, in announcing my retirement I am sensitive to and appreciate of all of those with whom I have been associated these twenty-five years.

(1) It is personally difficult to end the official association with my colleagues on the bankruptcy bench. I shall miss them immensely.

Too, I am grateful for the support this Court has always received from the Judges of the U.S. District Court. I have even forgiven them when they have reversed me. They have meant so very much to me.

(2) I have always prized my relationships with the Judges of the State Courts and appreciate working with them in areas of common need and interest.

(3) I have forever held the highest esteem for those who have worked with me in the Court, both in the past and currently: my Secretaries, my Law Clerks, and Clerical staff, U.S. Marshals, the Security Force, court reporters, all. We don't wear this on our sleeve, but I believe they well know how I feel about them.

(4) The system has worked well because of, more than any other reason, the high caliber and courteous cooperation of the members of the Bar. I have had nothing but the highest respect for the attorneys who have appeared before me and I leave with this strong tie forever alive within me.

(5) Mention should be made of the credit industry in this area. It is of the highest integrity and has contributed so much to the soundness of the system.

(6) It is, of course, a national bankruptcy court. I appreciate on behalf of the Court and of myself the faithful support of the Administrative Office of the U.S. Courts and this relationship has been at its finest under its present leadership: L. Ralph Mechum, Director, and Francis F. Szezebak, Chief of the Bankruptcy Division.

I must emphasize that while retiring as a Judge, I am not retiring from life and in particular am not retiring as Teacher of my Sunday School class, The Wesleymen of Epworth United Methodist Church.

And what shall I be doing after February 28th? Indeed, I look forward to as active a life as I now enjoy and to working full-time. I am fortunate, indeed blessed, that I have many choices for the future. I am considering:

1. Being recalled (to senior status) to serve in some area of the country which needs some extra help.

2. Returning to the practice of law. I have a son now in law school.

3. Teaching. I came from this profession into law.

4. Going to Hollywood to produce a film.

5. Entering the Peace Corps or similar organization where I could go out into the field of service. I have often felt the urge to "hit the road to Mandalay."

Until this time, it would have been difficult to make a decision since I felt the possibility of ethical restraints. Now I can address this task and make the decision. Fortunately or unfortunately, you have not heard the last of me.

I wish you all well.

CAPITOL HILL WELCOMES AMBASSADOR BENJAMIN LU OF THE REPUBLIC OF CHINA

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 26, 1994

Mr. BURTON of Indiana. Mr. Speaker, greetings and best wishes to Republic of China's Washington representative, Ambassador Benjamin Lu. He comes to Washington from his last ambassadorial post in Belgium. A veteran diplomat, he served in Washington from 1982–88 as ROC's director of the Economic Division of the Coordination Council for North American Affairs. With his wide diplomatic experiences and a solid background in trade and commerce, Ambassador Lu will forge ever stronger links between his country and ours. I heartily bid him welcome and look forward to working with him and his colleagues, especially on those issues such as inviting President Lee Teng-hui and other Republic of China's leaders to visit this country and helping the Republic of China return to the United Nations and other international organizations.

As leaders of a mighty Republic of China, President Lee Teng-hui and Vice President Li Yuan-zu and Foreign Minister Frederick Chien all deserve our admiration and respect. I hope that the Clinton administration will soon welcome Messrs. Lee, Li and Chien to Washington. I am sure these Chinese leaders have excellent insights into the world's political situations and we all have much to learn from them.

It is also my hope that the Republic of China will be able to return to the United Nations. As an economic power and a symbol of democracy, Taiwan deserves the world's respect and recognition. Since 1949, the Republic of China on Taiwan has moved from an agricultural society, exporting only bananas and sugar, to a major trading nation today. Moreover, the 21 million people on Taiwan are prosperous and free.

Last but not least, I wish to take this occasion to wish a happy 83d anniversary to my friends in the Republic of China on Taiwan.

THE FARM POLICY FORUM

HON. LARRY LaROCCO

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 26, 1994

Mr. LAROCCO. Mr. Speaker, on September 24, I spoke to the Farm Policy Forum held in Spokane, WA, and I request my statement be included in the RECORD.

THE FARM POLICY FORUM

Thank you Speaker FOLEY and Under Secretary Moos for hosting today's Farm Policy Forum. I appreciate your many years of dedication to American agriculture, and I look forward to working with you as Congress and the Administration draft the 1995 farm bill.

Over the past ten years, U.S. farm policy objectives have been expanding, with each farm bill, beyond price and income support. As a result, the 1995 farm bill will incorporate many objectives: food and trade security, trade expansion, price stability, financial stability of farmers and conservation, to name a few. In Idaho, producers want a farm policy that provides a fair return on their products, promotes fair trade, and establishes a fair conservation program.

Idaho's farmers and ranchers are leaders in the agriculture industry and a vital part of Idaho's economy. 1992 agricultural statistics show Idaho ranked at the top of the nation in the production of barley, peas, lentils, hops, onions, wheat, beets and of course, potatoes. Agriculture, as a percent of the total state economy is currently near a 13-year high—21 percent. And inflation adjusted farm output has more than doubled since 1979.

Idaho producers have been able to increase production and net income despite the problems that production agriculture faces in Idaho—including a reduction in acreage planted, a decline in the number of farms, and eight years of drought.

I know Idaho's producers can compete successfully against any competitors—in an open market. That is why I have worked so hard to ensure that our trading partners abroad are held accountable to the same standard: free and fair trade.

Since coming to office in 1991, I have consistently pushed for legislative and administrative action against Canada. I have cosponsored legislation to toughen U.S. trade laws against "dumping" and other unfair trade practices. I have co-sponsored legislation requiring the strict implementation of end-use certificates. And, I applaud the Secretary of Agriculture and the President for taking a firm and decisive action against the recent explosion in Canadian grain imports to the United States. The 1995 farm bill must include provisions that help "level the playing field" and safeguard American producers from unscrupulous trade practices.

Agricultural exports are an essential element of a healthy American economy. Idaho's fruit industry, for example, is rapidly expanding into the global market. In fact, Idaho is now in the top ten states for the production of apples, plums, prunes, and sweet cherries. In the Northwest, more than three-fourths of grain produced is exported.

As the United States expands its trade with foreign countries and embarks on new free trade agreements, we must make certain that American agricultural producers are not sacrificed. The Canadian-U.S. Trade Agreement, adopted in 1990, seriously hurt Idaho's wheat and barley farmers. Idaho's producers cannot afford another bad trade agreement. U.S. farm policy should aggressively promote American agricultural exports and seek to regain international markets lost during the 1980's.

Because the future of farming and ranching is linked directly to the land, environmental concerns have long been a priority in previous farm bills. As we look ahead to next year's bill, it is critical that we do not allow conservation compliance costs to jeopardize both the financial stability and environmental objectives of the 1995 farm bill. Rather, we should strive to implement new conservation methods that will enhance our soil and water resources, without bankrupting our farmers.

Common sense tells us that if we are to meet conservation objectives, landowners must be encouraged to install and maintain long-term conservation plans. The best way to accomplish this, I believe, is through incentive-based conservation programs.

There are numerous pilot programs that positively demonstrate the benefits of voluntary, incentive-based conservation programs. Such programs can be tailored to individual counties and offer the chance for a better relationship between farmers, farm organizations, consumers, environmentalists and government.

In summary, as U.S. agriculture expands its mission, we must not forget farmers and ranchers. Let us proceed in such a way to give our producers an honest price, open and fair trade, and rewards for being good stewards of the land.

Once again, I commend Speaker FOLEY and Under Secretary Moos for the opportunity to take part in today's Farm Policy Forum.

TRIBUTE TO MS. DOMINIQUE DAWES

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA
IN THE HOUSE OF REPRESENTATIVES
Monday, September 26, 1994

Ms. NORTON. Mr. Speaker, I am delighted to salute the accomplishments of Ms. Dominique Dawes—the first U.S. gymnast ever to capture five gold medals in international competition. We in the Washington, DC area and in the WOL Radio family are extremely proud, not just of Dominique's historic achievement, but of the inspiring example she sets for young African-American girls and women. With great skill and discipline and with grace, poise, and quiet determination, she has set an unrivaled mark and has blazed a trail that others in African-American community will seek to follow in their own ways. Congratulations, Dominique!

HONORING A DEDICATED AMERICAN VETERAN

HON. ILEANA ROS-LEHTINEN

OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Monday, September 26, 1994

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to take this opportunity to recognize the passing of Eliseo Jimenez Machado, a man who proudly served his adopted country in time of battle and who dedicated his life to improving his community.

In 1943, Eliseo J. Machado came to the United States from Cuba on a 90-day visa with two friends. He had $100 in his pocket. His dream was to immigrate to this country, marry his childhood sweetheart, Lucrecia, and raise a family. Eliseo and Lucrecia were blessed with two children, William and Katherine.

Prior to the visa expiration, he enlisted in the U.S. Army as a translator. After attaining the rank of corporal in the 89th Army Air Force base unit stationed in Wiesbaden, Germany, he was honorably discharged in December 1946. His many decorations included the World War II Victory Medal, World War II Victory Ribbon, and Army of Occupation Medal.

Returning to New York City, he was employed by American Cyanamid for 23 years, serving as manager of Latin American export division. His education included the University of Havana in Cuba, the Escuela Profesional de Comercio de la Habana, New York City College, and Henry George School of Social Science.

Upon retirement, he relocated to Miami and became active in Republican politics. He was awarded Florida's Grassroots Volunteer of the Year, was elected committeeman for the Republican Party, and was appointed chairman of voter registration. He never forgot his native country, Cuba, and was actively involved in efforts to bring democracy and liberty to the enslaved Cuban people. For these efforts, Eliseo was chosen president of the municipality of Colón in exile.

Mr. Machado was a conscious citizen who contributed much to his community. His presence will be especially missed in Miami. Eliseo Jimenez Machado was a great man.

TRUMAN LAMB, JR., OUTSTANDING COUNTY AGRICULTURAL AGENT

HON. JOHN BRYANT

OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Monday, September 26, 1994

Mr. BRYANT. Mr. Speaker, it is with pleasure and a great degree of pride that I draw your attention to the annual meeting of the National Association of County Agricultural Agents to be held in Casper, WY from Monday through Thursday, September 26–29, 1994.

Our Nation and those nations dependent on America's farmers for supplementing their food supply owe a debt of gratitude to the dedicated professionals who are literally out in the field, working beside the American farmer to produce, faster and cheaper, more and better crops.

In my home State of Texas, county agricultural extensions agents answer many needs, from landscape and lawn adviser in urban areas to soil and crop expert in rural areas. They know their advice can be the difference between a family farm providing crops and livelihoods for families or turning into unproductive land while its former owners move to the city and hope for a job in a service-related field.

One Texas county agent who has made a difference for the better—and I'm proud he is a constituent of mine—is Truman Lamb, Jr. of Fairfield, the Freestone County agricultural agent. When he and his peers from throughout the country gather in Casper this week, Mr. Lamb will be recognized as one of only four winners of the Achievement Award from Texas.

The Achievement Award is a national award presented annually to country agricultural extension agents with less than 10 years of service who have excelled in their profession. Each recipient is selected by his colleagues based on outstanding professional growth, program effectiveness, leadership ability, and civic and community involvement.

Mr. Lamb has been Freestone County agricultural extension agent for 6 years, following 4 years with the Texas Agricultural Extension Service in Anderson County, which is also in my district. His educational and professional background have blended with his personal commitment to bring outstanding service and results to the residents of our area.

Mr. Lamb has spent most of his life in east and central east Texas. The son of Mr. and Mrs. Truman Lamb, Sr. of Kennard in Houston County, TX, he was active in 4–H, Future Farmers of America, and athletics in high school, while helping out on the family farm—where he gained firsthand knowledge of the challenges America's family farmers face every day of every year.

He attended Henderson County Junior College in Athens, TX, an institution now known as Trinity Valley Community College, and received his bachelor's degree in agriculture from Sam Houston State University in Huntsville. Mr. Lamb has since done graduate work at both Sam Houston State and Prairie View A&M University.

He worked with Rollins Environmental Service in Deer Park, Vulcraft in Grapeland, and the Texas Department of Corrections in Huntsville prior to joining the Extension Service.

Mr. Speaker, I join Truman Lamb, Jr.'s wife, Debra, his 12-year-old son Kyle, the remainder of his family, his colleagues in the field working for the American farmer, and his many friends in extending thanks for a job well done and congratulations on receiving the richly deserved Achievement Award.

HONORING GEORGE S. HAMMOND FOR WINNING THE NATIONAL MEDAL OF SCIENCE

HON. PAUL E. GILLMOR

OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Monday, September 26, 1994

Mr. GILLMOR. Mr. Speaker, it gives me great pleasure to rise today and recognize an outstanding citizen of Bowling Green, OH. Eminent science educator Dr. George S. Hammond, senior McMaster fellow at the Bowling Green State University Center for Photochemical Sciences, has won the National Medal of Science.

Dr. Hammond is one of eight scientists and the only chemist being named this year to receive the Nation's top scientific honor. He is being recognized for virtually creating the field of organic photochemistry, laying the theoretical foundations for research in this area and for hundreds of commercial products developed from its applications.

Born in 1921 in Auburn, ME, Hammond attended Bates College in Maine where he earned his bachelor of science degree in chemistry. He attended Harvard University, where he earned a masters and doctorate degree in chemistry.

Dr. Hammond is the author or coauthor of a total of 5 books and more than 300 papers, and he has been recognized numerous times by the National Academy of Sciences and the

American Academy of Arts and Sciences. He has received the ACS Award in petroleum chemistry, the James Flack Norris Award in physical organic chemistry, the Danforth Award for gifted teachers and the Priestly Medal, the American Chemical Society's highest award for service to the profession.

George Hammond's success as a researcher is based on a combination of profound insight and a prodigious awareness of the chemical literature. He is also cited for having trained a major percentage of the important American organic photochemists during the past three decades.

I ask my colleagues to join me in congratulating George Hammond on this latest accomplishment. His dedication and insight have provided benefits for all Americans.

PROTECT SMALL BUSINESS CONSUMERS: REQUIRE DISCLOSURE OF LONG DISTANCE RESALE SERVICES

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, September 26, 1994

Mr. GEJDENSON. Mr. Speaker, today I am introducing legislation to require long distance telephone service resellers and their marketers to fully disclose the long distance service carrier that they offer, and to disclose their actual relationship to the long distance carrier advertised. I invite my colleagues to join me in supporting these important consumer protections, which particularly impact small businesses.

The need for this legislation arose as a result of the increasingly competitive long distance telephone market in which companies known as resellers offer long distance telephone service in a variety of discounted plans. Sometimes they have their own lines and offer long distance service plans; sometimes they buy blocks of telephone line time from AT&T, MCI, Sprint, or one of the large long distance carriers at a discount, repackage them, and market them as discount plans. This is a legitimate industry and can save consumers and small businesses money on their long distance service.

In recent months, however, small businesses have been receiving calls, letters, and unsolicited faxes from firms offering discounted long distance telephone service. In many cases, these solicitations lead the customer to believe that the reseller is merely an extension of the existing carrier, by advertising "AT&T Long Distance for Less" or by calling themselves the "AT&T Corporate Discount Plan." But in fact the reseller may have no connection with AT&T, and may even have no intention of consistently providing repackaged AT&T service, choosing instead to shop around for the cheapest long distance time to resell to the customer.

Thinking that they are getting a good deal from a subsidiary, small businesses, many of which work on a very tight margin and need to pinch pennies wherever they can, jump at the chance to save money on their long distance telephone service. Unfortunately, they do not get what they expect. As it turns out, the firm which sold them the service has no connection to AT&T or MCI or Sprint. The unsuspecting small business has had its long distance service provider changed, and is none the wiser—until there is a problem.

Small businesses, like Jan Electronics in New London, CT, depend on their telephones—particularly their 800 service—as their lifeblood. What happens if something goes wrong? What happens if their 800 lines go down? Whom do they call? In many cases, since they think they have AT&T, they will call AT&T, only to be told, "No, you are not our customer; those are not our lines." Upon calling the local exchange carrier, the customer finds out that in fact their long distance service provider is a company they have never heard of. Just to discover this information they have lost precious time, sales revenue, and who knows how many customers. What is worse, the time was wasted just looking for the right place to get service. The problem has not begun to be fixed.

In recent months, the Federal Communications Commission, which regulates interstate telephone service, has received more than 650 complaints about misrepresentation by resellers. Because it is a new matter, the FCC has issued no regulations, and tries to handle each complaint on a case-by-case basis. So far, they have had little or no success in stopping the problem.

The legislation I am introducing today would require long distance resellers and their agents to disclose their actual relationship to the long distance carrier they are selling—if there is a relationship at all. Resellers will not be able to advertise "the AT&T discount plan" if they are not providing AT&T service, nor can they represent themselves as an MCI company if they are not. The bill further requires resellers to disclose the name of the actual interexchange carrier or long distance carrier to the customer. This will mean that small businesses will know exactly whose service they are getting and whom to contact when there is a problem with service.

This legislation will protect consumers and small businesses by requiring that complete information on their long distance service be provided by resellers. Furthermore, this legislation will be good for the telephone resale industry. By weeding out the bad apples, credibility can be restored and legitimate businesses can more easily market their services.

GATT: THE NEED FOR CARIBBEAN INCLUSION

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 26, 1994

Mr. TOWNS. Mr. Speaker, I rise today to draw my colleague's attention to a statement made by Ambassador Richard Bernal of Jamaica regarding the importance of passing the Caribbean Interim Trade Program [ITP] in the GATT implementing bill this year. Ambassador Bernal made this statement at a workshop on U.S./Caribbean relations that I hosted during the recent 24th annual legislative conference for the Congressional Black Caucus Foundation.

By working to expand mutually beneficial trade linkages between the United States and the Caribbean, the ITP will strengthen the framework for long-term economic growth and development in the Caribbean. This is of crucial importance, not only in sustaining economic growth in many communities throughout the United States, but in laying the economic foundations for peace and long-term political stability throughout the region.

As my colleagues consider United States policy towards the Caribbean in the coming days, I would urge them to review this piece to gain insight on the importance—to both the United States and to the Caribbean nations—of a healthy and vigorous commercial partnership.

Mr. Speaker, I submit Ambassador Bernal's statement for the RECORD.

REMARKS BY H.E. DR. RICHARD BERNAL, AMBASSADOR OF JAMAICA ON THE CARIBBEAN INTERIM TRADE PROGRAM, SEPTEMBER 15, 1994

A. STATUS OF THE CARIBBEAN INTERIM TRADE PROGRAM

The ITP was proposed for inclusion in the GATT bill by the Clinton Administration in May, 1994. The GATT bill is now in the Joint Conference to work out differences between Senate and House versions of the bill. The Conference is scheduled to be completed by next Wednesday, September 21, and the Administration hopes to introduce a final bill to the Congress by Monday, September 26.

The ITP is contained in the House version of the GATT bill, and is strongly supported by acting Chairman Gibbons and the House Conferees. The ITP is not contained in the Senate version of the GATT bill, although many Senate conferees support the ITP and the expansion of the $25 billion U.S./Caribbean trade relationship.

To guarantee enactment of the ITP as part of the GATT bill this year, the Senate must recede to the House position on the ITP.

B. REASONS WHY THE CBI INTERIM TRADE PROGRAM IS NEEDED

Growth promotion

The Interim Trade Program (ITP) will result in an expansion of the CBI, a program that has promoted growth in the United States and the Caribbean over the past decade. Over 50 percent of GDP growth in the United States since 1987 has been generated by export growth, and the Caribbean Basin represents the region where U.S. exports have grown most rapidly. In 1993, the United States posted its eighth consecutive trade surplus with the Caribbean with the U.S. registering a 100 percent increase in exports to the CBI since 1983. Combined bilateral trade now exceeds $22 billion a year. Additionally, under the CBI Program Caribbean exports to the United States have expanded by 40 percent stimulating growth throughout the Caribbean region.

Employment creation

The CBI program has provided 16,000 new jobs annually, a total of nearly 250,000 jobs over the last 10 years. The interim trade program will insulate those jobs from potential erosion that will be caused as Mexico's preferential access to the United States under NAFTA leads to trade and investment diversion from the Caribbean.

U.S. competitiveness

The interim trade program will enhance U.S. competitiveness, especially in the textile and apparel industry. Garments produced in Jamaica are 70 percent U.S. origin and 30 percent Jamaican. Such complementarity of production means that the U.S. garment industry can manufacture price competitive garments to maintain an internationally competitive position. In this way, the U.S. garment industry will be able to compete effectively in the global market place with low-wage, non-American manufacturers who do not use American textiles, labour, or inputs.

Promote regional security

The interim trade program will enhance regional security. The U.S. border with the Caribbean and Central America, is often breached by illegal immigrants and drug traffickers. Poverty creates an environment which spawns such illegal activities. The ITP will help to provide economic alternatives to such activities and support regional peace, stability, and democracy by stimulating sustained economic growth.

The interim trade program will serve as a cost effective foreign and economic policy instrument. The predicted erosion of fiscal revenues due to the lowering of tariffs will be more than offset by the increased revenues yielded by U.S. employment gains and export growth. Moreover, the ITP will create the trade-based economic growth model and reinforce economic reform that can support regional development as foreign aid to the region is further reduced.

Improved market access

The interim trade program improves U.S. market access to the Caribbean by providing for the negotiation of bilateral investment treaties (BITs), intellectual property rights (IPR) agreements, special market access commitments, and strengthened environmental and labour standards. Such agreements will not only provide for a stable and predictable framework for U.S./Caribbean relations, but it will also lead to improved performance for U.S. investors and exporters in the Caribbean.

C. REASONS WHY THE CBI INTERIM TRADE PROGRAM IS NEEDED NOW

Consistent with GATT

The GATT is a perfect legislative vehicle for the interim trade program because the ITP is consistent with the principles enumerated in the GATT bill. The ITP will lead to expanded market access and trade liberalization—two principles at the heart of the GATT deal. The interim trade program will also help the U.S. and the Caribbean garment industries meet the challenges presented by GATT's 10-year phase-out of the multi-fiber arrangement which governs textile and apparel quotas.

Complementary to NAFTA

The interim trade program will serve as an urgent and needed transitional arrangement that can help restore a level playing field between Mexico and the Caribbean Basin countries vis-a-vis the U.S. market. If the interim trade program is not enacted soon, the Caribbean countries and US-CBI trade will suffer serious trade and investment diversion.

GATT bill

The 1994 GATT Implementing Bill is the only trade bill that Congress will consider during 1994. It is imperative that the interim trade program be passed as part of the GATT bill. If GATT is delayed, or if the interim trade program is left off the GATT bill, there will be no other opportunity to pass trade legislation. This will place in jeopardy the U.S./Caribbean trade partnership.

Presidential commitment

The Interim Trade Program represents a fulfillment of the commitment, made by President Clinton to the Prime Ministers and Presidents of the Caribbean and Central America, to ensure that countries of the CBI region would not be adversely affected by the implementation of the NAFTA. It is important that Congress and the Administration follow through on this commitment to the region.

U.S. EXPORTS TO CBI COUNTRIES BY STATE, 1987–1993

[In thousands of U.S. dollars, unless otherwise noted]

State	1987 Exports	1993 Exports	Dollar change	Percent change
Alabama	111,485.6	199,386.8	87,901.2	78.8
Alaska	4,200.9	4,305.4	104.5	2.5
Arizona	9,167.7	14,556.4	5,388.7	58.8
Arkansas	19,624.3	53,349.7	33,725.4	171.9
California	331,242.2	379,055.9	47,813.7	14.4
Colorado	40,036.4	21,458.2	−18,578.2	−46.4
Connecticut	47,811.0	114,874.2	67,063.2	140.3
Delaware	14,113.7	20,282.2	6,168.5	43.7
Florida	2,622,685.8	4,305,116.5	1,682,430.7	64.1
Georgia	322,980.0	619,108.4	296,128.4	91.7
Hawaii	1,043.1	1,775.3	732.2	70.2
Idaho	668.6	2,794.4	2,125.8	317.9
Illinois	118,247.9	222,718.8	104,470.9	88.3
Indiana	33,278.6	54,156.6	20,878.0	62.7
Iowa	22,357.4	37,167.9	14,810.5	66.2
Kansas	16,584.1	45,455.0	28,870.9	174.1
Kentucky	20,833.9	57,929.9	37,096.0	178.1
Louisiana	776,725.6	937,730.4	161,004.8	20.7
Maine	5,168.4	25,555.2	20,386.8	394.5
Maryland	30,607.7	43,609.6	13,001.9	42.5
Massachusetts	65,572.7	84,460.3	18,887.6	28.8
Michigan	44,588.1	74,014.3	29,426.2	66.0
Minnesota	51,721.4	65,827.6	14,106.2	27.3
Mississippi	100,205.6	200,205.8	100,000.2	99.8
Missouri	49,240.7	82,085.2	32,844.5	66.7
Montana	136.3	649.6	513.3	376.6
Nebraska	6,273.8	11,245.6	4,971.8	79.2
Nevada	3,674.5	3,772.3	97.8	2.7
New Hampshire	34,694.3	43,878.5	9,184.2	26.5
New Jersey	184,790.0	253,648.9	68,858.9	37.3
New Mexico	13,447.4	5,916.5	−7,530.9	−56.0
New York	362,855.2	584,627.2	221,772.0	61.1
No. Carolina	148,783.4	571,660.4	422,877.0	284.2
No. Dakota	1,001.1	1,206.5	205.4	20.5
Ohio	96,324.6	183,525.4	87,200.8	90.5
Oklahoma	16,824.3	36,775.2	19,950.9	118.6
Oregon	5,144.4	13,807.8	8,663.4	168.4
Pennsylvania	142,292.8	204,439.4	62,146.6	43.7
Rhode Island	8,152.6	10,652.3	2,499.7	30.7
So. Carolina	104,379.6	172,625.0	68,245.4	65.4
So. Dakota	525.9	1,139.1	613.2	116.6
Tennessee	77,462.3	172,855.8	95,393.5	123.1
Texas	888,078.9	1,330,982.6	442,903.7	49.9
Utah	3,901.7	5,243.5	1,341.8	34.4
Vermont	1,334.7	6,809.3	5,474.6	410.2
Virginia	121,251.4	213,593.7	92,342.3	76.2
Wash. DC	2,106.1	4,746.0	2,639.9	125.3
Washington	40,796.4	143,141.1	102,344.7	250.9
West Virginia	3,588.7	8,887.3	5,298.6	147.6
Wisconsin	56,485.9	93,341.9	36,856.0	65.2
Wyoming	8.0	6,186.6	6,178.6	77,232.5
Total	7,184,505.7	11,752,337.5	4,567,831.8	63.6

Source: Adjustments to Data from U.S. Census Bureau, Foreign Trade Division by Massachusetts Institute of Social and Economic Research; University of Massachusetts

FINANCIAL DISCLOSURE FOR 1993

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 26, 1994

Mr. MAZZOLI. Mr. Speaker, it has been my custom to submit a statement of financial disclosure every year in which I have served in the House of Representatives. While the law now dictates that Members of Congress submit financial disclosure statements in May of each year, I also continue to file this detailed family financial report as I have since 1971. In this way, my constituents are kept fully and completely informed concerning my financial status and that of my family.

Romano L. and Helen D. Mazzoli Income—Calendar Year 1993

Salaries and fees:	
U.S. House of Representatives (R.L. Mazzoli)	$133,600.00
Alexandria Drafting Co. (Helen Mazzoli)	30,211.20
Total salaries and fees	163,811.20
Interest, Dividends, Rents and Distributions:	
Congressional Federal Credit Union:	
No. 62976–0 (Member/Savings)	.79
No. 62976–1 (Member/Checking)	1.01
No. 84720–0 (Spouse/Savings)	45.44
No. 84720–1 (Spouse/Checking)	168.25
Congressional Federal Credit Union:	
Certificates of Deposit (Spouse):	
No. 32256	17.78
No. 32257	29.00
Interest on Matured Certificates of Deposit (Spouse):	
No. 25778 (Matured 10/19/93)	155.59
No. 25799 (Matured 10/19/93)	253.74
First National Bank and Trust Co.:	
No. 427–5518–4 (Joint/Special Account)	3.91
Liberty National Bank and Trust Co.:	
No. 00922668 (Member/Checking)	176.78
Liberty National Bank and Trust Co.:	
Certificate No. 01–024–0064989 (Spouse)	311.19
U.S. Savings Bonds Series E (Member)	216.55
U.S. Treasury bills (Spouse):	
No. 912794YW8	322.00
No. 912794YZ1	321.50
No. 912794ZR8	300.30
Massachusetts Mutual Life Ins. Co.:	
Profit Sharing Plan (Spouse)	664.25
Liberty National Bank & Trust Co.:	
IRA No. 2905081232 (Member)	1,781.11
IRA No. 01527329 (Spouse)	1,904.82
Civil Service Retirement System:	
Voluntary Contribution Program	
No. 37943VC (Member)	2,358.40
Federal Employee Thrift Savings:	
Plan (401–k) (Member)	1,350.95
Total interest, dividends, distributions	10,383.36
Total income	174,194.56

Statement of financial worth December 31, 1993

Cash, Stock, Bonds, and Certificates of Deposit:	
Congressional Federal Credit Union:	
No. 62976–0 (Member/Savings)	$28.77
No. 62976–1 (Member/Checking)	45.19
No. 84720–0 (Spouse/Savings)	1,662.67
No. 84720–1 (Spouse/Checking)	5,970.68
Congressional Federal Credit Union:	
Certificates of Deposit (Spouse):	
No. 32256	2,916.85
No. 32257	4,756.95
First National Bank and Trust Co.:	
No. 427–5518–4 (Joint/Special Account)	200.77
Liberty National Bank & Trust Co.:	
No. 00922668 (Member/Checking)	8,382.79
Liberty National Bank & Trust Co.:	
Certificate No. 01–02400064989 (Spouse)	6,739.97
U.S. Savings Bonds Series E (Member):	3,246.11
U.S. Treasury bills (Spouse):	
No. 912794YW8	10,000.00
No. 912794YZ1	10,000.00
No. 912794ZR8	10,000.00
Massachusetts Mutual Life Insurance Co.:	
Profit Sharing Plan (Spouse)	7,880.62
Total cash, stock, bonds, and certificates of deposit	71,831.37
Retirement Funds/Individual Retirement Accounts:	
Liberty National Bank & Trust IRA:	
IRA No. 2905081232 (Member)	$22,502.90
Liberty National Bank & Trust Co.:	
IRA No. 01527329 (Spouse)	24,907.98
Civil Service Retirement System:	
Contributions Since 1971 (Member)	113,303.08
Civil Service Retirement System—Voluntary Contribution Program:	
No. 3794VC (Member)	45,929.97
Federal Employee (401–k):	
Thrift Savings Plan (Member)	45,721.43
Total retirement/individual retirement accounts	252,365.36
Real Estate:	
Personal Residences (jointly-held):	
939 Ardmore Drive, Louisville, KY 40217	
Assessed Value	$69,020.00
Less: Mortgage	565.07
Net Value	68,454.93
1030 Anderson Street, Alexandria, VA 22312	
Assessed Value	$188,600.00
Less Mortgage	30,028.56
Net Value	158,571.44
Total real estate	$227,026.37
Automobiles:	
1965 Rambler (Assessed Value)	$293.00
1973 Chevrolet (Assessed Value)	812.00
1985 Chevrolet (Assessed Value)	1,670.00
Total automobiles	2,775.00
Household Goods and Miscellaneous Personal Property	$8,000
Net assets	561,998.10

1993 Income Tax Recapitulation

Total adjusted gross income	$162,644.00
Deductions and exemptions	39,409.00
Taxable income	123,235.00
Federal:	
Tax withheld	35,436.00
Tax due	30,731.00
Refund due	4,705.00
Kentucky:	
Tax Withheld	9,677.00
Tax due	6,807.00
Refund due	2,870.00
Virginia:	
Tax withheld	1,329.00
Tax due	837.00
Refund due	492.00
Occupational tax, Louisville and Jefferson County, Kentucky: Tax paid (for previous year)	1,641.00

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference.

This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, September 27, 1994, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 28

9:00 a.m.

Office of Technology Assessment

Board meeting, to consider pending business.

EF-100, Capitol

9:30 a.m.

Energy and Natural Resources

To hear and consider the nomination of Rhea Lydia Graham, of New Mexico, to be Director of the United States Bureau of Mines, Department of the Interior.

SD-366

Foreign Relations

To hold hearings on the nomination of David G. Newton, of Virginia, to be Ambassador to the Republic of Yemen.

S-116, Capitol

Judiciary

Business meeting, to consider pending calendar business.

SD-226

10:00 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine the condition of the United States capital markets and globalization of world capital markets.

SD-538

Finance

Business meeting, to mark up S. 1834, authorizing funds for programs of the Comprehensive Environmental Response, Compensation, and Liability Act (Superfund).

SD-215

Labor and Human Resources

To hold hearings on Federal job training programs.

SD-430

10:30 a.m.

Foreign Relations

To hold hearings on the Convention on the Conservation and Management of Pollock Resources in the Central Bering Sea (Treaty Doc. 103-27).

SD-419

2:00 p.m.

Foreign Relations

To hold hearings on the nominations of Geraldine A. Ferraro, of New York, for the rank of Ambassador during her tenure of service as U.S. Representative on the Human Rights Commission of the Economic and Social Council of the United Nations, Thomas E. McNamara, of the District of Columbia, to be Assistant Secretary of State for Politico-Military Affairs, Robert B. Fulton, of Pennsylvania, to be Associate Director for Information of the U.S. Information Agency, and Vonya B. McCann, of Maryland, for the rank of Ambassador during her tenure of service as Deputy Assistant Secretary of State for International Communications and Information Policy.

SD-419

Foreign Relations

African Affairs Subcommittee

To hold hearings on the proposed African conflict resolution.

SD-430

Judiciary

To hold hearings on pending nominations.

SD-226

4:00 p.m.

Select on Intelligence

To hold closed hearings on intelligence matters.

SH-219

SEPTEMBER 29

9:30 a.m.

Armed Services

Force Requirements and Personnel Subcommittee

To hold hearings to examine the Department of Defense response to the Persian Gulf illness.

SD-106

Energy and Natural Resources

To hold hearings to examine the Agreement for Cooperation on Peaceful Uses of Atomic Energy Between the United States and the European Atomic Energy Community (Euratom).

SD-366

Environment and Public Works

Clean Water, Fisheries and Wildlife Subcommittee

To resume hearings on proposed legislation authorizing funds for programs of the Endangered Species Act, focusing on conservation on public lands.

SD-406

Special on Aging

To hold hearings to examine the sale of uninsured bank projects to older Americans.

SD-628

10:00 a.m.

Finance

Business meeting, to mark up proposed legislation to approve and implement the Uruguay Round of Multilateral Trade Negotiations.

SD-215

Foreign Relations

Business meeting, to consider pending calendar business.

SD-419

Select on Intelligence

To hold closed hearings on intelligence matters.

SH-219

10:30 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings on the nomination of Marsha P. Martin, of Texas, to be a Member of the Farm Credit Administration.

SR-332

1:00 p.m.

Judiciary

To hold hearings on implementing the provisions of the Violent Crime Control and Law Enforcement Act dealing with violence against women.

SD-226

2:00 p.m.

Armed Services

To hold hearings on the nominations of Gen. Ronald R. Fogleman, USAF, for reappointment to the grade of general and to be Chief of Staff, United States Air Force, Lt. Gen. John J. Sheehan, USMC, for appointment to the grade of general and to be Commander in Chief, U.S. Atlantic Command, Gen. Robert L. Rutherford, USAF, for reappointment to the grade of general and to be Commander in Chief, United States Transportation Command and Commander, Air Mobility Command, and Lt. Gen. Daniel W. Christman, USA, for reappointment to the grade of lieutenant general and to be Assistant to the Chairman of the Joint Chiefs of Staff.

SR-222

OCTOBER 4

10:00 a.m.

Foreign Relations

To hold hearings to examine the status report on United States assistance to the newly Independent States.

SD-419

Labor and Human Resources

To hold hearings on the Department of Labor's Job Corp. program for at-risk youth.

SD-430

OCTOBER 13

9:30 a.m.

Governmental Affairs

Oversight of Government Management Subcommittee

To hold oversight hearings on the Navy's mismanagement of the sealift tanker contract.

SD-342

CANCELLATIONS

SEPTEMBER 30

9:30 a.m.

Governmental Affairs

Regulation and Government Information Subcommittee

To hold hearings on S. 2136, to prohibit sponsorship of television violence by agencies of the Federal Government.

SD-342

HOUSE OF REPRESENTATIVES—*Tuesday, September 27, 1994*

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore [Mr. SANGMEISTER].

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 27, 1994.

I hereby designate the Honorable GEORGE E. SANGMEISTER to act as Speaker pro tempore on this day.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

MORNING BUSINESS

The SPEAKER pro tempore. Pursuant to the order of the House of February 11, 1994, and June 10, 1994, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority and minority leader limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from California [Mr. MILLER] for 2 minutes.

COMMENTS ON GOP CONTRACT WITH AMERICA

Mr. MILLER of California. Mr. Speaker, today future Minority Leader GINGRICH will blindfold the Republican candidates and bring them to the Capitol and get them to sign a contract for the future of America. Unfortunately, not only does this contract signal the bankruptcy of Republican ideas, but it foretells the bankruptcy of this Nation. The last time we embarked on this program of tax cuts for the rich, increased defense spending, and no way to pay for it, this country accumulated $4 trillion in debt, $1 trillion in new debt of the eighties. Not only were the eighties bankrupt, but so was the Nation at the end of the eighties.

I would hope that Americans would read this contract before they decide whether they will want to sign it or not. We fully expect the Republican candidates for office to sign this contract, because tonight at a fund-raiser they will be paid for signing this contract. They will be paid by the special interests who seek to have these tax cuts for their narrow special interests and their wealthy friends.

Today the Republicans converge on the Capitol to sign a contract, a contract to increase the deficit by at least $120 billion, a contract to cut Social Security, a contract to reduce Medicare coverage for the elderly, a contract that provides tax cuts for the rich and $1 trillion in debt for the middle class.

We have seen this before, ladies and gentlemen of this Chamber, and we have seen this before, I say to our constituents throughout the country, and that was the 1980's, when we tripled the debt of this country and we lost our ability to compete overseas.

Now, the Republicans are obviously doing this because they have run out of ideas to combat what has taken place here with the real deficit reduction of the Clinton economic proposal of last year, where none of them, none of them, supported what now has turned out to be deficit reduction far beyond the expectations of the critics of that plan and even the supporters of that plan.

I would hope that America would not follow the three blind mice of the Republican Party.

OUR CONTRACT WITH THE AMERICAN PEOPLE

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentleman from Ohio [Mr. BOEHNER] is recognized during morning business for 5 minutes.

Mr. BOEHNER. Mr. Speaker, you can see that our Democrat colleagues on the other side of the aisle do not like our contract with America. Today, Republicans are signing a contract with the American people. What makes this effort different than promises made in the past is we are in the majority, we will bring up 10 bills for complete and open consideration on the floor within the first 100 days. If we do not live up to our end of the contract, we would urge the American people to throw us out of office.

The liberal Democrat establishment in Washington is worried. Judging from their violent reaction to the idea of a contract with America, it is clear they are afraid—if the American people are given a pledge that is kept, it will ruin their chances of ever making empty promises again.

The liberal Democrat establishment in Washington does not understand the concept of a contract because they do not understand the meaning or the power of a kept promise. That is why my colleagues on the other side are so unhappy today.

Everyone should be aware that the people who are upset with the contract with America are the same people who promised to deliver health care within 100 days—2 years ago; the same people who promised a middle-class tax cut and raised everyone's taxes instead; the same people who promised to end politics as usual and instead have given us a scandal a week.

They never intended to delivery on their promises, so they assume everyone else does the same—but they are wrong, dead wrong.

And if we have a Republican House next year we will prove them wrong. Our word is our bond and it is our hope that this contract will help us restore the confidence of the American people in their elected leaders—and change politics as usual once and for all.

What is the contract?

The contract with America consists of commonsense ideas that have been consistently blocked by the liberal Democrat leadership of this House for the 40 years they have controlled Congress.

The contract is based on three basic principles that have been scarce in these parts for a long time: Accountability, opportunity, and responsibility. The populist proposals outlined in the contract are aimed at creating a Congress: More accountable to the people they represent and for tax dollars they spend; a Congress more willing to expand opportunity for our families, senior citizens, and for our free enterprise system; and a Congress more responsible for American security both here and abroad while encouraging greater personal responsibility rather than Government dependence.

Specifically, the contract is composed of 10 major legislative initiatives we shall bring to the House floor within the first 100 days of the next legislative session. Each part of the contract will be given full and open debate with a clear vote on each. In addition, the legislation will be available for public scrutiny before it is considered on the floor. In this way the American people will have the opportunity to have their concerns debated and voted on by the House of Representatives.

Specifically, the proposals included in the contract include:

Term limits.—Republicans promise a vote on a constitutional amendment to limit the number of terms Members of Congress can serve;

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Welfare reform.—Replace the welfare state with programs which encourage people to work, not to have children out-of-wedlock.

Balanced budget amendment and line-item veto.—Force the Congress to live within their means with a constitutional amendment while giving the President the power to eliminate specific pork projects from spending bills.

Commonsense legal reform.—Limit the excessive legal claims by trial lawyers and frivolous lawsuits.

The point of this contract is accountability, something we have not seen in Washington in a long time. Too many politicians say one thing at home, then hide behind the Democrat leadership's manipulation of the rules to avoid having to actually vote. Proposals are buried in committees, rules are rigged to avoid open debate and the process is stacked against accountability. Bringing these proposals to a vote ensures accountability.

My support for the contract consists of more than just words—my signature is on the dotted line. This agenda is only radical inside the beltway, where for years the powers-that-be prevented these straightforward ideas from even being considered by the people's House.

Mr. Speaker, the contract is designed to restore the bonds of trust between the American people and their elected representatives.

Those that laugh at the contract are part of the same group that has controlled the House for 40 years. They forgot long ago what it means to be accountable.

Remember, this is not a promise, this is a contract. And if we do not live up to our part of the bargain, throw us out.

☐ 1040

REPUBLICAN CONTRACT WITH AMERICA

The SPEAKER pro tempore (Mr. SANGMEISTER). Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentleman from South Carolina [Mr. DERRICK] is recognized during morning business for 3 minutes.

Mr. DERRICK. Mr. Speaker, right outside, on the steps of the U.S. Capitol, Republicans are saying they are signing a contract to help the American people. NEWT GINGRICH is out there telling all who will listen this contract is a great plan for the people.

But let me share with you some facts NEWT won't tell you.

The only people who will gain anything by this so-called contract are the Republican leadership and their wealthy contributors.

This is one of those prearranged contracts for cash. NEWT GINGRICH and his wealthy political contributors tell Republican candidates for Congress exactly what to do.

The Republican candidates sign a blood oath, a contract for cash, to do exactly what NEWT and his merry band of wealthy contributors want them to do. Then tonight, the Republican candidates receive their big payoff.

Tonight, Republicans will attend a big political fundraiser. If you are one of the Republican candidates who sold your future votes by signing NEWT's contract today, then you can pick up a check tonight from NEWT's wealthy contributors.

So, it is simple. If you are a Republican candidate for Congress, your party bosses told you to sign away your independent voice. You have signed away the priorities and the best interests of your district. For selling your vote and your district in exchange for what is best for NEWT and the Republican Party bosses, you will receive a big check tonight.

How do I know this contract was written by NEWT and his wealthy contributors? NEWT explained the arrangement in his own words. Just listen to what NEWT told his wealthy contributors about his so-called contract in a letter he sent out asking for money for his own political action committee, GOPAC. "Will you help me draft the Republican legislative agenda for the 104th Congress?" GINGRICH asked, just before he asked for a financial contribution to GOPAC.

Isn't it obvious that NEWT is willing to sell his Republican legislative agenda to anyone who can afford to buy it?

Let me read to you what Ellen Miller of the Center for Responsive Politics said about NEWT's so-called contract for cash in a recent Roll Call article.

> If you really believed the fundraising appeal, it would be auctioning off the legislative agenda. It's a cheap political fundraising technique which exacerbates public cynicism about politics.

So NEWT won't tell you the straight facts. He won't tell you this contract for cash benefits only the wealthy and the Republican leadership.

And let me tell you what else NEWT won't tell you. This contract, by conservative estimates, will cost $1.6 trillion over the next 7 years.

NEWT won't tell you where the money is coming from. That is a little detail he left out of the contract for cash.

Well, common sense will tell you it won't come from NEWT and his wealthy contributors. Remember, they wrote the contract.

The $1.6 trillion will cost the hard-working middle-income families in this country who are struggling to get by. They are not the ones who will get the tax breaks under the contract designed by NEWT and his wealthy contributors.

As noted in a recent Wall Street Journal story, the facts are different for what the Republicans want you to believe. Let me read you an excerpt on the Gingrich contract from that Wall Street Journal article.

> The biggest tax break would be a $500 tax credit per child for all families making up to $200,000 a year. Since it's not refundable, it wouldn't help low-income taxpayers. Thus, a couple with four kids making $190,000 would subtract $2,000 from their taxes, but a couple with four kids making $19,000 would get nothing. The point of any children's allowance ought to be to help families cope with financial burdens.

As pointed out in this article, NEWT's plan tries "to camouflage goodies to upper-income taxpayers."

It will also come at the cost of senior citizens who daily face the difficulties of living on a fixed income.

The Republican contract calls for tax cuts and balancing the budget that would mean eliminating $700 billion more in cuts in 5 years, according to Republican leader DICK ARMEY.

What the Republicans won't tell you is these cuts will come from Social Security and Medicare.

This is a contract to help the wealthy and hurt middle-income American families and our senior citizens. Now NEWT and his wealthy contributors won't tell you that.

I ask the Republican candidates who are there now: Have you read the fine print in this contract? Don't sell out your district and your vote to the Republican party bosses for cash. Read the fine print of this contract for cash and you will see the truth for yourself.

THE CONTRACT BEGINS OPENING DAY

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentlewoman from Washington [Ms. DUNN] is recognized during morning business for 4 minutes.

Ms. DUNN. Mr. Speaker, the American people don't want politics as usual. The status quo is failing. They yearn for politicians who are willing to give their word, to be accountable and then leave Congress if they don't live up to it. In other words, the people want a binding contract.

Further they want politicians—regardless of party—to sign a contract with them to be responsible for the things taxpayers care about: from tax relief for families to reduced redtape to cutting back the bloated bureaucracy of the Congress itself.

Guess what, Mr. Speaker. That is what this contract is all about: accountability and responsibility. And to write this contract, we went to the grassroots of America: we went to candidates who are out doorbelling their neighborhoods. And we asked a simple question: What do Americans want from their Congress?

We then put it in the form of a contract, pledged to sign it, and even provide taxpayers with a simple scorecard so that they can grade their Member of

Congress on whether or not he or she is delivering on the contract.

That's all it is: a straightforward contract with the taxpayers of America based on the things they want, from a Congress they perceive as distant and disconnected. It's not a Washington, DC-controlled blueprint, rather it is a blueprint designed by the people we represent—designed to return the control of Washington, DC, to the people.

What I want to stress in my remarks is that the contract with America will take effect on day one of next year, January 3, 1995. On opening day, if the pro-contract forces are in a majority, we will rewrite the rules of the House. In effect, we'll give the House back to the taxpayers. And how will we do this?

Well, first, we will force the Members of the House to live under the laws that apply to the rest of the country. We do not have to wait for the Senate or the President to act; we can make it a part of our own House rules.

Second, we'll audit the entire Congress for waste, fraud, and abuse. The House has been under control of one party for 40 years, accountable to no one, especially the taxpayers. That kind of absolute power invites abuse. We'll find it and fix it.

Third, we'll cut deeply into the overgrown bureaucracy that has sprung up around the Congress itself. Committees have staffs that are too large, too partisan and often too highly paid. Mr. Speaker, about 100 staff people here in the House earn more than Gen. Colin Powell made when he was Chairman of the Joint Chiefs of Staff. No wonder the American people think Congress is out of control.

Fourth and finally, on opening day we'll abolish the practice of closed-door committee hearings. No longer will the American taxpayer be kicked out of a hearing because arrogant Members of Congress want privately to discuss ways to spend that taxpayer's money. We'll protect national security, of course, but other than that we'll say, "Leave the doors open, let the public and the free press have a seat in the meeting room, and let the sun shine in."

Mr. Speaker, this need not be partisan. Anybody who wants to be a Member of Congress can sign this contract.

The American people have spoken clearly on these matters: They want real welfare reform, a real crime bill, a real line-item veto, real family tax relief, and real term limits.

Let's take advantage of the "window of opportunity" this fall's elections offer us, to put in place a majority who will fight to give the peoples' House back to the people.

REHIRE THE FACTS-CHECKER

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentlewoman from Colorado [Mrs. SCHROEDER] is recognized during morning business for 2 minutes.

Mrs. SCHROEDER. Mr. Speaker, I realize that Members of Congress are fun targets for the news media, but ABC News has put me in a very difficult position. I cannot decide whether I am a target or whether they are trying to help me. They must have fired their facts-checker, the facts-checker must have gone away through budget cuts or something, because they keep running a story about how I am the poster child and I have this humongous pension that is waiting for me out there the minute I quit.

I must admit, the first time I heard this I got very excited and thought, what am I doing hanging around here if there is a pot of gold down there waiting for me in Treasury. Unfortunately, when I got to check the facts, I found out that in order to get anywhere near what they were talking about, I had to live to be more than 150 years old, and we had to have double-digit inflation every year and keeping the pension up to that level.

Well, maybe those things are going to happen. One cannot say that they could not possibly happen, but I really rather doubt that I am going to live that long. I certainly hope we do not have double-digit inflation that long.

So now I am perplexed, as they keep running this story, as to whether they may be sending another message. Maybe they are trying to say to people, "If you don't vote for Schroeder, she is going to get this huge pension." And maybe they think then that that is really helping me. If that is what they think, I am wondering if I have to report this to the Federal Elections Commission as a campaign contribution.

□ 1050

I just do not know. I really wish, wherever their fact-checker is, they would get the fact-checker back, because I think this is only confusing the whole thing.

A CONTRACT WITH AMERICA THAT CUTS GOVERNMENT AND SAVES AMERICANS MONEY

The SPEAKER pro tempore (Mr. SANGMEISTER). Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentleman from Ohio [Mr. KASICH] is recognized during morning business for 5 minutes.

Mr. KASICH. Mr. Speaker, this morning it is very interesting to the Members of this House to listen to the Democrats' vitriolic, at times, rhetoric here about the Republican contract with America. Frankly, Mr. Speaker, it is amazing to sit here and listen to people so concerned that they now resort to, in some cases, some vicious personal attacks against the Republican whip, NEWT GINGRICH.

However, the question is, Why is it that they would resort to these kinds of strong personal attacks, and the strong rhetoric against our plan? For one basic reason, Mr. Speaker. They are concerned that they are going to lose their empire; that for 40 years—I have only been alive 42 years, but for 42 years in this country they have owned it all. They have had the whole kingdom, and guess what? Their kingdom is being threatened. What happens when people are being threatened with a loss of what they have? They lash out and strike out. They will even resort to innuendo and hyperbole, and yes, even demagoguery, when it gets right down to it.

Mr. Speaker, what is the Democrat Party's contract with America? They have had a contract with America all of my lifetime. Their contract is real simple: Tax and spend, tax and spend. That is the Democrats' contract with America.

I remember when the President on the campaign trail said, "There is this old broken record the Republicans are going to put on, watch out for it." Do you remember when he said it? "The record is going to say, 'tax and spend, tax and spend, tax and spend.'" That is the way the President said it.

Guess what, he got off that bus that he came up here from Little Rock on and he sent us a budget bill, and guess what was in that budget bill? Tax and spend, tax and spend, tax and spend. That was what was in the bill. That is their contract with America.

The Republicans have decided that we are going to create a contract with America based on what we hear across this country. Let me say the one essential message we as Republicans hear from the American people: the Government is too big, the Government spends too much of your money, the Government wastes too much of your money, the Government of the United States here in Washington does not work in too many cases, and it taxes too much from you; that you go to work and you plug, and your wife has the main job and you have the second job, or vice versa, and you are trying to put a little extra money in the bank, you are trying to educate your kids, and you turn around and the Government is taxing you and wasting what you send to Washington.

And you are telling us you have had enough, and we hear you; we hear you, America. So we put a contract together that does one fundamental, basic thing: It cuts the influence of Washington, it reduces the level of spending in this town. And if anybody should have any doubts about it, I just ask you to go back and look at last year's budget proposal, where the Republicans gave family tax relief, $500 per child per family for families under $200,000, and we attempted to reinvigorate the infrastructure of this economy by giving incentives for business to expand and create jobs.

We did not cut the Defense Department to the bone, like this administration has done, and then send our people into harm's way. We had $60 billion over 5 years more in defense spending, and guess what? With family tax relief and incentives to create jobs, and more money for defense, we still had lower deficits than the President had in his budget, using our specific proposals to change the way that Washington works, and to downsize the operation of the Federal Government, plain and simple.

Mr. Speaker, also contained in this contract with America is an effort to try to fix the legal system. Everybody in America is fed up with being sued by everybody for everything. I just have to refer to the case of the lady that sued and won for having been scalded by a cup of coffee she bought in McDonald's 5 minutes earlier. Americans want to preserve the right to redress grievances in the courts, but we all know the pendulum has swung too far.

We are going to bring a vote up on term limits within the first 100 days, for this House to be put on record as to whether they want to change constitutionally the way in which we serve in this body, and we are going to enact the Shays Act.

No law we pass on you should not be complied just by us. It is just plain, simple common sense. We are going to cut the 30,000 congressional staff.

The bottom line is, Mr. Speaker, I say to the American people, you choose. Do you want a contract with America that calls for more tax and spend like we have had over the last 40 years, or are we going to have a contract with America that cuts Washington and gives you your money back to spend on your family?

THE REPUBLICAN CONTRACT, BACK TO THE REAGAN-BUSH ERA, WITH BENEFITS, ONLY FOR THE WEALTHY

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentleman from Illinois [Mr. DURBIN] is recognized during morning business for 4 minutes.

Mr. DURBIN. Mr. Speaker, my Republican friends are convinced America has short-term memory loss. Today 300 Republican Congressmen and candidates are being herded on the House steps to piously sign a pledge to return us to those thrilling days of yesteryear, the Reagan-Bush era.

Republicans are convinced that America has forgotten that Ronald Reagan and George Bush also promised us a balanced budget and never delivered one, not one, in 12 years. Under the Reagan-Bush regime, the supply-side folks added $2 trillion to the national debt. Today the Gingrich gang promises us more of the same: More national debt, tax cuts for the wealthy, and a full-scale assault on Social Security, Medicare, and critical Government programs.

Republicans just cannot keep their hands off of Social Security and Medicare. Every American who counts on Social Security should view the Gingrich Republican contract as nothing less than a threat to cut Social Security benefits from 20 to 30 percent. My seniors at home, struggling to pay their bills for the necessities of life, food, utilities, and prescription drugs, should see the Republican contract for what it is: Not a helping hand, but a threat to their future.

Mr. Speaker, those of us paying into Social Security should recognize if the Republicans have their way, the Federal Government will not be able to keep its promise to today's generation of workers to make sure that we have our retirement benefits. America does not need that, and America does not want it.

However, the Gingrich contract does create some winners. The same gang of fat cats and millionaires who profited from the Reagan-Bush trickle-down economics will be elbowing their way in front of working families again if the Republicans have their way.

The Republicans are very specific when it comes to tax breaks for the rich. In fact, they have not been this specific since they pleaded with us to read their lips. Even a Wall Street Journal columnist last week noted: "The Republican contract is loaded with goodies for high income taxpayers."

Consider this family tax break. Who would be against a family tax break? Consider the fine print in the contract. This $500 Republican tax break goes to families making over $150,000 a year income, but not to families making $20,000 a year. Does that make sense?

The Republican tax breaks on capital gains, 70 percent of the tax breaks go to people making over $100,000 a year. Are these the folks who need a helping hand? The folks I represent who need a helping hand go to work each day and make a heck of a lot less than that.

The Republicans may not be right, but they are consistent. Time and again, they dream up breaks for the wealthy at the expense of working families.

More than anything, the Republicans are convinced that the Americans have forgotten the economic mess which Ronald Reagan and George Bush left behind. In the 4 years of George Bush's Presidency, in those 4 years we had the slowest economic growth in America in 50 years. In the 4 years of George Bush's Presidency, we had the slowest job creation in America since World War II.

That is why the former President is now living in Texas, rather than at 1600 Pennsylvania Avenue. The Americans knew it and they wanted no part of it. The Republicans on the steps today want us to return to that era.

The one that really gets me the most, I think the biggest joke in this Republican contract, is the shameless endorsement of term limits. Watch the news tonight. The five Republican leaders who will stand out there and take the pledge for term limits have served a total of 68 years in Congress, five of them for 68 years, and they are for term limits? Do they think America has forgotten how to count? Honestly.

These leaders ought to take into consideration the fact that this country is moving forward. Our deficit is coming down for 3 straight years, the first time since Harry Truman. Jobs are being created. We will hear a lot about the Republican contract, but when you read the fine print, you will realize this contract is a loser for America.

□ 1100

CONTRACT WITH AMERICA: 10 INITIATIVES TO PUT AMERICA BACK ON THE RIGHT TRACK

The SPEAKER pro tempore (Mr. SANGMEISTER). Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentleman from New Jersey [Mr. SAXTON] is recognized during morning business for 3 minutes.

Mr. SAXTON. My, oh my, we must have struck a good chord here. I have not heard such mean speeches coming from the other side in quite some time. All over a contract for America, a contract to make Government smaller and reduce taxes and a number of other things.

My, it must be difficult to think about losing power after 40 years. The fact is the House Democrat policies have failed. Let me just give one example of how things have gone astray. At this very moment—and this is part of our contract, what I am getting to—the Federal Reserve is meeting to consider yet another tightening of the monetary supply to result in higher interest rates. This has all come about because the Clinton administration through one individual known as Alan Blinder advocated loose monetary policy in the recent past in an effort to grow the economy. Wrong tool, bad idea. Using money supply to control the economy simply does not work. And these high interest rates are a result of that bad policy urged on the Fed by Alan Blinder and Bill Clinton. I have a better idea, but I cannot claim credit for it. John Kennedy knew. Congressman Bill Steiger, a Republican Congressman from Wisconsin, knew. And Ronald Reagan knew. They each knew good job growth, good growth in wages and good economic performance is best brought about by good, smart tax policy. In 1978, the Steiger bill became law, cut the capital gains tax rate and new businesses began to form. In 1981 and 1982 and 1983, President Reagan and Congress cut the capital gains tax and businesses expanded, jobs were created and wages increased dramatically, all over this country. Let us look at what happened. In 1975 through 1977, that time period, less than $40 million in new capital was invested annually. Venture capital, it is called. In 1978, the Steiger bill passed, and in that year alone over $600 million was raised and invested. In 1981 with the passage of the Reagan bill, $1.3 billion was invested. By 1987, the annual rate of venture capital investment was $5 billion. New businesses, new enterprises all over our country. More jobs, higher wages. And then in 1986, Congress implemented and the capital gains tax was increased, new investment capital fell dramatically and the economy fell, unemployment rose, and Americans were out of work. Today is it fair for us to ask why? Today Republicans suggest a better way. Alan Blinder has helped us prove it. It is not Fed control of interest rates that work. John Kennedy, Bill Steiger, and Ronald Reagan have helped to prove it as well.

Today, I along with my Republican colleagues, will unveil 10 legislative initiatives that we pledge to bring to a vote if we are in the majority next year. Bills like these have been bottled up for years by our Democrat brethren.

To encourage economic growth we propose cutting the capital gains tax rate, adjusting depreciation for inflation, and enacting small business tax incentives like expensing, reinstating the home office deduction and increasing the estate tax limit. We also encourage savings by expanding the individual retirement account for all Americans.

I believe strongly, that if we enact these proposals, along with the others we unveil today, the U.S. economy will once again be put back on the right track.

CONTRACT WITH AMERICA IS A CONTRACT ON AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentleman from West Virginia [Mr. WISE] is recognized during morning business for 4 minutes.

Mr. WISE. Mr. Speaker, they are here, out on the Capitol steps, first to sign the contract, then to pick up the cash at a gala fund raising dinner tonight here in Washington. Candidates, Republican candidates, coming to sign a contract with their leadership in Washington about what they will do if they are here next year. I guess we just see it differently. My contract is with my constituents at home, not with anybody's leadership here in Washington. I do not come to Washington to find out what to do. I ask West Virginians who tell me what they want done and send someone to Washington to do it.

What about this contract? Let us look at it. One will have trouble reading the fine print, there is not much there, but even read the big print. More tax cuts for the wealthy, more promised spending cuts without details of where they are. More defense spending. The same thing we heard in 1981—you cut taxes but increase spending and then wonder why you have got a $4.5 trillion deficit. If you liked Reagan supply side economics, you will love this riverboat gamble.

What are the results? Projected deficits as high as $1 trillion over 5 years. How do you make those up? There is only one way. Savage cuts in Social Security, Medicare, veterans programs, crime fighting, education.

Mr. Speaker, this is not a contract for America. This sort of hit job on America's middle class is a contract on America. It is a kneecap operation. But even if working families do not benefit with this contract, there is one group that does, the candidates out there on the steps, because tonight after signing the contract they go over to the hotel, have a gala fund raising dinner and pick up their campaign checks. That has been promised to them.

So, Mr. Speaker, come to Washington, sign the contract, pick up the check. It may be democracy to some, coming to Washington to sign a contract. Others of us, Mr. Speaker, prefer going home for a constituent contact.

While Congress is about ready to wrap up, I would like to report, Mr. Speaker, on another matter, on the regional airport that is being looked at in West Virginia. The reason we are looking at this is we are talking about jobs. The first feasibility study, the first two feasibility studies, actually, showed there could be the possibility of 1,000 additional jobs created as a result of building this airport. Those are not jobs connected to working on the airport, they are connected to private sector operations that would spring up around the airport. The challenge from the Charleston business community to me has always been, "WISE, we don't want to give up our 10-minute drive to Yeager Airport, but if you can show us that there are jobs that result, serious significant economic development, then it's something we will consider."

That is a fair challenge, Mr. Speaker. That is why I worked to get an Economic Development Administration grant for a feasibility study that is now underway that will measure the economic impact of any kind of regional airport. We look at it because the manufacturing industry is becoming increasingly customized, needing on-time delivery. Can a regional airport make a difference? Look at the Spartanburg airport, for instance, in which now we see a BMW plant that has been located adjacent to it. One of the reasons is because of that modern airport. The problem is that none of West Virginia's three airports in the area, Parkersburg, Huntington, or Charleston can expand. Yeager Airport has 2 acres available and that is under protected airspace.

So, Mr. Speaker, right now no decision has been made on a regional airport, no funding is being sought. We are still in the exploratory stage. But I think that the possibility of job creation is something that mandates that we take this chance. It is the last chance we are going to have to look at it. The possibility of job creation directs that we perform these studies. It will probably be 18 months before any results are known and before anybody is in a position to make any decisions, but it is certainly going to be an important decision for West Virginia.

A CONTRACT WITH THE AMERICAN PEOPLE

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentleman from Connecticut [Mr. SHAYS] is recognized during morning business for 3 minutes.

Mr. SHAYS. Mr. Speaker, whenever we attempt to do something innovative and creative and dynamic, there is the danger that we can claim too much and there is also the danger that critics can claim too much as well. This contract is truly with the American people. It is an attempt to demonstrate that if we have a Republican majority, there will be things that happen in the first 100 days of our majorityship. The fact is there is a fundraiser tonight but there are no checks being picked up. There are fundraisers in the Republican Party and in the Democratic Party but what is most essential is that the American people after 40 years of the one-party rule have an opportunity to see another party rule. Thus, 12-year-olds that are killing each other, 18-year-olds who cannot read their diplomas in the legacy of the welfare state. It is the legacy I think of 40 years of rule by one party. This contract with the American people promises some very direct things with the American people, not to my leadership. It first promises that whether or not a law passes that we will in this House with a Republican majority abide by all the laws that we pass on others, the civil rights laws, the OSHA laws and so on. It also says that for the first time in 40 years, we will have an independent audit, a comprehensive audit of Congress that has not been done. Lord knows what we will find. It should happen whether or not Republicans are elected, but it will not unless Republicans have control.

It also says we will cut the number of committees. We need to. There are too many committees. One administration person has to go before eight different committees to say the same story. It is duplicative, it is wasteful, it is inefficient. It should change. This is a promise we make with the American people we will change this. The number of committee staffs. Republicans have 15 percent of the committee staff, 15 percent. We can cut the number of committee staff and function well. We function well with 15 percent. We can reduce the number of committee staff.

□ 1110

I do not happen to support term limits, but this contract says there will be a vote. I really believe that if the American people heard a debate in this House about term limits they might feel differently. So I am going to promise with this contract to have a vote on term limits, but I am going to actively speak out against it, but be held accountable for my vote. I am going to say why I believe it is wrong, and why I do not believe it will be helpful to this country. But there will be a vote. That is the contract.

Banning proxy voting. Is it not amazing you can vote and not be there?

The bottom line is we need a change in how we adopt taxes so it takes more than a simple majority.

A balanced budget amendment, tax limitation amendment, legislating a line-item veto, reform, habeas corpus reform, a good-faith exclusionary rules, tax incentive adoption, a tax credit. If you make $15,000 you pay no taxes and do not get the credit that is right. But anyone who pays taxes gets the credit.

This contract makes sense for the American people. It is a contract with the American people.

FRAUDULENT CONTRACT WITH AMERICA

The SPEAKER pro tempore (Mr. SANGMEISTER). Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentleman from Georgia [Mr. LEWIS] is recognized during morning business for 1 minute.

Mr. LEWIS of Georgia. Mr. Speaker, I rise today to declare that the American people will not be fooled by the so-called contract with America signed by many of our colleagues on the other side of the aisle. The American people are sophisticated, intelligent, and astute to know that this contract is a plate of warmed over, half-baked ideas from past Republican administrations. These ideas did not work in the past, nor will they work in the future.

This so-called contract with America is neither worthy of the paper it is printed on nor the ink used on the paper. Why won't the Republicans be honest with the American people? The people are tired of the smoke and mirrors and the voodoo economics.

We have a truth-in-lending law; I believe it is time for a truth-in-campaigning law.

If the Republicans are serious about supporting term limits, they should simply stop running for office. No one has put a gun to anyone's head forcing him or her to run for Congress.

I believe the American people have had enough of this political theater; this warmed over melodrama. The American people will reject this fraudulent contract.

CONGRESSIONAL REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentleman from Colorado [Mr. HEFLEY] is recognized during morning business for 4 minutes.

Mr. HEFLEY. Mr. Speaker, today I would like to talk about one aspect of the contract, something we do not need a contract for, we should be doing, and most of us agreed we wanted to do, and that was congressional reform.

Mr. Speaker, with just a few weeks to go before elections, the House is close to losing a golden opportunity to enact true congressional reform. Instead of voting on the Joint Committee's broad package of reforms, the Democratic leadership decided to split the reform bill into several pieces.

The last time each Chamber debated internal reforms the effort turned out to be largely unsuccessful. That was 20 years ago. This time, things were supposed to be different. Unfortunately, as the taxpayers know all too well, it is very, very difficult to bring change to this place.

After the House post office scandal, I thought 1993 might be the year of reform. We had 110 new Members each of them elected to the House on a reform platform. Those new Members had campaigned on platforms saying they were going to reform everything from ethics and campaign finance to budgeting. The status quo was no longer going to be tolerated.

So what has happened? Politics has found its way into a process which was supposed to be void of partisan wrangling.

Mr. Speaker, what has changed is that the Democratic leaders fear a comprehensive reform bill has the potential of passing the House if they presented it. In fact, they give all sorts of reasons for splitting the bill up, including that it might be easier to pass segments than the whole thing, but they will not even let those, it looks like, come to the floor.

Those of us who oppose splitting the bill up are concerned that doing this only waters down the legislation.

While the Joint Committee's recommendations provide for a sound basis from which significant reforms must begin, it falls far short of establishing the strong measures needed to ensure real reforms in the House.

First and foremost, the committee system should be at the heart of any comprehensive reform package. Unfortunately, the Joint Committee failed to outline a strategy to adequately address committee and subcommittee assignments, and the realignment and consolidation of committees.

While the House and Senate committee reforms are similar, the House proposal lacks strong enforcement measures. For instance, the current Joint Committee report limits each Member to a total of six assignments—two standing committees and four subcommittees. However, this plan may increase the number of assignments for those Members sitting on exclusive committees.

Additionally, the Joint Committee's report directs the Rules Committee to consider a resolution to abolish committees, not to report such a resolution to the floor. In other words, just consider it, they do not really have to bring it to the floor.

An ideal way to consolidate committees may be to require a floor vote on a resolution to abolish certain committees.

The last major flaw with the Joint Committee's work fails to focus on substantial reforms of floor procedures. In the past few years the House leadership has taken a more aggressive approach in their use of restrictive rules.

Although the Joint Committee recommends the restoration of the motion to recommit by the minority, it only reaffirms the right of the minority to offer a final amendment to a bill prior to passage.

It is unfortunate for the American public that closed or modified rules have become the standard by which most legislation is considered. Because of this abuse by the majority, much tougher steps are needed to prevent further erosion of the rights of the minority.

Mr. Speaker, it is my hope that the recommendations of the Joint Committee will provide the catalyst needed to push through significant, long-term reforms.

Congress has an opportunity to alter the public's perception of this institution. On the other hand, failure to enact meaningful reforms will only provide cannon fodder for those who preach hatred for this institution.

Finally, Mr. Speaker, the distain and distrust the American people have for this institution is not good for our system of Government even though it is often deserved.

We have an opportunity to restore confidence. This kind of opportunity comes along only rarely. We dare not squander it.

REPUBLICAN CONTRACT HAS IT BACKWARD

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentlewoman from Connecticut [Ms. DELAURO] is recognized during morning business for 2 minutes.

Ms. DELAURO. Mr. Speaker, as we speak, NEWT GINGRICH and the Republican leaders in Congress are outside on the steps of the Capitol, releasing their so-called contract with America, a blood oath for GOP candidates to support an array of feel-good proposals. It may be clever election-year gimmickry, but the problem with the Republican contract is that it is a contract for failure.

It is the same old thing from Republicans: More tax breaks for the wealthy and budget smoke and mirrors. The contract promises a balanced budget and $200 billion in tax cuts. But they do not tell you how they will pay for it. In fact, even the Republican's best attempt at creative budgeting comes up $700 billion short.

The reviews of the Republican contract are in: "Pandering" says U.S. News & World Report; "Voodoo Economics" says the Washington Post; a "GOP Shakedown" according to columnists Jack Anderson and Michael Binstein; a fraud says the Wall Street Journal; "cynical empty promises" says Morton Kondracke.

The truth of the matter is that the candidates on the steps today are not signing a contract with America, they are signing a contract with the Republican leadership. It is a contract to cut Social Security, and raise taxes, because that is the only way to pay for this budget buster.

But, the main event is not happening until tonight. That is when the same candidates who are pledging their support for tax breaks for the wealthy, will attend a GOP-sponsored fundraiser where the beneficiaries of those cuts will contribute to their campaigns.

The Republicans will claim that this contract represents the interests of all Americans. Well, why did they not consult the American people when drafting it? Instead, the Republican Whip sent out a fundraising letter from his Political Action Committee asking for donations. In return, those people were allowed a hand in drafting the contract. The Republican contract does not represent the public interest, it represents the special interests.

It seems that Republicans have forgotten the basic principle of representative democracy. They have got it backward. They should not be coming to Washington to bring an agenda back to their districts, they should be bringing the interests of their districts to Washington.

□ 1120

DEMOCRATS RENEW PLEDGE TO FAMILIES AND WORKERS

The SPEAKER pro tempore (Mr. SANGMEISTER). Under the speaker's announced policy of February 11, 1994, and June 10, 1994, the gentlewoman from Washington [Mrs. UNSOELD] is recognized during morning business for 1 minute.

Mrs. UNSOELD. Mr. Speaker, in a recent letter promoting the House Republican contract with America, Republican Whip NEWT GINGRICH asked potential contributors, "Will you help me draft the Republican legislative agenda for the 104th Congress?"

Today those Republican would-be Members of the 104th Congress have gathered in the Nation's Capitol to pledge allegiance to this agenda written by NEWT GINGRICH and D.C. lobbyists willing to pay the price.

The Republicans say they advocate change. Their notion of change is to return to the spend and borrow policies of the previous Republican administrations that took this great Nation from being the largest creditor to the largest debtor nation in 12 years. Their notion of change is to yell about new taxes when they are really seeking to provide new benefits to the most wealthy 1.2 percent of all Americans. It is the Democrats who are bringing down the deficit.

Mr. Speaker, as the Republicans pledge allegiance to the agenda of the wealthy contributors to NEWT GINGRICH, let the Democrats renew their pledge to the families and workers of middle-class America.

A REVOLUTION IS SWEEPING THE COUNTRY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania [Mr. WELDON] for 4 minutes.

Mr. WELDON. Mr. Speaker, I could not help, as I sat in my office this morning listening to some of the rhetoric on the House floor today, to come over and share some thoughts with our constituents across this country and my own constituents in Pennsylvania.

Why, they would ask, would we hear members of the majority party attacking the action going on right as we speak on the steps of the Capitol Building? Why would they be so upset? Why would they rail and squirm about a plan to provide a contract with the American people?

Mr. Speaker, the answer is very simple. There is a revolution sweeping this country. You see, for 40 years the majority party had the best of all worlds. When they had a Republican President, they could always blame the President for America's problems. Too much spending? It is all the President's fault. It is not the Congress where all the spending is occurring, it is the President.

We have not had a situation in the last 40 years where the Republican Party has controlled the House, the Senate, and the White House.

Mr. Speaker, the American people have suddenly awakened, because for the last 2 years they have seen a Democrat House, a Democrat Senate, and a Democrat President. The response is a revolution sweeping the country.

Mr. Speaker, who would ever have thought 4 years ago that the next mayor of New York City would be a Republican or the next mayor of Los Angeles would be a Republican or Jersey City, NJ, would be a Republican? Who would have thought in the special senatorial elections in Georgia, after President Clinton took office, that a Republican would win, or a Republican woman in Texas would claim the second senatorial seat when the Senator at the time, Senator Bentsen, came to Washington to work with the Clinton administration? And who would have thought during Clinton's first 2 years, despite his personal campaigning and that of his wife in New Jersey, Christine Whitman would sweep that State with her popularity ratings higher than any other Governor in that State at this point in time? Who would ever have thought that we would see in Virginia Governor George Allen take over that State from a Democrat incumbent Governor? How about down in Arkansas, the President's own home State, where for the first time ever a Republican won statewide office as a Lieutenant Governor in that State? How about the special congressional elections in the Midwest, in Oklahoma, when Glenn English stepped down, a Republican won that seat? Mr. Speaker, how about when the most respected Member of this body, the chairman of the Committee on Appropriations, left us, and we all loved him dearly, and for the first time in the history of that district in Kentucky a Republican won, and the race was not close. But how about last week, Mr. Speaker, as we saw elections where a very active member of the majority party lost his own primary and will have a difficult time, as the majority party, keeping that seat in the November election, and the Speaker of the House only got 35 percent of the vote in a four-way primary?

So, my friends and colleagues, in this body and across the country when you wonder why you hear all the spinmeisters and the rhetoric on the other side, it is very simple. The revolution is sweeping. Even the D triple C, the organization that runs their campaigns, is predicting a net loss of 25 seats. Many are predicting as many as 40 to 45 seats.

Imagine, if you controlled the powers in this beltway for 45 years, what you would be doing if the walls were crumbling down around you as Members quietly were talking on the railcar, the tram, or in the hallways about what is happening in America. The revolution is here, and the revolution is building, and no amount of special-interest money can stop it.

This November is going to see America change in a way that none of us has seen in our lifetime. I am only 47 years old. We are going to sweep this country, because the American people have had enough. The big lie has worn out.

Mr. Speaker, the majority party controls all the components of the Federal Government, and the American people have said, "We have had enough."

From the statehouses to the city halls to the county commissioner chambers to the Senate and to the House, the American people are saying it is time to give the Republican Party a chance to govern America.

DEMOCRATS ARE THE RESPONSIBLE MAJORITY

The SPEAKER pro tempore. The Chair recognizes the gentleman from New Jersey [Mr. TORRICELLI] for 4 minutes.

Mr. TORRICELLI. Mr. Speaker, we are reminded again that there is a reason behind the longest political losing streak in American history. There is a reason why the American people have consistently refused to give this House to the Republican minority.

It is because in essence they are at variance with the beliefs of the people themselves. It is not by chance that elections are lost. The American people are faced with a tidal wave of crime, but the Republicans vote against reasonable gun control.

The American people are basically tolerant with the views of each other, and yet they force their beliefs on abortion upon the American people.

The American people have finally begun to deal with the problems of debts in our country. The Republicans promise them more tax breaks for the wealthiest in America and increases in defense spending.

And yet there are some in our country who have forgotten. They believe there is no fundamental difference between these political parties. In Social Security and Medicare, in education assistance and civil rights, the differences between the parties have blurred, and so there are some who would believe that the cure for this problem may be let the American people see what it would be like if JESSE HELMS were running the Foreign Relations Committee in the other body, if ORRIN HATCH ran the Judiciary Committee, if BOB DOLE was their majority leader, and NEWT GINGRICH was the Speaker. Let the American people see what it would be like, and then maybe reminded again why consistently we have voted for Democrats. Indeed, that might cure the problem.

The pain would be enormous. It is a lesson we cannot afford for seniors or minorities or students or middle-income people to learn.

The SPEAKER pro tempore. The gentleman will suspend.

As the gentleman knows the rules, he should not be referring to individual Senators by name. Please observe the rule.

Mr. TORRICELLI. Mr. Speaker, in fact, I believe that rule has been changed in the House.

The SPEAKER pro tempore. Members cannot characterize individual Senators under the rules. The gentleman may proceed.

Mr. TORRICELLI. Mr. Speaker, a decade ago they had their chance. They can deny it all they want, but the fact is from the White House to the other body there was a majority, and that majority increased the debt of this country fourfold. It was a time in America's schools where they took catsup and called it vegetables, when an American President vetoed civil rights legislation. It was a time when their social agenda was being forced upon American women. They had that chance, and the American people voted to change it.

That is what the 1992 election was all about, ending gridlock, and as a result, from crime legislation to greater access to higher education to ending their social agenda and assuring people access to family planning, we began to change this country again, and it is working.

We are the change. The Federal debt has been reduced by 40 percent, 3 consecutive years of debt reduction for the first time in 40 years. It is working—4 million new jobs in 18 months.

□ 1130

A decade ago they called their agenda supply-side. It brought about the greatest fiscal mismanagement in American history.

In order to protect the guilty, they have now changed the name; it is called contract with America. But it is the same old formula: increase defense spending, tax breaks for the wealthy, increase the national debt. We recognize it for what it is.

My colleagues and Mr. Speaker, there is a difference between being a responsible minority and a responsible majority. We have begun to change this country. Do not lose it to the same old promises they gave us a decade ago.

GOP CONTRACT IS A FRAUD

The SPEAKER pro tempore (Mr. SANGMEISTER). Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentlewoman from Oregon [Ms. FURSE] is recognized during morning business for 2 minutes.

Ms. FURSE. Mr. Speaker, today they have come to Washington, DC, to sign a blindfold contract with the Republican leadership. And my opponent has come to sign what he calls a contract with America, when in fact the only contract he is signing is this: He collects a check from the special interests tonight while he promises to waste Oregonians' hard-earned tax dollars.

We cannot add more debt to be paid for by our children and our grandchildren.

This year we have reduced the deficit. It is down 40 percent, and we are on the road to more reduction. But this Republican contract increases Pentagon spending and decreases senior benefits, and it increases the debt. In Oregon we know there is lots more Pentagon waste than there are senior protections.

My opponent has come to Washington to march lockstep with the Republican leadership, but the voters in my home State of Oregon do not want someone to come to Washington to get his marching orders. They want an independent voice, they want to work toward solutions that make our communities stronger.

I am proud to say that I have a contract with Oregon, and this contract is to make our streets safer, to reduce waste, especially Pentagon waste, and to reduce the deficit and to insure a woman's right to choose.

Also, we have a contract, and I have been part of that contract, to make Congress liable for all the laws it passes. That is a contract that works, and I am proud it is one I have kept.

Mr. Speaker, Oregonians do not need a phony contract with big promises; they want solutions. They want Representatives they can trust, not people who try to sell them faulty promises. They want Representatives who will represent them, not special, wealthy interests. They do not want people who try to turn back the clock to voodoo economics.

It does not take a math wizard to figure out this contract is long on rhetoric and short on common sense.

Citizens for Tax Justice has called this "The Sequel From the GOP Witch Doctors Who Busted the Budget: 'More Tax Cut Sorcery'."

ONE HONOR STANDARD, ONE HONOR CODE

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentleman from Guam [Mr. UNDERWOOD] is recognized during morning business for 5 minutes.

Mr. UNDERWOOD. Mr. Speaker, I am concerned, as are many Americans, about the recent negative publicity surrounding the cheating scandal at the U.S. Naval Academy at Annapolis involving the electrical engineering 311 examination, and the handling of the investigation.

I am also concerned about recent media reports of an honor incident that occurred last spring at a restaurant in Annapolis, dubbed the "dine and dash incident," where three midshipmen deliberately attempted to leave the restaurant without paying for their meals.

On the heels of these media reports is the disappointing news that yet another group of midshipmen were implicated in an incident involving vandalism of automobiles at a festival in Maryland 2 weeks ago.

While I believe that the vast majority of Navy midshipmen, Air Force cadets, and Army cadets are honorable men and women, who have the highest sense of personal integrity and honor demanded of them by our Nation, I believe that a review of the honor system by an outside commission is warranted.

The news reports serve to highlight an issue that I have addressed through legislation that I have introduced, H.R. 5047, the Military Service Academy Honor Code Act.

While we have an expectation of a high sense of honor and ethics of our military officer candidates, the honor codes in use at each service academy differ slightly in wording. If the honor codes are different, are the standards different?

Most Americans would agree that the honor and ethics standards for our officer candidates should be uniform, even if the codes themselves are not identical. But without identical codes, does enforcement differ?

The recent honor violations at the Naval Academy point out how the wording of the honor codes might contribute to different standards of enforcement. While the honor code in use at the Air Force Academy and at West Point have explicit clauses prohibiting the cadets' toleration of honor violations, the toleration clause in the Naval Academy's honor concept is an implied clause.

A recent "60 Minutes" report on the cheating scandal at Annapolis included accounts of midshipmen refusing to identify other midshipmen who may have used the compromised electrical engineering test as a study guide. One has to wonder if this is a situation where midshipmen are engaging in toleration violations by the standards of the Air Force and West Point honor codes.

A more troubling example is the situation in the "dine and dash" incident reported in the Washington Post. Three midshipmen discussed a plan to leave without paying for their meals. One of the three left the restaurant early to wait in the car—the other two then took off but were caught by an off-duty policeman. Only two of the midshipmen were expelled. The third person, who waited in the car, was exonerated because he assumed the other two were only kidding. While his actions leave much to be desired, again one has to wonder if all three midshipmen would have been expelled under the explicit toleration clauses of the Air Force or West Point honor codes.

My legislation would require the Secretary of Defense to appoint a commission comprised of active duty officers, graduates of the military service academies no longer in the active or reserve duty in the Armed Forces, and educators from institutions of higher education to recommend whether there should be a standardized honor code for all three military service academies. It may be that such a standardized code would be useful, or it may be that the individual approaches used by each service academy should be continued.

Additionally, my bill would have this commission recommend whether such a standardized honor code should also be applied to officer candidates enrolled in the Reserve Officer Training Corps [ROTC] programs and on the Officer Candidate School [OCS] programs. If honor is expected of our cadets and midshipmen, why not expect the same of all officer candidates? I recognize that the enforcement and administration mechanisms for the ROTC and OCS programs would differ significantly from the mechanisms in use at the military service academies, but the bottom line would be the teaching of a common standard of honor.

If in fact the commission recommends against a standardized honor code, the military service academies would be able to continue their individual approaches to an honor curriculum confident in the vindication from an impartial outside commission not beholden to a particular academy or service.

Or, on the other hand, if the commission recommends that there is merit in a standardized honor code, it would still be left to the discretion of the Secretary of Defense to implement this finding in a way that would ensure a positive change at the service academies.

The American people must be satisfied that the standards for our future officers are the same, that no service academy has set the bar too high or too low.

I have also considered that much can be gained by a standard honor code—a joint honor and ethics curriculum is a natural by product.

While there is a good case that can be made for the individual approaches to the honor standard that the service academies have adopted, it is worth noting that the Uniform Code of Military Justice, which is the conduct standard for all officers after they are commissioned, is the same for all branches of the military. It is also significant that the Code of Conduct, which sets the standard for American prisoners of war, is also a standardized code.

Our Nation has been well served by the graduates of the military service academies, and these institutions have performed their missions admirably over the years in producing the highest caliber of officers for our Armed Forces. I believe that the honor standard can be strengthened by a standardized code for all service academies, that is also applied to all officer commissioning programs. I therefore urge my colleagues to cosponsor H.R. 5047, the Military Service Academy Honor Code Act.

Mr. VENTO. Mr. Speaker, will the gentleman yield?

Mr. UNDERWOOD. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Speaker, might I inquire how much time does the gentleman have remaining?

The SPEAKER pro tempore. The gentleman has 30 seconds remaining.

Mr. VENTO. Mr. Speaker, I would ask to use that 30 seconds and to proceed for 1 minute, to revise and extend my remarks and therefore have 1 minute and 30 seconds.

The SPEAKER pro tempore. The gentleman has yielded.

THERE THE REPUBLICANS GO AGAIN

Mr. VENTO. Mr. Speaker, there they go again. Just as the Federal Government starts on the tough path of a deficit reduction diet that is working, the GOP promises a banana split sundae with tax breaks and spending increases. It does not add up. This is simply a recipe for a fat deficit—Republican political business as usual.

Today our opponents stood in line to sign a GOP contract, a cooked up old GOP recipe from the bowels of Washington, DC. This contract was not from Minnesota or any other State—it was from the political Newt Gingrich kitchen. This is representative government backward from the Washington DC, politicians down. Trickle down—not from the people back home. The Republicans come to Washington, DC, to march in lock step to the orders from GINGRICH, his political operatives, and the rest of the Republican leadership. Marching orders that are by the rich and for the rich.

Worse still the Republicans today are trying to make a virtue of obstructionism. It would be a bad joke if the bellyache were not so painful. This is an offense to the American people and to the role of the Federal Government. The Republican leadership contract will spend hundreds of billions of dollars to pay for their additional spending and tax cuts for well-off Americans. This would lead to dramatic cuts to Medicare and Social Security. A few dollars of tax breaks and instant gratification for the well off surely will not make up for undercutting Medicare and Social Security.

Twelve years of GOP mismanagement was enough. Please no more trickle down. No returning to the thrilling days of yesterday in which supply side economics added three trillion plus to the Federal deficit. Now its time to face the battle, not retreat from the tough choices with GOP political rhetoric. The Republicans remember nothing and they have learned nothing. They continue to ply this recipe which give new life to the snake oil salesman of yesterday.

To quote the Wall Street Journal:

> * * * despite high-blown rhetoric, the Republicans are offering more of the same—tax cuts for the affluent, budget promises that don't add up, and political reforms they don't mean * * *

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. VENTO. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER pro tempore. All time has been allocated for morning hour business.

There being no further time for morning business, pursuant to clause 12, rule I, the Chair declares the House in recess until 12 noon.

Accordingly (at 11 o'clock and 40 minutes a.m.) the House stood in recess until 12 noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 12 noon.

PRAYER

Minister Morton C. "Morty" Lloyd, Chattanooga Church, Chattanooga, TN, offered the following prayer:

Almighty Father, we come to You praising You for Your righteousness, peace, and wisdom. May Your presence be felt in this Chamber. May Your righteousness be reflected by all of the men and women that work within this House to make our Nation what You would have it to be.

Be Lord in the heart and minds of each Member. In the coming weeks, as this Congress comes to close, may each Member's burdens become Your burdens; may their struggles become Your struggles; may their accomplishments become Your accomplishments. We pray, O God, that Your wisdom may assist each within this House. May they look to You for guidance and sustenance, knowing that Your omniscience is always there.

Blessed Lord, fill this Chamber with Your light and love and peace. In Your name, for the welfare of the Nation and Your glory. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from Tennessee [Mrs. LLOYD] come forward and lead the House in the Pledge of Allegiance.

Mrs. LLOYD led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOME TO MINISTER LLOYD

(Mrs. LLOYD asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous material.)

Mrs. LLOYD. Mr. Speaker, it is a personal privilege for me to welcome our guest chaplain, who is also my son, Morton C. Lloyd, minister of the Chattanooga Church in Chattanooga, TN. Morty received his bachelor's in theology in 1986 from David Lipscomb College in Nashville, TN. He has one son, Morton C. Trey Lloyd III.

I do thank Chaplain Ford for this very kind invitation. Mr. Speaker, my son was 10 years old when we came to Washington together. Now as I am winding up my service in this body after 20 years, it is very special for him to lead this prayer today. I think he is living proof, Mr. Speaker, that congressional kids, in spite of all the personal sacrifices that they have to make, are a pretty good group of young leaders.

CONTRACT FOR REALITY

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Mr. Speaker, "We can't balance the budget because it would increase the deficit." That is the Democrats' argument against the balanced budget amendment and the contract for America. Balancing the budget, they tell us, would just cost too much.

No wonder their party is in so much trouble.

I do not agree with every bill included in the contract for America, but I do support bringing these bills to the floor for an honest, open debate.

That is the promise Republicans made to America. That is what the Democrats have denied Americans for 40 years.

PERMISSION TO FILE REPORT ON H.R. 4299, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1995

Mr. GLICKMAN. Mr. Speaker, I ask unanimous consent that the managers have until midnight tonight, Tuesday, September 27, 1994, to file a report to accompany the bill (H.R. 4299), to authorize appropriations for fiscal year 1995 for intelligence and intelligence-related activities of the U.S. Government, the Community Management Account, and the General Intelligence Agency Retirement and Disability System, and for other purposes.

The minority has been informed of this request and I understand that there is no objection to it.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

HEY GOP, WHAT YOU GONNA KILL TODAY?

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, in the closing weeks of the Congress, the recurring question is what legislation that matters to working Americans will BOB DOLE and NEWT GINGRICH kill next?

They've already scared the American people and killed health care reform, including a plan to cover our kids. They've killed telecommunications reform which would have helped every American with a TV or a phone. And now, they are working on killing campaign finance reform, the GATT trade bill, and Superfund.

Today, Republicans have come to Washington to blindly sign a blood oath—a ten commandments of demagoguery—that sells out the middle class and the elderly and then tonight, they'll go to a fundraiser where they'll get their payoff.

The contract promises more tax cuts for the wealthy and a balanced budget. The numbers don't add up. The only way they can cut taxes for their wealthy supporters is to cut Social Security and Medicare. That's right, to benefit the rich, Republicans are promising to sacrifice seniors, veterans, farmers, and working Americans.

Mr. Speaker, the American people want action, not obstruction.

MORE ON THE CONTRACT WITH AMERICA

(Mr. SKAGGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SKAGGS. Mr. Speaker, it is hard to know where to begin. The press is having a field day, as they should, with the contract for America.

We have "Voodoo Economics: The Sequel From the GOP Witch Doctors Who Busted the Budget, More Tax Cut Sorcery," "GOP Plan," this is the Wall Street Journal, "a Plan to be long tax cuts, short on how to pay for them." The Chicago Sun Times, "GOP Plan Mortgages the Future." From the Wall Street Journal, "Republicans Shoot an Air Ball."

"GOP Shakedown" from the Washington Post. And also from the Post, "GOP can do better than this exercise in election year cynicism."

But perhaps the piece that hits it right on the head is from the U.S. News & World Report, "The Price of Pandering," which characterizes this vain effort by the Republicans the following way:

> Gingrich's list is just a collection of GOP golden oldies that pander to the public's desire to get something for nothing.

Surely, Mr. Speaker, we can do better by way of a serious debate about the future of this country than that.

ON THE CONTRACT WITH AMERICA

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEFAZIO. Mr. Speaker, undisclosed donors to Mr. GINGRICH's GOPAC have been invited to help write the GOP contract with America.

As one critic said, "If you really believed the fund raising appeal, it would be auctioning off the legislative agenda," said Ellen Miller of the Center for Responsive Politics. But she went on to say there is another explanation. "It's a cheap political fundraising technique which exacerbates public cynicism about politics."

Now it is either one or the other, Mr. Speaker. If it is the first, if it is the selling influence, if it is writing legislation for pay, then the ethics committee should investigate. If it is the latter, if it is a cheap political fundraising trick, in that case, it is time for truth in campaign legislation here in Washington, DC.

We have it in my State of Oregon, and we have convicted a State legislator of a felony for less egregious claims than those made by the minority whip in this letter.

It is one or the other. An ethics complaint or it is a lie.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MONTGOMERY). The Chair would rule that the gentleman should not make those references to a Member of the House. It was improper to use the words "an ethics complaint or a lie."

□ 1210

IN SUPPORT OF THE COMMON SENSE LEGAL REFORMS ACT

(Mr. RAMSTAD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RAMSTAD. Mr. Speaker, I rise to talk about the Common Sense Legal Reforms Act—1 of 10 bills in our contract with America that we pledge to bring to the floor within the first 100 days of the next Congress.

We promise a vote on the loser pays rule to discourage frivolous lawsuits.

We promise a vote on honesty in evidence to rid our courts of junk science and so-called experts whose pay is based on the outcome of the case.

We promise a vote on products liability reform, with reasonable reforms on punitive damages, joint liability, and product seller liability.

We promise a vote on attorney accountability.

We promise a vote on notifying defendants before suits are filed so parties can settle disputes short of litigation.

We promise a vote to limit costly litigation over basic issues not addressed by Congress when enacting new laws.

And we promise a vote on curbing lawyer-driven securities lawsuits, which are causing thousands of lost jobs.

Mr. Speaker, these commonsense proposals deserve a vote in the people's House. If the American people elect a new majority party in the House, they will get that vote within 100 days.

READ THE FINE PRINT ON REPUBLICAN CONTRACT

(Mr. KREIDLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KREIDLER. Mr. Speaker, Republicans are putting on a show today, to try to revive their tired budget performance from the 1980's.

The script is familiar: let us cut taxes, increase spending, and then balance the budget.

It is deja vu all over again.

This is one contract where the American people need to read the fine print. But they cannot, because it is not there.

This contract does not tell you how they are going to cut spending.

This contract does not tell you how they are going to balance the budget.

And this contract does not tell you how they are going to finance their trillion-dollar tax giveaway.

This is a contract to bring back the failed Republican policies of the past—smoke and mirrors, rosy scenarios, voodoo economics.

We have been down that road before.

Those failed policies tripled the national debt on the backs of the American middle class.

There is an old saying—

> Fool me once, shame on you;
> Fool me twice, shame on me.

The American people will not let the Republicans fool them this time.

ENTERTAINING BORIS YELTSIN INSTEAD OF INVESTING IN AMERICA

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, Boris Yeltsin is at the White House and Boris Yeltsin wants more money for Russia. Boris Yeltstin wants more American investment in Russia. Boris wants, Boris wants, Boris wants. It is like a broken record around here, Boris wants.

I do not know about you, but I am sick about it. All these foreign leaders must think that America is one big piggy bank and all you have to do is dial 911 and we send cash.

I think it is time to tell Boris Yeltsin to go back to Russia, plant some damned corn, save the money that we have been giving them and invest it here in America; $12 billion, you know what Boris did with most of it? He spent $100 million and bought a luxury yacht, Congress. Beam me up.

We have got cities dying, mayors crying for American investment, for Congress to put money in their own cities, and what are we doing? We are entertaining Boris again.

HEALTH CARE REFORM

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, yesterday on the Senate side Majority Leader MITCHELL held a press conference telling America what most 178,000 families and 148,000 working families in my district did not want to hear: the death of health care reform. This passing should not go quietly into the night. For the senior citizens in my district who must decide between pay for prescription drugs, turning on their electricity, or buying groceries, or for the 55,000 children in my district who are not covered, Congress let them down.

The lack of health care reform will not help the millions of Americans who are without health care. More importantly it will not help Americans who are barred from obtaining health care coverage for much reasons as preexisting conditions, cost, or family history.

Congress should take the lead in health care reform to provide all Americans with health care coverage. In the 104th Congress, we must all work together to make the best health care system in the world open to all Americans and not just the wealthy or well insured. Partisanship should not dictate how health care reform should be framed. Congress should learn from the past 2 years that without working together, it is not Congress who is the worse off but the American people. We are elected to represent not only our districts but all Americans, and we have left millions without hope for the future.

DEFICIT REDUCTION MUST BE BIPARTISAN

(Mrs. KENNELLY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. KENNELLY. Mr. Speaker, in 1990, Congress considered President Bush's budget agreement to reduce the deficit.

Only 47 Republicans in this Chamber voted in favor of their own President's bill.

Last year, Congress voted on President Clinton's historic deficit reduction package. That bill was originally estimated to reduce the deficit by $496 billion, but that figure was recently changed to $650 billion.

Not a single Republican in the House of Representatives voted for that package.

But now we are being told that we need a Republican majority to reduce the deficit in the future. I will answer that by saying "Look who reduced it in the past."

Deficit reduction must be a priority for everyone. New colleagues of both parties will join us next year, and I welcome those who come to Congress ready to work with those of us who have already accomplished so much.

GOP AGREEMENT JUST A CON, NOT A CONTRACT WITH AMERICA

(Mr. WISE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WISE. Mr. Speaker, both political parties are capable of doing silly things at different times. I am trying to figure out exactly what it is that has offended me about the so-called contract with America. I have come up with a couple of reasons.

First of all, it offends me that grown men and women think they have to come to Washington to sign a contract to tell their constituents what it is their going to do. We are supposed to listen to our constituents and get our contracts there at home, not here.

Second, those who come saying they want to change the way things are done around here are not telling their constituents that by virtue of their coming to sign the contract, they get to go tonight to a Washington fundraiser to sit with the very special interests they are attacking and pick up a check to take home. That is not changing things, that is just picking up change.

The third thing is they are ignoring history, the history of the situation. This is what is in the contract: the supply-side economics that resulted in increased defense spending; tax cuts, basically for the wealthy; that is in the contract. What you do not see in the fine print is the deficit getting bigger and bigger and bigger.

The reality of the situation is this is not a contract for America, it is just simply a con. I resent it today.

THE GOP CONTRACT: READ THE FINE PRINT BEFORE SIGNING

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, the long-awaited Republican contract with America was unveiled today. The Republicans are not back in power, but they are back up to their old tricks.

Imagine, the Republican leadership forcing their candidates to back a plan that cuts Social Security for seniors and cuts taxes for the wealthy. Imagine, the Republican leadership all forcing all their candidates to back a plan that cuts taxes for tycoons who earn major league baseball incomes.

Imagine, the Republican leadership forcing all their candidates to back the same warmed-over voodoo economics that put this country $3 trillion in the hole. Imagine, forcing all of their candidates to balance the budget through $60 billion increase in defense. This is from the same Republican Party that called the crime bill pork.

The Republican leadership is creating Stepford candidates, puppets who will blindly follow a narrow and bizarre agenda that is not of their own making. One final word of advice to Republican candidates, not to let a couple of ambitious politicians from Georgia and Texas tell them how to represent their districts. They should exercise their own judgment, and above all, read the fine print before they sign on the dotted line.

URGING THE FEDERAL RESERVE TO HOLD THE LINE ON INTEREST RATES

(Mr. HINCHEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HINCHEY. Mr. Speaker, I rise today to speak out against the Federal Reserve's interest rate policies that undermine economic recovery and keep millions of people out of work. It is unconscionable that the Fed has raised interest rates by over 50 percent this year despite the fact that there are few signs of inflation and millions upon millions of Americans remain out of work. It is now rumored that the Fed is considering raising interest rates by another half percentage point at today's open market committee meeting. Such action may jolt the economy right back into a recession. The fact is that the economy is not overheating and too many Americans remain out of work. Every time the Fed hikes interest rates, it essentially taxes the American people by increasing mortgage payments, credit card payments, and the cost of credit. I urge the Fed to end this ongoing crusade that foils economic progress and threatens the livelihood of the people. Hold the line on interest rates.

□ 1220

CONTRACT WITH AMERICA PROMISES VOTE ON BALANCED BUDGET

(Mr. SOLOMON asked and was given permission to address the House for 1 minute.)

Mr. SOLOMON. Mr. Speaker, Ronald Reagan used to say, "there you go again." The White House recently criticized cutting taxes and cutting spending. Why? Because, as most things this administration opposes, they are good ideas that are right for America.

The Republican contract with America, ladies and gentlemen, promises a vote on a balanced budget amendment. The White House claims that such a commitment would cost, listen to this, $743 billion? That is funny. Where I come, the people whom I represent, think that cutting the budget and balancing the budget would save $743 billion. What is wrong around here? Come on. There are 41 days to go before the election. We are going to put a Republican in the Speaker's chair for America.

THIS CAR IS A LEMON

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, today, the Republican leader in the Congress is holding a used car sale on the steps of the Capitol. On display, the 1981 trickle-down model. Sure, they have buffed the bumpers, added a new coat of paint, and cleaned out the ashtrays, but make no mistake—this is the same old vehicle. It is the same supply-side model that tripled our budget deficit and nearly drove the country to bankruptcy.

Today, NEWT GINGRICH and company will be giving their sales pitch to Republican candidates from across the country—asking them to sign on the dotted line before they have a chance to read the fine print or even take a test drive. But, next it will be the American people who will be subject to the tired, old GOP sales pitch. And, to the American people, I say: buyer beware.

This car has got a lot of miles on it, it has been in a couple of serious wrecks and the sticker price is too high. Even after a hefty downpayment, the country will be asked to finance $700 billion to pay for it. America, it is time to read the fine print of the Republican contract. Once you do, you will see that this car is a lemon.

CONTRACT WITH AMERICA RESTORES FAMILY VALUES TO FEDERAL TAX CODE

(Mr. HYDE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HYDE. Mr. Speaker, it is so refreshing to hear Democrats concerned about how you pay for things. Indeed, a new era has been reached.

Today's events on the Capitol steps are a brandnew start for the American dream. I had the honor of working with our distinguished colleague, the gentlewoman from Nevada [Mrs. VUCANOVICH], to put together a major part of the Republican contract with the American people. In that part, the American Dream Restoration Act, we start the process of restoring family values to the Federal Tax Code.

First we provide a $500 per child tax credit to partially compensate for the decline in the value of the personal exemption and this will benefit about 50 million families, 90 percent of whom earn less than $75,000 a year.

Second, we begin the reform of the marriage penalty with up to $2 billion a year in relief for two-earner families who now pay more in taxes than they would if husband and wife were single.

Finally, we launch a new kind of IRA, the American dream savings account, open to all, and available not only for retirement income but for education, first-time home purchase, and medical costs.

That is an agenda for economic growth, broader prosperity, and most important, a family-friendly tax system.

BALANCED BUDGET AMENDMENT

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, we are telling the American people. This is not just another politician's promise, but a written guarantee as to what we will do if we run things after November.

At the top of our contract is a balanced budget amendment. It not only requires the President's submission and the Congress' passage of a balanced budget. It also requires spending cuts be the first place we look for savings—instead of the last place, as has been the case for too long.

We will put our sights on spending by requiring a three-fifths vote to raise taxes and a line-item veto to stop the unnecessary spending.

The contract and the balanced budget amendment could not be a bigger break with the past.

Instead of another made-to-be-broken promise, America gets a contract-to-be-kept, that we will bring these proposals to the floor, not keep them from the American people.

Instead of more spending and more excuses, the American people will get less spending and more results.

CONTRACT WITH AMERICA MEANS REAL REFORM

(Mr. HOEKSTRA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOEKSTRA. Mr. Speaker, the Republican conference has just completed a historic opportunity for the American people. Today we stood in front of the American people and outlined an agenda for what a Republican majority would accomplish, what we would accomplish in the first day of a Republican majority, real reform in the House of Congress. Cutting committee staffs, cutting committee funding, opening up the committee process. Then we went on and outlined what we would do in the first 100 days: real genuine reform, bringing real bills to the floor that will allow us to have straight up-and-down votes on real bills that will make a difference in the lives of every American, keep more money in their pockets, bring less money to Washington. We will make sure that we now have a process that says, this country will be run not by career politicians but by the American people by allowing the first vote on term limits.

OUR CONTRACT WITH SENIOR CITIZENS

(Mr. HASTERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HASTERT. Mr. Speaker, a great legislative initiative may be dead for this session of Congress, despite the promise of the President and the desires of hundreds of Members of Congress.

No, I am not talking about health care. I am talking about lifting the unfair Social Security earnings test. In his campaign document "Putting People First," Bill Clinton promised to support lifting of this job-killing tax. Unfortunately, like many of the President's promises, this assurance has been forgotten, and despite the cosponsorship of 225 Members of Congress, the Democrat leadership refuses to bring it to the floor.

When Republicans take control of the House, we promise to make lifting the earnings test one of our top ten priority items. We promise to lift the burden on senior citizens who must work to make ends meet, but who now get penalized at a millionaire's tax rate of 56 percent for that work.

Mr. Speaker, changing the Social Security earnings test is part of the House Republican contract with America. When it comes to providing senior citizens with fiscal security, Republicans will come through for them in the 104th Congress.

CONTRACT WITH AMERICA: A REVOLUTION HAS BEGUN

(Mr. WELDON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELDON. Mr. Speaker, earlier today in Morning Business we heard many of our colleagues on the other side criticize the announcement that the Republicans made on the steps of the Capitol in regard to our contract with America. For those sitting at home or in their offices, they might wonder why they would do this. If we look at what has happened to this country in the 2 years of the Clinton administration where the Democratic Party has controlled the House, the Senate and the White House, it is obvious that the American people are outraged. A revolution has begun. It started with the mayoral race in New York City and it went to Los Angeles for the mayoral race out there and then Jersey City where Republicans were swept to victory. Then it went to the special senatorial election in Georgia and the special Senate election in Texas where KAY BAILEY HUTCHISON gained the second seat for the first time in modern history. Then it went to the President's home State of Arkansas where a Republican won statewide for the first time in 150 years. Then it swept across our congressional special elections from the Glenn English open seat to the seat of the revered leader of this institution, Bill Natcher, when he died, where we won that special election with a Republican for the first time in the history of that district.

Mr. Speaker, the revolution will not stop. We will be swept to power in November, and in January the Republicans will deliver to the American people.

CONTRACT WITH AMERICA STRENGTHENS DEFENSE

(Mr. LIVINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LIVINGSTON. Mr. Speaker, in this contract with America, Republicans pledge to honor the very first responsibility of Government outlined in the Constitution, that of providing for the common defense. It is a duty not well upheld by this current administration.

Specifically, we make a renewed commitment to an effective national missile defense. We have no more solemn obligation than to protect American citizens and troops from incoming weapons of mass destruction.

But, we also will strongly support our troops and sailors, who now are being deployed to too many places around the world with too little support and relief. We are currently spreading them too thin, and putting them at risk in areas of little or no national concern, leaving the United States vulnerable to crises which truly may threaten our people.

Republicans pledge not to waste our precious resources on unnecessary conflicts, and to assure that U.S. troops answer only to U.S. commanders, rather than to U.N. or multinational command and that is a contract well worth honoring.

□ 1230

THE STEALTH GATT ENABLING LEGISLATION

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Mr. Speaker, the stealth bill—better known as the GATT enabling legislation—is circling the Hill this week. As the flaps go down, few elected Representatives know what is contained either in the expected hundreds of pages in the enabling legislation or in the 22,000 pages of the actual GATT agreement. If there have been complaints in the past of much mischief buried in omnibus legislation, the GATT legislation well might be labeled ominous and treated in the same way.

Mr. Speaker, a vote on this legislation carries a grave responsibility. Never has a governmental body been presented with a more revolutionary proposal—some describe it as revolutionary as the last Weimar parliament that voted power to Hitler. If it is accomplished, the creation in the GATT of a powerful, unanswerable international bureaucracy capable of attacking the laws of sovereign nations may well be adjudged by history as an act as destructive of this Nation's well being as the "last" vote of the Weimar Republic was to Germany.

Before being stampeded for your vote, question whether you want your name on this peculiar contract with history.

CONTRACT WITH AMERICA IS AN HONEST AGENDA

(Mr. LINDER asked and was given permission to address the House for 1 minute.)

Mr. LINDER. Mr. Speaker, for too long, the Forrest Gump axiom for life, "you never know what you're gonna get," has applied to candidates turned Congressmen. Arrival in Washington seems to erase any memory of campaign promises. That changes today.

The contract with America is an honest agenda and it asks voters to hold us accountable.

It is a sad reflection on the Congress that the American people have decided that we need term limits. And instead of suing the people of our States over their opinion, as some are doing, Republicans are listening to them. The contract with America guarantees that in the first 100 days of a Republican Congress we will vote on both 6- and 12-year term limits.

The Democrat party is constantly negative, constantly looking for someone to blame for the problems they created and the failure of their policies. They blame the rich or the Republicans or the special interest. They refuse to take the responsibility.

The Republicans have put forward a positive agenda. Americans know where we stand and what we will do. Let us watch the other side complain.

WHAT IS WRONG WITH REPUBLICAN CONTRACT WITH AMERICAN PEOPLE

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, I am going to speak from the Democrat side of the aisle because I want to speak to Democrats, and I want them to hear me loud and clear.

What is wrong with our contract with America? What is wrong with bringing a balanced budget amendment to the floor of the U.S. House of Representatives? The American people want that, but the Democrats do not.

What is wrong with bringing a line-item veto to the floor of the House for a vote in the first 100 days of the next Congress? Republicans want it, the people of America want it, but Democrats do not.

What is wrong with bringing tax fairness legislation for senior citizens and middle-income families in this country to the floor of the House for a vote in the first 100 days? America wants it, the Republican Party wants it, but the Democrats do not.

The problem is, Mr. Speaker, the Democrats in this Congress who have had control for over 40 years are out of touch with America and they are scared to death that we are going to take over this House come January. We believe that too, because we believe for the first time the American people are aware of what has been going wrong in this country where the Democrats in this Congress have been taking this country down the wrong road.

So I say to my Democrat colleagues, before it is too late, join us, wake up, support what the American people want in the Congress of the United States.

MEDICAL REDTAPE

(Mr. ALLARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALLARD. Mr. Speaker, Federal redtape continues to strangle our economy. The level of Federal regulation is staggering, it increases private sector costs and paperwork.

A good example of this is the new Clinical Laboratory Improvement Act, or CLIA. Let me share some thoughts from my constituents.

One doctor from Fort Collins, CO, writes "the act has resulted in no improvement in the accuracy of our lab work."

A nurse, also from Fort Collins, writes "CLIA regulations have been costly to comply with and in no way have improved the quality of care for our patients."

To top it off, an outstanding doctor in Greeley, CO, Dr. Roy Shore, was just fined $1,120 for allegedly filling out a CLIA compliance form incorrectly. This despite the fact that he followed the guidelines for Medicare in filling out the form. This is ridiculous.

These three letters, received in the span of a month, confirm my view that all Federal regulations should sunset after 5 years. The good ones can then be reauthorized and the bad ones eliminated.

REPUBLICAN CONTRACT WITH AMERICA GIVES AMERICAN FAMILIES HOPE FOR BRIGHTER FUTURE

(Mrs. VUCANOVICH asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. VUCANOVICH. Mr. Speaker, America's families are under fire. Unfortunately, much of it is friendly fire from our own Government. Middle America needs tax relief, not more empty promises. It is time our Government's policies promoted the traditional family and lent a helping hand. That is why I am proud to have been a team leader, along with the gentleman from Illinois [Mr. HYDE], of the group pledged to strengthen and protect the American family. The GOP contract with America includes the Family Reinforcement Act, which fortifies and promotes the family as the core of

American society. It is time for Congress to stand up and fight for the needs of every American. Our families need tax incentives for adoption, strong enforcement of child support and visitation orders, stronger child pornography penalties and sexual assault sentences, and assistance in caring for dependent elderly parents or grandparents. The contract with America does something our Government has failed to do for the past 2 years—it finally gives every American family hope for a brighter future.

REPUBLICAN CONTRACT WITH AMERICA IS BOLD EFFORT TO CHANGE POLITICS AS USUAL

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, the House Republican contract with America actually is a very bold effort to change politics as usual. The people in this country in the last election said they wanted change, and we have come forward with some specifics of change that we have pledged to make those things happen if we become the majority party here, remembering the fact that the other party, our good friends from across the aisle, have had the privilege of running this House for 40 years, and in those 40 years it seems that the confidence level of the American people in this House has dwindled, and dwindled, and dwindled, and dwindled. It is now at a discouraging low rate, something like 19 to 25 percent of the people in this country approve of the way we are doing business here.

Yes, that means a time for a change. If we are going to make change, we ought to say what it is we are going to do, and what we stand for, and we ought to pledge to do it, and that is exactly what Republicans have done in this House today on the steps of this historic building. I hope America was listening.

THE ECONOMY UNDER PRESIDENT CLINTON

(Ms. PELOSI asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PELOSI. Mr. Speaker, today the Republican Party signed a contract for warmed-over stew and more trickledown. It did not work before; it will not work now.

I can understand why the Republican Party wants to come up with gimmickry and notion-mongering on the steps of the Capitol and avoid the hard work inside the Capitol working with our President for the fine economic record that he has produced in the nearly 2 years he has been in office.

I can understand why the Republicans would want to divert the public's attention from the fact that the President has produced more new jobs overall in 19 months than the previous 4 years combined.

I can understand why the Republicans would want to divert the public's attention from the fact that over three times more private sector jobs were created in the 19 months than were created in all 4 years of the previous administration.

□ 1240

Mr. Speaker, well, I can understand why they would want to divert the public's attention from more than 2 million jobs in the first 8 months of 1994. This is what the American people want and need. They want jobs. They do want gimmicks. They do not want notion-mongering. They do not want trickle down. They do not want warmed-over stew.

IS OUR ECONOMY GOOD?

(Mr. LIGHTFOOT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LIGHTFOOT. Mr. Speaker, I yield to the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Speaker, I thank the gentleman very much.

Ladies and gentleman, I could not help listening to the previous speaker, of whom I am very fond. She is a wonderful woman.

But look at these headlines: "IBM Deepens Job Cuts. Kingston-Poughkeepsie to Lose; 2,000 Layoffs Certain." "Four Thousand Workers To Be Eliminated in Poughkeepsie." "GE To Cut 1,200 Jobs." All in my district. Look at this, "400 Jobs Going to Mexico. Mallinckrodt To Leave Argyle, NY," in my district.

Here is another one, "Scott Paper Co. Planning 300 Layoffs."

And somebody is going to tell me the economy is good in this country?

We need a new President. It is too bad we have to wait 2 years and 41 days to get one.

These headlines, all from newspapers in my district, are a chronicle of disaster. IBM is laying off 2,000 more workers, above and beyond the 4,000 who have had their jobs eliminated altogether.

General Electric has just announced yet another round of job cuts—the third one this year. Mallinckrodt, which makes rubber tubing, is moving 450 jobs to Mexico—with only 31 Americans to be offered transfers. Scott Paper, 300 jobs lost. Mr. Speaker, when will it end?

Ms. PELOSI. Mr. Speaker, will the gentleman yield?

Mr. LIGHTFOOT. I yield to the gentlewoman from California.

Ms. PELOSI. Mr. Speaker, corporate downsizing is a fact of life, and within that reality, still the Clinton administration has been able to produce millions of jobs.

Mr. SOLOMON. If the gentlewoman will yield further, 400 jobs moving to Mexico is not downsizing. It is a disaster.

CONFERENCE REPORT ON H.R. 4539, TREASURY, POSTAL SERVICE AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1995

Mr. HOYER. Mr. Speaker, pursuant to the order of the House of September 22, 1994, I call up the conference report on the bill (H.R. 4539) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1995, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. MONTGOMERY). Pursuant to the rule and the order of the House, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of September 22, 1994, at page 25287.)

The SPEAKER pro tempore. The gentleman from Maryland [Mr. HOYER] will be recognized for 30 minutes, and the gentleman from Iowa [Mr. LIGHTFOOT] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I hereby present a revised conference report on the Treasury-Postal-General Government appropriations bill. This revised report reflects reductions in expenditures for Federal buildings and changes in IRS user fees recommended by the recent motion to recommit.

That motion proposed that the managers on the part of the House:

> Insist on the House position to amendment numbered 52 providing $218 million less than the Senate for new federal construction, and
>
> Disagree to the Senate amendment numbered 29 authorizing the collection of $149.7 million in additional fees by the Internal Revenue Service.

In response to the first clause, the conferees agreed to:

Reduce new construction projects $134.5 million, from a level of $736.2 million to $601.7 million. This is $99.4 million over the House and $125.5 million below the Senate. We achieved this savings by reducing some projects and eliminating others.

Reduce repairs and alteration projects by $16.6 million. We did this by reducing most of the projects by 10 percent.

Increase rescissions by $6 million, from $78 to $84 million.

This leads to a total reduction of $157.1 million from the first conference report.

In response to the second part of the motion, the conferees placed a cap on user fees at $119 million. This reduction in fees means that the House is accepting less than half of the total $257 million in fees proposed by the Senate.

This bill provides that these fees shall not exceed the actual cost of the transaction, and therefore will not raise general revenue and should not be considered taxes. They are not taxes. The conferees also continued language that requires GAO to review the fees to ensure that they do not exceed actual costs.

The conferees used some of the savings generated from the cuts in Federal buildings to increase the appropriation for IRS tax law enforcement by $27.3 million to offset some of the loss in fee income. It is crucial that we provide sufficient resources to the IRS because any reduction will reduce tax collections by far more than it saves in expenditures. The conferees also included language allowing IRS the flexibility to transfer funds between appropriations accounts. This will make it easier for IRS to operate efficiently under tight appropriations.

The conferees also amended a general provision related to the statute of limitations on certain Fair Labor Standards Act claims.

I worked closely with the author of the motion to recommit, Mr. ISTOOK, as well as with Mr. LIGHTFOOT and Mr. WOLF, in crafting these changes to the conference. This agreement is fair, reasonable, and reflects the will and intentions of the House in the context of difficult negotiations with the Senate.

H.R. 4539 - Treasury Department, U.S. Postal Service, Executive Office of the President, and Independent Agencies, 1995

	FY 1994 Enacted	FY 1995 Estimate	House	Senate	Conference	Conference compared with enacted
TITLE I - DEPARTMENT OF THE TREASURY						
Departmental Offices	105,150,000	107,629,000	105,150,000	104,400,000	104,479,000	-671,000
Office of Inspector General	28,897,000	30,497,000	28,897,000	30,497,000	29,700,000	+803,000
Financial Crimes Enforcement Network	18,280,000	19,524,000	18,280,000	20,690,000	19,823,000	+1,543,000
Treasury Forfeiture Fund (limitation on availability of deposits)	32,500,000	15,000,000	15,000,000	15,000,000	15,000,000	-17,500,000
Federal Law Enforcement Training Center:						
Salaries and Expenses	47,445,000	46,713,000	46,713,000	47,114,000	46,713,000	-732,000
Acquisition, Construction, Improvements, & Related Expenses	12,712,000	6,815,000	9,815,000	16,815,000	16,815,000	+4,103,000
Total, Federal Law Enforcement Training Center	60,157,000	53,528,000	56,528,000	63,929,000	63,528,000	+3,371,000
Financial Management Service	209,877,000	185,389,000	185,389,000	183,697,000	183,889,000	-25,988,000
Bureau of Alcohol, Tobacco and Firearms	366,446,000	378,915,000	376,181,000	385,315,000	385,315,000	+18,869,000
United States Customs Service:						
Salaries and Expenses	1,350,668,000	1,392,490,000	1,391,700,000	1,378,914,000	1,394,793,000	+44,125,000
Operation and Maintenance, Air and Marine Interdiction Programs	47,863,000	83,091,000	78,991,000	91,891,000	89,041,000	+41,178,000
Operations and Maintenance, Customs P-3 Drug Interdiction Program	28,000,000	....	....	....	....	-28,000,000
Air and Marine Interdiction Programs, Procurement	21,093,000	....	....	....	....	-21,093,000
Customs Facilities, Construction, Improvements and Related Expenses	5,000,000	....	....	1,000,000	1,000,000	-4,000,000
Customs Services at Small Airports (to be derived from fees collected)	1,406,000	1,406,000	1,406,000	1,406,000	1,406,000	....
Total, United States Customs Service	1,454,030,000	1,476,987,000	1,472,097,000	1,473,211,000	1,486,240,000	+32,210,000
United States Mint	54,770,000	55,740,000	54,770,000	55,740,000	55,740,000	+970,000
Bureau of the Public Debt	187,209,000	183,458,000	183,458,000	183,458,000	183,458,000	-3,751,000
Payment of Government Losses in Shipment	500,000	500,000	500,000	500,000	500,000	....
Internal Revenue Service:						
Administration and Management	167,822,000	233,318,000	225,632,000	163,431,000	225,632,000	+57,810,000
Processing Tax Returns and Assistance	1,696,853,000	1,616,295,000	1,616,295,000	1,586,028,000	1,511,266,000	-185,587,000
Tax Law Enforcement	4,007,962,000	3,986,280,000	4,412,580,000	4,358,180,000	4,358,459,000	+377,497,000
Information Systems	1,471,448,000	1,757,614,000	1,240,357,000	1,388,000,000	1,388,000,000	-83,448,000
Total, Internal Revenue Service	7,344,085,000	7,593,507,000	7,494,864,000	7,495,639,000	7,510,357,000	+166,272,000
United States Secret Service	461,931,000	470,117,000	476,931,000	474,988,000	476,931,000	+15,000,000
Procurement reform	....	-33,437,000	-33,437,000	-33,437,000	-33,437,000	-33,437,000
Total, Title I, Department of the Treasury	10,323,832,000	10,537,354,000	10,434,608,000	10,453,627,000	10,481,523,000	+157,691,000
TITLE II - POSTAL SERVICE						
Payment to the Postal Service Fund	91,434,000	92,317,000	85,717,000	102,317,000	92,317,000	+883,000
Payment to the Postal Service Fund for Nonfunded Liabilities	38,803,000	37,776,000	37,776,000	37,776,000	37,776,000	-1,027,000
Total, Title II, Postal Service	130,237,000	130,093,000	123,493,000	140,093,000	130,093,000	-144,000
TITLE III - EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT						
Compensation of the President	250,000	250,000	250,000	250,000	250,000	....
The White House Office	38,754,000	41,632,000	38,754,000	40,193,000	40,193,000	+1,439,000
Executive Residence at the White House	7,925,000	7,827,000	7,827,000	7,827,000	7,827,000	-98,000
Official Residence of the Vice President	324,000	327,000	324,000	324,000	324,000	....
Special Assistance to the President	3,270,000	3,291,000	3,270,000	3,280,000	3,280,000	+10,000
Council of Economic Advisers	3,420,000	3,457,000	3,420,000	3,439,000	3,439,000	+19,000
Office of Policy Development	5,122,000	5,058,000	5,058,000	5,058,000	5,058,000	-64,000
National Security Council	6,648,000	6,832,000	6,648,000	8,222,000	6,648,000	....
Office of Administration	24,850,000	27,584,000	24,850,000	26,217,000	26,217,000	+1,367,000
Procurement reform	....	-117,000	-117,000	-117,000	-117,000	-117,000
Office of Management and Budget	56,539,000	56,272,000	56,272,000	55,081,000	57,754,000	+1,215,000
Office of National Drug Control Policy	11,687,000	9,942,000	9,942,000	9,942,000	9,942,000	-1,745,000
Unanticipated Needs	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	....
Federal Drug Control Programs:						
High Intensity Drug Trafficking Areas Program	86,000,000	98,000,000	98,000,000	110,000,000	107,000,000	+21,000,000
Special Forfeiture Fund	52,500,000	52,500,000	14,800,000	52,500,000	41,900,000	-10,600,000
Transfer to other agencies:						
Internal Revenue Service	(6,000,000)	....	....	....	....	(-6,000,000)
El Paso Intelligence Center	(4,000,000)	....	(1,800,000)	....	(1,800,000)	(-2,200,000)
Bureau of Alcohol, Tobacco and Firearms	(5,000,000)	....	....	....	....	(-5,000,000)
SAMSHA	(15,000,000)	(45,000,000)	....	(25,000,000)	(14,000,000)	(-1,000,000)
CTAC (RandD)	(7,500,000)	(7,500,000)	(8,000,000)	(7,500,000)	(8,000,000)	(+500,000)

H.R. 4539 - Treasury Department, U.S. Postal Service, Executive Office of the President, and Independent Agencies, 1995 - Cont.

	FY 1994 Enacted	FY 1995 Estimate	House	Senate	Conference	Conference compared with enacted
Community Partnership Grants (CSAP)	(10,000,000)					(-10,000,000)
ONDCP Director discretion	(5,000,000)		(5,000,000)	(20,000,000)	(18,100,000)	(+13,100,000)
Total, Federal Drug Control Programs	138,500,000	150,500,000	112,800,000	162,500,000	148,900,000	+10,400,000
(Transfer to other agencies)	(52,500,000)	(52,500,000)	(14,800,000)	(52,500,000)	(41,900,000)	(-10,600,000)
Total, Title III, Executive Office of the President	298,289,000	313,855,000	270,298,000	323,216,000	310,715,000	+12,426,000
TITLE IV - INDEPENDENT AGENCIES						
Administrative Conference of the United States	1,800,000	2,588,000		1,800,000	1,800,000	
Advisory Commission on Intergovernmental Relations	1,000,000	1,390,000		1,000,000	1,000,000	
Citizens' Commission on Public Service and Compensation (rescission)	-250,000					+250,000
Committee for Purchase from People Who Are Blind or Severely Disabled	1,689,000	1,682,000	1,682,000	1,682,000	1,682,000	-7,000
Federal Election Commission	23,564,000	27,106,000	23,564,000	27,106,000	27,106,000	+3,542,000
Federal Labor Relations Authority	21,341,000	21,540,000	21,341,000	21,540,000	21,341,000	
General Services Administration:						
Federal Buildings Fund:						
Appropriation	288,486,000	-69,931,000	361,615,520	500,000,000	310,197,000	+21,711,000
Rescissions	(-185,344,000)		(-78,205,000)	(-88,658,000)	(-84,120,000)	(+101,224,000)
Limitations on availability of revenue:						
Construction and acquisition of facilities	(925,027,306)		(502,709,520)	(733,229,000)	(601,702,000)	(-323,325,306)
Repairs and alterations	(523,782,000)	(812,226,000)	(815,268,000)	(712,356,000)	(720,564,000)	(+196,782,000)
Installment acquisition payments	(118,108,000)	(127,531,000)	(127,531,000)	(127,531,000)	(127,531,000)	(+9,423,000)
Rental of space	(2,117,421,000)	(2,204,628,000)	(2,204,628,000)	(2,173,000,000)	(2,173,000,000)	(+55,579,000)
Real property operations	(1,226,085,000)	(1,323,689,000)	(1,323,689,000)	(1,309,525,000)	(1,309,525,000)	(+83,440,000)
Program direction	(156,613,000)					(-156,613,000)
Design and construction services	(184,081,000)					(-184,081,000)
Rental income to fund						
Total, Federal Buildings Fund	288,486,000	-69,931,000	361,615,520	500,000,000	310,197,000	+21,711,000
(Limitations)	(5,251,117,306)	(4,468,074,000)	(4,973,825,520)	(5,055,641,000)	(4,932,322,000)	(-318,795,306)
Real Property Activities:						
Construction and Acquisition		1,478,690,000				
(Construction)		(479,690,000)				
(Acquisition)		(999,000,000)				
Federal Supply Service	43,420,000					-43,420,000
Use of proceeds of sales and overpayments	12,384,000					-12,384,000
Information Resources Management Service	45,675,000					-45,675,000
Federal Property Resources Service	15,756,000					-15,756,000
Operating Expenses	31,435,000	133,420,000	123,020,000	130,036,000	130,036,000	+98,601,000
Office of Inspector General	34,925,000	33,090,000	33,090,000	33,090,000	33,090,000	-1,835,000
Allowances and Office Staff for Former Presidents	2,833,000	2,690,000	2,215,000	2,215,000	2,215,000	-618,000
Procurement reform		-8,959,000	-8,959,000	-8,959,000	-8,959,000	-8,959,000
Total, General Services Administration	474,914,000	1,569,000,000	510,981,520	656,382,000	466,579,000	-8,335,000
John F. Kennedy Assassination Record Review Board		2,418,000	2,418,000		2,150,000	+2,150,000
Merit Systems Protection Board:						
Salaries and Expenses	24,674,000	24,549,000	24,549,000	24,549,000	24,549,000	-125,000
(Limitation on administrative expenses)	(1,989,000)	(1,989,000)	(2,420,000)	(1,989,000)	(2,250,000)	(+261,000)
Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation		10,000,000		10,000,000	10,000,000	+10,000,000
National Archives and Records Administration	190,232,000	194,638,000	194,638,000	200,238,000	195,238,000	+5,006,000
Reduction of debt	-3,397,000	-3,692,000	-3,692,000	-3,692,000	-3,692,000	-295,000
Procurement reform		-325,000	-325,000	-325,000	-325,000	-325,000
National Historic Publications and Records Commission	5,250,000	4,000,000	7,000,000		9,000,000	+3,750,000
Office of Government Ethics	8,313,000	8,104,000	8,104,000	8,104,000	8,104,000	-209,000
Office of Personnel Management:						
Salaries and Expenses	118,533,000	112,139,000	115,139,000	111,778,000	115,139,000	-3,394,000
(Limitation on administrative expenses)	(88,519,000)	(93,934,000)	(93,934,000)	(92,504,000)	(93,934,000)	(+5,415,000)
Office of Inspector General	4,253,000	4,009,000	4,009,000	4,009,000	4,009,000	-244,000
(Limitation on administrative expenses)	(6,514,000)	(6,156,000)	(6,156,000)	(6,156,000)	(6,156,000)	(-358,000)
Government Payment for Annuitants, Employees Health Benefits	3,805,480,000	4,210,560,000	4,210,560,000	4,210,560,000	4,210,560,000	+405,080,000
Government Payment for Annuitants, Employee Life Insurance	1,607,000	19,159,000	19,159,000	19,159,000	19,159,000	+17,552,000
Payment to Civil Service Retirement and Disability Fund	7,065,819,000	7,339,638,000	7,339,638,000	7,339,638,000	7,339,638,000	+273,819,000
Employees Health Benefits Fund (limitation on administrative expenses)	(14,774,000)					(-14,774,000)
Employees Life Insurance Fund (limitation on administrative expenses)	(826,000)	(753,000)	(753,000)	(753,000)	(753,000)	(-73,000)
Retired Employees Health Benefits Fund (limitation on administrative expenses)	(165,000)	(81,000)	(81,000)	(81,000)	(81,000)	(-84,000)
Procurement reform		-1,256,000	-1,256,000	-1,256,000	-1,256,000	-1,256,000
Total, Office of Personnel Management	10,995,692,000	11,684,249,000	11,687,249,000	11,683,888,000	11,687,249,000	+691,557,000

H.R. 4539 - Treasury Department, U.S. Postal Service, Executive Office of the President, and Independent Agencies, 1995 - Cont.

	FY 1994 Enacted	FY 1995 Estimate	House	Senate	Conference	Conference compared with enacted
Office of Special Counsel	7,992,000	7,955,000	7,955,000	7,955,000	7,955,000	-37,000
United States Tax Court	33,650,000	35,313,000	33,650,000	34,427,000	34,039,000	+389,000
Total, Title IV, Independent Agencies	11,786,464,000	13,590,515,000	12,519,114,520	12,674,654,000	12,493,775,000	+707,311,000
Appropriations	(11,786,714,000)	(13,590,515,000)	(12,519,114,520)	(12,674,654,000)	(12,493,775,000)	(+707,061,000)
Rescission	(-250,000)					(+250,000)
(Limitation on administrative expenses)	(5,178,560,306)	(4,570,987,000)	(4,998,964,520)	(5,068,466,000)	(4,951,376,000)	(-227,184,306)
TITLE VII - VIOLENT CRIME CONTROL AND LAW ENFORCEMENT FUNDING						
Department of the Treasury						
Departmental Offices					2,400,000	+2,400,000
Financial Crimes Enforcement Network					2,700,000	+2,700,000
Bureau of Alcohol, Tobacco and Firearms					7,000,000	+7,000,000
Gang Resistance Education and Training: Grants					9,000,000	+9,000,000
United States Customs Service					4,000,000	+4,000,000
Internal Revenue Service: Tax Law Enforcement					7,000,000	+7,000,000
United States Secret Service					6,600,000	+6,600,000
Total, title VII, Violent Crime Control and Law Enforcement Funding					38,700,000	+38,700,000
Grand total (net)	22,538,822,000	24,571,817,000	23,347,513,520	23,591,590,000	23,454,806,000	+915,984,000
Appropriations	(22,539,072,000)	(24,571,817,000)	(23,347,513,520)	(23,591,590,000)	(23,454,806,000)	(+915,734,000)
Rescission	(-250,000)					(+250,000)
(Limitations)	(5,178,560,306)	(4,570,987,000)	(4,998,964,520)	(5,068,466,000)	(4,951,376,000)	(-227,184,306)
CONGRESSIONAL BUDGET RECAP						
Total in this bill	22,538,822,000	24,571,817,000	23,347,513,520	23,591,590,000	23,454,806,000	+915,984,000
Scorekeeping adjustments	-207,720,000	-331,245,000	-84,084,000	-128,464,000	-86,395,000	+121,325,000
Total mandatory and discretionary	22,331,102,000	24,240,572,000	23,263,429,520	23,463,126,000	23,368,411,000	+1,037,309,000
Mandatory	11,018,705,000	11,727,379,000	11,727,379,000	11,727,379,000	11,727,379,000	+708,674,000
Crime Trust Fund Discretionary					38,700,000	+38,700,000
General Purposes Discretionary	11,312,397,000	12,513,193,000	11,536,050,520	11,735,747,000	11,602,332,000	+289,935,000

Mr. Speaker, I reserve the balance of my time.

Mr. LIGHTFOOT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the conference report we bring back to the House does comply somewhat with the recommittal motion, in that it reduces courthouse expenditures and user fees. It does not, regretfully, contain all the cuts called for in the House's motion to instruct.

I realize we have had a difficult time reaching this point. It has not been an easy bill this year, and I know the chairman shares my view that it is time to get on with the business of the people and complete action on this bill.

Personally, I believe the way the GSA cuts were made in the conference report were not as carefully considered as they should have been, and I think that is unfortunate.

I also regret we did not completely eliminate the entire $149 million in user fees from the bill, as called for in the recommittal motion, but rather capped them at $119 million. Still, it is an improvement.

Cuts have been made in both GSA courthouse construction and IRS user fees, and from the perspective of the minority, this should be a selling point for the conference report. It has been improved; it reduced fees collected and expenditures for Federal buildings.

Let me also remind Members that this bill contains a provision freezing Members' pay.

In view of these issues, I reluctantly recommend that my colleagues support the final conference report.

Mr. Speaker, I reserve the balance of my time.

Mr. HOYER. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Georgia [Mr. DEAL].

Mr. DEAL. Mr. Speaker, I would like to engage in a brief colloquy with subcommittee Chairman HOYER. President Clinton in his fiscal year 1995 budget request to the Congress requested for the Customs Service $18 million and the hiring of 186 additional personnel to enhance enforcement of trade laws and regulations relating to textile enforcement. This request followed a commitment President Clinton made in a November 16, 1993, letter to me and nine other House Members. Is that your understanding?

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. DEAL. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, that is correct. That is a letter that I also received and felt strongly about myself.

Mr. DEAL. Is it the understanding of the gentleman that this bill provides $18 million which will be used to hire 186 new employees and that 186 additional FTE will be provided to Customs to maintain these positions in the future to work on textile trade enforcement?

Mr. HOYER. If the gentleman will yield further, I would say to my friend the answer to that is yes. It is our specific and strong intent that the Office of Management and Budget will allocate to Customs Service 186 new FTE's dedicated to textile enforcement. The subcommittee is very concerned about illegal textile transshipment and has allocated additional Customs resources to address it.

Mr. DEAL. If OMB or Customs were simply to reallocate the existing personnel currently working either directly or indirectly on textiles or border enforcement, would this meet the obligations of the bill?

Mr. HOYER. No. It would not.

Mr. DEAL. I thank the gentleman.

Mr. LIGHTFOOT. Mr. Speaker, I yield 7 minutes to the gentleman from Virginia [Mr. WOLF], a member of the committee.

Mr. WOLF. Mr. Speaker, I am pleased that this bill has included an average 2.6 percent COLA for Federal employees. Federal employees have been taking it on the chin from the Clinton administration for the past 2 years with a freeze in pay, attempts to make them pay mandatory union dues, threats to their health care system and attacks on their retirement TSP system. At the RTC and Treasury Department attempts at politicizing the Federal work force are still being investigated. Bizarre diversity programs are exposing Federal employees to harassment and trauma. Quite simply, to be a Federal employee today is to be under siege.

As Mike Causey's Federal employee column in the Washington Post recently pointed out, this administration has been more hostile to Federal employees than Reagan and Bush ever were. Baffling is the silence from those who claim to represent Federal employees. As this Congress closes, Federal employees and retirees will also be able to breathe a sigh of relief that the Clinton administration plan to abolish the FEHBP has failed.

But as we come to the floor to discuss this funding for the White House and Treasury Department, I have to say, this has been a distressing year to be on this subcommittee. For most of this year my efforts to get basic information from the White House and the Treasury have been thwarted, stonewalled, and even when information has been forthcoming it has been incomplete and even misleading. We were mislead on the White House security pass situation, we have received contradictory stories on the White House travel office while career employees twist in the wind paying huge legal fees, we have a Treasury inspector general investigation which was tampered with by the White House Counsel's Office, and on and on.

Over a year ago, I began to look into the issue of White House passes because so many White House employees failed to have permanent passes after 6 months into this administration. I was told there was no problem by the then Chief of Staff Mack McLarty. Over a year into the administration we finally found out that over one-third of the White House staff still didn't have passes, including Mr. McLarty himself. This bill contains an amendment on this matter although at the White House's insistence the amendment still allows them plenty of room to delay and exempt if need be.

In the area of financial disclosure the White House has again bobbed and weaved. After attention was brought to the fact that the White House had given unprecedented access to outside consultants deeply involved in policy matters, the Washington Post, the Wall Street Journal and others called for financial disclosure by White House consultants. The White House issued a directive for consultants such as James Carville, Paul Begala, and others to provide financial information. Contrary to what might have been the impression from the directive, the consultants were not required to fill out actual Government forms requiring their financial information. Instead they only had to provide information like that provided by temporary Government employees. What is the difference? There are no legal consequences for inaccurate or even intentionally false filings for these consultants.

Now that the consultants have filed their forms it comes to our attention that there may have been missing information. James Carville has now been reported to have a contract for working on the Brazilian Presidential election. This client was not listed on his form. For the record I would like to submit an article from a Brazilian magazine on the subject. I have written to the White House and still have received no response. Is Mr. Carville working on the Brazilian campaign or not? What are the financial arrangements and when were they made? When will we get answers?

In the meantime, the White House has an additional "outside insider" on the scene—former Majority Whip Tony Coelho. Mr. Coelho says he will not be filing any financial disclosure information despite his extensive and lucrative outside financial, legal, and business ties to unions, corporations, pension funds, and the like.

Given that as a candidate Bill Clinton committed to running "the most ethical administration ever," this is a stunning lack of attention to potential ethical problems presented by those with regular White House access and no accountability. As Fred Wertheimer of Common Cause has pointed out, Mr. Coelho is in a "quasi-public, quasi-private" position that could allow his banking company to take advantage of inside information about Government policy. With all of the investigations going on with this administration, should the American taxpayers have to continue to foot the bill for future investigations that could be prevented by a heightened level of consciousness about these issues?

Getting credible answers and responsible behavior from this administration is something just short of impossible: whether it is about White House passes, financial disclosure forms, or what are supposed to be independent investigations at the Treasury Department. We have not had such stonewalling and politicizing of the Federal work force since the Nixon administration. I did not like it then; I do not like it now, and I will continue to fight on these issues.

☐ 1250

Mr. Speaker, should there be a change in the White House in 1996 and if we elect a Republican President, I will be—and I want to be quoted on this and I want people to go back and look at this—I will be as aggressive in speaking out for any unethical characteristics there. If they hire somebody like Tony Coelho, I will speak out. If they have a James Carville running in and out, I want people to know that this is not a partisan issue. Frankly, this is not an issue that divides this side of the aisle from that side of the aisle, it may be from the White House. But if this happens in a Republican administration, I want people to know I will speak out just as forcefully to speak on this issue, should there be a change in administration.

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THE SECRET CONSULTANT

The Toucans have been trying to hide the fact that Clinton's campaign magician has a finger in the FHC campaign

The Toucans spent the better part of last week in pointless exertion. Denying that James Carville, the marathon brain who got Bill Clinton into the White House and is today an adviser to the President of the United States, was involved in Fernando Henrique's campaign. The article, published last Tuesday, stated that Carville was under contract to the Toucans four months ago for the sum of "about one million dollars." Subsequently it was explained that the contract was not with the PSDB, but with a "Brazilian entrepreneur" that he would bankroll Carville's services and pass his advice on to the heads of the Toucans. PSDB efforts fell through completely. On Thursday, James Carville himself spoke to the Associated Press Agency in Washington and in attempting to minimize the article, wound up confirming it. "My role wasn't all that fundamental. I only analyzed some studies," he said.

As soon as they knew about the article, the Toucans held a meeting in Brasillia and built up a wall of ambiguities. Eduardo Jorge Caldas, the economist and shield-bearer for Fernando Henrique, admitted having met with Carville, but claimed not to be able to say whether it was one time or twenty." As it is indeed possible to meet hardly once with a pickpocket on the Praça da Sé, but no one meets a person twenty times without having a rather serious topic to deal with, there was already some doubt. Another ambiguity comes from the candidate himself. "There was no contract with the PSDB," said Fernando Henrique, while the article did not state this just that a businessman was paying Carville. As they forgot to alert Pimenta da Veiga, the president of the party about the part he was to play in this theater, the Toucans were pounding their heads. On Thursday Pimenta said that he had a meeting with advisors from the U.S. "Fortuitously, I could not go," he observed, as if it were a revelation. It wasn't. "Only if Carville had been their advisor," corrected Fernando Henrique. Perceiving that he was causing an uproar, Pimenta explained himself: "There is no contract, much less a million dollars," he said. On Saturday, the GQ surrendered. In agreement with one of Fernando Henrique's advisors, the campaign made use of Carville's services, and his two trips to Brazil and the respective honorania were paid by a businessman. Or rather: it is true that there was no contract with the PSDB. But it is also true that there was payment for services rendered.

REQUEST FOR SECRECY

The mere fact that the advisor is a foreigner is not illegal, nor is it immoral, nor shameful. What is illegal is paying him out of the party coffers, with money gamered from electoral contributions. The law does not prohibit a candidate from putting a foreigner under contract and criticizing him i.e., the candidate for this constitutes the most vulgar nationalism. But the problem with Carville is different and more serious. When Clinton arrived at the White House, Carville became an employee of the Democratic Party with a pass giving him access to the White House at any hour. With this, Carville is not just any foreigner, but an advisor who comes and goes in the White House, talks with the president of another country and, from time to time, goes to Brazil to advise a candidate to the Planalto. The Toucans' fear was that having brought in foreign help, they would be hearing their candidate referred to as "Bill Cardoso" by his opponents desperate for any little point which would be in the Ibope[?]. Another thing is that Carville himself could stay in bad odor. In the U.S., pressured by the Republican opposition, the advisor was forced to state the names of those for whom he was working. Late last June, he presented a list of his clientele and he failed to name either the party or the Brazilian businessman. Should definite evidence appear about which he lied, he will be ruined professionally. With the news being made public, the White House reacted. Government advisers are demanding explanations from Carville about the article.

With a reputation of being possessed by the devil, Carville is a 50-year-old Southerner who rendered an immense service to Clinton. With a reputation as an eccentric and maybe just a bit wacko, always in jeans, he is verbally very quick on the draw. When they asked him what they should talk about during the campaign, he always had the same reply: "The economy, stupid." Since Clinton's victory, he has married Mary Matalin, who was working for the rival candidate, George Bush, who was defeated. Last February, the Toucans were already in search of his telephone number, but the first contact did not occur until April. On the 25th, Carville arrived in São Paulo on American Airlines flight 999 and checked into the Hotel Ca'd'Oro. He spoke with some very prominent Toucans, Sergio Mona, friend and associate of the candidate, the former governor of Ceará. Tasso Jereissati, and Eduardo Jorge. During the conversation, he [Carville] noted that the Brazilians were not very good at research and did not know how to evaluate the results.

The exchange failed to engage Tasso Jereissati, but Sergio Motta and Eduardo Jorge were swept away. They made a second meeting which occurred early in June. Carville arrived on the 4th and returned to the U.S. on the following day on American Airlines flight 924. On this round they discussed a concrete program of consultation. This done, Carville did "some analyses" of research done by Antonio Lavareda, the sociologist who was in charge of PSDB research. Carville has never said who paid him, whether the party or the mysterious businessman, he has never spoken in terms of cost nor given any details about his advice. But it is well known that between March and April, the Toucan summit was interested in foreign consultants. There was an informal competition and all the applicants were asked to keep the business secret.

ELECTORAL MARKET

At this time, another American company, Squire, Knapp & Ochs, also came to Brazil. One of the associates, Thomas Ochs, met with Fernando Henrique, Eduardo Jorge and Jereissati. He made a proposal which varied from 75,000 to 100,000 dollars a month, which was rejected. The package included political strategy planning, technical training for the candidate and his team, a fund-raising plan, and polling and logistic techniques. The PSDB didn't close the deal and Ochs knocked at the doors of the P, without, however, going further than a presentation talk.

James Carville had had some time back plans to get into the Latin American electoral market. In May of last year, he was in Brazil and talked with a public relations man, Duda Mendonça, who was beginning at that time to think of Paulo Maluf's presidential campaign. Duda Mendonça says: "Carville spoke of the free electoral schedules and his economic plans." After this contact, Carville returned to Brazil last February. He stayed for four days, from the 23rd, to the 26th. "In February he went to talk to one of Maluf's consultants", says a Toucan.

With Carville's hand in Fernando Henrique's campaign, a trivial thing happened: whose TV program was it, although it was inspired by the commercials Clinton showed during his campaign. The images and angles are similar, but it is doubtful that they were Carville's work. "It never appeared around here. If it's really part of the campaign, it's a well-kept secret," says Geraldo Walter, FHC PR-man. Walter does not deny that it could be influential, but rules out its being the product of an American consulting company. "We have worked on more than ten programs for victorious candidates. We view and review Clinton's, Feline González's, Margaret Thatcher's, Menem's and others," he says. "It is possible that some influence from the others stuck to it. The pattern in the Femando Henrique one is identical to the one in Feline González.

"The article about the American's contract appeared in the Washington Times, the newspaper of the American extreme right-wing, owned by the famous Reverend Moon, but the one who uncovered the case was journalist Ken Silverstein, who has been publishing his own newsletters as of December of last year entitled Counter Punch, commenting on Washington political machinations.

Silverstein has said that, in addition to Carville, the Toucans are working with two other political consultants. One of these, Grunwald, Eskew, and Donilon, belongs to Mandy Grunwald, who worked in the Clinton campaign and is a frequent visitor in the White House. Grunwald swears that she is not working with a Brazilian client, but admits that she cannot answer for her associates.

Silverstein brought to light a memo to the PT which might be able to bring out during the campaign the links between Fernando Henrique's campaign and the White House. "I'll be happy if this memo prejudices his campaign," says Silverstein. The journalist makes no attempt to hide his sympathy for Lula. Between February of 1989 and May of 1993 he was a correspondent for the AP press agency in Brazil. He covered Lula's campaign and remains charmed by the candidate. So much so that he had written a book about Lula in association with Emir Sader. It appeared in 1991 with an English publisher under the title, Not Afraid to be Happy. "My sympathy for Lula has not affected my work. First and foremost I am a journalist," says Silverstein. Before he left Brazil, the journalist began to create his own publication. He obtained the backing of the Institute for Policy Studies, a leftist retreat in the American capital and launched Counter Punch. He has a thousand subscribers, never published demonstrably false news and, recently was included by the Utne Reader, one of the most intellectual journals in the country, in a list of one of the ten best titles in the alternative American press.

Mr. HOYER. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas [Mr. PICKLE].

Mr. PICKLE. I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in support of this conference report. I believe it is the best that could be achieved under the circumstances. Nevertheless, I have serious doubts about whether IRS is being provided with funding adequate to effectively and efficiently collect the Nation's taxes.

Permitting IRS to keep only $119 million in user fees will have an adverse effect on IRS' ability to process tax returns and provide quality services to taxpayers. Next year, taxpayers can expect more busy signals at IRS and delays in their refunds.

Furthermore, as chairman of the subcommittee that oversees IRS' operations, I know that IRS' computer systems are outdated and inefficient. Unfortunately, under this budget, IRS will not have the necessary money next year to bring its computer systems into the 21st century. Make no mistake about it, this budget—even with the restoration of $119 million—is woefully inadequate and may ultimately be a disservice to the taxpaying public.

I believe IRS may have reached the point where it can no longer afford to provide the multitude of special services it makes available to taxpayers each year for free. This is particularly true when IRS isn't being fully funded. While I don't look favorably upon the charging user fees for services which I think taxpayers are entitled to, if we're not prepared to fully fund IRS's operations—and this conference report makes clear that we're not—then, I think IRS must be permitted to make up the shortfall—even if it means charging some user fees and as unpleasant as that may be.

Let me take a few moments to talk about the new IRS-related user fees, particularly the DDI fee. The bulk of the $119 million that IRS will be allowed to keep for its own purposes will come from an $8 direct deposit indicator [DDI] fee. As part of filing electronically, IRS promises that it will notify the person who actually submits the electronic return—either a bank or an electronic return originator [ERO]—within 48 hours whether the return has been accepted and a potential refund will be deposited in a designated bank account. The DDI indicator means that the filed return did not have any errors that the IRS electronic filing software discovered and the taxpayer neither owes IRS back taxes nor any other Federal debt that could be offset with the tax refund. In most cases, the DDI has replaced the normal credit report that banks would otherwise have to purchase to evaluate refund anticipation loan [RAL] applications. RAL's have become popular with taxpayers seeking to expedite the receipt of their tax refunds. And with the DDI, these high-yield, low-risk loans have generated tens of millions of dollars in profits for commercial banks. Don't be fooled, most of the objections to IRS user fees came from large commercial banks who want the cheap insurance provided by IRS through the use of the DDI—the banks just do not want to pay for it. They don't want the risk and don't want to pay for the free lunch.

While I am less than sympathetic with IRS' intention to charge taxpayers for entering into installment agreements to pay taxes owed over time, I would note that this practice is similar to service fees currently charged by banks and other lending institutions. However, I think IRS ought to reconsider whether this fee is now necessary in light of the $119 million cap.

Mr. Speaker, despite the serious budget constraints we are faced with, it is foolish for us to short change IRS, particularly at a time when IRS is modernizing its operations to meet the difficult compliance and tax administration challenges that lie ahead. As Forrest Gump says, "stupid is as stupid does." I, for one, am worried about the impact of this budget on the success of next year's tax filing season. Nevertheless, this conference report should be approved.

Mr. LIGHTFOOT. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. DORNAN].

Mr. DORNAN. I thank the gentleman for yielding this time to me.

Mr. Speaker and distinguished colleagues, particularly the chairman of the subcommittee, the gentleman from Maryland [Mr. HOYER]: Last Thursday, the 22d, was a shock to many people on this Hill, on both sides of the aisle and both sides of the Chamber.

I did not know that minority Members with important Federal building projects in their districts had to accede to whatever tens of millions of dollars of unauthorized projects the other body might add and that if we did not, projects in our districts, no matter how necessary, would be put in jeopardy. For the record, the projects the other body added were projects that were not requested by the administration, had not been through an administrative approval process, and had not been approved by both the House and Senate. Just because they were added by our distinguished colleagues over the other side of the Hill does not mean that we should have rolled over and accepted them when we knew they had not been subjected to proper congressional scrutiny.

But I understand that staff members or both sides of the aisle are having second thoughts and that two projects in the bill that really are going to experience tremendous disruptions because of prior allocations and start dates and construction, will be considered for reprogramming so that there are not major dislocations that take place starting next year. One such project is in my district, the Santa Ana courthouse.

The Santa Ana courthouse, with or without the name Ronald Reagan on it, is one of the worthiest projects and one of the most mature projects among all the Federal building projects in this bill. Some $103 million has already been appropriated and GSA is ready to break ground in a couple of months. I want Mr. HOYER, my good friend, to realize that I represent a Democrat district, as I did when I represented Santa Monica, CA, for 6 years in the 1970's and early 1980's. I am now in my 10th year of representing a Democrat district. I am surrounded by 4 or 5 conservative Republican districts. They are wealthier districts than mine. My district is a needy district. We lead the area in crime, in gangs, we are at the center, the confluence of some of the busiest freeways in the Nation. We have major problems with illegal immigration.

In conclusion, it is a very, very needy district. But even so, Orange County still sends billions more to the Federal Government than it gets back. In fact, I estimate that Orange County is a net loser by $4 billion.

☐ 1300

I believe that a county that is a net loser, like Orange County, CA, that puts in overwhelmingly far more tax dollars than it ever gets back, has a right in its neediest areas to expect some fairness. And I would hope that the subcommittee would look at this as a fairness issue. You cannot expect Members to come to the floor and vote for a spending bill that was so loaded with unauthorized projects. Those of us who played by the rules and subjected our requests to the process should not be punished for voting for spending restraint.

So, Mr. Speaker, I say, please make your byword "fairness" here. Don't turn me into any more of a political animal than is natural for an Irish-American.

Mr. HOYER. Mr. Speaker, I thank the gentleman for his comments. I understand his concern. We are going to try to be fair and make sure that every project that can be done and that is needed, is in fact accomplished. We have provided $103 million for that project to date, as the gentleman knows.

Mr. LAZIO. Mr. Speaker, I rise today in strong support of H.R. 4539, the fiscal year 1995 Treasury, Postal, and Independent Agencies appropriations conference report. This bill contains a project that is very important to the people of Long Island, NY—the new Federal Courthouse in Central Islip, NY.

This project, which was reviewed by the General Services Administration [GSA] as part of its time out and review and found to be worthy of continued funding, is vital to easing the space emergency faced by the eastern district of New York that was declared in 1989 by the Judicial Conference of the United States. Since that declaration, the emergency has only worsened as the backlog faced by Federal judges on Long Island continues to grow.

The prompt completion of the courthouse will help ease this burden by providing badly needed courtrooms. It will also accommodate office space for the Departments of Defense, Labor, Treasury, and Justice, the Office of Personnel Management, the Occupational Safety and Health Administration, and other Federal agencies.

But more importantly, this courthouse will improve the Long Island economy and bring jobs to the area, which has been hit extremely hard by the recession. The construction phase alone for this project is expected to provide 2,000 jobs. Beyond that, once it is completed, this complex will house approximately 1,300 permanent employees. This influx of people will result in an increase in expenditures for goods and services that will support local business activity.

Mr. Speaker, this project is vital to the court system and people of Long Island, and I am pleased that Congress has included the first phase of funding for it in H.R. 4539. I urge all of my colleagues to support passage of this important appropriations bill.

Mr. COPPERSMITH. Mr. Speaker, in June, the House adopted an amendment I offered to the Treasury-Postal appropriations bill to reduce the fiscal year 1995 payment to the Postal Service fund for the U.S. Postal Service by $6.6 million, the amount the Postal Service planned to spend on their "new bird" logo. This conference report restores that funding to an amount above the amount in the House bill but less than the amount originally approved by the other body. I rise in disappointed support, but support nonetheless, of the conference report despite its rejection of the House position opposing the bone-headed decision by the Postal Service to spend $6.6 million on a new logo—the wrong decision, at the wrong time, by the wrong agency.

In offering that amendment, I did not intend, and I know this House did not intend, to cut the subsidy for mailings for the blind or for overseas voting. Nor did we intend to increase rates for nonprofit mailings, bulk mailings, or any other postal rate increases. Likewise, we did not intend to undermine wages or benefits to dedicated postal employees, who did not make the decision to get the new logo.

The House sent a clear message that we intend to scrutinize such frivolous spending even by quasi-public corporations. Sometimes like even good people, quasi-public corporations make bad choices. The Postal Service made a bad choice by deciding to spend $6.6 million on an unneeded cosmetic change, at a time when the public's cynicism about superficial changes is already high and appears to be increasing. The Postal Service, as it has the power to do, made a serious mistake, and the House has gone on record against that decision.

Since the House vote, we have learned of serious problems in mail delivery in several major cities. These service problems seem far more basic to public perception of the Postal Service than any logo, new or old. Now we in this House also must have a sense of priorities, and these pressing delivery problems are more important than teaching the Postal Service a lesson about priorities. These more recent problems certainly do not make the decision to pay for a new logo correct, but our legislative role requires us to set priorities, and the House should not insist on its position at this time.

I also support the conference report because it will freeze congressional salaries for the coming year, eliminating the automatic cost-of-living increase. I firmly agree that Congress should not have a pay raise, not with the declining-but-still-enormous budget deficit, and with our inability to restore public trust in this institution. When we ask fewer Federal employees to do more with less, we need to set an example ourselves, both with our votes and with our personal behavior. For these reasons, I support the conference report.

Mr. FAWELL. Mr. Speaker, I rise today in opposition to the conference report for Treasury/Postal appropriations, H.R. 4539. I rise in outrage over business as usual. When the House voted to reduce the overall level of funding for new construction projects contained in the Treasury-Postal appropriations bill, we did so in defense of fiscal responsibility for the taxpayers of our country. This vote would have saved the taxpayers $218 million and ensured that with the limited resources available, only the projects of the utmost quality would be funded.

Mr. Speaker, this is not what happened in conference. Unbelievably in this day and age—in this climate of citizen abhorrence of business as usual—what happened in the second version of the conference report was wrong. In effect, those Members who voted for fiscal responsibility were punished. The conferees ignored the will of the House and Senate committees of oversight because they cut the projects that were authorized, leaving in the unauthorized projects. They, in effect, punished those Members who had voted to cut the budget. Some of those Members have authorized projects in the bill. All of those projects had been authorized, requested by the President, and approved by both the House and the Senate in the versions of the Treasury-Postal appropriations bill for fiscal year 1995. Yet—it was those 10 projects that were cut from the bill.

You might ask—perhaps all of the courthouse projects were good projects—all of equal merit and decisions made were arbitrary. I submit to you the fact that of the 36 projects which were proposed to be funded—there were no less than 11 projects which have not been authorized by House or Senate committees of jurisdiction. Yet, it was not those 11 projects that were eliminated. All 11 of these unauthorized and unrequested projects were fully funded. It was the 10 projects in the districts of Members who had voted for the overall cut in funding that were terminated.

Mr. Speaker, this is wrong. No one would ever think of punishing a Member for voting to spend money on a program. So why are we punishing for cutting? Cutting is what taxpayers want. Those who believe in fiscal responsibility should not be punished. They should be commended. This is the kind of business as usual that makes most Americans cynical of Congress. It is this kind of retribution that makes most Americans call for change in Congress. Someday, Congress will get the message. This day could come soon. I oppose this bill. I urge Members to stand up for fiscal responsibility and to vote against pork projects, and against "business as usual."

Mr. FAZIO. Mr. Speaker, I rise in strong support of the conference report for H.R. 4539, the fiscal year 1995 Treasury, Postal Service, and general government appropriations bill. I commend Chairman HOYER for his tireless work on this year's bill. He and his staff have gone above and beyond the call of duty to craft a fair and fiscally responsible bill, and I join my colleagues in thanking them for their efforts.

Chairman HOYER has crafted a bill which will help our Government continue to provide the services we need most during these tough budget times. H.R. 4539 provides financial support for many of the real "nuts and bolts" programs that keep our Government running effectively, Treasury Department agencies like the Customs Service and the Internal Revenue Service, and the Bureau of Alcohol, Tobacco and Firearms [ATF]. This bill provides the resources these agencies need, but came in $140 million in budget authority below the allocation for the subcommittee. Once again, this bill proves to the American people that their Government can and will do more with less.

I would like to make special note of provisions in this bill which will support an innovative California law enforcement program which will help catch more criminals. This program, the northern California Gun-Link project, will combine the resources of the Federal, State, and local crime laboratories for ballistics identification and tracing. Gun-Link will analyze fired bullets and then compare these analyses among the different laboratories participating in the system, linking seemingly unrelated or unresolved shooting incidents throughout all of northern California. It will establish an information network between my district's law enforcement teams that will greatly enhance their ability to solve crimes.

Mr. Speaker, H.R. 4539 cuts the fat where we need to in our Government, while maintaining the important programs which serve our constituents well. This conference report is both frugal and responsible, and I encourage my colleagues to join me in supporting this measure.

Mr. FRANKS of Connecticut. Mr. Speaker, last week I voted to send the Treasury-Postal appropriations bill back to the conference committee that produced this final version for approval. This bill annually has problems, because it is a repository for wasteful spending projects. This year was no different. After the House approved its version of this bill, the Senate decided to add $218 million worth of spending on new construction projects. We refused to approve the final version of this bill last week because of this wasteful spending added by the Senate.

Today this bill is back before us—without the extra projects that the Senate added on. The $218 million in new Federal construction has been removed. I will vote for the bill, although I think that more improvements could have been made. Next year, we should consider reducing construction expenses from the amount approved this year. Even though the House approved the elimination of the Intergovernmental Relations Commission and the Administrative Conference of the United States, these groups are still funded in the final version of this bill. Finally, the bill includes $6.6 million for changing the Postal Service logo, despite my opposition and the opposition of the House. This bill is proof that Congress still includes unnecessary spending among programs and projects worthy of our support.

This bill also contains a provision freezing the pay of the Members of the House of Representatives for this year. This is an issue of importance at a time when Congress is still passing budgets with substantial deficits.

Mr. HOYER. Mr. Speaker, I have no further requests for time, and, if the gentleman from Iowa [Mr. LIGHTFOOT] yields back the balance of his time, I yield back the balance of my time.

Mr. LIGHTFOOT. Mr. Speaker, we have no further requests for time, and I yield back the balance of my time.

Mr. HOYER. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HOYER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 360, nays 53, not voting 21, as follows:

[Roll No. 441]

YEAS—360

Abercrombie
Ackerman
Allard
Andrews (ME)
Applegate
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Becerra
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Buyer
Callahan
Calvert
Canady
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Eshoo
Evans
Everett
Ewing
Farr
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hansen
Harman
Hastert
Hastings
Hayes
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hutchinson
Hutto
Hyde
Inglis
Inslee
Istook
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Lloyd
Long
Lowey
Lucas
Machtley
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCrery
McCurdy
McDade
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Mica
Michel
Miller (CA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Nadler
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pastor
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schenk
Schiff
Schroeder
Schumer
Serrano
Sharp
Shaw
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stupak
Swift
Synar
Talent
Tanner
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waters
Watt
Waxman
Whitten
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff

NAYS—53

Andrews (NJ)
Archer
Armey
Baker (LA)
Ballenger
Boehner
Burton
Camp
Castle
Cox
Crane
DeLay
Dreier
Duncan
Ehlers
Engel
Fawell
Goss
Hancock
Hefley
Hoekstra
Hunter
Jacobs
Johnson, Sam
Lewis (FL)
Livingston
Manzullo
McCollum
Meyers
Miller (FL)
Minge
Myers
Oxley
Packard
Pallone
Parker
Paxon
Penny
Peterson (MN)
Petri
Ramstad
Rohrabacher
Schaefer
Sensenbrenner
Shays
Smith (MI)
Smith (NJ)
Stump
Swett
Taylor (MS)
Taylor (NC)
Upton
Zimmer

NOT VOTING—21

Andrews (TX)
Beilenson
Byrne
Derrick
English
Ford (TN)
Gallo
Gekas
Inhofe
Klug
Lantos
Mfume
Payne (NJ)
Scott
Slattery
Smith (IA)
Sundquist
Tauzin
Washington
Weldon
Wheat

□ 1325

Messrs. BURTON of Indiana, ROHRABACHER, and PALLONE changed their vote from "yea" to "nay."

Messrs. KNOLLENBERG, QUINN, SHUSTER, BACHUS of Alabama, SPENCE, and GRAMS changed their vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. ENGLISH of Arizona. Mr. Speaker, I was unavoidably absent during rollcall vote

No. 441 regarding H.R. 4539, the conference report on the Treasury, Postal Service, general Government appropriations for fiscal year 1995. Had I been present I would have voted "aye."

PERSONAL EXPLANATION

Mr. MFUME. Mr. Speaker, I was unavoidably detained in my district, and therefore missed rollcall vote No. 441, on agreeing to the conference report to H.R. 4539, making appropriations for the Department of Treasury, the Post Office, and related agencies for fiscal year 1995.

Had I been present I would have voted "aye."

PERSONAL EXPLANATION

Mr. GEKAS. Mr. Speaker, I was unavoidably detained during rollcall No. 441, and thus my vote on the conference report on H.R. 4539, the Treasury, Postal, and independent agencies appropriations for fiscal year 1995 was not recorded. Had I been present, I would have voted "aye" on final passage of H.R. 4539.

GENERAL LEAVE

Mr. HOYER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the conference report just agreed to.

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). Is there objection to the request of the gentleman from Maryland?

There was no objection.

CONFERENCE REPORT ON H.R. 4602, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1995

Mr. GORDON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 547 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 547

Resolved, That all points of order against the conference report to accompany the bill (H.R. 4602) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1995, and for other purposes, and against its consideration are waived.

The SPEAKER pro tempore. The gentleman from Tennessee [Mr. GORDON], is recognized for 1 hour.

Mr. GORDON. Mr. Speaker, during consideration of this resolution, all time yielded is for the purpose of debate only. I yield the customary 30 minutes, for the purpose of debate only, to the gentleman from Tennessee [Mr. QUILLEN]. Pending that, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 547 provides for the consideration of the conference report on H.R. 4602, the Department of the Interior and related agencies appropriations bill for fiscal year 1995.

The rule waives all points of order against the conference report and against its consideration.

Mr. Speaker, I would like to commend Chairman SID YATES, ranking Republican RALPH REGULA, and the conferees for reaching a consensus on a difficult and complex piece of legislation.

The conferees rolled up their sleeves, discussed the merits of the various funding needs, and made the tough choices necessary to craft a conference report which is well below last year's funding levels and below the 602(b) allocation.

Under Chairman YATES' leadership the conferees produced a bill which is $186 million below 1994 funding levels and $222 million below the budget request.

Chairman YATES and I share a commitment to preserving this country's natural, historical, and cultural assets for the benefit of future generations.

Tourists are visiting our national parks with increasing frequency. Visitations were in excess of 265 million in 1993 and are expected to top 281 million in 1995. Yesterday, in the Rules Committee, Mr. REGULA testified that there is an impressive 10-percent increase in visitations over last year.

I would like to once again congratulate Chairman YATES, ranking Republican RALPH REGULA, and the subcommittee's staff for putting in the long hours, listening to all of the demands, and crafting a good bill which is under last year's funding levels.

□ 1330

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, before I comment on this rule, I want to first commend Chairman YATES and ranking Republican REGULA and the other conferees for their dedication and hard work in bringing forth this bipartisan, fiscally responsible measure making appropriations for the Department of the Interior and other related agencies.

Although the conference report appropriates $264 million more than last fiscal year, there is an emergency supplemental appropriation of $450 million for the emergency Forest Service firefighting fund. Excluding that amount, the remaining appropriation is about $186 million below the fiscal year 1994 amount, and the total appropriation is within the committee's 602(b) allocation.

As Mr. GORDON described, this rule waives all points of order against the conference report and against its consideration, and I rise in opposition to this blanket waiver. It is unnecessary and it does a disservice to the Members of this House. A motion was made in the Rules Committee to replace the blanket waiver with the specific waivers needed. This motion was defeated on a party line vote, and I ask unanimous consent to insert the results of rollcall votes into the RECORD following my statement. As I said yesterday, during consideration of a similar rule on the NOAA authorization bill, I strongly feel that the Rules Committee has an obligation to report out rules which specifically outline which waivers, if any, are being granted whenever this is feasible.

Members have a right to know exactly what rule violations are in each and every measure considered on the House floor. However, since this rule does not provide that information, let me inform the House that it is not necessary to waive all of the rules of the House. This conference report does not require a Budget Act waiver, and it does not require a waiver of the 3-day layover rule.

It does require waivers to protect provisions that violate scope and that constitute legislation in an appropriations bill. Therefore, it is necessary to waive clause 2 of rule XX and clause 3 of rule XXVIII.

I hope this explanation is helpful, and I hope my colleagues will join me in opposing this rule and insist that the Rules Committee stop this lazy practice of granting unnecessary blanket waivers.

Mr. Speaker, I include for the RECORD a statement on rollcall votes in the Committee on Rules:

ROLLCALL VOTES IN THE RULES COMMITTEE ON H.R. 4602, DEPARTMENT OF THE INTERIOR CONFERENCE REPORT, MONDAY, SEPTEMBER 26, 1994

1. Solomon Motion on Blanket Waivers—A motion to strike the waiver of all points of order against the conference report and its consideration and to substitute the specific waivers necessary. Rejected: 3–4. Yeas: Solomon, Quillen, Goss. Nays: Moakley, Beilenson, Gordon, Slaughter. Not Voting: Derrick, Frost, Bonior, Hall, Wheat, Dreier.

2. Beilenson Motion to Report Rule—A rule waiving all points of order against the conference report and against its consideration. Adopted: 4–3. Yeas: Moakley, Beilenson, Gordon, Slaughter. Nays: Solomon, Quillen, Goss. Not Voting: Derrick, Frost, Bonior, Hall, Wheat, Dreier.

Mr. QUILLEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GORDON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as I mentioned earlier, this is a good rule for a good conference bill which reduces the funding well below last year's level.

Mr. Speaker, I have no further requests for time. I yield back the balance of my time, and move the previous question on the conference report.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. YATES. Mr. Speaker, pursuant to House Resolution 547, I call up the conference report on the bill (H.R. 4602) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1995, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of September 22, 1994, at page 25271.)

The SPEAKER pro tempore. The gentleman from Illinois [Mr. YATES] will be recognized for 30 minutes, and the gentleman from Ohio [Mr. REGULA] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Illinois [Mr. YATES].

Mr. YATES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today we bring before the House the conference report for fiscal year 1995, the appropriations for the Department of the Interior and related agencies. Mr. Speaker, this is a good conference report. It is a bipartisan conference report. Our ranking member, the gentleman from Ohio [Mr. REGULA], played a most important role in bringing order out of the controversies. I want publicly to pay tribute to him for his very constructive work.

Mr. Speaker, this conference agreement meets every requirement for approval by the House. It is within our 602(b) allocation for both discretionary budget authority and for discretionary outlays. In budget authority, we are $3.7 million below the allocation. The conference report is $210 million below the 1994 enacted level. It is $197 million below the President's request. When both mandatory and discretionary totals are considered, the conference agreement is even $2 million below the level the House approved in June.

Mr. Speaker, some Members may ask, why is the report approximately $450 million above the level passed by the House. The sole reason for that, Mr. Speaker, is because of the request by President Clinton for an additional $450 million in emergency firefighting money for the Forest Service, to pay for the horrendous fires of this summer in the Western States. On September 19 the President requested this additional money because the Forest Service is experiencing a very severe fire season. As of early September, there had been over 58,000 wildland fires that burned more than 3,300,000 acres. This is about 50 percent more acreage burned than the historical 5-year average. These emergency appropriations are necessary to fund the direct expenses required to suppress wildfires on, or threatening, National Forest System lands and other lands under fire protection agreements, as well as to fund the emergency rehabilitation of burned-over National Forest System lands.

Included in the 119 Senate amendments to this bill were more than 1,000 individual items of difference. The conference report we bring before the House contains the results of many hard choices and compromises made on the part of both the House and Senate conferees. I believe the conference report is a good result of that effort.

One of the best results of the conference agreement is the patent moratorium on Federal lands, a provision on which the House instructed the conferees to insist. Fully two-thirds of the patent applications, which would not have been able to be processed under House-passed provisions, will be covered by this agreement. This is indeed a breakthrough in the mining reform area and one of which the conferees are proud. The moratorium on patenting can be removed by the passage of comprehensive mining reform, which we still hope will take place in this Congress.

This is a bill that is very much about people. Providing health care and educating our Indian people; protecting our great natural places for the enjoyment of the people; preserving our marvelous cultural resources which tell us much about our people; and providing a cleaner environment.

INDIAN HEALTH SERVICE

From the day the budget arrived in February, one of the most difficult issues we had to deal with was to provide the Indian Health Service money sufficient to meet the health care needs of a growing Indian population. The original budget request was a quarter of a billion dollars below the 1994 level, despite the fact that the health of the Indian people is far worse than other groups in the country. The conference agreement addresses that budget deficiency. For example, we are completing the Anchorage Native Medical Center in Alaska which is the main health treatment facility for all Alaska Natives. The hospital we are replacing is nearly 40 years old, is located on an earthquake fault and was built originally as a tuberculosis sanitarium. We also have provided the money needed to operate new hospitals and clinics which are open this year and next. Under the budget request, no funds were included for staffing these clinics and we were faced with leaving new hospitals empty because there wasn't any money to operate them. We have fixed that in this conference agreement.

NORTHWEST FOREST PLAN

An important initiative included in the conference agreement is money for the President's Northwest Forest Plan. The plan was released by the President over a year ago, and is a comprehensive blueprint for forest management, economic development, and agency coordination in the Pacific Northwest and northern California. The plan offers a new approach to managing old growth forests and their biological diversity, based on sound science and a commitment to existing law. Earlier this year, the plan was reviewed by the court which has jurisdiction over the lawsuits that have effectively stopped timber sales in the region for the past several years, and the court lifted current injunctions on timber sales. The funding included in the conference agreement will allow timber sales under the plan to go forward, as well as provided for Jobs in the Woods ecosystem restoration projects, watershed assessments, consultation, and research.

SOUTH FLORIDA/EVERGLADES

Similarly, this conference agreement strongly supports efforts to stop the deterioration of the natural resource-rich area in south Florida and the Everglades ecosystem. Within the National Park Service, for example, there is $9,500,000 included to acquire lands critical to restoration of the health of the ecosystem; there is also $4.5 million to change the system of water flows to a more natural regime. In addition, the agreement includes an increase in operating funds for the National Park Service, the U.S. Fish and Wildlife Service, the National Biological Survey and the U.S. Geological Survey to provide for enhanced research into the problems and possible solutions to improve the Everglades area.

LAND AND WATER CONSERVATION FUND

Many of you have expressed interest in the Land and Water Conservation Fund and the conference agreement includes $235,567,000 for the Land and Water Conservation Fund. Included in this total is $28 million for State grants and $207 million related to Federal acquisitions.

ENERGY CONSERVATION

In energy conservation the agreement provides approximately $793 million to pursue aggressively plans to reduce the use of energy in buildings, industry, and transportation. This amount is $103 million above fiscal year 1994 levels, and includes a total of $41 million to support the President's climate action plan and an increase of $20 million for low-income weatherization assistance. The weatherization increase will allow the formula for distribution of weatherization funds to be adjusted to provide a more equitable distribution of funds to warm-weather States without harming other States.

REDUCTIONS

There are some significant reductions in this bill below what was appropriated in fiscal year 1994. One major category of reduction is in the various construction accounts. For the Fish and Wildlife Service, construction is down to $54 million from $74 million in 1994. Line-item construction for the National Park Service is now $127 million; a year ago the total was $162 million. Bureau of Indian Affairs construction, which was $167 million in 1994, is in this conference agreement at $130 million. Similarly, Forest Service construction is down to $203 million, a $50 million reduction from fiscal year 1994; and construction related to the Indian Health Service is down by $43 million from a year ago, having been reduced from $297 million to $254 million.

Several agencies, including the U.S. Geological Survey, the Bureau of Mines, Minerals Management Service, and the Office of Surface Mining Reclamation and Enforcement are below the operating levels of a year ago.

Within the Department of Energy programs in this bill, there is $27 million less for operating the Naval Petroleum Reserves, coal research is down by $12 million and expenditures for the Strategic Petroleum Reserve are down by $54 million.

CLARIFICATIONS

I want to clarify that the $2,237,000 of prior year funds used in the Energy Conservation account in the Department of Energy should be comprised of amounts available from the recovery of prior year deobligations.

I want to express my sincere appreciation to all the subcommittee members, and especially RALPH REGULA, the ranking minority member, for all their efforts on this conference report. I believe we have done a good job under difficult circumstances to bring you a conference agreement you can support and I ask for your support.

Finally, Mr. Speaker, I want to express my great appreciation to the very constructive work done by the members of our subcommittee: by the gentleman from Washington [Mr. DICKS], the gentleman from Pennsylvania [Mr. MURTHA], the gentleman from Texas [Mr. COLEMAN], the gentleman from Alabama [Mr. BEVILL], the gentleman from Colorado [Mr. SKAGGS], and the gentleman from Wisconsin [Mr. OBEY], and by the Republican members as well; the gentleman from Pennsylvania [Mr. McDADE]; the gentleman from Arizona [Mr. KOLBE], and the gentleman from California [Mr. PACKARD].

Mr. Speaker, I want also to commend, as vehemently as I can, the members of our staff, which I consider to be one of the outstanding staffs in the Congress: our clerk, Neal Sigmon; Bob Kripowicz; Kathy Johnson; Loretta Beaumont; Angie Perry; and Lorethia Roberts, who have all done very well as have members of my own staff, the very distinguished chief of staff Mary Bain, Jason Alderman, and Steve Marcheso; and Barbara Wainman from Mr. REGULA's staff. All contributed very much to the success of this report. It is a fine report, and I have no hesitancy at all to recommend it very strongly for approval by the House.

At this point, I ask that a table detailing the various accounts in the bill, as agreed to by the conferees, be inserted in the RECORD.

FY 1995 INTERIOR APPROPRIATIONS BILL (H.R. 4602)

	FY 1994 Enacted	FY 1995 Estimate	House	Senate	Conference	Conference compared with enacted
TITLE I - DEPARTMENT OF THE INTERIOR						
Bureau of Land Management						
Management of lands and resources	599,860,000	605,099,000	596,349,000	598,480,000	598,449,000	-1,411,000
Fire protection	117,143,000	114,968,000	114,968,000	114,968,000	114,968,000	-2,175,000
Emergency Department of the Interior firefighting fund	116,674,000	121,176,000	121,176,000	121,176,000	121,176,000	+4,502,000
Central hazmat account		14,050,000	13,435,000	13,435,000	13,435,000	+13,435,000
Construction and access	10,467,000	3,936,000	3,836,000	12,186,000	12,091,000	+1,624,000
Payments in lieu of taxes	104,108,000	104,108,000	104,108,000	104,108,000	104,108,000	
Land acquisition	12,122,000	21,173,000	17,060,000	12,055,000	14,785,000	+2,663,000
Oregon and California grant lands	82,052,000	105,860,000	100,860,000	97,383,000	97,550,000	+15,498,000
Forest ecosystems health and recovery	1,500,000					-1,500,000
Range improvements (indefinite)	10,025,000	10,350,000	10,350,000	10,350,000	10,350,000	+325,000
Service charges, deposits, and forfeitures (indefinite)	7,932,000	8,900,000	8,900,000	8,900,000	8,900,000	+968,000
Miscellaneous trust funds (indefinite)	7,505,000	7,605,000	7,605,000	7,605,000	7,605,000	+100,000
Total, Bureau of Land Management	1,069,388,000	1,117,225,000	1,098,647,000	1,100,646,000	1,103,417,000	+34,029,000
United States Fish and Wildlife Service						
Resource management	481,623,000	539,083,000	514,650,000	502,936,000	513,815,000	+32,192,000
Construction	73,565,000	35,095,000	25,264,000	49,848,000	53,914,000	-19,651,000
Natural resource damage assessment and restoration fund	6,700,000	7,752,000	6,700,000	6,700,000	6,700,000	
Land acquisition	82,655,000	86,162,000	62,300,000	63,700,000	67,410,000	-15,245,000
Cooperative endangered species conservation fund	9,000,000	10,571,000	9,000,000	9,000,000	9,000,000	
National wildlife refuge fund	12,000,000	13,748,000	12,000,000	12,000,000	12,000,000	
Rewards and operations	1,169,000	1,169,000	1,169,000	1,169,000	1,169,000	
North American wetlands conservation fund	12,000,000	13,952,000		12,000,000	9,000,000	-3,000,000
Wildlife conservation and appreciation fund	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	
Total, United States Fish and Wildlife Service	679,712,000	708,532,000	632,083,000	658,353,000	674,008,000	-5,704,000
National Biological Survey						
Research, inventories, and surveys	167,209,000	176,450,000	167,209,000	166,358,000	167,209,000	
National Park Service						
Operation of the national park system	1,061,823,000	1,124,715,000	1,083,973,000	1,061,276,000	1,079,963,000	+18,140,000
National recreation and preservation	42,585,000	40,479,000	36,946,000	44,128,000	43,023,000	+438,000
Historic preservation fund	40,000,000	42,000,000	41,000,000	42,000,000	41,500,000	+1,500,000
Construction	201,724,000	148,568,000	171,417,000	170,503,000	184,941,000	-16,783,000
Urban park and recreation fund	5,000,000	5,000,000	10,000,000	5,000,000	7,500,000	+2,500,000
Land and water conservation fund (rescission of contract authority)	-30,000,000	-30,000,000	-30,000,000	-30,000,000	-30,000,000	
Land acquisition and state assistance	95,250,000	82,696,000	88,596,000	80,759,000	87,936,000	-7,314,000
Illinois and Michigan Canal National Heritage Corridor Commission	250,000					-250,000
Total, National Park Service (net)	1,416,632,000	1,413,458,000	1,401,932,000	1,373,666,000	1,414,863,000	-1,769,000
United States Geological Survey						
Surveys, investigations, and research	584,685,000	580,680,000	576,775,000	565,316,000	572,556,000	-12,129,000
Minerals Management Service						
Royalty and offshore minerals management	193,197,000	193,906,000	190,206,000	189,034,000	189,056,000	-4,141,000
Oil spill research	5,331,000	6,452,000	6,452,000	6,452,000	6,452,000	+1,121,000
Total, Minerals Management Service	198,528,000	200,358,000	196,658,000	195,486,000	195,508,000	-3,020,000
Bureau of Mines						
Mines and minerals	169,436,000	148,919,000	152,269,000	152,389,000	152,719,000	-16,717,000
Office of Surface Mining Reclamation and Enforcement						
Regulation and technology	110,552,000	110,006,000	110,206,000	109,773,000	110,006,000	-546,000
Receipts from performance bond forfeitures (indefinite)	1,190,000	1,190,000	1,190,000	1,190,000	1,190,000	
Subtotal	111,742,000	111,196,000	111,396,000	110,963,000	111,196,000	-546,000
Abandoned mine reclamation fund (definite, trust fund)	190,107,000	166,704,000	172,404,000	193,831,000	182,772,000	-7,335,000
Total, Office of Surface Mining Reclamation and Enforcement	301,849,000	277,900,000	283,800,000	304,794,000	293,968,000	-7,881,000
Bureau of Indian Affairs						
Operation of Indian programs	1,490,805,000	1,498,430,000	1,527,786,000	1,525,399,000	1,526,778,000	+35,973,000
Construction	166,979,000	82,973,000	131,030,000	123,230,000	130,270,000	-36,709,000
Indian land and water claim settlements and miscellaneous payments to Indians	103,259,000	174,045,000	82,896,000	77,096,000	77,096,000	-26,163,000
Navajo rehabilitation trust fund	2,466,000			2,466,000	2,000,000	-466,000

FY 1995 INTERIOR APPROPRIATIONS BILL (H.R. 4602), continued

	FY 1994 Enacted	FY 1995 Estimate	House	Senate	Conference	Conference compared with enacted
Technical assistance of Indian enterprises	1,970,000	1,970,000	1,970,000	1,970,000	1,970,000	....
Indian direct loan program account	2,484,000	....	2,484,000	2,484,000	2,484,000	....
(Limitation on direct loans)	(10,890,000)	....	(10,890,000)	(10,890,000)	(10,890,000)	....
Indian guaranteed loan program account	9,690,000	9,690,000	9,690,000	9,690,000	9,690,000	....
(Limitation on guaranteed loans)	(69,000,000)	(46,900,000)	(46,900,000)	(46,900,000)	(46,900,000)	(-22,100,000)
Total, Bureau of Indian Affairs	1,777,653,000	1,767,108,000	1,755,856,000	1,742,335,000	1,750,288,000	-27,365,000
Territorial and International Affairs						
Administration of territories	54,187,000	50,919,000	55,419,000	49,619,000	52,519,000	-1,668,000
Northern Mariana Islands Covenant	27,720,000	27,720,000	27,720,000	27,720,000	27,720,000	....
Subtotal	81,907,000	78,639,000	83,139,000	77,339,000	80,239,000	-1,668,000
Trust Territory of the Pacific Islands	23,838,000	900,000	2,900,000	19,838,000	19,838,000	-4,000,000
Compact of Free Association	12,102,000	13,258,000	17,758,000	10,602,000	14,602,000	+2,500,000
Mandatory payments	10,000,000	14,900,000	14,900,000	10,000,000	10,000,000	....
Subtotal	22,102,000	28,158,000	32,658,000	20,602,000	24,602,000	+2,500,000
Total, Territorial and International Affairs	127,847,000	107,697,000	118,697,000	117,779,000	124,679,000	-3,168,000
Departmental Offices						
Office of the Secretary	64,111,000	62,599,000	62,599,000	62,599,000	62,599,000	-1,512,000
Ecosystem restoration funds	7,000,000	....	....	....	....	-7,000,000
Office of the Solicitor	33,359,000	35,374,000	35,374,000	32,548,000	34,674,000	+1,315,000
Office of Inspector General	24,283,000	23,985,000	23,985,000	23,985,000	23,985,000	-298,000
Construction Management	2,394,000	2,133,000	2,000,000	2,000,000	2,000,000	-394,000
National Indian Gaming Commission	1,000,000	1,481,000	1,000,000	1,000,000	1,000,000	....
Total, Departmental Offices	132,147,000	125,572,000	124,958,000	122,132,000	124,258,000	-7,889,000
Total, title I, Department of the Interior (net)	6,625,086,000	6,623,899,000	6,508,884,000	6,499,254,000	6,573,473,000	-51,613,000
Appropriations	(6,655,086,000)	(6,653,899,000)	(6,538,884,000)	(6,529,254,000)	(6,603,473,000)	(-51,613,000)
Rescission	(-30,000,000)	(-30,000,000)	(-30,000,000)	(-30,000,000)	(-30,000,000)	....
(Limitation on direct loans)	(10,890,000)	....	(10,890,000)	(10,890,000)	(10,890,000)	....
(Limitation on guaranteed loans)	(69,000,000)	(46,900,000)	(46,900,000)	(46,900,000)	(46,900,000)	(-22,100,000)
TITLE II - RELATED AGENCIES						
DEPARTMENT OF AGRICULTURE						
Forest Service						
Forest research	193,083,000	203,280,000	201,780,000	198,076,000	200,130,000	+7,047,000
State and private forestry	165,315,000	158,185,000	158,664,000	161,511,000	161,264,000	-4,051,000
Emergency pest suppression fund	(15,000,000)	....	(17,000,000)	(17,000,000)	(17,000,000)	(+2,000,000)
International forestry	6,996,000	9,972,000	7,000,000	7,000,000	7,000,000	+4,000
National forest system	1,308,823,000	1,355,312,000	1,336,162,000	1,322,857,000	1,333,112,000	+24,289,000
Forest Service fire protection	185,168,000	156,590,000	160,590,000	156,908,000	159,590,000	-25,578,000
Emergency Forest Service firefighting fund	190,222,000	226,200,000	226,200,000	226,200,000	226,200,000	+35,978,000
Emergency appropriations	....	....	....	....	450,000,000	+450,000,000
Construction	252,802,000	221,791,000	191,740,000	219,234,000	203,186,000	-49,616,000
Timber receipts transfer to general fund (indefinite)	(-48,289,000)	(-51,828,000)	(-51,828,000)	(-51,828,000)	(-51,828,000)	(-3,539,000)
Timber purchaser credits	(60,000,000)	(50,000,000)	(50,000,000)	(50,000,000)	(50,000,000)	(-10,000,000)
Land acquisition	64,250,000	64,241,000	61,131,000	60,541,000	65,436,000	+1,186,000
Acquisition of lands for national forests, special acts	1,212,000	1,252,000	1,252,000	1,252,000	1,252,000	+40,000
Acquisition of lands to complete land exchanges (indefinite)	203,000	210,000	210,000	210,000	210,000	+7,000
Range betterment fund (indefinite)	4,600,000	4,584,000	4,584,000	4,584,000	4,584,000	-16,000
Gifts, donations and bequests for forest and rangeland research	96,000	89,000	89,000	89,000	89,000	-7,000
Total, Forest Service	2,372,770,000	2,401,706,000	2,349,402,000	2,358,462,000	2,812,053,000	+439,283,000
DEPARTMENT OF ENERGY						
Clean coal technology	-175,000,000	-337,879,000	-337,879,000	-337,879,000	-337,879,000	-162,879,000
Fossil energy research and development	430,674,000	451,130,000	428,544,000	419,451,000	425,614,000	-5,060,000
(By transfer)	....	(17,000,000)	(17,000,000)	(17,000,000)	(17,000,000)	(+17,000,000)
Alternative fuels production (indefinite)	-4,798,000	-4,250,000	-4,250,000	-4,250,000	-4,250,000	+548,000
Naval petroleum and oil shale reserves	214,772,000	199,456,000	193,956,000	187,406,000	187,406,000	-27,366,000
Energy conservation	690,375,000	976,856,000	824,585,000	743,741,000	793,194,000	+102,819,000
Economic regulation	12,994,000	12,437,000	12,437,000	12,437,000	12,437,000	-557,000
Emergency preparedness	8,901,000	8,249,000	8,249,000	8,249,000	8,249,000	-652,000
Strategic Petroleum Reserve	206,810,000	153,247,000	153,247,000	153,247,000	153,247,000	-53,563,000
(By transfer)	....	(90,764,000)	(90,764,000)	(90,764,000)	(90,764,000)	(+90,764,000)
Energy Information Administration	86,553,000	84,728,000	84,728,000	84,507,000	84,728,000	-1,825,000
Total, Department of Energy	1,471,281,000	1,543,974,000	1,363,617,000	1,266,909,000	1,322,746,000	-148,535,000

FY 1995 INTERIOR APPROPRIATIONS BILL (H.R. 4602), continued

	FY 1994 Enacted	FY 1995 Estimate	House	Senate	Conference	Conference compared with enacted
DEPARTMENT OF HEALTH AND HUMAN SERVICES						
Indian Health Service						
Indian health services	1,645,877,000	1,651,889,000	1,706,102,000	1,715,052,000	1,713,052,000	+67,175,000
Indian health facilities	296,982,000	167,079,000	253,892,000	253,767,000	253,767,000	-43,215,000
Total, Indian Health Service	1,942,859,000	1,818,968,000	1,959,994,000	1,968,819,000	1,966,819,000	+23,960,000
DEPARTMENT OF EDUCATION						
Office of Elementary and Secondary Education						
Indian education	83,500,000	86,000,000	83,500,000	83,500,000	83,500,000	....
OTHER RELATED AGENCIES						
Office of Navajo and Hopi Indian Relocation						
Salaries and expenses	26,936,000	28,897,000	26,936,000	24,936,000	24,936,000	-2,000,000
Institute of American Indian and Alaska Native Culture and Arts Development						
Payment to the Institute	12,563,000	9,812,000	12,713,000	9,812,000	11,213,000	-1,350,000
Smithsonian Institution						
Salaries and expenses	302,349,000	318,579,000	314,454,000	312,755,000	314,454,000	+12,105,000
Construction and improvements, National Zoological Park	5,400,000	5,000,000	5,000,000	3,050,000	4,050,000	-1,350,000
Repair and restoration of buildings	24,000,000	25,300,000	24,000,000	24,000,000	24,000,000	....
Construction	10,400,000	50,000,000	30,000,000	29,300,000	29,300,000	+18,900,000
Total, Smithsonian Institution	342,149,000	398,879,000	373,454,000	369,105,000	371,804,000	+29,655,000
National Gallery of Art						
Salaries and expenses	51,908,000	53,418,000	53,003,000	53,003,000	53,003,000	+1,095,000
Repair, restoration and renovation of buildings	2,831,000	4,431,000	4,431,000	4,431,000	4,431,000	+1,600,000
Total, National Gallery of Art	54,739,000	57,849,000	57,434,000	57,434,000	57,434,000	+2,695,000
John F. Kennedy Center for the Performing Arts						
Operations	7,932,000	10,343,000	10,343,000	10,343,000	10,343,000	+2,411,000
Repair and rehabilitation	12,697,000	9,000,000	9,000,000	9,000,000	9,000,000	-3,697,000
Total, John F. Kennedy Center for the Performing Arts	20,629,000	19,343,000	19,343,000	19,343,000	19,343,000	-1,286,000
Woodrow Wilson International Center for Scholars						
Salaries and expenses	6,352,000	9,878,000	9,878,000	9,878,000	9,878,000	+3,526,000
National Foundation on the Arts and the Humanities						
National Endowment for the Arts						
Grants and administration	140,836,000	140,950,000	141,950,000	133,903,000	141,950,000	+1,114,000
Matching grants	29,392,000	29,150,000	29,150,000	27,693,000	29,150,000	-242,000
General reduction (2%)	....	....	-3,422,000	....	-3,422,000	-3,422,000
Total, National Endowment for the Arts	170,228,000	170,100,000	167,678,000	161,596,000	167,678,000	-2,550,000
National Endowment for the Humanities						
Grants and administration	151,300,000	151,420,000	151,420,000	151,420,000	151,420,000	+120,000
Matching grants	26,191,000	25,963,000	25,963,000	25,963,000	25,963,000	-228,000
Total, National Endowment for the Humanities	177,491,000	177,383,000	177,383,000	177,383,000	177,383,000	-108,000
Institute of Museum Services						
Grants and administration	28,777,000	28,770,000	28,770,000	28,770,000	28,770,000	-7,000
Total, National Foundation on the Arts and the Humanities	376,496,000	376,253,000	373,831,000	367,749,000	373,831,000	-2,665,000
Commission of Fine Arts						
Salaries and expenses	805,000	834,000	834,000	834,000	834,000	+29,000
National Capital Arts and Cultural Affairs						
Grants	7,500,000	6,648,000	7,500,000	6,648,000	7,500,000	....
Advisory Council on Historic Preservation						
Salaries and expenses	2,959,000	2,947,000	2,967,000	2,947,000	2,947,000	-12,000
National Capital Planning Commission						
Salaries and expenses	5,868,000	5,655,000	5,655,000	5,655,000	5,655,000	-213,000
Franklin Delano Roosevelt Memorial Commission						
Salaries and expenses	49,000	48,000	48,000	48,000	48,000	-1,000

FY 1995 INTERIOR APPROPRIATIONS BILL (H.R. 4602), continued

	FY 1994 Enacted	FY 1995 Estimate	House	Senate	Conference	Conference compared with enacted
Pennsylvania Avenue Development Corporation						
Salaries and expenses	2,738,000	2,865,000	....	2,738,000	2,738,000	....
Public development	4,289,000	4,184,000	4,084,000	4,084,000	4,084,000	-205,000
Land acquisition and development fund	7,193,000	....	....	....	....	-7,193,000
Total, Pennsylvania Avenue Development Corporation	14,220,000	7,049,000	4,084,000	6,822,000	6,822,000	-7,398,000
United States Holocaust Memorial Council						
Holocaust Memorial Council	21,679,000	25,660,000	26,660,000	21,679,000	26,660,000	+4,981,000
Total, title II, Related Agencies	6,763,354,000	6,800,400,000	6,677,850,000	6,580,580,000	7,104,023,000	+340,669,000
(Timber receipts transfer to general fund, indefinite)	(-48,289,000)	(-51,828,000)	(-51,828,000)	(-51,828,000)	(-51,828,000)	(-3,539,000)
(Timber purchaser credits)	(60,000,000)	(50,000,000)	(50,000,000)	(50,000,000)	(50,000,000)	(-10,000,000)
TITLE III - GENERAL REDUCTION						
General reduction of appropriations (0.191%)	....	....	....	....	-24,956,000	-24,956,000
Grand total:						
New budget (obligational) authority (net)	13,388,440,000	13,424,299,000	13,186,734,000	13,079,834,000	13,652,540,000	+264,100,000
Appropriations	(13,418,440,000)	(13,454,299,000)	(13,216,734,000)	(13,109,834,000)	(13,682,540,000)	(+264,100,000)
Rescission	(-30,000,000)	(-30,000,000)	(-30,000,000)	(-30,000,000)	(-30,000,000)	....
(Timber receipts transfer to general fund, indefinite)	(-48,289,000)	(-51,828,000)	(-51,828,000)	(-51,828,000)	(-51,828,000)	(-3,539,000)
(Timber purchaser credits)	(60,000,000)	(50,000,000)	(50,000,000)	(50,000,000)	(50,000,000)	(-10,000,000)
TITLE I -DEPARTMENT OF THE INTERIOR						
Bureau of Land Management	1,069,388,000	1,117,225,000	1,098,647,000	1,100,646,000	1,103,417,000	+34,029,000
United States Fish and Wildlife Service	679,712,000	708,532,000	632,083,000	658,353,000	674,008,000	-5,704,000
National Biological Survey	167,209,000	176,450,000	167,209,000	166,358,000	167,209,000	....
National Park Service	1,416,632,000	1,413,458,000	1,401,932,000	1,373,666,000	1,414,863,000	-1,769,000
United States Geological Survey	584,685,000	580,680,000	576,775,000	565,316,000	572,556,000	-12,129,000
Minerals Management Service	198,528,000	200,358,000	196,658,000	195,486,000	195,508,000	-3,020,000
Bureau of Mines	169,436,000	148,919,000	152,269,000	152,389,000	152,719,000	-16,717,000
Office of Surface Mining Reclamation and Enforcement	301,849,000	277,900,000	283,800,000	304,794,000	293,968,000	-7,881,000
Bureau of Indian Affairs	1,777,653,000	1,767,108,000	1,755,856,000	1,742,335,000	1,750,288,000	-27,365,000
Territorial and International Affairs	127,847,000	107,697,000	118,697,000	117,779,000	124,679,000	-3,168,000
Departmental Offices	132,147,000	125,572,000	124,958,000	122,132,000	124,258,000	-7,889,000
Total, Title I - Department of the Interior	6,625,086,000	6,623,899,000	6,508,884,000	6,499,254,000	6,573,473,000	-51,613,000
TITLE II - RELATED AGENCIES						
Forest Service	2,372,770,000	2,401,706,000	2,349,402,000	2,358,462,000	2,812,053,000	+439,283,000
Department of Energy	1,471,281,000	1,543,974,000	1,363,617,000	1,266,909,000	1,322,746,000	-148,535,000
Indian Health	1,942,859,000	1,818,968,000	1,959,994,000	1,968,819,000	1,966,819,000	+23,960,000
Indian Education	83,500,000	86,000,000	83,500,000	83,500,000	83,500,000	....
Office of Navajo and Hopi Indian Relocation	26,936,000	28,897,000	26,936,000	24,936,000	24,936,000	-2,000,000
Institute of American Indian and Alaska Native Culture and Arts Development	12,563,000	9,812,000	12,713,000	9,812,000	11,213,000	-1,350,000
Smithsonian	342,149,000	398,879,000	373,454,000	369,105,000	371,804,000	+29,655,000
National Gallery of Art	54,739,000	57,849,000	57,434,000	57,434,000	57,434,000	+2,695,000
John F. Kennedy Center for the Performing Arts	20,629,000	19,343,000	19,343,000	19,343,000	19,343,000	-1,286,000
Woodrow Wilson International Center for Scholars	6,352,000	9,878,000	9,878,000	9,878,000	9,878,000	+3,526,000
National Endowment for the Arts	170,228,000	170,100,000	167,678,000	161,596,000	167,678,000	-2,550,000
National Endowment for the Humanities	177,491,000	177,383,000	177,383,000	177,383,000	177,383,000	-108,000
Institute of Museum Services	28,777,000	28,770,000	28,770,000	28,770,000	28,770,000	-7,000
Commission of Fine Arts	805,000	834,000	834,000	834,000	834,000	+29,000
National Capital Arts and Cultural Affairs	7,500,000	6,648,000	7,500,000	6,648,000	7,500,000	....
Advisory Council on Historic Preservation	2,959,000	2,947,000	2,967,000	2,947,000	2,947,000	-12,000
National Capital Planning Commission	5,868,000	5,655,000	5,655,000	5,655,000	5,655,000	-213,000
Franklin Delano Roosevelt Memorial Commission	49,000	48,000	48,000	48,000	48,000	-1,000
Pennsylvania Avenue Development Corporation	14,220,000	7,049,000	4,084,000	6,822,000	6,822,000	-7,398,000
Holocaust Memorial Council	21,679,000	25,660,000	26,660,000	21,679,000	26,660,000	+4,981,000
Total, Title II - Related Agencies	6,763,354,000	6,800,400,000	6,677,850,000	6,580,580,000	7,104,023,000	+340,669,000
TITLE III - GENERAL REDUCTION						
General reduction of appropriations (0.191%)	....	....	....	....	-24,956,000	-24,956,000
Grand total	13,388,440,000	13,424,299,000	13,186,734,000	13,079,834,000	13,652,540,000	+264,100,000

Mr. Speaker, I reserve the balance of my time.

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Mr. REGULA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the chairman has very adequately outlined the details of this conference report. I will only take a few minutes to discuss a couple of items. Chairman YATES provided superb leadership in the conference. I think we have worked out a bill that is good for the people of the United States. It preserves our wonderful heritage of forests and parks and does it for $200 million less than last year. I think it is a remarkable accomplishment and a tribute to the leadership of the chairman that we could meet the needs and do it for less money than last year, even though visitations to the parks and forests are up 10 percent over last year.

I want to also point out that we maintained the House position on the National Endowment for the Arts. We support in the conference the amendment that Mr. STEARNS of Florida had offered in the House that reduced the NEA funding by $3.4 million. The reduced number that is achieved by the amendment of the gentleman from Florida [Mr. STEARNS] remains in the bill.

The patent moratorium which is included in the conference agreement is a small step toward what we hope will be a permanent revision of the 1872 mining law. It grandfathers many of the patents that are in the pipeline so that we are not taking away anything from those who are well along in the process of getting a patent. The moratorium is only for 1 year and it provides that if there is a revision or reform of the Mining Act during this Congress that this moratorium will drop out or be null and void. I think it is a small step, but it does provide protection against continuing a fire sales of the assets of this Nation for $2.50 an acre.

I strongly recommend the conference agreement. I think it is a very responsible approach to the challenges that we have to meet the needs of our public areas. We have tried to manage the resources very well and certainly ensure that we leave a legacy of the one-third of America, the public lands, in a way that we can be proud of for future generations.

Mr. Speaker, I reserve the balance of my time.

Mr. YATES. Mr. Speaker, I yield 6 minutes to the distinguished gentleman from Washington [Mr. DICKS].

Mr. DICKS. Mr. Speaker, I want to commend the gentleman from Illinois [Mr. YATES], the chairman of the committee, and the gentleman from Ohio [Mr. REGULA], our ranking Republican, for the outstanding job they did in crafting this bill. I too want to salute the staff. The staff on this committee does an excellent job, is very responsive to not only the Members of the House and staff and people from our States who come back on the very important issues that face our region.

I want to report to the House that we were able again this year to enact most of President Clinton's plan for the help and assistance of the Pacific Northwest because of the tremendous problems we face there with the listing of the northern spotted owl, the marbled murrelet, and various salmon species. This committee has been very responsive to our efforts for watershed analysis funding for the Forest Service, the BLM and the BIA and the Fish and Wildlife Service and also for funds toward watershed restoration. I believe that this money is well spent. I think we can do a great job in the Pacific Northwest, in Washington, Oregon, and in northern California of dealing with the problems in our watersheds that are adversely affecting the salmon and steelhead runs in our region. I also believe by doing this analysis and projects that we can take a lot of unemployed loggers and others who have lost their jobs in the region, retrain them at our community colleges so that they can go out and do these watershed restoration projects, can help do the analysis, and can have basically year-round employment.

I know that the people in the Pacific Northwest, the people in the rural parts of our States, are hurting because of the tremendous reductions in harvesting off of our Forest Service and BLM lands. We are working mightily with this administration, by the way, to test out various adaptive management techniques that I believe can actually prove over time that with proper management we can create harvest activities in these forests that will be pro-environment, that will help the wildlife. And by using techniques like pruning and thinning that we can in essence create better habitat for species, promote the biodiversities, and help the ecosystems and still have some harvesting off these Federal lands.

Today we have dramatically reduced the harvesting levels and that has caused severe dislocation. In fact, many of our people that have come to talk to me about this are from the home-building community who are worried about the increase in the price of lumber that has been caused because there is dramatic reduction in harvest levels off our Federal timberlands. They are worried about jobs in that area. I hope we can continue to pursue the effort to look at experimentation to see if we cannot better manage these forests.

On the east side of our State, the Speaker has been very much concerned about salvaging and the use of salvage funding where we have had these massive forest fires. Again, I want to point out to this body that the reason we had the forest fires is because we did not do adaptive management on those Federal forestlands. Those people who said, "Just leave them in preserves, don't touch them" were wrong. We grew up a massive understorage. We had diseased timber. And when we had the wildfires, thousands and thousands and thousands of acres were destroyed. It was not necessary. It could have been avoided if we had properly managed those forests.

For those of us on the west side, we are concerned that the same kind of preservationist mentality exists there, and that if we just leave all these forests in preserves, that the same kinds of problems will occur and eventually we will have massive forest fires on the west side of the Cascade Mountains.

Again, let us learn from these tragic mistakes and let us use the salvaging and adaptive management that can be used to make these forests more healthy. That is what I think this bill will allow us to do. We want to keep as much of the old growth as we can, but that old growth has got to be managed as well.

Again, I want to reiterate what we are talking about here is trying to have good management of these forests, trying to use when there is blowdown timber, when there are forest fires, let us go in and take out those, especially in the eroded areas, go in, take out that excess, take it and run it in the mills. It is very hard to explain to the American people why after a massive forest fire we cannot go in, take some of that salvage and use it in the mills when there is a shortage in this country.

Again, I urge the Forest Service to look at the language that was put into this bill and to listen to the elected representatives from the Pacific Northwest who are saying there is a better way to manage these forests that is environmentally sensitive, that promotes biodiversity, will help the wildlife, will protect the ecosystems, will help us with watershed restoration, but at the same time will give us some ability to still get some harvesting off those lands in a responsible way.

Again, I want to thank the committee for indulging me, helping us. The committee has been very, very responsive. It is a very tough problem to see these communities so badly hurt and the people so badly hurt. We are going to continue to fight for them.

Mr. REGULA. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. PACKARD], an excellent member of our subcommittee.

Mr. PACKARD. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I rise in support of this conference report and I want to especially thank the gentleman from Illinois [Mr. YATES], the chairman of the committee, and the gentleman from

Ohio [Mr. REGULA], the Republican leader, for their very good effort and judgment in seeing that a good conference report emerged from the House and Senate.

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I also want to thank Chairman BYRD and Senator NICKLES for their help in preserving and protecting some of the issues in this conference report that are very important to me and I think to the country. Particularly I want to thank the effort of our leaders in preserving and protecting the funding for the habitat planning process in three of the counties in California which are very important as we try to find appropriate ways to preserve and protect lands for habitat purposes that are compatible with the needs of humans and the needs of our economy.

I also want to thank the staff. Often we overlook the work of the staff. Neal Sigmon, Barbara Wainman, Debbie Weatherly, and other members of the staff have really worked hard on this bill. We know how hard the staff works, and we want to thank them for the work.

Again I offer my support for this conference report and thank those who have made it possible.

Mr. YATES. Mr. Speaker, I yield myself such time as I may consume and yield to the gentleman from Georgia [Mr. DEAL] for a colloquy.

Mr. DEAL. I thank the gentleman for yielding.

Mr. Speaker, the conference report includes report language which refers to the construction of the road relocation at the Chickamauga-Chattanooga National Military Park. As I understand it, the committee does not intend that construction on this ongoing project should come to a halt. Is this correct?

Mr. YATES. Let me say the gentleman's impression is correct. It is not intended for ongoing construction to come to a halt.

Mr. DEAL. I thank the gentleman for that clarification and for yielding.

Mr. YATES. Mr. Speaker, for purposes of another colloquy, I yield myself such time as I may consume and yield to the gentleman from California [Mr. MILLER] for a colloquy.

Mr. MILLER of California. Mr. Speaker, I thank the gentleman for yielding. I would like to engage in a colloquy on the conference report language concerning the Tongass National Forest in Alaska. This language directs the Forest Service to "explore the possibility of a 10-year contract" for the Alaska Pulp Corporation to obtain public timber from the Tongass. While the Forest Service is directed to give consideration to such a contract, either within the Tongass land planning process or elsewhere, it is my understanding that there is no mandate that a contract be issued to Alaska Pulp Corporation.

Mr. YATES. The gentleman is correct. The Forest Service is directed only to explore this option and may do so outside of the land plan revision.

Mr. MILLER of California. Mr. Speaker, on April 14, 1994, the Forest Service found APC to be in breach of its 50-year contract for Tongass timber on account of closure of the pulp mill in Sitka. APC is engaged in litigation against the United States. In evaluating whether to extend a new, 10-year contract to APC, do you agree that the Forest Service should take into account APC's history which includes antitrust violations, noncompliance with environmental laws, union busting, and breach of contract?

Mr. YATES. Yes, I do. APC's history should be thoroughly examined before any decision to extend or deny additional government benefits.

Mr. MILLER of California. I thank the gentleman. The Tongass Timber Program has been the biggest money loser in the National Forest System in each of the last 2 fiscal years. In the review of whether to grant a new, 10-year contract to APC, do you agree that the disadvantages of such a contract should be carefully considered, including the costs in additional taxpayer subsidies?

Mr. YATES. Yes, may I say to the gentleman from California, I agree that the Forest Service should fully evaluate whether additional taxpayer subsidies for APC are in the public interest.

Mr. MILLER of California. The financial documents made public in a law suit against APC by local property owners in Sitka reveal that APC and its subsidiaries had invested $240.6 million in the stock market and tens of millions more in Australian hotel and other non-timber-related businesses. Shortly before the pulp mill closed in 1993, the president of APC received a $20.7 million bonus. During this period APC had received Tongass timber at prices averaging only $1.48 per thousand board feet, based on representations to the Forest Service that APC operations were not profitable without rock bottom timber prices and Government subsidies. In evaluating whether to grant a new, 10-year timber contract to APC, do you agree that the Forest Service, along with the Justice Department, should thoroughly examine APC's financial documents to determine whether they accurately represented their financial condition to the United States and paid a fair price for timber?

Mr. YATES. I will say to the gentleman from California I agree that these serious questions of whether APC obtained public timber from the Forest Service at low prices by misrepresenting its financial status should be fully investigated prior to any determination on granting APC a new timber contract.

Mr. MILLER of California. Finally, Mr. Speaker, in carrying out the conference committee's direction to provide a report on meeting market demand for timber, is it your intent that the Forest Service fully comply with section 101 of the Tongass Timber Reform Act and consider conflicts with existing legal requirements and the negative impacts meeting the demand for timber may have on other renewable resources values?

Mr. YATES. Yes, I say to the gentleman from California, I am well aware that the Tongass Timber Reform Act does not contain a mandate to supply timber if meeting demand is not sustainable or is inconsistent with other laws. Those who would construe the conference report as an attempt to change existing laws should instead take their concerns to you and the appropriate authorizing committees.

Mr. MILLER of California. I thank the chairman for his efforts to improve management of the Tongass and for his cooperation.

Mr. YATES. Mr. Speaker, I continue to yield to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Chairman, I thank the gentleman for yielding to me so that I might commend the chairman and the ranking member, the gentleman from Ohio [Mr. REGULA], and the members of the committee for the work that they have done on this appropriation bill. This committee every year has demands placed upon it far in excess of the resources that they have to meet the requests of all of the various agencies and bureaus that administer the public lands of this Nation and the desires of the Members of Congress representing these lands and what needs to be done through the care and the protection, the restoration of our lands and our resources. And I want to commend the committee and its staff for its consideration that it has shown to the Committee on Natural Resources and to the Members of Congress in trying to balance those needs to put the moneys where they are needed most so that we can protect the resources of this Nation.

I also want to thank the committee for the leadership that it took in including a patent moratorium on hard rock mining on public lands that the gentleman from Ohio [Mr. REGULA] put forth in the committee and on the floor of the House, and again I want to thank the gentleman very much for all his time and effort, and on behalf of him and the members of the committee and the staff.

Mr. Chairman, I rise in support of the conference report but want to express my concerns about the statement of managers language as it pertains to the timber program on the Tongass National Forest in Alaska. The Tongass has long been of interest to the Committee on Natural Resources and I include a September 21 letter I sent to Chairman YATES on this subject in the RECORD.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON NATURAL RESOURCES,
Washington, DC, September 21, 1994.
Hon. SIDNEY R. YATES,
Chairman, Subcommittee on Interior, Committee on Appropriations, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to express my objections to language contained in the Senate Committee report on H.R. 4602 (S. Rept. 103–294) in regard to the Tongass National Forest in Alaska and also to express opposition to the Sense of the Senate resolution on withdrawal of Tongass lands from timber management.

As an authorizing Committee chairman and one of the primary authors of the Tongass Timber Reform Act of 1990 (Public Law 101–626), I am especially disturbed by mischaracterizations of the reform act contained in the Senate Committee report. For example, the Senate report (page 76) states that "[t]he Tongass Timber Reform Act of 1990 specified that market demand would be the new timber sale measure." This statement fails to put the goal that the Forest Service "seek to meet" market demand in proper context, as set forth in section 101 of the reform act:

"*Subject to appropriations, other applicable law, and the requirements of the National Forest Management Act of 1976* (Public Law 94–588), except as provided in subsection (d) of this section, *the Secretary shall, to the extent consistent with providing for the multiple use and sustained yield of all renewable forest resources, seek to* provide a supply of timber from the Tongass National Forest which (1) meets the annual market demand for timber from such forest and (2) meets the market demand from such forest for each planning cycle." [emphasis added]

Section 101 of the reform act does not establish an absolute mandate to provide market demand for Tongass timber, no matter what the fiscal or environmental consequences. The Forest Service shall attempt to meet market demand for timber, but only to the extent consistent with applicable laws and management principles governing nontimber uses and sustained yield of all renewable forest resources. Timber is not given priority over other uses of the forest. In no event can timber be provided in excess of market demand, as was the case prior to 1990 under section 705(a) of the Alaska National Interest Lands Conservation Act. However, by specifying that the Tongass timber supply is "subject to appropriations," section 101 does not restrict the Congress from providing less funds than would be necessary if meeting market demand for timber were the only policy goal.

Clearly, cutting the subsidies to the Tongass timber program would be in the taxpayers' best interests. In the past two fiscal years, the Tongass has earned the dubious distinction of being far and away the biggest money loser in the national forest system. According to the 1993 TSPIRS report, providing less than 330 million board feet of timber from the Tongass cost the taxpayers $17,878,000 in losses. When office expenses, purchaser road credits and payments to the State are included, the total cost to the taxpayers escalates to $35,265,389 in FY 93.

I am also seriously concerned about language in the Senate report which directs the Forest Service to give preferential treatment to the Alaska Pulp Corporation (APC) by consideration of a new ten year timber contract (page 77) and by subsidizing a study of a medium density fiberboard plant to replace the Sitka pulp mill which APC closed in 1993 (page 72). Based on the long record of abuse by APC—including possible fraud on the U.S. to obtain timber at low prices—providing additional government benefits and subsidies to this company is simply not justified.

APC has a history of anti-trust violations, circumventing environmental laws and union busting (See: H.Rept. 101–84, Part I (1989) and Interior Committee Print No. 7 (1988)). In 1993, APC sought to block implementation of the Tongass Timber Reform Act, including the contract modifications, by filing suit. (See: *Alaska Pulp Corporation* v. *United States et al.* No. J93–101 (D. Alaska). APC's fifty-year timber contract was terminated by the Forest Service on April 14, 1994, as a result of APC's breach by shutting down the Sitka pulp mill and eliminating 400 jobs in October 1993. APC has announced its intent to sue the Forest Service for damages in the U.S. Claims Court. More recently, on September 6, 1994, APC shut down its 225 employee sawmill in Wrangell for the winter, alleging that no timber was available even though they had refused to bid on 27.7 million board feet competitive sale which the Forest Service had offered and sold as part of a 95 million board feet independent sale program.

For the vast majority of public timber provided to APC since 1982, they have paid "base rates" of only $1.48 per thousand board feet. APC received timber at such bargain basement prices based on their repeated representations to the Forest Service that their financial situation was precarious and that their timber and pulp operations were not profitable without government subsidies.

However, APC financial documents recently made public in a Sitka property owners suit against APC in Alaska Superior court (*Edwards* v. *Alaska Pulp Corporation, Alaska Pulp Co., LTD*, No. 1SI–92–257 CI.) reveal that APC and its maze of subsidiaries were, at the same time they were receiving timber at 1950's prices of $1.48 per thousand board feet, investing tens of millions of dollars in Australian hotels and other non-timber related businesses. By 1990, APC had $240.6 million invested in stocks sold on the New York Exchange. In 1993, before the Sitka pulp mill closure, the APC president received a $20.7 million bonus when the investment subsidiary was liquidated.

Until it is determined through the courts or by independent investigation that APC did not systematically commit fraud on the U.S. to obtain timber at lower than justified prices, the conveyance of additional government benefits such as the 10 year timber contract and the fiberboard plant study provided for in the Senate Committee report would be contrary to the public interest.

Finally, I object to both the Senate report (page 76) and the Sense of the Senate resolution's assertions that lands in the Tongass are being illegally withdrawn from timber harvest by the Forest Service. By contrast, the Forest Service is acting with authority under the National Forest Management Act to temporarily defer timber harvest in areas which have been identified as key fish and wildlife habitat. This is a prudent effort to continue to supply timber, while also taking preventative action based on state-of-the-art biology to avoid an Endangered Species Act train wreck which could shut down the entire Tongass timber program in the future. Moreover, the Forest Service's actions appear to be consistent with the direction from the House Appropriations Committee FY 94 report to implement the interagency scientific committee's report on Tongass wildlife (See: H.Rept 103–158, pages 74 and 75).

I urge the House conferees to reject both the Senate report language discouraging additional land set-asides and the Sense of the Senate resolution which could be construed to unduly restrict Forest Service management options and the authority to use science in current timber sale planning. Instead, I suggest that language be included in the conference report to direct the Forest Service to expeditiously complete the process of revising the Tongass Land Management Plan, incorporating the best scientific information available in determining both sustainable harvest levels and areas which should be permanently set aside from the existing timber base for fish and wildlife and other uses.

Thank you for your consideration of my views on these important national issues.

Sincerely,

GEORGE MILLER,
Chairman.

PATENT MORATORIUM

I am also very pleased that the conferees have included a patent moratorium on hard rock mining on public lands. The House has passed this moratorium for several years because of the severe abuses and public subsidies under the 1872 Mining Act.

We are currently in a conference committee with the Senate to bring the mining law into the modern era, or at least into the 20th century. We are making some progress, but there is no assurance that we will be able to overcome the vigorous opposition of the mining industry and its supporters in Congress who would prefer to see no mining reforms so that the archaic 1872 law can continue to hand over billions of dollars in public resources to private interests.

One of the key issues in the mining reform debate is that of patents. Under the 1872 law, which governs mining for precious metals, like gold, silver, and platinum on Federal lands, miners who discover one of these metals are entitled to patents—or fee-simple title to the land from American citizens and the mineral wealth it contains. Since 1872, the United States has let over 231 billion dollars' worth of mineral assets slip through our fingers in this manner, charging minimal costs for the land transfer and no royalty.

Earlier this year, Interior Secretary Bruce Babbitt was legally required to transfer absolute ownership of nearly 2,000 acres of public lands in Nevada—land containing $10 billion in gold—to a Canadian-owned mining company for the miserable sum of just $9,765. If we do not stop patenting, through mining reform or through a patenting moratorium pending achievement of mining reform—we will see more and more such cases in the years to come.

We are deeply engaged in trying to resolve the issues in the mining law. And I am hopeful that we will. But if we cannot overcome the well-financed lobbying of the mining industry, it is imperative that we halt further patenting so that we do not continue to turn billions of dollars of gold, silver, and other metals over to private interests.

This patent moratorium serves notice on that industry that they will not prosper by killing reform: They will not secure an additional 250,000 acres of public land by virtue of the obstructions they themselves have thrown in the way of real reform.

I make no bones about it: The patent moratorium is not comprehensive mining reform, but it is a very important interim step. For if we are unable to achieve comprehensive reform, this patenting moratorium may well be all that stands between an outrageous and unacceptable status quo and the continuation of patenting for years to come. Unless Congress acts now by enacting H.R. 322 or by enacting this patent moratorium, title to an additional $24 billion worth of mineral reserves—which rightfully belong to the American taxpayer—will be signed over to international mining conglomerates for the paltry sum of less than $1 million.

Congratulations are due to Chairman SIDNEY YATES and the House conferees who stuck with the patent moratorium and finally have won the day. This is not mining reform, but it is an important insurance policy that we must enact.

Mr. YATES. Mr. Speaker, I yield myself such time as I may consume in order to enter into a colloquy with the gentleman from Maryland [Mr. HOYER] and I yield to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I would like to commend the distinguished chairman of the Interior Appropriations Subcommittee for the excellent work that he and other members of the subcommittee have done in crafting the bill that is here before us today, the Department of Interior and related agencies appropriations bill for fiscal year 1995.

Mr. Chairman, the committee has included report language regarding the acquisition of land at Piscataway Park, for which I am very grateful. However, with the consent of the chairman, I would like to clarify the intent of this language.

Mr. YATES. The gentleman from Maryland's request is agreed to. Please continue.

Mr. HOYER. Mr. Chairman, it is my understanding that the committee's intention is that the National Park Service should submit a reprogramming request to the committee for the acquisition of lands at Piscataway Park from any unobligated balances within its land purchase accounts. This reprogramming request should be in accordance with the general reprogramming instructions in this bill. However, the Park Service shall avail itself of the full flexibility of these instructions and shall not be limited by any additional restrictions.

Mr. YATES. Let me say I agree with the gentleman from Maryland on his interpretation of congressional intent with respect to report language regarding a reprogramming at Piscataway Park.

I regret that our committee was unable to include funding for many important land acquisition requests this year. Because the Piscataway Park authorizing bill was not enacted at the time the House passed this bill, we were unable to accommodate the Maryland delegation with respect to funding for this particular acquisition.

I look forward to reviewing a reprogramming request for the Park Service that allows for the acquisition of lands of Piscataway Park.

Mr. HOYER. I thank the chairman and the gentleman from Ohio [Mr. REGULA] and members of the committee for all of their support for projects in my State and most importantly for protection of the critically threatened lands at Piscataway Park. I appreciate this opportunity to address my concerns and I too look forward to the Park Service reprogramming request approval in order to complete this valuable acquisition this year.

Mr. BROWN. Mr. Chairman, I rise in support of this Department of the Interior and related agencies appropriations conference report and I commend the gentleman from Illinois and the conferees for their efforts.

I am pleased with the substance of the conference report as it pertains to programs in the jurisdiction of the Committee on Science, Space, and Technology. It funds programs in energy conservation research and development and fossil fuel R&D in a manner that is broadly consistent with both the administration's priorities and the Energy Policy Act of 1992.

As one of the authorizing committee chairmen who worked to pass the Energy Policy Act, I am especially pleased that these priorities have been followed. In energy conservation, for example, this conference report affirms our commitment of developing the advanced technologies necessary for improving our national productivity in an energy efficient and environmentally sustainable manner. In a difficult budget environment, the conference report provides an increase of almost $103 million over the fiscal year 1994 level for energy conservation, including an additional $80 million for research and development programs. Besides R&D in the Department of Energy, this conference report supports multiyears consortia, partnerships, and collaborations with industry that should enhance the prospects for commercialization of important energy conservation technologies.

As one more example, Mr. Chairman, I am gratified that the conference report supports a large increase in the advanced turbine system program. This program will develop more efficient gas turbine systems for both utility and industrial electric power generation applications. A more efficient and environmentally friendly generation of gas turbines can help meet our future power generation needs while reducing emissions.

Mr. Chairman, I urge all Members to vote for this conference report.

Mr. CLINGER. Mr. Speaker, as I did when the House first considered the fiscal year 1995 Interior appropriations bill in June, I rise to express my deep concerns about the U.S. Forest Service's timber sale management budget.

The Allegheny National Forest [ANF]—which is located entirely within my Pennsylvania district—is one of the most fiscally and environmentally well-managed national forests in the country. Renowned for an abundance of a highly coveted species of black cherry sought by veneer manufacturers throughout the country and overseas, the Allegheny is an above-cost forest which returns $9 million in net receipts to the U.S. Treasury. Of the approximately 120 national forests to allow timber sales in fiscal year 1992, only 8 returned more money to the U.S. Treasury than the ANF.

The economy of the forest region is highly dependent on natural resource development in the ANF. According to the Forest Service, nearly 1,000 jobs are directly linked to harvesting timber in the Allegheny. A recent University of Pittsburgh at Bradford study indicates 5,540 local jobs are directly related to wood products, and another 12,576 are significantly impacted by the forest products industry. Of the 42,409 jobs in the ANF region, 42 percent depend, to some degree, on harvesting timber in the ANF.

Last June, I learned from preliminary Forest Service budget documents that the Allegheny National Forest timber program would be slashed from a timber harvest of 70 million board feet in fiscal year 1994 to only 35 million board feet in fiscal year 1995. Although the President's timber sale management request was only 6.6 percent below the previous fiscal year, the Forest Service planned to cut the Allegheny timber harvest by 50 percent.

After further investigation, I learned that other national forests in the East and South faced similar cuts, however, not nearly as deep as the ANF reductions. Rumors coming out of the Forest Service indicated that this money was to be used to cover budget shortfalls in the President's Pacific Northwest Forest plan.

Since learning about these cuts, several colleagues and I have been raising the issue and calling for a more equitable distribution of budget cuts among national forests. My attempts to offer amendments to the Interior appropriations bill in June were stymied, and meetings with the Forest Service officials, including Chief Jack Ward Thomas, apparently have not changed any minds at the Forest Service.

I was pleased when the other body adopted an amendment crafted by Senators WOFFORD and COCHRAN which would have provided additional money to national forests in the East and South to conduct so-called 1-year timber sales. With the assistance of Senator BYRD and Forest Service officials, the Wofford-Cochran amendment was redrafted numerous times until CBO finally scored the amendment budget neutral. As it was finally drafted, the Wofford/Cochran amendment made an additional $10.6 million available to national forest in regions 2, 3, 8, and 9, with the understanding that any money used for 1-year timber sales would have to be repaid with net timber sale receipts before the end of the fiscal year.

While I was greatly disappointed the conference committee did not accept the Wofford-Cochran amendment, I was encouraged by the conference report language adopted in its place. Although the language does not guarantee relief for the ANF, it does recognize problems with the Forest Service's proposed budget allocations for fiscal year 1995.

In particular, the conference report states that "some forest and regions are far below their capacity to offer sales in fiscal year 1995 and that demand for timber sales in some of these forests is very strong," while "in other instances, projected sales may not be attainable in fiscal year 1995 due to the need for increased environmental review, watershed assessment, or other presale planning activities."

The report goes on to explain that the conferees "are concerned that allocations of scarce resources not be directed to areas with low probability of success at the expense of areas with significantly higher probability of success." I have long argued that the Allegheny is one of the most successful, fiscally sound, and environmentally well-managed national forests worthy of special consideration.

Mr. Speaker, my work on this is far from over. While the adoption of this conference report language is an important step forward, more needs to be done to prevent unfair cuts to the ANF budget. With the assistance of the formidable grassroots organization in the forest region and in conjunction with Senator WOFFORD, I look forward to meeting with Forest Service officials to find a more equitable solution to our budget problems.

In closing, I would like to express my deep appreciation to Senator WOFFORD and Congressman MURTHA for their efforts on behalf of the Allegheny forest region and the Commonwealth of Pennsylvania. I would also like to recognize the work of Senators BYRD and COCHRAN and their staff and thank Congressman MCDADE and his staff person Debbie Weatherly for their advice and guidance.

Mr. McDADE. Mr. Speaker, I rise in support of the conference report of the Interior appropriations bill for fiscal year 1994. I want to commend my two House colleagues, Chairman SID YATES and ranking Republican RALPH REGULA, for their leadership and tireless efforts in the enormously difficult undertaking of reaching a conference agreement that is acceptable to most Members of the House.

The two most difficult issues—mining patent reform and arts funding—were resolved in the conference in ways that reflect the House position.

The agreement contains a 1-year moratorium on the sale of Federal lands to mining companies under the general mining law of 1872. The House placed the moratorium in the Interior appropriations bill every year since 1991 and voted 318 to 64 earlier this month to instruct conferees to insist on the House position.

I would be remiss if I did not pay special tribute to RALPH REGULA for his persistence in bringing this important public lands issue to the conference for the past 4 years. His doggedness has paid off with the adoption of the moratorium, which will bring pressure on Congress to enact a more comprehensive mining measure.

The conference also adopted the House position with a 2-percent cut in funding for the National Endowment for the Arts. This cut will send a strong message to the NEA that the Congress will not tolerate the use of tax dollars on projects that are obscene, sacrilegious, or pornographic.

The $13.2 billion appropriated in the agreement falls under both the fiscal year 1994 level and the administration's budget request. The agreement before us today is fiscally responsible, but does not neglect the important program needs of the Department of the Interior, the Forest Service, conservation and fossil fuel programs of the Department of Energy, Indian education and health, cultural and artistic programs.

I have been a member of the Interior Appropriations subcommittee for 30 years. The work of the conference is essential in that it affects our glorious public lands—the national parks, forests, rivers, and wildlife refuges. This bill protects and preserves our cultural heritage, provides low-income weatherization assistance, and promotes needed research on energy conservation and development. This fiscally sound bill is worthy of our support. I urge adoption of this conference report.

Mr. BEREUTER. Mr. Speaker, this Member rises in support of the conference report for H.R. 4602, which provides funding for the Department of the Interior and related agencies for fiscal year 1995.

This Member thanks the distinguished gentleman from Illinois [Mr. YATES], the chairman of the House Interior Appropriations Subcommittee, and the distinguished gentleman from Ohio [Mr. REGULA], the ranking member of the subcommittee, and all of the conferees for their help in bringing this conference report before the House.

This Member is pleased that the conference report includes funding for a number of projects of importance to Nebraska. Specifically, the report designates $500,000 from the Land and Water Conservation Fund applicable to the Fish and Wildlife Service for the Rainwater Basin Wetlands in Nebraska. This funding will permit the U.S. Fish and Wildlife Service to ensure the acquisition of wetlands from willing sellers. These wetlands would be permanently protected, restored, and managed as waterfowl production areas.

This wetlands area is geographically unique and represents a bottleneck in the north-south migration corridor for whooping cranes, 5 to 7 million waterfowl, and 90 percent of the midcontinent sandhill crane population. The Rainwater Basin lies at the central—and narrowest point—of this hourglass-shaped spring migration pathway. Substantial investments have been made to protect the northern nesting grounds and southern wintering areas. However, these efforts will be unproductive unless the spring staging area is also protected. Although the Rainwater Basin is the spring staging area for significant numbers of North American waterfowl, nearly 80 percent of the historic wetland acreage has been drained.

The Rainwater Basin project is designed to protect and restore wetlands for spring waterfowl migration and nonwildlife values. The effects of the reduced amount of wetlands in the area are becoming more obvious each year. The decreasing availability of habitat during peak migration periods is causing migratory waterfowl and related species to concentrate in the limited remaining areas. These concentrations lead to an increase in annual outbreaks of avian cholera which result in substantial losses of birds. However, by gradually rebuilding the rainwater basin, the wonderful tapestry of wetlands can be reassembled one thread at a time.

This Member is also pleased that the conference report includes $200,000 for the Back to the River project. This is a long-term project which will consist of a network of recreational trails, parks, historic sites, and wildlife habitat along the Missouri River. It is an important initiative which promotes responsible wildlife habitat management, encourages greater outdoor recreation, and serves an important educational function. The project offers the potential to greatly enhance the environment, cultural resources, and economic development.

This Member also thanks the conferees for maintaining a funding level of $200,000 for technology transfer and applications for the Center for Semiarid Agroforestry in Lincoln, NE. This funding is necessary to ensure that the valuable research being conducted at the center reaches those who will benefit most from the research. The center conducts research on developing tree varieties especially adapted to semiarid lands such as the Great Plains, that will enhance crop and livestock production, protect surface and groundwater quality, create wildlife habitat, and promote environmental goals.

This Member would also like to thank the distinguished chairman of the committee, Mr. YATES, and the distinguished ranking member, Mr. REGULA, once again for the $1.4 million appropriation for design of the Winnebago Hospital. Your patience and perseverance on this important project to provide improved health care for Native Americans in the First Congressional District of Nebraska are to be commended. Hopefully, the disagreements between the tribes can be settled shortly and the project may proceed on schedule. However, this Member remains concerned that the report language in conference report will not facilitate an agreement but will only increase the conflict between the two tribes.

Again, Mr. Speaker, this Member would like to thank the conferees for their cooperation in including these important projects in this conference report. This Member urges his colleagues to support the conference report.

Mr. GLICKMAN. Mr. Speaker, I rise today to express my concerns about language dealing with the Tongass National Forest in Southeast Alaska contained in the 1995 Interior Appropriations conference report.

The conference report contains language directing the Forest Service to "explore" the possibility of extending a 10-year timber contract to the Alaska Pulp Corporation [APC].

In my view, any language directing the Forest Service to give preferential treatment or consideration to APC is irresponsible and unwise. The Forest Service on April 14, 1994 canceled APC's 50-year timber contract because of material breach of contract by the company. APC closed its Sitka, AK pulp mill in October 1993.

In addition to breaching its contract with the Government, APC also has been found guilty of unfair labor practices and has a long history of circumventing environmental laws. APC also has sued the Federal Government claiming the Tongass Timber Reform Act contract modifications are unconstitutional. I have included with this statement a copy of a letter signed by myself and five other current Members of Congress that expressed our concerns about the two 50-year Tongass timber contracts in place prior to April 14, 1994.

The cancellation of APC's long-term contract gave the Forest Service a clear opportunity to implement sustainable forestry practices in the Tongass that take into consideration not only the timber industry, but fishing, tourism, and wildlife as well. An additional long-term contract would raise the same economic and environmental concerns all over again.

In 1989, I and 12 other Members of Congress submitted additional views to accompany H.R. 987, the Tongass Timber Reform Act. In those remarks, we expressed our concerns about long-term timber contracts in the Tongass.

The contracts give the contract holders extraordinary power to interfere in normal Forest Service management decisions about where, and how to cut federal timber; they allow the contract holders to choose the areas they want to cut and refuse areas the Forest Service offers them; they give the contract holders the right to profitable timber and the right to refuse timber considered uneconomic to cut; they have been used as the basis of anti-trust violations that drove virtually every small timber operator out of business from 1960–1976; they ensure that the government will never get a fair monetary return for public timber on the Tongass; and they allow the pulp mills to "high grade" the forests by concentrating logging in the rare, high-volume old growth most valuable for fish and wildlife habitat. (See: H. Rept. 101–84, Part 2, page 33, 1989)

Additionally, it is my hope that congressional authorizing committees would be notified if major changes in the management practices of the Tongass or any other national forests are contemplated, recommended, or mandated.

In the past 2 fiscal years, no other national forest has lost more money than the Tongass National Forest. According to the 1993 TSPIRS Report, the taxpayers spent $17,878,000 to provide 330 million board feet of timber. After office expenses, purchaser road credits and payments to the State are included, the cost to the taxpayer skyrockets to $35,265,389.

Recent history has shown that long-term Tongass timber contracts are bad economically and environmentally. Two of the central goals of the Tongass Timber Reform Act were to "promote fair competition within the timber industry in Southeast Alaska" and to "provide for a fair financial return to the United States." It is my firm belief that a new long-term timber contract would run counter to these goals.

Congress of the United States,
House of Representatives,
Washington, DC, January 7, 1994.

Mr. James Lyons,
U.S. Department of Agriculture,
Washington, DC.

Dear Assistant Secretary Lyons: We are writing in regard to the situation on the Tongass National Forest in southeast Alaska. The vision of the Tongass Timber Reform Act of 1990 [TTRA] has not been realized. The major culprits are the two 50-year Tongass pulp contracts. Actions taken by the contract holders directly challenge the TTRA while forest management under the contracts threatens to steer the Tongass toward an ecological "train wreck." We urge you to seize the tremendous opportunity now before you to reform Tongass management by moving to cancel both of these destructive contracts.

The central purpose of the TTRA was to "assure that valuable public resources in the Tongass National Forest are protected and wisely managed," and to "enhance the balanced use of resources on the forest and promote fair competition within the southeast Alaska timber industry." Today, the volume requirements of the contracts continue to drive management decisions on the Tongass at the expense of all other forest uses including tourism, recreation and subsistence. The monopolistic nature of the contracts still make it almost impossible for independent operators to do business. Although the TTRA attempted to improve the economics of the Tongass timber operation by requiring the contract holders to pay stumpage rates that more accurately reflect fair market value, the Tongass continues to be a big money loser. In 1992, the Tongass lost substantially more money than any other national forest in the country.

By closing its Sitka pulp mill, the Alaska Pulp Corporation [APC] has violated the central provision of its contract which requires operation of a pulp facility to provide stable year-round employment. Furthermore, APC has sued the federal government claiming the TTRA contract modifications are unconstitutional.

In light of this situation, we ask you to declare APC in breach, terminate the contract, and relieve the government of this tremendous economic and environmental burden. We understand that a failure to act quickly on APC will weaken the case for breach and force the Forest Service to offer a number of additional huge timber sales to the company.

The Ketchikan Pulp Company [KPC] has also failed to meet its responsibility to provide stable year-round employment. KPC has been running its pulp mill on an intermittent basis, choosing to send wood through its more profitable sawmill while idling the pulp facility. At the same time, KPC has filed a series of administrative claims against the Forest Service seeking "to recover damages and defend KPC's timber contract."

KPC has hardly been a model corporate citizen. The Environmental Protection Agency last year filed a civil enforcement action against the company alleging hundreds of Clean Air Act and Clean Water Act violations. A pending EPA administrative enforcement action raises three counts under the Clean Water Act. Lastly, KPC is the subject of a year-long criminal investigation by the EPA and the Justice Department into alleged water pollution violations.

Massive pending timber sales to KPC in the South Tongass threaten to dramatically reduce wildlife populations, curtail subsistence opportunities for Native and rural communities, and endanger the southeast Alaska timber industry by liquidating the forest at an unsustainable rate. The first of these big sales on Central Prince of Wales Island [CPOW] is currently under review by the chief of the Forest Service and is the subject of a whistleblower complaint filed by the leader of the CPOW planning team. The complaint alleges gross mismanagement and violations of law in the planning and approval of the sale and predicts massive community disruption if the sale goes forward.

As you well know, these contracts were the subject of much controversy during the TTRA debates. A number of us felt that canceling the contracts was the only way to achieve the kind of reform all of us wanted. The final TTRA compromise in effect gave the contract holders a chance to prove us wrong. We think the clear evidence is that they have failed to do so.

We will wholeheartedly support you in any actions to cancel the contracts and move toward a sustainable future for the Tongass National Forest.

Thank you for your attention to this important matter.

Sincerely,

Dan Glickman.
Charlie Rose.
Tim Penny.
George Brown.
Mike Synar.
Sam Gejdenson.

Mr. COLEMAN. Mr. Speaker, I rise today in support of the conference report on H.R. 4602, the Department of the Interior appropriations bill for fiscal year 1995, and to express my appreciation for the leadership of Chairman Sidney Yates and the ranking member Ralph Regula, in crafting this important piece of legislation. I would also like to thank my colleagues on the subcommittee for their support and the positive manner in which all approached the conference.

Once again, the chairman conducted the conference in a fair and statesmanlike manner. As we all know, the subcommittee was give a particularly tight 602b allocation. Many difficult choices had to be made, and the chairman should be commended for shaping a fair and balanced bill.

I would like to thank the committee for including several provisions important to my State, as well as several of importance to my district, including $3.3 million natural resource management funds related to the implementation of the North American Free-Trade Agreement. Under the Fish and Wildlife Service's account for land acquisition, the committee provided funding for the Trinity River National Wildlife Refuge, Lower Rio Grande Valley National Wildlife Refuge, Balcones Canyonland National Wildlife Refuge, as well as the Balcones Habitat Conservation Plan. Under the National Park Service, the committee has provided funding for the San Antonio Missions National Historic Preservation, the LBJ Ranch National Historical Site, the Big Thicket National Park, the Palo Alto National Monument, the Stubblefield Recreation Area and the Haley's Ferry Campground.

H.R. 4602 also includes much needed funding to complete a study on the Camino Real and Colonial Missions of the southwest in the National Park Service and funding for improvements to the Chamizal National Memorial. In addition, the conference committee included my report language expressing the concern of the managers that issues raised in the Smithsonian Institute's Report of the Task Force on Latino Issues regarding its recommendations and the planning, allocation, and administration of the Latino programming funds be properly addressed by the Institution.

☐ 1400

Mr. REGULA. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. YATES. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the conference report.

MOTION TO RECOMMIT OFFERED BY MR. MYERS OF INDIANA

Mr. MYERS of Indiana. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). Is the gentleman opposed to the conference report in its present form?

Mr. MYERS of Indiana. I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. MYERS of Indiana moves to recommit the conference report on the bill, H.R. 4602, to the committee of conference.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The motion to recommit was rejected.

The conference report was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. YATES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous material and tabular information, on the conference report to H.R. 4602, which was just considered and agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12, rule I, the Chair declares the House in recess for 5 minutes.

Accordingly (at 2 o'clock and 4 minutes p.m.) the House stood in recess for 5 minutes.

☐ 1412

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. FIELDS of Louisiana) at 2 o'clock and 12 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules.

CONSUMER REPORTING REFORM ACT OF 1994

Mr. KENNEDY. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 783) to amend the Fair Credit Reporting Act, and for other purposes, as amended.

The Clerk read as follows:

S. 783

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Table of contents.

TITLE I—AMENDMENTS TO FAIR CREDIT REPORTING ACT

Sec. 101. Short title.
Sec. 102. Definitions.
Sec. 103. Furnishing consumer reports; use for employment purposes.
Sec. 104. Amendments relating to use of consumer reports for prescreening; prohibition on unauthorized or uncertified use of information.
Sec. 105. Consumer consent required to furnish consumer report containing medical information.
Sec. 106. Amendments relating to obsolete information and information contained in consumer reports.
Sec. 107. Amendments relating to compliance procedures.
Sec. 108. Amendments relating to consumer disclosures.
Sec. 109. Amendments relating to procedures in case of the disputed accuracy of any information in a consumer's file.
Sec. 110. Amendment relating to charges for disclosure.
Sec. 111. Amendments relating to duties of users of consumer reports and duties of affiliates sharing certain information.
Sec. 112. Amendments relating to civil liability.
Sec. 113. Amendments relating to responsibilities of persons who furnish information to consumer reporting agencies.
Sec. 114. Investigative consumer reports.
Sec. 115. Increased criminal penalties for obtaining information under false pretenses.
Sec. 116. Administrative enforcement.
Sec. 117. State enforcement of Fair Credit Reporting Act.
Sec. 118. Federal Reserve Board authority.
Sec. 119. Preemption of State law.
Sec. 120. Action by FTC.
Sec. 121. Amendment to Fair Debt Collection Practices Act.
Sec. 122. Furnishing consumer reports for certain purposes relating to child support.
Sec. 123. Disclosure of information and consumer reports to FBI for counterintelligence purposes.
Sec. 124. Effective dates.
Sec. 125. Relationship to other law.
Sec. 126. Sense of Senate.
Sec. 127. Technical correction to Depository Institutions Management Interlocks Act.

TITLE II—CREDIT REPAIR ORGANIZATIONS

Sec. 201. Regulation of credit repair organizations.

TITLE I—AMENDMENTS TO FAIR CREDIT REPORTING ACT

SEC. 101. SHORT TITLE.

This title may be cited as the "Consumer Reporting Reform Act of 1994".

SEC. 102. DEFINITIONS.

(a) ADVERSE ACTION.—Section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681a) is amended by adding at the end the following new subsection:

"(k)(1) The term 'adverse action' means the following:

"(A) A denial or revocation of credit, a denial of an application for an increase of an existing credit limit, an unfavorable change in the terms of an existing credit arrangement, or a refusal to grant credit in substantially the amount or on substantially the terms requested; except that the term 'adverse action' does not include—

"(i) a refusal to extend additional credit under an existing credit arrangement if the applicant is delinquent or otherwise in default as to that account, or

"(ii) a refusal or failure to authorize an account transaction at a point of sale which would exceed a previously established credit limit.

"(B) A denial or cancellation of, an increase in any charge for, or a reduction or other adverse or unfavorable change in the terms of coverage or amount of, any insurance, existing or applied for, in connection with the underwriting of insurance.

"(C) A denial of employment or any other decision for employment purposes which adversely affects any current or prospective employee.

"(D) A denial or cancellation of, an increase in any charge for, or any other adverse or unfavorable change in the terms of, any license or benefit described in section 604(a)(3)(D).

"(E) An action taken or determination made—

"(i) in connection with an application which was made by, or a transaction which was initiated by, any consumer, or in connection with a review of account information under section 604(a)(3)(E)(ii); and

"(ii) which is adverse to the interest of the consumer.

"(2) For purposes of any determination of whether an action is an adverse action under paragraph (1)(A), all appropriate final findings, decisions, commentary, and orders issued under section 701(d)(6) of the Equal Credit Opportunity Act by the Board of Governors of the Federal Reserve System or any court shall apply.".

(b) FIRM OFFER OF CREDIT.—Section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681a) is further amended by adding after subsection (k) (as added by subsection (a) of this section) the following:

"(l) The term 'firm offer of credit' means any offer of credit to a consumer that will be honored if the consumer is determined, based on information in a consumer report on the consumer, to meet the specific criteria used to select the consumer for the offer, except that the offer may be further conditioned solely on any combination of the following:

"(1) The consumer being determined, based on information in the consumer's application for the credit, to meet specific criteria bearing on creditworthiness that are established—

"(A) before selection of the consumer for the offer; and

"(B) for the purpose of determining whether to extend credit pursuant to the offer.

"(2) Verification—

"(A) that the consumer continues to meet the specific criteria used to select the consumer for the offer, by using information in a consumer report on the consumer, information in the consumer's application for the credit, or other information bearing on the creditworthiness of the consumer; or

"(B) of the information in the consumer's application for the credit, to determine that the consumer meets the specific criteria bearing on creditworthiness.

"(3) The consumer furnishing any collateral that is a requirement for the extension of the credit that was—

"(A) established before selection of the consumer for the offer of credit; and

"(B) described to the consumer in the offer of credit.".

(c) CREDIT TRANSACTION WHICH IS NOT INITIATED BY THE CONSUMER.—Section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681a) is further amended by adding after subsection (l) (as added by subsection (b) of this section) the following:

"(m) The term 'credit transaction which is not initiated by the consumer' does not include the use of a consumer report by a person with which the consumer has an account, for purposes of—

"(1) reviewing the account; or

"(2) collecting the account.".

(d) STATE.—Section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681a) is further amended by adding after subsection (m) (as added by subsection (c) of this section) the following:

"(n) The term 'State' means any State, the Commonwealth of Puerto Rico, the District of Columbia, and any territory or possession of the United States.".

(e) EXCLUSIONS FROM DEFINITION OF CONSUMER REPORT.—Section 603(d) of the Fair Credit Reporting Act (15 U.S.C. 1681a(d)) is amended in the second sentence in clause (A)—

(1) by inserting "(i)" after "(A)";

(2) by inserting before the semicolon at the end the following: ", (ii) any communication of that information among persons related by common ownership or affiliated by corporate control, or (iii) any communication of information from a credit application by a consumer among persons related by common ownership or affiliated by corporate control if it is clearly and conspicuously disclosed that the information may be communicated among such persons and the consumer is given the opportunity, prior to the time that the information is initially communicated, to direct that such information not be communicated among such persons";

(3) in clause (B) by striking "or" after the semicolon at the end;

(4) in clause (C) by striking the period and inserting a semicolon; and

(5) by adding at the end the following: "or (D) any communication of information about a consumer between persons who are affiliated by common ownership or common corporate control and in connection with a credit transaction which is not initiated by the consumer, or an insurance transaction which is not initiated by the consumer, if either of those persons has complied with section 615(d)(4)(B) with respect to a consumer report from which the information is taken and the consumer has consented to use of the report for the transaction, or with respect to existing customers, the consumer has not directed in writing that the report may not be used for the transaction, in accordance with section 615(d)(4)(C).".

(f) EXCLUSION OF CERTAIN COMMUNICATIONS BY EMPLOYMENT AGENCIES FROM DEFINITION OF CONSUMER REPORT.—Section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681(a)) is further amended—

(1) in subsection (d), as amended by subsection (e) of this section, by adding at the end the following: "The term also does not include a communication described in subsection (o)."; and

(2) by adding at the end the following:

"(o) A communication is described in this subsection if it is a communication—

"(1) that, but for the 3rd sentence of subsection (d), would be an investigative consumer report;

"(2) that is made to a prospective employer for the purpose of—

"(A) procuring an employee for the employer, or

"(B) procuring an opportunity for a natural person to work for the employer;

"(3) that is made by a person that regularly performs such procurement;

"(4) that is not used by any person for any purpose other than a purpose described in paragraph (2) (A) or (B);

"(5) with respect to which—

"(A) the consumer who is the subject of the communication—

"(i) consents orally or in writing to the nature and scope of the communication, before the collection of any information for the purpose of making the communication;

"(ii) consents orally or in writing to the making of the communication to a prospective employer, before the making of the communication; and

"(iii) in the case of consent under clause (i) or (ii) given orally, is provided written confirmation of that consent by the person making the communication, within 3 business days after the receipt of the consent by that person;

"(B) the person that makes the communication does not, for the purpose of making the communication, make any inquiry that if made by a prospective employer of the consumer who is the subject of the communication would violate any applicable Federal or State equal employment opportunity law or regulation; and

"(C) the person that makes the communication—

"(i) discloses in writing to the consumer who is the subject of the communication, within 5 business days after receiving any request from the consumer for such disclosure, the nature and substance of all information in the consumer's file at the time of the request, except that the sources of information that is acquired solely for use in making the communication and actually used for no other purpose need not be disclosed other than under appropriate discovery procedures in the court in which an action is brought; and

"(ii) notifies the consumer that is the subject of the communication, in writing, of the consumer's right to request the information described in clause (i).".

(g) CONSUMER REPORTING AGENCY THAT COMPILES AND MAINTAINS FILES ON A NATIONWIDE BASIS.—Section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681a) is further amended by adding after subsection (o) (as added by subsection (f) of this section) the following:

"(p) The term 'consumer reporting agency that compiles and maintains files on consumers on a nationwide basis' means a consumer reporting agency that regularly engages in the practice of assembling or evaluating, and maintaining, for the purpose of furnishing consumer reports to third parties bearing on a consumer's creditworthiness, credit standing, or credit capacity, each of the following regarding consumers residing nationwide:

"(1) Public record information.

"(2) Credit account information from persons who furnish that information regularly and in the ordinary course of business.".

(h) CLERICAL AMENDMENT.—Section 603(d) of the Fair Credit Reporting Act (15 U.S.C. 1681a(d)) is amended in the first sentence—

(1) by inserting "(1)" after "in whole or in part for"; and

(2) by striking "(1)" before "credit or insurance".

SEC. 103. FURNISHING CONSUMER REPORTS; USE FOR EMPLOYMENT PURPOSES.

(a) FURNISHING CONSUMER REPORTS FOR BUSINESS TRANSACTIONS.—Section 604 of the Fair Credit Reporting Act (15 U.S.C. 1681b) is amended—

(1) by inserting "(a) IN GENERAL.—" before "A consumer reporting agency"; and

(2) in subsection (a)(3) (as designated by paragraph (1) of this subsection) by striking subparagraph (E) and inserting the following:

"(E) otherwise has a legitimate business need for the information—

"(i) in connection with a business transaction that is initiated by the consumer; or

"(ii) to review an account to determine whether the consumer continues to meet the terms of the account.".

(b) FURNISHING AND USING CONSUMER REPORTS FOR EMPLOYMENT PURPOSES.—Section 604 of the Fair Credit Reporting Act (15 U.S.C. 1681b) is further amended by adding at the end the following new subsection:

"(b) CONDITIONS FOR FURNISHING AND USING CONSUMER REPORTS FOR EMPLOYMENT PURPOSES.—

"(1) CERTIFICATION FROM USER.—A consumer reporting agency may furnish a consumer report for employment purposes only if—

"(A) the person who obtains such report from the agency certifies to the agency that—

"(i) the person has complied with paragraph (2) with respect to the consumer report, and the person will comply with paragraph (3) with respect to the consumer report if paragraph (3) becomes applicable; and

"(ii) information from the consumer report will not be used in violation of any applicable Federal or State equal employment opportunity law or regulation; and

"(B) the consumer reporting agency provides with the report a summary of the consumer's rights under this title, as prescribed by the Federal Trade Commission under section 609(c)(3).

"(2) DISCLOSURE TO CONSUMER.—A person may not procure a consumer report, or cause a consumer report to be procured, for employment purposes with respect to any consumer unless—

"(A) a clear and conspicuous disclosure has been made in writing to the consumer at any time before the report is procured or caused to be procured, in a document that consists solely of the disclosure, that a consumer report may be obtained for employment purposes; and

"(B) the consumer has authorized in writing the procurement of the report by that person.

"(3) CONDITIONS ON USE FOR ADVERSE ACTIONS.—In using a consumer report for employment purposes, before taking any adverse action based in whole or in part on the report a person shall provide to the consumer to whom the report relates—

"(A) a copy of the report;

"(B) a description in writing of the consumer's rights under this title, as prescribed by the Federal Trade Commission under section 609(c)(3); and

"(C) a reasonable period (not required to exceed 5 business days following receipt of the report by the consumer) to respond to any information in the report that is disputed by the consumer and notice in writing of the opportunity for the consumer to respond in that period, except that such an opportunity to respond and notice are not required if the person takes the adverse action based on a reasonable belief that the consumer has engaged in fraudulent or criminal activity that is related to, or that could affect, the consumer's employment.

"(4) LIMITATION ON PURPOSES.—Subject to paragraph (1), a consumer reporting agency may furnish information bearing on the creditworthiness of a consumer, and a person may use such information, for employment purposes that do not relate to employment of an individual in an executive or administrative position, only if—

"(A) the employment requires or is expected to require a security clearance issued by an agency of the United States or any State as a condition for employment;

"(B) the employment requires or is expected to require the individual to be covered by a fidelity bond; or

"(C) the employment requires or is expected to require the individual, on a regular basis and as part of the normal duties of employment—

"(i) to handle or otherwise have access to substantial amounts of cash or other things of value of the employer; or

"(ii) to engage in any conduct or activity with respect to which the employee has a fiduciary duty.

"(5) EXECUTIVE OR ADMINISTRATIVE POSITION DEFINED.—

"(A) IN GENERAL.—For purposes of paragraph (4), the term 'executive or administrative position' means any position—

"(i) for which compensation is on a salary basis and not an hourly basis; and

"(ii) having policy making, managerial, professional, or supervisory responsibilities.

"(B) APPLICATION OF EXISTING FINDINGS, ETC.—For purposes of determining under subparagraph (A)(ii) whether a position has policy making, managerial, professional, or supervisory responsibilities, all appropriate final administrative and judicial findings, decisions, commentary, and orders issued under the Federal Election Campaign Act of 1971, or the regulations issued under that Act, shall apply.".

SEC. 104. AMENDMENTS RELATING TO USE OF CONSUMER REPORTS FOR PRESCREENING; PROHIBITION ON UNAUTHORIZED OR UNCERTIFIED USE OF INFORMATION.

(a) IN GENERAL.—Section 604 of the Fair Credit Reporting Act (15 U.S.C. 1681b), as amended by section 103, is further amended—

(1) in subsection (a) by striking "A consumer reporting agency" and inserting "Subject to subsection (c), any consumer reporting agency"; and

(2) by adding after subsection (b) (as added by section 103(b)) the following new subsections:

"(c) FURNISHING REPORTS IN CONNECTION WITH CREDIT TRANSACTIONS NOT INITIATED BY THE CONSUMER.—

"(1) IN GENERAL.—A consumer reporting agency may furnish a consumer report relating to any consumer pursuant to subsection (a)(3)(A) in connection with any credit transaction which is not initiated by the consumer only if—

"(A) the consumer authorizes the agency to provide such report to such person; or

"(B)(i) the transaction consists of a firm offer of credit;

"(ii) the consumer reporting agency has complied with subsection (d); and

"(iii) there is not in effect an election by the consumer, made in accordance with subsection (d), to have the consumer's name and address excluded from lists of names provided by the agency pursuant to this paragraph.

"(2) LIMITS ON INFORMATION RECEIVED UNDER PARAGRAPH (1)(B).—A person may receive pursuant to paragraph (1)(B) only—

"(A) the name and address of a consumer;

"(B) an identifier that is not unique to the consumer and is used by the person solely for the purpose of verifying the identity of the consumer; and

"(C) information pertaining to a consumer that is not identified or identifiable with the consumer.

"(3) INFORMATION REGARDING INQUIRIES.—Except as provided in section 609(a)(5), a consumer reporting agency shall not furnish to any person a record of inquiries in connection with credit transactions which are not initiated by a consumer.

"(d) ELECTION OF CONSUMER TO BE EXCLUDED FROM LISTS.—

"(1) IN GENERAL.—A consumer may elect to have the consumer's name and address excluded from any list provided by a consumer reporting agency in connection with a credit transaction which is not initiated by the consumer, by notifying the agency in accordance with paragraph (2) that the consumer does not consent to any use of consumer reports relating to the consumer in connection with any credit transaction which is not initiated by the consumer.

"(2) MANNER OF NOTIFICATION.—A consumer shall notify a consumer reporting agency under paragraph (1)—

"(A) through the notification system maintained by the agency under paragraph (5), or

"(B) by submitting to the agency a signed notice of election form issued by the agency for purposes of this subparagraph.

"(3) RESPONSE OF AGENCY AFTER NOTIFICATION THROUGH SYSTEM.—Upon receipt of notification of the election of a consumer under paragraph (1) through the notification system maintained by the agency under paragraph (5), a consumer reporting agency shall—

"(A) inform the consumer that the election is effective only for a 2-year period if the consumer does not submit to the agency a signed notice of election form issued by the agency for purposes of paragraph (2)(B); and

"(B) provide to the consumer such a form if requested by the consumer, by not later than 5 business days after receiving the notification through the system in the case of a request made at the time the consumer provides notification through the system.

"(4) EFFECTIVENESS OF ELECTION.—An election of a consumer under paragraph (1)—

"(A) shall be effective with respect to a consumer reporting agency beginning on the date the consumer notifies the agency in accordance with paragraph (2);

"(B) shall be effective with respect to a consumer reporting agency—

"(i) subject to subparagraph (C), for the 2-year period beginning on the date the consumer notifies the agency of the election, in the case of an election for which a consumer notifies the agency only in accordance with paragraph (2)(A); or

"(ii) until the consumer notifies the agency under subparagraph (C), in the case of an election for which a consumer notifies the agency in accordance with paragraph (2)(B);

"(C) shall not be effective after the date on which the consumer notifies the agency, through the notification system established by the agency under paragraph (5), that the election is no longer effective; and

"(D) shall be effective with respect to each affiliate of the agency.

"(5) NOTIFICATION SYSTEM, GENERALLY.—Each consumer reporting agency which furnishes a consumer report in connection with any credit transaction which is not initiated by a consumer, shall—

"(A) establish and maintain a notification system, including a toll-free telephone number, which permits any consumer whose consumer report is maintained by the agency to notify the agency, with appropriate identification, of the consumer's election to have the consumer's name and address excluded from any list of names and addresses provided by the agency for such a transaction; and

"(B) publish by not later than 365 days after the date of the enactment of the Consumer Reporting Reform Act of 1994, and at least annually thereafter, in a publication of general circulation in the area served by the agency—

"(i) a notification that information in consumer files maintained by the agency may be used in connection with such transactions; and

"(ii) the address and toll-free telephone number for consumers to use to notify the agency of the consumer's election under subparagraph (A).

Establishment and maintenance of a notification system (including a toll-free telephone number) and publication by a consumer reporting agency on its own behalf and on behalf of any of its affiliates in accordance with this paragraph is deemed to be compliance with this paragraph by each of those affiliates.

"(6) NOTIFICATION SYSTEM BY AGENCIES WHICH OPERATE NATIONWIDE.—Each consumer reporting agency that compiles and maintains files on consumers on a nationwide basis shall establish and maintain a notification system for purposes of paragraph (5) jointly with other such consumer reporting agencies.".

(b) USE OF INFORMATION OBTAINED FROM REPORTS.—Section 604 of the Fair Credit Reporting Act (15 U.S.C. 1681b) is further amended by adding after subsection (d) (as added by subsection (a) of this section) the following new subsection:

"(e) CERTAIN USE OR OBTAINING OF INFORMATION PROHIBITED.—A person shall not use or obtain a consumer report for any purpose unless—

"(1) it is obtained for a purpose for which the consumer report is authorized to be furnished under subsection (a); and

"(2) the purpose is certified in accordance with section 607 by a prospective user of the report through a general or specific certification.".

SEC. 105. CONSUMER CONSENT REQUIRED TO FURNISH CONSUMER REPORT CONTAINING MEDICAL INFORMATION.

Section 604 of the Fair Credit Reporting Act (15 U.S.C. 1681b), as amended by sections 103 and 104, is further amended by adding at the end the following:

"(f) FURNISHING REPORTS CONTAINING MEDICAL INFORMATION.—A consumer reporting agency shall not furnish for employment purposes, or in connection with a credit transaction, a consumer report which contains medical information about a consumer, unless the consumer consents to the furnishing of the report.".

SEC. 106. AMENDMENTS RELATING TO OBSOLETE INFORMATION AND INFORMATION CONTAINED IN CONSUMER REPORTS.

(a) REPEAL LARGE-DOLLAR EXCEPTIONS.—Section 605 of the Fair Credit Reporting Act (15 U.S.C. 1681c) is amended—

(1) in subsection (a) by striking "(a) Except as authorized under subsection (b), no" and inserting "(a) INFORMATION EXCLUDED FROM CONSUMER REPORTS.—No"; and

(2) by striking subsection (b).

(b) CLARIFICATION OF REPORTING PERIOD.—Section 605 of the Fair Credit Reporting Act (15 U.S.C. 1681c), as amended by subsection (a), is further amended by adding at the end the following new subsection:

"(b) RUNNING OF REPORTING PERIOD.—(1) The 7-year period referred to in paragraphs (4) and (6) of subsection (a) shall begin, with respect to any delinquent account which is placed for collection (internally or by referral to a 3d party, whichever is earlier), charged to profit and loss, or subjected to any similar action, upon the expiration of the 180-day period beginning on the date of the commencement of the delinquency which immediately preceded the collection activity, charge to profit and loss, or similar action.

"(2) Paragraph (1) applies only to items of information added to a consumer report on or after the date that is 455 days after the date of the enactment of the Consumer Reporting Reform Act of 1994.".

(c) ADDITIONAL INFORMATION ON BANKRUPTCY FILINGS REQUIRED.—Section 605 of the Fair Credit Reporting Act (15 U.S.C. 1681c) is further amended by adding after subsection (b) (as added by subsection (b) of this section) the following new subsection:

"(c) INFORMATION REQUIRED TO BE DISCLOSED.—Any consumer reporting agency which furnishes a consumer report which contains information regarding any case involving the consumer which arises under title 11, United States Code, shall include in the report an identification of the chapter of such title 11 under which such case arises if provided by the source of the information. If any case arising or filed under title 11, United States Code, is withdrawn by the consumer prior to a final judgment, the consumer reporting agency shall include in the report that such case or filing was withdrawn upon receipt of documentation certifying such withdrawal.".

(d) INDICATION OF CLOSURE OF ACCOUNT; INDICATION OF DISPUTE BY CONSUMER.—Section 605 of the Fair Credit Reporting Act (15 U.S.C. 1681c) is further amended by adding after subsection (c) (as added by subsection (c) of this section) the following new subsections:

"(d) INDICATION OF CLOSURE OF ACCOUNT BY CONSUMER.—If a consumer reporting agency is notified pursuant to section 623(a)(4) that a credit account of a consumer was voluntarily closed by the consumer, the agency shall indicate that fact in any consumer report that includes information related to the account.

"(e) INDICATION OF DISPUTE BY CONSUMER.—If a consumer reporting agency is notified pursuant to section 623(a)(3) that information regarding a consumer that was furnished to the agency is disputed by the consumer, the agency shall indicate that fact in each consumer report that includes the disputed information.".

(e) NOTATION ON CONSUMER REPORT.—Section 605 of the Fair Credit Reporting Act (15 U.S.C. 1681c) is further amended by adding at the end the following new subsection:

"(f) CERTAIN ACCOUNT INFORMATION.—A consumer reporting agency, upon the written request of a consumer, and subject to the submission of appropriate documentation by the consumer, shall include with any information regarding a failure of the consumer to make any payment on an account of the consumer, a statement (in such form as the Federal Trade Commission shall prescribe) that during the period when the account in question became due, the consumer was receiving assistance pursuant to a declaration of a disaster by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, or unemployment compensation under the laws of any State (or, but for the exhaustion of benefits, would be entitled to receive such compensation).".

(f) CLERICAL AMENDMENTS.—

(1) The heading for section 605 of the Fair Credit Reporting Act (15 U.S.C. 1681c) is amended by striking "**Obsolete information**" and inserting "**Requirements relating to information contained in consumer reports**".

(2) The table of sections at the beginning of the Fair Credit Reporting Act (15 U.S.C. 1681a et seq.) is amended by striking the item relating to section 605 and inserting the following:

"605. Requirements relating to information contained in consumer reports.".

SEC. 107. AMENDMENTS RELATING TO COMPLIANCE PROCEDURES.

(a) DISCLOSURE OF CONSUMER REPORTS BY USERS.—Section 607 of the Fair Credit Reporting Act (15 U.S.C. 1681e) is amended by adding at the end the following new subsection:

"(c) DISCLOSURE OF CONSUMER REPORTS BY USERS ALLOWED.—A consumer reporting agency may not prohibit a user of a consumer report furnished by the agency on a consumer from disclosing the contents of the report to the consumer, if adverse action against the consumer has been taken, or is contemplated, by the user based in whole or in part on the report.".

(b) NOTICE TO USERS AND PROVIDERS OF INFORMATION TO ENSURE COMPLIANCE.—Section 607 of the Fair Credit Reporting Act (15 U.S.C. 1681e) is further amended by adding after subsection (c) (as added by subsection (a) of this section) the following new subsection:

"(d) NOTICE TO USERS AND FURNISHERS OF INFORMATION.—

"(1) NOTICE REQUIREMENT.—A consumer reporting agency shall provide to any person—

"(A) who regularly and in the ordinary course of business furnishes information to the agency with respect to any consumer; or

"(B) to whom a consumer report is provided by the agency;

a notice of such person's responsibilities under this title.

"(2) CONTENT OF NOTICE.—The Federal Trade Commission shall prescribe the content of notices under paragraph (1).".

(c) RECORD OF IDENTITY OF USERS AND PURPOSES CERTIFIED BY USERS OF REPORTS.—Section 607 of the Fair Credit Reporting Act (15 U.S.C. 1681e) is further amended by adding after subsection (d) (as added by subsection (b) of this section) the following new subsection:

"(e) PROCUREMENT OF CONSUMER REPORT FOR RESALE.—

"(1) DISCLOSURE.—A person may not procure a consumer report for purposes of reselling the report (or any information in the report) unless the person discloses to the consumer reporting agency which originally furnishes the report—

"(A) the identity of the end-user of the report (or information), and

"(B) each permissible purpose under section 604 for which the report is furnished to the end-user of the report (or information).

"(2) RESPONSIBILITIES OF PROCURERS FOR RESALE.—A person which procures a consumer report for purposes of reselling the report (or any information in the report) shall—

"(A) establish and comply with reasonable procedures designed to ensure that the report (or information) is resold by the person only for a purpose for which the report may be furnished under section 604, including by requiring that each person to which the report (or information) is resold and which resells or provides the report (or information) to any other person—

"(i) identifies each end user of the resold report (or information);

"(ii) certifies each purpose for which the report (or information) will be used; and

"(iii) certifies that the report (or information) will be used for no other purpose; and

"(B) before reselling the report, make reasonable efforts to verify the identifications and certifications made under subparagraph (A).".

SEC. 108. AMENDMENTS RELATING TO CONSUMER DISCLOSURES.

(a) ALL INFORMATION IN CONSUMER'S FILE REQUIRED TO BE DISCLOSED.—Section 609(a)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681g(a)(1)) is amended to read as follows:

"(1) All information in the consumer's file at the time of the request.".

(b) MORE INFORMATION CONCERNING RECIPIENTS OF REPORTS REQUIRED.—Section 609(a)(3) of the Fair Credit Reporting Act (15 U.S.C. 1681g(a)) is amended to read as follows:

"(3)(A) Identification of each person (including each end-user identified under section 607(e)(1)) who procured a consumer report—

"(i) for employment purposes within the 2-year period preceding the request; or

"(ii) for any other purpose within the 1-year period preceding the request.

"(B) An identification of a person under subparagraph (A) shall include—

"(i) the name of the person or, if applicable, the trade name (written in full) under which such person conducts business; and

"(ii) upon request of the consumer, the address and telephone number of the person.".

(c) DISCLOSURE OF PERMISSIBLE PURPOSES.—Section 609(a) of the Fair Credit Reporting Act (15 U.S.C. 1681g(a)) is further amended by adding at the end the following:

"(4) The permissible purpose under section 604, by category, for which each person identified under paragraph (3) procured a consumer report.".

(d) INFORMATION REGARDING INQUIRIES.—Section 609(a) of the Fair Credit Reporting Act (15 U.S.C. 1681g(a)) is amended by adding after paragraph (4) (as added by subsection (c) of this section) the following:

"(5) A record of all inquiries received by the agency in the 1-year period preceding the request that identified the consumer in connection with a credit transaction which was not initiated by the consumer.".

(e) SUMMARY OF RIGHTS REQUIRED TO BE INCLUDED WITH DISCLOSURE.—

(1) IN GENERAL.—Section 609 of the Fair Credit Reporting Act (15 U.S.C. 1681g) is amended by adding at the end the following new subsection:

"(c) SUMMARY OF RIGHTS REQUIRED TO BE INCLUDED WITH DISCLOSURE.—

"(1) SUMMARY OF RIGHTS.—A consumer reporting agency shall provide to a consumer, with each written disclosure by the agency to the consumer under this section—

"(A) a written summary of all rights the consumer has under this title; and

"(B) in the case of a consumer reporting agency that compiles and maintains files on consumers on a nationwide basis, a toll-free telephone number established by the agency at which personnel are accessible to consumers during normal business hours.

"(2) SPECIFIC ITEMS REQUIRED TO BE INCLUDED.—The summary of rights required under paragraph (1) shall include—

"(A) a brief description of this title and all rights of consumers under this title;

"(B) an explanation of how the consumer may exercise the rights of the consumer under this title;

"(C) a list of all Federal agencies responsible for enforcing any provision of this title and the address and any appropriate phone number of each such agency, in a form that will assist the consumer in selecting the appropriate agency;

"(D) a statement that the consumer may have additional rights under State law and that the consumer may wish to contact a State or local consumer protection agency or a State attorney general to learn of those rights; and

"(E) a statement that a consumer reporting agency is not required to remove accurate derogatory information from a consumer's file, unless the information is outdated under section 605 or cannot be verified.

"(3) FORM OF SUMMARY OF RIGHTS.—For purposes of this subsection and any disclosure by a consumer reporting agency required under this title with respect to consumers' rights, the Federal Trade Commission (after consultation with each Federal agency referred to in section 621(b)) shall prescribe the form and content of any disclosure of the rights of consumers required under this title.".

(2) TECHNICAL AMENDMENT.—Section 606(a)(1)(B) of the Fair Credit Reporting Act (15 U.S.C. 1681d(a)(1)(B)) is amended by inserting "and the written summary of the rights of the consumer prepared pursuant to section 609(c)" before the semicolon.

(f) FORM OF DISCLOSURES.—

(1) IN GENERAL.—Subsections (a) and (b) of section 610 of the Fair Credit Reporting Act (15 U.S.C. 1681h) are amended to read as follows:

"(a) IN GENERAL.—

"(1) PROPER IDENTIFICATION.—A consumer reporting agency shall require, as a condition of making the disclosures required under section 609, that the consumer furnish proper identification.

"(2) DISCLOSURE IN WRITING.—Except as provided in subsection (b), the disclosures required to be made under section 609 shall be provided under that section in writing.

"(b) OTHER FORMS OF DISCLOSURE.—

"(1) IN GENERAL.—If authorized by a consumer, a consumer reporting agency may make the disclosures required under 609—

"(A) other than in writing; and

"(B) in such form as may be—

"(i) specified by the consumer in accordance with paragraph (2); and

"(ii) available from the agency.

"(2) FORM.—A consumer may specify pursuant to paragraph (1) that disclosures under section 609 shall be made—

"(A) in person, upon the appearance of the consumer at the place of business of the consumer reporting agency where disclosures are regularly provided, during normal business hours, and on reasonable notice;

"(B) by telephone, if the consumer has made a written request for disclosure by telephone;

"(C) by electronic means, if available from the agency; or

"(D) by any other reasonable means that is available from the agency.".

(2) SIMPLIFIED DISCLOSURE.—Not later than 90 days after the date of enactment of this Act, each consumer reporting agency shall develop a form on which such consumer reporting agency shall make the disclosures required under section 609(a) of the Fair Credit Reporting Act, for the purpose of maximizing the comprehensibility and standardization of such disclosures.

(3) GOALS.—The Federal Trade Commission shall take appropriate action to assure that the goals of comprehensibility and standardization are achieved in accordance with paragraph (2).

(4) CONFORMING AMENDMENTS.—

(A) Section 609(a) of the Fair Credit Reporting Act (15 U.S.C. 1681h(a)) is amended in the matter preceding paragraph (1) by striking "and proper identification of any consumer" and inserting "and subject to section 610(a)(1)".

(B) Section 610 of the Fair Credit Reporting Act (15 U.S.C. 1681h) is amended in the heading for the section by inserting "**and form**" after "**Conditions**".

(C) The table of sections at the beginning of the Fair Credit Reporting Act (15 U.S.C. 1681a et seq.) is amended in the item relating to section 610 by inserting "and form" after "Conditions".

SEC. 109. AMENDMENTS RELATING TO PROCEDURES IN CASE OF THE DISPUTED ACCURACY OF ANY INFORMATION IN A CONSUMER'S FILE.

(a) IN GENERAL.—Section 611(a) of the Fair Credit Reporting Act (15 U.S.C. 1681i(a)) is amended to read as follows:

"(a) REINVESTIGATIONS OF DISPUTED INFORMATION.—

"(1) REINVESTIGATION REQUIRED.—

"(A) IN GENERAL.—If the completeness or accuracy of any item of information contained in a consumer's file at a consumer reporting agency is disputed by the consumer and the consumer notifies the agency directly of such dispute, the agency shall reinvestigate free of charge and record the current status of the disputed information, or delete the item from the file in accordance with paragraph (5), before the end of the 30-day period beginning on the date the agency receives the notice of the dispute from the consumer.

"(B) EXTENSION OF PERIOD TO REINVESTIGATE.—Except as provided in subparagraph (C), the 30-day period described in subparagraph (A) may be extended for up to, but for no more than, 15 additional days if the consumer reporting agency receives information from the consumer within that 30-day period that is relevant to the reinvestigation.

"(C) LIMITATIONS ON EXTENSION OF PERIOD TO REINVESTIGATE.—Subparagraph (B) shall not apply to any reinvestigation in which, in the 30-day period described in subparagraph (A), the information that is the subject of the reinvestigation is found to be inaccurate or incomplete or the consumer reporting agency determines that the information cannot be verified.

"(2) PROMPT NOTICE OF DISPUTE TO FURNISHER OF INFORMATION.—

"(A) IN GENERAL.—Before the end of the 5-business-day period beginning on the date a consumer reporting agency receives notice of a dispute from any consumer in accordance with paragraph (1), the agency shall provide notification of the dispute to any person that provided any item of information in dispute, at the address and in the manner established with the person. The notice shall include all relevant information regarding the dispute that the agency has received from the consumer.

"(B) PROVISION OF OTHER INFORMATION FROM CONSUMER.—The consumer reporting agency shall promptly provide to the person that provided the information in dispute all relevant information regarding the dispute that is received by the agency from the consumer after the period referred to in subparagraph (A) and before the end of the period referred to in paragraph (1)(A).

"(3) DETERMINATION THAT DISPUTE IS FRIVOLOUS OR IRRELEVANT.—

"(A) IN GENERAL.—Notwithstanding paragraph (1), a consumer reporting agency may terminate a reinvestigation of information disputed by a consumer under that paragraph if the agency reasonably determines that the dispute by the consumer is frivolous or irrelevant, including by reason of a failure by a consumer to provide sufficient information to investigate the disputed information.

"(B) NOTICE OF DETERMINATION.—Upon making any determination in accordance with subparagraph (A) that a dispute is frivolous or irrelevant, a consumer reporting agency shall notify the consumer within 5 business days of such determination, by mail or, if authorized by the consumer for that purpose, by any other means available to the agency.

"(C) CONTENTS OF NOTICE.—A notice under subparagraph (B) shall include—

"(i) the reasons for the determination under subparagraph (A); and

"(ii) identification of any information required to investigate the disputed information, which may consist of a standardized form describing the general nature of such information.

"(4) CONSIDERATION OF CONSUMER INFORMATION.—In conducting any reinvestigation under paragraph (1) with respect to disputed information in the file of any consumer, the consumer reporting agency shall review and consider all relevant information submitted by the consumer in the period described in paragraph (1)(A) with respect to such disputed information.

"(5) TREATMENT OF INACCURATE OR UNVERIFIABLE INFORMATION.—

"(A) IN GENERAL.—If, after any reinvestigation under paragraph (1) of any information disputed by a consumer, an item of the information is found to be inaccurate or incomplete or cannot be verified, the consumer reporting agency shall promptly delete that item of information from the consumer's file. The information deleted shall consist solely of the information that was disputed by the consumer and shall not include any portion of the same item that was not disputed.

"(B) REQUIREMENTS RELATING TO REINSERTION OF PREVIOUSLY DELETED MATERIAL.—

"(i) CERTIFICATION OF ACCURACY OF INFORMATION.—If any information is deleted from a consumer's file pursuant to subparagraph (A), the information may not be reinserted in the file by the consumer reporting agency unless the person who furnishes the information certifies that the information is complete and accurate.

"(ii) NOTICE TO CONSUMER.—If any information which has been deleted from a consumer's file pursuant to subparagraph (A) is reinserted in the file, the consumer reporting agency shall notify the consumer of the reinsertion in writing within 5 business days after the reinsertion or, if authorized by the consumer for that purpose, by any other means available to the agency.

"(iii) ADDITIONAL INFORMATION.—As part of or in addition to the notice under clause (ii), a consumer reporting agency shall provide to a consumer in writing within 5 business days after the date of the reinsertion—

"(I) a statement that the disputed information has been reinserted;

"(II) the name, business address, and telephone number of any furnisher of information contacted, or of any furnisher of information which contacted the consumer reporting agency, in connection with the reinsertion of such information; and

"(III) a notice that the consumer has the right to add a statement to the consumer's file disputing the accuracy or completeness of the disputed information.

"(C) PROCEDURES TO PREVENT REAPPEARANCE.—A consumer reporting agency shall maintain reasonable procedures designed to prevent the reappearance in a consumer's file, and in consumer reports on the consumer, of information that is deleted pursuant to this paragraph (other than information that is reinserted in accordance with subparagraph (B)(i)).

"(D) FREE CONSUMER REPORT DURING 12-MONTH PERIOD AFTER DELETION OF INFORMATION.—Upon the request of a consumer, a consumer reporting agency shall make all disclosures pursuant to section 609 without charge to that consumer at least once during the 12-month period after the consumer receives a notification under paragraph (6) or paragraph (8) of the deletion of information that is found to be inaccurate or cannot be verified.

"(E) AUTOMATED REINVESTIGATION SYSTEM.—

"(i) IN GENERAL.—Any consumer reporting agency that compiles and maintains files on consumers on a nationwide basis shall implement an automated system through which furnishers of information to that consumer reporting agency may report the results of a reinvestigation that finds incomplete or inaccurate information in a consumer's file to other such consumer reporting agencies.

"(ii) NATIONWIDE CONSUMER REPORTING AGENCIES.—A consumer reporting agency that compiles and maintains files on consumers on a nationwide basis shall report the results of a reinvestigation initiated by a consumer under section 611 that finds in the consumer's file information that is incomplete or inaccurate or information that cannot be verified, to any other consumer reporting agency that compiles and maintains files on consumers on a nationwide basis and—

"(I) to which a consumer report on the consumer was provided within the preceding 2-year period for purposes of resale by that other agency; or

"(II) to which a consumer report on the consumer was provided within the preceding 7-year period for purposes of merging that report to that other agency's proprietary files.

"(iii) ACTION REQUIRED UPON RECEIPT OF REPORT.—If a consumer reporting agency receives a report under clause (ii), the agency shall—

"(I) change the data in its files in accordance with the report;

"(II) delete data from its proprietary files in accordance with the report; or

"(III) reinvestigate the disputed data that is the subject of the report in accordance with section 611, with the source of that data.

"(6) Notice of results of reinvestigation.—

"(A) IN GENERAL.—A consumer reporting agency shall provide written notice to a consumer of the results of a reinvestigation under this subsection within 5 business days after the completion of the reinvestigation, by mail or, if authorized by the consumer for that purpose, by other means available to the agency.

"(B) CONTENTS.—As part of or in addition to the notice under subparagraph (A), a consumer reporting agency shall provide to a consumer in writing within the 5-day period referred to in subparagraph (A)—

"(i) a statement that the reinvestigation is completed;

"(ii) a consumer report that is based upon the consumer's file as that file is revised as a result of the reinvestigation;

"(iii) a description or indication of any changes made in the consumer report as a result of those revisions to the consumer's file;

"(iv) a notice that, if requested by the consumer, a description of the procedure used to determine the accuracy and completeness of the information shall be provided to the consumer by the agency, including the name, business address, and telephone number of any furnisher of information contacted in connection with such information;

"(v) a notice that the consumer has the right to add a statement to the consumer's file disputing the accuracy or completeness of the information; and

"(vi) a notice that the consumer has the right to request under subsection (d) that the consumer reporting agency furnish notifications under that subsection.

"(7) DESCRIPTION OF REINVESTIGATION PROCEDURE.—A consumer reporting agency shall provide to a consumer a description referred to in paragraph (6)(B)(iv) by not later than 15 days after receiving a request from the consumer for that description.

"(8) EXPEDITED DISPUTE RESOLUTION.—If a dispute regarding an item of information in a consumer's file at a consumer reporting agency is resolved in accordance with paragraph (5)(A) by the deletion of the disputed information by not later than 3 business days after the date on which the agency receives notice of the dispute from the consumer in accordance with paragraph (1)(A), then the agency shall not be required to comply with paragraphs (2), (6), and (7) with respect to that dispute if the agency—

"(A) provides prompt notice of the deletion to the consumer by telephone;

"(B) includes in that notice, or in a written notice that accompanies a confirmation and consumer report provided in accordance with subparagraph (C), a statement of the consumer's right to request under subsection (d) that the agency furnish notifications under that subsection; and

"(C) provides written confirmation of the deletion and a copy of a consumer report on the consumer which is based on the consumer's file after the deletion, within 5 business days after making the deletion.".

(b) CONFORMING AMENDMENT.—Subsection (d) of section 611 of the Fair Credit Reporting Act (15 U.S.C. 1681i(d)) is amended by striking "The consumer reporting agency shall clearly" and all that follows through the end of the subsection.

SEC. 110. AMENDMENT RELATING TO CHARGES FOR DISCLOSURE.

Section 612 of the Fair Credit Reporting Act (15 U.S.C. 1681j) is amended to read as follows:

"§ 612. Charges for certain disclosures

"(a) REASONABLE CHARGES ALLOWED FOR CERTAIN DISCLOSURES.—Except as provided in subsections (b), (c), (d), and (e), a consumer reporting agency may impose a reasonable charge on a consumer—

"(1) for making a disclosure to the consumer pursuant to section 609, which—

"(A) shall not exceed $8; and

"(B) shall be indicated to the consumer prior to making disclosure; and

"(2) for furnishing pursuant to section 611(d), following a reinvestigation under section 611(a), a statement, codification, or summary to a person designated by the consumer under that section after the 30-day period beginning on the date of notification of the consumer under section 611(a)(6) or (8) with respect to the reinvestigation, which—

"(A) shall not exceed the charge that the agency would impose on each designated recipient for a consumer report; and

"(B) shall be indicated to the consumer prior to furnishing such information.

"(b) FREE CONSUMER REPORT AFTER ADVERSE NOTICE TO CONSUMER.—Each consumer reporting agency that maintains a file on a consumer shall make all disclosures pursuant to section 609 without charge to the consumer if, within 60 days after receipt by such consumer of a notification pursuant to section 615 or of a notification from a debt collection agency affiliated with that consumer reporting agency stating that the consumer's credit rating may be or has been adversely affected, the consumer makes a request under section 609.

"(c) FREE CONSUMER REPORT UNDER CERTAIN OTHER CIRCUMSTANCES.—Upon the request of the consumer, a consumer reporting agency shall make all disclosures pursuant to section 609 without charge to that consumer if the consumer certifies in writing that the consumer—

"(1) is unemployed and intends to apply for employment in the 60-day period beginning on the date the certification is made;

"(2) is a recipient of public welfare assistance; or

"(3) has reason to believe that the file on the consumer at the agency contains inaccurate information due to fraud.

"(d) OTHER CHARGES PROHIBITED.—A consumer reporting agency shall not impose any charge on a consumer for providing any notification required by this Act or making any disclosure required by this Act, except as authorized by subsection (a).

"(e) ANNUAL CONSUMER REPORT UPON REQUEST AT SPECIFIED CHARGE.—

"(1) IN GENERAL.—Upon the written request of a consumer, a consumer reporting agency that maintains a file on the consumer shall make all disclosures pursuant to section 609 once in any 12-month period, at the charge specified in paragraph (2).

"(2) CHARGE SPECIFIED.—The charge for disclosures under paragraph (1) shall be an amount that does not exceed the lesser of—

"(A) the total cost incurred by the consumer reporting agency in making the disclosures; or

"(B) $3.".

SEC. 111. AMENDMENTS RELATING TO DUTIES OF USERS OF CONSUMER REPORTS AND DUTIES OF AFFILIATES SHARING CERTAIN INFORMATION.

(a) DUTIES OF USERS TAKING ADVERSE ACTIONS.—Section 615(a) of the Fair Credit Reporting Act (15 U.S.C. 1681m(a)) is amended to read as follows:

"(a) DUTIES OF USERS TAKING ADVERSE ACTIONS ON THE BASIS OF INFORMATION CONTAINED IN CONSUMER REPORTS.—If any person takes any adverse action with respect to any consumer which is based in whole or in part on any information contained in a consumer report, the person shall—

"(1) provide written notice of the adverse action to the consumer;

"(2) provide to the consumer in writing—

"(A) the name, address, and telephone number of the consumer reporting agency (including a toll-free telephone number established by the agency if the agency compiles and maintains files on consumers on a nationwide basis) which furnished the report to the person; and

"(B) a statement that the consumer reporting agency did not make the decision to take the adverse action and is unable to provide the consumer the specific reasons why the adverse action was taken; and

"(3) provide to the consumer a written notice of the consumer's right—

"(A) to obtain, under section 612, a free copy of a consumer report on the consumer from the consumer reporting agency referred to in paragraph (2), which notice shall include an indication of the 60-day period under that section for obtaining such a copy; and

"(B) to dispute, under section 611, with a consumer reporting agency the accuracy or completeness of any information in a consumer report furnished by the agency.".

(b) Duties of Users Who Make Certain Credit Solicitations.—Section 615 of the Fair Credit Reporting Act (15 U.S.C. 1681m) is amended by adding at the end the following new subsection:

"(d) Duties of Users Who Make Written Credit Solicitations on the Basis of Information Contained in Consumer Files.—

"(1) In general.—Any person who uses a consumer report on any consumer in connection with any credit transaction which is not initiated by the consumer and which consists of a firm offer of credit shall provide with any written solicitation made to the consumer regarding the transaction a clear and conspicuous statement that—

"(A) information contained in the consumer's consumer report was used in connection with the transaction;

"(B) the consumer received the offer of credit because the consumer satisfied the criteria for creditworthiness under which the consumer was selected for the offer;

"(C) if applicable, the credit may not be extended if, after the consumer responds to the offer, the consumer does not meet the criteria used to select the consumer for the offer or any applicable criteria bearing on creditworthiness or does not furnish any required collateral;

"(D) the consumer has a right to prohibit information contained in the consumer's file with any consumer reporting agency from being used in connection with any credit transaction which is not initiated by the consumer; and

"(E) the consumer may exercise the right referred to in subparagraph (D) by notifying a notification system established under section 604(d).

"(2) Disclosure of address and telephone number.—A statement under paragraph (1) shall include the address and toll-free telephone number of the appropriate notification system established under section 604(d).

"(3) Maintaining criteria on file.—A person who makes an offer of credit to a consumer under a credit transaction described in paragraph (1) shall maintain on file the criteria used to select the consumer to receive the offer, all criteria bearing on creditworthiness that are the basis for determining whether or not to extend credit pursuant to the offer, and any requirement for the furnishing of collateral as a condition of the extension of credit, until the end of the 3-year period beginning on the date on which the offer is made to the consumer.

"(4) Limitation on application.—Paragraph (1) does not apply to the use of a consumer report by a person if—

"(A) the person is affiliated by common ownership or by common corporate control with the person who procured the report;

"(B) the person who procured the report clearly and conspicuously disclosed to the consumer to whom the report relates, before the report is provided to the person using the report, that the report might be provided to and used by other persons who are affiliated in the manner described in subparagraph (A) to the person who procured the report; and

"(C) the provision and use of the report is—

"(i) consented to by the consumer in writing, or

"(ii) with respect to existing customers, the consumer has been afforded the opportunity to direct in writing that the report may not be provided to or used by persons who are affiliated in the manner described in subparagraph (A) and has not done so.

"(5) Authority of federal agencies regarding unfair or deceptive acts or practices not affected.—This title is not intended to affect the authority of any Federal agency to enforce a prohibition against unfair or deceptive acts or practices, including the making of false or misleading statements in connection with credit transactions not initiated by the consumer.".

(c) Duties of Person Taking Certain Actions Based on Information Provided by Affiliate.—Section 615 of the Fair Credit Reporting Act (15 U.S.C. 1681m) is further amended by adding after subsection (d), as added by subsection (b) of this section, the following new subsection:

"(e) Duties of Person Taking Certain Actions Based on Information Provided by Affiliate.—

"(1) Duties, generally.—If a person takes an action described in paragraph (2) with respect to a consumer based in whole or in part on information described in paragraph (3), the person shall—

"(A) notify the consumer in writing of the action, including a statement that the consumer may obtain the information in accordance with subparagraph (B) and may contact the toll-free telephone number required by subparagraph (C);

"(B) upon a written request from the consumer received within 60 days after transmittal of the notice required by subparagraph (A), disclose to the consumer in writing the nature of the information upon which the action is based by not later than 30 days after receipt of the request; and

"(C) make available a toll-free telephone number at which personnel are available to communicate with the consumer regarding the action during normal business hours.

"(2) Action described.—An action referred to in paragraph (1) is—

"(A) an adverse action described in section 603(k)(1)(A) taken in connection with a transaction initiated by the consumer, or any adverse action described in section 603(k)(1) (B) or (C);

"(B) a denial of any other transaction initiated by the consumer for personal, family, or household purposes; or

"(C) an increase in any charge for a transaction described in subparagraph (B).

"(3) Information described.—Information referred to in paragraph (1)—

"(A) except as provided in subparagraph (B), is information that—

"(i) is furnished to the person taking the action by a person related by common ownership or affiliated by common corporate control to the person taking the action; and

"(ii) bears on the consumer's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living; and

"(B) does not include—

"(i) information solely as to transactions or experiences between the consumer and the person furnishing the information; or

"(ii) information in a consumer report.".

(d) Conforming Amendment.—Section 615(c) of the Fair Credit Reporting Act (15 U.S.C. 1681m(c)) is amended by striking "subsections (a) and (b)" and inserting "this section".

SEC. 112. AMENDMENTS RELATING TO CIVIL LIABILITY.

(a) Civil Liability for Willful Noncompliance, Generally.—Section 616 of the Fair Credit Reporting Act (15 U.S.C. 1681n) is amended by striking "Any consumer reporting agency or user of information which" and inserting "(a) In General.—Any person who".

(b) Minimum Civil Liability for Willful Noncompliance.—Section 616(1) of the Fair Credit Reporting Act (15 U.S.C. 1681n(1)) is amended to read as follows:

"(1)(A) any actual damages sustained by the consumer as a result of the failure or damages of no less than $100 and no more than $1,000; or

"(B) in the case of liability of a natural person for obtaining a consumer report under false pretenses or knowingly without a permissible purpose, actual damages sustained by the consumer as a result of the failure or $1,000, whichever is greater;".

(c) Civil Liability for Negligent Noncompliance.—Section 617 of the Fair Credit Reporting Act (15 U.S.C. 1681o) is amended by striking "Any consumer reporting agency or user of information which" and inserting "(a) In General.—Any person who".

(d) Attorney's Fees.—

(1) Willful noncompliance.—Section 616 of the Fair Credit Reporting Act (15 U.S.C. 1681n) is amended by adding at the end the following:

"(b) Attorney's Fees.—On a finding by the court that an unsuccessful pleading, motion, or other paper filed in connection with an action under this section was filed in bad faith or for purposes of harassment, the court shall award to the prevailing party attorney's fees reasonable in relation to the work expended in responding to the pleading, motion, or other paper.".

(2) Negligent noncompliance.—Section 617 of the Fair Credit Reporting Act (15 U.S.C. 1681o) is amended by adding at the end the following:

"(b) Attorney's Fees.—On a finding by the court that an unsuccessful pleading, motion, or other paper filed in connection with an action under this section was filed in bad faith or for purposes of harassment, the court shall award to the prevailing party attorney's fees reasonable in relation to the work expended in responding to the pleading, motion, or other paper.".

SEC. 113. AMENDMENTS RELATING TO RESPONSIBILITIES OF PERSONS WHO FURNISH INFORMATION TO CONSUMER REPORTING AGENCIES.

(a) In General.—The Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) is amended by redesignating section 623 as section 624 and inserting after section 622 the following new section:

"§ 623. Responsibilities of furnishers of information to consumer reporting agencies

"(a) Duty of Furnishers of Information To Provide Complete and Accurate Information.—

"(1) Prohibitions.—A person shall not furnish any information to any consumer reporting agency if the person knows or should have known the information is incomplete or inaccurate.

"(2) Duty to correct and update information.—A person who—

"(A) regularly and in the ordinary course of business furnishes information to one or more consumer reporting agencies about the person's transactions or experiences with any consumer; and

"(B) has furnished to a consumer reporting agency information that the person determines is not complete or accurate;

shall promptly notify the consumer reporting agency of that determination and provide to the agency any corrections to that information, or any additional information, that is necessary to make the information provided by the person to the agency complete and accurate, and shall not thereafter furnish to the agency any of the information that remains not complete or accurate.

"(3) Duty to provide notice of dispute.—If the completeness or accuracy of any information furnished by any person to any consumer reporting agency is disputed to such person by a consumer, the person may not furnish the information to any consumer reporting agency without notice that such information is disputed by the consumer.

"(4) Duty to provide notice of closed accounts.—A person who regularly and in the ordinary course of business furnishes information to a consumer reporting agency regarding a consumer who has a credit account with that person shall notify the agency of the voluntary closure of the account by the consumer, in information regularly furnished for the period in which the account is closed.

"(5) Duty to provide notice of delinquency of accounts.—A person who furnishes information to a consumer reporting agency regarding a delinquent account being placed for collection, charged to profit or loss, or subjected to any similar action shall, by not later than 90 days after furnishing the information, notify the agency of the month and year of the commencement of the delinquency which immediately preceded the action.

"(b) Duties of Furnishers of Information Upon Notice of Dispute.—

"(1) In general.—After receiving notice pursuant to section 611(a)(2) of a dispute with regard to the completeness or accuracy of any information provided by a person to a consumer reporting agency, the person shall—

"(A) complete an investigation with respect to the disputed information;

"(B) review all relevant information provided by the consumer reporting agency pursuant to section 611(a)(2);

"(C) report the results of the investigation to the consumer reporting agency; and

"(D) if the investigation finds that the information is incomplete or inaccurate, report those results to all other consumer reporting agencies to which the person furnished the information and that compile and maintain files on consumers on a nationwide basis.

"(2) Deadline.—A person shall complete all investigations, reviews, and reports required under paragraph (1) regarding information provided by the person to a consumer reporting agency, before the end of the period under section 611(a)(1) within which the consumer reporting agency is required to complete actions required by that section regarding that information.

"(c) Limitation on Liability.—Sections 616 and 617 do not apply to any failure to comply with subsection (a), except as provided in section 621(c)(1)(B).

"(d) Limitation on Enforcement.—Subsection (a) may be enforced exclusively under section 621 by the Federal agencies and officials and the State officials identified in that section.".

(b) Clerical Amendment.—The table of sections at the beginning of the Fair Credit Reporting Act (15 U.S.C. 1681a et seq.) is amended by striking the item relating to section 623 and inserting the following:

"623. Responsibilities of furnishers of information to consumer reporting agencies.
"624. Relation to State laws.".

SEC. 114. INVESTIGATIVE CONSUMER REPORTS.

Section 606 of the Fair Credit Reporting Act (15 U.S.C. 1681d) is amended—

(1) in subsection (a)(1) by striking "or" after the semicolon at the end and inserting "and";

(2) by striking subsection (a)(2) and inserting the following:

"(2) the person certifies or has certified to the consumer reporting agency that—

"(A) the person has made the disclosures to the consumer required by paragraph (1); and

"(B) the person will comply with subsection (b).";

(3) in subsection (b) by striking "shall" the second place it appears; and

(4) by adding at the end the following:

"(d) Prohibitions.—

"(1) Certification.—A consumer reporting agency shall not prepare or furnish an investigative consumer report unless the agency has received a certification under subsection (a)(2) from the person who requested the report.

"(2) Inquiries.—A consumer reporting agency shall not make an inquiry for the purpose of preparing an investigative consumer report on a consumer for employment purposes if the making of the inquiry by an employer or prospective employer of the consumer would violate any applicable Federal or State equal employment opportunity law or regulation.

"(3) Certain public record information.—Except as otherwise provided in section 613, a consumer reporting agency shall not furnish an investigative consumer report which includes information which is a matter of public record and which relates to an arrest, indictment, conviction, civil judicial action, tax lien, or outstanding judgment, unless the agency has verified the accuracy of the information within the 30-day period ending on the date the report is furnished.

"(4) Certain adverse information.—A consumer reporting agency shall not prepare or furnish an investigative consumer report on a consumer that contains information that is adverse to the interest of the consumer and that is obtained through a personal interview with a neighbor, friend, or associate of the consumer or with another person with whom the consumer is acquainted or who has knowledge of such item of information, unless—

"(A) the agency has followed reasonable procedures to obtain confirmation of the information, from an additional source that has independent and direct knowledge of the information; or

"(B) the person interviewed is the best possible source of the information.".

SEC. 115. INCREASED CRIMINAL PENALTIES FOR OBTAINING INFORMATION UNDER FALSE PRETENSES.

(a) Obtaining Information Under False Pretenses.—Section 619 of the Fair Credit Reporting Act (15 U.S.C. 1681q) is amended by striking "fined not more than $5,000 or imprisoned not more than one year, or both" and inserting "fined under title 18, United States Code, imprisoned for not more than 2 years, or both".

(b) Unauthorized Disclosures by Officers or Employees.—Section 620 of the Fair Credit Reporting Act (15 U.S.C. 1681r) is amended by striking "fined not more than $5,000 or imprisoned not more than one year, or both" and inserting "fined under title 18, United States Code, imprisoned for not more than 2 years, or both".

SEC. 116. ADMINISTRATIVE ENFORCEMENT.

(a) Available Enforcement Powers.—Section 621(a) of the Fair Credit Reporting Act (15 U.S.C. 1681s(a))—

(1) is amended in the second sentence by striking "Act and shall be subject to enforcement by the Federal Trade Commission under section 5(b) thereof with respect to any consumer reporting agency or person subject to enforcement by the Federal Trade Commission pursuant to this subsection, irrespective" and inserting "Act. All functions and powers of the Federal Trade Commission under the Federal Trade Commission Act shall be available to the Commission to enforce compliance with this title by any person subject to enforcement by the Federal Trade Commission pursuant to this subsection and not subject to enforcement pursuant to section 8 of the Federal Deposit Insurance Act, irrespective";

(2) as amended by paragraph (1), is further amended by inserting before the 3rd period the following: ", including the power to enforce the provisions of this title in the same manner as if the violation had been a violation of any Federal Trade Commission trade regulation rule"; and

(3) as amended by paragraph (1), is further amended by adding after the 3rd period the following: "Notwithstanding the preceding sentence, a court may not impose any civil penalty on a person for a violation of section 623(a)(1) unless the person has been enjoined from committing the violation, or ordered not to commit the violation, in an action or proceeding brought by or on behalf of the Federal Trade Commission and has violated the injunction or order, and the court may not impose any civil penalty for any violation occurring before the date of the violation of the injunction or order.".

(B) Agencies Responsible for Enforcement.—Section 621 of the Fair Credit Reporting Act (15 U.S.C. 1681s) is amended—

(1) in subsection (a), by inserting "Enforcement by Federal Trade Commission.—" before "Compliance with the requirements"; and

(2) in subsection (b), by striking the matter preceding paragraph (1) and inserting the following:

"(b) Enforcement by Other Agencies.—Compliance with the requirements imposed under this title with respect to consumer reporting agencies, persons who use consumer reports from such agencies, persons who furnish information to such agencies, and users of information who are subject to section 615(e) shall be enforced under—".

SEC. 117. STATE ENFORCEMENT OF FAIR CREDIT REPORTING ACT.

Section 621 of the Fair Credit Reporting Act (15 U.S.C. 1681s) is amended by redesignating subsection (c) as subsection (d) and inserting after subsection (b) the following new subsection:

“(c) STATE ACTION FOR VIOLATIONS.—

“(1) AUTHORITY OF STATES.—In addition to such other remedies as are provided under State law, whenever the chief law enforcement officer of a State, or an official or agency designated by a State, has reason to believe that any person has violated or is violating this title, the State—

“(A) may bring an action to enjoin such violation in any appropriate United States district court or in any other court of competent jurisdiction;

“(B) subject to paragraph (5), may bring an action on behalf of its residents to recover—

“(i) damages for which the person is liable to such residents under sections 616 and 617 as a result of the violation;

“(ii) in the case of a violation of section 623(a), damages for which the person would, but for section 623(c), be liable to such residents as a result of the violation; or

“(iii) damages of not more than $1,000 for each willful or negligent violation; and

“(C) in the case of any successful action under subparagraph (A) or (B), shall be awarded the costs of the action and reasonable attorney fees as determined by the court.

“(2) RIGHTS OF FEDERAL REGULATORS.—The State shall serve prior written notice of any such action upon the Federal Trade Commission or the appropriate Federal regulator determined under subsection (b) and provide the Commission or appropriate Federal regulator with a copy of its complaint, except in any case where such prior notice is not feasible, in which case the State shall serve such notice immediately upon instituting such action. The Federal Trade Commission or appropriate Federal regulator shall have the right (A) to intervene in the action, (B) upon so intervening, to be heard on all matters arising therein, (C) to remove the action to the appropriate United States district court, and (D) to file petitions for appeal.

“(3) INVESTIGATORY POWERS.—For purposes of bringing any action under this subsection, nothing in this subsection shall prevent the chief law enforcement officer, or an official or agency designated by a State, from exercising the powers conferred on the chief law enforcement officer or such official by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

“(4) LIMITATION ON STATE ACTION WHILE FEDERAL ACTION PENDING.—Whenever the Federal Trade Commission or the appropriate Federal regulator has instituted a civil action or an administrative action under section 8 of the Federal Deposit Insurance Act for a violation of this title, no State may, during the pendency of such action, bring an action under this section against any defendant named in the complaint of the Commission or the appropriate Federal regulator for any violation of this title that is alleged in that complaint.

“(5) LIMITATIONS ON STATE ACTIONS FOR VIOLATION OF SECTION 621(a)(1).—

“(A) VIOLATION OF INJUNCTION REQUIRED.—A State may not bring an action against a person under paragraph (1)(B) for a violation of section 623(a)(1), unless—

“(i) the person has been enjoined from committing the violation, in an action brought by the State under paragraph (1)(A); and

“(ii) the person has violated the injunction.

“(B) LIMITATION ON DAMAGES RECOVERABLE.—In an action against a person under paragraph (1)(B) for a violation of section 623(a)(1), a State may not recover any damages incurred before the date of the violation of an injunction on which the action is based.”.

SEC. 118. FEDERAL RESERVE BOARD AUTHORITY.

Section 621 of the Fair Credit Reporting Act (15 U.S.C. 1681s), is further amended by adding after subsection (d) (as redesignated by section 117) the following new subsection:

“(e) INTERPRETIVE AUTHORITY.—The Board of Governors of the Federal Reserve System may issue interpretations of any provision of this title as it may apply to any persons identified under paragraph (1), (2), and (3) of subsection (b), or to the holding companies and affiliates of such persons, in consultation with Federal agencies identified in paragraphs (1), (2), and (3) of subsection (b).”.

SEC. 119. PREEMPTION OF STATE LAW.

Section 624 of the Fair Credit Reporting Act, as redesignated by section 113(a) of this Act, is further amended—

(1) by striking “This title” and inserting “(a) IN GENERAL.—Except as provided in subsections (b) and (c), this title”; and

(2) by adding at the end the following:

“(b) GENERAL EXCEPTIONS.—No requirement or prohibition may be imposed under the laws of any State—

“(1) with respect to any subject matter regulated under—

“(A) subsection (c) or (d) of section 604, relating to the prescreening of consumer reports;

“(B) section 611, relating to the time by which a consumer reporting agency must take any action, including the provision of notification to a consumer or other person, in any procedure related to the disputed accuracy of information in a consumer's file, except that this subparagraph does not apply to any State law in effect on the date of the enactment of the Consumer Reporting Reform Act of 1994;

“(C) section 615(a), relating to the duties of a person who takes any adverse action with respect to a consumer on the basis of information contained in a consumer report;

“(D) section 615(d), relating to the duties of persons who use a consumer report of a consumer in connection with any credit transaction which is not initiated by the consumer and which consists of a firm offer of credit;

“(E) section 605, relating to obsolete information, except that this subparagraph does not apply to any State law in effect on the date of the enactment of the Consumer Reporting Reform Act of 1994; or

“(F) section 623(b)(2), relating to the time by which a person must take any action required under section 623(b)(1) with respect to an investigation of information furnished by the person to a consumer reporting agency, except that this subparagraph does not apply to any State law in effect on the date of the enactment of the Consumer Reporting Reform Act of 1994;

“(2) with respect to the exchange of information among persons affiliated by common ownership or common corporate control, except that this paragraph does not apply to section 2480e (a) and (c)(1) of title 9, Vermont Statutes Annotated (as in effect on the date of the enactment of the Consumer Reporting Reform Act of 1994); or

“(3) with respect to the form and content of any disclosure required to be made under section 609(c).

“(c) DEFINITION OF FIRM OFFER OF CREDIT.—Notwithstanding any definition of the term ‘firm offer of credit’ (or any equivalent term) under the laws of any State, the definition of that term contained in section 603(l) shall be construed to apply in the enforcement and interpretation of the laws of any State governing consumer reports.

“(d) LIMITATIONS.—Subsections (b) and (c)—

“(1) do not affect any settlement, agreement, or consent judgment between any State Attorney General and any consumer reporting agency in effect on the date of the enactment of the Consumer Reporting Reform Act of 1994; and

“(2) do not apply to any provision of State law (including any provision of a State constitution) that—

“(A) is enacted after January 1, 2003;

“(B) states explicitly that the provision is intended to supplement this Act; and

“(C) gives greater protection to consumers than is provided under this Act.”.

SEC. 120. ACTION BY FTC.

(a) MODIFICATION OF REQUIREMENTS BY FTC AUTHORIZED.—

(1) IN GENERAL.—Section 621 of the Fair Credit Reporting Act (15 U.S.C. 1681s), is further amended by adding after subsection (e) (as added by section 118 of this Act) the following:

“(f) MODIFICATION OF REQUIREMENTS BY FTC AUTHORIZED.—If it considers such action necessary for the protection of consumers, the Federal Trade Commission may, after consultation with each Federal agency referred to in section 621(b) and with appropriate State regulatory and law enforcement agencies, promulgate regulations in accordance with section 553 of title 5, United States Code, to impose requirements—

“(1) that are more stringent than those imposed under—

“(A) section 611, relating to the time by which a consumer reporting agency must take any action, including the provision of notification to a consumer or other person, in any procedure related to the disputed accuracy of information in a consumer's file;

“(B) section 615(a), relating to the duties of a person who takes any adverse action with respect to a consumer on the basis of information contained in a consumer report;

“(C) section 615(d), relating to the duties of persons who use a consumer report on a consumer in connection with any credit transaction which is not initiated by the consumer and that consists of a firm offer of credit; or

“(D) section 623(b)(2), relating to the time by which a person must take any action required under section 623(b)(1) with respect to an investigation of information furnished by the person to a consumer reporting agency; and

“(2) with respect to the form and content of any disclosure required to be made under section 609(c).”.

(2) CLERICAL AMENDMENTS.—

(A) The heading for section 621 of the Fair Credit Reporting Act (15 U.S.C. 1681s) is amended to read as follows:

“§ 621. Administrative enforcement and authorities; State actions”.

(B) The table of contents at the beginning of the Fair Credit Reporting Act is amended by striking the item relating to section 621 and inserting the following:

“621. Administrative enforcement and authorities; State actions.”.

(b) DEADLINE TO PRESCRIBE MATTERS.—The Federal Trade Commission shall prescribe all matters required by this title (including the amendments made by this title) to be prescribed by that Commission, before the end of the 300-day period beginning on the date of the enactment of this Act.

SEC. 121. AMENDMENT TO FAIR DEBT COLLECTION PRACTICES ACT.

Section 807(11) of the Fair Debt Collection Practices Act (15 U.S.C. 1692e), relating to certain practices constituting prohibited representations, is amended to read as follows:

"(11) The failure to disclose clearly, in any written communication made to collect a debt or to obtain information about a consumer, that the debt collector is attempting to collect a debt and that any information obtained will be used for that purpose, except that this paragraph does not apply to a communication—

"(A) to acquire location information in accordance with section 804;

"(B) made solely to acknowledge receipt of monies or payments; or

"(C) that consists solely of information requested by the consumer or the consumer's attorney.".

SEC. 122. FURNISHING CONSUMER REPORTS FOR CERTAIN PURPOSES RELATING TO CHILD SUPPORT.

Section 604(a) of the Fair Credit Reporting Act (15 U.S.C. 1681b) is amended in subsection (a) (as designated by section 103(a)(1) of this Act) by adding at the end the following:

"(4) In response to a request by the head of a department, agency, or office of any State or any political subdivision of any State that is responsible under law for enforcing child support orders (or an official authorized by the head of any such department, agency, or office), if the person making the request certifies to the consumer reporting agency that—

"(A) the consumer report is needed to establish an individual's capacity to make child support payments, or to determine the appropriate level of such payments;

"(B) the person has provided at least 10 days prior written notice to the consumer whose report is requested, by certified or registered mail to the last known address of the consumer, that the report will be requested; and

"(C) the consumer report obtained pursuant to this paragraph will be kept confidential, will be used solely for establishing child support payment obligations, and will not be used in connection with any other civil, administrative, or criminal proceeding or for any other purpose.".

SEC. 123. DISCLOSURE OF INFORMATION AND CONSUMER REPORTS TO FBI FOR COUNTERINTELLIGENCE PURPOSES.

(a) IN GENERAL.—The Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) is amended by adding after section 624, as redesignated by section 113(a) of this Act, the following new section:

"§ 625. Disclosures to FBI for counterintelligence purposes

"(a) IDENTITY OF FINANCIAL INSTITUTIONS.—Notwithstanding section 604 or any other provision of this title, a consumer reporting agency shall furnish to the Federal Bureau of Investigation the names and addresses of all financial institutions (as that term is defined in section 1101 of the Right to Financial Privacy Act of 1978) at which a consumer maintains or has maintained an account, to the extent that information is in the files of the agency, when presented with a written request for that information, signed by the Director of the Federal Bureau of Investigation, or the Director's designee, which certifies compliance with this section. The Director or the Director's designee may make such a certification only if the Director or the Director's designee has determined in writing that—

"(1) such information is necessary for the conduct of an authorized foreign counterintelligence investigation; and

"(2) there are specific and articulable facts giving reason to believe that the consumer—

"(A) is a foreign power (as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978) or a person who is not a United States person (as defined in such section 101) and is an official of a foreign power; or

"(B) is an agent of a foreign power and is engaging or has engaged in international terrorism (as that term is defined in section 101(c) of the Foreign Intelligence Surveillance Act of 1978) or clandestine intelligence activities that involve or may involve a violation of criminal statutes of the United States.

"(b) IDENTIFYING INFORMATION.—Notwithstanding the provisions of section 604 or any other provision of this title, a consumer reporting agency shall furnish identifying information respecting a consumer, limited to name, address, former addresses, places of employment, or former places of employment, to the Federal Bureau of Investigation when presented with a written request, signed by the Director or the Director's designee, which certifies compliance with this subsection. The Director or the Director's designee may make such a certification only if the Director or the Director's designee has determined in writing that—

"(A) such information is necessary to the conduct of an authorized counterintelligence investigation; and

"(B) there is information giving reason to believe that the consumer has been, or is about to be, in contact with a foreign power or an agent of a foreign power (as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978).

"(c) COURT ORDER FOR DISCLOSURE OF CONSUMER REPORTS.—Notwithstanding section 604 or any other provision of this title, if requested in writing by the Director of the Federal Bureau of Investigation, or a designee of the Director, a court may issue an order ex parte directing a consumer reporting agency to furnish a consumer report to the Federal Bureau of Investigation, upon a showing in camera that—

"(1) the consumer report is necessary for the conduct of an authorized foreign counterintelligence investigation; and

"(2) there are specific and articulable facts giving reason to believe that the consumer whose consumer report is sought—

"(A) is an agent of a foreign power; and

"(B) is engaging or has engaged in international terrorism (as that term is defined in section 101(c) of the Foreign Intelligence Surveillance Act of 1978) or clandestine intelligence activities that involve or may involve a violation of criminal statutes of the United States.

The terms of an order issued under this subsection shall not disclose that the order is issued for purposes of a counterintelligence investigation.

"(d) CONFIDENTIALITY.—No consumer reporting agency or officer, employee, or agent of a consumer reporting agency shall disclose to any person, other than those officers, employees, or agents of a consumer reporting agency necessary to fulfill the requirement to disclose information to the Federal Bureau of Investigation under this section, that the Federal Bureau of Investigation has sought or obtained the identity of financial institutions or a consumer report respecting any consumer under subsection (a), (b), or (c) and no consumer reporting agency or officer, employee, or agent of a consumer reporting agency shall include in any consumer report any information that would indicate that the Federal Bureau of Investigation has sought or obtained such information or a consumer report.

"(e) PAYMENT OF FEES.—The Federal Bureau of Investigation shall, subject to the availability of appropriations, pay to the consumer reporting agency assembling or providing reports or information in accordance with procedures established under this section, a fee for reimbursement for such costs as are reasonably necessary and which have been directly incurred in searching, reproducing, or transporting books, papers, records, or other data required or requested to be produced under this section.

"(f) LIMIT ON DISSEMINATION.—The Federal Bureau of Investigation may not disseminate information obtained pursuant to this section outside of the Federal Bureau of Investigation, except to the Department of Justice as may be necessary for the approval or conduct of a foreign counterintelligence investigation, or, where the information concerns a person subject to the Uniform Code of Military Justice, to appropriate investigative authorities within the military department concerned as may be necessary for the conduct of a joint foreign counterintelligence investigation.

"(g) RULES OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit information from being furnished by the Federal Bureau of Investigation pursuant to a subpoena or court order, or in connection with a judicial or administrative proceeding to enforce the provisions of this Act. Nothing in this section shall be construed to authorize or permit the withholding of information from the Congress.

"(h) REPORTS TO CONGRESS.—On a semiannual basis, the Attorney General of the United States shall fully inform the Permanent Select Committee on Intelligence and the Committee on Banking, Finance and Urban Affairs of the House of Representatives, and the Select Committee on Intelligence and the Committee on Banking, Housing, and Urban Affairs of the Senate concerning all requests made pursuant to subsections (a), (b), and (c).

"(i) DAMAGES.—Any agency or department of the United States obtaining or disclosing any consumer reports, records, or information contained therein in violation of this section is liable to the consumer to whom such consumer reports, records, or information relate in an amount equal to the sum of—

"(1) $100, without regard to the volume of consumer reports, records, or information involved;

"(2) any actual damages sustained by the consumer as a result of the disclosure;

"(3) if the violation is found to have been willful or intentional, such punitive damages as a court may allow; and

"(4) in the case of any successful action to enforce liability under this subsection, the costs of the action, together with reasonable attorney fees, as determined by the court.

"(j) DISCIPLINARY ACTIONS FOR VIOLATIONS.—If a court determines that any agency or department of the United States has violated any provision of this section and the court finds that the circumstances surrounding the violation raise questions of whether or not an officer or employee of the agency or department acted willfully or intentionally with respect to the violation, the agency or department shall promptly initiate a proceeding to determine whether or not disciplinary action is warranted against the officer or employee who was responsible for the violation.

"(k) GOOD-FAITH EXCEPTION.—Notwithstanding any other provision of this title, any consumer reporting agency or agent or employee thereof making disclosure of consumer reports or identifying information pursuant to this subsection in good-faith reliance upon a certification of the Federal Bureau of Investigation pursuant to provisions of this section shall not be liable to any person for such disclosure under this title, the constitution of any State, or any law or regulation of any State or any political subdivision of any State.

"(l) LIMITATION OF REMEDIES.—Notwithstanding any other provision of this title, the remedies and sanctions set forth in this section shall be the only judicial remedies and sanctions for violation of this section.

"(m) INJUNCTIVE RELIEF.—In addition to any other remedy contained in this section, injunctive relief shall be available to require compliance with the procedures of this section. In the event of any successful action under this subsection, costs together with reasonable attorney fees, as determined by the court, may be recovered.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of the Fair Credit Reporting Act (15 U.S.C. 1681a et seq.), as amended by section 114(b) of this Act, is further amended by adding after the item relating to section 624 the following:

"625. Disclosures to FBI for counterintelligence purposes.".

(c) REPEAL OF PROVISIONS.—The following provisions of the Fair Credit Reporting Act, as amended by this section, are repealed:

(1) Section 625.

(2) In the table of contents at the beginning of the Fair Credit Reporting Act, the item relating to section 625.

SEC. 124. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments and repeals made by this title shall take effect 365 days after the date of the enactment of this Act.

(b) EXCEPTIONS.—

(1) The amendment made by section 121 shall take effect 90 days after the date of the enactment of this Act.

(2) The amendments made by subsections (a) and (b) of section 123 shall take effect on the date of the enactment of this Act.

(3) Subsection (c) of section 123 shall take effect on the date that is 5 years after the date of the enactment of this Act.

SEC. 125. RELATIONSHIP TO OTHER LAW.

Nothing in this title or the amendments made by this Act shall be considered to supersede or otherwise affect section 2721 of title 18, United States Code, with respect to motor vehicle records for surveys, marketing, or solicitations.

SEC. 126. SENSE OF SENATE.

It is the sense of the Senate that—

(1) individuals should generally be judged for credit worthiness based on their own credit worthiness and not on the zip code or neighborhood in which they live; and

(2) the Federal Trade Commission after consultation with the appropriate Federal banking agencies shall report to the Committee on Banking, Housing, and Urban Affairs of the Senate within 6 months as to whether and how the location of the residence of an applicant for unsecured credit is considered by many companies and financial institutions in deciding whether an applicant should be granted credit.

SEC. 127. TECHNICAL CORRECTION TO DEPOSITORY INSTITUTIONS MANAGEMENT INTERLOCKS ACT.

Section 209(c)(1)(C) of the Depository Institution Management Interlocks Act (12 U.S.C. 3207(c)(1)(C), as added by section 338(b) of the Riegle Community Development and Regulatory Improvement Act of 1994) is amended by inserting "or institutions" after "newly chartered institutions".

TITLE II—CREDIT REPAIR ORGANIZATIONS

SEC. 201. REGULATION OF CREDIT REPAIR ORGANIZATIONS.

Title IV of the Consumer Credit Protection Act is amended to read as follows:

"TITLE IV—CREDIT REPAIR ORGANIZATIONS

"Sec.
"401. Short title.
"402. Findings and purposes.
"403. Definitions.
"404. Prohibited practices.
"405. Disclosures.
"406. Credit repair organizations contracts.
"407. Right to cancel contract.
"408. Noncompliance with this title.
"409. Civil liability.
"410. Administrative enforcement.
"411. Statute of limitations.
"412. Relation to State law.
"413. Effective date.

"SEC. 401. SHORT TITLE.

"This title may be cited as the 'Credit Repair Organizations Act'.

"SEC. 402. FINDINGS AND PURPOSES.

"(a) FINDINGS.—The Congress makes the following findings:

"(1) Consumers have a vital interest in establishing and maintaining their creditworthiness and credit standing in order to obtain and use credit. As a result, consumers who have experienced credit problems may seek assistance from credit repair organizations which offer to improve the credit standing of such consumers.

"(2) Certain advertising and business practices of some companies engaged in the business of credit repair services have worked a financial hardship upon consumers, particularly those of limited economic means and who are inexperienced in credit matters.

"(b) PURPOSES.—The purposes of this title are as follows:

"(1) To ensure that prospective buyers of the services of credit repair organizations are provided with the information necessary to make an informed decision regarding the purchase of such services.

"(2) To protect the public from unfair or deceptive advertising and business practices by credit repair organizations.

"SEC. 403. DEFINITIONS.

"For purposes of this title—

"(1) CONSUMER.—The term 'consumer' means an individual.

"(2) CONSUMER CREDIT TRANSACTION.—The term 'consumer credit transaction' means any transaction in which credit is offered or extended to an individual for personal, family, or household purposes.

"(3) CREDIT REPAIR ORGANIZATION.—The term 'credit repair organization'—

"(A) means any person who uses any instrumentality of interstate commerce or the mails to sell, provide, or perform (or represent that such person can or will sell, provide, or perform) any service, in return for the payment of money or other valuable consideration, for the express or implied purpose of—

"(i) improving any consumer's credit record, credit history, or credit rating; or

"(ii) providing advice or assistance to any consumer with regard to any activity or service described in clause (i); and

"(B) does not include—

"(i) any nonprofit organization which is exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986;

"(ii) any attorney-at-law who is a member of the bar of the highest court of any State or otherwise licensed under the laws of any State, with respect to services rendered which are within the scope of regulations applicable to members of such bar or such licensees; or

"(iii) any creditor (as defined in section 103 of the Truth in Lending Act), with respect to any consumer, to the extent the creditor is assisting the consumer to restructure any debt owed by the consumer to the creditor.

"(4) CREDIT.—The term 'credit' has the meaning given to such term in section 103(e) of this Act.

"SEC. 404. PROHIBITED PRACTICES.

"(a) IN GENERAL.—No person may—

"(1) make any statement, or counsel or advise any consumer to make any statement, which is untrue or misleading (or which, upon the exercise of reasonable care, should be known by the credit repair organization, officer, employee, agent, or other person to be untrue or misleading) with respect to any consumer's creditworthiness, credit standing, or credit capacity to—

"(A) any consumer reporting agency (as defined in section 603(f) of this Act); or

"(B) any person—

"(i) who has extended credit to the consumer; or

"(ii) to whom the consumer has applied or is applying for an extension of credit;

"(2) make any statement, or counsel or advise any consumer to make any statement, the intended effect of which is to alter the consumer's identification to prevent the display of the consumer's credit record, history, or rating for the purpose of concealing adverse information that is accurate and not obsolete to—

"(A) any consumer reporting agency;

"(B) any person—

"(i) who has extended credit to the consumer; or

"(ii) to whom the consumer has applied or is applying for an extension of credit;

"(3) make or use any untrue or misleading representation of the services of the credit repair organization; or

"(4) engage, directly or indirectly, in any act, practice, or course of business that constitutes or results in the commission of, or an attempt to commit, a fraud or deception on any person in connection with the offer or sale of the services of the credit repair organization.

"(b) PAYMENT IN ADVANCE.—No credit repair organization may charge or receive any money or other valuable consideration for the performance of any service which the credit repair organization has agreed to perform for any consumer before such service is fully performed.

"SEC. 405. DISCLOSURES.

"(a) DISCLOSURE REQUIRED.—Any credit repair organization shall provide any consumer with the following written statement before any contract or agreement between the consumer and the credit repair organization is executed:

"'Consumer Credit File Rights Under State and Federal Law

"'You have a right to dispute inaccurate information in your credit report by contacting the credit bureau directly. However, neither you nor any "credit repair" company or credit repair organization has the right to have accurate, current, and verifiable information removed from your credit report. The credit bureau must remove accurate, negative information from your report only if it is over 7 years old. Bankruptcy information can be reported for 10 years.

"'You have a right to obtain a copy of your credit report from a credit bureau. You may be charged a reasonable fee. There is no fee, however, if you have been turned down for credit, employment, insurance, or a rental dwelling because of information in your credit report within the preceding 60 days. The credit bureau must provide someone to help you interpret the information in your credit file. You are entitled to receive a free copy of your credit report if you are unemployed and intend to apply for employment in the next 60 days, if you are a recipient of public welfare assistance, or if you have reason to believe that there is inaccurate information in your credit report due to fraud.

"'You have a right to sue a credit repair organization that violates the Credit Repair Organization Act. This law prohibits deceptive practices by credit repair organizations.

"'You have the right to cancel your contract with any credit repair organization for any reason within 3 business days from the date you signed it.

"'Credit bureaus are required to follow reasonable procedures to ensure that the information they report is accurate. However, mistakes may occur.

"'You may, on your own, notify a credit bureau in writing that you dispute the accuracy of information in your credit file. The credit bureau must then reinvestigate and modify or remove inaccurate or incomplete information. The credit bureau may not charge any fee for this service. Any pertinent information and copies of all documents you have concerning an error should be given to the credit bureau.

"'If the credit bureau's reinvestigation does not resolve the dispute to your satisfaction, you may send a brief statement to the credit bureau, to be kept in your file, explaining why you think the record is inaccurate. The credit bureau must include a summary of your statement about disputed information with any report it issues about you.

"'The Federal Trade Commission regulates credit bureaus and credit repair organizations. For more information contact:

The Public Reference Branch
Federal Trade Commission
Washington, D.C. 20580'.

"(b) Separate Statement Requirement.—The written statement required under this section shall be provided as a document which is separate from any written contract or other agreement between the credit repair organization and the consumer or any other written material provided to the consumer.

"(c) Retention of Compliance Records.—

"(1) In general.—The credit repair organization shall maintain a copy of the statement signed by the consumer acknowledging receipt of the statement.

"(2) Maintenance for 2 years.—The copy of any consumer's statement shall be maintained in the organization's files for 2 years after the date on which the statement is signed by the consumer.

"SEC. 406. CREDIT REPAIR ORGANIZATIONS CONTRACTS.

"(a) Written Contracts Required.—No services may be provided by any credit repair organization for any consumer—

"(1) unless a written and dated contract (for the purchase of such services) which meets the requirements of subsection (b) has been signed by the consumer; or

"(2) before the end of the 3-business-day period beginning on the date the contract is signed.

"(b) Terms and Conditions of Contract.—No contract referred to in subsection (a) meets the requirements of this subsection unless such contract includes the following information (in writing):

"(1) The terms and conditions of payment, including the total amount of all payments to be made by the consumer to the credit repair organization or to any other person.

"(2) A full and detailed description of the services to be performed by the credit repair organization for the consumer, including—

"(A) all guarantees of performance; and

"(B) an estimate of—

"(i) the date by which the performance of the services (to be performed by the credit repair organization or any other person) will be complete; or

"(ii) the length of the period necessary to perform such services.

"(3) The credit repair organization's name and principal business address.

"(4) A conspicuous statement in bold face type, in immediate proximity to the space reserved for the consumer's signature on the contract, which reads as follows: 'You may cancel this contract without penalty or obligation at any time before midnight of the 3rd business day after the date on which you signed the contract. See the attached notice of cancellation form for an explanation of this right.'.

"SEC. 407. RIGHT TO CANCEL CONTRACT.

"(a) In General.—Any consumer may cancel any contract with any credit repair organization without penalty or obligation by notifying the credit repair organization of the consumer's intention to do so at any time before midnight of the 3rd business day which begins after the date on which the contract or agreement between the consumer and the credit repair organization is executed or would, but for this subsection, become enforceable against the parties.

"(b) Cancellation Form and Other Information.—Each contract shall be accompanied by a form, in duplicate, which has the heading 'Notice of Cancellation' and contains in bold face type the following statement:

"'You may cancel this contract, without any penalty or obligation, at any time before midnight of the 3rd day which begins after the date the contract is signed by you.

"'To cancel this contract, mail or deliver a signed, dated copy of this cancellation notice, or any other written notice to [name of credit repair organization] at [address of credit repair organization] before midnight on [date]

"'I hereby cancel this transaction,

[date]

[purchaser's signature].'.

"(c) Consumer Copy of Contract Required.—Any consumer who enters into any contract with any credit repair organization shall be given, by the organization—

"(1) a copy of the completed contract and the disclosure statement required under section 405; and

"(2) a copy of any other document the credit repair organization requires the consumer to sign,

at the time the contract or the other document is signed.

"SEC. 408. NONCOMPLIANCE WITH THIS TITLE.

"(a) Consumer Waivers Invalid.—Any waiver by any consumer of any protection provided by or any right of the consumer under this title—

"(1) shall be treated as void; and

"(2) may not be enforced by any Federal or State court or any other person.

"(b) Attempt To Obtain Waiver.—Any attempt by any person to obtain a waiver from any consumer of any protection provided by or any right of the consumer under this title shall be treated as a violation of this title.

"(c) Contracts Not in Compliance.—Any contract for services which does not comply with the applicable provisions of this title—

"(1) shall be treated as void; and

"(2) may not be enforced by any Federal or State court or any other person.

"SEC. 409. CIVIL LIABILITY.

"(a) Liability Established.—Any person who fails to comply with any provision of this title with respect to any other person shall be liable to such person in an amount equal to the sum of the amounts determined under each of the following paragraphs:

"(1) Actual damages.—The greater of—

"(A) the amount of any actual damage sustained by such person as a result of such failure; or

"(B) any amount paid by the person to the credit repair organization.

"(2) Punitive damages.—

"(A) Individual actions.—In the case of any action by an individual, such additional amount as the court may allow.

"(B) Class actions.—In the case of a class action, the sum of—

"(i) the aggregate of the amount which the court may allow for each named plaintiff; and

"(ii) the aggregate of the amount which the court may allow for each other class member, without regard to any minimum individual recovery.

"(3) Attorneys' fees.—In the case of any successful action to enforce any liability under paragraph (1) or (2), the costs of the action, together with reasonable attorneys' fees.

"(b) Factors To Be Considered in Awarding Punitive Damages.—In determining the amount of any liability of any credit repair organization under subsection (a)(2), the court shall consider, among other relevant factors—

"(1) the frequency and persistence of noncompliance by the credit repair organization;

"(2) the nature of the noncompliance;

"(3) the extent to which such noncompliance was intentional; and

"(4) in the case of any class action, the number of consumers adversely affected.

"SEC. 410. ADMINISTRATIVE ENFORCEMENT.

"(a) In General.—Compliance with the requirements imposed under this title with respect to credit repair organizations shall be enforced under the Federal Trade Commission Act by the Federal Trade Commission.

"(b) Violations of This Title Treated as Violations of Federal Trade Commission Act.—

"(1) In general.—For the purpose of the exercise by the Federal Trade Commission of the Commission's functions and powers under the Federal Trade Commission Act, any violation of any requirement or prohibition imposed under this title with respect to credit repair organizations shall constitute an unfair or deceptive act or practice in commerce in violation of section 5(a) of the Federal Trade Commission Act.

"(2) ENFORCEMENT AUTHORITY UNDER OTHER LAW.—All functions and powers of the Federal Trade Commission under the Federal Trade Commission Act shall be available to the Commission to enforce compliance with this title by any person subject to enforcement by the Federal Trade Commission pursuant to this subsection, including the power to enforce the provisions of this title in the same manner as if the violation had been a violation of any Federal Trade Commission trade regulation rule, without regard to whether the credit repair organization—

"(A) is engaged in commerce; or

"(B) meets any other jurisdictional tests in the Federal Trade Commission Act.

"(c) STATE ACTION FOR VIOLATIONS.—

"(1) AUTHORITY OF STATES.—In addition to such other remedies as are provided under State law, whenever the chief law enforcement officer of a State, or an official or agency designated by a State, has reason to believe that any person has violated or is violating this title, the State—

"(A) may bring an action to enjoin such violation;

"(B) may bring an action on behalf of its residents to recover damages for which the person is liable to such residents under section 409 as a result of the violation; and

"(C) in the case of any successful action under subparagraph (A) or (B), shall be awarded the costs of the action and reasonable attorney fees as determined by the court.

"(2) RIGHTS OF COMMISSION.—

"(A) NOTICE TO COMMISSION.—The State shall serve prior written notice of any civil action under paragraph (1) upon the Federal Trade Commission and provide the Commission with a copy of its complaint, except in any case where such prior notice is not feasible, in which case the State shall serve such notice immediately upon instituting such action.

"(B) INTERVENTION.—The Commission shall have the right—

"(i) to intervene in any action referred to in subparagraph (A);

"(ii) upon so intervening, to be heard on all matters arising in the action; and

"(iii) to file petitions for appeal.

"(3) INVESTIGATORY POWERS.—For purposes of bringing any action under this subsection, nothing in this subsection shall prevent the chief law enforcement officer, or an official or agency designated by a State, from exercising the powers conferred on the chief law enforcement officer or such official by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

"(4) LIMITATION.—Whenever the Federal Trade Commission has instituted a civil action for violation of this title, no State may, during the pendency of such action, bring an action under this section against any defendant named in the complaint of the Commission for any violation of this title that is alleged in that complaint.

"SEC. 411. STATUTE OF LIMITATIONS.

"Any action to enforce any liability under this title may be brought before the later of—

"(1) the end of the 2-year period beginning on the date of the occurrence of the violation involved; or

"(2) in any case in which any credit repair organization has materially and willfully misrepresented any information which—

"(A) the credit repair organization is required, by any provision of this title, to disclose to any consumer; and

"(B) is material to the establishment of the credit repair organization's liability to the consumer under this title,

the end of the 2-year period beginning on the date of the discovery by the consumer of the misrepresentation.

"SEC. 412. RELATION TO STATE LAW.

"This title shall not annul, alter, affect, or exempt any person subject to the provisions of this title from complying with any law of any State except to the extent that such law is inconsistent with any provision of this title, and then only to the extent of the inconsistency.

"SEC. 413. EFFECTIVE DATE.

"This title shall apply after the end of the 6-month period beginning on the date of the enactment of the Credit Repair Organizations Act, except with respect to contracts entered into by a credit repair organization before the end of such period.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts [Mr. KENNEDY] will be recognized for 20 minutes, and the gentleman from California [Mr. MCCANDLESS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to again bring before the House one of the most important pieces of consumer legislation we will consider in this Congress. I want to thank the gentleman from Texas, Chairman GONZALEZ, the gentleman from Iowa [Mr. LEACH], the gentleman from California [Mr. MCCANDLESS], and the gentleman from California [Mr. TORRES], for working with me to fashion an excellent piece of legislation. This past summer, the House passed by voice vote a virtually identical version of this bill. Since that time, Members of the House and the other body have met to reconcile differences in each Chamber's bill. The bill before the House today represents a compromise that is not only bipartisan, but bicameral, as well.

Let me briefly describe what this bill attempts to do. In a nutshell, it reforms the credit reporting industry—an industry that affects the lives of virtually every working American. Credit bureaus—especially TRW, Equifax, and Transunion, the big 3—have 450 million files on individual consumers. They process over 2 billion pieces of data each month, and do so at practically the speed of light. The credit reports they compile determine whether a consumer will obtain a mortgage, a car or business loan, a job, and even an apartment.

If these reports are not accurate, or if they are distributed without a legitimate purpose, then our whole society suffers. Consumers may be unfairly deprived of credit, employment, and their privacy. And businesses may lose out on the opportunity to gain new customers.

Unfortunately, today the consumer reporting industry is riddled with problems. The Federal Trade Commission receives 9,000 complaints each year about credit bureaus—more than it receives about any other businesses, including auto dealers and debt collectors. One recent study shows why: 48 percent of all credit reports—nearly half—contain at least one error, and 20 percent or all reports contain errors so serious that they could cost consumers a mortgage, a loan, or a job.

Credit bureaus have shown little interest in correcting these mistakes on their own. Even after being contacted by consumers about possible mistakes, the bureaus fail to respond 26 percent of the time to inquiries. As a result, consumers must often wait months, even years, to clean up error-riddled consumer reports. In the meantime, they may have lost an opportunity to own a home or a car, or land a better job.

Equally disturbing is the growing distribution of credit reports without a consumer's knowledge or consent. These reports contain very personal information about a consumer's life. When that information is sent far and wide without consent, then the consumer suffers an invasion of privacy that can be personally embarrassing and financially damaging. Several years ago, someone wrongfully obtained a copy of former Vice President Quayle's consumer report, and distributed it widely. These practices must stop. The right to privacy is sacred to all Americans, and we should not tolerate its erosion.

For tens—if not hundreds—of thousands of consumers, the promise of the information highway has given way to an Orwellian nightmare of erroneous and unknowingly disseminated credit reports. The legislation we bring to the floor today takes a number of steps to improve both the accuracy and privacy of consumer reports:

It requires credit bureaus to investigate consumer complaints within 30 days, and delete any information they cannot verify. That way, consumers will not be plagued for months or years by someone else's bad debts.

It caps the cost of a credit report at $3, and allows consumers to obtain free copies of their credit reports after a reinvestigation or adverse action, or if they are unemployed, on public assistance, or believe they are victims of fraud. By making credit reports more affordable, this provision will help consumers detect and correct errors before they do damage.

The bill also requires credit providers—like banks and department stores—who furnish information to credit bureaus to do so accurately, and to correct mistakes promptly. By requiring these furnishers of information to be more careful, we will improve the quality of information that is put into a credit report to begin with, and hopefully avoid many of the problems we now see taking place.

The bill improves privacy protections by requiring employers to obtain a consumer's written consent before obtaining the consumer's credit report. It also allows a consumer to learn who has seen his or her report, and why, to help prevent unauthorized uses of that report.

Last, this bill regulates, for the first time, so-called credit repair organizations. These firms frequently promise to clear up a consumer's bad credit, but in fact either fail to follow through, or do so only by misleading credit bureaus. H.R. 1015 bars credit repair firms from making untrue or misleading statements to credit bureaus. In addition, it allows these firms to collect payment from a consumer only after they have fully performed their services. These provisions will help weed out the corrupt actors in this growing industry.

This legislation does not only benefit consumers. It also benefits business. In the areas of prescreening and information-sharing among affiliates, it extends new liberties to industry. Hopefully, those liberties will result in new credit opportunities for consumers. The bill also carefully ensures that grantors will not be the subject of frivolous lawsuits.

In addition, H.R. 1015 gives industry an 8-year Federal preemption of State laws. This compromise provision is the product of a careful effort to balance industry's desire for nationwide uniformity with States' vital interest in protecting their citizens. This has been a contentious issue for quite some time, and has impeded the progress of this bill in the past. I would have preferred that there be no Federal preemption in this bill. Federal law usually sets a floor, not a ceiling, for consumer protection—allowing States to adopt added measures to protect their citizens. Nevertheless, the 8-year preemption mandated by this bill will test the viability of a uniform national standard. If after 8 years the Federal law is not adequately protecting consumers, then I would expect States to step in once again and do the job.

In closing, Mr. Speaker, I would like to reiterate that this is landmark legislation. It gives consumers protections that they desperately need. And it provides industry with benefits that will enable more efficient operations. I believe that it merits the support of the entire House, and I urge its adoption.

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Mr. Speaker, I also want to take a brief moment to acknowledge the tremendous efforts on behalf of consumers by the chairman of the full Committee on Banking, Finance and Urban Affairs, the gentleman from Texas [Mr. GONZALEZ]. Mr. GONZALEZ played a key role over the course of the last several years in forming this legislation. He has been the bulwark to consumer protections that are contained in this bill, and without his unflinching willingness to stand up for the consumers, Mr. Speaker, I do not believe that this legislation could have been nearly as good and as strong as it is today. So, I want to very much thank the chairman for the efforts he has made, and I again want to thank and congratulate the gentleman from California [Mr. MCCANDLESS]. I thank him for all his help in fashioning the compromise.

Mr. Speaker, I reserve the balance of my time.

Mr. MCCANDLESS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the House is being asked today to suspend the rules and pass a bill to substantially amend the Fair Credit Reporting Act [FCRA]. Basically, what we are doing is calling-up S. 783, deleting the text of the bill, and inserting the text of a compromise bill that resembles very closely a bill that the House passed earlier this year. I urge my colleagues to support this compromise bill.

By way of background, the FCRA was passed over 20 years ago to ensure the accuracy and completeness of information about consumers that credit bureaus collect, maintain, and report. Although the credit reporting industry has changed dramatically over the last 20 years, the FCRA has not been substantially amended since its passage.

Not surprisingly, the FCRA is out-of-date. When it was originally passed, credit reporting was still a local business activity. Today, however, credit reporting is a nationwide industry that utilizes the very latest in technology. Credit reporting is carried out today in ways that were not foreseen 20 years ago.

This compromise bill is drafted with an eye toward the future. Hopefully, the FCRA, as amended by this compromise bill, will not need to be amended for another 20 years.

I mentioned earlier that this compromise bill closely resembles a bill that the House passed earlier this year. That bill was H.R. 1015 which passed the House on June 13, 1994 by voice vote. I want to briefly discuss just two of this compromise bill's provisions to assure Members that the essential elements of H.R. 1015 have been retained.

First, I want to assure Members that the FCRA, as amended by this compromise bill, will be the law of the land for the next 8 years beginning January 1, 1995—just as it would have been under H.R. 1015. After 8 years, States will be able to enact tougher laws if they choose to do so. I think that 8 years is long enough to foster national uniformity, but not too long to stifle State ingenuity.

Second, I want to assure Members that the FCRA, as amended by this compromise bill, will generally allow credit bureaus to charge a reasonable fee for providing credit reports. Only under certain circumstances will they have to provide credit reports for free. The language in the compromise bill is exactly the same on this issue as it was in H.R. 1015.

The bill that we passed in June was a good bill, but the compromise bill we have before us today is an even better bill. It is a bill that all of us can support without reservation. I urge my colleagues to suspend the rules and pass this compromise bill.

Mr. KENNEDY. Mr. Speaker, I yield such time as he may consume to the chairman of the full Committee on Banking, Finance and Urban Affairs, the gentleman from Texas [Mr. GONZALEZ].

Mr. GONZALEZ. Mr. Speaker, I rise merely to compliment both the chairman of the subcommittee, the gentleman from Massachusetts [Mr. KENNEDY], and the ranking minority member, the gentleman from California [Mr. MCCANDLESS]. I can only testify to the fact that since I was in on the initial basic legislation and, obviously, understood at the time, as on this occasion, that it is a question in a legislative process of compromise, and so these needed amendments, if we just took the effort poured into the amendments to the basic act, that would be enough to render praise to such individuals as the gentleman from California [Mr. MCCANDLESS] and also the predecessor chairman of the subcommittee, the gentleman from California [Mr. TORRES]. He brought a bill after going through what I called this long, interminable journey of this legislative package. The journey was fraught with not only chuckholes, but assaults on the way, some monstrously large as they were in the last Congress. In other words, Mr. Speaker, this is actually a process that has gone through more than one Congress.

So, I wanted to compliment these gentlemen, including the gentleman from California [Mr. TORRES] who is here again today even though he does not belong to our Committee on Banking, Finance and Urban Affairs any longer. He has gone up to the prestigious power centers of appropriations where the money is. But I do want to render tribute because this again demonstrates what so often in our country we do not tend to appreciate, and that is the beauty of the American system of procedure and legislative consideration under the utmost democratic of processes and where finally after refinement, after refinement, we have something that in the words of the gentleman from California [Mr. MCCANDLESS] should be acceptable to every Member of the House.

Mr. Speaker, I end up by rendering tribute to these distinguished chairmen like the gentleman from Massachusetts [Mr. KENNEDY], the gentleman from California [Mr. MCCANDLESS], the gentleman from California [Mr. TORRES], and others.

Mr. Speaker, today I hope the House will cast its final vote for one of the most important consumer protection bills to come before Congress this session: the Consumer Reporting Reform Act of 1994.

S. 783 represents the very diligent work of not only both sides of the aisle, but both sides of Capitol Hill. Earlier this summer, this legislation received the overwhelming approval of the Senate, passing by a vote of 87 to 10. The House bill, H.R. 1015, also received overwhelming support and passed on a voice vote. The bill before the Members this morning represents a fair compromise between those two popular bills. Like the previous bills, this legislation still represents long overdue reform on the Fair Credit Reporting Act. It still improves credit bureau information so that lenders can make better business decisions. It still demands accuracy from companies that provide information to credit bureaus. And it still gives consumers more control over who can access their personal financial information that credit bureaus collect.

I have taken the House floor many times to apprise my colleagues of the horror stories I have heard about credit bureau mistakes. Mr. Speaker, I have told you about the families who could not purchase their first home, about unemployed workers kept from jobs, and about taxpayers unfairly labeled deadbeats because of credit reporting mistakes. For the past 4 years, I have fought to make the Fair Credit Reporting Act work better for consumers, and I believe S. 783 achieves that goal. I hope and trust the Senate will pass the bill with the amendments the House proposes, so that these reforms can be enacted at last.

Mr. McCANDLESS. Mr. Speaker, I yield 3 minutes to the gentleman from Wyoming [Mr. THOMAS], an outstanding member of the Committee on Banking, Finance and Urban Affairs.

Mr. THOMAS of Wyoming. Mr. Speaker, I rise in support of S. 783, the Fair Credit Reporting Act, and I want to recognize the work of Mr. MCCANDLESS and Mr. KENNEDY on this legislation. What started out in subcommittee as overly bureaucratic, antibusiness legislation that would have had the effect of restricting credit to consumers, has become a commonsense balance between the interests of consumers and the businesses who grant credit. Mr. MCCANDLESS and Mr. KENNEDY deserve much credit for that evolution.

The current Fair Credit Reporting Act is out of date. It was passed in 1970, and we all have agreed for some time that we needed to make changes. Time and again over the years, we witnessed legislation come out of the Banking Committee that didn't strike the kind of balance we have in today's bill. Those of us who support the private sector have stood together year after year in opposition to those efforts.

While many have used the word "Gridlock" in a negative sense over the past few years, this is a case where gridlock worked. Legislation that would have limited credit to consumers was turned back and held up until the sponsors of this bill finally decided that it was time to deal, and we were able to make vast improvements to the legislation.

We struck a compromise that allows consumers to protect their privacy and their ability to gain access to their reports and correct errors. We have compromised on the preemption issue so companies will not have to comply with a patchwork of State laws. We were able to find a way to make credit reports available for free to those who truly need them without requiring credit bureaus to just give away their product. In short, we have a compromise piece of legislation that will help consumers without hurting business.

Finally, Mr. Speaker, I want to point out that this is another important piece of legislation that has come out of the Banking Committee this year. We heard a lot of talk earlier this year that Whitewater was preventing us from working on other important issues that would effect the American people. That is simply not been the case.

We passed the community development financial institution bill, which included flood insurance legislation, high cost mortgage legislation, regulatory relief for banks and small business secondary market development. The President is due to sign the interstate banking and branching legislation tomorrow. And today we take a step toward passing the fair credit reporting legislation we have worked on for so many years. Clearly, this committee has been able to work together to pass important legislation despite our differences on other issues. I am encouraged by that, and I want to congratulate my fellow members of the committee for that success.

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Let me finally say on behalf of my friend, the gentleman from California [Mr. MCCANDLESS], who will be leaving the House soon, that his leadership in this committee and other committees on which we have served together has been invaluable. Since I was not here last night, I wish the gentleman would listen while I am saying these nice things about him, because I may not do it again.

In any event, it has been wonderful to have his leadership, and we appreciate very much what he has done, and we truly will miss him in the House.

Mr. McCANDLESS. I am sorry. I did not hear what the gentleman said. The full chairman is smiling, so I am not sure what the intent of his remark is.

Mr. GONZALEZ. Mr. Speaker, will the gentleman yield?

Mr. THOMAS of Wyoming. I yield to the gentleman from Texas.

Mr. GONZALEZ. Mr. Speaker, would it not be like AL MCCANDLESS to turn his back while they were trying to say nice things about him?

Mr. KENNEDY. Mr. Speaker, I am just surprised the gentleman from California [Mr. MCCANDLESS] did not ask him to repeat it.

In any event, I yield 5½ minutes to the gentleman from California [Mr. TORRES] who did yeoman's work in getting this legislation passed in his time as chairman of the same subcommittee which I now chair. He did a fantastic job in bringing this legislation along. I take delight in yielding time to the gentleman.

Mr. TORRES. Mr. Speaker, I thank the gentleman for his fine comments.

Mr. Speaker, I rise today in strong support of the House substitute amendments to S. 783, a bill to reform our Nation's credit reporting system. This bipartisan compromise bill may be the most important consumer legislation considered by this Congress. This legislation will increase the accuracy of consumer reports and better protect the privacy of those reports. It seeks to modernize and reform the Fair Credit Reporting Act of 1970—a law that has not been substantially updated in more than 20 years.

The FCRA was enacted to ensure that the Nation's credit reporting system functioned fairly, accurately, and without undue intrusion into the consumer's privacy. But our country has changed dramatically over the past two decades, and so too has the technology which facilitates the credit reporting system. Credit reports are no longer filed in manilla envelopes and stored in metal cabinets. Today, reports are stored, manipulated and relayed by the most sophisticated computers in the world. When the FCRA was passed in 1970, the largest credit bureau had 27 million files on consumers. Today, each of the three largest bureaus keeps files on 170 to 200 million consumers.

The present state of computer technology and the volume of credit transactions which fuel the American economy have rendered the FCRA dangerously ill-equipped to meet the needs of today's consumers.

The FCRA sought to achieve a balance between the legitimate business need to obtain accurate consumer credit information and the right of consumers to protect the privacy of their personal and financial records. But that delicate balance has been lost.

Today, consumers' lives are an open book. Sensitive personal and financial data is bought and sold with little or no regard for the privacy of the consumer. Workers are denied employment or even blackballed because of erroneous information in their files. Furthermore, inaccurate credit information is difficult, if not impossible, to correct. Clearly, it is time to regain the balance to protect American consumers against the abuses of the credit reporting industry.

The human consequences of these abuses can be devastating. Moreover, virtually every adult in America is at risk of falling victim to an industry that is out of control. Whenever you apply for a loan, rent an apartment, buy a house, purchase insurance or apply for a job, you are at the mercy of the consumer reporting industry—an industry that is responsible for untold horror stories. As the former chairman of the Subcommittee on Consumer Affairs and Coinage, I spent 2 years examining the credit reporting industry. After extensive hearings and a thorough investigation, the subcommittee found an industry desperately in need of major reform.

The most serious problem uncovered by the subcommittee was the number of errors contained in credit reports. In 1991 alone, 10,000 consumers complained to the Federal Trade Commission about inaccurate credit reports. Recent studies have found that almost half of all credit reports contain errors and that one of every four reports has serious errors which could result in the denial of credit, insurance, or even the loss of a job.

These studies have also found that consumers spend an average of 6 months getting credit bureaus to correct errors in their reports, and that even if mistakes are corrected, they often show up as errors in subsequent reports.

This bill will put an end to the pain and suffering that the consumer reporting industry is causing thousands of decent and responsible Americans. It will increase the accuracy of credit reports and better protect the privacy of those reports.

This compromise bill will give consumers greater access to their credit histories and makes it easier to correct mistakes. It holds banks and merchants accountable for the quality of the information they turn over to credit bureaus. And it increases privacy by requiring employers to get permission before they can check a worker's credit report. This bill offers greatly needed reforms.

I would like to extend my gratitude to the chairman of the Subcommittee on Consumer Reporting and Insurance, the Honorable JOSEPH KENNEDY and to the chairman of full Banking, the Honorable HENRY B. GONZALEZ. On February 18, 1993, Chairman GONZALEZ and KENNEDY joined me in introducing this legislation. Since that time they have worked tirelessly to advance the bill to the House floor. Against great odds, and the opposition of some of the most powerful interests in the country, they have refined this bill to make it acceptable to both consumer and industry representatives, as well as Democrats and Republicans alike. They are the true heroes of this reform effort.

Finally, I would be remiss if I did not acknowledge the efforts of the staff who have worked behind the scenes on this legislation. I particularly want to acknowledge the work of Banking Committee counsel Amy Friend, who has labored on this legislation for almost 4 years. Without her superb efforts, I seriously doubt that we would be considering this bill today.

Mr. Speaker, I urge my colleagues to vote for this critical piece of consumer legislation.

Mr. McCANDLESS. Mr. Speaker, I yield 5 minutes to the gentleman from Alabama [Mr. BACHUS], a member of the Committee on Banking, Finance and Urban Affairs.

Mr. BACHUS of Alabama. Mr. Speaker, I rise in support of this legislation. I believe this legislation will have a positive effect on the American public in their dealings with credit agencies in applying for credit.

Every day in America countless numbers of our citizens apply for home mortgages, attempt to finance the purchase of automobiles, make application for credit cards or minimum extensions of credit, and seek employment or admission to schools, associations and organizations. Sadly, in preparing credit reports in connection with these transactions, there are errors, omissions and foul-ups. They cannot be avoided entirely. However, we can and we should attempt to minimize these miscues, and seek also to lessen the scope and damage occasioned by these mistakes. The legislation, I am convinced, will do just that. I support it because I sincerely believe that it will help the American public as they apply for and utilize the credit market, and make credit reports more accurate and more reliable.

Before I talk about two positive provisions in this legislation I would like to say that last night this House honored the ranking minority member of this committee, the gentleman from California [Mr. McCANDLESS], on the floor of this House, and this will, I am sure be the last piece of legislation that the gentleman from California will be actively involved in on this floor.

□ 1440

I want to tell the gentleman personally that he will be missed by members of this committee. I think this legislation and his work on it is certainly a fitting tribute in this, his last year.

I also want to say to the gentleman from Massachusetts [Mr. KENNEDY], I commend him for his hard work.

I want to point out, first of all, an amendment that I offered to correct an injustice currently confronting consumers victimized by erroneous credit reports.

Under current law, innocent consumers have the obligation to wade through credit reporting bureaucracy to get erroneous information changed on their credit report.

With the adoption of my amendment, now contained within this bill, the responsibility will be placed where it ought to be—on the source of the error. With this new automated system, the consumer need only contact one credit reporting agency, yet the error will be corrected on the reports of all three nationwide credit reporting agencies.

For too long, erroneous credit reports that just keep reappearing year after year have been a never-ending nightmare for some consumers. Many consumers never realized and never were told that in order to correct a single error they may need to begin three separate reinvestigation processes.

Modern technology gives us the ability to communicate simultaneously. The adoption of this amendment utilizes this technology to communicate the correct information to all three nationwide reporting agencies. One contact and credit information nationwide is corrected.

A second issue of interest to me is a revision to the Fair Debt Collection Practices Act. In 1977 when the Congress passed the Fair Debt Collection Practices Act, it was intended for this law to stop abusive debt collection practices. One of the unintended results was a rise in technical lawsuits filed against collection agencies.

Few of these law suits are for substantive violations of the Fair Debt Collection Practices Act and few reach the courts. What has happened because of the $1,000 statutory damages provision in the law, collectors settle out of court because the cost of fighting the suit, even if they win, would exceed an out-of-court settlement.

It is not uncommon for a lawyer to call a collector, threaten suit and then quickly add, "it will cost you a minimum of $1,000 in statutory damages plus legal fees, however, we will settle for $750." And what are the "abusive practices" that lead to these suits. One prominent example was the collector who was called by a consumer and asked to provide a receipt for a check the consumer had written to the debt collection agency. When the receipt was received, it did not contain the words "this is an attempt to collect a debt and any information obtained will be used for that purpose." That wording is required every time a collector communicates with a debtor. But certainly Congress did not expect that the language be contained on a receipt, especially when it was requested by a debtor. In this case, however, the collector was threatened with legal action because the "wording" was not on the receipt. Mr. Speaker, there are many such cases, mostly of a technical nature.

It is my understanding that Section 121 of S. 783 begins to address the problem of technical violations of the Fair Debt Collection Practices Act. It provides that the required collection disclosure only be contained in written communications, not oral ones and that receipts or information requested by a consumer or attorney need not contain the warning.

This provision has been endorsed by the Federal Trade Commission at both the staff and Commission level. The provision would not in any way weaken the Fair Debt Collections Practices Act. Still contained in the law is a broad provision that a collector cannot use fraudulent or deceptive means to collect a debt. So even though a collector would not have to give the warnings on telephone calls, they could not misrepresent the purpose of their calls.

Now I would like to take a minute to engage the chairman of the Consumer Credit and Insurance Subcommittee in a brief colloquy.

Mr. Speaker, under the terms of section 121 of S. 783, which is before us today, is it the intent of the legislation that the disclosures contained in section 807 (11) of the Fair Debt Collection Practices Act would no longer have to be made in telephone calls between debt collectors and consumer debtors?

Mr. KENNEDY. Mr. Speaker, will the gentleman yield?

Mr. BACHUS of Alabama. I yield to the gentleman from Massachusetts.

Mr. KENNEDY. The gentleman is correct. However, nothing in the bill undercuts the general rule of section 807 in that all communications, including those by phone, must not be false or misleading.

Mr. BACHUS of Alabama. Second, I would like to point out that in many cases a third party has taken over responsibility for the payment of a debt of a consumer. This is particularly true in student loan situations.

It is not uncommon, for instance, for the parents of a student to take responsibility for the payment of that loan.

In those cases where a third party, whether it is a parent or otherwise, has taken responsibility for the loan, is it the intent of the authors of this legislation that section 121 would also govern contact between responsible third parties and the debt collector?

Mr. KENNEDY. Mr. Speaker, if the gentleman will continue to yield, the gentleman is correct, so long as the third party is a minor. If the third party is the age of the majority, then the act could be read to prevent the collector from collecting from the third party.

Mr. BACHUS of Alabama. I appreciate the response of the subcommittee chairman but I would like to point out that section 805(b) of the Fair Debt Collection Practices Act allows a consumer to assign responsibility for a debt to a third party, regardless of the age of the debtor. Since the legislation before us today does not in any way amend Section 805, it is clear that the ability of a debt collector to contact a third party when authorized to do so by the consumer-debtor is not in any way changed by today's legislation. Thus it is clear that a consumer-debtor, regardless of age, can authorize a collector to contact a third-party in connection with a debt.

Again, I would like to commend the members of this committee for what I consider a strong bipartisan effort and resulting in legislation which will have a very positive impact on consumers and the American public as they make their way through the credit reporting bureaucracy.

Mr. McCANDLESS. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Speaker, I thank the gentleman from California [Mr. MCCANDLESS] for yielding time to me.

I wish to acknowledge his service and work in the body as this is perhaps one of the last bills that he will work with as the ranking member on leadership from the Republican side of the aisle. He has been a friend and a good colleague on the Committee on Banking, Finance and Urban Affairs. We appreciate the contributions that he has made over this long distinguished career in the House.

I rise in support of this legislation. This has been a challenge, and I want to pay credit to the chairman of the committee, the gentleman from Texas [Mr. GONZALEZ], the subcommittee chairman, the gentleman from Massachusetts [Mr. KENNEDY], and of course, the gentleman from California [Mr. TORRES], our colleague, who has worked so hard on this.

I think it is a real mark of Congressman TORRES' service in this Congress that even after moving to a different committee, he has continued his interest in this issue, which I think demonstrates his concern for consumers, as that of the gentleman from Texas [Mr. GONZALEZ] and the subcommittee chairman, the gentleman from Massachusetts [Mr. KENNEDY].

This has been a tough issue—credit report policy—to address, but the major outline in this legislation tries to deal with the nameless, faceless recordkeeping that seems to come to visit our constituents it terms of eliminating or stopping one from obtaining credit at various times of need. The people in our districts are experiencing problems, as was pointed out, and have been the victims of errors and mistakes in recordkeeping.

It is no longer the manila folders that are the source of the information. Now it is an electronic system that seems to be almost incapable of making modifications and corrections.

The advocates insist the improvement in computers and how much better they make recordkeeping. But somehow the mistakes and errors seem to be repeated and replicated beyond any human control. The system needs accountability.

Mr. Speaker, this bill starts to deal with the businesses of credit making and the use of that information in a proper way, providing, obviously, when there is incorrect or adverse information consumers may deceive a free report and provides a nominal charge on a yearly basis for any consumer to check and review that information that the credit agency is sharing with others when the consumer seeks credit, and providing for eliminating improper use, for instance, in employment application and work place service most employers would no longer use credit report information.

Mr. Speaker, it is a good bill. It is not everything we want. I think we will need to be aware of this and working on this in the years ahead to address the needs of the consumers and the people we represent, but it is a significant step forward.

Mr. Speaker, I rise in strong support of S. 783, the Consumer Reporting Reform Act of 1994. This legislation is an overdue initiative that sets in place crucial consumer protections against faulty credit reports and the unauthorized sharing or credit history.

I am certain that many of my colleagues have heard from consumers about the problems caused by inaccurate credit reports. They have heard about jobs that are lost, loans not made and apartments not rented solely because of a credit bureau that has passed on inaccurate information. They have also heard from constituents about the difficulty that these consumers have had in seeking to correct their credit reports.

Mr. Speaker, S. 783 remedies many of the intrinsic problems in the nationwide credit reporting system. This legislation sets in place a requirement that consumers be notified of adverse action taken against them which is based on their consumer credit reports. The bill provides a workable mechanism for consumers to dispute and correct inaccurate information in a timely fashion and imposes a new threshold on providers of information to ensure that that information is accurate. The bill also increases consumer access to reports by limiting the charges that can be assessed for a report and by requiring a free copy of a report when an adverse action has been taken.

The legislation contains important worker rights protections. All too often workers rights have been trampled in the pursuit of "protecting business interests." Whether it is eavesdropping on phone conversations or using credit reports for employment purposes, basic worker privacy has been thrown out the window. This legislation is an important step to restore employee privacy rights. Rather than the current unrestricted use and abuse of these reports, the bill includes new safeguards to protect the privacy of employees and job applicants. Under this legislation, consumer credit reports can only be used for specific types of employment; prior approval is required and prior to taking an adverse action, the employee or job applicant must be notified and be given an opportunity to respond.

Mr. Speaker, this legislation is a balanced bill that provides consumers with long needed, essential protections. It is time to end the economic disruption that occurs from inaccurate reports. It is time to end the bureaucratic maze that consumers must fight to correct those reports. I urge the adoption of this legislation.

Mr. KENNEDY. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland [Mr. MFUME].

Mr. MFUME. Mr. Speaker, I want to join with others in thanking and congratulating the gentleman from Texas [Mr. GONZALEZ], the full committee chair, the gentleman from Massachusetts [Mr. KENNEDY], who has seen this through his own subcommittee, and the gentleman from California [Mr. MCCANDLESS], whose leadership both on the other side of the aisle and in this House we will all sorely miss. The gentleman from California [Mr. TORRES] was here and left. It was the gentleman from California [Mr. TORRES] who was the driving force behind this in previous Congresses.

As Members know, this legislation informs the credit reporting industry, and industry that affects all of our lives. Unfortunately, that industry has been riddled with problems, many of those have been addressed in this bill.

It has been equally disturbing by many that the distribution of credit reports, kind of willy-nilly across this Nation without consumers' knowledge and consent. This legislation seeks to deal with many of those problems.

It requires credit bureaus to investigate consumer complaints in 30 days. It caps the cost of a credit report at $3. The bill also provides credit providers who furnish information to bureaus with the responsibility of doing that accurately. Then making them correct mistakes promptly. It improves privacy protections by requiring employers to obtain the consumers' written permission before obtaining a credit report. And last, the bill regulates for the first time the so-called credit repair agencies.

One of the aspects of the bill that I fought hard for and was able to get amended in committee and adopted was also a provision that would allow consumers who became unemployed and who got behind in a payment to be able, after a year of making payments on time and current, to be able to go in and to have information removed from their record. There had been some disagreement in the other House about that.

We were able, myself along with the distinguished Senator from Nevada, Mr. BRYAN, to work out a compromise for the sake of moving this bill forward.

I am comfortable with that and the Senator is. We feel, quite frankly, that while this bill does not do everything, it certainly takes us a quantum leap from where we were.

I urge its passage, and I congratulate those Members on both sides of the aisle who have worked so hard to bring it to this point.

Mr. MCCANDLESS. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. SCHUMER], a member of our committee.

□ 1450

Mr. SCHUMER. Mr. Speaker, I thank the gentleman for yielding time to me, and for his leadership and help on this bill.

Mr. Speaker, I rise in support of this legislation. The reforms in this bill are necessary to give consumers the protections and information necessary in the complex and treacherous world of credit information. I applaud Chairman CONZALEZ and Representative KENNEDY for their diligence in continuing to push for this bill. Because of their persistence and leadership on this issue, consumers will benefit greatly from the protections included in this legislation.

In the modern era, one punch of a computer button can instantly deliver to anyone with a computer terminal more confidential information about an American citizen than a private detective could unearth in a week.

When that information is correct, there is a legitimate fear of big brother. Who has access to this information and for what purposes?

When that information is wrong, lives can be ruined. We have all heard the horror stories of people denied mortgages, car loans, jobs—all because of a "mixup at the credit bureau." While we will never be able to eliminate all of the foulups, we must strengthen consumers' ability to correct false reports as quickly as possible. And when such errors are inflicted willfully or by negligence, credit bureaus must know they will be liable.

The 20-year-old Fair Credit Reporting Act is woefully out of date. The balance between consumer rights and legitimate business interests that was struck in the original legislation has been fundamentally altered by advances in technology, the expanding use of credit information, and continued inaccuracies in credit reports. The time has come for changes that address these issues, ensures the accuracy of credit reports, and protects consumers' privacy.

This bill does those things. For example, under the bill, disputed information must be removed from a credit report if a credit bureau cannot verify its accuracy within 30 days. After the disputed information is removed, consumers will receive a free copy of their credit report to make sure it stays out. And as part of the credit report, consumers will be told who has received a copy of their report.

I am also happy that this bill preserves the protection consumers now enjoy from unauthorized intrusions into their credit files by direct marketers. The FTC's current interpretation of the fair credit bill correctly prohibits such privacy violations and the bill before us does not disturb that prohibition. The issue is currently being litigated and I am certain that the courts will uphold the FTC's reading of current law.

I urge my colleagues to support the bill and give consumers the protections they so critically need.

Mr. MCCANDLESS. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. FLAKE], an outstanding member of our committee.

Mr. FLAKE. Mr. Speaker, I rise in support of Senate bill 783, the Consumer Reporting Reform Act of 1994 which amends the Fair Credit Reporting Act by improving the accuracy of and protecting the privacy of information contained in consumer credit reports.

The Fair Credit Reporting Act of 1970 was enacted to guarantee the fairness and accuracy of consumer reporting. However, as communications technology has continued to expand, so to has the frequency of error and abuse of consumer information easily accessed through credit reporting agencies.

The Consumer Reporting Reform Act of 1994 successfully addresses the need to enhance current protection mechanisms against abuse, error, and in many cases, breaches of confidentiality. These have resulted in the loss of jobs, the inability to obtain homes, to rent homes, or even to secure credit. This bill provides additional safeguards needed to ensure that consumers are accurately informed of their rights, and to ensure that credit reports are used only for proper purposes.

I commend Senator BRYAN, Chairman KENNEDY, and my colleagues for moving legislation that requires the Nation's credit reporting agencies to inform consumers of the information contained in their reports, to investigate and update incorrect information in a timely manner, and legislation that hold banks and retailers accountable for information they provide to credit reporting agencies.

Mr. Speaker, I urge my colleagues to support Senate bill 783.

Mr. MCCANDLESS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. KLECZKA). The gentleman from Massachusetts [Mr. KENNEDY] has 1½ minutes remaining.

Mr. KENNEDY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from California [Mr. MCCANDLESS] and I are pleased to present this bill to our colleagues and we thank the members of the Banking Committee and their staffs for their outstanding and persistent efforts in bringing this meaningful legislation to the floor. There is one provision in the bill on which we seek additional clarification. In order that the record reflect our bipartisan interpretation of and intention regarding this provision, and because there is no committee report accompanying the final language being acted upon by the House I am asking that this statement appear in the record of today's proceedings.

This bill contains a definition of and several references to the term "consumer reporting agency that complies and maintains files on consumers on a nationwide basis." I think it would be helpful to all of us to clarify which companies and types of companies are covered by this term and which companies are not included.

Usually the credit reporting industry has to correct the misconception most people have that there are only three consumer reporting agencies in this country. There are, in fact, hundreds of consumer reporting agencies operating locally and regionally across the country.

However, for the purposes of this definition, we want to differentiate between the truly nationwide consumer reporting agencies—specifically Equifax, Trans Union and TRW—and the local agencies, such as the Credit Bureau in Hyannis or the Credit Bureau of Fresno County. We seek here to underscore that these three agencies, which are the repositories of information in the credit reporting industry, operate differently from local affiliates, even if those affiliates operate on an interstate basis.

Only three systems are truly nationwide consumer reporting agencies which compile and maintain consumers' files on an automated basis. The three repositories we mentioned above regularly engage in the practice of gathering or evaluating public record information and credit account information from credit grantors and others who furnish such information regularly and in the ordinary course of business on consumers residing in substantially all of the 50 States. The repositories maintain this information for the purpose of furnishing consumer reports which have a bearing on the consumer's credit worthiness, credit standing, or credit capacity to third parties who have a permissible purpose established under the Fair Credit Reporting Act.

Another reason for defining the nationwide consumer reporting agency in section 603 is that we are aware that other organizations meet the definition of a "consumer reporting agency" in the FCRA. However, they engage in specialized reporting areas, such as medical information, mortgage reporting, commercial credit reporting, check verification, and insurance claims. Companies involved in these and similar activities are not meant to be included under the definition of a nationwide consumer reporting agency.

While the expression, "consumer reporting agency that complies and maintains files on consumers on a nationwide basis," would presently apply only to the three companies identified above, we should recognize the possibility exists that some other company may someday decide to engage in this activity. If that company meets all the terms and conditions, as we have attempted to define them, as an automated nationwide credit reporting agency, the provisions of this bill regarding such nationwide consumer reporting agencies would be applicable.

Mr. Speaker, we appreciate the opportunity to provide this important clarification regarding this definition.

Mr. Speaker, I would also like to acknowledge the efforts of several staff members who did a tremendous job on this very technical and complex piece of legislation. Franci Livingston and Katie Ryan of my staff, Amy Friend of the full committee, and Joe Seidel, Sean Cassidy, and Margo Tank of minority staff deserve to be acknowledged and thanked for all their hard work. Without their efforts, we would not be here today.

Mr. Speaker, additionally, I would like to thank Shawn Maher, who has done a yeoman's work on this bill, as well.

Mr. CASTLE. Mr. Speaker, I rise in support of this compromise legislation to amend the Fair Credit Reporting Act. This is a sound piece of legislation that balances consumer protection and fairness to business.

As my colleagues know, it was not easy to achieve the compromise embodied in this bill. During the last Congress, the House was unable to pass fair credit reform legislation. In this session of Congress, it has taken us a full 2 years to complete the bill before us today. While it has not been easy, the bill will protect consumers without placing an unfair burden on the credit industry.

The Fair Credit Reporting Act is intended to ensure that every consumer's credit history is accurately collected, maintained, and reported by credit bureaus. If a consumer believes that there is inaccurate information in his or her credit file, they should be able to have this corrected in a timely fashion. This legislation will ensure that credit information is maintained accurately and that if a mistake is made, it must be reinvestigated quickly. Consumers are entitled to have access to their credit reports for a reasonable fee, or in some cases for free if they have had an adverse credit action or are unemployed.

Equally as important, this compromise will not place an unfair regulatory burden on companies that provide credit to consumers. Credit card issuers are an especially important component of the economy of my State of Delaware. They provide thousands of good jobs to our citizens, in addition to making credit available to Americans across the country.

A number of important and controversial issues have been fairly resolved in this compromise. For example, the bill will permit affiliated companies to share credit information if the consumer is notified and given an opportunity to opt-out. In addition, State and Federal authorities will be able to sue furnishers of credit information that knowingly produce inaccurate information. Consumers will be protected without exposing legitimate businesses to excessive lawsuits. This legislation also recognizes that the credit industry is now a complex, nationwide business. The bill would establish a uniform, national standard for credit reporting for 8 years. This Federal preemption will allow businesses to comply with one law on credit reports rather than a myriad of State laws. This was one of the toughest issues to resolve, but I believe it will benefit consumers and businesses.

Mr. Speaker, I believe this hard-won compromise will protect the privacy of consumers and improve the accuracy of credit information, without undermining the ability of credit card issuers to do business in a cost-effective manner. I want to thank Representative AL MCCANDLESS for his tireless efforts to produce a balanced bill, as well as Chairman KENNEDY for his diligent efforts on behalf of consumers. I urge passage of the bill.

Mr. KENNEDY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts [Mr. KENNEDY] that the House suspend the rules and pass the Senate bill, S. 783, as amended.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MFUME. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

SAFE DRINKING WATER ACT AMENDMENTS OF 1994

Mr. WAXMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3392) to amend the Safe Drinking Water Act to assure the safety of public water systems, as amended.

The Clerk read as follows:

H.R. 3392

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Safe Drinking Water Act Amendments of 1994".

SEC. 2. REFERENCES; EFFECTIVE DATE; DISCLAIMER.

(a) REFERENCE TO SAFE DRINKING WATER ACT.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title XIV of the Public Health Service Act (the Safe Drinking Water Act) (42 U.S.C. 300f and following).

(b) EFFECTIVE DATE.—Except as otherwise specified in this Act or in the amendments made by this Act, the amendments made by this Act shall take effect on the date of enactment of this Act.

(c) DISCLAIMER.—Nothing in this Act or in any amendments made by this Act to title XIV of the Public Health Service Act (the Safe Drinking Water Act) or any other law shall be construed by the Administrator of the Environmental Protection Agency or the courts as affecting, modifying, expanding, changing, or altering (1) the provisions of the Federal Water Pollution Control Act, (2) the duties and responsibilities of the Administrator under that Act, or (3) the regulation or control of point or nonpoint sources of pollution discharged into waters covered by that Act. The Administrator shall identify in the agency's annual budget all funding and full-time equivalents administering the Safe Drinking Water Act separately from funding and staffing for the Federal Water Pollution Control Act.

SEC. 3. NATIONAL DRINKING WATER REGULATIONS.

(a) NEW CONTAMINANT SELECTION.—Section 1412(b)(3) is amended to read as follows:

"(3) REGULATION OF UNREGULATED CONTAMINANTS.—

"(A) PROPOSED LISTS.—(i) Within 1 year after the enactment of the Safe Drinking Water Act Amendments of 1994, the Administrator, after consultation with the scientific community, including the Science Advisory Board, shall select and publish a proposed list of not fewer than 15 contaminants which are known or anticipated to occur in public water systems, which are not subject to any proposed or promulgated national primary drinking water regulation, and which may require regulation under this title.

"(ii) Within 5 years after the enactment of the Safe Drinking Water Act Amendments of 1994 and every 4 years thereafter, the Administrator, after consultation with the scientific community, including the Science Advisory Board, and after considering the occurrence data base established under section 1445(g), shall (in addition to the contaminants listed under clause (i)) select and publish a proposed list of not fewer than 12 contaminants which are not subject to any proposed or promulgated national primary drinking water regulation, which are known or anticipated to occur in public water systems, and which may require regulation under this title.

"(iii) If, after the year 2010, the Administrator determines that the number of unregulated contaminants meeting the criteria for the list under clause (ii) is fewer than 12, the Administrator may, by rule, waive the requirement to select at least 12 contaminants every 4 years under that clause. At any time after such rule is promulgated, the Administrator may, after consultation with the scientific community, including the Science Advisory Board and after considering the occurrence data base established under section 1445(g), select a proposed list of 1 or more contaminants (in addition to the contaminants listed under clause (i) or (ii)) which are known or anticipated to occur in public water systems, which are not subject to any proposed or promulgated national primary drinking water regulation, and which may require regulation under this title.

"(iv) In selecting unregulated contaminants for the proposed lists referred to in this paragraph, the Administrator shall select contaminants that present the greatest public health concern. The Administrator, in making such selection, shall take into consideration, among other factors of public health concern, the effect of such contaminants upon subgroups that comprise a meaningful portion of the general population (such as pregnant woman and children) that are identifiable as being at greater health risk than the general population, based on adequate scientific information. The unregulated contaminants considered for such proposed lists shall include, but not be limited to, substances referred to in section 101(14) of the Comprehensive Environmental Response Compensation and Liability Act of 1980, and substances registered as pesticides under the Federal Insecticide, Fungicide, and Rodenticide Act.

"(v) The Administrator's decision whether or not to select an unregulated contaminant for a proposed list pursuant to this paragraph shall not be subject to judicial review.

"(B) FINAL LIST.—Each proposed list established in subparagraph (A) shall be subject to public comment for a period of at least 60 days. Within 6 months after the close of the public comment period, and not later than 1 year after the proposed list is published, the Administrator shall publish in the Federal Register the final list of contaminants meeting the requirements of subparagraph (A), together with responses to significant comments. Each final list shall include at least the minimum number of contaminants specified in subparagraph (A).

"(C) DETERMINATION TO REGULATE.—At any time after the final list of contaminants established under subparagraph (B) is published, but not later than 30 months thereafter, the Administrator shall determine, by rule, whether or not to regulate each of the contaminants on such final list. The Administrator, after notice in the Federal Register, may extend the period for making such determination for any or all of the contaminants on the list for up to 9 months. The Administrator shall allow at least 90 days for public comment prior to making a determination under this subparagraph. A determination to regulate a contaminant shall be based on the following three findings:

"(i) A finding that the contaminant is known to occur in public water systems.

"(ii) A finding that, based on the best available public health information, the contaminant occurs in concentrations which have or may have any adverse effect on the health of persons.

"(iii) A finding that regulation of such contaminant presents a meaningful opportunity for public health risk reduction for persons served by public water systems.

The Administrator may regulate a contaminant that does not appear on a list published under subparagraph (A) or (B) if the determination to regulate is pursuant to this subparagraph.

"(D) REGULATION.—For each contaminant under subparagraph (C) that the Administrator determines shall be regulated, the Administrator shall promulgate, by rule, maximum contaminant level goals and national primary drinking water regulations as provided in paragraphs (4) and (5) of this subsection. The Administrator shall propose the maximum contaminant level goal and national primary drinking water regulation not later than 18 months after the determination to regulate under subparagraph (C), and may publish such proposed regulation concurrent with the determination to regulate. The Administrator shall allow at least 90 days for public comment on any such proposed goal and proposed regulation. The Administrator shall promulgate a maximum contaminant level goal and national primary drinking water regulation within 18 months after the proposal thereof. The Administrator, by notice in the Federal Register, may extend the deadline for such promulgation for up to 9 months.

"(E) HEALTH ADVISORIES.—The Administrator may publish health advisories (which are not regulations) or take other appropriate actions for contaminants not subject to any national primary drinking water regulation.

"(F) STUDY OF HEALTH EFFECTS.—As part of the Administrator's study, under existing authorities of the Administrator, of the health effects of contaminants for regulatory purposes, the Administrator shall examine, among other health related issues, methods for identifying subpopulations that may be impacted by contaminants and the extent and nature of such impacts, taking into consideration other risks to such subpopulations. There are authorized to be appropriated such sums as may be necessary for the Administrator to examine the health effects of drinking water contaminants for such regulatory purposes.

"(G) CRYPTOSPORIDIUM.—(i) Not later than December 31, 1996, the Administrator shall publish a maximum contaminant level goal and promulgate an interim national primary drinking water regulation for cryptosporidium for public water systems serving 10,000 persons or more. Such regulation shall take effect not later than 24 months after the date of promulgation.

"(ii) Not later than December 31, 1998, the Administrator shall promulgate a national primary drinking water regulation for cryptosporidium. Such regulation shall take effect, for public water systems of all sizes, not later than 24 months after the date of promulgation.

Each date for publication and promulgation specified in clause (i) and (ii) may be delayed by up to 6 months if the Administrator determines that such additional time is necessary to review information under the Administrator's information collection rule.".

(b) LIMITED ALTERNATIVE TO FILTRATION REQUIREMENTS.—Section 1412(b)(7)(C) is amended by adding at the end the following:

"(v) As an additional alternative to the regulations promulgated pursuant to clauses (i) and (iii), including the criteria for avoiding filtration contained in 40 CFR 141.71, a State exercising primary enforcement responsibility for public water systems may establish, on a case-by-case basis and after notice and an opportunity of at least 90 days for public comment, alternatives to filtration requirements in effect on such date of enactment, in the case of systems having uninhabited, undeveloped watersheds in consolidated ownership, and having control over access to, and activities in, those watersheds if (taking into consideration the effects of wildlife in such watersheds) the State determines (and the Administrator concurs) that the public health will be fully protected by such alternatives consistent with the requirements of this title. The authority of a State to establish alternatives under this clause shall expire 3 years after the enactment of the Safe Drinking Water Act Amendments of 1994.".

(c) COMPLIANCE DATES.—Section 1412(b) is amended by striking the first sentence in paragraph (10) and by adding the following at the end thereof:

"(12) Within 24 months after the promulgation of a national primary drinking water regulation under this subsection, each State exercising primary enforcement responsibility for public water systems shall adopt corresponding State regulations under section 1413(a)(1). The Administrator shall specify the date upon which public water systems must comply with each national primary drinking water regulation promulgated under this subsection. Such compliance date may not be more than 36 months after the date of promulgation, except that if the Administrator determines that additional time is necessary for capital improvements required to meet the national primary drinking water regulations, the Administrator may establish a later compliance date. Such later date shall not be later than 48 months after the date of promulgation (or 60 months in the case of systems serving fewer than 3,300 persons). Each State with primary enforcement responsibility may determine a public water system's eligibility for any extension beyond 36 months. Nothing in this paragraph shall limit the discretion of the Administrator to differentiate among the compliance dates on the basis of system size or other factors considered appropriate by the Administrator, or to establish interim compliance milestones.".

SEC. 4. STANDARD SETTING.

Section 1412 is amended as follows:

(1) The second sentence of subsection (b)(4) is amended by inserting before the period the following: "or a treatment technique established pursuant to paragraph (7)(A) of this subsection".

(2) Subsection (b)(5) is amended as follows:

(A) In the first sentence, strike "feasible" after "means" and insert "achievable"; and after "technology" strike ", treatment techniques and" and insert "or".

(B) Insert "(A)" after "(5)" and add the following at the end thereof:

"(B) For purposes of taking costs into consideration pursuant to the first sentence of subparagraph (A) of this paragraph, in the case of any national primary drinking water regulation proposed and promulgated after enactment of the Safe Drinking Water Act Amendments of 1994 (other than a national primary drinking water regulation covered by subparagraph (C) or (D)), the Administrator shall consider (in the *case of nonthreshold contaminants) and may consider (in the case of threshold contaminants) both the incremental compliance costs likely to be incurred and the incremental public health risk reduction benefits afforded by alternative levels. The terms 'costs' and 'benefits', as used in this subparagraph—*

"(i) shall include additional and identifiable reductions, if any, of regulated contaminants not covered by such proposed or promulgated regulation that are expected to be achieved solely from the use of the applicable technology or technologies that form the basis for such regulation, and

"(ii) shall include consideration of the effects of such contaminants upon subgroups that comprise a meaningful portion of the general population, such as pregnant women and children, that are identifiable as being at greater health risk than the general population based on adequate scientific information.

"(C) Subparagraph (B) shall not take effect with respect to the first promulgation after the date of enactment of the Safe Drinking Water Act Amendments of 1994, or with respect to the initial revision after such date, of a national primary drinking water regulation for the following:

"(i) Contaminants covered by the proposed national primary drinking water regulation for radionuclides as set forth in 56 Federal Register 33050, July 19, 1991.

"(ii) Sulfate.

"(iii) Contaminants covered by the proposed negotiated rules on (I) disinfectants and disinfection by-products as set forth in 59 Federal Register 38668, July 29, 1994, and (II) enhanced surface water treatment as set forth in 59 Federal Register 38832, July 29, 1994. Subparagraph (B) shall also not take effect with respect to the promulgation of a second stage regulation for contaminants covered by the proposed negotiated rules referred to in clause (iii).

Any subsequent revision of any such regulation shall be subject to the provisions of subparagraph (D).

"(D) In the case of any national primary drinking water regulation for a contaminant regulated prior to enactment of the Safe Drinking Water Act Amendments of 1994, or any subsequent revision of a national primary drinking water regulation established in accordance with subparagraph (C), subparagraph (B) shall apply to any proposal to amend such national primary drinking water regulation only if a review required pursuant to paragraph (9) results in findings by the Administrator, published in the Federal Register, that changes in technology, treatment techniques, or other means permit greater protection of the health of persons. If the Administrator promulgates such regulation in accordance with subparagraph (B), such regulation must provide for greater protection of the health of persons. If the Administrator does not promulgate a regulation in accordance with subparagraph (B) because such greater protection of the health of persons is not achievable, the Administrator may initiate a new rulemaking under subparagraph (A) or retain the existing national primary drinking water regulations.

"(E) Any subsequent revision of a national primary drinking water regulation for contaminants regulated in accordance with subparagraph (C) or (D) (where such revision is pursuant to the standard setting language of subparagraph (B)) shall, at a minimum, provide greater protection of the health of persons than the regulation in effect on the date of enactment of the Safe Drinking Water Act Amendments of 1994 for such contaminant or, in the case of contaminants subject to subparagraph (C), than the regulation promulgated under subparagraph (C). If the Administrator does not promulgate such regulation in accordance with subparagraph (B) because such greater protection is not achievable, the Administrator may initiate a new rulemaking pursuant to subparagraph (A) or retain the existing national primary drinking water regulations.

"(F) In the absence of scientific evidence suggesting new or more serious health effects than existing on the date of enactment of the Safe Drinking Water Act Amendments of 1994, for purposes of proposal and promulgation after such date of a national primary drinking water regulation for sulfate, the Administrator shall include—

"(i) best technology or other means under subsection (b)(5), and

"(ii) public notification and options for provision of alternative water to populations at risk as alternative means for complying with such regulation.

Such proposal shall be made within 6 months after such date of enactment and such rule shall be promulgated within 2 years after such date of enactment.

"(G)(i) Except as provided in clause (ii), notwithstanding any provision of any law enacted prior to the enactment of the Safe Drinking Water Act Amendments of 1994, within 6 months of such date of enactment, the Administrator shall promulgate a national primary drinking water regulation for radon.

"(ii) For the period of 5 years from the date of promulgation of the regulation under clause (i) or from the end of the 6-month period referred to in such clause, whichever comes first, such regulation shall provide that public water systems may comply with an alternative maximum contaminant level of 1000 picocuries per liter. If the Congress enacts legislation which reauthorizes the Indoor Radon Abatement Act in the 103d or 104th Congress, such alternative maximum contaminant level shall thereafter be deemed to be the applicable maximum contaminant level for purposes of such regulation.".

(3) In the first sentence of subsection (b)(7)(A), strike the word "ascertain" and insert "measure".

(4) In subsection (b)(9) strike "3-year" and insert "5-year". No change to section 1412(b)(9) made by this Act shall be a basis for delaying the promulgation of any rule proposed pursuant to section 1412(b)(9) prior to the date of the enactment of this Act.

(5) Add the following new subsection at the end thereof:

"(f) METHODOLOGIES; RISK ASSESSMENT.—(1) The Administrator, in carrying out the provisions of this title, is expected, consistent with the intent of Congress, to use at all times sound, unbiased, and objective scientific practices and methodologies. The Administrator, in carrying out the Administrator's responsibilities under this title, shall ensure that the presentation of information on significant health risks is unbiased and informative.

"(2) To the extent feasible, documents made available to the general public which describe the degree of risk from exposure shall, at a minimum, characterize the population or populations, (including any identifiable subpopulations, as referred to in section 1412(b)(5)(B)(ii), at greater risk than the general population) addressed by any agency risk estimates; state the expected risk for the specific population; and state the reasonable range or other equivalent description of uncertainty in the assessment process.".

SEC. 5. SMALL SYSTEM TECHNOLOGY.

Section 1412(b)(6) is amended to read as follows:

"(6)(A) For purposes of this section and section 1415, at the time the Administrator proposes and promulgates a national primary drinking water regulation establishing a maximum contaminant level for any contaminant, the Administrator shall propose and promulgate a listing of the best technology or other means available for achieving compliance with such regulation for large public water systems, and a listing of the best technology or other means, if any, available for achieving compliance with such regulation for public water systems in each of the following categories:

"(i) Systems serving fewer than 10,000 persons but not fewer than 3,300 persons.

"(ii) Systems serving 3,300 persons or fewer.

In proposing and promulgating lists for systems described in clauses (i) and (ii), the Administrator shall consider cost variations associated with system size.

"(B) For purposes of this section and section 1415, at the time the Administrator proposes and promulgates a national primary drinking water regulation establishing a treatment technique for any contaminant, the Administrator shall propose and promulgate, for large public water systems, and for systems in the size ranges referred to in clause (i) and (ii) of subparagraph (A), a listing of the best technology or other means, if any, available for achieving a level of protection for public health equivalent to the level of protection provided by such treatment technique for systems in such size ranges.

"(C) A listing under this paragraph of the best technology or other means under subparagraph (A) shall not be construed to require or authorize that any specified technology or other means be used for purpose of meeting any national primary drinking water regulation.

"(D) A listing under this paragraph of the best technology or other means shall provide as much reliable information as practicable on performance, effectiveness, limitations, costs, and other relevant factors in support of the listing, including the applicability of such technology or other means to surface and underground source waters, or both. Consistent with such reliable information, each State exercising primary enforcement responsibility for such systems shall presume (pending the availability of monitoring data, pending availability of information on a system's viability, including the availability of financial assistance under this title, and pending other relevant factors) that use of such technology or other means should enable the public water system concerned to meet the national primary drinking water regulation.

"(E) The Administrator shall, on a continuing basis, assess the engineering feasibility, performance, effectiveness, costs, and limitations of best technologies and other means of meeting national primary drinking water regulations, and may, by rule, revise the list under subparagraph (A) or (B) as appropriate.

"(F) As used in this paragraph, the term 'best technology' for public water systems shall include, whenever appropriate, innovative and alternative technologies.

"(G) At any time after the promulgation of a national primary drinking water regulation, the Administrator may add to the lists under this paragraph, by guidance published in the Federal Register, any new or innovative technology or other means. A State may treat such technologies in the same manner as those listed pursuant to subparagraph (A) or (B).

"(H) To the greatest extent possible, within 24 months after the enactment of the Safe Drinking Water Act Amendments of 1994, the Administrator shall publish each of the following for public water systems in the size ranges referred to in clauses (i) and (ii) of subparagraph (A)—

"(i) For contaminants subject to a maximum contaminant level promulgated prior to such publication, a list of best technologies available that achieve compliance with such maximum contaminant level.

"(ii) For contaminants subject to a treatment technique promulgated prior to such publication, a list of alternative technologies that achieve a level of protection of public health equivalent to the level of protection provided by such treatment technique.".

SEC. 6. AMENDMENTS TO SECTION 1413.

(a) Emergency Plans.—Section 1413(a)(5) is amended by inserting after "emergency circumstances" the following: "including earthquakes, floods, hurricanes, and other natural disasters".

(b) Protection of Drinking Water Distribution Systems.—Section 1413(a) is amended by adding the following after paragraph (6), as added by section 7(a):

"(7) has adopted (pursuant to guidance issued by the Administrator not later than 3 years after the date of the enactment of the Safe Drinking Water Act Amendments of 1994) and implemented requirements for public water systems in the State to take feasible measures to protect the distribution system from contamination due to leakage from sewer lines.".

(c) Recycling of Filter Backwash.—Section 1413 is amended by adding at the end thereof the following:

"(c) Recycling of Filter Backwash.—The Administrator shall promulgate a regulation to govern the recycling of filter backwash water within the treatment process of a public water system. The Administrator shall promulgate such regulation not later than 3 years after the date of the enactment of the Safe Drinking Water Act Amendments of 1994 unless such recycling has been addressed by the Administrator's 'enhanced surface water treatment rule' prior to such date. Any regulation under this subsection shall be deemed to be a national primary drinking water regulation for purposes of this title.".

SEC. 7. CERTIFICATION OF LABORATORIES AND OPERATORS.

(a) Certification.—Section 1413(a) is amended by striking "and" at the end of paragraph (4), by striking the period at the end of paragraph (5) and inserting a semicolon, and by adding the following at the end thereof:

"(6) has adopted and is implementing, within 2 years after the promulgation of regulations pursuant to section 1442(h), requirements for the certification of—

"(A) laboratories conducting tests pursuant to this part, and

"(B) operators of community and nontransient noncommunity public water systems; and".

(b) Standards.—Section 1442 is amended by adding the following at the end thereof:

"(h) Minimum Standards.—(1) Not later than 30 months after the date of enactment of the Safe Drinking Water Act Amendments of 1994 and after consultation with States exercising primary enforcement responsibility for public water systems, the Administrator shall promulgate regulations specifying minimum standards for certification (and recertification) of the operators of public water systems. Such regulations shall take into account existing State programs, the complexity of the system and other factors aimed at providing an effective program at reasonable cost to States and public water systems, taking into account the size of the system.

"(2) Not later than 3 years after the date of enactment of the Safe Drinking Water Act Amendments of 1994 and after consultation with States exercising primary enforcement responsibility for public water systems, the Administrator shall promulgate regulations specifying minimum standards for certification (and recertification) of laboratories conducting tests pursuant to this part. Such regulations shall contain minimum criteria to ensure, to the extent possible, nationwide uniformity in such testing.

"(3) For any State exercising primary enforcement responsibility for public water systems which has an operator certification program in effect on the date of the enactment of the Safe Drinking Water Act Amendments of 1994, the regulations under paragraph (1) shall allow the State to enforce such program in lieu of the regulations under paragraph (1) if the State submits the program to the Administrator within 18 months after the promulgation of such regulations unless the Administrator determines (within 9 months after the State submits the program to the Administrator) that such program is inconsistent with such regulations. If disapproved it may be resubmitted in accordance with section 1428(c).".

(c) Study of Transient Systems.—The Administrator of the Environmental Protection Agency shall survey various categories of transient noncommunity public water systems nationwide to evaluate any potential public health threat posed by any lack of operator certification or training for such systems, and within 4 years after the date of the enactment of the Safe Drinking Water Act Amendments of 1994, report to Congress with appropriate recommendations.

SEC. 8. ENFORCEMENT OF DRINKING WATER REGULATIONS.

(a) Notice.—Section 1414(a)(1)(A) is amended by striking "he shall so notify the State and" and inserting "the Administrator shall so notify the State, provide the State with an opportunity to confer with the Administrator, and notify".

(b) Effective Date.—Section 1414(g)(2) is amended as follows:

(1) Amend the first sentence to read as follows: "In the case of a State exercising primary enforcement responsibility for public water systems, an order issued under this subsection to enforce section 1445 shall not take effect until after the Administrator has provided such State with an opportunity to confer with the Administrator regarding the order.".

(2) Strike "proposed" in the second sentence.

(c) Civil Penalty.—Section 1414(g)(3) is amended as follows:

(1) In subparagraph (B), strike "$5,000" and insert "$75,000 (or $100,000 if the violation occurs for more than 15 days or the public water system serves more than 10,000 persons)".

(2) In subparagraph (C), strike "$5,000" and insert "$75,000 (or $100,000 if the violation occurs for more than 15 days or the public water system serves more than 10,000 persons)".

(d) Enforceability of State Requirements.—Section 1414 is amended by adding the following at the end thereof:

"(h) State Requirements.—For a State exercising primary enforcement responsibility for public water systems, any violation of a State requirement that implements a national primary drinking water regulation shall be treated as a violation of a national primary drinking water regulation in effect under section 1412, except to the extent that the State requirement includes elements that are more stringent, or broader in scope, than elements of the national primary drinking water regulation.".

SEC. 9. QUARTERLY NONCOMPLIANCE REPORTING.

(a) Noncompliance Reporting.—Section 1413 is amended by inserting the following new subsection after subsection (c):

"(d) Quarterly Noncompliance Reporting.—(1) Each State exercising primary enforcement responsibility for public water systems shall submit quarterly reports to the Administrator on a schedule and in a format prescribed by the Administrator, consisting of each of the following items:

"(A) Violations, during the previous quarter, by public water systems in the State of State regulations adopted to implement the requirements of national primary drinking water regulations.

"(B) Enforcement actions taken, during the previous quarter, by the State against public water systems with respect to State regulations adopted to implement the requirements of national primary drinking water regulations.

"(C) Notification of any variance or exemption granted during the previous quarter. The notice shall include a statement of reasons for the granting of the variance or exemption, including documentation of the need for the variance or exemption and the finding that the granting of the variance or exemption will not result in an unreasonable risk to health. The State may use a single notification statement to report 2 or more similar variances or exemptions.

"(2) The reports under paragraph (1)(A) shall include information specifying the contamination level in the case of any exceedance of any maximum contaminant level included in a national primary drinking water regulation.

"(3) The Administrator shall make all information reported to the Administrator under this subsection available to the public in such manner as will ensure maximum accessibility and comprehension by the public.".

(b) Compliance With Subsection (h).—Section 1413(a)(3) is amended by inserting ", including reports under subsection (d)," after "reports".

SEC. 10. SMALL SYSTEM ASSISTANCE PROGRAM.

(a) BAAT Variance.—Section 1415 is amended by adding the following at the end thereof:

"(e) Small System Assistance Program.—

"(1) BAAT variances.—In the case of public water systems serving 3,300 persons or fewer, a variance under this section shall be granted by a State which has primary enforcement responsibility for public water systems allowing the use of Best Available Affordable Technology in lieu of best technology or other means where—

"(A) no best technology or other means is listed under subparagraph (A)(ii) or subparagraph (B) of section 1412(b)(6) for a given contaminant for public water systems serving 3,300 persons or fewer;

"(B) the Administrator has identified BAAT for that contaminant pursuant to paragraph (3); and

"(C) the State finds that the conditions in paragraph (4) are met.

"(2) Definition of baat.—The term 'Best Available Affordable Technology' or 'BAAT' means the most effective technology or other means for the control of a drinking water contaminant or contaminants that is available and affordable to systems serving fewer than 3,300 persons.

"(3) Identification of baat.—(A) As part of each national primary drinking water regulation proposed and promulgated after the enactment of the Safe Drinking Water Act Amendments of 1994, the Administrator shall identify BAAT in any case where no 'best technology or other means' is listed under subparagraph (A)(ii) or subparagraph (B) of section 1412(b)(6) for that contaminant for systems serving fewer than 3,300 persons. No such identified BAAT shall require a technology from specific manufacturer or brand. BAAT need not be adequate to achieve the applicable maximum contaminant level or treatment technique, but shall bring the public water system as close to achievement of such maximum contaminant level as practical or as close to the level of health protection provided by such treatment technique as practical, as the case may be. Any technology or other means identified as BAAT must be determined by the Administrator to be protective of public health. Simultaneously with identification of BAAT, the Administrator shall list any assumptions underlying the public health determination referred to in the preceding sentence, where such assumptions concern the public water system to which the technology may be applied, or its source waters. The Administrator shall provide the assumptions used in determining affordability, taking into consideration the number of persons served by such systems. Such listing shall provide as much reliable information as practicable on performance, effectiveness, limitations, costs, and other relevant factors in support of such listing, including the applicability of BAAT to surface and underground waters or both.

"(B) To the greatest extent possible, within 24 months after the date of the enactment of the Safe Drinking Water Act Amendments of 1994, the Administrator shall identify BAAT for all national primary drinking water regulations proposed or promulgated prior to such date of enactment where no best technology or other means is listed under subparagraph (A)(ii) or subparagraph (B) of section 1412(b)(6) for that contaminant for systems serving fewer than 3,300 persons, and where compliance by such small systems is not practical. In identifying BAAT for such national primary drinking water regulations, the Administrator shall give priority to evaluation of atrazine, asbestos, selenium, pentachlorophenol, antimony, and nickel.

"(4) CONDITIONS FOR BAAT VARIANCE.—To grant a variance under this subsection, the State must determine that—

"(A) the public water system cannot install 'best technology or other means' because of the system's small size;

"(B) the public water system could not comply with the maximum contaminant level through use of alternate water supplies or through management changes or restructuring, as described in section 1419 (relating to public water system viability);

"(C) the public water system has the capacity to operate and maintain BAAT; and

"(D) the circumstances of the public water system are consistent with the public health assumptions identified by the Administrator under paragraph (3).

"(5) SCHEDULES.—Any variance granted by a State under this subsection shall establish a schedule for the installation and operation of BAAT within a period not to exceed 2 years after the issuance of the variance, except that the State may grant an extension of 1 additional year upon application by the system. The application shall include a showing of financial or technical need. Variances under this subsection shall be for a term not to exceed 5 years (including the period allowed for installation and operation of BAAT), but may be renewed for such additional 5-year periods by the State upon a finding that the criteria in paragraph (4) continued to be met.

"(6) MICROBIOLOGICAL CONTAMINANTS.—No variance may be issued under this subsection for microbiological contaminants.

"(7) REVIEW.—Any review by the Administrator under paragraphs (4) and (5) shall be pursuant to subsection (a)(1)(G)(i).".

(b) TECHNICAL AND CONFORMING CHANGES.—(1) Section 1415 is amended by striking "best technology, treatment techniques, or other means" and "best available technology, treatment techniques or other means" each place such terms appear and inserting in lieu thereof "best technology or other means".

(2) Section 1415(a)(1)(A) is amended by striking the third sentence and by striking "Before a schedule prescribed by a State pursuant to this subparagraph may take effect" and all that follows down to the beginning of the last sentence.

(3) Section 1415(a)(1)(C) is amended as follows:

(A) Amend the first sentence to read as follows: "Before a variance is issued and a schedule is prescribed pursuant to this subsection or subsection (e) by a State, the State shall provide notice and an opportunity for a public hearing on the proposed variance and schedule.".

(B) Insert "under this section" before the period at the end of the third sentence".

(4) Section 1415(a)(1)(D) is amended as follows:

(A) Strike "under subparagraph (A)" and insert "under this section".

(B) Strike "that subparagraph" in each place it appears and insert in each such place "this section".

(C) Strike the last sentence.

(5) Section 1415(a)(1)(F) is amended by striking "3-year" and inserting "5-year" and by amending the first sentence to read as follows: "Not later than 5 years after the enactment of the Safe Drinking Water Act Amendments of 1994, the Administrator shall complete a review of the variances granted under this section (and the schedules prescribed in connection with such variances).".

(6) Section 1415(a)(1)(G)(i) is amended by striking "subparagraph (A) or (B)" and inserting "this section".

(7) Section 1415(b) is amended by striking "paragraph (1)(B) or (2) of subsection (a)" and inserting "this section".

(8) Section 1415(c) is amended by striking "subsection (a)" and inserting "this section".

(9) Section 1415(d) is amended to read as follows:

"(d) [REPEALED.]".

SEC. 11. EXEMPTIONS.

(a) SYSTEMS SERVING FEWER THAN 3,300 PERSONS.—Section 1416 is amended by adding the following at the end thereof:

"(h) SMALL SYSTEMS.—(1) For public water systems serving fewer than 3,300 persons, the maximum exemption period shall be 4 years if the State is exercising primary enforcement responsibility for public water systems and determines that—

"(A) the public water system cannot meet the maximum contaminant level or install Best Available Affordable Technology ('BAAT') due in either case to compelling economic circumstances (taking into consideration the availability of financial assistance under section 1443(c), relating to State Revolving Funds) or other compelling circumstances;

"(B) the public water system could not comply with the maximum contaminant level through the use of alternate water supplies;

"(C) the granting of the exemption will provide a drinking water supply that protects public health given the duration of exemption; and

"(D) the State has met the requirements of paragraph (2).

"(2)(A) Before issuing an exemption under this section or an extension thereof for a small public water system described in paragraph (1), the State shall—

"(i) examine the public water system's technical, financial, and managerial capability (taking into consideration any available financial assistance) to operate in, and maintain compliance with, this title, and

"(ii) determine if management or restructuring changes (or both) can reasonably be made that will result in compliance with this title or, if compliance cannot be achieved, improve the quality of the drinking water.

"(B) Management changes referred to in subparagraph (A) may include rate increases, accounting changes, the hiring of consultants, the appointment of a technician with expertise in operating such systems, contractual arrangements for a more efficient and capable system for joint operation, or other reasonable strategies to improve viability.

"(C) Restructuring changes referred to in subparagraph (A) may include ownership change, physical consolidation with another system, or other measures to otherwise improve customer base and gain economies of scale.

"(D) If the State determines that management or restructuring changes referred to in subparagraph (A) can reasonably be made, it shall require such changes and a schedule therefore as a condition of the exemption. If the State determines to the contrary, the State may still grant the exemption. The decision of the State under this subparagraph shall not be subject to review by the Administrator, except as provided in subsection (d).

"(3) Paragraphs (1) and (3) of subsection (a) shall not apply to an exemption issued under this subsection. Subparagraph (B) of subsection (b)(2) shall not apply to an exemption issued under this subsection, but any exemption granted to such a system may be renewed for additional 4-year periods upon application of the public water system and after a determination that the criteria of paragraphs (1) and (2) of this subsection continue to be met.

"(4) No exemption may be issued under this section for microbiological contaminants.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—(1) Section 1416(b)(1) is amended by striking "prescribed by a State pursuant to this subsection" and inserting "prescribed by a State pursuant to this subsection or subsection (h)".

(2) Section 1416(c) is amended by striking "under subsection (a)" and inserting "under this section" and by striking "including" in the second sentence and inserting "including, in the case of an exemption under subsection (a),".

(3) Section 1416(d)(1) is amended by striking "3-year" and inserting "4-year" and by amending the first sentence to read as follows: "Not later than 4 years after the date of enactment of the Safe Drinking Water Act Amendments of 1994, the Administrator shall complete a comprehensive review of the exemptions granted (and schedules prescribed pursuant thereto) by the States during the 4-year period beginning on such date.".

(4) Section 1416(b)(2)(C) is repealed.

(c) SYSTEMS SERVING MORE THAN 3,300 PERSONS.—Section 1416(b)(2)(A)(ii) is amended by striking "12 months" and inserting "4 years" and section 1416(b)(2)(B) is amended by striking "3 years after the date of the issuance of the exemption" and inserting "4 years after the expiration of the initial exemption".

SEC. 12. PUBLIC WATER SYSTEM VIABILITY.

Part B is amended by adding the following at the end thereof:

"SEC. 1419. PUBLIC WATER SYSTEM VIABILITY.

"(a) EPA GUIDELINES.—Within 18 months after the enactment of the Safe Drinking Water Act Amendments of 1994, the Administrator shall issue guidelines for purposes of subsection (b) for State programs to bring public water systems into compliance with this title and to maintain such compliance. The guidelines shall be developed in consultation with the States.

"(b) STATE PROGRAMS TO ASSURE VIABILITY.—Within 2 years after issuance of guidelines under subsection (a), each State exercising primary enforcement responsibility for public water systems shall develop and implement a comprehensive program to assure the viability of community and noncommunity nontransient public water systems within that State which are subject to the provisions of subsection (e). The program shall be treated as approved by the Administrator unless disapproved by the Administrator within 6 months after the date of its submittal. If disapproved it may be resubmitted in accordance with section 1428(c).

"(c) FINANCIAL ASSISTANCE FOR SMALL SYSTEMS.—(1) Except as provided in paragraph (2), no financial assistance may be provided from funds made available under section 1443(c) to any public water system in operation on the date of enactment of the Safe Drinking Water Act Amendments of 1994 that—

''(A) serves fewer than 10,000 persons, and

''(B) has a history of violations of monitoring requirements or violations of national primary drinking water regulations,

unless the State determines whether the public water system has, or will have, the technical, managerial, and financial capability to operate in compliance, and maintain compliance, with this title. Such determination shall be based on such information as the public water system may provide to the State and such other information as may be available to the State. In making such determination the State shall take into consideration the financial assistance which may be available to the public water system.

''(2)(A) If the State determines under paragraph (1) that a public water system lacks the capability referred to in paragraph (1), the State shall require adoption by the system of management or restructuring changes or both before providing funding to the system under section 1443(c), except as provided in subparagraph (B). Management changes may include rate increases, accounting changes, the hiring of consultants, the appointment of a technician with expertise in operating such systems, contractual arrangements for a more efficient and capable system for joint operation, or other reasonable strategies to improve viability. Restructuring changes may include ownership change, physical consolidation with another system, or other measures to otherwise improve customer base and gain economies of scale.

''(B) If the State determines under paragraph (1) that a system lacks the capability referred to in paragraph (1), funds provided under section 1443(c) (relating to State Revolving Funds) shall be available only to support such physical consolidation.

''(d) NEW SYSTEMS.—No financial assistance of any kind may be provided under this title to any public water system that is established, and begins operations, in any State after the enactment of the Safe Drinking Water Act Amendments of 1994, unless the Administrator determines that the State has an effective operating permit program or other means to ensure, before commencing operation, that the system has the management and technical capacity and financial capability, taking into account its customer base and other relevant factors, to comply and maintain compliance with the applicable requirements of this title. No change in the ownership of a public water system shall result in the application of the prohibition contained in this subsection to such system.

''(e) STATE VIABILITY ASSESSMENTS.—(1) Before the end of the first full fiscal year after the enactment of the Safe Drinking Water Act Amendments of 1994, each State shall establish a program for assessing, over a 5-year period, the long-term technical, managerial, and financial capability of community and nontransient noncommunity public water systems serving fewer than 10,000 persons that are in violation of this title or may be in jeopardy of not maintaining compliance with this title. The State shall establish a schedule for determining which systems to include in the assessment program.

''(2) The assessment program referred to in paragraph (1) shall include any public water system that has been in significant noncompliance (as defined in guidelines issued prior to the enactment of the Safe Drinking Water Act Amendments of 1994 or any revisions thereof and in national primary drinking water regulations promulgated after such date of enactment) or violated any maximum contaminant level or treatment technique, any variance, or any exemption under this title during the 2 years prior to the date on which the State makes a determination (in accordance with the schedule under in paragraph (1)) regarding whether to include such system in the assessment program.

''(3) For all public water systems referred to in paragraph (1) (other than those referred to in paragraph (2)), the State shall establish, in consultation with the Administrator, a system of priorities, as part of the program for conducting assessments, where there has been other noncompliance during such 2-year period which the State considers serious. The State shall publish such priorities and file them with the Administrator. The State, in its discretion and considering its resources, may, but is not required to, conduct assessments of public water systems which are in compliance during such period.

''(f) WAIVER.—The Administrator may waive any requirements of this section in the case of a State viability program adopted before the enactment of this section if the Administrator finds that such State viability program is fully achieving the objectives of this section.

''(g) AVAILABILITY OF SRF FUNDS.—Unless the State has—

''(1) prior to the end of the first full fiscal year after the enactment of the Safe Drinking Water Act Amendments of 1994, established a program meeting the requirements of subsection (e), and

''(2) beginning with the third fiscal year after the Administrator issues guidelines under subsection (a), developed and implemented an approved program under subsection (b),

only 50 percent of the funds that would otherwise be allocated to that State under section 1443(c) (relating to State Revolving Funds) may be made available to the State.

''(h) EPA REVIEW.—The decisions of the State under this section regarding any particular public water system are not subject to review by the Administrator.''.

SEC. 13. SOURCE WATER ASSESSMENT AND PETITION PROGRAM.

*(a) GUIDELINES AND PROGRAMS.—Section 1428 is amended by adding ''**AND SOURCE WATER**'' after ''**WELLHEAD**'' in the section heading and by adding at the end thereof the following:*

''(l) SOURCE WATER ASSESSMENT.—

''(1) GUIDANCE.—Within 12 months after enactment of the Safe Drinking Water Act Amendments of 1994, after notice and comment, the Administrator shall publish guidance for States exercising primary enforcement responsibility for public water systems to carry out directly or through delegation (for the protection and benefit of public water systems and for the support of monitoring flexibility) a source water assessment program within the State's boundaries.

''(2) PROGRAM REQUIREMENTS.—A source water assessment program under this subsection shall—

''(A) delineate the boundaries of the assessment areas in such State from which one or more public water systems in the State receive supplies of drinking water, using all reasonably available hydrogeologic information on the sources of the supply of drinking water in the State and the water flow, recharge, and discharge and any other reliable information as the State deems necessary to adequately determine such areas; and

''(B) identify for contaminants regulated under this title for which monitoring is required under this title (or any unregulated contaminants which the State, for the purposes of this subsection, has determined to present an urgent threat to public health), to the extent practical, the origins within each delineated area of such contaminants to determine the susceptibility of the public water systems in the delineated area to such contaminants.

''(3) APPROVAL, IMPLEMENTATION, AND MONITORING RELIEF.—A State source water assessment program under this subsection shall be submitted to the Administrator within 18 months after the Administrator's guidance is issued under this subsection and shall be deemed approved 9 months after the date of such submittal unless the Administrator disapproves the program as provided in subsection (c). States shall begin implementation of the program immediately after its approval. The Administrator's approval of a State program under this subsection shall include a timetable, established in consultation with the State, allowing not more than 2 years for completion after approval of the program. Public water systems seeking monitoring relief in addition to the interim relief provided under section 1418(a) shall be eligible for monitoring relief, consistent with section 1418(b), upon completion of the assessment in the delineated source water assessment area or areas concerned.

''(4) TIMETABLE.—The timetable referred to in paragraph (3) shall take into consideration the availability to the State of funds under section 1443(c) (relating to State Revolving Funds) for assessments and other relevant factors. The Administrator may extend any timetable included in a State program approved under paragraph (3) to extend the period for completion by an additional 18 months. The timetable shall be deemed to be part of the guidance published under paragraph (1) and shall be subject to section 1450(j). Compliance with subsection (g) shall not affect any State permanent monitoring flexibility program approved under section 1418(b). To avoid duplication and to encourage efficiency, the program shall, to the extent practicable, be coordinated with other existing programs and mechanisms, including the wellhead protection program, vulnerability assessments, sanitary surveys, and monitoring programs.

''(5) DEMONSTRATION PROJECT.—The Administrator shall, as soon as practicable, conduct a demonstration project, in consultation with other Federal agencies, to demonstrate the most effective and protective means of assessing and protecting source waters serving large metropolitan areas and located on Federal lands.

''(m) PETITION PROGRAM.—

''(1) SUBMISSION OF PETITIONS.—Within 18 months after publication by the Administrator of guidance under subsection (l), each State exercising primary enforcement responsibility shall adopt and submit to the Administrator a source water petition program. A petition under such program may request that the State assist in addressing the origins of contaminants regulated under this title (or unregulated contaminants for which the State has determined, for purposes of this section, that there is an urgent threat to public health) and that are not adequately addressed by the wellhead protection program or other programs. The origins of such contaminants may include, to the extent practicable, the specific activities that affect the drinking water supply of a community. Such program shall also include provisions for voluntary partnerships, including those in which public water systems and local governments participate and submit petitions. The program shall provide for public notice of petitions.

''(2) CONTENTS OF PETITIONS.—Petitions submitted to the State under this subsection may seek assistance in directing, or redirecting, consistent with applicable program authorities administrative, technical, or financial resources to address the origins of drinking water contaminants regulated under this title (or unregulated contaminants for which the State has determined, for purposes of this section, that there is an urgent threat to public health) and that are not adequately addressed by the wellhead protection program or other programs. Any such petition shall, at a minimum—

''(A) include delineation of the source water area covered by the petition, based on the source water assessment delineation areas set forth in subsection (l)(2)(A);

"(B) based on reasonably available data, identify the nature of the problem that is the basis for the petition;

"(C) to the extent practicable, identify the origins of such drinking water contaminants; and

"(D) identify any missing data necessary to adequately characterize the problem that is the basis of the petition.

Identification of a contaminant or contaminants in a petition shall be contaminant specific. Contaminants may be combined in a single petition. The State may elect to waive the requirement for the petitioner to meet subparagraph (D).

"(3) RESPONSE TO PETITIONS.—Each State receiving a petition under this subsection shall respond to the petition in an expeditious manner unless the State determines, in its discretion, that the petition is frivolous. The State response may include, as appropriate, utilization and coordination of programs, technical assistance, financial assistance, education, training, contingency plans and demonstration projects for the delineated areas to protect the drinking water supply of systems within those areas from such contaminants. Nothing in this paragraph is intended or shall be interpreted to create or convey any new authority in any State, political subdivision of a State, or public water system for any control measure or limit in any way any authority of a State, political subdivision of a State, or water system.

"(4) APPROVAL OF PETITION PROGRAM.—The Administrator's approval of a State source water petition program under this subsection is not required unless the State uses grant funds under section 1443(c) (relating to State Revolving Funds) to adopt and implement the program. The State may use grants allotted to the State under section 1443(c) for such purposes only with the approval of the Administrator. If adopted with the use of funds made available under section 1443(c) by a State exercising primary enforcement responsibility for public water systems, the State shall comply with the delineation requirements set forth in subsection (l)(2)(A) and the program shall contain, as appropriate, one or more of the elements referred to in section 1428(a)(4).".

(b) PUBLIC PARTICIPATION.—Subsection (b) of section 1428 is amended by adding the following at the end thereof: "No funds shall be available to the State under section 1443(c) (relating to State Revolving Funds) for the purpose of carrying out a State source water petition program unless the State procedures referred to in this section also apply to any State source water petition program adopted under subsection (m).".

(c) APPROVAL AND DISAPPROVAL OF STATE PROGRAMS.—Section 1428 is amended as follows:

(1) Amend the first sentence of subsection (c)(1) to read as follows: "If, in the judgment of the Administrator, a State program or portion thereof under subsection (a) is not adequate to protect public water systems as required by subsection (a) or a State program under subsection (l) or (m) or section 1418(b) does not meet the applicable requirements of subsection (l), (m) or section 1418(b), the Administrator shall disapprove such program or portion thereof.".

(2) Add after the second sentence of subsection (c)(1) the following: "A State program developed pursuant to subsection (l) or (m) or section 1418(b) shall be deemed to meet the applicable requirements of subsection (l), (m) or section 1418(b) unless the Administrator determines within 9 months of the receipt of the program that such program (or portion thereof) does not meet such requirements.".

(3) In the third sentence of subsection (c)(1) and in subsection (c)(2) strike "is inadequate" and insert "is disapproved".

(4) Add the following at the end of subsection (c)(1): "Notwithstanding any other provision of this subsection, the provisions of this subsection shall apply to source water petition programs under subsection (m) only if the State uses grants under section 1443(c) (relating to State Revolving Funds) for such program.".

(5) In subsection (b), add the following before the period at the end of the first sentence: "and source water assessment programs under subsection (l)".

(6) In subsection (g)—

(A) insert after "under this section" the following: ", State source water assessment programs under subsection (l) and State petition programs under subsection (m) for which the State uses grants under section 1443(c) (relating to State Revolving Funds)"; and

(B) strike "Such" in the last sentence and inserting "In the case of wellhead protection programs, such".

SEC. 14. MONITORING OF REGULATED CONTAMINANTS.

Part B is amended by adding the following after section 1417:

"SEC. 1418. MONITORING OF CONTAMINANTS.

"(a) INTERIM MONITORING RELIEF AUTHORITY.—(1) A State exercising primary enforcement responsibility for public water systems may modify the monitoring requirements for—

"(A) regulated chemical pesticide contaminants,

"(B) polychlorinated byphenyls,

"(C) dioxin, and

"(D) unregulated contaminants for which monitoring is required under phase II as set forth on January 30, 1991, in volume 56 of the Federal Register, page 3526 and phase V as set forth on July 17, 1992, in volume 57 of the Federal Register, page 31776

for an interim period to provide that any public water system serving 3,300 persons or fewer shall not be required to conduct additional quarterly monitoring during an interim relief period for such contaminants if—

"(i) monitoring, conducted at the beginning of the period for the contaminant concerned and certified to the State by the public water system, fails to detect the presence of the contaminant in the ground or surface water supplying the public water system, and

"(ii) the State, (considering the hydrogeology of the area and other relevant factors), determines in writing that the contaminant is unlikely to be detected by further monitoring during such period.

"(2) The interim relief period referred to in paragraph (1) shall terminate when permanent monitoring relief is adopted and approved for such State, or at the end of 36 months after the enactment of the Safe Drinking Water Act Amendments of 1994, whichever comes first. In order to serve as a basis for interim relief, the monitoring conducted at the beginning of the period must occur at the time determined by the State to be the time of the public water system's greatest vulnerability to the contaminant concerned in the relevant ground or surface water, taking into account in the case of pesticides the time of application of the pesticide for the source water area and the travel time for the pesticide to reach such waters and taking into account, in the case of other contaminants, seasonality of precipitation and contaminant travel time.

"(b) PERMANENT MONITORING RELIEF AUTHORITY.—(1) Each State exercising primary enforcement responsibility for public water systems under this title and having an approved wellhead protection program and a source water assessment program may adopt, in accordance with guidance published by the Administrator, and submit to the Administrator as provided in section 1428(c), tailored alternative monitoring requirements for public water systems in such State (as an alternative to the monitoring requirements specified in the Administrator's standardized monitoring framework for chemical contaminants and the applicable national primary drinking water regulations) where the State concludes that (based on data available at the time of adoption concerning susceptibility, use, occurrence, wellhead protection, or from the State's drinking water source water assessment program) such alternative monitoring would provide assurance that it complies with the Administrator's guidelines. The State program must be adequate to assure compliance with, and enforcement of, applicable national primary drinking water regulations. Alternative monitoring shall not apply to regulated microbiological contaminants, disinfectants and disinfection by-products, or corrosion by-products. The preceding sentence is not intended to limit other authority of the Administrator under other provisions of this title to grant monitoring flexibility.

"(2)(A) The Administrator shall issue, after notice and comment and at the same time as guidelines are issued for source water assessment under section 1428(l), guidelines for States to follow in proposing alternative requirements to the standardized monitoring framework for chemical contaminants. The Administrator shall publish such framework in the Federal Register. The guidelines shall assure that the public health will be protected from drinking water contamination. The guidelines shall require that a State alternative monitoring program apply on a contaminant-by-contaminant basis and that, to be eligible for such alternative monitoring program, a public water system must show the State that the contaminant is not present in the drinking water supply or, if present, it is reliably and consistently below the maximum contaminant level.

"(B) For purposes of subparagraph (A), the phrase 'reliably and consistently below the maximum contaminant level' means that, although contaminants have been detected in a water supply, the State has sufficient knowledge of the contamination source and extent of contamination to predict that the maximum contaminant level will not be exceeded. In determining that a contaminant is reliably and consistently below the maximum contaminant level, States shall consider the quality and completeness of data, the length of time covered and the volatility or stability of monitoring results during that time, and the proximity of such results to the maximum contaminant level. Wide variations in the analytical results, or analytical results close to the maximum contaminant level, shall not be considered to be reliably and consistently below the maximum contaminant level.

"(3) The guidelines issued by the Administrator under paragraph (2) shall require that if, after the monitoring program is in effect and operating, a contaminant covered by the alternative monitoring program is detected at levels at or above the maximum contaminant level or is no longer reliably or consistently below the maximum contaminant level, the public water system must either—

"(A) demonstrate that the contamination source has been removed or that other action has been taken to eliminate the contamination problem, or

"(B) test for the detected contaminant pursuant to the applicable national primary drinking water regulation.

"(c) TREATMENT AS NPDWR.—All monitoring relief granted by a State to a public water system for a regulated contaminant under subsection (a) or (b) shall be treated as part of the national primary drinking water regulation for that contaminant.

"(d) OTHER MONITORING RELIEF.—Nothing in this section shall be construed to affect the authority of the States under the standard monitoring framework for chemical contaminants and under applicable national primary drinking water regulations to alter monitoring requirements through waivers in effect at the time of the enactment of the Safe Drinking Water Act Amendments of 1994. States are encouraged to use such authority.".

SEC. 15. FEDERAL FACILITIES.

(a) IN GENERAL.—Part C is amended by adding at the end thereof the following new section:

"SEC. 1429. FEDERAL FACILITIES.

"(a) IN GENERAL.—Each department, agency, and instrumentality of the executive, legislative, and judicial branches of the Federal Government—

"(1) owning or operating any facility in a wellhead protection area,

"(2) engaged in any activity at such facility resulting, or which may result, in the contamination of water supplies in any such area, or

"(3) owning or operating any public water system

shall be subject to, and comply with, all Federal, State, interstate, and local requirements, both substantive and procedural (including any requirement for permits or reporting or any provisions for injunctive relief and such sanctions as may be imposed by a court to enforce such relief), respecting the protection of such wellhead areas and respecting such public water systems in the same manner and to the same extent as any person is subject to such requirements, including the payment of reasonable service charges. The Federal, State, interstate, and local substantive and procedural requirements referred to in this subsection include, but are not limited to, all administrative orders and all civil and administrative penalties and fines, regardless of whether such penalties or fines are punitive or coercive in nature or are imposed for isolated, intermittent, or continuing violations. The United States hereby expressly waives any immunity otherwise applicable to the United States with respect to any such substantive or procedural requirement (including, but not limited to, any injunctive relief, administrative order or civil or administrative penalty or fine referred to in the preceding sentence, or reasonable service charge). The reasonable service charges referred to in this subsection include, but are not limited to, fees or charges assessed in connection with the processing and issuance of permits, renewal of permits, amendments to permits, review of plans, studies, and other documents, and inspection and monitoring of facilities, as well as any other nondiscriminatory charges that are assessed in connection with a Federal, State, interstate, or local regulatory program respecting the protection of wellhead areas or public water systems. Neither the United States, nor any agent, employee, or officer thereof, shall be immune or exempt from any process or sanction of any State or Federal Court with respect to the enforcement of any such injunctive relief. No agent, employee, or officer of the United States shall be personally liable for any civil penalty under any Federal, State, interstate, or local law concerning the protection of wellhead areas or public water systems with respect to any act or omission within the scope of the official duties of the agent, employee, or officer. An agent, employee, or officer of the United States shall be subject to any criminal sanction (including, but not limited to, any fine or imprisonment) under any Federal or State requirement adopted pursuant to this title, but no department, agency, or instrumentality of the executive, legislative, or judicial branch of the Federal Government shall be subject to any such sanction. The President may exempt any facility of any department, agency, or instrumentality in the executive branch from compliance with such a requirement if he determines it to be in the paramount interest of the United States to do so. No such exemption shall be granted due to lack of appropriation unless the President shall have specifically requested such appropriation as a part of the budgetary process and the Congress shall have failed to make available such requested appropriation. Any exemption shall be for a period not in excess of 1 year, but additional exemptions may be granted for periods not to exceed 1 year upon the President's making a new determination. The President shall report each January to the Congress all exemptions from the requirements of this section granted during the preceding calendar year, together with his reason for granting each such exemption.

"(b) ADMINISTRATIVE ENFORCEMENT ACTIONS.—(1) The Administrator may commence an administrative enforcement action against any department, agency, or instrumentality of the executive, legislative, or judicial branch of the Federal Government subject to the provisions of subsection (a) pursuant to the enforcement authorities contained in this title. The Administrator shall initiate an administrative enforcement action against such a department, agency, or instrumentality in the same manner and under the same circumstances as an action would be initiated against another person. Any voluntary resolution or settlement of such an action shall be set forth in a consent order.

"(2) No administrative order issued to such a department, agency, or instrumentality shall become final until such department, agency, or instrumentality has had the opportunity to confer with the Administrator.

"(c) LIMITATION ON STATE USE OF FUNDS COLLECTED FROM FEDERAL GOVERNMENT.—Unless a State law in effect on the date of the enactment of the Safe Drinking Water Act Amendments of 1994 or a State constitution requires the funds to be used in a different manner, all funds collected by a State from the Federal Government from penalties and fines imposed for violation of any substantive or procedural requirement referred to in subsection (a) shall be used by the State only for projects designed to improve or protect the environment or to defray the costs of environmental protection or enforcement.".

(b) CONFORMING AMENDMENTS.—Section 1447(a) is amended as follows:

(1) By striking out "(1) having jurisdiction over any federally owned or maintained public water system or (2)".

(2) By striking out "respecting the provision of safe drinking water and".

(3) Section 1447(c) is amended by striking out "the Safe Drinking Water Amendments of 1977" and inserting "this title" and by striking "this Act" and inserting "this title".

SEC. 16. EMERGENCY POWERS.

Section 1431(b) is amended by striking out "$5,000" and inserting in lieu thereof "$15,000".

SEC. 17. TAMPERING.

Section 1432 is amended as follows:

(1) In subsection (d), by striking "or" at the end of paragraph (1) and by striking paragraph (2) and inserting the following:

"(2) to knowingly and deliberately interfere with the operation of a public water system with the intent to cause economic harm to the system or cause the system to violate this title; or

"(3) to knowingly and deliberately render inaccurate a monitoring device with the intent to falsify monitoring results.".

(2) By adding at the end the following:

"(e) FAILURE TO REPORT.—Any owner or operator of a public water system who knowingly and deliberately fails to report for more than 90 days to the State with primary enforcement responsibility for public water systems, or to the public as required by this title, or to the Administrator, a violation of a maximum contaminant level or treatment technique shall be subject to a fine of not more than $10,000, imprisonment for not more than 2 years, or both, except that failure to comply with the exact form and contents of a notice shall not be considered a failure to report which is subject to enforcement under this subsection.

"(f) FALSE STATEMENTS.—State requirements applicable to public water systems in States with primary enforcement responsibility for public water systems under this title, or requirements of the Administrator under this title, respecting statements, representations, writings, or documents shall be construed to be subject to the provisions of section 1001 of title 18 of the United States Code and for such purposes such requirements shall be treated as a matter within the jurisdiction of a department or agency of the United States and solely for that purpose such State shall be treated as a Federal department or agency.".

SEC. 18. FUNDS FOR SAFE DRINKING WATER.

(a) STATE REVOLVING FUNDS.—Section 1443 is amended by redesignating subsection (c) as subsection (d) and by adding the following new subsection after subsection (b):

"(c) STATE REVOLVING FUNDS.—

"(1) GENERAL AUTHORITY.—

"(A) GRANTS TO STATES TO ESTABLISH REVOLVING FUNDS.—The Administrator shall enter into agreements with States to make capitalization grants, including letters of credit, to the States under this subsection solely to further the health protection objectives of this title, promote the efficient use of fund resources, and for such other purposes as specified in this title. The grants shall be deposited in drinking water treatment revolving funds established by the State, except as otherwise provided in this subsection and in other provisions of this title. No portion of any specific percentage amount of such grants referred to in paragraph (5), (8), or (9) or authorized by other provisions of this title to be used for other purposes specified ,in this title shall be deposited in any State revolving fund. All such grants shall be allotted to the States in the same manner as funds are allotted to States under subsection (a)(4), except as provided in paragraph (8) and except that the State allotment for a State not exercising primary enforcement responsibility for public water systems shall not be deposited in any such fund but shall be allotted by the Administrator as follows: 30 percent of such allotment shall be available to the Administrator as needed to exercise primary enforcement responsibility under this title in such State and the remainder shall be reallotted to States exercising primary enforcement responsibility for public water systems for deposit in such funds. Whenever the Administrator makes a final determination pursuant to section 1413(b) that the requirements of section 1413(a) are no longer being met by a State, additional grants for such State under this title shall be immediately terminated by the Administrator.

"(B) USE OF FUNDS.—Except as otherwise authorized by this title, amounts deposited in such revolving funds, including loan repayments and interest earned on such amounts, shall be used only for providing loans or other financial assistance of any kind or nature that the State deems appropriate to public water systems. Such financial assistance may be used by a public water system only for expenditures (not including monitoring, operation, and maintenance expenditures) of a type or category which the Administrator has determined, through guidance, will facilitate compliance with national primary drinking water regulations applicable to such system under section 1412 or otherwise significantly further the health protection objectives of this title. Such financial assistance may be used for acquisition from willing sellers, at fair market value, of real property or interests therein *which are integral to such systems. 15 percent of the amount credited to any revolving fund established under this section in any fiscal year shall be available solely for providing loan assistance to public water systems which regularly serve fewer than 10,000 persons.*

''(C) FUND MANAGEMENT.—Each State revolving fund under this subsection shall be established, maintained, and credited with repayments and interest. The fund corpus shall be available in perpetuity for providing financial assistance under this section. To the extent amounts in each such fund are not required for current obligation or expenditure, such amounts shall be invested in interest bearing obligations of the State or of the United States.

''(D) GRANTS FROM REVOLVING FUNDS.—A State may not provide assistance in the form of grants from a State revolving fund established under this subsection in an aggregate amount which exceeds the sum of the interest collected on deposits in such State revolving fund plus amounts deposited in such fund by the State pursuant to paragraph (3). Such grants may only be made to public water systems owned by a governmental or inter-governmental agency, a non-profit organization, an Indian tribe, or any combination thereof which the State finds to be experiencing financial hardship.

''(E) INVESTOR-OWNED PUBLIC WATER SYSTEMS.—In the case of any public water system not owned by a governmental or inter-governmental agency, a non-profit organization, an Indian tribe, or any combination thereof, the State may provide assistance from a State revolving fund under this subsection according to priorities established by the State based on the greatest public health needs and financial need. The State may provide loan assistance to any such system from such a State revolving fund only after making a determination that the system has the ability to repay the loan according to its terms and conditions. States are authorized to require such systems to identify a dedicated source for repayment of the loans and to impose such other requirements as may be necessary to assure loan repayment.

''(2) SPECIFIC REQUIREMENT.—No loan or other financial assistance may be provided to a public water system from a revolving fund established under this subsection to be used for any expenditure that could be avoided or significantly reduced by appropriate consolidation of that public water system with any other public water system, except that in such cases such assistance may be provided from the revolving fund for such consolidation.

''(3) STATE CONTRIBUTION.—In the case of grants made after fiscal year 1995, each agreement under this subsection shall require that the State deposit in the fund from State moneys an amount equal to at least 20 percent of the total amount of the grant to be made to the State on or before the date on which the grant payment is made to the State.

''(4) COMBINED FINANCIAL ADMINISTRATION.—Notwithstanding subparagraph (C) of paragraph (1), a State may (as a convenience and to avoid unnecessary administrative costs) combine, in accordance with State law, the financial administration of a revolving fund established under this subsection with the financial administration of any other revolving fund established by the State if otherwise not prohibited by the law under which such revolving fund was established and if the Administrator determines that—

''(A) the grants under this subsection, together with loan repayments and interest, will be separately accounted for and used solely for the purposes specified in paragraph (1); and

''(B) the authority to establish assistance priorities and carry out oversight and related activities (other than financial administration) with respect to such assistance remains with the State agency having primary responsibility for administration of the State program under this part.

''(5) ADMINISTRATION.—(A) Each State may annually use up to 4 percent of the funds allotted to the State under this subsection to cover the reasonable costs of administration of the assistance program under this subsection and of providing technical assistance to public water systems within the State. For fiscal year 1995 and each fiscal year thereafter, each State may use up to an additional 5 percent of the funds allotted to the State under this subsection for public water system supervision if the State matches such expenditures with at least an equal amount of non-Federal funds. At least half of such match must be additional to the amount expended by the State for public water supervision in fiscal year 1993. An additional 1 percent of the funds annually allotted to the State under this subsection shall be used by each State to provide technical assistance to public water systems in such State.

''(B) The Administrator shall publish such guidance and promulgate such regulations as may be necessary to carry out the provisions of this section, including—

''(i) provisions to ensure that each State commits and expends funds allotted to the State under this subsection as efficiently as possible in accordance with this title and applicable State laws,

''(ii) guidance to prevent waste, fraud, and abuse, and

''(iii) guidance to avoid the use of funds made available under this subsection to finance the expansion of any public water system in anticipation of future population growth.

Such guidance and regulations shall also insure that the States, and public water systems receiving assistance under this subsection, use accounting, audit, and fiscal procedures that conform to generally accepted accounting standards.

''(C) Each State administering a revolving fund and assistance program under this subsection shall publish and submit to the Administrator a report every 2 years on its activities under this subsection, including the findings of the most recent audit of the fund and the entire State allotment. The Administrator shall periodically audit all revolving funds established by, and all other amounts allotted to, the States pursuant to this subsection in accordance with procedures established by the Comptroller General.

''(6) NEEDS SURVEY.—The Administrator shall conduct an assessment of financial needs of all public water systems in the United States and submit a report to the Congress containing the results of such assessment within 2 years after the date of the enactment of the Safe Drinking Water Act Amendments of 1994. The Administrator shall revise such report periodically as appropriate.

''(7) INDIAN TRIBES.—1½ percent of the amounts appropriated annually to carry out this subsection may be used by the Administrator to make grants to Indian Tribes and Alaskan Native Villages which are not otherwise eligible to receive either grants from the Administrator under this subsection or assistance from State revolving funds established under this subsection. Such grants may only be used for expenditures by such tribes and villages for public water system expenditures referred to in paragraph (1)(B).

''(8) OTHER AREAS.—Of the funds annually available under this section for grants to States, the Administrator shall make allotments in accordance with section 1443(a)(4) for the District of Columbia, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, and the Republic of Palau. The grants allotted as provided in this paragraph may be provided by the Administrator to the governments of such areas, to public water systems in such areas, or to both, to be used for the public water system expenditures referred to in paragraph (1)(B). Such grants shall not be deposited in revolving funds. The total allotment of grants under this subsection for all areas described in this paragraph in any fiscal year shall not exceed 1 percent of the aggregate amount made available to carry out this subsection in that fiscal year.

''(9) ADDITIONAL SET-ASIDES.—Any State exercising primary enforcement responsibility for public water systems may use up to 4 percent of the annual grants under this subsection allotted to that State for the following:

''(A) To establish and implement wellhead protection programs under section 1428.

''(B) For a period of 5 years after the Administrator publishes guidance under section 1428(l), to establish and implement source water assessment programs under section 1428.

''(C) For a 7-fiscal year period after guidelines are issued under section 1419(a), to develop and implement a viability program under section 1419(b) and assess viability under section 1419(e).

Not more than 2 percent of such annual grant allotment for any such State in any fiscal year may be used by that State for purpose of subparagraph (C). If any State exercising primary enforcement responsibility for public water systems adopts a petition program under section 1428(m), the State may use not more than 1 percent of the grant under this subsection allotted to the State in any fiscal year for establishing and implementing such program. No such funds shall be used for such a petition program if the State fails to implement the program.

''(10) DEMONSTRATION PROJECT FOR STATE OF VIRGINIA.—Notwithstanding the other provisions of this subsection limiting the use of funds deposited in a State revolving fund from any State allotment, the State of Virginia may, as a single demonstration and with the approval of the Virginia General Assembly and the Administrator, conduct a program to demonstrate alternative approaches to intergovernmental coordination to assist in the financing of new drinking water facilities in the following rural communities in southwestern Virginia where none exists on the date of the enactment of the Safe Drinking Water Act Amendments of 1994 and where such communities are experiencing economic hardship: Lee County, Wise County, Scott County, Dickenson County, Russell County, Buchanan County, Tazewell County, and the city of Norton, Virginia. The funds allotted to that State and deposited in the State revolving fund may be loaned to a regional endowment fund for the purpose set forth in this paragraph under a plan to be approved by the Administrator. The plan may include an advisory group that includes representatives of such counties.

''(11) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the purposes of this subsection $599,000,000 for the fiscal year 1994 and $1,000,000,000 for each of the fiscal years 1995, 1996, and 1997, and such sums as may be necessary thereafter. Sums shall remain available until expended.''.

(b) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Administrator of the Environmental Protection Agency shall report to the Congress, after notice and public comment, on the appropriateness of using State revolving funds under section 1443(c) of the Public Health Service Act for acquisition of real property or interests therein from willing sellers where such acquisition is undertaken in addition to, or as an alternative to, system development as a means of complying

with national primary drinking water regulations. The review of the use of such funds shall examine any cost savings and environmental benefits for safe drinking water and any problems related thereto.

(c) TECHNICAL ASSISTANCE.—(1) The Administrator of the Environmental Protection Agency may provide technical assistance to small public water systems to enable such systems to achieve and maintain compliance with applicable national primary drinking water regulations. Such assistance may include circuit-rider programs, training, and preliminary engineering evaluations. There is authorized to be appropriated to the Administrator to be used for such technical assistance $15,000,000 for the fiscal year 1994, and such sums as may be necessary for fiscal years thereafter. No portion of any State revolving fund established under section 1443(c) of the Public Health Service Act and no portion of any funds made available under this subsection may be used either directly or indirectly for lobbying expenses. Of the total amount appropriated under this subsection, 3 percent shall be used for technical assistance to public water systems owned or operated by Indian tribes. Nothing in this Act or the amendments made by this Act authorizes scientific or environmental research and development.

(2) Section 1442(g) is amended to read as follows:

"(g) [RESERVED].".

(d) PUBLIC WATER SYSTEMS SUPERVISION GRANTS.—Section 1443(a) is amended as follows:

(1) Paragraph (4) is amended by adding the following at the end thereof: "The allotment of grant funds under this subsection for States not exercising primary enforcement responsibility for public water systems shall not be provided to such States but shall be available to the Administrator for the costs of administering this title in those States.".

(2) Paragraph (7) is amended by striking out "not more than the following amounts" and all that follows down through the end of such paragraph and inserting "such sums as may be necessary for fiscal years after fiscal year 1994.".

SEC. 19. RECORDS AND INSPECTIONS.

(a) REQUIREMENTS.—Section 1445(a)(1) is amended by inserting "(A)" after "(1)" and by adding at the end the following:

"(B) Instead of using the authority under subparagraph (A) for the purposes set forth in this paragraph or subsection (b), the Administrator may, on a case-by-case basis, require by certified mail any public water system to provide, on a 1-time, periodic, or continuous basis, such records, reports, and information as the Administrator may reasonably require in determining whether such system has acted or is acting in compliance with this title. The Administrator shall provide the State exercising primary enforcement responsibility for public water systems a copy of such certified mail. This subparagraph shall not be construed to change any requirements of other applicable laws, such as the Paperwork Reduction Act of 1980. Nothing in this subparagraph shall be construed to affect the authority of the Administrator to use the authority of subsection (b) to determine compliance with this title.".

(b) PENALTIES.—Section 1445(c) is amended by adding at the end the following: "Such penalty may be assessed by the Administrator after notice and opportunity for a public hearing on the record in accordance with section 554 of title 5 of the United States Code.".

SEC. 20. MONITORING FOR UNREGULATED CONTAMINANTS.

Section 1445(a) is amended as follows:

(1) By adding at the end of paragraph (2) the following sentence: "Within 24 months after the enactment of the Safe Drinking Water Act Amendments of 1994 and every 5 years thereafter, the Administrator shall review and, if necessary, revise the list of unregulated contaminants for which monitoring is required.".

(2) In paragraph (3), by inserting "not more than 40" after "shall list" in the first sentence.

(3) In paragraph (4), by adding at the end thereof: "Prior to the 24-month deadline established under subsection (g), the State, where it is exercising primary enforcement responsibility for public water systems under this title, shall provide the results of such monitoring to the Administrator for inclusion in the occurrence data base under subsection (g).".

SEC. 21. OCCURRENCE DATA BASE.

Section 1445 is amended by adding the following new subsection at the end thereof:

"(g) OCCURRENCE DATA BASE.—Not later than 24 months after enactment of the Safe Drinking Water Act Amendments of 1994, the Administrator shall assemble and maintain a national drinking water occurrence data base, using monitoring data on the occurrence of both regulated and unregulated contaminants in public water supply systems obtained under subsection (a) of this section, and information from other public and private sources.".

SEC. 22. GENERAL PROVISIONS.

(a) GUIDELINES.—Section 1450 is amended by adding the following at the end thereof:

"(j) GUIDELINES.—(1) All guidelines issued by the Administrator for States exercising primary enforcement responsibility for public water systems for any purpose pursuant to any requirement established by the Safe Drinking Water Act Amendments of 1994 shall be published in the Federal Register and shall remain in effect until changed by the Administrator in accordance with the same procedure as they were established. Such guidelines shall not be considered to be rules and shall not be enforceable as rules. Adoption by a State of a program covered by such guidelines and approval of the program by the Administrator shall be treated as an agreement by the State with, and acceptance of, the guidelines.

"(2) Except as otherwise provided in this title, failure of a State to abide by a guideline referred to in paragraph (1) shall not be a basis for the State's loss of primary enforcement responsibility for public water systems.

"(3) The Administrator shall order a State to halt use of a monitoring relief program under section 1418 to which any guideline referred to in paragraph (1) applies if the Administrator makes a finding, in writing, after notice to the State, that the State has failed to comply with such guideline and gives the State at least 90 days to correct the alleged problem.

"(4) The Administrator may, in the Administrator's discretion, reduce by 50 percent the amount of grants otherwise made available to the State in any fiscal year under section 1443(c) (relating to State revolving funds) if the Administrator makes a finding in writing, after notice to the State, that the State has failed to comply with any guideline referred to in paragraph (1) and gives the State at least 90 days to correct the alleged problem.".

(b) WHISTLE BLOWER.—Section 1450(i) is amended as follows:

(1) Amend paragraph (2)(A) by striking "30 days" and inserting "180 days" and by inserting before the period at the end "and the Environmental Protection Agency".

(2) Amend paragraph (2)(B)(i) by inserting before the last sentence the following: "Upon conclusion of such hearing and the issuance of a recommended decision that the complaint has merit, the Secretary shall issue a preliminary order providing the relief prescribed in clause (ii), but may not order compensatory damages pending a final order.".

(3) Amend paragraph (2)(B)(ii) by inserting "and" before "(III)" and by striking "compensatory damages, and (IV) where appropriate, exemplary damages" and inserting "and the Secretary may order such person to provide compensatory damages to the complainant".

(4) Redesignate paragraphs (3), (4), (5), and (6) as paragraphs (4), (5), (6), and (7), respectively, and insert after paragraph (2) the following:

"(3)(A) The Secretary shall dismiss a complaint filed under paragraph (1), and shall not conduct the investigation required under paragraph (2), unless the complainant has made a prima facie showing that any behavior described in subparagraphs (A) through (C) of paragraph (1) was a contributing factor in the unfavorable personnel action alleged in the complaint.

"(B) Notwithstanding a finding by the Secretary that the complaint has made the showing required by paragraph (1)(A), no investigation required under paragraph (2) shall be conducted if the employer demonstrates, by clear and convincing evidence, that it would have taken the same unfavorable personnel action in the absence of such behavior.

"(C) The Secretary may determine that a violation of paragraph (1) has occurred only if the complainant has demonstrated that any behavior described in subparagraphs (A) through (C) of paragraph (1) was a contributing factor in the unfavorable personnel action alleged in the complaint.

"(D) Relief may not be ordered under paragraph (2) if the employer demonstrates clear and convincing evidence that it would have taken the same unfavorable personnel action in the absence of such behavior.".

(5) Add at the end the following:

"(8) This subsection may not be construed to expand, diminish, or otherwise affect any right otherwise available to an employee under Federal or State law to reduce the employee's discharge or other discriminatory action taken by the employer against the employee. The provisions of this subsection shall be prominently posted in any place of employment to which this subsection applies.".

(c) EFFECTIVE DATE.—The amendments made by subsection (b) shall apply to claims filed under section 1450(i) of the Public Health Service Act on or after the date of the enactment of this Act.

SEC. 23. ADMINISTRATIVE PENALTIES.

Part E is amended by adding at the end the following new section:

"SEC. 1452. ADMINISTRATIVE PENALTIES.

"(a) IN GENERAL.—The Administrator may assess an administrative penalty for violations of section 1412, 1415, 1416, or 1442(h). Such a penalty may only be assessed—

"(1) after providing notice (in accordance with section 1414(a)(1)(A)) of at least 45 days of the Administrator's intention to assess such penalty to the State exercising primary enforcement responsibility for public water systems and to the public water system in violation of such section, and

"(2) after opportunity for a hearing on the record in accordance with section 554 of title 5, United States Code.

"(b) PENALTY.—The penalty under subsection (a) shall be not more than $5,000 per day of violation. The total penalty under such subsection shall not exceed—

"(1) $50,000 for violation of section 1442(h) (relating to minimum standards for certification of operators and laboratories), or

"(2) $90,000 in the case of violations of sections 1412, 1415, and 1416.

In assessing such penalties, the Administrator shall consider the size of the public water system, the ability of the system to operate in compliance with this title, the seriousness of the violation, the economic impact of such violation, and history of violations.".

SEC. 24. WATER RETURN.

Part E is amended by adding at the end the following:

"SEC. 1453. WATER RETURN.

"Not later than 18 months after the date of the enactment of the Safe Drinking Water Act Amendments of 1994, the Administrator shall issue, after public notice, guidelines to assist public water systems in assessing the conditions, when it is consistent with the requirements and public health objectives of this title, to return water from the public water system used for heat pumps and similar devices to the distribution system of the public water system.".

SEC. 25. WATER CONSERVATION PLAN.

Part E is amended by adding at the end the following:

"SEC. 1454. WATER CONSERVATION PLAN.

"(a) GUIDELINES.—Not later than 1 year after the date of the enactment of the Safe Drinking Water Act Amendments of 1994, the Administrator shall publish in the Federal Register guidelines for water conservation plans for public water systems serving fewer than 3,300 persons, public water systems serving between 3,300 and 10,000 persons, and public water systems serving more than 10,000 persons, taking into consideration such factors as water availability and climate.

"(b) SRF LOANS OR GRANTS.—Within 1 year after publication of the guidelines under subsection (a), a State exercising primary enforcement responsibility for public water systems may require a public water system, as a condition of receiving a loan or grant from a State revolving fund under section 1443(c), to submit with its application for such loan or grant a water conservation plan consistent with such guidelines.".

SEC. 26. SUBMERSIBLE PUMPS; FITTINGS; AND RESIDENTIAL WATER TREATMENT UNITS.

Part F is amended by adding at the end the following:

"SEC. 1466. SUBMERSIBLE PUMPS.

"(a) IN GENERAL.—(1) Except as provided in subsection (b), within 3 years after the date of the enactment of the Safe Drinking Water Act Amendments of 1994 the Administrator shall promulgate regulations containing a health effects based performance standard establishing minimal leaching levels of lead from new submersible pumps reasonably anticipated to be used in domestic water wells, taking into account marketing and sales information and other relevant factors. Such standard shall apply to new pumps manufactured for, or first introduced into, interstate commerce after the effective date of the regulation promulgating the standard.

"(2) At a minimum, the standard under this section shall not allow lead concentration in drinking water to increase by more than 15 parts per billion (ppb) when in prolonged contact with the pump. Such standard shall be effective 3 years after the date of its promulgation or at such earlier time as the Administrator determines that pumps subject to paragraph (1) can reasonably be anticipated to be in compliance with such standards.

"(b) EXCEPTION.—(1) If the Administrator determines, after notice and opportunity for public comment, that—

"(A) voluntary standards have been developed that are at least as protective as the minimum standard described in subsection (a)(2), and

"(B) pumps subject to paragraph (1) of subsection (a) can reasonably be anticipated to be in compliance with such voluntary standards within 6 years after the date of the enactment of the Safe Drinking Water Act Amendments of 1994,

the Administrator shall not promulgate regulations establishing the standard under subsection (a) or, if such regulations have been promulgated, provide that such regulations shall not take effect or be enforced.

"(2) Within 2 years after the date of the enactment of the Safe Drinking Water Act Amendments of 1994, the Administrator shall determine, after notice and opportunity for public comment, whether new submersible pumps which convey drinking water and which contain brass alloys containing 0.2 percent lead or more are being manufactured for, or first introduced into, interstate commerce. If the Administrator determines, at that time, that such pumps are not being manufactured for, or first introduced into, interstate commerce, the Administrator shall not promulgate regulations establishing the standard under subsection (a) or make a determination under subsection (b)(1), or if such regulations have been promulgated, provide that such regulations shall not take effect or be enforced.

"SEC. 1467. FITTINGS.

"(a) IN GENERAL.—Within 1 year after the date of the enactment of the Safe Drinking Water Act Amendments of 1994, the Administrator shall determine if—

"(1) voluntary standards for new plumbing fittings manufactured for or introduced into interstate commerce which convey drinking water have been developed that are at least as protective of human health as the minimum performance standard promulgated under subsection (b), and

"(2) such fittings can reasonably be anticipated to comply with such standards within 5 years after such date of enactment.

"(b) REGULATIONS.—If the Administrator determines that such voluntary standards for new plumbing fittings which convey drinking water have not been developed or that such fittings cannot reasonably be anticipated to comply, within 5 years of such date of enactment, with such voluntary standards, the Administrator shall, within 2 years after the date of such determination, promulgate regulations setting a health effects based performance standard establishing minimal leaching levels of lead from such new plumbing fittings. Such regulation shall take effect 3 years after the date of such promulgation. Under such regulation, such fittings shall not cause lead concentration in drinking water to increase by more than 15 parts per billion when in prolonged contact with such fitting.

"SEC. 1468. ENFORCEMENT OF SECTIONS 1466 AND 1467.

"(a) IN GENERAL.—Any person who manufactures or first introduces in interstate commerce any new submersible pump or new plumbing fitting which violates any requirement established by the Administrator by regulation under section 1466 or 1467, shall be liable to the United States for a civil penalty in an amount not to exceed $10,000 for each such violation. To assess such civil penalty, the Administrator shall, after notice and opportunity for hearing on the record in accordance with sections 554 and 556 of title 5, United States Code, issue an order assessing such civil penalty.

"(b) ACTIONS.—The Administrator may commence a civil action to enjoin any violation of section 1466 or 1467 or to assess and recover any civil penalty under subsection (a). Any such action may be brought in the district court of the United States for the district in which the violation is alleged to have occurred or in which the defendant resides or has the defendant's principal place of business. Such a court shall have jurisdiction to issue injunctive relief and to assess a civil penalty.

"(c) ORDER.—The Administrator may issue an order to require any person to comply with any requirement of section 1466 or 1467.

"(d) FUTURE COMPLIANCE.—The Administrator shall periodically evaluate compliance with the standards under sections 1466 and 1467.

"SEC. 1469. RESIDENTIAL WATER TREATMENT UNITS.

"(a) FTC INVESTIGATION.—The Federal Trade Commission, in consultation with the Administrator of the Environmental Protection Agency, shall conduct an investigation, pursuant to the Federal Trade Commission Act, into the veracity of claims that devices manufactured, sold, or distributed in interstate commerce for use in single and multi-family residences will improve the quality of drinking water or eliminate or reduce the level of 1 or more drinking water contaminants (for which a national primary drinking water regulation is promulgated under the Safe Drinking Water Act) and shall take such action pursuant to section 5 of such Act against any person who introduces, delivers for introduction, sells, advertises, or offers for sale, in interstate commerce, such devices as the Commission deems appropriate to ensure that such claims are consistent with the requirements of that Act and any applicable decisions and orders of the Commission under section 5 of that Act. The Commission shall, consistent with the requirements of such Act, report the results of its investigation and the actions it takes to the Congress within 2 years after enactment of this Act. The Commission may, from time to time, issue rules (pursuant to section 553 of title 5 of the United States Code) and any violation of such rules shall be treated by the Commission as a violation of a rule under section 18 of the Federal Trade Commission Act (15 U.S.C. 57a) regarding unfair or deceptive acts or practices.

"(b) EPA REPORT.—The Administrator, taking into account any available results of such study, shall, within 3 years after the date of the enactment of the Safe Drinking Water Act Amendments of 1994, submit a report to Congress containing recommendations regarding the effectiveness of such devices, and recommendations for legislation, to the extent necessary to assure the effectiveness of such devices in reducing the level of drinking water contaminants.".

SEC. 27. BOTTLED DRINKING WATER STANDARDS.

Section 410 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 349) is amended—

(1) by striking "Whenever" and inserting "(a) Except as provided in subsection (b), whenever"; and

(2) by adding at the end thereof the following new subsection:

"(b) BOTTLED DRINKING WATER STANDARDS.—(1) Not later than 180 days after the Administrator of the Environmental Protection Agency promulgates a national primary drinking water regulation for a contaminant under section 1412 of the Public Health Service Act (42 U.S.C. 300g-1), the Secretary, after public notice and comment, shall issue a regulation under this subsection for that contaminant in bottled water or make a finding that such a regulation is not necessary to protect the public health because the contaminant is contained in water in public water systems (as defined under section 1401(4) of such Act (42 U.S.C. 300f(4)) but not in water used for bottled drinking water. In the case of contaminants for which national primary drinking water regulations were promulgated under such section 1412 before the date of enactment of the Safe Drinking Water Act Amendments of 1994, the Secretary shall issue such regulation within 1 year after such date of enactment.

"(2) A regulation issued by the Secretary as provided in this subsection shall include any monitoring requirements that the Secretary determines appropriate for bottled water.

"(3) A regulation issued by the Secretary as provided in this subsection shall require the following:

"(A) In the case of contaminants for which a maximum contaminant level is established in a

national primary drinking water regulation under section 1412 of the Public Health Service Act, the regulation under this subsection shall establish a maximum contaminant level for the contaminant in bottled water which is at least as stringent as the maximum contaminant level provided in the national primary drinking water regulation.

"(B) In the case of contaminants for which a treatment technique is established in a national primary drinking water regulation under section 1412 of the Public Health Service Act, the regulation under this subsection shall require that bottled water be subject to requirements no less protective of the public health than those applicable to water provided by public water systems using the treatment technique required by the national primary drinking water regulation.

"(4)(A) If the Secretary fails to establish a regulation under this subsection within the 180-day period described in paragraph (1), the national primary drinking water regulation referred to in paragraph (1) shall be considered, as of the date on which the Secretary is required to establish a regulation under paragraph (1), as the regulation applicable under this subsection to bottled water.

"(B) Not later than 30 days after the end of the 180-day period, or the 1-year period if applicable, described in paragraph (1), the Secretary shall, with respect to a national primary drinking water regulation that is considered applicable to bottled water as provided in subparagraph (A), publish a notice in the Federal Register that—

"(i) sets forth the requirements of the national primary drinking water regulation, including monitoring requirements, which shall be applicable to bottled water, and

"(ii) provides that such requirements shall take effect on the date on which the national primary drinking water regulation for the contaminant takes effect under section 1412 of the Public Health Service Act (or in the case of national primary drinking water regulations promulgated before the enactment of the Safe Drinking Water Act Amendments of 1994, on the date 18 months after the enactment of such Act).".

SEC. 28. ARSENIC.

(a) STUDY.—Subject to availability of appropriations, the Administrator of the Environmental Protection Agency shall enter into an agreement with the National Academy of Sciences to conduct a comprehensive study of the human health effects of arsenic (which is subject to regulation as a contaminant under the Safe Drinking Water Act), taking into consideration the fact that arsenic occurs naturally. Such study shall be completed within 2 years of the date the agreement is entered into. A report shall be transmitted to the Administrator of the Environmental Protection Agency for purposes of subsection (b).

(b) REGULATION.—

(1) PROPOSED REGULATION.—Not later than December 31, 1996, the Administrator of the Environmental Protection Agency shall propose a national primary drinking water regulation for arsenic. If the study under subsection (a) is begun before May 31, 1996, the Administrator may not, except as provided in paragraph (2), promulgate such regulation until the National Academy of Sciences has issued a report under such subsection. When the National Academy of Sciences issues such report, the Administrator shall reopen the comment period on the proposed regulation for 60 days.

(2) REGULATION.—The Administrator shall promulgate a national primary drinking water regulation for arsenic not later than December 31, 1999, except that the Administrator may extend such date for 1 year if the Administrator has issued a new proposed regulation for arsenic. The Administrator may promulgate such regulation prior to such date if the Administrator finds that arsenic in drinking water is associated with an imminent and substantial endangerment to the health of persons and publishes such determination in the Federal Register.

(3) STANDARD SETTING PROCESS.—In issuing the national primary drinking water regulation for arsenic, the Administrator may promulgate a national primary drinking water regulation pursuant to section 1412(b)(5)(A) and (B) of the Safe Drinking Water Act.

SEC. 29. DEFINITIONS.

(a) PIPED WATER.—Section 1401 is amended by adding at the end the following:

"(15) The term 'piped water' means, in addition to water carried in pipes, water carried in culverts, canals, or similar conveyances. Such term does not include irrigation water provided to incidental nonagricultural users if the Administrator or State (in the case of a State exercising primary enforcement responsibility for public water systems) determines that alternative drinking water to achieve the equivalent level of health protection provided by the applicable national primary drinking water regulations is provided for drinking, cooking, and bathing, or where the Administrator or State (in the case of a State exercising primary enforcement responsibility for public water systems) determines that the water provided for drinking, cooking, and bathing is treated by the provider of such irrigation water, or a pass-through entity providing water for drinking, cooking, and bathing, to achieve the equivalent level of health protection provided by the applicable national primary drinking water regulations. This paragraph shall not be construed to affect the meaning of the term 'human consumption' as used in any other provision of this title. As used in this paragraph, the term 'conveyance' does not include rivers, streams, lakes, or ponds. Nothing in this paragraph shall create new or additional requirements for public water system.".

(b) ALTERNATIVE QUALITY CONTROL AND TESTING PROCEDURES.—Section 1401(1)(D) is amended by adding the following at the end thereof: "At any time after promulgation of a regulation referred to in this paragraph, the Administrator may add equally effective quality control and testing procedures by guidance published in the Federal Register. Such procedures shall be treated as an alternative for public water systems to the quality control and testing procedures listed in the regulation.".

SEC. 30. REPORTS ON ENVIRONMENTAL PROTECTION AGENCY ADMINISTERED PROGRAMS.

For States and Indian Tribes in which the Administrator of the Environmental Protection Agency has revoked primary enforcement responsibility under part B of title XIV of the Public Health Service Act (the Safe Drinking Water Act) or is otherwise administering such title, the Administrator shall provide every 2 years, a report to Congress on the implementation by the Administrator of all applicable requirements of that title in such States.

SEC. 31. GENERAL AUTHORIZATION.

(a) IN GENERAL.—Part A is amended by adding the following new section after section 1401:

"SEC. 1402. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this title for the first 8 fiscal years following the enactment of the Safe Drinking Water Act Amendments of 1994.".

(b) CONFORMING AMENDMENTS.—The heading for part A is amended to read as follows:

"PART A—GENERAL PROVISIONS".

SEC. 32. CLERICAL AMENDMENT.

Section 1421(b)(3)(B)(i) is amended by striking "number or States" and inserting "number of States".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. WAXMAN] will be recognized for 20 minutes, and the gentleman from Virginia [Mr. BLILEY] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. WAXMAN].

GENERAL LEAVE

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the legislation now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. WAXMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bipartisan consensus on Safe Drinking Water is the result of months of negotiations, as members and staff from both sides of the aisle in the Energy and Commerce Committee have worked with one another and outside groups to hammer out a compromise that addresses the legitimate concerns of all sides in the safe drinking water debate.

Remarkable, the package of amendments before us today is supported by the water supply community, by State and local governments, by the public interest community, and by agricultural interests.

Organizations supporting passage of this legislation, include, to name a few: the American Water Works Association, the National Association of Water Companies, the National Rural Water Association, the National League of Cities, the American Public Health Association, the National Governor's Association, the Natural Resources Defense Council, the U.S. Public Interest Research Group, the National Conference of Farmer Cooperatives, and the National Agricultural Chemicals Association. I will put a more complete list of supporting organizations in the RECORD accompanying my remarks.

There are good reasons why this bipartisan legislation has such broad support.

It is a good deal for State and local governments because it offers new flexibility and new funding to: establish more intergovernment cooperation, carve a greater role for the States, and address concerns about unfunded mandates.

It is a good deal for the public water suppliers because it reduces the financial burden of monitoring for contaminants unlikely to be a problem, clarifies that future regulatory efforts should focus on contaminants associated with the greatest public health risks, revises the standard-setting provisions to expressly allow the consideration of incremental costs and benefits in evaluating the feasibility of drinking water technologies for some new standards, and provides broad new authorities for variance and exemptions from the act's requirements, where consistent with continued health protection.

And, finally, it is a good deal for public interest groups because it establishes a new program to see that operators of public water systems are properly trained, puts in place a new State effort to assure that small water systems have the resources and expertise needed to provide safe water, promotes pollution prevention, enhances health protection for subpopulations especially sensitive to drinking water contamination, such as the elderly or pregnant women, puts in place a new program to reduce contamination of drinking water distribution lines from leaking sewer lines, and calls for prompt establishment of new standards for cryptosporidium—the drinking water contaminant responsible for the tragic disease outbreak in Milwaukee last year.

This cooperative effort is only possible because President Clinton made the enactment of safe drinking water legislation a top environmental priority for this Congress. He has been steadfast in his commitment to providing regulatory relief while still maintaining important public health protection.

I want to commend my colleagues on both sides of the aisle for their efforts in helping to make this difficult compromise possible. In particular, I want to express my deep appreciation to Chairman Dingell for his leadership in this matter and to Congressman Bliley and Congressman Moorhead who have worked hard to see all the legitimate issues addressed as they have helped to forge this bipartisan consensus.

I also want to commend Congressman Synar for his work in helping us put this package together, and to give special commendations to Congressman Slattery, Congressman Studds, and Congressman Lambert for their efforts in helping to bridge the gap between the water supply community and the public interest community. Without their invaluable work, the progress we have made would simply not have been possible.

Finally, I want to commend the EPA staff who contributed greatly to the negotiations, including the head of the drinking water program, Jim Elder, as well as Phil Metzker, Tom Wall, John Reeder, and Julie Anderson.

I look forward to continuing to work with my colleagues to see this bill rapidly enacted into law.

Mr. Speaker, I include for the Record a list of organizations supporting the bipartisan consensus in H.R. 3392:

Organizations Supporting the Bipartisan Consensus in H.R. 3392

Among the organizations supporting passage of this legislation are:

The American Water Works Association,
The Association of Metropolitan Water Agencies,
The National Association of Water Companies,
The National Rural Water Association,
The National League of Cities,
The National Association of Counties,
The National Governor's Association,
The National Resources Defense Council,
Friends of the Earth,
The U.S. Public Interest Research Group,
The American Oceans Campaign,
Clean Water Action,
Physicians for Social Responsibility,
The U.S. Conference of Mayors,
The National Conference of State Legislatures,
The Association of State Drinking Water Administrators,
The National Association of Regulatory Utility Commissioners,
The National Water Resources Association,
The National Conference of Farmer Cooperatives,
The National Agricultural Chemicals Association,
The Food Industry Environmental Council,
The National Audubon Society,
The National Wildlife Federation,
The American Public Health Association, and
The Clean Water Industry Coalition.

Mr. Speaker, I also include for the Record a memorandum to the members and staff of the Committee on Energy and Commerce regarding the markup of Safe Drinking Water Act amendments:

[Memorandum]

Re mark-up of Safe Drinking Water Act Amendments.
To: Members and Staff of the Energy and Commerce Committee
From: Henry A. Waxman
Date: September 19, 1994.

Legislation amending the Safe Drinking Water Act is scheduled to be marked up at the Health and the Environment Subcommittee on Tuesday, September 21 at 11:00 a.m.; and at the full Energy and Commerce Committee on the afternoon of September 21.

The mark-up vehicle will be H.R. 3392, amendments to the Safe Drinking Water Act introduced by Congressmen Slattery and Bliley. A bipartisan comprehensive substitute to this bill will be offered at the Subcommittee mark-up with support from Chairman Waxman, Chairman Dingell, Representatives Slattery and Bliley, and Representatives Synar, Studds and Lambert (the sponsors of H.R. 4314, an alternate drinking water bill).

The comprehensive substitute is the product of more than 6 months of negotiations, and is intended to address the concerns of state and local governments and water suppliers (who have sought greater flexibility in the control of drinking water contamination and greater federal financial and technical assistance); and the concerns of the public interest community (which has sought greater assurance of public health protection, and adoption of more effective programs to address carcinogens in drinking water and prevent water borne disease outbreaks such as the one occurring last year in Milwaukee).

The text of the Substitute is attached. This compromise includes:

A major new program of federal financial and technical assistance to help drinking water suppliers, especially those in rural areas, meet the health protection requirements of the Safe Drinking Water Act;

More flexible monitoring requirements designed to reduce the burden on water suppliers while assuring continued protection of the public health;

Extended timeframes for compliance with new drinking water standards;

A new source water assessment program to encourage prevention of drinking water contamination at the source;

A revised approach to the regulation of new contaminants to assure that new regulatory efforts focus on those contaiminats associated with the greatest health threats;

A revised standard setting approach providing EPA with greater flexibility to consider incremental costs and benefits in establishing standards for drinking water contaminants not yet the subject of proposed or final regulations;

New provisions using federal financial assistance to assure that small water suppliers have the financial, technical, and managerial expertise to meet the health protection requirements of the Safe Drinking Water Act;

A new program allowing small water systems (those serving less than 3,300 persons) to utilize alternative technologies tailored to their more limited capabilities in meeting drinking water standards;

Broad state authority to grant small water systems renewable exemptions from Safe Drinking Water Act requirements, where the terms of the exemptions continue to assure health protection;

Expanded state authority to grant larger water systems up to two four-year exemptions from Safe Drinking Water Act requirements, where the terms of the exemptions continue to assure health protection.

New state programs to assure that individuals operating public water systems have the training and expertise necessary to properly and safely operate drinking water systems;

A new program to assure that plumbing fixtures and submersible pumps do not contribute unsafe levels of lead to drinking water;

More streamlined EPA authority to impose administrative penalties comparable to the agency's enforcement authorities under other environmental laws;

New penalties for the falsification of monitoring results, for interfering with the operation of a public water system, and for knowing and deliberate failures to report violations of drinking water standards;

New directives for the Food and Drug Administration to issue standards for bottled water supplies that are at least as protective of the public health as applicable regulations for tap water;

A new program to prevent "cross-connections"—where sewage escaping from leaky sewer lines contaminates drinking water;

A new reporting system and widely available data base with comprehensive information on violations of drinking water standards;

New provisions promoting more cost-effective approaches to the contamination of drinking water by sulfate and arsenic;

A requirement for EPA to promptly publish a new standard for cryptosporidium, the currently unregulated drinking water contaminant responsible for the disease outbreak in Milwaukee; and

A less burdensome approach to drinking water contamination with radon, where effective national policies are adopted for control of radon in indoor air pollution.

A copy of the substitute is attached. If you have any questions, please contact Greg Wetstone or Phil Barnett of the Subcommittee staff at ext. 67620.

☐ 1500

Mr. Speaker, I reserve the balance of my time.

Mr. BLILEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3392, the Safe Drinking Water Act Amendments of 1994.

Almost a year ago, Congressman JIM SLATTERY and I introduced legislation to reform the Safe Drinking Water Act. Our efforts were motivated by a concern that the Safe Drinking Water Act was broken and that it had lost the confidence of those it is intended to protect and those who are responsible for enforcing it.

This legislation changes that. This legislation includes important reforms that will ensure that drinking water is safe and that public resources are allocated efficiently.

As the chairman of the subcommittee, Mr. WAXMAN, has already described, this legislation is the product of literally months of negotiations among a number of members of the Energy and Commerce Committee. I am pleased to see that the compromise bill contains a number of elements that are contained in legislation that I introduced with Congressman SLATTERY more than a year ago.

I am also proud that this legislation is supported by a broad coalition of elected officials and public water systems, including the National Governors' Association, the National League of Cities, the U.S. Conference of Mayors, the National Conference of State Legislatures, and representatives of virtually every kind of public water system in the United States.

Indeed, some 39 separate organizations support this legislation.

Mr. Speaker, I include this list of organizations supporting this legislation in the RECORD, as follows:

National Governors' Association.
National League of Cities.
U.S. Conference of Mayors.
National Association of Counties.
National Conference of State Legislatures.
Association of State Drinking Water Administrators.
National Association of Regulatory Utility Commissioners.
American Water Works Association.
Association of Metropolitan Water Agencies.
National Association of Water Companies.
National Rural Water Association.
National Water Resources Association.
Natural Resources Defense Council.
Friends of the Earth.
Clean Water Action.
Physicians for Social Responsibility.
American Oceans Campaign.
U.S. Public Interest Research Group.
Agricultural Retailers Association.
American Crop Protection Association (formerly NACA).
American Farm Bureau Federation.
American Feed Industry Association.
American Soybean Association.
Clean Water Industry Coalition.
CF Industries, Inc.
Equipment Manufacturers Institute.
Farmland Industries, Inc.
Food Industry Environmental Council.
National Association of Conservation Districts.
National Association of State Departments of Agriculture.
National Association of Wheat Growers.
National Corn Growers Association.
National Cotton Council.
National Potato Council.
National Council of Farmer Cooperatives.
National Grange.
National Pork Producers Council.
National Milk Producers Federation.
United Fresh Fruit and Vegetable Association.

Mr. Speaker, it was the coalition of elected officials and public water systems that brought to my attention the need to reform the Safe Drinking Water Act, and it is this coalition that deserves the credit for the fact that we are considering a bipartisan bill to make important reforms to the Safe Drinking Water Act. I want to emphasize that this is reform that started outside the Washington, DC beltway, not inside of it.

Let me take just a moment to describe a few of the important reforms that this bill would make to the Safe Drinking Water Act. First, this legislation changes the way that EPA would choose new contaminants to regulate. Under current law, EPA is required to regulate 25 new contaminants every 3 years. This bill changes that, requiring EPA to choose which contaminants to regulate based on whether regulation would result in a meaningful opportunity to protect the public health.

Second, this legislation changes the way in which EPA sets standards for new drinking water contaminants by giving EPA the authority to consider the costs and benefits of various options. The bill also requires EPA to provide risk assessment information which is sound and unbiased.

Third, this legislation contains a number of important changes that will benefit small public water systems. More than 80 percent of the public water systems in the United States are small systems, and they have been hit particularly hard by the dramatically increasing costs of complying with the Safe Drinking Water Act. This legislation requires EPA to identity technologies that small systems can use to meet the standards under the act. This legislation also creates new variance and exemption procedures when small systems just do not have the resources to comply with the standards established for larger systems.

In conclusion, I want to thank Congressman JIM SLATTERY for his cooperation and hard work on H.R. 3392. I also want to thank the 200 Members of the House who have cosponsored H.R. 3392 and helped to move it forward. Finally, I want to thank Chairman DINGELL and Chairman WAXMAN for agreeing to work with us to develop legislation which attempts to solve problems.

Mr. Speaker, I also want to thank the gentleman from Pasadena, CA [Mr. MOORHEAD], my ranking Member; the gentlewoman from Arkansas [Ms. LAMBERT]; the gentleman from Oklahoma [Mr. SYNAR]; and the gentleman from Massachusetts [Mr. STUDDS] for their work in the committee to move this bill forward in a bipartisan way.

I also want to thank EPA for their willingness to work with us. I want to thank our staff, particularly Charles Ingebretson and Nandan Kenkeremath.

Mr. Speaker, this bill will help restore confidence in the Safe Drinking Water Act, both for all of us who drink the water but also for those who are entrusted with enforcing the law and making it work. I certainly urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. WAXMAN. Mr. Speaker, I yield 5 minutes to the gentlewoman from Arkansas [Ms. LAMBERT], an important member of our committee and a member who made an important contribution to this particular legislation.

Ms. LAMBERT. Mr. Speaker, it is with satisfaction and some exhaustion that I rise in strong support of this long-awaited bill. This bill has been a long time in coming, and I want to thank my colleagues who have been working tirelessly over the past 6 months—Mr. DINGELL, Mr. BLILEY, Mr. WAXMAN, Mr. SLATTERY, my original cosponsor, Mr. SYNAR and Mr. STUDDS and their staffs. A special thanks to Mindy Byrns O'Brien of my staff.

We have a rare situation where we have strong support from many interested parties to enact this piece of legislation into law. To name a few, we have the support of the Governors, the mayors, the cities and counties, the big water suppliers, the rural water suppliers, the environmentalists, and the agricultural community. I believe reaching a consensus of this magnitude is something to be very proud of.

H.R. 3392 is a responsible bill and one that provides some needed relief to public water systems without compromising the health of their water consumers. In addition, H.R. 3392 includes $1.3 billion worth of already appropriated Federal funds to help States run their drinking water programs. This is one bill that does not contain unfunded Federal mandates.

Most importantly to me, coming from a rural district, is the relief and assistance provided to our rural water suppliers. For years, small rural public water systems have been compelled to monitor for some contaminants that do not even exist in their watersheds, and at great expense. This compromise would permit systems to receive monitoring relief in these type of situations so that their limited resources can be devoted to more productive purposes like getting safe drinking water to the many people of my district. We also secured technical and financial assistance grants for organizations such as the National Rural Water Association and the Rural Community Assistance Program to continue to conduct their circuit rider and managerial support programs to help small systems stay in compliance with the act. These programs have been extremely successful and cost effective over the years, and I anticipate their continued success.

I also appreciate the chairmen's accommodation of agricultural interests. Through these negotiations, we have been able to create a bottoms-up approach to prevent the contamination of our drinking water supplies. Through a petition process, concerned stakeholders, such as our farmers, can work together with the local governments, local public water systems, and the States in voluntary partnerships to protect the integrity of our drinking water to avoid the installation of expensive treatment technology. Like preventative health care, we can elude certain contamination problems before they become irreversible.

When we started, there were two bills—one introduced by Mr. SLATTERY and Mr. BLILEY and one introduced by Mr. STUDDS, Mr. SYNAR, and myself. At the beginning we were pretty far apart in our approaches. However, through diligent negotiations and sheer determination, we were able to work out our differences and produce a responsible and effective bill.

Therefore, I urge my colleagues to support H.R. 3392 and vote yes for Safe Drinking Water.

□ 1510

Mr. BLILEY. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. MOORHEAD], the ranking minority member on the committee.

Mr. MOORHEAD. Mr. Speaker, I rise in support of H.R. 3392, the Safe Drinking Water Act Amendments of 1994.

As Chairman WAXMAN and the gentleman from Virginia, Mr. TOM BLILEY, ranking member of the subcommittee have already mentioned, this bill is the product of many months of negotiations among members and staff of the Energy and Commerce Committee. I will admit that it is not a perfect bill, but it is a good compromise because it contains many important reforms to the Safe Drinking Water Act, and because it is supported by a broad coalition of elected officials and other organizations.

This legislation contains many important reforms for small public water systems. I want to point out that this bill also contains reforms that will benefit large public water systems, such as the one that serves most of my constituents in southern California, the metropolitan water district.

First of all, the bill directs EPA to use a new process for selecting new contaminants to regulate, and authorizes EPA to consider incremental costs and benefits when it sets new drinking water regulations.

The bill also includes language requiring EPA to ensure that risk assessment information is presented in a fair and unbiased fashion. Together, these provisions will help to ensure that public water systems are spending their limited resources on the most significant public health risks.

This legislation also helps large public water systems by giving them more time to comply with new EPA regulations. New treatment technologies can take a while to finance and construct. The bill gives EPA the authority to extend compliance timeframes to take these considerations into account.

Finally, the bill includes a new source water assessment program that will help States and public water systems identify sources of drinking water contamination before they become big problems. I am pleased to note that the bill also includes a petition program that will allow public water systems to receive assistance from the State and other sources to address potential sources of drinking water contamination before they require the installation of expensive treatment technologies.

I want to commend Congressman BLILEY and Congressman SLATTERY for their work over the past year to reform and improve the Safe Drinking Water Act. They have listened to Governors, mayors, and other elected officials and they have stood fast for real reform in the Federal drinking water program.

I also want to commend Chairman DINGELL and Chairman WAXMAN, and Ms. LAMBERT, Mr. SYNAR, and Mr. STUDDS, and their staffs, for their efforts in developing this compromise. This legislation offers our first opportunity in a long time to make an environmental law more cost effective and flexible. I urge my colleagues to support the bill.

Mr. WAXMAN. Mr. Speaker, I yield 3 minutes to the gentleman from Oklahoma [Mr. SYNAR], a key player in the development of this compromise.

Mr. SYNAR. Mr. Speaker, I rise in strong support of H.R. 3392, the bipartisan compromise bill negotiated by several members of the Energy and Commerce Committee. This bill achieves something that has been long sought by the small rural water systems that I represent: significant reform of the current Safe Drinking Water Act.

When Congress strengthened the Safe Drinking Water Act in 1986 after years of the Reagan administration's unwillingness to regulate even the most basic contaminants polluting America's drinking water supplies, we went a little too far, quite frankly. Our actions were justified at the time, but I am afraid that we did not fully appreciate the impact that the 1986 amendments would have on already struggling small water systems, especially in light of dwindling Federal resources available to fund the mandates imposed on local water systems and States by the act.

The Environment, Energy and Natural Resources Subcommittee, which I chair, held oversight hearings in 1990 and 1994 on this issue and requested several U.S. General Accounting Office reviews of EPA's efforts to address small system compliance problems with the act. Small systems have the greatest difficulties complying with the act because they lack the financial resources and technical capabilities to carry out the basic requirements of the original 1974 law, let alone the additional costly requirements of the 1986 amendments. In testimony before the subcommittee, representatives of small systems complained that their scarce resources were going to pay for sometimes excessive or unnecessary testing of contaminants, rather than needed infrastructure improvements.

In 1992, I introduced legislation to provide small systems with appropriate monitoring relief. In 1993, the Clinton administration proposed 10 principles for the act's reauthorization, designed to address the needs of small systems. Earlier this year, I joined with my colleagues, Representatives BLANCHE LAMBERT and GERRY STUDDS, to introduce comprehensive legislation to provide relief to small systems and reform the current requirements of the Safe Drinking Water Act. Representatives SLATTERY and BLILEY introduced competing reform legislation backed by a strong coalition of States, municipalities, and local water systems.

After almost 7 months of staff negotiations, we reached agreement with Representatives DINGELL, WAXMAN, SLATTERY, and BLILEY on all of the complex and contentious issues raised at the negotiating table. The final bill is supported by a wide range of groups, including the States, municipalities, urban and rural water systems, the agricultural community, and environmental groups. The fact that so many diverse interests support the bill is a tribute to the leadership shown by committee Chairman DINGELL and subcommittee Chairman WAXMAN, especially. And I want to say a special thanks to Representatives LAMBERT and STUDDS and their staff members for the extensive time and effort they put in on this important issue.

The compromise legislation incorporates many of the key provisions included in the Lambert-Synar-Studds bill, including encouraging drinking water systems to protect their source waters and to implement programs to assess and prevent pollution of their drinking water supplies. Importantly, the bill eliminates the act's requirement that EPA arbitrarily regulate 25 additional contaminants every 3 years, and instead adopts a revised approach to ensure that EPA regulates only those contaminants that occur in the water and present actual health threats to citizens. The bill also revises the standard setting process to ensure that compliance costs and risk reduction benefits are considered when regulating new contaminants, and directs EPA to regulate the dangerous contaminant that caused hundreds of thousands of people in the Milwaukee, WI, area to become sick last year.

Most importantly, the bill provides substantial monetary and technical assistance to small systems trying to achieve or maintain compliance with the act. Fully 15 percent of the newly established State revolving fund [SRF] for drinking water systems is set aside specifically for small systems. That amounts to almost $200 million in financial assistance to small systems right off the bat, since that money has already been appropriated. In addition, 1 percent of the SRF will be used by States to provide much needed technical assistance to water systems, and an additional $15 million per year is authorized in new funding for technical assistance to small systems.

The bill also grants an automatic 3-year interim monitoring relief period for small systems to ensure that their scarce resources are not spent testing for contaminants not likely to be found. This relief extends to contaminants that are particularly expensive to monitor and test for, such as pesticides, dioxin, PCB's, and unregulated contaminants. Moreover, the bill contains opportunities for all systems to obtain long-term permanent monitoring relief in States with strong wellhead protection or source water assessment programs. The bill's provisions also grant drinking water systems substantial relief from the costly testing and treatment of contaminants such as radon, arsenic, and sulfate. The compromise also contains a new program directing EPA to identify technologies available to help small systems meet Federal standards. If small systems cannot afford conventional technologies, the bill allows systems to obtain a variance from the law by installing the best available affordable technologies, as determined by EPA. Under the legislation, small systems are given additional time to come into compliance with new EPA regulations—up to 5 years instead of the current 18 months.

Finally, I want to point out that this legislation includes provisions which will enhance public health protection and assist small systems, in particular, in their efforts to achieve long-term compliance with the act. For example, the bill requires all drinking water operators to be trained and certified. We require drivers to have a license to operate a motor vehicle; we should accept no less from the folks who are, in effect, driving the delivery of drinking water safe enough to protect public health. This bill also contains Federal financial assistance to States to ensure that systems are viable and that they have the financial, technical, and managerial experience necessary to meet the health protection requirements of the act. GAO testified last March that one of the biggest problems facing small water systems is the fact that there are so many systems that operate on the margin financially. The viability provisions included in this bill will help systems achieve and maintain long-term compliance with the statute. Throughout the process, we endeavored to avoid any unfunded mandates, and the bill provides for grandfathering of existing programs where appropriate and ample time for systems to come into compliance with new requirements.

Mr. Speaker, each time we turn on the tap, it is an act of faith that the water will be safe. Public water systems need new tools—not endless regulations—to be able to do their jobs. This bill gives it to them. I urge support for H.R. 3392.

Mr. BLILEY. Mr. Speaker, I yield 3 minutes to the gentleman from Wyoming [Mr. THOMAS].

Mr. THOMAS of Wyoming. Mr. Speaker, I thank the gentleman for yielding me the time and giving me this opportunity to rise to express my concern about this bill, the Safe Drinking Water Act Amendments of 1994, and the fact that it is being considered under suspension of the rules. While I commend the Committee on Energy and Commerce for its efforts to bring this initiative to the House floor, I have strong reservations about a single provision. That provision is claiming only States with primacy are eligible to receive Federal funding.

As many may or may not know, Wyoming is a State, I think the only State in the Nation that does not claim primacy over drinking water standards. Wyoming does not choose to exercise drinking water primacy because of the annual administrative costs of up to $1 million it would take to hire an additional 35 employees to administer the EPA rules. EPA currently, however, does it with a total of 11 employees, and of course this is obviously much more efficient.

I have been following this debate for some time, even when efforts to pass the bill failed last year over jurisdictional disputes, and I am pleased with the provisions of this bill that will ease the heavy-handed Federal regulations that have been mandated in water systems throughout the country.

Since the 1986 Safe Drinking Water Act, water systems large and small in urban and rural districts have been calling for Congress to change and relieve them of some of the burdens, and I commend the committee for doing that. But I am concerned, as Members can imagine, and I had hoped that we would go to the Rules Committee and would have a chance to take a look at section 18 of this bill which excludes Wyoming from Federal funding simply because we do not claim primacy. I believe it is unjust to exclude one State with a population of 460,000 people from this important source of funding simply because the Federal Government wants to give us in this bill a federally unfunded mandate for primacy.

The Senate passed its version of the Safe Drinking Water Act in May, and the measure did not contain this unfair discrepancy. I compliment the Senate for their work.

So I of course have a certain amount of conflict in my mind. I think this is a good bill. I support the bill. But this provision is very troublesome to me and to my State.

☐ 1520

I am hopeful that we can give it some consideration and some work during the conference committee, as I expect it will pass here and, indeed, it should. But I think there is an unfair provision, and I want to express my concern about that unfair provision and ask that it be given some consideration during the conference committee.

Mr. WAXMAN. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan [Mr. DINGELL], the distinguished chairman of the Committee on Energy and Commerce, without whom this bill would not be before us today.

Mr. DINGELL. Mr. Speaker, I rise in strong support of the bipartisan bill, H.R. 3392, to amend the Safe Drinking Water Act. It was reported by our Committee on Energy and Commerce by a vote of 43 to 1. It has the support of the National Governors' Association, the Conference of Mayors, the League of Cities, the National Association of Counties, the Rural Water Systems, agricultural interests, the environmentalists, and many others.

I commend subcommittee Chairman HENRY WAXMAN and the subcommittee's ranking Republican, TOM BLILEY, for their leadership in forging this balanced, bipartisan compromise. In addition, I call attention to the tireless efforts of Representatives MIKE SYNAR, JIM SLATTERY, GERRY STUDDS, CARLOS MOORHEAD, and BLANCHE LAMBERT. Without their participation and support, the compromise would not likely have been achieved.

I also want to express my appreciation to the committee staff, majority and minority, the staff of the subcommittee, and the staff of these other Members. They, together with the Office of the Legislative Counsel, devoted long hours and several weekends toward this effort.

Mr. Speaker, this is a good bill. It is balanced. It is bipartisan. It will help the States and public water systems comply with the law at less cost. It makes changes in the law aimed at making it more effective. It does not weaken existing regulations. It is fiscally and environmentally sound. I urge its adoption.

Mr. Speaker, all of us embarked on this endeavor because we believed it important to make the Safe Drinking Water Act more workable and effective. We understand that this national program is very important to the health of the people we serve. When our citizens go to turn on the tap, they rightfully expect that the water from that tap is of good quality and safe for drinking, cooking, bathing, washing, and other uses that relate to the good health of persons. That is the purpose of the Safe Drinking Water Act which was last amended in 1986. However, as we all have learned from recent experiences in Wisconsin and the District of Columbia we cannot take it for granted that our drinking water is always safe.

We must be vigilant. We must monitor the water to ensure that contaminants of any kind are not threatening to make our water unsafe. We must be watchful that our public water supply systems are capable of supplying safe water to our taps and that they are actually doing just that.

At the same time, we are all aware of the complaints of the States and local governments and the public water systems about the act. They contend that it imposes unnecessary costs on States, local governments that operate public water systems, the privately operated water systems, and ultimately the ratepayers who are our constituents. They object to monitoring requirements that they believe are unnecessary and raise costs. They contend that the regulations fail to consider the size and rate base of water systems. Indeed, more than 87 percent of the public water systems in the United States serve less than 10,000 persons; 83 percent of those serve under 3,300 persons with many serving fewer than 1,000 persons.

One of the principle areas of concern to the States and the EPA relates to the obligations of the States under the act to properly administer the law as so-called primacy States; that is, States with enforcement responsibility over public water systems which includes all States but Wyoming. The States believing they were overburdened by the act have threatened to give up primacy which would require the EPA to administer the program in those States as it now does in Wyoming because that State has never accepted primacy. This concern was the subject of an investigation by the General Accounting Office. The following is our correspondence with the EPA about that investigation:

HOUSE OF REPRESENTATIVES, SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS OF THE COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, August 3, 1993.

Hon. CAROL M. BROWNER,
Administrator, Environmental Protection Agency, Washington, DC.

DEAR ADMINISTRATOR BROWNER: Pursuant to Rules X and XI of the House of Representatives, this Subcommittee has been examining, with the help of the General Accounting Office (GAO), the actions of the states and the Environmental Protection Agency (EPA) in carrying out fully and in a timely manner the requirements of the Safe Drinking Water Act (SDWA). In furtherance of that continuing effort, the GAO has provided the enclosed report (B–252821) of June 25, 1993 entitled "States Face Increased Difficulties in Meeting Basic Requirements." The GAO found that:

Many states granted primary drinking water program enforcement authority by the EPA are not effectively carrying out the monitoring enforcement and other mandatory elements of the program which GAO says is a key condition to retaining primacy.

Resource constraints have made it more difficult for the states to carry out existing requirements and the situation promises to deteriorate further as these requirements expand.

EPA is hopeful that Alaska, Maine, and Washington, which are threatened by EPA with withdrawal of their primacy authority, will resolve these problems before EPA must take over and run their programs.

Alabama has only one staff person to oversee implementation of the lead/copper rule by the state's 600 small water systems and thus can not educate their operators on compliance, which could lead to violations.

The EPA has identified the primacy issue as a material weakness under the Federal Manager's Financial Integrity Act.

Preliminary studies show that the resource gap is $147 million now and will grow to $200 million by 1998.

EPA's guidance on priority setting, which is to give states time to gain funding while focusing on the most vital activities to protect public health, does not appear to address the problem of insufficient resources.

EPA, facing budget constraints, acknowledges that it could not effectively administer these programs either; that such EPA operation would be significantly less effective in protecting the public than an adequate state program; and that it would impose substantially greater costs upon water systems.

Since 1986, the number of contaminants regulated has grown from 23 to 85 today and is expected to reach 111 by 1995. If radionuclides rules are finalized as proposed, EPA estimates that the states will spend $15 to $28 million for one-time start-up costs and $10 to $19 million annually on compliance and enforcement.

EPA's Phase II and V rules, which set standards for over 60 contaminants, including pesticides, are presenting problems for the states. The high cost of testing, which GAO says ranges from $2,500 to $10,000 for each set of analyses, is expected to generate heavy resistance from many water systems.

The GAO report recommends: We recommend that as part of EPA's strategy to deal with the drinking water program's funding crisis, the Administrator, EPA, work with the cognizant committees of the Congress to identify a funding level for the program that (1) will maintain the integrity of the program and (2) better reflects the program's importance in protecting human health. This remedy should be part of an integrated strategy that also considers the need to (1) find innovative and cost-effective alternatives to achieve compliance and (2) bring the program's spiraling regulatory costs under control.

While this Committee is certainly receptive to the idea of EPA identifying an appropriate funding level for the program, in connection with our Committee's consideration of H.R. 1701 to establish a Drinking Water State Revolving Fund under the Act, Chairman Waxman and I tried to work with EPA to address funding for the primacy function in FY 1994. As a result, our Committee reported the bill with a provision for funding for the primacy states. However, as I understand the matter, the Office of Management and Budget (OMB) opposed this idea. As a result, you wrote to me on July 7, 1993 that the Administration does not now favor such a provision. In expressing this view, your letter notes that the fiscal year budget for 1994 proposes the same level of funding for primacy as in FY 1993, but adds that funding for this program has increased 80% since FY 1989. On the other hand, GAO states that despite vastly increased duties, the states have received relatively modest increases in grants since 1986. Specifically, GAO said the grants went from $33.5 million in FY 1997 to $58.9 million in FY 1993. That is far short of closing the gap noted above by the GAO.

Given the present budgetary climate and OMB's views, I question whether, once identified, the Administration would fund primacy at the level suggested by the EPA. However, I request your comments, in consultation with OMB, on this part of the GAO recommendation. Please also comment on the funding gap set forth by the GAO, and on whether you agree with the GAO estimates.

As the GAO observes, improved primacy funding is not a panacea. Finding ways to help public water systems and their customers meet the costs of regulation is crucial. I believe that the President's initiative for a revolving fund could provide early help, beginning in October, for many small systems, although it too is not a panacea because funding is limited. However, the Administration's criticisms of this legislation, coupled with reports that the Senate does not want to pass such limited legislation without reauthorizing the Act, certainly raises doubts that such help will be available before October 1. In this regard, I note that the report required by section 519 of Public Law 102–389 has not been issued and the Committee on Energy and Commerce has not had an airing of the broader reauthorization issues.

Please also comment on the remainder of the GAO recommendation concerning alternatives to achieve compliance and to control regulatory costs.

In addition, please respond to the following questions:

1. Please provide the status of primacy compliance by Alaska, Maine, Washington, California, Kansas, Alabama, Illinois, North Dakota, and Iowa. What is the status of withdrawal actions by the EPA in these states, taking into consideration the recent litigation concerning the applicable regulations? What enforcement actions has EPA taken in these states under section 1414(a)(1)?

(2) Do you agree with GAO's estimates of costs of testing for contaminants? If not, why not? Who must pay these costs?

3. The GAO states that EPA's priority setting guidance is legally consistent with the

Act. However, GAO raises at least two issues at pages 8 and 9. Please respond to each.

4. Please explain EPA's contingency plan for takeover in Alaska, Maine, and Washington. The GAO cites a letter to Maine that states that compliance, after EPA takeover, would be by enforcement rather than by preventive assistance. Please explain the basis for this view. What is EPA's capability to carry out this threat in Maine or other states?

5. Congressman Washington and others have expressed concern that public water systems do not adequately address the needs of the poor and low income people who are threatened with water shut-offs. I request your comments on this concern and on what actions can and should be taken by the EPA or others to address this matter.

I request your response to these matters within 30 days after receipt of this letter. I also welcome comments by the states and the public water supply systems on these matters.

With every good wish,

Sincerely,

JOHN D. DINGELL,
Chairman.

Enclosure.

ENVIRONMENTAL PROTECTION AGENCY,
Washington, DC. November 15, 1993.

Hon. JOHN DINGELL,
Chairman, Subcommittee on Oversight and Investigations, Committee on Energy and Commerce, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter of August 3, 1993, to Administrator Carol M. Browner, transmitting the General Accounting Office (GAO) report entitled, "States Face Increased Difficulties in Meeting Basic Requirements." Your letter and the GAO report advance several serious issues that we have been grappling with for some time. States have not allocated sufficient resources to keep pace with the increased regulatory requirements in the Public Water Supply Supervision (PWSS) program and this has jeopardized some States' ability to maintain primacy. I would like to take this opportunity to let you know what the Environmental Protection Agency (EPA) is doing about the problem.

As GAO points out, the funding shortfalls in State programs are serious. Since the GAO interviews were conducted, we have updated our estimates of State program needs. Our latest estimates show that State program needs for Fiscal Year 1993 total $304 million. Almost $59 million was provided by Federal grants in 1993, and States contributed an additional $83 million, leaving a shortfall of $162 million. This is somewhat higher than the shortfall estimate of $147 million that we provided to GAO during its review.

To help reduce this shortfall, we began in 1988 to implement a State Capacity Initiative to inform State legislatures and outside groups of the increased requirements under the Safe Drinking Water Act (SDWA) and the need for increased funding. This initiative has met with moderate success. Since its inception, States have provided an additional $53 million for drinking water through the passage of fee legislation or through the redirection of general revenues. During this same period, however, a number of States experienced reductions in funding because of severe budget shortfalls during the recent economic slowdown. At the Federal level, grants to States have risen by $25.5 million since 1988, a 76 percent increase.

In spite of increases at the State and Federal levels, we know that substantial shortfalls remain and States are having difficulties fully meeting primacy requirements. Until recently, many States responded by making their own decisions about which parts of the program to implement first and EPA's Regional offices had no guidelines on withdrawing primacy from a State. Recognizing this, EPA crafted a three-pronged strategy that involved: (1) providing States and Regions with guidance which identified activities with the highest priority and established where EPA would draw the line on primacy, (2) devising a systematic way to evaluate State performance, and (3) developing a contingency plan in the event that a State returns primacy or EPA is forced to withdraw primacy. As you point out, we also identified State primacy as a material weakness under the Federal Managers Financial Integrity Act.

I would like to describe briefly the status of our implementation of the three major elements of our strategy. EPA issued the PWSS priority guidance in June 1992. It is intended to focus limited State resources first on oversight of requirements with the most significant impact on public health and to allow States time to allocate resources to fully implement the program. It is not intended to defer any statutory or regulatory requirements. If conflicts arise, the statutory and regulatory requirements would, of course, prevail. Although we were concerned about potential misunderstandings regarding the intent of the priority guidance, we believe that it is better to establish consistent and clear goals upon which we can measure program progress rather than have each State set its own priorities. We also believe that the EPA Regions can and do act more decisively when they have clear guidance on when to consider initiating primacy withdrawal.

GAO contends that some States are unable to meet the minimum State program criteria outlined in the priority guidance. Over a year ago, we developed a systematic way to evaluate individual State performance. The results of this effort are enclosed. We plan to update this evaluation each year—the next one is scheduled to be completed after all of the information for FY 1993 is available. In addition, we arranged for EPA headquarters staff to visit and review the PWSS programs of seven States: Vermont, West Virginia, New Mexico, Kansas, Colorado, California, and Idaho. We have completed all seven reviews and our findings are that while none of the States are currently about to implement all of the regulatory requirements, they are doing a good job of implementing the Priority One and "Base Minimum" elements of their programs. The areas in which the State programs seem weakest are: following up on enforcement actions after they have been issued, updating their data management systems to accommodate the new contaminants and requirements, and maintaining technical capabilities to provide support in areas such as corrosion control optimization and vulnerability assessments. Most States with past problems have been successful in securing new sources of revenue to fund existing program requirements; however, there is widespread understanding and concern that current funding levels will be insufficient for future needs.

Our contingency plan for primacy withdrawal/return was developed to give Regions a blueprint for action should they need to withdraw primary for a State. Our ability to take over State programs is admittedly limited because of our own resource constraints. Because of this, the contingency plan recommends that EPA-operated programs focus on those activities specifically required by the Safe Drinking Water Act and the drinking water regulations. Consequently, a program implemented by EPA would be heavily weighted towards enforcement and data management. EPA could not carry out a preventative program like many States do. As a result, we would expect States, systems, and outside organizations to take the lead in working to maintain and fund drinking water activities at the State level.

EPA recognizes that the priority guidance and the contingency plan are, at best, only temporary measures to address the problem of maintaining State primacy. We agree with GAO that a permanent solution must involve an integrated strategy which combines increased funding of State programs with finding innovative alternatives to achieve compliance, and bringing the increase in the program's regulatory costs under control. We have evaluated these matters as part of a study required by Section 519 of Public Law 102–389 (i.e., the Chafee-Lautenberg Amendment to the FY 1993 Appropriations Act). The Administrator transmitted the report to Congress on September 8, along with the Administration's recommendations for reauthorization of the Safe Drinking Water Act (SDWA). The Administration supports a Federal backstop fee to help States find the resources necessary to meet primary requirements, and streamlined procedures to improve program efficiency. I am sure Congress will wish to consider the critical importance of the State capacity issue in its deliberations on reauthorization of the SDWA.

In addition to States, public water systems are facing increased difficulties complying with the new regulations. As you know, the Administration supports authorization of appropriations for a five-year, multibillion dollar Drinking Water State Revolving Fund which will help public water systems meet SDWA requirements. We thank you for your support and the support that other members of your committee have given to developing specific proposals in this regard.

You raised several specific questions in your letter. Our response to these is enclosed.

Thank you again for your continued interest in the PWSS program. The Office of Water would be pleased to work with you to shape solutions to the serious primary problems that States face. If you have any questions in the meantime, please contact me or have your staff call James R. Elder, Director, Office of Ground Water and Drinking Water, at (202) 260–5543.

Sincerely,

ROBERT PERCIASEPE,
Assistant Administrator.

Enclosure.

Question one: Please provide the status of primacy compliance by Alaska, Maine, Washington, California, Kansas, Alabama, Illinois, North Dakota, and Iowa. What is the status of withdrawal actions by the EPA in these states, taking into consideration the recent litigation concerning the applicable regulations? What enforcement actions has EPA taken in these states under section 1414(a)(1)?

Response: Alaska—EPA's Region X Office wrote to the State of Alaska on February 5, 1993, indicating that they intended to initiate primacy withdrawal because the State had not adopted the Surface Water Treatment Rule (SWTR) and the Total Coliform Rule (TCR) within the required time frame.

The Region was also concerned about the State's commitment to the drinking water program, identifying several management-related problems.

The State adopted the SWTR and TCR shortly after the February letter and submitted the final primacy package and formal Attorney General's statement soon thereafter. The Region and the State also developed a 34-step agreement to strengthen management of the program. While the State has made limited progress toward meeting the terms of this agreement, we remain concerned about the State's willingness to fulfill its commitments. The Region will meet with State officials every few months to review progress.

The Alaska Native Villages are facing a host of sanitation problems in addition to drinking water. EPA, in conjunction with a number of Federal and State Agencies, is working to strengthen the delivery of Federal assistance to them.

EPA took the following enforcement actions in Alaska between October 1, 1992 and July 31, 1993: nine Notices of Violation (NOV's); seven Proposed Administrative Orders (PAO); and six Final Administrative Orders (FAO).

Maine—EPA's Region I Office wrote to the State of Maine in January 1993, indicating that EPA may initiate primacy withdrawal. The State program was substantially understaffed, preventing them from meeting the minimum requirements for maintaining primacy. The Legislature passed a user fee proposal in July 1993. The authorizing legislation requires appointment of a commission by the Governor within 60 days of passage. The primary responsibility of this commission will be to review the funding needs of the drinking water program on an annual basis and set the level of the user fee based on that review. The drinking water program is concurrently funding five positions independent of this recent legislative action. These staffing increases are in addition to several positions being funded by the New England Interstate and the Maine Rural Water Association. We anticipate the total number of persons assigned to the drinking water program to increase from the current level of 14 to 25.

We are encouraged by these events and expect to receive a detailed action plan from the State. While concurrence with a satisfactory plan will allow us to put the primacy withdrawal process on hold, we will continue to give close attention to State activities until the increased resources to run a complete program are realized.

EPA took the following enforcement actions in Maine between October 1, 1992 and July 31, 1993: two NOV's.

Washington—EPA's Region X Office wrote to the State of Washington on January 7, 1993, indicating that they intended to initiate primacy withdrawal because the State failed to adopt the Surface Water Treatment (SWTR) and Total Coliform Rule (TCR) within the required time frame.

The State responded on February 12, 1993, with a detailed schedule of actions which culminated in the adoption of the SWTR and TCR in March 1993. The rules became effective in April 1993. EPA recently approved these regulations and a notice was placed in the Federal Register on August 4, 1993.

EPA took the following enforcement actions in Washington between October 1, 1992 and July 31, 1993: 59 NOV's, nine PAO's, two FAO's, and (1) 1431 emergency order, and one referral to the Department of Justice.

California—EPA became concerned about the ability of the State of California to maintain primacy when they announced two years ago that they could not adopt the Lead and Copper rule without additional funding. The State and EPA were able to work out a compromise that resulted in the State requesting and receiving a two year extension for rule adoption. The State is currently working towards adoption of the rule with the full intent of maintaining primacy. In the interim, the State and EPA's Region IX Office in San Francisco are jointly implementing the requirements of the Federal rule. The State has already approved its regulations for the Surface Water Treatment Rule (SWTR) and Total Coliform Rule (TCR). The State has extensions for adoption of the Phase II and V rules through December 1993. EPA took the following enforcement actions in California between October 1, 1992 and July 31, 1993: 284 NOV's, 66 PAO's, 53 FAO's, and one (1) 1431 emergency order.

Kansas—EPA had become concerned over time that Kansas did not have sufficient personnel to fully implement the program. The State was also late in adopting several of the early rules and we questioned how committed the State was to maintaining a strong drinking water program.

Fortunately, the State's position has changed over the past two years, and EPA is encouraged that the State will continue to make improvements in their program. The State is now up-to-date on rule adoption and in 1992 received an increase in the drinking water user fee in order to dedicate additional personnel to the program.

EPA took the following enforcement actions in Kansas between October 1, 1992 and July 31, 1993: five NOV's, three PAO's, three FAO's, and held one public hearing.

Alabama—EPA is not seriously concerned about the ability of Alabama to meet current primacy requirements. However, EPA is concerned about the State's ability to fund expanding program requirements. Alabama has adopted all of their regulations and is proceeding with implementation.

The GAO report specifically mentioned a concern about the ability of the State to implement the Lead and Copper rule due to the fact that only one State person is available to oversee 600 small systems.

EPA does not anticipate that the small systems will have many action level exceedences. There were no action level exceedences in either the first or second round of monitoring of the large systems, and only two systems exceeded the action level in the first round of monitoring for the medium-sized systems. (Data on the second round of the medium-sized systems is not yet available.) While small systems will probably present a monitoring and reporting problem, small system oversight for the Lead and Copper rule is considered a Priority Two issue under the EPA's Priority Guidance. EPA's direction to the State is to undertake Priority One activities. In this case, the State would focus on large and medium systems oversight first, while it builds ample capacity to implement the full Lead and Copper Rule by 1998.

There were no EPA enforcement actions in Alabama in FY 1993.

Illinois—Primacy is not an issue in Illinois. Illinois has adopted all of their regulations and is proceeding with implementation.

The GAO report specifically mentioned a concern about the ability of the State to increase funding for the program. The issue of tight budgets and competition with other programs is a problem facing nearly all State drinking water programs. It often takes States two-three years to pass a fee proposal.

EPA took the following enforcement actions in Illinois between October 1, 1992 and July 31, 1993: 37 NOV's, 18 PAO's, nine FAO's, and one (1) 1431 emergency order.

North Dakota—EPA is not currently concerned about the ability of North Dakota to maintain primacy. North Dakota has adopted all of their regulations and is proceeding with implementation. The GAO report specifically mentioned a concern about the ability of the State to increase funding resources for the program. The North Dakota Legislature did approve an increase of five positions recently and will be reviewing the long-term funding picture at the end of this year.

EPA took the following enforcement actions in North Dakota, between October 1992 and July 31, 1993: two NOV's

Iowa—EPA is looking closely at Iowa's ability to meet current requirements in order to maintain primacy. As with many States, it will be difficult for Iowa to meet future requirements without substantial funding increases.

GAO noted that Iowa is planning to allow small, nonvulnerable systems to take a single sample per sampling point instead of quarterly samples mandated in the Phase II rules, even if the sample is taken after the October 1, 1993 deadline of the Chafee-Lautenberg Amendment to the FY '93 Appropriations Act. EPA's policy interpreting this amendment made it clear that systems must take the single sample before that deadline. EPA has not given Iowa primacy for the Phase II rule and could not approve the State's rule if it were less stringent than the Federal rule.

EPA took the following enforcement actions in Iowa between October 31, 1992 and July 31, 1993: 11 NOV's.

Question two: Do you agree with GAO's estimates of costs of testing for contaminants? If not, why not? Who must pay these costs?

Reponse: In general, EPA agrees with GAO's estimates to contaminant costs associated with the Phase II and V contaminants. However, our actual upper level estimates are lower, as they range from $2,500-$4,000 for one complete set of samples. It is not clear to us whether the GAO range estimate is for one set of samples, or whether it reflects annual costs. Many of the contaminants require quarterly monitoring, which could account for their $10,000 estimate.

Monitoring costs are either paid by the system and its ratepayers or by the State. Some States conduct all monitoring for the systems, at no cost to the system. Other States provide monitoring at a subsidized cost. In a majority of States, however, systems use private, certified laboratories and are responsible for paying for their own monitoring costs.

The Association of State Drinking Water Administrators (ASDWA) is initiating a survey of all States to determine the actual (or best estimate) costs for systems to comply with Phase II and V monitoring requirements. The survey is expected to be completed by the end of Winter.

Question three: The GAO states that EPA's priority setting guidance is legally consistent with the Act. However, GAO raises at least two issues at pages 8 and 9. Please respond to each.

Response: GAO's two issues are that the provisions of the Priority Guidance are, in some respects, inconsistent with regulatory requirements and that the guidance is, at best, only a partial solution to the underlying fiscal crisis affecting the program. GAO recommends that EPA and Congress reexamine the funding priority of the program rather than compromise its overall integrity.

The priority setting guidance clearly states that the guidance does not defer any statutory or regulatory requirements. If any conflicts arise between the guidance and requirements, the requirements would prevail. In GAO's example, the guidance identifies implementing the Lead and Copper Rule for small systems as a Priority Two activity while the regulations require States to designate or approve optimal corrosion control treatment for small systems that exceed the lead level by December 1996. GAO interprets the guidance to give States until 1998 to start on Priority Two activities. To clarify, the Priority Guidance is in effect between 1993 and 1998. During this time, States must focus first on Priority One activities and then begin Priority Two activities. States must be concurrently working to close the resource gap so that all activities can be undertaken as soon as possible. There is a chance that some States may not be working on some Priority Two activities by 1996 and that some of their systems may exceed that action level for lead. In such an instance, the State would be legally obligated to designate the corrosion control treatment. States could, as an option, designate a standard corrosion control (e.g., adjust pH) for all small systems that exceed the action level and still satisfy the regulatory requirement.

We fully acknowledge that the guidance is only a partial solution to the primacy problem. We have recently completed a report on the drinking water program pursuant to the requirements of Public Law 102-389 (i.e., Chafee-Lautenberg Amendment to the FY '93 Appropriations Act). The report along with recommendations for reauthorization of the Act were sent to Congress on September 8, 1993, and a copy was provided to your staff at that time.

Question four: Please explain EPA's contingency plan for takeover in Alaska, Maine, and Washington. The GAO cites a letter to Maine that states that compliance, after EPA take-over, would be by enforcement rather than by preventative assistance. Please explain the basis for this view. What is EPA's capability to carry out this threat in Maine or other states?

Response: EPA's contingency plan for these States, as well as any other State in which we would have to initiate primacy withdrawal, is the same. The nucleus of a direct implementation program operated by EPA would focus on enforcement and data management. Our technical assistance and other preventative services would remain very modest because of resource constraints. Rather, we would reserve our efforts for activities specifically required by the Safe Drinking Water Act and the National Primary Drinking Water Regulations. The contingency plan gives EPA some level of consistency for all State programs that may be returned or withdrawn and sends an early signal to States, systems, and outside organizations about what an EPA operated program would look like.

Our capability to carry out direct implementation programs is, admittedly, limited. As indicated in our contingency plan, we would use the grant funds that the affected State would have received and we would redirect EPA staff from within the drinking water program as well as from other water programs, both at the national and regional levels. If more than one or two State programs were returned or withdrawn, we would have to look beyond water program resources or approach OMB regarding the need for a supplemental budget request.

Question five: Congressman Washington and others have expressed concern that public water systems do not adequately address the needs of the poor and low income people who are threatened with water shut-offs. I request your comments on this concern and on what actions can and should be taken by the EPA or others to address this matter.

Response: We share Congressman Washington's concern and we realize that the many new regulations being promulgated pursuant to Congressional mandates may aggravate this situation. However, specific programs to address the needs of low-income people who are threatened with water shut-offs are best structured and implemented at the State and local level. A responsive program needs to take into account the variable circumstances among different locales, including increased costs for wastewater treatment and other environmental programs.

There is a full range of programs designed to help the needy in cities across the U.S. For example, Congressman Washington's home city of Houston established a contribution program to a "water fund" via the regular water bill, minimum billing rates for low income households, special payment arrangements in cases of hardship, and several layers of notification to ensure that customers are aware of their status and their options. These efforts must involve coordination among the water system and other community agencies such as those responsible for housing and welfare.

EPA has several activities underway to specifically assist disadvantaged communities. Small systems, some of which would fall into the category of minority and disadvantaged, are receiving technical assistance and training to support their system operators through an EPA grant to the National Rural Water Association (NRWA). NRWA currently receives nearly $4 million to provide this assistance. In addition, the Rural Community Assistance Program (RCAP) receives $750,000 per year to help low income rural communities.

EPA's drinking water and wastewater programs are considering an environmental justice initiative to find better ways to communicate with persons residing in communities likely to be affected by environmental equity concerns, so that EPA may provide these communities with targeted assistance, both technical and educational. Furthermore, EPA is working with other Federal agencies to streamline the delivery of Federal assistance to Alaskan Native Villages in order to help them solve their critical sanitation problems.

STATUS OF STATE PWSS PROGRAMS

[Final fiscal year 1992 report—Revised Jan. 30, 1993]

State	Rule scope	Rule implementation	Compliance rates	Data quality	Violation resolution	Violation prevention	State capability
Connecticut	High	Medium	Medium	Medium	Medium	Medium	Medium
Massachusetts	High	High	High	High	High	Medium	High
Maine	High	High	Medium	Medium	Low	Medium	Low
New Hampshire	High	High	Medium [1]	Undetermined	Medium [1]	Medium	Medium
Rhode Island	High	High	Medium [1]	Undetermined	Medium [1]	Medium	High
Vermont	High	High	Medium [1]	Low	Low [1]	Low	Medium
New Jersey	High	Medium	Low [1]	No OGWDW audit	Medium [1]	Medium	High
New York	High	Medium	Medium	Medium	Medium	High	High
Puerto Rico	High	High	Low [1]	No OGWDW audit	Medium [1]	Medium	Medium
Virgin Islands	Low	Low	Low [1]	No OGWDW audit	High [1]	Medium	Medium
District of Columbia	NA	High	High [1]	No OGWDW audit	High [1]	Low	NA
Delaware	High	Medium	Low [1]	No OGWDW audit	Medium [1]	Medium	Medium
Maryland	High	Medium	Medium	High	Low	Medium	Medium
Pennsylvania	High	Medium	Low	High	Medium	Medium	Medium
Virginia	High	High	Medium	Medium	Medium	Medium	Medium
West Virginia	High	Medium	Low [1]	No OGWDW audit	Low [1]	High	Medium
Alabama	High	High	Medium [1]	No OGWDW audit	Medium [1]	Medium	Low
Florida	High	High	Low	Medium	Medium	High	High
Georgia	High	Medium	Medium [1]	No OGWDW audit	Medium [1]	Medium	Medium
Kentucky	High	Medium	Low [1]	No OGWDW audit	Medium [1]	Medium	High
Mississippi	Medium	High	Medium	Medium	Medium	High	Low
North Carolina	Medium	Medium	Medium [1]	No OGWDW audit	High [1]	Medium	Low
South Carolina	High	Medium	Medium [1]	No OGWDW audit	Medium [1]	Medium	High
Tennessee	High	Medium	Medium [1]	No OGWDW audit	High [1]	Medium	Medium
Illinos	High	Medium	Low [1]	No OGWDW audit	Low [1]	Medium	Medium
Indiana	Medium	Medium	High [1]	Low	Medium [1]	Medium	Medium
Michigan	High	Medium	Medium [1]	No OGWDW audit	Medium [1]	Medium	Low
Minnesota	High	Medium	High [1]	No OGWDW audit	Medium [1]	Medium	Low
Ohio	High	Medium	Medium [1]	No OGWDW audit	Medium [1]	Medium	Medium
Wisconsin	High	Medium	Medium [1]	No OGWDW audit	Medium [1]	Medium	Low
Arkansas	High	Medium	Medium [1]	No OGWDW audit	Low [1]	High	Medium
Louisiana	High	Medium	Medium	High	Medium	Medium	High
New Mexico	High	Medium	Medium	High	Medium	Medium	Medium
Oklahoma	High	High	Low [1]	No OGWDW audit	Medium [1]	High	Medium
Texas	High	Medium	Medium	High	Medium	High	Low
Iowa	Medium	Low	Medium [1]	No OGWDW audit	High [1]	Medium	Low
Kansas	Low	Low	Low	High	Medium	Medium	Low
Missouri	High	Low	Medium [1]	No OGWDW audit	Medium [1]	Medium	Medium
Nebraska	Medium	Medium	Low [1]	No OGWDW audit	Medium [1]	High	Low

STATUS OF STATE PWSS PROGRAMS—Continued

[Final fiscal year 1992 report—Revised Jan. 30, 1993]

State	Rule scope	Rule implementation	Compliance rates	Data quality	Violation resolution	Violation prevention	State capability
Colorado	Medium	Medium	Medium	High	Medium	High	Low
Montana	Medium	Medium	Low	Medium	Low	Medium	Low
North Dakota	High	Medium	Medium [1]	No OGWDW audit	Low [1]	High	Low
South Dakota	Medium	High	Low [1]	No OGWDW audit	Medium [1]	Medium	Low
Utah	High	Medium	Low [1]	No OGWDW audit	Medium [1]	Medium	Medium
Wyoming	NA	High	Low [1]	No OGWDW audit	Medium [1]	Low	NA
Arizona	High	Medium	Medium	Medium	Medium	High	Medium
California	Medium	Low	High [1]	No OGWDW audit	Medium [1]	Medium	Medium
Hawaii	High	Medium	Medium [1]	No OGWDW audit	Medium [1]	Medium	High
Nevada	Medium	Medium	Low [1]	No OGWDW audit	Medium [1]	Medium	Low
Alaska	Low	Low	Low	Medium	Low	Medium	Medium
Idaho	Medium	Medium	Low [1]	No OGWDW audit	Medium [1]	Medium	Low
Oregon	Medium	High	Low [1]	No OGWDW audit	Medium [1]	Medium	Medium
Washington	Low	Medium	Low [1]	Low	Low [1]	Medium	Low

[1] Rating based on data of poor or uncertain quality.

Note: No OGWDW audit—standardized OGWDW audit not yet conducted, undetermined—audit conducted data, but results not yet known.

NA—Not applicable—program implemented by EPA, not State.

COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, October 21, 1993.
Hon. CAROL M. BROWNER,
Administrator, Environmental Protection Agency, Washington, DC.

DEAR ADMINISTRATOR BROWNER: Enclosed, pursuant to Rules X and XI of the Rules of the House of Representatives, is my letter to Chairman Louis Stokes of the Subcommittee on VA, HUD, and Independent Agencies concerning H.R. 2491, the Departments of Veterans Affairs, HUD, and Independent Agencies Appropriations Act of 1994.

I call your attention particularly to my comments regarding the provision added by the Senate regarding radionuclides and would appreciate your response to the following:

1. The 102nd Congress, at the urging of the Senate, adopted section 519(b) of Public Law 102-389. It required that the EPA conduct a study and risk assessment of radon, obtain recommendations from the Science Advisory Board (SAB), and provide a report to Congress by July 31, 1993. Please explain the status of these matters and the cause of delay in submitting the report to Congress.

In this regard, section 519(b) also refers to a court imposed deadline of October 1. I understand that the EPA has sought an extension. Please explain the status of this litigation and the effect of H.R. 2491 on the litigation and the rulemaking.

2. According to the July 30, 1993 edition of Inside EPA (copy enclosed), the SAB issued a "highly critical review of the agency's draft report on radon in drinking water, arguing that the agency has not addressed key uncertainties in its costs and risk analyses." Please provide that draft and the SAB review and recommendations. What is the EPA doing to address the SAB concerns and recommendations?

3. Please (a) describe the radon standard proposed by the EPA; (b) indicate the states and the water systems subject to the standard; (c) explain the need for this particular standard from a health standpoint and the risks; (d) explain whether the statute requires this particular standard or whether a less stringent standard is authorized; (e) explain the lead time allowed to meet the standard and explain whether that time is reasonable for all of the affected systems, taking into consideration the availability of the technology, the risks, and the costs; and (f) explain the means, measures, and technology for compliance by all types of systems and the expected initial costs and operating costs. Please summarize the public criticism of this standard in the rulemaking.

Finally, I appreciated receiving your recent communication of principles for amending the Safe Drinking Water Act. They are helpful, but I note that the EPA has not transmitted a legislative proposal to carry them out. To help our Committee in considering these principles, my staff requested on my behalf that you provide, as a drafting service, the legislation to carry out each of these principles. I am particularly interested in your drafting of the fee principle because of the need to avoid constitutional problems and to address the issue of whether the fees collected are subject to the appropriation process under the House Rules.

Also, I would appreciate your not endorsing any Senate bills that purport to carry out the EPA principles without discussing the matter with me and my staff, as well as with Subcommittee Chairman Waxman.

I request your response to the above matters as early as possible, as well as your reply to our letter of August 3, 1993 concerning this program.

With every good wish.

Sincerely,

JOHN D. DINGELL,
Chairman.

Enclosure.

ENVIRONMENTAL PROTECTION AGENCY,
Washington, DC, December 22, 1993.
Hon. JOHN D. DINGELL,
Chairman, Committee on Energy and Commerce, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter dated October 21, 1993, regarding the radon report to Congress and the drinking water radionuclides regulation.

The radon report was due to Congress on July 31, 1993. The Science Advisory Board (SAB) Executive Committee recommendations were received on July 30, 1993. The Agency worked to address SAB's concerns by incorporating changes to the report and also attaching a commentary to it that addressed each comment in detail by citing the change or explaining our perspective. In mid-October the report and commentary were forwarded to the Office of Management and Budget (OMB) for their review and comment. We are currently having discussions with OBM over the contents of the report. As soon as the radon report receives my final review, I will transmit it to Congress. In the interim, as requested, I have enclosed the July 15, 1993, version of the radon report, that was reviewed by the SAB Executive Committee, and all three SAB committee reviews.

In regard to your inquiry concerning the radionuclides regulation, specifically radon, enclosed is a detailed response to your questions regarding the radon standard, the associated health effects, those public water systems affected by the radon standard and the public comments received following the proposed rule.

Concerning your interest in legislative language to carry out the Administration's ten SDWA reauthorization recommendations, we would be pleased to provide assistance to Committee staff. Presently, we are drafting legislative language that must undergo OMB review. We anticipate having legislative language reflecting our ten recommendations by early next year.

You can be assured that my staff and I will not endorse any Senate bills purporting to carry out EPA principles without discussing the matters with you and your staff, as well as with, I expect, we will provide technical assistance to members as requested.

If you have any additional questions regarding the enclosed documents or the enclosed responses to your questions regarding radon, please do not hesitate to call me or have your staff contact Mr. Robert Perciasepe, Assistant Administrator for Water, at (202) 260-5700.

Sincerely,

CAROL M. BROWNER.

Enclosure.

ENCLOSURE

Several years ago the Agency conducted a comparative risk assessment of all pollutants being considered by the Agency. Radon ranked in the highest category among all the pollutants considered. The scientific evidence amassed to support the risk assessment of radon is among the strongest EPA has used to assess the health effects of an environmental pollutant. Radon is the most prevalent of all the radionuclides covered under EPA's proposed radionuclides rule which also includes radium, uranium, gross alpha, beta and photon emitters. Radon in drinking water poses the greatest health risk of all contaminants in this rule.

QUESTIONS REGARDING RADON

(A) Describe the radon standard proposed by the EPA.

The 1986 amendments to the SDWA require EPA to develop an MCL for radon. In July 1991, EPA proposed a drinking water standard for radon at 300 pCi/l. The total annual cost for all public ground water systems to comply was estimated to be $272 million. At 300 pCi/l, the Agency estimated that 26,000 systems would be affected.

(B) Indicate the States and the water systems subject to the standard.

All States are subject to the standard. Those States where systems are likely to find concentrations exceeding the proposed radon in drinking water MCL of 300 pCi/l are located in the northeastern, midwest and western United States.

Radon is a problem only for ground water dependent systems. A large percentage of the affected systems are small (an estimated 85 percent serve fewer than 500 people). Systems relying solely on surface water are not required to monitor for radon, because radon is a highly volatile gas and is not expected to be found in surface water.

(C) Explain the need for this particular standard from a health standpoint and the risks.

At the proposed radon in drinking water standard of 300 pCi/l, the Agency estimates that 84 cancer cases, would be avoided annually. The estimated health benefit of regulating radon in water in the range of 500 to 200 pCi/l is estimated to be saving 57–100 cancer cases a year, respectively.

The health hazard posed by radon in water is due both 1) to its volatilization from water during household water use, and enrichment of indoor air radon levels, thereby contributing to increased risk of lung cancer, and 2) direct ingestion of radon contributing to risk of stomach and other cancers. While on average water makes a small contribution to indoor air radon (about 5% for houses served by ground water), it is prevalent in drinking water from ground water wells and does contribute to the very substantial risks posed by radon in the household environment overall. Because it is a volatile gas, very little radon is expected to be found in surface water, and surface water systems are not anticipated to require treatment. EPA estimated that 30,000 or more public water systems serving 30 million or more people may have radon in water at levels exceeding an estimated 110^{-4} risk level (150 pCi/l water).

Outdoor background levels of radon in air (about 0.1 to 0.5 pCi/l air) present estimated lifetime lung cancer risks of about 1 in 1,000, a risk level above those generally accepted in EPA regulatory programs. Typical indoor air radon levels (1–2 pCi/l air) pose estimated lifetime lung cancer risks near 1 in 100. Radon from all sources is estimated to cause 7,000 to 30,000 lung cancer deaths annually, of which about 40–400 may be attributed to radon from drinking water. While the average water contribution to indoor air radon is small relative to the contribution of soil gas (for most houses), it does represent a substantial estimated number of annual cancer cases and in many communities poses individual lifetime risks above EPA's historical lifetime cancer risk goal for drinking water regulations of 10^{-4} to 10^{-6}. While these risk estimates have inherent uncertainties, they are less here than for other contaminants regulated by EPA because this risk assessment is based on human data whereas most EPA risk assessments are based on animal studies.

(D) Explain whether the statute requires this particular standard or whether a less stringent standard is authorized.

Regulatory standards prepared under the SDWA are based on two parts. The first part is a Maximum Contaminant Level Goal (MCLG) which is a health based regulatory goal and is not enforceable. Radon is classified as a (known human) carcinogen by EPA and other organizations such as the International Agency for Research on Cancer. MCLGs for carcinogens are set at zero in accordance with EPA policy. The MCLG for radon is zero given that persons have a high risk of lung and internal organ cancer due to radon exposure.

The second part is a Maximum Contaminant Level (MCL) which is established as close to the MCLG as is technically feasible, taking cost into consideration, and is enforceable on this basis. The MCL (standard) for radon in drinking water was proposed at 300pCi/l.

(E) Explain the time allowed to meet the standard and explain whether that time is reasonable for all of the affected systems taking into consideration the availability of the technology, the risks, and the costs.

(F) Explain the means, measures and technology for compliance by all types of systems and the expected initial costs and operating costs.

The statute currently requires rules to become effective 18 months after signature by the EPA Administrator. Within the first three years, all public water systems need to complete the initial round of testing. The initial monitoring requirements for radon are for ground water systems and mixed ground and surface water systems to obtain four consecutive quarterly samples for one year.

The current statute requires EPA to set best available technology. Technologies are judged to be BAT based upon the following factors: high removal efficiency, general geographic applicability, cost, reasonable service life, compatibility with other water treatment processes, and the ability to bring all of the water in a system into compliance.

The Agency proposed that, of the technologies capable of removing radon from source water, only aeration fulfills the requirements of the SDWA as BAT for radon removal. Aeration has demonstrated radon removal efficiencies in excess of 99.9 percent. Aeration technology is currently available, and has been installed in public water supplies, and is compatible with other water treatment processes in different regions.

Legislative history focuses on feasibility considerations for large systems. The Administration's SDWA proposal envisions granting greater flexibility to small systems.

Implementation of this rule allows States to grant monitoring waivers to systems that demonstrate compliance with the MCL reliably and consistently in the initial compliance period, allowing systems to collect only one sample per three year compliance period for the remainder of the nine year compliance cycle. Systems relying solely on surface water are not required to monitor for radon, because radon is a highly volatile gas and is not expected to be found in surface water. Laboratories would be expected to accurately measure radon down to levels of the final radon standard at the time of sampling.

The Agency estimates the total annual cost (including treatment and operations and maintenance) to comply with the proposed radon standard of 300 pCi/1 to be $272 million for the estimated 26,000 systems affected. The total capital investment for all systems meeting this standard would be approximately $1.6 billion.

(G) Please summarize the public criticism of this standard in the rulemaking.

Since the radionuclides rule was proposed, EPA received comments from more than 600 persons. A large majority of these commenters commented on the radon portion of the rule.

MAJOR COMMENTS WERE

1. Indoor air radon risk should receive higher priority than radon in drinking water.

2. EPA should give greater consideration to uncertainties in risk assessment.

3. EPA costs are significantly underestimated.

4. The role of cost effectiveness should be better evaluated in the decision making process regarding its priority status as well as the impact on setting a standard that will protect drinking water.

5. Analytical laboratories lack capacity to implement the monitoring requirements.

6. Monitoring requirements should be phased-in to give small systems a chance to comply.

The Agency is currently analyzing the public comments and preparing responses to all public comments. Responses will be provided in the Agency's final radionclides rule Response to Comments Document.

Mr. DINGELL. Mr. Speaker, on the other side of the coin, the environmentalists and the EPA also believed that changes in the law are needed to make it more effective, particularly in the area of enforcement.

Two bills were introduced in the House—H.R. 3392 and H.R. 4314. The administration did not propose a bill, but did provide a list of 10 principles for changes in the act. In early March, we began to work with the coalition of States and the public water systems, the agricultural interests, the environmentalists, and the EPA. In the beginning, the general discussions with these various interests indicated that differences, while significant, were not insurmountable. However, as time wore on and the discussions by the Members and the staff evolved, it soon became apparent that the differences were quite large. On several occasions, as I noted in an August 9, 1994 letter to the Appropriations Committee, I doubted that a timely resolution would be possible.

During the course of these discussions, the other body passed in May 1994 their version of amendments to the act, S. 2019. However, that 240 page bill was not really a help, because it contained so many extraneous amendments on such matters as the EPA cabinet bill, the Council on Environmental Quality, and private property rights. It was quickly recognized that S. 2019 involved jurisdictional interest of at least six committees.

Despite all of this, the subcommittee and the committee, working with these interests, devised a bipartisan amendment to H.R. 3392 that gained the enthusiastic support of all these interests. Regrettably, resolution took several months. But, we believe it is sound in that it does not weaken existing health based requirements for drinking water, while providing needed relief as the Congressional Budget Office indicates in item No. 7 of the following CBO letter:

CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 23, 1994.

Hon. JOHN D. DINGELL,
Chairman, Committee on Energy and Commerce, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3392, the Safe Drinking Water Act Amendments of 1994.

Enactment of the bill would affect direct spending and receipts. Therefore, pay-as-you-go procedures would apply.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

ROBERT D. REISCHAUER,
Director.

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: H.R. 3392.

2. Bill title: Safe Drinking Water Act Amendments of 1994.

3. Bill status: As ordered reported by the House Committee on Energy and Commerce on September 20, 1994.

4. Bill purpose: The bill would amend the Safe Drinking Water Act (SDWA) to require the Environmental Protection Agency (EPA) to make grants to states for capitalizing state revolving loan funds (SRFs) that would

finance facilities for the treatment of drinking water. The bill would authorize appropriations of $1 billion annually over the 1995–1997 period for these capitalization grants. In addition, major provisions of the bill would: amend the procedures EPA uses to identify contaminants for regulation under the SDWA; require EPA to establish an alternative monitoring program for drinking water; allow operators of small drinking water systems to obtain variances and exemptions from drinking water standards under certain conditions; direct EPA to define treatment technologies that are feasible for small drinking water systems when the agency issues new contaminant regulations; require states to ensure that public water systems have the technical expertise and financial resources to implement the SDWA; and establish an alternative standard for radon in drinking water.

5. Estimated cost to the Federal Government:

[By fiscal year, in millions of dollars]

	1995	1996	1997	1998	1999
Authorizations of appropriations:					
Specific authorizations	1,000	1,000	1,000	0	0
Estimated authorizations	30	31	32	1,070	1,105
Total authorizations	1,030	1,031	1,032	1,070	1,105
Estimated outlays	41	200	550	875	1,000
Revenues	(1)	(1)	(1)	(1)	(1)
Direct spending:					
Estimated budget authority	0	(1)	(1)	(1)	(1)
Estimated outlays	0	(1)	(1)	(1)	(1)

[1] Less than $500,000

The costs of this bill fall within budget function 300.

Basis of estimate: For purposes of this estimate, CBO assumes that the bill will be enacted by October 1994, and that all funds authorized by the bill will be appropriated for each year. Estimated authorizations are based on information provided by EPA. Estimated outlays are based on historical spending patterns of ongoing SDWA programs administered by EPA and of its grant program for waste water treatment SRFs. A discussion of the estimated costs for significant provisions of each section of the bill follows.

Section 19 Funds for Safe Drinking Water. This section of the bill would authorize the appropriation of $599 million for 1994, $1 billion annually over the 1995-1997 period, and such sums as are necessary after 1997, for capitalization grants to states for new drinking water revolving loan funds. For this estimate, CBO assumes that the SRF capitalization grants would continue at $1 billion annually in 1998 and 1999, adjusted for inflation. Starting in 1996, states would be required to provide a 20 percent match to receive the federal grant. Each state would be authorized to make loans or offer other kinds of financial assistance to communities for capital projects that would facilitate compliance with national drinking water regulations.

The bill also would direct states to set aside specific amounts of their grants to pay for administration of the program, provide funds to establish and implement source water protection programs, and also pay for part of the public water system supervision program.

EPA Drinking Water Program Costs. EPA's ongoing drinking water research and regulatory activities have been funded annually through the appropriations process, even though the authorization for these programs expired in 1991. In 1994, EPA estimates it will spend about $74 million on this program, including: $31 million for implementing drinking water regulations, $20 million for research on drinking water contaminants, $16 million on protecting ground water, and $7 million for enforcing regulations.

While this bill would not specifically authorize additional appropriations for research and regulatory activities, based on information from EPA, CBO estimates that enactment of this bill would require the agency to increase its base funding for drinking water by about $15 million annually over the 1995–1999 period. This increase is largely for writing regulations and providing guidance and training to state programs.

In addition, section 19 would authorize the appropriation of $15 million for 1994 and such sums as are necessary for subsequent years for EPA to provide technical assistance to small drinking water systems. Based on the 1994 authorization, adjusted for inflation in subsequent years, we estimate this provision would cost $80 million over the 1995–1999 period, assuming appropriation of the necessary amounts.

Civil Penalties. The bill would strengthen the Administrator's ability to assess existing penalties and it also would make violators of certain regulations regarding the operation of public water systems subject to additional civil, administrative, and criminal penalties. Based on information provided by EPA, CBO expects that increases in federal government receipts from these changes would be insignificant.

Any criminal fines collected would be deposited in the Crime Victims Fund and spent in the following year. Thus, direct spending from the fund would match the increase in revenues from criminal fines with a one-year lag. Because collections from criminal fines are expected to be insignificant, increased direct spending from the fund would also be insignificant.

Bottled Drinking Water Regulations. The bill specifies that an EPA regulation regarding drinking water would apply to bottled water if the Food and Drug Administration (FDA) does not issue a regulation on bottled drinking water within 180 days. This provision may require the FDA to expedite review of regulations on bottled drinking water, and to increase inspections of bottled drinking water facilities. These activities may require additional resources, but CBO cannot estimate the cost of these activities because the FDA could not provide the necessary information.

6. Pay-as-you-go considerations: Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 sets up pay-as-you-go procedures for legislation affecting direct spending or receipts through 1998. Enactment of this bill would increase governmental receipts from civil and criminal penalties, as well as direct spending from the Crime Victims Fund, but CBO expects that the amounts involved would be insignificant.

Section 16 would explicitly waive any federal immunity from administrative orders or civil or administrative fines or penalties assessed under SDWA, and would clarify that federal facilities are subject to reasonable service charges assessed in connection with a federal or state program. This provision of SDWA may encourage states to seek to impose fines and penalties against the federal government under SDWA. If federal agencies contest these fines and penalties, it is possible that payments would have to be made from the government's Claims and Judgments Fund, if not otherwise provided from appropriated funds. The Claims and Judgments Fund is a permanent, open-ended appropriation, and any amounts paid from it would be considered direct spending. CBO cannot predict the number or the dollar amount of judgments against the government that could result from enactment of this bill. Further, we cannot determine whether those judgments would be paid from the Claims and Judgments Fund or from appropriated funds.

7. Estimated cost to State and local governments:

Summary

CBO estimates the bill would authorize appropriations of $1 billion annually over the 1995–1999 period for EPA grants to states to help public water supply systems comply with drinking water regulations. In 1994, EPA had about $75 million to promote to states for this purpose.

In addition to authorizing substantially greater appropriations to assist states with compliance, the bill would relieve many drinking water systems of the need to take significant steps to comply with regulations concerning radon in drinking water. (Estimates of the nationwide cost of complying with EPA's proposed maximum contaminant level (MCL) for radon in drinking water range from $0.3 billion to $2.5 billion annually.) Other provisions of the bill could lower the cost of complying with drinking water regulations for some systems, though CBO cannot qualify these savings. Finally, the bill would require states to take on some added responsibilities for water supply supervision, but states could use some federal funds to help offset the costs of these activities.

Current law

Information from the U.S. Bureau of the Census indicates that the public drinking water industry[1] has spent about $25 billion annually in recent years to fulfill its basic water service delivery mission and to comply with the SDWA. Of this amount, EPA has estimated that the costs of complying with the SDWA are about $1.4 billion annually. This annual cost includes annual operations and maintenance costs, water monitoring, and annual debt service on an estimated $8.6 billion in capital investments necessary to comply with the SDWA. A 1993 study prepared for the American Water Works Association (AWWA) estimates annual SDWA compliance costs at $2.3 billion. This study assumed a higher cost of capital financing than the EPA estimate did, and also assumed that many water utilities require multiple treatment sites for water contaminants. Neither of these estimates includes costs for complying with regulations governing radon or disinfection/disinfectant by-products, because they are not currently in effect. The study prepared for AWWA estimates that these two regulations could require a capital investment of $10 billion.

State public water supply supervision (PWSS) programs implement the SDWA at the state level. These programs perform critical functions, including enforcement, staff training, data management, sanitary surveys, and certification of testing laboratories. In 1994, EPA had about $64 million available for state PWSS grants. State funding for this activity is approximately $85 million. EPA and the Association of State

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[1] There are about 200,000 public water systems regulated under the SDWA serving 243 million Americans. About 85 percent of the population is served by publicly owned drinking water systems. The estimates of the cost of SDWA compliance that are cited by CBO combine the costs to publicly owned and privately owned systems. Most of these costs are public spending.

Drinking Water Administrators (ASDWA) have estimated that these programs are inadequate to meet current law requirements and that they are underfunded by about $160 million annually.

Changes that would be made by the bill

State Revolving Funds. This bill would create state drinking water revolving funds (SRFs), which would be a significant new source of low-cost infrastructure financing for many public water supply systems. Although local water systems would have to repay SRF loans, each state could decide what level of financial assistance is appropriate for the communities in the state. Depending on how each state manages its SRF, these funds could potentially become independent and self-sustaining sources of capital for SDWA investments.

Compliance with Radon Standard. Section 4 would direct EPA to issue an alternative maximum contaminent level (MCL) for radon in drinking water within two years. EPA's draft MCL for radon is 300 picocuries per liter of water (pCi/L_{water}). Under current law, the agency expects to issue its standard in April, 1995. The bill would direct the agency to establish an alternative radon standard of 1,000 (pCi/L_{water}).

EPA estimates that public drinking water systems serving 17 million people would be required to comply with its draft radon MCL (300 pCi/L_{water}) at an annual cost of $275 million. A study prepared for the AWWA estimates that about 33,000 systems would need to meet this standard at an annual cost of $2.5 billion. The biggest difference between these estimates involves the cost of systems and technologies to treat water for radon. EPA believes that many water systems can rely on off-the-shelf packaged systems to comply with this regulation. The study done for AWWA assumes that more systems would face unique needs and would spend more on design and engineering costs to comply with this standard.

At an alternative radon standard of 1,000 pCi/L_{water}, EPA estimates that the nationwide costs for mitigating radon in drinking water would be reduced by roughly 75 percent. The study prepared for AWWA indicates cost savings of approximately 65 percent if the standard were 1,000 pCi/L_{water}. Therefore, CBO expects that establishing the alternative radon MCL would eliminate much of the costs water systems would incur under current law to deal with radon problems. We estimate that savings from this provision would be between $200 million and $1.5 billion annually, depending on what these systems would otherwise spend to correct radon problems under current law.

Other Compliance Costs. Other provisions of the bill could result in lower compliance costs for future SDWA regulations, but CBO does not have sufficient information to quantify these savings. (In particular, we do not know what contaminants EPA will decide to regulate in the future.) Section 11 would authorize states to give small water systems variances from compliance with EPA regulations if such systems install appropriate alternative treatment technologies as defined by EPA. Section 12 would allow states to exempt small systems from certain drinking water regulations if it cannot afford to install the best available affordable technology defined by EPA. Section 15 would allow states to provide interim relief from contaminant monitoring for certain small water systems. Finally, the bill would amend the method EPA uses to select drinking water contaminants for regulation so that, over the long term, systems are likely to face fewer regulations than they would under current law.

State Supervision Costs. The bill would require PWSS programs to undertake important new functions. Under section 13, each state would be required to establish a program to ensure the technical and financial viability of water systems in the state.

Section 8 would require states to certify the proficiency of drinking water system operators and testing laboratories. CBO estimates that the cost of these provisions would be less than $20 million a year. The bill would authorize states to use part of their drinking water SRF grant funds to pay for the water system viability programs.

8. Estimate comparison: None.

9. Previous CBO estimate: On April 29, 1993, CBO prepared a cost estimate for H.R. 1865, the Water Supply Construction Assistance Act of 1993, as ordered reported by the House Committee on Public Works and Transportation. This bill established an SRF for drinking water and authorized appropriations of $2.6 billion over the 1994–1996 period to capitalize these funds.

On May 3, 1993, CBO prepared a cost estimate for H.R. 1701, the Drinking Water and Public Health Enhancement Amendments of 1993, as ordered reported by the House Committee on Energy and Commerce. This bill established an SRF for drinking water and authorized appropriations of $4.6 billion over the 1994–1998 period to capitalize these funds.

On April 13, 1994, CBO prepared a cost estimate for S. 2019, the Safe Drinking Water Act Amendments of 1994, as ordered reported by the Senate Committee on Environment and Public Works on March 28, 1994. S. 2019 would establish an SRF for drinking water systems, and would authorize the appropriation of $1 billion annually over the 1995–2000 period to capitalize these funds. In addition, S. 2019 would authorize appropriations of $243 million annually over the 1995–2000 period for other EPA drinking water grant programs.

10. Estimate prepared by: Kim Cawley, Connie Takata, and Melissa Sampson.

11. Estimate approved by: C.G. Nuckols, Assistant Director for Budget Analysis.

Mr. DINGELL. Mr. Speaker, I believe the bill is sound and I hope it will be viewed favorably by the Senate. We do not intend upon passage of H.R. 3392 to join with S. 2019 and request a conference because of the many nongermane amendments to S. 2019. To do so, would involve too many other House committees. It would doom any chance for final passage of this needed bill in the 103d Congress. The issues related to safe drinking water are difficult enough. Hopefully, the Senate will accept this balanced bill or find another mechanism for resolution of any differences. Of course, I caution all that our compromise is fragile as noted by the environmentalists. Changes to one provision can reopen others and result in no bill. I feel sure that is not the outcome we all seek.

Before closing, I want to make clear that the committee, in our efforts to finalize the legislation, did not engage in an extensive discussion for legislative history purposes of the reported bill. Clearly, we did not have time to do so. The sparse legislative history in the committee's report represents the views of the committee. To the extent others address matters on the House floor, I want to make clear that they may not represent the committee's views, unless they are also a part of the report.

Finally, I include at this point a letter from the chairman of the Committee on Public Works and Transportation, my good friend Chairman Norman Mineta.

Mr. Speaker, I wish to agree with Chairman Mineta that the bill and their process does not prejudice future jurisdiction determination over the construction portion of such funds.

I urge adoption of the bill.

COMMITTEE ON PUBLIC WORKS
AND TRANSPORTATION,
Washington, DC, September 27, 1994.

Hon. JOHN D. DINGELL,
Chairman, Committee on Energy and Commerce, House of Representatives, Rayburn HOB, Washington, DC.

DEAR MR. CHAIRMAN: It is my understanding that the Committee on Energy and Commerce has reported an amendment in the nature of a substitute to H.R. 3392, the "Safe Drinking Water Act Amendments of 1993". That amendment would, in part, authorize funds for states to establish drinking water treatment revolving funds. As you know, H.R. 1865, the "Water Supply Construction Assistance Act of 1993", which was referred exclusively to the Committee on Public Works and Transportation and which was reported without amendment on May 17, 1993, would also authorize funds to states for the purpose of establishing drinking water revolving loan funds to provide assistance for the construction, rehabilitation, and improvement of water supply systems. We believe that the use of funds to construct safe drinking water facilities and systems for the filtration, disinfection and distribution of water for human consumption is basically a water supply construction assistance program and within the purview of our Committee. We understand that your Committee does not necessarily share that view.

Our Committee has no objection to this request pending your Committee's acknowledgement that nothing in the amendment, or in the legislative process this Congress on the issue of new safe drinking water state revolving funds, prejudges future jurisdictional determinations over the construction portion of such funds.

In addition, our Committee reserves its right to pursue conferees on the bill should the situation so dictate.

Lastly, I would appreciate your including our exchange of correspondence in the Record during consideration of the bill. Thank you for your cooperation in this matter.

Sincerely,

NORMAN Y. MINETA,
Chair.

Mr. BLILEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to at this time congratulate and thank for her hard work the senior staff member on our side, Margaret Durbin, and also my own legislative director, James Derderian, for the work they put into this bill.

Mr. WAXMAN. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Washington [Mrs. UNSOELD].

Mrs. UNSOELD. Mr. Speaker, I rise in enthusiastic support of the bill.

Mr. Speaker, I rise in strong support of H.R. 3392, the Safe Drinking Water Act of 1994. I have received numerous letters and phone calls from my constituents stressing the urgent need to amend and reauthorize the Safe Drinking Water Act this year. This legislation is very important to the people of southwest Washington who are concerned about maintaining high quality drinking water, but are struggling with the financial burdens created by the 1986 amendments to the act.

The 1986 amendments established a system to regulate an increasing list of contaminants without providing the funding necessary for communities to meet these mandatory requirements. This latter concern is of particular importance to the smaller communities in Southwest Washington which have a limited financial capacity to respond to these Federal obligations. No one disputes the responsibility of communities to provide safe drinking water to its citizens, but the way the act was working, towns trying to do the right thing have been hamstrung by lack of funds and unable to meet all of their Federal regulatory requirements.

H.R. 3392 is a carefully crafted bill designed to respond to compelling health and safety risks and address important economic considerations. This bill will meet the needs of the communities of southwest Washington and the communities around the Nation. I urge my colleagues to pass this bill today.

Mrs. MORELLA. Mr. Speaker, I rise in support of the Safe Drinking Water Act. This legislation passed the Senate in May, and it has been awaiting House action. It is a bipartisan bill that is the result of months of negotiations. Environmentalists, the EPA, State and local governments, and many other concerned groups have been part of the debate to write a bill that will ensure the quality of our nation's drinking water.

My own State of Maryland has played a role in the effort to reach an agreement that all parties could support. And the State does benefit from the current bill. Direct benefits include $14 million in Federal funds each year to be used for a State revolving loan fund for improving public water systems, monitoring relief for Maryland's nearly 1,000 small water systems serving less than 3,300 people, and funds for a new effort to preserve and protect sources of water supply for towns and cities. Among these cities is Rockville, the second largest city in the State, and a part of Maryland's Eighth Congressional District, which I represent.

Mr. Speaker, I ask my colleagues to join me in supporting this legislation. We cannot take safe drinking water for granted. Milwaukee's water problems resulted in illness and death. The boil-water advisory in Washington, DC and parts of northern Virginia alerted us to potential problems here. Let us assist State and local governments in providing safe drinking water. I urge a "yes" vote.

Mr. GEJDENSON. Mr. Speaker, I rise in support of H.R. 3392, the Safe Drinking Water Act Amendments of 1994. Many people are responsible for bringing this bill to the floor today and I would like to thank the gentleman from California [Mr. WAXMAN] for his tireless efforts over the past several months to forge the compromises necessary to achieve this bill. I also want to take a moment to thank the gentleman from Oklahoma [Mr. SYNAR] for his role in drafting this legislation, and so many other good bills during his tenure in Congress. He will be missed.

While drinking water treatment in the United States is among the most sophisticated in the world, many people continue to drink water that is contaminated with biological pathogens, heavy metals and possible cancer-causing agents. According to the Environmental Protection Agency [EPA], waterborne disease-causing pathogens, such as cryptosporidium which killed more than 100 people in Milwaukee in 1993, kill about 1,800 and cause another 1.8 million Americans to get sick every year. Currently, the EPA does not regulate cryptosporidium. Some water supplies are also contaminated with suspected cancer-causing agents such as arsenic and nitrates.

Another problem with our current drinking water supply system is the large number of small systems, usually defined as those serving fewer than 3,300 people. Small systems often lack the financial resources necessary to install the latest treatment technology. Small systems almost uniformly serve rural areas of the country. These systems need financial and technical assistance to upgrade or consolidate to ensure that rural Americans have drinking water which meets the highest standards.

The bill before us today addresses these and other important issues. It implements a more manageable framework for EPA to select contaminants which might pose a threat to human health, study them and issue regulations to protect the public. The EPA must immediately act to review at least 15 unregulated contaminants which might be present in water systems to determine whether regulation is required. Over the long term, H.R. 3392 requires the EPA Administrator, within 5 years of enactment and every 4 years thereafter, to develop a list of 12 contaminants which may require regulation. After the list is finalized, regulations must be promulgated which set maximum contaminant levels [MCL] in drinking water and specify treatment techniques. Importantly, the Administrator is instructed to develop a MCL for cryptosporidium and radon and enter into an agreement with the National Academy of Sciences [NAS] to conduct a comprehensive study of the possible health effects of arsenic in drinking water. It is vitally important that cryptosporidium be regulated to reduce the likelihood of another disaster like the one in Milwaukee. Moreover, when setting drinking water standards, the Administrator must pay special attention to the possible effects of contaminants of certain groups, such as children, pregnant women, and the elderly. It is essential that standards are stringent enough to protect these, and other, vulnerable groups.

The bill requires States, using guidance from the EPA, to develop programs to certify laboratories and system operators. This is necessary to guarantee that lab analysis is accurate and that operators have the technical expertise to run systems properly. One inaccurate test or human error at a treatment plant can have serious consequences for those consuming the water. Possible human error lead to a boil water order in the District and parts of northern Virginia this spring. In addition, States are required to establish system viability assessment programs to gauge which systems have the technical, managerial and financial capability to meet all the requirements of the act. This is especially important because many small systems can not meet the full range of the act's requirements, but have not been adequately supervised under the current statute. States risk losing financial assistance if they fail to establish a viability program.

Finally, H.R. 3392 provides for Federal grants to States to establish SDWA State Revolving Funds [SRF]. States will make loans and grants to systems to upgrade and install new treatment technology. The bill authorizes $1 billion for contributions to SRF's in fiscal years 1995, 1996, and 1997 and such sums as may be necessary thereafter. In fiscal year 1995, the Congress has appropriated $700 million for this purpose and $599 million remains available from fiscal year 1994. These funds will help systems across the country to upgrade treatment technology. The bill prohibits loans and grants to small systems for any expenditures which could be avoided through consolidation with other small systems, but funds may be used for such consolidation. The goal of this restriction is to reduce the number of small systems which are not viable and often fail to protect public health.

Mr. Speaker, this is a bipartisan bill which is backed by a wide range of interests, including the National Governors' Association, Conference of State Legislatures, water system representatives and members of the environmental community. To ensure that every American has safe, healthy drinking water, it is essential that we pass this bill today.

Mr. SLATTERY. Mr. Speaker, 11 months ago, I met with the chairman of the Subcommittee on Health and the Environment, Mr. WAXMAN, to discuss the many problems of the Safe Drinking Water Act, as well as the bill which Representative THOMAS BLILEY and I were preparing to introduce to reform that act. In that meeting, we agreed to work together to advance reauthorization legislation. We have moved beyond that initial goal and have achieved a consensus bill.

We are here today to consider legislation which enjoys the support from the public interest community, State and local government associations, water industry associations, and the administration, as well as from all of the principal negotiators of this bill. This bill is a tribute to the hard work over the last 6 months of all parties involved in reaching this consensus.

As we consider the shortcomings of the current law, we will be able to judge the effectiveness of this legislation in addressing those shortcomings by measuring first, whether the bill will better protect and assure the safety of the drinking water supplies of this country, and second, whether the programs responsible for the delivery of drinking water have been made more reasonable and more efficient. On both counts, I am confident that the reforms incorporated in this bill will be successful.

When the Coalition of State and Local Government and Water Industry Associations first approached me regarding the reauthorization of the Safe Drinking Water Act, they criticized the current law for:

First, being inflexible with regard to the selection of new contaminants for regulation and to the setting of standards for those contaminants.

Second, being insensitive to the effect of the act's requirements on small systems, Third, being overly prescriptive and unnecessarily costly with regard to the requirements for monitoring,

Fourth, underfunded with regard to the contribution by the Federal Government to State and local governments for the costs of administering the act, and

Fifth, simply unworkable with regard to variances and exemptions.

The conclusion these groups led me to is that the current law indeed is causing the wasteful spending of public resources.

On all of these issues, this bill proposes responsible reforms which will lead to vastly improved systems for the delivery of safe drinking water across this country.

Additionally, the public interest community is able to point to provisions in this bill which reform existing programs and create new programs with the intent of improving the quality and safety of our drinking water. The objective of these programs is to avoid the recent water quality problems experienced in Milwaukee and here in the Nation's Capital.

Mr. Speaker, I would like to thank Chairman DINGELL for his leadership and perseverance in negotiating this bill, and also to thank Representative WAXMAN, Representative BLILEY, Representative STUDDS, Representative SYNAR, and Representative LAMBERT, as well as Administrator Browner, for their commitment to crafting a bill which truly offers a balance of reforms which we are all proud to support.

Finally, I want to recognize the tremendous effort made by my colleague—the other original cosponsor of the Slattery/Bliley Safe Drinking Water bill—TOM BLILEY, and that of the minority staff. Throughout this process, Representative BLILEY worked with me in a bipartisan manner toward our mutual goal of enacting responsible reforms to the drinking water laws during this Congress. He has expended enormous amounts of energy on this bill, and the fact that this legislation is here before us for a vote is a tribute to his commitment to this process.

Mr. Speaker, I urge the House to favorably pass H.R. 3392.

Mr. STUDDS. Mr. Speaker, I rise in strong support of H.R. 3392, the Safe Drinking Water Act Amendments of 1994. the lengthy negotiations that went into this legislation have resulted in a bill that is endorsed by a wide range of interests—State and local government, environmental and agricultural organizations, and water suppliers.

They support this bill because it is a vast improvement over current law. It reduces the statute's burden on public water systems by providing more flexibility and—for the first time—financial assistance in the form of a State revolving loan fund program. At the same time, H.R. 3392 maintains and adds public health protections that are essential to a comprehensive overhaul of this law.

As a participant in the negotiations that produced this bill, I can state with assurance that it fairly and constructively balances the interests of the wide range of groups that will be affected by it.

The final agreement that was negotiated includes provisions that are similar in many respects to H.R. 4314, legislation that I introduced to update the Safe Drinking Water Act. These include a State revolving loan fund program, extended timeframes for compliance with drinking water standards, a more sensible method of choosing new contaminants to regulate, a new program allowing small water systems to use alternative, less costly technologies, and several others.

In addition, the bill contains a requirement—which mirrors a provision of my legislation—that States assess their source waters to identify potential contamination threats. We learned the hard way on Cape Cod that preventing pollution in the first place is a lot cheaper than cleaning it up after it's too late.

This bill offers monitoring relief to systems in States with source water assessment programs, saving them millions of dollars—as Massachusetts has done with a similar program it already has in place. While I would have preferred to have seen an even stronger source water protection program, this bill takes an important first step in that direction.

This bipartisan compromise agreement goes a long way toward addressing the concerns expressed to me by the water suppliers in my district and State and I urge my colleagues to give it their strong support.

Mr. LEHMAN. Mr. Speaker, I rise today to voice my opposition to the Safe Drinking Water Act reauthorization. The bill includes another one of those illogical unfunded mandates that could have been avoided by reasonable risk assessment.

Instead of granting water systems the flexibility to address the true contaminants in our water supply, this bill requires cities like Fresno, CA, to spend nearly $20 million a year to lower the level of radon in water, when it is widely known that radon in water only contributes 5 percent to the overall radon risk.

Simply put, this legislation forces local governments to spend millions of dollars on something that will have little or no impact on public health. By doing so, we are actually hindering efforts to remove the true contaminants in our drinking water. Clearly, Congress needs to enact risk-assessment legislation.

The legislation should establish a radon in drinking water standard to be driven by the background level of radon in outdoor air. The Senate supported this level in a vote of 94–6.

Tragically, water agencies, and ultimately our constituents, will bear the very high cost of this mandate for little benefit. If you are concerned about senseless unfunded mandates that are constantly bankrupting local and State governments, I strongly encourage you to vote "no" and send this legislation back to committee to change the radon provisions.

Mr. BAKER of California. Mr. Speaker, I rise in support of H.R. 3392, the Safe Drinking Water Act [SDWA] amendments.

The United States is in dire need of Safe Drinking Water Act [SDWA] reform. In my home district in California, water providers in Contra Costa and Alameda counties need flexibility to address the specific water safety threats facing our part of the county. We owe it to water customers, taxpayers, and ratepayers to ensure that we get the most bang for our buck. This bill helps us achieve this important goal.

I commend members of the Energy and Commerce Committee on both sides of the aisle for drafting a bill acceptable to all parties. I have heard from concerned citizens and various groups throughout the east bay area expressing the need for SDWA reform.

I'm pleased that a broad coalition of organizations has come together in support of the bill before us. These groups include numerous State and local water agencies, Clean Water Action, Gov. Pete Wilson, and the National Governors Association, various other environmental groups, the California American Farm Bureau, and many others.

This bill: Establishes a new regulatory regime to ensure that new regulations focus on contaminants that pose the greatest health threats; gives the EPA greater flexibility in considering both incremental compliance costs and incremental public health risk reduction benefits afforded by alternatives; establishes a source water petition program to encourage States and localities to work together to prevent contamination problems before they occur; directs the EPA to establish a new standard for the contaminant chryptosporidium; provides additional training for operators of public water systems; gives smaller water systems greater flexibility; and creates a program to reduce lead contamination.

I will continue to support constructive efforts like this one that bring differing parties together to solve our Nation's problems. It is only in talking with one another and truly understanding our individual concerns that we can undertake lasting solutions to our problems.

Again, I commend all who took part in discussions and look forward to similar efforts in the future.

Mr. ROBERTS. Mr. Speaker, I rise to voice my concerns with the legislation being debated and the way in which the House is considering this legislation. While I recognize the need for reform of the current law, the desire reduce costs, and bring regulatory relief—this is not the bill nor the way to accomplish those goals.

It is agreed by all parties—including organizations representing health and consumer interests, environmentalists, industry and agricultural groups—that our Nation's drinking water law is broken and must be fixed. Under existing laws, limited financial resources are being drained by costly testing and regulatory procedures that provide little or no safety or health benefit. Recognizing this situation, efforts began in the House and Senate during the 103d Congress to provide financial relief to municipalities and enhance health and safety issues contained in the law. Last year, the Senate was able to report a bill and now the House is considering passage of this bill—a far more detailed and far more reaching piece of legislation.

I applaud the efforts of all interests in working toward a common goal. I recognize the difficulty in fashioning such a compromise from such diverse interests and purposes. However, I feel I cannot support this legislation for the following reasons:

First, House procedures: no perfecting floor amendments allowed;

Second, radon language: overly restrictive radon provisions;

Third, EPA retroactive review not included: intended to provide real relief from nitrate and other testing requirements; and

Fourth, unfunded mandates: When is the Federal Government going to stop passing such costly regulations?

SUSPENSION VERSUS OPEN RULES

In bringing H.R. 3392 to the House floor for consideration, proponents have argued that time is running out in the 103d Congress and every procedural effort must be taken to ensure its quick passage. In forcing the immediate consideration of the bill, the Democratic House leadership has allowed this bill to be brought to the House floor for debate as a suspension.

In other words, the bill is considered as drafted, no amendments are allowed. House rules specifically outline when and if a bill should or would be qualified to be considered as a suspension. H.R. 3392 clearly should not be allowed as a suspension if House rules were applied.

In forcing this procedural move, proponents have been able to repress all perfecting amendments that would have been normally offered during floor consideration of this or any other bill. In doing so, they have successfully prevented me or any other Member from representing an opposing or other viewpoint. I was working with colleagues on offering two or three amendments to address issues of cost and contaminant standard setting. The House will not have the benefit of openly debating and considering those issues.

For that reason alone, I believe my colleagues should oppose this bill. If the bill were defeated today, I would support efforts to bring the bill back for floor debate tomorrow under an open rule that would allow all amendments, including mine, to be considered in a timely and thorough fashion.

RADON SECTION

My second concern with H.R. 3392 is the provisions regarding radon testing and the establishment of a 1,000 picocuries/liter tolerance threshold. I believe this threshold is far too low and should and could be increased without increasing any health or safety risk. Under the bill's language, the Kansas Department of Health and Environment estimates that 10 to 15 percent of all wells in Kansas would be out of compliance. With scientific data showing that this standard level could be increased without jeopardizing health or safety considerations, I would be supportive of amendments to increase the level to 1,500 or 2,000 pCis/liter.

The risk of radon contamination in water is an inhalation concern—that is, showing, et cetera. In water, the conversion rate of radon to air is 10,000 pCis/liter in water to 1 pCis/part in air. In other words, water would have to be contaminated by 10,000 pCis/liter to increase the air radon level by 1 pCi or 40,000 pCis/liter to reach the EPA indoor radon safety threshold of four picocuries.

It was agreed by several experts that an earlier EPA recommendation of 200 PCis/liter for water was excessive and would have caused impossible economic requirements on communities. Based upon the EPA's recommendation of 200 pCis/liter for water, KDHE estimates that 70 to 80 percent of all Kansas wells would be out of compliance. At an EPA rate of 300 pCis/liter, roughly 50 percent of wells would be out of compliance.

Unfortunately, a widely supported amendment to correct this situation will not be considered today during debate of H.R. 3392.

RETROACTIVE REVIEW—NITRATE LEVELS

My third reason for opposing this bill has to do with the practical effects of the current law and the administrative determinations made by the Environmental Protection Agency. Under existing legal requirements, municipal governments and water companies are forced to do regular testing for 110 elements. EPA was given the authority to establish the allowable standard levels for these elements taking into account scientific information and health and safety considerations. Prior to the 1986 enactment of this legislation, State governments regulated and established such standard levels. This law was intended to replace State authority by creating a national set of standards.

The practical impact by transferring this authority to EPA was the creation of standard levels that were consistently lower than the tolerance levels established earlier by the State of Kansas. In particular, the EPA established a standard level of 10 parts per million for nitrates, a level half the earlier Kansas-established standard of 20 ppm. As a result, several communities in Kansas became out of compliance with the EPA requirements and are being forced into spending millions of dollars to locate new water sources and construct new treatment facilities.

Why was the EPA level so much lower than that State level? Only EPA knows.

Yes, I agree, it is important that nitrates be monitored. When consumed in very high quantities, nitrates block the oxygen-carrying ability of our blood. While adults are unharmed by this effect, in infants it can lead to blue baby syndrome. This syndrome is not fatal and is easily reversed when diagnosed.

Since the 1950's, there have only been two cases of blue baby syndrome in Kansas. Both cases were of situations where bottle-fed infants were fed out of private wells with several hundred parts of nitrates per million. There has never been a documented case of blue baby syndrome caused by a municipal water source in Kansas.

In addition, as the EPA nitrate safety level was being put into effect, Jack Burris, a Kansas Department of Health and Environment—the agency in charge of health safety—said that contamination levels of below 20 parts per million were "not dangerous to either children or adults. The EPA level of 10 parts/million is ridiculous." Yet, several communities in Kansas are out of compliance and forced to take drastic action.

This situation is not corrected in this bill. I would have preferred that an amendment be considered during consideration of this bill to force the EPA to review the nitrate level and the other 109 contaminant standards established by the EPA to ensure that they are based on sound science. I have been working on such an amendment. Unfortunately, it will not be considered.

UNFUNDED MANDATES

Finally, I would like to comment on the overall cost of the existing SDWA law and this legislation. Yes, some financial relief will be provided to ease the regulatory burdens facing towns and cities, but not enough.

The Safe Drinking Water Act is one of the largest Federal mandates facing our local communities. Today, we are considering a bill that does provide limited relief, including a loan program to help pay the costs. Yes, a loan, not a grant. Yes, it has to be paid back. I don't believe that it true relief.

More importantly, as a member of the Congressional Caucus on Unfunded Mandates, I have strongly argued Congress should pay 100 percent of all costs associated with Federal mandates. If the Federal Government wants to monitor it and require it, then we should be prepared in Congress to pay for it. Better stated, no money, no mandate. If Congress doesn't pay for it, then it should become voluntary.

On November 22, 1993, I introduced H.R. 3686, a bill requiring that Congress pay the full costs of the Safe Drinking Water Act. Unfortunately, we do not do that in this legislation.

Again, I wish to congratulate and commend my colleagues for all their work. I wish I could support this bill. My hope is that these issues can be resolved in a conference between the House and Senate should this bill move forward.

I will be continuing my efforts to see that effective and true relief for communities is provided.

Thank you.

Mr. BEREUTER. Mr. Speaker, this Member rises in strong support of H.R. 3392, the Safe Drinking Water Act Amendments of 1994.

This Member would begin by expressing his sincere appreciation to the distinguished gentleman from Michigan, the chairman of the Energy and Commerce Committee, Mr. DINGELL, for his outstanding leadership in bringing this bill to the floor.

This Member also commends the distinguished gentleman from Kansas [Mr. SLATTERY], and the distinguished gentleman from Virginia [Mr. BLILEY], for their introduction of this legislation and their work in reaching this compromise version.

Mr. Speaker, there is general agreement that the current drinking water law is badly broken and needs to be fixed. There is an urgent need to make the Safe Drinking Water Act's regulations more flexible and less costly. H.R. 3392 presents a workable solution without compromising the safety of our Nation's water supply. This legislation helps correct some of the serious problems and reduces the substantial local costs created by the current law. Clearly, many of the current SDWA requirements result in prohibitive costs without any real health benefit or increase in water quality. This is an issue on which this Member has been speaking out and seeking corrective actions by the EPA for some time, but without results. However, in large part, it is Congress which is to blame for the statutory direction we have given to the EPA.

H.R. 3392 injects more reasonableness and common sense on this issue and allows States and communities to identify and focus on those contaminants which present an actual health risk in a particular area. Legislation enacted by Congress simply must take into account the economic and budgetary realities faced by States and communities. Blanket

Federal legislation for this yet very diverse Nation is usually ineffective, overreaching, inflexible, and expensive for States and communities of all sizes. That surely is the case with various parts of the current Safe Drinking Water Act.

As the defeat earlier this year of the rule for consideration of the EPA cabinet-level bill demonstrated, most Members and the informed American public now support an assessment of risks during the regulatory process. Clearly, some applications of environmental regulation have entered a phase of diminishing returns. Although great progress has been made in meeting threats to health and safety, a point has been reached where each new environmental regulation should undergo a cost/benefit estimate based on an analysis of risk.

H.R. 3392 gives State and local officials greater responsibility in tailoring a safe drinking water program based on sound science. These officials certainly have a powerful incentive to provide safe drinking water since they and their constituents will be drinking that water and they know full well where the buck stops. They certainly would not subject themselves and their family and friends to harmful water. Instead, they will focus their time and money on the problems unique to their community.

Mr. Speaker, there is a growing financial crisis for small communities that becomes more evident each year as new testing and treatment deadlines are imposed. Many Federal officials are now recognizing the dangers of an inflexible Federal approach to this problem. In fact, during a speech at the annual conference for the National Association of Towns and Townships last September, EPA Administrator Carol Browner stated her support for "more flexibility, more local and regional decision-making."

This Member's experience in visiting with local officials and listening to constituents at town hall meetings indicates that the regulations promulgated to enforce the Safe Drinking Water Act have become a major Federal irritant to local government officials and terribly expensive—for no real benefit. These regulations often result in diverting scarce local dollars to address problems or contaminants which do not exist. One of the most flagrant examples of a requirement which results in higher costs involves testing across the whole Nation for a pesticide used for Hawaiian pineapples, even though it is currently banned in the continental United States.

It costs nearly as much for a very small community to go through the mandated testing procedures as it does for a large community. In most cases, therefore, residents in smaller communities will be forced to pay much more per person, since the costs cannot be spread out over a larger population. Without changes in the current law, though, communities of all sizes will be severely impacted.

This Member would like to cite several examples of the problems facing communities in Nebraska's First District.

Wahoo—population 3,681—recently instituted a 10-percent rate increase due to increased testing costs. The community is expecting an annual increase in excess of $20,000 to pay for water testing requirements.

Homer—population 553—estimates that monthly water rates may nearly triple over the next several years as a result of the testing requirements. Just recently, water rates for customers were about $9 per month. Within a few years, this may jump to $25 per month.

Unadilla—population 294—is projecting that by 1997 each of its 120 households will have to pay an incredible $100 per year just for water testing costs.

Even a city the size of Lincoln—population 191,972—will face problems. The city is estimating that over the next 6 years, total costs for capital improvements and operation and maintenance due to proposed regulations for water quality may be as high as $185 million.

Communities throughout Nebraska and the United States are confronting similar predicaments. In addition to the costs of outrageously overreaching testing requirements, it is clear that the cost of water will skyrocket if truly unnecessary treatment is required. While the EPA sets its standards as close to zero risk as technologically possible, incredibly it takes costs into consideration only for water systems serving more than 1 million people. Also, this required treatment will often result in no actual health benefit.

The Slattery-Bliley bill recognizes that, consistent with sound health considerations, required technology should be based on the size of the community. The legislation reforms the current standard setting procedures by requiring the Environmental Protection Agency [EPA] to establish technologies suitable for use by small systems.

The bill also removes many of the rigid and arbitrary requirements of the current safe drinking water law. For instance, it eliminates the notorious and ridiculous current statutory mandate that EPA identify 25 contaminants every 3 years for regulation and replaces it with a system based on contaminants that, first, represent a public health concern and, second, actually occur in drinking water. The legislation also allows States to tailor monitoring requirements to particular circumstances, with responsible flexibility and reasonable exemptions more easily available.

Mr. Speaker, while everyone certainly recognizes the importance of providing safe drinking water for everyone, this Member believes it should be done in a realistic manner which does not inappropriately burden the communities affected. As stated previously, this Member does not support taking any action that will cause drinking water to become unsafe—for instance, where there is a problem with biological contamination, yes, treatment is obviously necessary. However, the Federal Government should provide more discretion to States so that they can use common sense and not be subject to arbitrary Nationwide standards that have no relevance in a particular State. For instance, the nature of water testing in Nebraska should reflect the State's uniquely strong ground water dependency. This Member has consistently conveyed these views to current and former EPA administrators.

Nebraska relies far more heavily on ground water sources for both drinking water and commercial uses than any other State in the Nation. For example, only 6 or 7 of the more than 700 public water supply entities in the State use any surface water. Chlorination of community drinking water from ground water sources could be requiring a solution to a nonproblem in most Nebraska communities, and in fact, it now appears, add a health hazard through chlorination itself where none now exists.

In a great many Nebraska communities, individual wells are located at various points in a community without being interconnected. This makes certain treatment requirements much more difficult than they may be for communities not using ground water. Since most Nebraska communities incorporate water from their wells directly into their distribution systems, a requirement for chlorination would have the effect of requiring centralization of their water supply systems or chlorination would sometimes have to be provided at each separate well site—an action which would be almost economically impossible for many Nebraska communities.

It is also important to note that Nebraska has not had a water-borne disease outbreak attributed to a public water supply system since at least 1969. That particular situation involved a transient population with an undetermined location or cause of illness.

Mr. Speaker, this Member urges his colleagues to support passage of H.R. 3392, which represents a responsible approach to providing safe drinking water. It will protect the health of individuals as well as communities.

Mrs. MINK of Hawaii. Mr. Speaker, it is Congress' duty to protect the Nation's vital resources and preserve public health and safety. Our duty sets an imperative before us—to vote today to reauthorize the Safe Drinking Water Act. It is important for us to act now and not allow the essential provisions in this act to wait another year; we have already left it unauthorized since 1991.

If we do not act on this bill today, our States and local governments will continue to bear enormous burdens of strict and costly monitoring and treatment criteria. They will continue to be unable to adequately address ongoing threats of waterborne disease and chemical pollutants in their piped water supply. In this greatly bipartisan act, the creation of new revolving loan funds would assist States and small communities to fulfill an essential right of their residents—the right to enjoy drinking water that will not make them sick.

For the numbers of small water systems serving my State of Hawaii, instead of having to comply with an additional 25 contaminants every 3 years, an easier list of 12 contaminants will be required from the EPA every 4 years. This act would allow small systems greater flexibility to evaluate and implement the best available affordable technologies. And small systems will be granted some relief from impractical monitoring requirements.

The amendments in H.R. 3392 include good compromises and solid changes to the currently outdated Safe Drinking Water Act. I urge you to approve this bill. It would be a shame to leave this act unauthorized any longer. Our water systems must be made safer, but with requirements that are realistic and reachable for our States and local governments.

Mr. FAZIO. Mr. Speaker, I rise in strong support of H.R. 3392, the Safe Drinking Water

Act amendments. I urge my colleague to support this important legislation.

Mr. Speaker, the legislation before the House is a significant improvement of the Safe Drinking Water Act. I want to call attention to the strong bipartisan support for this measure. Mr. WAXMAN and Mr. BLILEY, the chairman and the ranking member of the subcommittee urge your support for this measure so they can go forward to work with the Senate on this bill. Mr. DINGELL and Mr. MOORHEAD have also worked hard to bring this bill to the floor.

Their bipartisan efforts and their spirit of cooperation are to be applauded by the membership of this House. The bill is supported by the National Governors' Association, the National Associations of Counties, the League of Cities, and other State and local organizations.

I congratulate this bipartisan coalition for their help in resolving the many complex issues raised by this bill. Just reading a list of the issues resolved by the subcommittee and the committee would take the balance of my time, but I do want to highlight some of the more important provisions of this bill.

First, the Safe Drinking Water Act amendments establish a new State revolving fund to provide loans and grants for local water purveyors. That's important to the small, rural water districts I represent.

Next, the bill also streamlines the regulation of contaminants by focusing on contaminates associated with the greatest health threats. In short, the bill establishes a selection process for unregulated contaminants that incorporates good science.

In addition, the bill incorporates risk assessment principles to give EPA greater flexibility to consider both the costs of compliance and the health benefits associated with monitoring for contaminants.

Mr. Speaker, while Members representing agricultural and rural communities still have some concerns about the proposed radon standards, I believe this reauthorization bill needs to move forward. Passage of the Safe Drinking Water Act amendments will also allow the House and Senate conferees to begin crafting radon language acceptable to all. The committee has put together an excellent bill. Their hard work deserves your support. I urge my colleagues to vote "aye."

Mr. BLILEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. WAXMAN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). The question is on the motion offered by the gentleman from California [Mr. WAXMAN] that the House suspend the rules and pass the bill, H.R. 3392, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

VACATING OF ORDERING OF YEAS AND NAYS ON S. 783, CONSUMER REPORTING REFORM ACT OF 1994

Mr. MFUME. Mr. Speaker, I ask unanimous consent to vacate the ordering of the yeas and nays on the motion to suspend the rules and pass the Senate bill, S. 783, and that the question be put again.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts [Mr. KENNEDY] that the House suspend the rules and pass the Senate bill, S. 783, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

A motion to reconsider was laid on the table.

CONTINUATION OF CERTAIN FEE COLLECTIONS FOR SECURITIES AND EXCHANGE COMMISSION

Mr. GIBBONS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5060) to provide for the continuation of certain fee collections for the expenses of the Securities and Exchange Commission for fiscal year 1995.

The Clerk read as follows:

H.R. 5060

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONTINUED COLLECTION OF REVENUES AUTHORIZED.

During fiscal year 1995, the rate of fees under section 6(b) of the Securities Act of 1933 (15 U.S.C. 77f(b)) shall remain at 1/29 of 1 percent.

2. DEPOSIT OF COLLECTIONS.

The fees collected under section 6(b) of the Securities Act of 1933 (to the extent attributable to a rate in excess of 1/50 of 1 percent by reason of section 1 of this Act) shall be deposited as an offsetting collection to the amounts appropriated to the Securities and Exchange Commission for fiscal year 1995, to remain available until expended.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. GIBBONS] will be recognized for 20 minutes, and the gentleman from Florida [Mr. SHAW] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. GIBBONS].

Mr. GIBBONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 5060, a bill to provide for the continuation of certain registration fee collections for the expenses of the Securities and Exchange Commission for fiscal year 1995.

H.R. 5060 provides that certain securities registration fees will continue to be collected at their current rate through fiscal year 1995. In addition, the bill provides that the amounts attributable to this 1-year extension would be deposited as offsetting collections to the amounts appropriated to the SEC for fiscal year 1995.

The Ways and Means Committee acted on H.R. 5060 because extending the current rate of registration fees is a revenue measure. Earlier in the year, the committee objected when the Senate included this measure in the Senate appropriations bill for the SEC, in violation of the Constitutional requirement that revenue measures originate in the House. Chairman OBEY recognized our jurisdictional concerns and assured us that the conference agreement for that legislation would not contain this provision.

In accordance with this assurance, the conference agreement did not include an extension of the current rate of registration fees. However, according to the SEC, the amount the conference agreement appropriates to the SEC for fiscal year 1995 falls far short of the amount needed to fund the agency for the year. In fact, the SEC believes that it will have to severely restrict its operations during the year if additional funding is not provided. Therefore, it is critical that we pass this bill in order to allow the SEC to be adequately funded in fiscal year 1995.

By passing this bill, we are sending a revenue measure to the Senate. However, I want to make it absolutely clear to the other Chamber that we will not proceed to conference on the bill if they add other provisions to it. The Senate must agree to a clean bill if they want to allow the SEC the funding necessary to continue its important regulatory functions.

Finally, I want to make it clear that the Committee on Ways and Means agreed to report H.R. 5060 favorably as a one-time, stop-gap measure in order to avert a potential shutdown of SEC operations. In future years, the committee fully expects that the SEC will be properly funded without recourse to further revenue legislation.

Mr. Speaker, I urge the House to pass this crucial legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. SHAW. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as Chairman GIBBONS stated in his opening remarks, H.R. 5060 extends for 1 year at current levels the Securities and Exchange Commission registration fee on new stock issuances. This extension is required to forestall an impending funding crisis for the SEC beginning October 1 of this year.

If an extension of this fee is not enacted by October 1, the SEC will be forced to begin closing down its agency on that date with the consequence that stock issuances will be hampered and rigorous enforcement of the securities laws may not take place until the agency is properly funded. This is obviously an intolerable situation and is the primary reason Ways and Means Committee members unanimously reported the bill to the House floor by voice vote.

When the House Appropriations Committee reported legislation earlier this year funding the SEC for fiscal year 1995, it contained an extension of the securities registration fee as an offsetting collection. As this legislation moved to the House floor, this provision was stricken on the ground that it constituted legislating in an appropriations bill in violation of House rule XXI, clause 2. Consequently, the House-passed bill provided only partial funding for the SEC for fiscal year 1995.

Likewise, the other body also included an extension of the securities registration fee in its appropriations bill funding the SEC. This provision was deleted in Conference under threat of a blue slip, a procedure designed to protect the constitutional prerogative of the House to originate revenue measures.

I would like to echo Chairman GIBBONS' comment that this bill is intended to be a one-time, stop-gap measure designed to solve the current funding crisis the SEC faces in fiscal year 1995. The Ways and Means Committee report accompanying the bill contains clear and unequivocal language that the committee expects the SEC to be properly funded in future fiscal years without recourse to revenue measures within the jurisdiction of the Ways and Means Committee.

In closing, I would urge my colleagues to join with me in passing H.R. 5060 in order to avert a truly grave crisis in funding the SEC for fiscal year 1995.

Mr. Speaker, I reserve the balance of my time.

Mr. GIBBONS. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan [Mr. DINGELL].

□ 1530

Mr. DINGELL. Mr. Speaker, I rise in strong support of the bill H.R. 5060 and urge its adoption.

First, Mr. Speaker, I commend my dear friends at the Committee on Ways and Means—I single out the leadership and hard work of acting Chairman SAM GIBBONS and ranking Republican member BILL ARCHER and their staffs,—in bringing H.R. 5060 to the House floor today.

At the outset, I want to note that the SEC is celebrating its 60th anniversary this week. For 60 years, the Nation has looked to the SEC to maintain the efficiency and honesty of the securities markets. By all accounts, it has done that job very well.

The SEC's principal activities—reviewing registration statements and other corporate disclosures; inspecting mutual funds, broker-dealers, and other market professionals; and investigating and punishing violations of the securities laws—are labor-intensive and never-ending. Not to fund these tasks fully or at all would shatter investor confidence and instigate a great national economic tragedy.

I believe that, Democrat and Republican alike, we in this body are united in believing in the importance of economic growth. That growth will not occur without sustained capital formation. Capital formation will not occur unless the securities markets operate efficiently and unless investors can have confidence in the honesty and fairness of those markets. A strong SEC is necessary to both of these.

As the committee report for the original Securities Act of 1933 stated:

> The necessity for the bill arises out of the fact that billions of dollars have been invested in practically worthless securities, both foreign and domestic, including those of foreign governments, by the American public through incomplete, careless, or false representations. The result is dire national distress.

Today, more than 38 million individuals, one in every four households, own mutual fund shares. These millions of average Americans deserve vigilant and effective regulatory oversight over their savings. That objective can be accomplished only if the SEC is funded adequately.

Mr. Speaker, the Congress does not have to choose between mounting deficit reduction pressures and fully funding this agency. Currently, the SEC collects in fees twice what we appropriate to it for its budget. However, this money goes straight to the U.S. Treasury. The SEC gets no credit for or use of these moneys. This deplorable situation is explained in detail in the letter that follows my statement. Last year, the Committees on Ways and Means, Appropriations, and Budget played pivotal roles in responding to the financial needs of the SEC, and worked with the Energy and Commerce Committee to provide the SEC a stable source of funding. That collaboration produced the bill H.R. 2239 which passed the House unanimously in July 1993 but which was never acted on by the Senate. This inaction is an outrage. But our immediate problem is to avert the impending shutdown of this key Government agency and the resulting economic gridlock.

To that end, H.R. 5060 provides that the section 6(b) registration fees would continue to be collected at the current rate of one twenty-ninth of 1 percent for 1 additional year, that is, through the end of fiscal year 1995. The bill also provides that the amounts collected attributable to the continuation of the one-twenty-ninth-of-1-percent rate would be deposited as offsetting collections to the amounts appropriated to the SEC for fiscal year 1995. This would allow the incremental amounts raised by continued collection of the fee at the one-twenty-ninth-of-1-percent rate to be available for funding the SEC.

Mr. Speaker, I commend the Committee on Ways and Means for this legislation and announce my intention to continue to press for responsible self-funding legislation for the SEC. I urge my colleagues to support this bill.

I submit my letter to Chairman GIBBONS for the RECORD.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, September 21, 1994.

Hon. SAM GIBBONS,
Acting Chairman, Committee on Ways and Means, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to you today to thank you for working with me to resolve the budgetary crisis currently facing the Securities and Exchange Commission (SEC). The Committee on Energy and Commerce deeply appreciates the action taken by the Committee on Ways and Means to favorably report H.R. 5060 to provide for the continuation of certain fee collections for the expenses of the SEC for fiscal year 1995. H.R. 5060 was introduced yesterday by you and referred jointly to the Committees on Energy and Commerce and Ways and Means. Given the exigent circumstances and the need for expeditious processing of this legislation, this Committee will not asset its jurisdictional interest and agrees to be discharged from further consideration of H.R. 5060.

As you know, in 1990, under the leadership of the Democratic Steering and Policy Committee, our respective Committees engaged in discussions that resulted in the statement issued by Speaker Foley in January 1991 regarding the jurisdiction of House Committees with respect to distinguishing between user fees and taxes. See Jurisdictional Concepts Related to Clause 5 of Rule XXI, Congressional Record, Vol. 137, No. 10, P. H507 (Jan. 15, 1991).

Pursuant to that statement, I understand that the Committee on Ways and Means generally will not assert jurisdiction over "true" regulatory fees that meet the following requirements:

(i) The fees are assessed and collected solely to cover the cost of specified regulatory activities (not including public information activities and other activities benefiting the public in general);

(ii) The fees are assessed and collected only in such manner as may reasonably be expected to result in an aggregate amount collected during any fiscal year which does not exceed the aggregate amount of the regulatory costs referred to in (i) above;

(iii) The only persons subject to the fees are those who directly avail themselves of, or are directly subject to, the regulatory activities referred to in (i), above; and

(iv) The amounts of the fees (a) are structured such that any person's liability for such fees is reasonably based on the proportion of the regulatory activities which relate to such person, and (b) are nondiscriminatory between foreign and domestic entities.

Additionally, pursuant to the Speaker's statement, the mere reauthorization of a preexisting fee that had not historically been considered a tax would not necessarily require a sequential referral to the Committee on Ways and Means. However, if such a preexisting fee were fundamentally changed so that it acquires the attributes of a tax, it properly should be referred to the Committee on Ways and Means.

Pursuant to its statutory mandates, the SEC collects fees for the filing of registration statements and other documents, for transactions on the stock exchanges, and for certain other activities under its regulatory jurisdiction. *See* H. Rpt. 103–179 to Accompany H.R. 2239, the Securities and Exchange

Commission Authorization Act of 1993, at 23–24. Aggregate fees collected by the SEC are dependent upon fee rates established under the federal securities laws as well as upon the level of fee-generating activity. As a result of the 1990 Gramm-Rudman-Hollings deficit reduction legislation, the SEC fees collect a surplus in addition to its appropriated budget. In recent years, the SEC has been a net contributor to the U.S. Treasury well above its appropriated budget. See chart in H. Rpt. 103–179 at 25. The fees collected by the SEC go to the Treasury as general revenues. The SEC gets no use of or credit for these monies but rather receives its yearly appropriations under the discretionary spending caps.

In recent appropriations bills, additional funding has been provided for the SEC by increasing the rate of registration fees under section 6(b) of the Securities Act of 1933 and applying the amounts attributable to these increases as offsetting collections credited against the SEC's appropriations. However, because the SEC already collects more in fees than is necessary to cover the costs of the registration process, the amount of the fees is not rationally related to the services the SEC renders. Thus, increases in these fees are revenue measures. In the past, the Committee on Ways and Means has expressed strong jurisdictional concerns and the Energy and Commerce Committee has expressed strong substantive and public policy concerns see, e.g., letters from the Honorable John D. Dingell to the Honorable John Joseph Moakley (June 17, 1994) and from the Honorable John D. Dingell to the Honorable Alan B. Mollohan (June 17, 1994)) about addressing the funding problems of the SEC in this manner and, accordingly, last year's conference report on the Commerce-Justice-State appropriations for fiscal year 1994 included language noting the agreement of the conferees that this would not be repeated in subsequent appropriations bills.

Last year, the Committee on Ways and Means worked with the Congressional Budget Office (CBO) and the Committees on Appropriations, Budget, and Energy and Commerce, in writing legislation (H.R. 2239) to reauthorize the SEC and to enact a full-cost recovery mechanism to address the SEC's funding imbalance and bring its fee collections in line with the 1991 guidance cited and discussed above. As crafted by the four Committees, with technical assistance from CBO, H.R. 2239 maintained strict Congressional control over SEC fee collections and expenses by providing that the authority of the SEC to collect and deposit fees as offsetting collections would be available only to the extent provided in advance in appropriations Acts. The method of fee adjustment, deposit and credit of offsetting collections, and other safeguards were spelled out in the statute. So as not to increase the budget deficit and to maintain pay-go scorecard neutrality, H.R. 2239 required that SEC fees continue to collect general revenues for fiscal years 1994 through 1998. Thereafter, SEC fees would be set and collected solely to recover the costs of that agency's regulatory activities. H.R. 2239, which enjoys bipartisan cosponsorship, has the strong support of the Administration, the securities industry, the SEC, state securities regulators, the securities bar, consumer groups, and others. On July 20, 1993, the House passed H.R. 2239 unanimously.

Subsequently, the Senate Banking Committee's Subcommittee on Securities held hearings on the SEC's budget authorization, and, in August 1993, that subcommittee's chairman wrote to me indicating his support, and that of the leadership of the full Banking Committee, for legislation along the lines of H.R. 2239. He also expressed his intention to move full-cost recovery legislation in this Congress. See letter from Senator Christopher J. Dodd to the Honorable John D. Dingell (August 6, 1993); see also letter from Senator Alfonse M. D'Amato to the Honorable John D. Dingell (August 3, 1993). However, the Senate Banking Committee has taken no action on this or any other reauthorization for the SEC. Indeed, we were informed by Senate staff at an August 23, 1994 meeting, called at the behest of the Administration, that Senators Gramm, Dodd and Domenici were opposed to SEC full-cost recovery, thus leaving the House to resolve the problems that such opposition created.

On June, 28, 1994, the House passed H.R. 4603, to make appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies programs for fiscal year 1995. As reported by the Committee on Appropriations, H.R. 4603 included a provision that would have allowed continued collection of registration fees at the rate in effect during fiscal year 1994, with such amounts applied as an offsetting collection to the SEC's appropriation. This provision was subject to points of order and was stricken on the ground that it constituted legislating in an appropriations bill in violation of House Rule XXI, clause 2. As passed, the House bill therefore provided only partial funding for the SEC for fiscal year 1995.

On July 22, 1994, the Senate passed its version of H.R. 4603. The Senate amendments included a provision (substantially similar to the provision stricken from the House bill) extending the fiscal year 1994 registration fee rate increase for an additional year in order to provide additional funding for the SEC. However, in response to last year's conference agreement and the jurisdictional concerns of the Committee on Ways and Means, the conference agreement for H.R. 4603 did not include the extension of the registration fees to fund the SEC. According to OMB, due to the operation of the Anti-Deficiency Act, notwithstanding the conference report's implication that the SEC would have funds adequate to maintain its operations through February 1995, the amount appropriated in fact falls far short of the amount needed to fund the agency for the year and would result in the agency having to send out reduction-in-force notices and begin the process of shutting down its operations as soon as October 1994.

H.R. 5060 would avert this crisis by providing that the section 6(b) registration fees would continue to be collected at the current rate of 1/29 of one percent for one additional year, i.e., during fiscal year 1995, and that the amounts collected attributable thereto would be deposited as offsetting collections to the amounts attributable to the SEC for fiscal year 1995. It is my understanding that the House and Senate Committees on Appropriations will ensure enactment of the companion appropriations component. We agree with you that this is a one-time stop-gap measure that will not be repeated and pledge our continued vigorous efforts to secure enactment of a comprehensive solution that serves the public interest.

I wish to thank you again, Mr. Chairman, for your full cooperation and the cooperation of your staff in addressing this matter. Please include this letter in your Committee report on H.R. 5060.

Sincerely,

JOHN D. DINGELL,
Chairman.

Mr. MARKEY. Mr. Speaker, I would like to commend Chairman GIBBONS for his cooperative and timely assistance in providing the Securities and Exchange Commission with the funding it needs to continue its crucial responsibilities of safeguarding the investing public and promoting efficient securities markets. As things now stand, the SEC has been appropriated a mere $125 million for fiscal year 1995. That is far short of the $306 million appropriation requested by that agency and provided for in the President's budget. Without the prompt and responsible action taken today by Chairman GIBBONS and the members of the Committee on Ways and Means, the SEC would face a serious shortfall in its funding, with the possibility of reduction-in-force [RIF] notices having to be issued as early as October 5 of this year. We also applaud our colleagues on the Appropriations Committee, who have long been sensitive to the plight of the SEC, for working to effectuate a corresponding appropriation of funds.

The important work of the SEC must not be allowed to be interrupted. As the securities markets have grown in volume and complexity, the SEC's job has become both more difficult and more essential. Between 1981 and 1993, the value of public offerings has increased by 1,789 percent. The number of investment advisers over that period grew by 292 percent and the value of assets under their management has swelled by 2,033 percent. In the fast-growing mutual fund area, the number of investment companies has increased by 393 percent and assets have grown by 662 percent. As more and more investors enter the marketplace through mutual funds and defined contribution retirement programs, so the critical nature of the SEC's task is enhanced.

The funding problems of the SEC have their roots, ironically, in the SEC's status as a net contributor to the Federal Treasury. The fees collected by the SEC go to the Treasury as general revenues. The SEC gets no credit for those amounts, and as the imbalance has worsened over time, so has the pressure increased on the SEC to be "cash cow" to fund other Federal programs. For example, last year, the SEC collected over $600 million in fees, but received less than half that amount to fund its operations. The wider the gap between what the SEC takes in and what it uses, the more SEC fees look like taxes rather than user fees. Both my Committee and the Committee on Ways and Means would like to see these fees return to their historic status as user fees. In the interim, however, we have been forced to rely on stopgap attempts to satisfy both SEC's budget needs and the Treasury's hunger for revenues through an increase in SEC fees on new stock registrations. All we are doing today is extending that stopgap approach at the same level for yet another year.

There is, however, an alternative. Unfortunately, that alternative, approved unanimously by the House on July 20, 1993, in the form of H.R. 2239, is unavailable to use as it has not been pursued by our Senate colleagues. H.R. 2239 was specifically designed to resolve the SEC's budget problems once and for all, thus relieving Congress of having to take such stopgap measures as we are forced to take today. This bill was drafted with the cooperative input of the administration, the Appropriations, Budget, Ways and Means and Energy and Commerce Committees, and the Congressional Budget Office. H.R. 2239 would create a mechanism to fully recover the costs of the agency's budget through fee collections. To mute any budget impact, it would wean the Treasury off any excess amounts collected over a 5-year period. The Senate, however, has proved obstinate in its refusal to take up this legislation this Congress. I hope that next year, we can persuade the Senate to do the right thing, and pass full cost recovery legislation, so that SEC funding can be assured and the SEC can focus exclusively on its mandate to protect investors and safeguard the nation's increasingly complex securities markets.

Mr. SHAW. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GIBBONS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. (Mr. FIELDS of Louisiana). The question is on the motion offered by the gentleman from Florida (Mr. GIBBONS) that the House suspend the rules and pass the bill, H.R. 5060.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

AMERICAN HERITAGE AREAS ACT OF 1994

Mr. VENTO. Mr. Speaker, I move that the House suspend the rules and pass the bill (H.R. 5044) to establish the American Heritage Areas Partnership Program, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5044

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "American Heritage Areas Act of 1994".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.
Sec. 2. Definitions.

TITLE I—AMERICAN HERITAGE AREAS PARTNERSHIP PROGRAM

Sec. 101. Short title.
Sec. 102. Congressional findings.
Sec. 103. Statement of purpose.
Sec. 104. Definitions.
Sec. 105. American Heritage Areas Partnership Program.
Sec. 106. Feasibility studies, compacts, management plans, and early actions.
Sec. 107. Management entities.
Sec. 108. Withdrawal of designation.
Sec. 109. Duties and authorities of Federal agencies.
Sec. 110. Lack of effect on land use regulation.
Sec. 111. Authorization of appropriations.
Sec. 112. Expiration of authorities.
Sec. 113. Report.
Sec. 114. Savings provision.

TITLE II—DESIGNATION OF AMERICAN HERITAGE AREAS

Sec. 201. American Coal Heritage Area.
Sec. 202. Augusta Canal American Heritage Area.
Sec. 203. Cane River American Heritage Area.
Sec. 204. Essex American Heritage Area.
Sec. 205. Hudson River Valley American Heritage Area.
Sec. 206. Ohio & Erie Canal American Heritage Area.
Sec. 207. Shenandoah Valley Battlefields American Heritage Area.
Sec. 208. Steel Industry American Heritage Area.
Sec. 209. Vancouver American Heritage Area.
Sec. 210. Wheeling American Heritage Area.

TITLE III—STUDIES REGARDING POTENTIAL AMERICAN HERITAGE AREAS

Sec. 301. Ohio River Corridor.
Sec. 302. Fox and Lower Wisconsin River Corridors.
Sec. 303. South Carolina Corridor.
Sec. 304. Northern Frontier.

TITLE IV—BLACKSTONE RIVER VALLEY NATIONAL HERITAGE CORRIDOR AMENDMENTS

Sec. 401. Boundaries, commission, and revision of plan.
Sec. 402. Implementation of plan.
Sec. 403. Authorization of appropriations.

TITLE V—BRAMWELL NATIONAL HISTORIC DISTRICT

Sec. 501. Bramwell National Historic District.

TITLE VI—SOUTHWESTERN PENNSYLVANIA AMERICAN HERITAGE AREA AMENDMENTS

Sec. 601. Short title.
Sec. 602. Designation of Southwestern Pennsylvania American Heritage Area.
Sec. 603. Powers of the commission.
Sec. 604. Federal participation.
Sec. 605. Congressional oversight.
Sec. 606. Authorization of appropriations.
Sec. 607. Path of progress.

SEC. 2. DEFINITIONS.

For purposes of this Act:

(1) The term "compact" means a compact described in section 106(a)(2).

(2) The term "Secretary" means the Secretary of the Interior.

TITLE I—AMERICAN HERITAGE AREAS PARTNERSHIP PROGRAM

SEC. 101. SHORT TITLE.

This title may be cited as the "American Heritage Areas Partnership Program Act of 1994".

SEC. 102. CONGRESSIONAL FINDINGS.

The Congress finds that—

(1) certain areas of the United States represent the diversity of the national character through the interaction of natural processes, distinctive landscapes, cultural traditions, and economic and social forces that have combined to create a particular pattern of human settlement and activity;

(2) in these areas, natural, historic, or cultural resources, or some combination thereof, combine to form a cohesive, nationally distinctive landscape arising from patterns of human activity shaped by geography;

(3) these areas represent the national experience through the physical features that remain and the traditions that have evolved in the areas;

(4) continued use and adaptive reuses of the natural and cultural fabric within these areas by people whose traditions helped to shape the landscapes enhance the significance of the areas;

(5) despite existing Federal programs and existing efforts by States and localities, the natural, historic, and cultural resources and recreational opportunities in these areas are often at risk; and

(6) the complexity and character of these areas distinguish them and call for a distinctive system of recognition, protection, and partnership management.

SEC. 103. STATEMENT OF PURPOSE.

The purposes of this title are—

(1) to recognize that the natural, historic, and cultural resources and recreational opportunities of the United States represent and are important to the great and diverse character of the Nation, and that these resources and opportunities must be guarded, preserved, and wisely managed so they may be passed on to future generations;

(2) to recognize that combinations of such resources and opportunities, as they are geographically assembled and thematically related, form areas that provide unique frameworks for understanding the historical, cultural, and natural development of the community and its surroundings;

(3) to preserve such assemblages that are worthy of national recognition, designation, and assistance, and to encourage linking such resources within such areas through greenways, corridors, and trails;

(4) to encourage appropriate partnerships among Federal agencies, State and local governments, nonprofit organizations, and the private sector, or combinations thereof, to preserve, conserve, and manage those resources and opportunities, accommodate economic viability, and enhance the quality of life for the present and future generations of the Nation;

(5) to authorize Federal financial and technical assistance to State and local governments and private nonprofit organizations, or combinations thereof, to study and promote the potential for conserving and interpreting these areas; and

(6) to prescribe the process by which, and the standards according to which, prospective American Heritage Areas may be assessed for eligibility and included in the American Heritage Areas Partnership Program established by this title.

SEC. 104. DEFINITIONS.

For purposes of this title:

(1) AMERICAN HERITAGE AREA.—The term "American Heritage Area" means an area so designated under this title.

(2) INDIAN TRIBE.—The term "Indian tribe" means any Indian tribe, band, nation, pueblo, or other organized group or community, including any Alaska Native village or regional corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(3) TECHNICAL ASSISTANCE.—The term "technical assistance" means any guidance, advice, help, or aid, other than financial aid.

(4) UNIT OF GOVERNMENT.—The term "unit of government" means the government of a State, a political subdivision of a State, or an Indian tribe.

SEC. 105. AMERICAN HERITAGE AREAS PARTNERSHIP PROGRAM.

(a) ESTABLISHMENT.—In order to preserve nationally distinctive natural, historic, and cultural resources, and to provide opportunities for conservation, education, and recreation through recognition of and assistance to areas containing such resources, there is hereby established within the Department of the Interior an American Heritage Areas Partnership Program, which shall consist of American Heritage Areas designated under subsection (d).

(b) General Authority of Secretary.—In accordance with the purposes of this title, the Secretary is authorized—

(1) to evaluate, in accordance with the criteria established in subsection (c), areas nominated under this title for designation as American Heritage Areas;

(2) to advise State and local governments, nonprofit organizations, and other appropriate entities regarding suitable methods of recognizing and preserving thematically and geographically linked natural, historic, and cultural resources and recreational opportunities; and

(3) to consider any American Heritage Area, designated under this or any other Act, for nomination to the World Heritage List if the Secretary determines that such area meets the qualifications for such nomination.

(c) Criteria.—To be eligible for designation as an American Heritage Area, an area shall meet each of the following criteria:

(1) Assemblage of resources.—The area shall be an assemblage of natural, historic, or cultural resources that—

(A) together represent distinctive aspects of American heritage worthy of recognition, preservation, interpretation, and continuing use; and

(B) are best managed as such an assemblage, through partnerships among public and private entities, and by combining diverse and sometimes noncontiguous resources and active communities.

(2) Traditions, customs, beliefs, or folklife.—The area shall reflect traditions, customs, beliefs, or folklife, or some combination thereof, that are a valuable part of the story of the Nation.

(3) Conservation of natural, cultural, or historic features.—The area shall provide outstanding opportunities to conserve natural, cultural, or historic features, or some combination thereof.

(4) Recreational and educational opportunities.—The area shall provide outstanding recreational and educational opportunities.

(5) Themes and integrity of resources.—The area shall have an identifiable theme or themes, and resources important to the identified theme or themes shall retain integrity capable of supporting interpretation.

(6) Support.—Residents, nonprofit organizations, other private entities, and governments within the proposed area shall demonstrate support for designation of the area and for management of the area as appropriate for such designation.

(7) Agreements.—The principal organization and units of government supporting the designation shall be willing to commit to agreements to work in partnership to implement the management plan of the area.

(8) Consistency with economic viability.—The proposal shall be consistent with continued economic viability in the affected communities.

(d) Conditions for Designation.—An area may be designated as an American Heritage Area only by an Act of Congress or by the means provided in title II. Except as otherwise provided in title II, the Congress may designate an area as an American Heritage Area only after each of the following conditions is met:

(1) Submission of study and compact to secretary.—An entity requesting American Heritage Area designation for the area submits to the Secretary a feasibility study and compact meeting the requirements of section 106(a). The comments of the Governor of each State in which the proposed American Heritage Area lies, or a statement by the entity that such Governor has failed to comment within a reasonable time after receiving the study and compact, accompanies such submittal to the Secretary.

(2) Approval and submission by secretary.—The Secretary approves, pursuant to section 106(b), the feasibility study and compact referred to in paragraph (1) and submits the study and compact to the Congress together with any comments that the Secretary deems appropriate regarding a preferred action.

(e) Relation to National Register of Historic Places.—The act of designation of an American Heritage Area shall not be deemed to signify that such American Heritage Area is included on, or eligible for inclusion on, the National Register of Historic Places, as established in accordance with section 101 of the National Historic Preservation Act (16 U.S.C. 470a). Designation of an American Heritage Area shall not preclude the American Heritage Area or any district, site, building, structure, or object located within the American Heritage Area from subsequently being nominated to, or determined eligible for inclusion on, the National Register.

SEC. 106. FEASIBILITY STUDIES, COMPACTS, MANAGEMENT PLANS, AND EARLY ACTIONS.

(a) Contents and Requirements.—

(1) Feasibility studies.—Each feasibility study submitted under this title shall include sufficient information to determine whether an area has the potential to meet the criteria referred to in section 105(c). Such information shall include, but need not be limited to, each of the following:

(A) A description of the natural, historic, and cultural resources and recreational opportunities presented by the area, including an assessment of the quality and degree of integrity of, the availability of public access to, and the themes represented by such resources and opportunities.

(B) An assessment of the interest of potential partners, including units of government, nonprofit organizations, and other private entities.

(C) A description of tentative boundaries for an American Heritage Area proposed to be established in the area.

(D) Identification of a possible management entity for an American Heritage Area proposed to be established in the area.

(E) An inventory of the amount of land in the area owned by public, private, and private nonprofit entities, respectively.

(2) Compacts.—(A) A compact submitted under this title shall include information relating to the objectives and management of an area proposed for designation as an American Heritage Area. Such information shall include, but need not be limited to, each of the following:

(i) A delineation of the boundaries of the proposed American Heritage Area.

(ii) A discussion of the goals and objectives of the proposed American Heritage Area, including an explanation of the proposed approach to conservation and interpretation and a general outline of the protection measures committed to by the partners referred to in clause (iv).

(iii) An identification and description of the management entity that will administer the proposed American Heritage Area.

(iv) A list of the initial partners to be involved in developing and implementing the management plan referred to in paragraph (3) for the proposed American Heritage Area, and a statement of the financial commitment of the partners.

(v) A description of the role of the State or States in which the proposed American Heritage Area is located.

(B)(i) The compact shall be prepared with public participation.

(ii) Actions called for in the compact shall be likely to be initiated within a reasonable time after designation of the proposed American Heritage Area and shall ensure effective implementation of the State and local aspects of the compact.

(3) Management plans.—A management plan submitted under this title for an American Heritage Area shall present comprehensive recommendations for the conservation, funding, management, and development of the area. The plan shall take into consideration existing State, county, and local plans and involve residents, public agencies, and private organizations in the area. It shall include a description of the actions recommended to be taken, to protect the resources of the area, by units of government and private organizations. It shall specify existing and potential sources of funding for the protection, management, and development of the area. The plan also shall include the following, as appropriate:

(A) An inventory of the resources contained in the American Heritage Area, including a list of property in the area that should be preserved, restored, managed, developed, or maintained because of the natural, cultural, or historic significance of the property as it relates to the themes of the area.

(B) A recommendation of policies for resource management that consider and detail the application of appropriate land and water management techniques, including (but not limited to) the development of intergovernmental cooperative agreements to protect the historical, cultural, and natural resources and the recreational opportunities of the area in a manner consistent with the support of appropriate and compatible economic viability.

(C) A program, including plans for restoration and construction, for implementation of the management plan by the management entity specified in the compact referred to in paragraph (2) and specific commitments, for the first 5 years of operation of the plan, by the partners identified in the compact.

(D) An analysis of means by which Federal, State, and local programs may best be coordinated to promote the purposes of this title.

(E) An interpretive plan for the American Heritage Area.

(4) Early actions.—After designation of an American Heritage Area but prior to approval of the management plan for that area, the Secretary may provide technical and financial assistance for early actions that are important to the theme of the area and that protect resources that would be in imminent danger of irreversible damage without such early actions.

(b) Approval and Disapproval of Compacts and Management Plans.—

(1) In general.—The Secretary, in consultation with the Governors of each State in which the relevant American Heritage

Area, or proposed area, is located, shall approve or disapprove every compact or management plan submitted under this title not later than 90 days after receiving such compact or management plan. Prior to approving the compact or plan, the Secretary shall consult with the Advisory Council on Historic Preservation in accordance with section 106 of the National Historic Preservation Act (16 U.S.C. 470f).

(2) DISAPPROVAL AND REVISIONS.—If the Secretary disapproves a compact or management plan submitted under this title, the Secretary shall advise the submitter, in writing, of the reasons for the disapproval and shall make recommendations for revisions of the compact or plan. The Secretary shall approve or disapprove a proposed revision to such a compact or plan within 90 days after the date on which the revision is submitted to the Secretary.

(3) AMENDMENTS TO MANAGEMENT PLANS.—The Secretary shall review substantial amendments to management plans for American Heritage Areas. Funds appropriated pursuant to this title may not be expended to implement such amendments until the Secretary approves the amendments.

(4) NO REQUIREMENT FOR LAND USE REGULATION AS CONDITION FOR APPROVAL.—No provision of this title shall be construed to require any change in land use regulation as a condition of approval of a compact, management plan, or revision of a compact or management plan by the Secretary.

SEC. 107. MANAGEMENT ENTITIES.

(a) IN GENERAL.—

(1) RECEIPT OF FEDERAL FUNDS.—Management entities that are designated in compacts approved under section 106(b) for American Heritage Areas are authorized to receive Federal funds in support of cooperative partnerships to prepare and implement the management plans regarding the American Heritage Areas and to otherwise perform the functions contemplated in this title.

(2) ELIGIBILITY.—To be eligible for designation as the management entity of an American Heritage Area, a unit of government or private nonprofit organization must possess the legal ability to—

(A) receive Federal funds for use in preparing and implementing the management plan for the area;

(B) disburse Federal funds to other units of government or other organizations for use in preparing and implementing the management plan;

(C) account for all Federal funds so received or disbursed; and

(D) sign agreements with the Federal Government.

(b) AUTHORITIES OF MANAGEMENT ENTITY.—The management entity of an American Heritage Area may, for purposes of preparing and implementing the management plan for the area, use Federal funds made available under this title—

(1) to make grants and loans to States, political subdivisions thereof, private organizations, and other persons;

(2) to enter into cooperative agreements with Federal agencies; and

(3) to hire and compensate staff.

(c) DUTIES OF MANAGEMENT ENTITY.—The management entity for an American Heritage Area shall do each of the following:

(1) MANAGEMENT PLAN.—The management entity shall develop, and submit to the Secretary for approval, a management plan described in section 106(a)(3) within 3 years after the date of the designation of the area as an American Heritage Area.

(2) PRIORITIES.—The management entity shall give priority to the implementation of actions, goals, and policies set forth in the compact and management plan referred to in section 106(a), including—

(A) assisting units of government, regional planning organizations, and nonprofit organizations—

(i) in preserving the American Heritage Area;

(ii) in establishing and maintaining interpretive exhibits in the area;

(iii) in developing recreational opportunities in the area;

(iv) in increasing public awareness of and appreciation for the natural, historical, and cultural resources of the area;

(v) in the restoration of historic buildings that are located within the boundaries of the area and relate to the themes of the area; and

(vi) in ensuring that clear, consistent, and environmentally appropriate signs identifying access points and sites of interest are put in place throughout the area;

(B) consistent with the goals of the management plan referred to in section 106(a)(3), encouraging economic viability in the affected communities by appropriate means; and

(C) encouraging local governments to adopt land-use policies consistent with the management of the area and the goals of the management plan referred to in section 106(a)(3).

(3) CONSIDERATION OF INTERESTS OF LOCAL GROUPS.—The management entity shall, in developing and implementing the management plan referred to in section 106(a)(3), consider the interests of diverse governmental, business, and nonprofit groups within the geographic area.

(4) PUBLIC MEETINGS.—The management entity shall conduct public meetings at least quarterly regarding the implementation of the management plan referred to in section 106(a)(3).

(5) SUBMISSION OF CHANGES IN PLAN.—The management entity shall submit any substantial changes to the management plan referred to in section 106(a)(3) (including any increase of more than 20 percent in the cost estimates for implementation of the management plan) to the Secretary for the approval of the Secretary.

(6) ANNUAL REPORT.—The management entity shall, for any fiscal year in which it receives Federal funds under this title or in which a loan made by the entity with Federal funds under section 107(b)(1) is outstanding, submit an annual report to the Secretary setting forth its accomplishments, its expenses and income, and the entities to which it made any loans and grants during the year for which the report is made.

(7) COOPERATION WITH AUDITS.—The management entity shall, for any fiscal year in which it receives Federal funds under this title or in which a loan made by the entity with Federal funds under section 107(b)(1) is outstanding, make available for audit by the Congress, the Secretary, and appropriate units of government all records and other information pertaining to the expenditure of such funds and any matching funds, and require, for all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organizations make available for such audit all records and other information pertaining to the expenditure of such funds.

(8) LIABILITY FOR LOANS.—The management entity shall be liable to the Federal Government for any loans that the management entity makes under section 107(b)(1).

(d) DISQUALIFICATION FOR FEDERAL FUNDING.—If a management plan regarding an American Heritage Area is not submitted to the Secretary as required under subsection (c)(1) within the time specified in such subsection, the American Heritage Area shall cease to be eligible for Federal funding under this title until such a plan regarding the American Heritage Area is submitted to the Secretary.

(e) PROHIBITION OF ACQUISITION OF REAL PROPERTY.—A management entity for an American Heritage Area may not use Federal funds received under this title to acquire real property or interest in real property. No provision of this title shall prohibit any management entity from using Federal funds from other sources for their permitted purposes.

(f) DURATION OF ELIGIBILITY FOR FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—A management entity for an American Heritage Area shall be eligible to receive funds appropriated pursuant to this title for a 10-year period beginning on the day on which the American Heritage Area is designated, except as provided in paragraph (2).

(2) EXTENSION OF ELIGIBILITY.—The eligibility of a management entity for funding under this title may be extended, by the Secretary, for a period of not more than 5 years after the 10-year period referred to in paragraph (1), if—

(A) the management entity determines that the extension is necessary in order to carry out the purposes of this title and notifies the Secretary of such determination not later than 180 days prior to the end of the 10-year period referred to in paragraph (1);

(B) the management entity, not later than 180 days prior to the end of the 10-year period referred to in paragraph (1), presents to the Secretary a plan of its activities for the period of the extension, including provisions for becoming independent of the funds made available pursuant to this title; and

(C) the Secretary, after consulting with the Governor of each State in which the American Heritage Area is located, approves such extension of eligibility.

(3) LACK OF EFFECT OF EXTENSION ON FUNDING LIMITATIONS.—An extension provided under this subsection shall not be construed as waiving any limitation on funds provided pursuant to this title.

SEC. 108. WITHDRAWAL OF DESIGNATION.

(a) IN GENERAL.—The American Heritage Area designation of an area shall continue unless—

(1) the Secretary determines that—

(A) the American Heritage Area no longer meets the criteria referred to in section 105(c);

(B) the parties to the compact approved in relation to the area under section 106(b) are not in compliance with the terms of the compact;

(C) the management entity of the area has not made reasonable and appropriate progress in developing or implementing the management plan approved for the area under section 106(b); or

(D) the use, condition, or development of the area is incompatible with the criteria referred to in section 105(c) or with the compact approved in relation to the area under section 106(b); and

(2) after making a determination referred to in paragraph (1), the Secretary submits to the Congress notification that the American Heritage Area designation of the area should be withdrawn.

(b) PUBLIC HEARING.—Before the Secretary makes a determination referred to in subsection (a)(1) regarding an American Heritage Area, the Secretary or a designee shall hold a public hearing within the area.

(c) TIME OF WITHDRAWAL OF DESIGNATION.—

(1) IN GENERAL.—The withdrawal of the American Heritage Area designation of an area shall become final 90 legislative days after the Secretary submits to the Congress the notification referred to in subsection (a)(2) regarding the area.

(2) LEGISLATIVE DAY.—For purposes of this subsection, the term "legislative day" means any calendar day on which both Houses of the Congress are in session.

SEC. 109. DUTIES AND AUTHORITIES OF FEDERAL AGENCIES.

(a) DUTIES AND AUTHORITIES OF SECRETARY.—

(1) GRANTS.—The Secretary may make matching grants to provide assistance regarding feasibility studies and compacts described in section 106(a) and, upon request of the management entity for the relevant American Heritage Area, regarding management plans and early actions described in section 106(a) and capital projects and improvements undertaken pursuant to such management plans. The Secretary may make grants under this section to units of government, and, in consultation with affected units of government, to private nonprofit organizations. In awarding grants, the Secretary shall be guided by the criteria for eligibility for designation referred in section 105(c).

(2) TECHNICAL ASSISTANCE.—(A) The Secretary may provide technical assistance to units of government and private nonprofit organizations regarding feasibility studies and compacts described in section 106(a) and, upon request of the management entity for the relevant American Heritage Area, regarding management plans and early actions described in section 106(a) and capital projects and improvements undertaken pursuant to such management plans. In providing the technical assistance, the Secretary shall be guided by the criteria for eligibility for designation referred to in section 105(c).

(B) The Secretary may elect to provide all or part of the technical assistance authorized by this subsection through cooperative agreements with units of government and private nonprofit organizations whose missions and resources can contribute substantially to the purposes of this title.

(3) OTHER ASSISTANCE.—Nothing in this title shall be deemed to prohibit the Secretary or units of government from providing technical or financial assistance under any other provision of law.

(4) PRIORITIES FOR ASSISTANCE.—In assisting an American Heritage Area, the Secretary shall give priority to actions that assist in—

(A) conserving the significant natural, historic, and cultural resources which support the themes of the American Heritage Area; and

(B) providing educational, interpretive, and recreational opportunities consistent with the resources and associated values of the American Heritage Area.

(5) DETERMINATIONS REGARDING ASSISTANCE.—The Secretary shall decide which American Heritage Areas shall be awarded technical and financial assistance and the amount of the assistance. Such decisions shall be based on the relative degree to which each American Heritage Area effectively fulfills the objectives contained in the management plan for the area, achieves the purposes of this title, and fulfills the criteria referred to in section 105(c) and shall give consideration to projects which provide a greater leverage of Federal funds.

(6) NON-FEDERALLY OWNED PROPERTY.—The Secretary is authorized to spend Federal funds directly on nonfederally owned property to further the purposes of this title, giving priority to assisting units of government in appropriate treatment of districts, sites, buildings, structures, and objects listed or eligible for listing on the National Register of Historic Places.

(7) ANNUAL REPORT.—The Secretary shall submit an annual report to the Congress regarding the American Heritage Areas Partnership Program. Each report shall include—

(A) the number, amount, and recipients of any grants provided by the Secretary under this title and the nature of any technical assistance or early action provided under this title;

(B) a description of the status and condition of, and Federal funding provided under this Act to, each American Heritage Area;

(C) a description of the areas nominated for the American Heritage Partnership Program;

(D) the recommendations of the Secretary regarding areas to be designated by the Congress as American Heritage Areas; and

(E) the status of the implementation of all contractual agreements entered into by the Secretary under this title.

(8) OVERSIGHT OF HERITAGE AREAS WITH EXPIRED ELIGIBILITY.—The Secretary shall investigate, study, and continually monitor the welfare of all American Heritage Areas whose eligibility for Federal funding under this title has expired and shall report to the Congress periodically regarding the condition of such American Heritage Areas.

(9) PROVISION OF INFORMATION.—In cooperation with other Federal agencies, the Secretary shall provide the general public with information regarding the location and character of components of the American Heritage Areas Partnership Program.

(10) PROMULGATION OF REGULATIONS.—The Secretary shall promulgate such regulations as are necessary to carry out the purposes of this title.

(b) DUTIES OF FEDERAL ENTITIES.—Any Federal entity conducting or supporting activities within an American Heritage Area, and any unit of government acting pursuant to a grant of Federal funds or a Federal permit or agreement and conducting or supporting such activities, shall, to the maximum extent practicable—

(1) consult with the Secretary and the management entity for the American Heritage Area with respect to such activities;

(2) cooperate with the Secretary and the management entity in the carrying out of the duties of the Secretary and the management entity under this title, and coordinate such activities with the carrying out of such duties; and

(3) conduct or support such activities in a manner consistent with the management plan for the American Heritage Area unless the Federal entity or unit of government, after consultation with the Secretary and the management entity, determines that there is no practicable alternative.

SEC. 110. LACK OF EFFECT ON LAND USE REGULATION.

(a) LACK OF EFFECT ON AUTHORITY OF GOVERNMENTS.—Nothing in this title shall be construed to modify, enlarge, or diminish any authority of Federal, State, and local governments to regulate any use of land as provided for by current law or regulation.

(b) LACK OF ZONING OR LAND USE POWERS OF ENTITY.—Nothing in this title shall be construed to grant powers of zoning or land use to any management entity for an American Heritage Area.

(c) MANAGEMENT PLAN AVAILABILITY TO LOCAL GOVERNMENTS.—Any management plan referred to in section 106(a) and submitted to the Secretary by the management entity for an American Heritage Area shall be made available to the local governments having jurisdiction over land use regulations affecting the American Heritage Area for the use of the local governments in updating their growth management plans and in the event that such governments desire to amend current land use legislation as they may deem appropriate and in accordance with their legal authority.

SEC. 111. AUTHORIZATION OF APPROPRIATIONS.

(a) FEASIBILITY STUDIES, COMPACTS, MANAGEMENT PLANS, AND EARLY ACTIONS.—From the amounts made available to carry out the National Historic Preservation Act (16 U.S.C. 470 et seq.), there is authorized to be appropriated to the Secretary, for grants and technical assistance pursuant to section 109(a) and the administration of such grants and assistance, annually not more than $8,000,000, to remain available until expended, with the following conditions:

(1) PERCENT OF COST.—No grant under this title for a feasibility study, compact, management plan, or early action may exceed 75 percent of the cost, to the grantee, for such study, compact, plan, or early action.

(2) STUDIES.—The total amount of Federal funding under this title for feasibility studies for a proposed American Heritage Area may not exceed $100,000.

(3) COMPACTS.—The total amount of Federal funding under this title for compacts for a proposed American Heritage Area may not exceed $150,000.

(4) EARLY ACTION GRANTS.—The total amount of Federal funding under this title for early action grants for an American Heritage Area may not exceed $250,000.

(5) MANAGEMENT PLANS.—The total amount of Federal funding under this title for management plans for an American Heritage Area may not exceed $150,000.

(b) MANAGEMENT ENTITY OPERATIONS.—

(1) OPERATING COSTS.—From the amounts made available to carry out the National Historic Preservation Act (16 U.S.C. 470 et seq.), there is authorized to be appropriated to the Secretary, for each management entity of an American Heritage Area, not more than $250,000 annually for the operating costs of such management entity pursuant to section 107.

(2) COST SHARE.—The Federal contribution under this title to the operations of any management entity of an American Heritage Area shall not exceed 50 percent of the annual operating costs of the entity.

(c) PLAN IMPLEMENTATION.—From the amounts made available to carry out the National Historic Preservation Act (16 U.S.C. 470 et seq.), there is authorized to be appropriated to the Secretary, for grants and technical assistance for the implementation of management plans for designated American Heritage Areas and the administration of such grants and assistance, not more than *$14,500,000* annually, to remain available until expended, with the following conditions:

(1) PERCENT OF COST.—No grant under this title for implementation of a management plan may exceed 50 percent of the cost to the grantee of the implementation.

(2) PERCENT OF FUNDING FOR EACH AREA.—Not more than 10 percent of the annual appropriation for this subsection shall be made available, in any 1 year, to each American Heritage Area.

(3) TOTAL FUNDING FOR EACH AREA.—Not more than a total of $10,000,000 may be made available under this subsection to each American Heritage Area.

(4) AGREEMENTS.—Any payment made under this subsection shall be subject to an agreement that conversion, use, or disposal of the project so assisted for purposes contrary to the purposes of this title, as determined by the Secretary, shall result in a right of the United States to the greater of—

(A) reimbursement of all funds made available for such project; and

(B) the proportion of the increased value of the project attributable to such funds, as determined at the time of such conversion, use, or disposal.

(d) LIMITATION ON AMOUNTS FOR TECHNICAL ASSISTANCE.—The amount of Federal funding made available under this section for technical assistance for an American Heritage Area for a fiscal year may not exceed $150,000.

SEC. 112. EXPIRATION OF AUTHORITIES.

The authorities contained in this title shall expire on September 30 of the 25th fiscal year beginning after the date of the enactment of this title.

SEC. 113. REPORT.

The Secretary shall submit to the Congress, every 5 years while the authorities contained in this title remain in force, a report on the status and accomplishments of the American Heritage Areas Partnership Program as a whole.

SEC. 114. SAVINGS PROVISION.

Nothing in this title shall be construed to expand or diminish any authorities contained in any law designating an individual National Heritage Area or Corridor before the date of the enactment of this title.

TITLE II—DESIGNATION OF AMERICAN HERITAGE AREAS

SEC. 201. AMERICAN COAL HERITAGE AREA.

(a) CONGRESSIONAL FINDINGS.—The Congress finds that—

(1) the rise of American industry in the late 19th and 20th centuries led to tremendous growth in the Appalachian coal fields, creating an area of national historic significance in terms of its contributions to the industrial revolution, architecture, culture, and diversity;

(2) within the Appalachian coal belt, the coal mined in southern West Virginia and in southwestern Virginia produced some of the purest and most sought-after coal in the Nation, and the region associated with this coal contains a rich cultural heritage;

(3) the influx of labor needed to mine coal in this region created a diverse community of African Americans from the south, recent immigrants from southern and southeastern Europe, Americans from northern mining areas, and native Appalachians;

(4) it is in the national interest to preserve and protect physical remnants of the late 19th and early 20th century rise of American industry for the education and benefit of present and future generations; and

(5) there is a need to provide assistance to the preservation and promotion of the vestiges of the coal heritage of Appalachia that have outstanding cultural, historic, and architectural value.

(b) STATEMENT OF PURPOSE.—The purposes of this section are to preserve and interpret, for the educational and inspirational benefit of present and future generations, certain lands and structures with unique and significant historical and cultural values associated with the coal mining heritage of southern West Virginia and southwestern Virginia.

(c) DESIGNATION.—

(1) IN GENERAL.—Upon publication by the Secretary in the Federal Register of notice that a compact meeting the requirements for a compact under section 106(a)(2) has been approved by the Secretary under the procedures referred to in section 106(b), there is hereby designated the American Coal Heritage Area (hereinafter in this section referred to as the "Heritage Area").

(2) COMPACT.—The Secretary may not require, as a condition of approving a compact submitted pursuant to this section regarding the Heritage Area, that both the State of West Virginia and the Commonwealth of Virginia sign the compact.

(d) BOUNDARIES.—The Heritage Area shall be composed of the lands generally depicted on the map entitled "Coal Industry National Heritage Area", numbered CMNHA-80,008, and dated August 1994. The map shall be on file and available for public inspection in the office of the Director of the National Park Service.

(e) ADMINISTRATION.—The Heritage Area shall be considered to be part of the American Heritage Areas Partnership Program and shall be considered for all purposes, including but not limited to the management plan submission requirement of section 107(c)(1) and the provisions of section 108, to have been designated an American Heritage Area under section 105(d) on the date on which the Heritage Area is designated under subsection (c) of this section.

SEC. 202. AUGUSTA CANAL AMERICAN HERITAGE AREA.

(a) CONGRESSIONAL FINDINGS.—The Congress finds that—

(1) the Augusta Canal National Historic Landmark in the State of Georgia, listed on the National Register of Historic Places, is one of the last unspoiled and undeveloped areas in the State of Georgia, has remained largely intact, and has excellent water quality, beautiful rural landscapes, architecturally significant mill structures and mill villages, and large acreage in open space;

(2) the beautiful rural landscapes, scenic vistas and excellent water quality of the Augusta Canal contain significant undeveloped recreational opportunities for people throughout the United States;

(3) the existing mill sites and other structures throughout the Augusta Canal were instrumental in the development of the cotton textile industry in the south;

(4) several significant sites associated with Native Americans, the American Revolution, and African-Americans are located within the area; and

(5) the Augusta Canal Authority would be an appropriate management entity for an American Heritage Area established in the area of the Augusta Canal.

(b) STATEMENT OF PURPOSE.—The purposes of this section are to—

(1) designate the Augusta Canal as an American Heritage Area; and

(2) provide a management framework to assist the State of Georgia, its units of local and regional government, and citizens in the development and implementation of integrated cultural, historical, and recreational land resource management programs in order to retain, enhance, and interpret significant features of the lands, waters, historic structures, and heritage of the Augusta Canal.

(c) DESIGNATION.—Upon publication in the Federal Register of notice that a compact meeting the requirements for a compact under section 106(a)(2) has been approved by the Secretary under the procedures referred to in section 106(b), there is hereby designated the Augusta Canal American Heritage Area (hereinafter in this section referred to as the "Heritage Area").

(d) BOUNDARIES.—The Heritage Area shall be comprised of the lands generally depicted on the map entitled "The Augusta Canal", numbered AUCA-80,000, and dated August 1994. The map shall be on file and available for public inspection in the office of the Director of the National Park Service.

(e) ADMINISTRATION.—The Heritage Area shall be considered to be part of the American Heritage Areas Partnership Program and shall be considered for all purposes, including but not limited to the management plan submission requirement of section 107(c)(1) and the provisions of section 108, to have been designated an American Heritage Area under section 105(d) on the date on which the Heritage Area is designated under subsection (c) of this section.

SEC. 203. CANE RIVER AMERICAN HERITAGE AREA.

(a) CONGRESSIONAL FINDINGS.—The Congress finds that—

(1) the settlement in the Natchitoches area along Cane River, established in 1714, is the oldest settlement in the Louisiana Purchase Territory;

(2) the Cane River area is the locale of the development of Creole culture, from the French-Spanish interactions of the early 18th century to the living communities of today;

(3) the Cane River, historically a segment of the Red River, provided the focal point for early settlement in the area, serving as a transportation route upon which commerce and communication reached all parts of the colony;

(4) although a number of Creole structures, sites, and landscapes exist in Louisiana and elsewhere, most, unlike the Cane River area, are isolated examples and lack original outbuilding complexes or integrity;

(5) the Cane River area includes a great variety of historical features, with original elements, in both rural and urban settings and a cultural landscape that represents various aspects of Creole culture, providing the base for a holistic approach to understanding the broad continuum of history within the region;

(6) the Cane River region includes the Natchitoches National Historic Landmark District, composed of approximately 300 publicly and privately owned properties, 4 other national historic landmarks, and other structures and sites that may meet criteria for landmark significance following further study;

(7) historic preservation within the Cane River area has greatly benefited from individuals and organizations that have strived to protect their heritage and educate others about their rich history; and

(8) because of the complexity and magnitude of preservation needs in the Cane River area, and the vital need for a culturally sensitive approach, a partnership approach is desirable for addressing the many preservation and educational needs of the area.

(b) STATEMENT OF PURPOSE.—The purposes of this section are—

(1) to recognize the importance of the Cane River Creole culture as a significant element

of the cultural heritage of the United States; and

(2) to establish a Cane River American Heritage Area to be undertaken in partnership with the State of Louisiana, the city of Natchitoches, local communities and settlements of the Cane River area, preservation organizations, and private landowners, with full recognition that programs must fully involve the local communities and landowners.

(c) DESIGNATION.—In furtherance of the need to recognize the value and importance of the Cane River region, upon publication by the Secretary in the Federal Register of notice that a compact meeting the requirements for a compact under section 106(a)(2) has been approved by the Secretary under the procedures referred to in section 106(b), there is hereby designated the Cane River American Heritage Area (hereinafter in this section referred to as the "Heritage Area").

(d) BOUNDARIES.—

(1) IN GENERAL.—The Heritage Area shall be composed of the lands encompassing—

(A) an acre approximately 1 mile on both sides of the Cane River, as depicted on the map numbered "CARI–80,000", and dated January 1994;

(B) the Natchitoches National Historical Landmark District;

(C) the Los Adaes State Commemorative Area;

(D) the Fort Jesup State Commemorative Area;

(E) the Fort St. Jean Baptiste State Commemorative Area; and

(F) the Kate Chopin House.

(2) MAP.—The Secretary shall prepare a map of the Cane River American Heritage Area, which shall be on file and available for public inspection in the office of the Director of the National Park Service.

(e) ADMINISTRATION.—The Heritage Area shall be considered to be part of the American Heritage Areas Partnership Program and shall be considered for all purposes, including but not limited to the management plan submission requirement of section 107(c)(1) and the provisions of section 108, to have been designated an American Heritage Area under section 105(d) on the date on which the Heritage Area is designated under subsection (c) of this section.

(f) MANAGEMENT ENTITY.—Upon petition, the Secretary is authorized to recognize a coalition consisting of the following persons as the management entity, for purposes of title I, for the Cane River American Heritage Area:

(1) 1 member submitted by the mayor of Natchitoches.

(2) 1 member submitted by the Association for the Preservation of Historic Natchitoches.

(3) 1 member submitted by the Natchitoches Historic Foundation, Inc.

(4) 2 members, with experience in and knowledge of tourism in the area of the Cane River American Heritage Area, submitted by local business and tourism organizations.

(5) 1 member submitted by the Governor of the State of Louisiana.

(6) 1 member submitted by the Police Jury of Natchitoches Parish in Louisiana.

(7) 1 member submitted by the Concerned Citizens of Cloutierville.

(8) 1 member submitted by the St. Augustine Historical Society.

(9) 1 member submitted by the Black Heritage Committee.

(10) 1 member submitted by the Los Adaes/Robeline Community.

(11) 1 member submitted by the Natchitoches Historic District Commission.

(12) 1 member submitted by the Cane River Waterway Commission.

(13) 2 members who are landowners in and residents of the Cane River American Heritage Area.

(14) 1 member, with experience and knowledge of historic preservation, submitted by Museum Contents, Inc.

(15) 1 member, with experience and knowledge of historic preservation, submitted by the President of Northwestern State University of Louisiana.

(16) 1 member, with experience in and knowledge of environmental, recreational, and conservation matters affecting the Cane River American Heritage Area, submitted by the Natchitoches Sportsman's Association and other local recreational and environmental organizations.

(17) The superintendent of the Jean Lafitte National Historic Park and Preserve, or a designee.

SEC. 204. ESSEX AMERICAN HERITAGE AREA.

(a) CONGRESSIONAL FINDINGS.—The Congress finds that—

(1) Essex County, Massachusetts, was host to a series of historic events that influenced the course of the early settlement of the United States, its emergence as a maritime power, and its subsequent industrial development;

(2) the North Shore of Essex County and Merrimack River valley contain examples of significant early American architecture and significant Federal-period architecture, many sites and buildings associated with the establishment of the maritime trade in the United States, the site of the witchcraft trials of 1692, the birthplace of successful iron manufacture, and the establishment of the textile and leather industries in and around the cities of Peabody, Beverly, Lynn, Lawrence, and Haverhill;

(3) Salem, Massachusetts, has a rich heritage as one of the earliest landing sites of the English colonists, the first major world harbor for the United States, and an early thriving hub of American industries;

(4) the Saugus Iron Works National Historic Site is the site of the first sustained, integrated iron works in Colonial America, and the technology employed at the Iron Works was dispersed throughout the Colonies and was critical to the development of industry and technology in America;

(5) the Salem Maritime National Historic Site contains nationally significant resources that explain the manner in which the Nation was settled, its evolution into a maritime power, and its development as a major industrial force, and the story told at the Salem Maritime and Saugus Iron Works National Historic Sites would be greatly enhanced through the interpretation of significant theme-related resources in Salem and Saugus and throughout Essex County;

(6) partnerships between the private and public sectors have been created and additional partnerships will be encouraged to preserve the rich cultural heritage of the region, which will stimulate cultural awareness and preservation and economic development through tourism; and

(7) the resident and business communities of the region have formed the Essex Heritage Ad Hoc Commission for the preservation, interpretation, promotion, and development of the historic, cultural, and natural resources of the area and are investing significant private funds and energy to develop a plan to preserve the nationally significant resources of Essex County.

(b) PURPOSES.—The purposes of this section are—

(1) to designate the Essex American Heritage Area in order to recognize, preserve, promote, interpret, and make available for the benefit of the public the historic, cultural, and natural resources of the North Shore and lower Merrimack River valley in Essex County, Massachusetts, which encompass the 3 primary themes of the Salem Maritime National Historic Site and Saugus Iron Works National Historic Site (the histories of early settlement and industry, maritime trade, and textile and leather manufacturing); and

(2) to provide a management framework to assist the Commonwealth of Massachusetts and its units of local government in the development and implementation of an integrated cultural, historical, and land resource management program in order to retain, enhance, and interpret the significant values of the lands, waters, and structures located in the district.

(c) DESIGNATION.—Upon publication by the Secretary in the Federal Register of notice that a compact regarding the Heritage Area and meeting the requirements for a compact under section 106(a)(2) has been approved by the Secretary under the procedures referred to in section 106(b), there is hereby designated the Essex American Heritage Area (hereinafter in this section referred to as the "Heritage Area"), within the county of Essex in the Commonwealth of Massachusetts.

(d) BOUNDARIES.—The Heritage Area shall be comprised of the lands generally depicted on the map numbered NAR–51–80,000 and dated August 1994. The map shall be on file and available for public inspection in the office of the Director of the National Park Service.

(e) ADMINISTRATION.—The Heritage Area shall be considered to be part of the American Heritage Areas Partnership Program and shall be considered for all purposes, including but not limited to the management plan submission requirement of section 107(c)(1) and the provisions of section 108, to have been designated an American Heritage Area under section 105(d) on the date on which the Heritage Area is designated under subsection (c) of this section.

SEC. 205. HUDSON RIVER VALLEY AMERICAN HERITAGE AREA.

(a) CONGRESSIONAL FINDINGS.—The Congress finds that—

(1) the Hudson River Valley between Yonkers, New York, and Troy, New York, possesses important historical, cultural, and natural resources, representing themes of settlement and migration, transportation, and commerce;

(2) the Hudson River Valley played an important role in the military history of the American Revolution;

(3) the Hudson River Valley gave birth to important movements in American art and architecture through the works of Andrew Jackson Downing, Alexander Jackson Davis, Thomas Cole, and their associates, and played a central role in the recognition of the esthetic values of landscape and the development of an American esthetic ideal;

(4) the Hudson River Valley played an important role in the development of the iron, textile, and collar and cuff industries in the 19th century, exemplified in surviving structures such as the Harmony Mills complex at Cohoes, and in the development of early men's and women's labor and cooperative organizations, and is home of the first women's labor union in the United States and the first women's secondary school in the United States;

(5) the Hudson River Valley, in its cities and towns and its rural landscapes—

(A) displays exceptional surviving physical resources illustrating these themes and the social, industrial, and cultural history of the 19th and early 20th centuries; and

(B) includes numerous national historic sites and landmarks;

(6) the Hudson River Valley is the home of the traditions associated with Dutch and Huguenot settlements dating to the 17th and 18th centuries, was the locus of characteristic American stories such as "Rip Van Winkle" and the "Legend of Sleepy Hollow", and retains physical, social, and cultural evidence of these traditions and the traditions of other more recent ethnic and social groups;

(7) the State of New York has established a structure, in the Hudson River Greenway Communities Council and the Greenway Conservancy, for the Hudson River Valley communities to join together to preserve, conserve, and manage these resources and to link them through trails and other means; and

(8) the Heritage Area Committee jointly established by the Hudson River Valley Greenway Communities Council and the Greenway Conservancy (agencies established by the State of New York in its Hudson River Greenway Act of 1991) is expected to be the management entity for an American Heritage Area established in the Hudson River Valley.

(b) STATEMENT OF PURPOSE.—The purposes of this section are—

(1) to recognize the importance of the history and resources of the Hudson River Valley to the Nation;

(2) to assist the State of New York and the communities of the Hudson River Valley in preserving and interpreting these resources for the benefit of the Nation;

(3) to maintain agricultural viability and productivity in the region; and

(4) to authorize Federal financial and technical assistance to serve these purposes.

(c) DESIGNATION.—Upon publication by the Secretary in the Federal Register of notice that a compact regarding the Heritage Area and meeting the requirements for a compact under section 106(a)(2) has been approved by the Secretary under the procedures referred to in section 106(b), there is hereby designated the Hudson River Valley American Heritage Area (hereinafter in this section referred to as the "Heritage Area").

(d) BOUNDARIES.—

(1) IN GENERAL.—Except as otherwise provided in paragraph (2), the Heritage Area shall be comprised of the lands generally depicted on the map entitled "Hudson River Valley National Heritage Area", numbered P50–8002, and dated August 1994. The map shall be on file and available for public inspection in the office of the Director of the National Park Service.

(2) LOCAL AGREEMENT TO INCLUSION.—Each of the following counties, cities, and towns in the State of New York shall not be included within the boundaries of the Heritage Area unless the government of such county, city, or town agrees to be so included and submits notification of such agreement to the Secretary:

(A) The counties of Greene and Columbia.

(B) Any city or town within the county of Greene or Columbia.

(C) The counties of Rensselaer and Dutchess.

(D) Any city or town (except the town of Hyde Park) within the county of Rensselaer or Dutchess and located entirely within the 22d Congressional District of New York.

(e) ADMINISTRATION.—The Heritage Area shall be considered to be part of the American Heritage Areas Partnership Program and shall be considered for all purposes, including but not limited to the management plan submission requirement of section 107(c)(1) and the provisions of section 108, to have been designated an American Heritage Area under section 105(d) on the date on which the Heritage Area is designated under subsection (c) of this section.

SEC. 206. OHIO & ERIE CANAL AMERICAN HERITAGE AREA.

(a) CONGRESSIONAL FINDINGS.—The Congress finds that—

(1) the Ohio & Erie Canal, which opened for commercial navigation in 1832, was the first inland waterway to connect the Great Lakes at Lake Erie with the Gulf of Mexico via the Ohio and Mississippi Rivers and was a part of a canal network in Ohio that was one of the most extensive and successful systems in America during a period in history when canals were essential to the growth of the Nation;

(2) the Ohio & Erie Canal spurred economic growth in the State of Ohio that took the State from near bankruptcy to a position as the third most economically prosperous State in the Union in just 20 years;

(3) a 4-mile section of the Ohio & Erie Canal was designated a National Historic Landmark in 1966 and other portions of the Ohio & Erie Canal and many associated structures have been placed on the National Register of Historic Places;

(4) in 1974, 19 miles of the Ohio & Erie Canal were declared nationally significant, under National Park Service new area criteria, in the designation of the Cuyahoga Valley National Recreation Area;

(5) the National Park Service found the Ohio & Erie Canal nationally significant in a 1975 study entitled "Suitability/Feasibility Study, Proposed Ohio & Erie Canal"; and

(6) a 1993 Special Resource Study of the Ohio & Erie Canal Corridor, conducted by the National Park Service and entitled "A Route to Prosperity", has concluded that the corridor is eligible to become a National Heritage Corridor, an affiliated unit of the National Park System.

(b) STATEMENT OF PURPOSE.—The purposes of this section are—

(1) to preserve and interpret for the educational and inspirational benefit of present and future generations the unique and significant contributions to the national heritage of certain historic and cultural lands, waterways, and structures within the 87-mile Ohio & Erie Canal Corridor between Cleveland and Zoar; and

(2) to provide a management framework to assist the State of Ohio and its political subdivisions in developing and implementing a management plan for the area and developing policies and programs that will preserve, enhance, and interpret the cultural, historical, natural, recreational, and scenic resources of the corridor.

(c) DESIGNATION.—Upon publication by the Secretary in the Federal Register of notice that a compact regarding the Heritage Area and meeting the requirements for a compact under section 106(a)(2) has been approved by the Secretary under the procedures referred to in section 106(b), there is hereby designated the Ohio & Erie Canal American Heritage Area (hereinafter in this Act referred to as the "Heritage Area").

(d) BOUNDARIES.—The Heritage Area shall be composed of the lands that are generally the route of the Ohio & Erie Canal from Cleveland to Zoar, Ohio, as depicted in the 1993 National Park Service Special Resources Study, "A Route to Prosperity". The specific boundaries shall be those specified in the management plan submitted under subsection (e). The Secretary shall prepare a map of the area which shall be on file and available for public inspection in the office of the Director of the National Park Service.

(e) ADMINISTRATION.—The Heritage Area shall be considered to be part of the American Heritage Areas Partnership Program and shall be considered for all purposes, including but not limited to the management plan submission requirement of section 107(c)(1) and the provisions of section 108, to have been designated an American Heritage Area under section 105(d) on the date on which the Heritage Area is designated under subsection (c) of this section.

(f) MANAGEMENT ENTITY.—Upon petition, the Secretary is authorized to recognize a coalition consisting of the following persons as the management entity, for purposes of title I, for the Ohio & Erie Canal American Heritage Area:

(1) The Superintendent of the Cuyahoga Valley National Recreational Area.

(2) 2 individuals submitted by the Governor of Ohio, who shall be representatives of the Directors of the Ohio Department of Natural Resources and the Ohio Historical Society.

(3) 8 individuals submitted by the county commissioners or county chief executive of the Ohio counties of Cuyahoga, Summit, Stark, and Tuscarawas, including—

(A) from each county, 1 representative of the planning offices of the county; and

(B) from each county, 1 representative of a municipality in the county.

(4) 3 individuals submitted by the county or metropolitan park boards of the Ohio counties of Cuyahoga, Summit, and Stark.

(5) 1 individual with knowledge and experience in the field of historic preservation, submitted by the Director of the National Park Service.

(6) 1 individual with knowledge and experience in the field of historic preservation, submitted by the Ohio Historic Preservation Officer.

(7) 1 individual who is a director of a convention and tourism bureau within the area, submitted by the Director of the Ohio Department of Travel and Tourism.

(8) 4 individuals, who shall include 1 representative of business and industry from each of the counties of Cuyahoga, Summit, Stark, and Tuscarawas, submitted by the Greater Cleveland Growth Association, the Akron Regional Development Board, the Stark Development Board, and the Tuscarawas County Chamber of Commerce.

(g) ASSISTANCE.—The Secretary may provide to public and private entities within the Heritage Area (including the management entity for the Heritage Area) technical, financial, development, and operational assistance. Assistance provided under this subsection shall be provided on a reimbursable basis through the Cuyahoga Valley National Recreation Area.

SEC. 207. SHENANDOAH VALLEY BATTLEFIELDS AMERICAN HERITAGE AREA.

(a) CONGRESSIONAL FINDINGS.—The Congress finds that—

(1) there are situated in the Shenandoah Valley in the Commonwealth of Virginia the sites of several key Civil War battles;

(2) certain sites, battlefields, structures, and districts in the Shenandoah Valley are collectively of national significance in the history of the Civil War;

(3) in 1990 the Congress enacted legislation directing the Secretary of the Interior to prepare a comprehensive study of significant sites and structures associated with Civil War battles in the Shenandoah Valley;

(4) the study, which was completed in 1992, found that many of the sites within the

Shenandoah Valley possess national significance and retain a high degree of historical integrity;

(5) the preservation and interpretation of these sites will make an important contribution to the understanding of the heritage of the United States;

(6) the preservation of Civil War sites within a regional framework requires cooperation among local property owners and Federal, State, and local government entities; and

(7) partnerships between Federal, State, and local governments and their regional entities, and the private sector, offer the most effective opportunities for the enhancement and management of the Civil War battlefields and related sites in the Shenandoah Valley.

(b) STATEMENT OF PURPOSE.—The purposes of this section are—

(1) to preserve, conserve, and interpret the legacy of the Civil War in the Shenandoah Valley;

(2) to recognize and interpret important events and geographic locations representing key Civil War battles in the Shenandoah Valley, including those battlefields associated with the Thomas J. (Stonewall) Jackson campaign of 1862 and the decisive campaigns of 1864;

(3) to recognize and interpret the effect of the Civil War on the civilian population of the Shenandoah Valley during the war and postwar reconstruction period; and

(4) to create partnerships among Federal, State, and local governments and their regional entities, and the private sector, to preserve, conserve, enhance, and interpret the nationally significant battlefields and related sites associated with the Civil War in the Shenandoah Valley.

(c) DESIGNATION.—Upon publication by the Secretary in the Federal Register of notice that a compact regarding the Heritage Area and meeting the requirements for a compact under section 106(a)(2) has been approved by the Secretary under the procedures referred to in section 106(b), there is hereby designated the Shenandoah Valley Battlefield American Heritage Area (hereinafter in this section referred to as the "Heritage Area").

(d) BOUNDARIES.—The Heritage Area shall be composed of the areas of the Commonwealth of Virginia generally depicted on the map entitled "Shenandoah Valley National Heritage Area", numbered SVNHA-80,006, and dated August 1994. The map shall be on file and available for public inspection in the office of the Director of the National Park Service

(e) ADMINISTRATION.—The Heritage Area shall be considered to be part of the American Heritage Areas Partnership Program and shall be considered for all purposes, including but not limited to the management plan submission requirement of section 107(c)(1) and the provisions of section 108, to have been designated an American Heritage Area under section 105(d) on the date on which the Heritage Area is designated under subsection (c) of this section.

SEC. 208. STEEL INDUSTRY AMERICAN HERITAGE AREA.

(a) CONGRESSIONAL FINDINGS.—The Congress finds that—

(1) the industrial and cultural heritage of southwestern Pennsylvania, including the city of Pittsburgh and the counties of Allegheny, Beaver, Fayette, Greene, Washington, and Westmoreland, related directly to steel and steel-related industries, is nationally significant;

(2) these industries include steel-making, iron-making, aluminum, specialty metals, glass, coal mining, coke production, machining and foundries, transportation, and electrical industries;

(3) the industrial and cultural heritage of the steel and related industries in this region includes the social history and living cultural traditions of the people of the region;

(4) the labor movement of the region played a significant role in the development of the Nation, including both the formation of many key unions, such as the Congress of Industrial Organizations (CIO) and the United Steel Workers of America (USWA), and crucial struggles to improve wages and working conditions, such as the Rail Strike of 1877, the Homestead Strike of 1892, and the Great Steel Strike of 1919;

(5) there are significant examples of cultural and historic resources within this 6-county region that merit the involvement of the Federal Government to develop programs and projects, in cooperation with the Steel Industry Heritage Task Force, the Commonwealth of Pennsylvania, and other local and governmental bodies, to adequately conserve, protect, and interpret this heritage for future generations while providing opportunities for education and revitalization; and

(6) the Steel Industry Heritage Task Force would be an appropriate management entity for a Heritage Area established in the region.

(b) STATEMENT OF PURPOSE.—The purposes of this section are—

(1) to foster a close working relationship between all levels of government, the private sector, and the local communities in the steel industry region of southwestern Pennsylvania and empower the communities to conserve their heritage while continuing to pursue economic opportunities; and

(2) to conserve, interpret, and develop the historical, cultural, natural, and recreational resources related to the industrial and cultural heritage of the 6-county steel industry region of southwestern Pennsylvania.

(c) DESIGNATION.—Upon publication by the Secretary in the Federal Register of notice that a compact regarding the Heritage Area and meeting the requirements for a compact under section 106(a)(2) has been approved by the Secretary under the procedures referred to in section 106(b), there is hereby designated the Steel Industry American Heritage Area (hereinafter in this section referred to as the "Heritage Area").

(d) BOUNDARIES.—The Heritage Area shall be composed of the lands generally depicted on the map entitled "The Steel Industry American Heritage Area", numbered SINHA-80,007, and dated August 1994. The map shall be on file and available for public inspection in the office of the Director of the National Park Service.

(e) ADMINISTRATION.—The Heritage Area shall be considered to be part of the American Heritage Areas Partnership Program and shall be considered for all purposes, including but not limited to the management plan submission requirement of section 107(c)(1) and the provisions of section 108, to have been designated an American Heritage Area under section 105(d) on the date on which the Heritage Area is designated under subsection (c) of this section.

SEC. 209. VANCOUVER AMERICAN HERITAGE AREA.

(a) CONGRESSIONAL FINDINGS.—The Congress finds that—

(1) the lower Columbia River basin and Vancouver, Washington, have been the focal point of a number of important periods, themes, and events in American history and prehistory, including native settlements, westward expansion of the British colonies and the United States from 1763 to 1898, political and military affairs from 1865 to 1939, and military affairs from 1914 to 1941;

(2) the Columbia River is the central feature around which the history of the proposed Vancouver National Heritage Area and the entire Pacific Northwest revolves;

(3) the proposed Vancouver National Heritage Area is located on the shores of the Columbia River, 78 miles from the Pacific Ocean, and the Columbia River has been an artery for communication and trade since prehistoric times;

(4) Fort Vancouver National Historic Site, a unit of the National Park System, was founded in 1825 by the Hudson Bay Company and its development from 1825 to 1860 was seminal to Euro-American settlement of the Northwest;

(5) the Vancouver barracks served as the principal administrative outpost of the United States Army in the Pacific Northwest from 1849 until World War I, served as a command post during the Native American Wars of the mid- to late-19th century, and provided major facilities for support of United States military ventures throughout the Pacific during the Spanish American War and the 2 World Wars;

(6) Pearson Airfield was the site of significant events in the history of aviation in the Pacific Northwest, was particularly prominent during the interwar period between 1923 and 1941, and today continues to be an important home to historic aircraft and historic aviation;

(7) the proposed Vancouver American Heritage Area contains a number of discovered and unrecovered archaeological sites significant to the history of North America and the growth of the United States;

(8) the proposed Vancouver American Heritage Area is located close to major metropolitan areas, including Portland, Tacoma, and Seattle, and is immediately adjacent to Interstate 5, the major north-south interstate of the Pacific Northwest; and

(9) many Federal, State, and local government entities, as well as numerous private organizations and individuals—

(A) have expressed a desire to join forces and work together in a cooperative spirit in order to preserve, interpret, and enhance the cultural, recreational, and educational potential of the proposed American Heritage Area;

(B) have already demonstrated their ability to effectively cooperate in the course of preparing the "Vancouver National Historical Reserve Feasibility Study and Environmental Assessment", as required by Public Law 101-523 (104 Stat. 2297); and

(C) are capable of forming the continued cooperative alliances needed to enter into a compact, identify a management entity, and establish an appropriate management plan for the proposed Vancouver American Heritage Area.

(b) STATEMENT OF PURPOSE.—The purposes of this section are—

(1) to preserve, enhance, and interpret the significant aspects of the lands, water, structures, and history of the proposed Vancouver American Heritage Area; and

(2) to provide a partnership that will develop and implement an integrated cultural, historical, recreational, and educational land resource management program in order to achieve these purposes.

(c) DESIGNATION.—Upon publication by the Secretary in the Federal Register of notice that a compact regarding the Heritage Area and meeting the requirements for a compact under section 106(a)(2) has been approved by the Secretary under the procedures referred to in section 106(b), there is hereby designated the Vancouver American Heritage Area (hereinafter in this section referred to as the "Heritage Area").

(d) BOUNDARIES.—The Heritage Area shall be composed of the lands generally depicted on the map entitled "Vancouver American Heritage Area", numbered VAAM-80,001, and dated August 1994. The map shall be on file and available for public inspection in the office of the Director of the National Park Service.

(e) ADMINISTRATION.—The Heritage Area shall be considered to be part of the American Heritage Areas Partnership Program and shall be considered for all purposes, including but not limited to the management plan submission requirement of section 107(c)(1) and the provisions of section 108, to have been designated an American Heritage Area under section 105(d) on the date on which the Heritage Area is designated under subsection (c) of this section, except that the responsibilities of the management entity for the Heritage Area shall not extend to those lands under the control of the Department of the Interior or the Department of the Army. The management entity may enter into cooperative agreements and partnerships with these and other entities as appropriate to further the purposes of this Act.

(f) PEARSON AIRPARK.—

(1) TRANSITION.—(A) General aviation shall cease at Pearson Airpark not later than April 3, 2022, unless a continuation of general aviation is expressly authorized by an Act of Congress.

(B) Not later than January 30, 2010, the management entity for the Heritage Area shall submit to the Secretary a plan regarding general aviation at Pearson Airpark that is consistent with this section.

(C) Not later than June 30, 2010, the Secretary shall—

(i) approve such a plan and transmit the plan to the Congress; or

(ii) notify the Congress that no acceptable plan has been submitted under subparagraph (B).

(D) If the management entity fails to submit a plan acceptable to the Secretary under subparagraph (B) before June 30, 2010—

(i) the Secretary may not provide further assistance to the Heritage Area under this Act; and

(ii) the Secretary shall prepare such a plan for submittal to the Congress not later than June 30, 2011.

(2) HISTORIC AIRCRAFT DEFINED.—For purposes of this section, the term "historic aircraft" means any aircraft representing aviation in World War II or earlier.

(3) VIABILITY AND MITIGATION PLAN.—Any management plan submitted to the Secretary pursuant to section 107(c)(1) and subsection (e) of this section regarding the Heritage Area shall include a Pearson Airpark Viability and Mitigation Plan that accomplishes the following:

(A) Identifies incentives and proposes regulations to facilitate a transition from the use of Pearson Airpark from predominantly general aviation to use for historic aircraft.

(B) Establishes a program to mitigate any conflicts related to the operation of Pearson Airpark and to other activities within the Heritage Area. The program shall, in coordination with the Federal Aviation Administration and other agencies as appropriate, address, but not be limited to, considerations of noise, safety, visual intrusion, and the location of new facilities. Mitigation measures shall include limitations on the number of air-worthy aircraft that may be based at the Airpark.

(4) PEARSON AIRPARK MUSEUM PLAN.—The management plan submitted pursuant to section 107(c)(1) and subsection (e) of this section regarding the Heritage Area shall include a Pearson Airpark Museum Plan, which shall include budgetary strategies by which proceeds from general aviation and other sources will fund the Pearson Airpark Museum and other aviation curation activities.

(5) MITIGATION MEASURES AND CONDITIONS REGARDING GENERAL AVIATION.—The management plan submitted pursuant to section 107(c)(1) and subsection (e) of this section regarding the Heritage Area shall permit general aviation at Pearson Airpark to continue until April 3, 2022, subject to the following conditions:

(A) Pearson Airpark and Pearson Airpark Museum shall be operated by the city of Vancouver or its designated entity. Beginning on June 30, 2002, the Secretary shall require payment at fair market value for any National Park Service lands leased within the boundaries of the Heritage Area, except as otherwise provided in this subparagraph. The Secretary may enter into agreements that provide that specific work performed or expenses paid by the city of Vancouver may be used, fairly valued, to reduce or offset the amount of the obligation of the city to pay rent pursuant to this subsection, *unless the city is obligated to perform the work or pay the expenses under a statute other than this Act.*

(B) Not later than June 30, 2003, the city of Vancouver shall remove from National Park Service property in the Heritage Area all nonhistoric aviation-related buildings and devices, including T-hangers and associated taxiways, except buildings and devices necessary for navigation and safety.

(C) The city of Vancouver shall not be compensated for historic buildings remaining on National Park Service property, but shall continue to bear liability and responsibility for continued use and maintenance of these structures.

(D) No structural improvements or structural additions to any structure or facility of the Pearson Airpark Museum located on property of the National Park Service may be made without the approval of the Secretary.

(E) Helicopters shall not use Pearson Airpark except in cases of emergency, disaster, or national security needs.

SEC. 210. WHEELING AMERICAN HERITAGE AREA.

(a) CONGRESSIONAL FINDINGS.—The Congress finds that—

(1) Wheeling, West Virginia, and its vicinity possess important historical, cultural, and natural resources, representing major heritage themes of transportation, commerce, industry, and Victorian culture in the United States;

(2) the city of Wheeling played an important part in the settlement of the Nation by serving as the western terminus of the National Road in the early 1800's, by serving as the Crossroads of America throughout the 19th century, by serving as one of the few major inland ports in the United States in the 19th century, and by hosting the establishment of the Restored State of Virginia, and later the State of West Virginia during the Civil War years;

(3) the city of Wheeling was the first capital of the new State of West Virginia, during the development and maintenance of many industries crucial to the expansion of the Nation, including iron, steel, and textile manufacturing, boat building, glass manufacturing, and stogie and chewing tobacco manufacturing, many of which are industries that continue to play an important role in the Nation's economy;

(4) the city of Wheeling has retained its national heritage themes with the designations of the old custom house, now Independence Hall, as a National Historic Landmark, with the designation of the historic suspension bridge as a National Historic Landmark, with 5 historic districts, and with many individual properties in the Wheeling area listed on or eligible for nomination to the National Register of Historic Places; and

(5) the heritage themes and number and diversity of the remaining resources of Wheeling should be appropriately retained, enhanced, and interpreted for the education, benefit, and inspiration of the people of the United States.

(b) STATEMENT OF PURPOSE.—The purposes of this section are—

(1) to recognize the special importance of the history and development of the Wheeling, West Virginia, area in the cultural heritage of the Nation;

(2) to provide a framework to assist the city of Wheeling and other public and private entities and individuals in the appropriate preservation, enhancement, and interpretation of resources in the Wheeling area that are emblematic of the contributions of Wheeling to the cultural heritage of the Nation; and

(3) to allow for limited Federal, State, and local capital contributions for planning and infrastructure investments to create the Wheeling American Heritage Area, in partnership with the State of West Virginia, the city of Wheeling, West Virginia, and their designees, and to provide for an economically self-sustaining American Heritage Area that will not be dependent on Federal assistance beyond the initial years necessary to establish the American Heritage Area.

(c) DESIGNATION.—Upon publication by the Secretary in the Federal Register of notice that a compact regarding the Heritage Area and meeting the requirements for a compact under section 106(a)(2) has been approved by the Secretary under the procedures referred to in section 106(b), there is hereby designated the Wheeling American Heritage Area (hereinafter in this Act referred to as the "Heritage Area") in the State of West Virginia.

(d) BOUNDARIES.—The Heritage Area shall be composed of the lands generally depicted on the map entitled "Boundary Map, Wheeling American Heritage Area, West Virginia", numbered WHNA-80,005, and dated August 1994. The map shall be on file and available for public inspection in the office of the Director of the National Park Service.

(e) ADMINISTRATION.—The Heritage Area shall be considered to be part of the American Heritage Areas Partnership Program and shall be considered for all purposes, including but not limited to the management plan submission requirement of section 107(c)(1) and the provisions of section 108, to have been designated an American Heritage Area under section 105(d) on the date on which the Heritage Area is designated under subsection (c) of this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section not more than—

(A) $5,000,000 for capital projects;

(B) $1,000,000 for planning and studies; and

(C) $500,000 for technical assistance.

(2) Limitations.—(A) Funds made available pursuant to subparagraph (A) or (B) of paragraph (1) for a capital project or for planning and studies regarding a project shall not exceed 50 percent of the total costs of the capital project or project, respectively.

(B) Funds made available under this section or any other Federal law for the Heritage Area or the Wheeling National Heritage Area (including the Wheeling project) may not exceed $6,500,000 in the aggregate.

(3) Not eligible for funds under title I.—No funds may be appropriated under title I for purposes of the Heritage Area.

TITLE III—STUDIES REGARDING POTENTIAL AMERICAN HERITAGE AREAS

SEC. 301. OHIO RIVER CORRIDOR.

(a) Congressional Findings.—The Congress finds that—

(1) the amenities and resources of the Ohio River, which flows through 6 States from its headwaters in the Commonwealth of Pennsylvania to its confluence with the Mississippi River and comprises a chain of commercial, industrial, historical, archaeological, natural, recreational, scenic, wildlife, urban, rural, cultural, and economic areas, are of major significance and importance to the Nation;

(2) the national interest is served by—

(A) preserving, protecting, and improving such amenities and resources for the benefit of the people of the United States; and

(B) improving the coordination between all levels of government in the Ohio River Corridor;

(3) the preservation, protection, and improvement of such amenities and resources are failing to be fully realized despite efforts by the States through which the Ohio flows, political subdivisions of such States, and volunteer associations and private businesses in such States;

(4) existing Federal agency programs are offering insufficient coordination to State and local planning and regulatory authorities to provide for resource management and economic development in a manner that is consistent with the protection and public use of the amenities and resources of the Corridor; and

(5) the Federal Government should assist in the coordination, preservation, and interpretation activities of public and private entities with respect to the significant amenities and resources associated with the Ohio River.

(b) Study of Ohio River Corridor.—

(1) In general.—Not later than 2 years after the date on which funds are made available to carry out this section, the Secretary shall complete a study on the suitability and feasibility of designating the Ohio River corridor, from its headwaters in the Commonwealth of Pennsylvania to its confluence with the Mississippi River, as an American Heritage Area.

(2) Report to congress.—On completion of the study required by subsection (a), the Secretary shall submit a report describing the results of the study to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

SEC. 302. FOX AND LOWER WISCONSIN RIVER CORRIDORS.

(a) Congressional Findings.—The Congress finds that—

(1) the Fox-Wisconsin waterway is famous as the discovery route of Marquette and Joliet;

(2) as the connecting route between the Great Lakes and the Mississippi River, the waterway was critical to the opening of the Northwest Territory and served as a major artery in bringing commerce to the interior of the United States and providing a vital communication link for early explorers, missionaries, and fur traders;

(3) within the Fox and Lower Wisconsin River corridors are an abundance of historic and archaeological sites and structures representing early Native Americans, European exploration, and 19th-century transportation and settlement; and

(4) the unique aspects of the waterway, from the heavily developed portions of the Fox River to the pristine expanses of the Lower Wisconsin River, should be studied to determine the suitability and feasibility of the waterway for designation as an American Heritage Area.

(b) Study of Fox-Wisconsin River Corridors.—

(1) In general.—Not later than 2 years after the date on which funds are made available to carry out this section, the Secretary shall complete a study on the suitability and feasibility of designating the Fox and Lower Wisconsin River corridors in the State of Wisconsin as an American Heritage Area.

(2) Report to congress.—On completion of the study referred to in subsection (a), the Secretary shall submit a report describing the results of the study to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

SEC. 303. SOUTH CAROLINA CORRIDOR.

(a) Congressional Findings.—The Congress finds that—

(1) the counties of Oconee, Pickens, Anderson, Abbeville, Greenwood, McCormick, Edgefield, Aiken, Barnwell, Orangeburg, Bamberg, Dorchester, Colleton, and Charleston, in the State of South Carolina, form a corridor, more than 250 miles in length, which possesses a wide diversity of significant rare plants, animals, and ecosystems, agricultural and timber lands, shellfish harvesting areas, historic sites and structures, and cultural and multicultural landscapes related to the past and current commerce, transportation, maritime, textile, agricultural, mining, cattle, pottery, and national defense industries of the region, which provide significant ecological, natural, tourism, recreational, timber management, educational, and economic benefits;

(2) there is a national interest in protecting, conserving, restoring, promoting, and interpreting the benefits of the region for the residents of, and visitors to, the corridor area;

(3) a primary responsibility for conserving, preserving, protecting, and promoting the benefits of the region resides with the State of South Carolina and the various local units of government having jurisdiction over the corridor area; and

(4) in view of the longstanding Federal practice of assisting the States in creating, protecting, conserving, preserving, and interpreting areas of significant natural and cultural importance, and in view of the national significance of the corridor, the Federal Government has an interest in assisting the State of South Carolina, its units of local government, and the private sector in fulfilling their responsibilities.

(b) Study of South Carolina Corridor.—Not later than 2 years after the date of the enactment of this Act, the Secretary, acting through the National Park Service, shall cooperate with the South Carolina Department of Parks, Recreation, and Tourism in preparing a study on the suitability and feasibility of designating the corridor formed by the counties of Oconee, Pickens, Anderson, Abbeville, Greenwood, McCormick, Edgefield, Aiken, Barnwell, Orangeburg, Bamberg, Dorchester, Colleton, and Charleston, in the State of South Carolina, as an American Heritage Area.

SEC. 304. NORTHERN FRONTIER.

(a) Congressional Findings.—The Congress finds that—

(1) the area comprising Tryon County, in the Mohawk Valley of the State of New York, and the Country of the Six Nations (Iroquois Confederacy), known during the American Revolutionary War period as the "Northern Frontier", offers excellent opportunities to study a little known or understood aspect of the American Revolution—the frontier experience;

(2) the Northern Frontier territory was extremely valuable to both sides of the American Revolutionary War and was contested because of its geopolitical, military, agricultural, transportation, and commercial attributes;

(3) because a complex social, economic, and political society was emerging on the Northern Frontier, the Continental Congress established the Northern Indian Department to conduct affairs there, and the English made the area, and its Indian population, the centerpiece of the English strategy to split the colonies;

(4) due to the struggle to control the Northern Frontier, privation and hardship were inflicted upon nearly all who lived there, a diverse mix of ethnic and racial groups willingly and unwillingly thrust into the struggle for independence, leaving many dead, homeless, orphaned, or dislocated by the end of the hostilities;

(5) the tensions on the Northern Frontier reached such a pitch that hostilities erupted, pitting neighbors, families, tribes, and clans against each other, and led to a bloody, savage, and destructive battle;

(6) new interpretations and interdisciplinary studies of this human drama are not only necessary, but timely because of the abundant supply of assets in the area, including sites, buildings, celebrations, folklore, and collections, many safely preserved and many at risk; and

(7) if these Northern Frontier assets can be thematically related and portrayed for the education and enjoyment of Americans and foreign visitors, an important and often overlooked chapter in the heritage of the Nation will be displayed for the benefit and edification of all peoples.

(b) Study.—

(1) In general.—Not later than 2 years after the date on which funds are made available to carry out this section, the Secretary shall complete a study on the suitability and feasibility of designating Tryon County, in the Mohawk Valley of the State of New York, and the Country of the Six Nations (Iroquois Confederacy) as an American Heritage Area.

(2) Report to congress.—On completion of the study referred to in subsection (a), the Secretary shall submit a report describing the results of the study to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

TITLE IV—BLACKSTONE RIVER VALLEY NATIONAL HERITAGE CORRIDOR AMENDMENTS

SEC. 401. BOUNDARIES, COMMISSION, AND REVISION OF PLAN.

(a) Boundaries.—Section 2(a) of the Act entitled "An Act to establish the Blackstone River Valley National Heritage Corridor in

Massachusetts and Rhode Island", approved November 10, 1986 (Public Law 99–647; 100 Stat. 3625), is amended by striking the first sentence and inserting the following new sentence: "The boundaries shall include the lands and waters generally depicted on the map entitled 'Blackstone River Valley National Heritage Corridor Boundary Map', numbered BRV–80–80,011, and dated May 2, 1993.".

(b) COMMISSION MEMBERSHIP.—(1) Section 3 of the Act entitled "An Act to establish the Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island", approved November 10, 1986 (Public Law 99–647; 100 Stat. 3625), is amended—

(A) by amending subsection (b) to read as follows:

"(b) MEMBERSHIP.—(1) The Commission shall be composed of 19 members, appointed as follows:

"(A) the Director of the National Park Service, or a designee, ex officio;

"(B) 5 individuals appointed by the Secretary after consideration of recommendations from the Governor of Rhode Island;

"(C) 5 individuals appointed by the Secretary after consideration of recommendations from the Governor of Massachusetts;

"(D) 4 individuals appointed by the Secretary to represent the interests of local government in the State of Rhode Island; and

"(E) 4 individuals appointed by the Secretary to represent the interests of local government in the State of Massachusetts.

"(2) A vacancy in the Commission shall be filled in the manner in which the original appointment was made."; and

(B) in subsection (c), by inserting immediately before the period at the end the following: ", but may continue to serve until a successor has been appointed".

(2) Paragraph (1) shall take effect upon the expiration of the 90-day period beginning on the date of the enactment of this Act.

(c) REVISION OF PLAN.—Section 6 of the Act entitled "An Act to establish the Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island", approved November 10, 1986 (Public Law 99–647; 100 Stat. 3625), is amended by adding at the end the following new subsection:

"(d) REVISION OF PLAN.—(1) Not later than 1 year after the date of the enactment of this subsection, the Commission shall revise the Cultural Heritage and Land Management Plan submitted under subsection (a) and shall submit the revised plan to the Secretary and the Governors of Massachusetts and Rhode Island for approval under the procedures referred to in subsection (b). The revision shall address any change in the boundaries of the Corridor that occurs after the submission of the plan required by subsection (a) and shall include a natural resource inventory of areas or features that should be protected, restored, or managed because of the natural and cultural significance of the areas or features.

"(2) No changes other than minor boundary revisions may be made in the plan approved under subsection (b) and revised under paragraph (1) of this subsection, unless the Secretary approves such changes. The Secretary shall approve or disapprove any proposed change in the plan, except minor revisions, in accordance with subsection (b).".

(d) TERMINATION OF COMMISSION.—Section 7 of the Act entitled "An Act to establish the Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island", approved November 10, 1986 (Public Law 99–647; 100 Stat. 3630), is amended to read as follows:

"TERMINATION OF COMMISSION

"SEC. 7. The Commission shall terminate on December 31, 2003.".

SEC. 402. IMPLEMENTATION OF PLAN.

Section 8(c) of the Act entitled "An Act to establish the Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island", approved November 10, 1986 (Public Law 99–647; 100 Stat. 3630), is amended to read as follows:

"(c) IMPLEMENTATION.—(1) To assist in the implementation of the Cultural Heritage and Land Management Plan, submitted and revised under section 6, in a manner consistent with the purposes of this Act, and to assist in the preservation and restoration of structures on or eligible for inclusion on the National Register of Historic Places, the Secretary is authorized to provide funds for projects in the Corridor that exhibit national significance or provide a wide spectrum of historic, recreational, environmental, educational, or interpretive opportunities, without regard to whether the projects are in public or private ownership. Applications for funds under this section shall be made to the Secretary through the Commission. Each such application shall include the recommendation of the Commission and its findings regarding the manner in which the project proposed to be funded will further the purposes of this Act.

"(2) The Commission shall not be eligible for funds under this section unless it submits to the Secretary an application that includes—

"(A) a 10-year development plan including the resource protection needs and projects critical to maintaining or interpreting the distinctive character of the Corridor; and

"(B) specific descriptions of any projects that have been identified and of the participating parties, roles, cost estimates, cost-sharing, or cooperative agreements necessary to carry out the development plan.

"(3) Funds made available pursuant to this subsection for any project shall not exceed 50 percent of the total cost of such project.

"(4) In making funds available under this subsection, the Secretary shall give priority to projects that attract greater non-Federal than Federal funding.

"(5) Any payment made under this subsection for the purposes of conservation or restoration of real property or of any structure shall be subject to an agreement—

"(A) to convey a conservation or preservation easement to the Department of Environmental Management or to the Historic Preservation Commission, as appropriate, of the State in which the real property or structure is located; or

"(B) that upon conversion, use, or disposal of the real property or structure for purposes contrary to the purposes of this Act, the recipient of the payment, or the successors or assigns of the recipient, shall pay to the United States the greater of—

"(i) the total of all Federal funds made available for conservation or restoration of the real property or structure, reduced pro rata over the useful life of the improvements funded; and

"(ii) the increased value attributable to such funds, as determined at the time of the conversion, use, or disposal.

"(6) The determination that, for purposes of paragraph (5)(B), a conversion, use, or disposal has been carried out contrary to the purposes of this Act shall be solely within the discretion of the Secretary.".

SEC. 403. AUTHORIZATION OF APPROPRIATIONS.

Section 10 of the Act entitled "An Act to establish the Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island", approved November 10, 1986 (Public Law 99–647; 100 Stat. 3630), is amended—

(1) in subsection (a), by striking "$350,000" and inserting "$500,000"; and

(2) by amending subsection (b) to read as follows:

"(b) DEVELOPMENT FUNDS.—There is authorized to be appropriated to carry out section 8 for fiscal years beginning after September 30, 1994, not more than $5,000,000 in the aggregate, to remain available until expended.".

TITLE V—BRAMWELL NATIONAL HISTORIC DISTRICT

SEC. 501. BRAMWELL NATIONAL HISTORIC DISTRICT.

(a) CONGRESSIONAL FINDINGS.—The Congress finds that—

(1) the coal mining heritage of southern West Virginia is of historical and cultural significance;

(2) the town of Bramwell, West Virginia, possesses remarkable and outstanding historical, cultural, and architectural values relating to the coal mining heritage of southern West Virginia; and

(3) it is in the national interest to preserve the unique character of the town of Bramwell, West Virginia, and to enhance the historical, cultural, and architectural values associated with its coal mining heritage.

(b) STATEMENT OF PURPOSE.—The purpose of this section is to encourage the preservation, restoration, and interpretation of the historical, cultural, and architectural values of the town of Bramwell, West Virginia.

(c) DESIGNATION.—In order to preserve, protect, restore, and interpret the unique historical, cultural, and architectural values of Bramwell, West Virginia, there is hereby designated the Bramwell National Historic District (hereinafter in this section referred to as the "Historic District"). The Historic District shall consist of the lands and interest therein within the corporate limits of the town of Bramwell, West Virginia.

(d) COOPERATIVE AGREEMENTS.—

(1) IN GENERAL.—The Secretary is authorized to enter into cooperative agreements with the State of West Virginia, or any political subdivision thereof, to further the purposes of the Historic District.

(2) RATIO OF NON-FEDERAL FUNDS.—Funds authorized to be appropriated to the Secretary for the purposes of this subsection shall be expended in the ratio of 1 dollar of Federal funds for each dollar contributed by non-Federal sources. With the approval of the Secretary, any donation of land, services, or goods from a non-Federal source, fairly valued, may be considered as a contribution of dollars from a non-Federal source for the purposes of this subsection.

(3) AGREEMENTS REGARDING PAYMENTS.—Any payment made by the Secretary pursuant to a cooperative agreement under this subsection shall be subject to an agreement that conversion, use, or disposal of the project so assisted for any purpose contrary to the purpose of this section, as determined by the Secretary, shall result in a right of the United States to the greater of—

(A) reimbursement of all funds made available to such project; or

(B) the proportion of the increased value of the project attributable to such funds, as determined at the time of the conversion, use, or disposal.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $1,000,000 to carry out this section.

TITLE VI—SOUTHWESTERN PENNSYLVANIA AMERICAN HERITAGE AREA AMENDMENTS

SEC. 601. SHORT TITLE.

This title may be cited as the "Southwestern Pennsylvania American Heritage Area Amendments Act".

SEC. 602. DESIGNATION OF SOUTHWESTERN PENNSYLVANIA AMERICAN HERITAGE AREA.

The Act entitled "An Act to establish in the Department of the Interior the Southwestern Pennsylvania Heritage Preservation Commission, and for other purposes", approved November 19, 1988 (102 Stat. 4618), is amended by adding at the end the following new title:

"TITLE III—SOUTHWESTERN PENNSYLVANIA AMERICAN HERITAGE AREA

"SEC. 301. DESIGNATION.

"There is hereby designated the Southwestern Pennsylvania American Heritage Area, which shall be comprised of the region in southwestern Pennsylvania described in section 101(a).

"SEC. 302. CLASSIFICATION.

"The Southwestern Pennsylvania American Heritage Area shall not be considered to be an American Heritage Area for purposes of the American Heritage Areas Partnership Program Act of 1994 or the American Heritage Areas Partnership Program established by section 105(a) of such Act.".

SEC. 603. POWERS OF COMMISSION.

Section 103(h)(3) of the Act entitled "An Act to establish in the Department of the Interior the Southwestern Pennsylvania Heritage Preservation Commission, and for other purposes", approved November 19, 1988 (102 Stat. 4618), is amended by inserting "or an appropriate private nonprofit organization exempt from income taxes under section 501(c)(3) of the Internal Revenue Code of 1986," after "public agency,".

SEC. 604. FEDERAL PARTICIPATION.

Section 105 of the Act entitled "An Act to establish in the Department of the Interior the Southwestern Pennsylvania Heritage Preservation Commission, and for other purposes", approved November 19, 1988 (102 Stat. 4618), is amended to read as follows:

"SEC. 105. PROCEDURES FOR FEDERAL PARTICIPATION.

"(a) REVISION OF COMPREHENSIVE MANAGEMENT PLAN AND SCOPE AND COST DOCUMENT.—(1) The Commission shall revise, to carry out this title in a manner that provides for limited Federal involvement, the management plan developed before the date of the enactment of this section. The Commission shall also revise the scope and cost document developed before the date of the enactment of this section to reflect the total cost of each project proposed for approval under this section and the Federal portion of such cost. Both the management plan and the scope and cost document shall be submitted to the Secretary for approval.

"(2) The Secretary shall approve or disapprove any management plan or scope and cost document submitted under paragraph (1) not later than 90 days after receiving such plan or document. If the Secretary disapproves the submitted management plan or scope and cost document, the Secretary shall advise the Commission in writing of the reasons therefor and shall make recommendations for revisions in the plan or document. The Secretary shall approve or disapprove a proposed revision to such a plan or document within 90 days after the date on which the proposed revision is submitted to the Secretary.

"(b) LOANS, GRANTS, AND TECHNICAL ASSISTANCE USING FEDERAL FUNDS.—The Commission may not make loans or grants involving Federal funds under section 104 except as provided in this subsection. The Secretary may provide a loan, a grant, or technical assistance, for the purpose described in section 104, pursuant to an application made to the Secretary through the Commission in accordance with procedures required by the Secretary. Each such application shall include the findings of the Commission regarding the manner in which the proposed loan, grant, or technical assistance will further the purpose of this Act. Each such application shall also include the recommendations of the Commission regarding the proposed loan, grant, or technical assistance. The Secretary may approve such an application only if the Federal funds provided pursuant to the application will be used in a manner that is generally consistent with Federal law relating to the type of project or activity to be funded, as determined by the Secretary. Federal funds made available for loans or grants pursuant to section 104 or this subsection may be used to provide for the preservation or restoration of historic properties in an amount not to exceed $100,000 for each project so assisted.

"(c) USE OF FEDERAL FUNDS.—(1) Federal funds made available under this Act with respect to projects may be made available only for projects that are consistent with the Standards and Guidelines for Historic Properties promulgated by the Secretary.

"(2) Federal funds made available under this Act after the date of the enactment of this section with respect to a project may be used only for planning and design with respect to the project, except that such funds may be used to complete construction commenced before such date regarding Saltsburg Canal Park or West Overton Village.

"(3) The total amount of Federal assistance provided under this section for a project in any fiscal year may not exceed 20 percent of the total amount of Federal funds made available for that fiscal year for the Southwestern Pennsylvania National Heritage Area.

"(4) Federal funds made available under this title with respect to a project may not exceed 50 percent of the total costs of the project. In making such funds available, the Secretary shall give consideration to projects that provide a greater leverage of Federal funds. Any payment made under section 104 or 105 shall be subject to an agreement that conversion, use, or disposal of the project so assisted for any purpose contrary to the purpose of this Act, as determined by the Secretary, shall result in a right of the United States to the greater of—

"(A) compensation for all funds made available with respect to such project; and

"(B) the proportion of the increased value of the project attributable to such funds, as determined at the time of such conversion, use, or disposal.

"(5) No Federal funds made available to carry out this Act for fiscal years beginning after September 30, 1995, may be used to provide operational or maintenance support with respect to any building, site, or structure that is not owned by the Federal Government, except the Railroaders Memorial Museum, Saltsburg Canal Park, and West Overton Village. Such funds for the Railroaders Memorial Museum, Saltsburg Canal Park, and West Overton Village may not exceed $200,000 annually, in the aggregate.

"(6) No Federal funds made available to carry out this Act may be used for the construction of any visitor center, interpretive center, or museum, except West Overton Village.

"(7) The Secretary shall approve or disapprove the use of Federal funds made available pursuant to this title within 30 days after application for such funds by the Commission.".

SEC. 605. CONGRESSIONAL OVERSIGHT.

Section 104(b) of the Act entitled "An Act to establish in the Department of the Interior the Southwestern Pennsylvania Heritage Preservation Commission, and for other purposes", approved November 19, 1988 (102 Stat. 4618), is amended—

(1) in the first sentence, by inserting "and to the Congress" after "Secretary"; and

(2) by inserting after the first sentence the following: "Funds made available for a fiscal year to carry out this Act may not be obligated for that fiscal year until the report required for the preceding fiscal year by the preceding sentence is submitted to the Congress.".

SEC. 606. AUTHORIZATION OF APPROPRIATIONS.

Title I of the Act entitled "An Act to establish in the Department of the Interior the Southwestern Pennsylvania Heritage Preservation Commission, and for other purposes", approved November 19, 1988 (102 Stat. 4618), is amended by adding at the end the following new section:

"SEC. 106. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to the Secretary to carry out this Act the following:

"(1) For each of the fiscal years 1996, 1997, and 1998, $1,000,000 for planning and design, $1,600,000 for construction, $600,000 for grants and loans, and $400,000 for the operations of the Commission.

"(2) For that portion of fiscal year 1999 that occurs before the Commission ceases to exist under section 104(e), $250,000 for planning and design, $400,000 for construction, $150,000 for grants and loans, and $100,000 for the operations of the Commission.".

SEC. 607. PATH OF PROGRESS.

Title II of the Act entitled "An Act to establish in the Department of the Interior the Southwestern Pennsylvania Heritage Preservation Commission, and for other purposes", approved November 19, 1988 (102 Stat. 4618), is amended as follows:

(1) By amending the heading of the title to read as follows:

"TITLE II—PATH OF PROGRESS".

(2) By amending section 201 to read as follows:

"SEC. 201. IDENTIFICATION OF ROUTE.

"In order to provide for public appreciation, education, understanding, and enjoyment of certain nationally and regionally significant sites in Southwestern Pennsylvania which are accessible by public roads, the Secretary, with the concurrence of the agency having jurisdiction over such roads, may provide signs, interpretive materials, and other informational devices for a vehicular tour route, commonly known as the 'Path of Progress Heritage Route'.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from Utah [Mr. HANSEN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill presently under consideration before us.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, the bill before us is a bill for 1994 in reform and a proper initiative for Park Service activities today. It is a new idea to conserve natural and cultural resources and try to respond to the needs of today.

First of all, it reinvents the idea of a National Park Service designation, building upon the concept of national landmarks or historic register recognition, this provides for the opportunity to do an actual designation on the part of Congress for important natural and cultural resources. It is not a massive new Federal program; if anything, it is an attempt to try to empower the State and local governments to protect that which is within their areas.

Second, its funding, the American Heritage Partnership Act, is funded from existing authorized funds. Of course in a very modest manner. The fact is there is $150 million each year authorized. This authorizes but $22.5 million of that amount specifically for its purposes and some additional operation and maintenance funding.

It is a new use of exiting authorized funds. It preserves and protects property rights. I want to repeat that because there has been a lot of misunderstanding about this point. What we do not do is we do not superimpose the new wish list of property rights in this bill, as some have sponsored and sought.

Third, it is a true partnership, establishing State and local government compacts. They make agreements and match the funds on a 1-to-1 basis in most instances. In 10 years, when that 10-year window availability is over, the National Park Service and Federal support concludes.

Fourth, this is a good process bill. There has been a hearing on every one of the bills that are in the American Heritage Areas Partnership Act, they have been subject to a hearing, as has the basic act. The basic act was marked up and has bipartisan support.

Finally, Mr. Speaker, this provides that Federal Departments and Agencies will act together, it provides for consultation so that Federal entities will work together.

Mr. Speaker, the consultation does not indicate dictation. The fact is these agencies can go ahead and perform their assigned roles. We just want some communication between them and the American heritage areas, the units designated in this and future measures.

It is a good bill. It affects many areas, but small areas, in our Nation. You would have to have a magnifying lens to find them. Indeed I will show them to the Members as we go through this debate. I urge Members to support this program. It is good work product, it affects many Members, it is a good bill.

Mr. Speaker, H.R. 5044, the omnibus heritage areas legislation, established the American Heritage Areas Partnership Program, provides for individual American heritage area designations pursuant to that program, directs the National Park Service to study certain specific areas for inclusion in the program, and makes modifications to several laws that designated certain heritage corridors or areas in the 1980's. This legislation represents a consensus among the administration, a bipartisan group of members of the Committee on Natural Resources and other interested parties, that innovative ways must be found to extend national preservation efforts in a new cost-effective manner.

AMERICAN HERITAGE AREAS PARTNERSHIP PROGRAM

H.R. 5044 incorporates the provisions of H.R. 3707, which I introduced in November 1993, and which establishes the American Heritage Areas Partnership Program within the Department of the Interior. The bill was reported favorably to the House by the Committee on Natural Resources on May 25, 1994, and has the strong support of the administration and members on both sides of the aisle who are committed to developing this partnership between the Federal Government and State and local officials to assure the preservation and conservation of some of our most valuable resources.

These provisions have continued to evolve through discussions with the minority, with the administration, and with other interested parties, and I believe the version we are bringing to the floor today is a better bill because of this input.

I would like to commend my colleague on the committee, Mr. HINCHEY, for his efforts with regard to heritage area legislation. After introducing his own version, he has graciously agreed to work with me on my draft and has provided substantial insight into the process from his own experience in dealing with this type of legislation as a State legislator in New York. I appreciate his input.

As my colleagues know, I have advocated for some time the establishment of a more effective process by which to recognize the important resources contained in so-called heritage areas while limiting Federal involvement in their development and operation. Our Nation contains many geographically and thematically unified areas, which include significant resources worthy of preservation and conservation. In many cases, these areas are connected by greenways, trails, or natural corridors which could be the focus of innovative management ideas. Such areas are important nationally, and are best managed in a true Federal partnership with State and local government and private entities.

In fact, the strong State, local, and private support these areas receive, and their diverse resources, indicate that national involvement, while welcome and necessary, should be limited. The professional expertise of the National Park Service can be useful in identifying and providing assistance for defining, establishing, and managing these important areas. However, the diversity of their resources, the ownership patterns, and the variety of uses and activities taking place, suggest that a true Federal partnership, wherein the national Government provides recognition and limited financial and technical assistance, and other entities, through the State and local governments, manage and fund the largest share of the necessary preservation and interpretation, is the most appropriate method of preserving these areas.

Proposals for heritage areas or corridors have significantly increased in the past several years; there are currently four such areas affiliated with the National Park Service. The American Heritage Areas Program under consideration today would extend national preservation efforts in a new cost-effective manner and would assure that new heritage areas or corridors will have been properly reviewed.

The text of the bill we are considering today incorporates the consensus I have reached with various parties on these issues. The bill defines an American heritage area and lists the criteria for designation. Designation will require an act of Congress after an entity requesting designation has submitted a feasibility study and compact approved by the Secretary. Proposed areas may qualify for limited technical and financial assistance before designation, and after established, heritage areas may receive technical and financial assistance for the purposes of developing and implementing a comprehensive management plan. The bill also provides for the withdrawal of designation if the Secretary determines that the area no longer meets the criteria.

The legislation states minimum criteria for recognition of a management entity to administer an individual heritage area, prohibits the use of Federal funds received through this act for the acquisition of property, and limits a management entity's eligibility to receive Federal funds for 10 years, with an additional 5 authorized if the Secretary approves. Other Federal agencies are required to coordinate their activities within a designated heritage area to the extent possible.

Authorization for specified activities within an area are limited as follows:

A maximum of $100,000 for feasibility studies, $150,000 for compacts, $150,000 for management plans, and $250,000 for early actions. All of the preceding must receive a 25-percent match, and the total annual funding for all such assistance is limited to $8 million.

Management entities may receive up to $250,000 annually, but must provide a 50-percent match for Federal funding for this purpose.

For grants to assist in implementing management plans, the bill provides $14.5 million annually, with no one area eligible to receive more than 10 percent of the annual appropriation for this purpose, and with the conditions that the area must provide a 50-percent match, and that no area may receive more than $10 million for this purpose in total.

Technical assistance provided by the National Park Service is limited to $150,000 annually for each American heritage area. Such assistance is defined as guidance, advice, help, or aid, other than financial aid. Services procured from the private sector by a management entity using funds provided under the American Heritage Areas Partnership Program are not considered technical assistance. Only that assistance provided by the employees of the Department of the Interior will be counted as technical assistance for the purposes of this program.

H.R. 5044, authorizes the program for 25 years, and states that this act does not affect existing authorities for established heritage areas.

Questions were raised during our discussions on heritage areas about certain provisions, and I would like to take this opportunity to set the record straight on a few issues.

This is not a Federal land grab. These areas will be established as the result of local initiative; heritage area designation will require initial nomination by local groups and a demonstration of strong commitment by local and State entities. Furthermore, the bill expressly forbids the use of Federal funds to acquire property. Finally, section 9 underscores the fact that nothing in this act shall be construed to enlarge, diminish or modify any current authority under Federal, State, and local law to regulate land use. Land use plans for a designated area may be adopted and implemented by local governments or those entities authorized by State law to exercise such authorities concerning private property use. While State and local governments may choose to adopt land use plans and regulations in support of American heritage areas, nothing in this bill requires such action, nor does this bill grant such authority to management entities. Zoning regulations are not affected by this act and remain under the jurisdiction of State and local governments. No new authorities, including the authority to impose or enforce new Federal regulations, are included or anticipated.

After discussion with interested parties on this issue, I have amended the legislation further to state that nothing in the American Heritage Areas Act requires the Secretary to consider land use regulations as a condition of approval of a management plan or compact. Further changes include a requirement that a feasibility study include an inventory of the amount of land in the proposed area owned by public, private, and private nonprofit entities respectively. I believe these amendments underscore the fact that the legislation in no way creates a system of Federal land use regulation nor does it purport to impose such regulation on appropriate State and local authorities.

The bill does direct other Federal entities to consult with the Secretary and to coordinate their activities within an American heritage area to the extent practicable. Such agencies are to conduct activities within a designated American heritage area consistent with the management plan unless the Federal entity determines that there is no practicable alternative.

This requirement does not subordinate other Federal agencies to the Secretary of the Interior. The affected Federal entities may take such actions as they deem necessary regardless of the Secretary's views. This provision merely requires appropriate coordination to eliminate wasteful duplication of efforts and to minimize the impacts of actions which may adversely affect the resources contained in the American heritage area. This language was suggested by OMB, which coordinated discussions with other Federal agencies, and is supported by the administration.

Finally, the funding levels prescribed by the bill as introduced were those suggested by the administration. This is a program designed to minimize the Federal Government's direct involvement in American heritage areas. Matches are required for each category of Federal funding, and there are conditions placed upon the future uses of projects completed with Federal funds. There is an overall cap on spending for each American heritage area, and Federal funding is limited to 10 years for each area, with a 5-year renewal subject to certain conditions.

As Members know, there have been many requests for funding through the appropriations process, and we are seeing more and more Members seeking park designation for such areas which are not really appropriate for inclusion in the National Park System. This program, and the level of funding associated with it, are designed to encourage this limited approach instead of continuing the earmarks and park designations now consuming so much of the National Park Service budget. I believe the funding contained in this bill provides an appropriate incentive for areas which seek Federal funding while limiting Federal involvement in these initiatives.

Mr. Speaker, Americans are increasingly interested in conserving and preserving natural areas and cultural symbols. There is also an increased understanding that resource preservation and economic viability are not mutually exclusive but compatible and mutually enhancing. Obviously, the national Government can neither own nor manage each property or area worthy of preservation. In these active communities containing a variety of resources, multiple management and funding sources would be the most appropriate method of preserving and interpreting the nationally important resources and themes.

I believe H.R. 5044 provides national encouragement for protecting these assets without instituting a massive new Federal bureaucracy or providing significant Federal funding. The Federal Government will neither own nor manage the resources assembled in these areas. These are dynamic, thriving communities, which with the assistance of the National Park Service, will maintain an appropriate balance between preservation and growth.

INDIVIDUAL DESIGNATIONS

While H.R. 5044 establishes an American Heritage Areas Partnership Program, and specifically a process by which heritage areas could be nominated and designated American heritage areas, we are providing for the designation in this bill of certain areas as American heritage areas.

Many local groups have already begun working to complete studies and nominations pending the enactment of generic heritage area legislation. Some of these attempts have been underway for some time and there have been concerns expressed by supporters that delays may endanger the resources contained in the proposed areas and disrupt the coalitions formed to assist these projects. To avoid uncertainty and unnecessary delays, I have agreed to consider several of these proposals. These proposals have all been heard by the Subcommittee on National Parks, Forests and Public Lands and have been tailored to the provisions of the generic legislation to the extent possible.

AMERICAN COAL HERITAGE AREA

The section designating the American Coal Heritage Area includes provisions of two bills: H.R. 3988, the West Virginia National Coal Heritage Act of 1994, introduced by Representative RAHALL on March 9, 1994, and H.R. 4692, the Appalachian Coal Heritage Act of 1994, introduced by Representative BOUCHER on June 30, 1994. These bills concern contiguous coal mining communities in southern West Virginia and in southwestern Virginia, including Pocahontas, VA, and Bramwell, WV, towns on either side of the State line that grew up around the Pocahontas coal mine. The Subcommittee on National Parks, Forests and Public Lands held a hearing on the Rahall and Boucher measures on July 28, 1994.

The Pocahontas coal mine opened in 1882, changing forever the corner of Appalachia at the Virginia-West Virginia State line. Local architecture reflects the migration to this area of Hungarian, German, and Welsh workers, along with others, near the turn of the century.

The West Virginia mining conflicts of the first decades of this century pitted workers and their families against not only mine owners, but also against the U.S. Army, providing a significant, if dark, chapter in the history of the labor movement and Appalachia. The best known of these incidents are the Battle of Matewan and the Battle of Blair Mountain.

Section 201 of H.R. 5044 authorizes the establishment of the American Coal Heritage Area upon publication in the Federal Register that the Secretary of the Interior has approved the compact. The area will be managed pursuant to the provisions of title I.

AUGUSTA CANAL AMERICAN HERITAGE AREA

The section designating the Augusta Canal American Heritage Area incorporates many of the provisions of H.R. 2949, introduced by Representative JOHNSON of Georgia on August 6, 1993. The subcommittee on National Parks, Forests and Public Lands held a hearing on H.R. 2949 on June 28, 1994.

The Augusta Canal in Augusta, GA was constructed in 1845 to transport cotton from its source to downtown Augusta, prompting the construction of several textile mills in the city, and the subsequent rise of the area as a center of cotton manufacturing in the South. In 1875, the canal was expanded, bringing new economic and social vitality to the city. The canal, a national historic landmark, remains intact along with much of its associated historic, cultural, and natural setting in the adjacent industrial area, an example of 19th century Southern Industrial development.

The Augusta Canal Authority, established by the general assembly of Georgia in 1989, has prepared the Augusta Canal master plan with funding from the State of Georgia, the city of Augusta, Columbia County, and the U.S. Department of Transportation and Interior. The plan identifies actions to preserve and interpret the canal and related resources, while also proposing strategies to extend the influence of the canal and its setting to enhance the natural and urban environment of Augusta.

Section 202 of H.R. 5044 authorizes the establishment of the Augusta Canal American Heritage Area upon publication in the Federal Register that the Secretary of the Interior has approved the compact. The Augusta Canal Authority is identified as an appropriate management entity, and the area will be managed pursuant to the provisions of title I.

CANE RIVER AMERICAN HERITAGE AREA

The section designating the Cane River American Heritage Area incorporates many of the provisions of S. 1980, introduced by Senator JOHNSTON on March 24, 1993. The Subcommittee on National Parks, Forests and Public Lands held a hearing on S. 1980 on July 28, 1994.

The town of Natchitoches, LA is the oldest permanent settlement within the Louisiana Purchase Territory, and was the site of the westernmost fort of the French Empire, Fort St. Jean Baptiste. In 1767, this part of the French Empire was ceded to Spain. The subsequent conversion of the frontier economy to an agricultural economy led to the development of a plantation economy based on slave labor. In 1803, this area was ceded back to France, and shortly thereafter the Louisiana Purchase gave jurisdiction over the area to the United States.

The early years of French and Spanish domination, and the relative isolation of the area, left a lasting legacy in Natchitoches Parish. One aspect of this multicultural history was the development and nurturing of a unique culture on Isle Brevelle, the Cane River Creoles of color, a distinct community which exists today. Nearby Cloutierville retains its French small village flavor, and the life and folkways of the town were the basis for many of the fictional writings of Kate Chopin, who lived there between 1879 and 1884.

A congressionally directed National Park Service special resource study completed in 1993 found several resources within the Cane River study area nationally significant, and recommended an approach which would combine National Park Service management of certain specified properties with a heritage partnership framework for the larger area. Section 203 of H.R. 5044 authorizes the establishment of the Cane River American Heritage Area upon publication of a notice in the Federal Register that the Secretary has approved the compact. The Secretary is authorized to designate a coalition of listed representatives as the management entity for the area, which will be managed pursuant to title I.

ESSEX AMERICAN HERITAGE AREA

The section designating the Essex American Heritage Area incorporates many of the provisions of H.R. 1685, introduced by Representative TORKILDSEN on April 2, 1993. The Subcommittee on National Parks, Forests and Public Lands held a hearing on H.R. 1685 on June 28, 1994.

Essex County in Massachusetts contains historic, cultural, and natural resources reflecting the themes associated with Salem Maritime National Historic Site, including the history of early settlement, maritime trade, and textile and leather industries. In 1987, the city of Salem, MA, contracted for the development of a heritage park plan to link the Salem Maritime National Historic Site more closely with the surrounding communities. The resulting Salem partnership, including representatives from the National Park Service, local government and the private sector produced an action plan to promote rehabilitation and expansion of the Salem Maritime National Historic Site and Improvements in the city's other historic resources and visitor services.

In 1990, the National Park Service produced a study of alternatives ranging from rehabilitation of Salem Maritime NHS to a countywide system of historic sites with several adjunct visitor centers and countywide interpretive themes. The Essex Heritage Ad Hoc Commission, consisting of mayors of the towns in Essex County, representatives of private interests, and residents, was formed, and along with the Salem partnership is proceeding with implementation of the countywide preservation and promotion aspects pending legislation authorizing the Essex American Heritage Area.

Section 204 of H.R. 5044 authorizes the establishment of the Essex American Heritage Area upon publication in the Federal Register that the Secretary of the Interior has approved the compact. The area will be managed pursuant to the provisions of title I.

Because the proposed Essex American Heritage Area contains two national Park System units, Saugus Iron Works National Historic Site and Salem Maritime National Historic Site, it is expected that park operations and heritage operations will be closely coordinated. In particular, Salem Maritime National Historic Site will play an important role in visitor orientation and interpretation of the related themes in the surrounding heritage area.

HUDSON RIVER VALLEY AMERICAN HERITAGE AREA

The section designating the Hudson River Valley American Heritage Area incorporates many of the provisions of H.R. 4720, introduced by Representative HINCHEY on June 30, 1994. The Subcommittee on National Parks, Forests and Public Lands held a hearing on H.R. 4720 on July 28, 1994.

The Hudson River Valley embraces natural, historic, cultural, and recreation resources between Troy, NY, and the border of New York City representing themes of settlement and migration, transportation, and commerce. The Hudson River Valley greenway, created by the State of New York, creates a framework for voluntary regional cooperation in the 10 counties of New York's Hudson River Valley, emphasizing both environmental protection and economic development. The State of New York has established a structure in which the communities in the Hudson River Valley may join together to preserve, conserve, and manage these resources, and to link them through trails. The national importance of the resources contained in the valley, as well as the scope of the greenway project, indicate that Federal participation in development and preserving the resources could be appropriate.

Section 205 of H.R. 5044 authorizes the establishment of the Hudson River Valley American Heritage Area upon publication in the Federal Register that the Secretary of the Interior has approved the compact. The Hudson River Valley Greenway Communities Council and the Greenway Conservancy are identified as appropriate management entities, and the area will be managed pursuant to the provisions of title I.

Because of concerns raised by members and residents in certain areas of the proposed heritage area, the bill provides that political subdivisions within the counties of Greene and Columbia, and in certain parks of the counties of Rensselaer and Dutchess, must agree to be included in order to participate in the program.

OHIO & ERIE CANAL AMERICAN HERITAGE AREA

The section designating the Ohio & Eric Canal American Heritage Area incorporates many of the provisions of H.R. 3593, introduced by Representative REGULA on November 20, 1993. The Subcommittee on National Parks, Forests and Public Lands held a hearing on H.R. 3593 on April 26, 1994.

In fiscal year 1991, Congress appropriated funds for a National Park Service study of the Ohio & Erie Canal Corridor. That study, released in September 1993, found the area suitable for designation as an affiliated area of the National Park System. Its purpose would be to preserve the canal, the first inland waterway link between the Great Lakes and the Gulf of Mexico, and to chronicle the evolution of transportation systems in America.

Section 206 of H.R. 5044 authorizes the establishment of the Ohio & Erie Canal American Heritage Area upon publication in the Federal Register that the Secretary of the Interior has approved the compact. The Secretary is authorized to recognize a coalition of specified representatives as the management entity, and the area will be managed pursuant to the provisions of title I.

SHENANDOAH VALLEY BATTLEFIELDS AMERICAN HERITAGE AREA

This section authorizes the establishment of a Shenandoah Valley Battlefields American Heritage Area, which incorporates some of the provisions of H.R. 746, the Shenandoah Valley National Battlefields Partnership Act of 1993, introduced February 2, 1993 by Congressman WOLF, and its companion, S. 1033, which was passed by the Senate on June 8, 1994.

The Shenandoah Valley of Virginia, was the site of 326 armed conflicts during the Civil War, 15 of which were battles of major significance. The valley's position enhanced its strategic significance in the war; it is defined at its northern end by the first range of the Allegheny Mountains, separated from the Virginia Piedmont by the Blue Ridge Mountains and divided in the middle by the large and complex ridge of Massanutten Mountain.

Two significant Civil war campaigns took place in the Shenandoah Valley. In 1862 Stonewall Jackson brought 17,000 Confederate troops into the valley and, using his detailed knowledge of the valley's topography, rivers and road, bested three Union armies of twice the manpower, forcing the Union to divert troops from the Confederate capital at Richmond, which had been at risk from the growing Union presence outside of town.

In 1864, Union General Sheridan Attacked from the North, devastating the Confederate troops commanded by Jubal Early, and burning the valley's farms and mills along the way, disrupted the food supply. The campaign concluded with a decisive Union victory at Cedar Creek that served to build public confidence in the White House in the month before Lincoln's re-election.

In 1990, Congress authorized a National Park Service study of the Civil War battlefields of the Shenandoah Valley. The report identifying the resources was issued in September 1992. In September 1993, the National Park Service issued a followup report recommending the creation of a heritage area to protect and interpret these resources.

Section 207 of H.R. 5044 authorizes the establishment of the Shenandoah Valley Battlefield American Heritage Area upon publication in the Federal Register that the Secretary of the Interior has approved the compact. The area will be managed pursuant to the provisions of title I.

STEEL INDUSTRY AMERICAN HERITAGE AREA

This section authorizes the establishment of the Steel Industry American Heritage Area in southwestern Pennsylvania centered around the city of Pittsburgh. It contains elements of H.R. 3144, the Steel Industry Heritage project, introduced by Representative COYNE on September 28, 1993.

Southwestern Pennsylvania was a center of activity during the industrial revolution and the steel industry of that region played a key role in the establishment in the 1920's of the preeminence of the United States in mass production industries. It also gave occasion for a new chapter in the history of the labor movement, spawning such labor organizations as the Congress of Industrial Workers and the United Steel Workers of America. It attracted immigrants whose culture became a part of the region's heritage, and shaped settlement patterns across six counties, including the city of Pittsburgh.

In 1988, as a part of the southwestern Pennsylvania Industrial Heritage Preservation Commission's enabling legislation, Public Law 100–698), Congress authorized the Commission to conduct a study of the Greater Allegheny and Washington Counties/Mon Valley Area, in coordination with the Pittsburgh Area Steel Industry Heritage Task Force. The study, which was completed in March 1993, recommends the establishment of a steel heritage area, to be carried out under cooperative management.

Section 208 of H.R. 5044 authorizes the establishment of the Steel Industry American Heritage Area upon publication in the Federal Register that the Secretary of the Secretary of the Interior has approved the compact. The area will be managed pursuant to the provisions of title I.

VANCOUVER AMERICAN HERITAGE AREA

This section authorizes the establishment of the Vancouver American Heritage Area in Washington State, incorporating aspects of H.R. 4607, the Vancouver National Heritage Area Partnership Act of 1994, introduced on June 21, 1994, by Congresswoman UNSOELD.

Vancouver, Washington's location on the Columbia River, has played a part in several chapters of U.S. history. Fort Vancouver, established in 1825, was the regional headquarters of the Hudson's Bay Co. Vancouver barracks has served the U.S. Army from the mid-1800's. Officer's Row, an avenue of historic homes, housed top military leaders for over 100 years. Pearson Airpark, now a general aviation airport, played a role in the development of aviation.

Congress passed a law in 1948 to establish the Fort Vancouver National Monument, and in 1961 redesignated it the Fort Vancouver National Historic Site. Because nearly all of the Fort's structures were destroyed within 6 years of this abandonment by the Hudson's Bay Co. in 1860, the site comprises reconstructed structures based on archaeological data.

Next to Fort Vancouver is Pearson Airpark, including an aircraft museum. In 1972 the National Park Service paid over $500,000 to acquire from the city of Vancouver a portion of the runway and other land serving Pearson Airpark. The general management plan for the fort provides for the acquired lands to eventually be open space with plantings compatible with the fort. Use of this land for airport operation has been an ongoing matter of concern and discussion and is one of the aspects the bill seeks to address.

In November 1990, Congress established the Vancouver Historical Study Commission to study the feasibility of establishing a historical reserve to preserve and protect the area's special resources—Public Law 101–523. The study was completed in April 1993, and found the establishment of a partnership to preserve Vancouver's resources both feasible and suitable.

Section 209 of H.R. 5044 authorizes the establishment of the Vancouver American Heritage Area upon publication in the Federal Register that the Secretary of the Interior has approved the compact. The area will be managed pursuant to the provisions of title I. In addition, the bill provides for the phasing out of general aviation at Pearson Airpark by 2022.

WHEELING AMERICAN HERITAGE AREA

The section designating the Wheeling American Heritage Area incorporates many of the provisions of H.R. 2843, introduced by Representative MOLLOHAN on August 3, 1993. The Subcommittee on National Parks, Forests and Public Lands held a hearing on H.R. 2843 November 16, 1993.

Wheeling, WV, became a center for transportation and industry in the first half of the 19th century. Serving as the western terminus of the national road in the early 1800's as well as one of the few major inland ports, Wheeling was home to developing industries such as coal, iron and steel, tobacco, glass, china, and tile and boat building. The resources remaining in Wheeling illustrate and interpret transportation and industrial themes in America's development.

Since enactment of Public Law 100–121, the fiscal year 1990 Interior and Related Agencies Appropriations Act, which appropriated funds for a study, the National Park Service has been working with the city of Wheeling and the State of West Virginia to evaluate the city's resources and develop a plan for the preservation, promotion, interpretation, and development of these resources. In August 1992, all parties approved a plan which calls for the establishment of the Wheeling National Heritage Area.

Section 210 of H.R. 5044 authorizes the establishment of the Wheeling American Heritage Area upon publication in the Federal Register that the Secretary of the Interior has approved the compact. The area will be managed pursuant to the provisions of title I, and funding for the Wheeling American Heritage Area will be limited to $5 million for capital projects, $1 million for planning, and $500,000 for technical assistance. Both capital projects and planning require a 50-percent match for Federal funds.

OHIO RIVER STUDY

The section directing a study of the Ohio River corridor incorporates many of the provisions of H.R. 2095, introduced by Representative HAMILTON on May 12, 1993.

The Ohio River flows through six States from its headwaters in the commonwealth of Pennsylvania to its confluence with the Mississippi River and comprises a chain of commercial, industrial, historical, archeological, natural, recreational, scenic, wildlife, urban, rural, cultural, and economic areas. Section 301 of title III directs the Secretary of the Interior to complete within 2 years a study of the feasibility and suitability of designating this section of the Ohio River as an American heritage area.

FOX AND LOWER WISCONSIN RIVER STUDY

The section directing a study of the Fox and Lower Wisconsin River corridor incorporates many of the provisions of S. 344, introduced by Senator KOHL on February 4, 1993, and approved by the Senate on March 17, 1993.

The Fox-Wisconsin Waterway, the discovery route of Marquette and Joliet, connects the Great Lakes and the Mississippi River, was critical to the opening of the Northwest Territory and served as a major artery in bringing commerce to the interior of the United States and in providing a vital communication link for early explorers, missionaries, and fur traders. Section 302 of title III directs the Secretary of the Interior to complete within 2 years a study of the feasibility and suitability of designating the Fox and Lower Wisconsin River corridors as an American heritage area.

SOUTH CAROLINA CORRIDOR STUDY

The section directing the National Park Service to cooperate in a study of the South Carolina corridor incorporates many of the provisions of H.R. 4330, introduced by Representative DERRICK on May 3, 1994.

More than 250 miles in length, a corridor stretching from Charleston, SC, to Oconee County in the upcountry possesses a diversity of significant natural, historic, and cultural resources related to past and current commerce, transportation, mining, cattle, pottery, and national defense industries in the region providing significant ecological, natural, tourism, recreational, timber, management, educational, and economic benefits. Section 303 of title III directs the Secretary to cooperate with the South Carolina Department of Parks, Recreation, and Tourism in preparing a study on the feasibility and suitability of designating the South Carolina corridor as an American heritage area.

NORTHERN FRONTIER STUDY

The section directing a study of the struggle for American independence within the Northern Frontier incorporates many of the provisions of H.R. 79, introduced by Representative BOEHLERT on January 5, 1993.

The Northern Frontier, comprising the Mohawk Valley in the State of New York and the country of the Six Nations—Iroquis Confederacy—was extremely valuable to both sides of the American Revolutionary War, as well as for the establishment of the Northern Indian Department there. Section 304 of title III directs the Secretary to complete within 2 years a study of the suitability and feasibility of designating the Northern Frontier as an American heritage area.

BLACKSTONE RIVER VALLEY NATIONAL HERITAGE CORRIDOR

The title amending the Blackstone River Valley National Heritage Corridor establishment incorporates many of the provisions of H.R. 2633, introduced by Representative NEAL of Massachusetts on July 14, 1993. The Subcommittee on National Parks, Forests and Public Lands held a hearing on H.R. 2633 on April 26, 1994.

The Blackstone River Valley National Heritage Corridor was established by Public Law 99–647 in 1986 to preserve and interpret the nationally significant resources of the corridor associated with the American Industrial Revolution. The corridor consists of the 46-mile segment of the Blackstone River running from Worcester, MA, to Providence, RI, and includes 20 communities in two States. The 19-member Blackstone River Valley National Heritage Corridor Commission was established by Public Law 99–647 to develop and implement a plan for preserving and interpreting the corridor's resources. The Blackstone River Valley cultural heritage and land management plan was approved by the Secretary of the Interior in June 1990, and the Commission is slated to terminate in 1996. The establishing act authorized $250,000 annually for the Commission with the Federal contribution not to exceed 50 percent of the costs of the Commission's operation.

Public Law 101–441, enacted in 1990, authorized the Secretary to provide limited financial assistance for qualified projects within the corridor. The Federal contribution for such projects was limited to 50 percent, and the Secretary was required to give consideration to projects providing a greater leverage of Federal funds. Public Law 101–441 also authorized $350,000 annually for the Commission's operations and $1 million annually for fiscal year 1991–93 for the financial assistance authorized by the act.

Title IV of H.R. 5044 revises the boundaries of the Blackstone River Valley National Heritage Corridor to include five additional communities—Worcester and Leicester in Massachusetts, and Burrillville, Glocester, and Smithfield in Rhode Island, and specifies the revision of the cultural heritage and land management plan accordingly. The bill extends the Commission for an additional 7 years, and increases the authorization for funding for the Commission's operation to $500,000 annually. This title also authorizes an additional $5 million for development and interpretive materials and programs in the corridor.

BRAMWELL NATIONAL HISTORIC DISTRICT

The section directing the establishment of the Bramwell National Historic District accomplishes many of the purposes of H.R. 793, the Bramwell National Historical Park Act of 1993, introduced by Representative RAHALL on February 3, 1993, in recognition of the importance of preserving, restoring, and interpreting the historical, cultural, and architectural values of the town of Bramwell, WV.

SOUTHWESTERN PENNSYLVANIA AMERICAN HERITAGE AREA

The provisions regarding the southwestern Pennsylvania Heritage Area modify the original 1988 law dealing with this area to provide more accountability and control on the use of Federal funds in the area, as Federal participation in the project draws to a close over the next several years. These changes will allow work on the project to continue but limits the overall scope and involvement of the Federal Government to the minimum necessary to complete the work underway in the area.

Mr. Speaker, I reserve the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5044, the American Heritage Areas Program will create a generic approach for establishment of new Federal Heritage Areas. In the past 10 years, local support for these areas has grown tremendously. There are currently over 100 heritage areas under various stages of consideration nationwide. The difficulty that Chairman VENTO and I face is that all of these groups and Members are coming to us asking for various types of designation and assistance. Thus, congressional consideration of every new heritage area is becoming overburdensome and inconsistent. It is important that Congress adopt a consistent, programmatic approach to address these proposals which could affect tens of millions of acres in over 40 States. Moreover, with appropriate limitations on this program, heritage area designation could be a cost-effective alternative to new Federal parks.

H.R. 5044 is far from perfect legislation and I have continuing concerns: First, is the protection of private property rights and second, is cost. Chairman VENTO has agreed to insert new language which should provide some limitation on the Federal Government's ability to force land use controls on local governments.

H.R. 5044 also authorizes over $22.5 million per year in new funding. Although this amount is more than double the amounts I initially recommended to the committee, it does represent a $12.5 million reduction from the original text of the bill. Due to the accommodations made by Chairman VENTO, I will support H.R. 5044.

Mr. Speaker, I reserve the balance of my time.

Mr. VENTO. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina [Mr. DERRICK].

Mr. DERRICK. I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise today in support of H.R. 5044, the American Heritage Areas Partnership Program. The heritage areas outlined in this legislation are very unique because they have been conceived and initiated at the grass roots level.

These heritage areas tie individual kernels of the past together and provide an understanding of each area's history through development of its natural, cultural, and historic assets.

The local folks in these regions have formed partnerships with the private sector, local resources, State government and the Federal Government to establish these areas. They have formed elaborate structures of organization to ensure that these areas are developed and managed in the best possible way. In South Carolina the Governor placed special emphasis on developing the heritage area through an Executive order requiring that agencies and departments in South Carolina work together to guarantee designation and successful management.

Rather, than being a Federal mandate, this is truly a local initiative. Each of these areas has been organized by committees made up of local citizens who have built this concept from the ground up.

Moreover, this measure limits Federal funding and could result in a savings of up to 66 percent. And, it limits Federal involvement.

Our citizens have asked us to assist them in establishing these areas of history, culture and preservation so that future generations will have a greater understanding of our country's rich culture and historical treasures.

Those undertaking the planning for these heritage corridors have done their part. Now it's our turn. I ask you to support H.R. 5044.

Mr. HANSEN. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. REGULA].

Mr. REGULA. Mr. Speaker and my colleagues, this is a good bill. It is a way of people helping themselves to establish areas that are needed. This morning we had a contract with America on the front steps, and one of the things that contract said, "It can be the beginning of a Congress that respects the values and shares the faith of the American family."

That is what this bill does exactly.

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First, Mr. Speaker, I want to address the question of private property rights. There have been a lot of calls and conversations on this. This bill clearly does not provide any right of taking by the Federal Government. It says, and I quote, "nothing in this title shall be construed to modify, enlarge, any authority of the Federal, State and local governments to regulate any use of lands provided by current law; two, nothing in this title shall be construed to grant powers of zoning or land use to any management entity for an American heritage area. It is a prohibition of acquisition of real property; there cannot be a taking. A management entity," and I am quoting directly from the law, "a management entity for an American heritage area may not use Federal funds received under this title to acquire real property or an interest in real property," and lastly, and this is a provision the gentleman from Utah put in, "no provision of this title shall be construed to require any change in land use regulation as a condition of approval by a management plan or a management plan by the secretary." Clearly it does not invade in any way private property rights, and it is spelled out in the law.

Why is this important? Because it enables people to help themselves. We cannot afford new parks. The gentleman from Utah said this is cost effective, and he is absolutely correct. We still have a need. The increase last year in the national parks in usage was 10 percent. Yosemite was rationing people. They had to wait outside the gate and get a number to get in, and, with the increased population it faces in the United States, we need these open areas, particularly in the east, and, if we look at this map over here where the heritage corridors are, they are in the eastern States, and that means that people can get to them on a daily basis to take a walk with their family.

Talk about family values. This is where the family value can go out daily and weekly and take a hike, where Boy Scout troops, Girl Scout troops, 4-H Clubs, can get together and use these corridors for recreational purposes, and more importantly they can be involved in the preservation. I know in my own community we have Kiwanis Clubs, Rotary Clubs, garden clubs all involved in the 87 miles of the heritage corridor following the high end Erie Canal, and they are already starting to clean the brush and get the hiking paths ready, and we are saying as a Federal Government, "We want to help you, but only on a matching basis, dollar for dollar."

I think this bill represents a vision that we can be proud of, that we are conserving something for the future of this Nation.

Mr. VENTO. Mr. Speaker, I yield 1 minute to the gentlewoman from Washington [Mrs. UNSOELD].

Mrs. UNSOELD. Mr. Speaker, I rise in support of H.R. 5044, legislation to provide for the long-term preservation and interpretation of significant historical resources across the Nation. This is a noble objective and I commend the chairman of the subcommittee for his efforts to bring this bill to the floor today.

I am particularly pleased that section 209 of the bill incorporates much of my legislation to establish a heritage area in Vancouver, WA.

Vancouver, which is located just across the Columbia River from Portland, OR, was at the center of the settlement and development of the Northwest during the 19th and early 20th centuries. In one 360-acre area, five historic gems chronicle the sweep of Northwest history since Lewis and Clark explored the area between 1805 and 1806.

For the past five years I have been working with the mayor of Vancouver, the Park Service and many others to establish a Federal-State-local partnership to preserve, restore, and coordinate the management of the historic area in Vancouver.

In 1990 Congress adopted my legislation to establish a Commission to analyze various management options for these historic properties. The Commission was composed of representatives of the major entities interested in the area, including the National Park Service, the Army Corps of Engineers, the City of Vancouver, and the State of Washington. The Commission completed its work in April 1993 by recommending that a partnership be established to ensure effective, coordinated, management of the area. The members of the Commission agreed that management of the area needed to be coordinated by a federally established management framework based on partnership between the interested government entities.

To implement the recommendations of the Commission I introduced H.R. 4607 to protect all of the key areas and the equally significant historic periods and events they represent. Most importantly, by unifying and coordinating the management of all these historical assets, the bill proposes a partnership to develop the full educational, recreational, and historical potential of area.

Mr. Speaker, it is no secret that resolution of the Pearson Airpark controversy—what the appropriate role of the airport should be after 2002—is crucial to an overall cooperative management agreement for the area. While there is now an appreciation that Pearson's aviation history is of national significance and should be preserved, there has been disagreement over whether it should remain an operating general aviation airport.

My own view is that it would be unconscionable to eliminate the aviation history represented by Pearson Airpark and its young but flourishing aviation museum. I am also convinced that some general aviation activity at Pearson is necessary to help underwrite the costs of maintaining the airfield, which is essential to the historic aviation mission. Both my legislation and the bill before us today follow the recommendation of the Commission that general aviation continue through the year 2022. Beyond that time it would take an act of Congress to allow general aviation to continue—a decision left to another generation.

Mr. Speaker, H.R. 5044 is about partnership and it is about protecting historically significant public resources so that our children can understand the past and connect it to the future. For people and communities in southwest Washington, this means unifying and coordinating the management of the area's historic assets; this means developing the full educational, recreational, and historical potential of the area; and it means making Vancouver the premier showcase of Northwest history.

I urge my colleagues to support this legislation.

Mr. HANSEN. Mr. Speaker, I yield 3 minutes to the gentleman from Oregon [Mr. SMITH].

Mr. SMITH of Oregon. Mr. Speaker, I thank the gentleman from Utah [Mr. HANSEN] for yielding this time to me. Mr. Speaker, Members, let us rein in this enthusiasm a tad for this bill. This bill is not exactly as it has been purported to be, although those people advocating the passage of this measure are certainly well intentioned, and yet this bill is a benign coverup for a huge land use taking program for the Federal Government.

Now my colleagues have heard a statement made that this in no way affects zoning or land use planning, and I want my colleagues to look, if they would like, at page 30 of the bill which provides that these heritage programs must be cleared with the Secretary of the Interior. They must cooperate, they must consult, they must conduct and support with his agreement.

Now, Mr. Speaker, the point is that, if this bill had been anything other than a forthright proposition, we would have brought it here with a rule, and we would have debated the bill, and there would have been an amendment to provide for private property protection. That is the reason it is here on suspension, and the other reason it is here on suspension is because it is going to cost $20 million. Now I have some cause of concern because I have lived with this kind of legislation. As my colleagues know, I have been here for 12 years, on my way back to Oregon, but my colleagues all complimented me in 1985 with a bill on the Columbia River Gorge programs which I opposed, and I suggested at the time that it would downgrade private property and it would abuse private property, and it has, and it does, and by the way, Mr. Speaker, the restrictions in that bill provided for decreased property values, loss of local control, and increased litigation. One person lost $150,000 because he could not develop his property.

Now this idea of going around the national parks system is not new. For 10 years I have been sitting with those people in the Committee on the Interior, and now the Committee on Natural Resources, who have added millions and millions of acres and responsibilities to the national parks, and now we are all worrying about what is happened to the national parks. They are $9 billion in backlog. We owe $9 billion more than we can pay for, and the parks department budget is about a billion. We are never going to catch up. We keep loading up the national parks program, and now, when we have loaded it to this extent, we are going to do the Hail Mary. We are going around end. We are going to call this new program the Heritage Program for America because there is no money left anywhere else, and then we are going to spend $20 million, more money, out of the national parks budget for the heritage program.

Now I am not against these ideas, but why in the world do we not let local government do it? What is wrong with the States and local communities?

I tell my colleagues to vote against this. This is against private property rights. Please vote against this bill.

Mr. VENTO. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. MCNULTY], a strong supporter of the bill.

Mr. MCNULTY. Mr. Speaker, I thank the gentleman from Minnesota [Mr. VENTO] and the ranking member, the gentleman from Utah [Mr. HANSEN] for their leadership and bringing this bill to the floor.

But most of all today I want to commend my colleague from New York [Mr. HINCHEY], Former Assemblyman MAURICE HINCHEY, during his years with that title, was the leader on conservation issues in the State of New York.

MAURICE, I was with some of your friends in Albany yesterday to discuss this bill: Commissioner John Davidson and local officials from my area, Albany Mayor Jerry Jennings, Green Island Mayor McNulty, Colonie Supervisor Fred Field, Schenectady County Legislator Don Ackerman. Some of your former colleagues from the assembly were also present: Assemblyman John McEneny, Assemblyman Paul Tonko, along with one of your colleagues from the assembly who was the first chairman of the first urban cultural park in the State of New York—Assemblyman Ron Canestrari.

So, today, as we talk about all the different areas across the country and all of the meaningful developments that this bill would bring for various Members of Congress and their regions, I want to particularly salute and pay tribute to former Assemblyman MAURICE HINCHEY, now Congressman MAURICE HINCHEY, who was the father of the urban cultural park system in the State of New York.

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Mr. HANSEN. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. DOOLITTLE].

Mr. DOOLITTLE. Mr. Speaker, I rise in opposition, strong opposition, to this bill, which I believe is going to prove to be a very costly bill to establish a massive new program of Federal land use control across the country.

Mr. Speaker, this 100-plus-page bill to establish an American Heritage Area partnership was just recently introduced last week and has never been considered, as I understand it, by the Committee on Natural Resources.

Mr. Speaker, this map over here, which has been referred to before, illustrates the areas of the country that will be considered for these American Heritage Areas. You can see, they are quite extensive. Perhaps there are some Members who want to cede this level of authority to the Secretary of the Interior. I think, though, in light of the history of what has gone on with these Federal regulatory acts and what has been happening, we should all be very concerned about this type of activity.

I represent a district that is going through all of these monumental battles under these broad and vague statutes, such as the Endangered Species Act and the Forest Land Management Practices Act, et cetera, where we are suffering some real economic hardship.

Reference has been made to the Contract for America, which the Republicans met on the steps and talked about earlier today. Well, a key part of that is that we subject everything to a cost-benefit analysis. A key part of that is reducing regulation. A key part of that is restoring the power to the people and the belief in private property rights. What concerns me about this bill, and I do not wish to impugn the intent of the author, because the author sincerely believes in this and I think promotes effectively his point of view. But I simply want to observe here that we have got to get back to the basics. We know what happens when the bureaucrats take a little authority and run with it and cause enormous problems to the private property owner.

This bill, it seems to me, goes in completely the opposite direction that this Congress has been moving in, where we seek to have more authority over the bureaucrats, we seek to tighten our standards, we seek to validate the rights of private property owners. Instead, this is more Federal control.

If you have a piece of property as a private owner in any of these orange areas, once this bill takes effect, and once your area becomes a heritage area, if you want to do anything on your property that in any way relates to some Federal activity of some type, you are going to have to ultimately have that approved by the Secretary of the Interior or you cannot do it.

Mr. Speaker, I would submit, this is big Government. This is not reduced regulation. This is not local government. This is the top Federal bureaucrat in the Department of the Interior having to specifically approve every activity that occurs on your property.

I urge defeat of this bill.

Mr. VENTO. Mr. Speaker, I yield 4 minutes to the gentleman from New York [Mr. HINCHEY].

Mr. HINCHEY. Mr. Speaker, this chart is important, because it illustrates quite clearly not only where these American Heritage Areas are located in our country, but it also further indicates the size of these American Heritage Areas.

There are in fact four American Heritage Areas that are currently designated, and they exist for the most part in the eastern portion of the United States. This bill will designate 10 additional American Heritage Areas, and they are located, for the most part, in the Northeast, in the Central section of the United States, but also in the South, and, of course, over in the Far West.

It is important to note, Mr. Speaker, the size of these areas. They are in fact very small. Relative, obviously, to the size of the Continental United States, they take in relatively small parts of the country, but they are important parts of the country.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. HINCHEY. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Speaker, I think the gentleman makes a very, very important point, that these are really areas that Congress must designate in terms of recognition, first of all, as heritage areas. I would point out they are relatively small areas that are impacted.

Now, as far as local or State governments making agreements with the Federal Government, there are no new powers extended to the Federal Government, no new powers extended to the State or local government. So any power they have today to make such agreements, they could make the agreements under existing law. We are trying to in fact channel that authority for the purposes of the bill. So the new powers here, in other words, all local and zoning authorities that exist today, exist under this bill. All Federal powers already are in place.

I command the gentleman from New York [Mr. HINCHEY]. The gentleman has been a leader in this policy. He introduced important legislation on this topic. We very much appreciate the support and the expertise the gentleman [Mr. HINCHEY] has provided in terms of helping craft this bill, and, of course, the Hudson Valley designation which is so important to the gentleman. I appreciate the gentleman yielding, and commend him for the statement he is presenting.

Mr. HINCHEY. Mr. Speaker, I want to respond by saying how much I appreciate of the work of the gentleman from Minnesota [Mr. VENTO]. His leadership on the Committee on Natural Resources and particularly as chairman of the Subcommittee on National Parks, Forests, and Public Lands, is invaluable to this House and the people of our country. The gentleman has done an extraordinary job in putting this bill together. He has exercised I think incredible patience and fortitude. He has spoken to practically every Member of the House, and certainly all those affected even marginally by the provisions in this bill.

The fact that we have such a comprehensive measure, that has strong bipartisan support, supported by Members on both sides of the aisle, is a tribute to the leadership of my colleague from Minnesota [Mr. VENTO], and I very much appreciate his work.

Mr. VENTO. If the gentleman would yield further, I would point out every Member of the House affected by this favors this bill. The Members that may not favor it, I do not know they are affected.

Mr. HINCHEY. Mr. Speaker, I just wanted to make a couple of points, to try to make them very briefly. First of all, there are no new land use controls in this measure. None whatsoever. All the existing land use controls are kept. None are expanded, none are changed.

This bill provides us with extraordinary educational opportunities. This country is now more than 200 years old. At an earlier time we recognized the importance of preserving places like Yellowstone and Yosemite. People today pay tribute to those people, the leaders of the country at that time, who had the foresight to do so.

This is precisely what is being done here today. And in the 200 years of this country, much has been done here that needs to be protected and enhanced and talked about. These American Heritage areas are in fact educational laboratories for this and future generations. The Blackstone River Valley, for example, in Massachusetts and Rhode Island, talks about the development of commerce in this country and industry in this country, and the first way it came here. It is very important to preserve that.

The American Coal Heritage Area in West Virginia also talks about the way we developed energy in this country. All of these areas across the country need to be preserved, need to be enhanced. This bill will do it. It does it in a comprehensive way that protects existing controls, puts no additional controls on any land, and simply allows for us to celebrate this as history in a reasonable way.

Mr. HANSEN. Mr. Speaker, I yield 1 minute to the gentleman from Kansas [Mr. ROBERTS].

Mr. ROBERTS. Mr. Speaker, I rise today in opposition to H.R. 5044 the American Heritage Areas Partnership Program Act. The stated purpose of this legislation is to foster public/private partnerships to protect areas of significance to our American heritage. This is indeed a noble goal, but we have seen time and time again that the Federal Government's idea of a partnership is, "You own it, we tell you how you can use it." I fear that approval of this bill would seriously threaten the private property rights in areas designated under the act.

As disturbing as the substance of the bill, is the process. This bill was introduced just 2 weeks ago and has not been the subject of hearings or markup in the Natural Resources Committee. It comes to the floor under suspension of the rules so that debate is limited and members who are concerned about property rights are not allowed to offer amendments, despite the fact that the House has supported the cause of private property rights on numerous amendments this session of Congress.

I encourage my colleagues to reject both the substance and the process.

☐ 1600

Mr. VENTO. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. NEAL], the sponsor of the measure dealing with Blackstone River.

Mr. NEAL of Massachusetts. Mr. Speaker, I rise in strong support of H R. 5044, the American Heritage Areas Act of 1994. Through its partnership program, this legislation provides a unique opportunity to preserve and protect important historical and cultural sites of national significance, without straining the budget of our already overburdened National Park System. The Federal Government does not own or manage the land in a national heritage corridor, as it does in a traditional National Park and Federal funds cannot be used to acquire land for heritage areas.

Local communities and businesses, along with historic and environmental groups work together with the National Park Service through a unifying commission to manage, develop and preserve the unique characteristics of an American heritage area. The legislation requires a 1 to 1 match of Federal dollars with non-Federal dollars. This type of partnership between the Federal Government and local entities not only makes national heritage areas more cost-effective, but also brings successful results.

The Blackstone River Valley national heritage corridor, part of which is located in my district in Massachusetts, is a fine example of how successfully the Heritage Program works.

Running along 46 miles of the Blackstone River from Worcester to Providence, the corridor is the birthplace of the American industrial revolution. To appreciate the importance of this event, you have to understand that in the 1790's, even after we had won the Revolutionary War, America was still dependent on England for clothing. This began to change in 1793, when Samuel Slater built the first mill that successfully used water-power from the Blackstone River to spin cotton. This revolutionary method of using water-power spread quickly throughout the valley and the rest of New England, changing our economy and society forever. If you go there today, you can feel our Nation changing from the pre-revolutionary farming-based economy to the industrial society that is still the basis of our economy.

The Blackstone corridor is a model for heritage areas. Its success is due to the solid support and enthusiasm it receives from local groups. For every Federal dollar spend on the Blackstone corridor, $3 non-Federal are attracted.

Despite its remarkable accomplishments, there remains much to be done in the Blackstone corridor to secure its future as an integral part of our American history.

This legislation will expand the Blackstone corridor and extend the authority of the Blackstone Commission. Over the past few years, areas of the Blackstone Valley have been considered for landfill dumps and other potentially damaging uses. Expansion and more preservation is needed to protect the corridor. Time and economics have moved the economic engine of America elsewhere. But the Blackstone today provides a unique and irreplaceable way for generations of Americans to see how it all began. To let this resource slip away would be a great tragedy.

There are numerous historical, cultural, and recreational areas in this county of national significance. Unfortunately, due to budgetary constraints, the National Park Service cannot include all these worthwhile areas in its system.

The American Heritage Areas Act provides a cost-effective and proven way to promote historical preservation and environmental conservation of such nationally significant sites. Without this legislation, these sites could be irreparably destroyed and their importance to our American history and culture lost forever.

I strongly urge you to support this legislation, H.R. 5044.

Mr. HANSEN. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. Mr. Speaker, I rise in opposition to the consideration of this bill under suspension. It is being considered under suspension of the rules for one reason: to avoid the offering and the adoption of any amendments on this floor.

What kind of amendments? Let me suggest to my colleagues the amendments that we would like to offer and we are being denied the right to offer.

One that would say that the Secretary, as a condition of granting any money under this program, would not require the modification or addition of land use regulations. They do not want that amendment on this bill.

One that would say that property owners have the right to consent to the listing of their property, which is going to get listed just like endangered rats in California under this bill, to say the landowners would have a right to consent to that listing. They do not want that amendment on this bill.

Most importantly, the provision that would say that in effect the entity that manages property under this bill would have to compensate landowners if the management of that property, the listing of that property has the effect of taking away the value of that property. They do not want that in the bill.

What is in the bill? A provision that says the Federal Government cannot pay a landowner when it regulates his land and takes away its value.

What is in the bill? What is in the bill is procedures by which, with the grant of moneys, local governments will be encouraged to put in areas of heritage management and protection without compensation, areas as big as Pugh and six counties wide, as long as the Mississippi is, over 1,200 miles, little tiny areas, two and six counties wide.

This bill ought to be on the floor so we can offer amendments to it. We ought to have property rights protections in this bill, and we do not. This bill requires land use regulation. If Members do not believe it, read the section that says that top priority shall be encouraging local governments to adopt land use policies consistent with the protections of this bill.

Some of the protections of this bill are laudatory and good. But we ought to have one protection that is not in this bill, and that is to say that landowners have a right to consent to be so managed and they have a right to compensation if the government takes their property from them and refuses to pay them.

I urge the rejection of this bill on suspension.

Mr. VENTO. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. COYNE], who has an excellent proposal in here dealing with steel heritage.

Mr. COYNE. Mr. Speaker, I rise today in strong support of H.R. 5044, the American Heritage Areas Act.

I want to begin by commending Chairman VENTO and the members of the House Committee on Natural Resources for their efforts to preserve America's nationally distinctive natural, historic, and cultural resources through the American Heritage Areas Act. I also want to thank Chairman VENTO for his leadership in providing for a clear and well-considered approach to addressing the issue of heritage areas through the authorization process.

H.R. 5044 is a bipartisan effort to help preserve our Nation's heritage. This legislation also provides a strict criteria for judging the historical significance of projects worthy of support by the U.S. National Park Service.

Finally, this bill leaves to States and local communities the authority to initiate heritage area proposals. No Federal funds may be used to acquire local property and all decisions on zoning and land management are left to the local governments and communities initiating heritage area proposals.

H.R. 5044 includes authorization for the Steel Industry American Heritage Area which is a locally controlled effort to document and conserve the industrial and cultural heritage of southwestern Pennsylvania. The focus of this work is the Pittsburgh industrial district which emerged in the 19th century as a distinct industrial center for the production of iron and steel. The development of new industrial techniques in southwestern Pennsylvania's steel and steel-related industries resulted in Pittsburgh being known around the world as the center of U.S. industrial might.

Mr. Speaker, H.R. 5044 deserves the support of the House. This bill helps to preserve America's past for future generations to study and enjoy. I urge my colleagues to support this legislation.

Mr. VENTO. Mr. Speaker, I yield 2 minutes to the gentleman from West Virginia [Mr. RAHALL].

Mr. RAHALL. Mr. Speaker, in my capacity as chairman of the Surface Transportation Subcommittee, last May I brought a highway and transit bill to the floor that contained 2 billion dollars' worth of projects.

It passed this body by a vote of 412 to 12.

Today, I think that the pending legislation should enjoy the same level of support.

I say this because just as we must ensure that our transportation systems are properly maintained, and improved, so too must we place the same kind of emphasis on the preservation and restoration our most significant historic and cultural resources.

The pending legislation would do just that.

It would preserve, and advance, the historic and cultural infrastructure of this country.

It is not enough to simply address our public works infrastructure.

Our history, and our culture, represents the very soul of the Nation.

Cold steel and concrete alone does not make a Nation whole.

So I would say to my colleagues, this legislation, this fiscally responsible legislation I might add, deserves all of our support.

If there was any area of this bill with which I would quarrel, it is with its extremely stingy authorizations and stringent matching requirements.

For the most part, this legislation requires a 50-percent non-Federal match for projects relating to historic and cultural resources.

Now, when we provide Federal assistance for a road—even those off the Interstate System I might add—we only require a 20-percent non-Federal match.

Yet in this bill, to preserve some very important historic resources of national significance, we will be limited to a 50-percent contribution.

I, personally, do not find this to be appropriate. I recognize the tremendous concessions and fairness Mr. VENTO has exercised, against my counsel and urgings.

However, the gentleman from Minnesota, the distinguished subcommittee chairman, has chosen to take this approach in an attempt, I would suspect, to meet the concerns of some of our colleagues.

So with this reservation, I support this bill. And again, I would urge this body to approve it overwhelmingly.

Mr. HANSEN. Mr. Speaker, I yield 1½ minutes to the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Speaker, as a cosponsor of this legislation, I rise to congratulate its authors and in strong support of H.R. 5044, the American Heritage Areas Partnership Programs. The key word in this legislation is "partnership." This bill is a financial "partnership" between State, local, and Federal governments to make possible worthwhile capital projects and improvements in areas of historical, cultural, and recreational importance. The value of the legislation and the important point that there is no Federal taking has been covered by Mr. DERRICK and Mr. REGULA. The beautiful Hudson River Valley of New York, which I represent, is one of the heritage areas.

□ 1610

Mr. Speaker, it is rich in history of early English and Dutch settlements, as well as home to two of our Presidents. The credit this afternoon properly has been given to the gentleman from New York [Mr. HINCHEY] for his work in establishing our heritage areas. However, Mr. Speaker, the Hudson Valley is also in the midst of economic hard times. This legislation would assist districts such as mine by combining the forces of economic growth and conservation to bring increased tourism and revitalization to towns and cities throughout the designated heritage areas.

I urge my colleagues to join in supporting H.R. 5044, which helps preserve and develop areas of national significance, without Federal land acquisition or an expensive price tag.

Mr. VENTO. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia [Mr. JOHNSON], sponsor of the Augusta, GA, canal heritage area.

Mr. JOHNSON of Georgia. Mr. Speaker, I rise today to support this bill which would establish the American Heritage Area Partnership Program within the Department of the Interior.

One of the heritage areas authorized in this bill is located in the 10th District of Georgia. It is the Augusta Canal, one of this country's most treasured natural resources. The canal which dates back to 1845 has played an instrumental role in Georgia's history—from production of black powder during the Civil War, to development of Georgia's cotton textile industry.

Over the years, the canal has faced tremendous pressure from developers even though the National Park Service designated it a national historic landmark in 1978. In addition, establishing the corridor as a heritage area is of great importance to both the State of Georgia and the citizens of Richmond and Columbia Counties. In fact in 1993, the Georgia Department of Community Affairs designated the canal as one of four regionally important resources within the State. Local citizens have consistently indicated the importance of this legislation in continuing the preservation efforts currently underway at the canal.

Mr. Speaker, the opponents of this bill claim that this is a Federal land grab program and will cost too much. In fact, this bill clearly states that no Federal money can be used to acquire property, nor does the bill give the Department of the Interior or any Federal agency the ability to control local land use regulations. Let us keep in mind that heritage areas are voluntary, initiated locally, and managed locally.

Finally, this bill puts a lid on the amount of spending currently being appropriated to five existing heritage areas. Enactment of this legislation could ultimately result in savings of up to 66 percent in Federal spending on heritage areas. If Members are really concerned about the deficit, you will vote for this bill to cap spending on unauthorized projects. Do the fiscally responsible thing. Vote for H.R. 5044.

Mr. VENTO. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of Georgia. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Speaker, I have yet to see a Member rise who has a designated area opposing the bill. They favor the bill. Members that are affected favor the bill before the House today.

Mr. HANSEN. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. BLUTE], one of the cosponsors of the Blackstone River Valley National Heritage Area.

Mr. BLUTE. Mr. Speaker, I would first like to commend the gentleman from Minnesota [Mr. VENTO], the chairman of the committee, and the ranking member, the gentleman from Utah [Mr. HANSEN] for their fine work on this legislation.

Mr. Speaker, as a cosponsor of the Blackstone River Valley National Heritage corridor bill, with my friend and colleague, the gentleman from Massachusetts [Mr. NEAL], I rise in strong support of the American Heritage Areas Partnership Program Act, which includes the Blackstone and a handful of other small Park Service proposals.

Representing some of the area that is included in the Blackstone corridor, I know, from first-hand knowledge, that the concept of heritage areas is a sound one.

In 1986, the Congress enacted legislation that established the Blackstone corridor, and in so doing created a public/private partnership that has turned out to be an extremely cost-effective way of restoring and highlighting our Nation's historical natural resources.

For a very small investment, these cooperatives are able to achieve excellent leverage against the Federal dollars they receive. In the case of the Blackstone, the partnership finds $4 for every $1 it gets from the Federal Government. I am sure anyone would agree that this constitutes an excellent return on investment.

Beyond sheer efficiency, however, are the good things that partnerships like the Blackstone coalition are able to accomplish with some modest assistance from the Federal Government. The level of restoration and preservation that have been achieved in the corridor are remarkable.

For those of you who don't know, the Blackstone Valley is the birthplace of the industrial revolution. The mills that line the Blackstone River and powered the Nation into the industrial age during the 17th and 18th century also turned the beautiful Blackstone into one of the most polluted waterways in the entire country.

Now, though, thanks to the Blackstone partnership, the river has been restored for the enjoyment of Kayakers, fishermen, and swimmers—A truly remarkable accomplishment.

This is the kind of community involvement and commitment involved in these heritage areas that we will vote on here today. You can take my word for it, as one who has seen one in action. They are a good idea, they work and, in my opinion, they are something that we cannot afford to do without.

I urge all of my colleagues to support this important legislation.

Mr. VENTO. Mr. Speaker, I yield 2 minutes to the gentleman from Kentucky [Mr. MAZZOLI], a friend and colleague who is a sponsor of the Ohio Heritage corridor study.

Mr. MAZZOLI. Mr. Speaker, I want to thank the gentleman from Minnesota [Mr. VENTO], the chairman of the committee, for yielding me the time, and congratulate him and my friend, the gentleman from Utah [Mr. HANSEN], for putting this bill on the floor.

As the gentleman from Minnesota says, I rise in support of the bill, but especially to call some attention to title III of the bill, which deals with the Ohio River corridor. Mr. Speaker, I am a son of the Ohio River, born alongside its shores in the city of Louisville, and always will, and the Ohio River has been very important to our heritage as a city.

Mr. Speaker, the Ohio River starts in the State of Pennsylvania and goes on down through six States, into its confluence with the Mississippi River. It drains an area in which millions of Americans work and live and recreate. It has some of the most spectacular scenery and some of the most important industrial areas in this Nation.

Mr. Speaker, under title III of the bill, as put together by the gentleman from Minnesota [Mr. VENTO] and his counterpart from Utah, there has been a study of the Ohio River corridor to see that it might possibly be designated an American heritage area. I hope that designation is actually the fruit of this bill, because I think no other river than the Ohio deserves that designation.

Mr. Speaker, it has served this Nation in its historical sense, it has served this Nation in its industrial sense, and it has served this Nation in its recreational and scenic sense. Particularly in Louisville, when we are redeveloping our Belvedere, our waterfront, I think the Ohio River has been a very important element for our heritage and for our development and for our future. I hope that this bill passes. I would like to see title III implemented. I thank the gentleman for yielding time to me, and rise in support of the bill.

Mr. HANSEN. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota [Mr. GRAMS].

Mr. GRAMS. Mr. Speaker, I thank the gentleman from Utah for yielding time to me.

Mr. Speaker, I rise in strong opposition to H.R. 5044, the American Heritage Area Partnership Program Act.

This bill may be well-intentioned, but in its current form will only hurt American taxpayers, further overburden our park system, and threaten private property rights.

Let us take a look at how it punishes the taxpayers. Since the introduction of the American Heritage Areas Program, its cost has skyrocketed.

As introduced, this legislation provided over $10 million per year for the program. Under the bill we are considering today, not only is $10 million provided for planning grants, but the bill authorizes an additional $25 million for development and $250,000 for annual operating funds. This amounts to an increase of over 350 percent—all at taxpayer expense.

This legislation not only punishes the taxpayers, but it also places additional financial burdens on our already-underfunded existing park system. At a time when the National Park

Service faces a 37-year backlog in construction and a 25-year backlog in land acquisition, how can Congress even think about placing an added burden on our national parks?

To make matters worse, the bill's current language raises serious questions about the protection of private property rights. While H.R. 5044 rightly prohibits Federal land acquisition, it fails to give proper assurances that the Federal Government cannot impose land and water use restrictions on local entities.

In fact, the bill authorizes the Secretary of the Interior to approve a Federal land use and development plan which must be followed by residents and local governments. In addition, the Interior Secretary can unilaterally block any Federal or federally assisted construction project which directly affects the heritage area. In essence, some local control would be removed and Federal control would be imposed.

Mr. Speaker, in 1988 Congress approved a similar Federal land grab along the Mississippi River and through the heart of the twin cities of Minneapolis and St. Paul that will continue to adversely affect many of Minnesota's local governments, small businesses, farmers, barge operators, and homeowners. Unfortunately, Congress ignored their concerns and passed that measure as suspension.

Today, Congress has been given a second chance to listen to the groups affected by this bill. This time, let us put the people first.

By voting "no" on this bad bill, we can stand up for our existing national parks, the American taxpayers, and the Constitution.

☐ 1620

Mr. VENTO. Mr. Speaker, I ask unanimous consent that the gentleman from Utah [Mr. HANSEN] have 5 additional minutes and that I have 5 additional minutes to grant and to yield.

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, notwithstanding the protestations about the bill, the Members that are affected by the bill favor the bill. Each designation that is made under this legislation would have to be acted upon by Congress. This does not expand or diminish the local and State powers with regard to zoning and regulation, nor does it expand or diminish the powers of the Department of the Interior of the Federal Government. They can make agreements. These areas designated are not proposed to be units of the National Park System.

This is a reform bill that substantially saves money. The money that is in the American Heritage Partnership Act is already authorized money under the Heritage Preservation Fund. There is a lack of understanding on the part of Members, it is understandable, because they do not work in detail on some of these issues. Private property rights are maintained under this particular bill. What we do not do is to superimpose some radical new definition of what constitutes private property rights. There are sponsors of bills in the House that propose to do that. It has been the debate on many land use and environmental bills this session, but it is not a part and should not be superimposed on the American Heritage Partnership Act legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield 1 minute to the gentleman from Colorado [Mr. HEFLEY].

Mr. HEFLEY. Mr. Speaker, I thank the gentleman from Utah [Mr. HANSEN] for yielding me the time.

Mr. Speaker, with this bill we are talking about an area which needs to be addressed. I originally addressed it in a bill that is going to follow. Then we broke that out and put it into this separate bill. I have no designations in this bill so I have no dog in this fight from that standpoint. I have supported every piece of private property legislation that has come before this House of Congress and frankly I think we could have strengthened some of those private property sections in this bill. Maybe it will be strengthened as it goes through the process.

I think we could have done it without doing damage to either the wishes of the gentleman from Minnesota [Mr. VENTO] or the gentleman from Louisiana [Mr. TAUZIN]. But the facts are that heritage areas are happening and have been an issue for some time. One way or another, many of them are being created with little or no guidance or control over what they are or how they are supposed to be operated, and this bill seems to give some of that kind of guidance. There have been millions of dollars appropriated for these things without this kind of guidance. This bill makes an attempt to do that.

Finally I think an effort has been made by the gentleman to deal with the private property issue. If we are going to put Federal dollars into heritage areas, it should be done in a logical process and the process should include local governments. This bill does that.

Mr. Speaker, I am inclined to go ahead and support this bill, let it go through the process and let us see if we cannot work out a logical process for these heritage areas.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair announces that any rollcall vote ordered on this motion will be taken immediately following the conclusion of debate and not postponed.

Mr. VENTO. Mr. Speaker, I reserve the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield 1½ minutes to the gentleman from New York [Mr. BOEHLERT].

Mr. BOEHLERT. Mr. Speaker, today, we are helping communities help themselves.

On common ground, a responsible blueprint for local communities interested in protecting their valuable cultural and historic resources has been produced by the committee.

In central New York, this help is welcomed. There, heritage inspires creativity and a united effort among all citizens to protect and enhance it. Community pride, new economic opportunities, and an appreciation for the sacrifices of our ancestors has resulted.

This legislation includes a study of the northern frontier region of central New York to ascertain its future suitability as an American heritage area. The Nation must know more about the mostly Indian and poor European population on the frontier that sacrificed life and property for our independence.

This coordinated help from the Federal Government is responsible, and protects the interest of the taxpayer, the landowner, and the integrity of the park system. It authorizes matching assistance for locally initiated and managed American heritage areas; limits Federal funding to each proposal; protects property rights by authorizing no Federal land purchases and no federally mandated zoning rules; and draws its funding from the already authorized Historic Preservation Fund.

This is responsible bipartisan government in action. Local communities hold authority and power to attain a better quality of life with an option for modest Federal assistance and Park Service expertise.

If we fail to act, and incorporate these accountability measures, the National Park Service will continue to create heritage areas that exceed the funding limitations agreed to by the committee.

I want to thank Chairman VENTO and ranking minority member, Mr. HANSEN, for developing this bill and a bipartisan commitment to help our communities.

Mr. VENTO. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. TORKILDSEN], who is a cosponsor of the Essex Heritage Partnership provision in this bill.

Mr. TORKILDSEN. Mr. Speaker, I thank the gentleman from Minnesota, the distinguished subcommittee chairman, for yielding me the time.

Mr. Speaker, I rise in strong support of H.R. 5044, the American Heritage Area Partnership Act, and applaud Mr. VENTO and Mr. HANSEN for their leadership role.

This legislation creates a framework for heritage areas to be created and designated throughout the country.

One area, Essex County, MA, has a great history to tell. The National

Park Service has identified three significant historical themes which contributed to the settlement and development of our Nation. Essex County has the highest concentration of first-period homes in our country, and also contributed enormously to the early maritime trade and industrial revolution. But, we in Essex County do not have a monopoly on history.

Under this bill, newly designated heritage areas will be initiated by and managed at the local level, rather than created by Washington to be run by the Park Service.

And with a cap on Federal spending on heritage areas, they will not become a burden on the taxpayers. Under the partnership provision of this bill, local communities will be required to raise matching funds.

As a strong and consistent supporter of the rights of people to own private property, I would not support this bill if its passage would result in a land grab by the Federal Government.

In fact, quite the opposite is true. H.R. 5044 states explicitly that a heritage area may not use Federal funds to acquire real property, and that heritage area management entities do not have zoning power. The bill also states explicitly that current laws granting local and State authority to regulate land use will not be changed.

H.R. 5044 is a bipartisan bill that will help protect historic resources, protect people's right to private property, cap Federal spending, and keep management locally based. I urge my colleagues to support H.R. 5044 to protect our Nation's history.

Mr. HANSEN. Mr. Speaker, I yield the balance of the time on our side to the gentleman from California [Mr. HERGER].

The SPEAKER pro tempore. The gentleman from California [Mr. HERGER] is recognized for the balance of the time, not to exceed 3 minutes.

Mr. HERGER. Mr. Speaker, I rise in strong opposition to this legislation, which I fear represents one more effort by the Federal Government to undermine private property rights.

Here we have a proposal that would allow the Secretary of the Interior to impose land use restrictions on private property within these designated heritage areas without providing any compensation to the affected property owners. In effect, I fear that this is yet another massive land grab by the Federal Government.

While I am a supporter of preserving truly historic sites, I believe that some of the more radical environmentalists are using our historic preservation laws as a trojan horse for locking up more private land.

In my own congressional district, this tactic is being used to declare an entire mountain a historic district. Based on claims that it is of religious significance to American Indian tribes, the keeper of the National Register of Historic Places has decided to designate 235 square miles as an historic district. One-third of this area is private property.

This is an area where there is no physical evidence of the activities that are being designated as historic. The reason for the designation, I believe, is primarily to stop economic development in the community of Mount Shasta. This is a clear abuse of the historic preservation process.

Mr. Speaker, this perversion of the process will become more prevalent under the legislation we're considering today. Let us not let that happen. Let us defeat this bill.

□ 1630

Mr. TAUZIN. Mr. Speaker, will the gentleman yield?

Mr. HERGER. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Speaker, I want to point out that if we defeat this bill under suspension of the rules, the authors can bring it up under a rule and allow us to offer proper amendments. We ought to defeat this under suspension to give us an opportunity to correct those errors in the bill.

Mr. HERGER. I thank the gentleman from Louisiana. That is absolutely correct.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman is in error. He is concerned about the historic districts. The previous gentleman who spoke, the gentleman from California [Mr. HERGER], was concerned about historic district designation which is today being accomplished administratively. That is being done under existing law, under existing procedures.

This law provides for the Congress to designate these areas. All of the fears that have been expressed on the floor really are easily answerable. There is no reason to amend this bill. It has been worked on a bipartisan basis.

This bill is a reform bill. It reforms the ad hoc heritage funding procedure and process which is running amok. The concerns the gentlemen have expressed about the Historic Preservation Act are dealt with in this bill, by Congress doing oversight and designating specifically the areas of interest in this bill. It has no new spending for such new areas. It saves money in the sense that the Historic Preservation Act that is in it reform the dollars in that they are going to be designated in a different way. This does not grant any new powers to the Department of the Interior in the sense that they are going to impose land use controls.

It does provide an opportunity for agreement between local governments to exercise their land use controls and zoning to in fact come to an agreement how about the dollars are going to be spent.

This finally puts some dollars and some impetus in terms of programs that before had not had resources. This is a new effort to try to deal with some of the problems that the gentleman and others are fearing and concerned about, and at the same time preserve some of what is our natural and cultural environment, the heritage of this country, the legacy of future generations.

The Members who are affected by this bill have looked at it. They are all in favor of it. The fears that are being raised here today simply are not justified and have been resolved with regard to numerous amendments to this bill and are not being raised by Members affected.

I urge the Members to support this bill. It is a good bill. It deserves our support. It is a good piece of bipartisan policy. It reforms the Park Service. It deals with the problems the way they exist, it should receive the affirmative action of this House today, and I urge Members to support it.

Mr. REED. Mr. Speaker, I rise in strong support of H.R. 5044, legislation which establishes an American Heritage Area Partnership Program within the Department of Interior.

The bill before us today establishes a new method of designating and managing nationally important heritage areas. Specifically, H.R. 5044 creates a partnership with State and local governments, as well as private entities, to preserve these historical regions by allowing communities to develop and implement operation and management plans. This new partnership will go a long way in preserving valuable historical areas while limiting the Federal Government's role and future financial obligations.

I am especially pleased that this legislation includes reauthorization for the Blackstone River Valley National Heritage Corridor. H.R. 5044 includes $500,000 for administrative costs, as well as $1 million per year for development for this precious heritage area. The bill also includes three new towns, Glocester, Smithfield, and Burriville, into the corridor. Most importantly, the bill extends the Blackstone Valley Commission for 7 additional years. This will allow the Commission to continue enhancing the distinctive character and nationally significant resources of the corridor.

The Blackstone River Valley National Heritage Corridor is the largest national park in New England, and is widely recognized as the birthplace of the American Industrial Revolution. It was here, at Slater Mill, where the first successful water-powered cotton spinning mill was used in 1790. This rich area best exemplifies the entire history of the American Industrial Revolution and the complex economic and social relationships of the people who lived and worked there.

The Blackstone Valley Heritage Corridor has become an example of how surrounding communities can work together toward a common theme of protecting and promoting their area. This rich and historic national resource needs to be protected so that the history of the industrial revolution can be preserved for all generations.

Mr. Speaker, I strongly urge Members to vote for passage of this bill.

Mr. FINGERHUT. Mr. Speaker, I rise today in support of H.R. 5044, legislation to create a process for designating American heritage areas. The legislation designates 10 specified areas as American heritage areas.

This bill came to my attention in the context of my support for the Ohio and Erie Canal Heritage Area which is located in my home State of Ohio.

A number of communities in the 19th District of Ohio border the Cuyahoga Valley National Recreation Area and have demonstrated to me the critical importance of preserving our natural resources. A national heritage corridor designation would provide an important focus for a unified planning effort within the Cuyahoga Valley to ensure the best possible approach to developing a mixed-use, public access-oriented natural attraction.

The diversity of support among the many communities that border on the proposed corridor is the best example of cooperation among State, county, and local municipalities. Financial commitments from both the private and public sector toward development, and responsible stewardship of the resource are found throughout. It is projected that the corridor will attract an additional $41 million in visitors and tourists to participate in the many recreational and historical opportunities. Educational opportunities also abound with heavy use from the local and visiting school districts expected.

Mr. Speaker, I would like to express my gratitude to Congressman RALPH REGULA for his exceptional efforts to guide the corridor initiative through the legislative process. His untiring advocacy to make this project a reality has energized all of us in the Ohio delegation in our support of the national heritage corridor designation for the Ohio and Erie Canal.

Mr. SANTORUM. Mr. Speaker, I rise in support of H.R. 5044, the American Heritage Act. This legislation authorizes the establishment of the Steel Industry Heritage Area which I strongly support.

H.R. 5044 is the end result of a great deal of hard work in my district. For more than 5 years, the Steel Industry Heritage project has been working to create a heritage area throughout much of southwestern Pennsylvania to commemorate the contributions of the steel industry, and I have worked with them at every step in this process.

The Monongahela River Valley was once the center of the world's steel production and the vast economic engine that powered the United States into the 20th century. The valley's history is also important because it was the early battleground of the labor movement in the United States, a struggle which exploded into violence more than 100 years ago in the town of Homestead, PA.

The smoke and fire of the mills have largely left the Mon Valley, but the memory of the steel industry and the workers who fired the furnaces remains. In recognition of this pivotal time in our Nation's history, many people and communities along the Monongahela River have been striving to preserve the heritage of steel industry. I commend them for their commitment to this important effort.

Nevertheless, Mr. Speaker, I have serious reservations about the impact of H.R. 5044 on the rights of private property owners in other heritage areas, and I am disappointed that my colleagues could not resolve their differences over this issue prior to today's consideration. I consider the right to own property to be among the most important rights conferred by our Constitution; and, if not for my work with the Steel Industry Heritage project and my pledge to support the hard work of many people to see that the legacy of the steel industry is preserved in the Mon Valley, it is likely that I would have opposed H.R. 5044.

Therefore, I strongly urge the sponsors of H.R. 5044 to take great pains to see that private property rights are protected before this measure is brought back from conference.

Mr. VENTO. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 5044, as amended.

The question was taken.

Mr. TAUZIN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 273, nays 150, not voting 11, as follows:

[Roll No. 442]

YEAS—273

Abercrombie
Ackerman
Andrews (ME)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barlow
Barrett (WI)
Bateman
Becerra
Beilenson
Bereuter
Berman
Bevill
Bilbray
Bishop
Blackwell
Blute
Boehlert
Bonior
Borski
Boucher
Brooks
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Castle
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Coppersmith
Costello
Coyne
Darden
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Engel
English
Eshoo
Evans
Farr
Fawell
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Frank (MA)
Franks (CT)
Franks (NJ)
Furse
Gejdenson
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Glickman
Gonzalez
Gordon
Greenwood
Gutierrez
Hall (OH)
Hamburg
Hamilton
Hansen
Harman
Hastings
Hefley
Hefner
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoke
Holden
Horn
Hoyer
Hughes
Hutto
Hyde
Inslee
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kolbe
Kopetski
Kreidler
LaFalce
Lambert
Lantos
LaRocco
Lazio
Levin
Levy
Lewis (CA)
Lewis (GA)
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McDade
McDermott
McHale
McInnis
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Michel
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Morella
Murphy
Murtha
Myers
Nadler
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Owens
Oxley
Packard
Pallone
Pastor
Payne (NJ)
Pelosi
Penny
Peterson (MN)
Pickle
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Rahall
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Roemer
Ros-Lehtinen
Rose
Rostenkowski
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Santorum
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Skaggs
Skeen
Slaughter
Smith (NJ)
Spence
Spratt
Stark
Stokes
Strickland
Studds
Swett
Swift
Synar
Tanner
Thompson
Thornton
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Vucanovich
Walsh
Waters
Watt
Waxman
Whitten
Williams
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (FL)
Zimmer

NAYS—150

Allard
Andrews (NJ)
Archer
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barrett (NE)
Bartlett
Barton
Bentley
Bilirakis
Bliley
Boehner
Bonilla
Brewster
Browder
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Chapman
Coble
Collins (GA)
Combest
Cooper
Cox
Cramer
Crane
Crapo
Cunningham
Danner
de la Garza
DeLay
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards (TX)
Ehlers
Emerson
Everett
Ewing
Fields (TX)
Fowler
Frost
Gallegly
Gekas
Geren
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Green
Gunderson
Hall (TX)
Hancock
Hastert
Hayes
Herger
Hilliard
Hoekstra
Houghton
Huffington
Hunter
Hutchinson
Inglis
Istook
Johnson, Sam
Kim
King
Kingston
Klug
Knollenberg
Kyl
Lancaster
Laughlin
Leach
Lehman
Lewis (FL)
Lewis (KY)
Lightfoot
Linder
Lucas
Manzullo
McCurdy
McHugh
McKeon
Mica
Miller (FL)
Molinari
Moorhead
Nussle
Ortiz
Orton
Parker
Paxon
Payne (VA)
Peterson (FL)
Petri
Pickett
Pombo
Quinn
Ramstad
Ridge
Roberts
Rogers
Rohrabacher
Roth
Royce
Sarpalius
Saxton
Schaefer
Schiff
Sensenbrenner
Sisisky
Skelton
Smith (IA)
Smith (MI)
Smith (OR)
Smith (TX)
Snowe
Solomon
Stearns
Stenholm
Stump
Stupak
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thurman
Upton
Volkmer
Walker
Weldon
Wilson
Young (AK)
Zeliff

NOT VOTING—11

Armey
Carr
Dicks
Fazio
Ford (TN)
Gallo
Inhofe
Slattery
Sundquist
Washington
Wheat

☐ 1658

The Clerk announced the following pairs:

On this vote:

Mr. Dicks and Mr. Fazio for, with Mr. Armey against.

Mr. DE LA GARZA, Mr. LEHMAN, Mrs. THURMAN, Mr. HILLIARD, and Mr. CUNNINGHAM changed their vote from "yea" to "nay."

Mr. QUILLEN, Mr. LIPINSKI, Mrs. VUCANOVICH, and Messrs. SKEEN, LIVINGSTON, COSTELLO, POSHARD, SWETT, MYERS of Indiana, ROSE, and POMEROY changed their vote from "nay" to "yea."

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

Mr. FIELDS of Louisiana. Pursuant to the provision of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on the remaining motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV. Such rollcall votes, if postponed, will be taken on Wednesday, September 28, 1994.

ANNOUNCEMENT OF INTENTION TO OFFER A MOTION TO INSTRUCT CONFEREES ON H.R. 820, NATIONAL COMPETITIVENESS ACT OF 1993

Mr. WALKER. Mr. Speaker, pursuant to clause 1(c), rule XXVIII, I am announcing that tomorrow I intend to offer a motion to instruct conferees on the bill (H.R. 820) to amend the Stevenson-Wydler Technology Innovation Act of 1980 to enhance manufacturing technology development and transfer, to authorize appropriations for the Technology Administration of the Department of Commerce, including the National Institute of Standards and Technology, and for other purposes:

MR. WALKER moves that the managers on the part of the House at the conference on the disagreeing votes of the 2 Houses on the Senate amendment to the bill, H.R. 820, be instructed to insist on a provision that requires a regulatory impact analysis and unfunded mandate estimate for each bill or joint resolution reported by any committee of the House of Representatives or the Senate, or considered on the floor of either House, and for every Federal department or executive branch agency regulatory action.

RHINOCEROS AND TIGER CONSERVATION ACT OF 1994

Mr. STUDDS. Mr. Speaker, I ask unanimous consent to call up from the Speaker's table the bill (H.R. 4924) to assist in the conservation of rhinoceros and tigers by supporting and providing financial resources for the conservation programs of nations whose activities directly or indirectly affect rhinoceros and tiger populations, and of the CITES Secretariat, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

Mr. FIELDS of Texas. Mr. Speaker, reserving the right to object, this is an extremely important piece of legislation, and I rise in support of H.R. 4924, the Rhinoceros and Tiger Conservation Act of 1994. I am pleased to have been joined by Chairman STUDDS and my good friend, TONY BEILENSON, in introducing this bill.

I was prompted to introduce this legislation because the populations of rhinos and tigers continue to plummet despite their protected status under the Convention on International trade in Endangered Species of Wild Flora and Fauna [CITES]. For example, approximately 1 million rhinos existed at the turn of the century. In 1991, the population had dwindled to 11,000, or half of the number that experts consider necessary for the species to survive. The status of tigers is not any better. At the beginning of this century, there may have been as many as 100,000 tigers in the wild; today, the total is probably fewer than 6,000.

Habitat destruction is partially responsible for the decline, but the predominant cause is the senseless slaughter of the animals by unscrupulous international poachers. Although agricultural activities and commercial logging are destroying large blocks of tiger habitat, poaching is by far having the most dramatic impact. Tigers are killed for their fur and certain body parts are used in medicines. In China, Korea, and Taiwan, rhino horn is used as a fever-reducing agent, and in Yemen it is used to make decorative handles for ceremonial daggers. The trade in rhino and tiger parts is so lucrative that outlaws will go to extraordinary lengths to kill the animals.

It has also been brought to my attention that one reason for the sharp decline in the population of the black rhino in Africa is due in principal measure to unlawful cross-border commercial poaching. In a large number of instances, poaching has been carried out by nationals of Zambia who cross into Zimbabwe to kill rhinos. The Zambian authorities have consistently declined to provide meaningful cooperation with Zimbabwe's antipoaching units stationed along the border. Thus, Zambian poachers units stationed along the border. Thus, Zambian poachers who kill rhinos escape back into their country and remain free because their government authorities choose not to extradite them.

Unless immediate steps are taken, these magnificent animals will cease to exist throughout most, if not all, of their range. That would be a monumental tragedy.

I am encouraged by President Clinton's announcement on April 11, that for the first time in history, trade sanctions under the Pelly amendment would be imposed on wildlife products from Taiwan. This action should send a clear message to Taiwan and other nations that the United States will not tolerate the wanton annihilation of these species.

While the People's Republic of China [PRC] was also certified under the Pelly amendment, I am pleased that the administration did not place any sanctions on that country. I am aware that they are continuing to make significant progress to stop any illegal trade of rhino and tiger products. I am sure this will be factored into any further certification actions.

Part of the problem in the conservation of these species is that range states do not have sufficient money or manpower tó stop poachers. In recognition of this problem, our bill authorizes $10 million per year for a Rhinoceros and Tiger Conservation Fund. The Secretary of the Interior would be tasked with administering the fund and providing financial assistance for rhino and tiger conservation projects. The committee amendment provides the Administrator of the Agency for International Development an opportunity to comment on project proposals.

Based on the experiences of the African Elephant Conservation Fund, it is clear that these funds can be extremely helpful in assisting nations to obtain accurate species population data, to enhance antipoaching efforts, and to implement conservation programs.

While H.R. 4924 does not contain mandatory sanctions, I want to make it clear to representatives of consumer countries that the deletion of these provisions should not be viewed as a step back in our leadership position.

Mr. Speaker, you have appointed Chairman STUDDS and myself as members of the U.S. delegation for the upcoming CITES meeting in Fort Lauderdale, FL. The conservation of rhinos and tigers continues to be one of the highest priorities for the United States and I will do everything within my power to assist in this effort.

Mr. Speaker, time is of the essence if we are to save these endangered wildlife species. I urge my colleagues to support this important legislation.

Mr. STUDDS. Mr. Speaker, will the gentleman yield?

Mr. FIELDS of Texas. I yield to the gentleman from Massachusetts.

Mr. STUDDS. Mr. Speaker, H.R. 4924, was introduced by Representatives FIELDS of Texas, BEILENSON, and myself out of concern over the senseless slaughter of these magnificent creatures by poachers to satisfy the demand for rhino and tiger parts in oriental medicines. This needless killing has resulted in the near extinction of both species: less than 11,000 rhinos and 6,000 tigers are believed to exist in the wild.

Last fall, the administration certified that China and Taiwan were diminishing the effectiveness of the Convention on International Trade in Endangered Species. As a result, President Clinton imposed trade sanctions on wildlife products from Taiwan for that nation's failure to implement measures to end the illegal trade in these animals. Although sanctions were not placed on China, President Clinton indicated that the administration would continue to monitor China's progress.

H.R. 4924 will assist efforts to save these critters by establishing the Rhinoceros and Tiger Conservation Fund. It authorizes $10 million per year for 5 years, starting in fiscal year 1996, for projects to conserve rhinoceros and tigers. The bill also addresses concerns raised by the House Foreign Affairs Committee, by giving the Administrator of the Agency for International Development an opportunity to review and consult with the Secretary of the Interior on final project proposals. Included with my statement is an exchange of letters between Chairman HAMILTON of the Foreign Affairs Committee and me on this point.

Mr. Speaker, I strongly urge Members to support this effort to conserve these awesome beasts and their place in the wild and not consign them to a future that only exists in zoos.

COMMITTEE ON FOREIGN AFFAIRS,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 27, 1994.

Hon. GERRY STUDDS,
Chairman, Committee on Merchant Marine and Fisheries, Washington, DC.

DEAR GERRY: I write regarding H.R. 4924, the Rhinoceros and Tiger Conservation Act of 1994.

First, let me thank you for your willingness to address my concerns about the bill. I am pleased that we could reach an agreement that preserves the important purpose of H.R. 4924, while ensuring that the program is managed, and resources are, used effectively.

With the understanding that amendments agreed to by our two committees are included in the version of H.R. 4924 taken to the Floor, I will not seek sequential referral of the bill, without prejudice to the jurisdiction of the Committee on Foreign Affairs.

I look forward to continuing to work with you on this and other issues of mutual concern to our committees.

With best regards,
Sincerely,
LEE H. HAMILTON,
Chairman.

COMMITTEE ON
MERCHANT MARINE AND FISHERIES,
Washington, DC, September 27, 1994.

Hon. LEE H. HAMILTON,
Chairman, Committee on Foreign Affairs, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter of today on H.R. 4924, the Rhinoceros and Tiger Conservation Act of 1994.

I would thank you for your cooperation on this legislation. The amendments to the bill agreed to by our two committees have been incorporated in an amendment in the nature of a substitute that I will offer in the motion to suspend the rules. I believe that the bill will be on the Suspension Calendar later today.

With these amendments, it is my understanding that the Committee on Foreign Affairs is satisfied that its concerns have been addressed and that you will not seek a sequential referral of the bill, without prejudice to the jurisdiction of your committee.

I am pleased that we have been able to address the issues that you have raised and that we will be able to proceed to the floor today. I will attach a copy of our exchange of letters to my floor statement on H.R. 4924.

With kind regards.
Sincerely,
GERRY E. STUDDS,
Chairman.

Mr. FIELDS of Texas. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Clerk read the bill, as follows:

H.R. 4924

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Rhinoceros and Tiger Conservation Act of 1994".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The world's rhinoceros population is declining at an alarming rate, a 90 percent decline since 1970.

(2) All 5 subspecies of tiger are currently threatened with extinction in the wild, with approximately 5,000 to 6,000 tigers remaining worldwide.

(3) All rhinoceros species have been listed on Appendix I of CITES since 1977.

(4) All tiger subspecies have been listed on Appendix I of CITES since 1987.

(5) The tiger and all rhinoceros species, except the southern subspecies of white rhinoceros, are listed as endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(6) In 1987, the parties to CITES adopted a resolution that urged all parties to establish a moratorium on the sale and trade in rhinoceros products (other than legally taken trophies), to destroy government stockpiles of rhinoceros horn, and to exert pressure on countries continuing to allow trade in rhinoceros products.

(7) On September 7, 1993, under section 8 of the Fishermen's Protective Act of 1967 (22 U.S.C. 1978) the Secretary certified that the People's Republic of China and Taiwan were engaged in trade of rhinoceros parts and tiger parts that diminished the effectiveness of an international conservation program for that endangered species.

(8) On September 9, 1993, the Standing Committee of CITES, in debating the continuing problem of trade in rhinoceros horn and tiger parts, adopted a resolution urging parties to CITES to implement stricter domestic measures, up to and including an immediate prohibition in trade in wildlife species.

(9) On November 8, 1993, under section 8 of the Fisherman's Protection Act of 1967 (22 U.S.C. 1978), the President announced that the United States would impose trade sanctions against China and Taiwan unless substantial progress was made by March 1994 towards ending trade in rhinoceros and tiger products.

(10) On April 11, 1994, under section 8 of the Fisherman's Protective Act of 1967 (22 U.S.C. 1978), the President—

(A) directed that imports of wildlife specimens and products from Taiwan be prohibited, in response to Taiwan's failure to undertake sufficient actions to stop illegal rhinoceros and tiger trade; and

(B) indicated that the certification of China would remain in effect and directed that additional monitoring of China's progress be undertaken.

SEC. 3. PURPOSES.

The purposes of this Act are the following:

(1) To assist in the conservation of rhinoceros and tigers by supporting the conservation programs of nations whose activities directly or indirectly affect rhinoceros and tiger populations, and the CITES Secretariat.

(2) To provide financial resources for those programs.

SEC. 4. DEFINITIONS.

In this Act—

(1) "CITES" means the Convention on International Trade in Endangered Species of Wild Fauna and Flora, signed on March 3, 1973, and its appendices;

(2) "conservation" means the use of all methods and procedures necessary to bring rhinoceros and tigers to the point at which there are sufficient populations to ensure that those species do not become extinct, including all activities associated with scientific resource management, such as research, census, law enforcement, habitat protection, acquisition, and management, propagation, live trapping, and transportation;

(3) "Fund" means the Rhinoceros and Tiger Conservation Fund established under section 6(a); and

(4) "Secretary" means the Secretary of the Interior.

SEC. 5. RHINOCEROS AND TIGER CONSERVATION ASSISTANCE.

(a) IN GENERAL.—The Secretary, subject to the availability of appropriations, shall use amounts in the Fund to provide financial assistance for projects for the conservation of rhinoceros and tigers.

(b) PROJECT PROPOSAL.—A country whose activities directly or indirectly affect rhinoceros or tiger populations, the CITES Secretariat, or any other person may submit to the Secretary a project proposal under this section. Each proposal shall—

(1) name the individual responsible for conducting the project;

(2) state the purposes of the project succinctly;

(3) describe the qualifications of the individuals who will conduct the project;

(4) estimate the funds and time required to complete the project;

(5) provide evidence of support of the project by appropriate governmental entities of countries in which the project will be conducted, if the Secretary determines that the support is required for the success of the project; and

(6) provide any other information the Secretary considers to be necessary for evaluating the eligibility of the project for funding under this Act.

(c) PROJECT REVIEW AND APPROVAL.—The Secretary shall review each project proposal to determine if meets the criterion set forth in subsection (d). No later than 6 months after receiving a final project proposal, and subject to the availability of funds, the Secretary shall approve or disapprove the proposal and provide written notification to the person who submitted the proposal and to each country within which the project is to be conducted.

(d) CRITERION FOR APPROVAL.—The Secretary may approve a project under this section if the project will enhance programs for conservation of rhinoceros or tigers by—

(1) assisting efforts—

(A) to implement conservation programs; and

(B) to enhance compliance with provisions of CITES and laws of the United States or a foreign country that prohibit or regulate the taking or trade of rhinoceros or tigers or the use of rhinoceros or tiger habitat; or

(2) developing sound scientific information on that species' habitat condition and carrying capacity, total numbers and population trends, or annual reproduction and mortality.

(e) PROJECT REPORTING.—Each person that receives assistance under this section for a project shall provide periodic reports to the Secretary as the Secretary considers necessary. Each report shall include all information requested by the Secretary for evaluating the progress and success of the project.

SEC. 6. RHINOCEROS AND TIGER CONSERVATION FUND.

(a) ESTABLISHMENT.—There is established in the general fund of the Treasury a separate account to be known as the "Rhinoceros and Tiger Conservation Fund", which shall consist of amounts deposited into the Fund by the Secretary of the Treasury under subsection (b).

(b) DEPOSITS INTO THE FUND.—The Secretary of the Treasury shall deposit into the Fund—

(1) all amounts received by the Secretary in the form of donations under subsection (d); and

(2) other amounts appropriated to the Fund.

(c) USE.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary may use amounts in the Fund without further appropriation to provide assistance under section 5.

(2) ADMINISTRATION.—Of amounts in the Fund available for each fiscal year, the Secretary may use not more than 3 percent to administer the Fund.

(d) ACCEPTANCE AND USE OF DONATIONS.—The Secretary may accept and use donations to provide assistance under section 5. Amounts received by the Secretary in the form of donations shall be transferred to the Secretary of the Treasury for deposit into the Fund.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Fund $10,000,000 for each of fiscal years 1996, 1997, 1998, 1999, and 2000 to carry out this Act, to remain available until expended.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STUDDS

Mr. STUDDS. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. STUDDS: Strike out all after the enacting clause and insert in lieu thereof the following:

H.R. 4924

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Rhinoceros and Tiger Conservation Act of 1994".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The world's rhinoceros population is declining at an alarming rate, a 90 percent decline since 1970.

(2) All 5 subspecies of tiger are currently threatened with extinction in the wild, with approximately 5,000 to 6,000 tigers remaining worldwide.

(3) All rhinoceros species have been listed on Appendix I of CITES since 1977.

(4) All tiger subspecies have been listed on Appendix I of CITES since 1987.

(5) The tiger and all rhinoceros species, except the southern subspecies of white rhinoceros, are listed as endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(6) In 1987, the parties of CITES adopted a resolution that urged all parties to establish a moratorium on the sale and trade in rhinoceros products (other than legally taken trophies), to destroy government stockpiles of rhinoceros horn, and to exert pressure on countries continuing to allow trade in rhinoceros products.

(7) On September 7, 1993, under section 8 of the Fishermen's Protective Act of 1967 (22 U.S.C. 1978) the Secretary certified that the People's Republic of China and Taiwan were engaged in trade of rhinoceros parts and tiger parts that diminished the effectiveness of an international conservation program for that endangered species.

(8) On September 9, 1993, the Standing Committee of CITES, in debating the continuing problem of trade in rhinoceros horn and tiger parts, adopted a resolution urging parties to CITES to implement stricter domestic measures, up to and including an immediate prohibition in trade in wildlife species.

(9) On November 8, 1993, under section 8 of the Fisherman's Protection Act of 1967 (22 U.S.C. 1978), the President announced that the United States would impose trade sanctions against China and Taiwan unless substantial progress was made by March 1994 towards ending trade in rhinoceros and tiger products.

(10) On April 11, 1994, under section 8 of the Fisherman's Protective Act of 1967 (22 U.S.C. 1978), the President—

(A) directed that imports of wildlife specimens and products from Taiwan be prohibited, in response to Taiwan's failure to undertake sufficient actions to stop illegal rhinoceros and tiger trade; and

(B) indicated that the certification of China would remain in effect and directed that additional monitoring of China's progress be undertaken.

SEC. 3. PURPOSES.

The purposes of this Act are the following:

(1) To assist in the conservation of rhinoceros and tigers by supporting the conservation programs of nations whose activities directly or indirectly affect rhinoceros and tiger populations, and the CITES Secretariat.

(2) To provide financial resources for those programs.

SEC. 4. DEFINITIONS.

In this Act—

(1) "CITES" means the Convention on International Trade in Endangered Species of Wild Fauna and Flora, signed on March 3, 1973, and its appendices;

(2) "conservation" means the use of all methods and procedures necessary to bring rhinoceros and tigers to the point at which there are sufficient populations to ensure that those species do not become extinct, including all activities associated with scientific resource management, such as research, census, law enforcement, habitat protection, acquisition, and management, propagation, live trapping, and transportation;

(3) "Fund" means the Rhinoceros and Tiger Conservation Fund established under section 6(a);

(4) "Secretary" means the Secretary of the Interior; and

(5) "Administrator" means the Administrator of the Agency for International Development.

SEC. 5. RHINOCEROS AND TIGER CONSERVATION ASSISTANCE.

(a) IN GENERAL.—The Secretary, subject to the availability of appropriations and in consultation with the Administrator, shall use amounts in the Fund to provide financial assistance for projects for the conservation of rhinoceros and tigers.

(b) PROJECT PROPOSAL.—A country whose activities directly or indirectly affect rhinoceros or tiger populations, the CITES Secretariat, or any other person may submit to the Secretary a project proposal under this section. Each proposal shall—

(1) name the individual responsible for conducting the project;

(2) state the purposes of the project succinctly;

(3) describe the qualifications of the individuals who will conduct the project;

(4) estimate the funds and time required to complete the project;

(5) provide evidence of support of the project by appropriate governmental entities of countries in which the project will be conducted, if the Secretary determines that the support is required for the success of the project; and

(6) provide any other information the Secretary considers to be necessary for evaluating the eligibility of the project for funding under this Act.

(c) PROJECT REVIEW AND APPROVAL.—Within 30 days of receiving a final project proposal, the Secretary shall provide a copy of the proposal to the Administrator. The Secretary shall review each final project proposal to determine if it meets the criteria set forth in subsection (d). Not later than 6 months after receiving a final project proposal, and subject to the availability of funds, the Secretary, after consulting with the Administrator, shall approve or disapprove the proposal and provide written notification to the person who submitted the proposal, to the Administrator, and to each country within which the project is to be conducted.

(d) CRITERIA FOR APPROVAL.—The Secretary may approve a project under this section if the project will enhance programs for conservation of rhinoceros or tigers by assisting efforts to—

(1) implement conservation programs;

(2) enhance compliance with provisions of CITES and laws of the United States or a foreign country that prohibit or regulate the taking or trade of rhinoceros or tigers or the use of rhinoceros or tiger habitat; or

(3) develop sound scientific information on that species' habitat condition and carrying

capacity, total numbers and population trends, or annual reproduction and mortality.

(e) Project Sustainability.—To the maximum extent practical, the Secretary should give consideration to projects which will enhance sustainable development programs to ensure effective, long-term conservation of rhinoceros and tigers.

(f) Project Reporting.—Each person that receives assistance under this section for a project shall provide periodic reports, as the Secretary considers necessary, to the Secretary and the Administrator. Each report shall include all information requested by the Secretary, after consulting with the Administrator, for evaluating the progress and success of the project.

SEC. 6. RHINOCEROS AND TIGER CONSERVATION FUND.

(a) Establishment.—There is established in the general fund of the Treasury a separate account to be known as the "Rhinoceros and Tiger Conservation Fund", which shall consist of amounts deposited into the Fund by the Secretary of the Treasury under subsection (b).

(b) Deposits Into the Fund.—The Secretary of the Treasury shall deposit into the Fund—

(1) all amounts received by the Secretary in the form of donations under subsection (d); and

(2) other amounts appropriated to the Fund.

(c) Use.—

(1) In general.—Subject to paragraph (2), the Secretary may use amounts in the Fund without further appropriation to provide assistance under section 5.

(2) Administration.—Of amounts in the Fund available for each fiscal year, the Secretary may use not more than 3 percent to administer the Fund.

(d) Acceptance and Use of Donations.—The Secretary may accept and use donations to provide assistance under section 5. Amounts received by the Secretary in the form of donations shall be transferred to the Secretary of the Treasury for deposit into the Fund.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Fund $10,000,000 for each of fiscal years 1996, 1997, 1998, 1999, and 2000 to carry out this Act, to remain available until expended.

Mr. STUDDS (during the reading). Mr. Speaker, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment in the nature of a substitute offered by the gentleman from Massachusetts [Mr. Studds].

The amendment in the nature of a substitute was agreed to.

Mr. BEILENSON. Mr. Speaker, I rise in support of the Rhinoceros and Tiger Conservation Act, a measure which may be our only hope for saving from extinction two of the world's most venerated creatures.

I want to commend the gentleman from Massachusetts, [Mr. Studds], and the gentleman from Texas, [Mr. Fields], for their leadership on this issue. They deserve our gratitude and appreciation for the difficult work they have been doing to save the world's endangered animals, including the two which are the subject of this bill.

There are, sadly, fewer than 11,000 rhinos and 5,000 tigers left in the wild today. Their numbers have declined rapidly in recent decades because of the demand for their parts and the poachers who supply that demand.

Although all tiger subspecies and all rhinoceros species have been listed on Appendix I of the Convention on International Trade in Endangered Species [CITES] for many years, the prohibition on trade of those animals has not been well enforced in some Asian countries, where their parts are believed by many to have medicinal value. Because of the strong cultural belief in the rhino's and tiger's curative powers, it has been a far more difficult and complex task to eliminate trade in these species than to save similarly situated animals, such as elephants, whose products are simply a luxury item.

As the plight of the tiger and rhino has grown increasingly serious, so too has our response. In April, President Clinton imposed trade sanctions on wildlife products from Taiwan, which was the first time the United States has ever imposed such sanctions for trade in endangered species. This action followed the recommendation of the standing committee of CITES, which last September recommended that CITES parties prohibit trade in wildlife species from China and Taiwan for failing to control the illegal trade in rhinoceros horn and tiger parts, but later noted that China was making progress in implementing agreed-upon actions.

The imposition of sanctions against countries which are not adequately enforcing CITES is a critically important tool in arresting the rapid decline of species, and we are encouraged that President Clinton is using it. But we also know from our successful experience in slowing the decline of the African elephant that a carrot as well as stick is needed. In addition to imposing or threatening to impose sanctions, we need to help others countries conserve populations of rhinos and tigers—and that is what this legislation provides for.

This bill authorizes $10 million per year for 5 years for a Rhinoceros and Tiger Conservation Fund under the Department of Interior. Under the program, grants would be provided to foreign governments and nonprofit groups that develop rhinoceros and tiger conservation projects. Private donations could be accepted and used for approved projects.

The bill intentionally defines conservation broadly in order to allow the Secretary of Interior to consider a wide range of methods and procedures necessary to bring rhinoceros and tigers to the point at which there are sufficient populations to ensure the long-term survival of the species, and to select projects that are best able to promote recovery of these animals.

As an example, with the rhinoceros, there has been some success in efforts to form new herds from scattered individual rhinos and remaining members of herds that have been decimated. If they are brought together in suitable habitat with greatly increased security, in time group bonds form and a new herd can be established. Unfortunately, rhinos are all located in developing nations which simply do not have the resources to undertake this kind of preservation effort on a sufficiently large scale to ensure the recovery of the species.

The conservation program in this bill is modeled on the successful program establish by the African Elephant Conservation Act of 1988. Under that program, with a relatively modest amount of funding—less than $1.2 million the United States is currently helping to fund 34 conservation projects in 13 African countries. And, our efforts have served as a catalyst in generating major contribution and technical assistance from other donor nations and from nongovernmental organizations.

In this case, too, our leadership in helping other nations conserve the remaining populations of tiger and rhinoceros will inspire other nations to join this important effort.

Mr. Speaker, it would be unspeakably tragic, in my opinion, if two of the most wondrous creatures on earth—creatures we have always thought of as a part of our world—were no longer in existence. It is absolutely incumbent upon us to do what we can to ensure that that never happens. I urge my colleagues to support this modest, but extremely important, legislation.

Mr. HAMILTON. Mr. Speaker, I rise in support of H.R. 4924, as amended, to assist in the conservation of rhinoceros and tigers by supporting and providing financial resources for the conservation programs of nations whose activities directly or indirectly affect rhinoceros and tiger populations, and of the CITES Secretariat.

At the outset, I would like to commend the chief sponsors of the bill, Mr. Fields and Mr. Studds of the Committee on Merchant Marine and Fisheries, and Mr. Beilenson for their leadership on this conservation measure to protect rhinos and tigers.

The bill establishes a fund, subject to appropriations from the Department of the Interior, of up to $10 million per year for 5 years to protect rhino and tiger species. Project financing will be reviewed and approved by the Secretary of the Interior, in consultation with the Administrator of the Agency for International Development [AID]. AID's participation will ensure that these projects are consistent with our sustainable development objectives, and are coordinated with other U.S. programs overseas.

H.R. 4924 is an important complement to on-going efforts now underway by AID. AID takes an integrated approach to conservation of rhinos and tigers, as with other biodiversity activities. Its comprehensive approach involves local communities, and helps develop their capacity to manage and protect these and other species over the long-term. Local participation is crucial for sustainable development. AID's funding of rhino and tiger conservation projects over the past 5 years has been at least $108 million.

Mr. Speaker, I urge the adoption of H.R. 4924, as amended.

Mr. SABO. Mr. Speaker, I rise today to express my support for H.R. 4924, the Rhinoceros and Tiger Conservation Act.

Rhinos and tigers are rapidly disappearing in the wild and are coming perilously close to extinction because of illegal poaching to supply the high demand for traditional medicine products. If we hesitate to act aggressively to preserve these majestic animals, they may be lost forever. Many nations with tiger and rhino populations seek American expertise in endangered species education and law enforcement. With H.R. 4924, we can help them now, and we can save the rhinos and tigers for our future generations.

In addition to Chairman STUDDS' and Representative JACK FIELDS' efforts to enact H.R. 4924, I was able to include provisions in the fiscal year 1995 Interior appropriations conference report that encourage the U.S. Fish and Wildlife Service and the Smithsonian Institution to develop a voluntary donation program associated with the endangered species exhibits at the National Zoo in Washington, DC. H.R. 4924 also authorizes the Fish and Wildlife Service to accept donations to support Federal efforts to protect endangered tigers and rhinos.

With three million visitors each year, the National Zoo is a perfect environment to educate people about the plight of endangered species, and a voluntary donation campaign would provide concerned citizens with an immediate avenue to help those species most at-risk. I believe that the American people will welcome the creation of the Rhino and Tiger Conservation Fund, and that zoo-goers will gladly support the fund with voluntary contributions when they visit the National Zoo.

The Rhinoceros and Tiger Conservation Fund represents an important step in ensuring the survival of these grand animals. I commend the fine work of Chairman STUDDS and Representative FIELDS in bringing H.R. 4924 to the House floor. Endangered species advocates must also be congratulated for their persistent efforts to educate us all on the importance of preserving endangered species. I look forward to working with them. Our united efforts could mean the difference between survival and extinction for tigers, rhinos, and many other endangered species.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL PARK SYSTEM REFORM ACT OF 1994

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4476) to provide for the development of a plan and a management review of the National Park System and to reform the process by which areas are considered for addition to the National Park System, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4476

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Park System Reform Act of 1994".

TITLE I—NATIONAL PARK SYSTEM PLAN

SEC. 101. PREPARATION OF NATIONAL PARK SYSTEM PLAN.

(a) PREPARATION OF PLAN.—The Secretary of the Interior (hereinafter in this Act referred to as the "Secretary"), acting through the Director of the National Park Service, shall prepare a National Park System Plan (hereinafter in this Act referred to as the "plan") to guide the direction of the National Park System into the next century. The plan shall include each of the following:

(1) A statement of goals and objectives for use in defining the mission and role of the National Park Service in preserving our national natural and cultural heritage, relative to other efforts at the Federal, State, local, and private levels.

(2) Detailed criteria to be used in determining which natural and cultural resources are appropriate for inclusion as units of the National Park System.

(3) Identification of what constitutes adequate representation of a particular resource type and which aspects of the national heritage are adequately represented in the existing National Park System or in other protected areas.

(4) Identification of appropriate aspects of the national heritage not currently represented in the National Park System.

(5) Priorities of the themes and types of resources which should be added to the National Park System in order to provide more complete representation of our Nation's heritage.

(6) A statement of the role of the National Park Service with respect to such topics as preservation of natural areas and ecosystems, preservation of industrial America, preservation of non physical cultural resources, and provision of outdoor recreation opportunities.

(7) A statement of what areas constitute units of the—National Park System and the distinction between units of the system, affiliated areas, and other areas within the system.

(b) CONSULTATION.—During the preparation of the plan under subsection (a), the Secretary shall consult with other Federal land managing agencies, State and local officials, the National Park System Advisory Board, resource management, recreation and scholarly organizations and other interested parties as the Secretary deems advisable. These consultations shall also include appropriate opportunities for public review and comment.

(c) TRANSMITTAL TO CONGRESS.—Prior to the end of the third complete fiscal year commencing after the date of enactment of this Act, the Secretary shall transmit the plan developed under this section to the Committee on Natural Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate.

SEC. 102. MANAGEMENT REVIEW OF NATIONAL PARK SYSTEM.

(a) REVIEW.—(1) Using the National Park System Plan prepared pursuant to section 101 as a guide, the Secretary shall review the existing National Park System to determine whether there are more appropriate alternatives for managing specific units or portions of units within the system, including partnerships or direct management by States, local governments, other agencies and the private sector. The Secretary shall develop a report which contains a list of areas within the National Park System where National Park Service management should be modified or terminated.

(2) In developing the list under paragraph (1), the Secretary shall consider such factors as duplication within the National Park System, better representation of a particular resource type under management of another entity, lack of significance, lack of management feasibility, cost, lack of visitor accessibility, modifications that change the character of the resource, lack of collaboration to protect resources, suitability for management by another agency, and the compatibility of the resource with the present mission role of the National Park Service.

(3) For any areas for which termination of National Park Service management is recommended, the Secretary shall make recommendations regarding management by an entity or entities other than the National Park Service. For any area determined to have national significance, prior to including such area on the list under paragraph (1) the Secretary shall identify feasible alternatives to National Park Service management which will protect the resources thereof and assure continued public access thereto.

(b) CONSULTATION.—In developing the list referred to in subsection (a), the Secretary shall consult with other Federal land managing agencies, State and local officials, the National Park System Advisory Board, resource management, recreation and scholarly organizations and other interested parties as the Secretary deems advisable. These consultations shall also include appropriate opportunities for public review and comment.

(c) TRANSMITTAL TO CONGRESS.—Not later than 1 year after the Secretary completes the plan referred to in section 101 of this Act, the Secretary shall transmit the report developed under this section simultaneously to the Natural Resources Committee of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate. The report shall contain the recommendations of the Secretary concerning modifications or termination of National Park Service management for any areas within the National Park System and the recommendations regarding alternative management by an entity or entities other than the National Park Service.

SEC. 103. NATIONAL PARK SYSTEM REVIEW COMMISSION.

(a) ESTABLISHMENT OF COMMISSION.—If the Secretary fails to transmit the report developed under section 102 within the 1-year period specified in section 102, a National Park System Review Commission shall be established to review existing National Park System units to determine whether there are more appropriate alternatives for managing specific units or portions thereof. Within one year after the date of its establishment, the Commission shall prepare and transmit to the Natural Resources Committee of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate a report containing a list of National Park System units or portions thereof where National Park Service management should be modified or terminated. In developing the list, the Commission shall consider the factors referred to in section 102(a)(2). For any listed areas, the Commission shall suggest alternative management by an entity or entities other than the National Park Service, and for any area determined to have national significance, prior to including such area on the list the Commission shall identify feasible alternatives to National Park Service management which will protect the resources of the area and assure continued public access thereto. In developing the list, the Commission shall consult with other Federal land managing agencies, State and local officials, the National Park System Advisory Board, resource management, recreation and scholarly organizations and other interested parties as the Secretary deems advisable. These consultations shall also include appropriate opportunities for public review and comment.

(b) MEMBERSHIP AND APPOINTMENT.—The Commission shall consist of 7 members each of whom shall have substantial familiarity with, and understanding of, the National Park System. Three members of the Commission, one of whom shall be the Director of the National Park Service, shall be appointed by the Secretary. Two members shall be appointed by the Speaker of the United States House of Representatives and two shall be appointed by the President Pro Tem of the United States Senate. Each member shall be appointed within 3 months after the expiration of the 1-year period specified in section 102(c).

(c) CHAIR.—The Commission shall elect a chair from among its members.

(d) VACANCIES.—Vacancies occurring on the Commission shall not affect the authority of the remaining members of the Commission to carry out the functions of the Commission. Any vacancy in the Commission shall be promptly filled in the same manner in which the original appointment was made.

(e) QUORUM.—A simple majority of Commission members shall constitute a quorum.

(f) MEETINGS.—The Commission shall meet at least quarterly or upon the call of the chair or a majority of the members of the Commission.

(g) COMPENSATION.—Members of the Commission shall serve without compensation as such. Members of the Commission, when engaged in official Commission business, shall be entitled to travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in government service under section 5703 of title 5, United States Code.

(h) TERMINATION.—The Commission established pursuant to this section shall terminate 90 days after the transmittal of the report to Congress as provided in subsection (a).

(i) LIMITATION ON NATIONAL PARK SERVICE STAFF.—The Commission may hire staff to carry out its assigned responsibilities. Not more than one-half of the professional staff of the Commission shall be made up of current employees of the National Park Service.

(j) STAFF OF OTHER AGENCIES.—Upon the request of the Commission, the head of any Federal agency may detail, on a reimbursable basis, any of the personnel of such agency to the Commission to assist the Commission.

(k) EXPERTS AND CONSULTANTS.—Subject to such rules as may be adopted by the Commission, the Commission may procure temporary and intermittent services to the same extent as authorized by section 3109(b) of title 5, United States Code, but at rates determined by the Commission to be advisable.

(l) POWERS OF THE COMMISSION.—(1) The Commission shall for the purpose of carrying out this title hold such public hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission deems advisable.

(2) The Commission may make such bylaws, rules, and regulations, consistent with this title, as it considers necessary to carry out its functions under this title.

(3) When so authorized by the Commission any member or agent of the Commission may take any action which the Commission is authorized to take by this section.

(4) The Commission may use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States.

(5) The Secretary shall provide to the Commission any information available to the Secretary and requested by the Commission regarding the plan referred to in section 101 and any other information requested by the Commission which is relevant to the duties of the Commission and available to the Secretary.

TITLE II—NEW AREA ESTABLISHMENT

SEC. 201. STUDY OF NEW PARK SYSTEM AREAS.

Section 8 of the Act of August 18, 1970, entitled "An Act to improve the administration of the national park system by the Secretary of the Interior, and to clarify the authorities applicable to the system, and for other purposes" (16 U.S.C. 1a-1 and following) is amended as follows:

(1) By inserting "GENERAL AUTHORITY.—" after "(a)".

(2) By striking the second through the seventh sentences of subsection (a).

(3) By redesignating the last sentence of subsection (a) as subsection (e) and inserting in such sentence before the words "For the purposes of carrying" the following: "(e) AUTHORIZATION OF APPROPRIATIONS.—".

(4) By striking subsection (b).

(5) By inserting the following after subsection (a):

"(b) STUDIES OF AREAS FOR POTENTIAL ADDITION.—(1) At the beginning of each calendar year, along with the annual budget submission, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate a list of areas recommended for study for potential inclusion in the National Park System.

"(2) In developing the list to be submitted under this subsection, the Secretary shall give consideration to those areas that have the greatest potential to meet the established criteria of national significance, suitability, and feasibility. The Secretary shall give special consideration to themes, sites, and resources not already adequately represented in the National Park System as identified in the National Park System Plan to be developed under section 101 of the National Park System Reform Act of 1994. No study of the potential of an area for inclusion in the National Park System may be initiated after the date of enactment of this section, except as provided by specific authorization of an Act of Congress. Nothing in this Act shall limit the authority of the National Park Service to conduct preliminary resource assessments, gather data on potential study areas, provide technical and planning assistance, prepare or process nominations for administrative designations, update previous studies, or complete reconnaissance surveys of individual areas requiring a total expenditure of less than $25,000. Nothing in this section shall be construed to apply to or to affect or alter the study of any river segment for potential addition to the national wild and scenic rivers system or to apply to or to affect or alter the study of any trail for potential addition to the national trails system.

"(c) REPORT.—The Secretary shall complete the study for each area for potential inclusion into the National Park System within 3 complete fiscal years following the date of enactment of specific legislation providing for the study of such area. Each study under this section shall be prepared with appropriate opportunity for public involvement, including at least one public meeting in the vicinity of the area under study, and reasonable efforts to notify potentially affected landowners and State and local governments. In conducting the study, the Secretary shall consider whether the area under study—

"(1) possesses nationally significant natural or cultural resources, or outstanding recreational opportunities, and that it represents one of the most important examples of a particular resource type in the country; and

"(2) is a suitable and feasible addition to the system.

Each study shall consider the following factors with regard to the area being studied: the rarity and integrity of the resources, the threats to those resources, whether similar resources are already protected in the National Park System or in other Federal, state or private ownership, the public use potential, the interpretive and educational potential, costs associated with acquisition, development and operation, the socioeconomic impacts of any designation, the level of local and general public support and whether the unit is of appropriate configuration to ensure long term resource protection and visitor use. Each such study shall also consider whether direct National Park Service management or alternative protection by other agencies or the private sector is appropriate for the area. Each such study shall identify what alternative or combination of alternatives would in the professional judgment of the Director of the National Park Service, be most effective and efficient in protecting significant resources and providing for public enjoyment. The letter transmitting each completed study to Congress shall contain a recommendation regarding the Administration's preferred management option for the area.

"(d) LIST OF AREAS.—At the beginning of each calendar year, along with the annual budget submission, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate a list of areas which have been previously studied which contain primarily cultural or historical resources and a list of areas which have been previously studied which contain primarily natural resources in numerical order of priority for addition to the National Park System. In developing the list, the Secretary should consider threats to resource values, cost escalation factors and other factors listed in subsection (c) of this section.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from Colorado [Mr. HEFLEY] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks in the RECORD on the measure before us.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4476 is a measure designed to maintain the integrity of the National Park System through various improvements in the process of planning and establishing National Park System units.

I am pleased that we have been able to come to the floor on a bipartisan basis with a compromise which takes the best elements of the H.R. 1508, introduced by Representative HEFLEY, and H.R. 3709, which I introduced.

Mr. Speaker, the National Park Service is charged with the management of many of the Nation's most precious natural, cultural, and historical resources. The 367 areas which make up the National Park System are known throughout the world for their natural wonders, scenic beauty, and historical significance. Considering the exceptional quality of our national parks, it is our obligation to ensure that only outstanding resources are added to the National Park System. This is especially true in an era of fiscal constraint and large demands on the existing National Park System.

In our National Park System, several important land forms and themes of American history are underrepresented or not represented at all. The National Park System needs the ability to expand in order to reflect the progression of history and to respond to a rapidly growing population. In expanding the system, however, great caution must be exercised in order to make sure that only high-quality resources are included. This concern is bipartisan, and it is shared by Congress, the administration, and the American people.

H.R. 4476 addresses these concerns by providing for the following:

It directs the Secretary of the Interior to prepare a plan to guide the direction of the National Park System into the next century. The plan would be submitted to Congress and would define the role of the National Park System in preserving our national heritage, relative to other efforts at the Federal, State, local, and private levels; it would identify aspects of our American heritage which are adequately and inadequately represented in the National Park System and would list priorities of the types of resources which should be added to the National Park System.

There currently is no overall plan for the expansion of the National Park System. The only documents which can be considered plans are the thematic frameworks. These documents are not strategies or plans. Instead, they are documents which list major natural and historical themes of the United States and then describe how the themes are represented by existing NPS units and landmarks. These are not particularly helpful in telling Congress or anyone else the short- or long-term direction of the National Park System. This type of strategic planning is done by other Federal agencies and large organizations.

The bill directs the Secretary to conduct a management review of the existing National Park System to determine if National Park Service management at any area should be modified or terminated. This review would be conducted using the direction provided by the National Park System plan. In developing the list of areas where NPS management would be proposed to be modified or terminated, the National Park Service would consult with other Federal agencies, State and local officials, resource management, recreation and scholarly organizations, and other interested parties. The list would be transmitted to Congress within 1 year after the completion of the National Park System plan. It would require the National Park Service to recommend alternative entities to manage sites which would be proposed to no longer be managed by the National Park Service.

The determination of what areas no longer deserve to be units of the National Park System is a highly sensitive task which appropriately should be done by the National Park Service with advice and consultation from outside organizations. I do not believe it is appropriate for this task to be undertaken by a Commission which is accountable to no one. This provision would allow us to take a hard look at the National Park System and see if any corrections or changes are needed. It will also allow us to improve management efficiency and cost-effectiveness in certain areas where termination is not recommended but some modification such as increased use of cooperative agreements is utilized.

However, in the event that the Secretary does not submit the list of areas for termination or modification to Congress in the specified 1-year time period, the bill calls for the establishment of a seven member Commission to carry out this task. The Commission would use the plan and any preliminary work done by the National Park Service to prepare the list. The list would be submitted to Congress and the Commission would expire. The bill does not contain any automatic closure procedures as proposed in H.R. 1508. The authority to designate National Park System units rests with Congress, and Congress should retain that authority with regard to deauthorizing units as well.

The bill contains most of the provisions of my bill H.R. 3709, the National Park System New Area Study Reform Act. It would require all new area studies to be authorized by Congress after receiving a list of new area study priorities from the National Park Service. Studies would have to be completed in 3 years and would have to contain the management alternative preferred by the National Park Service. This provision does not cover technical assistance to State or local governments, wild and scenic rivers, national trails system units, or wilderness areas. The purpose of these reforms is to provide Congress with the professional opinion of the National Park Service earlier on in the process of considering areas for addition to the National Park System. This provision would also eliminate the confusion surrounding the multiple sources of new area study requests which result in delays, starts and stops, and other problems.

Finally, the bill requires the Secretary to submit annually a list of previously studied areas in order of priority for addition to the National Park System. In accordance with an amendment adopted in the subcommittee, the National Park Service will submit two priority rankings, one for areas which are primarily cultural in nature and one for areas which contain primarily natural resources.

Mr. Speaker, the bill before us (H.R. 4476) is a carefully crafted measure which will help to maintain a high level of integrity for the National Park System. I urge Members to support it today.

□ 1710

Mr. Speaker, I reserve the balance of my time.

Mr. HEFLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I cannot tell you how pleased I am we are getting the chance to discuss this bill and vote on it today. The bill that you have before you is an important measure. It is the product of a truly bipartisan effort to bring order and direction to the National Park System.

In the 4 years I have been a member of the Committee on Natural Resources, we have repeatedly discussed the Park Service's backlog in construction, maintenance, and acquisition. Despite a backlog that runs into the billions, we have repeatedly added new parks that further sap the resources of the Park Service. Sometimes, Mr. Speaker, I think we have added rhinestones when we should have been taking care of the Nation's crown jewels.

This bill is our attempt to do something about that. H.R. 4476 will establish a process in which proposals for new parks will have to be studied and recommended by the Park Service, then authorized by the Committee on Natural Resources in Congress, before any money is appropriated. It will direct the Park Service to stack a set of priorities for designating parks so that Congress will have a clear idea of what is necessary, and so that important ideas will not be pushed to a back burner by every new proposal or political trend. It will require the Director to review the existing park system to see that all of its units meet the high standards this process will establish and examine possible future options for management.

There are also a number of things this bill will not do. This bill will not sell off the Grand Canyon, it will not turn the Park Service over to Disney, and it will not attempt to turn every unit into a profitmaking machine to the detriment of the resources.

The full effects of the legislation will not be seen tomorrow or next year, but I believe that this bill will provide Congress and the Park Service with the blueprints and tools necessary to meet the challenges of the next century.

In closing, I would like to emphasize the truly bipartisan nature of this legislation. It had its genesis in the thinking of our former Member and colleague, Robert Lagomarsino, more than 5 years ago. Today's bill is the product of working sessions between the majority and minority staffs and the National Park Service, the majority and minority Members of Congress. It would take some study to figure out who was with responsible for what portions of this final bill.

I would like to commend the gentleman from Minnesota [Mr. VENTO], and his staff for the work they have done on this issue. I would especially like to commend the Park Service representatives who worked on this bill. Their expertise was invaluable in preparing this legislation.

This bill proves that Members of both parties can work together in a spirit of comity to solve important issues. After all the shouting and politicking is done, I think we all got into this line of work to do something for our country, to leave a mark, a legacy for future generations. I believe this bill can be that kind of legacy, and, therefore, I heartily endorse its adoption.

Mr. Speaker, I yield 4 minutes to the gentleman from Utah [Mr. HANSEN].

Mr. HANSEN. Mr. Speaker, I rise in strong support of H.R. 4476, the appropriately titled "National Park Service Reform Act." Mr. Chairman, this is an important, bipartisan bill which should help refine the mission of the National Park Service for the 21st century.

Mr. Speaker, it seems hardly a week goes by in the House during which we are not considering some legislation to expand the mission of the National Park Service. It also seems that I spend a lot of time on the floor of this House opposing many of these bills, because of my concerns about the impact of these expansions on the greatest park system in the world.

I am very concerned about both the fiscal impact of these proposals and their impact on the integrity of the park system. Mr. Speaker, with enactment of this bill there is hope we may spend less time in the future on the floor of the House opposing unnecessary park expansion bills.

This is true because this measure requires the National Park Service to develop a vision of where to take the agency, instead of the current piecemeal approach to expansion of the park system. The agency will be required to prioritize future expansion proposals. Further, Congress can be assured that adequate information will be available each time a proposal for expansion of the park system is presented.

Finally, this bill will help us redirect the limited financial resources of the agency by identifying areas where future National Park Service involvement is unnecessary or inappropriate and freeing up funds for other park areas managed by the agency.

Mr. Speaker, I wish to commend the gentleman from Colorado for developing this measure. We have had many discussions about the problems which this bill is designed to address, but Mr. HEFLEY has devoted the time and energy to develop this measure and see it through. Also, I want to thank the chairman, Mr. VENTO, for agreeing to work with the minority on this important measure and report Mr. HEFLEY's bill. Unfortunately, I often find myself in disagreement with the chairman on matters before our committee, but I have no less respect for him as a result of our disagreements. Few Members of this body take their chairmanship as studiously, or work any harder than this chairman, and I believe that both the products of our committee and the land management policies of this Nation are generally better off as a result of his efforts.

Mr. Speaker, I note that the other body is also moving a similar bill, and I commend this bill to all of my colleagues as one of the most important things we can do for the National Park Service during this Congress.

Mr. HEFLEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the ranking member, the gentleman from Utah [Mr. HANSEN], for his kind comments. I would return them in kind. I know that the gentleman has worked hard on these bills. There have been numerous hearings on almost everything we have done. It has gone through the process very carefully.

But in the end, Mr. Speaker, I do not think it is proper to rely upon one or two Members to make the judgments about what is appropriate with regard to the National Park Service policy, or, for that matter, whether we are dealing with the Forest Service or the BLM. But all too often I find myself referencing and using as benchmarks for the policy guidance that my colleagues look to me for really on some precedent that existed in the past, rather than on a sound review of what the proper policy path has been.

I think during this session, I felt that there has been to some extent a loss of focus with regards to parks, and I think there is an amount of concern that has gripped me, and has gripped others. I have seen the same thing.

I see an article that will come out this next month in the National Geographic magazine talking about the problems and the stresses that our parks face. It is time that we charge this administration and other administrations with the proper evaluation and study to put in place the type of framework that we need in terms of making sound public policy as it affects the National Park System.

□ 1720

I fear today that that has, as I said, the focus has not been as sharp as it should and could be. We need that today because of the types of problems we face in terms of fiscal responsibility, because of the increasing backlogs and problems with maintenance that exist. The maintenance backlogs and the backlogs in terms of construction have been referred to as soaring as high as $5 billion.

I might remind my colleagues that that is almost four times more than the entire Park Service budget in a given year. That sort of, I think, epitomizes what we are up against in terms of this problem. Yet we have in just 10 years nearly doubled the number of people that visit our national parks. The projections into the future are that they will continue to increase. Our national parks are one of the leading attractions of people that visit this country from abroad. And as Members look at this, it is clear that we need to expand the park system in order to accommodate this, to try to disperse the use of the park system away from some of the areas that are heavily used in other areas that are equally important and can serve the needs of Americans and tourists on a broad basis.

But in order to do that, we need to have the proper study and background. We need to charge the park service to reevaluate and to evaluate their mission and the designations, the work that we do in Congress.

Congress has been instrumental throughout its history, throughout the park service history, in terms of designating these areas and establishing them. By and large, I think if we say the park system is a good system, I think a lot of the credit has to go back to the legislative bodies which have managed these lands in such a way as to, in fact, preserve these values and this fabric, this natural and cultural fabric.

Today I think we are in the forefront again. Again, it has been Congress that has been in the forefront of laying forth the policy that is set forth in this bill. We have pushed the administration. And I might say that this administration, like those of the past, has not put forth a comprehensive policy plan, a comprehensive agenda to deal with the National Park System.

The fact is that given no agenda, given no direction, I think that we have done a remarkably good job, I might say, in a bipartisan basis, in the House and in the Senate, in terms of trying to keep to a policy path with regards to parks that is logical, that is consistent. But it is increasingly difficult. So we are reaching out in this legislation and directing in this legislation and asking for some help of this administration and those in the future to get their act together so that we can do a better job in this body.

It is pretty hard, Mr. Speaker, to work in this area without having the other hand working with you and wandering off in different directions. We need the focus, the expertise, the professionalism of the National Park Service, which characterizes the National Park Service, I might say, the professionalism to deal with that. We need to deal with the topics like the veil agenda and the professionalism of the Park Service.

They are trying to reorganize themselves one more time to deal with the concerns in terms of how they are organized, but one place they need to organize, and that is their legislative program on this floor and their administrative structure throughout this Nation.

That being said, let me thank my colleagues again.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BILBRAY). The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO], that the House suspend the rules and pass the bill, H.R. 4476.

The question was taken.

Mr. VENTO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

NOTIFICATION OF INTENTION TO OFFER A PRIVILEGED RESOLUTION ON THE U.S. OCCUPATION OF HAITI ON WEDNESDAY, SEPTEMBER 28, 1994

Mr. COX. Mr. Speaker, I ask unanimous consent that the notice of intentions to offer a privileged resolution that I announced on Friday, September 23, 1994, titled House Resolution Calling For Congressional Debate and Authorization for the U.S. Occupation of Haiti, be deemed sufficient under rule IX to permit this Member to bring up this privileged resolution on Wednesday, September 28, 1994.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

PRESIDENT JOHN F. KENNEDY ASSASSINATION RECORDS COLLECTION EXTENSION ACT OF 1994

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 4569) to extend and make amendments to the President John F. Kennedy Assassination Records Collection Act of 1992.

The Clerk read as follows:

Senate amendments:

Page 2, strike out lines 1 to 3 and insert:

(1) by striking "2 years after the date of enactment of this Act" and inserting "September 30, 1996"; and

(2) by striking "2-year".

Page 2, line 6, strike out "Section 8(j)(1)" and insert: "Section (7)(j)(1)."

Page 3, lines 7 and 8 strike out "offered the position" and insert: "employed conditionally in accordance with subsection (b)3)(B)."

Page 4, after line 8, insert:

(d) CONDITIONAL EMPLOYMENT OF STAFF.—Section 8(b)(3)(B) of the President John F. Kennedy Assassination Records Collection Act of 1992 (44 U.S.C. 2107 note) is amended to read as follows:

"(B)(i) The Review Board may offer conditional employment to a candidate for a staff position pending the completion of security clearance background investigations. During the pendency of such investigations, the Review Board shall ensure that any such employee does not have access to, or responsibility involving, classified or otherwise restricted assassination record materials.

"(ii) If a person hired on a conditional basis under clause (i) is denied or otherwise does not qualify for all security clearances necessary to carry out the responsibilities of the position for which conditional employment has been offered, the Review Board shall immediately terminate the person's employment.".

(e) COMPENSATION OF STAFF.—Section 8(c) of the President John F. Kennedy Assassination Records Collection Act of 1992 (21 U.S.C. 2107 note) is amended to read as follows:

"(c) COMPENSATION.—Subject to such rules as may be adopted by the Review Board, the chairperson, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, may—

"(1) appoint an Executive Director, who shall be paid at a rate not to exceed the rate of basic pay for level V of the Executive Schedule; and

"(2) appoint and fix compensation of such other personnel as may be necessary to carry out this Act.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan [Mr. CONYERS] is recognized for 20 minutes, and the gentleman from California [Mr. McCANDLESS], is recognized for 20 minutes.

The Chair recognizes the gentleman from Michigan [Mr. CONYERS].

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on H.R. 4569.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan.

There was no objection.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on July 29, the House passed H.R. 4569, as amended by the Committee on Government Operations, to make mostly technical changes to the original Assassination Record Act passed during the 102d Congress. The act would simply extend the duration of the Board established by the original act for an additional year due to the delay in appointing Board members. It would also allow the Board to more easily hire staff, and to use the Federal Supply Service and the U.S. mail as do other Federal agencies.

The Senate further amended H.R. 4569 to clarify the dates of the extension and the other provisions. The changes are purely technical in nature, and I urge my colleagues to once again pass the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. McCANDLESS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I stand with the chairman of the Government Operations Committee in support of H.R. 4569 and call for its immediate enactment. This noncontroversial bill will amend the President John F. Kennedy Assassination Records Collection Act of 1992 by extending its life for 1 additional year and makes several administrative changes to make it easier for the Review Board to hire staff and function more efficiently.

The House passed this bill last July under a unanimous voice vote. The Senate made some minor, almost administrative, changes which have little impact on the original House-passed bill. I am asking my colleagues to lend their support to this bill again today.

Specifically, the JFK Records Extension Act: extends the life of the Review Board by an additional year while authorizing no additional appropriations; authorizes the Review Board to use General Services Administration resources to purchase goods and services; authorizes the Review Board to use the U.S. Postal Service as though they are any other Government agency; allows the Review Board to offer a job to potential staff before they obtain proper security clearances; allows current Government employees to be hired by the Review Board, but only if they perform administrative functions; and allows the Review Board to avoid Office of Personnel Management regulations.

These changes are required because the Review Board was late in getting organized due to the changes of administration in 1993. The amendments would allow the Board to continue its work for an additional year while spending no additional moneys.

This legislation was drafted with full cooperation between the minority and majority of the Government Operations Committee and is supported unanimously by the committee Republicans.

Mr. STOKES. Mr. Speaker, I rise in strong support of H.R. 4569, the John F. Kennedy Assassination Records Collection Extension Act of 1994, offered by my good friend and the distinguished chairman, Mr. CONYERS, to extend the terms and clarify the responsibilities of the John F. Kennedy Assassinations Review Board. Let me commend Mr. CONYERS for his leadership on this issue and for his commitment to ensuring that the important work of the Board is accomplished.

Mr. Speaker, Public Law 102–526, the John F. Kennedy Assassination Records Collection Extension Act was enacted by Congress in 1992. I authored this legislation, in my capacity as former chairman of the House Select Committee on Assassinations, to release all executive, congressional, and judicial documents related to President Kennedy's assassination. This law, in my opinion, demonstrated to the American people our commitment to provide them an opportunity to ascertain the truth concerning President Kennedy's assassination.

Part of this critical legislation includes the establishment of a Review Board. The Review Board has the crucial responsibility of overseeing the release of files relating to the assassination. It will determine whether requests by Federal agencies to postpone disclosure of certain assassination materials is valid as outlined by criteria set forth in the law. I was firmly committed to the establishment of this independent Review Board.

Unfortunately, Mr. Speaker, the Board appointments were somewhat delayed. As a consequence, precious time has been lost for the Board to undertake its work. There are also some operational enhancements in H.R. 4569 with respect to the Board. The Board's work remains a priority to me, to many other members, and most importantly to the American people. It is therefore imperative that we support their important and continued work.

Mr. Speaker, I urge my colleagues to join me in support of this bill to show we are willing to provide the leadership the American people have demanded.

Mr. MCCANDLESS. Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. CONYERS] that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 4569.

The question was taken and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendments were concurred in.

A motion to reconsider was laid on the table.

EXPANDING ELIGIBILITY FOR FEDERAL SURPLUS PROPERTY

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2461) to amend the Federal Property and Administrative Services Act of 1949 to authorize the transfer to States of surplus personal property for donation to nonprofit providers of necessaries to impoverished families and individuals.

The Clerk read as follows:

H.R. 2461

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TRANSFER OF SURPLUS PERSONAL PROPERTY FOR DONATION TO PROVIDERS OF NECESSARIES TO IMPOVERISHED FAMILIES AND INDIVIDUALS.

Section 203(j)(3)(B) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(j)(3)(B)) is amended by inserting after "homeless individuals" the following: ", providers of assistance to families or individuals whose annual incomes are below the poverty line (as that term is defined in section 673 of the Community Services Block Grant Act),".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan [Mr. CONYERS] will be recognized for 20 minutes, and the gentleman from California [Mr. MCCANDLESS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Michigan [Mr. CONYERS].

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on H.R. 2461.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

(Mr. CONYERS asked and was given permission to revise and extend his remarks.)

Mr. CONYERS. Mr. Speaker, the purpose of H.R. 2461 is to widen the current availability of Federal surplus personal property, that is, supplies and equipment, for donation to nonprofit, tax-exempt organizations that serve the poor.

In 1976, Congress enacted legislation, Public Law 94–519, that gave a broad charter to the General Services Administration to transfer surplus personal property to States so that it could be donated for public purposes. Each State was required to establish a State surplus property agency to serve as the central collection and distribution point for eligible recipients, namely, public bodies and certain nonprofit, tax exempt organizations like schools and hospitals.

Through this Federal-State partnership, the program in fiscal year 1993 resulted in donations to eligible recipients of property that originally cost the Government $654 million. So far in fiscal year 1994, the figures are running at a similar level. The property includes items like tools, office machines and supplies, furniture, appliances, medical supplies, clothing, construction equipment, communications equipment, vehicles, and airplanes.

The author of H.R. 2461, the gentleman from Indiana [Mr. HAMILTON] has rightly called attention to a significant gap in the ability of the present donation program to help providers of assistance to the poor. Providers for the homeless were added in 1988. But now seeing to enter the program are providers of food and of other services to needy families and individuals who may not be homeless. Organizations like Habitat for Humanity and local food banks help to alleviate such needs. H.R. 2461 would make nonprofit organizations serving these purposes eligible for surplus property under the Federal donation program. The new eligibles, of course, would not enjoy a preference over any other group of eligibles.

H.R. 2461, therefore, merely adds to the donation program one more category of eligible nonprofit organizations, those that provide assistance to families or individuals whose annual incomes are below the poverty line as defined in the Community Services Block Grant. The pertinent income levels are calculated by the Census Bureau and are available in the current edition of the "Statistical Abstract of the United States."

Mr. Speaker, the General Services Administration, which administers this program, has advised the Government Operations Committee that it has no objection to the bill. Also, the president of the National Association of State Agencies for Surplus Property, which represents all of the State surplus property agencies, has informed the committee that his organization has no objection to the bill. In fact, no objection from any source has been heard.

The added authority of H.R. 2461 would be broad enough, GSA advises, to cover the intended beneficiaries of a related bill, H.R. 4392, by the gentleman from Oklahoma [Mr. MCCURDY]. That bill would authorize the distribution of Federal surplus property to nonprofit organizations providing assistance to the hungry and the indigent.

The Congressional Budget Office has advised the committee that the bill is not expected to affect the Federal budget.

Mr. Speaker, I strongly urge my colleagues to pass H.R. 2461.

□ 1730

Mr. Speaker, I reserve the balance of my time.

Mr. McCANDLESS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the ranking Republican on the Government Operations Subcommittee on Legislation and National Security, I am pleased to provide my support to H.R. 2461. H.R. 2461 is a bill that will allow organizations, such as the Habitat for Humanity, food banks and organizations that recycle building materials for the poor, to qualify as donee organizations for surplus Federal property under the Federal Property and Administrative Services Act.

Office supplies, desks, chairs, and other surplus furniture, are examples of the types of personal property that would be involved. Currently, only nonprofit educational or public health institutions, or homeless providers qualify as donee's for this type of surplus property. However, organizations such as the Habitat for Humanity and food banks do not qualify.

H.R. 2461 would allow these organizations that assist people whose income is below the poverty line to qualify as donee's for personal property the Federal Government no longer needs. These organizations provide valuable assistance to needy individuals. This bill would help these organizations to continue their worthwhile service.

We would take advantage of this opportunity to recycle Government property that might otherwise either collect dust or be thrown away. H.R. 2461 is legislation that makes abundant economic and humanitarian good sense. I commend my distinguished colleague from Indiana [Mr. HAMILTON] for crafting such a sensible, bipartisan bill.

Accordingly, I urge all of my colleagues to give H.R. 2461 strong bipartisan support—it is a bill that helps eliminate waste while helping those in need.

Mr. HAMILTON. Mr. Speaker, I rise today to express my strong support for H.R. 2461, a bill I introduced that would amend the Federal Property Act to make certain nonprofit organizations that help the needy—such as Habitat for Humanity and food banks—eligible for Federal surplus property. Under current law, these organizations are not eligible.

I want to thank Chairman CONYERS and the members of the House Committee on Government Operations for reporting this bill to the House floor. I greatly appreciate their cooperation and support in moving this bill forward.

The Federal Property and Administrative Services Act authorizes GSA to dispose of surplus Federal property. Surplus property is property not needed by any Federal agency; it may be made available by GSA to State or local governments or nonprofit agencies and may be transferred without cost for specified public purposes, including education, recreation, economic development, health care, services for homeless people, or prisons.

However, under current law, surplus property cannot be made available to certain nonprofit organizations. Habitat for Humanity and food banks, for example, do provide services to the homeless, but this is not their exclusive mission. They also provide services to needy individuals who are not homeless, and, consequently, are ineligible for surplus property.

Making Federal surplus property available to these organizations would greatly assist them in aiding the poor in Indiana and around the country. It would help the food banks that provide food to shelters, soup kitchens, and food pantries; groups that recycle building materials for use in the repair of housing for the poor; and other organizations that repair and build homes for low-income families.

H.R. 2461 would amend current law to make such organizations eligible for the Federal Surplus Program. The proposed change in law would not give these organizations preference, but just make them one of many eligible nonprofit entities. H.R. 2461 is not controversial. GSA has not raised any objections to this proposal.

Federal, State, and local governments have been looking to nonprofits to assume more responsibility for providing needed services to the poor, particularly in an era of declining budgets. H.R. 2461 will help nonprofits provide those services more effectively by granting them access to Federal surplus property.

I think this promises to be a worthwhile use of Federal surplus resources. I urge my colleagues to support H.R. 2461.

Mr. McCANDLESS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. CONYERS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BILBRAY). The question is on the motion offered by the gentleman from Michigan [Mr. CONYERS] that the House suspend the rules and pass the bill, H.R. 2461.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 820, NATIONAL COMPETITIVENESS ACT OF 1994

Mr. ROHRABACHER. Mr. Speaker, pursuant to clause 1(c), rule 28, I am announcing that tomorrow I intend to offer a motion to instruct conferees on the bill (H.R. 820) to amend the Stevenson-Wydler Technology Innovation Act of 1980 to enhance manufacturing technology development and transfer, to authorize appropriations for the Technology Administration of the Department of Commerce, including the National Institute of Standards and Technology, and for other purposes. To insist on the provisions contained in section 506 of the House bill, entitled "Prohibitions."

The form of the motion is as follows:

Mr. ROHRABACHER moves that the managers on the part of the House at the conference on the disagreeing votes of the 2 Houses on the Senate amendment to the bill, H.R. 820, be instructed to insist on the provisions contained in section 506 of the House bill, entitled "Prohibitions", the text of which is as follows: "None of the funds made available in this Act may be used to provide any direct Federal financial benefit to any person who is not (1) a citizen or national of the United States; (2) an alien lawfully admitted for permanent residence; or (3) an alien granted legal status as a parolee, asylee, or refugee.".

U.S. PATENT SYSTEM SET FOR DESTRUCTION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 5 minutes.

Mrs. BENTLEY. Mr. Speaker, recently negotiated intellectual property agreements with Japan have telegraphed the future for the American patent system. The Assistant Secretary and Commissioner of the Patent and Trademark Office recently signed an agreement with Japan to reduce the life term of a patent.

Mr. Lehman is pushing to change the patent term to 20 years from date of filing an application for a patent. The GATT has a minimum of 20 years from the date of filing, but the Lehman/Japan agreement would reduce the life of a patent.

For example, the Genetic Engineering News reports that under the Lehman proposal, the average biotech patent could lose 3 to 4 year's protection. That means research will be cut back and a $7 billion industry will be struggling to be competitive.

America is the world leader in software but under this new term the United States will be a has been in world software markets because the lifespan of a patent will be shortened. Although software has a comparatively short lifespan, the concepts do not. Spreadsheets are one example of an invention still generating billions of dollars in annual revenue.

Changing the patent term is not the only issue Japan is pushing. Secretary of Commerce Ron Brown recently signed an agreement with the Japanese Ambassador to publish our patent applications 18 months after filing. For decades that information has been secret until the patent is published under the American system. Now after 18 months that information will be made public, even before an invention may be completed or a patent issued.

With this early pre-grant publication, Japan will be able to learn about our most advanced technology, even vital information left out in filing a foreign patent. It also will make it difficult to capitalize an invention.

Why is our Government doing this to the American patent system when it is a well known fact that it is the basis for the industrial might of America?

The answer. Japan has been very critical of our patent laws because our system is different from theirs. Japan has focused on our first-to-invent system, our so-called submarine patents, and our section 104 which limit proofs of invention to those generated in the United States or those generated by certain United States citizens while serving abroad.

With this GATT agreement, Japan is winning—getting what it wants. If the patent term is 20 years measured from filing date, publication 18 months from filing—and international proof of invention—not limited to proofs arising in the United States—then the American system no longer is unique.

A foreign competitor also will be able to file interferences based on evidence filed abroad and tie up our patents. In short, American inventors are getting the short end of the stick in the GATT and in the Lehman-Brown-Japan agreements.

Why should American citizens be concerned about the patent system?

This 20-year term from filing is the most devastating inclusion in GATT. It is a serious threat to the economic well being of the United States. We literally are giving up our technological lead for the next 100 years if we allow this term to be changed in the GATT.

We must fight for our patent system and not allow the Government to change it without public hearings. I can tell you from first-hand knowledge that American small business and inventors will shut down these changes. It is only a few multinationals and Japan who are pushing the changes.

We have led the world in innovation and creativity. In 1993, the United States had 59,588 influential patents, which is almost twice as many as Japan, Italy, the United Kingdom, France, and Germany combined. This was achieved under the 17-year patent system with everything secret until issuance. Even the Patent Commissioner admitted in testimony that the "process under the old system—inventors—have the benefit of the greater term. It is as simple as that."

Mr. Speaker, we are rapidly pushing American inventors over a cliff in a second American Pearl Harbor with these changes in the patent system.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

☐ 1740

REPUBLICAN CONTRACT WITH AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. HOEKSTRA] is recognized for 5 minutes.

Mr. HOEKSTRA. Mr. Speaker, to my colleagues, today was a historic day. The Republican candidates for the House of Representatives for the 104th Congress laid out a contract with the American people. I came to this body about 21 months ago with the hope and the expectation that we could significantly alter the way that the people's house worked. In many ways, I have been disappointed by what we have been able to accomplish or what more importantly we have not been able to accomplish in this Congress, in making the people's house nmore responsive to the American people, bringing forth and debating and voting on and enhancing many of the ideas that were an element of our campaigns 2 years ago. What we did today is we outlined a contract with America that gives a vision for what the people's House can and should again become.

I talked about many of these ideas over the last 18 months. Eighteen months ago I proposed a piece of legislation that would allow the American people to become more involved in the process of setting the agenda for this country, a process that said we are going to let you help set an agenda because we are going to allow on a national and Federal level the initiative and referendum process. That legislation never made it out of committee.

Six months ago, we introduced a second piece of legislation that built off this first piece of legislation. We said if we cannot bring in its purest form initiative and referendum to this national body, let us experiment with the idea of letting the American people more directly set and influence the agenda here in Washington. We introduced the concept of an advisory referendum, an advisory referendum that said we are going to allow you, the American people, to instruct us on term limits, to instruct us on a balanced budget amendment, and to instruct us on a line item veto. Again, that legislation has stayed bottled up in committee. Now, however, we have outlined an opportunity for the American people to judge this Congress and have a referendum on this Congress and to help influence the agenda of this next Congress in January 1995. Highlights of how and what is included in this referendum include things like on the opening day, we would change the tenor and the character of this body:

First, we would require all laws that apply to the rest of the country to also apply equally to Congress, an innovative idea that I think will bring radical change to decisionmaking in this body.

Second, we will select a major independent auditing firm to conduct a comprehensive audit of Congress for waste, fraud, or abuse.

Third, we will cut the number of committees, and we will cut committee staff by one-third.

Fourth, we will limit the terms of all committee chairs. Committee chairs will now have to rotate. They will not be able to stay in place for an extended period of time.

Fifth, we will ban the casting for proxy votes in committees. When we debated and worked on the health care bill in the Committee on Education and Labor, over 50 percent of the votes cast were proxy votes.

Sixth, we will require committee meetings to be open to the public. When this Congress had the debate on the largest tax increase in American history, the debate was held behind closed doors. In the next Congress, that would not happen.

Seventh, we would require a three-fifth majority to pass a tax increase. We would no longer again see a tax increase passed by only a single vote.

Eighth, we would guarantee an honest accounting of our Federal budget by implementing a zero-based line budgeting versus the budgeting we see today where when we talk about cutting future spending, we are talking about decreasing an increasing an increase so we will still be increasing. It is a convoluted way to run a budgeting process.

These are the changes we will be talking about on opening day. We have also outlined a series of 10 bills that I will be talking about later this week that we will debate and consider within the first 100 days, 10 bills that will significantly and radically change the way that this government does business, a government that is too big and that spends too much.

WORDS OF WISDOM

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio [Ms. KAPTUR] is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, in this job we are asked to do a lot of reading and generally want to. It amazes me how often the written word in our country has degraded us as a people as opposed to uplifting us, particularly so often in the written press, including many of our newspapers. Thus it was with a great deal of satisfaction, as I passed through the Pittsburgh airport on my weekly trip back to Ohio, that I discovered an article on the editorial page I thought of such worth that I wanted to read it into the RECORD. It was written by Samuel Hazo, the State poet of Pennsylvania, director of the International Poetry Forum and a professor of English at Duquesne.

□ 1750

The title of this particular guest editorial was "The Tyranny of Violence." He says, "Thornton Wilder once remarked that violence results from a breakdown of the imagination." That certainly caught my eye, and I kept reading. It said, "This has always implied for me," the author, "that violence occurs when we shirk what visionary thinking demands or when we don't think at all."

THE TYRANNY OF VIOLENCE

(By Samuel Hazo)

If we involved in a dispute, for example, and suddenly stop thinking and begin to shout or even fight, then violence has won. When manners and civil respect are replaced by the brashness of turf claims and gang rights, violence has won. Similarly when nations abandon or ignore diplomacy to resolve disputes and revert to war, violence has won. In all instances where violence in word or deed becomes the dominant force in human relations, the power of the imagination has been ignored.

To say that violence is the option of first resort when people stop imagining or thinking is really to say that violence is the language of the stupid. And any society that permits itself to be tyrannized by the stupid or by conditions created by stupidity is a society whose creativity, civility and idealism can never be released.

The reactionary reflex of relying only on the use of force against the white whale of violence does not tap our creative resources. On the contrary, it prevents our arriving at those strategies and emancipations that are victories of intellect, and these, as Shelley and Thomas Jefferson have shown, originate exclusively in the imagination.

A classic example of surrendering to a defensive reflex is the widespread possession of handguns in domestic residences. Stripped of the monotonous arguments of the National Rifle Association and its incorrect interpretation of the Second Amendment (which originally stipulated one month of militia training every year for all gun owners), the possession of handguns for self-defense is a concession to fear. However understandable such a fear may be in our present circumstances, handguns can only provide a limited amount of protection against those who operate by stealth (thieves or muggers) and none at all against drive-by murderers.

Moreover, an armed citizenry can easily develop an Alamo-or-fortress mentality, turtling up against a real or imagined danger. This actually permits the danger to flourish at will and prevents the rebirth of a social climate where lawbreakers are answerable to society's standards and not vice-versa.

Another example of the tyranny of violence is the curious attraction that the insanity of drugs has over the young. Forget for a moment the nonsense that life can be enhanced by "chemical highs," as the drug culturalists would have everyone believe. Forget, if you can, the criminal underworld that drugs enrich. Think only of what a leading plastic surgeon for nose reconstruction said in Pittsburgh recently on the subject of "the cocaine nose." He began by saying to his fellow plastic surgeons in convention here that the ingesting of cocaine (snorting) can be fatal at first snort, as it was to a promising young basketball player several years ago. If death does not occur, the snorter can look forward to the rotting of the inner membranes of the nose, then the nostril flesh, then the nose bone, then the facial sinuses and ultimately the brain. By then the boneless nose will have collapsed flush into the face itself. Anyone who thinks of these consequences in advance and still pursues his addiction has simply turned off his imagination and opted for violence against his very self.

Can violence be separated from the subject of abortion? Put aside, if possible, the political, sexual and theological dimensions of the abortion issue for a moment. Put aside as well the fact, as everyone knows, that decriminalization does not render a previously criminalized act moral, only legal; it is a truism that the immoral can be legal, and vice-versa.

But all such disquisition becomes moot when abortions are performed, and these terminations (as proponents and opponents admit) are by nature violent to the unborn. They literally end life at its source, assuming, of course, that life begins at the moment of conception. This assumption, by the way, is not a theological or political fact but a medical one. If life does not begin then, when does it?

With regard to sexual diseases, do we not do violence to our sense of ethical justice by ascribing moral equivalence between those who are involuntarily or accidentally infected and those who voluntarily risk or court infection? This does not mean that cures should not be supported and pursued. But reducing sexual relations to a matter of mutual consent and hygiene certainly does not say all there is to say about the nature of sex and human personality, to say nothing of sexuality's spiritual dimension. In fact, it tends to separate sex from personality, which, according to anthropologist Margaret Mead, is the very essence of pornography.

Assuming that hygiene is the ultimate sexual norm is reminiscent of the standard military practice of showing VD films to recruits as a means of having them avoid venereal infection.

The aforementioned violent short cuts—physiological and psychological—have already done serious damage to the national fabric. The question is whether the damage is repairable so that we can again be the law-respecting and imaginative democracy we were intended to be. But can we correct the social consequences that arise when children are taught, not manners, but self-defense as the first law of social life?

Can we still uphold the dignity of the individual when countless social, political, military and economic pressures insist that Americans are made for the system and not the other way around?

Have the rudeness and illiteracy of talk shows on television or radio, which have given gossip a bad name and dignified mere blab as free speech, done such violence to genuine conservation that people can go for months on end without having a crucial talk with anyone?

We shall see.

THE UNITED STATES SHOULD NOT BE IN HAITI

The SPEAKER pro tempore. (Mr. BILBRAY). Under a previous order of the House, the gentleman from Tennessee [Mr. DUNCAN] is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, I rise to once again express my great concern about the United States presence in Haiti. I do not think there is any threat to our national security in Haiti. There is no vital U.S. interest there. I believe that the majority of the American people do not want us to be there. And on top of that, and especially I believe that the overwhelming majority of the American people do not want us to spend several billion dollars there, which is what we will spend before everything is through.

The Pentagon has recently estimated that it will cost some $500 million just for our short-term initial military obligations. That is of great concern to me, and I know to so many others.

I think that President Kennedy put it best in 1961 when he said:

> We must face the fact that the United States is neither omnipotent nor omniscient—that we are only 6 percent of the world's population—that we cannot impose our will upon the other 94 percent—that we cannot right every wrong or reverse each adversity—and that therefore there cannot be an American solution to every world problem.

The only change in that quote in my opinion is that now we have less than 5 percent of the world's population, and yet the world is still looking to us to solve every problem and each adversity that goes on around the world. It is just impossible for us to do that.

I think in these international tragedies in the future, whether they be in Rwanda, or Somalia, or Haiti, or Cuba, or wherever that we should convene a meeting of all of the nations in the world who are willing to contribute, and we need to say to them, "What are you willing to do, Japan? What are you willing to do, Germany?"

The liberals are fond of telling us how good everything is in Sweden, and France, and Germany, and some of these other places. But the truth is that none of these other countries are helping in the situation in Haiti and so many of these other international tragedies. They are doing nothing or either next to nothing, and I think it is totally unfair for the rest of the world to sit back and expect the United States to foot the entire bill in Haiti or in any place else, and that is basically what we are doing.

Listen to this Associated Press story that has recently come out concerning the situation in Haiti. It states:

> For example, the United States is paying $900 per month, per soldier, to each foreign government—the salary amount set by the United Nations for peacekeeping forces.

We are not only footing the bill for the American soldiers, we are paying $900 per month to these small foreign countries that have agreed to participate at our insistence or at our encouragement in Haiti. This is not an international expedition in Haiti as it is frequently referred to. It is a United States expedition, plain and simple.

This Associated Press story says this:

> The United States has agreed to put $20 million into an international effort to pay

> off Haiti's past-due payments to international lenders such as the World Bank and the Inter-American Development Bank. Haiti is now some $75 million in arrears and bringing the accounts current would free new loan money.

I do not think the American people want us to be paying off Haiti's debts to the international lenders, some $20 million according to this. Of course, that is just a drop in the bucket compared to all of the other money that we are spending, but still it is of concern to me.

I think it should be of concern to the American people as to why President Aristide and his supporters have been able to pay some $55,000 per month to the lobbying firm of former Democratic Congressman Michael Barnes, as was reported in the Washington Post, for lobbying and public relations efforts during the time that he has been in Washington to orchestrate this campaign of support, $55,000 per month for a lobbying effort. I wonder how much of that has come from the United States taxpayers?

This same Associated Press story that I have referred to says this further:

> Administration officials said they planned a U.S. contribution of some $100 million in 1995 toward a 4-year, $2 billion aid program that would include World Bank lending and contributions from other donor nations.

□ 1800

A $2 billion aid program over and above our military efforts. I think this is totally ridiculous.

B.J. Cutler, the chief foreign affairs columnist for the Scripps-Howard newspaper chain, wrote a column a few days ago, and he said this:

> HAITIANS NOT ALONE IN NEEDING OUR HELP
>
> President Clinton tells us that Haiti's military junta is a vile abuser of human rights, and that is a main reason he is ready to invade the miserable place.
>
> The president is right, of course, the Cedras regime is bloodthirsty. But if guarding people from the savagery of their rulers is America's duty, it would be fighting all over the world, squandering lives and bankrupting itself.

If we go everyplace in the world where something bad is happening, we will turn this Nation into some type of Third World nation if we are not careful.

THE REPUBLICAN CONTRACT AND THE NATIONAL DEBT

The SPEAKER pro tempore (Mr. BILBRAY). Under a previous order of the House, the gentleman from Maryland [Mr. HOYER] is recognized for 5 minutes.

Mr. HOYER. Mr. Speaker, our national debt is a disgraceful legacy. That is why I support the balanced-budget amendment.

But that is also why I must speak out today. Republican Party bosses have commanded their candidates to come to Washington to sign a so-called contract to try and buy an election and send a trillion-dollar bill to our grandchildren. Their premise is this: tax cuts for the wealthiest few, tax breaks for large corporations, and somehow, someday, someway, a promise of a balanced budget.

We have been down the borrow-and-spend road before. During the Reagan and Bush era, the burden placed on every American, every American under 18, quadrupled from $15,000 to over $60,000. I have a grandchild 7 years of age. We quadrupled the debt on her head.

We are thankfully finally on the right track. Three years of declining deficits; that is the first time since Harry Truman that that has occurred.

But tough choices must be made before America is truly economically secure.

I know that my constituents in southern Maryland, Mr. Speaker, demand and deserve real results, not a public-relations gimmick that mocks their priorities. My advice to those candidates on the steps today is this: Defy your party's bosses, forget their bankrupt ideas, do not sign on to supply side II. Supply side I, which was adopted in 1981, promised a balanced budget. As a matter of fact, when Ronald Reagan signed the tax bill that was associated with supply-side economics in August 1981, he said to the American people, by signing this legislation, we will get a balanced budget by October 1, 1983. How sad, how very sad that that premise was not achieved.

Lest anybody think that it was the Congress spending more money than Reagan asked for, in point of fact, President Reagan asked that Congress to spend more money than this Congress, in his 8 years, authorized to be spent.

Defy, my friends in the Republican party, candidates who come to Washington to make a contract on the steps and then go the special-interest lobbyists to make another contract tonight in a fundraiser. Forget this bankrupt contract and the bankrupt ideas that it incorporates. Go home. Go home and listen to your neighbors instead.

Our country and our grandchildren will be better off.

TRANSMISSION OF LEGISLATION AND RELATED DOCUMENTS TO IMPLEMENT AGREEMENTS RESULTING FROM GATT URUGUAY ROUND—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 103–316)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means, the Committee on Agriculture, the Committee on Education and Labor, the Committee on Foreign Affairs, the Committee on Government Operations, the Committee on the Judiciary, the Committee on Rules, and the Committee on Energy and Commerce, and ordered to be printed:

To the Congress of the United States:

I am pleased to transmit legislation and a number of related documents to implement agreements resulting from the General Agreement on Tariffs and Trade (GATT) Uruguay round of multilateral trade negotiations. The Uruguay round agreements are the broadest, most comprehensive trade agreements in history. They are vital to our national interest and to economic growth, job creation, and an improved standard of living for all Americans.

When fully implemented, the Uruguay round agreements will add $100–$200 billion to the U.S. economy each year and create hundreds of thousands of new, well-paying American jobs. They provide for a reduction in worldwide tariffs of $744 billion, the largest global tax cut in history.

The United States will be the biggest winner from the Uruguay round agreements. We are the world's largest trading nation with the world's most dynamic economy. In 1993, the United States exported $660 billion in goods and services, accounting for more than 10 percent of the U.S. GDP.

These agreements are the result of bipartisan cooperation and reflect the consensus supporting market-opening trade policies that the United States has enjoyed for decades. The Uruguay round was launched by President Reagan, continued by President Bush, and concluded by this administration. Each administration consulted with the Congress and welcomed congressional participation and guidance throughout the negotiations. Similarly, this administration has worked closely with the Congress to ensure that the implementing legislation that I am now forwarding enjoys broad bipartisan support.

The United States has led the world on a path of open markets, freer trade, and economic growth. Now we must lead the way in implementing these agreements. The leaders of every major industrialized nation have pledged to take action so that the Uruguay round agreements can be implemented by January 1, 1995. Any delay on our part would send a negative signal to our trading partners at a time when their economies are just beginning to recover.

Our economic recovery is now fully underway. As the economies in Europe and Japan begin again to grow, we must be positioned to reap the benefits of their expansion. As a result of the Uruguay round agreements, our major trading partners in Europe and Asia will cut their tariffs to historic lows.

The Asian Pacific economies are the fastest growing economies in the world and are currently the largest market for U.S. exports. United States exports to Latin America, the second fastest growing region in the world, have grown 60 percent since 1989. The Uruguay round agreements will ensure that these fast-growing markets will be open to international competition and that all of our trading partners will play by international trading rules.

The Uruguay round agreements enjoy very broad and deep support in the United States. Forty of our Nation's governors, numerous eminent economists, and the vast majority of U.S. industrial, agricultural, and service firms support the agreements, as do an array of former Presidents, Secretaries of State, Secretaries of the Treasury, and U.S. Trade Representatives.

Americans are at their best when they face the challenges of their time. Our predecessors did so after World War II when they created a new international trading system that guided global growth for 50 years. Now we must do the same to foster sustained prosperity for the decades to come.

The end of the cold war and the rise of the global economy have created new challenges and new opportunities. Implementation of the Uruguay round agreements will ensure that we rise to the challenges of this new era and lead the world on a path of prosperity.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 27, 1994.*

RECESS

The SPEAKER pro tempore. Pursuant to clause 12, rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 6 o'clock and 9 minutes p.m.) the House stood in recess subject to the call of the Chair.

□ 1844

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. BONIOR] at 6 o'clock and 44 minutes p.m.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON S. 349, LOBBYING DISCLOSURE ACT OF 1993

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103–755) on the resolution (H. Res. 550) waiving points of order against the conference report to accompany the bill (S. 349) to provide for the disclosure of lobbying activities to influence the Federal Government, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4779, LOCAL GOVERNMENT INTERSTATE WASTE CONTROL ACT

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103–756) on the resolution (H. Res. 551) providing for consideration of the bill (H.R. 4779) to amend the Solid Waste Disposal Act to authorize local governments and Governors to restrict receipt of out-of-State municipal solid waste, and for other purpose, which was referred to the House Calendar and ordered to be printed.

REPORT OF RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4683, FLOW CONTROL ACT OF 1994

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103–757) on the resolution (H. Res. 552) providing for consideration of the bill (H.R. 4683) to amend the Solid Waste Disposal Act to provide congressional authorization of State control over transportation of municipal solid waste, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT OF RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 4556, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1995

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103–758) on the resolution (H. Res. 553) waiving points of order against the conference report on the bill (H.R. 4556) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1995, and for other purposes, which was referred to the House Calendar and ordered to be printed.

CONFERENCE REPORT ON H.R. 4299

Mr. GLICKMAN submitted the following conference report and statement on the bill (H.R. 4299), to authorize appropriations for fiscal year 1995 for intelligence and intelligence-related activities of the U.S. Government, the community management account, and the Central Intelligence Agency retirement and disability system, and for other purposes:

CONFERENCE REPORT (H. REPT. 103–753)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4299), to authorize appropriations for fiscal year 1995 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Intelligence Authorization Act for Fiscal Year 1995".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.

TITLE I—INTELLIGENCE ACTIVITIES

Sec. 101. Authorization of appropriations.
Sec. 102. Classified schedule of authorizations.
Sec. 103. Community management account.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Sec. 201. Authorization of appropriations.

TITLE III—GENERAL PROVISIONS

Sec. 301. Increase in employee compensation and benefits authorized by law.
Sec. 302. Restriction on conduct of intelligence activities.
Sec. 303. Intelligence community contracting.
Sec. 304. Repeal of restriction on intelligence cooperation with South Africa.
Sec. 305. Report regarding mandatory retirement for expiration of time in class.

TITLE IV—CENTRAL INTELLIGENCE AGENCY

Sec. 401. Illness or injury requiring hospitalization.
Sec. 402. Inspector General of the Central Intelligence Agency.
Sec. 403. Advanced information presentation project.

TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES

Sec. 501. Central Imagery Office.
Sec. 502. Exception to public availability of certain Department of Defense maps, charts, and geodetic data.
Sec. 503. Disclosure of governmental affiliation by Department of Defense intelligence personnel outside of the United States.
Sec. 504. Exception from authority for obligation of certain unauthorized fiscal year 1994 Defense appropriations.

TITLE VI—CONSTRUCTION OF FACILITIES FOR THE INTELLIGENCE COMMUNITY

Sec. 601. Limitations on funding of the National Reconnaissance Office.
Sec. 602. Limitation on construction of facilities to be used primarily by the intelligence community.
Sec. 603. Identification of constituent components of base intelligence budget.
Sec. 604. Definitions.

TITLE VII—CLASSIFICATION MANAGEMENT

Sec. 701. Classification and declassification of information.
Sec. 702. Declassification plan.

TITLE VIII—COUNTERINTELLIGENCE AND SECURITY

Sec. 801. Short title.

Sec. 802. Access to classified information.
Sec. 803. Rewards for information concerning espionage.
Sec. 804. Criminal forfeiture for violation of certain espionage laws.
Sec. 805. Denial of annuities or retired pay to persons convicted of espionage in foreign courts involving United States information.
Sec. 806. Postemployment assistance for certain terminated intelligence employees of the Department of Defense.
Sec. 807. Providing a court order process for physical searches undertaken for foreign intelligence purposes.
Sec. 808. Lesser criminal offense for unauthorized removal of classified documents.
Sec. 809. Reports on foreign industrial espionage.
Sec. 810. Counternarcotics targets funding.
Sec. 811. Coordination of counterintelligence activities.

TITLE IX—COMMISSION ON THE ROLES AND CAPABILITIES OF THE UNITED STATES INTELLIGENCE COMMUNITY

Sec. 901. Establishment.
Sec. 902. Composition and qualifications.
Sec. 903. Duties of the Commission.
Sec. 904. Reports.
Sec. 905. Powers.
Sec. 906. Personnel matters.
Sec. 907. Payment of Commission expenses.
Sec. 908. Termination of the Commission.
Sec. 909. Definitions.

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 1995 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Central Intelligence Agency.

(2) The Department of Defense.

(3) The Defense Intelligence Agency.

(4) The National Security Agency.

(5) The National Reconnaissance Office.

(6) The Department of the Army, the Department of the Navy, and the Department of the Air Force.

(7) The Department of State.

(8) The Department of the Treasury.

(9) The Department of Energy.

(10) The Federal Bureau of Investigation.

(11) The Drug Enforcement Administration.

(12) The Central Imagery Office.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL CEILINGS.—The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 1995, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared to accompany the conference report on the bill H.R. 4299 of the One Hundred Third Congress.

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—The Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the executive branch.

SEC. 103. COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Community Management Account of the Director of Central Intelligence for fiscal year 1995 the sum of $86,900,000. Within such amounts authorized, funds identified in the classified Schedule of Authorizations referred to in section 102(a) for the Advanced Research and Development Committee and the Environmental Task Force shall remain available until September 30, 1996.

(b) AUTHORIZED PERSONNEL LEVELS.—The Community Management Account of the Director of Central Intelligence is authorized 241 full-time personnel as of September 30, 1995. Such personnel of the Community Management Account may be permanent employees of the Community Management Account or personnel detailed from other elements of the United States Government.

(c) REIMBURSEMENT.—During fiscal year 1995, any officer or employee of the United States or a member of the Armed Forces who is detailed to the Community Management Staff from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee or member may be detailed on a nonreimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of Central Intelligence.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 1995 the sum of $198,000,000.

TITLE III—GENERAL PROVISIONS

SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or laws of the United States.

SEC. 303. INTELLIGENCE COMMUNITY CONTRACTING.

It is the sense of Congress that the Director of Central Intelligence should continue to direct that elements of the intelligence community, whenever compatible with the national security interests of the United States and consistent with the operational and security concerns related to the conduct of intelligence activities, and where fiscally sound, should award contracts in a manner that would maximize the procurement of products properly designated as having been made in the United States.

SEC. 304. REPEAL OF RESTRICTION ON INTELLIGENCE COOPERATION WITH SOUTH AFRICA.

Section 107 of the Intelligence Authorization Act for Fiscal Year 1987 (Public Law 99–569) is repealed.

SEC. 305. REPORT REGARDING MANDATORY RETIREMENT FOR EXPIRATION OF TIME IN CLASS.

(a) REPORT REQUIRED.—Not later than December 1, 1994, the Director of Central Intelligence shall submit a report to the committees of Congress specified in subsection (d) on the advisability of providing for mandatory retirement for expiration of time in class in a manner comparable to that established by the applicable provisions of section 607 of the Foreign Service Act of 1980 (22 U.S.C. 4007) for all civilian employees of the Central Intelligence Agency, the National Security Agency, the Defense Intelligence Agency, the National Reconnaissance Office, the Central Imagery Office, and the intelligence elements of the Army, Navy, Air Force, and Marine Corps.

(b) REQUIRED CONTENTS.—The report required by subsection (a) shall include—

(1) an assessment of the feasibility of instituting such a mandatory retirement policy and of alternative means to achieve the objectives of such a mandatory retirement policy;

(2) an assessment which the Secretary of Defense shall conduct of the impact of such a mandatory retirement policy for intelligence community civilian employees on all other Department of Defense civilian employees; and

(3) any appropriate legislative recommendations.

(c) COORDINATION.—The report required by subsection (a) shall be coordinated as appropriate with elements of the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401(4)).

(d) COMMITTEES OF CONGRESS.—The committees of Congress referred to in subsection (a) are the Committees on Armed Services of the Senate and House of Representatives, the Defense Subcommittees of the Committees on Appropriations of the Senate and House of Representatives, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives.

TITLE IV—CENTRAL INTELLIGENCE AGENCY

SEC. 401. ILLNESS OR INJURY REQUIRING HOSPITALIZATION.

Section 4(a)(5) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403(e)(a)) is amended—

(1) in subparagraph (A)—

(A) by striking ", not the result of vicious habits, intemperance, or misconduct on his part,";

(B) by striking "he shall deem" and inserting "the Director deems";

(C) by striking "section 10 of the Act of March 3, 1933 (47 Stat. 1516; 5 U.S.C. 73b)" and inserting "section 5731 of title 5, United States Code";

(D) by striking "his recovery" and inserting "the recovery of such officer or employee"; and

(E) by striking "his return to his post" and inserting "the return to the post of duty of such officer or employee";

(2) in subparagraph (B), by striking "his opinion" both places it appears and inserting "the opinion of the Director"; and

(3) in subparagraph (C), by striking ", not the result of vicious habits, intemperance, or misconduct on his part,".

SEC. 402. INSPECTOR GENERAL OF THE CENTRAL INTELLIGENCE AGENCY.

Section 17 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q) is amended—

(1) in subsection (b)(1)—

(A) by striking "or" after "analysis,"; and

(B) by striking the period at the end thereof and inserting ", or auditing.";

(2) in subsection (c)(1), by striking "to conduct" and inserting "to plan, conduct";

(3) in subsection (d)(1)—

(A) by striking "June 30 and December 31" and inserting "January 31 and July 31";

(B) by striking "period." at the end of the first sentence and inserting "periods ending December 31 (of the preceding year) and June 30, respectively."; and

(C) by inserting "of receipt of such reports" after "thirty days";

(4) in subsection (d)(3)(C), by inserting "inspection, or audit," after "investigation,";

(5) in subsection (d)(4), by inserting "or findings and recommendations" after "report"; and

(6) in subsection (e)(6)—

(A) by striking "it is the sense of Congress that"; and

(B) by striking "should" and inserting "shall".

SEC. 403. ADVANCED INFORMATION PRESENTATION PROJECT.

Of the funds made available under this Act, the Director of Central Intelligence is authorized during fiscal year 1995 to expend not more than $3,000,000 to develop products to demonstrate multimedia and graphical data interface techniques on topics of general interest to policy makers and the public. The products shall utilize unclassified government information, augmented if appropriate by commercially available information, and the project shall be limited to the development of not more than six products. In carrying out this section, the Director may acquire commercially available technology. Not later than August 1, 1995, the Director shall submit the products developed under this section to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES

SEC. 501. CENTRAL IMAGERY OFFICE.

(a) AMENDMENTS OF THE NATIONAL SECURITY ACT OF 1947.—(1) Section 3(4)(E) of the National Security Act of 1947 (50 U.S.C. 401a(4)(E)) is amended by striking out "the central imagery authority within the Department of Defense" and inserting in lieu thereof "the Central Imagery Office".

(2) Section 105(b)(2) of such Act (50 U.S.C. 403–5(b)(2)) is amended by striking out "a central imagery authority" and inserting in lieu thereof "the Central Imagery Office".

(3) Section 106(b) of such Act (50 U.S.C. 403–6(b)) is amended—

(A) in the subsection caption, by striking out "CENTRAL IMAGERY AUTHORITY" and inserting in lieu thereof "CENTRAL IMAGERY OFFICE"; and

(B) by striking out "central imagery authority" and inserting in lieu thereof "Central Imagery Office".

(b) TITLE 10, UNITED STATES CODE.—(1) Chapter 83 of title 10, United States Code, is amended as follows:

(A) By amending the heading of the chapter to read as follows:

"CHAPTER 83—DEFENSE INTELLIGENCE AGENCY AND CENTRAL IMAGERY OFFICE CIVILIAN PERSONNEL".

(B) In section 1601—

(i) by inserting "and the Central Imagery Office" after "Defense Intelligence Agency" in subsection (a);

(ii) by inserting "or the Central Imagery Office" after "outside the Defense Intelligence Agency" and inserting ", the Central Imagery Office," after "to the Defense Intelligence Agency" in subsection (d); and

(iii) by inserting "and the Central Imagery Office" after "Defense Intelligence Agency" in subsection (e).

(C) In section 1602, by inserting "and Central Imagery Office" after "Defense Intelligence Agency".

(D) In section 1604—

(i) by inserting "and the Central Imagery Office," after "Defense Intelligence Agency" in subsection (a)(1);

(ii) by inserting "or the Central Imagery Office" after "Defense Intelligence Agency" in both places it occurs in the second sentence of subsection (b);

(iii) by inserting "or the Central Imagery Office" after "Defense Intelligence Agency" in subsection (c);

(iv) by inserting "and the Central Imagery Office" after "Defense Intelligence Agency" in subsection (d);

(v) by inserting "or the Central Imagery Office" after "Defense Intelligence Agency" in subsection (e)(1); and

(vi) in subsection (e)(3)—

(I) by amending the first sentence to read as follows: "The Secretary of Defense may delegate authority under this subsection only to the Deputy Secretary of Defense, the Director of the Defense Intelligence Agency, the Director of the Central Imagery Office, or all three."; and

(II) by striking "either" and inserting "any".

(2) The items relating to chapter 83 in the tables of chapters at the beginning of subtitle A, and at the beginning of part II of subtitle A, of title 10, United States Code, are amended to read as follows:

"83. Defense Intelligence Agency and Central Imagery Office Civilian Personnel .... 1601".

(c) CHAPTER 23 OF TITLE 5.—Section 2302(a)(2)(C)(ii) of title 5, United States Code, is amended by inserting "the Central Imagery Office," after "Defense Intelligence Agency,".

(d) CHAPTER 31 OF TITLE 5.—Section 3132(a)(1)(B) of title 5, United States Code, is amended by inserting "the Central Imagery Office," after "Defense Intelligence Agency,".

(e) CHAPTER 43 OF TITLE 5.—Section 4301(1)(B)(ii) of title 5, United States Code, is amended by inserting "the Central Imagery Office," after "Defense Intelligence Agency,".

(f) CHAPTER 47 OF TITLE 5.—Section 4701(a)(1)(B) of title 5, United States Code, is amended by inserting "the Central Imagery Office," after "Defense Intelligence Agency,".

(g) CHAPTER 51 OF TITLE 5.—Section 5102(a)(1) of title 5, United States Code, is amended—

(1) by striking "or" at the end of clause (ix);

(2) by striking the period at the end of clause (x) and inserting "; or"; and

(3) by adding at the end the following:

"(xi) the Central Imagery Office, Department of Defense.".

(h) CHAPTER 51 OF TITLE 5.—Section 5342(a)(1) of title 5, United States Code, is amended—

(1) by striking "or" at the end of subparagraph (J);

(2) by inserting "or" after the semicolon at the end of subparagraph (K); and

(3) by adding at the end the following:

"(L) the Central Imagery Office, Department of Defense;".

(i) ADDITIONAL LEAVE TRANSFER PROGRAMS.—(1) Section 6339(a)(1) of title 5, United States Code, is amended—

(A) by striking "and" at the end of subparagraph (D);

(B) by redesignating subparagraph (E) as subparagraph (F); and

(C) by inserting after subparagraph (D) the following new subparagraph (E):

"(E) the Central Imagery Office; and".

(2) Section 6339(a)(2) of such title is amended—

(A) by striking "and" at the end of subparagraph (D);

(B) by redesignating subparagraph (E) as subparagraph (F);

(C) by inserting after subparagraph (D) the following new subparagraph (E):

"(E) with respect to the Central Imagery Office, the Director of the Central Imagery Office; and"; and

(D) in subparagraph (F), as redesignated by subparagraph (B) of this paragraph, by striking "paragraph (1)(E)" and inserting "paragraph (1)(F)" both places it appears.

(j) CHAPTER 71 OF TITLE 5.—Section 7103(a)(3) of title 5, United States Code, is amended—

(1) by striking "or" at the end of subparagraph (F);

(2) by inserting "or" at the end of subparagraph (G); and

(3) by adding at the end the following:

"(H) the Central Imagery Office;".

(k) CHAPTER 73 OF TITLE 5.—Section 7323(b)(2)(B)(i) of title 5, United States Code, is amended—

(1) by striking "or" at the end of subclause (XI); and

(2) by adding at the end the following:

"(XIII) the Central Imagery Office; or".

(l) CHAPTER 75 OF TITLE 5.—Section 7511(b)(8) of title 5, United States Code, is amended by inserting "the Central Imagery Office," after "Defense Intelligence Agency,".

(m) ETHICS IN GOVERNMENT ACT OF 1978.—Section 105(a)(1) of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended by inserting "the Central Imagery Office," after "Defense Intelligence Agency,".

(n) EMPLOYEE POLYGRAPH PROTECTION ACT OF 1988.—Section 7(b)(2)(A)(i) of the Employee Polygraph Protection Act of 1988 (29 U.S.C. 2006(b)(2)(A)(i)) is amended by inserting "the Central Imagery Office," after "Defense Intelligence Agency,".

SEC. 502. EXCEPTION TO PUBLIC AVAILABILITY OF CERTAIN DEPARTMENT OF DEFENSE MAPS, CHARTS, AND GEODETIC DATA.

Section 2796(b)(1) of title 10, United States Code is amended by inserting "jeopardize or interfere with ongoing military or intelligence operations or" in subparagraph (C) after "disclosed,".

SEC. 503. DISCLOSURE OF GOVERNMENTAL AFFILIATION BY DEPARTMENT OF DEFENSE INTELLIGENCE PERSONNEL OUTSIDE OF THE UNITED STATES.

(a) IN GENERAL.—Notwithstanding section 552a(e)(3) of title 5, United States Code, intelligence personnel of the Department of Defense who are authorized by the Secretary of Defense to collect intelligence from human sources shall not be required, when making an initial assessment contact outside the United States, to give notice of governmental affiliation to potential sources who are United States persons.

(b) RECORDS.—Records concerning such contacts shall be maintained by the Department of Defense and made available upon request to the appropriate committees of the Congress in accordance with applicable security procedures. Such records shall include for each such contact an explanation of why notice of government affiliation could not reasonably be provided, the nature of the information obtained from the United States person as a result of the contact, and whether additional contacts resulted with the person concerned.

(c) DEFINITIONS.—For the purposes of this section—

(1) the term "United States" includes the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and any territory or possession of the United States; and

(2) the term "United States person" means any citizen, national, or permanent resident alien of the United States.

SEC. 504. EXCEPTION FROM AUTHORITY FOR OBLIGATION OF CERTAIN UNAUTHORIZED FISCAL YEAR 1994 DEFENSE APPROPRIATIONS.

Section 1006 of the National Defense Authorization Act for Fiscal Year 1995 shall not apply to amounts which remain available for obligation on the date of the enactment of this Act for national foreign intelligence programs, projects, and activities.

TITLE VI—CONSTRUCTION OF FACILITIES FOR THE INTELLIGENCE COMMUNITY

SEC. 601. LIMITATIONS ON FUNDING OF THE NATIONAL RECONNAISSANCE OFFICE.

(a) REVIEW OF PROJECT; COMPLIANCE WITH DOD PROCUREMENT AND CONTRACTING PROCEDURES.—

(1) IN GENERAL.—Of the funds authorized to be made available by this Act for the National Reconnaissance Office under the classified Schedule of Authorizations referred to in section 102—

(A) $50,000,000 out of the Miscellaneous Support account of the Mission Support Consolidated Expenditure Center may not be obligated or expended until the Director of Central Intelligence and the Secretary of Defense have completed a review of the National Reconnaissance Office Headquarters Building project and the results of such review have been disclosed to the intelligence committees; and

(B) no such funds authorized to be made available by this Act may be obligated or expended for the purchase of any real property, or to contract for any construction or acquisition, in connection with the construction of buildings or facilities, unless (and to the extent that)—

(i) such purchase or contract is made or entered into in accordance with the policies and procedures applicable to other elements of the Department of Defense; or

(ii) the President determines that the national security interest of the United States requires that such policies and procedures shall not apply to a particular purchase or contract and reports such determination in accordance with subsection (b).

(2) APPLICATION OF PROVISIONS.—Paragraph (1)(B) shall not apply to contracts made or entered into for the purchase of real property, or for construction or acquisition, before the date of enactment of this Act.

(b) WAIVER PROCEDURES.—Not later than 30 days after making a determination under subsection (a)(1)(B)(ii), the President shall report in writing the determination to the intelligence committees.

(c) SPECIFIC AUTHORIZATION AND APPROPRIATIONS REQUIRED.—Except to the extent and in the amounts specifically provided in an Act authorizing appropriations, in an appropriation Act, or in accordance with established reprogramming procedures, no funds made available under any provision of law may be obligated or expended for the construction of the National Reconnaissance Office Headquarters Building project if such funds would cause the total amount obligated or expended for such project to exceed $310,000,000.

(d) DEFINITION.—As used in this section, the term "National Reconnaissance Office Headquarters Building project" means the project for the headquarters buildings of the National Reconnaissance Office, situated at the so-called Westfields site, and includes all construction and improvement of facilities (including "fit up") and all actions related to the acquisition of land, communications, computers, furniture and other building furnishings, and vehicle parking facilities.

SEC. 602. LIMITATION ON CONSTRUCTION OF FACILITIES TO BE USED PRIMARILY BY THE INTELLIGENCE COMMUNITY.

(a) IN GENERAL.—

(1) IN GENERAL.—Except as provided in subsection (b), no project for the construction of any facility to be used primarily by personnel of any component of the intelligence community which has an estimated Federal cost in excess of $750,000 may be undertaken in any fiscal year unless such project is specifically identified as a separate item in the President's annual fiscal year budget request and is specifically authorized by the Congress.

(2) NOTIFICATION.—In the case of a project for the construction of any facility to be used primarily by personnel of any component of the intelligence community which has an estimated Federal cost greater than $500,000 but less than $750,000, or where any improvement project to such a facility has an estimated Federal cost greater than $500,000, the Director of Central Intelligence shall submit a notification to the intelligence committees specifically identifying such project.

(b) EXCEPTION.—

(1) IN GENERAL.—Notwithstanding subsection (a) but subject to paragraphs (2) and (3), a project for the construction of a facility to be used primarily by personnel of any component of the intelligence community may be carried out if the Secretary of Defense and the Director of Central Intelligence jointly determine—

(A) that the project is vital to the national security or to the protection of health, safety, or the quality of the environment, and

(B) that the requirement for the project is so urgent that deferral of the project for inclusion in the next Act authorizing appropriations for the intelligence community would be inconsistent with national security or the protection of health, safety, or environmental quality, as the case may be.

(2) REPORT.—When a decision is made to carry out a construction project under this subsection, the Secretary of Defense and the Director of Central Intelligence jointly shall submit a report in writing to the appropriate committees of Congress on that decision. Each such report shall include (A) the justification for the project and the current estimate of the cost of the project, (B) the justification for carrying out the project under this subsection, and (C) a statement of the source of the funds to be used to carry out the project. The project may then be carried out only after the end of the 21-day period beginning on the date the notification is received by such committees.

(3) PROJECTS PRIMARILY FOR CIA.—If a project referred to in paragraph (1) is primarily for the Central Intelligence Agency, the Director of Central Intelligence shall make the determination and submit the report required by paragraphs (1) and (2).

(4) LIMITATION.—A project carried out under this subsection shall be carried out within the total amount of funds appropriated for intelligence and intelligence-related activities that have not been obligated.

(c) APPLICATION.—This section shall not apply to any project which is subject to subsection (a)(1)(A) or (c) of section 601.

SEC. 603. IDENTIFICATION OF CONSTITUENT COMPONENTS OF BASE INTELLIGENCE BUDGET.

The Director of Central Intelligence shall include the same level of budgetary detail for the Base Budget that is provided for Ongoing Initiatives and New Initiatives to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate in the congressional justification materials for the annual submission of the National Foreign Intelligence Program of each fiscal year.

SEC. 604. DEFINITIONS.

As used in this title:

(1) INTELLIGENCE COMMITTEES.—The term "intelligence committees" means the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

(2) INTELLIGENCE COMMUNITY.—The term "intelligence community" has the same meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

TITLE VII—CLASSIFICATION MANAGEMENT

SEC. 701. CLASSIFICATION AND DECLASSIFICATION OF INFORMATION.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the President shall, by executive order, provide for the classification and declassification of information. It is the sense of Congress that the executive order should provide for the following:

(1) The qualification of information for classification only when its public disclosure would cause identifiable damage to the national security.

(2) The declassification of information if the appropriate authority within the Executive branch determines that the Government's interest in continuing to protect such information is outweighed by the public's interest in having the information made available.

(3) The automatic declassification of information that is more than 25 years old unless such information is within a category designated by the President as requiring document-by-document review to identify that information whose disclosure to unauthorized persons would clearly damage the national security.

(b) SUBMISSION TO CONGRESS; EFFECTIVE DATE.—The executive order referred to in subsection (a) may not take effect until after 30 days after the date on which such proposed executive order is submitted to the Permanent Select Committee on Intelligence and the Committee on Government Operations of the House of Representatives and the Select Committee on Intelligence and the Committee on Governmental Affairs of the Senate.

SEC. 702. DECLASSIFICATION PLAN.

Each agency of the National Foreign Intelligence Program to which is appropriated more than $1,000,000 in the security, countermeasures, and related activities structural category for fiscal year 1995 shall allocate at least two percent of its total expenditure in this structural category for fiscal year 1995 to the classification management consolidated expenditure center, to be used for the following activities:

(1) Development of a phased plan to implement declassification guidelines contained in the executive order which replaces Executive Order 12356. Each such agency shall provide the plan to Congress within 90 days after the beginning of fiscal year 1995 or 90 days after the publication of such replacement executive order, whichever is later. This plan shall include an accounting of the amount of archived material, levels of classification, types of storage media and locations, review methods to be employed, and estimated costs of the declassification activity itself; as well as an assessment by the agency of the appropriate types and amounts of information to be maintained in the future, how it will be stored, safeguarded, and reviewed, and the projected costs of these classification management activities for the succeeding five years.

(2) Commencement of the process of declassification and reduction of the amount of archived classified documents maintained by each agency.

(3) Submission of a report to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate within 90 days after the end of fiscal year 1995 on the progress made in carrying out paragraph (2), with reference to the plan required by paragraph (1).

TITLE VIII—COUNTERINTELLIGENCE AND SECURITY

SEC. 801. SHORT TITLE.

This title may be cited as the "Counterintelligence and Security Enhancements Act of 1994".

SEC. 802. ACCESS TO CLASSIFIED INFORMATION.

(a) AMENDMENT OF THE NATIONAL SECURITY ACT OF 1947.—The National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended by adding at the end the following new title:

"TITLE VIII—ACCESS TO CLASSIFIED INFORMATION

"PROCEDURES

"SEC. 801. (a) Not later than 180 days after the date of enactment of this title, the President shall, by Executive order or regulation, establish

procedures to govern access to classified information which shall be binding upon all departments, agencies, and offices of the executive branch of Government. Such procedures shall, at a minimum—

"(1) provide that, except as may be permitted by the President, no employee in the executive branch of Government may be given access to classified information by any department, agency, or office of the executive branch of Government unless, based upon an appropriate background investigation, such access is determined to be clearly consistent with the national security interests of the United States;

"(2) establish uniform minimum requirements governing the scope and frequency of background investigations and reinvestigations for all employees in the executive branch of Government who require access to classified information as part of their official responsibilities;

"(3) provide that all employees in the executive branch of Government who require access to classified information shall be required as a condition of such access to provide to the employing department or agency written consent which permits access by an authorized investigative agency to relevant financial records, other financial information, consumer reports, and travel records, as determined by the President, in accordance with section 802 of this title, during the period of access to classified information and for a period of three years thereafter;

"(4) provide that all employees in the executive branch of Government who require access to particularly sensitive classified information, as determined by the President, shall be required, as a condition of maintaining access to such information, to submit to the employing department or agency, during the period of such access, relevant information concerning their financial condition and foreign travel, as determined by the President, as may be necessary to ensure appropriate security; and

"(5) establish uniform minimum standards to ensure that employees in the executive branch of Government whose access to classified information is being denied or terminated under this title are appropriately advised of the reasons for such denial or termination and are provided an adequate opportunity to respond to all adverse information which forms the basis for such denial or termination before final action by the department or agency concerned.

"(b)(1) Subsection (a) shall not be deemed to limit or affect the responsibility and power of an agency head pursuant to other law or Executive order to deny or terminate access to classified information if the national security so requires. Such responsibility and power may be exercised only when the agency head determines that the procedures prescribed by subsection (a) cannot be invoked in a manner that is consistent with the national security.

"(2) Upon the exercise of such responsibility, the agency head shall submit a report to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

"REQUESTS BY AUTHORIZED INVESTIGATIVE AGENCIES

"SEC. 802. (a)(1) Any authorized investigative agency may request from any financial agency, financial institution, or holding company, or from any consumer reporting agency, such financial records, other financial information, and consumer reports as may be necessary in order to conduct any authorized law enforcement investigation, counterintelligence inquiry, or security determination. Any authorized investigative agency may also request records maintained by any commercial entity within the United States pertaining to travel by an employee in the executive branch of Government outside the United States.

"(2) Requests may be made under this section where—

"(A) the records sought pertain to a person who is or was an employee in the executive branch of Government required by the President in an Executive order or regulation, as a condition of access to classified information, to provide consent, during a background investigation and for such time as access to the information is maintained, and for a period of not more than three years thereafter, permitting access to financial records, other financial information, consumer reports, and travel records; and

"(B)(i) there are reasonable grounds to believe, based on credible information, that the person is, or may be, disclosing classified information in an unauthorized manner to a foreign power or agent of a foreign power;

"(ii) information the employing agency deems credible indicates the person has incurred excessive indebtedness or has acquired a level of affluence which cannot be explained by other information known to the agency; or

"(iii) circumstances indicate the person had the capability and opportunity to disclose classified information which is known to have been lost or compromised to a foreign power or an agent of a foreign power.

"(3) Each such request—

"(A) shall be accompanied by a written certification signed by the department or agency head or deputy department or agency head concerned, or by a senior official designated for this purpose by the department or agency head concerned (whose rank shall be no lower than Assistant Secretary or Assistant Director), and shall certify that—

"(i) the person concerned is or was an employee within the meaning of paragraph (2)(A);

"(ii) the request is being made pursuant to an authorized inquiry or investigation and is authorized under this section; and

"(iii) the records or information to be reviewed are records or information which the employee has previously agreed to make available to the authorized investigative agency for review;

"(B) shall contain a copy of the agreement referred to in subparagraph (A)(iii);

"(C) shall identify specifically or by category the records or information to be reviewed; and

"(D) shall inform the recipient of the request of the prohibition described in subsection (b).

"(b) Notwithstanding any other provision of law, no governmental or private entity, or officer, employee, or agent of such entity, may disclose to any person, other than those officers, employees, or agents of such entity necessary to satisfy a request made under this section, that such entity has received or satisfied a request made by an authorized investigative agency under this section.

"(c)(1) Notwithstanding any other provision of law (other than section 6103 of the Internal Revenue Code of 1986), an entity receiving a request for records or information under subsection (a) shall, if the request satisfies the requirements of this section, make available such records or information within 30 days for inspection or copying, as may be appropriate, by the agency requesting such records or information.

"(2) Any entity (including any officer, employee, or agent thereof) that discloses records or information for inspection or copying pursuant to this section in good faith reliance upon the certifications made by an agency pursuant to this section shall not be liable for any such disclosure to any person under this title, the constitution of any State, or any law or regulation of any State or any political subdivision of any State.

"(d) Any agency requesting records or information under this section may, subject to the availability of appropriations, reimburse a private entity for any cost reasonably incurred by such entity in responding to such request, including the cost of identifying, reproducing, or transporting records or other data.

"(e) An agency receiving records or information pursuant to a request under this section may disseminate the records or information obtained pursuant to such request outside the agency only—

"(1) to the agency employing the employee who is the subject of the records or information;

"(2) to the Department of Justice for law enforcement or counterintelligence purposes; or

"(3) with respect to dissemination to an agency of the United States, if such information is clearly relevant to the authorized responsibilities of such agency.

"(f) Nothing in this section may be construed to affect the authority of an investigative agency to obtain information pursuant to the Right to Financial Privacy Act (12 U.S.C. 3401 et seq.) or the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.).

"EXCEPTIONS

"SEC. 803. Except as otherwise specifically provided, the provisions of this title shall not apply to the President and Vice President, Members of the Congress, Justices of the Supreme Court, and Federal judges appointed by the President.

"DEFINITIONS

"SEC. 804. For purposes of this title—

"(1) the term 'authorized investigative agency' means an agency authorized by law or regulation to conduct a counterintelligence investigation or investigations of persons who are proposed for access to classified information to ascertain whether such persons satisfy the criteria for obtaining and retaining access to such information;

"(2) the term 'classified information' means any information that has been determined pursuant to Executive Order No. 12356 of April 2, 1982, or successor orders, or the Atomic Energy Act of 1954, to require protection against unauthorized disclosure and that is so designated;

"(3) the term 'consumer reporting agency' has the meaning given such term in section 603 of the Consumer Credit Protection Act (15 U.S.C. 1681a);

"(4) the term 'employee' includes any person who receives a salary or compensation of any kind from the United States Government, is a contractor of the United States Government or an employee thereof, is an unpaid consultant of the United States Government, or otherwise acts for or on behalf of the United States Government, except as otherwise determined by the President;

"(5) the terms 'financial agency' and 'financial institution' have the meanings given to such terms in section 5312(a) of title 31, United States Code, and the term 'holding company' has the meaning given to such term in section 1101(6) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3401);

"(6) the terms 'foreign power' and 'agent of a foreign power' have the same meanings as set forth in sections 101 (a) and (b), respectively, of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801); and

"(7) the term 'State' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, Guam, American Samoa, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau, and any other possession of the United States.".

(b) CLERICAL AMENDMENT.—The table of contents of the National Security Act of 1947 is amended by adding at the end the following:

"TITLE VIII—ACCESS TO CLASSIFIED INFORMATION

"Sec. 801. Procedures.
"Sec. 802. Requests by authorized investigative agencies.
"Sec. 803. Exceptions.
"Sec. 804. Definitions.".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect 180 days after the date of enactment of this Act.

SEC. 803. REWARDS FOR INFORMATION CONCERNING ESPIONAGE.

(a) REWARDS.—Section 3071 of title 18, United States Code, is amended—

(1) by inserting "(a)" before "With respect to"; and

(2) by adding at the end the following new subsection:

"(b) With respect to acts of espionage involving or directed at the United States, the Attorney General may reward any individual who furnishes information—

"(1) leading to the arrest or conviction, in any country, of any individual or individuals for commission of an act of espionage against the United States;

"(2) leading to the arrest or conviction, in any country, of any individual or individuals for conspiring or attempting to commit an act of espionage against the United States; or

"(3) leading to the prevention or frustration of an act of espionage against the United States.".

(b) DEFINITIONS.—Section 3077 of such title is amended—

(1) by striking "and" at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(8) 'act of espionage' means an activity that is a violation of—

"(A) section 793, 794, or 798 of title 18, United States Code; or

"(B) section 4 of the Subversive Activities Control Act of 1950.".

(c) CLERICAL AMENDMENTS.—(1) The item relating to chapter 204 in the table of chapters for part II of such title is amended to read as follows:

"204. Rewards for information concerning terrorist acts and espionage .... 3071".

(2) The heading for chapter 204 of such title is amended to read as follows:

"CHAPTER 204—REWARDS FOR INFORMATION CONCERNING TERRORIST ACTS AND ESPIONAGE".

SEC. 804. CRIMINAL FORFEITURE FOR VIOLATION OF CERTAIN ESPIONAGE LAWS.

(a) IN GENERAL.—Section 798 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(d)(1) Any person convicted of a violation of this section shall forfeit to the United States irrespective of any provision of State law—

"(A) any property constituting, or derived from, any proceeds the person obtained, directly or indirectly, as the result of such violation; and

"(B) any of the person's property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violation.

"(2) The court, in imposing sentence on a defendant for a conviction of a violation of this section, shall order that the defendant forfeit to the United States all property described in paragraph (1).

"(3) Except as provided in paragraph (4), the provisions of subsections (b), (c), and (e) through (p) of section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853(b), (c), and (e)–(p)), shall apply to—

"(A) property subject to forfeiture under this subsection;

"(B) any seizure or disposition of such property; and

"(C) any administrative or judicial proceeding in relation to such property,

if not inconsistent with this subsection.

"(4) Notwithstanding section 524(c) of title 28, there shall be deposited in the Crime Victims Fund established under section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601) all amounts from the forfeiture of property under this subsection remaining after the payment of expenses for forfeiture and sale authorized by law.

"(5) As used in this subsection, the term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Trust Territory of the Pacific Islands, and any territory or possession of the United States.".

(b) AMENDMENTS FOR CONSISTENCY IN APPLICATION OF FORFEITURE UNDER TITLE 18.—(1) Section 793(h)(3) of such title is amended in the matter preceding subparagraph (A) by striking out "(o)" each place it appears and inserting in lieu thereof "(p)".

(2) Section 794(d)(3) of such title is amended in the matter preceding subparagraph (A) by striking out "(o)" each place it appears and inserting in lieu thereof "(p)".

(c) SUBVERSIVE ACTIVITIES CONTROL ACT.—Section 4 of the Subversive Activities Control Act of 1950 (50 U.S.C. 783) is amended by adding at the end the following new subsection:

"(e)(1) Any person convicted of a violation of this section shall forfeit to the United States irrespective of any provision of State law—

"(A) any property constituting, or derived from, any proceeds the person obtained, directly or indirectly, as the result of such violation; and

"(B) any of the person's property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violation.

"(2) The court, in imposing sentence on a defendant for a conviction of a violation of this section, shall order that the defendant forfeit to the United States all property described in paragraph (1).

"(3) Except as provided in paragraph (4), the provisions of subsections (b), (c), and (e) through (p) of section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853(b), (c), and (e)–(p)) shall apply to—

"(A) property subject to forfeiture under this subsection;

"(B) any seizure or disposition of such property; and

"(C) any administrative or judicial proceeding in relation to such property,

if not inconsistent with this subsection.

"(4) Notwithstanding section 524(c) of title 28, there shall be deposited in the Crime Victims Fund established under section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601) all amounts from the forfeiture of property under this subsection remaining after the payment of expenses for forfeiture and sale authorized by law.

"(5) As used in this subsection, the term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Trust Territory of the Pacific Islands, and any territory or possession of the United States.".

SEC. 805. DENIAL OF ANNUITIES OR RETIRED PAY TO PERSONS CONVICTED OF ESPIONAGE IN FOREIGN COURTS INVOLVING UNITED STATES INFORMATION.

Section 8312 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(d)(1) For purposes of subsections (b)(1) and (c)(1), an offense within the meaning of such subsections is established if the Attorney General of the United States certifies to the agency administering the annuity or retired pay concerned—

"(A) that an individual subject to this chapter has been convicted by an impartial court of appropriate jurisdiction within a foreign country in circumstances in which the conduct violates the provisions of law enumerated in subsections (b)(1) and (c)(1), or would violate such provisions had such conduct taken place within the United States, and that such conviction is not being appealed or that final action has been taken on such appeal;

"(B) that such conviction was obtained in accordance with procedures that provided the defendant due process rights comparable to such rights provided by the United States Constitution, and such conviction was based upon evidence which would have been admissible in the courts of the United States; and

"(C) that such conviction occurred after the date of enactment of this subsection.

"(2) Any certification made pursuant to this subsection shall be subject to review by the United States Court of Claims based upon the application of the individual concerned, or his or her attorney, alleging that any of the conditions set forth in subparagraphs (A), (B), or (C) of paragraph (1), as certified by the Attorney General, have not been satisfied in his or her particular circumstances. Should the court determine that any of these conditions has not been satisfied in such case, the court shall order any annuity or retirement benefit to which the person concerned is entitled to be restored and shall order that any payments which may have been previously denied or withheld to be paid by the department or agency concerned.".

SEC. 806. POSTEMPLOYMENT ASSISTANCE FOR CERTAIN TERMINATED INTELLIGENCE EMPLOYEES OF THE DEPARTMENT OF DEFENSE.

(a) CONSOLIDATION AND EXTENSION OF AUTHORITY.—

(1) IN GENERAL.—Chapter 81 of title 10, United States Code, is amended by adding at the end the following new section:

"§1599. Postemployment assistance: certain terminated intelligence employees

"(a) AUTHORITY.—Subject to subsection (c), the Secretary of Defense may, in the case of any individual who is a qualified former intelligence employee, use appropriated funds—

"(1) to assist that individual in finding and qualifying for employment other than in an intelligence component of the Department of Defense;

"(2) to assist that individual in meeting the expenses of treatment of medical or psychological disabilities of that individual; and

"(3) to provide financial support to that individual during periods of unemployment.

"(b) QUALIFIED FORMER INTELLIGENCE EMPLOYEES.—For purposes of this section, a qualified former intelligence employee is an individual who was employed as a civilian employee of the Department of Defense in a sensitive position in an intelligence component of the Department of Defense—

"(1) who has been found to be ineligible for continued access to information designated as 'Sensitive Compartmented Information' and employment with the intelligence component; or

"(2) whose employment with the intelligence component has been terminated.

"(c) CONDITIONS.—Assistance may be provided to a qualified former intelligence employee under subsection (a) only if the Secretary determines that such assistance is essential to—

"(1) maintain the judgment and emotional stability of the qualified former intelligence employee; and

"(2) avoid circumstances that might lead to the unlawful disclosure of classified information to which the qualified former intelligence employee had access.

"(d) DURATION OF ASSISTANCE.—Assistance may not be provided under this section in the case of any individual after the end of the five-year period beginning on the date of the termination of the employment of the individual with an intelligence component of the Department of Defense.

"(e) ANNUAL REPORT.—(1) The Secretary of Defense shall submit to the congressional committees specified in paragraph (2) an annual report with respect to any expenditure made under this section.

"(2) The committees referred to in paragraph (1) are the following:

"(A) The Committees on Armed Services and Appropriations and the Permanent Select Committee on Intelligence of the House of Representatives.

"(B) The Committees on Armed Services and Appropriations and the Select Committee on Intelligence of the Senate.

"(f) DEFINITION.—In this section, the term 'intelligence component of the Department of Defense' means any of the following:

"(1) The National Security Agency.

"(2) The Defense Intelligence Agency.

"(3) The National Reconnaissance Office.

"(4) The Central Imagery Office.

"(5) The intelligence components of any of the military departments.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1599. Postemployment assistance: certain terminated intelligence employees.".

(b) REPEAL OF PREDECESSOR AUTHORITY.—

(1) DEFENSE INTELLIGENCE AGENCY.—Paragraph (4) of section 1604(e) of title 10, United States Code, is repealed.

(2) NATIONAL SECURITY AGENCY.—Section 17 of the National Security Agency Act of 1959 (50 U.S.C. 402 note) is repealed.

SEC. 807. PROVIDING A COURT ORDER PROCESS FOR PHYSICAL SEARCHES UNDERTAKEN FOR FOREIGN INTELLIGENCE PURPOSES.

(a) AMENDMENT OF THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.—The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended—

(1) by redesignating title III as title IV and section 301 as section 401, respectively;

(2) in section 401 (as so redesignated) by inserting "(other than title III)" after "provisions of this Act"; and

(3) by inserting after title II the following new title:

"TITLE III—PHYSICAL SEARCHES WITHIN THE UNITED STATES FOR FOREIGN INTELLIGENCE PURPOSES

"DEFINITIONS

"SEC. 301. As used in this title:

"(1) The terms 'foreign power', 'agent of a foreign power', 'international terrorism', 'sabotage', 'foreign intelligence information', 'Attorney General', 'United States person', 'United States', 'person', and 'State' shall have the same meanings as in section 101 of this Act, except as specifically provided by this title.

"(2) 'Aggrieved person' means a person whose premises, property, information, or material is the target of physical search or any other person whose premises, property, information, or material was subject to physical search.

"(3) 'Foreign Intelligence Surveillance Court' means the court established by section 103(a) of this Act.

"(4) 'Minimization procedures' with respect to physical search, means—

"(A) specific procedures, which shall be adopted by the Attorney General, that are reasonably designed in light of the purposes and technique of the particular physical search, to minimize the acquisition and retention, and prohibit the dissemination, of nonpublicly available information concerning unconsenting United States persons consistent with the need of the United States to obtain, produce, and disseminate foreign intelligence information;

"(B) procedures that require that nonpublicly available information, which is not foreign intelligence information, as defined in section 101(e)(1) of this Act, shall not be disseminated in a manner that identifies any United States person, without such person's consent, unless such person's identity is necessary to understand such foreign intelligence information or assess its importance;

"(C) notwithstanding subparagraphs (A) and (B), procedures that allow for the retention and dissemination of information that is evidence of a crime which has been, is being, or is about to be committed and that is to be retained or disseminated for law enforcement purposes; and

"(D) notwithstanding subparagraphs (A), (B), and (C), with respect to any physical search approved pursuant to section 302(a), procedures that require that no information, material, or property of a United States person shall be disclosed, disseminated, or used for any purpose or retained for longer than 24 hours unless a court order under section 304 is obtained or unless the Attorney General determines that the information indicates a threat of death or serious bodily harm to any person.

"(5) 'Physical search' means any physical intrusion within the United States into premises or property (including examination of the interior of property by technical means) that is intended to result in a seizure, reproduction, inspection, or alteration of information, material, or property, under circumstances in which a person has a reasonable expectation of privacy and a warrant would be required for law enforcement purposes, but does not include (A) 'electronic surveillance', as defined in section 101(f) of this Act, or (B) the acquisition by the United States Government of foreign intelligence information from international or foreign communications, or foreign intelligence activities conducted in accordance with otherwise applicable Federal law involving a foreign electronic communications system, utilizing a means other than electronic surveillance as defined in section 101(f) of this Act.

"AUTHORIZATION OF PHYSICAL SEARCHES FOR FOREIGN INTELLIGENCE PURPOSES

"SEC. 302. (a)(1) Notwithstanding any other provision of law, the President, acting through the Attorney General, may authorize physical searches without a court order under this title to acquire foreign intelligence information for periods of up to one year if—

"(A) the Attorney General certifies in writing under oath that—

"(i) the physical search is solely directed at premises, information, material, or property used exclusively by, or under the open and exclusive control of, a foreign power or powers (as defined in section 101(a)(1), (2), or (3));

"(ii) there is no substantial likelihood that the physical search will involve the premises, information, material, or property of a United States person; and

"(iii) the proposed minimization procedures with respect to such physical search meet the definition of minimization procedures under paragraphs (1) through (4) of section 301(4); and

"(B) the Attorney General reports such minimization procedures and any changes thereto to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate at least 30 days before their effective date, unless the Attorney General determines that immediate action is required and notifies the committees immediately of such minimization procedures and the reason for their becoming effective immediately.

"(2) A physical search authorized by this subsection may be conducted only in accordance with the certification and minimization procedures adopted by the Attorney General. The Attorney General shall assess compliance with such procedures and shall report such assessments to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate under the provisions of section 306.

"(3) The Attorney General shall immediately transmit under seal to the Foreign Intelligence Surveillance Court a copy of the certification. Such certification shall be maintained under security measures established by the Chief Justice of the United States with the concurrence of the Attorney General, in consultation with the Director of Central Intelligence, and shall remain sealed unless—

"(A) an application for a court order with respect to the physical search is made under section 301(4) and section 303; or

"(B) the certification is necessary to determine the legality of the physical search under section 305(g).

"(4)(A) With respect to physical searches authorized by this subsection, the Attorney General may direct a specified landlord, custodian, or other specified person to—

"(i) furnish all information, facilities, or assistance necessary to accomplish the physical search in such a manner as will protect its secrecy and produce a minimum of interference with the services that such landlord, custodian, or other person is providing the target of the physical search; and

"(ii) maintain under security procedures approved by the Attorney General and the Director of Central Intelligence any records concerning the search or the aid furnished that such person wishes to retain.

"(B) The Government shall compensate, at the prevailing rate, such landlord, custodian, or other person for furnishing such aid.

"(b) Applications for a court order under this title are authorized if the President has, by written authorization, empowered the Attorney General to approve applications to the Foreign Intelligence Surveillance Court. Notwithstanding any other provision of law, a judge of the court to whom application is made may grant an order in accordance with section 304 approving a physical search in the United States of the premises, property, information, or material of a foreign power or an agent of a foreign power for the purpose of collecting foreign intelligence information.

"(c) The Foreign Intelligence Surveillance Court shall have jurisdiction to hear applications for and grant orders approving a physical search for the purpose of obtaining foreign intelligence information anywhere within the United States under the procedures set forth in this title, except that no judge shall hear the same application which has been denied previously by another judge designated under section 103(a) of this Act. If any judge so designated denies an application for an order authorizing a physical search under this title, such judge shall provide immediately for the record a written statement of each reason for such decision and, on motion of the United States, the record shall be transmitted, under seal, to the court of review established under section 103(b).

"(d) The court of review established under section 103(b) shall have jurisdiction to review the denial of any application made under this *title. If such court determines that the application was properly denied, the court shall immediately provide for the record a written statement of each reason for its decision and, on petition of the United States for a writ of certiorari, the record shall be transmitted under seal to the Supreme Court, which shall have jurisdiction to review such decision.*

"(e) Judicial proceedings under this title shall be concluded as expeditiously as possible. The record of proceedings under this title, including applications made and orders granted, shall be maintained under security measures established by the Chief Justice of the United States in consultation with the Attorney General and the Director of Central Intelligence.

"APPLICATION FOR AN ORDER

"SEC. 303. (a) Each application for an order approving a physical search under this title shall be made by a Federal officer in writing upon oath or affirmation to a judge of the Foreign Intelligence Surveillance Court. Each application shall require the approval of the Attorney General based upon the Attorney General's finding that it satisfies the criteria and requirements for such application as set forth in this title. Each application shall include—

"(1) the identity of the Federal officer making the application;

"(2) the authority conferred on the Attorney General by the President and the approval of the Attorney General to make the application;

"(3) the identity, if known, or a description of the target of the search, and a detailed description of the premises or property to be searched and of the information, material, or property to be seized, reproduced, or altered;

"(4) a statement of the facts and circumstances relied upon by the applicant to justify the applicant's belief that—

"(A) the target of the physical search is a foreign power or an agent of a foreign power;

"(B) the premises or property to be searched contains foreign intelligence information; and

"(C) the premises or property to be searched is owned, used, possessed by, or is in transit to or from a foreign power or an agent of a foreign power;

"(5) a statement of the proposed minimization procedures;

"(6) a statement of the nature of the foreign intelligence sought and the manner in which the physical search is to be conducted;

"(7) a certification or certifications by the Assistant to the President for National Security Affairs or an executive branch official or officials designated by the President from among those executive branch officers employed in the area of national security or defense and appointed by the President, by and with the advice and consent of the Senate—

"(A) that the certifying official deems the information sought to be foreign intelligence information;

"(B) that the purpose of the search is to obtain foreign intelligence information;

"(C) that such information cannot reasonably be obtained by normal investigative techniques;

"(D) that designates the type of foreign intelligence information being sought according to the categories described in section 101(e); and

"(E) includes a statement explaining the basis for the certifications required by subparagraphs (C) and (D);

"(8) where the physical search involves a search of the residence of a United States person, the Attorney General shall state what investigative techniques have previously been utilized to obtain the foreign intelligence information concerned and the degree to which these techniques resulted in acquiring such information; and

"(9) a statement of the facts concerning all previous applications that have been made to any judge under this title involving any of the persons, premises, or property specified in the application, and the action taken on each previous application.

"(b) The Attorney General may require any other affidavit or certification from any other officer in connection with the application.

"(c) The judge may require the applicant to furnish such other information as may be necessary to make the determinations required by section 304.

"ISSUANCE OF AN ORDER

"SEC. 304. (a) Upon an application made pursuant to section 303, the judge shall enter an ex parte order as requested or as modified approving the physical search if the judge finds that—

"(1) the President has authorized the Attorney General to approve applications for physical searches for foreign intelligence purposes;

"(2) the application has been made by a Federal officer and approved by the Attorney General;

"(3) on the basis of the facts submitted by the applicant there is probable cause to believe that—

"(A) the target of the physical search is a foreign power or an agent of a foreign power, except that no United States person may be considered an agent of a foreign power solely upon the basis of activities protected by the first amendment to the Constitution of the United States; and

"(B) the premises or property to be searched is owned, used, possessed by, or is in transit to or from an agent of a foreign power or a foreign power;

"(4) the proposed minimization procedures meet the definition of minimization contained in this title; and

"(5) the application which has been filed contains all statements and certifications required by section 303, and, if the target is a United States person, the certification or certifications are not clearly erroneous on the basis of the statement made under section 303(a)(7)(E) and any other information furnished under section 303(c).

"(b) An order approving a physical search under this section shall—

"(1) specify—

"(A) the identity, if known, or a description of the target of the physical search;

"(B) the nature and location of each of the premises or property to be searched;

"(C) the type of information, material, or property to be seized, altered, or reproduced;

"(D) a statement of the manner in which the physical search is to be conducted and, whenever more than one physical search is authorized under the order, the authorized scope of each search and what minimization procedures shall apply to the information acquired by each search; and

"(E) the period of time during which physical searches are approved; and

"(2) direct—

"(A) that the minimization procedures be followed;

"(B) that, upon the request of the applicant, a specified landlord, custodian, or other specified person furnish the applicant forthwith all information, facilities, or assistance necessary to accomplish the physical search in such a manner as will protect its secrecy and produce a minimum of interference with the services that such landlord, custodian, or other person is providing the target of the physical search;

"(C) that such landlord, custodian or other person maintain under security procedures approved by the Attorney General and the Director of Central Intelligence any records concerning the search or the aid furnished that such person wishes to retain;

"(D) that the applicant compensate, at the prevailing rate, such landlord, custodian, or other person for furnishing such aid; and

"(E) that the Federal officer conducting the physical search promptly report to the court the circumstances and results of the physical search.

"(c)(1) An order issued under this section may approve a physical search for the period necessary to achieve its purpose, or for forty-five days, whichever is less, except that an order under this section shall approve a physical search targeted against a foreign power, as defined in paragraph (1), (2), or (3) of section 101(a), for the period specified in the application or for one year, whichever is less.

"(2) Extensions of an order issued under this title may be granted on the same basis as the original order upon an application for an extension and new findings made in the same manner as required for the original order, except that an extension of an order under this Act for a physical search targeted against a foreign power, as defined in section 101(a) (5) or (6), or against a foreign power, as defined in section 101(a)(4), that is not a United States person, may be for a period not to exceed one year if the judge finds probable cause to believe that no property of any individual United States person will be acquired during the period.

"(3) At or before the end of the period of time for which a physical search is approved by an order or an extension, or at any time after a physical search is carried out, the judge may assess compliance with the minimization procedures by reviewing the circumstances under which information concerning United States persons was acquired, retained, or disseminated.

"(d)(1)(A) Notwithstanding any other provision of this title, whenever the Attorney General reasonably makes the determination specified in subparagraph (B), the Attorney General may authorize the execution of an emergency physical search if—

"(i) a judge having jurisdiction under section 103 is informed by the Attorney General or the Attorney General's designee at the time of such authorization that the decision has been made to execute an emergency search, and

"(ii) an application in accordance with this title is made to that judge as soon as practicable but not more than 24 hours after the Attorney General authorizes such search.

"(B) The determination referred to in subparagraph (A) is a determination that—

"(i) an emergency situation exists with respect to the execution of a physical search to obtain foreign intelligence information before an order authorizing such search can with due diligence be obtained, and

"(ii) the factual basis for issuance of an order under this title to approve such a search exists.

"(2) If the Attorney General authorizes an emergency search under paragraph (1), the Attorney General shall require that the minimization procedures required by this title for the issuance of a judicial order be followed.

"(3) In the absence of a judicial order approving such a physical search, the search shall terminate the earlier of—

"(A) the date on which the information sought is obtained;

"(B) the date on which the application for the order is denied; or

"(C) the expiration of 24 hours from the time of authorization by the Attorney General.

"(4) In the event that such application for approval is denied, or in any other case where the physical search is terminated and no order is issued approving the search, no information obtained or evidence derived from such search shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no

information concerning any United States person acquired from such search shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General, if the information indicates a threat of death or serious bodily harm to any person. A denial of the application made under this subsection may be reviewed as provided in section 302.

"(e) Applications made and orders granted under this title shall be retained for a period of at least 10 years from the date of the application.

"USE OF INFORMATION

"SEC. 305. (a) Information acquired from a physical search conducted pursuant to this title concerning any United States person may be used and disclosed by Federal officers and employees without the consent of the United States person only in accordance with the minimization procedures required by this title. No information acquired from a physical search pursuant to this title may be used or disclosed by Federal officers or employees except for lawful purposes.

"(b) Where a physical search authorized and conducted pursuant to section 304 involves the residence of a United States person, and, at any time after the search the Attorney General determines there is no national security interest in continuing to maintain the secrecy of the search, the Attorney General shall provide notice to the United States person whose residence was searched of the fact of the search conducted pursuant to this Act and shall identify any property of such person seized, altered, or reproduced during such search.

"(c) No information acquired pursuant to this title shall be disclosed for law enforcement purposes unless such disclosure is accompanied by a statement that such information, or any information derived therefrom, may only be used in a criminal proceeding with the advance authorization of the Attorney General.

"(d) Whenever the United States intends to enter into evidence or otherwise use or disclose in any trial, hearing, or other proceeding in or before any court, department, officer, agency, regulatory body, or other authority of the United States, against an aggrieved person, any information obtained or derived from a physical search pursuant to the authority of this title, the United States shall, prior to the trial, hearing, or the other proceeding or at a reasonable time prior to an effort to so disclose or so use that information or submit it in evidence, notify the aggrieved person and the court or other authority in which the information is to be disclosed or used that the United States intends to so disclose or so use such information.

"(e) Whenever any State or political subdivision thereof intends to enter into evidence or otherwise use or disclose in any trial, hearing, or other proceeding in or before any court, department, officer, agency, regulatory body, or other authority of a State or a political subdivision thereof against an aggrieved person any information obtained or derived from a physical search pursuant to the authority of this title, the State or political subdivision thereof shall notify the aggrieved person, the court or other authority in which the information is to be disclosed or used, and the Attorney General that the State or political subdivision thereof intends to so disclose or so use such information.

"(f)(1) Any person against whom evidence obtained or derived from a physical search to which he is an aggrieved person is to be, or has been, introduced or otherwise used or disclosed in any trial, hearing, or other proceeding in or before any court, department, officer, agency, regulatory body, or other authority of the United States, a State, or a political subdivision thereof, may move to suppress the evidence obtained or derived from such search on the grounds that—

"(A) the information was unlawfully acquired; or

"(B) the physical search was not made in conformity with an order of authorization or approval.

"(2) Such a motion shall be made before the trial, hearing, or other proceeding unless there was no opportunity to make such a motion or the person was not aware of the grounds of the motion.

"(g) Whenever a court or other authority is notified pursuant to subsection (d) or (e), or whenever a motion is made pursuant to subsection (f), or whenever any motion or request is made by an aggrieved person pursuant to any other statute or rule of the United States or any State before any court or other authority of the United States or any State to discover or obtain applications or orders or other materials relating to a physical search authorized by this title or to discover, obtain, or suppress evidence or information obtained or derived from a physical search authorized by this title, the United States district court or, where the motion is made before another authority, the United States district court in the same district as the authority shall, notwithstanding any other provision of law, if the Attorney General files an affidavit under oath that disclosure or any adversary hearing would harm the national security of the United States, review in camera and ex parte the application, order, and such other materials relating to the physical search as may be necessary to determine whether the physical search of the aggrieved person was lawfully authorized and conducted. In making this determination, the court may disclose to the aggrieved person, under appropriate security procedures and protective orders, portions of the application, order, or other materials relating to the physical search, or may require the Attorney General to provide to the aggrieved person a summary of such materials, only where such disclosure is necessary to make an accurate determination of the legality of the physical search.

"(h) If the United States district court pursuant to subsection (g) determines that the physical search was not lawfully authorized or conducted, it shall, in accordance with the requirements of law, suppress the evidence which was unlawfully obtained or derived from the physical search of the aggrieved person or otherwise grant the motion of the aggrieved person. If the court determines that the physical search was lawfully authorized or conducted, it shall deny the motion of the aggrieved person except to the extent that due process requires discovery or disclosure.

"(i) Orders granting motions or requests under subsection (h), decisions under this section that a physical search was not lawfully authorized or conducted, and orders of the United States district court requiring review or granting disclosure of applications, orders, or other materials relating to the physical search shall be final orders and binding upon all courts of the United States and the several States except a United States Court of Appeals or the Supreme Court.

"(j)(1) If an emergency execution of a physical search is authorized under section 304(d) and a subsequent order approving the search is not obtained, the judge shall cause to be served on any United States person named in the application and on such other United States persons subject to the search as the judge may determine in his discretion it is in the interests of justice to serve, notice of—

"(A) the fact of the application;

"(B) the period of the search; and

"(C) the fact that during the period information was or was not obtained.

"(2) On an ex parte showing of good cause to the judge, the serving of the notice required by this subsection may be postponed or suspended for a period not to exceed 90 days. Thereafter, on a further ex parte showing of good cause, the court shall forego ordering the serving of the notice required under this subsection.

"CONGRESSIONAL OVERSIGHT

"SEC. 306. On a semiannual basis the Attorney General shall fully inform the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate concerning all physical searches conducted pursuant to this title. On a semiannual basis the Attorney General shall also provide to those committees and the Committees on the Judiciary of the House of Representatives and the Senate a report setting forth with respect to the preceding six-month period—

"(1) the total number of applications made for orders approving physical searches under this title;

"(2) the total number of such orders either granted, modified, or denied; and

"(3) the number of physical searches which involved searches of the residences, offices, or personal property of United States persons, and the number of occasions, if any, where the Attorney General provided notice pursuant to section 305(b).

"PENALTIES

"SEC. 307. (a) A person is guilty of an offense if he intentionally—

"(1) under color of law for the purpose of obtaining foreign intelligence information, executes a physical search within the United States except as authorized by statute; or

"(2) discloses or uses information obtained under color of law by physical search within the United States, knowing or having reason to know that the information was obtained through physical search not authorized by statute, for the purpose of obtaining intelligence information.

"(b) It is a defense to a prosecution under subsection (a) that the defendant was a law enforcement or investigative officer engaged in the course of his official duties and the physical search was authorized by and conducted pursuant to a search warrant or court order of a court of competent jurisdiction.

"(c) An offense described in this section is punishable by a fine of not more than $10,000 or imprisonment for not more than five years, or both.

"(d) There is Federal jurisdiction over an offense under this section if the person committing the offense was an officer or employee of the United States at the time the offense was committed.

"CIVIL LIABILITY

"SEC. 308. An aggrieved person, other than a foreign power or an agent of a foreign power, as defined in section 101 (a) or (b)(1)(A), respectively, of this Act, whose premises, property, information, or material has been subjected to a physical search within the United States or about whom information obtained by such a physical search has been disclosed or used in violation of section 307 shall have a cause of action against any person who committed such violation and shall be entitled to recover—

"(1) actual damages, but not less than liquidated damages of $1,000 or $100 per day for each day of violation, whichever is greater;

"(2) punitive damages; and

"(3) reasonable attorney's fees and other investigative and litigation costs reasonably incurred.

"AUTHORIZATION DURING TIME OF WAR

"SEC. 309. Notwithstanding any other provision of law, the President, through the Attorney

General, may authorize physical searches without a court order under this title to acquire foreign intelligence information for a period not to exceed 15 calendar days following a declaration of war by the Congress.".

(b) CLERICAL AMENDMENT.—The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 is amended by striking the items relating to title III and inserting the following:

"TITLE III—PHYSICAL SEARCHES WITHIN THE UNITED STATES FOR FOREIGN INTELLIGENCE PURPOSES

"Sec. 301. Definitions.
"Sec. 302. Authorization of physical searches for foreign intelligence purposes.
"Sec. 303. Application for an order.
"Sec. 304. Issuance of an order.
"Sec. 305. Use of information.
"Sec. 306. Congressional oversight.
"Sec. 307. Penalties.
"Sec. 308. Civil liability.
"Sec. 309. Authorization during time of war.

"TITLE IV—EFFECTIVE DATE

"Sec. 401. Effective Date.".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect 90 days after the date of enactment of this Act, except that any physical search approved by the Attorney General of the United States to gather foreign intelligence information shall not be deemed unlawful for failure to follow the procedures of title III of the Foreign Intelligence Surveillance Act of 1978 (as added by this Act), if that search is conducted within 180 days after the date of enactment of this Act pursuant to regulations issued by the Attorney General, which were in the possession of the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives before the date of enactment of this Act.

SEC. 808. LESSER CRIMINAL OFFENSE FOR UNAUTHORIZED REMOVAL OF CLASSIFIED DOCUMENTS.

(a) IN GENERAL.—Chapter 93 of title 18, United States Code, is amended by adding at the end the following new section:

"§1924. Unauthorized removal and retention of classified documents or material

"(a) Whoever, being an officer, employee, contractor, or consultant of the United States, and, by virtue of his office, employment, position, or contract, becomes possessed of documents or materials containing classified information of the United States, knowingly removes such documents or materials without authority and with the intent to retain such documents or materials at an unauthorized location shall be fined not more than $1,000, or imprisoned for not more than one year, or both.

"(b) For purposes of this section, the provision of documents and materials to the Congress shall not constitute an offense under subsection (a).

"(c) In this section, the term 'classified information of the United States' means information originated, owned, or possessed by the United States Government concerning the national defense or foreign relations of the United States that has been determined pursuant to law or Executive order to require protection against unauthorized disclosure in the interests of national security.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following:

"1924. Unauthorized removal and retention of classified documents or material.".

SEC. 809. REPORTS ON FOREIGN INDUSTRIAL ESPIONAGE.

(a) IN GENERAL.—

(1) SUBMISSION AND CONTENTS.—In order to assist Congress in its oversight functions with respect to this Act and to improve the awareness of United States industry of foreign industrial espionage and the ability of such industry to protect against such espionage, the President shall submit to Congress a report that describes, as of the time of the report, the following:

(A) The respective policy functions and operational roles of the agencies of the executive branch of the Federal Government in identifying and countering threats to United States industry of foreign industrial espionage, including the manner in which such functions and roles are coordinated.

(B) The means by which the Federal Government communicates information on such threats, and on methods to protect against such threats, to United States industry in general and to United States companies known to be targets of foreign industrial espionage.

(C) The specific measures that are being or could be undertaken in order to improve the activities referred to in subparagraphs (A) and (B), including proposals for any modifications of law necessary to facilitate the undertaking of such activities.

(D) The threat to United States industry of foreign industrial espionage and any trends in that threat, including—

(i) the number and identity of the foreign governments conducting foreign industrial espionage;

(ii) the industrial sectors and types of information and technology targeted by such espionage; and

(iii) the methods used to conduct such espionage.

(2) DATE OF SUBMISSION.—The President shall submit the report required under this subsection not later than six months after the date of the enactment of this Act.

(b) ANNUAL UPDATE.—Not later than one year after the date referred to in paragraph (2) of subsection (a), and on the expiration of each year thereafter, the President shall submit to Congress a report updating the information referred to in paragraph (1)(D) of that subsection.

(c) FORM OF REPORTS.—To the maximum extent practicable, the reports referred to in subsections (a) and (b) shall be submitted in an unclassified form, but may be accompanied by a classified appendix.

(d) REPORT UNDER DEFENSE PRODUCTION ACT.—Section 721(k)(1)(B) of the Defense Production Act of 1950 (50 U.S.C. App. 2170(k)(1)(B)) is amended by inserting "or directly assisted" after "directed".

(e) DEFINITION.—For the purposes of this section, "foreign industrial espionage" means industrial espionage conducted by a foreign government or by a foreign company with direct assistance of a foreign government against a private United States company and aimed at obtaining commercial secrets.

SEC. 810. COUNTERNARCOTICS TARGETS FUNDING.

Not less than $5,000,000 from the base budget for the National Security Agency shall be transferred to United States Army signals intelligence activities directed at counternarcotics targets. A detailed operations plan with special emphasis on the United States/Mexico border and including the participation of the National Security Agency, the Drug Enforcement Administration, the Federal Bureau of Investigation, and the United States Customs Service, shall be provided to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives no later than November 15, 1994. This plan shall include a detailed description of the planned targets and the type of intelligence collection, dissemination, analysis and tasking that will be included in these operations.

SEC. 811. COORDINATION OF COUNTERINTELLIGENCE ACTIVITIES.

(a) ESTABLISHMENT OF COUNTERINTELLIGENCE POLICY BOARD.—There is established within the executive branch of Government a National Counterintelligence Policy Board (in this section referred to as the "Board"). The Board shall report to the President through the National Security Council.

(b) FUNCTION OF THE BOARD.—The Board shall serve as the principal mechanism for—

(1) developing policies and procedures for the approval of the President to govern the conduct of counterintelligence activities; and

(2) resolving conflicts, as directed by the President, which may arise between elements of the Government which carry out such activities.

(c) COORDINATION OF COUNTERINTELLIGENCE MATTERS WITH THE FEDERAL BUREAU OF INVESTIGATION.—(1) Except as provided in paragraph (3), the head of each department or agency within the executive branch shall ensure that—

(A) the Federal Bureau of Investigation is advised immediately of any information, regardless of its origin, which indicates that classified information is being, or may have been, disclosed in an unauthorized manner to a foreign power or an agent of a foreign power;

(B) following a report made pursuant to subparagraph (A), the Federal Bureau of Investigation is consulted with respect to all subsequent actions which may be undertaken by the department or agency concerned to determine the source of such loss or compromise; and

(C) where, after appropriate consultation with the department or agency concerned, the Federal Bureau of Investigation undertakes investigative activities to determine the source of the loss or compromise, the Federal Bureau of Investigation is given complete and timely access to the employees and records of the department or agency concerned for purposes of such investigative activities.

(2) Except as provided in paragraph (3), the Director of the Federal Bureau of Investigation shall ensure that espionage information obtained by the Federal Bureau of Investigation pertaining to the personnel, operations, or information of departments or agencies of the executive branch, is provided through appropriate channels to the department or agency concerned, and that such departments or agencies are consulted with respect to espionage investigations undertaken by the Federal Bureau of Investigation which involve the personnel, operations, or information of such department or agency after a report has been provided pursuant to paragraph (1)(A).

(3) Where essential to meet extraordinary circumstances affecting vital national security interests of the United States, the President may on a case-by-case basis waive the requirements of paragraph (1) or (2), as they apply to the head of a particular department or agency, or the Director of the Federal Bureau of Investigation. Such waiver shall be in writing and shall fully state the justification for such waiver. Within thirty days, the President shall notify the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives that such waiver has been issued, and at that time or as soon as national security considerations permit, provide these committees with a complete explanation of the circumstances which necessitated such waiver.

(4) The Director of the Federal Bureau of Investigation shall, in consultation with the Director of Central Intelligence and the Secretary of Defense, report annually, beginning on February 1, 1995, and continuing each year thereafter, to the Select Committee on Intelligence of the Senate and to the Permanent Select Committee on Intelligence of the House of Representatives and, in accordance with applicable security procedures, the Committees on the Judiciary

of the House of Representatives and the Senate with respect to compliance with paragraphs (1) and (2) during the previous calendar year.

(5) Nothing in this section may be construed to alter the existing jurisdictional arrangements between the Federal Bureau of Investigation and the Department of Defense with respect to investigations of persons subject to the Uniform Code of Military Justice, nor to impose additional reporting requirements upon the Department of Defense with respect to such investigations beyond those required by existing law and executive branch policy.

(6) As used in this section, the terms "foreign power" and "agent of a foreign power" have the same meanings as set forth in sections 101(a) and (b), respectively, of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).

TITLE IX—COMMISSION ON THE ROLES AND CAPABILITIES OF THE UNITED STATES INTELLIGENCE COMMUNITY

SEC. 901. ESTABLISHMENT.

There is established a commission to be known as the Commission on the Roles and Capabilities of the United States Intelligence Community (hereafter in this title referred to as the "Commission").

SEC. 902. COMPOSITION AND QUALIFICATIONS.

(a) MEMBERSHIP.—(1) The Commission shall be composed of 17 members, as follows:

(A) Nine members shall be appointed by the President from private life, no more than four of whom shall have previously held senior leadership positions in the intelligence community and no more than five of whom shall be members of the same political party.

(B) Two members shall be appointed by the majority leader of the Senate, of whom one shall be a Member of the Senate and one shall be from private life.

(C) Two members shall be appointed by the minority leader of the Senate, of whom one shall be a Member of the Senate and one shall be from private life.

(D) Two members shall be appointed by the Speaker of the House of Representatives, of whom one shall be a Member of the House and one shall be from private life.

(E) Two members shall be appointed by the Minority Leader of the House of Representatives, of whom one shall be a Member of the House and one shall be from private life.

(2) The members of the Commission appointed from private life under paragraph (1) shall be persons of demonstrated ability and accomplishment in government, business, law, academe, journalism, or other profession, who have a substantial background in national security matters.

(b) CHAIRMAN AND VICE CHAIRMAN.—The President shall designate two of the members appointed from private life to serve as Chairman and Vice Chairman, respectively, of the Commission.

(c) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers but shall be filled in the same manner as the original appointment.

(d) DEADLINE FOR APPOINTMENTS.—The appointments required by subsection (a) shall be made within 45 days after the date of enactment of this Act.

(e) MEETINGS.—(1) The Commission shall meet at the call of the Chairman.

(2) The Commission shall hold its first meeting not later than four months after the date of enactment of this Act.

(f) QUORUM.—Nine members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings, take testimony, or receive evidence.

(g) SECURITY CLEARANCES.—Appropriate security clearances shall be required for members of the Commission who are private United States citizens. Such clearances shall be processed and completed on an expedited basis by appropriate elements of the executive branch of Government and shall, in any case, be completed within 90 days of the date such members are appointed.

(h) APPLICATION OF CERTAIN PROVISIONS OF LAW.—In light of the extraordinary and sensitive nature of its deliberations, the provisions of the Federal Advisory Committee Act (5 U.S.C. App.), and the regulations prescribed by the Administrator of General Services pursuant to that Act, shall not apply to the Commission. Further, the provisions of section 552 of title 5, United States Code (commonly known as the "Freedom of Information Act") shall not apply to the Commission; however, records of the Commission shall be subject to the Federal Records Act and, when transferred to the National Archives and Records Agency, shall no longer be exempt from the provisions of such section 552.

SEC. 903. DUTIES OF THE COMMISSION.

(a) IN GENERAL.—It shall be the duty of the Commission—

(1) to review the efficacy and appropriateness of the activities of the United States intelligence community in the post-cold war global environment; and

(2) to prepare and transmit the reports described in section 904.

(b) IMPLEMENTATION.—In carrying out subsection (a), the Commission shall specifically consider the following:

(1) What should be the roles and missions of the intelligence community in terms of providing support to the defense and foreign policy establishments and how should these relate to tactical intelligence activities.

(2) Whether the roles and missions of the intelligence community should extend beyond the traditional areas of providing support to the defense and foreign policy establishments, and, if so, what areas should be considered legitimate for intelligence collection and analysis, and whether such areas should include for example, economic issues, environmental issues, and health issues.

(3) What functions, if any, should continue to be assigned to the organizations of the intelligence community, including the Central Intelligence Agency, and what capabilities should these organizations retain for the future.

(4) Whether the existing organization and management framework of the organizations of the intelligence community, including the Central Intelligence Agency, provide the optimal structure for the accomplishment of their missions.

(5) Whether existing principles and strategies governing the acquisition and maintenance of intelligence collection capabilities should be retained and what collection capabilities should the Government retain to meet future contingencies.

(6) Whether intelligence analysis, as it is currently structured and executed, adds sufficient value to information otherwise available to the Government to justify its continuation, and, if so, at what level of resources.

(7) Whether the existing decentralized system of intelligence analysis results in significant waste or duplication, and, if so, what can be done to correct these deficiencies.

(8) Whether the existing arrangements for allocating available resources to accomplish the roles and missions assigned to intelligence agencies are adequate.

(9) Whether the existing framework for coordinating among intelligence agencies with respect to intelligence collection and analysis and other activities, including training and operational activities, provides an optimal structure for such coordination.

(10) Whether current personnel policies and practices of intelligence agencies provide an optimal work force to satisfy the needs of intelligence consumers.

(11) Whether resources for intelligence activities should continue to be allocated as part of the defense budget or be treated by the President and Congress as a separate budgetary program.

(12) Whether the existing levels of resources allocated for intelligence collection or intelligence analysis, or to provide a capability to conduct covert actions, are seriously at variance with United States needs.

(13) Whether there are areas of redundant or overlapping activity or areas where there is evidence of serious waste, duplication, or mismanagement.

(14) To what extent, if any, should the budget for United States intelligence activities be publicly disclosed.

(15) To what extent, if any, should the United States intelligence community collect information bearing upon private commercial activity and the manner in which such information should be controlled and disseminated.

(16) Whether counterintelligence policies and practices are adequate to ensure that employees of intelligence agencies are sensitive to security problems, and whether intelligence agencies themselves have adequate authority and capability to address perceived security problems.

(17) The manner in which the size, missions, capabilities, and resources of the United States intelligence community compare to those of other countries.

(18) Whether existing collaborative arrangements between the United States and other countries in the area of intelligence cooperation should be maintained and whether such arrangements should be expanded to provide for increased burdensharing.

(19) Whether existing arrangements for sharing intelligence with multinational organizations in support of mutually shared objectives are adequate.

SEC. 904. REPORTS.

(a) INITIAL REPORT.—Not later than two months after the first meeting of the Commission, the Commission shall transmit to the congressional intelligence committees a report setting forth its plan for the work of the Commission.

(b) INTERIM REPORTS.—Prior to the submission of the report required by subsection (c), the Commission may issue such interim reports as it finds necessary and desirable.

(c) FINAL REPORT.—No later than March 1, 1996, the Commission shall submit to the President and to the congressional intelligence committees a report setting forth the activities, findings, and recommendations of the Commission, including any recommendations for the enactment of legislation that the Commission considers advisable. To the extent feasible, such report shall be unclassified and made available to the public. Such report shall be supplemented as necessary by a classified report or annex, which shall be provided separately to the President and the congressional intelligence committees.

SEC. 905. POWERS.

(a) HEARINGS.—The Commission or, at its direction, any panel or member of the Commission, may, for the purpose of carrying out the provisions of this title, hold hearings, sit and act at times and places, take testimony, receive evidence, and administer oaths to the extent that the Commission or any panel or member considers advisable.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any intelligence agency or from any other Federal department or agency any information that the Commission considers necessary to enable the Commission to carry out its responsibilities under this section. Upon request of the Chairman of the Commission, the head of any such

department or agency shall furnish such information expeditiously to the Commission.

(c) POSTAL, PRINTING AND BINDING SERVICES.—The Commission may use the United States mails and obtain printing and binding services in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(d) SUBCOMMITTEES.—The Commission may establish panels composed of less than the full membership of the Commission for the purpose of carrying out the Commission's duties. The actions of each such panel shall be subject to the review and control of the Commission. Any findings and determinations made by such a panel shall not be considered the findings and determinations of the Commission unless approved by the Commission.

(e) AUTHORITY OF INDIVIDUALS TO ACT FOR COMMISSION.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take under this title.

SEC. 906. PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Each member of the Commission who is a private United States citizen shall be paid, if requested, at a rate equal to the daily equivalent of the annual rate of basic pay payable for level V of the Executive Schedule under section 5316 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Commission. All members of the Commission who are Members of Congress shall serve without compensation in addition to that received for their services as Members of Congress.

(b) TRAVEL EXPENSES.—Each member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—

(1) IN GENERAL.—The Chairman of the Commission may, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, appoint a staff director and such additional personnel as may be necessary to enable the Commission to perform its duties. The staff director of the Commission shall be appointed from private life, and such appointment shall be subject to the approval of the Commission as a whole. No member of the professional staff may be a current officer or employee of an intelligence agency, except that up to three current employees of intelligence agencies who are on rotational assignment to the Executive Office of the President may serve on the Commission staff, subject to the approval of the Commission as a whole.

(2) COMPENSATION.—The Chairman of the Commission may fix the pay of the staff director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay fixed under this paragraph for the staff director may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title and the rate of pay for other personnel may not exceed the maximum rate payable for grade GS-15 of the General Schedule.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Upon request of the Chairman of the Commission, the head of any Federal department or agency may detail, on a nonreimbursable basis, any personnel of that department or agency to the Commission to assist it in carrying out its administrative and clerical functions.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay payable for level V of the Executive Schedule under section 5316 of such title.

(f) ADMINISTRATIVE AND SUPPORT SERVICES.—The Director of Central Intelligence shall furnish the Commission, on a non-reimbursable basis, any administrative and support services requested by the Commission consistent with this title.

SEC. 907. PAYMENT OF COMMISSION EXPENSES.

The compensation, travel expenses, per diem allowances of members and employees of the Commission, and other expenses of the Commission shall be paid out of funds available to the Director of Central Intelligence for the payment of compensation, travel allowances, and per diem allowances, respectively, of employees of the Central Intelligence Agency.

SEC. 908. TERMINATION OF THE COMMISSION.

The Commission shall terminate one month after the date of the submission of the report required by section 904(c).

SEC. 909. DEFINITIONS.

For purposes of this title—

(1) the term "intelligence agency" means any agency, office, or element of the intelligence community;

(2) the term "intelligence community" shall have the same meaning as set forth in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)); and

(3) the term "congressional intelligence committees" refers to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

And the Senate agree to the same.

From the Permanent Select Committee on Intelligence, for consideration of the House bill, and the Senate amendment, and modifications committed to conference:

DAN GLICKMAN,
BILL RICHARDSON,
NORMAN D. DICKS,
JULIAN C. DIXON,
ROBERT TORRICELLI,
RONALD COLEMAN,
DAVID E. SKAGGS,
JAMES H. BILBRAY,
NANCY PELOSI,
GREG LAUGHLIN,
BUD CRAMER,
JACK REED,
LARRY COMBEST,
DOUG BEREUTER,
ROBERT K. DORNAN,
BILL YOUNG,
GEORGE W. GEKAS,
JAMES V. HANSEN,
JERRY LEWIS.

As additional conferees from the Committee on Banking, Finance and Urban Affairs, for consideration of sections 601 and 704 of the Senate amendment, and modifications committed to conference:

HENRY GONZALEZ,
JOE KENNEDY,
LARRY LAROCCO,
AL MCCANDLESS,
MICHAEL N. CASTLE.

As additional conferees from the Committee on Government Operations, for consideration of section 601 of the House bill, and modifications committed to conference:

JOHN CONYERS, Jr.,
EDOLPHUS TOWNS,
BILL CLINGER.

As additional conferees from the Committee on the Judiciary, for consideration of sections 802–804 of the House bill and sections 601, 703–707, and 709–712 of the Senate amendment, and modifications committed to conference:

HENRY HYDE,
Managers on the Part of the House.

DENNIS DECONCINI,
JOHN GLENN,
BOB KERREY,
RICHARD H. BRYAN,
BOB GRAHAM,
JOHN F. KERRY,
MAX BAUCUS,
J. BENNETT JOHNSTON,
JOHN WARNER,
ALFONSE D'AMATO,
JOHN C. DANFORTH,
JOHN H. CHAFEE,
TED STEVENS,
RICHARD G. LUGAR,
MALCOLM WALLOP,

From the Committee on Armed Services:

SAM NUNN,
STROM THURMOND,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4299), to authorize appropriations for fiscal year 1995 for intelligence and intelligence related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment that is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clerical changes.

TITLE I—INTELLIGENCE ACTIVITIES

Due to the classified nature of intelligence and intelligence-related activities, a classified annex to this joint explanatory statement serves as a guide to the classified Schedule of Authorizations by providing a detailed description of program and budget authority contained therein as reported by the Committee of Conference.

The actions of the conferees on all matters at difference between the two Houses are shown below or in the classified annex to this joint statement.

A special conference group resolved differences between the House and Senate regarding DoD intelligence related activities, referred to as Tactical Intelligence and Related Activities (TIARA). This special conference group was necessitated by the differing committee jurisdictions of the intelligence committees of the House and the Senate, and consisted of members of the House and Senate Committees on Armed Services and the House Permanent Select Committee on Intelligence.

The amounts listed for TIARA programs represent the funding levels jointly agreed to by the TIARA conferees and the House and Senate conferees for the National Defense

Authorization Act for Fiscal Year 1995. In addition, the TIARA conferees have agreed on the authorization level, as listed in the classified Schedule of Authorizations, the joint statement, and its classified annex, for TIARA programs which fall into the appropriations category of Military Pay.

SECTIONS 101 AND 102

Sections 101 and 102 of the conference report authorize appropriations for the intelligence and intelligence-related activities of the United States Government for fiscal year 1995 and establish personnel ceilings applicable to such activities.

SECTION 103

Section 103 of the conference report authorizes appropriations and personnel end-strengths for fiscal year 1995 for the Community Management Account. The Community Management Account consists of the Community Management Staff, the Center for Security Evaluation, the National Intelligence Council, the Advanced Research and Development Committee, the National Counterintelligence Center, the Foreign Language Committee, and the Environmental Task Force. The conference report authorizes $86,900,000 and 241 personnel for the Community Management Account, to be used in connection with the performance of some of the tasks associated with the responsibilities the Director of Central Intelligence (DCI) has for the management of the intelligence community. As part of the Office of the Director of Central Intelligence, the Community Management Account is administered in a manner consistent with the provisions of the National Security Act of 1947 and the Central Intelligence Agency Act of 1949.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SECTION 201

Section 201 of the conference report authorizes appropriations for fiscal year 1995 of $198,000,000 for the Central Intelligence Agency Retirement and Disability Fund, the amount contained in both the House bill and the Senate amendment.

TITLE III—GENERAL PROVISIONS

SECTION 301

Section 301 of the conference report provides that appropriations authorized by the conference report for salary, pay, retirement and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in compensation or benefits authorized by law. A provision identical to section 301 was contained in the House bill and a similar provision was contained in the Senate amendment.

SECTION 302

Section 302 of the conference report provides that the authorization of appropriations by the conference report shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or laws of the United States. Section 302 is identical to section 302 of the House bill and similar to section 302 of the Senate amendment.

SECTION 303

Section 303 of the conference report expresses the sense of Congress that the Director of Central Intelligence should continue to direct that elements of the intelligence community should award contracts in a manner that would maximize the procurement of products produced in the United States, when such action is compatible with the national security interests of the United States, consistent with operational and security concerns, and fiscally sound. A provision similar to section 303 has been contained in previous intelligence authorization acts. Section 303 is similar in intent to section 303 of the House bill. The Senate amendment did not contain a similar provision.

SECTION 304

Section 304 of the conference report repeals section 107 of the Intelligence Authorization Act for Fiscal Year 1987 (Public Law 99-569), which limited U.S. intelligence cooperation with the government of South Africa. Section 304 is identical to section 303 of the Senate amendment. The House bill did not contain a similar provision.

The limitation contained in Public Law 99-569 reflected a concern that the intelligence services of South Africa were playing an important role in the government's efforts to maintain the system of apartheid in the face of the activities of internal opposition forces.

Apartheid is no more. The people of South Africa have freely elected a new government and inaugurated a new president. Virtually all of the restrictions imposed upon South Africa by the Comprehensive Anti-Apartheid Act of 1986 have been lifted. Attention is now being focused on fostering the development of democratic institutions and processes. The establishment of internal management and administrative systems to improve accountability in, and oversight of, the intelligence and security services should be a part of these activities. The conferees are convinced the United States intelligence agencies can play a helpful role in this effort, as well as in other undertakings with the South African government, and therefore believe that the current limitation on cooperation should be removed.

SECTION 305

Section 305 of the conference report requires the Director of Central Intelligence to submit a report to the congressional intelligence committees, armed services committees, and defense appropriations subcommittees no later than December 1, 1994 on the advisability of providing for mandatory retirement for expiration of time in class in a manner comparable to the applicable provisions of section 607 of the Foreign Service Act of 1980 (22 U.S.C. 4007) for all civilian employees of the Central Intelligence Agency, the National Security Agency, the Defense Intelligence Agency, the National Reconnaissance Office, the Central Imagery Office, and the intelligence elements of the Army, Navy, Air Force and Marine Corps. The report shall contain an assessment of the feasibility of instituting a mandatory retirement policy and alternative means of achieving the objectives of such a policy, as well as an assessment by the Secretary of Defense of the impact of a mandatory retirement policy for civilian employees of the intelligence community on all other Department of Defense civilian employees. The report shall also include appropriate legislative recommendations.

Section 305 is similar to section 304 of the Senate amendment. The House bill did not contain a similar provision.

TITLE IV—CENTRAL INTELLIGENCE AGENCY

SECTION 401

Section 401 of the conference report deletes the provisions in section 4(a) of the Central Intelligence Agency Act of 1949 which provide that medical treatment for illness or injury overseas, or the cost of transporting employees to a suitable hospital or clinic for such treatment, is not compensable by the Director of Central Intelligence if the condition resulted from "vicious habits, intemperance, or misconduct." The conferees note that deletion of this language will not mandate compensation for such illness or injuries but would permit the Director to pay expenses if appropriate under regulations issued pursuant to the statute. The conferees believe that deletion of the existing language will eliminate the possibility that the CIA's alcohol rehabilitation program could be seen as inconsistent with the Agency's statutory authorities.

Section 401 also corrects a statutory citation to section 10 of the Act of March 3, 1933, with a reference to section 5731 of title 5, United States Code and strike gender-specific language.

Section 401 is identical to section 401 of the House bill and similar to section 401 of the Senate amendment.

SECTION 402

Section 402 reflects the conferees' resolution of the issues pertaining to the provisions of title VI of the House bill. Title VI of the House bill would have established in statute the offices of the inspector general at the National Security Agency (NSA) and the Defense Intelligence Agency (DIA) and would have made conforming amendments to the CIA Inspector General Act, section 17 of the Central Intelligence Agency Act of 1949.

Because of concerns expressed by the Department of Defense, the conferees chose not to include subsections (a) or (b) of section 601 of the House bill, concerning the inspectors general of DIA and NSA, in the conference report at this time.

Section 402 is substantially similar to section 601(c) of the House bill except that the conferees agreed to eliminate the requirement that the Inspector General of the Central Intelligence Agency have experience in a federal office of inspector general. Although such experience is highly desirable, the conferees felt the requirement would have greatly narrowed the pool of potential inspector general appointees.

The Senate amendment contained no similar provision.

SECTION 403

Section 403 of the Senate amendment authorized the Secretary of Defense to expend $3 million to establish a National Public Information Center for the purpose of using unclassified information available in government data bases to produce multimedia presentations to be used by other government decision makers and the general public. The House bill contained no similar provision.

The conferees believe it would be worthwhile for the government to develop more innovative presentations of its unclassified data bases. The conferees further agree that policy makers and the American public should derive greater benefit from the government's information holdings. However, the conferees do not believe that the creation of an information center is necessary to address these deficiencies. They agree that it would be more appropriate to conduct a one-year project to produce a limited number of multimedia presentations from a broad range of unclassified government data, possibly augmented by commercial or private unclassified data. These presentations, which should treat topics of broad policy and general interest, would then be reviewed by the congressional intelligence committees to determine whether the project should be continued beyond fiscal year 1995. In addition, the conferees believe that the CIA's Office of the Open Source Coordinator is best equipped to conduct such an effort. The conferees expect that in executing this project, the intelligence community will become familiar with the latest commercial multimedia and graphical data interface techniques, and that the quality of intelligence presentations to policymakers will thereby improve. The conferees further fully expect all products to be marked with copyright notices as appropriate and the intellectual property rights associated with the information and techniques utilized in this project will be respected in the preparation and subsequent use of the products.

Section 403 thus authorizes the Director of Central Intelligence to expend not more than $3 million from funds otherwise available under this Act to conduct an Advanced Information Presentation Project for the purpose of: (1) demonstrating the potential benefit to government decision makers and the general public from the presentation of unclassified U.S. government information in a multimedia format, and (2) enabling the intelligence community to develop or acquire state-of-the-art multimedia and graphical interface techniques to improve multimedia intelligence presentations.

TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES

SECTION 501

Section 501 of the conference report addresses issues pertaining to the Central Imagery Office (CIO) which were addressed by section 501 of the House bill and section 501 of the Senate amendment.

Subsection (a) amends the National Security Act of 1947 to delete the general references in current law to "a central imagery authority" and replace them with the name of the CIO. This provision is similar to section 501(a) of the Senate amendment. The House bill did not contain a similar provision.

Subsection (b) amends several provisions of titles 5 and 10, United States Code, as well as other statutes applicable to government personnel, to provide the Secretary of Defense with the same statutory authorities to manage the civilian employees of the CIO as exist for the civilian employees of the Defense Intelligence Agency (DIA). This provision is identical to Section 501 of the House bill and is similar in intent to section 501(b) of the Senate amendment.

The conferees note that the DIA currently provides personnel administrative support for the civilian employees of the CIO. Section 501 is intended to provide the CIO the same personnel authorities as the DIA. It is not intended to require that the CIO secure administrative support only from the DIA. The conferees expect that the CIO, rather than creating an internal mechanism for providing administrative support, will obtain such support from any component of the Department of Defense determined to be capable of providing it.

SECTION 502

Section 502 of the conference report amends section 2796 of title 10, United States Code, to authorize the Director of the Defense Mapping Agency to withhold from public disclosure maps, charts, and geodetic data prepared specifically to support ongoing military or intelligence operations, where such products are not themselves classified. The conferees view section 502 as a reasonable extension of the Director's authority under curent law to withhold from public disclosure products which would reveal military opeational or contingency plans.

Section 502 is substantially the same, except for technical drafting differences, as section 502 of the Senate amendment. The House bill did not contain a similar provision.

SECTION 503

Section 503 of the conference report clarifies that the Privacy Act of 1974 (5 U.S.C. 552a(e)(3)) does not apply to Department of Defense personnel authorized to collect intelligence from human sources who are conducting, outside the United States, an initial assessment contact of a United States person as a potential source of foreign intelligence.

The conferees agree the Privacy Act notice requirements as now implemented may pose a serious risk to the safety overseas of both the intelligence officer and the U.S. person being assessed.

The conferees believe these risks can be largely eliminated if DoD intelligence officers authorized to collect intelligence from human sources operating outside of the U.S. are allowed one initial assessment contact with a potential U.S. person source without being required to give notice of governmental affiliation. The conferees intend that this provision be construed in such a way as to minimize intrusion on the privacy of the potential U.S. person. The conferees intend that the initial assessment contact be no more than one face-to-face meeting or its equivalent. Telephone conversations which involve the solicitation of personal information beyond the minimum needed to set up an appointment to meet are considered by the conferees to be an initial assessment contact. The conferees also believe that no personal information solicited from the individual during the initial assessment contact should be retained in a U.S. government system of records if the individual is not informed of the intelligence officer's governmental affiliation. The conferees also expect that under no circumstances should a potential U.S. person be requested or utilized in any fashion to undertake any intelligence activity by defense intelligence officers unless the potential U.S. person is made willing that he or she is acting on behalf of the U.S. government regardless of the status of the initial assessment contact.

The conferees expect that the appropriate committees of the Congress will conduct vigorous oversight of the use of this authority and thus agreed to require that the Department of Defense maintain records concerning initial assessment contacts outside the United States during which notice of governmental affiliation was not given to a potential source who is a United States person.

The records should include for each such contact an explanation of why notice of government affiliation could not reasonably be provided, the nature of the information obtained from the United States person as a result of the contact, and whether additional contacts resulted with the person concerned.

Section 503 is similar to section 502 of the House bill. The Senate amendment did not include a similar provision.

SECTION 504

Section 504 of the conference report clarifies that section 1006 of the National Defense Authorization Act for Fiscal Year 1995 shall not apply to amounts which remain available on the date of enactment of the Intelligence Authorization Act for Fiscal Year 1995 for national foreign intelligence programs, projects, and activities. The conferees note that the aggregation of programs known as Tactical Intelligence and Related Activities (TIARA) are not covered by section 504 because of a difference in jurisdiction between the House Intelligence Committee, which shares jurisdiction over TIARA programs with the House Armed Services Committee, and the Senate Intelligence Committee which does not claim jurisdiction over TIARA. The absence of a refernce to TIARA in section 504 is not intended to reflect on the jurisdiction of the House Intelligence Committee over intelligence elements of this aggregation of programs.

Section 504 was not a part of either the House bill or the Senate amendment.

TITLE VI—CONSTRUCTION OF FACILITIES FOR THE INTELLIGENCE COMMUNITY

SECTION 601

Section 601 places certain limitations upon the funding authorized by the bill for fiscal year 1995 for the National Reconnaissance Office.

Subsection (a) provides that $50,000,000 out of the Miscellaneous Support account of the Mission Support Consolidated Expenditure Center may not be obligated or expended until the Director of Central Intelligence and the Secretary of Defense have completed a review of the National Reconnaissance Office Headquarters Building project and the results of such review have been made available to the intelligence committees. Subsection (a) also provides that no funds authorized by the bill may be obligated or expended for the purchase of any real property, or to contract for any construction or acquisition, in connection with the construction of buildings or facilities, unless and to the extent that such purchases or contracts are entered into in accordance with Department of Defense policies and procedures, or unless the President determines that these policies and procedures shall not apply. In this event, the President is required by subsection (b) to advise the intelligence committees in writing within 30 days of such waiver.

Subsection (c) provides that no funds available to the National Reconnaissance Office may be obligated or expended for the construction of the Headquarters Building if such obligation or expenditure would cause the total cost of the building to exceed $310 million, unless the authority for such obligation or expenditure has been provided in an act authorizing appropriations, an appropriations act, or in accordance with applicable reprogramming procedures.

Section 601 is similar to section 504 of the Senate amendment. The House bill did not contain a similar provision.

SECTION 602

Section 602 of the conference report establishes procedures for congressional notification and approval of certain intelligence community construction and improvement projects.

Section 602(a) specifies that no project for the construction of any facility to be used primarily by personnel of any component of the intelligence community which has an estimated Federal cost in excess of $750,000 may be undertaken unless such project is specifically identified as a separate item in the President's annual fiscal year budget request and is specifically authorized by the Congress. The conferees understand the term "estimated Federal cost" to include design construction, and fit-up costs.

Section 602(a) also specifies that, in the case of a project for the construction of any facility to be used primarily by personnel of any component of the intelligence community having an estimated Federal cost greater than $500,000 but less than $750,000 the congressional intelligence committees shall be notified by the Director of Central Intelligence. A similar notification shall be made in the case of any improvement project for any facility to be used primarily by personnel of any component of the intelligence community which has an estimated Federal cost greater than $500,000. It is the intent of the conferees that notification occur for projects which are projected to cost more than $500,000 at their inception, not when a series of improvement projects at the same facility exceed $500,000.

An exception to the notification and approval requirements for construction projects exceeding $750,000 is provided in section 602(b) for cases in which the Secretary of Defense and the Director of Central Intelligence jointly determine that the project is vital to the national security or to the protection of health, safety, or the quality of the environment, and the requirement for the project is so urgent that it cannot be deferred until the next intelligence authorization act. For construction projects primarily for the Central Intelligence Agency, the determination that the grounds for an exception exist shall be made solely by the Director of Central Intelligence. When a determination is made that ground for an exception exist, a report indicating the justification for the project, justification for the exception and the source of funds to be used for the project must be submitted to the appropriate committees of the Congress. No work on the project may begin until twenty-one days after the report is received by the committees.

Section 602(c) specifies that section 602 does not apply to any project covered by section 601(a)(1)(A) or section 601(c) of the conference report.

The provisions of section 602 did not appear in either the House bill or the Senate amendment.

SECTION 603

Section 603 of the conference report was included to reflect the conferees' dissatisfaction with the lack of specificity in the budget category referred to as "base." Section 603 requires that those congressional justification materials submitted annually in support of the National Foreign Intelligence Program budget request shall include the same level of budgetary detail for the "base" category as is provided for the categories of "ongoing initiatives" and "new initiatives." Additional legislation will be pursued as necessary to achieve the goal of complete transparency in the "base" budget, which the conferees believe will allow for more effective internal as well as congressional oversight.

The provisions of section 603 were not included in either the House bill or the Senate amendment.

SECTION 604

Section 604 of the conference report provides definitions for certain terms used in title VI.

TITLE VII—CLASSIFICATION MANAGEMENT

SECTION 701

Section 701 of the conference report reflects the conferees' resolution of the issues contained in section 702 of the House bill. The Senate amendment did not contain a similar provision.

As agreed to by the conferees, section 701 requires the President to issue an executive order, providing for the classification and declassification of information not later than 90 days after the date of enactment of this Act. The effective date of the executive order is to be 30 days after it is submitted to the congressional intelligence committees and the Committee on Government Operations of the House of Representatives and the Committee on Governmental Affairs of the Senate. Section 701 also expresses the sense of Congress that the executive order should provide for the following:

(1) that information should be classified only when its public disclosure would cause identifiable damage to the national security. The conferees believe that government employees authorized to classify information should be able to articulate how disclosure of such information would damage the national security rather than citing vague references to the "national security" as justification for classification;

(2) that classified information should be declassified if the appropriate authority within the executive branch determines that the government's interest in continuing to protect the classified information in question is outweighed by the public's interest in having the information available; and

(3) that classified information which is more than 25 years old should be automatically declassified unless it falls within a category designated by the President for document-by-document review to identify information whose disclosure would clearly damage the national security. The conferees believe that most classified information should have lost its national security sensitivity with the passage of 25 years, but recognize there may be certain categories, e.g. the identification of intelligence sources or methods, that may require continued classification. Executive agencies should not continue the classification of such information, however, unless it is clear, given the nature of the information concerned, even after 25 years, that the national security would be damaged by its disclosure.

In including section 701 in the conference report, the conferees intend to underscore their concern that the current executive order on national security information, Executive Order 12356, is now more than twelve years old, was promulgated during the Cold War, and should be updated.

SECTION 702

Section 702 of the conference report requires each agency funded in the National Foreign Intelligence Program and receiving an appropriation for fiscal year 1995 of more than $1 million in the security, countermeasures, and related activities structural budget category to allocate at least two percent of its total expenditure in this category to the classification management consolidated expenditure center. The funds so allocated are to be used to: (1) develop a phased plan to implement declassification guidelines contained in the executive order which replaces Executive Order 12356 on national security information; (2) commence the process of declassification and reduction of the amount of archival classified documents maintained by each agency; and (3) submit a report to the congressional intelligence committees without 90 days after the end of fiscal year 1995 on the progress made in carrying out the process of declassification with reference to the phased plan. The contents of the phased plan are further specified in House Report 103-541, Part I, which accomplishes the House bill.

Section 702 is identical to section 701 of the House bill. The Senate amendment did not contain a similar provision.

TITLE VIII—COUNTERINTELLIGENCE AND SECURITY

SECTION 801

Section 801 contains the short title of title VIII, the Counterintelligence and Security Enhancements Act of 1994.

SECTION 802

Section 802 amends the National Security Act of 1947 by adding a new title VIII on access to classified information. It is similar to section 802 of the Senate amendment and section 801 of the House bill.

Section 801(a) of the new title VIII requires the President to issue, within 180 days of enactment, regulations to establish uniform procedures governing access to classified information by employees in the executive branch of the government. Like Section 702 of the Senate amendment, Section 801(a) provides that the regulations to be issued by the President shall at a minimum provide for certain things. Subsection (a)(1) specifies that, unless otherwise permitted by the President, no employee of the executive branch may be given access to classified information unless such employee has been the subject of an appropriate background investigation and such access is determined to be clearly consistent with the national security. Subsection (a)(2) provides that uniform requirements for background investigations will be established for all employees of the executive branch. Subsection (a)(3) specifies that as a condition for receiving access to classified information, executive branch employees will be required to provide written consent permitting an authorized investigative agency to obtain certain financial records and travel records during the period of the employees' access and for three years thereafter, in accordance with conditions and limitations set forth elsewhere in the Act. The conferees note that the time period was reduced from the five years contained in the Senate amendment. Subsection (a)(4) provides that employees who require access to particularly sensitive information, as determined by the President, shall be required to submit reports concerning their financial condition and travel, as may be determined by the President. Finally, subsection (a)(5) provides that uniform standards shall be established to ensure that employees whose access to classified information is being denied or terminated are appropriately advised of the reasons for such denial or termination and given an adequate opportunity to respond to the information which forms the basis for the denial or termination.

The conferees wish to make clear with respect to subsection (a)(5) that the words "appropriately advised" refer to both the manner and content of the notice. The conferees intend that employees whose access to classified information is being denied or terminated will be officially advised of the reasons for such denial or termination to the maximum extent consistent with the national security. The conferees recognize there will be rare occasions when information which forms the basis for a proposed denial or termination of access to classified information was itself derived from classified sources or by a classified method which cannot be divulged to the employee concerned. However, even in these circumstances, the department or agency concerned should make every reasonable effort to convey to the employee concerned the basis for the denial or termination of access short of disclosing classified information which reveals a sensitive source or method.

The primary purpose of this requirement is to provide a procedure that will help ensure that departments and agencies do not make security determinations on the basis of inaccurate or unreliable information. It is not uncommon for background investigations to develop information which does not relate to the subject of the investigation or is otherwise inaccurate. Reliance upon such information by the department or agency concerned could easily have an adverse impact on the career and livelihood of the employee concerned. The conferees believe the minimal procedure required by subsection (a)(5) will go far towards preventing such results. In requiring this procedure, it is not the intent of the conferees that subsection (a)(5) affect in any way existing case law on the subject of security clearances (e.g. *Department of Navy* v. *Egan*, 484 U.S. 518 (1988)), nor is subsection (a)(5) intended to alter or affect in any way the recourse employees may have, through administrative or judicial means, to seek redress for an adverse determination made by a department or agency with regard to their security clearance.

The conferees also agreed to the addition of section 801(b) which had been in neither the Senate amendment not the House bill. This section provides that nothing in section 801(a) shall be deemed to limit the responsibility or power of an agency head pursuant to other law or executive order to deny or terminate access to classified information if the national security so requires. Specifically, by requiring the President to promulgate uniform standards to ensure due process where access to classified information is being denied or terminated, it is not the intent of the conferees to limit or affect the authority of department or agency heads, pursuant to statute or executive order, to terminate access to classified information or to terminate employment in the interests of national security, nor to affect the procedures intended to provide due process in such situations which may be provided pursuant to such statutes or executive orders.

Subsection (b)(2) was added by the conferees to require a report to the congressional intelligence committees when a department or agency head exercises the authority provided by other statutes or executive order, and referred to in subsection (b)(1), to terminate access to classified information if the national security so requires.

Section 802 is similar to section 802 of the Senate amendment and to section 804 (of the new title VIII) proposed in the House bill. The conferees agreed to the following modifications of the Senate language:

(1) Section 802(a)(2)(A) of the new title VIII was modified to reflect the reduced time period for which the employee was required to provide access to the records covered by the Act, i.e. from five years in the Senate bill to three years:

(2) Subsection (a)(2)(B), which sets forth the circumstances which must be present in order for a request for access to records to be made under the Act, was modified in several respects. Paragraph (i) was modified to provide that there must be "reasonable grounds to believe, based on credible information," that the employee concerned is, or may be, disclosing classified information in an unauthorized manner to a foreign power or agent of a foreign power. The Senate amendment had required only "information or allegations" of such conduct. Paragraph (ii) was modified to provide that the employing agency must have information which it "deems credible" of unexplained affluence or excessive indebtedness before it could seek access to records. The Senate amendment had required only that the employing agency have "information" of such affluence or indebtedness. The conferees believe these modifications provide more appropriate standards for obtaining access to records under this section.

(3) In section 804(4) of the new title VIII, the definition of the term "employee" was modified by inserting at the end of the definition, "except as otherwise determined by the President." The conferees agreed to this modification to permit the President latitude to exclude certain categories from the term "employee" where compliance with the requirements of the statute is either not feasible or not considered to be necessary.

Section 802(f) of the new title VIII states "Nothing in this section may be construed to affect the authority of an investigative agency to obtain information pursuant to the Right to Financial Privacy Act (12 U.S.C. 3401 et seq.) or the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.)." The conferees intend that nothing in this section should be construed to limit the authority of federal agencies which conduct background investigations of federal employees from continuing to conduct credit and financial checks under the Right to Financial Privacy Act or the Fair Credit Reporting Act as a routine part of assessing a person's financial responsibility for access to classified information or employment in a sensitive position.

SECTION 803

Section 803 of the conference report amends section 3071 of title 18, United States Code, to authorize the Attorney General to give rewards for information leading to the arrest or conviction of individuals for the commission of espionage, or conspiracy to commit espionage, or leading to the prevention or frustration of an act of espionage against the United States. The conferees believe that the discretionary authority conferred upon the Attorney General by section 803 should not be used to reward individuals who have a pre-existing duty to report suspected breaches of security or who are otherwise remunerated by the U.S. Government for counterintelligence information.

Section 803 is identical to section 802 of the House bill and substantially the same, except for technical drafting differences, to section 705 of the Senate amendment.

SECTION 804

Section 804 of the conference report amends 18 U.S.C. 798 and 50 U.S.C. 783 to provide for the forfeiture of the proceeds of espionage activities to the United States and the deposit of the amounts forfeited in the Crime Victims Fund established under section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601).

Section 804 is substantially similar, except for technical drafting differences, to section 707 of the Senate amendment and section 804 of the House bill.

SECTION 805

Section 805 of the conference report provides for the denial of annuities or retired pay to individuals convicted in an impartial foreign court of appropriate jurisdiction of conduct which would constitute a violation of U.S. espionage statutes, upon the Attorney General's certification that the individual was afforded due process and the evidence would have been admissible in a U.S. court. The Attorney General's certification would be subject to review by the United States Court of Claims.

Section 805 is identical to section 805 of the House bill and, except for the right of appeal to the Court of Claims, to section 708 of the Senate amendment.

SECTION 806

Section 806 authorizes the Secretary of Defense to provide post employment assistance to former civilian employees of intelligence components of the Department who are found to be ineligible for continued access to Sensitive Compartmented Information. Assistance may be provided for up to five years after the individual's employment is terminated, if the Secretary determines that the assistance is essential to maintain the judgment and stability of the former employee and avoid unlawful disclosure of classified information to which the former employee had access. The conferees anticipated that the Secretary of Defense may delegate the authority to provide assistance to the heads of the intelligence components as the Secretary deems appropriate. The Secretary shall submit an annual report with respect to any expenditure under this section to the appropriations, defense and intelligence committees of the Congress.

Section 806 of the conference report is similar to section 806 of the House bill. The conferees wish to clarify, however, that any post-employment assistance provided pursuant to authority contained in the conference report be limited to employees of intelligence components of the Department. A technical drafting change to section 806 of the House bill was made to accomplish that purpose. The Senate amendment contained no provision on this matter.

SECTION 807

Section 807 amends the Foreign Intelligence Surveillance Act of 1978 (FISA) (50 U.S.C. 1801 et seq.) by adding a new title III which provides in general for a court order procedure to govern the conduct of physical searches undertaken within the United States for foreign intelligence purposes. The procedure is similar to that used to authorize electronic surveillance for foreign intelligence purposes within the United States.

Section 807 is similar to section 709 of the Senate amendment. The House bill had no similar provision. (For a detailed discussion of the background of this legislation as well as a detailed section-by-section analysis of the provisions of the Senate amendment, see Senate Report 103–296, accompanying S. 2056, The Counterintelligence and Security Enhancements Act of 1994.)

Due to the complexity of section 807, the discussion below, which includes an explanation of the modifications to the Senate amendment made by the conferees, is organized using the section numbers of the new title III of FISA as found both in the Senate amendment and in the conference report.

Section 301

Section 301 contains the definitions of terms used in the new title III. This section is identical to section 309 of the Senate amendment with the exception of two modifications agreed to by the conferees.

The first modification is the addition of subsection (4)(D), which was not in the Senate amendment. The addition of this subsection is necessitated by the inclusion of section 302, discussed below, which also was not in the Senate amendment. Subsection (4)(D) provides minimization procedures to govern physical searches undertaken of certain "foreign powers" pursuant to the approval of the Attorney General under section 302. (See the explanation below.) The definition provides, in effect, that no information, material, or property of a United States person acquired during such searches shall be disclosed, disseminated or used for any purpose or retained for longer than 24 hours unless a court order is obtained under section 304 of this title or unless the Attorney General determines that the information indicates a threat of death or serious bodily harm to any person. This provision is virtually identical to the minimization procedure contained in section 101(h)(4) of the Act which governs the acquisition of the communications of United States persons obtained during an electronic surveillance of the same categories of foreign power approved by the Attorney General pursuant to section 102 of the Act.

The second modification to the Senate amendment involves the addition of item (B) to the language of section 301(5). This provides that the term "physical search" does not include "the acquisition by the United States Government of foreign intelligence information from international or foreign communications, or foreign intelligence activities conducted in accordance with otherwise applicable Federal law involving a foreign electronic communications system, utilizing a means other than electronic surveillance as defined in section 101(f) of this Act." This language is intended to clarify that certain communications intelligence activities undertaken by the United States Government are not encompassed by the definition of "physical search." It is identical to language contained in 18 U.S.C. 2511(2)(e), pertaining to the interception of wire, oral, or electronic communications for law enforcement purposes, where it was included to clarify that the intelligence activities were not covered by 18 U.S.C. 2511.

Section 302

Section 302 did not appear in the Senate amendment and was added in its entirety by the conferees. It is very similar to section 102 of the Act which authorizes the President, through the Attorney General, to authorize electronic surveillances without a court order for periods up to a year of certain categories of foreign powers, as defined in section 101 of the Act.

Section 302 authorizes the President, through the Attorney General, to authorize physical searches without a court order for periods up to a year if the Attorney General certifies in writing and under oath that the physical search is solely directed at the premises, information, material, or property used exclusively by, or under the open and exclusive control of, a foreign power or powers as defined in section 101(a)(1), (2), or (3) of FISA; that there is no substantial likelihood that the search will involve the premises, information, material, or property of a United States person; and that the proposed minimization procedures meet the requirements imposed by the definition of "minimization procedures" contained in section 301(4). Section 302 also requires that the minimization procedures approved by the Attorney General have been reported to the intelligence committees 30 days prior to their effective date, unless the Attorney General determines that their immediate use is required and provides the reason for this determination to the intelligence committees.

Like electronic surveillance conducted under title I of the Act, section 302 requires the Attorney General to file the certifications required by this section under seal with the Foreign Intelligence Surveillance Court, established by section 103 of the Act. These certifications remain sealed unless an application is made for a court order pursuant to section 301(4) and section 303, or the certification is necessary to determine the legality of the physical search under section 305(g). The Attorney General is also authorized by section 302 to direct specific landlords, custodians, or other specified persons to provide certain assistance to such searches and to maintain appropriate secrecy, as well as to provide appropriate compensation for assistance rendered.

Similar to sections 102(b) and 103 of the Act pertaining to electronic surveillance, section 302 also provides in general terms that the Attorney General may file applications for court orders authorizing physical searches with the Foreign Intelligence Surveillance Court ("the Court") if the President has authorized the Attorney General to do so; and, in turn, authorizes the Court to grant orders in accordance with section 304 approving such physical searches. The Court is specifically authorized to hear applications and grant orders authorizing physical searches, except that no judge may hear an application for an order which has previously been denied by another judge designated under the Act. The court of review established under the Act is authorized to hear appeals from denials of applications made under this title, and provision is made for the records of all proceedings under this title to be maintained under security procedures established by the Chief Justice of the United States in consultation with the Attorney General and the Director of Central Intelligence.

The conferees agreed to the addition of section 302 in order to provide the Attorney General with the same authority with respect to physical searches that the Attorney General is currently authorized by title I of the FISA with respect to electronic surveillances.

Section 303

Section 303 sets forth the requirements for applications for a court order approving a physical search pursuant to this title. It is identical to section 302 of the Senate amendment except that a new subsection (a)(8) has been added by the conferees which provides that in addition to the other statements and certifications required by section 303 to be part of the application to the court, the Attorney General shall, where the physical search involves a search of a residence of a United States person, state what investigative techniques have been previously utilized to obtain the foreign intelligence information concerned and the degree to which these techniques resulted in acquiring such information.

In adding this requirement to the application process, the conferees recognize that the search of a residence of a United States person raises special concerns and sensitivities. While a certification must accompany all applications for physical searches that the foreign intelligence information cannot be obtained by normal investigative means, the conferees believe in the case of residential searches, the Court should be specifically apprised of the investigative efforts previously made to acquire the information in question and what the results of those efforts have been before an order is granted.

Section 304

Section 304 provides the grounds upon which a judge on the Foreign Intelligence Surveillance Court may grant an order authorizing a physical search and provides what such orders shall contain. It also provides time limits for which orders may be granted and provides for extensions of orders. It also authorizes judges on the Court to assess compliance with the statute at any time after a physical search has been approved or carried out. Similar to the provisions of section 105(e) pertaining to electronic surveillances, the Attorney General is authorized to approve emergency searches in accordance with the conditions set forth in the section. Finally, section 304 provides that applications and orders granted under this title shall remain available to the Court for a period of ten years.

Section 304 is identical to section 303 of the Senate amendment with two exceptions. Section 303(a)(3)(C) of the Senate amendment has been deleted because it appears to have been included as the result of administrative error. Section 303(c)(1) has been amended by reducing the period for which a court order may authorize a physical search pursuant to this title from 90 days to 45 days. The conferees believe a 45-day period is adequate in terms of conducting searches pursuant to this title.

Section 305

Section 305 governs the use of information obtained from physical searches authorized pursuant to this title as well as use of information about the searches themselves. It parallels the provisions of section 106 of the Act pertaining to electronic surveillances.

Section 305 provides that information concerning a United States person obtained from physical searches pursuant to this title cannot be used or disclosed by federal officers and employees except as provided in the minimization procedures set forth in section 301(4). No information obtained from such searches may be used for law enforcement purposes without the advance authorization of the Attorney General. Whenever in a federal or state criminal or civil proceeding, the U.S. Government authorizes the use of information derived from such searches, it is required to notify the person whose premises or property or information was the subject of the search. Once so advised, the person may move to suppress the use of the information derived from the search on the grounds that the information was unlawfully acquired or the search was not made in conformity with an order of authorization or approval. If such a motion is made, the court receiving the motion, or the U.S. district court in the district where the motion is received by another authority, shall, if the Attorney General files an affidavit under oath that disclosure or any adversary hearing would harm the national security of the United States, review in camera and ex parte the application, order, and other materials relating to the search necessary to determine whether the search was lawfully authorized and conducted. If the court determines the search was not lawfully authorized, the information derived from the search must be suppressed.

Section 305 is identical to section 304 of the Senate amendment except for the following modifications agreed to by the conferees:

(1) Subsection (b) was added in its entirety. This subsection provides that where a physical search authorized pursuant to this title involves the residence of a United States person, and, at any time after the search the Attorney General determines there is no national security interest in continuing to maintain the secrecy of the search, the Attorney General shall provide notice to the U.S. person whose residence was searched of the fact of the search and identify any property that was seized, altered, or reproduced during such search. While the conferees appreciate that most physical searches authorized pursuant to this title will likely remain secret for national security reasons, where those searches involve the residence of United States persons, continuing consideration should be given by the Attorney General to providing notice of the search if continued secrecy no longer becomes necessary, or in situations where a mistake is made and a search is conducted of a residence of other

than the target of the search. In such circumstances, the conferees believe notice should be provided.

(2) Subsections (d) and (e) were modified by the conferees by striking the phrase "of the premises or property of that aggrieved person" as it had appeared in subsections 304(c) and (d) of the Senate amendment. The effect of these modifications is to make these subsections consistent with the definition of "aggrieved person" which includes not only persons whose premises or property are searched, but also persons about whom information is sought by such searches (regardless of whether they own the property or premises involved).

(3) The final modification made by the conferees to the Senate amendment involves the inclusion in the last sentence of subsection (g) of the phrase: "or may require the Attorney General to provide to the aggrieved person a summary of such materials." The last sentence of subsection (g) addresses the situation referred to above, where a motion has been made by the subject of the search (i.e. "aggrieved person") to suppress information obtained from the search for purposes of a criminal, civil or administrative proceeding, and the Attorney General has filed an affidavit that disclosure to the "aggrieved person" would be harmful to the national security. At this juncture, the court is required to conduct an ex parte, in camera proceeding to determine the legality of the physical search. As part of this process, the court may determine, under subsection (g), to provide the "aggrieved person," in accordance with appropriate security procedures and protective orders, with portions of the application, order, or other materials only where necessary to make an accurate determination of the legality of the physical search. The modification agreed to by the conferees would provide the court in such circumstances with the additional option of requiring the Attorney General to provide to the aggrieved person a summary of the relevant materials, without having to divulge the highly sensitive details of the application, order or other supporting materials.

Section 306

Section 306, providing for semiannual reports to the intelligence committees, is similar to section 305 of the Senate amendment.

The conferees agreed, however, that in addition to keeping the intelligence committees "fully informed" on a semiannual basis, the Attorney General should provide semiannual reports to both the intelligence committees and the judiciary committees of the House of Representatives and the Senate with respect to physical searches pursuant to this title and particularly which involved United States persons. Accordingly, section 306 was modified to impose such a requirement, requiring that the total number of applications for searches be specified; that the number of orders either granted, modified, or denied be specified; and that the number of physical searches involving the residences, offices, or personal property of United States persons be specified, as well as the number of occasions, if any, where the Attorney General provided notice to a U.S. person whose residence was the subject of a physical search authorized by the title pursuant to section 305(b).

Section 307

Section 307 provides penalties for violations of this title and is identical to section 306 of the Senate amendment.

Section 308

Section 308 provides for civil actions arising from violations of this title and is identical to section 307 of the Senate amendment.

Section 309

Section 309 pertains to authorization of physical searches by the President, through the Attorney General, in time of war and is identical to section 308 of the Senate amendment.

SECTION 808

Section 808 of the conference report would create a new misdemeanor offense applicable to federal employees who knowingly remove classified documents or materials without authority, with the intent to retain them at an unauthorized location. Persons convicted of such offense could be fined up to $1,000 or imprisoned for up to one year, or both. The conferees agreed the provision of documents or materials to the Congress shall not constitute an offense under this section.

Section 808 is similar to section 710 of the Senate amendment. The House bill did not contain a similar provision.

SECTION 809

Section 809 of the conference report would require the President to submit a report to Congress which would:

(1) review the respective policy functions and operational roles of the executive branch agencies involved in identifying and countering threats to United States industry posed by foreign industrial espionage, including the manner in which those functions and roles are coordinated;

(2) describe the means by which information on such threats and on methods to protect against them is communicated to U.S. industries in general and specifically to U.S. companies known to be targets of foreign industrial espionage;

(3) describe specific measures which are or could be undertaken to improve the coordination and communication described above; and

(4) discuss the threat to United States industries posed by foreign industrial espionage, including foreign governments involved, industrial sectors, information and technologies targeted, and the methods by which the espionage is conducted.

The portion of the report describing the nature of the threat is to be updated annually. The existing requirement contained in the Defense Production Act for a report on foreign industrial espionage targeting critical technologies would be clarified to ensure that the report examines not only espionage directed by foreign governments but also that directly assisted by foreign governments.

Section 809 is identical to section 711 of the Senate amendment. The House bill did not contain a similar provision.

SECTION 810

Section 810 of the conference report provides that funding from the base budget for the National Security Agency shall be transferred to the United States Army signals intelligence activities directed at counternarcotics targets. Section 712 of the Senate amendment provided that not less than $10,000,000 should be transferred for this purpose. The conferees agreed that not less than $5,000,000 was the appropriate level of resources for this provision.

Section 810 is otherwise identical to section 710 of the Senate amendment except for technical drafting differences.

SECTION 811

Section 811 is similar to section 703 of the Senate amendment. The House bill had no similar provision.

Section 811 provides for the coordination of counterintelligence activities by establishing a National Counterintelligence Policy Board and charging it with certain functions, and by requiring the heads of departments and agencies of the executive branch to report certain counterintelligence information to the Federal Bureau of Investigation (FBI) and to cooperate in subsequent investigations which the FBI may undertake involving the department or agency's employees, operations, or information. A reciprocal obligation is imposed on the FBI to provide pertinent espionage information to affected departments and agencies and to consult with respect to subsequent investigative actions which involve the department or agency concerned. Both obligations may be waived by the President in extraordinary circumstances. The President must report to the intelligence committees within 30 days of the waiver that this authority has been exercised and provide the reasons for the waiver, either at that time or as soon as national security considerations permit. An annual report to the appropriate congressional committees is required of the Director of the FBI, in consultation with the Director of Central Intelligence and Secretary of Defense, with respect to compliance with the obligations imposed by section 811 during the preceding year.

The conferees made several modifications to the Senate amendment.

Section 811(a) which establishes the National Counterintelligence Policy Board was modified to eliminate specific designation of the Chairman and members of the Board. The conferees believe such designations are more appropriately left to the discretion of the President. At the same time, it is the conferees' understanding that the President will provide for participation on the Board by representatives of the CIA, FBI, the Department of Defense, State, and Justice, and the National Security Council.

Section 811(c)(1)(A), which sets forth the circumstances under which departments and agencies must report counterintelligence information to the FBI, was modified to require such reports where information is obtained "which indicates that classified information is being, or may have been, disclosed in an unauthorized manner to a foreign power or agent of a foreign power." The Senate amendment had provided that the information must indicate that classified information "is being, or may have been, deliberately disclosed (etc.)" The conferees believed that this formulation was likely to result in information not being reported to the FBI until a department or agency had determined for itself that there had been an intentional compromise by an employee. A report at this point may well prejudice the FBI's ability to pursue the case investigatively.

In requiring the heads of departments and agencies to ensure that the FBI is immediately advised of any information which indicates classified information has been, or may have been, disclosed in an unauthorized manner to a foreign power or agent of a foreign power, the conferees do not intend that the department or agency report information to the FBI which is baseless, scurrilous, or patently without foundation. Nor is it the intent of the conferees to require information to be reported to the FBI which indicates only that classified information was left vulnerable to compromise to unauthorized persons, e.g. by leaving a safe unlocked or classified documents unsecured in a hotel room, in violation of applicable security regulations; or which indicates that classified information has been leaked without authorization to the press (and is therefore available to foreign powers and agents of foreign powers). Rather, the intent of the conferees is that when departments and agencies receive information indicating that classified information has been, or may have been, compromised to a foreign power or agent of a foreign power through clandestine activities or means, human or technical, a report to the FBI is required. If there is reasonable doubt with respect to whether a report is required by this section, departments and agencies should consult informally with appropriate representatives of the FBI to resolve the issue.

The conferees made two modifications to the Senate amendment in section 811(c)(2), which establishes reciprocal reporting requirements for the FBI. The first modification was to change the obligation to report "counterintelligence information" to "espionage information." The conferees believe this narrower term better expresses their intent. The second modification was to eliminate the requirement in the Senate amendment that the FBI consult in advance with respect to investigative activities it might undertake involving the personnel, operations, or information of the department or agency concerned. The conferees believed that this requirement to consult in advance on every aspect of an investigation could impact adversely on the FBI's ability to conduct an espionage investigation. Accordingly, the requirement to consult "in advance" was eliminated. The conferees nonetheless believe that an appropriate level of consultation is desirable on a continuing basis where an espionage investigation involves the personnel, operations, or information of another department or agency.

The conferees also amended subsection (c)(4) of the Senate amendment by including as recipients of the annual compliance report the Committees on Judiciary in the Senate and House of Representatives. Should these reports contain highly classified information pertaining to U.S. intelligence operations, the conferees anticipate that such information will be provided in an appropriately classified supplement to the intelligence committees.

Title IX—Commission on the Roles and Capabilities of the United States Intelligence Community

Title VIII of the Senate amendment established a Commission to review the roles and capabilities of the U.S. intelligence community. The House bill contained no similar provision.

The Commission would consist of seventeen members, nine appointed by the President and eight appointed by the congressional leadership. The Commission would provide a comprehensive and independent review and evaluation of the activities of the U.S. intelligence community in the aftermath of the Cold War. In order to achieve that objective, the Senate amendment contained a list of nineteen specific topics for the Commission to consider. This review would represent one of the most comprehensive assessments of the intelligence community since its inception in 1947.

Title IX is similar to title VIII of the Senate amendment but contains several modifications agreed to by the conferees.

First, the conferees specified that no more than five of the nine Commission members appointed by the President may be from the same political party. This change is intended to enhance the credibility of the Commission by ensuring that the Commission is not perceived as a partisan organization.

Second, recognizing that members of the President's Foreign Intelligence Advisory Board (PFIAB) may be appointed to the Commission, the conferees agreed to modify the language in the Senate amendment that prohibited current intelligence community employees from serving on the Commission staff. The conference agreement permits up to three intelligence community employees who are currently detailed to the Executive Office of the President to work for the Commission. However, none of these individuals are eligible to serve as the Commission's staff director. The conferees also agreed to permit the use of intelligence community employees for clerical and administrative duties.

Third, the conferees agreed to modify three of the specific topics the Commission is to consider. The topics now include what functions should continue to be assigned to the organizations of the intelligence community, including the Central Intelligence Agency (CIA); whether the organization and framework of the organizations of the intelligence community, including the CIA, provide the optimal structure; and the manner in which the U.S. intelligence community compares to the intelligence communities of other countries in general.

Finally, due to the extraordinary sensitivity of the issues to be considered by the Commission, the conferees agreed to adopt an amendment waiving the provisions of the Federal Advisory Committee Act requiring public access to advisory committee meetings. The conferees also agreed to waive the provisions of the Freedom of Information Act with regard to the Commission's records until those records are transferred to the National Archives.

The conferees expect the President and the other appointing authorities to move expeditiously in appointing Commission members. The conferees believe that Commission members must be prepared to invest a substantial amount of time in the Commission's activities given the importance and complexity of the many issues that the Commission must review.

The conferees emphasize that the primary objective of this provision is to produce a credible, independent and objective review of the intelligence community. The conferees believe that this review should be conducted in a non-partisan manner, and without preconception about the appropriateness of current levels of spending on intelligence programs and activities. The conferees urge the appointing authorities to keep these objectives, which will significantly determine the utility to a future Congress of the Commission's final report, in mind as they select Commission members.

PROVISIONS NOT INCLUDED IN THE CONFERENCE REPORT

Personnel ceiling adjustments

Section 103 of the Senate amendment authorized the Director of Central Intelligence to exceed the personnel ceilings established by the amendment in certain circumstances. The House bill did not contain a similar provision.

While the authority contained in section 103 of the Senate amendment had been a part of intelligence authorization acts for a number of years, the conferees believed that the continued inclusion of the provision was inconsistent with congressional, and other, mandates to significantly reduce the number of employees in the intelligence community. The conferees therefore agreed to exclude section 103 of the Senate amendment from the conference report.

Disclosure of classified information by Members of Congress and executive branch officers and employees

Section 304 of the House bill prohibited, during fiscal years 1995, any element of the United States Government for which funds are authorized by the Intelligence Authorization Act for Fiscal Year 1995 from providing any classified information derived from that element's intelligence or intelligence-related activities to a member of the House of Representatives until that member had signed an oath of secrecy and the oath had been published in the Congressional Record. Section 305 of the House bill would have extended the coverage of section 304 to members of the Senate and officers or employees of the executive branch. The Senate amendment did not contain similar provisions. The House recedes.

Confirmation of the General Counsel of the Central Intelligence Agency

Section 402 of the Senate amendment established the CIA General Counsel as a Senate-confirmed Presidential appointee position. The House bill contained no similar provision.

On the basis of the record developed in hearings held by the House committee on this issue, it was the judgment of a majority of the House conferees that extending a confirmation requirement to the CIA General Counsel position was not necessary. The Senate recedes.

Report concerning the cost of classification

Section 703 of the House bill required the Director of Central Intelligence, within seven days of the enactment of the Act, to submit a report, in classified and unclassified form, on classification costs to the congressional intelligence committees. The report would identify: the cost of classifying documents and keeping information classified within each agency of the intelligence community; the number of personnel within each such agency assigned to classifying documents and keeping information classified; and a plan, with specific goals, to reduce expenditures for keeping information classified for each such agency. The Senate amendment contained no similar provision.

A report which addresses the concerns embodied in section 703 of the House bill was delivered to the House Intelligence Committee on September 21, 1994. Although not entirely responsive to the request which had formed the basis for section 703, the conferees believed that the report which was provided, and the promise contained within it to devise an improved cost definition and tracking methodology, were sufficient to warrant the exclusion of the section from the conference report.

Disclosure of consumer credit reports for counterintelligence purposes

Section 704 of the Senate amendment amended the Fair Credit Reporting Act to provide the Federal Bureau of Investigation (FBI) with a means of obtaining access to consumer credit records in counterintelligence investigations. The House bill did not contain a similar provision.

The conferees were aware that a provision providing FBI access to consumer credit records was a part of H.R. 1015, a bill reported from the House Banking Committee and passed by the House in June. Although not the same as the provision in the Senate version of the intelligence authorization bill, the provision in H.R. 1015 did form the basis for negotiations between representatives of the Department of Justice and the congressional banking and judiciary committees.

Those negotiations produced an agreement satisfactory to all parties and strongly supported by the conferees. The conferees believe that it is important that the FBI be authorized to access consumer credit records for counterintelligence purposes.

In deference to the jurisdictional concerns of the banking committees, and with the assurance that every effort would be made to clear the legislation containing the agreement for the President's signature in the 103rd Congress, the conferees agreed to exclude section 704 from the conference report. However, the conferees intend to pursue similar legislation during the drafting of the fiscal year 1996 intelligence authorization bill if the banking committees' measure containing this provision is not enacted this year.

Interdiction of aerial drug trafficking

Section 901 of the House bill indicated that, while it was the policy of the United States to provide intelligence assistance to foreign governments to support their efforts to interdict aerial drug trafficking, such assistance was for purposes other than facilitating the intentional damage or destruction of aircraft in violation of international law. Section 902 of the House bill expressed the sense of Congress that executive branch interpretations of law relevant to the provision of assistance to foreign governments for aerial drug interdiction should be reviewed. The Senate amendment contained no similar provisions.

The conferees were aware that section 1012 of the National Defense Authorization Act for Fiscal Year 1995 addressed the issue of United States assistance to the aerial drug interdiction efforts of foreign governments in a broader manner than had been attempted in sections 901 and 902. Accordingly, the conferees agreed to exclude sections 901 and 902 from the conference report.

Espionage committed in any district

Section 803 of the House bill and section 707 of the Senate amendment provided that the trial for any offense involving a violation of certain espionage or related statutes which was begun or committed out of the jurisdiction of any particular state or district may be held in the District of Columbia or in any other district authorized by law.

The conferees were aware that the Violent Crimes Control and Law Enforcement Act of 1994 contains a section addressing the issue addressed by section 803 and section 707. Accordingly, the conferees agreed to exclude a provision on this matter from the conference report.

From the Permanent Select Committee on Intelligence, for consideration of the House bill, and the Senate amendment, and modifications committed to conference:

Dan Glickman,
Bill Richardson,
Norman D. Dicks,
Julian C. Dixon,
Robert Torricelli,
Ronald Coleman,
David E. Skaggs,
James H. Bilbray,
Nancy Pelosi,
Greg Laughlin,
Bud Cramer,
Jack Reed,
Larry Combest,
Doug Bereuter,
Robert K. Dornan,
Bill Young,
George W. Gekas,
James V. Hansen,
Jerry Lewis,

As additional conferees from the Committee on Banking, Finance and Urban Affairs, for consideration of sections 601 and 704 of the Senate amendment, and modifications committed to conference:

Henry Gonzalez,
Joe Kennedy,
Larry LaRocco,
Al McCandless,
Michael N. Castle,

As additional conferees from the Committee on Government Operations, for consideration of section 601 of the House bill, and modifications committed to conference:

John Conyers, Jr.,
Edolphus Towns,
Bill Clinger,

As additional conferees from the Committee on the Judiciary, for consideration of sections 802–804 of the House bill and sections 601, 703–707, and 709–712 of the Senate amendment, and modifications committee to conference:

Henry Hyde,
Manager on the Part of the House.

Dennis DeConcini,
John Glenn,
Bob Kerrey,
Richard H. Bryan,
Bob Graham,
John F. Kerry,
Max Baucus,
J. Bennett Johnston,
John Warner,
Alfonse D'Amato,
John C. Danforth,
John H. Chafee,
Ted Stevens,
Richard G. Lugar,
Malcolm Wallop,

From the Committee on Armed Services.

Sam Nunn,
Strom Thurmond,
Managers on the Part of the Senate.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Rohrabacher) to revise and extend their remarks and include extraneous material:)

Mr. Hefley, for 5 minutes, today.
Mrs. Bentley, for 5 minutes, today.
Mr. Shays, for 5 minutes, each day, today and September 28 and 29.
Mr. Duncan, for 5 minutes, today.
Mr. Lewis of California, for 5 minutes each day, September 28, 29, and 30.
Mr. Hoekstra, for 5 minutes, today.

(The following Members (at the request of Mr. Vento) to revise and extend their remarks and include extraneous material:)

Mr. Hoyer, for 5 minutes, today.
Ms. Kaptur, for 5 minutes, today.
Mr. Wise, for 5 minutes, today.
Mr. Underwood, for 5 minutes, today.
Mr. Owens, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. Duncan, for 5 minutes today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. Rohrabacher) and to include extraneous matter:)

Mrs. Roukema.
Mr. King.
Mr. Taylor of North Carolina.
Mr. Petri.
Mr. Gilman in two instances.
Mr. Oxley.
Mr. Weldon.
Mr. Leach.
Mr. Buyer.
Mrs. Vucanovich.
Mr. Kim.
Mr. Wolf.
Mr. Moorhead.
Mr. Herger.

(The following Members (at the request of Mr. Vento) and to include extraneous matter:)

Mr. Stark.
Mr. Skelton.
Mr. Kleczka.
Mr. Reed in two instances.
Mr. Serrano.
Mrs. Meek of Florida.
Mr. Underwood.
Mr. Engel.
Mr. Stokes.
Mr. Levin.
Mr. Farr of California.
Mrs. English of Arizona.
Mr. Fingerhut.
Mr. Neal of Massachusetts in two instances.
Mr. Foglietta in two instances.
Mr. Hochbrueckner.
Mr. Fazio.
Mr. Andrews of Texas.
Mr. Andrews of New Jersey.
Mr. Roemer in two instances.
Mr. Traficant.
Mr. Tanner.

ENROLLED BILL SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 2144. An act to provide for the transfer of excess land to the Government of Guam, and for other purposes.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 2182. An act to authorize appropriations for fiscal year 1995 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

BILLS AND A JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. ROSE, from the Committee on House Administration, reported that

that committee did on the following dates present to the President, for his approval, bills and a joint resolution of the House of the following titles:

On September 21, 1994:

H.R. 3841. An act to amend the Bank Holding Company Act of 1956, the Revised Statutes of the United States, and the Federal Deposit Insurance Act to provide for interstate banking and branching.

On September 26, 1994:

H.J. Res. 363. Joint resolution to designate October 1994 as "Crime Prevention Month";

H.R. 1779. An act to designate the facility of the United States Postal Service located at 401 South Washington Street in Chillicothe, Missouri, as the "Jerry L. Litton United States Post Office Building", and to authorize travel and transportation expenses for certain Federal career appointees, and for other purposes;

H.R. 3679. An act to authorize the Secretary of the Interior to carry out a program to be known as the Junior Duck Stamp Conservation and Design Program, and for other purposes;

H.R. 4190 An act to designate the building located at 41–42 Norre Gade in Saint Thomas, Virgin Islands, for the period of time during which it houses operations of the United States Postal Service, as the Alvero De Lugo Post Office; and to amend title 39, United States Code, to make applicable with respect to the United States Postal Service certain exclusionary authority relating to the treatment of reemployed annuitants under the civil service retirement laws, and for other purposes; and

H.R. 4647. An act to direct the Secretary of the Interior to convey to the City of Imperial Beach, California, approximately 1 acre of land in the Tijuana Slough National Wildlife Refuge.

ADJOURNMENT

Mr. MOAKLEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 46 minutes p.m.), the House adjourned until Wednesday, September 28, 1994, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3866. A letter from the Acting Chairman, Federal Deposit Insurance Corporation, transmitting a copy of the Corporation's annual report for calendar year 1993, pursuant to 12 U.S.C. 1827(a); to the Committee on Banking, Finance and Urban Affairs.

3867. A letter from the Inspector General of the Department of Energy, transmitting a report entitled, "Superfund Costs Claimed by the Department of Energy Under Interagency Agreements with the EPA—Fiscal Year 1993", pursuant to 31 U.S.C. 7501 note; to the Committee on Energy and Commerce.

3868. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

3869. A letter from the Comptroller General, General Accounting Office, transmitting the list of all reports issued or released in August 1994, pursuant to 31 U.S.C. 719(h); to the Committee on Government Operations.

3870. A letter from the Acting Archivist of the United States, National Archives and Records Administration, transmitting notification that the Archivist of the United States has requested the Attorney General of the United States to initiate an action to recover an improperly alienated Federal record, the record in question is a War Department record bearing an April 5, 1864, endorsement by President Abraham Lincoln, pursuant to 44 U.S.C. 2905(a); to the Committee on Government Operations.

3871. A letter from the Deputy Administrator, General Services Administration, transmitting an informational copy of a building project survey for Corpus Christi, TX, pursuant to 40 U.S.C. 606(a); to the Committee on Public Works and Transportation.

3872. A letter from the Deputy Administrator, General Services Administration, transmitting an informational copy of an amended lease prospectus for the Federal Communications Commission, Washington, DC, pursuant to 40 U.S.C. 606(a); to the Committee on Public Works and Transportation.

3873. A letter from the Secretary, Department of Energy, transmitting an interim report on the comprehensive inventory of all Government-owned uranium or uranium equivalents, pursuant to Public Law 102–486, section 1016 (106 Stat. 2949); jointly, to the Committees on Energy and Commerce and Natural Resources.

3874. A letter from the Secretary of Housing and Urban Development, transmitting a draft of proposed legislation entitled, "Native American Financial Services Organization Act of 1994"; jointly, to the Committees on Banking, Finance and Urban Affairs, Natural Resources, and the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GLICKMAN: Committee of Conference. Conference report on H.R. 4299. A bill to authorize appropriations for fiscal year 1995 for intelligence and intelligence-related activities of the U.S. Government, the community management account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes (Rept. 103–753). Ordered to be printed.

Mr. STARK: Committee on the District of Columbia. H.R. 2902. A bill to amend the District of Columbia Self-Government and Governmental Reorganization Act to revise and make permanent the use of a formula based on adjusted District general fund revenues as the basis for determining the amount of the annual Federal payment to the District of Columbia, and for other purposes; with amendments (Rept. 103–754). Referred to the Committee of the Whole House on the State of the Union.

Mr. FROST: Committee on Rules. House Resolution 550. Resolution waiving points of order against the conference report to accompany the bill (S. 349) to provide for the disclosure of lobbying activities to influence the Federal Government, and for other purposes (Rept. 103–755). Referred to the House Calendar.

Mr. BONIOR: Committee on Rules. House Resolution 551. Resolution providing for consideration of the bill (H.R. 4779) to amend the Solid Waste Disposal Act to authorize local governments and Governors to restrict receipt of out-of-State municipal solid waste, and for other purposes (Rept. 103–756). Referred to the House Calendar.

Mr. MOAKLEY: Committee on Rules. House Resolution 552. Resolution providing for consideration of the bill (H.R. 4683) to amend the Solid Waste Disposal Act to provide congressional authorization of State control over transportation of municipal solid waste, and for other purposes (Rept. 103–757). Referred to the House Calendar.

Mr. BEILENSON: Committee on Rules. House Resolution 553. Resolution waiving points of order against the conference report to accompany the bill (H.R. 4556) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1995, and for other purposes (Rept. 103–758). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HAMILTON (for himself and Mr. GILMAN):

H.R. 5108. A bill to extend the Export Administration Act of 1979; to the Committee on Foreign Affairs.

By Mr. MINGE:

H.R. 5109. A bill to amend the Internal Revenue Code of 1986 to provide that a taxpayer may elect to include in income crop insurance proceeds and disaster payments in the year of the disaster or in the following year, and for other purposes; to the Committee on Ways and Means.

By Mr. GEPHARDT (for himself and Mr. MICHEL) (by request):

H.R. 5110. A bill to approve and implement the trade agreements concluded in the Uruguay round of multilateral trade negotiations; jointly, to the following committees for a period ending not later than October 3, 1994: Ways and Means, Agriculture, Education and Labor, Energy and Commerce, Foreign Affairs, Government Operations, Judiciary, and Rules.

By Mr. BARRETT of Wisconsin:

H.R. 5111. A bill to amend the Internal Revenue Code of 1986 to provide a 1-year extension of the deduction for the health insurance costs of self-employed individuals; to the Committee on Ways and Means.

By Mr. GEJDENSON:

H.R. 5112. A bill to amend the Communications Act of 1934 to require resellers of long distance telephone services to disclose their relationship to the carriers from which such services are acquired, and for other purposes; to the Committee on Energy and Commerce.

By Mr. WISE:

H.R. 5113. A bill to amend the Public Works and Economic Development Act of 1965 to establish a competitive communities demonstration program to assist distressed communities in developing a competitive economic base, and for other purposes; jointly, to the Committees on Public Works and Transportation and Banking, Finance and Urban Affairs.

By Mr. PORTER (for himself, Mr. CLAY, and Mr. MYERS of Indiana):

H.J. Res. 415. Joint resolution designating the week beginning October 16, 1994, as "National Penny Charity Week"; to the Committee on Post Office and Civil Service.

By Mr. SHARP:

H. Con. Res. 298. Concurrent resolution providing for the printing of the book entitled "Members of the United States House of Representatives: A Historical Bibliography"; to the Committee on House Administration.

By Mr. SERRANO (for himself, Mr. ORTIZ, Ms. ROYBAL-ALLARD, Mr. PASTOR, Mr. DE LA Garza, Mr. DE LUGO, Mr. RICHARDSON, Mr. TORRES, Ms. ROS-LEHTINEN, Mr. BECERRA, Mr. GUTIERREZ, Mr. MENENDEZ, Mr. ROMERO-BARCELO, Mr. TEJEDA, Ms. VELAZQUEZ, Mr. UNDERWOOD, Mr. DIAZ-BALART, and Mr. BONILLA):

H. Con. Res. 299. Concurrent resolution authorizing the printing of the book entitled "Hispanic Americans in Congress"; to the Committee on House Administration.

By Mr. GILMAN:

H. Res. 549. Resolution expressing the sense of the House of Representatives that the President should work to achieve a clearly defined agreement which establishes a multilateral export control regime to stem the proliferation of militarily critical products, technology, and advanced strategic weapons to rogue regimes that jeopardize international peace and the national security of the United States; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. HOCHBRUECKNER introduced a bill (H.R. 5114) for the relief of Jack Ellsworth; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 24: Mr. LEWIS of Kentucky.

H.R. 65: Mr. KINGSTON.

H.R. 127: Mr. LEWIS of California.

H.R. 162: Mr. MCCRERY, Mr. HORN, Mr. PETRI, Ms. DUNN, and Mr. MURTHA.

H.R. 462: Mr. CHAPMAN.

H.R. 830: Mr. LEWIS of Kentucky.

H.R. 911: Mr. FAZIO.

H.R. 1105: Mr. LEWIS of Kentucky.

H.R. 1671: Mr. DE LA GARZA and Mr. LAFALCE.

H.R. 2429: Mr. ANDREWS of Texas, Mrs. BENTLEY, Ms. COLLINS of Michigan, Ms. ESHOO, Mr. GALLEGLY, Mr. GONZALEZ, Mr. HOYER, Mr. HOCHBRUECKNER, Mr. MINGE, Mr. MICA, Mrs. MORELLA, Ms. SCHENK, and Mr. THOMPSON.

H.R. 2543: Mr. SWETT, Mr. RANGEL, and Mr. LEWIS of Georgia.

H.R. 2758: Mr. MCKEON.

H.R. 3486: Mr. BURTON of Indiana.

H.R. 3727: Mr. PARKER.

H.R. 3795: Mr. PARKER.

H.R. 3994: Mr. ZIMMER.

H.R. 4118: Mrs. LOWEY and Mr. DIAZ-BALART.

H.R. 4142: Mr. TOWNS, Mr. MANTON, Mr. FARR, Mr. BAKER of California, Mr. MARTINEZ, Mr. HORN, Mr. KILDEE, and Mr. FOGLIETTA.

H.R. 4225: Mr. DOOLEY, Mr. GENE GREEN of Texas, and Mrs. LOWEY.

H.R. 4258: Mr. LIPINSKI.

H.R. 4289: Mr. HUGHES and Ms. MARGOLIES-MEZVINSKY.

H.R. 4303: Mr. GEJDENSON.

H.R. 4495: Mr. JOHNSTON of Florida, Mr. MEEHAN, Mr. WAXMAN, Mrs. MORELLA, Mr. CANADY, Ms. NORTON, Mr. STARK, Mr. JOHNSON of South Dakota, Mr. YATES, Ms. CANTWELL, Mr. BARCIA of Michigan, Mr. HAMBURG, and Mr. LIPINSKI.

H.R. 4496: Mr. FALEOMAVAEGA, Mr. VALENTINE, Mrs. LOWEY, Mr. STARK, Mr. ENGEL, Mr. HINCHEY, Mr. LEWIS of Georgia, and Mr. NADLER.

H.R. 4514: Mrs. VUCANOVICH.

H.R. 4566: Mr. BACHUS of Alabama.

H.R. 4643: Mr. KENNEDY.

H.R. 4693: Ms. KAPTUR, Mr. BERMAN, Mr. SANDERS, Mr. TOWNS, Mr. VENTO, Mr. SWETT, Mr. DEFAZIO, Mr. RAHALL, Mr. SERRANO, Mr. FRANK of Massachusetts, Mr. STOKES, Mr. BONIOR, Mr. WAXMAN, Mr. VISCLOSKY, Mr. HINCHEY, Mr. ENGEL, Mr. MILLER of California, Mr. BROWN of Ohio, Mr. HOKE, Mr. LANTOS, Ms. VELAZQUEZ, Mr. GEJDENSON, Mr. WYNN, Mr. ACKERMAN, Mr. BARLOW, Mr. FINGERHUT, Mr. PORTER, Mr. OBERSTAR, Mr. JOHNSON of South Dakota, Mr. STUDDS, Mr. EDWARDS of California, and Mr. WILSON.

H.R. 4780: Mr. VENTO and Mr. KLEIN.

H.R. 4809: Mrs. MEEK of Florida, Mr. LEHMAN, Mr. JEFFERSON, Mr. SCHUMER, Mr. EVANS, Mr. OLVER, Ms. SHEPHERD, Mr. FOGLIETTA, Mr. JOHNSON of South Dakota, Mr. WYNN, Mr. FROST, Mr. GEJDENSON, Mr. FRANK of Massachusetts, Mr. ENGEL, Mr. YATES, Mr. GORDON, Mr. FILNER, Mr. CALVERT, Mr. LEWIS of Georgia, Mr. BORSKI, Mr. KLECZKA, Mr. DELLUMS, Mr. EDWARDS of Texas, Mr. ANDREWS of New Jersey, Mr. SANDERS, Mr. BROWN of Ohio, Mr. RAHALL, Mrs. VUCANOVICH, Mrs. KENNELLY, Ms. SCHENK, Mr. HALL of Ohio, and Ms. LOWEY.

H.R. 4828: Mrs. CLAYTON.

H.R. 4831: Mr. HOAGLAND and Mr. TANNER.

H.R. 4977: Mr. DIAZ-BALART.

H.R. 4978: Mr. DIAZ-BALART.

H.R. 4979: Mr. DIAZ-BALART.

H.R. 4984: Mr. LEWIS of California and Mr. WILSON.

H.R. 5043: Ms. PELOSI, Mr. MANTON, Mr. MCCLOSKEY, Mr. BORSKI, Mr. HAMILTON, Mr. GINGRICH, Mr. SCHIFF, Mr. THOMAS of Wyoming, Mr. WOLF, Mr. TORRES, Mr. BARCIA of Michigan, and Mr. PAXON.

H.R. 5044: Mr. HOBSON, Mr. MEEHAN, Ms. KAPTUR, Mr. SPRATT, Mr. HUGHES, and Mr. APPLEGATE.

H.R. 5081: Mr. WOLF.

H.R. 5082: Mr. DREIER, Mr. MCMILLAN, Mr. MYERS of Indiana, Mr. HASTERT, Mr. CRAPO, Mr. BAKER of California, Mr. EMERSON, Mr. ARMEY, Mr. DELAY, Mr. FIELDS of Texas, Mr. ROBERTS, Mr. GILCHREST, Mr. WALKER, Mr. PORTMAN, Mr. LEHMAN, Mrs. FOWLER, Mr. ANDREWS of Texas, Mr. OBERSTAR, Mr. MAZZOLI, Mr. POMBO, Mr. RAMSTAD, Mr. DOOLEY, Mr. KLUG, Mr. LEWIS of California, Mr. MCKEON, Mr. MOORHEAD, Mr. ROHRABACHER, Mr. ROYCE, Mr. HORN, Mr. DOOLITTLE, Mr. HERGER, Mr. CANADY, Mr. MILLER of Florida, Mrs. MEEK of Florida, Mr. KOLBE, Mr. GUNDERSON, Mr. BLUTE, Mr. MCCRERY, Mr. GILLMOR, and Mr. PENNY.

H.R. 5083: Mr. BERMAN and Mrs. MINK of Hawaii.

H.J. Res. 337: Mr. HAMILTON, Mr. EMERSON, Mr. FIELDS of Texas, Ms. MCKINNEY, Mr. BARCA of Wisconsin, Mr. TRAFICANT, Mr. BURTON of Indiana, Mr. SARPALIUS, Mr. ROSE, Mr. SCHUMER, and Mr. TOWNS.

H.J. Res. 349: Mr. MARTINEZ and Mr. PARKER.

H.J. Res. 389: Mr. CARR, Mr. KOPETSKI, Mr. TORRICELLI, Mr. MATSUI, Mr. SISISKY, Mr. BREWSTER, Mr. INHOFE, Mr. GUNDERSON, Mr. MCDADE, Mr. SPRATT, Mr. KANJORSKI, Mr. HOAGLAND, Mr. ANDREWS of Texas, Mr. STEARNS, Ms. ENGLISH of Arizona, and Ms. SLAUGHTER.

H.J. Res. 401: Mr. ABERCROMBIE, Mr. BILBRAY, Mr. BRYANT, Mr. DEFAZIO, Mr. DOOLITTLE, Ms. DUNN, Mr. HASTINGS, Mr. KINGSTON, Mr. KNOLLENBERG, Mr. LANTOS, Mr. LEVIN, Mr. MARKEY, Mr. MOLLOHAN, Ms. NORTON, Ms. ROYBAL-ALLARD, Mr. SANDERS, Ms. SLAUGHTER, Mr. UNDERWOOD, Ms. VELAZQUEZ, Ms. WATERS, Mr. WAXMAN, and Mr. YOUNG of Florida.

H.J. Res. 402: Mr. TAYLOR of North Carolina, Mr. FROST, Mr. HASTINGS, Mr. JEFFERSON, Mrs. MEYERS of Kansas, Mr. SARPALIUS, Mr. BATEMAN, Mr. BARCA of Wisconsin, Mr. ROTH, Mr. KLEIN, Mr. MCHALE, and Mr. GORDON.

H. Con. Res. 35: Mr. DEFAZIO, Mr. STUPAK, Ms. BROWN of Florida, Mr. LEWIS of California, Mr. WATT, Mr. ROWLAND, Mr. HAYES, Mr. MCCLOSKEY, Mr. FOGLIETTA, and Mr. ORTIZ.

H. Con. Res. 148: Mr. BARCA of Wisconsin.

H. Con. Res. 166: Mr. CALLAHAN, Mr. MCCRERY, Mr. COLLINS of Georgia and Mr. ABERCROMBIE.

H. Con. Res. 173: Mr. RICHARDSON, Mr. SHAW, Mr. LEWIS of Georgia, Mr. LUCAS, Mr. TALENT, Mr. GEKAS, and Mr. SMITH of Iowa.

H. Con. Res. 199: Mr. TOWNS.

H. Con. Res. 279: Mr. MARTINEZ.

H. Res. 525: Mr. LUCAS and Mr. BACHUS of Alabama.

H. Res. 541: Mr. ANDREWS of New Jersey.

H. Res. 545: Mr. ARMEY, Mr. HERGER, Mr. DUNCAN, Mr. SMITH of Texas, Mr. COLLINS of Georgia, Mr. BURTON of Indiana, Mr. TAYLOR of North Carolina, Mr. BARTLETT of Maryland, Mr. LIVINGSTON, and Mr. ROGERS.

SENATE—*Tuesday, September 27, 1994*

(Legislative day of Monday, September 12, 1994)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the Honorable RUSSELL D. FEINGOLD, a Senator from the State of Wisconsin.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Commit thy way unto the Lord; trust also in him; and he shall bring it to pass.—Psalm 37:5.

Gracious Lord, deliver us from the futility of lost causes and bankrupt ideas. Save us from thinking we are thinking, when all we are doing is rearranging our prejudices.

Help us think originally, creatively, constructively.

Lord God, let Thy will be done in our hearts and homes and offices.

We pray in the name of Him whose human perfection lay in obedience to Thee. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 27, 1994.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RUSSELL D. FEINGOLD, a Senator from the State of Wisconsin, to perform the duties of the Chair.

ROBERT C. BYRD,
President Pro tempore.

Mr. FEINGOLD thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 11 a.m. with Senators permitted to speak therein for not to exceed 5 minutes.

The Senator from North Dakota [Mr. DORGAN] is recognized to speak for up to 15 minutes.

THE FEDERAL RESERVE BOARD

Mr. DORGAN. Mr. President, I wanted to take some time to discuss two issues today. First, very briefly, mercifully, probably in the minds of some, today the Federal Reserve Board will again meet here in Washington, DC. They will likely close their doors in secret to make important decisions about the interest rates we will pay. The decisions very much affect this country's economic future.

Five times in the last 7 months they have done that, and they have increased interest rates five times with no public debate, no fresh air of public thought intermingled with their private discussions. They decided at least in their minds that the fear of inflation was so significant that they should put the brakes on the American economy.

Of course, there is no credible evidence of inflation. Inflation has been down 3 years in a row, and neither is there any credible evidence of inflation on the horizon. But the Federal Reserve Board, nonetheless, seems intent on putting the brakes on the American economy by increasing interest rates.

Today they will make another decision. They have decided in the last 7 months to increase the cost of public borrowing by more than $100 billion in the coming 5 years. In other words, after all of the wrenching debate last year to reduce the Federal deficit, done in public with great public debate, we came up with a $500 billion deficit reduction plan. In 5 years the Federal Reserve Board, with no public debate and in secret, has taken action on five occasions to increase interest rates, which increased the cost of borrowing for the Government by over $100 billion. They have, with no public discussion, taken back one-fifth of all of the deficit reduction package that we enacted last year.

I urge the Federal Reserve Board today to begin paying attention to the needs of this Nation. Do not just fear inflation. Yes, inflation is to be feared. But there is no credible evidence that inflation is on the rise. Fear recession; fear unemployment as well. Let us have a balanced policy of not only stable prices, but economic growth.

THE GENERAL AGREEMENT ON TARIFFS AND TRADE

Mr. DORGAN. Mr. President, I came to the floor today primarily to talk briefly about GATT, the General Agreement on Tariffs and Trade. It does not mean very much to most people in this country. Yet GATT, or the General Agreement on Tariffs and Trade, the trade agreement that will come to the Senate and the House for approval, is one of the most significant pieces of economic policy and trade policy we will confront in a quarter of a century.

It will be done, if some have their way, in a matter of a day, or a couple of days, or a week, sliding through the House and the Senate under a procedure called fast track.

Fast track is just what it sounds like. In basketball they call it fast break. In trade they call it fast track. It means they are running down the court as fast as they can to get to the other end before anybody else gets set up for defense.

Fast track on trade policies means that when a trade bill comes to the floor of the Senate there are no opportunities for amendment. You will approve it as is.

GATT, a trade agreement with many, many nations around the world, will now be brought to us under a procedure called fast track. It will, in my judgment, disserve this country's economic interests if we decide to try to push GATT through the keyhole in the next week or 2 weeks under fast track without a thoughtful national public debate about what our trade policy ought to be.

The fact is our trade policies are in disarray and have been for a long, long time. We are heading this year to the second largest trade deficit in the history of this country. If the pattern holds true, this year's trade deficit—that is, what we purchase versus what we export—will be around $145 billion. This is not a deficit we owe to ourselves. It is one we have to pay at some point. And we will pay that with a decreased standard of living in this country.

Fortunately, this administration has pursued better trade policies than the two previous administrations. Nonetheless, our trade policies are still out of kilter. Our trade deficit with Japan is about $60 billion; with China, $24 billion. Those are just examples.

GATT, although it will not be discussed in the bars and the barber shops

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● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

and cafes around the country, represents the rules by which we trade with each other in this world.

When I studied and taught economics, we taught about the doctrine of comparative advantage in which under a perfect world order each country would do what it does best and then trade with the other. That would be the most efficient world order. The assumption by those who preached free trade and a free market system—Adam Smith and Ricardo and the others—was first of all that capital is not mobile. Today it is mobile in an instant.

Second, back in the good old days you not only had capital that was not mobile, but you had nations rather than corporations.

Today, capital is mobile instantaneously to move any place in the world; and, second, today we have corporations rather than nations. Corporations encircle the globe as world citizens and decide here is what we want to do, here is how we want to produce, and here is how we want to access markets.

The big corporate interests are saying is we want to produce where it is cheap to produce and sell in the established markets. We, as a country, have decided it is just fine with us if all of that happens because our consumers are advantaged by cheaper goods.

The problem is our consumers used to have jobs in which to pay for those cheaper goods and, of course, when the production moved away the jobs also left. So now this country has a lower standard of living with lower wages than we had on average—adjusted for inflation—a decade ago, and more and more production jobs moving elsewhere. And most of the new jobs in this country are jobs that pay less.

What does all of this mean? It means that we are heading toward what is called the British disease if we keep believing this kind of trade policy represents our economic interests. If we decide, as a country, that we should continue to measure our economic health based on what we consume rather than what we produce, we inevitably, as a country, will face a future in which our economy is atrophied.

Put yourself in the shoes of a corporate enterprise that is a world citizen doing business all around the world. Its interest is to its stockholders. How does it make maximum profits with the resources it has under its command? Let us assume that this corporation produces shoes.

In fact, let me cite just for a moment a piece that I think was in Business Week, that I read about a corporation employing someone who produces shoes. A corporation employs a woman outside of small town in Indonesia to work in a manufacturing plant for about 14 cents an hour. She works 10½ hours a day, 6 days a week, and makes about $35 or $37 a month. There is about 1¼ hour labor in the pair of shoes that she makes. So, the pair of shoes, which is sent back to our market to sell for $80, has about 20 cents labor in their construction.

A corporation that decides, I am going to make a pair of shoes or a jacket or shirt or whatever, has an opportunity to look at various approaches around the world on how it wants to produce. And for the same money, it has this opportunity—for the same manufacturing wage it can decide to do the following: It can hire 1 American, or it can hire 23 Filipinos instead. It can decide to hire 42 workers in India as opposed to the 1 American. Or it can decide to employ 80 people in China as opposed to 1 American.

Let me rephrase that, because I think it is important to understand what GATT is about. GATT says let us have free trade. It does not talk about standards, or wages, or livable conditions, at least in a way that is enforceable.

We have minimum wages in this country. We have worker safety standards. We say you cannot employ kids except under certain circumstances and restrictions. We are not going to have 10-year-olds working in coal mines anymore because we have certain child worker standards.

So my point is, we have decided the rules in our country so that those who work are able to get some sort of livable income. But GATT says let us begin trading and competing with other countries, many of whom have no similar kinds of rules.

So we are saying, all right, if you want to produce something, you take a jet, you circle the globe and look for the opportunity to produce at the least cost. American workers, you compete. We are now a team. We have the U.S.A. jersey on. We are a competitive team to produce shoes or shirts or refrigerators. And this team of ours, with our average manufacturing wage in this country of about $15.50 or $16 an hour, is competing. For an hour of labor you have the opportunity as producers, as a corporate producer, to hire 1 American, to hire 23 residents in the Philippines for the same wage for the same hour of work, or to hire 42 people from India, or to hire 82 Chinese.

What do you decide to do? You decide increasingly the production of a good many items will be done in areas where you can hire 80 people for the price of 1, as long as there is no price to access the marketplace back here in America.

We tell corporations they can go hire those 80 people for the price that you pay for 1 American, and the product of that you can ship back into our marketplace without any problem at all because our marketplace is open and there is no access charge. You can just have free access. It does not matter.

I am saying that makes no sense for us. Yes. We should have a trade agreement with the other countries whose economies are similar to ours.

But does the new GATT make sense? Let me just show a chart of some of the wage rates of some of the countries involved in GATT. These are just a few because we are talking well over 100 countries. You have industrialized countries: the United States, Canada, Germany, France. As you see, Germany pays the highest average manufacturing wage of $25. The United States is about $16. Spain, Britain, and then what do you see? You see other countries. I could tail off on this map well down with Bangladesh, Sri Lanka and so on. You see China, Thailand; you see India, the Philippines.

The question is do you have a circumstance of fair competition where you say to those who are producing, go ahead and produce where it is cheapest, and then access our marketplace?

The American people have to understand we simply must not embrace trade rules that say it does not matter where you do business because we measure economic health based on consumers. If we continue with such mistaken policy, we consign ourselves to a future that is very, very dismal.

We should want to compete, and we should not have to compete, for 14 cents an hour wages. We should not want to, nor have to, compete for $1 an hour wages. We have fought far too long in this country to bring up the standard of living so that families can work and care for themselves and improve their lives and educate their kids and provide opportunity for the future.

It makes no sense for Americans to believe in this notion of so-called free trade when we are talking about trade with countries who have no requirement that you must pay a living wage for work performed, or with countries who have no requirement on the kind of work or safety standards we believe to be imperative.

I think it will not be in the best interest of the Senate, the Congress, or the American people if we decide in the next 2 weeks, let us take this giant piece of trade policy and shove it through the keyhole under fast track so that nobody gets a chance to catch their breath and ask what are we really doing here.

I very much hope that the leaders of the Congress, the American people, and others, will decide this is far too important a policy for our country to push through Congress in a couple of weeks. We should do this next February, March, or April in the new Congress with a substantial national debate about what our trade policy ought to be.

Is there a price for accessing the American marketplace? Is that price the requirement that you invest here, create jobs here, or at least that over there in the production sector you pay some notion of a living wage? Are there any requirements at all, or have we become slaves to this notions and slogans or so-called free trade?

By speaking here today I know that I risk incurring the wrath of all the editorial writers, the business writers, and many others in New York and Washington, who decide that if you are not for free trade, for GATT, you are a xenophobic isolationist boob. That is the way they portray those who do not join the free-trade chants. What a bunch of nonsense.

GATT is about jobs, about economic health, about American economic growth in the years ahead. If we cannot have a thoughtful discussion about GATT and our trade policy and do it not on fast track, but in a manner that serves this country's best interests, then I fear that the Congress, which ought to be the great debating place in our country, is not going to serve its constituents well.

Along with several others in this Chamber, including the Senator now presiding, I have asked the leadership to give us an opportunity to have a straight up-or-down vote first on the question of waiving this body's budget rules in order to pass GATT. Implementing GATT is going to cost some money—an estimated $40 billion in 10 years—and increase the deficit. That is, the deficit will be increased if we pass this GATT agreement.

Well, are we going to waive the budget rules? Are we unwilling to waive the budget rules on a whole range of things people need in this country, things that invest in human potential, human needs? Of course, we are unwilling to do that, because we have the discipline and we have decided there is a certain way to do things, and we ought not increase the deficit.

Are we going to come to the floor and roll into fast track a budget waiver that says that for all the other things in this country that we felt were important, we were not going to waive the budget rules, but for GATT, that is just fine?

It is not fine with me. We ought not waive the budget rules, and in my judgment, we ought not consider GATT under fast track this fall. This is a decision the American people ought to help make after the turn of the year.

I yield the floor.

Mr. KERREY addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Nebraska is recognized.

HEALTH CARE REFORM

Mr. KERREY. Mr. President, yesterday, Senator MITCHELL announced that the Senate would stop its work on health care reform this session. This news represents a victory for the politics of the status quo and a disappointing defeat for Americans.

The debate on health care reform has long since dwindled into confusion and confrontation. Many Americans became opposed to our health care reform efforts. A majority of Nebraskans opposed most of the health care proposals considered by the Congress. They have listened to ads warning against a big Government takeover, or of restriction of choice, or of long waiting lines, and the majority has begun to say maybe it is good that we wait to change our laws.

That is understandable, since in any year the majority will be secure and will not get seriously ill. The majority does not face an immediate problem.

It is the minority that has an immediate problem. This year less than a fifth of us will need to enter a hospital as a patient. Only one in five Nebraskans each year learns about the complexity and cost of our existing system of payment and delivery.

Only a fraction of those will learn what it means to have a stranger in Washington or a stranger in an insurance company tell their doctor: We will not pay for that procedure. Only a few of us each year face the prospect of not being able to afford the treatment our doctor tells us might save our lives.

In our hearts we know that the problem faced by our neighbor this year is a problem we may face next. Next year it may be our job that is lost in an act of corporate downsizing. Next year it may be our family that faces a serious illness or accident that forever brands our forehead with the scarlet letters: "preexisting condition."

In our heads we know that cost of health care is bankrupting America. This year $318 billion of our Federal taxes will be used to provide health care to elderly Americans, poor Americans, disabled Americans, American veterans, and Americans who work for the Federal Government. And we will provide $90 billion in Federal tax subsidies to encourage Americans to buy private health insurance.

The year to year increase in Federal taxes to pay health care bills is $38 billion. That is almost $400 in new Federal taxes paid by each American household just to pay for the increase. That is on top of $4,000 in direct and indirect tax spending per household.

In our hearts, where we are able to understand the need for health care security, and our heads, where the numbers are calculated, we know that the status quo is not acceptable.

We know that change is needed.

We will fail again next year if we begin by dividing ourselves into Democrats and Republicans, insured and uninsured, rich and poor, urban and rural. We will fail if we insist on accentuating our differences.

Unity does not mean we must paper over our differences. Differences honestly expressed typically allow us to discover win-win solutions. That is what the mainstream coalition attempted to do in the Senate this year and will continue to do next year.

The most difficult barrier to changing our Federal laws is the realization that each of us must change our old habits and ways. As long as we can blame someone else change is easy. As long as we can ask everyone to change but ourselves the job looks simple. The minute it occurs we are going to have to do things differently, too, the fun goes out the window, the air goes out of our tires.

And change we must:

If we want to continue to have best health care in the world; if we want all Americans to know with certainty they will get the health care their doctor prescribes; if we want all Americans to accept personal responsibility for taking care of themselves at the same time we provide a safety net for those who cannot; if we want to bring costs in line with our expectation and capacity to pay; if we want to get healthier.

The mainstream proposal was not a free lunch. It asked Americans to change their behavior as consumers of health care services, as citizens who decide how our State and Federal programs will operate, and as human beings who must face difficult moral and ethical health care choices.

As consumers of health care we must change. Over the past 40 years we have erected a wall of third party reimbursement which now stands between us and the providers of services. Typically neither the buyer nor the seller knows the price anymore. To make the market work—in contrast to a Government run system—Americans must make a greater effort to learn about the price and quality of health care services.

I believe the market will work if consumers are given more information about providers and payers. To do this our laws must be changed so that Americans are not prevented from getting information about their providers. I believe laws that prevent or discourage buyers and sellers from learning about each other must be discarded. And, I believe that tax laws which encourage Americans to buy expensive plans need to be changed so that all of us face the true cost of health care.

As citizens we must also change. The mainstream proposal asked Americans to change by giving every taxpayer honest and complete information which includes how much of their taxes are used to pay for Federal subsidies, who is being subsidized by whom, and most importantly what needs to be done to achieve universal coverage. I believe the American people cannot be expected to make good decisions about financing health care unless and until they are given the truth about what we are doing now.

Finally—and perhaps most difficult—we must change as individuals. Many of the health problems that cost us a lot of money are the result of smoking, alcohol and drug abuse, lousy nutrition, and other irresponsible behavior.

If personal responsibility is to be a guiding principle for making payments it must also guide us in making the personal decisions which often determine how healthy we are.

Further, we cannot expect too much of our doctors and hospitals. Not only do we need to rein in the movement to sue every time something does wrong, but we need to face this terrible truth: The system cannot give us eternal life. The most difficult decision is not a medical or an economic decision, it is a moral and ethical decision.

I am an advocate of moving the power to make these decisions away from Washington out to the States and local level. That is the good news. The bad news is that we will have to decide and will have no one to blame but ourselves when we are wrong.

The mainstream proposal asked Americans to consider that all Americans deserve the security of high-quality care. While we did not start off with universal coverage, we attempted to get there as soon as possible.

To be clear about universal coverage I would prefer to start with a clean slate. I would prefer to begin with a simple though radical change in the way we become eligible for health care. Eligibility should occur if you satisfy one of two tests. You are an American or a legal resident. However, to participate you would have to agree to accept responsibility to make payment according to your capacity to pay and to participate personally in the job of controlling costs.

High-quality health care is never going to be cheap. It is always going to be difficult to say no. The mainstream group believed we cannot and should not make promises we cannot keep. We cannot afford a new unfunded, non-means tested entitlement. We cannot afford to promise subsidies which removes the important personal incentive to save for the rainy day.

The mainstream coalition intends to work toward these objectives again next year. Although the process has understandably made Americans suspicious, we must begin again next year in a bipartisan and less political environment.

We cannot afford to sit smugly in the knowledge that we are in the majority who are temporarily secure. Today, the bell of health care insecurity tolls for someone else. Tomorrow, it may toll for us.

Mr. President, I yield the floor and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, is this time in morning business?

The ACTING PRESIDENT pro tempore. The Senator is permitted to speak for up to 5 minutes.

Mr. DOMENICI. Thank you.

Mr. President, I ask unanimous consent that I be allowed to speak for an additional 5 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SECTION 8 HOUSING

Mr. DOMENICI. Mr. President, the appropriations bill on VA-HUD appropriations raises a serious question about truth in budgeting. For years, we have anticipated the high cost associated with the renewal of section 8 housing contracts and for years we have procrastinated facing some very difficult policy choices.

Section 8 housing is the privately financed housing for the poor in the United States which we handle by subsidizing their rental contracts with those who build section 8 housing. It is the most significant program for low-income housing; 2.8 million of the low-income households that we help with as a nation are section 8 housing.

This assistance program, I repeat, subsidizes 2.8 million low-income households through contracts with local housing agencies, State housing finance agencies, and private owners.

Congress must provide discretionary budget authority at one time to cover the anticipated cost for the life of a section 8 contract. Before 1989, section 8 contracts ranged in length from 5 to 40 years. Beginning in 1989, HUD began issuing 5-year contracts. However, as budgetary pressures increased, HUD has increasingly renewed section 8 housing for less than 5 years with unknown consequences to the program and the effect of postponing the inevitable need to pay the true cost of these renewals.

In August 1993, using HUD data, the General Accounting Office estimated that total section 8 renewal costs for the years 1994 through 1998 would be $59 billion. That means, Mr. President, if we are to continue the same level of units and the same subsidy program, which I think we are saying almost uniformly is probably the best program we have for low-income housing, if we were going to continue it at the same pace, we would need $59 billion as the cost of contracts for years 1994 through 1998 with each year's renewal costs subject to the cap on discretionary spending and in competition with other discretionary programs.

Let me repeat. That $59 billion in additional new budget authority to continue this level of housing will be competing with all of the other discretionary program funding for the United States. And we now have severe caps imposed on discretionary spending. In fact, the General Accounting Office predicted the largest increase in renewal costs would occur between 1995 and 1998 when costs are expected to double to an estimated $14 billion in 1996.

This appropriation bill again defers action on the cost of section 8 renewals. While the General Accounting Office has estimated the 1995 section 8 renewal costs to be $7 billion, and the CBO baseline, the Congressional Budget Office starting point, has $6.5 billion in renewals for 1995, this bill provides a nominal $2.5 billion in budget authority.

The significance of that is that we have no way of knowing what this is going to do to the section 8 housing that we have committed to. We only put $2.5 billion in this budget in this appropriation bill where both expert agencies say we should have between $6.5 and $7 billion in budget authority to keep the program intact.

For several years, administration budget requests have fallen short of actual section 8 renewal costs, in part because of HUD's inability to accurately track expiring contracts, but also because of what appears to be an attempt to obscure the true cost of the program. For example, the administration requested $4.3 billion for section 8 renewals for 1995, assuming 5-year contracts. Using HUD data, GAO estimated the 1995 renewals should be closer to $7 billion. However, to ensure that funds would be adequate to renew all expiring contracts, the administration requested authority to transfer funds as needed from the annual contributions to assisted housing and allowed for contracts of less than 5 years in order to temporarily save budget authority. That is program authority.

Mr. President, this also has become a shell game. How much longer can we avoid facing the costs of this program? Just look ahead to 1996, when renewal costs are expected to more than double in 1 year. The Congressional Budget Office estimates the 1996 renewal costs to exceed $12 billion. To keep the program intact, to fund the renewals in an ordinary way that assures that we are providing this, it will cost in excess of $12 billion in 1996.

With the discretionary spending cap imposing extraordinary limitations over the next few years, that is 4 to be exact, how likely does it appear that Congress will increase funding for section 8 renewals by some $10 billion in 1 year, effectively raising total HUD spending by 40 percent from 1995 to 1996?

The administration's housing reauthorization bill was silent on this question. I appreciate that in the Senate-reported authorization bill, we have attempted to impose some measure of cost control over the process of project-based section 8 renewals. However, we must recognize that it represents only the beginning steps of addressing this serious funding shortfall. There will be no painless way to fix this problem.

I intend to offer an amendment to the housing reauthorization bill, which I believe will be accepted on both sides, to impose much stricter reporting requirements on HUD in terms of illustrating the costs of section 8 renewals. My amendment requires HUD to provide to both the Senate Banking and Budget Committees, in conjunction with the President's annual budget submission, a detailed analysis of section 8 costs for the coming year and the subsequent 5 years, an analysis of the programmatic effects of shorter-term contracts. We still do not even have any idea of what these shorter-term contracts are going to be to the supply and to the liability to the entire program for low-income housing, and recommendations should be included for meeting projected renewal costs. That will be part of the amendment which I intend to offer. I do not think the Senate can turn it down.

Clearly, we are walking some kind of very, very tight tightrope in terms of whether we are going to be able to continue this program, and if not, it is obvious that we ought to know the results. If we are to continue, it is going to require larger injections of program authority into a tight budget, and we have put ourselves in that bind.

Shortening the length of contracts and granting broad authority to divert funds from other housing programs, in my opinion, will not be adequate to address the renewal costs in 1996 and beyond. Members of Congress and the public need to clearly see the cost of section 8 renewals if we are to ultimately reach consensus on modifications to the program, and it may very well be that we should approach modifications, but we should do that with full understanding of how we got where we are and where we want to end up.

Mr. President, I yield the floor and I thank the Senate for yielding me 5 minutes.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that I be allowed to proceed for up to 10 minutes as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

HUD–VA CONFERENCE REPORT

Mr. BINGAMAN. Mr. President, I rise in opposition to the amendments that were offered by my colleagues from Arizona and New Hampshire against the water infrastructure projects in the HUD–VA conference report.

Let me begin by commending the Senator from Maryland for taking the initiative to fund these very needed projects which have been awaiting authorizing legislation. I personally introduced authorizing legislation for the two worthy and important projects in New Mexico, which are due to receive funding in this bill. Unfortunately, the appropriate legislative vehicle which I hoped would be completed this year—that is the Clean Water Act—is not scheduled to reach the Senate floor before the end of this Congress.

For this reason, I am very pleased that the Senator from Maryland has identified the importance of these issues and has provided funding in this HUD–VA bill. The first is funding for the colonias along the United States-Mexico border. For those who may believe this is not a worthy project, I want to bring to your attention and to their attention the plight of these poor communities. Residents are generally poor and live in substandard housing with inadequate plumbing and drinking water. Housing lots are extremely small in size and packed together, frequently creating a high density of cesspools and inadequate septic tanks. The population in these areas is growing in size daily and compounds the existing problems.

If by chance any Member of the Senate were to visit these colonias, they would only be struck by the primitive conditions in which the residents live. You would walk away in disbelief that over 350,000 American citizens and legal, permanent residents are subject to what most of us would call developing countries' living conditions.

The other area that I am very pleased the Senator from Maryland was able to provide some funding for is related to the South Valley in Bernalillo County in New Mexico, a small, unincorporated community outside of Albuquerque along the Rio Grande. For over 30 years, this community has suffered the health hazards of inadequate sewer and water facilities. The South Valley is more than 50 percent Hispanic and qualifies as one of the poorest communities in our country. Most of the 12,000 residents rely on septic tanks. Their drinking water comes from wells on their property. Heavily concentrated septic tanks, a shallow water table and tight soils resulting in poorly drained septic tanks are contaminating the ground water. This problem continues to escalate as the population increases.

State and local governments have already contributed significant funds to address the problem, but additional funding is needed. If this funding were to come through revenue bonds, residents in the area would have to pay four to six times as much as other New Mexico residents for monthly water and sewer service. These citizens cannot afford such rates.

Congress provided a $500 million reserve in fiscal year 1994 to support projects in hardship communities such as the colonias and the South Valley pending enactment of authorizing legislation. The Senator from Maryland, recognizing that authorizing legislation had not been completed, seized the opportunity to provide desperately needed funding to these and other needy communities.

Let me clarify that the grants for these and other projects are to be made available only upon enactment of clean water authorizing legislation, but if no such legislation is enacted by November 1, 1994, the funds will immediately be made available. I believe that the Senator from Maryland has provided the opportunity for authorizing legislation to be enacted. There is no doubt that this funding in this conference report is critical in assuring that these communities have access to clean and safe water and I urge my colleagues to oppose the amendments offered by the Senators from Arizona and New Hampshire.

Mr. President, I thank the Chair. I yield the floor.

ALL AMERICAN IRONKIDS TEAM

Mr. GRASSLEY. Mr. President, I would like to take a moment to honor the first ever All-American Ironkids Team, a group of 10 young people who are in Washington this week for a special visit. These youngsters, aged 7 to 14, come from all over the country—including Iowa—and represent the American ideal by leading positive, healthy and well-rounded lifestyles.

It gives me great pleasure to recognize the two Iowans on the team, Johnny Galloway, age 10, from Waterloo, and Brielle Bovee, age 11, from Spencer. I would like to read two short excerpts from the winning essays written by these kids.

Johnny writes,

> I'm in excellent health for a ten year old, not for the reason that I play a lot of different sports, but for the reasons that I think staying healthy helps your body and mind work as a perfect unit. Also, God gave me this body to take care of and it's the only one I got.

Brielle also enjoys athletics, and competes in triathlons. She writes,

> 1992 changed my life. That was the year I placed third in my first triathlon * * * reaching for my personal best has helped me take on new challenges.

Both Johnny and Brielle, and the rest of the Ironkids, helped draft a special resolution which I am proud to submit for the RECORD. This 1994 resolution is entitled "All-American

Ironkids Rise and Shine Resolution To Promote Positive, Healthy Lifestyles Among America's Youth."

Thank you, Mr. President. I yield the floor.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

THE RISE AND SHINE RESOLUTION TO PROMOTE POSITIVE, HEALTHY LIFESTYLES AMONG AMERICA'S YOUTH

> I. We, the All-American IronKids Team, have gathered to address the promotion of positive, healthy lifestyles among America's youth.
>
> II. We submit these ideas in the hope that positive, healthy lifestyles for kids will become a national priority because all kids should have the opportunity to be the best they can be.
>
> III. We hereby present the following recommendations to America, because the healthy kids of today will be the healthy leaders of tomorrow.
>
> A. In the area of physical fitness and nutrition, we promote: (1) daily aerobic exercise in school with family and friends, (2) exercise can be fun and make you feel good about yourself, (3) three healthy, well-balanced meals a day at home or in school.
>
> B. In the area of academics, we recommend: (1) studying first and playing second, (2) developing good daily study habits, which means being organized and responsible, concentrating, and getting proper rest, (3) being a self-motivator, working hard, being the best you can be and committed to your goals, (4) an improved school curriculum in which parents, teachers and kids are included.
>
> C. In the area of extra-curricular activities, we promote: (1) grass roots programs, community and family involvement, (2) funding for after school activities, both physical and academic, with qualified leaders, (3) sharing of community resources, services and volunteers.
>
> We sincerely believe these recommendations to be crucial to the promotion of positive, healthy lifestyles among America's youth and we resolve to deliver this message to members of Congress and to our communities.

HAPPY BIRTHDAY TO MARGARET BRUNNER LOMPREY

Mr. REID. Mr. President, the celebration of Margaret Brunner Lomprey's 80th birthday on October 1 has prompted me to share with my colleagues the respect and admiration I have for her. Margaret Brunner Lomprey has followed her love for politics to the public arena where she has served her community of Henderson and the State of Nevada with distinction. In this time when the public is often justifiably skeptical of public officials, it is important to recognize and emulate the honest and enthusiastic ways Margaret has served the public.

Margaret's political career began at the grassroots level, campaigning for Nevada statesmen like Governors Mike O'Callaghan and Grant Sawyer, Senators Howard Cannon and Alan Bible, and Nevada Supreme Court Justice Bob Rose. She went on to serve as treasurer of the Nevada Democratic Party in 1974 and council woman for the city of Henderson in 1976. These are just two of her many accomplishments.

I first met Margaret and her husband Ernie while playing high school football with the late Ernie Jr., and Lorne, two of their six children. I have a fond recollection and appreciation for Ernie, who as a young man, followed his love for music to the top by playing the trumpet in the Marine Corps Jazz Band. In fact, Ernie became a member of the President's Band, the most elite military musical group in the world.

As I said at Ernie's funeral, even today, I can hear the sweet notes of his trumpet.

I also developed friendships over the years with Lorne, Becky, and Jimmy.

Margaret has passed along her tradition of integrity in politics to her children, teaching them to participate, which makes participatory democracy more meaningful for us all. She has shown them, and everyone around her, how to honestly and admirably serve the public.

Margaret's participation with her family in politics represents what is good about America. Our country would be much better if there were more Margaret Lompreys.

I wish Margaret Brunner Lomprey a very happy 80th birthday.

CONGRATULATONS TO DR. DONALD C. HINES, PRESIDENT OF LIVINGSTON UNIVERSITY

Mr. HEFLIN. Mr. President, I am pleased to congratulate Dr. Donald C. Hines, the new president of Alabama's Livingston University. A native of Ripley, MS, Dr. Hines earned both his bachelor of science and master of science degrees from Mississippi State University in agricultural economics and economic theory and the doctor of philosophy degree from Kansas State University in general economics with a specialization in regional economics, public finance, and agricultural economics.

After the completion of his doctorate, Dr. Hines returned to the South and began his career in both education and public service. In 1973, he joined the faculty of Troy State University's School of Business as an assistant professor. He let Troy in 1981 as the assistant dean and coordinator of graduate studies to come to Livingston University as dean of the College of Business and Commerce, where he remained until 1987.

From 1987 to 1993, he was the chief of planning and economic development and assistant director of the Alabama Department of Economic and Community Affairs [ADECA]. During this time, Dr. Hines worked on projects such as coastal zone management, community development block grants, and land and water conservation grants.

His administrative talents have led him to serve on the board of directors of the Tennessee-Tombigbee Waterways Development Council, Tennessee-Cumberland Waterways Council, and the Southern Business Administration Association.

Dr. Hines has been honored as an outstanding faculty member at both Troy State and Livingston Universities. He has also been recognized in the "Who's Who in Computer Sciences", "Who's Who in the South", "Who's Who in the Southwest", and "International Businessmen."

I congratulate Dr. Donald C. Hines on his appointment as president of Livingston University and wish him all the best for a most productive and successful tenure.

TRIBUTE TO THE DOBRO

Mr. SASSER. Mr. President, I rise today to pay tribute to a unique musical instrument and to honor its contribution to American music, most particularly country and bluegrass.

First, let me explain that many have heard the soulful sound of the dobro guitar without, perhaps, knowing exactly what instrument it was that made the sound. The dobro is shaped like that of the guitar. On its inside, however, is placed a resonator, usually made of aluminum. The dobro is placed like the lap or pedal steel guitar, through the use of a metal bar against the strings, and is plucked or strummed.

Mr. President, if I could, I would like to quote from the liner notes from a recently released album, "The Great Dobro Sessions," which features some of the legends of the dobro guitar.

> The dobro itself has a long, if enigmatic place in country music history. By the turn of the century, Hawaiian music was firmly established in American popular music. In the latter half of the 1920s, the Dopyera brothers, marketed an adaptation of the Hawaiian steel guitar they called the dobro. In fields where players of other instruments grow wild there had been relatively few great dobro players, a fact which makes the present collection all the more remarkable. From the onset of The Depression in 1929, until Buck "Uncle Josh" Graves joined Flatt & Scruggs in 1955, only two dobro players—Pete "Brother Oswald" Kirby and the late Cliff Carlisle—achieved enduring national prominence. The dobro is the only acoustic instrument this side of oldtime music to be played horizontally, and the only one where noting fingers do not press upon a fingerboard. It is also the only one of today's conventional bluegrass instruments Bill Monroe excluded from his original full-band bluegrass instrumental make up. Thus, the dobro remained something of a musical stepchild through the years—that is, until Jerry Douglas took it to a wide variety of musical genres.

Mr. President, the dobro is not just linked to country and bluegrass music. The metal-bodied resonator guitar was first developed as a way for guitarists to develop a louder sound in the days prior to electrified guitars. Thus, the blues genre—particularly the Delta blues style of guitar—is also closely aligned with the first resonator guitars.

But, it is with country and bluegrass music that the dobro found its home. The great legend, Jimmie Rodgers was known to have used the dobro in some of his recordings in the 1920's. And, by the mid-1930's, Roy Acuff, star of the Grand Ole Opry, was regularly using the dobro playing of Brother Oswald Kirby.

It is a source of great pride to me that many of today's great dobro players reside in my home State of Tennessee.

Dobro players like Tut Taylor, Jerry Douglas, Gene Wooten, Josh Graves, Rob Ickes, and Oswald Kirby.

And though the dobro was invented by a Czechoslovakian immigrant, John Dopyera, its sound is all-American.

I am particularly pleased that the equally famous Gibson Guitar Co. has purchased the Original Music Co. (Dobro). The contribution of Gibson guitars to American music is a well-known and often-told story. I expect this marriage of two music legends will continue in the long traditions of their separate pasts.

Mr. President, I pay homage to the dobro and its relationship to the music scene and recognize the contribution of the Dopyera brothers.

To quote, once again from the liner notes of "The Great Dobro Sessions," I would close with remarks from Jerry Douglas, who said:

> Why does anyone play a dobro? Every dobro player tells me the same thing. It's the haunting, lonesome, vocal-like quality of the instrument that drives into your chest, takes your breath and never lets you go.

* * *

BUDGET SCOREKEEPING REPORT

Mr. SASSER. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of section 5 of Senate Concurrent Resolution 32, the first concurrent resolution on the budget for 1986.

This report shows the effects of congressional action on the budget through September 20, 1994. The estimates of budget authority, outlays, and revenues, which are consistent with the technical and economic assumptions of the concurrent resolution on the budget (H. Con. Res. 287), show that current level spending is below the budget resolution by $1.9 billion in budget authority and $0.7 billion in outlays. Current level is $0.1 billion above the revenue floor in 1994 and below by $30.3 billion over the 5 years, 1994–1998. The current estimate of the deficit for purposes of calculating the maximum deficit amount is $312.1 billion, $0.7 billion below the maximum deficit amount for 1994 of $312.8 billion.

Since the last report, dated August 16, 1994, Congress has cleared for the President's signature the Interstate Banking and Branching Efficiency Act of 1994 (H.R. 3841). This action changed the current level of budget authority and outlays.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 26, 1994.

Hon. JIM SASSER,
Chairman, Committee on the Budget,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the 1994 budget and is current through September 23, 1994. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the Concurrent Resolution on the Budget (H. Con. Res. 64). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended, and meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the 1986 First Concurrent Resolution on the Budget.

Since my last report, dated September 19, 1994, Congress has cleared for the President's signature the Interstate Banking and Branching Efficiency Act of 1994 (H.R. 3841). This action changed the current level of budget authority and outlays.

Sincerely,
ROBERT D. REISCHAUER, *Director.*

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, FISCAL YEAR 1994, 103D CONGRESS, 2D SESSION, AS OF CLOSE OF BUSINESS SEPTEMBER 23, 1994

[In billions of dollars]

	Budget resolution (H. Con. Res. 64) [1]	Current level [2]	Current level over/under resolution
On-budget:			
Budget Authority	1,223.2	1,221.3	−1.9
Outlays	1,218.1	1,217.5	−0.7
Revenues:			
1994	905.3	905.4	0.1
1994–1998	5,153.1	5,122.8	−30.3
Maximum Deficit Amount	312.8	312.1	−0.7
Debt Subject to Limit	4,731.9	4,578.8	−153.1
Off-Budget:			
Social Security Outlays:			
1994	274.8	274.8	(4)
1994–1998 [3]	1,486.5	1,486.7	0.2
Social Security Revenues:			
1994	336.3	335.2	−1.1
1994–1998 [3]	1,872.0	1,871.3	−0.7

[1] Reflects revised allocation under section 9(g) of H. Con. Res. 64 for the Deficit-Neutral reserve fund.

[2] Current level represents the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[3] Includes effects, beginning in fiscal year 1995, of the Social Security Independence Act of 1994, P.L. 103–296.

[4] Less than $50 million.

Note.—Detail may not add due to rounding.

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 103D CONGRESS, 2D SESSION, SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1994, AS OF CLOSE OF BUSINESS SEPTEMBER 23, 1994

[In millions of dollars]

	Budget authority	Outlays	Revenues
ENACTED IN PREVIOUS SESSIONS			
Revenues			905,429
Permanents and other spending legislation [1]	721,182	694,713	
Appropriation legislation	742,749	758,885	
Offsetting receipts	(237,226)	(237,226)	
Total previously enacted	1,226,705	1,216,372	905,429
ENACTED THIS SESSION			
Appropriation Bills:			
Emergency Supplemental Appropriations, FY 1994 (P.L. 103–211)	(2,286)	(248)	
Foreign Operations (P.L. 103–306)	99	99	
Commerce, Justice, State (P.L. 103–317)	670	335	
Authorizing Bills:			
Federal Workforce Restructuring Act (P.L. 103–226)	48	48	
Offsetting receipts	(38)	(38)	
Housing and Community Development Act (P.L. 103–233)	(410)	(410)	
Extending Loan Ineligibility Exemption for Colleges (P.L. 103–235)	5	3	
Foreign Relations Authorization Act (P.L. 103–236)	(2)	(2)	
Marine Mammal Protection Act Amendments (P.L. 103–238)		4	
Airport Improvement Program Temporary Assistance Act (P.L. 103–260)	(65)		
Federal Housing Administration Supplemental (P.L. 103–275)	(5)	(2)	
Social Security Independence Act of 1994 (P.L. 103–296)[4]			
Aviation Infrastructure Investment (P.L. 103–305)	2,170		
Total enacted this session	192	(211)	
PENDING SIGNATURE			
Interstate Banking Act (H.R. 3841)	6	6	
ENTITLEMENTS AND MANDATORIES			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted	(5,562)	1,326	
Total Current Level [2,3]	1,221,340	1,217,494	905,429
Total Budget Resolution	1,223,249	1,218,149	905,349
Amount remaining:			
Under Budget Resolution	1,909	655	
Over Budget Resolution			80

[1] Includes Budget Committee estimate of $2.4 billion in outlay savings for FCC spectrum license fees.

[2] In accordance with the Budget Enforcement Act, the total does not include $14,735 million in budget authority and $9,215 million in outlays in funding for emergencies that have been designated as such by the President and the Congress, and $800 million in budget authority and $285 million in outlays for emergencies that would be available only upon an official budget request from the President designating the entire amount as an emergency requirement.

[3] At the request of Budget Committee staff, current level does not include scoring of section 601 of P.L. 102–391.

[4] The effects of this Act begin in fiscal year 1995.

[5] Less than $500 thousand.

Note.—Numbers in parentheses are negative. Detail may not add due to rounding.

* * *

HOMICIDES BY GUNSHOT IN NEW YORK CITY

Mr. MOYNIHAN. Mr. President, I rise, as has been my practice each week in this session of the 103d Congress, to announce to the Senate that during the last week, 15 people were killed in New York City by gunshot, bringing this year's total to 728.

Recently, I received a note from Mr. and Mrs. Jacob M. Locicero, a couple from Hawthorne, NJ. Last December, the Lociceros' 27-year-old daughter, Amy Locicero Federici, was killed on the Long Island Railroad, when an obviously deranged gunman with a 9-millimeter semiautomatic pistol opened fire on a crowd of unsuspecting commuters. The note from the Locicero family read simply:

> On behalf of our murdered daughter, we thank you for your courage in taking a strong stand to ban assault weapons.

In truth, no one could be more courageous than the Loviceros, who, despite their grievous loss, maintain a commitment to preventing tragedies—like the one that took their daughter's life—from befalling others.

Mr. President, we passed the ban on assault weapons last month when the House and Senate finally agreed to the crime bill. That was a step in the right direction, but as we all know, it will not end the epidemic of gun violence in this country. Nevertheless, by making the most pernicious types of weapons—and bullets, as I have proposed—harder to obtain, we can prevent many deaths like those that occurred last year on the Long Island Railroad.

CAMPAIGN FINANCE REFORM

Mr. MATHEWS. Mr. President, one of the votes scheduled today involves invoking cloture on debate on the campaign finance reform bill. I want to state to my colleagues that it is my intention to vote against invoking cloture on this measure. I would like to share with this body the reasons for my vote.

I have followed with considerable preoccupation the issues and the arguments surrounding campaign finance reform. If I am hearing my colleagues correctly, the core of the matter is, to put it unpleasantly—the perception that Senators' votes are influenced by sizable contributions to their campaigns.

Mr. President, I react to this measure as I reacted to its cousin, the ban on meals and theaters and sports tickets from lobbyists. Namely, I question its intent, its assumptions, and its effect.

The intent is clear enough. The House and Senate bills seek to thwart an alleged concentration of influence by limiting the amount of single-source campaign funds. In pursuing that intent, Mr. President, this measure paradoxically tries to defeat a perception by caving in to it. It assumes that the interests of political action committees are suspect, self-serving, and contrary to the public good.

This assumption disregards that your constituents often start those organizations, comprise their membership, and provide their resources. It ignores the possibility that constituents speaking through corporations or unions and associations share a candidate's ideas about jobs, education, or any issue. It refuses to consider that constituents may agree with the views of a PAC even if it is out-of-state. None of this matters: Their financial support will be abridged under the blind assumption that it defies public interest.

The House and Senate measures hope to encourage campaign spending restraint by mandating slashed advertising rates, lower postage rates, and various kinds of vouchers. However, if voluntary restraints are not honored by every candidate in a contest, of if one candidate has limitless personal funds, a Perot provision kicks in: The disadvantaged candidate receives money from the ultimate fountain of nameless and faceless funding—the taxpayer.

The American taxpayer is already upset about our salary, benefits, and office expenses. I can scarely imagine what they would say about paying to get us elected, too.

Actually, we know what Americans think about taxpayer-funded campaigns: In 1977, 27.5 percent of Federal tax returns designated a dollar or more toward the Presidential election campaign fund; in 1992, the figure was 17.7 percent.

Mr. President, I am reminded of the reservations our colleagues have already expressed: How this measure invites first amendment challenges, the inconsistency between reducing the deficit and creating bounteous new spending, how this rightly is called an entitlement program for politicians.

And with those reservations in mind, I believe the real question is "what standards do people expect us to meet?"

I believe the people of Tennessee are not outraged when Tennessee businesses and unions and associations support candidates that share their concerns. I believe they expect me to set standards of decorum and propriety in soliciting funds and spending them. Most of all, I believe their biggest concern is knowing who I am dealing with, who contributes to my campaign, and whether my votes and my advocacy have been influenced.

If I tell the people of Tennessee where I am getting my campaign contributions, they can compare my voting record to those sources of funds and decide for themselves whether my vote advances the public interest or narrower private interests.

In short, Mr. President, I believe our efforts should lie in disclosing the source of campaign funding, not in limiting the legitimate expression of voter preference through financial support. I repeat: The effort we should address—as I said when we passed lobbying reform—is disclosure, not the attempt to legislate propriety.

The way to avoid impropriety is to exercise individual judgment about what is proper—and to face the consequences if voters believe it is not. The way to earn the regard of the American people is for us to act with regard to their needs and their future. And the way to reaffirm the purpose we bring to public office is to resist the public cynicism this measure reacts to.

NOMINATION OF LT. GEN. BUSTER GLOSSON, U.S. AIR FORCE, TO RETIRE IN GRADE

Mr. NUNN. Mr. President, the Committee on Armed Services today favorably reported the nomination of Lt. Gen. Buster Glosson, U.S. Air Force, to retire in grade. Lieutenant General Glosson's distinguished 29-year career includes: His service as an F-4 pilot in Vietnam for which he was awarded the Distinguished Flying Cross for 139 combat missions. Primary responsibility for planning and implementing the air campaign in Operation Desert Storm. Service as the Air Force Deputy Chief of Staff for Plans and Operations.

The committee has filed a report on the nomination, which should be available in the next day or two from the Senate Document Room. When the report is available, the committee will also place in S-407, for review by Senators, a number of documents related to this nomination, including the report of a special review panel, materials prepared by the inspector general of the Department of Defense, and other documents submitted to the committee by the Department of Defense which contain information which the committee has treated as confidential. At that time, the committee will also provide to Senators, upon request, redacted versions of the panel report and the inspector general materials.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. DORGAN). Morning business is now closed.

VA, HUD, AND RELATED AGENCIES APPROPRIATIONS ACT FOR FISCAL YEAR 1995—CONFERENCE REPORT

The PRESIDING OFFICER. The Senate will now resume consideration of the conference report accompanying H.R. 4624, which the clerk will report.

The bill clerk read as follows:

> Conference report to accompany H.R. 4624, an act making appropriations for the Department of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1995, and for other purposes.

The Senate resumed consideration of the conference report.

Ms. MIKULSKI addressed the Chair.

The PRESIDING OFFICER. The Chair would advise the Senators that the time for debate on the conference report and remaining amendments in disagreement shall be limited to 90 minutes to be equally divided and controlled in the usual form.

The Chair recognizes the Senator from Maryland.

Ms. MIKULSKI. Thank you very much, Mr. President.

Mr. President, yesterday we had concluded a substantial amount of our debate on the VA-HUD conference report. The other side of the aisle asked for 90 minutes to be equally divided of the additional debate on the issues related to the VA-HUD conference report.

I note that no one is here. I am prepared to either additionally debate the amendments to the conference report that are pending for votes this afternoon, and I am prepared to debate any issue related to the VA-HUD conference report. Not only am I willing to debate it, but I am also willing to discuss it. However, I do not wish to discuss it with myself.

So, Mr. President, I would really ask that all who wish to further comment, question, agree with the conference report on VA-HUD join us on the floor. And in the meantime, I would like to just advise the Senate that we completed our conference report. There are amendments pending that I know will be discussed later.

I must say this is a very important conference report. Why? Because the subcommittee which I have the honor of chairing is like no other subcommittee on appropriations. It was originally historically the subcommittee that funds independent agencies. The small, micro, independent agencies have now grown to either Cabinet or Cabinet level. The subcommittee that I chair funds all of VA, all of HUD, all of EPA, all of the National Science Foundation, the National Service Corps, and Federal Emergency Management. We range in far-ranging activity from funding the President's science office to looking out for what we need to do to preserve battle monuments around the world as well as Arlington Cemetery. Our subcommittee is the most complex of any subcommittee in appropriations. In terms of its overall expenditures, it ranks with Defense and Labor-HHS. When I say it is most complex, all appropriations are complex. But Labor-HHS, Defense, and VA-HUD and over 30 other independent agencies are enormously complex.

So in the subcommittee which I chair there is also something to fuss budget about. It is impossible to have 30 agencies and not fuss budget about at least one of them. While people want to "fuss budget," I can tell you that I feel very comfortable that the budget and the appropriation that we have brought to the Senate meet compelling human need, strategic goals of both parties in the area of science and technology, and makes sure that promises made are promises kept to America's veterans. So I hope that we can speak to the amendments and defeat the amendments. I hope that we can pass the conference report and look forward to further conversation on this bill.

I now note that we have been joined by the ranking minority of the subcommittee, the Senator from Texas, with whom I must say this subcommittee enjoys a very cooperative way of operating. It is an excellent relationship, and it is something that I particularly enjoy.

So, Mr. President, I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Texas [Mr. GRAMM].

Mr. GRAMM. Mr. President, I want to thank the chairman of our committee, the Senator from Maryland.

Mr. President, anytime you are writing a bill that is as big and complicated as the VA, HUD, and independent agencies appropriations, you always have numerous compromises that first occurred in the Senate, and then in the House and then in bringing together the two.

I think what I am most supportive of in this bill is the funding level that we have for science, for the space program, for the development of new technology that goes ultimately to the benefit of free enterprise which is the foundation of the American economy. I have been alarmed over the last quarter century as I have watched funding for basic research cut. I think it is an interesting commentary on American Government that at the same moment that Government spending has been exploding that our basic investment in science, in technology, and in the future has been declining. A quarter of a century ago 5 percent of the Federal budget was spent on civilian research and development of new technology, on developing new science that ultimately produces in America competitive production technology and that helps the private sector produce the new products on which the future of the American economy will be based.

I think it is very revealing about Congress and about the priorities of our Government that in the last quarter century, while Federal Government spending in the aggregate has grown very rapidly, our investment in science and technology for the future has declined from 5 percent of the budget to less than 2 percent of the budget.

One of the things that I am proud of in this bill is that we have a solid investment in the space program. We have gone through the space program and forced NASA to make tough decisions. We have I think been successful in bringing Russia into the space station so that we now have an international cooperative effort that includes the Europeans, the Japanese, the Canadians, and the Russians. We have a solid level of funding for the National Science Foundation and for investment in the future.

So anytime you are writing an appropriations bill in this Congress, you are always torn between investing in programs that have big constituencies, constituencies that can be activated in the next election, versus investing in future generations where investments often take a long time to bear fruit but where the fruit that is borne represents an investment in the future of the country.

Too often, Congress has invested in the next election and not in the next generation. I am proud of the fact that in this bill, despite the fact that we have had tremendous demands on funding levels, that we have provided adequate funding for the space program, for the National Science Foundation, and for the kind of long-term investment that does not create great political excitement but that I think represents an investment in the future of the country.

So I want to commend our chairman. I want to thank her for all of her leadership on this bill. I intend to support this bill. It has been very difficult to write. It embodies compromises. If I were writing the appropriations bill by myself or if the Senator from Maryland and I could have written it without the inconvenience of having to deal with the House, we would have written a different bill. But I think given the Congress that we had to work with, given the competing priorities that we faced, that this represents as good a job as we could do. As I said earlier, I am especially proud of the fact that despite the clamoring of numerous political constituencies for their share of the funding in this bill, we were able to resist the siren song of investing in programs with big constituencies and that create instant gratification by spending the taxpayers' money on things that have effect immediately. Instead, I think we have made a sound investment in science and research, in technology, and in the future.

In conclusion, let me say that I think there have been two hallmarks of American success economically. One has been free enterprise, where ordinary people with ordinary ability have had more opportunity and more freedom than any other people have ever had, and with that opportunity and with that freedom ordinary people have been able to do extraordinary things.

The second has been that no society in history has ever been able to assimilate new technology the way the American system has. We have viewed science as the answer. We have viewed technology as the potential solution to our problems. We have been the most science-friendly society in the history of the world.

I would have to say I believe that is beginning to change. And I am alarmed about it. But this appropriations bill does not represent such a change. This appropriations bill, despite financial difficulties of the Government, represents a strong commitment and a very strong investment in science and technology in the future. I am proud of that investment.

I yield the floor.

Mr. BURNS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Montana. Who yields time to the Senator from Montana?

The Chair would advise the Senator from Texas that the Senator from Texas controls time on that side. Does the Senator yield time to the Senator from Montana?

Mr. GRAMM. I thank the Presiding Officer. I am very happy to yield to the Senator from Montana whatever time he might consume.

Mr. BURNS. I thank my ranking member.

Mr. President, I want to thank the chairman of this subcommittee for her hard work on this appropriations. It has not been an easy one. I would want to associate myself with not only her words but my ranking member as we try to put together an appropriations that I think reflects the thrust of the American people and where they want the priorities to go.

It contains funding for many important projects and new ones. Of course, those projects are going to be felt across the country. It funds the Veterans Administration, the Department of Housing and Urban Development, and independent agencies such as EPA, the NASA, and the National Science Foundation.

I think there is nobody that has been further out front, as far as the appropriations is concerned, as our chairman. I serve on the authorizing committee of science and technology and NASA. It is truly a cooperation between the authorizing part of this bill and then the thrust of appropriating the money and putting it in the right place.

Under the NASA budget, we are starting to take a look at hypersonic wind tunnel development research. $1.5 million is for research for wind tunnels. There are basic tools of obtaining technical and design information needed for hypersonic and supersonic aircraft. The United States, unlike its principal foreign competitors, does not have a wind tunnel capable of simulating these conditions. As we look at new technologies, especially in the aerospace industry, of new composites, new materials, we are taking a look at engines that will fly our supersonic airplane without any metal in them. They are looking at ceramics. We are looking at a whole array of new technologies that will be developed in this area. With the proper investment in this infrastructure, we have a great opportunity to maintain our lead and the cutting edge in aerospace.

As you know, in my State alone we are converting from the old MDH programs in these programs, and we have the infrastructure set in my State in order to take advantage of some of that.

In addition, we also are taking a look at working with the new technologies with EPA in other areas, especially in the areas of technologies of environmental cleanup as a result of closing military bases across this country.

If there is one thing we are finding out in base closures, it is much more expensive to close these bases than once we had thought because of the environmental cleanup. New technologies located in my State of Montana are uniquely qualified to do that technology. They are working on it now.

The National Science Foundation funding is something that we have worked on. I say to my friend in the chair that something that we worked on is telecommunications infrastructure among the tribal reservations in the Western and high plains of this country, not only in the State of Montana, but in North Dakota.

We are working together community colleges to interact between those colleges and in our areas of higher learning, such as Montana State University and North Dakota State University at Fargo.

These are areas where, yes, the native Americans feel like they have something to offer through their culture to the education system of America. To two-way interact is very important if we hook these community colleges together. If you can see what is happening on our reservations across America, it is that they just do not have that outlet in order to present their way of life, their culture, and add something to this great thing we call America, a country of many peoples.

We have seven reservations in Montana. Each one of those, except one or two of them, I think, all have 2-year community colleges. We think this is going to close the gap, the cultural gap, with our major universities and colleges in the State, plus give those young people a sense of being and a sense to go on with their education.

Also in the HUD budget is funding for research centers across the country that are particularly tuned in to women's health problems. We have a center in Billings, MT, that has been doing much research basically on women and the natural functions of aging, osteoporosis being one of those. Because the population in Montana is so static and people that are born there, live there, and they die there, the medical history of those people provides a great data base for research on those diseases. Of course, that area serves Montana, the northern half of Wyoming, as well as western regions of both North and South Dakota in that work.

So in this area there are some new things that are providing a new direction as far as this appropriation is concerned. Women's opportunity and resource development programs are also funded in this, because we are seeing women coming into the marketplace. Some of them are young, single parents. They need help, and they are funded through this organization, through this appropriation, especially in the western part of the State of Montana.

The VA-HUD and independent agencies appropriations bill also contains vital funding for research being done across the country. Three agencies within the bill have programs called EPSCOR. Within the EPA, NASA, and the National Science Foundation is a program vital to the academic research being conducted in our smaller colleges across the country.

These competitive based programs allow for smaller universities to conduct research and provide better educational opportunities for students. Five States in our country receive 44 percent of the university-based Federal research dollars. On the other hand, the 19 EPSCOR States, including Montana, receive only about 6 percent support.

So we are trying to take care of some of these areas and the smaller schools which have very fine research and development organizations within those schools of higher learning.

It is for this reason that EPSCOR is vital in providing those research dollars to rural areas. These programs help the less competitive States, predominantly rural, meet the challenges of competing for research dollars. In order to ensure that we can continue to support nationally competitive academic research, maintaining the funding for EPSCOR is very critical, and this particular appropriation does that. I will be supporting this bill.

Again, I want to congratulate my chairman and distinguished colleague from Maryland, and the ranking member, because this appropriations bill, since I have been in the U.S. Senate, probably shows more foresight of where the thrust should be going in this country, and that, of course, is through the new technologies and also in research and development. We keep hearing that we are getting beat on the competitive global market. We can "out-tech" anybody. Our problem is getting those new technologies into the hands of the people that use them in everyday life, and we also take care of that through this appropriation.

So I thank my chairman and the ranking member for their foresight in this bill. I shall be supporting it, and I congratulate them.

I yield the floor.

Mr. DOMENICI. Mr. President, I rise in support of the conference report on H.R. 4624, the Departments of Veterans Affairs, Housing and Urban Development, and independent agencies appropriations bill for fiscal year 1995.

This bill provides new budget authority of $89.8 billion and new outlays of $48.4 billion to finance operations of the Departments of Veterans Affairs and Housing and Urban Development, the Environmental Protection Agency, the Federal Emergency Management Agency, the National Aeronautics and Space Administration, the National Science Foundation, and other independent agencies.

Mr. President, the committee bill is within the subcommittee's 602(b) allocation. When outlays from prior-year appropriations and other adjustments are taken into account, the bill totals $90.3 billion in budget authority and $92.4 billion in outlays. The total bill is under the Senate subcommittee's 602(b) allocation by $1 million in budget authority and outlays.

This was not an easy task. The subcommittee has deferred funding for new housing initiatives that have not yet been enacted, and it has sought savings in some of the housing programs funded in the bill.

However, the subcommittee also adopted several provisions that minimize near-term outlays; specifically, delaying the obligation of some funding in the bill until very late in the fiscal year.

The subcommittee started with the President's request for a $771 million obligational delay in VA medical care. They then added a $386 million delay in the National Service account, a $132 million delay in NSF academic research infrastructure grants, and a delay of the entire $400 million for NASA aeronautic wind tunnel facilities. These actions push approximately $650 million in outlays into fiscal year 1996.

I do not have to remind my colleagues that the Exon-Grassley amendment to the fiscal year 1995 budget resolution mandates a reduction in the fiscal year 1996 discretionary cap of $4.0 billion in budget authority and $5.4 billion in outlays.

My colleagues on the subcommittee are well aware of this upcoming reduction. That is why they included an automatic rescission feature along with the delays in NASA and NSF, if the President did not choose to fund these initiatives next year.

With these actions and some tough decisions, this subcommittee has provided the largest percentage of funding for the President's proposed investment initiatives. According to the most recent report from the Office of Management and Budget, the President's investment initiatives are almost completely funded in this bill. Apparently the administration is not overly concerned that 67 percent of the funding for their National Service initiative will not be available until 1 month before the end of the fiscal year.

I especially appreciate the consideration given by the distinguished chair of the subcommittee to my request for assistance in meeting the severe wastewater treatment needs of the South Valley in Bernalillo County, NM.

I thank Senator MIKULSKI for the inclusion of $15.5 million in the bill through EPA's water infrastructure/State loan revolving loan program to meet the longstanding need of this community for adequate wastewater treatment facilities.

The conferees retained the $12 million approved by the Senate for the South Valley project in New Mexico. An additional $3.5 million was provided for the South Valley project as part of the final bill, which is directed to Bernalillo County.

This is an extremely serious situation in the South Valley and these funds will significantly resolve this longstanding problem.

I thank my good friend from Texas and the ranking Republican member of the subcommittee, Senator GRAMM, for his support for this important funding.

I also want to thank the subcommittee for providing full funding for construction of the second ground terminal for NASA's Tracking Data Relay Satellite System [TDRSS] to complete this important link in NASA's space communications system.

Mr. President, I urge the adoption of the pending bill.

SOUTH VALLEY WATER PROBLEM

Mr. DOMENICI. Mr. President, I am pleased this bill included $12 million funding for the South Valley of Bernalillo County, NM. In addition the conference report includes another $3.5 million for Bernalillo County. This funding should help solve one of the most serious waste water problems in New Mexico. By removing many of the septic tanks and hooking homes up to central sewer or other waste disposal systems, the quality of the drinking water should also improve.

This area has been settled since the 1700's and includes the three historic villages of Atrisco established in 1692, Los Padillas established in 1703, and Pajarito established in 1699. The South Valley is home to 12,000 people. The vast majority are Hispanic and many are poor. More than half of the children attending the area's two main elementary schools were eligible for free lunches through the Federal School Lunch Program, indicating household incomes under 130 percent of the poverty level.

For almost 30 years the South Valley community has suffered the health hazard of inadequate sewer and water facilities. Drinking water wells and septic tank leach fields are practically on top of each other. I am sure you can appreciate the tremendous health hazard this represents.

The septic tanks in the South Valley are contributing significantly to the aquifer's depletion and pollution. This is very serious because the aquifer is the water supply for the entire Albuquerque area. The water table in the aquifer has dropped 30 feet during the last decade. These facts support the conclusion that the problem is getting worse and so is the general quality of life in the South Valley.

I am aware that it would take more than $10 billion to help every community in need of a sanitary wastewater treatment system. The Appropriations Committee last year made $500 million available for wastewater treatment for communities with special needs. That money is scheduled to become available this fall for projects that have been authorized. Thus far this year, the House passed VA-HUD appropriation bill leaves available, subject to authorization, the fiscal year 1994 $500 million communities with special needs account.

The Senate Appropriations Committee made wastewater treatment a higher priority, and identified specific projects that would receive funding in both fiscal year 1994 and fiscal year 1995. I am pleased that they included $12 million in fiscal year 1995 for the South Valley, and another $3.5 million for Bernalillo County where the South Valley is located.

For almost 30 years this community has suffered deteriorating housing stock, and the health hazard of inadequate sewer and water facilities.

The situation is so critical that there is a moratorium on building desperately needed multifamily housing units. These are units that could greatly improve the housing stock and quality of life in the South Valley neighborhoods.

The wastewater needs for the South Valley are diverse and will require several different approaches. While these are the starkest examples, the valley's problems are diverse. Some parts of the valley are semiurban and could be hooked up to the Albuquerque City system. Other sections of the South Valley would be best served by "community-cluster style" systems like the vacuum systems and constructed wetlands. In the least densely populated areas of the South Valley it makes sense to continue onsite water wells and wastewater disposal systems.

Making lemonade out of a lemon. Two elementary schools and a community center in the South Valley were having to pump their septic tanks daily in order to avoid sewage rising to the ground surface. Bacteria were found in the well of one of the schools about 2 years ago. One of the schools, Los Padillas School, had been using bottled water to drink and to prepare school lunches. The teachers used this dire situation to get the students interested in science. All of the kids learned about the dangers of unsafe drinking water. They learned about the constructed wetlands vacuum technology to treat their waste and to provide them with clean healthy drinking water.

Helping those who help themselves. In these tight fiscal times, it can be said that Congress helps those who help themselves. If this is the test, South Valley should be helped. This community has been untiring in its efforts to help itself. So many times its efforts have been ignored or rejected.

Nevertheless, its leaders should be commended. They never gave up.

The leaders of South Valley and I have been meeting on a regular basis for 9½ years to develop an action plan to address this problem. I particularly want to mention the hard work in New Mexico at the State legislature and in local government. Speaker of the House, Ray Sanchez; Senate President pro tempore, Manny Aragon; State Representative Kiki Saavedra; State Representative Delano Garcia; former county commissioner, Orlando Vigil, county commissioner, Al Valdez, and county manager, Juan Vigil have all worked tirelessly.

Their hard work has led to successes at the local level. These include the following: In 1991, the Bernalillo County Commission adopted a one-eighth cent tax on gross receipts in and for the unincorporated area of the South Valley to finance solid waste, water, and sewer. In the 2 years that this levy has been on the books, $1.5 million has been raised in annual revenue and $900,000 has been designated to assist residents in hooking up to water and sewer systems already in place. Some of this $900,000 has been used to upgrade substandard onsite wells or septic systems.

A partnership in the making. The city of Albuquerque, in partnership with Bernalillo County, has contributed its resources in the areas of research planning and education. The University of New Mexico, Institute of Public Law, provided a joint study for the New Mexico legislature which led to an appropriation of funds for this project.

The New Mexico legislature appropriated $4 million in 1992; $5 million in 1993; and $8 million in 1994 demonstrating the seriousness of the problem and the State's commitment to a solution.

Users of a new system will also bear a portion of the burden for the improvements. If the city is the provider, total user fees may total almost $3,500 for hookup to both water and sewer service. These costs do not include the cost to extend lines from the house to the water meter and sewer stubout. While average incomes range from $18,000 to over $40,000 per household it would be difficult for most homeowners to pay these substantial costs out-of-pocket to ensure a sanitary liquid wastewater disposal system and safe drinking water supply.

Given the magnitude of the costs, grants, and direct appropriations are needed in order to keep rates from being prohibitively high. The Revolving Loan Fund has not been used because there is no way the residents could pay back the loan; the rates would be so high that the people who need the wastewater system could not afford it. The South Valley is not part of Albuquerque City and city officials say that the city is already subsidizing the South Valley residents.

In addition, the Revolving Loan Program cannot make a long-term commitment for future funding of a phased project. The funds for both water and sewer problems are eventually needed. I realize that your committee's jurisdiction is mainly the wastewater part of their problem, and we are trying to secure funding for wastewater first. My point, however, is that the loan fund is not the answer for all of the above reasons.

Clearly the legislature is doing its part in this worthy partnership which would use both State resources and Federal resources. Even with the State appropriations the South Valley still needs $35–$40 million to meet its water and sewer treatment needs—$25 million for the wastewater portion which falls within the jurisdiction of your committee.

Dozens of programs on the books but none of them can help the South Valley. Over the years, the community has investigated using the state revolving loan fund, Economic Development Administration Programs, rural development programs under the Department of Agriculture, all of the EPA Programs, HUD Programs, and the Community Development Block Grant Program. The South Valley is ineligible for all of them because it is either too close to Albuquerque and therefore not rural enough, or too close to Albuquerque and therefore, when viewed as a region, is not poor enough. Or the needs of the South Valley are too big and would swallow up entire programs' nationwide budgets. Frankly the existing programs, with their restrictions about being too urban or too well off aren't the important criteria. It has simply been too long since the Federal Government joined the State and local partnership.

The Senate has passed a South Valley authorization. Action is needed in the House. Last year, the Senate passed S. 1685 which authorized this project. That bill is being held at the House desk.

This authorization, if it is enacted into law, will end 30 years of frustration, denial and avoidable health problems in this community.

Thank you, Mr. Chairman.

CONSORTIUM FOR INTERNATIONAL EARTH SCIENCE INFORMATION NETWORK [CIESIN]

Mr. RIEGLE. Mr. President, my colleague from Michigan, Senator LEVIN, and I would like to engage in a colloquy with the distinguished Chair of the VA, HUD and Independent Agencies Appropriations Subcommittee on an issue of importance to our State, to the Nation, and to the world—the Consortium for International Earth Science Information Network [CIESIN].

Ms. MIKULSKI. Mr. President, I would be pleased to engage in a colloquy with my colleagues from Michigan on that subject.

Mr. LEVIN. Mr. President, last year, in the fiscal year 1994 conference report for the VA–HUD Appropriations Act (Report 103–273, p. 30), the conferees stated their expectation "that beginning in fiscal year 1995, the National Science Foundation will establish, through a competitive process, a Center for the Human Dimensions of Climate Change at a level of approximately $6,000,000 annually."

That direction resulted because of an agreement reached in the Senate regarding CIESIN during the Senate's consideration of the fiscal year 1994 bill. A colloquy on the matter took place between Senator MIKULSKI, as Senate manager of the bill, and Senator RIEGLE and me on September 22, 1993. During that colloquy, the subcommittee Chair indicated her intention to support the development of a competitive grant of about $6 million annually to be awarded by the National Science Foundation to a center for the conduct of CIESIN-like activities. These activities were described by my colleague, Senator RIEGLE, and me, earlier in the colloquy. Our intent and understanding was that CIESIN would have the opportunity to compete for selection as this center.

Is that also the understanding of the Senator from Maryland?

Ms. MIKULSKI. Mr. President, the Senator is correct. I stated at that time that I thought it would make good sense to develop such a grant proposal for this kind of center. While I noted that I could not commit future Congresses, I indicated that I would work with the Senators from Michigan and the administration to carry out this agreement.

Mr. RIEGLE. Mr. President, the Senator from Maryland has great foresight in attempting to fashion programs that build upon the Nation's investments in science, as is the case with CIESIN. I thank the Senator from Maryland for carrying forward with her agreement of last year.

I ask the distinguished chairwoman, the gentlelady from Maryland, if the center on page 50 of fiscal year 1995 VA–HUD Conference Report 103–715, described as a "center or consortium for the human dimensions of global climate change," and for which $6 million was recommended by the conferees for fiscal year 1995, is the center talked about during the debate on the fiscal year 1994 bill, as described by Senator LEVIN?

Ms. MIKULSKI. Mr. President, the Senator is correct. That was my intention and the intention of the conferees. I join the Senators from Michigan to encourage the NSF to carry forward with the competitive process and with the award for this center early in fiscal year 1995. I am aware of the serious funding constraints placed upon CIESIN in fiscal year 1995, and I would like to see them have the opportunity to compete. However, I want to make clear that this $6 million item in the NSF's appropriations is to be awarded under the framework of a competitive, peer-reviewed process. Of course, no applicant for these funds should be given consideration outside of this competitive selection process.

Mr. RIEGLE. Mr. President, we thank the Senator from Maryland for this clarification and her assistance on this important matter.

Mr. BURNS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. McCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMM. Mr. President, I yield 15 minutes to the distinguished Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. McCAIN. Mr. President I thank my friend from Texas. In a short time, we will be voting on my amendment and also Senator SMITH's amendment, I believe, on another attempt—possibly a futile one—to remedy this credible problem we face of unauthorized earmarks added in conference. Neither the House nor the Senate have approved these appropriations.

I congratulate the subcommittee, because this is the highest number that was added in any appropriations bill. We count up about $400 million, higher than any other appropriations bill.

Mr. President, I ask unanimous consent that a letter from the Citizens Against Government Waste be printed in the RECORD at this time.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

> COUNCIL FOR
> CITIZENS AGAINST GOVERNMENT WASTE,
> *Washington, DC, September 26, 1994.*
>
> DEAR SENATOR: In the just-released 1994 Congressional Ratings by the Council for Citizens Against Government Waste (CCAGW), the average score for Senators was 45.76% in support of cutting government waste. The average House score was 52.72%.
>
> This "spending cuts gap" is demonstrated in the 101st Congress and 102d Congress as well, and as you can imagine, House members are making much of their better voting record on eliminating waste and halting pork-barrel spending.
>
> Today and tomorrow, you will have a chance to narrow the House-Senate spending cuts gap by approving Senator John McCain's amendment to eliminate earmarks and pork in the FY95 VA/HUD appropriation.
>
> Two weeks ago, the House blinked, 189–180, and failed to eliminate pork projects added to the bill. CCAGW strongly urges you to correct the mistake and demonstrate that you have some regard for American taxpayers.
>
> We have seen a list of the earmarked projects, and while many appear to be well-intentioned, suitable endeavors, virtually all are unauthorized. Moreover, the targets of Senator McCain's amendment were all added in conference, the kind of back-door spending that outrages the average American who sees the practice as yet another indication of Congress sneaking around, spending their tax dollars.
>
> Of all the votes you cast this year, none more clearly will define your record on porkbarrel spending. Shamefully, the House blew its opportunity to put principle above election-year politics, but we count on the Senate to approve the McCain amendment and halt the gluttony.
>
> Your vote on the McCain (or any tabling) amendment will certainly be among those tabulated in our final 1994 Congressional Ratings.
>
> Sincerely,
>
> JOE WINKELMANN,
> *Director of Government Affairs.*

Mr. McCAIN. Mr. President, I will quote from this letter. By the way, this amendment is supported by the Citizens For a Sound Economy and the National Taxpayers' Union.

Citizens Against Government Waste says:

> Today and tomorrow, you will have a chance to narrow the House-Senate spending cuts gap by approving Senator John MCCAIN's amendment to eliminate earmarks and pork in the Fiscal Year 1995 VA-HUD appropriation.
>
> Two weeks ago, the House blinked, 189–180, and failed to eliminate pork projects added to the bill. Citizens Against Government Waste strongly urges you to correct the mistake and demonstrate that you have some regard for American taxpayers.
>
> We have seen a list of the earmarked projects, and while many appear to be well-intentioned, suitable endeavors, virtually all are unauthorized. Moreover, the targets of Senator McCain's amendment were all added in conference, the kind of back-door spending that outrages the average American who sees the practice as yet another indication of Congress sneaking around, spending their tax dollars.

Mr. President, I hope that we can, this time, recognize that this kind of thing is not possible anymore. I was pleased to see that the House acted on the Transportation conference report. Unfortunately, our efforts over here to take similar action were defeated.

I saw a letter, as I arrived at my desk, Mr. President, from the Paralyzed Veterans of America. The letter is addressed to the honorable BARBARA MIKULSKI, chairman of VA–HUD.

> Dear Madam Chair: On behalf of the members of Paralyzed Veterans of America, I am writing to request your assistance in opposing any amendment to be offered to the fiscal year 1995 appropriations for the Department of Veterans Affairs. Amendments at this late date jeopardize and delay the final approval of this necessary appropriation and will curtail the VA's ability to meet the health care demands of veterans.
>
> Delays and foot-dragging have already dearly cost VA health care this year—

[blah, blah, blah].

I have great sympathy for Douglas Vollmer, the associate executive director for Government relations for the Paralyzed Veterans of America. I have had excellent relations with them. Unfortunately, they do not know that we have had an opportunity for an entire year to get this bill up. It is not this side who is proposing the amendment that caused this appropriations bill to come forward at this late date. Probably, Mr. Vollmer does not realize that when we earmark in an unauthorized fashion moneys for specific projects, that Paralyzed Veterans all over America suffer. Perhaps Mr. Vollmer does not realize that the best way to get the kind of assistance that all of our veterans need is to have a fair and equitable distribution of the money and not have unauthorized earmarks which specifically go to the States and districts of members of the Appropriations Committee.

I do not think any veteran in Maryland has a higher calling on the tax dollars of the American taxpayer than a veteran in Arizona, or a veteran in New Hampshire, or in any other State. But we find in this bill 400 million dollars' worth of earmarking—worth of earmarking—that goes on and on and on and on. Many of them are very worthwhile, many are important projects—none of them scrutinized by the Members of this body. None of them, of the nearly $400 million.

When I say nearly $400 million, Mr. President, next year when we go through this, perhaps if we adopt the Smith amendment, at least we will be able to identify them instead of our staff having to leaf through page after page of this document and try to uncover it themselves. What happens is that long after the bill is passed is when we finally find out what exactly they were.

I will not go through too many of these. I have a very long list here. I have many pages of these earmarks. Some of them sound reasonable to me. Some of them, to me, are hard to understand. But there is one common thread that runs through these, and that is that they seem to be awarded almost uniformly to the States and districts of members of the Appropriations Committee: $1.7 million to the city of Little Rock, AR, for community development activities; $1 million to Cibola County, NM, for the development of the multiagency visitor center; $1 million for a residential and commercial sewer rehabilitation project.

I am sure all of these are very important. I am sure that Cleveland, OH, needs all of the funding going to Cleveland, OH. I am sure it is just a coincidence that, according to an article in

Congressional Quarterly entitled "A Cleveland Cornucopia," if that is the proper pronunciation. Metropolitan Cleveland was a conspicuous winner when House conferees added special-purposes grants to the housing section of the VA-HUD appropriations.

A chairman of the subcommittee represents Cleveland's east side suburb, and the conference report includes nearly $10 million in projects for the area. I am sure they are worthwhile projects, Mr. President, but they were not scrutinized by the Members of the House or Senate.

Mr. President, I have gone on and on on this issue for a long, long time. I will continue, probably, unfortunately to go on and on on this issue. But if we ever expect to regain the confidence of the American people we better have an orderly process here, as described in the pamphlet printed at Government expense, called "How Our Laws Are Made."

"How Our Laws Are Made" says that the Senate passes a bill and the House passes a bill and they conference on items of disagreement, period. The very unhealthy and unsavory practice of adding in appropriations that were not authorized at any time into these bills, continues apace. And in this case in this bill, the estimates we have are about 400 million dollars' worth.

Mr. President, I cannot go back to Arizona and tell the people that I am truly representing them if in a conference $400 million of special projects is added on which I am not a member of the conference. Yesterday, the Senator from Maryland suggested that maybe I become a member of the Appropriations Committee. I do not think that would solve the problem. I think what solves the problem is an orderly process where the Members of both bodies scrutinize both bills and that we abide by the rules of the Senate, which is that the conferees address items in disagreement.

Mr. President, I hope we can win this vote and I believe in those who are worried about inordinate delays. I say we can go back to conference and in 1 New York minute we can clean out those earmarks and bring it right back and have a 100 to 0 vote on the floor of the Senate. All we have to do is take out the earmarks and bring the bill back and I am sure we can pass it very quickly.

Mr. President, I reserve the remainder of my time.

Ms. MIKULSKI. Mr. President, ordinarily, we alternate back and forth, but I am happy for Senator DURENBERGER to proceed and for the Senator from Texas to yield. I will move into my rebuttal and wrapup. In today's atmosphere we need a little bit more comity with each other to move our legislation.

The PRESIDING OFFICER. The Chair advises that the Senator from Texas controls 15 minutes. The Senator from Maryland controls 39 minutes.

Mr. GRAMM. I yield 10 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 10 minutes.

Mr. DURENBERGER. Mr. President, I appreciate the comments of my colleague from Maryland about comity, and I appreciate the opportunity to speak on behalf of the amendment by my colleague from Arizona. I certainly endorse every comment that he made and I intend to add a few of my own.

Mr. President, I urge the Senate to adopt the amendment offered by the Senator from Arizona. The bill allocates more than $1.2 billion to projects in about 40 cities. It is clear that those funds come at the expense of the Clean Water Act State Revolving Loan Fund Program that serves the needs of all the States.

By every measure the State revolving fund—or SRF Program as it is called—has been a great success.

Notwithstanding that success, the Appropriations Committee has for 2 years in a row slashed the President's SRF budget request to finance direct grants for selected cities. It would be one thing if the SRF had failed to meet its objectives or if there was a segment of the interested parties which believed that major reforms in the program were needed. But that's not the case. The program is universally popular.

It is my purpose today to make the case against these direct grants by making the case for the alternative—for the SRF—by setting forth the history of wastewater treatment financing under the Clean Water Act.

EARLY HISTORY OF THE CLEAN WATER ACT GRANTS

Mr. President, Federal aid to build wastewater collection and treatment systems began in 1956 with enactment of the Federal Water Pollution Control Act. For most of its history this program provided direct Federal grants to local governments. Cities and towns used the money to lay sewer pipes, to build sewage treatment plants and to replace sewage facilities that had worn out.

In the first years the grants were relatively small, $20 million to $50 million per year. But in 1972, the program was dramatically expanded. That was the year that Congress completely rewrote the Federal Water Pollution Control Act to address the water pollution problems that had become a national scandal. Rivers caught fire, the Great Lakes were dying, urban rivers like the Potomac were so polluted they were no longer suitable for recreation. And the American people demanded that our rivers and streams, lakes, harbors, and bays be cleaned up.

Although it was not officially called the Clean Water Act until 1977, it was the amendments of 1972 that signaled the big change. Authorizations for the wastewater treatment construction grants program were increased to nearly $5 billion per year with the 1972 legislation. The Federal share of project costs was increased to 75 percent. States were instructed to prepare priority lists of projects for Federal funds. A massive construction program was begun.

That level of effort was continued through much of the 1970's. At the end of that decade, the Federal Government was providing about $5 billion per year in aid to local governments to build sewage treatment and collection facilities. More than $26 billion had been invested at that point.

THE REAGAN REFORMS

In 1981 when President Reagan came to office he appointed David Stockman as the Director of the Office of Management and Budget. Mr. Stockman was very critical of the construction grants program. He felt that many of the communities that received Federal assistance could well afford to build their own wastewater treatment facilities.

He also argued, and with some justification, that the very low contribution made by local governments to the cost of these plants encouraged overbuilding. Cities designed plants with capacity well beyond their current needs because the cities contributed on average only 5 percent of the construction costs.

As it happened the construction grants program was up for reauthorization in 1981 and President Reagan made it clear that he would request no funds for 1982 unless significant reforms in the program were made.

And the Congress responded with reforms. The Federal matching rate was cut from 75 percent to 55 percent requiring local governments to shoulder a larger share of the burden. Projects that were growth related were no longer eligible for Federal funding. Priority was given to construction that would bring cities into compliance with Federal water quality standards. It was agreed that the program would be extended, but for only 10 additional years at an authorization level of $2.4 billion per year. At the end of the 10-year period, the Federal role in wastewater treatment was to be terminated.

There was logic to the commitment of $2.4 billion per year for 10 years. Those of us in the Federal Government often hear complaints from our colleagues who serve in State and local governments that the Congress imposes mandates without funding them.

The laws that Congress enacts can have major cost impacts for State and local government. Since they are governments that must get their tax dollars from the same people that the Congress taxes, they argue, rightfully in my view, that Congress has an obligation to consider the impacts of its action on State and local spending and taxes.

Well, we always have in the Clean Water Act. The purpose of the construction grants program was to help pay for a Federal mandate. Publicly owned treatment works, the sewage treatment plants owned by towns and cities and counties, must meet a level of pollution control set forth in the Clean Water Act. It is called secondary treatment. It requires that about 85 percent of the pollutants in the wastewater be removed before the water is discharged to a river or lake. In 1981 when the Congress and the administration agreed to provide another $2.4 billion per year for 10 years for construction grants it was projected that this amount of money would roughly pay for the cost of complying with that Federal mandate.

And today, most communities are either complying with the requirement or have under construction the sewage treatment facilities necessary to comply. The Federal Government has by now made grants totaling more than $61 billion to achieve this goal—to pay for the sewage treatment plants that are necessary to comply with the requirements of the Clean Water Act.

STATE REVOLVING LOAN FUNDS

When the grant program came up for reauthorization again in 1985, further and very significant reforms were made. At that time we were looking at the end of the Federal role in 1991. The principal question was how to wind down the Federal role in sewage treatment plant construction once the job had been accomplished. The legislation we developed converted the construction grants program was into a permanent infrastructure investment program at the State level.

Rather than make outright grants to local governments for construction, the 1987 Water Quality Act authorizes grants to the States. Each State places its grant in a revolving loan fund. It matches the Federal grant with some of its own funds. The money in the fund is then loaned to local governments for wastewater treatment construction projects. Local governments pay the money back over 20 years at interest rates less than the market would charge and money is then reloaned to build new sewage treatment facilities in other towns and communities.

These State loan programs are called State revolving funds or SRF's. The first SRF's were established in 1989 and 1990. Today every State and Puerto Rico has established a revolving loan fund. They have all received grants from the Federal Government to capitalize their funds. Loans have been extended to hundreds of local governments through State revolving funds.

The States have done a truly extraordinary job in setting up these funds. States are required to match the Federal dollars with some funds of their own. Many States have gone well beyond the required match. And a dozen States have leveraged their funds. They have used the Federal grant to backup bonds issued by the State the revenues from which are deposited in the fund and are also used to make loans.

For instance, the State of New York has leveraged its Federal grant and state match at a 3-to-1 rate. For every dollar of Federal grants it receives it is able to loan out more than $3 to local governments. This means that Federal dollars in states using the leverage of SRF's can reach much farther than they would as a direct Federal-local grants.

The advent of the SRF has brought about another significant reform. Because local communities are required to pay back the loans, the planning and design of the wastewater facilities that are built is likely to be much more in tune with the actual needs of the community. Cities and towns will seek efficiencies and technologies that can save costs and save on water consumption, because ultimately they will have to pay the sewerage charges that finance the facility.

But there is still a substantial benefit for local governments. The State of New York estimates that local government saves $250,000 in interest costs for each $1 million borrowed from an SRF as opposed to the bond market. And in some States, no interest loans are offered to communities that cannot afford even the 2 to 5 percent rate that is typically charged for an SRF loan.

So, what we have here is a great success story. Since 1956 the Federal Government has invested more than $61 billion in local sewage treatment and collection. It is an example of the Congress financing a mandate that it has imposed. Today, there are 16,000 functioning sewage treatment plants owned and operated by local governments across the country.

Plants serving more than 144 million Americans meet secondary treatment—the Federal standard for clean water. That is up from 85 million in 1972. And the quality of the Nation's rivers and streams, lakes, harbors, and bays has improved dramatically as a result.

State revolving funds have magnified the impact of Federal dollars. The money will be available in perpetuity as local governments repay their loans. Many states have leveraged the Federal dollars to extend the reach of the SRF's. And the dollars are applied more efficiently as the discipline of repayment is applied to the design and construction of these facilities.

CLEAN WATER ACT REAUTHORIZATION PROPOSALS

Mr. President, although the intention in 1987 was to terminate the Federal role in wastewater treatment financing, the tremendous success of the State Revolving Fund Program has caused a change of heart. President Bush and the environmental leaders of his Administration including the head of the Environmental Protection Agency, Bill Reilly, came to see the SRF as one of the most valuable environmental programs carried out by the Federal Government.

Although the phaseout of the SRF funding is scheduled to begin in 1991, President Bush proposed continuation of the program at levels exceeding $2 billion per year and in his last budget proposed funding at levels not seen since the 1970's. The success of the program and the continuing needs for wastewater investment convinced even the Office of Management and Budget that this program should be extended.

In late 1993 President Clinton released his own Clean Water Act initiative that proposed a reauthorization of the SRF program through the year 2000 at approximately current funding levels—levels well above the amounts for the SRF now included in this Appropriations conference report.

It is interesting to note that President Clinton also proposed an SRF for the Safe Drinking Water Act. New drinking water regulations have imposed substantial costs—estimated to be more than $8 billion—on local government across the Nation. Many small communities are having a difficult time finding the capital for drinking water supply improvements that will be necessary to comply with these regulations. Because the SRF program has worked so well under the Clean Water Act, the mechanism is proposed as a solution for the serious troubles of the Safe Drinking Water Act.

In February of this year, the Environment and Public Works Committee of the Senate reported legislation, S. 2093, that would reauthorize the Clean Water Act and that would extend the SRF capitalization grants through the year 2000.

THE 1995 WATER INFRASTRUCTURE APPROPRIATION

Mr. President, this 1995 appropriations bill is out-of-step with the long and successful history of the Clean Water Act.

The conference report undercuts the State Revolving Fund Program and returns to an era of direct Federal-local grants setting aside the many reforms imposed by Congress after careful oversight of the program.

While the bill appropriates $1.238 billion for Clean Water Act State Revolving Funds in 1995, it provides a larger amount, $1.282 billion, in direct grants to approximately 40 cities for sewage treatment, stormwater, and water supply projects.

The conference report includes many more grants than were contemplated in either the Senate or House passed bills. The Senate bill included $368 million in grants for 1995. The conference report comes back to us with $782 million in grants for a long list of projects never mentioned in either the House or Senate report.

Of course, the amount to be appropriated to the Clean Water Act SRF shared by all the States has been reduced to make room for these new earmarks. This is the second EPA appropriations bill that has been the full responsibility of the Clinton Administration. Both have contained substantially less money in the Clean Water Act SRF account than was provided in bills passed under Republican Presidents. Because most States don't benefit from the direct grants, the Clinton budgets have made them losers. Looking back at the bill passed by the Senate, it is clear that the loss in this case is directly attributable to this long list of earmarks.

Mr. President, I urge the Senate to support the amendment offered by Senator McCain.

Mr. President, I think I just finished the last meeting of the Environment and Public Works Committee, and I have been at that now for I think it is about 12 years of serving on that committee.

So, among other things, I know a little bit of something about water infrastructure grants that are included in H.R. 4624. I know a little bit of something about the origin of the Clean Water Act, a little bit of the history of the clean water bill which is set forth in my statement. There is an early history of the Clean Water Act grants, which I think will endorse everything that my colleague from Arizona said about what has happened to what has turned out to be pretty good intergovernmental policy—the relationship between Federal, State, and local government—in implementing the environmental objectives in water cleanup, what happened to them in the last 2 years on the path through the Appropriations Committee.

Let me forgo the early history of the big buildup in 1972 of the Federal Water Pollution Control Act of 1977. We first called it, I guess, the Clean Water Act, and it was at that point that we jumped up to 75 percent Federal money. By the time Dave Stockman got here with President Reagan in 1981, we figured we were shoveling an awful lot of money out into local government in a lot of communities in which maybe the need was not all that great and/or where they could have committed some local funds to meet those same needs.

So starting with—I almost called him President Stockman—but starting with OMB Director Stockman's recommendation in 1981, the committee and this Congress, the House and the Senate, began to review, revise, and to implement some reforms in the whole way the program was authorized.

In 1985, when the reauthorization came up, there were further and very significant reforms that were made at that time, looking toward an end to the Federal role in all of that. That was the year that we came up with a concept of State revolving loan funds. As the local communities would begin to repay funds these would be gathered at the State level and they could be used in conjunction with State funds for further grants.

What happened with the State revolving loan fund program, which was established in I think about 1989 or 1990, every State and Puerto Rico has established a revolving loan fund of some kind. They have received grants from the Federal Government which capitalizes their own funds, and those loans then have gone out into a variety of local government projects.

So what you have, in effect, with this relatively small amount of Federal money, which is in effect recycled in part by repayment, is a cooperative effort between the State and the local governments to determine which wastewater treatment plants and projects are the ones that are most appropriate, and which ones may be less appropriate and have to go on some back burner for a while. That, in effect, for the last year or so, has saved the demise of the Federal participation in these treatment plants.

The bottom line, Mr. President, is that the State revolving funds have magnified the impact of Federal dollars. The money now will be available, in effect, in perpetuity as local governments repay their loans. Many States have leveraged the Federal dollars to extend the reach of the SRF, applying them more efficiently, more appropriately. They are beginning to discipline the repayment where people are falling behind, getting their money back inappropriately. There is now an intergovernmental discipline which does not have to be exercised here at the Federal level.

So, Mr. President, as I have watched this process go through the natural evolution of what is the appropriate Federal role, what is the State role, and what is the local role, this is one of those programs where a relatively small amount of Federal money is achieving a very important national purpose by enhancing the relationship between State and local government and, in effect, we do not need an Environment and Public Works Committee to determine what projects work and which ones do not; we do not need an Appropriations Committee at this level to make the determinations about the wisest expenditure of funds.

So I conclude, Mr. President, by saying that the 1995 appropriations bill appears to me to be out of step with the very long and successful history of the Clean Water Act. The conference report undercuts the State Revolving Fund Program. It returns us, in effect, to an era of direct Federal-local grants, setting aside many of the reforms imposed by Congress after careful oversight of the program.

While the bill appropriates $1.238 billion for Clean Water Act State revolving funds in 1995, it provides a larger amount, $1.282 billion in direct grants, to approximately 40 cities for sewage treatment and storm water and water supply projects.

The conference report includes many more grants than were contemplated either in the Senate- or the House-passed bills. The Senate bill, for example, included $368 million in grants for 1995; that is, directs grants. The conference report came back to us with $782 million in grants for a long list of projects never mentioned in either the House or the Senate report.

The amount to be appropriated to the Clean Water Act State revolving fund shared by all the States has been reduced to make room for these new earmarks. So, in effect, this evolution of a more responsible system, using the recycled, repaid funds is now being taken apart in order to bring the decision-making back here to the national level.

So, Mr. President, I strongly urge my colleagues to take the advice of our friend from Arizona. I do not know which States are the ones that benefit from the new largess of the Appropriations Committee. I do not know which ones get housing money. I am only here to say that I think the good policy which has evolved over time in terms of how to wisely see the expenditure of these moneys at the local level is being put into reverse by the action of our colleagues on the Appropriations Committee.

I am sure there is desperate need in these 40 projects; there is no question about that. I am here only to speak for my colleagues, as my friend from Arizona has done, about the logic of reversing a very, very good change in Federal policy which has enhanced the relationship, the intergovernment relationship, between State and local government, which has made a few billion dollars go an awful lot further than they would have gone under the original Federal grant program, under the Clean Water Act.

So for whatever reason my colleagues might have to support this particular amendment by my colleague from Arizona to send this back to the committee, I suggest that good public policy is at the root of it. The Clean Water Act and the SFR fund is a good example of that, and I, as strongly as I can, urge my colleagues to support his amendment. I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Chair recognizes the Senator from Maryland.

Ms. MIKULSKI. Mr. President, much has been said about this conference report this morning, some complimentary and some critical.

I would like to just try to present the facts as they are. First, in response to the Paralyzed Veterans' letter raising concern that an amendment to the bill would put it back in the House and could possibly delay us meeting our October 1 deadline, it was indicated that perhaps this subcommittee footdragged. I really take exception to that because the whole leadership of this subcommittee has moved in a steady way. We on the Appropriations Committee are very clear that we have a due date. We on the Appropriations Committee know when that due date is and we organize ourselves, through both our hearings, waiting for House action, bringing to the Senate and then moving our bill in a steady way.

We had completed our conference before we broke in August. Every deadline for this subcommittee was met and met in a prompt timely way. Our hearings were completed in June, which is the schedule for the Senate. The House acted. We took up our bill in July and then met in conference before the break. Then we were ready. There was a report here September 1.

We are part of everything else that is going on in this institution.

My bill was ready to come to the floor the minute we got back from the August break. We were ready to go. We were ready to go. So it is not that we have foot dragged. We have been part of this gridlock that is going on where my legislation and I believe some of the other appropriations bills are stacked up like planes over LaGuardia Airport waiting to land in the midst of a storm.

So, I want to assure both the people of Maryland and the people of America that the subcommittee working with both sides of the aisle has met its deadlines. We are here this week because that is the way the schedule fell because of other things. We were ready to go last week, but the hours and hours and hours of debate, and I might add some might say fruitless debate on campaign finance reform, is one of the ones that delayed that.

I was willing yesterday to come from a sick bed—I also canceled an appearance some place else—to be on the floor to move this bill.

So this subcommittee does not foot drag. It might be criticized for content but do not criticize it in that way.

The second thing is there is much discussion that has gone on today about the authorization committees. I am a member of an authorizing committee. I know what they are up against. But I will tell you many of the things that we were in suspended animation on were because the authorizing committees could not act.

Now, the authorizing committee in VA waited to act to see how we are going on health insurance reform and how perhaps the VA needed to be restructured should we pass health insurance reform.

When that possibility dimmed, the authorizing committee moved in a very straightforward way under the leadership of Senator ROCKEFELLER, with the cooperation of Senator MURKOWSKI, but because our bill had already moved through the Senate, projects that were authorized in VA were not included here, and we added some in the conference because that was the will of the institution. It was a question of how to coordinate the timing.

Now, the Senator from Minnesota spoke about the clean water bill and how this is going to jettison the process and he really spoke in his usual style about good government. But we might have good Government, but when you have gridlock, deadlocked government, it is hard to do good government.

He referred to the 1987 clean water bill. Mr. President, that is the last time we had a clean water bill. This subcommittee has been waiting for not one, but 3 years for the Clean Water Act to be reauthorized. They cannot get it out for whatever reasons and for whatever the disputes are. The authorizing committee is stymied in bringing a bill to the floor, and in the meantime we have needy cities in many States of which there are Members who are not even on the Appropriations Committee, as often indicated.

So we acted because things do affect the communities that would be included. I can go over that.

When we talk about this, it is one of the reasons we tried to pace ourselves to give the authorizing committees a chance to act. Guess what? Some did; some did not. Some I never know whether they will.

But we have an obligation, I might say a duty, to move this legislation particularly in those areas that affect not only the environment but could have a serious impact on public health or public safety.

So when we talk about the processes, we did not foot drag. When we talked about the fact not everything is authorized that is not my fault. I am not pointing fingers and I am not saying who is at fault. Some waited because of health insurance reform, and others have been stymied because other people have other agendas.

I also might want to talk about this process, implying that we met in some back room with the small group of people maybe wearing black coats and looking like Darth Vader reruns, that could not be farther from the truth. We met in open session, public session. I might add we met during regular business hours, and we have the active participation on a bicameral bipartisan basis.

The process was out in the open. Any Member of the Senate could attend. Any Member of the Senate could have their staff attend. Any Member of the Senate who wanted to know more could do so.

So I wanted to talk about this process and indicate to those within the Senate who are following this debate in their offices about the process.

I also want to talk then about my bill. The Senator from Arizona talked about the $400 million that was added. Mr. President, that is one-half of 1 percent of the bills's funding. The remaining 99.5 percent is not.

What is this bill? Well, I will not go through the other 99.5 percent, but I would like to say to the American people what we have here is funds that support the following agencies:

Veterans, Housing and Urban Development, the American Battle Monuments Commission in which there was substantial funds for the D-day commemoration, chemical safety hazards support, communities development financial institutions, the Consumer Product Safety Commission, the Corporation on National Service, the Office of the Inspector General for RTC, the U.S. Court of Appeals for the Veterans' Administration, the Arlington Cemetery, EPA, the consultative office on both environmental quality for the President and the science adviser, FEMA, the Consumer Information Center, the Office of Consumer Affairs at HHS, the space agency, the Science Foundation, the Neighborhood Reinvestment Corporation, the FDIC, Resolution Trust Corporation, with certain things before the passing of reform legislation, and even Selective Service.

One might recall during our debate there was an attempt to terminate Selective Service, and it was this subcommittee that had a staunch defense for the preservation of Selective Service, not knowing what the new calls will be for the U.S. military and that while others, misguided, well-intentioned but misguided with the end of the cold war, failed to realize the need for Selective Service.

So our funds maintained 172 VA hospitals, 135 nursing homes, 360 outpatient clinics all already in operation. They serve 27 million veterans. It has the people, the training, and the equipment to be there. We have been dealing with a backlog in terms of prosthetic devices. We have funded VA medical research because of its important impact on clinical care.

We have dealt with the backlogs where American veterans often have to wait months and even years for their disability claims to be processed. It is the subcommittee's strong and affirming principle that the U.S. veterans should not have to stand in line to have their disability benefits processed in a timely, effective, and fair way.

Also, my colleague, the distinguished Senator from Texas, talks about investments in new technology and scientific research. We tried to look to the next generation, and that is why we fund the National Science Foundation, which supported important investment in civilian research and development and also in NASA.

We are also trying to rebuild America's infrastructure by using community development block grant money, cleaning up water pollution and through those projects—and those are all authorized and some quite frankly were not, but we were able to provide jobs to hardworking people who want to work in the construction industry, and then also getting a dual use for them in terms of rebuilding our infrastructure, modernizing VA facilities, new outpatient facilities, and also clean water.

We could go on with other issues related to that, but I think my colleagues get the point about how complex this bill was and also other stresses placed on this appropriations that were not of our making.

I know that the Senator from Arizona advocates a balanced budget amendment and fiscal conservatism, and actually the new I believe Republican manifesto has elements in it that I think both parties should take a look at. And I commend him for his work in those areas. But I would like to point out that if his amendment is agreed to, when this bill works, it would strike out projects that meet really very important needs. Because what it would do in VA, the facility construction is working its way through and it would jeopardize veterans' health care, it would jeopardize the funding for housing authorization, which has been unable to move through, and also these EPA wastewater projects. These are things that we had talked about.

But the other thing that the Senator talks about is that you have to be on the committee to get something. I would really point out that those HUD special purpose grants serve 27 States. I believe 19 of those States were not members of the committee, they were those projects that did meet needs. And then in VA medical care, there are four or five projects that were not there but what VA themselves asked for. It was not that a Senator asked for it, it is what the VA asked for.

So these projects were not added under the cloak of midnight or in some secret room. They were done in broad daylight, again, as I say, during regular business hours in an open conference.

The consequences to the Senator's amendment is that this would send it back to the House in an item of disagreement. I am not sure what would happen in the House, but as of October 1, the fiscal year ends, this legislation could go on a continuing resolution, and the consequences of that is that certain reforms that were made, for example, moving over the $50 million in VA medical care, which is why the paralyzed vets wrote their letter, I say to the Senator from Arizona, that that $50 million would essentially not be there, and it would have really serious effects on both the acute care and outpatient visits.

So I really urge my colleagues to defeat the McCain amendment. We believe that we acted properly. We believe we acted in a timely way. And we believe that these projects were either authorized or were pending in bills waiting for authorization and, therefore, it is not something that we made up. To talk about how some of these projects are pork is really not to describe them in an accurate way.

So, Mr. President, I could say more on this. I know we have about another 30 minutes of debate.

Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator from Maryland controls 23 minutes 45 seconds.

Ms. MIKULSKI. And the other side?

The PRESIDING OFFICER. The other side controls 6 minutes and 35 seconds.

Ms. MIKULSKI. I now yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. GRAMM. Mr. President, I yield the distinguished Senator from Arizona 2 minutes.

Mr. McCAIN. Mr. President, I want to make sure that my friend from Maryland understands me. I have the highest regard for her work. I have the highest regard for her efficiency and her dedicated service to the people of Maryland and this country.

So there will be no misconception about my remarks, I believe she, in chairing the subcommittee, has done outstanding work. She has labored hard under very difficult circumstances in perhaps one of the most complex pieces of legislation that this body faces.

My disagreement lies not with the outstanding work that she does. My disagreement lies with the process that has given us the $400 million, which I am trying to eliminate because I have very grave concerns and disagreements in the process itself.

I, again, want to reiterate my respect and admiration for the Senator from Maryland and the outstanding work she does.

Mr. President, I yield the remainder of my time.

The PRESIDING OFFICER. The Senator yields back his time.

Who yields time?

Mr. CHAFEE addressed the Chair.

Mr. GRAMM. How much time does the Senator need?

Mr. CHAFEE. Is the Senator short of time? What is the situation?

The PRESIDING OFFICER. The Senator controls 5 minutes 15 seconds.

Mr. GRAMM. Mr. President, let me yield the Senator 5 minutes. I will yield him the remainder.

Ms. MIKULSKI. How much time does the Senator want?

Mr. CHAFEE. First, I do not want to travel under any false colors. I am against your side on this. I think I need about 12 minutes perhaps.

Mr. GRAMM. Mr. President, I have but 5 minutes and 15 seconds to give, and so I give that 5 minutes and 15 seconds to the distinguished Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. CHAFEE. Mr. President, I thank the distinguished Senator from Texas.

I urge the Senate to adopt the amendment offered by the Senator from Arizona. I am deeply troubled by the grants for water projects that are included in this conference report. The bill allocates more than $1.280 billion to specific projects in 40 cities. And what it does is it takes it out of the State Revolving Fund, a program that serves all the States. By every measure, the State Revolving Fund, the so-called SRF, has been a great success. The revolving fund was created by the 1987 amendments to the Clean Water Act.

When it was created, it was our intention to terminate Federal assistance for local sewage projects with the 1994 appropriation. There was to be an end to the Federal sewage grants. This revolving fund was conceived as a transitional device, and the revolving fund has worked so well that there is now virtually universal support for its extension.

Despite all this, Mr. President, the Appropriations Committee has slashed the funding for the revolving fund and used the dollars to make grants to selected specific cities. This flies in the face of the whole Clean Water Act.

The Federal Government started financing local sewage projects in the 1950's. Over the years, Congress has managed this program very carefully in order to assure that the funds were used efficiently and effectively. It appears that the Appropriations Committee has disregarded all of that legislative history and the environmental and the fiscal and the performance safeguards that we put in place. It seems to me that the conference report is a slap in the face to the States that have worked so hard to make the revolving fund a resounding success.

Under the revolving fund, the States can leverage their revolving fund grants with State bonds and appropriations to get the most out of the Federal investment in clean water facilities. In New York, for example, for every dollar in revolving fund grants received from the Federal Government, $3 is invested in water projects.

There are five points I would briefly like to make. Most States are going to be the losers under this proposal. Under the Clean Water Act, the revolving funds were distributed to all the

States based on a formula reflecting the need for wastewater treatment infrastructure. The law required EPA to survey the States every 2 years and report to Congress on the relative needs of each of the States for wastewater treatment, but not at all under this legislation.

What they do is they just allocate the money from the Federal Government directly to the cities, not based on any criteria of need. But a cursory review of the project makes it clear that membership on the Appropriations Committee is the most important criterion to determine how these grants are going to be allocated. So that is the first big problem.

Second, the environment and public health will be at greater risk. These grants for specific projects are made without any consideration of their water quality or their public health benefits. This is a list of projects recommended one at a time by Members of the House and the Senate, and what it does, it drains dollars off from the Revolving Fund Program and surely means that projects with greater requirements for environmental or health benefits will not be built.

Third, the conference report means less money for water quality. Because it bypasses the revolving fund project to make these direct grants that I mentioned, we will not get the benefit of the leveraging that I previously touched on.

Fourth, there is an increase potential for waste, fraud, and abuse. There is virtually no fiscal accountability when Congress makes a direct appropriation for a specific project. The Appropriations Subcommittee sat there and said, "We are going to send this money to city A, B, or C," not going through any accountability process.

When Congress decides that a particular city will get a specific amount of money, merely because the amount was requested by a Member representing that city, no executive oversight, either at the Federal or State level, is brought to bear. The project may be poorly designed. It may be oversized. It may be technologically inappropriate. It may benefit only a few, or maybe the pipe dream of some local planner or politician whose vision is never realized in actual development. Or the community that builds the project may lack the financial and managerial sophistication necessary to operate the complete facility.

Fifth, these direct grants imperil the Clean Water Act itself. At the time that the Senate first considered this appropriations bill, Senator SMITH, of New Hampshire, offered an amendment to strike the direct grants that it contained. The distinguished manager of the bill and the chair of the Appropriations Subcommittee argued in the absence of reauthorization for the revolving fund, she was forced to respond to the needs of these communities and the requests of their representatives as best she could.

The implication left by her remarks was that reauthorization of the Clean Water Act was a necessary step to secure support for the SRF Program from the Appropriations Committee. In the absence of a reauthorization, the resources made available through the budget and appropriations process would be allocated to projects of committee members instead. In other words, her argument is that the blame for slashing the SRF is to be laid at the door of the authorizing committees for failing to enact legislation to extend the SRF Program.

It is my judgment that the Clean Water Act is not in need of major amendment. It works quite well. It is our most successful environment statute. If the price we have to pay for reauthorization is a weaker wetlands protection program—or risk assessment language that undermines the technology-based standards that have meant so much progress under the act—or a requirement that we pay off every property owner affected by a regulation, then I would staunchly oppose reauthorization. Based on her record, I am sure that the manager of this conference report would be of a similar mind.

But appropriations measures like this conference report will make it much more difficult to protect the Clean Water Act. This kind of action will surely heighten the demand for a reauthorization of the SRF Program. If one does not have a member on the Appropriations Committee, one's Federal assistance for water infrastructure projects is about to disappear. The message is clear. Without an SRF reauthorization, the plan of the Appropriations Committee is to dole out the money directly to the cities they select in their annual bills.

Mr. President, if this conference report contained a few grants for cities facing very high sewerage rates, like Boston, or communities where sanitary facilities simply do not exist, like the colonias along our border with Mexico, I would not be here making these points. I am not, in principle, opposed to the occasional direct appropriation that responds to a real need that has not been addressed in authorizing legislation.

But this conference report is of a different character. It reflects the wholesale conversion of an existing program that is successfully meeting the needs of all the States into direct congressional grants without regard to environmental or public health priorities, without fiscal or performance oversight and in contravention of sustained efforts by the Congress to make the Clean Water Act and effective and efficient means to protect this Nation's waters.

The Senate should reject this approach to water infrastructure financing. It hurts the States represented by most Members. It results in spending on projects of lower priority and less dollars for clean water in the long run. It runs the risk of wasteful or fraudulent projects unchecked by executive oversight. And it strengthens the hand of those who want to roll back the Clean Water Act and our other environmental laws.

This is not just a debate about spending or pork. The conference report reverses 40 years of policy judgments made by the Congress on the right approach to water project funding. I urge my colleagues to vote for this amendment.

The PRESIDING OFFICER. The Senator from Rhode Island has consumed all of his allotted time.

The Senator from Maryland controls the remainder of time between now and 12:30.

BIPARTISAN HEALTH INSURANCE BILL

Ms. MIKULSKI. Thank you, Mr. President.

Before the Senator from Rhode Island leaves the floor, first, I would like to thank the Senator from Rhode Island for his effort to fashion a bipartisan health insurance bill. The Senator has played a very important role in the debate and also, I believe, in helping us develop a framework to be taken up in fiscal year 1995.

I would like to thank him not only for his work but the spirit with which he went about it. I always had a sense of welcoming when we have talked with both him and his staff. I think that is the way we ought to be doing things. I just wanted to say that.

Mr. CHAFEE. If I might, I would like to thank the distinguished Senator very much for those kinds remarks, and the cochairman of the coalition, mainstream coalition, is our Presiding Officer currently. So I think he also——

Ms. MIKULSKI. I was going to say something about him in a minute.

Mr. CHAFEE. Deserves great credit. I think all of us who are part of that coalition found it a very, very exciting undertaking, where everybody was working toward a common goal. We were trying to come up with health care legislation that could be accepted and passed this year.

We appreciate the kind comments the manager of the bill made just now and also for her input. The distinguished Senator from Maryland joined with us on several occasions and was of valuable assistance.

VA-HUD, AND RELATED AGENCIES APPROPRIATIONS ACT FOR FISCAL YEAR 1995—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

Ms. MIKULSKI. Mr. President, I also wonder if the Senator could share with us when he would anticipate the Senate passing clean water legislation. The Senator outlined the process by which he would like all to operate, but the Clean Water Act has not been passed for 3 years, and it just sits there. And then we in the appropriations committee run into these obstacles.

Does the Senator anticipate that legislation will be passed in 1995 and that some of those prickly issues could be resolved?

Mr. CHAFEE. Well, I do not think so. I think the situation in the House is that it is not going to pass over there because of a variety of other reasons. But that, it seems to me, is not a valid reason for making these basic changes that were undertaken and included in this conference report.

Ms. MIKULSKI. I do not want to debate that. I was just trying to look at next year. I hope that I will continue to chair the VA-HUD appropriations. In the absence of an authorizing bill, we will be in the same type of situation. I hope as the time goes forth that perhaps when we look at where we are around April or May, we could have a conversation so that we are not into these types of situations.

But, Mr. President, this is exactly what happens to those of us on the Appropriations Committee. If the authorizers do not act, we oftentimes, because of the need and other things that need to be moved administratively—we have to fill the vacuum, and we have filled the vacuum. It is not like we filled the pork barrel. We have filled the vacuum in the absence of authorizing not 1 year, not 2 years, but 3 years waiting for the authorization of the Clean Water Act.

The very fine Senator from Rhode Island says to 1995, "Well, not next year."

Well, if not next year, then what are we supposed to do? I believe we are now at a crisis in this institution and in the House. Either the authorizers have to act, or do not take the battle to us over the process. I recall that when the budget reforms went into place, authorizing legislation for new programs had to be done by May 15. If they were not quite done by May 15, then they could not be considered.

I think we ought to, once again, go back to that so that there is some impetus and some sense of urgency and some sense of beginning to move together in the national interest to move these authorizations. For those who might be watching us on C-SPAN around the country and around the world, the authorizing process sets the policy and the recommended levels of funding. It is the Appropriations Committee, who have historically been the quiet guardians of the purse, who fund those at a level commensurate with what is available to be funded under the Budget Act.

Once again, we are now taking on more and more of a role, and that could be questioned. But what really needs to be questioned is: Are the authorizing committees going to be authorizing committees, or are they so dysfunctional that that situation needs to be addressed?

Mr. CHAFEE. I wonder if the floor manager will yield for a question here.

Ms. MIKULSKI. Yes, I will.

Mr. CHAFEE. It seems to me the point that the floor manager is making is that there is no authorization of the Clean Water Act, so she cannot proceed with that, and she is suggesting that there is a hiatus here, or a failure by the authorizing committee to authorize. But then, at the same time, the chairman goes ahead with her subcommittee and appropriates in a whole series of other measures that are not reauthorized. None of this money that is being doled out at this tremendous clip, based on Lord knows what, except perhaps membership on the subcommittee or the overall committee, is authorized.

Ms. MIKULSKI. Does the Senator wish to ask me a question?

Mr. CHAFEE. I am wondering what your rationale is. How can she implore the fact that the SRF is reauthorized, so she cannot appropriate there, but it is perfectly all right to make the direct grants to those that have not been authorized?

Ms. MIKULSKI. The so-called direct grants met the criteria for community development block grant funds, so they were not just out of a wish list.

Let me, in the concluding hours of this debate, comment on the Smith amendment, which was not addressed in this morning's debate. I would like to, before we conclude for this morning, urge my colleagues to defeat the Smith amendment and to do that for three reasons:

First, it seems to amend the Senate rules for an amendment to the conference report. It has not been the subject of hearing by the Rules Committee for consideration through the normal authorizing process. It is ironic that the sponsors of this amendment have raised questions about this year's appropriation and its need to pay closer attention to the authorizing process, but then they now wish to also further authorize on appropriations.

I would recommend that they take their idea to the Rules Committee for a hearing next year, and if that is the wish of the institution, we, of course, will abide by it. The Smith amendment would ask that each side would publish their specific items, and everyone would be able to read them. Those are very nice intentions, and if that is what the body wants to do, fine. But if you do it on this bill, let me tell you what the consequences are. The consequences are that it would be an item in disagreement. That sounds so arcane, but the fact is that means it has to go back for a house vote, and maybe the bill will survive or maybe it will not. Maybe the projects will survive or maybe not. But with the meltdown that is going on in our institutions, once again, we might not be able to meet our deadline of October 1 for meeting these needs. I am really hot about the fact that I want my veterans appropriations to go through.

I ask unanimous consent that the letter from the Paralyzed Veterans of America be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

PARALYZED VETERANS OF AMERICA,
Washington, DC, September 27, 1994.

Hon. BARBARA MIKULSKI,
Chair, House Appropriations Subcommittee on VA, HUD and Independent Agencies, U.S. Senate, Washington, DC.

DEAR MADAM CHAIR: On behalf of the members of Paralyzed Veterans of America (PVA), I am writing to request your assistance in opposing any amendment to be offered to the fiscal year 1995 appropriations for the Department of Veterans Affairs (VA). Amendments at this late date jeopardize and delay the final approval of this necessary appropriation and will curtail the VA's ability to meet the health care demands of veterans.

Delays and foot-dragging have already dearly cost VA health care this year with the demise of any meaningful health care reform. As you know, proposals introduced in this Session of the Congress would have corrected long-standing irregularities in eligibility, streamlined the provision of services and guaranteed a stable funding base for the system. We realize health care reform has been pronounced dead for this year. But this does not mean that these problems in the provision of health care services for veterans will just go away. If amendments are offered to the VA appropriation at this time, the delays produced could very well call for additional reductions in sorely needed funding.

The VA needs every available dollar for the next fiscal year to maintain services and momentum to play a meaningful role in health care reform that must occur either unilaterally or in conjunction with national reforms.

Again, on behalf of all PVA members, we deeply appreciate your efforts to oppose any amendment which will delay or reduce needed funding for veterans health care programs and services.

Sincerely yours,
DOUGLAS K. VOLLMER,
Associate Executive Director for Government Relations.

Ms. MIKULSKI. They talk about what the consequences of this amendment would be. I will repeat myself. We are talking about the fact that we are dealing with the VA backlog. Do we really want veterans standing in line? We already are wondering what happened to them because of Agent Orange, and we are wondering what happened to them in Desert Storm. We are really worried about what it means to their spouses and maybe to their children. I do not know what they are eligible for, but I tell you that I do not want them standing in line to find out what it is about, while we block and do this and that we talk about the process.

I want to move this legislation. When we talk about these HUD special projects and then the fact that we want to send it back, those projects came from 45 States with one or more projects in this bill. The Senate voted 71–27 to retain those projects. They voted 60–30 something to retain the water projects. The Senate has spoken. The projects that were added were primarily from the House, or some projects that were in other authorizing bills that either have not passed both bodies or are pending. What we added in VA came primarily from what the Veterans' Administration wanted and the veterans authorizing committee wanted. What we did in EPA were those projects that were pending for 3 years in the clean water projects. If you look at those projects, they do not belong to one party, or whether somebody is on the Appropriations Committee or not.

So, Mr. President, while we are talking about reforms and we are talking about process, those are things that should wait for another day. This bill is the result of months of work, putting together delicate balances, and making tough choices. Much has been said about these projects.

This committee, this subcommittee, received 1,100 individual requests from Senators for line-item projects. That totaled $96 billion. This entire appropriations is $88 billion to fund VA, space, and all the other programs I mentioned. We said "no" to 90-some billion dollars' worth of projects. We could say "no" to the individual projects. We did not pig out or pork up. We think we have done a great bill.

So we would hope that this afternoon when the Senate returns from its party conferences and the rollcalls are had, that we would defeat the Smith amendment, we would defeat the McCain amendment, and that we would agree to the conference report.

Mr. President, I could say more, but I think that summarizes my argument. In concluding this morning's activity, I would like to thank the Presiding Officer, too, for his leadership in developing the framework for the mainstream coalition. His work on the Finance Committee is well known. In that coalition, we look forward to working with him in 1995 to truly reform health insurance.

I do not want the morning to conclude without really a tip of the hat to GEORGE MITCHELL, who really tried his darndest to shepherd a bill through, who operated in the spirit of civility, comity, and tried to fashion a bill by listening, and so on.

The clock has run out. But those of us with major sports teams in our States know that even though the clock runs out, the game continues. I know there will be other times and opportunities. I think we need to return to the tradition of good sportsmanship and respect for one another and, hopefully, we will be able to pass health insurance.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations:

Calendar No. 1272, Thomas R. Carper, to be a member of the Amtrak Board of Directors; Calendar No. 1273, Celeste P. McLain, to be a member of the Amtrak Board of Directors; and Calendar No. 1274, Celeste P. McLain, to be a member of the Amtrak Board of Directors (reappointment).

I further ask unanimous consent that the nominees be confirmed, en bloc; that any statements appear in the RECORD as if read; that upon confirmation, the motions to reconsider be laid upon the table en bloc; that the President be immediately notified of the Senate's action, and that the Senate return to the legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations, considered and confirmed, en bloc, are as follows:

AMTRAK

Thomas R. Carper, of Delaware, to be a Member of the Amtrak Board of Directors for a term of four years.

Celeste Pinto McLain, of California, to be a Member of the Amtrak Board of Directors for the remainder of the term expiring March 20, 1995.

Celeste Pinto McLain, of California, to be a Member of the Amtrak Board of Directors for a term of four years. (Reappointment)

THE NOMINATION OF THOMAS R. CARPER TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL RAILROAD PASSENGER CORPORATION [AMTRAK]

Mr. HOLLINGS. Mr. President, I am pleased that the Senate is considering the nomination of Thomas R. Carper to be a member of the Board of Directors of the National Railroad Passenger Corporation [Amtrak]. The Committee on Commerce, Science, and Transportation held Governor Carper's confirmation hearing on September 21, 1994, and reported his nomination on September 23, 1994.

Governor Carper's accomplishments and talents are familiar to many of my colleagues in the Senate. He was elected as Governor in 1993. Prior to this election he served five terms as Delaware's Congressman in the U.S. House of Representatives and 6 years as Delaware's State treasurer. Governor Carper earned a B.A. in economics in 1968 from Ohio State University and served for 5 years as a Navy aviator, including a tour of duty in southeast Asia during the Vietnam war. In 1975, he earned an MBA degree from the University of Delaware and won his first election to the State treasurer's office the following year. In 1983, he won his first election as Delaware's Representative to the House.

Governor Carper's prior government service has given him knowledge of the issues surrounding Amtrak. He has said that Delaware's dependence upon "high-quality rail transportation services for its prosperity" has required him, as Congressman and Governor, to address difficult transportation and financial issues. Moreover, as Congressman, he participated in the debates on Amtrak transportation and appropriation bills during his five terms in the House. Finally, also as a Congressman, he commuted by rail between Delaware and Washington, DC, almost daily, an experience that provided him "with valuable insights into inter-city passenger rail service from the perspective of the consumer or general public."

Governor Carper's service in State and Federal Government, plus his familiarity with Amtrak, is exactly the type of experience that is needed on the Amtrak board. Therefore, I urge my colleagues to support the President's nomination of Thomas R. Carper to be a member of the Board of Directors of Amtrak.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

Ms. MIKULSKI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF RECESS AND TIME FOR VOTES

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the recess be extended until 2:30 p.m. and that the votes previously ordered for 2:15 p.m. begin at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 2:30 P.M.

Ms. MIKULSKI. Mr. President, this concludes our debate. I yield back such time as I might have, and I ask unanimous consent that the Senate stand in recess until 2:30 p.m.

There being no objection, the Senate, at 12:29 p.m., recessed until 2:31 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mrs. BOXER).

VA-HUD AND RELATED AGENCIES APPROPRIATIONS ACT FOR FISCAL YEAR 1995—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

The PRESIDING OFFICER. The question is on the adoption of the conference report accompanying H.R. 4624. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from New Jersey [Mr. BRADLEY] is necessarily absent.

The result was announced—yeas 90, nays 9, as follows:

[Rollcall Vote No. 306 Leg.]

YEAS—90

Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boren
Boxer
Breaux
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Danforth
Daschle
DeConcini
Dodd
Dole
Domenici
Dorgan
Durenberger
Exon
Faircloth
Feinstein
Ford
Glenn
Gorton
Graham
Gramm
Grassley
Harkin
Hatch
Hatfield
Heflin
Hollings
Hutchison
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
Mathews
McConnell
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Shelby
Simon
Simpson
Specter
Stevens
Thurmond
Warner
Wellstone
Wofford

NAYS—9

Brown
Feingold
Gregg
Helms
Kohl
McCain
Roth
Smith
Wallop

NOT VOTING—1

Bradley

So the conference report was agreed to.

VOTE ON AMENDMENT NO. 2587

The PRESIDING OFFICER. The question occurs on agreeing to amendment No. 2587 offered by the Senator from Arizona to the House amendment to the Senate amendment No. 84.

The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 28, nays 72, as follows:

[Rollcall Vote No. 307 Leg.]

YEAS—28

Baucus
Bennett
Bradley
Brown
Chafee
Coats
Craig
Durenberger
Faircloth
Feingold
Gorton
Graham
Gregg
Hatch
Helms
Kassebaum
Kempthorne
Kohl
Lugar
McCain
Nunn
Pressler
Roth
Sasser
Smith
Thurmond
Wallop
Warner

NAYS—72

Akaka
Biden
Bingaman
Bond
Boren
Boxer
Breaux
Bryan
Bumpers
Burns
Byrd
Campbell
Cochran
Cohen
Conrad
Coverdell
D'Amato
Danforth
Daschle
DeConcini
Dodd
Dole
Domenici
Dorgan
Exon
Feinstein
Ford
Glenn
Gramm
Grassley
Harkin
Hatfield
Heflin
Hollings
Hutchison
Inouye
Jeffords
Johnston
Kennedy
Kerrey
Kerry
Lautenberg
Leahy
Levin
Lieberman
Lott
Mack
Mathews
McConnell
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Packwood
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Shelby
Simon
Simpson
Specter
Stevens
Wellstone
Wofford

So the amendment (No. 2587) was rejected.

The PRESIDING OFFICER (Mrs. FEINSTEIN). Pursuant to the previous order, the Senate concurs in the House amendment to the Senate amendment No. 84.

VOTE ON AMENDMENT NO. 2588

The PRESIDING OFFICER. The question occurs on amendment No. 2588, offered by the Senator from New Hampshire, to the House amendment to the Senate amendment No. 28.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 45, nays 55, as follows:

[Rollcall Vote No. 308 Leg.]

YEAS—45

Bennett
Bradley
Brown
Burns
Campbell
Chafee
Coats
Cohen
Coverdell
Craig
Dole
Durenberger
Exon
Faircloth
Feingold
Feinstein
Gorton
Grassley
Gregg
Hatch
Helms
Hutchison
Jeffords
Kassebaum
Kempthorne
Kohl
Lott
Lugar
Mack
McCain
McConnell
Metzenbaum
Murkowski
Nickles
Nunn
Packwood
Pressler
Roth
Sasser
Smith
Thurmond
Wallop
Warner
Wellstone
Wofford

NAYS—55

Akaka
Baucus
Biden
Bingaman
Bond
Boren
Boxer
Breaux
Bryan
Bumpers
Byrd
Cochran
Conrad
D'Amato
Danforth
Daschle
DeConcini
Dodd
Domenici
Dorgan
Ford
Glenn
Graham
Gramm
Harkin
Hatfield
Heflin
Hollings
Inouye
Johnston
Kennedy
Kerrey
Kerry
Lautenberg
Leahy
Levin
Lieberman
Mathews
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Shelby
Simon
Simpson
Specter
Stevens

So the amendment (No. 2588) was rejected.

Mrs. FEINSTEIN. Pursuant to the previous order, the Senate concurs in the House amendment to the Senate amendment No. 28.

Ms. MIKULSKI. Madam President, I ask unanimous consent that the motion to reconsider the last three votes be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Madam President, I ask unanimous consent that a list of corrections to typographical errors contained in the statement of the managers accompanying the VA-HUD bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TECHNICAL ERRORS IN JOINT EXPLANATORY STATEMENT

The joint explanatory statement of the committee of conference (House Report 103-715) contains the following technical errors in amendment numbered 28:

On page 12, the amount for the city of Portland, Maine should be $400,000, not $500,000.

On page 12, the amount for the State of Maine should be $800,000, not $700,000.

On page 14, the $2,000,000 for revolving loan funds are for the Vermont community loan fund, the Burlington Ecumenical Action Ministry [BEAM], the Washington County revolving loan fund, the Rockingham revolving loan fund, the St. Johnsbury revolving loan fund, and the Vermont Job Start Program.

On page 16, the $1,000,000 for the Henry Ford Health System is for health care delivery in Michigan, not Mississippi.

On page 17, the $300,000 for development of a recreational center is to be awarded to the City of Philadelphia, not the City of Chester, Pennsylvania.

On page 21, the $300,000 for Martin County, Kentucky is for lead-based paint removal.

On page 21, the $2,000,000 for De Paul University's library is for services in Illinois, not North Carolina.

On page 21, the $2,000,000 for the Twin Cities Opportunities Industrialization Center is for a facility in Minnesota, not Illinois.

On page 22, the $750,000 is for the Delta Foundation in Greenville, Mississippi, not Michigan.

On page 22, the $150,000 is for the Microenterprise Assistance program in San Antonio, Texas, not California.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the

Standing Rules of the Senate, hereby move to bring to a close the debate on the motion to disagree to the House amendments to the Senate bill, S. 3, the Campaign Finance Reform Act:

David Boren, Wendell Ford, Harlan Mathews, John Glenn, Paul Simon, Barbara Mikulski, Don Riegle, Frank R. Lautenberg, Claiborne Pell, Joseph Lieberman, Charles S. Robb, Chris Dodd, John F. Kerry, Tom Harkin, Barbara Boxer, David Pryor, Daniel K. Akaka.

VOTE

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to request the conference with the House on the disagreeing votes of the two Houses relative to S. 3, the campaign finance reform bill, shall be brought to a close?

The yeas and nays are automatic under the rule and the clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER (Mr. AKAKA). Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 57, nays 43, as follows:

[Rollcall Vote No. 309 Leg.]

YEAS—57

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Chafee
Cohen
Conrad
Daschle
DeConcini
Dodd
Dorgan
Durenberger
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Heflin
Hollings
Inouye
Jeffords
Kassebaum
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
McCain
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Simon
Wellstone
Wofford

NAYS—43

Bennett
Bond
Brown
Burns
Campbell
Coats
Cochran
Coverdell
Craig
D'Amato
Danforth
Dole
Domenici
Faircloth
Gorton
Gramm
Grassley
Gregg
Hatch
Hatfield
Helms
Hutchison
Johnston
Kempthorne
Kerrey
Lott
Lugar
Mack
Mathews
McConnell
Murkowski
Nickles
Packwood
Pressler
Roth
Shelby
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner

The PRESIDING OFFICER. On this vote, the yeas are 57, the nays are 43. Three-fifths of the Senators duly chosen and sworn, not having voted in the affirmative, the motion to invoke cloture is rejected.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, it is my intention that the Senate will shortly next proceed to the conference report on the Labor, Health and Human Services appropriations bill. I expect that to occur shortly, as soon as the managers can be present.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, while awaiting the presence of the managers, I ask unanimous consent that there be a period for morning business, during which Senators may be permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. BOXER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. Moseley-Braun). Without objection, it is so ordered.

Mrs. BOXER. Madam President, I ask unanimous consent to address the Senate for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE REPUBLICANS ARE STALLING

Mrs. BOXER. Madam President, I am very disappointed that a large majority of my Republican colleagues have decided that, outside of routine business, they really do not want to continue the work of this Congress. They want to stall and run the legislative clock down. They would rather talk on and on, even all through the night if that is necessary, to kill legislation that I believe is important to the American people.

Madam President, here is a sample of the legislation, or just some of it, that is ready to go: The Superfund reauthorization, which is needed to clean up toxic waste sites all over this Nation and in California. We have an inordinate number of those because we have had so many military bases and defense contractors there. The Elementary and Secondary Education Act, which is a desperately needed investment in educational reforms, teacher training in math and science, computers, software, and safe schools. Housing legislation to reform public housing and reduce the crime that plagues public housing. Campaign finance reform, so we can put a cap on the obscene amount of money that is spent sometimes to buy a Senate seat. A gift ban for Members of Congress. The California Desert Protection Act, which has come such a long way due to the efforts of my colleague, the senior Senator from California, Senator FEINSTEIN. As for health care reform, we know now that it is dead. Senator MITCHELL quoted one of our Republican colleagues, saying something to the effect of: Well, now that we have killed health care, we just have to make sure that our fingerprints are not on it.

Even when several members of their own party support working on a health care compromise so that insurance companies cannot walk out on us when we get sick, and so that many more of us can get health insurance, the vast majority of Republicans say they will not vote to stop the endless talking. They each have great health care, Madam President, because they are here in this Congress. They have a health care card, but they want to talk on and talk on, so that we cannot get the same kind of insurance to the people of America that we have for ourselves. I think that is outrageous.

Madam President, the filibuster has a new best friend: The Republican Party. They embrace the filibuster. They love the filibuster. They use it lovingly. They are proud to put on these filibusters, and they say so themselves. The filibuster party is the GOP.

In the past 2 years, filibuster tactics have been used 60 times. Let me repeat that: In the past 2 years, filibuster tactics have been used 60 times. It was used only 9 times in the entire decade of the 1980's. By the way, during that period of time, the Republicans had control of this Senate, so we Democrats understood that you had to get things done no matter which party was in control. We did not stop legislation. I hope the American people will hear that. Filibuster tactics were used 60 times in the last 2 years, compared to only 9 times in the entire decade of the 1980's.

Madam President, we were not sent here to listen to the sound of our own voices into the night, while problems go unsolved. We were sent here to work on the real problems of real people, and to hammer out solutions. When we hammer out these solutions, I do not get everything I want. The Senator from Illinois does not get everything she wants. No Senator gets everything he or she wants. But we are sent here to hammer out solutions, not to talk on and on and on and on and on, endlessly throughout the night. I do not think one needs a degree in political science to understand the game plan here. There is an election coming up, and our Republican friends want no more progress.

Hopefully, we will get a trade treaty. That has been years in the making. We also will probably get—and I hope we do—the appropriations bills. If we do not, there will be utter chaos. I do not think the Republicans want to be responsible for that. But they really hope to stop our progress and, by doing so, I believe they hope to divert attention from what has already been achieved. Part of the diversion is their new contract with the American people: Vote for them and guess what they will give you? A higher military budget and tax cuts for the wealthy. Sounds like "deja vu all over again," as Yogi Berra once said. I think a baseball analogy is appropriate here. There is no baseball this year, and the Republicans want no more legislation this year.

It is the trickle-down theory they want, back to the future. Tax breaks for the rich, spend more on the military, and pray the deficits take care of themselves. We tried that, and what happened? The largest deficits in history, deficits that went from $50 billion when Carter left office to almost $300 billion when Bush left office.

So under the Republican administration, the debt piled up, while they spent more and more on the military and gave tax cuts to the wealthy. Twelve years of bright red ink that weakened America in the world.

Madam President, do you remember when President Bush got sick when he had dinner with the Japanese? It is no wonder. I felt for him. We all had a feeling of weakness and dizziness then, as the industrialized world took advantage of our weak trade policy and berated us for our deficits and for not being productive. Back to the future with that? I hope not. Back to the future with zero job creation? That is what we had under the Bush administration. I hope we do not go back to the future there. Back to the future with history making small business failures? I hope not. Back to the future with S&L's going broke? I hope not. Back to the future with doctors gagged at family-planning clinics? I hope not. Back to the future with education, the environment, health research, and anticrime legislation being treated as stepchildren? I hope not.

But that is what the Republicans want, and they are trying to divert attention from the accomplishments of this Congress and this administration, and I hope the American people will cut through the mean-spirited politics and get the facts.

I know it is hard to cut through the meanness and get to the facts. Good news does not seem to get through these days. It reminds me of a story about President Clinton that is going around that I think is very instructive about how hard it is to get good news out.

President Clinton is by himself on a boat in the middle of a lake, and he spots a child drowning—this is the story—and without thinking anything about his own safety or anything else, he leaps off the boat. He walks on water and rescues this little child and brings her back, walking on water all the way. The next day the newspaper says: President Clinton cannot swim.

You get my point. It is hard to get good news out. What is the good news? Let me give it to you in numbers and in facts. The highest job growth since 1970: 226,000 jobs created every month, since this administration took over.

The best economic growth since the Kennedy administration in the sixties. The deficit is the lowest as a percentage of GNP since 1979. It is the first time since the Truman administration in the 1940's and early 1950's that the deficit has gone down 3 years in a row.

The inflation rate. Except for 1986, when oil prices collapsed, inflation is now the lowest since the Kennedy administration. We have had the highest growth in income since the Nixon administration and the highest industrial production since the Johnson administration in the 1960's; the highest business investment and productivity since the Ford administration in the mid-1970's; the lowest Federal work force since the Kennedy administration.

Let me repeat that: Under the Democrats, economic growth is way up, and we have the lowest Federal work force since the Kennedy administration. No wonder the Republicans do not want the people to cut through and see the facts.

My State of California has been lagging, and it has been a matter of deep concern to me. I have talked to this administration and to my colleagues about California constantly. But last week, the UCLA Business Forecasting Project said that 111,000 net new jobs will be created in California this year. Finally, Madam President, we are not losing jobs; we are gaining jobs. This is an independent study group that says 111,000 net jobs will be created in California this year. We have to do better, but we are beginning to see it turn around.

This administration's economic strategy, which has been supported by the Senate on a very partisan basis, is working. Priorities are: Trade promotion, high-technology investment, education and job training, defense conversion, the information superhighway, timely disaster relief. Madam President, you have had the terrible floods, and we have the terrible fires and earthquakes, and this administration, unlike others, has acted fast and they are helping us rebuild.

A thousand more border patrol agents and hundreds of millions of dollars to reimburse my State for criminal costs associated with the incarceration of undocumented immigrants. It is coming together. It is not perfect, but let us not go back to the future.

This so-called contract put out by NEWT GINGRICH and the Republicans is described this way in an opinion printed by USA Today. The writer, who was a speech writer for President Bush, says the contract was put together "the way a TV network assembles a situation comedy."

He said, "The GOP has conducted vast amounts of market research, figured out which ideas please citizens and which don't—and gathered the winners together under the auspices of a contract."

This writer says: "The result is hash for wonks—10 pieces of legislation with no fewer than 48 separate and often technical parts."

So I urge the people of this country to cut through the filibuster and promises and so-called contracts and look at where we were economically and where we are today. I urge the people of this country to consider the consequences of the election in November.

If the Republicans take control of the Senate, they will do everything in their power to enact the policies of the past. They said it. Higher military budget. Do you know we spend five times more than every potential enemy on the military budget? Hear that again—and I include Russia in the list of potential enemies, even though they are really friends now. Keep them in the list because we want to be sure it is true. We spend 500 percent more than all of our potential enemies put together, and the Republicans want us to go back to those days.

I remember those days of $7,500 coffee pots, $400 hammers, $900 wrenches. That is what we had in the runaway days of the military budget. We need a lean, mean defense that is tough, strong, and works. That is what we need. And we need to invest in the domestic side of the budget. That is what we have begun, and we are seeing results.

The Republicans voted against the crime bill. They did not like it because they said there was prevention in it, and they called that pork. I call that baloney. The prevention in that bill was recommended by police chiefs, sheriffs, and prosecutors.

I held violence roundtables all over the country, and they are the ones who said: You know, Senator, once they get in prison, it is too late. Help us out. Yes, we want more prisons. Yes, we want more law enforcement. But we need prevention, and so a small part of the bill went toward that.

But the Republicans do not like it. They are even trying to do away with that by adding an amendment to one of appropriations bills.

So Americans, I hope you will engage, listen, and judge for yourselves. Ask yourselves if we have made progress on the deficit, jobs, crime, and new priorities.

I hope you will decide not to go back to the future. None of us is perfect. No President has ever been perfect. No Senator has ever been perfect. We can talk about our imperfections all day and all night. We could make it real personal. But there is more at stake. We have to come together, Republicans, Democrats, with all our imperfections and work for this country. I am very optimistic about the future. But I will tell you. We did not come here to filibuster. We came here to work. We have a can-do spirit in this country. This is a government of, by, and for the people which should reflect a can-do attitude, not a no-can-do, yak, yak, yak through the night, stop the progress. We are in this U.S. Senate. We are not in an election campaign. We are on this floor. We are supposed to do the work for the people. The operative word is "work."

I hope we will stop these filibusters and get down to work.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont asked for recognition and then we will go to the Senator from Idaho.

Mr. LEAHY. Madam President, I want to commend the Senator from California for what she said. With gridlock and filibusters, the Senate is really voting maybe. We are not elected and do not get paid salaries to vote maybe. We are elected to vote yes or no. Filibusters by Senators is not what the American people want. She is right.

Madam President, I know the Senator from Arizona was seeking recognition. I appreciate his courtesy in letting me go forward.

A GOAL TO ELIMINATE A WEAPON OF SHAME

Mr. LEAHY. Madam President, for the past 3 years, I have urged the Congress, the administration, and governments around the world to stop the terrible slaughter of innocent people by landmines. These tiny weapons, often no larger than a can of shoe polish, can blow the leg or arm off whoever steps on them.

They are indiscriminate. They cannot tell the difference between a soldier and a child, and usually it is civilians, going about their daily lives, who are killed or maimed. It is a young child like the boy in this photograph who steps on a landmine probably costing about $3 or $4, strewn by the thousands. That child will spend the rest of his life in a poor country trying to survive without his legs. Over 1,200 people are killed by landmines each month, and many thousands more are injured. There are 100 million unexploded mines strewn in over 60 countries.

Last year, the Congress, in a unanimous vote on a resolution I wrote extended the U.S. moratorium on exports of antipersonnel landmines for another 3 years, and since then at least 16 countries have stopped exports following our lead. But much stronger action is needed. During the past year, another 2 million new mines were deployed, and they are waiting to kill, waiting to maim.

Madam President, ridding the world of any weapon takes leadership and international cooperation. On Monday, President Clinton showed that the United States will provide that leadership. In his speech to the U.N. General Assembly, President Clinton announced for the first time that the United States will seek the ultimate elimination of antipersonnel landmines. I applaud the President for that.

This is a crucial milestone, and I want to commend the President for his courageous step. By declaring this goal we put to rest any need for further debate about how to end the landmine scourge. We agree that the solution is to ban them completely.

That is the only way to put an end to this mayhem.

The question is how to achieve that goal. It will take years, but let us agree that we should move as quickly as possible. Every day, of every week, of every month, of every year, landmines continue to kill and maim their innocent victims.

As a first step toward that goal, the President called on other countries to join with the United States in an international agreement to reduce the number and availability of these weapons.

The administration's proposal would impose limits on certain kinds of mines, and includes verification and compliance procedures for enforcing these limits. Frankly, I am skeptical that an elaborate system of rules which permits some kinds of mines but not others can work in the real world. We have seen how landmines are routinely used in violation of the laws of war, even by those who are signatories to those agreements. But I will support any interim measure that will lead to the ultimate goal of the elimination of these killers.

Madam President, I am greatly encouraged by the President's announcement. I also want to mention what is happening in Italy, which has been one of the largest producers of mines. Just last week, in the town of Castenedolo where Valsella, the company which produces the mines, is located, thousands of people gathered to call for a ban on landmines. The mayor of the town was among them, as were the two parliamentarians, Emma Bonino and Edo Ronchi, who I met with a couple of weeks ago and who sponsored legislation to end production and exports of antipersonnel landmines. The Italian Defense Minister has announced his support, and the Foreign Minister is expected to announce in the U.N. General Assembly that Italy has stopped all exports and production of these weapons.

In less than a year, Italy has gone from being among the world's largest landmine producers, to a world leader by ending its involvement in this shameful business. If Italy can do it, so can we and so can the rest of the world.

Madam President, as support for the elimination of landmines builds around the world, I again want to commend President Clinton, and our U.N. Ambassador Madeleine Albright, for their leadership. After years of work it is so gratifying to have their strong support. If we work together there is no reason why we cannot achieve this goal, and solve one of the most urgent humanitarian crises of our time.

Madam President, I ask unanimous consent that an excerpt of the President's remarks on landmines at the United Nations be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXERPTS OF SPEECH BY PRESIDENT CLINTON AT THE UNITED NATIONS ON SEPTEMBER 26, 1994

And today, I am proposing a first step toward the eventual elimination of a less-visible, but still deadly threat: the world's 85 million antipersonnel land mines—one for every 50 people on the face of the Earth. I ask all nations to join with us and conclude an agreement to reduce the number and availability of those mines. Ridding the world of those often hidden weapons will help to save the lives of tens of thousands of men and women and innocent children in the years to come.

Mr. LEAHY. I applaud the President of the United States for his strong statement.

I yield the floor.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

REPORT ON IDAHO SHOOTOUT

Mr. CRAIG. Madam President, for a few moments this afternoon while we are in morning business, I would like to discuss a matter that is of great concern to the citizens of my State of Idaho, the many citizens around the Nation and a number of my colleagues here in this body.

In fact, it should be a concern of every American who values his or her civil liberties and the great tradition of balance and restraint in the enforcement of our laws. We depend upon our State and Federal authorities to maintain order and keep the peace in our society, and we trust they will do so in a way that is consistent with the law and in keeping with the trust we have placed in them in a very historic and constitutional fashion.

Sometimes that balance and restraint breaks down as it did during the botched raid in Waco, TX. Sometimes a line is crossed that runs the risk of breaking the trust and confidence Americans have placed in our Federal law enforcement community.

Whatever one may think about the particular characters involved in the Randy Weaver affair in north Idaho 2 years ago, there is evidence suggesting that line was crossed and that crucial confidence was broken by Federal authorities during a standoff near Naples, ID. While this event did not receive the attention of the Waco raid, both episodes cost human lives, both could have been handled differently, and both may have been severely mishandled by Federal authorities.

The major difference between the Waco and north Idaho raids is the first received a thorough and open public investigation. The other is the subject of a still unreleased Justice Department investigation by this attorney general.

I am here today on this floor publicly demanding the release of the second investigation.

So, Madam President, let me relate to you the story that really began in October 1989 when Randy Weaver allegedly sold two illegal firearms to an undercover BATF agent in Idaho. Fourteen months later, he was indicted by a Federal grand jury and subsequently ordered to stand trial. He failed to appear for trial and was indicted by the grand jury for that offense as he should have been. In March, 1991, he and his family began hiding out in a cabin near Naples, ID. They were kept under surveillance by Federal law enforcement agents for the remainder of that year and well into the next.

Finally, in August 1992, the situation erupted in a shootout that killed Federal Deputy Marshal William Degan and Randy Weaver's son, Samuel. Federal, State, and local law enforcement agencies converged on the scene for a standoff with the Weavers and their friend Kevin Harris, who was thought to have fired the shot that killed Deputy Marshal Degan. During the 19-day standoff, a Federal sniper killed Randy Weaver's wife, Vicki, and wounded both Weaver and Harris.

On August 30, Harris surrendered to authorities, followed the next day by the surrender of Weaver. Additional charges of murder and conspiracy, among others, were filed against Weaver and Harris.

The trial began in April 1993. On July 8, 1993, without any evidence being presented by the defendants, the jury acquitted Kevin Harris of all charges and acquitted Randy Weaver of all but the least serious of the charges against him.

Quite frankly, public opinion in my State about Randy Weaver and Kevin Harris was divided. From the beginning of the well-publicized standoff to the end of the trial, some saw them as victims; others saw them as outlaws.

However, opinion was not so divided regarding the Government's actions. Idahoans were first surprised by the force of the Federal response, which turned the small community of Naples upside down. It became an armed military camp. They were concerned when reports began to circulate about the lack of coordination with local and State law enforcement. Concern turned into fear and hostility as mishaps were revealed that the case was perhaps handled in the wrong way, from the original targeting of Randy Weaver through the shootout and investigation and the trial itself.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Madam President, I ask unanimous consent that upon the completion of the remarks of the Senator from Idaho, the Senate proceed to the consideration of H.R. 4606, the conference report accompanying the Labor, HHS, Education appropriations bill.

Mr. WELLSTONE. Madam President, reserving the right to object, and I do not think I will, might there be any time—I want 5 minutes before we move on to that bill—I ask the majority leader?

Mr. MITCHELL. Madam President, I would then request that upon the completion of the remarks of the Senator from Idaho, the Senator from Minnesota be recognized to address the Senate for 5 minutes, and following the completion of his remarks, the Senate proceed as originally requested.

Mr. WELLSTONE. I thank the Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. I thank the colleague.

Mr. CRAIG. Madam President, I was discussing an episode that had happened in north Idaho known as the Randy Weaver affair, and I was telling you about the breaking of laws and then, of course, the converging of State, local, and Federal law enforcement upon a small cabin in Naples, ID, and the subsequent actions that happened, the killing of a Federal marshal, the killing of Randy Weaver's son, the killing of Mrs. Vicky Weaver, and then both the shooting of Randy Weaver himself and Kevin Harris.

Now here are my concerns. For example, one of the most serious questions involved the rules of engagement observed at the site of the incident. It is my understanding that the Federal law enforcement practice is to prohibit using deadly force against an individual unless that individual is actually threatening the life of another. Yet in the north Idaho incident, official handwritten instructions directed law enforcement personnel that deadly force could be used against any armed adult in the compound area.

Let me repeat that. A handwritten note suggested that any armed adult in the compound area deadly force could be used upon.

There was some argument at the trial about whether this was an actual modification of the rules of engagement or a change in the application of the usual rules. That argument, however important technically at trial, ignores a more disturbing question about the substance of the policy itself: When does the Department of Justice consider it acceptable for Federal law enforcement to fire on an armed citizen first, even if he or she is not threatening the life of any other person, and then ask questions later? That appears to be what happened in the Randy Weaver incident.

Citizens who take seriously their right to bear arms have much to fear from a Government that assumes that the mere possession of a firearm presents a threat to others.

Idahoans were also disturbed by a series of apparent blunders by Federal authorities. For instance, the initial order to appear issued to Weaver contained an incorrect trial date, and no correction of the order was made or ever issued, although he was indicted for failing to appear on the correct date he was never notified about.

Questions also were raised about the on-the-scene investigation, including failing to triangulate in order to place evidence accurately at the scene, failing to search the scene thoroughly enough to discover the magic bullet uncovered days later, miscounting evidence and staging photographs of evidence. Law enforcement officials admitted during the trial that evidence was mishandled and lost.

There was also a disturbing lack of coordination among Federal agencies. Documents in the possession of the Government and essential to the prosecution's examination of witnesses were mailed fourth-class to Idaho, reaching the prosecution after the witnesses had testified and provoking a rebuke from the judge. Yet readily available for publication was an FBI report highly critical of the work of the U.S. Marshals Service.

Concerns were also raised about the disparity between the seriousness of the offenses at stake and the level of force used by the Government against Weaver and Harris. In this sense, comparisons drawn between the north Idaho action and the incident at Waco, TX, were inevitable and deeply troubling. It has been suggested that these two cases reflect a pattern of over-zealousness in pursuing firearms violations, whether because they are sensational, grab headlines or help secure congressional appropriations.

These were only a few of the many, many concerns related to me by my constituents while the Weaver case developed in my State of Idaho. I spent literally days monitoring the case, following up on rumors, and discussing the matter with Federal, State, and local officials who had been involved in the matter.

The virtual exoneration of the two defendants was seen as proof that the Federal Government had acted improperly. Fairly or unfairly, the public expected the Government's law enforcement experts to be just that—experts. Even one misstep would have raised questions. The cumulative effect of these blunders was devastating with public opinion in my State. Not only did they diminish the value of the physical evidence and the credibility of the law enforcement testimony, but they strengthened the popular notion of the case as an example of powerful, corrupt Government pursuing vulnerable citizens and trying to cover up its own misdeeds.

It was because of the level of unease among my constituents that I wrote to Secretary Bentsen and Attorney General Reno following the trial, requesting an investigation and report on the Government's handling of the case and citing these very problems that I have related to all of you.

Both departments responded that they were indeed cooperating in reviewing the Weaver case. I commended them for their promptness and their responsive action. It seemed to me, and I continue to believe, that failing to answer the legitimate questions raised about this case would be equally destructive to the interests of law enforcement community and the citizens in my State of Idaho.

My office continued to receive a steady stream of inquiries and complaints about the incident in north Idaho. Rather than dying down, interest in the case has been increasing as time has passed without a report of the internal investigation of the Federal actions.

We made informal inquiries about the progress of the internal investigation and confirmed early this spring that the reports were finished and being reviewed. In April of this year, 1994, 9 months after I had requested the investigation, I wrote requesting release of the information.

In June, I received a response from the Department of Justice to my letter, stating that the report was under review. I wrote back, objecting to being put off, and then requesting the release of the report.

On July 5 of this year, the Department of the Treasury released a report of its investigation. That report concluded that BATF had acted properly in the original investigation and arrest of Weaver; the report also noted that BATF was not involved in any events subsequent to that initial arrest.

I expected the Department of Justice to follow the suit with its report, but no information was released. I spoke to the Attorney General and learned the report was still under review.

Since that time, Attorney General Reno has kept me informed of the status of her report—and I say this to her credit. While I appreciate that courtesy of the Attorney General, we do not appear to be any closer to the report's release now than we were 90 days ago when the Department first officially informed me that the report was under review.

Now, with my patience and credulity wearing mighty thin, I have been informed that there is an active effort within the administration to suppress this report and to prevent its release to the public.

Madam President, I most sincerely hope the administration is not trying to engineer a coverup on this issue. But what am I to think—what are my constituents to think—when my original request for an investigation was made more than a year ago when we learned the investigation and the report were completed before spring of this year and when the Department of the Treasury's report on its involvement was released more than 2 months ago?

I said earlier that comparisons between the Weaver incident and the events in Waco were inevitable. Along those lines, it is instructive to note that the voluminous reports on the investigation of the Government's handling of the very complicated Waco case were completed and released today to the public in less than 8 months.

Let me be clear: I am not on a witch hunt. I have no way of knowing what this report will say about the activities in north Idaho. It was not even the current administration who conducted the operation that we are now questioning. But it is the current administration who has conducted the investigation of those events and has the control of the findings of that investigation.

Whatever their personal thoughts about the particular individuals involved in the standoff, people are concerned about a possible misuse of Federal power and the future threat that may pose to all Americans' civil liberties. Every day that passes only increases the cynicism and the unease felt by those who are monitoring the Weaver matter in my State and elsewhere in the Nation. Every day that passes only darkens the cloud that they see hanging over our Federal law enforcement agencies.

I can promise the administration that delay will not make the case or the issue go away. My constituents are not going to just forget it, citizens who are watching from around the country are not going to tune out, and I am not going to melt away.

Again, I urge the administration to release this report. Silence only allows doubt and suspicion to breed and adds to credence to anyone's claim that a coverup may well be underway. Do the right thing by our own law enforcement agencies and by citizens of this country: Release the report of the Randy Weaver investigation.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Thank you, Madam President.

GRIDLOCK

Mr. WELLSTONE. Madam President, we just had a vote a short time ago in which we were unable to obtain cloture. This was cloture so that we could move to the conference committee on the campaign finance reform bill.

I have four items, Madam President. Let me make a connection between that vote, that obstructionism and, mind you, all we were trying to do is get to conference committee to then consider a campaign finance reform bill.

The second item: Yesterday the majority leader announced there would be no health care reform legislation passed in this Congress. Yesterday the majority leader announced that he really did not see us going forward, given the threat of filibuster or given the threat on part of some Senators to just introduce amendment after amendment after amendment. Let me make a connection.

The second item: Citizens Action came out with a report this past week. That is the Nation's largest consumer organization. And they looked at a period from January 1993 to July of this year in which opponents of health care reform spent $46 million, $46 million mainly targeted to congressional health care committees. Madam President, these were contributions which were made to block health care reform.

The fourth item: A Common Cause study just came out. From 1987 through 1993, according to Common Cause, business PAC's gave over $72 million to Senators as opposed to $16.7 million from labor PAC's. That is a ratio of 4 to 1.

Final item, Madam President, in the lobbying packet the insurance industry, according to one industry news letter, urged its members in each State to go to the Federal Election Commission reports, find out the wealthy contributors of each member, and then hold meetings with those contributor allies for the purposes of then going to Senators and Representatives.

Madam President, that is not very subtle, not very subtle.

My point is simply this: What has happened with the blocking of health care legislation makes the best case I know for campaign finance reform. It really is shameful the unprecedented amount of money that is poured into the House and the Senate. It really is shameful that that money has been used to block health care reform and it emerges, I think, not as the variable but one variable in explaining our inaction.

Madam President, even if you did not agree that it was the variable, let me just simply make the point, that if—and I use the analogy one more time, opposing teams before a football game or a soccer game were paying the referees before they officiated the games, people would not have a lot of confidence that those referees were making impartial decisions or good decisions. And we wonder why people are so angry.

Madam President, I believe that we will get this cloture vote in a day or so, and my distinguished colleague, Senator MCCONNELL, said he looked forward to debate. I look forward to the debate. I look forward to debate and, more importantly, I look forward to action, because in the past couple of days, as I have heard Senators speak about this, they have said to have any kind of campaign finance reform bill passed would be business as usual.

Business as usual is where we are right now. Business as usual is an unholy mix of money and politics. Business as usual is when Senators have to raise $5 million, $6, $8, $12 million, maybe $20 million for a Senate race. This is an obscene money chase and people in the country hate it and they feel as if it just belongs to those people who have the money. They feel as if it is not even a game they can play any longer. They feel completely ripped off. They feel left out of this process.

I venture to say, Madam President, that the citizens of Minnesota and the citizens of Illinois and every single State would like to see the large, big contributions out of politics. Let people make small contributions. Let people raise money. But we do not need to be raising these obscene amounts of money for campaigns.

As to the argument that discount vouchers for ads, or for whatever, represents some kind of entitlement program for politicians, these elections do not belong to politicians, they belong to the people in our country. I think it is absolutely critically important that we get this big money out of politics. But we do not even have an opportunity, based on this vote that took place, to move to a conference committee.

One more time—and I conclude this way with these points: health care reform, hijacked; unholy mix of money and politics, failure to enact reform that would do well for people makes the best case possible for campaign finance reform. No. 1.

No. 2, we see right now in what is going on on the floor of the Senate an effort to just bring this process to a grinding halt, to essentially blow the Senate up, to stop us from moving forward on any major initiative. And that is what has happened on this bill.

What we saw happening with this past vote just about 45 minutes ago was a vote where Senators essentially were saying that we cannot even appoint conferees from the House and from the Senate to come together to try and reach agreement on campaign finance reform, which would get some of the large money out of politics, which would begin to reform this process, which would begin to give people more confidence in this process.

I find this to be business as usual. I heard those people who oppose campaign finance reform talking about business as usual. The business as usual is just blocking, blocking, blocking. The business as usual is to bring this process to a grinding halt; try and let as little as possible pass the Senate; block almost everything, and then go around the country fanning the flames of discontent, telling people throughout our country: "Government can do no good; legislation can't be passed; everything is wrong."

I think it is a profoundly cynical approach. I think it essentially represents the very best of nondecisionmaking, and I do not think that is why we are here. I fully support what my colleague from California, Senator BOXER, had to say. It is a core issue. It is a root issue. If we do not have campaign finance reform, we will not have made this process accountable. This is a key reform issue. It is a key item for us. It is a priority for the U.S. Senate. And right now, we just see a blatant effort to filibuster this one way or the other: Block it, block it, block it.

I hope we will vote for cloture when we vote on this again. I take it that that will be by Thursday.

I yield the floor.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1995—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of the conference report on H.R. 4606, which the clerk will report.

The legislative clerk read as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4606) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1995, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferences.

The Senate proceeded to consider the conference report.

(The conference report is printed in the House proceedings of the RECORD of September 20, 1994.)

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I am pleased to report to the Members of the Senate that we have a very successful—and an extremely short—conference with the House. Not only were we able to preserve all the important funding initiatives of the Senate, as well as those of the administration, but we completed action on all 157 Senate amendments to the House bill in less than 10 minutes. In fact, I think the time was 8 minutes total for our conference. We set a new record. So there really is not much contention in the this bill.

The conference agreement now before us is within our subcommittee's 602(b) ceiling and is well below the level requested by the President. The conference agreement totals $252.9 billion. That is $6.6 billion less than last year's level. Of that total, $69.9 billion is for discretionary budget authority under the direct control of the subcommittee.

Our bill also includes $38 million for two programs in the Crime Trust Fund allocated to our subcommittee. The remaining $182.8 billion is for mandatory programs funded by our subcommittee.

I am particularly proud that this agreement does not impose an across-the-board cut of programs within our bill.

Mr. President, there are many important features of this bill, but for the sake of time, I would like to mention just a few highlights.

The conference approves the Senate's initiatives to root out wasteful spending and abusive practices in the Departments of Labor, Health and Human Services, and Education.

Some of the waste, fraud and abuse initiatives include: an increase over the President's budget for payment safeguards to curtail overcharges in the Medicare Program; a pilot program designed to help investigators detect potential Medicaid fraud; prevention of payment of Federal workers' compensation benefits to convicted felons; and increased monitoring by the Social Security Administration to identify and suspend SSI benefits to those who do not comply with drug or alcohol treatment requirements.

The conference agreement includes $1.319 billion for the Low-Income Home Energy Program, which is $94 million more than the House recommendation and $589 million more than the President's budget request. This also includes advance funding for program year 1996 at the fiscal 1995 level.

Overall, the conference agreement provided 46 percent of the President's request for his investment programs in our bill, including initiatives in worker retraining, education reform, and children's programs.

For Head Start, the conference agreement includes a $210 million increase over fiscal year 1994. This report includes a $396 million increase for the National Institutes of Health, reflecting the conference's strong belief that the NIH is a vital investment program for our Nation.

I am also pleased that the conference recommends a $67 million increase for the substance abuse block grant, for a total of $1.234 billion.

For the Department of Labor, the conference report provides an additional $178 million for dislocated worker assistance, and $120 million for one-stop career shopping. In addition, the conferees recommended $250 million for the joint Department of Labor and Department of Education school-to-work transition initiative.

The conference report also provides a total of $528 million for the administration's education reform initiatives, including a $298 million increase for Goals 2000. For title I, the conferees recommended a $328 million increase over fiscal year 1994 levels.

The report also includes $2.25 billion, or $174 billion over the President's request, for 13 key health prevention programs at the Center for Disease Control and Prevention and the Health Resource Services Administration. Specifically, our agreement provides $616 million for community health centers, $100 million for breast cancer screening, and a $12.5 million increase for family planning programs.

And for the first year, our subcommittee has been allocated $38 million from the Crime Trust Funds to fund two crime bill programs. Specifically, this bill provides $37 million for the Community Schools Program and $1 million for the Domestic Violence Hotline.

I also publicly thank Chairman SMITH, my House counterpart, and his ranking member, Congressman PORTER, for their excellent cooperation this year. I want to commend the new chairman of the House subcommittee, Congressman SMITH, for his cooperation, hard work, and his leadership on these issues. The House's assistance was essential to completing this year's conference in record time.

I also want to publicly thank Senator SPECTER, our ranking member on our subcommittee, and his staff, for all of their excellent advice and assistance throughout this process. Senator SPECTER's counsel and input is reflected throughout the process, beginning with hearings earlier this year, committee markup and now conference, and I am most grateful for all of his help and assistance in bringing this bill to the floor.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MOYNIHAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH CARE REFORM

Mr. MOYNIHAN. I thank the President. I rise to state that I agree with the majority leader's assessment that large-scale health care reform cannot be enacted in the final days of this Congress. I further agree with Senator MITCHELL that we need at least 60 votes in the Senate to pass legislation quickly. I believe the record will be that this has been my view for a very long while. With those two defining facts in mind, I would like to outline four simple provisions that I believe could be passed in just a few days.

This proposal would include basic health insurance reforms to provide portability of coverage and to eliminate the denial of health insurance due to preexisting conditions. These are familiar matters which have passed the House and Senate before. In addition, it would expand health care coverage for the self-employed and for children and pregnant women. These expanded benefits would be financed by a gradual increase in the tobacco tax of the kind we have already reported from the Committee on Finance.

The insurance reforms, again to state, have already passed the Senate twice.

The proposal for expanding benefits is a measured approach using existing programs rather than creating new programs, with all the organizational paraphernalia that goes with new programs. The expansion of existing programs will be financed by a gradual increase in an existing tax. We are not inventing anything new.

This proposal will not foreclose or prejudge the direction of future reforms in the health care system. It is consistent with reforms that stress private or public, Federal and/or State initiatives.

The proposal is deficit neutral; expanded benefits for the self employed and children and pregnant women will cost $59 billion over 10 years and will be fully financed by a quite modest increase in the tobacco tax.

Under the four major elements of the proposal:

First, insurance reforms would guarantee that insurers could not deny coverage based on health status, medical condition, or anticipated need for health services. One of the things we learned in the course of the years of inquiring into the issue of who are the uninsured, we find persons with high professional standing and good incomes who are uninsured because of a previous medical condition, which is absurd.

Second, self-employed persons could deduct 100 percent of the cost of their health insurance premiums, which is effectively the case for persons insured by their employer.

Third, millions of children in families with incomes below 185 percent of the poverty level could become eligible for Medicaid through enhanced matching grants to States.

Fourth, a gradual increase in the tobacco tax would fully fund the expansion of health care benefits for the self-employed and for children and pregnant women.

Under my insurance reform proposal, insurers would be prohibited from imposing a preexisting condition exclusion for individuals who maintain continuous insurance coverage. The intent of this provision is to prohibit insurers from requiring individuals who change jobs from having to meet a new preexisting condition whenever this type of change occurs.

In addition, a limitation would be placed on the length of time insurers could exclude individuals who have preexisting conditions. Under the proposal, insurers would only be permitted to exclude conditions which were diagnosed or treated within the 3 months previous to enrollment for a maximum of 6 months after the date of enrollment.

Identical provisions, as I have said, passed the Senate twice in 1992 but were dropped in conference.

The provisions were included in H.R. 4210—the Family Tax Fairness, Economic Growth, Health Care Access Act of 1992—which was reported by the Finance Committee, and passed by the Senate on March 13, 1992.

In addition, Secretary—then Senator—Bentsen, along with 15 Republicans and 5 Democratic cosponsors, proposed these reforms on the floor of the Senate as part of a package of amendments to H.R. 11, the Revenue Act of 1992. Sixteen Republicans and seven Democrats spoke on the floor in favor of this bipartisan set of reforms. No one in the Senate spoke against it. No one opposed it. And in that spirit, I hope we can proceed, even at this late hour. The reforms passed by a voice vote on September 23, 1992, and there is no reason why these insurance reforms should not enjoy the same support in the Senate today.

My proposal would make health insurance more affordable for self-employed individuals by permitting the self-employed to deduct 100 percent of their insurance premiums. This is a simple matter of tax fairness. It would put self-employed individuals on the same footing as employees who can exclude from income health care insurance premiums paid for by their employers.

The deduction would be gradually phased in starting at 25 percent in 1994. A 25-percent deduction for the self-employed expired on December 31, 1993. Indeed, we allowed it to expire in last year's reconciliation bill only with the full expectation that we would tend to this item as part of health care reform legislation this year. If we do not take action in this Congress, the self-employed will have no deduction for health insurance on their next tax return. I know that no one in this Congress has intended this to happen to the self-employed.

My proposal would expand Medicaid coverage for children and for pregnant women. Currently 10 million children lack health insurance coverage. Under my proposal two-thirds of these children could become eligible for Medicaid coverage.

For children, the proposal would encourage States to expand Medicaid eligibility by giving States an enhanced

Federal matching rate for the costs of covering children who they are not now required to cover. This would make eligible for coverage all children up to age 19 with family incomes up to 185 percent of the Federal poverty level.

Current Medicaid law has an extraordinarily complicated formula for coverage of children. States are now required to provide coverage of infants (up to age 1) and children up to age 6 with family incomes under 133 percent of the Federal poverty level. They have the option of covering infants with family incomes up to 185 percent of poverty. And finally, States must also cover all other children born after September 30, 1983 with family incomes up to 100 percent of poverty.

By giving States an option and an incentive to cover all children under age 19, with family incomes below 185 percent of the Federal poverty level, we will hopefully not only expand coverage significantly but move toward a simplification of eligibility rules, as well.

My proposal would also increase coverage of pregnant women by requiring that States cover this group with family incomes up to 150 percent of the Federal poverty level. Federal law currently requires States to cover pregnant women only up to 133 percent of the Federal poverty level. Thirty-four States cover pregnant women at income levels beyond the minimum of 133 percent of Federal poverty; the majority of these States cover this group up to 185 percent of the Federal poverty level. The requirement that States increase coverage to 150 percent of poverty would also apply to infants.

The Medicaid changes and the deduction for the self-employed would be financed by increasing the excise tax on cigarettes by 45 cents per pack, phased in over 5 years, with a proportional increase in the tax imposed on other tobacco products—a proposal very similar to the one offered by Senator MITCHELL.

Mr. President, as I stated recently, for health care reform legislation I have had one clear guideline in mind at every stage of our deliberations: the first principle of the Hippocratic oath "primum non nocere"—First Do No Harm. In my view, the proposal I have outlined meets this elemental standard. Moreover, it provides expanded health insurance coverage that can be paid for without harming beneficiaries of existing programs.

Mr. President, there is so much more that I would like us to do.

I do wish we could somehow reasonably contain health care costs.

I do wish we could fund new and greater support for medical education and research.

But, Mr. President, the reality is that with only about 15 days left in this Congress, and with so much disagreement on those issues, we must target our efforts in health care reform to what we do know how to do, and to what a large majority can agree on. The undeniable fact that time is running out on this Congress does not mean that we should give up but only that we should concentrate intensely on what health care reforms are realistically possible in this Congress.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1995

The Senate continued with the consideration of the conference report.

Mr. SPECTER. Madam President, I join the chairman of the subcommittee, the distinguished Senator from Iowa, Senator HARKIN, in supporting the conference report before the Senate today. There has been an extraordinary amount of work done in this massive bill, almost $253 billion, and extraordinary staff work. At the same time, I want to thank Chairman SMITH and Congressman PORTER, chairman of the House committee, and the ranking Republican there, for their work. It is a very complicated matter to move through the numerous items of concern in the Departments of Health and Human Services, Education, and Labor, and to allocate the funds which are available.

While at first blush, that sum of money might seem very substantial—and it is—when you have to fund the National Institutes of Health, which does basic research and has had really marvelous results, and when you have to allocate increases for cancer—prostate cancer, breast cancer, cervical cancer—and you have to find money for heart disease and for diabetes, and you have to work through the complicated issues of sufficient funding for Head Start and other educational programs, and fund mine safety, AIDS research, and a tremendous number of items which confront this bill, it seems vast indeed.

We were able to move through the conference with the cooperation, as I say, of Congressman SMITH and Congressman PORTER, and the staffs have done a really extraordinary job. We are on a tight schedule with a great many matters pending, as we try to conclude the work of the Senate this year and try to get all the appropriations bills finished before September 30, which is at the end of this week.

Mr. President, I join the chairman of the subcommittee, the distinguished Senator from Iowa, in supporting the conference report that is before the Senate today. I want to take this opportunity to thank Chairman HARKIN and the other members of the subcommittee, for putting together this very comprehensive conference agreement. I also want to thank Chairman SMITH and Congressman PORTER for their hard work and their willingness to compromise on the differences between the House and Senate bills.

The bill totals more than $252.9 billion, including over $70 billion in discretionary spending, and provides funding for workforce retraining, educating this Nation's children and continuing the critical biomedical research to cure and curb disease. This year, as in the past, the subcommittee allocation was insufficient to meet all of the health, welfare, job training and education and education needs, but given the budget constraints faced by the subcommittee, I think that the agreement is very comprehensive.

TEEN PREGNANCY

When one talks of the social ills in America today, the problem of the increasing numbers of births to adolescents is always at the top of the list. The costs associated with families begun by teens are staggering. In 1990, an estimated 51 percent of Aid to Families With Dependent Children (AFDC] payments went to recipients who were 19 or younger when they first became mothers. And when AFDC costs were combined with those of Medicaid and food stamps, over $25 billion of these funds were used to support families begun by teens in 1990.

The conference agreement contains over $217 million for education and prevention programs to deal with issues surrounding teen pregnancy.

PRENATAL CARE AND LOW BIRTHWEIGHT INFANTS

Each year, about 7 percent, or 287,000, of the 4,100, of the 4,100,000 babies born in the United States are of low birth weight and therefore, at far greater risk of death or disability. Including $4.5 million for the CDC to support the development of community coalitions for the prevention of teen pregnancies.

Beyond the human tragedy of low birth weight there are the financial consequencies. In 1990, the hospital-related costs for caring for low birth weight newborns totaled more than $2 billion, or an average of $21,000 per infant. And in infants of extremely low birth weight, hospital costs often exceed $150,000.

It is generally recognized that prenatal care that begins in the first weeks of pregnancy and is appropriate to the mother's level of health risk can effectively prevent low birth weight births and improve birth outcomes. The bill recommends $1.498 billion for programs which support education, counseling, and prenatal services for pregnant women. This amount includes a $12.5 million increase for the healthy start program, bringing the total amount available to $110 million.

PRISON EDUCATION

On a given day in the United States, there are approximately 1.3 million residents in correctional institutions. The costs of incarcerating an individual per year is approximately $25-

$30,000. The correctional population is characterized by low levels of formal education with estimates of between 60 and 80 percent of the prison population functionally illiterate. Only 40 percent of prison inmates have graduated from high school. Lack of formal education limits an individuals ability to succeed in society. Criminal records, coupled with limited academic and vocational training, exacerbates the problem further. The conference report before us today provides $116.7 million for programs to educate juveniles in adult corrections facilities, literacy and vocational education programs for adult inmates and substance abuse prevention and treatment for the criminal justice population.

LIHEAP

A program that is of critical importance to Pennsylvania is the Low Income Home Energy Assistance Program. These funds help low income families avoid having to decide between heating or eating. Over 70 percent of households who receive LIHEAP have annual incomes of less than $8,000. LIHEAP already has borne its share of funding cuts. From fiscal year 1981 to fiscal year 1993, LIHEAP's funding has been cut by $1.6 billion, or 53.9 percent after adjusting for inflation. Funding for this program supports grants to States to deliver assistance to low income households to help meet the costs of heating and cooling their homes. The conference report includes $1.319 billion for the fiscal year 1995 winter program and for the in advance funding for the fiscal year 1996 winter program. While I would like to have seen an increase in the LIHEAP program, this was not possible, due to the extremely tight budget situation.

FAMILY VIOLENCE

The O.J. Simpson case brought the incidence of domestic violence into the public eye. But unfortunately, family violence is not a rare occurrence. Last year alone, an estimated 4 million women were beaten by their husbands or partners. Battering is the single largest cause of injury to women in the United States and medical costs associated with those injuries is approximately $3.5 billion annually. To prevent family violence and to provide immediate shelter to victims and their families, the agreement includes $32.6 million, an increase of $5 million over the fiscal year 1994 amount. In addition, the agreement provides new funding of $1 million for education and training for community leaders and law enforcement personnel, $750,000 for a national conference on violence, and $1 million for a domestic violence hotline.

BIOMEDICAL RESEARCH

This agreement includes $11.3 billion for the National Institutes of Health, an increase of $396.5 million above last year's level. These funds will continue the progress being made in identifying new treatments and supporting promising avenues of research for diseases such as cancer, Aids, Alzheimers disease, diabetes, mental illness, and arthritis as well as the many other illnesses that afflict the people of this Nation.

BREAST CANCER

Breast cancer, the most commonly diagnosed cancer in America today, currently afflicts over 1.8 million women, and it is estimated that an additional 1 million women have yet to be diagnosed. The incidence of this disease continues to rise and every 12 minutes a woman dies of this dreaded illness. The conference agreement this year provides an estimated $350 million for research programs for breast cancer. In addition, $100 million has been included for breast and cervical cancer screening, an increase of $21.9 million. These additional funds will continue the progress made in ensuring that all women, especially those of low-income and of particular risk of developing cancer, will have access to preventive health services.

AIDS

The agreement contains $2.6 billion for research, education, prevention, and services to stop the spread and find a cure for AIDS. This amount represents an increase of $134.3 million over last year's funding level. Included in this amount is $356.5 million to provide grants to cities with the highest incidence of AIDS. The increase in the title I funds will enable grants to be provided up to 7 additional cities, bringing the total number of cities receiving grants to as many as 41.

I am also pleased to report that the Pediatric AIDS Demonstration Program under title IV of the Ryan White Act has been funded at $26 million. This money helps coordinate services for women, infants, and children who are infected with HIV or who are at risk of developing the disease. Because of their unique vulnerability, infants suffering from AIDS require specially tailored approaches for treatment, prevention, and care. The funds provided will continue the existing pediatric and adolescent AIDS demonstration projects.

MENTAL HEALTH SERVICES

Each year, more than 40 million adults in the United States experience one or more mental disorders. In addition 8 million children are tormented with serious emotional disturbances. The direct and indirect costs of these illnesses have been estimated to cost over $148 billion each year. The bill contains $1.072 billion for research, prevention, and treatment of mental illness.

EDUCATION

This country must give this Nation's youth the opportunity to obtain the best education possible. The challenge is to find new and better ways to teach this country's 43 million school children. Meeting this challenge will take new ideas and innovative approaches to teaching and the resources to assure that all children are given every opportunity to reach their full potential. Because of very severe budget constraints, this bill does not contain all of funds necessary to strengthen our educational system. But we are moving in the right direction. The bill provides $27.4 billion for education programs and provides $7.7 billion for student financial aid, including $6.2 billion for Pell Grants, which raises the maximum grant to $2,340, an increase of $40 over the previous year's cap.

For education for disadvantaged children, the bill includes $7.2 billion, an increase of $321.1 million over the fiscal year 1994 level. Capital expenses for private schools is funded at $41.4 million and the Even Start Program, funded last year at $91.3 million has increased to $102.1 million. The agreement restores $41.1 million in funding cut proposed by the administration for library programs bringing the total amount available to $146.3 million.

Also included is $6 million for a new Charter School Program. This program will stimulate comprehensive education reform by supporting the development of schools, created by teachers, parents and community members. These new schools would be given flexibility from some of the cumbersome Federal regulations, but would be required to meet challenging performance standards. Programs such as charter schools will allow schools to try new ways of teaching, including contracting with private management firms, if they choose to do so.

JOB TRAINING

Another vital part of this Nation's education system is the training and retraining of this Nation's work force. The once-familiar occupations held by our grandfathers, and mothers and fathers, have declined or disappeared and wholly new industries have emerged which require new skills. These skills often involve technical training that is beyond what is traditionally taught in our schools. To help address this need, the bill includes $5.4 billion for job training and adults and youth, including $1.056 billion for summer youth employment and $1.3 billion for the retraining of dislocated workers. Also included is $250 million for the School to Work Program which helps States and localities prepare noncollege bound students for the transition from school to the workplace. This is an increase of $150 million over the fiscal year 1994 level.

In closing, Mr. President, I again want to thank Senator HARKIN and his staff and the other Senators on the subcommittee for their cooperation in a very tough budget year.

Mr. HARKIN. Madam President, I thank Senator SPECTER for all of his work and input in this bill. It is due in no small part to his working closely with us, and our staffs working together, that we were able to have a record conference. As I said, in less than 10 minutes, we finished our conference meeting.

Madam President, in order to take care of the amendments in disagreement, I ask unanimous consent that the conference report be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Madam President, I ask unanimous consent that the Senate concur, en bloc, to the amendments of the House to the amendments of the Senate in disagreement, with the exception of amendments numbered 73, 83, and 148, and that all the preceding motions be reconsidered, en bloc, and tabled.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments in disagreement, with the exception of amendments numbered 73, 83, and 148, are as follows:

Resolved, That the House agree to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4606) entitled "An Act making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1995, and for other purposes.".

Resolved, That the House recede from its disagreement to the amendments of the Senate numbered 12, 13, 20, 32, 37, 66, 75, 78, 79, 80, 89, 91, 101, 108, and 124 to the aforesaid bill, and concur therein.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 18 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: "$223,837,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 26 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum named in said amendment, insert: "$2,100,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 33 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

SEC. 105. The Secretary of Labor is authorized to accept, in the name of the Department of Labor, and employ or dispose of in furtherance of authorized activities of the Department of Labor, during the fiscal year ending September 30, 1995, and each fiscal year thereafter, any money or property, real, personal, or mixed, tangible of intangible, received by gift, devise, bequest, or otherwise.

SEC. 106. Section 5315 of title 5, United States Code, is amended by inserting at the end thereof: "The Commissioner of Labor Statistics, Department of Labor.".

Section 5316 of title 5, United States code, is amended by striking: "Commissioner of Labor Statistics, Department of Labor.".

SEC. 107. None of the funds appropriated in this title for the Job Corps shall be used to pay the compensation of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of $125,000.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 35 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum named in said amendment, insert: "$24,625,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 38 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: "$2,089,443,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 51 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: "$218,367,000, of which $3,375,000 shall be transferred to the National Institute of General Medical Sciences".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 53 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: "$2,181,407,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 54 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert: "$65,267,000, together with $1,500,000 which shall be only for employee buyouts, terminal leave, severance pay, and other costs related to the reduction of the number of employees in the Office of the Assistant Secretary for Health".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 56 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: "$138,642,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 63 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: "$5,159,785,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 69 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

STATE LEGALIZATION IMPACT-ASSISTANCE GRANTS

(INCLUDING RESCISSION)

Funds not obligated by the States by June 29, 1995, under section 204(b)(4) of the Immigration Reform and Control Act of 1986 are hereby rescinded.

For Federal administration and allotments of funds to the States made by the Secretary of Health and Human Services for the purpose of making payments to public and private nonprofit organizations for public information and outreach activities; and English language and civics instruction provided to any adult eligible legalized alien who has not met the requirements of section 312 of the Immigration and Nationality Act for purposes of becoming naturalized as a citizen of the United States, $6,000,000: *Provided*, That the Secretary of Health and Human Services shall allocate such amount among the States not later than August 15, 1995: *Provided further*, That each State's share of these funds shall be equal to that State's percentage share of the total costs of administering and providing educational services to eligible legalized aliens in all States through fiscal year 1994, as determined by the Secretary: *Provided further*, That the definition of "eligible legalized alien" contained in section 204(i)(4) of the Immigration Reform and Control Act of 1986 is amended by inserting before the period at the end ", except that the five-year limitation shall not apply for the purposes of making payments from funds appropriated under the fiscal year 1995 Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act for providing public information and outreach activities regarding naturalization and citizenship; and English language and civics instruction to any adult eligible legalized alien who had not met the requirements of section 312 of the Immigration and Nationality Act for purposes of becoming naturalized as a citizens of the United States": *Provided further*, That each State may designate the appropriate agency or agencies to administer funds under this heading: *Provided further*, That section 204(b)(4) of the Immigration Reform and Control Act of 1986 is amended by striking the fourth sentence and inserting the following: "Funds made available to a State pursuant to the preceding sentence of this paragraph shall be utilized by the State to reimburse all allowable costs within 90 days after a State has received a reallocation of funds from the Secretary, but in no event later than July 31, 1995.".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 70 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert: "$472,920,000, of which $12,000,000 shall be for carrying out the National Youth Sports Program: *Provided*, That payments from such amount to the grantee and subgrantees administering the National Youth Sports Program may not exceed the aggregate amount contributed in cash or in kind by the grantee and subgrantee: *Provided further*, That amounts in excess of $9,400,000 of such amount may not be made available to the grantee and subgrantees administering the National Youth Sports Program unless the grantee agrees to provide contributions in cash to such program in an amount that equals 29 percent of such excess amount.".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 71 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: "$4,419,888,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 74 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: "$91,247,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 81 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

SEC. 208. Taps and other assessments made by any office located in the Department of Health and Human Services shall be treated as a reprogramming of funds except that this provision shall not apply to assessments required by authorizing legislation, or related to working capital funds or other fee-for-service activities.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 86 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert "enacted into law".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 87 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: "$7,232,722,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 88 to the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: "$7,214,160,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 90 to the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: "not less than $39,311,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 93 to the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: "enacted into law".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 95 to the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: "8004(f), 9004(f), or the relevant citation which may be designated in the Act: *Provided*, That should the improving America's Schools Act not be enacted into law for fiscal year 1995 funds for impact aid shall be made available under the provisions of Public Laws 81–815 and 81–874 with amounts allocated proportionately and under the same timeframes as provided in fiscal year 1994".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 96 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert: "III, IV, V, VII, VIII, IX, and XV (or under the comparable citations which may be designated)".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 97 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert: "enacted into law".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 98 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: "$1,564,877,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 99 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: "$1,268,418,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 100 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert: "$5,899,000 shall be for law related education; $12,000,000 shall be for arts education activities; $28,000,000 shall be for dropout prevention assistance, if authorized; $4,185,000 shall be for Ellender Fellowships; $12,000,000 shall be for education for Native Hawaiians, $10,912,000 shall be for foreign language assistance, if authorized; and $100,000,000 shall be for new education infrastructure improvement grants, if authorized".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 102 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert: "enacted into law".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 103 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: "$245,200,000.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 104 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the matter stricken and inserted by said amendment, insert: "part C or under subpart 3 of part A of title VII or under the comparable citation which may be designated by amendments to the authorizing legislation".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 107 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: "$2,998,812,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 130 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert: "section 1521 of the Higher Education Amendments of 1986 as amended by Public Law 103–239, to be administered by the Secretary of Education; part E of title XV of the Higher Education Amendments of 1992; and Public Law 102–433, $962,842,000, of which $8,060,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 135 to the aforesaid bill, and concur therein with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows: "$5,000,000, to remain available until expended, shall be for general construction needs at the University and $5,500,000, to remain available until expended, shall be for the establishment of a Law School Clinical Center to be administered under the same terms and conditions as the Centers established and funded under Public Laws 99–88 and 100–517 with not more than $1,000,000 to be used for construction".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 138 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert: "as amended by the Improving America's School's Act as enacted into law; the National Education Statistics Act of 1994, as enacted into law; the Education Council Act, as amended; part F of the General Education Provisions Act; and title VI of Public Law 103–227, $354,892,000; *Provided*, That $86,200,000 shall be for education research of which $41,000,000 shall be for regional laboratories, including rural initiatives and network activities, $33,000,000 shall be for research centers and $3,200,000 to remain available until expended, shall be for school finance equalization research; $36,750,000 shall be for the Fund for the Improvement of Education; $3,000,000 shall be for the international education exchange program; $750,000 shall be for 21st Century Community Learning Centers, if authorized; $4,463,000 shall be for civic education activities; $14,480,000 shall be for the National Diffusion Network; $36,356,000 shall be for Eisenhower professional development Federal activities, including not less than $5,472,000 for the National Clearinghouse for Science and Mathematics and $15,000,000 for regional consortia; $2,250,000 shall be a mathematics telecommunications demonstration, if authorized; $40,000,000 shall be for education technology activities, if authorized; and $7,000,000 shall be for Ready to Learn television, including funds to be awarded to the Corporation for Public Broadcasting in such amounts as the Secretary determines appropriate".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 139 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert: "title II of the Higher Education Act, $144,161,000, of which $17,792,000 shall be used to carry out the provisions of title II of the Library Services and Construction Act and shall remain available until expended; and $4,916,000 shall be for section 222 and $6,500,000 shall be for section 223 of the Higher Education Act, of which $5,000,000 shall be for additional awards for demonstration of on-line access to statewide, multitype library bibliographic data bases using fiber optic networks and $1,500,000 shall be for a demonstration project making Federal information and other data bases available for public use by connecting a multistate consortium of public and private colleges and universities to a public library and an historic library".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 144 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

(INCLUDING RESCISSION)

Of the funds made available under this heading in Public Law 102–394, $7,000,000 are hereby rescinded. For payment to the Corporation for Public Broadcasting, as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 1997, $315,000,000: *Provided*, That no funds made available to the Corporation for Public Broadcasting by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: *Provided further*, That none of the funds contained in this paragraph shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 153 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

SEC. 511. None of the funds appropriated or otherwise made available under this Act may be obligated in violation of existing Federal law or regulation already prohibiting such benefit or assistance. None of the funds appropriated under this act may be used by any federal official or any State or local official to induce undocumented immigrants to apply for Federal benefits for which such officials know or should know such undocumented immigrants are not eligible. In no case, however, shall Federal, State, or local officials be penalized for efforts to ensure that eligible persons are not excluded from participation in, denied the benefits of, or subjected to discrimination by any program receiving funds under this Act, on the grounds of race, color, or national origin-based traits, including language. Each State agency and each other entity administering a program under which verification of immigration status is required by section 121 of the Immigration Reform and Control Act of 1986 shall participate in the system for the verification of such status established by the commissioner of the Immigration and Naturalization Service pursuant to section 121(c) of that Act, unless an alternative system is available and employed for such purposes which is found to meet the criteria for waiver under section 121(c)(4).

SEC. 512. Notwithstanding any other provision of law, monthly benefit rates during fiscal year 1995 and thereafter under part B or part C of the Black Lung Benefits Act shall continue to be based on the benefit rates in effect in September 1994 and be paid in accordance with the Act, until exceeded by the benefit rate specified in section 412(a)(1) of the Act.

SEC. 513. No more than one percent of salaries appropriated for each Agency in this Act may be expended by that Agency on cash performance awards: *Provided*, That of the budgetary resources available to Agencies in this Act for salaries and expenses during fiscal year 1995, $30,500,000, to be allocated by the Office of Management and Budget, are permanently canceled. *Provided further*, That the foregoing proviso shall not apply to the Food and Drug Administration and the Indian Health Service.

SEC. 514. Chapter 51 of title 18, United States Code, is amended by adding at the end thereof the following new section:

§1118. Protection against the Human Immunodeficiency Virus

"(a) IN GENERAL.—Whoever, after testing positive for the Human Immunodeficiency Virus (HIV) and receiving actual notice of that fact, knowingly donates or sells, or knowingly attempts to donate or sell, blood, semen, tissues, organs, or other bodily fluids for us by an other, except as determined necessary for medical research or testing, shall be fined or imprisoned in accordance with subsection (c).

"(b) TRANSMISSION NOT REQUIRED.—Transmission of the Human Immunodefiency Virus does not have to occur for a person to be convicted of a violation of this section.

"(c) PENALTY.—Any person convicted of violating the provisions of subsection (a) shall be subject to a fine of not less than $10,000 nor more than $20,000, imprisoned for not less than 1 year nor more than 10 years, or both."

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 154 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

SEC. 515. Notwithstanding any other provision of law, (1) no amount may be transferred from an appropriation account for the Departments of Labor, Health and Human Services, and Education except as authorized in this or any subsequent appropriation act, or in the Act establishing the program or activity for which funds are contained in this Act;

(2) no department, agency, or other entity other than the one responsible for administering the program or activity for which an appropriation is made in this Act, may exercise authority for the timing of the obligation and expenditure of such appropriation, or for the purposes for which it is obligated and expended, except to the extent and in the manner otherwise provided in sections 1512 and 1513 of title 31, United States Code; and

(3) no funds provided under this or any subsequent appropriation act shall be available for the salary (or any part thereof) of an employee who is reassigned on a temporary detail basis to another position in the employing agency or department or in any other agency or department, unless the detail is independently approved by the head of the employing department or agency.

And on page 55 of the House engrossed bill, H.R. 4606, after line 3, insert:

SEC. 305. None of the funds appropriated under this Act may be used to publish, release, report or finalize the designation of institutions to be reviewed under subpart 1 of part H of title IV of the Higher Education Act of 1965, as amended, until the State postsecondary review entity responsible for evaluating those institutions has received the Secretary's approval for its institutional review standards.

And on page 58, line 19 of the House engrossed bill, H.R. 4606, strike "$8,119,000" and insert in lieu thereof "$8,519,000".

And on page 43 of the House engrossed bill, H.R 4606, after line 14, insert:

SEC. 210. Of the funds made available under this title, under the heading Low Income Home Energy Assistance, for fiscal year 1996, the Secretary shall receive assurances from States that funds will assist low-income households with their home energy needs, particularly those with the lowest incomes that pay a high proportion of household income for home energy.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 155 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert: "TITLE VI—EMERGENCY APPROPRIATIONS".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 156 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

For the Public Health and Social Services Emergency Fund to be used to assist States and local communities in recovering from the flooding caused by tropical storm Alberto and other emergencies, $35,000,000 to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement, as defined in the Balanced Budget and Emergency Deficit Control Act of 1985 as amended, is transmitted by the President to the Congress.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 157 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

TITLE VII—CRIME REDUCTION PROGRAMS

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES

CHILDREN AND FAMILIES SERVICES PROGRAMS

In addition to amounts otherwise appropriated in this Act, $26,900,000, to be derived from the Violent Crime Reduction Trust Fund, including $1,000,000 for a domestic violence hotline as authorized by the Safe Homes for Women Act of 1994 and $25,900,000 for carrying out the Community Schools Youth Services and Supervision Grant Program Act of 1994.

DEPARTMENT OF EDUCATION

SCHOOL IMPROVEMENT PROGRAMS

In addition to amounts otherwise appropriated in this Act, $11,100,000, to be derived from the Violent Crime Reduction Trust Fund, for carrying out the Family and Community Endeavor Schools Act.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1995

The Senate continued with the consideration of the conference report.

Mr. HARKIN. Madam President, I ask unanimous consent that we return to the conference report.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Madam President, we are now in a situation where we are ready for a vote on the conference report.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays are ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Connecticut [Mr. LIEBERMAN] is necessarily absent.

The result was announced—yeas 83, nays 16, as follows:

[Rollcall Vote No. 310 Leg.]

YEAS—83

Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Coverdell
D'Amato
Danforth
Daschle
DeConcini
Dodd
Domenici
Dorgan
Durenberger
Exon
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Grassley
Harkin
Hatch
Hatfield
Heflin
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lott
Lugar
Mack
Mathews
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murkowski
Murray
Packwood
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Shelby
Simon
Simpson
Specter
Stevens
Thurmond
Warner
Wellstone
Wofford

NAYS—16

Brown
Conrad
Craig
Dole
Faircloth
Gramm
Gregg
Helms
Hutchison
Kempthorne
Nickles
Nunn
Pressler
Roth
Smith
Wallop

NOT VOTING—1

Lieberman

So the conference report was agreed to.

Mr. HARKIN. Madam President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

• Mr. LIEBERMAN. Mr. President, I was unavoidably detained and therefore missed this vote on the Labor-HHS appropriations conference report. Had I been present, I would have voted "aye." This conference report contains important funding for programs that are important to this country and to my home State of Connecticut—programs like LIHEAP, the child care block grant, Ryan White funding, job training and Head Start. I have been an ardent and enthusiastic supporter of these programs so I very much regret having missed this vote.

Today I have been at home and at my synagogue, observing the Jewish holiday of Shemini Atzeres. I was en route to cast my vote on this measure but I regret that because of traffic congestion I did not arrive in time to cast my vote.

Again, had I been present on this vote, I would have voted "aye."•

Mr. DECONCINI addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa has the floor.

Mr. HARKIN. I yield the floor, Madam President.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. DECONCINI. Madam President, I ask unanimous consent I may proceed as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT ON RESOLUTION CALLING FOR REMOVAL OF RUSSIAN TROOPS FROM MOLDOVA

Mr. DECONCINI. Madam President, on August 10, 1994, negotiators for the Governments of Moldova and Russia reached a tentative agreement on withdrawal of Russia's 14th Army, about 8,000–10,000 strong, from Moldova over a period of 3 years.

This is a significant step, since Moldova is the only remaining former Soviet Republic upon which Russian troops are still stationed without permission of the host government. Moreover, the 14th Army has a violent history in Moldova. It is stationed in Moldova's breakaway Transdniestria region, where many 14th Army soldiers helped provide firepower for the secessionist forces during the bloody civil conflict of 1992.

Unfortunately, there are reports that Moscow may be rethinking the withdrawal agreement. The commander of the 14th Army has publicly rejected the agreement, telling Der Spiegel that it was "idiotic." General Grachev, the Defense Minister, and theoretically General Lebed's boss, met with Lebed in Moscow, and emerged from the meeting suitably chastened. Apparently he now thinks that the agreement needs further drafting after he had signed on to it.

Meanwhile, a diplomatic mission of the Conference on Security and Cooperation in Europe posted in Moldova has called for the accelerated withdrawal of the 14th Army. The call was reiterated last July by the CSCE Parliamentary Assembly in Vienna. Ironically, while the Russian military seems committed to scuttling a political settlement that follows the directions of CSCE policy, Mr. Kozyrev's Foreign Ministry is seeking a greater role for CSCE, including coordination of the activities of several all-European political and military organizations, including NATO.

I would note that, as was the case with Russian military forces in the Baltics, the Clinton administration has been forthright in calling for the renewal of the 14th Army from Moldova. During a recent visit to Moldova, Ambassador Albright characterized the withdrawal of the 14th Army as "a matter of primary importance to United States foreign policy." This statement, incidentally, elicited an outburst from General Lebed that Russia shouldn't let "some woman" make decisions for Russia.

Madam President, the senior Senator from Nebraska [Mr. GRASSLEY] and I have introduced a concurrent resolution urging the Russian government to live up to the agreement to pull its forces out of Moldova. The resolution also urges the administration to use every appropriate opportunity to secure removal of Russian military forces from Moldova.

Mr. Yeltsin is here in our Capital City today. He has met with President Clinton. I am very optimistic that the President will reiterate to Mr. Yeltsin and Mr. Yeltsin will respond as he has in the past in public that it is the policy of the Russian Republic that the troops should get out.

This is important. This is the last bastion of Soviet authority in someone else's homeland, and it is only proper that Mr. Yeltsin, with his leadership that he has demonstrated, will withdraw those troops in accordance with the agreements and urging of this country that he is prepared to do so, and I compliment him.

If Mr. Yeltsin is sincere about Russia's role as a peaceful peacekeeper, and if Russia is genuinely committed to living up to international law and CSCE committments, Moscow should be preparing to bring its 14th Army back to Russia. I urge the Russian Government to adhere to the provisions of the August 10 withdrawal agreement, and I urge my colleagues to join us in supporting this resolution.

I ask unanimous consent that the current resolution sponsored by myself and Senator GRASSLEY be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the REOCRD as follows:

S. CON. RES.—

Whereas military forces of the Russian Federation continue to be deployed on the territory of the sovereign and independent nation of Moldova against the wishes of the people and government of Moldova;

Whereas the continued stationing of military forces by the Russian Federation in Moldova without permission of the government of Moldova is contrary to international law;

Whereas the Parliamentary Assembly of the Conference on Security and Cooperation in Europe passed a resolution on July 6, 1994, calling for a "most rapid, continuing, unconditional, and full withdrawal" of the 14th Army of the Russian Federation from Moldova, and the diplomatic mission in Moldova of the Conference on Security and Cooperation in Europe has called for the accelerated withdrawal of the 14th Army;

Whereas on August 10, 1994, negotiators of the governments of Moldova and the Russian Federation initialed an agreement according to which the Russian Federation will withdraw its military forces from Moldova in 3 years; and

Whereas the Minister of Defense of the Russian Federation has called for changes in such withdrawal agreement and the Commander of the 14 Army of the Russian Federation has publicly rejected the terms of the agreement: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress—

(1) calls upon the government of the Russian Federation to adhere to the provisions of the agreement initialed on August 10, 1994, to provide for the withdrawal of the military forces of the Russian Federation from Moldova; and

(2) urges the Administration to continue to use every appropriate opportunity, including multilateral and bilateral diplomacy, to secure removal of the military forces of the Russian Federation from Moldova.

SERBIA AND MONTENEGRO SANCTIONS

Mr. DECONCINI. Madam President, the announcement that the international community is easing sanctions on Serbia and Montenegro is absolutely appalling to this Senator. The stated intention of this move—to drive a wedge between Serbia and the Serb militants it has supported in Bosnia—is so incredibly naive that I must wonder if it is the real intention of the Contact Group countries, which I am sorry to say includes the United States, that suggested it.

Let me put things into perspective. The Bosnians, who—I should remind everyone—are the victims of aggression—agreed unconditionally and by the two-week deadline to the Contact Group peace plan, which in part turns out to be rewarding that aggressor.

The Bosnians approved of this because they realized this was the best they could get. They are giving up 49 percent of their country, and yet the group that had taken 49 percent—actually taken 70 percent is being rewarded. If the Bosnian Moslems had not done so, the contact group threatened to ease sanctions on Serbia and Montenegro. So they were pressured into it and they manufactured it that way. The Bosnian Serb militants, on the other hand, effectively said no because the plan did not reward them quite enough—only 75 percent of someone else's sovereignty and someone else's country. The consequences for them should have been the lifting of the arms embargo on the Bosnian forces, as this body has finally gone on record as has the House. But this did not happen. Instead, the deadline for the so-called peace plan has been extended indefinitely.

Meanwhile, the Bosnian Serb militants have been allowed to cleanse northern Bosnian regions under their control of about 10,000 additional non-Serbs. They have been allowed to attack U.N. personnel and to hold hostage relief supplies needed for a third winter of war. They have very recently threatened to attack any incoming planes to Sarajevo, and so we halt the flights. Utilities have been cut off by the Serbs for almost 2 weeks in the Bosnian capital, with an occasional trickle of electricity and natural gas.

Sanctions on Serbia and Montenegro were to be tightened for all of this, but Mr. Milosevic conveniently distanced himself from the Bosnian Serb position, thereby avoiding any consequences for the Serb rejection of the plan. This, in turn, conveniently provided the United States and its allies with some cover for the now all but overt support for Milosevic, the person most responsible for this conflict, in this part of the world.

We, as Americans, must now ask our leaders: How have the Bosnians benefited from working with the contact groups these past 3 months? Are they better off as a result of this?

We must now ask: Why continue to offer to the Bosnian Serb militants a plan for which there was a clearly stated, supposedly firm, deadline to take it or leave it, and they left it? There would be consequences.

We must now ask: On what basis can we have trust in the words in Slobodan Milosevic? Is not his announced intent of cutting off military supplies to the Bosnian Serb militants confirmation that he has lied over these past 2 years in denying that he was giving them support? Everyone knows he was, but he said, "No, we are not."

Are his intentions to make peace in Bosnia and Herzegovina, or to derail the latest sanctions-tightening effort? I think it is clear it is the latter. Do we feel he has abandoned his hopes for a greater Serbia? Do we think he is going to let the Serb militants be defeated? No.

We must now ask: If we cannot trust Mr. Milosevic, how will 135 observers cover a 375-mile border with Bosnia and Herzegovina 24 hours a day? Why does NATO let helicopters, the new method for transporting support to the militants, fly into a no-fly zone it is mandated to enforce? What about reports of pontoon bridges over which supplies will also be delivered? Why do we not simply declare the border area a no-supply zone, and bomb the bridges and Serb militant supply routes and depots?

We must now ask: If countries bordering Serbia and Montenegro are, for whatever reasons, unable to fully enforce a complete blockade on these federated Republics, should we not expect that even the most gradual easement of sanctions will lead to the opening of the floodgates regarding items still prohibited by sanctions?

We must now ask: In this effort to get border monitors in Serbia and Montenegro, did we demand as well the reestablishment of CSCE monitors in Kosovo, Sandzak, and Vojvodina? Did we get a commitment from Belgrade that there would be full cooperation in surrendering individuals indicted by the international tribunal for war crimes?

We must now ask: Assuming that the easing of sanctions continues, will we forget that the international community first imposed sanctions on Serbia and Montenegro in light of their instigation of the war in Croatia? Will we forget that the United Nations has linked easing of subsequent, Bosnia-related sanctions to improvements in the situation in the Serb-occupied part of Croatia? Have Serb militants there complied with the Vance plan? The answer is clear they have not. Are they perhaps a new source of supply for their militant brethren in Bosnia? The answer is clearly yes. Have they not, in fact, recently joined them in attacking Bosnian forces in the northwestern Bosnia and Herzegovina?

We must now ask: Assuming that the easing of sanctions continues, will we forget that some of the original U.S. sanctions were linked to Kosovo, where repression of the Albanian population continues with unabated severity?

We must now ask: Where is the unity of our friends or allies regarding the defense of principles they together enshrined in the Helsinki Final Act—including human rights, the territorial integrity of States and the inviolability of their borders—which have been violated so severely and blatantly in the former Yugoslavia now Serbia? Where is the unity of U.N. members regarding the right, enshrined in the U.N. Charter, of a member State to its own self-defense? Where is the unity of the parties to genocide convention regarding their commitment to try to stop genocide where and when it is found to be taking place? And where is the leadership of the United States in creating this unity around principles which it has advocated so strongly? Why are we merely going along with the policy prescriptions of Russia, Britain, and France, even though we know they continually fail to work?

Until these questions are satisfactorily answered, I cannot but call our current approach unacknowledged appeasement. Call it anything but appeasement, and I am disappointed to say that. As Bosnian Prime Minister Haris Silajdzic said in Washington last week, at least the Munich appeasement came before the genocide. Now, we not only ignore that lesson of history, we appease the aggressor after the genocide has already taken place and, in fact, as it resumes. The goal of this policy is simply to get the Bosnian conflict and the former Yugoslavia as a whole off the front pages and out of the nightly news. It is a policy without principle, one that history will judge us, and it will not be a good verdict.

I urge the administrator to rethink its policy and to take stronger steps to see that we meet our obligations of human rights and our commitment to freedom.

The PRESIDING OFFICER. The Senator from Iowa.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1995—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

AMENDMENTS OF THE HOUSE TO THE AMENDMENTS OF THE SENATE NOS. 73 AND 83

Mr. HARKIN. Madam President, I ask unanimous consent that the Senate concur in the amendments of the House to the amendments of the Senate numbered 73 and 83.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 73 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: "$877,223,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 83 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

SEC. 209. Of the funds appropriated or otherwise made available for the Department of Health and Human Services, General Departmental Management, for fiscal year 1995, the Secretary of Health and Human Services shall transfer to the Office of the Inspector General such sums as may be necessary for any expenses with respect to the provision of security protection for the Secretary of Health and Human Services.

Mr. INOUYE. Mr. President, I would like to thank the House and Senate conferees for accommodating the request I submitted to the Labor, HHS, Education appropriations bill, H.R. 4606. I am especially appreciative of the additional $3 million that was appropriated to the Corporation for Public Broadcasting [CPB] for fiscal year 1997. In looking at the language accompanying the conference report, I noted that there was a reference in title IV to the CPB, regarding the compensation of a certain public television personality. I believe the information contained in the report language has been taken out of context and is misleading. I would like to clarify this issue for the RECORD.

First, the report specifically states that "the conferees have learned that a single individual is paid $438,000 annually for his once a week 30 minute appearance." It also says that "these costs are paid directly by taxpayers and contributors to local stations." I would like to note that the individual referred to in the report is not an employee of public broadcasting. The individual is a television personality who is compensated for his expertise and performance on a popular television program.

Second, CPB's share of the compensation paid to this individual is approximately $14,000. In other words, the vast majority of the compensation level mentioned in the report is not made up of taxpayer funds; only $14,000 of this amount can be traced to Federal taxpayer funds.

Let me tell you how this difference originates. The total yearly cost of the television program in question is approximately $2.3 million. The Public Broadcasting Service [PBS] invests approximately $400,000 for a year's schedule of the program. This is about 17 percent of the program's yearly cost.

Thus, the total PBS contribution to the $438,000 compensation level would be 17 percent, or $75,000. But this $75,000 PBS contribution is not composed totally of Federal funds. PBS is not a direct recipient of Federal funds, but it does receive funding from the private, nonprofit, Government-funded Corporation for Public Broadcasting. PBS receives approximately 19 percent of its yearly budget from the taxpayer-supported CPB to acquire and distribute national programming. Therefore, 19 percent of the $75,000 contribution of PBS money could be said to originate with Federal funds. This amount is $14,000. In other words, approximately $14,000 of the compensation paid to the television personality can be traced to Federal funds.

Mr. President, this modest contribution produces a 600 percent return on its investment because the program as a whole brings in almost $1.5 million from corporations, another $1.22 million from local businesses, and $288,417 in station pledges. Due to this increasing private support, the PBS investment in this program has been declining over the past 4 years.

Mr. President, we are all concerned about rising costs and inflated salaries. However, to imply that taxpayers are footing the entire bill for the compensation level of this on-air talent is misleading. Opinions will differ with regard to the talent or likability of on-air personalities. I believe that decisions about compensation for on-air talent are best left to program producers.

Finally, I would like to remind my colleagues that the Federal Government is just one source of funding for public broadcasting. CPB appropriations account for approximately 14 percent of the public broadcasting industry's income—including public television and public radio. The largest source of funding comes from the more than 5 million individuals and families who contribute each year. In addition, Federal support for public television costs each taxpayer approximately $1 each year. I believe this is a small price to pay for the number of high-quality programs and services we receive each year.

CPB RESCISSION

Mr. HARKIN. Mr. President, the conference agreement on H.R. 4606 rescinds $7 million of CPB's fiscal year 1995 appropriation provided in Public Law 102–394, the fiscal year 1993 Labor, Health and Human Services, and Education appropriations bill. The Senate bill did not include a CPB rescission. The House bill included a $21.1 million rescission.

The $7 million rescission in the conference agreement resulted from severe financial constraints imposed by the discretionary budget caps. Unfortunately, our budget problems were compounded by the fact that the House refused to agree to appropriating an additional $61 million out of the Department of Defense budget for impact aid, thereby reducing funding for impact aid in H.R. 4606 by that amount.

A CPB rescission in the fiscal year 1995 bill, while not based on any effort to influence public broadcasting programming decisions, could open the floodgates for such action. It is not my intention that the fiscal year 1995 rescission for CPB serve as a precedent for future appropriations.

Mr. INOUYE. Mr. President, Senator STEVENS, Senator COCHRAN, and I regretfully agreed to rescind fiscal year 1995 appropriations funding for the Corporation for Public Broadcasting [CPB]. This rescission is a serious threat to the editorial integrity and financial stability of the public broadcasting system. It jeopardizes the continuity and stability that is essential to the continued development of high-quality public radio and television programming for our country. More importantly, the rescission threatens the concept of advance funding.

We have grave concerns about the potential precedent that the rescission may have on the future of public broadcasting. When Congress created the CPB in 1967, it took great pains to ensure that CPB would act as a heatshield from political pressures. Its structure and statutorily restricted activities were designed to ensure that producers and stations would not be subject to political interference.

Placing public broadcasting funding on a regular appropriations schedule provides the opportunity for Congress to immediately influence programming decisions by delaying or reducing funding until concessions were made. The principle of advance funding was established in 1975 to address this very issue. Advance funding was a carefully considered approach to providing much needed Federal support for the CPB while ensuring insulation from political interference and outside pressures.

Mr. President, this rescission must not be repeated. We will not support future rescissions of CPB appropriations. Senators INOUYE and STEVENS of the Communications Subcommittee and Senator COCHRAN are committed to providing multiple year authorizations and advance funding, both of which are vital to ensuring a healthy public broadcasting system in this country.

The Communications Subcommittee, which is in the process of reauthorizing the CPB, will take steps to ensure that the principle of advance funding is emphasized as a critical component of Federal support for public broadcasting.

We must not turn our backs on the commitment we made to the public broadcasting system nearly 20 years ago. It is imperative that we continue to provide the financial stability and means needed for the CPB to realize its full potential.

Mr. SASSER. Mr. President, the Senate Budget Committee has examined the conference report on H.R. 4606, the fiscal year 1995 Labor, Health and Human Services, Education, and related agencies appropriations bill, and has found that the conference report is below its 602(b) general purpose allocation by $124,000 in budget authority and by $169,000 in outlays. This conference report exactly meets its 602(b) crime allocation in budget authority and is below by $1,288,000 in outlays.

Mr. President, I have a table prepared by the Budget Committee which shows the official scoring of the fiscal year 1995 Labor, Health and Human Services, Education, and related agencies appropriations conference report and I ask unanimous consent that it be inserted in the RECORD at the appropriate point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

SENATE BUDGET COMMITTEE SCORING OF H.R. 4606—FISCAL YEAR 1995 LABOR, HHS, AND EDUCATION APPROPRIATIONS—CONFERENCE BILL

[Dollars in millions]

	Budget authority	Outlays
VIOLENT CRIME TRUST FUND		
Crime Total	38	7
Senate 602(b) crime allocation	38	8
Difference	0	−1
GENERAL PURPOSE		
Discretionary Totals:		
New spending in bill	68,245	28,123
Outlays from prior years appropriations		39,953
Permanent/advance appropriations	1,771	1,769
Supplementals	0	−20
Subtotal, discretionary spending	70,016	69,826
Mandatory Totals	196,154	195,904
General purpose bill total	266,132	265,723
Senate 602(b) allocation	266,132	265,723
Difference	−(*)	−(*)
General Purpose totals above (+) or below (−):		
President's request	−1,680	−502
House-passed bill	314	1
Senate-reported bill	1	−0
Senate-passed bill	−0	0
Overall Totals:		
General Purpose, Discretionary	70,016	69,826
General Purpose, Mandatory	196,154	195,904
Crime Trust Fund	38	7
Overall bill total	266,208	265,736

Mr. DOMENICI. Mr. President, I rise in support of the conference agreement accompanying H.R. 4606, the Labor, Health and Human Services, Education and related agencies appropriations bill for fiscal year 1995.

The conference agreement provides $213.4 billion in new budget authority and $176.5 billion in new outlays for programs of the Departments of Labor, Health and Human Services, and Education and related agencies.

When adjustments are made for prior-year outlays and other completed actions, the bill as adjusted totals $266.2 billion in budget authority and $265.7 billion in outlays for fiscal year 1995.

The subcommittee has done a good job under very difficult budgetary constraints. I am pleased that the bill is within the subcommittee's 602(b) allocation.

There are several items for which the Senator from New Mexico would like to express appreciation. One item is $12 million for Hispanic serving institutions. This will be the first time funding will be provided to institutions of higher education attempting to meet the needs of Hispanic students. Thirteen universities, serving over 20,000 students in New Mexico, are designated as HSI's.

I would like to thank the chairman and ranking member of the subcommittee for supporting funds for the newly authorized character education grants. The bill provides $750,000 to assist local partnerships working to develop character-counts education programs in their communities. This is the first installment of a $6 million grant program that is authorized in the pending elementary and secondary education reauthorization bill.

I am extremely pleased that this bill provides $25.9 million for the Community Schools Youth Services and Supervision Grant Program.

This program, adopted through an amendment I offered to the crime bill, has tremendous bipartisan support. It will go a long way to providing constructive after-school opportunities for our young people.

I continue to be concerned about the practice of providing a $600 million contingency fund for LIHEAP that must be designated as emergency spending to be released. These expenses, in most cases, can be anticipated and should be addressed through the regular appropriations process.

NATIONAL INSTITUTE OF MENTAL HEALTH

The conference report provides $543.55 million for non-AIDS research at the National Institutes of Mental Health [NIMH], which is now funded as one of the National Institutes of Health. This funding level is $17.3 million above the fiscal year 1994 level and $1.5 million above the House bill. The Senate directed the increase in funding above the House bill, to Decade of the Brain activities. I strongly urge NIH to fulfill this intent.

CENTERS FOR DISEASE CONTROL

Depsite the fact that overall funding for CDC remains close to the fiscal year 1994 level, I am pleased that the subcommittee provided $54.5 million for the infectious disease program, to, among other things, continue monitoring the hantivirus outbreak in the southwest. This represents a $6.7 million increase above the fiscal year 1994 funding level.

HOMELESS INITIATIVES

Finally, I appreciate the subcommittee's support of my efforts to provide increased funding for the Health Care for the Homeless Program. The bill provides $65.4 million for this program, an increase of $2.4 million above the fiscal year 1994 level and the President's request.

Mr. President, there are many worthy programs funded in this legislation. The subcommittee did a good job in setting priorities and staying within its budget allocation. I urge my colleagues to support the conference agreement.

Mr. NUNN. Mr. President, I vote against this conference report for a very specific reason: the appropriations conferees apparently in deference to the for-profit trade school sector, have tied the hands of the Secretary of Education, prohibiting him from implementing a key provision of the Higher Education Act for 1 year. A "yes" vote for this conference report undermines attempts to bring integrity and accountability to the Federal student financial aid programs.

At issue is a new requirement which for-profit trade schools would have to comply with: a requirement that in order to participate in Federal student aid programs, at least 15 percent of a school's revenue come from somewhere other than the Federal Pell grant or guaranteed student loan programs. This requirement, commonly referred to as the "85–15 rule," was contained in the 1992 amendments to the Higher Education Act, and was to be implemented by the Department of Education on September 30, 1994. However, the conference report, in deference to objections raised by the trade school industry, prohibits the Secretary of Education from implementing this requirement. In doing so, I believe Congress is sending the wrong signal to the trade school sector and may also be costing the taxpayers millions of dollars for substandard job training.

Mr. President, the integrity of the Federal student aid programs is at stake. These programs have been, and are being, wracked by blatant fraud and abuse. Investigations by Congress, the General Accounting Office, the media, the FBI, and the inspector general at the Department of Education have, time and time again, determined that much of the fraud and abuse—amounting to hundreds of millions of dollars per year—was perpetrated by owners of for-profit trade schools. A good portion of Congress' investigative work was done by the Senate Permanent Subcommittee on Investigations which, under my chairmanship, conducted an in-depth examination of waste, fraud, and abuse in title IV programs in 1990, and again in 1993.

Every school which the subcommittee investigated for fraud and abuse had, it turned out, relied very heavily on Federal student aid programs as the main source of revenue. In fact, were it not for student aid programs, the schools we investigated would probably not have existed. Our investigation confirmed that some for-profit trade schools establish their tuition charges based not on what the cost of education is, but rather on the amount of student aid available to the students. When the Pell grant and loan limits were raised, we found that many of these schools raised their tuition.

Clearly, not every trade school is a scam. If I believed that, I would be working to remove that sector from participation in all Federal aid programs entirely. I am not doing that. But I am deeply disappointed that the conferees have bowed to the interests of the trade school sector to delay the implementation of a new eligibility requirement that these schools would have had to comply with. I ask those Members who have opposed the 85–15 rule for fear that some trade schools would close: Do you know the default rate of those schools? Do you know about their teachers and curriculum? Do you know what percentage of the people who enroll in those schools graduate? How many of them get jobs as a result of the training? If you cannot answer these questions, I suggest you should not be asking the Federal taxpayer to be the sole supporter of those schools.

This 85–125 rule is not that tough. Prior to its enactment, we allowed these for-profit businesses to reap profits—big profits—without one dime of funding other than Federal student loans and grants. That is preposterous. Again, every trade school which the Permanent Subcommittee on Investigations has investigated for abusing the Federal loan and Pell grant programs relied almost exclusively on Federal student aid as their revenue source. One school in Florida took in $153 million in Federal loans in just 3 years, and the two schoolowners took out $7.8 million in salary in the same timeframe. That would not have happened if this provision would have been in place. We need to make sure that some other entity, whether it be private companies who hire graduates, the students themselves, or some other financial aid program is willing to provide at least 15 percent of that corporation's tuition revenues. It is hoped that by doing so, some additional measure of quality would be assured. Why should the Federal taxpayer be paying for schools that, on the basis of merit, cannot attract any other form of financial support.

When we allow for-profit schools to rely exclusively on Federal funds, we eliminate competition and a free market. We have created hundreds, if not thousands, of Government-sponsored enterprises which are operated for the benefit of private individuals and to the detriment of the students we aim to assist. We need to constantly remind ourselves that these are student aid programs, not school aid programs.

I am disappointed because, after working diligently to expose the fraud and abuse in these programs, and after working with the Labor and Human Resources Committee to get strong integrity provisions included in the 1992 reauthorization of the Higher Education Act, this appropriations bill protects this industry from what I believe to be a very sound provision of law. Every Member of Congress receives the semiannual reports from the inspector general. Every report I've seen since the late 1980's spell out in graphic detail the extent of the fraud and abuse being perpetrated against us, yet the conferees want us to delay this provision for another year.

Mr. President, I believe this delay is a big mistake. The taxpayers have demanded that defaults be reduced and fraud eliminated. The Congress has directed the Secretary of Education to better manage these programs. If Senators believe that there are truly good for-profit trade schools which will be adversely impacted by this requirement, then perhaps we should give the Secretary of Education specific and limited waiver authority, but we should not delay this provision entirely for another year, while the trade school lobby works to kill this provision altogether.

CDC BIRTH DEFECTS PREVENTION FUNDING FOR FISCAL YEAR 1995

Mr. BOND. Mr. President, I would like to bring the attention of the Senate to an important aspect of this bill. It is my understanding that we are providing the Centers for Disease Control and Prevention with a $17 million, or nearly 15 percent, increase over the fiscal year 1994 level for its activities in the chronic and environmental disease prevention area, including birth defects prevention.

Mr. HARKIN. That is correct. The conference agreement significantly expands funding for the CDC's chronic and environmental disease prevention activities and the Senate report specifically urges CDC to provide expanded funds for State birth defects surveillance programs. I share the Senator's concern for the prevention and treatment of birth defects which are a leading cause of childhood disability and infant mortality in this country.

Mr. BOND. As the chairman well knows, through his good work for children with disabilities, 150,000 babies are born each year with defects and many more have birth defects which are not identified until later in their childhood. Yet we have no system to track these births as we do for low birthweight or even for cancer through national cancer registries. With these expanded birth defects surveillance funds it is my hope that data can be collected to identify environmental factors associated with birth defects and to apply this knowledge to guide public health interventions. I would like to clarify that the committee has prioritized the birth defects surveillance program at CDC for a portion of the increased funds.

Mr. HARKIN. Yes, it is our intention that a portion of the increase provided to the CDC for fiscal year 1995 be used specifically to expand assistance to States for birth defects monitoring systems.

Mr. BOND. I thank the chairman. I know of no greater advocate for children with birth defects than the chairman of this subcommittee, and know he looks forward to the day, as I do, that we have in place a national system for the prevention of birth defects.

BONUS CAPS

Ms. MIKULSKI. Mr. President, I note that the conference report on this bill includes language that places a cap on the amount that agencies may spend on cash performance awards, known as bonuses. Under this provision, the amount spent by an agency on employee bonuses may not exceed 1 percent of the amount budgeted for the agency's personnel compensation and benefits.

Mr. HARKIN. The Senator from Maryland is correct.

Ms. MIKULSKI. As I understand it, this language is not intended to restrict bonuses to hard-working nonsupervisory employees who qualify for performance awards.

Mr. HARKIN. That is correct.

Ms. MIKULSKI. Full-time rank-and-file employees would still be eligible to receive bonuses. Is that correct?

Mr. HARKIN. Yes, that is correct.

Ms. MIKULSKI. Mr. President, because of increasing budget constraints and efforts to downsize and streamline the Federal Government, agency personnel are being asked to assume more and more responsibilities, with fewer resources and rewards. Unfortunately, it is often the lower grade workers that tend to suffer the most from this trend. I want to make it clear for the record that it is not the intent of the Congress to in any way discourage agencies from appropriately rewarding lower level employees who perform their work in an exemplary fashion.

OFFICE OF AMERICAN WORKPLACE FUNDING

Mr. KENNEDY. Mr. President, the conferees have agreed to an appropriation of $7 million for salaries and activities by the Office of the American Workplace. It is my understanding that while the conferees did not provide the specific increase in funding for the Workers Technology Skills Development Act that the Senate had sought, it would be consistent with the appropriation bill that we are passing today to fund this program. As you know, the purpose of that act, which we expect to enact shortly as part of the Elementary and Secondary Education Act, is to increase worker involvement in the introduction and deployment of technology in the workplace and promote the use of advanced workplace practices to improve workers' wages, skills, and participation in the changing workplace.

Mr. HARKIN. Yes. I am a cosponsor of that legislation. I think it would be appropriate and meritorious for the Department of Labor to fund projects under that program. As you know, we had specifically indicated in our Senate report that we intended the $500,000 we had provided to fund pilot programs to be used to fund projects pursuant to that act. The Department of Labor has the ability under our Appropriations Act to fund such programs and to the extent that the Department is able to use appropriated moneys in the coming fiscal year to fund pilot programs, we intend that such funds be used to fund projects under the Workers Technology Skills Development Act.

Mr. WOFFORD. Mr. President, as secretary of labor and industry, I saw first hand what worked for workers in Pennsylvania. I have been very pleased that working with both my colleagues, over a relatively short period of time, the Congress has been able to address the need, even in a modest manner, for ensuring full worker involvement in any efforts to modernize the workplace and make it more competitive. I am pleased that the Department of Labor will be able to fund such programs in the upcoming fiscal year.

Mr. HARKIN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COHEN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2593

(Purpose: To provide for enhanced penalties for health care fraud)

Mr. COHEN. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maine [Mr. COHEN] proposes an amendment numbered 2593.

Mr. COHEN. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. COHEN. Madam President, it became clear yesterday, with Senator MITCHELL announcing that there will be no further consideration of health care reform this year, that we are missing an opportunity to do a number of things. Senator SPECTER, Senator CHAFEE, myself, and a delegation of Senators from both the Democratic and Republican side, have been working for some time in trying to come up with a bipartisan mainstream coalition bill. We felt we were on the edge of producing such a proposal that we believe would have provided a very sound basis for health care reform for certainly this year and well into the future.

But that is no longer a reality. In addition to not addressing health care reform, there is another opportunity that we are losing due to our failure to consider health care reform measures, and that is the opportunity to crack down on health care fraud. There is strong agreement between Republicans and Democrats that we need to rid our health care system of fraud and abuse that is costing taxpayers, patients, and families dearly and driving up the cost of the entire health care system for all Americans.

Earlier this year, I released the results of a year-long investigation into health care fraud and abuse conducted by my staff on the Senate Special Committee on Aging. We found that health care fraud and abuse is rampant throughout Federal, State, and private health care programs, and that losses to health care fraud and abuse over the last 5 years are almost four times the total costs to date of the entire savings and loan crisis.

Defrauding the Federal and private health care programs, Mr. President, is shockingly simple, and Medicare and Medicaid and private insurers are leaving their doors wide open to fraud, inviting scam artists to rip off the system. According to the GAO, as much as 10 percent of the entire health care budget is lost to fraud and abuse each year. That amounts to up to $100 billion a year—as much as $275 million every single day—and more than $11.5 million every hour—in health care dollars lost to health care fraud and abuse.

Mr. President, that is a staggering sum of money that we are losing every single day and every single hour. One of my great regrets about not taking up health care legislation this year is that we are going to be back here next year in the same position, but having lost $100 billion more by failing to toughen our defenses against health care fraud. I first introduced this legislation last year. Despite strong agreement on the need to combat health care fraud, no action was taken. Then last year I introduced parts of this legislation as an amendment to the crime bill. It was accepted by a unanimous vote, only to be rejected by the House of Representatives. The House stripped it out of the crime bill in order to attach it to the health care reform bill. And now we have no health care reform, but we still have health care fraud. That, Mr. President, should not be tolerated a single day longer. That is the reason why I am standing here today to offer this legislation on this pending bill.

Mr. President, the vulnerabilities to fraud exist throughout the entire health care system, and defrauding the system has become a routine way of doing business for many unscrupulous providers.

Major patterns of abuse that plague the system are overbilling, billing for services not rendered, unbundling, whereby one item—for example, a wheelchair—is billed as many separate component parts, upcoding services to receive higher reimbursements, or providing inferior products to patients. Some of the other widespread scams are paying kickbacks and inducements for referrals of patients, falsifying claims and medical records to fraudulently certify an individual for Government benefits, billing for so-called ghost patients, and even paying drug addicts or other patients to have their blood drawn or have unnecessary medical tests performed so the fraudulent doctor or clinic can be reimbursed by Medicare or private insurance.

Our health care system is rife with abuse, and Medicare and Medicaid and private insurers are leaving their doors wide open to the fraud. Here are several examples:

Physician-owners of a clinic in New York stole over $1.3 million from the State Medicaid Program by fraudulently billing for over 50,000 phantom psychotherapy sessions never given to Medicaid recipients.

A speech therapist submitted false claims to Medicare for services rendered to patients who were already dead.

A home health care company stole more than $4.6 million from Medicaid by billing for home care provided by unqualified home care aides. In addition to cheating Medicaid, this company placed elderly and disabled individuals at risk from untrained and unsupervised aides. Nursing home operators charged personal items such as swimming pools, jewelry, and even the family nanny, to Medicaid cost reports.

Large quantities of sample and expired drugs were dispensed to nursing home patients and pharmacy customers without their knowledge. When complaints were received from the nursing home staff and patient relatives regarding the ineffectiveness of the medications, one of the scam artists stated "those people are old, they will never know the difference, and they will be dead soon anyway."

One scheme involved the distribution of $6 million worth of reused pacemakers and mislabeled pacemakers intended for animal use only. Think about that. We have people out there using pacemakers whose batteries have gone dead, that are totally useless. Some are intended for animals only and are being implanted in human bodies. The scheme involved kickbacks to cardiologists and surgeons to induce them to use pacemakers that already expired.

Then we have a clinical psychologist who was indicted for having sexual intercourse with some of his patients and then seeking reimbursement from a Federal health plan for these encounters as so-called therapy sessions.

These cases are just the tip of an enormous iceberg of fraud and abuse that is costing taxpayers and patients dearly, and freezing out millions of Americans from affordable health care coverage.

To give you an illustration as to how health care fraud can strike very close to home, I will offer another example of a Medicare beneficiary living in a boarding home in Saco, ME. She fell and sustained a very small cut on her forearm. It was less than an inch long. It required no medical treatment by a physician. The cut healed within 2 weeks, without requiring any doctor's services. At most, she used 14 of the so-called waterproof, 6- by 8-inch dressings, at a total cost, actually, of less than $40. An unscrupulous medical supplier, however, billed Medicare $850 for 50 of these dressings, which were never medically necessary. In addition, that same supply company billed Medicare $2,660 more for these dressings, plus gels, which were never needed by the patient. So, in essence, you and me and everybody here in this country ended up paying almost $3,800 for the treatment of a cut of less than one-inch long that never required a doctor's attention or services.

The amendment I am offering today, Mr. President, will toughen our defenses against such health care fraud and abuse. There is broad agreement on both sides of the aisle on the changes proposed by this amendment in order to stop the fraudulent providers from bleeding billions of dollars from our health care system.

The provisions of this amendment, to give an example, were included in the legislation I first introduced last year, and they are included in the so-called mainstream coalition health care reform bill. They are also included in Senator DOLE's health care reform bill, Senator MITCHELL's reform plan, and, indeed, even the Clinton administration's health care reform package.

Everybody agrees with the provisions in this amendment— President Clinton, Mrs. Clinton, Senator DOLE, Senator MITCHELL, the mainstream coalition. Everybody agrees that we need this legislation.

Ridding the health care system of this kind of fraud and abuse, as I pointed out, is not a partisan issue. Rather, the proposals I am offering in this amendment today are based on recommendations of a Health Care Fraud Task Force convened by the Bush administration. They have been endorsed by the current administration, numerous law enforcement agencies, and many health care provider groups.

The amendment will do the following:

It will give prosecutors stronger tools and tougher statutes to combat criminal health care and fraud.

It should allow health care plans and the Government to kick the so-called bad apples out of the system entirely.

It will create much tougher civil penalties and remedies for fraud and abuse.

It will coordinate enforcement programs and beef up the investigative resources which are inadequate.

The amendment does this by financing additional health care fraud enforcement resources with proceeds derived from forfeiture, fines, and other health care fraud enforcement efforts.

While toughening the system against fraud and abuse, this amendment also gives guidance to health care providers and industries on how to comply with fraud rules, so they will know what is or is not prohibited activity.

I firmly believe the vast majority of health care providers are honest professionals whose highest priority is quality care for their patients. This amendment is in no way designed to impugn the integrity of these dedicated individuals.

Unfortunately, however, health care fraud has become a very lucrative business and some dishonest providers will do all they can to manipulate the system. Just as Willie Sutton said he robbed banks because "that's where the money is," many scam artists seek out health care fraud because they know that the health care budget provides one of the biggest pots of money available for the taking —and one that has very little chance of them being caught.

While the Federal and State law enforcement officials are making some progress cracking down on health care fraud, the current enforcement scheme has resulted in a system whereby the mouse has outsmarted the mousetrap. Those defrauding the system are ingenious and motivated, while the Government and private sector responses cannot hope to keep pace with the sophistication and cunning of those individuals they pursue. We must take steps to stop this abuse now.

Our current system of fighting health care fraud is like trying to put out a forest fire with a garden hose. By providing tougher tools, better coordination, and more resources, this amendment will help equip the law enforcement and health care officials to fight fraud and abuse effectively.

I fully expect that this amendment will be opposed by those who argue that we should wait another year, wait until next year, to come back and start the debate all over again on health care reform. That means maybe sometime in March the debate will begin, maybe sometime next August or September we will conclude that debate and maybe, finally, we will have some kind of health care fraud legislation.

As I indicated before, Mr. President, that means we are out another $100 billion. That means we are out another $275 million a day. That means we are out another $11.5 million an hour. We sit here and say, well, wait until next year.

Mr. President, I do not think we can afford to wait until next year. Over 300 days have elapsed since the Senate passed its crime bill containing some of these health care fraud provisions, and with the estimates that I have just reeled off, that we are losing these $275 million every day, these 300 days could represent over $85 billion lost to health care fraud and abuse just since the Senate passed its crime bill last year.

So here we are, Mr. President, just days before we are due to adjourn and there is no health care reform bill in sight. While it was my hope we could have passed a health care reform bill this year, that is not going to be the case.

The only ones who are benefiting from this delay on this important issue are the ones who are bilking billions from our system. The very big losers are going to be the American people, taxpayers, patients, and families who cannot afford health care coverage now because the premiums and the health care costs are padded to cover these exorbitant costs that are being lost to the scam artists.

Mr. President, I ask that the section-by-section description of my amendment be placed in the RECORD.

I urge my colleagues to accept this amendment.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS

The Cohen legislation establishes a stronger, better coordinated federal effort to combat fraud and abuse in our health care system. It expands criminal and civil penalties for health care fraud to provide a stronger deterrent to the billing of fraudulent claims and to eliminate waste in our health care system resulting from such practices. It also seeks to deter fraudulent utilization of health care services.

Section 101.a. All-Payer Fraud and Abuse Control Program: The Secretary of Health and Human Services and the Attorney General are required to jointly establish and coordinate an all-payer national health care fraud control program to restrict fraud and abuse in private and public health programs. The Secretary and Attorney General would be authorized to conduct investigations, audits, evaluations and inspections relating to the delivery and payment for health care; would be required to arrange for the sharing of data with representatives of health plans; and would have to establish standards by regulation to carry out the program.

b. Health Care Fraud and Abuse Control Account: To supplement regularly appropriated funds, a special account would be established to fund the all-payer program, managed by the Secretary and Attorney General. All criminal fines, penalties, and civil monetary penalties imposed for violations of fraud and abuse provisions of this legislation would be deposited into the account and used for carrying out the proposed requirements.

Section 102. Application of Federal Health Anti-Fraud and Abuse Sanctions to All Fraud and Abuse Against Any Health Plan: The provisions under the Medicare and Medicaid program, which provide for criminal penalties for specified fraud and abuse violations, would apply and be extended to similar violations for all payers in the health care system. The violations would include willful submission of false information or claims, acceptance of kickbacks, bribes or rebates in return for referral for services and other violations currently included under Medicare. Penalties would include fines and possible imprisonment. The Secretary could also consider community service opportunities.

Section 103. Health Care Fraud and Abuse Guidance: Provides mechanisms for further guidance to health care providers on the scope and applicability of the anti-fraud statutes in order to better comply with these statutes. The further guidance would be provided by the modifications of existing safe harbors and the promulgation of new safe harbors; interpretive rulings providing the HHS' Inspector General's interpretation of anti-fraud statutes; and special fraud alerts setting activities that the Inspector General considers suspect under the anti-fraud statutes.

Section 104. Reporting of Fraudulent Actions Under Medicare: The Secretary is required to establish a program through which Medicare beneficiaries may report instances of suspected fraudulent actions on a confidential basis.

Section 201. Mandatory Exclusion from Participation in Medicare and State Health Care Programs: The Secretary currently is required to exclude individuals and entities from Medicare and Medicaid based on convictions for program-related crimes relating to patient abuse or neglect. This section would extend the Secretary's authority to felony convictions relating to fraud and felony convictions relating to controlled substances. Currently the Secretary is permitted, but not required, to exclude those convicted of such an offense. Adoption of this proposal would better recognize the seriousness of such offenses and ensure that beneficiaries are well protected from dealing with such individuals.

Section 202. Establishment of Minimum Period of Exclusion for Certain Individuals and Entities Subject to Permissive Exclusion from Medicare and State Health Care Programs: Mandatory exclusions contain a minimum period of exclusion for five years. This section establishes a minimum period of exclusion expressly determined by statute for certain permissive exclusions, such as three years for specific convictions.

Section 203. Permissive Exclusion of Individuals with Ownership or Control Interest in Sanctioned Entities: Some of the current permissive exclusions are "derivative" exclusions—that is, they are based on an action previously taken by a court, licensure board, or other agency. Current law allows permissive exclusion authority for entities when a convicted individual has ownership, control or agency relationship with such entity. The bill would extend the current permissive exclusion authority for entities controlled by a sanctioned individual to individuals who held a controlling interest in sanctioned entities at the time of the violation.

Sections 204–205. a. Actions Subject to Criminal Penalties: The current employer-employee exception to the anti-kickback statute would be clarified to prohibit payment to employees based on value and volume of referrals to the employer.

b. New Exception for Capitated Payments: In order to allow basic managed care arrangements to provide incentives for preventive care and to provide coinsurance and deductible differentials (disclosed in writing) designed to encourage enrollees to utilize a preferred provider network, the bill provides certain exceptions to both the criminal anti-kickback provision and civil monetary penalties provision.

A new exception has been created from the criminal anti-kickback statute for capitated payments.

Section 206. Intermediate Sanctions for Medicare Health Maintenance Organizations: The Secretary would be able to impose civil monetary penalties on Medicare-qualified HMOs for violations of Medicare contracting requirements.

Section 301. Establishment of the Health Care Fraud and Abuse Data Collection Program: The Secretary would create a comprehensive national data collection program for the reporting of information about final adverse actions against health care providers, suppliers, or licensed practitioners including criminal convictions, exclusions from participation in Federal and State programs, civil monetary penalties and license revocations and suspensions.

Section 401. Civil Monetary Penalties: The provisions under Medicare and Medicaid which provide for civil monetary penalties for specified violations would apply to similar violations for all payers in the health care system. The violations would include billing for services not provided, submitting fraudulent claims for payment, hospitals giving financial incentives to physicians to reduce or limit care provided to hospital inpatients, and other violations currently included under the Medicare program.

The provisions would also clarify that repeatedly claiming a higher code, or repeatedly billing for medically unnecessary services, for purposes of reimbursement is prohibited and subject to civil monetary penalties.

An intermediate civil monetary penalty would also be established for criminal anti-kickback violations.

The provision also clarifies that the routine waiver of Medicare Part B copayments and deductibles would be prohibited and subject to civil monetary penalties, although exceptions are provided.

In addition, retention by an excluded individual of an ownership or control interest of an entity who is participating in Medicare or Medicaid would be prohibited and subject to civil monetary penalties.

Finally, the amount of civil monetary penalty that can be assessed is increased from $2,000 to $10,000.

Section 501. Health Care Fraud: Establishes a new health care fraud statute in Title 18. Provides a penalty of up to 10 years in prison, or fines, or both for knowingly executing a scheme to defraud a health plan in connection with the delivery of health care benefits, as well as for obtaining money or property under false pretenses from a health plan. This section is patterned after existing mail and wire fraud statutes.

Section 502. Forfeitures for Federal Health Care Offenses: Requires the court, in imposing sentence on a person convicted of a Federal health care offense, to order the forfeiture to the United States of property used in commission of an offense if it results in a loss or gain of $50,000 or more and constitutes or is derived from proceeds traceable to the commission of the offense.

Section 503. Injunctive Relief Relating to Federal Health Care Offenses: This provision expands the scope of the current injunctive relief section by adding the commission of a health care offense. This provision allows the

Attorney General to commence a civil action to enjoin such violation.

Section 601–604: Payments for State Health Care Fraud Control Units: Provides language to establish state health care provider fraud control units modeled on the current state Medicaid Fraud Control Units. The jurisdiction of these units would be expanded to include investigation and prosecution of provider fraud in other federally-funded or mandated programs. The proposal also allows the states to choose whether to conduct investigations and prosecutions for patient abuse related crimes occurring in board and care facilities and other alternative residential settings.

The HHS' Inspector General would continue oversight and the state units would detail its activities in its yearly grant applications. This section also contains a recitation of the units' original authorization language as currently contained in the Social Security Act, and also allows the units to participate in the all-payer fraud abuse control program.

Mr. BIDEN. Mr. President, I rise for three purposes.

First, I compliment the Senator from Maine. He has worked long and hard on dealing with what is a multibillion-dollar problem. A report which my committee issued several years ago established that there were a minimum of $70 billion in health care fraud per year. That estimate is probably a little low.

I compliment Senator COHEN for sticking to this issue and being as involved in trying to do something about this fraud that takes place with as much diligence and insight as he has. That is the first reason I rise.

The second reason is that a number of my colleagues have said, "Joe, why was this dropped from the crime bill?" The truth of the matter is—and the Senator from Maine did not suggest anything other than this—that the vast bulk of what the Senator has introduced was not in the crime bill. It was not a part of the crime bill, and it was not dropped from the crime bill.

There were several very important amendments, which I supported, cosponsored, if I am not mistaken, with the Senator from Maine, and fought to keep in the crime bill. One was a new health care fraud offense, that is in title 18, Criminal Code of the United States, to set up a new offense called health care fraud. Second, we had in the crime bill a forfeiture provision for health care fraud cases. That is where the Government recovered against a defendant where they found a defendant guilty of being engaged in health care fraud, they could go out like they can in drug cases and through the forfeiture process acquire the fruits of that fraud.

Third, it had a new so-called RICO provision, predicate, that we placed in the crime bill.

Fourth, a few other titles including a total of 18 provisions relating to the Criminal Code.

But this amendment—I am not commenting on the merits of the amendment—goes well beyond what was in the crime bill. Many of the items are things that I personally support and I think we could probably, the bulk of us, reach agreement on. But these provisions I think have to be considered in the context where everybody interested can be involved.

This amendment, for example, includes a provision which creates a special fund for the proceeds of health care fraud to be used by other agencies without further appropriations. I am not sure that is a bad idea. I think that is probably a pretty good idea. In my experience that usually causes apoplexy around here when we set up separate funds which bypass appropriators. It creates a new interagency enforcement structure.

Conceptually I think that is a good idea because we have so much overlapping that goes on. Quite frankly the Justice Department does not know nearly enough about this area, whereas HHS and the others do know a great deal, and to call on the multiple talents of the interagency structure I think would make sense.

It also refuses many of the medically related fraud provisions which the Finance Committee needs to consider. It does some other things as well.

Again, the second purpose of my rising today is to suggest that, to answer the question at least half a dozen of my colleagues have asked me on both sides of the aisle: "Hey, Joe, why did you drop this in the crime bill?"

Mr. COHEN. Will the Senator yield?

Mr. BIDEN. Certainly. I yield to the Senator.

Mr. COHEN. I believe all the provisions in this amendment that are made to title 18 were added to the crime bill on the floor.

Mr. BIDEN. That is correct. But I understand the Senator goes beyond the title 18 provision.

MR. COHEN. That is true. But those provisions were dropped in conference because I understand the House objected. They wanted to wait to consider the provisions as part of health care reform.

Mr. BIDEN. That is correct. Both the Republicans and the Democrats in the House side wanted it dropped. And, quite frankly, a number of people on this side, and leadership on both sides, wanted it dropped because at the time they all wanted it included in a large health care bill.

As the Senator from Maine knows, I share his view. I was, skeptical that would occur and, thought we should not waste any time anyway whether or not they would be included later.

The only point I wish to make is, it is not a criticism but an explanation, I hope a clarification. What the Senator is offering goes well beyond the title 18 provisions which were dropped.

The third point I wish to make is, regardless of what the outcome of this vote will be—and if the Senator is going to keep it on this bill and vote on it or another bill, I do not know what his preference is—but regardless of what happens, if it fails or succeeds, I can assure him that it is my intention—and this is not in any way to dissuade people from supporting the Senator but to make the point that I think that we must, and the Senator from Maine has introduced a bill as well as I have in the Judiciary Committee—if this does not move forward we must create enough of an awareness and a consensus on acting on dealing with health care fraud in the beginning of the next term. So it is my intention to hold hearings in the Judiciary Committee. Again I do not say this as a way to delay action to tell the Senator I am going to do this anyway. I would only do it with his help, input, and cooperation as a member of the Judiciary Committee.

So I just want to make the three points. One, I compliment him for being so vigilant and persistent on this multibillion-dollar issue; second, much of what the Senator suggests in his amendment is noteworthy but was not of part of the crime bill; third, regardless of the outcome of this vote whenever it takes place on this amendment, I, as Chair, assuming that will be the case next year, will continue to pursue this with him.

Mr. COHEN. If the Senator will yield——

Mr. BIDEN. I am happy to yield the floor.

Mr. COHEN. Mr. President, to make it very clear, this legislation that I am proposing basically is endorsed by everyone. President Clinton has the same provisions in his legislation with health care reform. Senator MITCHELL has the same provisions. Senator DOLE has the same provisions. The mainstream coalition has the same provisions. There is no disagreement in terms of the necessity of this legislation.

The Senator is correct. I attached the criminal provisions to the crime bill. Those were dropped. This amendment goes beyond that.

But even this large amendment is supported by virtually everyone. I know of no dissent. I am simply suggesting time is running out. We lost $100 billion this year to health care fraud and we cannot afford to delay further..

What I am saying is we do not have a health care bill. We are still losing money, $11.5 million an hour every day. We have an opportunity to correct that with no dissension that I am aware of in this body.

Mr. BIDEN. If the Senator will yield for just a moment, Mr. President, I do not take issue with that at all. I do not disagree with anything the Senator just said. I just was clarifying because so many people asked me whether all of this had been considered.

I yield the floor.

Mr. SPECTER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the role.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, if I might, I have tried to listen to the explanation of the Senator from Maine of his amendment. Evidently, it has to do with waste, fraud, and abuse. I will take the time momentarily to go through the provisions in our bill that we have already done on waste, fraud, and abuse.

I would say to the Senator from Maine that this amendment, as I understand it, is 58 pages long. It is a major piece of legislation. I say to the Senator from Maine that this is part of health care reform. I hope the Senator will not want to open that can of worms. I thought we had all kinds of admonitions from the Republican side and the Republican leader that we should not bring up health care reform, that other things may happen. If this happens here, I can tell you there are a bunch of health care reform amendments on this side. If the Senator wants to, we will start the health care reform debate and we will be here for the next week and a half on it.

Mr. COHEN. That is fine with me. I am trying to get a forum where we get this legislation passed. We have delayed year after year. Nothing has been done with this issue in a substantive fashion. There is no disagreement. If you want to take the time to go through the 58 pages, that is fine with me. This proposal is contained in President Clinton's proposal and in Senator DOLE's proposal. There is no disagreement on this. Yet, it is not simply a health care reform proposal, it is anticrime as well. This is criminal activity that is taking place on an hourly basis and we are being robbed; being robbed blind. We simply say, "Well, we will get to it sometime next year, maybe."

Mr. HARKIN. I will simply respond that we have addressed a lot of these issues in our bill. As I said, this is a major piece of legislation that should not find its way on an appropriations bill.

I understand the Senator's frustration. I happen to be frustrated too. We have been debating health care reform for years around here. We are spending $1 trillion a year. What the Senator is talking about is peanuts compared to what he says about being robbed from the public out there day after day with all kinds of fraud, all kinds of prices with all kinds of discrimination, preexisting condition clauses, lack of portability. All of those things are happening out there day after day. We are not addressing those.

I sympathize with the Senator from Maine. A lot of things out there we ought to be addressing this year on health care reform. But we did not get it done.

Again, we have been through that debate before. I had my say on that yesterday. I do not mean to say it again. This is the appropriations bill to fund the Department of Education and the Department of Health and Human Services and the Department of Labor; the National Institutes of Health, biomedical research.

There are some things we can do on waste, fraud, and abuse. We have done it every year. Senator SPECTER and I every year have had hearings on this. We figured out what we could do within the confines of the appropriations process to go after waste, fraud, and abuse. We have done a lot in the last 3 or 4 years that we have worked together on it.

For example, the administration proposed some cuts in the Medicare payments safeguard activities. We held hearings that showed that for every $1 we spent on payment safeguards, we saved $14 in catching the very waste, fraud, and abuse items that the Senator from Maine is talking about. So we put money back in there for that. We also added $3 million for Medicaid fraud demonstration projects. This bill also suspends workers compensation benefits to individuals who have been in prison for a felony offense. We hear a lot of talk about that. We took care of it in here. This bill provides for increased monitoring of SSI beneficiaries disabled by drug addiction and alcoholism, to prevent fraud and abuse. We heard a lot of stories about that where people were supposed to go to alcoholism programs and drug treatment programs. They did not do it, and in some cases used Federal funds to support substance abuse. So we tightened down on it in this bill.

So I think Senator SPECTER and I and the members of this subcommittee have worked very hard and very diligently to go after waste, fraud, and abuse and save the taxpayers tens of millions of dollars in each of the last several years.

Every year we confront this. We have hearings to find out what else we can do to cut down on it.

Again, I am sure there are other things in the whole health care field that can be done and should be done to cut down on further waste, fraud, and abuse.

That is not in the purview of this appropriations committee, not at all. It would be an apt subject for a health reform bill. I daresay in the last couple of weeks I proposed a piece of legislation on health care reform and it had these provisions in it, too. But this is not the place for it.

Again, we are going to have health care reform next year. I suggest that is the place for the Senator from Maine to work to try to get his provisions in that bill, not on this appropriations bill.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, at the outset I compliment my distinguished colleague from Maine for the work which he has done culminating in the legislation which he is proposing here today. He has argued the need for all of these items, and I agree with him totally. I serve with him on the Aging Committee where he has held these hearings which have produced this evidence leading to this legislation. He is the ranking member of that committee and has done extraordinary work there.

This is a very, very important piece of legislation. I have been working with him, along with Senator CHAFEE and others, on the so-called Chafee task force" which has produced legislation, where these provisions are a part. It is true that he brought several of the provisions them forward on the crime bill, and they were passed successfully. The difficulty which is presented here, on this bill, which I have talked to Senator COHEN about privately, is that it will delay the passage of this appropriations bill on Labor, Health, and Human Services, and Education.

The distinguished Senator from Maine quite accurately says he wants to see this bill passed this year. I agree with him. But I think the reality is it will not be passed this year because it will go back to the House and the House will object to it as the House did when these provisions were on the crime bill.

And the reason they will object is that it is within the jurisdiction of the Ways and Means Committee and it is legislation on an appropriations bill, although in a broad sense it is certainly relevant or germane or within the context of this general category of legislation.

What happens, as those of us who are working on the floor today know, is that we are in the very last few days of this session and there are a number of amendments which a number of other Senators wanted to offer which did not relate to health care, as do the provisions of Senator COHEN's amendment. So to that extent, it is a more logical spot here than on some of the other amendments to which other Senators want to add.

Those other Senators have been persuaded not to bring their amendments to this bill, but instead there will be a vehicle which the majority leader has set aside, the appropriations bill for the District of Columbia, where there is already an amendment pending to an amendment in disagreement which may have to go back to the House of

Representatives. And it is the thought of the ranking Republican on the full committee, Senator HATFIELD, who has discussed this matter also with Senator COHEN, that Senator COHEN's amendment be offered to an amendment in disagreement on the District of Columbia appropriations bill.

The concern that I had and have just expressed to the Senator from Maine is there are other Senators who want to add health care amendments to this pending bill. Frankly, I would like to add Senate bill 18, my health care reform bill, because I certainly am not happy to see the session end without reform legislation. But I think it is plain that at this stage, we are not going to be able to deal with health care generally.

So that is where we are. If the distinguished Senator from Maine presses the issue, I think he will succeed; I think he will succeed. The HUD appropriations bill had, I think 43 votes in support of amendments which were not nearly as attractive as what the distinguished Senator from Maine is offering. He has offered it before, and I have supported it, and it is a very difficult amendment to disagree with on the substance and on the merits.

But the consequence will be, I think, that we will have a continuing resolution on Labor, Health, and Human Services, and Education, and the consequence of that is that there may be less appropriated for those important items because a continuing resolution often takes the lesser of the 1994 bill, which is in existence now and the conference report, correct? We always turn to learned staff to be absolutely sure on these technical matters. That is what likely will happen, and that will result in the reduction of appropriations for Health, Education, Human Services, and Labor, which I know the distinguished Senator from Maine would not want to see happen.

So that is the procedural posture we are in. Senator COHEN has every right to proceed with his amendment here. There is no doubt about that. It is a very, very important amendment, and it should have been accepted long ago. And he is right when he talks about $100 billion in waste, fraud, and abuse, and it ought to be enacted. And, as the distinguished Senator from Iowa, Senator HARKIN, has pointed out, we have dealt with it within the confines of this appropriations bill to the extent we could. But the fact, too, is that we have not done as much as a new substantive bill on this subject would do.

So it is my hope that the distinguished Senator from Maine will not press the issue. I think if it is pressed, and again I repeat, he has every right to press it, we are going to have Senators coming to the floor with other health care amendments and Senators on other issues, and then the ranking member, Senator HATFIELD, is talking about taking the bill down in the hope that these amendments will be offered somewhere else.

So we are just a hair's breadth away from getting this bill passed, and I leave it to my distinguished colleague from Maine.

The PRESIDING OFFICER. The Senator from Maine.

Mr. COHEN. Mr. President, during my service here in the Senate, I tried not to be an obstructionist, as some of us are frequently labeled. I have tried always to make some constructive proposals, and that is simply what I am trying to do in this particular case.

If I were allowed by Senate rules to do so, I would hold up a little 6-by-8-inch waterproof dressing to show the American people that this item which is being used to treat a scratch or a cut less than an inch long is costing them $3,800. I would bring over a leg prosthesis that I used during a press conference to try to draw the public's attention to what is taking place. It was remarkable. It was a leg prosthesis, but it looked like it came off a mannequin in Macy's department store window. It was a shell, plastic; it was from the knee down, for someone who has lost the lower part of their leg. What was interesting about this particular device, this prosthesis, I should say, is that it had a right calf and a left foot. Pretty extraordinary for someone who might have to wear that because he or she has lost a leg.

The leg prosthesis was shoddily made and totally useless. But guess what the supplier billed you and me for? Take a wild guess. This thin piece of plastic, this piece of trash, was billed to the Federal Government to the tune of $8,800.

The Health Care Financing Administration approved payment of $1,400. When I held it up and looked at it, I thought it was not worth even 14 cents if it couldn't be used. But we were billed $8,800 and the Federal Government approved $1,400 as a reasonable price for something that was completely worthless.

Then, we have the issue of blood sugar monitoring kits for those who suffer from diabetes. In the Washington Post, there is an ad saying you can buy this at such-and-such store, and with a manufacturer's rebate, you can purchase the kit for roughly $10 to $12.

You know what the suppliers are billing you and me and all the taxpayers in this country? Roughly $250 per kit. And how are they able to do this? They take each item in the kit, the lance and the other items in the kit, and they bill us separately. It is called unbundling. So each item gets billed separately, and the total comes up to roughly $250 for an item that would cost $10 to $12 off the shelf.

There is an explosion of this type of fraud taking place. That is why I felt compelled to offer this amendment. I introduced the bill last year and no action was taken on it. I offered—and I believe the Senator from Delaware is correct in clarifying this—I offered the criminal provisions of this amendment to the crime bill, when it was on the Senate floor and accepted unanimously, but then stripped out by the House for the same reasons that Senator BIDEN expressed. The House Ways and Means Committee said this is a finance matter, a tax matter; it is our jurisdiction. I would like them to explain to the American people why there has been no action taken.

I have been told, well, just wait until the health care bill comes along. We have no health care bill. Now we are told wait until next year. A familiar expression up in New England, when we are still waiting for the Boston Red Sox, to win that pennant again, is: Wait until next year; we will be back next year.

I am not sure how much longer we can afford to wait. I am not sure how much longer the American people are going to tolerate us not taking action. We lost $100 billion last year and the year after, and now we will lose another $100 billion this year. I do not know how long it is going to take to get a health care bill next year. We come back toward the end of January. We go out for the Lincoln Day recess. We are out most of February. We get serious about March or April. And then, the debate starts all over again. We will have either the mainstream coalition proposals as a basis to start off with, or maybe the DOLE proposal. Or we will have another, probably, a sequel to Senator MITCHELL's proposal, perhaps in another form. And we are off in debating, and all the interest groups start lobbying us. We start taking more and more time to work our way through the complexities of the health care system. In the meantime, I dare say we are probably into late next year, and still no health care bill, no antifraud provisions.

So this is not intended as a major proposal to amend our health care system. What this is designed to do is to give our prosecutors a health care fraud statute. Right now, they have to prosecute these individuals by going through mail fraud and wire fraud. It is very complicated and time consuming. They want a statute they can go right to and say: We are going to prosecute you if you try to defraud the Federal taxpayers and the private health insurance. We are going to prosecute you, and we have the law here to do it.

They do not have that now. We can talk about procedure, or other people having amendments that they can come forward with to offer tonight and kill the bill. But someone is killing our system. And if there is anger out in America today directed toward us, this is another classic example of it. We say, well, our procedure does not allow for it. The House wants it to go through Ways and Means. They have to have hearings. It does not matter that the President wants it, or the majority leader wants or the minority leader wants it. It does not matter. We have to have the jurisdiction all sorted out. That may take some time.

So, Mr. President, I must say that we have waited too long. This is something that I think the American people should be justifiably outraged about, saying: Do something. If we cannot pass a reform bill because of complexity, this is pretty straightforward; this is pretty simple. This gives a tool to the prosecutors of our Federal Government to go after those who would defraud us, day in and day out—$11.5 million an hour, $275 million a day, $100 billion a year—and we are sitting around saying, well, this isn't in the committee's jurisdiction; overlap; delay. You have to wait until next year.

I do not think the American people are going to accept that, not on our part. I do not think they should accept it. If we are going to be met with their anger at the polls in November, I think it is justified. They will look at this and see we had an opportunity and we passed up that opportunity with the invocation of: Let us just wait for next year; we will get it a year from now.

Mr. HARKIN. Will the Senator yield for a question?

Mr. COHEN. Yes.

Mr. HARKIN. First of all, I cannot find anything I disagree with the Senator on. As a matter of fact, we have had hearings on this, almost everything he mentioned, except the prosthesis. For example, we looked excessive payments for such items as blood glucose monitors, bandages, and TENS units. We have all kinds. And every year, we have hearings to expose wasteful spending and how we can combat it.

And so with the mechanisms in our bill, we try to put more emphasis on activities such as the payment safeguards program. This is where Medicare hires investigators, accountants, and auditors to go after fraud, waste, and abuse. They are woefully understaffed. And as I mentioned in my comments, we have proven from GAO and from the inspector generals that for every dollar we put into these activities, we have actually saved, in real, hard cash dollars in that given year, $14 for every dollar we put in. In every administration, this was no different from the one before. Both administrations were asked to put in the payment safeguard program.

We are in the odd position of trying to put money into the program. Talk about spending around here. This is one program we put money into that actually pays the taxpayers back. I assume at some point there, the cost-benefit ratio is not that great. But we have not even approached that yet.

I have not read the Senator's amendment. My staff tells me that much of what is in the Senator's amendment was in amendments offered by myself and others in different, various health reform bills that come through the Labor Committee. Much of this was in the Labor Committee's bill. And some was in the Dole bill. So there is broad general agreement, I think, for what the Senator is trying to do.

But, again, I just have one question. Take the blood glucose monitors. We know what the prices were on that, and they were way out of line. How does the Senator's bill get at that? How would you prevent that from happening? What is the mechanism in your bill that would prevent durable medical equipment, such as blood glucose monitors, or TENS units, from being overpriced in the beginning, in the future?

Mr. COHEN. It does several things. No. 1, it gives the Justice Department a single statute to go to to prosecute those individuals who, in fact, are engaging in fraudulent behavior.

The amendment will also address the problem by getting more people conducting oversight and policing the system. As I understand it, we have a caseload problem in going after those who are fraudulently overbilling our system. In the two major Federal law enforcement agencies, only 450 Federal positions investigate health care fraud. This works out to about one investigator for about 8 million claims. One investigator has to oversee 8 million claims that are coming through the pipeline. With enforcement and oversight capacity as low as this, catching fraud is almost impossible.

We simply do not have enough people. But what we ought to be doing is creating a system sending forth a signal saying, if you engage in fraud, we have a single statute the Justice Department is going to turn to, we are going to penalize you, collect it, and we are also going to expand the oversight ability on the part of the Federal Government.

Mr. HARKIN. If the Senator will yield further, I understand. The problem is, as I understand it—and we looked into this in great detail—take the blood glucose monitor, for example, which was drastically overpriced. I sent a staff person down to a drug store and bought one for $39. Yet HCFA was allowing payment as high as $500 for one. Just ridiculous. But it turned out that the overpricing was not fraudulent because it is allowed under the fee schedules set up under Medicare.

So I suggest to the Senator, you might want to turn this over to the Justice Department. They go in there and, lo and behold, they find out that is part of the law.

What we have to do is get in there and change the kind of fee schedules that we have in there by which these people cannot overprice us for these things. That is the problem. Once we get our fingers on it, then we can do something about it. But it is those initial overpricings we have a problem getting at.

I suggest to the Senator what we really need in Medicare is to get away from that old fee schedule we used to have and perhaps we ought to have more competitive bidding. I suggest that to the Senator. That might take care of a lot of this.

There is fraud. There are other frauds happening. Fraud is where perhaps a doctor would submit a bill for services that he did not render, or a hospital would submit a bill for items that they never provided. That is fraud. A company that makes a product and says, "Hey, this is worth $500." Well, that is what the fee schedule allows, and so they bid it in. That is why they are not being prosecuted for fraud. We need to change that underlying provision to provide for more competitive bidding.

Having said that, the Senator is right on target in terms of giving the Justice Department more authority to go after the fraudulent activities that are happening out there day after day.

But some of these other things that he brings up, I think we have to go under the underlying law itself and change the way that Medicare is able to buy these things. I just ask the Senator if he had any further thoughts on that?

Mr. COHEN. This problem is the combination of two parts. It is correct that we pay far too much legally for some items that can be purchased for much less off the shelf, but we also should never tolerate the kind of billing that is taking place now where the supplier unbundles the glucose monitoring kit, thereby increasing the price from $12 to $250, or even $500.

If that is not fraudulent activity, I do not know what is. That is a fraud upon the Government, and they are getting away with it. We do not have enough people: How can one investigator possibly investigate 8 million claims?

I am trying to create a system whereby we fund greater oversight, greater investigative ability on the part of the Federal Government than we are currently doing. There is no doubt in my mind there have to be changes as far as the fee schedule is concerned. But we also have providers who are upcoding. They simply upcode what they are supplying, even though it is a fraudulent upcoding, in order to get a higher price for something they are not furnishing.

So there is a lot to be done. What I am suggesting is we have a statute, very clear, very specific, have civil monetary penalties that act as a deterrent, and an enforcement mechanism by the Justice Department that will try and discourage this. It will not catch everybody, but it will discourage a lot of people from engaging in the kind of conduct they have been engaging.

I hear the health care industry, frankly, does not like this particular provision. They are worried about it. I had to explain to them we are talking about intentional fraudulent behavior, not innocent mistakes. But when a doctor or a hospital unit starts billing for thousands of psychotherapy sessions that never occurred, something is wrong. That is fraud. When you have ghost patients or patients who have died and you are still getting reimbursed for services rendered to them, when you are selling pacemakers that are dead and having them implanted in the human body, there is something wrong with that, or intended for animal use only. That is what we are really trying to get at with this particular statute.

Frankly, again, the Justice Department does not oppose it. They support this. The President supports this. Everybody supports it. But we cannot take any action: It is the end of the session, the House will object, jurisdictional toes will be stepped upon. In the meantime, we are out $100 billion.

Mr. President, I think it is a pretty straightforward amendment. It enjoys broad bipartisan support. I think it is long overdue. It was not right for the crime bill. It was not right for the health care bill, because we do not have one. So we are just told to wait for the pennant until next year.

Mr. President, I yield the floor.

Mr. HARKIN. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. AKAKA). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COHEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COHEN. Mr. President, I have had discussions with my friend, the Senator from Oregon, Senator HATFIELD, with Senator DOLE, and with other members of the Appropriations Committee. I am persuaded that, No. 1, the amendment, if pressed to a vote, will pass; that, No. 2, we will send this bill back to conference where it will be dropped because of objections from the House, and we will then have the entire conference report brought back with a day or two of delay. As I indicated before, that is not my intent.

My intent is not to obstruct or to delay but to try and pass legislation that everybody seems to be in favor of. As a matter of fact, just this afternoon I spoke with Director Freeh of the FBI, and he also assured me he would work diligently as possible to get this legislation passed because it is in the interest of our justice system to curb the fraud and waste and abuse taking place right now.

One of the suggestions made is that, well, we still have the D.C. appropriations coming up. Frankly, I do not think, from my perspective, that that is the appropriate vehicle to start debating health care fraud, on the D.C. appropriations. But it appears that may be the only option available to me.

I have discussed this matter with the Senator from Oregon, the ranking member on appropriations. He has indicated to me that he would be willing to urge my colleagues to make sure that I have an opportunity to offer this amendment once again on the D.C. appropriations bill, which I have agreed to do.

I do that in the interest of accommodating not only him, since I have the highest respect for the Senator from Oregon, and I know of his interest in seeing to it that as many, if not all, of the appropriations bills are passed and that we not be required to go to a continuing resolution if at all possible.

So I do not intend to press this to a vote this evening and I will, in a moment, withdraw the amendment. But I must say I want to address this to my colleagues. We keep talking about the anger that is out in the countryside. We keep looking at the poll numbers of how low we are in the public's opinion. We look with astonishment at some of the Members who have very richly deserved reputations in this Chamber and elsewhere but are being defeated. We ask the question why? I think this is an example of why, because we have something that virtually everyone agrees upon and yet it cannot be passed.

So the taxpayer looks at the accumulation of the national debt and it is now some $4 trillion, and climbing. Annual deficits of $200 billion, tax increases going up. They see their tax dollars being wasted day after day after day and they watch us on C-SPAN or elsewhere and say "What are they doing? Why is somebody not trying to put a finger in the dike?" This may not be a panacea but it is virtually something everybody wants—from the White House, to the House, to the Senate. Yet, because of procedural reasons or because time is running out and we are at the end of the session, 1 week to go, we cannot pass something as straightforward as a bill designed to combat fraud.

I think that is just one of the reasons why there is such great public disenchantment, that we do not seem to be making any progress in this regard and in many others.

So I will, for the moment, withdraw the amendment, Mr. President, and indicate to my colleagues that as soon as the D.C. appropriations bill is brought to the floor, at an appropriate time, I will, once again, seek recognition to introduce this amendment and hope that it enjoys the bipartisan support of my colleagues who have indicated that they cannot find anything to disagree with about the amendment except it does not belong on this bill. It does not belong on the crime bill and we have no health care bill to put it on. It does not belong on health and human services appropriations. "Try D.C. appropriations, or try whatever else is left." So they say try again next year, which in all probability is going to be the case.

So I think the losers are the American taxpayers. They are the losers, and we are all the losers. The disenchantment and cynicism will continue to grow.

I withdraw my amendment.

The PRESIDING OFFICER. The Senator has that right. The amendment is withdrawn.

The amendment (No. 2593) was withdrawn.

Mr. HATFIELD. Mr. President, I want to make an observation on this action taken by the Senator from Maine, [Mr. COHEN]. What he reported here to the floor relating to my request to him to withhold this amendment at this time is absolutely accurate.

I could not help but think as he described his amendment, which he has so valiantly and eloquently and frequently presented here on the floor, in which the Senate has agreed to in the past, of an experience I had as a younger Member of this body. The senior Senator from Mississippi, John Stennis, was managing a bill and I found myself offering an amendment which he had described as not belonging to that particular bill. I recited, much like the Senator from Maine, that it had been tried on another bill and did not belong there and I felt like it was truly an orphan amendment. He responded and said, well, I will tell you what it is like. It is like a half-drowned rooster running around in a chicken yard looking for shelter. Well, that was typical of Senator Stennis's graphic description of things we get involved with here in parliamentary procedure.

I want to assure the Senator again that even though there could be a question of germaneness raised on the D.C. bill, as against this particular bill, there is still a point of order of legislating on an appropriation bill that coequally would be raised on the D.C. bill as well as this bill. We would like to accommodate the Senator, of course, in any way, not foreclosing his right by withdrawing the amendment here to offer it on another vehicle.

Senator COATS of Indiana, who has what has commonly been referred to as his trash amendment, which he has offered on different vehicles, has also agreed to withhold his amendment. Senator HANK BROWN of Colorado has also agreed to withhold his amendment on this bill so that we can finalize action on the bill, knowing that we do have another bill with amendments of disagreement. This will let us concentrate any extraneous amendments on that bill and let us expedite this procedure, because, Mr. President, when it comes Friday night at midnight, I need not remind the Senate that we are facing the deadline of the fiscal year.

We have a half a dozen conference reports still pending. We are going to have a tremendous backlog and logjam at that moment. Let us move these bills through now and reserve these amendments to attach or at least to raise and debate on the D.C. appropriations bill.

I understand from our leadership that in discussion with the Democratic leadership we are not going to be put in the bind of waiting to bring up the D.C. conference report at midnight or quarter to midnight on Friday, but that the D.C. conference report will follow the conference report on agriculture which follows this conference report. So we have four more reports after that.

But, nevertheless, all I am saying is we have another vehicle with amendments in disagreement which will be open to amendments. While I commend Senator HARKIN of Iowa and Senator SPECTER of Pennsylvania for trying to expedite this bill, bear in mind, any amendment on this bill goes back to conference or goes back to the House. This bill includes funding for Low-Income Home Energy Assistance and has some of the most important health and welfare and educational programs. We cannot afford in any way to delay beyond Friday night at midnight.

So I plead with my colleagues on both sides. Since we have demonstrated good faith on this side of the aisle in withholding these amendments at this time on this bill to expedite the Labor-HHS and Education bill, I hope that the leadership can move this bill rapidly and complete it so we can take up the agriculture appropriations conference report and then the D.C. conference report before we take up Interior, Treasury, and a number of the other conference reports down the line.

Mr. COHEN. Will the Senator yield for a moment?

Mr. HATFIELD. Yes.

Mr. COHEN. I want to respond about what the Senator said about his experience with Chairman Stennis and being told it is not the appropriate place. I see several of my colleagues here on the floor—Senator COCHRAN from Mississippi, who came to the House with me at the same time. I gave my maiden speech in the House of Representatives back in 1973. It was a speech pertaining to an amendment I offered to the energy bill. I offered an amendment to the energy bill to provide tax credits for people who conserve energy. The senior Members of the House of Representatives at that time got up and objected to the amendment saying that it was not germane under the House rules, that on the one hand by providing incentives for people to drill for oil was relevant and germane but providing tax incentives for people to save energy was completely nongermane. It was ruled out of order. It took 4 years before we finally passed that measure to provide tax credits for people to conserve energy. I feel the same sense here. It has been 2 years now, and maybe another year before we finally pass this bill dealing with health care fraud.

So it is a measure of my own frustration. I have been at this nearly 22 years now finding the same kinds of arguments being raised saying, well, wait until the next bill, not germane to this bill, we will get it next year with a little more patience.

I yield the floor.

Mr. HATFIELD. Mr. President, knowing Senator COHEN as I do I know he will persevere. I only say that I know his frustration. It took me 25 years to get an underground test ban enacted. But perseverance won out. I wish him well. I hope it is not 25 years for him.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio is recognized, Mr. METZENBAUM.

Mr. METZENBAUM. Mr. President, I would like to address myself to this question of going forward with amendments on this bill and using some other bill as an appropriate vehicle. The Senator from Ohio has been waiting and has attempted on previous occasions to bring to the floor of the U.S. Senate the bill having to do with baseball and the antitrust exemption that exists with respect to baseball and the fact that if the amendment were to be adopted—the amendment that has been submitted by myself and Senator HATCH—I do not know that the baseball season could be completed this year but certainly the players would indicate their being willing to go back to work for spring training.

The argument is made, well, use some other bill as an appropriate vehicle to which you might attach an amendment. It so happens that the amendment that we are talking about offering on this bill in our opinion is germane to an amendment of the House and therefore not subject to a point of order. If we were to attach it to some other bill, it is not at all unlikely that a point of order could and would be raised.

The Senator from Ohio attempted to bring a bill having to do with baseball to the floor a week or 10 days ago and asked unanimous consent to move forward, and an objection was made. It was perfectly appropriate to make the objection. I had no problem with that. But if there is to be a baseball season in 1995, then, as I see it, either the players or the owners are going to have to come to some agreement or we are going to have to pass legislation in the Congress that deals with the fact that there is now an antitrust exemption for the baseball owners.

That exemption, in my opinion, should never be in the law. It is one of only two businesses in this country that are exempt from the law—the insurance industry being the other one. And we have now drafted this in such a manner that it is not a total repeal of the exemption but rather an effort on our part to just deal with the exemption as it applies to the contract we are talking about and the very limited question of the right of the players to go into court when the owners attempt to impose unilaterally a cap on their salaries or any other kind of imposition of terms of a contract unilaterally.

So the Senator from Ohio is not happy about the fact that there are many who would like to bring this bill to a conclusion. I do not care to be an obstructionist. I do not see that we need to have a lengthy debate on this, although some of my colleagues have indicated that they would like to debate the issue. But I would be willing to agree to some limited time either tonight or tomorrow morning, although I think tonight would be unfair because it would not be giving fair notice to some of those who may have an interest in it. But I would be willing to agree to a 2-hour limit tomorrow morning on the issue. I think we can lay down our amendment tonight. The issue of germaneness can then be raised. I would not want anyone to be taken unaware or not be prepared for it. But I am trying to lay out the picture as I see it.

I do not know of any alternative the Senator from Ohio has in order to bring this matter before the U.S. Senate for a vote. I think the American people want to see baseball played in this country. I believe that if we pass this amendment, the House has already indicated through Chairman BROOKS that if the Senate sends something over, he will act immediately to bring it to the floor of the House so that it may become law before we conclude this session.

So I say to my colleagues, I do not have any better friends in this body than the manager of the bill, that I regret the fact that I am not being cooperative, and that I am prepared to offer an amendment on this subject. But I do not know that I have any other alternative. Therefore, I suggest the absence of a quorum.

Mr. BUMPERS. Will the Senator withhold?

Mr. METZENBAUM. Yes.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. BUMPERS. Mr. President, let me plead with the Senator from Ohio to offer his amendment on another vehicle just so we can get this HHS bill and the Agriculture appropriations bill out. As the Senator from Oregon pointed out, Friday is the deadline. September 30 we have to have all of these appropriations bills finished or have a continuing resolution. The issue is perfectly legitimate. The antitrust provision the baseball owners enjoy is a legitimate issue for debate.

I must say I think the Senator tried to get this out of the committee two or three times without success, and I must also say that in the right atmosphere I would very seriously consider the Senator's amendment. In the atmosphere of this evening when we are trying to pass very important appropriations bills totaling probably in the vicinity—I cannot speak for the HHS bill. Our bill is about $70 billion. HHS is probably $300 billion. We are trying to get these out so we can keep the Government running and do what we have been sent here to do.

If I had to vote on the Senator's amendment at this point, frankly, during this session of Congress, I would be constrained to vote no because I have not really studied the issue. I have the same, what I shall say, not necessarily revulsion, but aversion to antitrust exemptions. I know the Senator feels the antitrust laws in this country have not been very well enforced in the past.

But I plead with the Senator, No. 1, to postpone the offering of this amendment until the next session of Congress. The only problem with that is the Senator is not going to be here the next session of Congress.

Mr. METZENBAUM. It makes it a little difficult.

Mr. BUMPERS. I do not expect him to agree with that request but at least offer it on the D.C. appropriations bill tomorrow. The Senator has suggested 2 hours. He can make that request tomorrow—or 3 hours—whatever the Senator wants. But the Senator can accommodate some of his friends in the Senate by allowing us to go forward with these two appropriations bills tonight and bring that amendment up tomorrow. The Senator is not losing anything.

Mr. METZENBAUM. Yes. I am.

Mr. BUMPERS. I think the Senator and the Senate would be well served.

Mr. HARKIN. Mr. President, I want to thank the Senator from Arkansas for his comments on this, and to say to my friend from Ohio, Senator METZENBAUM, that this Senator has no closer personal friend in the Senate and there is no Senator with whom I have greater admiration than Senator METZENBAUM. He knows that. He knows I wish he were going to be here next session, too. I probably would, like the Senator from Arkansas, vote with him on the antitrust exemption, although I do not know the issue that well, to tell you the truth. But I am usually on the same side of Senator METZENBAUM on these kinds of issues.

But I must again reiterate what the Senator from Oregon said, who is of course our ranking minority member on the full Appropriations Committee. Members on the minority side, on the Republican side, withheld their amendments on this bill. I think there were at least three amendments that could have been offered on this bill, and it caused a lot of problems. That would have caused a lot of problems. This bill would have bounced to the House, they would not have accepted it, it probably would have bounced back here, and it would have bounced back to the House. The deadline is Friday.

I point out to my friend from Ohio that if we go to a Continuing Resolution on this bill, it is the very people for whom he has fought and voted for all of these years who are going to be hurt. We have increases, to name just a few, in immunization, Head Start, breast cancer, AIDS prevention under the Ryan White Act—$2.2 billion over what we had last year.

The Senator may say that will not happen. Well, it has happened before. I do not know how contentious his amendment is on baseball. I do not know. But I daresay if the Senator does this, I do not know that I, in good faith, could then go to my friends on the Republican side and say please withhold your amendments. It would be open season. And this whole bill could become bogged down in extraneous matters that have nothing to do with funding for education, health, job training, and medical research.

So while I know the Senator feels strongly about his amendment and about the antitrust exemption for baseball, I join the Senator from Arkansas asking my friend from Ohio to think about what has transpired here earlier. I know how he may feel about this. Sometimes we all get caught in these things, but the Republicans have acted in good faith on this bill and they have withheld their amendments in good faith to offer them on the D.C. appropriations bill. I must say that in good faith I have to then strenuously object or ask the Senator from Ohio to please withhold his amendment on this bill. I hate to be in that position because I have such great respect for him.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. HARKIN. I yield the floor.

Mr. METZENBAUM. Mr. President, I find myself in a very difficult position because it is a fact that two Members of the Senate for whom I have tremendous respect are friends of mine.

Certainly Tom HARKIN and I have been very close over the period of years.

But let me tell you the dilemma in which I find myself. By happenstance this amendment is germane because the House had an amendment providing $12 million for the national youth sports program, and so I am informed by the Parliamentarian under those circumstances the amendment would not be ruled out of order, but the question of germaneness would be before the body.

I do not have such a vehicle, at least I do not know of it at this moment on the D.C. appropriations bill or on any other bills that are coming up. It just is a peculiarity that this one particular House amendment included this provision and, therefore, instead of offering an amendment which would be legislation on an appropriations bill which would be subject to a point of order, this amendment would not be subject to a point of order, and the only question would be the question of germaneness which is a totally different issue.

So I would say that I want to be cooperative. I do not want to put the bill in jeopardy. Let us face it. I am not talking about any filibuster. I am not talking about even engaging in lengthy debate. I am talking about a very limited time in which to consider this amendment, or particularly the amendment as it pertains to germaneness.

The Senator from Nebraska, who is on the floor at the moment and speaking with the Senator from Iowa, was the one who objected to my moving forward the other evening when I asked unanimous consent to bring the bill up separately, independently, and just move forward with it. So I had an objection there and I respect his right and I hold no personal grudge against him for doing that. He was fully within his rights. But in this instance we have examined the legislation in order to find an amendment to which we could attach our amendment so that it would not be out of order, and I find myself in the dilemma that if I do not put it on this point or off it at this point and give my colleagues who wish to be heard on the subject an opportunity to be heard, then we are running out of time and I have no other vehicle to which I can attach the amendment.

So I would just say that unless someone can come up with a better solution, the Senator from Ohio would intend to proceed forward, notwithstanding the fact that I know both of my colleagues from Iowa and Arkansas would prefer that I not do so.

Mr. HARKIN. If the Senator will yield I will just point out that this amendment would still be subject, if I am not mistaken, to a rule 16 point of order that it is legislation on appropriations.

Mr. METZENBAUM. I do not believe so.

Mr. HARKIN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HARKIN. Mr. President, would an amendment dealing with doing away with the antitrust exemption that is now in law, be considered legislation on appropriations?

The PRESIDING OFFICER. The Chair has not been able to review the amendment. There is a possibility that the question might be raised.

Mr. HARKIN. I appreciate the Chair's position. I know the Chair has not seen it. That probably was an unfair parliamentary inquiry. But I believe that it is; then again, we just have a vote on whether or not it is a point of order and that is just as simple.

Mr. METZENBAUM. May I respond?

Mr. HARKIN. Yes.

Mr. METZENBAUM. Mr. President, it would not. I am advised by the Parliamentarian that it would not be subject to a point of order because it relates to an amendment adopted by the House. But it would be subject to raising the question of germaneness, which could then be decided by the body: is the amendment germane or is it not? That is a totally different issue for the Senator from Ohio than the question of appealing the decision of the Chair would be the case if I offer legislation on an appropriations bill unless there is something in the amendment from the House that permits me to do so. By happenstance there is in these circumstances.

Mr. HARKIN. If the Senator will yield, we have two things here: We are concerned about germaneness and legislation on an appropriations bill. The national youth sports program was simply an appropriation. It is my feeling that while the Senator's amendment meets the test of germaneness, I do not know if it meets the test of not being legislation on an appropriations bill. We still could have a point of order. Whether the vote were subsequently on germaneness or appealing the ruling of the chair, it is still 51 votes, majority vote, anyway you look at it.

Mr. METZENBAUM. I believe, Mr. President, that the Chair would rule that it is not subject to a point of order. I think that the Chair would rule that the question of germaneness would be before the body.

Now, I would suggest the absence of a quorum——

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska [Mr. EXON] is recognized.

Mr. EXON. Mr. President, I rise once again to become involved in this debate on the efforts by my friend and colleague from Ohio to change the antitrust exemption of baseball.

This matter came up some time last week when the Senator from Ohio asked unanimous consent, and I objected to that unanimous consent request. I said at that time I knew of the keen interest by the Senator from Ohio in this issue. I said at that time that I had not made up my mind. I have not studied the issue enough to know whether or not I believe there should be a temporary, partial, or a total exemption from change in the present exemption that organized baseball has.

I think there are some pros and cons on this issue. I would simply point out to my friend from Ohio, as has been pointed out by the Senator from Arkansas and the Senator from Iowa, that regardless of the matter of germaneness, the measure that he suggested we bring up is essentially not different from what the Senator from Ohio and others attempted to do with a measure that was turned down earlier this year, as I understand it, by the Judiciary Committee.

I see the chairman of the Judiciary Committee on the floor of the Senate. He may like to address that, but I believe I am correct in that the Judiciary Committee turned down the form of a change that the Senator from Ohio had sought.

I rise again in opposition. I would hope that the Senator from Ohio, regardless of what he has a right to do to try to bring this up on this bill—I think it is a wrong bill at the wrong time when we are trying to wind down some very important appropriations measures. I would simply advise the Senator from Ohio that at least this one Senator would raise objection to any time agreements on such an amendment. Extended debate could follow.

I simply say to my friend from Ohio once again that I think this the wrong time and the wrong place for the U.S. Senate in conjunction with a few people in the House of Representatives who are trying to immediately involve themselves in a side in a very intense labor dispute between the owners of the baseball franchises and the very talented players that make baseball go and make baseball grow.

Again, Mr. President, I think there probably is no one in this body who is a better baseball fan, there is no one in this body I think who is more disturbed, distraught, upset, at the interruption in the middle of a very exciting season. I say a plague on both the houses, of the ownerships and of the players. Obviously the Senator from Ohio has made no secret of the fact that the players association feel that if some kind of an amendment as he has offered would become law, that then they would begin to agree to start playing baseball again if the owners would let them. I simply say that I am so discouraged. I believe that organized baseball is bringing down on that great American pastime, a cleavage that is going to be long felt by the baseball fans of the United States of America.

I think it is wrong, it is improper and it is not wise, for the Congress of the United States to begin choosing up sides at this particular moment.

Therefore, I say that I think I would certainly oppose the amendment offered by the Senator from Ohio, as it was opposed by his colleagues on the Judiciary Committee. I think this is the wrong place, the wrong time, and the Congress of the United States would be doing a very wrong action to try to involve the Congress of the United States in this labor-management matter.

I simply say that I really believe it is a time for the baseball players and the baseball owners to slug it out, if that is what it takes, and to delay the start of the baseball season this year, the elimination of the World Series, the playoffs and maybe it goes into next year and from there on out. But I happen to think that the selfish owners and the selfish players who kiss off the organized fans of the United States of America who are very dedicated to baseball; I am going to object; I will continue to object to any kind of a shortcut action as suggested by my friend from Ohio.

I know he is very sincere. I do not quarrel with his motives. But I believe it is the wrong time, and I will do everything that I can to oppose this. I would urge my friend from Ohio not to offer the amendment, as has been requested by the Senator from Arkansas and the Senator from Iowa. And I would simply say that if the Senator persists at least this Senator will object to any time agreements on any kind of an amendment as suggested by the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Arkansas [Mr. BUMPERS].

UNANIMOUS-CONSENT REQUEST

Mr. BUMPERS. Mr. President, I ask unanimous consent that the pending conference report and any amendments thereto be temporarily laid aside in order for Senator COCHRAN and me to offer the agriculture appropriations bill on which there is no controversy, which will probably be disposed of in 10 minutes. And immediately upon the disposition of that conference report, the Senate return immediately to the pending matter on HHS.

The PRESIDING OFFICER. Is there objection?

Mr. HATCH. Mr. President, reserving the right to object, would the Senator modify his request to give me a minute and a half so I could just speak to Senator METZENBAUM's amendment?

Mr. BUMPERS. I am happy to.

Mr. DOMENICI. Mr. President, reserving the right to object, and I do not know whether I will at this point, but let me just ask a couple questions.

I ask Chairman BUMPERS whether there are amendments in disagreement on his bill.

Mr. BUMPERS. There are not.

Mr. DOMENICI. No amendments in disagreement?

Mr. BUMPERS. No amendments in agreement. There is nothing on the conference report. We can dispose of it in 5 minutes.

Mr. DOMENICI. I have no objection.

Mr. COCHRAN. Mr. President, reserving the right to object, I have just been advised by staff that there is a Senator on this side of the aisle who has to object to that request. I certainly do not want to object to that request. But I hope the Senator will withhold for a minute and let the Senator from Utah proceed with his comments, and then make a renewal of the request to proceed without objection.

There is no objection.

Mr. President, I withdraw my reservation.

The PRESIDING OFFICER. The Senator from New Mexico [Mr. DOMENICI] is recognized.

Mr. DOMENICI. Mr. President, I do not say this in any manner other than to clarify something. I understand there are amendments in disagreement.

Mr. BUMPERS. That is all. That is what I want the floor to say. I misspoke myself. There are.

Mr. DOMENICI. I wonder, I do not choose to unduly delay the bill, but I would like just about 10 minutes to go talk to the leadership about a matter that has not yet been arranged to be called up. I would like to see if we can arrange it.

If not, I might have to use the appropriations bill to put it on. I object at this point, but it will not be longer than 10 minutes.

Mr. BUMPERS. Mr. President, I withdraw my unanimous-consent request.

The PRESIDING OFFICER. The Senator has a right to withdraw his unanimous-consent request.

The Senator from Utah [Mr. HATCH] is recognized.

Mr. HATCH. Mr. President, I appreciate your recognizing me. I will just take a minute because I am one of the Senators who voted to keep the antitrust exemption alive in the Judiciary Committee. I have had a very difficult time voting to take the exemption away through the years, and I have always voted to keep it alive. If my recollection is correct, I cast a deciding vote on that matter.

It was more than a deciding vote, because some other people voted with me, but literally had I gone the other way, it would have changed the dynamics.

The reason the distinguished Senator from Ohio is bringing this up and, frankly, with my support, is not to cloud this issue but merely to solve a problem in labor law that really exists and in antitrust law that exists, something that would be more fair to both sides.

Under our labor laws, when you have a strike and there is an impasse, the management has the power to impose unilaterally terms and conditions of employment upon the players in this case. Ordinarily, that is a right that they should have in labor law. The problem is they are going to impose their contractual provisions, or their sought-after contractual provisions, on the players while hiding behind an antitrust exemption that is greatly to the disadvantage of the players.

I have said to the baseball owners that I think they would be better off if the exemption were lifted because then it comes down to a court litigation and they can resolve these matters without these types of strikes.

I cannot blame either side. They both have arguments that are worthy of consideration. But all the distinguished Senator from Ohio and I am trying to do is to say to the owners of those teams, "You can unilaterally impose, if you want to, any terms and conditions you want to under the law. But if you do, then you lose the antitrust exemption until this matter is resolved." It is a temporary loss, but it would give the players the right to have some rights as well in this matter.

To me, that is a fair way of doing it. To me, it is an intelligent way of handling it. Neither side would have a major advantage. If they want to continue to strike, they can; if the owners want to unilaterally impose terms and conditions, they can, but then they are going to be subject to an antitrust suit by the players if they do. So there will be a disincentive to do that.

I do think it would end the strike. I do think it would push both sides together. I do think they would resolve this. I really believe unless you do it, they are not going to resolve it, and we may face the same problems next year.

So I want to commend the distinguished Senator from Ohio for at least trying to get this thing resolved in a fair and equitable manner. Normally, he and I do not agree on labor law, but in this particular case, I think it is in both sides' interest to do it this way, although I have to say, those representing the owners of the baseball teams do not like it because it takes away a super advantage that they have—two advantages, because they have an advantage to unilaterally impose their conditions and they have an advantage of not having to suffer from litigation under the antitrust laws.

So some feel all the cards are in the hands of the owners, while really all they have is their ability to play ball. If the owners will not let them play, then that ability is gone as well.

These players have forsaken a billion dollars in salaries and in contract terms because they feel so strongly about this and they do not want salary caps unless there are some other things that are done.

I do not know what the final negotiations will result in, but what the amendment by the distinguished Senator from Ohio does is it gives both sides a chance to sit down without all of the fuss and fury and bother and really get this matter resolved. From that standpoint, I think it is a worthwhile thing to do, and I support the Senator from Ohio. I do think it is probably going to be very difficult for him to get it done in this context, but I support him and I hope we can get this matter resolved in the interest of everybody, but above all, especially the fans.

I took a little longer than a minute and a half. I apologize to my colleagues. I did want to make that statement for the RECORD.

I yield the floor.

Mr. HARKIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. HARKIN. Mr. President, I ask unanimous consent that the pending conference report and the amendment in disagreement—one amendment in disagreement left—be temporarily set aside, and that we move to the consideration of the Department of Agriculture conference report; that on the disposition of that conference report, we return to the conference report on Labor Health, Human Services, Education, and related agencies.

The PRESIDING OFFICER. Is there objection to the unanimous consent request?

Mr. DOMENICI. Reserving the right to object.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I was not present. I apologize for that. I gather you are going to do what Senator BUMPERS asked a while ago when I was present?

Mr. HARKIN. Yes.

Mr. DOMENICI. That means we are going to accept the amendments in disagreement?

Mr. BUMPERS. En bloc.

Mr. DOMENICI. Mr. President, I am not going to object, because I know the hard work that the subcommittee put into this. I notice both the chairman and the ranking Republican are on the floor. But I would just like to make a comment. I note the chairman of the Appropriations Committee is also on the floor.

While we agree on a lot of things, I say to Chairman BYRD, we do not agree on the issue of congressional reform as reported out by the bipartisan commission that then went to the Rules Committee and was, obviously, altered by way of the Rules Committee suggestions.

I do want the leadership to know—and I have told Senator DOLE and I have left word with Senator MITCHELL—that I do not think it is right that we recess this year without being able to offer the congressional reform bill. That does not mean the Senator from New Mexico is confident that it is going to pass as the commission reported it out, but I think we deserve an opportunity to offer it.

While I am going to give up one opportunity now, because the Senator from New Mexico could amend one of the amendments in disagreement and offer the commission-reported congressional reform bill, I do not choose to do that. But I think the leadership should know there are a couple of other opportunities where appropriations may have amendments in disagreement, or anything else that comes down the line.

Senator BOREN and I feel a few hours of good debate on why we are not adopting what was recommended might be in order after all the work that was spent, the time spent, the witnesses heard from, and meeting our deadline under the mandate of the Senate, not even using all the money they gave us; we are ready to have a vote.

I just want to make a case tonight that congressional reform, as reported by the bipartisan commission, that the Senator from New Mexico wants to at least get that measure up. We will get it up one way or another. I hope the leadership will find 4 or 5 hours in the remaining days to let us bring that up as a freestanding measure. We will ask them that again in the morning. That is why I was thinking of objecting.

I will not object. I do not object, and I yield the floor.

The PRESIDING OFFICER. Is there objection to the unanimous consent request by the Senator from Iowa to lay aside the conference report on Labor-HHS? Without objection, it is so ordered.

AGRICULTURAL, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1995—CONFERENCE REPORT

The PRESIDING OFFICER. The clerk will report the conference report on H.R. 4554.

The assistant legislative clerk read as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4554), making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1995, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The Senate proceeded to consider the conference report.

(The conference report is printed in the House proceedings of the RECORD of September 20, 1994.)

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I move that the Senate adopt the conference report on H.R. 4554.

The PRESIDING OFFICER. Is there further debate on the conference report? If not, the question is on agreeing to the motion.

So the motion was agreed to.

Mr. BUMPERS. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the Senate concur en bloc with the amendments of the House to the amendments of the Senate in disagreement, and that all the preceding motions be considered en bloc and tabled.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendments are as follows:

Resolved, That the House agree to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4554) entitled "An Act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1995, and for other purposes.".

Resolved, That the House recede from its disagreement to the amendments of the Senate numbered 5, 18, 24, 29, 58, 83, 95, 96, and 101 to the aforesaid bill, and concur therein.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 11 to the aforesaid bill, and concur therein with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows: "$475,000 for rangeland research grants as authorized by subtitle M of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended; $8,990,000 for contracts and grants for agricultural research under the Act of August 4, 1965, as amended (7 U.S.C. 450i(c));".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 15 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: "$433,438,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 25 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: "$443,651,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 26 to the aforesaid bill, and concur therein with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows:

In fiscal year 1995 the agency is authorized to collect fees to cover the total costs of providing technical assistance, goods, or services requested by States, other political subdivisions, domestic and international organizations, foreign governments, or individuals, provided that such fees are structured such that any entity's liability for such fees is reasonably based on the technical assistance, goods, or services provided to the entity by the agency, and such fees shall be credited to this account, to remain available until expended, without further appropriation, for providing such assistance, goods, or services.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 32 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter stricken by said amendment, insert: ": *Provided*, That until October 1, 1995, the Secretary of Agriculture may collect and use such sums as may be necessary for the delivery of catastrophic risk protection under subsections (b) and (c) of section 508 of the Federal Crop Insurance Act, as that Act would be amended by section 6(a)(3) of H.R. 4217 as passed by the House on August 5, 1994, if such provision or similar provision is enacted into law: *Provided further*, That in addition to amounts otherwise appropriated in this Act, there are hereby appropriated such sums as may be necessary to carry out the purposes of the crop insurance fund established under section 516 of the Federal Crop Insurance Act, as that Act would be amended by sections 8 (b) and (c) of H.R. 4217, if such provision or similar provision is enacted into law".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 33 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

DISASTER ASSISTANCE

Such sums as may be necessary from the Commodity Credit Corporation shall be available, through July 15, 1995, to producers under the same terms and conditions authorized in chapter 3, subtitle B, title XXII of Public Law 101–624 for 1994 crops, including aquaculture and excluding ornamental fish, affected by natural disasters: *Provided*, That these funds shall be made available upon enactment of this Act: *Provided further*, That such funds shall also be available for payments to producers for 1995 through 1996 orchard crop losses, if the losses are due to freezing conditions incurred between January 1, 1994 and March 31, 1994, and Federal crop insurance is not available for affected orchard crop producers: *Provided further*, That such funds shall also be available to fund the costs of replanting, reseeding, or repairing damage to commercial trees, including orchard and nursery inventory, as a result of 1994 weather-related damages: *Provided further*, That the terms and conditions of section 521, paragraph (a)(3) and (4), paragraph (b)(3), subparagraph (c)(2)(C), and subsections (d) and (e), as amended in section 201 of S. 2095 (as reported by the Committee on Agriculture, Nutrition, and Forestry on June 22, 1994) shall apply to all claims for assistance made under this paragraph; *Provided further*, That such amounts and uses of funds made available under the paragraph are designated by Congress as emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, and that such funds and uses shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 34 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert: "$556,062,000, and the unobligated and uncommitted portion of the fiscal year 1994 appropriation for the Conservation Reserve Program shall be transferred to this account".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 37 to the aforesaid bill, and concur therein with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows: "(of which $10,000,000 shall be available for the watersheds authorized under the Flood Control Act approved June 22, 1936 (33 U.S.C. 701, 16 U.S.C. 1006a), as amended and supplemented): *Provided*, That, for fiscal year 1995 only, not to exceed 10 per centum of the foregoing amounts shall be available for allocation to any one State".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 41 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: "$2,200,000,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 42 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: "$244,720,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 57 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter stricken by said amendment, insert:

RURAL WATER AND WASTE DISPOSAL GRANTS

Notwithstanding any other provision of law, the Secretary may use 1980 or 1990 census information for grant eligibility of projects submitted to the agency prior to the availability of 1990 census information in amounts not to exceed total project cost overruns.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 70 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum named in said amendment insert: "$500,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 75 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert: "and section 601 of Public Law 96–597 (48 U.S.C. 1469d), $28,830,710,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 76 to the aforesaid bill, and concur therein with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows: ": *Provided further*, That none of the funds in this Act shall be used to cash out food stamp benefits beyond a total of 25 projects and the total participation in such projects shall not exceed 3 per centum of the estimated national household level participating in the Food Stamp Program".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 84 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

The stay (published at 58 Fed. Reg. 47962) of the 1987 food additive regulation relating to selenium (21 Code of Federal Regulations 573.920) is suspended until December 31, 1995.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 89 to the aforesaid bill, and concur therein with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows: ": *Provided*, That the Commission is authorized to charge reasonable fees to attendees of Commission sponsored educational events and symposia to cover the Commission's costs of providing those events and symposia, and notwithstanding 31 U.S.C. 3302, said fees shall be credited to this account, to be available without further appropriation".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 91 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert: ", unless additional acres in excess of the 100,000 acre limitation can be enrolled without exceeding $93,200,000: *Provided*, That the unobligated portion of the fiscal year 1994 appropriation shall be transferred to and merged with the appropriation for the Soil Conservation Service, Conservation Operations".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 94 to the aforesaid bill, and concur therein with an amendment as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of the sum named in said amendment, insert: "$25,650,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 98 to the aforesaid bill, and concur therein with the following amendments:

Delete the matter inserted by said amendment, and on page 61, line 12, of the House engrossed bill strike "$94,500,000" and insert in lieu thereof $84,500,000, and on page 79, line 18, of the House engrossed bill strike "$850,000,000" and insert in lieu thereof $800,000,000

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 100 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

SEC. 725. The Secretary shall take reasonable steps to ensure that no funds made available under this Act be used to provide any direct individual Federal benefit or assistance to any individual applying for such benefit or assistance unless said individual meets all eligibility criteria for the benefit or assistance.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 102 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

SEC. 727. REPAYMENT OF DEFICIENCY PAYMENTS.—In any case in which the Secretary of Agriculture finds that the farming, ranching, or aquaculture operations of producers on a farm have been substantially affected by a natural disaster in the United States or by a major disaster or emergency designated by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Secretary of Agriculture shall not require any repayment under subparagraph (G) or (H) of section 114(a)(2) of the Agricultural Act of 1949 (7 U.S.C. 1445j(a)(2)) for the 1993 crop of a commodity prior to March 1, 1995.

Mr. BUMPERS. Mr. President, I am pleased to bring before the Senate, the conference report on H.R. 4554, the appropriations bill for agriculture, rural development, and related agencies for fiscal year 1995. I hope my colleagues will support it.

As was the case when we considered the bill on the Senate floor, it is an extremely tight bill. So tight that, in my opinion, it does not do justice to agriculture programs in this country. We have devastated conservation programs. We have slashed rural housing programs. We have drastically reduced the farm loan programs. Rural electrification and telephone programs are cut back significantly. The P.L. 480 program is below this year's level by 16 percent.

None of these cuts are popular. In my opinion, they are not wise either.

The only programs that did well are the nutrition programs. And that is because they are either mandatory programs, or very politically popular. Food stamp funding is at an all-time high of $29 billion. Child nutrition programs take up $7.5 billion of the total. The WIC program is funded as proposed by both the House and Senate at $3.47 billion, a $260 million increase to the 1994 level.

Mr. President, I want to stress that well over half of the funding in this bill—58 percent—or $40.3 billion is for domestic food programs that go predominantly to urban areas.

The conference agreement provides funding levels similar to the Senate bill for agricultural research, rural development, conservation, extension, and inspection programs.

The food Safety and Inspection Service is funded at exactly this year's level, which is $17 million less than what the President proposed. I don't know exactly how this agency will make it through the year at this level, but I hope it figures it out while still maintaining the safety of the Nation's meat and poultry supply.

Probably the most significant change the conferees made to the Senate bill affects the Food and Drug Administration. The bill does not require the additional $163 million in user fees that the Senate bill originally contained. Total salaries and expenses of FDA are set at $905,894,000. This amount represents an increase of $36,271,000 to the 1994 level, but a reduction of $18.6 million to the overall level the Senate had proposed.

In order to accommodate this change to the Senate level of funding, other changes had to be made. The Commodity Supplemental Food Program is funded at $84.5 million instead of $94.5 million in both the House and Senate bills. Instead of capping funding at $90 million for the Market Promotion Program, the conferees agreed to a level of $85.5 million. Similarly, the Export Enhancement Program is capped at a level of $800 million, instead of $850 million as proposed by both the House and Senate. The Sunflower and Cottonseed Oil Assistance Program is capped at $25,650,000—a level lower than what was proposed by either the House or the Senate.

Another reduction to both the House and Senate levels was made in the rural housing section 502 program. The direct loan level is set at $1.2 billion in the conference agreement. The House level was $1.3 billion and the Senate level was $1.4 billion. This is a cut that is particularly troublesome and, in my opinion, unwise. But, as I stated earlier, the conferees were constrained in our options and we had to make many unpopular and unwise decisions.

Finally, the conservation operations account of the Soil Conservation Service has a direct appropriation of $556 million. However, we have provided for the transfer of unused balances in both the Wetlands Reserve Program and the Conservation Reserve Program to conservation operations. We expect the level for this account to be at approximately $587 million—about $4 million less than this year.

In summary, the conference bill totals $69 billion in total new obligational authority.

I commend the conference report to my colleagues and recommend that it be accepted.

Mr. President, I want to thank everybody who cooperated in allowing us to submit this conference report tonight.

I will make about 30 seconds' worth of observations and say that this is only the second year I have chaired this subcommittee. But I can tell you, this has been one of the most trying experiences I ever had.

We were required under the allocation system of the Senate, to make very dramatic cuts from what we have been allowed to do in the past. We had numerous requests from Senators wanting money for projects in their States. Obviously, we all like to accommodate Senators on both sides of the aisle.

I might say—and without any real denigration of anybody—that sometimes the Senators who plead the longest and the hardest for projects in their States get them and wind up voting against the bill. I must say I take exception to people who play that game of getting something in the bill and then voting against the bill and going home and telling their constituents what great fiscal conservatives they are by voting against the bill, when they were at the trough.

Having said that, I consider this to be a truly fine bill, within the limits of the amount of money we had to spend. We had to make some draconian cuts, even in 550 and housing. We made other cuts in TEFAP; for example, which is a commodities program for poor people, and it is always very difficult to cut programs like that. We had to cut the export promotion program and others that have almost universal support in the Senate.

In any event, I will close by saying that I sincerely appreciate and publicly thank my distinguished colleague from Mississippi, Senator COCHRAN, for his usual courtesies and fine spirit of cooperation in getting this bill passed and getting it out of conference and here this evening.

I yield the floor.

Mr. COCHRAN. Mr. President, I thank the distinguished Senator from Arkansas for his kind comments and also for his excellent work, his hard, and effective work in getting this bill to this point where we tonight present a conference agreement that totals $68 billion in funding for the next fiscal year for the programs and activities under the jurisdiction of this subcommittee.

I might point out to the Senate that this is nearly $3 billion below the fiscal year 1994 enacted level and $461 million below the level requested by the President for these programs. If people are interested in our exercising some fiscal restraint and imposing reductions in spending, they can point to this bill as an example of just that.

Including congressional budget scorekeeping adjustments and prior-year spending actions, this conference agreement provides total discretionary spending for fiscal year 1995 of $13.4 billion in budget authority and $13.9 billion in outlays. These amounts are within the subcommittee's revised 602(b) discretionary spending allocations.

The committee of conference on this bill considered 102 amendments in disagreement between the two Houses. While not all issues were settled as I would have preferred, I believe we have reached an agreement which meets the many funding requirements covered by the bill within the limited resources available. The conference committee did not have an easy task. Major funding differences between the House and Senate bills had to be compromised to achieve a total net reduction in discretionary spending of $1.2 billion below the fiscal year 1994 level.

Approximately $40.2 billion, close to 60 percent of the total new budget authority provided by this bill, is for domestic food programs administered by the U.S. Department of Agriculture. This represents a net increase of $805 million above the fiscal year 1994 level for these programs, which include food stamps; the special supplemental food program for Women, Infants, and Children [WIC]; the school lunch and breakfast programs; and the Emergency Food Assistance Program.

The $260-million increase above fiscal year 1994 for the Women, Infants, and Children [WIC] Program, as recommended in both the House and Senate bills, remains the single largest program funding increase provided by this bill.

For the Emergency Food Assistance Program, the conference agreement provides $65 million, $15 million below the House bill recommendation for commodity purchases and $25 million above the budget request level recommended in the Senate bill. The conference agreement also reduces the Commodity Supplemental Food Program $10 million below the Senate bill level in light of the anticipated balance of carryover funds which will be available for the program at the beginning of the new fiscal year.

The conference agreement provides $144.8 million above the Senate bill appropriation for salaries and expenses of the Food and Drug Administration. As my colleagues will recall, the bill, as passed by the Senate, assumed that new FDA user fee collections, as requested by the President, would be available to partially fund these FDA costs in fiscal year 1995. The House lodged a constitutional objection to this user fee provision and returned the bill to the Senate. To get this bill into conference, the Senate dropped the objectionable provision, leaving a gap of $160 million between the House and Senate recommended appropriation levels for FDA salaries and expenses.

The conferees have provided $819.971 million, $6.6 million above the fiscal year 1994 level and $15 million below the House bill level for FDA's salaries and expenses appropriation. As I said, this is $145 million above the Senate-passed bill level.

To get where we are, to keep this bill within its spending targets, many agriculture and rural development programs have suffered funding reductions.

Total funding for agricultural programs has been reduced by $2.6 billion below the fiscal year 1994 level; funding for USDA conservation programs has been reduced a total of $654 million below current levels; Farmers Home and Rural Development programs by a total of $297 million; and USDA's foreign assistance activities, including Public Law 480, have been reduced by a total of $216 million below fiscal year 1994 levels.

The USDA conservation programs have been hit particularly hard. Funding of $6.6 is provided for the Forestry Incentives Program, 52 percent below the program's current funding level.

Funding of $4.5 million is provided for the Colorado River Basin Salinity Control Program, 33 percent below the fiscal year 1994 level. The watershed and flood prevention program has been reduced 32 percent, from a fiscal year 1994 appropriation level of $220.8 million to $70 million. I would like to add here that I am hopeful the administration will maximize funding for this particular program in fiscal year 1995 by supplementing this appropriation with any of the fiscal year 1994 supplemental funds not required for emergency work, as directed by both the House and Senate.

Other reductions in agriculture and rural development programs below the levels recommended in the Senate-passed bill include: $2.5 million for Alternative Agricultural Research and Commercialization; $2.4 million for the Agricultural Research Service; $17.2 million for the Food Safety and Inspection Service; $200 million in authority for direct Section 502 rural low-income housing loans; and $71.3 million in direct rural water and sewer facility loan authorizations.

In addition, the Senate bill limitation on funding for the Market Promotion Program has been reduced from $90 million to $85.5 million; the limitation on Export Enhancement Program subsidies has been reduced from $850 million to $800 million; and the limitation on cottonseed and sunflower oil assistance subsidies [COAP and SOAP] from $27 million to $25.65 million.

Mr. President, I realize that sacrifices are required of everyone if we are to reduce the Federal budget deficit. However, I regret that the resources allocated for this bill prevent us from maintaining and increasing funding for the FDA and our Nation's feeding programs as well as these programs so essential to agriculture and to rural America. These are beneficial programs. They help America's farmers to be competitive both here and abroad; they provide essential services to people in rural towns and communities across this Nation; they work to conserve and protect our Nation's natural resources.

Mr. President, again, I would point out to my colleagues that there are genuine cuts in this bill. Senators and others have heard criticism and cynical comments about how you hear about spending reductions or cutting spending, but you never see it really happen. I am here to tell you tonight that it really happened in this bill. There are substantial reductions in spending, and many that were very difficult for us to agree upon.

Mr. President, I want to thank our hardworking staff members. They have done an outstanding job, and without their help, we would not have been successful in getting this conference agreement, this legislation, to this point.

Mr. BUMPERS. Mr. President, I echo Senator COCHRAN's comments about the hardworking staff. They have done an excellent job on this, and I also echo what he said about the $3 billion that we have cut out of this bill this year.

People—if they are really serious about deficit reduction—have to do these things, painful and unpleasant as they are. We have done it. I dare say that if every committee or subcommittee of the Appropriations Committee had to take the same kind of percentage cut we did, you would see the deficit down to less than it is this year or going to be next year. That concludes our statements.

AGRICULTURAL RESEARCH FACILITIES CLOSURE

Mr. LEAHY. Mr. President, I rise today to express my great disappointment and frustration with actions taken by the Committee of Conference on the Agriculture, Rural Development and Related Agencies appropriations bill.

I have been fighting for years to bring some sanity to the way we fund agricultural research facilities. The plain and simple truth is that too many USDA research facilities are underutilized, falling apart, and ill-equipped to carry out modern scientific research.

Just 2 months ago, the Senate approved, by a vote of 76 to 23, an amendment offered by Senator LUGAR and myself to close 19 USDA research facilities, as recommended in the President's budget.

The conference report before us today, however, keeps open 10 of those facilities for another year, for further evaluation.

I want to make sure it is perfectly clear what we are talking about here. These are Federal laboratories—payed for with Federal tax dollars, staffed with Federal employees, and designed to meet national research objectives—that the Federal government wants to close. If the President and the USDA have concluded they are no longer justifiable, how can we possibly insist on keep them open?

We do not need to keep these facilities open for another year—we do not even need to keep them open for another day—and we certainly do not need any further evaluation. The facilities proposed for closure were identified after an extensive evaluation process spanning two administrations. We have all the information we need.

Let me give you just one graphic example. One of the facilities that the conference report recommends keeping open has only five scientists and 89 separate buildings. That's almost 18 buildings per scientist.

We have all agreed that the Department of Agriculture must be restructured and downsized. The Senate made clear its commitment to reform on April 13, 1994 when it passed our major USDA reorganization bill 98 to 1. It reconfirmed that commitment just last month when it again passed the USDA reorganization bill as an amendment to our crop insurance reform bill.

Everyone supports reform, but when it comes down to actually doing the work—when we start on the road to reform—roadblocks are thrown up before us.

It is this kind of action that makes the American people so disillusioned about the Federal Government. This is a test of whether we are serious about budget reform. If we cannot support the President and shut down these 10 outdated research facilities, how will we ever cut a $200 billion deficit?

Closing these 10 facilities makes good sense. It would save more than $7.5 million per year, and allow USDA to direct its limited resources to higher priority research programs. We all know the value of agricultural research—and that is why we must get a handle on facilities spending.

We can spend our money on research that is going to take us into the next century, or we can spend it on buildings that were built a half century ago. But we cannot do both.

I realize that this appropriations bill is critical to American farmers and I will not hold it hostage over this issue. But refunding these research facilities is an outrageous and infuriating waste of millions of dollars—and let me assure you, and all our colleagues, that you have not heard the last of this. I will not give up this fight.

Mr. LUGAR. Mr. President, I share the chairman of the Senate Agriculture Committee's deep disappointment with the conference committee's decision to reject our amendment and recommend continuation of 10 Agricultural Research Service facilities proposed for closure by the Department of Agriculture.

Mr. President, the Agriculture appropriations bill passed by the other body recommended only five ARS facilities for continuation. The Senate voted overwhelmingly against placing any limits on the Secretary's authority to close all 10 research facilities for continuation. This conference agreement ignores the guidelines passed by both bodies and recommends continuation of 10 facilities.

Mr. President, this conference agreement has broader implications. It's not just a matter of the conference agreement adding facilities instead of subtracting. Congress has failed a key test in our ability to oversee the downsizing of the U.S. Department of Agriculture.

Earlier this year, this body voted 98 to 1 in favor of reorganizing and streamlining the Department of Agriculture. When the chairman and I offered the Senate a concrete opportunity to further this effort by affirming the Secretary's authority to close ARS facilities, members voted 76 to 23 in support of our amendment to the bill before us. The Senate has spoken clearly on this issue.

I want to remind my colleagues that the facilities the Department of Agriculture recommended for closure were not chosen at random. Two different administrations, representing two different political parties, thorougly reviewed ARS facilities using objective criteria. And yet that is apparently not good enough for some in Congress.

By rejecting the chairman's and my amendment, Congress is telling the Department and the taxpayers that it wants to hang on to virtually every outpost of the Federal Government's agricultural research network, no matter how outdated, no matter how duplicative. I do not believe that is the message the voters want to hear.

Mr. GRASSLEY. Mr. President, I would like to enter into a brief discussion with the Senator from Mississippi regarding the establishment of an important research center in the Midwest. I had urged the Senate Appropriations Subcommittee on Agriculture to consider funding the establishment of the center in this year's appropriation, but I understand the numerous projects competing for funding. It is my hope that the project could be a priority in next year's funding legislation. I would also encourage the administration to include the project in future budget proposals.

There is great interest in utilizing vegetation in filter strips along streams, around sink holes, in buffer strips around cropland, as cover crops to reduce surface runoff and as vegetative terraces in breaking long erosive slopes. I believe that the establishment of a Plant Materials Center at the University of Northern Iowa would be a great asset to the Midwest in the research and development of appropriate vegetation to most fully accomplish these goals. I know that the Senator from Mississippi shares my concern for providing beneficial information and practices to our Nation's farmers and would ask whether he would join me in my support for the development of the center.

Mr. COCHRAN. Mr. President, I commend the Senator from Iowa for his interest in improving the information available to our Nation's farmers. I know that a center for the development of plants in the upper Midwest area would be beneficial in enhancing the available knowledge in the field and would be a worthy project. I would be glad to give every consideration to the establishment of a Plant Material Center in Iowa in next year's funding legislation. I would also think that the administration might consider including the project in next year's budget. I know that all citizens in the upper Midwest would benefit from the research and development that could be accomplished at such a center.

Mr. GRASSLEY. I thank my friend for his interest in the development of the Plant Material Center. I feel that the research from such a center could be put to use by Federal, State and county agencies as well as private individuals. It could be utilized for roadside native prairie planting, CRP prairie planting, prairie reconstruction projects and wet prairie plantings in the Wetland Reserve Program. I believe the benefits derived would be widespread and the knowledge gained invaluable in better utilizing the plant species available for use in the region. I again thank my colleague for his cooperation. I know that he will give his full attention and consideration to the establishment of this important center.

LAKE CHAMPLAIN-RELATED PROVISIONS

Mr. LEAHY. Mr. President, I address my remarks to the Senator from Arkansas, the floor manager of this conference report. I very much appreciate the two Lake Champlain-related provisions the subcommittee included in the Agricultural Stabilization and Conservation Service section of Senate Report 103–290. These two provisions—one relative to the Water Quality Incentives Program and the other to Agricultural Conservation Program cost share assistance—are authorized under the Lake Champlain Special Designation Act of 1990. Both are central to long-term efforts to stabilize and improve the water quality of this large, magnificent lake.

Neither of these provisions are referred to directly in House Report 103–734, the measure presently under consideration. However, it is my understanding that in the absence of conference report language to the contrary, the two provisions I have cited in Senate Report 103–290 remain in effect. Does the Senator share this interpretation?

Mr. BUMPERS. In response I would direct my friend's attention to the first sentence of the second paragraph under Congressional Directives on page 7 of the conference report. It states: "Report language included by the House which is not changed by the report of the Senate, and Senate report language which is not changed by the conference are approved by the committee of conference."

Mr. LEAHY. I appreciate my friend's response, and his consideration for the concerns I and several of our colleagues have expressed in Senate report language.

CHILD AND ADULT CARE FOOD PROGRAM

Mr. LEAHY. Several years ago, the Congress authorized demonstration projects for proprietary day care centers within the USDA-funded nutrition programs. These Child and Adult Care Food Program projects have been conducted in Iowa and Kentucky for the last 4 years.

Since 1992, the Department has continued to operate them under guidance from the Appropriations Committee.

They are very worthwhile demonstration projects which the Department will continue to operate in fiscal year 1995. The evidence shows that the projects are well-targeted nutrition programs that help low-income working families whose children are in child care.

Is it the Senator's understanding that the Department will continue to operate these important projects?

Mr. BUMPERS. I expect USDA to continue to operate these projects as they have been. This act provides the fiscal year 1995 appropriation requested for the Child and Adult Care Food Program which I understand includes funding to continue these projects.

Mr. COCHRAN. I agree with the Senator from Arkansas [Mr. BUMPERS], that USDA has accounted for this demonstration project in its budget, and this project will continue to be funded.

Mr. HARKIN. I appreciate the Senators' position, Senator BUMPERS and Senator COCHRAN, since these projects meet important needs and have been successful. I likewise understand that these projects are included in USDA's budget and will receive funding for fiscal year 1995.

Mr. McCONNELL. I, too, agree with these assertions. As Senator LEAHY mentioned, the projects have reached thousands of low-income children in Kentucky and Iowa. Because of this demo child care centers have improved the nutritional quality of the meals they serve to the children. It is my understanding as well that USDA has accounted for this project in their baseline, and the project will continue to be funded.

REPAYMENT OF ADVANCE DEFICIENCY PAYMENTS

Mr. HARKIN. Mr. President, I wish to clarify a matter of interest with the chairman of the Agriculture Subcommittee. Section 727 of H.R. 4554 would mandate that deficiency payments provided to producers affected by a natural disaster for the 1993 crop year would not become due before March 1, 1995. Accordingly, I would like to clarify that CCC would continue to have discretionary authority to begin the set off demand process for collections under the CCC Charter Act for those not covered by section 727, and that there is no scorekeeping effect for collections made on or after March 1, 1995, provided they are made within the fiscal year.

Mr. BUMPERS. The Senator from Iowa is correct. Section 727 would not restrict or limit the authority for beginning the collections process provided under the CCC Charter Act.

Mr. HARKIN. I thank the chairman for the consideration he has given to farmers and ranchers who have experienced hardship in recent years.

Mr. DOMENICI. Mr. President, I rise in support of the Agriculture, Rural Development, and related agencies conference report.

The conference report provides $67.5 billion in new budget authority and

$43.2 billion in new outlays for the Department of Agriculture, Food and Drug Administration, and related agencies for fiscal year 1995.

When outlays from prior-year budget authority and other completed actions are taken into account, the Senate-reported bill totals $58.1 billion in budget authority and $50.3 billion in outlays for fiscal year 1995.

Based on CBO estimates, the Senate subcommittee is $1.5 billion in budget authority below its 602(b) allocation and essentially at its outlays allocation. The conference report is $295.7 million in budget authority below and $25.7 million in outlays above the President's request.

It is $65.8 million in budget authority and $1.0 million in outlays above the House-passed bill. The conference report is $90.8 million in budget authority and $66.3 million in outlays above the Senate-passed bill.

Mr. President, the conference report also includes report language which states: "The conferees expect the Office of Management and Budget and the Congressional Budget Office to continue to provide conservation reserve program costs in their baselines . . ."

If this would have been statutory in nature, the bill would have been subject to a 60 vote budget-point-of-order.

Since the language is not statutory it will not determine the CBO baseline.

I bring this up today because the budget committee has a uniform set of rules and procedures and we should not change those rules and procedures in a piecemeal fashion.

I commend the distinguished subcommittee chairman and ranking member for their support of $3.47 billion for the WIC Program, an increase of $260 million over the 1994 level.

I appreciate the subcommittee's support for a number of ongoing projects and programs important to my home State of New Mexico as it has worked to keep this bill within its budget allocation.

I urge the adoption of the bill.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. METZENBAUM. Mr. President, on behalf of the majority leader I ask unanimous consent that there be a period for morning business with Senators permitted to speak therein for up to 3 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE AMERICAN INDIAN RELIGIOUS FREEDOM ACT

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the Indian Affairs Committee be discharged from further consideration of H.R. 4230, a bill to amend the American Indian Religious Freedom Act, that the Senate then proceed to its immediate consideration, that the bill be read a third time, passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the Senate proceeded to consider the bill to amend the American Indian Religious Freedom Act to provide for the traditional use of peyote by Indians for religious purposes, and for other purposes.

So the bill (H.R. 4230) was deemed read the third time, and passed.

MEASURE PLACED ON THE CALENDAR—H.R. 4008

Mr. METZENBAUM. Mr. President, I ask unanimous consent that H.R. 4008, the National Oceanic and Atmospheric Administration Authorization Act, received from the House and at the desk be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROY M. WHEAT POST OFFICE ACT

AUBREY C. OTTLEY POST OFFICE ACT

CANDACE WHITE POST OFFICE ACT

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the Senate proceed, en bloc, to the immediate consideration of Calendar Nos. 627 and 628, that the bills be read three times, passed and the motions to reconsider be laid upon the table, en bloc; further that the consideration of these items appear individually in the RECORD; and any statements relative to these calendar items appear at the appropriate place in the RECORD; provided further that upon disposition of these measures, the Governmental Affairs Committee be discharged from further consideration of H.R. 4177, designating the Candace White P.O., and that the Senate proceed to its immediate consideration; that the bill be read three times, passed and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROY M. WHEAT POST OFFICE ACT

The bill (H.R. 3839) to designate the U.S. Post Office located at 220 South 40th Avenue in Hattiesburg, MS, as the Roy M. Wheat Post Office was considered, ordered to a third reading, deemed read the third time, and passed.

AUBREY C. OTTLEY POST OFFICE ACT

The bill (H.R. 4191) to designate the U.S. Post Office located at 9630 Estate Thomas in St. Thomas, VI, as the Aubrey C. Ottley United States Post Office was considered, ordered to a third reading, deemed read the third time, and passed.

Mr. BRADLEY. Mr. President, I rise in support of the passage of legislation to rename the Middletown Post Office in memory of Candace White, a courageous letter carrier who died at far too young an age.

Candy White was an extraordinarily dedicated worker at the Middletown Post Office for 3 years when, at a mere 24 years of age, Ms. White entered the hospital because of heart problems. Candy White was told by doctors that she needed a heart transplant immediately, but after 3 weeks of waiting for a donor and a progressively worsening situation, Candy had to settle for a ventricular-assist device, a heart outside her body. Finally, a donor became available and Candy received her new heart in the May of 1992. After only 4 months of recovery, Candy returned to work for the Post Office in September. Her unbelievably fast return to work showed how dedicated this woman was to her job. Sadly, she did not work long, as her body rejected her new heart and Candy White's all too short life ended in May of 1993.

Candy White was both dedicated to, and loved by, the workers and customers of the Middletown Post Office. While in the hospital, Candy received daily visits from her co-workers, who donated hundreds of hours of leave to their beloved friend. A bowling telethon and other programs organized by the letter-carriers of the Middletown Post Office raised money to help pay for Candy's medical bills and the salary she lost while in the hospital. When at the age of 26, Candy White passed away, her funeral was attended by every carrier who had had the chance to meet her as well as by over 200 local customers.

Mr. President, naming the Middletown Post Office after Candy White will not bring back this wonderful young woman. But it will keep her memory alive for those who knew and loved her, and remind those who never had the chance to know Candy of the importance of courage, a loving heart, and a devotion to public service.

Mr. President, I ask unanimous consent that a letter from the deputy mayor of Middletown, Joan Smith, be printed in the RECORD at this point to clarify several points related to the naming of this post office.

There being no objection the letter was ordered to be printed in the RECORD, as follows:

THE TOWNSHIP OF MIDDLETOWN,
MIDDLETOWN, NJ,
September 27, 1994.

Senator WILLIAM BRADLEY,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR BRADLEY: The Township Committee has reviewed Federal Bill 4177 and applauds the spirit of the Bill and the intent to honor the exemplary life of Candice White.

In order to dissuade the concerns of some residents and customers of the Middletown Post Office we request that the following clarifying language be included as part of the Bill when adopted.

It is understood that this Bill is in accordance with Sec. 518.124 of the Administrative Support Manual of the United States Post Office which provides a procedure to honor an individual. This Bill, when enacted, will have no effect on local addresses, mail processing, or delivery operations. The Middletown Post Office will continue to serve residents of the 07748 Zip Code service. The last line of the mailing address will continue to be Middletown, NJ 07748. Letter carriers and clerks will remain employees of the Middletown Post Office and letters posted at that office still will receive Middletown Postmarks.

It is further understood that signage on the Post Office will continue to be the Middletown Post Office.

Thank you for your consideration and cooperation in this matter.

Very truly yours,

JOAN A. SMITH,
Deputy Mayor.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT 103-37 AND TREATY DOCUMENT 103-38

Mr. METZENBAUM. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from two treaties transmitted to the Senate on September 26, 1994, by the President of the United States:

Treaty Between the United States of America and Ukraine Concerning the Encouragement and Reciprocal Protection of Investment, with Annex, and related exchange of letters, done at Washington on March 4, 1994. (Treaty Document 103–37);

Treaty Between the Government of the United States of America and the Government of the Republic of Estonia Concerning the Encouragement and Reciprocal Protection of Investment, with Annex, done at Washington on April 19, 1994. (Treaty Document 103–38);

I also ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty Between the Government of the United States of America and the Government of the Republic of Estonia for the Encouragement and Reciprocal Protection of Investment, with Annex, done at Washington on April 19, 1994. Also transmitted for the information of the Senate is the report of the Department of State with respect to this Treaty.

This bilateral investment Treaty with Estonia is the first such Treaty between the United States and a Baltic state. This Treaty will protect U.S. investors and assist the Republic of Estonia in its efforts to develop its economy by creating conditions more favorable for U.S. private investment and thus strengthening the development of the private sector.

The Treaty is fully consistent with U.S. policy toward international and domestic investment. A specific tenet of U.S. policy, reflected in this Treaty, is that U.S. investment abroad and foreign investment in the United States should receive national treatment. Under this Treaty, the Parties also agree to international law standards for expropriation and compensation for expropriation; free transfer of funds associated with investments; freedom of investments from performance requirements; fair, equitable and most-favored-nation treatment; and the investor or investment's freedom to choose to resolve disputes with the host government through international arbitration.

I recommend that the Senate consider this Treaty as soon as possible, and give its advice and consent to ratification of the Treaty, with Annex, at an early date.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 26, 1994.*

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty Between the United States of America and Ukraine Concerning the Encouragement and Reciprocal Protection of Investment, with Annex and related exchange of letters, done at Washington on March 4, 1994. Also transmitted for the information of the Senate is the report of the Department of State with respect to this Treaty.

This bilateral investment Treaty with Ukraine is the seventh such Treaty between the United States and a newly independent state of the former Soviet Union. This Treaty will protect U.S. investors and assist Ukraine in its efforts to develop its economy by creating conditions more favorable for U.S. private investment and thus strengthening the development of the private sector.

The Treaty is fully consistent with U.S. policy toward international and domestic investment. A specific tenet of U.S. policy, reflected in this Treaty, is that U.S. investment abroad and foreign investment in the United States should receive national treatment. Under this Treaty, the Parties also agree to international law standards for expropriation and compensation for expropriation; free transfer of funds associated with investments; freedom of investments from performance requirements; fair, equitable and most-favored-nation treatment; and the investor or investment's freedom to choose to resolve disputes with the host government through international arbitration.

I recommend that the Senate consider this Treaty as soon as possible, and give its advice and consent to ratification of the Treaty, with Annex, and related exchange of letters at an early date.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 26, 1994.*

THE JACOB K. JAVITS SENATE FELLOWSHIP PROGRAM

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 269, a resolution related to the Jacob K. Javits Senate Fellowship Program submitted earlier today by the majority leader and the Republican leader, that the resolution be agreed to, and that the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the Senate proceeded to consider the resolution.

So the resolution (S. Res. 269) was agreed to.

The resolution is as follows:

S. RES. 269

Resolved, That Senate Resolution 75 (103d Congress, 1st Session), agreed to March 3, 1993, is amended—

(1) in section 2, by adding at the end thereof the following:

"(c) The Jacob K. Javits Foundation, Incorporated shall—

"(1) broadly publicize the availability of the fellowship program;

"(2) develop and administer an application process for Senate fellowships;

"(3) conduct a screening of applicants for the fellowship program; and

"(4) select participants without regard to race, color, religion, sex, national origin, age, or disability.";

(2) in section 3, by amending subsection (c) to read as follows:

"(c) The Secretary, after consultation with the Majority Leader and the Minority Leader of the Senate, shall assist with the placement of eligible participants in positions in the Senate that are, within practical considerations, supportive of the fellowship participants' academic programs. Fellows shall be considered as employees of the office or committee in which they are placed."; and

(3) in section 5, by inserting "the Minority Leader of" before "the Senate".

BANNING THE USE OF UNITED STATES PASSPORTS IN LEBANON

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 618, Senate Concurrent Resolution 74, a concurrent resolution concerning the ban on the use of United States passports in Lebanon; that the concurrent resolution and preamble be agreed to; the motions to reconsider be laid upon the table en bloc; and that any statements thereon appear in the RECORD at the appropriate places as though read.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the Senate proceeded to consider the concurrent resolution.

So the concurrent resolution (S. Con. Res. 74) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, is as follows:

S. CON. RES. 74

Whereas, on January 26, 1987, the United States Department of State issued a prohibition on the use of United States passports in Lebanon, creating in effect a ban on travel to Lebanon by United States citizens;

Whereas the ban on travel to Lebanon was instituted during a time of civil war, anarchy, and general lawlessness in Lebanon, when the safety and well-being of United States citizens were at particular risk as evidenced by the bombings of the United States Marine barracks and the United States Embassy in Beirut, in which a total of 258 United States citizens were killed, as well as by the taking of United States hostages by terrorists;

Whereas the civil war in Lebanon ended in 1990 and the last United States hostage held in Lebanon was freed on December 2, 1991;

Whereas the security situation in Lebanon has improved demonstrably since the end of the civil war;

Whereas the United States returned its Ambassador to Lebanon on November 28, 1990, and the United States maintains an economic and military assistance program in Lebanon;

Whereas it is estimated that more than 40,000 United States citizens traveled safely to Lebanon in 1993 either in defiance of the ban or under current United States regulations which permit the use of passports by dual Lebanese-United States nationals and in urgent humanitarian cases;

Whereas the Government of Lebanon has made considerable progress in reasserting sovereignty and control over significant portions of Lebanon despite the fact that the Taif accords have yet to be fully implemented;

Whereas the Lebanese Government has initiated a 10-year $18,000,000,000 reconstruction effort, and in 1993 awarded more than 100 contracts worth $2,400,000,000 to business firms for development, reconstruction, and consulting projects;

Whereas the ban on the use of United States passports in Lebanon creates a major impediment to United States firms that wish to bid for contracts in Lebanon;

Whereas it is in the United States national interest for United States firms to participate in the reconstruction of Lebanon, as United States participation will bring economic benefit to the United States and help to create a stable and sound infrastructure in Lebanon;

Whereas the United States Secretary of State must give paramount consideration to the safety and security of United States citizens in regulating their travel abroad; and

Whereas, in regulating the travel of United States citizens abroad, the United States Secretary of State has a variety of options, including instituting a travel advisory for countries where United States citizens are deemed at risk or have been attacked, as has been done for such countries as Bosnia, Rwanda, Somalia, Haiti, Colombia, Peru, the Philippines, and Turkey: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That—

(1) in determining whether to restrict the use of United States passports in any country, the Secretary of State should apply consistent criteria;

(2) in deciding whether to extend the ban on the use of United States passports in Lebanon, the Secretary of State should—

(A) give paramount consideration to the need to ensure the safety of United States citizens;

(B) give full consideration to the improved security situation in Lebanon, the effect of the ban on the opportunities for United States businesses, and the impact of the ban on United States interests in Lebanon and the Middle East; and

(C) give full consideration to whether United States interests would be more effectively served by removing the ban on the use of United States passports in Lebanon, and instituting instead of a travel advisory for Lebanon; and

(3) the Secretary of the Senate shall transmit a copy of this concurrent resolution to the Secretary of State.

CONDEMNING THE CRUEL AND TORTUOUS PRACTICE OF FEMALE GENITAL MUTILATION

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of Senate Resolution 263, a resolution to condemn the cruel and tortuous practice of female genital mutilation, and that the Senate then proceed to its immediate consideration, that the resolution and preamble be agreed to, en bloc, the motions to reconsider be laid upon the table, en bloc; that any statements relating thereto appear in the RECORD at the appropriate place.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the Senate proceeded to consider the resolution.

So the resolution (S. Res. 263) was agreed to.

The preamble was agreed to.

The resolution with its preamble is as follows:

S. Res. 263

Whereas the Senate recognizes the importance of traditions and ritual rites of passage in the cultures of all nations;

Whereas such traditions and rites should not impede or violate the human rights of any person:

Whereas the practice of female genital mutilation of girls and young women under the age 18 represents an act of cruelty and a basic violation of a person's human rights.

Whereas the aftereffects of female genital mutilation include shock, infection, psychological scarring, hemorrhaging, and death;

Whereas the practice of female genital mutilation represents a threat to the health of girls and young women who undergo the procedure; and

FULL FAITH AND CREDIT FOR CHILD SUPPORT ORDERS ACT

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 604, S. 922, a bill relating to State Court modifications to orders requiring payment of child support.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 922) to provide that a State court may not modify an order of another State court requiring the payment of child support unless the recipient of child consents to the seeking of the modification in that court support payments resides in the State in which the modification is sought or consents to the seeking of the modification in that court.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with an amendment to strike out all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Full Faith and Credit for Child Support Orders Act".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) there is a large and growing number of child support cases annually involving disputes between parents who reside in different States;

(2) the laws by which the courts of different jurisdictions determine their authority to establish child support orders are not uniform;

(3) those laws, along with the limits imposed by the Federal system on the authority of each State to take certain actions outside its own boundaries—

(A) encourage noncustodial parents to relocate outside the States where their children and the custodial parents reside to avoid the jurisdiction of the courts of such States, resulting in an increase in the amount of interstate travel and communication required to establish and collect on child support orders and a burden on custodial parents that is expensive, time consuming, and disruptive of occupations and commercial activity;

(B) contribute to the pressing problem of relatively low levels of child support payments in interstate cases and to inequities in child support payments levels that are based solely on the noncustodial parent's choice of residence;

(C) encourage a disregard of court orders resulting in massive arrearages nationwide;

(D) allow noncustodial parents to avoid the payment of regularly scheduled child support payments for extensive periods of time, resulting in substantial hardship for the children for whom support is due and for their custodians; and

(E) lead to the excessive relitigation of cases and to the establishment of conflicting orders by the courts of various jurisdictions, resulting in confusion, waste of judicial resources, disrespect for the courts, and a diminution of public confidence in the rule of law; and

(4) among the results of the conditions described in this subsection are—

(A) the failure of the courts of the States to give full faith and credit to the judicial proceedings of the other States;

(B) the deprivation of rights of liberty and property without due process of law;

(C) burdens on commerce among the States; and

(D) harm to the welfare of children and their parents and other custodians.

(b) STATEMENT OF POLICY.—In view of the findings made in subsection (a), it is necessary to establish national standards under which the courts of the various States shall determine their jurisdiction to issue a child support order and the effect to be given by each State to child support orders issued by the courts of other States.

(c) PURPOSES.—The purposes of this Act are—

(1) to facilitate the enforcement of child support orders among the States;

(2) to discourage continuing interstate controversies over child support in the interest of greater financial stability and secure family relationships for the child; and

(3) to avoid jurisdictional competition and conflict among State courts in the establishment of child support orders.

SEC. 3. FULL FAITH AND CREDIT FOR CHILD SUPPORT ORDERS.

(a) IN GENERAL.—Chapter 115 of title 28, United States Code, is amended by inserting after section 1738A the following new section:

"§ 1738B. Full faith and credit for child support orders

"(a) GENERAL RULE.—The appropriate authorities of each State—

"(1) shall enforce according to its terms a child support order made consistently with this section by a court of another State; and

"(2) shall not seek or make a modification of such an order except in accordance with subsection (e).

"(b) DEFINITIONS.—In this section:

"'child' means—

"(A) a person under 18 years of age; and

"(B) a person 18 or more years of age with respect to whom a child support order has been issued pursuant to the laws of a State.

"'child's State' means the State in which a child resides.

"'child support' means a payment of money, continuing support, or arrearages or the provision of a benefit (including payment of health insurance, child care, and educational expenses) for the support of a child.

"'child support order'—

"(A) means a judgment, decree, or order of a court requiring the payment of child support in periodic amounts or in a lump sum; and

"(B) includes—

"(i) a permanent or temporary order; and

"(ii) an initial order or a modification of an order.

"'contestant' means—

"(A) a person (including a parent) who—

"(i) claims a right to receive child support;

"(ii) is a party to a proceeding that may result in the issuance of a child support order; or

"(iii) is under a child support order; and

"(B) a State or political subdivision of a State to which the right to obtain child support has been assigned.

"'Court' means a court or administrative agency of a State that is authorized by State law to establish the amount of child support payable by a contestant or make a modification of a child support order.

"'Modification' means a change in a child support order that affects the amount, scope, or duration of the order and modifies, replaces, supersedes, or otherwise is made subsequent to the child support order.

"'State' means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the territories and possessions of the United States, and Indian country (as defined in section 1151 of title 18).

"(c) REQUIREMENTS OF CHILD SUPPORT ORDERS.—A child support order made is made consistently with this section if—

"(1) a court that makes the order, pursuant to the laws of the State in which the court is located—

"(A) has subject matter jurisdiction to hear the matter and enter such an order; and

"(B) has personal jurisdiction over the contestants; and

"(2) reasonable notice and opportunity to be heard is given to the contestants.

"(d) CONTINUING JURISDICTION.—A court of a State that has made a child support order consistently with this section has continuing, exclusive jurisdiction over the order if the State is the child's State or the residence of any contestant unless the court of another State, acting in accordance with subsection (e), has made a modification of the order.

"(e) AUTHORITY TO MODIFY ORDERS.—A court of a State may make a modification of a child support order with respect to a child that is made by a court of another State if—

"(1) the court has jurisdiction to make such a child support order; and

"(2)(A) the court of the other State no longer has continuing, exclusive jurisdiction of the child support order because that State no longer is the child's State or the residence of any contestant; or

"(B) each contestant has filed written consent to that court's making the modification and assuming continuing, exclusive jurisdiction over the order.

"(f) ENFORCEMENT OF PRIOR ORDERS.—A court of a State that no longer has continuing, exclusive jurisdiction of a child support order may enforce the order with respect to nonmodifiable obligations and unsatisfied obligations that accrued before the date on which a modification of the order is made under subsection (e).

"(g) CHOICE OF LAW.—

"(1) IN GENERAL.—In a proceeding to establish, modify, or enforce a child support order, the forum State's law shall apply except as provided in paragraphs (2) and (3).

"(2) LAW OF STATE OR ISSUANCE OF ORDER.—In interpreting a child support order, a court shall apply the law of the State of the court that issued the order.

"(3) PERIOD OF LIMITATION.—In an action to enforce a child support order, a court shall apply the statute of limitation of the forum State or the State of the court that issued the order, whichever statute provides the longer period of limitation.".

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 115 of title 28, United States Code, is amended by inserting after the item relating to section 1738A the following new item:

"1738B. Full faith and credit for child support orders.".

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the committee substitute amendment be agreed to; that the bill be deemed read a third time, passed; that the motion to reconsider be laid upon the table, and any statements thereon be placed in the RECORD at the appropriate place and as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (S. 922) was deemed read a third time and passed.

SMALL BUSINESS ADMINISTRATION AMENDMENTS OF 1994

Mr. METZENBAUM. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on a bill (S. 2060) to amend the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 2060) entitled "An Act to amend the Small Business Act and the Small Business Investment Act of 1958, and for other purposes", do pass with the following amendments:

Strike out all after the enacting clause and insert:

That this Act may be cited as the "Small Business Reauthorization and Amendment Act of 1994".

TITLE I—AUTHORIZATIONS

SEC. 101. AUTHORIZATIONS.

Section 20 of the Small Business Act (15 U.S.C. 631 note) is amended by striking all of such section after subsection (k), as added by section 115(a) of the Small Business Credit and Business Opportunity Enhancement Act of 1992, and by inserting in lieu thereof the following:

"(l) The following program levels are authorized for fiscal year 1995:

"(1) For the programs authorized by this Act, the Administration is authorized to make $142,000,000 in direct and immediate participation loans; and of such sum, the Administration is authorized to make $12,000,000 in loans as provided in section 7(a)(10) and $130,000,000 in loans as provided in section 7(m).

"(2) For the programs authorized by this Act, the Administration is authorized to make $11,535,000,000 in deferred participation loans and other financings. Of such sum, the Administration is authorized to make—

"(A) $9,315,000,000 in general business loans as provided in section 7(a);

"(B) $2,200,000,000 in financings as provided in section 7(a)(13) and section 504 of the Small Business Investment Act of 1958; and

"(C) $20,000,000 in loans as provided in section 7(m).

"(3) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make—

"(A) $23,000,000 in purchases of preferred securities;

"(B) $244,000,000 in guarantees of debentures, of which $44,000,000 is authorized in guarantees of debentures from companies operating pursuant to section 301(d) of such Act; and

"(C) $400,000,000 in guarantees of participating securities.

"(4) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $1,800,000,000, of which not more than $600,000,000 may be in

bonds approved pursuant to the provisions of section 411(a)(3) of such Act.

"(5) For the Service Corps of Retired Executives program authorized by section 8(b)(1) of this Act, the Administration is authorized to make grants or enter cooperative agreements not to exceed $3,500,000, and for the small business institute program authorized by section 8(b)(1) of this Act, the Administration is authorized to make grants or enter cooperative agreements not to exceed $3,000,000.

"(m) There are authorized to be appropriated to the Administration for fiscal year 1995 such sums as may be necessary to carry out the provisions of this Act, including administrative expenses and necessary loan capital for disaster loans pursuant to section 7(b), and to carry out the provisions of the Small Business Investment Act of 1958, including salaries and expenses of the Administration.

"(n) The following program levels are authorized for fiscal year 1996:

"(1) For the programs authorized by this Act, the Administration is authorized to make $198,000,000 in direct and immediate participation loans; and of such sum the Administration is authorized to make $13,000,000 in loans as provided in section 7(a)(10) and $185,000,000 in loans as provided in section 7(m).

"(2) For the programs authorized by this Act, the Administration is authorized to make $13,465,000,000 in deferred participation loans and other financings. Of such sum, the Administration is authorized to make—

"(A) $10,935,000,000 in general business loans as provided in section 7(a);

"(B) $2,500,000,000 in financings as provided in section 7(a)(13) and section 504 of the Small Business Investment Act of 1958; and

"(C) $30,000,000 in loans as provided in section 7(m).

"(3) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make—

"(A) $24,000,000 in purchases of preferred securities;

"(B) $256,000,000 in guarantees of debentures, of which $46,000,000 is authorized in guarantees of debentures from companies operating pursuant to section 301(d) of such Act; and

"(C) $650,000,000 in guarantees of participating securities.

"(4) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $1,800,000,000, of which not more than $600,000,000 may be in bonds approved pursuant to the provisions of section 411(a)(3) of such Act.

"(5) For the Service Corps of Retired Executives program authorized by section 8(b)(1) of this Act, the Administration is authorized to make grants or enter cooperative agreements not to exceed $3,675,000, and for the small business institute program authorized by section 8(b)(1) of this Act, the Administration is authorized to make grants or enter cooperative agreements not to exceed $3,150,000.

"(o) There are authorized to be appropriated to the Administration for fiscal year 1996 such sums as may be necessary to carry out the provisions of this Act, including administrative expenses and necessary loan capital for disaster loans pursuant to section 7(b), and to carry out the provisions of the Small Business Investment Act of 1958, including salaries and expenses of the Administration.

"(p) The following program levels are authorized for fiscal year 1997:

"(1) For the programs authorized by this Act, the Administration is authorized to make $264,000,000 in direct and immediate participation loans; and of such sum the Administration is authorized to make $14,000,000 in loans as provided in section 7(a)(10) and $250,000,000 in loans as provided in section 7(m).

"(2) For the programs authorized by this Act, the Administration is authorized to make $17,215,000,000 in deferred participation loans and other financings. Of such sum, the Administration is authorized to make—

"(A) $14,175,000,000 in general business loans as provided in section 7(a);

"(B) $3,000,000,000 in financings as provided in section 7(a)(13) and section 504 of the Small Business Investment Act of 1958; and

"(C) $40,000,000 in loans as provided in section 7(m).

"(3) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make—

"(A) $25,000,000 in purchases of preferred securities;

"(B) $268,000,000 in guarantees of debentures, of which $48,000,000 is authorized in guarantees of debentures from companies operating pursuant to section 301(d) of such Act; and

"(C) $900,000,000 in guarantees of participating securities.

"(4) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $1,800,000,000, of which not more than $600,000,000 may be in bonds approved pursuant to the provisions of section 411(a)(3) of such Act.

"(5) For the Service Corps of Retired Executives program authorized by section 8(b)(1) of this Act, the Administration is authorized to make grants or enter cooperative agreements not to exceed $3,860,000, and for the small business institute program authorized by section 8(b)(1) of this Act, the Administration is authorized to make grants or enter cooperative agreements not to exceed $3,310,000.

"(q) There are authorized to be appropriated to the Administration for fiscal year 1997 such sums as may be necessary to carry out the provisions of this Act, including administrative expenses and necessary loan capital for disaster loans pursuant to section 7(b), and to carry out the provisions of the Small Business Investment Act of 1958, including salaries and expenses of the Administration.".

TITLE II—FINANCIAL ASSISTANCE PROGRAMS

SEC. 201. MICROLOAN FINANCING PILOT.

Section 7(m) of the Small Business Act (15 U.S.C. 636(m)) is amended by adding the following new paragraph at the end:

"(12) DEFERRED PARTICIPATION LOAN PILOT.—During fiscal years 1995 through 1997, on a pilot basis, in lieu of making direct loans to intermediaries as authorized in paragraph (1)(B), the Administration may participate on a deferred basis of up to 100 percent on loans made to intermediaries by a for-profit or nonprofit entity or by alliances of such entities subject to the following conditions:

"(A) NUMBER OF LOANS.—The Administration shall not participate in providing financing on a deferred basis to more than ten intermediaries in urban areas per year and to more than ten intermediaries in rural areas per year.

"(B) TERM OF LOANS.—The term of such loans shall be ten years. During the first five years of the loan, the intermediary shall be required to pay interest only; and during the second five years of the loan, the intermediary shall be required to fully amortize principal and interest payments.

"(C) INTEREST RATE.—The interest rate on such loans shall be the rate specified by paragraph (3)(F) for direct loans.".

SEC. 202. MICROLOAN STATE LIMITATION.

Section 7(m)(7)(C) of the Small Business Act (15 U.S.C. 636(m)(7)(C)) is repealed.

SEC. 203. LIMIT ON PARTICIPATION.

Section 7(m)(7)(A) of the Small Business Act (15 U.S.C. 636(m)(7)(A)) is amended to read as follows:

"(A) NUMBER OF PARTICIPANTS.—During this demonstration program, the Administration is authorized to fund, on a competitive basis, not more than 240 microloan programs.".

SEC. 204. EQUITABLE DISTRIBUTION.

Section 7(m)(8) of the Small Business Act (15 U.S.C. 636(m)(8)) is amended to read as follows:

"(8) EQUITABLE DISTRIBUTION OF INTERMEDIARIES.—In approving microloan program applicants, the Administration shall select participation by such intermediaries as will ensure appropriate availability of loans to small businesses located in urban areas and in rural areas.".

SEC. 205. AMOUNT OF LOANS TO INTERMEDIARIES.

Section 7(m)(3)(C) of the Small Business Act (15 U.S.C. 636(m)(3)(C)) is amended to read as follows:

"(C) LOAN LIMITS.—In determining the amount of funding which the Administration may provide to one intermediary, it shall take into consideration the small business population in the area served by the intermediary.".

SEC. 206. LOANS TO EXPORTERS.

Section 7(a)(14)(A) of the Small Business Act (15 U.S.C. 636(a)(14)(A)) is amended to read as follows:

"(A) The Administration may provide extensions, standby letters of credit, revolving lines of credit for export purposes, and other financing to enable small business concerns, including small business export trading companies and small business export management companies, to develop foreign markets. A bank or participating lending institution may establish the rate of interest on such financings as may be legal and reasonable.".

SEC. 207. WORKING CAPITAL INTERNATIONAL TRADE LOANS.

Section 7(a)(3)(B) of the Small Business Act (15 U.S.C. 636(a)(3)(B)) is amended to read as follows:

"(B) if the total amount outstanding and committed (on a deferred basis) solely for the purposes provided in paragraph (16) to the borrower from the business loan and investment fund established by this Act would exceed $1,250,000, of which not more than $750,000 may be used for working capital, supplies, or financings under section 7(a)(14) for export purposes; and".

SEC. 208. GUARANTEES ON INTERNATIONAL TRADE LOANS.

Section 7(a)(2)(B)(iv) of the Small Business Act (15 U.S.C. 636(a)(2)(B)(iv)) is amended to read as follows:

"(iv) not less than 85 percent nor more than 90 percent of the financing outstanding at the time of disbursement if such financing is a loan under paragraph (14) or under paragraph (16).".

SEC. 209. ACCREDITED LENDERS PROGRAM.

(a) Title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.) is amended by adding at the end the following new section:

"SEC. 507. ACCREDITED LENDERS PROGRAM.

"(a) The Administration is authorized to establish an Accredited Lenders Program for qualified State and local development companies which meet the requirements of subsection (b).

"(b) The Administration may designate a qualified State or local development company as an accredited lender if such company—

"(1) has been an active participant in the development company program for at least the last 12 months;

"(2) has well-trained, qualified personnel who are knowledgeable in the Administration's lending policies and procedures for the development company program;

"(3) has the ability to process, close, and service financing for plant and equipment under section 502 of this Act;

"(4) has a loss rate on its debentures that is acceptable to the Administration;

"(5) has a history of submitting to the Administration complete and accurate debenture guaranty application packages; and

"(6) has demonstrated the ability to serve small business credit needs for financing plant and equipment as provided in section 502 of this Act.

"(c) The Administration shall expedite the processing of a loan application or servicing action submitted by a qualified State or local development company that has been designated as an accredited lender in accordance with subsection (b).

"(d) The designation of a qualified State or local development company as an accredited lender may be suspended or revoked if the Administration determines that the development company has not continued to meet the criteria for eligibility under subsection (b) or that the development company has failed to adhere to the Administration's rules and regulations or is violating any other applicable provision of law. Suspension or revocation shall not affect any outstanding debenture guarantee.

"(e) For purposes of this section, the term 'qualified State or local development company' has the same meaning as in section 503(e).".

(b) The Administration shall promulgate regulations to carry out this section within 90 days of the date of the enactment of this Act.

(c) The Administration shall report to the Small Business Committee of the United States Senate and to the Small Business Committee of the United States House of Representatives within one year, and annually thereafter, on the implementation of this section, specifically including data on the number of development companies designated as accredited lenders, their debenture guarantee volume, their loss rates, and the average processing time on their guarantee applications, along with such other information as the Administration deems appropriate.

SEC. 210. PREMIER LENDERS PROGRAM.

(a) Title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.) is further amended by adding at the end the following new section:

"SEC. 508. PREMIER LENDERS PROGRAM.

"(a) The Administration is authorized to establish a Premier Lenders Program for certified development companies which meet the requirements of subsection (b).

"(b) The Administration may designate a participant in the accredited lenders program as a premier lender if such company—

"(1) has been an active participant in the accredited lenders program for at least the last 12 months: Provided, That prior to January 1, 1996, the Administration may waive this provision if the applicant is qualified to participate in the accredited lenders program;

"(2) has a history of submitting to the Administration adequately analyzed debenture guarantee application packages; and

"(3) agrees to assume and to reimburse the Administration for 5 percent of any loss sustained by the Administration on account of default by the certified development company in the payment of principal or interest on a debenture issued by such company and guaranteed by the Administration under this section.

"(c) Upon approval of an applicant as a premier lender, the certified development company shall establish a loss reserve in an amount equal to the anticipated losses to the certified development company pursuant to subsection (b)(3) based upon the historic loss rate on debentures issued by such company, or 3 percent of the aggregate principal amount of debentures issued by such company and guaranteed by the Administration under this section, whichever is greater. The loss reserve shall be comprised of segregated assets of the development company which shall be securitized in favor of the Administration or of such unqualified letters of credit or indemnity agreements from a third party as the Administration deems appropriate.

"(d) Upon designation and qualification of a company as a premier lender, and subject to such terms and conditions as the Administration may determine, and notwithstanding the provisions of section 503(b)(6), the Administration may permit a premier lender to approve loans to be funded with the proceeds of and to authorize the guarantee of a debenture issued by such company. The approval by the premier lender shall be subject to the final approval as to eligibility of any such guarantee by the Administration pursuant to subsection 503(a) of this Act, but such final approval shall not include decisions by the company involving creditworthiness, loan closing, or compliance with legal requirements imposed by law or regulation.

"(e) The designation of a qualified State or local development company as a premier lender may be suspended or revoked if the Administration determines that the company—

"(1) has not continued to meet the criteria for eligibility under subsection (b);

"(2) has not established or maintained the loss reserve required under subsection (c); or

"(3) is failing to adhere to the Administration's rules and regulations or is violating any other applicable provision of law.

"(f) Suspension or revocation shall not affect any outstanding debenture guarantee.".

(b) The Administration shall promulgate such regulations to carry out this section within 180 days of the date of the enactment of this Act.

(c) The Administration shall report to the Small Business Committee of the United States Senate and to the Small Business Committee of the United States House of Representatives within one year, and annually thereafter, on the implementation of this section, specifically including data on the number of development companies designated as premier lenders, their debenture guarantee volume, and the loss rate for premier lenders as compared to accredited and other lenders, along with such other information as the Administration deems appropriate.

(d) Section 508 of the Small Business Investment Act of 1958 is repealed on October 1, 1999.

(e) The table of contents contained in section 101 of the Small Business Investment Act of 1958 is amended by adding at the end of the matter relating to title V the following:

"Sec. 507. Accredited lenders program.
"Sec. 508. Premier lenders program.".

SEC. 211. SSBIC ADVISORY COUNCIL.

(a) COUNCIL ESTABLISHED.—Not later than 90 days after the date of the enactment of this Act, the Administrator of the Small Business Administration shall appoint an Investment Advisory Council for the Specialized Small Business Investment Company Program. The Council shall consist of not less than 12 individuals from the private sector, including individuals—

(1) who have experience in providing venture capital to small business, particularly minority small business;

(2) who are current participants in the Specialized Small Business Investment Company Program;

(3) who are former participants in the Specialized Small Business Investment Company Program; or

(4) who are or who represent small business concerns.

(b) CHAIRMAN AND STAFF.—The Administrator shall designate one of the members of the Council as chairperson. The Investment Division of the Small Business Administration shall provide such staff, technical support, and information as shall be deemed appropriate. Council members shall be deemed to be an advisory board pursuant to section 8(b)(13) of the Small Business Act for purposes of reimbursement of expenses.

(C) REPORT.—Within six months of the date of appointment, the Council shall make a written report with findings and recommendations on the venture capital needs, including debt and equity, of socially or economically disadvantaged small business concerns and any needed Federal incentives to assist the private sector to meet such needs. The report shall specifically address—

(1) the history of the Specialized Small Business Investment Company program in providing assistance to such concerns and the impact of such assistance on the economy;

(2) the appropriateness and ability of the Specialized Small Business Investment Company Program to meet these needs;

(3) the problems affecting the Specialized Small Business Investment Company Program; and

(4) the effectiveness of the Specialized Small Business Investment Company Program and its administration by the Small Business Administration.

SEC. 212. PARTICIPATING SECURITIES FOR SMALLER SBICS.

Section 303(g) of the Small Business Investment Act of 1958 (15 U.S.C. 683(g)) is amended by adding the following new paragraph at the end:

"(13) Of the amount of the annual program level of participating securities approved in Appropriations Acts, 50 percent shall be reserved for funding Small Business Investment Companies with private capital of less than $20,000,000; except that during the last quarter of each fiscal year, the Administrator may, if he determines that there is a lack of qualified applicants with private capital under such amount, utilize all or any part of the securities so reserved.".

SEC. 213. REPORT ON SBIC PROGRAM.

The Small Business Administration shall provide the Committee on Small Business of the House of Representatives and Senate with a comprehensive report on the status and disposition of all Small Business Investment Companies, active or in liquidation, and a complete accounting of the assets in and the basis of their portfolios, the projected and actual loss rates for all portfolios in liquidation or active, and a detailed accounting of valuation of the SBIC program's investments. This report shall be delivered to the respective Committees on Small Business no later than April 15, 1995.

TITLE III—SIZE STANDARDS AND BOND GUARANTEES

SEC. 301. COMPETITIVE DEMONSTRATION PROJECT SIZE STANDARDS.

Section 732 of the Business Opportunity Development Reform Act of 1988 (Public Law 100–656) is amended by repealing the second sentence of such section.

SEC. 302. SIZE STANDARD CRITERIA.

Section 3(a)(2) of the Small Business Act (15 U.S.C. 632(a)(2)) is amended to read as follows:

"(2) In addition to the criteria specified in paragraph (1), the Administrator may specify detailed definitions or standards by which a business concern may be determined to be a small business concern for the purposes of this Act or any other Act. Such standards may utilize number of employees, dollar volume of business, net worth, net income, or a combination thereof. Unless specifically authorized by statute, no Federal department or agency may prescribe a size standard for categorizing a business concern as a small business concern, unless such proposed size standard—

"(A) is being proposed after an opportunity for public notice and comment;

"(B) provides for determining—

"(i) the size of a manufacturing concern as measured by its average employment based upon employment during each of the concern's pay periods for the preceding twelve calendar months;

"(ii) the size of a concern providing services on the basis of the annual average gross receipts of the concern over a period of not less than 3 years; and

"(iii) the size of other concerns on the basis of data over a period of not less than 3 years; and

"(C) is approved by the Administrator if it is not being proposed by the Small Business Administration.".

SEC. 303. SUNSET ON PREFERRED SURETY BOND GUARANTEE PROGRAM.

Section 207 of the Small Business Administration Reauthorization and Amendment Act of 1988 (Public Law 100–590) is amended by striking "September 30, 1994" and by inserting in lieu thereof "September 30, 1997".

SEC. 304. VERY SMALL BUSINESS CONCERNS.

The Small Business Act (15 U.S.C. 631 et seq.) is amended by redesignating section 30 as section 41 and by inserting after section 29, as redesignated by section 606 of this Act, the following:

"SEC. 30. PILOT PROGRAM FOR VERY SMALL BUSINESS CONCERNS.

"(a) ESTABLISHMENT.—The Administration shall establish and carry out a pilot program in accordance with the requirements of this section to provide procurement opportunities to very small business concerns.

"(b) SUBCONTRACTING OF PROCUREMENT CONTRACTS.—

"(1) IN GENERAL.—In carrying out the program, the Administration is authorized to enter into procurement contracts with the United States Government and to arrange for the performance of such contracts through the award of subcontracts to very small business concerns.

"(2) TERMS AND CONDITIONS.—The authority of the Administration under paragraph (1) shall be subject to the same terms and conditions as apply to the authority of the Administration under section 8(a), except that—

"(A) the Administration may make such modifications to such terms and conditions as the Administration determines necessary; and

"(B) all contract opportunities offered for award under the program shall be awarded on the basis of competition restricted to eligible program participants.

"(c) PROGRAM PARTICIPATION.—Very small business concerns participating in the program shall be subject to the same terms and conditions for program participation as apply to program participants under sections 7(j) and 8(a); except that—

"(1) the Administration may make such modifications to such terms and conditions as the Administration determines necessary; and

"(2) eligibility shall be determined on the basis of qualifying as a very small business concern as defined in subsection (g), in lieu of the requirements contained in paragraphs (4), (5), and (6) of section 8(a).

"(d) TECHNICAL AND FINANCIAL ASSISTANCE.—In order to assist very small business concerns participating in the program, the Administration is authorized—

"(1) to provide technical assistance to such concerns in the same manner and to the same extent as technical assistance is provided to small business concerns pursuant to section 7(j); and

"(2) to provide pre-authorization to such concerns for the purpose of receiving financial assistance under section 7(a).

"(e) PROGRAM TERM.—The Administration shall carry out the program in each of fiscal years 1995, 1996, and 1997.

"(f) REPORT TO CONGRESS.—On or before December 31, 1996, the Administration shall transmit to Congress a report containing an analysis of the results of the program, together with recommendations for appropriate legislative and administrative actions.

"(g) DEFINITIONS.—For the purposes of this section, the following definitions apply:

"(1) PROGRAM.—The term 'program' means the program established pursuant to subsection (a).

"(2) VERY SMALL BUSINESS CONCERN.—The term 'very small business concern' means a small business concern that—

"(A) has 10 employees or less; or

"(B) has average annual receipts that total $1,000,000 or less.".

TITLE IV—MANAGEMENT ASSISTANCE

SEC. 401. SUNSET ON COSPONSORED TRAINING.

(a) The authority of the Small Business Administration to cosponsor training as authorized by section 5(a) of the Small Business Computer Security and Education Act of 1984 (15 U.S.C. 633 note) is hereby repealed September 30, 1997.

(b) Section 7(b) of the Small Business Computer Security and Education Act of 1984 (15 U.S.C. 633 note) is amended by striking the second sentence.

SEC. 402. SMALL BUSINESS DEVELOPMENT CENTER PROGRAM LEVEL.

Section 21(a)(4) of the Small Business Act (15 U.S.C. 648(a)(4)) is amended to read as follows:

"(4) The Administration shall require as a condition of any grant (or amendment or modification thereof) made to an applicant under this section, that a matching amount (excluding any fees collected from recipients of such assistance) equal to the amount of such grant be provided from sources other than the Federal Government, to be comprised of not less than 50 per centum cash and not more than 50 per centum of indirect costs and in-kind contributions: Provided, That this matching amount shall not include any indirect costs or in-kind contributions derived from any Federal program: Provided further, That no recipient of funds under this section shall receive a grant which would exceed its pro rata share of a national program based upon the population to be served by the Small Business Development Center as compared to the total population in the United States, plus $125,000, or $200,000, whichever is greater, per year. The amount of the national program shall be—

"(A) $70,000,000 through September 30, 1995;

"(B) $77,500,000 from October 1, 1995 through September 30, 1996; and

"(C) $85,000,000 beginning October 1, 1996.

The amount of eligibility of each Small Business Development Center shall be based upon the amount of the national program in effect as of the date for commencement of performance of the Center's grant.".

SEC. 403. FEDERAL CONTRACTS WITH SMALL BUSINESS DEVELOPMENT CENTERS.

(a) Section 21(a)(5) of the Small Business Act (15 U.S.C. 648(a)(5)) is amended to read as follows:

"(5) A Small Business Development Center may enter a contract with a Federal department or agency to provide specific assistance to small business concerns if the contract is approved in advance by the Deputy Associate Administrator of the Small Business Development Center program. Approval shall be based upon a determination that the contract will provide assistance to small business concerns and that its performance will not hinder the Center in carrying out the terms of its grant from the Administration. The amount of any such contract shall not be subject to the matching funds requirements of paragraph (4) nor shall the amount of eligibility under such paragraph: Provided, That notwithstanding any other provision of law, such contracts for assistance to small business concerns shall not be counted toward any Federal department or agency's small business, women-owned business, or socially and economically disadvantaged business contracting goal as established by section 15(g) of the Small Business Act (15 U.S.C. 644(g)).".

(b) Section 21(a)(6) of the Small Business Act (15 U.S.C. 648(a)(6)) is amended by striking "paragraphs (4) and (5)" and by inserting in lieu thereof "paragraph (4)".

SEC. 404. CENTRAL EUROPEAN SMALL BUSINESS DEVELOPMENT.

Section 25(i) of the Small Business Act (15 U.S.C. 652(i)) is amended by striking "and $2,000,000 for each of fiscal years 1993 and 1994" and by inserting in lieu thereof ", $2,000,000 for each of fiscal years 1993 and 1994, and $1,000,000 for fiscal year 1995".

SEC. 405. MOBILE RESOURCE CENTER PILOT PROGRAM.

(a) ESTABLISHMENT.—The Administrator of the Small Business Administration may establish and carry out in each of fiscal years 1995, 1996, and 1997 a mobile resource pilot program (in this section referred to as the "program" in accordance with the requirements of this section.

(b) MOBILE RESOURCE CENTER VEHICLES.—Under the program, the Administration may use mobile resource center vehicles to provide technical assistance, information, and other services available from the Small Business Administration to traditionally underserved populations. Two of such vehicles should be utilized in rural areas and 2 of such vehicles should be utilized in urban areas.

(c) REPORT TO CONGRESS.—If the Administrator conducts the program authorized in this section, not later than December 31, 1996, he shall transmit to Congress a report containing the results of such program, together with recommendations for appropriate legislative and administrative actions.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for fiscal year 1995 $900,000 to carry out this section. Of such sums—

(1) $800,000 may be made available for the purchase or lease of mobile resource center vehicles; and

(2) $100,000 may be made available for studies, startup expenses, and other administrative expenses.

Such sums shall remain available until expended.

TITLE V—RELIEF FROM FFB DEBENTURE PREPAYMENT PENALTIES

SEC. 501. CITATION.

This title may be cited as the "Small Business Prepayment Penalty Relief Act of 1994.".

SEC. 502. MODIFICATION OF DEVELOPMENT COMPANY DEBENTURE INTEREST RATES.

(a) IN GENERAL.—Upon the request of the issuer and the concurrence of the borrower, the Small Business Administration is authorized to transfer to the Federal Financing Bank such sums as may be necessary to carry out the provisions of this section in order to reduce the interest rate on a debenture issued by a certified development company. The reduction shall be effective January 2, 1995 and shall apply for the remainder of the term of the debenture.

(b) INTEREST RATE MODIFICATION.—Upon receipt of such payment, the Federal Financing Bank shall modify the interest rate of each debenture for which the payment is made. No other change shall be made in the terms and conditions of the debenture, and the modification in the interest rate shall not be construed as a new direct loan or a new loan guarantee.

(c) DEFINITIONS.—For the purposes of this section—

(1) the term "issuer" means the issuer of a debenture pursuant to section 503 of the Small Business Investment Act of 1958 which has been purchased by the Federal Financing Bank if the debenture is outstanding on the date of enactment of this Act, and neither the loan that secures the debenture nor the debenture is in default on such date; and

(2) the term "borrower" means the small business concern whose loan secures a debenture issued pursuant to such section.

(d) OTHER RIGHTS.—A modification of the interest rate on a debenture as authorized in this section shall not affect any rights or options of the issuer or borrower which are otherwise authorized by contract or by law.

(e) REFINANCING.—Debentures authorized by sections 504 and 505 of the Small Business Investment Act of 1958 may be used to refinance debentures issued under section 503 of such Act if the amount of the new financing is limited to such amounts as are needed to repay the existing debenture, including any prepayment penalty imposed by the Federal Financing Bank. Any such refinancing shall be subject to all of the other provisions of sections 504 and 505 of such Act and the rules and regulations of the Administration promulgated thereunder, including, but not limited to, rules and regulations governing payment of authorized expenses and commissions, fees and discounts to brokers and dealers in trust certificates issued pursuant to section 505: Provided, however, That no applicant for refinancing under section 504 of this Act need demonstrate that the requisite number of jobs will be created or preserved with the proceeds of such refinancing: Provided further, That a development company which provides refinancing under this subsection shall be limited to a loan processing fee not to exceed one-half of one percent to cover the cost of packaging, processing and other nonlegal staff functions.

SEC. 503. MODIFICATION OF SMALL BUSINESS INVESTMENT COMPANY DEBENTURE INTEREST RATES.

(a) IN GENERAL.—Upon the request of the issuer, the Small Business Administration is authorized to transfer to the Federal Financing Bank such sums as may be necessary to carry out the provisions of this section in order to reduce the interest rate on a debenture issued by a Small Business Investment Company under the provisions of title III of the Small Business Investment Act of 1958. The reduction shall be effective January 2, 1995 and shall apply for the remainder of the term of the debenture.

(b) INTEREST RATE MODIFICATION.—Upon receipt of such payment, the Federal Financing Bank shall modify the interest rate of each debenture for which the payment is made. No other change shall be made in the terms and conditions of the debenture, and the modification in the interest rate shall not be construed as a new direct loan or a new loan guarantee.

(c) DEFINITIONS.—For the purposes of this section, the term "issuer" means the issuer of a debenture pursuant to section 303 of the Small Business Investment Act of 1958 which has been purchased by the Federal Financing Bank if the debenture is outstanding on the date of enactment of this Act, and is not in default on such date.

(d) OTHER RIGHTS.—A modification of the interest rate on a debenture as authorized in this section shall not affect any rights or options of the issuer which are otherwise authorized by contract or by law.

SEC. 504. MODIFICATION OF SPECIALIZED SMALL BUSINESS INVESTMENT COMPANY DEBENTURE INTEREST RATES.

(a) INTEREST RATE MODIFICATION.—Upon the request of the issuer, the Small Business Administration is authorized to modify the interest rate on a debenture issued by a Small Business Investment Company licensed under the provisions of section 301(d) of the Small Business Investment Act of 1958 and which is held by the Administration. No debenture which has been sold to a third party shall be eligible for modification under this section. The reduction shall be effective January 2, 1995 and shall apply for the remainder of the term of the debenture. No other change shall be made in the terms and conditions of the debenture, and the modification in the interest rate shall not be construed as a new direct loan or a new loan guarantee.

(b) DEFINITIONS.—For the purposes of this section, the term "issuer" means a Specialized Small Business Investment Company licensed under the provisions of section 301(d) of the Small Business Investment Act of 1958 which has issued a debenture which has been funded by the Small Business Administration, providing the debenture is outstanding on the date of enactment of this Act and is not in default on such date.

(c) OTHER RIGHTS.—A modification of the interest rate on a debenture as authorized in this section shall not affect any rights or options of the issuer which are otherwise authorized by contract or by law.

SEC. 505. INTEREST RATE REDUCTIONS.

(a) IN GENERAL.—Upon enactment of an Appropriations Act providing funds to carry out the provisions of this Act and limited to amounts specifically provided in advance in Appropriations Acts, the Small Business Administration shall evaluate the outstanding portfolio of debentures which are eligible for interest rate relief under this Act. The Administration shall apply the funds appropriated to carry out this Act in order to reduce the highest interest rate on all eligible debentures to a uniform rate.

(b) AUTHORIZATION.—There are authorized to be appropriated $30 million to carry out the provisions of this Act in fiscal year 1995.

TITLE VI—DEVELOPMENT OF WOMEN-OWNED BUSINESSES

SEC. 601. STATUS OF COUNCIL.

Section 401 of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note) is redesignated as section 405 of such Act and, as redesignated, is amended—

*(1) in the heading by inserting "**OF THE COUNCIL**" after "**ESTABLISHMENT**"; and*

(2) by striking the period at the end and inserting the following: "which shall serve as an independent advisory council to the Interagency Committee on Women's Business Enterprise, to the Administrator of the Small Business Administration, and to the Congress of the United States. The Council, in order to carry out its function as an independent advisory council to the Congress, is authorized and directed to report independently of the Interagency Committee directly to the Congress at such times and on such matters as it, in its discretion, deems appropriate.".

SEC. 602. DUTIES OF NATIONAL WOMEN'S BUSINESS COUNCIL.

Section 402 of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note) is redesignated as section 406 of such Act and, as redesignated, is amended to read as follows:

"SEC. 406. DUTIES OF THE COUNCIL.

"The Council shall meet at such times as it determines necessary in order to advise and consult with the Interagency Committee on Women's Business Enterprise on matters relating to the activities, functions, and policies of such Committee as provided in this title. The Council shall make annual recommendations for consideration by the Committee. The Council also shall provide reports and make such other recommendations as it deems appropriate to the Committee, to the Administrator of the Small Business Administration, and to the Small Business Committee of the United States Senate and to the Small Business Committee of the United States House of Representatives.".

SEC. 603. MEMBERSHIP OF THE COUNCIL.

Section 403 of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note) is redesignated as section 407 of such Act, and, as redesignated, is amended to read as follows:

"SEC. 407. MEMBERSHIP OF THE COUNCIL.

"(a) The Council shall be composed of 15 members who shall be appointed by the Administrator of the Small Business Administration and who shall serve at the Administrator's discretion. In making the appointments, the Administrator shall include racial, geographic and economic diversity, and representation from diverse sectors of the economy, including manufacturing, high technology, services and credit institutions, and shall give priority to include representation of major women's business organizations.

"(b) Only the owner, operator or employee of a woman-owned business shall be eligible for appointment, and not more than eight appointees shall be members of the same political party. If any member of the Council subsequently becomes an officer or employee of the Federal Government or of the Congress, such individual may continue as a member of the Council for not longer than the thirty-day period beginning on the date such individual becomes such an officer or employee.

"(c) The Council annually shall select one member to serve as its Chairperson. The Chairperson of the Council, or her designee, shall be the representative of the Council to all meetings of the Interagency Committee on Women's Business Enterprise.

"(d) The Council shall meet not less than four times per year. Meetings shall be at the call of the Chairperson at such times as she deems appropriate.

"(e) Members of the Council shall serve without pay for such membership, except they shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in carrying out the functions of the Council, in the same manner as persons serving on advisory boards pursuant to section 8(b) of the Small Business Act.".

SEC. 604. INTERAGENCY COMMITTEE.

Title IV of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note) is amended by striking section 404 and by inserting the following new sections prior to section 405 as redesignated by section 601 of this Act:

"SEC. 401. ESTABLISHMENT OF THE COMMITTEE.

"There is established an Interagency Committee to be known as the 'Interagency Committee on Women's Business Enterprise' (hereinafter in this title referred to as the Committee).

"SEC. 402. DUTIES OF THE COMMITTEE.

"The Committee shall—

"(1) promote, coordinate and monitor the plans, programs and operations of the departments and agencies of the Federal Government which may contribute to the establishment, preservation and strengthening of women's business enterprise. It may, as appropriate, develop comprehensive interagency plans and specific program goals for women's business enterprise with the cooperation of Federal departments and agencies;

"(2) promote the better utilization of the activities and resources of State and local governments, business and trade associations, private industry, colleges and universities, foundations, professional organizations, and volunteer and women's business enterprise, and facilitate the coordination of the efforts of these groups with those of Federal departments and agencies;

"(3) consult with the Council to develop and promote new initiatives designed to foster women's business enterprise, and to develop policies, programs, and plans intended to promote such development;

"(4) consider the Council's recommendations and public and private sector studies of the problems of women entrepreneurs, and promote further research into such problems; and

"(5) design a comprehensive plan for a joint public-private sector effort to facilitate the development and growth of women-owned businesses. The Committee should submit the plan to the President for review within six months of the effective date of this Act.

"SEC. 403. MEMBERSHIP OF THE COMMITTEE.

"(a) The Committee shall be composed of representatives of the following departments and agencies: The Departments of Agriculture, Commerce, Defense, Energy, Health and Human Services, Education, Housing and Urban Development, Interior, Justice, Labor, Transportation, Treasury, the Federal Trade Commission, General Services Administration, National Science Foundation, Office of Federal Procurement Policy, and the Director of the Office of Women's Business Ownership of the Small Business Administration, who shall serve as Vice Chairperson of the Committee. The head of each such department and agency shall designate a representative who shall be a policy making official within the department or agency.

"(b) The Committee shall have a Chairperson appointed by the President, after consultation with the Administrator of the Small Business Administration and the Chief Counsel for Advocacy of the Small Business Administration. The Chairperson shall be the head of a Federal department or agency. If the Chairperson is the head of one of the departments or agencies enumerated in subsection (a), he or she shall also serve as the representative of such department or agency.

"(c) The Committee shall meet not less than four times per year. Meetings shall be at the call of the Chairperson at such times as he or she deems appropriate.

"(d) The members of the Committee shall serve without additional pay for such membership.

"(e) The Chairperson of the Committee may designate a Director of the Committee, after consultation with the Administrator of the Small Business Administration and the Chief Counsel for Advocacy of the Small Business Administration.

"(f) The Chief Counsel for Advocacy is authorized to appoint to his staff under the provisions of section 204 of Public Law 94-305 (15 U.S.C. 634(d)) the person so designated under subsection (e). He or she is also authorized to provide additional staff and administrative support for the Committee.

"(g) The Director of the Office of Women's Business Ownership of the Small Business Administration is authorized to provide additional staff and administrative support for the Committee.

"SEC. 404. REPORTS FROM THE COMMITTEE.

"The Committee shall transmit to the President and to the Small Business Committee of the United States Senate and to the Small Business Committee of the United States House of Representatives a report no less than once in every twelve-month period. The first such report shall be submitted no later than March 31, 1995. Such reports shall contain any recommendations from the Council and any comments of the Committee thereon, a detailed statement on the activities of the Committee, the findings and conclusions of the Committee, together with its recommendations for such legislation and administrative actions as it considers appropriate to promote the development of small business concerns owned and controlled by women.".

SEC. 605. REPEALER.

Sections 404 through 407 of the Women's Business Ownership Act of 1988, as in effect on the day before the date of the enactment of this Act, are repealed and the following new section is added at the end of title IV of such Act:

"SEC. 408. DEFINITIONS.

"For the purposes of this Act, the term—

"(1) 'woman-owned business' shall mean a small business which is at least 51 percent owned by a woman or women who also control and operate it;

"(2) 'control' shall mean exercising the power to make policy decisions;

"(3) 'operate' shall mean being actively involved in the day-to-day management; and

"(4) 'women's business enterprise' shall mean a woman-owned business or businesses or the efforts of a woman or women to establish, maintain, or develop such a business or businesses.".

SEC. 606. EXTENSION OF AUTHORITY FOR DEMONSTRATION PROJECTS.

Section 28 of the Small Business Act, as added by section 2 of Public Law 102–191, is redesignated as section 29 and, as so redesignated, is amended by striking from subsection (g) "1995" and by inserting "1997".

SEC. 607. ESTABLISHMENT OF OFFICE OF WOMEN'S BUSINESS OWNERSHIP.

Section 29 of the Small Business Act, as redesignated by section 606 of this Act, is amended by adding the following new subsection at the end:

"(h) There is established within the Administration an Office of Women's Business Ownership, which shall be responsible for the administration of the Administration's programs for the development of women's business enterprises as defined in section 408 of the Women's Business Ownership Act of 1988. The Office shall be headed by a director who shall be appointed by the Administrator.".

SEC. 608. TECHNICAL AND CONFORMING AMENDMENTS.

(a) Title IV of the table of contents of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note) is amended to read as follows:

"TITLE IV—DEVELOPMENT OF WOMEN'S BUSINESS ENTERPRISE

"Sec. 401. Establishment of the Committee.
"Sec. 402. Duties of the Committee.
"Sec. 403. Membership of the Committee.
"Sec. 404. Reports from the Committee.
"Sec. 405. Establishment of the Council.
"Sec. 406. Duties of the Council.
"Sec. 407. Membership of the Council.
"Sec. 408. Definitions.".

(b) The heading to title IV of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note) is amended to read as follows:

"TITLE IV—DEVELOPMENT OF WOMEN'S BUSINESS ENTERPRISES".

SEC. 609. AUTHORIZATION.

There is authorized to be appropriated $200,000 in each of fiscal years 1995 through 1997 to carry out the provisions of title IV of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note).

TITLE VII—MISCELLANEOUS AMENDMENTS

SEC. 701. HANDICAPPED PARTICIPATION IN SMALL BUSINESS SET ASIDE CONTRACTS.

Section 15(c) of the Small Business Act (15 U.S.C. 644(c)) is amended—

(1) by amending paragraph (2)(A) to read as follows:

"(2)(A) During each fiscal year, public or private organizations for the handicapped shall be eligible to participate in programs authorized under this section in an aggregate amount not to exceed $50,000,000."; and

(2) by adding the following new paragraph at the end thereof:

"(7) Any contract awarded to such an organization pursuant to the provisions of this subsection may be extended for up to two additional years.".

SEC. 702. SBA INTEREST PAYMENTS TO TREASURY.

Section 4(c)(5)(B)(ii) of the Small Business Act (15 U.S.C. 633(c)(5)(B)(ii)) is amended to read as follows:

"(ii) The Administration shall pay into the miscellaneous receipts of the Treasury following the close of each fiscal year the actual interest it collects during that fiscal year on all financings made under the authority of this Act.".

SEC. 703. IMPOSITION OF FEES.

Section 5(b) of the Small Business Act (15 U.S.C. 634(b)) is amended—

(1) in paragraph (10) by striking "and" at the end;

(2) in paragraph (11) by striking the period at the end and inserting a semicolon; and

(3) by adding the following new paragraphs at the end:

"(12) impose, retain and use only those fees which are specifically authorized by law or which are in effect on September 30, 1994, and in the amounts and at the rates in effect on such date. The administrator is authorized to impose, retain and utilize, subject to approval in appropriations Acts, the following additional fees—

"(A) not to exceed $100 for each loan servicing action requested after disbursement of the loan, including substitution of collateral, loan assumptions, release or substitution of guarantors, reamortizations or similar actions;

"(B) to recover the direct, incremental cost involved in the production and dissemination of compilations of information produced by the Administration under the authority of the Small Business Act and the Small Business Investment Act of 1958; and

"(13) to collect, retain and utilize, subject to approval in appropriations Acts, any amounts collected by fiscal transfer agents and not used by such agent as payment of the cost of loan pooling or debenture servicing operations: Provided, That any monies so collected shall be utilized solely to facilitate the administration of the program which generated the excess monies.".

SEC. 704. SBIR VENDORS.

Section 9(q)(2) of the Small Business Act (15 U.S.C. 638(q)(2)) is amended to read as follows:

"(2) VENDOR SELECTION.—Each agency may select a vendor to assist small business concerns to meet the goals listed in paragraph (1). Such selection shall be competitive using merit-based criteria, for a term not to exceed 3 years.".

SEC. 705. MANUFACTURING CONTRACTS.

(a) ESTABLISHMENT OF PILOT PROGRAM.—Section 15 of the Small Business Act (15 U.S.C. 644) is amended by adding at the end the following:

"(p) MANUFACTURING MODERNIZATION PILOT PROGRAM.—

"(1) ESTABLISHMENT.—The Administrator may establish and carry out a manufacturing modernization pilot program (hereinafter in this section referred to as the 'program') for the purpose of promoting the award of Federal procurement contracts to small business concerns that participate in manufacturing application and education centers that are established or certified pursuant to paragraph (2).

"(2) MANUFACTURING APPLICATION AND EDUCATION CENTERS.—The Administrator may establish manufacturing application and education centers which will provide training to small business concerns on new and innovative manufacturing practices in a shared-use production environment and which will assist such concerns in carrying out Federal procurement contracts for the manufacture of components and subsystems. The Administrator may also certify

existing manufacturing application and education centers for participation in the program.

"(3) USE OF PRIVATE CENTERS AS EXAMPLES.—In establishing any manufacturing application and education centers pursuant to paragraph (2), the Administrator may use as examples manufacturing application and education centers in the private sector that provide the following services: technology demonstration, technology education, technology application support, technology advancement support, and technology awareness.

"(4) IDENTIFICATION OF CONTRACTS.—The Administrator and the head of a contracting agency may identify for additional small business set-asides pursuant to subsection (a) any procurement, and in particular any procurement which is being foreign-sourced or is considered critical, which is susceptible to performance by a small business concern if the concern is assisted by a manufacturing application and education center under the program. Any such procurement shall be subject to the requirements of subsection (a), including requirements relating to any failure of the Administrator and the head of the contracting agency to agree on procurement methods.

"(5) NONAPPLICABILITY OF PERFORMANCE REQUIREMENT.—The requirement of subsection (o)(1)(B) shall not apply with respect to any contract carried out by a small business concern under the program with the assistance of a manufacturing application and education center.

"(6) REGULATIONS.—Not later than 6 months after the date of the enactment of this subsection, the Administrator shall issue regulations to carry out this subsection if he determines it appropriate to carry out the program authorized by this subsection.

"(7) REPORTS.—

"(A) PROGRESS REPORT.—Not later than 3 months after the last day of the fiscal year in which final regulations are issued pursuant to paragraph (6), the Administrator shall transmit to the Committees on Small Business of the House of Representatives and the Senate a report on the progress of the program.

"(B) FINAL REPORT.—If the Administrator establishes the program authorized herein, not later than March 31, 1999, he shall transmit to the Committees on Small Business of the House of Representatives and the Senate a report on the success of the program in—

"(i) enabling deployment of technology to small business concerns participating in the program, and

"(ii) assisting manufacturing application and education centers in achieving self-sufficiency,

together with recommendations concerning continuation, modification, or discontinuance of the program.

"(8) PROGRAM TERM.—The Administrator may carry out the program during the period beginning on the date of issuance of final regulations under paragraph (5) and ending on September 30, 1999.

"(9) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.".

SEC. 706. DENIAL OF USE OF FUNDS FOR INDIVIDUALS NOT LAWFULLY WITHIN THE UNITED STATES.

The Small Business Act (15 U.S.C. 631 et seq.) is amended by inserting after section 30, as added by section 304 of this Act, the following:

"SEC. 31. DENIAL OF USE OF FUNDS FOR INDIVIDUALS NOT LAWFULLY WITHIN THE UNITED STATES.

"None of the funds made available pursuant to this Act may be used to provide any direct benefit or assistance to any individual in the United States when it is made known to the Administrator of the Small Business Administration or the official to which the funds are made available that the individual is not lawfully within the United States.".

SEC. 707. OFFICE OF ADVOCACY EMPLOYEES.

Section 204 of Public Law 94–305 (15 U.S.C. 634d) is amended as follows—

(1) by striking "after consultation with and subject to the approval of the Administrator,"; and

(2) in paragraph (1) by striking "GS–15 of the General Schedule" and all that follows and inserting "GS–15 of the General Schedule: Provided, however, That not more than 14 staff personnel at any one time may be employed and compensated at a rate in excess of GS–15, step 10, of the General Schedule;".

SEC. 708. ADVOCACY STUDY OF PAPERWORK AND TAX IMPACT.

The Chief Counsel for Advocacy of the Small Business Administration shall conduct a study of the impact of all Federal regulatory paperwork and tax requirements upon small business and report its findings to the Congress within 1 year of the date of the enactment of this Act.

SEC. 709. CERTIFICATION OF COMPLIANCE WITH CHILD SUPPORT OBLIGATIONS.

The Small Business Act (15 U.S.C. 631 et seq.) is amended by inserting after section 31, as added by section 706 of this Act, the following:

"SEC. 32. CERTIFICATION OF COMPLIANCE WITH CHILD SUPPORT OBLIGATIONS.

"Each applicant for financial assistance under this Act, including applicants for direct loans and loan guarantees, shall certify, as a condition for receiving such assistance, that the applicant is not in violation of the terms of any administrative order, court order, or repayment agreement entered into between the applicant and the custodial parent or the State agency providing child support enforcement services which requires the applicant to pay child support, as such term is defined by section 462(b) of the Social Security Act.".

Amend the title so as to read: "An Act to amend the Small Business Act, and for other purposes.".

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the Senate disagree to the House amendments, agree to the request for a conference and that the Chair be authorized to appoint conferees.

There being no objection, the Presiding Officer (Mr. BRYAN) appointed Mr. BUMPERS, Mr. NUNN, and Mr. PRESSLER conferees on the part of the Senate.

VEGETABLE INK PRINTING ACT OF 1994

Mr. METZENBAUM. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on a bill (S. 716) to require that all Federal lithographic printing be performed using ink made from vegetable oil, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 716) entitled "An Act to require that all Federal lithographic printing be performed using ink made from vegetable oil and materials derived from other renewable resources, and for other purposes", do pass with the following amendment:

Strike out all after the enacting clause, and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Vegetable Ink Printing Act of 1994".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds the following:

(1) More than 95 percent of Federal printing involving documents or publications is performed using lithographic inks.

(2) Various types of oil, including petroleum and vegetable oil, are used in lithographic ink.

(3) Increasing the amount of vegetable oil used in a lithographic ink would—

(A) help reduce the Nation's use of nonrenewable energy resources;

(B) result in the use of products that are less damaging to the environment;

(C) result in a reduction of volatile organic compound emissions; and

(D) increase the use of renewable agricultural products.

(4) The technology exists to use vegetable oil in lithographic ink and, in some applications, to use lithographic ink that uses no petroleum distillates in the liquid portion of the ink.

(5) Some lithographic inks have contained vegetable oils for many years; other lithographic inks have more recently begun to use vegetable oil.

(6) According to the Government Printing Office, using vegetable oil-based ink appears to add little if any additional cost to Government printing.

(7) Use of vegetable oil-based ink in Federal Government printing should further develop—

(A) the commercial viability of vegetable oil-based ink, which could result in demand, for domestic use alone, for 2,500,000,000 pounds of vegetable crops or 500,000,000 pounds of vegetable oil; and

(B) a product that could help the United States retain or enlarge its share of the world market for vegetable oil-ink.

(b) PURPOSE.—The purpose of this Act is to require that all lithographic printing using ink containing oil that is performed or procured by a Federal agency shall use ink containing the maximum amounts of vegetable oil and materials derived from other renewable resources that—

(1) are technologically feasible, and

(2) result in printing costs that are competitive with printing using petroleum-based inks.

SEC. 3. FEDERAL PRINTING REQUIREMENTS.

(a) GENERAL RULE.—Notwithstanding any other law, and except as provided in subsection (b), a Federal agency may not perform or procure lithographic printing that uses ink containing oil if the ink contains less than the following percentage of vegetable oil:

(1) In the case of news ink, 40 percent.

(2) In the case of sheet-fed ink, 20 percent.

(3) In the case of forms ink, 20 percent.

(4) In the case of heat-set ink, 10 percent.

(b) EXCEPTIONS.—

(1) EXCEPTIONS.—Subsection (a) shall not apply to lithographic printing performed or procured by a Federal agency, if—

(A) the head of the agency determines, after consultation with the Public Printer and within the 3-year period ending on the date of the commencement of the printing or the date of that procurement, respectively, that vegetable oil-based ink is not suitable to meet specific, identified requirements of the agency related to the printing; or

(B) the Public Printer determines—

(i) within the 3-month period ending on the date of the commencement of the printing, in the case of printing of materials that are printed at intervals of less than 6 months, or

(ii) before the date of the commencement of the printing, in the case of printing of materials that are printed at intervals of 6 months or more;

that the cost of performing the printing using vegetable oil-based ink is significantly greater than the cost of performing the printing using other available ink.

(2) NOTICE TO CONGRESS.—Not later than 30 days after making a determination under paragraph (1)(A), the head of a Federal agency shall report the determination to the Committee on Government Operations and the Committee on House Administration of the House of Representatives, and the Committee on Rules of the Senate.

(c) FEDERAL AGENCY DEFINED.—In this Act, the term "Federal agency" means—

(1) an executive department, military department, Government corporation, Government-controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency; and

(2) an establishment or component of the legislative or judicial branch of the Government.

Mr. METZENBAUM. Mr. President, I move that the Senate concur in the amendment of the House.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Ohio.

The motion was agreed to.

AUTHORITY OF THE SECRETARY OF AGRICULTURE TO SHIFT UNUSED FUNDS

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 2468, a bill to permit the Secretary of Agriculture to make available certain amounts for FmHA farm ownership, operating or emergency loans, introduced earlier today by Senators CONRAD, LEAHY, and others, that the bill be deemed read three times, passed and the motion to reconsider be laid upon the table, and that any statements relating to this legislation be placed in the RECORD at the appropriate place as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (S. 2468) was deemed read three times and passed, as follows:

S. 2468

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AVAILABILITY OF AMOUNTS FOR FMHA FARM OWNERSHIP, OPERATING, OR EMERGENCY LOANS.

Notwithstanding any other provision of law, the Secretary of Agriculture—

(1) from the date of enactment of this Act until September 30, 1994, may transfer funds so as to make available—

(A) the amounts that would otherwise be available for gross obligations for the principal amount of direct farm ownership or emergency loans as authorized by sections 308 and 309 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1928 and 1929); and

(B) the amounts that would otherwise be available for the costs of such direct farm ownership or emergency loans (including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a));

for any gross obligations or costs of farm ownership, operating, or emergency loans or credit sales, except that the amounts that would otherwise be available for such costs of such emergency loans may be expended only for such costs of guaranteed subsidized operating loans or credit sales; and

(2) after September 30, 1994, may not expend funds, or disburse any new loans, made available by a transfer described in paragraph (1) for fiscal year 1994.

Mr. CONRAD. Mr. President, I am introducing today, on behalf of myself and Senators LEAHY and DORGAN, a bill to allow the Secretary of Agriculture to shift unused funds from various Farmers Home Administration [FmHA] farmer programs to its direct and guaranteed operating loan programs and its credit sale programs. It is identical to an amendment offered by myself and Senators LEAHY and DORGAN that was passed by the Senate as part of the H.R. 4554, the Agriculture, Rural Development, Food and Drug Administration, and related agencies appropriation bill for fiscal year 1995.

FmHA is out of money for direct operating loans for fiscal year 1994. This shortfall is due to very high demand for the program, FmHA's renewed commitment to assisting borrowers, and interest rate changes that have reduced the amount FmHA can lend with the credit subsidy appropriated. This program has been severely cut since 1985, when actual obligations were $3.6 billion—six times this year's levels.

There remains a very high, unmet demand for these loans. FmHA has no funds available to make approximately 3,000 direct operating loans for which it has already approved applications. In addition, more funding is needed for guaranteed operating loans because of a recent mandatory funding shift to the beginning farmer downpayment loan program, which cannot make use of all of these funds. This bill will allow FmHA to meet some of this demand.

While FmHA has some excess funds available in other programs, such as emergency loans and beginning farmer downpayment loans, it does not have the authority to shift significant amounts between accounts. This bill will give the Secretary the authority to shift these funds as needed to fund direct and guaranteed operating loans and farm ownership loans.

I urge my colleagues to support this bill.

MRS. GEORGE ALLEN CLAUSSEN, A TRUE CIVIC LEADER

Mr. COVERDELL. Mr. President, I rise today to honor Mrs. George Allen Claussen, who died on Monday, September 26, 1994. She was a great Augustan and a great Georgian.

Throughout her 70 years, Mrs. Claussen gave 100 percent of herself to the betterment of her community and to those in need. She was a true civic leader. Many will remember her for her volunteer activities with the Junior League of Augusta, her work through the Church of the Good Shepherd, and her assistance to the Pendleton King Park Touch and Smell Garden of the Blind.

To her children, she was an inspiration. And to all of Augusta, she was a friend.

We join with her family today in mourning the passing of Mrs. Claussen. But, we share in the joy of her memory and helping hand that she lent to others.

VA, HUD, INDEPENDENT AGENCIES APPROPRIATION

Mr. ROCKEFELLER. Mr. President, as chairman of the Committee on Veterans' Affairs, and as chairman of the Commerce Subcommittee on Science, Technology and Space, I want to comment on the conference report on H.R. 4624, the fiscal year 1995 Departments of Veterans Affairs and Housing and Urban Development, and independent agencies appropriation bill.

Mr. President, I commend the chairs of the respective House and Senate Appropriations Committees and the other conferees who reached the agreement reflected in this conference report.

And once again, I especially commend Senator MIKULSKI, Chair of the VA-HUD-Independent Agencies Subcommittee for her valiant leadership throughout this process. Thanks to her dedication and acumen, the subcommittee succeeded in making the tough funding choices that were required of them this year, and we now will enact a package that strikes a good and fair balance among programs for veterans, science, housing, and the other important areas covered in this legislation.

I believe America's veterans can feel pleased and grateful towards the fiscal year 1995 appropriations that was secured in this conference agreement for the Department of Veterans Affairs. Despite a particularly difficult budget situation, this conference report addresses many of the VA's highest priority funding needs, programs that truly deserve our support so that we may continue to seek to met the needs of our Nation's veterans and their dependents and survivors.

Mr. President, I specifically recognize that the conference agreement provides $252 million for VA medical research. This amount is $41 million above the amount requested by the administration and allows the funding for research to remain at the fiscal year 1994 level. While this appropriation will not support any new research initiatives, it will salvage some 400 ongoing research projects, covering such critical problems as Alzheimer's disease, AIDS, and alcoholism.

Mr. President, I note with enormous gratitude that the conference report includes many of the specific requests made by the Senate Committee on Veterans' Affairs concerning the funding of particular items in the medical care account. For a number of medical care programs, the conference report provides additional amounts above the administration's budget request. Specifically, the final agreement provides for increased funding above the amounts requested by the administration for the following purposes: To enhance medical care for women veterans; to increase funding for programs for homeless veterans; to increase funding for blind rehabilitation services; and to support the installation of bedside telephone systems in VA hospitals.

Mr. President, I continue to be concerned about funding for homeless veterans programs. While I am pleased with the increase in the conference agreement of $10 million above the administration's request, this amount is disproportionately low in relation to overall Federal funding for homeless programs. Veterans represent over one-third of our Nation's homeless population. I certainly am encouraged by the appropriation for VA homeless programs; that funding will allow VA to continue its endeavors to meet the needs of homeless veterans through its own programs. However, I again strongly urge HUD to direct an appropriate level of funding to homeless veterans programs.

Mr. President, the conference agreement's appropriation for VA's general operating expense account is highly commendable as well. The administration proposed cutting 622 full-time employee equivalents from the Veterans Benefits Administration at a time when the Department faces a claims backlog of well over 500,000 pending claims. As I have heard repeatedly from veterans in my own State of West Virginia and around the country, the current situation in the adjudication system is appalling. This cut in staffing not only would hinder VBA's efforts to reduce the backlog, it would likely make an already devastating situation even worse.

The House and Senate conferees clearly recognized the importance of the adjudication process and have appropriated an additional $16.5 million for additional staffing to help reduce the claims backlog. The conference agreement also provides an additional $1.6 million specifically to address the backlog of vocational rehabilitation and counseling claims.

The claims adjudication process is a primary function of VA. VA desperately needs adequate funding and staffing to fulfill its obligation to provide all benefits to which veterans are entitled in a timely and efficient manner. While the additional funding will by no means solve the backlog problem, it certainly will help to avoid the situation becoming worse, and perhaps even to begin to alleviate it.

I also note with pleasure that the conference agreement appropriates additional funding for major construction projects. Under the administration's request, VA construction was dealt a significant blow and would have sustained a cut of $254 million, or 53 percent, from the fiscal year 1994 level. The conference agreement appropriates $252.9 million above the administration's budget request, almost returning the funding level to that for fiscal year 1994.

Finally, with respect to VA appropriations, I acknowledge that the conference agreement provides an additional $10 million for grants for the construction of State extended-care facilities. This amount will allow the State home construction program to keep pace with the long-term care needs of veterans. In addition, this funding level will avert a severe backup of projects in those States that are ready to proceed with the acquisition and construction of State extended-care facilities.

Mr. President, as a last note, I express my strong support for the conferees' action to fund the Court of Veterans Appeals Pro Bono Representation Program at a level of $790,000, the amount requested by the Court. This program is of vital importance to our Nation's veterans. It has been extremely successful in securing pro bono representation for veterans appearing before the Court of Veterans Appeals.

I also support this conference report for its investments in science policy, specifically the National Science Foundation [NSF]. On NASA, I believe that we have found a proper balance of funding to maintain our preeminence in air and space, while insisting that NASA target its efforts more carefully with a stronger emphasis on technology. An example of this commitment to competitiveness is the appropriation for two new American wind tunnels. The lack of modern testing facilities for new aircraft has forced U.S. manufacturers like Boeing to go to Europe for testing of their latest designs. In doing so, we fear that the data of their newest ideas may be compromised. The construction of these tunnels on American soil will assure that our aeronautics industry remains first in the world. As chairman of NASA's authorizing subcommittee with a focus on the science and technology policy, I want to note my strong interest in the wind tunnel initiative and intention to promote the best possible results.

It also has been my privilege to work closely with the distinguished chair on science issues, including a historic effort to jointly sponsor the NSF reauthorization legislation along with Senator KENNEDY who chairs the Senate Labor Committee and shares oversight responsibility of NSF. Such cooperation among committees of jurisdiction and appropriations can forge a strategic plan for investment and development in the critical areas of science and technology, which will play an increasingly important role in our country's future competitiveness.

As a former VISTA worker and a proud cosponsor of President Clinton's National and Community Service Act, I appreciate the efforts to secure as much funding for this program as possible. I was in West Virginia just a few short weeks ago to participate in the program to swear in the first group of AmeriCorp members. This event brought back a flood of personal memories of my own experiences in Emmons, WV, as a VISTA worker about 30 years ago. I know firsthand the importance and lasting effect that community service has on both participants and those they serve, and I believe strongly in this initiative.

While I was not as involved in the efforts on programs in the Department of Housing and Urban Development or the Environmental Protection Agency, they are enormously important for West Virginia and our country.

Mr. President, I applaud the House and Senate Appropriations Subcommittees and full committees for their fine work on the extremely arduous task of crafting this measure under such tight fiscal constraints. This has been a particularly difficult year, filled with tough fiscal choices, and I do not envy the decision process they faced. To the credit of many, the result is a responsive, solid final agreement affecting VA and other agencies. With the necessary leadership and management that we ask of VA, I am confident that in the most critical program areas—medical care, medical research, and claims adjudication—VA will be able to continue fulfilling its many important responsibilities to our Nation's veterans.

And again, I express my deepest gratitude to my esteemed colleague, Senator MIKULSKI, the chair of the Senate VA-HUD Subcommittee, for her continued efforts with respect to veterans' programs. I truly appreciate the extraordinary spirit of cooperation between our respective committees during the appropriations process and throughout the year. Consistently over the years, Senator MIKULSKI has shown strong, unwavering support for veterans and their families, for continued progress in science and space, and for America's housing needs. This year has proven to be no exception, as has been so clearly exhibited by her efforts in reaching this final agreement.

REPORT OF RELATED DOCUMENTS TO IMPLEMENT AGREEMENTS RESULTING FROM THE GENERAL AGREEMENT ON TARIFFS AND TRADE URUGUAY ROUND—MESSAGE FROM THE PRESIDENT—PM 147

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance.

To the Congress of the United States:

I am pleased to transmit legislation and a number of related documents to implement agreements resulting from the General Agreement on Tariffs and Trade (GATT) Uruguay Round of multilateral trade negotiations. The Uruguay Round Agreements are the broadest, most comprehensive trade agreements in history. They are vital to our national interest and to economic growth, job creation, and an improved standard of living for all Americans.

When fully implemented, the Uruguay Round Agreements will add $100–$200 billion to the U.S. economy each year and create hundreds of thousands of new, well-paying American jobs. They provide for a reduction in worldwide tariffs of $744 billion, the largest global tax cut in history.

The United States will be the biggest winner from the Uruguay Round Agreements. We are the world's largest trading nation with the world's most dynamic economy. In 1993, the United States exported $660 billion in goods and services, accounting for more than 10 percent of the U.S. GDP.

These agreements are the result of bipartisan cooperation and reflect the consensus supporting market-opening trade policies that the United States has enjoyed for decades. The Uruguay Round was launched by President Reagan, continued by President Bush, and concluded by this Administration. Each Administration consulted with the Congress and welcomed congressional participation and guidance throughout the negotiations. Similarly, this Administration has worked closely with the Congress to ensure that the implementing legislation that I am now forwarding enjoys broad bipartisan support.

The United States has led the world on a path of open markets, freer trade, and economic growth. Now we must lead the way in implementing these agreements. The leaders of every major industrialized nation have pledged to take action so that the Uruguay Round Agreements can be implemented by January 1, 1995. Any delay on our part would send a negative signal to our trading partners at a time when their economies are just beginning to recover.

Our economic recovery is now fully underway. As the economies in Europe and Japan begin again to grow, we must be positioned to reap the benefits of their expansion. As a result of the Uruguay Round Agreements, our major trading partners in Europe and Asia will cut their tariffs to historic lows.

The Asian Pacific economies are the fastest growing economies in the world and are currently the largest market for U.S. exports. United States exports to Latin America, the second fastest growing region in the world, have grown 60 percent since 1989. The Uruguay Round Agreements will ensure that these fast-growing markets will be open to international competition and that all of our trading partners will play by international trading rules.

The Uruguay Round Agreements enjoy very broad and deep support in the United States. Forty of our Nation's governors, numerous eminent economists, and the vast majority of U.S. industrial, agricultural, and services firms support the agreements, as do an array of former Presidents, Secretaries of State, Secretaries of the Treasury, and U.S. Trade Representatives.

Americans are at their best when they face the challenges of their time. Our predecessors did so after World War II when they created a new international trading system that guided global growth for 50 years. Now we must do the same to foster sustained prosperity for the decades to come.

The end of the Cold War and the rise of the global economy have created new challenges and new opportunities. Implementation of the Uruguay Round Agreements will ensure that we rise to the challenges of this new era and lead the world on a path of prosperity.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 27, 1994.*

MESSAGES FROM THE HOUSE RECEIVED DURING RECESS

Under the authority of the order of the Senate of January 5, 1993, the Secretary of the Senate, on September 27, 1994, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills:

S. 2182. An Act to authorize appropriations for fiscal year 1995 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

H.R. 2144. An Act to provide for the transfer of excess land to the Government of Guam, and for other purposes.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 4008. An Act to authorize appropriations for the National Oceanic and Atmospheric Administration for fiscal years 1995 and 1996, and for other purposes.

H.R. 4448. An Act to amend the Act establishing Lowell National Historical Park, and for other purposes.

MESSAGES FROM THE HOUSE

At 2:45 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House agrees to the report of committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4539) A bill making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1995, and for other purposes.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4602) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1995, and for other purposes.

At 4:24 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 5060. An Act to provide for the continuation of certain fee collections for the expenses of the Securities and Exchange Commission for fiscal year 1995.

MEASURES PLACED ON THE CALENDAR

The following bill, was read the first and second times by unanimous consent, and placed on the calendar pursuant to the order of September 27, 1994:

H.R. 4008. An Act to authorize appropriations for the National Oceanic and Atmospheric Administration for fiscal years 1995 and 1996, and for other purposes.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–635. A concurrent resolution adopted by the Legislature of the State of Mississippi; to the Committee on Armed Services.

"HOUSE CONCURRENT RESOLUTION 13

"Whereas, the smuggling of drugs into the United States is a multi-billion dollar business which destroys numerous lives and has created a plague on our society; and

"Whereas, by using military force the flow of drugs could be drastically reduced and hopefully halted; and

"Whereas, a drug free United States would result in a nation with less crime and would remove the fear of crime which is so prevalent among law abiding citizens; and

"Whereas, drug abuse destroys the fabric of our proud heritage as citizens of the greatest nation in the world; and

"Whereas, it is the policy of this Legislature to make every effort to make our nation a safe and prosperous place for all of our citizens: Now, therefore, be it

"*Resolved by the House of Representatives of the State of Mississippi, the Senate concurring therein*, That we do hereby memorialize the United States Congress to use all available military forces to stop the flow of illegal drugs into the United States; and be it further

"*Resolved*, That copies of this resolution be furnished to the President of the United States Senate, the Speaker of the United States House of Representatives, the Mississippi Congressional Delegation and to the members of the Capitol Press Corps."

POM-636. A resolution adopted by the Legislature of Rockland County, New York relative to the Sterling Forest; to the Committee on Energy and Natural Resources.

POM-637. A resolution adopted by the Municipal Assembly of the City of Aquadilla, Puerto Rico relative to the election of President and Vice President of the United States; to the Committee on Energy and Natural Resources.

POM-638. A resolution adopted by the House of the Legislature of the Commonwealth of Massachusetts; to the Committee on Environment and Public Works.

"RESOLUTION

"Whereas, the communities serviced by the south Essex Sewerage District are faced with meeting the Federal requirements of the Clean Water Act in the construction of a new sewerage treatment facility at a cost of two hundred and sixty million dollars; and

"Whereas, the cost of the project is so overwhelming that there has been a tremendous burden placed on the local ratepayers causing wholesale sewer user charges in the south Essex Sewerage District to triple and communities throughout the commonwealth of Massachusetts are now, or soon will be faced with similar unfunded clean water mandates; and

"Whereas, the new State revolving fund formula contained in the United States Senate bill, S. 2093, properly adopts and undated needs assessment formula which recognizes the changing national priorities in the construction of their important wastewater facilities, including the financial impact of the south Essex Sewerage District project on the communities served by the south Essex sewerage district, as well as other Massachusetts communities faced with similar burdens: Therefore be it

"*Resolved*, That the Massachusetts House of Representatives urges the Congress of the United States to take all actions necessary to ensure the reauthorization of the Clean Water Act in 1994, and to ensure that the south Essex Sewerage District and other communities receive their fair share of funding to offset the cost of Federal clean water projects; and be it further

"*Resolved*, That a copy of these resolutions be forwarded by the Clerk of the House of Representatives to the presiding officer of each branch of Congress and to the Members thereof from this commonwealth.

POM-639. A resolution adopted by the Legislature of Schuyler County, New York relative to the Uruguay Round of the General Agreement on Tariffs and Trade; to the Committee on Finance.

POM-640. A resolution adopted by the General Assembly of the Presbyterian Church relative to the United Nations International Conference on Population and Development; to the Committee on Foreign Relations.

POM-641. A concurrent resolution adopted by the Legislature of the State of Louisiana; to the Committee on Foreign Relations.

"Whereas, for Fiscal Year 1994, the Congress of the United States enacted $12.7 billion in federal foreign aid; and

"Whereas, in the case *Hope Medical Group for Women* v. *Edwards* the United States District Court, Eastern District of Louisiana has enjoined the state from enforcing R.S. 40:1299.34.5. insofar as it prohibits state funding for abortions to terminate pregnancies resulting from acts of rape or incest, while at the same time accepting Medicaid funds; and

"Whereas, irregardless of Louisiana's participation in the Medicaid program, the citizens and taxpayers of Louisiana would still continue to pay taxes to support both the Medicaid program and, directly or indirectly, the costs of medical treatment for citizens in foreign nations: Therefore be it

"*Resolved* That the Legislature of Louisiana does hereby memorialize the Congress of the United States and in particular the members of the Louisiana congressional delegation to withhold all foreign aid if Medicaid funds are withheld from Louisiana citizens; and be it further

"*Resolved* That copies of this Resolution be transmitted to the secretary of the United States Senate, the clerk of the United States House of Representatives, and to each member of the Louisiana congressional delegation."

POM-642. A concurrent resolution adopted by the Legislature of the State of Texas; to the Committee on Governmental Affairs.

"HOUSE CONCURRENT RESOLUTION 126

"Whereas, in 1995, Texans will commemorate the 150th anniversary of Texas' admission to the union with great pride and patriotic celebrations, paying homage both to statehood and to the unique history and bold traditions that are our heritage; and

"Whereas, Texas was founded by pioneers who were willing to endure any hardship and accept any challenge, for they believed that the fight for freedom was a noble and just cause; after winning their freedom in 1836, these settlers established the Republic of Texas, thus making Texas the only state in this country to exist for nearly a decade as a free and independent nation; and

"Whereas, Texas joined the union in 1845 as the 26th state, and as part of the annexation agreement, the United States included several unique terms for statehood; Texas entered the union as a state, not a territory, was the only state allowed to retain its public domain, and preserved a right to subdivide into additional states; and

"Whereas, Texans wisely chose to keep the Lone Star State intact, however, and in doing so, they ensured that future generations would enjoy a land of immense beauty and contrast; the rugged terrain offers more geographic diversity than many nations, and from the mountains of West Texas to the lush Gulf Coast, from the arid plains of the Panhandle to the fertile Rio Grande Valley, Texas provides a sweeping panorama of the American landscape in all its many forms; and

"Whereas, Similarly, the people of Texas represent a blend of cultures and ethnicities; combining the food, traditions, and languages of Mexico, Spain, Germany, France, and Sweden, as well as many other nations, Texans forged a unique bond and created a distinct culture that celebrates the diversity of its people; and

"Whereas, For many Americans, Texas remains the last frontier, a place where wide open spaces and the Alamo echo the spirit and adventure of the past, while microchip industries and NASA headquarters herald the promise of the future; the spirit of Texas encompasses those values that Americans hold most dear, such as honor, integrity, courage, and liberty; and

"Whereas, As Texans mark 150 years of statehood, they will celebrate this event with much price and joy throughout the Lone Star State; the good people of Texas invite all Americans to join in commemorating a century and a half of Texas history and culture, for this auspicious event is of national as well as statewide significance: Now, therefore, be it

"*Resolved*, That the 73rd Legislature of the State of Texas, Regular Session, 1993, hereby request the United States Postal Service to issue a commemorative postage stamp during 1995 in recognition of Texas' 150 years of statehood; and, be it further

"*Resolved*, That the Texas secretary of state forward an official copy of this resolution to the postmaster general as an expression of the sentiment of the Texas Legislature."

POM-643. A concurrent resolution adopted by the Legislature of the State of Utah; to the Committee on Governmental Affairs.

"SENATE CONCURRENT RESOLUTION 1

"Whereas the Tenth Amendment to the Constitution of the United States, part of the original Bill of Rights, reads as follows: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people";

"Whereas it is the sense of the Legislature of the state of Utah and the Governor, acting on behalf of the people of the state of Utah, that the Tenth Amendment was intended to be a substantive limit on the power of the federal government over the states and that it should be so applied by the state and federal courts in deciding questions concerning the exercise of federal authority over the states;

"Whereas the plain meaning of this important constitutional provision has been abrogated by the United States Supreme Court in the two recent decisions of *Garcia* v. *San Antonio Metropolitan Transit Authority*, 469 U.S. 528 1985 and *South Carolina* v. *Baker*, 108 S. Ct. 1355 (1988), wherein the high court held that the limits of the Tenth Amendment are structural rather than substantive, thus inviting further federal preemption of state authority;

"Whereas the states, in light of the rulings discussed above, must look to Congress rather than to the courts for protection from further federal regulation and intrusion into the power previously recognized by the courts as being specifically reserved to the states by the Constitution; and

"Whereas the President of the United States and the Congress should be urged to protect and strengthen the position of the states of our republic, to avoid further intrusion by the federal government upon state prerogatives, and to afford greater protection to the governing authorities of the states: Now, therefore, be it

"*Resolved*, That the Legislature of the state of Utah, the Governor concurring therein, urge the President of the United States and the Congress to reaffirm the powers originally granted to the states by the Tenth Amendment to the U.S. Constitution, to protect and strengthen the position of the states in this republic, to avoid further intrusion by the federal government upon state prerogatives, and to afford greater constitutional and statutory autonomy to the governing authorities of the states; and be it further

"*Resolved*, That copies of this resolution be sent to the President of the United States, the Speaker of the United States House of Representatives, the majority and minority leaders of the United States Senate and the members of the Utah Congressional delegation."

POM–644. A joint resolution adopted by the Legislature of the State of Utah; to the Committee on the Judiciary.

"SENATE JOINT RESOLUTION 24

"Whereas Congress was originally envisioned by the founding fathers as a nonpartisan, part-time legislative body whose members would take time from their normal businesses and professions to attend the congressional session for four to five months annually;

"Whereas the press of the nation's business has forced the Congress to become increasingly a highly structured, professional, and hierarchical institution rather than an informal, flexible gathering of citizens and legal intellects that obtained in the federalist era;

"Whereas the power of the incumbency has grown over time and, with the institution of electronic media, to the point that the incumbent is nearly unassailable in any normal election;

"Whereas the seniority system in the Congress, though recently reformed, still places disproportionate stress on electoral longevity;

"Whereas innovative ideas and rejuvenated vigor are more likely to come to the Congress through new members fresh from association with the American people;

"Whereas the most common complaint that the public makes about congressional service is that congressmen spend more of their time running for office than attending their duties;

"Whereas the power of incumbency makes biennial congressional elections an expensive, exasperating, and ultimately rather meaningless waste of each congressman's time and talents; and

"Whereas under Article V of the Constitution of the United States, an amendment to the Constitution may be proposed by Congress, which shall become part of the Constitution when ratified by three-fourths of the several states: Now, therefore, be it

"*Resolved by the Legislature of the State of Utah*, That the Congress of the United States is hereby petitioned to propose an amendment to the Constitution of the United States, for submission to the states for ratification, to limit the number of terms a person may serve in the United States House of Representatives to no more than six and to limit the number of terms a person may serve in the United States Senate to no more than two; and be it further

"*Resolved*, That this application by this Legislature constitutes a continuing application in accordance with Article V of the Constitution of the United States until the Congress has proposed an amendment to the Constitution of the United States similar in subject matter to that contained in this Joint Resolution; and be it further

"*Resolved*, That certified copies of this resolution be transmitted to the president and the secretary of the United States Senate, to the speaker and the clerk of the United States House of Representatives, to each member of this state's delegation to the Congress, and to the presiding officer of each house of each state legislature in the United States."

POM–645. A concurrent resolution adopted by the Legislature of the State of Utah; to the Committee on the Judiciary.

"SENATE CONCURRENT RESOLUTION 3

"Whereas the U.S. Supreme Court decision legalizing the burning of the American flag as a form of symbolic political speech poses a threat to the ideals the flag represents;

"Whereas Americans hold the flag in high respect because it is a symbol of the many freedoms made available to us through our democratic system of government, and stands as a reminder of the men and women who fought and died to protect these freedoms;

"Whereas in the words of the President, "Flag burning is wrong, dead wrong, the flag is very special to all loyal Americans";

"Whereas in the words of the National Commander of the American Legion, "Many a Gold Star mother cherishes the carefully folded triangular bundle of red, white, and blue as the closest link to a fallen hero son";

"Whereas Americans in Utah and throughout this great land should not stand silent on this issue, but should let our voice be heard until our elected leaders constitutionally protect the American flag; and

"Whereas many members of Congress give bipartisan support to a constitutional amendment designed to make illegal the physical desecration of the American flag as a form of protected symbolic political speech: Now, therefore, be it

"*Resolved*, That the Legislature of the state of Utah, the Governor concurring therein, strongly urges Utah's congressional delegation to support a constitutional amendment forbidding the physical desecration of the flag as a form of protected symbolic political speech; and be it further

"*Resolved*, That copies of this resolution be sent to President Bush, the leadership of the United States Congress, and Utah's congressional delegation."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROCKEFELLER, from the Committee on Veterans, Affairs, with an amendment and an amendment to the title:

S. 2094. A bill to make permanent the authority of the Secretary of Veterans, Affairs to approve basic educational assistance for flight training (Rept. No. 103–384).

By Mr. ROCKEFELLER, from the Committee on Veterans Affairs, with an amendment in the nature of a substitute and an amendment to the title:

S. 2325. A bill to amend certain laws under the jurisdiction of the Secretary of Veterans Affairs to reauthorize programs relating to substance abuse and homeless assistance for veterans, to authorize a demonstration program to provide assistance to homeless veterans, and for other purposes (Rept. No. 103–385).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, without amendment:

H.R. 457. A bill to provide for the conveyance of lands to certain individuals in Butte County, California.

H.R. 1716. A bill to amend the Act of January 26, 1915, establishing Rocky Mountain National Park, to provide for the protection of certain lands in Rocky Mountain National Park and along North St. Vrain Creek, and for other purposes.

H.R. 2620. A bill to authorize the Secretary of the Interior to acquire certain lands in California through an exchange pursuant to the Federal Land Policy and Management Act of 1976.

H.R. 3050. A bill to expand the boundaries of the Red Rock Canyon National Conservation Area.

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with amendments:

H.R. 3252. A bill to provide for the conservation, management, or study of certain rivers, parks, trails, and historic sites, and for other purposes.

H.R. 3498. A bill to establish the Great Falls Historic District, and for other purposes.

H.R. 3708. A bill to reform the operation, maintenance, and development of the Steamtown National Historic Site, and for other purposes.

By Mr. BAUCUS, from the Committee on Environment and Public Works, without amendment:

H.R. 4543. A bill to designate the United States courthouse to be constructed at 907 Richland Street in Columbia, South Carolina, as the "Matthew J. Perry, Jr. United States Courthouse".

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute and an amendment to the title:

S. 112. A bill to establish the Hudson River Artists National Historical Park in the State of New York, and for other purposes.

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 471. A bill to establish a new area study process for proposed additions to the National Park System, and for other purposes.

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with amendments:

S. 1222. A bill to revise the boundaries of the Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island, and for other purposes.

S. 1324. A bill to authorize the Secretary of the Interior to exchange certain lands of the Columbia Basin Federal reclamation project, Washington, and for other purposes.

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 1683. A bill to authorize the Secretary of the Interior to provide funds to the Palisades Interstate Park Commission for acquisition of land in the Sterling Forest area of the New York/New Jersey Highlands Region, and for other purposes.

S. 1726. A bill to provide for a competition to select the architectural plans for a museum to be built on the East Saint Louis portion of the Jefferson National Expansion Memorial, and for other purposes.

S. 1998. A bill to provide for the acquisition of certain lands formerly occupied by the Franklin D. Roosevelt family, and for other purposes.

S. 2001. A bill to improve the administration of the Women's Rights National Historical Park in the State of New York, and for other purposes.

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with amendments:

S. 2064. A bill to expand the boundary of the Weir Farm National Historic Site in the State of Connecticut.

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, without amendment:

S. 2078. A bill to amend the National Trails System Act to designate the Old Spanish Trail and the Northern Branch of the Old Spanish Trail for potential inclusion into the National Trails System, and for other purposes.

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 2121. A bill to promote entrepreneurial management of the National Park Service, and for other purposes.

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, without amendment:

S. 2234. A bill to amend the Mississippi River Corridor Study Commission Act of 1989 to extend the term of the commission established under that Act.

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with amendments:

S. 2249. A bill to amend the Alaska Native Claims Settlement Act, and for other purposes.

S. 2303. A bill to provide for the exchange of lands within Gates of the Arctic National Park and Preserve, and for other purposes.

By Mr. BAUCUS, from the Committee on Environment and Public Works, with amendments and an amendment to the title:

S. 2395. A bill to designate the United States Federal Building and Courthouse in Detroit, Michigan, as the "Theodore Levin Federal Building and Courthouse", and for other purposes.

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, without amendment and with a preamble:

S.J. Res. 217. A joint resolution to approve the location of a World War II Memorial.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. NUNN, from the Committee on Armed Services:

The United States Army National Guard officers named herein for appointment in the Reserve of the Army of the United States in the grades indicated below, under the provisions of title 10, United States Code, sections 593(a), 3371, and 3384:

To be major general

Brig. Gen. William E. Murphy, 455–48–5860.

To be brigadier general

Col. Darrel P. Baker, 462–64–3645.

The following-named officer for appointment in the Reserve of the Army of the United States in the grade indicated below, under the provisions of title 10, United States Code, sections 593, 3385, and 3392:

To be brigadier general

Federico Lopez III, 458–70–0744.

The following-named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Richard M. Scofield, 026–28–8454, U.S. Air Force.

The following-named officer for appointment to the grade of lieutenant general on the retired list pursuant to the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. Edward P. Barry, Jr., 029–30–0308, U.S. Air Force.

The following-named officer for appointment in the U.S. Air Force to the grade of brigadier general under the provisions of title 10, United States Code, section 624:

To be brigadier general

Col. Claude M. Bolton, Jr., 505–58–5880, Regular Air Force.

The following-named officer for appointment in the Reserve of the Army of the United States in the grade indicated below, under the provisions of title 10, United States Code, sections 593, 3385, and 3392:

To be brigadier general

Col. Wayne D. Marty, 458–66–9856.

The following-named officers for appointment in the U.S. Air Force to the grade of major general under the provisions of title 10, United States Code, section 624:

To be major general

Brig. Gen. Jerrold P. Allen, 009–30–6342, Regular Air Force.

Brig. Gen. Allen D. Bunger, 430–80–3653, Regular Air Force.

Brig. Gen. Stewart E. Cranston, 265–70–8502, Regular Air Force.

Brig. Gen. Robert S. Dickman, 150–34–8510, Regular Air Force.

Brig. Gen. William J. Donahue, 401–58–3904, Regular Air Force.

Brig. Gen. Robert W. Drewes, 060–34–6657, Regular Air Force.

Brig. Gen. Patrick K. Gamble, 533–44–2878, Regular Air Force.

Brig. Gen. Francis C. Gideon, Jr., 284–40–8826, Regular Air Force.

Brig. Gen. Edward F. Grillo, Jr., 265–80–7008, Regular Air Force.

Brig. Gen. John W. Handy, 241–68–5379, Regular Air Force.

Brig. Gen. Charles R. Heflebower, 467–68–8234, Regular Air Force.

Brig. Gen. Henry M. Hobgood, 243–72–9213, Regular Air Force.

Brig. Gen. Hal M. Hornburg, 455–72–6836, Regular Air Force.

Brig. Gen. Normand G. Lezy, 035–26–0318, Regular Air Force.

Brig. Gen. Donald E. Loranger, Jr., 517–46–2623, Regular Air Force.

Brig. Gen. John M. McBroom, 223–58–8526, Regular Air Force.

Brig. Gen. George K. Muellner, 340–36–4452, Regular Air Force.

Brig. Gen. Robert F. Raggio, 564–58–7255, Regular Air Force.

Brig. Gen. John B. Sams, Jr., 252–70–6470, Regular Air Force.

Brig. Gen. Michael C. Short, 522–58–9016, Regular Air Force.

Brig. Gen. Rondal H. Smith, 413–72–4443, Regular Air Force.

The following-named officer for appointment to the grade of lieutenant general on the retired list pursuant to the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. Buster C. Glosson[1], 240–64–4340, U.S. Air Force.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. NUNN. Mr. President, for the Committee on Armed Services, I report favorably the attached listing of nominations.

Those identified with a single asterisk [*] are to be placed on the Executive Calendar. Those identified with a double asterisk [**] are to lie on the Secretary's desk for the information of any Senator since these names have already appeared in the CONGRESSIONAL RECORD of January 5, 1993, June 8, July 27, and September 19, 1994, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed in the RECORD of January 5, 1993, June 8, July 27, and September 19, 1994, at the end of the Senate proceedings.)

**In the Army Reserve there are 5 promotions to the grade of colonel (list begins with George D. Baxter) (Reference No. 38–2).

*In the Air Force there is 1 appointment to the grade of brigadier general (Claude M. Bolton, Jr.) (Reference No. 48–5).

*In the Army Reserve there are 2 appointments to the grade of major general and below (list begins with William B. Murphy) (Reference No. 60–2).

*Lieutenant General Edward P. Barry, Jr., USAF to be placed on the retired list in the grade of lieutenant general (Reference No. 811).

*Major General Richard M. Scofield, USAF to be lieutenant general (Reference No. 823).

*In the Air Force there are 21 appointments to the grade of major general (list begins with Jerrold P. Allen) (Reference No. 1104).

**In the Army Reserve there are 8 promotions to the grade of colonel and below (list begins with George R. Allen) (Reference No. 1461).

**In the Army Reserve there are 45 promotions to the grade of lieutenant colonel (list begins with Richard W. Attwood) (Reference No. 1609).

*In the Army Reserve there is 1 appointment to the grade of brigadier general (Federico Lopez III) (Reference No. 1622).

*Colonel Wayne D. Marty, USAR to be brigadier general (Reference No. 1623).

**In the Navy there are 1,657 promotions to the grade of lieutenant commander (list begins with Thor D. Aakre) (Reference No. 1785).

Total: 1,743.

By Mr. PELL, from the Committee on Foreign Relations:

Treaty Doc. 103-24 Treaty Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas (Exec. Rept. 103-32).

Treaty Doc. 103-26 The International Labor Conference Convention No. 150 Concerning Labor Administration (Exec. Rept. 103-33).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. GLENN (for himself, Mr. DORGAN, Mr. ROTH, Mr. LEVIN, Mr. DECONCINI, Mr. LIEBERMAN, and Mr. STEVENS):

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[1] (Together with minority views) (Exec. Rept. 103-34).

S. 2463. A bill to provide, in accordance with the Federal Advisory Committee Act, for the repeal of advisory committees no longer carrying out the purposes for which they were established; to the Committee on Governmental Affairs.

By Mr. WOFFORD:

S. 2464. A bill entitled the "Congressional Health Insurance Accountability Act"; to the Committee on Governmental Affairs.

By Ms. MOSELEY-BRAUN (for herself, Mr. CHAFEE, Mr. SIMON, and Mr. PELL):

S. 2465. A bill to require the Secretary of the Treasury to mint coins in commemoration of black revolutionary war patriots; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. JOHNSTON (for himself and Mr. WALLOP):

S. 2466. A bill to amend the Energy Policy and Conservation Act to manage the Strategic Petroleum Reserve more effectively and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MITCHELL (for himself, Mr. MOYNIHAN, and Mr. PACKWOOD) (by request):

S. 2467. A bill to approve and implement the trade agreements concluded in the Uruguay Round of multilateral trade negotiations; to the Committee on the Judiciary, the Committee on Agriculture, Nutrition, and Forestry, the Committee on Commerce, Science, and Transportation, the Committee on Finance, the Committee on Governmental Affairs, and the Committee on Labor and Human Resources jointly, pursuant to the order of 19 U.S.C. 2191(c)(1).

By Mr. CONRAD (for himself, Mr. LEAHY, Mr. DORGAN, and Mr. BUMPERS):

S. 2468. A bill to permit the Secretary of Agriculture to make available certain amounts for FmHA farm ownership, operating, or emergency loans, and for other purposes; considered and passed.

By Mr. FORD:

S. 2469. A bill to amend Title XI of the Energy Policy Act of 1992 to provide for the economic and environmentally acceptable disposal of low-level radioactive waste and mixed waste resulting from the operation of gaseous diffusion plants at Paducah, Kentucky and Piketown, Ohio, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LAUTENBERG:

S.J. Res. 222. A joint resolution to designate October 19, 1994, as "Mercy Otis Warren Day", and for other purposes; to the Committee on the Judiciary.

By Mr. KENNEDY (for himself, Mr. HATCH, Mr. SIMON, Mr. MACK, Mr. BAUCUS, Mr. LEAHY, Mr. D'AMATO, Mr. COCHRAN, Mr. DECONCINI, Mr. BRADLEY, Mr. MOYNIHAN, Mr. GLENN, Mr. WOFFORD, Mr. BIDEN, Mr. CHAFEE, Mr. DODD, Mr. LAUTENBERG, Mr. INOUYE, Mr. KERRY, Mr. ROTH, Mr. THURMOND, Mr. PELL, Mr. WARNER, Mr. DURENBERGER, Mrs. BOXER, Mr. SARBANES, Mr. JOHNSTON, Mr. DORGAN, Mr. JEFFORDS, Mr. METZENBAUM, Mr. RIEGLE, Mr. HEFLIN, Mr. MITCHELL, Mr. PACKWOOD, Mr. GRASSLEY, Mr. SPECTER, Mr. DOLE, Mr. LOTT, Mr. MURKOWSKI, Mr. COHEN, Mr. BENNETT, Mr. BOND, Mr. STEVENS, Mr. HELMS, Mr. MCCAIN, Mr. SASSER, Ms. MIKULSKI, Mr. LIEBERMAN, Mr. LEVIN, Mr. AKAKA, Mr. FORD, and Mr. WELLSTONE):

S.J. Res. 223. A joint resolution to designate March 1995 and March 1996 as "Irish-American Heritage Month"; to the Committee on the Judiciary.

By Mr. SIMON (for himself, Mr. SARBANES, Mr. PELL, Mr. REID, Mr. WOFFORD, Mr. MATHEWS, Mr. BINGAMAN, and Mr. KENNEDY):

S.J. Res. 224. A joint resoution designating November 1, 1994, as "National Family Literacy Day"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MITCHELL (for himself and Mr. DOLE):

S. Res. 269. A resolution to amend Senate Resolution 75, 103d Congress, relating to the Jacob Javits Senate Fellowship Program; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GLENN (for himself, Mr. DORGAN, Mr. ROTH, Mr. LEVIN, Mr. DECONCINI, Mr. LIEBERMAN, and Mr. STEVENS):

S. 2463. A bill to provide, in accordance with the Federal Advisory Committee Act, for the repeal of advisory committees no longer carrying out the purposes for which they were established; to the Committee on Governmental Affairs.

THE ADVISORY COMMITTEE TERMINATION ACT OF 1994

• Mr. GLENN. Mr. President, today I am pleased to introduce legislation, proposed by the administration, to give us a start in whittling down the numbers of Federal advisory committees, particularly those created by Congress. This follows significant efforts on the parts of the President and Vice President to eliminate over 280 other advisory committees.

When President Clinton took office, there were over 1,200 such advisory committees, costing at least $140 million per year. Of that number, there were approximately 800 such committees of a discretionary nature, which are those created by the President directly or, pursuant to general authorization, through heads of executive level agencies. Another 400 advisory committees can be termed as statutory in nature, owing their existence solely to Congress through specific statutory authorization.

I was pleased that one of President Clinton's first acts was to issue an Executive order mandating a one-third cut in the numbers of the so-called discretionary advisory committees. Earlier this year—after detailed review and evaluation by Federal agencies, the Committee Management Secretariat of the General Services Administration [GSA], and the Office of Management and Budget [OMB]—the President announced he had exceeded his original target by terminating 284 of these committees, with approximate savings of $17 million.

I do not mean to disparage the work of these committees or the efforts of the many qualified individuals who have served on them. I do hope they have fulfilled the purpose for which they were created in exemplary fashion. But I ask you, Mr. President, is anyone in America going to lose sleep over the fact that the National Commission on Sleep Disorders has been put to bed? Or what about the 1610/2483 Mhz Negotiated Rulemaking Committee. Will their frequency be missed? It would seem that the National Advisory Committee on Publications Subvention has had their existence subverted.

I could cite many more, but I use these as examples, not to belittle. The point being that, once these entities are created, they invariably take on a life of their own. It is probably easier to skate across Lake Erie in the dead of winter than it is to keep these numbers under control.

That is not to say that advisory committees, if used properly and judiciously, do not play an important role in our Government. They do. It is an opportunity for us—and more importantly, Government officials—to hear some common sense directly from private citizens, consumers, businesses, industry, and scientific experts alike. Some would say we could always use more of that here. If these advisory committees are created for a limited duration and an explicit purpose, say a report to make recommendations on an issue of public policy, they can bring sound advice at a relatively cheap cost.

But what sometimes happens, is that once these committees get going they don't want to stop. Like weeds, they can proliferate. We need to be able to rake them in once in a while. But to do that—and this is where I give credit to the administration—requires much time and effort. For who sits on these boards? In some cases, the privilege of serving becomes a form of patronage to be dispensed. Who do they represent? While oftentimes there is a broad spectrum of interests, in other cases it can be very narrow and specialized. For those groups, it becomes their channel of communication or participation with an agency. So one can see how hard it is, politically speaking, to try and cut these committees. Frankly, there is more to gain by just going along than there is to take a whack at them. Why make an enemy if you can help it?

Which brings me to the legislation I, and a number of my colleagues—particularly members of the Governmental Affairs Committee—are introducing here today. Previously, I had stated that there were some 400 advisory committees created by Congress. That, unfortunately, is the fastest growing segment in this ballpark. Just a few years ago, there were only half as many.

Now under the Federal Advisory Committee Act [FACA], there are some provisions which help constrain the growth of advisory committees by making them subject to periodic rechartering and general reviews of their performance. While that is still not perfect—and more teeth need to be put in—at least it is a start. On the other hand, many of the advisory committees created by Congress are not subject to these limitations. Oftentimes, they are exempted. Meaning, that their life—and purpose—are limitless. Further, for the ones which are reviewed periodically, there is always some hesitation on the part of the agency doing the reviewing to recommend their termination. Again, it is politically more expedient.

Which gets me to the point of why we in Congress establish such advisory committees. In some cases, we create them to defer consideration of a particularly contentious issue. In others, we are looking for more guidance and advice from private citizens in the real world. Still more come into existence as the result of agreements made on the floor as compromises in return for not offering time-consuming or delaying amendments to pending legislation.

Again, I certainly do not cast any aspersions on those advisory groups we have created. But the point is: Once they have been statutorily created, it takes an act of Congress to terminate them. That is the bill I am introducing here today.

In the administration's review pursuant to President Clinton's Executive Order 31, congressionally created advisory committees were recommended for elimination and for which we need to pass legislation to do it. Again, it is the agencies themselves which have come up with this list recommending for termination committees whose mandate has been fulfilled, their usefulness outlived, or their duties better performed elsewhere. Each one has a reason of justification.

The estimated savings are not huge. Only $2.4 million. Even more importantly, however, is the fact it shows we in Congress can do something to cut the numbers of Government boards and commissions. Again, it is only a start. I know we can do better. In fact, I note that the Vice President has again directed all agencies to come up with further reductions and savings. Moreover, he has indicated that the administration will not support new advisory committees unless an existing one is terminated.

I think this makes eminent sense, and is something we should be doing in Congress. My hope is that we can do far better than cutting 31 of the 410 advisory committees we've created. I'd be thrilled if we could emulate the President and make that a one-third cut. So I will be following up these efforts by asking my fellow committee chairs and ranking members to conduct a similar review and determine which advisory committees are still needed.

I realize this will be a long, hard, and thankless effort. Already, in response to this proposed list, we're heard from some of those who serve on these groups, or professional organizations whose interests are represented on them. Their cases are certainly compelling—they cost very little or accomplish a great deal. This may or may not be the case, but I'll let my colleagues, in looking at this list, decide for themselves.

In closing, let me thank both the President, Vice President, and former OMB Director and now White House Chief of Staff, Leon Panetta, for their work and commitment to this job. Further, I'd like to acknowledge the interest and support of my able colleague, Senator DORGAN, for his continuing efforts in this area.

Mr. President, I ask unanimous consent that the text of the bill and a summary be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2463

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Advisory Committee Termination Act of 1994."

SEC. 2. REPEAL OF ADVISORY COMMITTEES.

(a) DEPARTMENT OF AGRICULTURE.—

(1) SWINE HEALTH ADVISORY COMMITTEE.—Section 11 of the Swine Health Protection Act (7 U.S.C. 3810), which required the Secretary of Agriculture to appoint a swine health advisory committee or committees, is repealed.

(2) CASCADE HEAD SCENIC-RESEARCH AREA ADVISORY COUNCIL.—Section 8 of the Act of December 22, 1974 (16 U.S.C. 541g), which required the Secretary of Agriculture to appoint a Cascade Head Scenic-Research Area Advisory Council, is repealed.

(3) GLOBAL CLIMATE CHANGE TECHNICAL ADVISORY COMMITTEE.—Section 2404 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 6703), which required the Secretary of Agriculture to appoint a Global Climate Change Technical Advisory Committee, is repealed.

(4) MONO BASIN NATIONAL FOREST SCENIC AREA ADVISORY BOARD.—Section 306 of the California Wilderness Act of 1984 (16 U.S.C. 543e), which established the Mono Basin National Forest Scenic Area Advisory Board, is repealed.

(5) NEZ PERCE NATIONAL HISTORIC TRAIL ADVISORY COUNCIL.—Section 5(d) of the National Trails System Act, (16 U.S.C. 1244(d)), which required the Secretary of Agriculture to establish an advisory council for the Nez Perce National Historic Trail, is amended in the first sentence by inserting before the period at the end "and the Advisory Council established for the Nez Perce National Historic Trail shall terminate on the effective date of the Advisory Committee Termination Act of 1994.".

(b) DEPARTMENT OF DEFENSE.—Section 3306 of the National Defense Authorization Act for Fiscal Year 1993 (50 U.S.C. 98h-1 note), which authorized the Government-Industry Advisory Committee on the Operation and Modernization of the National Defense Stockpile, is repealed.

(c) DEPARTMENT OF EDUCATION; IMPROVEMENT AND REFORM OF SCHOOLS AND TEACHING FUND BOARD.—

(1) FUND FOR THE IMPROVEMENT AND REFORM OF SCHOOLS AND TEACHING ACT.—The Fund for the Improvement and Reform of Schools and Teaching Act (20 U.S.C. 4811 et seq.), which established the Fund Board, is amended—

(A) in section 3231 (20 U.S.C. 4831)—

(i) in the heading by striking "**BOARD AUTHORIZED**" and inserting "**DIRECTOR'S RESPONSIBILITIES**";

"(ii) by striking subsection (a) and redesignating subsections (b) through (f) as subsections (a) through (e), respectively;

(iii) in subsection (b)—

(I) by amending paragraph (3)(A) to read as follows:

"(A) coordinate the work of the Fund with the work of the Fund for the Improvement of Postsecondary Education,";

(II) by amending paragraph (3)(C) to read as follows:

"(C) identify promising initiatives and solicit proposals,";

(III) by striking paragraph (2); and

(IV) by redesignating paragraph (3) as paragraph (2); and

(iv) in subsection (c)—

(I) by striking "**PRIORITIES RULE**" and inserting "**PROJECT SUMMARY**"; and

(II) by striking the first two sentences;

(B) in section 3233 (20 U.S.C. 4833), by striking the second sentence; and

(C) in section 3243 (20 U.S.C. 4843)—

(i) by striking paragraph (2); and

(ii) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(2) TECHNICAL AMENDMENT.—Section 551 of the Higher Education Act of 1965 (20 U.S.C. 1107) is amended—

(A) in subsection (a)—

(i) by striking paragraph (2); and

(ii) by redesignating paragraph (3) as paragraph (2);

(B) by striking subsection (c); and

(C) by redesignating subsections (d) through (k) as subsections (c) through (j), respectively.

(d) DEPARTMENT OF ENERGY—

(1) TECHNICAL ADVISORY COMMITTEE ON VERIFICATION OF FISSILE MATERIAL AND NUCLEAR WARHEAD CONTROLS.—Section 3151(c) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. (839)), which authorized the Technical Advisory Committee on Verification of Fissile Material and Nuclear Warhead Controls, is repealed.

(2) TECHNICAL PANEL ON MAGNETIC FUSION.—Section 7 of the Magnetic Fusion Energy Engineering Act of 1980 (42 U.S.C. 9306), which authorized a technical panel on magnetic fusion, is repealed.

(e) DEPARTMENT OF HEALTH AND HUMAN SERVICES.—

(1) ADVISORY COUNCIL ON HAZARDOUS SUBSTANCES RESEARCH AND TRAINING.—Section 311(a)(5) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9660(a)(5)), which authorized an advisory council on hazardous substances research and training, is repealed.

(2) ADVISORY COUNCIL ON TRAUMA CARE SYSTEMS.—Section 1202 of the Public Health Service Act (42 U.S.C. 300d-1), which authorized the Advisory Council on Trauma Care Systems, is repealed.

(3) JOB OPPORTUNITIES AND BASIC SKILLS TRAINING PROGRAM ADVISORY PANEL.—Section 203(c)(4) of the Family Support Act of 1988 (42 U.S.C. 681 note), which authorized an advisory panel for the evaluation of the Job Opportunities and Basic Skills Training (JOBS) Program, is repealed.

(4) BOARD OF TEA EXPERTS.—Section 4 of the Tea Importation Act (21 U.S.C. 42), which authorized a board of tea experts, is repealed.

(5) DEVICE GOOD MANUFACTURING ADVISORY COMMITTEE.—Section 520(f)(3) of the Federal Food, and Cosmetic Act (21 U.S.C. 360j(f)(3)), which authorized a device good manufacturing practice advisory committee, is repealed.

(6) END STAGE RENAL DISEASE DATA ADVISORY COMMITTEE.—The second sentence of section 1881(c)(7) of the Social Security Act (42 U.S.C. 1395rr(c)(7)), which authorized a professional advisory group to assist in formulation of policies and procedures relevant to the management of the end stage renal disease registry, is amended by striking everything after "purpose of such" and inserting "registry and shall determine the appropriate location of the registry.".

(7) FEDERAL HOSPITAL COUNCIL.—Section 641 of the Public Health Service Act (42 U.S.C. 291k), which authorized the Federal Hospital Council, is repealed.

(8) NATIONAL ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES ADVISORY BOARD.—Section 442 of the Public Health Service Act (42 U.S.C. 285d–7), which authorized the National Arthritis and Musculoskeletal and Skin Diseases Advisory Board, is repealed.

(9) NATIONAL COMMISSION ON ALCOHOLISM AND OTHER ALCOHOL-RELATED PROBLEMS.—Section 18 of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act Amendments of 1979 (42 U.S.C. 4541 note), which authorized the National Commission on Alcoholism and Other Alcohol-Related Problems, is repealed.

(10) NATIONAL DEAFNESS AND OTHER COMMUNICATION DISORDERS ADVISORY BOARD.—Section 464D of the Public Health Service Act (42 U.S.C. 285m–4), which authorized the National Deafness and Other Communication Disorders Advisory Board, is repealed.

(11) NATIONAL DIABETES ADVISORY BOARD, NATIONAL DIGESTIVE DISEASES ADVISORY BOARD, AND NATIONAL KIDNEY AND UROLOGIC DISEASES ADVISORY BOARD.—Section 430 of the Public Health Service Act (42 U.S.C. 285c–4), which authorized the National Diabetes Advisory Board, National Digestive Diseases Advisory Board, and National Kidney and Urologic Diseases Advisory Board, is repealed.

(12) TASK FORCE ON AGING RESEARCH.—Title III of the Home Health Care and Alzheimer's Disease Amendments of 1990 (42 U.S.C. 242q through 242q–5), which authorized the Task Force on Aging Research, is repealed.

(f) DEPARTMENT OF THE INTERIOR.—

(1) CHATTAHOOCHEE RIVER NATIONAL RECREATION AREA ADVISORY COMMISSION.—Section 106 of Public Law 95–344 (16 U.S.C. 460ii–5), which authorized the Chattahoochee River National Recreation Area Advisory Commission, is repealed.

(2) GULF ISLANDS NATIONAL SEASHORE ADVISORY COMMISSION.—Section 10 of Public Law 91–660 (16 U.S.C. 459h–9), which authorized the Gulf Islands National Seashore Advisory Commission, is repealed.

(3) JEFFERSON NATIONAL EXPANSION MEMORIAL COMMISSION.—Section 7 of the Act of August 24, 1984 (68 Stat. 98, chapter 204; 98 Stat. 1467; 16 U.S.C. 450jj–6), which authorized the Jefferson National Expansion Memorial Commission, is repealed.

(4) POTOMAC HERITAGE NATIONAL SCENIC TRAIL ADVISORY COUNCIL.—The first sentence of section 5(d) of the National Trails System Act (16 U.S.C. 1244(d)), which required the Secretary of the Interior to establish an advisory council for the Potomac Heritage National Scenic Trail, is amended by inserting "except the Potomac Heritage Trail" after "respective trail".

(g) DEPARTMENT OF JUSTICE.—Section 5002 of title 18, United States Code, which authorized the Advisory Corrections Council, is repealed.

(h) DEPARTMENT OF TRANSPORTATION.—

(1) COMMERCIAL MOTOR VEHICLE SAFETY REGULATORY REVIEW PANEL.—Section 31134 of title 49, United States Code, as enacted by Public Law 103–472 (formerly section 209 of the Motor Carrier Safety Act of 1984 (49 U.S.C. App. 2508)), which authorized the Commercial Motor Vehicle Safety Regulatory Review Panel, is repealed.

(2) NATIONAL DRIVER REGISTER ADVISORY COMMITTEE.—Section 209 of the National Driver Register Act of 1982 (23 U.S.C. 401 note), which authorized the National Driver Register Advisory Committee, is repealed.

(3) NATIONAL HIGHWAY SAFETY ADVISORY COMMITTEE.—Section 404 of title 23, United States Code, which authorized the National Highway Safety Advisory Committee, is repealed.

JUSTIFICATION FOR THE REPEAL OF ADVISORY COMMITTEES

(a) Department of Agriculture:

(1) Advisory Committee on Swine Health Protection. The duties of this committee—to advise the Secretary of Agriculture on matters within the scope of the Swine Health Protection Act of 1980, including assuring effective coordination between Federal and State programs for regulating the feeding of garbage to swine—have been completed. Ongoing swine health issues can be considered by the Advisory Committee on Foreign Animal and Poultry Diseases, established by the Department.

(2) Cascade Head Scenic-Research Area Advisory Council. The Council has served its intended purposes under its establishing scenic research area legislation and has been inactive since 1982. There have been no recent disputes or substantive issues to be reviewed by the council, and the management of area properties has been proceeding in a cooperative fashion among Federal and local entities concerned.

(3) Global Climate Change Technical Advisory Committee. The purpose of this committee is to provide advice to the Secretary concerning the major study areas required under the global change research program. The Secretary already receives advice from the private sector in this area through other Departmental advisory committees, and also coordinates its research program through a Federal Global Change Research Task Force and other interagency mechanisms of the global change program.

(4) Mono Basin National Forest Scenic Area Advisory Board. Although the board is scheduled to terminate under its establishing scenic area legislation on May 22, 1995, the Department believes early termination would not affect the management of the area. The important planning and management issues have been worked through between the board and the Forest Service, and the normal day-to-day management processes for the area are presently functioning. The board has been only moderately active since 1991.

(5) Nez Perce National Historic Trail Advisory Council. The council, working with the Forest Service, completed the required comprehensive management plan for this historic trail which was dedicated on July 19, 1991. Since then, the council has been inactive. The newly-formed Nez Perce National Historic Trail Foundation has taken on many of the original roles of the council, and is the catalyst in implementing the comprehensive plan and establishing the trail.

(b) Department of Defense:

(1) Government-Industry Advisory Committee on the Operation and Modernization of the National Defense Stockpile. Section 10(a) of the Strategic and Critical Materials Stock Piling Act of 1939, as amended, gives the President the authority to appoint advisory committees to advise on stockpile matters, but does not require such committees. Most sections of the Stock Piling Act, including section 10, have been delegated to the Secretary of Defense. The Secretary has not chosen to appoint such committees in the past. Information and advice is generally available to Stockpile managers directly from other sources, operationally and contractually, without the need for a formal advisory committee. No members have yet been appointed to this committee.

(c) Department of Education:

(1) Fund for the Improvement and Reform of Schools and Teaching Board. The Secretary of Education can carry out the mandate of the Fund for the Improvement and Reform of Schools and Teaching (FIRST) program without the expense and support of a standing advisory committee. The Department's process for peer review of grant applications obviates the need for recommendations from the board in awarding grants under the FIRST program.

(d) Department of Energy:

(1) Technical Advisory Committee on Verification of Fissile Material and Nuclear Warhead Controls. The purpose of the committee was to make a one-time report primarily on techniques for mutual verification by the United States and the Soviet Union of certain nuclear weapons disarmament actions and to advise the President on the further development of those techniques. The report was provided to the Congress by the President on October 7, 1991. The disarmament environment has changed greatly since this legislation was enacted and the thrust of verification techniques no longer is directed toward mutually verifiable procedures. The necessity for the committee ended with the submission of the required report.

(2) Technical Panel on Magnetic Fusion. The Magnetic Fusion Energy Engineering Act of 1980 provided an accelerated program of magnetic fusion research and development leading to the construction and operation of an engineering test device by 1990 and a demonstration plant before the end of this century. The panel was established under the Department's Energy Research Board primarily to review the conduct of the program and report to the board every three years. However, funds were not appropriated to build and operate the test device or the demonstration plant and, as a result, the panel made only two progress reports to the board on the fusion program. The board was abolished in 1989. The Department currently uses a Fusion Energy Advisory Committee as its ongoing committee to review and recommend directions for this program.

(e) Department of Health and Human Services:

(1) Advisory Council on Hazardous Substances Research and Training. The council has completed its statutory mandate. It has

reviewed and approved the implementation of the basic research program, and endorsed the coordination of the program with other relevant Federal activities authorized under the enabling legislation. The National Advisory Environmental Health Sciences Council can continue reviews of the hazardous substances basic research and professional training program.

(2) Advisory Council on Trauma Care Systems. Although membership nominations for this council have been sought, no appointments have been made and the council has never met. The Department believes that the program has proceeded very successfully for almost two years and has not been impeded by the absence of the council. The Health Resources and Services Administration believes that the participatory intent of an advisory council has been and will continue to be met through working groups and other mechanisms for input. Deletion of the requirement for this council will not delay or detract from the program's implementation.

(3) Advisory Panel for the Evaluation of the Job Opportunities and Basic Skills Training (JOBS) Program. The studies which this panel was designed to evaluate have been conducted under a different authority (section 1115 of the Social Security Act), since funds authorized under the enabling legislation have not been appropriated. This alternate evaluation of the JOBS program by the Department is consistent with the design of the effectiveness studies originally required. Although the panel has been providing advice on the Department's evaluation, this advice can be obtained in other ways, such as directly from the full-time Federal employees who make up about one-half of the panel. The remaining public members can be retained as individual consultants for particular areas on an ad hoc basis. Heretofore the members of the panel have been consulted more as individual experts than as a group from whom consensus advice is required.

(4) Board of Tea Experts. The board, composed of experts in tea tasting, meets annually to advise the Food and Drug Administration (FDA) regarding standards for purity, quality, and fitness for consumption of imported teas. The board can be eliminated since FDA employs tea tasters who are capable of setting the standards mandated under the Act.

(5) Device Good Manufacturing Practice Advisory Committee. Under the enabling legislation, the committee reviews and provides recommendations on proposed medical device good manufacturing practices (GMP) regulations and petitions for exemptions therefrom. Since Food and Drug Administration employees are a major source of expertise on GMPs, the agency has concluded that the functions of the committee can be carried out by Federal staff with the occasional use of outside experts on an ad hoc basis. Affected and interested parties will still have an opportunity to provide input on proposed GMP regulations during the formal rulemaking process, which includes public hearings.

(6) End-Stage Renal Disease Data Advisory Committee. Although the committee has been activated to assist the Secretary in the formulation of policies and procedures relevant to the management of the National End State Renal Disease Registry, the operations of the registry are being carried out by Federal employees of the Health Care Financing Administration without the assistance of such standing committee. When additional expertise is needed, the advice of outside professionals in the areas of interest can be solicited individually on an ad hoc basis.

(7) Federal Hospital Council. The "Hill-Burton" program established under the original legislation, concerning matters relating to the operation of hospitals and other medical facilities, has not awarded any grants since 1976, nor made any loans since 1978. The council, therefore, has been inactive for close to fifteen years. The concerns of the council were superseded and encompassed by the National Council on Health Planning and Development, which terminated on September 30, 1986. The authority for the council is obsolete.

(8) National Advisory Board for Arthritis and Musculoskeletal and Skin Diseases. Besides the board, the National Institute of Arthritis and Musculoskeletal and Skin Diseases has other bodies of experts which provide advice and assistance to the Institute in carrying out its mandate. Those bodies have many similar functions and authorities, as well as some duplication of membership. Currently, there is the National Arthritis and Musculoskeletal and Skin Diseases Advisory Council, which also reviews any proposed grant, contract and cooperative agreement to be made or entered into by the Institute, as well as two Interagency Coordinating Committees, all required as well by the Public Health Service Act. Assumption of the board's functions by these other entities would reduce duplication and increases cost effectiveness.

(9) National Commission on Alcoholism and Other Alcohol-Related Problems. The commission was activated briefly in 1980 and was to submit a final report within two years after the date on which funds first became available to carry out the authorizing legislation. The commission was then to terminate sixty days after submission of the report. Although funds were authorized, they were never appropriated to enable the commission to carry out its mandate. The commission has remained inactive up to this time and is no longer considered necessary by the Department.

(10) National Deafness and Other Communication Disorders Advisory Board. Besides the board, there is the National Deafness and Other Communication Disorders Advisory council, also required by the Public Health Service Act. Both the board and the council provide policy advice to the National Institute on Deafness and Other Communication Disorders, but the council also is required to review and recommend the approval of grant applications prior to funding by the Institute. The board's policy advice function can be adequately served by the council. The other specific function of the board, which concerns the updating of the national strategic research plan with regard to this medical area, can be accomplished by other means.

(11) National Diabetes Advisory Board; National Digestive Diseases Advisory Board; and National Kidney and Urologic Diseases Advisory Board. The functions of these three separate boards can be adequately served by the National Diabetes and Digestive and Kidney Diseases Advisory Council, also required by the Public Health Service Act. The council's membership representation is comparable to that of each board as well. The staff of the National Institute of Diabetes and Digestive and Kidney Diseases also arrange periodic scientific conferences and workshops to gain the individual advice of leading investigators of each of these diseases. This further serves to fulfill the functions of the three boards.

(12) Task Force on Aging Research. The task force essentially has fulfilled its principal mission with the recently completed final report on its basic mandate to make recommendations concerning the priorities for, and funding of aging research by the Department. The National Advisory Council on Aging, in carrying out its required duties, makes policy recommendations to the National Institute on Aging, and also may make certain recommendations to the Secretary on particular projects and categories of research that should be conducted. Since the duties of the task force overlap with those of the council, the former may be eliminated.

(f) Department of the Interior:

(1) Chattahoochee River National Recreation Area Advisory Commission. This commission is scheduled to terminate under its establishing recreation area legislation on October 30, 1994. However, the commission already has served its intended purposes to advise the National Park Service in the management and operation of the area and in promoting the protection of the river corridor resources. The commission has been inactive since 1989.

(2) Gulf Islands National Seashore Advisory Commission. The work of this commission to advise the National Park Service on the establishment and operation of the Gulf Islands National Seashore has been completed. The commission is scheduled to terminate under its establishing legislation on July 6, 1994. Recently, only one meeting of the commission per year has been necessary.

(3) Jefferson National Expansion Memorial Commission. This commission completed a study which made several recommendations which would result in grater access and recreational opportunities in the St. Louis/East St. Louis area. However, the study was not accepted by the Secretary and, therefore, actions recommended by the study have not been implemented. The commission has fulfilled its principal function of preparing a development and management plan for the East St. Louis addition to the requisite park. Subsequent legislation, however, has removed any further need for action by the commission. The commission has been inactive since 1987 and will terminate under its establishing legislation on August 24, 1994.

(4) Potomac Heritage National Scenic Trail Advisory Council. The purpose for this council under the establishing scenic and recreational trail legislation is no longer deemed necessary by the Department. Activity related to this council in implementing the legislation has been severely restricted due to budgetary constraints over the past few years. The council, moreover, would terminate under its establishing legislation on May 26, 1994.

(g) Department of Justice:

(1) Advisory Corrections Council. The council was formed to hold regular meetings to consider problems of treatment and correction of all offenders against the United States. Although initially active for many years, in recent years the council has not met. Most of the council's duties have been undertaken by the Bureau of Prisons as its administrative functions and research capabilities have grown along with the inmate population. The growth of other public and private entities serving as prison advisory organizations, such as the National Institute of Corrections, the U.S. Sentencing Commission, the Federal Judicial Center, the American Corrections Association, and the American Bar Association, has diminished the need for the council.

(h) Department of Transportation:

(1) Commercial Motor Vehicle Safety Regulatory Review Panel. The panel has completed its duties to assist in the review of existing State laws and regulations affecting commercial motor vehicle safety to determine their consistency with Federal regulations. The panel accomplished its mission with the publication of its report to the Secretary in August 1990.

(2) National Driver Register Advisory Committee. The purpose of the committee is to provide advice and recommendations on issues concerning the efficiency of the maintenance and operation of the National Driver Register (NDR) in assisting States exchanging information on motor vehicle driving records. All States now have, or will soon have fully electronic NDR systems in place for identifying problem drivers, so the committee's mission has been accomplished.

(3) National Highway Safety Advisory Committee. This committee was established to advise the Secretary on matters relating to the activities and functions of the Department in the field of highway safety. However, as a result of prohibitions in annual appropriations acts on expenditures to continue implementing the authorizing legislation, this committee has been inactive since 1986. The committee includes thirty-five members to be appointed by the President, but no appointments have been made since 1987 due to the funding prohibition.●

By Mr. WOFFORD:

S. 2464. A bill entitled the "Congressional Health Insurance Accountability Act."; to the Committee on Governmental Affairs.

THE CONGRESSIONAL HEALTH INSURANCE ACCOUNTABILITY ACT

● Mr. WOFFORD. Mr. President, 7 weeks ago I warned Members of this Senate that unless we acted to give all Americans the same kinds of affordable, private health insurance that Members of Congress have arranged for themselves, I would seek to disqualify every Member of Congress from participating in the Federal Employees Health Benefits Plan.

I had hoped I wouldn't have to follow through on that promise. I had hoped the voices of reason would be heard above the din of delay.

It is clear now that won't happen. While reasonable men and women on both sides of the aisle have made a good-faith effort to move ahead, the defenders of the status quo have blocked them at every turn. They've played cynically on people's fears and spent mountains of money to block the kinds of changes we all know must be made to improve our health care system.

They have refused to compromise. Time after time, the moderate majority has tried to meet them halfway. And each time, they have taken another step back. The plain truth is, the defenders of the status quo do not want health care reform because it does not serve their political interests. That's an outrage. It's an outrage for Members of Congress to do nothing about health care while they sit here with their own private health insurance, paid for with taxpayer dollars.

Mr. President, it's time for Members of Congress to support the plan they live under, or live under the plan they support. This amendment will force them to do just that. I know it will not be popular in these Chambers, but I think it's the right thing to do. Under this amendment, Members of Congress will lose their tax-paid health care benefits, effective January 1, 1995. They can remain in the Federal Employees Health Benefits Plan for up to 18 months. But the American taxpayers will no longer pick up 72 percent of the bill, as they do now. Congress Members will have to pay the entire costs of their health insurance, as I myself have been doing for the last few months.

Translated into dollars and cents, this amendment means that if a Congress Member or Senator chooses standard Blue Cross family coverage, he or she will pay the full premium, $405 a month. Right now, Congress Members pay only $101.25 a month and taxpayers pay the balance, $303.75.

After 18 months, if Congress still has not been able to agree on real reform, Members of Congress will be dropped from the FEHB rolls entirely. They will no longer enjoy the cost savings and other benefits that come from being part of a large-group plan. They'll have to either purchase their own insurance with no help from their employer, or go without insurance. For those who may think these terms are harsh, let me remind you that this is exactly what taxpayers who lose their jobs get under COBRA. No more, no less.

The Federal Employees Health Benefits Plan is exactly the kind of health insurance that I have been working to get for all Americans. It's not Government-run health care, it's private health insurance. The 9 million Federal workers who are in it choose the plan they want, and the doctor they want. They can't be dropped, and they can't be turned down because of a pre-existing condition. You know how many people it takes to administer such a program—176 people to cover more than 9 million people.

That's the plan Members of Congress have arranged for themselves. If they aren't willing to guarantee that type of private insurance to the American people, then at the very least they should not enjoy such health care themselves, at taxpayer's expense. Since the Senate began debate on health care, 3 million Americans have lost their health insurance. How many Members of Congress have become uninsured? Zero.

If Members of Congress want more time to study—as they claim—let them study what it's like to be a middle-class American caught up in the health care mess. Let them study how difficult it is to pay for health insurance if your employer doesn't contribute a fair share. And let them worry about what it would be like to try to buy health insurance without the help of their employer, because that's really the problem.

Eighty percent of the people in this country who don't have insurance live in families where at least one family member is working. Every day, they get up and go to work. And every day, they wonder if this is the day their luck is going to run out. Many Members of Congress have pre-existing conditions, some very serious, which may make it difficult to buy health insurance. That's just what millions of Americans experience every day. Many Members of Congress are older; their insurance rates may be high. Millions of Americans face that every day, too.

Why should Members of Congress be the only people in America who don't have to worry about health care? Maybe if Members of Congress had a more profound understanding of what working families go through, they would understand why we must act sooner, rather than later.

There are Members of Congress who say that doing nothing on health care won't hurt them a bit. I hope this amendment will help in some small way to show them that they are wrong. Americans are paying more and more each year to cover fewer and fewer people. Doing nothing about that hurts all of us—every person, every business in this country. I've said it before: health care delayed is health care denied.

Until we act, Americans will continue to face a health insurance maze in which the insurance companies make all the rules and families fall through the loopholes and fine print. Until we act, health care costs will continue to soar out of control, placing an ever greater strain on businesses and devouring an ever greater share of tax dollars. Until we act, America will retain the ignoble distinction of being the only industrialized nation in the world besides South Africa that does not guarantee its citizens the right to see a doctor when they're sick.

Until we act, Americans will continue to suffer and die from diseases that could have been prevented or cured if only they'd been treated sooner.

And until we act, Mr. President, Members of Congress should at least have the decency not to demand of the American people what they will not guarantee for the American people.●

By Ms. MOSELEY-BRAUN (for herself, Mr. CHAFEE, Mr. SIMON, and Mr. PELL):

S. 2465. A bill to require the Secretary of the Treasury to mint coins in commemoration of black revolutionary war patriots; to the Committee on Banking, Housing, and Urban Affairs.

THE 1995 BLACK REVOLUTIONARY WAR PATRIOTS COMMEMORATIVE COIN ACT

● Ms. MOSELEY-BRAUN. Mr. President, I am today introducing, together with my distinguished colleagues from Rhode Island, Senator CHAFEE and Senator PELL, and my good friend and senior colleague from Illinois, Senator SIMON, the Black Revolutionary War Patriots Commemorative Coin Act, a bill that I believe is more than two centuries overdue. Identical legislation is being authored in the House of Representatives by my good friend and distinguished Member of Congress, JOHN LEWIS, who has taken a real leadership role in developing this legislation.

In 1986 and again in 1988 Congress passed legislation authorizing the construction of a monument just north of the Reflecting Pool on the Mall to honor the black patriots of the Revolutionary War. More than 5,000 black freedmen, slaves, and runaway slaves fought alongside white colonists in the struggle for independence. This bill proposes the minting of 500,000 commemorative coins, which should raise approximately $5 million for use in financing the monument.

All proceeds over and above the cost of minting the coin will go toward the construction of the monument. This bill is revenue-neutral; it will cost the Federal Government absolutely nothing. It supports a memorial that both honors and educates. The memorial commemorates the significant contributions made by over 5,000 African-Americans during a critical period of this Nation's history, the American Revolution. Most Americans don't know that among those who fought for our freedom were African-Americans. This memorial honors their role, and their contribution to our Nation's founding.

We have an opportunity to honor and salute the men and women whose actions contributed to the birth of our Nation, a nation whose Constitution now embodies the very ideals of freedom these patriots risked their lives for. Only in the 150 years after their deaths has this Nation begun to secure and enforce the truths we hold to be self-evident: Life, liberty, and the pursuit of happiness for all Americans. This Nation owes an enormous debt of gratitude to them for their courage to stand with little or no hope of seeing the fruits of their accomplishments.

As citizens who enjoy the benefits of their sacrifice, I hope that every Member of this Senate will join Senator CHAFEE and I in expediting the passage of this legislation, so that the construction of this monument can begin promptly, and so that America may bestow upon these patriots the honor they deserve. I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2465

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "1995 Black Revolutionary War Patriots Commemorative Coin Act".

SECTION 2. COIN SPECIFICATIONS

(a) $1 SILVER COINS.—The Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall mint and issue not more than 500,000 1 dollar coins, which shall—

(1) weigh 26.73 grams;

(2) have a diameter of 1.500 inches; and

(3) contain 90 percent silver and 10 percent copper.

(b) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) NUMISMATIC ITEMS.—For purposes of section 5134 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

SEC. 3. SOURCES OF BULLION.

The Secretary shall obtain silver for minting coins under this Act only from stockpiles established under the Strategic and Critical Materials Stock Piling Act.

SEC. 4. DESIGN OF COINS.

(a) DESIGN REQUIREMENTS—

(1) IN GENERAL.—The design of the coins minted under this Act shall be emblematic of the Black Revolutionary War Patriots Memorial.

(2) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this Act there shall be—

(A) a designation of the value of the coin;

(B) an inscription of the year "1995"; and

(C) inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(b) SELECTION.—The design for the coins minted under this Act shall be—

(1) selected by the Secretary after consultation with the Black Revolutionary War Patriots Foundation and the Commission of Fine Arts; and

(2) reviewed by the Citizens Commemorative Coin Advisory Committee.

SEC. 5. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) MINT FACILITY.—Only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this Act.

(c) PERIOD FOR ISSUANCE.—The Secretary may issue coins minted under this Act only during the period beginning on May 15, 1995, and ending May 15, 1996.

SEC. 6. SALE OF COINS.

(a) SALE PRICE.—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coins;

(2) the surcharge provided in subsection (d) with respect to such coins; and

(3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) PREPAID ORDERS.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

(d) SURCHARGES.—All sales shall include a surcharge of $10 per coin.

SEC. 7. GENERAL WAIVER OF PROCUREMENT REGULATIONS.

(a) IN GENERAL.—Except as provided in subsection (b), no provision of law governing procurement or public contracts shall be applicable to the procurement of goods and services necessary for carrying out the provisions of this Act.

(b) EQUAL EMPLOYMENT OPPORTUNITY.—Subsection (a) shall not relieve any person entering into a contract under the authority of this Act from complying with any law relating to equal employment opportunity.

SEC. 8. DISTRIBUTION OF SURCHARGES.

(a) IN GENERAL.—All surcharges received by the Secretary from the sale of coins issued under this Act shall be promptly paid by the Secretary to the Black Revolutionary War Patriots for the purpose of raising an endowment to support the construction of a Black Revolutionary War Patriots Memorial.

(b) AUDITS.—The Comptroller General of the United States shall have the right to examine such books, records, documents, and other data of the Black Revolutionary War Patriots Foundation as may be related to the expenditures of amounts paid under subsection (a).

SEC. 9. FINANCIAL ASSURANCES.

(a) NO NET COST TO THE GOVERNMENT.—The Secretary shall take such actions as may be necessary to ensure that minting and issuing coins under this Act will not result in any net cost to the United States Government.

(b) PAYMENT FOR COINS.—A coin shall not be issued under this Act unless the Secretary has received—

(1) full payment for the coin;

(2) security satisfactory to the Secretary to indemnify the United States for full payment; or

(3) a guarantee of full payment satisfactory to the Secretary from a depository institution whose deposits are insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration Board.●

By Mr. JOHNSTON (for himself and Mr. WALLOP):

S. 2466. A bill to amend the Energy Policy and Conservation Act to manage the strategic petroleum reserve more effectively and for other purposes; to the Committee on Energy and Natural Resources.

THE ENERGY POLICY AND CONSERVATION ACT AMENDMENTS ACT

● Mr. JOHNSTON. Mr. President, the purpose of this bill is to amend the Energy Policy and Conservation Act to extend the President's basic authorities for dealing with energy emergencies. The authority of the President to maintain, manage, and withdraw oil from our strategic petroleum reserve expires on September 30, 1994. In addition, key authorities essential for the United States to meet its obligation under programs of the International Energy Agency also expire on September 30, 1994. We need to extend these authorities before Congress adjourns. This legislation provides extensions of those authorities through June 30, 1996.●

By Mr. MITCHELL (for himself, Mr. MOYNIHAN, and Mr. PACKWOOD) (by request):

S. 2467. A bill to approve and implement the trade agreements concluded in the Uruguay round of multilateral trade negotiations; to the Committee on the Judiciary, the Committee on Agriculture, Nutrition, and Forestry, the Committee on Commerce, Science, and Transportation, the Committee on Finance, the Committee on Governmental Affairs, and the Committee on Labor and Human Resources, jointly, pursuant to the order of 19 U.S.C. 2191(c)(1).

URUGUAY ROUND AGREEMENTS ACT

Mr. MOYNIHAN. Mr. President, I rise today to inform the Senate of the introduction of a most critical piece of legislation—the Uruguay Round Agreements Act. This legislation, the culmination of months of hard work by the Finance Committee and several other committees, is necessary to implement United States commitments under the Uruguay round agreements, which were signed in Marrakesh last April 15.

Mr. President, it is essential that the Senate now move expeditiously to consider and approve this legislation prior to adjourning for the year. No vote in this Congress will be more important to the economic future of this country, its workers, its industries, and its farmers. And no vote will do more to send a clear signal to the world of the direction in which we are moving—and thereby to reinforce the leadership position of the United States in the post-cold-war world.

The Uruguay round is an historic achievement, the largest and most comprehensive trade agreement in history, the culmination of 60 years of bipartisan trade policy that began with Cordell Hull and the Reciprocal Trade Agreements Act of 1934. An era of unparalleled prosperity, in no small part due to the U.S. commitment to an open world trading system.

The Uruguay round negotiations themselves took more than 7 years to complete, but the effort was worth it. The Uruguay round will cut foreign tariffs on United States manufactured exports by one-third—the largest reduction in history and a great boost to our most competitive industries and workers. Let us recognize these deep tariff reductions for what they are: the world's largest tax cut in history, a tax cut of nearly $750 billion over the next decade—benefiting our exporters and consumers alike.

The Uruguay round finally will bring agriculture under international trading rules. Any by requiring substantial reductions in distortive export subsidies, it will afford new export opportunities for American farmers, long the most productive and efficient in the world. After years of waiting, we will have new rules to protect the intellectual property of American innovators and entrepreneurs—always one or our country's greatest strengths. Trade in services—60 percent of our economy and 70 percent of our jobs—now will be subject to internationally agreed rules, to our great advantage. And we also will benefit from stronger dispute settlement rules, which more often work to our advantage than to our detriment.

The legislation introduced today will be considered under fast track procedures and is thus unamendable. I am most aware that some of my colleagues have been critical of these procedures.

But, Mr. President, let me assure the Senate that the process has not been rushed. The Finance Committee has taken great care in constructing its share of this legislation. The committee held four hearings earlier this year to review key issues and concerns—from application of the antidumping laws of treatment of foreign subsidy practices to how the Uruguay round would affect United States sovereignty. The committee then met six times in public markup sessions from mid-July to early August. In those meetings, the committee formulated its recommendations to the President concerning the provisions of the legislation. Subsequently, we spent several weeks working to reach agreement with the Ways and Means Committee—conferencing just as we would with any other piece of legislation.

That conference reached overwhelming agreement, whittling over 100 initial differences down to only four areas of disagreement. We did so in the finest bipartisan tradition, with great credit due to the ranking member of the committee, the senior Senator from Oregon. There was unanimous support for the conference recommendations. And, I can report, the legislation introduced today is faithful to those recommendations.

The Finance Committee now moves to the final stage of its deliberations, having scheduled a markup session for this Thursday, September 29. I fully expect that the legislation will be considered by the full Senate next week.

Mr. President, as we wind down this session, there is a natural tendency for some to focus on what we have not been able to accomplish, for one reason or another, this year. Let us instead, however, direct our attention and energies in these final days to passing this most critical piece of legislation. I am confident that our strong, bipartisan approval of the Uruguay Round Agreements Act will be recognized as one of the great accomplishments of the 103d United States Congress.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill ordered to be printed in the RECORD, as follows:

S. 2467

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Uruguay Round Agreements Act".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title and table of contents.
Sec. 2. Definitions.

TITLE I—APPROVAL OF, AND GENERAL PROVISIONS RELATING TO, THE URUGUAY ROUND AGREEMENTS

Subtitle A—Approval of Agreements and Related Provisions

Sec. 101. Approval and entry into force of the Uruguay Round Agreements.
Sec. 102. Relationship of the agreements to United States law and State law.
Sec. 103. Implementing actions in anticipation of entry into force; regulations.

Subtitle B—Tariff Modifications

Sec. 111. Tariff modifications.
Sec. 112. Implementation of Schedule XX provisions on ship repairs.
Sec. 113. Liquidation or reliquidation and refund of duty paid on certain entries.
Sec. 114. Modifications to the HTS.
Sec. 115. Consultation and layover requirements for, and effective date of, proclaimed actions.
Sec. 116. Effective date.

Subtitle C—Uruguay Round Implementation and Dispute Settlement

Sec. 121. Definitions.
Sec. 122. Implementation of Uruguay Round Agreements.
Sec. 123. Dispute settlement panels and procedures.
Sec. 124. Annual report on the WTO.
Sec. 125. Review of participation in the WTO.
Sec. 126. Increased transparency.
Sec. 127. Access to the WTO dispute settlement process.
Sec. 128. Advisory committee participation.
Sec. 129. Administrative action following WTO panel reports.
Sec. 130. Effective date.

Subtitle D—Related Provisions

Sec. 131. Working party on worker rights.
Sec. 132. Implementation of rules of origin work program.
Sec. 133. Membership in WTO of boycotting countries.
Sec. 134. Africa trade and development policy.
Sec. 135. Objectives for extended negotiations.
Sec. 136. Repeal of tax on imported perfumes; drawback of tax on distilled spirits used in perfume manufacture.
Sec. 137. Certain nonrubber footwear.
Sec. 138. Effective date.

TITLE II—ANTIDUMPING AND COUNTERVAILING DUTY PROVISIONS

Sec. 201. Reference.

Subtitle A—General Provisions

Sec. 211. Action with respect to petitions.
Sec. 212. Petition and preliminary determination.
Sec. 213. De minimis dumping margin.
Sec. 214. Critical circumstances.
Sec. 215. Provisional measures.
Sec. 216. Conditions on acceptance of suspension agreements.

Sec. 217. Termination of investigation.
Sec. 218. Special rules for regional industries.
Sec. 219. Determination of weighted average dumping margin.
Sec. 220. Review of determinations.
Sec. 221. Review determinations.
Sec. 222. Definitions.
Sec. 223. Export price and constructed export price.
Sec. 224. Normal value.
Sec. 225. Currency conversion.
Sec. 226. Proprietary and nonproprietary information.
Sec. 227. Opportunity for comment by consumers and industrial users.
Sec. 228. Public notice and explanation of determinations.
Sec. 229. Sampling and averaging; determination of weighted average dumping margin.
Sec. 230. Anticircumvention.
Sec. 231. Evidence.
Sec. 232. Antidumping petitions by third countries.
Sec. 233. Conforming amendments.
Sec. 234. Application to Canada and Mexico.

Subtitle B—Subsidies Provisions

PART 1—COUNTERVAILABLE SUBSIDIES

Sec. 251. Countervailable subsidy.

PART 2—REPEAL OF SECTION 303 AND CONFORMING AMENDMENTS

Sec. 261. Repeal of section 303.
Sec. 262. Imposition of countervailing duties.
Sec. 263. De minimis countervailable subsidy.
Sec. 264. Determination of countervailable subsidy rate.
Sec. 265. Assessment of countervailing duty.
Sec. 266. Nature of countervailable subsidy.
Sec. 267. Definition of developing and least-developed country.
Sec. 268. Upstream subsidies.
Sec. 269. Determination of countervailable subsidy rate.
Sec. 270. Conforming amendments.

PART 3—SECTION 303 INJURY INVESTIGATIONS

Sec. 271. Special rules for injury investigations for certain section 303 countervailing duty orders and investigations.

PART 4—ENFORCEMENT OF UNITED STATES RIGHTS UNDER THE SUBSIDIES AGREEMENT

Sec. 281. Subsidies enforcement.
Sec. 282. Review of subsidies agreement.
Sec. 283. Amendments to title VII of the Tariff Act of 1930.

Subtitle C—Effective Date

Sec. 291. Effective date.

TITLE III—ADDITIONAL IMPLEMENTATION OF AGREEMENTS

Subtitle A—Safeguards

Sec. 301. Investigations, determinations, and recommendations by International Trade Commission.
Sec. 302. Action by President after determination of import injury.
Sec. 303. Miscellaneous amendments.
Sec. 304. Effective date.

Subtitle B—Foreign Trade Barriers and Unfair Trade Practices

Sec. 311. Identification of foreign anticompetitive practices.
Sec. 312. Consultation with committees.
Sec. 313. Identification of countries that deny protection of intellectual property rights.
Sec. 314. Amendments to title III of the Trade Act of 1974.
Sec. 315. Objectives in intellectual property.
Sec. 316. Effective date.

Subtitle C—Unfair Practices in Import Trade

Sec. 321. Unfair practices in import trade.
Sec. 322. Effective date.

Subtitle D—Textiles

Sec. 331. Textile product integration.
Sec. 332. Amendment to section 204 of the Agricultural Act of 1956.
Sec. 333. Textile transshipments.
Sec. 334. Rules of origin for textile and apparel products.
Sec. 335. Effective date.

Subtitle E—Government Procurement

Sec. 341. Monitoring and enforcement of the agreement on government procurement.
Sec. 342. Conforming amendments.
Sec. 343. Reciprocal competitive procurement practices.
Sec. 344. Effective date.

Subtitle F—Technical Barriers to Trade

Sec. 351. Technical barriers to trade.
Sec. 352. Effective date.

TITLE IV—AGRICULTURE-RELATED PROVISIONS

Subtitle A—Agriculture

PART I—MARKET ACCESS

Sec. 401. Section 22 amendments.
Sec. 402. Cheese and chocolate crumb imports.
Sec. 403. Meat Import Act.
Sec. 404. Administration of tariff-rate quotas.
Sec. 405. Special agricultural safeguard authority.

PART II—EXPORTS

Sec. 411. Export programs.
Sec. 412. Other conforming amendments.

PART III—OTHER PROVISIONS

Sec. 421. Authority for certain actions under Article XXVIII.
Sec. 422. Tobacco imports.
Sec. 423. Tobacco proclamation authority.
Sec. 424. Report to Congress on access to Canadian dairy and poultry markets.
Sec. 425. Study of milk marketing order system.
Sec. 426. Additional program funding.

Subtitle B—Sanitary and Phytosanitary Measures

Sec. 431. Sanitary and phytosanitary measures.
Sec. 432. International standard-setting activities.

Subtitle C—Standards

Sec. 441. The Federal Seed Act.

Subtitle D—General Effective Date

Sec. 451. General effective date.

TITLE V—INTELLECTUAL PROPERTY

Sec. 501. Definition.

Subtitle A—Copyright Provisions

Sec. 511. Rental rights in computer programs.
Sec. 512. Civil penalties for unauthorized fixation of and trafficking in sound recordings and music videos of live musical performances.
Sec. 513. Criminal penalties for unauthorized fixation of and trafficking in sound recordings and music videos or live musical performances.
Sec. 514. Restored works.

Subtitle B—Trademark Provisions

Sec. 521. Definition of "abandoned".
Sec. 522. Nonregistrability of misleading geographic indications for wines and spirits.
Sec. 523. Effective date.

Subtitle C—Patent Provisions

Sec. 531. Treatment of inventive activity.
Sec. 532. Patent term and internal priority.
Sec. 533. Patent rights.
Sec. 534. Effective dates and application.

TITLE VI—RELATED PROVISIONS

Subtitle A—Expiring Provisions

Sec. 601. Generalized System of Preferences.
Sec. 602. U.S. insular possessions.

Subtitle B—Certain Customs Provisions

Sec. 611. Reimbursements from customs user fee account.
Sec. 612. Merchandise processing fees.

Subtitle C—Conforming Amendments

Sec. 621. Conforming amendments.

TITLE VII—REVENUE PROVISIONS

Sec. 700. Amendment of 1986 Code and table of contents.

Subtitle A—Withholding Tax Provisions

Sec. 701. Withholding on distributions of Indian casino profits to tribal members.
Sec. 702. Voluntary withholding on certain Federal payments and on unemployment compensation.

Subtitle B—Provisions Relating to Estimated Taxes and Payments and Deposits of Taxes

Sec. 711. Treatment of subpart F and section 936 income of taxpayers using annualized method for estimated tax.
Sec. 712. Time for payments and deposits of certain taxes.
Sec. 713. Reduction in rate of interest paid on certain corporate overpayments.

Subtitle C—Earned Income Tax Credit

Sec. 721. Extension of earned income tax credit to military personnel stationed outside the United States.
Sec. 722. Certain nonresident aliens ineligible for earned income tax credit.
Sec. 723. Income of prisoners disregarded in determining earned income tax credit.

Subtitle D—Provisions Relating To Retirement Benefits

Sec. 731. Treatment of excess pension assets used for retiree health benefits.
Sec. 732. Rounding rules for cost-of-living adjustments.
Sec. 733. Increase in inclusion of social security benefits paid to nonresidents.

Subtitle E—Other Provisions

Sec. 741. Partnership distributions of marketable securities.
Sec. 742. Taxpayer identification numbers required at birth.
Sec. 743. Extension of Internal Revenue Service user fees.
Sec. 744. Modification of substantial understatement penalty for corporations participating in tax shelters.
Sec. 745. Modification of authority to set terms and conditions for savings bonds.

Subtitle F—Pension Plan Funding and Premiums

Sec. 750. Short title.

Part I—Pension Plan Funding
Subpart A—Amendments to the Internal Revenue Code of 1986
Sec. 751. Minimum funding requirements.
Sec. 752. Limitation on changes in current liability assumptions.
Sec. 753. Anticipation of bargained benefit increases.
Sec. 754. Modification of quarterly contribution requirement.
Sec. 755. Exceptions to excise tax on nondeductible contributions.
Subpart B—Amendments to the Employee Retirement Income Security Act of 1974
Sec. 761. Minimum funding requirements.
Sec. 762. Limitation on changes in current liability assumptions.
Sec. 763. Anticipation of bargained benefit increases.
Sec. 764. Modification of quarterly contribution requirement.
Subpart C—Other Funding Provisions
Sec. 766. Prohibition on benefit increases where plan sponsor is in bankruptcy.
Sec. 767. Single sum distributions.
Sec. 768. Adjustments to lien for missed minimum funding contributions.
Sec. 769. Special funding rules for certain plans.
Part II—Amendments Related to Title IV of the Employee Retirement Income Security Act of 1974
Sec. 771. Reportable events.
Sec. 772. Certain information required to be furnished to PBGC.
Sec. 773. Enforcement of minimum funding requirements.
Sec. 774. Computation of additional PBGC premium.
Sec. 775. Disclosure to participants.
Sec. 776. Missing participants.
Sec. 777. Modification of maximum guarantee for disability benefits.
Sec. 778. Procedures to facilitate distribution of termination benefits.
Part III—Effective Dates
Sec. 781. Effective dates.
TITLE VIII—PIONEER PREFERENCES
Sec. 801. Pioneer preferences.

SEC. 2. DEFINITIONS.

For purposes of this Act:

(1) GATT 1947; GATT 1994.—

(A) GATT 1947.—The term "GATT 1947" means the General Agreement on Tariffs and Trade, dated October 30, 1947, annexed to the Final Act Adopted at the Conclusion of the Second Session of the Preparatory Committee of the United Nations Conference on Trade and Employment, as subsequently rectified, amended, or modified by the terms of legal instruments which have entered into force before the date of entry into force of the WTO Agreement.

(B) GATT 1994.—The term "GATT 1994" means the General Agreement on Tariffs and Trade annexed to the WTO Agreement.

(2) HTS.—The term "HTS" means the Harmonized Tariff Schedule of the United States.

(3) International trade commission.—The term "International Trade Commission" means the United States International Trade Commission.

(4) Multilateral trade agreement.—The term "multilateral trade agreement" means an agreement described in section 101(d) of this Act (other than an agreement described in paragraph (17) or (18) of such section).

(5) Schedule xx.—The term "Schedule XX" means Schedule XX—United States of America annexed to the Marrakesh Protocol to the GATT 1994.

(6) Trade representative.—The term "Trade Representative" means the United States Trade Representative.

(7) Uruguay round agreements.—The term "Uruguay Round Agreements" means the agreements approved by the Congress under section 101(a)(1).

(8) World trade organization and wto.—The terms "World Trade Organization" and "WTO" mean the organization established pursuant to the WTO Agreement.

(9) WTO agreement.—The term "WTO Agreement" means the Agreement Establishing the World Trade Organization entered into on April 15, 1994.

(10) WTO member and wto member country.—The terms "WTO member" and "WTO member country" mean a state, or separate customs territory (within the meaning of Article XII of the WTO Agreement), with respect to which the United States applies the WTO Agreement.

TITLE I—APPROVAL OF, AND GENERAL PROVISIONS RELATING TO, THE URUGUAY ROUND AGREEMENTS

Subtitle A—Approval of Agreements and Related Provisions

SEC. 101. APPROVAL AND ENTRY INTO FORCE OF THE URUGUAY ROUND AGREEMENTS.

(a) Approval of Agreements and Statement of Administrative Action.—Pursuant to section 1103 of the Omnibus Trade and Competitiveness Act of 1988 (19 U.S.C. 2903) and section 151 of the Trade Act of 1974 (19 U.S.C. 2191), the Congress approves—

(1) the trade agreements described in subsection (d) resulting from the Uruguay Round of multilateral trade negotiations under the auspices of the General Agreement on Tariffs and Trade, entered into on April 15, 1994, and submitted to the Congress on _______, 1994; and

(2) the statement of administrative action proposed to implement the agreements that was submitted to the Congress on ____________, 1994.

(b) Entry Into Force.—At such time as the President determines that a sufficient number of foreign countries are accepting the obligations of the Uruguay Round Agreements, in accordance with article XIV of the WTO Agreement, to ensure the effective operation of, and adequate benefits for the United States under, those Agreements, the President may accept the Uruguay Round Agreements and implement article VIII of the WTO Agreement.

(c) Authorization of Appropriations.—There are authorized to be appropriated annually such sums as may be necessary for the payment by the United States of its share of the expenses of the WTO.

(d) Trade Agreements to Which This Act Applies.—Subsection (a) applies to the WTO Agreement and to the following agreements annexed to that Agreement:

(1) The General Agreement on Tariffs and Trade 1994.

(2) The Agreement on Agriculture.

(3) The Agreement on the Application of Sanitary and Phytosanitary Measures.

(4) The Agreement on Textiles and Clothing.

(5) The Agreement on Technical Barriers to Trade.

(6) The Agreement on Trade-Related Investment Measures.

(7) The Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994.

(8) The Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade 1994.

(9) The Agreement on Preshipment Inspection.

(10) The Agreement on Rules of Origin.

(11) The Agreement on Import Licensing Procedures.

(12) The Agreement on Subsidies and Countervailing Measures.

(13) The Agreement on Safeguards.

(14) The General Agreement on Trade in Services.

(15) The Agreement on Trade-Related Aspects of Intellectual Property Rights.

(16) The Understanding on Rules and Procedures Governing the Settlement of Disputes.

(17) The Agreement on Government Procurement.

(18) The International Bovine Meat Agreement.

SEC. 102. RELATIONSHIP OF THE AGREEMENTS TO UNITED STATES LAW AND STATE LAW.

(a) Relationship of Agreements to United States Law.—

(1) United states law to prevail in conflict.—No provision of any of the Uruguay Round Agreements, nor the application of any such provision to any person or circumstance, that is inconsistent with any law of the United States shall have effect.

(2) Construction.—Nothing in this Act shall be construed—

(A) to amend or modify any law of the United States, including any law relating to—

(i) the protection of human, animal, or plant life or health,

(ii) the protection of the environment, or

(iii) worker safety, or

(B) to limit any authority conferred under any law of the United States, including section 301 of the Trade Act of 1974,

unless specifically provided for in this Act.

(b) Relationship of Agreements to State Law.—

(1) Federal-state consultation.—

(A) In general.—Upon the enactment of this Act, the President shall, through the intergovernmental policy advisory committees on trade established under section 306(c)(2)(A) of the Trade and Tariff Act of 1984 (19 U.S.C. 2114c(2)(A)), consult with the States for the purpose of achieving conformity of State laws and practices with the Uruguay Round Agreements.

(B) Federal-state consultation process.—The Trade Representative shall establish within the Office of the United States Trade Representative a Federal-State consultation process for addressing issues relating to the Uruguay Round Agreements that directly relate to, or will potentially have a direct effect on, the States. The Federal-State consultation process shall include procedures under which—

(i) the States will be informed on a continuing basis of matters under the Uruguay Round Agreements that directly relate to, or will potentially have a direct impact on, the States;

(ii) the States will be provided an opportunity to submit, on a continuing basis, to the Trade Representative information and advice with respect to matters referred to in clause (i); and

(iii) the Trade Representative will take into account the information and advice received from the States under clause (ii) when formulating United States positions regarding matters referred to in clause (i).

The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Federal-

State consultation process established by this paragraph.

(C) FEDERAL-STATE COOPERATION IN WTO DISPUTE SETTLEMENT.—

(i) When a WTO member requests consultations with the United States under Article 4 of the Understanding on Rules and Procedures Governing the Settlement of Disputes referred to in section 101(d)(16) (hereafter in this subsection referred to as the "Dispute Settlement Understanding") concerning whether the law of a State is inconsistent with the obligations undertaken by the United States in any of the Uruguay Round Agreements, the Trade Representative shall notify the Governor of the State or the Governor's designee, and the chief legal officer of the jurisdiction whose law is the subject of the consultations, as soon as possible after the request is received, but in no event later than 7 days thereafter.

(ii) Not later than 30 days after receiving such a request for consultations, the Trade Representative shall consult with representatives of the State concerned regarding the matter. If the consultations involve the laws of a large number of States, the Trade Representative may consult with an appropriate group of representatives of the States concerned, as determined by those States.

(iii) The Trade Representative shall make every effort to ensure that the State concerned is involved in the development of the position of the United States at each stage of the consultations and each subsequent stage of dispute settlement proceedings regarding the matter. In particular, the Trade Representative shall—

(I) notify the State concerned not later than 7 days after a WTO member requests the establishment of a dispute settlement panel or gives notice of the WTO member's decision to appeal a report by a dispute settlement panel regarding the matter; and

(II) provide the State concerned with the opportunity to advise and assist the Trade Representative in the preparation of factual information and argumentation for any written or oral presentations by the United States in consultations or in proceedings of a panel or the Appellate Body regarding the matter.

(iv) If a dispute settlement panel or the Appellate Body finds that the law of a State is inconsistent with any of the Uruguay Round Agreements, the Trade Representative shall consult with the State concerned in an effort to develop a mutually agreeable response to the report of the panel or the Appellate Body and shall make every effort to ensure that the State concerned is involved in the development of the United States position regarding the response.

(D) NOTICE TO STATES REGARDING CONSULTATIONS ON FOREIGN SUBCENTRAL GOVERNMENT LAWS.—

(i) Subject to clause (ii), the Trade Representative shall, at least 30 days before making a request for consultations under Article 4 of the Dispute Settlement Understanding regarding a subcentral government measure of another WTO member, notify, and solicit the views of, appropriate representatives of each State regarding the matter.

(ii) In exigent circumstances clause (i) shall not apply, in which case the Trade Representative shall notify the appropriate representatives of each State not later than 3 days after making the request for consultations referred to in clause (i).

(2) LEGAL CHALLENGE.—

(A) IN GENERAL.—No State law, or the application of such a State law, may be declared invalid as to any person or circumstance on the ground that the provision or application is inconsistent with any of the Uruguay Round Agreements, except in an action brought by the United States for the purpose of declaring such law or application invalid.

(B) PROCEDURES GOVERNING ACTION.—In any action described in subparagraph (A) that is brought by the United States against a State or any subdivision thereof—

(i) a report of a dispute settlement panel or the Appellate Body convened under the Dispute Settlement Understanding regarding the State law, or the law of any political subdivision thereof, shall not be considered as binding or otherwise accorded deference;

(ii) the United States shall have the burden of proving that the law that is the subject of the action, or the application of that law, is inconsistent with the agreement in question;

(iii) any State whose interests may be impaired or impeded in the action shall have the unconditional right to intervene in the action as a party, and the United States shall be entitled to amend its complaint to include a claim or cross-claim concerning the law of a State that so intervenes; and

(iv) any State law that is declared invalid shall not be deemed to have been invalid in its application during any period before the court's judgment becomes final and all timely appeals, including discretionary review, of such judgment are exhausted.

(C) REPORTS TO CONGRESSIONAL COMMITTEES.—At least 30 days before the United States brings an action described in subparagraph (A), the Trade Representative shall provide a report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate—

(i) describing the proposed action;

(ii) describing efforts by the Trade Representative to resolve the matter with the State concerned by other means; and

(iii) if the State law was the subject of consultations under the Dispute Settlement Understanding, certifying that the Trade Representative has substantially complied with the requirements of paragraph (1)(C) in connection with the matter.

Following the submission of the report, and before the action is brought, the Trade Representative shall consult with the committees referred to in the preceding sentence concerning the matter.

(3) DEFINITION OF STATE LAW.—For purposes of this subsection—

(A) the term "State law" includes—

(i) any law of a political subdivision of a State; and

(ii) any State law regulating or taxing the business of insurance; and

(B) the terms "dispute settlement panel" and "Appellate Body" have the meanings given those terms in section 121.

(c) EFFECT OF AGREEMENT WITH RESPECT TO PRIVATE REMEDIES.—

(1) LIMITATIONS.—No person other than the United States—

(A) shall have any cause of action or defense under any of the Uruguay Round Agreements or by virtue of congressional approval of such an agreement, or

(B) may challenge, in any action brought under any provision of law, any action or inaction by any department, agency, or other instrumentality of the United States, any State, or any political subdivision of a State on the ground that such action or inaction is inconsistent with such agreement.

(2) INTENT OF CONGRESS.—It is the intention of the Congress through paragraph (1) to occupy the field with respect to any cause of action or defense under or in connection with any of the Uruguay Round Agreements, including by precluding any person other than the United States from bringing any action against any State or political subdivision thereof or raising any defense to the application of State law under or in connection with any of the Uruguay Round Agreements—

(A) on the basis of a judgment obtained by the United States in an action brought under any such agreement; or

(B) on any other basis.

(d) STATEMENT OF ADMINISTRATIVE ACTION.—The statement of administrative action approved by the Congress under section 101(a) shall be regarded as an authoritative expression by the United States concerning the interpretation and application of the Uruguay Round Agreements and this Act in any judicial proceeding in which a question arises concerning such interpretation or application.

SEC. 103. IMPLEMENTING ACTIONS IN ANTICIPATION OF ENTRY INTO FORCE; REGULATIONS.

(a) IMPLEMENTING ACTIONS.—After the date of the enactment of this Act—

(1) the President may proclaim such actions, and

(2) other appropriate officers of the United States Government may issue such regulations,

as may be necessary to ensure that any provision of this Act, or amendment made by this Act, that takes effect on the date any of the Uruguay Round Agreements enters into force with respect to the United States is appropriately implemented on such date. Such proclamation or regulation may not have an effective date earlier than the date of entry into force with respect to the United States of the agreement to which the proclamation or regulation relates.

(b) REGULATIONS.—Any interim regulation necessary or appropriate to carry out any action proposed in the statement of administrative action approved under section 101(a) to implement an agreement described in section 101(d) (7), (12), or (13) shall be issued not later than 1 year after the date on which the agreement enters into force with respect to the United States.

Subtitle B—Tarriff Modifications

SEC. 111. TARRIFF MODIFICATIONS.

(a) IN GENERAL.—In addition to the authority provided by section 1102 of the Omnibus Trade and Competitiveness Act of 1968 (19 U.S.C. 2902), the President shall have the authority to proclaim—

(1) such other modification of any duty,

(2) such other staged rate reduction, or

(3) such additional duties,

as the President determines to be necessary or appropriate to carry out Schedule XX.

(b) OTHER TARIFF MODIFICATIONS.—Subject to the consultation and layover requirements of section 115, the President may proclaim—

(1) the modification of any duty or staged rate reduction of any duty set forth in Schedule XX if—

(A) the United States agrees to such modification or staged rate reduction in a multilateral negotiation under the auspices of the WTO, and

(B) such modification or staged rate reduction applies to the rate of duty on an article contained in a tariff category that was the subject of reciprocal duty elimination or harmonization negotiations during the Uruguay Round of multilateral trade negotiations, and

(2) such modifications as are necessary to correct technical errors in Schedule XX or to make other rectifications to the Schedule.

(c) AUTHORITY TO INCREASE DUTIES ON ARTICLES FROM CERTAIN COUNTRIES.—

(1) IN GENERAL.—

(A) DETERMINATION WITH RESPECT TO CERTAIN COUNTRIES.—Notwithstanding section 251 of the Trade Expansion Act of 1962 (19 U.S.C. 1881), after the entry into force of the WTO Agreement with respect to the United States, if the President—

(i) determines that a foreign country (other than a foreign country that is a WTO member country) is not according adequate trade benefits to the United States, including substantially equal competitive opportunities for the commerce of the United States, and

(ii) consults with the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate,

the President may proclaim an increase in the rate of duty with respect to any article of such country in accordance with subparagraph (B).

(B) RATE OF DUTY DESCRIBED.—The President may proclaim a rate of duty on any article of a country identified under subparagraph (A) that is equal to the greater of—

(i) the rate of duty set forth for such article in the base rate of duty column of Schedule XX, or

(ii) the rate of duty set forth for such article in the bound rate of duty column of Schedule XX.

(2) TERMINATION OF INCREASED DUTIES.—The President shall terminate any increase in the rate of duty proclaimed under this subsection by a proclamation which shall be effective on the earlier of—

(A) the date set out in such proclamation of termination, or

(B) the date the WTO Agreement enters into force with respect to the foreign country with respect to which the determination under paragraph (1) was made.

(3) PUBLICATION OF DETERMINATION AND TERMINATION.—The President shall publish in the Federal Register notice of a determination made under paragraph (1) and a termination occurring by reason of paragraph (2).

(d) ADJUSTMENTS TO CERTAIN COLUMN 2 RATES OF DUTY.—At such time as the President proclaims any modification to the HTS to implement the provisions of Schedule XX, the President shall also proclaim the rate of duty set forth in Column B as the column 2 rate of duty for the subheading of the HTS that corresponds to the subheading in Schedule XX listed in Column A.

Column A	Column B
Schedule XX subheading:	Rate of duty for column 2 of the HTS:
0201.10.50	31.1%
0201.20.80	31.1%
0201.30.80	31.1%
0202.10.50	31.1%
0202.20.80	31.1%
0202.30.80	31.1%
0401.30.25	90.8¢/liter
0401.30.75	$1.936/kg
0402.10.50	$1.018/kg
0402.21.25	$1.018/kg
0402.21.50	$1.285/kg
0402.21.90	$1.831/kg
0402.29.50	$1.299/kg + 17.5%
0402.91.60	36.8¢/kg
0402.99.50	58.4¢/kg
0402.99.90	54.5¢/kg + 17.5%
0403.10.50	$1.217/kg + 20%
0403.90.16	90.8¢/liter
0403.90.45	$1.03/kg
0403.90.55	$1.285/kg
0403.90.65	$1.831/kg
0403.90.78	$1.936/kg
0403.90.95	$1.217/kg + 20%
0404.10.11	20%
0404.10.15	$1.217/kg + 10%
0404.10.90	$1.03/kg
0404.90.30	25%
0404.90.50	$1.399/kg + 10%
0405.00.40	$1.813/kg
0405.00.90	$2.194/kg + 10%
0406.10.08	$1.775/kg
0406.10.18	$2.67/kg
0406.10.28	$1.443/kg
0406.10.38	$1.241/kg
0406.10.48	$2.121/kg
0406.10.58	$2.525/kg
0406.10.68	$1.631/kg
0406.10.78	$1.328/kg
0406.10.88	$1.775/kg
0406.20.28	$2.67/kg
0406.20.33	$1.443/kg
0406.20.39	$1.241/kg
0406.20.48	$2.121/kg
0406.20.53	$2.525/kg
0406.20.63	$2.67/kg
0406.20.67	$1.443/kg
0406.20.71	$1.241/kg
0406.20.75	$2.121/kg
0406.20.79	$2.525/kg
0406.20.83	$1.631/kg
0406.20.87	$1.328/kg
0406.20.91	$1.775/kg
0406.30.18	$2.67/kg
0406.30.28	$1.443/kg
0406.30.38	$1.241/kg
0406.30.48	$2.121/kg
0406.30.53	$1.631/kg
0406.30.63	$2.67/kg
0406.30.67	$1.443/kg
0406.30.71	$1.241/kg
0406.30.75	$2.121/kg
0406.30.79	$2.525/kg
0406.30.83	$1.631/kg
0406.30.87	$1.328/kg
0406.30.91	$1.775/kg
0406.40.70	$2.67/kg
0406.90.12	$1.443/kg
0406.90.18	$2.121/kg
0406.90.33	$2.525/kg
0406.90.38	$2.525/kg
0406.90.43	$2.525/kg
0406.90.48	$2.208/kg
0406.90.64	$1.241/kg
0406.90.68	$2.525/kg
0406.90.74	$2.67/kg
0406.90.78	$1.443/kg
0406.90.84	$1.241/kg
0406.90.88	$2.121/kg
0406.90.92	$1.631/kg
0406.90.94	$1.328/kg
0406.90.97	$1.775/kg
1202.10.80	192.7%
1202.20.80	155%
1517.90.60	40.2¢/kg
1701.11.50	39.85¢/kg
1701.12.10	6.58170¢/kg less 0.0622005¢/kg for each degree under 100 degrees (and fractions of a degree in proportion) but not less than 5.031562¢/kg
1701.12.50	42.05¢/kg
1701.91.10	6.58170¢/kg less 0.0622005¢/kg for each degree under 100 degrees (and fractions of a degree in proportion) but not less than 5.031562¢/kg
1701.91.30	42.05¢/kg
1701.91.48	39.9¢/kg + 6%
1701.91.58	39.9¢/kg + 6%
1701.99.10	6.58170¢/kg less 0.0622005¢/kg for each degree under 100 degrees (and fractions of a degree in proportion) but not less than 5.031562¢/kg
1701.99.50	42.05¢/kg
1702.20.28	19.9¢/kg of total sugars + 6%
1702.30.28	19.9¢/kg of total sugars + 6%
1702.40.28	39.9¢/kg of total sugars + 6%
1702.60.28	39.9¢/kg of total sugars + 6%
1702.90.10	6.58170¢/kg of total sugars
1702.90.20	42.05¢/kg
1702.90.58	39.9¢/kg of total sugars + 6%
1702.90.68	39.9¢/kg + 6%
1704.90.58	47.4¢/kg + 12.2%
1704.90.68	47.4¢/kg + 12.2%
1704.90.78	47.4¢/kg + 12.2%
1806.10.15	25.5¢/kg
1806.10.28	39.5¢/kg
1806.10.38	39.5¢/kg
1806.10.55	39.5¢/kg
1806.10.75	39.5¢/kg
1806.20.26	43.8¢/kg + 5%
1806.20.28	62.1¢/kg + 5%
1806.20.36	43.8¢/kg + 5%
1806.20.38	62.1¢/kg + 5%
1806.20.73	35.9¢/kg + 10%
1806.20.77	35.9¢/kg + 10%
1806.20.82	43.8¢/kg + 10%
1806.20.83	62.1¢/kg + 10%
1806.20.87	43.8¢/kg + 10%
1806.20.89	62.1¢/kg + 10%
1806.20.92	43.8¢/kg + 10%
1806.20.93	62.1¢/kg + 10%
1806.20.96	43.8¢/kg + 10%
1806.20.97	62.1¢/kg + 10%
1806.32.06	43.8¢/kg + 5%
1806.32.08	62.1¢/kg + 5%
1806.32.16	43.8¢/kg + 5%
1806.32.18	62.1¢/kg + 5%
1806.32.70	43.8¢/kg + 7%
1806.32.80	62.1¢/kg + 7%
1806.90.08	43.8¢/kg + 7%
1806.90.10	62.1¢/kg + 7%
1806.90.18	43.8¢/kg + 7%
1806.90.20	62.1¢/kg + 7%
1806.90.28	43.8¢/kg + 7%
1806.90.30	62.1¢/kg + 7%
1806.90.38	43.8¢/kg + 7%
1806.90.40	62.1¢/kg + 7%
1806.90.48	43.8¢/kg + 7%
1806.90.50	62.1¢/kg + 7%
1806.90.58	43.8¢/kg + 7%
1806.90.60	62.1¢/kg + 7%
1901.10.30	$1.217/kg + 17.5%
1901.10.40	$1.217/kg + 17.5%
1901.10.75	$1.217/kg + 17.5%
1901.10.85	$1.217/kg + 17.5%
1901.20.15	49.8¢/kg + 10%
1901.20.25	49.8¢/kg + 10%
1901.20.35	49.8¢/kg + 10%
1901.20.50	49.8¢/kg + 10%
1901.20.60	49.8¢/kg + 10%
1901.20.70	49.8¢/kg + 10%
1901.90.36	$1.328/kg
1901.90.42	25%
1901.90.44	$1.217/kg + 16%
1901.90.46	25%
1901.90.48	$1.217/kg + 16%
1901.90.54	27.9¢/kg + 10%
1901.90.58	27.9¢/kg + 10%
2008.11.15	155%
2008.11.35	155%
2008.11.60	155%
2101.10.38	35.9¢/kg + 10%
2101.10.48	35.9¢/kg + 10%
2101.10.58	35.9¢/kg + 10%
2101.20.38	35.9¢/kg + 10%
2101.20.48	35.9¢/kg + 10%
2101.20.58	35.9¢/kg + 10%
2103.90.78	35.9¢/kg + 7.5%
2105.00.20	59¢/kg + 20%

2105.00.40	59¢/kg + 20%
2106.90.02	$1.014/kg
2106.90.04	$2.348/kg
2106.90.08	$2.348/kg
2106.90.11	6.58170¢/kg of total sugars
2106.90.12	42.05¢/kg
2106.90.34	82.8¢/kg + 10%
2106.90.38	82.8¢/kg + 10%
2106.90.44	82.8¢/kg + 10%
2106.90.48	82.8¢/kg + 10%
2106.90.57	33.9¢/kg + 10%
2106.90.67	33.9¢/kg + 10%
2106.90.77	33.9¢/kg + 10%
2106.90.87	33.9¢/kg + 10%
2202.90.28	27.6¢/liter + 17.5%
2309.90.28	94.6¢/kg + 7.5%
2309.90.48	94.6¢/kg + 7.5%
2401.10.70	85¢/kg
2401.10.90	85¢/kg
2401.20.30	$1.21/kg
2401.20.45	$1.15/kg
2401.20.55	$1.15/kg
2801.30.20	37%
2805.30.00	31.3%
2805.40.00	5.7%
2811.19.10	4.9%
2818.10.20	4.1%
2822.00.00	1.7%
2827.39.20	31.9%
2833.11.50	3.6%
2833.27.00	4.2%
2836.40.20	4.8%
2836.60.00	8.4%
2837.20.10	5.1%
2840.11.00	1.2%
2840.19.00	0.4%
2849.20.20	1.6%
2903.15.00	88%
2903.16.00	33.3%
2903.30.05	46.3%
2906.11.00	6.2%
2907.12.00	48.3%
2909.11.00	4%
2912.11.00	12.1%
2916.15.10	35.2%
2916.19.30	24.4%
2923.20.20	33.4%
3213.90.00	48.6%
3307.10.20	81.7%
3307.49.00	73.2%
3403.11.20	0.4%
3403.19.10	0.4%
3506.10.10	30.4%
3603.00.30	8.3%
3603.00.90	0.3%
3604.10.00	12.5%
3606.90.30	56.7%
3706.10.30	7%
3807.00.00	0.2%
3823.90.33	26.3%
3904.61.00	34.1%
3916.90.10	40.6%
3920.51.50	48.2%
3920.59.80	51.7%
3926.90.65	8.4%
5201.00.18	36.9¢/kg
5201.00.28	36.9¢/kg
5201.00.38	36.9¢/kg
5201.00.80	36.9¢/kg
5202.99.30	9.2¢/kg
5203.00.30	36.9¢/kg

(e) AUTHORITY TO CONSOLIDATE SUBHEADINGS AND MODIFY COLUMN 2 RATES OF DUTY FOR TARIFF SIMPLIFICATION PURPOSES.—

(1) IN GENERAL.—Whenever the HTS column 1 general rates of duty for 2 or more 8-digit subheadings are at the same level and such subheadings are subordinate to a provision required by the International Convention on the Harmonized Commodity Description and Coding System, the President may proclaim, subject to the consultation and layover requirements of section 115, that the goods described in such subheadings be provided for in a single 8-digit subheading of the HTS, and that—

(A) the HTS column 1 general rate of duty for such single subheading be the column 1 general rate of duty common to all such subheadings, and

(B) the HTS column 2 rate of duty for such single subheading be the highest column 2 rate of duty for such subheadings that is in effect on the day before the effective date of such proclamation.

(2) SAME LEVEL OF DUTY.—The provisions of this subsection apply to subheadings described in paragraph (1) that have the same column 1 general rate of duty—

(A) on the date of the enactment of this Act, or

(B) after such date of enactment as a result of a staged reduction in such column 1 rates of duty.

SEC. 112. IMPLEMENTATION OF SCHEDULE XX PROVISIONS ON SHIP REPAIRS.

(a) IN GENERAL.—Section 484E(b) of the Customs and Trade Act of 1990 (19 U.S.C. 1466 note; 104 Stat. 710) is amended—

(1) by striking "and" at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting ", and"; and

(3) by adding at the end the following new paragraph:

"(3) any entry made pursuant to section 466(h) (1) or (2) of the Tariff Act of 1930 (19 U.S.C. 1466(h) (1) or (2)), on or after the date of the entry into force of the WTO Agreement with respect to the United States.".

(b) EXEMPTION FOR CERTAIN SPARE PARTS.—Section 466(h) of the Tariff Act of 1930 (19 U.S.C. 1466(h)) is amended—

(1) by striking "or" at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting ", or"; and

(3) by adding at the end the following new paragraph:

"(3) the cost of spare parts necessarily installed before the first entry into the United States, but only if duty is paid under appropriate commodity classifications of the Harmonized Tariff Schedule of the United States upon first entry into the United States of each such spare part purchased in, or imported from, a foreign country.".

SEC. 113. LIQUIDATION OR RELIQUIDATION AND REFUND OF DUTY PAID ON CERTAIN ENTRIES.

(a) LIQUIDATION OR RELIQUIDATION.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, and subject to subsection (b), the Secretary of the Treasury shall liquidate or reliquidate the entries listed or otherwise described in subsection (c) and refund any duty or excess duty that was paid, as provided in subsection (c).

(b) REQUESTS.—Liquidation or reliquidation may be made under subsection (a) with respect to an entry only if a request therefor is filed with the Customs Service, within 180 days after the date on which the WTO Agreement enters into force with respect to the United States, that contains sufficient information to enable the Customs Service—

(1) to locate the entry; or

(2) to reconstruct the entry if it cannot be located.

(c) ENTRIES.—The entries referred to in subsection (a) are as follows:

(1) AGGLOMERATED STONE TILES.—Any goods—

(A) for which the importer claimed or would have claimed entry under subheading 6810.19.12 of the HTS on or after October 1, 1990, and before the effective date of a proclamation issued by the President under section 103(a) of this Act with respect to items under such subheading in order to carry out Schedule XX, or

(B) entered on or after January 1, 1989, and before October 1, 1990, for which entry would have been claimed under subheading 6810.19.12 of the HTS on or after October 1, 1990,

shall be liquidated or reliquidated as if the wording of that subheading were "Of stone agglomerated with binders other than cement", and the Secretary of the Treasury shall refund any excess duties paid with respect to such entries.

(2) CLOMIPHENE CITRATE.—

(A) Any entry, or withdrawal from warehouse for consumption, of goods under heading 9902.29.95 of the HTS (relating to clomiphene citrate) which was made after December 31, 1988, and before January 1, 1993, and with respect to which there would have been no duty if the reference to subheading "2922.19.15" in such heading were a reference to subheading "2922.19.15 or any subheading of chapter 30" at the time of such entry or withdrawal, shall be liquidated or reliquidated as free of duty.

(B) The Secretary of the Treasury shall refund any duties paid with respect to entries described in subparagraph (A).

SEC. 114. MODIFICATIONS TO THE HTS.

(a) WOOL.—

(1) AMENDMENTS.—Chapter 51 of the HTS is amended—

(A) by striking subheading 5101.21.60 and inserting the following new superior text and subheadings, with the superior text having the same degree of indentation as the article description in subheading 5101.11.60:

"5101.21.65	Other: Unimproved wool; other wool, not finer than 46s	Free		81.6¢/kg+20%
5101.21.70	Other	7.7¢/kg+6.25%	Free (MX) 0.8¢/kg+0.6% (IL) 3¢/kg+2.5% (CA).	81.6¢/kg+20%;"

(B) by striking subheading 5101.29.60 and inserting the following new superior text and subheadings, with the superior text having the same degree of indentation as the article description in subheading 5102.10.20:

"5101.29.65	Other: Unimproved wool; other wool, not finer than 46s	Free		81.6¢/kg+20%
5101.29.70	Other	7.7¢/kg+6.25%	0.8¢/kg+0.6% (IL) 3¢/kg+2.5% (CA) 6.1¢/kg+5% (MX).	81.6¢/kg+20%;"

and

(C) by striking subheading 5101.30.60 and inserting the following new superior text and subheadings, with the superior text having the same degree of indentation as the superior text immediately preceding subheading 5102.10.20:

"5101.30.65	Other: Unimproved wool: other wool, not finer than 46s	Free		81.6¢/kg+20%
5101.30.70	Other	7.7¢/kg+6.25%	Free (MX) 0.8¢/kg+0.6% (IL) 3¢/kg+2.5% (CA).	81.6¢/kg+20%."

(2) EFFECTIVE DATE.—The amendments made by this subsection take effect on the effective date of the proclamation issued by the President under section 103(a) to carry out Schedule XX.

(b) DUTY FREE TREATMENT FOR OCTADECYL ISOCYANATE AND 5-CHLORO-2-(2,4-DICHLOROPHENOXY)PHENOL.—The President—

(1) shall proclaim duty-free entry for octadecyl isocyanate and 5-Chloro-2-(2,4-dichlorophenoxy)phenol, to be effective on the effective date of the proclamation issued by the President under section 103(a) to carry out Schedule XX, and

(2) shall take such actions as are necessary to reflect such tariff treatment in Schedule XX.

SEC. 115. CONSULTATION AND LAYOVER REQUIREMENTS FOR, AND EFFECTIVE DATE OF, PROCLAIMED ACTIONS.

If a provision of this Act provides that the implementation of an action by the President by proclamation is subject to the consultation and layover requirements of this section, such action may be proclaimed only if—

(1) the President has obtained advice regarding the proposed action from—

(A) the appropriate advisory committees established under section 135 of the Trade Act of 1974 (19 U.S.C. 2155), and

(B) the International Trade Commission;

(2) the President has submitted a report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate that sets forth—

(A) the action proposed to be proclaimed and the reasons for such actions, and

(B) the advice obtained under paragraph (1);

(3) a period of 60 calendar days, beginning with the first day on which the President has met the requirements of paragraphs (1) and (2) with respect to such action, has expired; and

(4) the President has consulted with such committees regarding the proposed action during the period referred to in paragraph (3).

SEC. 116. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in section 114(a) and subsection (b) of this section, this subtitle and the amendments made by this subtitle take effect on the date on which the WTO Agreement enters into force with respect to the United States.

(b) SECTION 115.—Section 115 takes effect on the date of the enactment of this Act.

Subtitle C—Uruguay Round Implementation and Dispute Settlement

SEC. 121. DEFINITIONS.

For purposes of this subtitle:

(1) ADMINISTERING AUTHORITY.—The term "administering authority" has the meaning given that term in section 771(1) of the Tariff Act of 1930.

(2) APPELLATE BODY.—The term "Appellate Body" means the Appellate Body established under Article 17.1 of the Dispute Settlement Understanding.

(3) APPROPRIATE CONGRESSIONAL COMMITTEES; CONGRESSIONAL COMMITTEES.—

(A) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the committees referred to in subparagraph (B) and any other committees of the Congress that have jurisdiction involving the matter with respect to which consultations are to be held.

(B) CONGRESSIONAL COMMITTEES.—The term "congressional committees" means the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate.

(4) DISPUTE SETTLEMENT PANEL; PANEL.—The terms "dispute settlement panel" and "panel" mean a panel established pursuant to Article 6 of the Dispute Settlement Understanding.

(5) DISPUTE SETTLEMENT BODY.—The term "Dispute Settlement Body" means the Dispute Settlement Body administering the rules and procedures set forth in the Dispute Settlement Understanding.

(6) DISPUTE SETTLEMENT UNDERSTANDING.—The term "Dispute Settlement Understanding" means the Understanding on Rules and Procedures Governing the Settlement of Disputes referred to in section 101(d)(16).

(7) GENERAL COUNCIL.—The term "General Council" means the General Council established under paragraph 2 of Article IV of the WTO Agreement.

(8) MINISTERIAL CONFERENCE.—The term "Ministerial Conference" means the Ministerial Conference established under paragraph 1 of Article IV of the WTO Agreement.

(9) OTHER TERMS.—The terms "Antidumping Agreement", "Agreement on Subsidies and Countervailing Measures", and "Safeguards Agreement" mean the agreements referred to in section 101(d)(7), (12), and (13), respectively.

SEC. 122. IMPLEMENTATION OF URUGUAY ROUND AGREEMENTS.

(a) DECISIONMAKING.—In the implementation of the Uruguay Round Agreements and the functioning of the World Trade Organization, it is the objective of the United States to ensure that the Ministerial Conference and the General Council continue the practice of decisionmaking by consensus followed under the GATT 1947, as required by paragraph 1 of article IX of the WTO Agreement.

(b) CONSULTATIONS WITH CONGRESSIONAL COMMITTEES.—In furtherance of the objective set forth in subsection (a), the Trade Representative shall consult with the appropriate congressional committees before any vote is taken by the Ministerial Conference or the General Council relating to—

(1) the adoption of an interpretation of the WTO Agreement or another multilateral trade agreement,

(2) the amendment of any such agreement,

(3) the granting of a waiver of any obligation under any such agreement,

(4) the adoption of any amendment to the rules or procedures of the Ministerial Conference or the General Council,

(5) the accession of a state or separate customs territory to the WTO Agreement, or

(6) the adoption of any other decision,

if the action described in paragraph (1), (2), (3), (4), (5), or (6) would substantially affect the rights or obligations of the United States under the WTO Agreement or another multilateral trade agreement or potentially entails a change in Federal or State law.

(c) REPORT ON DECISIONS.—

(1) IN GENERAL.—Not later than 30 days after the end of any calendar year in which the Ministerial Conference or the General Council adopts by vote any decision to take any action described in paragraph (1), (2), (4), or (6) of subsection (b), the Trade Representative shall submit a report to the appropriate congressional committees describing—

(A) the nature of the decision;

(B) the efforts made by the United States to have the matter decided by consensus pursuant to paragraph 1 of article IX of the WTO Agreement, and the results of those efforts;

(C) which countries voted for, and which countries voted against, the decision;

(D) the rights or obligations of the United States affected by the decision and any Federal or State law that would be amended or repealed, if the President after consultation with the Congress determined that such amendment or repeal was an appropriate response; and

(E) the action the President intends to take in response to the decision or, if the President does not intend to take any action, the reasons therefor.

(2) ADDITIONAL REPORTING REQUIREMENTS.—

(A) GRANT OF WAIVER.—In the case of a decision to grant a waiver described in subsection (b)(3), the report under paragraph (1) shall describe the terms and conditions of the waiver and the rights and obligations of the United States that are affected by the waiver.

(B) ACCESSION.—In the case of a decision on accession described in subsection (b)(5), the report under paragraph (1) shall state whether the United States intends to invoke Article XIII of the WTO Agreement.

(d) CONSULTATION ON REPORT.—Promptly after the submission of a report under subsection (c), the Trade Representative shall consult with the appropriate congressional committees with respect to the report.

SEC. 123. DISPUTE SETTLEMENT PANELS AND PROCEDURES.

(a) REVIEW BY PRESIDENT.—The President shall review annually the WTO panel roster and shall include the panel roster and the list of persons serving on the Appellate Body in the annual report submitted by the President under section 163(a) of the Trade Act of 1974.

(b) QUALIFICATIONS OF APPOINTEES TO PANELS.—The Trade Representative shall—

(1) seek to ensure that persons appointed to the WTO panel roster are well-qualified, and that the roster includes persons with expertise in the subject areas covered by the Uruguay Round Agreements; and

(2) inform the President of persons nominated to the roster by other WTO member countries.

(c) RULES GOVERNING CONFLICTS OF INTEREST.—The Trade Representative shall seek the establishment by the General Council and the Dispute Settlement Body of rules governing conflicts of interest by persons serving on panels and members of the Appellate Body and shall describe, in the annual report submitted under section 124, any progress made in establishing such rules.

(d) NOTIFICATION OF DISPUTES.—Promptly after a dispute settlement panel is established to consider the consistency of Federal or State law with any of the Uruguay Round Agreements, the Trade Representative shall notify the appropriate congressional committees of—

(1) the nature of the dispute, including the matters set forth in the request for the establishment of the panel, the legal basis of the complaint, and the specific measures, in particular any State or Federal law cited in the request for establishment of the panel;

(2) the identity of the persons serving on the panel; and

(3) whether there was any departure from the rule of consensus with respect to the selection of persons to serve on the panel.

(e) NOTICE OF APPEALS OF PANEL REPORTS.—If an appeal is taken of a report of a panel in a proceeding described in subsection (d), the Trade Representative shall, promptly after the notice of appeal is filed, notify the appropriate congressional committees of—

(1) the issues under appeal; and

(2) the identity of the persons serving on the Appellate Body who are reviewing the report of the panel.

(f) ACTIONS UPON CIRCULATION OF REPORTS.—Promptly after the circulation of a report of a panel or of the Appellate Body to WTO members in a proceeding described in subsection (d), the Trade Representative shall—

(1) notify the appropriate congressional committees of the report;

(2) in the case of a report of a panel, consult with the appropriate congressional committees concerning the nature of any appeal that may be taken of the report; and

(3) if the report is adverse to the United States, consult with the appropriate congressional committees concerning whether to implement the report's recommendation and, if so, the manner of such implementation and the period of time needed for such implementation.

(g) REQUIREMENTS FOR AGENCY ACTION.—

(1) CHANGES IN AGENCY REGULATIONS OR PRACTICE.—In any case in which a dispute settlement panel or the Appellate Body finds in its report that a regulation or practice of a department or agency of the United States is inconsistent with any of the Uruguay Round Agreements, that regulation or practice may not be amended, rescinded, or otherwise modified in the implementation of such report unless and until—

(A) the appropriate congressional committees have been consulted under subsection (f);

(B) the Trade Representative has sought advice regarding the modification from relevant private sector advisory committees established under section 135 of the Trade Act of 1974 (19 U.S.C. 2155);

(C) the head of the relevant department or agency has provided an opportunity for public comment by publishing in the Federal Register the proposed modification and the explanation for the modification;

(D) the Trade Representative has submitted to the appropriate congressional committees a report describing the proposed modification, the reasons for the modification, and a summary of the advice obtained under subparagraph (B) with respect to the modification;

(E) the Trade Representative and the head of the relevant department or agency have consulted with the appropriate congressional committees on the proposed contents of the final rule or other modification; and

(F) the final rule or other modification has been published in the Federal Register.

(2) EFFECTIVE DATE OF MODIFICATION.—A final rule or other modification to which paragraph (1) applies may not go into effect before the end of the 60-day period beginning on the date on which consultations under paragraph (1)(E) begin, unless the President determines that an earlier effective date is in the national interest.

(3) VOTE BY CONGRESSIONAL COMMITTEES.—During the 60-day period described in paragraph (2), the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate may vote to indicate the agreement or disagreement of the committee with the proposed contents of the final rule or other modification. Any such vote shall not be binding on the department or agency which is implementing the rule or other modification.

(4) INAPPLICABILITY TO ITC.—This subsection does not apply to any regulation or practice of the International Trade Commission.

(h) CONSULTATIONS REGARDING REVIEW OF WTO RULES AND PROCEDURES.—Before the review is conducted of the dispute settlement rules and procedures of the WTO that is provided for in the Decision on the Application of the Understanding on Rules and Procedures Governing the Settlement of Disputes, as such decision is set forth in the Ministerial Declarations and Decisions adopted on April 15, 1994, together with the Uruguay Round Agreements, the Trade Representative shall consult with the congressional committees regarding the policy of the United States concerning the review.

SEC. 124. ANNUAL REPORT ON THE WTO.

Not later than March 1 of each year beginning in 1996, the Trade Representative shall submit to the Congress a report describing, for the preceding fiscal year of the WTO—

(1) the major activities and work programs of the WTO, including the functions and activities of the committees established under article IV of the WTO Agreement, and the expenditures made by the WTO in connection with those activities and programs;

(2) the percentage of budgetary assessments by the WTO that were accounted for by each WTO member country, including the United States;

(3) the total number of personnel employed or retained by the Secretariat of the WTO, and the number of professional, administrative, and support staff of the WTO;

(4) for each personnel category described in paragraph (3), the number of citizens of each country, and the average salary of the personnel, in that category;

(5) each report issued by a panel or the Appellate Body in a dispute settlement proceeding regarding Federal or State law, and any efforts by the Trade Representative to provide for implementation of the recommendations contained in a report that is adverse to the United States;

(6) each proceeding before a panel or the Appellate Body that was initiated during that fiscal year regarding Federal or State law, the status of the proceeding, and the matter at issue;

(7) the status of consultations with any State whose law was the subject of a report adverse to the United States that was issued by a panel or the Appellate Body; and

(8) any progress achieved in increasing the transparency of proceedings of the Ministerial Conference and the General Council, and of dispute settlement proceedings conducted pursuant to the Dispute Settlement Understanding.

SEC. 125. REVIEW OF PARTICIPATION IN THE WTO.

(a) REPORT ON THE OPERATION OF THE WTO.—The first annual report submitted to the Congress under section 124—

(1) after the end of the 5-year period beginning on the date on which the WTO Agreement enters into force with respect to the United States, and

(2) after the end of every 5-year period thereafter,

shall include an analysis of the effects of the WTO Agreement on the interests of the United States, the costs and benefits to the United States of its participation in the WTO, and the value of the continued participation of the United States in the WTO.

(b) CONGRESSIONAL DISAPPROVAL OF U.S. PARTICIPATION IN THE WTO.—

(1) GENERAL RULE.—The approval of the Congress, provided under section 101(a), of the WTO Agreement shall cease to be effective if, and only if, a joint resolution described in subsection (c) is enacted into law pursuant to the provisions of paragraph (2).

(2) PROCEDURAL PROVISIONS.—(A) The requirements of this paragraph are met if the joint resolution is enacted under subsection (c), and

(i) the Congress adopts and transmits the joint resolution to the President before the end of the 90-day period (excluding any day described in section 154(b) of the Trade Act of 1974), beginning on the date on which the Congress receives a report referred to in subsection (a), and

(ii) if the President vetoes the joint resolution, each House of Congress votes to override that veto on or before the later of the last day of the 90-day period referred to in clause (i) or the last day of the 15-day period (excluding any day described in section 154(b) of the Trade Act of 1974) beginning on the date on which the Congress receives the veto message from the President.

(B) A joint resolution to which this section applies may be introduced at any time on or after the date on which the President transmits to the Congress a report described in subsection (a), and before the end of the 90-day period referred to in subparagraph (A).

(c) JOINT RESOLUTIONS.—

(1) JOINT RESOLUTIONS.—For purposes of this section, the term "joint resolution" means only a joint resolution of the 2 Houses of Congress, the matter after the resolving clause of which is as follows: "That the Congress withdraws its approval, provided under section 101(a) of the Uruguay Round Agreements Act, of the WTO Agreement as defined in section 2(9) of that Act.".

(2) PROCEDURES.—(A) Joint resolutions may be introduced in either House of the Congress by any Member of such House.

(B) Subject to the provisions of this subsection, the provisions of subsections (b), (d), (e), and (f) of section 152 of the Trade Act of 1974 (19 U.S.C. 2192 (b), (d), (e), and (f)) apply to joint resolutions to the same extent as such provisions apply to resolutions under such section.

(C) If the committee of either House to which a joint resolution has been referred has not reported it by the close of the 45th day after its introduction (excluding any day described in section 154(b) of the Trade Act of 1974), such committee shall be automatically discharged from further consideration of the joint resolution and it shall be placed on the appropriate calendar.

(D) It is not in order for—

(i) the Senate to consider any joint resolution unless it has been reported by the Committee on Finance or the committee has been discharged under subparagraph (C); or

(ii) the House of Representatives to consider any joint resolution unless it has been reported by the Committee on Ways and Means or the committee has been discharged under subparagraph (C).

(D) A motion in the House of Representatives to proceed to the consideration of a joint resolution may only be made on the second legislative day after the calendar day on which the Member making the motion announces to the House his or her intention to do so.

(3) CONSIDERATION OF SECOND RESOLUTION NOT IN ORDER.—It shall not be in order in either the House of Representatives or the Senate to consider a joint resolution (other than a joint resolution received from the other House), if that House has previously adopted a joint resolution under this section.

(d) RULES OF HOUSE OF REPRESENTATIVES AND SENATE.—This section is enacted by the Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such is deemed a part of the rules of each House, respectively, and such procedures supersede other rules only to the extent that they are inconsistent with such other rules; and

(2) with the full recognition of the constitutional right of either House to change the rules (so far as relating to the procedures of that House) at any time, in the same manner, and to the same extent as any other rule of that House.

SEC. 126. INCREASED TRANSPARENCY.

The Trade Representative shall seek the adoption by the Ministerial Conference and General Council of procedures that will ensure broader application of the principle of transparency and clarification of the costs and benefits of trade policy actions, through the observance of open and equitable procedures in trade matters by the Ministerial Conference and the General Council, and by the dispute settlement panels and the Appellate Body under the Dispute Settlement Understanding.

SEC. 127. ACCESS TO THE WTO DISPUTE SETTLEMENT PROCESS.

(a) IN GENERAL.—Whenever the United States is a party before a dispute settlement panel established pursuant to Article 6 of the Dispute Settlement Understanding, the Trade Representative shall, at each stage of the proceeding before the panel or the Appellate Body, consult with the appropriate congressional committees, the petitioner (if any) under section 302(a) of the Trade Act of 1974 (19 U.S.C. 2412) with respect to the matter that is the subject of the proceeding, and relevant private sector advisory committees established under section 135 of the Trade Act of 1974 (19 U.S.C. 2155), and shall consider the views of representatives of appropriate interested private sector and nongovernmental organizations concerning the matter.

(b) NOTICE AND PUBLIC COMMENT.—In any proceeding described in subsection (a), the Trade Representative shall—

(1) promptly after requesting the establishment of a panel, or receiving a request from another WTO member country for the establishment of a panel, publish a notice in the Federal Register—

(A) identifying the initial parties to the dispute,

(B) setting forth the major issues raised by the country requesting the establishment of a panel and the legal basis of the complaint,

(C) identifying the specific measures, including any State or Federal law cited in the request for establishment of the panel, and

(D) seeking written comments from the public concerning the issues raised in the dispute; and

(2) take into account any advice received from appropriate congressional committees and relevant private sector advisory committees referred to in subsection (a), and written comments received pursuant to paragraph (1)(D), in preparing United States submissions to the panel or the Appellate Body.

(c) ACCESS TO DOCUMENTS.—In each proceeding described in subsection (a), the Trade Representative shall—

(1) make written submissions by the United States referred to in subsection (b) available to the public promptly after they are submitted to the panel or Appellate Body, except that the Trade Representative is authorized to withhold from disclosure any information contained in such submissions identified by the provider of the information as proprietary information or information treated as confidential by a foreign government;

(2) request each other party to the dispute to permit the Trade Representative to make that party's written submissions to the panel or the Appellate Body available to the public; and

(3) make each report of the panel or the Appellate Body available to the public promptly after it is circulated to WTO members, and inform the public of such availability.

(d) REQUESTS FOR NONCONFIDENTIAL SUMMARIES.—In any dispute settlement proceeding conducted pursuant to the Dispute Settlement Understanding, the Trade Representative shall request each party to the dispute to provide nonconfidential summaries of its written submissions, if that party has not made its written submissions public, and shall make those summaries available to the public promptly after receiving them.

(e) PUBLIC FILE.—The Trade Representative shall maintain a file accessible to the public on each dispute settlement proceeding to which the United States is a party that is conducted pursuant to the Dispute Settlement Understanding. The file shall include all United States submissions in the proceeding and a listing of any submissions to the Trade Representative from the public with respect to the proceeding, as well as the report of the dispute settlement panel and the report of the Appellate Body.

(f) CONFORMING AMENDMENT.—Section 135(a)(1)(B) of the Trade Act of 1974 (19 U.S.C. 2155(a)(1)(B)) is amended to read as follows:

"(B) the operation of any trade agreement once entered into, including preparation for dispute settlement panel proceedings to which the United States is a party; and".

SEC. 128. ADVISORY COMMITTEE PARTICIPATION.

Section 135(b)(1) of the Trade Act of 1974 (19 U.S.C. 2155(b)(1)) is amended by inserting "nongovernmental environmental and conservation organizations," after "retailers,".

SEC. 129. ADMINISTRATIVE ACTION FOLLOWING WTO PANEL REPORTS.

(a) ACTION BY UNITED STATES INTERNATIONAL TRADE COMMISSION.—

(1) ADVISORY REPORT.—If a dispute settlement panel finds in an interim report under Article 15 of the Dispute Settlement Understanding, or the Appellate Body finds in a report under Article 17 of that Understanding, that an action by the International Trade Commission in connection with a particular proceeding is not in conformity with the obligations of the United States under the Antidumping Agreement, the Safeguards Agreement, or the Agreement on Subsidies and Countervailing Measures, the Trade Representative may request the Commission to issue an advisory report on whether title VII of the Tariff Act of 1930 or title II of the Trade Act of 1974, as the case may be, permits the Commission to take steps in connection with the particular proceeding that would render its action not inconsistent with the findings of the panel or the Appellate Body concerning those obligations. The Trade Representative shall notify the congressional committees of such request.

(2) TIME LIMITS FOR REPORT.—The Commission shall transmit its report under paragraph (1) to the Trade Representative—

(A) in the case of an interim report described in paragraph (1), within 30 calendar days after the Trade Representative requests the report; and

(B) in the case of a report of the Appellate Body, within 21 calendar days after the Trade Representative requests the report.

(3) CONSULTATIONS ON REQUEST FOR COMMISSION DETERMINATION.—If a majority of the Commissioners issues an affirmative report under paragraph (1), the Trade Representative shall consult with the congressional committees concerning the matter.

(4) COMMISSION DETERMINATION.—Notwithstanding any provision of the Tariff Act of 1930 or title II of the Trade Act of 1974, if a majority of the Commissioners issues an affirmative report under paragraph (1), the Commission, upon the written request of the Trade Representative, shall issue a determination in connection with the particular proceeding that would render the Commission's action described in paragraph (1) not inconsistent with the findings of the panel or Appellate Body. The Commission shall issue its determination not later than 120 days after the request from the Trade Representative is made.

(5) CONSULTATIONS ON IMPLEMENTATION OF COMMISSION DETERMINATION.—The Trade Representative shall consult with the congressional committees before the Commission's determination under paragraph (4) is implemented.

(6) REVOCATION OF ORDER.—If, by virtue of the Commission's determination under paragraph (4), an antidumping or countervailing duty order with respect to some or all of the imports that are subject to the action of the Commission described in paragraph (1) is no longer supported by an affirmative Commission determination under title VII of the Tariff Act of 1930 or this subsection, the Trade Representative may, after consulting with the congressional committees under paragraph (5), direct the administering authority to revoke the antidumping or countervailing duty order in whole or in part.

(7) MODIFICATION OF ACTION UNDER TITLE II OF TRADE ACT OF 1974.—Section 204(b) of the Trade Act of 1974 (19 U.S.C. 2254(b)) is amended by adding at the end the following new paragraph:

"(3) Notwithstanding paragraph (1), the President may, after receipt of a Commission determination under section 129(a)(4) of the Uruguay Round Agreements Act and consulting with the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate, reduce, modify, or terminate action taken under section 203.".

(b) ACTION BY ADMINISTERING AUTHORITY.—

(1) CONSULTATIONS WITH ADMINISTERING AUTHORITY AND CONGRESSIONAL COMMITTEES.—Promptly after a report by a dispute settlement panel or the Appellate body is issued that contains findings that an action by the administering authority in a proceeding under title VII of the Tariff Act of 1930 is not in conformity with the obligations of the United States under the Antidumping Agreement or the Agreement on Subsidies and Countervailing Measures, the Trade Representative shall consult with the administering authority and the congressional committees on the matter.

(2) DETERMINATION BY ADMINISTERING AUTHORITY.—Notwithstanding any provision of

the Tariff Act of 1930, the administering authority shall, within 180 days after receipt of a written request from the Trade Representative, issue a determination in connection with the particular proceeding that would render the administering authority's action described in paragraph (1) not inconsistent with the findings of the panel or the Appellate Body.

(3) CONSULTATIONS BEFORE IMPLEMENTATION.—Before the administering authority implements any determination under paragraph (2), the Trade Representative shall consult with the administering authority and the congressional committees with respect to such determination.

(4) IMPLEMENTATION OF DETERMINATION.—The Trade Representative may, after consulting with the administering authority and the congressional committees under paragraph (3), direct the administering authority to implement, in whole or in part, the determination made under paragraph (2).

(c) EFFECTS OF DETERMINATIONS; NOTICE OF IMPLEMENTATION.—

(1) EFFECTS OF DETERMINATIONS.—Determinations concerning title VII of the Tariff Act of 1930 that are implemented under this section shall apply with respect to unliquidated entries of the subject merchandise (as defined in section 771 of that Act) that are entered, or withdrawn from warehouse, for consumption on or after—

(A) in the case of a determination by the Commission under subsection (a)(4), the date on which the Trade Representative directs the administering authority under subsection (a)(6) to revoke an order pursuant to that determination, and

(B) in the case of a determination by the administering authority under subsection (b)(2), the date on which the Trade Representative directs the administering authority under subsection (b)(4) to implement that determination.

(2) NOTICE OF IMPLEMENTATION.—

(A) The administering authority shall publish in the Federal Register notice of the implementation of any determination made under this section with respect to title VII of the Tariff Act of 1930.

(B) The Trade Representative shall publish in the Federal Register notice of the implementation of any determination made under this section with respect to title II of the Trade Act of 1974.

(d) OPPORTUNITY FOR COMMENT BY INTERESTED PARTIES.—Prior to issuing a determination under this section, the administering authority or the Commission, as the case may be, shall provide interested parties with an opportunity to submit written comments and, in appropriate cases, may hold a hearing, with respect to the determination.

(e) JUDICIAL OR BINATIONAL PANEL REVIEW.—

(1) REVIEW OF DETERMINATIONS ON RECORD.—Section 516A(a)(2) of the Tariff Act of 1930 (19 U.S.C. 1516a(a)(2)) is amended—

(A) in subparagraph (A)(i)—

(i) in subclause (I) by striking "(B), or" and inserting "(B)", and

(ii) by adding after subclause (II) the following:

"(III) notice of the implementation of any determination described in clause (vii) of subparagraph (B), or"; and

(B) in subparagraph (B), by adding at the end the following new clause:

"(vii) A determination by the administering authority or the Commission under section 129 of the Uruguay Round Agreements Act concerning a determination under title VII of the Tariff Act of 1930.".

(2) TIME LIMITS FOR CASES INVOLVING FREE TRADE AREA COUNTRIES.—Section 516A(a)(5) of the Tariff Act of 1930 (19 U.S.C. 1516a(a)(5)) is amended by adding at the end the following new subparagraph:

"(E) For a determination described in clause (vii) of paragraph (2)(B), the 31st day after the date on which notice of the implementation of the determination is published in the Federal Register.".

(3) REVIEW OF CASES INVOLVING FREE TRADE AREA COUNTRY MERCHANDISE.—Section 516A(g)(8)(A)(i) of the Tariff Act of 1930 (19 U.S.C. 1516a(g)(8)(A)(i)) is amended by striking "subparagraph (A) or (B)" and inserting "subparagraph (A), (B), or (E)".

SEC. 130. EFFECTIVE DATE.

This subtitle and the amendments made by this subtitle take effect on the date on which the WTO Agreement enters into force with respect to the United States.

Subtitle D—Related Provisions

SEC. 131. WORKING PARTY ON WORKER RIGHTS.

(a) IN GENERAL.—The President shall seek the establishment in the GATT 1947, and, upon entry into force of the WTO Agreement with respect to the United States, in the WTO, of a working party to examine the relationship of internationally recognized worker rights, as defined in section 502(a)(4) of the Trade Act of 1974, to the articles, objectives, and related instruments of the GATT 1947 and of the WTO, respectively.

(b) OBJECTIVES OF WORKING PARTY.—The objectives of the United States for the working party described in subsection (a) are to—

(1) explore the linkage between international trade and internationally recognized worker rights, as defined in section 502(a)(4) of the Trade Act of 1974, taking into account differences in the level of development among countries;

(2) examine the effects on international trade of the systematic denial of such rights;

(3) consider ways to address such effects; and

(4) develop methods to coordinate the work program of the working party with the International Labor Organization.

(c) REPORT TO CONGRESS.—The President shall report to the Congress, not later than 1 year after the date of the enactment of this Act, on the progress made in establishing the working party under this section, and on United States objectives with respect to the working party's work program.

SEC. 132. IMPLEMENTATION OF RULES OF ORIGIN WORK PROGRAM.

If the President enters into an agreement developed under the work program described in Article 9 of the Agreement on Rules of Origin referred to in section 101(d)(10), the President may implement United States obligations under such an agreement under United States law only pursuant to authority granted to the President for that purpose by law enacted after the effective date of this title.

SEC. 133. MEMBERSHIP IN WTO OF BOYCOTTING COUNTRIES.

It is the sense of the Congress that the Trade Representative should vigorously oppose the admission into the World Trade Organization of any country which, through its laws, regulations, official policies, or governmental practices, fosters, imposes, complies with, furthers, or supports any boycott described in section 8(a) of the Export Administration Act of 1979 (50 U.S.C. App. 2407(a)) (as in effect on August 20, 1994), including requiring or encouraging entities within that country to refuse to do business with persons who do not comply with requests to take any action prohibited under that section.

SEC. 134. AFRICA TRADE AND DEVELOPMENT POLICY.

(a) DEVELOPMENT OF POLICY.—The President should develop and implement a comprehensive trade and development policy for the countries of Africa.

(b) REPORTS TO CONGRESS.—The President shall, not later than 12 months after the date of the enactment of this Act and annually thereafter for a period of 4 years, submit to the Committee on Ways and Means and the Committee on Foreign Affairs of the House of Representatives, the Committee on Finance and the Committee on Foreign Relations of the Senate, and other appropriate committees of the Congress, a report on the steps taken to carry out subsection (a).

SEC. 135. OBJECTIVES FOR EXTENDED NEGOTIATIONS.

(a) TRADE IN FINANCIAL SERVICES.—The principal negotiating objective of the United States in the extended negotiations on financial services to be conducted under the auspices of the WTO is to seek to secure commitments, from a wide range of commercially important developed and developing countries, to reduce or eliminate barriers to the supply of financial services, including barriers that deny national treatment or market access by restricting the establishment or operation of financial services providers, as the condition for the United States—

(1) offering commitments to provide national treatment and market access in each of the financial services subsectors, and

(2) making such commitments on a most-favored-nation basis.

(b) TRADE IN BASIC TELECOMMUNICATIONS SERVICES.—The principal negotiating objective of the United States in the extended negotiations on basic telecommunications services to be conducted under the auspices of the WTO is to obtain the opening on nondiscriminatory terms and conditions of foreign markets for basic telecommunications services through facilities-based competition or through the resale of services on existing networks.

(c) TRADE IN CIVIL AIRCRAFT.—

(1) NEGOTIATIONS.—The principal negotiating objectives of the United States in the extended negotiations on trade in civil aircraft to be conducted under the auspices of the WTO are—

(A) to obtain competitive opportunities for United States exports in foreign markets substantially equivalent to those afforded to foreign products in the United States;

(B) to obtain the reduction or elimination of specific tariff and nontariff barriers, including through expanded membership in the Agreement on Trade in Civil Aircraft and in the US–EC bilateral agreement for large civil aircraft,

(C) to maintain vigorous and effective disciplines on subsidies practices with respect to civil aircraft products under the Agreement on Subsidies and Countervailing Measures referred to in section 101(d)(12),

(D) to maintain the scope and coverage on indirect support as specified in the US–EC bilateral agreement on large civil aircraft, and

(E) to obtain increased transparency with respect to foreign subsidy programs in the civil aircraft sector, both through greater government disclosure with respect to the use of taxpayer moneys and higher financial disclosure standards for companies receiving government supports (including disclosure comparable to that required under United States securities laws).

(2) DEFINITIONS.—For purposes of paragraph (1)—

(A) the term "civil aircraft" means those products to which the Agreement on Trade in Civil Aircraft applies,

(B) the term "large civil aircraft" has the meaning given that term in Annex II to the US–EC bilateral agreement,

(C) the term "indirect support" means indirect government support as defined in Annex II to the US–EC bilateral agreement,

(D) the term "Agreement on Trade in Civil Aircraft" means the Agreement on Trade in Civil Aircraft approved by the Congress under section 2 of the Trade Agreements Act of 1979, and

(E) the term "US–EC bilateral agreement" means the Agreement Concerning the Application of the GATT Agreement on Trade in Civil Aircraft Between the European Economic Community and the Government of the United States of America on trade in large civil aircraft, entered into on July 17, 1992.

SEC. 136. REPEAL OF TAX ON IMPORTED PERFUMES; DRAWBACK OF TAX ON DISTILLED SPIRITS USED IN PERFUME MANUFACTURE.

(a) REPEAL OF TAX ON IMPORTED PERFUMES.—Subsection (a) of section 5001 of the Internal Revenue Code of 1986 is amended by striking paragraph (3) and redesignating the following paragraphs accordingly.

(b) DRAWBACK OF TAX ON DISTILLED SPIRITS USED IN PERFUME MANUFACTURE.—Sections 5131(a), 5132, 5134(c)(1), and 7652(g) of such Code are each amended by striking "or flavoring extracts" and inserting "flavoring extracts, or perfume".

(c) CONFORMING AMENDMENTS.—

(1) Subsection (b) of section 5002 of such Code is amended by striking paragraph (1) and redesignating the following paragraphs accordingly.

(2) Subsection (f) of section 5005 of such Code is amended—

(A) by striking "section 5001(a)(6) and (7)" in paragraph (3) and inserting "section 5001(a)(5) and (6)", and

(B) by striking "section 5001(a)(5)" in paragraph (4) and inserting "section 5001(a)(4)".

(3) Subsection (b) of section 5007 of such Code is amended to read as follows:

"(b) COLLECTION OF TAX ON IMPORTED DISTILLED SPIRITS.—The internal revenue tax imposed by section 5001(a)(1) and (2) upon imported distilled spirits shall be collected by the Secretary and deposited as internal revenue collections, under such regulations as the Secretary may prescribe. Section 5688 shall be applicable to the disposition of imported spirits.".

(4) Paragraph (3) of section 5007(c) of such Code is amended by striking "section 5001(a)(5), (6), and (7)" and inserting "section 5001(a)(4), (5), and (6)".

(5) Paragraph (1) of section 5061(b) of such Code is amended to read as follows:

"(1) section 5001(a)(4), (5), or (6),".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 1995.

SEC. 137. CERTAIN NONRUBBER FOOTWEAR.

In the case of nonrubber footwear imported from Brazil—

(1) which is subject to Treasury Decision 74-233, dated September 9, 1974,

(2) which was entered, or withdrawn from warehouse for consumption, on or before October 28, 1981, and

(3) with respect to which entries are unliquidated on the date of the enactment of this Act,

countervailing duties shall be assessed at rates equal to the amount of the cash deposit of the estimated countervailing duties required on such footwear at the time of entry or withdrawal from warehouse for consumption. Interest on underpayments of amounts required to be deposited as countervailing duties shall be paid in accordance with section 778 of the Tariff Act of 1930 (19 U.S.C. 1677g).

SEC. 138. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in section 136(d) and subsection (b) of this section, this subtitle and the amendments made by this subtitle take effect on the date of the enactment of this Act.

(b) SECTIONS 132 AND 135.—Sections 132 and 135 take effect on the date on which the WTO Agreement enters into force with respect to the United States.

TITLE II—ANTIDUMPING AND COUNTERVAILING DUTY PROVISIONS

SEC. 201. REFERENCE.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Tariff Act of 1930.

Subtitle A—General Provisions

SEC. 211. ACTION WITH RESPECT TO PETITIONS.

(a) COUNTERVAILING DUTY INVESTIGATIONS.—Section 702(b) (19 U.S.C. 1671a(b)) is amended—

(1) in paragraph (3) by striking "subsection 702(b)(1)" and inserting "paragraph (1)", and

(2) by adding at the end the following:

"(4) ACTION WITH RESPECT TO PETITIONS.—

"(A) NOTIFICATION OF GOVERNMENTS.—Upon receipt of a petition filed under paragraph (1), the administering authority shall—

"(i) notify the government of any exporting country named in the petition by delivering a public version of the petition to an appropriate representative of such country; and

"(ii) provide the government of any exporting country named in the petition that is a Subsidies Agreement country an opportunity for consultations with respect to the petition.

"(B) ACCEPTANCE OF COMMUNICATIONS.—The administering authority shall not accept any unsolicited oral or written communication from any person other than an interested party described in section 771(9) (C), (D), (E), (F), or (G) before the administering authority makes its decision whether to initiate an investigation, except as provided in subparagraph (A)(ii) and subsection (c)(4)(D), and except for inquiries regarding the status of the administering authority's consideration of the petition.

"(C) NONDISCLOSURE OF CERTAIN INFORMATION.—The administering authority and the Commission shall not disclose information with regard to any draft petition submitted for review and comment before it is filed under paragraph (1).".

(b) ANTIDUMPING INVESTIGATIONS.—Section 732(b) (19 U.S.C. 1673a(b)) is amended by adding at the end the following:

"(3) ACTION WITH RESPECT TO PETITIONS.—

"(A) NOTIFICATION OF GOVERNMENTS.—Upon receipt of a petition filed under paragraph (1), the administering authority shall notify the government of any exporting country named in the petition by delivering a public version of the petition to an appropriate representative of such country.

"(B) ACCEPTANCE OF COMMUNICATIONS.—The administering authority shall not accept any unsolicited oral or written communication from any person other than an interested party described in section 771(9) (C), (D), (E), (F), or (G) before the administering authority makes its decision whether to initiate an investigation, except as provided in subsection (c)(4)(D), and except for inquiries regarding the status of the administering authority's consideration of the petition.

"(C) NONDISCLOSURE OF CERTAIN INFORMATION.—The administering authority and the Commission shall not disclose information with regard to any draft petition submitted for review and comment before it is filed under paragraph (1).".

SEC. 212. PETITION AND PRELIMINARY DETERMINATION.

(a) GENERAL REQUIREMENTS.—

(1) COUNTERVAILING DUTY PETITION.—Section 702(c) (19 U.S.C. 1671a(c)) is amended to read as follows:

"(c) PETITION DETERMINATION.—

"(1) IN GENERAL.—

"(A) TIME FOR INITIAL DETERMINATION.—Except as provided in subparagraph (B), within 20 days after the date on which a petition is filed under subsection (b), the administering authority shall—

"(i) after examining, on the basis of sources readily available to the administering authority, the accuracy and adequacy of the evidence provided in the petition, determine whether the petition alleges the elements necessary for the imposition of a duty under section 701(a) and contains information reasonably available to the petitioner supporting the allegations, and

"(ii) determine if the petition has been filed by or on behalf of the industry.

"(B) EXTENSION OF TIME.—In any case in which the administering authority is required to poll or otherwise determine support for the petition by the industry under paragraph (4)(D), the administering authority may, in exceptional circumstances, apply subparagraph (A) by substituting 'a maximum of 40 days' for '20 days'.

"(C) TIME LIMITS WHERE PETITION INVOLVES SAME MERCHANDISE AS AN ORDER THAT HAS BEEN REVOKED.—If a petition is filed under this section with respect to merchandise that was the subject merchandise of—

"(i) a countervailing duty order that was revoked under section 751(d) in the 24 months preceding the date the petition is filed, or

"(ii) a suspended investigation that was terminated under section 751(d) in the 24 months preceding the date the petition is filed,

the administering authority and the Commission shall, to the maximum extent practicable, expedite any investigation initiated under this section with respect to the petition.

"(2) AFFIRMATIVE DETERMINATIONS.—If the determinations under clauses (i) and (ii) of paragraph (1)(A) are affirmative, the administering authority shall initiate an investigation to determine whether a countervailable subsidy is being provided with respect to the subject merchandise.

"(3) NEGATIVE DETERMINATIONS.—If the determination under clause (i) or (ii) of paragraph (1)(A) is negative, the administering authority shall dismiss the petition, terminate the proceeding, and notify the petitioner in writing of the reasons for the determination.

"(4) DETERMINATION OF INDUSTRY SUPPORT.—

"(A) GENERAL RULE.—For purposes of this subsection, the administering authority shall determine that the petition has been filed by or on behalf of the industry, if—

"(i) the domestic producers or workers who support the petition account for at least 25 percent of the total production of the domestic like product, and "(ii) the domestic producers or workers who support the petition account for more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for or opposition to the petition.

"(B) CERTAIN POSITIONS DISREGARDED.—

"(i) PRODUCERS RELATED TO FOREIGN PRODUCERS.—In determining industry support under subparagraph (A), the administering authority shall disregard the position of domestic producers who oppose the petition, if such producers are related to foreign producers, as defined in section 771(4)(B)(ii), unless such domestic producers demonstrate that their interests as domestic producers would be adversely affected by the imposition of a countervailing duty order.

"(ii) PRODUCERS WHO ARE IMPORTERS.—The administering authority may disregard the position of domestic producers of a domestic like product who are importers of the subject merchandise.

"(C) SPECIAL RULE FOR REGIONAL INDUSTRIES.—If the petition alleges that the industry is a regional industry, the administering authority shall determine whether the petition has been filed by or on behalf of the industry by applying subparagraph (A) on the basis of production in the region.

"(D) POLLING THE INDUSTRY.—If the petition does not establish support of domestic producers or workers accounting for more than 50 percent of the total production of the domestic like product, the administering authority shall—

"(i) poll the industry or rely on other information in order to determine if there is support for the petition as required by subparagraph (A), or

"(ii) if there is a large number of producers in the industry, the administering authority may determine industry support for the petition by using any statistically valid sampling method to poll the industry.

"(E) COMMENTS BY INTERESTED PARTIES.—Before the administering authority makes a determination with respect to initiating an investigation, any person who would qualify as an interested party under section 771(9) if an investigation were initiated, may submit comments or information on the issue of industry support. After the administering authority makes a determination with respect to initiating an investigation, the determination regarding industry support shall not be reconsidered.

"(5) DEFINITION OF DOMESTIC PRODUCERS OR WORKERS.—For purposes of this subsection, the term 'domestic producers or workers' means those interested parties who are eligible to file a petition under subsection (b)(1)(A).".

(2) ANTIDUMPING DUTY PETITION.—Section 732(c) (19 U.S.C. 1673a(c)) is amended to read as follows:

"(c) PETITION DETERMINATION.—

"(1) IN GENERAL.—

"(A) TIME FOR INITIAL DETERMINATION.—Except as provided in subparagraph (B), within 20 days after the date on which a petition is filed under subsection (b), the administering authority shall—

"(i) after examining, on the basis of sources readily available to the administering authority, the accuracy and adequacy of the evidence provided in the petition, determine whether the petition alleges the elements necessary for the imposition of a duty under section 731 and contains information reasonably available to the petitioner supporting the allegations, and

"(ii) determine if the petition has been filed by or on behalf of the industry.

"(B) EXTENSION OF TIME.—In any case in which the administering authority is required to poll or otherwise determine support for the petition by the industry under paragraph (4)(D), the administering authority may, in exceptional circumstances, apply subparagraph (A) by substituting 'a maximum of 40 days' for '20 days'.

"(C) TIME LIMITS WHERE PETITION INVOLVES SAME MERCHANDISE AS AN ORDER THAT HAS BEEN REVOKED.—If a petition is filed under this section with respect to merchandise that was the subject merchandise of—

"(i) an antidumping duty order or finding that was revoked under section 751(d) in the 24 months preceding the date the petition is filed, or

"(ii) a suspended investigation that was terminated under section 751(d) in the 24 months preceding the date the petition is filed.

the administering authority and the Commission shall, to the maximum extent practicable, expedite any investigation initiated under this section with respect to the petition.

"(2) AFFIRMATIVE DETERMINATIONS.—If the determinations under clauses (i) and (ii) of paragraph (1)(A) are affirmative, the administering authority shall initiate an investigation to determine whether the subject merchandise is being, or is likely to be, sold in the United States at less than its fair value.

"(3) NEGATIVE DETERMINATIONS.—If the determination under clause (i) or (ii) of paragraph (1)(A) is negative, the administering authority shall dismiss the petition, terminate the proceeding, and notify the petitioner in writing of the reasons for the determination.

"(4) DETERMINATION OF INDUSTRY SUPPORT.—

"(A) GENERAL RULE.—For purposes of this subsection, the administering authority shall determine that the petition has been filed by or on behalf of the industry, if—

"(i) the domestic producers or workers who support the petition account for at least 25 percent of the total production of the domestic like product, and

"(ii) the domestic producers or workers who support the petition account for more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for or opposition to the petition.

"(B) CERTAIN POSITIONS DISREGARDED.—

"(i) PRODUCERS RELATED TO FOREIGN PRODUCERS.—In determining industry support under subparagraph (A), the administering authority shall disregard the position of domestic producers who oppose the petition, if such producers are related to foreign producers, as defined in section 771(4)(B)(ii), unless such domestic producers demonstrate that their interests as domestic producers would be adversely affected by the imposition of an antidumping duty order.

"(ii) PRODUCERS WHO ARE IMPORTERS.—The administering authority may disregard the position of domestic producers of a domestic like product who are importers of the subject merchandise.

"(C) SPECIAL RULE FOR REGIONAL INDUSTRIES.—If the petition alleges the industry is a regional industry, the administering authority shall determine whether the petition has been filed by or on behalf of the industry by applying subparagraph (A) on the basis of production in the region.

"(D) POLLING THE INDUSTRY.—If the petition does not establish support of domestic producers or workers accounting for more than 50 percent of the total production of the domestic like product, the administering authority shall—

"(i) poll the industry or rely on other information in order to determine if there is support for the petition as required by subparagraph (A), or

"(ii) if there is a large number of producers in the industry, the administering authority may determine industry support for the petition by using any statistically valid sampling method to poll the industry.

"(E) COMMENTS BY INTERESTED PARTIES.—Before the administering authority makes a determination with respect to initiating an investigation, any person who would qualify as an interested party under section 771(9) if an investigation were initiated, may submit comments or information on the issue of industry support. After the administering authority makes a determination with respect to initiating an investigation, the determination regarding industry support shall not be reconsidered.

"(5) DEFINITION OF DOMESTIC PRODUCERS OR WORKERS.—For purposes of this subsection, the term 'domestic producers or workers' means those interested parties who are eligible to file a petition under subsection (b)(1)(A).".

(b) DETERMINATION BY THE COMMISSION OF REASONABLE INDICATION OF INJURY; PRELIMINARY DETERMINATION BY THE ADMINISTERING AUTHORITY.—

(1) COUNTERVAILING DUTY INVESTIGATIONS.—

(A) Section 703(a) (19 U.S.C. 1671b(a)) is amended to read as follows:

"(a) DETERMINATION BY COMMISSION OF REASONABLE INDICATION OF INJURY.—

"(1) GENERAL RULE.—Except in the case of a petition dismissed by the administering authority under section 702(c)(3), the Commission, within the time specified in paragraph (2), shall determine, based on the information available to it at the time of the determination, whether there is a reasonable indication that—

"(A) an industry in the United States—

"(i) is materially injured, or

"(ii) is threatened with material injury, or

"(B) the establishment of an industry in the United States is materially retarded,

by reason of imports of the subject merchandise and that imports of the subject merchandise are not negligible. If the Commission finds that imports of the subject merchandise are negligible or otherwise makes a negative determination under this paragraph, the investigation shall be terminated.

"(2) TIME FOR COMMISSION DETERMINATION.—The Commission shall make the determination described in paragraph (1)—

"(A) in the case of a petition filed under section 702(b)—

"(i) within 45 days after the date on which the petition is filed, or

"(ii) if the time has been extended pursuant to section 702(c)(1)(B), within 25 days after the date on which the Commission receives notice from the administering authority of initiation of the investigation, and

"(B) in the case of an investigation initiated under section 702(a), within 45 days after the date on which the Commission receives notice from the administering authority that an investigation has been initiated under such section.".

(B) Section 705(b)(1) (19 U.S.C. 1671d(b)(1)) is amended by adding at the end the following: "If the Commission determines that imports of the subject merchandise are negligible, the investigation shall be terminated.".

(C) Section 703(b) (19 U.S.C. 1671b(b)) is amended—

(i) in paragraph (1)—

(I) by striking "85 days after the date on which the petition is filed under section 702(b)" and inserting "65 days after the date on which the administering authority initiates an investigation under section 702(c)";

(II) by striking "best information" and inserting "information"; and

(III) by striking the last sentence; and

(ii) in paragraph (2), by striking "85 days after the date on which the petition is filed under section 702(b)" and inserting "65 days after the date on which the administering authority initiates an investigation under section 702(c)".

(D) Section 703(c)(1) (19 U.S.C. 1671b(c)) is amended by striking "150th day after the date on which a petition is filed under section 702(b)" and inserting "130th day after the date on which the administering authority initiates an investigation under section 702(c)".

(E) Section 702(b)(3) (19 U.S.C. 1671a(b)(3)) is amended by striking "twenty days" and inserting "5 days after the date on which the administering authority initiates an investigation under subsection (c),".

(F) Section 703(f) (19 U.S.C. 1671b(f)) is amended to read as follows:

"(f) Notice of Determination.—Whenever the Commission or the administering authority makes a determination under this section, the Commission or the administering authority, as the case may be, shall notify the petitioner, and other parties to the investigation, and the Commission or the administering authority (whichever is appropriate) of its determination. The administering authority shall include with such notification the facts and conclusions on which its determination is based. Not later than 5 days after the date on which the determination is required to be made under subsection (a)(2), the Commission shall transmit to the administering authority the facts and conclusions on which its determination is based.".

(2) Antidumping duty investigations.—

(A) Section 733(a) (19 U.S.C. 1673b(a)) is amended to read as follows:

"(a) Determination by Commission of Reasonable Indication of Injury.—

"(1) General rule.—Except in the case of a petition dismissed by the administering authority under section 732(c)(3), the Commission, within the time specified in paragraph (2), shall determine, based on the information available to it at the time of the determination, whether there is a reasonable indication that—

"(A) an industry in the United States—

"(i) is materially injured, or

"(ii) is threatened with material injury, or

"(B) the establishment of an industry in the United States is materially retarded,

by reason of imports of the subject merchandise and that imports of the subject merchandise are not negligible. If the Commission finds that imports of the subject merchandise are negligible or otherwise makes a negative determination under this paragraph, the investigation shall be terminated.

"(2) Time for commission determination.—The Commission shall make the determination described in paragraph (1)—

"(A) in the case of a petition filed under section 732(b)—

"(i) within 45 days after the date on which the petition is filed, or

"(ii) if the time has been extended pursuant to section 732(c)(1)(B), within 25 days after the date on which the Commission receives notice from the administering authority of initiation of the investigation, and

"(B) in the case of an investigation initiated under section 732(a), within 45 days after the date on which the Commission receives notice from the administering authority that an investigation has been initiated under such section.".

(B) Section 735(b)(1) (19 U.S.C. 1673d(b)(1)) is amended by adding at the end the following: "If the Commission determines that imports of the subject merchandise are negligible, the investigation shall be terminated.".

(C) Section 733(b)(1) (19 U.S.C. 1673b(b)(1)) is amended—

(i) in subparagraph (A)—

(I) by striking "160 days after the date on which a petition is filed under section 732(b)" and inserting "140 days after the date on which the administering authority initiates an investigation under section 732(c)"; and

(II) by striking "best information" and inserting "information"; and

(ii) in subparagraph (B)—

(I) by striking "120" and inserting "100";

(II) by striking "160" and inserting "140";

(III) by striking "100" and inserting "80"; and

(IV) by striking "160" and inserting "140".

(D) Section 733(c)(1) (19 U.S.C. 1673b(c)(1)) is amended by striking "210th day after the date on which a petition is filed under section 732(b)" and inserting "190th day after the date on which the administering authority initiates an investigation under section 732(c)".

(E) Section 733(f) (19 U.S.C. 1673b(f)) is amended to read as follows:

"(f) Notice of Determination.—Whenever the Commission or the administering authority makes a determination under this section, the Commission or the administering authority, as the case may be, shall notify the petitioner, and other parties to the investigation, and the Commission or the administering authority (whichever is appropriate) of its determination. The administering authority shall include with such notification the facts and conclusions on which its determination is based. Not later than 5 days after the date on which the determination is required to be made under subsection (a)(2), the Commission shall transmit to the administering authority the facts and conclusions on which its determination is based.".

SEC. 213. DE MINIMIS DUMPING MARGIN.

(a) Preliminary Determinations.—Section 733(b) (19 U.S.C. 1673b(b)) is amended by adding at the end the following new paragraph:

"(3) De minimis dumping margin.—In making a determination under this subsection, the administering authority shall disregard any weighted average dumping margin that is de minimis. For purposes of the preceding sentence, a weighted average dumping margin is de minimis if the administering authority determines that it is less than 2 percent ad valorem or the equivalent specific rate for the subject merchandise.".

(b) Final Determinations.—Section 735(a) (19 U.S.C. 1673d(a)) is amended by adding at the end the following new paragraph:

"(4) De minimis dumping margin.—In making a determination under this subsection, the administering authority shall disregard any weighted average dumping margin that is de minimis as defined in section 733(b)(3).".

SEC. 214. CRITICAL CIRCUMSTANCES.

(a) Countervailing Duty Investigations.—

(1) Preliminary determinations.—Section 703(e)(1) (19 U.S.C. 1671b(e)(1)) is amended—

(A) in the matter preceding subparagraph (A) by striking "best information" and inserting "information"; and

(B) by amending subparagraphs (A) and (B) to read as follows:

"(A) the alleged countervailable subsidy is inconsistent with the Subsidies Agreement, and

"(B) there have been massive imports of the subject merchandise over a relatively short period.".

(2) Final determinations.—(A) Section 705(a)(2) (19 U.S.C. 1671d(a)(2)) is amended—

(i) in subparagraph (A) by inserting "Subsidies" before "Agreement"; and

(ii) in subparagraph (B) by striking "class or kind of merchandise involved" and inserting "subject merchandise".

(B) Section 705(b)(4)(A) (19 U.S.C. 1671d(b)(4)) is amended to read as follows:

"(A) Commission standard for retroactive application.—

"(i) In general.—If the finding of the administering authority under subsection (a)(2) is affirmative, then the final determination of the Commission shall include a finding as to whether the imports subject to the affirmative determination under subsection (a)(2) are likely to undermine seriously the remedial effect of the countervailing duty order to be issued under section 706.

"(ii) Factors to consider.—In making the evaluation under clause (i), the Commission shall consider, among other factors it considers relevant—

"(I) the timing and the volume of the imports,

"(II) any rapid increase in inventories of the imports, and

"(III) any other circumstances indicating that the remedial effect of the countervailing duty order will be seriously undermined.".

(b) Antidumping Investigations.—

(1) Preliminary determinations.—Section 733(e)(1) (19 U.S.C. 1673b(e)(1)) is amended—

(A) in the matter preceding subparagraph (A) by striking "best information" and inserting "information"; and

(B) by amending subparagraphs (A) and (B) to read as follows:

"(A)(i) there is a history of dumping and material injury by reason of dumped imports in the United States or elsewhere of the subject merchandise, or

"(ii) the person by whom, or for whose account, the merchandise was imported knew or should have known that the exporter was selling the subject merchandise at less than its fair value and that there was likely to be material injury by reason of such sales, and

"(B) there have been massive imports of the subject merchandise over a relatively short period.".

(2) Final determinations.—(A) Section 735(a)(3) (19 U.S.C. 1673d(a)(3)) is amended—

(i) in clause (i) of subparagraph (A)—

(I) by inserting "and material injury by reason of dumped imports" after "history of dumping"; and

(II) by striking "class or kind of the merchandise which is the subject of the investigation" and inserting "subject merchandise";

(ii) in clause (ii) of subparagraph (A) by striking "merchandise which is the subject of the investigation at less than its fair value" and inserting "subject merchandise at less than its fair value and that there would be material injury by reason of such sales"; and

(iii) in subparagraph (B) by striking "merchandise which is the subject of the investigation" and inserting "subject merchandise".

(B) Section 735(b)(4)(A) (19 U.S.C. 1673d(b)(4)(A)) is amended to read as follows:

"(A) COMMISSION STANDARD FOR RETROACTIVE APPLICATION.—

"(i) IN GENERAL.—If the finding of the administering authority under subsection (a)(3) is affirmative, then the final determination of the Commission shall include a finding as to whether the imports subject to the affirmative determination under subsection (a)(3) are likely to undermine seriously the remedial effect of the antidumping duty order to be issued under section 736.

"(ii) FACTORS TO CONSIDER.—In making the evaluation under clause (i), the Commission shall consider, among other factors it considers relevant—

"(I) the timing and the volume of the imports,

"(II) a rapid increase in inventories of the imports, and

"(III) any other circumstances indicating that the remedial effect of the antidumping order will be seriously undermined.".

SEC. 215. PROVISIONAL MEASURES.

(a) COUNTERVAILING DUTIES.—

(1) SUSPENSION OF LIQUIDATION.—Section 703(d) (19 U.S.C. 1671b(d)) is amended—

(A) in paragraph (1), by striking "warehouse" and all that follows through "Register," and inserting "warehouse, for consumption on or after the later of—

"(A) the date on which notice of the determination is published in the Federal Register, or

"(B) the date that is 60 days after the date on which notice of the determination to initiate the investigation is published in the Federal Register,"; and

(B) by adding at the end the following:

"The instructions of the administering authority under paragraphs (1) and (2) may not remain in effect for more than 4 months.".

(2) CRITICAL CIRCUMSTANCES CASES.—Section 703(e)(2) (19 U.S.C. 1671b(e)(2)) is amended by striking "warehouse, for consumption on or after the date which is 90 days before the date on which suspension of liquidation was first ordered." and inserting "warehouse, for consumption on or after the later of—

"(A) the date which is 90 days before the date on which the suspension of liquidation was first ordered, or

"(B) the date on which notice of the determination to initiate the investigation is published in the Federal Register.".

(b) ANTIDUMPING DUTIES.—

(1) SUSPENSION OF LIQUIDATION.—Section 733(d) (19 U.S.C. 1673b(d)) is amended—

(A) in paragraph (1), by striking "warehouse" and all that follows through "Register," and inserting "warehouse, for consumption on or after the later of—

"(A) the date on which notice of the determination is published in the Federal Register, or

"(B) the date that is 60 days after the date on which notice of the determination to initiate the investigation is published in the Federal Register,"; and

(B) by adding at the end the following:

"The instructions of the administering authority under paragraphs (1) and (2) may not remain in effect for more than 4 months, except that the administering authority may, at the request of exporters representing a significant proportion of exports of the subject merchandise, extend that 4-month period to not more than 6 months.".

(2) CRITICAL CIRCUMSTANCES CASES.—Section 733(e)(2) (19 U.S.C. 1673b(e)(2)) is amended by striking "warehouse, for consumption on or after the date which is 90 days before the date on which suspension of liquidation was first ordered." and inserting "warehouse, for consumption on or after the later of—

"(A) the date which is 90 days before the date on which the suspension of liquidation was first ordered, or

"(B) the date on which notice of the determination to initiate the investigation is published in the Federal Register.".

SEC. 216. CONDITIONS ON ACCEPTANCE OF SUSPENSION AGREEMENTS.

(a) COUNTERVAILING DUTIES.—Section 704(d)(1) (19 U.S.C. 1671c(d)(1)) is amended by striking "In applying" and inserting the following:

"Where practicable, the administering authority shall provide to the exporters who would have been subject to the agreement the reasons for not accepting the agreement and, to the extent possible, an opportunity to submit comments thereon. In applying".

(b) ANTIDUMPING DUTIES.—Section 734(d) (19 U.S.C. 1673c(d)) is amended by adding at the end the following flush sentence:

"Where practicable, the administering authority shall provide to the exporters who would have been subject to the agreement the reasons for not accepting the agreement and, to the extent possible, an opportunity to submit comments thereon.".

SEC. 217. TERMINATION OF INVESTIGATION.

(a) COUNTERVAILING DUTY INVESTIGATIONS.—Section 704(a)(1) (19 U.S.C. 1671c(a)(1)) is amended—

(1) by striking "Except" and inserting "(A) WITHDRAWAL OF PETITION.—Except";

(2) by indenting the text so as to align it with subparagraph (B) (as added by paragraph (3) of this subsection); and

(3) by adding at the end the following:

"(B) REFILING OF PETITION.—If, within 3 months after the withdrawal of a petition under subparagraph (A), a new petition is filed seeking the imposition of duties on both the subject merchandise of the withdrawn petition and the subject merchandise from another country, the administering authority and the Commission may use in the investigation initiated pursuant to the new petition any records compiled in an investigation conducted pursuant to the withdrawn petition. This subparagraph applies only with respect to the first withdrawal of a petition.".

(b) ANTIDUMPING DUTY INVESTIGATIONS.—Section 734(a)(1) (19 U.S.C. 1673c(a)(1)) is amended—

(1) by striking "Except" and inserting "(A) WITHDRAWAL OF PETITION.—Except";

(2) by indenting the text so as to align it with subparagraph (B) (as added by paragraph (3) of this subsection); and

(3) by adding at the end the following:

"(B) REFILING OF PETITION.—If, within 3 months after the withdrawal of a petition under subparagraph (A), a new petition is filed seeking the imposition of duties on both the subject merchandise of the withdrawn petition and the subject merchandise from another country, the administering authority and the Commission may use in the investigation initiated pursuant to the new petition any records compiled in an investigation conducted pursuant to the withdrawn petition. This subparagraph applies only with respect to the first withdrawal of a petition.".

SEC. 218. SPECIAL RULES FOR REGIONAL INDUSTRIES.

(a) SUSPENSION AGREEMENTS.—

(1) COUNTERVAILING DUTY INVESTIGATIONS.—Section 704 (19 U.S.C. 1671c) is amended by adding at the end the following new subsection:

"(l) SPECIAL RULE FOR REGIONAL INDUSTRY INVESTIGATIONS.—

"(1) SUSPENSION AGREEMENTS.—If the Commission makes a regional industry determination under section 771(4)(C), the administering authority shall offer exporters of the subject merchandise who account for substantially all exports of that merchandise for sale in the region concerned the opportunity to enter into an agreement described in subsection (b) or (c).

"(2) REQUIREMENTS FOR SUSPENSION AGREEMENTS.—Any agreement described in paragraph (1) shall be subject to all the requirements imposed under this section for other agreements under subsection (b) or (c), except that if the Commission makes a regional industry determination described in paragraph (1) in the final affirmative determination under section 705(b) but not in the preliminary affirmative determination under section 703(a), any agreement described in paragraph (1) may be accepted within 60 days after the countervailing duty order is published under section 706.

"(3) EFFECT OF SUSPENSION AGREEMENT ON COUNTERVAILING DUTY ORDER.—If an agreement described in paragraph (1) is accepted after the countervailing duty order is published, the administering authority shall rescind the order, refund any cash deposit and release any bond or other security deposited under section 703(d)(1)(B), and instruct the Customs Service that entries of the subject merchandise that were made during the period that the order was in effect shall be liquidated without regard to countervailing duties.".

(2) ANTIDUMPING INVESTIGATIONS.—Section 734 (19 U.S.C. 1673c) is amended by adding at the end the following new subsection:

"(m) SPECIAL RULE FOR REGIONAL INDUSTRY INVESTIGATIONS.—

"(1) SUSPENSION AGREEMENTS.—If the Commission makes a regional industry determination under section 771(4)(C), the administering authority shall offer exporters of the subject merchandise who account for substantially all exports of that merchandise for sale in the region concerned the opportunity to enter into an agreement described in subsection (b), (c), or (l).

"(2) REQUIREMENTS FOR SUSPENSION AGREEMENTS.—Any agreement described in paragraph (1) shall be subject to all the requirements imposed under this section for other agreements under subsection (b), (c), or (l), except that if the Commission makes a regional industry determination described in paragraph (1) in the final affirmative determination under section 735(b) but not in the preliminary affirmative determination under section 733(a), any agreement described in paragraph (1) may be accepted within 60 days after the antidumping order is published under section 736.

"(3) EFFECT OF SUSPENSION AGREEMENT ON ANTIDUMPING DUTY ORDER.—If an agreement described in paragraph (1) is accepted after the antidumping duty order is published, the administering authority shall rescind the order, refund any cash deposit and release any bond or other security deposited under section 733(d)(1)(B), and instruct the Customs Service that entries of the subject merchandise that were made during the period that the order was in effect shall be liquidated without regard to antidumping duties.".

(b) APPLICABILITY OF ORDERS TO NEW SHIPPERS.—

(1) COUNTERVAILING DUTY CASES.—Section 706 (19 U.S.C. 1671e) is amended by adding at the end the following new subsection:

"(c) SPECIAL RULE FOR REGIONAL INDUSTRIES.—

"(1) IN GENERAL.—In an investigation under this subtitle in which the Commission makes a regional industry determination under section 771(4)(C), the administering authority shall, to the maximum extent possible, direct that duties be assessed only on the subject merchandise of the specific exporters or producers that exported the subject merchandise for sale in the region concerned during the period of investigation.

"(2) EXCEPTION FOR NEW EXPORTERS AND PRODUCERS.—After publication of the countervailing duty order, if the administering authority finds that a new exporter or producer is exporting the subject merchandise for sale in the region concerned, the administering authority shall direct that duties be assessed on the subject merchandise of the new exporter or producer consistent with the provisions of section 751(a)(2)(B).".

(2) ANTIDUMPING DUTY CASES.—Section 736 (19 U.S.C.1673e) is amended by adding at the end the following new subsection:

"(d) SPECIAL RULE FOR REGIONAL INDUSTRIES.—

"(1) IN GENERAL.—In an investigation in which the Commission makes a regional industry determination under section 771(4)(C), the administering authority shall, to the maximum extent possible, direct that duties be assessed only on the subject merchandise of the specific exporters or producers that exported the subject merchandise for sale in the region concerned during the period of investigation.

"(2) EXCEPTION FOR NEW EXPORTERS AND PRODUCERS.—After publication of the antidumping duty order, if the administering authority finds that a new exporter or producer is exporting the subject merchandise for sale in the region concerned, the administering authority shall direct that duties be assessed on the subject merchandise of the new exporter or producer consistent with the provisions of section 751(a)(2)(B).".

SEC. 219. DETERMINATION OF WEIGHTED AVERAGE DUMPING MARGIN.

(a) PRELIMINARY DETERMINATION.—

(1) IN GENERAL.—Section 733(d) (19 U.S.C. 1673b(d)) is amended—

(A) by striking paragraph (2);

(B) by redesignating paragraph (1), as amended by section 215(b)(1)(A), as paragraph (2);

(C) by inserting "and" at the end of paragraph (2), as so redesignated; and

(D) by inserting before such paragraph (2) the following new paragraph:

"(1)(A) shall—

"(i) determine an estimated weighted average dumping margin for each exporter and producer individually investigated, and

"(ii) determine, in accordance with section 735(c)(5), an estimated all-others rate for all exporters and producers not individually investigated, and

"(B) shall order the posting of a cash deposit, bond, or other security, as the administering authority deems appropriate, for each entry of the subject merchandise in an amount based on the estimated weighted average dumping margin or the estimated all-others rate, whichever is applicable,".

(2) CONFORMING AMENDMENTS.—Section 733(b)(1)(A) (19 U.S.C. 1673b(b)(1)(A)) is amended by striking the last sentence.

(b) FINAL DETERMINATION.—

(1) IN GENERAL.—Section 735(c)(1) (19 U.S.C. 1673d(c)(1)) is amended—

(A) in subparagraph (B)—

(i) by redesignating such subparagraph as subparagraph (C); and

(ii) by striking "under paragraphs (1) and (2)" and all that follows through "security" and inserting "the suspension of liquidation under section 733(d)(2)";

(B) by striking "and" at the end of subparagraph (A); and

(C) by inserting after subparagraph (A) the following new subparagraph:

"(B)(i) the administering authority shall—

"(I) determine the estimated weighted average dumping margin for each exporter and producer individually investigated, and

"(II) determine, in accordance with paragraph (5), the estimated all-others rate for all exporters and producers not individually investigated, and

"(ii) the administering authority shall order the posting of a cash deposit, bond, or other security, as the administering authority deems appropriate, for each entry of the subject merchandise in an amount based on the estimated weighted average dumping margin or the estimated all-others rate, whichever is applicable, and".

(2) METHOD FOR DETERMINING WEIGHTED AVERAGE DUMPING MARGIN.—Section 735(c) (19 U.S.C. 1673d(c)) is amended by adding at the end the following new paragraph:

"(5) METHOD FOR DETERMINING ESTIMATED ALL-OTHERS RATE.—

"(A) GENERAL RULE.—For purposes of this subsection and section 733(d), the estimated all-others rate shall be an amount equal to the weighted average of the estimated weighted average dumping margins established for exporters and producers individually investigated, excluding any zero and de minimis margins, and any margins determined entirely under section 776.

"(B) EXCEPTION.—If the estimated weighted average dumping margins established for all exporters and producers individually investigated are zero or de minimis margins, or are determined entirely under section 776, the administering authority may use any reasonable method to establish the estimated all-others rate for exporters and producers not individually investigated, including averaging the estimated weighted average dumping margins determined for the exporters and producers individually investigated.".

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 733(e)(2) is amended by striking "subsection (d)(1)" and inserting "subsection (d)(2)".

(2) Section 734(f)(2)(A) is amended—

(A) in clause (i), by striking "section 733(d)(1)" and inserting "section 733(d)(2)"; and

(B) in clause (iii), by striking "section 733(d)(2)" and inserting "section 733(d)(1)(B)".

(3) Section 734(f)(2)(B) is amended—

(A) by striking "section 733(d)(1)" and inserting "section 733(d)(2)"; and

(B) by striking "section 733(d)(2)" and inserting "section 733(d)(1)(B)".

(4) Section 734(h)(3) is amended—

(A) in subparagraph (A), by striking "section 733(d)(1)" and inserting "section 733(d)(2)"; and

(B) in subparagraph (B), by striking "section 733(d)(2)" and inserting "section 733(d)(1)(B)".

(5) Section 734(i)(1)(A) is amended by striking "section 733(d)(1)" and inserting "section 733(d)(2)".

(6) Section 735(c)(2)(A) is amended by striking "section 703(d)(1)" and inserting "section 733(d)(2)".

(7) Section 735(c)(2)(B) is amended by striking "section 733(d)(2)" and inserting "section 733(d)(1)(B)".

(8) Section 735(c)(3)(B) is amended by striking "section 733(d)(2)" and inserting "section 733(d)(1)(B)".

(9) Section 736(b)(1) is amended by striking "section 733(d)(1)" each place it appears and inserting "section 733(d)(2)".

(10) Section 737(a) is amended by striking "section 733(d)(2)" each place it appears in the heading and in the text and inserting "section 733(d)(1)(B)".

SEC. 220. REVIEW OF DETERMINATIONS.

(a) IN GENERAL.—Section 751 (19 U.S.C. 1675) is amended to read as follows:

"SEC. 751. ADMINISTRATIVE REVIEW OF DETERMINATIONS.

"(a) PERIODIC REVIEW OF AMOUNT OF DUTY.—

"(1) IN GENERAL.—At least once during each 12-month period beginning on the anniversary of the date of publication of a countervailing duty order under this title or under section 303 of this Act, an antidumping duty order under this title or a finding under the Antidumping Act, 1921, or a notice of the suspension of an investigation, the administering authority, if a request for such a review has been received and after publication of notice of such review in the Federal Register, shall—

"(A) review and determine the amount of any net countervailable subsidy,

"(B) review, and determine (in accordance with paragraph (2)), the amount of any antidumping duty, and

"(C) review the current status of, and compliance with, any agreement by reason of which an investigation was suspended, and review the amount of any net countervailable subsidy or dumping margin involved in the agreement,

and shall publish in the Federal Register the results of such review, together with notice of any duty to be assessed, estimated duty to be deposited, or investigation to be resumed.

"(2) DETERMINATION OF ANTIDUMPING DUTIES.—

"(A) IN GENERAL.—For the purpose of paragraph (1)(B), the administering authority shall determine—

"(i) the normal value and export price (or constructed export price) of each entry of the subject merchandise, and

"(ii) the dumping margin for each such entry.

"(B) DETERMINATION OF ANTIDUMPING OR COUNTERVAILING DUTIES FOR NEW EXPORTERS AND PRODUCERS.—

"(i) IN GENERAL.—If the administering authority receives a request from an exporter or producer of the subject merchandise establishing that—

"(I) such exporter or producer did not export the merchandise that was the subject of an antidumping duty or countervailing duty order to the United States (or, in the case of a regional industry, did not export the subject merchandise for sale in the region concerned) during the period of investigation, and

"(II) such exporter or producer is not affiliated (within the meaning of section 771(33)) with any exporter or producer who exported the subject merchandise to the United States (or in the case of a regional industry, who exported the subject merchandise for sale in the region concerned) during that period,

the administering authority shall conduct a review under this subsection to establish an individual weighted average dumping margin or an individual countervailing duty rate (as the case may be) for such exporter or producer.

"(ii) TIME FOR REVIEW UNDER CLAUSE (i).—The administering authority shall commence a review under clause (i) in the calendar month beginning after—

"(I) the end of the 6-month period beginning on the date of the countervailing duty or antidumping duty order under review, or

"(II) the end of any 6-month period occurring thereafter,

if the request for the review is made during that 6-month period.

"(iii) POSTING BOND OR SECURITY.—The administering authority shall, at the time a review under this subparagraph is initiated, direct the Customs Service to allow, at the option of the importer, the posting, until the completion of the review, of a bond or security in lieu of a cash deposit for each entry of the subject merchandise.

"(iv) TIME LIMITS.—The administering authority shall make a preliminary determination in a review conducted under this subparagraph within 180 days after the date on which the review is initiated, and a final determination within 90 days after the date the preliminary determination is issued, except that if the administering authority concludes that the case is extraordinarily complicated, it may extend the 180-day period to 300 days and may extend the 90-day period to 150 days.

"(C) RESULTS OF DETERMINATIONS.—The determination under this paragraph shall be the basis for the assessment of countervailing or antidumping duties on entries of merchandise covered by the determination and for deposits of estimated duties.

"(3) TIME LIMITS.—

"(A) PRELIMINARY AND FINAL DETERMINATIONS.—The administering authority shall make a preliminary determination under subparagraph (A), (B), or (C) of paragraph (1) within 245 days after the last day of the month in which occurs the anniversary of the date of publication of the order, finding, or suspension agreement for which the review under paragraph (1) is requested, and a final determination under paragraph (1) within 120 days after the date on which the preliminary determination is published. If it is not practicable to complete the review within the foregoing time, the administering authority may extend that 245-day period to 365 days and may extend that 120-day period to 180 days. The administering authority may extend the time for making a final determination without extending the time for making a preliminary determination, if such final determination is made not later than 300 days after the date on which the preliminary determination is published.

"(B) LIQUIDATION OF ENTRIES.—If the administering authority orders any liquidation of entries pursuant to a review under paragraph (1), such liquidation shall be made promptly and, to the greatest extent practicable, within 90 days after the instructions to Customs are issued. In any case in which liquidation has not occurred within that 90-day period, the Secretary of the Treasury shall, upon the request of the affected party, provide an explanation thereof.

"(C) EFFECT OF PENDING REVIEW UNDER SECTION 516A.—In a case in which a final determination under paragraph (1) is under review under section 516A and a liquidation of entries covered by the determination is enjoined under section 516A(c)(2) or suspended under section 516A(g)(5)(C), the administering authority shall, within 10 days after the final disposition of the review under section 516A, transmit to the Federal Register for publication the final disposition and issue instructions to the Customs Service with respect to the liquidation of entries pursuant to the review. In such a case, the 90-day period referred to in subparagraph (B) shall begin on the day on which the administering authority issues such instructions.

"(4) ABSORPTION OF ANTIDUMPING DUTIES.—During any review under this subsection initiated 2 years or 4 years after the publication of an antidumping duty order under section 736(a), the administering authority, if requested, shall determine whether antidumping duties have been absorbed by a foreign producer or exporter subject to the order if the subject merchandise is sold in the United States through an importer who is affiliated with such foreign producer or exporter. The administering authority shall notify the Commission of its findings regarding such duty absorption for the Commission to consider in conducting a review under subsection (c).

"(b) REVIEWS BASED ON CHANGED CIRCUMSTANCES.—

"(1) IN GENERAL.—Whenever the administering authority or the Commission receives information concerning, or a request from an interested party for a review of—

"(A) a final affirmative determination that resulted in an antidumping duty order under this title or a finding under the Antidumping Act, 1921, or in a countervailing duty order under this title or section 303,

"(B) a suspension agreement accepted under section 704 or 734, or

"(C) a final affirmative determination resulting from an investigation continued pursuant to section 704(g) or 734(g),

which shows changed circumstances sufficient to warrant a review of such determination or agreement, the administering authority or the Commission (as the case may be) shall conduct a review of the determination or agreement after publishing notice of the review in the Federal Register.

"(2) COMMISSION REVIEW.—In conducting a review under this subsection, the Commission shall—

"(A) in the case of a countervailing duty order or antidumping duty order or finding, determine whether revocation of the order or finding is likely to lead to continuation or recurrence of material injury,

"(B) in the case of a determination made pursuant to section 704(h)(2) or 734(h)(2), determine whether the suspension agreement continues to eliminate completely the injurious effects of imports of the subject merchandise, and

"(C) in the case of an affirmative determination resulting from an investigation continued under section 704(g) or 734(g), determine whether termination of the suspended investigation is likely to lead to continuation or recurrence of material injury.

"(3) BURDEN OF PERSUASION.—During a review conducted by the Commission under this subsection—

"(A) the party seeking revocation of an order or finding described in paragraph (1)(A) shall have the burden of persuasion with respect to whether there are changed circumstances sufficient to warrant such revocation, and

"(B) the party seeking termination of a suspended investigation or a suspension agreement shall have the burden of persuasion with respect to whether there are changed circumstances sufficient to warrant such termination.

"(4) LIMITATION ON PERIOD FOR REVIEW.—In the absence of good cause shown—

"(A) the Commission may not review a determination made under section 705(b) or 735(b), or an investigation suspended under section 704 or 734, and

"(B) the administering authority may not review a determination made under section 705(a) or 735(a), or an investigation suspended under section 704 or 734

less than 24 months after the date of publication of notice of that determination or suspension.

"(c) FIVE-YEAR REVIEW.—

"(1) IN GENERAL.—Notwithstanding subsection (b) and except in the case of a transition order defined in paragraph (6), 5 years after the date of publication of—

"(A) a countervailing duty order (other than a countervailing duty order to which subparagraph (B) applies or which was issued without an affirmative determination of injury by the Commission under section 303), an antidumping duty order, or a notice of suspension of an investigation, described in subsection (a)(1),

"(B) a notice of injury determination under section 753 with respect to a countervailing duty order, or

"(C) a determination under this section to continue an order or suspension agreement,

the administering authority and the Commission shall conduct a review to determine, in accordance with section 752, whether revocation of the countervailing or antidumping duty order or termination of the investigation suspended under section 704 or 734 would be likely to lead to continuation or recurrence of dumping or a countervailable subsidy (as the case may be) and of material injury.

"(2) NOTICE OF INITIATION OF REVIEW.—Not later than 30 days before the fifth anniversary of the date described in paragraph (1), the administering authority shall publish in the Federal Register a notice of initiation of a review under this subsection and request that interested parties submit—

"(A) a statement expressing their willingness to participate in the review by providing information requested by the administering authority and the Commission,

"(B) a statement regarding the likely effects of revocation of the order or termination of the suspended investigation, and

"(C) such other information or industry data as the administering authority or the Commission may specify.

"(3) RESPONSES TO NOTICE OF INITIATION.—

"(A) NO RESPONSE.—If no interested party responds to the notice of initiation under this subsection, the administering authority shall issue a final determination, within 90 days after the initiation of a review, revoking the order or terminating the suspended investigation to which such notice relates. For purposes of this paragraph, an interested party means a party described in section 771(9) (C), (D), (E), (F), or (G).

"(B) INADEQUATE RESPONSE.—If interested parties provide inadequate responses to a notice of initiation, the administering authority, within 120 days after the initiation of the review, or the Commission, within 150 days after such initiation, may issue, without further investigation, a final determination based on the facts available, in accordance with section 776.

"(4) WAIVER OF PARTICIPATION BY CERTAIN INTERESTED PARTIES.—

"(A) IN GENERAL.—An interested party described in section 771(9) (A) or (B) may elect not to participate in a review conducted by the administering authority under this subsection and to participate only in the review conducted by the Commission under this subsection.

"(B) EFFECT OF WAIVER.—In a review in which an interested party waives its participation pursuant to this paragraph, the administering authority shall conclude that revocation of the order or termination of the investigation would be likely to lead to continuation or recurrence of dumping or a countervailable subsidy (as the case may be) with respect to that interested party.

"(5) Conduct of review.—

"(A) Time limits for completion of review.—Unless the review has been completed pursuant to paragraph (3) or paragraph (4) applies, the administering authority shall make its final determination pursuant to section 752 (b) or (c) within 240 days after the date on which a review is initiated under this subsection. If the administering authority makes a final affirmative determination, the Commission shall make its final determination pursuant to section 752(a) within 360 days after the date on which a review is initiated under this subsection.

"(B) Extension of time limit.—The administering authority or the Commission (as the case may be) may extend the period of time for making their respective determinations under this subsection by not more than 90 days, if the administering authority or the Commission (as the case may be) determines that the review is extraordinarily complicated. In a review in which the administering authority extends the time for making a final determination, but the Commission does not extend the time for making a determination, the Commission's determination shall be made not later than 120 days after the date on which the final determination of the administering authority is published.

"(C) Extraordinarily complicated.—For purposes of this subsection, the administering authority or the Commission (as the case may be) may treat a review as extraordinarily complicated if—

"(i) there is a large number of issues,

"(ii) the issues to be considered are complex,

"(iii) there is a large number of firms involved,

"(iv) the orders or suspended investigations have been grouped as described in subparagraph (D), or

"(v) it is a review of a transition order.

"(D) Grouped reviews.—The Commission, in consultation with the administering authority, may group orders or suspended investigations for review if it considers that such grouping is appropriate and will promote administrative efficiency. Where orders or suspended investigations have been grouped, the Commission shall, subject to subparagraph (B), make its final determination under this subsection not later than 120 days after the date that the administering authority publishes notice of its final determination with respect to the last order or agreement in the group.

"(6) Special transition rules.—

"(A) Schedule for reviews of transition orders.—

"(i) Initiation.—The administering authority shall begin its review of transition orders in the 42d calendar month after the date such orders are issued. A review of all transition orders shall be initiated not later than the 5th anniversary after the date such orders are issued.

"(ii) Completion.—A review of a transition order shall be completed not later than 18 months after the date such review is initiated. Reviews of all transition orders shall be completed not later than 18 months after the 5th anniversary of the date such orders are issued.

"(iii) Subsequent reviews.—The time limits set forth in clauses (i) and (ii) shall be applied to all subsequent 5-year reviews of transition orders by substituting 'date of the determination to continue such orders' for 'date such orders are issued'.

"(iv) Revocation and termination.—No transition order may be revoked under this subsection before the date that is 5 years after the date the WTO Agreement enters into force with respect to the United States.

"(B) Sequence of transition reviews.—The administering authority, in consultation with the Commission, shall determine such sequence of review of transition orders as it deems appropriate to promote administrative efficiency. To the extent practicable, older orders shall be reviewed first.

"(C) Definition of transition order.—For purposes of this section, the term 'transition order' means—

"(i) a countervailing duty order under this title or under section 303,

"(ii) an antidumping duty order under this title or a finding under the Antidumping Act, 1921, or

"(iii) a suspension of an investigation under section 704 or 734,

which is in effect on the date the WTO Agreement enters into force with respect to the United States.

"(D) Issue date for transition orders.—For purposes of this subsection, a transition order shall be treated as issued on the date the WTO Agreement enters into force with respect to the United States, if such order is based on an investigation conducted by both the administering authority and the Commission.

"(d) Revocation of Order or Finding; Termination of Suspended Investigation.—

"(1) In general.—The administering authority may revoke, in whole or in part, a countervailing duty order or an antidumping duty order or finding, or terminate a suspended investigation, after review under subsection (a) or (b). The administering authority shall not revoke, in whole or in part, a countervailing duty order or terminate a suspended investigation on the basis of any export taxes, duties, or other charges levied on the export of the subject merchandise to the United States which are specifically intended to offset the countervailable subsidy received.

"(2) Five-year reviews.—In the case of a review conducted under subsection (c), the administering authority shall revoke a countervailing duty order or an antidumping duty order or finding, or terminate a suspended investigation, unless—

"(A) the administering authority makes a determination that dumping or a countervailable subsidy, as the case may be, would be likely to continue or recur, and

"(B) the Commission makes a determination that material injury would be likely to continue or recur as described in section 752(a).

"(3) Application of revocation or termination.—A determination under this section to revoke an order or finding or terminate a suspended investigation shall apply with respect to unliquidated entries of the subject merchandise which are entered, or withdrawn from warehouse, for consumption on or after the date determined by the administering authority.

"(e) Hearings.—Whenever the administering authority or the Commission conducts a review under this section, it shall, upon the request of an interested party, hold a hearing in accordance with section 774(b) in connection with that review.

"(f) Determination That Basis for Suspension No Longer Exists.—If the determination of the Commission under subsection (b)(2)(B) is negative, the suspension agreement shall be treated as not accepted, beginning on the date of publication of the Commission's determination, and the administering authority and the Commission shall proceed, under section 704(i) or 734(i), as if the suspension agreement had been violated on that date, except that no duty under any order subsequently issued shall be assessed on merchandise entered, or withdrawn from warehouse, for consumption before that date.

"(g) Correction of Ministerial Errors.—The administering authority shall establish procedures for the correction of ministerial errors in final determinations within a reasonable time after the determinations are issued under this section. Such procedures shall ensure opportunity for interested parties to present their views regarding any such errors. As used in this subsection, the term 'ministerial error' includes errors in addition, subtraction, or other arithmetic function, clerical errors resulting from inaccurate copying, duplication, or the like, and any other type of unintentional error which the administering authority considers ministerial.".

(b) Review of Determinations.—

(1) In general.—Section 516A(a)(1) (19 U.S.C. 1516A(a)(1)) is amended by striking "or" at the end of subparagraph (B), by inserting "or" at the end of subparagraph (C), and by inserting immediately after subparagraph (C) the following new subparagraph:

"(D) a final determination by the administering authority or the Commission under section 751(c)(3),".

(2) Technical amendments.—Section 516A(b)(1) (19 U.S.C. 1516a(b)(1)) is amended—

(A) in subparagraph (A), by striking "under paragraph (1) of subsection (a)" and inserting "under subparagraph (A), (B), or (C) of subsection (a)(1)", and

(B) in subparagraph (B)—

(i) by striking "(B) in an action" and inserting "(B)(i) in an action",

(ii) by striking the end period and inserting ", or", and

(iii) by adding at the end the following:

"(ii) in an action brought under paragraph (1)(D) of subsection (a), to be arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.".

(c) Conforming Amendment.—Section 504 (19 U.S.C. 1504) is amended—

(1) in subsection (a), by inserting "except as provided in section 751(a)(3)," before "an entry of merchandise not liquidated", and

(2) in subsection (d), by striking "When a suspension" and inserting "Except as provided in section 751(a)(3), when a suspension".

SEC. 221. REVIEW DETERMINATIONS.

(a) In General.—Chapter 1 of subtitle C of title VII (19 U.S.C. 1675) is amended by adding at the end the following new section:

"SEC. 752. SPECIAL RULES FOR SECTION 751(b) AND 751(c) REVIEWS.

"(a) Determination of Likelihood of Continuation or Recurrence of Material Injury.—

"(1) In general.—In a review conducted under section 751 (b) or (c), the Commission shall determine whether revocation of an order, or termination of a suspended investigation, would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time. The Commission shall consider the likely volume, price effect, and impact of imports of the subject merchandise on the industry if the order is revoked or the suspended investigation is terminated. The Commission shall take into account—

"(A) its prior injury determinations, including the volume, price effect, and impact of imports of the subject merchandise on the industry before the order was issued or the suspension agreement was accepted,

"(B) whether any improvement in the state of the industry is related to the order or the suspension agreement,

"(C) whether the industry is vulnerable to material injury if the order is revoked or the suspension agreement is terminated, and

"(D) in an antidumping proceeding under section 751(c), the findings of the administering authority regarding duty absorption under section 751(a)(4).

"(2) VOLUME.—In evaluating the likely volume of imports of the subject merchandise if the order is revoked or the suspended investigation is terminated, the Commission shall consider whether the likely volume of imports of the subject merchandise would be significant if the order is revoked or the suspended investigation is terminated, either in absolute terms or relative to production or consumption in the United States. In so doing, the Commission shall consider all relevant economic factors, including—

"(A) any likely increase in production capacity or existing unused production capacity in the exporting country,

"(B) existing inventories of the subject merchandise, or likely increases in inventories,

"(C) the existence of barriers to the importation of such merchandise into countries other than the United States, and

"(D) the potential for product-shifting if production facilities in the foreign country, which can be used to produce the subject merchandise, are currently being used to produce other products.

"(3) PRICE.—In evaluating the likely price effects of imports of the subject merchandise if the order is revoked or the suspended investigation is terminated, the Commission shall consider whether—

"(A) there is likely to be significant price underselling by imports of the subject merchandise as compared to domestic like products, and

"(B) imports of the subject merchandise are likely to enter the United States at prices that otherwise would have a significant depressing or suppressing effect on the price of domestic like products.

"(4) IMPACT ON THE INDUSTRY.—In evaluating the likely impact of imports of the subject merchandise on the industry if the order is revoked or the suspended investigation is terminated, the Commission shall consider all relevant economic factors which are likely to have a bearing on the state of the industry in the United States, including, but not limited to—

"(A) likely declines in output, sales, market share, profits, productivity, return on investments, and utilization of capacity,

"(B) likely negative effects on cash flow, inventories, employment, wages, growth, ability to raise capital, and investment, and

"(C) likely negative effects on the existing development and production efforts of the industry, including efforts to develop a derivative or more advanced version of the domestic like product.

The Commission shall evaluate all relevant economic factors described in this paragraph within the context of the business cycle and the conditions of competition that are distinctive to the affected industry.

"(5) BASIS FOR DETERMINATION.—The presence or absence of any factor which the Commission is required to consider under this subsection shall not necessarily give decisive guidance with respect to the Commission's determination of whether material injury is likely to continue or recur within a reasonably foreseeable time if the order is revoked or the suspended investigation is terminated. In making that determination, the Commission shall consider that the effects of revocation or termination may not be imminent, but may manifest themselves only over a longer period of time.

"(6) MAGNITUDE OF MARGIN OF DUMPING AND NET COUNTERVAILABLE SUBSIDY; NATURE OF COUNTERVAILABLE SUBSIDY.—In making a determination under section 751 (b) or (c), the Commission may consider the magnitude of the margin of dumping or the magnitude of the net countervailable subsidy. If a countervailable subsidy is involved the Commission shall consider information regarding the nature of the countervailable subsidy and whether the subsidy is a subsidy described in Article 3 or 6.1 of the Subsidies Agreement.

"(7) CUMULATION.—For purposes of this subsection, the Commission may cumulatively assess the volume and effect of imports of the subject merchandise from all countries with respect to which reviews under section 751 (b) or (c) were initiated on the same day, if such imports would be likely to compete with each other and with domestic like products in the United States market. The Commission shall not cumulatively assess the volume and effects of imports of the subject merchandise in a case in which it determines that such imports are likely to have no discernible adverse impact on the domestic industry.

"(8) SPECIAL RULE FOR REGIONAL INDUSTRIES.—In a review under section 751 (b) or (c) involving a regional industry, the Commission may base its determination on the regional industry defined in the original investigation under this title, another region that satisfies the criteria established in section 771(4)(C), or the United States as a whole. In determining if a regional industry analysis is appropriate for the determination in the review, the Commission shall consider whether the criteria established in section 771(4)(C) are likely to be satisfied if the order is revoked or the suspended investigation is terminated.

"(b) DETERMINATION OF LIKELIHOOD OF CONTINUATION OR RECURRENCE OF A COUNTERVAILABLE SUBSIDY.—

"(1) IN GENERAL.—In a review conducted under section 751(c), the administering authority shall determine whether revocation of a countervailing duty order or termination of a suspended investigation under section 704 would be likely to lead to continuation or recurrence of a countervailable subsidy. The administering authority shall consider—

"(A) the net countervailable subsidy determined in the investigation and subsequent reviews, and

"(B) whether any change in the program which gave rise to the net countervailable subsidy described in subparagraph (A) has occurred that is likely to affect that net countervailable subsidy.

"(2) CONSIDERATION OF OTHER FACTORS.—If good cause is shown, the administering authority shall also consider—

"(A) programs determined to provide countervailable subsidies in other investigations or reviews under this title, but only to the extent that such programs—

"(i) can potentially be used by the exporters or producers subject to the review under section 751(c), and

"(ii) did not exist at the time that the countervailing duty order was issued or the suspension agreement was accepted, and

"(B) programs newly alleged to provide countervailable subsidies but only to the extent that the administering authority makes an affirmative countervailing duty determination with respect to such programs and with respect to the exporters or producers subject to the review.

"(3) NET COUNTERVAILABLE SUBSIDY.—The administering authority shall provide to the Commission the net countervailable subsidy that is likely to prevail if the order is revoked or the suspended investigation is terminated. The administering authority shall normally choose a net countervailable subsidy that was determined under section 705 or subsection (a) or (b)(1) of section 751.

"(4) SPECIAL RULE.—

"(A) TREATMENT OF ZERO AND DE MINIMIS RATES.—A net countervailable subsidy described in paragraph (1)(A) that is zero or de minimis shall not by itself require the administering authority to determine that revocation of a countervailing duty order or termination of a suspended investigation would not be likely to lead to continuation or recurrence of a countervailable subsidy.

"(B) APPLICATION OF DE MINIMIS STANDARDS.—For purposes of this paragraph, the administering authority shall apply the de minimis standards applicable to reviews conducted under subsections (a) and (b)(1) of section 751.

"(c) DETERMINATION OF LIKELIHOOD OF CONTINUATION OR RECURRENCE OF DUMPING.—

"(1) IN GENERAL.—In a review conducted under section 751(c), the administering authority shall determine whether revocation of an antidumping duty order or termination of a suspended investigation under section 734 would be likely to lead to continuation or recurrence of sales of the subject merchandise at less than fair value. The administering authority shall consider—

"(A) the weighted average dumping margins determined in the investigation and subsequent reviews, and

"(B) the volume of imports of the subject merchandise for the period before and the period after the issuance of the antidumping duty order or acceptance of the suspension agreement.

"(2) CONSIDERATION OF OTHER FACTORS.—If good cause is shown, the administering authority shall also consider such other price, cost, market, or economic factors as it deems relevant.

"(3) MAGNITUDE OF THE MARGIN OF DUMPING.—The administering authority shall provide to the Commission the magnitude of the margin of dumping that is likely to prevail if the order is revoked or the suspended investigation is terminated. The administering authority shall normally choose a margin that was determined under section 735 or under subsection (a) or (b)(1) of section 751.

"(4) SPECIAL RULE.—

"(A) TREATMENT OF ZERO OR DE MINIMIS MARGINS.—A dumping margin described in paragraph (1)(A) that is zero or de minimis shall not by itself require the administering authority to determine that revocation of an antidumping duty order or termination of a suspended investigation would not be likely to lead to continuation or recurrence of sales at less than fair value.

"(B) APPLICATION OF DE MINIMIS STANDARDS.—For purposes of this paragraph, the administering authority shall apply the de minimis standards applicable to reviews conducted under subsections (a) and (b) of section 751.".

(b) AFFIRMATIVE DETERMINATIONS BY DIVIDED COMMISSION.—Section 771(11) (19 U.S.C. 1677(11)) is amended by inserting ", including a determination under section 751," after "determination by the Commission".

(c) CONFORMING AMENDMENT.—The table of contents for title VII is amended by inserting after the item relating to section 751 the following:

"Sec. 752. Special rules for section 751(b) and 751(c) reviews.".

SEC. 222. DEFINITIONS.

(a) INDUSTRY.—

(1) IN GENERAL.—Subparagraphs (A) and (B) of section 771(4) (19 U.S.C. 1677(4) (A) and (B)) are amended to read as follows:

"(A) IN GENERAL.—The term 'industry' means the producers as a whole of a domestic like product, or those producers whose collective output of a domestic like product constitutes a major proportion of the total domestic production of the product.

"(B) RELATED PARTIES.—

"(i) If a producer of a domestic like product and an exporter or importer of the subject merchandise are related parties, or if a producer of the domestic like product is also an importer of the subject merchandise, the producer may, in appropriate circumstances, be excluded from the industry.

"(ii) For purposes of clause (i), a producer and an exporter or importer shall be considered to be related parties, if—

"(I) the producer directly or indirectly controls the exporter or importer,

"(II) the exporter or importer directly or indirectly controls the producer,

"(III) a third party directly or indirectly controls the producer and the exporter or importer, or

"(IV) the producer and the exporter or importer directly or indirectly control a third party and there is reason to believe that the relationship causes the producer to act differently than a nonrelated producer.

For purposes of this subparagraph, a party shall be considered to directly or indirectly control another party if the party is legally or operationally in a position to exercise restraint or direction over the other party.".

(2) REGIONAL INDUSTRY.—Section 771(4)(C) (19 U.S.C. 1677(4)(C)) is amended by adding at the end the following new sentence: "The term 'regional industry' means the domestic producers within a region who are treated as a separate industry under this subparagraph.".

(b) IMPACT ON AFFECTED DOMESTIC INDUSTRY.—

(1) IN GENERAL.—Section 771(7)(C)(iii) (19 U.S.C. 1677(7)(C)(iii)) is amended—

(A) by striking "and" at the end of subclause (III), and

(B) by striking the period at the end of subclause (IV) and inserting ", and

"(V) in a proceeding under subtitle B, the magnitude of the margin of dumping.".

(2) CAPTIVE PRODUCTION.—Section 771(7)(C) (19 U.S.C. 1677(7)(C)) is amended by striking clause (iv) and inserting the following:

"(iv) CAPTIVE PRODUCTION.—If domestic producers internally transfer significant production of the domestic like product for the production of a downstream article and sell significant production of the domestic like product in the merchant market, and the Commission finds that—

"(I) the domestic like product produced that is internally transferred for processing into that downstream article does not enter the merchant market for the domestic like product,

"(II) the domestic like product is the predominant material input in the production of that downstream article, and

"(III) the production of the domestic like product sold in the merchant market is not generally used in the production of that downstream article

then the Commission, in determining market share and the factors affecting financial performance set forth in clause (iii), shall focus primarily on the merchant market for the domestic like product.".

(3) TECHNICAL CORRECTION.—Section 771(7)(C)(iii) is amended by striking "subparagraph (B)(iii)" and inserting "subparagraph (B)(i)(III)".

(c) DETERMINATION OF THREAT OF INJURY.—Clauses (i) and (ii) of section 771(7)(F) (19 U.S.C. 1677(7)(F) (i) and (ii)) are amended to read as follows:

"(i) IN GENERAL.—In determining whether an industry in the United States is threatened with material injury by reason of imports (or sales for importation) of the subject merchandise, the Commission shall consider, among other relevant economic factors—

"(I) if a countervailable subsidy is involved, such information as may be presented to it by the administering authority as to the nature of the subsidy (particularly as to whether the countervailable subsidy is a subsidy described in Article 3 or 6.1 of the Subsidies Agreement), and whether imports of the subject merchandise are likely to increase,

"(II) any existing unused production capacity or imminent, substantial increase in production capacity in the exporting country indicating the likelihood of substantially increased imports of the subject merchandise into the United States, taking into account the availability of other export markets to absorb any additional exports,

"(III) a significant rate of increase of the volume or market penetration of imports of the subject merchandise indicating the likelihood of substantially increased imports,

"(IV) whether imports of the subject merchandise are entering at prices that are likely to have a significant depressing or suppressing effect on domestic prices, and are likely to increase demand for further imports,

"(V) inventories of the subject merchandise,

"(VI) the potential for product-shifting if production facilities in the foreign country, which can be used to produce the subject merchandise, are currently being used to produce other products,

"(VII) in any investigation under this title which involves imports of both a raw agricultural product (within the meaning of paragraph (4)(E)(iv)) and any product processed from such raw agricultural product, the likelihood that there will be increased imports, by reason of product shifting, if there is an affirmative determination by the Commission under section 705(b)(1) or 735(b)(1) with respect to either the raw agricultural product or the processed agricultural product (but not both),

"(VIII) the actual and potential negative effects on the existing development and production efforts of the domestic industry, including efforts to develop a derivative or more advanced version of the domestic like product, and

"(IX) any other demonstrable adverse trends that indicate the probability that there is likely to be material injury by reason of imports (or sale for importation) of the subject merchandise (whether or not it is actually being imported at the time).

"(ii) BASIS FOR DETERMINATION.—The Commission shall consider the factors set forth in clause (i) as a whole in making a determination of whether further dumped or subsidized imports are imminent and whether material injury by reason of imports would occur unless an order is issued or a suspension agreement is accepted under this title. The presence or absence of any factor which the Commission is required to consider under clause (i) shall not necessarily give decisive guidance with respect to the determination. Such a determination may not be made on the basis of mere conjecture or supposition.".

(d) NEGLIGIBLE IMPORTS.—Section 771 (19 U.S.C. 1677) is amended—

(1) in paragraph (7) by striking clause (v) of subparagraph (C), and

(2) by adding at the end the following:

"(24) NEGLIGIBLE IMPORTS.—

"(A) IN GENERAL.—

"(i) LESS THAN 3 PERCENT.—Except as provided in clauses (ii) and (iv), imports from a country of merchandise corresponding to a domestic like product identified by the Commission are 'negligible' if such imports account for less than 3 percent of the volume of all such merchandise imported into the United States in the most recent 12-month period for which data are available that precedes—

"(I) the filing of the petition under section 702(b) or 732(b), or

"(II) the initiation of the investigation, if the investigation was initiated under section 702(a) or 732(a).

"(ii) EXCEPTION.—Imports that would otherwise be negligible under clause (i) shall not be negligible if the aggregate volume of imports of the merchandise from all countries described in clause (i) with respect to which investigations were initiated on the same day exceeds 7 percent of the volume of all such merchandise imported into the United States during the applicable 12-month period.

"(iii) DETERMINATION OF AGGREGATE VOLUME.—In determining aggregate volume under clause (ii) or (iv), the Commission shall not consider imports from any country specified in paragraph (7)(G)(ii).

"(iv) NEGLIGIBILITY IN THREAT ANALYSIS.—Notwithstanding clauses (i) and (ii), the Commission shall not treat imports as negligible if it determines that there is a potential that imports from a country described in clause (i) will imminently account for more than 3 percent of the volume of all such merchandise imported into the United States, or that the aggregate volumes of imports from all countries described in clause (ii) will imminently exceed 7 percent of the volume of all such merchandise imported into the United States. The Commission shall consider such imports only for purposes of determining threat of material injury.

"(B) NEGLIGIBILITY FOR CERTAIN COUNTRIES IN COUNTERVAILING DUTY INVESTIGATIONS.—In the case of an investigation under section 701, subparagraph (A) shall be applied to imports of subject merchandise from developing countries by substituting '4 percent' for '3 percent' in subparagraph (A)(i) and by substituting '9 percent' for '7 percent' in subparagraph (A)(ii).

"(C) COMPUTATION OF IMPORT VOLUMES.—In computing import volumes for purposes of subparagraphs (A) and (B), the Commission may make reasonable estimates on the basis of available statistics.

"(D) REGIONAL INDUSTRIES.—In an investigation in which the Commission makes a regional industry determination under paragraph (4)(C), the Commission's examination under subparagraphs (A) and (B) shall be based upon the volume of subject merchandise exported for sale in the regional market in lieu of the volume of all subject merchandise imported into the United States.".

(e) Cumulation.—Section 771(7) (19 U.S.C. 1677(7)) is amended—

(1) in subparagraph (F) by striking clause (iv), and

(2) by adding at the end the following:

"(G) Cumulation for determining material injury.—

"(i) In general.—For purposes of clauses (i) and (ii) of subparagraph (C), and subject to clause (ii), the Commission shall cumulatively assess the volume and effect of imports of the subject merchandise from all countries with respect to which—

"(I) petitions were filed under section 702(b) or 732(b) on the same day,

"(II) investigations were initiated under section 702(a) or 732(a) on the same day, or

"(III) petitions were filed under section 702(b) or 732(b) and investigations were initiated under section 702(a) or 732(a) on the same day,

if such imports compete with each other and with domestic like products in the United States market.

"(ii) Exceptions.—The Commission shall not cumulatively assess the volume and effect of imports under clause (i)—

"(I) with respect to which the administering authority has made a preliminary negative determination, unless the administering authority subsequently made a final affirmative determination with respect to those imports before the Commission's final determination is made;

"(II) from any country with respect to which the investigation has been terminated;

"(III) from any country designated as a beneficiary country under the Caribbean Basin Economic Recovery Act (19 U.S.C. 2701 et seq.) for purposes of making a determination with respect to that country, except that the volume and effect of imports of the subject merchandise from such country may be cumulatively assessed with imports of the subject merchandise from any other country designated as such a beneficiary country to the extent permitted by clause (i); or

"(IV) from any country that is a party to an agreement with the United States establishing a free trade area, which entered into force and effect before January 1, 1987, unless the Commission determines that a domestic industry is materially injured or threatened with material injury by reason of imports from that country.

"(iii) Records in final investigations.—In each final determination in which it cumulatively assesses the volume and effect of imports under clause (i), the Commission shall make its determinations based on the record compiled in the first investigation in which it makes a final determination, except that when the administering authority issues its final determination in a subsequently completed investigation, the Commission shall permit the parties in the subsequent investigation to submit comments concerning the significance of the administering authority's final determination, and shall include such comments and the administering authority's final determination in the record for the subsequent investigation.

"(iv) Regional industry determinations.—In an investigation which involves a regional industry, and in which the Commission decides that the volume and effect of imports should be cumulatively assessed under this subparagraph, such assessment shall be based upon the volume and effect of imports into the region or regions determined by the Commission. The provisions of clause (iii) shall apply to such investigations.

"(H) Cumulation for determining threat of material injury.—To the extent practicable and subject to subparagraph (G)(ii), for purposes of clause (i)(III) and (IV) of subparagraph (F), the Commission may cumulatively assess the volume and price effects of imports of the subject merchandise from all countries with respect to which—

"(i) petitions were filed under section 702(b) or 732(b) on the same day,

"(ii) investigations were initiated under section 702(a) or 732(a) on the same day, or

"(iii) petitions were filed under section 702(b) or 732(b) and investigations were initiated under section 702(a) or 732(a) on the same day,

if such imports compete with each other and with domestic like products in the United States market.".

(f) Consideration of Post-Petition Information.—Section 771(7) (19 U.S.C. 1677(7)), is amended by adding at the end the following:

"(I) Consideration of post-petition information.—The Commission shall consider whether any change in the volume, price effects, or impact of imports of the subject merchandise since the filing of the petition in an investigation under subtitle A or B is related to the pendency of the investigation and, if so, the Commission may reduce the weight accorded to the data for the period after the filing of the petition in making its determination of material injury, threat of material injury, or material retardation of the establishment of an industry in the United States.".

(g) Interested Party.—Section 771(9) (19 U.S.C. 1677(9)) is amended—

(1) in subparagraph (A), by inserting "producers, exporters, or" before "importers", and

(2) in subparagraph (B), inserting "or from which such merchandise is exported" after "manufactured".

(h) Ordinary Course of Trade.—Section 771(15) (19 U.S.C. 1677(15)) is amended—

(1) by striking "merchandise which is the subject of an investigation" and inserting "subject merchandise"; and

(2) by adding at the end the following: "The administering authority shall consider the following sales and transactions, among others, to be outside the ordinary course of trade:

"(A) Sales disregarded under section 773(b)(1).

"(B) Transactions disregarded under section 773(f)(2).".

(i) Other Definitions.—

(1) In general.—Section 771 (19 U.S.C. 1677), as amended by subsection (d), is amended by adding at the end the following:

"(25) Subject merchandise.—The term 'subject merchandise' means the class or kind of merchandise that is within the scope of an investigation, a review, a suspension agreement, an order under this title or section 303, or a finding under the Antidumping Act, 1921.

"(26) Section 303.—The terms 'section 303' and '303' mean section 303 of this Act as in effect on the day before the effective date of title II of the Uruguay Round Agreements Act.

"(27) Suspension agreement.—The term 'suspension agreement' means an agreement described in section 704(b), 704(c), 734(b), 734(c), or 734(l).

"(28) Exporter or producer.—The term 'exporter or producer' means the exporter of the subject merchandise, the producer of the subject merchandise, or both where appropriate. For purposes of section 773, the term 'exporter or producer' includes both the exporter of the subject merchandise and the producer of the same subject merchandise to the extent necessary to accurately calculate the total amount incurred and realized for costs, expenses, and profits in connection with production and sale of that merchandise.

"(29) WTO agreement.—The term 'WTO Agreement' means the Agreement defined in section 2(9) of the Uruguay Round Agreements Act.

"(30) WTO member and WTO member country.—The terms 'WTO member' and 'WTO member country' mean a state, or separate customs territory (within the meaning of Article XII of the WTO Agreement), with respect to which the United States applies the WTO agreement.

"(31) GATT 1994.—The term 'GATT 1994' means the General Agreement on Tariffs and Trade annexed to the WTO Agreement.

"(32) Trade representative.—The term 'Trade Representative' means the United States Trade Representative.

"(33) Affiliated persons.—The following persons shall be considered to be 'affiliated' or 'affiliated persons':

"(A) Members of a family, including brothers and sisters (whether by the whole or half blood), spouse, ancestors, and lineal descendants.

"(B) Any officer or director of an organization and such organization.

"(C) Partners.

"(D) Employer and employee.

"(E) Any person directly or indirectly owning, controlling, or holding with power to vote, 5 percent or more of the outstanding voting stock or shares of any organization and such organization.

"(F) Two or more persons directly or indirectly controlling, controlled by, or under common control with, any person.

"(G) Any person who controls any other person and such other person.

For purposes of this paragraph, a person shall be considered to control another person if the person is legally or operationally in a position to exercise restraint or direction over the other person.

"(34) Dumped; dumping.—The terms 'dumped' and 'dumping' refer to the sale or likely sale of goods at less than fair value.".

(2) Exporter.—Paragraph (13) of section 771 (19 U.S.C. 1677(13)) is repealed.

SEC. 223. EXPORT PRICE AND CONSTRUCTED EXPORT PRICE.

Section 772 (19 U.S.C. 1677a) is amended to read as follows:

"SEC. 772. EXPORT PRICE AND CONSTRUCTED EXPORT PRICE.

"(a) Export Price.—The term 'export price' means the price at which the subject merchandise is first sold (or agreed to be sold) before the date of importation by the producer or exporter of the subject merchandise outside of the United States to an unaffiliated purchaser in the United States or to an unaffiliated purchaser for exportation to the United States, as adjusted under subsection (c).

"(b) Constructed Export Price.—The term 'constructed export price' means the price at which the subject merchandise is first sold (or agreed to be sold) in the United States before or after the date of importation by or for the account of the producer or exporter of such merchandise or by a seller affiliated with the producer or exporter, to a purchaser not affiliated with the producer or exporter, as adjusted under subsections (c) and (d).

"(c) Adjustments for Export Price and Constructed Export Price.—The price used to establish export price and constructed export price shall be—

"(1) increased by—

"(A) when not included in such price, the cost of all containers and coverings and all other costs, charges, and expenses incident to placing the subject merchandise in condition packed ready for shipment to the United States,

"(B) the amount of any import duties imposed by the country of exportation which have been rebated, or which have not been collected, by reason of the exportation of the subject merchandise to the United States, and

"(C) the amount of any countervailing duty imposed on the subject merchandise under subtitle A to offset an export subsidy, and

"(2) reduced by—

"(A) except as provided in paragraph (1)(C), the amount, if any, included in such price, attributable to any additional costs, charges, or expenses, and United States import duties, which are incident to bringing the subject merchandise from the original place of shipment in the exporting country to the place of delivery in the United States, and

"(B) the amount, if included in such price, of any export tax, duty, or other charge imposed by the exporting country on the exportation of the subject merchandise to the United States, other than an export tax, duty, or other charge described in section 771(6)(C).

"(d) Additional Adjustments to Constructed Export Price.—For purposes of this section, the price used to establish constructed export price shall also be reduced by—

"(1) the amount of any of the following expenses generally incurred by or for the account of the producer or exporter, or the affiliated seller in the United States, in selling the subject merchandise (or subject merchandise to which value has been added)—

"(A) commissions for selling the subject merchandise in the United States;

"(B) expenses that result from, and bear a direct relationship to, the sale, such as credit expenses, guarantees and warranties;

"(C) any selling expenses that the seller pays on behalf of the purchaser;

"(D) any selling expenses not deducted under subparagraph (A), (B), or (C);

"(2) the cost of any further manufacture or assembly (including additional material and labor), except in circumstances described in subsection (e); and

"(3) the profit allocated to the expenses described in paragraphs (1) and (2).

"(e) Special Rule for Merchandise with Value Added After Importation.—Where the subject merchandise is imported by a person affiliated with the exporter or producer, and the value added in the United States by the affiliated person is likely to exceed substantially the value of the subject merchandise, the administering authority shall determine the constructed export price for such merchandise by using one of the following prices if there is a sufficient quantity of sales to provide a reasonable basis for comparison and the administering authority determines that the use of such sales is appropriate:

"(1) The price of identical subject merchandise sold by the exporter or producer to an unaffiliated person.

"(2) The price of other subject merchandise sold by the exporter or producer to an unaffiliated person.

"If there is not a sufficient quantity of sales to provide a reasonable basis for comparison under paragraph (1) or (2), or the administering authority determines that neither of the prices described in such paragraphs is appropriate, then the constructed export price may be determined on any other reasonable basis.

"(f) Special Rule for Determining Profit.—

"(1) In general.—For purposes of subsection (d)(3), profit shall be an amount determined by multiplying the total actual profit by the applicable percentage.

"(2) Definitions.—For purposes of this subsection—

"(A) Applicable percentage.—The term 'applicable percentage' means the percentage determined by dividing the total United States expenses by the total expenses.

"(B) Total United States expenses.—The term 'total United States expenses' means the total expenses described in subsection (d)(1) and (2).

"(C) Total expenses.—The term 'total expenses' means all expenses in the first of the following categories which applies and which are incurred by or on behalf of the foreign producer and foreign exporter of the subject merchandise and by or on behalf of the United States seller affiliated with the producer or exporter with respect to the production and sale of such merchandise:

"(i) The expenses incurred with respect to the subject merchandise sold in the United States and the foreign like product sold in the exporting country if such expenses were requested by the administering authority for the purpose of establishing normal value and constructed export price.

"(ii) The expenses incurred with respect to the narrowest category of merchandise sold in the United States and the exporting country which includes the subject merchandise.

"(iii) The expenses incurred with respect to the narrowest category of merchandise sold in all countries which includes the subject merchandise.

"(D) Total actual profit.—The term 'total actual profit' means the total profit earned by the foreign producer, exporter, and affiliated parties described in subparagraph (C) with respect to the sale of the same merchandise for which total expenses are determined under such subparagraph.".

SEC. 224. NORMAL VALUE.

Section 773 (19 U.S.C. 1677b) is amended to read as follows:

"SEC. 773. NORMAL VALUE.

"(a) Determination.—In determining under this title whether subject merchandise is being, or is likely to be, sold at less than fair value, a fair comparison shall be made between the export price or constructed export price and normal value. In order to achieve a fair comparison with the export price or constructed export price, normal value shall be determined as follows:

"(1) Determination of normal value.—

"(A) In general.—The normal value of the subject merchandise shall be the price described in subparagraph (B), at a time reasonably corresponding to the time of the sale used to determine the export price or constructed export price under section 772(a) or (b).

"(B) Price.—The price referred to in subparagraph (A) is—

"(i) the price at which the foreign like product is first sold (or, in the absence of a sale, offered for sale) for consumption in the exporting country, in the usual commercial quantities and in the ordinary course of trade and, to the extent practicable, at the same level of trade as the export price or constructed export price, or

"(ii) in a case to which subparagraph (C) applies, the price at which the foreign like product is so sold (or offered for sale) for consumption in a country other than the exporting country or the United States, if—

"(I) such price is representative,

"(II) the aggregate quantity (or, if quantity is not appropriate, value) of the foreign like product sold by the exporter or producer in such other country is 5 percent or more of the aggregate quantity (or value) of the subject merchandise sold in the United States or for export to the United States, and

"(III) the administering authority does not determine that the particular market situation in such other country prevents a proper comparison with the export price or constructed export price.

"(C) Third country sales.—This subparagraph applies when—

"(i) the foreign like product is not sold (or offered for sale) for consumption in the exporting country as described in subparagraph (B)(i),

"(ii) the administering authority determines that the aggregate quantity (or, if quantity is not appropriate, value) of the foreign like product sold in the exporting country is insufficient to permit a proper comparison with the sales of the subject merchandise to the United States, or

"(iii) the particular market situation in the exporting country does not permit a proper comparison with the export price or constructed export price.

For purposes of clause (ii), the aggregate quantity (or value) of the foreign like product sold in the exporting country shall normally be considered to be insufficient if such quantity (or value) is less than 5 percent of the aggregate quantity (or value) of sales of the subject merchandise to the United States.

"(2) Fictitious markets.—No pretended sale or offer for sale, and no sale or offer for sale intended to establish a fictitious market, shall be taken into account in determining normal value. The occurrence of different movements in the prices at which different forms of the foreign like product are sold (or, in the absence of sales, offered for sale) in the exporting country after the issuance of an antidumping duty order may be considered by the administering authority as evidence of the establishment of a fictitious market for the foreign like product if the movement in such prices appears to reduce the amount by which the normal value exceeds the export price (or the constructed export price) of the subject merchandise.

"(3) Exportation from an intermediate country.—Where the subject merchandise is exported to the United States from an intermediate country, normal value shall be determined in the intermediate country, except that normal value may be determined in the country of origin of the subject merchandise if—

"(A) the producer knew at the time of the sale that the subject merchandise was destined for exportation;

"(B) the subject merchandise is merely transshipped through the intermediate country;

"(C) sales of the foreign like product in the intermediate country do not satisfy the conditions of paragraph (1)(C); or

"(D) the foreign like product is not produced in the intermediate country.

"(4) Use of constructed value.—If the administering authority determines that the normal value of the subject merchandise cannot be determined under paragraph (1)(B)(i), then, notwithstanding paragraph

(1)(B)(ii), the normal value of the subject merchandise may be the constructed value of that merchandise, as determined under subsection (e).

“(5) INDIRECT SALES OR OFFERS FOR SALE.—If the foreign like product is sold or, in the absence of sales, offered for sale through an affiliated party, the prices at which the foreign like product is sold (or offered for sale) by such affiliated party may be used in determining normal value.

“(6) ADJUSTMENTS.—The price described in paragraph (1)(B) shall be—

“(A) increased by the cost of all containers and coverings and all other costs, charges, and expenses incident to placing the subject merchandise in condition packed ready for shipment to the United States;

“(B) reduced by—

“(i) when included in the price described in paragraph (1)(B), the cost of all containers and coverings and all other costs, charges, and expenses incident to placing the foreign like product in condition packed ready for shipment to the place of delivery to the purchaser,

“(ii) the amount, if any, included in the price described in paragraph (1)(B), attributable to any additional costs, charges, and expenses incident to bringing the foreign like product from the original place of shipment to the place of delivery to the purchaser, and

“(iii) the amount of any taxes imposed directly upon the foreign like product or components thereof which have been rebated, or which have not been collected, on the subject merchandise, but only to the extent that such taxes are added to or included in the price of the foreign like product, and

“(C) increased or decreased by the amount of any difference (or lack thereof) between the export price or constructed export price and the price described in paragraph (1)(B) (other than a difference for which allowance is otherwise provided under this section) that is established to the satisfaction of the administering authority to be wholly or partly due to—

(i) the fact that the quantities in which the subject merchandise is sold or agreed to be sold to the United States are greater than or less than the quantities in which the foreign like product is sold, agreed to be sold, or offered for sale,

“(ii) the fact that merchandise described in subparagraph (B) or (C) of section 771(16) is used in determining normal value, or

“(iii) other differences in the circumstances of sale.

“(7) ADDITIONAL ADJUSTMENTS.—

“(A) LEVEL OF TRADE.—The price described in paragraph (1)(B) shall also be increased or decreased to make due allowance for any difference (or lack thereof) between the export price or constructed export price and the price described in paragraph (1)(B) (other than a difference for which allowance is otherwise made under this section) that is shown to be wholly or partly due to a difference in level of trade between the export price or constructed export price and normal value, if the difference in level of trade—

“(i) involves the performance of different selling activities; and

“(ii) is demonstrated to affect price comparability, based on a pattern of consistent price differences between sales at different levels of trade in the country in which normal value is determined.

In a case described in the preceding sentence, the amount of the adjustment shall be based on the price differences between the two levels of trade in the country in which normal value is determined.

“(B) CONSTRUCTED EXPORT PRICE OFFSET.—When normal value is established at a level of trade which constitutes a more advanced stage of distribution than the level of trade of the constructed export price, but the data available do not provide an appropriate basis to determine under subparagraph (A)(ii) a level of trade adjustment, normal value shall be reduced by the amount of indirect selling expenses incurred in the country in which normal value is determined on sales of the foreign like product but not more than the amount of such expenses for which a deduction is made under section 772(d)(1)(D).

“(8) ADJUSTMENTS TO CONSTRUCTED VALUE.—Constructed value as determined under subsection (e), may be adjusted, as appropriate, pursuant to this subsection.

“(b) SALES AT LESS THAN COST OF PRODUCTION.—

“(1) DETERMINATION; SALES DISREGARDED.—Whenever the administering authority has reasonable grounds to believe or suspect that sales of the foreign like product under consideration for the determination of normal value have been made at prices which represent less than the cost of production of that product, the administering authority shall determine whether, in fact, such sales were made at less than the cost of production. If the administering authority determines that sales made at less than the cost of production—

“(A) have been made within an extended period of time in substantial quantities, and

“(B) were not at prices which permit recovery of all costs within a reasonable period of time,

such sales may be disregarded in the determination of normal value. Whenever such sales are disregarded, normal value shall be based on the remaining sales of the foreign like product in the ordinary course of trade. If no sales made in the ordinary course of trade remain, the normal value shall be based on the constructed value of the merchandise.

“(2) DEFINITIONS AND SPECIAL RULES.—For purposes of this subsection—

“(A) REASONABLE GROUNDS TO BELIEVE OR SUSPECT.—There are reasonable grounds to believe or suspect that sales of the foreign like product were made at prices that are less than the cost of production of the product, if—

“(i) in an investigation initiated under section 732 or a review conducted under section 751, an interested party described in subparagraph (C), (D), (E), (F), or (G) of section 771(9) provides information, based upon observed prices or constructed prices or costs, that sales of the foreign like product under consideration for the determination of normal value have been made at prices which represent less than the cost of production of the product; or

“(ii) in a review conducted under section 751 involving a specific exporter, the administering authority disregarded some or all of the exporter's sales pursuant to paragraph (1) in the investigation or if a review has been completed, in the most recently completed review.

“(B) EXTENDED PERIOD OF TIME.—The term ‘extended period of time’ means a period that is normally 1 year, but not less than 6 months.

“(C) SUBSTANTIAL QUANTITIES.—Sales made at prices below the cost of production have been made in substantial quantities if—

“(i) the volume of such sales represents 20 percent or more of the volume of sales under consideration for the determination of normal value, or

“(ii) the weighted average per unit price of the sales under consideration for the determination of normal value is less than the weighted average per unit cost of production for such sales.

“(D) RECOVERY OF COSTS.—If prices which are below the per unit cost of production at the time of sale are above the weighted average per unit cost of production for the period of investigation or review, such prices shall be considered to provide for recovery of costs within a reasonable period of time.

“(3) CALCULATION OF COST OF PRODUCTION.—For purposes of this subtitle, the cost of production shall be an amount equal to the sum of—

“(A) the cost of materials and of fabrication or other processing of any kind employed in producing the foreign like product, during a period which would ordinarily permit the production of that foreign like product in the ordinary course of business;

“(B) an amount for selling, general, and administrative expenses based on actual data pertaining to production and sales of the foreign like product by the exporter in question; and

“(C) the cost of all containers and coverings of whatever nature, and all other expenses incidental to placing the foreign like product in condition packed ready for shipment.

For purposes of subparagraph (A), if the normal value is based on the price of the foreign like product sold for consumption in a country other than the exporting country, the cost of materials shall be determined without regard to any internal tax in the exporting country imposed on such materials or their disposition which are remitted or refunded upon exportation.

“(c) NONMARKET ECONOMY COUNTRIES.—

“(1) IN GENERAL.—If—

“(A) the subject merchandise is exported from a nonmarket economy country, and

“(B) the administering authority finds that available information does not permit the normal value of the subject merchandise to be determined under subsection (a),

the administering authority shall determine the normal value of the subject merchandise on the basis of the value of the factors of production utilized in producing the merchandise and to which shall be added an amount for general expenses and profit plus the cost of containers, coverings, and other expenses. Except as provided in paragraph (2), the valuation of the factors of production shall be based on the best available information regarding the values of such factors in a market economy country or countries considered to be appropriate by the administering authority.

“(2) EXCEPTION.—If the administering authority finds that the available information is inadequate for purposes of determining the normal value of subject merchandise under paragraph (1), the administering authority shall determine the normal value on the basis of the price at which merchandise that is—

“(A) comparable to the subject merchandise, and

“(B) produced in one or more market economy countries that are at a level of economic development comparable to that of the nonmarket economy country,

is sold in other countries, including the United States.

“(3) FACTORS OF PRODUCTION.—For purposes of paragraph (1), the factors of production utilized in producing merchandise include, but are not limited to—

“(A) hours of labor required,

"(B) quantities of raw materials employed,

"(C) amounts of energy and other utilities consumed, and

"(D) representative capital cost, including depreciation.

"(4) VALUATION OF FACTORS OF PRODUCTION.—The administering authority, in valuing factors of production under paragraph (1), shall utilize, to the extent possible, the prices or costs of factors of production in one or more market economy countries that are—

"(A) at a level of economic development comparable to that of the nonmarket economy country, and

"(B) significant producers of comparable merchandise.

"(d) SPECIAL RULE FOR CERTAIN MULTINATIONAL CORPORATIONS.—Whenever, in the course of an investigation under this title, the administering authority determines that—

"(1) subject merchandise exported to the United States is being produced in facilities which are owned or controlled, directly or indirectly, by a person, firm, or corporation which also owns or controls, directly or indirectly, other facilities for the production of the foreign like product which are located in another country or countries,

"(2) subsection (a)(1)(C) applies, and

"(3) the normal value of the foreign like product produced in one or more of the facilities outside the exporting country is higher than the normal value of the foreign like product produced in the facilities located in the exporting country,

it shall determine the normal value of the subject merchandise by reference to the normal value at which the foreign like product is sold in substantial quantities from one or more facilities outside the exporting country. The administering authority, in making any determination under this paragraph, shall make adjustments for the difference between the cost of production (including taxes, labor, materials, and overhead) of the foreign like product produced in facilities outside the exporting country and costs of production of the foreign like product produced in facilities in the exporting country, if such differences are demonstrated to its satisfaction. For purposes of this subsection, in determining the normal value of the foreign like product produced in a country outside of the exporting country, the administering authority shall determine its price at the time of exportation from the exporting country and shall make any adjustments required by subsection (a) for the cost of all containers and coverings and all other costs, charges, and expenses incident to placing the merchandise in condition packed ready for shipment to the United States by reference to such costs in the exporting country.

"(e) CONSTRUCTED VALUE.—For purposes of this title, the constructed value of imported merchandise shall be an amount equal to the sum of—

"(1) the cost of materials and fabrication or other processing of any kind employed in producing the merchandise, during a period which would ordinarily permit the production of the merchandise in the ordinary course of business;

"(2)(A) the actual amounts incurred and realized by the specific exporter or producer being examined in the investigation or review for selling, general, and administrative expenses, and for profits, in connection with the production and sale of a foreign like product, in the ordinary course of trade, for consumption in the foreign country, or

"(B) if actual data are not available with respect to the amounts described in subparagraph (A), then—

"(i) the actual amounts incurred and realized by the specific exporter or producer being examined in the investigation or review for selling, general, and administrative expenses, and for profits, in connection with the production and sale, for consumption in the foreign country, of merchandise that is in the same general category of products as the subject merchandise,

"(ii) the weighted average of the actual amounts incurred and realized by exporters or producers that are subject to the investigation or review (other than the exporter or producer described in clause (i)) for selling, general, and administrative expenses, and for profits, in connection with the production and sale of a foreign like product, in the ordinary course of trade, for consumption in the foreign country, or

"(iii) the amounts incurred and realized for selling, general, and administrative expenses, and for profits, based on any other reasonable method, except that the amount allowed for profit may not exceed the amount normally realized by exporters or producers (other than the exporter or producer described in clause (i)) in connection with the sale, for consumption in the foreign country, of merchandise that is in the same general category of products as the subject merchandise ; and

"(3) the cost of all containers and coverings of whatever nature, and all other expenses incidental to placing the subject merchandise in condition packed ready for shipment to the United States.

For purposes of paragraph (1), the cost of materials shall be determined without regard to any internal tax in the exporting country imposed on such materials or their disposition which are remitted or refunded upon exportation of the subject merchandise produced from such materials.

"(f) SPECIAL RULES FOR CALCULATION OF COST OF PRODUCTION AND FOR CALCULATION OF CONSTRUCTED VALUE.—For purposes of subsections (b) and (e)—

"(1) COSTS.—

"(A) IN GENERAL.—Costs shall normally be calculated based on the records of the exporter or producer of the merchandise, if such records are kept in accordance with the generally accepted accounting principles of the exporting country (or the producing country, where appropriate) and reasonably reflect the costs associated with the production and sale of the merchandise. The administering authority shall consider all available evidence on the proper allocation of costs, including that which is made available by the exporter or producer on a timely basis, if such allocations have been historically used by the exporter or producer, in particular for establishing appropriate amortization and depreciation periods, and allowances for capital expenditures and other development costs.

"(B) NONRECURRING COSTS.—Costs shall be adjusted appropriately for those nonrecurring costs that benefit current or future production, or both.

"(C) STARTUP COSTS.—

"(i) IN GENERAL.—Costs shall be adjusted appropriately for circumstances in which costs incurred during the time period covered by the investigation or review are affected by startup operations.

"(ii) STARTUP OPERATIONS.—Adjustments shall be made for startup operations only where—

"(I) a producer is using new production facilities or producing a new product that requires substantial additional investment, and

"(II) production levels are limited by technical factors associated with the initial phase of commercial production.

For purposes of subclause (II), the initial phase of commercial production ends at the end of the startup period. In determining whether commercial production levels have been achieved, the administering authority shall consider factors unrelated to startup operations that might affect the volume of production processed, such as demand, seasonality, or business cycles.

"(iii) ADJUSTMENT FOR STARTUP OPERATIONS.—The adjustment for startup operations shall be made by substituting the unit production costs incurred with respect to the merchandise at the end of the startup period for the unit production costs incurred during the startup period. If the startup period extends beyond the period of the investigation or review under this title, the administering authority shall use the most recent cost of production data that it reasonably can obtain, analyze, and verify without delaying the timely completion of the investigation or review. For purposes of this subparagraph, the startup period ends at the point at which the level of commercial production that is characteristic of the merchandise, producer, or industry concerned is achieved.

"(2) TRANSACTIONS DISREGARDED.—A transaction directly or indirectly between affiliated persons may be disregarded if, in the case of any element of value required to be considered, the amount representing that element does not fairly reflect the amount usually reflected in sales of merchandise under consideration in the market under consideration. If a transaction is disregarded under the preceding sentence and no other transactions are available for consideration, the determination of the amount shall be based on the information available as to what the amount would have been if the transaction had occurred between persons who are not affiliated.

"(3) MAJOR INPUT RULE.—If, in the case of a transaction between affiliated persons involving the production by one of such persons of a major input to the merchandise, the administering authority has reasonable grounds to believe or suspect that an amount represented as the value of such input is less than the cost of production of such input, then the administering authority may determine the value of the major input on the basis of the information available regarding such cost of production, if such cost is greater than the amount that would be determined for such input under paragraph (2).".

SEC. 225. CURRENCY CONVERSION.

(a) IN GENERAL.—Subtitle D of title VII (19 U.S.C. 1677 et seq.) is amended by inserting after section 773 the following new section:

"SEC. 773A. CURRENCY CONVERSION.

"(a) IN GENERAL.—In an antidumping proceeding under this title, the administering authority shall convert foreign currencies into United States dollars using the exchange rate in effect on the date of sale of the subject merchandise, except that, if it is established that a currency transaction on forward markets is directly linked to an export sale under consideration, the exchange rate specified with respect to such currency in the forward sale agreement shall be used to convert the foreign currency. Fluctuations in exchange rates shall be ignored.

"(b) SUSTAINED MOVEMENT IN FOREIGN CURRENCY VALUE.—In an investigation under subtitle B, if there is a sustained movement in the value of the foreign currency relative to the United States dollar, the administering authority shall allow exporters at least 60 days to adjust their export prices to reflect such sustained movement.”.

(b) CONFORMING AMENDMENT.—The table of contents for title VII is amended by inserting after the item relating to section 773 the following new item:

“Sec. 773A. Currency conversion.”.

SEC. 226. PROPRIETARY AND NONPROPRIETARY INFORMATION.

(a) PROPRIETARY STATUS MAINTAINED.—

(1) IN GENERAL.—Section 777(b)(1) (19 U.S.C. 1677f(b)(1)) is amended to read as follows:

“(1) PROPRIETARY STATUS MAINTAINED.—

“(A) IN GENERAL.—Except as provided in subsection (a)(4)(A) and subsection (c), information submitted to the administering authority or the Commission which is designated as proprietary by the person submitting the information shall not be disclosed to any person without the consent of the person submitting the information, other than—

“(i) to an officer or employee of the administering authority or the Commission who is directly concerned with carrying out the investigation in connection with which the information is submitted or any review under this title covering the same subject merchandise, or

“(ii) to an officer or employee of the United States Customs Service who is directly involved in conducting an investigation regarding fraud under this title.

“(B) ADDITIONAL REQUIREMENTS.—The administering authority and the Commission shall require that information for which proprietary treatment is requested be accompanied by—

“(i) either—

“(I) a non-proprietary summary in sufficient detail to permit a reasonable understanding of the substance of the information submitted in confidence, or

“(II) a statement that the information is not susceptible to summary accompanied by a statement of the reasons in support of the contention, and

“(ii) either—

“(I) a statement which permits the administering authority or the Commission to release under administrative protective order, in accordance with subsection (c), the information submitted in confidence, or

“(II) a statement to the administering authority or the Commission that the business proprietary information is of a type that should not be released under administrative protective order.”.

(2) SECTION 751 REVIEWS.—Section 777(b) (19 U.S.C. 1677f(b)) is amended by adding at the end the following:

“(3) SECTION 751 REVIEWS.—Notwithstanding the provisions of paragraph (1), information submitted to the administering authority or the Commission in connection with a review under section 751(b) or 751(c) which is designated as proprietary by the person submitting the information may, if the review results in the revocation of an order or finding (or termination of a suspended investigation) under section 751(d), be used by the agency to which the information was originally submitted in any investigation initiated within 2 years after the date of the revocation or termination pursuant to a petition covering the same subject merchandise.”.

(b) UNWARRANTED PROPRIETARY DESIGNATION.—Section 777(b)(2) (19 U.S.C. 1677f(b)(2)) is amended by adding at the end the following new sentence: “In a case in which the administering authority or the Commission returns the information to the person submitting it, the person may thereafter submit other material concerning the subject matter of the returned information if the submission is made within the time otherwise provided for submitting such material.”.

SEC. 227. OPPORTUNITY FOR COMMENT BY CONSUMERS AND INDUSTRIAL USERS.

Section 777 (19 U.S.C. 1677f) is amended by adding at the end the following new subsection:

“(h) OPPORTUNITY FOR COMMENT BY CONSUMERS AND INDUSTRIAL USERS.—The administering authority and the Commission shall provide an opportunity for industrial users of the subject merchandise and, if the merchandise is sold at the retail level, for representative consumer organizations, to submit relevant information to the administering authority concerning dumping or a countervailable subsidy, and to the Commission concerning material injury by reason of dumped or subsidized imports.”.

SEC. 228. PUBLIC NOTICE AND EXPLANATION OF DETERMINATIONS.

Section 777 (19 U.S.C. 1677f), as amended by section 227, is amended by adding at the end the following:

“(i) PUBLICATION OF DETERMINATIONS; REQUIREMENTS FOR FINAL DETERMINATIONS.—

“(1) IN GENERAL.—Whenever the administering authority makes a determination under section 702 or 732 whether to initiate an investigation, or the administering authority or the Commission makes a preliminary determination under section 703 or 733, a final determination under section 705 or section 735, a preliminary or final determination in a review under section 751, a determination to suspend an investigation under this title, or a determination under section 753, the administering authority or the Commission, as the case may be, shall publish the facts and conclusions supporting that determination, and shall publish notice of that determination in the Federal Register.

“(2) CONTENTS OF NOTICE OR DETERMINATION.—The notice or determination published under paragraph (1) shall include, to the extent applicable—

“(A) in the case of a determination of the administering authority—

“(i) the names of the exporters or producers of the subject merchandise or, when providing such names is impracticable, the countries exporting the subject merchandise to the United States,

“(ii) a description of the subject merchandise that is sufficient to identify the subject merchandise for customs purposes,

“(iii)(I) with respect to a determination in an investigation under subtitle A or section 753 or in a review of a countervailing duty order, the amount of the countervailable subsidy established and a full explanation of the methodology used in establishing the amount, and

“(II) with respect to a determination in an investigation under subtitle B or in a review of an antidumping duty order, the weighted average dumping margins established and a full explanation of the methodology used in establishing such margins, and

“(iv) the primary reasons for the determination; and

“(B) in the case of a determination of the Commission—

“(i) considerations relevant to the determination of injury, and

“(ii) the primary reasons for the determination.

“(3) ADDITIONAL REQUIREMENTS FOR FINAL DETERMINATIONS.—In addition to the requirements set forth in paragraph (2)—

“(A) the administering authority shall include in a final determination described in paragraph (1) an explanation of the basis for its determination that addresses relevant arguments, made by interested parties who are parties to the investigation or review (as the case may be), concerning the establishment of dumping or a countervailable subsidy, or the suspension of the investigation, with respect to which the determination is made; and

“(B) the Commission shall include in a final determination of injury an explanation of the basis for its determination that addresses relevant arguments that are made by interested parties who are parties to the investigation or review (as the case may be) concerning volume, price effects, and impact on the industry of imports of the subject merchandise.”.

SEC. 229. SAMPLING AND AVERAGING; DETERMINATION OF WEIGHTED AVERAGE DUMPING MARGIN.

(a) IN GENERAL.—Section 777A (19 U.S.C. 1677f–1) is amended to read as follows:

“SEC. 777A. SAMPLING AND AVERAGING; DETERMINATION OF WEIGHTED AVERAGE DUMPING MARGIN.

“(a) IN GENERAL.—For purposes of determining the export price (or constructed export price) under section 772 or the normal value under section 773, and in carrying out reviews under section 751, the administering authority may—

“(1) use averaging and statistically valid samples, if there is a significant volume of sales of the subject merchandise or a significant number or types of products, and

“(2) decline to take into account adjustments which are insignificant in relation to the price or value of the merchandise.

“(b) SELECTION OF AVERAGES AND SAMPLES.—The authority to select averages and statistically valid samples shall rest exclusively with the administering authority. The administering authority shall, to the greatest extent possible, consult with the exporters and producers regarding the method to be used to select exporters, producers, or types of products under this section.

“(c) DETERMINATION OF DUMPING MARGIN.—

“(1) GENERAL RULE.—In determining weighted average dumping margins under section 733(d), 735(c), or 751(a), the administering authority shall determine the individual weighted average dumping margin for each known exporter and producer of the subject merchandise.

“(2) EXCEPTION.—If it is not practicable to make individual weighted average dumping margin determinations under paragraph (1) because of the large number of exporters or producers involved in the investigation or review, the administering authority may determine the weighted average dumping margins for a reasonable number of exporters or producers by limiting its examination to—

“(A) a sample of exporters, producers, or types of products that is statistically valid based on the information available to the administering authority at the time of selection, or

“(B) exporters and producers accounting for the largest volume of the subject merchandise from the exporting country that can be reasonably examined.

“(d) DETERMINATION OF LESS THAN FAIR VALUE.—

“(1) INVESTIGATIONS.—

“(A) IN GENERAL.—In an investigation under subtitle B, the administering authority shall determine whether the subject merchandise is being sold in the United States at less than fair value—

“(i) by comparing the weighted average of the normal values to the weighted average of the export prices (and constructed export prices) for comparable merchandise, or

"(ii) by comparing the normal values of individual transactions to the export prices (or constructed export prices) of individual transactions for comparable merchandise.

"(B) Exception.—The administering authority may determine whether the subject merchandise is being sold in the United States at less than fair value by comparing the weighted average of the normal values to the export prices (or constructed export prices) of individual transactions for comparable merchandise, if—

"(i) there is a pattern of export prices (or constructed export prices) for comparable merchandise that differ significantly among purchasers, regions, or periods of time, and

"(ii) the administering authority explains why such differences cannot be taken into account using a method described in paragraph (1)(A) (i) or (ii).

"(2) Reviews.—In a review under section 751, when comparing export prices (or constructed export prices) of individual transactions to the weighted average price of sales of the foreign like product, the administering authority shall limit its averaging of prices to a period not exceeding the calendar month that corresponds most closely to the calendar month of the individual export sale.".

(b) Dumping Margin; Weighted Average Dumping Margin.—Section 771 (19 U.S.C. 1677), as amended by section 222(i), is amended by adding at the end the following new paragraph:

"(35) Dumping margin; weighted average dumping margin.—

"(A) Dumping margin.—The term 'dumping margin' means the amount by which the normal value exceeds the export price or constructed export price of the subject merchandise.

"(B) Weighted average dumping margin.—The term 'weighted average dumping margin' is the percentage determined by dividing the aggregate dumping margins determined for a specific exporter or producer by the aggregate export prices and constructed export prices of such exporter or producer.

"(C) Magnitude of the margin of dumping.—The magnitude of the margin of dumping used by the Commission shall be—

"(i) in making a preliminary determination under section 733(a) in an investigation (including any investigation in which the Commission cumulatively assesses the volume and effect of imports under paragraph (7)(G)(i)), the dumping margin or margins published by the administering authority in its notice of initiation of the investigation;

"(ii) in making a final determination under section 735(b), the dumping margin or margins most recently published by the administering authority prior to the closing of the Commission's administrative record;

"(iii) in a review under section 751(b)(2), the most recent dumping margin or margins determined by the administering authority under section 752(c)(3), if any, or under section 733(b) or 735(a); and

"(iv) in a review under section 751(c), the dumping margin or margins determined by the administering authority under section 752(c)(3).".

SEC. 230. ANTICIRCUMVENTION.

(a) In General.—Subsections (a) and (b) of section 781 (19 U.S.C. 1677j (a) and (b)) are amended to read as follows:

"(a) Merchandise Completed or Assembled in the United States.—

"(1) In general.—If—

"(A) merchandise sold in the United States is of the same class or kind as any other merchandise that is the subject of—

"(i) an antidumping duty order issued under section 736,

"(ii) a finding issued under the Antidumping Act, 1921, or

"(iii) a countervailing duty order issued under section 706 or section 303,

"(B) such merchandise sold in the United States is completed or assembled in the United States from parts or components produced in the foreign country with respect to which such order or finding applies,

"(C) the process of assembly or completion in the United States is minor or insignificant, and

"(D) the value of the parts or components referred to in subparagraph (B) is a significant portion of the total value of the merchandise,

the administering authority, after taking into account any advice provided by the Commission under subsection (e), may include within the scope of such order or finding the imported parts or components referred to in subparagraph (B) that are used in the completion or assembly of the merchandise in the United States at any time such order or finding is in effect.

"(2) Determination of whether process is minor or insignificant.—In determining whether the process of assembly or completion is minor or insignificant under paragraph (1)(C), the administering authority shall take into account—

"(A) the level of investment in the United States,

"(B) the level of research and development in the United States,

"(C) the nature of the production process in the United States,

"(D) the extent of production facilities in the United States, and

"(E) whether the value of the processing performed in the United States represents a small proportion of the value of the merchandise sold in the United States.

"(3) Factors to consider.—In determining whether to include parts or components in a countervailing or antidumping duty order or finding under paragraph (1), the administering authority shall take into account such factors as—

"(A) the pattern of trade, including sourcing patterns,

"(B) whether the manufacturer or exporter of the parts or components is affiliated with the person who assembles or completes the merchandise sold in the United States from the parts or components produced in the foreign country with respect to which the order or finding described in paragraph (1) applies, and

"(C) whether imports into the United States of the parts or components produced in such foreign country have increased after the initiation of the investigation which resulted in the issuance of such order or finding.

"(b) Merchandise Completed or Assembled in Other Foreign Countries.—

"(1) In general.—If—

"(A) merchandise imported into the United States is of the same class or kind as any merchandise produced in a foreign country that is the subject of—

"(i) an antidumping duty order issued under section 736,

"(ii) a finding issued under the Antidumping Act, 1921, or

"(iii) a countervailing duty order issued under section 706 or section 303,

"(B) before importation into the United States, such imported merchandise is completed or assembled in another foreign country from merchandise which—

"(i) is subject to such order or finding, or

"(ii) is produced in the foreign country with respect to which such order or finding applies,

"(C) the process of assembly or completion in the foreign country referred to in subparagraph (B) is minor or insignificant,

"(D) the value of the merchandise produced in the foreign country to which the antidumping duty order applies is a significant portion of the total value of the merchandise exported to the United States, and

"(E) the administering authority determines that action is appropriate under this paragraph to prevent evasion of such order or finding,

the administering authority, after taking into account any advice provided by the Commission under subsection (e), may include such imported merchandise within the scope of such order or finding at any time such order or finding is in effect.

"(2) Determination of whether process is minor or insignificant.—In determining whether the process of assembly or completion is minor or insignificant under paragraph (1)(C), the administering authority shall take into account—

"(A) the level of investment in the foreign country,

"(B) the level or research and development in the foreign country,

"(C) the nature of the production process in the foreign country,

"(D) the extent of production facilities in the foreign country, and

"(E) whether the value of the processing performed in the foreign country represents a small proportion of the value of the merchandise imported into the United States.

"(3) Factors to consider.—In determining whether to include merchandise assembled or completed in a foreign country in a countervailing duty order or an antidumping duty order or finding under paragraph (1), the administering authority shall take into account such factors as—

"(A) the pattern of trade, including sourcing patterns,

"(B) whether the manufacturer or exporter of the merchandise described in paragraph (1)(B) is affiliated with the person who uses the merchandise described in paragraph (1)(B) to assemble or complete in the foreign country the merchandise that is subsequently imported into the United States, and

"(C) whether imports into the foreign country of the merchandise described in paragraph (1)(B) have increased after the initiation of the investigation which resulted in the issuance of such order or finding.".

(b) Time Limits for Administering Authority Determinations.—Section 781 (19 U.S.C. 1677j) is amended by adding at the end the following:

"(f) Time Limits for Administering Authority Determinations.—The administering authority shall, to the maximum extent practicable, make the determinations under this section within 300 days from the date of the initiation of a countervailing duty or antidumping circumvention inquiry under this section.".

SEC. 231. EVIDENCE.

(a) Conduct of Investigations and Administrative Reviews.—Subtitle D of title VII (19 U.S.C. 1671) is amended by adding at the end the following new section:

"SEC. 782. CONDUCT OF INVESTIGATIONS AND ADMINISTRATIVE REVIEWS.

"(a) Treatment of Voluntary Responses in Countervailing or Antidumping Duty Investigations and Reviews.—In any investigation under subtitle A or B or a review under section 751(a) in which the administering authority has, under section 777A(c)(2) or section 777A(e)(2)(A) (whichever is applicable), limited the number of exporters or producers examined, or determined a single country-wide rate, the administering authority shall establish an individual countervailable subsidy rate or an individual weighted average dumping margin for any exporter or producer not initially selected for individual examination under such sections who submits to the administering authority the information requested from exporters or producers selected for examination, if—

"(1) such information is so submitted by the date specified—

"(A) for exporters and producers that were initially selected for examination, or

"(B) for the foreign government, in a countervailing duty case where the administering authority has determined a single country-wide rate; and

"(2) the number of exporters or producers who have submitted such information is not so large that individual examination of such exporters or producers would be unduly burdensome and inhibit the timely completion of the investigation.

"(b) Certification of Submissions.—Any person providing factual information to the administering authority or the Commission in connection with a proceeding under this title on behalf of the petitioner or any other interested party shall certify that such information is accurate and complete to the best of that person's knowledge.

"(c) Difficulties in Meeting Requirements.—

"(1) Notification by interested party.—If an interested party, promptly after receiving a request from the administering authority or the Commission for information, notifies the administering authority or the Commission (as the case may be) that such party is unable to submit the information requested in the requested form and manner, together with a full explanation and suggested alternative forms in which such party is able to submit the information. the administering authority or the Commission (as the case may be) shall consider the ability of the interested party to submit the information in the requested form and manner and may modify such requirements to the extent necessary to avoid imposing an unreasonable burden on that party.

"(2) Assistance to interested parties.—The administering authority and the Commission shall take into account any difficulties experienced by interested parties, particularly small companies, in supplying information requested by the administering authority or the Commission in connection with investigations and reviews under this title, and shall provide to such interested parties any assistance that is practicable in supplying such information.

"(d) Deficient Submissions.—If the administering authority or the Commission determines that a response to a request for information under this title does not comply with the request, the administering authority or the Commission (as the case may be) shall promptly inform the person submitting the response of the nature of the deficiency and shall, to the extent practicable, provide that person with an opportunity to remedy or explain the deficiency in light of the time limits established for the completion of investigations or reviews under this title. If that person submits further information in response to such deficiency and either—

"(1) the administering authority or the Commission (as the case may be) finds that such response is not satisfactory, or

"(2) such response is not submitted within the applicable time limits,

then the administering authority or the Commission (as the case may be) may, subject to subsection (e), disregard all or part of the original and subsequent responses.

"(e) Use of Certain Information.—In reaching a determination under section 703, 705, 733, 735, 751, or 753 the administering authority and the Commission shall not decline to consider information that is submitted by an interested party and is necessary to the determination but does not meet all the applicable requirements established by the administering authority or the Commission, if—

"(1) the information is submitted by the deadline established for its submission,

"(2) the information can be verified,

"(3) the information is not so incomplete that it cannot serve as a reliable basis for reaching the applicable determination,

"(4) the interested party has demonstrated that it acted to the best of its ability in providing the information and meeting the requirements established by the administering authority or the Commission with respect to the information, and

"(5) the information can be used without undue difficulties.

"(f) Nonacceptance of Submissions.—If the administering authority or the Commission declines to accept into the record any information submitted in an investigation or review under this title, it shall, to the extent practicable, provide to the person submitting the information a written explanation of the reasons for not accepting the information.

"(g) Public Comment on Information.—Information that is submitted on a timely basis to the administering authority or the Commission during the course of a proceeding under this title shall be subject to comment by other parties to the proceeding within such reasonable time as the administering authority or the Commission shall provide. The administering authority and the Commission, before making a final determination under section 705, 735, 751, or 753 shall cease collecting information and shall provide the parties with a final opportunity to comment on the information obtained by the administering authority or the Commission (as the case may be) upon which the parties have not previously had an opportunity to comment. Comments containing new factual information shall be disregarded.

"(h) Termination of Investigation or Revocation of Order for Lack of Interest.—The administering authority may—

"(1) terminate an investigation under subtitle A or B with respect to a domestic like product if, prior to publication of an order under section 706 or 736, the administering authority determines that producers accounting for substantially all of the production of that domestic like product have expressed a lack of interest in issuance of an order; and

"(2) revoke an order issued under section 706 or 736 with respect to a domestic like product, or terminate an investigation suspended under section 704 or 734 with respect to a domestic like product, if the administering authority determines that producers accounting for substantially all of the production of that domestic like product, have expressed a lack of interest in the order or suspended investigation.

"(i) Verification.—The administering authority shall verify all information relied upon in making—

"(1) a final determination in an investigation,

"(2) a revocation under section 751(d), and

"(3) a final determination in a review under section 751(a), if—

"(A) verification is timely requested by an interested party as defined in section 771(9)(C), (D), (E), (F), or (G), and

"(B) no verification was made under this subparagraph during the 2 immediately preceding reviews and determinations under section 751(a) of the same order, finding, or notice, except that this clause shall not apply if good cause for verification is shown.".

(b) Availability of Nonproprietary Information.—Section 777(a)(4) (19 U.S.C. 1677f(a)(4)) is amended by striking "may disclose" and inserting "shall disclose".

(c) Determinations on the Basis of the Facts Available.—Section 776 (19 U.S.C. 1677e) is amended to read as follows:

"SEC. 776. DETERMINATIONS ON THE BASIS OF THE FACTS AVAILABLE.

"(a) In General.—If—

"(1) necessary information is not available on the record, or

"(2) an interested party or any other person—

"(A) withholds information that has been requested by the administering authority or the Commission under this title,

"(B) fails to provide such information by the deadlines for submission of the information or in the form and manner requested, subject to subsections (c)(1) and (e) of section 782,

"(C) significantly impedes a proceeding under this title, or

"(D) provides such information but the information cannot be verified as provided in section 782(i),

the administering authority and the Commission shall, subject to section 782(d), use the facts otherwise available in reaching the applicable determination under this title.

"(b) Adverse Inferences.—If the administering authority or the Commission (as the case may be) finds that an interested party has failed to cooperate by not acting to the best of its ability to comply with a request for information from the administering authority or the Commission, the administering authority or the Commission (as the case may be), in reaching the applicable determination under this title, may use an inference that is adverse to the interests of that party in selecting from among the facts otherwise available. Such adverse inference may include reliance on information derived from—

"(1) the petition,

"(2) a final determination in the investigation under this title,

"(3) any previous review under section 751 or determination under section 753, or

"(4) any other information placed on the record.

"(c) Corroboration of Secondary Information.—When the administering authority or the Commission relies on secondary information rather than on information obtained in the course of an investigation or review, the administering authority or the Commission, as the case may be, shall, to the extent practicable, corroborate that information from independent sources that are reasonably at their disposal.".

(d) CONFORMING AMENDMENTS.—

(1) Section 777(e) (19 U.S.C. 1677f(e)) is repealed.

(2) The table of contents for title VII is amended—

(A) by amending the item relating to section 776 to read as follows:

"Sec. 776. Determinations on the basis of the facts available.";

and

(B) by inserting after the item relating to section 781 the following new item:

"Sec. 782. Conduct of investigations and administrative reviews.".

SEC. 232. ANTIDUMPING PETITIONS BY THIRD COUNTRIES.

(a) IN GENERAL.—Subtitle D of title VII (19 U.S.C. 1677 et seq.), as amended by section 231(a), is amended by adding at the end the following new section:

"SEC. 783. ANTIDUMPING PETITIONS BY THIRD COUNTRIES.

"(a) FILING OF PETITION.—The government of a WTO member may file with the Trade Representative a petition requesting that an investigation be conducted to determine if—

"(1) imports from another country are being sold in the United States at less than fair value, and

"(2) an industry in the petitioning country is materially injured by reason of those imports.

"(b) INITIATION.—The Trade Representative, after consultation with the administering authority and the Commission and obtaining the approval of the WTO Council for Trade in Goods, shall determine whether to initiate an investigation described in subsection (a).

"(c) DETERMINATIONS.—Upon initiation of an investigation under this section, the Trade Representative shall request the following determinations be made according to substantive and procedural requirements specified by the Trade Representative, notwithstanding any other provision of this title:

"(1) The administering authority shall determine whether imports into the United States of the subject merchandise are being sold at less than fair value.

"(2) The Commission shall determine whether an industry in the petitioning country is materially injured by reason of imports of the subject merchandise into the United States.

"(d) PUBLIC COMMENT.—An opportunity for public comment shall be provided, as appropriate—

"(1) by the Trade Representative, in making the determination required by subsection (b), and

"(2) by the administering authority and the Commission, in making the determination required by subsection (c).

"(e) ISSUANCE OF ORDER.—If the administering authority makes an affirmative determination under paragraph (1) of subsection (c), and the Commission makes an affirmative determination under paragraph (2) of subsection (c), the administering authority shall issue an antidumping duty order in accordance with section 736 and take such other actions as are required by section 736.

"(f) REVIEWS OF DETERMINATIONS.—For purposes of review under section 516A or review under section 751, if an order is issued under subsection (d), the final determinations of the administering authority and the Commission under this section shall be treated as final determinations made under section 735.

"(g) ACCESS TO INFORMATION.—Section 777 shall apply to investigations under this section, to the extent specified by the Trade Representative, after consultation with the administering authority and the Commission.".

(b) CONFORMING AMENDMENT.—The table of contents for title VII, as amended by section 231(d)(2), is amended by adding after the item relating to section 782 the following new item:

"Sec. 783. Antidumping petitions by third countries.".

SEC. 233. CONFORMING AMENDMENTS.

(a) TERMINOLOGY.—

(1) NORMAL VALUE.—Each of the following sections is amended by striking "foreign market value" each place it appears in the text and in the heading and inserting "normal value":

(A) Section 731 (19 U.S.C. 1673).

(B) Section 734 (19 U.S.C. 1673c).

(C) Section 736 (19 U.S.C. 1673e).

(D) Section 739 (19 U.S.C. 1673h).

(E) Section 780 (19 U.S.C. 1677i).

(2) EXPORT PRICE.—

(A) IN GENERAL.—Each of the following sections is amended by striking "United States price" each place it appears in the text and in the heading and inserting "export price (or the constructed export price)":

(i) Section 731 (19 U.S.C. 1673).

(ii) Section 734 (19 U.S.C. 1673c).

(iii) Section 736 (19 U.S.C. 1673e).

(iv) Section 738 (19 U.S.C. 1673g).

(v) Section 739 (19 U.S.C. 1673h).

(vi) Section 780 (19 U.S.C. 1677i).

(B) EXPORTER'S SALES PRICE.—Section 738(b)(3) (19 U.S.C. 1673g(b)(3)) is amended by striking "exporter's sales price" and inserting "constructed export price".

(3) DOMESTIC LIKE PRODUCT.—

(A) Each of the following sections is amended by striking "like product" each place it appears in the text and in the heading and inserting "domestic like product":

(i) Section 771(4)(C) and (D) (19 U.S.C. 1677(4)(C) and (D)).

(ii) Section 771(7)(C)(iii)(IV) (19 U.S.C. 1677(7)(C)(iii)(IV)).

(iii) Section 771(9) (19 U.S.C. 1677(9)).

(iv) Section 771(10) (19 U.S.C. 1677(10)).

(B) Sections 771(7)(B)(i)(II) and (III) and section 771(7)(C)(ii)(I) (19 U.S.C. 1677(7)(B)(i)(II) and (III) and (C)(ii)(I)) are amended by striking "like products" and inserting "domestic like products".

(4) FOREIGN LIKE PRODUCT.—Section 771(16) (19 U.S.C. 1677(16)) is amended—

(A) by striking "such or similar merchandise" in the text and inserting "foreign like product", and

(B) by amending the heading to read as follows: "FOREIGN LIKE PRODUCT.".

(5) SUBJECT MERCHANDISE.—

(A) Section 701(d) (19 U.S.C. 1671(d)) is amended by striking "a class or kind of merchandise subject to a countervailing duty investigation" and inserting "subject merchandise".

(B) Section 702(e) (19 U.S.C. 1671a(e)) is amended by striking "class or kind of merchandise that is the subject of the investigation" each place it appears and inserting "subject merchandise".

(C) Section 703(b)(1) (19 U.S.C. 1671b(b)(1)) is amended by striking "merchandise which is the subject of the investigation" and inserting "subject merchandise".

(D) Section 704(a)(2)(A) (19 U.S.C. 1671c(a)(2)(A)) is amended by striking "merchandise that is subject to the investigation" and inserting "subject merchandise".

(E) Section 704(b) (19 U.S.C. 1671c(b)) is amended by striking "merchandise which is the subject of the investigation" and inserting "subject merchandise".

(F) Section 704(c)(1) (19 U.S.C. 1671c(c)(1)) is amended by striking "merchandise which is the subject of the investigation" and inserting "subject merchandise".

(G) Section 704(c)(2) (19 U.S.C. 1671c(c)(2)) is amended by striking "merchandise which is the subject of the investigation" and inserting "subject merchandise".

(H) Section 704(c)(3) (19 U.S.C. 1671c(c)(3)) is amended by striking "merchandise which is the subject of an investigation" and inserting "subject merchandise".

(I) Section 704(d)(3) (19 U.S.C. 1671c(d)(3)) is amended by striking "merchandise covered by such agreement" and inserting "subject merchandise".

(J) Section 704(f)(1)(A) (19 U.S.C. 1671c(f)(1)(A)) is amended by striking "merchandise which is the subject of the investigation" and inserting "subject merchandise".

(K) Subparagraphs (A)(i) and (B) of section 704(f)(2) (19 U.S.C. 1671c(f)(2)(A)(i) and (B)) are amended by striking "merchandise which is the subject of the investigation" each place it appears and inserting "subject merchandise".

(L) Paragraphs (2) and (3) of section 704(h) (19 U.S.C. 1671c(h) (2) and (3)) are amended by striking "merchandise which is the subject of the investigation" each place it appears and inserting "subject merchandise".

(M) Section 704(j) (19 U.S.C. 1671c(j)) is amended by striking "merchandise which is the subject of the investigation" and inserting "subject merchandise".

(N) Section 705(a)(1) (19 U.S.C. 1671d(a)(1)) is amended by striking "the merchandise" and inserting "the subject merchandise".

(O) Section 706(a)(2) (19 U.S.C. 1671e(a)(2)), as redesignated by section 265, is amended by striking "class or kind of merchandise to which it applies" and inserting "subject merchandise".

(P) Section 732(e)(1) (19 U.S.C. 1673a(e)(1)) is amended by striking "class or kind of the merchandise which is the subject of the investigation" and inserting "the subject merchandise".

(Q) Section 732(e)(2) (19 U.S.C. 1673a(e)(2)) is amended by striking "merchandise which is the subject of the investigation" and inserting "subject merchandise".

(R) Section 732(e) (19 U.S.C. 1673a(e)) is amended by striking "class or kind of merchandise that is the subject of the investigation" each place it appears and inserting "subject merchandise".

(S) Section 734(a)(2)(A) (19 U.S.C 1673c(a)(2)(A)) is amended by striking "merchandise that is subject to the investigation" and inserting "subject merchandise".

(T) Subsections (b), (c)(1), (f)(1)(A), (f)(2)(A)(i), (g)(1), (h)(2), (h)(3), and (j) of section 734 (19 U.S.C 1673c(b), (c)(1), (f)(1)(A), (f)(2)(A)(i), (g)(1), (h)(2), (h)(3), and (j)) are amended by striking "merchandise which is the subject of the investigation" each place it appears and inserting "subject merchandise".

(U) Section 734(f)(2)(B) (19 U.S.C. 1673c(f)(2)(B)) is amended by striking "merchandise subject to the investigation" and inserting "subject merchandise".

(V) Section 735(a)(1) (19 U.S.C. 1673d(a)(1)) is amended by striking "merchandise which was the subject of the investigation" and inserting "subject merchandise".

(W) Section 736(a)(2) (19 U.S.C. 1673e(a)(2)) is amended by striking "class or kind of merchandise to which it applies" and inserting "subject merchandise".

(X) Section 736(b)(1) (19 U.S.C. 1673e(b)(1)) is amended by striking "merchandise subject to the antidumping duty order" and inserting "subject merchandise".

(Y) Section 736(b)(2) (19 U.S.C. 1673e(b)(2)) is amended by striking "merchandise subject to an antidumping duty order" and inserting "subject merchandise".

(Z) Section 762(a)(1) (19 U.S.C. 1676a(a)(1)) is amended by striking "merchandise subject to the agreement" and inserting "subject merchandise".

(AA) Section 762(b)(2) (19 U.S.C. 1676a(b)(2)) is amended by striking "merchandise subject to the order" and inserting "subject merchandise".

(BB) Section 771(7)(B)(i)(I) (19 U.S.C. 1677(7)(B)(i)(I)) is amended by striking "merchandise which is the subject of the investigation" and inserting "subject merchandise".

(CC) Section 771(9)(A) (19 U.S.C. 1677(9)(A)) is amended by striking "merchandise which is the subject of an investigation under this title" and inserting "subject merchandise".

(DD) Section 771(16)(A) (19 U.S.C. 1677(16)(A)) is amended by striking "merchandise which is the subject of an investigation" and inserting "subject merchandise".

(EE) Section 771(16)(B)(i) (19 U.S.C. 1677(16)(B)(i)) is amended by striking "merchandise which is the subject of an investigation" and inserting "subject merchandise".

(FF) Section 771(17) (19 U.S.C. 1677(17)) is amended by striking "merchandise which is the subject of the investigation" and inserting "subject merchandise".

(GG) Section 771A(c) (19 U.S.C. 1677-1(c)) is amended by striking "merchandise under investigation" and inserting "subject merchandise".

(6) Initiate.—(A) Each of the following sections is amended by striking "commenced" and inserting "initiated":

(i) Section 702(a).

(ii) Section 702(b)(1).

(iii) Section 703(b)(1).

(iv) Section 703(c)(1).

(v) Section 732(a)(1).

(vi) Section 732(a)(2)(D).

(vii) Section 732(b)(1).

(viii) Section 733(b)(1)(A) and (B).

(ix) Section 733(b)(2).

(x) Section 733(c)(1).

(B) Sections 703(g)(1) and 733(b)(2) are each amended by striking "commencement" and inserting "initiation".

(C) Section 732(a)(2)(B) is amended by striking "commence" and inserting "initiate".

(7) Technical amendments.—The table of contents for title VII is amended—

(A) by amending the item relating to section 772 to read as follows:

"Sec. 772. Export price and constructed export price.";

(B) by striking "Foreign market value" in the item relating to section 773 and inserting "Normal value", and

(C) by inserting after the item relating to section 708 the following new item:

"Sec. 709. Conditional payment of countervailing duty.".

(b) Other Conforming Amendments.—

(1) WTO member.—Section 771(7)(F)(iii) (19 U.S.C. 1677(7)(F)(iii)) is amended—

(A) in subclause (I), by striking "GATT member" and inserting "WTO member"; and

(B) in subclause (II)—

(i) in the subclause heading, by striking "GATT member" and inserting "WTO member";

(ii) by striking "GATT member" and inserting "WTO member"; and

(iii) by striking "signatory" and all that follows through "measures)" and inserting "WTO member".

(2) Administering authority.—Section 771(1) (19 U.S.C. 1677(1)) is amended by striking "the Treasury" and inserting "Commerce".

SEC. 234. APPLICATION TO CANADA AND MEXICO.

Pursuant to article 1902 of the North American Free Trade Agreement and section 408 of the North American Free Trade Agreement Implementation Act, the amendments made by this title shall apply with respect to goods from Canada and Mexico.

Subtitle B—Subsidies Provisions

PART 1—COUNTERVAILABLE SUBSIDIES

SEC. 251. COUNTERVAILABLE SUBSIDY.

(a) In General.—Section 771 (19 U.S.C. 1677) is amended by striking paragraph (5) and inserting the following:

"(5) Countervailable subsidy.—

"(A) In general.—Except as provided in paragraph (5B), a countervailable subsidy is a subsidy described in this paragraph which is specific as described in paragraph (5A).

"(B) Subsidy described.—A subsidy is described in this paragraph in the case in which an authority—

"(i) provides a financial contribution,

"(ii) provides any form of income or price support within the meaning of Article XVI of the GATT 1994, or

"(iii) makes a payment to a funding mechanism to provide a financial contribution, or entrusts or directs a private entity to make a financial contribution, if providing the contribution would normally be vested in the government and the practice does not differ in substance from practices normally followed by governments,

to a person and a benefit is thereby conferred. For purposes of this paragraph and paragraphs (5A) and (5B), the term 'authority' means a government of a country or any public entity within the territory of the country.

"(C) Other factors.—The determination of whether a subsidy exists shall be made without regard to whether the recipient of the subsidy is publicly or privately owned and without regard to whether the subsidy is provided directly or indirectly on the manufacture, production, or export of merchandise. The administering authority is not required to consider the effect of the subsidy in determining whether a subsidy exists under this paragraph.

"(D) Financial contribution.—The term 'financial contribution' means—

"(i) the direct transfer of funds, such as grants, loans, and equity infusions, or the potential direct transfer of funds or liabilities, such as loan guarantees,

"(ii) foregoing or not collecting revenue that is otherwise due, such as granting tax credits or deductions from taxable income,

"(iii) providing goods or services, other than general infrastructure, or

"(iv) purchasing goods.

"(E) Benefit conferred.—A benefit shall normally be treated as conferred where there is a benefit to the recipient, including—

"(i) in the case of an equity infusion, if the investment decision is inconsistent with the usual investment practice of private investors, including the practice regarding the provision of risk capital, in the country in which the equity infusion is made,

"(ii) in the case of a loan, if there is a difference between the amount the recipient of the loan pays on the loan and the amount the recipient would pay on a comparable commercial loan that the recipient could actually obtain on the market,

"(iii) in the case of a loan guarantee, if there is a difference, after adjusting for any difference in guarantee fees, between the amount the recipient of the guarantee pays on the guaranteed loan and the amount the recipient would pay for a comparable commercial loan if there were no guarantee by the authority, and

"(iv) in the case where goods or services are provided, if such goods or services are provided for less than adequate remuneration, and in the case where goods are purchased, if such goods are purchased for more than adequate remuneration.

For purposes of clause (iv), the adequacy of remuneration shall be determined in relation to prevailing market conditions for the good or service being provided or the goods being purchased in the country which is subject to the investigation or review. Prevailing market conditions include price, quality, availability, marketability, transportation, and other conditions of purchase or sale.

"(F) Change in ownership.—A change in ownership of all or part of a foreign enterprise or the productive assets of a foreign enterprise does not by itself require a determination by the administering authority that a past countervailable subsidy received by the enterprise no longer continues to be countervailable, even if the change in ownership is accomplished through an arm's length transaction.

"(5A) Specificity.—

"(A) In general.—A subsidy is specific if it is an export subsidy described in subparagraph (B) or an import substitution subsidy described in subparagraph (C), or if it is determined to be specific pursuant to subparagraph (D).

"(B) Export subsidy.—An export subsidy is a subsidy that is, in law or in fact, contingent upon export performance, alone or as 1 of 2 or more conditions.

"(C) Import substitution subsidy.—An import substitution subsidy is a subsidy that is contingent upon the use of domestic goods over imported goods, alone or as 1 of 2 or more conditions.

"(D) Domestic subsidy.—In determining whether a subsidy (other than a subsidy described in subparagraph (B) or (C)) is a specific subsidy, in law or in fact, to an enterprise or industry within the jurisdiction of the authority providing the subsidy, the following guidelines shall apply:

"(i) Where the authority providing the subsidy, or the legislation pursuant to which the authority operates, expressly limits access to the subsidy to an enterprise or industry, the subsidy is specific as a matter of law.

"(ii) Where the authority providing the subsidy, or the legislation pursuant to which the authority operates, establishes objective criteria or conditions governing the eligibility for, and the amount of, a subsidy, the subsidy is not specific as a matter of law, if—

"(I) eligibility is automatic,

"(II) the criteria or conditions for eligibility are strictly followed, and

"(III) the criteria or conditions are clearly set forth in the relevant statute, regulation, or other official document so as to be capable of verification.

For purposes of this clause, the term 'objective criteria or conditions' means criteria or conditions that are neutral and that do not favor one enterprise or industry over another.

"(iii) Where there are reasons to believe that a subsidy may be specific as a matter of fact, the subsidy is specific if one or more of the following factors exist:

"(I) The actual recipients of the subsidy, whether considered on an enterprise or industry basis, are limited in number.

"(II) An enterprise or industry is a predominant user of the subsidy.

"(III) An enterprise or industry receives a disproportionately large amount of the subsidy.

"(IV) The manner in which the authority providing the subsidy has exercised discretion in the decision to grant the subsidy indicates that an enterprise or industry is favored over others.

In evaluating the factors set forth in subclauses (I), (II), (III), and (IV), the administering authority shall take into account the extent of diversification of economic activities within the jurisdiction of the authority providing the subsidy, and the length of time during which the subsidy program has been in operation.

"(iv) Where a subsidy is limited to an enterprise or industry located within a designated geographical region within the jurisdiction of the authority providing the subsidy, the subsidy is specific.

For purposes of this paragraph and paragraph (5B), any reference to an enterprise or industry is a reference to a foreign enterprise or foreign industry and includes a group of such enterprises or industries.

"(5B) CATEGORIES OF NONCOUNTERVAILABLE SUBSIDIES.—

"(A) IN GENERAL.—Notwithstanding the provisions of paragraphs (5) and (5A), in the case of merchandise imported from a Subsidies Agreement country, a subsidy shall be treated as noncountervailable if the administering authority determines in an investigation under subtitle A or a review under subtitle C that the subsidy meets all of the criteria described in subparagraph (B), (C), or (D), as the case may be, or the provisions of subparagraph (E)(i) apply.

"(B) RESEARCH SUBSIDY.—

"(i) IN GENERAL.—Except for a subsidy provided on the manufacture, production, or export of civil aircraft, a subsidy for research activities conducted by a person, or by a higher education or research establishment on a contract basis with a person, shall be treated as noncountervailable, if the subsidy covers not more than 75 percent of the costs of industrial research or not more than 50 percent of the costs of precompetitive development activity, and such subsidy is limited exclusively to—

"(I) the costs of researchers, technicians, and other supporting staff employed exclusively in the research activity,

"(II) the costs of instruments, equipment, land, or buildings that are used exclusively and permanently (except when disposed of on a commercial basis) for the research activity,

"(III) the costs of consultancy and equivalent services used exclusively for the research activity, including costs for bought-in research, technical knowledge, and patents,

"(IV) additional overhead costs incurred directly as a result of the research activity, and

"(V) other operating costs (such as materials and supplies) incurred directly as a result of the research activity.

"(ii) DEFINITIONS.—For purposes of this subparagraph—

"(I) INDUSTRIAL RESEARCH.—The term 'industrial research' means planned search or critical investigation aimed at the discovery of new knowledge, with the objective that such knowledge may be useful in developing new products, processes, or services, or in bringing about a significant improvement to existing products, processes, or services.

"(II) PRECOMPETITIVE DEVELOPMENT ACTIVITY.—The term 'precompetitive development activity' means the translation of industrial research findings into a plan, blueprint, or design for new, modified, or improved products, processes, or services, whether intended for sale or use, including the creation of a first prototype that would not be capable of commercial use. The term also may include the conceptual formulation and design of products, processes, or services alternatives and initial demonstration or pilot projects, if these same projects cannot be converted or used for industrial application or commercial exploitation. The term does not include routine or periodic alterations to existing products, production lines, manufacturing processes, services, or other ongoing operations even if those alterations may represent improvements.

"(iii) CALCULATION RULES.—

"(I) IN GENERAL.—In the case of a research activity that spans both industrial research and precompetitive development activity, the allowable level of the noncountervailable subsidy shall not exceed 62.5 percent of the costs set forth in subclauses (I), (II), (III), (IV), and (V) of clause (i).

"(II) TOTAL ELIGIBLE COSTS.—The allowable level of a noncountervailable subsidy described in clause (i) shall be based on the total eligible costs incurred over the duration of a particular project.

"(C) SUBSIDY TO DISADVANTAGED REGIONS.—

"(i) IN GENERAL.—A subsidy provided, pursuant to a general framework of regional development, to a person located in a disadvantaged region within a country shall be treated as noncountervailable, if it is not specific (within the meaning of paragraph (5A)) within eligible regions and if the following conditions are met:

"(I) Each region identified as disadvantaged within the territory of a country is a clearly designated, contiguous geographical area with a definable economic and administrative identity.

"(II) Each region is considered a disadvantaged region on the basis of neutral and objective criteria indicating that the region is disadvantaged because of more than temporary circumstances, and such criteria are clearly stated in the relevant statute, regulation, or other official document so as to be capable of verification.

"(III) The criteria described in subclause (II) include a measurement of economic development.

"(IV) Programs provided within a general framework of regional development include ceilings on the amount of assistance that can be granted to a subsidized project. Such ceilings are differentiated according to the different levels of development of assisted regions, and are expressed in terms of investment costs or costs of job creation. Within such ceilings, the distribution of assistance is sufficiently broad and even to avoid the predominant use of a subsidy by, or the provision of disproportionately large amounts of a subsidy to, an enterprise or industry as described in paragraph (5A)(D).

"(ii) MEASUREMENT OF ECONOMIC DEVELOPMENT.—For purposes of clause (i), the measurement of economic development shall be based on one or more of the following factors:

"(I) Per capita income, household per capita income, or per capita gross domestic product that does not exceed 85 percent of the average for the country subject to investigation or review.

"(II) An unemployment rate that is at least 110 percent of the average unemployment rate for the country subject to investigation or review.

The measurement of economic development shall cover a 3-year period, but may be a composite measurement and may include factors other than those set forth in this clause.

"(iii) DEFINITIONS.—For purposes of this subparagraph—

"(I) GENERAL FRAMEWORK OF REGIONAL DEVELOPMENT.—The term 'general framework of regional development' means that the regional subsidy programs are part of an internally consistent and generally applicable regional development policy, and that regional development subsidies are not granted in isolated geographical points having no, or virtually no, influence on the development of a region.

"(II) NEUTRAL AND OBJECTIVE CRITERIA.—The term 'neutral and objective criteria' means criteria that do not favor certain regions beyond what is appropriate for the elimination or reduction of regional disparities within the framework of the regional development policy.

"(D) SUBSIDY FOR ADAPTATION OF EXISTING FACILITIES TO NEW ENVIRONMENTAL REQUIREMENTS.—

"(i) IN GENERAL.—A subsidy that is provided to promote the adaptation of existing facilities to new environmental requirements that are imposed by statute or by regulation, and that result in greater constraints and financial burdens on the recipient of the subsidy, shall be treated as noncountervailable, if the subsidy—

"(I) is a one-time nonrecurring measure,

"(II) is limited to 20 percent of the cost of adaptation,

"(III) does not cover the cost of replacing and operating the subsidized investment, a cost that must be fully borne by the recipient,

"(IV) is directly linked and proportionate to the recipient's planned reduction of nuisances and pollution, and does not cover any manufacturing cost savings that may be achieved, and

"(V) is available to all persons that can adopt the new equipment or production processes.

"(ii) EXISTING FACILITIES.—For purposes of this subparagraph, the term 'existing facilities' means facilities that have been in operation for at least 2 years before the date on which the new environmental requirements are imposed.

"(E) NOTIFIED SUBSIDY PROGRAM.—

"(i) GENERAL RULE.—If a subsidy is provided pursuant to a program that has been notified in accordance with Article 8.3 of the Subsidies Agreement, the subsidy shall be treated as noncountervailable and shall not be subject to investigation or review under this title.

"(ii) EXCEPTION.—Notwithstanding clause (i), a subsidy shall be treated as countervailable if—

"(I) the Trade Representative notifies the administering authority that a determination has been made pursuant to Article 8.4 or 8.5 of the Subsidies Agreement that the subsidy, or the program pursuant to which the subsidy was provided, does not satisfy the conditions and criteria of Article 8.2 of the Subsidies Agreement; and

"(II) the subsidy is specific within the meaning of paragraph (5A).

"(F) CERTAIN SUBSIDIES ON AGRICULTURAL PRODUCTS.—Domestic support measures that are provided with respect to products listed in Annex 1 to the Agreement on Agriculture, and that the administering authority determines conform fully to the provisions of Annex 2 to that Agreement, shall be treated as noncountervailable. Upon request by the administering authority, the Trade Representative shall provide advice regarding the interpretation and application of Annex 2.

"(G) PROVISIONAL APPLICATION.—

"(i) Subparagraphs (B), (C), (D), and (E) shall not apply on or after the first day of the month that is 66 months after the WTO Agreement enters into force, unless the provisions of such subparagraphs are extended pursuant to section 282(c) of the Uruguay Round Agreements Act.

"(ii) Subparagraph (F) shall not apply to imports from a WTO member country at the end of the 9-year period beginning on January 1, 1995. The Trade Representative shall determine the precise termination date for each WTO member country in accordance with paragraph (1) of Article 1 of the Agreement on Agriculture and such date shall be notified to the administering authority.".

(b) NET COUNTERVAILABLE SUBSIDY.—Section 771(6) (19 U.S.C. 1677(6)) is amended by inserting "countervailable" before "subsidy" each place it appears in the text and in the heading.

PART 2—REPEAL OF SECTION 303 AND CONFORMING AMENDMENTS

SEC. 261. REPEAL OF SECTION 303.

(a) IN GENERAL.—Section 303 of the Tariff Act of 1930 (19 U.S.C. 1303) is repealed effective on the effective date of this title.

(b) SAVINGS PROVISIONS.—

(1) CONTINUING EFFECT OF LEGAL DOCUMENTS.—All orders, determinations, and other administrative actions—

(A) which have been issued pursuant to an investigation conducted under section 303 of the Tariff Act of 1930, and

(B) which are in effect on the effective date of this title, or were final before such date and are to become effective on or after such date,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the administering authority, the International Trade Commission, or a court of competent jurisdiction, or by operation of law. Except as provided in paragraph (3), such orders or determinations shall be subject to review under section 751 of the Tariff Act of 1930 and, to the extent applicable, investigation under section 753 of such Act (as added by this title).

(2) PROCEEDINGS NOT AFFECTED.—The provisions of subsection (a) shall not affect any proceedings, including notices of proposed rulemaking, pending before the administering authority or the International Trade Commission on the effective date of this title with respect to such section 303. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, in accordance with such section 303 as in effect on the day before the effective date of this title and, except as provided in paragraph (3), shall be subject to review under section 751 of the Tariff Act of 1930 and, to the extent applicable, investigation under section 753 of such Act. Orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, set aside, or revoked in accordance with law by the administering authority, a court of competent jurisdiction, or by operation of law. Nothing in this section shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this section had not been enacted.

(3) SUITS NOT AFFECTED.—The provisions of subsection (a) shall not affect the review pursuant to section 516A of the Tariff Act of 1930 of a countervailing duty order issued pursuant to an investigation conducted under section 303 of such Act or a review of a countervailing duty order issued under section 751 of such Act, if such review is pending or the time for filing such review has not expired on the effective date of this title.

(c) DEFINITION OF ADMINISTERING AUTHORITY.—For purposes of this section, the term "administering authority" has the meaning given such term by section 771(1) of the Tariff Act of 1930.

(d) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—

(A) AMENDMENTS TO TRADE ACT OF 1974.—

(i) Section 331(d)(3) of the Trade Act of 1974 (19 U.S.C. 1303 note) is repealed.

(ii) Section 152(a)(2) of the Trade Act of 1974 (19 U.S.C. 2192(a)(2)) is amended by striking "(A) in the case of" and all that follows through "(B)".

(iii) Section 154(a) of the Trade Act of 1974 (19 U.S.C. 2194(a)) is amended by striking "or section 303(e) of the Tariff Act of 1930,".

(B) AMENDMENTS TO TARIFF ACT OF 1930.—The following sections of the Tariff Act of 1930 are amended:

(i) Section 315(d) (19 U.S.C. 1315(d)) is amended by inserting "(as in effect on the day before the effective date of title II of the Uruguay Round Agreements Act) or section 701" after "section 303".

(ii) Section 337(b)(3) (19 U.S.C. 1337(b)(3)) is amended—

(I) by striking "of section 303 or subtitle B of title VII of the Tariff Act of 1930" and inserting "of subtitle B of title VII of this Act",

(II) by striking "section 303, 671, or 673" and inserting "section 701 or 731",

(III) by striking "section 303, 701," and inserting "section 701",

(IV) by striking "of the Secretary under section 303 of this Act or", and

(V) by striking "matter within such section 303, 701, or" and inserting "matter within such section 701 or".

(iii) Section 701 (19 U.S.C. 1671) is amended by striking subsection (f).

(iv) Section 780(c)(1) (19 U.S.C. 1677l(c)(1)) is amended by striking ", 732(a), or 303" and inserting "or 732(a)".

(C) OTHER REFERENCES.—Any reference to section 303 in any other Federal law, Executive order, rule, or regulation shall be treated as a reference to section 303 of the Tariff Act of 1930 as in effect on the day before the effective date of title II of this Act.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the effective date of this title.

SEC. 262. IMPOSITION OF COUNTERVAILING DUTIES.

Section 701 (a), (b), and (c) (19 U.S.C. 1671 (a), (b), and (c)) are amended to read as follows:

"(a) GENERAL RULE.—If—

"(1) the administering authority determines that the government of a country or any public entity within the territory of a country is providing, directly or indirectly, a countervailable subsidy with respect to the manufacture, production, or export of a class or kind of merchandise imported, or sold (or likely to be sold) for importation, into the United States, and

"(2) in the case of merchandise imported from a Subsidies Agreement country, the Commission determines that—

"(A) an industry in the United States—

"(i) is materially injured, or

"(ii) is threatened with material injury, or

"(B) the establishment of an industry in the United States is materially retarded,

by reason of imports of that merchandise or by reason of sales (or the likelihood of sales) of that merchandise for importation,

then there shall be imposed upon such merchandise a countervailing duty, in addition to any other duty imposed, equal to the amount of the net countervailable subsidy. For purposes of this subsection and section 705(b)(1), a reference to the sale of merchandise includes the entering into of any leasing arrangement regarding the merchandise that is equivalent to the sale of the merchandise.

"(b) SUBSIDIES AGREEMENT COUNTRY.—For purposes of this title, the term 'Subsidies Agreement country' means—

"(1) a WTO member country,

"(2) a country which the President has determined has assumed obligations with respect to the United States which are substantially equivalent to the obligations under the Subsidies Agreement, or

"(3) a country with respect to which the President determines that—

"(A) there is an agreement in effect between the United States and that country which—

"(i) was in force on the date of the enactment of the Uruguay Round Agreements Act, and

"(ii) requires unconditional most-favored-nation treatment with respect to articles imported into the United States, and

"(B) the agreement described in subparagraph (A) does not expressly permit—

"(i) actions required or permitted by the GATT 1947 or GATT 1994, as defined in section 2(1) of the Uruguay Round Agreements Act, or required by the Congress, or

"(ii) nondiscriminatory prohibitions or restrictions on importation which are designed to prevent deceptive or unfair practices.

"(c) COUNTERVAILING DUTY INVESTIGATIONS INVOLVING IMPORTS NOT ENTITLED TO A MATERIAL INJURY DETERMINATION.—In the case of any article or merchandise imported from a country which is not a Subsidies Agreement country—

"(1) no determination by the Commission under section 703(a), 704, or 705(b) shall be required,

"(2) an investigation may not be suspended under section 704(c) or 704(l),

"(3) no determination as to the presence of critical circumstances shall be made under section 703(e) or 705(a)(2),

"(4) section 706(c) shall not apply,

"(5) any reference to a determination described in paragraph (1) or (3), or to the suspension of an investigation under section 704(c) or 704(l), shall be disregarded, and

"(6) section 751(c) shall not apply.".

SEC. 263. DE MINIMIS COUNTERVAILABLE SUBSIDY.

(a) PRELIMINARY DETERMINATIONS.—Section 703(b) (19 U.S.C. 1671b(b)) is amended by adding at the end the following new paragraph:

"(4) DE MINIMIS COUNTERVAILABLE SUBSIDY.—

"(A) GENERAL RULE.—In making a determination under this subsection, the administering authority shall disregard any de minimis countervailable subsidy. For purposes of the preceding sentence, a countervailable subsidy is de minimis if the administering authority determines that the aggregate of the net countervailable subsidies is less than 1 percent ad valorem or the equivalent specific rate for the subject merchandise.

"(B) EXCEPTION FOR DEVELOPING COUNTRIES.—In the case of subject merchandise imported from a Subsidies Agreement country (other than a country to which subparagraph (C) applies) designated by the Trade Representative as a developing country in accordance with section 771(36), a countervailable subsidy is de minimis if the administering authority determines that the aggregate of the net countervailable subsidies does not exceed 2 percent ad valorem or the equivalent specific rate for the subject merchandise.

"(C) CERTAIN OTHER DEVELOPING COUNTRIES.—In the case of subject merchandise imported from a Subsidies Agreement country that is—

"(i) a least developed country, as determined by the Trade Representative in accordance with section 771(36), or

"(ii) a developing country with respect to which the Trade Representative has notified the administering authority that the country has eliminated its export subsidies on an expedited basis within the meaning of Article 27.11 of the Subsidies Agreement,

subparagraph (B) shall be applied by substituting '3 percent' for '2 percent'.

"(D) LIMITATIONS ON APPLICATION OF SUBPARAGRAPH (C).—

"(i) IN GENERAL.—In the case of a country described in subparagraph (C)(i), the provisions of subparagraph (C) shall not apply after the date that is 8 years after the date the WTO Agreement enters into force.

"(ii) SPECIAL RULE FOR SUBPARAGRAPH (C)(ii) COUNTRIES.—In the case of a country described in subparagraph (C)(ii), the provisions of subparagraph (C) shall not apply after the earlier of—

"(I) the date that is 8 years after the date the WTO Agreement enters into force, or

"(II) the date on which the Trade Representative notifies the administering authority that such country is providing an export subsidy.".

(b) FINAL DETERMINATIONS.—Section 705(a) (19 U.S.C. 1671d(a)) is amended by adding at the end the following new paragraph:

"(3) DE MINIMIS COUNTERVAILABLE SUBSIDY.—In making a determination under this subsection, the administering authority shall disregard any countervailable subsidy that is de minimis as defined in section 703(b)(4).".

SEC. 264. DETERMINATION OF COUNTERVAILABLE SUBSIDY RATE.

(a) PRELIMINARY DETERMINATION.—Section 703(d) (19 U.S.C. 1673b(d)) is amended—

(1) by striking paragraph (2);

(2) by redesignating paragraph (1), as amended by section 215(a)(1), as paragraph (2);

(3) by inserting "and" at the end of paragraph (2), as so redesignated; and

(4) by inserting before such paragraph (2) the following new paragraph:

"(1)(A) shall—

"(i) determine an estimated individual countervailable subsidy rate for each exporter and producer individually investigated, and, in accordance with section 705(c)(5), an estimated all-others rate for all exporters and producers not individually investigated and for new exporters and producers within the meaning of section 751(a)(2)(B), or

"(ii) if section 777A(e)(2)(B) applies, determine a single estimated country-wide subsidy rate, applicable to all exporters and producers, and

"(B) shall order the posting of a cash deposit, bond, or other security, as the administering authority deems appropriate, for each entry of the subject merchandise in an amount based on the estimated individual countervailable subsidy rate, the estimated all-others rate, or the estimated country-wide subsidy rate, whichever is applicable,".

(b) FINAL DETERMINATION.—

(1) IN GENERAL.—Section 705(c)(1) (19 U.S.C. 1671d(c)(1)) is amended—

(A) in subparagraph (B)—

(i) by redesignating such subparagraph as subparagraph (C); and

(ii) by striking "under paragraphs (1) and (2)" and all that follows through "security" and inserting "the suspension of liquidation under paragraph (2) of section 703(d)";

(B) by striking "and" at the end of subparagraph (A); and

(C) by inserting after subparagraph (A) the following new subparagraph:

"(B)(i) the administering authority shall—

"(I) determine an estimated individual countervailable subsidy rate for each exporter and producer individually investigated, and, in accordance with paragraph (5), an estimated all-others rate for all exporters and producers not individually investigated and for new exporters and producers within the meaning of section 751(a)(2)(B), or

"(II) if 777A(e)(2)(B) applies, determine a single estimated country-wide subsidy rate, applicable to all exporters and producers,

"(ii) shall order the posting of a cash deposit, bond, or other security, as the administering authority deems appropriate, for each entry of the subject merchandise in an amount based on the estimated individual countervailable subsidy rate, the estimated all-others rate, or the estimated country-wide subsidy rate, whichever is applicable, and".

(2) METHOD FOR DETERMINING COUNTERVAILABLE SUBSIDY RATE.—Section 705(c) (19 U.S.C. 1671d(c)) is amended by adding at the end the following new paragraph:

"(5) METHOD FOR DETERMINING THE ALL-OTHERS RATE AND THE COUNTRY-WIDE SUBSIDY RATE.—

"(A) ALL-OTHERS RATE.—

"(i) GENERAL RULE.—For purposes of this subsection and section 703(d), the all-others rate shall be an amount equal to the weighted average countervailable subsidy rates established for exporters and producers individually investigated, excluding any zero and de minimis countervailable subsidy rates, and any rates determined entirely under section 776.

"(ii) EXCEPTION.—If the countervailable subsidy rates established for all exporters and producers individually investigated are zero or de minimis rates, or are determined entirely under section 776, the administering authority may use any reasonable method to establish an all-others rate for exporters and producers not individually investigated, including averaging the weighted average countervailable subsidy rates determined for the exporters and producers individually investigated.

"(B) COUNTRY-WIDE SUBSIDY RATE.—The administering authority may calculate a single country-wide subsidy rate, applicable to all exporters and producers, if the administering authority limits its examination pursuant to section 777A(e)(2)(B). The estimated country-wide rate determined under section 703(d)(1)(A)(ii) or paragraph (1)(B)(i)(II) of this subsection shall be based on industry-wide data regarding the use of subsidies determined to be countervailable.".

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 703(b)(2) is amended—

(A) by striking "subsection (b)(1)" and inserting "paragraph (1)",

(B) by striking "subsection 702(b)(3)" and inserting "section 702(b)(3)",

(C) by striking "subsection 703(b)(1)" and inserting "paragraph (1)", and

(D) by striking "section 703(c)" and inserting "subsection (c) of this section".

(2) Section 703(e)(2) is amended by striking "subsection (d)(1)" and inserting "subsection (d)(2)".

(3) Section 704(f)(2)(A) is amended—

(A) in clause (i), by striking "section 703(d)(1)" and inserting "section 703(d)(2)"; and

(B) in clause (iii), by striking "section 703(d)(1)" and inserting "section 703(d)(1)(B)".

(4) Section 704(f)(2)(B) is amended—

(A) by striking "section 703(d)(1)" and inserting "section 703(d)(2)"; and

(B) by striking "section 703(d)(2)" and inserting "section 703(d)(1)(B)".

(5) Section 704(h)(3) is amended—

(A) in subparagraph (A), by striking "section 703(d)(1)" and inserting "section 703(d)(2)"; and

(B) in subparagraph (B), by striking "section 703(d)(2)" and inserting "section 703(d)(1)(B)".

(6) Section 704(i)(1)(A) is amended by striking "section 703(d)(1)" and inserting "section 703(d)(2)".

(7) Section 705(c)(2) is amended—

(A) in subparagraph (A), by striking "section 703(d)(1)" and inserting "section 703(d)(2)"; and

(B) in subparagraph (B), by striking "section 703(d)(2)" and inserting "section 703(d)(1)(B)".

(8) Section 705(c)(3)(B) is amended by striking "section 703(d)(2)" and inserting "section 703(d)(1)(B)".

(9) Section 706(b)(1) is amended by striking "section 703(d)(1)" each place it appears and inserting "section 703(d)(2)".

(10) Section 707(a) is amended—

(A) by striking "section 703(d)(2)" and inserting "section 703(d)(1)(B)", and

(B) by striking "Section 703(d)(2)" in the heading and inserting "Section 703(d)(1)(B)".

(11) Section 708 is amended by striking "section 703(d)(2)" and inserting "section 703(d)(1)(B)".

SEC. 265. ASSESSMENT OF COUNTERVAILING DUTY.

Section 706(a) (19 U.S.C. 1671e(a)) is amended—

(1) by striking paragraph (2); and

(2) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

SEC. 266. NATURE OF COUNTERVAILABLE SUBSIDY.

Section 771(7)(E)(i) (19 U.S.C. 1677(7)(E)(i)) is amended to read as follows:

"(i) NATURE OF COUNTERVAILABLE SUBSIDY.—In determining whether there is a threat of material injury, the Commission shall consider information provided to it by the administering authority regarding the nature of the countervailable subsidy granted by a foreign country (particularly whether the countervailable subsidy is a subsidy described in Article 3 or 6.1 of the Subsidies Agreement) and the effects likely to be caused by the countervailable subsidy.".

SEC. 267. DEFINITION OF DEVELOPING AND LEAST-DEVELOPED COUNTRY.

Section 771 (19 U.S.C. 1677), as amended, is amended by adding at the end the following new paragraph:

"(36) DEVELOPING AND LEAST DEVELOPED COUNTRY.—

"(A) DEVELOPING COUNTRY.—The term 'developing country' means a country designated as a developing country by the Trade Representative.

"(B) LEAST DEVELOPED COUNTRY.—The term 'least developed country' means a country which the Trade Representative determines is—

"(i) a country referred to as a least developed country within the meaning of paragraph (a) of Annex VII to the Subsidies Agreement, or

"(ii) any other country listed in Annex VII to the Subsidies Agreement, but only if the country has a per capita gross national product of less than $1,000 per annum as measured by the most recent data available from the World Bank.

"(C) PUBLICATION OF LIST.—The Trade Representative shall publish in the Federal Register, and update as necessary, a list of—

"(i) developing countries that have eliminated their export subsidies on an expedited basis within the meaning of Article 27.11 of the Subsidies Agreement, and

"(ii) countries determined by the Trade Representative to be least developed or developing countries.

"(D) FACTORS TO CONSIDER.—In determining whether a country is a developing country under subparagraph (A), the Trade Representative shall consider such economic, trade, and other factors which the Trade Representative considers appropriate, including the level of economic development of such country (the assessment of which shall include a review of the country's per capita gross national product) and the country's share of world trade.

"(E) LIMITATION ON DESIGNATION.—A determination that a country is a developing or least developed country pursuant to this paragraph shall be for purposes of this title only and shall not affect the determination of a country's status as a developing or least developed country with respect to any other law.".

SEC. 268. UPSTREAM SUBSIDIES.

Section 771A(a) (19 U.S.C. 1677–1(a)) is amended—

(1) by striking the matter preceding paragraph (1) and paragraph (1) and inserting the following:

"(a) DEFINITION.—The term 'upstream subsidy' means any countervailable subsidy, other than an export subsidy, that—

"(1) is paid or bestowed by an authority (as defined in section 771(5)) with respect to a product (hereafter in this section referred to as an 'input product') that is used in the same country as the authority in the manufacture or production of merchandise which is the subject of a countervailing duty proceeding;", and

(2) in the flush sentence at the end thereof, by inserting "countervailable" before "subsidy".

SEC. 269. DETERMINATION OF COUNTERVAILABLE SUBSIDY RATE.

(a) IN GENERAL.—Section 777A (19 U.S.C. 1677f–1), as amended by section 229, is amended by adding at the end the following new subsection:

"(e) DETERMINATION OF COUNTERVAILABLE SUBSIDY RATE.—

"(1) GENERAL RULE.—In determining countervailable subsidy rates under section 703(d), 705(c), or 751(a), the administering authority shall determine an individual countervailable subsidy rate for each known exporter or producer of the subject merchandise.

"(2) EXCEPTION.—If the administering authority determines that it is not practicable to determine individual countervailable subsidy rates under paragraph (1) because of the large number of exporters or producers involved in the investigation or review, the administering authority may—

"(A) determine individual countervailable subsidy rates for a reasonable number of exporters or producers by limiting its examination to—

"(i) a sample of exporters or producers that the administering authority determines is statistically valid based on the information available to the administering authority at the time of selection, or

"(ii) exporters and producers accounting for the largest volume of the subject merchandise from the exporting country that the administering authority determines can be reasonably examined; or

"(B) determine a single country-wide subsidy rate to be applied to all exporters and producers.

The individual countervailable subsidy rates determined under subparagraph (A) shall be used to determine the all-others rate under section 705(c)(5).".

(b) CONFORMING AMENDMENTS.—

(1) The heading for section 777A, as amended by section 229, is amended by inserting **"and countervailable subsidy rate"** after **"margin"**

(2) The table of contents for title VII is amended by inserting "; determination of weighted average dumping margin and countervailable subsidy rate" after "averaging" in the item relating to section 777A.

SEC. 270. CONFORMING AMENDMENTS.

(a) COUNTERVAILABLE SUBSIDY.—

(1) Except as provided in paragraph (2), each of the following sections is amended by striking "subsidy" each place it appears in the text and in the heading and inserting "countervailable subsidy":

(A) Section 702(e) (19 U.S.C. 1671a(e)).

(B) Section 703(b)(1) (19 U.S.C. 1671b(b)(1)).

(C) Section 703(b)(2) (19 U.S.C. 1671b(b)(2)).

(D) Section 703(c)(1)(B)(i)(I) (19 U.S.C. 1671b(c)(1)(B)(i)(I)).

(E) Section 704 (19 U.S.C. 1671c).

(F) Section 705(a)(1) (19 U.S.C. 1671d(a)(1)).

(G) Section 705(a)(2) (19 U.S.C. 1671d(a)(2)).

(H) Section 706(a)(1) (19 U.S.C. 1671e(a)(1)).

(I) Section 761 (19 U.S.C. 1676).

(J) Section 762 (19 U.S.C. 1676a).

(K) Section 771A(b) (19 U.S.C. 1677–1(b)).

(L) Section 771A(c) (19 U.S.C. 1677–1(c)).

(M) Section 780(d)(1)(A)(ii) (19 U.S.C. 1677i(d)(1)(A)(ii)).

(N) Section 516A(a)(2)(B)(iv) (19 U.S.C. 1516a(a)(2)(B)(iv)).

(2)(A) The heading for section 704(b) (19 U.S.C. 1671c(b)) is amended by striking "Subsidy" and inserting "Countervailable Subsidy".

(B) The heading for section 771(A)(c) (19 U.S.C. 1677–1(c)) is amended by striking "Subsidy" and inserting "Countervailable Subsidy".

(b) COUNTERVAILABLE SUBSIDIES.—

(1) Except as provided in paragraph (2), each of the following sections is amended by striking "subsidies" each place it appears in the text and in the heading and inserting "countervailable subsidies":

(A) Section 701(d) (19 U.S.C. 1671(d)).

(B) Section 703(c)(1)(B)(i)(III) (19 U.S.C. 1671b(c)(1)(B)(i)(III)).

(C) Section 761 (19 U.S.C. 1676).

(D) Section 771B (19 U.S.C. 1677–2).

(2) The heading for section 761(a) and section 771B (19 U.S.C. 1676(a) and 1677–2) are each amended by striking "Subsidies" and inserting "Countervailable Subsidies".

(c) OTHER CONFORMING AMENDMENTS.—

(1) The heading for section 704(b) (19 U.S.C. 1671c(b)) is amended by striking "Subsidized Merchandise" and inserting "Subject Merchandise".

(2) Subparagraphs (C) and (D) of section 771(4) (19 U.S.C. 1677(4) (C) and (D)) are amended by striking "subsidized or" each place it appears and inserting "or imports of merchandise benefiting from a countervailable subsidy" after "imports".

(3) Section 771A (19 U.S.C. 1677–1), as amended, is amended in subsection (c), by striking "subsidization" and inserting "the countervailable subsidy".

(4) The table of contents for title VII is amended—

(A) in the item relating to section 771B, by inserting "countervailable" before "subsidies", and

(B) in the item relating to section 775, by striking "Subsidy" and inserting "Countervailable subsidy".

(d) SUBSIDIES AGREEMENT.—Section 702(e) (19 U.S.C. 1671a(e)) is amended by striking "Agreement" and inserting "Subsidies Agreement".

(e) SUBSIDIES AGREEMENT AND AGREEMENT ON AGRICULTURE.—Section 771(8) (19 U.S.C. 1677(8)) is amended to read as follows:

"(8) SUBSIDIES AGREEMENT; AGREEMENT ON AGRICULTURE.—

"(A) SUBSIDIES AGREEMENT.—The term 'Subsidies Agreement' means the Agreement on Subsidies and Countervailing Measures referred to in section 101(d)(12) of the Uruguay Round Agreements Act.

"(B) AGREEMENT ON AGRICULTURE.—The term 'Agreement on Agriculture' means the Agreement on Agriculture referred to in section 101(d)(2) of the Uruguay Round Agreements Act.".

PART 3—SECTION 303 INJURY INVESTIGATIONS

SEC. 271. SPECIAL RULES FOR INJURY INVESTIGATIONS FOR CERTAIN SECTION 303 COUNTERVAILING DUTY ORDERS AND INVESTIGATIONS.

(a) IN GENERAL.—Chapter 1 of subtitle C of title VII, as amended, is amended by inserting after section 752 the following new section:

"SEC. 753. SPECIAL RULES FOR INJURY INVESTIGATIONS FOR CERTAIN SECTION 303 COUNTERVAILING DUTY ORDERS AND INVESTIGATIONS.

"(a) IN GENERAL.—

"(1) INVESTIGATION BY THE COMMISSION UPON REQUEST.—In the case of a countervailing duty order described in paragraph (2), which—

"(A) applies to merchandise that is the product of a Subsidies Agreement country, and

"(B)(i) is in effect on the date on which such country becomes a Subsidies Agreement country, or

"(ii) is issued on a date that is after the date described in clause (i) pursuant to a court order in an action brought under section 516A,

the Commission, upon receipt of a request from an interested party described in section 771(9) (C), (D), (E), (F), or (G) for an injury investigation with respect to such order, shall initiate an investigation and shall determine whether an industry in the United States is likely to be materially injured by reason of imports of the subject merchandise if the order is revoked.

"(2) DESCRIPTION OF COUNTERVAILING DUTY ORDERS.—A countervailing duty order described in this paragraph is an order issued under section 303 with respect to which the requirement of an affirmative determination of material injury under section 303(a)(2) was not applicable at the time such order was issued.

“(3) REQUIREMENTS OF REQUEST FOR INVESTIGATION.—A request for an investigation under this subsection shall be submitted—

“(A) in the case of an order described in paragraph (1)(B)(i), within 6 months after the date on which the country described in paragraph (1)(A) becomes a Subsidies Agreement country, or

“(B) in the case of an order described in paragraph (1)(B)(ii), within 6 months after the date the order is issued.

“(4) SUSPENSION OF LIQUIDATION.—With respect to entries of subject merchandise made on or after—

“(A) in the case of an order described in paragraph (1)(B)(i), the date on which the country described in paragraph (1)(A) becomes a Subsidies Agreement country, or

“(B) in the case of an order described in paragraph (1)(B)(ii), the date on which the order is issued,

liquidation shall be suspended at the cash deposit rate in effect on the date described in subparagraph (A) or (B) (whichever is applicable).

“(b) INVESTIGATION PROCEDURE AND SCHEDULE.—

“(1) COMMISSION PROCEDURE.—

“(A) IN GENERAL.—Except as otherwise provided in this section, the provisions of this title regarding evidence in and procedures for investigations conducted under subtitle A shall apply to investigations conducted by the Commission under this section.

“(B) TIME FOR COMMISSION DETERMINATION.—Except as otherwise provided in subparagraph (C), the Commission shall issue its determination under subsection (a)(1), to the extent possible, not later than 1 year after the date on which the investigation is initiated under this section.

“(C) SPECIAL RULE TO PERMIT ADMINISTRATIVE FLEXIBILITY.—In the case of requests for investigations received under this section within 1 year after the date on which the WTO Agreement enters into force with respect to the United States, the Commission may, after consulting with the administering authority, initiate its investigations in a manner that results in determinations being made in all such investigations during the 4-year period beginning on such date.

“(2) NET COUNTERVAILABLE SUBSIDY; NATURE OF SUBSIDY.—

“(A) NET COUNTERVAILABLE SUBSIDY.—The administering authority shall provide to the Commission the net countervailable subsidy that is likely to prevail if the order which is the subject of the investigation is revoked. The administering authority normally shall choose a net countervailable subsidy that was determined under section 705 or subsection (a) or (b)(1) of section 751. If the Commission considers the magnitude of the net countervailable subsidy in making its determination under this section, the Commission shall use the net countervailable subsidy provided by the administering authority.

“(B) NATURE OF SUBSIDY.—The administering authority shall inform the Commission of, and the Commission, in making its determination under this section, shall consider, the nature of the countervailable subsidy and whether the countervailable subsidy is a subsidy described in Article 3 or Article 6.1 of the Subsidies Agreement.

“(3) EFFECT OF COMMISSION DETERMINATION.—

“(A) AFFIRMATIVE DETERMINATION.—Upon being notified by the Commission that it has made an affirmative determination under subsection (a)(1)—

“(i) the administering authority shall order the termination of the suspension of liquidation required pursuant to subsection (a)(4), and

“(ii) the countervailing duty order shall remain in effect until revoked, in whole or in part, under section 751(d).

For purposes of section 751(c), a countervailing duty order described in this section shall be treated as issued on the date of publication of the Commission's determination under this subsection.

“(B) NEGATIVE DETERMINATION.—

“(i) IN GENERAL.—Upon being notified by the Commission that it has made a negative determination under subsection (a)(1), the administering authority shall revoke the countervailing duty order, and shall refund, with interest, any estimated countervailing duties collected during the period liquidation was suspended pursuant to subsection (a)(4).

“(ii) LIMITATION ON NEGATIVE DETERMINATION.—A determination by the Commission that revocation of the order is not likely to result in material injury to an industry by reason of imports of the subject merchandise shall not be based, in whole or in part, on any export taxes, duties, or other charges levied on the export of the subject merchandise to the United States that were specifically intended to offset the countervailable subsidy received.

“(4) COUNTERVAILING DUTY ORDERS WITH RESPECT TO WHICH NO REQUEST FOR INJURY INVESTIGATION IS MADE.—If, with respect to a countervailing duty order described in subsection (a), a request for an investigation is not made within the time required by subsection (a)(3), the Commission shall notify the administering authority that a negative determination has been made under subsection (a) and the provisions of paragraph (3)(B) shall apply with respect to the order.

“(c) PENDING AND SUSPENDED COUNTERVAILING DUTY INVESTIGATIONS.—If, on the date on which a country becomes a Subsidies Agreement country, there is a countervailing duty investigation in progress or suspended under section 303 that applies to merchandise which is a product of that country and with respect to which the requirement of an affirmative determination of material injury under section 303(a)(2) was not applicable at the time the investigation was initiated, the Commission shall—

“(1) in the case of an investigation in progress, make a final determination under section 705(b) within 75 days after the date of an affirmative final determination, if any, by the administering authority,

“(2) in the case of a suspended investigation to which section 704(i)(1)(B) applies, make a final determination under section 705(b) within 120 days after receiving notice from the administering authority of the resumption of the investigation pursuant to section 704(i), or within 45 days after the date of an affirmative final determination, if any, by the administering authority, whichever is later, or

“(3) in the case of a suspended investigation to which section 704(i)(1)(C) applies, treat the countervailing duty order issued pursuant to such section as if it were—

“(A) an order issued under subsection (a)(1)(B)(ii) for purposes of subsection (a)(3); and

“(B) an order issued under subsection (a)(1)(B)(i) for purposes of subsection (a)(4).

“(d) PUBLICATION IN FEDERAL REGISTER.—The administering authority or the Commission, as the case may be, shall publish in the Federal Register a notice of the initiation of any investigation, and a notice of any determination or revocation, made pursuant to this section.

“(e) REQUEST FOR SIMULTANEOUS EXPEDITED REVIEW UNDER SECTION 751(c).—

“(1) GENERAL RULE.—

“(A) REQUESTS FOR REVIEWS.—Notwithstanding section 751(c)(6)(A) and except as provided in subparagraph (B), an interested party may request a review of an order under section 751(c) at the same time the party requests an investigation under subsection (a), if the order involves the same or comparable subject merchandise. Upon receipt of such request, the administering authority, after consulting with the Commission, shall initiate a review of the order under section 751(c). The Commission shall combine such review with the investigation under this section.

“(B) EXCEPTION.—If the administering authority determines that the interested party who requested an investigation under this section is a related party or an importer within the meaning of section 771(4)(B), the administering authority may decline a request by such party to initiate a review of an order under section 751(c) which involves the same or comparable subject merchandise.

“(2) CUMULATION.—If a review under section 751(c) is initiated under paragraph (1), such review shall be treated as having been initiated on the same day as the investigation under this section, and the Commission may, in accordance with section 771(7)(G), cumulatively assess the volume and effect of imports of the subject merchandise from all countries with respect to which such investigations are treated as initiated on the same day.

“(3) TIME AND PROCEDURE FOR COMMISSION DETERMINATION.—The Commission shall render its determination in the investigation conducted under this section at the same time as the Commission's determination is made in the review under section 751(c) that is initiated pursuant to this subsection. The Commission shall in all other respects apply the procedures and standards set forth in section 751(c) to such section 751(c) reviews.”.

(b) REVIEW OF DETERMINATIONS.—Section 516A(a)(2) (19 U.S.C. 1516a(a)(2)) is amended—

(1) in subparagraph (A)(i)(I), by striking “or (v)” and inserting “(v), or (viii)”, and

(2) in subparagraph (B), by adding at the end the following:

“(viii) A determination by the Commission under section 753(a)(1).”.

(c) CONFORMING AMENDMENT.—The table of contents for title VII, as amended, is amended by inserting after the item relating to section 752 the following new item:

“Sec. 753. Special rules for injury investigations for certain section 303 countervailing duty orders and investigations.”.

PART 4—ENFORCEMENT OF UNITED STATES RIGHTS UNDER THE SUBSIDIES AGREEMENT

SEC. 281. SUBSIDIES ENFORCEMENT.

(a) ASSISTANCE REGARDING MULTILATERAL SUBSIDY REMEDIES.—The administering authority shall provide information to the public upon request, and, to the extent feasible, assistance and advice to interested parties concerning—

(1) remedies and benefits available under relevant provisions of the Subsidies Agreement, and

(2) the procedures relating to such remedies and benefits.

(b) PROHIBITED SUBSIDIES.—

(1) NOTIFICATION OF TRADE REPRESENTATIVE.—If the administering authority determines pursuant to title VII of the Tariff Act of 1930 that a class or kind of merchandise is benefiting from a subsidy which is prohibited under Article 3 of the Subsidies Agreement, the administering authority shall notify the Trade Representative and shall provide the Trade Representative with the information upon which the administering authority based its determination.

(2) REQUEST BY INTERESTED PARTY REGARDING PROHIBITED SUBSIDY.—An interested party may request that the administering authority determine if there is reason to believe that merchandise produced in a WTO member country is benefiting from a subsidy which is prohibited under Article 3 of the Subsidies Agreement. The request shall contain such information as the administering authority may require to support the allegations contained in the request. If the administering authority, after analyzing the request and other information reasonably available to the administering authority, determines that there is reason to believe that such merchandise is benefiting from a subsidy which is prohibited under Article 3 of the Subsidies Agreement, the administering authority shall so notify the Trade Representative, and shall include supporting information with the notification.

(c) SUBSIDIES ACTIONABLE UNDER THE AGREEMENT.—

(1) IN GENERAL.—If the administering authority determines pursuant to title VII of the Tariff Act of 1930 that a class or kind of merchandise is benefiting from a subsidy described in Article 6.1 of the Subsidies Agreement, the administering authority shall notify the Trade Representative, and shall provide the Trade Representative with the information upon which the administering authority based its determination.

(2) REQUEST BY INTERESTED PARTY REGARDING ADVERSE EFFECTS.—An interested party may request the administering authority to determine if there is reason to believe that a subsidy which is actionable under the Subsidies Agreement is causing adverse effects. The request shall contain such information as the administering authority may require to support the allegations contained in the request. At the request of the administering authority, the Commission shall assist the administering authority in analyzing the information pertaining to the existence of such adverse effects. If the administering authority, after analyzing the request and other information reasonably available to the administering authority, determines that there is reason to believe that a subsidy which is actionable under the Subsidies Agreement is causing adverse effects, the administering authority shall so notify the Trade Representative, and shall include supporting information with the notification.

(d) INITIATION OF SECTION 301 INVESTIGATION.—On the basis of the notification and information provided by the administering authority pursuant to subsection (b) or (c), such other information as the Trade Representative may have or obtain, and where applicable, after consultation with an interested party referred to in subsection (b)(2) or (c)(2), the Trade Representative shall, unless such interested party objects, determine as expeditiously as possible, in accordance with the procedures in section 302(b)(1) of the Trade Act of 1974 (19 U.S.C. 2412(b)(1)), whether to initiate an investigation pursuant to title III of that Act (19 U.S.C. 2411 et seq.). At the request of the Trade Representative, the administering authority and the Commission shall assist the Trade Representative in an investigation initiated pursuant to this subsection.

(e) NONACTIONABLE SUBSIDIES.—

(1) COMPLIANCE WITH ARTICLE 8 OF THE SUBSIDIES AGREEMENT.—

(A) MONITORING.—In order to monitor whether a subsidy meets the conditions and criteria described in Article 8.2 of the Subsidies Agreement and is nonactionable, the Trade Representative shall provide the administering authority on a timely basis with any information submitted or report made pursuant to Article 8.3 or 8.4 of the Subsidies Agreement regarding a notified subsidy program. The administering authority shall review such information and reports, and where appropriate, shall recommend to the Trade Representative that the Trade Representative seek pursuant to Article 8.3 or 8.4 of the Subsidies Agreement additional information regarding the notified subsidy program or a subsidy granted pursuant to the notified subsidy program. If the administering authority has reason to believe that a violation of Article 8 of the Subsidies Agreement exists, the administering authority shall so notify the Trade Representative, and shall include supporting information with the notification.

(B) REQUEST BY INTERESTED PARTY REGARDING VIOLATION OF ARTICLE 8.—An interested party may request the administering authority to determine if there is reason to believe that a violation of Article 8 of the Subsidies Agreement exists. The request shall contain such information as the administering authority may require to support the allegations contained in the request. If the administering authority, after analyzing the request and other information reasonably available to the administering authority, determines that additional information is needed, the administering authority shall recommend to the Trade Representative that the Trade Representative seek, pursuant to Article 8.3 or 8.4 of the Subsidies Agreement, additional information regarding the particular notified subsidy program or a subsidy granted pursuant to the notified subsidy program. If the administering authority determines that there is reason to believe that a violation of Article 8 of the Subsidies Agreement exists, the administering authority shall so notify the Trade Representative, and shall include supporting information with the notification.

(C) ACTION BY TRADE REPRESENTATIVE.—

(i) If the Trade Representative, on the basis of the notification and information provided by the administering authority pursuant to subparagraph (A) or (B), and such other information as the Trade Representative may have or obtain, and after consulting with the interested party referred to in subparagraph (B) and appropriate domestic industries, determines that there is reason to believe that a violation of Article 8 of the Subsidies Agreement exists, the Trade Representative shall invoke the procedures of Article 8.4 or 8.5 of the Subsidies Agreement.

(ii) For purposes of clause (i), the Trade Representative shall determine that there is reason to believe that a violation of Article 8 exists in any case in which the Trade Representative determines that a notified subsidy program or a subsidy granted pursuant to a notified subsidy program does not satisfy the conditions and criteria required for a nonactionable subsidy program under this Act, the Subsidies Agreement, and the statement of administrative action approved under section 101(a).

(D) NOTIFICATION OF ADMINISTERING AUTHORITY.—The Trade Representative shall notify the administering authority whenever a violation of Article 8 of the Subsidies Agreement has been found to exist pursuant to Article 8.4 or 8.5 of that Agreement.

(2) SERIOUS ADVERSE EFFECTS.—

(A) REQUEST BY INTERESTED PARTY.—An interested party may request the administering authority to determine if there is reason to believe that serious adverse effects resulting from a program referred to in Article 8.2 of the Subsidies Agreement exist. The request shall contain such information as the administering authority may require to support the allegations contained in the request.

(B) ACTION BY ADMINISTERING AUTHORITY.—Within 90 days after receipt of the request described in subparagraph (A), the administering authority, after analyzing the request and other information reasonably available to the administering authority, shall determine if there is reason to believe that serious adverse effects resulting from a program referred to in Article 8.2 of the Subsidies Agreement exist. If the determination of the administering authority is affirmative, it shall so notify the Trade Representative and shall include supporting information with the notification. The Commission shall assist the administering authority in analyzing the information pertaining to the existence of such serious adverse effects if the administering authority requests the Commission's assistance. If the subsidy program that is alleged to result in serious adverse effects has been the subject of a countervailing duty investigation or review under subtitle A or C of title VII of the Tariff Act of 1930, the administering authority shall take into account the determinations made by the administering authority and the Commission in such investigation or review and the administering authority shall complete its analysis as expeditiously as possible.

(C) ACTION BY TRADE REPRESENTATIVE.—The Trade Representative, on the basis of the notification and information provided by the administering authority pursuant to subparagraph (B), and such other information as the Trade Representative may have or obtain, shall determine as expeditiously as possible, but not later than 30 days after receipt of the notification provided by the administering authority, if there is reason to believe that serious adverse effects exist resulting from the subsidy program which is the subject of the administering authority's notification. The Trade Representative shall make an affirmative determination regarding the existence of such serious adverse effects unless the Trade Representative finds that the notification of the administering authority is not supported by the facts.

(D) CONSULTATIONS.—If the Trade Representative determines that there is reason to believe that serious adverse effects resulting from the subsidy program exist, the Trade Representative, unless the interested party referred to in subparagraph (A) objects, shall invoke the procedures of Article 9 of the Subsidies Agreement, and shall request consultations pursuant to Article 9.2 of the Subsidies Agreement with respect to such serious adverse effects. If such consultations have not resulted in a mutually acceptable solution within 60 days after the request is made for such consultations, the Trade Representative shall refer the matter to the Subsidies Committee pursuant to Article 9.3 of the Subsidies Agreement.

(E) DETERMINATION BY SUBSIDIES COMMITTEE.—If the Trade Representative determines that—

(i) the Subsidies Committee has been prevented from making an affirmative determination regarding the existence of serious adverse effects under Article 9 of the Subsidies Agreement by reason of the refusal of the WTO member country with respect to which the consultations have been invoked to join in an affirmative consensus—

(I) that such serious adverse effects exist, or

(II) regarding a recommendation to such WTO member country to modify the subsidy program in such a way as to remove the serious adverse effects, or

(ii) the Subsidies Committee has not presented its conclusions regarding the existence of such serious adverse effects within 120 days after the date the matter was referred to it, as required by Article 9.4 of the Subsidies Agreement,

the Trade Representative shall, within 30 days after such determination, make a determination under section 304(a)(1) of the Trade Act of 1974 (19 U.S.C. 2414(a)(1)) regarding what action to take under section 301(a)(1)(A) of that Act.

(F) NONCOMPLIANCE WITH COMMITTEE RECOMMENDATION.—In the event that the Subsidies Committee makes a recommendation under Article 9.4 of the Subsidies Agreement and the WTO member country with respect to which such recommendation is made does not comply with such recommendation within 6 months after the date of the recommendation, the Trade Representative shall make a determination under section 304(a)(1) of the Trade Act of 1974 (19 U.S.C. 2414(a)(1)) regarding what action to take under section 301(a) of that Act.

(f) NOTIFICATION, CONSULTATION, AND PUBLICATION.—

(1) NOTIFICATION OF CONGRESS.—The Trade Representative shall submit promptly to the Committee on Ways and Means of the House of Representatives, the Committee on Finance of the Senate, and other appropriate committees of the Congress any information submitted or report made pursuant to Article 8.3 or 8.4 of the Subsidies Agreement regarding a notified subsidy program.

(2) PUBLICATION IN THE FEDERAL REGISTER.—The administering authority shall publish regularly in the Federal Register a summary notice of any information submitted or report made pursuant to Article 8.3 or 8.4 of the Subsidies Agreement regarding notified subsidy programs.

(3) CONSULTATIONS WITH CONGRESS AND PRIVATE SECTOR.—The Trade Representative and the administering authority promptly shall consult with the committees referred to in paragraph (1), and with interested representatives of the private sector, regarding all information submitted or reports made pursuant to Article 8.3 or 8.4 of the Subsidies Agreement regarding a notified subsidy program.

(4) ANNUAL REPORT.—Not later than February 1 of each year beginning in 1996, the Trade Representative and the administering authority shall issue a joint report to the Congress detailing—

(A) the subsidies practices of major trading partners of the United States, including subsidies that are prohibited, are causing serious prejudice, or are nonactionable, under the Subsidies Agreement, and

(B) the monitoring and enforcement activities of the Trade Representative and the administering authority during the preceding calendar year which relate to subsidies practices.

(g) COOPERATION OF OTHER AGENCIES.—All agencies, departments, and independent agencies of the Federal Government shall cooperate fully with one another in carrying out the provisions of this section, and, upon the request of the administering authority, shall furnish to the administering authority all records, papers, and information in their possession which relate to the requirements of this section.

(h) DEFINITIONS.—For purposes of this section—

(1) ADVERSE EFFECTS.—The term "adverse effects" has the meaning given that term in Articles 5(a) and 5(c) of the Subsidies Agreement.

(2) ADMINISTERING AUTHORITY.—The term "administering authority" has the meaning given that term in section 771(1) of the Tariff Act of 1930 (19 U.S.C. 1677(1)).

(3) COMMISSION.—The term "Commission" means the United States International Trade Commission.

(4) INTERESTED PARTY.—The term "interested party" means a party described in subparagraph (C), (D), (E), (F), or (G) of section 771(9) of the Tariff Act of 1930 (19 U.S.C. 1677(9) (A), (C), (D), (E), (F), or (G)).

(5) NONACTIONABLE SUBSIDY.—The term "nonactionable subsidy" means a subsidy described in Article 8.1(b) of the Subsidies Agreement.

(6) NOTIFIED SUBSIDY PROGRAM.—The term "notified subsidy program" means a subsidy program which has been notified pursuant to Article 8.3 of the Subsidies Agreement.

(7) SERIOUS ADVERSE EFFECTS.—The term "serious adverse effects" has the meaning given that term in Article 9.1 of the Subsidies Agreement.

(8) SUBSIDIES AGREEMENT.—The term "Subsidies Agreement" means the Agreement on Subsidies and Countervailing Measures described in section 771(8) of the Tariff Act of 1930 (19 U.S.C. 1677(8)).

(9) SUBSIDIES COMMITTEE.—The term "Subsidies Committee" means the committee established pursuant to Article 24 of the Subsidies Agreement.

(10) SUBSIDY.—The term "subsidy" has the meaning given that term in Article 1 of the Subsidies Agreement.

(11) TRADE REPRESENTATIVE.—The term "Trade Representative" means the United States Trade Representative.

(12) VIOLATION OF ARTICLE 8.—The term "violation of Article 8" means the failure of a notified subsidy program or an individual subsidy granted pursuant to a notified subsidy program to meet the applicable conditions and criteria described in Article 8.2 of the Subsidies Agreement.

(i) TREATMENT OF PROPRIETARY INFORMATION.—Notwithstanding any other provision of law, the administering authority may provide the Trade Representative with a copy of proprietary information submitted to, or obtained by, the administering authority that the Trade Representative considers relevant in carrying out its responsibilities under this part. The Trade Representative shall protect from public disclosure proprietary information obtained from the administering authority under this part.

SEC. 282. REVIEW OF SUBSIDIES AGREEMENT.

(a) GENERAL OBJECTIVES.—The general objectives of the United States under this part are—

(1) to ensure that parts II and III of the Agreement on Subsidies and Countervailing Measures referred to in section 101(d)(12) (hereafter in this section referred to as the "Subsidies Agreement") are effective in disciplining the use of subsidies and in remedying the adverse effects of subsidies, and

(2) to ensure that part IV of the Subsidies Agreement does not undermine the benefits derived from any other part of that Agreement.

(b) SPECIFIC OBJECTIVE.—The specific objective of the United States under this part shall be to create a mechanism which will provide for an ongoing review of the operation of part IV of the Subsidies Agreement.

(c) SUNSET OF NONCOUNTERVAILABLE SUBSIDIES PROVISIONS.—

(1) IN GENERAL.—Subparagraphs (B), (C), (D), and (E) of section 771(5B) of the Tariff Act of 1930 shall cease to apply as provided in subparagraph (G)(i) of such section, unless, before the date referred to in such subparagraph (G)(i)—

(A) the Subsidies Committee determines to extend Articles 6.1, 8, and 9 of the Subsidies Agreement as in effect on the date on which the Subsidies Agreement enters into force or in a modified form, in accordance with Article 31 of such Agreement,

(B) the President consults with the Congress in accordance with paragraph (2), and

(C) an implementing bill is submitted and enacted into law in accordance with paragraphs (3) and (4).

(2) CONSULTATION WITH CONGRESS BEFORE SUBSIDIES COMMITTEE AGREES TO EXTEND.—Before a determination is made by the Subsidies Committee to extend Articles 6.1, 8, and 9 of the Subsidies Agreement, the President shall consult with the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate regarding such extension.

(3) IMPLEMENTATION OF EXTENSION.—

(A) NOTIFICATION AND SUBMISSION.—Any extension of subparagraphs (B), (C), (D), and (E) of section 771(5B) of the Tariff Act of 1930 shall take effect if (and only if)—

(i) after the Subsidies Committee determines to extend Articles 6.1, 8, and 9 of the Subsidies Agreement, the President submits to the committees referred to in paragraph (2) a copy of the document describing the terms of such extension, together with—

(I) a draft of an implementing bill,

(II) a statement of any administrative action proposed to implement the extension, and

(III) the supporting information described in subparagraph (C); and

(ii) the implementing bill is enacted into law.

(B) IMPLEMENTING BILL.—The implementing bill referred to in subparagraph (A) shall contain only those provisions that are necessary or appropriate to implement an extension of the provisions of section 771(5B) (B), (C), (D), and (E) of the Tariff Act of 1930 as in effect on the day before the date of the enactment of the implementing bill or as modified to reflect the determination of the Subsidies Committee to extend Articles 6.1, 8, and 9 of the Subsidies Agreement.

(C) SUPPORTING INFORMATION.—The supporting information required under subparagraph (A)(i)(III) consists of—

(i) an explanation as to how the implementing bill and proposed administrative action will change or affect existing law; and

(ii) a statement regarding—

(I) how the extension serves the interests of United States commerce, and

(II) why the implementing bill and proposed administrative action is required or appropriate to carry out the extension.

(4) APPLICATION OF CONGRESSIONAL "FAST TRACK" PROCEDURES TO IMPLEMENTING BILL.—Section 151 of the Trade Act of 1974 (19 U.S.C. 2191) is amended—

(A) in subsection (b)(1)—

(i) by inserting ", or with respect to an extension described in section 282(c)(3) of the

Uruguay Round Agreements Act." after "trade agreements",

(ii) by striking "or section 1103(a)(1) of the Omnibus Trade and Competitiveness Act of 1988" and inserting ", section 1103(a)(1) of the Omnibus Trade and Competitiveness Act of 1988, or section 282 of the Uruguay Round Agreements Act", and

(iii) by inserting "or such extension" in subparagraphs (A) and (C) after "agreements" each place it appears, and

(B) in subsection (c)(1)—

(i) by inserting "or section 282 of the Uruguay Round Agreements Act" after "section 102", and

(ii) by inserting "or extension" after "agreement" each place it appears.

(5) REPORT BY THE TRADE REPRESENTATIVE.—Not later than the date referred to in section 771 (5B) (G)(i) of the Tariff Act of 1930, the Trade Representative shall submit to the Congress a report setting forth the provisions of law which were enacted to implement Articles 6.1, 8, and 9 of the Subsidies Agreement and should be repealed or modified if such provisions are not extended.

(d) REVIEW OF THE OPERATION OF THE SUBSIDIES AGREEMENT.—The Secretary of Commerce, in consultation with other appropriate departments and agencies of the Federal Government, shall undertake an ongoing review of the operation of the Subsidies Agreement. The review shall address—

(1) the effectiveness of part II of the Subsidies Agreement in disciplining the use of subsidies which are prohibited under Article 3 of the Agreement,

(2) the effectiveness of part III and, in particular, Article 6.1 of the Subsidies Agreement, in remedying the adverse effects of subsidies which are actionable under the Agreement, and

(3) the extent to which the provisions of part IV of the Subsidies Agreement may have undermined the benefits derived from other parts of the Agreement, and, in particular—

(A) the extent to which WTO member countries have cooperated in reviewing and improving the operation of part IV of the Subsidies Agreement,

(B) the extent to which the provisions of Articles 8.4 and 8.5 of the Subsidies Agreement have been effective in identifying and remedying violations of the conditions and criteria described in Article 8.2 of the Agreement, and

(C) the extent to which the provisions of Article 9 of the Subsidies Agreement have been effective in remedying the serious adverse effects of subsidy programs described in Article 8.2 of the Agreement.

Not later than 4 years and 6 months after the date of the enactment of this Act, the Secretary of Commerce shall submit to the Congress a report on the review required under this subsection.

SEC. 283. AMENDMENTS TO TITLE VII OF THE TARIFF ACT OF 1930.

(a) PRELIMINARY DETERMINATION BY ADMINISTERING AUTHORITY.—Section 703(b) of the Tariff Act of 1930 (19 U.S.C. 1671b(b)), as amended, is amended by adding at the end the following new paragraph:

"(5) NOTIFICATION OF ARTICLE 8 VIOLATION.—If the only subsidy under investigation is a subsidy with respect to which the administering authority received notice from the Trade Representative of a violation of Article 8 of the Subsidies Agreement, paragraph (1) shall be applied by substituting '60 days' for '65 days'.".

(b) SUBSIDY PRACTICE DISCOVERED DURING A PROCEEDING.—Section 775 of the Tariff Act of 1930 (19 U.S.C. 1677d) is amended to read as follows:

"SEC. 775. COUNTERVAILABLE SUBSIDY PRACTICES DISCOVERED DURING A PROCEEDING.

"If, in the course of a proceeding under this title, the administering authority discovers a practice which appears to be a countervailable subsidy, but was not included in the matters alleged in a countervailing duty petition, or if the administering authority receives notice from the Trade Representative that a subsidy or subsidy program is in violation of Article 8 of the Subsidies Agreement, then the administering authority—

"(1) shall include the practice, subsidy, or subsidy program in the proceeding if the practice, subsidy, or subsidy program appears to be a countervailable subsidy with respect to the merchandise which is the subject of the proceeding, or

"(2) shall transfer the information (other than confidential information) concerning the practice, subsidy, or subsidy program to the library maintained under section 777(a)(1), if the practice, subsidy, or subsidy program appears to be a countervailable subsidy with respect to any other merchandise.".

(c) ADMINISTRATIVE REVIEWS.—Section 751 of the Tariff Act of 1930 (19 U.S.C. 1675), as amended, is amended by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following new subsection:

"(g) REVIEWS TO IMPLEMENT RESULTS OF SUBSIDIES ENFORCEMENT PROCEEDING.—

"(1) VIOLATIONS OF ARTICLE 8 OF THE SUBSIDIES AGREEMENT.—If—

"(A) the administering authority receives notice from the Trade Representative of a violation of Article 8 of the Subsidies Agreement,

"(B) the administering authority has reason to believe that merchandise subject to an existing countervailing duty order or suspended investigation is benefiting from the subsidy or subsidy program found to have been in violation of Article 8 of the Subsidies Agreement, and

"(C) no review pursuant to subsection (a)(1) is in progress,

the administering authority shall conduct a review of the order or suspended investigation to determine whether the subject merchandise benefits from the subsidy or subsidy program found to have been in violation of Article 8 of the Subsidies Agreement. If the administering authority determines that the subject merchandise is benefiting from the subsidy or subsidy program, it shall make appropriate adjustments in the estimated duty to be deposited or appropriate revisions to the terms of the suspension agreement.

"(2) WITHDRAWAL OF SUBSIDY OR IMPOSITION OF COUNTERMEASURES.—If the Trade Representative notifies the administering authority that, pursuant to Article 4 or Article 7 of the Subsidies Agreement—

"(A)(i) the United States has imposed countermeasures, and

"(ii) such countermeasures are based on the effects in the United States of imports of merchandise that is the subject of a countervailing duty order, or

"(B) a WTO member country has withdrawn a countervailable subsidy provided with respect to merchandise subject to a countervailing duty order,

the administering authority shall conduct a review to determine if the amount of the estimated duty to be deposited should be adjusted or the order should be revoked.

"(3) EXPEDITED REVIEW.—The administering authority shall conduct reviews under this subsection on an expedited basis, and shall publish the results of such reviews in the Federal Register.".

Subtitle C—Effective Date

SEC. 291. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in section 261, the amendments made by this title shall take effect on the date described in subsection (b) and apply with respect to—

(1) investigations initiated —

(A) on the basis of petitions filed under section 702(b), 732(b), or 783(b) of the Tariff Act of 1930 after the date described in subsection (b), or

(B) by the administering authority under section 702(a) or 732(a) of such Act after such date,

(2) reviews initiated under section 751 of such Act—

(A) by the administering authority or the Commission on their own initiative after such date, or

(B) pursuant to a request filed after such date,

(3) investigations initiated under section 753 of such Act after such date,

(4) petitions filed under section 780 of such Act after such date, and

(5) inquiries initiated under section 781 of such Act—

(A) by the administering authority on its own initiative after such date, or

(B) pursuant to a request filed after such date.

(b) DATE DESCRIBED.—The date described in this subsection is the date on which the WTO Agreement (as defined in section 2(9)) enters into force with respect to the United States.

TITLE III—ADDITIONAL IMPLEMENTATION OF AGREEMENTS

Subtitle A—Safeguards

SEC. 301. INVESTIGATIONS, DETERMINATIONS, AND RECOMMENDATIONS BY INTERNATIONAL TRADE COMMISSION.

(a) TREATMENT OF CONFIDENTIAL INFORMATION.—Section 202(a)(8) of the Trade Act of 1974 (19 U.S.C. 2252(a)(8)) is amended by adding at the end the following: "The Commission may request that parties providing confidential business information furnish nonconfidential summaries thereof or, if such parties indicate that the information in the submission cannot be summarized, the reasons why a summary cannot be provided. If the Commission finds that a request for confidentiality is not warranted and if the party concerned is either unwilling to make the information public or to authorize its disclosure in generalized or summarized form, the Commission may disregard the submission.".

(b) ADMINISTRATIVE PROTECTIVE ORDERS.—Section 202 of the Trade Act of 1974 (19 U.S.C. 2252) is amended by adding at the end the following:

"(i) LIMITED DISCLOSURE OF CONFIDENTIAL BUSINESS INFORMATION UNDER PROTECTIVE ORDER..—The Commission shall promulgate regulations to provide access to confidential business information under protective order to authorized representatives of interested parties who are parties to an investigation under this section.".

(c) NOTICE OF PROCEEDINGS.—Section 202(b) of the Trade Act of 1974 (19 U.S.C. 2252(b)) is amended by striking paragraphs (3) and (4) and inserting the following:

"(3) The Commission shall publish notice of the commencement of any proceeding under this subsection in the Federal Register and shall, within a reasonable time thereafter, hold public hearings at which the Commission shall afford interested parties and consumers an opportunity to be present, to present evidence, to comment on the adjustment plan, if any, submitted under subsection (a), to respond to the presentations of other parties and consumers, and otherwise to be heard.".

(d) Critical Circumstances.—

(1) In general.—Section 202(d)(2) of the Trade Act of 1974 (19 U.S.C. 2252(d)(2)) is amended to read as follows:

"(2)(A) When a petition filed under subsection (a) alleges that critical circumstances exist and requests that provisional relief be provided under this subsection with respect to imports of the article identified in the petition, the Commission shall, not later than 60 days after the petition containing the request was filed, determine, on the basis of available information, whether—

"(i) there is clear evidence that increased imports (either actual or relative to domestic production) of the article are a substantial cause of serious injury, or the threat thereof, to the domestic industry producing an article like or directly competitive with the imported article; and

"(ii) delay in taking action under this chapter would cause damage to that industry that would be difficult to repair.

"(B) If the determinations under subparagraph (A)(i) and (ii) are affirmative, the Commission shall find the amount or extent of provisional relief that is necessary to prevent or remedy the serious injury. In carrying out this subparagraph, the Commission shall give preference to increasing or imposing a duty on imports, if such form of relief is feasible and would prevent or remedy the serious injury.

"(C) The Commission shall immediately report to the President its determinations under subparagraph (A)(i) and (ii) and, if the determinations are affirmative, the finding under subparagraph (B).

"(D) Within 30 days after receiving a report from the Commission under subparagraph (C) containing an affirmative determination under subparagraph (A)(i) and (ii), the President, if he considers provisional relief to be warranted and after taking into account the finding of the Commission under subparagraph (B), shall proclaim, for a period not to exceed 200 days, such provisional relief that the President considers necessary to prevent or remedy the serious injury. Such relief shall take the form of an increase in, or the imposition of, a duty on imports, if such form of relief is feasible and would prevent or remedy the serious injury.".

(2) Time limits for determinations.—Section 202 of the Trade Act of 1974 (19 U.S.C. 2252) is amended—

(A) in subsection (b)(2)—

(i) in subparagraph (A) by inserting "(180 days if the petition alleges that critical circumstances exist)" after "120 days"; and

(ii) in subparagraph (B) by inserting "(210 days if the petition alleges that critical circumstances exist)" after "150 days"; and

(B) in subsection (f)(1) by inserting "(240 days if the petition alleges that critical circumstances exist)" after "180 days".

(3) Action by the President.—Section 203(a)(4) of the Trade Act of 1974 (19 U.S.C. 2253(a)(4)) is amended—

(A) by striking "The" and inserting "(A) Subject to subparagraph (B), the";

(B) by inserting after "60 days" the following: "(50 days if the President has proclaimed provisional relief under section 202(d)(2)(D) with respect to the article concerned)"; and

(C) by striking "; except that" and all that follows through "received." and inserting a period and the following:

"(B) If a supplemental report is requested under paragraph (5), the President shall take action under paragraph (1) within 30 days after the supplemental report is received, except that, in a case in which the President has proclaimed provisional relief under section 202(d)(2)(D) with respect to the article concerned, action by the President under paragraph (1) may not be taken later than the 200th day after the provisional relief was proclaimed.".

(4) Conforming amendments.—Section 202(d) of the Trade Act of 1974 (19 U.S.C. 2252(d)) is amended—

(A) in paragraph (3)—

(i) by striking "(2)(B)" and inserting "(2)(D)"; and

(ii) by striking "subsection (b)(1)" and inserting "paragraph (2)(A)"; and

(B) in paragraph (4)(A)(i) by inserting "or (2)(D)" after "(1)(G)".

(e) Factors in Making Determinations.—Section 202(c) of the Trade Act of 1974 (19 U.S.C. 2252(c)) is amended—

(1) in paragraph (1)(B)(i) by inserting "productivity," after "wages,"; and

(2) in paragraph (6)—

(A) by amending subparagraph (A) to read as follows:

"(A)(i) The term 'domestic industry' means, with respect to an article, the producers as a whole of the like or directly competitive article or those producers whose collective production of the like or directly competitive article constitutes a major proportion of the total domestic production of such article.

"(ii) The term 'domestic industry' includes producers located in the United States insular possessions."; and

(B) by adding at the end the following:

"(C) The term 'serious injury' means a significant overall impairment in the position of a domestic industry.

"(D) The term 'threat of serious injury' means serious injury that is clearly imminent.

(f) Limitations on Investigations.—Section 202(h) of the Trade Act of 1974 (19 U.S.C. 2252(h)) is amended by adding at the end the following:

"(3)(A) Not later than the date on which the Textiles Agreement enters into force with respect to the United States, the Secretary of Commerce shall publish in the Federal Register a list of all articles that are subject to the Textiles Agreement. An investigation may be conducted under this section concerning imports of any article that is subject to the Textiles Agreement only if the United States has integrated that article into GATT 1994 pursuant to the Textiles Agreement, as set forth in notices published in the Federal Register by the Secretary of Commerce, including the notice published under section 331 of the Uruguay Round Agreements Act.

"(B) For purposes of this paragraph:

"(i) The term 'Textiles Agreement' means the Agreement on Textiles and Clothing referred to in section 101(d)(4) of the Uruguay Round Agreements Act.

"(ii) The term 'GATT 1994' has the meaning given that term in section 2(1)(B) of the Uruguay Round Agreements Act.".

SEC. 302. ACTION BY PRESIDENT AFTER DETERMINATION OF IMPORT INJURY.

(a) Authority to Enter Into International Agreements.—Section 203 of the Trade Act of 1974 (19 U.S.C. 2253) is amended—

(1) in subsection (a)(3)(E) by striking "orderly marketing";

(2) in subsection (d)(1) by striking "orderly marketing agreements" and inserting "agreements described in subsection (a)(3)(E)";

(3) in subsection (f)—

(A) in the subsection heading by striking "Orderly Marketing and Other" and inserting "Certain";

(B) in paragraph (1)—

(i) by striking "orderly marketing agreements" the first place it appears and inserting "agreements of the type described in subsection (a)(3)(E)"; and

(ii) by striking "orderly marketing agreements with foreign countries" and inserting "agreements of the type described in subsection (a)(3)(E)"; and

(C) in paragraph (2) by striking "orderly marketing agreement implemented under subsection (a)" and inserting "agreement implemented under subsection (a)(3)(E)"; and

(4) in subsection (g)(2)—

(A) in the first sentence by striking "orderly marketing or other"; and

(B) in the second sentence—

(i) by striking "orderly marketing agreement" and inserting "agreement of the type described in subsection (a)(3)(E) that is"; and

(ii) by striking "agreements" and inserting "agreement".

(b) Limitations on Actions.—

(1) Duration of actions.—Section 203(e)(1) of the Trade Act of 1974 (19 U.S.C. 2253(e)(1)) is amended to read as follows:

"(1)(A) Subject to subparagraph (B), the duration of the period in which an action taken under this section may be in effect shall not exceed 4 years. Such period shall include the period, if any, in which provisional relief under section 202(d) was in effect.

"(B)(i) Subject to clause (ii), the President, after receiving an affirmative determination from the Commission under section 204(c) (or, if the Commission is equally divided in its determination, a determination which the President considers to be an affirmative determination of the Commission), may extend the effective period of any action under this section if the President determines that—

"(I) the action continues to be necessary to prevent or remedy the serious injury; and

"(II) there is evidence that the domestic industry is making a positive adjustment to import competition.

"(ii) The effective period of any action under this section, including any extensions thereof, may not, in the aggregate, exceed 8 years.".

(2) Limitation on quantitative restrictions.—Section 203(e)(4) of the Trade Act of 1974 (19 U.S.C. 2253(e)(4)) is amended to read as follows:

"(4) Any action taken under this section proclaiming a quantitative restriction shall permit the importation of a quantity or value of the article which is not less than the average quantity or value of such article entered into the United States in the most recent 3 years that are representative of imports of such article and for which data are available, unless the President finds that the importation of a different quantity or value is clearly justified in order to prevent or remedy the serious injury.".

(3) Phasing-down of actions.—Section 203(e)(5) of the Trade Act of 1974 (19 U.S.C. 2253(e)(5)) is amended to read as follows:

"(5) An action described in subsection (a)(3)(A), (B), or (C) that has an effective period of more than 1 year shall be phased down at regular intervals during the period in which the action is in effect.”.

(4) LIMITATIONS ON NEW ACTIONS AND INVESTIGATIONS OF SAME ARTICLE.—(A) Section 203(e) of the Trade Act of 1974 (19 U.S.C. 2253(e)) is amended by adding at the end the following:

“(7)(A) If an article was the subject of an action under subparagraph (A), (B), (C), or (E) of subsection (a)(3), no new action may be taken under any of those subparagraphs with respect to such article for—

“(i) a period beginning on the date on which the previous action terminates that is equal to the period in which the previous action was in effect, or

“(ii) a period of 2 years beginning on the date on which the previous action terminates,

whichever is greater.

“(B) Notwithstanding subparagraph (A), if the previous action under subparagraph (A), (B), (C), or (E) of subsection (a)(3) with respect to an article was in effect for a period of 180 days or less, the President may take a new action under any of those subparagraphs with respect to such article if—

“(i) at least 1 year has elapsed since the previous action went into effect; and

“(ii) an action described in any of those subparagraphs has not been taken with respect to such article more than twice in the 5-year period immediately preceding the date on which the new action with respect to such article first becomes effective.”.

(B) Section 202(h)(2) of the Trade Act of 1974 (19 U.S.C. 2252(h)(2)) is amended to read as follows:

“(2) No new investigation shall be conducted with respect to an article that is or has been the subject of an action under section 203(a)(3)(A), (B), (C), or (E) if the last day on which the President could take action under section 203 in the new investigation is a date earlier than that permitted under section 203(e)(7).”.

(c) REPORTS ON MONITORING.—Section 204(a) of the Trade Act of 1974 (19 U.S.C. 2354(a)) is amended—

(1) by amending paragraph (2) to read as follows:

“(2) If the initial period during which the action taken under section 203 is in effect exceeds 3 years, or if an extension of such action exceeds 3 years, the Commission shall submit a report on the results of the monitoring under paragraph (1) to the President and to the Congress not later than the date that is the mid-point of the initial period, and of each such extension, during which the action is in effect.”; and

(2) in paragraph (4) by striking “extension,”.

(d) INVESTIGATION OF EXTENSION OF ACTION.—Section 204 of the Trade Act of 1974 (19 U.S.C. 2254) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following:

“(c) EXTENSION OF ACTION.—

“(1) Upon request of the President, or upon petition on behalf of the industry concerned filed with the Commission not earlier than the date which is 9 months, and not later than the date which is 6 months, before the date any action taken under section 203 is to terminate, the Commission shall investigate to determine whether action under section 203 continues to be necessary to prevent or remedy serious injury and whether there is evidence that the industry is making a positive adjustment to import competition.

“(2) The Commission shall publish notice of the commencement of any proceeding under this subsection in the Federal Register and shall, within a reasonable time thereafter, hold a public hearing at which the Commission shall afford interested parties and consumers an opportunity to be present, to present evidence, and to respond to the presentations of other parties and consumers, and otherwise to be heard.

“(3) The Commission shall transmit to the President a report on its investigation and determination under this subsection not later than 60 days before the action under section 203 is to terminate, unless the President specifies a different date.”.

SEC. 303. MISCELLANEOUS AMENDMENTS.

Title II of the Trade Act of 1974 is amended as follows:

(1) Section 202(a)(2)(B)(ii) (19 U.S.C. 2252(a)(2)(B)(ii)) is amended by striking “, or at any time before the 150th day after the date of filing be amended to request,”.

(2) Section 202(b)(1)(A) (19 U.S.C. 2252(b)(1)(A)) is amended by striking “(b)” and inserting “(a)”.

(3) Section 202(d)(1) (19 U.S.C. 2252(d)(1)) is amended—

(A) in subparagraph (C)(i) by striking “paragraph (2)” and inserting “subparagraph (B)”; and

(B) by striking “or threat thereof” each place it appears in subparagraphs (E) and (G).

(4) Section 202(d)(4)(A)(i) (19 U.S.C. 2252(d)(4)(A)(i) is amended by striking “203(a)” and inserting “202(b)”.

(5) Section 202(c)(6) (19 U.S.C. 2252(c)(6)) is amended by striking “subsection” and inserting “section”.

(6) Section 202(f)(2)(G)(ii) (19 U.S.C. 2252(f)(2)(G)(ii)) is amended by striking “is” and inserting “are”.

(7) Section 203(a)(2)(C) (19 U.S.C. 2253(a)(2)(C)) is amended by striking “201(b)” and inserting “202(a)”.

(8) Section 203(c) (19 U.S.C. 2253(c)) is amended by striking “(c)(2)” and inserting “(d)(2)”.

(9) Section 203(e)(2) (19 U.S.C. 2253(e)(2)) is amended—

(A) by striking “may be taken under subsection (a)(1)(A), (B), or (C) or under section 202(d)(2)(B)” and inserting “of a type described in subsection (a)(3)(A), (B), or (C) may be taken under subsection (a)(1), under section 202(d)(1)(G), or under section 202(d)(2)(D)”; and

(B) by striking “or threat thereof”.

(10) Section 203(e)(6)(B) (19 U.S.C. 2253(e)(6)(B)) is amended—

(A) by striking “203(c)” and inserting “202(e)”; and

(B) by striking “203(a)” and inserting “202(b)”.

SEC. 304. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this subtitle and the amendments made by this subtitle take effect on the date on which the WTO Agreement enters into force with respect to the United States.

(b) SECTION 301(b).—The amendment made by section 301(b) takes effect on the date of the enactment of this Act.

Subtitle B—Foreign Trade Barriers and Unfair Trade Practices

SEC. 311. IDENTIFICATION OF FOREIGN ANTICOMPETITIVE PRACTICES.

(a) REPORT TO CONGRESS.—

(1) CONTENTS OF REPORT.—Section 181(b)(2) of the Trade Act of 1974 (19 U.S.C. 2241(b)(2)) is amended—

(A) in subparagraph (A) by striking “or” after the comma;

(B) in subparagraph (B) by striking the period and inserting “, or”; and

(C) by adding after subparagraph (B) the following:

“(C) a section on foreign anticompetitive practices, the toleration of which by foreign governments is adversely affecting exports of United States goods or services.”.

(2) ASSISTANCE OF OTHER AGENCIES.—Section 181(c) of the Trade Act of 1974 (19 U.S.C. 2241(c)) is amended by adding at the end of paragraph (1) the following: “In preparing the section of the report required by subsection (b)(2)(C), the Trade Representative shall consult in particular with the Attorney General.”.

SEC. 312. CONSULTATION WITH COMMITTEES.

Section 181(b)(3) of the Trade Act of 1974 (19 U.S.C. 2241(b)(3)) is amended by adding at the end the following: “After the submission of the report required by paragraph (1), the Trade Representative shall also consult periodically with, and take into account the views of, the committees described in that paragraph regarding means to address the foreign trade barriers identified in the report, including the possible initiation of investigations under section 302 or other trade actions.”.

SEC. 313. IDENTIFICATION OF COUNTRIES THAT DENY PROTECTION OF INTELLECTUAL PROPERTY RIGHTS.

Section 182 of the Trade Act of 1974 (19 U.S.C. 2242) is amended—

(1) in subsection (b) by adding at the end the following:

“(4) In identifying foreign countries under paragraphs (1) and (2) of subsection (a), the Trade Representative shall take into account—

“(A) the history of intellectual property laws and practices of the foreign country, including any previous identification under subsection (a)(2), and

“(B) the history of efforts of the United States, and the response of the foreign country, to achieve adequate and effective protection and enforcement of intellectual property rights.”; and

(2) in subsection (d)—

(A) in paragraph (3) by amending the matter preceding subparagraph (A) to read as follows:

“(3) A foreign country denies fair and equitable market access if the foreign country effectively denies access to a market for a product protected by a copyright or related right, patent, trademark, mask work, trade secret, or plant breeder's right, through the use of laws, procedures, practices, or regulations which—”; and

(B) by adding at the end the following:

“(4) A foreign country may be determined to deny adequate and effective protection of intellectual property rights, notwithstanding the fact that the foreign country may be in compliance with the specific obligations of the Agreement on Trade-Related Aspects of Intellectual Property Rights referred to in section 101(d)(15) of the Uruguay Round Agreements Act.”; and

(3) by adding at the end the following:

“(g) ANNUAL REPORT.—The Trade Representative shall, by not later than the date by which countries are identified under subsection (a), transmit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate, a report on actions taken under this section during the 12 months preceding such report, and the reasons for such actions, including a description of progress made in achieving improved intellectual property protection and market access for persons relying on intellectual property rights.”.

SEC. 314. AMENDMENTS TO TITLE III OF THE TRADE ACT OF 1974.

(a) Scope of Authority.—

(1) In general.—Subsections (a)(1) and (b)(2) of section 301 of the Trade Act of 1974 (19 U.S.C. 2411(a)(1) and (b)(2)) are each amended by adding the following sentence at the end:

"Actions may be taken that are within the power of the President with respect to trade in any goods or services, or with respect to any other area of pertinent relations with the foreign country.".

(2) Import restrictions.—Section 301(c)(5) of the Trade Act of 1974 (19 U.S.C. 2411(c)(5)) is amended by striking the matter preceding subparagraph (B) and inserting the following:

"(5) If the Trade Representative determines that actions to be taken under subsection (a) or (b) are to be in the form of import restrictions, the Trade Representative shall—

"(A) give preference to the imposition of duties over the imposition of other import restrictions, and".

(b) Relationship With Other Authorities.—Section 301(c) of the Trade Act of 1974 (19 U.S.C. 2411(c)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (B), by striking "or" after the semicolon at the end;

(B) by redesignating subparagraph (C) as subparagraph (D); and

(C) by inserting after subparagraph (B) the following:

"(C) in a case in which the act, policy, or practice also fails to meet the eligibility criteria for receiving duty-free treatment under subsections (b) and (c) of section 502 of this Act, subsections (b) and (c) of section 212 of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2702(b) and (c)), or subsections (c) and (d) of section 203 of the Andean Trade Preference Act (19 U.S.C. 3202(c) and (d)), withdraw, limit, or suspend such treatment under such provisions, notwithstanding the provisions of subsection (a)(3) of this section; or".

(c) Definition of an Unreasonable Act, Policy, or Practice.—Section 301(d)(3) of the Trade Act of 1974 (19 U.S.C. 2411(d)(3)) is amended—

(1) in subparagraph (B)(i) by striking subclauses (II) and (III) and inserting the following:

"(II) provision of adequate and effective protection of intellectual property rights notwithstanding the fact that the foreign country may be in compliance with the specific obligations of the Agreement on Trade-Related Aspects of Intellectual Property Rights referred to in section 101(d)(15) of the Uruguay Round Agreements Act,

"(III) nondiscriminatory market access opportunities for United States persons that rely upon intellectual property protection, or

"(IV) market opportunities, including the toleration by a foreign government of systematic anticompetitive activities by enterprises or among enterprises in the foreign country that have the effect of restricting, on a basis that is inconsistent with commercial considerations, access of United States goods or services to a foreign market,"; and

(2) by adding at the end the following:

"(F)(i) For the purposes of subparagraph (B)(i)(II), adequate and effective protection of intellectual property rights includes adequate and effective means under the laws of the foreign country for persons who are not citizens or nationals of such country to secure, exercise, and enforce rights and enjoy commercial benefits relating to patents, trademarks, copyrights and related rights, mask works, trade secrets, and plant breeder's rights.

"(ii) For purposes of subparagraph (B)(i)(IV), the denial of fair and equitable nondiscriminatory market access opportunities includes restrictions on market access related to the use, exploitation, or enjoyment of commercial benefits derived from exercising intellectual property rights in protected works or fixations or products embodying protected works.".

(d) Time Limits for Determinations of Unfair Trade Practices.—Section 304(a) of the Trade Act of 1974 (19 U.S.C. 2414(a)) is amended—

(1) in subparagraph (A) of paragraph (2), by striking "(other than the agreement on subsidies and countervailing measures described in section 2(c)(5) of the Trade Agreements Act of 1979)",

(2)(A) in subparagraph (A) of paragraph (3), by inserting "does not consider that a trade agreement, including the Agreement on Trade-Related Aspects of Intellectual Property (referred to in section 101(d)(15) of the Uruguay Round Agreements Act), is involved or" after "the Trade Representative" the first place it appears, and

(B) in subparagraph (B) of paragraph (3), in the matter preceding clause (i), by striking "any investigation initiated by reason of section 302(b)(2)" and inserting "an investigation initiated by reason of section 302(b)(2) (other than an investigation involving a trade agreement)", and

(3) in paragraph (4), by striking "(other than the agreement on subsidies and countervailing measures described in section 2(c)(5) of the Trade Agreements Act of 1979)".

(e) Monitoring of Foreign Compliance.—Subsections (a) and (b) of section 306 of the Trade Act of 1974 (19 U.S.C. 2416) are amended to read as follows:

"(a) In General.—The Trade Representative shall monitor the implementation of each measure undertaken, or agreement that is entered into, by a foreign country to provide a satisfactory resolution of a matter subject to investigation under this chapter or subject to dispute settlement proceedings to enforce the rights of the United States under a trade agreement providing for such proceedings.

"(b) Further Action.—

"(1) In general.—If, on the basis of the monitoring carried out under subsection (a), the Trade Representative considers that a foreign country is not satisfactorily implementing a measure or agreement referred to in subsection (a), the Trade Representative shall determine what further action the Trade Representative shall take under section 301(a). For purposes of section 301, any such determination shall be treated as a determination made under section 304(a)(1).".

"(2) WTO dispute settlement recommendations.—If the measure or agreement referred to in subsection (a) concerns the implementation of a recommendation made pursuant to dispute settlement proceedings under the World Trade Organization, and the Trade Representative considers that the foreign country has failed to implement it, the Trade Representative shall make the determination in paragraph (1) no later than 30 days after the expiration of the reasonable period of time provided for such implementation under paragraph 21 of the Understanding on Rules and Procedures Governing the Settlement of Disputes that is referred to in section 101(d)(16) of the Uruguay Round Agreements Act.".

(f) Extension of Section 310 of the Trade Act of 1974.—Section 310 of the Trade Act of 1974 (19 U.S.C. 2420) is amended to read as follows:

"SEC. 310. IDENTIFICATION OF TRADE EXPANSION PRIORITIES.

"(a) Identification.—

"(1) Within 180 days after the submission in calendar year 1995 of the report required by section 181(b), the Trade Representative shall—

"(A) review United States trade expansion priorities,

"(B) identify priority foreign country practices, the elimination of which is likely to have the most significant potential to increase United States exports, either directly or through the establishment of a beneficial precedent, and

"(C) submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives and publish in the Federal Register a report on the priority foreign country practices identified.

"(2) In identifying priority foreign country practices under paragraph (1) of this section, the Trade Representative shall take into account all relevant factors, including—

"(A) the major barriers and trade distorting practices described in the National Trade Estimate Report required under section 181(b);

"(B) the trade agreements to which a foreign country is a party and its compliance with those agreements;

"(C) the medium- and long-term implications of foreign government procurement plans; and

"(D) the international competitive position and export potential of United States products and services.

"(3) The Trade Representative may include in the report, if appropriate—

"(A) a description of foreign country practices that may in the future warrant identification as priority foreign country practices; and

"(B) a statement about other foreign country practices that were not identified because they are already being addressed by provisions of United States trade law, by existing bilateral trade agreements, or as part of trade negotiations with other countries and progress is being made toward the elimination of such practices.

"(b) Initiation of Investigations.—By no later than the date which is 21 days after the date on which a report is submitted to the appropriate congressional committees under subsection (a)(1), the Trade Representative shall initiate under section 302(b)(1) investigations under this chapter with respect to all of the priority foreign country practices identified.

"(c) Agreements for the Elimination of Barriers.—In the consultations with a foreign country that the Trade Representative is required to request under section 303(a) with respect to an investigation initiated by reason of subsection (b), the Trade Representative shall seek to negotiate an agreement that provides for the elimination of the practices that are the subject of the investigation as quickly as possible or, if elimination of the practices is not feasible, an agreement that provides for compensatory trade benefits.

"(d) Reports.—The Trade Representative shall include in the semiannual report required by section 309 a report on the status of any investigations initiated pursuant to subsection (b) and, where appropriate, the extent to which such investigations have led to increased opportunities for the export of products and services of the United States.".

SEC. 315. OBJECTIVES IN INTELLECTUAL PROPERTY.

It is the objective of the United States—

(1) to accelerate the implementation of the Agreement on Trade-Related Aspects of Intellectual Property Rights referred to in section 101(d)(15),

(2) to seek enactment and effective implementation by foreign countries of laws to protect and enforce intellectual property rights that supplement and strengthen the standards of the Agreement on Trade-Related Aspects of Intellectual Property Rights referred to in section 101(d)(15) and the North American Free Trade Agreement and, in particular—

(A) to conclude bilateral and multilateral agreements that create obligations to protect and enforce intellectual property rights that cover new and emerging technologies and new methods of transmission and distribution, and

(B) to prevent or eliminate discrimination with respect to matters affecting the availability, acquisition, scope, maintenance, use, and enforcement of intellectual property rights,

(3) to secure fair, equitable, and nondiscriminatory market access opportunities for United States persons that rely upon intellectual property protection,

(4) to take an active role in the development of the intellectual property regime under the World Trade Organization to ensure that it is consistent with other United States objectives, and

(5) to take an active role in the World Intellectual Property Organization (WIPO) to develop a cooperative and mutually supportive relationship between the World Trade Organization and WIPO.

SEC. 316. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this subtitle and the amendments made by this subtitle take effect on the date on which the WTO Agreement enters into force with respect to the United States.

(b) SECTION 314(f).—The amendment made by section 314(f) takes effect on the date of the enactment of this Act.

Subtitle C—Unfair Practices in Import Trade

SEC. 321. UNFAIR PRACTICES IN IMPORT TRADE.

(a) AMENDMENTS TO SECTION 337 OF THE TARIFF ACT OF 1930.—Section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) is amended as follows:

(1) INVESTIGATION.—Subsection (b) is amended—

(A) by striking "; TIME LIMITS" in the heading;

(B) in paragraph (1) by striking all that follows the second sentence and inserting the following: "The Commission shall conclude any such investigation and make its determination under this section at the earliest practicable time after the date of publication of notice of such investigation. To promote expeditious adjudication, the Commission shall, within 45 days after an investigation is initiated, establish a target date for its final determination."; and

(C) in paragraph (3)—

(i) in the first sentence—

(I) by striking "the Tariff Act of 1930" and inserting "this Act"; and

(II) by striking "such Act" and inserting "such subtitle"; and

(ii) by striking the fifth sentence.

(2) DETERMINATION; REVIEW.—Subsection (c) is amended—

(A) in the first sentence by striking "a settlement agreement" and inserting "an agreement between the private parties to the investigation, including an agreement to present the matter for arbitration";

(B) by inserting the following after the third sentence: "A respondent may raise any counterclaim in a manner prescribed by the Commission. Immediately after a counterclaim is received by the Commission, the respondent raising such counterclaim shall file a notice of removal with a United States district court in which venue for any of the counterclaims raised by the party would exist under section 1391 of title 28, United States Code. Any counterclaim raised pursuant to this section shall relate back to the date of the original complaint in the proceeding before the Commission. Action on such counterclaim shall not delay or affect the proceeding under this section, including the legal and equitable defenses that may be raised under this subsection."; and

(C) by adding at the end the following: "Determinations by the Commission under subsections (e), (f), and (j) with respect to forfeiture of bonds and under subsection (h) with respect to the imposition of sanctions for abuse of discovery or abuse of process shall also be reviewable in accordance with section 706 of title 5, United States Code.".

(3) ENTRY UNDER BOND.—Subsection (e) is amended—

(A) in the last sentence of paragraph (1) by striking "determined by the Commission" and all that follows through the end of the sentence and inserting "prescribed by the Secretary in an amount determined by the Commission to be sufficient to protect the complainant from any injury. If the Commission later determines that the respondent has violated the provisions of this section, the bond may be forfeited to the complainant.";

(B) by adding at the end of paragraph (2) the following: "If the Commission later determines that the respondent has not violated the provisions of this section, the bond may be forfeited to the respondent."; and

(C) by adding at the end the following new paragraph:

"(4) The Commission shall prescribe the terms and conditions under which bonds may be forfeited under paragraphs (1) and (2).".

(4) CEASE AND DESIST ORDERS.—Subsection (f)(1) is amended by adding at the end the following: "If a temporary cease and desist order is issued in addition to, or in lieu of, an exclusion order under subsection (e), the Commission may require the complainant to post a bond, in an amount determined by the Commission to be sufficient to protect the respondent from any injury, as a prerequisite to the issuance of an order under this subsection. If the Commission later determines that the respondent has not violated the provisions of this section, the bond may be forfeited to the respondent. The Commission shall prescribe the terms and conditions under which the bonds may be forfeited under this paragraph.".

(5) CONDITIONS APPLICABLE FOR GENERAL EXCLUSION ORDERS.—(A) Subsection (d) is amended—

(i) by inserting "(1)" before "If";

(ii) in the first sentence by striking "there is violation" and inserting "there is a violation"; and

(iii) by adding at the end the following new paragraph:

"(2) The authority of the Commission to order an exclusion from entry of articles shall be limited to persons determined by the Commission to be violating this section unless the Commission determines that—

"(A) a general exclusion from entry of articles is necessary to prevent circumvention of an exclusion order limited to products of named persons; or

"(B) there is a pattern of violation of this section and it is difficult to identify the source of infringing products.".

(B) Subsection (g)(2) is amended—

(i) by striking "and" at the end of subparagraph (A);

(ii) by striking the period at the end of subparagraph (B) and inserting ", and"; and

(iii) by adding after subparagraph (B) the following:

"(C) the requirements of subsection (d)(2) are met.".

(6) ENTRY UNDER BOND AFTER REFERRAL TO THE PRESIDENT.—Subsection (j)(3) is amended by striking "shall be entitled to entry under bond" and all that follows through the end of the sentence and inserting "shall, until such determination becomes final, be entitled to entry under bond prescribed by the Secretary in an amount determined by the Commission to be sufficient to protect the complainant from any injury. If the determination becomes final, the bond may be forfeited to the complainant. The Commission shall prescribe the terms and conditions under which bonds may be forfeited under this paragraph.".

(7) ACCESS TO CONFIDENTIAL INFORMATION.—Subsection (n)(2) is amended—

(A) by amending subparagraph (A) to read as follows:

"(A) an officer or employee of the Commission who is directly concerned with—

"(i) carrying out the investigation or related proceeding in connection with which the information is submitted,

"(ii) the administration of a bond posted pursuant to subsection (e), (f), or (j),

"(iii) the administration or enforcement of an exclusion order issued pursuant to subsection (d), (e), or (g), a cease and desist order issued pursuant to subsection (f), or a consent order issued pursuant to subsection (c),

"(iv) proceedings for the modification or rescission of a temporary or permanent order issued under subsection (d), (e), (f), (g), or (i), or a consent order issued under this section, or

"(v) maintaining the administrative record of the investigation or related proceeding,"; and

(B) by amending subparagraph (C) to read as follows:

"(C) an officer or employee of the United States Customs Service who is directly involved in administering an exclusion from entry under subsection (d), (e), or (g) resulting from the investigation or related proceeding in connection with which the information is submitted.".

(8) TECHNICAL AMENDMENT.—Subsection (l) is amended by striking "Claims Court" and inserting "Court of Federal Claims".

(b) AMENDMENTS TO TITLE 28, UNITED STATES CODE.—

(1) STAY OF ACTIONS.—

(A) IN GENERAL.—Chapter 111 of title 28, United States Code, is amended by adding at the end the following new section:

"§ 1659. Stay of certain actions pending disposition of related proceedings before the United States International Trade Commission

"(a) STAY.—In a civil action involving parties that are also parties to a proceeding before the United States International Trade Commission under section 337 of the Tariff Act of 1930, at the request of a party to the civil action that is also a respondent in the proceeding before the Commission, the district court shall stay, until the determination of the Commission becomes final, proceedings in the civil action with respect to any claim that involves the same issues involved in the proceeding before the Commission, but only if such request is made within—

"(1) 30 days after the party is named as a respondent in the proceeding before the Commission, or

"(2) 30 days after the district court action is filed,

whichever is later.

"(b) Use of Commission Record.—Notwithstanding section 337(n)(1) of the Tariff Act of 1930, after dissolution of a stay under subsection (a), the record of the proceeding before the United States International Trade Commission shall be transmitted to the district court and shall be admissible in the civil action, subject to such protective order as the district court determines necessary, to the extent permitted under the Federal Rules of Evidence and the Federal Rules of Civil Procedure.".

(B) Clerical amendment.—The table of sections for chapter 111 of title 28, United States Code, is amended by adding at the end the following new item:

"1659. Stay of certain actions pending disposition of related proceedings before the United States International Trade Commission.".

(2) Counterclaims.—Section 1446 of title 28, United States Code, is amended by adding at the end the following:

"(f) With respect to any counterclaim removed to a district court pursuant to section 337(c) of the Tariff Act of 1930, the district court shall resolve such counterclaim in the same manner as an original complaint under the Federal Rules of Civil Procedure, except that the payment of a filing fee shall not be required in such cases and the counterclaim shall relate back to the date of the original complaint in the proceeding before the International Trade Commission under section 337 of that Act.".

(3) Jurisdiction.—

(A) In general.—Chapter 85 of title 28, United States Code, is amended by adding at the end the following:

"§ 1368. Counterclaims in unfair practices in international trade.

"The district courts shall have original jurisdiction of any civil action based on a counterclaim raised pursuant to section 337(c) of the Tariff Act of 1930, to the extent that it arises out of the transaction or occurrence that is the subject matter of the opposing party's claim in the proceeding under section 337(a) of that Act.".

(B) Clerical amendment.—The table of sections for chapter 85 of title 28, United States Code, is amended by adding at the end the following:

"1368. Counterclaims in unfair practices in international trade.".

SEC. 322. EFFECTIVE DATE.

The amendments made by this subtitle apply—

(1) with respect to complaints filed under section 337 of the Tariff Act of 1930 on or after the date on which the WTO Agreement enters into force with respect to the United States, or

(2) in cases under such section 337 in which no complaint is filed, with respect to investigations initiated under such section on or after such date.

Subtitle D—Textiles

SEC. 331. TEXTILE PRODUCT INTEGRATION.

Not later than 120 days after the date that the WTO Agreement, as defined in section 2(9) of the Uruguay Round Implementation Act, enters into force with respect to the United States, the Secretary of Commerce shall publish in the Federal Register a notice containing the list of products to be integrated in each stage set out in Article 2(8) of the Agreement on Textiles and Clothing referred to in section 101(d)(4). After publication of such list, the list may not be changed unless otherwise required by statute or the international obligations of the United States, to correct technical errors, or to reflect reclassifications. Within 30 days after the publication of such list, the Trade Representative shall notify the list to the Textiles Monitoring Body established under Article 8 of the Agreement on Textiles and Clothing.

SEC. 332. AMENDMENT TO SECTION 204 OF THE AGRICULTURAL ACT OF 1956.

Section 204 of the Agricultural Act of 1956 (7 U.S.C. 1854) is amended by amending the second sentence to read as follows: "In addition, if a multilateral agreement, including but not limited to the Agreement on Textiles and Clothing referred to in section 101(d)(4) of the Uruguay Round Implementation Act, has been or is concluded under the authority of this section among countries accounting for a significant part of world trade in the articles with respect to which the agreement was concluded, the President may also issue, in order to carry out such agreement, regulations governing the entry or withdrawal from warehouse of the same articles which are the products of countries not parties to the agreement, or countries to which the United States does not apply the agreement.".

SEC. 333. TEXTILE TRANSSHIPMENTS.

Part V of title IV of the Tariff Act of 1930 is amended by inserting after section 592 the following:

"SEC. 592A. SPECIAL PROVISIONS REGARDING CERTAIN VIOLATIONS.

"(a) Publication of Names of Certain Violators.—

"(1) Publication.—The Secretary of the Treasury is authorized to publish in the Federal Register a list of the name of any producer, manufacturer, supplier, seller, exporter, or other person located outside the customs territory of the United States—

"(A) against whom the Customs Service has issued a penalty claim under section 592, and

"(B) if a petition with respect to that claim has been filed under section 618, against whom a final decision has been issued under such section after exhaustion of administrative remedies,

citing any of the violations of the customs laws referred to in paragraph (2). Such list shall be published not later than March 31 and September 30 of each year.

"(2) Violations.—The violations of the customs laws referred to in paragraph (1) are the following:

"(A) Using documentation, or providing documentation subsequently used by the importer of record, which indicates a false or fraudulent country of origin or source of textile or apparel products.

"(B) Using counterfeit visas, licenses, permits, bills of lading, or similar documentation, or providing counterfeit visas, licenses, permits, bills of lading, or similar documentation that is subsequently used by the importer of record, with respect to the entry into the customs territory of the United States of textile or apparel products.

"(C) Manufacturing, producing, supplying, or selling textile or apparel products which are falsely or fraudulently labelled as to country of origin or source.

"(D) Engaging in practices which aid or abet the transshipment, through a country other than the country of origin, of textile or apparel products in a manner which conceals the true origin of the textile or apparel products or permits the evasion of quotas on, or voluntary restraint agreements with respect to, imports of textile or apparel products.

"(3) Removal from list.—Any person whose name has been included in a list published under paragraph (1) may petition the Secretary to be removed from such list. If the Secretary finds that such person has not committed any violations described in paragraph (2) for a period of not less than 3 years after the date on which the person's name was so published, the Secretary shall remove such person from the list as of the next publication of the list under paragraph (2).

"(4) Reasonable care required for subsequent imports.—

"(A) Responsibility of importers and others.—After the name of a person has been published under paragraph (1), the Secretary of the Treasury shall require any importer of record entering, introducing, or attempting to introduce into the commerce of the United States textile or apparel products that were either directly or indirectly produced, manufactured, supplied, sold, exported, or transported by such named person to show, to the satisfaction of the Secretary, that such importer has exercised reasonable care to ensure that the textile or apparel products are accompanied by documentation, packaging, and labelling that are accurate as to its origin. Such reasonable care shall not include reliance solely on a source of information which is the named person.

"(B) Failure to exercise reasonable care.—If the Customs Service determines that merchandise is not from the country claimed on the documentation accompanying the merchandise, the failure to exercise reasonable care described in subparagraph (A) shall be considered when the Customs Service determines whether the importer of record is in violation of section 484(a).

"(b) List of High Risk Countries.—

"(1) List.—The President or his designee, upon the advice of the Secretaries of Commerce and Treasury, and the heads of other appropriate departments and agencies, is authorized to publish a list of countries in which illegal activities have occurred involving transshipped textile or apparel products or activities designed to evade quotas of the United States on textile or apparel products, if those countries fail to demonstrate a good faith effort to cooperate with United States authorities in ceasing such activities. Such list shall be published in the Federal Register not later than March 31 of each year. Any country that is on the list and that subsequently demonstrates a good faith effort to cooperate with United States authorities in ceasing illegal activities described in the first sentence shall be removed from the list, and such removal shall be published in the Federal Register as soon as practicable.

"(2) Reasonable care required for subsequent imports.—

"(A) Responsibility of importers of record.—The Secretary of the Treasury shall require any importer of record entering, introducing, or attempting to introduce into the commerce of the United States textile or apparel products indicated, on the documentation, packaging, or labelling accompanying such products, to be from any country on the list published under paragraph (1) to show, to the satisfaction of the Secretary, that such importer, consignee, or purchaser has exercised reasonable care to ascertain the true country of origin of the textile or apparel products.

"(B) FAILURE TO EXERCISE REASONABLE CARE.—If the Customs Service determines that merchandise is not from the country claimed on the documentation accompanying the merchandise, the failure to exercise reasonable care described in subparagraph (A) shall be considered when the Customs Service determines whether the importer of record is in violation of section 484(a).

"(3) DEFINITION.—For purposes of this subsection, the term 'country' means a foreign country or territory, including any overseas dependent territory or possession of a foreign country.".

SEC. 334. RULES OF ORIGIN FOR TEXTILE AND APPAREL PRODUCTS.

(a) REGULATORY AUTHORITY.—The Secretary of the Treasury shall prescribe rules implementing the principles contained in subsection (b) for determining the origin of textiles and apparel products. Such rules shall be promulgated in final form not later than July 1, 1995.

(b) PRINCIPLES.—

(1) IN GENERAL.—Except as otherwise provided for by statute, a textile or apparel product, for purposes of the customs laws and the administration of quantitative restrictions, originates in a country, territory, or insular possession, and is the growth, product, or manufacture of that country, territory, or insular possession, if—

(A) the product is wholly obtained or produced in that country, territory, or possession;

(B) the product is a yarn, thread, twine, cordage, rope, cable, or braiding and—

(i) the constituent staple fibers are spun in that country, territory, or possession, or

(ii) the continuous filament is extruded in that country, territory, or possession,

(C) the product is a fabric, including a fabric classified under chapter 59 of the HTS, and the constituent fibers, filaments, or yarns are woven, knitted, needled, tufted, felted, entangled, or transformed by any other fabric-making process in that country, territory, or possession; or

(D) the product is any other textile or apparel product that is wholly assembled in that country, territory, or possession from its component pieces.

(2) SPECIAL RULES.—Notwithstanding paragraph (1)(D)—

(A) the origin of a good that is classified under one of the following HTS headings or subheadings shall be determined under subparagraph (A), (B), or (C) of paragraph (1), as appropriate: 5609, 5807, 5811, 6209.20.50.40, 6213, 6214, 6301, 6302, 6303, 6304, 6305, 6306, 6307.10, 6307.90, 6308, or 9404.90; and

(B) a textile or apparel product which is knit to shape shall be considered to originate in, and be the growth, product, or manufacture of, the country, territory, or possession in which it is knit.

(3) MULTICOUNTRY RULE.—If the origin of a good cannot be determined under paragraph (1) or (2), then that good shall be considered to originate in, and be the growth, product, or manufacture of—

(A) the country, territory, or possession in which the most important assembly or manufacturing process occurs, or

(B) if the origin of the good cannot be determined under subparagraph (A), the last country, territory, or possession in which important assembly or manufacturing occurs.

(4) COMPONENTS CUT IN THE UNITED STATES.—(A) The value of a component that is cut to shape (but not to length, width, or both) in the United States from foreign fabric and exported to another country, territory, or insular possession for assembly into an article that is then returned to the United States—

(i) shall not be included in the dutiable value of such article, and

(ii) may be applied toward determining the percentage referred to in General Note 7(b)(i)(B) of the HTS, subject to the limitation provided in that note.

(B) No article (except a textile or apparel product) assembled in whole of components described in subparagraph (A), or of such components and components that are products of the United States, in a beneficiary country as defined in General Note 7(a) of the HTS shall be treated as a foreign article, or as subject to duty if—

(i) the components after exportation from the United States, and

(ii) the article itself before importation into the United States

do not enter into the commerce of any foreign country other than such a beneficiary country.

(5) EXCEPTION FOR UNITED STATES-ISRAEL FREE TRADE AGREEMENT.—This section shall not affect, for purposes of the customs laws and administration of quantitative restrictions, the status of goods that, under rulings and administrative practices in effect immediately before the enactment of this Act, would have originated in, or been the growth, product, or manufacture of, a country that is a party to an agreement with the United States establishing a free trade area, which entered into force before January 1, 1987. For such purposes, such rulings and administrative practices that were applied, immediately before the enactment of this Act, to determine the origin of textile and apparel products covered by such agreement shall continue to apply after the enactment of this Act, and on and after the effective date described in subsection (c), unless such rulings and practices are modified by the mutual consent of the parties to the agreement.

(c) EFFECTIVE DATE.—This section shall apply to goods entered, or withdrawn from warehouse, for consumption on or after July 1, 1996, except that this section shall not apply to goods if—

(1) the contract for the sale of such goods to the United States is entered into before July 20, 1994;

(2) all of the material terms of sale in such contract, including the price and quantity of the goods, are fixed and determinable before July 20, 1994;

(3) a copy of the contract is filed with the Commissioner of Customs within 60 days after the date of the enactment of this Act, together with a certification that the contract meets the requirements of paragraphs (1) and (2); and

(4) the goods are entered, or withdrawn from warehouse, for consumption on or before January 1, 1998.

The origin of goods to which this section does not apply shall be determined in accordance with the applicable rules in effect on July 20, 1994.

SEC. 335. EFFECTIVE DATE.

Except as provided in section 334, this subtitle and the amendments made by this subtitle take effect on the date on which the WTO Agreement enters into force with respect to the United States.

Subtitle E—Government Procurement

SEC. 341. MONITORING AND ENFORCEMENT OF THE AGREEMENT ON GOVERNMENT PROCUREMENT.

(a) IN GENERAL.—Section 305(f)(2) of the Trade Agreements Act of 1979 (19 U.S.C. 2515(f)(2)) is amended—

(1) in the matter preceding subparagraph (A), by striking "a year" and inserting "the 18 months",

(2) by striking "or" at the end of subparagraph (B),

(3) by redesignating subparagraph (C) as subparagraph (D), and

(4) by inserting after subparagraph (B), the following new subparagraph:

"(C) the procedures result in a determination providing a specific period of time for the other participant to bring its practices into compliance with the Agreement, or".

(b) SANCTIONS AFTER DISPUTE RESOLUTION FAILS.—

(1) SANCTIONS.—Paragraph (3) of section 305(f) of such Act (19 U.S.C. 2515(f)(3)) is amended to read as follows:

"(3) SANCTIONS AFTER DISPUTE RESOLUTION FAILS.—

"(A) FAILURES RESULTING IN SANCTIONS.—If—

"(i) within 18 months from the date dispute settlement procedures are initiated with a signatory country pursuant to this section—

"(I) such procedures are not concluded, or

"(II) the country has not met the requirements of subparagraph (A) or (B) of paragraph (2), or

"(ii) the period of time provided for pursuant to paragraph (2)(C) has expired and procedures for suspending concessions under the Agreement have been completed,

then the sanctions described in subparagraph (B) shall be imposed.

"(B) SANCTIONS.—

"(i) IN GENERAL.—If subparagraph (A) applies to any signatory country—

"(I) the signatory country shall be considered as a signatory not in good standing of the Agreement and the prohibition on procurement contained in section 4 of the Act of March 3, 1933 (41 U.S.C. 10b–1) shall apply to such country, and

"(II) the President shall revoke the waiver of discriminatory purchasing requirements granted to the signatory country pursuant to section 301(a).

"(ii) TIME SANCTIONS ARE IMPOSED.—Any sanction—

"(I) described in clause (i)(I) shall apply from the date that is the last day of the 18-month period described in subparagraph (A)(i) or, in the case of paragraph (2)(C), from the date procedures for suspending concessions under the Agreement have been completed, and

"(II) described in clause (i)(II) shall apply beginning on the day after the date described in subclause (I).".

(2) CONFORMING AMENDMENT.—Paragraph (4) of section 305(f) of such Act (19 U.S.C. 2515(f)(4)) is amended by striking "subparagraph (A) or (B) of paragraph (3)" and inserting "subclause (I) or (II) of paragraph (3)(B)(i)".

(c) REPORT TO CONGRESS.—

(1) Section 305(d)(2) of the Trade Agreements Act of 1979 (19 U.S.C. 2515(d)(2)) is amended by adding at the end the following new subparagraphs:

"(D)(i) are not signatories to the Agreement;

"(ii) fail to apply transparent and competitive procedures to its government procurement equivalent to those in the Agreement; and

"(iii) whose products or services are acquired in significant amounts by the United States Government; or

"(E)(i) are not signatories to the Agreement;

"(ii) fail to maintain and enforce effective prohibitions on bribery and other corrupt practices in connection with government procurement; and

"(iii) whose products or services are acquired in significant amounts by the United States Government.".

(2) Section 305(d)(3)(C) of the Trade Agreements Act of 1979 (19 U.S.C. 2515(d)(3)(C)) is amended by adding before the period at the end the following: ", including the failure to maintain and enforce effective prohibitions on bribery and other corrupt practices in connection with government procurement".

SEC. 342. CONFORMING AMENDMENTS.

(a) Waiver of Discriminatory Purchasing Requirements Regarding Purchases of Civil Aircraft.—Section 303 of the Trade Agreements Act of 1979 (19 U.S.C. 2513) is amended by inserting "referred to in section 2(c) and approved under section 2(a)" after "Civil Aircraft".

(b) Expansion of Coverage of the Agreement.—Section 304 of the Trade Agreements Act of 1979 (19 U.S.C. 2514) is amended—

(1) in subsections (a) and (c) by striking "part IX, paragraph 6" and inserting "article XXIV(7);

(2) in subsection (c) by striking "part VI, paragraph 9" and inserting "article XIX(5)"; and

(2) in subsection (e) by striking "date of enactment of this Act" and inserting "date it enters into force with respect to the United States".

(c) Annual Report on Foreign Discrimination.—Section 305(d) of the Trade Agreements Act of 1979 (19 U.S.C. 2515(d)) is amended by striking out "April 30, 1990, and annually on April 30 thereafter," and inserting "April 30 of each year,".

(d) Labor Surplus Area Studies.—Section 306 of the Trade Agreements Act of 1979 (19 U.S.C. 2516), and the item relating to such section in the table of contents for such Act, are repealed.

(e) Availability of Information to Congressional Advisors.—Section 307 of the Trade Agreements Act of 1979 (19 U.S.C. 2517) is amended by striking "part VI, paragraph 9," and inserting "article XIX(5)".

(f) Definitions.—Section 308 of the Trade Agreements Act of 1979 (19 U.S.C. 2518) is amended—

(1) in paragraph (1) by striking "section 2(c) of this Act" and inserting "section 101(d)(17) of the Uruguay Round Agreements Act"; and

(2) in paragraph (4)—

(A) in subparagraph (C) by striking "having a contract value" and all that follows through the end of the subparagraph and inserting "for which the United States is obligated to waive Buy National restrictions under—

"(i) the Agreement on the Establishment of a Free Trade Area between the Government of the United States of America and the Government of Israel, regardless of the thresholds provided for in the Agreement (as defined in paragraph (1)), or

"(ii) any subsequent agreement between the United States and Israel which lowers on a reciprocal basis the applicable threshold for entities covered by the Agreement."; and

(B) in subparagraph (D) by striking "GATT" the first place it appears and all that follows through the end of the subparagraph and inserting "the Agreement (as defined in paragraph (1)), but for the thresholds provided for in the Agreement.".

(g) Conforming Amendments.—Section 401 of the Rural Electrification Act of 1938 (7 U.S.C. 903 note) is amended—

(1) by striking ", Mexico, or Canada" each place that it appears and inserting "or in any eligible country"; and

(2) by adding at the end the following: "For purposes of this section, an 'eligible country' is any country that applies with respect to the United States an agreement ensuring reciprocal access for United States products and services and United States suppliers to the markets of that country, as determined by the United States Trade Representative.".

SEC. 343. RECIPROCAL COMPETITIVE PROCUREMENT PRACTICES.

(a) Applicability.—Section 302(a) of the Trade Agreements Act of 1979 (19 U.S.C. 2512(a)) is amended to read as follows:

"(a) Authority to Bar Procurement From Non-Designated Countries.—

"(1) In general.—Subject to paragraph (2), the President, in order to encourage additional countries to become parties to the Agreement and to provide appropriate reciprocal competitive government procurement opportunities to United States products and suppliers of such products—

"(A) shall, with respect to procurement covered by the Agreement, prohibit the procurement, after the date on which any waiver under section 301(a) first takes effect, of products—

"(i) which are products of a foreign country or instrumentality which is not designated pursuant to section 301(b), and

"(ii) which would otherwise be eligible products; and

"(B) may, with respect to procurement covered by the Agreement, take such other actions within the President's authority as the President deems necessary.

"(2) Exception.—Paragraph (1) shall not apply in the case of procurements for which—

"(A) there are no offers of products or services of the United States or of eligible products; or

"(B) the offers of products or services of the United States or of eligible products are insufficient to fulfill the requirements of the United States Government.".

(b) Additional Waiver Authority.—Section 302(b) of the Trade Agreements Act of 1979 (19 U.S.C. 2512(b)) is amended—

(1) by amending paragraph (1) to read as follows:

"(1) waive the prohibition required by subsection (a)(1) on procurement of products of a foreign country or instrumentality which has not yet become a party to the Agreement but—

"(A) has agreed to apply transparent and competitive procedures to its government procurement equivalent to those in the Agreement, and

"(B) maintains and enforces effective prohibitions on bribery and other corrupt practices in connection with its government procurement;"; and

(2) by adding after paragraph (3) the following:

"Before exercising the waiver authority under paragraph (1), the President shall consult with the appropriate private sector advisory committees established under section 135 of the Trade Act of 1974 and with the appropriate committees of the Congress.".

(c) Conforming Amendment.—Section 305(g) of the Trade Agreements Act of 1979 (19 U.S.C. 2515(g)) is amended—

(1) in paragraph (1)—

(A) by striking "(B) or (C)" and inserting "(B), (C), (D), or (E)"; and

(B) by striking "their discriminatory procurement practices" and inserting "the practices regarding government procurement identified under subparagraph (B)(ii), (C)(ii), (D)(ii), or (E)(ii) (as the case may be)"; and

(2) in paragraph (3) by striking "discrimination identified pursuant to subsection (d)(2)(B) or (C)" and inserting "the practices regarding government procurement identified under subparagraph (B)(ii), (C)(ii), (D)(ii), or (E)(ii) (as the case may be)".

SEC. 344. EFFECTIVE DATE.

(a) In General.—Except as provided in subsection (b), the amendments made by this subtitle take effect on the date on which the Agreement on Government Procurement referred to in section 101(d)(17) enters into force with respect to the United States.

(b) Section 342(g).—The amendments made by section 342(g) take effect on the date on which the WTO Agreement enters into force with respect to the United States.

Subtitle F—Technical Barriers to Trade

SEC. 351. TECHNICAL BARRIERS TO TRADE.

(a) References.—All references in this section are to title IV of the Trade Agreements Act of 1979 (19 U.S.C. 2531 et seq.) unless otherwise specified.

(b) Section 401.—Section 401 is amended—

(1) by striking "Nothing" and inserting "(b) Unnecessary Obstacles.—Nothing"; and

(2) by inserting after the section heading the following:

"(a) No Bar To Engaging in Standards Activity.—Nothing in this title may be construed—

"(1) to prohibit a Federal agency from engaging in activity related to standards-related measures, including any such measure relating to safety, the protection of human, animal, or plant life or health, the environment, or consumers; or

"(2) to limit the authority of a Federal agency to determine the level it considers appropriate of safety or of protection of human, animal, or plant life or health, the environment, or consumers.".

(c) Section 402.—Section 402(4) is amended—

(1) by striking "CERTIFICATION ACCESS" in the paragraph heading and inserting "ACCESS";

(2) by striking "certification system" and inserting "conformity assessment procedure"; and

(3) by striking "certification under that system" and inserting "an assessment of conformity and the mark of the system, if any".

(d) Section 414.—Section 414(b)(1) is amended—

(1) by inserting "(A)" after "relating to";

(2) by striking "certification systems" and inserting "technical regulations, conformity assessment procedures,";

(3) by striking "such standards, systems" and inserting "such standards, technical regulations, conformity assessment procedures,"; and

(4) after "local" by inserting "and (B) the membership and participation of Federal, State, or local government bodies or private bodies in the United States in international and regional standardizing bodies and conformity assessment systems, as well as in bilateral and multilateral arrangements concerning standards-related activities".

(e) DEFINITIONS.—Section 451 is amended—

(1) so that paragraph (1) reads as follows:

"(1) AGREEMENT.—The term 'Agreement' means the Agreement on Technical Barriers to Trade referred to in section 101(d)(5) of the Uruguay Round Agreements Act.";

(2) so that paragraph (2) reads as follows:

"(2) CONFORMITY ASSESSMENT PROCEDURE.—The term 'conformity assessment procedure' means any procedure used, directly or indirectly, to determine that relevant requirements in technical regulations or standards are fulfilled.";

(3) in paragraph (4), by striking "certification system" and inserting "conformity assessment procedure" each place it occurs;

(4) so that paragraph (6)(A) reads as follows:

"(A) the membership of which is open to representatives, whether public or private, of the United States and at least all Members.";

(5) in paragraph (7), by striking "certification system" and inserting "conformity assessment procedure";

(6) so that paragraph (8) reads as follows:

"(8) MEMBER.—The term 'Member' means a WTO member as defined in section 2(10) of the Uruguay Round Agreements Act.";

(7) so that paragraph (13) reads as follows:

"(13) STANDARD.—The term 'standard' means a document approved by a recognized body, that provides, for common and repeated use, rules, guidelines, or characteristics for products or related processes and production methods, with which compliance is not mandatory. Such term may also include or deal exclusively with terminology, symbols, packaging, marking, or labeling requirements as they apply to a product, process, or production method.";

(8) in paragraph (14), by striking "or any certification system" and inserting ", technical regulation, or conformity assessment procedure"; and

(9) by redesignating paragraph (17) as paragraph (18) and inserting after paragraph (16) the following:

"(17) TECHNICAL REGULATION.—The term 'technical regulation' means a document which lays down product characteristics or their related processes and production methods, including the applicable administrative provisions, with which compliance is mandatory. Such term may also include or deal exclusively with terminology, symbols, packaging, marking, or labeling requirements as they apply to a product, process, or production method.".

(f) REPORTS TO CONGRESS.—Section 453 is amended by inserting "through 2001" after "succeeding 3-year period".

(g) EFFECTIVE DATE.—Title IV of the Trade Agreements Act of 1979 (19 U.S.C. 2531 et seq.) is amended by striking section 454.

SEC. 352. EFFECTIVE DATE.

This subtitle and the amendments made by this subtitle take effect on the date on which the WTO Agreement enters into force with respect to the United States.

TITLE IV—AGRICULTURE-RELATED PROVISIONS

Subtitle A—Agriculture

PART I—MARKET ACCESS

SEC. 401. SECTION 22 AMENDMENTS.

(a) AMENDMENT TO SECTION 22.—

(1) GENERALLY.—Subsection (f) of section 22 of the Agricultural Adjustment Act (7 U.S.C. 624(f)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended to read as follows:

"(f) No quantitative limitation or fee shall be imposed under this section with respect to any article that is the product of a WTO member (as defined in section 2(10) of the Uruguay Round Agreements Act).".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of entry into force of the WTO Agreement with respect to the United States, except that with respect to wheat, that amendment shall take effect on the later of such date or September 12, 1995.

(b) CONFORMING AMENDMENTS.—

(1) SECTION 202 OF THE AGRICULTURAL ACT OF 1956.—Section 202 of the Agricultural Act of 1956 (7 U.S.C. 1852) is amended—

(A) by striking subsection (a); and

(B) in subsection (b), by striking "(b)".

(2) COTTON IMPORT QUOTAS.—Section 103B of the Agricultural Act of 1949 (7 U.S.C. 1444-2) is amended—

(A) in subsection (a)(5)(F)(i)—

(i) by striking "this section" and inserting "the Uruguay Round Agreements Act"; and

(ii) by striking "limited global";

(B) in subsection (a)(5)(F)(iv), by striking "special quota period has" and inserting "quota period has";

(C) by adding at the end of subsection (a)(5)(F) the following:

"(v) PREFERENTIAL TARIFF TREATMENT.—The quantity under a special import quota shall be considered to be an in-quota quantity for purposes of section 213(d) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(d)), section 204 of the Andean Trade Preference Act (19 U.S.C. 3203), section 503(d) of the Trade Act of 1974 (19 U.S.C. 2463(d)), and General Note 3(a)(iv) to the HTS.

"(vi) DEFINITION.—As used in this subparagraph, the term 'special import quota' means a quantity of imports that is not subject to the over-quota tariff rate of a tariff-rate quota."; and

(D) in subsection (n)—

(i) in the subsection heading, by striking "SPECIAL";

(ii) in paragraph (1), by striking "this section" and inserting "the Uruguay Round Agreements Act";

(iii) in paragraph (1), by striking "special" each place it appears;

(iv) by redesignating paragraph (1)(C) as paragraph (1)(D);

(v) by inserting after subparagraph (B) of paragraph (1) the following:

"(C) PREFERENTIAL TARIFF TREATMENT.—The quantity under a limited global import quota shall be considered to be an in-quota quantity for purposes of section 213(d) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(d)), section 204 of the Andean Trade Preference Act (19 U.S.C. 3203), section 503(d) of the Trade Act of 1974 (19 U.S.C. 2463(d)), and General Note 3(a)(iv) to the HTS."; and

(vi) in paragraph (1)(D) (as redesignated by clause (iv)), by adding at the end the following:

"(iii) LIMITED GLOBAL IMPORT QUOTA.—As used in this subsection, the term 'limited global import quota' means a quantity of imports that is not subject to the over-quota tariff rate of a tariff-rate quota."; and

(vii) in paragraph (2), by striking "special quota period may" and inserting "quota period may".

SEC. 402. CHEESE AND CHOCOLATE CRUMB IMPORTS.

(a) REPEAL OF SECTIONS 701 AND 703.—Sections 701 and 703 of the Trade Agreements Act of 1979 (93 Stat. 268) are hereby repealed.

(b) PRESIDENTIAL ACTION.—Section 702(d)(1) (93 Stat. 268) of the Trade Agreements Act of 1979 is amended to read as follows:

"(1) IN GENERAL.—Not later than 7 days after receiving a report under subsection (c)(3) with respect to an article of cheese subject to an in-quota rate of duty (or not later than 3 days after receiving a report under paragraph (2) in any case in which such paragraph applies), the President shall proclaim the imposition of a fee on the importation of such article from the country involved in such amount (not to exceed the amount of the subsidy determined under subsection (b)(2)(B)) as may be necessary to ensure that the duty-paid wholesale price of such article will not be less than the domestic wholesale market price of similar articles produced in the United States, and shall direct the Commissioner of Customs to administer and enforce such fee. Any such fee imposed shall be in addition to any customs duty or other fee imposed by law.".

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 702 of the Trade Agreements Act of 1979 is amended by striking "of quota cheese" each place it appears and inserting "of cheese subject to an in-quota rate of duty".

(2) Section 702(c)(2) of such Act is amended—

(A) by striking "the Special Representative for Trade Negotiations" and inserting "the United States Trade Representative", and

(B) by striking "The Special Representative" and inserting "The United States Trade Representative".

(3) Subsections (c)(3)(B) and (e) of section 702 of such Act are each amended by striking "or quantitative limitation".

(4) Section 702(f) of such Act is amended—

(A) by inserting "(as in effect on the day before the effective date of title II of the Uruguay Round Agreements Act)" after "Tariff Act of 1930", and

(B) by striking "under title I of this Act" and inserting "under title VII of the Tariff Act of 1930".

(5) Section 702(g)(2) of such Act is amended by striking "or quantitative limitations".

(6) Section 702(h) of such Act is amended by adding at the end the following new paragraphs:

"(4) CHEESE SUBJECT TO AN IN-QUOTA RATE OF DUTY.—The term 'cheese subject to an in-quota rate of duty' means the articles and the quantities of such articles provided for in the Additional U.S. Notes 14 through 23 of chapter 4 of Schedule XX (as defined in section 2(5) of the Uruguay Round Agreements Act).

"(5) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture.".

SEC. 403. MEAT IMPORT ACT.

The Meat Import Act of 1979 (19 U.S.C. 2253 note) is repealed.

SEC. 404. ADMINISTRATION OF TARIFF-RATE QUOTAS.

(a) ORDERLY MARKETING.—In implementing the tariff-rate quotas set out in Schedule XX for the entry, or withdrawal from warehouse, for consumption of goods in the United States, the President shall take such action as may be necessary to ensure that imports of agricultural products do not disrupt the orderly marketing of commodities in the United States.

(b) INADEQUATE SUPPLY.—Where imports of an agricultural product are subject to a tariff-rate quota, and where the President determines and proclaims that the supply of the same or directly competitive or substitutable agricultural product will be inadequate, because of a natural disaster, disease, or major national market disruption, to meet domestic demand at reasonable prices, the President may temporarily increase the quantity of imports of the agricultural product that is subject to the in-quota rate of duty established under the tariff-rate quota.

(c) MONITORING.—The Secretary of Agriculture shall monitor the domestic supply of agricultural products subject to a tariff-rate quota as the Secretary considers appropriate and shall advise the President when the domestic supply of the products and substitutable products combined with the estimated imports of the products under the tariff-rate quota may be inadequate to meet domestic demand at reasonable prices.

(d) COVERAGE OF TARIFF-RATE QUOTAS.—

(1) EXCLUSIONS.—The President may, subject to terms and conditions determined appropriate by the President, provide that the entry, or withdrawal from warehouse, for consumption in the United States of an agricultural product shall not be subject to the over-quota rate of duty established under a tariff-rate quota if the agricultural product—

(A) is imported by, or for the account of, any agency of the United States or of any foreign embassy;

(B) is imported as a sample for taking orders, for the personal use of the importer, or for the testing of equipment;

(C) is a commercial sample or is entered for exhibition, display, or sampling at a trade fair or for research; or

(D) is a blended syrup provided for in subheadings 1702.20.28, 1702.30.28, 1702.40.28, 1702.60.28, 1702.90.58, 1806.20.92, 1806.20.93, 1806.90.38, 1806.90.40, 2101.10.38, 2101.20.38, 2106.90.38, or 2106.90.67 of Schedule XX, if entered from a foreign trade zone by a foreign trade zone user whose facilities were in operation on June 1, 1990, to the extent that the annual quantity entered into the customs territory from such zone does not contain a quantity of sugar of nondomestic origin greater than the quantity authorized by the Foreign Trade Zones Board for processing in that zone during calendar year 1985.

(2) RECLASSIFICATION.—Subject to the consultation and layover requirements of section 115, the President may proclaim a modification to the coverage of a tariff-rate quota for any agricultural product if the President determines the modification is necessary or appropriate to conform the tariff-rate quota to Schedule XX as a result of a reclassification of any item by the Secretary of the Treasury.

(3) ALLOCATION.—The President may allocate the in-quota quantity of a tariff-rate quota for any agricultural product among supplying countries or customs areas and may modify any allocation as determined appropriate by the President.

(4) BILATERAL AGREEMENT.—The President may proclaim an increase in the tariff-rate quota for beef if the President determines that an increase is necessary to implement—

(A) the March 24, 1994, agreement between the United States and Argentina; or

(B) the March 9, 1994, agreement between the United States and Uruguay.

(5) CONTINUATION OF SUGAR HEADNOTE.—The President is authorized to proclaim additional United States note 3 to chapter 17 of the HTS, and to proclaim the modifications to the note, as determined appropriate by the President to reflect Schedule XX.

(e) CONFORMING AMENDMENTS.—

(1) SECTION 213 OF THE CARIBBEAN BASIN ECONOMIC RECOVERY ACT.—Section 213(d) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(d)) is amended to read as follows:

“(d) TARIFF-RATE QUOTAS.—No quantity of an agricultural product subject to a tariff-rate quota that exceeds the in-quota quantity shall be eligible for duty-free treatment under this title.”.

(2) SECTION 204 OF THE ANDEAN TRADE PREFERENCE ACT.—Section 204 of the Andean Trade Preference Act (19 U.S.C. 3203) is amended by adding at the end the following new subsection:

“(g) TARIFF-RATE QUOTAS.—No quantity of an agricultural product subject to a tariff-rate quota that exceeds the in-quota quantity shall be eligible for duty-free treatment under this Act.”.

(3) GSP.—Section 503 of the Trade Act of 1974 (19 U.S.C. 2463) is amended by adding at the end the following new subsection:

“(d) TARIFF-RATE QUOTAS.—No quantity of an agricultural product subject to a tariff-rate quota that exceeds the in-quota quantity shall be eligible for duty-free treatment under this title.”.

(4) GENERAL NOTE 3(a) TO THE HTS.—General Note 3(a)(iv) to the HTS is amended by adding at the end the following:

“(F) No quantity of an agricultural product that is subject to a tariff-rate quota that exceeds the in-quota quantity shall be eligible for duty-free treatment under this paragraph.”.

(5) DUTY DRAWBACK.—

(A) GENERALLY.—Section 313 of the Tariff Act of 1930 (19 U.S.C. 1313) is amended by adding at the end the following new subsection:

“(w) LIMITED APPLICABILITY FOR CERTAIN AGRICULTURAL PRODUCTS.—No drawback shall be available with respect to an agricultural product subject to the over-quota rate of duty established under a tariff-rate quota, except pursuant to subsection (j)(1).”.

(B) EFFECTIVE DATE.—The amendment made by subparagraph (A) shall take effect on the earlier of the date of entry into force of the WTO Agreement with respect to the United States or January 1, 1995.

(6) RESTRICTIONS ON IMPORTED PEANUTS.—Paragraph (6) of section 358e(f) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359a(f)(6)) is amended by inserting after “issues a proclamation” the following: “under section 404(b) of the Uruguay Round Agreements Act expanding the quantity of peanuts subject to the in-quota rate of duty under a tariff-rate quota, or”.

SEC. 405. SPECIAL AGRICULTURAL SAFEGUARD AUTHORITY.

(a) DETERMINATION OF TRIGGER LEVELS.—Consistent with Article 5 as determined by the President, the President shall cause to be published in the Federal Register—

(1) the list of special safeguard agricultural goods not later than the date of entry into force of the WTO Agreement with respect to the United States; and

(2) for each special safeguard agricultural good—

(A) the trigger level specified in subparagraph 1(a) of Article 5, on an annual basis;

(B) the trigger price specified in subparagraph 1(b) of Article 5; and

(C) the relevant period.

(b) DETERMINATION OF SAFEGUARD.—If the President determines with respect to a special safeguard agricultural good that it is appropriate to impose—

(1) the price-based safeguard in accordance with subparagraph 1(a) of Article 5; or

(2) the volume-based safeguard in accordance with subparagraph 1(b) of Article 5,

the President shall, consistent with Article 5 as determined by the President, determine the amount of the duty to be imposed, the period such duty shall be in effect, and any other terms and conditions applicable to the duty.

(c) IMPOSITION OF SAFEGUARD.—The President shall direct the Secretary of the Treasury to impose a duty on a special safeguard agricultural good entered, or withdrawn from warehouse, for consumption in the United States in accordance with a determination made under subsection (b).

(d) NO SIMULTANEOUS SAFEGUARD.—A duty may not be in effect for a special safeguard agricultural good pursuant to this section during any period in which such good is the subject of any action proclaimed pursuant to section 202 or 203 of the Trade Act of 1974 (19 U.S.C. 2252 or 2253).

(e) EXCLUSION OF NAFTA COUNTRIES.—The President may exempt from any duty imposed under this section any good originating in a NAFTA country (as determined in accordance with section 202 of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3332)).

(f) ADVICE OF SECRETARY OF AGRICULTURE.—The Secretary of Agriculture shall advise the President on the implementation of this section.

(g) TERMINATION DATE.—This section shall cease to be effective on the date, as determined by the President, that the special safeguard provisions of Article 5 are no longer in force with respect to the United States.

(h) DEFINITIONS.—For purposes of this section—

(1) the term “Article 5” means Article 5 of the Agreement on Agriculture described in section 101(d)(2);

(2) the term “relevant period” means the period determined by the President to be applicable to a special safeguard agricultural good for purposes of applying this section; and

(3) the term “special safeguard agricultural good” means an agricultural good on which an additional duty may be imposed pursuant to the special safeguard provisions of Article 5.

PART II—EXPORTS

SEC. 411. EXPORT PROGRAMS.

(a) EXPORT ENHANCEMENT PROGRAM.—

(1) SHORT TITLE.—This subsection may be cited as the “Export Enhancement Program Amendments of 1994”.

(2) TITLE HEADING.—Title III of the Agricultural Trade Act of 1978 (7 U.S.C. 5651 et seq.) is amended by striking the title heading and inserting the following:

“TITLE III—EXPORT ENHANCEMENT PROGRAM”.

(3) GENERAL AUTHORITY.—Subsection (a) of section 301 of such Act (7 U.S.C. 5651(a)) is amended to read as follows:

“(a) IN GENERAL.—The Commodity Credit Corporation shall carry out an export enhancement program in accordance with this section to encourage the commercial sale of United States agricultural commodities in world markets at competitive prices. The program shall be carried out in a market sensitive manner. Activities under the program shall not be limited to responses to unfair trade practices.”.

(4) FUNDING.—Section 301 of such Act (7 U.S.C. 5651) is amended—

(A) in subsection (e), by striking “1995” and inserting “2001”; and

(B) by adding at the end the following:

“(g) CONSISTENCY WITH INTERNATIONAL OBLIGATIONS.—Notwithstanding any other provision of this section, the Commodity Credit Corporation shall administer and carry out the program authorized by this section in a manner consistent, as determined by the President, with the obligations undertaken by the United States set forth in the Uruguay Round Agreements.".

(b) DAIRY EXPORT INCENTIVE PROGRAM.—Section 153(a) of the Food Security Act of 1985 (15 U.S.C. 713a-14) is amended by striking "1995" and inserting "2001".

(c) EXPORT SALES OF DAIRY PRODUCTS.—Subsection (a) of section 1163 of the Food Security Act of 1985 (Public Law 99–198; 7 U.S.C. 1731 note) is amended to read as follows:

"(a) In each fiscal year, the Secretary of Agriculture may sell dairy products for export, at such prices as the Secretary determines appropriate, in a quantity and allocated as determined by the Secretary, consistent with the obligations undertaken by the United States set forth in the Uruguay Round Agreements, if the disposition of the commodities will not interfere with the usual marketings of the United States nor disrupt world prices of agricultural commodities and patterns of commercial trade.".

(d) MARKET PROMOTION PROGRAM.—(1) Section 203(c) of the Agricultural Trade Act of 1978 (7 U.S.C. 5623(c)) is amended—

(A) by striking paragraph (2);

(B) by striking "PARTICIPATION.—" and all that follows through "To" in paragraph (1) and inserting "PARTICIPATION.—To";

(C) by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively; and

(D) by aligning the margins of paragraphs (1), (2), and (3) (as so redesignated) so as to align with the margin of paragraph (1) of subsection (d).

(2) Section 203(f)(2) of such Act (7 U.S.C. 5623(f)(2)) is amended—

(A) by striking subparagraph (D);

(B) by inserting "or" at the end of subparagraph (C); and

(C) by redesignating subparagraph (E) as subparagraph (D).

(e) FOOD AID.—

(1) POLICY.—In light of the Uruguay Round Agreement on Agriculture and the Ministerial Decision on Measures Concerning the Possible Negative Effects of the Reform Program on Least-Developed and Net-Food Importing Developing Countries, the United States reaffirms the commitment of the United States to providing food aid to developing countries.

(2) SENSE OF CONGRESS.—It is the sense of Congress that—

(A) the President should initiate consultations with other donor nations to consider appropriate levels of food aid commitments to meet the legitimate needs of developing countries; and

(B) the United States should increase its contribution of bona fide food assistance to developing countries consistent with the Agreement on Agriculture.

SEC. 412. OTHER CONFORMING AMENDMENTS.

(a) PUBLIC LAW 98-332.—Section 106 of Public Law 98–332 (98 Stat. 287), is repealed.

(b) AGRICULTURE, RURAL DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 1984.—Section 625(A) of the Agriculture, Rural Development, and Related Agencies Appropriations Act, 1984, as given the force of law by section 101(d) of Public Law 98–151 (97 Stat. 1853), is repealed.

(c) AGRICULTURAL ACT OF 1956.—Section 203 of the Agriculture Act of 1956 (7 U.S.C. 1853) is repealed.

PART III—OTHER PROVISIONS

SEC. 421. AUTHORITY FOR CERTAIN ACTIONS UNDER ARTICLE XXVIII.

(a) IN GENERAL.—In the application of section 125(c) of the Trade Act of 1974 (19 U.S.C. 2135) with respect to any item provided for in subheadings 2401.10.60, 2401.20.30, 2401.20.80, 2401.30.30, 2401.30.60, 2401.30.90, 2403.10.00, 2403.91.40, or 2403.99.00 of the HTS, "350" shall be substituted for "20" where it appears in such section.

(b) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act.

SEC. 422. TOBACCO IMPORTS.

(a) DOMESTIC MARKETING ASSESSMENT.—Section 320C of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1314i) is amended by adding at the end the following new subsection:

"(g) EFFECTIVE DATE.—This section shall be effective only for calendar year 1994.".

(b) BUDGET DEFICIT ASSESSMENT.—

(1) IMPORTER ASSESSMENTS.—Section 106(g) of the Agricultural Act of 1949 (7 U.S.C. 1445(g)) is amended—

(A) by striking paragraph (1) and inserting the following new paragraph:

"(1) Effective only for each of the 1994 through 1998 crops of tobacco for which price support is made available under this Act, each producer and purchaser of such tobacco, and each importer of the same kind of tobacco, shall remit to the Commodity Credit Corporation a nonrefundable marketing assessment in an amount equal to—

"(A) in the case of a producer or purchaser of domestic tobacco, .5 percent of the national price support level for each such crop; and

"(B) in the case of an importer of tobacco, 1 percent of the national support price for the same kind of tobacco;

as provided for in this section."; and

(B) in paragraph (2), by striking "assessments and purchaser" and inserting ", purchaser, and importer".

(2) CONFORMING AMENDMENT.—Section 106 of such Act (7 U.S.C. 1445) is amended by striking subsection (h).

(c) WAIVER AUTHORITY.—The President may waive the application to imported tobacco of section 106(g), 106A, or 106B of the Agricultural Act of 1949 (7 U.S.C. 1445(g), 1445–1, or 1445–2) or the amendment made in subsection (c) of section 1106 of the Omnibus Budget Reconciliation Act of 1993 (Public Law 103–66; 107 Stat. 323) if the President determines that the waiver is necessary or appropriate pursuant to an international agreement entered into by the United States.

(d) DUTY DRAWBACK.—Section 313(w) of the Tariff Act of 1930 (19 U.S.C. 1313) (as added by section 404(d)(5)) is further amended—

(1) by striking "PRODUCTS.—No" and inserting "PRODUCTS.—

"(1) IN GENERAL.—No"; and

(2) by adding at the end the following new paragraph:

"(2) APPLICATION TO TOBACCO.—Notwithstanding paragraph (1), drawback shall also be available pursuant to subsection (a) with respect to any tobacco subject to the over-quota rate of duty established under a tariff-rate quota.".

(e) EFFECTIVE DATE.—This section and the amendments made by this section shall be effective beginning on the effective date of the Presidential proclamation, authorized under section 421, establishing a tariff-rate quota pursuant to Article XXVIII of the GATT 1947 or the GATT 1994 with respect to tobacco.

SEC. 423. TOBACCO PROCLAMATION AUTHORITY.

(a) IN GENERAL.—The President, after consultation with the Committee on Ways and Means of the House of Representatives and with the Committee on Finance of the Senate, may proclaim the reduction or elimination of any duty with respect to cigar binder and filler tobacco, wrapper tobacco, or oriental tobacco set forth in Schedule XX.

(b) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act.

SEC. 424. REPORT TO CONGRESS ON ACCESS TO CANADIAN DAIRY AND POULTRY MARKETS.

The President, not later than 6 months after the date of entry into force of the WTO Agreement with respect to the United States, shall submit a report to the Congress on the extent to which Canada is complying with its obligations under the Uruguay Round Agreements with respect to dairy and poultry products and with its related obligations under the North American Free Trade Agreement.

SEC. 425. STUDY OF MILK MARKETING ORDER SYSTEM.

The Secretary of Agriculture shall conduct a study to determine the effects of the Uruguay Round Agreements on the Federal milk marketing order system. Not later than 6 months after the date of entry into force of the WTO Agreement with respect to the United States, the Secretary of Agriculture shall report to the Congress on the results of the study.

SEC. 426. ADDITIONAL PROGRAM FUNDING.

(a) USE OF ADDITIONAL FUNDS.—Consistent, as determined by the President, with the obligations undertaken by the United States set forth in the Uruguay Round Agreements, the Commodity Credit Corporation shall use, in addition to any other funds appropriated or made available for such purposes, any funds made available under subsection (b) for authorized export promotion, foreign market development, export credit financing, and promoting the development, commercialization, and marketing of products resulting from alternative uses of agricultural commodities.

(b) AMOUNT OF ADDITIONAL FUNDS.—Amounts shall be credited to the Commodity Credit Corporation in fiscal year 1995 equal to the lesser of the dollar amount of—

(1) the fiscal year 1995 Pay-As-You-Go savings; and

(2) the 5-year Pay-As-You-Go savings;

under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985, resulting from the enactment of the Federal Crop Insurance Reform Act of 1994.

(c) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this section.

Subtitle B—Sanitary and Phytosanitary Measures

SEC. 431. SANITARY AND PHYTOSANITARY MEASURES.

(a) TRADE AGREEMENTS ACT OF 1979.—Section 414 of the Trade Agreements Act of 1979 (19 U.S.C. 2544) is amended by adding at the end the following:

"(c) SANITARY AND PHYTOSANITARY MEASURES.—

"(1) PUBLIC INFORMATION.—The standards information center shall, in addition to the functions specified under subsection (b), make available to the public relevant documents, at such reasonable fees as the Secretary of Commerce may prescribe, and information regarding—

"(A) any sanitary or phytosanitary measure of general application, including any inspection procedure or approval procedure proposed, adopted, or maintained by a Federal agency or agency of a State or local government;

"(B) the procedures of a Federal agency or an agency of a State or local government for risk assessment and factors the agency considers in conducting the assessment;

"(C) the determination of the levels of protection that a Federal agency or an agency of a State or local government considers appropriate; and

"(D) the membership and participation of the Federal Government and State and local governments in international and regional sanitary and phytosanitary organizations and systems, and in bilateral and multilateral arrangements regarding sanitary and phytosanitary measures, and the provisions of those systems and arrangements.

"(2) DEFINITIONS.—The definitions in section 463 apply for purposes of this subsection.".

(b) RAILWAY CAR INSPECTION.—Subsection (a) of the Act of January 31, 1942 (56 Stat. 40, chapter 31; 7 U.S.C. 149), is amended by striking "from Mexico".

(c) FEDERAL PLANT PEST ACT.—The Federal Plant Pest Act (7 U.S.C. 150aa et seq.) is amended—

(1) so that section 103 (7 U.S.C. 150bb) reads as follows:

"SEC. 103. MOVEMENT OF PESTS PROHIBITED.

"(a) IN GENERAL.—No person shall import or enter any plant pest into the United States, or move any plant pest interstate, or accept delivery of any plant pest moving from any foreign country into or through the United States, or interstate, unless the movement is made in accordance with such regulations as the Secretary may promulgate to prevent the dissemination into the United States, or interstate, of plant pests.

"(b) REGULATIONS.—The regulations promulgated by the Secretary to implement subsection (a) may include regulations requiring that a plant pest moving into or through the United States, or interstate—

"(1) be accompanied by a permit issued by the Secretary prior to the movement of the plant pest; or

"(2) be accompanied by a certificate of inspection issued, in a manner and form required by the Secretary, by appropriate officials of the country or State from which the plant pest is to be moved."; and

(2) in section 104 (7 U.S.C. 150cc)—

(A) so that subsection (a) reads as follows:

"(a) Any letter, parcel, box, or other package containing any plant pest, whether sealed as letter-rate postal matter or not, is nonmailable, and shall not knowingly be conveyed in the mail or delivered from any post office or by any mail carrier, unless it is mailed in conformance with such regulations as the Secretary may promulgate to prevent the dissemination into the United States, or interstate, of plant pests.";

(B) by striking subsection (b); and

(C) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

(d) PLANT QUARANTINE ACT.—The Act of August 20, 1912 (37 Stat. 315, chapter 308; 7 U.S.C. 151 et seq.) (commonly known as the "Plant Quarantine Act") is amended—

(1) so that the first section (7 U.S.C. 151) reads as follows:

"SECTION 1. IMPORTATION OF NURSERY STOCK.

"(a) IN GENERAL.—No person shall—

"(1) import or enter into the United States any nursery stock; or

"(2) accept delivery of any nursery stock moving from any foreign country into or through the United States;

unless the movement is made in accordance with such regulations as the Secretary of Agriculture may promulgate to prevent dissemination into the United States of plant pests, plant diseases, or insect pests.

"(b) REGULATIONS.—The regulations promulgated by the Secretary of Agriculture to implement subsection (a) may include regulations requiring that nursery stock moving into or though the United States—

"(1) be accompanied by a permit issued by the Secretary of Agriculture prior to the movement of the nursery stock;

"(2) be accompanied by a certificate of inspection issued, in a manner and form required by the Secretary of Agriculture, by appropriate officials of the country or State from which the nursery stock is to be moved;

"(3) be grown under postentry quarantine conditions by or under the supervision of the Secretary of Agriculture for the purposes of determining whether the nursery stock may be infested with plant pests or insect pests, or infected with plant diseases, not discernible by port-of-entry inspection; and

"(4) if the nursery stock is found to be infested with plant pests or insect pests or infected with plant diseases, be subject to remedial measures the Secretary of Agriculture determines to be necessary to prevent the spread of plant pests, insect pests, or plant diseases."; and

(2) so that the last sentence of section 2 (7 U.S.C. 156) reads as follows: "This section does not apply to nursery stock that is imported or entered from a country or a region of a country that the Secretary of Agriculture designates, pursuant to procedures set forth in such regulations as the Secretary may promulgate, as exempt from the requirements of this section.".

(e) HONEYBEE IMPORTATION.—The first section of the Act of August 31, 1922 (42 Stat. 833, chapter 301; 7 U.S.C. 281) (commonly known as the "Honeybee Act"), is amended to read as follows:

"SECTION 1. HONEYBEE IMPORTATION.

"(a) IN GENERAL.—The Secretary of Agriculture is authorized to prohibit or restrict the importation or entry of honeybees and honeybee semen into or through the United States in order to prevent the introduction and spread of diseases and parasites harmful to honeybees, the introduction of genetically undesirable germ plasm of honeybees, or the introduction and spread of undesirable species or subspecies of honeybees and the semen of honeybees.

"(b) REGULATIONS.—The Secretary of Agriculture and the Secretary of the Treasury are each authorized to prescribe such regulations as the respective Secretary determines necessary to carry out this section.

"(c) ENFORCEMENT.—Honeybees or honeybee semen offered for importation into, intercepted entering, or having entered the United States, other than in accordance with regulations promulgated by the Secretary of Agriculture and the Secretary of the Treasury, shall be destroyed or immediately exported.

"(d) DEFINITION.—As used in this Act, the term 'honeybee' means all life stages and the germ plasm of honeybees of the genus Apis, except honeybee semen.".

(f) FEDERAL NOXIOUS WEED ACT OF 1974.—Section 4 of the Federal Noxious Weed Act of 1974 (7 U.S.C. 2803) is amended so that subsections (a) through (b) read as follows:

"(a) No person shall import or enter any noxious weed identified in a regulation promulgated by the Secretary into or through the United States or move any noxious weed interstate, unless the movement is in accordance with such conditions as the Secretary may prescribe by regulation under this Act to prevent the dissemination into the United States, or interstate, of such noxious weeds.

"(b) The regulations prescribed by the Secretary to implement subsection (a) may include regulations requiring that any noxious weed imported or entered into the United States or moving interstate be accompanied by a permit issued by the Secretary prior to the movement of the noxious weed.".

(g) TARIFF ACT OF 1930.—Section 306(b) of the Tariff Act of 1930 (19 U.S.C. 1306(b)) is amended by inserting before the period at the end the following: ", or is, and is likely to remain, a region of low prevalence of rinderpest and foot-and-mouth disease".

(h) IMPORTATION OF ANIMALS.—Section 6 of the Act of August 30, 1890 (26 Stat. 416, chapter 839; 21 U.S.C. 104), is amended to read as follows:

"SEC. 6. IMPORTATION OF ANIMALS.

"(a) IN GENERAL.—The Secretary of Agriculture may by regulation prohibit or restrict the importation or entry of any cattle, sheep, or other ruminants, or swine, that are diseased or infected with any disease, or that have been exposed to an infection, into or through the United States to prevent the dissemination into the United States of a disease.

"(b) PENALTIES.—

"(1) CRIMINAL.—Any person who knowingly violates any regulation promulgated by the Secretary pursuant to this section, or any provision of sections 7 through 10 or any regulation promulgated by the Secretary pursuant to such sections, shall be fined under title 18, United States Code, or imprisoned not more than 1 year, or both.

"(2) CIVIL.—Any person who violates any such provision or any such regulation may be assessed a civil penalty by the Secretary of Agriculture not exceeding $1,000. The Secretary may issue an order assessing the civil penalty only after notice and an opportunity for an agency hearing on the record. The order shall be treated as a final order reviewable under chapter 158 of title 28, United States Code. The validity of the order may not be reviewed in an action to collect such civil penalty.".

(i) INSPECTION OF ANIMALS.—Section 10 of the Act of August 30, 1890 (26 Stat. 417, chapter 839; 21 U.S.C. 105), is amended—

(1) in subsection (a)—

(A) by striking "(a) IN GENERAL.—Except as provided in subsection (b), the" and inserting "The";

(B) in the first sentence, by striking "shall cause careful inspection to be made by a suitable officer of all" and inserting "may cause careful inspection of any"; and

(C) in the third sentence, by striking "they shall not be allowed to be placed" and inserting "the Secretary may prohibit or restrict their placement"; and

(2) by striking subsection (b).

(j) INTERNATIONAL ANIMAL QUARANTINE STATION.—The 6th sentence in the first section of Public Law 91-239 (21 U.S.C. 135) is amended—

(1) by striking "North American"; and

(2) by striking "within the United States".

(k) POULTRY PRODUCTS INSPECTION ACT.—Section 17(d) of the Poultry Products Inspection Act (21 U.S.C. 466) is amended—

(1) by amending paragraph (1) to read as follows:

"(1) Notwithstanding any other provision of law, all poultry, or parts or products of poultry, capable of use as human food offered for importation into the United States shall—

"(A) be subject to inspection, sanitary, quality, species verification, and residue standards that achieve a level of sanitary protection equivalent to that achieved under United States standards; and

"(B) have been processed in facilities and under conditions that achieve a level of sanitary protection equivalent to that achieved under United States standards."; and

(2) in paragraph (2)—

(A) by amending subparagraph (A) to read as follows:

"(A) The Secretary may treat as equivalent to a United States standard a standard of an exporting country described in paragraph (1) if the exporting country provides the Secretary with scientific evidence or other information, in accordance with risk assessment methodologies determined appropriate by the Secretary, to demonstrate that the standard of the exporting country achieves the level of sanitary protection achieved under the United States standard. For the purposes of this subsection, the term 'sanitary protection' means protection to safeguard public health.";

(B) by striking subparagraph (B); and

(C) by redesignating subparagraph (C) as subparagraph (B).

(l) FEDERAL MEAT INSPECTION ACT.—Section 20(e) of the Federal Meat Inspection Act (21 U.S.C. 620(e)) is amended—

(1) so that subparagraphs (A) through (B) of paragraph (1) read as follows:

"(A) A certification by the Secretary that foreign plants exporting carcasses or meat or meat products referred to in subsection (a) have complied with requirements that achieve a level of sanitary protection equivalent to that achieved under United States requirements with regard to all inspection, building construction standards, and all other provisions of this Act and regulations issued under this Act.

"(B) The Secretary may treat as equivalent to a United States requirement a requirement described in subparagraph (A) if the exporting country provides the Secretary with scientific evidence or other information, in accordance with risk assessment methodologies determined appropriate by the Secretary, to demonstrate that the requirement achieves the level of sanitary protection achieved under the United States requirement. For the purposes of this subsection, the term 'sanitary protection' means protection to safeguard public health.";

(2) by striking paragraph (2); and

(3) by redesignating paragraphs (3) through (7) as paragraphs (2) through (6), respectively.

SEC. 432. INTERNATIONAL STANDARD-SETTING ACTIVITIES.

Title IV of the Trade Agreements Act of 1979 (19 U.S.C. 2531 et seq.) is amended by adding at the end the following new subtitle:

"Subtitle F—International Standard-Setting Activities

"SEC. 491. NOTICE OF UNITED STATES PARTICIPATION IN INTERNATIONAL STANDARD-SETTING ACTIVITIES.

"(a) IN GENERAL.—The President shall designate an agency to be responsible for informing the public of the sanitary and phytosanitary standard-setting activities of each international standard-setting organization.

"(b) NOTIFICATION.—Not later than June 1 of each year, the agency designated under subsection (a) with respect to each international standard-setting organization shall publish notice in the Federal Register of the information specified in subsection (c) with respect to that organization. The notice shall cover the period ending on June 1 of the year in which the notice is published, and beginning on the date of the preceding notice under this subsection, except that the first such notice shall cover the 1-year period ending on the date of the notice.

"(c) REQUIRED INFORMATION.—The information to be provided in the notice under subsection (b) is—

"(1) the sanitary or phytosanitary standards under consideration or planned for consideration by that organization;

"(2) for each sanitary or phytosanitary standard specified in paragraph (1)—

"(A) a description of the consideration or planned consideration of the standard;

"(B) whether the United States is participating or plans to participate in the consideration of the standard;

"(C) the agenda for the United States participation, if any; and

"(D) the agency responsible for representing the United States with respect to the standard.

"(d) PUBLIC COMMENT.—The agency specified in subsection (c)(2)(D) shall provide an opportunity for public comment with respect to the standards for which the agency is responsible and shall take the comments into account in participating in the consideration of the standards and in proposing matters to be considered by the organization.

"SEC. 492. EQUIVALENCE DETERMINATIONS.

"(a) IN GENERAL.—An agency may not determine that a sanitary or phytosanitary measure of a foreign country is equivalent to a sanitary or phytosanitary measure established under the authority of Federal law unless the agency determines that the sanitary or phytosanitary measure of the foreign country provides at least the same level of sanitary or phytosanitary protection as the comparable sanitary or phytosanitary measure established under the authority of Federal law.

"(b) FDA DETERMINATION.—If the Commissioner proposes to issue a determination of the equivalency of a sanitary or phytosanitary measure of a foreign country to a measure that is required to be promulgated as a rule under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) or other statute administered by the Food and Drug Administration, the Commissioner shall issue a proposed regulation to incorporate such determination and shall include in the notice of proposed rulemaking the basis for the determination that the sanitary or phytosanitary measure of a foreign country provides at least the same level of sanitary or phytosanitary protection as the comparable Federal sanitary or phytosanitary measure. The Commissioner shall provide opportunity for interested persons to comment on the proposed regulation. The Commissioner shall not issue a final regulation based on the proposal without taking into account the comments received.

"(c) NOTICE.—If the Commissioner proposes to issue a determination of the equivalency of a sanitary or phytosanitary measure of a foreign country to a sanitary or phystosanitary measure of the Food and Drug Administration that is not required to be promulgated as a rule under the Federal Food, Drug, and Cosmetic Act or other statute administered by the Food and Drug Administration, the Commissioner shall publish a notice in the Federal Register that identifies the basis for the determination that the measure provides at least the same level of sanitary or phytosanitary protection as the comparable Federal sanitary or phytosanitary measure. The Commissioner shall provide opportunity for interested persons to comment on the notice. The Commissioner shall not issue a final determination on the issue of equivalency without taking into account the comments received.

"SEC. 493. DEFINITIONS.

"(a) IN GENERAL.—As used in this subtitle:

"(1) AGENCY.—The term 'agency' means a Federal department or agency (or combination of Federal departments or agencies).

"(2) COMMISSIONER.—The term 'Commissioner' means the Commissioner of Food and Drugs.

"(3) INTERNATIONAL STANDARD-SETTING ORGANIZATION.—The term 'international standard-setting organization' means an organization consisting of representatives of 2 or more countries, the purpose of which is to negotiate, develop, promulgate, or amend an international standard.

"(4) SANITARY OR PHYTOSANITARY STANDARD.—The term 'sanitary or phytosanitary standard' means a standard intended to form a basis for a sanitary or phytosanitary measure.

"(5) INTERNATIONAL STANDARD.—The term 'international standard' means a standard, guideline, or recommendation—

"(A) regarding food safety, adopted by the Codex Alimentarius Commission, including a standard, guideline, or recommendation regarding decomposition elaborated by the Codex Committee on Fish and Fishery Products, food additives, contaminants, hygienic practice, and methods of analysis and sampling;

"(B) regarding animal health and zoonoses, developed under the auspices of the International Office of Epizootics;

"(C) regarding plant health, developed under the auspices of the Secretariat of the International Plant Protection Convention in cooperation with the North American Plant Protection Organization; or

"(D) established by or developed under any other international organization agreed to by the NAFTA countries (as defined in section 2(4) of the North American Free Trade Agreement Implementation Act) or by the WTO members (as defined in section 2(10) of the Uruguay Round Agreements Act).

"(b) OTHER DEFINITIONS.—The definitions set forth in section 463 apply for purposes of this subtitle except that in applying paragraph (7) of section 463 with respect to a sanitary or phytosanitary measure of a foreign country, any reference in such paragraph to the United States shall be deemed to be a reference to that foreign country.".

Subtitle C—Standards

SEC. 441. THE FEDERAL SEED ACT.

The Federal Seed Act (7 U.S.C. 1551 et seq.) is amended—

(1) in section 301(a) (7 U.S.C. 1581(a))—

(A) by striking "(a)";

(B) in paragraph (1), by striking ", or is required to be stained and is not so stained, under the terms of this title,";

(C) by striking paragraph (3); and

(D) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively;

(2) in section 302 (7 U.S.C. 1582)—

(A) in subsection (a), by striking "staining," both places it appears; and

(B) by striking subsection (e);

(3) by striking section 303 (7 U.S.C. 1585) and inserting the following new section:

"SEC. 303. CERTAIN SEEDS NOT ADAPTED FOR GENERAL AGRICULTURAL USE.

"Whenever the Secretary of Agriculture, after a public hearing, determines that seed of alfalfa or red clover from any foreign country is not adapted for general agricultural use in the United States, the Secretary shall publish the determination and the reasons for the determination."; and

(4) in section 304 (7 U.S.C. 1586)—

(A) in subsection (a)—

(i) by inserting "or" at the end of paragraph (2);

(ii) by striking the semicolon at the end of paragraph (3) and inserting a period; and

(iii) by striking paragraphs (4) through (7);

(B) by striking subsection (b); and

(C) by redesignating subsection (c) as subsection (b).

Subtitle D—General Effective Date

SEC. 451. GENERAL EFFECTIVE DATE.

Except as otherwise provided in this title, this title, and the amendments made by this title, shall take effect on the date of entry into force of the WTO Agreement with respect to the United States.

TITLE V—INTELLECTUAL PROPERTY

SEC. 501. DEFINITION.

For purposes of this title—

(1) the term "WTO Agreement" has the meaning given that term in section 2(9) of the Uruguay Round Agreements Act; and

(2) the term "WTO member country" has the meaning given that term in section 2(10) of the Uruguay Round Agreements Act.

Subtitle A—Copyright Provisions

SEC. 511. RENTAL RIGHTS IN COMPUTER PROGRAMS.

Section 804(c) of the Computer Software Rental Amendments Act of 1990 (17 U.S.C. 109 note; 104 Stat. 5136) is amended by striking the first sentence.

SEC. 512. CIVIL PENALTIES FOR UNAUTHORIZED FIXATION OF AND TRAFFICKING IN SOUND RECORDINGS AND MUSIC VIDEOS OF LIVE MUSICAL PERFORMANCES.

(a) IN GENERAL.—Title 17, United States Code, is amended by adding at the end the following new chapter:

"CHAPTER 11—SOUND RECORDINGS AND MUSIC VIDEOS

"Sec.
"1101. Unauthorized fixation and trafficking in sound recordings and music videos.

"§ 1101. Unauthorized fixation and trafficking in sound recordings and music videos

"(a) UNAUTHORIZED ACTS.—Anyone who, without the consent of the performer or performers involved—

"(1) fixes the sounds or sounds and images of a live musical performance in a copy or phonorecord, or reproduces copies or phonorecords of such a performance from an unauthorized fixation,

"(2) transmits or otherwise communicates to the public the sounds or sounds and images of a live musical performance, or

"(3) distributes or offers to distribute, sells or offers to sell, rents or offers to rent, or traffics in any copy or phonorecord fixed as described in paragraph (1), regardless of whether the fixations occurred in the United States,

shall be subject to the remedies provided in sections 502 through 505, to the same extent as an infringer of copyright.

"(b) DEFINITION.—As used in this section, the term 'traffic in' means transport, transfer, or otherwise dispose of, to another, as consideration for anything of value, or make or obtain control of with intent to transport, transfer, or dispose of.

"(c) APPLICABILITY.—This section shall apply to any act or acts that occur on or after the date of the enactment of the Uruguay Round Agreements Act.

"(d) STATE LAW NOT PREEMPTED.—Nothing in this section may be construed to annul or limit any rights or remedies under the common law or statutes of any State.".

(b) CONFORMING AMENDMENT.—The table of chapters for title 17, United States Code, is amended by adding at the end the following:

"11. Sound Recordings and Music Videos .... 1101".

SEC. 513. CRIMINAL PENALTIES FOR UNAUTHORIZED FIXATION OF AND TRAFFICKING IN SOUND RECORDINGS AND MUSIC VIDEOS OR LIVE MUSICAL PERFORMANCES.

(a) IN GENERAL.—Chapter 113 of title 18, United States Code, is amended by inserting after section 2319 the following:

"§ 2319A. Unauthorized fixation of and trafficking in sound recordings and music videos of live musical performances

"(a) OFFENSE.—Whoever, without the consent of the performer or performers involved, knowingly and for purposes of commercial advantage or private financial gain—

"(1) fixes the sounds or sounds and images of a live musical performance in a copy or phonorecord, or reproduces copies or phonorecords of such a performance from an unauthorized fixation;

"(2) transmits or otherwise communicates to the public the sounds or sounds and images of a live musical performance; or

"(3) distributes or offers to distribute, sells or offers to sell, rents or offers to rent, or traffics in any copy or phonorecord fixed as described in paragraph (1), regardless of whether the fixations occurred in the United States;

shall be imprisoned for not more than 5 years or fined in the amount set forth in this title, or both, or if the offense is a second or subsequent offense, shall be imprisoned for not more than 10 years or fined in the amount set forth in this title, or both.

"(b) FORFEITURE AND DESTRUCTION.—When a person is convicted of a violation of subsection (a), the court shall order the forfeiture and destruction of any copies or phonorecords created in violation thereof, as well as any plates, molds, matrices, masters, tapes, and film negatives by means of which such copies or phonorecords may be made. The court may also, in its discretion, order the forfeiture and destruction of any other equipment by means of which such copies or phonorecords may be reproduced, taking into account the nature, scope, and proportionality of the use of the equipment in the offense.

"(c) SEIZURE AND FORFEITURE.—If copies or phonorecords of sounds or sounds and images of a live musical performance are fixed outside of the United States without the consent of the performer or performers involved, such copies or phonorecords are subject to seizure and forfeiture in the United States in the same manner as property imported in violation of the customs laws. The Secretary of the Treasury shall, not later than 60 days after the date of the enactment of the Uruguay Round Agreements Act, issue regulations to carry out this subsection, including regulations by which any performer may, upon payment of a specified fee, be entitled to notification by the United States Customs Service of the importation of copies or phonorecords that appear to consist of unauthorized fixations of the sounds or sounds and images of a live musical performance.

"(d) DEFINITIONS.—As used in this section—

"(1) the terms 'copy', 'fixed', 'musical work', 'phonorecord', 'reproduce', 'sound recordings', and 'transmit' mean those terms within the meaning of title 17; and

"(2) the term 'traffic in' means transport, transfer, or otherwise dispose of, to another, as consideration for anything of value, or make or obtain control of with intent to transport, transfer, or dispose of.

"(e) APPLICABILITY.—This section shall apply to any Act or Acts that occur on or after the date of the enactment of the Uruguay Round Agreements Act.".

(b) CONFORMING AMENDMENT.—The table of sections for chapter 113 of title 18, United States Code, is amended by inserting after the item relating to section 2319 the following:

"2319A. Unauthorized fixation of and trafficking in sound recordings and music videos of live musical performances.".

SEC. 514. RESTORED WORKS.

(a) IN GENERAL.—Section 104A of title 17, United States Code, is amended to read as follows:

"§ 104A. Copyright in restored works

"(a) AUTOMATIC PROTECTION AND TERM.—

"(1) TERM.—

"(A) Copyright subsists, in accordance with this section, in restored works, and vests automatically on the date of restoration.

"(B) Any work in which copyright is restored under this section shall subsist for the remainder of the term of copyright that the work would have otherwise been granted in the United States if the work never entered the public domain in the United States.

"(2) EXCEPTION.—Any work in which the copyright was ever owned or administered by the Alien Property Custodian and in which the restored copyright would be owned by a government or instrumentality thereof, is not a restored work.

"(b) OWNERSHIP OF RESTORED COPYRIGHT.—A restored work vests initially in the author or initial rightholder of the work as determined by the law of the source country of the work.

"(c) FILING OF NOTICE OF INTENT TO ENFORCE RESTORED COPYRIGHT AGAINST RELIANCE PARTIES.—On or after the date of restoration, any person who owns a copyright in a restored work or an exclusive right therein may file with the Copyright Office a notice of intent to enforce that person's copyright or exclusive right or may serve such a notice directly on a reliance party. Acceptance of a notice by the Copyright Office is effective as to any reliance parties but shall not create a presumption of the validity of any of the facts stated therein. Service on a reliance party is effective as to that reliance party and any other reliance parties with actual knowledge of such service and of the contents of that notice.

"(d) REMEDIES FOR INFRINGEMENT OF RESTORED COPYRIGHTS.—

"(1) ENFORCEMENT OF COPYRIGHT IN RESTORED WORKS IN THE ABSENCE OF A RELIANCE PARTY.—As against any party who is not a reliance party, the remedies provided in chapter 5 of this title shall be available on or after the date of restoration of a restored copyright with respect to an act of infringement of the restored copyright that is commenced on or after the date of restoration.

"(2) ENFORCEMENT OF COPYRIGHT IN RESTORED WORKS AS AGAINST RELIANCE PARTIES.—As against a reliance party, except to the extent provided in paragraphs (3) and (4), the remedies provided in chapter 5 of this title shall be available, with respect to an act of infringement of a restored copyright, on or after the date of restoration of the restored copyright if the requirements of either of the following subparagraphs are met:

"(A)(i) The owner of the restored copyright (or such owner's agent) or the owner of an exclusive right therein (or such owner's agent) files with the Copyright Office, during the 24-month period beginning on the date of restoration, a notice of intent to enforce the restored copyright; and

"(ii)(I) the act of infringement commenced after the end of the 12-month period beginning on the date of publication of the notice in the Federal Register;

"(II) the act of infringement commenced before the end of the 12-month period described in subclause (I) and continued after the end of that 12-month period, in which case remedies shall be available only for infringement occurring after the end of that 12-month period; or

"(III) copies or phonorecords of a work in which copyright has been restored under this section are made after publication of the notice of intent in the Federal Register.

"(B)(i) The owner of the restored copyright (or such owner's agent) or the owner of an exclusive right therein (or such owner's agent) serves upon a reliance party a notice of intent to enforce a restored copyright; and

"(ii)(I) the act of infringement commenced after the end of the 12-month period beginning on the date the notice of intent is received;

"(II) the act of infringement commenced before the end of the 12-month period described in subclause (I) and continued after the end of that 12-month period, in which case remedies shall be available only for the infringement occurring after the end of that 12-month period; or

"(III) copies or phonorecords of a work in which copyright has been restored under this section are made after receipt of the notice of intent.

In the event that notice is provided under both subparagraphs (A) and (B), the 12-month period referred to in such subparagraphs shall run from the earlier of publication or service of notice.

"(3) EXISTING DERIVATIVE WORKS.—(A) In the case of a derivative work that is based upon a restored work and is created--

"(i) before the date of the enactment of the Uruguay Round Agreements Act, if the source country of the derivative work is an eligible country on such date, or

"(ii) before the date of adherence or proclamation, if the source country of the derivative work is not an eligible country on such date of enactment,

a reliance party may continue to exploit that work for the duration of the restored copyright if the reliance party pays to the owner of the restored copyright reasonable compensation for conduct which would be subject to a remedy for infringement but for the provisions of this paragraph.

"(B) In the absence of an agreement between the parties, the amount of such compensation shall be determined by an action in United States district court, and shall reflect any harm to the actual or potential market for or value of the restored work from the reliance party's continued exploitation of the work, as well as compensation for the relative contributions of expression of the author of the restored work and the reliance party to the derivative work.

"(4) COMMENCEMENT OF INFRINGEMENT FOR RELIANCE PARTIES.—For purposes of section 412, in the case of reliance parties, infringement shall be deemed to have commenced before registration when acts which would have constituted infringement had the restored work been subject to copyright were commenced before the date of restoration.

"(e) NOTICES OF INTENT TO ENFORCE A RESTORED COPYRIGHT.—

"(1) NOTICES OF INTENT FILED WITH THE COPYRIGHT OFFICE.—(A)(i) A notice of intent filed with the Copyright Office to enforce a restored copyright shall be signed by the owner of the restored copyright or the owner of an exclusive right therein, who files the notice under subsection (d)(2)(A)(i) (hereafter in this paragraph referred to as the 'owner'), or by the owner's agent, shall identify the title of the restored work, and shall include an English translation of the title and any other alternative titles known to the owner by which the restored work may be identified, and an address and telephone number at which the owner may be contacted. If the notice is signed by an agent, the agency relationship must have been constituted in a writing signed by the owner before the filing of the notice. The Copyright Office may specifically require in regulations other information to be included in the notice, but failure to provide such other information shall not invalidate the notice or be a basis for refusal to list the restored work in the Federal Register.

"(ii) If a work in which copyright is restored has no formal title, it shall be described in the notice of intent in detail sufficient to identify it.

"(iii) Minor errors or omissions may be corrected by further notice at any time after the notice of intent is filed. Notices of corrections for such minor errors or omissions shall be accepted after the period established in subsection (d)(2)(A)(i). Notices shall be published in the Federal Register pursuant to subparagraph (B).

"(B)(i) The Register of Copyrights shall publish in the Federal Register, commencing not later than 4 months after the date of restoration for a particular nation and every 4 months thereafter for a period of 2 years, lists identifying restored works and the ownership thereof if a notice of intent to enforce a restored copyright has been filed.

"(ii) Not less than 1 list containing all notices of intent to enforce shall be maintained in the Public Information Office of the Copyright Office and shall be available for public inspection and copying during regular business hours pursuant to sections 705 and 708. Such list shall also be published in the Federal Register on an annual basis for the first 2 years after the applicable date of restoration.

"(C) The Register of Copyrights is authorized to fix reasonable fees based on the costs of receipt, processing, recording, and publication of notices of intent to enforce a restored copyright and corrections thereto.

"(D)(i) Not later than 90 days before the date the Agreement on Trade-Related Aspects of Intellectual Property referred to in section 101(d)(15) of the Uruguay Round Agreements Act enters into force with respect to the United States, the Copyright Office shall issue and publish in the Federal Register regulations governing the filing under this subsection of notices of intent to enforce a restored copyright.

"(ii) Such regulations shall permit owners of restored copyrights to file simultaneously for registration of the restored copyright.

"(2) NOTICES OF INTENT SERVED ON A RELIANCE PARTY.—(A) Notices of intent to enforce a restored copyright may be served on a reliance party at any time after the date of restoration of the restored copyright.

"(B) Notices of intent to enforce a restored copyright served on a reliance party shall be signed by the owner or the owner's agent, shall identify the restored work and the work in which the restored work is used, if any, in detail sufficient to identify them, and shall include an English translation of the title, any other alternative titles known to the owner by which the work may be identified, the use or uses to which the owner objects, and an address and telephone number at which the reliance party may contact the owner. If the notice is signed by an agent, the agency relationship must have been constituted in writing and signed by the owner before service of the notice.

"(3) EFFECT OF MATERIAL FALSE STATEMENTS.—Any material false statement knowingly made with respect to any restored copyright identified in any notice of intent shall make void all claims and assertions made with respect to such restored copyright.

"(f) IMMUNITY FROM WARRANTY AND RELATED LIABILITY.—

"(1) IN GENERAL.—Any person who warrants, promises, or guarantees that a work does not violate an exclusive right granted in section 106 shall not be liable for legal, equitable, arbitral, or administrative relief if the warranty, promise, or guarantee is breached by virtue of the restoration of copyright under this section, if such warranty, promise, or guarantee is made before January 1, 1995.

"(2) PERFORMANCES.—No person shall be required to perform any act if such performance is made infringing by virtue of the restoration of copyright under the provisions of this section, if the obligation to perform was undertaken before January 1, 1995.

"(g) PROCLAMATION OF COPYRIGHT RESTORATION.—Whenever the President finds that a particular foreign nation extends, to works by authors who are nationals or domiciliaries of the United States, restored copyright protection on substantially the same basis as provided under this section, the President may by proclamation extend restored protection provided under this section to any work—

"(1) of which one or more of the authors is, on the date of first publication, a national, domiciliary, or sovereign authority of that nation; or

"(2) which was first published in that nation.

The President may revise, suspend, or revoke any such proclamation or impose any conditions or limitations on protection under such a proclamation.

"(h) DEFINITIONS.—For purposes of this section and section 109(a):

"(1) The term 'date of adherence or proclamation' means the earlier of the date on which a foreign nation which, as of the date the WTO Agreement enters into force with respect to the United States, is not a nation adhering to the Berne Convention or a WTO member country, becomes—

"(A) a nation adhering to the Berne Convention or a WTO member country; or

"(B) subject to a Presidential proclamation under subsection (g).

"(2) The 'date of restoration' of a restored copyright is the later of—

"(A) the date on which the Agreement on Trade-Related Aspects of Intellectual Property referred to in section 101(d)(15) of the Uruguay Round Agreements Act enters into force with respect to the United States, if the source country of the restored work is a nation adhering to the Berne Convention or a WTO member country on such date; or

"(B) the date of adherence or proclamation, in the case of any other source country of the restored work.

"(3) The term 'eligible country' means a nation, other than the United States, that is a WTO member country, adheres to the Berne Convention, or is subject to a proclamation under section 104A(g).

"(4) The term 'reliance party' means any person who—

"(A) with respect to a particular work, engages in acts, before the source country of that work becomes an eligible country, which would have violated section 106 if the restored work had been subject to copyright protection, and who, after the source country becomes an eligible country, continues to engage in such acts;

"(B) before the source country of a particular work becomes an eligible country, makes or acquires 1 or more copies or phonorecords of that work; or

"(C) as the result of the sale or other disposition of a derivative work covered under subsection (d)(3), or significant assets of a person described in subparagraph (A) or (B), is a successor, assignee, or licensee of that person.

"(5) The term 'restored copyright' means copyright in a restored work under this section.

"(6) The term 'restored work' means an original work of authorship that—

"(A) is protected under subsection (a);

"(B) is not in the public domain in its source country through expiration of term of protection;

"(C) is in the public domain in the United States due to—

"(i) noncompliance with formalities imposed at any time by United States copyright law, including failure of renewal, lack of proper notice, or failure to comply with any manufacturing requirements;

"(ii) lack of subject matter protection in the case of sound recordings fixed before February 15, 1972; or

"(iii) lack of national eligibility; and

"(D) has at least one author or rightholder who was, at the time the work was created, a national or domiciliary of an eligible country, and if published, was first published in an eligible country and not published in the United States during the 30-day period following publication in such eligible country.

"(7) The term 'rightholder' means the person—

"(A) who, with respect to a sound recording, first fixes a sound recording with authorization, or

"(B) who has acquired rights from the person described in subparagraph (A) by means of any conveyance or by operation of law.

"(8) The 'source country' of a restored work is—

"(A) a nation other than the United States;

"(B) in the case of an unpublished work—

"(i) the eligible country in which the author or rightholder is a national or domiciliary, or, if a restored work has more than 1 author or rightholder, the majority of foreign authors or rightholders are nationals or domiciliaries of eligible countries; or

"(ii) if the majority of authors or rightholders are not foreign, the nation other than the United States which has the most significant contacts with the work; and

"(C) in the case of a published work—

"(i) the eligible country in which the work is first published, or

"(ii) if the restored work is published on the same day in 2 or more eligible countries, the eligible country which has the most significant contacts with the work.

"(9) The terms 'WTO Agreement' and 'WTO member country' have the meanings given those terms in paragraphs (9) and (10), respectively, of section 2 of the Uruguay Round Agreements Act.".

(b) LIMITATION.—Section 109(a) of title 17, United States Code, is amended by adding at the end the following: "Notwithstanding the preceding sentence, copies or phonorecords of works subject to restored copyright under section 104A that are manufactured before the date of restoration of copyright or, with respect to reliance parties, before publication or service of notice under section 104A(e), may be sold or otherwise disposed of without the authorization of the owner of the restored copyright for purposes of direct or indirect commercial advantage only during the 12-month period beginning on—

"(1) the date of the publication in the Federal Register of the notice of intent filed with the Copyright Office under section 104A(d)(2)(A), or

"(2) the date of the receipt of actual notice served under section 104A(d)(2)(B),

whichever occurs first.".

(c) CONFORMING AMENDMENT.—The item relating to section 104A in the table of sections for chapter 1 of title 17, United States Code, is amended to read as follows:

"104A. Copyright in restored works.".

Subtitle B—Trademark Provisions

SEC. 521. DEFINITION OF "ABANDONED".

Section 45 of the Act entitled "An Act to provide for the registration and protection of trade-marks used in commerce, to carry out the provisions of certain international conventions, and for other purposes", approved July 5, 1946 (15 U.S.C. 1127) (hereafter in this title referred to as the "Trademark Act of 1946"), is amended by amending the paragraph defining "abandoned" to read as follows:

"A mark shall be deemed to be 'abandoned' if either of the following occurs:

"(1) When its use has been discontinued with intent not to resume such use. Intent not to resume may be inferred from circumstances. Nonuse for 3 consecutive years shall be prima facie evidence of abandonment. 'Use' of a mark means the bona fide use of such mark made in the ordinary course of trade, and not made merely to reserve a right in a mark.

"(2) When any course of conduct of the owner, including acts of omission as well as commission, causes the mark to become the generic name for the goods or services on or in connection with which it is used or otherwise to lose its significance as a mark. Purchaser motivation shall not be a test for determining abandonment under this paragraph.".

SEC. 522. NONREGISTRABILITY OF MISLEADING GEOGRAPHIC INDICATIONS FOR WINES AND SPIRITS.

Subsection (a) of section 2 of the Trademark Act of 1946 (15 U.S.C. 1052(a)) is amended to read as follows:

"(a) Consists of or comprises immoral, deceptive, or scandalous matter; or matter which may disparage or falsely suggest a connection with persons, living or dead, institutions, beliefs, or national symbols, or bring them into contempt, or disrepute; or a geographical indication which, when used on or in connection with wines or spirits, identifies a place other than the origin of the goods and is first used on or in connection with wines or spirits by the applicant on or after one year after the date on which the WTO Agreement (as defined in section 2(9) of the Uruguay Round Agreements Act) enters into force with respect to the United States.".

SEC. 523. EFFECTIVE DATE.

The amendments made by this subtitle take effect one year after the date on which the WTO Agreement enters into force with respect to the United States.

Subtitle C—Patent Provisions

SEC. 531. TREATMENT OF INVENTIVE ACTIVITY.

(a) IN GENERAL.—Section 104 of title 35, United States Code, is amended to read as follows:

"§ 104. Invention made abroad

"(a) IN GENERAL.—

"(1) PROCEEDINGS.—In proceedings in the Patent and Trademark Office, in the courts, and before any other competent authority, an applicant for a patent, or a patentee, may not establish a date of invention by reference to knowledge or use thereof, or other activity with respect thereto, in a foreign country other than a NAFTA country or a WTO member country, except as provided in sections 119 and 365 of this title.

"(2) RIGHTS.—If an invention was made by a person, civil or military—

"(A) while domiciled in the United States, and serving in any other country in connection with operations by or on behalf of the United States,

"(B) while domiciled in a NAFTA country and serving in another country in connection with operations by or on behalf of that NAFTA country, or

"(C) while domiciled in a WTO member country and serving in another country in connection with operations by or on behalf of that WTO member country,

that person shall be entitled to the same rights of priority in the United States with respect to such invention as if such invention had been made in the United States, that NAFTA country, or that WTO member country, as the case may be.

"(3) USE OF INFORMATION.—To the extent that any information in a NAFTA country or a WTO member country concerning knowledge, use, or other activity relevant to proving or disproving a date of invention has not been made available for use in a proceeding in the Patent and Trademark Office, a court, or any other competent authority to the same extent as such information could be made available in the United States, the Commissioner, court, or such other authority shall draw appropriate inferences, or take other action permitted by statute, rule, or regulation, in favor of the party that requested the information in the proceeding.

"(b) DEFINITIONS.—As used in this section—

"(1) the term 'NAFTA country' has the meaning given that term in section 2(4) of the North American Free Trade Agreement Implementation Act; and

"(2) the term 'WTO member country' has the meaning given that term in section 2(10) of the Uruguay Round Agreements Act.".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendment made by this section shall apply to all patent applications that are filed on or after the date that is 12 months after the date of entry into force of the WTO Agreement with respect to the United States.

(2) ESTABLISHMENT OF DATE.—An applicant for a patent, or a patentee, may not establish a date of invention for purposes of title 35, United States Code, that is earlier than 12 months after the date of entry into force of the WTO Agreement with respect to the United States by reference to knowledge or use, or other activity, in a WTO member country, except as provided in sections 119 and 365 of such title.

SEC. 532. PATENT TERM AND INTERNAL PRIORITY.

(a) PATENT RIGHTS.—

(1) CONTENTS AND TERM OF PATENT.—Section 154 of title 35, United States Code, is amended to read as follows:

"§ 154. Contents and term of patent

"(a) IN GENERAL.—

"(1) CONTENTS.—Every patent shall contain a short title of the invention and a grant to the patentee, his heirs or assigns, of the right to exclude others from making, using, offering for sale, or selling the invention throughout the United States or importing the invention into the United States, and, if the invention is a process, of the right to exclude others from using, offering for sale or selling throughout the United States, or importing into the United States, products made by that process, referring to the specification for the particulars thereof.

"(2) TERM.—Subject to the payment of fees under this title, such grant shall be for a term beginning on the date on which the patent issues and ending 20 years from the date on which the application for the patent was filed in the United States or, if the application contains a specific reference to an earlier filed application or applications under section 120, 121, or 365(c) of this title, from the date on which the earliest such application was filed.

"(3) PRIORITY.—Priority under section 119, 365(a), or 365(b) of this title shall not be taken into account in determining the term of a patent.

"(4) SPECIFICATION AND DRAWING.—A copy of the specification and drawing shall be annexed to the patent and be a part of such patent.

"(b) TERM EXTENSION.—

"(1) INTERFERENCE DELAY OR SECRECY ORDERS.—If the issue of an original patent is delayed due to a proceeding under section 135(a) of this title, or because the application for patent is placed under an order pursuant to section 181 of this title, the term of the patent shall be extended for the period of delay, but in no case more than 5 years.

"(2) EXTENSION FOR APPELLATE REVIEW.—If the issue of a patent is delayed due to appellate review by the Board of Patent Appeals and Interferences or by a Federal court and the patent is issued pursuant to a decision in the review reversing an adverse determination of patentability, the term of the patent shall be extended for a period of time but in no case more than 5 years. A patent shall not be eligible for extension under this paragraph if it is subject to a terminal disclaimer due to the issue of another patent claiming subject matter that is not patentably distinct from that under appellate review.

"(3) LIMITATIONS.—The period of extension referred to in paragraph (2)—

"(A) shall include any period beginning on the date on which an appeal is filed under section 134 or 141 of this title, or on which an action is commenced under section 145 of this title, and ending on the date of a final decision in favor of the applicant;

"(B) shall be reduced by any time attributable to appellate review before the expiration of 3 years from the filing date of the application for patent; and

"(C) shall be reduced for the period of time during which the applicant for patent did not act with due diligence, as determined by the Commissioner.

"(4) LENGTH OF EXTENSION.—The total duration of all extensions of a patent under this subsection shall not exceed 5 years.

"(c) CONTINUATION.—

"(1) DETERMINATION.—The term of a patent that is in force on or that results from an application filed before the date that is 6 months after the date of the enactment of the Uruguay Round Agreements Act shall be the greater of the 20-year term as provided in subsection (a), or 17 years from grant, subject to any terminal disclaimers.

"(2) REMEDIES.—The remedies of sections 283, 284, and 285 of this title shall not apply to Acts which—

"(A) were commenced or for which substantial investment was made before the date that is 6 months after the date of the enactment of the Uruguay Round Agreements Act; and

"(B) became infringing by reason of paragraph (1).

"(3) REMUNERATION.—The acts referred to in paragraph (2) may be continued only upon the payment of an equitable remuneration to the patentee that is determined in an action brought under chapter 28 and chapter 29 (other than those provisions excluded by paragraph (2)) of this title.".

(2) PROVISION OF FURTHER LIMITED REEXAMINATION AND CONDITIONS OF RESTRICTION REQUIREMENTS.—(A) The Commissioner of Patents and Trademarks shall prescribe regulations to provide for further limited reexamination of applications that have been pending for 2 years or longer as of the effective date of section 154(a)(2) of title 35, United States Code, as added by paragraph (1) of this subsection, taking into account any reference made in such application to any earlier filed application under section 120, 121, or 365(c) of such title. The Commissioner may establish appropriate fees for such further limited reexamination.

(B) The Commissioner of Patents and Trademarks shall prescribe regulations to provide for the examination of more than 1 independent and distinct invention in an application that has been pending for 3 years or longer as of the effective date of section 154(a)(2) of title 35, United States Code, as added by paragraph (1) of this subsection, taking into account any reference made in such application to any earlier filed application under section 120, 121, or 365(c) of such title. The Commissioner may establish appropriate fees for such examination.

(b) ESTABLISHMENT OF A DOMESTIC PRIORITY SYSTEM.—

(1) IN GENERAL.—Section 119 of title 35, United States Code, is amended—

(A) by amending the section caption to read as follows:

"§ 119. Benefit of earlier filing date; right of priority";

(B) by designating the undesignated paragraphs as subsections (a), (b), (c), and (d), respectively; and

(C) by adding at the end the following:

"(e)(1) An application for patent filed under section 111(a) or section 363 of this title for an invention disclosed in the manner provided by the first paragraph of section 112 of this title in a provisional application filed under section 111(b) of this title, by an inventor or inventors named in the provisional application, shall have the same effect, as to such invention, as though filed on the date of the provisional application filed under section 111(b) of this title, if the application for patent filed under section 111(a) or section 363 of this title is filed not later than 12 months after the date on which the provisional application was filed and if it contains or is amended to contain a specific reference to the provisional application.

"(2) A provisional application filed under section 111(b) of this title may not be relied upon in any proceeding in the Patent and Trademark Office unless the fee set forth in subparagraph (A) or (C) of section 41(a)(1) of this title has been paid and the provisional application was pending on the filing date of the application for patent under section 111(a) or section 363 of this title.".

(2) FEES.—Section 41(a)(1) of title 35, United States Code, is amended by adding at the end the following:

"(C) On filing each provisional application for an original patent, $150.".

(3) APPLICATIONS.—Section 111 of title 35, United States Code, is amended to read as follows:

"§ 111. Application

"(a) IN GENERAL.—

"(1) WRITTEN APPLICATION.—An application for patent shall be made, or authorized to be made, by the inventor, except as otherwise provided in this title, in writing to the Commissioner.

"(2) CONTENTS.—Such application shall include—

"(A) a specification as prescribed by section 112 of this title;

"(B) a drawing as prescribed by section 113 of this title; and

"(C) an oath by the applicant as prescribed by section 115 of this title.

"(3) FEE AND OATH.—The application must be accompanied by the fee required by law. The fee and oath may be submitted after the specification and any required drawing are submitted, within such period and under such conditions, including the payment of a surcharge, as may be prescribed by the Commissioner.

"(4) FAILURE TO SUBMIT.—Upon failure to submit the fee and oath within such prescribed period, the application shall be regarded as abandoned, unless it is shown to the satisfaction of the Commissioner that the delay in submitting the fee and oath was unavoidable or unintentional. The filing date of an application shall be the date on which the specification and any required drawing are received in the Patent and Trademark Office.

"(b) PROVISIONAL APPLICATION.—

"(1) AUTHORIZATION.—A provisional application for patent shall be made or authorized to be made by the inventor, except as otherwise provided in this title, in writing to the Commissioner. Such application shall include—

"(A) a specification as prescribed by the first paragraph of section 112 of this title; and

"(B) a drawing as prescribed by section 113 of this title.

"(2) CLAIM.—A claim, as required by the second through fifth paragraphs of section 112, shall not be required in a provisional application.

"(3) FEE.—(A) The application must be accompanied by the fee required by law.

"(B) The fee may be submitted after the specification and any required drawing are submitted, within such period and under such conditions, including the payment of a surcharge, as may be prescribed by the Commissioner.

"(C) Upon failure to submit the fee within such prescribed period, the application shall be regarded as abandoned, unless it is shown to the satisfaction of the Commissioner that the delay in submitting the fee was unavoidable or unintentional.

"(4) FILING DATE.—The filing date of a provisional application shall be the date on which the specification and any required drawing are received in the Patent and Trademark Office.

"(5) ABANDONMENT.—The provisional application shall be regarded as abandoned 12 months after the filing date of such application and shall not be subject to revival thereafter.

"(6) OTHER BASIS FOR PROVISIONAL APPLICATION.—Subject to all the conditions in this subsection and section 119(e) of this title, and as prescribed by the Commissioner, an application for patent filed under subsection (a) may be treated as a provisional application for patent.

"(7) NO RIGHT OF PRIORITY OR BENEFIT OF EARLIEST FILING DATE.—A provisional application shall not be entitled to the right of priority of any other application under section 119 or 365(a) of this title or to the benefit of an earlier filing date in the United States under section 120, 121, or 365(c) of this title.

"(8) APPLICABLE PROVISIONS.—The provisions of this title relating to applications for patent shall apply to provisional applications for patent, except as otherwise provided, and except that provisional applications for patent shall not be subject to sections 115, 131, 135, and 157 of this title.".

(c) CONFORMING CHANGES.—

(1) Section 156(a)(2) of title 35, United States Code, is amended by inserting "under subsection (e)(1) of this section" after "extended".

(2) Section 172 of title 35, United States Code, is amended—

(A) by striking "section 119" and inserting "subsections (a) through (d) of section 119"; and

(B) by inserting at the end the following new sentence:

"The right of priority provided for by section 119(e) of this title shall not apply to designs.".

(3) Section 173 of title 35, United States Code, is amended by inserting "from the date of grant" after "years".

(4) Section 365 of title 35, United States Code, is amended—

(A) in subsection (a), by striking "section 119" and inserting "subsections (a) through (d) of section 119"; and

(B) in subsection (b), by striking "the first paragraph of section 119" and inserting "section 119(a)".

(5) Section 373 of title 35, United States Code, is amended by striking "section 119" and inserting "subsections (a) through (d) of section 119".

(6) The table of sections for chapter 11 of title 35, United States Code, is amended—

(A) by striking the item relating to section 111 and inserting the following:

"111. Application.";

and

(B) by striking the item relating to section 119 and inserting the following:

"119. Benefit of earlier filing date; right of priority.".

SEC. 533. PATENT RIGHTS.

(a) DEFINITION OF INFRINGEMENT.—Section 271 of title 35, United States Code, is amended—

(1) in subsection (a)—

(A) by inserting ", offers to sell," after "uses"; and

(B) by inserting "or imports into the United States any patented invention" after "the United States";

(2) in subsection (c), by striking "sells" and inserting "offers to sell or sells within the United States or imports into the United States";

(3) in subsection (e)—

(A) in paragraph (1), by striking "or sell" and inserting "offer to sell, or sell within the United States or import into the United States";

(B) in paragraph (3), by striking "or selling" and inserting "offering to sell, or selling within the United States or importing into the United States";

(C) in paragraph (4)(B), by striking "or sale" and inserting "offer to sell, or sale within the United States or importation into the United States"; and

(D) in paragraph (4)(C), by striking "or sale" and inserting "offer to sell, or sale within the United States or importation into the United States";

(4) in subsection (g)—

(A) by striking "sells" and inserting "offers to sell, sells,";

(B) by striking "importation, sale," and inserting "importation, offer to sell, sale,"; and

(C) by striking "other use or" and inserting "other use, offer to sell, or"; and

(5) by adding at the end the following:

"(i) As used in this section, an 'offer for sale' or an 'offer to sell' by a person other than the patentee, or any designee of the patentee, is that in which the sale will occur before the expiration of the term of the patent.".

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (2) of section 41(c) of title 35, United States Code, is amended to read as follows:

"(2) A patent, the term of which has been maintained as a result of the acceptance of a payment of a maintenance fee under this subsection, shall not abridge or affect the right of any person or that person's successors in business who made, purchased, offered to sell, or used anything protected by the patent within the United States, or imported anything protected by the patent into the United States after the 6-month grace period but prior to the acceptance of a maintenance fee under this subsection, to continue the use of, to offer for sale, or to sell to others to be used, offered for sale, or sold, the specific thing so made, purchased, offered for sale, used, or imported. The court before which such matter is in question may provide for the continued manufacture, use, offer for sale, or sale of the thing made, purchased, offered for sale, or used within the United States, or imported into the United States, as specified, or for the manufacture, use, offer for sale, or sale in the United States of which substantial preparation was made after the 6-month grace period but before the acceptance of a maintenance fee under this subsection, and the court may also provide for the continued practice of any process that is practiced, or for the practice of which substantial preparation was made, after the 6-month grace period but before the acceptance of a maintenance fee under this subsection, to the extent and under such terms as the court deems equitable for the protection of investments made or business commenced after the 6-month grace period but before the acceptance of a maintenance fee under this subsection.".

(2) The second undesignated paragraph of section 252 of title 35, United States Code, is amended to read as follows:

"A reissued patent shall not abridge or affect the right of any person or that person's successors in business who, prior to the grant of a reissue, made, purchased, offered to sell, or used within the United States, or imported into the United States, anything patented by the reissued patent, to continue the use of, to offer to sell, or to sell to others to be used, offered for sale, or sold, the specific thing so made, purchased, offered for sale, used, or imported unless the making, using, offering for sale, or selling of such thing infringes a valid claim of the reissued patent which was in the original patent. The court before which such matter is in question may provide for the continued manufacture, use, offer for sale, or sale of the thing made, purchased, offered for sale, used, or imported as specified, or for the manufacture, use, offer for sale, or sale in the United States of which substantial preparation was made before the grant of the reissue, and the court may also provide for the continued practice of any process patented by the reissue that is practiced, or for the practice of which substantial preparation was made, before the grant of the reissue, to the extent and under such terms as the court deems equitable for the protection of investments made or business commenced before the grant of the reissue.".

(3) Section 262 of title 35, United States Code, is amended—

(A) by striking "use or sell" and inserting "use, offer to sell, or sell"; and

(B) by inserting "within the United States, or import the patented invention into the United States," after "invention".

(4) Section 272 of title 35, United States Code, is amended by striking "not sold" and inserting "not offered for sale or sold".

(5) Section 287 of title 35, United States Code, is amended—

(A) in subsection (a)—

(i) by striking "making or selling" and inserting "making, offering for sale, or selling within the United States"; and

(ii) by inserting "or importing any patented article into the United States," after "under them,"; and

(B) in subsection (b)—

(i) in paragraph (1)(C), by striking "use, or sale" and inserting "use, offer for sale, or sale";

(ii) in paragraph (4)(A), by striking "sold or" and inserting "sold, offered for sale, or" in the matter preceding clause (i);

(iii) in paragraph (4)(A)(ii), by striking "use, or sale" and inserting "use, offer for sale, or sale";

(iv) in paragraph (4)(C), by striking "have been sold" and inserting "have been offered for sale or sold"; and

(v) in paragraph (4)(C), by striking "United States before" and inserting "United States, or imported by the person into the United States, before".

(6) Section 292(a) of title 35, United States Code, is amended—

(A) by striking "used, or sold by him" and inserting "used, offered for sale, or sold by such person within the United States, or imported by the person into the United States"; and

(B) by striking "made or sold" and inserting "made, offered for sale, sold, or imported into the United States".

(7) Section 295 of title 35, United States Code, is amended by striking "sale, or use" and inserting "sale, offer for sale, or use".

(8) Section 307(b) of title 35, United States Code, is amended by striking "used anything" and inserting "used within the United States, or imported into the United States, anything".

SEC. 534. EFFECTIVE DATES AND APPLICATION.

(a) IN GENERAL.—Subject to subsection (b), the amendments made by this subtitle take effect on the date that is one year after the date on which the WTO Agreement enters into force with respect to the United States.

(b) PATENT APPLICATIONS.—

(1) IN GENERAL.—Subject to paragraph (2), the amendments made by section 532 take effect on the date that is 6 months after the date of the enactment of this Act and shall apply to all patent applications filed in the United States on or after the effective date.

(2) SECTION 154(a)(1).—Section 154(a)(1) of title 35, United States Code, as amended by

section 532(a)(1) of this Act, shall take effect on the effective date described in subsection (a).

(3) EARLIEST FILING.—The term of a patent granted on an application that is filed on or after the effective date described in subsection (a) and that contains a specific reference to an earlier application filed under the provisions of section 120, 121, or 365(c) of title 35, United States Code, shall be measured from the filing date of the earliest filed application.

TITLE VI—RELATED PROVISIONS

Subtitle A—Expiring Provisions

SEC. 601. GENERALIZED SYSTEM OF PREFERENCES.

(a) EXTENSION OF DUTY-FREE TREATMENT UNDER SYSTEM.—Section 505(a) of the Trade Act of 1974 (19 U.S.C. 2465(a)) is amended by striking "September 30, 1994" and inserting "July 31, 1995".

(b) RETROACTIVE APPLICATION FOR CERTAIN LIQUIDATIONS AND RELIQUIDATIONS.—

(1) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law and subject to paragraph (2), the entry—

(A) of any article to which duty-free treatment under title V of the Trade Act of 1974 would have applied if the entry had been made on September 30, 1994, and

(B) that was made after September 30, 1994, and before such date of enactment,

shall be liquidated or reliquidated as free of duty, and the Secretary of the Treasury shall refund any duty paid with respect to such entry. As used in this subsection, the term "entry" includes a withdrawal from warehouse for consumption.

(2) REQUESTS.—Liquidation or reliquidation may be made under paragraph (1) with respect to an entry only if a request therefor is filed with the Customs Service, within 180 days after the date of the enactment of this Act, that contains sufficient information to enable the Customs Service—

(A) to locate the entry; or

(B) to reconstruct the entry if it cannot be located.

SEC. 602. U.S. INSULAR POSSESSIONS.

(a) EXTENSION OF VERIFICATION AND CERTIFICATE ISSUANCE PROVISIONS.—Additional U.S. Note 5(h)(i) to chapter 91 of the HTS is amended by striking "and before January 1, 1995," and inserting "and before January 1, 2007,".

(b) EXTENSION OF CERTIFICATE NUMBER PIC–EV–89.—Notwithstanding any other provision of law, the production incentive certificate, number PIC–EV–89, issued jointly by the Secretary of Commerce and the Secretary of the Interior, pursuant to paragraph (h)(i)(B) of Additional U.S. Note 5 to chapter 91 of the HTS (formerly paragraph (h)(i)(II) of headnote 6 of schedule 7, part 2, subpart E of the Tariff Schedules of the United States), shall be deemed to have been reissued on the date of the enactment of this Act in the amount of the balance remaining on such certificate, and shall expire on the date that is 1 year after such date of enactment.

Subtitle B—Certain Customs Provisions

SEC. 611. REIMBURSEMENTS FROM CUSTOMS USER FEE ACCOUNT.

(a) IN GENERAL.—Subclause (II) of section 13031(f)(3)(A)(i) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(3)(A)(i)(II)) is amended to read as follows:

"(II) paying premium pay under section 5(b) of the Act of February 13, 1911, but the amount for which reimbursement may be made under this subclause may not, for any fiscal year, exceed the difference between the total cost of all the premium pay for such year calculated under section 5(b) and the cost of the night and holiday premium pay that the Customs Service would have incurred for the same inspectional work on the day before the effective date of section 13813 of the Omnibus Budget Reconciliation Act of 1993,".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to customs inspectional services performed on or after January 1, 1994.

SEC. 612. MERCHANDISE PROCESSING FEES.

(a) IN GENERAL.—Section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c) is amended—

(1) in subsection (a)(9)—

(A) in subparagraph (A), by striking "0.17" and inserting "0.21",

(B) in subparagraph (B)(i), by striking "(but not to a rate of more than 0.19 percent nor less than 0.15 percent) that would" and inserting "(but not to a rate of more than 0.21 percent nor less than 0.15 percent) and the amounts specified in subsection (b)(8)(A)(i) (but not to more than $485 nor less than $21) to rates and amounts which would", and

(C) in subparagraph (B)(ii), by striking "section 613A of the Tariff Act of 1930" and inserting "subsection (f)"

(2) in subsection (a)(10)—

(A) in subparagraph (C), by striking "entry or release." and inserting "entry or release,",

(B) in clause (ii), by striking "$5" and inserting "$6", and

(C) in clause (iii), by striking "$8" and inserting "$9", and

(3) in subsection (b)(8)(A)(i), by striking "$400 or be less than $21", and inserting "$485 or be less than $25, unless adjusted pursuant to subsection (a)(9)(B)".

(b) EFFECTIVE DATE.—The amendments made by this section apply to articles entered, or withdrawn from warehouse for consumption, on or after January 1, 1995.

Subtitle C—Conforming Amendments

SEC. 621. CONFORMING AMENDMENTS.

(a) TRADE LAWS.—

(1) Section 1317(a)(1) of the Omnibus Trade and Competitiveness Act of 1988 (19 U.S.C. 1677k(a)(1)) is amended—

(A) by inserting "(A)" after "(1)";

(B) by striking "General Agreement on Tariffs and Trade" and inserting "GATT 1994"; and

(C) by adding at the end the following:

"(B) The term 'GATT 1994' has the meaning given that term in section 2(1)(B) of the Uruguay Round Agreements Act.".

(2) Section 212(c)(4) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2702(c)(4)) is amended by striking "General" and all that follows through "1979" and inserting "WTO Agreement and the multilateral trade agreements (as such terms are defined in paragraphs (9) and (4), respectively, of section 2 of the Uruguay Round Agreements Act)".

(3) Section 203(d)(4) of the Andean Trade Preference Act (19 U.S.C. 3202(d)(4)) is amended by striking "General" and all that follows through "1979" and inserting "WTO Agreement and the multilateral trade agreements (as such terms are defined in paragraphs (9) and (4), respectively, of section 2 of the Uruguay Round Agreements Act)".

(4) Section 1106 of the Omnibus Trade and Competitiveness Act of 1988 (19 U.S.C. 2905) is amended—

(A) in subsection (a), by striking "the GATT" and inserting "the GATT 1947, or to the WTO Agreement,";

(B) in subsections (b) and (c), by inserting after "the GATT" each place it appears "1947 or the WTO Agreement";

(C) by adding at the end the following new subsection:

"(e) DEFINITIONS.—For purposes of this section—

"(1) The term 'GATT 1947' has the meaning given that term in section 2(1)(A) of the Uruguay Round Agreements Act.

"(2) The term 'WTO Agreement' means the Agreement Establishing the World Trade Organization entered into on April 15, 1994 and the multilateral trade agreements (as such term is defined in section 2(4) of the Uruguay Round Agreements Act)."; and

(D) by inserting after "GENERAL AGREEMENT ON TARIFFS AND TRADE" in the heading "FOR THE WTO".

(5) Section 1107(a)(3) of the Omnibus Trade and Competitiveness Act of 1988 (19 U.S.C. 2906(3)) is amended by striking "the General Agreement on Tariffs and Trade" and inserting "the GATT 1947 (as defined in section 2(1)(A) of the Uruguay Round Agreements Act)".

(6) Section 1378(2) of the Omnibus Trade and Competitiveness Act of 1988 (19 U.S.C. 3107(2)) is amended by striking "the General Agreement on Tariffs and Trade" and inserting "the WTO Agreement and the multilateral trade agreements (as such terms are defined in paragraphs (8) and (4), respectively, of section 2 of the Uruguay Round Agreements Act)".

(7) Section 1382 of the Omnibus Trade and Competitiveness Act of 1988 (19 U.S.C. 3111) is amended by striking "the General Agreement on Tariffs and Trade" and inserting "the WTO Agreement and the multilateral trade agreements (as such terms are defined in paragraphs (9) and (4), respectively, of section 2 of the Uruguay Round Agreements Act)".

(8) Section 141(c)(1) of the Trade Act of 1974 (19 U.S.C. 2171(c)(1)) is amended—

(A) in subparagraph (C) by inserting "all negotiations on any matter considered under the auspices of the World Trade Organization," after "including"; and

(B) in subparagraph (D) by inserting ", including any matter considered under the auspices of the World Trade Organization," after "functions".

(9) Section 301(a)(2)(A) of the Trade Act of 1974 (19 U.S.C. 2411(a)(2)(A)) is amended by striking "the Contracting Parties" and all that follows through "Parties," and inserting "the Dispute Settlement Body (as defined in section 121(5) of the Uruguay Round Agreements Act) has adopted a report,".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date on which the WTO Agreement enters into force with respect to the United States.

TITLE VII—REVENUE PROVISIONS

SEC. 700. AMENDMENT OF 1986 CODE AND TABLE OF CONTENTS.

(a) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(b) TABLE OF CONTENTS.—

TITLE VII—REVENUE PROVISIONS

Sec. 700. Amendment of 1986 Code and table of contents.

Subtitle A—Withholding Tax Provisions

Sec. 701. Withholding on distributions of Indian casino profits to tribal members.
Sec. 702. Voluntary withholding on certain Federal payments and on unemployment compensation.

Subtitle B—Provisions Relating to Estimated Taxes and Payments and Deposits of Taxes

Sec. 711. Treatment of subpart F and section 936 income of taxpayers using annualized method for estimated tax.
Sec. 712. Time for payments and deposits of certain taxes.
Sec. 713. Reduction in rate of interest paid on certain corporate overpayments.

Subtitle C—Earned Income Tax Credit

Sec. 721. Extension of earned income tax credit to military personnel stationed outside the United States.
Sec. 722. Certain nonresident aliens ineligible for earned income tax credit.
Sec. 723. Income of prisoners disregarded in determining earned income tax credit.

Subtitle D—Provisions Relating To Retirement Benefits

Sec. 731. Treatment of excess pension assets used for retiree health benefits.
Sec. 732. Rounding rules for cost-of-living adjustments.
Sec. 733. Increase in inclusion of social security benefits paid to nonresidents.

Subtitle E—Other Provisions

Sec. 741. Partnership distributions of marketable securities.
Sec. 742. Taxpayer identification numbers required at birth.
Sec. 743. Extension of Internal Revenue Service user fees.
Sec. 744. Modification of substantial understatement penalty for corporations participating in tax shelters.
Sec. 745. Modification of authority to set terms and conditions for savings bonds.

Subtitle F—Pension Plan Funding and Premiums

Sec. 750. Short title.

PART I—PENSION PLAN FUNDING

SUBPART A—AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986

Sec. 751. Minimum funding requirements.
Sec. 752. Limitation on changes in current liability assumptions.
Sec. 753. Anticipation of bargained benefit increases.
Sec. 754. Modification of quarterly contribution requirement.
Sec. 755. Exceptions to excise tax on nondeductible contributions.

SUBPART B—AMENDMENTS TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

Sec. 761. Minimum funding requirements.
Sec. 762. Limitation on changes in current liability assumptions.
Sec. 763. Anticipation of bargained benefit increases.
Sec. 764. Modification of quarterly contribution requirement.

SUBPART C—OTHER FUNDING PROVISIONS

Sec. 766. Prohibition on benefit increases where plan sponsor is in bankruptcy.
Sec. 767. Single sum distributions.
Sec. 768. Adjustments to lien for missed minimum funding contributions.
Sec. 769. Special funding rules for certain plans.

PART II—AMENDMENTS RELATED TO TITLE IV OF THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

Sec. 771. Reportable events.
Sec. 772. Certain information required to be furnished to PBGC.
Sec. 773. Enforcement of minimum funding requirements.
Sec. 774. Computation of additional PBGC premium.
Sec. 775. Disclosure to participants.
Sec. 776. Missing participants.
Sec. 777. Modification of maximum guarantee for disability benefits.
Sec. 778. Procedures to facilitate distribution of termination benefits.

PART III—EFFECTIVE DATES

Sec. 781. Effective dates.

Subtitle A—Withholding Tax Provisions

SEC. 701. WITHHOLDING ON DISTRIBUTIONS OF INDIAN CASINO PROFITS TO TRIBAL MEMBERS.

(a) IN GENERAL.—Section 3402 (relating to income tax collected at source) is amended by inserting after subsection (q) the following new subsection:

"(r) EXTENSION OF WITHHOLDING TO CERTAIN TAXABLE PAYMENTS OF INDIAN CASINO PROFITS.—

"(1) IN GENERAL.—Every person, including an Indian tribe, making a payment to a member of an Indian tribe from the net revenues of any class II or class III gaming activity conducted or licensed by such tribe shall deduct and withhold from such payment a tax in an amount equal to such payment's proportionate share of the annualized tax.

"(2) EXCEPTION.—The tax imposed by paragraph (1) shall not apply to any payment to the extent that the payment, when annualized, does not exceed an amount equal to the sum of—

"(A) the basic standard deduction (as defined in section 63(c)) for an individual to whom section 63(c)(2)(C) applies, and

"(B) the exemption amount (as defined in section 151(d)).

"(3) ANNUALIZED TAX.—For purposes of paragraph (1), the term 'annualized tax' means, with respect to any payment, the amount of tax which would be imposed by section 1(c) (determined without regard to any rate of tax in excess of 31 percent) on an amount of taxable income equal to the excess of—

"(A) the annualized amount of such payment, over

"(B) the amount determined under paragraph (2).

"(4) CLASSES OF GAMING ACTIVITIES, ETC.—For purposes of this subsection, terms used in paragraph (1) which are defined in section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.), as in effect on the date of the enactment of this subsection, shall have the respective meanings given such terms by such section.

"(5) ANNUALIZATION.—Payments shall be placed on an annualized basis under regulations prescribed by the Secretary.

"(6) ALTERNATE WITHHOLDING PROCEDURES.—At the election of an Indian tribe, the tax imposed by this subsection on any payment made by such tribe shall be determined in accordance with such tables or computational procedures as may be specified in regulations prescribed by the Secretary (in lieu of in accordance with paragraphs (2) and (3)).

"(7) COORDINATION WITH OTHER SECTIONS.—For purposes of this chapter and so much of subtitle F as relates to this chapter, payments to any person which are subject to withholding under this subsection shall be treated as if they were wages paid by an employer to an employee."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments made after December 31, 1994.

SEC. 702. VOLUNTARY WITHHOLDING ON CERTAIN FEDERAL PAYMENTS AND ON UNEMPLOYMENT COMPENSATION.

(a) IN GENERAL.—Subsection (p) of section 3402 (relating to voluntary withholding agreements) is amended to read as follows:

"(p) VOLUNTARY WITHHOLDING AGREEMENTS.—

"(1) CERTAIN FEDERAL PAYMENTS.—

"(A) IN GENERAL.—If, at the time a specified Federal payment is made to any person, a request by such person is in effect that such payment be subject to withholding under this chapter, then for purposes of this chapter and so much of subtitle F as relates to this chapter, such payment shall be treated as if it were a payment of wages by an employer to an employee.

"(B) AMOUNT WITHHELD.—The amount to be deducted and withheld under this chapter from any payment to which any request under subparagraph (A) applies shall be an amount equal to the percentage of such payment specified in such request. Such a request shall apply to any payment only if the percentage specified is 7, 15, 28, or 31 percent or such other percentage as is permitted under regulations prescribed by the Secretary.

"(C) SPECIFIED FEDERAL PAYMENTS.—For purposes of this paragraph, the term 'specified Federal payment' means—

"(i) any payment of a social security benefit (as defined in section 86(d)),

"(ii) any payment referred to in the second sentence of section 451(d) which is treated as insurance proceeds,

"(iii) any amount which is includible in gross income under section 77(a), and

"(iv) any other payment made pursuant to Federal law which is specified by the Secretary for purposes of this paragraph.

"(D) REQUESTS FOR WITHHOLDING.—Rules similar to the rules that apply to annuities under subsection (o)(4) shall apply to requests under this paragraph and paragraph (2).

"(2) VOLUNTARY WITHHOLDING ON UNEMPLOYMENT BENEFITS.—If, at the time a payment of unemployment compensation (as defined in section 85(b)) is made to any person, a request by such person is in effect that such payment be subject to withholding under this chapter, then for purposes of this chapter and so much of subtitle F as relates to this chapter, such payment shall be treated as if it were a payment of wages by an employer to an employee. The amount to be deducted and withheld under this chapter from any payment to which any request under this paragraph applies shall be an amount equal to 15 percent of such payment.

"(3) AUTHORITY FOR OTHER VOLUNTARY WITHHOLDING.—The Secretary is authorized by regulations to provide for withholding—

"(A) from remuneration for services performed by an employee for the employee's employer which (without regard to this paragraph) does not constitute wages, and

"(B) from any other type of payment with respect to which the Secretary finds that withholding would be appropriate under the provisions of this chapter.

if the employer and employee, or the person making and the person receiving such other type of payment, agree to such withholding. Such agreement shall be in such form and manner as the Secretary may by regulations prescribe. For purposes of this chapter (and so much of subtitle F as relates to this chapter), remuneration or other payments with respect to which such agreement is made shall be treated as if they were wages paid by an employer to an employee to the extent that such remuneration is paid or other payments are made during the period for which the agreement is in effect."

(b) STATE LAW MUST PERMIT VOLUNTARY WITHHOLDING OF FEDERAL INCOME TAX FROM UNEMPLOYMENT COMPENSATION.—Section 3304(a) is amended by striking "and" at the end of paragraph (17), by redesignating paragraph (18) as paragraph (19), and by inserting after paragraph (17) the following new paragraph:

"(18) Federal individual income tax from unemployment compensation is to be deducted and withheld if an individual receiving such compensation voluntarily requests such deduction and withholding; and".

(c) WITHHOLDING FROM UNEMPLOYMENT COMPENSATION OF FEDERAL, STATE, AND LOCAL INCOME TAXES PERMITTED.—

(1) Subparagraph (C) of section 3304(a)(4) is amended by inserting after "health insurance" the following: ", or the withholding of Federal, State, or local individual income tax,".

(2) Subsection (f) of section 3306 is amended by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively, and by inserting after paragraph (2) the following new paragraph:

"(3) nothing in this subsection shall be construed to prohibit deducting any amount from unemployment compensation otherwise payable to an individual and using the amount so deducted to pay for health insurance, or the withholding of Federal, State, or local individual income tax, if the individual elected to have such deduction made and such deduction was made under a program approved by the Secretary of Labor;".

(3) Paragraph (5) of section 303(a) of the Social Security Act is amended by inserting after "health insurance" the following: ", or the withholding of Federal, State, or local individual income tax,".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to payments made after December 31, 1996.

Subtitle B—Provisions Relating to Estimated Taxes and Payments and Deposits of Taxes

SEC. 711. TREATMENT OF SUBPART F AND SECTION 936 INCOME OF TAXPAYERS USING ANNUALIZED METHOD FOR ESTIMATED TAX.

(a) CORPORATIONS.—Section 6655(e) (relating to lower required installment where annualized income installment is less) is amended by adding at the end the following new paragraph:

"(4) TREATMENT OF SUBPART F AND SECTION 936 INCOME.—

"(A) IN GENERAL.—Any amounts required to be included in gross income under section 936(h) or 951(a) (and credits properly allocable thereto) shall be taken into account in computing any annualized income installment under paragraph (2) in a manner similar to the manner under which partnership income inclusions (and credits properly allocable thereto) are taken into account.

"(B) PRIOR YEAR SAFE HARBOR.—

"(i) IN GENERAL.—If a taxpayer elects to have this subparagraph apply for any taxable year—

"(I) subparagraph (A) shall not apply, and

"(II) for purposes of computing any annualized income installment for such taxable year, the taxpayer shall be treated as having received ratably during such taxable year items of income and credit described in subparagraph (A) in an amount equal to 115 percent of the amount of such items shown on the return of the taxpayer for the preceding taxable year (the second preceding taxable year in the case of the first and second required installments for such taxable year).

"(ii) SPECIAL RULE FOR NONCONTROLLING SHAREHOLDER.—

"(I) IN GENERAL.—If a taxpayer making the election under clause (i) is a noncontrolling shareholder of a corporation, clause (i)(II) shall be applied with respect to items of such corporation by substituting '100 percent' for '115 percent'.

"(II) NONCONTROLLING SHAREHOLDER.—For purposes of subclause (I), the term 'noncontrolling shareholder' means, with respect to any corporation, a shareholder which (as of the beginning of the taxable year for which the installment is being made) does not own (within the meaning of section 958(a)), and is not treated as owning (within the meaning of section 958(b)), more than 50 percent (by vote or value) of the stock in the corporation."

(b) INDIVIDUALS.—Section 6654(d)(2) (relating to lower required installment where annualized income installment is less) is amended by adding at the end the following new subparagraph:

"(D) TREATMENT OF SUBPART F AND SECTION 936 INCOME.—

"(i) IN GENERAL.—Any amounts required to be included in gross income under section 936(h) or 951(a) (and credits properly allocable thereto) shall be taken into account in computing any annualized income installment under subparagraph (B) in a manner similar to the manner under which partnership income inclusions (and credits properly allocable thereto) are taken into account.

"(ii) PRIOR YEAR SAFE HARBOR.—If a taxpayer elects to have this clause apply to any taxable year—

"(I) clause (i) shall not apply, and

"(II) for purposes of computing any annualized income installment for such taxable year, the taxpayer shall be treated as having received ratably during such taxable year items of income and credit described in clause (i) in an amount equal to the amount of such items shown on the return of the taxpayer for the preceding taxable year (the second preceding taxable year in the case of the first and second required installments for such taxable year)."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply for purposes of determining underpayments of estimated tax for taxable years beginning after December 31, 1994.

SEC. 712. TIME FOR PAYMENTS AND DEPOSITS OF CERTAIN TAXES.

(a) DEPOSITS REQUIRED FOR SEMIMONTHLY PERIODS.—Subsection (f) of section 6302 (relating to collection authority) is amended to read as follows:

"(f) TIME FOR DEPOSIT OF CERTAIN EXCISE TAXES.—

"(1) GENERAL RULE.—Except as otherwise provided in this subsection and subsection (e), if any person is required under regulations to make deposits of taxes under subtitle D with respect to semimonthly periods, such person shall make deposits of such taxes for the period beginning on September 16 and ending on September 26 not later than September 29. In the case of taxes imposed by sections 4261 and 4271, this paragraph shall not apply to periods before January 1, 1997.

"(2) TAXES ON OZONE DEPLETING CHEMICALS.—If any person is required under regulations to make deposits of taxes under subchapter D of chapter 38 with respect to semimonthly periods, in lieu of paragraph (1), such person shall make deposits of such taxes for—

"(A) the second semimonthly period in August, and

"(B) the period beginning on September 1 and ending on September 11,

not later than September 29.

"(3) TAXPAYERS NOT REQUIRED TO USE ELECTRONIC FUNDS TRANSFER.—In the case of deposits not required to be made by electronic funds transfer, paragraphs (1) and (2) shall be applied by substituting 'September 25' for 'September 26', 'September 10' for 'September 11', and 'September 28' for 'September 29'.

"(4) SPECIAL RULE WHERE DUE DATE ON SATURDAY OR SUNDAY.—If, but for this paragraph, the due date under paragraph (1), (2), or (3) would fall on a Saturday or Sunday, such due date shall be deemed to be—

"(A) in the case of Saturday, the preceding day, and

"(B) in the case of Sunday, the following day."

(b) TAXES ON DISTILLED SPIRITS, WINES, AND BEER.—

(1) Subsection (d) of section 5061 is amended by redesignating paragraph (4) as paragraph (5) and by inserting after paragraph (3) the following new paragraph:

"(4) SPECIAL RULE FOR TAX DUE IN SEPTEMBER.—

"(A) IN GENERAL.—Notwithstanding the preceding provisions of this subsection, the taxes on distilled spirits, wines, and beer for the period beginning on September 16 and ending on September 26 shall be paid not later than September 29.

"(B) SAFE HARBOR.—The requirement of subparagraph (A) shall be treated as met if the amount paid not later than September 29 is not less than $\frac{11}{15}$ of the taxes on distilled spirits, wines, and beer for the period beginning on September 1 and ending on September 15.

"(C) TAXPAYERS NOT REQUIRED TO USE ELECTRONIC FUNDS TRANSFER.—In the case of payments not required to be made by electronic funds transfer, subparagraphs (A) and (B) shall be applied by substituting 'September 25' for 'September 26', 'September 28' for 'September 29', and '$\frac{2}{3}$' for '$\frac{11}{15}$'."

(2) Section 5061(d)(5), as redesignated by paragraph (1), is amended—

(A) by inserting "(or the immediately following day where the due date described in paragraph (4) falls on a Sunday)" before the period at the end, and

(B) by striking "14TH DAY" in the heading and inserting "DUE DATE".

(c) TOBACCO PRODUCTS AND CIGARETTE PAPERS AND TUBES.—

(1) Paragraph (2) of section 5703(b) is amended by redesignating subparagraph (D) as subparagraph (E) and by inserting after subparagraph (C) the following new subparagraph:

"(D) SPECIAL RULE FOR TAX DUE IN SEPTEMBER.—

"(i) IN GENERAL.—Notwithstanding the preceding provisions of this paragraph, the taxes on tobacco products and cigarette papers and tubes for the period beginning on September 16 and ending on September 26 shall be paid not later than September 29.

"(ii) SAFE HARBOR.—The requirement of clause (i) shall be treated as met if the amount paid not later than September 29 is not less than 11/15 of the taxes on tobacco products and cigarette papers and tubes for the period beginning on September 1 and ending on September 15.

"(iii) TAXPAYERS NOT REQUIRED TO USE ELECTRONIC FUNDS TRANSFER.—In the case of payments not required to be made by electronic funds transfer, clauses (i) and (ii) shall be applied by substituting 'September 25' for 'September 26', 'September 28' for 'September 29', and '2/3' for '11/15'."

(2) Section 5703(b)(2)(E), as redesignated by paragraph (1), is amended—

(A) by inserting "(or the immediately following day where the due date described in subparagraph (D) falls on a Sunday)" before the period at the end, and

(B) by striking "14TH DAY" in the heading and inserting "DUE DATE".

(d) COMMUNICATION SERVICES AND AIRLINE TICKETS.—Subsection (e) of section 6302 is amended to read as follows:

"(e) TIME FOR DEPOSIT OF TAXES ON COMMUNICATIONS SERVICES AND AIRLINE TICKETS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), if, under regulations prescribed by the Secretary, a person is required to make deposits of any tax imposed by section 4251 or subsection (a) or (b) of section 4261 with respect to amounts considered collected by such person during any semimonthly period, such deposit shall be made not later than the 3rd day (not including Saturdays, Sundays, or legal holidays) after the close of the 1st week of the 2nd semimonthly period following the period to which such amounts relate.

"(2) SPECIAL RULE FOR TAX DUE IN SEPTEMBER.—

"(A) AMOUNTS CONSIDERED COLLECTED.—In the case of a person required to make deposits of the tax imposed by—

"(i) section 4251, or

"(ii) effective on January 1, 1997, section 4261 or 4271,

with respect to amounts considered collected by such person during any semimonthly period, the amount of such tax included in bills rendered or tickets sold during the period beginning on September 1 and ending on September 11 shall be deposited not later than September 29.

"(B) SPECIAL RULE WHERE SEPTEMBER 29 IS ON SATURDAY OR SUNDAY.—If September 29 falls on a Saturday or Sunday, the due date under subparagraph (A) shall be—

"(i) in the case of Saturday, the preceding day, and

"(ii) in the case of Sunday, the following day.

"(C) TAXPAYERS NOT REQUIRED TO USE ELECTRONIC FUNDS TRANSFER.—In the case of deposits not required to be made by electronic funds transfer, subparagraphs (A) and (B) shall be applied by substituting 'September 10' for 'September 11' and 'September 28' for 'September 29'.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 1995.

SEC. 713. REDUCTION IN RATE OF INTEREST PAID ON CERTAIN CORPORATE OVERPAYMENTS.

(a) IN GENERAL.—Paragraph (1) of section 6621(a) (defining overpayment rate) is amended by adding at the end the following new flush sentence:

"To the extent that an overpayment of tax by a corporation for any taxable period (as defined in subsection (c)(3)) exceeds $10,000, subparagraph (B) shall be applied by substituting '0.5 percentage point' for '2 percentage points'."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply for purposes of determining interest for periods after December 31, 1994.

Subtitle C—Earned Income Tax Credit

SEC. 721. EXTENSION OF EARNED INCOME TAX CREDIT TO MILITARY PERSONNEL STATIONED OUTSIDE THE UNITED STATES.

(a) IN GENERAL.—Subsection (c) of section 32 (relating to earned income credit) is amended by adding at the end the following new paragraph:

"(4) TREATMENT OF MILITARY PERSONNEL STATIONED OUTSIDE THE UNITED STATES.—For purposes of paragraphs (1)(A)(ii)(I) and (3)(E), the principal place of abode of a member of the Armed Forces of the United States shall be treated as in the United States during any period during which such member is stationed outside the United States while serving on extended active duty (as defined in section 1034(h)(3)) with the Armed Forces of the United States."

(b) REPORTING OF MILITARY EARNED INCOME.—Subsection (a) of section 6051 (relating to receipts for employees) is amended by striking "and" at the end of paragraph (8), by striking the period at the end of paragraph (9) and by inserting ", and", and by inserting after paragraph (9) the following new paragraph:

"(10) in the case of an employee who is a member of the Armed Forces of the United States, such employee's earned income as determined for purposes of section 32 (relating to earned income credit)."

(c) ADVANCE PAYMENT OF EARNED INCOME CREDIT BASED ON MILITARY EARNED INCOME.—Paragraph (1) of section 3507(c) (defining earned income advance amount) is amended by adding at the end the following new sentence:

"In the case of an employee who is a member of the Armed Forces of the United States, the earned income advance amount shall be determined by taking into account such employee's earned income as determined for purposes of section 32."

(d) EFFECTIVE DATES.—

(1) SUBSECTION (a).—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1994.

(2) SUBSECTIONS (b) AND (c).—The amendments made by subsections (b) and (c) shall apply to remuneration paid after December 31, 1994.

SEC. 722. CERTAIN NONRESIDENT ALIENS INELIGIBLE FOR EARNED INCOME TAX CREDIT.

(a) IN GENERAL.—Paragraph (1) of section 32(c) (defining eligible individual) is amended by adding at the end the following new subparagraph:

"(E) LIMITATION ON ELIGIBILITY OF NONRESIDENT ALIENS.—The term 'eligible individual' shall not include any individual who is a nonresident alien individual for any portion of the taxable year unless such individual is treated for such taxable year as a resident of the United States for purposes of this chapter by reason of an election under subsection (g) or (h) of section 6013."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1994.

SEC. 723. INCOME OF PRISONERS DISREGARDED IN DETERMINING EARNED INCOME TAX CREDIT.

(a) IN GENERAL.—Subparagraph (B) of section 32(c)(2) (defining earned income) is amended by striking "and" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting ", and", and by adding at the end the following new clause:

"(iv) no amount received for services provided by an individual while the individual is an inmate at a penal institution shall be taken into account."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1993.

Subtitle D—Provisions Relating To Retirement Benefits

SEC. 731. TREATMENT OF EXCESS PENSION ASSETS USED FOR RETIREE HEALTH BENEFITS.

(a) 5-YEAR EXTENSION.—Paragraph (5) of section 420(b) (defining qualified transfer) is amended by striking "1995" and inserting "2000".

(b) MINIMUM BENEFIT REQUIREMENTS.—Paragraph (3) of section 420(c) (relating to requirements of plans transferring assets) is amended to read as follows:

"(3) MAINTENANCE OF BENEFIT REQUIREMENTS.—

"(A) IN GENERAL.—The requirements of this paragraph are met if each group health plan or arrangement under which applicable health benefits are provided provides that the applicable health benefits provided by the employer during each taxable year during the benefit maintenance period are substantially the same as the applicable health benefits provided by the employer during the taxable year immediately preceding the taxable year of the qualified transfer.

"(B) ELECTION TO APPLY SEPARATELY.—An employer may elect to have this paragraph applied separately with respect to individuals eligible for benefits under title XVIII of the Social Security Act at any time during the taxable year and with respect to individuals not so eligible.

"(C) BENEFIT MAINTENANCE PERIOD.—For purposes of this paragraph, the term 'benefit maintenance period' means the period of 5 taxable years beginning with the taxable year in which the qualified transfer occurs. If a taxable year is in 2 or more benefit maintenance periods, this paragraph shall be applied by taking into account the highest level of benefits required to be provided under subparagraph (A) for such taxable year."

(c) CONFORMING AMENDMENTS.—

(1) Clause (iii) of section 420(b)(1)(C) is amended by striking "cost" and inserting "benefits".

(2) Subparagraph (B) of section 420(e)(1) is amended to read as follows:

"(B) REDUCTIONS FOR AMOUNTS PREVIOUSLY SET ASIDE.—The amount determined under subparagraph (A) shall be reduced by the amount which bears the same ratio to such amount as—

"(i) the value (as of the close of the plan year preceding the year of the qualified transfer) of the assets in all health benefits accounts or welfare benefit funds (as defined in section 419(e)(1)) set aside to pay for the qualified current retiree health liability, bears to

"(ii) the present value of the qualified current retiree health liabilities for all plan years (determined without regard to this subparagraph)."

(3) Subparagraph (D) of section 420(e)(1) is amended by striking "or in calculating applicable employer cost under subsection (c)(3)(B)" and inserting "and shall not be subject to the minimum benefit requirements of subsection (c)(3)".

(4)(A) Section 101(e)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1021(e)(3)) is amended by striking "1991" and inserting "1995".

(B) Section 403(c)(1) of such Act (29 U.S.C. 1103(c)(1)) is amended by striking "1991" and inserting "1995".

(C) Paragraph (13) of section 408(b) of such Act (29 U.S.C. 1108(b)(13)) is amended—

(i) by striking "1996" and inserting "2001", and

(ii) by striking "1991" and inserting "1995".

(d) Effective Dates.—

(1) Extension.—The amendments made by subsections (a) and (c)(3) shall apply to taxable years beginning after December 31, 1995.

(2) Benefits.—The amendments made by subsections (b) and (c)(1) and (2) shall apply to qualified transfers occurring after the date of the enactment of this Act.

SEC. 732. ROUNDING RULES FOR COST-OF-LIVING ADJUSTMENTS.

(a) Cost-of-Living Adjustment for Compensation Limit.—Section 401(a)(17)(B) is amended to read as follows:

"(B) Cost-of-living adjustment.—The Secretary shall adjust annually the $150,000 amount in subparagraph (A) for increases in the cost-of-living at the same time and in the same manner as adjustments under section 415(d); except that the base period shall be the calendar quarter beginning October 1, 1993, and any increase which is not a multiple of $10,000 shall be rounded to the next lowest multiple of $10,000."

(b) Cost-of-Living Adjustment for Maximum Defined Benefit Amount and Maximum Annual Addition.—

(1) In general.—Section 415(d) is amended to read as follows:

"(d) Cost-of-Living Adjustments.—

"(1) In general.—The Secretary shall adjust annually—

"(A) the $90,000 amount in subsection (b)(1)(A),

"(B) in the case of a participant who separated from service, the amount taken into account under subsection (b)(1)(B), and

"(C) the $30,000 amount in subsection (c)(1)(A),

for increases in the cost-of-living in accordance with regulations prescribed by the Secretary.

"(2) Method.—The regulations prescribed under paragraph (1) shall provide for—

"(A) an adjustment with respect to any calendar year based on the increase in the applicable index for the calendar quarter ending September 30 of the preceding calendar year over such index for the base period, and

"(B) adjustment procedures which are similar to the procedures used to adjust benefit amounts under section 215(i)(2)(A) of the Social Security Act.

"(3) Base period.—For purposes of paragraph (2)—

"(A) $90,000 amount.—The base period taken into account for purposes of paragraph (1)(A) is the calendar quarter beginning October 1, 1986.

"(B) Separations after December 31, 1994.—The base period taken into account for purposes of paragraph (1)(B) with respect to individuals separating from service with the employer after December 31, 1994, is the calendar quarter beginning July 1 of the calendar year preceding the calendar year in which such separation occurs.

"(C) Separations before January 1, 1995.—The base period taken into account for purposes of paragraph (1)(B) with respect to individuals separating from service with the employer before January 1, 1995, is the calendar quarter beginning October 1 of the calendar year preceding the calendar year in which such separation occurs.

"(D) $30,000 amount.—The base period taken into account for purposes of paragraph (1)(C) is the calendar quarter beginning October 1, 1993."

"(4) Rounding.—Any increase under subparagraph (A) or (C) of paragraph (1) which is not a multiple of $5,000 shall be rounded to the next lowest multiple of $5,000."

(2) Conforming amendment.—Section 415(c)(1)(A) is amended by striking "(or, if greater, ¼ of the dollar limitation in effect under subsection (b)(1)(A))".

(c) Cost-of-Living Adjustment for Maximum Salary Deferral.—Section 402(g)(5) is amended by inserting before the period "; except that any increase under this paragraph which is not a multiple of $500 shall be rounded to the next lowest multiple of $500".

(d) Cost-of-Living Adjustment for Eligibility for Simplified Employee Pensions.—Section 408(k)(8) is amended by inserting before the period "; except that any increase in the $300 amount which is not a multiple of $50 shall be rounded to the next lowest multiple of $50".

(e) Effective Dates.—

(1) In general.—Except as provided in paragraph (2), the amendments made by this section shall apply to years beginning after December 31, 1994.

(2) Rounding not to result in decreases.—The amendments made by this section providing for the rounding of indexed amounts shall not apply to any year to the extent the rounding would require the indexed amount to be reduced below the amount in effect for years beginning in 1994.

SEC. 733. INCREASE IN INCLUSION OF SOCIAL SECURITY BENEFITS PAID TO NONRESIDENTS.

(a) In General.—Subparagraph (A) of section 871(a)(3) (relating to taxation of Social Security benefits) is amended by striking "one-half" and inserting "85 percent".

(b) Effective Date.—The amendment made by subsection (a) shall apply to benefits paid after December 31, 1994, in taxable years ending after such date.

Subtitle E—Other Provisions

SEC. 741. PARTNERSHIP DISTRIBUTIONS OF MARKETABLE SECURITIES.

(a) In General.—Section 731 (relating to extent of recognition of gain or loss on distribution) is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

"(c) Treatment of Marketable Securities.—

"(1) In general.—For purposes of subsection (a)(1) and section 737—

"(A) the term 'money' includes marketable securities, and

"(B) such securities shall be taken into account at their fair market value as of the date of the distribution.

"(2) Marketable securities.—For purposes of this subsection—

"(A) In general.—The term 'marketable securities' means financial instruments and foreign currencies which are, as of the date of the distribution, actively traded (within the meaning of section 1092(d)(1)).

"(B) Other property.—Such term includes—

"(i) any interest in—

"(I) a common trust fund, or

"(II) a regulated investment company which is offering for sale or has outstanding any redeemable security (as defined in section 2(a)(32) of the Investment Company Act of 1940) of which it is the issuer,

"(ii) any financial instrument which, pursuant to its terms or any other arrangement, is readily convertible into, or exchangeable for, money or marketable securities,

"(iii) any financial instrument the value of which is determined substantially by reference to marketable securities,

"(iv) except to the extent provided in regulations prescribed by the Secretary, any interest in a precious metal which, as of the date of the distribution, is actively traded (within the meaning of section 1092(d)(1)) unless such metal was produced, used, or held in the active conduct of a trade or business by the partnership,

"(v) except as otherwise provided in regulations prescribed by the Secretary, interests in any entity if substantially all of the assets of such entity consist (directly or indirectly) of marketable securities, money, or both, and

"(vi) to the extent provided in regulations prescribed by the Secretary, any interest in an entity not described in clause (v) but only to the extent of the value of such interest which is attributable to marketable securities, money, or both.

"(C) Financial instrument.—The term 'financial instrument' includes stocks and other equity interests, evidences of indebtedness, options, forward or futures contracts, notional principal contracts, and derivatives.

"(3) Exceptions.—

"(A) In general.—Paragraph (1) shall not apply to the distribution from a partnership of a marketable security to a partner if—

"(i) the security was contributed to the partnership by such partner, except to the extent that the value of the distributed security is attributable to marketable securities or money contributed (directly or indirectly) to the entity to which the distributed security relates,

"(ii) to the extent provided in regulations prescribed by the Secretary, the property was not a marketable security when acquired by such partnership, or

"(iii) such partnership is an investment partnership and such partner is an eligible partner thereof.

"(B) Limitation on gain recognized.—In the case of a distribution of marketable securities to a partner, the amount taken into account under paragraph (1) shall be reduced (but not below zero) by the excess (if any) of—

"(i) such partner's distributive share of the net gain which would be recognized if all of the marketable securities of the same class and issuer as the distributed securities held by the partnership were sold (immediately before the transaction to which the distribution relates) by the partnership for fair market value, over

"(ii) such partner's distributive share of the net gain which is attributable to the marketable securities of the same class and issuer as the distributed securities held by the partnership immediately after the transaction, determined by using the same fair market value as used under clause (i).

Under regulations prescribed by the Secretary, all marketable securities held by the partnership may be treated as marketable securities of the same class and issuer as the distributed securities.

"(C) Definitions relating to investment partnerships.—For purposes of subparagraph (A)(iii)—

"(i) Investment partnership.—The term 'investment partnership' means any partnership which has never been engaged in a trade or business and substantially all of the assets (by value) of which have always consisted of—

"(I) money,

"(II) stock in a corporation,

"(III) notes, bonds, debentures, or other evidences of indebtedness,

"(IV) interest rate, currency, or equity notional principal contracts,

"(V) foreign currencies,

"(VI) interests in or derivative financial instruments (including options, forward or futures contracts, short positions, and similar financial instruments) in any asset described in any other subclause of this clause or in any commodity traded on or subject to the rules of a board of trade or commodity exchange,

"(VII) other assets specified in regulations prescribed by the Secretary, or

"(VIII) any combination of the foregoing.

"(ii) EXCEPTION FOR CERTAIN ACTIVITIES.—A partnership shall not be treated as engaged in a trade or business by reason of—

"(I) any activity undertaken as an investor, trader, or dealer in any asset described in clause (i), or

"(II) any other activity specified in regulations prescribed by the Secretary.

"(iii) ELIGIBLE PARTNER.—

"(I) IN GENERAL.—The term 'eligible partner' means any partner who, before the date of the distribution, did not contribute to the partnership any property other than assets described in clause (i).

"(II) EXCEPTION FOR CERTAIN NONRECOGNITION TRANSACTIONS.—The term 'eligible partner' shall not include the transferor or transferee in a nonrecognition transaction involving a transfer of any portion of an interest in a partnership with respect to which the transferor was not an eligible partner.

"(iv) LOOK-THRU OF PARTNERSHIP TIERS.—Except as otherwise provided in regulations prescribed by the Secretary—

"(I) a partnership shall be treated as engaged in any trade or business engaged in by, and as holding (instead of a partnership interest) a proportionate share of the assets of, any other partnership in which the partnership holds a partnership interest, and

"(II) a partner who contributes to a partnership an interest in another partnership shall be treated as contributing a proportionate share of the assets of the other partnership.

If the preceding sentence does not apply under such regulations with respect to any interest held by a partnership in another partnership, the interest in such other partnership shall be treated as if it were specified in a subclause of clause (i).

"(4) BASIS OF SECURITIES DISTRIBUTED.—

"(A) IN GENERAL.—The basis of marketable securities with respect to which gain is recognized by reason of this subsection shall be—

"(i) their basis determined under section 732, increased by

"(ii) the amount of such gain.

"(B) ALLOCATION OF BASIS INCREASE.—Any increase in basis attributable to the gain described in subparagraph (A)(ii) shall be allocated to marketable securities in proportion to their respective amounts of unrealized appreciation before such increase.

"(5) SUBSECTION DISREGARDED IN DETERMINING BASIS OF PARTNER'S INTEREST IN PARTNERSHIP AND OF BASIS OF PARTNERSHIP PROPERTY.—Sections 733 and 734 shall be applied as if no gain were recognized, and no adjustment were made to the basis of property, under this subsection.

"(6) CHARACTER OF GAIN RECOGNIZED.—In the case of a distribution of a marketable security which is an unrealized receivable (as defined in section 751(c)) or an inventory item (as defined in section 751(d)(2)), any gain recognized under this subsection shall be treated as ordinary income to the extent of any increase in the basis of such security attributable to the gain described in paragraph (4)(A)(ii).

"(7) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this subsection, including regulations to prevent the avoidance of such purposes."

(b) CONFORMING AMENDMENTS.—

(1) The last sentence of section 737(c)(1) is amended to read as follows: "For purposes of determining the basis of the distributed property (other than money), such increase shall be treated as occurring immediately before the distribution."

(2) Section 737 is amended by adding at the end the following new subsection:

"(e) MARKETABLE SECURITIES TREATED AS MONEY.—

"For treatment of marketable securities as money for purposes of this section, see section 731(c)."

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to distributions after the date of the enactment of this Act.

(2) CERTAIN DISTRIBUTIONS BEFORE JANUARY 1, 1995.—The amendments made by this section shall not apply to any marketable security distributed before January 1, 1995, by the partnership which held such security on July 27, 1994.

(3) DISTRIBUTIONS IN LIQUIDATION OF PARTNER'S INTEREST.—The amendments made by this section shall not apply to the distribution of a marketable security in liquidation of a partner's interest in a partnership if—

(A) such liquidation is pursuant to a written contract which was binding on July 15, 1994, and at all times thereafter before the distribution, and

(B) such contract provides for the purchase of such interest not later than a date certain for—

(i) a fixed value of marketable securities that are specified in the contract, or

(ii) other property.

The preceding sentence shall not apply if the partner has the right to elect that such distribution be made other than in marketable securities.

(4) DISTRIBUTIONS IN COMPLETE LIQUIDATION OF PUBLICLY TRADED PARTNERSHIPS.—

(A) IN GENERAL.—The amendments made by this section shall not apply to the distribution of a marketable security in a qualified partnership liquidation if—

(i) the marketable securities were received by the partnership in a nonrecognition transaction in exchange for substantially all of the assets of the partnership,

(ii) the marketable securities are distributed by the partnership within 90 days after their receipt by the partnership, and

(iii) the partnership is liquidated before the beginning of the 1st taxable year of the partnership beginning after December 31, 1997.

(B) QUALIFIED PARTNERSHIP LIQUIDATION.—For purposes of subparagraph (A), the term "qualified partnership liquidation" means—

(i) a complete liquidation of a publicly traded partnership (as defined in section 7704(b) of the Internal Revenue Code of 1986) which is an existing partnership (as defined in section 10211(c)(2) of the Revenue Act of 1987), and

(ii) a complete liquidation of a partnership which is related to a partnership described in clause (i) if such liquidation is related to a complete liquidation of the partnership described in clause (i).

(5) MARKETABLE SECURITIES.—For purposes of this subsection, the term "marketable securities" has the meaning given such term by section 731(c) of the Internal Revenue Code of 1986, as added by this section.

SEC. 742. TAXPAYER IDENTIFICATION NUMBERS REQUIRED AT BIRTH.

(a) EARNED INCOME CREDIT.—Clause (i) of section 32(c)(3)(D) is amended to read as follows:

"(i) IN GENERAL.—The requirements of this subparagraph are met if the taxpayer includes the name, age, and TIN of each qualifying child (without regard to this subparagraph) on the return of tax for the taxable year."

(b) DEPENDENCY EXEMPTION.—Subsection (e) of section 6109 is amended to read as follows:

"(e) FURNISHING NUMBER FOR DEPENDENTS.—Any taxpayer who claims an exemption under section 151 for any dependent on a return for any taxable year shall include on such return the identifying number (for purposes of this title) of such dependent."

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to returns for taxable years beginning after December 31, 1994.

(2) EXCEPTION.—The amendments made by this section shall not apply to—

(A) returns for taxable years beginning in 1995 with respect to individuals who are born after October 31, 1995, and

(B) returns for taxable years beginning in 1996 with respect to individuals who are born after November 30, 1996.

SEC. 743. EXTENSION OF INTERNAL REVENUE SERVICE USER FEES.

Subsection (c) of section 10511 of the Revenue Act of 1987 (relating to fees for requests for ruling, determination, and similar letters) is amended by striking "October 1, 1995" and inserting "October 1, 2000".

SEC. 744. MODIFICATION OF SUBSTANTIAL UNDERSTATEMENT PENALTY FOR CORPORATIONS PARTICIPATING IN TAX SHELTERS.

(a) IN GENERAL.—Subparagraph (C) of section 6662(d)(2) (relating to special rules in cases involving tax shelters) is amended by redesignating clause (ii) as clause (iii) and by inserting after clause (i) the following new clause:

"(ii) SUBPARAGRAPH (B) NOT TO APPLY TO CORPORATIONS.—Subparagraph (B) shall not apply to any item of a corporation which is attributable to a tax shelter."

(b) TECHNICAL AMENDMENTS.—

(1) Clause (i) of section 6662(d)(2)(C) is amended by striking "In the case of any item" and inserting "In the case of any item of a taxpayer other than a corporation which is".

(2) Clause (iii) of section 6662(d)(2)(C), as redesignated by subsection (a), is amended by striking "clause (i)" and inserting "this subparagraph".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to items related to transactions occurring after the date of the enactment of this Act.

SEC. 745. MODIFICATION OF AUTHORITY TO SET TERMS AND CONDITIONS FOR SAVINGS BONDS.

(a) IN GENERAL.—Subsection (b) of section 3105 of title 31, United States Code, is amended to read as follows:

"(b)(1) The Secretary may—

"(A) fix the investment yield for savings bonds; and

"(B) change the investment yield on an outstanding savings bond, except that the yield on a bond for the period held may not be decreased below the minimum yield for the period guaranteed on the date of issue.

"(2) The Secretary may prescribe regulations providing that—

"(A) owners of savings bonds may keep the bonds after maturity or after a period beyond maturity during which the bonds have earned interest and continue to earn interest at rates consistent with paragraph (1) of this subsection; and

"(B) savings bonds earning a different rate of interest before the regulations are prescribed shall earn a rate of interest consistent with paragraph (1)."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to bonds issued after October 31, 1994.

Subtitle F—Pension Plan Funding and Premiums

SEC. 750. SHORT TITLE.

This subtitle may be cited as the "Retirement Protection Act of 1994".

PART I—PENSION PLAN FUNDING

Subpart A—Amendments to the Internal Revenue Code of 1986

SEC. 751. MINIMUM FUNDING REQUIREMENTS.

(a) AMENDMENTS TO ADDITIONAL FUNDING REQUIREMENTS FOR SINGLE-EMPLOYER PLANS.—

(1) LIMITATIONS ON ADDITIONAL FUNDING REQUIREMENT FOR CERTAIN PLANS.—

(A) IN GENERAL.—Paragraph (1) of section 412(l) (relating to additional funding requirements for plans which are not multiemployer plans) is amended by striking "which has an unfunded current liability" and inserting "to which this subsection applies under paragraph (9)".

(B) PLANS TO WHICH REQUIREMENT APPLIES.—Section 412(l) is amended by adding at the end the following new paragraph:

"(9) APPLICABILITY OF SUBSECTION.—

"(A) IN GENERAL.—Except as provided in paragraph (6)(A), this subsection shall apply to a plan for any plan year if its funded current liability percentage for such year is less than 90 percent.

"(B) EXCEPTION FOR CERTAIN PLANS AT LEAST 80 PERCENT FUNDED.—Subparagraph (A) shall not apply to a plan for a plan year if—

"(i) the funded current liability percentage for the plan year is at least 80 percent, and

"(ii) such percentage for each of the 2 immediately preceding plan years (or each of the 2d and 3d immediately preceding plan years) is at least 90 percent.

"(C) FUNDED CURRENT LIABILITY PERCENTAGE.—For purposes of subparagraphs (A) and (B), the term 'funded current liability percentage' has the meaning given such term by paragraph (8)(B), except that such percentage shall be determined for any plan year—

"(i) without regard to paragraph (8)(E), and

"(ii) by using the rate of interest which is the highest rate allowable for the plan year under paragraph (7)(C).

"(D) TRANSITION RULES.—For purposes of this paragraph—

"(i) FUNDED PERCENTAGE FOR YEARS BEFORE 1995.—The funded current liability percentage for any plan year beginning before January 1, 1995, shall be treated as not less than 90 percent only if for such plan year the plan met one of the following requirements (as in effect for such year):

"(I) The full-funding limitation under subsection (c)(7) for the plan was zero.

"(II) The plan had no additional funding requirement under this subsection (or would have had no such requirement if its funded current liability percentage had been determined under subparagraph (C)).

"(III) The plan's additional funding requirement under this subsection did not exceed the lesser of 0.5 percent of current liability or $5,000,000.

"(ii) SPECIAL RULE FOR 1995 AND 1996.—For purposes of determining whether subparagraph (B) applies to any plan year beginning in 1995 or 1996, a plan shall be treated as meeting the requirements of subparagraph (B)(ii) if the plan met the requirements of clause (i) of this subparagraph for any two of the plan years beginning in 1992, 1993, and 1994 (whether or not consecutive)."

(2) RELATIONSHIP OF ADDITIONAL FUNDING REQUIREMENT TO FUNDING STANDARD ACCOUNT CHARGES AND CREDITS.—

(A) Clause (ii) of section 412(l)(1)(A) is amended to read as follows:

"(ii) the sum of the charges for such plan year under subsection (b)(2), reduced by the sum of the credits for such plan year under subparagraph (B) of subsection (b)(3), plus".

(B) The last sentence in section 412(l)(1) of such Code is amended to read as follows:

"Such increase shall not exceed the amount which, after taking into account charges (other than the additional charge under this subsection) and credits under subsection (b), is necessary to increase the funded current liability percentage (taking into account the expected increase in current liability due to benefits accruing during the plan year) to 100 percent."

(3) AMENDMENT TO DEFICIT REDUCTION CONTRIBUTION.—Paragraph (2) of section 412(l) is amended—

(A) by striking "plus" at the end of subparagraph (A);

(B) by striking the period at the end of subparagraph (B) and inserting ", plus"; and

(C) by adding at the end the following new subparagraph:

"(C) the expected increase in current liability due to benefits accruing during the plan year."

(4) INCREASE IN CURRENT LIABILITY DUE TO CHANGE IN REQUIRED ASSUMPTIONS.—

(A) Paragraph (3) of section 412(l) is amended by adding at the end the following new subparagraphs:

"(D) SPECIAL RULE FOR REQUIRED CHANGES IN ACTUARIAL ASSUMPTIONS.—

"(i) IN GENERAL.—The unfunded old liability amount with respect to any plan for any plan year shall be increased by the amount necessary to amortize the amount of additional unfunded old liability under the plan in equal annual installments over a period of 12 plan years (beginning with the first plan year beginning after December 31, 1994).

"(ii) ADDITIONAL UNFUNDED OLD LIABILITY.—For purposes of clause (i), the term 'additional unfunded old liability' means the amount (if any) by which—

"(I) the current liability of the plan as of the beginning of the first plan year beginning after December 31, 1994, valued using the assumptions required by paragraph (7)(C) as in effect for plan years beginning after December 31, 1994, exceeds

"(II) the current liability of the plan as of the beginning of such first plan year, valued using the same assumptions used under subclause (I) (other than the assumptions required by paragraph (7)(C)), using the prior interest rate, and using such mortality assumptions as were used to determine current liability for the first plan year beginning after December 31, 1992.

"(iii) PRIOR INTEREST RATE.—For purposes of clause (ii), the term 'prior interest rate' means the rate of interest that is the same percentage of the weighted average under subsection (b)(5)(B)(ii)(I) for the first plan year beginning after December 31, 1994, as the rate of interest used by the plan to determine current liability for the first plan year beginning after December 31, 1992, is of the weighted average under subsection (b)(5)(B)(ii)(I) for such first plan year beginning after December 31, 1992.

"(E) OPTIONAL RULE FOR ADDITIONAL UNFUNDED OLD LIABILITY.—

"(i) IN GENERAL.—If an employer makes an election under clause (ii), the additional unfunded old liability for purposes of subparagraph (D) shall be the amount (if any) by which—

"(I) the unfunded current liability of the plan as of the beginning of the first plan year beginning after December 31, 1994, valued using the assumptions required by paragraph (7)(C) as in effect for plan years beginning after December 31, 1994, exceeds

"(II) the unamortized portion of the unfunded old liability under the plan as of the beginning of the first plan year beginning after December 31, 1994.

"(ii) ELECTION.—

"(I) An employer may irrevocably elect to apply the provisions of this subparagraph as of the beginning of the first plan year beginning after December 31, 1994.

"(II) If an election is made under this clause, the increase under paragraph (1) for any plan year beginning after December 31, 1994, and before January 1, 2002, to which this subsection applies (without regard to this subclause) shall not be less than the increase that would be required under paragraph (1) if the provisions of this title as in effect for the last plan year beginning before January 1, 1995, had remained in effect."

(B) Clause (i) of section 412(l)(4)(B) is amended by inserting ", the unamortized portion of the additional unfunded old liability," after "old liability".

(5) APPLICABLE PERCENTAGE FOR DETERMINING UNFUNDED NEW LIABILITY AMOUNT.—Subparagraph (C) of section 412(l)(4) is amended—

(A) by striking ".25" and inserting ".40", and

(B) by striking "35" and inserting "60".

(6) UNPREDICTABLE CONTINGENT EVENT AMOUNT.—

(A) Subparagraph (A) of section 412(l)(5) is amended—

(i) by striking "greater of" and inserting "greatest of" before clause (i);

(ii) by striking "or" at the end of clause (i);

(iii) by striking the period at the end of clause (ii) and inserting ", or"; and

(iv) by adding after clause (ii) the following new clause:

"(iii) the additional amount that would be determined under paragraph (4)(A) if the unpredictable contingent event benefit liabilities were included in unfunded new liability notwithstanding paragraph (4)(B)(ii)."

(B) Paragraph (5) of section 412(l) is amended by adding at the end the following new subparagraph:

"(E) LIMITATION.—The present value of the amounts described in subparagraph (A) with respect to any one event shall not exceed the unpredictable contingent event benefit liabilities attributable to that event."

(C) Clause (ii) of section 412(m)(4)(D) is amended—

(i) by striking "greater of" and inserting "greatest of" before subclause (I);

(ii) by striking "or" at the end of subclause (I);

(iii) by striking the period at the end of subclause (II) and inserting ", or"; and

(iv) by adding after subclause (II) the following new clause:

"(III) 25 percent of the amount determined under subsection (l)(5)(A)(iii) for the plan year."

(7) REQUIRED INTEREST RATE AND MORTALITY ASSUMPTIONS FOR DETERMINING CURRENT LIABILITY.—

(A) IN GENERAL.—Subparagraph (C) of section 412(l)(7) is amended to read as follows:

"(C) INTEREST RATE AND MORTALITY ASSUMPTIONS USED.—Effective for plan years beginning after December 31, 1994—

"(i) INTEREST RATE.—

"(I) IN GENERAL.—The rate of interest used to determine current liability under this subsection shall be the rate of interest used under subsection (b)(5), except that the highest rate in the permissible range under subparagraph (B)(ii) thereof shall not exceed the specified percentage under subclause (II) of the weighted average referred to in such subparagraph.

"(II) SPECIFIED PERCENTAGE.—For purposes of subclause (I), the specified percentage shall be determined as follows:

"In the case of plan years beginning in calendar year:	The specified percentage is:
1995	109
1996	108
1997	107
1998	106
1999 and thereafter	105.

"(ii) MORTALITY TABLES.—

"(I) COMMISSIONERS' STANDARD TABLE.—In the case of plan years beginning before the first plan year to which the first tables prescribed under subclause (II) apply, the mortality table used in determining current liability under this subsection shall be the table prescribed by the Secretary which is based on the prevailing commissioners' standard table (described in section 807(d)(5)(A)) used to determine reserves for group annuity contracts issued on January 1, 1993.

"(II) SECRETARIAL AUTHORITY.—The Secretary may by regulation prescribe for plan years beginning after December 31, 1999, mortality tables to be used in determining current liability under this subsection. Such tables shall be based upon the actual experience of pension plans and projected trends in such experience. In prescribing such tables, the Secretary shall take into account results of available independent studies of mortality of individuals covered by pension plans.

"(III) PERIODIC REVIEW.—The Secretary shall periodically (at least every 5 years) review any tables in effect under this subsection and shall, to the extent the Secretary determines necessary, by regulation update the tables to reflect the actual experience of pension plans and projected trends in such experience.

"(iii) SEPARATE MORTALITY TABLES FOR THE DISABLED.—Notwithstanding clause (ii)—

"(I) IN GENERAL.—In the case of plan years beginning after December 31, 1995, the Secretary shall establish mortality tables which may be used (in lieu of the tables under clause (ii)) to determine current liability under this subsection for individuals who are entitled to benefits under the plan on account of disability. The Secretary shall establish separate tables for individuals whose disabilities occur in plan years beginning before January 1, 1995, and for individuals whose disabilities occur in plan years beginning on or after such date.

"(II) SPECIAL RULE FOR DISABILITIES OCCURRING AFTER 1994.—In the case of disabilities occurring in plan years beginning after December 31, 1994, the tables under subclause (I) shall apply only with respect to individuals described in such subclause who are disabled within the meaning of title II of the Social Security Act and the regulations thereunder.

"(III) PLAN YEARS BEGINNING IN 1995.—In the case of any plan year beginning in 1995, a plan may use its own mortality assumptions for individuals who are entitled to benefits under the plan on account of disability."

(B) AMORTIZATION OF UNFUNDED MORTALITY INCREASE AMOUNT.—

(i) IN GENERAL.—Paragraph (2) of section 412(l), as amended by paragraph (3), is amended by striking "plus" at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting ", and", and by adding at the end the following new subparagraph:

"(D) the aggregate of the unfunded mortality increase amounts."

(ii) UNFUNDED MORTALITY INCREASE AMOUNT.—Section 412(l), as amended by paragraph (1), is amended by adding at the end the following new paragraph:

"(10) UNFUNDED MORTALITY INCREASE AMOUNT.—

"(A) IN GENERAL.—The unfunded mortality increase amount with respect to each unfunded mortality increase is the amount necessary to amortize such increase in equal annual installments over a period of 10 plan years (beginning with the first plan year for which a plan uses any new mortality table issued under paragraph (7)(C)(ii)(II) or (III)).

"(B) UNFUNDED MORTALITY INCREASE.—For purposes of subparagraph (A), the term 'unfunded mortality increase' means an amount equal to the excess of—

"(i) the current liability of the plan for the first plan year for which a plan uses any new mortality table issued under paragraph (7)(C)(ii)(II) or (III), over

"(ii) the current liability of the plan for such plan year which would have been determined if the mortality table in effect for the preceding plan year had been used."

(iii) CONFORMING AMENDMENT.—Clause (i) of section 412(l)(4)(B), as amended by paragraph (4)(B), is amended by inserting "the unamortized portion of each unfunded mortality increase," after "additional unfunded old liability,".

(8) TRANSITION RULE.—Section 412(l), as amended by paragraph (7), is amended by adding at the end the following new paragraph:

"(11) PHASE-IN OF INCREASES IN FUNDING REQUIRED BY RETIREMENT PROTECTION ACT OF 1994.—

"(A) IN GENERAL.—For any applicable plan year, at the election of the employer, the increase under paragraph (1) shall not exceed the greater of—

"(i) the increase that would be required under paragraph (1) if the provisions of this title as in effect for plan years beginning before January 1, 1995, had remained in effect, or

"(ii) the amount which, after taking into account charges (other than the additional charge under this subsection) and credits under subsection (b), is necessary to increase the funded current liability percentage (taking into account the expected increase in current liability due to benefits accruing during the plan year) for the applicable plan year to a percentage equal to the sum of the initial funded current liability percentage of the plan plus the applicable number of percentage points for such applicable plan year.

"(B) APPLICABLE NUMBER OF PERCENTAGE POINTS.—

"(i) INITIAL FUNDED CURRENT LIABILITY PERCENTAGE OF 75 PERCENT OR LESS.—Except as provided in clause (ii), for plans with an initial funded current liability percentage of 75 percent or less, the applicable number of percentage points for the applicable plan year is:

"In the case of applicable plan years beginning in:	**The applicable number of percentage points is:**
1995	3
1996	6
1997	9
1998	12
1999	15
2000	19
2001	24.

"(ii) OTHER CASES.—In the case of a plan to which this clause applies, the applicable number of percentage points for any such applicable plan year is the sum of—

"(I) 2 percentage points;

"(II) the applicable number of percentage points (if any) under this clause for the preceding applicable plan year;

"(III) the product of .10 multiplied by the excess (if any) of (a) 85 percentage points over (b) the sum of the initial funded current liability percentage and the number determined under subclause (II);

"(IV) for applicable plan years beginning in 2000, 1 percentage point; and

"(V) for applicable plan years beginning in 2001, 2 percentage points.

"(iii) PLANS TO WHICH CLAUSE (ii) APPLIES.—

"(I) IN GENERAL.—Clause (ii) shall apply to a plan for an applicable plan year if the initial funded current liability percentage of such plan is more than 75 percent.

"(II) PLANS INITIALLY UNDER CLAUSE (i).—In the case of a plan which (but for this subclause) has an initial funded current liability percentage of 75 percent or less, clause (ii) (and not clause (i)) shall apply to such plan with respect to applicable plan years beginning after the first applicable plan year for which the sum of the initial funded current liability percentage and the applicable number of percentage points (determined under clause (i)) exceeds 75 percent. For purposes of applying clause (ii) to such a plan, the initial funded current liability percentage of such plan shall be treated as being the sum referred to in the preceding sentence.

"(C) DEFINITIONS.—For purposes of this paragraph—

"(i) The term 'applicable plan year' means a plan year beginning after December 31, 1994, and before January 1, 2002.

"(ii) The term 'initial funded current liability percentage' means the funded current liability percentage as of the first day of the first plan year beginning after December 31, 1994."

(9) LIQUIDITY REQUIREMENT.—

(A) IN GENERAL.—Section 412(m) is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

"(5) LIQUIDITY REQUIREMENT.—

"(A) IN GENERAL.—A plan to which this paragraph applies shall be treated as failing to pay the full amount of any required installment to the extent that the value of the liquid assets paid in such installment is less than the liquidity shortfall (whether or not such liquidity shortfall exceeds the amount of such installment required to be paid but for this paragraph).

"(B) PLANS TO WHICH PARAGRAPH APPLIES.—This paragraph shall apply to a defined benefit plan (other than a multiemployer plan or a plan described in subsection (l)(6)(A)) which—

"(i) is required to pay installments under this subsection for a plan year, and

"(ii) has a liquidity shortfall for any quarter during such plan year.

"(C) PERIOD OF UNDERPAYMENT.—For purposes of paragraph (1), any portion of an installment that is treated as not paid under subparagraph (A) shall continue to be treated as unpaid until the close of the quarter in which the due date for such installment occurs.

"(D) LIMITATION ON INCREASE.—If the amount of any required installment is increased by reason of subparagraph (A), in no event shall such increase exceed the amount which, when added to prior installments for the plan year, is necessary to increase the funded current liability percentage (taking into account the expected increase in current liability due to benefits accruing during the plan year) to 100 percent.

"(E) DEFINITIONS.—For purposes of this paragraph—

"(i) LIQUIDITY SHORTFALL.—The term 'liquidity shortfall' means, with respect to any required installment, an amount equal to the excess (as of the last day of the quarter for which such installment is made) of the base amount with respect to such quarter over the value (as of such last day) of the plan's liquid assets.

"(ii) BASE AMOUNT.—

"(I) IN GENERAL.—The term 'base amount' means, with respect to any quarter, an amount equal to 3 times the sum of the adjusted disbursements from the plan for the 12 months ending on the last day of such quarter.

"(II) SPECIAL RULE.—If the amount determined under clause (i) exceeds an amount equal to 2 times the sum of the adjusted disbursements from the plan for the 36 months ending on the last day of the quarter and an enrolled actuary certifies to the satisfaction of the Secretary that such excess is the result of nonrecurring circumstances, the base amount with respect to such quarter shall be determined without regard to amounts related to those nonrecurring circumstances.

"(iii) DISBURSEMENTS FROM THE PLAN.—The term 'disbursements from the plan' means all disbursements from the trust, including purchases of annuities, payments of single sums and other benefits, and administrative expenses.

"(iv) ADJUSTED DISBURSEMENTS.—The term 'adjusted disbursements' means disbursements from the plan reduced by the product of—

"(I) the plan's funded current liability percentage (as defined in subsection (l)(8)) for the plan year, and

"(II) the sum of the purchases of annuities, payments of single sums, and such other disbursements as the Secretary shall provide in regulations.

"(v) LIQUID ASSETS.—The term 'liquid assets' means cash, marketable securities and such other assets as specified by the Secretary in regulations.

"(vi) QUARTER.—The term 'quarter' means, with respect to any required installment, the 3-month period preceding the month in which the due date for such installment occurs.

"(F) REGULATIONS.—The Secretary may prescribe such regulations as are necessary to carry out this paragraph."

(B) EXCISE TAX ON UNPAID LIQUIDITY SHORTFALL.—

(i) Subsection (e) of section 4971 is amended by striking "(a) or (b)" wherever it appears and inserting "(a), (b), or (f)".

(ii) Section 4971 is amended by redesignating subsection (f) as subsection (g) and adding a new subsection (f) to read as follows:

"(f) FAILURE TO PAY LIQUIDITY SHORTFALL.—

"(1) IN GENERAL.—In the case of a plan to which section 412(m)(5) applies, there is hereby imposed a tax of 10 percent of the excess (if any) of—

"(A) the amount of the liquidity shortfall for any quarter, over

"(B) the amount of such shortfall which is paid by the required installment under section 412(m) for such quarter (but only if such installment is paid on or before the due date for such installment).

"(2) ADDITIONAL TAX.—If the plan has a liquidity shortfall as of the close of any quarter and as of the close of each of the following 4 quarters, there is hereby imposed a tax equal to 100 percent of the amount on which tax was imposed by paragraph (1) for such first quarter.

"(3) DEFINITIONS AND SPECIAL RULE.—

"(A) LIQUIDITY SHORTFALL; QUARTER.—For purposes of this subsection, the terms 'liquidity shortfall' and 'quarter' have the respective meanings given such terms by section 412(m)(5).

"(B) SPECIAL RULE.—If the tax imposed by paragraph (2) is paid with respect to any liquidity shortfall for any quarter, no further tax shall be imposed by this subsection on such shortfall for such quarter."

(C) TREATMENT OF FAILURE TO MAKE CERTAIN PAYMENTS IF PLAN HAS LIQUIDITY SHORTFALL.—Section 401(a) is amended by adding at the end the following new paragraph:

"(32) TREATMENT OF FAILURE TO MAKE CERTAIN PAYMENTS IF PLAN HAS LIQUIDITY SHORTFALL.—

"(A) IN GENERAL.—A trust forming part of a pension plan to which section 412(m)(5) applies shall not be treated as failing to constitute a qualified trust under this section merely because such plan ceases to make any payment described in subparagraph (B) during any period that such plan has a liquidity shortfall (as defined in section 412(m)(5)).

"(B) PAYMENTS DESCRIBED.—A payment is described in this subparagraph if such payment is—

"(i) any payment, in excess of the monthly amount paid under a single life annuity (plus any social security supplements described in the last sentence of section 411(a)(9)), to a participant or beneficiary whose annuity starting date (as defined in section 417(f)(2)) occurs during the period referred to in subparagraph (A),

"(ii) any payment for the purchase of an irrevocable commitment from an insurer to pay benefits, and

"(iii) any other payment specified by the Secretary by regulations.

"(C) PERIOD OF SHORTFALL.—For purposes of this paragraph, a plan has a liquidity shortfall during the period that there is an underpayment of an installment under section 412(m) by reason of paragraph (5)(A) thereof."

(10) AMENDMENT TO DEFINITION OF FULL-FUNDING LIMITATION.—

(A) Subparagraph (A) of section 412(c)(7) is amended by inserting "(including the expected increase in current liability due to benefits accruing during the plan year)" after "current liability" in clause (i).

(B) Section 412(c)(7) is amended by adding at the end the following new subparagraph:

"(E) MINIMUM AMOUNT.—

"(i) IN GENERAL.—In no event shall the full-funding limitation determined under subparagraph (A) be less than the excess (if any) of—

"(I) 90 percent of the current liability of the plan (including the expected increase in current liability due to benefits accruing during the plan year), over

"(II) the value of the plan's assets determined under paragraph (2).

"(ii) CURRENT LIABILITY; ASSETS.—For purposes of clause (i)—

"(I) the term 'current liability' has the meaning given such term by subsection (l)(7) (without regard to subparagraph (D) thereof), and

"(II) assets shall not be reduced by any credit balance in the funding standard account."

(C) Subparagraph (B) of section 412(c)(7) is amended to read as follows:

"(B) CURRENT LIABILITY.—For purposes of subparagraph (D) and subclause (I) of subparagraph (A)(i), the term 'current liability' has the meaning given such term by subsection (l)(7) (without regard to subparagraphs (C) and (D) thereof) and using the rate of interest used under subsection (b)(5)(B)."

(11) REFERENCE TO ACT.—Section 404(g)(4) is amended by striking "the Single-Employer Pension Plan Amendments Act of 1986" and inserting "the Retirement Protection Act of 1994".

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to plan years beginning after December 31, 1994.

(2) REFERENCE.—The amendment made by subsection (a)(11) shall take effect on the date of the enactment of this Act.

SEC. 752. LIMITATION ON CHANGES IN CURRENT LIABILITY ASSUMPTIONS.

(a) IN GENERAL.—Paragraph (5) of section 412(c) is amended—

(1) by striking "If the funding method" and inserting the following:

"(A) IN GENERAL.—If the funding method", and

(2) by adding at the end the following new subparagraph:

"(B) APPROVAL REQUIRED FOR CERTAIN CHANGES IN ASSUMPTIONS BY CERTAIN SINGLE-EMPLOYER PLANS SUBJECT TO ADDITIONAL FUNDING REQUIREMENT.—

"(i) IN GENERAL.—No actuarial assumption (other than the assumptions described in subsection (l)(7)(C)) used to determine the current liability for a plan to which this subparagraph applies may be changed without the approval of the Secretary.

"(ii) PLANS TO WHICH SUBPARAGRAPH APPLIES.—This subparagraph shall apply to a plan only if—

"(I) the plan is a defined benefit plan (other than a multiemployer plan) to which title IV of the Employee Retirement Income Security Act of 1974 applies;

"(II) the aggregate unfunded vested benefits as of the close of the preceding plan year (as determined under section 4006(a)(3)(E)(iii) of the Employee Retirement Income Security Act of 1974) of such plan and all other plans maintained by the contributing sponsors (as defined in section 4001(a)(13) of such Act) and members of such sponsors' controlled groups (as defined in section 4001(a)(14) of such Act) which are covered by title IV of such Act (disregarding plans with no unfunded vested benefits) exceed $50,000,000; and

"(III) the change in assumptions (determined after taking into account any changes in interest rate and mortality table) results in a decrease in the unfunded current liability of the plan for the current plan year that exceeds $50,000,000, or that exceeds $5,000,000 and that is 5 percent or more of the current liability of the plan before such change."

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by this section shall apply to changes in assumptions for plan years beginning after October 28, 1993.

(2) CERTAIN CHANGES CEASE TO BE EFFECTIVE.—In the case of changes in assumptions for plan years beginning after December 31, 1992, and on or before October 28, 1993, such changes shall cease to be effective for plan years beginning after December 31, 1994, if—

(A) such change would have required the approval of the Secretary of the Treasury had such amendment applied to such change, and

(B) such change is not so approved.

SEC. 753. ANTICIPATION OF BARGAINED BENEFIT INCREASES.

(a) IN GENERAL.—Section 412(c) is amended by adding at the end the following new paragraph:

"(12) ANTICIPATION OF BENEFIT INCREASES EFFECTIVE IN THE FUTURE.—In determining projected benefits, the funding method of a collectively bargained plan described in section 413(a) (other than a multiemployer plan) shall anticipate benefit increases scheduled to take effect during the term of the collective bargaining agreement applicable to the plan."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to plan years beginning after December 31, 1994, with respect to collective bargaining agreements in effect on or after January 1, 1995.

SEC. 754. MODIFICATION OF QUARTERLY CONTRIBUTION REQUIREMENT.

(a) IN GENERAL.—Paragraph (1) of section 412(m) is amended—

(1) by inserting "which has a funded current liability percentage (as defined in subsection (l)(8)) for the preceding plan year of less than 100 percent" before "fails", and

(2) by striking "any plan year" and inserting "the plan year".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to plan years beginning after the date of enactment of this Act.

SEC. 755. EXCEPTIONS TO EXCISE TAX ON NONDEDUCTIBLE CONTRIBUTIONS.

(a) IN GENERAL.—Section 4972(c) is amended by adding at the end the following new paragraph:

"(6) EXCEPTIONS.—In determining the amount of nondeductible contributions for any taxable year, there shall not be taken into account—

"(A) contributions that would be deductible under section 404(a)(1)(D) if the plan had more than 100 participants if—

"(i) the plan is covered under section 4021 of the Employee Retirement Income Security Act of 1974, and

"(ii) the plan is terminated under section 4041(b) of such Act on or before the last day of the taxable year, and

"(B) contributions to 1 or more defined contribution plans which are not deductible when contributed solely because of section 404(a)(7), but only to the extent such contributions do not exceed 6 percent of compensation (within the meaning of section 404(a)) paid or accrued (during the taxable year for which the contributions were made) to beneficiaries under the plans.

If 1 or more defined benefit plans were taken into account in determining the amount allowable as a deduction under section 404 for contributions to any defined contribution plan, subparagraph (B) shall apply only if such defined benefit plans are described in section 404(a)(1)(D). For purposes of subparagraph (B), the deductible limits under section 404(a)(7) shall first be applied to amounts contributed to a defined benefit plan and then to amounts described in subparagraph (B)."

(b) EFFECTIVE DATE.—

(1) SECTION 4972(C)(6)(A).—Section 4972(c)(6)(A) of the Internal Revenue Code of 1986 (as added by this section) shall apply to taxable years ending on or after the date of enactment of this Act.

(2) SECTION 4972(C)(6)(B).—Section 4972(c)(6)(B) of such Code (as added by this section) shall apply to taxable years ending on or after December 31, 1992.

Subpart B—Amendments to the Employee Retirement Income Security Act of 1974

SEC. 761. MINIMUM FUNDING REQUIREMENTS.

(a) AMENDMENTS TO ADDITIONAL FUNDING REQUIREMENTS FOR SINGLE-EMPLOYER PLANS.—

(1) LIMITATIONS ON ADDITIONAL FUNDING REQUIREMENT FOR CERTAIN PLANS.—

(A) IN GENERAL.—Paragraph (1) of section 302(d) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1082(d)) is amended by striking "which has an unfunded current liability" and inserting "to which this subsection applies under paragraph (9)".

(B) PLANS TO WHICH REQUIREMENT APPLIES.—Section 302(d) of such Act is amended by adding at the end the following new paragraph:

"(9) APPLICABILITY OF SUBSECTION.—

"(A) IN GENERAL.—Except as provided in paragraph (6)(A), this subsection shall apply to a plan for any plan year if its funded current liability percentage for such year is less than 90 percent.

"(B) EXCEPTION FOR CERTAIN PLANS AT LEAST 80 PERCENT FUNDED.—Subparagraph (A) shall not apply to a plan for a plan year if—

"(i) the funded current liability percentage for the plan year is at least 80 percent, and

"(ii) such percentage for each of the 2 immediately preceding plan years (or each of the 2d and 3d immediately preceding plan years) is at least 90 percent.

"(C) FUNDED CURRENT LIABILITY PERCENTAGE.—For purposes of subparagraphs (A) and (B), the term 'funded current liability percentage' has the meaning given such term by paragraph (8)(B), except that such percentage shall be determined for any plan year—

"(i) without regard to paragraph (8)(E), and

"(ii) by using the rate of interest which is the highest rate allowable for the plan year under paragraph (7)(C).

"(D) TRANSITION RULES.—For purposes of this paragraph—

"(i) FUNDED PERCENTAGE FOR YEARS BEFORE 1995.—The funded current liability percentage for any plan year beginning before January 1, 1995, shall be treated as not less than 90 percent only if for such plan year the plan met one of the following requirements (as in effect for such year):

"(I) The full-funding limitation under subsection (c)(7) for the plan was zero.

"(II) The plan had no additional funding requirement under this subsection (or would have had no such requirement if its funded current liability percentage had been determined under subparagraph (C)).

"(III) The plan's additional funding requirement under this subsection did not exceed the lesser of 0.5 percent of current liability or $5,000,000.

"(ii) SPECIAL RULE FOR 1995 AND 1996.—For purposes of determining whether subparagraph (B) applies to any plan year beginning in 1995 or 1996, a plan shall be treated as meeting the requirements of subparagraph (B)(ii) if the plan met the requirements of clause (i) of this subparagraph for any two of the plan years beginning in 1992, 1993, and 1994 (whether or not consecutive)."

(2) RELATIONSHIP OF ADDITIONAL FUNDING REQUIREMENT TO FUNDING STANDARD ACCOUNT CHARGES AND CREDITS.—

(A) Clause (ii) of section 302(d)(1)(A) of such Act is amended to read as follows:

"(ii) the sum of the charges for such plan year under subsection (b)(2), reduced by the sum of the credits for such plan year under subparagraph (B) of subsection (b)(3), plus".

(B) The last sentence in section 302(d)(1) of such Act is amended to read as follows:

"Such increase shall not exceed the amount which, after taking into account charges (other than the additional charge under this subsection) and credits under subsection (b), is necessary to increase the funded current liability percentage (taking into account the expected increase in current liability due to benefits accruing during the plan year) to 100 percent."

(3) AMENDMENT TO DEFICIT REDUCTION CONTRIBUTION.—Paragraph (2) of section 302(d) of such Act is amended—

(A) by striking "plus" at the end of subparagraph (A);

(B) by striking the period at the end of subparagraph (B) and inserting ", plus"; and

(C) by adding at the end the following new subparagraph:

"(C) the expected increase in current liability due to benefits accruing during the plan year."

(4) INCREASE IN CURRENT LIABILITY DUE TO CHANGE IN REQUIRED ASSUMPTIONS.—

(A) Paragraph (3) of section 302(d) of such Act is amended by adding at the end the following new subparagraphs:

"(D) SPECIAL RULE FOR REQUIRED CHANGES IN ACTUARIAL ASSUMPTIONS.—

"(i) IN GENERAL.—The unfunded old liability amount with respect to any plan for any plan year shall be increased by the amount necessary to amortize the amount of additional unfunded old liability under the plan in equal annual installments over a period of 12 plan years (beginning with the first plan year beginning after December 31, 1994).

"(ii) ADDITIONAL UNFUNDED OLD LIABILITY.—For purposes of clause (i), the term 'additional unfunded old liability' means the amount (if any) by which—

"(I) the current liability of the plan as of the beginning of the first plan year beginning after December 31, 1994, valued using the assumptions required by paragraph (7)(C) as in effect for plan years beginning after December 31, 1994, exceeds

"(II) the current liability of the plan as of the beginning of such first plan year, valued using the same assumptions used under subclause (I) (other than the assumptions required by paragraph (7)(C)), using the prior interest rate, and using such mortality assumptions as were used to determine current liability for the first plan year beginning after December 31, 1992.

"(iii) PRIOR INTEREST RATE.—For purposes of clause (ii), the term 'prior interest rate' means the rate of interest that is the same percentage of the weighted average under subsection (b)(5)(B)(ii)(I) for the first plan year beginning after December 31, 1994, as the rate of interest used by the plan to determine current liability for the first plan year beginning after December 31, 1992, is of the weighted average under subsection (b)(5)(B)(ii)(I) for such first plan year beginning after December 31, 1992.

"(E) OPTIONAL RULE FOR ADDITIONAL UNFUNDED OLD LIABILITY.—

"(i) IN GENERAL.—If an employer makes an election under clause (ii), the additional unfunded old liability for purposes of subparagraph (D) shall be the amount (if any) by which—

"(I) the unfunded current liability of the plan as of the beginning of the first plan year beginning after December 31, 1994, valued using the assumptions required by paragraph (7)(C) as in effect for plan years beginning after December 31, 1994, exceeds

"(II) the unamortized portion of the unfunded old liability under the plan as of the beginning of the first plan year beginning after December 31, 1994.

"(ii) ELECTION.—

"(I) An employer may irrevocably elect to apply the provisions of this subparagraph as of the beginning of the first plan year beginning after December 31, 1994.

"(II) If an election is made under this clause, the increase under paragraph (1) for any plan year beginning after December 31, 1994, and before January 1, 2002, to which this subsection applies (without regard to this subclause) shall not be less than the increase that would be required under paragraph (1) if the provisions of this title as in effect for the last plan year beginning before January 1, 1995, had remained in effect."

(B) Clause (i) of section 302(d)(4)(B) of such Act is amended by inserting ", the unamortized portion of the additional unfunded old liability," after "old liability".

(5) APPLICABLE PERCENTAGE FOR DETERMINING UNFUNDED NEW LIABILITY AMOUNT.—Subparagraph (C) of section 302(d)(4) of such Act is amended—

(A) by striking ".25" and inserting ".40", and

(B) by striking "35" and inserting "60".

(6) UNPREDICTABLE CONTINGENT EVENT AMOUNT.—

(A) Subparagraph (A) of section 302(d)(5) of such Act is amended—

(i) by striking "greater of" and inserting "greatest of" before clause (i);

(ii) by striking "or" at the end of clause (i);

(iii) by striking the period at the end of clause (ii) and inserting ", or"; and

(iv) by adding after clause (ii) the following new clause:

"(iii) the additional amount that would be determined under paragraph (4)(A) if the unpredictable contingent event benefit liabilities were included in unfunded new liability notwithstanding paragraph (4)(B)(ii)."

(B) Paragraph (5) of section 302(d) of such Act is amended by adding at the end the following new subparagraph:

"(E) LIMITATION.—The present value of the amounts described in subparagraph (A) with respect to any one event shall not exceed the unpredictable contingent event benefit liabilities attributable to that event."

(C) Clause (ii) of section 302(e)(4)(D) of such Act is amended—

(i) by striking "greater of" and inserting "greatest of" before subclause (I);

(ii) by striking "or" at the end of subclause (I);

(iii) by striking the period at the end of subclause (II) and inserting ", or"; and

(iv) by adding after subclause (II) the following new clause:

"(III) 25 percent of the amount determined under subsection (d)(5)(A)(iii) for the plan year."

(7) REQUIRED INTEREST RATE AND MORTALITY ASSUMPTIONS FOR DETERMINING CURRENT LIABILITY.—

(A) IN GENERAL.—Subparagraph (C) of section 302(d)(7) of such Act is amended to read as follows:

"(C) INTEREST RATE AND MORTALITY ASSUMPTIONS USED.—Effective for plan years beginning after December 31, 1994—

"(i) INTEREST RATE.—

"(I) IN GENERAL.—The rate of interest used to determine current liability under this subsection shall be the rate of interest used under subsection (b)(5), except that the highest rate in the permissible range under subparagraph (B)(ii) thereof shall not exceed the specified percentage under subclause (II) of the weighted average referred to in such subparagraph.

"(II) SPECIFIED PERCENTAGE.—For purposes of subclause (I), the specified percentage shall be determined as follows:

"In the case of plan years beginning in calendar year:	*Percentage*
1995	109
1996	108
1997	107
1998	106
1999 and thereafter	105.

"(ii) MORTALITY TABLES.—

"(I) COMMISSIONERS' STANDARD TABLE.—In the case of plan years beginning before the first plan year to which the first tables prescribed under subclause (II) apply, the mortality table used in determining current liability under this subsection shall be the table prescribed by the Secretary of the Treasury which is based on the prevailing commissioners' standard table (described in section 807(d)(5)(A) of the Internal Revenue Code of 1986) used to determine reserves for group annuity contracts issued on January 1, 1993.

"(II) SECRETARIAL AUTHORITY.—The Secretary of the Treasury may by regulation prescribe for plan years beginning after December 31, 1999, mortality tables to be used in determining current liability under this subsection. Such tables shall be based upon the actual experience of pension plans and projected trends in such experience. In prescribing such tables, the Secretary of the Treasury shall take into account results of available independent studies of mortality of individuals covered by pension plans.

"(III) PERIODIC REVIEW.—The Secretary of the Treasury shall periodically (at least every 5 years) review any tables in effect under this subsection and shall, to the extent the Secretary determines necessary, by regulation update the tables to reflect the actual experience of pension plans and projected trends in such experience.

"(iii) SEPARATE MORTALITY TABLES FOR THE DISABLED.—Notwithstanding clause (ii)—

"(I) IN GENERAL.—In the case of plan years beginning after December 31, 1995, the Secretary of the Treasury shall establish mortality tables which may be used (in lieu of the tables under clause (ii)) to determine current liability under this subsection for individuals who are entitled to benefits under the plan on account of disability. Such Secretary shall establish separate tables for individuals whose disabilities occur in plan years beginning before January 1, 1995, and for individuals whose disabilities occur in plan years beginning on or after such date.

"(II) SPECIAL RULE FOR DISABILITIES OCCURRING AFTER 1994.—In the case of disabilities occurring in plan years beginning after December 31, 1994, the tables under subclause (I) shall apply only with respect to individuals described in such subclause who are disabled within the meaning of title II of the Social Security Act and the regulations thereunder.

"(III) PLAN YEARS BEGINNING IN 1995.—In the case of any plan year beginning in 1995, a plan may use its own mortality assumptions for individuals who are entitled to benefits under the plan on account of disability."

(B) AMORTIZATION OF UNFUNDED MORTALITY INCREASE AMOUNT.—

(i) IN GENERAL.—Paragraph (2) of section 302(d) of such Act, as amended by paragraph (3), is amended by striking "plus" at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting ", and", and by adding at the end the following new subparagraph:

"(D) the aggregate of the unfunded mortality increase amounts."

(ii) UNFUNDED MORTALITY INCREASE AMOUNT.—Section 302(d) of such Act, as amended by paragraph (1), is amended by adding at the end the following new paragraph:

"(10) UNFUNDED MORTALITY INCREASE AMOUNT.—

"(A) IN GENERAL.—The unfunded mortality increase amount with respect to each unfunded mortality increase is the amount necessary to amortize such increase in equal annual installments over a period of 10 plan years (beginning with the first plan year for which a plan uses any new mortality table issued under paragraph (7)(C)(ii)(II) or (III)).

"(B) UNFUNDED MORTALITY INCREASE.—For purposes of subparagraph (A), the term 'unfunded mortality increase' means an amount equal to the excess of—

"(i) the current liability of the plan for the first plan year for which a plan uses any new mortality table issued under paragraph (7)(C)(ii)(II) or (III), over

"(ii) the current liability of the plan for such plan year which would have been determined if the mortality table in effect for the preceding plan year had been used."

(iii) CONFORMING AMENDMENT.—Clause (i) of section 302(d)(4)(B) of such Act, as amended by paragraph (4)(B), is amended by inserting "the unamortized portion of each unfunded mortality increase," after "additional unfunded old liability,".

(8) TRANSITION RULE.—Section 302(d) of such Act, as amended by paragraph (7), is amended by adding at the end the following new paragraph:

"(11) PHASE-IN OF INCREASES IN FUNDING REQUIRED BY RETIREMENT PROTECTION ACT OF 1994.—

"(A) IN GENERAL.—For any applicable plan year, at the election of the employer, the increase under paragraph (1) shall not exceed the greater of—

"(i) the increase that would be required under paragraph (1) if the provisions of this title as in effect for plan years beginning before January 1, 1995, had remained in effect, or

"(ii) the amount which, after taking into account charges (other than the additional charge under this subsection) and credits under subsection (b), is necessary to increase the funded current liability percentage (taking into account the expected increase in current liability due to benefits accruing during the plan year) for the applicable plan year to a percentage equal to the sum of the initial funded current liability percentage of the plan plus the applicable number of percentage points for such applicable plan year.

"(B) APPLICABLE NUMBER OF PERCENTAGE POINTS.—

"(i) INITIAL FUNDED CURRENT LIABILITY PERCENTAGE OF 75 PERCENT OR LESS.—Except as provided in clause (ii), for plans with an initial funded current liability percentage of 75 percent or less, the applicable number of percentage points for the applicable plan year is:

"In the case of applicable plan years beginning in:	The applicable number of percentage points is:
1995	3
1996	6
1997	9
1998	12
1999	15
2000	19
2001	24.

"(ii) OTHER CASES.—In the case of a plan to which this clause applies, the applicable number of percentage points for any such applicable plan year is the sum of—

"(I) 2 percentage points;

"(II) the applicable number of percentage points (if any) under this clause for the preceding applicable plan year;

"(III) the product of .10 multiplied by the excess (if any) of (a) 85 percentage points over (b) the sum of the initial funded current liability percentage and the number determined under subclause (II);

"(IV) for applicable plan years beginning in 2000, 1 percentage point; and

"(V) for applicable plan years beginning in 2001, 2 percentage points.

"(iii) PLANS TO WHICH CLAUSE (ii) APPLIES.—

"(I) IN GENERAL.—Clause (ii) shall apply to a plan for an applicable plan year if the initial funded current liability percentage of such plan is more than 75 percent.

"(II) PLANS INITIALLY UNDER CLAUSE (i).—In the case of a plan which (but for this subclause) has an initial funded current liability percentage of 75 percent or less, clause (ii) (and not clause (i)) shall apply to such plan with respect to applicable plan years beginning after the first applicable plan year for which the sum of the initial funded current liability percentage and the applicable number of percentage points (determined under clause (i)) exceeds 75 percent. For purposes of applying clause (ii) to such a plan, the initial funded current liability percentage of such plan shall be treated as being the sum referred to in the preceding sentence.

"(C) DEFINITIONS.—For purposes of this paragraph—

"(i) The term 'applicable plan year' means a plan year beginning after December 31, 1994, and before January 1, 2002.

"(ii) The term 'initial funded current liability percentage' means the funded current liability percentage as of the first day of the first plan year beginning after December 31, 1994."

(9) LIQUIDITY REQUIREMENT.—

(A) IN GENERAL.—Section 302(e) of such Act is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

"(5) LIQUIDITY REQUIREMENT.—

"(A) IN GENERAL.—A plan to which this paragraph applies shall be treated as failing to pay the full amount of any required installment to the extent that the value of the liquid assets paid in such installment is less than the liquidity shortfall (whether or not such liquidity shortfall exceeds the amount of such installment required to be paid but for this paragraph).

"(B) PLANS TO WHICH PARAGRAPH APPLIES.—This paragraph shall apply to a defined benefit plan (other than a multiemployer plan or a plan described in subsection (d)(6)(A)) which—

"(i) is required to pay installments under this subsection for a plan year, and

"(ii) has a liquidity shortfall for any quarter during such plan year.

"(C) PERIOD OF UNDERPAYMENT.—For purposes of paragraph (1), any portion of an installment that is treated as not paid under subparagraph (A) shall continue to be treated as unpaid until the close of the quarter in which the due date for such installment occurs.

"(D) LIMITATION ON INCREASE.—If the amount of any required installment is increased by reason of subparagraph (A), in no event shall such increase exceed the amount which, when added to prior installments for the plan year, is necessary to increase the funded current liability percentage (taking into account the expected increase in current liability due to benefits accruing during the plan year) to 100 percent.

"(E) DEFINITIONS.—For purposes of this paragraph—

"(i) LIQUIDITY SHORTFALL.—The term 'liquidity shortfall' means, with respect to any required installment, an amount equal to the excess (as of the last day of the quarter for which such installment is made) of the base amount with respect to such quarter over the value (as of such last day) of the plan's liquid assets.

"(ii) BASE AMOUNT.—

"(I) IN GENERAL.—The term 'base amount' means, with respect to any quarter, an amount equal to 3 times the sum of the adjusted disbursements from the plan for the 12 months ending on the last day of such quarter.

"(II) SPECIAL RULE.—If the amount determined under clause (i) exceeds an amount equal to 2 times the sum of the adjusted disbursements from the plan for the 36 months ending on the last day of the quarter and an enrolled actuary certifies to the satisfaction of the Secretary of the Treasury that such excess is the result of nonrecurring circumstances, the base amount with respect to such quarter shall be determined without regard to amounts related to those nonrecurring circumstances.

"(iii) DISBURSEMENTS FROM THE PLAN.—The term 'disbursements from the plan' means all disbursements from the trust, including purchases of annuities, payments of single sums and other benefits, and administrative expenses.

"(iv) ADJUSTED DISBURSEMENTS.—The term 'adjusted disbursements' means disbursements from the plan reduced by the product of—

"(I) the plan's funded current liability percentage (as defined in subsection (d)(8)) for the plan year, and

"(II) the sum of the purchases of annuities, payments of single sums, and such other disbursements as the Secretary of the Treasury shall provide in regulations.

"(v) LIQUID ASSETS.—The term 'liquid assets' means cash, marketable securities and such other assets as specified by the Secretary of the Treasury in regulations.

"(vi) QUARTER.—The term 'quarter' means, with respect to any required installment, the 3-month period preceding the month in which the due date for such installment occurs.

"(F) REGULATIONS.—The Secretary of the Treasury may prescribe such regulations as are necessary to carry out this paragraph."

(B) LIMITATION ON DISTRIBUTIONS OTHER THAN LIFE ANNUITIES PAID BY THE PLAN.—

(i) Section 206 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1056) is amended by adding at the end the following new subsection:

"(e) LIMITATION ON DISTRIBUTIONS OTHER THAN LIFE ANNUITIES PAID BY THE PLAN.—

"(1) IN GENERAL.—Notwithstanding any other provision of this part, the fiduciary of a pension plan that is subject to the additional funding requirements of section 302(d) shall not permit a prohibited payment to be made from a plan during a period in which such plan has a liquidity shortfall (as defined in section 302(e)(5)).

"(2) PROHIBITED PAYMENT.—For purposes of paragraph (1), the term 'prohibited payment' means—

"(A) any payment, in excess of the monthly amount paid under a single life annuity (plus any social security supplements described in the last sentence of section 204(b)(1)(G)), to a participant or beneficiary whose annuity starting date (as defined in section 205(h)(2)), that occurs during the period referred to in paragraph (1),

"(B) any payment for the purchase of an irrevocable commitment from an insurer to pay benefits, and

"(C) any other payment specified by the Secretary of the Treasury by regulations.

"(3) PERIOD OF SHORTFALL.—For purposes of this subsection, a plan has a liquidity shortfall during the period that there is an underpayment of an installment under section 302(e) by reason of paragraph (5)(A) thereof.

"(4) COORDINATION WITH OTHER PROVISIONS.—Compliance with this subsection shall not constitute a violation of any other provision of this Act."

(ii) Section 502 of such Act is amended by adding at the end a new subsection (m) to read as follows:

"(m) In the case of a distribution to a pension plan participant or beneficiary in violation of section 206(e) by a plan fiduciary, the Secretary shall assess a penalty against such fiduciary in an amount equal to the value of the distribution. Such penalty shall not exceed $10,000 for each such distribution."

(10) AMENDMENT TO DEFINITION OF FULL-FUNDING LIMITATION.—

(A) Subparagraph (A) of section 302(c)(7) of such Act is amended by inserting "(including the expected increase in current liability due to benefits accruing during the plan year)" after "current liability" in clause (i).

(B) Section 302(c)(7) of such Act is amended by adding at the end the following new subparagraph:

"(E) MINIMUM AMOUNT.—

"(i) IN GENERAL.—In no event shall the full-funding limitation determined under subparagraph (A) be less than the excess (if any) of—

"(I) 90 percent of the current liability of the plan (including the expected increase in current liability due to benefits accruing during the plan year), over

"(II) the value of the plan's assets determined under paragraph (2).

"(ii) CURRENT LIABILITY; ASSETS.—For purposes of clause (i)—

"(I) the term 'current liability' has the meaning given such term by subsection (d)(7) (without regard to subparagraph (D) thereof), and

"(II) assets shall not be reduced by any credit balance in the funding standard account."

(C) Subparagraph (B) of section 302(c)(7) of such Act is amended to read as follows:

"(B) CURRENT LIABILITY.—For purposes of subparagraph (D) and subclause (I) of subparagraph (A)(i), the term 'current liability' has the meaning given such term by subsection (d)(7) (without regard to subparagraphs (C) and (D) thereof) and using the rate of interest used under subsection (b)(5)(B)."

(11) DEFINITION OF CONTRIBUTING SPONSOR.—Paragraph (13) of section 4001(a) of such Act

(29 U.S.C. 1301(a)(13)) is amended by striking "means a person—" and all that follows and inserting "means a person described in section 302(c)(11)(A) of this Act (without regard to section 302(c)(11)(B) of this Act) or section 412(c)(11)(A) of the Internal Revenue Code of 1986 (without regard to section 412(c)(11)(B) of such Code)."

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to plan years beginning after December 31, 1994.

(2) CONTRIBUTING SPONSOR.—The amendment made by subsection (a)(11) shall be effective as if included in the Pension Protection Act.

SEC. 762. LIMITATION ON CHANGES IN CURRENT LIABILITY ASSUMPTIONS.

(a) IN GENERAL.—Paragraph (5) of section 302(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1082(c)(5)) is amended—

(1) by striking "If the funding method" and inserting the following:

"(A) IN GENERAL.—If the funding method", and

(2) by adding at the end the following new subparagraph:

"(B) APPROVAL REQUIRED FOR CERTAIN CHANGES IN ASSUMPTIONS BY CERTAIN SINGLE-EMPLOYER PLANS SUBJECT TO ADDITIONAL FUNDING REQUIREMENT.—

"(i) IN GENERAL.—No actuarial assumption (other than the assumptions described in subsection (d)(7)(C)) used to determine the current liability for a plan to which this subparagraph applies may be changed without the approval of the Secretary of the Treasury.

"(ii) PLANS TO WHICH SUBPARAGRAPH APPLIES.—This subparagraph shall apply to a plan only if—

"(I) the plan is a defined benefit plan (other than a multiemployer plan) to which title IV applies;

"(II) the aggregate unfunded vested benefits as of the close of the preceding plan year (as determined under section 4006(a)(3)(E)(iii)) of such plan and all other plans maintained by the contributing sponsors (as defined in section 4001(a)(13)) and members of such sponsors' controlled groups (as defined in section 4001(a)(14)) which are covered by title IV (disregarding plans with no unfunded vested benefits) exceed $50,000,000; and

"(III) the change in assumptions (determined after taking into account any changes in interest rate and mortality table) results in a decrease in the unfunded current liability of the plan for the current plan year that exceeds $50,000,000, or that exceeds $5,000,000 and that is 5 percent or more of the current liability of the plan before such change."

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by this section shall apply to changes in assumptions for plan years beginning after October 28, 1993.

(2) CERTAIN CHANGES CEASE TO BE EFFECTIVE.—In the case of changes in assumptions for plan years beginning after December 31, 1992, and on or before October 28, 1993, such changes shall cease to be effective for plan years beginning after December 31, 1994, if—

(A) such change would have required the approval of the Secretary of the Treasury had such amendment applied to such change, and

(B) such change is not so approved.

SEC. 763. ANTICIPATION OF BARGAINED BENEFIT INCREASES.

(a) IN GENERAL.—Section 302(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1082(c)) is amended by adding at the end the following new paragraph:

"(12) ANTICIPATION OF BENEFIT INCREASES EFFECTIVE IN THE FUTURE.—In determining projected benefits, the funding method of a collectively bargained plan described in section 413(a) of the Internal Revenue Code of 1986 (other than a multiemployer plan) shall anticipate benefit increases scheduled to take effect during the term of the collective bargaining agreement applicable to the plan."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to plan years beginning after December 31, 1994 with respect to collective bargaining agreements in effect on or after January 1, 1995.

SEC. 764. MODIFICATION OF QUARTERLY CONTRIBUTION REQUIREMENT.

(a) IN GENERAL.—Paragraph (1) of section 302(e) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1082(e)) is amended—

(1) by inserting "which has a funded current liability percentage (as defined in subsection (d)(8)) for the preceding plan year of less than 100 percent" before "fails", and

(2) by striking "any plan year" and inserting "the plan year".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to plan years beginning after the date of enactment of this Act.

Subpart C—Other Funding Provisions

SEC. 766. PROHIBITION ON BENEFIT INCREASES WHERE PLAN SPONSOR IS IN BANKRUPTCY.

(a) AMENDMENT TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—Section 204 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1054) is amended by redesignating subsection (i) as (j) and inserting after subsection (h) the following new subsection:

"(i)(1) In the case of a plan described in paragraph (3) which is maintained by an employer that is a debtor in a case under title 11, United States Code, or similar Federal or State law, no amendment of the plan which increases the liabilities of the plan by reason of—

"(A) any increase in benefits,

"(B) any change in the accrual of benefits, or

"(C) any change in the rate at which benefits become nonforfeitable under the plan,

with respect to employees of the debtor, shall be effective prior to the effective date of such employer's plan of reorganization.

"(2) Paragraph (1) shall not apply to any plan amendment that—

"(A) the Secretary of the Treasury determines to be reasonable and that provides for only de minimis increases in the liabilities of the plan with respect to employees of the debtor,

"(B) only repeals an amendment described in section 302(c)(8),

"(C) is required as a condition of qualification under part I of subchapter D of chapter 1 of the Internal Revenue Code of 1986, or

"(D) was adopted prior to, or pursuant to a collective bargaining agreement entered into prior to, the date on which the employer became a debtor in a case under title 11, United States Code, or similar Federal or State law.

"(3) This subsection shall apply only to plans (other than multiemployer plans) covered under section 4021 of this Act for which the funded current liability percentage (within the meaning of section 302(d)(8) of this Act) is less than 100 percent after taking into account the effect of the amendment.

"(4) For purposes of this subsection, the term 'employer' has the meaning set forth in section 302(c)(11)(A), without regard to section 302(c)(11)(B)."

(b) AMENDMENT TO INTERNAL REVENUE CODE OF 1986.—Section 401(a), as amended by section 751 of this Act, is further amended by adding at the end the following new paragraph:

"(33) PROHIBITION ON BENEFIT INCREASES WHILE SPONSOR IS IN BANKRUPTCY.—

"(A) IN GENERAL.—A trust which is part of a plan to which this paragraph applies shall not constitute a qualified trust under this section if an amendment to such plan is adopted while the employer is a debtor in a case under title 11, United States Code, or similar Federal or State law, if such amendment increases liabilities of the plan by reason of—

"(i) any increase in benefits,

"(ii) any change in the accrual of benefits, or

"(iii) any change in the rate at which benefits become nonforfeitable under the plan,

with respect to employees of the debtor, and such amendment is effective prior to the effective date of such employer's plan of reorganization.

"(B) EXCEPTIONS.—This paragraph shall not apply to any plan amendment if—

"(i) the plan, were such amendment to take effect, would have a funded current liability percentage (as defined in section 412(l)(8)) of 100 percent or more,

"(ii) the Secretary determines that such amendment is reasonable and provides for only de minimis increases in the liabilities of the plan with respect to employees of the debtor,

"(iii) such amendment only repeals an amendment described in subsection 412(c)(8), or

"(iv) such amendment is required as a condition of qualification under this part.

"(C) PLANS TO WHICH THIS PARAGRAPH APPLIES.—This paragraph shall apply only to plans (other than multiemployer plans) covered under section 4021 of the Employee Retirement Income Security Act of 1974.

"(D) EMPLOYER.—For purposes of this paragraph, the term 'employer' means the employer referred to in section 412(c)(11) (without regard to subparagraph (B) thereof)."

(c) EFFECTIVE DATE OF PLAN AMENDMENT.—Section 4022 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1322) is amended by inserting at the end the following new subsection:

"(f) For purposes of this section, the effective date of a plan amendment described in section 204(i)(1) shall be the effective date of the plan of reorganization of the employer described in section 204(i)(1) or, if later, the effective date stated in such amendment."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to plan amendments adopted on or after the date of enactment of this Act.

SEC. 767. SINGLE SUM DISTRIBUTIONS.

(a) AMENDMENTS TO INTERNAL REVENUE CODE OF 1986 RELATING TO MINIMUM BENEFITS.—

(1) DETERMINATION OF PRESENT VALUE FOR PURPOSES OF RESTRICTIONS ON MANDATORY DISTRIBUTIONS.—Subparagraph (B) of section 411(a)(11) is amended to read as follows:

"(B) DETERMINATION OF PRESENT VALUE.—For purposes of subparagraph (A), the present value shall be calculated in accordance with section 417(e)(3)."

(2) DETERMINATION OF PRESENT VALUE FOR PURPOSES OF RESTRICTIONS ON CASH-OUTS.—Paragraph (3) of section 417(e) is amended to read as follows:

"(3) DETERMINATION OF PRESENT VALUE.—

"(A) IN GENERAL.—

"(i) PRESENT VALUE.—Except as provided in subparagraph (B), for purposes of paragraphs (1) and (2), the present value shall not be less than the present value calculated by using the applicable mortality table and the applicable interest rate.

"(ii) DEFINITIONS.—For purposes of clause (i)—

"(I) APPLICABLE MORTALITY TABLE.—The term 'applicable mortality table' means the table prescribed by the Secretary. Such table shall be based on the prevailing commissioners' standard table (described in section 807(d)(5)(A)) used to determine reserves for group annuity contracts issued on the date as of which present value is being determined (without regard to any other subparagraph of section 807(d)(5)).

"(II) APPLICABLE INTEREST RATE.—The term 'applicable interest rate' means the annual rate of interest on 30-year Treasury securities for the month before the date of distribution or such other time as the Secretary may by regulations prescribe.

"(B) EXCEPTION.—In the case of a distribution from a plan that was adopted and in effect before the date of the enactment of the Retirement Protection Act of 1994, the present value of any distribution made before the earlier of—

"(i) the later of the date a plan amendment applying subparagraph (A) is adopted or made effective, or

"(ii) the first day of the first plan year beginning after December 31, 1999,

shall be calculated, for purposes of paragraphs (1) and (2), using the interest rate determined under the regulations of the Pension Benefit Guaranty Corporation for determining the present value of a lump sum distribution on plan termination that were in effect on September 1, 1993, and using the provisions of the plan as in effect on the day before such date of enactment; but only if such provisions of the plan met the requirements of section 417(e)(3) as in effect on the day before such date of enactment."

(b) AMENDMENTS TO INTERNAL REVENUE CODE OF 1986 RELATING TO MAXIMUM BENEFITS.—Subparagraph (E) of section 415(b)(2) is amended—

(1) by redesignating clauses (ii) and (iii) as clauses (iii) and (iv), respectively,

(2) by striking clause (i) and inserting the following new clauses:

"(i) Except as provided in clause (ii), for purposes of adjusting any benefit or limitation under subparagraph (B) or (C), the interest rate assumption shall not be less than the greater of 5 percent or the rate specified in the plan.

"(ii) For purposes of adjusting the benefit or limitation of any form of benefit subject to section 417(e)(3), the applicable interest rate (as defined in section 417(e)(3)) shall be substituted for '5 percent' in clause (i).", and

(3) by adding at the end the following new clause:

"(v) For purposes of adjusting any benefit or limitation under subparagraph (B), (C), or (D), the mortality table used shall be the table prescribed by the Secretary. Such table shall be based on the prevailing commissioners' standard table (described in section 807(d)(5)(A)) used to determine reserves for group annuity contracts issued on the date the adjustment is being made (without regard to any other subparagraph of section 807(d)(5))."

(c) AMENDMENTS TO EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—

(1) DETERMINATION OF PRESENT VALUE FOR PURPOSES OF RESTRICTIONS ON MANDATORY DISTRIBUTIONS.—Section 203(e)(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1053(e)(2)) is amended to read as follows:

"(2) For purposes of paragraph (1), the present value shall be calculated in accordance with section 205(g)(3)."

(2) DETERMINATION OF PRESENT VALUE FOR PURPOSES OF RESTRICTIONS ON CASH-OUTS.—Section 205(g)(3) of such Act (29 U.S.C. 1055(g)(3)) is amended to read as follows:

"(3) DETERMINATION OF PRESENT VALUE.—

"(A) IN GENERAL.—

"(i) PRESENT VALUE.—Except as provided in subparagraph (B), for purposes of paragraphs (1) and (2), the present value shall not be less than the present value calculated by using the applicable mortality table and the applicable interest rate.

"(ii) DEFINITIONS.—For purposes of clause (i)—

"(I) APPLICABLE MORTALITY TABLE.—The term 'applicable mortality table' means the table prescribed by the Secretary of the Treasury. Such table shall be based on the prevailing commissioners' standard table (described in section 807(d)(5)(A) of the Internal Revenue Code of 1986) used to determine reserves for group annuity contracts issued on the date as of which present value is being determined (without regard to any other subparagraph of section 807(d)(5) of such Code).

"(II) APPLICABLE INTEREST RATE.—The term 'applicable interest rate' means the annual rate of interest on 30-year Treasury securities for the month before the date of distribution or such other time as the Secretary of the Treasury may by regulations prescribe.

"(B) EXCEPTION.—In the case of a distribution from a plan that was adopted and in effect prior to the date of the enactment of the Retirement Protection Act of 1994, the present value of any distribution made before the earlier of—

"(i) the later of when a plan amendment applying subparagraph (A) is adopted or made effective, or

"(ii) the first day of the first plan year beginning after December 31, 1999,

shall be calculated, for purposes of paragraphs (1) and (2), using the interest rate determined under the regulations of the Pension Benefit Guaranty Corporation for determining the present value of a lump sum distribution on plan termination that were in effect on September 1, 1993, and using the provisions of the plan as in effect on the day before such date of enactment; but only if such provisions of the plan met the requirements of section 205(g)(3) as in effect on the day before such date of enactment."

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to plan years and limitation years beginning after December 31, 1994; except that an employer may elect to treat the amendments made by this section as being effective on or after the date of the enactment of this Act.

(2) NO REDUCTION IN ACCRUED BENEFITS.—A participant's accrued benefit shall not be considered to be reduced in violation of section 411(d)(6) of the Internal Revenue Code of 1986 or section 204(g) of the Employee Retirement Income Security Act of 1974 merely because (A) the benefit is determined in accordance with section 417(e)(3)(A) of such Code, as amended by this Act, or section 205(g)(3) of the Employee Retirement Income Security Act of 1974, as amended by this Act, or (B) the plan applies section 415(b)(2)(E) of such Code, as amended by this Act.

(3) SECTION 415.—

(A) NO REDUCTION REQUIRED.—An accrued benefit shall not be required to be reduced below the accrued benefit as of the last day of the last plan year beginning before January 1, 1995, merely because of the amendments made by subsection (b).

(B) TIMING OF PLAN AMENDMENT.—A plan that operates in accordance with the amendments made by subsection (b) shall not be treated as failing to satisfy section 401(a) of the Internal Revenue Code of 1986 or as not being operated in accordance with the provisions of the plan until such date as the Secretary of the Treasury provides merely because the plan has not been amended to include the amendments made by subsection (b).

SEC. 768. ADJUSTMENTS TO LIEN FOR MISSED MINIMUM FUNDING CONTRIBUTIONS.

(a) AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986.—

(1) CLARIFICATION OF APPLICABILITY OF PROVISION.—Paragraph (2) of section 412(n) is amended by adding at the end the following new sentence: "This subsection shall not apply to any plan to which section 4021 of the Employee Retirement Income Security Act of 1974 does not apply (as such section is in effect on the date of the enactment of the Retirement Protection Act of 1994).".

(2) REPEAL OF $1,000,000 OFFSET.—Paragraph (3) of section 412(n) is amended to read as follows:

"(3) AMOUNT OF LIEN.—For purposes of paragraph (1), the amount of the lien shall be equal to the aggregate unpaid balance of required installments and other payments required under this section (including interest)—

"(A) for plan years beginning after 1987, and

"(B) for which payment has not been made before the due date."

(3) REPEAL OF 60-DAY DELAY.—Section 412(n)(4)(B) is amended by striking "60th day following the".

(b) AMENDMENTS TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—

(1) CLARIFICATION OF APPLICABILITY OF PROVISION.—Section 302(f)(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1082(f)(1)) is amended by striking "to which this section applies" and inserting "covered under section 4021 of this Act".

(2) REPEAL OF $1,000,000 OFFSET.—Paragraph (3) of section 302(f) of such Act is amended to read as follows:

"(3) AMOUNT OF LIEN.—For purposes of paragraph (1), the amount of the lien shall be equal to the aggregate unpaid balance of required installments and other payments required under this section (including interest)—

"(A) for plan years beginning after 1987, and

"(B) for which payment has not been made before the due date."

(3) REPEAL OF 60-DAY DELAY.—Section 302(f)(4)(B) of such Act is amended by striking "60th day following the".

(c) EFFECTIVE DATE.—The amendments made by this section shall be effective for installments and other payments required under section 412 of the Internal Revenue Code of 1986 or under part 3 of subtitle B of the Employee Retirement Income Security Act of 1974 that become due on or after the date of enactment.

SEC. 769. SPECIAL FUNDING RULES FOR CERTAIN PLANS.

(a) FUNDING RULES NOT TO APPLY TO CERTAIN PLANS.—Any changes made by this Act to section 412 of the Internal Revenue Code of 1986 or to part 3 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 shall not apply to—

(1) a plan which is, on the date of enactment of this Act, subject to a restoration payment schedule order issued by the Pension Benefit Guaranty Corporation that meets the requirements of section 1.412(c)(1)–3 of the Treasury Regulations, or

(2) a plan established by an affected air carrier (as defined under section 4001(a)(14)(C)(ii)(I) of such Act) and assumed by a new plan sponsor pursuant to the terms of a written agreement with the Pension Benefit Guaranty Corporation dated January 5, 1993, and approved by the United States Bankruptcy Court for the District of Delaware on December 30, 1992.

(b) CHANGE IN ACTUARIAL METHOD.—Any amortization installments for bases established under section 412(b) of the Internal Revenue Code of 1986 and section 302(b) of the Employee Retirement Income Security Act of 1974 for plan years beginning after December 31, 1987, and before January 1, 1993, by reason of nonelective changes under the frozen entry age actuarial cost method shall not be included in the calculation of offsets under section 412(l)(1)(A)(ii) of such Code and section 302(d)(1)(A)(ii) of such Act for the 1st 5 plan years beginning after December 31, 1994.

PART II—AMENDMENTS RELATED TO TITLE IV OF THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

SEC. 771. REPORTABLE EVENTS.

(a) RESPONSIBILITY FOR REPORTABLE EVENTS REPORTING.—Section 4043(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1343(a)) is amended—

(1) in the first sentence, by inserting "or the contributing sponsor" before "knows or has reason to know";

(2) in the first sentence, by inserting ", unless a notice otherwise required under this subsection has already been provided with respect to such event" before the period at the end; and

(3) by striking the last sentence.

(b) NOTIFICATION THAT EVENT IS ABOUT TO OCCUR.—Section 4043 of such Act is amended by redesignating subsections (b), (c), and (d) as (c), (d), and (e), respectively, and by inserting after subsection (a) the following new subsection:

"(b)(1) The requirements of this subsection shall be applicable to a contributing sponsor if, as of the close of the preceding plan year—

"(A) the aggregate unfunded vested benefits (as determined under section 4006(a)(3)(E)(iii)) of plans subject to this title which are maintained by such sponsor and members of such sponsor's controlled groups (disregarding plans with no unfunded vested benefits) exceed $50,000,000, and

"(B) the funded vested benefit percentage for such plans is less than 90 percent.

For purposes of subparagraph (B), the funded vested benefit percentage means the percentage which the aggregate value of the assets of such plans bears to the aggregate vested benefits of such plans (determined in accordance with section 4006(a)(3)(E)(iii)).

"(2) This subsection shall not apply to an event if the contributing sponsor, or the member of the contributing sponsor's controlled group to which the event relates, is—

"(A) a person subject to the reporting requirements of section 13 or 15(d) of the Securities Exchange Act of 1934, or

"(B) a subsidiary (as defined for purposes of such Act) of a person subject to such reporting requirements.

"(3) No later than 30 days prior to the effective date of an event described in paragraph (9), (10), (11), (12), or (13) of subsection (c), a contributing sponsor to which the requirements of this subsection apply shall notify the corporation that the event is about to occur.

"(4) The corporation may waive the requirement of this subsection with respect to any or all reportable events with respect to any contributing sponsor."

(c) NEW REPORTABLE EVENTS.—Subsection (c) of section 4043 of such Act (as redesignated by subsection (b)) is amended—

(1) by striking the "or" at the end of paragraph (8);

(2) by striking paragraph (9); and

(3) by inserting after paragraph (8) the following new paragraphs:

"(9) when, as a result of an event, a person ceases to be a member of the controlled group;

"(10) when a contributing sponsor or a member of a contributing sponsor's controlled group liquidates in a case under title 11, United States Code, or under any similar Federal law or law of a State or political subdivision of a State;

"(11) when a contributing sponsor or a member of a contributing sponsor's controlled group declares an extraordinary dividend (as defined in section 1059(c) of the Internal Revenue Code of 1986) or redeems, in any 12-month period, an aggregate of 10 percent or more of the total combined voting power of all classes of stock entitled to vote, or an aggregate of 10 percent of more of the total value of shares of all classes of stock, of a contributing sponsor and all members of its controlled group;

"(12) when, in any 12-month period, an aggregate of 3 percent or more of the benefit liabilities of a plan covered by this title and maintained by a contributing sponsor or a member of its controlled group are transferred to a person that is not a member of the controlled group or to a plan or plans maintained by a person or persons that are not such a contributing sponsor or a member of its controlled group; or

"(13) when any other event occurs that may be indicative of a need to terminate the plan and that is prescribed by the corporation in regulations."

(d) DISCLOSURE EXEMPTION.—Section 4043 of such Act is amended by adding at the end the following new subsection:

"(f) Any information or documentary material submitted to the corporation pursuant to this section shall be exempt from disclosure under section 552 of title 5, United States Code, and no such information or documentary material may be made public, except as may be relevant to any administrative or judicial action or proceeding. Nothing in this section is intended to prevent disclosure to either body of Congress or to any duly authorized committee or subcommittee of the Congress."

(e) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Subsection (a) of section 4043 of such Act, and subsections (d) and (e) of such section 4043 (as redesignated by subsection (b)), are each amended by striking "subsection (b)" each place it appears and inserting "subsection (c)".

(2) Section 4042(a)(3) of such Act is amended by striking "4043(b)(7)" and inserting "4043(c)(7)".

(f) EFFECTIVE DATE.—The amendments made by this section shall be effective for events occurring 60 days or more after the date of enactment of this Act.

SEC. 772. CERTAIN INFORMATION REQUIRED TO BE FURNISHED TO PBGC.

(a) GENERAL RULE.—Subtitle A of title IV of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1301 et seq.) is amended by adding at the end the following new section:

"SEC. 4010. AUTHORITY TO REQUIRE CERTAIN INFORMATION.

"(a) INFORMATION REQUIRED.—Each person described in subsection (b) shall provide the corporation annually, on or before a date specified by the corporation in regulations, with—

"(1) such records, documents, or other information that the corporation specifies in regulations as necessary to determine the liabilities and assets of plans covered by this title; and

"(2) copies of such person's audited (or, if unavailable, unaudited) financial statements, and such other financial information as the corporation may prescribe in regulations.

"(b) PERSONS REQUIRED TO PROVIDE INFORMATION.—The persons covered by subsection (a) are each contributing sponsor, and each member of a contributing sponsor's controlled group, of a single-employer plan covered by this title, if—

"(1) the aggregate unfunded vested benefits at the end of the preceding plan year (as determined under section 4006(a)(3)(E)(iii)) of plans maintained by the contributing sponsor and the members of its controlled group exceed $50,000,000 (disregarding plans with no unfunded vested benefits);

"(2) the conditions for imposition of a lien described in section 302(f)(1)(A) and (B) of this Act or section 412(n)(1)(A) and (B) of the Internal Revenue Code of 1986 have been met with respect to any plan maintained by the contributing sponsor or any member of its controlled group; or

"(3) minimum funding waivers in excess of $1,000,000 have been granted with respect to any plan maintained by the contributing sponsor or any member of its controlled group, and any portion thereof is still outstanding.

"(c) INFORMATION EXEMPT FROM DISCLOSURE REQUIREMENTS.—Any information or documentary material submitted to the corporation pursuant to this section shall be exempt from disclosure under section 552 of title 5, United States Code, and no such information or documentary material may be made public, except as may be relevant to any administrative or judicial action or proceeding. Nothing in this section is intended to prevent disclosure to either body of Congress or to any duly authorized committee or subcommittee of the Congress."

(b) CLERICAL AMENDMENT.—The table of contents contained in section 1 of such Act is amended by inserting after the item relating to section 4009 the following new item:

"Sec. 4010. Authority to require certain information."

(c) EFFECTIVE DATE.—The amendments made by this section shall be effective on the date of enactment of this Act.

SEC. 773. ENFORCEMENT OF MINIMUM FUNDING REQUIREMENTS.

(a) IN GENERAL.—Paragraph (1) of section 4003(e) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1303(e)(1)) is amended—

(1) by inserting "(A)" after "enforce"; and

(2) by striking the period after "title" and inserting ", and (B) in the case of a plan which is covered under this title (other than a multiemployer plan) and for which the conditions for imposition of a lien described in

section 302(f)(1)(A) and (B) of this Act or section 412(n)(1)(A) and (B) of the Internal Revenue Code of 1986 have been met, section 302 of this Act and section 412 of such Code."

(b) Effective Date.—The amendments made by this section shall be effective for installments and other payments required under section 302 of the Employee Retirement Income Security Act of 1974 or section 412 of the Internal Revenue Code of 1986 that become due on or after the date of the enactment of this Act.

SEC. 774. COMPUTATION OF ADDITIONAL PBGC PREMIUM.

(a) Phase-Out of Variable Rate Premium Cap.—

(1) In general.—Subparagraph (E) of section 4006(a)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1306(a)(3)(E)) is amended by striking clause (iv), and by redesignating clause (v) as clause (iv).

(2) Effective date.—

(A) In general.—The amendments made by this subsection shall be effective for plan years beginning on or after July 1, 1994.

(B) Transition rule.—In the case of plan years beginning on or after July 1, 1994, and before July 1, 1996, the additional premium payable with respect to any participant by reason of the amendments made by this section shall not exceed the sum of—

(i) $53, and

(ii) the product derived by multiplying—

(I) the excess (if any) of the amount determined under clause (i) of section 4006(a)(3)(E) of the Employee Retirement Income Security Act of 1974, over $53, by

(II) the applicable percentage.

For purposes of this subparagraph, the applicable percentage shall be the percentage specified in the following table:

For the plan year beginning:		**The applicable percentage is:**
on or after	**but before**	
July 1, 1994	July 1, 1995	20 percent
July 1, 1995	July 1, 1996	60 percent

(b) Interest Rate and Asset Valuation.—

(1) Interest rate.—Subclause (II) of section 4006(a)(3)(E)(iii) of the Employee Retirement Income Security Act of 1974 is amended—

(A) by striking "80 percent" and inserting "the applicable percentage", and

(B) by adding at the end the following new sentence: "For purposes of this subclause, the applicable percentage is 80 percent for plan years beginning before July 1, 1997, 85 percent for plan years beginning after June 30, 1997, and before the 1st plan year to which the first tables prescribed under section 302(d)(7)(C)(ii)(II) apply, and 100 percent for such 1st plan year and subsequent plan years."

(2) Asset valuation.—Clause (iii) of section 4006(a)(3)(E) of such Act is amended—

(A) by inserting "or (III)" after "subclause (II)" in subclause (I), and

(B) by adding at the end the following new subclause:

"(III) In the case of any plan year for which the applicable percentage under subclause (II) is 100 percent, the value of the plan's assets used in determining unfunded current liability under subclause (I) shall be their fair market value."

(3) Effective date.—The amendments made by this subsection shall apply to plan years beginning after the date of the enactment of this Act.

(c) Transition Rule for Certain Regulated Public Utilities.—In the case of a regulated public utility described in section 7701(a)(33)(A)(i) of the Internal Revenue Code of 1986, the amendments made by this section shall not apply to plan years beginning before the earlier of—

(1) January 1, 1998, or

(2) the date the regulated public utility begins to collect from utility customers rates that reflect the costs incurred or projected to be incurred for additional premiums under section 4006(a)(3)(E) of the Employee Retirement Income Security Act of 1974 pursuant to final and nonappealable determinations by all public utility commissions (or other authorities having jurisdiction over the rates and terms of service by the regulated public utility) that the costs are just and reasonable and recoverable from customers of the regulated public utility.

SEC. 775. DISCLOSURE TO PARTICIPANTS.

(a) Participant Notice Requirement.—Subtitle A of title IV of the Employee Retirement Income Security Act of 1974 (as amended by section 772 of this Act) is further amended by adding at the end the following new section:

"SEC. 4011. NOTICE TO PARTICIPANTS.

"(a) In General.—The plan administrator of a plan subject to the additional premium under section 4006(a)(3)(E) shall provide, in a form and manner and at such time as prescribed in regulations of the corporation, notice to plan participants and beneficiaries of the plan's funding status and the limits on the corporation's guaranty should the plan terminate while underfunded. Such notice shall be written in a manner so as to be understood by the average plan participant.

"(b) Exception.—Subsection (a) shall not apply to any plan to which section 302(d) does not apply for the plan year by reason of paragraph (9) thereof."

(b) Clerical Amendment.—The table of contents contained in section 1 of such Act is amended by inserting after the item relating to section 4010 (as added by section 772 of this Act) the following new item:

"Sec. 4011. Notice to participants."

(c) Effective Date.—The amendment made by this section shall be effective for plan years beginning after the date of enactment of this Act.

SEC. 776. MISSING PARTICIPANTS.

(a) In General.—Subtitle C of title IV of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1341 et seq.) is amended by adding at the end the following new section:

"SEC. 4050. MISSING PARTICIPANTS.

"(a) General Rule.—

"(1) Payment to the corporation.—A plan administrator satisfies section 4041(b)(3)(A) in the case of a missing participant only if the plan administrator—

"(A) transfers the participant's designated benefit to the corporation or purchases an irrevocable commitment from an insurer in accordance with clause (i) of section 4041(b)(3)(A), and

"(B) provides the corporation such information and certifications with respect to such designated benefits or irrevocable commitments as the corporation shall specify.

"(2) Treatment of transferred assets.—A transfer to the corporation under this section shall be treated as a transfer of assets from a terminated plan to the corporation as trustee, and shall be held with assets of terminated plans for which the corporation is trustee under section 4042, subject to the rules set forth in that section.

"(3) Payment by the corporation.—After a missing participant whose designated benefit was transferred to the corporation is located—

"(A) in any case in which the plan could have distributed the benefit of the missing participant in a single sum without participant or spousal consent under section 205(g), the corporation shall pay the participant or beneficiary a single sum benefit equal to the designated benefit paid the corporation plus interest as specified by the corporation, and

"(B) in any other case, the corporation shall pay a benefit based on the designated benefit and the assumptions prescribed by the corporation at the time that the corporation received the designated benefit.

The corporation shall make payments under subparagraph (B) available in the same forms and at the same times as a guaranteed benefit under section 4022 would be available to be paid, except that the corporation may make a benefit available in the form of a single sum if the plan provided a single sum benefit (other than a single sum described in subsection (b)(2)(A)).

"(b) Definitions.—For purposes of this section—

"(1) Missing participant.—The term 'missing participant' means a participant or beneficiary under a terminating plan whom the plan administrator cannot locate after a diligent search.

"(2) Designated benefit.—The term 'designated benefit' means the single sum benefit the participant would receive—

"(A) under the plan's assumptions, in the case of a distribution that can be made without participant or spousal consent under section 205(g);

"(B) under the assumptions of the corporation in effect on the date that the designated benefit is transferred to the corporation, in the case of a plan that does not pay any single sums other than those described in subparagraph (A); or

"(C) under the assumptions of the corporation or of the plan, whichever provides the higher single sum, in the case of a plan that pays a single sum other than those described in subparagraph (A).

"(c) Regulatory Authority.—The corporation shall prescribe such regulations as are necessary to carry out the purposes of this section, including rules relating to what will be considered a diligent search, the amount payable to the corporation, and the amount to be paid by the corporation."

(b) Conforming Title IV Amendments.—

(1) Amendment to section 4003.—Section 4003(a) of such Act (29 U.S.C. 1303(a)) is amended in the second sentence by inserting before the period the following: "and whether section 4050(a) has been satisfied".

(2) Amendment to section 4005.—Section 4005(b)(2)(A) of such Act (29 U.S.C. 1305(b)(2)(A)) is amended by inserting "or benefits payable under section 4050" after "section 4022A".

(3) Amendment to section 4041.—Section 4041(b)(3)(A)(ii) of such Act (29 U.S.C. 1341(b)(3)(A)(ii)) is amended by adding at the end the following new sentence: "A transfer of assets to the corporation in accordance with section 4050 on behalf of a missing participant shall satisfy this subparagraph with respect to such participant."

(c) Conforming ERISA Amendments.—

(1) The table of contents contained in section 1 of the Employee Retirement Income Security Act of 1974 is amended by inserting after the item related to section 4049 the following new item:

"Sec. 4050. Missing participants."

(2) Section 206 of such Act (29 U.S.C. 1056) is amended by adding at the end the following new subsection:

"(f) MISSING PARTICIPANTS IN TERMINATED PLANS.—In the case of a plan covered by title IV, the plan shall provide that, upon termination of the plan, benefits of missing participants shall be treated in accordance with section 4050."

(d) CONFORMING INTERNAL REVENUE CODE AMENDMENTS.—Section 401(a), as amended by section 766 of this Act, is further amended by inserting after paragraph (33) the following new paragraph:

"(34) BENEFITS OF MISSING PARTICIPANTS ON PLAN TERMINATION.—In the case of a plan covered by title IV of the Employee Retirement Income Security Act of 1974, a trust forming part of such plan shall not be treated as failing to constitute a qualified trust under this section merely because the pension plan of which such trust is a part, upon its termination, transfers benefits of missing participants to the Pension Benefit Guaranty Corporation in accordance with section 4050 of such Act."

(e) EFFECTIVE DATE.—The provisions of this section shall be effective with respect to distributions that occur in plan years commencing after final regulations implementing these provisions are prescribed by the Pension Benefit Guaranty Corporation.

SEC. 777. MODIFICATION OF MAXIMUM GUARANTEE FOR DISABILITY BENEFITS.

(a) IN GENERAL.—Section 4022(b)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1322(b)(3)) is amended by adding at the end the following new sentences: "The maximum guaranteed monthly benefit shall not be reduced solely on account of the age of a participant in the case of a benefit payable by reason of disability that occurred on or before the termination date, if the participant demonstrates to the satisfaction of the corporation that the Social Security Administration has determined that the participant satisfies the definition of disability under title II or XVI of the Social Security Act, and the regulations thereunder. If a benefit payable by reason of disability is converted to an early or normal retirement benefit for reasons other than a change in the health of the participant, such early or normal retirement benefit shall be treated as a continuation of the benefit payable by reason of disability and this subparagraph shall continue to apply."

(b) EFFECTIVE DATE.—The amendment made by this section shall be effective for plan terminations under section 4041(c) of the Employee Retirement Income Security Act of 1974 with respect to which notices of intent to terminate are provided under section 4041(a)(2) of such Act, or under section 4042 of such Act with respect to which proceedings are instituted by the corporation, on or after the date of enactment of this Act.

SEC. 778. PROCEDURES TO FACILITATE DISTRIBUTION OF TERMINATION BENEFITS.

(a) REMEDIES FOR NONCOMPLIANCE WITH REQUIREMENTS FOR STANDARD TERMINATION.—

(1) NOTICE OF NONCOMPLIANCE.—Section 4041(b)(2)(C)(i) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1341(b)(2)(C)(i)) is amended—

(A) by striking subclause (I) and inserting the following new subclause:

"(I) it determines, based on the notice sent under paragraph (2)(A) of subsection (b), that there is reason to believe that the plan is not sufficient for benefit liabilities,";

(B) by striking the period at the end of subclause (II) and inserting ", or"; and

(C) by adding at the end the following new subclause:

"(III) it determines that any other requirement of subparagraph (A) or (B) of this paragraph or of subsection (a)(2) has not been met, unless it further determines that the issuance of such notice would be inconsistent with the interests of participants and beneficiaries."

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to any plan termination under section 4041(b) of the Employee Retirement Income Security Act of 1974 with respect to which the Pension Benefit Guaranty Corporation has not, as of the date of enactment of this Act, issued a notice of noncompliance that has become final, or otherwise issued a final determination that the plan termination is nullified.

(b) DISTRESS TERMINATION CRITERIA FOR BANKING INSTITUTIONS.—

(1) CLARIFICATION OF DISTRESS CRITERION.—Subclause (I) of section 4041(c)(2)(B)(i) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1341(c)(2)(B)(i)) is amended by inserting after "under any similar" the following: "Federal law or".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall be effective as if included in the Single-Employer Pension Plan Amendments Act of 1986.

PART III—EFFECTIVE DATES

SEC. 781. EFFECTIVE DATES.

Except as otherwise provided in this subtitle, the amendments made by this subtitle shall be effective on the date of enactment of this Act.

TITLE VIII—PIONEER PREFERENCES

SEC. 801. PIONEER PREFERENCES.

Section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) is amended by adding at the end the following new paragraph:

"(13) RECOVERY OF VALUE OF PUBLIC SPECTRUM IN CONNECTION WITH PIONEER PREFERENCES.—

"(A) IN GENERAL.—Notwithstanding paragraph (6)(G), the Commission shall not award licenses pursuant to a preferential treatment accorded by the Commission to persons who make significant contributions to the development of a new telecommunications service or technology, except in accordance with the requirements of this paragraph.

"(B) RECOVERY OF VALUE.—The Commission shall recover for the public a portion of the value of the public spectrum resource made available to such person by requiring such person, as a condition for receipt of the license, to agree to pay a sum determined by—

"(i) identifying the winning bids for the licenses that the Commission determines are most reasonably comparable in terms of bandwidth, scope of service area, usage restrictions, and other technical characteristics to the license awarded to such person, and excluding licenses that the Commission determines are subject to bidding anomalies due to the award of preferential treatment;

"(ii) dividing each such winning bid by the population of its service area (hereinafter referred to as the per capita bid amount);

"(iii) computing the average of the per capita bid amounts for the licenses identified under clause (i);

"(iv) reducing such average amount by 15 percent; and

"(v) multiplying the amount determined under clause (iv) by the population of the service area of the license obtained by such person.

"(C) INSTALLMENTS PERMITTED.—The Commission shall require such person to pay the sum required by subparagraph (B) in a lump sum or in guaranteed installment payments, with or without royalty payments, over a period of not more than 5 years.

"(D) RULEMAKING ON PIONEER PREFERENCES.—Except with respect to pending applications described in clause (iv) of this subparagraph, the Commission shall prescribe regulations specifying the procedures and criteria by which the Commission will evaluate applications for preferential treatment in its licensing processes (by precluding the filing of mutually exclusive applications) for persons who make significant contributions to the development of a new service or to the development of new technologies that substantially enhance an existing service. Such regulations shall—

"(i) specify the procedures and criteria by which the significance of such contributions will be determined, after an opportunity for review and verification by experts in the radio sciences drawn from among persons who are not employees of the Commission or by any applicant for such preferential treatment;

"(ii) include such other procedures as may be necessary to prevent unjust enrichment by ensuring that the value of any such contribution justifies any reduction in the amounts paid for comparable licenses under this subsection;

"(iii) be prescribed not later than 6 months after the date of enactment of this paragraph;

"(iv) not apply to applications that have been accepted for filing on or before September 1, 1994; and

"(v) cease to be effective on the date of the expiration of the Commission's authority under subparagraph (F).

"(E) IMPLEMENTATION WITH RESPECT TO PENDING APPLICATIONS.—In applying this paragraph to any broadband licenses in the personal communications service awarded pursuant to the preferential treatment accorded by the Federal Communications Commission in the Third Report and Order in General Docket 90-314 (FCC 93-550, released February 3, 1994)—

"(i) the Commission shall not reconsider the award of preferences in such Third Report and Order, and the Commission shall not delay the grant of licenses based on such awards more than 15 days following the date of enactment of this paragraph, and the award of such preferences and licenses shall not be subject to administrative or judicial review;

"(ii) the Commission shall not alter the bandwidth or service areas designated for such licenses in such Third Report and Order;

"(iii) except as provided in clause (v), the Commission shall use, as the most reasonably comparable licenses for purposes of subparagraph (B)(i), the broadband licenses in the personal communications service for blocks A and B for the 20 largest markets (ranked by population) in which no applicant has obtained preferential treatment;

"(iv) for purposes of subparagraph (C), the Commission shall permit guaranteed installment payments over a period of 5 years, subject to—

"(I) the payment only of interest on unpaid balances during the first 2 years, commencing not later than 30 days after the award of the license (including any preferential treatment used in making such award) is final and no longer subject to administrative or judicial review, except that no such payment shall be required prior to the date of completion of the auction of the comparable licenses described in clause (iii); and

"(II) payment of the unpaid balance and interest thereon after the end of such 2 years in accordance with the regulations prescribed by the Commission; and

"(v) the Commission shall recover with respect to broadband licenses in the personal communications service an amount under this paragraph that is equal to not less than $400,000,000, and if such amount is less than $400,000,000, the Commission shall recover an amount equal to $400,000,000 by allocating such amount among the holders of such licenses based on the population of the license areas held by each licensee.

The Commission shall not include in any amounts required to be collected under clause (v) the interest on unpaid balances required to be collected under clause (iv).

"(F) EXPIRATION.—The authority of the Commission to provide preferential treatment in licensing procedures (by precluding the filing of mutually exclusive applications) to persons who make significant contributions to the development of a new service or to the development of new technologies that substantially enhance an existing service shall expire on September 30, 1998.

"(G) EFFECTIVE DATE.—This paragraph shall be effective on the date of its enactment and apply to any licenses issued on or after August 1, 1994, by the Federal Communications Commission pursuant to any licensing procedure that provides preferential treatment (by precluding the filing of mutually exclusive applications) to persons who make significant contributions to the development of a new service or to the development of new technologies that substantially enhance an existing service.".

By Mr. FORD:

S. 2469. A bill to amend title XI of the Energy Policy Act of 1992 to provide for the economic and environmentally acceptable disposal of low-level radioactive waste and mixed waste resulting from the operation of gaseous diffusion plants at Paducah, KY, and Piketown, OH and for other purposes; to the Committee on Energy and Natural Resources.

DISPOSAL OF WASTE FROM GASEOUS DIFFUSION PLANTS

Mr. FORD. Mr. President, I am introducing a bill to provide for the economic and environmentally acceptable disposal of low-level and mixed radioactive wastes resulting from the operations of the gaseous diffusion plants at Paducah, KY, and Piketon, OH. If enacted, the measure will help the States of Illinois and Kentucky to fulfill their respective responsibilities under the Central Midwest Interstate Low-Level Radioactive Waste Compact in an orderly and productive manner. This will be accomplished by clarifying the intent of Congress in amendments to the Atomic Energy Act of 1954 as contained in the Energy Policy Act of 1992.

I should also point out that the bill will have the same affect on the efforts of Ohio, Indiana, Iowa, Minnesota, Missouri and Wisconsin who are members of the Midwest interstate compact.

The need for the clarification and the concern on the part of the affected compact States stems from a recent interpretation by Department of Energy officials that disposal of low-level radioactive wastes resulting from operations of the Paducah, KY, and Piketon, OH, gaseous diffusion plants, which are owned by the Department of Energy and leased to the U.S. Enrichment Corporation, is the responsibility of the compact States.

As my colleagues will recall, Congress created the U.S. Enrichment Corporation in the Energy Policy Act of 1992. Under the act, the Corporation is charged with operating the gaseous diffusion plants, which enrich uranium for use as fuel in civilian nuclear power plants, as a business enterprise on a profitable and efficient basis. However, the act may not be clear as to the disposition of low-level radioactive wastes and mixed wastes from the two gaseous diffusion plants while being operated by the Corporation. Hence, the interpretation by the Department of Energy that the States must accept the waste.

This interpretation could be devastating to compact States' efforts to address low-level and mixed waste problems, as it was never anticipated that wastes from the diffusion plants would be the responsibility of the compact regions. This amendment clarifies that low-level and mixed wastes resulting from the operation of the two plants would be eligible for disposal by the Department of Energy. I would stress at this point that DOE disposal would be an option on the part of the U.S. Enrichment Corporation which, under the bill, has the authority to select the least expensive environmentally acceptable method of disposal.

In a related matter, the Energy Policy Act is clear that the Department of Energy is responsible for the eventual costs of decontaminating and decommissioning the facilities leased from the Department of Energy and operated by the Corporation; but the act is not clear regarding the costs for disposing of low-level radioactive and mixed wastes generated by the Corporation as a result of the Corporation's operation of the facilities. This bill makes it unequivocal that the costs for the disposal of wastes generated by the Corporation are to be solely the responsibility of the Corporation.

Mr. President, this bill is important to the compact States. It provides a degree of responsible flexibility for the disposal of wastes at the two gaseous diffusion plants, it also identifies who pays for the disposal, and finally, it gives good direction to the Department of Energy in interpreting the Energy Policy Act of 1992.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2469

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Title XI of the Energy Policy Act of 1992, is amended by adding after section 1103 the following new section:

SEC. 1104. LOW-LEVEL RADIOACTIVE WASTE AND MIXED WASTE.

Title II of the Atomic Energy Act of 1954, as added by title IX of this Act, is further amended as follows:

(a) in section 1201 by inserting the following new paragraphs and renumbering existing paragraphs accordingly:

"(10) The term "low-level radioactive waste" has the meaning given such term in Section 102(9) of the Low-Level Radioactive Waste Policy Amendments Act of 1985 (42 U.S.C. 2021b(9)).

(11) The term "mixed waste" has the meaning given such term in Section 1004(41) of the Solid Waste Disposal Act (42 U.S.C. 6903(41))." and (b) in section 1403 by adding at the end thereof the following new subsection:

"(h) DOE RESPONSIBILITY TO ACCEPT LOW-LEVEL RADIOACTIVE WASTE AND MIXED WASTE.—At the request of the Corporation, the Department shall accept for treatment and disposal the low-level radioactive waste and mixed waste generated as a result of the operation of the facilities and related property leased by the Corporation pursuant to subsection (a). The increase in costs of treatment and disposal actually incurred by the Department which are solely attributable to and result from the treatment and disposal of such wastes received from the Corporation shall be reimbursed to the Department by the Corporation. At its sole discretion, the Corporation may, but is not required to, arrange for the treatment or disposal of such wastes or any portion thereof at any other facility otherwise authorized by applicable laws and regulations to treat or dispose of such wastes. The costs of treatment and disposal of such wastes at any other facility shall be borne solely by the Corporation."

By Mr. LAUTENBERG:

S.J. Res. 222. A joint resolution to designate October 19, 1994, as "Mercy Otis Warren Day," and for other purposes; to the Committee on the Judiciary.

MERCY OTIS WARREN DAY

• Mr. LAUTENBERG. Mr. President, today I rise to introduce a resolution designating October 19, 1994 as "Mercy Warren Otis Day."

Born in Barnstable, MA on September 14, 1728, Mercy Otis Warren lived an active political life until her death on October 19, 1814. Although unknown to the majority of Americans, Mercy Otis Warren played an important role in American history.

Recognized as a poet, patriot, and historian of the American Revolution, Mercy Otis Warren's writings are credited with providing insightful views on the leading political figures of the American Revolution and the political viewpoints of the day. One of her major literary works, "The History of the Rise, Progress and Termination of the American Revolution" is respected primarily for its spirited personal observation about the people and events she had know firsthand.

Over time, Mercy Otis Warren became a prominent political commentator who was well respected by her contemporaries for her understanding of political issues. Her advice and opinions were sought by such notables as John and Samuel Adams and Thomas Jefferson. Mrs. Warren wrote 19-page pamphlet published in 1788 entitled, "Observations On The New Constitution," which may not be her best known work, but was perhaps her most significant. Mrs. Warren's vigorous defense of personal liberties contributed to the political movement which culminated in the adoption of the Bill of Rights.

What is most remarkable about Mercy Otis Warren is that she received no formal education because of the social norms in the early 1700's which placed women in domestic roles. As a young woman, Mercy Otis satisfied her thirst for knowledge by sitting in on her brothers tutoring sessions. As the daughter of a county judge who was also a colonel in the militia, Mercy Otis listened to frequent political discussions in her home and developed an ardent interest in politics and public affairs. A forerunner of the modern feminist movement, Mrs. Warren was very interested in the role of women in society and was determined that women should not be restricted to domestic interests.

The life of Mercy Otis Warren is one that should be told to all Americans. Recognition is long overdue. I hope my colleagues will join me in honoring this great American for her courage, her wisdom and her contribution to early American political thought which gave birth to the democratic values we all cherish.

I ask unanimous consent that a copy of the joint resolution be printed in the RECORD. I urge my colleagues to support this joint resolution which designates October 19, 1994 as "Mercy Otis Warren Day."

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 222

Whereas Mercy Otis Warren was born on September 14, 1728, in Barnstable, Massachusetts, was 1 of 13 children, and was without a formal education, yet her thirst for knowledge and ardent interest in politics transformed her into one of the prominent political thinkers and commentators of her day;

Whereas Mercy Otis Warren maintained throughout her life an aggressive concern for public affairs and the role of women in society, and was determined that women should not be restricted to domestic interests;

Whereas Mercy Otis Warren wrote numerous published works providing commentary on the leading political figures of the American Revolution and on the political viewpoints of her day, including a major literary work, the 3-volume "History of the Rise, Progress, and Termination of the American Revolution", completed in 1805;

Whereas Mercy Otis Warren was so well respected by her contemporaries for her understanding of political issues that her advice was sought by such notables as John Adams, Samuel Adams, and Thomas Jefferson;

Whereas Mercy Otis Warren wrote a 19-page pamphlet, published in 1788, entitled "Observations on the New Constitution", that contributed to the political movement that provided a foundation for the Bill of Rights; and

Whereas Mercy Otis Warren is recognized by American historians as a poet, a patriot, and a historian of the American Revolution: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 19, 1994, is designated as "Mercy Otis Warren Day". The President is authorized and requested to issue a proclamation calling on the people of the United States to observe this day with appropriate ceremonies and activities.•

By Mr. KENNEDY (for himself, Mr. HATCH, Mr. SIMON, Mr. MACK, Mr. BAUCUS, Mr. LEAHY, Mr. D'AMATO, Mr. COCHRAN, Mr. DECONCINI, Mr. BRADLEY, Mr. MOYNIHAN, Mr. GLENN, Mr. WOFFORD, Mr. BIDEN, Mr. CHAFEE, Mr. DODD, Mr. LAUTENBERG, Mr. INOUYE, Mr. KERRY, Mr. ROTH, Mr. THURMOND, Mr. PELL, Mr. WARNER, Mr. DURENBERGER, Mrs. BOXER, Mr. SARBANES, Mr. JOHNSTON, Mr. DORGAN, Mr. JEFFORDS, Mr. METZENBAUM, Mr. RIEGLE, Mr. HEFLIN, Mr. MITCHELL, Mr. PACKWOOD, Mr. GRASSLEY, Mr. SPECTER, Mr. DOLE, Mr. LOTT, Mr. MURKOWSKI, Mr. COHEN, Mr. BENNETT, Mr. BOND, Mr. STEVENS, Mr. HELMS, Mr. MCCAIN, Mr. SASSER, Ms. MIKULSKI, Mr. LIEBERMAN, Mr. LEVIN, Mr. AKAKA, Mr. FORD, and Mr. WELLSTONE):

S.J. Res. 223. A joint resolution to designate March 1995 and March 1996 as "Irish-American Heritage Month"; to the Committee on the Judiciary.

IRISH-AMERICAN HERITAGE MONTH

Mr. KENNEDY. Mr. President, on behalf of myself and 51 of my colleagues, I am proud to introduce a Senate joint resolution designating March 1995 and March 1996 as "Irish American Heritage Month." An identical resolution has been introduced by Representative THOMAS J. MANTON in the House.

This joint resolution pays tribute to the numerous contributions the Irish have made to America.

The year 1995 will be particularly significant for Irish-Americans, because it marks the 150th anniversary of the beginning of the Great Famine in Ireland. Between then and 1910, more than 3 million Irish immigrants came to our shores, and their contributions to the development of our country are immense.

Today, more than 44 million Americans are of Irish descent and it is a privilege to introduce this joint resolution recognizing their contributions and the contributions of their ancestors. I ask unanimous consent that the text of the joint resolution may be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 223

Whereas 150 years ago, the blight that struck Ireland's potato crop ("the single root that changed the history of the world"), known as the Great Famine, caused 2,000,000 of Ireland's population to emigrate, mostly to America's shores;

Whereas in 1847 alone, 25,000 Irish immigrants arrived in Boston;

Whereas by 1851, the end of the famine exodus, 1,712 emigrant ships had sailed up the Narrows into New York harbor;

Whereas during the "Great Hunger" (1845–1851) more people left Ireland than had emigrated in the previous 250 years;

Whereas within a few years of arriving in the United States, the Irish immigrants took jobs as laborers, built railroads, canals, and schools, dedicated themselves to help build this nation, and this same legacy today remains a part of American mainstream;

Whereas James Smith, George Taylor, Matthew Thornton, and Charles Thomson, 4 of the individuals who signed the Declaration of Independence, were Irish born and 9 other signers were of Irish ancestry;

Whereas Irish-born James Hoban designed and supervised the building of the White House and its restoration after it was burned in 1814;

Whereas more than 200 Irish-Americans have been awarded the Congressional Medal of Honor;

Whereas 19 Presidents of the United States proudly claim Irish heritage, included among them, the first President, George Washington;

Whereas John W. O'Beirne, Founder of the American Foundation for Irish Heritage, first requested in 1990 that Congress designate March as "Irish-American Heritage Month"; and

Whereas the 44,000,000 Americans of Irish ancestry, like their forebears, continue to enrich all aspects of life in the United States, in science, education, art, agriculture, business, industry, literature, music, athletics, military, and governmental service: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the months of March 1995 and March 1996 are designated as "Irish-American Heritage Month". The President is authorized and requested to issue a proclamation calling on the people of the United States to observe each month with appropriate ceremonies and activities.

By Mr. SIMON (for himself, Mr. SARBANES, Mr. PELL, Mr. REID, Mr. WOFFORD, Mr. MATHEWS, Mr. BINGAMAN, and Mr. KENNEDY):

S.J. Res. 224. A joint resolution designating November 1, 1994, as "National Family Literacy Day"; to the Committee on the Judiciary.

NATIONAL FAMILY LITERACY DAY

• Mr. SIMON. Mr. President, I am pleased to introduce a joint resolution to designate November 1, 1994, as "National Family Literacy Day." Senators KENNEDY, PELL, SARBANES, REID, WOFFORD, MATHEWS, and BINGAMAN are original cosponsors of this joint resolution.

Millions of American families are trapped in a cycle of poverty, dependency, and undereducation. One of the most promising methods for breaking this cycle is the family literacy approach, where parents and their children attend school together. As parents identify their strengths and develop their literacy skills, essential messages about the importance of education are successfully passed on to their children.

Research shows that the most important factor in determining the life chances of a child is the level of educational attainment of her or his parents. Adults participating in family literacy programs are more likely to remain in the program than participants in adult-focused programs and 90 percent of the children who have participated in family literacy programs are successful in school. In addition, family literacy programs lead to more educationally supportive home environments.

Family literacy is a ladder that extends down into hopelessness and empowers families to work together in reaching new levels of achievement, self-sufficiency, self-esteem, and strength as a family. National Family Literacy Day will send a message about the importance of family education throughout the land.●

ADDITIONAL COSPONSORS

S. 1288

At the request of Mr. AKAKA, the names of the Senator from Virginia [Mr. WARNER] and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of S. 1288, a bill to provide for the coordination and implementation of a national aquaculture policy for the private sector by the Secretary of Agriculture, to establish an aquaculture commercialization research program, and for other purposes.

S. 1329

At the request of Mr. D'AMATO, the names of the Senator from Nebraska [Mr. EXON] and the Senator from Kentucky [Mr. FORD] were added as cosponsors of S. 1329, a bill to provide for an investigation of the whereabouts of the United States citizens and others who have been missing from Cyprus since 1974.

S. 2051

At the request of Mr. WARNER, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 2051, a bill to amend the Fair Labor Standards Act of 1938 to exclude from the definition of employee firefighters and rescue squad workers who perform volunteer services and to prevent employers from requiring employees who are firefighters or rescue squad workers to perform volunteer services, and to allow an employer not to pay overtime compensation to a firefighter or rescue squad worker who performs volunteer services for the employer, and for other purposes.

S. 2257

At the request of Mr. WOFFORD, his name was added as a cosponsor of S. 2257, a bill to amend the Public Works and Economic Development Act of 1965 to reauthorize economic development programs, and for other purposes.

S. 2283

At the request of Mr. SHELBY, the name of the Senator from Washington [Mrs. MURRAY] was added as a cosponsor of S. 2283, a bill to amend title XVIII of the Social Security Act to provide for coverage of prostate cancer screening and certain drug treatment services under part B of the Medicare Program, to amend chapter 17 of title 38, United States Code, to provide for coverage of such screening and services under the programs of the Department of Veterans Affairs, and to expand research and education programs of the National Institutes of Health and the Public Health Service relating to prostate cancer.

S. 2285

At the request of Mrs. BOXER, the name of the Senator from New Jersey [Mr. BRADLEY] was added as a cosponsor of S. 2285, a bill to provide for the sound management and protection of redwood forest areas in Humboldt County, California, by adding certain lands and waters to the Six Rivers National Forest and by including a portion of such lands in the National Wilderness Preservation System, and for other purposes.

S. 2286

At the request of Mr. LUGAR, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of S. 2286, a bill to amend title 23, United States Code, to provide for the use of certain highway funds for improvements to railway-highway crossings.

S. 2305

At the request of Mr. AKAKA, the name of the Senator from Alabama [Mr. HEFLIN] was added as a cosponsor of S. 2305, a bill to provide that members of the Board of Veterans' Appeals be referred to as veterans law judges, to provide for the pay of such members, and for other purposes.

S. 2312

At the request of Mr. DASCHLE, the name of the Senator from Washington [Mrs. MURRAY] was added as a cosponsor of S. 2312, a bill to maintain the ability of United States agriculture to remain viable and competitive in domestic and international markets, to meet the food and fiber needs of United States and international consumers, and for other purposes.

S. 2411

At the request of Mr. DOLE, the names of the Senator from Utah [Mr. HATCH] and the Senator from Kansas [Mrs. KASSEBAUM] were added as cosponsors of S. 2411, a bill to amend title 10, United States Code, to establish procedures for determining the status of certain missing members of the Armed Forces and certain civilians, and for other purposes.

S. 2445

At the request of Mr. DANFORTH, the name of the Senator from Minnesota [Mr. DURENBERGER] was added as a cosponsor of S. 2445, a bill to amend the Internal Revenue Code of 1986 to limit the applicability of the generation-skipping transfer tax.

S. 2457

At the request of Mr. DANFORTH, the name of the Senator from Missouri [Mr. BOND] was added as a cosponsor of S. 2457, a bill for the relief of Benchmark Rail Group, Inc.

SENATE JOINT RESOLUTION 90

At the request of Mr. ROBB, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of Senate Joint Resolution 90, a joint resolution to recognize the achievements of radio amateurs, and to establish support for such amateurs as national policy.

SENATE JOINT RESOLUTION 177

At the request of Mr. SIMON, the names of the Senator from Delaware [Mr. BIDEN], the Senator from New Jersey [Mr. BRADLEY], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Ohio [Mr. GLENN], the Senator from Missouri [Mr. DANFORTH], the Senator from Michigan [Mr. RIEGLE], the Senator from Oregon [Mr. PACKWOOD], the Senator from Alabama [Mr. HEFLIN], the Senator from Hawaii [Mr. INOUYE], the Senator from Illinois [Ms. MOSELEY-BRAUN], the Senator from Rhode Island [Mr. PELL], the Senator from Maine [Mr. COHEN], the Senator from Tennessee [Mr. SASSER], and the Senator from North Dakota [Mr. DORGAN] were added as cosponsors of Senate Joint Resolution 177, a joint resolution to designate the period of October 2, 1994, through October 8, 1994, as "Mental Illness Awareness Week."

SENATE JOINT RESOLUTION 181

At the request of Mr. SIMON, the names of the Senator from Arizona [Mr. DECONCINI], the Senator from Missouri [Mr. DANFORTH], the Senator from Kansas [Mr. DOLE], the Senator from New Mexico [Mr. DOMENICI], and the Senator from Minnesota [Mr. DURENBERGER] were added as cosponsors of Senate Joint Resolution 181, a joint resolution to designate the week of May 8, 1994, through May 14, 1994, as "United Negro College Fund Week."

SENATE JOINT RESOLUTION 186

At the request of Mr. PACKWOOD, the name of the Senator from Ohio [Mr. METZENBAUM] was added as a cosponsor of Senate Joint Resolution 186, a joint resolution to designate February 2, 1995, and February 1, 1996, as "National Women and Girls in Sports Day."

SENATE JOINT RESOLUTION 208

At the request of Mr. WOFFORD, the names of the Senator from California [Mrs. BOXER] and the Senator from South Dakota [Mr. PRESSLER] were added as cosponsors of Senate Joint Resolution 208, a joint resolution designating the week of November 6, 1994, through November 12, 1994, "National Health Information Management Week."

SENATE RESOLUTION 269—RELATIVE TO THE JACOB K. JAVITS SENATE FELLOWSHIP PROGRAM

Mr. MITCHELL (for himself and Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 269

Resolved, That Senate Resolution 75 (103d Congress, 1st Session), agreed to March 3, 1993, is amended—

(1) in section 2, by adding at the end thereof the following:

"(c) The Jacob K. Javits Foundation, Incorporated shall—

"(1) broadly publicize the availability of the fellowship program;

"(2) develop and administer an application process for Senate fellowships;

"(3) conduct a screening of applicants for the fellowship program; and

"(4) select participants without regard to race, color, religion, sex, National origin, age, or disability.";

(2) in section 3, by amending subsection (c) to read as follows:

"(c) The Secretary, after consultation with the Majority Leader and the Minority Leader of the Senate, shall assist with the placement of eligible participants in positions in the Senate that are, within practical considerations, supportive of the fellowship participants' academic programs. Fellows shall be considered as employees of the office or committee in which they are placed."; and

(3) in section 5, by inserting "the Minority Leader of" before "the Senate".

AMENDMENTS SUBMITTED

COAST GUARD AUTHORIZATION ACT OF 1994

GORTON AMENDMENT NO. 2590

(Ordered to lie on the table.)

Mr. GORTON submitted an amendment intended to be proposed by him to the bill (H.R. 4422) to authorize appropriations for fiscal year 1995 for the Coast Guard, and for other purposes; as follows:

At the appropriate place in the bill, insert the following new title:

TITLE—, U.S. CRUISE VESSEL DEVELOPMENT

SECTION 1. SHORT TITLE.

This Act may be cited as the "United States Cruise Vessel Development Act".

SEC. 2. PURPOSE.

The purpose of this Act is to promote construction and operation of United States flag cruise vessels in the United States.

SEC. 3. COASTWISE TRANSPORTATION OF PASSENGERS.

Section 8 of the Act entitled "An Act to abolish certain fees for official services to American vessels, and to amend the laws relating to shipping commissioners, seamen, and owners of vessels, and for other purposes", approved of June 19, 1886 (46 App. U.S.C. 289), is amended to read as follows:

"SEC. 8. COASTWISE TRANSPORTATION OF PASSENGERS.

"(a) IN GENERAL.—Except as otherwise provided by law, a vessel may transport passengers in coastwise trade only if—

"(1) the vessel is owned by a person that is—

"(A) an individual who is a citizen of the Untied States; or

"(B) a corporation, partnership, or association that is a citizen of the United States under section 2(a) of the Shipping Act, 1916;

"(2) the vessel meets the requirements of section 27 of the Merchant Marine Act, 1920; and

"(3) for a vessel that is at least 5 net tons, the vessel is issued a certificate of documentation under chapter 121 of title 46, United States Code, with a coastwise endorsement.

"(b) EXCEPTION FOR VESSEL UNDER DEMISE CHARTER.—

"(1) IN GENERAL.—Subsection (a)(1) does not apply to a cruise vessel operating under a demise charter that—

"(A) has a term of at least 18 months; and

"(B) is to a person described in subsection (a)(1).

"(2) EXTENSION OF PERIOD FOR OPERATION.—A cruise vessel authorized to operate in coastwise trade under paragraph (1) based on a demise charter described in paragraph (1) may operate in that coastwise trade during a period following the termination of the charter of not more than 6 months, if the operation—

"(A) is approved by the Secretary; and

"(B) in accordance with such terms as may be prescribed by the Secretary for that approval.

"(c) EXCEPTION FOR VESSEL TO BE REFLAGGED.—

"(1) EXCEPTION.—Subsection (a)(2) and section 12106(a)(2)(A) of title 46, United States Code, do not apply to a cruise vessel if—

"(A) the vessel—

"(i) is not documented under chapter 121 of title 46, United States Code, on the date of enactment of the United States Cruise Vessel Development Act; and

"(ii) is not less than 5 years old and not more than 15 years old on the first date that the vessel is documented under that chapter after that date of enactment; and

"(B) the owner or charterer of the vessel has entered into a contract for the construction in the United States of another cruise vessel that has a total berth or stateroom capacity that is at least 80 percent of the capacity of the cruise vessel.

"(2) TERMINATION OF AUTHORITY TO OPERATE.—Paragraph (1) does not apply to a vessel after the date that is 18 months after the date on which a certificate of documentation with a coastwise endorsement is first issued for the vessel after the date of enactment of the United States Cruise Vessel Development Act if, before the end of that 18-month period, the keel of another vessel has not been laid, or another vessel is not at a similar stage of construction, under a contract required for the vessel under paragraph (1)(B).

"(3) EXTENSION OF PERIOD BEFORE TERMINATION.—The Secretary of Transportation may extend the period under paragraph (2) for not more than 6 months for good cause shown.

"(d) LIMITATION ON OPERATIONS.—A person (including a related person with respect to that person) that owns or charters a cruise vessel operating in coastwise trade under subsection (b) or (c) under a coastwise endorsement may not operate any vessel between—

"(1) any 2 ports served by another cruise vessel that transports passengers in coastwise trade under subsection (a) on the date the Secretary issues the coastwise endorsement; or

"(2) the island of Hawaii.

"(e) PENALTIES.—

"(1) CIVIL PENALTY.—A person operating a vessel in violation of this section is liable to the United States Government for a civil penalty of $1,000 for each passenger transported in violation of this section.

"(2) FORFEITURE.—A vessel operated in knowing violation of this section, and its equipment, are liable to seizure by and forfeiture to the United States Government.

"(3) DISQUALIFICATION FROM COASTWISE TRADE.—A person that is required to enter into a construction contract under subsection (c)(1)(B) with respect to a cruise vessel (including any related person with respect to that person) may not own or operate any vessel in coastwise trade after the period applicable under subsection (c)(2) with respect to the cruise vessel, if before the end of that period a keel is not laid and a similar stage of construction is not reached under such a contract.

"(f) DEFINITIONS.—In this section—

"(1) the term 'coastwise trade' includes transportation of a passenger between points in the United States, either directly or by way of a foreign port;

"(2) the term 'cruise vessel' means a vessel that—

"(A) is at least 10,000 gross tons (as measured under chapter 143 of title 46, United States Code);

"(B) has berth or stateroom accommodations for at least 200 passengers; and

"(C) is not a ferry;

"(3) the term 'related person' means, with respect to a person—

"(A) a holding company, subsidiary, affiliate, or association of the person; and

"(B) an officer, director, or agent of the person or of an entity referred to in subparagraph (A).".

SEC. 4. CONSTRUCTION STANDARDS.

Section 3309 of title 46, United States Code, is amended by adding at the end the following:

"(d)(1) A vessel described in paragraph (3) is deemed to comply with parts B and C of this subtitle.

"(2) The Secretary shall issue a certificate of inspection under subsection (a) to a vessel described in paragraph (3).

"(8) A vessel is described in this paragraph if—

"(A) it meets the standards and conditions for the issuance of a control verification certificate to a foreign vessel embarking passengers in the United States;

"(B) a coastwise endorsement is issued for the vessel under section 12106 of this title after the date of enactment of the United States Cruise Vessel Development Act; and

"(C) the vessel is authorized section to engage in coastwise trade by reason of section 8(c) of the Act entitled 'An Act to abolish certain fees for official services to American vessels, and to amend the laws relating to shipping commissioners, seamen, and owners of vessels, and for other purposes', approved of June 19, 1886.".

SEC. 5. CITIZENSHIP FOR PURPOSES OF DOCUMENTATION.

Section 2 of the Shipping Act, 1916 (46 App. U.S.C. 802), is amended—

(1) in subsection (a) by inserting "other than primarily in the transport of passengers," after "the coastwise trade"; and

(2) by adding at the end the following:

"(e) For purposes of determining citizenship under subsection (a) with respect to operation of a vessel primarily in the transport of passengers in coastwise trade, the controlling interest in a partnership or association that owns the vessel shall not be deemed to be owned by citizens of the United States unless a majority interest in the partnership or association is owned by citizens of the United States free from any trust or fiduciary obligation in favor of any person that is not a citizen of the United States.".

SEC. 6. AMENDMENT TO TITLE XI OF THE MERCHANT MARINE ACT, 1936.

Section 1101(b) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1271(b)) is amended by striking "passenger cargo" and inserting "passenger, cargo,".

SEC. 7. PERMITS FOR VESSELS ENTERING UNITS OF NATIONAL PARK SYSTEM.

(a) PRIORITY.—Notwithstanding any other provision of law, the Secretary of the Interior may not permit a person to operate a vessel in any unit of the National Park System except in accordance with the following priority:

(1) First, any person that—

(A) will operate a vessel that is documented under the laws of, and the home port of which is located in, the United States; or

(B) holds rights to provide visitors services under section 1307(a) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3197(A)).

(2) Second, any person that will operate a vessel that—

(A) is documented under the laws of a foreign country, and

(B) on the date of the enactment of this Act is permitted to be operated by the person in the unit.

(3) Third, any person that will operate a vessel other than a vessel described in paragraph (1) or (2).

(b) REVOCATION OF PERMITS FOR FOREIGN DOCUMENTED VESSELS.—The Secretary of the Interior shall revoke or refuse to renew permission granted by the Secretary for the operation of a vessel documented under the laws of a foreign country in a unit of the National Park System, if—

(1) a person requests permission to operate a vessel documented under the laws of the United States in that unit; and

(2) the permission may not be granted because of a limit on the number of permits that may be issued for that operation.

(c) RESTRICTIONS ON REVOCATION OF PERMITS.—The Secretary of the Interior may not revoke or refuse to renew permission under subsection (b) for any person holding rights to provide visitor services under section 1307(a) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3197(a)).

(d) RETURN OF PERMITS.—Any person whose permission to provide visitors services in a unit of the National Park System has been revoked or not renewed under subsection (b) shall have the right of first refusal to a permit to provide visitors services in that unit of the National Park System that becomes available when the conditions described in subsection (b) no longer apply. Such right shall be limited to the number of permits which are revoked or not renewed.

GORTON AMENDMENT NO. 2591

(Ordered to lie on the table.)

Mr. GORTON submitted an amendment intended to be proposed by him to the bill (S. 2373) to authorize appropriations for fiscal year 1995 for the U.S. Coast Guard, and for other purposes; as follows:

At the appropriate place in the bill, insert the following new title:

TITLE—. U.S. CRUISE VESSEL DEVELOPMENT

SECTION 1. SHORT TITLE.

This Act may be cited as the "United States Cruise Vessel Development Act".

SEC. 2. PURPOSE.

The purpose of this Act is to promote construction and operation of United States flag cruise vessels in the United States.

SEC. 3. COASTWISE TRANSPORTATION OF PASSENGERS.

Section 8 of the Act entitled "An Act to abolish certain fees for official services to American vessels, and to amend the laws relating to shipping commissioners, seamen, and owners of vessels, and for other purposes", approved of June 19, 1886 (46 App. U.S.C. 289), is amended to read as follows:

"SEC. 8. COASTWISE TRANSPORTATION OF PASSENGERS.

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"(1) the vessel is owned by a person that is—

"(A) an individual who is a citizen of the Untied States; or

"(B) a corporation, partnership, or association that is a citizen of the United States under section 2(a) of the Shipping Act, 1916;

"(2) the vessel meets the requirements of section 27 of the Merchant Marine Act, 1920; and

"(3) for a vessel that is at least 5 net tons, the vessel is issued a certificate of documentation under chapter 121 of title 46, United States Code, with a coastwise endorsement.

"(b) EXCEPTION FOR VESSEL UNDER DEMISE CHARTER.—

"(1) IN GENERAL.—Subsection (a)(1) does not apply to a cruise vessel operating under a demise charter that—

"(A) has a term of at least 18 months; and

"(B) is to a person described in subsection (a)(1).

"(2) EXTENSION OF PERIOD FOR OPERATION.—A cruise vessel authorized to operate in coastwise trade under paragraph (1) based on a demise charter described in paragraph (1) may operate in that coastwise trade during a period following the termination of the charter of not more than 6 months, if the operation—

"(A) is approved by the Secretary; and

"(B) in accordance with such terms as may be prescribed by the Secretary for that approval.

"(c) EXCEPTION FOR VESSEL TO BE REFLAGGED.—

"(1) EXCEPTION.—Subsection (a)(2) and section 12106(a)(2)(A) of title 46, United States Code, do not apply to a cruise vessel if—

"(A) the vessel—

"(i) is not documented under chapter 121 of title 46, United States Code, on the date of enactment of the United States Cruise Vessel Development Act; and

"(ii) is not less than 5 years old and not more than 15 years old on the first date that the vessel is documented under that chapter after that date of enactment; and

"(B) the owner or charterer of the vessel has entered into a contract for the construction in the United States of another cruise vessel that has a total berth or stateroom capacity that is at least 80 percent of the capacity of the cruise vessel.

"(2) TERMINATION OF AUTHORITY TO OPERATE.—Paragraph (1) does not apply to a vessel after the date that is 18 months after the date on which a certificate of documentation with a coastwise endorsement is first issued for the vessel after the date of enactment of the United States Cruise Vessel Development Act if, before the end of that 18-month period, the keel of another vessel has not been laid, or another vessel is not at a similiar stage of construction, under a contract required for the vessel under paragraph (1)(B).

"(3) EXTENSION OF PERIOD BEFORE TERMINATION.—The Secretary of Transportation may extend the period under paragraph (2) for not more than 6 months for good cause shown.

"(d) LIMITATION ON OPERATIONS.—A person (including a related person with respect to that person) that owns or charters a cruise vessel operating in coastwise trade under subsection (b) or (c) under a coastwise endorsement may not operate any vessel between—

"(1) any 2 ports served by another cruise vessel that transports passengers in coastwise trade under subsection (a) on the date the Secretary issues the coastwise endorsement; or

"(2) the island of Hawaii.

"(e) PENALTIES.—

"(1) CIVIL PENALTY.—A person operating a vessel in violation of this section is liable to the United States Government for a civil penalty of $1,000 for each passenger transported in violation of this section.

"(2) FORFEITURE.—A vessel operated in knowing violation of this section, and its equipment, are liable to seizure by and forfeiture to the United States Government.

"(3) DISQUALIFICATION FROM COASTWISE TRADE.—A person that is required to enter into a construction contract under subsection (c)(1)(B) with respect to a cruise vessel (including any related person with respect to that person) may not own or operate any vessel in coastwise trade after the period applicable under subsection (c)(2) with respect to the cruise vessel, if before the end of that period a keel is not laid and a similar stage of construction is not reached under such a contract.

"(f) DEFINITIONS.—In this section—

"(1) the term 'coastwise trade' includes transportation of a passenger between points in the United States, either directly or by way of a foreign port;

"(2) the term 'cruise vessel' means a vessel that—

"(A) is at least 10,000 gross tons (as measured under chapter 143 of title 46, United States Code);

"(B) has berth or stateroom accommodations for at least 200 passengers; and

"(C) is not a ferry;

"(3) the term 'related person' means, with respect to a person—

"(A) a holding company, subsidiary, affiliate, or association of the person; and

"(B) an officer, director, or agent of the person or of an entity referred to in subparagraph (A).".

SEC. 4. CONSTRUCTION STANDARDS.

Section 3309 of title 46, United States Code, is amended by adding at the end the following:

"(d)(1) A vessel described in paragraph (3) is deemed to comply with parts B and C of this subtitle.

"(2) The Secretary shall issue a certificate of inspection under subsection (a) to a vessel described in paragraph (3).

"(8) A vessel is described in this paragraph if—

"(A) it meets the standards and conditions for the issuance of a control verification certificate to a foreign vessel embarking passengers in the United States;

"(B) a coastwise endorsement is issued for the vessel under section 12106 of this title after the date of enactment of the United States Cruise Vessel Development Act; and

"(C) the vessel is authorized to engage in coastwise trade by reason of section 8(c) of the Act entitled 'An Act to abolish certain fees for official services to American vessels, and to amend the laws relating to shipping commissioners, seamen, and owners of vessels, and for other purposes', approved of June 19, 1886.".

SEC. 5. CITIZENSHIP FOR PURPOSES OF DOCUMENTATION.

Section 2 of the Shipping Act, 1916 (46 App. U.S.C. 802), is amended—

(1) in subsection (a) by inserting "other than primarily in the transport of passengers," after "the coastwise trade"; and

(2) by adding at the end the following:

"(e) For purposes of determining citizenship under subsection (a) with respect to operation of a vessel primarily in the transport of passengers in coastwise trade, the controlling interest in a partnership or association that owns the vessel shall not be deemed to be owned by citizens of the United States unless a majority interest in the partnership or association is owned by citizens of the United States free from any trust or fiduciary obligation in favor of any person that is not a citizen of the United States.".

SEC. 6. AMENDMENT TO TITLE XI OF THE MERCHANT MARINE ACT, 1936.

Section 1101(b) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1271(b)) is amended by striking "passenger cargo" and inserting "passenger, cargo,".

SEC. 7. PERMITS FOR VESSELS ENTERING UNITS OF NATIONAL PARK SYSTEM.

(a) Priority.—Notwithstanding any other provision of law, the Secretary of the Interior may not permit a person to operate a vessel in any unit of the National Park System except in accordance with the following priority:

(1) First, any person that—

(A) will operate a vessel that is documented under the laws of, and the home port of which is located in, the United States; or

(B) holds rights to provide visitors services under section 1307(a) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3197(A)).

(2) Second, any person that will operate a vessel that—

(A) is documented under the laws of a foreign country, and

(B) on the date of the enactment of this Act is permitted to be operated by the person in the unit.

(3) Third, any person that will operate a vessel other than a vessel described in paragraph (1) or (2).

(b) Revocation of Permits for Foreign Documented Vessels.—The Secretary of the Interior shall revoke or refuse to renew permission granted by the Secretary for the operation of a vessel documented under the laws of a foreign country in a unit of the National Park System, if—

(1) a person requests permission to operate a vessel documented under the laws of the United States in that unit; and

(2) the permission may not be granted because of a limit on the number of permits that may be issued for that operation.

(c) Restrictions on Revocation of Permits.—The Secretary of the Interior may not revoke or refuse to renew permission under subsection (b) for any person holding rights to provide visitor services under section 1307(a) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3197(a)).

(d) Return of Permits.—Any person whose permission to provide visitors services in a unit of the National Park System has been revoked or not renewed under subsection (b) shall have the right of first refusal to a permit to provide visitors services in that unit of the National Park System that becomes available when the conditions described in subsection (b) no longer apply. Such right shall be limited to the number of permits which are revoked or not renewed.

COMPREHENSIVE ONE-CALL NOTIFICATION ACT OF 1994

GORTON AMENDMENT NO. 2592

(Ordered referred to the Committee on Commerce, Science, and Transportation.)

Mr. GORTON submitted an amendment intended to be proposed by him to the bill (S. 2101) to provide for the establishment of mandatory state-operated comprehensive one-call systems to protect all underground facilities from being damaged by any excavations, and for other purposes; as follows:

At the appropriate place in the bill insert the following new section:

SEC. . RESIDENTIAL CURBSIDE RECYCLING.

Section 11501(h)(2) of title 49, United States Code, is amended as follows:

(1) Insert a semi-colon, and the word "and" at the end of the subparagraph (B).

(2) Insert the following new subparagraph after subparagraph (b):

"(C) does not apply to the transportation for collection of recyclable materials that are a part of a residential curbside recycling program."

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES APPROPRIATIONS ACT, FISCAL YEAR 1995

COHEN AMENDMENT NO. 2593

Mr. COHEN proposed an amendment to the bill (H.R. 4606) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1995, and for other purposes; as follows:

At the appropriate place, insert the following new subtitle:

Subtitle ___—Enhanced Penalties for Health Care Fraud

PART 1—ALL-PAYER FRAUD AND ABUSE CONTROL PROGRAM

SEC. ___01. ALL-PAYER FRAUD AND ABUSE CONTROL PROGRAM.

(a) Establishment of Program.—

(1) In general.—Not later than January 1, 1995, the Secretary of Health and Human Services (in this subtitle referred to as the "Secretary"), acting through the Office of the Inspector General of the Department of Health and Human Services, and the Attorney General shall establish a program—

(A) to coordinate Federal, State, and local law enforcement programs to control fraud and abuse with respect to the delivery of and payment for health care in the United States,

(B) to conduct investigations, audits, evaluations, and inspections relating to the delivery of and payment for health care in the United States,

(C) to facilitate the enforcement of the provisions of sections 1128, 1128A, and 1128B of the Social Security Act and other statutes applicable to health care fraud and abuse, and

(D) to provide for the modification and establishment of safe harbors and to issue interpretative rulings and special fraud alerts pursuant to section ___03.

(2) Coordination with health plans.—In carrying out the program established under paragraph (1), the Secretary and the Attorney General shall consult with, and arrange for the sharing of data with representatives of health plans.

(3) Regulations.—

(A) In general.—The Secretary and the Attorney General shall by regulation establish standards to carry out the program under paragraph (1).

(B) Information standards.—

(i) In general.—Such standards shall include standards relating to the furnishing of information by health plans, providers, and others to enable the Secretary and the Attorney General to carry out the program (including coordination with health plans under paragraph (2)).

(ii) Confidentiality.—Such standards shall include procedures to assure that such information is provided and utilized in a manner that appropriately protects the confidentiality of the information and the privacy of individuals receiving health care services and items.

(iii) Qualified immunity for providing information.—The provisions of section 1157(a) of the Social Security Act (relating to limitation on liability) shall apply to a person providing information to the Secretary or the Attorney General in conjunction with their performance of duties under this section, in the same manner as such section applies to information provided to organizations with a contract under subtitle B of title V of this Act, with respect to the performance of such a contract.

(C) Disclosure of ownership information.—

(i) In general.—Such standards shall include standards relating to the disclosure of ownership information described in clause (ii) by any entity providing health care services and items.

(ii) Ownership information described.—The ownership information described in this clause includes—

(I) a description of such items and services provided by such entity;

(II) the names and unique physician identification numbers of all physicians with a financial relationship (as defined in section 1877(a)(2) of the Social Security Act) with such entity;

(III) the names of all other individuals with such an ownership or investment interest in such entity; and

(IV) any other ownership and related information required to be disclosed by such entity under section 1124 or section 1124A of the Social Security Act, except that the Secretary shall establish procedures under which the information required to be submitted under this subclause will be reduced with respect to health care provider entities that the Secretary determines will be unduly burdened if such entities are required to comply fully with this subclause.

(4) AUTHORIZATION OF APPROPRIATIONS FOR INVESTIGATORS AND OTHER PERSONNEL.—In addition to any other amounts authorized to be appropriated to the Secretary and the Attorney General for health care anti-fraud and abuse activities for a fiscal year, there are authorized to be appropriated additional amounts as may be necessary to enable the Secretary and the Attorney General to conduct investigations and audits of allegations of health care fraud and abuse and otherwise carry out the program established under paragraph (1) in a fiscal year.

(5) ENSURING ACCESS TO DOCUMENTATION.—The Inspector General of the Department of Health and Human Services is authorized to exercise the authority described in paragraphs (4) and (5) of section 6 of the Inspector General Act of 1978 (relating to subpoenas and administration of oaths) with respect to the activities under the all-payer fraud and abuse control program established under this subsection to the same extent as such Inspector General may exercise such authorities to perform the functions assigned by such Act.

(6) AUTHORITY OF INSPECTOR GENERAL.—Nothing in this Act shall be construed to diminish the authority of any Inspector General, including such authority as provided in the Inspector General Act of 1978.

(7) HEALTH PLAN DEFINED.—For the purposes of this subsection, the term "health plan" shall have the meaning given such term in section 1128(i) of the Social Security Act.

(b) HEALTH CARE FRAUD AND ABUSE CONTROL ACCOUNT.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—There is hereby established an account to be known as the "Health Care Fraud and Abuse Control Account" (in this section referred to as the "Anti-Fraud Account"). The Anti-Fraud Account shall consist of—

(i) such gifts and bequests as may be made as provided in subparagraph (B);

(ii) such amounts as may be deposited in the Anti-Fraud Account as provided in subsection (a)(4), sections ___41(b) and ___42(b), and title XI of the Social Security Act; and

(iii) such amounts as are transferred to the Anti-Fraud Account under subparagraph (C).

(B) AUTHORIZATION TO ACCEPT GIFTS.—The Anti-Fraud Account is authorized to accept on behalf of the United States money gifts and bequests made unconditionally to the Anti-Fraud Account, for the benefit of the Anti-Fraud Account or any activity financed through the Anti-Fraud Account.

(C) TRANSFER OF AMOUNTS.—

(i) IN GENERAL.—The Secretary of the Treasury shall transfer to the Anti-Fraud Account an amount equal to the sum of the following:

(I) Criminal fines imposed in cases involving a Federal health care offense (as defined in section 982(a)(6)(B) of title 18, United States Code).

(ii) Administrative penalties and assessments imposed under titles XI, XVIII, and XIX of the Social Security Act (except as otherwise provided by law).

(iii) Amounts resulting from the forfeiture of property by reason of a Federal health care offense.

(iv) Penalties and damages imposed under the False Claims Act (31 U.S.C. 3729 et seq.), in cases involving claims related to the provision of health care items and services (other than funds awarded to a relator or for restitution).

(2) USE OF FUNDS.—

(A) IN GENERAL.—Amounts in the Anti-Fraud Account shall be available without appropriation and until expended as determined jointly by the Secretary and the Attorney General of the United States in carrying out the health care fraud and abuse control program established under subsection (a) (including the administration of the program), and may be used to cover costs incurred in operating the program, including costs (including equipment, salaries and benefits, and travel and training) of—

(i) prosecuting health care matters (through criminal, civil, and administrative proceedings);

(ii) investigations;

(iii) financial and performance audits of health care programs and operations;

(iv) inspections and other evaluations; and

(v) provider and consumer education regarding compliance with the provisions of this subtitle.

(B) FUNDS USED TO SUPPLEMENT AGENCY APPROPRIATIONS.—It is intended that disbursements made from the Anti-Fraud Account to any Federal agency be used to increase and not supplant the recipient agency's appropriated operating budget.

(3) ANNUAL REPORT.—The Secretary and the Attorney General shall submit jointly an annual report to Congress on the amount of revenue which is generated and disbursed by the Anti-Fraud Account in each fiscal year.

(4) USE OF FUNDS BY INSPECTOR GENERAL.—

(A) REIMBURSEMENTS FOR INVESTIGATIONS.—The Inspector General is authorized to receive and retain for current use reimbursement for the costs of conducting investigations, when such restitution is ordered by a court, voluntarily agreed to by the payer, or otherwise.

(B) CREDITING.—Funds received by the Inspector General as reimbursement for costs of conducting investigations shall be deposited to the credit of the appropriation from which initially paid, or to appropriations for similar purposes currently available at the time of deposit, and shall remain available for obligation for 1 year from the date of their deposit.

SEC. ___02. APPLICATION OF FEDERAL HEALTH ANTI-FRAUD AND ABUSE SANCTIONS TO ALL FRAUD AND ABUSE AGAINST ANY HEALTH PLAN.

(a) CRIMES.—

(1) SOCIAL SECURITY ACT.—Section 1128B of the Social Security Act (42 U.S.C. 1320a–7b) is amended as follows:

(A) In the heading, by adding at the end the following: "OR HEALTH PLANS".

(B) In subsection (a)(1)—

(i) by striking "title XVIII or" and inserting "title XVIII,", and

(ii) by adding at the end the following: "or a health plan (as defined in section 1128(i)),".

(C) In subsection (a)(5), by striking "title XVIII or a State health care program" and inserting "title XVIII, a State health care program, or a health plan".

(D) In the second sentence of subsection (a)—

(i) by inserting after "title XIX" the following: "or a health plan", and

(ii) by inserting after "the State" the following: "or the plan".

(E) In subsection (b)(1), by striking "title XVIII or a State health care program" each place it appears and inserting "title XVIII, a State health care program, or a health plan".

(F) In subsection (b)(2), by striking "title XVIII or a State health care program" each place it appears and inserting "title XVIII, a State health care program, or a health plan".

(G) In subsection (b)(3), by striking "title XVIII or a State health care program" each place it appears in subparagraphs (A) and (C) and inserting "title XVIII, a State health care program, or a health plan".

(H) In subsection (d)(2)—

(i) by striking "title XIX," and inserting "title XIX or under a health plan,", and

(ii) by striking "State plan," and inserting "State plan or the health plan,".

(2) IDENTIFICATION OF COMMUNITY SERVICE OPPORTUNITIES.—Section 1128B of such Act (42 U.S.C. 1320a–7b) is further amended by adding at the end the following new subsection:

"(f) The Secretary may—

"(1) in consultation with State and local health care officials, identify opportunities for the satisfaction of community service obligations that a court may impose upon the conviction of an offense under this section, and

"(2) make information concerning such opportunities available to Federal and State law enforcement officers and State and local health care officials.".

(b) HEALTH PLAN DEFINED.—Section 1128 of the Social Security Act (42 U.S.C. 1320a–7) is amended by redesignating subsection (i) as subsection (j) and by inserting after subsection (h) the following new subsection:

"(i) HEALTH PLAN DEFINED.—For purposes of sections 1128A and 1128B, the term 'health plan' means a public or private program for the delivery of or payment for health care items or services.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 1995.

SEC. ___03. HEALTH CARE FRAUD AND ABUSE GUIDANCE.

(a) SOLICITATION AND PUBLICATION OF MODIFICATIONS TO EXISTING SAFE HARBORS AND NEW SAFE HARBORS.—

(1) IN GENERAL.—

(A) SOLICITATION OF PROPOSALS FOR SAFE HARBORS.—Not later than January 1, 1995, and not less than annually thereafter, the Secretary shall publish a notice in the Federal Register soliciting proposals, which will be accepted during a 60-day period, for—

(i) modifications to existing safe harbors issued pursuant to section 14(a) of the Medicare and Medicaid Patient and Program Protection Act of 1987 (42 U.S.C. 1320a–7b note);

(ii) additional safe harbors specifying payment practices that shall not be treated as a criminal offense under section 1128B(b) of the Social Security Act the (42 U.S.C. 1320a–7b(b)) and shall not serve as the basis for an exclusion under section 1128(b)(7) of such Act (42 U.S.C. 1320a–7(b)(7));

(iii) interpretive rulings to be issued pursuant to subsection (b); and

(iv) special fraud alerts to be issued pursuant to subsection (c).

(B) PUBLICATION OF PROPOSED MODIFICATIONS AND PROPOSED ADDITIONAL STATE HARBORS.—After considering the proposals described in clauses (i) and (ii) of subparagraph (A), the Secretary, in consultation with the Attorney General, shall publish in the Federal Register proposed modifications to existing safe harbors and proposed additional safe harbors, if appropriate, with a 60-day comment period. After considering any public comments received during this period, the Secretary shall issue final rules modifying the existing safe harbors and establishing new safe harbors, as appropriate.

(C) REPORT.—The Inspector General of the Department of Health and Human Services (hereafter in this section referred to as the "Inspector General") shall, in an annual report to Congress or as part of the year-end semiannual report required by section 5 of the Inspector General Act of 1978 (5 U.S.C. App.), describe the proposals received under clauses (i) and (ii) of subparagraph (A) and explain which proposals were included in the publication described in subparagraph (B), which proposals were not included in that publication, and the reasons for the rejection of the proposals that were not included.

(2) CRITERIA FOR MODIFYING AND ESTABLISHING SAFE HARBORS.—In modifying and establishing safe harbors under paragraph (1)(B), the Secretary may consider the extent to which providing a safe harbor for the specified payment practice may result in any of the following:

(A) An increase or decrease in access to health care services.

(B) An increase or decrease in the quality of health care services.

(C) An increase or decrease in patient freedom of choice among health care providers.

(D) An increase or decrease in competition among health care providers.

(E) An increase or decrease in the ability of health care facilities to provide services in medically underserved areas or to medically underserved populations.

(F) An increase or decrease in the cost to Government health care programs.

(G) An increase or decrease in the potential overutilization of health care services.

(H) The existence or nonexistence of any potential financial benefit to a health care professional or provider which may vary based on their decisions of—

(i) whether to order a health care item or service; or

(ii) whether to arrange for a referral of health care items or services to a particular practitioner or provider.

(I) Any other factors the Secretary deems appropriate in the interest of preventing fraud and abuse in Government health care programs.

(b) INTERPRETIVE RULINGS.—

(1) IN GENERAL.—

(A) REQUEST FOR INTERPRETIVE RULING.—Any person may present, at any time, a request to the Inspector General for a statement of the Inspector General's current interpretation of the meaning of a specific aspect of the application of sections 1128A and 1128B of the Social Security Act (hereafter in this section referred to as an "interpretive ruling").

(B) ISSUANCE AND EFFECT OF INTERPRETIVE RULING.—

(i) IN GENERAL.—If appropriate, the Inspector General shall in consultation with the Attorney General, issue an interpretive ruling in response to a request described in subparagraph (A). Interpretive rulings shall not have the force of law and shall be treated as an interpretive rule within the meaning of section 553(b) of title 5, United States Code. All interpretive rulings issued pursuant to this provision shall be published in the Federal Register or otherwise made available for public inspection.

(ii) REASONS FOR DENIAL.—If the Inspector General does not issue an interpretive ruling in response to a request described in subparagraph (A), the Inspector General shall notify the requesting party of such decision and shall identify the reasons for such decision.

(2) CRITERIA FOR INTERPRETIVE RULINGS.—

(A) IN GENERAL.—In determining whether to issue an interpretive ruling under paragraph (1)(B), the Inspector General may consider—

(i) whether and to what extent the request identifies an ambiguity within the language of the statute, the existing safe harbors, or previous interpretive rulings; and

(ii) whether the subject of the requested interpretive ruling can be adequately addressed by interpretation of the language of the statute, the existing safe harbor rules, or previous interpretive rulings, or whether the request would require a substantive ruling not authorized under this subsection.

(B) NO RULINGS ON FACTUAL ISSUES.—The Inspector General shall not give an interpretive ruling on any factual issue, including the intent of the parties or the fair market value of particular leased space or equipment.

(c) SPECIAL FRAUD ALERTS.—

(1) IN GENERAL.—

(A) REQUEST FOR SPECIAL FRAUD ALERTS.—Any person may present, at any time, a request to the Inspector General for a notice which informs the public of practices which the Inspector General considers to be suspect or of particular concern under section 1128B(b) of the Social Security Act (42 U.S.C. 1320a-7b(b)) (hereafter in this subsection referred to as a "special fraud alert").

(B) ISSUANCE AND PUBLICATION OF SPECIAL FRAUD ALERTS.—Upon receipt of a request described in subparagraph (A), the Inspector General shall investigate the subject matter of the request to determine whether a special fraud alert should be issued. If appropriate, the Inspector General shall in consultation with the Attorney General, issue a special fraud alert in response to the request. All special fraud alerts issued pursuant to this subparagraph shall be published in the Federal Register.

(2) CRITERIA FOR SPECIAL FRAUD ALERTS.—In determining whether to issue a special fraud alert upon a request described in paragraph (1), the Inspector General may consider—

(A) whether and to what extent the practices that would be identified in the special fraud alert may result in any of the consequences described in subsection (a)(2); and

(B) the volume and frequency of the conduct that would be identified in the special fraud alert.

SEC. ____04. REPORTING OF FRAUDULENT ACTIONS UNDER MEDICARE.

Not later than 1 year after the date of the enactment of this Act, the Secretary shall establish a program through which individuals entitled to benefits under the medicare program may report to the Secretary on a confidential basis (at the individual's request) instances of suspected fraudulent actions arising under the program by providers of items and services under the program.

PART 2—REVISIONS TO CURRENT SANCTIONS FOR FRAUD AND ABUSE

SEC. ____11. MANDATORY EXCLUSION FROM PARTICIPATION IN MEDICARE AND STATE HEALTH CARE PROGRAMS.

(a) INDIVIDUAL CONVICTED OF FELONY RELATING TO FRAUD.—

(1) IN GENERAL.—Section 1128(a) of the Social Security Act (42 U.S.C. 1320a-7(a)) is amended by adding at the end the following new paragraph:

"(3) FELONY CONVICTION RELATING TO FRAUD.—Any individual or entity that has been convicted after the date of the enactment of the Health Reform Act, under Federal or State law, in connection with the delivery of a health care item or service or with respect to any act or omission in a program (other than those specifically described in paragraph (1)) operated by or financed in whole or in part by any Federal, State, or local government agency, of a criminal offense consisting of a felony relating to fraud, theft, embezzlement, breach of fiduciary responsibility, or other financial misconduct.".

(2) CONFORMING AMENDMENT.—Section 1128(b)(1) of such Act (42 U.S.C. 1320a-7(b)(1)) is amended—

(A) in the heading, by striking "CONVICTION" and inserting "MISDEMEANOR CONVICTION"; and

(B) by striking "criminal offense" and inserting "criminal offense consisting of a misdemeanor".

(b) INDIVIDUAL CONVICTED OF FELONY RELATING TO CONTROLLED SUBSTANCE.—

(1) IN GENERAL.—Section 1128(a) of the Social Security Act (42 U.S.C. 1320a-7(a)), as amended by subsection (a), is amended by adding at the end the following new paragraph:

"(4) FELONY CONVICTION RELATING TO CONTROLLED SUBSTANCE.—Any individual or entity that has been convicted after the date of the enactment of the Health Reform Act, under Federal or State law, of a criminal offense consisting of a felony relating to the unlawful manufacture, distribution, prescription, or dispensing of a controlled substance.".

(2) CONFORMING AMENDMENT.—Section 1128(b)(3) of such Act (42 U.S.C. 1320a-7(b)(3)) is amended—

(A) in the heading, by striking "CONVICTION" and inserting "MISDEMEANOR CONVICTION"; and

(B) by striking "criminal offense" and inserting "criminal offense consisting of a misdemeanor".

SEC. ____12. ESTABLISHMENT OF MINIMUM PERIOD OF EXCLUSION FOR CERTAIN INDIVIDUALS AND ENTITIES SUBJECT TO PERMISSIVE EXCLUSION FROM MEDICARE AND STATE HEALTH CARE PROGRAMS.

Section 1128(c)(3) of the Social Security Act (42 U.S.C. 1320a-7(c)(3)) is amended by adding at the end the following new subparagraphs:

"(D) In the case of an exclusion of an individual or entity under paragraph (1), (2), or (3) of subsection (b), the period of the exclusion shall be 3 years, unless the Secretary determines in accordance with published regulations that a shorter period is appropriate because of mitigating circumstances or that a longer period is appropriate because of aggravating circumstances.

"(E) In the case of an exclusion of an individual or entity under subsection (b)(4) or (b)(5), the period of the exclusion shall not be less than the period during which the individual's or entity's license to provide health care is revoked, suspended, or surrendered, or the individual or the entity is excluded or suspended from a Federal or State health care program.

"(F) In the case of an exclusion of an individual or entity under subsection (b)(6)(B), the period of the exclusion shall be not less than 1 year.".

SEC. ____13. PERMISSIVE EXCLUSION OF INDIVIDUALS WITH OWNERSHIP OR CONTROL INTEREST IN SANCTIONED ENTITIES.

Section 1128(b) of the Social Security Act (42 U.S.C. 1320a-7(b)) is amended by adding at the end the following new paragraph:

"(15) INDIVIDUALS CONTROLLING A SANCTIONED ENTITY.—Any individual who has a direct or indirect ownership or control interest of 5 percent or more, or an ownership or control interest (as defined in section 1124(a)(3)) in, or who is an officer, director, agent, or managing employee (as defined in section 1126(b)) of, an entity—

"(A) that has been convicted of any offense described in subsection (a) or in paragraph (1), (2), or (3) of this subsection;

"(B) against which a civil monetary penalty has been assessed under section 1128A; or

"(C) that has been excluded from participation under a program under title XVIII or under a State health care program.".

SEC. ___14. ACTIONS SUBJECT TO CRIMINAL PENALTIES.

(a) RESTRICTION ON APPLICATION OF EXCEPTION FOR AMOUNTS PAID TO EMPLOYEES.—Section 1128B(b)(3)(B) of the Social Security Act (42 U.S.C. 1320a–7b(b)(3)(B)) is amended by striking "services;" and inserting the following: "services, but only if the amount of remuneration under the arrangement is (i) consistent with fair market value; (ii) not determined in a manner that takes into account (directly or indirectly) the volume or value of any referrals of patients directly contacted by the employee to the employer for the furnishing (or arranging for the furnishing) of such items or services; and (iii) provided pursuant to an arrangement that would be commercially reasonable even if no such referrals were made;".

(b) NEW EXCEPTION FOR CAPITATED PAYMENTS.—Section 1128B(b)(3) of the Social Security Act (42 U.S.C. 1320a–7b(b)(3)) is amended—

(A) by striking "and" at the end of subparagraph (D);

(B) by striking the period at the end of subparagraph (E) and inserting a semicolon; and

(C) by adding at the end the following new subparagraphs:

"(F) any reduction in cost sharing or increased benefits given to an individual, any amounts paid to a provider for an item or service furnished to an individual, or any discount or reduction in price given by the provider for such an item or service, if the individual is enrolled with and such item or service is covered under any of the following:

"(i) A health plan which is furnishing items or services under a risk-sharing contract under section 1876 or section 1903(m).

"(ii) A health plan receiving payments on a prepaid basis, under a demonstration project under section 402(a) of the Social Security Amendments of 1967 or under section 222(a) of the Social Security Amendments of 1972;

"(G) any amounts paid to a provider for an item or service furnished to an individual or any discount or reduction in price given by the provider for such an item or service, if the individual is enrolled with and such item or service is covered under a health plan under which the provider furnishing the item or service is paid by the health plan for furnishing the item or service only on a capitated basis pursuant to a written arrangement between the plan and the provider in which the provider assumes financial risk for furnishing the item or service;

"(H) differentials in coinsurance and deductible amounts as part of a benefit plan design as long as the differentials have been disclosed in writing to all third party payors to whom claims are presented and as long as the differentials meet the standards as defined in regulations promulgated by the Secretary; and

"(I) remuneration given to individuals to promote the delivery of preventive care in compliance with regulations promulgated by the Secretary.".

SEC. ___15. SANCTIONS AGAINST PRACTITIONERS AND PERSONS FOR FAILURE TO COMPLY WITH STATUTORY OBLIGATIONS.

(a) MINIMUM PERIOD OF EXCLUSION FOR PRACTITIONERS AND PERSONS FAILING TO MEET STATUTORY OBLIGATIONS.—

(1) IN GENERAL.—The second sentence of section 1156(b)(1) of the Social Security Act (42 U.S.C. 1320c–5(b)(1)) is amended by striking "may prescribe)" and inserting "may prescribe, except that such period may not be less than 1 year)".

(2) CONFORMING AMENDMENT.—Section 1156(b)(2) of such Act (42 U.S.C. 1320c–5(b)(2)) is amended by striking "shall remain" and inserting "shall (subject to the minimum period specified in the second sentence of paragraph (1)) remain".

(b) REPEAL OF "UNWILLING OR UNABLE" CONDITION FOR IMPOSITION OF SANCTION.—Section 1156(b)(1) of the Social Security Act (42 U.S.C. 1320c–5(b)(1)) is amended—

(1) in the second sentence, by striking "and determines" and all that follows through "such obligations,"; and

(2) by striking the third sentence.

SEC. ___16. INTERMEDIATE SANCTIONS FOR MEDICARE HEALTH MAINTENANCE ORGANIZATIONS.

(a) APPLICATION OF INTERMEDIATE SANCTIONS FOR ANY PROGRAM VIOLATIONS.—

(1) IN GENERAL.—Section 1876(i)(1) of the Social Security Act (42 U.S.C. 1395mm(i)(1)) is amended by striking "the Secretary may terminate" and all that follows and inserting the following: "in accordance with procedures established under paragraph (9), the Secretary may at any time terminate any such contract or may impose the intermediate sanctions described in paragraph (6)(B) or (6)(C) (whichever is applicable) on the eligible organization if the Secretary determines that the organization—

"(A) has failed substantially to carry out the contract;

"(B) is carrying out the contract in a manner inconsistent with the efficient and effective administration of this section; or

"(C) no longer substantially meets the applicable conditions of subsections (b), (c), (e), and (f).".

(2) OTHER INTERMEDIATE SANCTIONS FOR MISCELLANEOUS PROGRAM VIOLATIONS.—Section 1876(i)(6) of such Act (42 U.S.C. 1395mm(i)(6)) is amended by adding at the end the following new subparagraph:

"(C) In the case of an eligible organization for which the Secretary makes a determination under paragraph (1) the basis of which is not described in subparagraph (A), the Secretary may apply the following intermediate sanctions:

"(i) Civil money penalties of not more than $25,000 for each determination under paragraph (1) if the deficiency that is the basis of the determination has directly adversely affected (or has the substantial likelihood of adversely affecting) an individual covered under the organization's contract.

"(ii) Civil money penalties of not more than $10,000 for each week beginning after the initiation of procedures by the Secretary under paragraph (9) during which the deficiency that is the basis of a determination under paragraph (1) exists.

"(iii) Suspension of enrollment of individuals under this section after the date the Secretary notifies the organization of a determination under paragraph (1) and until the Secretary is satisfied that the deficiency that is the basis for the determination has been corrected and is not likely to recur.".

(3) PROCEDURES FOR IMPOSING SANCTIONS.—Section 1876(i) of such Act (42 U.S.C. 1395mm(i)) is amended by adding at the end the following new paragraph:

"(9) The Secretary may terminate a contract with an eligible organization under this section or may impose the intermediate sanctions described in paragraph (6) on the organization in accordance with formal investigation and compliance procedures established by the Secretary under which—

"(A) the Secretary provides the organization with the opportunity to develop and implement a corrective action plan to correct the deficiencies that were the basis of the Secretary's determination under paragraph (1);

"(B) in deciding whether to impose sanctions, the Secretary considers aggravating factors such as whether an entity has a history of deficiencies or has not taken action to correct deficiencies the Secretary has brought to their attention;

"(C) there are no unreasonable or unnecessary delays between the finding of a deficiency and the imposition of sanctions; and

"(D) the Secretary provides the organization with reasonable notice and opportunity for hearing (including the right to appeal an initial decision) before imposing any sanction or terminating the contract.".

(4) CONFORMING AMENDMENTS.—Section 1876(i)(6)(B) of such Act (42 U.S.C. 1395mm(i)(6)(B)) is amended by striking the second sentence.

(b) AGREEMENTS WITH PEER REVIEW ORGANIZATIONS.—

(1) REQUIREMENT FOR WRITTEN AGREEMENT.—Section 1876(i)(7)(A) of the Social Security Act (42 U.S.C. 1395mm(i)(7)(A)) is amended by striking "an agreement" and inserting "a written agreement".

(2) DEVELOPMENT OF MODEL AGREEMENT.—Not later than July 1, 1995, the Secretary shall develop a model of the agreement that an eligible organization with a risk-sharing contract under section 1876 of the Social Security Act must enter into with an entity providing peer review services with respect to services provided by the organization under section 1876(i)(7)(A) of such Act.

(3) REPORT BY GAO.—

(A) STUDY.—The Comptroller General of the United States shall conduct a study of the costs incurred by eligible organizations with risk-sharing contracts under section 1876(b) of such Act of complying with the requirement of entering into a written agreement with an entity providing peer review services with respect to services provided by the organization, together with an analysis of how information generated by such entities is used by the Secretary to assess the quality of services provided by such eligible organizations.

(B) REPORT TO CONGRESS.—Not later than July 1, 1997, the Comptroller General shall submit a report to the Committee on Ways and Means and the Committee on Energy and Commerce of the House of Representatives and the Committee on Finance and the Special Committee on Aging of the Senate on the study conducted under subparagraph (A).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to contract years beginning on or after January 1, 1995.

SEC. ___17. EFFECTIVE DATE.

The amendments made by this part shall take effect January 1, 1995.

PART 3—ADMINISTRATIVE AND MISCELLANEOUS PROVISIONS

SEC. ___21. ESTABLISHMENT OF THE HEALTH CARE FRAUD AND ABUSE DATA COLLECTION PROGRAM.

(a) GENERAL PURPOSE.—Not later than January 1, 1995, the Secretary shall establish a national health care fraud and abuse data collection program for the reporting of final adverse actions (not including settlements in which no findings of liability have been made) against health care providers, suppliers, or practitioners as required by subsection (b), with access as set forth in subsection (c).

(b) REPORTING OF INFORMATION.—

(1) IN GENERAL.—Each government agency and health plan shall report any final adverse action (not including settlements in which no findings of liability have been made) taken against a health care provider, supplier, or practitioner.

(2) INFORMATION TO BE REPORTED.—The information to be reported under paragraph (1) includes:

(A) The name of any health care provider, supplier, or practitioner who is the subject of a final adverse action.

(B) The name (if known) of any health care entity with which a health care provider, supplier, or practitioner is affiliated or associated.

(C) The nature of the final adverse action.

(D) A description of the acts or omissions and injuries upon which the final adverse action was based, and such other information as the Secretary determines by regulation is required for appropriate interpretation of information reported under this section.

(3) CONFIDENTIALITY.—In determining what information is required, the Secretary shall include procedures to assure that the privacy of individuals receiving health care services is appropriately protected.

(4) TIMING AND FORM OF REPORTING.—The information required to be reported under this subsection shall be reported regularly (but not less often than monthly) and in such form and manner as the Secretary prescribes. Such information shall first be required to be reported on a date specified by the Secretary.

(5) TO WHOM REPORTED.—The information required to be reported under this subsection shall be reported to the Secretary.

(c) DISCLOSURE AND CORRECTION OF INFORMATION.—

(1) DISCLOSURE.—With respect to the information about final adverse actions (not including settlements in which no findings of liability have been made) reported to the Secretary under this section respecting a health care provider, supplier, or practitioner, the Secretary shall, by regulation, provide for—

(A) disclosure of the information, upon request, to the health care provider, supplier, or licensed practitioner, and

(B) procedures in the case of disputed accuracy of the information.

(2) CORRECTIONS.—Each Government agency and health plan shall report corrections of information already reported about any final adverse action taken against a health care provider, supplier, or practitioner, in such form and manner that the Secretary prescribes by regulation.

(d) ACCESS TO REPORTED INFORMATION.—

(1) AVAILABILITY.—The information in this database shall be available to Federal and State government agencies and health plans pursuant to procedures that the Secretary shall provide by regulation.

(2) FEES FOR DISCLOSURE.—The Secretary may establish or approve reasonable fees for the disclosure of information in this database. The amount of such a fee may not exceed the costs of processing the requests for disclosure and of providing such information. Such fees shall be available to the Secretary or, in the Secretary's discretion to the agency designated under this section to cover such costs.

(e) PROTECTION FROM LIABILITY FOR REPORTING.—No person or entity, including the agency designated by the Secretary in subsection (b)(5) shall be held liable in any civil action with respect to any report made as required by this section, without knowledge of the falsity of the information contained in the report.

(f) DEFINITIONS AND SPECIAL RULES.—For purposes of this section:

(1) The term "final adverse action" includes:

(A) Civil judgments against a health care provider in Federal or State court related to the delivery of a health care item or service.

(B) Federal or State criminal convictions related to the delivery of a health care item or service.

(C) Actions by Federal or State agencies responsible for the licensing and certification of health care providers, suppliers, and licensed health care practitioners, including—

(i) formal or official actions, such as revocation or suspension of a license (and the length of any such suspension), reprimand, censure or probation,

(ii) any other loss of license of the provider, supplier, or practitioner, by operation of law, or

(iii) any other negative action or finding by such Federal or State agency that is publicly available information.

(D) Exclusion from participation in Federal or State health care programs.

(E) Any other adjudicated actions or decisions that the Secretary shall establish by regulation.

(2) The terms "licensed health care practitioner", "licensed practitioner", and "practitioner" mean, with respect to a State, an individual who is licensed or otherwise authorized by the State to provide health care services (or any individual who, without authority holds himself or herself out to be so licensed or authorized).

(3) The term "health care provider" means a provider of services as defined in section 1861(u) of the Social Security Act, and any entity, including a health maintenance organization, group medical practice, or any other entity listed by the Secretary in regulation, that provides health care services.

(4) The term "supplier" means a supplier of health care items and services described in section 1819(a) and (b), and section 1861 of the Social Security Act.

(5) The term "Government agency" shall include:

(A) The Department of Justice.

(B) The Department of Health and Human Services.

(C) Any other Federal agency that either administers or provides payment for the delivery of health care services, including, but not limited to the Department of Defense and the Veterans' Administration.

(D) State law enforcement agencies.

(E) State medicaid fraud and abuse units.

(F) Federal or State agencies responsible for the licensing and certification of health care providers and licensed health care practitioners.

(6) The term "health plan" has the meaning given to such term by section 1128(i) of the Social Security Act.

(7) For purposes of paragraph (2), the existence of a conviction shall be determined under paragraph (4) of section 1128(j) of the Social Security Act.

(g) CONFORMING AMENDMENT.—Section 1921(d) of the Social Security Act is amended by inserting "and section ___21 of subtitle ___ of the Labor, HHS, and Education Act of 1985" after "section 422 of the Health Care Quality Improvement Act of 1986".

PART 4—CIVIL MONETARY PENALTIES

SEC. ___31. CIVIL MONETARY PENALTIES.

(a) GENERAL CIVIL MONETARY PENALTIES.—Section 1128A of the Social Security Act (42 U.S.C. 1320a–7a) is amended as follows:

(1) In subsection (a)(1), by inserting "or of any health plan (as defined in section 1128(i))," after "subsection (i)(1)),".

(2) In subsection (b)(1)(A), by inserting "or under a health plan" after "title XIX".

(3) In subsection (f)—

(A) by redesignating paragraph (3) as paragraph (4); and

(B) by inserting after paragraph (2) the following new paragraphs:

"(3) With respect to amounts recovered arising out of a claim under a health plan, the portion of such amounts as is determined to have been paid by the plan shall be repaid to the plan, and the portion of such amounts attributable to the amounts recovered under this section by reason of the amendments made by Subtitle ___ of the Labor, HHS, and Education Act of 1985 (as estimated by the Secretary) shall be deposited into the Health Care Fraud and Abuse Control Account established under section ___01(b) of such Act.".

(4) In subsection (i)—

(A) in paragraph (2), by inserting "or under a health plan" before the period at the end, and

(B) in paragraph (5), by inserting "or under a health plan" after "or XX".

(b) PROHIBITION AGAINST OFFERING INDUCEMENTS TO INDIVIDUALS ENROLLED UNDER PROGRAMS OR PLANS.—

(1) OFFER OF REMUNERATION.—Section 1128A(a) of the Social Security Act (42 U.S.C. 1320a–7a(a)) is amended—

(A) by striking "or" at the end of paragraph (1)(D);

(B) by striking ", or" at the end of paragraph (2) and inserting a semicolon;

(C) by striking the semicolon at the end of paragraph (3) and inserting "; or"; and

(D) by inserting after paragraph (3) the following new paragraph:

"(4) offers to or transfers remuneration to any individual eligible for benefits under title XVIII of this Act, or under a State health care program (as defined in section 1128(h)) that such person knows or should know is likely to influence such individual to order or receive from a particular provider, practitioner, or supplier any item or service for which payment may be made, in whole or in part, under title XVIII, or a State health care program;".

(2) REMUNERATION DEFINED.—Section 1128A(i) of such Act (42 U.S.C. 1320a–7a(i)) is amended by adding the following new paragraph:

"(6) The term 'remuneration' includes the waiver of coinsurance and deductible amounts (or any part thereof), and transfers of items or services for free or for other than fair market value. The term 'remuneration' does not include—

"(A) the waiver of coinsurance and deductible amounts by a person, if—

"(i) the waiver is not offered as part of any advertisement or solicitation;

"(ii) the person does not routinely waive coinsurance or deductible amounts; and

"(iii) the person—

"(I) waives the coinsurance and deductible amounts after determining in good faith that the individual is in financial need;

"(II) fails to collect coinsurance or deductible amounts after making reasonable collection efforts; or

"(III) provides for any permissible waiver as specified in section 1128B(b)(3) or in regulations issued by the Secretary;

"(B) differentials in coinsurance and deductible amounts as part of a benefit plan design as long as the differentials have been disclosed in writing to all third party payors to whom claims are presented and as long as the differentials meet the standards as defined in regulations promulgated by the Secretary; or

"(C) incentives given to individuals to promote the delivery of preventive care as determined by the Secretary in regulations.".

(c) EXCLUDED INDIVIDUAL RETAINING OWNERSHIP OR CONTROL INTEREST IN PARTICIPATING ENTITY.—Section 1128A(a) of the Social Security Act (42 U.S.C. 1320a-7a(a)), as amended by subsection (b), is further amended—

(1) by striking "or" at the end of paragraph (3);

(2) by striking the semicolon at the end of paragraph (4) and inserting "; or"; and

(3) by inserting after paragraph (4) the following new paragraph:

"(5) in the case of a person who is not an organization, agency, or other entity, is excluded from participating in a program under title XVIII or a State health care program in accordance with this subsection or under section 1128 and who, at the time of a violation of this subsection, retains a direct or indirect ownership or control interest of 5 percent or more, or an ownership or control interest (as defined in section 1124(a)(3)) in, or who is an officer, director, agent, or managing employee (as defined in section 1126(b)) of, an entity that is participating in a program under title XVIII or a State health care program;".

(d) MODIFICATIONS OF AMOUNTS OF PENALTIES AND ASSESSMENTS.—Section 1128A(a) of the Social Security Act (42 U.S.C. 1320a-7a(a)), as amended by subsections (b) and (c), is amended in the matter following paragraph (6)—

(1) by striking "$2,000" and inserting "$10,000";

(2) by inserting "; in cases under paragraph (4), $10,000 for each such offer or transfer; in cases under paragraph (5), $10,000 for each day the prohibited relationship occurs; in cases under paragraph (6) or (7), $10,000 per violation" after "false or misleading information was given";

(3) by striking "twice the amount" and inserting "3 times the amount"; and

(4) by inserting "(or, in cases under paragraph (4), 3 times the amount of the illegal remuneration)" after "for each such item or service".

(e) CLAIM FOR ITEM OR SERVICE BASED ON INCORRECT CODING OR MEDICALLY UNNECESSARY SERVICES.—Section 1128A(a)(1) of the Social Security Act (42 U.S.C. 1320a-7a(a)(1)) is amended—

(1) in subparagraph (A) by striking "claimed," and inserting the following: "claimed, including any person who repeatedly presents or causes to be presented a claim for an item or service that is based on a code that the person knows or should know will result in a greater payment to the person than the code the person knows or should know is applicable to the item or service actually provided,";

(2) in subparagraph (C), by striking "or" at the end;

(3) in subparagraph (D), by striking "; or" and inserting ", or"; and

(4) by inserting after subparagraph (D) the following new subparagraph:

"(E) is for a medical or other item or service that a person repeatedly knows or should know is not medically necessary; or".

(f) PERMITTING SECRETARY TO IMPOSE CIVIL MONETARY PENALTY.—Section 1128A(b) of the Social Security Act (42 U.S.C. 1320a-7a(a)) is amended by adding the following new paragraph:

"(3) Any person (including any organization, agency, or other entity, but excluding a beneficiary as defined in subsection (i)(5)) who the Secretary determines has violated section 1128B(b) of this title shall be subject to a civil monetary penalty of not more than $10,000 for each such violation. In addition, such person shall be subject to an assessment of not more than twice the total amount of the remuneration offered, paid, solicited, or received in violation of section 1128B(b). The total amount of remuneration subject to an assessment shall be calculated without regard to whether some portion thereof also may have been intended to serve a purpose other than one proscribed by section 1128B(b).".

(g) SANCTIONS AGAINST PRACTITIONERS AND PERSONS FOR FAILURE TO COMPLY WITH STATUTORY OBLIGATIONS.—Section 1156(b)(3) of the Social Security Act (42 U.S.C. 1320c-5(b)(3)) is amended by striking "the actual or estimated cost" and inserting the following: "up to $10,000 for each instance".

(h) PROCEDURAL PROVISIONS.—Section 1876(i)(6) of such Act (42 U.S.C. 1395mm(i)(6)) is further amended by adding at the end the following new subparagraph:

"(D) The provisions of section 1128A (other than subsections (a) and (b)) shall apply to a civil money penalty under subparagraph (A) or (B) in the same manner as they apply to a civil money penalty or proceeding under section 1128A(a).".

(i) EFFECTIVE DATE.—The amendments made by this section shall take effect January 1, 1995.

PART 5—AMENDMENTS TO CRIMINAL LAW

SEC. ___41. HEALTH CARE FRAUD.

(a) IN GENERAL.—

(1) FINES AND IMPRISONMENT FOR HEALTH CARE FRAUD VIOLATIONS.—Chapter 63 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 1347. Health care fraud

"(a) Whoever knowingly executes, or attempts to execute, a scheme or artifice—

"(1) to defraud any health plan or other person, in connection with the delivery of or payment for health care benefits, items, or services; or

"(2) to obtain, by means of false or fraudulent pretenses, representations, or promises, any of the money or property owned by, or under the custody or control of, any health plan, or person in connection with the delivery of or payment for health care benefits, items, or services;

shall be fined under this title or imprisoned not more than 10 years, or both. If the violation results in serious bodily injury (as defined in section 1365(g)(3) of this title), such person shall be imprisoned for any term of years.

"(b) For purposes of this section, the term 'health plan' has the same meaning given such term in section 1128(i) of the Social Security Act.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 63 of title 18, United States Code, is amended by adding at the end the following:

"1347. Health care fraud.".

(b) CRIMINAL FINES DEPOSITED IN THE HEALTH CARE FRAUD AND ABUSE CONTROL ACCOUNT.—The Secretary of the Treasury shall deposit into the Health Care Fraud and Abuse Control Account established under section ____01(b) an amount equal to the criminal fines imposed under section 1347 of title 18, United States Code (relating to health care fraud).

SEC. ___42. FORFEITURES FOR FEDERAL HEALTH CARE OFFENSES.

(a) IN GENERAL.—Section 982(a) of title 18, United States Code, is amended by adding after paragraph (5) the following new paragraph:

"(6)(A) The court, in imposing sentence on a person convicted of a Federal health care offense, shall order the person to forfeit property, real or personal, that—

"(i) is used in the commission of the offense if the offense results in a financial loss or gain of $50,000 or more; or

"(ii) constitutes or is derived from proceeds traceable to the commission of the offense.

"(B) For purposes of this paragraph, the term 'Federal health care offense' means a violation of, or a criminal conspiracy to violate—

"(i) section 1347 of this title;

"(ii) section 1128B of the Social Security Act;

"(iii) sections 287, 371, 664, 666, 1001, 1027, 1341, 1343, or 1954 of this title if the violation or conspiracy relates to health care fraud; and

"(iv) section 501 or 511 of the Employee Retirement Income Security Act of 1974, if the violation or conspiracy relates to health care fraud.".

(b) PROPERTY FORFEITED DEPOSITED IN HEALTH CARE FRAUD AND ABUSE CONTROL ACCOUNT.—The Secretary of the Treasury shall deposit into the Health Care Fraud and Abuse Control Account established under section ____01(b) an amount equal to amounts resulting from forfeiture of property by reason of a Federal health care offense pursuant to section 982(a)(6) of title 18, United States Code.

SEC. ___43. INJUNCTIVE RELIEF RELATING TO FEDERAL HEALTH CARE OFFENSES.

Section 1345(a)(1) of title 18, United States Code, is amended—

(1) by striking "or" at the end of subparagraph (A);

(2) by inserting "or" at the end of subparagraph (B); and

(3) by adding at the end the following:

"(C) committing or about to commit a Federal health care offense (as defined in section 982(a)(6)(B) of this title);".

PART 6—PAYMENTS FOR STATE HEALTH CARE FRAUD CONTROL UNITS

SEC. ___51. ESTABLISHMENT OF STATE FRAUD UNITS.

(a) ESTABLISHMENT OF HEALTH CARE FRAUD AND ABUSE CONTROL UNIT.—The Governor of each State shall, consistent with State law, establish and maintain in accordance with subsection (b) a State agency to act as a Health Care Fraud and Abuse Control Unit for purposes of this part.

(b) DEFINITION.—In this section, a "State Fraud Unit" means a Health Care Fraud and Abuse Control Unit designated under subsection (a) that the Secretary certifies meets the requirements of this part.

SEC. ___52. REQUIREMENTS FOR STATE FRAUD UNITS.

(a) IN GENERAL.—The State Fraud Unit must—

(1) be a single identifiable entity of the State government;

(2) be separate and distinct from any State agency with principal responsibility for the administration of any Federally-funded or mandated health care program;

(3) meet the other requirements of this section.

(b) SPECIFIC REQUIREMENTS DESCRIBED.—The State Fraud Unit shall—

(1) be a Unit of the office of the State Attorney General or of another department of State government which possesses statewide authority to prosecute individuals for criminal violations;

(2) if it is in a State the constitution of which does not provide for the criminal prosecution of individuals by a statewide authority and has formal procedures, (A) assure its referral of suspected criminal violations to the appropriate authority or authorities in the State for prosecution, and (B) assure its assistance of, and coordination with, such authority or authorities in such prosecutions; or

(3) have a formal working relationship with the office of the State Attorney General or the appropriate authority or authorities for prosecution and have formal procedures (including procedures for its referral of suspected criminal violations to such office) which provide effective coordination of activities between the Fraud Unit and such office with respect to the detection, investigation, and prosecution of suspected criminal violations relating to any Federally-funded or mandated health care programs.

(c) STAFFING REQUIREMENTS.—The State Fraud Unit shall—

(1) employ attorneys, auditors, investigators and other necessary personnel; and

(2) be organized in such a manner and provide sufficient resources as is necessary to promote the effective and efficient conduct of State Fraud Unit activities.

(d) COOPERATIVE AGREEMENTS; MEMORANDA OF UNDERSTANDING.—The State Fraud Unit shall have cooperative agreements with—

(1) Federally-funded or mandated health care programs;

(2) similar Fraud Units in other States, as exemplified through membership and participation in the National Association of Medicaid Fraud Control Units or its successor; and

(3) the Secretary.

(e) REPORTS.—The State Fraud Unit shall submit to the Secretary an application and an annual report containing such information as the Secretary determines to be necessary to determine whether the State Fraud Unit meets the requirements of this section.

(f) FUNDING SOURCE; PARTICIPATION IN ALL-PAYER PROGRAM.—In addition to those sums expended by a State under section ___54(a) for purposes of determining the amount of the Secretary's payments, a State Fraud Unit may receive funding for its activities from other sources, the identity of which shall be reported to the Secretary in its application or annual report. The State Fraud Unit shall participate in the all-payer fraud and abuse control program established under section ___01.

SEC. ___53. SCOPE AND PURPOSE.

The State Fraud Unit shall carry out the following activities:

(1) The State Fraud Unit shall conduct a statewide program for the investigation and prosecution (or referring for prosecution) of violations of all applicable state laws regarding any and all aspects of fraud in connection with any aspect of the administration and provision of health care services and activities of providers of such services under any Federally-funded or mandated health care programs;

(2) The State Fraud Unit shall have procedures for reviewing complaints of the abuse or neglect of patients of facilities (including patients in residential facilities and home health care programs) that receive payments under any Federally-funded or mandated health care programs, and, where appropriate, to investigate and prosecute such complaints under the criminal laws of the State or for referring the complaints to other State agencies for action.

(3) The State Fraud Unit shall provide for the collection, or referral for collection to the appropriate agency, of overpayments that are made under any Federally-funded or mandated health care program and that are discovered by the State Fraud Unit in carrying out its activities.

SEC. ___54. PAYMENTS TO STATES.

(a) MATCHING PAYMENTS TO STATES.—Subject to subsection (c), for each year for which a State has a State Fraud Unit approved under section ___52(b) in operation the Secretary shall provide for a payment to the State for each quarter in a fiscal year in an amount equal to the applicable percentage of the sums expended during the quarter by the State Fraud Unit.

(b) APPLICABLE PERCENTAGE DEFINED.—

(1) IN GENERAL.—In subsection (a), the "applicable percentage" with respect to a State for a fiscal year is—

(A) 90 percent, for quarters occurring during the first 3 years for which the State Fraud Unit is in operation; or

(B) 75 percent, for any other quarters.

(2) TREATMENT OF STATES WITH MEDICAID FRAUD CONTROL UNITS.—In the case of a State with a State medicaid fraud control in operation prior to or as of the date of the enactment of this Act, in determining the number of years for which the State Fraud Unit under this part has been in operation, there shall be included the number of years for which such State medicaid fraud control unit was in operation.

(c) LIMIT ON PAYMENT.—Notwithstanding subsection (a), the total amount of payments made to a State under this section for a fiscal year may not exceed the amounts as authorized pursuant to section 1903(b)(3) * * *

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 9:30 a.m. on Tuesday, September 27, 1994, in executive session, to consider certain pending military nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be authorized to meet during the session of the Senate on Tuesday, September 27, 1994, beginning at 9:30 a.m., to conduct a business meeting to consider various agenda items.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be authorized to meet during the session of the Senate on Tuesday, September 27, 1994, beginning at 10 a.m., to hear:

Frederic J. Hansen, to be nominated by the President to be Deputy Administrator of the Environment Protection Agency;

Kenneth Burton, David Michael Rappoport, and Anne J. Udall, Nominated by the President to be members of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation;

Paul L. Hill, nominated by the President to be Chairperson and Member of the Chemical Safety and Hazard Investigation Board; and

Devra Lee Davis and Gerald V. Poje, nominated by the President to be Members of the Chemical Safety and Hazard Investigation Board

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Tuesday, September 27, 1994, at 9:30 a.m. to hold nomination hearings on the following Ambassadorial appointments:

Mr. Robert E. Service, of California, to be Ambassador to the Republic of Paraguay.

Mr. Peter Jon de Vos, of Florida, to be Ambassador to the Republic of Costa Rica.

Mr. Jerome G. Cooper, of Alabama, to be Ambassador to Jamaica.

Mr. Gabriel Guerra-Mondragon, of the District of Columbia, to be Ambassador to the Republic of Chile.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Tuesday, September 27, at 10 a.m. to hold a hearing on the convention on the elimination of all forms of discrimination against women—EX. R, 96–2.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. METZENBAUM. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee for authority to meet on Tuesday, September 27, at 9:30 a.m. for a nomination hearing on Alice Rivlin to be Director, Office of Management and Budget.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITEE ON EAST ASIAN AND PACIFIC AFFAIRS

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the Subcommittee on East Asian and Pacific Affairs of the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Tuesday, September 27, 1994, at 3 p.m. to hold a hearing on review of United States policy toward Taiwan.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

NATIONAL HEAD INJURY FOUNDATION

• Mr. HARKIN. Mr. President, on June 24, 1994, my friend Tony Coelho, the Chair of the President's Committee on Employment of People With Disabilities, gave a powerful speech before the National Head Injury Foundation.

With respect to health care reform, Tony stated that six simple words sum up what is needed to achieve real health care reform: "no exceptions, no cancellations, and no conditions." I agree.

I also agree with Tony's position about the implementation of the Americans With Disabilities Act: "no excuses. Compliance is not optional. It is the law of the land and its observance is required."

I ask that Tony Coelho's speech be printed in the RECORD.

The statement follows:

SPEECH OF TONY COELHO, CHAIRMAN, PRESIDENT'S COMMITTEE ON EMPLOYMENT OF PEOPLE WITH DISABILITIES

Thanks for your generous introduction.

Like most speakers, I try before giving a talk to size up the audience and target my remarks to its interests. But sometimes it's hard to tell if you've succeeded.

After addressing one group recently, for example, a woman congratulated me by saying that my remarks were "truly superfluous."

She then urged me to have them published. "Posthumously?" I asked. "The sooner the better!" She exclaimed with enthusiasm.

While I am no longer a Member of Congress I have not lost my enthusiasm for advocating on behalf of people with disabilities, and I am proud to be here as the new chairman of the President's Committee on Employment of People With Disabilities.

When the White House asked me how I could best serve the President and the administration I didn't have to give it a second thought.

I immediately responded that it would be as chairman of the President's committee—a position that would allow me to continue to fight for independence and equality for people with disabilities.

As a person with epilepsy—the result of a head injury—I have felt the sting of discrimination, I know what it is like to be patronized and ostracized. I didn't like it when it happened to me, and I don't want it to happen to anyone else, not ever again!

That's why this is more than just a job to me—it is the continuation of a calling that has become my personal ministry.

I didn't take the job to be a figurehead. I mean to get results and the President's committee offered the best vehicle for achieving what I want to see happen.

Thanks to Justin Dart, the committee has achieved a high level of visibility and respectability in the disability community. We are now ready to move to another level of accomplishment.

We are reviewing our programs, and reassessing our activities to assure that we produce measurable results and make real progress in halting discrimination against people with disabilities wherever it occurs.

In business we have a bottom line, and I intend as chairman to make the President's committee more accountable and more results oriented.

My agenda as chairman is based on the priorities identified by you and other disability leaders during "Operation People First"—the series of 60 statewide teleconferences conducted by the President's committee last year.

This dialog, as you know, resulted in a report to the President and Congress calling for a comprehensive national disability policy.

The issues of primary importance noted in the report are: Health care reform; ADA implementation; parity for mental health; employment; and long term care.

Before touching on some of these issues I want to say something about the power of advocacy from the perspective of someone who served 10 years in Congress and knows how the system works.

Advocacy is, above all, a personal matter, not something to be left to surrogates.

The most effective advocates are those who can "walk the walk and talk the talk." They have credibility and access and get attention and empathy for their cause because they tell it like it is. They've been there. They've lived it.

Their cause is not an abstraction, it is a passion.

Their personal experiences do more to help members visualize the problem than a bushel of statistics.

Not that statistics aren't needed to help size the scope of the problem. But numbers alone never tell the real story. National statistics are simply the accumulation of thousands of personal stories.

But people don't die and suffer by the thousands. They die and suffer one by one.

Personal anecdotes that touch the heart or prick the conscience are the ones that get the most action.

You can't buy the kind of commitment and dedication you get free from advocates.

Professional lobbyists can't provide it because they haven't walked in your shoes.

No lobbyist I've ever met—and I've known a few good ones—can make the case for insurance reform with the same dramatic impact of a distraught mother whose child has been refused coverage because the only treatment available is "experimental."

No lobbyist can express the rage and frustration of someone who has recovered from months in a coma only to find he cannot get the therapy he needs.

That's why it's so important that advocacy efforts be consumer driven and consumer directed, and that people with disabilities learn to speak for themselves.

There's an old Portuguese sailor's proverb that says: "In a storm, pray to God, but row to shore."

The message is clear: God helps those who help themselves. We can't rely on others to row the boat for us.

And we shouldn't ask others to represent us.

For the same reason that blacks run organizations representing African Americans and women run organizations dealing with women's issues, people with disabilities should run their own organizations.

We don't have to look outside ourselves for the talent and ability we need.

Forgive me for belaboring the point, but I think it's an important one and I feel the need to express it strong. The focus of your conference is not surprisingly, the issue of health care reform. I say not surprisingly because it clearly ranks as the most important priority of the disability community, and rightly so.

In terms of quality we have the world's best health care system. In terms of access, it may be the world's worst for people with disabilities, especially for people with head injuries who are so often denied coverage for the medical care and treatment needed to restore their skills, maximize their strengths, and compensate for weaknesses.

As you all know from news reports, President Clinton's health care reform plan is coming under heavy fire from special interests, and there is more and more talk in the air about "compromise". This is all the more reason to turn up our advocacy efforts another notch, to row as hard as we can, and, please, don't think you as an individual can't make a difference. You can!

Members of Congress pay close attention to what their constituents have to say. It doesn't take 700 letters or even 70 to get your representative's attention. Just seven healthfelt, handwritten letters on a subject from the folks back home is enough to get a Member to assign someone on staff to look into it and give him a report.

Health care reform is too complicated for me to deal with in much detail here, but what we want is not complicated at all. The message we need to deliver can be stated simply and directly without getting bogged down in details.

Six simple words sum up what is needed to achieve real reform: No exceptions; no cancellations; no conditions.

By definition, universal health care coverage must include everyone, and that includes parity for people with psychiatric problems. No legislation that leaves out 40 million Americans deserves to be called universal. We can't cut out nearly one sixth of the population and pretend to call it universal.

We can't ignore these 40 million Americans and we won't abandon them. If we allow them to be forgotten in the fight for health reform, we will have bought benefits for ourselves at the price of our pride and the sacrifice of our principles. We can't do that and we won't.

ADA implementation is our other top priority. Our position on this is even easier to summarize. It is: "No excuses." Compliance is not optional. It is the law of the land and it's observance is required.

I said "required," not requested." We won't back down and we won't debate. We rejected excuses in other civil rights struggles and we reject them now. Civil rights are not negotiable.

President Clinton is fully behind strict enforcement of ADA. He gave me his personal assurance of this when he asked me to chair the President's committee.

His support counts for a great deal in our fight for equality because our struggle has moved from the legislative arena to a new battleground—one where we hold the moral high ground.

Discrimination is an evil that has no place in America. It is morally unacceptable and personally reprehensible to most Americans. As chairman of the President's Committee on Employment of People with Disabilities, eliminating job discrimination is of special concern to me.

Millions of Americans with disabilities don't have a job and dim prospects for gainful employment. Although we represent nearly 20 percent of the population, we account for only 4.3 percent of the national workforce.

The overall unemployment rate for people with disabilities is nearly 24 percent, close to four times the national average. And it's worse, much worse, for people with severe disabilities. Nearly three-fourths are without jobs and unable to support themselves. We've got to fix that.

I personally believe that we can look forward to a big improvement in employment figures if we capitalize on the technological revolution.

I don't think we yet fully appreciate or understand the enormous influence the information superhighway will have on our everyday lives and what a great liberating factor it can be for all people with disabilities.

If we are ready to take advantage of new technology and put it to work for us, it will open doors and avenues to progress never before dreamed of by people with disabilities. If we don't, we'll be stuck on the road to nowhere and will have missed one of the greatest opportunities ever for increased independence.

One final thought I want to leave with you is this: Congress can pass laws till the cows come home, but what brings about real change is change in the mind and hearts of people. Legislation that captures the spirit of the times creates a tailwind that can bring about desired change faster than would otherwise be possible. It defines public policy, but it does not assure public acceptance.

We now have the law on our side. But to gain full compliance with ADA we need to get the public on our side and build broad-based support for the underlying principles of ADA. Not just because the law says so, but because it is the right thing to do.

Not just because you can be fined or sued for noncompliance, but because discrimination is not decent and it is un-American.

In its largest sense, our fight against discrimination is a plebiscite about who we are and what kind of a country we want to be.

It is more than a fight for the rights of people with disabilities. It is a struggle for the soul of America and the rights of all Americans. To energize America and remain true to our principles, we need to employ to the fullest the ability of all our citizens.

Finding work for those who want it, and providing care for those who need it, is a large agenda. But like our forefathers, we have a profound responsibility to turn a vision of equality and independence into reality for present and future generations of people with disabilities—a responsibility to make good on the American claim of liberty and justice for all.•

REPUBLIC OF CHINA

• Mr. KEMPTHORNE. Mr. President, on the eve of the Republic of China's National Day, I want to offer President Lee Teng-hui, Vice President Li Yuanzu, Foreign Minister Frederick Chien, and the people of Taiwan, my congratulations and best wishes for the future. In addition, I want to wish the leaders of the Republic of China all of the best in their campaign to reenter the United Nations.

The exclusion of the Republic of China from the United Nations represents one of the anomalies of today's world. Although the Republic of China was a founding member of the United Nations, today it is denied membership in that world body. Throughout the 1950's and 1960's, the Republic of China on Taiwan adhered to all of the U.N. obligations and duties. Unfortunately, in 1971 the Republic of Taiwan was forced to withdraw from the United Nations and Communist China took the ROC's seat.

As a result of the United Nations' policy, the people of Taiwan are not represented at the United Nations. This is a clear violation of the United Nations principle of universal representation. It is a shame to keep the Republic of China out of the United Nations. The 21 million people of Taiwan are well educated, hard working, and prosperous. The Republic of China is ready to play an active and positive role at the United Nations but that help and support is rejected by the United Nations. That is a mistake and it is wrong.

Over the last 23 years, Mainland China has never had any jurisdiction over Taiwan. Indeed, Mainland China has never represented the 21 million people in the Republic of China on Taiwan.

Mr. President, I want to ask my colleagues to urge the administration to support the Republic of Taiwan's effort to reenter the United Nations and other international organizations. I know the people of Taiwan can contribute to these organizations and there is no justifiable reason to deny the Republic of Taiwan membership in these bodies.

And finally, I want to wish a fond farewell to the Republic of Taiwan's former representative to the United States, Ambassador Mou-Shih Ding. Ambassador Ding has just returned to Taipei to assume the new post of Secretary General of the ROC's National Security Council and I am sure he will do a fine job in his new position. In addition, I look forward to working with Ambassador Ding's replacement, Ambassador Benjamin Lu. I know Ambassador Lu will make a significant contribution to ties between Washington and Taipei and I very much look forward to working with him in support of this important relationship.•

VEGETABLE SOY INK PRINTING ACT OF 1994

• Mr. SIMON. Mr. President, I am an original cosponsor of S. 716, the Vegetable Ink Printing Act of 1994, introduced by Senator PAUL WELLSTONE here in the Senate. This bill is sound, practical policy, and is budget neutral. The Senate passed it earlier in the 103d Congress. The House made a few changes to the bill to provide Federal agencies administrative flexibility in complying with the law, but it is basically the same. I am hopeful that the Senate will do the right thing and pass S. 716 in the next few days.

I have long promoted the benefits of soy-based inks, and I was gratified to have been able to pioneer the use of soy-based ink in our Senate print shop. Soybean oil by now has proven itself a viable alternative to petroleum in the manufacture of printing inks. Soybean oil-based printing inks were developed by the American Newspaper Publishers Association after a second shortage of imported oil threatened many industries dependent on petroleum-based chemicals and refined oil products. Scientists at the National Center for Agricultural Utilization Research in Peoria, IL, have been working on new technologies in offset inks for now. Their effort has yielded a product that appeals to a larger share of the Nation's newspaper publishers.

Since 1987, soy ink has been successfully used by newspapers for both black and color printing. At the end of the first marketing year for soy ink, six newspapers were using it. One thousand newspapers had used it at the end of its second year. On its third anniversary, soy ink was being used by one-third of the Nation's 9,100 newspapers, including one-half of the 1,700 U.S. daily newspapers. Usage has expanded because of the advantages soy ink has for agriculture, the environment, and for our economy.

This legislation follows the lead that several States have taken to promote the early growth of the market for soy inks. Along with Illinois, six States—Iowa, Minnesota, Missouri, Ohio, South Dakota, and Wisconsin—have legislation passed or pending that require use of soy ink on all printing jobs contracted by the State.

Soy ink is environmentally more benevolent because it is biodegradable. Soy ink also minimizes production of volatile organic compounds, which are being regulated in the workplace by the EPA and others. Petroleum ink violates these limits. This is one reason officials of the American Newspaper Publishers Association suggest that soy inks may be the solution to current and future environmental, health, and safety problems, associated with petroleum-based inks.

I commend my colleague from Minnesota for his leadership on this bill. And, I am hopeful that our colleagues in the Senate will support this measure.•

THE RETIREMENT OF CAROLE A. DILODOVICO

• Mr. SARBANES. Mr. President, on September 30, Ms. Carole A. DiLodovico, an outstanding public servant will retire from the Federal Aviation Administration where she has served our Nation and State with distinction in all areas of the Office of Airports, headquarters, region, and Airports District Office. Currently, she is the supervisor of the Maryland and DC, section of the Washington Airports District Office.

Since becoming supervisor, Ms. DiLodovico has given tirelessly of herself and established a reputation as an expert in the application of the myriad of regulations, rules, procedures and guidance which govern and impact, or are impacted by airport aid legislation. Her expertise is often sought by people in the airline industry to help them troubleshoot or solve problems.

This expertise extends to dealing with people outside the aviation community. Carole has been successful in providing advice and counsel to airport neighbors, community groups and the general public on the goals and objectives of the airports.

Carole's success in dealing with her colleagues at the FAA and the community may partly be attributed to her belief in hands-on supervision. She has visited Maryland's publicly owned airports, as well as the privately owned ones in order to better relate to the needs of the aviation community.

Because of here exceptional talent and hard work, Carole has received many honors during the last several years. She was awarded the special achievement award from the FAA, Eastern Region, Airports Division and was recognized by the Virginia Department of Aviation for her contributions toward development of aviation in the State. Carole was also the first employee in the Eastern Region Airports Division to be selected to attend the Seminar for Prospective Women Managers.

Mr. President, I have had the opportunity to work with Carole on several occasions and I know, firsthand of her commitment to modernize and improve the airports of the region. I am pleased to have this opportunity to express my appreciation for her outstanding work at the FAA over the last 30 years and to wish her the very best in the years to come.•

TRIBUTE TO SAMUEL SNELLER

• Mr. DECONCINI. Mr. President, almost 50 years ago Theodore Roosevelt defined the word "success." "Real success," he said, "consists in doing one's duty well in the path where one's life is led." Sam Sneller lived Teddy Roosevelt's definition of success.

When he died last week at the age of 75, Sam had earned the reputation of a successful businessman. The small drapery company which he opened in my hometown of Tucson would grow from 1 to 32 employees under Sam's guidance and would spawn stores in five other cities. He also excelled as a developer, constructing retail centers and homes for over 450 Tucsonan families. His business acumen was lengendary—and so was his honesty. His business partner for over 17 years put it best:

> A handshake or his word was his bond. Once that was established, people who knew him, knew that what Sam Sneller said was what Sam Sneller was going to do.

But it was Sam's commitment to politics, and his genius in this avocation, for which he will be most remembered. Early in his life Sam made a decision which would impact the lives of countless others: A child of the Great Depression, Sam decided to become a Democrat. As he stated in a 1974 article, he believed it was the Government's role "to make sure everyone has a full belly and a place to sleep at night."

Sam was a master campaigner. Over three decades he raised millions of dollars for the Democratic Party and was a major player in electing Democrats to office in a State dominated by Republicans. Mr. President, I can attest to Sam's genius, because I was one of those Democrats. Sam was my fundraiser in my very first election as Pima County attorney. When I was first running for the U.S. Senate, back in 1977, no one else believed in me—except Sam and my family. He was a major player in my campaign and a major reason for my victory, unexpected by many.

Sam Sneller was generous, giving, with a keen sense of humor. He defined success by what he did and by the way he lived his life. He was a very close friend who will be sorely missed, not only by me but by all those whose lives he touched.•

ILLINOIS CONGRESSIONAL LEADERS

• Mr. SIMON. Mr. President, recently I had the chance to read an article on some former Illinois political leaders. The article was written by Philip Grant, Jr. It is a concise portrayal of eight members of the Illinois congressional delegation from 1945–1984.

The article highlights eight exceptional leaders. These men not only represented their districts and their State well, they were also well respected national leaders. They led the country through three major global conflicts, difficult domestic and foreign economic times and the civil rights movement. These Senators and Representatives helped to shape policies and programs during some very uncertain years. Each represented a large and diverse constituency and set new precedents through the policies and programs they authored. For this, their legacies will live on long after their terms expired. I urge my colleagues to read the article, "Illinois Congressional Leaders, 1945–1984," and I ask that it be printed in the RECORD.

The article follows:

[From the Illinois History, Apr. 1994]

ILLINOIS CONGRESSIONAL LEADERS, 1945–1984

(By Philip A. Grant, Jr.)

On January 3, 1945, the first session of the Seventy-Ninth Congress was called to order. Between the opening ceremonies on that date and the formal adjournment of the Ninety-Eighth Congress on October 12, 1984, the nation was destined to experience a substantial number and wide variety of serious domestic and international problems. It would be the responsibility of the House of Representatives and the United States Senate to propose solutions to many of the awesome challenges facing the United States during the eventful four decades from 1945 to 1984.

Among the hundreds of congressmen serving between 1945 and 1984 were the members of the Illinois delegation. Representing a populous and diverse state near the geographic center of the country, these ladies and gentlemen, like their colleagues from other parts of the nation, would address themselves to the disposition of numerous important bills, resolutions, and treaties.

Four veteran members of the House of Representatives from Illinois wielded considerable influence on Capitol Hill between 1945 and 1984. These individuals, spending an aggregate total of 145 years in Congress, were Republican Leo E. Allen of Galena and Democrats Adolph J. Sabath of Chicago, William L. Dawson of Chicago, and Melvin Price of East St. Louis.

Allen, representing a predominantly rural district wedged in the northwestern corner of Illinois, was elected by his constituents to fourteen consecutive terms in the House. A conservative Republican in every respect, Allen was a staunch isolationist on foreign policy questions and a vocal critic of the domestic initiatives of Democratic Presidents Franklin D. Roosevelt and Harry S Truman. Allen served as chairman of the powerful House Committee on Rules between 1947 and 1949, and again between 1953 and 1955. While presiding over the Rules Committee, Allen advocated legislation purposely designed to reverse or drastically curtail the New Deal and Fair Deal economic and social reforms of Roosevelt and Truman.

In sharp contrast to Allen, Sabath was the spokesman of one of the nation's most densely populated urban districts and compiled a well-documented record as an uncompromising liberal on every issue of consequence. Sabath's forty-six-year congressional career paralleled the administrations of eight presidents of the United States. Sabath strongly sympathized with the plight of immigrants, consistently championed the priorities of organized labor, and repeatedly urged passage of bills to promote racial equality and social justice. During twelve of his final fourteen years in the House, Sabath occupied the chairmanship of the Rules Committee. At the time of his death in 1952 Sabath had the distinction of being the senior member of Congress.

When he entered the house in 1943 Dawson was the only black member of Congress. Reelected by overwhelming margins to thirteen additional terms, Dawson steadfastly supported the policies of Democratic Presidents Roosevelt, Truman, John F. Kennedy, and Lyndon B. Johnson. From 1949 to 1953 and from 1955 to 1970, Dawson was chairman of the Committee on Government Operations, a panel having the explicit responsibility of overseeing the executive branch of the government. While heading the Government Operations Committee, Dawson was instrumental in the approval of the Reorganization Act of 1949, the establishment of a cabinet-level Department of Housing and Urban Development (HUD), and the creation of a mayor-council form of municipal government for the District of Columbia.

First elected to Congress while serving in the United States Army in 1944, Price altogether remained in the House for forty-four years. Price, as Chairman of the Committee on Standards of Official Conduct (Ethics) from 1967 to 1974, had the unpleasant task of conducting investigations into allegedly improper behavior of certain members of the House. Between 1975 and 1984 Price chaired the Committee on Armed Services, a unit having overall jurisdiction over the Pentagon. In the latter capacity Price guided to passage legislation terminating the American military presence in Vietnam and determining the extent of research and development of such weapons as the B-1 Bomber, the M-X Missile, and the Trident Submarine.

Also attaining genuine prominence in national affairs between 1945 and 1984 were four members of the United States from Illinois. They were Democrats Scott W. Lucas of Havana and Paul Douglas of Chicago and Republicans Charles H. Percy of Kenilworth and Everett M. Dirksen of Pekin.

Lucas, after completing two years as chairman of the Illinois Tax Commission, had initially been elected to the House of Representatives in 1934. Promoted to the Senate in 1938, Lucas was conspicuously involved in the legislative process during World War II and the early postwar period. Lucas was Assistant Majority Leader (Whip) from 1947 to 1949, and Majority Leader from 1949 to 1951. As floor leader, he assumed primary responsibility for the Democratic Party's legislative agenda, including bills affecting housing, social security, federal aid to education, and minimum wage; the authorization of a Fair Employment Practices Commission (FEPC); and the ratification of the North Atlantic Treaty (NATO).

Prior to his election to the first of three Senate terms in 1948, Douglas for more than a quarter of a century had been a professor of economics at the University of Chicago. Douglas was an issue-oriented liberal Democrat. As a longstanding member of the Committee on Banking and Currency, Douglas was closely identified with such key measures as the Housing Acts of 1961 and 1965, the Area Redevelopment (Depressed Areas) Act, and the Truth-in-Lending Bill. And, as chairman of the Joint Economic Committee, from 1955 to 1957, 1959 to 1961, and 1963 to 1965, Douglas engaged in sustained attempts to devise programs to stimulate economic growth.

Percy, who defeated Douglas in the 1966 Senate election, was regarded as a moderate Republican. While generally in accord with the positions of his party, Percy argued against the continuation of the Vietnam War, supported enactment of open housing legislation, and opposed the confirmations of two of Republican President Richard M. Nixon's Supreme Court nominees. Between 1981 and 1984 Percy was chairman of the prestigious Committee on Foreign Relations. During his tenure on the Foreign Relations Committee, Percy dealt with such major issues as the Panama Canal Treaty, the strategic arms limitation agreements (SALT), the nuclear freeze resolutions, and the role of the United States in resolving the complex difficulties plaguing the Middle East and Central America.

A member of the House of Representatives from 1933 to 1949, and the United States Senate from 1951 to 1969, Dirksen polled more popular votes than any other congressman in the history of the State of Illinois. Noted for his pragmatism and flexibility, Dirksen was an outstanding orator and a skilled legislative strategist. As Senate Republican Leader between 1959 and 1969, he loyally and effectively supported the policies of G.O.P. Presidents Dwight D. Eisenhower and Nixon. Furthermore, Dirksen, while serving on the Committee on the Judiciary, helped to shape three amendments to the Constitution, contributed to passage of five meaningful civil rights bills, and reviewed the qualifications of eleven appointees to the United States Supreme Court.

Both Democrats and Republicans were included within the ranks of the eight aforementioned congressman from Illinois. Obviously retaining the confidence of their constituents, these gentlemen emerged victorious in 104 of 107 races for seats in the House and Senate. Designated to hold positions of leadership in their respective political parties and chairing such organs as the Senate Foreign Relations Committee; the House Rules, Government Operations, and Armed Services Committees; and the Joint Economic Committee, the eight Illinois congressmen individually and collectively reflected great credit on their state and nation between 1945 and 1984.•

ORDERS FOR TOMORROW

Mr. METZENBAUM. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its businesses today, it stand in recess until 10 a.m., Wednesday, September 28, that following the prayer, the Journal of proceedings be deemed approved to date and the time for the two leaders reserved for their use later in the day; that immediately thereafter the Senate proceed to the consideration of the conference report accompanying H.R. 4602, Department of Interior appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL TOMORROW AT 10 A.M.

Mr. METZENBAUM. Mr. President, if there is no further business to come before the Senate, and I see no other Senator seeking recognition, I now ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 8:21 p.m., recessed until Wednesday, September 28, 1994, at 10 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 27, 1994:

AMTRAK

THOMAS R. CARPER, OF DELAWARE, TO BE A MEMBER OF THE AMTRAK BOARD OF DIRECTORS FOR A TERM OF 4 YEARS.

CELESTE PINTO MCLAIN, OF CALIFORNIA, TO BE A MEMBER OF THE AMTRAK BOARD OF DIRECTORS FOR THE REMAINDER OF THE TERM EXPIRING MARCH 20, 1995.

CELESTE PINTO MCLAIN, OF CALIFORNIA, TO BE A MEMBER OF THE AMTRAK BOARD OF DIRECTORS FOR A TERM OF 4 YEARS.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

EXTENSIONS OF REMARKS

SENDING A MESSAGE OF FREE TRADE TO JAPAN

HON. MICHAEL A. ANDREWS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 1994

Mr. ANDREWS of Texas. Mr. Speaker, I am very concerned about an issue of great importance to myself and many Members of Congress: the trade deficit with our trading partner, Japan.

This issue appears to be on-going and never-ending. Again, just last week, news of a 20-percent jump in the U.S. trade deficit sent the financial markets tumbling.

While our trade imbalance and the sometime anticompetitive practices exhibited by Japan seem endless, a consistent approach and the will to achieve our goals is needed. All too often in the past, United States negotiators have threatened to take unilateral action, and in response, the Japanese pledge to conduct a study or review procurement practices or reexamine its competition laws. Unfortunately, whatever the pledge, an agreement to take specific action evaluated by measurable criteria never materializes.

President Clinton and his trade negotiator, Ambassador Mickey Kantor, have worked diligently to break the cycle. The framework agreement reached last year insisted upon quantifiable criteria for measuring progress. Earlier this year, when the framework talks between the United States and Japan were not progressing, the President terminated the negotiations and Japan, threatened with sanctions in its cellular phone market, opened its closed market.

Mr. Speaker, we find ourselves at the very same crossroads. The President has set September 30, 1994, as a deadline for initiating Super 301 investigations against Japan. I believe that the U.S. negotiators should send the same strong message they sent earlier this year. The goals of U.S. trade policy will only be achieved through diplomatic, strong, consistent, and credible action.

Japan's closed flat-glass market provides the perfect case at this time for Super 301 action. Mr. Chairman, I have included an insightful editorial from the Washington Post which further explains the seriousness of a closed Japanese flat-glass market. Even though American flat-glass makers are globally competitive, with market shares approaching 25 percent in Europe and Latin America, the United States has less than 1 percent of Japan's $4.5 billion glass market. This minimal market share has continued to experience a year-to-year decline in absolute and percentage terms.

Unfortunately, a cartel of three Japanese companies has divided the market for two decades, maintaining steady market shares in a 5–3–2 ratio. Japan acknowledges the cartel, admitting in a Japan Fair Trade Commission report that there is a "state of monopoly by three makers, pricing by consensus, and creation of sales networks of distribution by each maker."

Most importantly, Japan promised in a 1992 action plan signed by President Bush and Prime Minister Miyazawa to "substantially increase market access for competitive foreign flat glass manufacturers." Regrettably, that promise has not been kept. Despite active bilateral negotiations, stretching over 2 years, Japan has failed to take meaningful action and remains in violation of our trade agreement.

Mr. Speaker, this is a crucial time and I believe that the time has come for the administration to seriously consider using Super 301 to open Japan's flat-glass industry. In a time when the General Agreement on Tariffs and Trade is on every country's agenda, it is vitally important that the United States emphasize the importance of honoring trade agreements.

Mr. Speaker, I urge the administration to send a clear message to the Japanese that unless they open their flat-glass market, the United States will initiate a Super 301 investigation.

COUNTDOWN WITH JAPAN

[Clyde V. Prestowitz Jr. and Alan Tonelson]

President Clinton has just moved to preserve his credibility in Haiti, but his resolve is being challenged on another front—continuing trade problems with Japan. At stake here, however, is not only the president's reputation but some of his best hopes for creating good jobs and sustaining economic growth.

The president has set a Sept. 30 deadline for deciding whether United States and Japanese negotiators have made adequate progress in opening up Japanese markets, or whether the United States will have to take action to ensure that U.S. companies are not disadvantaged in those markets.

Powerful voices in Tokyo, in the media, on Wall Street and even in his own administration want him to let the deadline pass. They would rely on forces such as exchange rates and Japanese reformers to solve the trade problems—whose importance they generally pooh-pooh or dismiss altogether. They portray any possible trade action—and indeed the president's original decision to seek measurable results in trade talks with Tokyo—as scapegoating Japan for our own home-grown economic problems and as thinly disguised protectionism. And they blame the administration's flirtation with "managed trade" for the dollar's recent problems.

But these arguments blame the victim, ignore the serious costs imposed on the U.S. and world economies by Japanese protectionism and forget the keys to successful negotiating. They should be ignored.

President Clinton instead needs to remember that he and all his recent predecessors here tried negotiating the reduction of Japanese trade barriers because for decades they have unjustifiably hurt not only American companies and workers but their Asian and European counterparts as well. They have limited job creation, depressed wages and prevented highly competitive non-Japanese businesses from realizing economies of scale and amortizing investments.

These costs are much higher than most economists recognize; a recent study by the Economic Strategy Institute shows that Japan's barriers are depressing U.S. exports by $50 billion annually, preventing the creation of as many as a million jobs and depressing world economic output by $400 billion a year.

The president needs to remember that the traditional approaches to Japanese trade issues have had no discernible effect on the trade balance. Not even the yen's dramatic rise since 1985 has helped. In fact, the currency markets' reaction to the latest monthly trade figures shows that the continuing deficits, and not the president's trade policy, are largely responsible for exchange rate volatility and the weakening of the dollar. How else can the markets react to the prospect of huge current account imbalances with no end in sight?

More sobering, American industry's remarkable across-the-board competitive comeback in recent years hasn't affected the trade balance either. American goods have never had bigger price advantage in Japan, and as all economists agree, their quality has not compared as well for many years, yet the bilateral deficit this year threatens to break $60 billion—a new record.

The president should remember that he has a strong case to make. Indeed, although autos and auto parts still account for most of the deficit, he can make many strong cases: Take the flat glass industry. The $4.5 billion Japanese market is the world's second largest. Japanese production costs in this capital-intensive industry are kept among the world's highest by traditionally high energy costs. And Japan has lagged in developing and using technologically advanced glass products like insulating glass, laminated safety glass, and high-performance glass coatings. U.S. and European firms dominate these product areas.

Yet, in 1993, glass imports accounted for just 3 percent of the Japanese market—a level much lower than in any industrialized country. The main reason: Japan's market is a cartel, divided among three major Japanese producers who have held virtually constant share for 20 years and have tightly controlled distribution channels.

The president also must remember that, whether in trade policy or private business, negotiating endlessly without specifying consequences for noncompliance and without following through usually leads nowhere and destroys credibility in the process. The rest of the world, moreover, is watching. If the United States simply accepts Japanese intransigence, how will it succeed in opening markets in China—whose surplus with America will approach $25 billion this year—or in other mercantilist countries?

Finally, the president should keep in mind that the Japanese themselves have agreed to seek trade solutions that can be measured in some way.

Of course, the president has many options for responding to Japanese barriers other than those afforded by the 301 or Title VII

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

sections of U.S. trade laws. He could emulate the French and force all Japanese products to enter the country through a single customs house. He could emulate the Japanese themselves and require their products to undergo the same Mickey Mouse inspections to which American products sold in Japan are subjected.

The stand-patters rightly argue that such practices are neither "legal" or "transparent" and thus patently unfair. But they object to the president's legal remedies as well. They should simply admit that they don't care about solving America's Japan trade problem.

The president, however, has to care. If negotiations do not succeed, he will have no choice but to use the remedies provided by U.S. trade laws. Far from representing protectionism, these measures seek to open foreign markets by dealing directly with barriers to access. He should focus on the most egregious problems—cartelized industries, controlled distribution systems and unfair government procurement practices. If the United States won't press such open-and-shut cases, what economic interests will we defend? How can we maintain the value of our currency and the stability of financial markets if we allow U.S. industry to compete under disadvantageous conditions? And what kind of message will we be sending to the rest of the world?

DEDICATION OF THE LESTER L. WOLFF FLIGHT FACILITY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 1994

Mr. GILMAN. Mr. Speaker, earlier today I had the distinct honor and privilege of participating in the dedication ceremony of the new Lester L. Wolff Flight Facility at Andrews Air Force Base. This facility will be the headquarters of the congressional squadron of the Civil Air Patrol, organized in 1967 by our former colleague from New York, Mr. Wolff.

Mr. Speaker, it is indeed fitting that this facility has been named in honor or our former colleague, for he has been the motivating force behind the organization of the squadron. He not only founded the congressional squadron, he virtually singlehandedly maintained the interest which this body has had in the squadron ever since.

The program marking the dedication of the facility was quite impressive. Highly appropriate remarks were delivered by: Lt. Col. Patrick Carpentier, the chief of staff of the congressional squadron; by Lt. Col. Alva R. Appel, the squadron chaplain; and by Bryan E. Sharratt, the Deputy Assistant Secretary of the U.S. Air Force for Reserve Affairs.

Perhaps the most gratifying portion of the program, however, was the fact that Mr. Wolff, as active and as involved as ever, was present to be with us for this long overdue recognition of his talents.

All too often, we neglect to afford proper recognition to those whose achievements were above and beyond the call of duty until they are no longer with us. Fortunately, this was not the case with Congressman Wolff, and he was on hand to appreciate just how much we have appreciated his work.

Mr. Speaker, since as vice commander of the Congressional squadron I was afforded the singular honor of announcing the actual dedication and unveiling the plaque, I ask that the remarks I delivered on this sterling occasion be inserted into the RECORD.

Mr. Speaker, I also ask that the inspirational speech delivered by our commander, the Senator from Iowa [Mr. HARKIN] be also inserted at this point in the RECORD:

SPEECH BY REP. BENJAMIN A. GILMAN

Ladies and Gentlemen: I cannot tell you what a special honor it is to be here today as we pay tribute to one of the most outstanding, legislators it has been my privilege to work with. For 18 years, Lester L. Wolff was one of the hardest working, dedicated, and committed members of Congress.

When I first came to Congress, in 1972, Lester Wolff was already here for 10 years, keeping my seat warm for me. In the mid 1970's, Lester and I worked together to found the House Select Committee on Narcotics Abuse and Control. We must remember: this was an era when few people were concerned about the impact drugs were making on our society, especially our youth. Our comedians used to tell jokes about drug use, and our movies portrayed the pusher as the good guy. Lester Wolff knew that this just wasn't right, and his determined leadership of that committee helped convince first the Congress, then the people, that drugs were a serious threat to our society, and were no laughing matter.

His enthusiasm in Congress carried over into the creation of the Congressional Squadron of the Civil Air Patrol. As a charter member of C.A.P., Lester knew the needs of C.A.P. and provided strong support for C.A.P. within Congress to insure that those needs were met.

He personally shepherded through Congress legislation enhancing the Civil Air Patrol. To broaden a better understanding of C.A.P. among his congressional colleagues, Lester personally recruited many Members of Congress into his squadron. There is no question that the wide acceptance and appreciation of the work of the Civil Air Patrol by the Congress today is due to the personal efforts of Lester Wolff.

This day is a very fitting tribute to Lester. His presence here to personally hear the tributes to him makes this day all the more significant to us. Too many times, people are taken from us before their contributions are recognized. We are fortunate that this was not the case with Lester Wolff, for he is here to hear us proclaim how much we appreciate him.

This facility can bear the name of only one person, whose contributions have been unique and tireless, Lester L. Wolff.

Will you please now unveil the plaque?

REMARKS BY SENATOR TOM HARKIN

I am very pleased to join you today in honoring Congressman Lester Wolff and in dedicating the Congressional squadron's new hangar. By naming this hangar the "Lester Wolff Flight Facility" we recognize his 53 years of dedicated Civil Air Patrol public service.

Lester Wolff has been in the Civil Air Patrol since its inception. In late 1941, as the Civil Air Patrol was being hastily created, he helped form one of the first operational units in New York. Later, when the U.S. military was unable to stop the deadly German U-Boat attacks off the Atlantic Coast, he was among the first to volunteer to fly anti-submarine missions in small civilian aircraft. His courageous efforts resulted in the possible sinking of at least one German submarine. After the war he worked with the CAP cadet program and was instrumental in establishing CAP's first International Air Cadet Exchange between the New York Wing and Canada.

His most important service to the Civil Air Patrol, however, came much later. In 1964, Lester was elected to the House of Representatives where he served with distinction for 16 years. He was Chairman of the prestigious Subcommittee on Asian and Pacific Affairs and Chairman of the Select Committee on Narcotics. In 1967, he formed the Congressional Squadron of the Civil Air Patrol. As a member of Congress he became instrumental in getting the Civil Air Patrol the national recognition and vital government assistance it was long overdue. Among other things, he worked closely with several Air Force Chiefs of Staff, including General David Jones, to gain Air Force support for the CAP.

He was the first to suggest and demonstrate, in 1978, that the CAP could play a useful role in the war against drugs. Today, that is one of the Civil Air Patrol's most important national missions.

He was directly responsible for the much needed 1980 CAP Supply Bill. His legislative initiatives in the 1970s also paved the way for greatly improved FECA benefits and, in 1985, CAP's first ever appropriation for new aircraft and other critically-needed equipment.

During his years in Congress Lester Wolff did much to help the Civil Air Patrol. Indeed, without his legislative assistance, it is likely that the Civil Air Patrol would not exist today. As Commander of the Congressional Squadron I am honored to be here today as we dedicate this hangar in Lester Wolff's honor. May this hangar always remind us, every time we use it, of what is great about the Civil Air Patrol. Thank you.

HONORING CHAIRMAN TIM VALENTINE

HON. TIM ROEMER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 1994

Mr. ROEMER. Mr. Speaker, in the waning hours of the 103d Congress, it is appropriate to note that several departures from this body will leave the House without some of its heroes.

Today, I want to take just a moment to recognize one of my heroes, Congressman TIM VALENTINE. In my short career here in the House, I have had the good fortune to serve on the Technology, Environment and Aviation Subcommittee of the Science, Space, and Technology Committee, which Mr. VALENTINE chairs.

This panel has conducted an extraordinary amount of quality work, and it has been an honor to be a part of these efforts. Chairman VALENTINE has led us through a complicated and important agenda that features lasting developments in U.S. competitiveness, urgent investment in airline safety research, timely investment in environmentally friendly technology, and the ability of our Nation to commercialize cutting-edge technology.

Mr. Speaker, this is just a snapshot of the many efforts and accomplishments Chairman

VALENTINE has staked out for our panel. He is not one who comfortably basks in compliments, but I want the public to know that he is leaving a great hole in the fabric of congressional talent by his departure.

Chairman TIM VALENTINE is often heard to protest that he is just "a simple country lawyer," and that he may be. But he is also a shrewd and effective planner for the Nation's competitive future, and he has earnestly sought to guide judicious investments of our Nation's resources toward a productive and prosperous future.

He is probably as surprised as anyone to learn that he is one of Congress' leading environmentalists, a designation he deserves for laying the tracks for private investment in important, new green technologies. And we may not realize it yet, but the competitiveness bill that we have been working on for over 3 years, and which will become law in the foreseeable future, will be recognized years from now as one of the most landmark pieces of legislation produced by this Congress in recent memory.

Mr. Speaker, we are losing a great leader in the departure of Chairman VALENTINE. He deserves to go back to a simpler life and enjoy the company of his friends and family. He certainly leaves Congress the better for his having served here. But we will miss him, as friend, as colleague, and as mentor.

I am pleased to add these words today in tribute to TIM VALENTINE, and I know all my colleagues join me in wishing the very best to him and his family.

SALUTE TO THE PHILADELPHIA COMMISSION ON HUMAN RELATIONS AND THE HONORABLE WILLIAM H. GRAY III

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 1994

Mr. FOGLIETTA. Mr. Speaker, I rise to salute the Philadelphia Commission on Human Relations [PCHR] as it celebrates the 350th anniversary of the birth of Philadelphia's founder, William Penn, and honors my former colleague, the Honorable William H. Gray III, at their 25th anniversary banquet on October 28.

The Philadelphia Commission on Human Relations strives daily to promote their vision of intergroup harmony and understanding amongst communities. In honoring the Reverend Bill Gray with the 1994 Clarence Farmer Service Award, the commission honors a man whose service to his city and country as an educator, world leader, statesman, and clergyman embodies everything that the commission stands for: peace, harmony, tolerance, and understanding of our fellow human beings.

I am proud of the accomplishments and contributions of the Philadelphia Commission on Human Rights, and I join with the Philadelphia community in congratulating the commission, Bill Gray, and all the individuals being honored by the commission on this important day.

THE POLISH WOMEN'S CLUB OF THREE RIVERS, MA, 70TH ANNIVERSARY

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 1994

Mr. NEAL of Massachusetts. Mr. Speaker, it is on the occasion on the 70th anniversary of the Polish Women's Club of Three Rivers, MA, that I enter into the RECORD today, the complete history of the Polish Women's Club of Three Rivers, MA.

Recognizing the need for assisting women of Polish ancestry to become citizens of this country, early in 1924 the Messrs. Stanley Zerdecki, Walter Dymon, Michael Boyko, and Joseph Les spearheaded an organizational drive toward this end.

Records show that on February 24, 1924, these four organizers were successful in getting together a group of women for this purpose. A club was formed and named the Polish American Women Citizens Political Club of Three Rivers and Thorndike. On March 30, 1924, Miss Anna Rusek became the first president of this group of 59 charter members.

The purpose of the club was three-fold:

1. To encourage women to become citizens and assist them in procuring citizenship papers by teaching English and related subjects.

2. To take active part in politics and get proper recognition and position on the local, state, and federal level.

3. To support businesses owned by people of Polish extraction.

With club members as volunteer teachers, and the financial backing of this club, numerous men and women came forth to lend their assistance in whatever manner necessary. Thus was set in motion and accomplished the dream of the organizers—seeing women of Polish extraction becoming American citizens.

This service and assistance continued for the next 20 years. The main purpose of the club was fulfilled.

The second objective with regards to participation in politics was also seriously undertaken in 1926 when we became affiliated with the United Polish American Citizens of Massachusetts on both county and state levels.

For the next 40 years delegates were present whenever possible at the annual conventions throughout the state to exchange ideas and get a better knowledge of the working of our government. Over the years we have sent innumerable letters and telegrams, made contact with our state and federal legislators on behalf of qualified individuals seeking jobs, or in connection with expressing our support or opposition of bills of proposed legislation. On a town level our support has been solicited and given to those we feel merit such support, be they Democrats, Republicans, or Independents. Almost every election brings requests from hopeful candidates asking to speak to the membership and soliciting our vote.

It is with pride that we note that at least one of our members, our first president, Anna Rusek, was named Postmaster of the Three Rivers Post Office in 1944 and served the community faithfully until her retirement in 1968. Miss Rusek died in 1982.

Through the years we have actively commemorated historical events. As early as 1926, the July 4 parade included our members as a unit; in 1932, note was made of the 200th anniversary of George Washington's birth; for many years the May 3 observance of Polish Constitution Day included a delegation from our club.

In 1933, it was decided to join the Massachusetts Federation of Polish Women's Club, Inc. Our affiliation with that group continues to the present. Much has been gained through this association particularly in fostering our Polish culture. Several daughters of our members and members have received scholarship grants from the Federation, thus enabling them to continue their education. In 1952, 1969, 1979, 1984, 1989, and 1994 the annual convention of the Federation has been held in Three Rivers. Delegates from the entire state of Massachusetts have high praise for the cordiality and hospitality not only of the members of this club, but of the entire citizenry of the Town of Palmer. Executive committee members and various committees have included the Three Rivers Polish Women's Club members. Two of our members have been president of the Federation; namely, Genevieve Janosz (1982–1983), and Mary Rusiecki (1990–1991). Marcia Topor, Vice-President of our club, is presently serving as the Federation's president. She is the daughter of Genevieve Janosz and the late John Janosz and has followed in her mother's footsteps. Annually, since 1961, the Federation sponsors an essay contest for 8th graders residing in Massachusetts and attending Massachusetts schools who are interested in Polish history, culture, traditions, and contributions many Poles have made to the world and to society.

Our activities within the framework of the Federation also include the Fifth District which compromises the Western Massachusetts area. Here our members continuously hold office and direct the activities of this unit. At present, Sophie Valtelhas is Vice-President, Mary Rusiecki is Recording Secretary, and Helen Grzywna is Treasurer. Our activities have included a fashion show for many years, a raffle, and work on the Essay Contest. Our club was responsible for the essay contest and the chairwomen were Helen Grzywna in 1969, Mary Rusiecki in 1984, Stephanie Putz in 1990, and Sophie Valtelhas in 1994.

Membership has also been held in the United Polish American Citizens of Massachusetts, Polish American Congress, John Paul II Polish-American Foundation, and the Kosciuszko Foundation in New York.

Locally our membership on the United Polish-American Organization Council in the Township of Palmer is felt and appreciated. Since its inception in March of 1955, our members have consistently and faithfully served in various offices and committees. We have been called upon to perform a variety of services at the functions sponsored by this group. We can truly boast that no other local club has contributed more towards the scholarships given annually to local Polish-American high school students. Our contributions to date stand unmatched, especially when considering the fact that up to January 1, 1956, our membership dues were 5 cents per month and since that time remain 10 cents per month. At age 65+ members are exempted from paying dues.

May 8, 1946, marked the official observance of our 25th anniversary. There was a Mass of Thanksgiving at SS Peter and Paul Church and a banquet was held at St. Stanislaus Hall in the evening. Local and state officials, as well as the clergy, participated in this affair. Messrs. Boyko, Kymon, and Les, three of the original organizers were invited guests. Attorney Irene Dumas was our main speaker, with Miss Lucy Wisniewski of the State Civil Service Commission, Stanley Wondolowski of Worcester, and the Reverend Alfons Skoniecki also giving brief talks.

Active support of our parish during the past 70 years have been maintained. Since 1926 when a $25 contribution was made for the church renovation, we have bought church vestments, chimes, contributed for an organ, flowers for various occasions, ewer and bowl, and $200.00 to SS Peter and Paul Church's cemetery fund. Our services were and still are always available at bazaars, banquets, picnics, jubilee observances, anniversaries, etc. We have always worked harmoniously with the clergy, recognizing that our spiritual well-being is an integral part of our life which affects our club activities as well. We are grateful for being a part of the SS. Peter and Paul Parish.

During the period that the Franciscan Sisters were part of our community, staffing at our parochial school until its closing in June, 1973, we worked with them cooperatively and had only the highest regard and praise for their invaluable assistance. From September 1973 to January 1990, we had been working with the Little Servant Sisters of the Immaculate Conception until they had to leave us. From August 1990 to the present we are delighted to have the Sister Minor of Mary Immaculate (SMMI) working in our parish and teaching in our nursery school.

Children, locally and elsewhere, have been remembered by us. For many years annual contribution made to the SS. Peter and Paul School for their activities. Orphanages at Hyde Park, Brightside, The Blind Children in Poland, Youth Camp in Bondsville, Community Day Camp, and A Wish Come True, Inc, to mention a few, have also been aided by us.

World War II and its various activities brought requests for help with Bond Drives, Blood Banks, U.S.O., Air Raid Committees, National War Funds and Polish Relief. Clothes were sewn and sent to the needy, soldiers from Westover were entertained, money and services were generously donated to the various causes. Sons and daughters also served in the Korean and Vietnam conflicts and are remembered as serving their country well. When the Joint Declaration of War by nations of the United Nations against Iraq was made, our sons and daughters were right there to serve. Our club donated items to Operation Desert Storm to be sent through Westover to the military fighting in Iraq.

The post-war period (World War II) brought a renewal of activity among organizations. Each month brought invitations or requests for religious, civic, political and community groups for participation and donation.

Having outlived its original intent, in 1958 a committee was named to revise our constitution. On October 20, 1958, the name of our club was changed to "Polish Women's Club of Three Rivers." Fostering our ethnic culture, encouraging higher education, exchange of cultural ideals, replaced the original aim to help with citizenship papers. Integrating this culture with the cultures of other ethnic groups of our U.S.A. offers a new challenge. Much is being done to implement new ideals. We are constantly sponsoring, attending, or contributing toward attainment or these aims.

April 27, 1974, marked the official observance of our 50th Anniversary. A dinner was held at the St. Stanislaus Hall that evening. The welcome address was made Helen B. Grzywna, President, and Anna Kulig, Recording Secretary, served as toastmistress. Town of Palmer Selectman Chairman William J. Lemanski, U.S. Congressman Edward P. Boland, Massachusetts State Senator Frederick W. Schlosstein, Jr., and Massachusetts State Representative Alexander Lolas were among the honored guests who extended greetings to our organization. Greetings from the Massachusetts Federation of Polish Women's Clubs were given by Beatrice Melody, President, and Rose Corso, District V Vice president. The keynote speaker was Attorney Mary A. Socha. The invocation and benediction was given by Reverend Robert Ceckowski, Pastor SS Peter and Paul Church.

Besides our 25th and 50th anniversaries, our club also observed our 55th on October 27, 1979, and our 60th on October 27, 1984, our 65th on October 28, 1989, and our 70th on October 22, 1994.

A scroll signed by members of our club was included on November 13, 1976, in the time capsule buried at that time as part of the commemoration of the 200th anniversary of the Town of Palmer. The capsule will be reopened in the year 2076.

Noteworthy to mention is the Polish-American Night Benefit, Help for Poland, which was sponsored by the Polish Women's Club of Three Rivers and the Polish Women's Alliance Group $506 (member Alice Pilch—President) featuring the Villagers Chorus and the St. Cecilia Choir, SS Peter and Paul Church. The event was held at the SS Peter and Paul Community Center on June 18, 1982. Guest musician was Joe Lazarz, well-known violinist and orchestra leader. $500 was derived from this benefit and was donated to the Help for Poland Drive.

Monetary contributions have been made to numerous organizations. In 1983, a School Day Clock was presented to the Palmer Public Library. Community Room to replace the clock that had been stolen. The Polish Women's Club also contributed money for a piano and bust of Chopin to the Community Room for the Library. The United Polish American Organizations Council in the Township of Palmer was in charge of obtaining the piano.

Records show that our first contribution to the Wing Memorial Hospital was made in 1928. Sizable donations have been made to their building fund, expansion fund, emergency room, X-ray camera, operating room, Cardiac Monitoring System, and Lab. Members served as volunteers in staffing the Wing Memorial Auxiliary Gift Shop and Cart. As early as 1930, a Community Chest donation had been made and this was continued until recently. The Red Cross has also been remembered over the years. Yearly donations continue to be made to the Wing Memorial Hospital. Yearly donations are made to the United Polish-American Organizations Council in the Township of Palmer. Other donations which have been made over the years include the Pope Paul II Guest House in Rome; SS Peter and Paul 75th Anniversary Program; AmVets Auxiliary Post #74 Jaws of Life (Juanita Gralinski, Member of our Club, was in charge of this drive); Support for Solidarity; SS Peter and Paul Lady of Czestochowa Icon; Kosciuszko Foundation Renovation Fund in New York; Statue of Liberty Renovation Fund; The Blind Children of Poland; Child's Wish Come True, Inc.; Palmer Ambulance Service; Palmer Public Library; Polish American Congress for the Polish Room; Museum of Immigration at Ellis Island; Pope John Paul II's Endowment Fund; SS Peter and Paul Church; Operation Desert Storm (Iraq conflict); CROP-Walk for Hunger; and the Literacy Volunteers of Palmer.

To keep our treasury healthy we hold one big raffle a year during the winter. Our members are to be commented for their wholehearted support to requests for contributions of items and selling of raffle tickets.

Our club started in 1924 with 59 members; today we have 134. Membership is open to all women of Polish-American extraction who have reached their 16th birthday and reside in the Palmer area. Dues are $1.20 a year and anyone age 65 and over is exempted from payment. Meetings are held from September to May (this will be changed for 1995 where we will follow a calendar with no meetings in June, July and August) on the fourth Wednesday of the month at 7:30 PM in the St. Stanislaus Polish Home, Three Rivers.

Our past presidents were Anna Rusek, Nellie Motyka, Stephanie Kolbusz, Mary Jajuga, Anna Kulig, Genevieve Janosz, Sophie Zerdecki, Julie Midura, and Edna Pytka. Helen Grzywna is our present president. Anna Rusek, Nellie [illegible]ka, Stephanie Kolbusz, Mary Jajuga, So[illegible] Zerdecki, and Julie Midura are deceased.

A special thanks must be given to our president of 22 years—Helen Grzywna—who is a dynamic and selfless individual who gives her time, expertise and energy to her office as president and to the many tasks that she is either asked to do or volunteer to do. She is to be commended for all of her efforts. Through her leadership, our club is very much alive, working well for the good of helping in the religious, civic, political and community affairs.

Volunterrism is nothing new in our club—from its beginning, members have done volunteer work in various capacities. As of now, members are involved with the Senior Center of Palmer, Literacy Volunteers of Palmer who serve the Quaboag Valley, Wing Memorial Auxiliary, Food Share, Inc., CROP-Walk for Hunger, SS Peter and Paul Parish's Rosary Sodality and Guild, and others.

Much is being done to implement new ideas and we are constantly sponsoring, attending and contributing toward attainment of these aims. Examples are the Pops Concert, attendance at various plays, Krakowiak Dance Group, Kosciuszko Foundation Presentation Ball, Poznan Boys Choir, Liberace Concert, Kopernik Observance, exhibits, donations of books to schools and libraries dealing with the accomplishment of Poles, etc.

Our present officers are: Helen Grzywna, President; Marcia Topor, Vice-President; Edna Pytka, Treasurer; Sophie J. Valtelhas, Recording Secretary; Phyllis Misiaszek, Financial Secretary; Juantia Gralinski, Publicity; and Alice Pilch and Sophi Walulak, auditors.

The spirit that brought together in 1924 those fifty-nine women is still carried on today. Truly our success has been a team effort for the past 70 years, and each member's contribution is and was valued highly. We must, however, remember to include Josephine Roman, the first volunteer teacher; Nellie Motyka, who served as President for 24 years; Sophie Jorczak, our Secretary for 12 years, Bernice Tenczar, our Treasurer for 20 years; Frances Frydryk; Mary Jajuga; Frances Dymon; Anna Kulig—Historian for our 50th Anniversary and toastmistress for our anniversaries; Julie Midura, our decorator for our 50th, 55th, and 60th anniversaries, and last but not least, our President, Helen Grzywna, who for the past 22 years led us successfully and skillfully in the tasks set before us. Again, we must salute those 59 valiant women whose desire to become American citizens started us toward making possible our 70th anniversary.

LOOSENING THE GRIP OF LAWYERS ON AMERICA

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 1994

Mr. MOORHEAD. Mr. Speaker, each day in America, hundreds of lawsuits are filed by lawyers against fellow citizens, businesses, civic institutions, government entities, and countless other targets. This seemingly endless series of legal attacks has practically numbed America to the fact that, as a nation, we have become the most litigious society on Earth and that an onslaught of lawsuit abuse has had damaging and lasting effects on the standard of living of all Americans. We need to loosen the grip of lawyers on America.

While most legal actions brought in the United States seek legitimate redress for harm caused, unfortunately many are groundless, frivolous, and the result of lawyers who abuse the system and seek to claim lottery-sized dollar awards from both their adversary and their client. It is these types of abuses that bring discredit to the American legal system, damage the U.S. economy, and drain precious national resources into the black hole of endless litigation.

The current system creates fear among Americans that they will likely be the victim of an unjust lawsuit; it chills their desire to volunteer and participate in many aspects of ordinary life and it prevents the introduction of new and beneficial products and services for the American people.

There should be clear guidelines for determining who shall be responsible for harm caused in an accident. Today, standards of liability vary from State to State, and sometimes even from court to court within a State. Neither the injured individual, the product manufacturer, nor the seller has any idea what liability standard will be applied, and all are subjected to conflicting rules on their responsibility in the use, design, production, and sale of products. Uniformity is essential in a Federal bill in order to provide fairness and predictability to consumers, manufacturers, and sellers.

Increasingly, Americans are realizing that some commonsense reforms are in order to stem the tide of unnecessary, harmful lawsuits. While tort law is generally considered a matter for the States, it has been clear for quite some time that, due to the interstate nature of the sale of products, liability reform should be dealt with at the Federal level. I believe there is an urgent need to address these issues in the 104th Congress, and I intend to work toward that goal.

1. DISCOURAGING FRIVOLOUS LAWSUITS

In order to prevent the abuse of our legal system, sanctions should apply to those attorneys who are found to have brought lawsuits in bad faith for the purpose of harassment, or solely to cause delay and increase the cost of litigation.

The American public is getting fed-up with the abuse of the U.S. legal system. The fear of someone filing a groundless lawsuit is harbored by virtually all citizens, and reforms should seek to prevent frivolous and unwarranted lawsuits. The courts should be given the power to determine whether or not a lawsuit is frivolous at anytime during the course of litigation. If the court determines that a pleading is in fact frivolous, the objecting party should receive from the filing party all expenses incurred as a result of the filing of the frivolous lawsuit, including costs such as attorneys fees, witness fees, expert fees, and deposition expenses.

2. REQUIRING TRUTH IN ATTORNEY'S FEES

In the interest of full disclosure and competitive legal fees, attorneys for injured victims should be required to disclose to their clients the actual number of hours worked and the duties performed instead of simply taking a flat percentage from a recovery.

Most liability cases are undertaken by trial attorneys on a contingency-fee basis of between 25 to 40 percent. This percentage can result in any attorney collecting a share of an award that far exceeds the normal hourly fee charged, leaving the attorney overcompensated and his client undercompensated. Effective liability reform should require trial attorneys to disclose the actual hours worked for a client and the duties performed in detail. Such disclosure would help the consumer determine the true cost of counsel in each case and allow the consumer to make better decisions in their choice of counsel.

3. ENCOURAGING PRODUCT SAFETY

Product safety should be encouraged by a Federal law which prohibits the use of subsequent design changes or remedial measures to show that a manufacturer's early design of a product was unsafe.

In order to encourage manufacturers to continually improve their products and the safety of their products, courts should prohibit trial attorneys from using a manufacturer's product improvements as evidence that an earlier product design was unsafe. Not only is using evidence of such safety improvements irrelevant to the case against an earlier product and unfair to the manufacturer, who has since improved his product, but it is detrimental to consumers. Currently, a manufacturer may be reluctant to make a design change that might offer marginal improvement in the safety of his product due to fears that such an improvement may be used against him to prove that an earlier product design was defective. Our laws should encourage improvement in product safety not discourage them.

The public policy reason behind this suggested evidentiary rule change has been recognized by many courts, and Federal product liability reform should include such a limitation on the use of evidence of remedial measures.

4. PREVENTING ABUSE OF "EXPERT" OPINION

Expert, scientific, or medical opinions should not be considered sufficient evidence to establish any fact unless such opinion has support in peer-reviewed scientific or medical studies.

There clearly is a problem in our court system with the use of so-called expert testimony from expert witnesses. These experts can be found one day in an Atlanta courtroom testifying as an expert on aircraft components and the next day in New York or California testifying as an expert on machine punch presses. These experts seem to be able to testify on anything as long as there is a fee involved, and they do a real disservice to America's judicial system. Abuses by such expert witnesses should be curbed. This can be accomplished by stricter qualification of experts, and by limiting their testimony to theories and principles which have at least some support in the relevant scientific or medical community about which they testify.

5. A REASONABLE STATUTE OF REPOSE

A Federal statute of repose between 8 and 15 years—representing the shortest and longest statutes of repose currently in State law—should be enacted to provide an outer timelimit on the liability of a manufacturer for injuries allegedly caused by a product which is a capital good.

One of the most serious impediments to U.S. competition and the creation of new manufacturing jobs in America is the lack of a uniform statute of repose which sets an outerlimit on the number of years for which a product manufacturer may be held liable for his product. Suits in the United States have been brought against products built 40, 50, and 70 years ago. As most of our foreign competitors do not have products this old in use in the United States, such suits are brought almost exclusively against American companies. As these products have proved their value and use for decades prior to any accident having occurred, they are often good products made by the best American companies. The cost to U.S. companies of defending these lawsuits increases the price of domestic products and makes American products less competitive here and abroad. This "long-tail of liability" can only be ended by a clear, definite, and uniform Federal statute of repose.

Thirty States have enacted statutes of repose of between 8 and 15 years. A good Federal policy would adopt the average time period specified in the States' statutes as a uniform Federal standard. While such a time period would be longer than the 10-year statute of repose applied in the European Community, it would nevertheless provide a strong boost to domestic product manufacturers and would help increase U.S. competitiveness and domestic jobs.

6. RESTORING PERSONAL RESPONSIBILITY FOR ACCIDENTS INVOLVING INTOXICATING ALCOHOL OR DRUGS

Where an accident is caused by an individual who was under the influence of intoxicating alcohol or drugs, that individual should not be allowed to recover for his injuries by suing a product manufacturer or seller.

A claimant who causes, or is involved in, an accident in which their alcohol or drug use was the principal cause of injury, should not be allowed to shift liability from himself to someone else. Public policy should discourage the use of alcohol and drugs, which are dangerous not only to the abuser, but to all of society. It makes no sense to allow someone who voluntarily becomes intoxicated and causes his own injury to recover compensation for that injury from others. The determination of whether or not an individual is under the influence of alcohol or drugs should be made pursuant to applicable State law.

7. ELIMINATING UNFAIR SUITS AGAINST PRODUCT SELLERS

Product seller liability should be limited to the harm caused by the product seller's own negligence. Those who merely sell products are often sued for injuries caused by the manufacturer of a product. Defending these suits imposes substantial costs on product sellers, but does nothing to provide incentives for product safety. Fair standards for the liability of a product seller should provide that the seller be liable only for injury caused by his own negligence or where an express warranty on the product has been made and the product has failed to conform to the warranty. A standard like this would eliminate needless litigation expense and help lower consumer prices for many products.

8. PREVENT ABUSE OF PUNITIVE DAMAGES

Punitive damages are quasi-criminal in nature and should be used sparingly.

Punitive damages go beyond mere compensation of a victim and are designed to punish and deter outrageous conduct. Since the imposition of punitive damages is similar to criminal sanctions, the burden of proof should be clear and convincing evidence, and should only be awarded in a situation where the harm caused was a result of a conscious, malicious, and flagrant indifference to the safety of product users.

Plaintiffs should be required to request punitive damages by motion and further required to establish, at a hearing, that there is a reasonable likelihood of proving facts to support a punitive damage award. Such a motion should not be filed with the original complaint but should be made after the close of discovery. Furthermore, the trail court should be authorized to determine whether a jury award for punitive damages is excessive and, if so, reduce it or require a rehearing on the motion. The court should also decide whether or not the plaintiff's attorney is to receive any portion of a punitive damage award, and, if so, to what extent.

9. RESTORING FAIRNESS IN DAMAGE AWARDS

Under this provision, each defendant would be liable only for that portion of damages determined to be its proportionate share of responsibility for the harm.

Responsibility for causing damage must be fairly apportioned among those responsible for the harm. Too often, individuals and businesses are left entirely responsible for an accident which they had very little to do with only because they are in a position to pay a claim since they have the deepest pockets. This is unfair and in every case, damages should be paid by the wrong-doers involved only to the extent of their responsibilities for those damages.

10. RESTORING PERSONAL RESPONSIBILITY FOR PRODUCT ALTERATION AND MISUSE

A productmaker should not be held responsible for accidents caused by a product that has been altered or misused.

It is unfair to allow a claimant in a lawsuit to recover damages from a product manufacturer or seller where the claimant's injuries were a result of the misuse or alternation of a product. If the use of a product is in violation of the manufacturer's express warnings or instructions, that manufacturer's liability should be reduced by the percentage of responsibility which was attributable to the alternation or misuses of the product. Further, if the misuse of the product or its alteration involved a risk of harm which should have been known by the ordinary person, damages assigned to the manufacturer should be reduced by the percentage of responsibility attributable to the misuse or alteration.

Mr. Speaker, enactment of the above 10 proposals will form the basis of strong and effective legal reform which will help loosen the grip of lawyers on America. These commonsense reforms are necessary to ensure that American consumers, manufacturers, product sellers, employers and employees alike receive fairness and justice under our civil justice system.

The time has come to end lawsuit abuse in America. I look forward to working with my colleagues on both sides of the aisle to ensure that these reforms are adopted as soon as possible.

INTRODUCTION OF A RESOLUTION TO PRINT A BOOK ON HISPANICS IN CONGRESS

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 1994

Mr. SERRANO. Mr. Speaker, on behalf of the Congressional Hispanic Caucus, I proudly rise to introduce a concurrent resolution authorizing the printing of "Hispanic Americans in Congress."

The contributions of Hispanics to the culture, society, and economy of this Nation are as varied as they are numerous. From the Southwest to the Northeast and many points in between, Hispanics have performed and excelled in the major industries and pursuits that have helped to make America what it is today. In fact, Hispanics have earned more Congressional Medals of Honor, per capita, than any other race or ethnic group in U.S. history.

With the introduction of this resolution, members of the Congressional Hispanic Caucus hope to reveal to the Nation the little known history of Hispanic-Americans in Congress. Hispanics have a long and illustrious history of service in the U.S. Congress, dating back to the beginning of the 19th century. Hispanics have represented the congressional districts in the State of Florida, New Mexico, California, Louisiana, New York, New Jersey, Arizona, Illinois, and the territories of Puerto Rico, the Virgin Islands, and Guam. In addition, there have been three Hispanics, all from New Mexico, who have served in the U.S. Senate: Octaviano Larrazolo, Dennis Chavez, and Joseph Montoya.

"Hispanic Americans in Congress" would parallel two other books—one on African-Americans and the other on women—in scope and content. Taken together, these three books offer role models from yesterday and today that might inspire future Hispanics, African-Americans and women to run for service in the Nation's highest legislative body.

It is my hope and expectation that this important publication will chronicle the first of many chapters of Hispanic participation in the Congress. Indeed, according to the Bureau of the Census, Hispanics will be the largest minority in the United States early in the next century. Already, there are more Hispanic children, and future voters, than there are children of any other minority group. As long as the constitutionally guaranteed voting rights of Hispanics are protected, there will be more and more Hispanic Members of Congress, offering their first-hand knowledge of the needs and concerns of the Hispanic community.

One member of the Congressional Hispanic Caucus, in particular, must be thanked for his work in preparing "Hispanic Americans in Congress"; Congressman SOLOMON P. ORTIZ. His hard work deserves much praise.

Thus it is in the spirit of Hispanic Heritage Month, which runs through October 15, that I introduce this important concurrent resolution to authorize printing of the book, "Hispanic Americans in Congress." I urge my colleagues to support it.

TRIBUTE TO MRS. LOUISE BLAKE BROCK LEWIS

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 1994

Mr. WELDON. Mr. Speaker, today is an important milestone for Louise Brock Lewis, a distinguished woman from Delaware County, PA. Her family and friends will gather this weekend for a special celebration of Louise's 100th birthday.

Louise Brock Lewis is an individual who has had the opportunity to watch our great Nation grow and change. She has also been a loyal and giving resident to Delaware County.

At an early age, Mrs. Lewis actively got involved with her community. As a member of the Pennsylvania Society of the Colonial Dames of America since 1923 she has served as vice president, president and honorary president.

During World War II, Mrs. Lewis served as an aid and vice-chair of volunteers for the American Red Cross, Pennsylvania Chapter. Her role in the Welcome Society, Pottstown Historical Society, and chair of the famous Devon Horse Show in 1938 and 1939 are just a few of her many contributions to our area.

Mother of 2, grandmother of 11, great-grandmother of 18, and great-great-grandmother of 3 children, Mrs. Lewis has certainly been an integral part of both her community and her family.

Mrs. Lewis' father was the president of a small silver and gold mine and a railroad company. She grew up in the West when the frontier was still being developed. At the age of 5, Mrs. Lewis remembers watching her brother shoot buffalo out of the family's private railroad car.

Louise Blake Brock Lewis is a rare individual who has lived through and been an active participant in many of our country's greatest historical achievements. I wish to commend her for her service and honor her today for her century of accomplishments.

TRIBUTE TO RURAL/METRO CORP.

HON. KARAN ENGLISH

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 1994

Ms. ENGLISH of Arizona. Mr. Speaker, I rise today to recognize the Rural/Metro Corp. of Scottsdale, AZ, for being chosen as the 1994 recipient of the Scottsdale Chamber's Excellence in Business Award. This award recognizes and honors a larger Scottsdale business that has made significant contributions to the social and economic foundation of the community.

Having recently toured Rural/Metro, I can certainly see why the company has earned this recognition. Their responsiveness to the needs of the community was exemplified by their kind and courteous staff, which impressed me with their dedication to the betterment of their profession.

The Rural/Metro Corp. was selected from 15 other nominees this year based on the following outstanding accomplishments.

Rural/Metro has contributed to Scottsdale's economy by saving local residents millions of dollars annually through their innovative approaches to emergency services.

Rural/Metro has acted as a good neighbor by providing public education programs to teach residents how to prevent emergencies from occurring, and what to do in case an emergency does arise.

Rural/Metro's contributions to Scottsdale have brought the community national recognition, honor, and distinction.

Rural/Metro has established notable leadership and dedication in Scottsdale's social, civic, and cultural programs.

Rural/Metro has contributed significantly to Scottsdale's environment and infrastructure by being a sponsor of Valley Forward Earth Fest and providing a strong fire protection team and program for the residents.

I am proud of the Rural/Metro Corp. and its record for not only serving the community, but for going above and beyond the call of duty in helping Arizonans. This national company, which started and based its headquarters in Scottsdale, AZ, has brought the community great honor, satisfaction, and pride.

Congratulations to the Rural/Metro Corp. for their outstanding achievement.

FOR THE SAKE OF ALL FUTURE GENERATIONS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 1994

Mr. STARK. Mr. Speaker, after a year-long review, the Pentagon and administration have come to the conclusion that our nuclear forces must remain poised to fight an advancing Soviet army in Europe. The world has changed dramatically, and I had hoped for a bold policy change. We have instead courageously committed ourselves to stay the course, polish our missiles, and wrap up a few loose ends.

The opportunity to win the peace is at hand. We should be sitting down to negotiate the elimination of tactical nuclear weapons and a mutual reduction in strategic stockpiles to levels sufficient to guarantee security. Thousands of warheads could be dismantled and create a safer, more secure world.

How many times do we have to be able to destroy the world to save it?

The President should ask the reviewers to redo this sad, tired, and deadly old position. We have never had a greater opportunity for peace and for stepping back from the precipice of extinction. For the sake of all future generations, please, Mr. President, reconsider this position.

IN HONOR OF GRISSOM AIR FORCE BASE

HON. STEPHEN E. BUYER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 1994

Mr. BUYER. Mr. Speaker, on October 1, 1994, Grissom Air Force Base, IN, will be realigned as an Air Force reserve base. As Grissom leaves active service, it is fitting that we honor this installation and the men and women who have served there in peace and war over the last 52 years.

Grissom Air Force Base, located in Peru, IN, was originally constructed as Bunker Hill Naval Air Station [NAS] in 1942. On July 1, 1943, the U.S. Navy opened Bunker Hill in the middle of Miami County cornfields in north central Indiana. During its 4 years of operation as a naval air station, Bunker Hill NAS trained thousands of Navy, Marine, and Coast Guard pilots. Many of these pilots won distinction in every theater of operations during World War II.

After the war, the Navy closed the base and it reverted to its former use as farmland, with many of the buildings being sold to local colleges. With the outbreak of the Korean war, the Air Force needed a base where it could conduct nationwide and global operations. Bunker Hill was a logical choice. The Air Force negotiated with the Navy to reopen the facility as Bunker Hill Air Force Base.

Bunker Hill Air Force Base officially reopened as a Tactical Air Command [TAC] base on June 22, 1954. That year, the 4433d Air Base Squadron and the 323d Fighter-Bomber Wing called Bunker Hill home. In 1955, the Air Defense Command's 319th Fighter Interceptor Squadron joined the base. The Stragegic Air Command [SAC] arrived on the base in the mid-fifties, and SAC's 8th Air Force assumed responsibility for the base on September 1, 1957, with the deactivation of the 323d. The 68th Air Refuelling Squadron arrived 2 days later to complete the formation of the 4041st Air Base Group.

In May 1959, Bunker Hill saw the arrival of the 305th Bomb Wing with its B–47 strategic bombers. Two months later, the 4021st was redesignated as the 305th combat support group. That same year, the first KC–135 "Stratotankers" were assigned to that unit. The KC–135's have been a permanent fixture at the base since that time.

Two years later saw Bunker Hill phasing in the B–58 "Hustler" to replace the B–47. The B–158's lasted until January 1, 1970, when the 305th Bomb Wing was redesignated and replaced by the 305th Air Refuelling Wing. This wing was composed of the 305th Refuelling Squadron, the 70th Refuelling Squadron, and the 3rd Airborne Command and Control Squadron. These units formed the basis of the "Can Do" Wing.

After 26 years of bearing the name of Bunker Hill, the base was renamed on May 12, 1968, for Lt. Col. Virgil I. "Gus" Grissom, a native of Mitchell, IN. An experienced fighter pilot, Grissom was a veteran of the Korean war and an experienced test pilot. In 1959, Colonel Grissom was chosen as one of the seven original *Mercury* astronauts. He flew the second manned *Mercury* spacecraft on July 22, 1961, which he named the *Liberty Bell*. In March 1965, Grissom teamed with Navy Comndr. John Young to fly the first of the *Gemini* spacecraft, *Gemini 3*. Tragically, Colonel Grissom was killed in a fire aboard his *Apollo 1* capsule while still on the launch pad at Cape Kennedy, FL, on January 27, 1967. The base continues to honor this Hoosier hero.

Throughout its history, the 305th flew missions in support of Operation Nickel Grass, supporting the resupply of Israel during the Middle East war, support missions in Southeast Asia, supported the B–1 test program, and provided refuelling support to Operation Just Cause, the United States invasion of Panama. The 305th also supported troops in the Persian Gulf during Operations Desert Shield, Desert Storm, Desert Calm, and Provide Comfort.

In 1991, the Secretary of Defense announced that the 305th was slated for inactivation. While the 305th Air Refuelling Wing will inactivate, the number and tradition of excellence will continue as it is redesignated the 305th Air Mobility Wing and relocates to McGuire Air Force Base, NJ.

In addition to active Air force units the base has also been the home to Air Force Reserve units. The 930th Operations Group and its predecessors have a long and proud heritage dating back to World War II. The 930th, originally known as the 434th Special Operations Group, flying A–37 Dragonfly fighter-bombers, was reactivated and moved to Grissom in 1971. In 1973, the unit became the 434th Tactical Fighter Wing. In 1981, the 434 Tactical Fighter Wing and its subordinate command, the 46th Tactical Fighter Squadron, received the A–10 "Warthongs." In 1987, the 434th Tactical Fighter Wing was reorganized as the 930th Tactical Fighter Group, and later shortened to the 930th Fighter Group.

On June 1, 1992, the 930th Fighter Group was reorganized as the 930th Operations Group, and joined forces with the 434th Air Refueling Wing to form the first Air Force Reserve composite unit—the 434th Wing. Due to the post-cold-war reductions, Secretary of the Air Force Sheila Windnall announced in February 1994 that the 930th would be inactivated in the fall of 1994. On September 24, 1994, Colonel Don Schell, commander of the 434th Wing, presided over the casing of the colors of the 930th Operations Group and its subordinate command, the 45th Fighter Squadron.

Grissom Air Force Base has seen many changes over the years, and has been home to many units including bomber, fighter, special operations, and refueling units. As of October 1, 1994, Grissom Air Force Base will be transferred to the Air Force Reserve. As such, it will continue to serve as the home of the 434th Air Refueling Wing.

Grissom Air Force Base, like its namesake, Gus Grissom, and its thousands of airmen, has answered its Nation's call and served proudly and honorably. As its active duty mission comes to a close and the Air Force Reserve assumes control, I want to thank the men and women of Grissom Air Force Base and of Miami County and the city of Peru for their support to the defense and welfare of this great Nation.

TRIBUTE TO WILLIAM A. COOPER

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 1994

Mrs. MEEK of Florida. Mr. Speaker, I am proud to join with citizens from Coral Gables and all over Dade County in honoring William A. Cooper for a lifetime of service to the people of our community.

We hear a lot today about how fewer and fewer Americans continue to live as adults in the communities in which they were born. Such was not the case with William Cooper. He was born and raised in Carol Gables, Florida, the third son of 13 children, and he set down strong roots that persist to this very day.

William Cooper has been an activist and a leader all of his life. He was the first African-American member of the City of Coral Gables Code Enforcement Board, and he has served on the city's Citizen's Advisory Board. He is also a member of the Coral Gables Police Department's Crime Watch Advisory Board and is second vice president of the St. Alban's Day Nursery Board of Directors.

Mr. Cooper currently serves Coral Gables as President of the Lola B. Walker Homeowners Association, Inc., an organization of African-American homeowners.

The history of Coral Gables' African-American community has gained renewed prominence because of William Cooper. Under his leadership, the association played a key role in acquiring local historic designation of the McFarlane Homestead subdivision and securing its listing on the National Register of Historic Places. He has also played a key role in securing local historic designation for George Washington Carver Elementary and Middle Schools. Thanks in part to his efforts, Industrial Avenue in the McFarlane Homestead subdivision was renamed this past spring in honor of George Allen, one of its pioneer citizens.

Mr. Speaker, I wish to express congratulations and best wishes to William A. Cooper, his wife Leona, and his children and grandchildren. We share his pride in our community and thank him for keeping our history alive.

HONORING THE GERIATRIC DAY CENTER PROGRAM

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 1994

Mr. ENGEL. Mr. Speaker, on October 5, 1994, the Jewish Home and Hospital for Aged in my district will celebrate the 20th anniversary of its pioneering Geriatric Day Center program. This was the first medical model adult day care program in New York City, and has been so successful and cost effective that it became the model for similar programs elsewhere.

We have debated the merits of health care reform in this body, and we have much to learn from the successes we see in our home communities. The Geriatric Day Care program is one such success—a forward-looking plan that contains costs and maintains quality while offering an alternative to institutionalization.

The Jewish Home and Hospital for Aged is one of the oldest and largest nonprofit geriatric centers in the country, providing services in the Bronx, Westchester County, and Manhattan. Its broad range of services are provided by a staff of dedicated professionals, all of whom deserve thanks and recognition on this special occasion.

Just 20 years ago, the needs of the elderly could only be met within the walls of a nursing home. Today, programs like the Geriatric Day Center allows its participants to manage their own lives within the community. I congratulate the Jewish Home and Hospital for Aged for this great accomplishment.

TRIBUTE TO BEN ZOBRIST

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 1994

Mr. SKELTON. Mr. Speaker, today I wish to honor Ben Zobrist, a man who has contributed a great deal to the State of Missouri. Zobrist, the director of the Harry S. Truman Library in Independence, MO, is retiring this fall.

Zobrist came to the Truman Library as an assistant director in 1969 and became the director in 1971. Since that time, Zobrist has been highly successful in expanding the programs and collections of the library. Events such as, Truman Week which commemorate Truman's birthday, the creation of a $10 million fundraising campaign to observe the 50th anniversary of Truman's Presidency, and the renovation of the library are all due to Zobrist.

Born in Moline, IL, on August 21, 1921, Zobrist spent the earlier part of his life in Illinois. He was educated in his undergraduate, masters, and Ph.D. at Augustana College, in Rock Island, IL. Prior to his job as director of the Truman Library, Zobrist held numerous positions at Augustana College ranging from a professor and chairman in the history department to the chairman to an associate dean and director of graduate studies. Since coming to Missouri, Zobrist has served as an adjunct professor of history at the University of Missouri-Kansas City and Ottawa University in Ottawa, KS.

The numerous academic honors and awards given to Zobrist, along with the organizations he belongs to, reflect his strong commitment to all in which he partakes. Missouri has been fortunate for the many years that Zobrist gave to the Truman Library. I urge my colleagues to join me in honoring Ben Zobrist for his 25 years of devoted work.

ESTABLISHMENT OF A MULTILATERAL EXPORT CONTROL REGIME

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 1994

Mr. GILMAN. Mr. Speaker, today I am submitting a House resolution urging the President to achieve a clearly defined agreement which establishes a multilateral export control regime to stem the proliferation of militarily critical products and advanced strategic weapons to rogue regimes that jeopardize international peace and the national security of the United States.

In light of the ongoing summit with Russian President Boris Yeltsin, the consideration of this resolution is intended to emphasize that no country, including Russia, should qualify for membership in this new regime unless it clearly meets the criteria laid down by our State Department negotiators. These include the implementation of effective export controls, adherence to the control list and the guidelines of the existing multilateral regimes, and a firm commitment to stop providing advanced strategic weapons to Iran, Iraq, Libya, and North Korea.

This resolution supports the administration's own objectives in creating a replacement regime for the former CoCom for East-West technology into a global nonproliferation regime that would specifically target the four rogue regimes posing a threat to our national security interests.

I urge my colleagues to join with me in sponsoring this resolution, whose text follows:

H.R. 549

Expressing the sense of the House of Representatives that the President should work to achieve a clearly defined agreement which establishes a multilateral export control regime to stem the proliferation of militarily critical products, technology, and advanced strategic weapons to rogue regimes that jeopardize international peace and the national security of the United States.

Whereas the United States and its partners in the Coordinating Committee (hereinafter referred to as "CoCom"), the multinational body that controlled strategic exports to the former Soviet Union and other Communist States, agreed to disband the organization on March 31, 1994;

Whereas no successor has yet been established to replace CoCom;

Whereas multilateral controls are urgently needed to thwart efforts of Iran, Iraq, North Korea, Libya, and other rogue regimes to acquire advanced strategic weapons and militarily critical products and technology that could contribute to such nation's efforts to build threatening offensive weapons capabilities;

Whereas the United States should make a high-level effort to achieve an effective replacement control regime to CoCom;

Whereas the Administration has been trying for more than one year to negotiate such replacement regime that would merge the existing CoCom regime for East-West technology controls into a global nonproliferation regime and would specifically target rogue regimes such as Iran, Iraq, North Korea, and Libya;

Whereas support by such regimes for threatening activities, including acts of international terrorism, poses a national security threat to the United States and its allies;

Whereas the Administration is now giving active consideration to the inclusion in this replacement regime of Russia, other former Warsaw Pact States, and possibly China;

Whereas police in Germany have made 4 seizures this year of nuclear contraband from Russia where nuclear facilities are vulnerable to pilfering;

Whereas the plutonium in one such seizure was 87 percent of a highly enriched isotope used in nuclear weapons and is alleged to originate from a Russian nuclear weapons plant;

Whereas the Administration needs to ensure that Russia takes prompt and effective action to tighten export controls on nuclear weapons components;

Whereas Russia has sold destabilizing weapons to Iran and has not indicated that it is prepared to stop or curtail such sales in the future;

Whereas the Administration should oppose Russian membership in the CoCom successor regime until Russia unconditionally terminates the sale and transfer of all advanced conventional weapons to Iran and any other rogue regimes;

Whereas the Administration has failed to publicly identify Russia as a country that is transferring advanced conventional weapons to Iran pursuant to the provisions of the Iran-Iraq Arms Non-Proliferation Act of 1992; and

Whereas Russia and other countries should qualify for membership only to the extent that they are beginning to implement effective export controls, adhering to the control lists and the guidelines of the existing multilateral regimes (including the Nuclear Supplier's Group, the Missile Technology Control Regime and the Australia Group), adhering to the Treaty on the Non-Proliferation of Nuclear Weapons and the existing biological and chemical weapons conventions, and agreeing to stop providing destabilizing weapons to rogue regimes: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) the President should work to achieve a clearly defined agreement which establishes a multilateral export control regime to stem the proliferation of militarily critical products and technology and advanced strategic weapons to rogue regimes that jeopardize international peace and the national security of the United States and its allies; and

(2) no country should qualify for membership unless it has begun to implement effective export controls, adheres to the control list and the guidelines of the existing multilateral regimes including the Nuclear Supplier's Group, the Missile Technology Control Regime, and the Australia Group, adheres to the Treaty on the Non-Proliferation of Nuclear Weapons and the existing biological and chemical weapons conventions, and has stopped providing advanced strategic weapons to Iran, Iraq, Libya, and North Korea.

HONORING CHAIRMAN MARILYN LLOYD

HON. TIM ROEMER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 1994

Mr. ROEMER. Mr. Speaker, true leaders not only manage the events of the present, they also pay close attention to what the future may hold. At the Science, Space, and Technology Committee, I have had the good fortune to work with Chairman MARILYN LLOYD, who has provided exceptional leadership in managing our current resources as head of the Energy Subcommittee, and has also done outstanding work in preparing for future needs.

The future of United States and world development is closely linked with our energy supply. The dwindling global petroleum supply combined with ever-expanding energy needs creates a huge necessity for investing in other energy producing sources. MARILYN LLOYD has done an outstanding job in ensuring that this country address future needs today.

She has charted a course for badly needed and timely investment in renewable energy sources such as wind and solar powers, and in promising other technologies such as fusion. In order to reduce our dependence on foreign energy sources, Chairman LLOYD has sought better levels of investment in domestic energy production.

She has also conducted critical oversight in bringing our Federal energy labs into the next century. Once our Nation's weapons kitchens, these facilities found themselves badly in need of a mission. Chairman LLOYD has worked tirelessly to convert our Federal labs into technology kitchens, whose mission it will be to create new products and materials that American businesses can use to advance our global trading status.

This subject matter is complicated, but Chairman LLOYD has addressed it with vigor and given it the serious attention it deserves. She has served the Congress and the country well in these and other matters, and I am both pleased and honored to have had the great opportunity to serve with her as a member of the Energy Subcommittee.

Mr. Speaker, Chairman MARILYN LLOYD has served with class, grace, and distinction. I know she is going to do better things, and I know she will have great success, but I also know that she will be genuinely missed by her colleagues. We are losing a distinguished leader, but she will always be remembered for her dedication to her constituents, her committee, and the Congress.

SALUTE TO JOSEPH NEWTON

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 1994

Mr. FOGLIETTA. Mr. Speaker, I rise to salute my constituent, Joseph Newton. Against all odds, Mr. Newton successfully formed Tri-Lucy Express. I am told that Tri-Lucy is the first African-American owned courier service to be licensed in Pennsylvania. The Interstate Commerce Commission has licensed Tri-Lucy to operate in the 48 contiguous States, and the company has agents in each one.

Mr. Newton's company will soon employ 13, currently unemployed, people from my district. His company is a model for small businesses in our hard-hit urban areas.

I applaud Mr. Newton for his perseverance and his foresight in forming this firm.

TRIBUTE TO GRAND COMMANDER FRANK SEAMANS

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 1994

Mr. NEAL of Massachusetts. Mr. Speaker, today I rise to salute a man whose service to country and community merits special attention. Mr. Frank Seamans, Massachusetts grand commander of the Veterans of Foreign Wars' Military Order of the Cootie, has compiled an incomparable record of dedication to others. I would like to take a moment to detail the accomplishments of my most distinguished constituent.

Mr. Seamans began his commitment to country in Asia where he served in military operations during the Korean war. He has continued his service through involvement in a variety of veterans' organizations.

Mr. Seamans joined the Veterans of Foreign Wars in 1981 and is a life member. He has served at a number of positions at the local, department and national level. He served as District 13 commander from 1989 to 1990. He has volunteered over 2,000 hours as a VFW VAVS representative for the Northampton, MA VA Medical Center. On the national level, he was a national deputy inspector from 1990–91 and a member of the national finance and internal organization committee from 1991–92. Mr. Seamans' most distinguished service has come as a member of the Military Order of the Cootie, where he has served in a number of offices, including his current office of grand commander.

Mr. Seamans has worked tirelessly to improve the lives of veterans in the State of Massachusetts. For this important commitment, I thank and salute Mr. Frank Seamans of Leeds, MA.

TRIBUTE TO THE ADMINISTRATION, TEACHERS, AND STUDENTS OF BRYANT RANCH ELEMENTARY SCHOOL

HON. JAY KIM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 1994

Mr. KIM. Mr. Speaker, I would like to take this opportunity to acknowledge the scholastic excellence of the students, teachers, and administration of the Bryant Ranch Elementary

School, located in Yorba Linda and a part of the Placentia-Yorba Linda Unified School District, in its being recognized as a National Blue Ribbon Elementary School.

Mr. Speaker, when you take the time to examine the school's mission statement, motto, activities, and its outstanding relationship with the entire school district, it should be no surprise that this distinguished honor has been bestowed upon the Bryant Ranch Elementary School. The school's mission statement stresses the development of students with high esteem who celebrate learning as a lifelong experience and clearly defines to all personnel the importance of providing a positive and caring environment that promotes intellectual curiosity, encourages creativity, and establishes a tradition for achieving the student's personal best. Bryant Ranch Elementary School's motto is, "Reflect the past, explore the present, and invent the future."

Mr. Speaker, I also believe that the Bryant-Ranch Elementary School, and indeed the entire Placentia-Yorba Linda Unified School District, should be looked upon as a model of what American educational institutions, and their school districts strive to achieve in education.

Mr. Speaker, as you know, a solid education is one of the most valuable asset that we can provide our children. The example set by the Bryant-Ranch Elementary School is one of academic diligence and excellence. It gives me great pleasure to congratulate the Placentia-Yorba Linda Unified School District for nurturing a school of such high caliber, and of course to all of the fine students, teachers, parents and administration of the Bryant-Ranch Elementary School for a job well done.

NEW ERA IN IRELAND

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 1994

Mr. REED. Mr. Speaker, this past week, President Clinton welcomed John Hume to the United States. As a member of the British Parliament and leader of the Social Democratic and Labor Party of Northern Ireland, he played an active role in the achievement of the recent Irish Republican Army cease-fire.

John Hume has been a champion for peace in Northern Ireland. He has shown extraordinary courage and commitment to resist the violence that has consumed Northern Ireland. His example inspires men and women throughout the world who cherish peace and respect the dignity of all mankind.

The continuous bloodshed and human rights abuses that have characterized Northern Ireland are appalling and John's efforts to end this situation are of paramount importance.

This cease fire, while significant, is just the beginning of a long and complex process required to achieve lasting peace in Northern Ireland. I call to the attention of my colleagues an editorial written by the Honorable Mr. Hume, that appeared in the Friday September 23d Washington Post.

[From the Washington Post, Sept. 23, 1994]

NEW ERA IN IRELAND

(By John Hume)

With the announcement of a cessation of military activities by the IRA and the commitment of their political voice, Sinn Fein, to peaceful and democratic means to reach an agreement between the people of Ireland that can earn the allegiance of all our traditions, we are now at the beginning of a new era in Ireland. That was the clearly stated objective of my dialogue with Gerry Adams. Since five British governments and 20,000 troops failed to stop the violence, I took the view that if the killing of human beings on our streets could be ended by direct dialogue, then it was my duty to do so. I am naturally pleased that we have achieved this first major step toward lasting stability.

Now we must move on to our next major challenge—to reach agreement on how we share our piece of earth together. The challenge is to find common ground between two fundamentally different mind-sets, the unionist and the nationalist. The unionist mind-set, based largely in the Protestant population of Northern Ireland, is akin to that of the Afrikaner who believes that, surrounded by hostility that is real or apparent, the only way to protect his people is to concentrate power in their own hands to the exclusion of all others.

That approach is not only doomed to encourage widespread discrimination and conflict but is ultimately unsustainable. Nor does it do justice to the unionist tradition. The unionists of Northern Ireland are justly proud of their heritage and their contribution to the world. As many as 11 American presidents came of their stock. They number captains of industry and colonial governors among their great men. They see themselves as a pragmatic, hardheaded, straight-talking, skeptical, robust people and there is much in their history to justify their view.

However, the negative impact of their laager mentality has tended to dry up their creativity and paralyze their political talents. The time has come for them to believe in themselves as their own best guarantors in a future shared with the rest of the people of Ireland. They must realize that because of their geography and their numbers, the problem cannot be solved without them. Their true interest depends precisely on the exercise of their traditional gifts of self-confidence and self-reliance. Let them exercise those gifts now in the face of a historic opportunity by engaging in the political process of dialogue and consensus building.

The nationalist mind-set has traditionally relied less on the discipline of its people and more on its commitment to the territory of Ireland. "This is our land, and you unionists are a minority and you cannot stop us taking it over" can fairly well sum it up. But Irish nationalism has grown in its complexity, and it accepts that unity is not a territorial objective but one that involves people. It is people who have rights and not territory. A divided people can only be brought together by agreement. If coercion entrenches those divisions, only dialogue can bridge them.

In my whole approach to this process, I have been strongly inspired by both my European experience and my contact with the United States. The European Union is the greatest testament to the resolution of conflict. After one of the bloodiest conflicts in history, which left 35 million dead across our continent a mere 50 years ago, Europeans are engaged in a level of cooperation so intense it has blurred the traditional bounds of sovereignty. The political system of the United States commands the loyalty of citizens despite the diversity of their ethnic makeup and experiences. And each U.S. citizen carries in the small change in his or her pocket the maxim that holds the country together—*e pluribus unum*, from many we are one, the essence of unity is the acceptance of diversity.

We in Ireland are engaged in a process that seeks to give reality to this most profound truth. We must create by agreement, as was done in postwar Europe, institutions that respect our diversity but allow us also to work our substantial economic ground together—and by spilling our sweat and not our blood to begin our healing process. If that happens, a new Ireland will evolve, and the model that emerges may be very different from the traditional models of the past. It will be based on agreement and can earn the allegiance of people from all our traditions.

While we work for political agreement, we should also—in conjunction with the Irish abroad, particularly in the United States—work together to build our country economically, concentrating on areas of higher unemployment in the North so that the positive results of the peace process can be visible to our young people. We must give them hope and belief in the constitutional process. We must plan to give them the opportunity to earn a living in the land of their birth and to contribute to its development.

I have had major contacts in the U.S. political and business communities, where people of Irish extraction are prominent in both. I have learned that they would be keen to help in the development effort. Indeed, they are already doing so through the International Fund for Ireland, which has already created 20,000 jobs. Reconstruction goes hand in hand with reconciliation.

My hope, and it is a confident hope, is that the fast approaching 21st century will be the first century in our island history in which the evil genius of mistrust and violence will be finally laid to rest, and politics alone—in all its dynamism and vigor—will direct the affairs of all of the people of Ireland.

ATTORNEY RONALD J. JASKOLSKI NAMED POLISH AMERICAN OF THE YEAR BY POLISH NATIONAL ALLIANCE—MILWAUKEE SOCIETY

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 1994

Mr. KLECZKA. Mr. Speaker, I rise today congratulate my friend, Attorney Ronald J. Jaskolski on being named Polish American of the Year by the Polish National Alliance—Milwaukee Society.

The measure of a man's success can be taken in many ways. By any definition of the word, Ronald Jaskolski is clearly a success. As an attorney, Ronald Jaskolski has long earned the respect of his clients and his peers. He has maintained a successful practice in the Milwaukee area for nearly 30 years and has established himself as a respected authority on the practice of family law.

As a devoted husband, father, and grandfather, Ronald Jaskolski has helped to raise a family of whom he can be proud. He and his wife Jeanne are the loving parents of four children, and just recently celebrated the birth of their fourth grandchild.

As a concerned and involved citizen, Ronald Jaskolski has made a positive and lasting impact on his community. Through his involvement with organizations such as the St. Joseph's Foundation, the South Community Organization, and the Clinicare Corp., Attorney Jaskolski has worked hard to make life better for our community's young people and disadvantaged. Through his work with groups like the Polish National Alliance and Polish Festivals Inc., Attorney Jaskolski has done much to preserve and promote Milwaukee's rich Polish-American heritage.

Milwaukee's Polish-American community has long maintained a tradition of strong commitment to the values of hard work, family, and community involvement. Attorney Ronald Jaskolski has proudly maintained and carried on this commitment. By naming one member of Milwaukee's Polish-American community as Polish-American of the Year, the Polish National Alliance—Milwaukee Society seeks to honor those persons whose actions set an example for the entire community.

Mr. Speaker, I commend and congratulate Attorney Ronald J. Jaskolski on receiving this well deserved award.

TRIBUTE TO GERALD A. BAKER

HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 1994

Mr. HERGER. Mr. Speaker, I would like to recognize a constituent of mine, Mr. Gerald A. Baker, who retires from Federal service after serving the United States faithfully for 35 years. From the beginning of his civil service career as an engineering aide, GS–04, to the chief, ordinance engineering division, at the Naval Ammunition Depot, Hawthorne, NV, to his present position as the civilian executive assistant, GS–15, Sierra Army Depot, CA, his extraordinary contributions have been invaluable.

Mr. Baker's strong leadership, exceptional managerial abilities, and his commendable personal qualities have positively affected both missions and people throughout his career. He has set the example for civil servants for more than three decades.

Mr. Baker's contributions were recognized by many awards during his career to include two Meritorious Civilian Service Awards, a Commander's Award for Civilian Service, and numerous Exceptional Performance Awards. As he ends his career, it is fitting to note the influence he had on varied aspects of Government during his years of service to the Nation.

HONORING BARBARA SHIPNUCK

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 1994

Mr. FARR of California. Mr. Speaker, I am pleased to rise today to recognize the many contributions and achievements of Barbara Shipnuck. As a 16-year veteran of the Monterey County Board of Supervisors and the first woman to serve in that body, Barbara has had, by all accounts, and unparalleled career in public life. She is known by all who work with her as an extremely capable leader.

I personally have had the pleasure of working with Barbara on a good many occasions, dating back to the time I served as a supervisor. In the late 1970s', she and I led successful drives to help save Natividad Hospital and open the county's advisory committees to a new era of leadership. Later, as a State assemblyman, I worked with Barbara to help realign California's State and local social services to deliver greater benefit at lower cost. At that time, Barbara served as chair of the County Supervisors Association.

Now chairwoman of the Monterey County Board of Supervisors, Barbara is looking forward to life after government. Fortunately, we have much to remember her by. Aside from her work on the board of supervisors, Barbara currently serves on the board of directors of the National Association of Counties and is on the executive committee of the California State Association of Counties.

In addition, Barbara serves on both associations' health and human services committees and chairs the Children's Initiative Task Force for the National Association of Counties.

She is a graduate of Brandeis and Harvard Universities, the mother of two, and just a wonderful person.

In honor of her retirement from the Monterey County Board of Supervisors, I call upon my colleagues in this House to salute Barbara Shipnuck for all that she has done for the people she has so remarkably served.

TRIBUTE TO TYLER A. OFFENBAKER

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 1994

Mr. OXLEY. Mr. Speaker, how rare a commodity heroism is. I rise today in tribute to my constituent, Tyler A. Offenbaker, from Roosevelt School in Lima, OH, who recently received the American Automobile Association [AAA] School Safety Patrol Lifesaving Medal Citation. Tyler is the son of James and Renee Offenbaker of Lima.

In January 1993, Tyler had just completed safety patrol duty at the corner of Glenwood Avenue and West Spring Street when he saw a younger boy being dragged on the snow-covered roadway by a car. Unaware that the student's bookbag had caught in the door as he got out, his grandmother drove off. Tyler frantically ran after the slow-moving car, shouting and waving his safety flag. After running approximately 140 feet, Tyler finally got the driver's attention, and she stopped. Thanks to Tyler's quick thinking, the student sustained only minor injuries.

Mr. Speaker, I ask my colleagues to join me in saluting Tyler A. Offenbaker for his quick thinking and bravery that prevented a tragedy.

CONGRATULATING BENJAMIN A. LEON GUERRERO ON HIS ELECTION AS PRESIDENT OF THE FBI NATIONAL ACADEMY ASSOCIATION, HAWAII CHAPTER

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 1994

Mr. UNDERWOOD. Mr. Speaker, I would like to commend and congratulate Police Inspector Benjamin A. Leon Guerrero on his election as president of the FBI National Academy Association, Hawaii Chapter.

The Federal Bureau of Investigation's National Academy, Hawaii chapter, is composed of law enforcement officers who are FBI-trained from various Pacific island nations, in which the territory of Guam participates. A graduate of the FBI National Academy, Guam Police Inspector Benjamin A. Leon Guerrero is the chapter's first president elected outside the State of Hawaii, a milestone for the territory and the Guam Police Department.

Police Inspector Benjamin A. Guerrero has brought recognition upon himself, the island, and its people. As someone I personally know and worked with early in our careers, I would like to congratulate him on his latest achievement.

TRIBUTE TO MARILYN DONAHUE-DURKIN

HON. JAMES A. LEACH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 1994

Mr. LEACH. Mr. Speaker, I rise today to pay tribute to Marilyn Donahue-Durkin, who is retiring after serving on the minority staff of the Committee on Banking, Finance and Urban Affairs for over two decades. Spanning an era covering Watergate to Whitewater, Marilyn has served effectively under four ranking Members, gaining the respect and appreciation of each. Her dedication, support, and friendship will be missed by many both within Congress and without. We bid Marilyn a fond farewell and wish her success in all future endeavors.

LOURDES SENIOR COMPANIONS—GREAT ASSETS TO SOUTHERN NEW JERSEY

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 1994

Mr. ANDREWS of New Jersey. Mr. Speaker, on October 21, 1994, the Lourdes Senior Companion volunteers will be honored at a recognition luncheon given on their behalf. The Senior Companion Program was authorized in 1973 as part of the Domestic Volunteer Service Act and is now part of the Corporation for National Service. The program was established to provide individualized support and create part-time stipended volunteer community service opportunities for low-income persons aged 60 and over. Senior Companions provide assistance to elderly adults experiencing difficulty with one or more activities of daily living. As part of a comprehensive care team, they help homebound persons living independently.

The program at our Lady of Lourdes began in 1989 in the city of Camden and now serves older residents of Camden and Burlington Counties. There are currently 92 active volunteers and 20 volunteer stations, serving over 250 clients. When we talk of unsung heroes or heroines, these Senior Companions come to mind. They provide invaluable person-to-person services.

Mr. Speaker, I would like to thank and congratulate these extraordinary individuals. They are William Addison, John Anderson, Hester Banks, Gertrude Booker, Mabel Boone, Willa Mae Braddy, Gladys Braxton, Mary Brockington, Frances Burch, Marie Carlson, James Carter, Annie Clayborne, Catherine Cook, Geneva Cox, Juanita Cruz, Rose D'Angelo, Nancy Darby, Anna DeLeonardia, Margaret DiNunzio, Josephine Doria, Guillermo Enriquez, Theresa Fahey, Gabriel Ferraro, Sr., Catherine Forgacs, Ophelia Fuller, Hester Funches, Mary Garner, Carmela Gentile, Ramona Gonzales, Doris Grant, Ora Green, Frances Hallman, Helen J. Hannum, Catherine Hansbury, Jean P. Harvey, Elizabeth Helmstead, Theresa I. Hussey, Alice Ingalls, Herbert Johnson, Majorie Johnson, Mildred R. Johnson, Esther H. Jones, Anita Kalick, Mary Katz, Martha Kersey, George King, Miriam Kyle, Carrie LaBoy, Mae Helen Lee, Gladys A. Lewis, Lena T. Lewis, Miriam Lott, Hannah E. Lovelock, Beauty Lovett, Gladys Mallon, Shahidah Matean, Margaret Menoken, Veronica Meyers, Aguatin Molina, Eula E. Moore, Else Mulvenna, Sara Y. Nathan, Clifford Nelson, Estella Pratt, Cecilia Read, Vivian Rhone, Isaac Rodriquez, Annie Rozier, Katie Scanes, Elizabeth Schilling, Sophie Schmidt, Carrie Solomon, Maceo Stewart, Azelda Stovall, Helen M. Thom, Willa Mae Thomas, Hattie Thompson, Madeline M. Thorne, Michael Threadgill, Rose Tragno, Violet Tresvant, Cecil Virgo, Marian Ward, Mary Watkins, Gladys M. Williams, Leslie Wilson, Christine Wing, and Clara M. Wittenberger.

Mr. Speaker, I would also like to congratulate and commend Catherine Virginia Jerecki and Anne Marie McAdams for their dedicated and caring service to our program and community.

SUPPORT THE QUINCY LIBRARY GROUP

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 1994

Mr. FAZIO. Mr. Speaker, over the past several months, I and several others of the California delegation have been working with the Forest Service to secure financial support for an innovative effort affecting the Plumas, Lassen, and Tahoe National Forests in northern California. In this area, a remarkable coalition of environmental, timber industry, labor, and community leaders that has come to be called the "Quincy Library Group" has developed a consensus proposal that provides an important model to resolve similar issues throughout the National Forest System. Their efforts have indeed been laudable, and the members of the California delegation have supported the concepts they are promoting to simultaneously achieve healthy forests and stable communities.

In an exchange of letters between our delegation and the Forest Service, which I will include for the RECORD, we have asked the agency to evaluate whether the Quincy Library Group proposal could be funded through the authorities provided to the Forest Service under its salvage sale fund. As you can see from the last letter of the series, the agency has answered favorably. We are encouraged by this response and are encouraged that the proposal can move forward with adequate financial support.

Additionally, I would note that in the conference report on the Interior appropriations bill, the managers emphasized the importance of sustaining the health of our forest ecosystems. They directed the Forest Service to move expeditiously to restore and rehabilitate burned-over areas, and reduce excessive fuel loads in areas highly susceptible to wildfire. The managers report contains specific direction to the agency to this end and commends the Department of Agriculture for establishing a task force to review the causes, effects, and severity of wildfires in the Western United States. In suggesting that they expect the Forest Service to move expeditiously to restore and rehabilitate burned-over areas and reduce excessive fuel loads, the managers spoke directly to our situation. The areas affected by the Quincy Library Group proposal are in just this sort of condition. In fact, one of the larger wildfires that has burned in our State is in the area included in the Quincy Library Group proposal.

Consequently, I am very enthusiastic about both the proposal and the Agency's ability to bring the proposal to fruition by using salvage sale funds. We will continue to work with the agency to secure these important outcomes, and to try to build on the unique consensus achieved by our local citizens in northern California.

CONGRESS OF THE UNITED STATES
Washington, DC, May 18, 1994.

DR. JACK WARD THOMAS,
Chief, U.S. Forest Service, Auditor's Building, Washington, DC.

DEAR CHIEF THOMAS: In recent weeks, each of us has had conversations with members of the Quiney Library Group. We believe this coalition of environmental, timber industry, labor, and community leaders is a truly remarkable group that may provide an important model to resolve similar issues throughout the national forest system. Their efforts are indeed laudable, and we support the concepts they are promoting to simultaneously achieve healthy forests and stable communities. To that end, we wish to request your assistance in expeditiously obtaining specific information on the anticipated costs and associated outputs that would occur through implementation of this group's proposals.

Specifically, the Quincy Library Group has indicated to us that, after consultation with the agency, their proposal would involve treating approximately 50,000 acres for fuels in the first year (FY 1995) in order to begin reducing the current risk of catastrophic wildfire. In order to accurately evaluate the financial implications of this proposal, we need the answers to the following questions:

1. What would these treatments cost in FY 1995? Please break out the costs of the Quincy Library Group's proposal as it was presented to the Forest Service according to the budget categories displayed in the agency's FY 1995 budget request. What portion of the proposal's funding needs have been included in the Administration's FY 1995 budget request? What portion of these treatments could be funded through the Timber Salvage Sale Trust Fund? Will salvage sale funds be used to treat forest stands in imminent danger from insect or disease attack?

2. What are the Forest Service's best general estimates of the out-year (FY 1996–98) costs associated with the proposal?

3. Are there additional FTE or other personnel needs associated with the FY 1995 activity contemplated by the proposal? Do these differ in the out-years? Will the ongoing voluntary separation program affect implementation of the Quincy Library Group's proposal in FY 1995 or in out-years (FY 1996–98)?

4. What would the proposal produce in FY 1995 timber sale outputs in addition to the planned sales for these national forests? How about additional out-year (FY 1996–98) outputs?

5. What are the agency's best estimates of the additional gross revenues that the additional timber sale outputs would generate in FY 1995? Please provide estimates for the out-years (FY 1996–98) as well?

6. What is the agency's estimate of the total amount of FY 1995 down-payments and deposits that would be collected as a result of the additional FY 1995 timber sale outputs generated by the proposal? Please provide the same information for the out-years (FY 1996–98).

7. The Quincy Library Group proposal calls for a sustained timber sale program to meet the needs of the local mills. How much funding is required for advanced timber sale preparation work to ensure completed field work on 50 percent of the FY 1996 sale program at the opening of FY 1996?

8. In addition to timber sales resulting from fuels reduction work, the Quincy Library Group has stated that these national forests have numerous watershed restoration projects that are ready for implementation, but have not been funded. What is the extent of this work that could be successfully implemented in the upcoming fiscal year, and what would it cost? What level of funding in future years (FY 1996–98) will be required to completely eliminate this backlog?

9. Based on the funding in the Administration budget request, what programs and funding impacts would be felt on the other California national forests if full implementation of the first year of the Quincy Library Group program is required in FY 1995?

We would appreciate your response to these questions as soon as possible so that we may assist this group in their effort. Since we are not asking for an agency or Administration position on the proposal, we assume the agency can respond to our information request promptly. Please contact Kathy Lacey in Senator Feinstein's office at 224-9341 or Jeff Harris in Congressman Fazio's office at 225-5716 with any questions. We look forward to your detailed response to these inquiries.

Sincerely,

DIANNE FEINSTEIN,
U.S. Senator.

VIC FAZIO,
Member of Congress.

WALLY HERGER,
Member of Congress.

Hon. WALLY HERGER,
U.S. House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CONGRESSMAN HERGER: This is in response to your May 18, 1994, letter cosigned by Congressman Vic Fazio and Senator Dianne Feinstein, requesting detailed information regarding costs and associated outputs regarding the Quincy Library Group (QLG) proposals.

The following is the result of the compliation of that data and responds to your questions in the order asked:

1. What would these treatments cost in FY 1995?

Costs of the current FS program, which include a portion of the QLG proposals, are displayed in budget categories presented in the Agency's budget request (costs are shown in thousands of dollars):

Timber funding:	
NFSP	$1,358
NFHA	1,140
NFSE	344
SSSS	4,095
Totals	6,937
Timber support (ET113):	
NFWI	45
NFTE	147
NFAF	9
NFIF	57
NFCR	159
NFPM	22
NFSO	75
NFVM	0
NFMG	50
FFFP	175
Total	739
Other funding needs:	
CNTM	844
FFFP-PF2	377
BDBD	2,171
Total	3,392
Total	11,068

Within the forests included in the QLG's proposal, a level of funding, as displayed above, is needed to produce the "current planned outputs" in response number 4. To perform additional treatments as proposed by QLG and shown as feasible in our response to your question number 4, the following additional costs for fiscal year (FY) 1995 would be expected:

Timber funding:	
NFSP	$762
NFMA	600
NPSE	188
SSSS	4,230
Total	$5,780
Timber support (ET113):	
NFWL	50
NFTE	85
NFAF	0
NFIF	62
NFCR	95
NFRM	12
NFSO	43
NFVM	2
NFMG	27
FFFP	175
Total	468
Other funding needs:	
CNTM	433
FFFP-PF2	1,215
BDBD	192
Total	1,840
Total	8,088
Totals	9,178

Portion of the funding needs in the Administration's FY 1995 budget request:

Of the total need, including added needs for the QLG proposals, the budget request is about 50 percent of the total needed.

2. What are the Forest Service's best general estimates of the out-year costs associated with the proposal?

The following estimated annual out-year costs are projected (in thousands of dollars):

Regular program timber funding:	
NFSP	$1,290
NFHA	1,082
NFSE	318
SSSS	6,488
Totals	9,178
Timber support (ET113):	
NFWL	45
NFTE	140
NFAF	0
NFIF	57
NFCR	152
NFRM	22
NFSO	72
NFVM	0
NFMG	50
FFFP	172
Total	710
Other funding needs:	
CNTM	818
FFFP-PF2	377
BDBD	2,171
Total	3,366
Total	13,254
Additional QLG proposals costs:	
Timber funding:	
NFSP	$1,476
NFHA	1,191
NFSE	407
SSSS	2,961
Totals	$6,035
Timber support (ET113):	
NFWL	73
NFTE	159
NFAF	0
NFIF	126
NFCR	173
NFRM	26
NFSO	75
NFVM	1
NFMG	43
FFFP	162
Total	$838
Other funding needs:	
CNTM	705
FFFP-PF2	1,330
BDBD	117
Total	$2,152
Total	$9,025

Assuming that the funding and associated sales program for these forests remains relatively constant, as expressed above for current levels, the QLG proposal would increase costs in the out-years. The FY 1995 additional cost displayed in response number 1 is $8088M. Annual costs for the QLG additional proposal is $9025M.

3. Are there additional FTE or other personnel needs associated with the FY 1995 activity contemplated by this proposal? Do these differ in the out-years? Will the ongoing voluntary separation program affect implementation of the QLG's proposal in FY 1995 or in out-years (FY 1995-98)?

The Forest Service can partially meet the objectives in the QLG with existing staff and funds. However, to fully meet all the fuel treatment and watershed restoration needs will require additional personnel. Additional staffing needs beginning in FY 1995 would be approximately 80 employees, and this increased level would continue through FY 1998. The voluntary separation incentive (buyout) has reduced staffing in several key resource positions, and this impact will be felt in the planning and rates of implementation of the projects proposed. Training time and funding will be needed to increase the skills for new employees assigned to these activities.

4. What would the proposal produce in FY 1995 timber sale outputs in addition to the planned sales for these national forests? How about additional out-year outputs?

POTENTIAL OUTPUTS—FY 1995

[Millions of Board Feet—MMBF]

	Current planned outputs (FY 1995)	Additional QLG volume (FY 1995)
Green sawlogs	34	20
Salvage sawlogs	29	39
Subtotal sawlogs	63	59
Biomass	56	22
Total, current plan	119	81

The current sale plan for forests included in the QLG proposal is the offer of 63 MMBF of sawlogs (34 M green and 29 Million salvage) and 56 MMBF of biomass for a total of 119 MMBF. Sales included in the QLG proposal would provide an increase of 59 MMBF of sawlogs (20 M green and 39 M salvage) and 22 MMBF of biomass. The total program would be increased from sales of 119 MMBF to 200 MMBF.

POTENTIAL OUT-YEAR OUTPUTS

[Fiscal year 1996 through fiscal year 1998]

	Current planned outputs (annual)	Additional QLG volume (annual)
Green sawlogs	33	23
Salvage sawlogs	44	32
Subtotal sawlogs	77	55
Biomass	53	35
Total, current plan	130	90

For the out-year plan, the planned sales included in the QLG proposal is an annual program of 77 MMBF of sawlogs (33 M green and 44 M salvage) and 53 MMBF of biomass for a total of 130 MMBF. Sales included in the QLG proposal would provide an annual increase of 55 MMBF of sawlogs (23 M green and 32 M salvage) and 35 MMBF of biomass. The total annual program would be increased from 130 MMBF to 220 MMBF.

The volumes projected above assume that volume outputs under the California spotted owl environmental impact statement (EIS) will be about the same as outputs that may be expected under the interim direction for the California spotted owl. The Record of Decision and final EIS are expected in less than a year. The volume outputs may increases or decrease, depending on the EIS alternative adopted.

The QLG has asked the forests to begin to amend their Forest and Land Management Plans (FLMP) to reflect their proposal. We do not agree that such an amendment is desirable at this time. Instead, we prefer to complete the NEPA process associated with the California spotted owl EIS. This process will fully analyze the impacts and outputs associated with several scientifically sound, ecologically based alternatives, including the QLG proposal. The Record of Decision will automatically revise the FLNPs for the three forests. This process will be completed long before the forests could amend their existing plans. Further, much of the information needed to determine impacts of the QLG proposal is being developed by the EIS Team.

5. What are the agency's best estimates of the additional gross revenues that the additional timber sale outputs would generate in FY 1995? Out-years?

With current funding levels, gross revenues from timber sales are estimated to be approximately $30 million from the FY 1995 program. With additional funding, gross revenues are estimated to increase to approximately $40 million for the FY 1995 program.

For the FY 1996–98 program, gross revenues are estimated at approximately $28 million annually at currently expected funding levels. With additional funding for the FY 1996–98 program, gross revenues could increase to approximately $45 million.

Gross revenue estimates in response to this question include all collections used to calculate 25 percent payment distributions back to counties.

Revenue estimates are based on the assumption that all sales will be purchased at prices comparable to those at recent sales and will be promptly harvested. There is a developing oversupply of small fir salvage and biomass material in some parts of the region. In some instances, offerings have received no bids or sales have not been promptly harvested. Should market conditions weaken in the future, revenue estimates would be lower than those shown above.

6. What is the agency's estimate of the total amount of FY 1995 downpayments and deposits that would be collected as a result of the additional FY 1995 timber sale outputs generated by the proposal? Out-years?

Downpayments and deposits are estimated at approximately $4 million for the currently funded FY 1995 program. With additional funding downpayments and deposits could increase to over $5 million.

For the FY 1996–98 program, downpayments and deposits are estimated at approximately $4 million annually for currently expected funding levels. With additional funding, downpayments and deposits could increase to approximately $6 million annually.

Note that downpayments and deposits do not increase the revenue base used to calculate 25 percent payment distributions to the counties described in question 5 above. Downpayments and deposits are to assure purchaser performance under the terms of the timber sale contract.

7. How much funding is required for advanced timber sale preparation work to ensure completed field work on 50 percent of the FY 1996 sale program at the opening of FY 1996?

The additional FY 1995 cost to prepare 50 percent of the FY 1996 program in FY 1995 is displayed below (thousands of dollars):

Increase to QLG program costs (within regular program)	$4,927
Increase to QLG additional	2,777
Total increased costs	7,704

The breakdown by fund code would be generally proportional to the 1995 estimates shown in response to question number 1, excluding NFHA, FFFP-PF2, and SDBD.

The program for QLG proposals could be sustained for about 5 years, considering currently available timber and current constraints of law, regulation, and policy. Consideration for the interim California spotted owls direction has been included in the coats and outputs. The California spotted owl EIS may change expectations, depending on the adopted alternative.

8. In addition to timber sales * * * these national forests have numerous watershed restoration projects that are ready for implementation, but have not been funded. What is the extent of this work that could be successfully implemented in the upcoming fiscal year, and what would it cost? What level of funding in future years (FY 1996–98) will be required to completely eliminate this backlog?

The watershed restoration project backlog includes a variety of projects including: Inchannel improvements such as stream structures and check dams; Riparian improvements such as willow plantings, protective fencing, meadow restoration, and trail obliteration; Upslope improvement such as erosion control structures, revegetation, and slope stabilization; Road-related improvements such as tillage of abandoned roads and landings, road decommissioning, improved drainage, and road realignment.

Backlog is estimated primarily from needs identified in forest land management plans. Actual needs may change with more detailed inventory and analysis, and implementation of a more extensive restoration program, including significant road-related restoration, applying concepts from the President's Forest Plan.

A significant portion of the backlog lies in the inventory, analysis, and planning work (including NEPA) that is required prior to implementation of these projects. For these reasons, only 25 percent of these projects would be ready for implementation in FY 1995. With adequate planning dollars in FY 1995, an additional 25 percent would be ready for implementation in FY 1996.

To completely eliminate the restoration backlog, adequate funding in both planning and implementation would be required for several years. To put these numbers in a regionwide perspective, regular program dollars available to forests within the watershed budget average $2 million regionwide for operations and $2.5 million regionwide for improvements. These funds are distributed to 18 national forests.

Watershed Restoration Needs and Funds Identified by Plumas, Lassen, and Tahoe National Forests (composite):

Current funds	Additional needs	Total
FY95: $1,600	$4,500	$6,100
FY96–FY98: 1,600	11,700	13,300

Current acres/miles	Additional acres/miles	Total
FY95 acres: 1,830	1,465	3,295
FY95 miles road: 30	211	241
FY95 miles channel: 1.2	11.6	12.8
FY96–98 acres: 1,830	2,910	4,740
FY96–98 miles road: 30	229	259
FY96–98 miles channel: 1.2	7.6	8.8

9. Based on the funding in the Administration budget request, what programs and funding impacts would be felt on the other California national forests if implementation of the first year of the QLG program is required in FY 1995?

The Pacific Southwest Region would be severely impacted if required to fully fund the QLG program in FY 1995. With the assumption that the funding would come from the regional allocation, specific programs that would be affected are:

Timber program: After funding the QLG program and the President's Forest Plan for an ecologically sustainable timber program, Region 5 would reduce the remaining funds available to other Forests in California by 60 percent from preliminary funding levels. This would require significant staffing reductions, would reduce the timber outputs on other forests by nearly 90 percent, and delay other forest's efforts in proceeding with the integration of GIS technology in the region.

Soil and water operations and improvements: Region 5 would be unable to fund (a) the President's Forest Plan to meet the required watershed analyses, ecosystem restoration projects and Jobs-in-the-Woods, required planning and monitoring, and efforts in the adaptive management areas; (b) any other watershed or ecosystem improvement activity in the region; and (c) delay other forest's efforts in proceeding with the integration of GIS technology in the region. This would result in staffing reductions that would eliminate the hydrological expertise and capability that currently exists on the national forests in California with the exception of those working on the QLG program.

Fuels reduction: Region 5 would be allocating nearly 80 percent of the regional fuels reduction funds to the program called for by the QLG. This would continue the fuels buildup in the Sierras and in northern California in national forests supporting the President's Forest Plan. Fuels reduction activities in all other parts of California which can reduce or eliminate potential catastrophic fires will not be receiving funds. National forests in the northern part of the State, southern and central Sierras and in southern California would be highly vulnerable to catastrophic fires. Mapping of fuel loading with the GIS technology could be delayed.

Forest road program: Region 5 would be unable to fund (a) the President's Forest Plan to meet the required ecosystem restoration projects and Jobs-in-the-Woods, and required planning and monitoring; (b) any other heavy maintenance, road reconstruction, bridge repair/retrofit or watershed or ecosystem improvement activity in the Region; and (c) delay other forest's efforts in proceeding with the integration of GIS technology in the region. This would result in staffing reductions that would eliminate the engineering expertise and capability that currently exists on the national forests in California with the exception of those working on the QLG program and those contributing to watershed analyses in forests implementing the President's Forest Plan.

The Agency's current plans with respect to the QLG proposal are: (1) Continue to support the basic principles outlined in the proposal, but wait until we complete the NEPA process for the California spotted owl RIS before adopting any particular recommendation. (2) Continue to work with QLG, consistent with the Federal Advisory Committee Act requirements. (3) Consciously shift emphasis within FY 1995 and FY 1996 funding levels (assume that bottomline for each forest is at FY 1994 allocation level) to focus on forest health, fuels management, and watershed restoration. (4) Complete and display a complete analysis for the QLG proposal in the California Spotted Owl EIS for the affected forests only.

We appreciate your interest in the management of these important national forests and the QLG proposal as we work toward implementable solutions that have a broad bass of solid community support.

Sincerely,

JACK WARD THOMAS,
Chief.

SUPPORT THE QUINCY LIBRARY GROUP

HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 1994

Mr. HERGER. Mr. Speaker, I want to join with my colleague Mr. FAZIO in strong support of the Quincy Library Group proposal and the importance of securing adequate funding for its implementation in fiscal year 1995.

This unique community stability proposal which is located in my district is precisely the kind of solution we are looking for in resolving disputes in our timber dependent communities. After years of controversy, previously polarized groups of local officials, environmentalists, and timber industry representatives have come together in northeastern California. They have found collective strength in consensus.

It is vital that we embrace this spirit of cooperation if we expect to resolve the differences that have developed between our environmental communities and those who depend on our natural resources for their economic survival.

Emerging early, the Quincy Library Group voluntarily developed a land management proposal for the Plumas, Lassen, and Tahoe National Forests that is supported by a broad spectrum of interests. If fully implemented, this proposal will serve as a model and an inspiration for others who wish to involve diverse groups at the grassroots level to work out their differences over difficult questions concerning natural resource management.

The Quincy Library Group is a serious effort at practicing sound resource management. For years, we have been looking for a consensus to break the gridlock that has dominated this controversial issue. I commend both the Forest Service and the managers of the Interior appropriations bill for recognizing the importance of this proposal and the need to move quickly to stabilize areas affected by this summer's devastating wildfires, reduce fuel loads, and restore the health and balance of our forest ecosystems.

I am heartened by the cooperation of the Forest Service with the Quincy Library Group and appreciate the support of Mr. FAZIO and our 14 colleagues who joined me in signing a letter of support for this thoughtful proposal. I stand ready to do everything necessary to assist in the implementation of this important initiative.

BRIDGEHAMPTON POST OFFICE BICENTENNIAL

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 1994

Mr. HOCHBRUECKNER. Mr. Speaker, I rise today to recognize the bicentennial of the Bridgehampton, NY, Post Office.

On October 1, 1994, the people of eastern Long Island will mark 200 years of service by the men and women of the Postal Service in Bridgehampton. This is truly an historic occasion for the people of Bridgehampton and for Bridgehampton Postmaster Louis J. Alfano, Jr.

The establishment of the Bridgehampton Post Office in 1794 occurred amid the founding of this great Republic and the development of our system of mail delivery. The Postal System in place at the time Bridgehampton's mail service began is largely the same system that has been preserved throughout the past two centuries and that serves people today. It was planned and supervised by Benjamin Franklin, who in addition to his other accomplishments was our Nation's first Postmaster General, appointed under the Continental Congress.

Just 5 years before the opening of Bridgehampton's Post Office, the U.S. Constitution was signed and by an act of the First Congress the finest system of mail delivery in the world officially became the U.S. Postal Service.

Bridgehampton's Post Office opened its donors on September 25, 1794. Its first postmaster, appointed under President George Washington, was Hugh Gelston. The other Long Island men and women who have served as postmaster of the Bridgehampton Post Office deserve mention. They offer a shining example of service for their families, their community and the Nation. They are Samuel Rose (1798–1832), James M. Niles (1832–1835), Robert Halsey (1835–1838), Alanson Topping (1838–1845), Edward S. Gray (1850–1853), Nathan N. Tiffany (1853–1856), David Hallock (1856–1869, 1869–1886), Benjamin G. Eldridge (1869), James M. Halsey (1886–1889), Henry Squires (1889–1896), Orlando Hand (1896–1897), Edward A. Hildreth (1897–1915), Maud Rogers (1915–1936), Marjorie E. Dickinson (1936–1955), James H. Donohue (1955–1972), Erwin S. Hedges (1972–1975), Peter L. Michne (1975–1982), Lawrence Gualtieri (1982–1983), Robert P. Hill (1983), and Louis J. Alfano, Jr. (1983–present).

Mr. Speaker, since 1794, the Bridgehampton Post Office has been continuously open and available to serve customers. I am proud to represent the men and women who serve their community at this facility.

TRIBUTE TO MARY SHAPERO

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 1994

Mr. LEVIN. Mr. Speaker, I wish to extend my congratulations to Mary Shapero as she receives the 1994 Distinguished Community Service Award bestowed upon her by the Detroit chapter of the American Jewish Committee.

This honor adds to a remarkable record of philanthropic and community leadership spanning three decades. The Distinguished Community Service Award recognizes Mary Shapero for a wide array of cultural, humanitarian, and educational endeavors which are testimony to her dedication to a better life for all citizens.

Mary Shapero was born in Pittsburgh. Throughout her professional life as a resource development consultant for nonprofit agencies, Mary has maintained a full and active volunteer career as well.

Mary Shapero is now serving her fifth term on the national board of governors for the American Jewish Committee, having served previously as a national vice president and member of the board of trustees. In the Detroit community, Mary was elected to the Detroit chapter's advisory board, served as membership chair, and resource development committee chair and vice president.

Her service to the local community stands as a model for others. Mrs. Shapero chairs an education assistance fund at Temple Beth El, is a past national board president of Planned Parenthood and now serves on its national board. She is an officer of the League of Women Voters of Detroit, board member at the Jewish Vocational Service and serves on the Detroit Public Library's advisory board.

Her accomplishments are countless. Those of us who know Mary Shapero, are lucky enough to know a good friend who is caring and kind, a devoted wife, mother, and grandmother and a person truly deserving of this special recognition.

HUMAN RIGHTS IN CHINA

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 1994

Mr. WOLF. Mr. Speaker, I am submitting for the record this speech given by Harry Wu at Stanford University recently. Harry is a 19-year veteran of China's slave labor camps and has now committed his life to researching and telling the world about the atrocities still being committed in these camps today. I would encourage any of my colleagues interested in China to read it.

HUMAN RIGHTS AND DEVELOPMENT IN CHINA

With its emergence from the shadow of the Tiananmen Square Massacre, the dark cloud hanging above China since 1989 has been fading and dispersing without much concern. The highly charged emotionally event of June 4th is being replaced by reports of economic boom in China.

The West is very much drawn to and interested in the tremendous economic growth in China these days, which is in sharp contrast to stagnant economy here in the West. Its ample supply of cheap labor and the potential of its vast market demand are just too tempting to let such an opportunity pass by. Capital and technology are what the West wish to offer.

Despite certain boycott actions in Germany and other European countries, Premier

Li Peng, who is directly responsible for the Tiananmen Square Massacre, did not seem to encounter much opposition during his visit to those countries, his briefcase stuffed with profitable business contracts.

Not only did President Clinton, who had condemned despots from Bagdad to Beijing, meet with the General Secretary of the world's biggest communist party in Seattle, but he has also delinked human rights from trade in U.S. policy. As a matter of fact, the human rights issue as a card in the U.S. China policy is being neglected.

China is neither Haiti nor Rwanda, not even Iraq. China is a nation with a population of 1,200 million people who are tightly controlled by a totalitarian regime. Would it be possible that China is to become an evil empire after the former Soviet Union?

Over the past 40 years, the Communist Party's rule encountered several major crises. In particular, the 1960–62 famine resulted in the death of 40 million; the cultural revolution inflicted immeasurable and indescribable sufferings and hardships to all strata of her people. Curiously, the Communist regime has escaped unscathed from these crises. Partly, because of the high tolerance level most Chinese held to which has to thank the Chinese culture and traditions. And partly, because of their trust in the myth "Communism is China's only future". The superstructure of the communist regime is heavily damaged, but nevertheless remains stable under this circumstance.

Today, a specter is hovering over mainland China—"Capitalism". Communism is dead and no longer exists as a belief, which used to be a vital force to its system, to the Chinese in general and also the majority of communist party members. Bubble economic boom achieved in the "capitalistic" way made the superstructure of the communist regime appear pretty on the outside, but its pillars are heavily damaged. Looming in front of her is some huge crises lurking beneath.

The core of human rights issues in China is not to focus on a handful of well-known dissidents. Western politicians and scholars are always trying to find or create a Chinese Sakharov or Solzhenitsyn. Understanding the Chinese culture one would realize the number of Chinese intellectuals possessing such necessary qualities is pitifully small. Generally and historically speaking, the vast majority of Chinese intellectuals, being an appendage to the ruling class, will not identity themselves as such a figure. The ruling class not only physically exterminates people who do not go along with the party line in a thousand and one ways, but also psychologically and spiritually crushes human beings through "thought reform", so called brain-washing. Intellectuals, confined by the limit of their education system, have their thinking shaped by the ruling authority, unknowingly assist the despotic rulers in crushing other human beings in so doing.

The core of human rights issues in China today is that there is a fundamental machinery for crushing human beings physically, psychologically and spiritually, called the Laogai camp system, which comprises perhaps up to 3,000 Laogai camps (of which we have identified 1,100). It is also an integral part of the national economy. Its importance is illustrated by such facts that one third of China's tea is produced in Laogai camps; 60% of China's rubber vulcanizing chemicals are produced in a single Laogai camp in Shenyang; the first chain hoist works in the country to receive direct export authority is a Laogai camp in Zhejiang Province; one of the largest and earliest exporters of handtools is a camp in Shanghai; an unknown but significant amount of China's cotton crop in grown by prisoners; one of the largest steel pipe works in the country is a Laogai camp, and I could go on and on and on. The reach of Laogai business was recently brought to light again when it was revealed that auto components from the Beijing Laogai were being used at the Beijing Jeep joint venture involving Chrysler. We remember several years ago, Chinese Laogai auto manufacturer did propose to cooperate with Volvo, but was rejected by Volvo of such a proposal.

The Laogai system's fundamental policy is "Forced Labor is a means, while Thought Reform is our basic aim." The communist party's economic theory holds that man is the most fundamental productive force. Except for those who must be exterminated physically out of political considerations," human beings" must be utilized as "productive forces" with submissiveness as the prerequisite. Submissiveness can be achieved through violence, but psychological and spiritual submissiveness are the best. The Laogai is not simply a prison system, it is a political tool for maintaining the communist party's totalitarian rule.

Despite all the changes in China over the past decade two things are still true: China is ruled by the Communist Party, and it is not a nation of laws. China's basic political and economical superstructure remains based on public ownership. The peasants have no land of their own. Financial mechanism is tightly controlled by the government. The vast majority of basic industrial enterprises are state-owned. Capitalism requires respect for individual rights but it does not exist in China today. Private ownership, as we know it in the West, does not exist on any meaningful scale, and the Communist Party, has not come to grips with the issue. Until private ownership is allowed on a wide scale, real and permanent economic boom will not happen. Deng's economic reform really has no bearing to the fundamental problem facing China today. The basic issue of the economic system which is ownership, remains unresolved.

The economic boom made possible by capitalism makes profit for both the West and China. In spite of the huge profits earned by China's external trade, ordinary people enjoy only a pitiable part. The communist government puts most of the profits into purchasing Hi-tech for upgrading its weapons systems, into internal and external political activities, into maintaining political stability for the nation.

The argument that capitalism brings democracy has numerous problems, not the least of which is that there are no historical precedents to point to.

Today some western merchants do business with China through cooperation with communist cadre and their families seems to be the best insurance to them. But, the investment risk still exists because the communist regime cannot last forever.

With the advance of senility Deng Xiaoping's role as the glue of the political power is failing. In the communist party's 70-year history, internal power struggle has always been most sanguinary. In face of changed political belief and varied demands of local forces due to varied pace of economical development, the next round court struggle could quite possibly result in violent surges sweeping and splitting the whole nation in civil war, completely crumpling production order and social order. All of these factors, and many more such as corruption, the social impact of millions of migrant workers, and the continued repression of religious believers and peaceful dissidents, combine to make China a very risky climate in which to do business even without Deng's death.

The media in the United States has never been able to handle an analysis of what is happening in China particularly well. This is not just confined to the complexities of Chinese culture and politics, but to American policy as well.

Take for instance, the issue of forced labor. The U.S. government, principally the State Department, and the Chinese government have consistently referred to "forced labor" as "prison labor." Both governments in their pronouncements, and in the infamous Memorandum of Understanding on Prison Labor, do not use the term "forced labor." The intent of this is to confuse the issue for policy purposes.

Given the problem with crime in America, and people's attitudes toward criminals, the use of the term "prison labor" when discussing China allows the average American to think a Chinese prisoner slaving in the Laogai cotton fields in the Xinjiang desert foothills or in a hoist factory Laogai in Zhejiang is the equivalent of a prisoner making license plates in Virginia.

Never were prisoners in the Soviet Gulag considered to be in the same situation as prisoners in the United States. U.S. policy towards the Soviet Union, at least when considering forced labor, was dealing with truth, while in China, the Laogai must be officially diminished by the U.S. government.

The media completely ignored the Memorandum of Understanding during the recent China MFN debate. Not a single reporter, not one, ever called the U.S. Customs Service or the State Department to question them in detail about China's compliance with the MOU which was a "must do" condition of MFN renewal.

This led the Secretary of State to certify the Chinese had complied when they had not. The lie, which was repeated by the President, was not questioned by any member of the media. Yes, they covered the press conferences we held revealing forced labor products still being imported into the United States, but they never dug into the reality behind the U.S. government's lackluster enforcement of the MOU, a document which was designed to neutralize "forced labor" as an issue affecting U.S. policy in China.

THE ALL-AMERICAN IRONKID TEAM

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 1994

Mr. TANNER. Mr. Speaker, today, I had the pleasure of attending the All-American Ironkids team press conference on the east front of the Capitol at the invitation of Jonathan Trice who is an Ironkid team member and a constituent of mine from Jackson, TN. This team promotes positive, healthy lifestyles for America's youth and I am delighted to have the opportunity to pay tribute to Jonathan and this organization by entering their resolution in today's CONGRESSIONAL RECORD.

The Rise and Shine Resolution To Promote Positive, Healthy Lifestyles Among America's Youth

We, the All-American Ironkids team, have gathered to address the promotion of positive, healthy lifestyles among America's youth.

We submit these ideas in the hope that positive, healthy lifestyles for kids will become a national priority because all kids should have the opportunity to be the best they can be.

We hereby present the following recommendations to America, because the healthy kids of today will be the healthy leaders of tomorrow:

A. In the area of physical fitness and nutrition, we promote:

(1) Daily aerobic exercise in school, with family and friends,

(2) Exercise can be fun and make you feel good about yourself,

(3) Three healthy, well-balanced meals a day at home or in school.

B. In the area of academics, we recommend: (1) Studying first and playing second, (2) Developing good daily study habits, which means being organized responsible, concentrating, and getting proper rest, (3) Being a self-motivator, working hard, being the best you can be and committed to your goals, (4) An improved school curriculum in which parents, teachers and kids are included.

C. In the area of extra-curricular activities, we promote: (1) Grass roots programs, community and family involvement, (2) Funding for after school activities, both physical and academic, with qualified leaders, (3) Sharing of community resources, services and volunteers.

We sincerely believe these recommendations to be crucial to the promotion of positive, healthy lifestyles among America's youth and we resolve to deliver this message to Members of Congress and to our communities.

TRIBUTE TO SGT. MAJ. KENNETH E. STUMPF

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 1994

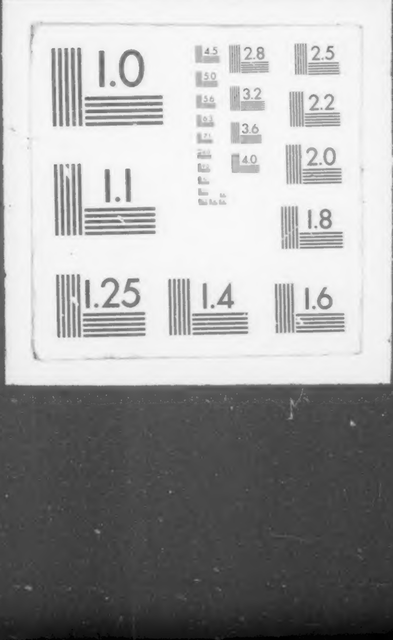
Mr. PETRI. Mr. Speaker, I rise today to salute the exceptional military service of Sgt. Maj. Kenneth E. Stumpf, U.S. Army, originally from Neenah, WI. Sergeant Major Stumpf will be retiring from his 29 year military career on Friday. With his retirement, the U.S. military loses its last enlisted Congressional Medal of Honor holder.

"To this day I don't consider myself a hero. It was a job. My obligation. I was the only one in the squad not wounded." These are the words of Sergeant Major Stumpf—words which exemplify the attitude he has exhibited throughout his military service which I wish to commend today.

Sergeant Major Stumpf was awarded the Medal of Honor in 1967 after having begun his military service in 1965 during the Vietnam war. Sergeant Major Stumpf was drafted from his factory job in Menasha, WI and soon found himself serving a tour of duty in Vietnam. In April 1967, at the risk of his own life above and beyond the call of duty, the then Staff Sergeant Stumpf distinguished himself while serving as a squad leader of the 3d Platoon, Company C, on a search and destroy mission. As Staff Sergeant Stumpf's company approached a village, it encountered a North Vietnamese rifle company occupying a well fortified bunker complex. During the initial contact, three men from his squad fell wounded in front of a hostile machinegun emplacement. The enemy's heavy volume of fire prevented the unit from moving to the aid of the injured men, but Staff Sergeant Stumpf left his secure position in a deep trench and ran through the barrage of incoming rounds to reach his wounded comrades. He picked up one of the men and carried him back to the safety of the trench. Twice more, Staff Sergeant Stumpf dashed forward while the enemy turned automatic weapons and machineguns upon him, yet he managed to rescue the remaining two wounded squad members. He then organized his squad and led an assault against several enemy bunkers from which continuously heavy fire was being received. He and his squad successfully eliminated two of the bunker positions, but one to the front of the advancing platoon remained a serious threat. Arming himself with extra hand grenades, Staff Sergeant Stumpf ran over open ground, through a volley of fire directed at him by the determined enemy, toward the machinegun position. As he reached the bunker, he threw a hand grenade through the aperture. It was immediately returned by the occupants, forcing Staff Sergeant Stumpf to take cover. Undismayed, he pulled the pins on two more grenades, held them for a few seconds after activation, then hurled them into position, this time successfully destroying the emplacement. With the elimination of this key position, his unit was able to assault and overrun the enemy. During this 10 hour ordeal, Staff Sergeant Stumpf was miraculously uninjured.

After receiving the Medal of Honor, Staff Sergeant Stumpf returned to Vietnam for two more tours of duty until he was wounded in 1971. He returned to the States and experienced, like so many other Vietnam vets, indifference toward his service. Undaunted, Stumpf pursued his military career to help the common soldier, wanting to assist other soldiers by serving with them. Sergeant Major Stumpf, one of five living Congressional Medal of Honor winners from Wisconsin, will be leaving the military from his last assigment at Fort McCoy's Army Readiness Group in Wisconsin.

For his military service alone, as with every American soldier who serves the United States of America, Sergeant Major Stumpf deserves recognition. For his display of bravery and determination during the Vietnam war, Sergeant Major Stumpf deserves to be honored in the tradition of his own service—above and beyond the call of duty. Sergeant Major Stumpf displayed a spirit of aggressiveness, intrepidity, and an ultimate concern for the lives of his men while serving in Vietnam. His attitude is in the highest tradition of military service and reflects greatly upon himself and the U.S. Army. I am pleased to salute Sergeant Major Stumpf and his 29 year career in the U.S. Army.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